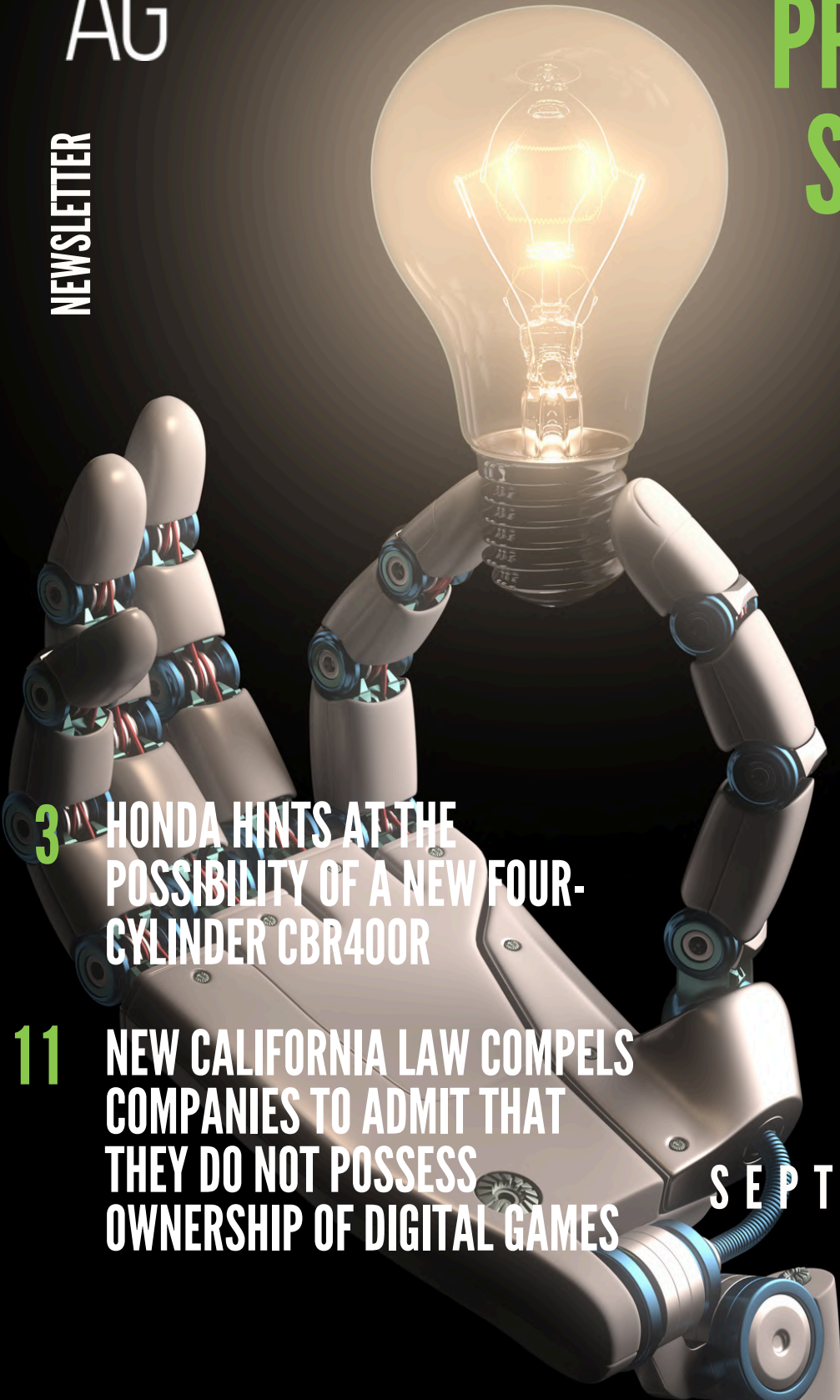


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SEPTEMBER 2024

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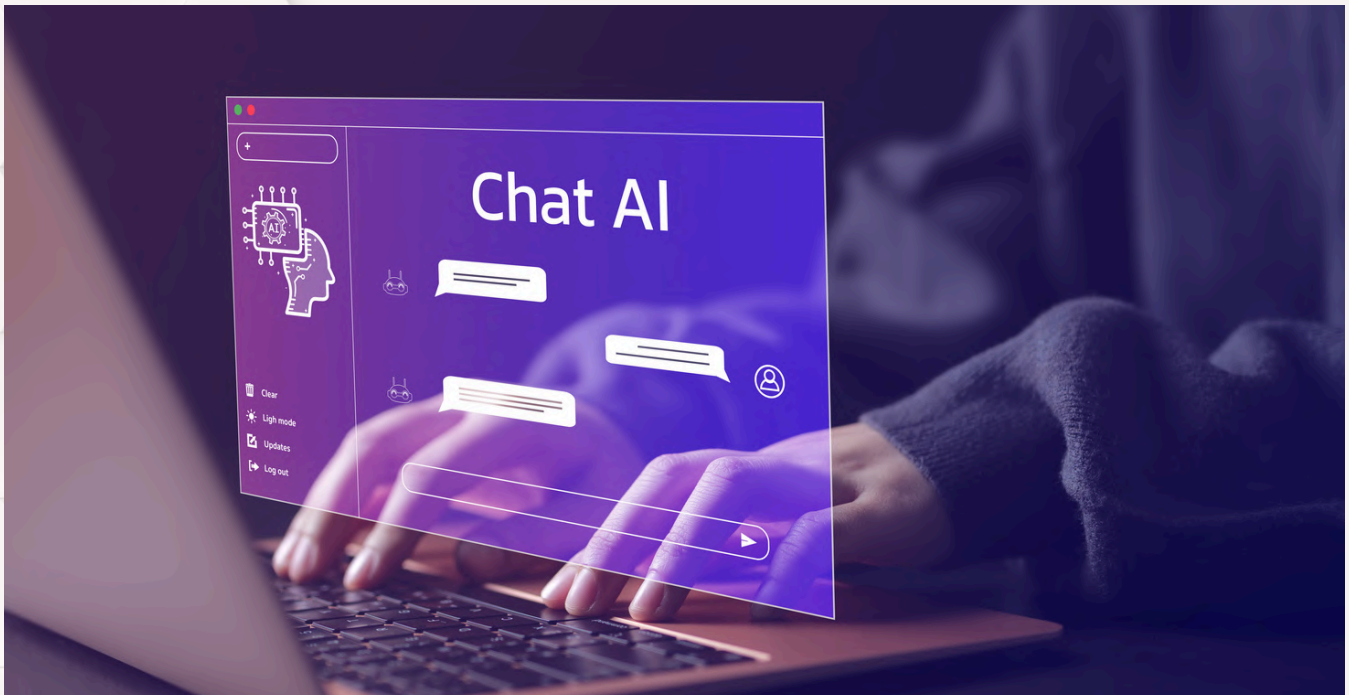
INTELLECTUAL PROPERTY

TRADEMARK

USPTO CANCELS DC AND MARVEL'S "SUPER HERO" TRADEMARKS

The US Patent and Trademark Office (USPTO) has cancelled several superhero-related trademarks jointly owned by Marvel and DC, ending their decades-long claim to the term "Super Hero". This decision followed a challenge from Superbabies Limited, a small company that creates comics about superhero babies. Marvel and DC missed the deadline to respond to the challenge, leading to the cancellation of four trademarks, including "SUPER HERO" from 1967.

<https://www.theverge.com/2024/9/29/24257677/marvel-dc-super-hero-trademark-canceled-challenge-superbabies>



GOOGLE IS FACING A LAWSUIT FOR TRADEMARK INFRINGEMENT DUE TO ITS USE OF THE NAME 'GEMINI' FOR ITS AI SYSTEM

Gemini Data, an AI company from San Francisco, has filed a lawsuit against Alphabet Inc, the parent company of Google, over its use of the "Gemini" name for its artificial intelligence system. Founded in 2013, Gemini Data claims it holds the trademark rights to the "Gemini" name and is accusing Google of trademark infringement and unfair competition. The lawsuit, filed in a San Francisco federal court, seeks to stop Google from using the name "Gemini" and demands financial compensation.

<https://www.reuters.com/legal/litigation/google-sued-trademark-infringement-over-gemini-ai-system-2024-09-12/>

INTELLECTUAL PROPERTY

TRADEMARK

TIGER WOODS' GOLF BRAND, SUN DAY RED, IS INVOLVED IN A TRADEMARK DISPUTE

Tiger Woods' golf apparel line, Sun Day Red, developed in partnership with TaylorMade, is facing a trademark dispute. Sportswear brand Tigeraire has filed an opposition, accusing Sun Day Red and Woods of "unlawfully hijacking" Tigeraire's registered design for their branding. The dispute arose after Woods filed a trademark application for his new logo, which Tigeraire claims infringes on their existing design.

<https://www.marketing-interactive.com/tiger-woods-golf-line-sun-day-red-faces-trademark-dispute>



EASYGROUP, THE PARENT COMPANY OF EASYJET, SUFFERS DEFEAT IN TRADEMARK BATTLE

EasyGroup has filed a lawsuit against Easyfundraising, its founder Ian Woodroffe OBE, and the investors known as the Support Group (UK), claiming multiple instances of trademark infringement. The defendants argued that there was insufficient evidence to suggest that consumers would confuse the two brands. In a ruling by Mr. Justice Fancourt, the court dismissed EasyGroup's allegations, stating it was "improbable that more than a few individuals would associate and confuse" the brands.

<https://www.lawyer-monthly.com/2024/09/easyjet-parent-company-easygroup-loses-trademark-dispute/>

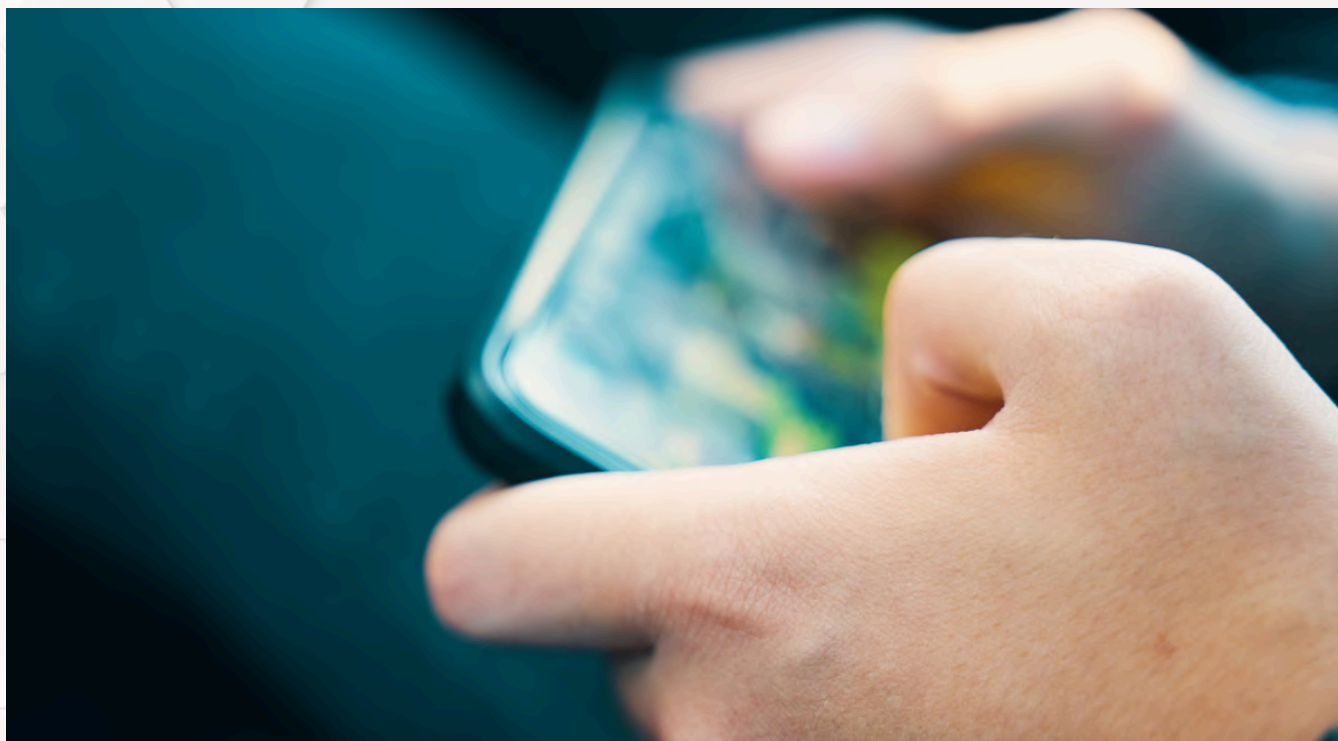
INTELLECTUAL PROPERTY

TRADEMARK

HONDA HINTS AT THE POSSIBILITY OF A NEW FOUR-CYLINDER CBR400R

Recently, there have been rumors about Honda's development of a new four-cylinder motorcycle, provisionally called the CBR400R Four. This speculation arises from a trademark application Honda submitted to Japan's intellectual property office, as reported by Motorcycle.com. Filed on August 27, the application indicates that the name "CBR400R Four" is meant to differentiate this new model from the current two-cylinder CBR400R available in the Japanese market.

<https://imotorbike.my/news/2024/09/honda-teases-potential-four-cylinder-cbr400r/>



FLAPPY BIRD MAKES A COMEBACK AFTER TEN YEARS AS A FAN GROUP SECURES THE TRADEMARK

The Flappy Bird Foundation Group, made up of enthusiastic fans, has announced its acquisition of the Flappy Bird trademark from the US-based Gametech Holdings, which obtained it from the game's creator, Dong Nguyen. Additionally, the group has secured the rights to Piou Piou vs. Cactus, a game that is said to have inspired the original Flappy Bird.

<https://www.gamesindustry.biz/flappy-bird-returns-after-a-decade-as-fan-group-acquires-trademark>

INTELLECTUAL PROPERTY

PATENT

COLOMBIA ISSUES FIRST-EVER COMPULSORY LICENCE FOR HIV DRUG

In a significant public health move, Colombia has granted its first compulsory licence, bypassing the patent on the antiretroviral drug dolutegravir. This decision will enable the country to procure generic versions of the drug at a substantially lower cost, ensuring broader access to affordable HIV treatment. The World Health Organisation recognises dolutegravir as a highly effective first-line treatment due to its minimal side effects and efficacy in reducing HIV transmission. However, the licence has sparked a legal dispute with ViiV Healthcare, the patent holder, which claims the decision undermines the financial foundation for pharmaceutical innovation. Nonetheless, healthcare advocates see this as a necessary step in combating Colombia's growing HIV crisis, where treatment costs are a major barrier for many patients.

Colombia's bold move sets an important precedent in Latin America, balancing public health needs with intellectual property rights. While ViiV Healthcare's objections highlight the tension between innovation and accessibility, the country's decision may push other nations facing similar health crises to reconsider how they approach patent restrictions on essential medicines. For Colombia, the move underscores the urgent need for affordable treatment solutions amid rising HIV rates.

<https://www.aljazeera.com/features/longform/2024/9/13/in-a-historic-move-colombia-bypasses-a-patent-to-access-a-key-hiv-drug>



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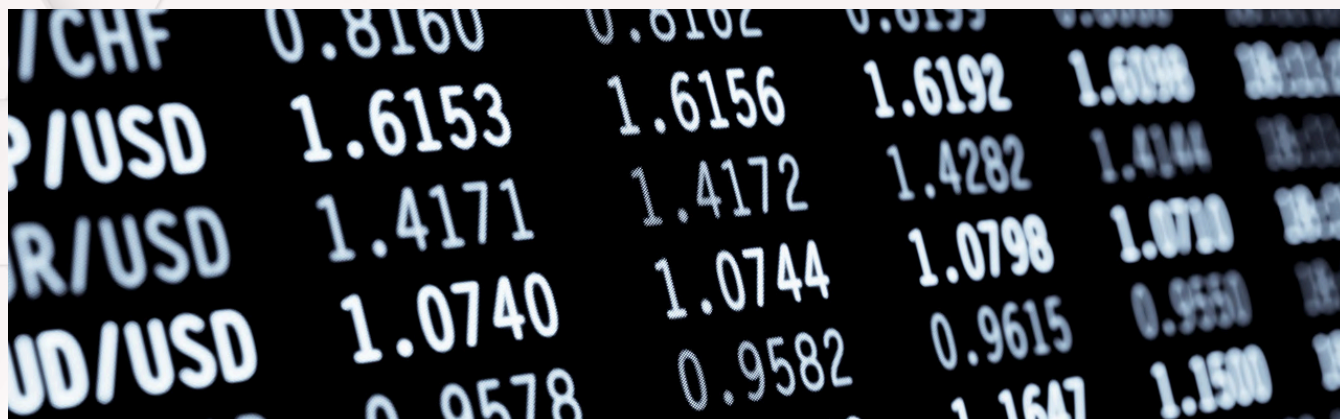
PATENT

SAMSUNG ORDERED TO PAY \$192 MILLION FOR PATENT INFRINGEMENT

A jury in Texas has ordered Samsung to pay approximately \$192 million to Mojo Mobility, a Californian start-up, after finding that Samsung willfully infringed five of Mojo's wireless charging patents. The verdict was delivered on September 13 by a jury presided over by US District Judge Rodney Gilstrap in the Eastern District of Texas. The dispute between the two companies has spanned over a decade, with Samsung having raised various legal challenges. In addition to contesting the case in court, Samsung filed 18 inter partes review (IPR) petitions with the US Patent and Trademark Office's Patent Trial and Appeal Board (PTAB) to challenge the validity of Mojo's patents. However, 16 of these petitions were denied after Mojo successfully opposed them. Mojo's strategy included utilizing a PhD survey expert to gauge the economic impact of the infringement, which played a crucial role in determining patent damages. This ruling follows two recent decisions against Samsung, including a \$142 million patent damages award in April for infringing G+ Communications' 5G standard essential patents (SEPs).

This verdict underscores the challenges tech giants face when it comes to patent rights, particularly regarding emerging technologies like wireless charging.

<https://www.globallegalpost.com/news/jury-orders-samsung-to-pay-192m-in-patent-suit-94513321>



OANDA, GAIN CAPITAL AGREE TO MEDIATE PATENT INFRINGEMENT LAWSUIT

OANDA and GAIN Capital have notified the Court of their agreement to participate in mediation with retired US District Judge Noel L. Hillman concerning a patent infringement lawsuit initiated by OANDA. The mediation is scheduled for September 6, 2024. This case, filed on May 11, 2020, involves allegations that GAIN infringes two related patents—US Patent No. 7,146,336 and U.S. Patent No. 8,392,311—pertaining to electronic foreign currency trading. OANDA seeks reasonable royalties, having acknowledged non-compliance with patent marking requirements, which limits potential damages. Significant discovery has occurred, but major depositions are still pending. Meanwhile, a similar patent case against GAIN's parent company, StoneX Group, resulted in the dismissal of OANDA's claims due to the invalidity of the asserted patents.

<https://fxnewsgroup.com/forex-news/retail-forex/oanda-gain-capital-agree-to-hold-mediation-conference-in-patent-infringement-lawsuit/>

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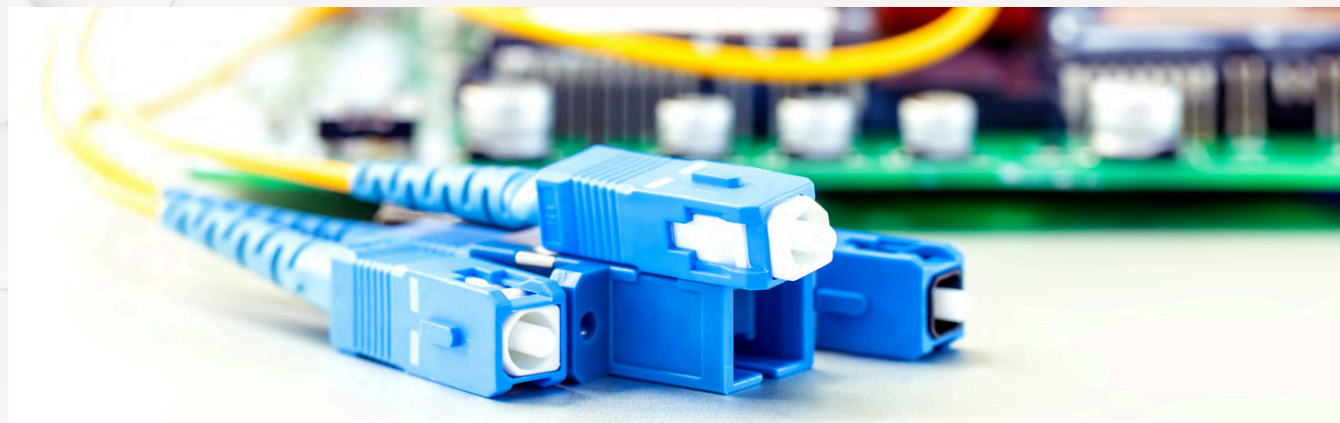
PATENT

PIONEERING THE FUTURE OF 3D CITY MAPPING: VIZZIO TECHNOLOGIES SECURES GROUNDBREAKING PATENTS

In a remarkable advancement for the field of 3D city mapping, Vizzio Technologies Pte Ltd has been awarded the world's first patent by the United States Patent and Trademark Office (USPTO) for its innovative method of transforming 2D satellite imagery into detailed 3D city models using cutting-edge AI technology. This patent, which encompasses 15 unique methods, signifies a transformative leap in urban modeling, eliminating the reliance on traditional aerial mapping techniques such as drones or planes. Vizzio's technology not only enhances the accuracy and efficiency of urban planning but also sets a new industry standard for creating photorealistic digital twins of urban environments. Their recent project, which successfully modeled the entire city of Bahrain in under a month, exemplifies the practical applications of this technology across various sectors, including environmental sustainability and defense.

Understanding and navigating the implications of such groundbreaking innovations can provide valuable opportunities for businesses seeking to protect their intellectual property and leverage cutting-edge solutions.

<https://thesun.my/business-news/media-outreach/vizzio-technologies-awarded-world-s-first-patent-for-geospatial-3d-mapping-using-satellite-images-and-ai-BJ12938009>



SENKO AND US CONEC RESOLVE PATENT DISPUTES OVER VSFF CONNECTORS AND ADAPTERS—A STRATEGIC WIN FOR THE FIBER OPTIC INDUSTRY

In a significant development for the optical interconnect industry, **Senko Advanced Components, Inc.** and **US Conec Ltd.** have reached an amicable settlement concerning their patent disputes over Very Small Form Factor (VSFF) connectors and adapters. This legal resolution, which involved the dismissal of pending lawsuits and administrative patent challenges, allows both companies to maintain their respective portfolios while continuing to offer their existing VSFF products to the market. Notably, Senko gains the right to offer MMC connector products, and US Conec is authorised to market SN connector products, illustrating a mutual recognition of proprietary technologies. The settlement also extends to the companies' MPO products, ensuring that both parties and their partners can distribute these essential fiber optic components without further legal entanglements. While key aspects of the agreement remain confidential, this resolution underscores the importance of strategic licensing and intellectual property management in the fast-evolving telecommunications sector.

<https://www.prnewswire.com/news-releases/senko-and-us-conec-settle-vsff-connector-and-adapter-patent-disputes-302236254.html>

INTELLECTUAL PROPERTY

COPYRIGHT

UK HOME OFFICE DENIES PASSPORT OVER 'SKYWALKER' NAME CITING COPYRIGHT CONCERNS—A LEGAL COLLISION OF NAMES AND TRADEMARKS

In a striking intersection of copyright and personal identity, a seven-year-old boy named Loki Skywalker Mowbray found himself at the center of a passport controversy. The UK Home Office initially denied issuing him a passport due to the inclusion of "Skywalker" in his name, citing Disney's copyright over the iconic surname from the Star Wars franchise. Despite the name posing no issues for seven years, the family's plans for a long-awaited international vacation were disrupted when officials suggested they either change the name or obtain explicit permission from Disney.

This incident highlights a growing legal concern as modern naming conventions increasingly adopt elements from popular culture, raising questions about the boundaries of trademark law and personal identity rights. While the family eventually secured the passport, this case, along with a similar incident involving the name "Khaleesi" from Game of Thrones, underscores the complexities of navigating intellectual property laws in an era where names derived from media franchises are becoming more common. Individuals and families encountering such challenges may benefit from legal guidance on how to reconcile these intellectual property restrictions with personal freedoms, particularly in the context of naming rights.

<https://www.malaymail.com/news/life/2024/09/21/seven-year-old-boy-denied-passport-by-uk-home-office-over-star-wars-copyright-infringement-for-skywalker-name/151183>



INTELLECTUAL PROPERTY

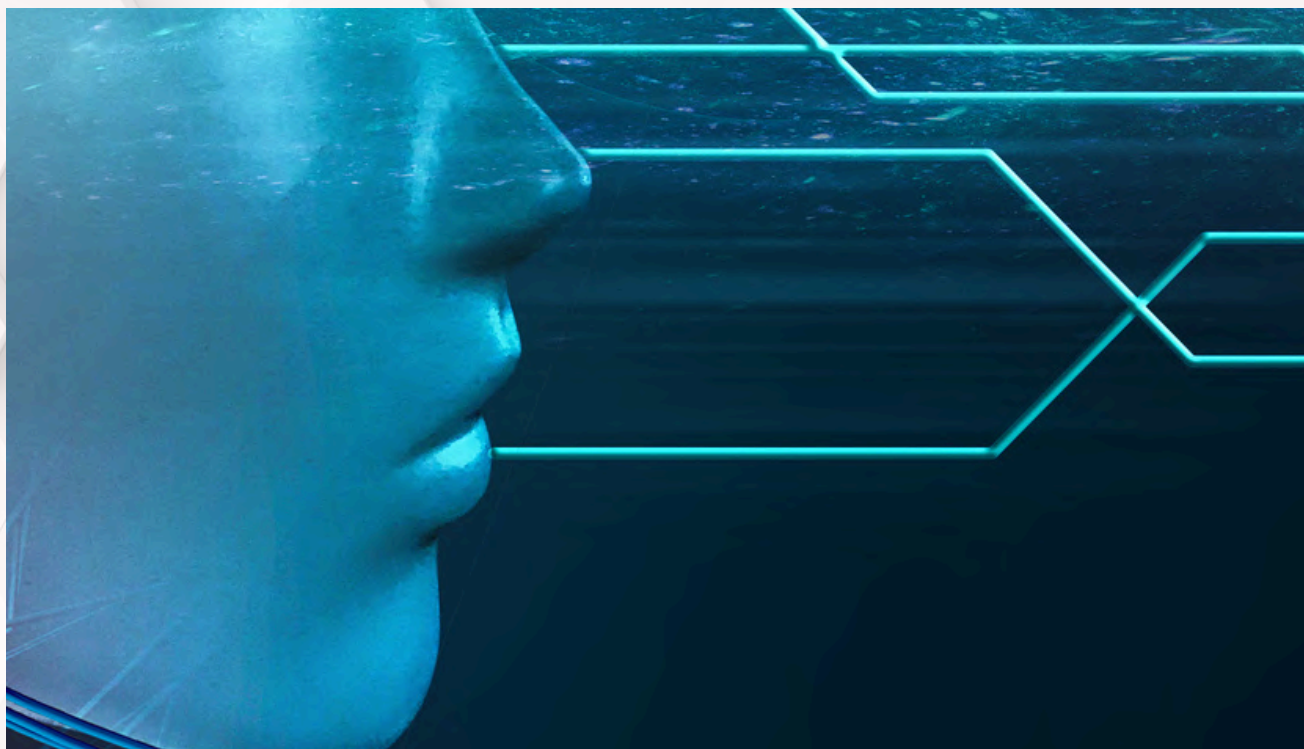
COPYRIGHT

MILEY CYRUS FACES COPYRIGHT INFRINGEMENT LAWSUIT OVER 'FLOWERS' – A LEGAL BATTLE ON MUSICAL SIMILARITIES

Miley Cyrus is facing a copyright infringement lawsuit over her 2023 mega-hit *Flowers*, as Tempo Music Investments claims the song borrows significant elements from Bruno Mars' 2012 track *When I Was Your Man*. The lawsuit, filed by the company that holds rights to Bruno's song, alleges that Cyrus lifted the melody, harmony, and chorus from Mars' ballad, with striking similarities in both lyrical themes and musical composition. While Bruno Mars himself is not involved in the legal action, Tempo Music insists that *Flowers* could not have achieved its global success without drawing from *When I Was Your Man*. The firm is seeking monetary damages and has even called for a ban on Cyrus performing the song, a move that could have significant implications for the pop star's ongoing tour and future performances. Legal experts will be closely analyzing the case to determine if the shared musical and lyrical elements rise to the level of copyright infringement, a notoriously complex area of intellectual property law. Given the subjective nature of musical composition and the evolving standards of copyright protection in the music industry, this case could set a precedent for how courts balance creative inspiration with intellectual property rights.

For artists, songwriters, and industry professionals, this lawsuit is a reminder of the importance of understanding the fine line between artistic homage and copyright violation. As the case unfolds, it will shed further light on how Courts view similarities in music and may offer a roadmap for creative professionals looking to protect their work.

<https://www.asiaone.com/entertainment/miley-cyrus-sued-copyright-infringement-over-hit-song-flowers>



INTELLECTUAL PROPERTY

COPYRIGHT

SPOTIFY ESCAPES LIABILITY IN EMINEM ROYALTIES LAWSUIT— LEGAL LOOPHOLE SHIFTS RESPONSIBILITY TO KOBALT MUSIC GROUP

In a landmark ruling, Spotify has successfully evaded liability in a five-year copyright infringement lawsuit initiated by Eight Mile Style, the publisher representing Eminem's music catalog. The lawsuit, which sought nearly \$40 million in unpaid royalties, accused Spotify of improperly streaming over 240 Eminem tracks without the required licenses. However, a Tennessee judge ruled that while Spotify did not possess the proper streaming licenses, any liability for unpaid royalties falls on Kobalt Music Group, the collection agency responsible for managing Eight Mile Style's royalties.

The ruling hinged on a legal loophole Spotify raised in its 2020 defense, arguing that Kobalt had licensed Spotify to stream and distribute the compositions in question. Judge Aleta A. Trauger further emphasized that while Spotify's actions were flawed, Eight Mile Style had the opportunity to address the licensing issues but chose not to, seemingly prioritising litigation over licensing compliance.

This decision underscores the complexities of music licensing and the pivotal role third-party royalty collection agencies play in managing intellectual property rights. For rights holders and licensors, the case serves as a cautionary tale about ensuring proper licensing agreements are in place to avoid unintended legal consequences. As the music streaming landscape continues to evolve, this ruling could prompt licensors and publishers to reassess their relationships with collection agencies and streaming platforms.

<https://www.rollingstone.com/music/music-news/eminem-spotify-copyright-infringement-case-ends-1235095709/>



SPORTS

DARTMOUTH IS CONTESTING THE NLRB'S COMPLAINT IN MEN'S BASKETBALL CASE

The Dartmouth College's athletics ("**Dartmouth**") answered a complaint filed in August by a New Hampshire labor attorney on behalf of the union for the basketball players and many other Dartmouth employees ("**Local 560**"), which accused Dartmouth of illegally refusing to bargain in good faith with the union over wages, hours, health care, disciplinary procedures and other working conditions pursuant to the National Labor Relations Act. Dartmouth maintains that Local 560 is not a labor organization and are "non-employee student-athletes" to the National Labor Relations Board ("**NLRB**"). It will challenge in court if the NLRB sides for the players.

<https://www.sportico.com/law/analysis/2024/dartmouth-college-nlr-answ-complaint-1234798663/>



GAMING

INDIA SEEKS FATF'S SUPERVISION OVER ONLINE GAMING TO REDUCE RISKS ASSOCIATED WITH MONEY LAUNDERING

The India government is pushing to include online gaming companies to be regulated under the framework of the Anti-Money Laundering (AML) and Countering the Financing of Terrorism (CFT). The government has tightened the gaming law by making it compulsory for foreign gaming companies to register in India and extended the Prevention of Money Laundering Act (PMLA) to cover specific activities related to virtual digital assets in March 2023. This issue will be raised again in the upcoming meeting of the Financial Action Task Force (FATF) in Paris.

https://www.business-standard.com/amp/industry/news/india-seeks-fatf-oversight-for-online-gaming-to-curb-money-laundering-risks-124092400264_1.html



NEW CALIFORNIA LAW COMPELS COMPANIES TO ADMIT THAT THEY DO NOT POSSESS OWNERSHIP OF DIGITAL GAMES

A new California law (AB 2426) makes it illegal for companies selling digital goods, i.e., games to use terms like “buy” or “purchase” without including a warning that the content the consumer is “buying” could vanish or become unusable in the future. Company which breaks the law will face a fine of \$2,500 for each illegal listing and can also be found in violation of the state’s Unfair Competition Law.

<https://www.yahoo.com/news/law-force-companies-admit-dont-162000262.html#:~:text=AB%202426%20makes%20it%20illegal,become%20unusable%20in%20the%20future.>

PREVIOUS PUBLICATIONS

Of Source Codes and Functions - Balancing Copyright Protection Against Monopolisation

'Willing to Wound but Afraid to Strike' - Threats in Trademark Infringement Proceedings

Competing Rights to Copyright in the Virtual Environment

Spilling the Beans in Litigation

The Price of Artificial Intelligence

State of Mind and the Plea of Innocence

False Sense of Security

Privileges of 'Well-Known' Trademarks

Celebrity's Name Taken in Vain

Navigating the E-Money Landscape

E-Commerce – Drive Towards Improved Postal Services

Clipping the Wings of Social Media Influencers

10 Key Amendments to Patent Law

Copyright (Amendment) Act 2022

Goodwill Unshaken by Negative Publicity

Employers' Liability for Copyright Infringement

Court of Appeal Reaffirms Test for Breach of Confidence

Trademark Mischief-Makers

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