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VEPACHEDU EDUCATIONAL FOUNDATION

The Andhra Journal of Industrial News

IP and Industry News

Issue 151

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CONTENTS

Famous Trademarks[2]

In Canada, although famous trademarks are not specifically protected by statutory provisions, protection is available. Since 2009, the Trademarks Opposition Board (TMOB) and Federal Court have been favoring a greater recognition and protection for famous trademarks in Canada. The evidence required to assert the rights of the famous rademark in Canada includes fame, surrounding circumstances, evidence of consumer confusion, and the connection between the goods and services are considered in assessing a likelihood of confusion.

In China, protection of unregistered well-known trademarks is limited to marks which cover identical or similar goods or services, whereas registered well-known marks can obtain cross-class protection. Factors condiedered in asserting rights of a famous trademark include any association between the goods and services, the distinctiveness of the mark, the degree of its reputation and the possible confusion.

GMOs

The rapid globalization of the world economy has increased the need for an astute understanding of cultural differences in perceptions, values, and ways of thinking about new food technologies. Socio-psychological and cultural factors may affect public perceptions of the risk of genetically modified (GM) food. Cultural theory for risk communication and decision making attempts to explain the differences in the cultural values and circumstances of people in the US, European countries, and the developing world implicating the decision making about GM food. One aspect of the cultural influence involves faithful acceptance of traditional practices as safe, e.g., not many traditional foods that are consumed have been subjected to systematic toxicological and nutritional assessment, yet because of their long history and customary preparation and use and either ignorance or absence of evidence of harm, they are generally regarded as safe to eat[3]. In addition, language and message in the scientific literature, newspapers, and popular magazines is effected by press releases and whatever is published in the popular press affects the layperson's perception[4].

In a study, 35% of participants were unwilling to purchase products made with GMOs, 23% were indifferent or value the presence of GMOs, and 42% were willing to purchase them if they were sufficiently inexpensive[5]. Thus, the cost trumps the cultural bias.

In addition, high-speed communication has become the feature that defines the way we connect with each other. 21st-century society, which is becoming increasingly ruled by multinational corporations, cyberspace, and consumerism, relies on fast access to information. For this reason, science communicators need to find ways to connect at the same fast pace and to spread our messages over wide areas that go beyond the limitations of traditional media. Science communicators have been using a variety of channels, such as blogs, websites, posters, magazines, video games, billboards, television, apps, and movies, powerful tools share the visual language. However, the practice of science communication does not embrace such visual speak[6].

Visual representations have the power to communicate more efficiently, and often more effectively, than words alone. Images, illustrations, or other visual representations have the power to communicate an “immediate visceral understanding” beyond the abilities of text. Through the ability to elicit emotional cues and presentation of implicit association, comparisons, or correlations, visuals can convey affective and cognitive information at a glance. Science communicators should consider infographics and other forms of data visualization that encourage message engagement. In the increasingly screen-based communication formats, how information is presented may be as influential as what is presented for critically thinking about issue-relevant arguments[7].

In the United States, while the use of insect- and fungus-killing chemicals has declined, farmers are using weed killers polluting the environment[8]. It is not the GMO that is dangerous, but the use of chemicals in the farming that is dangerous. While the industrial farmers keep polluting the environment around us, avoiding GMOs is not going to stop the pollution and the resulting disease and decay all around. It is not a bright idea to throw the baby out with the bathwater.

Together with the low cost and highly effective visual communications using the cutting edge media may help enlightening of masses to the truth and scientific basis clearing the superstition and cultural bias against novel and safe inventions and relieve false perceptions safety of more traditional and unhealthy stuff[9]. For example, Bill Gates endorses genetically modified mosquitoes to combat malaria using a new gene-editing tool to create malaria-resistant mosquitoes[10].

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Intellectual Property Rights (IPR) and International Property Rights Index (IPRI)

Entrepreneurs innovate to earn profits, the difference between the total receipts and outlays, as a function of dynamic changes in the market due to innovation protected by short-term monopolies granted by the government, providing incentives until the monopolies expire. Once the innovations become successful and profitable, they induce other innovations in other fields and other entrepreneurs follow.

Laying the foundation for the future economic growth and prosperity, global innovators filed about 2,680,900 patent applications in 2014[11]. This spurt in innovation is fueled by new fields of technologies and innovating Emerging Markets, despite weak economic conditions across the world. China appears to have dethroned America from the seat of the top innovator of the world by filing the highest number of patent applications.

However, in terms of innovation per capita as indicated by Applications Per Million Population (APMP), the topper was

Korea with 4205 APMP (210,292 Applications/50 Million Population (MP), followed by
Japan with 2566 APMP (325,989 Applications/127 MP),
America with 1825 APMP (578,802 Applications/317 MP),
Germany with 825 APMP (65,965 Applications/ 80 MP),
China with 683 APMP (928,177 Applications/1,357 MP),
Russia with 280 APMP (40,308 Applications, 144 MP), and
India with 34 APMP (1,428 Applications/1,252 MP).

The Property Rights Alliance (PRA) instituted the Hernando de Soto fellowship to produce a yearly edition of the International Property Rights Index (IPRI)[12] to measure the three main components of a sound property rights system: the Legal and Political Environment (LP), Physical Property Rights (PPR), and Intellectual Property Rights (IPR). Each of these three components that make up the International Property Rights Index is further broken down into subcomponents. The LP has four subcomponents: Judicial Independence, Rule of Law, Political Stability, and Control of Corruption. The PPR has three subcomponents: the Protection of Physical Property Rights, Registration of Property and the Ease of Access to Loans. The final component, IPR, also has three subcomponents: the Protection of Intellectual Property Rights, Patent Protection, and Copyright Protection. The 2016 IPRI contains detailed breakdowns and interpretations of 128 countries.

IPRI is calculated by the following equation: $\boldsymbol{IPRI} = (\boldsymbol{LP} + \boldsymbol{PPR} + \boldsymbol{IPR})/\boldsymbol{3}$

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The IPRI defines development as a multidimensional concept embracing such dimensions as economic, political, social, cultural, technological and ecological spheres with an eye to the well-being of present and future generations. The IPRI analyzes the relationships of several different aspects of development through its individual components: Economic Outcomes; Human Capabilities; Social Capital, Research, and Innovation, and Ecological Performance.

Rank Country Rating[13]
1 FINLAND 8.4

2 NEWZEALAND 8.3

3 LUXEMBOURG 8.3

4 NORWAY 8.3

5 SWITZERLAND 8.2

Based on the IPRI, it is evident that IP plays a significant role in the development of a country, but it is not the sole determinant of the success. The top five countries in IP with the highest score in the APMP index are not the top five in the IPRI index.

[1] Patent - Applications for the top 20 offices: http://ipstats.wipo.int/ipstatv2/keysearch.htm?keyId=221

[2] http://internationalpropertyrightsindex.org/ipri2016

[3] http://internationalpropertyrightsindex.org/countries?f=ipri&o=desc

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INTELLECTUAL PROPERTY RIGHTS AND INTERNATIONAL PROPERTY RIGHTS INDEX

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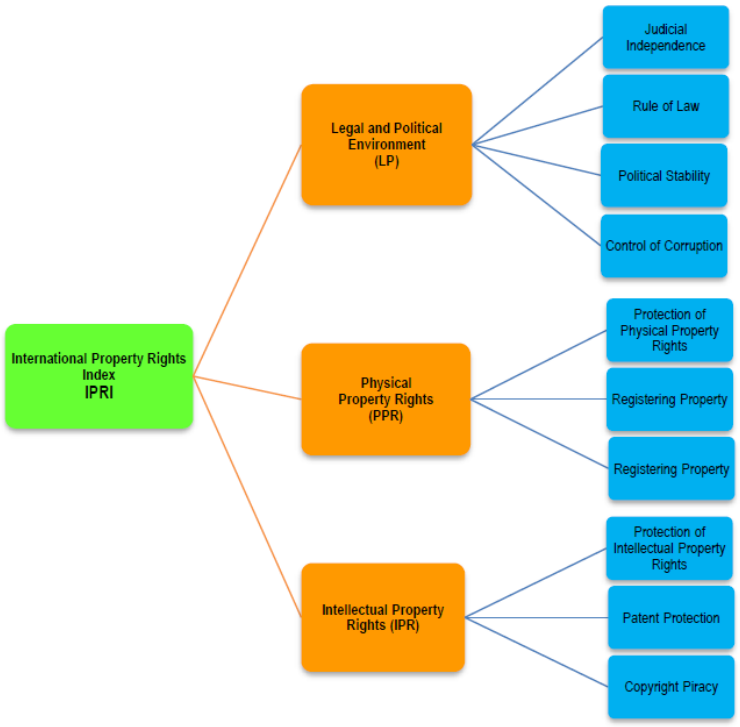

Ranks	Country	Rating
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7	SWEDEN	8.1
8	JAPAN	8.1
9	NETHERLANDS	8.0
10	CANADA	8.0

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Building a 21st Century Digital Government

The American business practices and lives have been undergoing a fundamental transformation due to the technological innovations and their effective use. However, the American government has been lagging behind in taking advantage of the novel technologies to provide services. To remedy the situation, President Barak Hussain Obama issued an Executive Order (13571)[16] to modernize the way Government works and to streamlie service delivery and improve customer service, requiring executive departments and agencies to use innovative technologies to streamline their delivery of services to lower costs, decrease service delivery times, and improve the customer experience. The Federal Chief Information Officer (CIO) was charged with developing a strategy to deliver better digital services to the American people. As part of that strategy, an open data initiative was undertaken to make publicly available data to be fully discoverable and freely usable by end users, which can be used, reused and redistributed by anyone. The impact of such open data initiative will be felt globally, engaging the marketplace from Boston to Bangkok.

Toward that goal, the USPTO created the Developer Hub[17], a portal to improve the discoverability, accessibility, and usability of public patent and trademark data to harness the power of data. The Developer Hub establishes a shareable and social platform for anyone in this community to showcase the use of the open data[18], leveraging the power of the crowd. The USPTO will soon release APIs to be explored and mined to understand the competitive landscape and to identify opportunities for research and development.

Similarly, New York City launched Council 2.0 to transform the NYC Council into a more responsive, transparent, and open Council for every resident by providing open access to Council data, improving social media platforms, taking concrete steps to pilot new models of engagement, and building a more inclusive city, an essential step to doing our job right and strengthening the local democracy[19]. To that end, Bloomberg Philanthropies launched What Works Cities, a $42 million initiative to help mid-sized cities better use data, open to cities with populations between100,000 and one million[20]. Now 55 cities across the US are participating in the network of municipalities aiming to utilize data to improve city services and inform local decision-making[21].

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[1] Dr. Rao Vepachedu is a registered patent attorney with extensive experience in the management of intellectual property and extensive experience in research and teaching. He currently works for Cardinal Intellectual Property (CIP), Cardinal Risk Management (CRM), and Cardinal Law Group (CLG). In addition, he is the president of Vepachedu Educational Foundation

Inc. (www.vepachedu.org), a 501(c) (3) educational foundation. For more information visit: www.linkedin.com/in/vepachedu; http://www.avvo.com/attorneys/60201-il-sreenivasarao-vepachedu-764535.html, and http://www.crm-ip.com/vepachedu.html. Contact: svepachedu@yahoo.com or rao.vepachedu@cardinal-ip.com: www.linkedin.com/in/vepachedu and http://www.crm-ip.com/vepachedu.html;

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[21] 16 New Cities Join Bloomberg's Open Data Initiative: https://nextcity.org/daily/entry/what-works-cities-16-open-data

[22] 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.

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"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 Amritamgamaya, 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!

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