

SEPTEMBER 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 endeavour and find it informative. With a lot of happiness and excitement, we present to you the fourteenth edition of The IP Press Newsletter! Best wishes to the team always!

Note from the Author's Desk!

Tanya Sharma
Content Writer
The IP Press

It gives me immense pleasure to welcome you all to the fourteenth edition of The IP Press Newsletter, for the month of September 2021. Also, 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, Trade Marks, E-Commerce, Copyright, Designs 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 thirteenth edition of the newsletter and we will look forward to hearing from you all!



PATENTS HIGHLIGHTS

Delhi High Court proposes Draft Intellectual Property Rights Division Rules, 2021

The Delhi High Court has proposed the Draft Intellectual Property Rights Division Rules, 2021, consisting a total of 31 Rules which deals with original proceedings, Writ Petitions (Civil), CMM, RFA, and FAO on Intellectual Property Rights disputes, except those required to be dealt with by the Division Bench. The rules consist of important definitions, filing & nomenclature, procedure for appeals, original petitions, writ petitions, civil miscellaneous main petition, pleadings, intervention, summary adjudication, general clauses, guidelines of written submissions and timelines for oral submissions, costs, etc. The Delhi High Court has requested the members of the Bar to send their comments or suggestions, if any, within two weeks. The amendment extends to changes in Rule 21, Rule 131(2) and the Second Schedule (Form 27) of the Patents Rules, 2003.

To read further click here:

<https://www.livelaw.in/news-updates/delhi-high-court-proposes-draft-intellectual-property-rights-ipr-division-rules-2021-183449>

Click here to read Draft Rules:

https://www.livelaw.in/pdf_upload/publicnotice5j4gugi051k-1-402187.pdf

Jaguar Land Rover settles patent fight v Volkswagen

Jaguar Land Rover Automotive Plc has reportedly ended rifts with Volkswagen over the use of a certain feature in Luxury SUVs that seek to ease off-road driving capabilities for drivers who may not be quite well-versed to taking their cars beyond tarmac.

To read further click here:

<https://auto.hindustantimes.com/auto/news/thaw-in-row-jaguar-land-rover-settles-patent-fight-vs-volkswagen-details-here-41632888902335.html>





The Patent (Amendment) Rules, 2021 introduced on 21st September, 2021

The Department for Promotion of Industry and Internal Trade (DPIIT) introduced the Patents (Amendment) Rules, 2021 on 21st September 2021. The amended rules makes the procedure more compact, time bound, user-friendly and compatible for e-transactions. Moreover, Patent Rules have been amended in 2016, 2017, 2019 and 2020 with the objective to remove procedural inconsistencies, and unnecessary steps in processing of applications thereby to speedup grant/registration and final disposal.

To read further click here:

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1757202>

Click here to read Patent (Amendment) Rules, 2021:

<https://static.pib.gov.in/WriteReadData/specificdocs/documents/2021/sep/doc202192301.pdf>

Mahindra-owned Peugeot Motorcycles loses patent case against Piaggio in France, Italy

Mahindra & Mahindra owned Peugeot Motorcycles has been banned from selling three-wheeled scooter Peugeot Metropolis in France and Italy in a patent infringement case filed by Italian two-wheeler maker Piaggio Group. In this case, the patent in question relates to the control system that enables a three-wheeled vehicle to tilt sideways like a conventional motorcycle.

To read further click here:

<https://auto.economictimes.indiatimes.com/news/two-wheelers/motorcycles/mahindra-owned-peugeot-motorcycles-loses-patent-case-against-piaggio-in-france-italy/86635197>

Early outcome needed on the TRIPS Waiver proposal for vaccines, therapeutics and diagnostics- Shri Piyush Goyal, Minister of Commerce and Industry

In a trade and economic minister's meet of BRICS countries, Union Minister for Commerce and Industry, Shri Piyush Goyal, emphasized the need for an early outcome of the TRIPS Waiver Proposal for vaccines, therapeutics, and diagnostics.

To read further click here:

<https://pib.gov.in/PressReleasePage.aspx?PRID=1752010>

TRADE MARKS HIGHLIGHTS

Dr. Reddy's get favorable order on 'Omez' trademark dispute with West-Coast Pharmaceutical Works

In the case of Reddy's Laboratories Limited v West-Coast Pharmaceutical Works (I.A. 6799/2021), the Delhi High Court has accepted the Ahmadabad-based West-Coast Pharmaceutical Works affidavit that acknowledges the former trademark and will not manufacture or sell its products under the trademark 'Omes'. It is a relief to Dr. Reddy's Laboratories in its efforts to protect the trademark 'Omez'.

To read further click here:

<http://www.pharmabiz.com/NewsDetails.aspx?aid=142997&sid=1>

Click here to read full order:

<https://indiankanoon.org/doc/143043078/>

Bombay High Court granted an ad-interim injunction in the favor of plaintiff in 'Pidilite Industrial' Case

In the case of Pidilite Industrial Ltd. v Saathi Adhesives Pvt. Ltd [Commercial IP Suit (L) No. 19160 of 2021], the Bombay High Court granted an ad-interim injunction restraining the defendant from using any marks deceptively similar to the plaintiff's registered 'FEVICOL', 'SH', 'MARINE', and 'D3' marks.

Click here to read full order:

<https://indiankanoon.org/doc/87571150/>

Delhi High Court directs Google, Facebook to block websites, Domain Names infringing 'AAJ TAK' Trademark

In the case of Living Media India Limited v <http://www.news-aajtak.co.in> [CS (Comm) 395/2020], the Delhi High Court extended the application of an interim injunction and included more parties to the list of infringers in an order that directed Google and Facebook to suspend the domain names and web platforms of certain websites for infringing the 'Aaj Tak' trademark.

To read further click here:

<https://www.livelaw.in/news-updates/delhi-high-court-google-facebook-block-websites-domain-names-infringing-aaj-tak-trademark-181144>

Click here to read full order:

[https://images.assettype.com/barandbench/2021-09/d4700577-a8e7-4c24-83b6-](https://images.assettype.com/barandbench/2021-09/d4700577-a8e7-4c24-83b6-504f82142b33/Living_Media_India_Limited_vs_httpwww_news_aajtak_co_in.pdf)

[504f82142b33/Living_Media_India_Limited_vs_httpwww_news_aajtak_co_in.pdf](https://images.assettype.com/barandbench/2021-09/d4700577-a8e7-4c24-83b6-504f82142b33/Living_Media_India_Limited_vs_httpwww_news_aajtak_co_in.pdf)



COPYRIGHT HIGHLIGHTS

Disney has filed a lawsuit to protect its rights to Marvel characters

The Walt Disney Company, in order to preserve its rights to Marvel superhero characters, filed numerous lawsuits seeking to invalidate copyright notices issued by painters and illustrators associated with Marvel characters. The lawsuits are filed in the federal courts in New York and California by Daniel M. Petrocelli, a Los Angeles lawyer.

To read further click here:

<https://frontierindia.com/disney-has-filed-a-lawsuit-to-protect-its-rights-to-marvel-characters/>

Supreme Court set aside the Madras High Court's Judgment in 'Saregama India' Case

In the case of Saregama India v Next Radio (Civil Appeal Nos. 5985-5987 of 2021), the Supreme Court set aside the Madras High Court's judgment that had modified the application of Rule 29(4) of Copyright Rules, 2013 applicable to the statutory licensing regime under Section 31D of the Copyright Act, finding that it rewrote the words of the statute.

Click here to read full order:

<https://indiankanoon.org/doc/11609677/>



IBCAP announces \$24 million lawsuit against iStar IPTV service and its primary Michigan-based retailer, Atlas Electronics

The International Broadcaster Coalition Against Piracy (IBCAP) has sued the operators of the iStar IPTV Service for Copyright infringement seeking over \$24 million in damages in the light of the publication of the pirated content by the service.

To read further click here:

<http://www.itnewsonline.com/GlobeNewswire/IBCAP-announces-USD24-million-lawsuit-against-iStar-IPTV-service-and-its-primary-Michigan-based-retailer-Atlas-Electronics/28056>

'Sports Illustrated' model sues Twitter for \$10 million, accusing its algorithm of contributing to copyright infringement

Genevieve Morton, a 'Sports Illustrated' model, sued Twitter for contributing to copyright infringement alleging that its algorithm cropped her copyrighted photos posted by other users, leading to derivative use.

To read further click here:

<https://www.businessinsider.in/tech/news/sports-illustrated-model-sues-twitter-for-10-million-accusing-its-algorithm-of-contributing-to-copyright-infringement/articleshow/86340539.cms>

GEOGRAPHICAL INDICATIONS HIGHLIGHTS

Dongria tribal weavers of Odisha seek GI Tag for 'Kapdaganda Shawl'

Niyamgiri Dongria Kandha Weavers Association and Directorate of Scheduled Castes and Scheduled Tribes Research and Training Institute (SCSTRTI) have jointly filed an application seeking Geographical Indication (GI) Tag for the 'Kapdaganda Shawl', a handloom product unique to Dongria Kondha tribe.

To read further click here:

<https://www.newindianexpress.com/states/odisha/2021/sep/21/odisha-dongria-tribal-weavers-seek-gi-tag-for-kapdaganda-shawl-2361633.html>

India's 1st Geographical Indication Store opened in Goa!

India's 1st Geographical Indication Store is opened at Goa International Airport in Dabolim. The store was inaugurated by the Union Civil Aviation Minister Suresh Prabhu who said that "The store will be a boon for the global tourists".

To read further click here:

<https://ddnews.gov.in/business/indias-1st-geographical-indication-store-opened-go>

Himachal Agri University seeks GI Tag to 'Japonica Red Rice'

Himachal Agriculture University has submitted an application for Geographical Indication (GI) Tag registration of 'Japonica Red Rice' to the Geographical Indications Registry Office, Chennai. This rice is considered as one of the many treasures of Himachal and is nutritionally rich in iron and zinc and numerous trace elements and vitamins and in addition has high antioxidant properties.

To read further click here:

<https://indianexpress.com/article/cities/shimla/himachal-agri-university-seeks-gi-tag-to-japonica-red-rice-7500059/>



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.

SUBSCRIBE

Found this newsletter useful?

Subscribe here: <https://www.theippress.com/>

CONTACT US

We are looking forward to hearing from you on,

Website: <https://www.theippress.com/>

LinkedIn: <https://www.linkedin.com/company/the-ip-press/>

Facebook: <https://www.facebook.com/theippress>

Instagram: <https://www.instagram.com/theippress/>

Twitter: <https://twitter.com/theippress>

E-mail: theippress@gmail.com

(THE IP PRESS)

FAIR USE DISCLAIMER

The content in this newsletter is provided for educational and informational purposes only, and is not intended for any other commercial purpose.

FOLLOW US AT



www.theippress.com