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# INTELLECTUAL PROPERTY, SPORTS & GAMING



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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**

#### **JOINT TRADEMARK INFRINGEMENT CLAIM BROUGHT BY CANON AND AMAZON IN THE UNITED STATES.**

In a joint litigation, Canon Inc., Canon U.S.A., Inc. Amazon.com, Inc. and Amazon.com Services LLC. sued against 29 commercial accounts that marketed camera batteries and chargers through the Amazon platform in the United States for trademark infringement.

<https://global.canon/en/news/2023/20230511.html>



#### **TACO BELL IS ATTEMPTING TO CANCEL “TACO TUESDAY” AND LEBRON JAMES HAS JOINED THE CAUSE**

It has been a week since Taco Bell's petitions to cancel "Taco Tuesday" from its trademarked status. LeBron James has shared his support for Taco Bell's attempts. The NBA player appears in a 30-second commercial called "Taco Bleep," which censors the trademarked term on every occasion to emphasize the absurdity of trademarking the term "Taco Tuesday".

<https://www.marketingdive.com/news/taco-bell-taco-tuesday-trademark-QSR-marketing/650390/>

## ***INTELLECTUAL PROPERTY***

### TRADEMARK



#### **MANUKA HONEY PRODUCERS IN NEW ZEALAND FAILED TO SECURE MANUKA TRADEMARK**

New Zealand honey producers failed in their application to register the term “manuka honey” as the Intellectual Property Office of New Zealand decided that the trademark application did not comply with the essential requirements and that the term “manuka” was descriptive.

<https://www.theguardian.com/world/2023/may/22/new-zealand-loses-fight-over-manuka-honey-trademark>

## ***INTELLECTUAL PROPERTY***

### **PATENT**



#### **“GUIDELINES FOR THE DETERMINATION OF ABNORMAL PATENT APPLICATIONS AND THE HANDLING OF MATTERS AFTER THE DETERMINATION” RELEASED BY CHINA’S NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (“CNIPA”).**

Following the publication of the "Measures Regarding the Regulation of Patent Applications," CNIPA issued the "Guidelines for the Determination of Abnormal Patent Applications and the Handling of Matters after the Determination." The guidelines provide in depth information on recognising abnormal patent application behaviour from multiple viewpoints along with processes for dealing with an abnormal patent application after it has been identified.

<https://www.natlawreview.com/article/china-s-national-intellectual-property-administration-releases-guidelines-0>

## ***INTELLECTUAL PROPERTY***

### **PATENT**



#### **IN A SMART-SPEAKER PATENT CASE, A US JURY HAS DETERMINED THAT GOOGLE OWES SONOS \$32.5 MILLION.**

A San Francisco federal jury ruled that Alphabet Inc's Google must pay \$32.5 million in damages for infringing one of Sonos Inc's patents in its wireless audio products. The action is part of a multi-jurisdictional intellectual property dispute between the former collaborators, which includes cases in the United States, Canada, France, Germany and the Netherlands.

<https://www.reuters.com/legal/us-jury-says-google-owes-sonos-325-million-smart-speaker-patent-case-2023-05-26//>

#### **ALNYLAM INITIATES NEW PATENT LITIGATION AGAINST PFIZER AND MODERNA OVER COVID-19 VACCINES.**

Alnylam Pharmaceuticals Inc filed fresh legal actions in Delaware federal court against Pfizer Inc and Moderna Inc, claiming that the companies' COVID-19 vaccines infringe on its patents. This is the third time Alnylam has filed a lawsuit in Delaware against Pfizer and Moderna for allegedly infringing on its patent rights in lipid nanoparticle (LNP) technology, which is used in vaccinations to carry genetic information into the body. Alnylam is claiming for unspecified royalty shares from the companies' vaccine sales.

<https://www.reuters.com/legal/pfizer-moderna-hit-with-new-alnylam-patent-lawsuits-over-covid-19-vaccines-2023-05-26/>

## ***INTELLECTUAL PROPERTY***

### **COPYRIGHT**

#### **NINTENDO DISABLES AND REMOVES THE STEAM DOLPHIN EMULATOR DUE TO COPYRIGHT VIOLATIONS.**

Based on the court cause papers, the developer team behind the Dolphin emulator received a Digital Millennium Copyright Act (“DMCA”) takedown notice from Nintendo, barring its availability on the video game digital distribution service, Steam. According to the notice, Dolphin infringed Nintendo's intellectual property rights, including its DMCA anti-circumvention and anti-trafficking rights.

<https://www.ruetir.com/2023/05/nintendo-blocks-and-completely-disappears-the-steam-dolphin-emulator-for-copyright-ruetir-com/>



#### **NETFLIX'S ‘KING OF COLLECTIBLES’ FACED WITH COPYRIGHT INFRINGEMENT SUIT.**

Gervase Peterson, a former Survivor competitor, is suing Ken Goldin, Goldin Auctions, Netflix and other parties for copyright infringement, claiming they stole a concept for a reality show about Goldin and his team acquiring and selling sports memorabilia.

<https://www.sportico.com/law/analysis/2023/netflix-goldin-collectibles-copyright-lawsuit-1234724266/>

# *INTELLECTUAL PROPERTY*

## COPYRIGHT



### **US COURT RULES AGAINST THE ANDY WARHOL COPYRIGHT CASE.**

The United States Supreme Court ruled that a photographer was not paid fairly for publishing an Andy Warhol print of the singer Prince. When the Andy Warhol Foundation licensed "Orange Prince," a silk screen print image of Prince, to Vanity Fair for usage, the court found that celebrity photographer Lynn Goldsmith should have been paid.

<https://www.hurriyetdailynews.com/us-court-rules-against-warhol-in-copyright-case-183280>

## ***SPORTS & GAMING***

### **THE DOMINICAN REPUBLIC GOVERNMENT ADVOCATES FOR CHANGES TO THE SPORTS LAW TO PRESERVE THE HEALTH OF YOUNG ATHLETES.**

According to Benny Metz, the Vice Minister of Relations with Civil Society, the Dominican Republic government is actively advocating the revision of Sports Law and the establishment of a legislative compendium to protect the health of children and young athletes. The proposed revisions aim to accommodate athletes' evolving demands and difficulties, notably in terms of health and well-being.

<https://dominantoday.com/dr/sports/2023/05/12/government-promotes-modification-to-the-sports-law-to-protect-the-health-of-young-athletes/>





## ***SPORTS & GAMING***

### **THE BOMBAY HIGH COURT DISMISSES THE FIRST INVESTIGATION REPORT (“FIR”) AGAINST WINGAME AND DECLARES IT A SKILL GAME.**

Following the filing of a FIR against the two developers, Akshay Matkar and Satish Botalji, for the online quiz game 'Wingame' pursuant to the Maharashtra Prevention of Gambling Act 1887, the Bombay High Court granted relief to the two developers and ruled that the game eliminated any element of luck or chance as it demands substantial level of mathematical skills.

<https://g2g.news/online-gaming-laws/bombay-high-court-quashes-fir-against-wingame-rules-it-as-game-of-skill/>



## 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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