

INTELLECTUAL PROPERTY, SPORTS AND GAMING

Lee Hishammuddin Allen & Gledhill



**LH
AG**
ADVOCATES
AND SOLICITORS

A SNEAK PEEK INSIDE THIS ISSUE:

*AI Art Generators Sued
for Copyright Over
Images of Artists.*

*Bieber Choreographer Says
Fortnite Case Can Clarify IP
Law.*

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

'SUN PHARMA' RULED AS WELL-KNOWN TRADEMARK BY THE DELHI HIGH COURT

The status of a "well-known trademark" has been granted to "SUN/SUN PHARMA/SUN PHARMACEUTICALS" by the Delhi High Court. The bench stated that Sun Pharmaceuticals is the fourth largest generic pharmaceutical firm in the world and is regarded as the top pharmaceutical company in India in a total of 11 specialities.

<https://lawbeat.in/news-updates/sun-pharma-gets-status-well-know-trademark-delhi-high-court>



THOM BROWNE WINS THE "3-STRIPE" TRADEMARK BATTLE AGAINST ADIDAS.

Thom Browne Inc.'s alleged unauthorised use of the "three-stripe" emblem by Adidas AG was not deemed to be a trademark infringement by the Manhattan federal jury. Adidas had claimed a total of \$7.8 million from Thom Browne Inc. who counterclaimed and argued that Adidas' mark should be revoked because it is "aesthetically functional" and "undermines" the ability of its rivals to enter new markets. However, Thom Browne Inc.'s counterclaim was rejected by United States ("US") District Judge.

<https://news.bloomberglaw.com/ip-law/adidas-loses-3-stripe-trademark-trial-against-thom-browne>

INTELLECTUAL PROPERTY

TRADEMARK



BLOCK INC. CAN CONTINUE USING ITS NAME IN THE H&R BLOCK TRADEMARK DISPUTE.

Block Inc., a financial technology corporation, is now able to continue using its name in connection with its tax preparation services after the Eighth Circuit divided in its decision to overturn H&R Block Inc.'s trademark injunction. H&R Block was unable to demonstrate that Block Inc.'s name change would result in "serious consumer confusion."

<https://news.bloomberglaw.com/ip-law/block-inc-can-keep-using-name-in-trademark-spat-with-h-r-block>

INTELLECTUAL PROPERTY

PATENT



SAMSUNG FAILED TO STAY CALTECH PATENT LAWSUIT OVER WIRELESS CHIPS.

Samsung Electronics Co. was unable to convince the East Texas federal court to pause the high-stakes patent litigation brought against it by the California Institute of Technology while it contests the patents' validity before the US Patent and Trademark Office. Stopping the action until the Patent Trial and Appeal Board analyses the patents, according to US District Judge Rodney Gilstrap, would unnecessarily drag out the legal proceedings and harm Caltech.

<https://www.reuters.com/legal/samsung-loses-bid-pause-caltech-patent-lawsuit-over-wireless-chips-2023-01-20/>

APPLE LOSES FIRST ROUND OF MASIMO BID TO BAN WATCH IMPORTS.

In the first phase of Masimo Corp.'s lawsuit seeking to stop imports of Apple Inc.'s well-known smartwatch, the US International Trade Commission ("ITC") Judge ruled that specific Apple Watch models violate one of five patents held by the company that deals with using light sensors to measure blood oxygen levels. Before the Judge made her initial finding, which was published in a notice, the ITC had delayed the decision three times.

<https://news.bloomberglaw.com/ip-law/apple-loses-first-round-of-masimo-bid-to-ban-us-watch-imports>

MORE NEWS, UPDATES,
HOT TOPICS

COPYRIGHT - PG 6
SPORTS & GAMING
PG9

INTELLECTUAL PROPERTY

PATENT



DELHI HIGH COURT RESERVES ORDER ON NATCO'S PLEA OVER PATENT FOR NOVARTIS DRUG.

The Delhi High Court postponed its decision regarding Natco Pharma's legal action challenging Novartis' receipt of a patent from the Indian Patent Office ("IPO") for its best-selling treatment for heart failure, Vymada, also known as Entresto globally. Natco has argued in opposition to the IPO's decision to grant a patent to a pharmaceutical composition including the sodium salt complex of the Vymada and a combination of sacubitril and valsartan.

<https://economictimes.indiatimes.com/industry/healthcare/biotech/pharmaceuticals/hc-reserves-order-on-natcos-plea-over-patent-for-novartis-drug/articleshow/96920043.cms>

INTELLECTUAL PROPERTY

PATENT



INTERNATIONAL GAMING TECHNOLOGY PLC (“IGT”) AND GREENTUBE SIGNS PATENT CROSS-LICENSING AGREEMENT FOR REMOTE GAME SERVER.

Greentube, the NOVOMATIC Digital Gaming and Entertainment division, and IGT have announced that they have inked a patent cross-licensing deal that includes important patents related to remote game server technology for offering games via a network.

<https://europeangaming.eu/portal/compliance-updates/2023/01/20/128390/igt-and-greentube-sign-patent-cross-licensing-agreement-for-remote-game-server/>

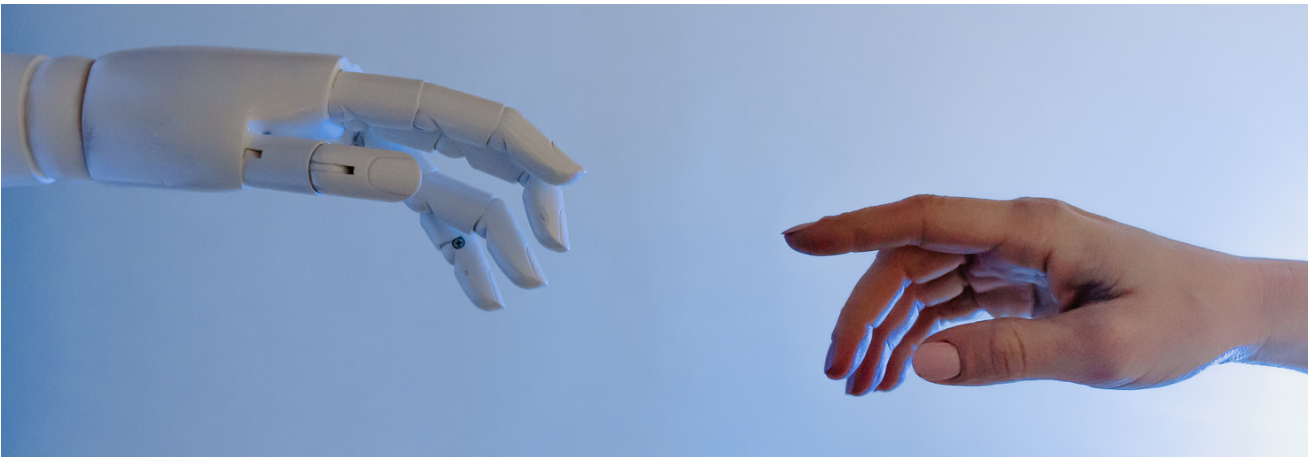
INTELLECTUAL PROPERTY

COPYRIGHT

AI ART GENERATORS SUED FOR COPYRIGHT OVER IMAGES OF ARTISTS.

A group of artists sued AI generators Stability AI Ltd., Midjourney Inc., and DeviantArt Inc. for using copyrighted images to train AI tools. Sarah Andersen, creator of the web comic "Sarah Scribbles," and fellow artists Kelly McKernan and Karla Ortiz filed a class action lawsuit against the AI companies, alleging that they downloaded and used billions of copyrighted images without obtaining the consent of or compensating any of the artists.

<https://news.bloomberglaw.com/ip-law/ai-art-generators-hit-with-copyright-suit-over-artists-images>



KUKU FM SETTLES COPYRIGHT INFRINGEMENT CASE WITH POCKET FM.

Audio streaming platform Kuku FM reportedly reached a settlement agreement with its competitor Pocket FM. It has been seven months since Pocket FM filed a complaint with the Delhi High Court alleging that Kuku FM was infringing on copyright laws by publishing audio summaries of a few books for which the former had an exclusive licence.

<https://inc42.com/buzz/kuku-fm-settles-copyright-infringement-case-with-pocket-fm/>

INTELLECTUAL PROPERTY

COPYRIGHT

META TO FACE U.S. COPYRIGHT LAWSUIT OVER FACEBOOK ADS.

Meta Platforms Inc lost its bid to have a federal court in Northern California dismiss a lawsuit filed by an artist alleging that Facebook violates her and other creators' copyrights by allowing counterfeit ads on the platform. According to US District Judge Yvonne Gonzalez Rogers' decision, Meta did not demonstrate that it was entitled to safe harbour and could be liable for copyright infringement.

<https://www.reuters.com/legal/litigation/meta-must-face-us-copyright-lawsuit-over-facebook-ads-2023-01-05/>



INTELLECTUAL PROPERTY

COPYRIGHT

HUGO ENERGY APP SETTLES COPYRIGHT INFRINGEMENT CASE.

Hugo Energy App settled a legal claim with a competitor app alleging copyright infringement. Hugo smart metre management app has gained popularity among homeowners in 2022, as rising energy prices force households to better manage their usage. Hugo applied for an injunction against its rival app and planned to argue that if the injunction was not granted, they would suffer irreparable harm, and that the balance of the equities favoured granting the injunction.

<https://www.energylivenews.com/2023/01/13/hugo-energy-app-settles-copyright-infringement-case/>



BIEBER CHOREOGRAPHER SAYS FORTNITE CASE CAN CLARIFY IP LAW.

A celebrity choreographer has requested the Ninth Circuit to reopen his case and create a proper framework for weighing copyright protections for choreography after accusing Epic Games Inc. of using his dance moves without permission in its popular online video game Fortnite.

<https://news.bloomberglaw.com/ip-law/bieber-choreographer-says-fortnite-emote-case-can-clarify-ip-law>

SPORTS & GAMING

NEW FIFA FOOTBALL AGENT REGULATIONS ARE SET TO TAKE EFFECT.

In order to strengthen contractual stability, the new FIFA regulations establish fundamental service requirements for football agents and their customers. These criteria include an obligatory licencing system, a ban on multiple representation to avoid conflicts of interest, and a cap on agency fees.

<https://www.fifa.com/legal/football-regulatory/agents/news/new-fifa-football-agent-regulations-set-to-come-into-force>

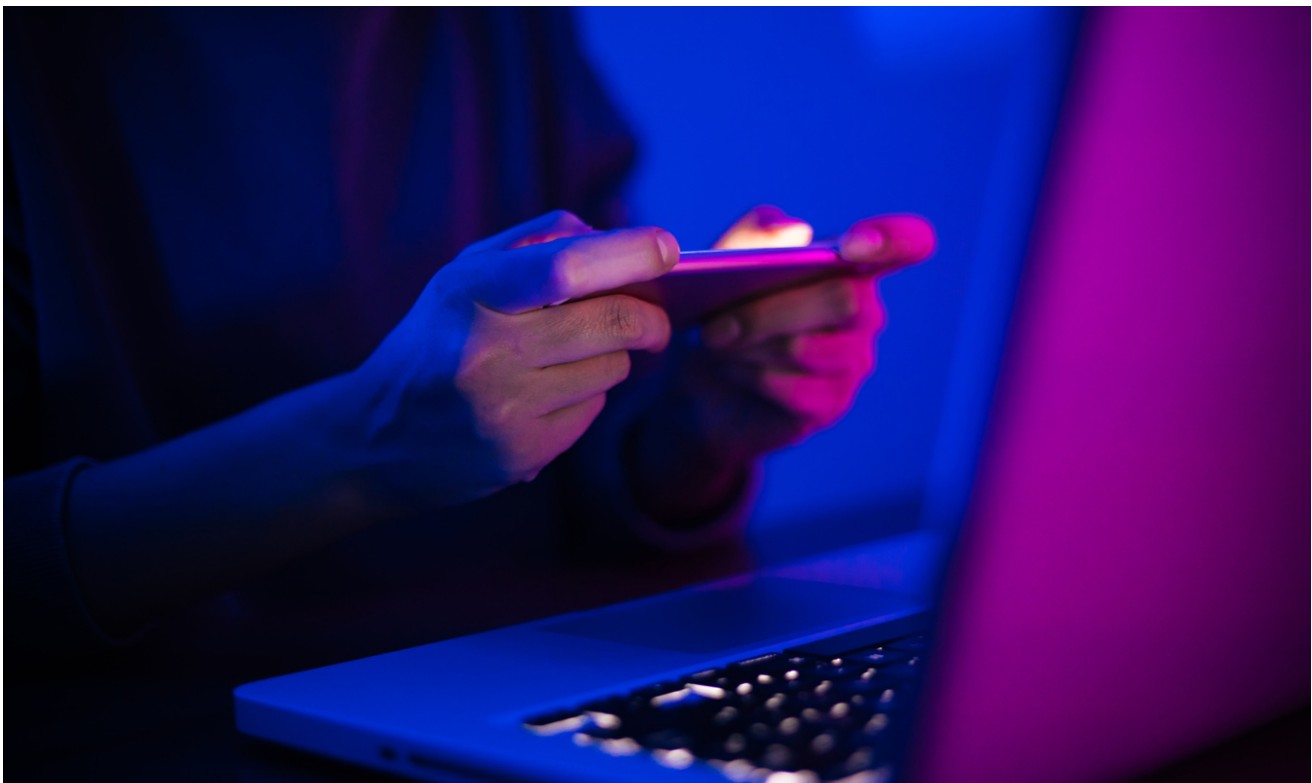


SPORTS & GAMING

INDIAN GOVERNMENT PLANS TO OPEN MULTIPLE E-GAMING SELF-REGULATORY ORGANISATIONS (“SROS”)

The Indian government is amenable to the idea of establishing multiple SROs to accredit and oversee online gaming businesses. It also intends to impose stringent guidelines on who may establish SROs, their legal obligations, dos and don'ts, and other requirements.

<https://content.techgig.com/technology/govt-is-planning-to-open-multiple-e-gaming-sros/articleshow/97124150.cms>



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
Privileges of 'Well-Known' Trademarks	Intellectual Property, Sports & Gaming Newsletter Vol. 8
Celebrity's Name Taken in Vain	Intellectual Property, Sports & Gaming Newsletter Vol. 9
Navigating the E-Money Landscape	Intellectual Property, Sports & Gaming Newsletter Vol.10
E-Commerce – Drive Towards Improved Postal Services	Intellectual Property, Sports & Gaming Newsletter Vol.11
Clipping the Wings of Social Media Influencers	Intellectual Property, Sports & Gaming Newsletter Vol.12
10 Key Amendments to Patent Law	Intellectual Property, Sports & Gaming Newsletter Vol.13
Copyright (Amendment) Act 2022	Intellectual Property, Sports & Gaming Newsletter Vol.14
Goodwill Unshaken by Negative Publicity	Intellectual Property, Sports & Gaming Newsletter Vol.15
	Intellectual Property, Sports & Gaming Newsletter Vol.16
	Intellectual Property, Sports & Gaming Newsletter Vol.17



Please click on the above icon to read our previous publications



CK Lung
Partner

IP, Sports & Gaming
T: +603 6208 5948
E: ckl@lh-ag.com



Joel Choo Xuein Wei
Associate

IP, Sports & Gaming
T: +603 6208 5889
E: jcx@lh-ag.com



Teo Kah Min
Associate

IP, Sports & Gaming
T: +603 6208 5932
E: tkm@lh-ag.com

Follow us for more resources

