



THE IPRESS HOT SHORTS

AUGUST 2020

FOREWORD

FROM THE PENS OF FOUNDERS !

Experience the first edition of our new project, the IP hot shorts. It aims to build a closer link for our readers by continuously updating them with the recent IP developments, as the IP hot shorts talk.

The purpose is to build a better, accessible and simpler column to regularly update the knowledge of our readers globally in the IP field specifically in Patents, Trade marks, Copyright and Geographical Indications.

Some insights of our initiatives are given below :



MS. CHARU SHRIVASTAVA
FOUNDER THE IP PRESS



MR. KRISHNAM GOYAL
CO-FOUNDER THE IP PRESS

The collage features several content snippets:

- CV20 Submission Form:** A form for CV20 submissions for extraordinary 2020 graduates. It includes fields for Name, Qualification, Internship/Previous Experience at IP, Achievements, Interested Field of IP, and a Brief message. Contact email: CV20theippress@gmail.com.
- Weekly Quiz:** A section titled "WELCOME TO THE TRIVIA" featuring a cartoon character and a quiz question: "Q. Michael Jackson was sued for copyright infringement for which of his songs?" with options: Billie Jean, Dangerous, Bad, Will you be there.
- Who Holds the Copyright?:** An article snippet with the text: "You set the timer to click a group photograph. WHO HOLDS THE COPYRIGHT? Camera owner, camera itself or the people in the photograph?"
- Our Publications:** A section titled "Can we enforce trade secrets over an expired patent?" with an illustration of a scientist and a document.
- The IP Expo:** An event announcement for "THE IP EXPO" held from September 24-27, 2020. It offers a cash prize worth 40,000 INR plus perks.
- Our Events:** A section header for "OUR EVENTS".
- Wordict-IP:** A logo for "WORDICT-IP IPR LEGAL SERVICES".
- S.S. Rana & Co. Attorneys:** A logo for "S.S. RANA & CO. ATTORNEYS" with ISO 9001:2015 & ISO 27001:2013 certification.

MESSAGE FROM THE EDITOR'S DESK!

NEHA SINGH
ASSOCIATE EDITOR
THE IP PRESS

It has been a constant and collective effort of The IP Press Team to bring to its readers the most recent news in the field of IP not just stated but analyzed and thought provoked. Whilst the blog also discusses traditional IP concepts time and again, we bring to you The IP Press Newsletter to keep you up to the minute with the events happening in the IP world ranging from trademarks to patents and everything in between. We hope our readers will enjoy this endeavor and find it informative. With a lot of happiness and excitement, we present to you The IP Press Newsletter! Best wishes to the team always!



NOTE FROM THE AUTHOR'S DESK!

SUSHMITA RAY
CONTENT WRITER
THE IP PRESS

It gives me immense pleasure to welcome you all to the first edition of our new The IP Press Newsletter, for the month of August 2020, which we will continue to publish in the upcoming months on the very first week of the month. This newsletter will cover full range of IP Laws related hot shorts across the globe! It includes recent "legal updates" in the fields of Patents, Trademarks, Copyright and Geographical Indications.

However, this is very much your newsletter. Therefore, please provide feedback to me at sushmita.ray.ks@gmail.com or to our team at theippress@gmail.com as to what more you would like to see in the newsletter. We trust that you will enjoy our first edition of the newsletter and will look forward to hearing from you all, Happy Reading!!



PATENTS HIGHLIGHTS

Bulletins: Patent applications and grants

The Indian Patent Office has enabled a patent application query module on its website. This allows users to seek clarifications regarding their patent applications.

- To access the module [CLICK HERE](#)

The CanSino Biologics Inc., based in China has been granted a patent for its COVID-19 vaccine candidate Ad5-nCOV. The patent application was filed on March 18, 2020 and the patent was granted on August 11, 2020. Reportedly, Phase II trials of the vaccine have been completed and soon Phase III trials will begin.

- To read further on China grants patent to COVID-19 vaccine [CLICK HERE](#)



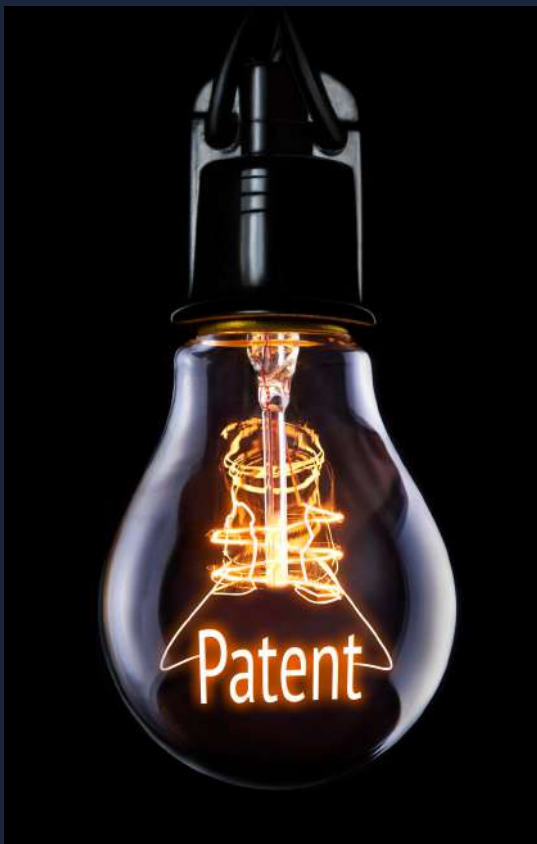
Updates: Patents orders and Judgments

Unwired Planet International Ltd and another v Huawei Technologies (UK) Co Ltd and another.

Case ID: UKSC 2018/0214

The cases concern a number of patents, which are declared to be essential to the practice of numerous telecommunications standards. Respondents has commenced proceedings against the respective Appellants for infringing those patents. The Respondents are under an obligation to make available standard essential patents on fair, reasonable and non-discriminatory terms.

- To access the case details [CLICK HERE](#)



PATENTS HIGHLIGHTS

Standard Essential Patents: *Nokia v. Daimler* (2 O 34/19)

Nokia won a patent dispute against Daimler AG, after a long-running fight over mobile technology in automobiles. The German court ruled that Daimler violated Nokia's mobile-technology patents. The court said that "it had to side with Nokia because Daimler wasn't willing to abide by existing rules for so-called Standard essential patents".

- To read further on Nokia v. Daimler [CLICK HERE](#)
- To read full article by Krishnam Goyal on Daimler case [CLICK HERE](#)



National Intellectual Property Literacy initiative: Ministry of Education

The Ministry of Education, G.O.I., plans to launch soon a National Intellectual Property Literacy initiative to promote and encourage the creation of IPs. According to the statistics of Higher Educational Institutions approximately 95% of the institutions have never filed an application to secure any form of IP.

- To read full news [CLICK HERE](#)



PATENTS HIGHLIGHTS

Atal Ranking of Institutions on Innovation Achievements: Ministry of Human Resource Development.

On 18th August 2020, the MHRD, G.O.I. released the Atal Ranking of Institutions on Innovation Achievements (ARIIA) based on indicators related to “Innovation and Entrepreneurship Development” in response to six key parameters such as Programs and Activities on IPR; Pre-Incubation and Incubation Infrastructure; Courses on Innovation, IPR and Entrepreneurship Development; IP Granted and Published; Technology Transfer and Commercialization, etc.

- To access official e-release [CLICK HERE](#)



Ministry of Agriculture launched development programme for start-ups.

The Ministry of Agriculture has launched the Innovation and Agri-entrepreneurship Development programme to promote innovation and agripreneurship. Under this programme various types of start-ups are covered, including agro-processing, artificial intelligence, farm mechanisation, digital agriculture, waste, wealth, dairy, fisheries, etc. Further, in addition to financial assistance, raining on technical, finance, statutory compliance issues, intellectual property, etc. will also be provided to aid the start-ups.

- To access official e-release [CLICK HERE](#)



PATENTS HIGHLIGHTS

Patent Prosecution Highway (PPH) Pilot Project: IPO re-opened acceptance of requests.

The public notice dated 27th July 2020, the Indian Patent Office (IPO) started accepting requests under the Patent Prosecution Highway (PPH) Pilot Program From 10th August 2020 onwards.

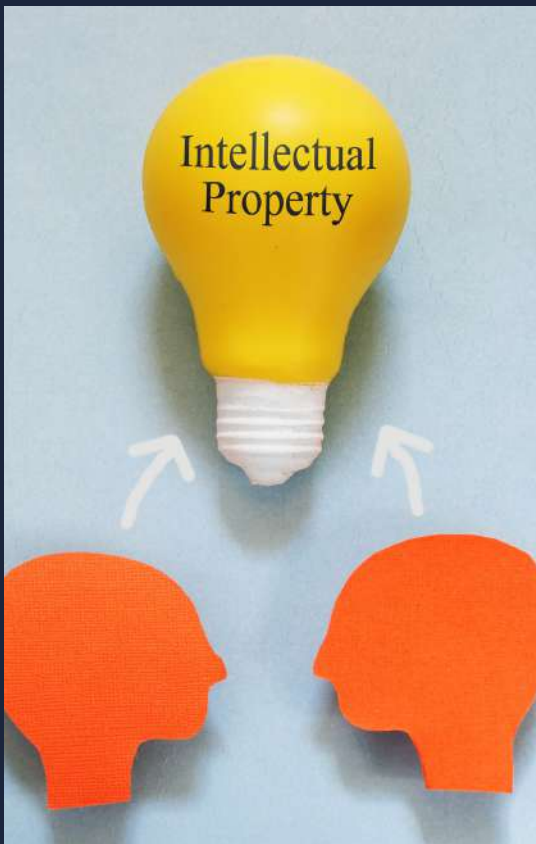
- To access the official public notice [CLICK HERE](#)
- To access the PPH Guidelines [CLICK HERE](#)



Establishment of taskforce to promote enforcement of IPR: Telangana Government

Recently, it was proposed to form a State IP Policy by the Chairman of CII National Committee on Intellectual Property, Shri Ramesh Datla for the state of Telangana. Further, in association with the Confederation of Indian Industry (CII), the Telangana Government has proposed the establishment of a taskforce to promote enforcement of Intellectual Property Rights in the state. These disclosures were made at a virtual IP conference titled “Enabling Enterprises and Innovators to Strategize IP for a self-reliant India” dated 29th July 2020.

- To access the LinkedIn post by Sushmita Ray [CLICK HERE](#)



PATENTS HIGHLIGHTS

Bulletins: Patent Licensing and Infringement

Recently, Pixmarx IP LLC filed a lawsuit against TikTok Inc. for infringing its three patents (U.S. Patent No. 10,102,601; U.S. Patent No. 9,792,662; and U.S. Patent No. 10,489,873). HEVC Advance LLC, filed a patent infringement suit against Xiaomi and Vestel Germany GmbH. Further, on 17th July 2020 Maxell Ltd. filed a complaint and based on that the United States International Trade Commission (USITC) has initiated investigation against Apple Inc.

- To read further on Pixmarx files lawsuit against TikTok
- To read further on HEVC files patent infringement suit against Xiaomi
- To read further on USITC initiates investigation against Apple

[CLICK HERE](#)

[CLICK HERE](#)

[CLICK HERE](#)



US based InterDigital Inc, has filed two patent infringement suits against Xiaomi in High Court of Delhi, India involving eight Indian patents, namely Patent No. 262910; Patent No. 295912; Patent No. 298719; Patent No. 313036; Patent No. 320182; Patent Nos. 242248 and 299448; Patent No. 308108. Apple Inc. has to pay \$506 million by way of damages to Optis Wireless Technology for patent infringement involving seven patents related to 4G LTE technology.

- To read further on InterDigital files infringement suits against Xiaomi

[CLICK HERE](#)

Further, Apple Inc. faces patent infringement case by a Chinese company, Shanghai Zhizhen Intelligent Network Technology Co., Ltd. seeking 10 billion RMB as an award for damages and an injunction. Xiaoi Robot, common name of Shanghai Zhizhen, has accused the tech giant of infringing its Chinese Patent No. ZL200410053749.9.

- To read further on Apple to pay damages to Optis Wireless Technology

[CLICK HERE](#)

- To read further on Apple infringement law suit in China

[CLICK HERE](#)

PATENTS HIGHLIGHTS

On the other hand, General Electronics Co., has filed infringement complaint against Siemens Gamesa Renewable Energy Inc. with the help of USITC to investigate on the case.

- To read further on General Electronics files complaint against Siemens Gamesa

[CLICK HERE](#)

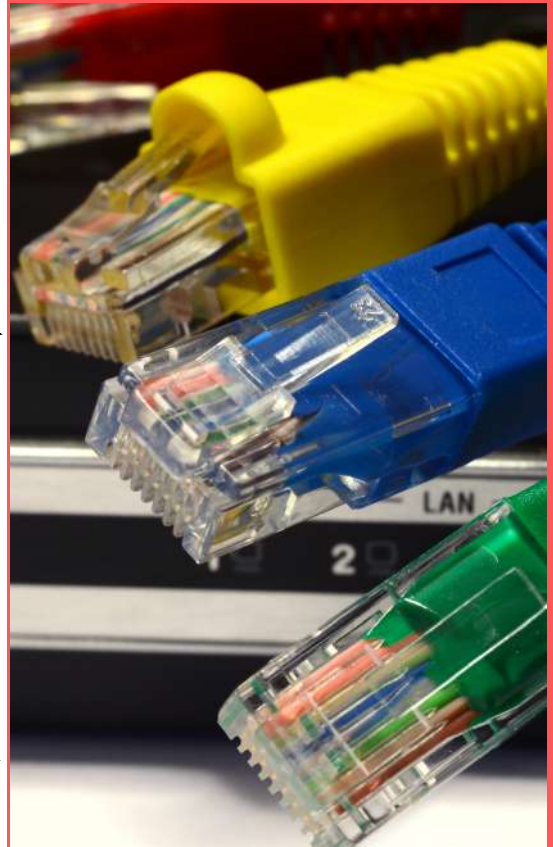
Recently, Kingston Technology Corporation, has signed patent licensing agreement with Wi-LAN's subsidiaries, Polaris Innovations Limited; North Star Innovations, Inc. and SecureWave Storage Solutions, Inc. Further, Mitsubishi Paper Mills Ltd. has signed patent licensing agreement with 3M and 3M Innovative Properties Co. with regard to 3M's "Metal Mesh Technology".

- To read further on Kingston's agreement with Wi-LAN's

[CLICK HERE](#)

- To read further on Mitsubishi's agreement with 3M

[CLICK HERE](#)



Triller, a music video mobile application company, has filed a patent infringement lawsuit against ByteDance and its subsidiary TikTok. Further, Qualcomm Inc. and Huawei Technologies Co. settled the patent infringement dispute and signed patent licensing agreement with Chinese MNC.

- To read further on patent infringement lawsuit by Triller

[CLICK HERE](#)

- To read further on agreement between Qualcomm and Huawei

[CLICK HERE](#)

PATENTS HIGHLIGHTS

Federal Register issues notice on setting and adjusting Patent Fees: USPTO.

On 3rd August 2020, the USPTO Federal Register issued a notice setting and adjusting patent fees during fiscal year 2020. These changes will be effective from 2nd October 2020 onwards, except for the amendment to section 1.16(u), which will be effective from 1st January 2022

- To access public notice [CLICK HERE](#)

- To access complete document [CLICK HERE](#)



Amazon's Project Zero: expansion in seven new countries

In November 2019, project zero was launched in India. Recently, Amazon Inc., has announced further expansion of project zero in seven new countries, Australia, Brazil, Turkey, Netherlands, Saudi Arabia, UAE and Singapore

- To read further on project zero [CLICK HERE](#)



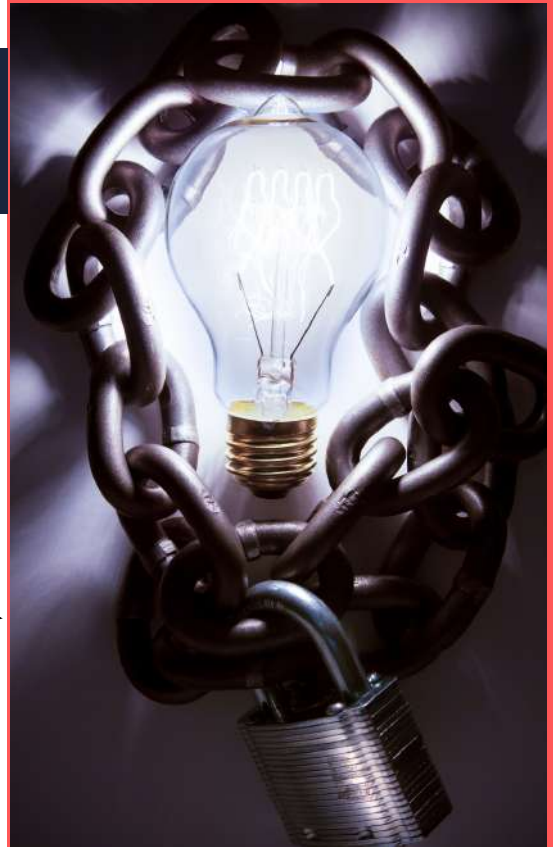
PATENTS HIGHLIGHTS

Chinese Premier: strengthen IPR protection

Recently, Li Keqiang, Premier of the State Council of the People's Republic of China, signed a decree to amend the provisions on reference of suspected criminal cases by administrative law-enforcement organs and to insert a new paragraph to Article 3 of the provision.

- To read further on Chinese Premier signs decree to strengthen IPR

[CLICK HERE](#)



Study Report on Access to Medical Technologies and Innovation Released: WHO, WIPO, WTO

The study report titled “Promoting access to medical technologies and innovation – intersections between public health, intellectual property and trade” was jointly published by international organizations such as WIPO, WTO and WHO on 30th July 2020 primarily focusing on the relationship between trade and IPR, health policies and their effect on innovation and access to medical technologies, vaccines, medicines and medical devices.

- The 2013 edition of the report may be accessed by
- The 2020 edition of the report may be accessed by

[CLICK HERE](#)

[CLICK HERE](#)



PATENTS HIGHLIGHTS

NAIMCC: acquires status of the IDA

On July 28, 2020, the National Agriculturally Important Microbial Culture Collection (NAIMCC) acquired the status of an International Depository Authority (IDA) under the Budapest Treaty, which makes it the third facility in India to be designated as an IDA.

- To access the public notice issued by the WIPO [CLICK HERE](#)



TRADEMARKS HIGHLIGHTS

TM Protection: Golden Lindt easter bunny

It is well known that Lindt has been trying for many years to obtain trademark protection for the famous Golden Rabbit, but the attempt to obtain comprehensive protection as a 3D trademark was considered a failure because the elements of the mark applied for (shape, gold foil and red ribbon with bells) could not give the mark any distinctive character. However, the Swiss chocolate manufacturers were now trying to protect the color gold in the golden rabbit as a colour trademark because the gold colour shown on the packaging foil of the chocolate bunnies is so well known through years of intensive advertising and use that now this gold color is generally associated with the Lindt Golden Rabbit/ Easterbunny by the consumers.

- To read further on TM of Golden Rabbit [CLICK HERE](#)



Shape Mark: BGH and Ritter Sport

The Ritter Sport trademark in the form of square commodity form an important leading principle regarding a product shape with functional characteristics. The square shape of Ritter Sport chocolate, which has been protected as a molded trademark since 1995, has been contested by competitor Milka.

- To read further on TM of Golden Rabbit [CLICK HERE](#)



China: Facebook loses its trade mark

The China National Intellectual Property Administration (CNIPA) decision has invalidated two of Facebook's trade mark registrations in Class 42 in the country, which has also affected the more than decade-long dispute with individual trade mark owner, Dr. Su Kaiming, in China.

- To read further on facebook loses its mark in China

[CLICK HERE](#)



Supreme Court: Patanjali and Coronil Dispute



On 27th August, 2020 the Supreme Court has rejected a plea by Arudra Engineers, seeking restraint on Patanjali Ayurved from using the trademark 'Coronil' for its immunity booster medicine. The Bench said that “in these COVID times, if we prevent the use of word Coronil, it will be terrible for the product”.

- To read further on Supreme Court declines plea

[CLICK HERE](#)

- To read a full article on Madras H.C (single bench) decision by Tanya Sharma

[CLICK HERE](#)

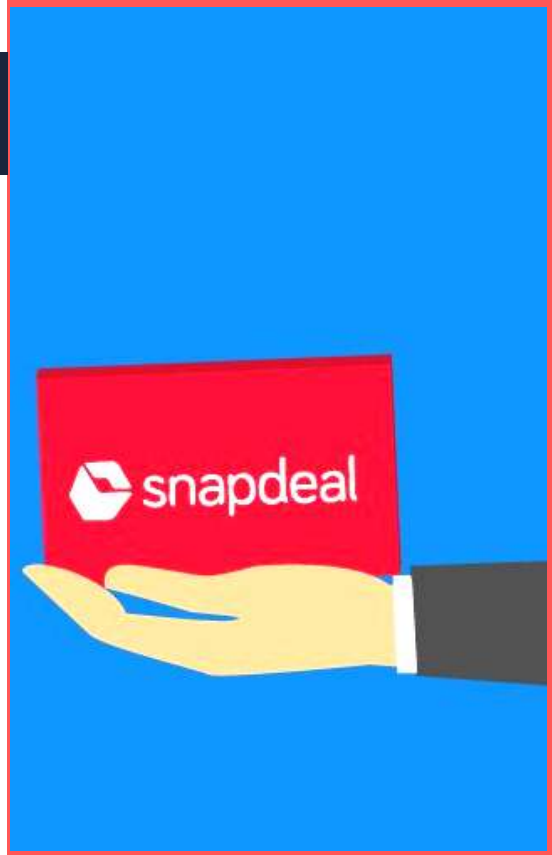
TRADEMARKS HIGHLIGHTS

Snapdeal: Blocking of 50 Rouge Websites

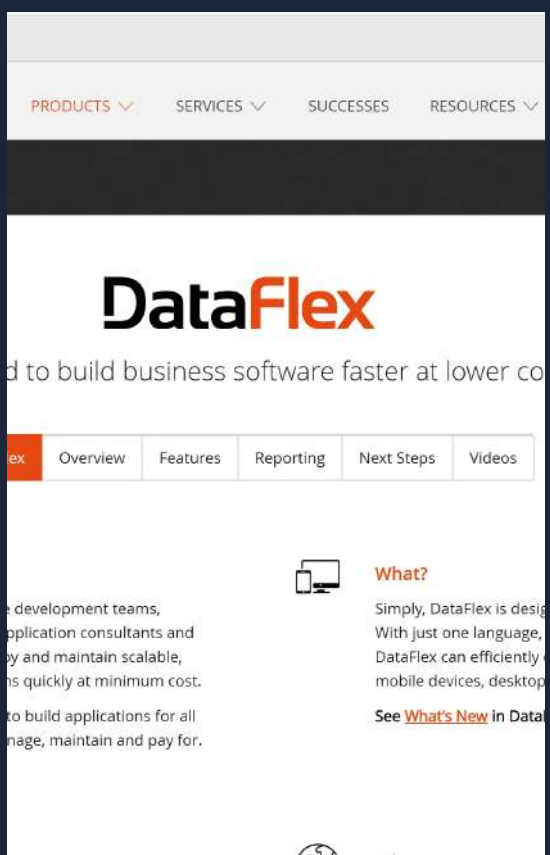
Recently, The Delhi High Court passed an injunction order against 50 websites directing that they be blocked for infringing e-commerce website Snapdeal's trademark in conjunction with offers for lotteries and lucky draws, giving the impression that the offers were authorized by Snapdeal themselves.

- To read further on snapdeal succeeds in blocking infringing websites

[CLICK HERE](#)



International Bulletins: Trademarks Infringement and Opposition



The Data Access Corporation has filed a trademark infringement suit against tech giant Microsoft, alleging infringement of its "DATAFLEX" trademark. Microsoft did not respond to a cease-and-desist notice issued by Data Access and continued to advertise its products under the "DATAFLEX" trademark.

- To read further on Microsoft sued for infringing Dataflex mark

[CLICK HERE](#)

The automobile manufacturer Jaguar Land Rover (JLR), did not receive a favourable decision in its bid to obtain trademark protection over the shape of its Defender' SUV. Further, in the case the Appellate Court upheld the decision of the UKIPO, stating that "although there were differences in the two designs, they were insignificant, and would go unnoticed in the consumers' eyes".

- To read further on Jaguar Land Rover denied protection

[CLICK HERE](#)

TRADEMARKS HIGHLIGHTS

Recently, the technology giant Apple Inc. has filed a notice of opposition with the US Patent and Trademark Office (USPTO), against a trademark application filed by Super Healthy Kids, the creator of the mobile app 'Prepear'. This application allows users to find, prepare and organize their meal plans, and consists of a green pear-shaped logo with a right-angled leaf. Further, the Apple has claimed that it has previously created mobile applications in the category of health and nutrition, and therefore the usage of the pear-shaped logo might lead to consumer confusion, as consumers may associate Prepear as a product of Apple.

- To read further on Apple opposes a Prepear's logo [CLICK HERE](#)
- To access LinkedIn post by Sushmita Ray [CLICK HERE](#)



Threat to Lose Trademark Rights: Kenya Clouds Over 2000+ Brands

Recently, the Kenya Industrial Property Institute (KIPI) notified that more than 2,000 brands are on the verge of expiration and making them prone to lose their trademark rights altogether in Kenya. It includes some globally renowned brands such as Vaseline, Total Gas, and Smirnoff, out of a total of 2,162 products.

- To read further on potential threat to lose TM over brands

[CLICK HERE](#)



WIPO: Launched AI based Tool

A new Artificial Intelligence (AI) based tool is launched by WIPO to help and guide users in the classification of trademark images according to the "Vienna Classification" by just dropping an image in the Vienna Classification Assistant.

- To read further on WIPO and AI based tool [CLICK HERE](#)
- To access Vienna Classification Assistant [CLICK HERE](#)
- To access LinkedIn post by Sushmita Ray [CLICK HERE](#)



Bulletins: Brand Licensing and Franchising



The US based nWay, has collaborated with a company called World Wrestling Entertainment (WWE) to develop and publish a new mobile game on iOS and Android operating systems.

The Universal Sportsbiz's (USPL) apparel line "Wrogn" has partnered with the Animal Planet to launch a new apparel collection, which will be available in over 250 counters across retail channels like Shoppers Stop, Central, Pantaloons, WROGN's exclusive stores, and on e-commerce website namely, Myntra and Wrogn. This initiative aims at protecting and creating awareness about endangered animals.

In further news, Sanjivani Pharmacy, is all set to expand through franchising by opening 200 plus stores across India by the end of 2020-2021 and has planned to provide fast door-to-door service.

- To read further on nWay collaborate with WWE [CLICK HERE](#)
- To read further on Wrogn has partnered with Animal Planet [CLICK HERE](#)
- To read further on Sanjivani Pharmacy and franchising [CLICK HERE](#)

Updates: Domain Name Dispute

Recently, the owner of the domain name www.calculator.com, Chloe Tsakiris Alston, has obtained a temporary restraining order, to prevent, Stands4 LTD, from using her domain

- To read further on ‘calculator.com’ domain name dispute [CLICK HERE](#)
- To access copy of the suit filed [CLICK HERE](#)

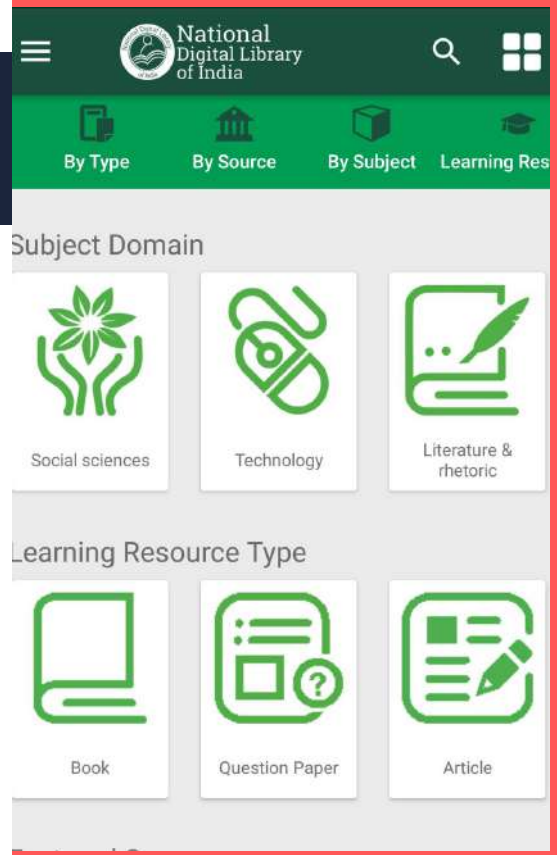


COPYRIGHTS HIGHLIGHTS

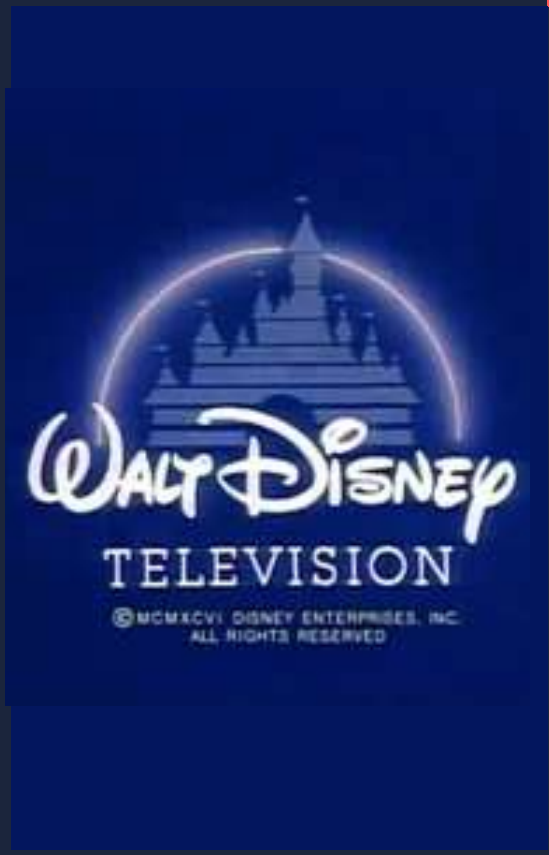
India's first copyright guide released for public consultation

The National Digital Library of India has released the draft of India's first Copyright Guide for Indian libraries. The deadline for submitting public review feedback is September 30, 2020.

- To access the draft report [CLICK HERE](#)
- To submit your feedback [CLICK HERE](#)



Bulletins: Copyright Orders and Judgments



Disney Enterprises, Inc. and Ors. Vs. Kimcartoon.to and Ors.,
Delhi High Court, CS(COMM) 275/2020.

The plaintiffs filed a lawsuit against the defendants for streaming original and copyrighted content created by the plaintiffs, without acquiring any prior authorisation from the plaintiffs. The court held that the defendants were violating the plaintiffs' copyright, by infringing upon their content after reviewing the list of the infringing websites, submitted by the plaintiffs, and the content being made available on those websites

- To access copy of the order [CLICK HERE](#)

COPYRIGHTS HIGHLIGHTS

Vinay Vats Vs. Fox Star Studios India Pvt. Ltd. and Ors., Delhi High Court, I.A. 6351/2020 in CS(COMM.) 291/2020.

In this case the court observed that, copyright can only be granted for the expression of an idea and not for the idea itself, and that idea can be expressed in several forms. Further, in order to confirm whether or not two films are exactly the same in terms of the execution, the most reliable way to determine that, is to see the audience's reaction to both the films. If the audiences find any similarities in both the films, then the next step is to ascertain the extent of such similarity.

- To access copy of the order [CLICK HERE](#)



WIPO and Music Rights Awareness Foundation collaborates to help creators

The World Intellectual Property Organization (WIPO) and the Music Rights Awareness Foundation (MRAF), to support creators around the world to ensure that they are recognized and fairly remunerated for their work by increasing knowledge and awareness of their intellectual property (IP) rights, have announced a collaboration.

- To read further on WIPO and MRAF collaborations [CLICK HERE](#)



GEOGRAPHICAL INDICATIONS HIGHLIGHTS

Listing of GI registered products: Government holds discussion with e-commerce platforms

The Department for Promotion of Industry and Internal Trade (DPIIT) has held a meeting with major e-commerce companies, including Flipkart, Amazon, Snapdeal, Pepperfry, Paytm Mall, etc. to discuss listing of Geographic Indication (GI) registered products on their platforms. To promote GI, Government is contemplating on making GI tagging and display of logo mandatory for listing of GI registered products on e-commerce platforms by creating a separate category for these products on their platforms.

- To read further on e-commerce websites to promote GI

[CLICK HERE](#)



Updates: Uttarakhand Jyan Salt Tea

The Geographical Indication (GI) Registry, Chennai refused to grant the GI tag to Uttarakhand Jyan Salt Tea, in an order dated 14th July 2020 on the grounds that it is a “newly coined terminology and no historical reputation was established” by the applicant and therefore it does not qualify to obtain the GI tag. Further, the applicant was not able to prove the historical data and origin of the product.

- To get more details on Uttarakhand Jyan Salt Tea

[CLICK HERE](#)



GEOGRAPHICAL INDICATIONS HIGHLIGHTS

Kashmir Saffron: GI Certification

The Directorate of Agriculture, State of Jammu and Kashmir has been granted the Geographical Indication registration for Kashmir Saffron for its unique qualities such as high aroma, deep colour, long and thick threads (stigmas). The Kashmir Saffron is the only saffron grown at high altitude, which adds to its uniqueness and differentiates it from other saffron varieties available in the market.

- To read further on Kashmir Saffron GI certification [CLICK HERE](#)
- To access the LinkedIn post by Sushmita Ray [CLICK HERE](#)



ABOUT THE IP PRESS

We believe writing and digitalisation are two ultra-modern weapons of today and torch bearers for tomorrow. With our thoughts penned down on this blog, we bring you our opinion on the emerging issues in the intellectual property (IP) laws.

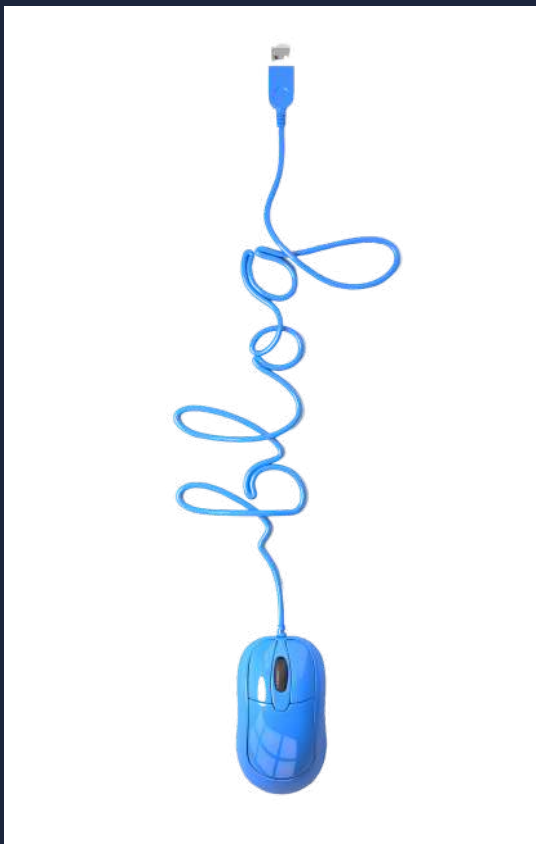
The IP Press is a team of IP-Holics, who started this blog to ensure access to the latest intellectual property (IP) issues for all the IP hopefuls. Our focus would be to address IP concerns of stakeholders, students, academicians, researchers, start-ups, etc. and guide them to attain and enforce their IP rights.

We, not only hold expertise in law and IP, but our team of technically-skilled professionals, IP specialists and patent agents gives us a better understanding to deal with technical issues in IP. To focus on national and international issues, we are supported with international IP experts as well.



Below is an insight into the objectives of starting this blog:

- Spread awareness on the latest IP issues;
- Conduct workshops for the IP professionals;
- Seminars and video lectures for the IP aspirants;
- Review and comment on the IP policies;
- Encourage and foster the IP culture;
- Career counselling for students who are interested in building their career in IP ;
- Motivating stories of the IP professionals; and
- A team of academicians to provide advice on the IP disputes.



CONTACT US

We are looking forward to hearing from you on,

Website: <https://www.theippress.com/>

LinkedIn: <https://www.linkedin.com/company/the-ip-press/>

Facebook: <https://www.facebook.com/theippress>

Instagram: <https://www.instagram.com/theippress/>

Twitter: <https://twitter.com/theippress>

E-mail: theippress@gmail.com

(THE IP PRESS)

FOLLOW US AT



www.theippress.com



SUBSCRIBE

Found this newsletter useful ?

Subscribe to our Blog: <https://www.theippress.com/>

FAIR USE DISCLAIMER

The material in this newsletter is provided for educational and informational purposes only, and is not intended for any commercial purpose.

