

**Profile**

Krishna & Saurastri Associates is a dynamic and professional law firm offering comprehensive spectrum of services. A specialist in intellectual property management, the firm was set up in 1984 and has over the past years grown its business across India and international boundaries. Krishna & Saurastri Associates is headquartered in India's commercial capital - Mumbai and has full-fledged offices in New Delhi, Bangalore, Pune and Ahmedabad.

Krishna & Saurastri Associates has to its clients' advantage a roster of highly quality professionals lawyers, engineers, scientists, computer specialists... to render high quality Services. In nearly two decades of its committed service, Krishna & Saurastri Associates has garnered vast and diverse experience in acquisition, enforcement and maintenance of all intellectual property, Patents, Trade marks, copyrights, designs, geographical indicators, semi-conductor chips, trade secrets ... are some of the firm's many avenues of proven prowess.

Krishna & Saurastri Associates has a Special Cell that has expertise in effectively detecting commercial frauds and tracking intellectual property piracy. To its credit, Krishna & Saurastri Associates has initiated more than 3000 criminal cases all over India, covering foods, cosmetics, medicines, clothing, footwear, textiles, engineering and electronic goods, automobiles... and many many more.

# Dear Friend

We are living in exciting fast paced times. In an age where global connectivity and networking is instantaneous. Where information societies and knowledge economics are propelling the power, progress and development of companies and countries.

The vast expanse of the world of yesterday has been decimated by technology into a global village. Again it is technology that has sharpened the teeth of competition in the fiercely contested global arena. It is the abundant fruits of all the diverse cutting edge technology that needs comprehensive protection from the unscrupulous world of intellectual piracy.

Intellectual property protection and management has become a key focus area across the world. All "creations of the mind: inventions, literary and artistic works and symbols, names, images and designs used in commerce" require legal protection through patents, trade marks, copyrights, designs.. Unfortunately the high stakes and the insatiable lure of big money have given rise to very organized and widespread networks of intellectual property thieves

In India too, intellectual property abuse is rampant. However there is a strong movement and growing momentum in corporate and political circles to counter hijacking of intellectual property. Many international charters have been signed. Existing laws are being revamped in order to become more encompassing and with more stringent penalties. And serious initiatives are being undertaken to deter IP infringement.

Krishna & Saurastri Associates - IP specialists with demonstrated credentials for nearly two decades in India are happy to present to you this review. The distinct objective behind this publication is to offer you a clear and current perspective of the scenario and developments in the sphere of IP in India. Since this is a pioneering effort, we do hope that you will send in your suggestions, feedback and queries to help us to continue raising the standard.

Yours sincerely,



Sunil B. Krishna

# Working of Patents

By Shivendra Singh

All Patent holders and licensees are required to furnish information regarding working of Patents in FORM 27 before March 31, every year. The previous circular which was published by the Indian Patent office on December 24, 2009 cited S.146 and Rule 131 of The Patent Act, 1970 and The Patent Rules 2003 respectively to call upon the concerned entity to comply with the requirements under above provision of law in stipulated time period. In case of failure in submitting the information before March 31, 2011, sanctions/penalty as per

S.122 of The Patent Act, 1970 shall be applicable.

S.146 reads '(1) The controller may, at any time during the continuance of the patent, by notice in writing require a patentee or a licensee, exclusive or otherwise, to furnish to him within two months from the date of such notice or within such further time as the controller may allow, such information or such periodical statements as to the extent to which the patented invention has been commercially worked in India as may be specified in the notice.'

S.122 states that '(1) If any person fails or refuses to furnish to the Controller any information or statement, which he is required to furnish by or under S.146, he shall be punishable by a fine which may extend to Rs. 1,000,000.'

S.122 also states that '(2) If any person required to furnish any such information as referred to in S.146 (1), furnishes information or statement which is false and which he either knows or has reason to believe to be false or does not believe to be true, he shall be punishable with imprisonment which may extend to six months or with fine or both.'