

OCTOBER 2020

THE IP PRESS HOT SHORTS



CONTENT



from the pens of IPHolics



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 trade marks 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 third edition of 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 third edition of our new The IP Press Newsletter, for the month of October 2020. 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, Trade marks, Copyright and Geographical Indications.

However, this is very much your newsletter. Therefore, please provide feedback 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 third edition of the newsletter and will look forward to hearing from you all,
Happy Reading!!



PATENTS HIGHLIGHTS

Notification: The Patents (Amendment) Rules, 2020

The Central Government vide notification dated October 19, 2020 has published the Patents (Amendment) Rules, 2020 on October 20, 2020 which further amend the Patents Rules, 2003. The scope of amendment extends to changes in Rule 21, Rule 131(2) and the Second Schedule (Form 27) of the Patents Rules, 2003.

To access the notification, click here:

http://www.ipindia.nic.in/writereaddata/Portal/Images/pdf/patents_amendment_rules_2020.pdf

COVID-19 therapeutics: India, South Africa call for waiver of IP under certain provisions of TRIPS

On October 2, 2020, India and South Africa jointly made their submission publicly to the WTO, seeking a time-bound waiver of intellectual property protection for developing countries under certain provisions of the TRIPS Agreement. The countries asked to globally waive Sections 1, 4, 5 and 7 of Part II and enforcement of these sections under PART III of the TRIP's Agreement for the prevention, containment and treatment of COVID-19. There are several reports about intellectual property rights hindering or potentially hindering timely provisioning of affordable medical products to the patients, stated a joint statement by these countries. According to reports, the countries have not proposed the expected number of years for the waiver to remain in effect.

To read further click here:

<https://thewire.in/business/safeguarding-the-worlds-response-to-covid-19-from-the-intellectual-property-police>

To read the full communication click here:

<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True>



Campaign Launched: Kalam Program for Intellectual Property Literacy and Awareness'

On October 15, 2020 the Union Education Minister, Ramesh Pokhriyal 'Nishank' virtually launched the "KAPILA" (Kalam Program for Intellectual Property Literacy and Awareness) campaign. Under this campaign, students pursuing education in higher educational institutions will get information about the correct system of application process for patenting their invention. The aim of this campaign is to spread awareness through educational programs about the importance of patenting an invention and to lead India towards self-reliance.

To access the press release, click here:

<https://pib.gov.in/PressReleasePage.aspx?PRID=1664883>

Patent Infringement: Cisco Systems to pay \$1.9 billion by way of damages to Centripetal Networks

Recently, the U.S District Court of Virginia awarded Centripetal Networks, an award of \$1.9 billion by way of damages after finding Cisco Systems to be guilty of patent infringement. Knowingly, the award of damages - \$755.8 million was increased two and a half times after finding that the infringement was "willful and egregious."

To read further click here:

<https://in.reuters.com/article/us-cisco-systems-centripetal-networks/cisco-is-ordered-to-pay-1-9-billion-in-u-s-patent-lawsuit-plans-appeal-idINKBN26Q2VX>

Sharp Corp and Daimler sign Patent licensing agreements

As reported by Reuters, Sharp Corporation has entered into a patent licensing agreement related to an automobile communications technology with Daimler AG. The companies entered into a licensing deal after Sharp Corp won a patent infringement dispute against Daimler.

To read further click here:

<https://in.reuters.com/article/us-sharp-daimler/sharp-signs-licensing-deal-with-daimler-after-winning-patent-lawsuit-idUSKBN26S0CE>

USPTO Report: Public views on AI and Intellectual Property Policy.

On October 06, 2020, the United States Patent and Trade mark Office (USPTO) published a report titled “Public Views on Artificial Intelligence and Intellectual Property Policy.” The report focuses on the views of stakeholders on the impact of AI on areas such as IP landscape, patents, trademarks, copyrights, trade secrets and issues related to the protection of databases. Further, the report indicates that majority of the stakeholders believe that the existing legal system in the U.S.A is well prepared to handle the concerns posed by AI.

To access the full report click here:

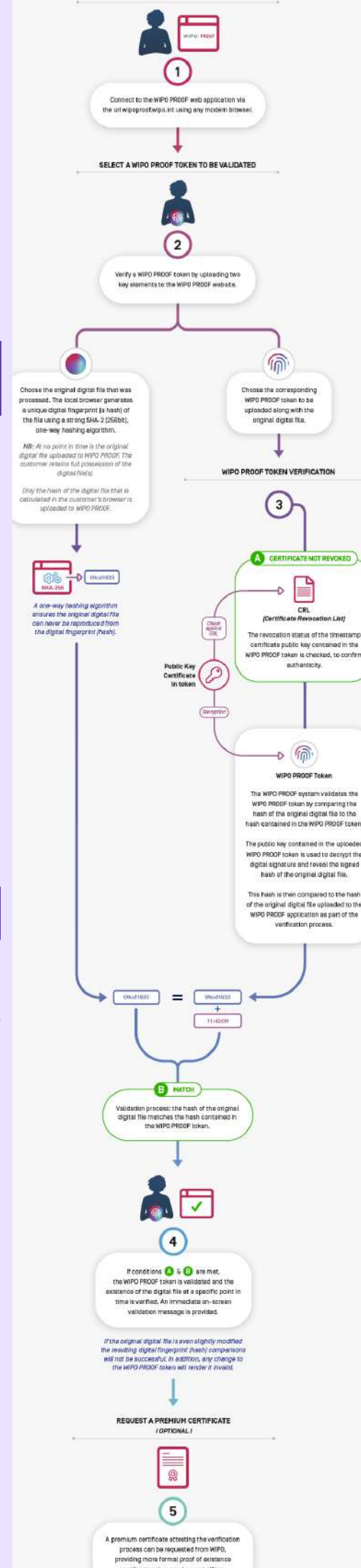
https://www.uspto.gov/sites/default/files/documents/USPTO_AI-Report_2020-10-07.pdf

WIPO’s Digital service: “WIPO Proof”.

Recently, World Intellectual Property Organization (WIPO) has launched its newest digital service “WIPO Proof” for innovators in any industry. It provides a digital notary type service, creating a date-and-time stamped fingerprint of a digital file. The online service produces tamper-proof evidence which one can use to prove that its digital file existed at a specific point in time. In less than four months, the digital service has shown encouraging acceptance, nearly more than 100 member States have signed on and registered with "WIPO Proof".

To access WIPO PROOF click here:

<https://www.wipo.int/wipoproof/en/index.html>



TRADE MARKS HIGHLIGHTS

Google rebrands G Suite: Google Workspace

Google has rebranded G Suite as it prepares to better take on Microsoft Office. It is now called Google Workspace. It is a one for all platform where all applications can be accessed more conveniently and seamlessly by the users.

To read the full news click here:

<https://www.financialexpress.com/industry/technology/google-rebrands-g-suite-in-fresh-attempt-to-better-take-on-microsoft-office-everything-to-know/2099883/>

To read further click here:

<https://g-workplace.com/news/google-g-suite-workspace>

Yahoo Groups to shut down!

On October 13, 2020 Yahoo announced the decision that facing a steady decline in usage over the last few years, it has decided to shut down Yahoo Groups. Furthermore, on October 12, 2020 the creation of new groups will be disabled and on December 15, 2020 people will no longer be able to send and receive emails from Yahoo Groups.

To read further click here:

<https://www.thehindu.com/sci-tech/technology/yahoo-groups-to-shut-down-on-december-15/article32842706.ece>

Generic Top Level Domain: '.gay' domain is now available to the general public!

Domain registry, Top Level Design, recently has announced that generic Top Level Domain (gTLD) '.gay' which aims to increase representation of the LGBTQ+ communities in the online sphere is now available to the general public. These domains are now available to all LGBTQ+ people, groups and corporate allies around the world. All registrants are subject to the ".gay Rights Protections" policy, which discourages homophobic, anti-LGBTQ+ usage and provides remedies if .gay domain is used to malign or harm LGBTQ+ individuals or groups.

To visit website click here: <https://toplevel.design/gay>

Google Workspace



FSSAI: 'Best Before Date' mandatory for sweets

On September 25, 2020 the Food Safety and Standards Authority of India (FSSAI) has issued fresh directions regarding display of 'Date of Manufacture' and 'Best Before Date' of non-packaged/ loose sweets, container /tray holding sweets at the outlet for sale. According to the latest order, they have mandated the display of "Best Before Date" and simultaneously relaxed the compliances imposed on displaying the 'Date of Manufacture' making it voluntary and not binding, with effect from October 01, 2020.

To access the order dated 24th February 2020 click here:

https://www.fssai.gov.in/upload/advisories/2020/02/5e53d8889957f0rder_Direction_Manufacturing_Date_BestBefore_24_02_2020.pdf

To access the order dated 25th September 2020 click here:

https://www.fssai.gov.in/upload/advisories/2020/09/5f6ddbe03942eOrder_Direction_Date_Sweets_25_09_2020.pdf

WIPO Reports: Increase in cybersquatting amidst COVID-19 pandemic.

WIPO's Arbitration and Mediation Center has reported a steady increase in the number of cybersquatting cases filed with them, notably in the field of biotech, pharma, internet, banking, finance, etc. during the COVID-19 pandemic. A number of domain names have been registered for news and information sites, or even to provide new business offerings, such as <coronagileadsciences.com> (WIPO Case No. D2020-0776), and <facebookcovid19.com> (WIPO Case No. D2020-0885). However, these domains are often being used to spread misinformation and to engage in illegal and fraudulent activities.

To read the full news click here:

https://www.wipo.int/amc/en/news/2020/cybersquatting_covid19.html

TM Infringement: Amul blocks fraudulent use of the Brand Online.

Citation: I.A. 7456/2020 in CS(COMM) 350/2020.

In a recent decision by the Delhi High Court, Gujarat Co-Operative Milk Marketing Federation Ltd. ("GCMMF"), the proprietor of India's famous dairy brand 'Amul', obtained favourable orders against various parties that attempted to use the Amul trade mark fraudulently. The Court passed a blanket order restraining the registrars of such domains from making any further sale or registration of any domain names featuring the Amul trade mark. The order also called for access to these infringing websites to be blocked.

To read the full article click here:

<https://www.lexology.com/library/detail.aspx?g=3ff1b158-a415-41dd-9b7b-e32fa77f3c63>

The Amul logo, featuring the word "Amul" in a white, stylized font on a red background.The Taste of India logo, featuring the text "The Taste of India" in white on a green background.

TM Infringement suit: PepsiCo loses 'Mountain Dew' to packaged drinking water maker MagFast.

Citation: Syed Ghaziuddin vs Pepsico Inc: 2005 (30) PTC 448 IPAB.

In a recent decision by the Hyderabad City Civil Court, MagFast Beverages, has secured a favourable order against PepsiCo, allowing MagFast to use the 'Mountain Dew' trade mark in relation to its packaged drinking water and eventually held that PepsiCo was not entitled to use the 'Mountain Dew' trade mark in India, as MagFast Beverages was the prior user of the mark. PepsiCo, however, claims to be the registered proprietor of the mark in India, and thus intends to appeal against the order of the Hyderabad City Civil Court.

To read the full news click here:

<https://www.hindustantimes.com/business-news/magfast-beverages-wins-battle-against-pepsico-to-use-trademark-mountain-dew/story-c1EqJwdM9Yp0Ar3QEyCeCO.html>

TM Bulletin: Trouble for Sony's PS5 Launch in India.

Recently, technology giant Sony has encountered hurdles in launching its latest gaming console, the Playstation 5 ("PS5"), in India. With the worldwide launch date nearing, the launch date for the Playstation 5 in India has been delayed, due to an earlier trade mark filing for the word PS5, which has been opposed by Sony. Sony has also filed for the protection of PS5 word and logo mark earlier this year in February, which has been opposed. As of now the opposition has been filed only for the word mark, since the logo mark is yet in the hearing stage.

To read the full news click here:

<https://www.news18.com/news/buzz/what-a-mad-lad-sony-may-face-delay-in-ps5-launch-in-india-all-because-of-a-delhi-guy-2943331.html>

TM Rebranding: Uncle Ben's to Ben's Original!

US based food manufacturer Mars Food, the company behind the famous rice brand "Uncle Ben's", has decided to rebrand its original logo under its new mark, 'Ben's Original', after facing stereotyping accusations in the wake of the Black Lives Matter movement that took place earlier this year. The original logo, which has been in use since the year 1946, featured the picture of an old African-American man alongside the 'Uncle Ben's mark. The new logo will be rolled out to the public from 2021 onwards.

To read the full news click here:

<https://www.aljazeera.com/economy/2020/9/23/uncle-bens-rice-gets-rebrand-after-racial-stereotyping-criticism>



THE FUTURE OF GAMING

TM Infringement: E-Cigarette Giant Smoore secures victory!

Shenzhen Smoore Technology, the Chinese manufacturer of the famous e-cigarette brand 'Vapresso', has recently obtained a victory in a trade mark infringement suit over 100 sellers. The order was passed against entities that produced counterfeit goods, by misappropriating and passing off the goods under the Vapresso trade mark. The Court imposed penalty of USD 50,000 per infringer and transferred some of the frozen assets of the defaulting parties, which totally amounted to a USD 5.4 Million in Smoore's favour.

☑ **To read the full news click here:**

<https://www.prnewswire.com/news-releases/smoore-granted-an-award-of-5-4m-in-a-trademark-infringement-suit-301131886.html>

TM Bulletin: Amazon warns Echelon Fitness over new 'Prime' Bike.

Echelon Fitness, has been instructed by Amazon to stop offering one of its products for sale on the Amazon marketplace. The product in question was Echelon's new 'EX-Prime Smart Connect' exercise bike, which was marketed as being developed "in collaboration with Amazon". The use of Amazon's brand name in the marketing of the product, and the significantly lower \$500 price of the bike, led to a fall in the share price of certain competitors of Echelon Fitness, as traders anticipated Amazon's foray into the home exercise industry. Amazon issued a notice to Echelon Fitness, to remove the goods and re-brand them without the Amazon name, and also promptly issued a press release stating that there is no association whatsoever between the brands.

To read the full news click here:

<https://www.bloomberqqint.com/business/amazon-unveils-500-prime-bike-sending-peloton-stock-down>

Brand Building: Minions come to life through Reebok.

Reebok has partnered with Illumination and Universal Brand Development and has unveiled the new footwear collection, "Minions: The Rise of Gru". The collection is inspired by the hit franchise 'Despicable Me' and 'Minions' and will incorporate characters and colours which reflect the essence of the cute, cuddly yellow creatures along with the evil mind of Gru. The collection will be available from 1st October at Reebok stores and on e-commerce platforms like shop4reebok.com, TataCliq, Veg Nonveg, and Superkicks India.

To read the full news click here:

<https://www.prnewswire.com/news-releases/reebok-and-illumination-present-minions-the-rise-of-gru-footwear-collection-detailing-a-young-grus-dream-of-becoming-the-worlds-greatest-supervillain-available-october-1-301135692.html>



REEBOK X MINIONS



TM Licensing: Wow collaborated with Warner Bros!

WOW Skin Science has partnered with Warner Bros to develop a new line of personal and healthcare products WOW x Justice League dedicated to children. Wow will have the licensing rights for a period of two years under which they will have access to a number of characters from the hit comic series. The first line of products will include the popular characters such as Superman, Batman, Flash, Aquaman, and Wonder Woman on Body Lotions and WOW's signature Tip-To-Toe wash. Wow has also planned on launching a 'Justice League' themed product range for adults as well.

To read the full news click here:

<https://brandequity.economictimes.indiatimes.com/news/business-of-brands/wow-skin-science-to-leverage-warner-bros-association-with-launch-of-product-line/78270810>

Domain name Dispute: Saudi Aramco wins against deceased Business-Owner.

Saudi Aramco recently launched a new brand 'Orizon' and filed for registration of trade marks for the same too.. Furthermore, it also intended to purchase and register the www.Orizon.com domain name. The impugned domain name, however, was registered in 1997 by an entity named 'Orizon Multimedia Inc.', which used the domain to conduct business, until the business eventually shut down and it was found out that the owner of the business was deceased. Therefore, no purchase of the domain name could be made. In response, Saudi Aramco filed a cybersquatting complaint under the UDRP, in order to appropriate the name to itself. The WIPO Panel has ruled that this was not a case of cybersquatting, as the domain name was initially registered in good faith. Ultimately, the panel granted the domain to Saudi Aramco, observing that no party would be burdened by such registration, as the previous business was shut down, and the owner thereof was deceased.

To read further click here:

<https://domainnamewire.com/2020/09/18/saudi-aramco-tries-to-take-dead-mans-domain-name/>



COPYRIGHT HIGHLIGHTS

Copyright Infringement: Facebook introduces revised Rights Manager Tool.

Facebook has revised its Rights Manager tool, to curb the rising instances of copyright infringement and to allow photographers to track the infringing use of their photographs. The social media platform has made this revision after receiving complaints from several photographers over the years with regard to the unauthorized use of their photographs on Facebook and Instagram. With the new Rights Manager tool, the creators can easily track which of their posts have been re-shared on the social media platforms, following which they can decide if they want such posts to only be monitored or to be blocked as well. The creators can also file a take-down request for the same.

To read full news click here:

<https://www.thehindu.com/sci-tech/technology/facebook-introduces-a-new-tool-to-help-creators-protect-their-photos/article32670758.ece>

Copyright Infringement: Apple faces lawsuit!

Cub Club Investment LLC (CCI), has filed a lawsuit against Apple, in the United States District Court for the Southern District of Texas, for alleged copyright infringement of emojis developed by CCI. In the lawsuit, CCI claims that it had originally developed the iDiversicons Emoji, which was a set of diverse emojis aiming to represent a variety of people. CCI stated that it has previously registered the copyrights for these iDiversicons emojis, which include the copyright for five different skin tones and that it also “owns trade dress rights in the designs and appearances of the iDiversicons® emoji.”

CCI has asked the court to grant a permanent injunction against Apple, in addition to a full and complete accounting for the defendant’s profits, gains, advantages received from its alleged infringement, and an award for damages.

☒ To read further click here:

<https://lawstreetmedia.com/tech/intellectual-property/apple-accused-of-diverse-emoji-copyright-infringement/>

“Thumbs Up” Emoji

iDiversicons® Emoji Registered: 07/31/2013 (09/25/2013)	Apple iOS 13.3 Released: 12/10/2019
Copyright No. VAu 001-152-200 	
Copyright No. VAu 001-180-102 	
Copyright No. VAu 001-152-204 	
Copyright No. VAu 001-152-192 	
Copyright No. VAu 001-152-187 	

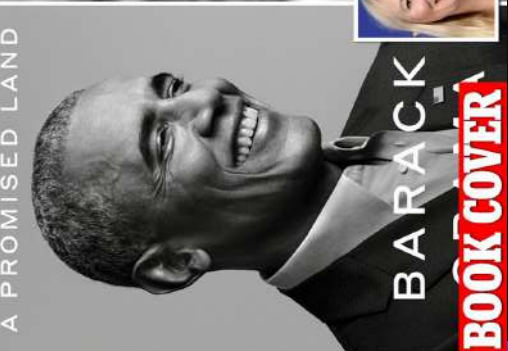
“Backhand Index Pointing Up” Emoji

iDiversicons® Emoji Copyright No. VAu 001-186-820 Registered: 04/28/2014	Apple iOS 13.3 Released: 12/10/2019
	
	
	
	

iDiversicons® Emoji Copyright No. VAu 001-204-290 Registered: 05/05/2015	Apple iOS 13.3 Released: 12/10/2019
	
	
	
	
	

“OK Hand” Emoji

iDiversicons® Emoji Copyright No. VAu 001-186-820 Registered: 04/28/2014	Apple iOS 13.3 Released: 12/10/2019
	
	
	
	



Copyright Infringement: the Band, Lady A sued!

A Blues singer named Anita ‘Lady A’ White, has countersued the country band Lady A. The band which was originally known as Lady Antebellum, changed its name to Lady A. The band Lady A, stated that they were unaware of the Blues singer with the same name and counter sued the Blues singer to allow the band to use their new name. Later, White counter sued the band claiming that “she has a common law right to the Lady A trade mark, based on her use of the name for albums and live performances dating back more than two decades.” White is currently seeking undisclosed damages in a jury trial, as well as the sole rights to the Lady A name.

To read further click here:

<https://www.bbc.com/news/entertainment-arts-54175094>

Obama’s Publisher sued by Ex-White House Photographer.

Anna Wilding, an ex-White House photographer is suing publishers Penguin Random House, for using an image on the cover of Obama’s memoir, claiming that the image was a rip-off of a photograph that she had previously taken. Wilding stated that the image used for the memoir is part of a published work from an exhibit.

Penguin Random House, however, denied Wilding’s claims and stated that the photo used in the book cover was taken by Pari Dukovic and therefore does not infringe on Wilding’s copyrights. Wilding is seeking a minimum of USD 50,000 compensation from Penguin Random House.

To read further click here:

<https://www.dailymail.co.uk/news/article-8761209/Photographer-claims-cover-photo-Barack-Obamas-upcoming-memoir-rip-work.html>

Copyright Infringement suit: NBC Universal sued over Script!

NBC Universal and actor Gary Oldman, have been sued by writer Ben Kaplan for allegedly infringing upon parts of his scripts in the film Darkest Hour. Kaplan claimed that he had previously written scripts based on Winston Churchill and some parts of those scripts had been adopted into the film without providing any credit to him. Kaplan claimed in the complaint that he had written three scripts for the film titled Churchill, in which actor Gary Oldman had agreed to play the title role and therefore had access to Kaplan's scripts.

To read further click here:

<https://ew.com/movies/gary-oldman-nbcuniversal-lawsuit-darkest-hour/>

Guidelines violation: TikTok removes videos from its platform.

Recently, TikTok has been banned in India and was almost about to be banned in the United States of America. In an effort to relaunch TikTok in the US, the video sharing platform has published a transparency report, since it has repeatedly been accused of violating privacy laws and being used by the Chinese government to collect user data. Further, TikTok also announced the harmful content coalition and a UK parliamentary committee scheduled a harmful content hearing in order to regulate the content published on TikTok.

To read further click here:

<https://www.livemint.com/companies/news/over-104-million-videos-removed-in-first-half-for-violating-guidelines-tiktok-11600760651379.html>



GEOGRAPHICAL INDICATIONS HIGHLIGHTS

GI Tag: Manipur's Tamenglong Oranges soon to get registered!

The GI Registry has recently advertised in its journal the Manipur's Tamenglong Orange, filed by the Department of Horticulture & Soil Conservation, Government of Manipur. Tamenglong Orange is a species of mandarin group and is grown in the Tamenglong district. The oranges are known for their well-blended sweetness and acidic taste. The GI will proceed towards registration if no opposition is filed against it.

To read further click here:

<https://www.hindustantimes.com/india-news/manipur-expects-gi-tag-for-its-unique-orange-in-tamenglong/story-4YtoxfVOJ5xmtshfUYajsN.html>

GI Registration: Sikkim's Dalle Khursani, Hottest Chili!

The Geographical Indication registration has been granted for 'Dalle Khursani', filed by Sikkim's North Eastern Regional Agricultural Marketing Corporation Limited, which is the local name of a red cherry pepper chilli grown in Sikkim. The Scoville score for this chilli is rated in the range of 100,000 to 350 000 SHU (Scoville Heat Units), making it one of the hottest chillies in the world.

To access the journal copy click here:

http://www.ipindia.nic.in/writereaddata/Portal/Images/pdf/Journal_140.pdf



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 initiative:

- 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;
- A team of academicians and practitioners to research and advice on the IP disputes.

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