

# INTELLECTUAL PROPERTY, SPORTS AND GAMING

## Lee Hishammuddin Allen & Gledhill



**LH  
AG**  
ADVOCATES  
AND SOLICITORS

### A SNEAK PEEK INSIDE THIS ISSUE:

*Artificial Intelligence  
Machine Failed To Be  
Recognised As Inventor.*

*Tattoo Artist Successfully  
Sues Take-Two For  
Copyright Infringement.*

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

#### **HAKUNAMATATA \$TATA FOUNDERS ARE PERMANENTLY PROHIBITED FROM USING THE "TATA" TRADEMARK IN CRYPTOCURRENCY TRADING BY THE DELHI HIGH COURT.**

The Delhi High Court has permanently barred a UK-based business from using the Indian conglomerate's registered brand "TATA" in connection with the sale and marketing of digital tokens or cryptocurrencies after ruling in favour of Tata Sons Private Limited. Justice Pratibha M. Singh confirmed an ad interim injunction judgement of a division bench by issuing a permanent injunction against "HakunaMatata \$TATA Founders," which has now changed its name to Hakumatata Token Ltd and launched a new website.

<https://www.livelaw.in/news-updates/delhi-high-court-permanently-restrains-foreign-websites-tata-trademark-trading-online-cryptocurrency-210949>



#### **CANON SUCCEEDS IN ITS LEGAL BATTLE AGAINST COUNTERFEITERS IN THE UNITED STATES.**

In April 2022, Canon sued 52 sellers for selling counterfeit Canon products in the e-commerce market in the United States. Since then, nearly half of the defendants agreed to stop selling counterfeit goods forthwith. The remaining defendants who did not challenge Canon's allegations in court were ordered by the court to stop the infringing behaviours in September 2022.

<https://global.canon/en/news/2022/20221006.html>

# INTELLECTUAL PROPERTY

## TRADEMARK



### COACHELLA SUES GHANA'S AFROCHELLA FOR TRADEMARK INFRINGEMENT.

Goldenvoice, the company that organises Coachella Valley Music and Arts Festival, has filed a lawsuit against Ghanaian music festival, Afrochella, for trademark infringement. Coachella and Goldenvoice claim that Afrochella is taking advantage of their goodwill by actively promoting music events by using the mark "AFROCHELLA" which is confusingly identical to the trademark "Coachella" and by fraudulently attempting to register Goldenvoice's trademarks as its trademark.

<https://pitchfork.com/news/coachella-sues-ghanaian-music-festival-afrochella-for-trademark-infringement/>

# INTELLECTUAL PROPERTY

## TRADEMARK



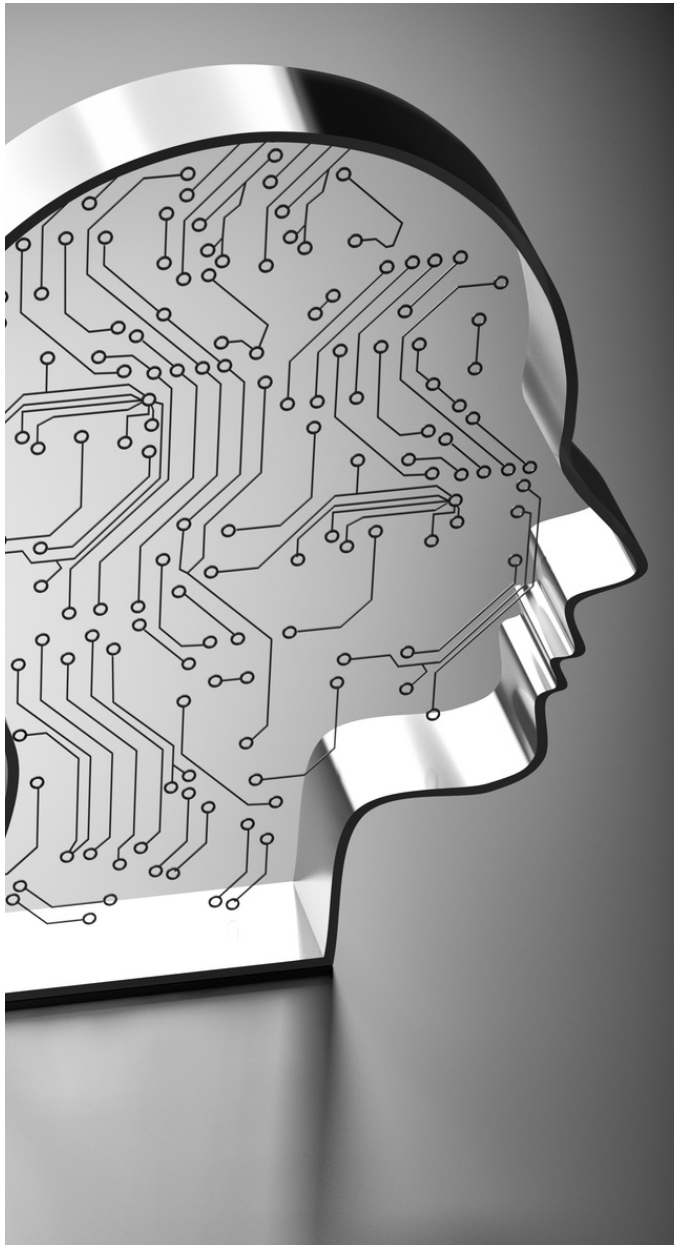
### LIDL ACCUSED BY TESCO OF MAKING TRADEMARK APPLICATIONS IN "BAD FAITH".

Tesco attempts to revive a portion of its lawsuit against the German-owned bargain store Lidl by claiming that Lidl had applied for trademarks for a yellow circle on a blue backdrop in "bad faith." In response to Lidl's initial lawsuit, which claimed Tesco was attempting to "ride on (its) coat-tails" by adopting a logo of a yellow circle on a blue background to advertise its "Clubcard Prices" discount programme, Tesco filed a counterclaim against Lidl in 2021.

<https://www.reuters.com/business/retail-consumer/retailers-tesco-lidl-fight-over-logos-trademark-uk-court-2022-10-25/>

# INTELLECTUAL PROPERTY

## PATENT



### ARTIFICIAL INTELLIGENCE MACHINE FAILED TO BE RECOGNISED AS INVENTOR.

The Federal Circuit dismissed inventor Stephen Thaler's application to re-examine his claim that AI systems should be recognised as independent inventors, after making a finding that the term "individual" in the Patent Act solely applies to humans. Thaler's attorney stated that they intend to challenge the Federal Circuit's decision to the Supreme Court.

<https://news.bloomberglaw.com/ip-law/ai-inventorship-ruling-inches-closer-to-supreme-court-appeal>

### SUPREME COURT REQUESTS THE UNITED STATES' INPUT IN TEVA AGAINST GSK PATENT ISSUE.

The United States Supreme Court sought the administration of President Joe Biden's advice on whether the Court should take up Teva Pharmaceuticals USA Inc.'s appeal of a \$235 million judgement in favour of GlaxoSmithKline LLC in a patent dispute involving generic heart medication.

<https://www.reuters.com/legal/litigation/supreme-court-asks-us-weigh-teva-patent-dispute-with-gsk-2022-10-03/>

MORE NEWS, UPDATES,  
HOT TOPICS

COPYRIGHT - PG 5  
SPORTS & GAMING  
PG 9

## INTELLECTUAL PROPERTY

### COPYRIGHT

**THE CREATORS OF "KANTARA" ARE ACCUSED OF PLAGIARISING, AND THE KERALA BAND THAIKKUDAM BRIDGE IS SUING FOR COPYRIGHT INFRINGEMENT.**

Kerala-based music band Thaikkudam Bridge accused the makers of Rishab Shetty's blockbuster Kannada film, Kantara, of plagiarism and copyright infringement. The band hinted at similarities between the now popular song from Kantara, 'Varaha Roopam' and their 2017 track 'Navarasam' and intend to initiate legal action against the team of Kantara and its producers, Hombale Films.

<https://www.thehindu.com/news/national/karnataka/kantara-makers-face-allegations-of-plagiarism-kerala-band-thaikkudam-bridge-to-sue-for-copyright-infringement/article66052469.ece>



**2,000 ANIMATED VIETNAMESE VIDEOS ON YOUTUBE ARE TAKEN DOWN FOR COPYRIGHT VIOLATIONS.**

YouTube has taken down nearly 2,000 Wolfoo videos featuring a cartoon wolf and his family due to copyright violations, costing the Vietnamese creator, Sconnect, to incur about \$2 million in losses. Sconnect claimed that YouTube removed the videos following a demand by the producer of Peppa Pig, an animated series about a pig and his family.

<https://www.retailnews.asia/youtube-removes-2000-animated-vietnamese-videos-for-copyright-violation/>

## INTELLECTUAL PROPERTY

### COPYRIGHT

#### TODDLER SUES UNILEVER FOR N200 MILLION FOR COPYRIGHT VIOLATION.

Miss Faria Aouad, a toddler, sued Unilever Nigeria Plc (“Unilever”) and two other parties for allegedly using her photo and changing her name in Unilever's promotional competition. The lawsuit seeks N200 million in damages for invasion of privacy and copyright. Miss Aouad claimed that a photo on her Instagram account was allegedly stolen by Unilever who used it for commercial and advertising purposes.

<https://www.vanguardngr.com/2022/10/copyright-infringement-toddler-sues-unilever-for-n200m/>



# INTELLECTUAL PROPERTY

## COPYRIGHT

### JOEBOY RESPONDS TO ASA'S 300 MILLION NAIRA COPYRIGHT CLAIMS.

Joeboy, a Nigerian singer, has responded to the N300 million copyright infringement notice issued by Asa, a French-Nigerian singer who sued him for unauthorised use of her compositions in his new song. Asa demanded that the song be withdrawn from all digital platforms within 24 hours and that a payment of 300,000,000 Naira and a 60% publication split on the music be made in addition to those demands.

<https://www.vanguardngr.com/2022/10/i-no-be-soft-meat-joeboy-replies-asa-over-n300m-copyright-claims/>



# INTELLECTUAL PROPERTY

## COPYRIGHT

### TATTOO ARTIST SUCCESSFULLY SUES TAKE-TWO FOR COPYRIGHT INFRINGEMENT.

A tattoo artist claimed that WWE 2K16, WWE 2K17, and WWE 2K18 copied her tattoo designs without her consent. The tattoo artist was successful in her lawsuit against Take-Two Interactive for copyright infringement.

<https://www.forbes.com/sites/legalentertainment/2022/10/12/wwe-smacked-down-in-first-ever-tattoo-copyright-trial-sort-of/?sh=1ecd60846352>



## SPORTS & GAMING

### LALIGA STRIKE POSSIBLE OVER NEW SPORTS LAW.

LaLiga is dissatisfied with the amendment that permits LaLiga and the Spanish Football Federation to refuse license to football clubs which aren't recognised by football governing bodies. LaLiga president Javier Tebas scheduled an extraordinary assembly to address the concerns and further actions over the amendment which is due to pass end of this year.

<https://www.espn.com/soccer/spanish-laliga/story/4777423/laliga-strike-possible-over-new-sports-law-sources>



## SPORTS & GAMING

### IRAN POSSIBLY EXCLUDED FROM THE WORLD CUP DUE TO LEGAL ACTION.

Owing to a legal initiative to ban Iran due to its brutal crackdown on women and demonstrators, the United States national soccer team may not be able to compete against the Islamic Republic of Iran in November's men's World Cup in Qatar. The lawsuit initiated by Iranian dissidents, including top athletes are concerned about the current situation in Iran after Mahsa Amini, a 22-year-old Iranian-Kurdish woman, was allegedly murdered by the regime's morality police last month.

[https://news.yahoo.com/world-cup-iran-kicked-due-161209457.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2x1LmNvbS8&guce\\_referrer\\_sig=AQAAAGEPqQGMuaQ5tcBUpcHzk46F0aOyq6lgABX5Xsc6KzbUTrVKQqIBbPVM6Yxb-ni98fpUPwbmQETMblqkUBZUv43N-D\\_0VJkmdz1tcn4e2OepqVvgHqD4omBagF5RE\\_C98ZI31wHDB9TgcYj8ZDu-j9PjDnsFv7K3ndeqzuZ7rNo0](https://news.yahoo.com/world-cup-iran-kicked-due-161209457.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2x1LmNvbS8&guce_referrer_sig=AQAAAGEPqQGMuaQ5tcBUpcHzk46F0aOyq6lgABX5Xsc6KzbUTrVKQqIBbPVM6Yxb-ni98fpUPwbmQETMblqkUBZUv43N-D_0VJkmdz1tcn4e2OepqVvgHqD4omBagF5RE_C98ZI31wHDB9TgcYj8ZDu-j9PjDnsFv7K3ndeqzuZ7rNo0)



## PREVIOUS PUBLICATIONS

Of Source Codes and Functions - Balancing Copyright Protection Against Monopolisation	Intellectual Property, Sports & Gaming Newsletter Vol. 1
'Willing to Wound but Afraid to Strike' - Threats in Trademark Infringement Proceedings	Intellectual Property, Sports & Gaming Newsletter Vol. 2
Competing Rights to Copyright in the Virtual Environment	Intellectual Property, Sports & Gaming Newsletter Vol. 3
Spilling the Beans in Litigation	Intellectual Property, Sports & Gaming Newsletter Vol. 4
The Price of Artificial Intelligence	Intellectual Property, Sports & Gaming Newsletter Vol. 5
State of Mind and the Plea of Innocence	Intellectual Property, Sports & Gaming Newsletter Vol. 6
False Sense of Security	Intellectual Property, Sports & Gaming Newsletter Vol. 7
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