

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



WHISKY FIRM LOSES LEGAL FIGHT OVER TOMATIN NAME

A whisky producer, Tomatin Distillery, was unsuccessful in its claim for trademark infringement against The Tomatin Trading Company for use of their name “Tomatin”. The presiding judge found in favour of the latter company and held the relevant public would appreciate the difference between the goods and services offered by parties.

<https://www.bbc.com/news/uk-scotland-highlands-islands-58815230>

NIGERIA CENTRAL BANK WINS COURT BATTLE OVER ‘ENAIRA’ TRADEMARK INFRINGEMENT CLAIMS

The Central Bank of Nigeria (CBN) has been in a legal tussle with a local fintech firm for trademark infringement over the use of ‘eNaira’. Recently, the Federal Court gave the green light to CBN to launch its digital currency under the ‘eNaira’ mark.

<https://coingeek.com/nigeria-central-bank-wins-court-battle-over-enaira-trademark-infringement-claims/>

HBC SUES QUEBEC RETAILING FAMILY FOR USING ZELLERS NAME

In Canada, Hudson's Bay Co. ULC (HBC) filed a claim against the Moniz family alleging trademark infringement of the “Zellers” trademark. It argued that the Moniz family’s recent trademark applications involving the “Zellers” mark was done to mislead Canadian consumers and ride on HBC’s goodwill.

<https://www.cbc.ca/news/business/zellers-hbc-trademark-1.6216293>

INTELLECTUAL PROPERTY

PATENT

AI BOEHRINGER INGELHEIM (BI) GETS INTERIM INJUNCTION AGAINST DR. REDDY'S LABS, MSN LABS AGAINST COPIES OF ANTI-DIABETES DRUG

BI, a German drug company secured an injunction against each Dr Reddy's Labs and MSN Labs based in Hyderabad, India. The injunction concerns a popular diabetes medication "empagliflozin" to which BI owns a patent under the name of Jardiance.

<https://economictimes.indiatimes.com/industry/healthcare/biotech/pharmaceuticals/boehringer-ingelheim-gets-interim-injunction-against-dr-reddys-labs-msn-labs-against-copies-of-anti-diabetes-drug/articleshow/87273164.cms>

LAWSUIT AGAINST TOYOTA SHOWS HOW CORPORATE JAPAN IS CHANGING

The relationship between Toyota and its supplier Nippon Steel, is on the rocks. This strain occurred as Nippon Steel recently filed two suits worth \$176 million against Toyota and steelmaker Baoshan Iron and Steel for patent infringement of its steel material.

<https://www.ft.com/content/ae9ff70e-acee-427e-9cae-030079de311b>

MORE NEWS, UPDATES,
HOT TOPICS



SPORTS - 6 & 7
GAMING - 8 & 9

INTELLECTUAL PROPERTY

U.S. GOVERNMENT OWES OVER \$100 MILLION FOR TSA'S PATENT INFRINGEMENT

In a recent opinion by the US Court of Federal Claims, it was found that the Transportation Security Administration had used SecurityPoint Holdings Inc's security screening methods which are patented without compensating the latter. Pursuant to this, the US government was ordered to pay \$103.6 million in royalties to SecurityPoint Holdings Inc.

<https://www.reuters.com/legal/transactional/us-government-owes-over-100-million-tsas-patent-infringement-2021-10-25/>

NO DEAL ON COVID VACCINE PATENT WAIVER AGAIN: WTO

Member nations in the World Trade Organisation are once again at crossfires as they fail to reach consensus on the lifting of IP rights for COVID-19 vaccines. Certain member nations argue lifting of IP rights boosts production but this was met with disagreement that doing so would impede innovation.

<https://theaseanpost.com/article/no-deal-covid-vaccine-patent-waiver-again-wto>



INTELLECTUAL PROPERTY

COPYRIGHT

SINGAPORE'S AMENDED COPYRIGHT ACT GRANTS RIGHTS OVER WEDDING PHOTOS TO PHOTOGRAPHERS

Pursuant to amendments made to Singapore's Copyright Act, creators of photographs, portraits, engravings, sound recordings and films will become the default first owners of the copyright attached to these artworks beginning this November. This certainly addresses the gap between the bargaining power of larger commissioning parties against smaller players in the industry including freelancers.

<https://www.asiaiplaw.com/section/news-analysis/singapores-amended-copyright-act-grants-rights-over-wedding-photos-to-photographers>



FRENCH GOVERNMENT CREATES NEW ONLINE ANTIPIRACY BODY

At the end of September, the French Parliament enacted law to set up a new antipiracy body by January 2022. One of the reasons for this development is the new uses of online cultural goods.

<https://www.euractiv.com/section/digital/news/french-government-creates-new-online-antipiracy-body/>

AVRS SLAMS SUIT AGAINST TRANSCORP HILTON

The Audio Visual Rights Society of Nigeria filed a suit against Transcorp Hilton Hotel in Abuja for copyright infringement. This came pursuant to the latter's deliberate copying of copyright material belonging to AVRS, its members and its affiliates.

<https://guardian.ng/news/avrs-slams-suit-against-transcorp-hilton/>

INTELLECTUAL PROPERTY

OTHER

TOP TIPS FOR PROTECTING CONFIDENTIAL INFORMATION AND TRADE SECRETS IN MOTORSPORT

In this write-up, the author sets out strategic practices to safeguard confidential information in the motorsport industry where innovation is key to attaining a competitive edge.

<https://www.lexology.com/library/detail.aspx?g=20358d95-0899-4ccc-bf99-a1f9f8b9f523>



Protect indigenous peoples'
intellectual property rights

PROTECT INDIGENOUS PEOPLES' INTELLECTUAL PROPERTY RIGHTS

During the 76th United Nations General Assembly, Malaysia garnered 183 votes which landed it a seat in the UN Human Rights Council for the 2022-2024 term. One of the country's main promises is to safeguard the IP rights of the indigenous people community.

<https://www.nst.com.my/opinion/letters/2021/10/739954/protect-indigenous-peoples-intellectual-property-rights>

SPORTS



BILL TO EXEMPT MOTOR SPORTS FROM EPA RULES GAINS MOMENTUM

A democratic congressman from California has received hundreds of constituent letters voicing support for legislation that would allow garage racers to remove emissions controls from street vehicles if they are used solely on the tracks.

<https://www.eenews.net/articles/bill-to-exempt-motor-sports-from-epa-rules-gains-momentum/>

FIFPRO AND UEFA JOIN FORCES TO FIGHT MATCH-FIXING

FIFPRO and UEFA have signed a joint cooperation agreement that recognises Red Button as the go-to platform for whistleblowing. Red Button is a whistleblowing app for professional footballers to report any match-fixing incidents.

<https://www.lawinsport.com/news/item/fifpro-and-uefa-join-forces-to-fight-match-fixing>

SPORTS

THE BRITISH HORSERACING AUTHORITY CONFIRMS CHANGES TO THE RULES OF RACING

The British Horseracing Authority has confirmed several changes to the Rules of British racing which are scheduled to come into effect in the coming months. All horses entered in a race must be signed out of the human food chain by 1 January 2022.

https://www.britishhorseracing.com/press_releases/bha-confirms-changes-to-the-rules-of-racing/



AMNESTY WANTS MEETING WITH PREMIER LEAGUE OVER NEWCASTLE TAKEOVER

As controversial takeover of Newcastle United raises questions over the possibility of sportswashing, Amnesty International has called for a meeting with the Premier League chief executive, Richard Masters, requesting for ownership rules to be human rights-compliant.

<https://www.theguardian.com/football/2021/oct/13/amnesty-wants-meeting-with-premier-league-over-newcastle-takeover>

GAMING



WILL FIFA 22 BE EA SPORTS' LAST FIFA GAME CALLED FIFA?

The partnership between FIFA and Electronic Arts (EA) is now at risk as the current 10-year agreement is about to expire and the two organisations have not been able to come to an agreement with regards to renewal of contract. EA Sports has revealed that it is reviewing the naming rights for FIFA, which could mean that the series of iconic football franchise might get a new name in the future.

<https://www.bbc.co.uk/newsround/58912308>

ITALIAN GAMING GROUP SISAL FILES FOR IPO ON MILAN STOCK EXCHANGE

Italian gaming group Sisal, which was bought by CVC Capital Partners in 2016 confirmed that it had filed for an initial public offering to list its shares on the Milan Stock Exchange.

<https://www.reuters.com/technology/italian-gaming-group-sisal-files-ipo-milan-stock-exchange-2021-10-12/>

CHINA STATE MEDIA SAYS GAMING TIME LIMIT LOOPHOLES SHOULD BE CLOSED

There are several online trading platforms which allows game account sales and rentals, where users can bypass the supervision and play online games without restrictions. Chinese state media said such loopholes allowing minors to bypass new rules aimed at curbing gaming play time to three hours per week should be removed to prevent addiction.

<https://www.straitstimes.com/tech/tech-news/china-state-media-says-gaming-time-limit-loop-holes-should-be-closed>

GAMING

INDUSTRY APPEALS KARNATAKA HIGH COURT AGAINST ONLINE GAMBLING LAW

Five writ petitions were filed against Karnataka Police (Amendment) Compliance Act, 2021, which was notified on October 5, banned all formats of online gaming that involves an entry fee or registration fee.

<https://www.thehindubusinessline.com/news/industry-appeals-karnataka-high-court-against-online-gambling-law/article36909652.ece>

LITHUANIA AUTHORITIES ISSUE WARNINGS OVER ILLEGAL REMOTE BETTING SITES

The Gaming Control Authority, part of the Ministry of Finance of Lithuania, has issued a warning to the country's sports betting and gaming industry regarding illegal betting sites. They reminded operators that the Gaming Law of the Republic of Lithuania states that all operators require a permit to offer remote gambling services and that illegal gambling operators will be added to a blacklist.

<https://www.sbcnews.co.uk/igaming/2021/10/25/lithuania-authorities-issue-warnings-over-illegal-remote-betting-sites/>



SVENSKA SPEL TO PROMOTE SWEDISH ESPORTS WITH NEW PARTNERSHIP

Swedish lottery operator Svenska Spel has announced a collaboration with esports training facility Esportshall with an aim to develop esports in Sweden. The collaboration is aimed at those starting out in esports where several competitions aimed at new players have been organised as part of the agreement.

<https://igamingbusiness.com/svenska-spel-to-promote-swedish-esports-with-new-partnership/>

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](#)

[Intellectual Property, Sports & Gaming Newsletter Vol. 4](#)



Follow us for more resources



End