

O Sun God, Savitr!  
Thou dazzling fount of life-persuasive light!  
Sublimest mystery speeding from afar!  
Swift became that burst too potent on the sight!  
This radiant type of strength and youth!  
Glowing eternally!



శ్రీ వేపచేదు విద్యా పీఠము

May the golden-eyed Savitar come hither!  
Steering forth he rises from the lap of the dawn!  
Praised by singers, my God Savitar!  
Stopped forth and never missed his place!  
He steps forth the splendor of the sky the wide!  
Seeing, far-shining, the shining wanderer!  
- Rig Veda. vii. 65

# VEPACHEDU EDUCATIONAL FOUNDATION

## The Andhra Journal of Industrial News

### IP and Industry News

We alone shine!  
All luminaries get illuminated by His Illumination!  
The whole Universe is enlightened by His light!  
- Kathopanishad

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Issue 167

Chief Editor: డాక్టర్ శ్రీనివాసరావు వేపచేదు | डॉक्टर श्रीनिवासरावु वेपचेदु | Dr. Sreenivasarao Vepachedu<sup>1</sup>

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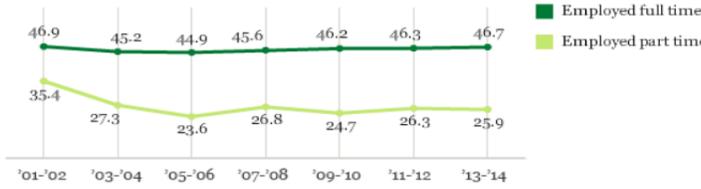
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### WORKING HOURS AROUND THE WORLD<sup>1</sup>



Based on Gallup Work and Education polls conducted each August; data combined in two-year increments

If other people are putting in 40 hours in a week, and you're putting in 100, you will achieve in four months, what it takes them a year to achieve. That's the type of work ethic an entrepreneur needs to have, according to Elon, in this segment, called "Lesson Learned." "Work twice as hard as others Entrepreneurs need to work 80 to 100 hours a week."

Chinese tech companies regularly work 996, i.e., from 9 to 9 daily (12 h), 6 days a week – 72 hours per week<sup>2</sup>, that helped create thriving domestic giants, including Tencent Holdings Ltd. and Alibaba Group Holding Ltd., now two of the 10 most valuable companies in the world. Alibaba co-founder Jack Ma is the richest man in China. Tencent Chief Ma Huateng is No. 2. There are dozens of other beneficiaries, who may draw scrutiny if a debate over U.S. tariffs escalates into a full-blown trade war. However, American media says China's tech companies have used the protection to great benefit<sup>3</sup>.

According to 2004 data from the Bureau of Labor Statistics, almost 15 million Americans work full-time on the evening shift, night shift, rotating shifts, or other employer arranged irregular schedules. According to U.S. National Health Interview data from 2010, almost 19% of working adults work 48 hours or more per week and over 7% worked 60 hours or more. Both shift work and long work hours have been associated with health and safety risks. Someone who puts in 70 hours produces nothing more with those extra 15 hours<sup>4</sup>. A new free, web-based training released by the National Institute for Occupational Safety and Health (NIOSH) will help emergency responders and their managers better cope with the demands of emergency operations when deployed to a disaster site<sup>5</sup>. Only 25 % of American workers use all their stingy paid vacation time that is less than most of their European counterparts, according to a Glassdoor survey. According to internal research by audit firm EY (formerly Ernst & Young), employees who use more vacation days end up with better performance reviews - for each 10 vacation hours a person took, performance reviews were 8 percent higher on average.

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ॐ असतो मा सद्गमय | तमसो मा ज्योतिर्गमय | मृत्योर्मा अमृतं गमय | ॐ शान्तिः शान्तिः शान्तिः ॥

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Younger employees under 45 feel more entitled than older employees to add vacation days onto the trip and to spend more of their boss' money<sup>6</sup>. Original Research conducted using unverifiable responses to questionnaires before and after vacation and again four weeks later, vacation alleviated perceived job stress and bum-out and a similar pattern with regard to absenteeism, reinforcing another research based on unverifiable responses to questionnaires that indicates a respite from work diminishes levels of strain to lower than chronic, on-the-job levels<sup>7</sup>. Another study Gallup based on unverifiable responses to questions reports that adults employed full time in the US report working an average of 47 hours per week<sup>8</sup>.

|                | All in employment | Full-time employment |
|----------------|-------------------|----------------------|
| EU             | 37.4              | 41.6                 |
| Austria        | 37.8              | 43.7                 |
| Belgium        | 38.9              | 41.7                 |
| Bulgaria       | 40.9              | 41.3                 |
| Cyprus         | 40.0              | 42.1                 |
| Czech Republic | 41.2              | 42.3                 |
| Denmark        | 33.8              | 39.1                 |
| Estonia        | 38.6              | 40.8                 |
| Finland        | 37.4              | 40.3                 |
| France         | 38.0              | 41.1                 |
| Germany        | 35.6              | 42.0                 |
| Greece         | 42.2              | 43.7                 |
| Hungary        | 39.4              | 40.8                 |
| Ireland        | 35.0              | 39.7                 |
| Italy          | 37.6              | 40.5                 |
| Latvia         | 39.2              | 40.8                 |
| Lithuania      | 38.3              | 39.7                 |
| Luxembourg     | 37.0              | 40.5                 |
| Malta          | 38.8              | 41.4                 |
| Netherlands    | 30.5              | 40.9                 |
| Poland         | 40.6              | 42.2                 |
| Portugal       | 39.1              | 42.3                 |
| Romania        | 40.5              | 41.0                 |
| Slovakia       | 40.5              | 41.5                 |
| Slovenia       | 39.6              | 41.8                 |
| Spain          | 38.4              | 41.6                 |
| Sweden         | 38.5              | 40.9                 |
| UK             | 36.3              | 42.7                 |

In the list of selected countries based on the average annual hours worked per person per figures compiled by the Organization for Economic Co-operation and Development (OECD), South Korea tops with a whopping 2,193 hours, followed by Chile on 2,068. Greeks grab the third rank in the international ranking, averaging 2,017 hours. British workers clock up 1,647 hours and Germans 1,408 at the bottom of the table, above only the Netherlands<sup>9</sup>.

Workers in the UK are in the middle of the pack, working 36.3 hours/week, about an hour a week less than the EU average OF 42.2 h/w, but higher than 35.6 h/w in Germany<sup>10</sup>. As per the Factories Act 1948, every adult (above 18 years of age) cannot work for more

than 48 hours in a week and not more than 9 hours in a day. According to Section 51 of the Act, the spread over should not exceed 10-1/2 hours<sup>11</sup>.

In a 2013 survey<sup>12</sup>, the majority of graduate degree applicants saw themselves in 10 years' time either running their own business (24%), director of a large company (17%), or CEO of a large company (15%). Almost 18% identified an annual target salary of more than US\$100,000. These ambitions are accompanied by expectations of

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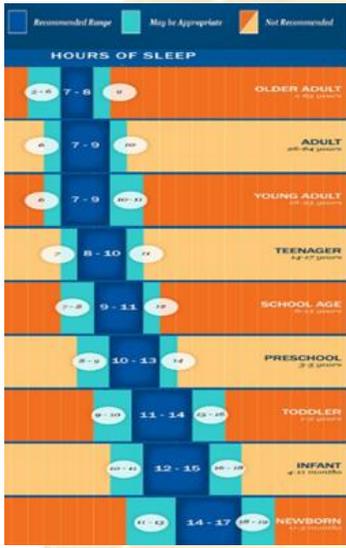
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long working hours; almost 85% said they expected to work more than a standard 40-hour week in their first job after completing a graduate degree, with more than 40% expecting upwards of 50 hours per week.



The majority of the working population in the US reports that work has a significant impact upon their sleep<sup>13</sup>, with more than 75% of respondents to a media survey stating they have lost sleep over work issues<sup>14</sup>. A cross-sectional survey of nearly 8000 employees recruited from a nonrandom network of occupational physicians in southeast France shows that current bullying is associated with a 4- to 5-fold increase in reported sleep disturbance. The National Science Foundation (NSF) updated its age-related sleep duration recommendations based on a systematic literature review by a multidisciplinary expert panel using quantitative techniques shown in the figure on the left<sup>15</sup>. Sufficient sleep duration requirements vary across the lifespan and from person to person. The recommendations reported here represent guidelines for healthy individuals and those not suffering from a sleep disorder. Sleep durations outside the recommended range may be appropriate, but deviating far from the normal range is rare. Individuals who habitually sleep outside the normal range may be exhibiting signs or symptoms of serious health problems or, if done volitionally, may be compromising their health and well-being<sup>16</sup>.

A recent analysis in the US concluded that regularly getting less sleep than that increases the risk of obesity, heart disease, depression, and early death, and recommended that all adults aim for at least 7 hours<sup>17</sup>. By this benchmark, recent reports seem to suggest we are walking around in a state of sleep deprivation. The US Centers for Disease Control and Prevention estimates that 35 per cent of US adults are getting less than 7 hours a night, and a survey in the UK found that the average was 6.8 hours<sup>18</sup>.

Four major sleep-related factors affect the cognitive performance of individuals. The first factor is the homeostatic drive for sleep at night, determined largely by the number of consecutive hours that we've been awake. The second factor is the ability to sustain attention and maintain peak cognitive performance dependent

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on the total amount of sleep you manage to get over several days. The third factor is the circadian phase—the time of day in the human body differentiates midnight or dawn. The fourth factor is the sleep inertia, the grogginess that a person feels first when woken-up from sleep<sup>19</sup>.

Sleep is an active period in which a lot of important processing, restoration, and strengthening occurs. One of the vital roles of sleep is to help solidify and consolidate memories. Researchers have also shown that after people sleep, they tend to retain information and perform better on memory tasks. Human bodies require long periods of sleep in order to restore and rejuvenate, to grow muscle, repair tissue, and synthesize hormones. Both women and men can improve their nighttime rest quality by adopting a few sleep best practices. These include adhering to the same wake and sleep schedule every day, powering down electronics at least an hour before bed, keeping the room you snooze in on the cool side between 60 and 67 degrees is ideal, according to the NSF<sup>20</sup>.

- Stick to a sleep schedule of the same bedtime and wake up time, even on the weekends. This helps to regulate your body's clock and could help you fall asleep and stay asleep for the night.
- Practice a relaxing bedtime ritual. A relaxing, routine activity right before bedtime conducted away from bright lights helps separate your sleep time from activities that can cause excitement, stress or anxiety which can make it more difficult to fall asleep, get sound and deep sleep or remain asleep.
- If you have trouble sleeping, avoid naps, especially in the afternoon. Power napping may help you get through the day, but if you find that you can't fall asleep at bedtime, eliminating even short catnaps may help.
- Exercise daily. Vigorous exercise is best, but even light exercise is better than no activity. Exercise at any time of day, but not at the expense of your sleep.
- Evaluate your room. Design your sleep environment to establish the conditions you need for sleep. Your bedroom should be cool – between 60 and 67 degrees. Your bedroom should also be free from any noise that can disturb your sleep. Finally, your bedroom should be free from any light. Check your room for noises or other distractions. This includes a bed partner's sleep disruptions such as snoring. Consider using blackout curtains, eye shades, ear plugs, "white noise" machines, humidifiers, fans and other devices.
- Sleep on a comfortable mattress **and** pillows. Make sure your mattress is comfortable and supportive. The one you have been using for years may have exceeded its life expectancy – about 9 or 10 years for most good quality mattresses. Have comfortable pillows and make the room attractive and inviting for sleep

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but also free of allergens that might affect you and objects that might cause you to slip or fall if you have to get up.

- During the night.
- Use bright light to help manage your circadian rhythms. Avoid bright light in the evening and expose yourself to sunlight in the morning. This will keep your circadian rhythms in check.
- Avoid alcohol, cigarettes, and heavy meals in the evening. Alcohol, cigarettes and caffeine can disrupt sleep. Eating big or spicy meals can cause discomfort from indigestion that can make it hard to sleep. If you can, avoid eating large meals for two to three hours before bedtime. Try a light snack 45 minutes before bed if you're still hungry.
- Wind down. Your body needs time to shift into sleep mode, so spend the last hour before bed doing a calming activity such as reading. For some people, using an electronic device such as a laptop can make it hard to fall asleep, because the particular type of light emanating from the screens of these devices is activating to the brain. If you have trouble sleeping, avoid electronics before bed or in the middle of the night.
- If you can't sleep, go into another room and do something relaxing until you feel tired. It is best to take work materials, computers and televisions out of the sleeping environment. Use your bed only for sleep and sex to strengthen the association between bed and sleep. If you associate a particular activity or item with anxiety about sleeping, omit it from your bedtime routine.
- If you're still having trouble sleeping, don't hesitate to speak with your doctor or to find a sleep professional. You may also benefit from recording your sleep in a Sleep Diary to help you better evaluate common patterns or issues you may see with your sleep or sleeping habits.

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స్వస్తి శ్రీ విళంబి నామ సంవత్సరము/स्वस्ति श्री हेविलम्बी नाम संवत्सर/Swasti Sri Hevilambi Year,

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O Sun God, Savitr!  
Thou dazzling fount of life-persuasive light!  
Sublimest mystery speeding from afar!  
Swift became that burst too potent on the sight!  
This radiant type of strength and youth!  
Glowing eternally!



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Seeing, far-shining, the shining wanderer!  
- Rig Veda. vii. 65

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## The Andhra Journal of Industrial News

### IP and Industry News

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Issue 167

Chief Editor: డాక్టర్ శ్రీనివాసరావు వేపచేడు | डॉक्टर श्रीनिवासरावु वेपचेडु | Dr. Sreenivasarao Vepachedu<sup>1</sup>

### PUBLIC SHAMING TRADEMARK BULLIES DOES NOT WORK<sup>21</sup>



Does Public Shaming Trademark Bullies Work? Shaming as a sanction is not a new concept and has been around since before biblical times and can be effective as a punishment and a deterrent. Shaming is a process of publicizing someone's wrongful behavior that violated a social norm, wherein the process comprises citizens publicly and self-consciously drawing attention to the bad dispositions or bad actions of an offender and punishing the offender for having the bad dispositions or engaging in the bad action. Advocates for shaming as a legal alternative or as a complement to traditional civil and criminal sanctions such as fines or imprisonment have been increasingly more vocal in the past two decades<sup>22</sup>.

The government is generally in the best position to shame the offender. Three parties are involved in a shaming situation. First, the shamer is the one who undertakes the shaming. The shamer can be an individual, a group of individuals, corporate entities, or government-sponsored entities such as judges. The second party in a shaming situation is the target of the shaming-the AMZONE-Goliaths<sup>13</sup>. The final and the most important party of the shaming situation is THE



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### COMMUNITY - YOU.

However, the AMZONE-Goliaths<sup>13</sup> are not vulnerable to shaming, one of the most important conditions to be met for success, because another critical condition to successful shaming is that it reduces the level of reputation in which the target was previously held in the community - possible only if the community shares the view that the trademark bully has transgressed by resorting to trademark bullying. If the community does not share this view, the shaming will likely fail by falling on deaf ears of the community. One of the ways the community is most effectively activated to boycott the corporate trademark bully is if members were previously consumers or followers of the trademark bully and the shamer (the bullied victim). However, the shamer (the bullied victim) may not be in the best position to be believed by the community because the trademark bullied victim is new to the community and small whereas the corporate trademark bully has established itself in the community by contributing to the community with its products, charity, taxes, bribes, funds for legislators (lobbying), advertising, and other public relations activities.

For people with bratty kids, the answer might seem obvious, but the water gets a lot murkier when it's the government doling out the shame, not mom and dad. In April 2014, a 62-year-old man, found guilty of harassing a neighbor and her two disabled children, was sentenced to carry a sign that read I AM A BULLY.

Even if the corporate trademark bully thinks that trademark bullying or another bullying by threatening the victim to give up, is serving a greater good, the fact remains that it is still just a trademark bully. Trademark owners are incentivized by the AMZONE GOLIATH<sup>23</sup> developments in trademark law to obtain expanded trademark rights and to keep these rights through aggressive policing, due to several features of trademark law, which work against the victims of trademark bullying.

One of the ways a trademark bully always maintains an upper hand in a trademark dispute with a small business or individual is that the bully can decide not to pursue its claim of infringement if its target puts up an initial fight because a trademark bully faces no consequences for abusing the trademark rights. In trademark-infringement suits, defendants are rarely granted a trademark-misuse defense, creating a "one-way liability" against the victims of the trademark bully. There is some evidence that shame doesn't always do what it's meant to do.

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Is public shaming fair punishment and does it work<sup>24</sup>? The answer depends on the type of bullying, and if it is trademark bullying, shaming does not work because the trademark bully has powerful allies in the community including the federal agencies (TTAB, FDA, USPTO, etc.) and the Congress dancing to its tunes.

Medical errors are severely underreported in a fear-based culture. The problem is further entrenched in the general societal culture where the huge number of harm and deaths due to preventable error never make the evening news. If it did, we would have more support from the general public and therefore government funding.

The root cause of the two-fold problem of TM bullying and the medication errors due to proprietary name confusion in the pharmaceutical industry in the US and internationally which includes the system-based causes of medication errors, including pharmaceutical trademarks, drug packaging and labeling, and error-prone abbreviations and dose expressions, as well as the patient's role in preventing medication errors, needs to be fixed by the US Congress by a comprehensive legislation<sup>25</sup>.



Keep an eye on Trademark Bullying Cases at TTAB, FDA, USPTO, etc. and find out for yourself. Use the Trademark Search and Document Retrieval (TSDR)<sup>26</sup> system to retrieve status information and to review all documents currently in the record for pending applications and registered trademarks. TSDR is available 24 hours a day, 7 days a week. Once on this page, simply enter the trademark opposition number, for example, 91239011 at TTAB-VIEW<sup>27</sup>, or trademark application number 87195766 at TSDR<sup>28</sup> and then click either the "Status" or "Documents" button. When selecting "Status," you can expand the different headings for more information.

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<sup>21</sup> Bullying, Mobbing and the Role of Shame: Have you ever felt guilty about something you did, even though you were never caught? Have you ever been ashamed of yourself, even though others might not know how you secretly feel? Anger and Shame: Emotions of Bullying; Why You Should Think Twice Before Shaming Anyone on Social Media; Is public shaming fair punishment? Is Public Humiliation the Same As Bullying?

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- The IPKat: The Metaphorical Trademark "Bully": A Problem?
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- The Bully Waging War Against Bullies - The Daily Beast
- Fear and Loathing in Trademark Enforcement - St. John's
- What Is the Consequence of Not Policing Your Trademark
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స్వస్తి శ్రీ విళంబి నామ సంవత్సరము/स्वस्ति श्री हेविलम्बी नाम संवत्सर/Swasti Sri Hevilambi Year,

చైత్రమాసము/CHAITRA Month

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ॐ असतो मा सद्गमय | तमसो मा ज्योतिर्गमय | मृत्योर्मा अमृतं गमय | ॐ शान्तिः शान्तिः शान्तिः ॥

O Sun God, Savitr!  
 Thou dazzling fount of life-persuasive light!  
 Sublimest mystery speeding from afar!  
 Swift became that burst too potent on the sight!  
 This radiant type of strength and youth!  
 Glowing eternally!



శ్రీ వేపచేడు విద్యా పీఠము

May the golden-eyed Savitar come hither!  
 Stepping forth he rises from the lap of the dawn!  
 Praised by singers, my God Savitar!  
 Stepped forth and never missed his place!  
 He steps forth the splendor of the sky the wide!  
 Seeing, far-shining, the shining wanderer!  
 -Rig Veda. iii. 65

# VEPACHEDU EDUCATIONAL FOUNDATION

## The Andhra Journal of Industrial News

### IP and Industry News

We alone shines!  
 All luminaries get illuminated by His Illumination!  
 The whole Universe is enlightened by His light!  
 -Kathopanishad

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ॐ भूर्भुवः स्वः तत्सवितुर्वरेण्यं भर्गो देवस्य धीमहि धियो यो नः प्रचोदयात्॥

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Chief Editor: డాక్టర్ శ్రీనివాసరావు వేపచేడు | डॉक्टर श्रीनिवासरावु वेपचेडु | Dr. Sreenivasarao Vepachedu

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- Is Pepsi Really a Substitute for Coke - Market Definition in Antitrust and IP

<sup>22</sup> Shaming Trademark Bullies, *Wisconsin Law Review*, Vol. 2011, No. 3, 2011

<sup>23</sup> AMZONE GOLIATH: ENSURING APPROPRIATE MEDICATION

<sup>24</sup> Is public shaming fair punishment and does it work?

<sup>25</sup> TRADEMARK BULLYING AND MEDICATION ERRORS

<sup>26</sup> Trademark Search and Document Retrieval (TSDR)

<sup>27</sup> TTAB-VIEW (<http://ttabvue.uspto.gov/ttabvue/>)

<sup>28</sup> Trademark application number 87195766 at TSDR ([http://tsdr.uspto.gov/#caseNumber=87195766&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87195766&caseType=SERIAL_NO&searchType=statusSearch))

<sup>29</sup> In addition to the primary sources cited above, additional references include:

New York Times, Washington Post, Mercury News, Bayarea.com, Deccan Chronicle, the Hindu, Hindustan Times, Times of India, AP, Reuters, AFP, The Guardian, Pravda, Spiegel, Connexion, etc.

*“Where the mind is without fear and the head is held high, Where knowledge is free Where the world has not been broken up into fragments, By narrow domestic walls.”* Rabindranath Tagore (1861-1941), Gitanjali, 1912.

One World One Family

AUM! SWASTI!

Om! Asatoma Sadgamaya, Tamasoma Jyotirgamaya, Mrityorma Amritangamaya, Om Shantih, Shantih, Shantih! (Aum! Lead the world from wrong path to the right path, from ignorance to knowledge, from mortality to immortality, and peace!)

SWASTI! AUM!

వస్తువుల కుటుంబం/ వస్తువుల కుటుంబం One World One Family!

ఓం! ఆమ్! AUM! స్వస్తి! స్వస్తి! SWASTI!

ఓం అసతోమా సద్గమయ! తమసోమా జ్యోతిర్గమయ! మృత్యోర్మా అమృతంగమయ! ఓం శాంతిః శాంతిః శాంతిః!

Om! Asatoma Sadgamaya, Tamasoma Jyotirgamaya, Mrityorma Amritangamaya, Om Shantih, Shantih, Shantih!

Aum! Lead the world from wrong path to the right path, from ignorance to knowledge, from mortality to immortality, and peace!

స్వస్తి! స్వస్తి! SWASTI! ఓం! ఆమ్! AUM!

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