

INTELLECTUAL PROPERTY, SPORTS & GAMING

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ADVOCATES
AND SOLICITORS
AG

A SNEAK PEEK INSIDE THIS ISSUE:

*Apple, WiLAN settle
patent disputes with
licence agreement*

*US\$19.5 Million fine to
be Paid by Former
'Pirate', Adam Lackman*

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

KRONOS REGISTERS METAVERSE-BASED TRADEMARK

Kronos Advance Technologies Inc (Kronos) recently announced its filing of a trademark to be used in the metaverse, joining Meta's and Nike's lead along with early retail companies that have filed trademarks to trade virtual goods and services.

<https://www.bloomberg.com/press-releases/2022-03-18/kronos-registers-metaverse-based-trademark>



AMEX REVEALS ITS METAVERSE AMBITIONS IN A TRADEMARK FILING FOR CARD-PAYMENT TECH IN VIRTUAL WORLD

The trademark application by American Express (AmEx) at the United States Patent and Trademark on 16 March 2022 suggests that AmEx is considering the possibility of offering its services related to card payments, ATMs, banking, and fraud detection to customers in the metaverse.

<https://markets.businessinsider.com/news/currencies/american-express-files-patents-offer-payment-cards-metaverse-nft-crypto-2022-3>

MCDONALD'S, STARBUCKS AND OTHERS HAVE NO RECOURSE FOR STOLEN TRADEMARKS IN RUSSIA

Russia's recent decree legalising patent theft in the country is now extended to all IP rights of companies from 24 "unfriendly" territories, including the USA. Trademark applications with marks bearing a striking resemblance to those belonging to IKEA, McDonald's and Starbucks have been filed in Russia since the imposition of the decree.

<https://finance.yahoo.com/news/mc-donalds-starbucks-and-others-have-no-recourse-for-stolen-ip-in-russia-174530523.html>

INTELLECTUAL PROPERTY

TRADEMARK

EU COURT OF JUSTICE DELIVERED JUDGMENT ON MAXXUS GROUP V GLOBUS HOLDING

The European Court of Justice (ECJ) concluded that Art 19 of the Trade Marks Directive (EU) 2015/2436 must be interpreted as precluding a procedural rule of a member state which, in proceedings concerning an application for revocation of a trademark for non-use, required the applicant to carry out market research concerning the possible use of the mark by its proprietor and to make in that regard substantiated submissions in support of its application.

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=255426&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1>

ELASTIC AND AMAZON REACH AGREEMENT ON TRADEMARK INFRINGEMENT LAWSUIT

Elastic, the company behind Elasticsearch and the Elastic Stack, announced on 16 February 2022 that its dispute with Amazon in the trademark infringement lawsuit related to the term “Elasticsearch.com” has been resolved.

<https://www.bloomberg.com/press-releases/2022-02-16/elastic-and-amazon-reach-agreement-on-trademark-infringement-lawsuit>

WIMI OBTAINS US TRADEMARK REGISTRATION CERTIFICATE TO EXPAND THE US MARKET

WiMi Hologram Cloud Inc (WIMI), a leading global holographic AR application technology provider, announced on 22 March 2022 that its WIMI Hologram Softlight has successfully obtained the trademark registration certificate from the United States Patent and Trademark Office.

<https://finance.yahoo.com/news/wimi-obtained-us-trademark-registration-120000574.html>



INTELLECTUAL PROPERTY

PATENT

USPTO CUTS RUSSIAN IP TIES

The United States Patent and Trademark Office has severed its ties with Russia's IP agencies. This measure would halt the grant of requests under the Global Patent Prosecution Highway and affect applicants wishing to select Russia's IP agency, Rospatent, when filing international applications under the Patent Cooperation Treaty.

<https://www.jdsupra.com/legalnews/uspto-cuts-russian-ip-ties-1616732/>



IPOPHL LAUNCHES PATENT E-CERTIFICATES

Starting from 1 March 2022, the Intellectual Property Office of the Philippines (IPOPHL) will issue electronic Certificates for Patents (Patent eCert) for all innovation applications recommended for grant, as well as utility model and industrial design applications recommended for registrations.

<https://www.asiaiplaw.com/section/news-analysis/ipophl-launches-patent-ecertificates>

INTELLECTUAL PROPERTY

PATENT

APPLE, WILAN SETTLE PATENT DISPUTES WITH LICENCE AGREEMENT

Apple and Canadian patent-licensing company WiLAN have signed a new licence agreement related to wireless technology, resolving a patent fight between the companies just weeks after Apple won an appeal against an US\$85 million court win for WiLAN.

<https://www.reuters.com/technology/apple-wilan-sign-patent-licensing-agreement-settling-disputes-2022-03-22/>

ALNYLAM FILES PATENT INFRINGEMENT LAWSUITS AGAINST PFIZER, MODERNA

Alnylam Pharmaceuticals Inc. filed lawsuits in Delaware federal court against Pfizer Inc and Moderna Inc, claiming that their mRNA COVID-19 vaccines have infringed its patented lipid nanoparticle technology which is used in the Pfizer/BioNTech and Moderna vaccines to carry and deliver genetic material into the body.

<https://www.channelnewsasia.com/business/alnylam-files-patent-infringement-lawsuits-against-pfizer-moderna-2571266>



INTELLECTUAL PROPERTY

COPYRIGHT

PROFESSOR SUES UNKNOWN STUDENTS WHO UPLOADED HIS FINAL EXAM QUESTIONS ONLINE FOR COPYRIGHT INFRINGEMENT

A professor at Chapman University, who is also a lawyer, is suing unknown students for copyright infringement upon discovering that his exam questions were posted on CourseHero. He planned to serve a subpoena against CourseHero to uncover the identity of the uploader.

<https://www.washingtonpost.com/nation/2022/03/17/chapman-university-professor-lawsuit-copyright-cheating/>



KENYA COPYRIGHT BOARD CEO ENCOURAGES WATERMARKING PICTURES AND VIDEOS

Kenyan Copyright Board CEO urges graphic artists and creators to watermark their work before uploading it on social media. Copyright owners are protesting the wide use of their work. The watermark should indicate the author's name and the name of the work and not a mere acknowledgment.

<https://www.standardmedia.co.ke/explainers/article/2001439158/why-you-should-watermark-your-pictures-videos-kecobo-boss>

INTELLECTUAL PROPERTY

COPYRIGHT



US\$19.5 MILLION FINE TO BE PAID BY FORMER 'PIRATE', ADAM LACKMAN

The former "pirate" behind the Kodi add-on repository TVAddons has agreed to pay a fine of US\$19.5 million to Canadian telecom companies for copyright infringement. The Ontario Federal Court ruled that Lackman had hosted, developed, distributed or promoted the Kodi add-ons enabling users to gain access to copyrighted content.

<https://www.theverge.com/2022/3/1/22956219/kodi-tvaddons-creator-fined-19-million-copyright-infringement-piracy>

A SPINOFF VENTURE OF BORED APE NFT IGNITES LEGAL SUITS

A group of artists called the Caked Apes is being sued over the neon depiction of the Bored Ape NFT being a spinoff of the Bored Ape Yacht Club collection. These suits were filed in the Los Angeles Federal Court claiming copyright infringement.

<https://www.bloomberg.com/news/articles/2022-03-21/bored-ape-nft-spinoff-venture-gone-sour-sparks-legal-fight>

MORE NEWS, UPDATES,
HOT TOPICS

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INTELLECTUAL PROPERTY

OTHER

Caveat Emptor Applies to NFTs



CHINA RELEASES ANNUAL REPORT AND SUMMARY OF HOLDINGS OF THE INTELLECTUAL PROPERTY TRIBUNAL OF THE SUPREME PEOPLE'S COURT (2021)

On 28 February 2022, the Intellectual Property Tribunal of the Supreme People's Court released its Annual Report for 2021 and issued 55 holdings covering patent administrative cases, patent civil cases, new plant variety cases, integrated circuit layout design cases, trade secret cases, computer software cases, and monopoly cases.

<https://www.chinaiplawupdate.com/2022/02/chinas-ip-tribunal-of-the-supreme-peoples-court-releases-annual-report-for-2021/>

CAVEAT EMPTOR APPLIES TO NFTS

Purchasing physical paintings differs from buying NFTs. Since there are no rules regulating crypto art, the principles of caveat emptor would still apply.

<https://www.daypitney.com/insights/publications/2022/03/fog2-nfts-art-collectors-caveat-emptor-applies>

SPORTS

FOX SPORTS SUED OVER NEW FOOTBALL LEAGUE, UNITED STATES FOOTBALL LEAGUE

The new United States Football League that was intended to start in April this year has hit a bump in the road as the owners of the original league are now suing FOX Sports for using the same logo, team names and branding.

<https://www.si.com/extra-mustard/2022/03/02/fox-sports-sued-over-united-states-football-league>



EA TO REMOVE RUSSIA AND BELARUS FROM E-SPORTS SERIES

Russia and Belarus will be removed from Electronic Arts' (EA) e-sports programmes, following its boycott of the current invasion of Ukraine, resulting in these teams being unable to compete in international e-sports competitions. Apart from this, EA has also stopped selling its games, content and virtual currency in Russia and Belarus.

<https://www.channelnewsasia.com/business/ea-remove-russia-and-belarus-e-sports-series-2569856>

SPORTS



BILLIONAIRE OLIGARCH ROMAN ABRAMOVICH'S SALE OF CHELSEA FC IS ONE OF THE MOST COMPLEX DEALS IN MODERN SPORTS HISTORY. TWO SOCCER FINANCE EXPERTS BROKE DOWN HOW IT WILL PLAY OUT

After 20 years, Roman Abramovich announced the sale of Chelsea FC. Unlike the usual sale of football clubs, this transaction will be complicated considering the sanctions against Abramovich by the UK government, resulting in a freeze of the Russian's assets.

<https://www.insider.com/roman-abramovich-chelsea-sale-how-will-it-work-experts-2022-3>

GAMING

G2 ESPORTS FILES LAWSUIT AGAINST NFT PROVIDER BONDLY

G2 Esports has brought a suit against Bondly, a blockchain technology company that it signed a two-year partnership with last year. G2 alleges that Bondly mishandled a deal that was meant for developing and selling non-fungible tokens (NFT), one example of which was the failure to meet set deadlines.

<https://www.washingtonpost.com/video-games/esports/2022/03/22/g2-esports-nft-lawsuit/>



THE METAVERSE MAY BRING NEW CYBER RISKS. HERE'S WHAT COMPANIES CAN DO

Because of the quick rise in the metaverse's popularity, many companies are trying to get involved, despite being unaware of the potential cybercrimes that come with it, one example of which is the use of manipulated digital figures known as deepfake. To combat this, companies should strengthen their identity security, implement strategies to mitigate risks and work on establishing a common safety standard.

<https://www.cnbc.com/2022/03/23/the-metaverse-may-bring-new-cyber-risks-heres-what-firms-can-do.html>

End

PREVIOUS PUBLICATIONS

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

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

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