

# INTELLECTUAL PROPERTY, SPORTS AND GAMING

## Lee Hishammuddin Allen & Gledhill



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ADVOCATES  
AND SOLICITORS  
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### A SNEAK PEEK INSIDE THIS ISSUE:

*Federal Circuit rules  
that inventors must be  
human.*

*Taylor Swift Faces \$1  
Million Copyright Suit  
over 'Lover'.*

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

#### USAIN BOLT HAS APPLIED TO REGISTER HIS VICTORY POSE AS A TRADEMARK.

Usain Bolt, the former Olympic 100-meter champion, has filed a trademark application for his well-known victory pose, in which he leans back with one arm bending and the other pointing upward. The logo is purportedly to be associated with items such as jewellery, bags, shoes, sporting goods and restaurants.

<https://www.theguardian.com/sport/2022/aug/23/usain-bolt-applies-for-trademark-for-his-familiar-celebration-pose>



#### CADBURY INDIA LIMITED PREVAILS IN ITS TRADEMARK SUIT AGAINST NEERAJ FOOD PRODUCTS.

A long-running lawsuit which was initiated in 2005 by Cadbury India Limited against Neeraj Food Products for trademark infringement has been resolved by the Delhi High Court. Cadbury claimed that the product “James Bond” launched by Neeraj Food Products was strikingly similar with its well-known product ‘CADBURY GEMS’ or ‘GEMS’ products in terms of packaging and wording. The Delhi High Court held that the likelihood of confusion, instead of absolute confusion, will suffice in trademark infringement.

[https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/delhi-high-court-rules-favour-renowned-brand-cadbury-long-lasting-trademark-infringement-case-2022-08-11\\_en](https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/delhi-high-court-rules-favour-renowned-brand-cadbury-long-lasting-trademark-infringement-case-2022-08-11_en)

# INTELLECTUAL PROPERTY

## TRADEMARK



### FOX SPORTS SETTLES U.S. FOOTBALL LEAGUE TRADEMARK FIGHT WITH 80S TEAM OWNERS.

Fox Sports Inc settles a legal action initiated by the 1980s-era United States Football League team owners and executives regarding Fox's branding and name for its new league under the similar name.

<https://www.reuters.com/legal/litigation/fox-sports-settles-us-football-league-trademark-fight-with-80s-team-owners-2022-08-23/>

### THEOBROMA & THEOS RESOLVE A TRADEMARK DISPUTE IN THE DELHI HIGH COURT.

Theos and Theobroma, two rival companies, have reached an agreement with the Delhi High Court to resolve their trademark infringement case on bakery-related goods and sweets. When dealing with a lawsuit that Theos Food Private Limited filed against Theobroma Foods Private Limited to prevent the latter from violating the trademarks "THEOS," "THEO'S," and "THEO'S PATISSERIE & CHOCOLATARIE," Justice Pratibha M. Singh took note of their settlement conditions.

<https://www.livelaw.in/news-updates/theos-theobroma-settle-trademark-infringement-suit-delhi-high-court-205891>

### NINTENDO OPPOSES ZELDAVISION MEDIA'S TRADEMARK APPLICATION.

Nintendo claims that ZeldaVision Media's trademark application for ZELDAVISION had allegedly infringing Nintendo's ZELDA video game and franchise. Nintendo asserted that the said trademark registration application would potentially cause consumer confusion with its Nintendo brand. The United States Patent and Trademark Office had rejected ZeldaVision Media's application on the ground that it could result in consumer confusion with "The Legend of Zelda" trademark.

<https://www.mandourlaw.com/zelda-trademark-dispute-breath-of-the-wild-release/>

# INTELLECTUAL PROPERTY

## PATENT



### OPPO AND ONEPLUS SUSPEND PHONE SALES IN GERMANY AFTER NOKIA'S VICTORY IN LAWSUIT.

Oppo and its subsidiary OnePlus no longer offer smartphones and smartwatches on its German online stores. The German court has granted an injunction to stop sales after Nokia accused Oppo and OnePlus of utilising its patented technology for processing 4G and 5G signals without obtaining a licence. Since the decision, there has been no product information on the German Oppo website.

<https://www.theverge.com/2022/8/9/23297947/oppo-oneplus-halt-sales-germany-nokia-patent-lawsuit>

### NEW LAWSUIT BROUGHT BY NANOCO AGAINST SAMSUNG.

Nanoco Group PLC has filed a new patent infringement suit in Germany against Samsung Electronics Co., based on a "sister patent" to one of the patents concerned in its winning U.S. lawsuit. Nanoco claimed that Samsung violated its patent of quantum dot technology equipped in Samsung's quantum dot LED televisions.

<https://shareprices.com/news/nanoco-files-another-lawsuit-against-samsung-for-patent-infringement-ckjlmpl1xs5ygjep/>

MORE NEWS, UPDATES,  
HOT TOPICS

COPYRIGHT - PG 6  
SPORTS & GAMING -  
PG 11

## INTELLECTUAL PROPERTY

### PATENT

#### **GSK ARGUES CAFC'S SKINNY LABEL HOLDING IS LIMITED BY THE UNUSUAL FACTS OF THE CASE IN TEVA'S SCOTUS PETITION.**

Teva Pharmaceuticals ("Teva") filed a petition for a writ of certiorari with the U.S. Supreme Court contesting a brief submitted by the British brand-name pharmaceutical company GlaxoSmithKline ("GSK"). The U.S. Court of Appeals for the Federal Circuit ("CAFC") reinstated a jury judgement finding Teva accountable for causing infringement of GSK's patents covering the heart failure medication Coreg, and Teva filed an appeal in response. The "thin label" arguments cited by Teva's appeal only had an impact on 30% of the damages granted by the jury in the case, according to GSK's brief, which contends that the Federal Circuit handled the law on induced infringement correctly.

<https://www.ipwatchdog.com/2022/08/24/gsk-argues-unusual-facts-case-behind-tevas-scotus-petition-limits-cafcs-skinny-label-holding/id=151033/>



#### **USAA'S \$218 MILLION BANKING PATENT RULING CANNOT BE APPEALED BY PNC.**

An East Texas judge determined that PNC Bank cannot set aside a \$218 million patent infringement judgement against it based on allegations that United Services Automobile Association's litigation of its mobile banking technology was erroneous.

<https://news.bloomberglaw.com/ip-law/pnc-cant-scrap-usaas-218-million-patent-jury-verdict>

## INTELLECTUAL PROPERTY

### PATENT

#### GOOGLE ADDS TWO MORE LAWSUITS TO THE SONOS AUDIO-PATENTS BATTLE.

In two lawsuits filed in a federal court in California, Google LLC, a subsidiary of Alphabet Inc., claimed that Sonos Inc.'s voice-activated audio players violated four different patents and three other patents, intensifying an already contentious dispute over royalties for various technologies. Both complaints were submitted to the U.S. District Court for the Northern District of California, where Judge William Alsup rendered a decision nullifying a Sonos patent, resolving the second of two disputes raised in the "patent showdown" between the longtime partners.

<https://news.bloomberglaw.com/ip-law/google-expands-sonos-audio-tech-fight-with-two-more-patent-suits>



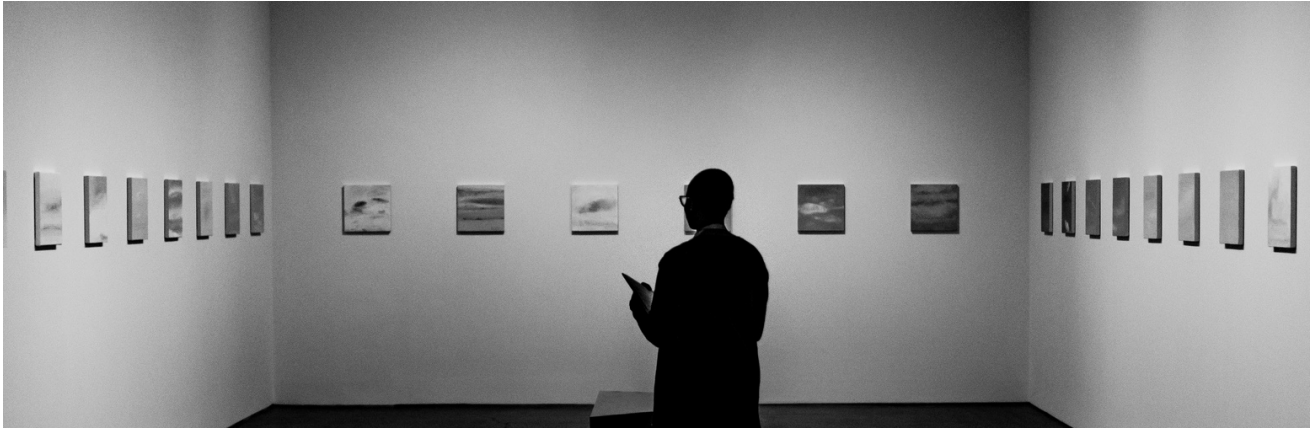
#### FEDERAL CIRCUIT RULES THAT INVENTORS MUST BE HUMAN.

After the nation's top patent court determined that inventors must be humans, computer scientist Stephen Thaler suffered another setback in his campaign to get artificial intelligence ("AI") computers acknowledged as inventors on patents. The U.S. Court of Appeals for the Federal Circuit declared that since only humans are considered "individuals" under the Patent Act, AIs do not qualify as inventors on a patentable invention.

<https://news.bloomberglaw.com/ip-law/only-humans-not-ai-qualify-as-inventors-federal-circuit-rules>

# INTELLECTUAL PROPERTY

## COPYRIGHT



### **NINTH CIRCUIT OVERTURNS DECISION IN PICASSO ARTWORK PHOTOGRAPH COPYRIGHT INFRINGEMENT CASE.**

In a lawsuit seeking recognition of a French money judgment for copyright infringement utilizing pictures of Pablo Picasso's artworks, the Ninth Circuit overturned a lower court's ruling. The lower court determined that fair usage prevented the French money award from being enforced. The Ninth Circuit panel decided the use of the copyrighted images was both commercial and non-transformative, thus the creative aspect of the photographs barred fair use.

<https://www.natlawreview.com/article/ninth-circuit-reverses-ruling-copyright-infringement-case-involving-photographs>

### **NETFLIX IS SUING A SONGWRITING DUO FOR PERFORMING "BRIDGERTON" WITHOUT AUTHORISATION.**

Following increased demand for Abigail Barlow and Emily Bear's knock-off of "Bridgerton" on TikTok, Netflix has filed a lawsuit against them of an alleged unlicensed musical stage adaptation of its well-known period drama "Bridgerton," accusing them of copyright infringement.

<https://www.freemalaysiatoday.com/category/leisure/entertainment/2022/08/02/netflix-sues-songwriting-duo-for-unauthorised-bridgerton-musical/>

## INTELLECTUAL PROPERTY

### COPYRIGHT

#### TAYLOR SWIFT FACES \$1 MILLION COPYRIGHT SUIT OVER 'LOVER'.

Taylor Swift's album "Lover" sold more copies than any other album in history. After three years, Author Teresa La Dart, whose book "Lover" was released in 2010, filed a lawsuit against Swift in the Western District of Tennessee, alleging that the musician plagiarized the title and other of the book's original ideas.

<https://news.bloomberglaw.com/ip-law/taylor-swift-faces-1-million-copyright-suit-over-lover-book>



# INTELLECTUAL PROPERTY

## COPYRIGHT

### LAKE PHOTO INTELLECTUAL PROPERTY SUIT RESURRECTED AFTER FAIR USE DECISION BY NINTH CIRCUIT.

The Ninth Circuit reinstated the copyright infringement case brought by photographer Elliott McGucken over his images of a lake formed in Death Valley, ruling that Pub Ocean Ltd. was unable to apply the fair use defence when using the images in an article.

<https://news.bloomberglaw.com/ip-law/lake-photo-copyright-suit-revived-in-9th-cir-fair-use-ruling>



# INTELLECTUAL PROPERTY

## OTHERS



### CANADA TAKES ACTION TO MODIFY COPYRIGHT LAW IN FAVOR OF ARTISTS.

François-Philippe Champagne, Canada's minister of innovation, and Pablo Rodriguez, its minister of cultural heritage, are working together to design a change to the nation's copyright laws that would let artists to get money when their work is sold again.

<https://www.artforum.com/news/canada-moves-to-alter-copyright-law-to-the-benefit-of-artists-88870>

## INTELLECTUAL PROPERTY

### OTHERS



#### **ERICA ROGERS ELECTED AS THE NEXT SECRETARY OF THE NCBA'S INTELLECTUAL PROPERTY LAW SECTION.**

Attorney Erica Rogers has been chosen as the new Secretary of the North Carolina Bar Association's Intellectual Property Law Section.

<https://www.mondaq.com/PressRelease/94790/Erica-Rogers-Election-NCBA-Intellectual-Property-Law-Section-Secretary>

## SPORTS & GAMING

### INDIA FACING FOOTBALL BAN OVER 'DEVIATIONS' FROM FIFA 'ROADMAP'.

The All India Football Federation ("AIFF") was abolished by India's highest court in May. A three-member committee was then created to oversee the sport, modify the AIFF's constitution, and hold elections that had been postponed for 18 months. The Asian Football Confederation ("AFC") and FIFA sent a delegation to meet with Indian football stakeholders in response. The delegation was led by AFC General Secretary Windsor John, and it set out a timeline for the AIFF to amend its statutes by the end of July and to hold elections at the latest by September 15.

<https://www.aljazeera.com/sports/2022/8/6/india-facing-football-ban-over-deviations-from-agreed-roadmap>



## PREVIOUS PUBLICATIONS

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Competing Rights to Copyright in the Virtual Environment	Intellectual Property, Sports & Gaming Newsletter Vol. 3
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