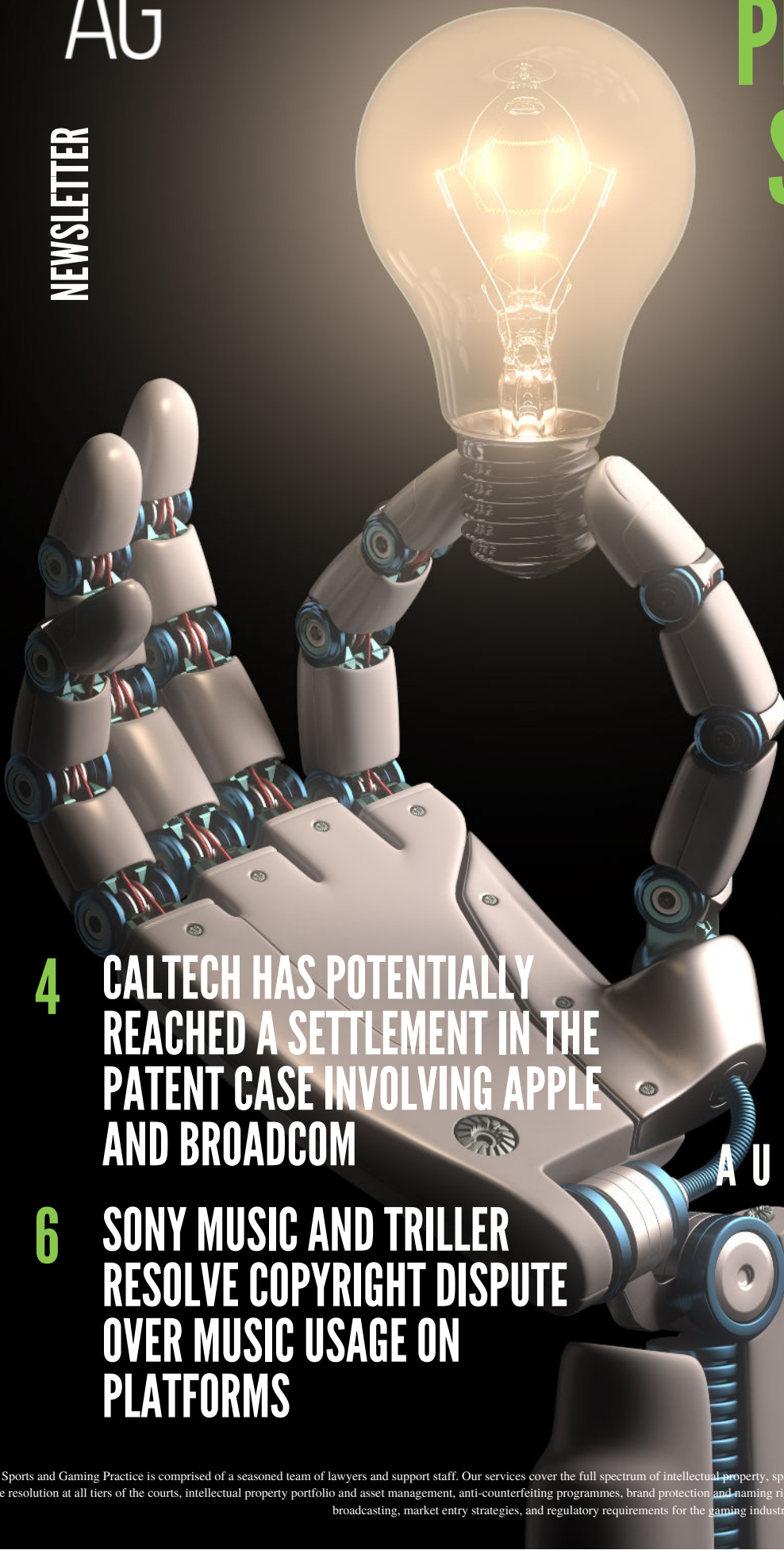


# INTELLECTUAL PROPERTY, SPORTS & GAMING



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PLATFORMS

AUGUST 2023

**VOL.25**

## ***INTELLECTUAL PROPERTY***

### **TRADEMARK**

#### **PEPSICO SUCCESSFULLY DEFENDS AGAINST TRADEMARK LAWSUIT CONCERNING MTN DEW RISE ENERGY DRINK**

PepsiCo Inc. has emerged victorious in a potential trademark infringement lawsuit filed by Rise Brewing Co. This legal action accused PepsiCo, a major player in the beverage industry, of unauthorized use of the "Rise" brand name in connection with its MTN Dew Rise Energy drink. However, the case was ultimately dismissed by a Federal court in New York. The court ruled in favor of PepsiCo's argument that substantial differences existed between the two brands, leading to a favorable outcome for the company.

<https://www.econotimes.com/PepsiCo-Foils-Rise-Brewings-Trademark-Lawsuit-After-Court-Dismissed-Case-Over-MTN-Dew-Rise-Energy-Drink-1660526>



#### **FALWELL JR. FILES LAWSUIT AGAINST LIBERTY UNIVERSITY, CLAIMING TRADEMARK INFRINGEMENT**

Jerry Falwell Jr., the ex-president of Liberty University, has filed a lawsuit against the school. The legal action was initiated in federal court, representing Falwell Jr. and the family trust. The lawsuit asserts that the university has wrongly taken possession of the name and image of Falwell Sr., the conservative Christian evangelist who played a role in establishing the evangelical university in 1971.

<https://www.washingtonpost.com/religion/2023/08/01/liberty-university-falwell-jr-lawsuit-trademark/>

## ***INTELLECTUAL PROPERTY***

### TRADEMARK



#### **CAMBODIA HAS ANNOUNCED TO PUT INTO EFFECT A UNIFIED TRADEMARK APPLICATION POLICY STARTING IN AUGUST 2023**

As per the announcement of Cambodia's Ministry of Commerce, trademark applicants are now required to use a single trademark application for goods or services falling under one or more international classifications. This change is intended to minimize redundant paperwork and simplify international trademark registration.

<https://aslgate.com/wp-content/uploads/2023/08/Announcement1.pdf>



## ***INTELLECTUAL PROPERTY***

### **PATENT**



#### **SAMSUNG AND CALTECH RESOLVE THEIR US PATENT DISPUTE CONCERNING WIRELESS CHIPS**

Samsung and the California Institute of Technology have informed an East Texas federal court that they have reached a resolution in Caltech's patent infringement lawsuit. The lawsuit had alleged that the South Korean conglomerate, Samsung, had infringed upon its patent rights related to Wi-Fi technology.

<https://www.reuters.com/legal/litigation/samsung-caltech-settle-us-patent-fight-over-wireless-chips-2023-08-08/>

#### **PANASONIC AND KATHER AUGENSTEIN INITIATE A SIGNIFICANT STANDARD ESSENTIAL PATENT (SEP) CAMPAIGN AGAINST OPPO AND XIAOMI AT THE UNIFIED PATENT COURT (UPC)**

The SEP campaign involves Oppo and Xiaomi, with Panasonic filing seven infringement claims against subsidiaries of the aforementioned companies. The claims were submitted in late July and are currently pending in the court of first instance. The focus of the dispute lies in wireless communications technology.

<https://www.juve-patent.com/cases/panasonic-and-kather-augenstein-launch-first-major-sep-campaign-at-upc-against-oppo-and-xiaomi/>

## *INTELLECTUAL PROPERTY*

### PATENT



#### **CALTECH HAS POTENTIALLY REACHED A SETTLEMENT IN THE PATENT CASE INVOLVING APPLE AND BROADCOM**

The California Institute of Technology is considering a possible resolution in a significant patent infringement lawsuit against Apple and Broadcom concerning Wi-Fi chips. The chance of a settlement was mentioned in a court document submitted to the U.S. District Court in Los Angeles after a phone conference. The details of the settlement were not provided, leaving it uncertain whether both Apple and Broadcom are part of the agreement.

<https://www.reuters.com/legal/caltech-reaches-potential-settlement-apple-broadcom-patent-case-2023-08-10/>

## ***INTELLECTUAL PROPERTY***

### **COPYRIGHT**

#### **DUA LIPA'S HIT SONG "LEVITATING" IS FACING A COPYRIGHT INFRINGEMENT LAWSUIT**

Songwriters L. Russell Brown and Sandy Linzer, the ones who initiated the lawsuit, claim that "Levitating" incorporates "compositional elements" from their song "Wiggle and Giggle All Night" without proper authorization. The US judge ruled that the plaintiffs had presented sufficient facts to support their copyright infringement claim and emphasized that it could not rule out the possibility for the plaintiffs to meet the challenging standard of proving substantial similarity.

<https://www.thenews.com.pk/latest/1098613-dua-lipas-levitating-sued-for-copyright-infringement>



#### **PERMANENT INJUNCTION ISSUED AGAINST INTERNET ARCHIVE'S FROM SCANNING AND SHARING COPYRIGHTED BOOKS**

The lawsuit involves the Internet Archive, a digital library known for providing online access to a wide range of books. The injunction resulted from an agreement reached between the parties involved in the lawsuit, wherein the Court limited the injunction to copyrighted works accessible electronically from the publishers.

<https://apnews.com/article/internet-archive-copyright-lawsuit-salinger-426e29f566c00d87ffeafbc388ace3b4>

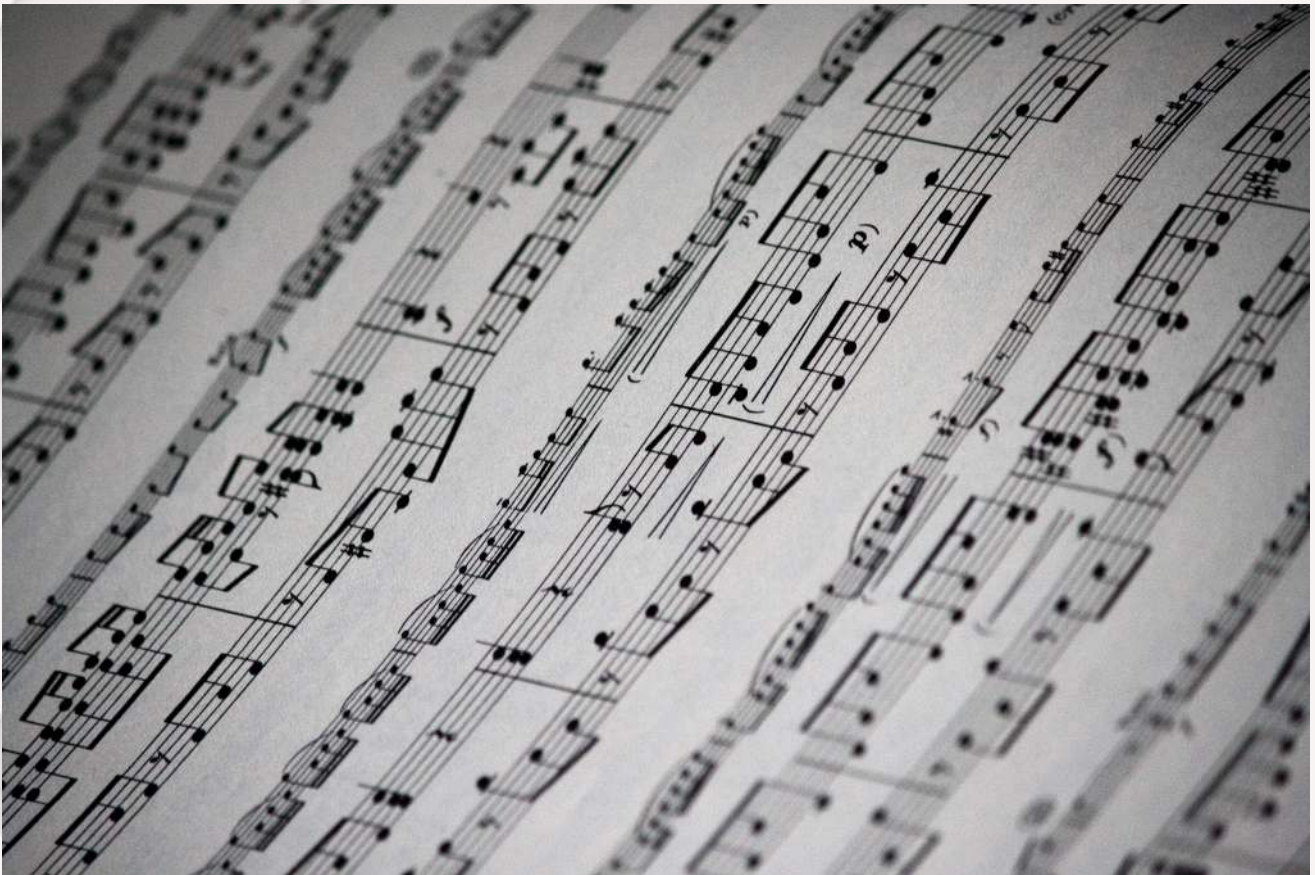


## ***INTELLECTUAL PROPERTY***

### **SONY MUSIC AND TRILLER RESOLVE COPYRIGHT DISPUTE OVER MUSIC USAGE ON PLATFORMS**

Sony Music Entertainment and Los Angeles-based Triller have put an end to their legal battle, which revolved around allegations of copyright infringement involving the use of label's music on short-form video platforms without permission. The lawsuit cited over 50 songs that Triller was accused of using improperly, involving artists such as Britney Spears, Harry Styles, and Janis Joplin.

<https://www.channelnewsasia.com/business/sony-music-triller-end-copyright-case-over-platforms-music-use-3698776>

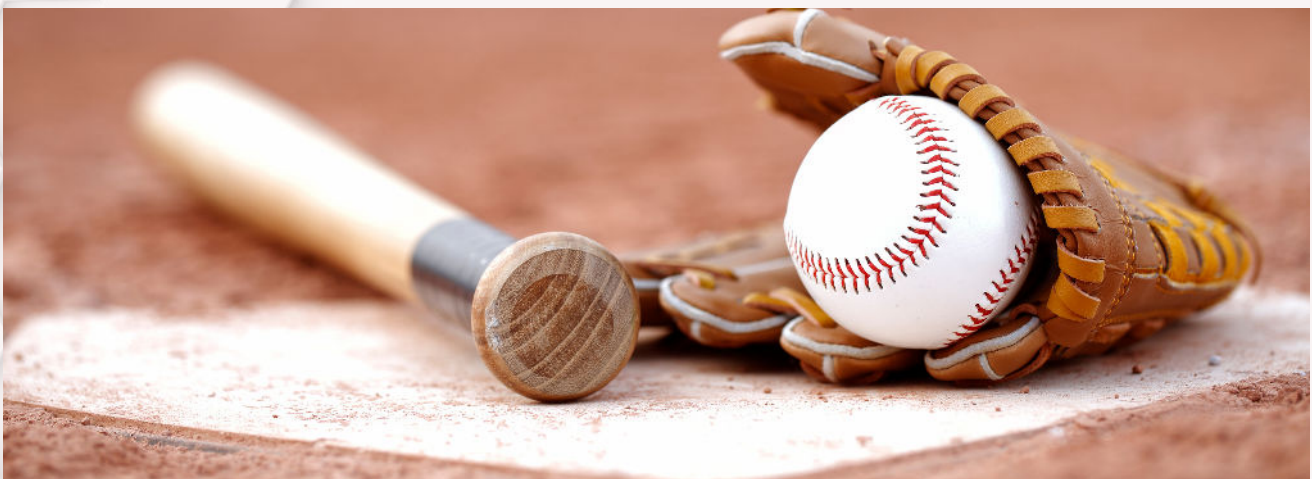


## SPORTS

### SPORTSWEAR BRANDS FACE CRITICISM OVER INADEQUATE PRODUCTION OF WOMEN'S FOOTBALL BOOTS

Despite the growing popularity of women's football, there is a noticeable shortage of appropriate footwear options for female players. This shortage is raising concerns about gender equality and representation in sports equipment, shedding light on the need for brands to address the specific needs of women athletes and provide equal access to quality gear.

<https://www.rnz.co.nz/news/sport/495533/sportswear-brands-under-scrutiny-for-not-producing-enough-women-s-football-boots>



### UNCERTAINTY LOOMS IN THE COMMONWEALTH GAMES AMIDST DISCUSSIONS

The Commonwealth Games is lacking a host for its upcoming 2026 event and encountering difficulties in securing one for the subsequent event in four years. As discussions continue about the viability of another Commonwealth Games, questions arise about its future existence. Factors such as financial considerations and the evolving landscape of international sports events contribute to the ongoing contemplation.

<https://www.rnz.co.nz/news/sport/495181/will-there-be-another-commonwealth-games>



## ***GAMING***

### **NEW ZEALAND COMMERCE COMMISSION APPROVES MICROSOFT'S ACQUISITION OF ACTIVISION BLIZZARD**

The New Zealand Commerce Commission has granted its approval for Microsoft to acquire Activision Blizzard, a video game company who owns popular titles such as Call of Duty and Candy Crush. In reaching the decision, the Commission considered the significance of Activision games for local gamers and whether Microsoft's ownership would hinder competition by restricting access to these games on various platforms. The Commission asserted that the acquisition would not adversely affect competition in New Zealand's gaming market.

<https://www.rnz.co.nz/news/business/495356/new-zealand-s-commerce-commission-gives-microsoft-okay-to-acquire-activision-blizzard>



### **NETFLIX VENTURES INTO CLOUD-STREAMED GAMES**

Netflix has taken a significant stride towards entering the gaming domain. According to a recent report from The Verge, the company has initiated testing for its cloud gaming service, targeting both television and web platforms.

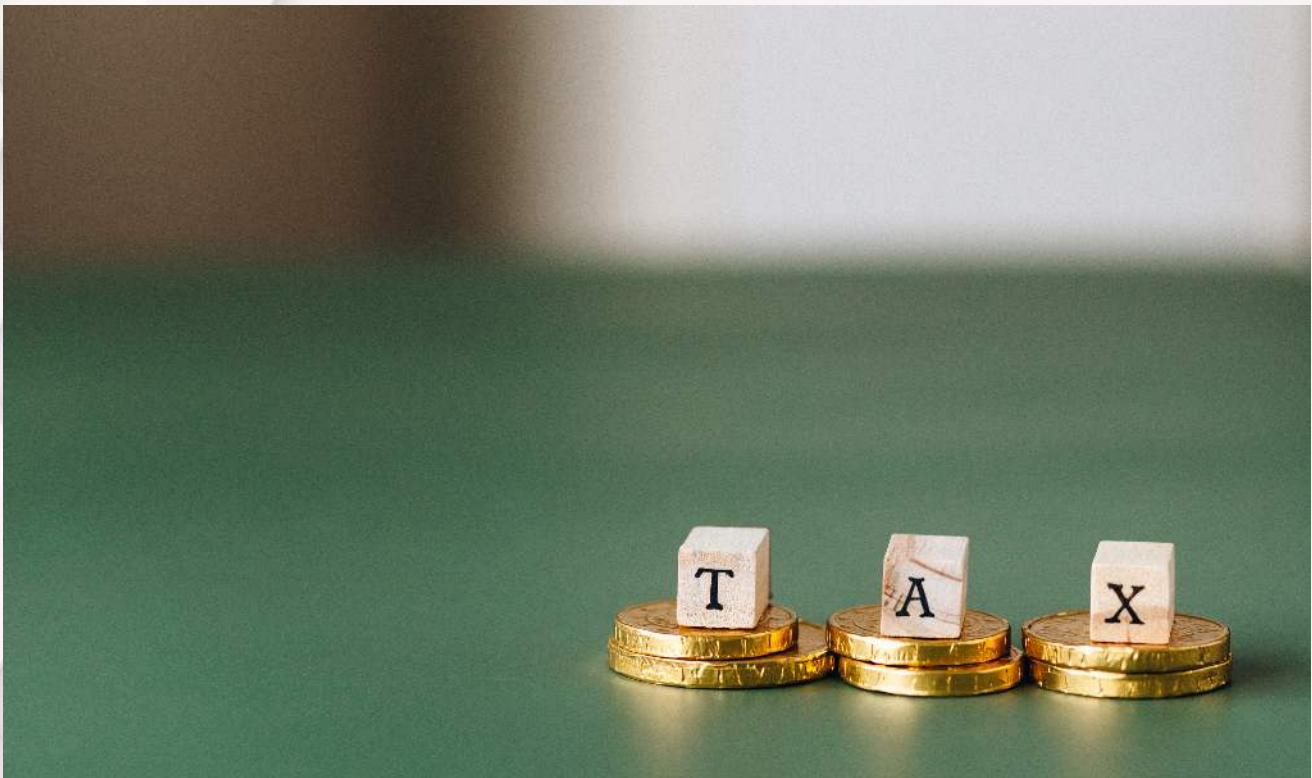
<https://www.theverge.com/2023/8/14/23829262/netflix-cloud-gaming-testing-tv-web>

## ***GAMING***

### **ONLINE MONEY GAMING PLATFORMS IN INDIA ARE GRAPPLING WITH A TAX DEMAND OF RS 45,000 CRORE**

The Indian tax authorities have raised concerns about the tax liabilities associated with the income generated by the online money gaming platforms. The classification of these earnings and their proper tax treatment has been a subject of debate, leading to the substantial tax demand.

<https://www.moneycontrol.com/news/business/online-money-gaming-platforms-face-rs-45000-crore-tax-demand-11195311.html>



## 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
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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
Employers' Liability for Copyright Infringement	Intellectual Property, Sports & Gaming Newsletter Vol.16
Court of Appeal Reaffirms Test for Breach of Confidence	Intellectual Property, Sports & Gaming Newsletter Vol.17
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	Intellectual Property, Sports & Gaming Newsletter Vol.23
	Intellectual Property, Sports & Gaming Newsletter Vol.24

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AG  
ADVOCATES  
AND SOLICITORS



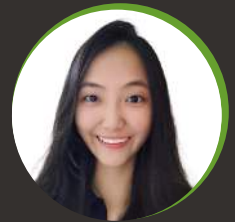
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