

INTELLECTUAL PROPERTY, SPORTS & GAMING

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LH
ADVOCATES
AND SOLICITORS
AG

A SNEAK PEEK INSIDE THIS ISSUE:

*Ed Sheeran wins
'Shape of You'
copyright case*

*Now, a 'Meta
Ramadan Majlis' in
metaverse from Dubai*

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

MASTERCARD FILES 15 CRYPTO AND METAVERSE-RELATED TRADEMARK APPLICATIONS

Payments company Mastercard has applied for at least 15 crypto- and metaverse-related trademarks, according to data from the United States Patent and Trademark Office. Mastercard's applications include trademarks for virtual cards and payments in the metaverse, as well as a marketplace for crypto assets in general.

<https://markets.businessinsider.com/news/currencies/mastercard-crypto-cryptocurrency-blockchain-metaverse-tech-patents-payments-art-finance-2022-4>



CHINA'S NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION ISSUES "NOTICE ON CONTINUING TO SEVERELY CRACK DOWN ON MALICIOUS REGISTRATIONS OF TRADEMARKS"

On 12 April 2022, China National Intellectual Property Administration (CNIPA) issued the "Notice of the CNIPA on Continuing to Severely Crack Down on Malicious Registration of Trademarks". This Notice lists down 10 illegal behaviours that are subject to crackdowns by the CNIPA and the elimination of awards or subsidies for trademark applications.

<https://www.natlawreview.com/article/china-s-national-intellectual-property-administration-issues-notice-continuing-to>

INTELLECTUAL PROPERTY

TRADEMARK



BOY SCOUTS OF AMERICA DEFEAT TRADEMARK LAWSUIT BROUGHT BY GIRL SCOUTS

The Boy Scouts of America defeated a trademark lawsuit brought by the Girl Scouts over use of the terms “scout” and “scouting”. The basis of the Girl Scouts claim is about ensuring that parents are not misled into thinking that Girl Scouts are part of or the same as the Boy Scouts. Nevertheless, US District Judge Alvin K Hellerstein on 7 April 2022 ruled that the term was generic enough that both groups could use it without referring to gender.

<https://news.bloomberglaw.com/ip-law/boy-scouts-defeat-trademark-lawsuit-brought-by-girl-scouts>

TWITTER STOPS SINGAPORE TECH FIRM FROM REGISTERING SIMILAR BIRD LOGO AS TRADEMARK

A Singapore-based tech start-up company, V V Technology, has been stopped from using a bird logo as its trademark, following a dispute with American social media giant Twitter over the trademark’s registration.

<https://www.straitstimes.com/tech/tech-news/twitter-stops-singapore-tech-firm-from-registering-similar-bird-logo-as-trademark>

MEGHAN MARKLE TRIES TO TRADEMARK THE HISTORIC WORD "ARCHETYPES" FOR HER SPOTIFY PODCAST

Duchess of Sussex Meghan Markle recently announced her new podcast series on Spotify called “Archetype”, and has through her company, Archewell Audio, made an application over the use of the centuries-old word “archetypes” to the United States Patent and Trademark Office in Delaware on 26 March 2022.

<https://www.mirror.co.uk/news/uk-news/meghan-markle-tries-trademark-word-26644709>

INTELLECTUAL PROPERTY

PATENT



UNIFIED PATENT COURT TO OFFICIALLY OPEN IN EUROPE DURING LATE 2022 OR EARLY 2023

On 6 April 2022, the Unified Patent Court (UPC) announced the start of its provisional application phase and its expected operation during the “last quarter of 2022 or early 2023”. The UPC is a patent-specific court established by 24 participating European Union (EU) member states, with the goal of enhancing legal certainty and decreasing the need for parallel litigation.

<https://www.unified-patent-court.org/news/provisional-application-phase-and-upcs-expected-timeline>

AUSTRALIA COURT OVERTURNS FINDING THAT AI SYSTEMS CAN BE AN INVENTOR

The Federal Court of Australia has on 13 April 2013 ruled that an “inventor” must be a natural person under Australian patent laws. This decision has reversed the Court’s 2021 decision that an artificial intelligence system known as DABUS qualified as an inventor for a patent application.

<https://www.ipwatchdog.com/2022/04/17/dabus-sent-back-drawing-board-following-reversal-inventorship-decision-australia-court/id=148464/#:~:text=On%20April%2013%2C%202022%2C%20the,patent%20application%20under%20Australian%20law>

MORE NEWS, UPDATES,
HOT TOPICS

SPORTS - PG 10
GAMING - PG 11

INTELLECTUAL PROPERTY

PATENT

EAGLE PHARMACEUTICALS REACHES SETTLEMENT AGREEMENT WITH HOSPIRA RELATED TO BENDEKA® (BENDAMUSTINE HYDROCHLORIDE) UNTIL 17 JANUARY 2028

Eagle Pharmaceuticals (Eagle) announced that it has reached a settlement agreement with Hospira, Inc (Hospira). Eagle has asserted two Orange Book-listed patents against Hospira related to its new drug application referencing BENDEKA®. The settlement agreement provides that Hospira has the right to market its product beginning 17 January 2028, or earlier based on certain circumstances.

<https://finance.yahoo.com/news/eagle-pharmaceuticals-reaches-settlement-agreement-105000055.html>



CHINESE TELECOMS GIANT HUAWEI PUSHES SEMICONDUCTOR PACKAGING INNOVATION TO EASE DISRUPTIONS CAUSED BY US CHIP SANCTIONS

Chinese telecommunications giant Huawei Technologies has filed a patent application on the mainland for a semiconductor packaging innovation, which industry analysts describe as a potential way to ease the disruptions caused by US chip sanctions on the firm's operations.

<https://finance.yahoo.com/news/chinese-telecoms-giant-huawei-pushes-093000100.html>

INTELLECTUAL PROPERTY

PATENT



GM PATENTS AUTONOMOUS LEARNER THAT DOESN'T NEED A DRIVING INSTRUCTOR

American car giant General Motors has filed a patent for an autonomous vehicle that can teach you how to drive. In the filing, the description of the technology indicates that the autonomous vehicle will be constantly interpreting the world around it, making its own decisions about the correct inputs, then comparing this with what the driver does.

https://uk.sports.yahoo.com/news/gm-patents-autonomous-learner-vehicle-114957321.html?guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAMWejCWX_mOtz8Gr-AEKTYiqeKYiMTQUJZR5WnpDbmFuO_gDS7PujY9vtp5RLW_l1WhZq37my7ExfA-WbHn0GcGWDeBilBahLWGdOFPBXim6XWeBleoKcMmPCPsVuZquw-4tanNbny6guMdhUXkk4NCEoi8pY0QbMHMSv3o00Q4v&guccounter=2

INTELLECTUAL PROPERTY

COPYRIGHT



JOAN CORNELLÀ NFT PROJECT APOLOGISES FOR COPYRIGHT INFRINGEMENT OF STEPHEN CHOW'S FILM

A non-fungible token project started by a Hong Kong company apologised for issuing a digital collectible inspired by a film directed by and starring home-grown comedian Stephen Chow Sing-chi without authorisation and that any resemblance to Chow's character was a "mistaken belief".

<https://www.thestar.com.my/aseanplus/aseanplus-news/2022/04/12/joan-cornell-nft-project-apologises-over-copyright-infringement-of-film-starring-hong-kong-king-of-comedy-stephen-chow>

UREEQA BRINGS VALIDATION-AS-A-SERVICE TO THE NFT MARKETPLACE

UREEQA is modernising the current copyright protection mechanisms by only minting validated NFTs to represent creative rights because it has built a robust and compelling Package-of-Proof™ for source creative work, which helps keep buyers safe by giving them confidence that the work they are purchasing was minted by the smart contract approved by the creator of the work and is thus authentic.

<https://finance.yahoo.com/news/ureeqa-brings-validation-nft-marketplace-203242008.html>

CLUB PENGUIN'S FAN SITE RECREATION HAS BEEN SHUT DOWN OVER COPYRIGHT ISSUES

Club Penguin's fan-made recreation has been shut down and seized by police over copyright issues. Following a complaint under copyright law by Disney on the same, three individuals were arrested by the London police on suspicion of distributing materials infringing copyright.

<https://www.bbc.com/news/technology-61107939>

INTELLECTUAL PROPERTY

COPYRIGHT

ED SHEERAN WINS 'SHAPE OF YOU' COPYRIGHT CASE

Ed Sheeran emerged victorious in the High Court copyright battle concerning his song titled 'Shape of You' released back in 2017, following the accusations of plagiarism from Sami Chokri, who claimed that the song resembled his song "Oh Why" released in 2015. The London High Court ruled that although there were similarities between the two tracks, there were also significant differences.

<https://www.bbc.com/news/entertainment-arts-61006984#:~:text=Ed%20Sheeran%20has%20won%20a,Oh%20Why%20by%20Sami%20Chokri.>



ANDY WARHOL'S LONG-RUNNING COPYRIGHT DISPUTE REACHES THE UNITED STATES SUPREME COURT

Andy Warhol's copyright infringement case has been bouncing around the US courts since 2017. The US Supreme Court has decided to hear it. This high-stakes case will have far-reaching repercussions for artists who use copyrighted material in their work, since it will determine whether Warhol's appropriation of Lynn Goldsmith's portrait of Prince in a silkscreen series qualifies as fair use.

<https://hyperallergic.com/721169/andy-warhol-copyright-dispute-reaches-supreme-court/>

INTELLECTUAL PROPERTY

COPYRIGHT

THE NEW COPYRIGHT DIRECTIVE FINALLY TRANSPOSED INTO LUXEMBOURG LAW

The New Copyright Directive, which strives to modernise the legal framework of authors' rights and neighbouring rights, is faithfully transposed into Luxembourg law. It was made to reflect considerable technology advancements over the last two decades, as well as new means of creating, producing, distributing, and exploiting works and other protected content.

<https://www.mondaq.com/copyright/1181588/the-new-copyright-directive-finally-transposed-into-luxembourg-law->



NEWSWEEK AND MCGUCKEN COPYRIGHT CASE OVER EMBEDDED INSTAGRAM PHOTO ACHIEVES SETTLEMENT

Newsweek LLC and photographer Elliot McGucken settled a copyright dispute on whether the display of an embedded Instagram post qualifies as infringement. The US District Court judge Katherine Polk Failla previously denied early wins to both parties and declined to determine in March whether embedding McGucken's Instagram post containing a copyrighted photo in a Newsweek article fell under fair use.

<https://news.bloomberglaw.com/ip-law/newsweek-settles-copyright-case-over-embedded-instagram-photo>

INTELLECTUAL PROPERTY

OTHER

Now, a 'Meta Ramadan Majlis' in metaverse from Dubai



NOW, A 'META RAMADAN MAJLIS' IN METAVERSE FROM DUBAI

Dubai recently witnessed its first ever virtual Ramadan gathering, taking place in the metaverse. This event saw users as avatars, virtually interacting with each other on the platform and even had some participants from India.

<https://gulfnews.com/uae/now-a-meta-ramadan-majlis-in-metaverse-from-dubai-1.87246210>

MARK ZUCKERBERG SAYS META WILL TEST SELLING VIRTUAL GOODS IN THE METAVERSE

In an effort to make it easier for consumers to be active in the metaverse, Mark Zuckerberg has announced that his company, Meta, is working to ensure that creators are able to sell and access virtual assets and experiences.

<https://www.cnn.com/2022/04/12/mark-zuckerberg-says-meta-will-test-horizon-worlds-virtual-sales.html>

NEW SINGAPORE COURT PROCEDURES FOR IP DISPUTES

The new Supreme Court of Judicature (Intellectual Property) Rules 2022 came into effect on 1 April 2022. The new Rules provide a new optional track for intellectual property litigation which allows a quicker and more cost-effective dispute resolution system in Singapore. The new optional track is referred to as the "Simplified Process for Certain Intellectual Property Claims".

<https://sso.agc.gov.sg/SL/SCJA1969-S205-2022/Uncommenced/20220323151244?DocDate=20220321&ValidDt=20220401>

SPORTS

MALAYSIA'S ESPORTS TEAMS SHOOTING FOR GOLD AT THE 2021 SEA GAMES

To improve the chances of victory at the upcoming SEA Games, athletes looking to join the Malaysian team had to compete against each other to secure their spots. This selection process was a helpful way of showing why some players were chosen over others.

<https://www.thestar.com.my/tech/tech-news/2022/04/18/malaysias-esports-teams-shooting-for-gold-at-the-2021-sea-games>



TEACHERS SAY PLAYVS WIELDS PARTNERSHIPS TO MONOPOLISE SCHOLASTIC ESPORTS

The Washington State Scholastic Esports Association, which regularly coordinates inter-school video game competitions, has been informed by PlayVS, an esports competition platform, to refrain from using games owned by Nintendo and Activision Blizzard, claiming that it has an “official/exclusive” licensing agreement with both companies.

<https://www.washingtonpost.com/video-games/esports/2022/04/11/playvs-high-school-esports/>

GAMING

EPIC IS BEING SUED OVER ANOTHER FORTNITE DANCE - AND IT MIGHT LOSE THIS TIME

Epic Games (Epic) is being sued again, this time over allegedly using copyrighted dance moves in its game. The plaintiff in this suit, the original choreographer of the moves, claims that his consent was not obtained and that Epic has wrongfully profited from his work.

<https://www.techradar.com/news/epic-is-being-sued-over-another-fortnite-dance-and-it-might-lose-this-time>



ESPORTS TECHNOLOGIES ANNOUNCES AGREEMENT WITH FREE-TO-PLAY GAMES PROVIDER INCENTIVE GAMES

Esports Technologies has announced a new software licence and service agreement between its subsidiary and Incentive Games, another gaming company. This will consist of customised free-to-play games by Incentive Games for Esports Technologies brands. Some planned games include Dota 2 and Valorant.

<https://www.prnewswire.com/news-releases/esports-technologies-announces-agreement-with-free-to-play-games-provider-incentive-games-301527883.html>

End

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](#)

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[10 Key Amendments to Patent Law](#)

[Copyright \(Amendment\) Act 2022](#)



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