

# INTELLECTUAL PROPERTY, SPORTS & GAMING

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The IP, Sports and Gaming Practice is comprised of a seasoned team of lawyers and support staff. Our services cover the full spectrum of intellectual property, sports and gaming laws, both contentious and non-contentious. These include dispute resolution at all tiers of the courts, intellectual property portfolio and asset management, anti-counterfeiting programmes, brand protection and naming rights, digital contents, licensing and sponsorship of sports ventures, events broadcasting, market entry strategies, and regulatory requirements for the gaming industry.

## INTELLECTUAL PROPERTY

### TRADEMARK

#### CHINA'S OLYMPIC BODY SAYS ILLEGAL USE OF ATHLETES' NAMES AS TRADEMARKS MUST STOP

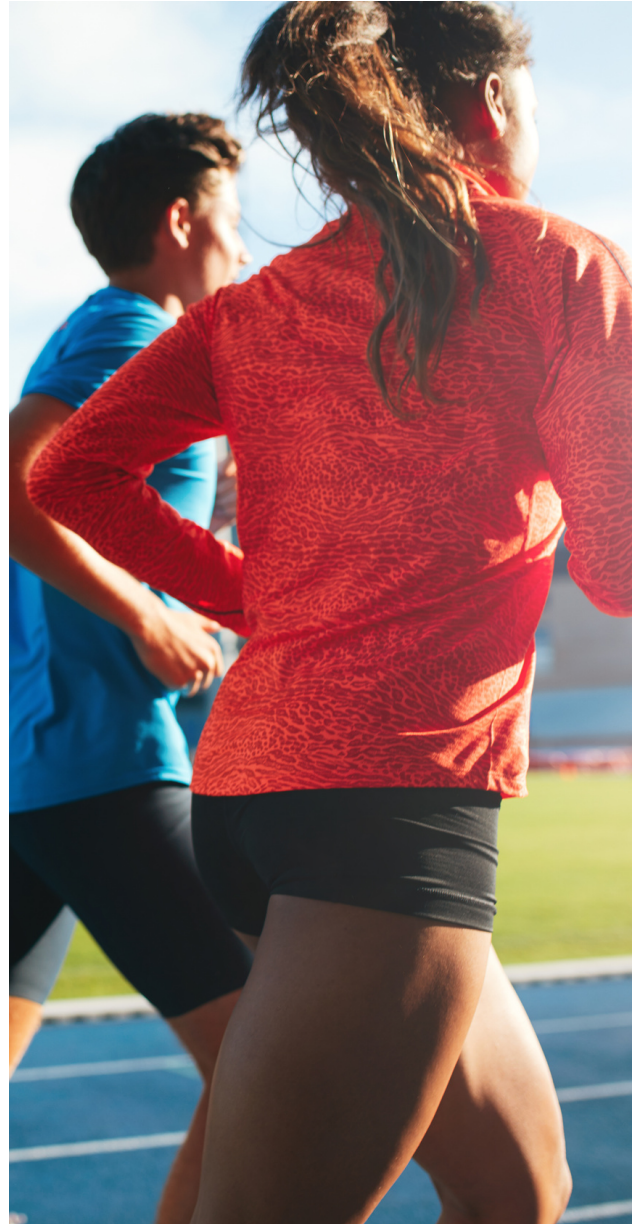
Several Olympic gold-medallists from China had their names illegally trademarked in classes covering sportswear, alcohol and tutoring. The Chinese authorities had remained stern and said they will protect against such unlawful registrations.

<https://www.scmp.com/news/people-culture/china-personalities/article/3145612/tokyo-olympics-chinese-businesses-illegally>

#### OATLY LOSES UK TRADEMARK DISPUTE AGAINST FAMILY FARM - OATLY & PUREOATY

Sweden's Oatly has lost the battle of oat milk names in the UK, as the London High Court dismissed its trademark infringement case against a family farm over its PureOaty drink. The judge ruled that the visual similarity were "very modest" and that there was no evidence of actual confusion among consumers regarding the two products.

<https://www.ft.com/content/ab6a2873-1cb1-4d59-9eeb-828ff4a8e3a2>



#### OFF-WHITE SUED FOR ALLEGEDLY INFRINGING WALKER WEAR'S "WW" TRADEMARK

In a recently filed trademark infringement and dilution suit, Walker Wear – a 30-year-old, New York-based streetwear brand – asserts that the Off-White founder Virgil Abloh is making and selling a \$2,234 jacket bearing "a design nearly identical to Walker Wear's storied WW XXL Athletic mark design."

[https://www.thefashionlaw.com/off-white-named-in-new-suit-for-allegedly-infringing-walker-wears-ww-trademark/?utm\\_source=dlvr.it&utm\\_medium=twitter](https://www.thefashionlaw.com/off-white-named-in-new-suit-for-allegedly-infringing-walker-wears-ww-trademark/?utm_source=dlvr.it&utm_medium=twitter)

## INTELLECTUAL PROPERTY



### AMAZON LAUNCHES IP ACCELERATOR IN SINGAPORE TO HELP SMALL BUSINESSES SECURE TRADEMARKS AND PROTECT THEIR BRANDS

In 2019, Amazon launched its IP Accelerator in the US which has made its way to other counties including Europe, Japan, Canada, Mexico, India and now, Singapore. The IP Accelerator aims to benefit small and medium-sized business providing them early access to Amazon's IP protection tools with no charges.

<https://www.taiwannews.com.tw/en/news/4276982>

### TOYS 'R' US, NOT THEM, FAMED BRAND SAYS IN SUIT ALLEGING RIP-OFF

Tru Inc Kids Inc which acquired the IP of Toys "R" Us filed a suit alleging trademark infringement against the brand Toys and Beyond. It claims the infringer had ripped-off famous trademarks of Toys "R" Us including "Let's Play", "Geoffrey's Tree House", and "Geoffrey's Magical Mirror" among others.

<https://finance.yahoo.com/news/toys-r-us-not-them-120000630.html>



## INTELLECTUAL PROPERTY

### PATENT

#### GOOGLE INFRINGED ON PATENTS OWNED BY SONOS, A TRADE JUDGE SAYS

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A judge said in a preliminary finding by the US International Trade Commission (a quasi-judicial body) had ruled that Google infringed the patent of Sono's speaker technology. This finding imposes an import ban on Google's products which violate Sono's patent rights but is subject to final ruling of the Commission.

<https://www.nytimes.com/2021/08/13/technology/google-sonos-patents.html>

#### FEDERAL CIRCUIT AFFIRMS GSK LABELING CARVE-OUT RULING IN FAVOUR OF INNOVATOR

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The US Court of Appeal for the Federal Circuit affirms a decision in favour of GSK against Teva Pharmaceuticals for "induced infringement" of GSK's patent. The complaint concerned Teva's launch of a generic version of GSK's drug wherein its product label carved out a patented indication belonging to GSK. Despite the carve-out, GSK sued Teva Pharmaceuticals for induced infringement and succeeded.

<https://www.jdsupra.com/legalnews/federal-circuit-affirms-gsk-labeling-1921194/>



## INTELLECTUAL PROPERTY

### BRIT SAYS SORRY AFTER WAVING AROUND NONCE PATENT AND LEANING ON SITES TO COUGH UP

The Director of a small UK company had issued apologies after sending out letters to 25 businesses suggesting they infringed his “age-old patent” for a certain content security policy technology. When questioned, the Director denied that he was a patent troll and instead stated his action was to bring attention to his “homebrew talent”.

[https://www.theregister.com/2021/08/26/datawing\\_csp\\_patent\\_claims/](https://www.theregister.com/2021/08/26/datawing_csp_patent_claims/)

### APPLE WINS COURT RULING THROWING OUT \$308.5 MILLION PATENT VERDICT

Apple succeeded in overturning a jury’s verdict which granted Personalized Media Communications LLC’s (“PMC”) action for patent infringement. The US District Judge who found in favour of Apple held PMC’s claim was brought with unreasonable delay.

<https://www.reuters.com/technology/apple-wins-court-ruling-throwing-out-3085-million-patent-verdict-2021-08-06/>



## INTELLECTUAL PROPERTY

### COPYRIGHT

#### UZBEKISTAN EXTENDS COPYRIGHT TO 70 YEARS, OFFERS STATUTORY LIQUIDATED DAMAGES FOR COPYRIGHT INFRINGEMENT AND INTRODUCES A FAST-TRACK ROUTE FOR TRADEMARK REGISTRATION

The Parliament of Uzbekistan has approved a draft bill prolonging the validity of copyright from 50 to 70 years, introducing statutory liquidated damages for copyright infringement claims, a fast-tracked registration process and opposition procedures to challenge trademarks filed in bad faith. The change in law took effect on 21 August 2021.

<https://www.jdsupra.com/legalnews/uzbekistan-extends-copyright-to-70-2430962/>

#### TAIWANESE SUPREME COURT COPYRIGHT PROTECTION FOR HANDBAGS IN GIVENCHY, CELINE CASE

The Supreme Court has decided that the appearance of handbags may not be copyrighted. The decision was made based on public policy and fair competition as the designs in dispute had utilitarian or functional features.

<https://www.thefashionlaw.com/taiwanese-supreme-court-shoots-down-copyright-protection-for-hands-in-counterfeit-case-waged-by-givenchy-celine/>



## INTELLECTUAL PROPERTY

### DOUYIN FILES APPEAL AGAINST TENCENT'S LAWSUIT FOR INFRINGEMENT OF HONOR OF KINGS

Following Tencent's win in a copyright infringement and unfair competition suit, the infringer Douyin (i.e TikTok in China) filed an appeal against the Court's decision. The appeal is against the verdict requiring Douyin to pay compensation of 600,000 yuan to Tencent.

<https://www.globaltimes.cn/page/202108/1231044.shtml>

### NORTH CAROLINA FILM-MAKER'S COPYRIGHT CASE AGAINST THE STATE REVIVED AFTER SUPREME COURT DENIAL

On 18 August 2021, North Carolina District Judge granted a reconsideration of an independent film-makers case against the State of North Carolina for unauthorized use of copyrighted material. Among others, the Court will reconsider the Takings Clause of the Fifth Amendment which provides that citizens cannot be deprived of property without just compensation.

<https://www.hollywoodreporter.com/news/general-news/filmmaker-north-carolina-stealing-footage-1234999880/>

MORE NEWS, UPDATES,  
HOT TOPICS

SPORTS - 8, 9 & 10  
GAMING - 11 & 12



## INTELLECTUAL PROPERTY

### OTHER

#### SOCIAL MEDIA INFLUENCERS COULD BECOME THE TARGETS OF TRADEMARK INFRINGEMENT LAWSUITS

Petunia Products Inc sued influencer Molly Sims for trademark infringement of its trademark by using the hashtag #BROWBOOST. In response, Sims had filed a motion to Court asserting that trademark infringement should not extend to third parties including herself who is merely promoting a brand. The decision from this dispute will determine whether there could be a shift in directing infringement suits towards influencers as opposed to the brands being advertised.

<https://www.jdsupra.com/legalnews/social-media-influencers-could-become-6765870/>



Social Media Influencers Could Become the Targets of Trademark Infringement Lawsuits



#### TRADE SECRETS: PRACTICAL CONSIDERATIONS FROM MARTENSEN IP

In this write-up, Martensen IP sets out key considerations in protecting a company's trade secrets. It sets out strategies by addressing among others, non-disclosure agreements and data security in optimising protection of trade secrets.

<https://finance.yahoo.com/news/trade-secrets-practical-considerations-martensen-154500704.html>

## SPORTS

### SINGAPORE SETS SIGHTS ON BECOMING WORLD FORCE IN E-SPORTS

Earlier in May, Singapore hosted the Free Fire World Series, which garnered a peak viewership of 5.4 million – the highest ever for any e-sports match outside of Chinese platforms. Last month, Singapore also opened its first e-sports experiential centre, equipped with world-class live streaming facilities. They are also set to host the first Asian edition of Gamescom – the world’s biggest video game industry event.

Singapore plans to capitalize on the e-sports sector to become South East Asia’s leading destination for the fast-growing sports.

<https://www.straitstimes.com/business/companies-markets/singapore-sets-sights-on-becoming-world-force-in-e-sports>



### UEFA PLANS SALARY CAP AND ‘LUXURY TAX’ FOR TEAMS WHO BREACH IT

The Union of European Football Associations is reportedly set to reveal proposals on a salary cap and luxury tax to replace the Financial Fair Play by next year. The current Financial Fair Play system, which was introduced more than a decade ago provides that clubs must break even over a three-year period.

Under the salary cap, clubs in European competition would be limited to spending a fixed percentage of their revenue on salaries. Any clubs found to breach the cap would be subjected a to luxury tax where the equivalent or more of any overspend would go into a pot to be redistributed.

<https://www.thetimes.co.uk/article/uefa-plans-salary-cap-and-luxury-tax-for-teams-who-breach-it-5vrwf8cm7>

### PARIS ST GERMAIN’S SIGNING OF MESSI REKINDLES DEBATE ON UEFA FFP RULES

Paris St Germain’s signing of Messi has re-ignited a debate over the effectiveness of UEFA’s Financial Fair Play rules, which were designed to limit excessive spending.

However, Paris St Germain’s chairman stated "we know the rules of Financial Fair Play ad we will always follow the regulations", indicating that the club have the capacity to sign the player.

<https://www.thestar.com.my/sport/football/2021/08/13/soccer-psg039s-signing-of-messi-rekindles-debate-on-uefa-ffp-rules>

## SPORTS

### WADA REVOKES ACCREDITATION OF ATHENS ANTI-DOPING LAB

The accreditation of the Athens anti-doping laboratory has been revoked by the World Anti-Doping Agency.

The Athens lab was initially suspended for six months in October 2019 due to non-conformities with the International Standard for Laboratories. The suspension was then further extended for another 18 months. During the extended suspension period, the World Anti-Doping Agency did an assessment of the lab and concluded it had not satisfactorily addressed the identified non-compliances and could not operate at the expected levels of an accredited lab.

<https://www.reuters.com/lifestyle/sports/wada-revokes-accreditation-athens-anti-doping-lab-2021-08-20/>



### FLORIDA ASKS JUDGE TO THROW OUT LAWSUIT CHALLENGING TRANSGENDER SPORTS LAW

Disputing that the law is discriminatory, the state of Florida is asking a federal judge to throw out a challenge to a ban on transgender females participating in girls' and women's sports events.

The lawsuit alleges that the ban is unconstitutional and violates a federal law known as Title IX, which prohibits discrimination based on sex in education programs.

<https://www.orlandosentinel.com/politics/os-ne-transgender-law-florida-court-fight-20210824-lab6duqnvza2hgz2qx2z6dgrfy-story.html>

## SPORTS

### FIFA AWARDED \$201M IN FORFEITED FUNDS AFTER CORRUPTION PROBE BY US DEPARTMENT OF JUSTICE

The corruption scandal involved collusion between sports marketing executives and officials from governing bodies with fraud, bribery, racketeering and money laundering offences committed.

Under the United States law, the Department of Justice is given authority to distribute the proceeds of forfeited assets to victims of crimes, including to the football organisations that were defrauded.

The funds which were seized from the bank accounts of former officials who were prosecuted for corruption will be used to help finance football related projects.

<https://www.bbc.com/sport/football/58323327>

### NEW COLLEGE SPORTS ALLIANCE MAY FACE ANTITRUST SCRUTINY SIMILAR TO WHAT THE NCAA IS EXPERIENCING

The NCAA's ability to control the financial terms of college sports was called in doubt by the U.S. Supreme Court's June 2021 antitrust decision. Following this, 41 of the most prominent NCAA member colleges announced that they have formed a new alliance to among other things, discuss name, image and likeness, and player compensation.

<https://www.forbes.com/sites/marcedelman/2021/08/25/new-college-sports-alliance-may-face-similar-antitrust-scrutiny-to-the-ncaa/?sh=1e19b5986e2d>



## GAMING



### UNIBET CONVICTED FOR ILLEGAL GAMING ADS

Wagering company Betchoice Corporation Pty Ltd, trading as Unibet, has been convicted of posting three illegal gambling advertisements. They were imposed with fines totalling \$48,000.

Under the Betting and Racing Act 1998, it is an offence to publish a gaming advertisement that offers an inducement to participate in any gambling activity.

<https://www.nsw.gov.au/customer-service/news-and-events/news/unibet-convicted-for-illegal-gambling-ads#:~:text=Wagering%20company%20Betchoice%20Corporation%20Pty,investigation%20by%20Liquor%20%26%20Gaming%20NSW>

### EUROPEAN COMMISSION REJECTS CALL TO REFORM EXPERT GROUP ON GAMBLING

The European Commission has stated that it will not support the reinstatement of an "Expert Group on Online Gambling", a cross member state collaborate body supported by fourteen regulatory agencies.

<https://europeangaming.eu/portal/latest-news/2021/08/03/97141/ec-rejects-call-to-reform-expert-group-on-gambling/>

### BLUEPRINT GAMING WIDENS ITS HORIZONS WITH ROOTZ PARTNERSHIP

Blueprint Gaming, leading slot developer has expanded its presence in Europe after striking a new partnership with Rootz, an online casino platform provider and operator group.

<https://europeangaming.eu/portal/latest-news/2021/08/23/98272/blueprint-gaming-widens-its-horizons-with-rootz-partnership/>

## GAMING

### GAMING'S 'BRO CULTURE' FACES CRACKDOWN FROM CALIFORNIA REGULATOR

California is cracking down on "bro culture" in video games. The California Department of Fair Employment and Housing has conducted investigations into two of the industry's biggest players, Activision Blizzard and Riot Games, and sued the former over allegations of sexual harassment and discrimination.

<https://news.bloomberglaw.com/us-law-week/gamings-bro-culture-faces-crackdown-from-california-regulator>

### COURT ENCOURAGES LEGISLATURE TO MEET WITH E-GAMING OPERATORS

The Saipan Superior Courts has encouraged legislative members to meet with those impacted by the law that was recently passed where double taxes will be imposed on e-gaming establishments.

<https://www.saipantribune.com/index.php/court-encourages-legislature-to-meet-with-e-gaming-operators/>

### GOV'T CONTROVERSIAL ONLINE GAMING RULE SCRAPS ANTI-

The South Korean government announced that it is abolishing the anti-online gaming rule after a decade, allowing greater flexibility to children and their parents. Previously, there was a "choice system" where children under the age of 18 or their legal guardians can select the hours during which gaming is allowed.

<https://en.yna.co.kr/view/AEN20210825005700315>



## PREVIOUS PUBLICATIONS

[Of Source Codes and Functions - Balancing Copyright Protection Against Monopolisation](#)

['Willing to Wound but Afraid to Strike' - Threats in Trademark Infringement Proceedings](#)

[Competing Rights to Copyright in the Virtual Environment](#)

[Spilling the Beans in Litigation](#)

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