



National Intellectual Property Framework and Cottage and Small Industries



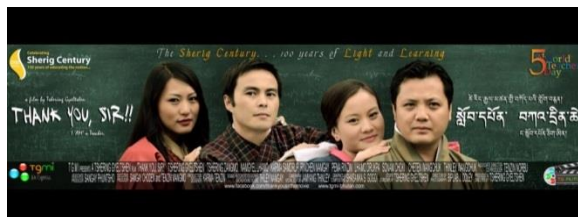
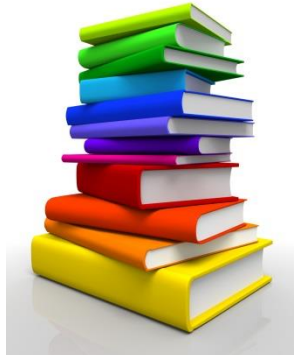
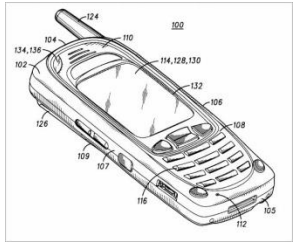
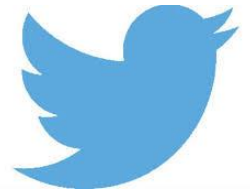
By
Tempa Tshering, Chief IP Officer
INDUSTRIAL PROPERTY DIVISION
Department of Intellectual Property, Ministry of Economic Affairs
July 16, 2019

OUTLINE

- a) IP System in Bhutan
- b) Policy Framework
- c) Technology and Innovation Support Centers
- d) Future steps

What is Intellectual Property Right?

Intellectual Property (IP) Rights refer to rights over creation of mind/intellect, resulting in *inventions; designs; literary & artistic works and symbols, names and images* widely used in business.



Intellectual Property

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graph TD; IP[Intellectual Property] --> IP1[Industrial Property]; IP --> IP2[Copyright works]; IP1 --- IP1L[1. Patent- Inventions]; IP1 --- IP1M[2. Mark- Trademarks, Collective Marks & Service marks]; IP1 --- IP1D[3. Industrial Design- Outer appearance of an article]; IP2 --- IP2C[Copyright & Related Rights]; IP2 --- IP2LA[Literary & Artistic Works]; IP1L --- IP1L1[The Industrial Property Act of the Kingdom of Bhutan, 2001]; IP1M --- IP1M1[The Industrial Property Act of the Kingdom of Bhutan, 2001]; IP1D --- IP1D1[The Industrial Property Act of the Kingdom of Bhutan, 2001]; IP2C --- IP2C1[The Copyright Act of the Kingdom of Bhutan, 2001]; IP2LA --- IP2LA1[The Copyright Act of the Kingdom of Bhutan, 2001];
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Industrial Property

1. **Patent**- *Inventions*
2. **Mark**- *Trademarks, Collective Marks & Service marks*
3. **Industrial Design**- *Outer appearance of an article*

The Industrial Property Act of the Kingdom of Bhutan, 2001

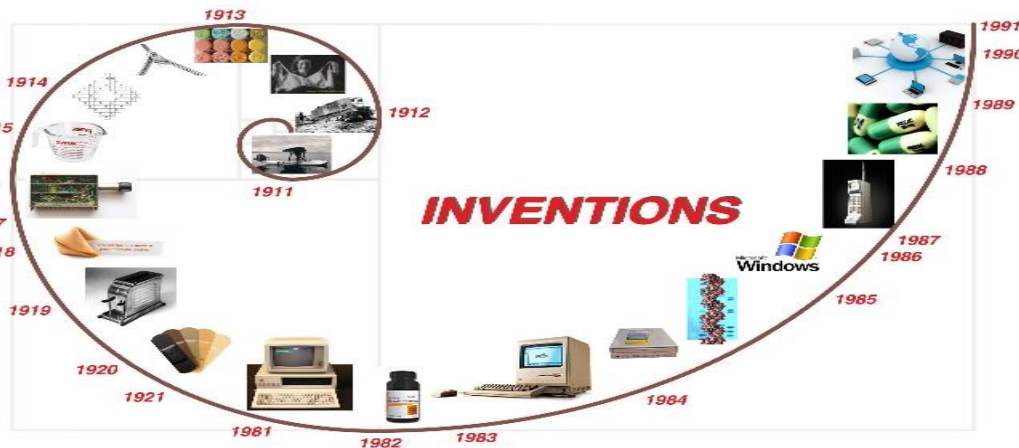
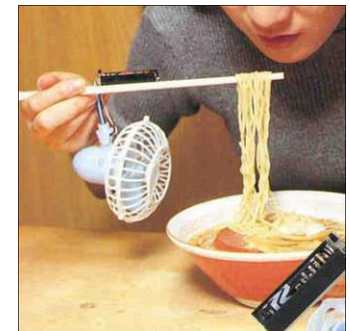
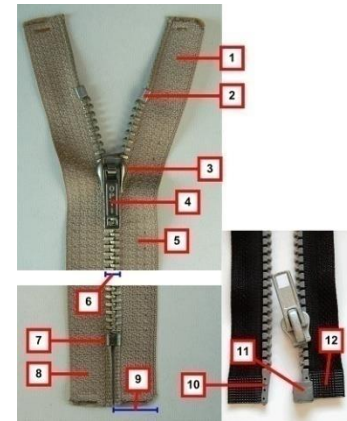
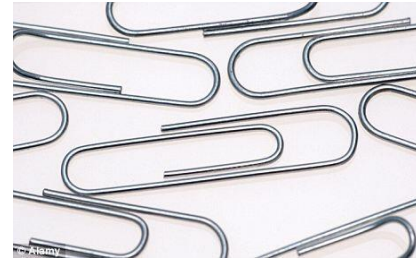
Copyright works

- Copyright & Related Rights
- Literary & Artistic Works*

The Copyright Act of the Kingdom of Bhutan, 2001

1. Patent IP Act Sec.4 (1) (2)

A patent is an exclusive right granted for an **invention** – a product or process that provides a **new** technical solution or offers a **new way** of doing something.



2. Mark IP Act Sec.24



A mark is a **distinctive sign** that identifies certain goods or services produced or provided by an individual or a company.



+ Smell, Sound & Shape in the future



BBC NEWS

India voter 'chops off finger' after voting for wrong party

APRIL 19, 2019 · 1 MIN READ

An Indian voter says he chopped off his index finger after realising he had voted for the "wrong" political party.

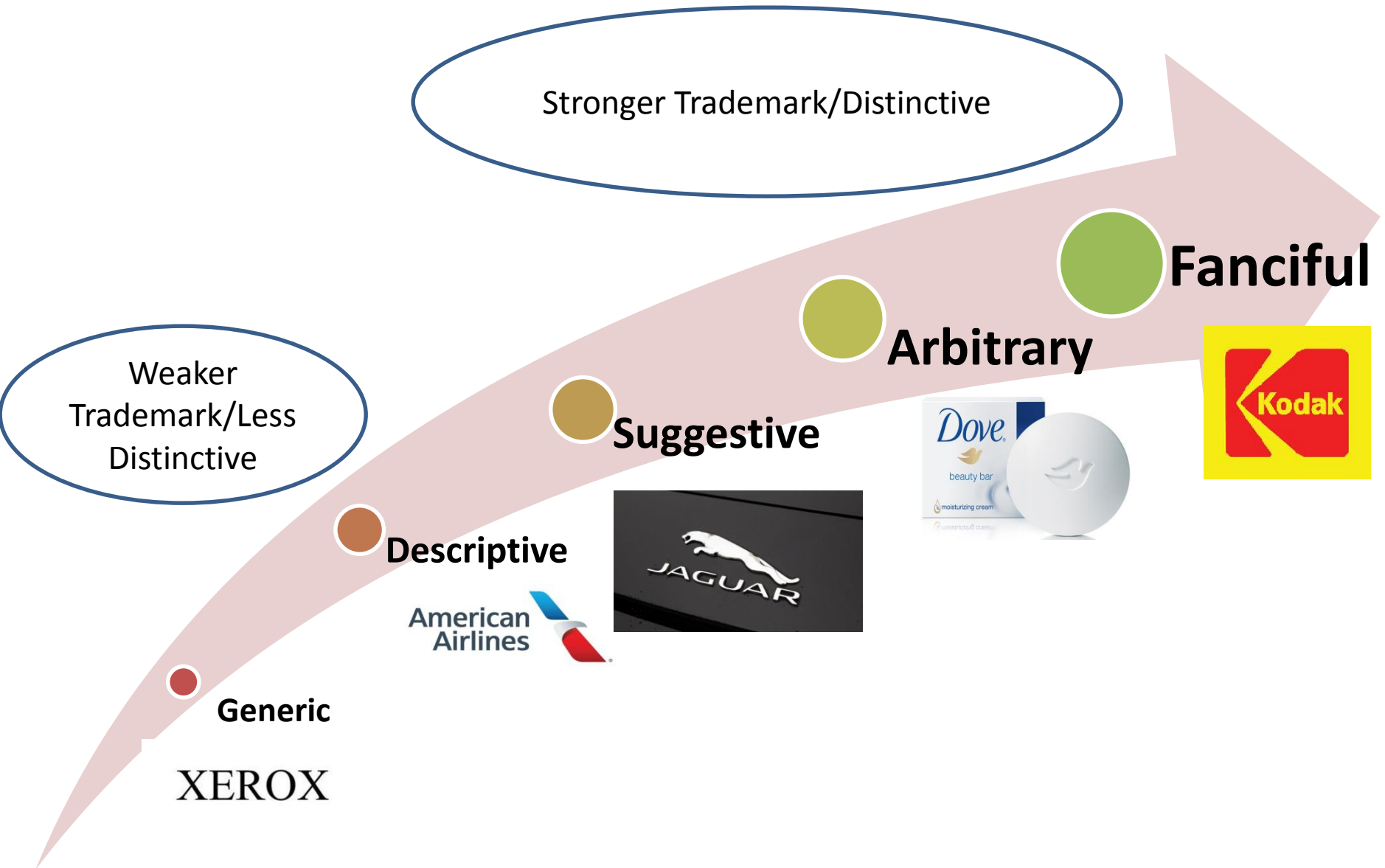
Pawan Kumar says he accidentally ended up voting for the governing Bharatiya Janata Party (BJP), in a video that has gone viral.

He wanted to vote for a regional party - but was confused by the many symbols on the voting machine.

Be distinctive !

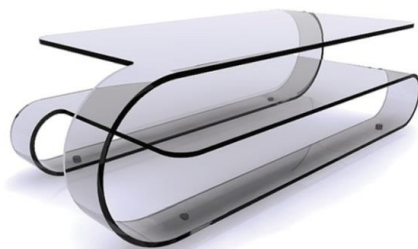


Spectrum of Distinctiveness



3. Industrial Design IP Act Sec.17(1)

An industrial design refers to the **ornamental or aesthetic aspects** of an article.



Why register and protect designs?

- Design attracts potential customer easily

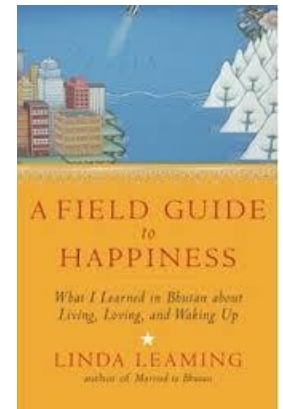
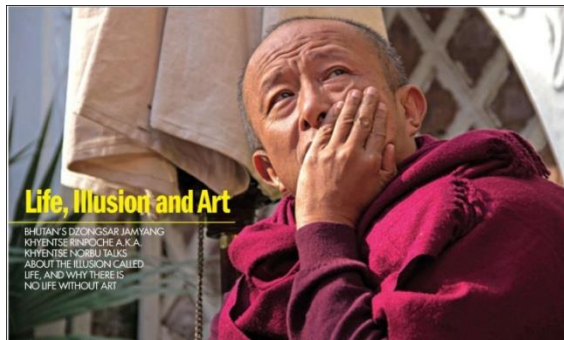


Vs.



4. Copyright CR Act Sec. 5

Rights over **original creations** of literary and artistic works of authors, artists and other creators.



Example of several IP rights in one product



A sports shoe may be protected by several IP rights:

- [Patents](#) protect the technology used to develop the shoe/phone
- [Designs](#) protect the “look” of the shoe/phone
- [Trademark](#) distinguishes the shoe/phone from similar products and protect the “reputation” of the shoe (and the company making it)
- [Copyright](#) protects any artwork and audiovisual creations used to publicize the shoe or phone manual, software or ring tones.

Registration Criteria

a) Patent – **NEW, INVENTIVE STEP AND INDUSTRIALLY APPLICABLE**



b) Industrial Design – **NEW & ORIGINAL**



c) Marks (Trademark/ Service marks / Collective Marks) – **VISIBLE DISTINCTIVE SIGNS**



a) Copyright Works – **ORIGINALITY**



All above should not be against **public order or morality**

[IP Act Sec.5(5), Sec.18 (3), Sec. 25 (3), Sec. 32 (1),]

Example: Some elements contrary to public order or morality

Any destructive inventions/Some Biotech. inventions/Faith related etc.



X Brand Name Mohammad=Alc. Products

Non-registrable – National Emblems/Hall Marks/Armorial /Country Names/Traditional Knowledge, etc



Tweet

 **Kim Kardashian West** 
@KimKardashian

Finally I can share with you guys this project that I have been developing for the last year.
I've been passionate about this for 15 years.
Kimono is my take on shapewear and solutions for women that actually work.
Photos by Vanessa Beecroft



Tweet your reply

 **ヤス@BUNKAIWA(ブンカイワ)**
@bunkaiwa

Replying to @KimKardashian

I feel very sad that the name “Kimono” is being used to something completely different from what we Japanese know about it. Kimono is Japanese traditional clothes and we are very proud of its history and culture. I'm sorry but I feel this name choice is simply ignorant. #KimOhNo

♡ 5,272 6:40 AM - Jun 26, 2019 

1,414 people are talking about this 

BBC  Home News Sport More 

NEWS 

Asia 

Kim Kardashian West's Kimono underwear meets Japanese backlash

🕒 27 June 2019     



Kim Kardashian West has angered people in Japan with the launch of her new shapewear brand, Kimono Intimates.

Why protect and promote intellectual property?

1. The **progress** and well-being of humanity;
2. The legal protection **encourages** the commitment of additional resources for **further innovation**; and
3. Spurs **economic growth**, creates new **jobs** and industries, and enhances the **quality of life**.





The Constitution, Kingdom of Bhutan

Fundamental Rights - Article 7 (13) states:

- ✓ Every person in Bhutan shall have the **right** to material interests resulting from any **scientific, literary or artistic** production of which he or she is the **author or creator**.

Principles of State Policy - Article 9(23)

- ✓ The State shall **encourage** free participation in the cultural life of the community, promote **arts and sciences** and foster technological **innovation**.

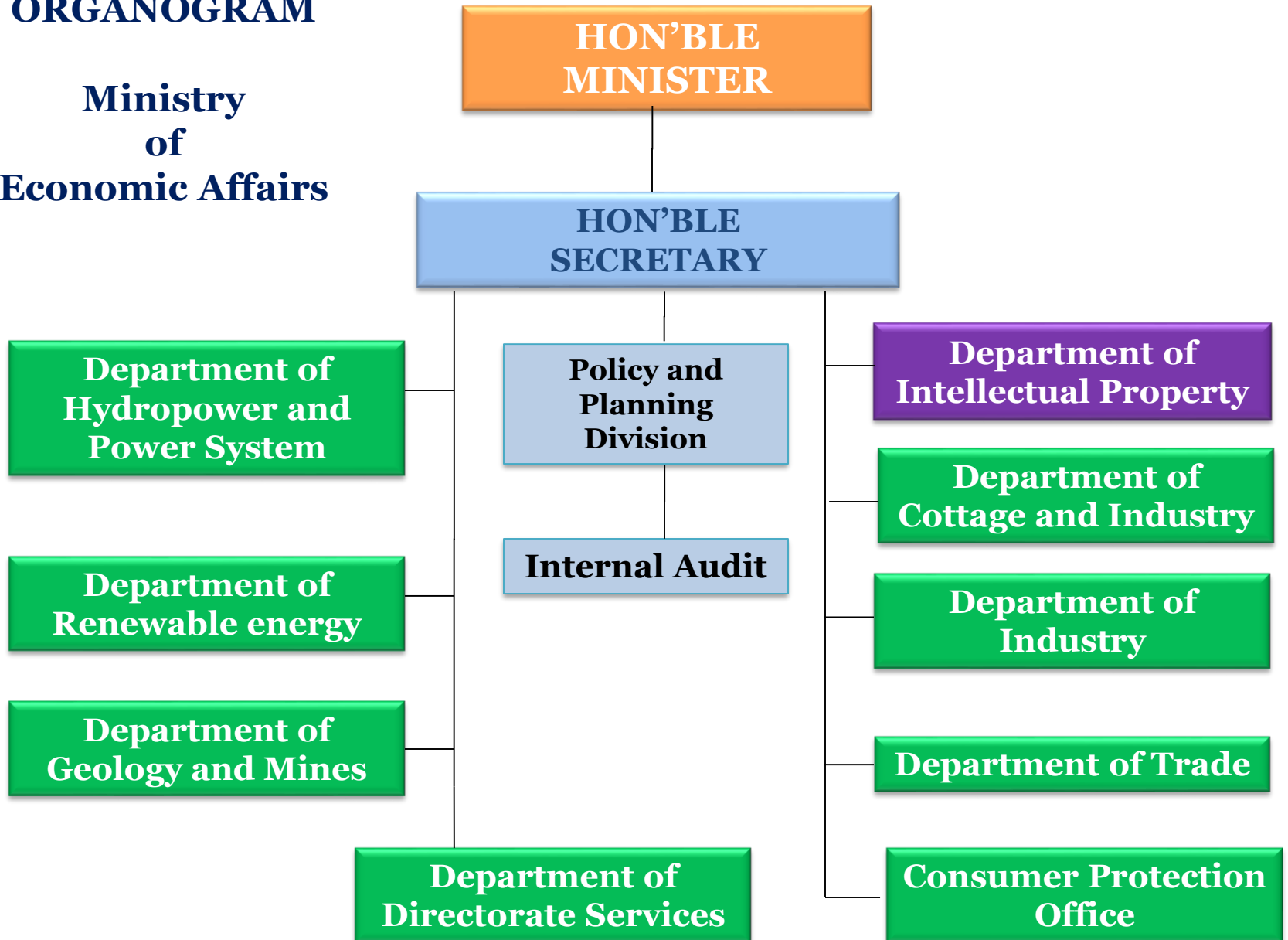


Milestones of the IP Department

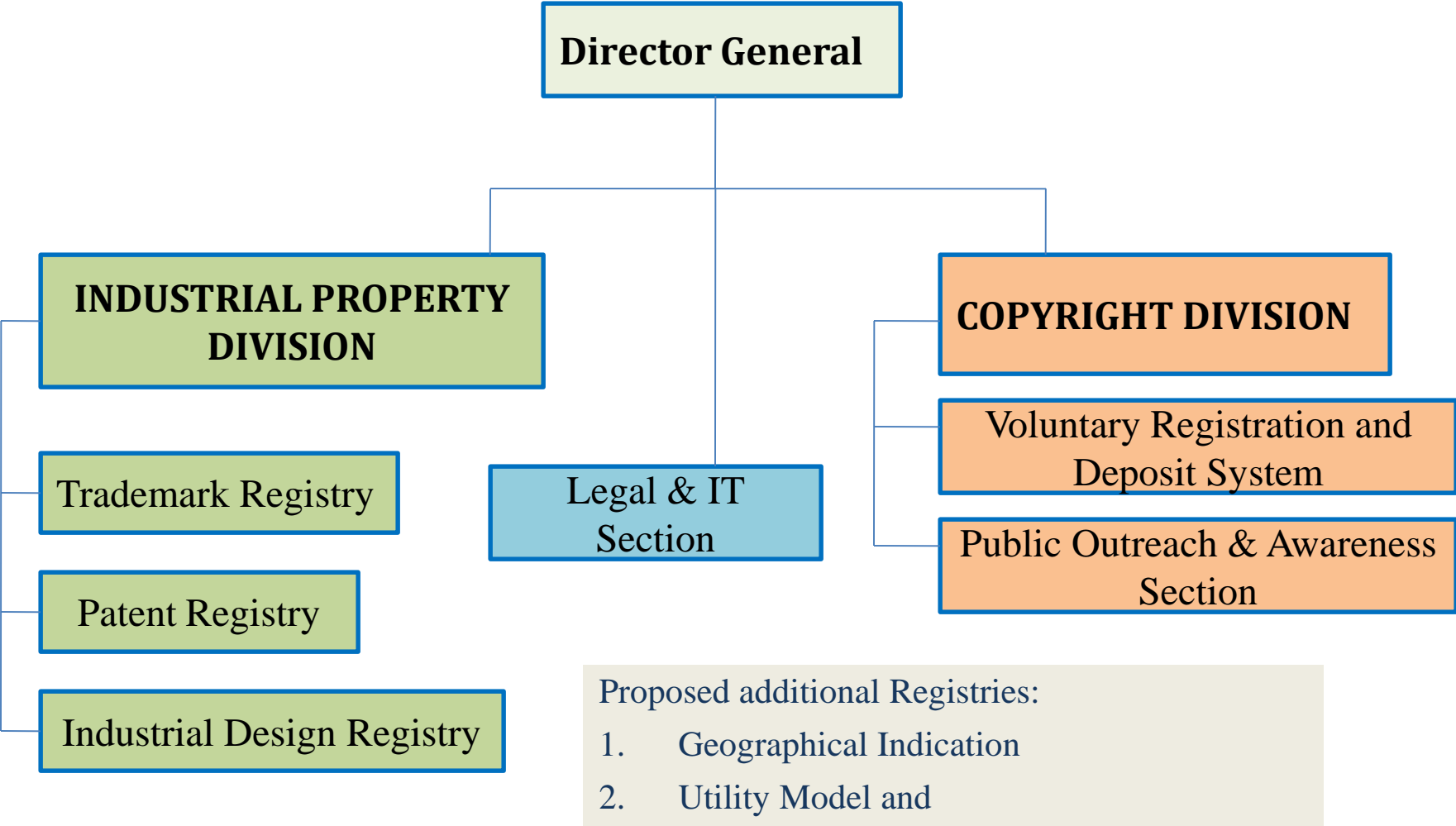
- **1997** : Instituted as Legal Section of the Ministry
:Industrial Property Regulations, 1997
- **2000** : Formally established as a Division
- **2001** :Industrial Property Act and Copyright Act
- **2016** :Upgraded to a Department
 - *Additional programs beyond registry related services*
- **2018** : National IP Policy
 - *Integrate IP system with the mainstream sectors*
- **2019** :Bhutan online IP Search

ORGANOGRAM

Ministry of Economic Affairs



THE DEPARTMENT OF INTELLECTUAL PROPERTY



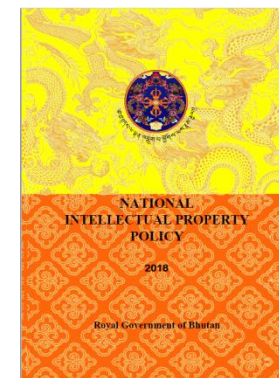
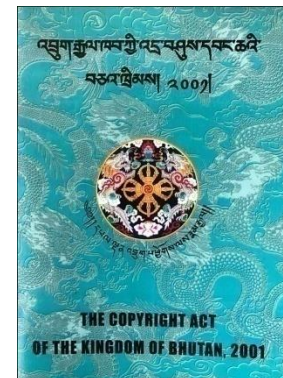
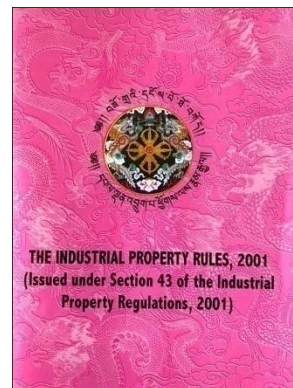
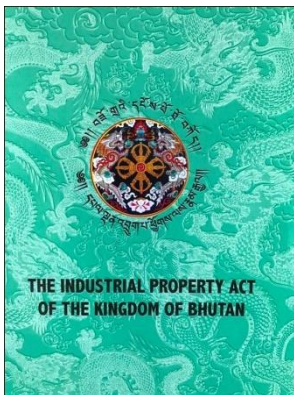
Existing manpower: 20

Mandates

1. To establish a comprehensive well-balanced and effective IP protection and enforcement.

Legislations:

- Industrial Property Act, 2001
- Industrial Property Rule, 2001
- Copyright Act, 2001
- The National IP Policy, 2018



2. To establish a system of grant of titles and rights of IP.

Setting up of Registration System:

- Trademark Registry (1997)
- Industrial Design Registry (2009)
- Patent Registry (2012)
- Copyright Voluntary Registration and Deposit (2012)



Common work procedure, IPAS:

(Trademark, Patent & Industrial Design Registrations)

1. Receive applications
2. Formality Examination
- 3. Substantive Examination**
4. Publication/Opposition
5. Acceptance
6. Grant
7. Post grant actions

Right Conferred through IP Registration:

a. Exclusive rights to **prevent others**

[IP Act Sec.13, 22, 28 & CR Act Sec. 8 & 9]

- Making
- Using
- Selling
- Offering for sale
- Importation
- Distortion

b. Duration [IP Act Sec.14, 22, 28 & CR Act Sec. 18]

- Patent= 20 yrs. (*annual renewal*)
- Industrial Design = 15 yrs. (*5 yearly renewal*)
- Trademark = Indefinite (*10 yearly renewal*)
- Copyright = Life + 50 years

c. Territorial in nature

d. IP Rights can be licensed, assigned or transferred in succession.

Application statistics (July 2019)

Subject Matter	NUMBER OF APPLICATIONS FILED	REVENUE EARNED (Nu) (fees)
Trademark	18,752 (240 Bhutanese)	114 m (CHF 1.9 m)
Industrial Design	23 (08 Bhutanese)	35,000
Copyright	170 (all Bhutanese)	37,000
Patent	53 (17 Bhutanese)	0.798 m
TOTAL	18,998	114.87 M

*Applications include both nationals and [internationals](#)

3. To build up an int'l network of treaty relationships for protecting and safeguarding IP Rights of Bhutanese nationals abroad.

Accession to Int. IP Conventions/Treaties /Agreements

SL. No.	Instrument	Year of Accession
1.	The WIPO & Convention	1994
2.	Paris Convention for the Protection of Industrial Property	2000
3.	Madrid Agreement Concerning the Int'l Registration of Marks	2000
4	Protocol Relating to the Madrid Agreement Concerning the Int'l Registration of marks	2000
5.	Berne Convention for the Protection of Literary and Artistic Works	2004

Currently, feasibility studies under process to accede to **the Patent Cooperation Treaty, the Hague Agreement , the Beijing Treaty and the WIPO Copyright Treaty.**

4. Create Awareness: Outreach Programs/Activities



WORKSHOP ON INTELLECTUAL PROPERTY FOR TECHNICAL TRAINING INSTITUTES



Chumey, Bumthang
October 20, 2014



Kuruthang, Punakha
October 22, 2014



To promote knowledge and understanding on IP

- Awareness for businesses, enforcement agencies, schools and institutions
- Airing audiovisual spots on IPRs and distribution of IP legislations, pamphlets/brochures AND Annual Magazine
- Hosting National Seminars/Workshops on IP Subjects
- Celebration of annual World IP Day (April 26)

IP Constraints

- Low industrial base
- General lack of awareness on IP
- Absence of IP Professionals in the Pvt. Sector



Agrarian Society



Related CSI Constraints

- Outdated technology
- Competition from imported goods



Net importer



Vs



Policy Frameworks

WIPO: Innovation and economic transformation

The development and diffusion of innovative technologies is critical to achieving many of the SDGs.

“Intellectual property as a policy exists to create an enabling environment for – and to stimulate investment in – innovation; to create a framework in which new technologies can be traded around the world and shared.”

The economic imperative at the heart of innovation is fundamental to the process of societal transformation that the Sustainable Development Goals aim to achieve.”

WIPO Director General
Francis Gurry

SDG 9: Build resilient infrastructure, promote sustainable industrialization and foster innovation.

WIPO: Other initiatives on SDGs (1)

SDG 3- Ensure healthy lives and promote well-being for all at all ages

- WIPO Re:Search: A partnership to tackle neglected tropical diseases, malaria and tuberculosis
- SAMBA II - Rapid blood tests in remote locations

SDG 4-Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

- Accessible Books Consortium (ABC)
 - Bringing books to persons with print disabilities
 - 410,000 titles in accessible formats listed on the ABC Global Book Service
 - 76 languages covered by the ABC Global Book Service
 - 5,000 accessible educational titles produced in national languages in 12 countries

Innovation in action Evolving copyright to improve inclusivity

“I am just one example of someone who was abled differently and yet I beat the odds. [...] Imagine if others like me were given the opportunity to function at their full potential, how much better our world would be.”



Recording legend
Stevie Wonder
speaking on
International Day
of Persons with
Disabilities 2016

WIPO: Other initiatives on SDGs (2)

- **SDG 13 Take urgent action to combat climate change and its impacts**
 - WIPO GREEN Stimulating the uptake of green tech.

National Policy Framework (1)

(The Interfaces of Eco. Development, IP, CSI & Technology Transfer)

Bhutan: Vision 2020 = Economic Self Reliance by 2020

Graduation from LDC set for 2023 (Need to overcome economic vulnerabilities)

Economic Dev, Policy 2016

❖ Vision: A green and self-reliant economy sustained by a knowledge based society guided by the philosophy of GNH.

**TECHNOLOGY – Innovation/creativity/entrepreneurship
only solution.**

National Policy Framework (2)

(The Interfaces of Eco. Development, IP, CSI & Technology Transfer)

IP in CSI Policy (Revised 2019)

Objective 6.5: Innovation and Technology Adoption

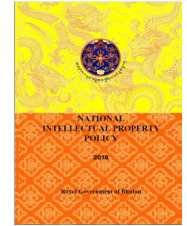
6.5.3 Foster greater Intellectual Property adoption amongst CSIs through better **awareness activities**, advisory services and capacity building programs.

6.5.4 Provide CSIs with access to global patent (invention), design and brand databases and related services, through the **Technology and Innovation Support Centers**.

6.5.5 **Facilitate franchising and licensing** of IPR in permissible areas, which offer potential for rapid business development and employment generation.

National Policy Framework (3)

Planning and Managing Technology Transfer: Support Mechanism for CSIs



National IP Policy 2018

The NIPP comprises of the following seven strategic objectives:

- (1) Develop a balanced and development-oriented IP laws and regulations;
- (2) Establish an effective institutional framework;
- (3) Increase strategic use of IP assets and greater use of IP system for the protection of TK, GR and TCEs;
- (4) Facilitate transfer of technology;**
- (5) Improve access to the results of innovation and creativity;**
- (6) Strategic participation in the international IP system; and
- (7) Incentives to encourage innovation and creativity.**

Objective 4: Facilitate transfer of technology

(a) Establish Technology and Innovation Support Centers (TISCs) in relevant institutions to provide access to:



- i. Online patent and non-patent (scientific and technical) information;
- ii. Intellectual property-related publications; and
- iii. Information on technology commercialization.

...Facilitate transfer of technology

(b) Promote the development of collaboration or networks of enterprises with the Royal University of Bhutan and other institutions to engage in R&D and innovative activities.

(Status: TISCs, University IP Policy to initiate)

(c) Assist and encourage the public research institutions to collect and disseminate **appropriate technologies**.

(d) Collaborate with international and national agencies to explore and introduce appropriate technologies.

(Status: Explore with WIPO-Green, CTCN-UNFCCC, APCTT, CDB, etc)

What is patent information?

Patent information is the name given to the technical information found in patent documents, plus legal and business-relevant information about them.

Patent documents consist of

- a. **A first page** (bibliographic data)
- b. **A detailed description of the invention**
- c. **Drawings**
- d. **Claims**

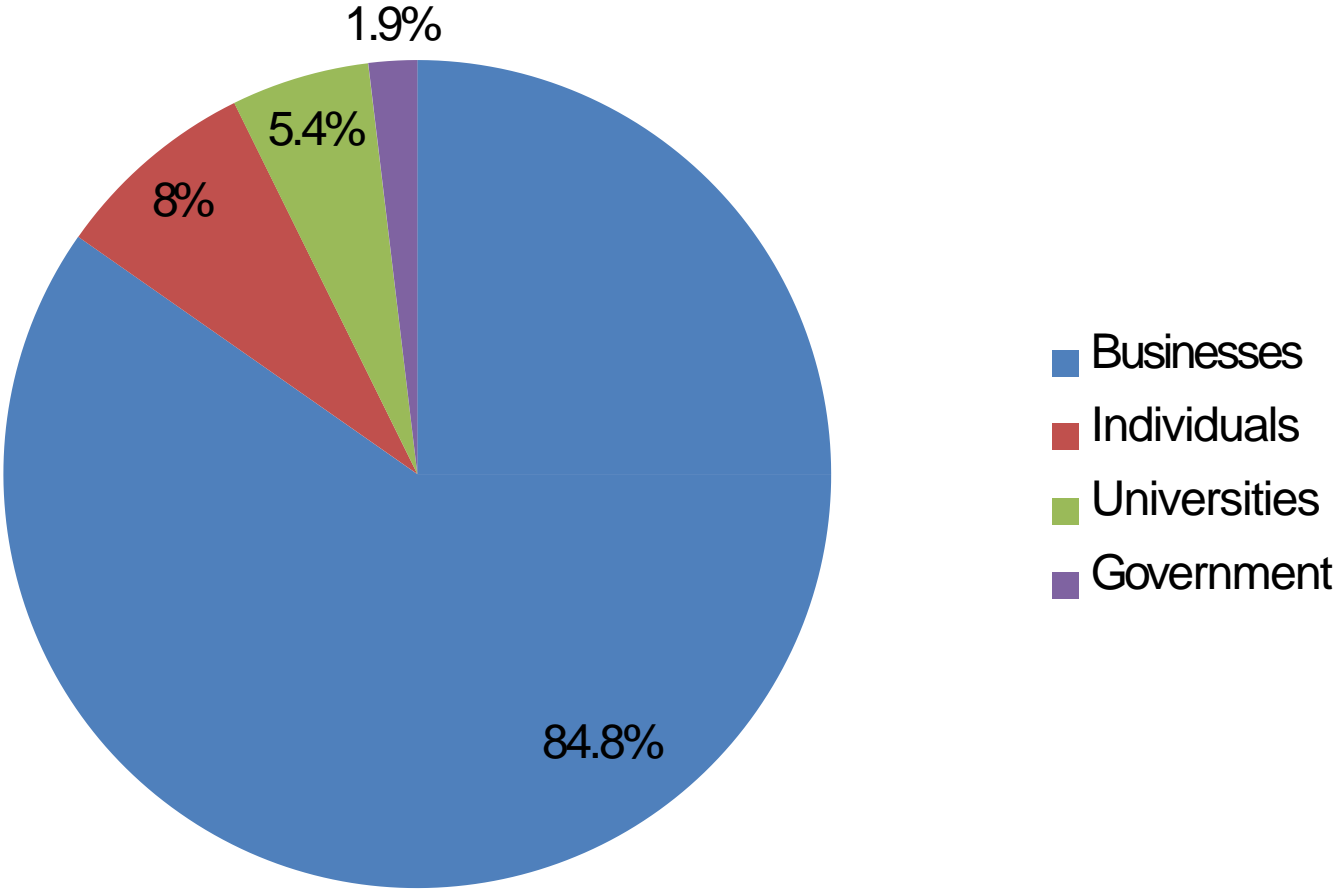
Multifaceted nature of Patent information

- ❖ **Technical information** from the description and drawings of the invention;
- ❖ **Legal information** from the patent claims defining the scope of the patent and from its legal status;
- ❖ **Business-relevant information** from reference data identifying the inventor, date of filing, country of origin, etc.;
- ❖ **Public policy-relevant information** from an analysis of filing trends to be used by policymakers, e.g., in national industrial Policy strategy.

Patent Database

- ❖ Patent database is **cumulative collections of worldwide patent information** in the form of full-text documents
- ❖ The Patent databases are **being updated daily** around the world and are growing exponentially, with a record of more **than 3 million patent applications filed annually** across the globe in recent years.

Distribution of PCT Applicants in 2016



Top Global Patent Applicants 2017

1. Huawei Technologies—CN (4,024)
2. ZTE—CN (2,965)
3. Intel—US (2,637)
4. Mitsubishi Electric—JP (2,521)
5. Qualcomm—US (2,163)
6. LG Electronics—KR (1,945)
7. BOE Technology Group—CN (1,818)
8. Samsung—KR (1,757)
9. Sony—JP (1,735)
10. Ericsson—SE (1,564)
11. Microsoft—US (1,563)
12. Hewlett-Packard—US (1,519)
13. LE Holdings —CN (1,397)
14. Bosch—DE (1,354)
15. Panasonic—JP (1,280)
16. Philips—NL (1,077)
17. Siemens—DE (1,063)
18. Shenzhen China Star Optoelectronics—CN (972)
19. Fujifilm—JP (970)
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**12 of top 20 users are
from Asia**

Top University PCT Applicants 2017

1. University of California (US)
2. Massachusetts Institute of Technology (US)
3. Harvard University (US)
4. University of Texas (US)
5. Johns Hopkins University (US)
6. University of Florida (US)
7. Seoul National University (KR)
8. Hanyang University (KR)
9. Stanford University (US)
10. Korea Advanced Institute of Science and Technology (KR)
11. Shenzhen University (CN)
12. Columbia University (US)
13. University of Tokyo (JP)
14. University of Michigan (US)
15. China University of Mining and Technology (CN)
16. King Abdullah University of Science and Technology (SA)
17. University of Pennsylvania (US)
18. Korea University (KR)
19. Tsinghua University (CN)
20. Tohoku University (JP)

Top University PCT Applicants 2017

1. University of California (US)
2. Massachusetts Institute of Technology (US)
3. Harvard University (US)
4. University of Texas (US)
5. Johns Hopkins University (US)
6. University of Florida (US)
7. Seoul National University (KR)
8. Hanyang University (KR)
9. Stanford University (US)
10. Korea Advanced Institute of Science and Technology (KR)
11. Shenzhen University (CN)
12. Columbia University (US)
13. University of Tokyo (JP)
14. University of Michigan (US)
15. China University of Mining and Technology (CN)
16. King Abdullah University of Science and Technology (SA)
17. University of Pennsylvania (US)
18. Korea University (KR)
19. Tsinghua University (CN)
20. Tohoku University (JP)

*9 of top 20 from
Asia*

Value of Patent information

Example:

Estimated that European Industry loses US\$ 20 billion annually.

- ❖ Lack of use of PI
- ❖ Duplication of efforts
- ❖ Re-inventing existing inventions
- ❖ Resolving problems
- ❖ Redeveloping products already in the market

Why use patent information by CSIs?

Patent information can be helpful in many ways.

- ❖ To find out what already exists and build on it
- ❖ To keep track of who's doing what? and where?
- ❖ To avoid infringing patents in force
- ❖ To avoid reinventing the wheel

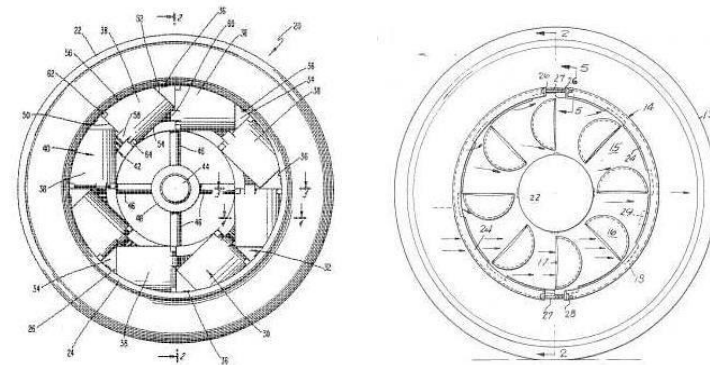
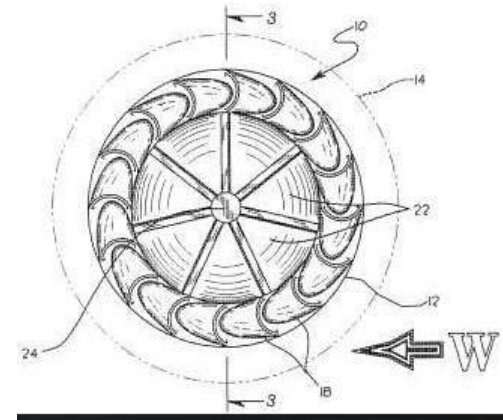
Re-inventing the wheel

Planes have to accelerate from zero to over 350 kilometers per hour within a fraction of a second. The friction wears the tyres and generates a cloud of smoke.

Using the wind speed to pre-rotate the tyres while in flight, should improve tyre life. And, a simple way of converting wind speed into wheel rotation is to add fins or cups to the outer walls of the tyres.

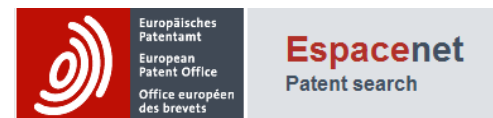
In 1998 an inventor SMITH ROBERT ALFRED invented **Aircraft wheel rotating device** for rotating a wheel of an aircraft prior to landing.

In 2004 withdrawn as the invention is already existing prior art **Wind power accessory for a vehicle wheel (1975)**, **Aircraft wheel rotation apparatus (1985)**



Many Patent Offices have launched free patent information databases.

- ❖ Espacenet hosted by the European Patent Office at <https://worldwide.espacenet.com>



(comprising over 110 million patent documents from around the world [90 Countries' database])

- ❖ Patentscope hosted by WIPO at <https://patentscope.wipo.int/search/en/search.jsf>.



(This database contains text and images of 74 million international applications filed under PCT (including revised, amended etc.) and otherwise globally).

- ❖ The United States Patent and Trademark Office (USPTO) at <https://www.uspto.gov/patents-applicationprocess/search-patents>



(This database provides searchable data of United States patents plus text of claims, description) dating back to 1790 in the US and 1869 in case of Canadian.

TISCs Project in Bhutan

Started in 2018

TISCs

1. CST,
2. JNEC &
3. Thimphu TechPark

4. First Capacity building exercise held in Thimphu – April 24-26, 2019

Objectives - Increase innovative activities

- ❖ Strengthen the institutional capacity of TISCs to conduct
 - patent and technology search
 - patent drafting

- ❖ Provide required information on industrial property laws, management and strategy, and technology commercialization and marketing.

Outcomes

- ❖ Greater use of patent information by universities, R&Ds & entrepreneurs
- ❖ Improved quality of patent applications by local enterprises

Way forward – future steps

1. Capacity building of TISCs

- ❖ **WIPO DL Courses**
 - DL-301 Advanced course on Patents, DL-318 Patent Information Search, DL-320 Patent Drafting
- ❖ Periodic onsite capacity building

2. Experience sharing with other TISCs

- ❖ ITS0,- Philippines

3. Awareness creation to boost interests

- ❖ For users – R&D, Startups, Individual innovators and businesses, Colleges & other Relevant Govt. and Private Institutions.
- ❖ Opening additional TISCs (*Incubation Center, CNR, etc.*)

On-going and Future Programs

Enabling Environment for creativity and innovation



- 1) **Revision of two IP Acts, 2001**
- 2) **Developing different levels of Awareness Program, Promotional Materials, etc.**
- 3) **Implementing National IP Policy 2018** (Strategies and Action Plans)
- 4) **Operating Technology Information and Support Centre (TISC)**
- 5) Exploring legislative means to protect Traditional Knowledge and Traditional Cultural Expressions
- 6) Feasibility studies on joining four additional int. IP Treaties
- 7) Identify and enhance bilateral cooperation with key national stakeholders (adoption, branding, enforcement, IP database, etc.)
- 8) **National Branding Project in Collaboration with WIPO (2018-2023)**
- 9) Institutional linkages



Conclusion

1. ANYONE INTERESTED to have sessions on IP Rights may let us know
2. ANYONE WANTING to learn about searching Inventions may let us know

Email: ipd@moea.gov.bt

Website: www.ipbhutan.gov.bt



Thank you
for your kind attention!

tempatshering@moea.gov.bt

www.ipbhutan.gov.bt

www.moea.gov.bt

