

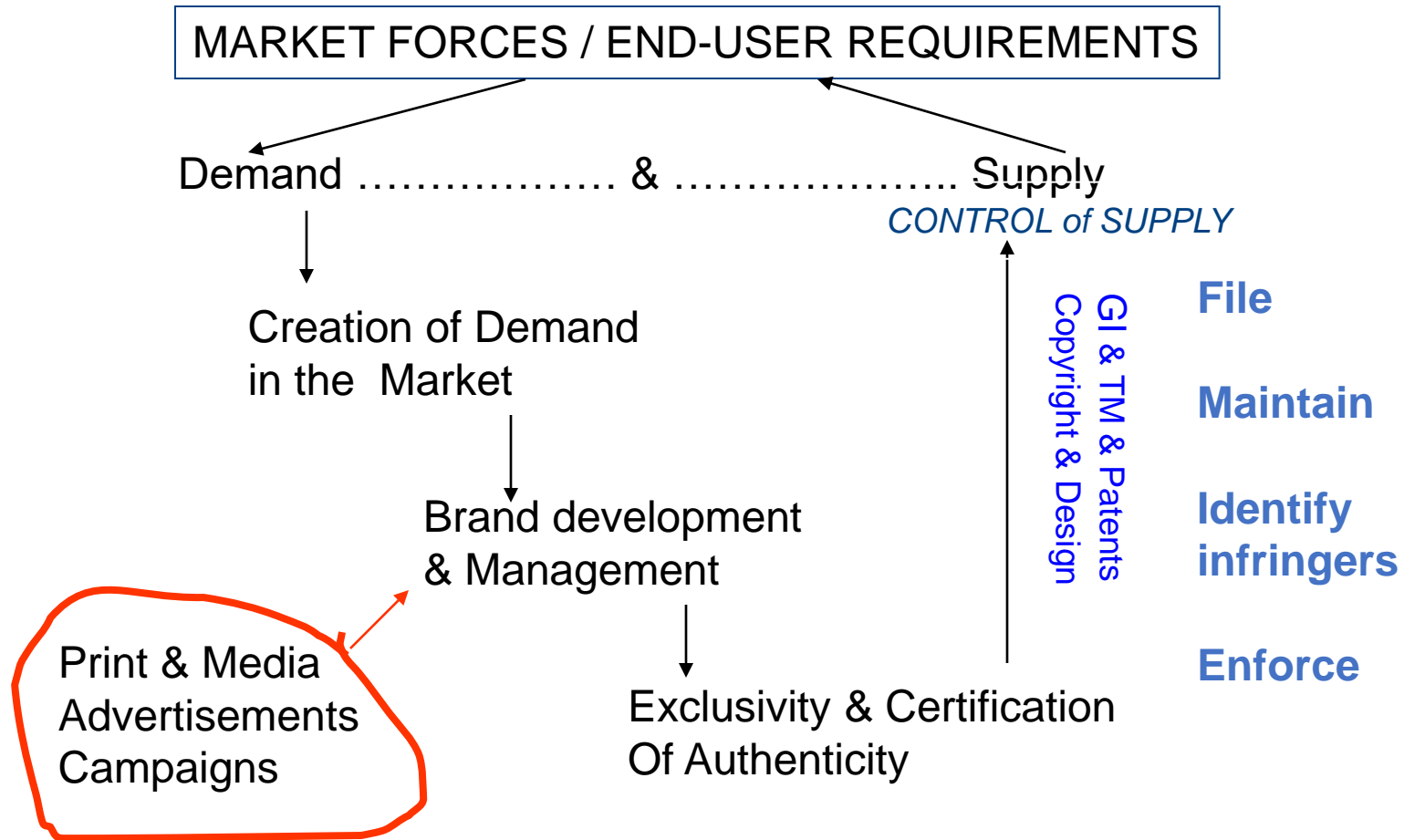
**MAURITIUS RESEARCH AND INNOVATION COUNCIL**  
**WORLD INTELLECTUAL PROPERTY DAY 2022**

**IP & YOUTH : INNOVATING FOR A BETTER FUTURE**

**IPR Challenges & Opportunities of Start-ups & the MSME Sector**  
**– Some learnings from the Indian Journey**

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# RELEVANT QUESTIONS

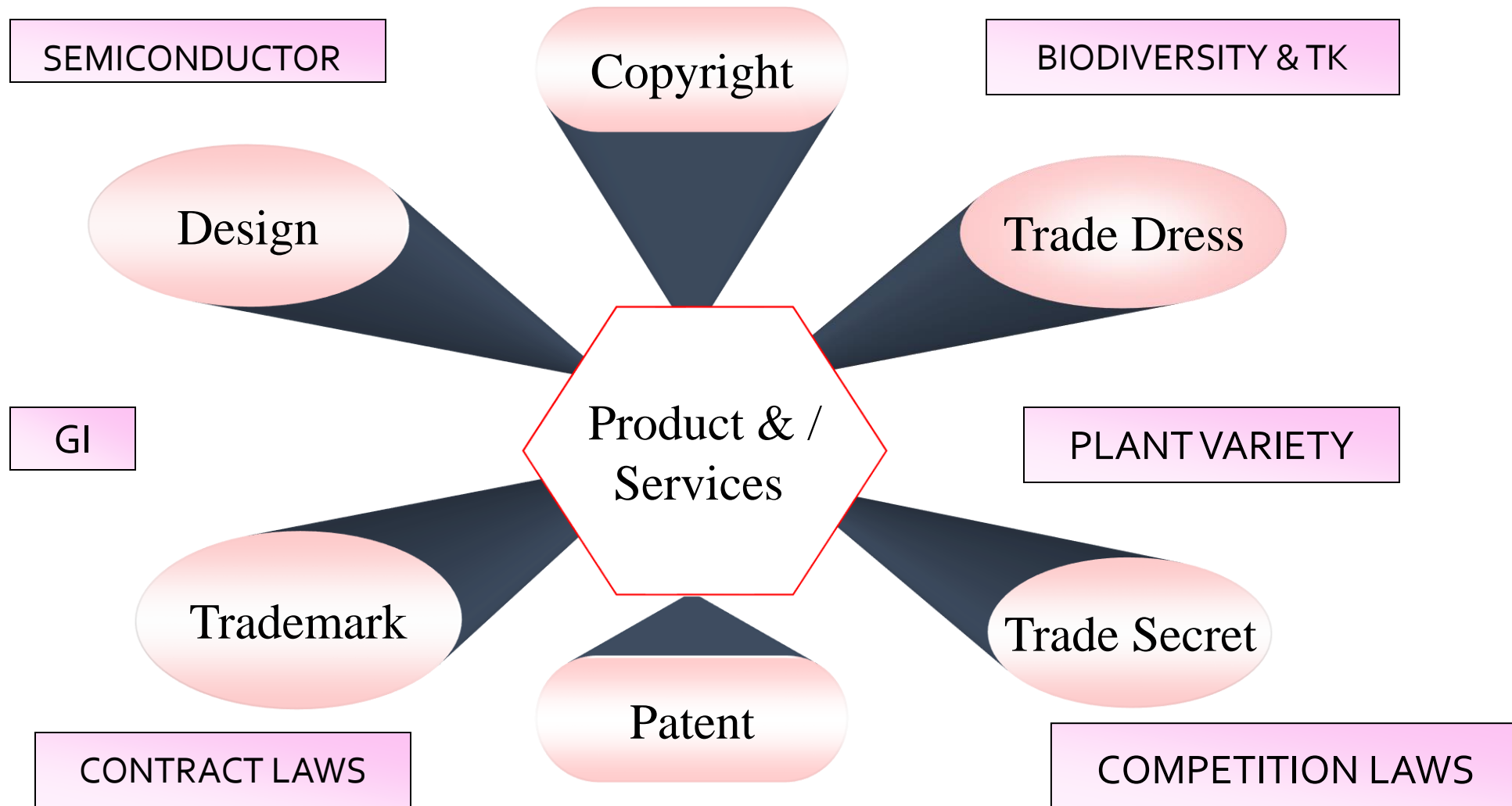
**ASK THE 6 'W's AND 1 'H' at different points in time :**

- **WHAT** – WHAT is Intellectual Property (IP) & Intellectual Asset (IA)
- **WHY** – WHY do we have to protect IP
- **WHO** – WHOM do we approach to protect IP
- **HOW** – HOW to proceed with filing / using the IP
- **WHEN** – WHEN can the IP be filed / uses / infringement
- **WHERE** – WHERE can I sue for infringement
- **WHICH** - WHICH IP is applicable for a particular negotiation

**CAN I/MY COMPANY BE SUED FOR INFRINGEMENT BY THIRD PARTY**

- **WHAT CAN I DO TO PROTECT MY COMPANY**

# INTEGRATED MANAGEMENT OF IPs AND IAs



# IPR

# WHAT IS PROTECTED

- **PATENTS** INVENTIONS THAT IS NEW, INVENTIVE STEP, INDUSTRIALLY APPLICABLE (Check **UTILITY PATENTS** under 2019 Law)
- **TRADEMARKS** MARKS, LOGOS REPRESENTING GOODS OR SERVICES
- **COPYRIGHT** ART, MUSIC, LITERATURE, FILM (INCLUDES PAMPHLETS ON PRODUCTS)
- **DESIGNS** FEATURES OF OBJECTS, PRODUCTS VISIBLE TO THE EYE
- **PLANT VARIETY** NEW VARIETIES THAT ARE NOVEL, DISTINCT, UNIFORM & STABLE
- **TRADE SECRET** INFORMATION & KNOW-HOW THAT GIVE EDGE OVER COMPETITION
- **GEOGRAPHICAL INDICATION** GOODS PRODUCED OR MFGD, EVOCATIVE OF A REGION

# SOME MORE POINTERS FOR AN IP PORTFOLIO

- **Contract Act** – unless you understand the contract – **DO NOT SIGN** or get a reliable lawyer to vet the clause **BEFORE** signing.
- Contracts may be for NDA, Collaboration, licensing-in, licensing-out
- IP may be **created in-house** OR **licensed in**
- Create an IP Portfolio of patents, trademarks, copyrights, design, trade secrets, domain name and vet it time and again – **IP AUDIT**
- Gather **COMPETITIVE INTELLIGENCE**
- Perform a **SWOT Analysis**
- Due diligence is very important –
  - **BEFORE FILING** - Trade mark / prior art searches
  - **BEFORE ENTERING MARKET** – Freedom-to-Operate (FTO) search

# Did you know?

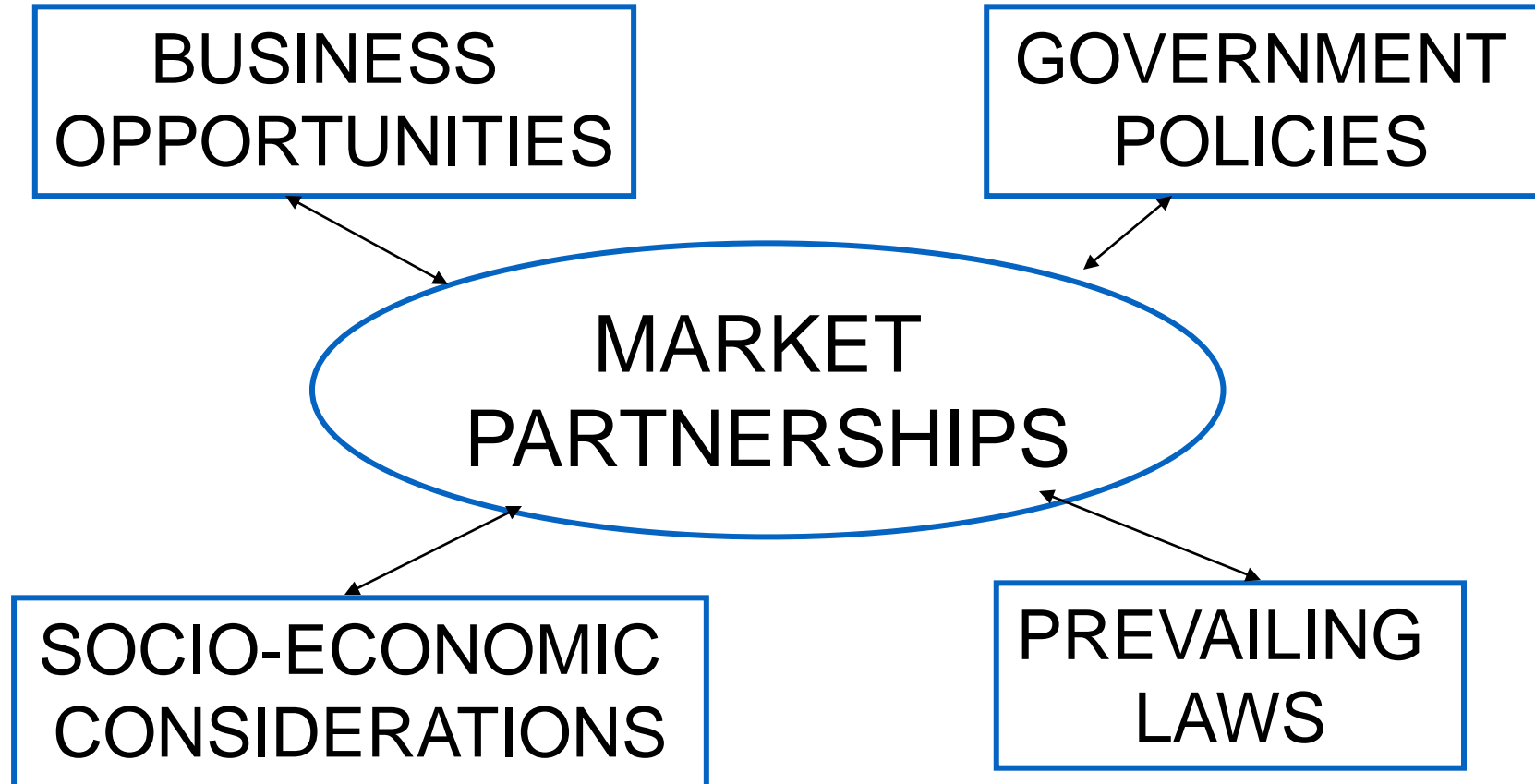
Did you know that Volkswagen purchased Rolls Royce Motor Company without realizing that they did not own Rolls Royce name and its trademark, and that name and trademark was owned by BMW, a direct competitor to Volkswagen?

So, VW purchased all rights to manufacture Rolls Royce car along with the Rolls Royce factory and staff in Crewe, UK, but did not have any rights to brand it with the same name.

Neither they had any engines for its car as BMW was producing engines for Rolls Royce; since Rolls Royce factory in Crewe was manufacturing both Rolls Royce and Bentley cars.

Eventually, after lot of twist and turns, BMW finally became Rolls Royce owner in 2003 and is now its exclusive manufacturer. VW is now sole manufacturer of Bentley cars.

# BE ALERT & AWARE





**Phool.co** an Indian Institute of Technology (IIT) Kanpur-backed biomaterial startup has developed 'fleather'—bio-degradable vegan leather made from discarded temple flowers.

Made from discarded flowers, fleather will not only bring relief to animal activists but also solve the problem of floral waste. Check out <https://phool.co/> for the products



Intrigued by the formation of a leather-like white layer on unused piles of flowers, Phool.co's R&D team discovered the growth of a micro-organism which used flower petals as a nutritional source

(Photo Credit : Hindustan Times)

# LAST THOUGHTS...

## IP PORTFOLIO MANAGEMENT REQUIRES ONE :

- To know your intellectual property rights;
- To effectively secure / register your IPR'S;
- To have a good network of information;
- To conduct periodic IP Audit
- To develop a workable enforcement strategy;
- To regularly allocate funds in anticipation;
- To enforce your rights vigorously & strategically.

# CONCLUSION – IP PORTFOLIO MANAGEMENT

- NO BUSINESS STRATEGY WITHOUT IP STRATEGY
- IPR IS AN INVESTMENT NOT COST
- IP PORTFOLIO MANAGEMENT BASED UPON FUTURE IP VALUE CREATION
- IP PORTFOLIO CONSISTS OF
  - in-house generated IP
  - acquired IP
- ACCESS TO 3<sup>RD</sup> PARTY IP
  - license-in
  - cross-licenses
- IP VALUE CREATION = Cash + Non-cash Benefits

INTELLECTUAL PROPERTY IS OF VITAL IMPORTANCE TO  
GLOBAL ECONOMY

THANK YOU

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