

INTELLECTUAL PROPERTY, SPORTS & GAMING

Lee Hishammuddin Allen & Gledhill



— “ —
Adeline Tang Pui Yan
Associate
IP, Sports & Gaming
T: +603 6208 5889
E: apy@lh-ag.com
— ” —



— “ —
CK Lung
Partner
IP, Sports & Gaming
T: +603 6208 5948
E: ckl@lh-ag.com
— ” —



— “ —
Esther Koh Tsi Jing
Associate
IP, Sports & Gaming
T: +603 6208 5940
E: ktj@lh-ag.com
— ” —

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 GOES ON AN INTELLECTUAL PROPERTY OFFENSIVE

Due to changes in legislation, IP laws in China has been strengthened. This trickles down to foreign business having to revise their IP strategies in China with the impending likelihood of increase in legal suits brought against them by Chinese companies, as has been done with Apple and Ryohin Keikaku (which operates Muji stores).

<https://www.ft.com/content/c78b69e3-82bd-4f72-881c-12b2ca1ce926>

'TOY STORY 4' STUNTMAN DIDN'T INFRINGE EVEL KNIEVEL TRADEMARKS

U.S. District Court for the District of Nevada's Judge James C. Mahan dismissed K&K Promotions Inc's claim for trademark infringement against Disney in relation to Pixar's movie "Toy Story 4" which was alleged to be similar to a Candian character known as Duke Caboom. Among others, the Court found there was a lack of likelihood of confusion amongst consumers.

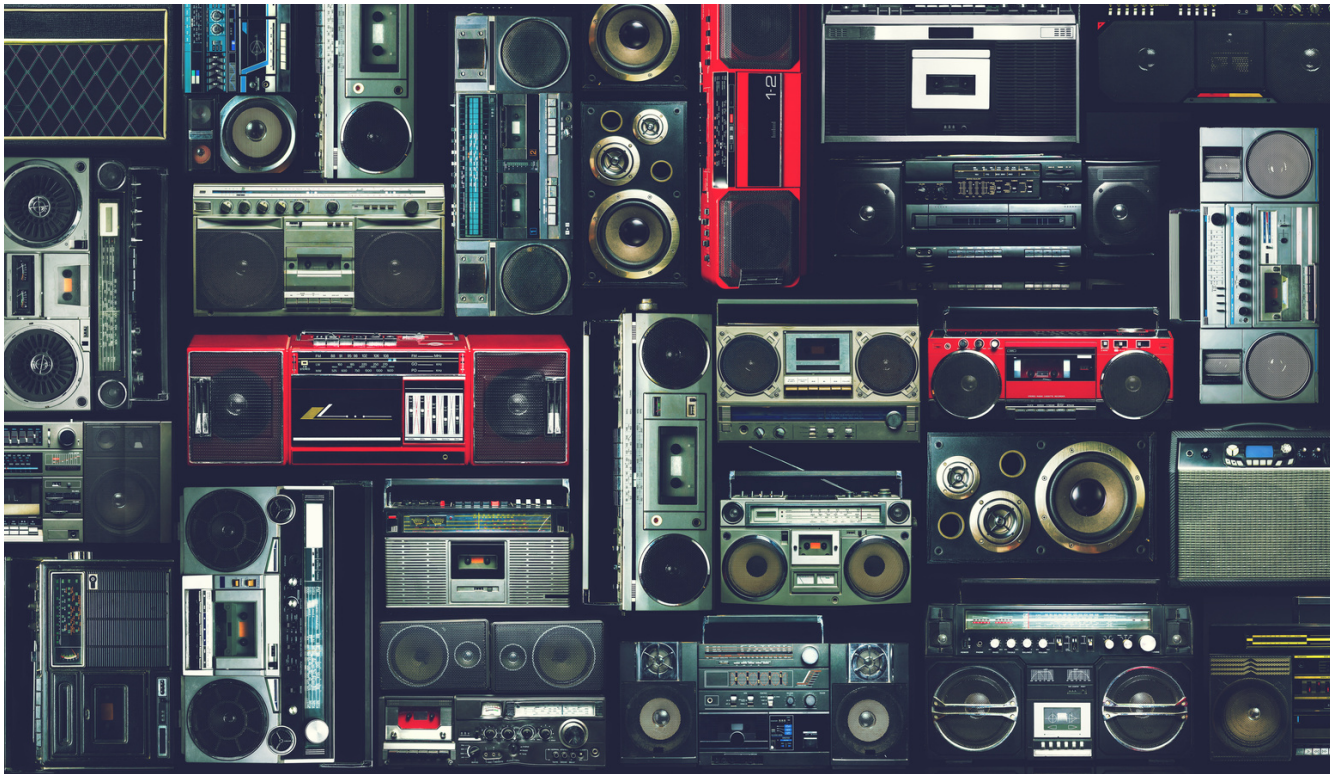
<https://news.bloomberglaw.com/ip-law/toy-story-4-stuntman-didnt-infringe-evel-knievel-trademarks>

INTELLECTUAL PROPERTY

ALLEGED TRADEMARK INFRINGEMENT: COURT VACATES EX-PARTE ORDER AGAINST NBC

In Nigeria, Rite Foods accused the Nigerian Bottling Company of trademark infringement over its “Fearless” energy drink. The Judge of the Federal Court in Lagos dismissed a previously granted interim injunction order restraining the latter company from promoting its alleged infringing product to “avoid confusion” as there is a pending suit to determine the Plaintiff’s application for an interlocutory injunction before another judge.

<https://www.vanguardngr.com/2021/09/alleged-trademark-infringement-court-vacates-exparte-order-against-nbc/>



HARMAN TAKES POLICE HELP TO BUST FAKE JBL SPEAKERS RACKET; HOW TO IDENTIFY FAKE JBL PRODUCTS

Harman India, a wholly-owned subsidiary of Samsung Electronics Co Ltd, has commenced legal action against parties selling counterfeits of the popular JBL speakers. Its company investigation team and government authorities conducted raids in several cities in India to confiscate the counterfeit products.

<https://timesofindia.indiatimes.com/gadgets-news/harman-takes-police-help-to-bust-fake-jbl-speakers-racket-how-to-identify-fake-jbl-products/articleshow/86557798.cms>

INTELLECTUAL PROPERTY

PATENT

AI CANNOT BE THE INVENTOR OF A PATENT, APPEALS COURT RULES

The UK Court of Appeal recently held that an AI could not be an inventor of a patent. Essentially the Court decided that under UK law, an inventor of a patent must be a real human person and not machines such as AI.

<https://www.bbc.com/news/technology-58668534>

PATENT TROLLS TARGET TOP KOREA COMPANIES, POLITICIAN CLAIMS

Patent trolls in the US have been aiming at big Korean Companies such as Samsung Electronics, a Korean politician claims. The main culprits are non-practicing entities and manufacturers which take advantage of the time and costs required to complete a suit by filing multiple claims.

<https://koreajoongangdaily.joins.com/2021/09/27/business/industry/patent/20210927190052835.html>

MORE NEWS, UPDATES,
HOT TOPICS

SPORTS - 7, 8 & 9
GAMING - 10 & 11



INTELLECTUAL PROPERTY

BIOCON INKS PATENT LITIGATION SETTLEMENT PACT WITH CELGENE OVER BONE MARROW CANCER MEDICINE

Biocon, a biotech giant, had entered into a confidential settlement agreement with Celgrene Corporation in relation to patent rights for a bone marrow cancer medication known as Revlimid. This came after Celgrene Corporation filed a suit for patent infringement against Biocon.

<https://www.newindianexpress.com/business/2021/sep/08/biocon-inks-patent-litigation-settlement-pact-with-celgene-over-bone-marrow-cancer-medicine-2355948.html>

PARUS FILES SECOND PATENT LAWSUIT AGAINST APPLE FOR INFRINGEMENT OF ITS PROPRIETARY VOICE-BROWSING AND DEVICE CONTROL TECHNOLOGY

Parus Holdings Inc, a trailblazer in voice recognition technology, had filed another suit against Apple Inc for patent infringement. It alleges Apple had infringed its U.S. Patent No. 6,721,705 and U.S. Patent No. 8,185,402 and seeks damages for every sale of Apple's infringing product, among others.

<https://finance.yahoo.com/news/parus-files-second-patent-lawsuit-021000642.html>



INTELLECTUAL PROPERTY

COPYRIGHT

HARDLOOK: COPYRIGHT VS WRONG – THE SCI-HUB CASE BEING FOUGHT IN DELHI

Three well-known academic publication companies, Elsevier, Wiley, and American Chemical Society are currently in the Delhi High Court claiming against creator of the Sci-Hub website. Sci-Hub is a platform which provides free access to academic papers including journals, articles and textbooks through circumventing payment or other restrictions.

<https://indianexpress.com/article/cities/delhi/delhi-high-court-academicians-scientists-researchers-7536252/>

MARVEL SUING TO KEEP RIGHTS TO 'AVENGERS' CHARACTERS FROM COPYRIGHT TERMINATION

Upon facing multiple termination notices in relation to several popular marvel characters, Disney commenced action seeking for a permanent injunction to retain full control over the Avengers characters. The basis of the suit is the characters were made for hire and hence its copyright could not be terminated.

<https://www.hollywoodreporter.com/business/business-news/marvel-suing-avengers-copyright-termination-1235020110/>



GOOGLE APPEALS AGAINST €500M FRENCH FINE IN NEWS COPYRIGHT DISPUTE

Google has filed an appeal against the French antitrust body's fine of €500 million for Google's failure to abide by orders in relation to conducting talks with publishers. Filing of the appeal however does not stay the requirement to pay the said fine.

<https://www.theguardian.com/technology/2021/sep/01/google-appeals-500m-french-fine-in-dispute-over-news-copyright>

INTELLECTUAL PROPERTY

OTHER

TOP 5 INTELLECTUAL-PROPERTY CHALLENGES BUSINESSES FACE

In this write-up, author Tarun Kumar Bansal explores five main IP obstacles which companies face. This includes creation of valuable IP assets, administration of IP portfolios, treading through competition from other innovators, facing IP legal suits, and profitability of IP departments.

<https://www.entrepreneur.com/article/386164>



The Road Ahead - Singapore's Intellectual Property Strategy 2030

THE ROAD AHEAD - SINGAPORE'S INTELLECTUAL PROPERTY STRATEGY 2030

The Singapore IP office announced its "Singapore Intellectual Property Strategy 2030" setting out key initiatives in strengthening the country's IP regime. Amongst others, its initiatives include introducing a marketplace to easily procure services to manage and commercialise IP assets, extending its Patent Prosecution Highway pilot with the China National Intellectual Property Administration, and investing in IP focused training schemes.

<https://www.jdsupra.com/legalnews/the-road-ahead-singapore-s-intellectual-3266670/>

SPORTS



AUSTRALIA'S PARALYMPIANS TO GET SAME MEDAL BONUS AS OLYMPIANS AFTER GOVERNMENT RECOGNISES EFFORTS

Australia's Paralympians will now receive the same cash bonus as the Olympians after the federal government committed to providing financial support. This decision came after a campaign was launched to fund bonuses and provide parity for Paralympians.

<https://www.theguardian.com/sport/2021/sep/02/australias-paralympians-to-get-same-medal-bonus-as-olympians-after-government-steps-in>

REPUBLIC OF IRELAND WOMEN'S AND MEN'S SENIOR TEAMS AGREE ON EQUAL PAY DEAL WITH FAI

The Republic of Ireland women's and men's international teams have agreed a deal with the Football Association of Ireland to receive equal pay.

The deal involves the men's team to reduce their international fees with the Football Association of Ireland matching their contribution to ensure the women's team match fee is increased.

<https://www.skysports.com/football/news/12020/12395328/republic-of-ireland-womens-and-mens-senior-teams-agree-equal-pay-deal-with-fai>

SPORTS

U.S. SOCCER ASKS USMNT, USWNT TO DIVIDE FIFA WORLD CUP PRIZE MONEY EQUALLY

United States Soccer Federation's president sent an open letter asking the unions of the women's and men's national teams to agree to equalize FIFA's World Cup prize money.

<https://www.espn.com/soccer/united-states-usa/story/4472012/us-soccer-asks-usmntuswnt-to-divide-fifa-world-cup-prize-money-equally>



US SOCCER OFFERS IDENTICAL CONTRACT PROPOSALS TO WOMEN'S AND MEN'S TEAMS

The United States Soccer Federation stated that it had offered identical contract proposals to the players' associations for the men's and women's national soccer teams.

The unions for the men and women are separate and they have no obligation to bargain jointly or agree to similar terms.

<https://www.theguardian.com/football/2021/sep/14/us-soccer-offers-identical-contract-proposals-to-womens-and-mens-teams>

SPORTS

WADA WARNS RUSSIA NOT TO INTERFERE IN ANTI-DOPING WORK

The World Anti-Doping Agency warned Russia not to interfere in drug-testing in country as the need for independence is critical. RUSADA, the Russian anti-doping agency is currently suspended because of past cover-ups and manipulation of evidence.

<https://www.piquenewsmagazine.com/national-sports/wada-warns-russia-not-to-interfere-in-anti-doping-work-4334711>

SHAYNA JACK FREE TO RETURN TO SWIMMING AFTER COURT OF ARBITRATION FOR SPORT DISMISSES WADA, SPORT INTEGRITY AUSTRALIA APPEAL

Australian swimmer Shayna Jack has returned to the sport after an appeal lodged by the World Anti-Doping Agency and Sport Integrity Australia was dismissed by the Court of Arbitration for Sport.

This decision marks a significant shift in how such cases are usually handled as there has been reluctance in showing any leniency in requiring athletes to prove their innocence by showing how banned substances entered their systems.

<https://www.abc.net.au/news/2021-09-16/cas-dismisses-wada-sia-appeal-in-shayna-jack-case/100468934>



GAMING



CHINA LIMITS GAMING TIME FOR UNDER-18S TO ONE HOUR A DAY ON FRIDAYS, SATURDAYS, SUNDAYS AND PUBLIC HOLIDAYS

Beijing has imposed a new rule limiting the gaming time for players aged under 18 to between 8pm and 9pm only on Fridays, Saturdays, Sundays and public holidays. This rule is aimed to tackle video gaming addiction among young people.

<https://www.scmp.com/tech/policy/article/3146918/china-limits-gaming-time-under-18s-one-hour-day-fridays-saturdays>

NEW UK INTERNET CODE COMES INTO FORCE, AIMS TO KEEP KIDS SAFER ONLINE

Regulations seeking to make the Internet safer for children recently came in force in the United Kingdom. Companies are obliged to comply with the Children's Code, or risk facing penalties. The Children's Code is a data protection code of practice for online services aiming to regulate how gaming, video and music streaming platforms share and use children's personal data to prevent them from suffering harm while surfing the Internet.

<https://www.thestar.com.my/tech/tech-news/2021/09/03/new-uk-internet-code-comes-into-force-aims-to-keep-kids-safer-online>

CHINESE GOVERNMENT SUMMONS GAMING FIRMS

China's government has summoned big gaming names in the industry such as Tencent Holdings Ltd and NetEase Inc to ensure they follow Beijing's new restrictions on video gaming for minors. Those who found to have "inadequately" implemented the regulations will be severely punished.

<https://www.theedgemarkets.com/article/chinese-government-summons-gaming-firms-says-it-will-crack-down-ridehailing>

GAMING

SEC IS INVESTIGATING ACTIVISION BLIZZARD OVER WORKPLACE PRACTICES, DISCLOSURES

The Securities and Exchange Commission is currently investigating Activision Blizzard, the California-based video game company known for franchise such as World of Warcraft over its handling of workplace sexual harassment and other discrimination issues.

<https://www.forbes.com/sites/teakvetenadze/2021/09/20/activision-blizzard-under-investigation-by-sec-over-allegations-of-workplace-discrimination/?sh=4766be6677b7>

UK ENFORCING STRICTER RULES AGAINST IN-GAME MICROTRANSACTIONS

The Advertising Standards Authority in the United Kingdom has issued new guidelines for microtransactions. The purpose of the new guidelines is to ensure that users are protected from predatory marketing tactics. Games are now required to state the monetary value of any purchases a user may make. Further, advertisements must also refrain from baiting customers via “timer-based deals” and “best value offers”.

<https://www.thegamer.com/uk-stricter-rules-ingame-microtransactions/>



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](#)

[The Price of Artificial Intelligence](#)

[State of Mind and the Plea of Innocence](#)

[False Sense of Security](#)

[Privileges of 'Well-Known' Trademarks](#)

[Celebrity's Name Taken in Vain](#)

[Intellectual Property, Sports & Gaming Newsletter Vol. 1](#)

[Navigating the E-Money Landscape](#)

[Intellectual Property, Sports & Gaming Newsletter Vol. 2](#)

[E-Commerce – Drive Towards Improved Postal Services](#)

[Intellectual Property, Sports & Gaming Newsletter Vol. 3](#)



Follow us for more resources



End