

OCTOBER 2021- NOVEMBER 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 thirteenth edition of The IP Press Newsletter! Best wishes to the team always!



Message from the Author's Desk!

Tanya Sharma

Content Writer
The IP Press

It gives me immense pleasure to welcome you all to The IP Press Newsletter. This newsletter will cover the full range of IP laws related to 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 look forward to hearing from you all



PATENTS HIGHLIGHTS

IPA Technologies Inc v Amazon.com

According to IPA Technologies, Amazon's Alexa used the voice assistant technology that is already protected by two other patents. It is also claimed that Amazon's use of previously patented technology constitutes patent infringement. Amazon argued that the technology used in Alexa functions differently than the other patents, and thus does not infringe on IPA Technologies' patents. The US District Court also stated that because Alexa's technology for speech recognition and response does not function in the same way as the patented technology, it does not constitute infringement. It is worth noting that IPA has recently sued several tech titans, including Apple, Google, and Microsoft, for allegedly infringing on its digital-assistant patents.

To read further, click here:

<https://law.justia.com/cases/federal/district-courts/delaware/dedce/1:2016cv01266/61001/405/>

US Patent & Trademark Office published new patent application from Apple to monitor blood pressure

The tech behemoth creates a next-generation multifaceted medical cuff with sensors for blood pressure measurement. According to Apple's patent history, a user can monitor one or more physiological parameters by attaching a monitoring device, such as a blood pressure monitor, to one of their limbs. This physiological monitoring device is a much-anticipated market invention, as the details in the patent application are yet another with deep descriptions, numerous patent figures, and great detail that users and those in the medical field can explore.

To read further, click here:

<https://www.patentlyapple.com/patently-apple/2021/12/a-new-patent-application-from-apple-reveals-systems-methods-for-hypertension-monitoring-on-a-future-apple-watch.html>





Solas OLED v Samsung Display Co

Solas OLED is a technology licensing firm with patents covering all aspects of OLED displays. A lawsuit was filed against Samsung in 2019 for infringement of two Solas patents. A federal jury verdict awarded the patents company a payout of approximately \$77.7 million, which Samsung appealed. At the moment, the Texas court has also failed to reverse the payout judgement.

To read further, click here:

<https://www.law360.com/cases/5ccb1ac280ef3f466fdbbc80c>

Samsung Electronics banned from importing and selling 61 models of Smartphones in Russia over IPR suit

SQWIN SA, based in Switzerland, claims that Samsung Pay violated its patent on an electronic payment system, which is registered in Russia. Because the case is on appeal, the court listed the 61 Samsung models that the company was barred from importing and selling in Russia.

To read further, click here:

<https://www.reuters.com/technology/russian-court-bars-sale-samsung-phones-over-lawsuit-report-2021-10-21/>

Tesla still faces \$ 2 billion patent lawsuit by Nikola over design-patents infringement

This lawsuit between Nikola and Tesla was first filed by Nikola in 2018, accusing Tesla of infringing on a number of their designs and patents. Because neither Nikola nor Tesla responded to previous orders, this case was assumed to be closed. The recent US Federal Court decision ordered Nikola to continue its three-year-old \$ 2 billion patent lawsuit against Tesla. It was also stated that the Tesla case would be administratively closed but not dismissed.

To read further, click here:

<https://timesofindia.indiatimes.com/auto/news/tesla-still-faces-2-billion-patent-lawsuit-by-trucking-startup-nikola/articleshow/87152830.cms#:~:text=San%20Francisco%3A%20Electric%20car%20maker,billion%20patent%20lawsuit%20against%20Tesla.>

University of Hyderabad and Dr. Reddy's win patent over Psoriasis treatment mode

Researchers from the University of Hyderabad and Dr. Reddy's have identified a specific enzyme as a key target for the development of anti-psoriasis drugs. The team has also validated the claim, and the mode has been granted a patent. For this invention, a patent cooperation treaty (PCT) has also been filed.

To read further, click here:

<https://telanganatoday.com/uoh-dr-reddys-win-patent-for-psoriasis-treatment-mode#:~:text=Hyderabad%3A%20A%20team%20of%20researchers,development%20of%20anti%2Dpsoriasis%20drugs>

GSK files patent suit against Glenmark Pharma

GSK has filed a lawsuit alleging that Glenmark has infringed on the Indian patent that GSK obtained for Vilanterol in 2007. Glenmark's Vilor F contains the same active ingredients as the drug, and both are used to treat and prevent pulmonary diseases. Currently, GSK has petitioned the court for appropriate monetary damages for patent infringement.

To read further, click here:

<https://economictimes.indiatimes.com/industry/healthcare/biotech/pharmaceuticals/gsk-files-patent-suit-against-glenmark/articleshow/87791373.cms>

Bayer- Dr. Reddy's end patent dispute

Bayer dropped a patent dispute against Dr. Reddy's over the generic of cancer drug Nexavar. Reddy's proposed generic version of the drug used to treat liver, kidney, and thyroid cancer was accused of infringing on patents obtained by Bayer. The lawsuit has now been dropped, and a confidential settlement has been reached.

To read further, click here:

<https://www.reuters.com/legal/transactional/bayer-dr-reddys-end-patent-dispute-over-generic-cancer-drug-nexavar-2021-11-18/#:~:text=Bayer%20and%20Onyx%20sued%20Indian,Administrati on%20approval%20of%20the%20generic.&text=The%20case%20is%20Bayer%20Healthcare%20LLC%20v>

Making cheaper generic drugs are possible- Medicines Patent Pool

MPP promises that Covid Generic drugs will be available to people in developing and poor countries through voluntary licensing. The MPP enables a system in which pharmaceutical companies allow group licensing of their new drugs, resulting in high-quality copies of branded medicines. In addition, pharmaceutical companies such as Pfizer and Merck have entered into agreements to promote low-cost generic COVID-19 pills.

To read further, click here:

<https://gulfnews.com/special-reports/medicines-patent-pool-making-cheaper-generic-drugs-possible-1.1637166892941>



Nokia announces that it has acquired 4000 5G core patents

Nokia announced the acquisition of patents related to various stages of 5G development. It has also stated that other companies can obtain its permission to use its patented technologies. This means that these businesses will not have to invest heavily in research and development to use the technology. The company's patent portfolio currently consists of approximately 20,000 patents and is the result of over 130 billion euros in research and development.

To read further, click here:

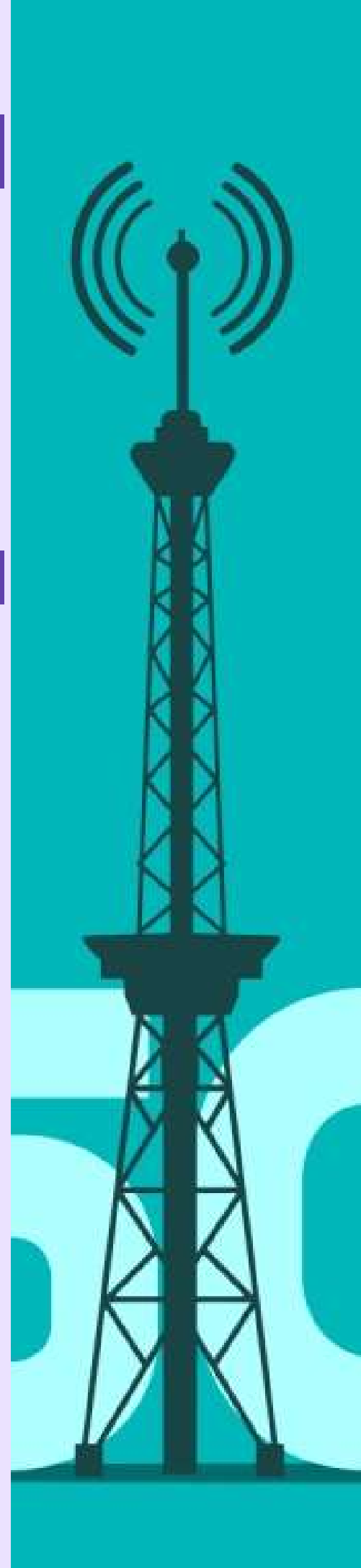
<https://www.nokia.com/about-us/news/releases/2021/11/11/nokia-reaches-4000-5g-essential-patent-families-milestone/>

Apple acquires patents for drone technologies

Apple has been acquiring patents for a variety of technologies. It recently received two patents for drone technology, as well as a few patents for smart phone technology, including a reading glass that displays messages only when read through the glasses. According to an Apple patent application; there is also speculation that Apple may manufacture electric cars, which will be available in the market around 2024.

To read further, click here:

<https://timesofindia.indiatimes.com/gadgets-news/apple-may-be-working-on-making-a-drone/articleshow/87659023.cms>



TRADE MARKS HIGHLIGHTS

BharatPe moves Delhi HC seeking cancellation of PhonePe's trademark for 'Pe' worldwide

Since 2018, there has been a dispute between these two companies over the trademark 'Pe'. PhonePe claims that the term 'Pe' is a distinguishing feature of their name, and that BharatPe's use of it constitutes trademark infringement. This controversy has heightened since the introduction of BharatPe's 'PostPe- Buy now Pay Later' scheme, which PhonePe has objected to, claiming that it bears a striking resemblance to their name and, as a result, should not be permitted because it creates confusion in the minds of consumers. PhonePe approached the Bombay HC to protect their trade name, but the Bombay HC stated that PhonePe cannot claim exclusivity over the term 'Pe' because it is not registered separately. PhonePe decided to withdraw the suit, following which BharatPe has now filed a suit to cancel PhonePe's multiple registrations for the 'Pe' device mark in Devanagari script.

To read further, click here:

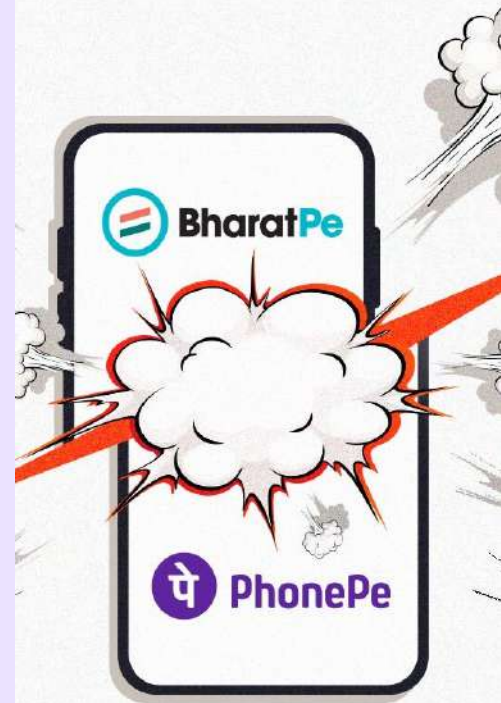
<https://economictimes.indiatimes.com/tech/startups/bharatpe-moves-delhi-hc-seeking-cancellation-of-phonepes-trademarks-for-pe/articleshow/87278766.cms>

Iconix Lifestyle acquires Indian trademark rights for Lee Cooper

Iconix Lifestyle India Pvt. Ltd., a Reliance Brands Ltd. joint venture company, has acquired the Indian trademark rights for the British denim brand Lee Cooper. As a result, Reliance brands will be able to produce and distribute Lee Cooper branded goods in India.

To read further, click here:

<https://economictimes.indiatimes.com/industry/services/retail/iconix-lifestyle-india-pvt-ltd-acquires-india-trademark-rights-for-british-denim-brands-lee-cooper/articleshow/87310062.cms>





Apple loses legal battle against Huawei ‘MatePod’ trademark

Huawei had introduced a new product in the category of earphones with the name and mark ‘MatePod’, which was opposed by Apple, claiming that the name was similar to its products such as the iPod, EarPods, and AirPods. This opposition was filed with the China National Intellectual Property Administration (CNIPA), alleging that Huawei was attempting to maliciously copy their product names and marks. According to the trademark authority, Apple failed to provide sufficient evidence that Huawei had copied/ infringed on their products and marks, so the trademark was granted to Huawei.

To read further, click here:

<https://telecom.economictimes.indiatimes.com/news/apple-loses-legal-battle-against-huawei-matepod-trademark/87234412>

Hero trademarks the name ‘Vida’

Hero MotoCorp has registered several trademarks for the name ‘Vida’ and ‘Vida Electric’, which is likely to be the sub-brand under which it will sell its electric vehicles. The problem with Hero MotoCorp and Hero Electric is that Hero MotoCorp cannot sell any EVs under the Hero brand, so the company has decided to manufacture and sell electric vehicles under the ‘Vida’ brand. Other registered marks include Vida MotoCorp, Vida EV, Vida Electric, Vida Scooters, and even Vida Motorcycles.

To read further, click here:

<https://www.financialexpress.com/auto/electric-vehicles/hero-motocorps-future-evs-vida-brand-trademarked-bike-scooter-launch-price/2373675/#:~:text=The%20Government's%20official%20trade mark%20registry,Vida%20Scooters%2C%20and%20Vida%20Motorcycles>

Netflix to Trademark ‘SQUID GAME’

‘Squid Game’, Netflix’s Korean Original series, has been in the spotlight since its debut and has been named the platform’s most popular show. The show’s viewership is breaking records, and Netflix intends to capitalize on the craze. Netflix has applied to protect the brand of this hit series in order to sell a wide range of merchandize globally. Netflix has specified a wide range of goods and services for which the trademark will be used, and if these applications are approved, Netflix will have exclusive rights and protection in relation to the mark as well as the associated merchandize.

To read further, click here:

<https://www.asiaiplaw.com/section/news-analysis/netflix-files-trademark-applications-for-squid-game>

Facebook may face a trademark battle for its new mark 'META'

A startup in Arizona claims to have been using the name and mark Meta PC since 2020, and that it applied for the trademark in August. Facebook has just announced the release of the title and mark 'META'. It is important to note that Meta PC sells computers, keyboards, and other related devices, indicating that both companies deal with distinct set of goods and services. Furthermore, because Meta PC does not yet own the mark, the startup's chances of winning the legal battle, if it chooses to pursue it, are bleak. However, the startup's founders have proposed that they are willing to step down if Facebook agrees to pay them a fair amount.

To read further, click here:

<https://www.businessinsider.com/facebook-meta-name-trademark-battle-metapc-2021-11>

Tech giants are found to have filed trademark applications in relation to vehicles in India

OnePlus, Oppo, RealMe, Vivo, and Xiaomi have all been discovered to have filed trademark applications for driverless cars, boats, self-balancing scooters, remote control vehicles, trolleys, tyres, civilian drones, anti-theft devices, and most importantly electric vehicles. Screenshots of trademark applications show that some have been approved, while others have been opposed or objected to. However, these developments have confirmed that these tech behemoths intend to position themselves in various segments.

To read further, click here:

<https://gadgets.ndtv.com/transportation/news/oneplus-oppo-poco-realme-vivo-bbk-electronics-electric-vehicles-ev-trademark-india-2597179>

Candy Crush v Candy Crunch

The creators of the game Candy Crush, King.com and Midasplayer Limited, have filed an opposition against International Fruit Genetics, which has applied for the trademark 'Candy Crunch' for a wide range of products including fruits, vegetables, and eatables. The opponent claims that they have been using the mark 'Candy Crush' since 2004 and that it has now become a brand and that the proposed Candy Crunch trademark is confusingly and deceptively similar to the opponent's previously used and duly registered marks.

To read further, click here:

<https://www.techdirt.com/articles/20211103/10302747869/kingcom-opposes-candy-crunch-trademark-application-actual-fruit-variatal-maker.shtml>



It's not going to be a Good Day

Britannia Industries Ltd v Good Day Oral Care & Ors

The Plaintiff, Britannia Industries, have registered trademark for the terms “GOOD DAY” under class 30 and have used them continuously and uninterruptedly for goods and cookies since 1986. The defendant uses the mark “GOOD DAY” in relation to tooth paste and also operates a website with the domain name “gooddayoralcare.com” and has filed an application for registration on the basis of proposed to be used. After hearing the submissions, the court stated that the Plaintiff has established a prima facie case and that the balance of convenience also favors the Plaintiff and an ad interim injunction was issued prohibiting the defendant from selling, manufacturing, or advertising goods bearing the impugned mark “GOOD DAY”, including but not limited to toothpastes.

To read further, click here:

<https://m.economictimes.com/industry/cons-products/food/court-rules-in-favour-of-britannia-over-good-day-brand/articleshow/87719080.cms>

Bacardi and Company Limited v Bahety Overseas Private Limited

The plaintiff Bacardi is a well-known alcoholic beverage manufacturer that produces and sells rum-based beverages mixed with various fruit essences under the brand name “BREEZER”. Bahety Overseas is a non-alcoholic beverage manufacturer. Previously, it applied for registration of the mark “FREEZ”, which was denied, and later obtained registration for the mark “FREEZMIX”. Bacardi also issued a cease-a-desist letter for the use of the mark “FREEZ”, which was similar to its mark “BREEZER”. Following that, Bacardi filed a trademark infringement suit against Bahety for using the trademark “FREEZMIX”. The court observed that, while the two marks are not visually similar, they are phonetically similar, and that, while Bahety’s trademark is FREEZEMIX, the suffix “MIX” is in such small characters that it is barely noticeable at first glance.

To read further, click here:

<https://www.mondaq.com/india/trademark/1135256/case-analysis-of-bacardi-and-company-limited-v-bhahety-overseas-private-limited-ors-cscomm-4642021-ia-123232021>

The world’s richest man is also a Trademark Icon in China

According to a report, at least 273 Chinese companies have registered trademarks using Elon Musk’s English or Chinese name. These marks were not industry specific, and a variety of products were trademarked with the name as the official mark. These marks included Elon Musk printing services, Musk Parlor, Musk Textiles, etc.

To read further, click here:

<https://www.scmp.com/news/people-culture/china-personalities/article/3154032/elon-musk-printing-service-musk-textiles>

COPYRIGHT HIGHLIGHTS

TV Today v News Laundry

The television network that owns India Today and Aaj Tak has sued News Laundry for copyright infringement and defamation, seeking Rs. 2 crore in damages. It has also asked the Delhi HC to order the removal of 34 articles from its official website, 65 videos from its YouTube channel, and related posts from all social media pages.

To read further, click here:

<https://indianexpress.com/article/cities/delhi/tv-today-network-takes-newslaundry-to-court-seeks-2-crore-plus-damages-7591458/>

YouTube content strikes- misuse of Copyright laws in India, claims Internet Freedom Foundation (IFF)

The Indian Internet Freedom Foundation made a representation to Google India regarding the recent increase in the number of YouTube Channel blocks in the country, claiming that one major reason for content takedowns is the recognition of the country's legislations and rules by large media houses targeting individual content creators and channels. The letter also asks YouTube to create a thorough due diligence mechanism to deal with takedown requests while maintaining democracy, press freedoms, and human rights.

To read further, click here:

<https://legal-wires.com/buzz/internet-freedom-foundation-claims-youtube-content-strikes-misuse-copyright-laws/>

newslaundry





Copyright suit against Desi TV and Live TV

The International Broadcaster Coalition against Piracy (IBCAP) has filed a copyright suit in New York federal court against South Asian pirate video services known as Desi TV and Live TV. The IBCAP claims that the parties were involved in the illegal sale of copyrighted subject matter, and that their actions were willful and malicious. In addition, IBCAP members sent them copyright infringement notices, which were ignored, and thus seeks an injunction against the defendants.

To read further, click here:

<https://advanced-television.com/2021/10/15/copyright-suit-against-desi-tv-live-tv/>

Horror Inc v Miller

Miller, the screenwriter of the cult classic horror film “Friday the 13th”, reclaimed the copyright in his screenplay from Manny, Inc and its successor Horror Inc. The main issue here was whether Miller wrote the script as a work for hire or not, for which the court considered thirteen non-exhaustive factors. Based on the findings, Miller was able to successfully reclaim his copyright in the screenplay via termination notices in the second circuit.

To read further, click here:

<https://www.loeb.com/en/insights/publications/2021/10/horror-v-miller>

Spain adopts EU Copyright law

Due to the country’s laws, the tech giant Google News was forced to halt operations in Spain. Previously, it was required to pay a collective licensing fee to republish news headlines or snippets. At the moment, the legislation adopted by the country from the EU Copyright law requires platforms such as Google, Facebook, and others that republish news to pay a portion of the revenue generated by the news to the original publishers. The collective fee payment mechanism has been removed, allowing platforms to make direct agreements with publishers, benefiting them.

To read further, click here:

<https://www.reuters.com/technology/spain-adopts-eu-copyright-law-paving-way-google-news-return-2021-11-02/>

SHC orders Copyright Board to be made functional within a period of three weeks

While hearing a petition in which the petitioner complained that the Copyright Board had been inactive for the previous five years, the Sindh High Court ordered the Joint Secretary, Ministry of Commerce, and the Secretary, Ministry of Law, to ensure that the Copyright Board was operational within three weeks. Previously, the court ordered that the respective authorities to appear in court and explain why the board had been inactive for such an extended period of time, but the court did not receive a convincing explanation, which the court viewed as an example of bad governance.

To read further, click here:

<https://www.thenews.com.pk/print/909834-make-copyright-board-functional-in-three-weeks-shc>

Quentin Tarantino faces Copyright infringement lawsuit

Quentin Tarantino released his Non-Fungible Token (a type of Crypto) based on the screenplay of his original work 'Pulp Fiction', for which the film's distributors filed a lawsuit for copyright infringement because the event was not discussed with them. The distributors retain ownership of the film's rights, and the lawsuit stems from the director's failure to consult before introducing the NFT. This lawsuit has yet to be responded to by Quentin Tarantino and his team.

To read further, click here:

<https://www.wionews.com/entertainment/hollywood/news-quentin-tarantino-served-copyright-infringement-lawsuit-over-pulp-fiction-nft-auction-429940#:~:text=Ace%20filmmaker%20Quentin%20Tarantino%20is,a%20lawsuit%20against%20the%20filmmaker.&text=The%20sui t%20states%20claims%20of,trademark%20infringement%20and%20unfair%20competition.>

Mustaq Mohsin v Rakeysh Mehra

The writer Mustaq accused the director and producer of the film 'Rang de Basanti' of copyright infringement. The writer claimed that his script, titled "Inquilab", was discussed with the director and then turned into the film "Rang de Basanti" without his knowledge. The court ruled that the criminal proceeding was not tenable because the story had not been registered and there was no prima facie evidence to prove the offences punishable under the Copyright Act.

To read further, click here:

<https://timesofindia.indiatimes.com/city/aurangabad/court-discharges-films-director-in-rang-de-basanti-copyright-case/articleshow/87633329.cms>



GEOGRAPHICAL INDICATIONS HIGHLIGHTS

EU judgment misunderstood by Pakistan in the India-Pakistan tug of war over GI tag for Basmati rice

Because India and Pakistan are the only two countries that produce Basmati Rice for the rest of the world, Pakistan objected to India's application for a Geographical Indication (GI) tag on Basmati Rice before the European Union. Recently, a trademark suit was filed in relation to the mark of a Basmati Rice distribution, which misled the Rice Exporters Association of Pakistan, which claimed that the Indian application for the GI Tag has been rejected. In reality, the case is still pending, and Indian sources claim that the country is still vying for recognition and rights.

To read further, click here:

<https://www.cnbctv18.com/india/india-pakistan-tug-of-war-over-gi-tag-for-basmati-rice-takes-a-new-turn-11166262.htm#:~:text=Pakistan's%20claim%20that%20the%20latest,Basmati%20rice%20have%20been%20upheld.>

'Chamba Chappal' and 'Lahaul Socks and Gloves' of Himachal Pradesh registered as GI Tags

In total, 11 GI Tags have been granted to Himachal Pradesh, the latest being 'Chamba Chappal' and 'Lahaul Socks and Gloves'.

To read further, click here"

<https://www.theippress.com/2021/10/23/chamba-chappal-and-lahaul-socks-and-gloves-of-himachal-pradesh-registered-as-gi-tags/>

'Balaghat Chinnor' of Madhya Pradesh gets a GI Tag

Madhya Pradesh has been bagged with a total of 12 GI Tags, latest being 'Balaghat Chinnor'. Balaghat Chinnor is an agricultural product filed on 3rd October 2019 and certified on 14th September 2021.

To read further, click here:

<https://www.theippress.com/2021/10/22/balaghat-chinnor-of-madhya-pradesh-gets-a-gi-tag/>



GI Tag granted to Gujarat's 'Pithora'

Gujarat has bagged a total of 17 GI Tags, the latest being 'Pithora'. Pithora is a handicraft product filed on 23rd January 2019 and certified on 14th September 2021.

To read further, click here:

<https://www.theippress.com/2021/10/20/gi-tag-granted-to-gujarats-pithora/>

GI Tag for 7 indigenous products of Uttarakhand

In 2021, 7 products of Uttarakhand have been granted GI Tags. These products are namely Kumaon's chyura oil, Munsyari Rajma, Bhotia dann, aipan, ringal craft, thulma, and tamta product.

To read more, click here:

<https://timesofindia.indiatimes.com/city/dehradun/gi-tag-for-7-indigenous-products-of-ukhand/articleshow/86623486.cms>

Hathei Chilli and Tamenglong Orange of Manipur gets GI Tag

Hathei Chilli, found in Manipur's Ukrul district, is known for its distinct flavor; and Tamenglong mandarin orange has been granted the Geographical Indication (GI) Tag.

To read further, click here:

<https://indianexpress.com/article/north-east-india/manipur/hathei-chillis-tamenglong-oranges-manipur-gi-tag-7517827/>



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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