



From the desk of Rajeev Surana

Intellectual property(IP) is an indispensable part of the entertainment industry. From films and music to logos and brand names, IP is omnipresent. Considering the fast paced development of technology in today's digital age, it has become a prerequisite to understand technology to make the most of the various forums which have come up recently. Besides this, to rightfully exploit all avenues it is also important to be aware of the legal regime and how transactions work in the industry.

This month we had an opportunity to converse with one of the experienced members in the field of Licensing / Merchandising in entertainment industry. We got inputs from Mr. Rohit Sobti, who was associated with Yash Raj Films and Sony Music.

Do share in your views and how you are finding innovative ways of supporting your idea.

Please share your comments and feedback on helpdesk@scinnovation.in / letstalk@scinnovation.in

Bencil Writes November'15 edition

Popular Intellectual Property Issues inside Bollywood

Although, the growth of technology has been a boon, it has also led to the springing up of new threats to intellectual property rights. With the extensive reach of the internet,

UPCOMING EVENTS

- *Business of IP Asia Forum 2015, 3rd – 4th December 2015, Hong*

issues such as piracy have been injected with new life. Businesses and content owners in the entertainment industry are now coming to terms with the insurmountable significance to IP, IP protection and IP commercialization, making IPR more important than ever.

We interacted with Mr. Rohit Sobti to get inputs on IP issues in Bollywood. Rohit Sobti has over 18 years of experience in Entertainment Industry; developing new businesses, exploiting the Intellectual Property and Brand Extension . He is specialist in setting up new businesses and leveraging the Intellectual Property with a deep understanding of IP Laws.

1. What are the common Intellectual Property (IP) issues faced in the field of Bollywood / Film Industry?

Rohit Sobti (RS): The Indian film industry is one of the most flourishing entertainment industries in the world, with more than 1000 films being churned out every year. Production houses have evolved into big conglomerates with well-developed licensing and merchandising wings. The IP awareness quotient of the industry has certainly increased substantially, which is a necessity to survive and thrive in a tech-savvy environment today. The technology boom has also made it possible to reach a wider audience. However, with the increase in the number of platforms the instances of IP infringement has also increased. Infringers have found new ways to circumvent the laws. Piracy, which continues to be the biggest threat to the entertainment industry, has found newer avenues like the internet. Besides this copyright infringement, trademark infringement, publicity rights violations also is very common in Bollywood.

2. What are the measures taken to ensure protection of sensitive data in this field?

RS: Data protection is of prime importance in Bollywood or any other entertainment industry. Sensitive information such as film plots, film financials, artists credentials etc., are only disclosed to a select few such as the director, actors etc., who are bound by well drafted, sacrosanct non-disclosure agreements. These agreements also have detailed confidentiality clauses, as well as IP protection clauses and coinciding penalty clauses in case of breach. It is advised to take expert legal opinion with respect to drafting of such

Kong, China

- *Call for Participation: Global Congress on Intellectual Property and the Public Interest, 15th – 17th December 2015, New Delhi*

Link: <http://global-congress.org/>

- *Managing Intellectual Property will once again be hosting the European Patent Reform Forum this year in New York on 8th December 2015 and San Jose on 10th December 2015*



Trivia / Think about it!

Copycat – Band Baaja Baaraat – Jabardast case

Yash Raj Films gained the limelight once again, just before making history with Dhoom-3, when they successfully restrained producers of the Telugu movie “Jabardast” on grounds of Copyright violation. YRF successfully gained an interim order in their favor from the Delhi High Court after convincing them that “Jabardast”, the Telugu movie was nothing

agreements, as these clauses have to be framed keeping in mind the relevant IT Act provisions. We always follow a stringent drafting and reviewing process, which has been effectively, put into place by our long time legal partner Banana IP Counsels.

3. How do you manage to control the leakage of data and breach of IP protection, considering the wide and complex network and the huge number of people involved?

RS: As previously mentioned, with the constant development of technology, increase in the number of platforms and the considerable growth in branding, merchandising and licensing IP protection has become more important than ever. Besides this has always been an integral part of our business. The first step towards IP protection is to identify your IP portfolio. Our legal partners BananalP Counsels conducted an extensive IP Audit for us and it is based on their expert recommendations that we sought IP protection and started aggressively enforcing our IPR. After auditing, the next step is to file and develop adequate strategy to protect and enforce the key intellectual property of your Company. Data protection measures or policies have to be introduced and enforced to ensure pre-emptive protection and avoid any data breach or leakage. These policies should be drafted carefully in accordance with the existing laws. It is imperative to make sure one gets sound legal advice with respect to any policy drafting.

As all businesses have an online presence today, documents like Terms of Service, Copyright policy etc. should be in place on each website to protect the business's interests as well as avoid liability.

4. What are the major challenges you face while protecting these rights and how do you overcome them?

RS: Well, the biggest roadblock with respect to IP protection is lack of awareness. Without knowing one's rights or the value of ones IP portfolio protection cannot be sought. IP evaluation is necessary process every organization has to conduct. A business needs the correct legal guidance to help achieve adequate IP protection. The other situation is that even though a business owner is aware of his IPR, IP protection is put on the backburner in the haste to get the product in the market. In

more than a blatant copy of the popular movie "Band Baaja Baaraat". While the makers of "Jabardast" planned to release a Tamil version of the movie, YRF also successfully restrained them from such a release claiming that they were due to release their own Tamil version of the popular romantic comedy. While the fate of the case is yet to be sealed, YRF rides high on its victory of the first battle.



What's new at Scinnovation?

- Our blog review [Rajeev Surana](#), was recently covered in Global Innovation magazine at [Nov2015 Issue](#)
- Scinnovation sent out an innovative Diwali hamper to their clients and stakeholders comprising a pocket book, ear plug wire management device named Rewind, fresh Chawanprash named

our case, BananaIP Counsels have aided us in every step of the way. Knowledge of the existing law, coupled with an effective IP protection strategy is the key. Apart from these precautionary measures, if matters get worse or have to be dealt with in court of law, good litigation management is also essential. Your legal representatives need to understand your IP portfolio and the legal regime to make good financially beneficial decisions.

5. Any example or instance of such issue which you had faced and how did you tackle it?

RS: There have been numerous instances where IPR have taken center stage but due to contractual obligations, it can be disclosed. Content owners chasing down infringers are now a daily affair in the entertainment industry. The wide spread use of internet and increase of torrent users has created a lot of hassles for the content owners. Jon Doe Order to a certain extent had helped us prevent piracy to a certain extent. There are times where we were also faced with copyright trolls. A trademark infringement was claimed against us, for the alleged unauthorized use of a product logo in our film in a legal manner. Such cases made me realize the value of IP as well as to ensure steps to prevent incidental usage of third party IP.

Inputs provided by: Mr. Rohit Sobti
(<https://www.linkedin.com/in/rohitsobti>)

Nutriprash, long lasting cake with fruit preservatives and Diwali greetings printed on a flip flop stand from Colour Me Mad which was appreciated for being thoughtful and different

- Suddha Basu with about 10 years corporate background in innovation space will be leading our Hyderabad office and joins as Head-Partnerships & Consulting from 01st Dec 2015

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