



MARCH 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 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 eighth 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 eighth edition of The IP Press Newsletter, for the month of February 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 eighth edition of the newsletter and we will look forward to hearing from you all!



PATENTS HIGHLIGHTS

PATENT INFRINGEMENT: APPLE FINED FOR \$308.5 MILLION!

In Texas, a federal jury has found Apple guilty of infringing patents relating to digital rights management technology, FairPlay. The patent which deals with “method of decrypting programming at a receiver station” was filed by one Personalized Media Communications (PMC) and covers Apple’s FairPlay services. The court observed that the company was not a patent troll as it licenses its own internally invented patent on an exclusive basis. However, Apple has said that it would appeal this decision.

- To read further click here:

<https://www.reuters.com/article/us-apple-ip-idUSKBN2BC04I>



EPO: PUBLISHES PATENT INDEX 2020!

Recently, the European Patent Office (EPO) has published the patent index for 2020 and according to that, patenting activity in 2020 was driven by innovation in healthcare and medical technology, in terms of volume. Whereas, pharmaceuticals and biotechnology were the fastest-growing areas in 2020. In terms of geographic origin of inventions, the top 5 (five) countries filing into Europe were USA with 44,293 applications followed by Germany (25,954), Japan (21,841), China (13,432) and France (10,554).

- To access the press release click here:

<https://www.epo.org/news-events/news/2021/20210316.html>



PATENT LICENSING: SAMSUNG AND NOKIA INK VIDEO!

Nokia has signed a licensing deal with Samsung to cover its innovations in video standards. Although the financial terms of the agreement were not disclosed publicly, it is reasonable to say that Samsung will be making royalty payments to Nokia as part of the deal.

- To read further click here:

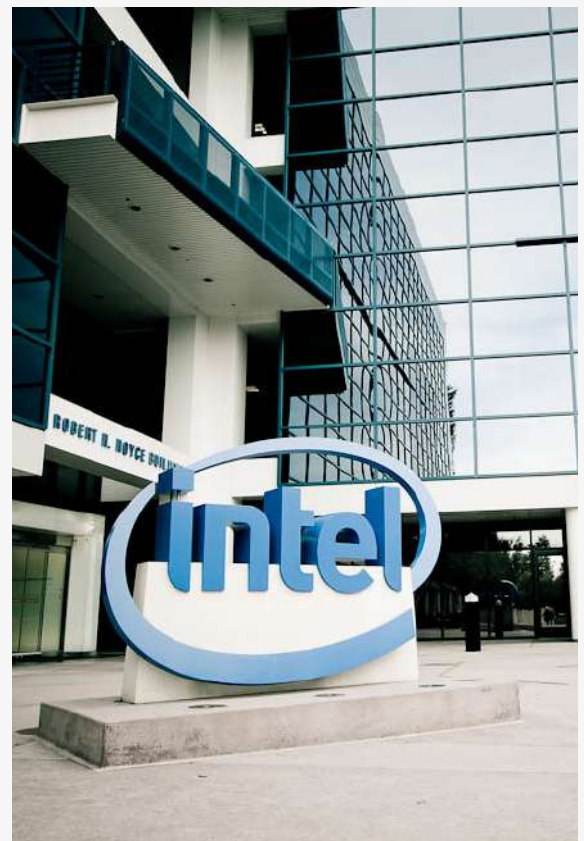
<https://www.globenewswire.com/news-release/2021/03/11/2190942/0/en/Nokia-and-Samsung-sign-patent-licensing-agreement-for-video-standards.html>

PATENT INFRINGEMENT: INTEL ASKED TO PAY \$2.18 BILLION!

Intel Corp. has been ordered by the federal jury in Texas to pay \$2.18 billion-dollar in damages to VLSI Technology LLC for allegedly infringing two patents held by VLSI which relates to inventions that help increase the power and speed of computer processors. The jury held that there was no “willful infringement” of the patents by Intel but there was certainly “willful blindness” as the company failed to check if it was using someone else’s innovations.

- To read further click here:

<https://www.bloomberg.com/news/articles/2021-03-02/intel-told-to-pay-2-18-billion-after-losing-texas-patent-trial>



CHINA: TOP PATENT FILER IN 2020 DESPITE THE PANDEMIC!

China has emerged the top patent filer in 2020 by filing 68,720 PCT applications which translates to an increase of about 16.1% from 2019. United States ranked second with a total of 59,230 applications which is about 3% more than the total applications filed in 2019. Whereas, India has been ranked 14th and has filed 1,914 applications as opposed to 2,047 applications filed in 2019. Italy, Canada and Israel occupied the 11th, 12th and 13th positions respectively, while Australia followed India at the 15th spot.

To access the press release click here:

https://www.wipo.int/pressroom/en/articles/2021/article_0002.html

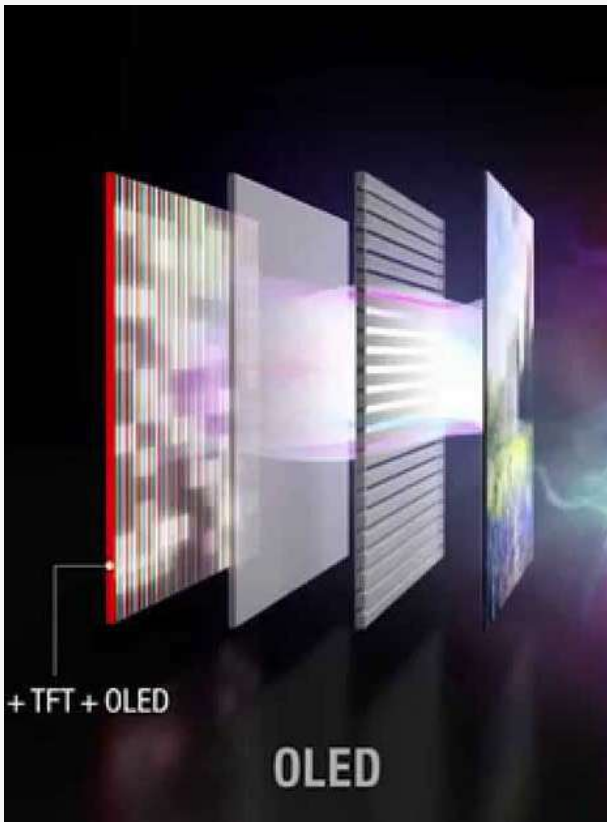


RICOH JOINS WIPO GREEN

Ricoh Company Ltd. has announced that it has joined WIPO GREEN (which was launched in 2013 and is an international platform, operated by the World Intellectual Property Organization of the United Nations, that connects green technology providers and seekers of eco-friendly technology solutions through its marketplace and network) as a contributing partner and will be contributing 83 of its environmental technology patents covering two fields: dry washing technology and waste liquid treatment technology.

To access the press release click here:

https://www.ricoh.com/release/2021/0308_1



PATENT DISPUTE: SOLAS OLED AND LG SETTLES!

Solas OLED, the Irish technology licensing company has announced that it has entered into a patent settlement and licensing agreement with LG Display. While the terms of the agreement are confidential, the agreement puts an end to the litigation between Solas and LG, including counteractions, concerning Solas technology in Germany, China and the United States.

To read further click here:

<https://www.businesswire.com/news/home/20210219005473/en/Solas-OLED-Settles-Patent-Disputes-with-LG-Display-Co>

USPTO TO US DISTRICT COURT: AI INVENTORSHIP LACKS THE “LEGAL PERSONALITY”.

The United States Patent and Trademark Office (USPTO) has submitted a summary motion at the US District Court for the Eastern District of Virginia requesting the Court to uphold the PTO’s decision of rejection in the DABUS Case.

The USPTO’s key contention in the summary motion is that the suit should be dismissed because Dabus, as a machine, could not execute the necessary oath or declaration that the Patent Act requires of the inventor because it lacks the “legal personality” to do so.

To read further click here:

<https://www.worldipreview.com/news/ai-lacks-legal-personality-to-invent-argues-uspto-21083>



TRADEMARK HIGHLIGHTS

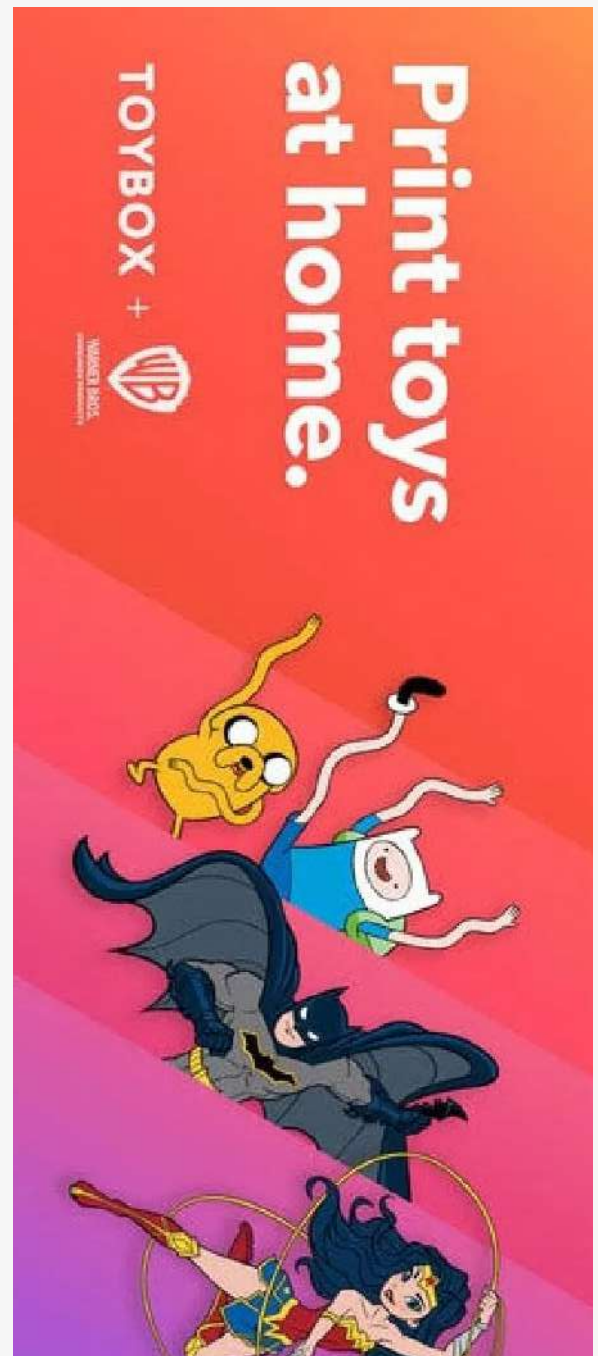
TM BULLETIN: WARNER BROS. HAS PARTNERED WITH TOYBOX.

Warner Bros. Consumer Products has partnered with Toybox that allows persons to create toys at the comfort of their own home. This partnership enables audiences to 3D print the licensed toys from across the Warner Bros. portfolio including those of Batman, Superman and Wonder Woman action figures with nine points of articulation, Batarangs, Batman's Batcave computer, Batmobile, Batman disc launcher, Bat-Signal, Justice League disc launchers, Daily Planet building; with additional items to follow.

Additionally, it provides users a chance to 3D print licensed toys and memorabilia based on DC, Cartoon Network, Looney Tunes, Friends and Seinfeld. Furthermore, the deal also extends the licensing to classic films under the Warner Bros. banner, such as the Polar Express and Elf. The purchases will be required to be made by way of 'Toybox Bolts', which is an online currency unique to the Toybox platform.

- To read further click here:

<https://www.toynews-online.biz/2021/03/11/warner-bros-teams-with-toybox-to-let-fans-3d-print-their-own-licensed-toys-at-home/>





PRELIMINARY INJUNCTION: BURBERRY SECURES AGAINST BANEBERRY.

Recently, internationally renowned fashion brand Burberry has secured a preliminary injunction from the Suzhou Intermediate People's Court, against Xinobli Trading (Shanghai) Co. Ltd., which was found to be infringing several Burberry trademarks. The Chinese apparel retailer owned the brand 'Baneberry' and had registered the 'Baneberry' trademark, as well as a logo similar to Burberry's "warrior on horse" logo. The Suzhou Intermediate People's Court observed that the 'Baneberry' trademarks were deceptively similar to Burberry's trademarks, and although they were registered since 2011, 'Burberry' was already a well-known mark at the time, with a wide presence in the Chinese market.

- To read further click here:

<https://www.thefashionlaw.com/outcomes-in-recent-trademark-cases-demonstrate-prioritization-of-non-native-rights-in-china/>

TM LICENSING: BENETTON UNVEILS NEW GARFIELD COLLECTION!

Entertainment network ViacomCBS Consumer Products and apparel manufacturer Benetton Group have entered into a global license deal, for the design, production, and distribution of the iconic comic character Garfield. The agreement which is valid from 2021-2022, will be the first-ever Garfield collection for Undercolors of Benetton brand. The collection will include apparels and accessories and will be inspired by the philosophy of the iconic lazy feline. The collection will be available in the Benetton retail network including United and Undercolors around the world.

To read further click here:

<http://nickalive.blogspot.com/2021/03/viacom-cbs-cp-and-benetton-ink-global.html>





REVERSE DOMAIN NAME HIJACKING: VITAL PHARMACEUTICALS FOUND INDULGING IN!

Recently, Vital Pharmaceuticals, Inc. was handed an unfavourable decision by a panellist under the WIPO's Uniform Domain Name Dispute Resolution Policy ("UDRP"). Vital Pharmaceuticals is the owner of the energy drink brands 'Noo' and 'Noo Fuzion' and had intended to acquire the 'noo.com' domain.

However, the UDRP panel noted that the domain owner had acquired the domain in 2005 for a marketing business, which was 15 years before Vital Pharmaceuticals had registered any trademarks, including the 'Noo' trademark. Therefore, the WIPO panellist held that the 'noo.com' domain name was not registered or used in bad faith, and there is no case of cybersquatting. Therefore, Vital Pharmaceuticals was found to be engaging in reverse domain name hijacking.

To read further click here:

<https://domainnamewire.com/2021/02/19/reverse-domain-name-hijacking-in-noo-com-dispute/>

TM UPDATES: DUBAI TAXI CORPORATION ISSUES NOTICE TO GHANAIAN RAPPER.

The Dubai Taxi Corporation has issued Ghanaian Rapper Amerado a cease-and-desist notice via social media regarding the unauthorised use of its logo as the Rapper was allegedly using the logo on promotional materials and content for his new single 'Taxi Driver'. He was asked that all the promotional material, images, videos including cover art for the song in which the logo has been used should be taken down from all platforms. On March 10, 2021, the Rapper stated that he has abided by the request and made the requisite changes in the official cover of his music and shall replace all such promotional material and content.

To read further click here:

<https://www.trademarkclick.com/education-blog/dubai-taxi-corporation-issues-cease-desist-notice-to-amerado>



COPYRIGHT HIGHLIGHTS

COPYRIGHT INFRINGEMENT: SUIT AGAINST PINTEREST'S MOTION GOT DISMISSED!

Mr. Harold Davis, a digital artist and professional photographer sued and accused Pinterest for both direct and contributory copyright infringement as it allowed its users to easily infringe on copyright by capturing images without due authorization and copying them to their Pinterest boards. He also alleged that instead of taking steps to curb the infringement, Pinterest monetized such images and worked using targeted advertisement. The District Court in the Northern District of California granted Pinterest's motion to dismiss Davis's infringement claim as the photographer failed to allege the facts to support that Pinterest had actual knowledge of infringement on its platform.

- To read further click here:

<https://www.lexology.com/library/detail.aspx?g=d9e0bd91-1877-4e3d-a298-8084fc94e89c>





COPYRIGHT INFRINGEMENT: RAPPER TEKASHI GOT SUED!

Recently, rapper Tekashi 6ix9ine has been sued by a Texas production group 'BEATDEMONS' for copyright infringement. Tekashi's hit single 'GOOBA', that was released in 2020 after his release from prison, has about 700 million YouTube views and was also the most-watched hip-hop video in a twenty-four hour span. BEATDEMONS' claimed that 'GOOBA' has copied the melody, form, structure and function of their track 'Regular' which was released two years prior to 'GOOBA'.

To read further click here:

https://www.nme.com/en_asia/news/music/tekashi-6ix9ine-sued-for-alleged-copyright-infringement-on-gooba-2898891


TEXAS FEDERAL COURT: APPLE SUED FOR INFRINGEMENT OF EMOJIS.

In February, 2015, Apple launched its own diverse emojis. Thereafter, Katrina Parrott, a Texas developer, who was the first one to introduce multiracial emojis through her application called iDiversicons has filed a copyright infringement suit against Apple at the Texas Federal Court. According to reports, Apple has claimed that the company did not infringe on Katrina's work and that Katrina has no claim to copyright over the multi-racial emoji as copyright law does not protect the ideas.

To read further click here:

<https://www.imore.com/apple-sued-creator-emojis-different-skin-tones>

"OK Hand" Emoji

iDiversicons® Emoji No. VAu 001-186-920 Created: 04/28/2014	Apple iOS Released: 12/10
	
	
	
	

COPYRIGHT INFRINGEMENT: JUSTICE LEAGUE ACCIDENTALLY RELEASED ON HBO MAX.

On March 8, 2021, several subscribers reported that HBO Max accidentally released Zack Snyder's Justice League which was scheduled to release on March 18, 2021. Several subscribers noticed the glitch, captured screenshots and glimpses of the new film and shared it on various social media platforms like Twitter (some of the tweets sharing the glimpses of the movie were deleted by Twitter for infringement of copyright), before it was finally rectified by HBO Max. However, in an hour HBO Max took cognizance of the glitch and fixed it.

To read further click here:

<https://www.thehindu.com/entertainment/movies/zack-snyders-justice-league-accidentally-leaked-in-streaming-mistake-by-hbo/article34026353.ece>



INFLUENCER ADVERTISING ON DIGITAL MEDIA: ASCI ISSUES GUIDELINES!

In February 2021, the Advertising Standards Council of India (ASCI) released guidelines for "Influencer advertising on digital media" for stakeholder consultation. The guidelines will be applicable to all promotional posts published on or after April 15, 2021.

• To access the draft guidelines click here:

<https://www.ascionline.org/images/pdf/guidelines-for-influencer-advertising-on-digital-media-draft-for-stakeholder-inputs.pdf>

GEOGRAPHICAL INDICATIONS HIGHLIGHTS

GI TAG: MADURAI MARIKOLUNTHU SOUGHT FOR IT.

An aromatic plant of South India, Madurai Marikolunthu has been applied for Geographical Indication (GI) by the Madurai Meenakshi Sundareshwarar Malar Motha Vyabarigal Nala Sangam. Madurai Marikolunthu which originates from Madurai, is used for religious ceremonies and in making of garlands, bouquets, floral decorations and is quite popular due to its rich fragrance.

To read further click here:

<https://timesofindia.indiatimes.com/city/madurai/traders-seek-gi-tag-for-madurai-marikolunthu/articleshow/80888763.cms>



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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