

Intellectual Property rules amended

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The Union Ministry of Finance has amended Intellectual Property rules to revoke the power vested with Customs authorities to seize imported products based on complaints of patent infringement.

On June 22, the Ministry made two amendments to the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007. Firstly, the Intellectual Property Rights (Imported Goods) Enforcement Amendment Rules, 2018, omits all reference to the Patents Act, 1970.

Further conditions

Another amendment incorporates further conditions that oblige the right-holder to notify the Commissioner of Customs of any amendment, cancellation, suspension or reaction that concern Intellectual Property rights, and require the Customs authorities to accordingly amend, suspend or cancel the corresponding protection provided by them.

In the past, mobile phone companies have faced issues because of the earlier rules. For instance, in 2007, Madurai-based Ramkumar, who held a patent for a dual SIM, sought seizure of products imported by Samsung and Spice Mobile, which affected several importers.

“Now, the amended law will permit the Customs authorities to cancel his patent from its records based on the order passed by the Intellectual Property Appellate Board (IPAB),” Subhatosh Majumdar, Patent Attorney and Managing Partner, S. Majumdar & Co., said.

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