

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



NIKE IS QUIETLY PREPARING FOR THE METAVERSE

Stepping into the metaverse, Nike filed several trademark applications to protect their virtual sneakers and apparel. The classes of applications cover, for example, goods or services such as downloadable computer programs and retail store services featuring virtual goods, including footwear.

<https://www.cnn.com/2021/11/02/nike-is-quietly-preparing-for-the-metaverse-.html>

JURY KNOCKS OUT ATARI'S IP CLAIMS AGAINST ONLINE MARKETPLACE

Redbubble Inc, an Australia-based online marketplace successfully defended a suit by Atari Interactive Inc, third party company for Nintendo following a rejection of Atari's suit by a jury in the US Federal Court. Redbubble Inc argued it was a "transactional intermediary" which merely facilitated sales of goods fulfilled by others, and hence could not be liable for trademark infringement, among others.

<https://www.reuters.com/legal/transactional/jury-knocks-out-atari-ip-claims-against-online-marketplace-2021-11-04/>

META COMPANY SUES FACEBOOK FOR ALLEGEDLY 'STEALING' ITS NAME

Founder of Chicago-based tech firm confirms Meta Company is filing a civil suit against Facebook on the basis that it has stolen the name "Meta" following the latter's rebranding exercise. Meta Company is claiming for trademark infringement after being "hounded" to sell the Meta name.

<https://www.businessinsider.com/latest/top-story/story/meta-company-sues-facebook-for-allegedly-stealing-its-name-311590-2021-11-08>

INTELLECTUAL PROPERTY

PATENT

THE N.I.H. SAYS IT ISN'T GIVING UP IN ITS PATENT FIGHT WITH MODERNA

In a dispute on not being named as co-inventors of the Moderna vaccines, the National Institutes of Health is not backing down in being afforded the credit its scientists deserve. The *New York Times* reports if the NIH is named, it could have nearly an “unfettered right” to license the vaccine other manufacturers, widening the scope of accessibility to poorer nations.

<https://www.nytimes.com/2021/11/10/us/politics/moderna-vaccine-patent-nih.html>



PELTON AND LULULEMON ARE IN A LEGAL TUSSE OVER WHO OWNS ATHLEISURE

After Lululemon, the popular athleisure brand, threatened to sue Peloton over patent infringement, Peloton struck back with a suit. It now wants the court to declare they had not infringed Lululemon's patent in respect of certain clothing and that Lululemon's patents are invalid.

<https://www.businessinsider.com/peloton-suing-lululemon-peloton-apparel-patent-infringement-threats-2021-11>

PHILIP MORRIS INTERNATIONAL MEETS WITH FDA TO MAKE ITS CASE FOR IQOS IN PATENT DISPUTE

Philip Morris International, which sells cigarettes such as Marlboro, met with the FDA to present arguments on why they should be allowed to import IQOS in the US. This comes after a legal tussle between them and competitor RJ Reynolds, a subsidiary of British American Tobacco, which claims the IQOS devices infringe two of their patents.

<https://www.cnn.com/2021/11/08/philip-morris-international-meets-with-fda-to-make-its-case-for-iqos-in-patent-dispute.html>

INTELLECTUAL PROPERTY

COPYRIGHT



GOOD AMERICAN SUED FOR COPYRIGHT INFRINGEMENT IN LATEST PAPARAZZI LAWSUIT

Khloe Kardashian's fashion brand has been hit with a suit commenced in a string of paparazzi-initiated court actions. Alo Photography LLC claims Khloe Kardashian posted a photograph of model Bella Hadid captured by them on her Instagram profile without their consent.

<https://www.thefashionlaw.com/good-american-sued-for-copyright-infringement-in-latest-paparazzi-lawsuit/>

CHINA'S POPULAR PIRACY WEBSITE FOUNDER GETS OVER 3 YEARS JAIL TIME

Liang YongPing, the founder of a piracy webpage providing subtitles for illegally downloaded films, has been sentence to three years in jail. Liang was also ordered to pay a total 1.5 million yuan for copyright infringement.

<https://www.sixthtone.com/news/1009037/chinas-popular-piracy-website-founder-gets-over-3-years-jail-time>

INTELLECTUAL PROPERTY

INDONESIA ASKS FBI FOR SUPPORT AGAINST COPYRIGHT INFRINGEMENTS

The Indonesian government is collaborating with the Federal Bureau of Investigation in Los Angeles to procure information on widely counterfeited items in the Southeast Asia region. The authorities believe the FBI's expertise in combatting IP violations would substantially benefit Indonesia's strategic actions against such wrongdoings.

<https://www.thejakartapost.com/adv/2021/11/10/indonesia-asks-fbi-for-support-against-copyright-infringements.html>



DUTCH ISPS STRIKE PIRACY BLOW

Dutch ISPs and copyright owners signed a covenant entitled 'Blocking Websites Covenant' to jointly block websites that allow illegal downloading. This agreement sets out the procedure to obtain a blocking order similar to other agreements alike in force in other European countries.

<https://www.broadbandtvnews.com/2021/11/08/dutch-isps-strike-piracy-blow/>

MORE NEWS, UPDATES,
HOT TOPICS

SPORTS - 6 & 7
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INTELLECTUAL PROPERTY

OTHER

WHAT TO DO IF YOUR BRAND NAME IS STOLEN OR MISUSED

In this write-up, author Aprajita Nigam of *Economic Times* sets out the strategies which entrepreneurs may adopt if they encounter their brand being stolen. Some of the measures which may be taken include sending a cease and desist letter, filing a civil suit, and opting for cancellation proceedings, among others.

<https://economictimes.indiatimes.com/news/how-to/what-to-do-if-your-brand-name-is-stolen-or-misused/articleshow/87598302.cms>



4 Ways to Significantly Reduce the Cost of Obtaining New Patents and Managing IP

4 WAYS TO SIGNIFICANTLY REDUCE THE COST OF OBTAINING NEW PATENTS AND MANAGING IP

This article addresses approaches which may be adopted to cut costs on procuring patents. The strategies include conducting a thorough state-of-the-art search and partnering with other companies in such ventures.

<https://www.entrepreneur.com/article/392774>

SPORTS

'PUBG MOBILE' AMONG EIGHT ESPORTS TITLES AT UPCOMING 19TH ASIAN GAMES

Battle royale video game PlayerUnknown's Battlegrounds Mobile is making its debut at the upcoming Asian Games as one of the eight eSports titles with a medal event. The 19th Asian Games will mark the first time that eSports is recognised as an official medal event.

<https://www.thestar.com.my/tech/tech-news/2021/11/09/pubg-mobile-among-eight-esports-titles-at-upcoming-19th-asian-games>



TRIATHLON-WORLD GOVERNING BODY TO USE NEW ANTI-DRAFTING TECHNOLOGY

World Triathlon is looking to sue anti-drafting technology to ensure fairer competition among athletes. The new technology, RaceRanger, is designed to improve fairness around the issue of drafting on the bike section of non-drafting triathlons.

<https://www.reuters.com/lifestyle/sports/triathlon-world-governing-body-use-new-anti-drafting-technology-2021-11-10/>

AC MILAN LOSE APPEAL FOR INTERNATIONAL TRADEMARK OF THE CLUB'S LOGO

AC Milan appealed a decision regarding the club logo not being registered as an international trademark as the term 'MILAN' had already been trademarked by a German stationery company. The similarity of the logo visually and phonetically could cause confusion, hence Milan were not able to register their trademark as the EU could not simultaneously protect them. The report notes that Milan's appeal has been rejected, which means the club will need to regroup and prepare a new strategy on this.

<https://acmilan.theoffside.com/2021/11/11/22775246/ac-milan-lose-appeal-for-international-trademark-of-the-clubs-logo-news-germany-european-union>

SPORTS



NBC SPORTS RETAINS EXCLUSIVE RIGHTS TO THE ENGLISH PREMIER LEAGUE

NBC Sports has extended its stewardship of the English Premier League through 2028, retaining the exclusive rights to broadcast matches from the top-tier soccer organisation in a deal said to be worth some US\$2.6 billion.

<https://sports.yahoo.com/nbc-sports-retains-exclusive-rights-204550468.html>

DOPING-WADA APPROVES REFORMS TO IMPROVE ATHLETE REPRESENTATION

The World Anti-Doping Agency recently approved reforms designed to give athletes representation in the organisation's decision-making process. This decision came after athletes from around the world stated they were not represented sufficiently at the agency.

<https://www.thestar.com.my/sport/others/2021/11/26/doping-wada-approves-reforms-to-improve-athlete-representation>

NORDSTROM TAPS FANATICS TO SELL LICENSED SPORTS MERCHANDISE FOR FIRST TIME

Nordstrom is partnering with Fanatics to offer licensed sports merchandise for the first time in the luxury department store's 120-year history. The multi-year partnership will allow Nordstrom to list thousands of products from the NFL, NBA, MLB and NCAA on its website, starting immediately. Nordstrom will control the pricing, marketing and point of sale, but the orders will be fulfilled and shipped by Fanatics, the world's largest seller of licensed sports apparel.

<https://sports.yahoo.com/nordstrom-taps-fanatics-sell-licensed-130028860.html>

GAMING



AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY TO BLOCK ILLEGAL ONLINE LOTTERY SERVICES

The Australian Communications and Media Authority has requested Australian internet service providers to block illegal offshore lottery websites, We Love Lotto and Red Fox Lotto. Both websites are not licensed in Australia.

<https://www.acma.gov.au/articles/2021-11/acma-moves-block-illegal-online-lottery-services>

POKIES LEGISLATION PASSES TASMANIA'S UPPER HOUSE, ON TRACK TO BECOME LAW AND END FEDERAL GROUP'S MONOPOLY

The legislation will allow venues to own or lease their own poker machines from mid-2023, ending the powerful Federal Group's monopoly on gaming.

<https://www.abc.net.au/news/2021-11-24/tas-pokies-legislation-passes-upper-house/100645840>

THE GERMANY SPORTS BETTING ASSOCIATION 'EMPHATICALLY REJECTS' CALLS FOR SPORTS BETTING ADVERTISING BAN

The German Sports Betting Association has taken a clear stance against alleged calls from a regional senator to ban sports betting advertising. The trade body stated that it "emphatically" rejects a senator's statement on the imposition of a sports betting advertising ban.

<https://www.sbcnews.co.uk/sportsbook/2021/11/25/germanys-dswv-emphatically-rejects-calls-for-sports-betting-advertising-ban/>

GAMING

S.KOREAN GAME PRODUCERS CHASE NFTS IN REAL-MONEY BOOST FOR PLAYERS AND FIRMS

South Korea's mobile and online game producers are enticing players with services using non-fungible tokens, which can be changed for cryptocurrencies.

However, South Korean regulators have banned NFT-applied games in the countries on concerns these new services could fuel gambling addiction among teens and the very young.

<https://www.reuters.com/article/fintech-nft-southkorea-videogames-idCNL4N2S8003>



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](#)

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

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