



from the pens of IPHolics

DECEMBER 2020

**THE
IP PRESS
HOT SHORTS**



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 fifth edition of The IP Press Newsletter, for the month of December 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 this newsletter. We trust that you will enjoy our fifth edition of the newsletter and we will look forward to hearing from you all, Happy Reading!!



PATENTS HIGHLIGHTS

- **Patent Infringement: Philips institutes lawsuit against Xiaomi Inc.**

Philips has filed a lawsuit for patent infringement against Xiaomi in the High Court of Delhi. The Dutch company has alleged the Chinese smartphone company of using its Universal Mobile Telecommunication Service (UMTS) technology. Philips has asked the High Court to restrain Xiaomi from “assembling, selling of phones through any of the online-commerce platforms and/or retail chains in the subcontinent” and the Central Board of Exercise and Customs to stop all imports of Xiaomi’s cellphones to India.

-To access the full news click here:

<https://indianexpress.com/article/technology/tech-news-technology/philips-alleges-patent-infringement-by-xiaomi-moves-delhi-hc-to-ban-sale-of-its-mobiles-7075629/>

- **Patent Bulletin: REC Group files patent infringement lawsuit against Hanwha Q Cells.**

On November 30th 2020, REC Group has filed a patent infringement suit against Hanwha Solutions Corporation and Hanwha Q CELLS USA Inc. The Chief Technology Officer of REC confirmed that the Group filed the patent infringement lawsuit to protect its intellectual property rights and encourage innovation in the solar energy industry.

-To read further click here:

<https://www.prnewswire.com/news-releases/rec-group-files-patent-infringement-lawsuit-against-hanwha-q-cells-301181800.html>



Xiaomi



REC

VS.

Q CELLS



- **Strengthening intellectual property cooperation: India and USA signs MoU!**

On December 2nd, 2020, India and USA signed a Memorandum of Understanding to strengthen intellectual property cooperation between the two countries. The MoU was virtually executed by the Secretary of the Department for Promotion of Industry and Internal Trade (DPIIT) and the Director of USPTO. The MoU is expected to facilitate a path for the dissemination of IP knowledge between R&D organizations, Universities, SME's and the public by offering a variety of training programs and outreach activities. Furthermore, it also expects to offer opportunities to experts in the field of IP.

-To read further click here:

<https://economictimes.indiatimes.com/news/economy/policy/india-us-ink-mou-to-cooperate-on-ip-examination-and-protection/articleshow/79543955.cms?from=mdr>

- **IP Awareness: EUIPO publishes 3rd edition of the 2020 IP Perception study.**

Recently, the EUIPO has published the findings of the third edition of the study called the “European Citizens and Intellectual Property: Perception, Awareness and Behavior” (2020 IP Perception study). The objective of the study was to broadly understand Europeans’ point of view on Intellectual Property Rights. The study found that there has been an improvement in the general understanding of intellectual property, an increased support towards the work of artists and a low chance of people buying counterfeits as well as streaming illegal content. Furthermore, the Executive Director, Christian Archambeau said “Our latest study shows that the more people understand intellectual property, the less likely they are to infringe it. This is a powerful message for policymakers and shows the importance of raising awareness of the value of IP at citizen level”.

-To access the full study click here:

https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/Perception_study_2020/Perception_study_full_en.pdf



- **Patent Bulletin: Microsoft Inc. accused of infringement related to cloud computing.**

A company by the name of Daedalus Blue has filed a lawsuit against Microsoft Inc. for infringing its patents related to cloud computing. Daedalus has named five U.S patents in its lawsuit against the tech-giant, namely: 7,177,886; 7,437,730; 8,381,209; 8,572,612 and 8,671,132. The company has filed the lawsuit seeking for a declaratory judgment, a permanent injunction, an award for damages and royalty payments.

-To read further click here:

<https://lawstreetmedia.com/tech/microsoft-sued-for-patent-infringement-for-cloud-computing/>

- **Action Plan on Intellectual Property: EU Commission adopts!**

On November 26th, 2020, the EU Commission published a new Action Plan on Intellectual Property that aims at helping SME's in protecting inventions. The official website explains that "the Action Plan builds on the strengths of the European IP framework to ensure that it supports our economic recovery and resilience in key economic areas."

- To access the press release click here:

https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2187

- **Patent Bulletin: Ericsson files lawsuit against Samsung for violating FRAND terms.**

According to a press release by Ericsson, the multinational corporation has instituted a lawsuit against Samsung Electronics for "violating contractual commitments to negotiate in good faith and to license patents on Fair, Reasonable and Non-Discriminatory (FRAND) terms and conditions."

-To read further click here:

<https://telecom.economictimes.indiatimes.com/news/ericsson-files-lawsuit-against-samsung-in-us-for-non-compliance-with-frand-commitments/79676677>



- **Patent Infringement: Apple faces suit on the ECG feature in Apple watches**

AliveCor, a California based company has instituted a lawsuit against Apple for infringing two of its patents, namely: US10595731B2 and US10638941B2. The patents are related to the electrocardiogram (ECG) feature used by Apple in its smartwatch. Hence, AliveCor is seeking an award for damages, a declaratory judgment among other forms of relief.

- To read further click here:

<https://appleinsider.com/articles/20/12/07/mobile-ecg-device-firm-alivecor-sues-apple-for-alleged-patent-infringement>

- **WIPO: Intellectual Property Indicators 2020 published!**

On December 7th, 2020, the World Intellectual Property Organization (WIPO) published the WIPO Intellectual Property Indicators 2020 Report (WIPI), which gathers and examines IP data from over 150 national and regional offices and throws light on IP trends.

- To access the full report click here:

https://www.wipo.int/edocs/pubdocs/en/wipo_pub_941_2020.pdf

- To access the press release click here:

https://www.wipo.int/pressroom/en/articles/2020/article_0027.html

TRADE MARK HIGHLIGHTS

- **Nice Classification: latest version of the 11th edition is now available!**

A new version of the 11th edition of the International Classification of Goods and Services for the purposes of the Registration of Marks ("Nice Classification") is now available which will come into force on January 1st, 2021.

- To access the information notice click here:

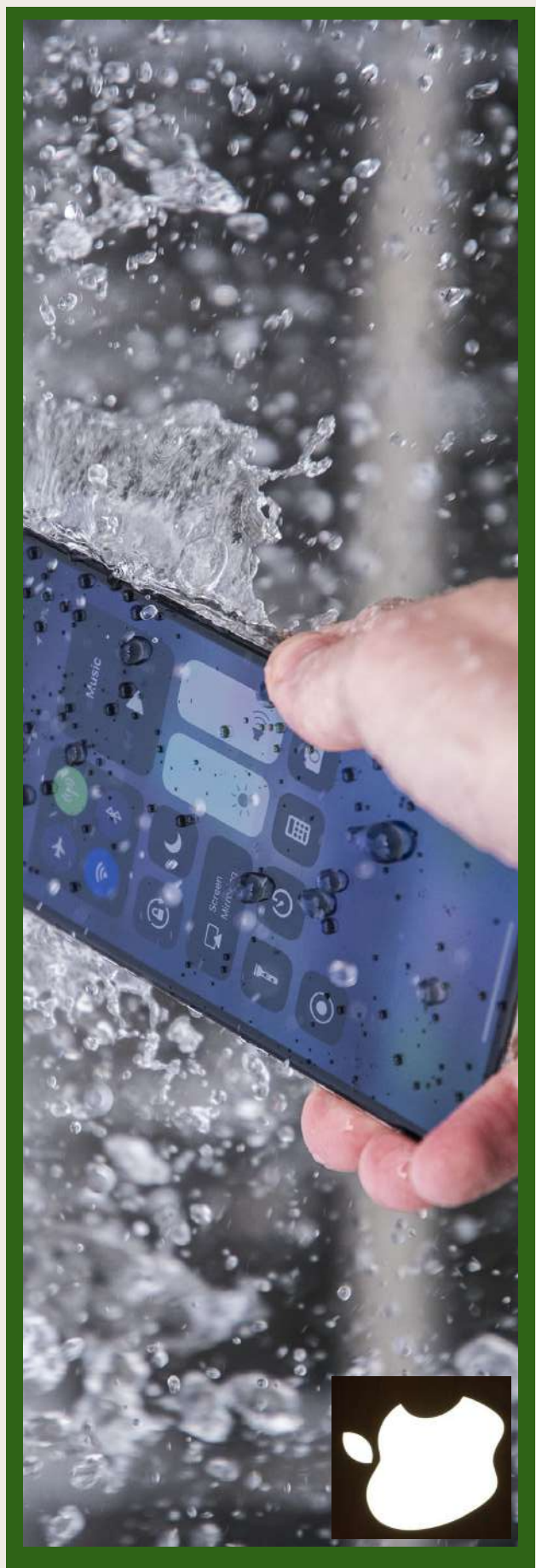
https://www.wipo.int/edocs/madrdocs/en/2020/madrid_20_20_72.pdf

- **Italian Competition Authority: fined Apple 10M Euros!**

Recently, Apple has been fined a total of 10 million Euros by the Italian Competition Authority for making false claims regarding the waterproofing of its iPhones. The ACGM stated that Apple was ambiguous about its water resistance claims, since Apple's claims about iPhones being water resistant for up to 30 minutes at depths of up to four meters only apply in certain circumstances like controlled lab tests with pure water. Further, ACGM "also criticized Apple's disclaimer that said water damage is not covered as part of the iPhone's warranty, despite marketing the phones' water resistance."

-To read further click here:

<https://www.theverge.com/2020/11/30/21726287/italy-apple-fine-iphone-waterproofing-warranty>





The New York Times
Times@talks



- **TM Infringement: New York Times sues Time Magazine over 'TIME100 Talks' series.**

In a recent series of events, the New York Times has instituted a lawsuit against Time Magazine over its 'TIME100 Talks' series and has contended that the 'TIME100 Talks' mark is confusingly similar to its own 'Times Talks' series which began in 1999. The series features conversations between journalists and leading talents and thinkers. Time Magazine has refuted the claims, stating that the word 'talks' is commonly used across similar programs in the industry, and that the 'Time100' brand is already a registered trade mark, and is well recognised among the public.

-To read further click here:

<https://nypost.com/2020/11/25/new-york-times-sues-time-magazine-over-its-time100-talks-event/>

- **TM Bulletin: Lewis Hamilton faces defeat in 'Hamilton' trade mark dispute.**

In a recent decision by the European Union Intellectual Property Office (EUIPO), Formula1 champion Lewis Hamilton was denied protection over the mark 'Hamilton', which was to be used in conjunction with a line of jewellery, watches, and smartwatches. Lewis Hamilton's application for the trade mark 'Hamilton' was opposed by Hamilton International. The EUIPO, while denying protection for the F1 champion's mark, observed that the surname 'Hamilton' was a common name in English speaking countries and held that Hamilton International had been using the name since 1892, which would override the present claim.

-To read further click here:

<https://www.republicworld.com/sports-news/other-sports/lewis-hamilton-suffers-major-setback-off-the-track-loses-trademark-case-on-his-name.html>

COPYRIGHT HIGHLIGHTS

- **Copyright Society: Screenwriters Rights Association of India applies for registration!**

Under section 33 of the Copyright Act, 1957, the Screenwriters Rights Association of India has applied to the Registrar of Copyrights for registration as a Copyright Society in literary and dramatic works, such as the story, script, screenplay, dialogues or any other literary works (excluding lyrics).

-To access the public notice click here:

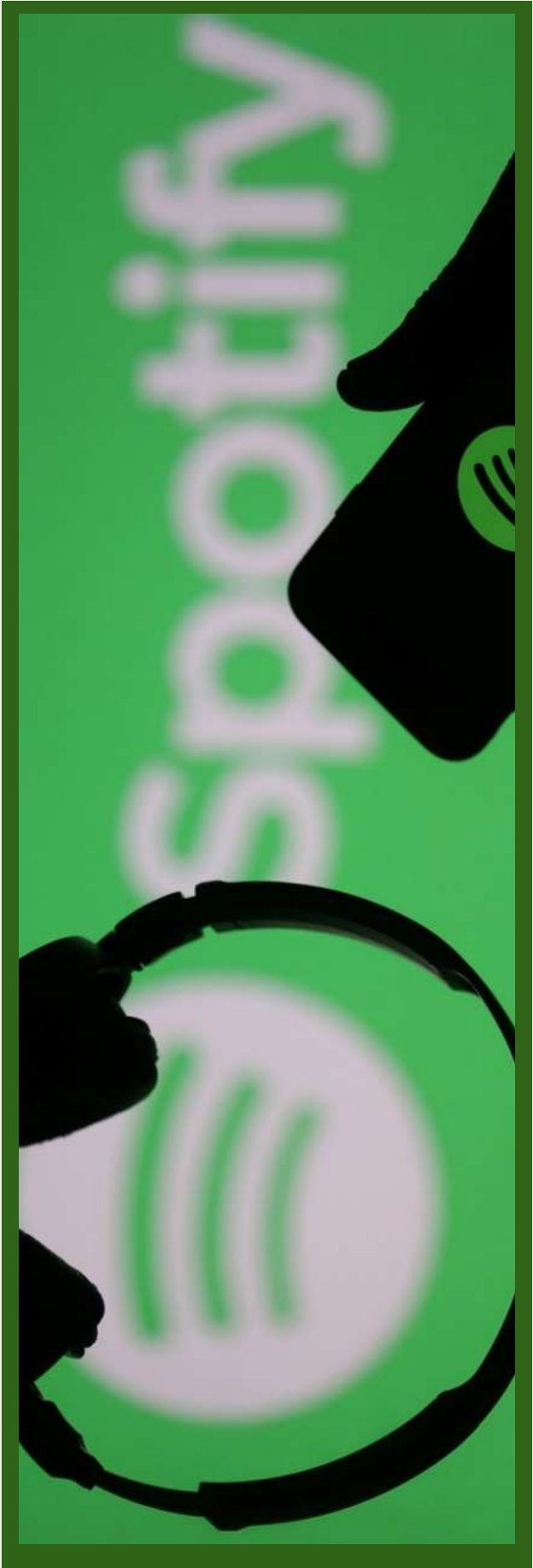
<https://copyright.gov.in/Documents/PublicNotice46.pdf>

- **Bulletin: Spotify launches Plagiarism Risk Detector.**

Spotify is developing a “Plagiarism Risk Detector and Interface”, to help artists avoid lawsuits by revealing similarities in already-published songs, by scanning inputted music for plagiarism. This technology will be scanning each song using a “lead sheet”, which is a form of musical notation common in the music industry. The interface’s plagiarism detection utilizes artificial intelligence “trained on a plurality of pre-existing encoded lead sheets.” Furthermore, Spotify has applied for a patent for this technology. The Plagiarism Risk Detector is a “Graphical User Interface (GUI)”, which is more intuitive and precise for detecting plagiarised music.

To read further click here:

<https://www.independent.co.uk/life-style/gadgets-and-tech/spotify-plagiarism-detector-music-b1767298.html>





• Copyright Infringement: Rihanna faces lawsuit!

Recently, Rihanna is being sued by King Khan and his daughter Saba Lou for allegedly using their song “Good Habits (and Bad)”, as part of an advertisement for the Fenty campaign and both claimed that Rihanna used the song without their permission. Furthermore, the lawsuit claims that the Fenty ad got 3.4 million views, but the exact amount of damages sought by Khan and Lou are still unknown.

-To read further click here:

<https://www.thefader.com/2020/12/23/rihanna-faces-copyright-infringement-lawsuit-over-music-used-in-fenty-instagram-post>

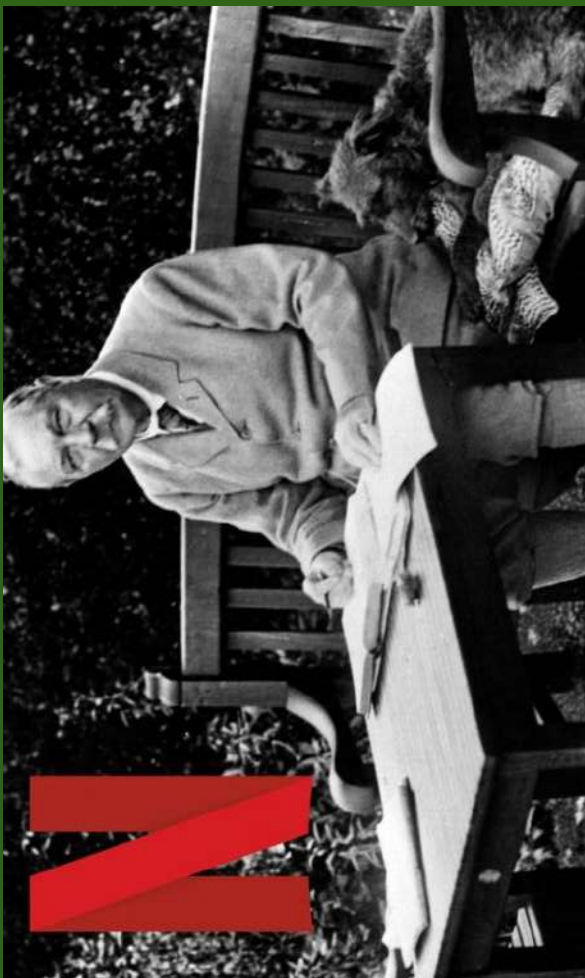
• Copyright Infringement: Sherlock Holmes lawsuit dismissed.

Netflix and Sir Arthur Conan Doyle’s estate have recently dismissed a lawsuit that was previously filed against Netflix by Doyle’s estate. The lawsuit claimed that Netflix’s film Enola Holmes portrayed the character of Sherlock Holmes as being too emotional, and respectful towards women, which violated Doyle’s copyright. While many of the stories based on Sherlock Holmes, is part of the public domain, stories like Enola Holmes, however, reimagines Holmes having a younger sister and can freely repurpose their elements.

According to Doyle’s estate, 10 of Arthur Conan Doyle’s stories are still protected by copyright, and the Doyle estate argued that they depict a meaningfully different version of the character, alleging that, Enola Holmes unlawfully used this copyrighted version of Holmes. Further, Doyle’s estate also sued Nancy Springer, the author of the original Enola Holmes series of books, along with Netflix, Springer’s publisher, and the film adaptation’s production company. In response to the lawsuit the defendants stated that Doyle’s estate was trying to copyright “generic concepts like warmth, kindness, empathy, or respect”, rather than any specific plot or character elements contained in those stories.

-To read further click here:

<https://www.theguardian.com/books/2020/dec/22/lawsuit-copyright-warner-sherlock-holmes-dismissed-enola-holmes>



GEOGRAPHICAL INDICATIONS HIGHLIGHTS

- **GI Tag: Authoor Betel Leaf applied for GI.**

Recently, the Authoor betel leaf, popularly known as vetrilai in Tamil has been filed for Geographical Indication by Authoor Vattara Vetrilai Viyabarigal Sangam and has been facilitated by the NABARD's Madurai Agribusiness Incubation Forum. The betel leaf is cultivated in Tamil Nadu's Authoor and nearby areas of Thoothukudi district. The Authoor betel is known for its medicinal properties as well as its mild spicy after taste.

-To read further click here:

<https://www.thehindu.com/news/national/tamil-nadu/gi-tag-sought-for-authoor-vetrilai/article33079292.ece>

- **Bulletin: Handicrafts and GI toys are exempted from Quality Control Order.**

The Department for Promotion of Industry and Internal Trade (DPIIT) released the Toys (Quality Control) Second Amendment Order, 2020 which is effective from January 1st, 2021 for standardization and quality adherence of toys, especially the production and sale of indigenous toys. The order exempts goods manufactured and sold by artisans registered with Development Commissioner (Handicrafts) and products registered as Geographical Indications, from following 'Indian Toy Standards' & compulsory use of Standard Mark licence from Bureau of Indian Standards.

-To access the press release click here:

<https://dipp.gov.in/sites/default/files/pressRelease-QCO-12December2020.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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