

# Inside track: Tata Technologies

**Upon joining Tata Technologies, Anubhav Kapoor faced the challenge of establishing an IP function at a new company while also protecting and steering a well-known global trademark. He explains how the company is finding its feet in the IP sphere**

Indian powerhouse Tata is not only the largest private company in India, but also arguably the most famous Indian brand in the world. Founded in 1868 and well known for its output in the automotive and steel industries, the Tata Group encompasses a wide-ranging portfolio of companies in sectors as diverse as book publishing, insurance and luxury furnishings. Engineering and design service provider Tata Technologies is a relatively new branch of the Tata tree. Trademark and IP matters are handled by general counsel Anubhav Kapoor, who joined the company in 2006.

In addition to being responsible for all aspects of intellectual property, Kapoor heads the entire legal function of Tata Technologies. So with such a broad remit, what does he do on a day-to-day basis? "It depends on which corner I'm pushed into during the day," he laughs. But while the role may be diverse, there are a number of common threads running through his activities. Supporting the needs of Tata clients is Kapoor's first priority, while another important part of the job is managing the expectations of the board and senior management. And, unsurprisingly for a young company, planning for future growth is also crucial. "A significant part is participating in what's next for the company," he says. "A lot of my time goes into that".

## A brief history

Tata Technologies was founded in 1994, but evolved into its current incarnation in 2005 when it acquired the UK-based, AIM-listed company INCAT. "The whole purpose of the merger was that Tata Technologies was at the time the largest engineering services firm in India. But we didn't have a footprint outside India," Kapoor explains. "INCAT was a large engineering firm involved in product lifecycle management services. It was looking for an offshore partner in India because that is what most of the automotive companies were trying to do at that time - setting up offshore centres in low-cost locations." Founded in 1989, INCAT provided design, engineering and software solutions to automotive and aerospace companies across the world; the acquisition transformed Tata Technologies into an international

force. Today, the company has 4,500 employees across three continents and is on track to expand further, with staffing levels expected to rise past the 5,000 mark next year.

"The primary business of Tata Technologies is engineering services for cars and aeroplanes," Kapoor says by way of summary; in fact, the company offers an array of services ranging from heavy machinery design to software training. "We are definitely at the cutting edge of technology," he continues - and with customers including all of the world's Tier One aerospace and automotive manufacturers, it is crucial that the company remains there.

Kapoor joined Tata Technologies in 2006 and found a completely clean slate to work with: the company at that time did not even have a formal legal team, much less an IP group. "While IP rights is a well-founded function in other Tata companies, in our company it only began a few years ago, which was pretty much when we started our operations outside India," he explains. Investing in intellectual property was a vital part of the process of setting up a legal department, and one of his first tasks was to register trademarks for key brands and reinforce them in the principal markets, while also protecting some proprietary works and software code through copyrights. "Our portfolio consists of trademarks, copyrights, patents, plus a number of case studies on engineering services that we and our engineers perform from time to time. The copyrights are basically for the proprietary software that we sell. One of our divisions sells proprietary software called i GET IT, and also i CHECK IT and i SUPPORT IT - this whole 'i' portfolio is a suite of products we sell online. We are one of the first companies in India to sell engineering software online."

The i GET IT range of self-paced training is where much of Tata Technologies' trademarks strength currently lies; it has so far been adopted by a number of leading automotive companies for their in-house training, including Ford, General Motors and Boeing.

## Creating an IP culture

While Tata Technologies may not yet have a large trademark portfolio, this does not mean that trademarks are a low priority. "I personally feel that we are very, very conscious about the quality of our IP rather than the quantity. Bringing in the culture into the company from the very beginning is important, because if you miss the bus it becomes pretty difficult."

Intellectual property is the lifeblood of an organisation such as Tata Technologies, where so much of the company's offering has sprung from employee know-how. "Pretty much everything - the design, the engineering, the presses, the crash tests - is done on



computers, and this has changed the way that the company looks at its IP.” But from the outset, innovation has been the watchword: “We wanted to be seen as an innovative company; this was something which was very high on the priority of the senior management.” Kapoor recognised that IP awareness had to be nurtured hand in hand with product development, and acknowledges that this was one of the company’s first challenges. He jokingly describes engineers as “pretty dumb”, suggesting that they are not naturally concerned with the IP side of their work and would “give everything away” if left to their own devices.

The company thus developed a number of initiatives to promote both innovation and IP awareness. “We basically started with an idea generation or knowledge management exercise, and slowly started creating awareness within the company and in the different areas that we are in,” Kapoor recalls. “We now have a special day dedicated to IP and innovation, where everybody displays the creative things we are doing.” Another step is the “IPR Notita”, a comic strip featuring three characters - Annie, Floyd and the IP Guru - with storylines based on IP issues that associates would expect to face. Launched on April 26 this year to coincide with World Intellectual Property Day, the fortnightly communication from the IPR Cell has proved to be a fun way to demystify the concept of intellectual property for Tata Technologies staff.

### Running a tight ship

While the company’s headcount and global footprint continue to grow, the legal department has been deliberately kept lean. Kapoor explains how the model works: “We conceptualised pretty early in the process that we wouldn’t keep any overheads internally, and we would outsource the major part of the IP management,” he says. India is well supplied with specialist firms that provide patent and trademark search facilities, so Tata Technologies has a chosen firm performing these functions for it, as well as providing opinions and advice. “That is how the bulk of the work gets done. The relationship with that firm is pretty strategic, as it is their lawyers who work closely together with our development teams, through one-to-one interaction. They are part of that process - the development and the challenges.”

This in turn allows Kapoor to keep his focus sharp. “There is a certain level of intimacy that is required by the IP cell team, and it is the regular interaction with and guidance from the IP cell that lead to the generation of ideas,” he says. “The identification and harvesting of IP require a certain skill set which is met by the IP cell; and as general counsel I have the challenge of nurturing that awareness and identification skills inside the company.”

One of the benefits of being part of a smaller company is that Kapoor has a close relationship with top-level executives. “I’m also the company secretary, so I have a direct relationship with the board; I deal very closely with most of the board members. My direct reporting is also to the managing director, who is part of the board.” He notes that intellectual property features increasingly frequently in board discussions - and in particular the newly created vehicle programmes and development group, which arose through a realignment of the company’s existing automotive groups. “One of the measures of the productivity of that division is the quantity of IP they generate there,” Kapoor explains. “So when the board discusses strategically about those kinds of divisions or businesses, IP is very much in discussion, or a measure that we challenge the managers or a division with. So from my perspective, the board is pretty much involved with and aware of the value of IP, and it encourages the concept of innovation throughout the company.”

Serious IP initiatives are a relatively new development for Tata Technologies, but Kapoor is always looking ahead. “What I see, at least for my company, is that we are currently in an investment phase. We are developing and we are building portfolios. So maybe after five years, when we have a considerable portfolio and goods that we can go out and sell, then I think the entire discussion of IP will become central.” The recent development of a dedicated IP cell

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"A small group of thoughtful  
people could change the world.  
Indeed, it's the only thing  
that ever has."  
-Margaret Mead

Tata Technologies, the company  
that helped a dream become  
reality and forever  
changed the world.



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within the legal team is an early indicator that the company is on the right track to ensure that IP issues remain on the table as the company grows.

## Group relations

The Tata mark is owned by Tata Sons, the Tata Group 'promoter company', two-thirds of which is held by philanthropic trusts. Ethics have been woven into the fabric of Tata's business model since it was founded in 1868, and the group won the Carnegie Medal for Philanthropy in 2007 in recognition of its long history of giving back to the community. Its achievements include the establishment of national institutions for science and technology, medical research, social studies and the performing arts in India, and the company continues to support cultural and education facilities both at home and abroad. So although Tata Technologies is run as an independent entity, in licensing the Tata name there are strict conditions to comply with. All Tata companies must follow a business excellence model as well as an additional level of guidance. "We have the Tata Code of Conduct," Kapoor explains, "which we need to implement across all our locations, and there are also annual audits." The Tata trademark, evidently, is not licensed in haste.

In return for compliance with these high standards, Tata Group companies enjoy the benefits of an extremely well-known and well-respected mark across the globe. But as Kapoor points out, this can bring its own problems: "In trademarks, the challenges we are facing at the moment are in terms of the use of the mark TATA itself. There are about 100 countries that use the TATA mark. So when we go to our customers, people cannot distinguish between various Tata companies." For

although the TATA mark is used worldwide, TATA TECHNOLOGIES is registered in far fewer - around seven countries to date, although this is likely to change as the company continues to expand.

The common factor among many of the group's companies is the central TATA trademark. "So when you have to defend the use of the mark at group level, it is obvious that we all have to come together," Kapoor says. "In fact, on some of the very interesting cases that have come up in the last few years, all the group companies came together and demonstrated how they were trying to defend their marks in various countries." And because many of Tata Technologies' counterparts are much more sophisticated in terms of IP management, there is plenty of experience and knowledge to draw on. Another plus of being part of a large group is that members benefit from the central IP rights cell, which offers learning missions on best practice, as well as the Tata Group Innovation Forum, which encourages innovation and runs IP workshops and awareness programmes.

## Home and away

While India enjoys a sophisticated and up-to-date IP legal system, problems still remain. "In India, the law is good, but the people are still pretty much unaware of the power of IP," Kapoor says. "So awareness is a challenge, and I would advise large brand owners who are planning to come to India or China to consider how best to introduce a culture and sensitivity to IP portfolios pretty early in the process, so that the people here are aware of how valuable they are."

As a young company, many of the issues that Tata Technologies faces are tied up with planning for the future - especially given that



## 60-second interview

### What is the most challenging aspect of your job?

Right now, it is the IP aspect, because I'm in a phase where we are creating awareness - so that is the challenge.

### What is the most rewarding part?

Most rewarding is the business side: the contractual part and the litigation part - that is a traditional forte!

### Who has been the greatest influence on your career?

On my career right now, I think it is our managing director, Patrick McGoldrick. He has been inspirational in pushing these IP-related matters inside the company; without his support, I don't think we would have been able to make the progress we have made.

### If you could make one change to the trademark world, what would it be?

I think it should move more towards a use-based system rather than a rights-based system. We feel that it has become a challenge to get brand names, then sell your product into the company. The new phenomenon of patent trolls and people holding trademarks is challenging and futile for business. It doesn't add any value, but you still have to deal with it.

### What career would you have followed if you hadn't gone into law?

I would have been a chef or a hotelier. I was a trained chef - that is how I began my career 20 years ago.



its next move involves moving into Mexico and China.

Unsurprisingly, IP issues are high on the agenda, and Kapoor is well aware of the challenges that the company will face, particularly in terms of protecting its trademarks. "The difficult part is not registration - the difficult part is maintaining them in those countries," he explains. "So we are going a little bit slow on that. Because the primary mark TATA is registered in most countries, our strategy is that, as and when needed, we will go in those countries and maintain the mark."

While Mexico is likely to present few new challenges, China is a different prospect: "I think China is horrible at the moment - every day we would have some sort of domain name conflict, and the whole area is pretty nascent there." So before the company makes a move, it is thinking hard about how to protect its marks and other intellectual assets. "In China right now, we are making sure that whatever technologies we take there are properly ringfenced and something we are able to stand on. We are not taking everything to those development centres - we have a fairly laid-down strategy in terms of how we will ground the technology there, starting with obviously low-risk technology, getting some experience, then gradually getting into high-end technology."

### An IP perspective

IP issues have been an important factor in Kapoor's working life since the very beginning. "I started my career with a litigation in IP," he recalls. "That was my first court experience. It was a family settlement where one brother had a court injunction over another for a certain trademark. And these are some of the most complicated kinds of litigations." Intellectual property continued to play a role in his early endeavours, when he worked in the automotive engineering field; more recently, he has amassed considerable experience in the software sector. Kapoor's resumé also

includes working as general counsel at Domino's Pizza in India, a company where trademarks were a particular focus. "In Domino's, trademarks were very central to the franchising model. Because it's a global model, the value that those guys placed on the brand was phenomenal and the amount of audits they would do on those aspects were very intensive."

Despite the other pressures of his role as the company's leading legal mind, Kapoor says, "I cannot just close my eyes to IP." He remarks that the amount of time he is spending on IP issues has increased over the years, partly because of their increasing importance in India. "Over a period of time, IP was always there whenever we dealt with clients outside India, but now it has become more central to the function."

Speaking more broadly, Kapoor recognises cybercrime as a significant threat to intangible assets: this is particularly the case for domain names, where the law is not moving fast enough to keep pace with new developments. He gives a recent example: "Recently, somebody in India or overseas has been sending false job advertisements to potential candidates using the Tata name and soliciting money. 'Send us \$7,000 and we will get you a job' - that kind of stuff." The company was able to obtain an injunction under IP law in this case, but as Kapoor asks: "Whom do we go to with that injunction?" As the company was unable to identify where the false emails were coming from, there was little it could do to hunt down the criminals. "So the execution [of the law] is a big challenge as far as I am concerned, and the more we get into the issues of cloud computing and cybercrime, I think the whole IP thing is going to have a different connotation. That is something that I think everybody is dealing with at the moment." **WTR**

**Helen Sloan, World Trademark Review**