



JANUARY 2021

**THE
IP PRESS
HOT SHORTS**

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
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Hi there!

Happy New Year 2021! Moving forward with the same zeal it gives me immense pleasure to welcome you all to the sixth edition of The IP Press Newsletter, for the month of January 2021. 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 sixth edition of the newsletter and we will look forward to hearing from you all!



TRADEMARK HIGHLIGHTS

- **TM Infringement: Amazon-Future Case reaches final stages!**

According to the Singapore International Arbitration Centre (SIAC), a panel has been formed on January 5, 2021, to give the final verdict in the legal battle that ensued between Amazon and Future Group, after Reliance India Limited's acquisition of 30% stake in Future Retail. The case has reached its final stages. Amazon had claimed that Future breached the non-compete contract through its USD 3.5 billion deal with Reliance. Future had suffered massive setbacks with the COVID lockdowns and claimed that Amazon had failed to help them at the time of need.

- To read further click here:

<https://inc42.com/buzz/siac-panel-verdict-amazon-future-group-case/>

- **Music Rights: Neil Young sells 50% of the rights.**

Veteran musician Neil Young sold fifty-percent of the rights to his music to Hipgnosis Songs Fund Limited. This comes days after the singer had his music taken down from Jay-Z owned streaming site TIDAL, after clarifying that they did not own the rights to his music.

- To read further click here:

<https://www.rollingstone.com/pro/news/neil-young-music-catalog-hipgnosis-investment-1110037/>





- **IP Valuation: B2B e-commerce platform Udaan valued at USD 3.1 Billion.**

Recently, Udaan, B2B e-commerce start-up has raised USD 280 million, increasing its valuation to USD 3.1 billion. This has been raised from both new and existing investors, helping the company take a significant jump from its 2019 valuation, which was reported at USD 2.8 billion. Udaan caters to small and medium business owners and its growth has been accelerated by the COVID-19 lockdown which saw an increased digital dependency in conducting business.

☒ To read further click here:

<https://www.businessinsider.in/business/startups/news/indian-b2b-e-commerce-startup-udaan-raises-280-million-valuation-jumps-to-over-3-billion/articleshow/80132753.cms>

- **Licensing deal: Facebook inks with Tips Music.**

Social media giant Facebook and Bollywood music label Tips Music have signed a Global licensing deal that would allow users of Facebook and Instagram to add the music from the Tips library to their content. Earlier this year, T-series had sent multiple copyright infringement notices to a number of content sharing application companies for using their music without having a right to use.

- To read further click here:

<https://www.musicbusinessworldwide.com/indian-label-tips-music-which-attracts-over-5bn-youtube-views-per-month-inks-global-licensing-deal-with-facebook/>

- **Unlicensed games: Apple takes down 39,000 games from China App store.**

Apple has taken down a total of 46,000 apps off its China app store, of which, 39,000 were games. This comes as a result of the Chinese Government tightening the regulation around unlicensed games. China requires all paid apps which have in-app purchases to obtain licenses. According to the Chinese company ApplnChina, almost a third of the 60,000 games on the China App Store did not have licenses.

Apple had given publishers till the end of June 2020 to provide proof of license to continue offering their services in China. Later, this deadline was extended to 31 December, 2020. Previously, Android App stores operated by Xiaomi and Alibaba were noted to have enforced the licensing requirements.

- To read further click here:

<https://www.imore.com/apple-removes-39000-games-app-store-china>

- **TM Updates: Ticketmaster fined USD 10 Million for hacking rival company.**

Recently, the United States District Court for the Eastern District of New York, ordered the company Ticketmaster, to pay a USD10 million fine which forms part of a deferred prosecution settlement. The Ticketmaster admitted, in the settlement that an employee who had earlier worked for a rival company, was involved in the management of presale ticket sales, and had provided the login credentials and other confidential documents and information to Ticketmaster's executives.

- To read further click here:

<https://www.zdnet.com/article/ticketmaster-fined-10m-over-hacking-rival-company-systems-to-choke-off-business/>





- **TM Bulletin: Xiami music app shut down by Alibaba.**

Users lost access to the music app Xiami, as Alibaba shut down the 12 year old app after attempts to revive it failed. Founded in 2008, Xiami appealed to a large young demographic because of its aesthetic design, interactive social features and focus on indie artists. It was acquired by Alibaba in 2013. However, in 2016 Tencent acquired majority stake in China Music Group which amounted to Tencent's music apps controlling as much as 75% of China's music streaming market. This was the beginning of the end for Xiami which lost a significant number of music rights that ultimately led to a large loss in the number of its users.

- To read further click here:

<https://www.reuters.com/article/us-china-alibaba/chinas-alibaba-to-shut-down-xiami-music-app-next-month-idUSKBN29A0K5>

- **Security breach: T-Mobile claimed 0.2% of the user database impacted.**

Recently, the US based telecom provider T-Mobile has reported a security breach into its user data. According to the company, the customer information such as phone numbers, lines subscribed to an account and call related data were accessed. "The data accessed did not include names on the account, physical or email addresses, financial data, credit card information, social security numbers, tax ID, passwords, or PINs." However, the company claimed that the breach impacted only 0.2% of the user database.

- To read further click here:

<https://portswigger.net/daily-swig/t-mobile-data-breach-malicious-unauthorized-hack-exposes-customer-call-information>

- **User data access: WhatsApp amends privacy policy!**

The newly revised privacy policy of WhatsApp aims at allowing Facebook to access the user's information except private chats, for businesses and third parties that transact using these web platforms to help businesses and third parties to better manage their services as they rely on the messaging app to manage their communications with their clients.

The new policy requires the users to consent to the newly adopted policy. The users won't be able to access chat services unless they agree to the revised policy. The messaging company, earlier used to collect and share the user's information such as number, location and IP addresses. This move has raised concerns with respect to antitrust and data privacy.

- To read further click here:

<https://www.whatsapp.com/legal/updates/privacy-policy/?lang=en>

- **Brand collaboration: Kareem Abdul-Jabbar with Bruce Lee!**

The new year is off to a great start with a major collaboration on the way by two major superstars. Kareem Abdul-Jabbar, a former professional American basketball player, has collaborated with Bruce Lee Family Company, to launch a new apparel brand. The partnership has been kickstarted with the release of a limited-edition t-shirt commemorating Bruce Lee's 80th birthday. The deal is done in collaboration with Iconomy.

- To read further click here:

<https://www.licenseindia.com/archives/news/kareem-abdul-jabbar-bruce-lee-collaborate-to-launch-new-apparel-brand>





- **Warner Bros partnership: new Wonder Women shoe line from Biion Footwear.**

Biion Footwear, a Canadian footwear manufacturer has partnered with media giant Warner Bros to create a shoe inspired by Wonder Woman's iconic costume. The Wonder Woman special edition will be made with a rubber sole, a ruby red body with the classic golden "W" emblem and star-spangled pattern across the toebox, white midsole, and a yellow outsole. The collection will be available for adults and kids on pre-order.

- To read further click here:

<https://www.licenseindia.com/archives/news/biion-footwear-warner-bros-create-wonder-woman-shoe>

- **WIPO: Gainvest. Co-owner attempts hijacking the Gainvest.Com website.**

A Panel of the World Intellectual Property Organisation ("WIPO") decided that Gainvest Legal Corporation, the owner of the Gainvest.co domain, was denied rights over the domain Gainvest.com. The disputed domain 'Gainvest.com' was owned by John Sozanski, who had registered the same back in 1999, which was almost 20 years before the incorporation of Gainvest Legal Corporation. In the case filed under the Uniform Dispute Resolution Process ("UDRP"), the WIPO Panel was of the opinion that Gainvest Legal Corporation had brought the dispute in bad faith, had made a series of frivolous arguments, and was attempting reverse domain name hijacking.

- To read further click here:

<https://domainnamewire.com/2020/12/29/owner-of-gainvest-co-tries-to-hijack-gainvest-com/>

PATENTS HIGHLIGHTS

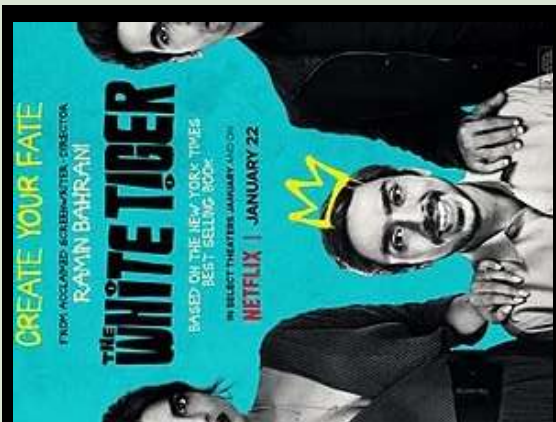


- **Ministry of Science & Technology: releases draft ‘Science, Technology and Innovation Policy’ for public comments.**

On January 2, 2021, the Ministry of Science & Technology released the draft ‘Science, Technology and Innovation Policy’ for public comments. Till January 25, 2021, the draft policy was open to comments from stakeholders. A part of the Government of India’s ‘Atmanirbhar Bharat’ vision, the current draft has been formulated following stakeholder consultations, which was held in May, 2020.

- To access the press release click here: <https://dst.gov.in/draft-5th-national-science-technology-and-innovation-policy-public-consultation>
- To access the proposed STI Policy draft click here: https://dst.gov.in/sites/default/files/STIP_Doc_1.4_Dec2020.pdf

COPYRIGHT HIGHLIGHTS



- **Netflix release: Delhi HC allows the release of ‘The White Tiger’!**

The Delhi High Court refused to stay the release of the film ‘The White Tiger’ on Netflix after a plea by American producer John Hart Jr. Hart who claimed that there was an alleged violation of a literary auction agreement between him and the original author of the story, Aravind Adiga, which allowed the American producer to make a film out of the book.

However, once he realized Netflix was also in the process of making and releasing the film, he sent a cease and desist notice. Netflix argued that the OTT film release involved huge finances and goodwill that could be compromised if the release stayed. The court agreed that it will cause “serious and irreparable consequences to the defendants if the release of the film was stalled at this stage and that it could not arrive at a prima facie view that copyright was infringed.”

- To read further click here:

<https://economictimes.indiatimes.com/magazines/panache/delhi-hc-refuses-to-stay-release-of-netflix-film-the-white-tiger-over-copyright-violation/articleshow/80398494.cms>



• Copyright Infringement: Netflix sued by Kevin Wooten!

Kevin Wooten, the author of the 2016 novel 'Pennywise: The Hunt for Blackbeard's Treasure' claims that Netflix's show 'Outer Banks' is remarkably similar to the book, including the storyline, main characters and the fact that they both take place in the Outer Banks.

Wooten sold and promoted his book in Wilmington, North Carolina, the very place that was a source of inspiration to the show's creators. Wooten has sued for damages and ongoing royalties.

- To read further click here:

<https://www.wionews.com/entertainment/netflixs-outer-banks-accused-of-copyright-infringement-by-us-author-353159>

• Copyright lawsuit: Apple loses against Corellium!

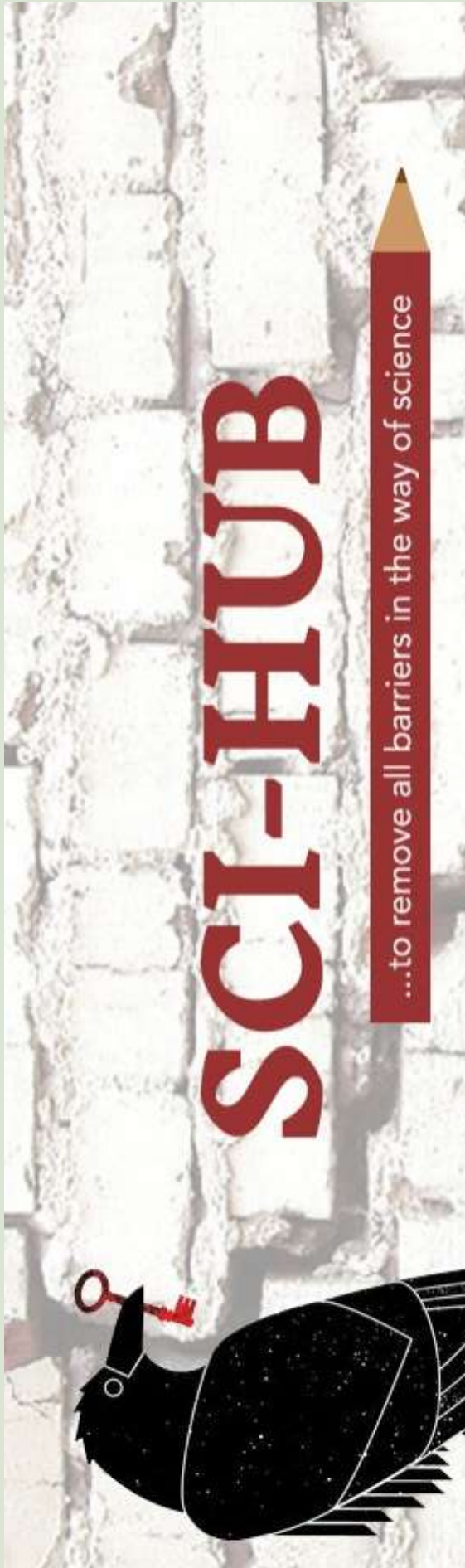
In 2019, Apple had filed a copyright infringement lawsuit against security start up company in Florida, called Corellium. This lawsuit which was filed in the US District Court for the Southern District of Florida had claimed that Corellium's use of its software to find vulnerabilities in Apple products, amounted to copyright infringement. However, the Court was of the opinion that Corellium's research amounted to "fair use" due to its "transformative" nature.

Apple insisted that Corellium was copying its software to create devices whose only function was to run unauthorized copies on non-Apple hardware. Whereas, the Court observed that "Corellium's profit motivation does not undermine its fair use defense, particularly considering the public benefit of the product." Further, the Court stated that Apple may still pursue a separate federal law claim that Corellium dodged its security measures when creating its software.

- To read further click here:

<https://www.communicationstoday.co.in/apples-lawsuit-against-security-startup-corellium-partially-thrown-out/>





- **Sci-Hub and LibGen: Delhi HC allows intervention applications!**

The Delhi High Court allowed the intervention application of the Delhi Science Forum that asserted that Indian law does not allow for the commercialisation of and profiting from scientific knowledge which was considered to be a “public resource.” They insisted that the access to material on websites like Sci-Hub and LibGen amounted to “fair dealing and thus they could not be sued for copyright infringement.

In its statement, the All India People’s Science Network (AIPSN) added that India has a whole community of students, researchers, teachers and scholars who would be blocked from accessing a lot of scientific content if Sci-Hub and Libgen were granted copyright.

The Delhi HC observed that the case was one of national importance and thus the applicants had the right to put forth their point of view, before the court decided to grant an injunction.

- To read further click here:

<https://www.bloombergguint.com/law-and-policy/are-sci-hub-and-libgen-pirates-or-robin-hood-delhi-high-court-to-decide>

- **Gunjan Saxena: Dharma Production summoned over copyright infringement allegations.**

Indian Singers Rights Association (ISRA) has alleged that Dharma Production, in the movie Gunjan Saxena, has commercially exploited the performance of three of its members by using songs namely; 'Ae Ji O Ji' from the movie 'Ram Lakhan', 'Choli Ke Peeche Kya Hai' from 'Khalnayak' and 'Saajan Ji Ghar Aaye' from Dhrama Production's own movie 'Kuch Kuch Hota Hai.' ISRA argued that the tariff for the performers' rights was fixed and Karan Johar was to deposit said amount before the Court.

However, Johar refuted ISRA's claims saying that royalties were to be paid only for live performances and since the film was a studio performance it did not require the payment of royalties. Furthermore, the production house asserted that the license was taken from the labels already.

The payment asked for by ISRA was deferred until the next hearing on March 12, 2021.

- To read further click here:

<https://www.livelaw.in/news-updates/delhi-high-court-gunjan-saxena-karan-johar-royalty-summons-167705>



- **Copyright violation: Cox Communication ordered to pay compensation of USD 1 Billion.**

The United States District Court for the Eastern District of Virginia, upheld the ruling that obligated the Cox Communication to pay a heavy compensation equivalent to USD 1 Billion for mass copyright violation.

The plaintiffs including Sony Music, Universal Music, and Warner Music, preferred an infringement suit against Cox Communication claiming a payment of USD 1 Billion. The plaintiffs alleged that Cox Communication had realized huge profits by facilitating mass copyright violation by its subscribers.

In the judgment released on January 12, 2021, the court reasoned that “whether the plaintiffs are entitled to statutory damages for derivative works is a question of law, and one that has been answered in the negative by case law persuasive to the Court.” Notwithstanding, it upheld the compensation order for USD 1 Billion in respect of all 10,017 works against Cox Communication, as it “did not present evidence of the supposed relationship between the sound recordings and musical compositions at trial.”

- To read further click here:

<https://www.billboard.com/articles/business/9510360/cox-1-billion-copyright-infringement-verdict-upheld-labels/>



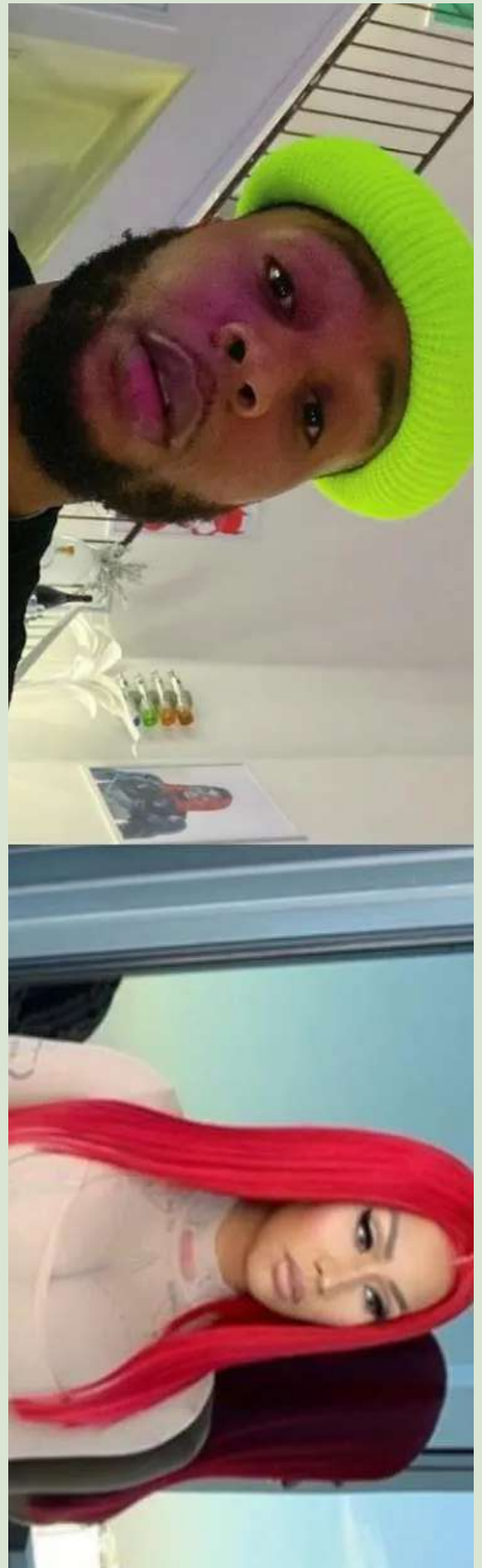
- **Copyright Infringement: Brinx Billions filed a suit against Nicki Minaj!**

Brinx Billions filed a suit against Nicki Minaj for 240 million dollars alleging copyright infringement and that he was the “sole author/creator/composer/writer/producer” of “Rich Sex”, though Nicki Minaj, Lil Wayne, engineer Aubry “Big Juice” Delaine, and composer Jeremy Reid are all officially credited as co-songwriters.

As per Billions, he wrote the song around the year 2016 and did not give anyone the right to use the song commercially. Nevertheless, Minaj went on to use a large portion of it, he claimed. In addition to this, Billions also alleged that he stopped receiving payment for his work “I Endorse These Strippers,” despite meeting all his obligations.

- To read further click here:

https://www.spotboye.com/hollywood/hollywood_news/nicki-minaj-sued-by-rapper-brinx-billions-for-alleged-stealing-his-song-latter-files-100-page-long-complaint-and-240m-dollar-lawsuit-against-the-former/5ff5a5e4491df2623487bbb3



GEOGRAPHICAL INDICATIONS HIGHLIGHTS



- **Tamil Nadu: Cumbum Panneer Thratchai applied for GI!**

Cumbum Panneer Thratchai, a grape variant, has been applied for a Geographical Indication tag. This particular variant of the grape provides high yield as it is cultivated throughout the year in the Cumbum Valley in Theni district of Tamil Nadu. The grapes grown are suitable for making wine, spirit, jams, canned grape juice and raisins. The application has been filed by the Kaamayam Thiratchai Vivasayigal Sangam.

- To read further click here:

<https://www.thehindu.com/news/national/tamil-nadu/gi-tag-sought-for-cumbum-panneer-thratchai/article33476608.ece>

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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