



Valentine's Day and IPR - A perspective by Ruchika Srivastava (intern) and Safir Anand

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How (Intellectually) protected is your love? Valentine's Day is here once again and stores are flooded with the theme of love. Ironically, as people express how genuine their love is, it is often with counterfeit gifts that this happens! The highest counts of such fakes are seen in luxury brand goods, knock off chocolate, furry teddy bears, custom jewellery and make-up, amongst a few. Most brands tend to increase their prices around this day, however, these fakes are available much faster and at minuscule rates. Although counterfeits in this regard come as no surprise, some genuine innovators have sought protection over their unique ways of expressions of love. Be it anything from a heart shaped pepperoni slice, plants growing into a heart shape, or heart shaped umbrellas, vases with greeting cards, heart shaped chocolates or even heart shaped diamonds, a "pop-up surprise" in which a pre-printed message magically appears approximately 24 hours after a person has received the bouquet or a "lover knot", which has two pieces that join to make a heart. It's all protected through IP. That's not it, there also exists a utility patent for a talking chocolate box which plays a voice message recorded by the sender. If that not fascinating enough for you, there's also food that talks with personalized messages. A patent application was also filed in the US for the method of proposing to an individual! Amusingly, it's not all mushy though, coming to some healthy but romantic gifts, on the top of the charts would be a kissing shield! It consists of a stretchable membrane to put over a person's lips to avoid transfer of germs while kissing! Not just these, even bouquets have a tinge of IP to them! Roses or for that fact even miniature roses are protected with the USPTO and account for 4% of plant related patents. Not just roses, but the second largest selling flowers Carnations too have IP protection granted to them. There are certain hybrids of these plants that have been granted protection. The French custom officials seized a Valentine's Day consignment of 41,000 roses going from Bangalore by terming the flowers "fakes" and violating the IP even though India was not a signatory to the United Planters Observatory Variety Convention determining plant breeders' rights. There also exist trademark registrations across the globe for terms related to Valentine's Day for dating applications and other gift items. However, All of these valentine gifts are often over-shadowed by jewellery. A number of such jewellery shops also trademark their slogans that are related to Valentine's Day. It is some of the biggest brands like Tiffany & Co., had filed a suit against Costco wholesale alleging it was selling counterfeit Tiffany engagement rings. Costco has to pay the luxury retailer \$19.4 million for the infringement! The next time you see a luxury good at a seemingly low price, it probably isn't an original product. From the card you gift, the food you eat to all the movies and songs, it's all protected under the regime of IPR. So this time when you plan to buy your significant other a Valentine's gift, take care to ensure that it isn't a counterfeit that'll ruin the romance. And maybe in the coming years, the authenticity of your gift will be a true measure of genuineness of your love!

