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INTELLECTUAL PROPERTY

TRADEMARK

KG MOBILITY'S TRADEMARK TURBULENCE: A TALE OF TROLLS AND TANGLES

KG Mobility, formerly known as SsangYong Motor, is entangled in a global trademark dispute, struggling to secure rights to its new name. After rebranding, the company found itself thwarted by a Turkish trademark troll who preemptively registered "KG Mobility" in the EU. This move has blocked KG Mobility from trademarking its name in Korea and beyond. Even their fallback, "KGM," faces hurdles: Turkey's Patent Office rejected it due to a local acronym conflict, and an objection from Austrian motorcycle manufacturer KTM adds further complications. Despite the chaos, KG Mobility remains hopeful for an amicable resolution.

https://www.koreatimes.co.kr/www/tech/2024/06/419_377215.html



DAVID V GOLIATH: MCDONALD'S LOSES EU TRADEMARK BATTLE FOR CHICKEN "BIG MACS"

In a significant legal blow to the fast-food giant, McDonald's has lost its exclusive EU trademark for "Big Mac" in relation to poultry products, following a ruling by the European Court of Justice. The American fast-food giant, which coined the term in 1996, faced a challenge from Supermac's, an Irish rival. The court found that McDonald's had not demonstrated continuous genuine use of the trademark over five years, opening the door for competitors to use "Mac" in poultry product names. Supermac's, embroiled in a seven-year legal tussle, hailed the decision as a victory for small businesses against corporate trademark dominance. McDonald's only retains its trademark for "Big Mac" in reference to the red-mean burgers it originally referred to.

<https://www.bbc.com/news/articles/cp00jj7ze3qo>

INTELLECTUAL PROPERTY

TRADEMARK

BRAZILIAN MARKET GROWTH DRIVES VIGOROUS ANTI-COUNTERFEITING EFFORTS

In response to the burgeoning Brazilian market, efforts to combat counterfeiting have intensified, spurred by robust legal frameworks and international agreements. Key legislations such as the Industrial Property Law and the Copyright Law provide foundational support, alongside Brazil's commitments under global IP treaties. These laws empower rights holders to pursue civil and criminal actions, although challenges persist, including low penalties for offenders and procedural discrepancies among enforcement agencies.

Border Control and Online Vigilance – Brazil employs stringent border measures facilitated by Customs and the Federal Revenue Service to intercept suspected counterfeit goods. The National Directory for Combating Trademark Counterfeiting, launched by the Brazilian Patent and Trademark Office, enhances coordination among enforcement bodies nationwide. Online, despite gaps in legislative coverage, recent initiatives like Operation 404 demonstrate proactive steps in tackling digital piracy, underscoring Brazil's evolving stance on protecting intellectual property rights in the digital sphere.

<https://www.worldtrademarkreview.com/guide/anti-counterfeiting-and-online-brand-enforcement/2024/article/brazil-market-growth-pushes-anti-counterfeiting-efforts-the-agenda>



INTELLECTUAL PROPERTY

TRADEMARK

HARLEY-DAVIDSON TAKES LEGAL ACTION AGAINST NEXT OVER TRADEMARK DISPUTE

Harley-Davidson has filed a lawsuit against UK retailer Next in London's High Court, alleging that a "motorbike-inspired" T-shirt sold by Next infringes on its trademarked logo. The lawsuit claims that the T-shirt, featuring biker-themed graphics and text resembling Harley-Davidson's branding elements, could cause confusion among consumers. Seeking a court declaration of trademark infringement and the destruction of all infringing materials, Harley-Davidson asserts its longstanding commitment to protecting its brand identity in the face of unauthorised use.

<https://www.ft.com/content/97e7cf64-3a21-4ad7-968a-8761cb045e50>



PIZZA WARS: DELHI COURT RESTRICTS DONITO'S USE OF DOMINO'S TRADEMARK

A Delhi High Court decision has temporarily barred Punjab-based food chain Donito's from using Domino's trademark for pizza and burger sales. Justice Anish Dayal granted an ex-parte injunction in favor of Domino's Pizza group, ordering Donito's to remove all related references from its website and directing social media platforms to take down Donito's product listings. Domino's argued its exclusive rights to trademarks like "Domino's" and "Domino's Pizza," citing instances where Donito's allegedly used similar marks, prompting legal action in April.

<https://www.ndtv.com/business-news/delhi-court-halts-use-of-dominos-trademark-by-punjab-based-food-chain-donitos-5825718>

INTELLECTUAL PROPERTY

PATENT



REWARD IS PROGRESSING WITH ITS PATENT APPLICATION FOR POTASSIUM SULPHATE PROCESSING TECHNOLOGY

Reward Minerals announced a favourable preliminary report on their patent for a new potassium sulphate (SOP) processing technology. This technology aims to extract potassium sulphate directly from concentrated seawater and high-sulphate brines. The next step for Reward is to submit patent applications in the desired countries and regions for protection.

<https://mining.com.au/reward-advances-patent-for-potassium-sulphate-processing-technology/>

BHARAT BIOTECH HAS TAKEN STEPS TO INCLUDE THE INDIAN COUNCIL OF MEDICAL RESEARCH AS A CO-OWNER OF THE VACCINE PATENT

Bharat Biotech International Ltd (BBIL), initially credited solely for India's first indigenous Covid-19 vaccine Covaxin, developed in collaboration with the Indian Council of Medical Research (ICMR), has begun steps to acknowledge ICMR as a co-owner following public disclosure of the partnership.

<https://timesofindia.indiatimes.com/city/hyderabad/bharat-biotech-moves-to-add-icmr-as-co-owner-of-vaccine-patent/articleshow/111198088.cms>

INTELLECTUAL PROPERTY

PATENT

APPLE'S LATEST PATENT APPLICATION OUTLINES A DUAL-AXIS HINGE MECHANISM POTENTIALLY DESTINED FOR ITS FORTHCOMING SMART GLASSES

Apple is reportedly developing a hinge mechanism potentially for use in its anticipated augmented reality (AR) glasses. Apple's recent release of the Vision Pro in the US marks its initial foray into wearable spatial computing. Future models are anticipated to adopt a more conventional spectacle-like design.

<https://www.gadgets360.com/wearables/news/apple-smart-glass-hinge-patent-application-details-5858225>



INTELLECTUAL PROPERTY

COPYRIGHT

MUSICIAN OBJECTS AS AGF ASSUMES CONTROL OF MTN TRIAL

Musician Maleke Moye has alleged injustice in the takeover of the ongoing copyright infringement trial against MTN Nigeria and its CEO by Attorney-General of the Federation and Minister of Justice, Lateef Fagbemi. Moye criticised the minister’s directive for the Nigeria Copyright Commission (NCC) to hand off the case and forward the file to his office, warning that this sets a potentially dangerous precedent.

<https://pmnewsnigeria.com/2024/06/22/copyright-infringement-musician-kicks-as-agf-takes-over-mtn-trial/>



A NEW YORK FEDERAL COURT HAS DISMISSED WITH PREJUDICE A COPYRIGHT INFRINGEMENT LAWSUIT FILED AGAINST MEGAN THEE STALLION, WARNER MUSIC, AND OTHERS FOR THE SONG “SAVAGE”

New York District Judge Katherine Failla recently granted the defendants’ motion to dismiss a pro se action, noting in a footnote the “substantial assistance” provided by one of her interns in drafting the opinion. The case began in February 2023 when hip-hop producer James Greene alleged that the song “Savage” had copied elements from his 1999 instrumental track “It’s About to Be On”.

<https://www.digitalmusicnews.com/2024/06/21/megan-thee-stallion-savage-copyright-lawsuit-dismissed/>

SPORTS & GAMING

JUDGE DENIES CONFIDENTIALITY REQUESTS IN MLBPA VS RIMAS SPORTS LAWSUIT

A judge denied the Major League Baseball Players' Association (MLBPA)'s request to keep documents confidential in its lawsuit against Rimas Sports. The MLBPA accuses Rimas executives, including those affiliated with music artist Bad Bunny, of violating rules by offering prohibited benefits to players. The court emphasised public access to legal proceedings, rejecting the need for secrecy in this case. Rimas Sports has also filed a separate lawsuit against the MLBPA in Puerto Rico, alleging the association exceeded its authority and interfered with its contracts.

<https://www.sportico.com/law/analysis/2024/mlbpa-rimas-sports-lawsuit-arbitration-1234784840/>



FIRST VIDEO GAME ADDICTION LAWSUIT DISMISSED

The first of several video game addiction lawsuits was dismissed due to a flaw in the plaintiff's claims. Cynthia Jimenez, representing her grandson, sued major game companies alleging they caused his gaming addiction. However, Epic Games revealed the account mentioned was barely used, leading to the case's dismissal.

<https://www.reuters.com/legal/litigation/column-first-video-game-addiction-lawsuit-got-knocked-out-will-others-follow-2024-06-21/>

SPORTS & GAMING

LAWSUIT ALLEGES VALVE'S STEAM OVERCHARGED UK GAMERS BY £656M

Valve Corporation, the owner of Steam, faces a £656 million lawsuit in the UK for allegedly exploiting its market dominance to overcharge 14 million consumers. The claim, filed at the Competition Appeal Tribunal, accuses Valve of anti-competitive practices such as price parity obligations that stifle competition from other PC gaming platforms. Digital rights campaigner Vicki Shotbolt asserts that these practices have enabled Steam to impose excessive commissions of up to 30%, resulting in inflated costs for PC games and add-on content in the UK market.

<https://www.bbc.com/news/articles/cpwwyj6v24xo>



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
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