

MODULE:4

Patent application preparation - Preparing patent applications, Obtaining invention disclosures from Inventors, identifying patentable inventions, Understanding the invention (core inventive concept), Inventor ship. Typical parts of the patent Application - Request, Description, Claims, Drawings, Abstract, and Application format.

Copyrights and Related Rights: Classes of Copyrights. Criteria for Copyright. Ownership of Copyright. Copyrights of the Author. Copyright Infringements.

Trademarks: Eligibility Criteria. Acts and Laws. Designation of Trademark Symbols. Classification of Trademarks. Registration of a Trademark. Validity of Trademark. Process for Trademarks Registration. Prior Art Search. Types of Trademark Registered in India. Famous Case Law: Coca-Cola Company vs. Bisleri International Pvt. Ltd.

Prepare a patent application

- Determine if your invention is patentable**

- An invention must be novel, non-obvious, and useful to be eligible for patent protection.

- Conduct a patent search**

- Identify any related or previously filed patent applications that you are claiming priority to.

- Contact a patent attorney**

- A patent attorney can help you plan your intellectual property strategy.

- Draft the application**

- Include the following information: Applicant details, including name, address, and nationality
- Title of the invention
- Field of the invention
- Description of the invention
- Drawings (if applicable)
- Abstract of the invention

- Prepare a complete specification**

- This document contains the specifics of the patent that protect the inventor's legal rights.

- Submit your application**

- A patent registration in India grants you exclusive rights over your invention for 20 years from the filing date.

- Work with the patent examiner**

- If the examiner finds that your application doesn't meet the legal requirements, you can amend it.

Identifying Patentable Inventions

Novelty

The invention must be new and not have been made public before the application date

Inventive step

The invention must be an inventive solution that's not obvious to someone skilled in the relevant field

Industrial applicability

The invention must be capable of being made or used in an industry

Patentable subject matter

The invention must be technological in nature and solve a technical problem

The core inventive concept

- Is the new idea or feature that is the solution to a technical problem and is different from existing technology.
- It's the core idea that sets the stage for comparing the invention to prior knowledge in the field.

Inventive concept' is concerned with the identification of the core (or kernel, or essence) of the invention—the idea or principle, of more or less general application, which entitles the inventor's achievement to be called inventive.

Novelty

The solution must be novel, meaning it can't be a solution that would be obvious to a manufacturer.

Technical problem

The invention must be a solution to a technical or functional problem.

Multiple inventive concepts

There may be multiple inventive concepts in a patent application, including separate inventions or refinements to the main concept.

Inventors

Each inventive concept may have different inventors, and all inventors must be named in the patent application.

Commercial indicators

Evidence of commercial success may indicate an inventive step, but only if it's combined with evidence of a long-felt need.

Inventorship

Inventorship is a legal concept that focuses on the invention claimed in a patent, not on all the subject matter in the patent application.

Qualities of Inventor:

•Conception

- The inventor must clearly define the idea in their mind, so that only ordinary skill is needed to reduce it to practice.
-

•Reduction to practice

- The inventor must further innovate on the initial idea, doing something unexpected beyond ordinary skill.

•Contribution

- The inventor must contribute significantly to the conception or reduction to practice.

•Contributions to verification

- People who only contribute to verification or collecting data are not usually considered inventors.

•Contributions to experimentation

- People who redirect experimentation to make the invention operational or superior are likely inventors.

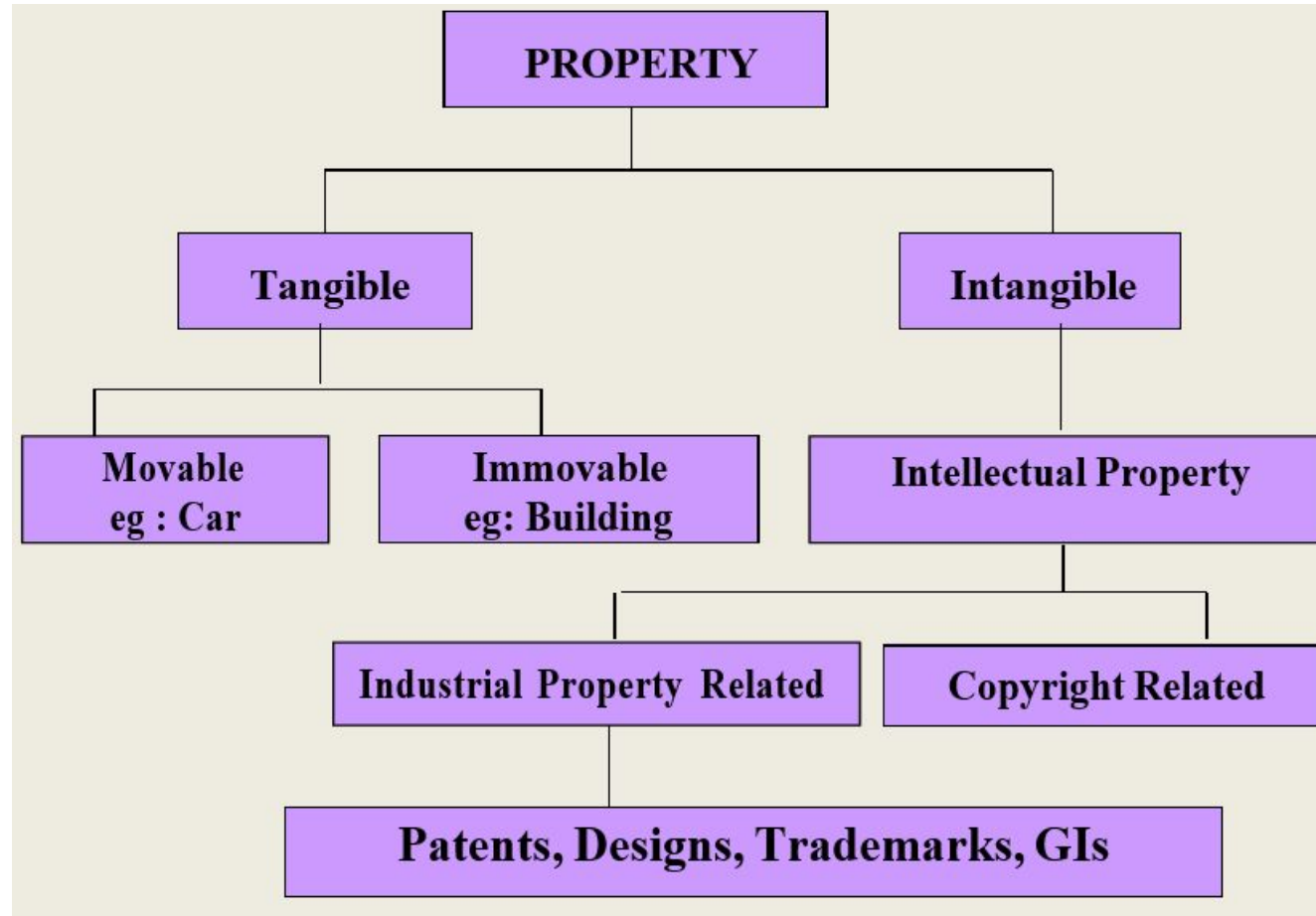
A patent can list multiple inventors who collaborated on the invention.

The order of the inventors listed on a patent doesn't have legal significance. However, the first named inventor is often how the patent is referred to.

TYPICAL PARTS OF PATENT

- Title:** The name of the invention
- Patent history:** A statement about the patent's history
- Field of invention:** The field in which the invention belongs
- Background:** Information about the background of the invention
- Summary:** A broad summary of the invention
- Drawings:** A set of drawings that help explain the invention
- Detailed description:** A detailed description of the invention
- Claims:** A statement of what the inventor claims as their exclusive property
- INID:** An international number that identifies the type of element in the patent document
- Patent number:** The patent's unique number
- Application number:** The application number for the patent
- Date of filing:** The date the patent was filed
- Date of publication or issue:** The date the patent was published or issued
- International patent classification:** The international patent classification for the invention
- Domestic or national classification:** The domestic or national classification for the invention
- Abstract or claim:** The abstract or claim for the invention
- List of prior art documents:** A list of references cited in the patent

Introduction

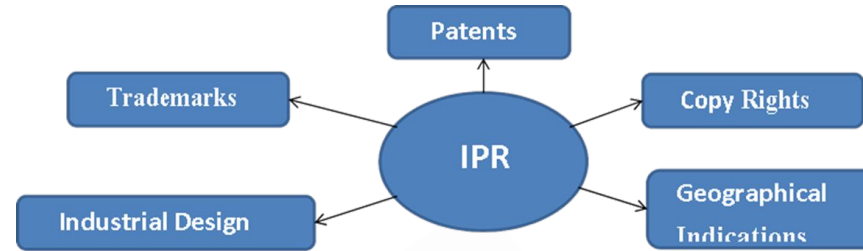


Kinds of Property and IPR

- ▶ **Movable Property**
 - Car, Pen, Gold Ornaments etc
 - Furniture, Dress etc
- ▶ **Immovable Property**
 - Land, Building etc
- ▶ **Intellectual Property**
 - Literary Works, Inventions

□ Intangible Benefits of IP

- *Similar to debt and equity instruments, contracts, and relationships.*
- *Intellectual property, IP Patents, copyrights, and trademarks are statutory forms of intellectual property.*



Basic Principle of IPR

- ▶ Contract between creator and sovereign state
 - Protection for revelation
- ▶ Balance between rights of creator and public interest
 - Rights and limitations and exceptions

Definition of Intellectual Property

“Intellectual Property shall include the rights relating to

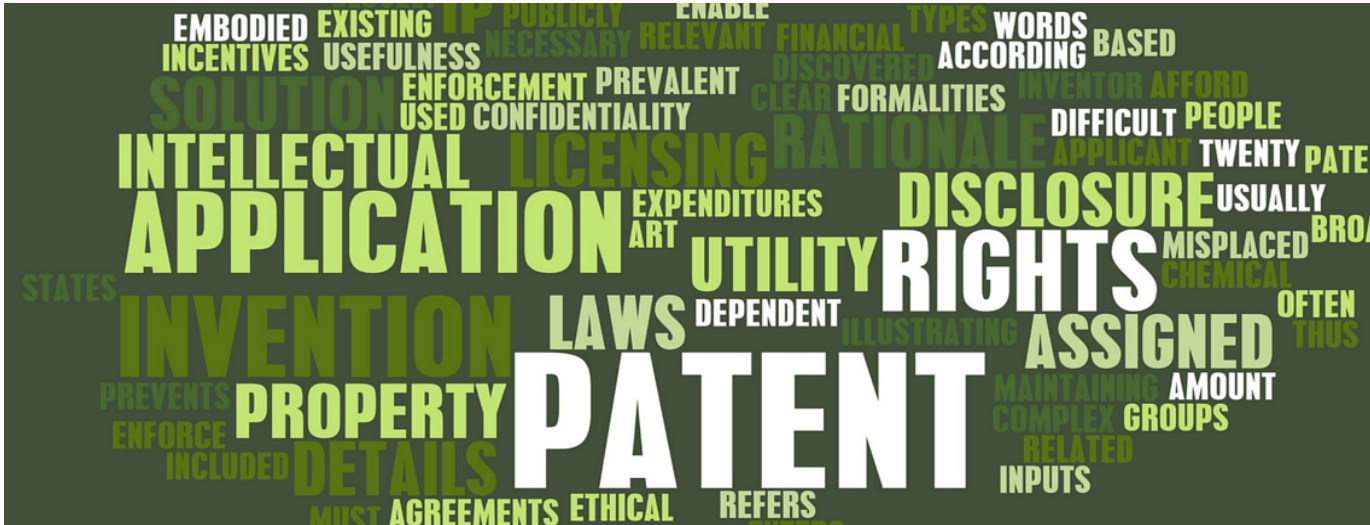
- ▶ literary, artistic and scientific works,
- ▶ performances of performing artists, phonograms, and broadcasts,
- ▶ inventions in all fields of human endeavour
- ▶ scientific discoveries
- ▶ Industrial designs
- ▶ trademarks, service marks and commercial names and designations
- ▶ protection against unfair competition

and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.”

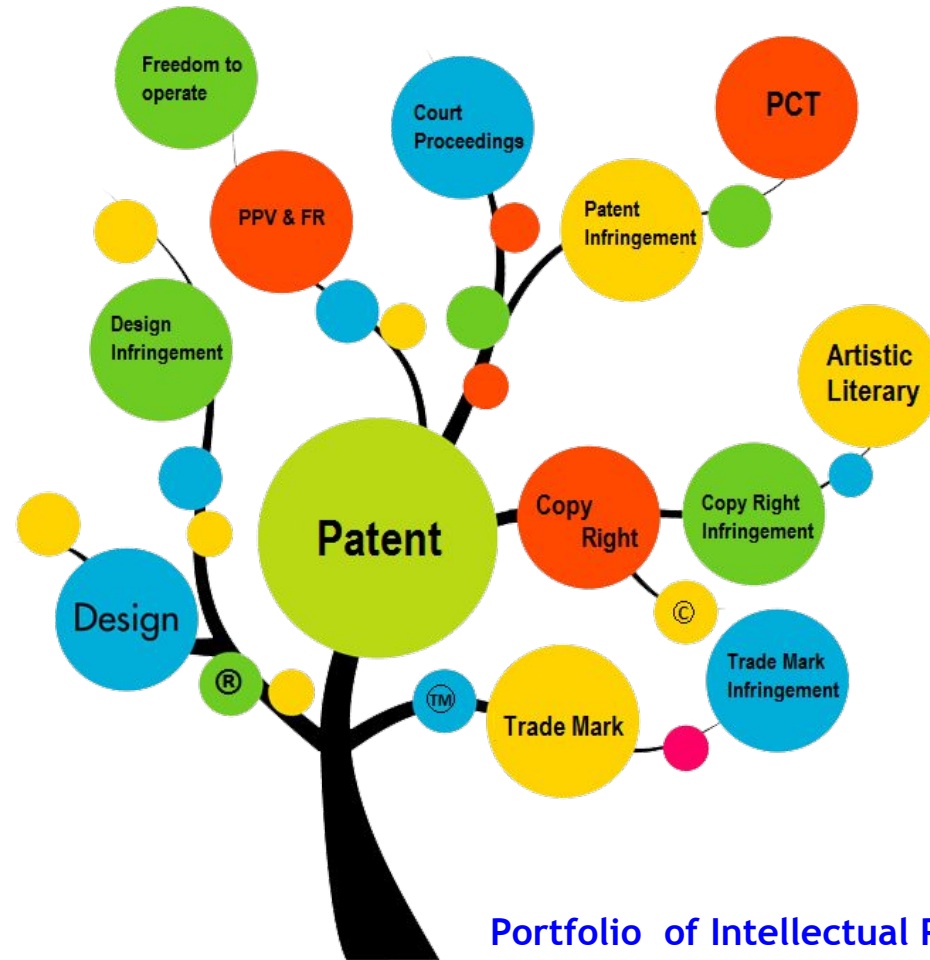
(WIPO Convention)

International Treaties

- ▶ Paris Convention for the Protection of Industrial Property 1883
- ▶ Berne Convention for the Protection of Literary and Artistic Works 1886
- ▶ International Union for New Varieties of Plants (UPOV) 1961, 1972, 1978 and 1991
- ▶ Convention on Biodiversity, 1992
- ▶ Agreement on Trade Related Aspects of Intellectual Property Rights 1994
- ▶ Internet Treaties 1996



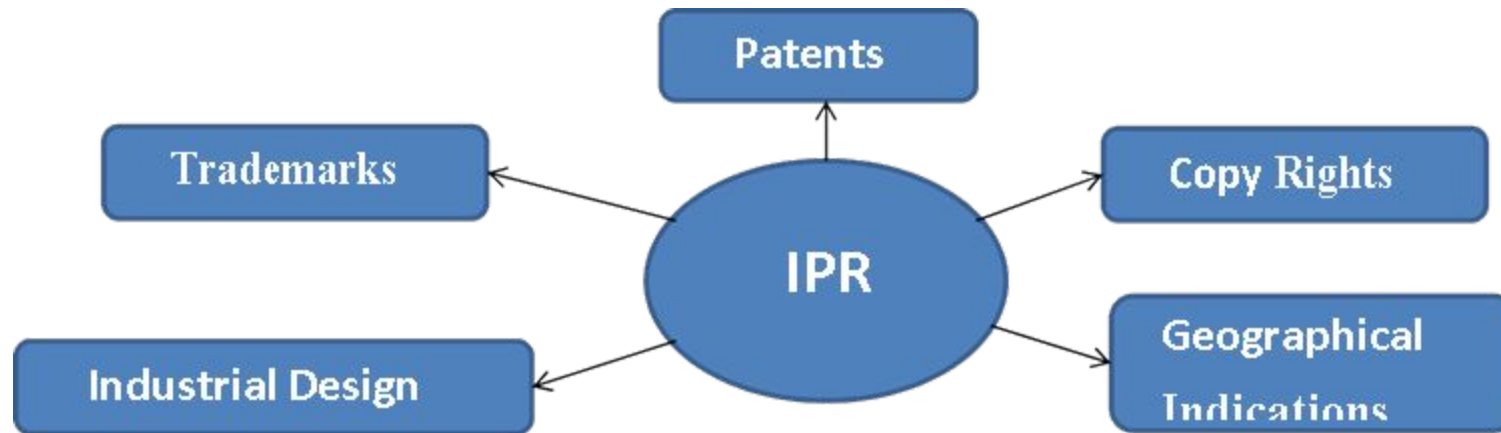
IPR and IP Management/Infringement



Portfolio of Intellectual Property Rights (IPR)

Basic Principle

- ▶ Contract between creator and sovereign state
 - Protection for revelation
- ▶ Balance between rights of creator and public interest
 - Rights and limitations and exceptions



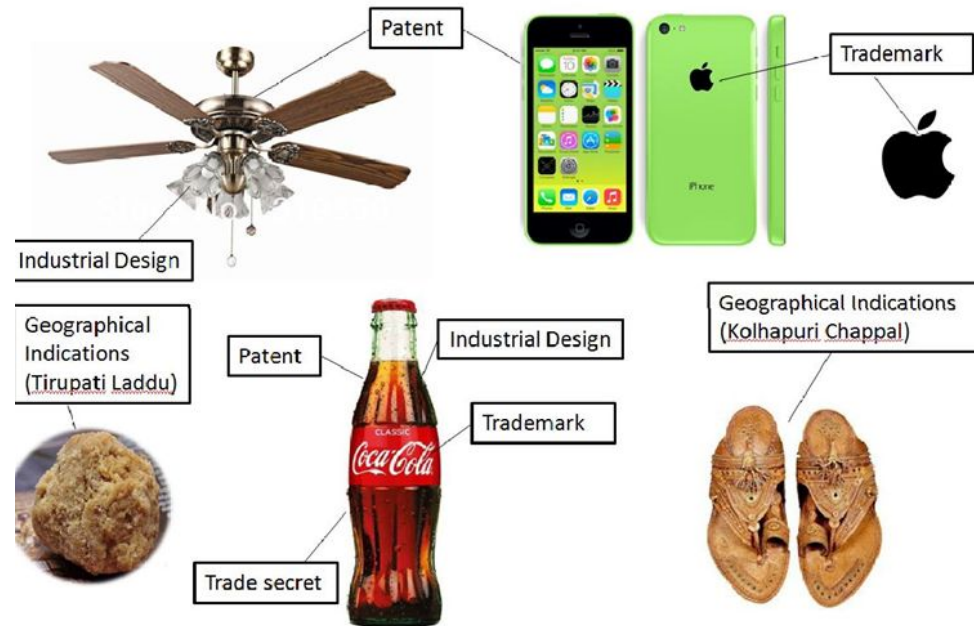
Major Intellectual Properties

- ▶ Copyright and Related Rights
- ▶ Industrial Property

- Patents
- Industrial Designs
- Trade Marks
- Geographical Indications
- Layout Designs/

Topographies Integrated Circuits

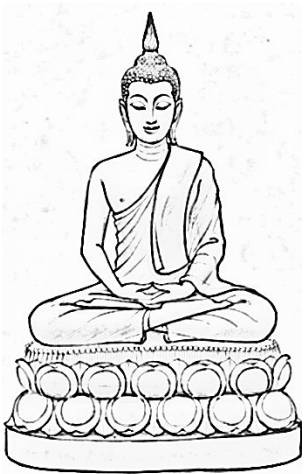
- Trade Secrets
- Protection of New Plant Varieties



Innovators are Revolutionaries! They are Always Against the Status-quo!
Progressive Thoughts are always Breaking from the Past!

14

To maintain the status quo is to keep things the way they presently are! Researchers need to Question the Status-quo to Ensure Growth and Progress!!!



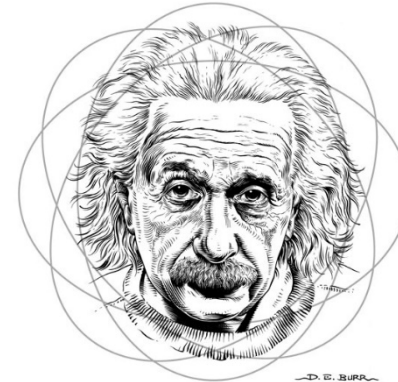
Buddha



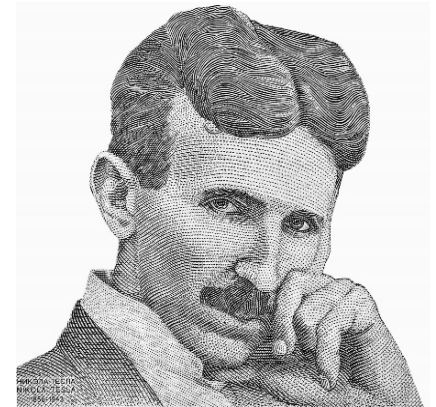
Jesus



Marx, Engels, Lenin, Stalin, Mao



Einstein



Nikola Tesla

"We cannot solve our problems with the same thinking we used when we created them" - Einstein.

To solve it, we need to change our established thinking patterns, and switching into a creative state of mind.



Vivekananda



Bhagat Singh



Bharathiyar



Nethaji



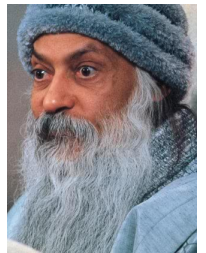
Che Guevara



Charlie Chaplin



Prabhakaran



Osho

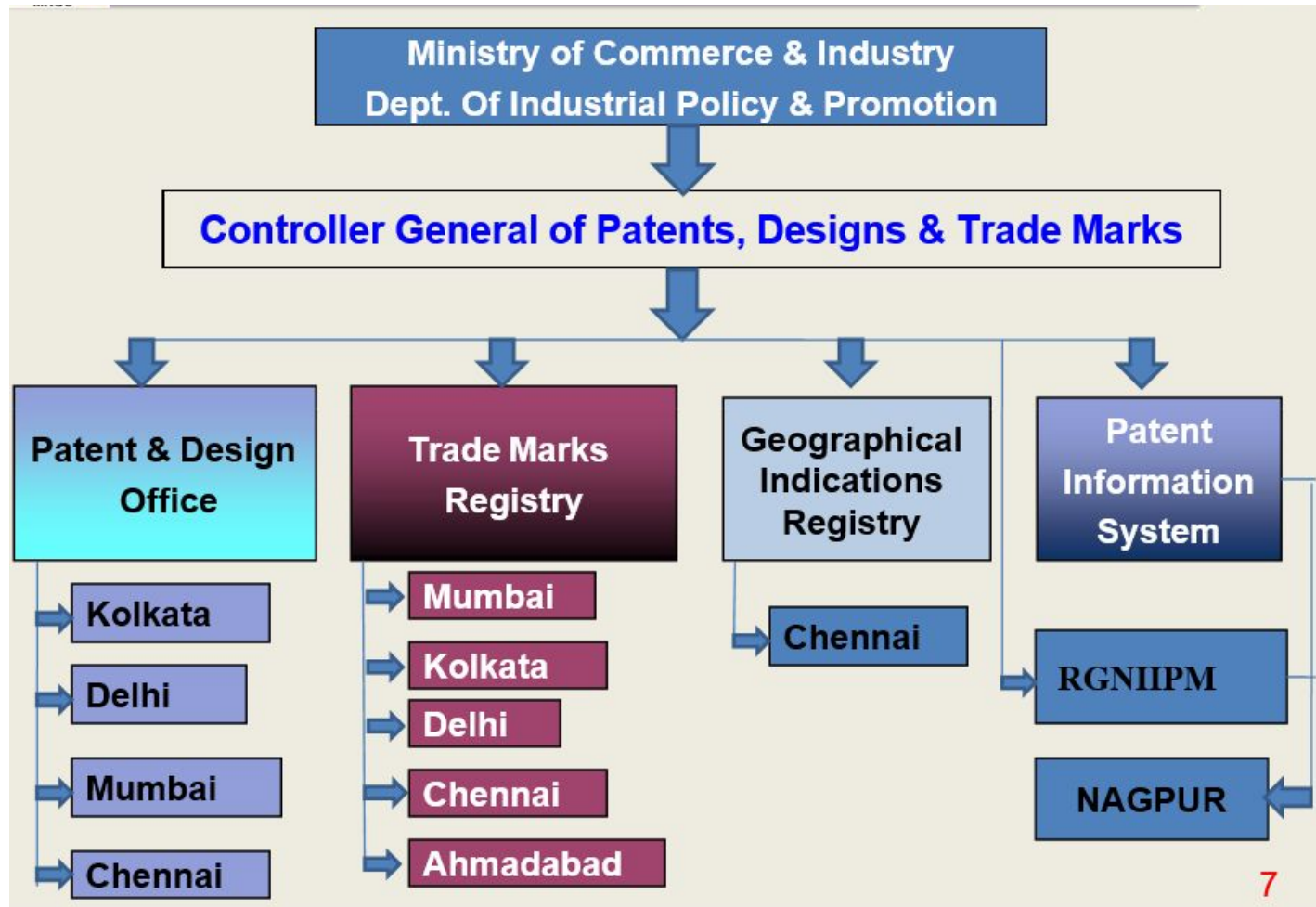
"Creativity is the Greatest Rebellion in Existence" - Osho

Nature of Intellectual Property

- ▶ Creation of human mind (Intellect)
- ▶ Intangible property
- ▶ Exclusive rights given by statutes
- ▶ Attended with limitations and exceptions
- ▶ Time-bound
- ▶ Territorial

SI No.	IPR	Maximum Protection	Renewal	Act/Rule
1	Patent	20 Years	*Every year (mandatory)	The Patents Act, 1970 Amended in 2005
2	Trade Mark	Life Long	After 10 Years	The Trade Marks Act, 1999 Amended in 2010
3	Design	15 Years	After 10 Years for next 5 Years	The Designs Act, 2000 & Designs (Amendment) Rules, 2014
4	Copyright	60 Years	Not require	The Copyright Act, 1957 Amended in 2012
5	Geographical Indication (GI)	Life long	After 10 Yrs	The Geographical Indications of Goods (Registration and Protection) Act, 1999

Organisation Structure



IP Laws of India

Act	Ministry/Department
The Copyright Act, 1957. Amended in 2012	Higher Education
The Patents Act, 1970. Patent Rules, 2003; Patent (Amendment) Rule, 2006 and further updated in September 2015	Industrial Policy & Promotion
The Designs Act, 2000	Industrial Policy & Promotion
The Trade Marks Act, 1999	Industrial Policy & Promotion
The Geographical Indications of Goods (Registration and Protection) Act, 1999	Industrial Policy & Promotion
The Semiconductor Integrated Circuits Layout-Design Act, 2000	Information Technology
The Protection of Plant Varieties and Farmers' Rights Act, 2001	Agriculture and Cooperation
The Designs Act, 2000 & Designs (Amendment) Rules, 2014	Industrial Policy & Promotion
Draft Manual of Patent Practice & Procedure (MPPP), 2008	Industrial Policy & Promotion

Definition of Intellectual Property

“Intellectual Property shall include the rights relating to

- ▶ literary, artistic and scientific works,
- ▶ performances of performing artists, phonograms, and broadcasts,
- ▶ inventions in all fields of human endeavour
- ▶ scientific discoveries
- ▶ Industrial designs
- ▶ trademarks, service marks and commercial names and designations
- ▶ protection against unfair competition

and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.”

(WIPO Convention)

▶ What is a PATENT?

- *A patent is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem*
- *The **limited monopoly right** granted by the state enables an inventor to prohibit another person from manufacturing, using or selling the patented product or from using the patented process, without permission.*
- *Period of Patents - 20 Years*

What Can Be Patented?

Inventions in all fields of technology, whether products or processes, if they meet the criteria of

- Novelty;
- Non-obviousness (Inventive Step);
- Industrial Application (Utility).

Criteria of Patentability:

- ☐ Novelty
- ☐ Inventive step or it must be non-obvious
- ☐ Capable of industrial application
- ☐ Not fall within the provision of Section 3 & 4 of the Patents Act 1970

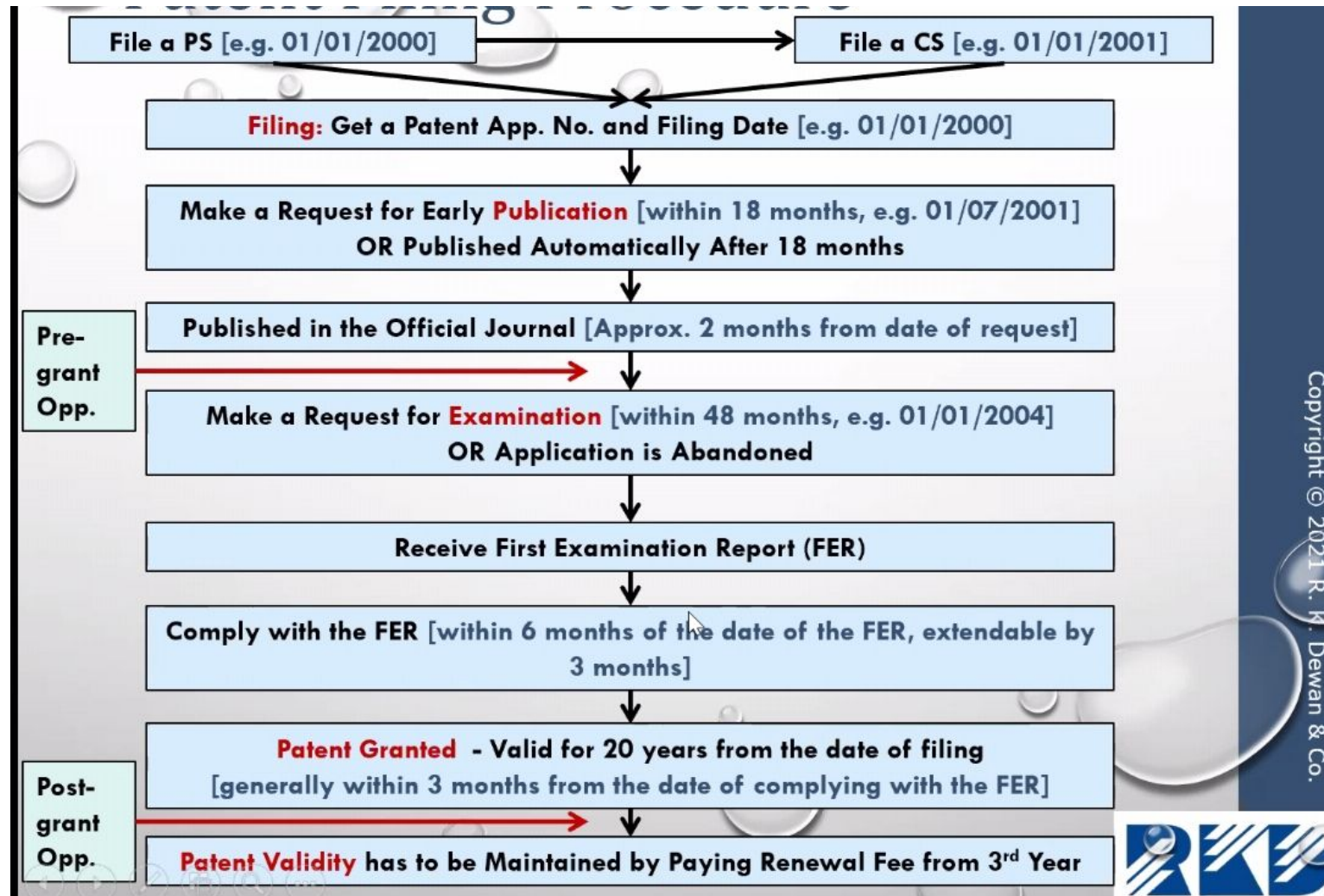
Patents Act 1970:

Section 3: List which are not inventions

- ☐ Frivolous or obvious
- ☐ Contrary to well established natural laws
- ☐ Injurious to Public Health
- ☐ Mere arrangement or re-arrangement,
- ☐ Discovery of Scientific Principle
- ☐ Discovery of living thing or non-living substances in nature
- ☐ Method of agriculture or horticulture
- ☐ A mathematical or business method or a computer program

Section 4: Not-Patentable: Atomic Energy Related

Patent Filing Procedure in India



Patent Filing Forms and Fees

Form 1: Application for Grant of Patent with Applicant's Details (Rs.1,750)*

Form 2: Provisional/Complete Specifications

Form 3: Statement and Undertaking by Applicant u/s 8

Form 5: Declaration as to Inventorship

Form 9: Request for Early Publication (Rs.2,750/-)*

Form 18: Request for Examination (Rs.4,400/-)*

In Form 2, Description of Patent Disclosure with Novelty and Claims are Very Important!
Refer the Pdf of Specimen Draft of Patent application Filed for your ready reference!

**For Online Filing of Applications, Rs.150/- is Less in all categories of Fees.
However, Physical copies also need to be Submitted after online filing of Applications!*

FORM 1 THE PATENTS ACT 1970 (39 of 1970) and THE PATENTS RULES, 2003 APPLICATION FOR GRANT OF PATENT (See section 7, 54 and 135 and sub-rule (1) of rule 20)		(FOR OFFICE USE ONLY)	
		Application No.	
		Filing date:	
		Amount of Fee Paid:	
		CBR No:	
		Signature:	
1. APPLICANT'S REFERENCE / IDENTIFICATION No. (As Allotted By Office)			
2. TYPE OF APPLICATION [Please tick (✓) at the appropriate category]			
Ordinary (✓)		Convention ()	
Divisional ()	Patent of Addition ()	Divisional ()	Patent of Addition ()
3A. APPLICANT(S)			
Name in Full	Nationality	Country of Residence	Address of the Applicant
Dr. KANAPATHY GOPALAKRISHNAN	Indian	India	House No. Advisor and Director General, IPR Cell
			Street Nagarajuna College of Engineering and Technology
			City Mudugurki, Venkatagiri Kote, Post, Devanahalli, Bengaluru
			State Karnataka,
			Country India
			Pin code 562 110
3B. CATEGORY OF APPLICANT [Please tick (✓) at the appropriate category]			
Natural Person(✓)		Other than Natural Person	
		Small Entity () Startup () Others ()	
4. INVENTOR(S) [Please tick (✓) at the appropriate category]			
Are all the inventor(s) same as the applicant(s) named above?		Yes () No (✓)	
If "No", furnish the details of the inventor(s)			
Name in Full	Nationality	Country of Residence	Address of the Applicant
Dr. K. Gopalakrishnan Dr. Geethanjali G Dr. Lokesh G R Poornima U K Rajeshwari G V Ashok Mammen V Akshatha S Sriram S Chinmaya Prakash	Indian	India	House No. Department of Management Studies/MBA
			Street Nagarajuna College of Engineering and Technology
			City Venkatagiri Kote, Post, Devanahalli, Bengaluru
			State Karnataka,
			Country India
			Pin code 562 110
5. TITLE OF THE INVENTION			
NOVEL SYSTEM, METHOD AND DESIGN OF SMART FLEXI-TARIFF TOOL (SFTT) FOR AIR PASSENGERS AT ECONOMY AIRLINE SERVICES			
6. AUTHORISED REGISTERED PATENT AGENT(S)		IN/PA No.	
		Name	
		Mobile No.	



7. ADDRESS FOR SERVICE OF APPLICANT IN INDIA	Name	Dr. KANAPATHY GOPALAKRISHNAN		
	Postal Address	Advisor and Director General, IPR Cell, Nagarjuna College of Engineering and Technology, Mudugurki, Venkatagiri Kote, Post, Devanahalli, Bengaluru-562 110. Karnataka, INDIA		
	Telephone No.	080-674 62700		
	Mobile No.	98451 73730		
	Fax No.	080-674 62700		
	E-mail ID	profgoki@yahoo.com		
8. IN CASE OF APPLICATION CLAIMING PRIORITY OF APPLICATION FILED IN CONVENTION COUNTRY, PARTICULARS OF CONVENTION APPLICATION				
Country	Application Number	Filing Date	Name of the Applicant	Title of the invention
				IPC (as classified in the Convention Country)
9. IN CASE OF PCT NATIONAL PHASE APPLICATION, PARTICULARS OF INTERNATIONAL APPLICATION FILED UNDER PATENT CO-OPERATION TREATY (PCT)				
International Application Number			International Filing Date	
10. IN CASE OF DIVISIONAL APPLICATION FILED UNDER SECTION 16, PARTICULARS OF ORIGINAL (FIRST) APPLICATION				
Original (first) application No.			Date of filing of original (first) application	
11. IN CASE OF PATENT OF ADDITION FILED UNDER SECTION 54, PARTICULARS OF MAIN APPLICATION OR PATENT				
Main application/patent No.			Date of filing of main application	
12. DECLARATIONS				
(i) Declaration by the inventor(s)				
(In case the applicant is an assignee: the inventor(s) may sign herein below or the applicant may upload the assignment or enclose the assignment with this application for patent or send the assignment by post/electronic transmission duly authenticated within the prescribed period).				
I/We, the above named inventor(s) is/are the true & first inventor(s) for this Invention and declare that the applicant(s) herein is/are my/our assignee or legal representative.				
Dated this 21 st day of December 2022				
Dr. K. GOPALAKRISHNAN Dr. GEETHANJALI G Dr. LOKESH G R POORNIMA U K				
RAJESHWARI G V ASHOK MAMMEN V AKSHATHA S SRIRAM S CHINMAYA PRAKASH				
ii) Declaration by the applicant(s) in the convention country				
(In case the applicant in India is different than the applicant in the convention country: the applicant in the convention country may sign herein below or applicant in India may upload the assignment from the applicant in the convention country or enclose the said assignment with this application for patent or send the assignment by post/electronic transmission duly authenticated within the prescribed period)				
I/We, the applicant(s) in the convention country declare that the applicant(s) herein is/are my/our assignee or legal representative.				
Dated this 21 st day of December 2022				
KANAPATHY GOPALAKRISHNAN				

Form 1:
Application
for Grant of
Patent with
Applicant's
Details
(Rs. 1,750/-)

(iii) Declaration by the applicant(s)

I/We the applicant(s) hereby declare(s) that: -

- ☒ I am/ We are in possession of the above-mentioned invention.
- ☒ The provisional/complete specification relating to the invention is filed with this application.
 - ☐ The invention as disclosed in the specification uses the biological material from India and the necessary permission from the competent authority shall be submitted by me/us before the grant of patent to me/us.
- ☒ There is no lawful ground of objection(s) to the grant of the Patent to me/us.
- ☒ I am/we are the true & first inventor(s).
- ☒ I am/we are the assignee or legal representative of true & first inventor(s).
- ☐ The application or each of the applications, particulars of which are given in Paragraph-8, was the first application in convention country/countries in respect of my/our invention(s).
- ☐ I/We claim the priority from the above mentioned application(s) filed in convention country/countries and state that no application for protection in respect of the invention had been made in a convention country before that date by me/us or by any person from which I/We derive the title.
- ☐ My/our application in India is based on international application under Patent Cooperation Treaty (PCT) as mentioned in Paragraph-9.
- ☐ The application is divided out of my /our application particulars of which is given in Paragraph-10 and pray that this application may be treated as deemed to have been filed on DD/MM/YYYY under section 16 of the Act.
- ☐ The said invention is an improvement in or modification of the invention particulars of which are given in Paragraph-11.

13. FOLLOWING ARE THE ATTACHMENTS WITH THE APPLICATION

(a) Form 2

Item	Details	Fee	Remarks
Complete/Provisional specification)#	9		
No. of Claim(s) and No. of Pages	9 & 1		
Abstract	1		
No. of Drawing(s) and No. of Pages	4 & 9		

In case of a complete specification, if the applicant desires to adopt the drawings filed with his provisional specification as the drawings or part of the drawings for the complete specification under rule 13(4), the number of such pages filed with the provisional specification are required to be mentioned here.

(b) Complete specification (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies).

(c) Sequence listing in electronic form

- (d) Drawings (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies).
- (e) Priority document(s) or a request to retrieve the priority document(s) from DAS (Digital Access Service) if the applicant had already requested the office of first filing to make the priority document(s) available to DAS.
- (f) Translation of priority document/Specification/International Search Report/International Preliminary Report on Patentability.
- (g) Statement and Undertaking on Form 3
- (h) Declaration of Inventorship on Form 5
- (i) Power of Authority
- (j)

Total Fee Rs.....In Cash/ Banker's Cheque /Bank Draft bearing No.....

Date.....on BANK.

I/We hereby declare that to the best of my/our knowledge, information and belief the fact and matters stated herein are correct and I/We request that a patent may be granted to me/us for the said invention.

Dated this 21st day of December 2022

KANAPATHY GOPALAKRISHNAN

To,
The Controller of Patents
The Patent Office, at Chennai

Note:

- * Repeat boxes in case of more than one entry.
- * To be signed by the applicant(s) or by authorized registered patent agent otherwise where mentioned.
- * Tick (✓) /cross (x) whichever is applicable/not applicable in declaration in paragraph-12.
- * Name of the inventor and applicant should be given in full, family name in the beginning.
- * Strike out the portion which is/are not applicable.
- * For fee: See First Schedule*;

FORM 2
THE PATENTS ACT, 1970
(39 of 1970)
&
COMPLETE SPECIFICATION
(See section 10 and rule 13)

1. TITLE OF THE INVENTION <p style="text-align: center;">NOVEL SYSTEM, METHOD AND DESIGN OF SMART FLEXI-TARIFF TOOL (SFTT) FOR AIR PASSENGERS AT ECONOMY AIRLINE SERVICES</p>		
2. APPLICANT		
a) Name Dr. KANAPATHY GOPALAKRISHNAN	b) Nationality Indian	c) Address Advisor and Director General, IPR Cell, Nagarjuna College of Engineering and Technology, Mudugurki, Venkatagiri Kote Post, Devanahalli, Bengaluru-562 110, Karnataka, INDIA
3. PREAMBLE TO THE DESCRIPTION		
<p style="text-align: center;">COMPLETE</p> The following specification particularly describes the invention and the manner in which it is to be performed		
4. DESCRIPTION (Description shall start from next page)		
5. CLAIMS (Claims should start with the preamble – “I/We claim” on separate page)		
6. DATE AND SIGNATURE (to be given on the last page of specification)		
7. ABSTRACT OF THE INVENTION (to be given along with complete specification on the separate page)		
Note: *Repeat boxes in case of more than one entry *To be signed by the applicant(s) or the authorized registered patent agent *Name of the applicant should be given in full, family name in the beginning *Complete address of the applicant should be given stating with postal index no. / code, state and country *Strike out the column which is/are not applicable		

4. DESCRIPTION

The patent disclosure covers Novel System, Method and Design of Smart Flexi-Tariff Tool (SFTT) for Air Passengers at Economy Airline Services. Novel method of economy airfare proposed for airlines and service providers or fare consolidators etc as total fare based on individual weight of the traveller and his/her baggage's weight together in different slabs. The rationale of the proposed airfare types encourages person(s) weighing less or average can carry more baggage with in the respective slab. The all-inclusive airfare is based on either 3 or 4 slabs as suitable for the particular airlines or based on their competitor's strategies!

Different Types of Airfares in Practice

Below are a few different types of published airfares. They all have their own special rules, restrictions, and availabilities. Airlines will fill airplane seats with a variety of these fare types.

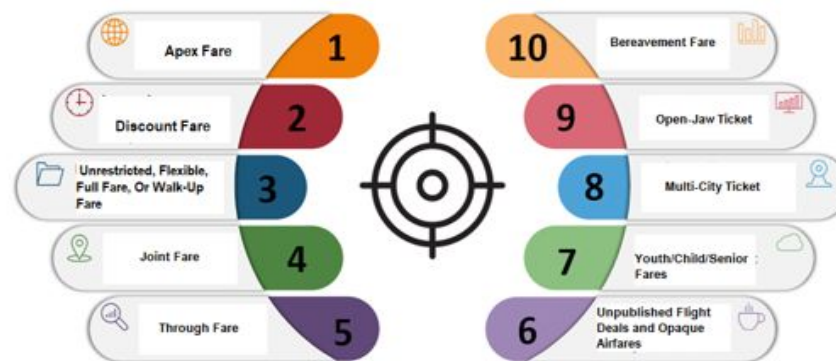


Fig 1 Different Types of Airfares in Practice

1. Apex Fare

These fares are discounted international fares. Apex fares are usually purchased in advance – this is called advance purchase. For example, you need to buy the ticket at least 7, 14, or 21 days before departure. They will have some other restrictions attached, such as being non-refundable and fees for any changes.

2. Discount Fare

These fares are cheaper as they are usually available for a limited time, like a 'seat sale'. Discount fares can have a long list of limitations like the:

- a) Travel dates – e.g. July – August only
- b) Minimum stay – e.g. 2 nights
- c) Maximum stay – e.g. 3 months
- d) No refunds

3. Unrestricted, Flexible, Full Fare, Or Walk-Up Fare

These are the most expensive types of airfares. This is because you can refund or change these tickets as necessary. They can also be purchased on the same day you travel. The pricing for these fares is used as the benchmark for the discounted fares. So, this is basically the regular price of the fare.

4. Joint Fare

Joint fares are a result of more than one airline working together as partners to get you to your destination.

Form 2:
Provisional/
Complete
Specifications

5. Through Fare

Through fares can be combined with the above fare types and happen when you fly through a gateway city. Although you will be flying via a third city, you are only charged one fare from your departure to your destination.

6. Bereavement Fare

Bereavement fares are last-minute fares that are available right up until the time of departure. Airlines offer them to family members for funerals, or in the case of imminent death. Although bereavement fares are usually discounted full fares, they may not always be the cheapest ticket. The discount is usually 50% of the full fare. You can only buy bereavement fares from the airline directly, over the phone or at the ticket counter. Apparently, in recent years many airlines have been cutting their bereavement fare options.

7. Open-Jaw Ticket

An open-jaw ticket is a return ticket-however, the departure and the destination are not the same each way. For example, you fly from New York to Rome, have a little road trip around Europe, and fly back from Paris to New York. If you're looking to plan an open jaw adventure, here are some great ASAP tickets deals for October.

8. Multi-City Ticket

Multi-city flights are single tickets that have multiple stops. Like a Round the World ticket, but you don't have to go that far! You can turn layovers into stopovers (layovers are under 12 hours and stopovers are over 12 hours). Traveling this way allows you to visit many destinations and save on overall flight costs.

9. Youth/Child/Senior Fares

When you book your flights with a travel agent, there may be the option to get reduced rates for youth, child, or senior travelers. This depends on the airline and the airfare. However, these discounts may only apply to full-fare tickets, or only be 10%, so our discounted fares may already be the cheaper option. Infants are usually classified as up to 24 months old (2 years). Children are from 2-11 years old.

10. Unpublished Flight Deals

So aside from published fares, we also have unpublished airfares. These airfares are not available online through flight booking websites and neither on the airline's own website. You also cannot call the airline to book these flight deals. Travel agents find these airfares through a Global Distribution System (GDS).

To get an unpublished airfare, you will need to contact a travel agent. There are varying discounts available on these fares, depending on your route, airline, dates, etc. Also, the fare rules for these airfares may vary wildly, including some of the restrictions mentioned previously. Unpublished airfares are also known as private airfares, wholesale airfares, consolidator airfares.

Opaque Airfares

There is one more type of airfare one might haven't probably heard of. Opaque airfare prices are shown without revealing the airline or the flight number (and in some cases the flight times). Airlines offer these opaque fares as a way to keep the prices private until after they are purchased. This is because airlines don't want to sell all of the seats on an airplane at the lowest price.

Fare Classes and Letter Codes Usually Used by Fare Consolidators

You may find a letter code on your boarding pass or e-ticket which signifies what type of airfare you have.

The booking classes used for discount levels below full fare differ between airlines. For example, with most oneworld airlines (including American Airlines and British Airways), discount business class is represented by D, C, R, and I class. With United Airlines, business class uses J, C, D, Z, and P (R is used for premium economy, and I previously for first class). [Ref: <https://blog.asaptickets.com/types-of-airfares/>]

Revenue setting and management is a combination of setting fares for each of these booking classes and controlling availability by selling certain numbers of seats in each booking class.

Letter Code	Fare Classes/Types/Descriptions
F & P	These lucky letters usually represent First Class.
J & C	These ones are for Business Class.
Y	This is pretty much always used for full-fare economy tickets.
B, H, L, M, etc.	These represent other subclasses like restricted or discount fares. Each airline uses them in different ways with different meanings.
X, U, R	These Letter Codes Usually Used by Fare Consolidators

Fig 2 Fare Classes and Letter Codes Usually Used by Fare Consolidators

Algorithm-based Pricing and Historical Data

Each airline uses its algorithms and AI technology to set and change prices. This, of course, requires human oversight but is a long way from the days when fares were set and changed manually. Price setting is backed by extensive data analysis. This is an area that has seen significant improvement in recent years. Airlines have always been aware of past sales and booking data and have used this to influence prices going forward. But with the improvement of data analysis technologies, this data can be analyzed and used much more precisely. More purchases are now online, which adds to the data that can be used. Airlines can track and store not just sales data but customer interest and searches. (Ref: <https://simpleflying.com/how-airline-ticket-pricing-works/>)

What Factors Do Pricing Algorithms Consider?

Airline price algorithms, of course, are not made public and are a closely guarded secret. There are many things we know that influence prices, though. Here are some of the main factors include the following (remember, there are many more, and they will vary between airlines):

Factors to be Considered by Pricing Algorithms of Airlines	
Leisure or business passengers / Customer profiling	Level of competition
Length of advance purchase	Peak and 'blackout' dates
Current sales volume	Level of overbooking
Length of trip	Fuel and oil prices

Fig 3 Factors to be Considered by Pricing Algorithms of Airlines

Setting New Ticket Types and Unbundling Fares

One of the pricing trends we have seen in recent years is airlines offering lower fare types but with fewer inclusions. This began with low-cost airlines, but the fuel service carriers have since followed. Airlines will set a low base fare but exclude extras such as luggage allowance, seat selection, and even entitlement to some frequent flyer benefits. All the major US airlines now offer such fares (with Delta being the first to introduce it fully).

Future of Airline Pricing

How will airline pricing change over the coming decades? The only thing that is certain is that airlines will continue to set prices to maximize profit. And the power of analysis, and data available to airlines, will continue to grow, as it is in most industries.

The last two years alone have seen a significant change in pricing. While prices collapsed in 2020, they rebounded swiftly in 2021 for domestic travel and have been on an upward trend for international ones this year too.

Longer-term, one area set to grow is the maximization of total revenue. Algorithms and forecasting have been developed to set base fares and plan seat availability and demand. For many airlines, there is still much more that can be done to predict and optimize revenues from ancillary products and services.

So-called 'Total Revenue Optimization' will become increasingly important as the split between base and ancillary revenue increases. According to an interesting report by SABRE in 2017, ancillary revenues for airlines reached \$59.2 billion in 2015 and were growing at nearly 20% a year.

To succeed with this, airlines will have to analyze even more data and link several sources. Low-cost carriers are probably ahead in this area, and many of their systems and sales processes have been designed around total fare and add-ons. In contrast, many legacy carriers will have more of a challenge to match pricing levels to predictions for extra sales.

(Ref: <https://www.marketscreener.com/amp/quote/stock/SABRE-CORPORATION-16290162/news/The-evolution-of-airline-revenue-management-Defining-the-next-generation-approach-24482064/>)

Novel Method of Smart Flexi-Tariff Tool (SFTT) for Air Passengers at Economy Airline Services:

Any aircraft or air carrier the lift of mass and volume of baggage are important along with the individual passengers' weights etc. Every aircraft has fixed number of seats for passengers and air hostess etc. Each one of the passenger's seat is responsible for generating a certain amount of revenue. As long as a person occupy one seat – he/she have to pay the price for that seat along with the respective baggage allowances. It doesn't matter, whether, if you are a 4 year old boy/girl or a 70+ year old senior citizen who also needs a walking stick etc. When someone occupies a seat, he/she need to pay "full fare" as applicable at the time of booking air tickets for it. It is also worth mentioning that in excess of baggage beyond the allowance permitted needs to be paid differently at the time of booking and also at the check-in counter at the time of travel! Normally, it will be very expensive in most of the economy airlines due to various reasons and scarcity of weight or over booking or due to cargo accepted separately for regular revenue etc! The current practice adopted by many airlines for Economy passengers with two pieces of luggage, the total combined dimensions (length + breadth + height) of both pieces should not exceed 273cm (107 inches). Also the linear dimension of each piece should not exceed 62 inches. The weight of each bag must not exceed 23 Kgs or 50 pounds etc.

Someone weighs 50 kgs and the person sitting next to him/her may weighs 100 kgs, then why should both of them pay the same fare?!. Before take-off, airlines need to ensure the overall lift off weight well within the permissible safe limits and its average or uniform distribution in such a way to allocate the seats of various passengers in such a way along with the appropriate positioning of the baggage in cargo segments etc. If you consider the entire airplane, the weight averages out and the average passenger weight in any one particular airline remains more or less within a range which is fairly predictable for safe flight!

Proposed Smart Flexi Tariff Tool (SFTT) is based on or proportionate to the weight of the passenger along with his/her baggage weight! Pay as much you weigh along with your baggage within the volume limitations of baggage allowances!

Novel Method of Smart Flexi-Tariff Tool (SFTT) for Air Passengers at Economy Airline Services

- a) Airfare with Person + Baggage Slab 1: Children as Passenger: Up to 50 kgs: Lowest Tariff (in \$)
- b) Airfare with Person + Baggage Slab 1: Male/Female Passenger: Up to 75 kgs: 2nd Lowest Tariff (in \$)
- c) Airfare with Person + Baggage Slab 1: Male/Female Passenger: Up to 76-125 kgs: Normal Tariff (in \$)
- d) Airfare with Person + Baggage Slab 1: Male/Female Passenger: Above 126 kgs: Higher Tariff (in \$)

The above proposed tariffs can be fine-tuned with 10% to 20% variations based on real life scenario and competitors strategies etc and shall be expressed in respective equivalent currencies such as USD/Euro/Sterling Pound/Rubbles/INR/any other International currencies of respective countries or their currencies! The proposed smart flexi-tariff tool (SFTT) will naturally and necessarily encourages air travelers conscious of carrying optimum necessary baggage and when they travel with kids/children they pay less or proportionately less and also provide opportunity for the airlines to carry more cargo or less/proportionately less air fuel consumption etc! It will be a win-win situation for both the airlines operators and the passengers, leading higher productive performance for the airlines or its better operational efficiency in turn result in higher profitability for the airlines and simultaneously substantial savings for the passengers when they are slim or average weight or travelling with kids/children or with less baggage etc! At the time of boarding both the baggage and passenger can be weighed and small 2-3 or 5% variations can be acceptable in favour of the passenger etc can be part of airfare rules, transparently with mutual consent of both airlines and passengers!

Fig 4 Novel Method of Smart Flexi-Tariff Tool (SFTT) for Air Passengers at Economy Airline Services

REFERENCES:

1. <https://blog.asaptickets.com/types-of-airfares/>
2. <https://simpleflying.com/how-airline-ticket-pricing-works/>
3. <https://www.marketscreener.com/amp/quote/stock/SABRE-CORPORATION-16290162/news/The-evolution-of-airline-revenue-management-Defining-the-next-generation-approach-24482064/>
4. Priority Applications (1)

Application Number	Priority Date	Filing Date	Title
AU54973/00A AU5497300A (en)	1999-07-22	2000-06-20	System and method for pricing a travel product based on a traveler's specified degree of flexibility

Applications Claiming Priority (2)

Application Number	Priority Date	Filing Date	Title
US35926599A	1999-07-22	1999-07-22	
US09/359,265		1999-07-22	

Publications (2)

Publication Number	Publication Date
WO2001008024A2 true WO2001008024A2 (en)	2001-02-01
WO2001008024A8 WO2001008024A8 (en)	2007-10-25

Family

ID=23413072

Family Applications (1)

Application Number	Title	Priority Date	Filing Date
PCT/US2000/016924 WO2001008024A2 (en)		1999-07-22	2000-06-20
System and method for pricing a travel product based on a traveler's specified degree of flexibility			

Country Status (2)

Country	Link
AU (1)	AU5497300A (en)
WO (1)	WO2001008024A2 (en)

Cited By (15)

* Cited by examiner, † Cited by third party

Publication number	Priority date	Publication date	Assignee	Title
WO2003012715A1 (en) *	2001-07-31	2003-02-13	Sigmazen Limited	Pricing system and method
US8301495B2 (en)	2009-05-05	2012-10-30	Groupon, Inc.	System and methods for discount retailing
US8355948B2 (en)	2009-05-05	2013-01-15	Groupon, Inc.	System and methods for discount retailing
US8650072B2 (en)	2009-05-05	2014-02-11	Groupon, Inc.	System and methods for providing location based discount retailing
US9996859B1 (en)	2012-03-30	2018-06-12	Groupon, Inc.	Method, apparatus, and computer readable medium for providing a self-service interface
US10147130B2 (en)	2012-09-27	2018-12-04	Groupon, Inc.	Online ordering for in-shop service
US10192243B1 (en)	2013-06-10	2019-01-29	Groupon, Inc.	Method and apparatus for determining promotion pricing parameters
US10255620B1 (en)	2013-06-27	2019-04-09	Groupon, Inc.	Fine print builder
US10304091B1 (en)	2012-04-30	2019-05-28	Groupon, Inc.	Deal generation using point-of-sale systems and related methods
US10304093B2 (en)	2013-01-24	2019-05-28	Groupon, Inc.	Method, apparatus, and computer readable medium for providing a self-service interface
WO2020016246A1 (en) *	2018-07-18	2020-01-23	Airbus (Sas)	System for improving the filling of aircraft with travellers
US10664861B1 (en)	2012-03-30	2020-05-26	Groupon, Inc.	Generating promotion offers and providing analytics data
US10664876B1 (en)	2013-06-20	2020-05-26	Groupon, Inc.	Method and apparatus for promotion template generation
US10692039B2 (en)	2016-09-20	2020-06-23	International Business Machines Corporation	Cargo logistics dispatch service with integrated pricing and scheduling
US11386461B2 (en)	2012-04-30	2022-07-12	Groupon, Inc.	Deal generation using point-of-sale systems and related methods

- 2000
 - 2000-06-20 AU AU54973/00A [patent/AU5497300A/en](#) not_active Abandoned
 - 2000-06-20 WO PCT/US2000/016924 [patent/WO2001008024A2/en](#) active Application Filing

Non-Patent Citations (1)

* Cited by examiner, † Cited by third party

No Search *

Cited By (25)

* Cited by examiner, † Cited by third party

Publication number	Priority date	Publication date	Assignee	Title
WO2003012715A1 (en) *	2001-07-31	2003-02-13	Sigmazen Limited	Pricing system and method
AU2002326236B2 (en) *	2001-07-31	2008-04-10	Sigmazen Limited	Pricing system and method
US8301495B2 (en)	2009-05-05	2012-10-30	Groupon, Inc.	System and methods for discount retailing
US8355948B2 (en)	2009-05-05	2013-01-15	Groupon, Inc.	System and methods for discount retailing
US8650072B2 (en)	2009-05-05	2014-02-11	Groupon, Inc.	System and methods for providing location based discount retailing
US8903733B2 (en)	2009-05-05	2014-12-02	Groupon, Inc.	System and methods for discount retailing
US11023914B2 (en)	2009-05-05	2021-06-01	Groupon, Inc.	System and methods for discount retailing
US11017440B2 (en)	2012-03-30	2021-05-25	Groupon, Inc.	Method, apparatus, and computer readable medium for providing a self-service interface
US9996859B1 (en)	2012-03-30	2018-06-12	Groupon, Inc.	Method, apparatus, and computer readable medium for providing a self-service interface
US11475477B2 (en)	2012-03-30	2022-10-18	Groupon, Inc.	Generating promotion offers and providing analytics data
US10664861B1 (en)	2012-03-30	2020-05-26	Groupon, Inc.	Generating promotion offers and providing analytics data
US10304091B1 (en)	2012-04-30	2019-05-28	Groupon, Inc.	Deal generation using point-of-sale systems and related methods
US11386461B2 (en)	2012-04-30	2022-07-12	Groupon, Inc.	Deal generation using point-of-sale systems and related methods
US10147130B2 (en)	2012-09-27	2018-12-04	Groupon, Inc.	Online ordering for in-shop service
US10713707B1 (en)	2012-09-27	2020-07-14	Groupon, Inc.	Online ordering for in-shop service
US11100542B2 (en)	2013-01-24	2021-08-24	Groupon, Inc.	Method, apparatus, and computer readable medium for providing a self-service interface
US10304093B2 (en)	2013-01-24	2019-05-28	Groupon, Inc.	Method, apparatus, and computer readable medium for providing a self-service interface
US10878460B2 (en)	2013-06-10	2020-12-29	Groupon, Inc.	Method and apparatus for determining promotion pricing parameters
US11481814B2 (en)	2013-06-10	2022-10-25	Groupon, Inc.	Method and apparatus for determining promotion pricing parameters
US10192243B1 (en)	2013-06-10	2019-01-29	Groupon, Inc.	Method and apparatus for determining promotion pricing parameters
US10664876B1 (en)	2013-06-20	2020-05-26	Groupon, Inc.	Method and apparatus for promotion template generation
US11093980B2 (en)	2013-06-27	2021-08-17	Groupon, Inc.	Fine print builder
US10255620B1 (en)	2013-06-27	2019-04-09	Groupon, Inc.	Fine print builder
US10692039B2 (en)	2016-09-20	2020-06-23	International Business Machines Corporation	Cargo logistics dispatch service with integrated pricing and scheduling
WO2020016246A1 (en) *	2018-07-18	2020-01-23	Airbus (Sas)	System for improving the filling of aircraft with travellers

Also Published As

Publication number	Publication date
WO2001008024A8 (en)	2007-10-25
AU5497300A (en)	2001-02-13

Similar Documents

Publication	Publication Date	Title
US20050177402A1 (en)	2005-08-11	Method and apparatus for the sale of airline-specified flight tickets

Publication	Publication Date	Title
(en)		
US20020161689A1 (en)	2002-10-31	Automated ticket selling system having a maximum price setting
US20080195492A1 (en)	2008-08-14	Method and system for implementing a search engine with reward components and payment components
US20130231995A1 (en)	2013-09-05	Method and system for using reward points to liquidate products
JP2002532785A (en)	2002-10-02	Dynamic Quality Management Conditional Purchase Application (CPO) Management System
WO2000033164A2 (en)	2000-06-08	System and method for motivating submission of conditional purchase offers
US20200175542A9 (en)	2020-06-04	Method and system for using reward points to purchase products
JP2003532231A (en)	2003-10-28	Method and apparatus for selling international travel tickets in combination with duty free goods
US20160055558A1 (en)	2016-02-25	Retail system for selling products based on a flexible product description
(en)		
WO2001016844A1 (en)	2001-03-08	System and method for facilitating the sale of a travel product
WO2001008024A2 (en)	2001-02-01	System and method for pricing a travel product based on a traveler's specified degree of flexibility
WO2009015135A1 (en)	2009-01-29	Consumer booking engine and method
US20100205062A1 (en)	2010-08-12	Touchscreen Computer System, Software, and Method for Small Business Management and Payment Transactions, Including a Method, a Device, and System for Crediting and Refunding to and from Multiple Merchant Accounts in a Single Transaction and a Method, a Device, and System for Scheduling Appointments
JPH06295390A (en)	1994-10-21	Numerical management system
US20110295674A1 (en)	2011-12-01	System and method for redemption of awards by award program participants
Gao	2020	A conceptual framework for valuating airline frequent flyer program miles
KR20040010538A (en)	2004-01-31	Reverse auction method and system

5. CLAIMS

I/We Claim,

1. The patent disclosure covers Novel System, Method and Design of Smart Flexi-Tariff Tool (SFTT) for Air Passengers at Economy Airline Services as described above.
2. The methodology as prescribed in above Fig 4: Novel Method of Smart Flexi-Tariff Tool (SFTT) for Air Passengers at Economy Airline Services.
3. Proposed Smart Flexi Tariff Tool (SFTT) is based on or proportionate to the weight of the passenger along with his/her baggage weight! Pay as much you weigh along with your baggage within the volume limitations of baggage allowances!.
4. Airfare with Person + Baggage Slab 1: Children as Passenger: Up to 50 kgs: Lowest Tariff (in \$)
5. Airfare with Person + Baggage Slab 1: Male/Female Passenger: Up to 75 kgs: 2nd Lowest Tariff (in \$)
6. Airfare with Person + Baggage Slab 1: Male/Female Passenger: Up to 76-125 kgs: Normal Tariff (in \$)
7. Airfare with Person + Baggage Slab 1: Male/Female Passenger: Above 126 kgs: Higher Tariff (in \$)
8. The above proposed tariffs can be fine-tuned with 10% to 20% variations based on real life scenario and competitors strategies etc and shall be expressed in respective equivalent currencies such as USD/Euro/Sterling Pound/Rubbles/INR/any other International currencies of respective countries or their currencies!
9. The proposed smart flexi-tariff tool (SFTT) will naturally and necessarily encourages air travelers conscious of carrying optimum necessary baggage and when they travel with kids/children they pay less or proportionately less and also provide opportunity for the airlines to carry more cargo or less/proportionately less air fuel consumption etc! It will be a win-win situation for both the airlines operators and the passengers, leading higher productive performance for the airlines or its better operational efficiency in turn result in higher profitability for the airlines and simultaneously substantial savings for the passengers when they are slim or average weight or travelling with kids/children or with less baggage etc! At the time of boarding both the baggage and passenger can be weighed and small 2-3 or 5% variations can be acceptable in favour of the passenger etc can be part of airfare rules, transparently with mutual consent of both airlines and passengers!

Dated this 21st day of December 2022

KANAPATHY GOPALAKRISHNAN

7. ABSTRACT OF THE INVENTION

The patent disclosure covers Novel System, Method and Design of Smart Flexi-Tariff Tool (SFTT) for Air Passengers at Economy Airline Services. Novel method of economy airfare proposed for airlines and service providers or fare consolidators etc as total fare based on individual weight of the traveller and his/her baggages' weight together in different slabs. The rationale of the proposed airfare types encourages person(s) weighing less or average can carry more baggages with in the respective slab. The all inclusive airfare is based on either 3 or 4 slabs as suitable for the particular airlines or based on their competitor's strategies! Proposed Smart Flexi Tariff Tool (SFTT) is based on or proportionate to the weight of the passenger along with his/her baggage weight! Pay as much you weigh along with your baggage within the volume limitations of baggage allowances!

FORM 3					
THE PATENTS ACT, 1970 (39 of 1970) and					
THE PATENTS RULES, 2003					
STATEMENT AND UNDERTAKING UNDER SECTION 8					
(See section 8; Rule 12)					
1. Name of the applicant(s).	I/We Dr. KANAPATHY GOPALAKRISHNAN hereby declare:				
2. Name, address and nationality of the joint applicant.	(i) that I/We have not made any application for the same/substantially the same invention outside India Not Applicable Or (ii) that I/We who have made this application No.....datedalone/ jointly with, made for the same/ substantially same invention, application(s) for patent in the other countries, the particulars of which are givenbelow:				
Name of the Country	Date of Application	Application No.	Status of the Application	Date of Publication	Date of Grant
Not Applicable					
3. Name and address of the assignee	(iii) that the rights in the application(s) has/have been assigned to Dr. KANAPATHY GOPALAKRISHNAN (Indian) Advisor and Director General, IPR Cell, Nagarjuna College of Engineering and Technology, Mudugurki, Venkatagiri Kote Post, Devanahalli, Bengaluru-562 110. Karnataka, INDIA And that I/We undertake that up to the date of grant of the patent by the Controller, I/We would keep him informed in writing the details regarding corresponding applications for patents filed outside India within six months from the date of filing of such application. Dated this 21st day of December 2022				
4. To be signed by the applicant or his authorized registered patent agent.	Signature:				
5. Name of the natural person who has signed.	KANAPATHY GOPALAKRISHNAN				
	To The Controller of Patents, The Patent Office, at Chennai				
Note: Strike out whichever is not applicable					

Form 3:
Statement
and
Undertaking
by Applicant
u/s 8

FORM 5
THE PATENTS ACT, 1970
(39 of 1970)
DECLARATION AS TO INVENTORSHIP
[See section 10(6) and rule 13(6)]

1. Name(s) of the Applicant(s)

I/We, Dr. K. Gopalakrishnan, Dr. Geethanjali G, Dr. Lokesh G R, Poornima U K, Rajeshwari G V, Ashok Mammen V, Akshatha S, Sriram S and Chinmaya Prakash of the invention disclosed in the complete specification filed in pursuance of my/our application numbered dated is/are:

2. APPLICANT		
a) Name	b) Nationality	c) Address
Dr. K. Gopalakrishnan	Indian	Department of Management Studies/MBA, Nagarjuna College of Engineering and Technology, Mudugurki, Venkatagiri Kote Post, Devanahalli, Bengaluru-562 110. Karnataka, INDIA
Dr. Geethanjali G	Indian	
Dr. Lokesh G R	Indian	
Poornima U K	Indian	
Rajeshwari G V	Indian	
Ashok Mammen V	Indian	
Akshatha S	Indian	
Sriram S	Indian	
Chinmaya Prakash	Indian	

Dated this 21st day of December 2022

Dr. K. GOPALAKRISHNAN

Dr. GEETHANJALI G

Dr. LOKESH G R

POORNIMA U K

RAJESHWARI G V

ASHOK MAMMEN V

AKSHATHA S

SRIRAM S

CHINMAYA PRAKASH

3. DECLARATION to be given when the application in India is filed by the applicant(s) in the convention country:

Not Applicable

We the applicant(s) in the convention country hereby declare that our right to apply for a patent in India is by way of assignment from the true and first inventor(s)

Dated this day of 2022

Signature: **Not Applicable**

4. STATEMENT (to be signed by the additional inventor(s) not mentioned in the application form)

Not Applicable

I/We assent to the invention referred to in the above declaration, being included in the complete specification filed in pursuance of the stated application.

Dated this day of 2022

Signature of the additional inventor(s): **Not Applicable**

To,
The Controller of Patent
The Patent Office, Chennai

FORM 9
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
REQUEST FOR PUBLICATION
[See section 11A (2); rule 24A]

1. Name, address and nationality of the applicant(s).

a) Name	b) Nationality	Address
Dr. KANAPATHY GOPALAKRISHNAN	Indian	Advisor & Director General-IP Cell, Nagarjuna College of Engineering and Technology, Mudugurki, Venkatagiri Kote Post, Devanahalli, Bengaluru-562 164, Karnataka, India. Mobile: 98451 73730; Email: profgoki@yahoo.com

I/We Dr. KANAPATHY GOPALAKRISHNAN (Indian) hereby request for early publication of my / our Application filed on 21/12/2022 for the invention titled Novel System, Method and Design of Smart Flexi-Tariff Tool (SFTT) for Air Passengers at Economy Airline Services under section 11A (2) of the Act.

2. To be signed by the applicant or by his authorized registered patent agent.

3. Name of the natural person who has signed.

Dr. KANAPATHY GOPALAKRISHNAN (Indian)

Dated this 21st day of December 2022

Dr. KANAPATHY GOPALAKRISHNAN

To,
The Controller of Patent
The Patent Office, Chennai

Note: - For fee: - See First Schedule.

Form 5:
Declaration as to Inventorship

Form 9:
Request for Early Publication
(Rs.2,750/-)

Form 18:
Request for Examination
(Rs.4,400/-)

Patents

A **patent** is the granting of a property right by a sovereign authority to an inventor. A **patent** provides the inventor exclusive rights to the **patented** process, design, or invention for a certain period in exchange for a complete disclosure of the invention.

Name of the Company	Numbers of Patents
Toyota	99,999+
GM	11,000
Honda	97,000+
Renault	23,000+
Daimler Benz	7,000+
Land Rover	2,100+
Volkswagen AG	16,000+
Porsche AG	12,000+
General Electric/GE	25,553
SONY	20,873
Ford/Ford Global	8,888
IBM	99,999+

Major Intellectual Properties

- ▶ Copyright and Related Rights
- ▶ Industrial Property

- Patents
- Industrial Designs
- Trade Marks
- Geographical Indications
- Layout Designs/

Topographies Integrated Circuits

- Trade Secrets
- Protection of New Plant Varieties



Criteria for Copyright

- Originality:** The work must be unique.
- Fixation:** The work must be expressed in a tangible form, such as being written down on paper.
- Authorship:** The work must be a product of the author's creative effort.

Copyright registration is a legal process that protects original works of authorship, such as literary, musical, dramatic, and artistic works. In India, copyright protection is automatic upon the creation of a work, but registering the copyright provides additional legal benefits.

Some other characteristics of copyright include:

- Exclusivity:** The creator is granted exclusive rights to the work.
- Duration:** Copyright protection is limited but renewable.
- Adaptation:** The copyright owner can create derivative works based on the original, such as translations or film adaptations.
- Reputation protection:** Copyright laws protect the creator's reputation by ensuring that their work is not altered in a way that damages their name.

Types of Copyrighted Works

01

Literary Works

02

Musical Works

03

Artistic Works

04

Dramatic Works

05

Audiovisual Works

06

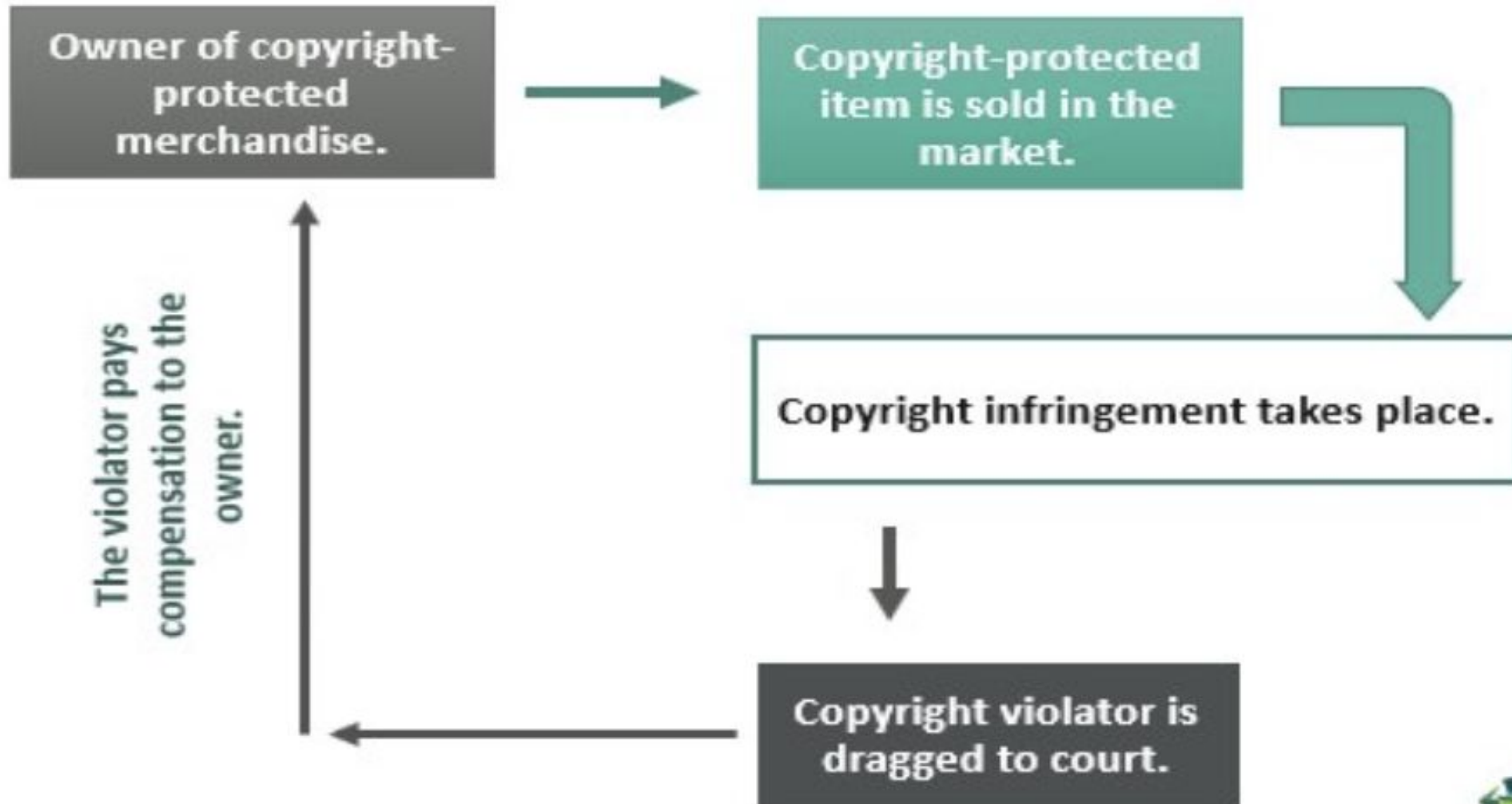
Architectural Works

07

Software



Copyright Infringement



Copyrights and Related Rights

- Ownership of Copyright

Copyright laws clearly state the ownership of Copyright.

- The person who created the work is considered as the first (original) holder (owner) of the Copyright.
- In case the author is an employee and has been contracted to do the work by a proprietor (of the company/firm/society/organization, etc.), the owner of the Copyright shall be the proprietor.

Copyrights and Related Rights

- Ownership of Copyright

Copyright laws clearly state the ownership of Copyright.

- The government will be the primary owner of the government work in the absence of any kind of arrangement.
- The person delivering a speech is the first owner of the Copyright.

Copyrights and Related Rights

- **Ownership of Copyright**

To obtain permission to use copyrighted material, a request for the same should be made to the legal owner (of the copyrighted material), the legal heir (in case of the death of the author), publisher, etc.

The request must mention the following:

- ☐ Title, author and/or editor, and edition.
- ☐ Precise material to be used.

Copyrights and Related Rights

- Ownership of Copyright

- ☐ The number of copies.
- ☐ The purpose of the material e.g. educational, research, etc.
- ☐ Form of distribution e.g. hard copy to classroom, posted on the internet.
- ☐ Whether the material is to be sold e.g. as part of a course pack

Benefits of Copyright Registration

Although registration of a copyrighted work is not necessary for the work to be protected in the U.S., there are numerous benefits to registering.

1

ABILITY TO BRING AN
INFRINGEMENT ACTION

2

EVIDENCE OF VALIDITY

3

STATUTORY DAMAGES AND
ATTORNEYS' FEES

4

DEPOSIT REQUIREMENTS
ARE SATISFIED

5

A PUBLIC RECORD IS
CREATED



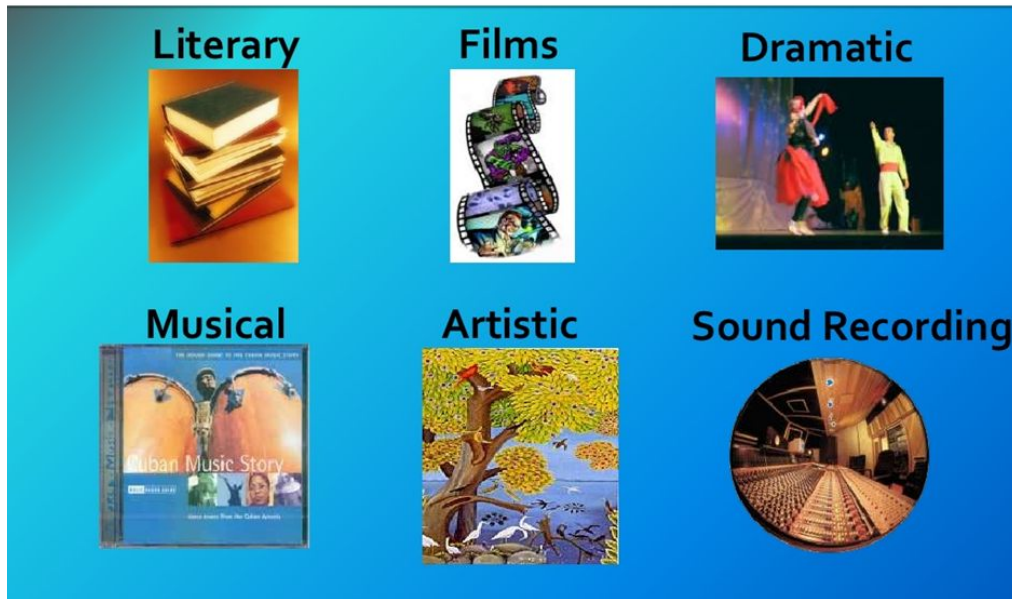
Copyright Infringement

[ˈkɑːpē-,rīt in-ˈfrɪnj-mənt]

The use or production of copyright-protected material without the permission of the copyright holder.

Copyright and Related Rights

What is Covered by Copyright? *Who will Hold the Rights?*



- ❑ Literary - Author
- ❑ Drama - Dramatist
- ❑ Music - Composer
- ❑ Artistic work - Artist e.g. Painter, sculptor, architect
- ❑ Photograph - Photographer
- ❑ Author of Computer Programme - Person who causes the work to be created
- ❑ Cinematograph Film - Producer
- ❑ Sound Recording - Producer



Copyleft Movement: Open Source



Scope of Copyright

- ▶ Original Literary, Dramatic, Musical and Artistic Works
 - Work: Ideas expressed in material form
 - No copyright in ideas or facts
- ▶ Cinematograph Films
- ▶ Sound Recordings

- Copyright is a legal term describing rights given to creators for their literary and artistic works
- The works covered by Copyright include:
 - literary works such as novels, poems, plays, reference works, newspapers and articles
 - computer programs and databases
 - films, musical compositions, dance & theatrical productions
 - artistic works such as paintings, drawings, photographs and sculptures
 - architecture, advertisements, maps, technical drawings and manuals.
- Copyright comes into existence as soon as the work is created and protects skill & labour employed by the creator in production of his work.

Rights

- ▶ Two Kinds of Rights
 - Moral Rights
 - ❖ To protect personality of author
 - Economic Rights
 - ❖ To bring economic benefits

Moral Rights

- Right of Authorship
- Right of Integrity
 - ❖ Digital Manipulation
 - ❖ No Right for Display
- Inalienable Rights

Economic Rights -1

- ▶ Right of Reproduction (*Shutterstock/Pinterest etc*)
 - ▶ Making copies e.g. an edition of a novel
 - ▶ Storage in computer memory
- ▶ Right of Distribution/Issuing Copies
 - ▶ Digital Distribution
- ▶ Right of Communication to the Public
 - ▶ Public Performance
 - ▶ Internet Communication

Economic Rights- 2

- Adaptation Rights
 - Conversion into another form e.g. literary to drama
 - Abridgement
 - Picturizations, comic formats
- Right to make a cinematograph film or sound recording
- Translation Rights
- Rental Rights
- Resale Rights for original artistic works.

Duration of Copyright

- ▶ Literary, dramatic, Musical and Artistic Works published during life time of author: **Life + 60 years**
- ▶ All Other Works: 60 years from date of publication
 - ▶ Posthumous, Anonymous Works
 - ▶ Works of Government and Organizations
 - ▶ Cinema and Sound Recording
 - ▶ Photograph

TYPE OF COPYRIGHTS	TERM
Literary Work	Life of the Author plus 60 years
Artistic Work	Life of the Author plus 60 years
Musical Work	Life of the Author plus 60 years
Dramatic Work	Life of the Author plus 60 years
Sound Recording	60 years from the date of Publication
Cinematograph Film	60 years from the date of Publication
Photograph	Life of the Author plus 60 years

For Copyright: 4 to 5 Stages

1. *Filing*
2. *Waiting Period (one month) then Scrutiny*
3. *Discrepancy Notice from Office*
4. *Replying to Discrepancy Notice*
5. *Re scrutiny and Hearing, if any and then Granting (Registration Done)*

Author as Owner of Rights: Exceptions

- ▶ Work of Apprentice - to Teacher
- ▶ If teacher writes a book then teacher because he is employed to teach and not write
- ▶ Question Papers - *Paper Setter
- ▶ Encyclopedia, Dictionary - Editor for Collection
- ▶ Music under contract by film producer - Film Producer

**No copyright can be claimed in question papers set for examinations because they are not "original literary, dramatic, musical or artistic works", and therefore do not come within the purview of Section 13 of the Indian Copyright Act, 1957!*

For Filing Copyright: 4 to 5 Stages

1. Filing
2. Waiting Period (one month) then Scrutiny
3. Discrepancy Notice from Office
4. Replying to Discrepancy Notice
5. Re scrutiny and Hearing, if any and then Granting (Registration Done)







How to Get ISBN and Enjoy Copyright:

The ISBN, or International Standard Book Number, is a numeric code that is assigned to each book, whether it is printed or available online. Our experts will assist you in obtaining an ISBN for your books.

<https://vikaspedia.in/e-governance/online-citizen-services/government-to-business-services-g2b/online-application-of-isbn-for-publications>

Creative Commons/Open Source Movement

- Copyleft Movement ‘against’ Copyright!
- *Knowledge is an Outcome of Social Interactions-Belongs to Society!*

Symbol	Name	Rights
	The right to distribute the work	The work can be copied, distributed, and disclosed to the public.
	The right to alter the work	The work can be altered or edited independently; the whole or part of the work can be incorporated into another work.
	The author must be stated	Any time the work is distributed in the original or altered form, details about the original author must be stated.
	The license is to be preserved	If a user alters the work, he/she is obliged to distribute the result under the licence that covered the original work.
	The work must not be used commercially	The user must not generate any profit from use of the work.
	The work must not be altered	Users must not modify or alter the work.



Rights of the Registered Proprietor

- ▶ The proprietor of the registered design has the exclusive right to apply the design to any article in the class in which the design is registered
- ▶ Period of protection is ten years extendable by 5 years.

What is Excluded?

Any mode or principle of construction or anything which is in substance *a mere mechanical device*; Trade mark; Property mark & Artistic work

What is not Registrable?

- A design which is *not new or original*
- A design which has been *disclosed* to the public anywhere in the world prior to the filing
- A design which is *not significantly distinguishable* from known designs or combination of known designs
- A design which comprises or contains *scandalous or obscene matter*
- A design which is *contrary to public order or morality*

NOT REGISTRABLE ARTICLES

- ❑ Calendar, certificates, forms, greeting cards, leaflets,
- ❑ Maps, building plan, medals
- ❑ Labels, tokens, stamps
- ❑ Religious symbols
- ❑ Mere mechanical contrivance
- ❑ Building and construction or real estate
- ❑ Flags, emblems or signs of any country, computer icons Parts of articles not manufactured and soled separately
- ❑ Layout designs of integrated circuits Basic shape, variations commonly used in the trade
- ❑ Mere workshop alteration
- ❑ Mere change in size
- ❑ Any principle or mode of construction of article

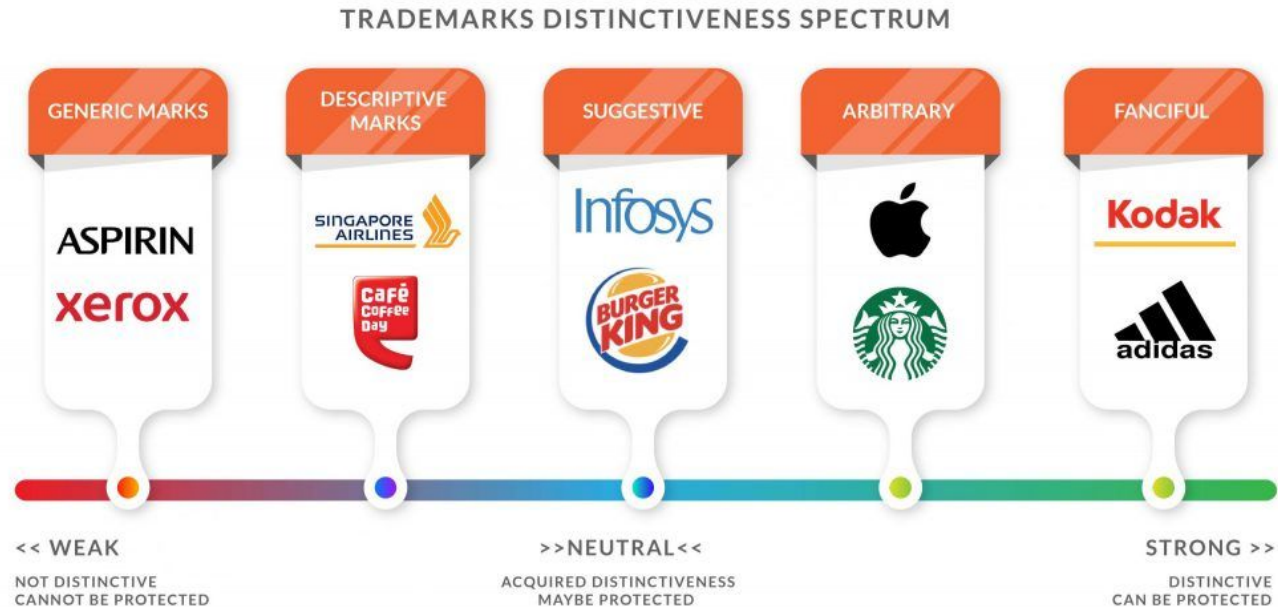
Trade Marks

- ❑ *A name of an enterprise or a Mark capable of being represented graphically, distinguishing the goods or services of one person from those of others e. g., LUX, Godrej, TVS, Telco, 555, APPLE*
- ❑ *Trade Mark can be -*
 - *sign, words, letters, numbers,*
 - *drawings, pictures, emblem,*
 - *colours or combination of colours, sound, 3D mark etc*
 - *shape of goods,*
 - *graphic representation or packaging or*
 - *any combination of the above**as applied to an article or a product.*



Registration of Trade Mark

- ▶ Trade Marks are registered by national trade mark registries and are valid in that country
- ▶ Registration is made after examination and publication
- ▶ Period of registration is for 10 years but can be renewed indefinitely



Kinds of Trademarks

- ▶ Marks on Goods
- ▶ Service Marks
- ▶ Certification Trademark
- ▶ Collective Marks
- ▶ Well Known Marks
- ▶ Trade Names

Trademarks are divided into five different categories, which are ranked by distinctiveness.

Fanciful trademarks

Fanciful trademarks are made-up words which are invented to be used as a trademark name.

The word "Kodak" in a bold, red, sans-serif font.The word "EXXON" in a bold, red, sans-serif font with a stylized 'X'.The word "Polaroid" in a black, sans-serif font, preceded by a small, multi-colored diamond icon.

Arbitrary trademarks

Arbitrary trademarks are words that have a real, common meaning but they are completely unrelated to the product or service.

The word "Dove" in a blue, cursive script font, with a small, stylized dove icon below it.

Suggestive trademarks

Suggestive trademarks are named after a characteristic of the product or service.

The Microsoft logo, consisting of four colored squares (red, green, blue, yellow) followed by the word "Microsoft" in a black, sans-serif font.The word "NETFLIX" in a bold, red, sans-serif font.

Descriptive trademarks

Descriptive trademarks are a description of the product or service.

The word "SHARP" in a bold, red, sans-serif font.The British Airways logo, featuring the words "BRITISH AIRWAYS" in a black, sans-serif font, with a stylized red and blue wing icon to the right.

Generic trademarks

Generic trademarks cannot be protected as they are simply a generic description of the product or service.

The Band-Aid logo, featuring the words "BAND-AID" in a bold, red, sans-serif font, with "BRAND ADHESIVE BANDAGES" in smaller text below.The word "ASPIRIN" in a black, sans-serif font, with a horizontal line underneath.The Thermos logo, featuring the word "THERMOS" in a bold, red, sans-serif font, with "GENUINE" in smaller text above it.

Trade Mark

- ❑ **Service Marks** include banking, education, finance, insurance, real estate, entertainment, repairs, transport, conveying news and information, advertising etc
- ❑ **Certification Trade Marks:** Certified by the Proprietor as having characteristics like geographical origin, ingredients, quality e.g. **AGMARK**, **ISI**, **WOOLMARK** Certification mark cannot be used as a trade mark.



- ❑ Certifies that the goods on which it is applied are made of 100% wool. It is registered in 140 countries and licensed to the companies which assure that they will comply with the strict standards set out by the Wool Mark company, the owner of the mark.

Types of Trade Marks



Product & Service



Certification



Geographical Indicators



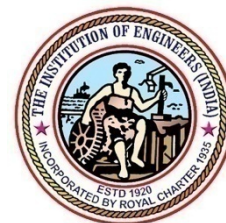
Collective



LOGO

Collective Mark

- ▶ COLLECTIVE MARK is a Mark that distinguishes the goods -or services of members of association from marks of other undertakings
- ▶ Who owns collective Mark ? Association of Persons
- ▶ It could be manufacturers, producers, suppliers, traders or other profession bodies like institute of chartered accountants, test cricketers association etc.



Forms of TM

- Visual: Words, Letters, Numerals, Devices including drawings and symbols or 2-D representations of object or a combination of two or more of these, Colour Combinations or Colour *per se*, 3-D sign as shape of goods or packaging.
- ▶ Audio: Sounds, Musical Notes, Jingles, Signature Music
- ▶ Olfactory: Smells

Word: Times of India THE TIMES OF INDIA

Label: ARMANI 
GIORGIO ARMANI

Logo: Porsche:  **7D+ Fun Corner** 

House Mark: TATA 

Device Mark: Living Device: Crocodile 

Non-Living Device: ANCHOR 

Monogram: RKD (R. K. Dewan & Co) 

Letter Mark: GTC  **GAME TRUCK COMPANY**

Invented Word: KODAK  1987 2006 **Kodak**

Coined Word: AMUL (Anand Milk Union Ltd)  **Amul**
The Taste of India

Surname mark: HILTON HOTELS 

Personal Name Mark: Pravin  **MASALEWALE**

Portrait Mark: Sanjeev Kapoor 

Descriptive (Non-Registrable): Really Good

What is protected and what's not?

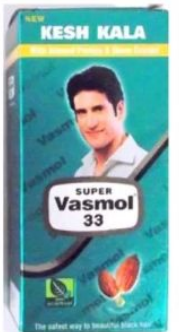
- ▶ Right to use TM in relation to goods/services as registered are **protected** (If TM consists of several parts, protection is for TM as a whole)
- ▶ State Emblems, Official Hallmarks, Emblems of Intergovernmental Organizations cannot be used as TM.

TRADE DRESS REFERS TO THE **TOTAL IMAGE** OF THE PRODUCT


TRADE DRESS

- THREE BASIC FEATURES OF A TRADE DRESS ARE:
 - SHOULD NOT BE FUNCTIONAL
 - SHOULD BE DISTINCTIVE
 - IN CASE OF DISPUTE, WHETHER THERE IS A LIKELIHOOD OF CONFUSION BETWEEN THE PARTIES
- IT INCLUDES FEATURES SUCH AS SIZE, SHAPE, PACKAGE, COLOUR OR COLOUR COMBINATIONS, TEXTURES, GRAPHICS OR EVEN PARTICULAR SALES TECHNIQUES.

The Plaintiff's Product



The Defendant's Product



Copyright © 2021 R. K. Dewan & Co.

Geographical Indications of Goods

What is a Geographical Indication?

Geographical Indication is an indication which identifies goods as **agricultural** goods, **natural** goods or **manufactured** goods as originating, or manufactured in the territory of country, or a region or locality in that territory, where a given **quality, reputation or other characteristic** of such goods is essentially **attributable to its geographical origin**.

Registration

In India, geographical indications have to be registered.

Geographical Indications Registry examines and publishes the application before registration

Registration is valid for 10 years but can be renewed indefinitely

Rights

- ❑ Exclusive right to use the Geographical Indication on the goods
- ❑ Right to obtain relief for infringement of the Geographical Indication

Geographical Indications (GI)

- ▶ Explanation clarifies that GI need not be a geographical name
 - E.g. Alphonso, Basmati
- ▶ Goods include goods of handicraft or of industry and also foodstuff.
- ▶ *Kanchepuram Silk Sarees, Tirupati Laddu, Thirunelveli Halwa, Manaparai Murkku, Mysore Pak, Mysore Malligae, Dharawrd Peda, Hyderabad Briyani, Ambur Briyani, Kovilpatti Kadalai Mittai, Kovilpatti Kaarachevu, Darjeeling Tea, Nagpur Orange, Kolhapuri Chappals etc*



Trade Secrets

- ▶ Some inventions, data, information cannot be protected by any of the available means of IPRs. Such information is held confidential as a trade secret.
- ▶ Trade secret can be an invention, idea, survey method, manufacturing process, experiment results, chemical formula, recipe, financial strategy, client database etc.

When Trade Secrets are Preferred?

- When invention is not patentable;
- Patent protection is limited to 20 years, when secret can be kept beyond that period;
- When cost of patent protection are prohibitive;
- When it is difficult to reverse engineer!

How to Guard Trade Secret?

- Restricting number of people having access to secret information
- Signing confidentiality agreements with business partners and employees
- Using protective techniques like digital data security tools and restricting entry into area where trade secret is worked or held
- National legislations provide protection in form of injunction and damages if secret information is illegally acquired or used.

Plant Varieties and Farmer's Rights

Protection of Plant Varieties (PPV) & Farmers Rights (FR)

- ▶ Registrable varieties and criteria:
 - New Varieties
 - ❖ Novelty, Distinctiveness, uniformity and stability
 - Extant varieties
 - ❖ Distinctiveness, uniformity and stability
- ▶ Persons who can Register
 - Breeders, farmers, universities, agricultural institutes
- ▶ Period of protection
 - 15 years for annual crops
 - 18 years for trees and vines

Rights of Breeders

However, if the breeders' variety is essentially derived from a farmers' variety, the breeder cannot give any authorisation without the consent of the farmers or communities from whose varieties the protected variety is derived.

Farmers' Rights

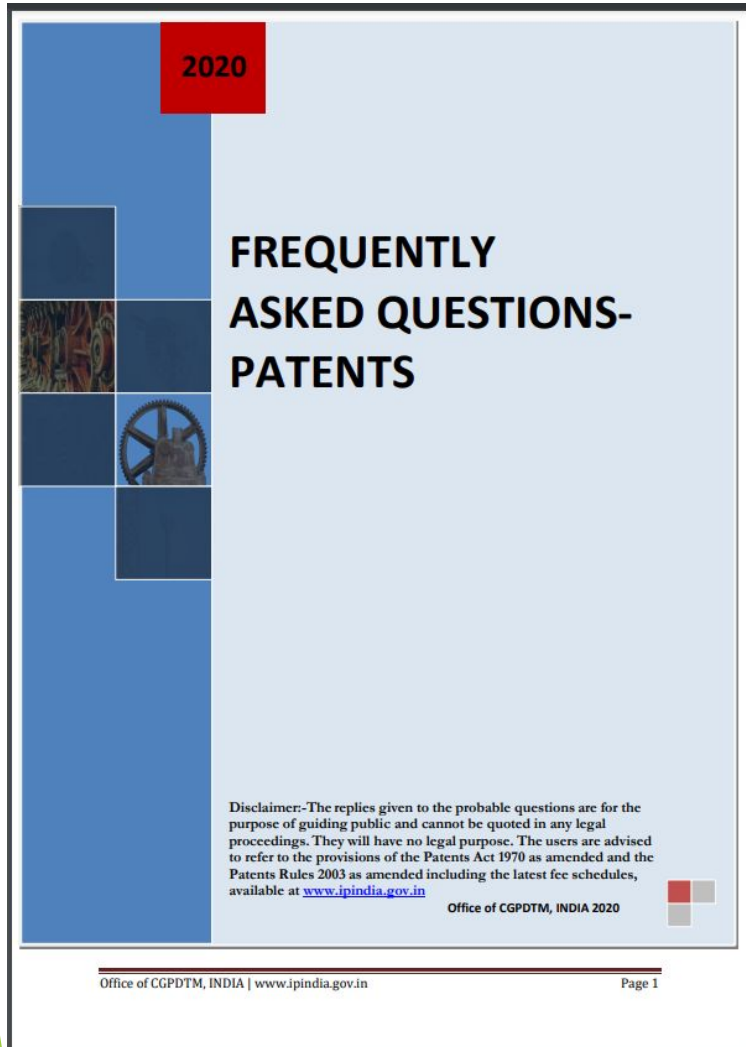
- To save, use, sow, re-sow, exchange, share or sell his farm produce including seed in the same manner as he was entitled earlier (*Seeds for sale should not be branded*)
- Production
- To full disclosure of the expected performance of the Seeds or planting material by the plant breeder. Where these fail to perform in the manner claimed by the breeder, the farmer may claim compensation from the plant breeder.
- Sale
- Marketing
- Distribution
- Export
- Import

Researchers' Rights

Free and complete access to protected materials for research use in developing new varieties of plants.

However, authorisation of the breeder is required “whose repeated use of such variety as parental line is necessary for commercial production of such other newly developed variety”.

International Organisations



Frequently Asked Questions: On Patents

Indian Patent Office:

http://www.ipindia.nic.in/writereaddata/Portal/Images/pdf/Final_FREQUENTLY_ASKED_QUESTIONS_-PATENT.pdf

25 Pages of Booklet from Office of CGPDTM, INDIA. 100 Questions and Answers "On PATENTS" | www.ipindia.gov.in

WIPO: World Intellectual Property Organisation

https://www.wipo.int/patents/en/faq_patents.html#accordion_collapse_01

International Organizations in IP

- World Intellectual Property Organisation
- World Trade Organisation

Licensing of an IP

- Licence is a permission granted by an IP owner to another person to use the IP on agreed terms and conditions, while he continues to retain ownership of the IP
- Licensing creates an income source
- It establishes a legal framework for transfer of technology to a wider group of researchers and engineers
- Creates market presence for the technology or trademark

Patent Cooperation Treaty (PCT)

- **International Preliminary Examining Authority (IPEA)**
- *A PCT application does not itself result in the grant of a patent, since there is no such thing as an "international patent", and the grant of patent is a prerogative of each national or regional authority.*



Patent Cooperation Treaty Members

As of 31 March 2022, there were 156 contracting states to the PCT

Licensing Conditions of IPRs

- ❑ Owners of IP prefer to transfer technology through licensing agreements only
- ❑ All rights or limited rights can be licensed
- ❑ Can be exclusive or non-exclusive or sole (owner and licensee)
- ❑ Most such agreements provide for royalty payment and non-transfer to a third party.
- ❑ Royalties can be upfront, part upfront and part % per production/sale, only % per production/sale
- ❑ The particular uses for which the IP can be used are also generally specified
- ❑ Needs to be careful about the Competition law

Is Licensing Profitable?

- ❑ IBM revenue from patent licensing \$ 1.7 billion (2002)
- ❑ Texas Instruments generated \$ 3 billion in licensing in 10 years
- ❑ US and Canadian Universities generated \$ 1.1 billion in royalties (2001)
- ❑ New York University \$ 109 million (2004)
- ❑ Ohio University to get \$52 M. From royalties on the growth hormone drug SOMAVERT in 5 years (2011)
- ❑ CSIR \$ 150 million in milestone payments + royalty

66

Design Registered

Patent Granted

Copyright Registered

Case Study: Coca-Cola Company Vs. Bisleri International Pvt. Ltd.

May 11, 2021 Vidit Singh



Coca Cola Co.

Bisleri



INTRODUCTION

The case Coca-Cola vs. Bisleri International is an important judgment in India's intellectual property history. Bisleri International, known for its bottled water, was the defendant, while Coca-Cola, a leading soft drink company, was the plaintiff. The dispute was over the trademark Maaza, and the case became known as the "Maaza war."

FACTS

On 18 September 1993, Bisleri International (earlier called Aqua Minerals Pvt. Ltd.) sold its rights for five brands — Thums Up, Limca, Gold Spot, Citra, and Maaza — to Coca-Cola. These rights included the trademark, recipe, goodwill, and technical knowledge. In 2008, Coca-Cola (the plaintiff) applied to register the trademark Maaza in Turkey. When Bisleri (the defendant) found out, they sent a legal notice to Coca-Cola. In the notice, Bisleri canceled the license agreement and told Coca-Cola to stop making or using the Maaza brand. Bisleri said Coca-Cola broke the agreement by registering Maaza in Turkey. But Coca-Cola later found that Bisleri had allowed other companies, like Verma International and Indian Canning Industries, to sell Maaza in Turkey through Aqua Minerals (now Bisleri).

ISSUES-The Delhi High Court had to decide on these questions:

1. Does the Delhi High Court have the power (jurisdiction) to handle this case?
2. Did Bisleri violate (infringe) Coca-Cola's trademark?
3. Can Coca-Cola get a **permanent injunction** (a court order stopping Bisleri from using the trademark)?
4. If the products with the *Maaza* trademark are exported, does that count as trademark infringement in another country?
5. Is *Varma International* involved in this case?

RULES

1. Under **Sections 41(h) and 41(l)** of the **Specific Relief Act, 1993**, the case cannot be dismissed because there was a valid agreement between Coca-Cola and Bisleri. Therefore, Coca-Cola (the plaintiff) has the right to get a **permanent injunction** to protect its exclusive rights.
2. Under **Section 42** of the same Act, Bisleri (the defendant) cannot use the *Maaza* trademark. This section says that the plaintiff can get an injunction only if they have followed and completed their part of the contract.

ARGUMENTS

Plaintiff's Argument (Coca-Cola):

Coca-Cola said that the *Maaza* trademark belonged to them in India. So, if Bisleri made or sold any product using the *Maaza* name — either in India or by exporting it to another country — it would break (infringe) trademark and intellectual property (IPR) laws.

Defendant's Argument (Bisleri):

Bisleri said that there was no trademark violation because the product was being sold in **Turkey**, not in India. They also said that they had registered the *Maaza* trademark internationally, so they had the right to sell it anywhere in the world.

DISCUSSION AND RESULTS

1. Similarity of Names:

The disputed domain name includes the trademark **COCA-COLA**, along with “.eu” and “.com.” These extra parts don’t make it different from the original trademark. So, the domain name looks **almost the same** as Coca-Cola’s trademark. The court said it was **confusingly identical** to Coca-Cola’s name.

2. Rights or Legal Interest:

The people who registered the domain name argued that anyone could register such a name, so they had the right to do it.

But the court said just registering a name doesn’t mean you own it or have legal rights to it. Since Coca-Cola is a **well-known brand**, it was clear that the registrants had **no real right or legal interest** in using that domain name.

Result:

The court decided that the domain name **belonged to Coca-Cola** and the respondents had **no legal rights** to use it. the domain name. The Respondents have no rights or legal interests in the contested domain name, according to this Panel.

Used in bad faith:

The evidence showed that the first respondent (person who registered the domain name) tried to **sell the domain name** to Coca-Cola in order to **raise money** for another person’s new political group.

This clearly proved that they registered the domain name **just to make money** by selling it to Coca-Cola for a high price — much more than what they spent to buy it.

According to the rules (Policy paragraph 4(b)(i)), the court decided that the domain name was **registered and used in bad faith** — meaning it was done **dishonestly and for profit**, not for genuine use.



COURT'S DECISION

The defendant (Bisleri) said the court had no right to hear the case because the problem happened outside India. But Indian law says if an Indian citizen breaks the law even in another country, they can still be punished in India. Since the products were made in India and sold in Turkey, the Delhi High Court has the power to handle the case. The court stopped Bisleri from selling the *Maaza* product in India and stopped them from using the *Maaza* trademark for now (this is called an **interim injunction**). This was to protect Coca-Cola from losing money or damage. Bisleri's appeal against this order was rejected.

However, the court said Bisleri can still sell the product in other countries. The court only stopped sales inside India, not exports to other countries.

Bisleri International owns the *Maaza* trademark worldwide, while Coca-Cola only owns it in India. So, if Coca-Cola tries to take all the rights to the trademark everywhere, it wouldn't be fair for Bisleri. Coca-Cola can't stop Bisleri from making and exporting the product just like that.

But during the investigation, it was found that a company called Verma International was exporting the *Maaza* product to Australia. The court said this was trademark infringement because the product was made in India and then sold to other countries. Exporting is considered like selling inside the country.

Because of this, Verma International was made part of the case. The court stopped Verma International from selling the product further, which saved Coca-Cola from losing a lot of money.



CONCLUSION

Trademark is one of the crucial aspects of IPR. It covers brand names and uses to signify business and products which cannot be used by any other company. Bisleri was neither held liable for manufacturing and exporting the product nor sharing the secret ingredients with Varma International due to a lack of proof. There is a high probability that bisleri has shared the secret beverage base with Varma International. However, Varma international was held liable for infringement of trademark laws and was restricted from exporting or selling the product of the coca-cola company illegally.