



Winning Strategies: License Enforcement & Revenue Assurance Program

BSA Global Software Survey - 2016



	Unlicensed Software Rate	Commercial Value of Unlicensed Software (\$M)
Brazil	47%	\$1,770
Russia	64%	\$1,341
India	58%	\$2,684
China	70%	\$8,657
South Africa	33%	\$274
APAC	61%	\$19,064
CEE	58%	\$3,136
LATAM	55%	\$5,787
MEA	57%	\$3,696
BRIC	64%	\$14,452
Worldwide	39%	\$52,242

Winning Strategies in India

Custom Bonding

- Register all IPRs at Borders
- Provide list of suspected companies/ products
- Training for Custom Officials

- Use IPR lobby/ RTI for compliance
- Trade collations for mediation/ negotiations

Educational Letters/ Legal Notices

- Educational Letters for suspected violations
- Legal Notices to infringing corporations

Anton Piller/ Injunction orders

- Filing Suit for Injunction with Damages
- Seek Ex-parte Anton Piller Orders

Direct Engagement

- With Government bodies
- Corporates with existing business relations.
- Corporates with Political backing

Law Enforcement

- Seek Law Enforcement in case of:
 - Repeated Violations; and
 - Mis-declarations in manufactured or sold units.

Elements of Enforcement Program

S. No.	Priorities	Proposed Activities
1.	Market Assessments	Do preliminary assessment of the pain points; potential market size; and loss of revenue.
2.	Import, Distribution & Channel	Identifying and reporting major supply chains of import lines, distribution and channels of non-compliant goods.
3.	Target Classification and Internal Approvals	Target Classifications: Classifying targets into Relationship; No-Relationship; Non-reporting; Under-Reporting; Big Revenue targets; Medium Revenue targets; Risks (Political, Legal and PR); Government; PSUs.
4.	Enforcement Programs	Use several Enforcement Options: Education Letters; Direct Negotiations; Legal Notice; Government Lobby; Anton-Pillars (injunctions) / Court Orders; Law Enforcement; Customs Complaints for Patents and Trademark Violations; and Litigation in Court of Law; Enforcement through Local Police.
5.	Revenue and Royalty Payments	Reporting Matrix: Creating matrix for Tracking and Reporting of IPR License Revenues for Sales Leadership Team.
6.	Negotiations	Revenue Assurance: Negotiate and Execute legally binding and enforceable License and Royalty Agreements with parties.

Elements of Enforcement Program

S. No.	Priorities	Proposed Activities
7	Government and Regulatory Authorities – Border Sealing	Obtained First Customs Registration of Patents and Trademarks under the IPR rules (Import of Goods), 2007 resulting in seizer of goods at Nepal Border, and significant reduction in grey market for IT products. Work with Government bodies: DIPP, TRAI, RBI, Competition Commission, Standard Setting Bodies.
8.	Leveraging Trade Collations and Industry for Enforcement.	Leveraging and working with Trade Coalitions such as FICCI, CII, NASSCOM and BSA
9.	Bar Association and Judiciary	Use Bar Associations for education and training of Judicial Officers and Government Prosecutors.