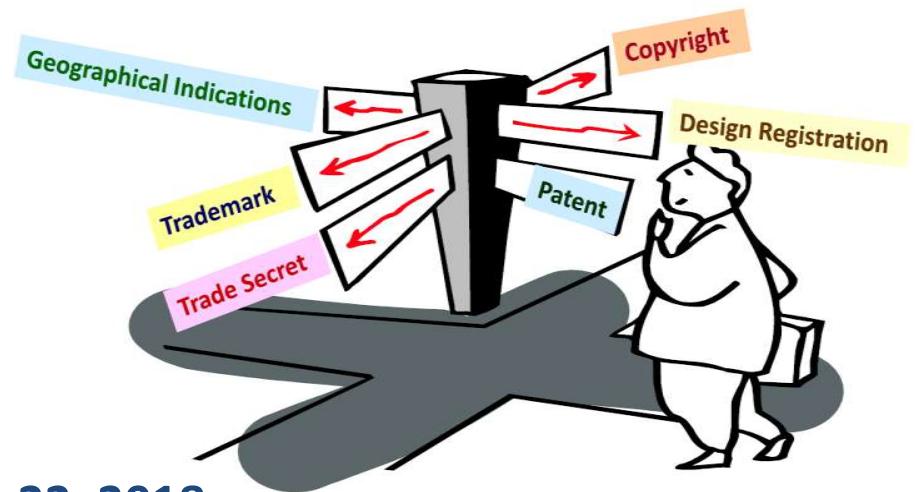


# *“Intellectual property”*

*By: Tarun*



I have an innovation .... How do I protect it in the market ???



September 22, 2018

# INTELLECTUAL PROPERTY

The term 'intellectual property' (IP) refers to property created with the use of human intellect.

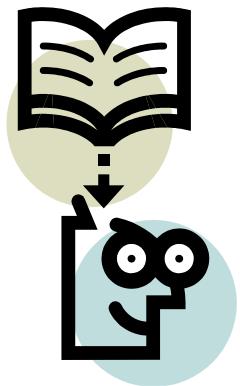
IP refers to all creations of mind which are vested with the status of property because of the commercial value associated with the intellectual creation. i.e. inventions in all fields of human endeavor, scientific discoveries, industrial designs for article, literary & artistic work, symbols etc. used in commerce.

## Nature/ characteristics of Intellectual Property:

- Creation of human mind (Intellect)
- Intangible property
- Exclusive rights given by statutes( a written law)
- Time-bound and Territorial/Jurisdictional



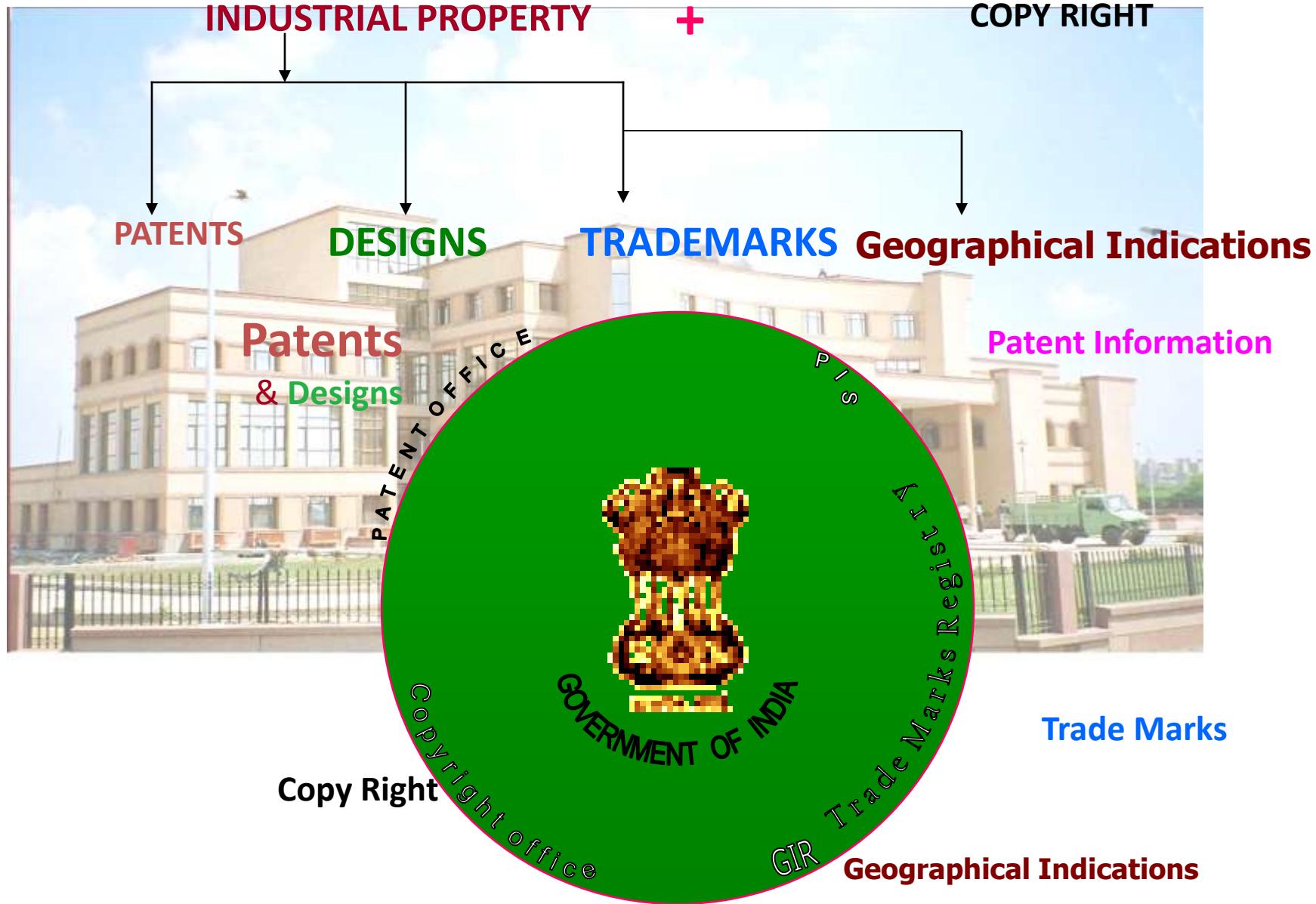
# What is Intellectual Property Right (IPR)?



## Intellectual Property Right

- not to be confused with IP
- it is a right vested in the asset, not the asset itself
- e.g.
  - an idea / invention is IP, a patent registration is an IPR
  - a customer / price list is IP, a right of confidentiality is an IPR
  - a secret production method is IP, a right to a trade secret is an IPR
  - a particular way of representation is IP, copyright or a design registration is an IPR
  - a brand / trade name is IP, a trade mark registration is an IPR

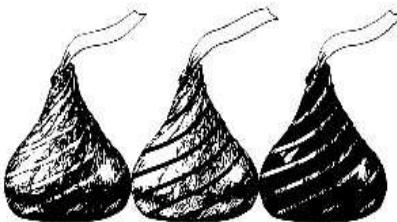
# Intellectual property in India



# INDUSTRIAL PROPERTY

Patents	Designs	Trade-Marks	Geographical Indications
Inventions relating to constructional features	any modification in shape, pattern, configuration	Word Name Logo	Indications of source origin or geography
e.g. Safety Valve, Mechanism of a PRESSURE COOKER	e.g. shape of a handle or body portion of a pressure cooker	e.g. for same Pressure Cooker “PRESTIGE” “HAWKINS” “MAHARAJA”	Darjeeling tea Kanchipuram sarees Kolhapuri chappals

# 'Trade Mark' – Definition under the Trade Marks Act 1999



Trade mark means, a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours....

"mark" includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any combination thereof;



[S. 2 (1) (zb) Trade Marks Act 1999]

Coca-Cola

JUST DO IT.

TOYOTA

amazon.com



# Notice of Registration

®

TM

\_\_\_\_\_ is a  
trademark/service  
mark of \_\_\_\_\_

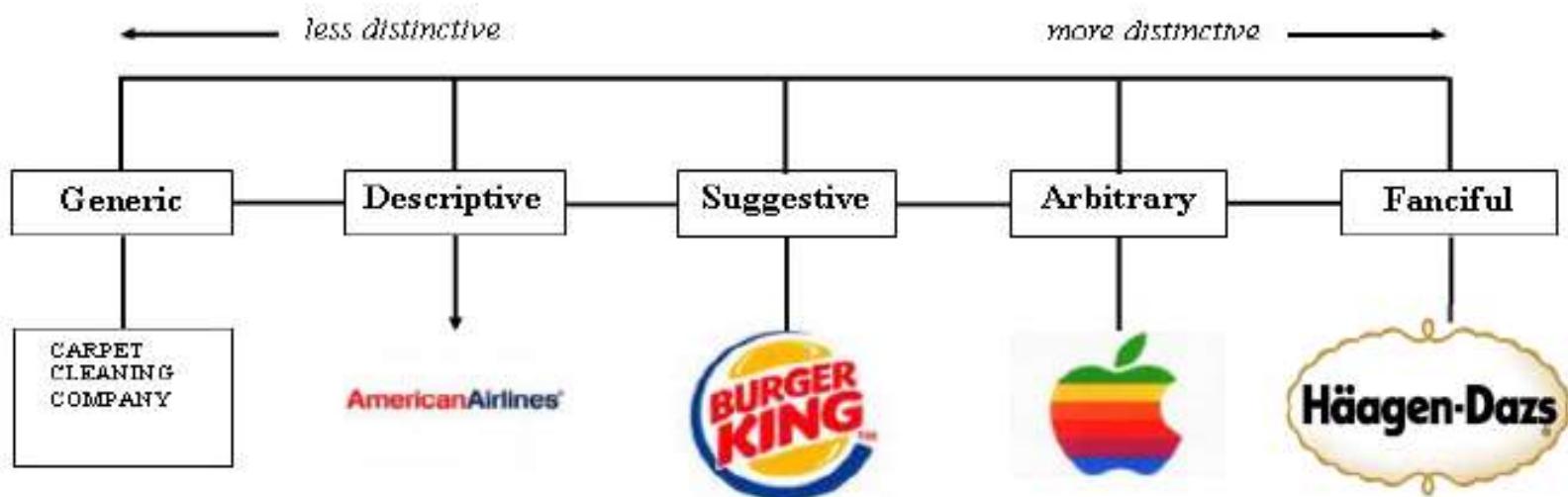
SM

# Purpose & functions of a Trademark

- To identify the origin of the product/service.
- To distinguish the product/service of the proprietor from those of others.
- To guarantee the quality of the product/service, and
- To advertise the product/service.

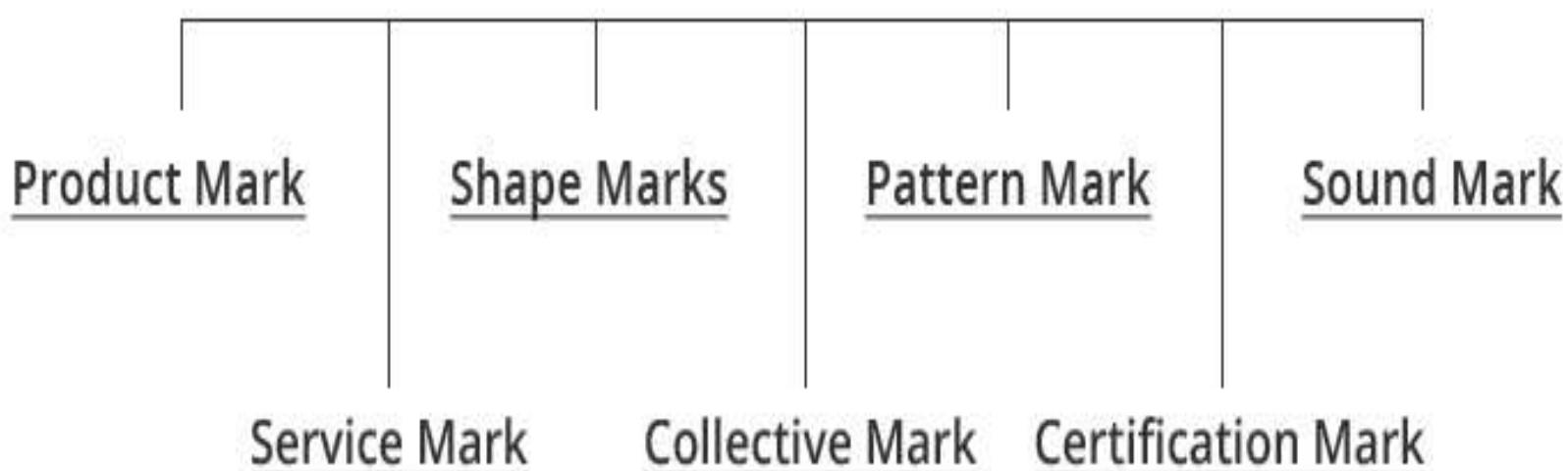
# Selecting a Mark

## Distinctiveness Spectrum



The more distinctive the mark, the greater its level of legal protectability. Generic marks are not capable of trademark protection. Descriptive marks are capable of protection only with a showing of secondary meaning.

# **TYPES OF TRADEMARK IN INDIA**



# Product Mark

- A product mark is similar to trademark only, but it is to identify the products or goods instead of services. Herein the product is the unique selling feature of the company. Initially, TM, which states that the mark is not yet registered. Once they are registered, they have to use ®.
- **Examples:** Pepsi®, Maggi®, PHILIPS® etc.



# Service Mark

- This type of trademark is used to identify and distinguish the services rather than the products.
- Like intangible products , transport, communication or other utilities such as electricity, water, routine maintenance or repair work, etc.
- The Service marks have their particular symbol which is SM and not TM.

A very prominent **example** is McDonald's, which is a service mark for restaurant services.



# Collective Mark

A **collective mark** is owned by a collective, whose members use the collective mark to identify their goods and services and to distinguish their goods and services from those of non-members, and to indicate membership in the group.

- **Examples** are like "CA" device is used by the members who fall under Institute of Chartered Accountants; another example is "CPA" which denotes members of the Society of Certified Public Accountants.



# Certification marks

Certification marks are used to define "standard" of goods and services.

**Example:** Woolmark, which is certified for the fabrics on clothing, Agmark, and ISI.



WOOLMARK



# Shape Marks

To sum up shape trademarks, it has facilitated promotion of products and emerged into the trademark type after the technological advancement of graphics and other forms of animation technology. The graphical representation which is able to make a difference amongst the products can be shape marked. An example can be the Galliano liquor bottle.



# Pattern Mark

- The general meaning of pattern is a repetition of similar design, so it is a type of trademark wherein the pattern is able to distinguish the product and services of one brand from another. These are difficult to be distinguished and have high chances of infringement with near similar designs.
- They at times, fail to make a distinction and the registration would not be accepted unless they have evidence of distinctiveness.



Example 1



Example 2

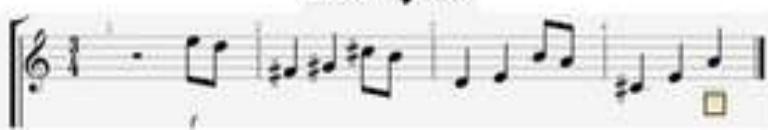


# Sound Mark

- The sound graphics that distinguish the products and services of one from the other.
- The sound logo can comprise musical notes, words and sound graphics. The first Sound Mark to be registered in India was Yahoo yodel followed by Nokia tune.

Nokia Tune  
Nokia

Standard tuning  
Moderate  $\text{♩} = 120$



# Loss of Rights

- Improper use
- Genericide
- Non-use
- Improper assignment or licensing
- Failure to police
- Failure to renew
- Cancellation

# Benefits of Registration of a trademark

- Registration is prima facie evidence of proprietorship of the trademark
- It gives the exclusive right to use the trademark in respect of goods/services; and to take legal action in case of infringement
- The registered proprietor may assign or license the trademark as any other property
- The registered proprietor can enjoy the Goodwill associated with registered trademark forever, if the mark is renewed from time to time

# **Steps for registration of trademark in India**

- Select a good trademark**
- Apply for registration on appropriate form with appropriate fee**
- Classify your goods & services and specify them properly**
- Apply before appropriate office of the Trade Marks Registry; and**
- Respond to office queries/notices properly and on time**

# Selecting a good Trademark

## Go for a trademark which is-

- Easy to speak & spell* (in case of word mark),
- Appealing and easy to remember or recollect.*
- invented or coined* word, unique monogram, logo or a geometrical device

## Don't go for a trademark -

- Which is not capable of distinguishing your goods or services* from those of others- like one/two digit letters or numerals, common surnames/ names, words or pictures of the product concerned, etc. ....[Section 9(1)(a)]
- Which refers to character or quality of goods/services* concerned, which indicate geographical origin, which are common to trade,..[Section 9(1) (b) & (c)]
- a deceptive, scandalous or offensive matter or a matter prohibited by law to be used as a trademark,.....[Sections 9(2)(3) & 13 ]
- a mark which is same/similar to an already existing trademark,...[Section 11]

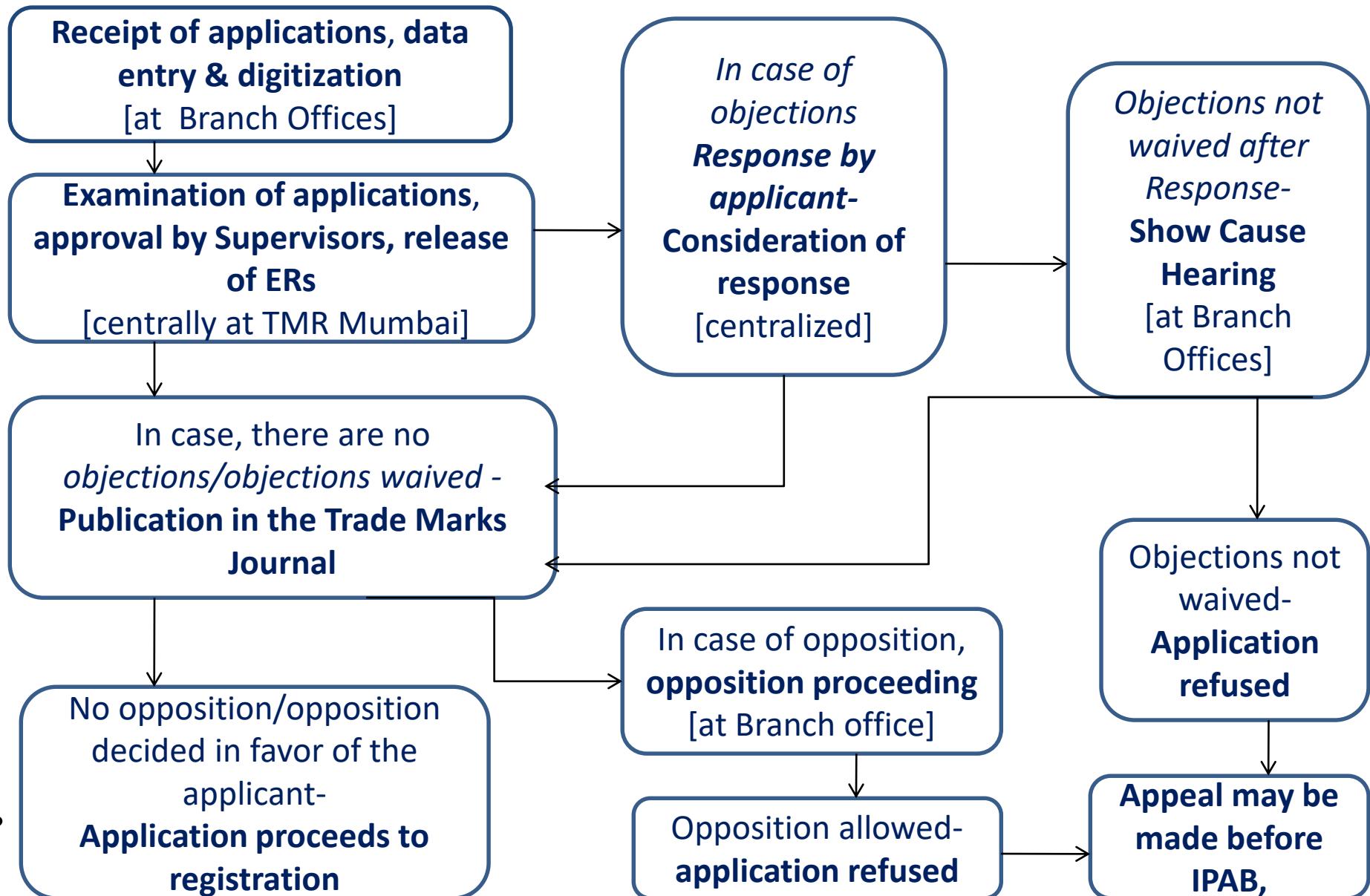
# **Appropriate form and fee**

**At present there are many forms prescribed for filing new applications depending on the nature of application such as Form TM-1, TM-2, TM-51, TM-52 TM-3, TM-8 etc.**

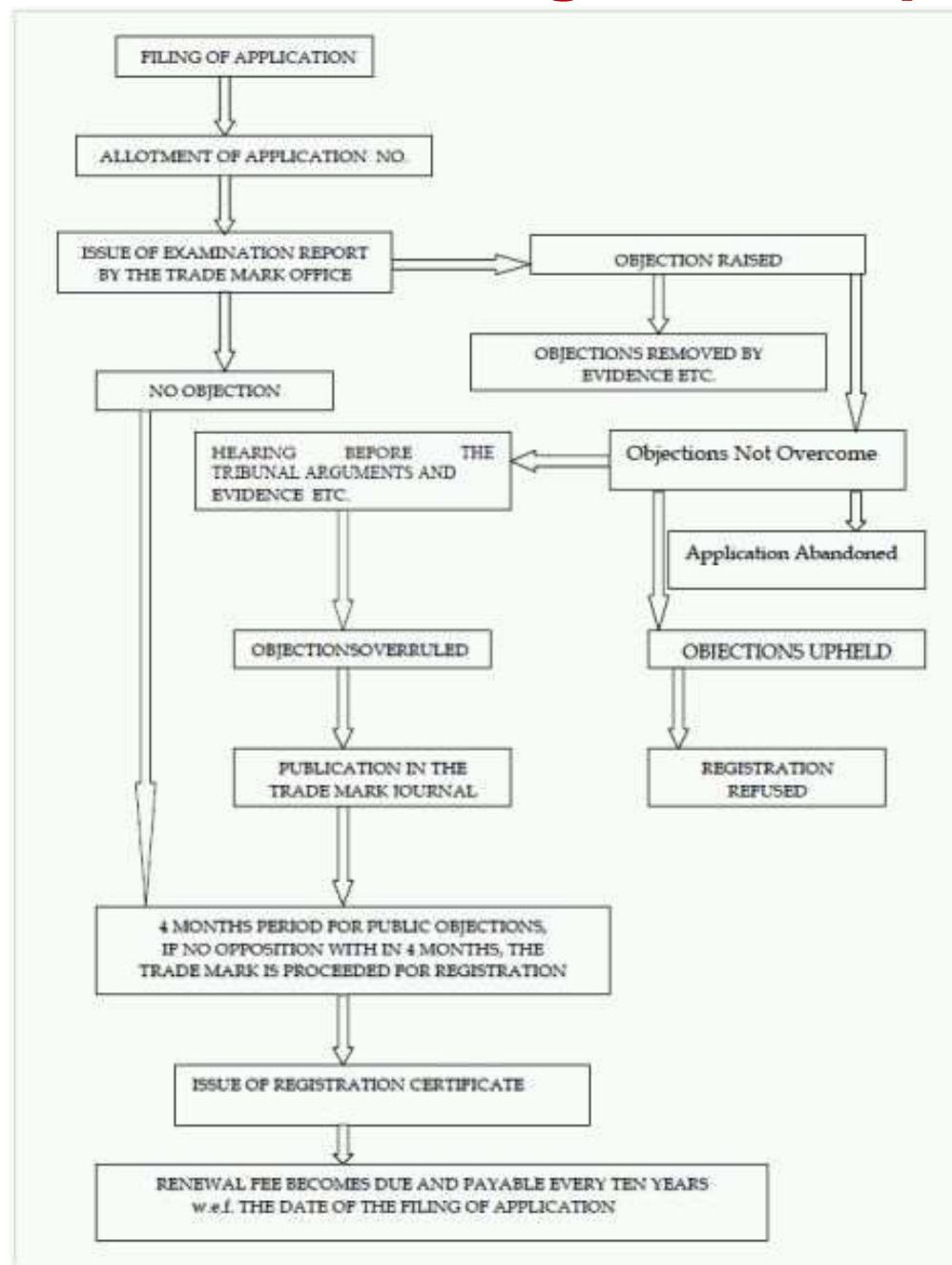
**Fee ordinarily Rs.4000/-per class**

**[In the proposed revised rules there will be only one form for all types of applications for registration of trademarks.]**

# Steps involved in registration process



# Steps involved in registration process



[Register](#)[Sign In](#)**Government of India****Ministry of Commerce & Industry****Department of Industrial Policy & Promotion****Controller General of Patents Design & Trade Marks****Online Filing of Trade Marks****INTELLECTUAL PROPERTY INDIA**  
PATENTS | DESIGNS | TRADE MARKS  
GEOGRAPHICAL INDICATIONS

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The International Trademark System

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<https://ipindiaonline.gov.in/trademarkfiling/online/welcome.aspx>

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RA

Apps Sign in to Yahoo India Standard Chartered ... Credit Card Paymen... NICEMAIL(WSRV3) v... Tourism Commissio... XE - The World's Fa... Employment News UPSC

Welcome TEST ATTORNEY [Attorney : 7900] Sign out

Government of India  
Ministry of Commerce & Industry  
Department of Industrial Policy & Promotion  
Controller General of Patents Design & Trade Marks

Online Filing of Trade Marks

Intellectual Property India  
PATENTS TRADEMARKS TRADE MARKS  
GEOMARKS INDICATIONS

**IAO**

New MM2(E)  
Application  
Deficiencies  
Irregularities  
Forwarded Requests  
Refused Requests  
Query  
Filed MM2  
Applications  
Payment  
Pending Payment  
Drafted MM2  
Applications  
Payment History

Payment of deficit application fee (Fee revision with effect from 01/08/2014) can be made by filing MIS-E form available under Other Forms Tab

**New Applications**

**Form Filing**

**Agent**

**RTI**

**Other Forms**

**Update Application/Forms**

**Form History**

**Payments**

17:23  
18-07-2015

Personalized Home page Controller General of Patents E-Filing of Trademarks RA X

https://ipindiaonline.gov.in/trademarkfiling/WipoMMForms/MM2.aspx

Apps Sign in to Yahoo India Standard Chartered... Credit Card Payment... NICEMAIL(WSRV3) v... Tourism Commission... XE - The World's Fa... Employment News UPSC

**IAOI**

- New MM2(E) Application
- Deficiencies
- Irregularities
- Forwarded Requests
- Refused Requests
- Query
- Filed MM2 Applications
- Payment
- Pending Payment
- Drafted MM2 Applications
- Payment History

**New Applications**

**Form Filing**

**Agent**

**RTI**

**Other Forms**

**Update Application/Forms**

**Form History**

**Payments**

**Previous Version eFiling**

**Control Panel**

**Downloads**

**Contact Us**

**MM 2**

[Guidelines to fill up the MM2\(E\) form](#)

Contracting party whose office is the office of origin : India

**1 Language :**  English  French  Spanish

**2 APPLICANT'S DETAIL**

Applicant's Name :

Address :

Telephone No :

Mailing Address :

Post Code:

Email : uchilcs@gmail.com

Fax No. :

Country : India

Nationality : India

Legal Nature :

Place Incorporation : India

Preferred Language :  English  French  Spanish

**3 ENTITLEMENT TO FILE**

Where the Contracting Party is a State, the applicant is a national of that State; or  
 where the Contracting Party is an organization, the name of the State of which the applicant is a national; ; or  
 the applicant is domiciled in the territory of the Contracting Party or  
 the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting Party

**Add Applicant**

No Applicants Added.



# Got an Inventive Idea?

If you have an invention or  
inventive idea

## What do you do?

- Publish a Paper
- Start Manufacturing

- Protect your invention
- Apply for **Patent**



# Patent



- A patent is a statutory grant by Govt for new inventions conferring certain monopoly rights on the grantee for a defined period, subject to certain conditions ie **Exclusive rights given to a person in return for a full and complete disclosure of the invention** for which the patent is claimed

- Patent rights are territorial
- Term: 20 years from date of filing
- Aim
  - Encourage industrial development
  - Encourages complete disclosure
  - Prevents duplication
  - Focus on commercial relevance
  - Prevents exploitation of researchers
  - Revenue generation
  - Source of technical information



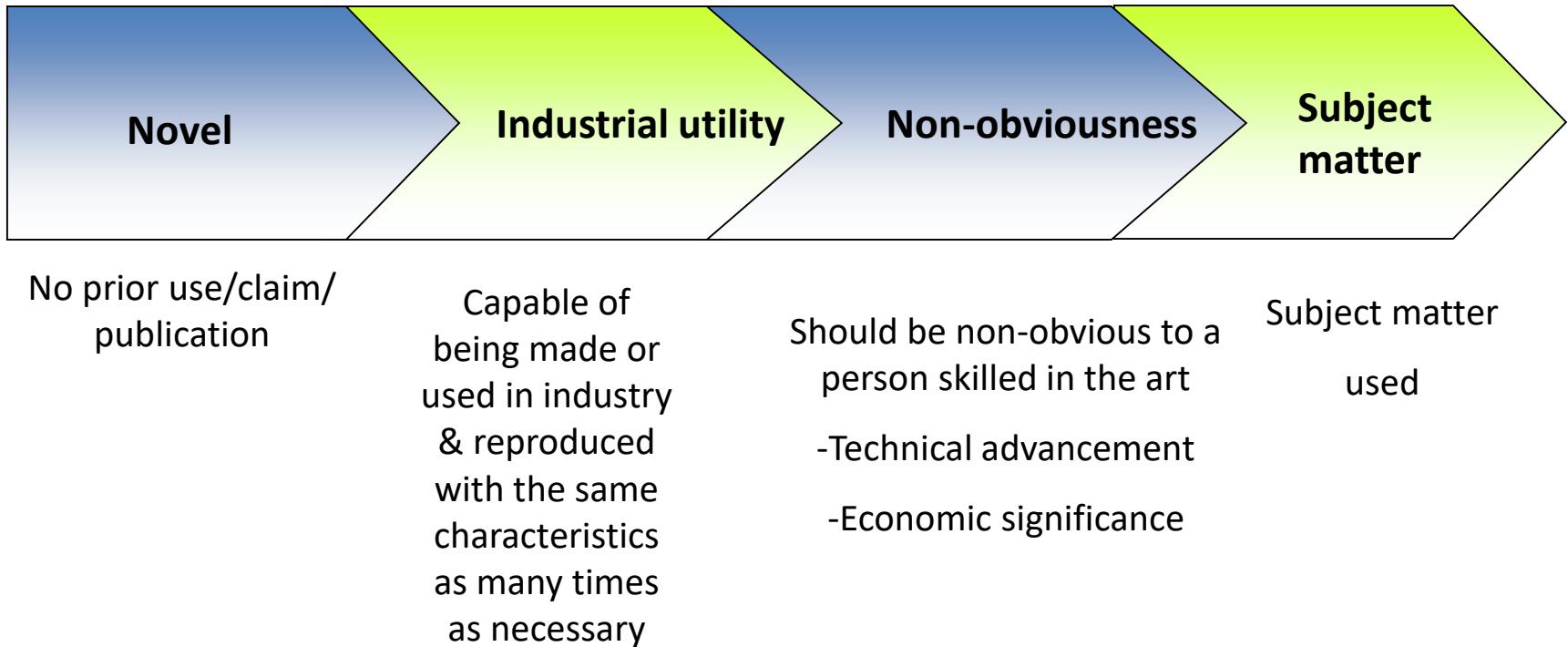
# A punkah pulling machine (February 28, 1856)



# What Can Be Patented

- ❖ **Process or Method**
- ❖ **Machine or Apparatus**
- ❖ **Article of Manufacture**
- ❖ **Composition of Matter**
  - « **Chemical Compounds**
  - « **Physical Mixtures**
- ❖ **Improvements of Any of the Above**

# Patentability Criteria



“Any thing under the sun cannot be patentable”

# Novelty

- Novelty mean that the subject matter **SHOULD NOT BE**
  - PUBLISHED IN **ANYWHERE IN THE WORLD** PRIOR TO THE PATENT APPLICANT INVENTING IT
  - IN **PRIOR PUBLIC KNOWLEDGE OR PRIOR PUBLIC**, BUT NOT NECESSARILY PATENTED OR PUBLISHED
  - USE, SALE, MANUFACTURE, & DEVELOPED **ANYWHERE IN THE WORLD**
  - CLAIMED BEFORE IN A PATENT SPECIFICATION **ANYWHERE IN THE WORLD**

A Novel subject is not part of state of the art.

(state of the art comprise product, process, or information  
in public domain)

# Novelty Search

- Novelty is determined before inventive step (or Non-obviousness) because the creative contribution of the inventor can be assessed only by knowing the novel elements of the invention
- The Novelty Search is conducted to see whether the invention is **anticipated** by any prior art



# What are Anticipations

## Anticipation

### **Dictionary Meaning:**

- A prior action that takes into account or forestalls a later action
- Visualization of a future event or state

### **Meaning w.r.t. to Patents:**

- Any description of the invention which destroys the element of novelty of the invention



# Anticipation criteria to determine novelty

- If it was available publicly before the priority date
- Planting the flag test
  - Prior publication shall have clear and unmistakable direction to do what patentee claims to have invented
  - Sign post to invention is not enough
  - Prior inventor must be clearly shown to have planted his flag at precise destination and before the patentee



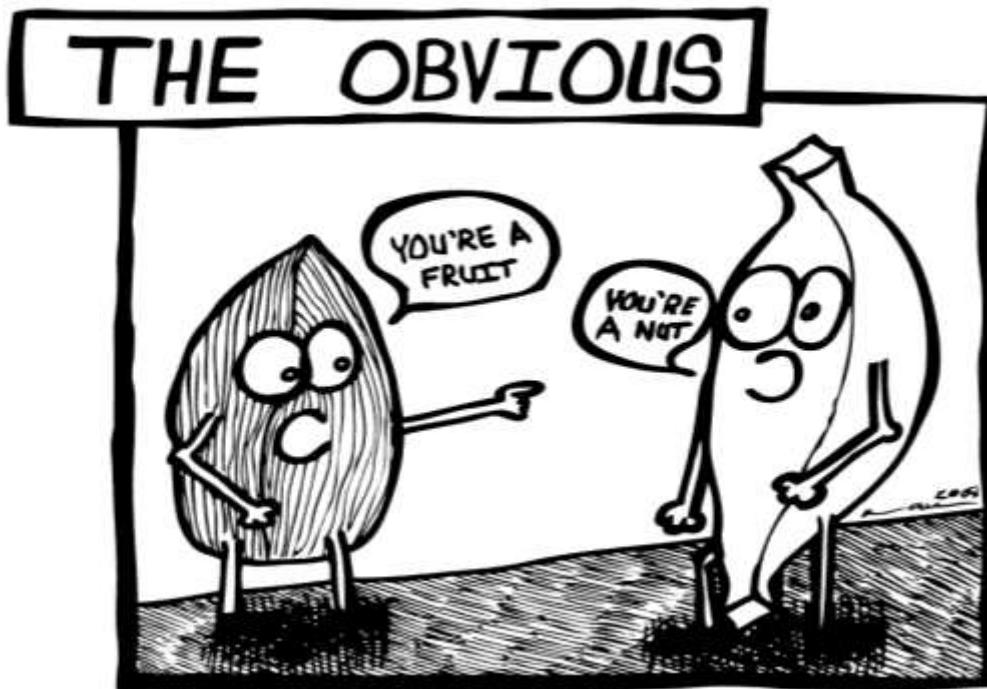
# Doctrine of anticipation to determine novelty

- 35 U.S.C. 102 sets forth the doctrine of anticipation by requiring novelty of invention.
- **Doctrine of anticipation**

"A claim is said to be “anticipated” if comparison of the claimed invention with a prior art reference reveals that each and every element in the claim under attack is shown or described, organized, and functioning in substantially the same manner as in the prior art reference"

# The Non-obviousness Requirement

- Even if the invention demonstrate patentable subject matter, utility and novelty, the patent will not issue if the invention is **obvious**



"Obviousness is the next step in the road to patentability, and a significant hurdle"

# The Non-obviousness Requirement

## ➤ What is **obviousness**?

“An invention is obvious if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”

- Not exactly but rather known if one were to combine several references.
- Obviousness defines predictable and non-unique combination of what multiple references teach would yield your invention.

# The Non-obviousness Requirement

## Example:

When you have invented A+B.

A is known in the prior art, and B is known in the prior art.

Upon looking at A and then looking at B, would someone of skill in the art consider A+B to be already known?

If the answer is yes, then A+B is obvious.

If the answer is no, then A+B is not obvious.



# Some more rules to determine obviousness

- The differences between the prior art and challenged claims;
- The level of ordinary skill in the field of the pertinent art at the time of plaintiff's invention;
- What one possessing that level of skill would have deemed to be obvious from the prior art reference;
- Objective evidence of obviousness or non-obviousness;

Objective evidence includes: (1) the commercial success of the invention; (2) whether the invention satisfied a long felt need in the industry; (3) failure of others to find a solution to the problem at hand; and (4) unexpected results.

# Determining what would have been obvious to a person of ordinary skill in the art

The decision maker may examine the following factors:

1. Type of problems encountered in the art;
2. Prior art solutions to those problem;
3. Rapidity with which innovations are made;
4. Sophistication of the technology;
5. Educational level of the inventor; and
6. Educational level of active workers in the field.

# Subject Matter

- The Patents Act 1970 doesn't define the category of the inventions that can be patented.
- But provides a list of inventions that cannot be patented.
- Idea behind preventing certain inventions from patentability is to prevent monopoly over inventions which are injurious to health, environment, morality, national defense & security.



# Brief glace on different types of searches

- Novelty Search
- Patentability Analysis
- Freedom to Operate Analysis
- **Landscape Analysis**
- Infringement Analysis
- Validity/Invalidity Search



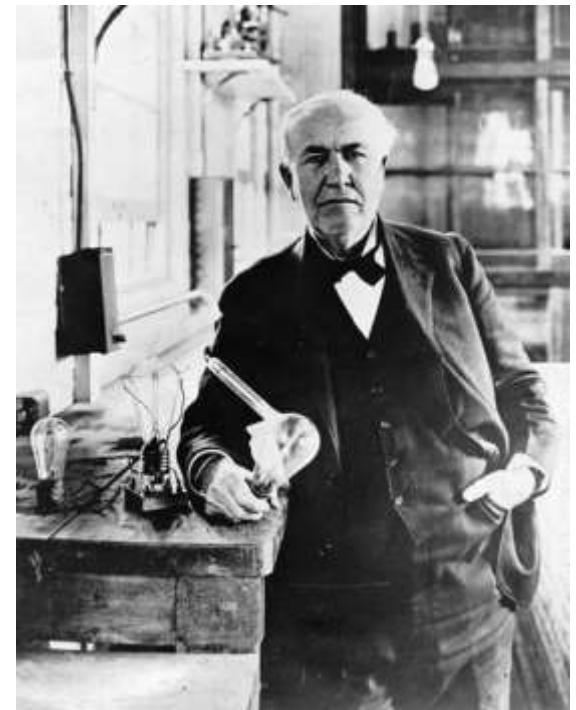
# Application for patents

## Who can file a patent?

### Section 6: Persons entitled to apply for patents

- *True and first inventor of the invention*
- *Assignee of true and first inventor*
- *Legal Representative of a deceased person who immediately before his death was entitled to make such application*

*Application submitted either alone or jointly with other person.*



# Types of Applications

- Ordinary Applications
- Convention Application
- Patent of Addition Application
- Divisional Applications
- PCT International Phase Application
- PCT National Phase Application

# Documents required for filing of A Patent Application

1. Application for Grant of Patent in [Form 1](#) in duplicate
2. Complete/Provisional specification in [Form 2](#) in duplicate
3. Statement and Undertaking in Form 3.
4. Power of Attorney in [Form 26](#) (in original) ; (if filed through attorney)
5. Declaration of Inventor-ship in [Form 5](#)
6. Requisite Statutory fees (copy of the Priority cheque / DD).
7. Covering letter- indicating the list of documents

# Contents of Specification

- Title of the invention
- Field of the invention
- Background of the invention (PRIOR ART)
- Object of the invention
- Summary of the invention
- Brief description of drawings, if any
- Detailed description of the invention
- Examples
- Claims- not required in provisional
- Abstract- not required in provisional

# Types of Application

## Provisional application

- 1) Get early priority
- 2) Not expensive
- 3) Quick
- 4) Title/Description
- 5) No claims
- 6) Cannot be filed in case of conventional/PCT/Divisional application
- 7) Filing provisional application is an optional but an advisable step



# Types of Application

## Complete specifications

- 1) Where an application for a patent is accompanied by a provisional specification, a complete specification shall be filed within twelve months from the date of filing of the application,. E.g.

### Example

*Provisional application: 01-12-2008*

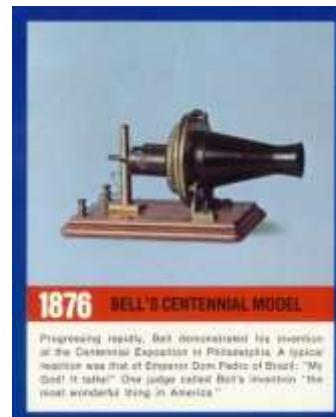
*Complete specification: 01-12-2009*



# Types of Application

## Section 10: Contents of specifications

- 1) *Every specification shall start with a title sufficiently indicating subject matter.*
- 2) *Drawings*
- 3) *Model or sample illustrating the invention but such model or sample shall not be deemed to form part of the specification*



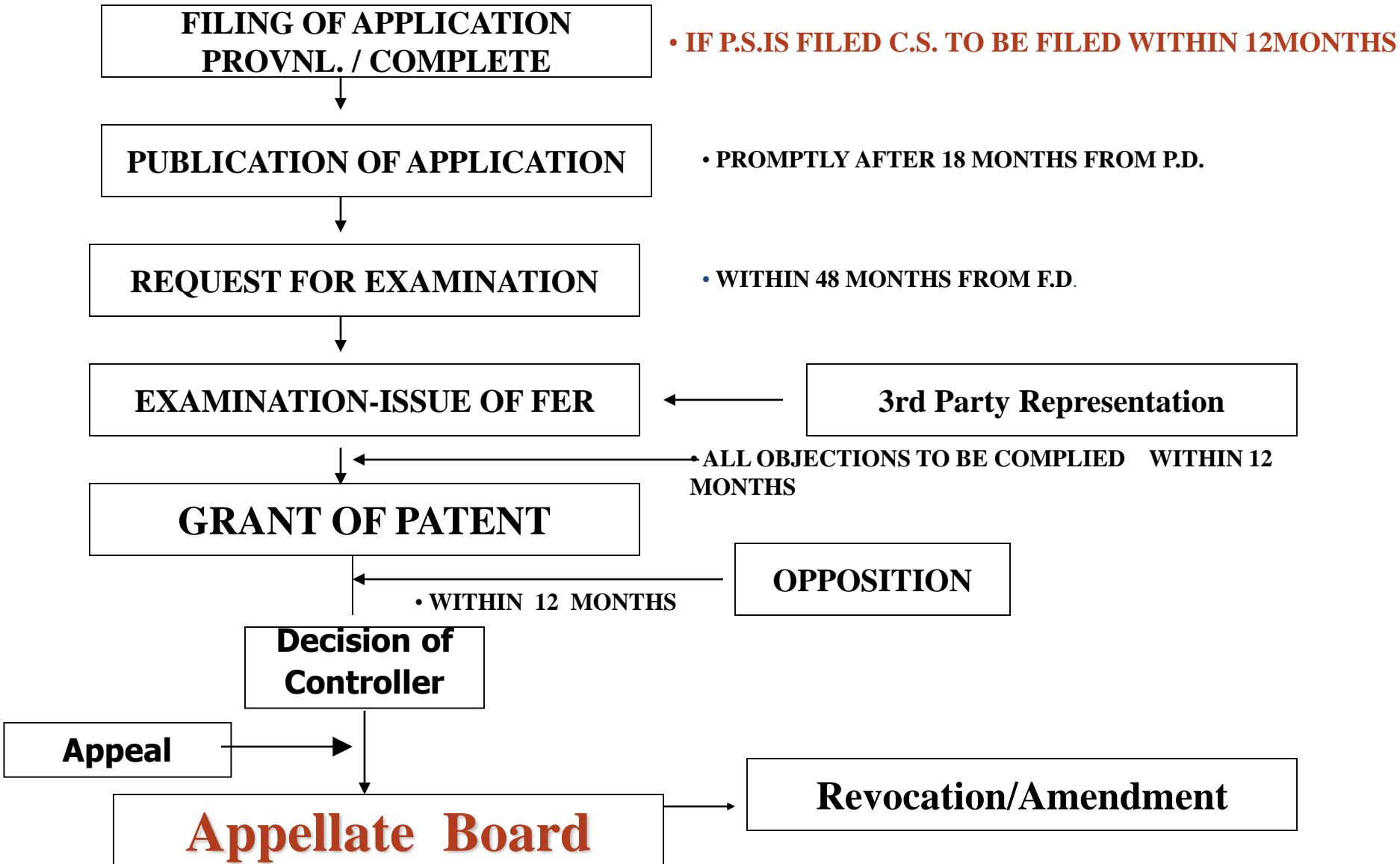
# Types of Application

## Section 10: Contents of specifications (contd.)

- 4) Every complete specification shall—
  - i. fully and particularly describe the invention and its operation or use and the method by which it is to be performed;
  - ii. disclose the best method of performing the invention which is known to the applicant and for which he is entitled to claim protection; and
  - iii. end with a **claim** or claims defining the **scope** of the invention for which protection is claimed;
  - iv. be accompanied by an **abstract** to provide **technical information** on the invention.

# **Stages from filing to grant of a patent**

# STAGES - FILING TO GRANT OF PATENT



# Publication and Examination

## Section 11 A: Publication of Applications

- 1) No application shall be available to the public till **18 months** of date of priority or date of filing whichever is earlier.

**18**  
**MONTHS**

- 2) Applicant may request the controller for early using appropriate form and fees. The controller shall publish such application as soon as possible.



## Section 11 B: Request for examination

- 1) Patent applications will not be examined **unless requested** in a prescribed manner

**48**  
**MONTHS**

# Publication and Examination

## Rule 24-B: Examination of application

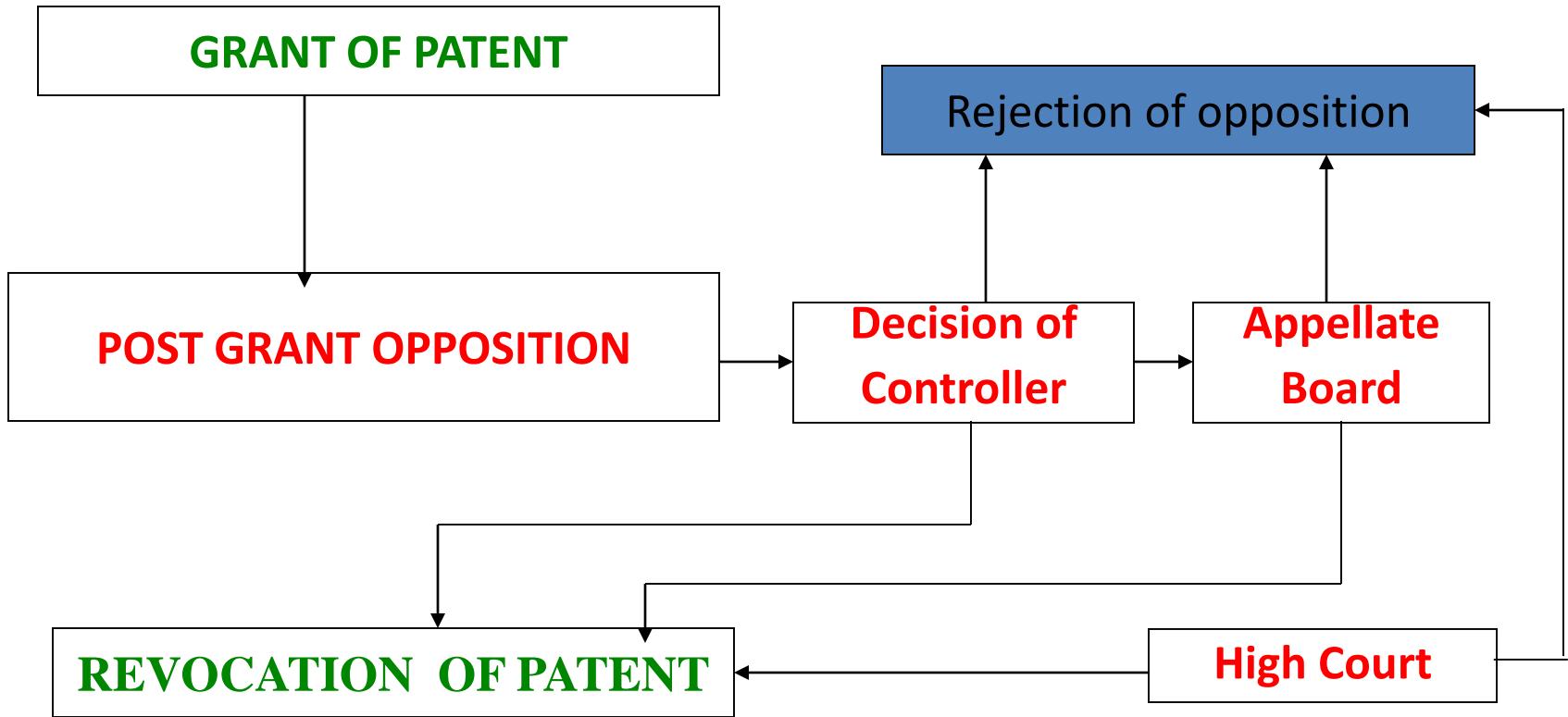
- 1) The request for examination of **divisional application** shall be made within **48 months** from the **date of filing** of the application or from the **date of priority** of the first mentioned application or within **6 months** from the date of filing of the **further application**, whichever is later.
- 2) **Controller** shall refer document to **Examiner** within **1 month** from date of publication or date of receiving the request for examination, which ever is earlier.
- 3) **Examiner** shall prepare **report** in **one month** but not exceeding **3 months** from date of reference of application to him by Controller.

# Publication and Examination

## Rule 24-B: Examination of application (contd.)

- 4) The period within which the Controller shall **dispose off** the report of the examiner shall ordinarily be **one month** from the date of the receipt of the such report by the Controller.
- 5) **First Examination Report (FER)** along with application and specification is sent to applicant or his agent ordinarily within **6 months** from date of **request of examination** or within 6 months from **date of publication** whichever is later. In case other interested person files the request, an intimation is sent to such person.
- 6) Applicant shall comply with the requirement within **12 months** from the date on which first statement of objection was issued. (section 21)

# A PROCEDURE FROM FILING TO GRANT OF PATENT (Cont.)



# IMPORTANT FEES IN DIFFERENT PROCEEDINGS

(Amount in Rupees)

	<u>Individual</u>	<u>Legal Entity</u>
➤ Application for Grant of Patent	1000	4000
➤ Request for Examination of Application	2500	10000
➤ Request for Publication	2500	10000
➤ Substitution of Applicant	500	2000
➤ Notice of Opposition	1500	6000
➤ Restoration of Lapsed Patent	1500	6000
➤ Renewal Fees (for 20 years)	48000	192000

PS. Professional help Patent Drafting costs around 30000

# DUTIES OF PATENTEE

- Maintenance of the patent
  - ❖ Pay renewal fees
  - ❖ Every year till the end of the term
  - ❖ Time limit: before end of the preceeding year ( 6 months extn. Available )
- Working of the patents:
  - ❖ Inventions are to be worked in India on commercial scale
  - ❖ Failing which compulsory licence may be issued

# Patent Infringement

1. Demand the infringer stop & pay damages for past infringement
2. Offer a “Royalty”
3. Ignore the infringement or postpone action
4. File a patent infringement lawsuit in federal court

# Litigation vs Licensing

If the objective is to stop a competitor from offering a product that infringes one's patent.

If the objective is to obtain royalty for the use of one's invention.

## Alternatives To Litigation



- Litigations are costly, timely, & disruptive
- Alternative dispute resolutions (ADR) include Mediation & Arbitration

# Trade-Related Aspects of Intellectual Property Rights(TRIPS) in the World Trade Organization **Compliance**

- Agreement enhanced the protection and enforcement of IPRs to the level of solemn international commitment.
- India is a signatory of TRIPs Agreement in the Uruguay Round agreement of 1995 and hence, the government has initiated action to bring in the requisite changes.
- In the last few years, India has enacted fully TRIPs-compliant Trademarks Act, Copyright Act, Designs Registration Act, Geographical Indications Act and Protection of Layouts for Integrated Circuits Act.

# Basic Facts about WIPO



## WIPO's Mission:

To promote the protection of IP rights worldwide and extend the benefits of the international IP system to all member States

**Status:** An int'l intergovernmental organization

**Member States:** 183

**Staff:** 915 from 94 countries

**Treaties Administered:** 24

**Decisions by:** GA, CC, WIPO Conference

**Guiding Principles:** Transparency, Accountability, Consensus



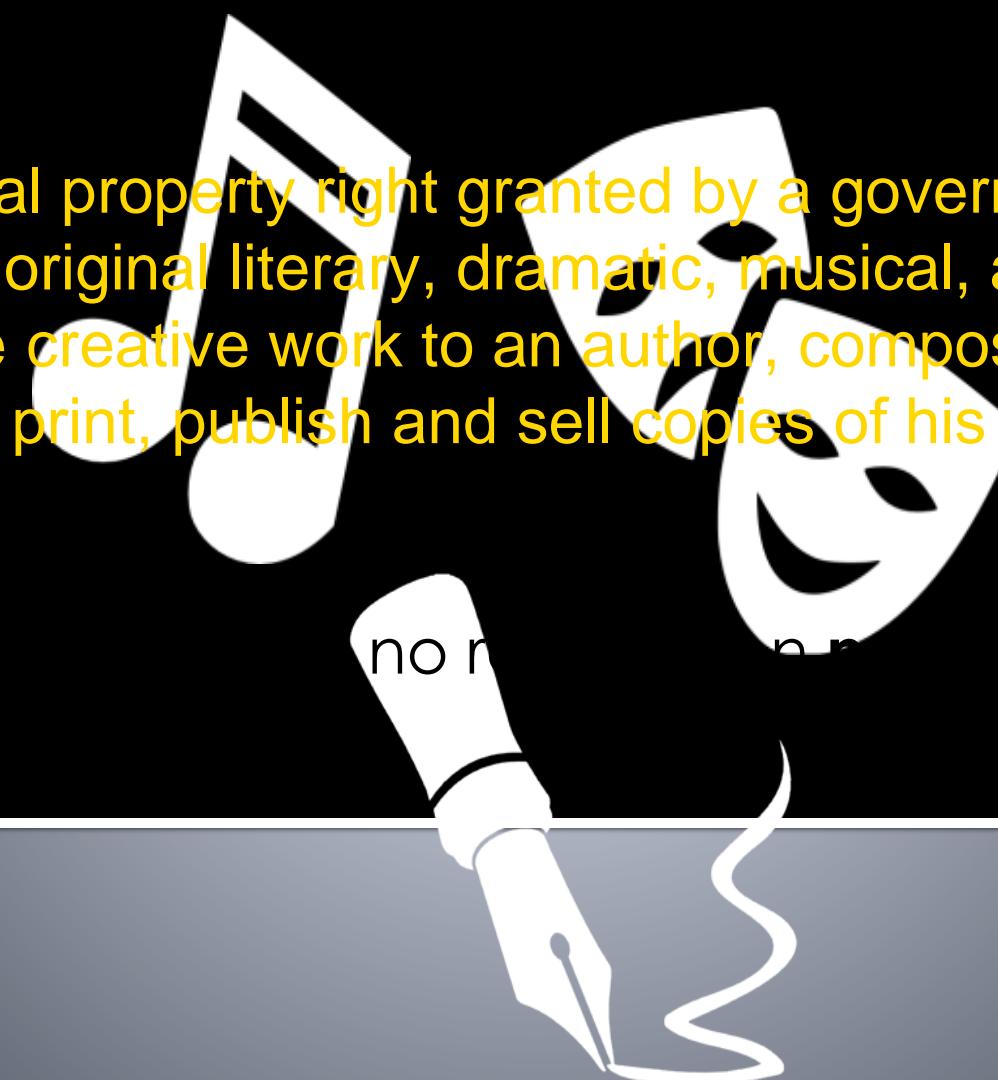
# INTRODUCTION TO COPYRIGHT IN INDIA

*By: Tarun*

# Copyrights



An intellectual property right granted by a government to the author of an original literary, dramatic, musical, artistic, or other eligible creative work to an author, composer etc. (or his assignee) to print, publish and sell copies of his original work”



# Why Copyright?

- Fair Play: Reward creative efforts. “Thou shall not steal”
- Exclusive rights for limited time → Negative right: prevent copying/reproduction
- Copyright is **necessary** → encourage dissemination of copyrighted works = public interest



# Copyright Subject Matter

The work concerned has to be

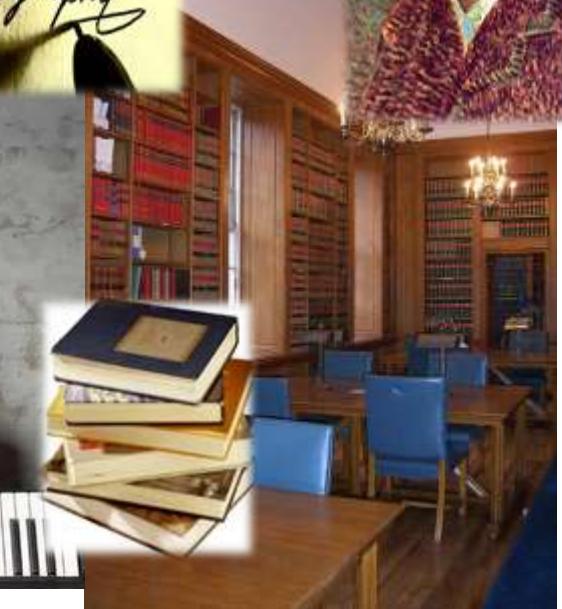
- ***Original***
- ***Work of authorship***
- ***Fixed***

# What Copyright Protects

- Original Literary, Dramatic, Musical and Artistic Works
- Cinematograph Films
- Sound Recordings

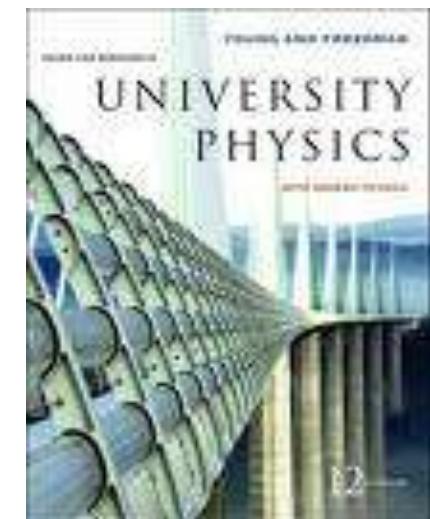
Artistic Works

Photographs



# Literary Works

- Novels, poems, short stories
- Books on any subject
- Computer programmes, tables, computer databases
- Song lyrics



# Copyright Registration - Mandatory?

- ✓ No. Automatic Acquisition of copyright
- ✓ Comes into existence- On Creation
- ✓ Certificate of registration -Prima facie evidence in dispute relating to ownership.

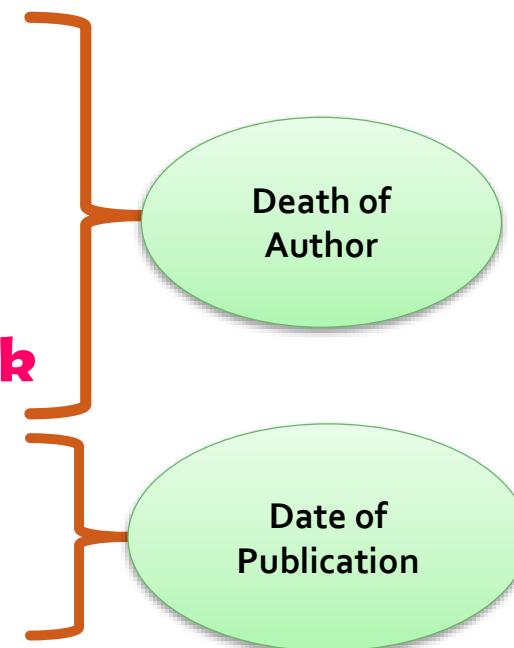


# **DURATION AND TERMS OF COPYRIGHT**



**Copyright protection lasts for 60-year from the year following the:**

- Literary work
- Dramatic work
- Musical work
- Artistic work
- Sound Recording
- Cinematograph work



# **PERFORMER'S AND BROADCASTER'S RIGHTS**

**25 Years**

- **Rights of a performer in a cinematograph film**
- **Cessation of Rights after Consent**

**Broadcast:**

**Communication to the public by any means of:  
Wireless diffusion or by wire.**

## **Instruction for Filing copyright registration form Online:**

- 1.Enter your valid User ID and Password to login.**
- 2.Click onto **NewUser Registration**, if you have not yet registered.**
- 3.Note down User ID and Password for future use.**
- 4.After login, click on to link “**Click for online Copyright Registration**”.**

## **Instruction for Filing copyright registration form Online:**

5.The online “**Copyright Registration Form**” is to be filled up in four steps

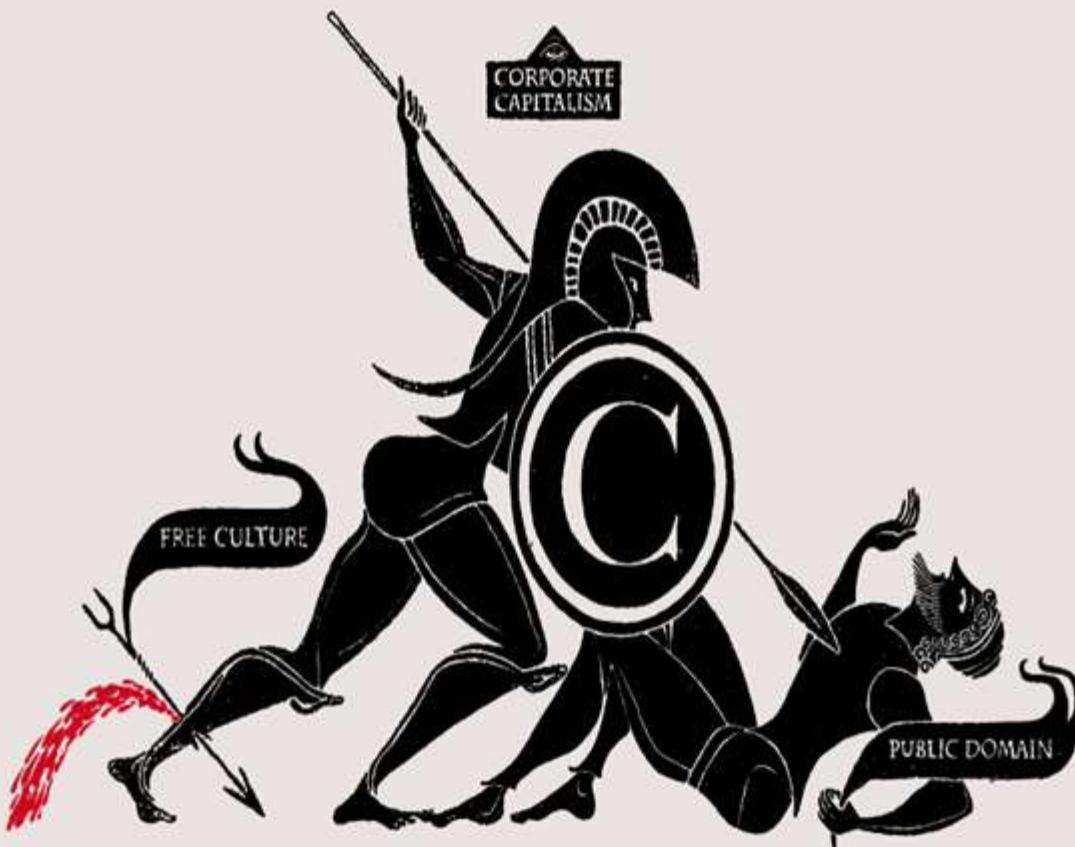
- 1. Complete the Form XIV**, then press SAVE button to Save entered details, and press Step 2 to move to Next Step.
- 2. Fillup the Statement of Particulars**, and then press SAVE button to Save entered details, and press Step 3/4 to move to Next step
- 3. Fillup the Statement of Further particulars**. This form is applicable for “LITERARY/ DRAMATIC, MUSICAL AND ARTISTIC” works, and then press SAVE button to Save entered details, and press Step 4 to move to Next Step.
- 4. Make the payment through Internet Payment gateway**

## **Instruction for Filing copyright registration form Online:**

- 6.After successful submission of the form, Diary Number will be generated (Please note it for future reference).
- 7.Please take hard copy(print) of “Acknowledgement Slip” and “Copyright Registration Report”, and send it by post to  
**Copyright Division**  
**Department of Industrial Policy & Promotion, Ministry of Commerce and Industry**  
**Boudhik Sampada Bhawan,**  
**Plot No. 32, Sector 14, Dwarka, New Delhi-110075**  
**Email Address: [copyright@nic.in](mailto:copyright@nic.in)**  
**Telephone No.: 011-25301202**

**FEE CAN BE PAID BY POSTAL ODER /DEMAND DRAFT/ONLINE PAYMENT PAYABLE TO "REGISTRAR OF COPYRIGHTS, NEW DELHI":**

- |  |  |  |
|--|--|--|
| 1.   | For a license to republish a Literary, Dramatic, Musical or Artistic work (Sections 31, 31A, 31B* and 32A)   | Rs. 5,000/- per work                   |
| 2.   | For a license to communicate an any work to the public by Broadcast(Section 31(1)(b))  | Rs. 40,000/- per applicant/per sataton |
| <b>For an application for registration or copyright in a:</b>  |  |  |
|  | (a)Literary, Dramatic, Musical or Artistic work  | Rs. 500/- per work                     |
| 3.   | (b)Provided that in respect of a Literary or Artistic work which is used or is capable of being used in relation to any goods or services (Section 45) | Rs. 2,000/- per work                   |
| For an application for change in particulars of copyright entered in the Register of Copyrights in respect of a: |  |  |
| 4.   | (a)Literary, Dramatic, Musical or Artistic work  | Rs. 200/- per work                     |
|  | (b)Provided that in respect of a literary or Artistic work which is used or is capable of being used in relation to any goods or services (Section 45) | Rs. 1,000/- per work                   |
| <b>For an application for registration of Copyright in a Cinematograph Film (Section 45)</b>                     |  |  |
| 5.   |  | Rs. 5,000/- per work                   |
| 6.   | <b>For an application for registration of copyright in a Sound Recording (Section 45)</b>  | Rs. 2,000/- per work                   |
| 7.   | For taking extracts from the indexes (Section 47)  | Rs. 500/- per work                     |



## THE BATTLE OF COPYRIGHT

# General Principles for Use



- for the purpose of research or private study,
- for criticism or review,
- for reporting current events,
- in connection with judicial proceeding,
- performance by an amateur club or society if the performance is given to a non-paying audience, and
- the making of sound recordings of literary, dramatic or musical works under certain conditions.

# Remedies for Copyright Infringement

Strengthening Copyright, Enhancing the Reach of the Law



# Copyright Examples

# 2Pac – “Me Against The World”

SR 198-774

EFFECTIVE DATE OF REGISTRATION

APR 27 1995

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**1**

TITLE OF THIS WORK ▼

2Pac "ME AGAINST THE WORLD" (92399-2)

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF MATERIAL RECORDED ▼ See instructions

- Musical     Musical-Dramatic
- Dramatic     Literary
- Other \_\_\_\_\_

**2**

a NAME OF AUTHOR ▼

Interscope Records

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  Yes  No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country USA

OR Citizen of ▶ USA

Domiciled in ▶ USA

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

- Anonymous?  Yes  No
- Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE: \* POSTED TO

b NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

Sound Recording and photography

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  Yes  No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▶

Domiciled in ▶

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

- Anonymous?  Yes  No
- Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

c NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

\* DATES OF BIRTH  
AND DEATH DATA

Was this contribution to the work a "work made for hire"?  Yes  No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▶

Domiciled in ▶

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- Anonymous?  Yes  No
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If the answer to either of these questions is "Yes," see detailed instructions.

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\* DATES OF BIRTH  
AND DEATH DATA

Was this contribution to the work a "work made for hire"?  Yes  No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▶

Domiciled in ▶

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

- Anonymous?  Yes  No
- Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

e YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

This information must be given if the claimant is the same as the author given in space 2. ▼

1995     1 Year     In all cases

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information Month ▶ March Day ▶ 27 Year ▶ 1995

ONLY IF this work has been published. United States of America

◀ Nation

\* See instructions before completing this space

f COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Interscope Records  
ATLANTIC RECORDING CORPORATION  
75 Rockefeller Plaza 4 S/R  
New York, NY 10019

APPLICATION RECEIVED

APR 27 1995

ONE DEPOSIT RECEIVED

Two DEPOSITS RECEIVED

APR 27 1995

REMITTANCE NUMBER AND DATE

DO NOT WRITE HERE

OFFICE USE ONLY

g TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

h MORE ON BACK ▶ Complete all applicable spaces (numbers 5-9) on the reverse side of this page

• See detailed instructions

• Sign the form at line 8

i DO NOT WRITE HERE

# 2Pac – “Me Against The World”

	<p style="text-align: right;">EXAMINED BY <i>[Signature]</i></p> <p style="text-align: right;">CHECKED BY <i>[Signature]</i></p> <p style="text-align: right;">FORM SR</p> <p><input type="checkbox"/> CORRESPONDENCE Yes</p> <p><input type="checkbox"/> DEPOSIT ACCOUNT Funds Used</p> <p style="text-align: right;">FOR COPYRIGHT OFFICE USE ONLY</p>		
<b>DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.</b>			
<p><b>PREVIOUS REGISTRATION</b> Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If your answer is "Yes," why is another registration being sought? (Check appropriate box) <b>V</b></p> <p><input type="checkbox"/> This is the first published edition of a work previously registered in unpublished form.</p> <p><input type="checkbox"/> This is the first application submitted by this author as copyright claimant.</p> <p><input type="checkbox"/> This is a changed version of the work, as shown by space 6, on this application.</p> <p>If your answer is "Yes," give Previous Registration Number <b>V</b> _____ Year of Registration <b>V</b> _____</p>			
<p><b>DERIVATIVE WORK OR COMPILATION</b> Complete both space 6a &amp; 6b for a derivative work; complete only 6b for a compilation.</p> <p>a. <b>Precopyright Material</b> Identify any preexisting work or works that this work is based on or incorporates. <b>V</b></p> <p>Sound recordings of "Dear Mama", "Old School" and some sampled sounds.</p>			
<p>b. <b>Material Added to This Work</b> Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. <b>V</b></p> <p>All other sounds and photography.</p>			
<p><b>DEPOSIT ACCOUNT</b> If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. Name <b>V</b> _____ Account Number <b>V</b> _____</p>			
<p>ATLANTIC RECORDING CORPORATION DA050946</p>			
<p><b>CORRESPONDENCE</b> Give name and address to which correspondence about this application should be sent. Name/Address/City/State/Zip <b>V</b></p> <p>Darlene Wilson</p>			
<p>ATLANTIC RECORDING CORP. 75 Rockefeller Plaza New York, NY 10019</p>			
<p>Area Code &amp; Telephone Number <b>V</b> 212-275-2701</p>			
<p><b>CERTIFICATION*</b> I, the undersigned, hereby certify that I am the Check one <b>V</b></p> <p><input type="checkbox"/> author</p> <p><input type="checkbox"/> other copyright claimant</p> <p><input type="checkbox"/> owner of exclusive rights</p> <p><input checked="" type="checkbox"/> authorized agent of <b>V</b> ATLANTIC RECORDING CORP. <small>Name of author or other copyright claimant, or owner of exclusive rights <b>V</b></small></p>			
<p>of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.</p>			
<p>Typed or printed name and date <b>V</b> If this application gives a date of publication in space 3, do not sign and submit it before that date.</p> <p>Darlene Wilson date <b>V</b> 4/25/95</p>			
<p><b>MAIL CERTIFICATE TO</b> <i>[Handwritten signature]</i> Darlene Wilson</p>			
<p><b>Certificate will be mailed in window envelope</b></p>			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Name <b>V</b> Darlene Wilson ATLANTIC RECORDING CORPORATION</p> <p>Number/Street/Apartment Number <b>V</b> 75 Rockefeller Plaza 4 S/R</p> <p>City/State/ZIP <b>V</b> New York, NY 10019</p> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>+ Complete all necessary spaces</li> <li>+ Sign your application in space 8</li> </ul> <p>1. Application form 2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights 3. Deposit material Register of Copyrights Library of Congress Washington, D.C. 20559</p> </td> </tr> </table>		<p>Name <b>V</b> Darlene Wilson ATLANTIC RECORDING CORPORATION</p> <p>Number/Street/Apartment Number <b>V</b> 75 Rockefeller Plaza 4 S/R</p> <p>City/State/ZIP <b>V</b> New York, NY 10019</p>	<ul style="list-style-type: none"> <li>+ Complete all necessary spaces</li> <li>+ Sign your application in space 8</li> </ul> <p>1. Application form 2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights 3. Deposit material Register of Copyrights Library of Congress Washington, D.C. 20559</p>
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# Importance of Patent Information in Business Development

- **Advantages of protecting intellectual property**
- **Intellectual property (IP) rights** don't protect ideas or concepts. They protect genuine **business assets** that can be vital to your products or services, or the success and profitability of your business.
- There are many advantages to securing your intellectual property rights. For example, protecting your IP can help you:
- **Enhance the market value of your business** - IP can generate income for your business through licensing, sale or commercialization of protected products or services. This can, in turn, improve your market share or raise your profits. In case of sale, merger or acquisition, having registered and protected IP assets can raise the value of your business.
- **Turn ideas into profit-making assets** - Ideas on their own have little value. However, IP can help you to turn ideas into commercially successful products and services. Licensing your patents or copyright, for example, can lead to a steady stream of royalties and additional income that can boost your business' bottom line.

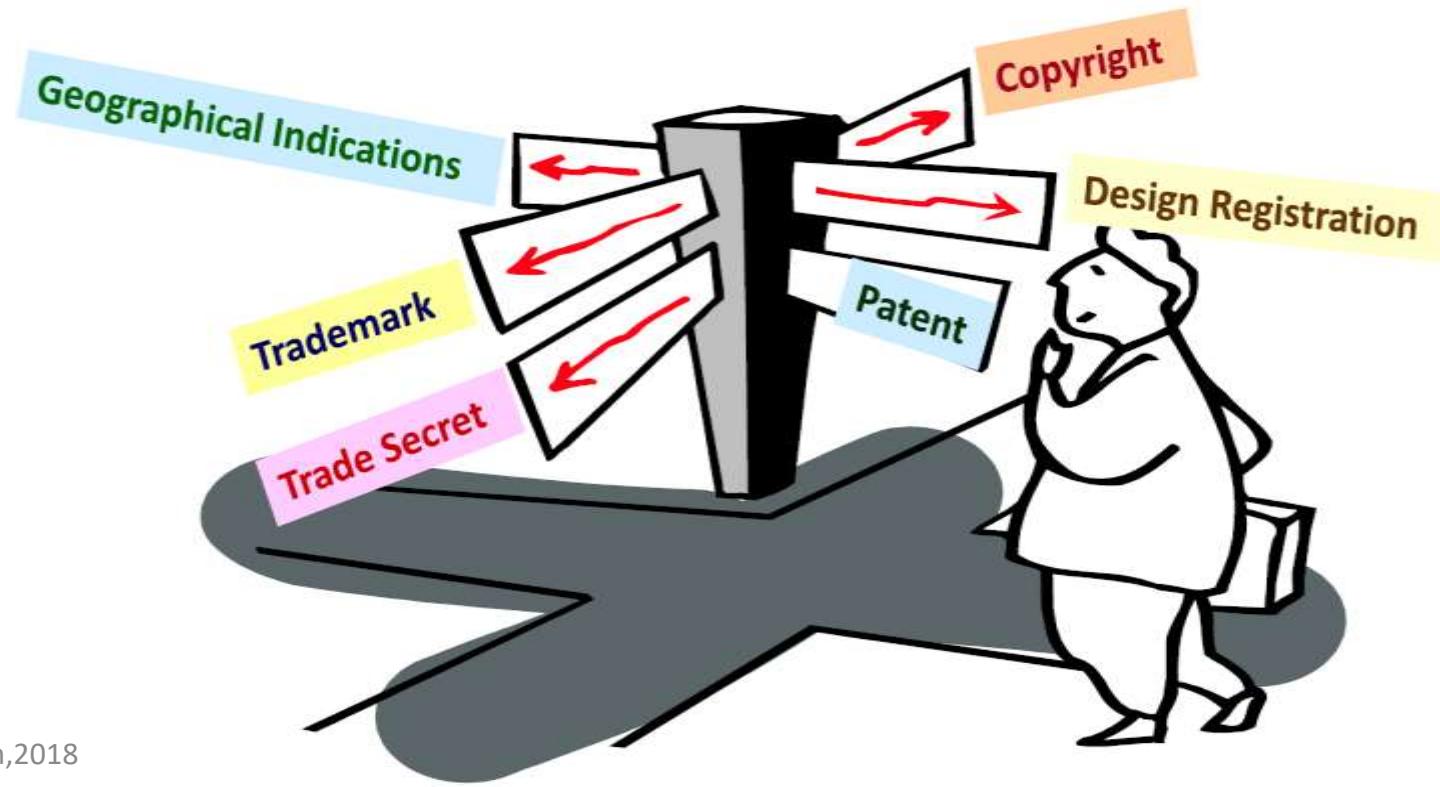
# Importance of Patent Information in Business Development

- **Market your business' products and services** - IP is essential in creating an image for your business. Think trade marks, logos or the design of your products. IP can help you differentiate your products and services in the market and promote them to your customers.
- **Access or raise finance for your business** - You can monetise your IP assets through sale, licensing or using them as collateral for debt financing. As well as this, you can use your IP as an advantage when applying for public or government funding, eg grants, subsidies or loans.
- **Enhance export opportunities for your business** - IP can increase your competitiveness in export markets. You can use brands and designs to market goods and services abroad, seek franchising agreements with overseas companies, or export your patented products.
- While some IP rights are automatic, others will need formal application and registration before you can claim them. Read more about the [different types of intellectual property](#) and [the importance of protecting intellectual property](#).

# Case Study

## Importance of Patent Information in Business Development

I have an innovation .... How do I protect it in the market ???



# Journey of Tech-Development and Translation



## IDENTIFY

Problem/  
Need

Technology  
Idea/  
Opportunity

Solutions  
space

IP Landscape &  
White-space mapping

IP  
Ownership  
/Commer-  
cialisation  
Clarity

## INVENT

Key proofs  
of Concept  
and  
“do-  
ability”

Tech-  
Demonstra-  
tion and  
Validation

Rights/  
Trials/  
Approvals

Industrial Design

TRADE  
SECRET

## IMPLEMENT

Commercial  
Production

Product  
in Use

IP Licensing /Acquisition

Valuation

Patent  
Portfolio

Third  
Party  
Engageme-  
nt/ NDA

Patent  
Filing

Competitor  
Analysis

FTO Analysis

Trademark

Copyrights  
Product  
Leaflet

IP  
Infringemen-  
t watch ,  
Invalidation  
Opposition

Drawing 18

# What is Landscaping??

**IP Landscaping:** Research process that creates an overview of the patents that are pending or in place in a particular area.

## Landscape Analysis: White Space Mapping

### Competitive Landscape

- ✓ Key players/competitors
- ✓ Platform technologies
- ✓ Potential partners (in- & out-license)
- ✓ Pricing considerations



- ✓ Mapping of Existing Patents
- ✓ “Evaluation of White space”

- ✓ Market size
- ✓ Trends
- ✓ Demand
- ✓ Jurisdictions

*Avoid reinventing the wheels.....*

# Strategize-Early on.....

- Go-ahead



- Reject/ Abandon



- Work around



- In-license



**Early identification and avoidance of potentially blocking IP rights of others before substantial investment in R&D, manufacturing, and marketing**

# What is Freedom-to-Operate (FTO) ??

- ❖ To ensure that your product does not infringe the Intellectual Property (IP) rights of others.
  
- ❖ Freedom-to-operate searches identify potential patent barriers to the commercialization of products or technologies.
  
- ❖ Involves searching the claims language of third-party in-force patents

***FTO search is a dynamic on-going analysis***

# Case Studies

1

**Building and Strengthening IP Portfolio around Product**

2

**Strategic IP Protection & Brand Building-Financial Rewards**

3

**Robust Agreements -Vendor Engagement**

4

**Clarity on IP Ownership and Commercialization Rights**

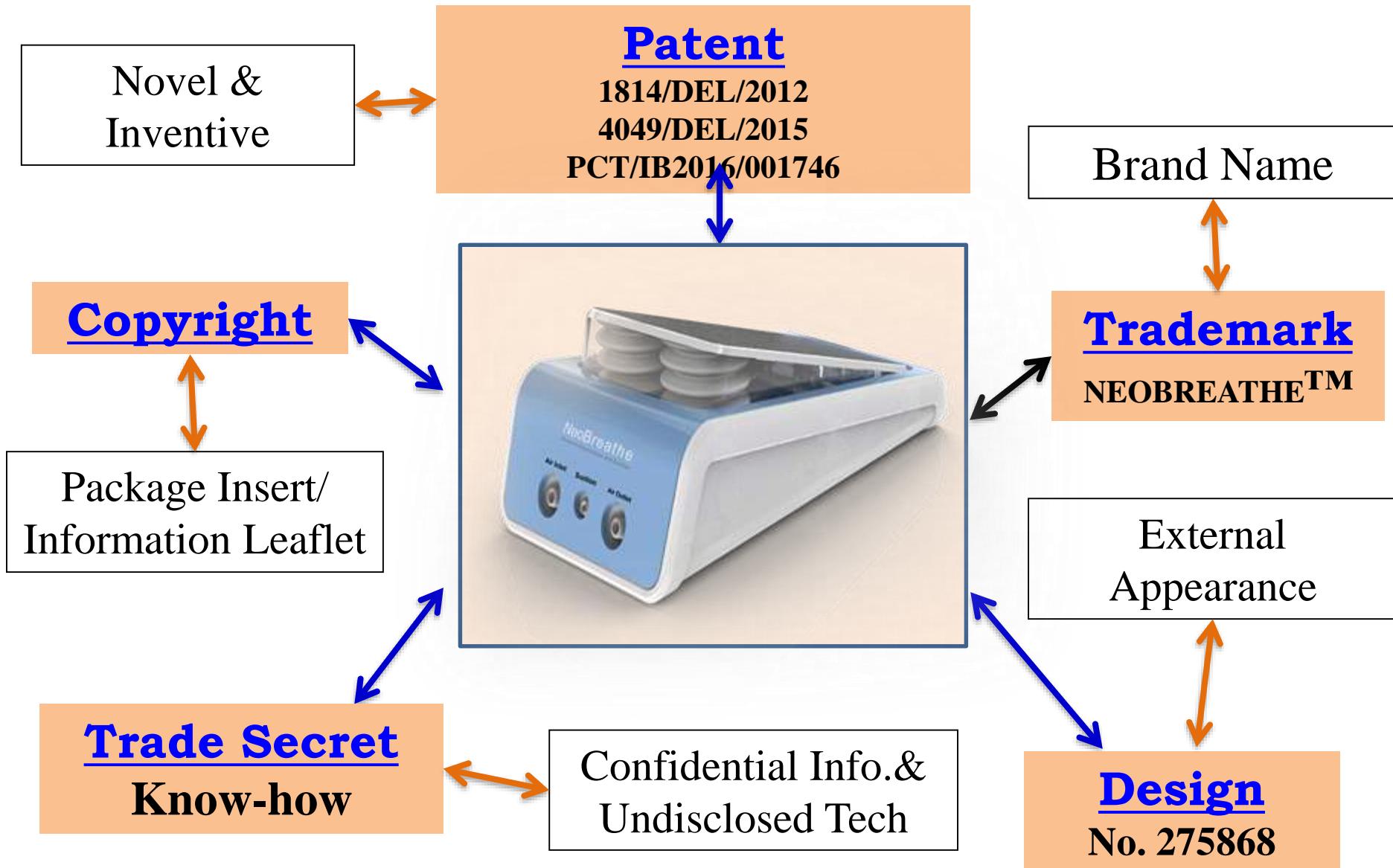
5

**Technology Valuation for Adding Value to IP**

6

**BCIL- Providing hand-holding support to Entrepreneurs –SIB**

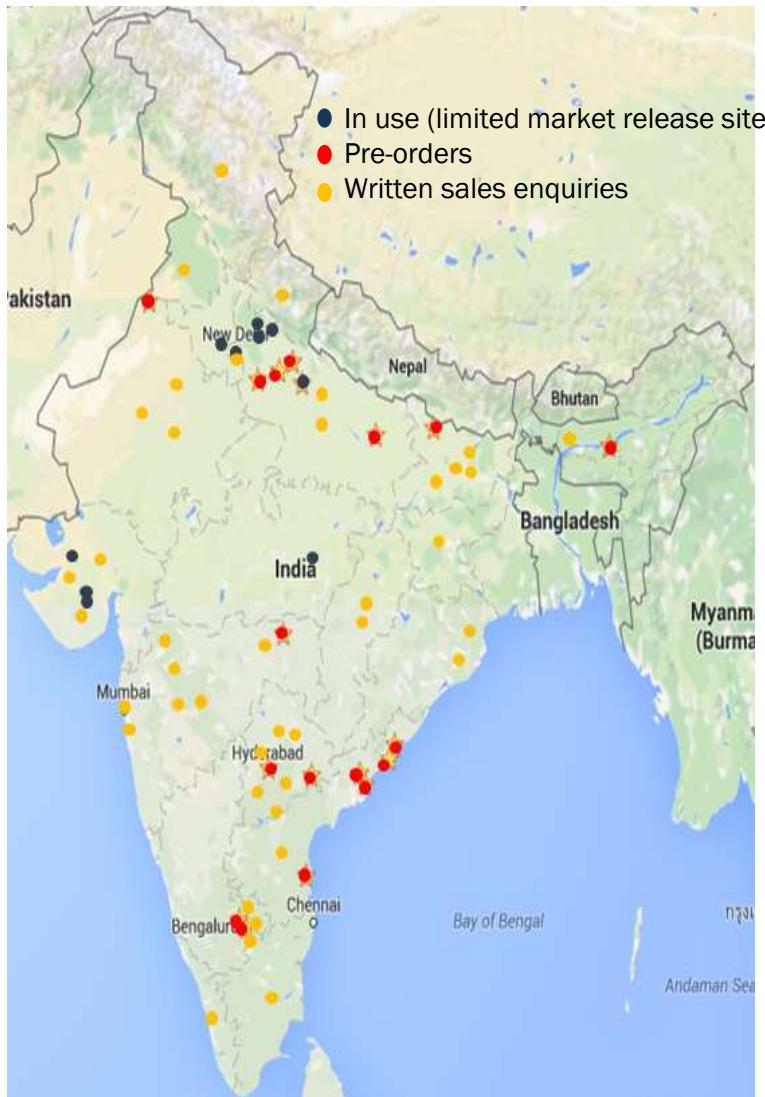
# “IP Portfolio- Medical Devices”



# Current Status, limited market release

“So clever! Why didn’t I think of this before!”

Dr. Manuel Sanchez Luna,  
President, The European Union of  
Neonatal  
and Perinatal Societies, Spain



“Pilot has gone well. We’ll likely need 1500 units – 1 for each birthing center.

Dr. Rajshree Bajaj  
Deputy Director Child Health,  
National Health Mission,  
Madhya Pradesh

“This single device provides everything Pediatricians currently miss in resuscitation”

Dr. Sandeep Gupta,  
Director, Delhi Neonatals, one  
of India’s largest NICUs

“I feel like have 2 extra hands, I need this today, not 5 months later!”

Dr. Atul Agarwal, MD  
District Instructor, NRP, Bareilly  
(Customer)

“I need 2 more urgently!”

Dr. Gaurav Agarwal,  
HOD Paediatrics, KOSMOS Hospital,  
Moradabad  
(Customer)

“My JRs in the OT are loving it!”

Dr. Surender Bisht,  
SDN District Hospital, East Delhi  
National Level NRP Trainer  
(Customer)



# National Technology Day



# National Award 2017 for commercialization of indigenous technology

Sh. Pranab Mukherjee, President of India (Center), Hon. Minister, Science and Technology Dr. Harsh Vardhan (L)  
Dr. Avijit Bansal, Founder, CEO, Windmill Health (R), Vigyan Bhavan, New Delhi, 11<sup>th</sup> May 2017



# Windmill Health Technologies Pvt. Ltd.

Invented at

SCHOOL OF INTERNATIONAL  
**BIODESIGN**  
at AIIMS, New Delhi

R&D Partners

STANFORD BYERS CENTER FOR  
**BIODESIGN**



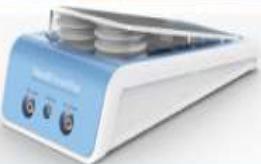
Supported by & IP owned by

Department of  
Biotechnology,  
Govt. of India

Commercial Launch Partner

**PHOENIX**  
Phoenix Medical Systems (P) Ltd.

Windmill Health  
Saving lives should be simple  
contactus@windmillh.com  
0120-4350607  
www.windmillh.com



## NeoBreathe™

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UNITED STATES - INDIA  
SCIENCE & TECHNOLOGY  
ENDOWMENT FUND



**BILL & MELINDA GATES foundation**  
© Tarun, 2018



**Grand Challenges Canada**  
Grands Défis Canada

Activate Windows  
Go to Settings to activate Wind  
  
**villgro**

# Case Studies

- 
- 1 Building and Strengthening IP Portfolio around Product
  - 2 Strategic IP Protection & Brand Building-Huge Financial Rewards
  - 3 Robust Agreements -Vendor Engagement
  - 4 Clarity on IP Ownership and Commercialization Rights
  - 5 Technology Valuation for Striking a Good Deal
  - 6 BCIL- Providing hand-holding support to Entrepreneurs –SIB

# Aspirin: Strategic IP Protection by Bayer



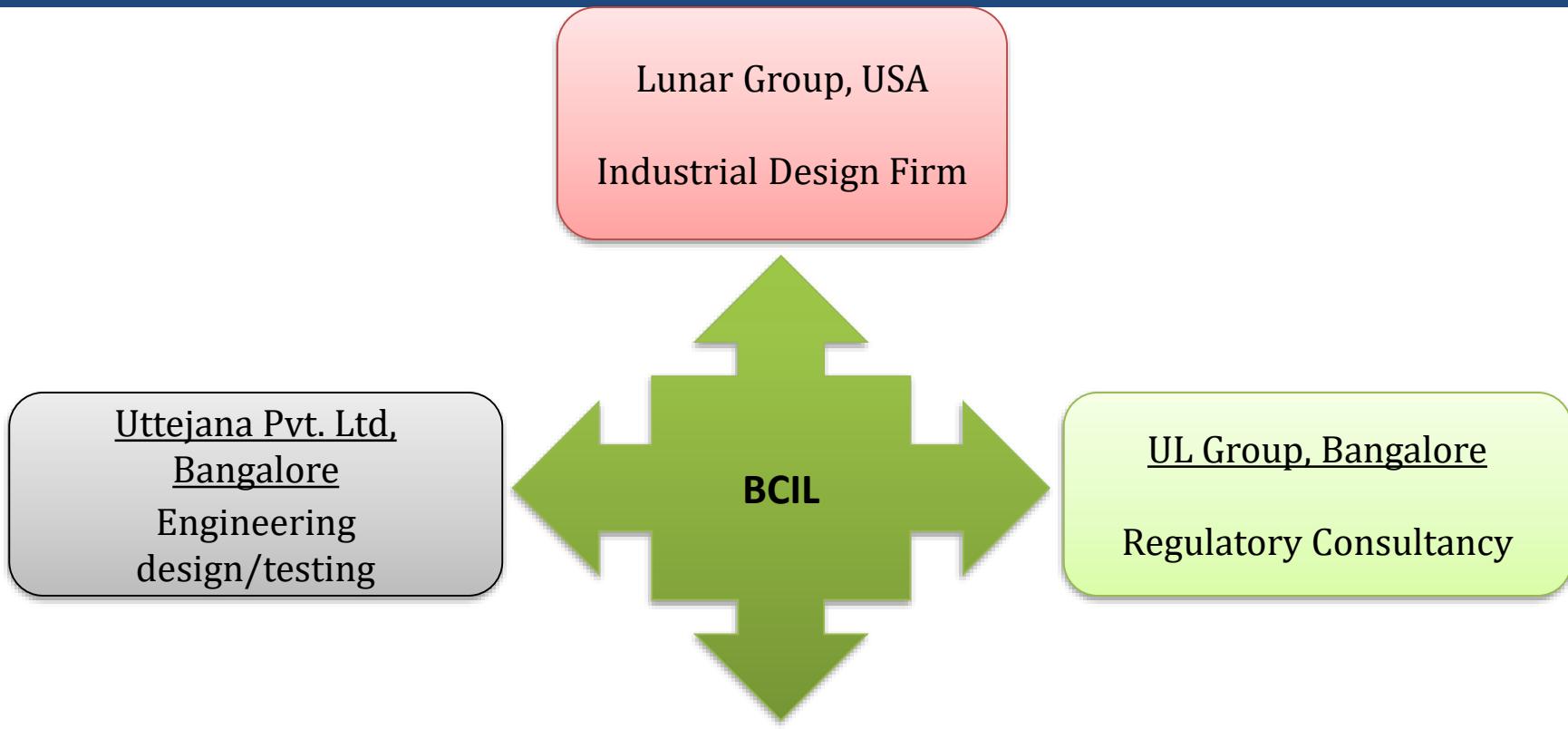
- Aspirin –Developed by Bayer in **1897**
- Drug patented by Bayer in **1899**
- Bayer protected the **Trademark-Aspirin**
- Promoted, heavily advertised Trademark –Built Brand Value
- Patent Expired
- **Bayer continued to reap benefit from sales through established trademark Aspirin**



# Case Studies

- 
- 1 Building and Strengthening IP Portfolio around Product
  - 2 Strategic IP Protection & Brand Building-Huge Financial Rewards
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# Ensuring Confidentiality during Vendor Engagements



**Agreements for contractual engagement drafted to ensure maintenance of:**

- ❖ IP Ownership
- ❖ Inventorship
- ❖ Confidentiality
- ❖ Prevention of reverse engineering

# Case Studies



# Enabling Ownership Clarity of IP for Commercialization

Four Collaborators-One Program

Who owns the IP

Joint IP

Commercialization Issues



Department of Biotechnology



Stanford University, CA



IIT, New Delhi



AIIMS, New Delhi



Ownership by One Neutral Body

Commercialization rights to BCIL

19 Technologies transferred,  
Five products commercially launched

# Case Studies

- 
- 1 Building and Strengthening IP Portfolio around Product
  - 2 Strategic IP Protection & Brand Building-Huge Financial Rewards
  - 3 Robust Agreements -Vendor Engagement
  - 4 Clarity on IP Ownership and Commercialization Rights
  - 5 Technology Valuation for Striking a Good Deal
  - 6 BCIL- Providing hand-holding support to Entrepreneurs –SIB

# “Technology Valuation” for Realising Appropriate Deal Value

**Technology  
An Emergency Medical Device for Cardiac  
Patients, developed at AIIMS**



Class- III, Technology Intensive device  
IP protected in India, Europe, USA, Israel and Australia

Key Assumptions	
Assumption	#
Number of Hospitals, who will need device	50,113
Growth in Demand	2%
Average Selling Price(ASP) per device	4000 USD

India Market Revenue Model-Device								
Year	Year-1	Year-2	Year-3	Year-4	Year-5	Year-6	Year-7	Year-8
No of Devices sold	50,113	51,115	52,138	53,180	54,244	55,329	56,435	57,564
% Market share captured	0.0%	0.0%	0.0%	0.50%	3.00%	5.0%	7.0%	10.0%
Total Units Sold	-	-	-	266	1,627	2,766	3,950	5,756
ASP			\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
Revenue (USD)	-	-	\$0	\$10,63,606	\$65,09,271	\$110,65,760	\$158,01,906	\$230,25,634

## Valuation contd....



**Expected revenue from product sales from 5 year of Sales: Rs. 373.53 Crores**

Licensing fee proposed 3% of the gross sales Rs. 11.20 Crores (Upfront payment and royalty)

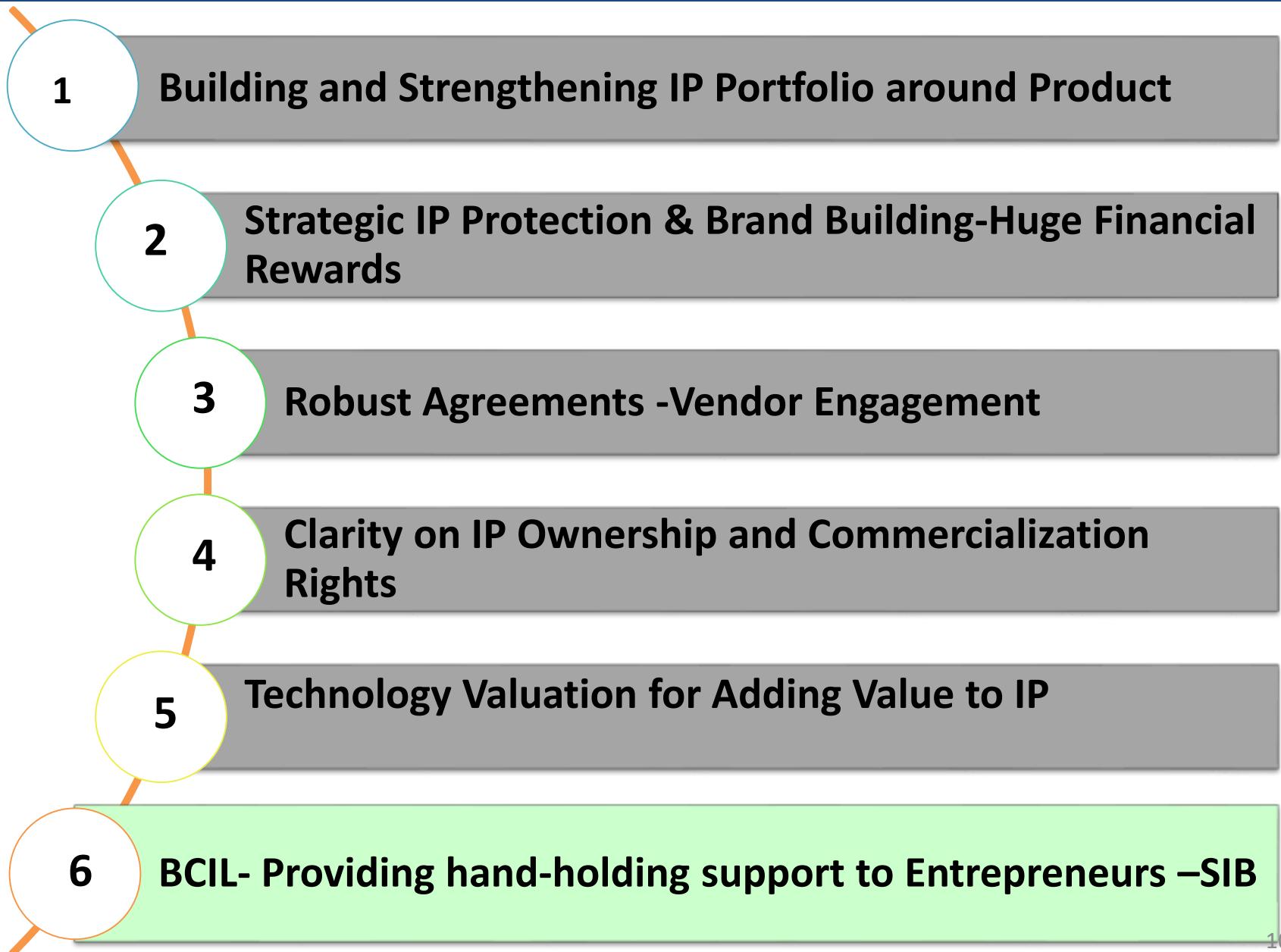
### Key outcomes

Valuation helped in negotiations backed with Market Data and Expected Revenue Stream

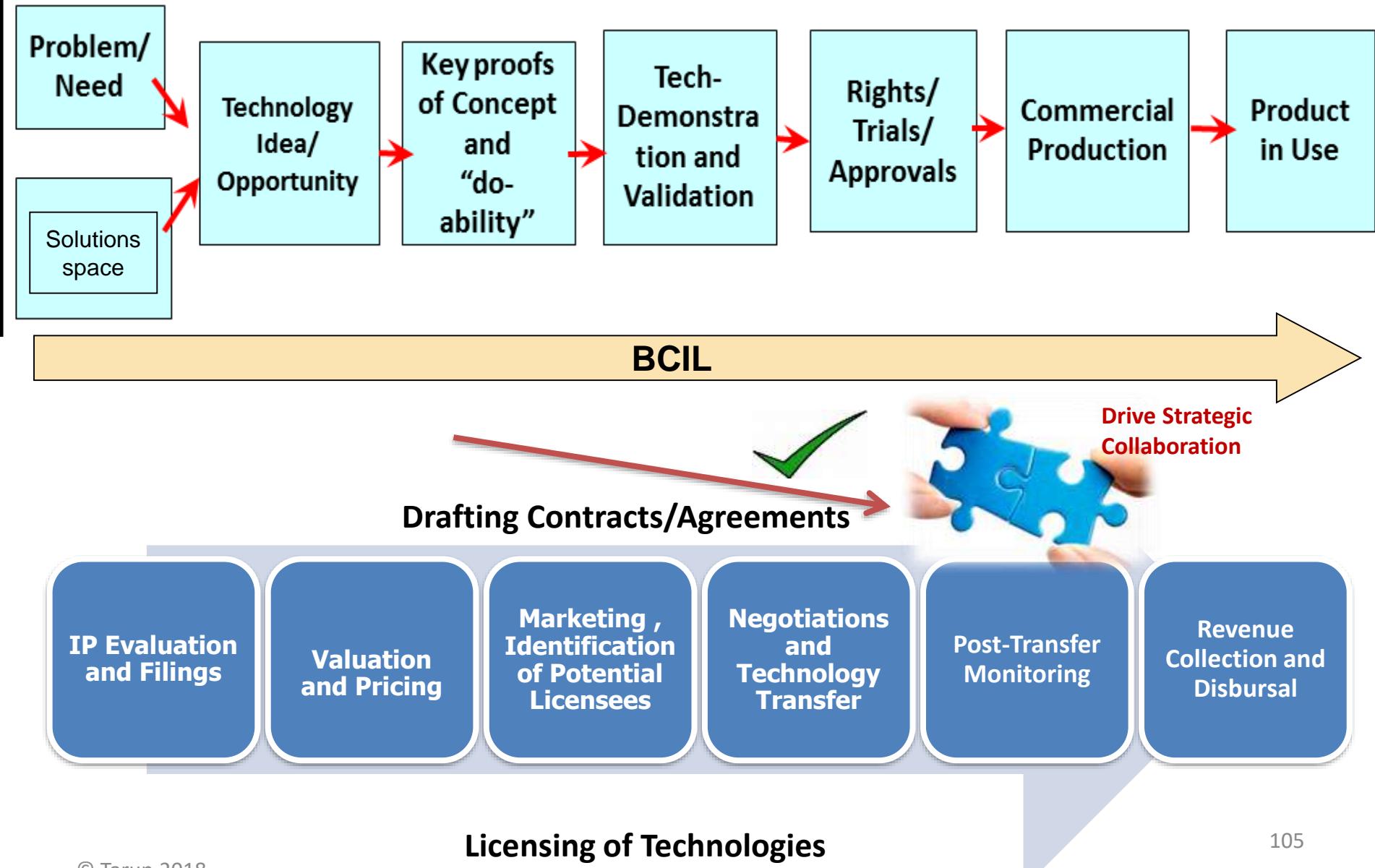
**Very Good Licensing Royalty Benefits Expected**



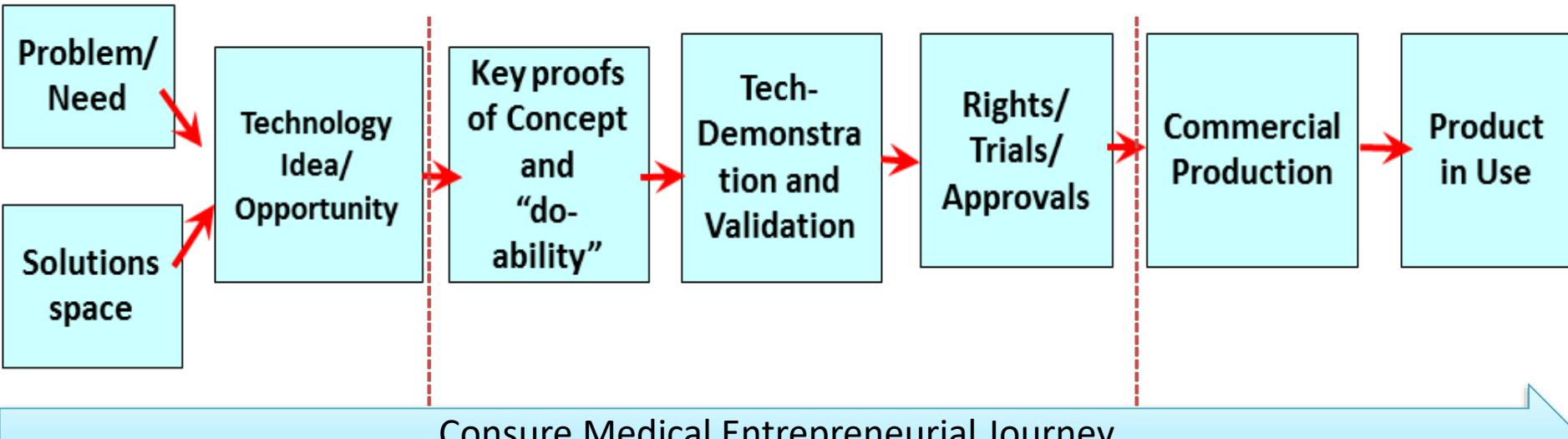
# Case Studies



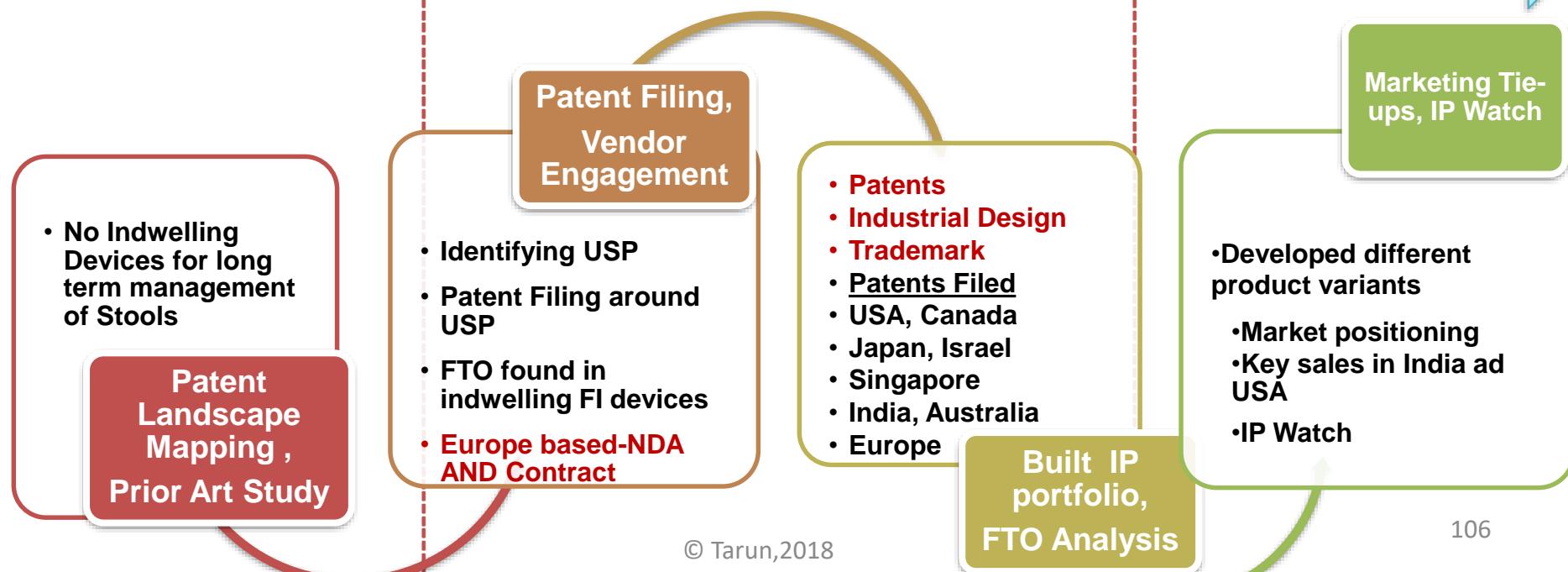
# Tech-Development and Translation || Role of BCIL



# FI device-Role of IP in Entrepreneurial Journey



## Consure Medical Entrepreneurial Journey



# FI Device- Product Launching



Product Launch In the presence of Honourable Minister of State for S&T Shri Y.S. Choudhary and Secretary DBT Dr.K VijayRaghavan





## Commercial Launch

Now available in India and USA

- 600 plus care providers approached
- 50 plus hospitals in India
- 20 plus hospitals in USA
- Home health services
- Distributors
- Govt. Agencies

- 1. What is meant by Intellectual Property? How is different from intellectual property rights?
- 2. Why does intellectual property need to be promoted and protected?
- 3. What is a patent? Explain the elements of patentability?
- 4. An invention may satisfy the condition of novelty, inventiveness and usefulness but it may not qualify for a patent. Discuss.
- 5. What are the steps involved in Trademark registration process? Explain with help of a FlowChart.
- 6. What are the steps involved in copyrights registration process? Explain with help of a FlowChart.
- 7. What are the Stages from filing to grant of a patent ? Explain along with Time Deadline involved with the help of a FlowChat.
- 8. What is a Copyright? Write the steps of Filing copyright registration form Online.
- 9. Discuss the Importance of Patent Information in Business Development.
- 10. write Short note on 1 Litigation 2. Licensing 3 Mediation 4 Arbitration 5 IP Landscaping

6 Anticipations 7 Specifications

*Thank  
You*

DANKSCHEEN

SPASSIBO

NUHUN  
SNACHALHYA

CHALTU  
TASHAKKUR ATU

YAQHANYELAY

WABEEJA MAITEKA  
SHANYABAAD

HUI  
YUSPAGARATA

GRACIAS  
ARIGATO  
SHUKURIA

TAVTAPUCH  
MEDAWAGSE

BAINKA

JUSPRAXHAR

GOZAIMASHITA  
EFCHARISTO

SANCO  
MERASTAMHY

GAEJTHO

KOMAPSUMNIDA  
LAH

FAKAUAUE

GRAZIE  
MEHRBANI  
PALDIES

ATTO  
ANBIA

MERCI  
DENKAUJA

UNALCHEESH

TINGKI

BİYAN  
SHUKRIA

EKOJU  
SIKOMO

MAKETU

MINMONCHAR

THANK  
YOU  
BOLZİN MERCI



tarun.24044@ipu.co.in