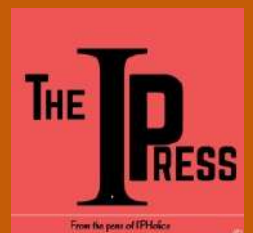




THE IP PRESS HOT SHORTS

NOVEMBER 2020



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 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 fourth 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 fourth edition of our IP Press Newsletter, for the month of November 2020. This newsletter will cover the 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 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 fourth edition of the newsletter and will look forward to hearing from you all.

Happy Reading!!



PATENTS HIGHLIGHTS



Central Government notifies the Patents (2nd Amendment) Rules, 2020.

The Central Government has notified and published the Patents (2nd Amendment) Rules, 2020 on 4th November, 2020 which amends the Patents Rules, 2003. The scope of amendment extends to changes in Rule 7 and principal rules for Table I of the First Schedule and Rule 24C(5) of the Patents Rules, 2003.

- To access the notification click here:

http://www.ipindia.nic.in/writereaddata/Portal/Images/pdf/Patents_2nd_Amendment_Rules_2020.pdf

Enforcement of injunction: German Appeals Court stays Nokia's injunction against Lenovo.

A ruling by a German Court had held Lenovo guilty of infringing 20 patents owned by Nokia. The Munich Court had issued an injunction and ordered a recall of all infringing products after which Nokia enforced the injunction against Lenovo. Lenovo filed an appeal against the ruling of the lower court with the German Appeals Court requesting a stay on the injunction. The German Court stating that "based on the high probability that the decision cannot be expected to be upheld on appeal," has ordered a stay of the Munich Court's ruling.

- To read the full news click here:

<https://in.reuters.com/article/us-nokia-patent-lenovo-group/setback-for-nokia-in-german-patent-battle-with-lenovo-idINKBN27I25E>

Flipkart acquires Mech Mocha's Intellectual Property.

Flipkart has acquired the Intellectual Property of Mech Mocha, a gaming start-up based in India. Vice-President of Flipkart, Prakash Sikaria said: "Through this transaction, we will strengthen our capabilities in the gaming domain with access to Mech Mocha's IP, games and talented team that will help us accelerate our efforts in space."

- To read the full news click here:

<https://www.thehindu.com/business/Industry/flipkart-acquires-mech-mochas-ip-team-to-strengthen-gaming-strategy/article33012704.ece>

WIPO launches new patent information tool: “WIPO INSPIRE”.

The World Intellectual Property Organization (WIPO) launched a new patent information tool, aimed at providing free access to comprehensive reports on patent databases. The new tool, WIPO Index of Specialized Patent Information Reports (INSPIRE) brings information from four databases in a single place for the benefit of innovators, service providers, patent offices and other stakeholders and includes an interactive world database coverage map that allows users to establish the extent of the patent databases coverage of a specific jurisdiction. As per the official notification, the tool offers “easy-to-use functionalities” for new as well as expert patent information users.

- To access the full news click here:

https://www.wipo.int/tisc/en/news/2020/news_0004.html

European Patent Office signs reinforced Partnership agreement with Columbia.

On 4th November 2020, The EPO signed a ‘Reinforced Partnership agreement’ with the Superintendent of Industry and Commerce of Colombia with the objective of strengthening co-operation. The MoU allows the Superintendent to use EPO’s products, tools and practices, for the next five years when granting national patents. The EPO President said, “This agreement will not only improve the quality and efficiency of handling patent applications, which is key as Colombia moves to strengthen its knowledge economy, but will also help align our patent systems to better support the global technology market.”

- To access the full news click here:

<https://www.epo.org/news-events/news/2020/20201104.html>

European Patent Office invalidates Amgen’s patent claims and protects Praluent.

On 29th October 2020, the European Patent Office (EPO) Technical Boards of Appeal invalidated certain patent claims of the European Patent – EP 2215124, owned by Amgen. The EP patent protects a drug named ‘Praluent,’ sold in over 60 countries. As reported by Global Newswire, the EPO ruling comes in furtherance to the 2019 ruling by the District Court for the District of Delaware. The District Court of Delaware also ruled in favour of Sanofi and Regeneron Pharmaceuticals after finding Amgen’s patent claims to be invalid based on lack of enablement.

- To access the press release click here:

<https://www.sanofi.com/en/media-room/press-releases/2020/2020-10-29-14-50-00>



VS



Patent Infringement: Apple to pay \$500 million to VirnetX by way of damages.

As per a recent verdict by a Jury in Texas, Apple Inc. has been directed to pay \$503 million as damages for infringing a patented technology owned by VirnetX. According to reports, VirnetX argued that the jury was entitled to award \$700 million as damages, while Apple counter-argued that only \$113 million was payable. The jury later settled the royalty rate at 84 cents per unit, amounting to \$503 million.

- To read further click here:

<https://www.bloomberg.com/news/articles/2020-10-30/apple-told-to-pay-virnetx-503-million-in-security-patent-trial>

USPTO Report indicates 100% increase in number of AI-related patent applications.

The report published by the United States Patent and Trade mark Office (USPTO), the number of Artificial Intelligence (AI) related patent applications, received annually, have doubled from 2002 to 2018. The report titled "Inventing AI: Tracing the diffusion of artificial intelligence with U.S patents" indicates that the annual AI patent applications have grown from 30,000 in 2002 to more than 60,000 in 2018.

- To access the full report click here:

<https://www.uspto.gov/ip-policy/economic-research>

eBuddy Technologies institutes lawsuit against LinkedIn Corporation for patent infringement.

In November 2020, eBuddy Technologies filed a lawsuit for patent infringement against LinkedIn Corporation in the District of Delaware. The lawsuit includes four U.S Patents - 8,510,395; 9,584,453; 8,230,135 and 8,402,179 related to "contact aggregation and event notifications." eBuddy is seeking an award for damages and a permanent injunction.

- To read further click here:

<https://lawstreetmedia.com/tech/linkedin-sued-for-patent-infringement/>

TRADEMARK HIGHLIGHTS

The logo for the Mobile Premier League (MPL) is displayed vertically in a bold, red, sans-serif font.

Global Database: WIPO adds India's data to it.

Recently, The World Intellectual Property Organization (“WIPO”) has added India’s national collection of over 2 million Trade mark records and over 58,000 Design records to the WIPO Global Brand Database and WIPO Global Design Database, respectively. This addition takes the total number of national/regional collections whose data is now freely available in the Global Brand Database to 64 and the Global Design Database to 31.

- To access the news click here:

https://www.wipo.int/reference/en/branddb/news/2020/news_0010.html

TM Licensing: Spat between Nestle and California Pizza Kitchen.

World-famous pizza chain California Pizza Kitchen (CPK) filed for bankruptcy in July this year, and in furtherance of the same, decided to terminate all existing trade mark licensing and assignment deals, including the one with Nestle for the production of CPK’s frozen pizzas. Nestle had acquired the rights to use CPK’s trademarks on frozen pizzas for \$3.7 billion in 2010. In response to CPK’s decision, Nestle reciprocated, stating that it intended to retain the trade mark rights granted to it, and contended that CPK could not misuse bankruptcy proceedings to undo a deal that had been in existence for decades.

- To read further click here:

<https://www.fooddive.com/news/nestle-moves-to-keep-rights-to-sell-california-pizza-kitchens-frozen-line/587701/>

TM Sponsorship: MPL scores new deal with BCCI.

Bangalore based e-sports platform Mobile Premier League (MPL) has become the official sponsors of the new kit of the Indian cricket team. Recently, MPL entered into the three-year, INR 120 Crore deal with the Board of Control for Cricket (BCCI) to be the new apparel sponsor. Apart from an annual royalty, BCCI will also get 10 per cent of every jersey or merchandise sold by MPL. MPL has replaced sports apparel manufacturer NIKE which opted not to renew its deal with BCCI.

- To read the full news click here:

<https://www.outlookindia.com/website/story/sports-news-mobile-premier-league-becomes-kits-sponsors-of-indian-cricket-team-for-three-years/363405>





Shop
Tok

BCCI: Jio announced as official Women's T20 Sponsor.

Recently, the Board of Control for Cricket (BCCI) has made Reliance Jio the official title sponsor for the 2020 edition of the Women's T20 Challenge. The partnership will also have the support of Reliance Foundation Education and Sports for All (RFESA). This is the first time in the history of women's cricket in India that sponsorship has been signed.

To read further click here:

<https://www.iplt20.com/news/224521/bcci-announce-jio-as-title-sponsor-for-2020-women-s-t20-challenge>

E-commerce deal: TikTok and Shopify signs!

The short-form video app TikTok, has signed a deal with Shopify to allow merchants to create "shoppable" video ads that drive customers to online stores. Shopify stated that, after its merchants select the product which they would like to promote, video ads will be automatically generated that could show up in a TikTok user's video feed and drive customers to Shopify for checkout.

• To read the full news click here:

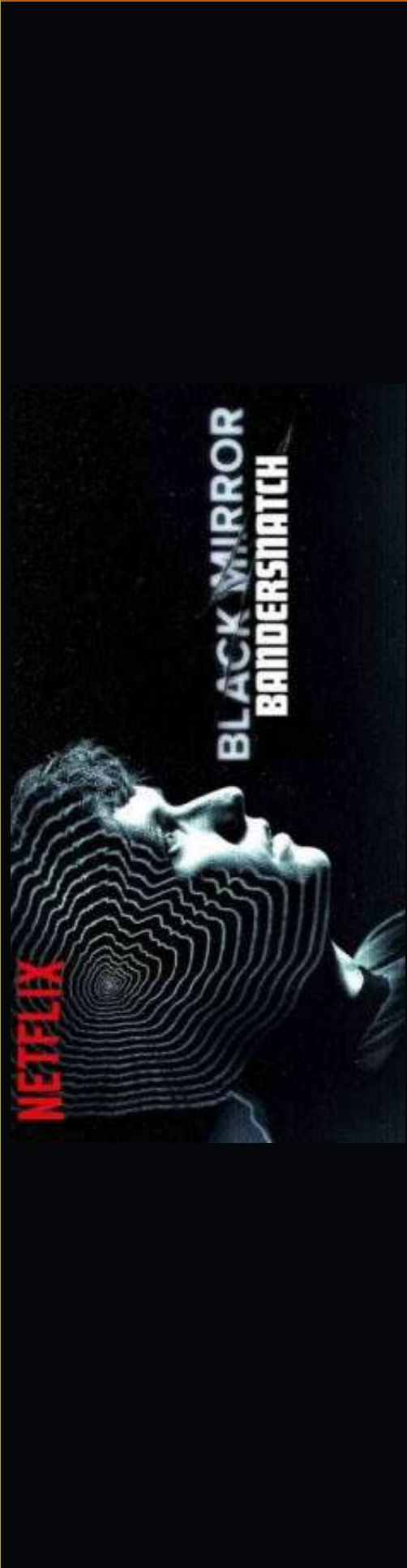
<https://www.thehindu.com/business/Industry/tiktok-leans-into-e-commerce-with-shopify-deal/article32961065.ece>

TM Bulletin: Sony Pictures Entertainment Merges Film and Television Divisions.

The American entertainment company, Sony Pictures Entertainment is merging its domestic film and TV marketing divisions under one umbrella. Sony was compelled to merge the two divisions due to the coronavirus pandemic. As per the new structure, the centralized marketing group will be run by the global theatrical marketing co-heads alongside the head of global multichannel distribution marketing. All the three heads will report jointly to the motion picture group president and to the president of networks and distribution at Sony Pictures Television.

• To read further click here:

<https://www.hollywoodreporter.com/news/sony-merges-film-and-tv-marketing-under-one-roof-layoffs-planned>



TM Bulletin: Reliance Jio launches Online Gaming competition.

Reliance Jio will be hosting the JioMart Gameathon Free Fire esports, which is free to participate tournament, that will be held for 576 teams in four rounds, with a prize pool of INR 25,000. Jio noted that being a part of a team is a prerequisite and that teams have to be registered on the JioGames portal.

- To read the full news click here:

<https://www.indiatoday.in/technology/news/story/reliance-jio-ventures-into-online-gaming-with-jiomart-gameathon-free-esports-competition-1735487-2020-10-27>

Trade mark Application: Instagram opposes 'Thriftagram'!

In early November 2020 before the Trade mark Trial and Appeal Board, opposer Instagram, LLC has filed an opposition against the registration of applicant Thriftagram.com's THRIFTAGRAM mark, claiming that Instagram's goodwill and brand value will be damaged by the registration of the applicant's mark.

- To read further click here:

<https://lawstreetmedia.com.cdn.ampproject.org/c/s/lawstreetmedia.com/tech/instagram-opposes-thriftagram-trademark-application/amp/>

TM settlement: Netflix chooses to end Trade mark lawsuit over 'Black Mirror'.

On 13th November 2020 at a status conference before U.S. District Court Judge William Sessions III, the parties in dispute revealed that they had reached a settlement. While terms weren't released, the parties did tell the judge of one slightly unusual condition- the judge's February 2020 opinion denying Netflix's dismissal motion would have to be vacated. Sessions agreed to the demand. He chose to pretend that he never questioned whether Netflix's film was explicitly misleading.

- To read further click here:

<https://www.hollywoodreporter.com/thr-esq/netflix-chooses-settlement-to-end-trademark-lawsuit-over-black-mirror>



TM Updates: LG Electronics launches Streaming Platform.

LG Electronics, the South Korean electronics company, has launched its own streaming platform to showcase its high-end Smart TVs. This channel is called Fear of Missing OLED and will stream original content from Lady Gaga and Balmain, which will include behind-the-scenes content and commentary from the recent Paris Fashion Show event for fashion house Balmain. The channel's exclusive content will run on an app from the LG Content Store and will run on the company's Smart TVs for free. The company also announced that all future partnerships will feature content from "across all entertainment categories, including art, sports, and music."

- To read further click here:

<https://www.forbes.com/sites/dbloom/2020/10/29/lg-launches-streaming-video-channel-featuring-lady-gaga-balmain-and-other-exclusives/?sh=789840b170f0>

TM Expansion: Spotify reports surge in Subscriptions for Q3.

Recently, the music streaming platform Spotify, has reported an increase in the number of subscribers, for the third quarter, which continues to grow in the current quarter, after the music streaming platform has expanded its services into more regions and markets. Furthermore, the music streaming platform has successfully recovered from the previous loss of subscribers due to COVID-19 pandemic, by expanding rapidly in markets across Europe and most recently in Russia, after launching in India and the Middle East last year.

- To read the full news click here:

<https://economictimes.indiatimes.com/markets/stocks/earnings/spotify-adds-more-subscribers-in-q3-as-music-streaming-gets-back-on-track/articleshow/78936556.cms?from=mdr>

Betting Apps and Websites: Andhra Pradesh Govt. asks Centre to ban!

The Andhra Pradesh Government has banned online gaming, online betting and gambling in the state. Additionally, the Government of Andhra Pradesh has also asked the Central Government to block access to 132 websites and apps, including Paytm First Game, Mobile Premier League and Adda52, that are providing such services in the state.

The letter by the state's Chief Minister to the IT and Telecom minister also stated that the state has amended the AP Gaming Act 1974 "to include online gaming, online gambling and online betting as an offence through Andhra Pradesh (Amendment) ordinance 2020" and notified it on 25th September 2020.

- To read the full news click here:

<https://timesofindia.indiatimes.com/gadgets-news/andhra-pradesh-bans-online-gaming-betting-asks-centre-to-block-132-apps-websites-in-state/articleshow/78952396.cms>



L'ORÉAL
PARIS



TM Infringement: Walmart India asked not to use label similar to Parle Agro's Appy Fizz.

Parle Agro moved the Bombay High Court against multinational Walmart India for alleged trade mark violation. Parle Agro contended that the mark, shape of the bottle, colour scheme, label, get up, layout and the entire trade dress of Walmart India's impugned product-Fizzy Apple is identical to their Appy Fizz. Although on November 06, Walmart argued that the word 'fizzy' is a common descriptive word and no monopoly can be claimed over it and released a statement undertaking not to use the label which was accepted by the Court and the interim application was disposed.

- To read further click here:

<https://mumbaimirror.indiatimes.com/mumbai/other/walmart-india-undertakes-not-to-use-parle-agros-appy-fizz-label/articleshow/79140230.cms>

TM Bulletin: L'Oreal Trade mark faces opposition from Marshmello.

L'Oreal has found itself in the midst of an opposition battle over the trade mark 'The Mello Brand'. Electronic music artist Marshmello has filed a notice of opposition with the US Trade mark Trial and Appellate Board (TTAB) against the mark, which was filed by L'Oreal for make-up preparations. The electronic music producer has alleged in the notice that L'Oreal is using a mark which is relatable and phonetically similar to his name. Although Marshmello's existing trade marks do not cover beauty products, the opposition notice states that the use of a similar mark by the beauty manufacturer infringes on the artist's turf for expansion into different products. Until the 7th of December, the L'Oreal has to respond to the opposition.

- To read further click here:

<https://edm.com/news/marshmello-moves-to-stop-loreal-from-registering-marsh-mellow-trademark>



TM violation: Instagram files opposition against the Mark 'INSTAKARMA'.

Instagram, recently has filed a notice of opposition against the mark 'INSTAKARMA' filed by R3 Media Corporation, a media network company, for the use of the mark in connection with mobile applications. Instagram has claimed in the opposition, which has been filed with the US Trade mark Trial and Appellate Board (TTAB), that its own mark 'INSTAGRAM' has been in use since 2010, and therefore, Instagram has amassed a stellar reputation and a large user base. The use of the mark INSTAKARMA will dilute Instagram's mark, and create confusion among the consumers about an affiliation between the two companies. Now awaiting for R3 Media to respond with their Counter Statement and defend their application.

To read further click here:

<https://lawstreetmedia.com/tech/instagram-opposes-instakarma-trademark-application/>



Brand Building: BoAt collaborates with Designer Masaba.

Electronic products manufacturer BoAt has collaborated with fashion designer Masaba Gupta to unveil a new line of headphone designs. The new collection boAt x Masaba, is inspired by the disco divana era of the '70s up to the millennial 2020s. The collection which showcases vintage patterns made its debut at the Lakme Fashion Week's first digital edition 2020, which was held in the last week of October 2020.

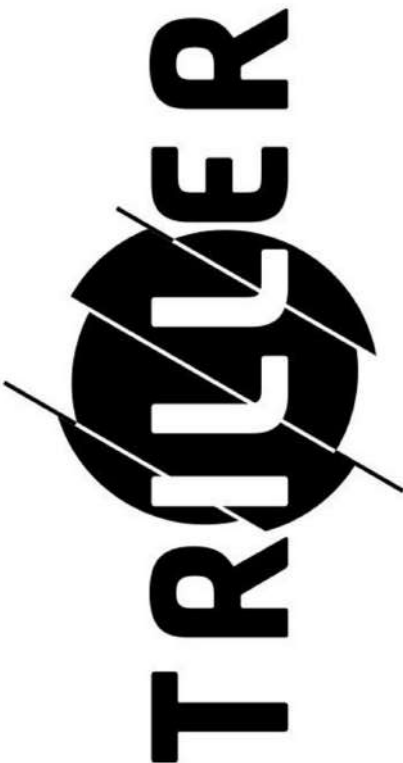
• To read further click here:

<http://bwdisrupt.businessworld.in/article/boAt-Joins-Hands-with-Designer-Masaba-Gupta/26-10-2020-335761/>

COPYRIGHT HIGHLIGHTS



Wixen Music Publishing



Online/Digital Media: brought under Ministry of Information and Broadcasting!

The Government of India, vide a notification dated 9th November 2020, has amended the Government of India (Allocation of Business) Rules, 1961. This order brings films and audio-visual programmes made available by online content providers, and news and current affairs content on online platforms, under the Ministry of Information and Broadcasting.

- To access the notification click here:

<http://egazette.nic.in/WriteReadData/2020/223032.pdf>

Copyright Infringement: Wixen Music Publishing sues Triller for USD 50 Million.

Wixen Music Publishing (WMP) has filed a copyright lawsuit against short-video app Triller, for allowing its users to include content owned by WMP, in the videos uploaded on Triller. Users of the video app can create short videos with a musical background and upload the same on Triller. WMP is seeking USD 50 million for the infringement as per the lawsuit.

While responding to the lawsuit, Triller stated that it was not liable for copyright infringement since the videos were uploaded by the users and not the app itself. WMP is seeking the maximum statutory relief, working out to \$150,000 per infringed work.

- ☒ To read further click here:

<https://www.digitalmusicnews.com/2020/11/19/triller-wixen-lawsuit/>

GEOGRAPHICAL INDICATIONS HIGHLIGHTS

GI Bulletin: new website for Geographical Indications in India.

On 13th November 2020, the Controller General of Patents, Designs and Trade Marks & GI Registry, has launched a website dedicated to Geographical Indications, in the ISRO-BHUVAN geoportal. This website provides a spatial representation of Geographical Indications in India through maps and helps to visualize the state-wise distribution of geographical indications.

- To access the website click here:

<https://bhuvan-app1.nrsc.gov.in/geographicalindication/index.php>

- To explore further click here:

https://bhuvan.nrsc.gov.in/bhuvan_links.php

GI Tag: Salem Sago applied as GI.

The Salem Starch and Sago Manufacturers Service Industrial Co-operative Society Limited, popularly known as Sagoserve has filed a new application to get the geographical indication for Salem Sago which was produced for the first time in the Salem District of Tamil Nadu and is the main centre for sago production in the whole country.

Popularly known as Jawarisi in Tamil, Salem Sago is made from wet starch powder crushed from Tapioca roots and is used in various industries, including food, paper, construction, textile, cosmetic, pharmaceutical, mining, and alcohol, among others.

- To access the full news click here:

<https://www.thehindu.com/news/national/tamil-nadu/sagoserve-applies-for-gi-tag-for-salem-sago/article32800574.ece>

GI Updates: Pakistan to challenge India's Basmati GI in EUIPO.

India's basmati rice is characterised by its long-grain aromatic smell and is grown in the Northern regions of the country. Apparently, Pakistan is all set to rage a battle against India's claim over its Basmati rice in the European Union (EU). India had filed an application for a geographical indication (GI) tag in the EU in 2018 for basmati rice, which was published in the official EU journal on 11th September 2020. The application is now open for objections from any third-party entity, and is likely to receive an objection from Pakistan, as the grant of the GI will pose a severe blow to Pakistani rice exports and reverse market gains in case India's GI is registered with the EU.

- To read further click here:

<https://eurasianimes.com/pakistan-to-challenge-indias-monopolistic-claim-on-basmati-rice-at-the-eu/>

GI Application: Narasapur Crochet Lace applied for GI.

Andhra Pradesh (AP) based Narasapur Crochet Lace has been applied for Geographical Indication. The Narsapur cluster is known for handmade crocheted lace of Irish origin, which is the process of creating textiles by using a crochet hook to interlock loops of yarn, thread, or strands of other materials. The craft was originated during the 1800's in the 19 mandals of East and West Godavari districts of AP and was passed down through generations. The application has been filed by three entities together, The West Godavari District Alankriti Lace Manufacturing Mahila Mutual Aided Co-operative Society's Federation Limited, The Narasapur All India Crochet Lace Exporters Association, and the Andhra Pradesh Handicrafts Development Corporation Limited. The laces are exported to UK, US, Canada and France.

- To access the application details click here:

<http://ipindiaservices.gov.in/GIRPublic/Application/Details/713>

- To read further click here:

<https://www.trademarkclick.com/education-blog/gi-tagging-of-narasapur-crochet-lace-on-its-way>



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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