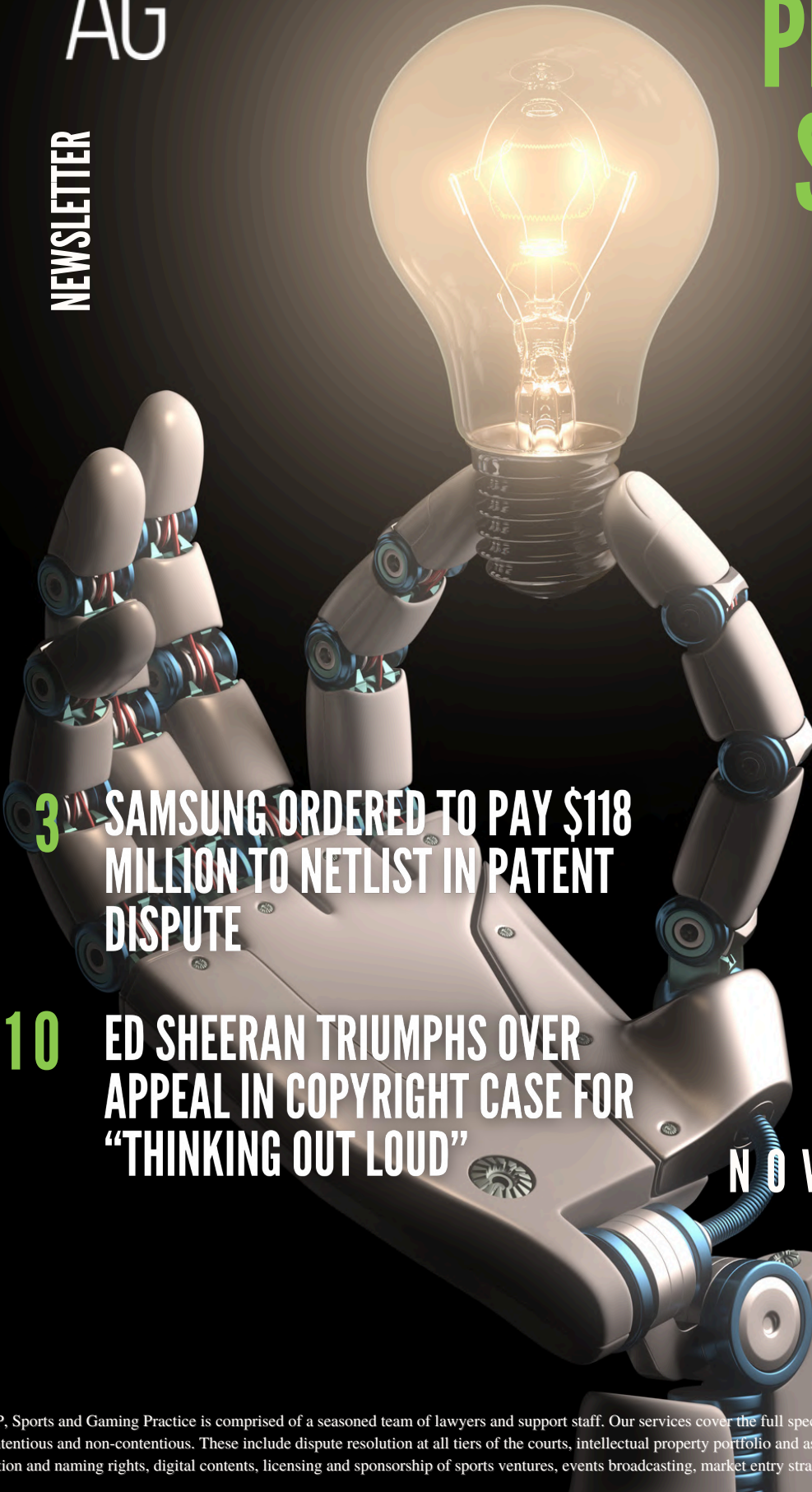


# INTELLECTUAL PROPERTY, SPORTS & GAMING



**3 SAMSUNG ORDERED TO PAY \$118 MILLION TO NETLIST IN PATENT DISPUTE**

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# INTELLECTUAL PROPERTY

## TRADEMARK

### SWEDEN SEEKS TRADEMARK PROTECTION TO REDUCE TRAVEL CONFUSION

Sweden is taking steps to trademark its name in a bid to reduce travel confusion. The country has applied to the European Union Intellectual Property Office (“**EUIPO**”) to protect its name from being used by other locations, as there are multiple places named “Sweden” around the world. This move aims to help travellers avoid mix-ups and ensure they end up in the original Sweden. Visit Sweden, the Swedish government-owned tourism agency, is backing the application and has launched an online petition to gather global support for the initiative, which, if successful, could streamline travel planning and reduce confusion.

<https://news.cision.com/visit-sweden/r/sweden-becomes-first-country-in-the-world-to-apply-for-trademark,c4063815>



### JURY RULES VINTAGE BRANDS VIOLATED PENN STATE'S TRADEMARKS

A jury found that Vintage Brands wilfully infringed upon Penn State University's trademarks by selling merchandise featuring vintage Penn State logos. The jury dismissed Vintage Brands' defences and counterclaims, determining that the merchandise misled consumers into believing it was affiliated with or approved by the university. Despite Vintage Brands' argument that consumers would not perceive such affiliation, the jury disagreed, marking a significant victory for trademark protection. As a result, Vintage Brands and its manufacturer, Sportswear Inc., were ordered to pay \$28,000 in damages to Penn State.

<https://natlawreview.com/article/jury-sides-penn-state-vintage-trademark-case>

## ***INTELLECTUAL PROPERTY***

### **TRADEMARK**

#### **EU COURT RULES CHIQUITA'S BLUE AND YELLOW OVAL NOT ELIGIBLE FOR TRADEMARK PROTECTION ON FRESH FRUIT**

The Court of Justice of the European Union has upheld a ruling that Chiquita Brands' trademark, consisting of a blue and yellow oval, is not eligible for protection as a Union trademark for fresh fruit. The trademark was challenged by the French company Compagnie financière de participation in 2020, arguing it lacked "distinctive character". EUIPO agreed, and in May 2023, declared the trademark invalid for fresh fruit. Chiquita appealed, claiming the symbol had acquired distinctiveness through use, but the Court ruled that the oval shape and colour scheme were not unique or distinctive, as they were commonly used in the fruit industry. The ruling reaffirmed that the trademark did not sufficiently distinguish Chiquita's products in the marketplace.

<https://www.eunews.it/en/2024/11/13/chiquita-brands-court-of-justice-rules-no-more-protection-as-an-eu-trademark/>



#### **TOYOTA AND HYUNDAI RESURFACE TRADEMARK DISPUTE OVER 'HIGHLANDER' NAME IN AUSTRALIA**

A long-running trademark dispute between Toyota and Hyundai has resurfaced over the "Highlander" name, which has been used by Hyundai in Australia since 1999. Last month, Toyota filed a trademark application for the name in Australia, seeking to use it for its seven-seat SUV, which is known internationally as the Highlander but sold locally as the Kluger.

<https://www.drive.com.au/news/toyota-hyundai-revive-trademark-clash/?r=40bd14e8-8d12-4631-8db6-fbce5fe0234f>

## *INTELLECTUAL PROPERTY*

### PATENT

#### **SAMSUNG ORDERED TO PAY \$118 MILLION TO NETLIST IN PATENT DISPUTE**

Samsung Electronics has been ordered by a Texas federal jury to pay \$118 million in damages to Netlist, a California-based computer memory company, for patent infringement. The case centered on Netlist's patented technology designed to improve data processing in high-performance memory products, which the jury found Samsung had wilfully infringed.

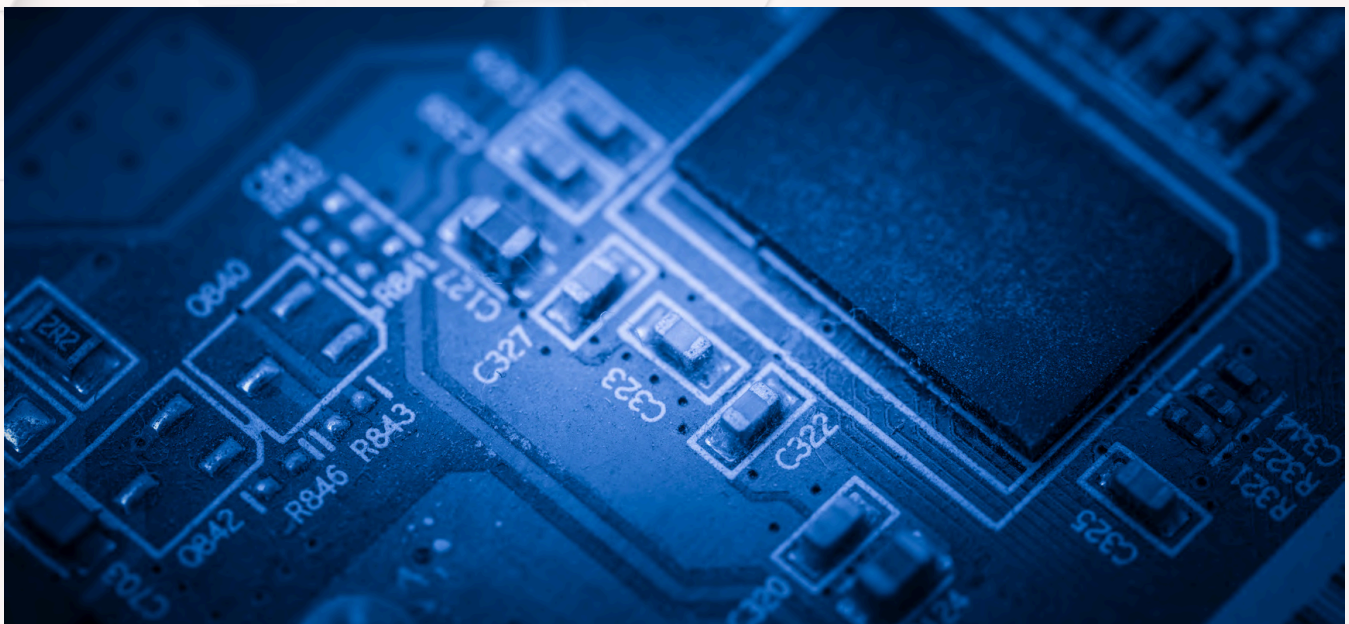
This ruling builds on a series of significant legal victories for Netlist, including a \$303 million verdict against Samsung in 2022 and a \$445 million award from Micron Technology earlier this year, involving related intellectual property.

Netlist argued that Samsung's memory modules, used in cloud computing servers and other high-data-processing technologies, incorporated patented innovations that enhance power efficiency and expedite the analysis of large datasets. Samsung countered by challenging the validity of Netlist's patents and denying infringement.

The jury's finding of wilful infringement could lead to an enhanced damages award, as the court has discretion to triple the sum. Meanwhile, Samsung is pursuing a separate case in Delaware, accusing Netlist of breaching obligations to license its technology on fair terms in accordance with international standards.

The decision highlights the escalating patent litigation landscape in the tech industry, where proprietary innovations in data-intensive applications remain a key battleground. Businesses reliant on high-performance memory technologies may closely monitor this case for its potential industry-wide ramifications.

<https://www.reuters.com/legal/samsung-ordered-pay-118-million-infringing-netlist-patents-2024-11-22/>



# INTELLECTUAL PROPERTY

## PATENT

### LEXISNEXIS SECURES APPELLATE WIN IN PATENT DISPUTE OVER LAWYER BILLING SOFTWARE

LexisNexis has successfully defended a patent lawsuit brought by Realtime Tracker Inc., with the US Court of Appeals for the Federal Circuit upholding a ruling that invalidated Realtime's patent on lawyer time-tracking software. The appellate decision affirms a lower court's finding that the patent, which Realtime claimed covered a novel computer system for tracking billable hours, amounted to an abstract idea and was therefore ineligible for patent protection.

Realtime filed the suit in 2021, alleging that LexisNexis's Juris Suite Timer software infringed its patent. However, US District Judge Paul Engelmayer dismissed the case in 2022, agreeing with LexisNexis that the patent lacked the specificity required under US patent law. Realtime's appeal argued that its invention constituted a "novel software invention" that improved computer functionality, but the Federal Circuit remained unconvinced.

During oral arguments, the appellate judges scrutinized Realtime's claims, with Circuit Judge Tiffany Cunningham questioning whether the same time-tracking function could be accomplished manually. This line of reasoning further undercut Realtime's assertion that its software system presented a genuine technological advancement.

<https://www.reuters.com/legal/litigation/lexisnexis-fends-off-appeal-patent-case-over-lawyer-billing-software-2024-11-12/>



## INTELLECTUAL PROPERTY

### PATENT

#### UK HIGH COURT REJECTS LENOVO'S INTERIM LICENCE BID IN ERICSSON PATENT DISPUTE

The UK High Court has denied Lenovo's application for an interim licence in its ongoing dispute with Ericsson over 5G standard essential patents ("SEPs"). Judge Jonathan Richards ruled against Lenovo's proposal for a temporary cross-licence designed to facilitate short-term patent peace while awaiting a global FRAND (Fair, Reasonable, and Non-Discriminatory) licence determination.

Lenovo's interim licence sought to cover Ericsson's SEPs from January 2024 until a final FRAND cross-licence was determined by either the UK High Court or the Eastern District of North Carolina (EDNC). It included provisions for a lump-sum payment, a "true-up" mechanism to align with the final licence, and a single-sided licence for Ericsson's patents.

The High Court's refusal marks a setback for Lenovo, which aimed to consolidate global disputes into a single forum, potentially curtailing Ericsson's litigation strategy in other jurisdictions. The ruling also allows Ericsson's infringement actions in South and North America to proceed without hindrance.

This decision adds complexity to a broader global patent war between Lenovo and Ericsson, involving cases in the US, Europe, and Latin America. Both parties are navigating disputes across multiple jurisdictions, including the Unified Patent Court, where Motorola (a Lenovo subsidiary) has launched infringement actions tied to SEPs related to 5G technologies.

<https://www.juve-patent.com/cases/uk-high-court-rules-no-interim-licence-for-lenovo-in-dispute-with-ericsson/>



## ***INTELLECTUAL PROPERTY***

### **PATENT**

#### **WORLD'S FIRST PATENT SECURED FOR “PINFENON (S) (R)” – A BREAKTHROUGH IN CARDIAC HEALTH FOR DOGS**

Scarecrow Incorporated has obtained the world's first patent for Pinfenon (S) (R), an innovative animal supplement targeting cardiac disorders in small dogs. The patent, granted by the Japan Patent Office, covers both the invention and manufacturing methods for a treatment and prophylactic drug that lowers atrial natriuretic peptide (“ANP”) levels—a key biomarker of cardiac health.

Mitral regurgitation, a prevalent cardiac disorder in small dogs, is a leading cause of death among elderly canines. Pinfenon (S) (R) leverages a natural extract from French maritime pine bark, along with fermented sesame and yeast extracts, to significantly reduce ANP levels, as demonstrated in clinical studies across Japan. This patented solution not only enhances cardiac health but also provides a pathway for application in various products, offering pet owners new tools to combat heart disease in their beloved companions.

<http://mrem.bernama.com/viewsm.php?idm=49750>



## INTELLECTUAL PROPERTY

### PATENT

#### UPC RENDERS FIRST FRAND JUDGMENT: OPPO INFRINGES PANASONIC SEP

The Unified Patent Court (“UPC”) in Mannheim has delivered its inaugural FRAND ruling, barring Oppo from selling certain 4G-enabled smartphones and smartwatches across several European countries. This decision, stemming from Panasonic’s lawsuit, addresses Oppo’s infringement of SEP EP 2 568 724, despite the parties having recently reached a tentative settlement on their global patent dispute.

The Mannheim panel ruled that Oppo failed to act in a FRAND-compliant manner and dismissed its nullity and counterclaims. Notably, the judgment delves into the interpretation of Huawei vs ZTE, FRAND rate-setting, and the UPC’s coordination with other European courts. While the immediate commercial impact may be limited due to the pending settlement, the detailed reasoning is poised to influence future FRAND litigation at the UPC.

Oppo may appeal the decision, but Panasonic would need to post a security deposit for the ruling to take effect. The case adds to an escalating series of SEP battles between Panasonic and Chinese manufacturers like Oppo and Xiaomi, signaling heightened scrutiny of global FRAND disputes in Europe.

<https://www.juve-patent.com/cases/oppo-infringed-panasonic-sep-says-local-division-mannheim-in-first-frand-ruling/>





## ***INTELLECTUAL PROPERTY***

### **COPYRIGHT**

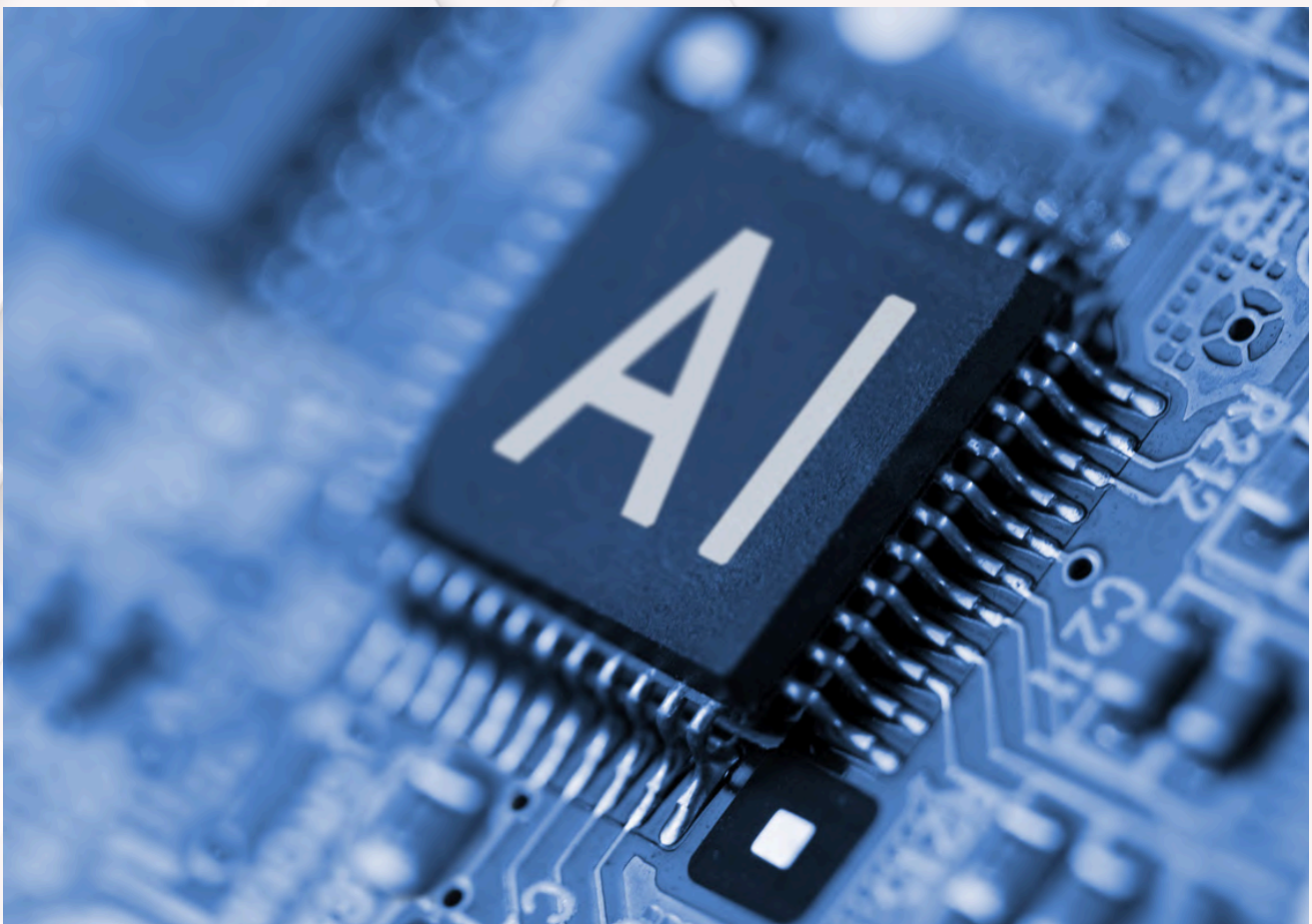
#### **OPENAI WINS INITIAL DISMISSAL IN COPYRIGHT LAWSUIT OVER AI TRAINING DATA**

A New York federal judge has dismissed a copyright lawsuit against OpenAI brought by news outlets Raw Story and AlterNet, which claimed that the AI company misused their articles to train its models. Judge Colleen McMahon ruled that the outlets failed to demonstrate sufficient harm but allowed them to file an amended complaint, although she expressed doubt about their ability to prove a valid injury.

The lawsuit alleged that OpenAI unlawfully used thousands of their articles and removed copyright management information (CMI) without consent. OpenAI countered by asserting its reliance on publicly available data and fair use principles.

This case adds to a growing trend of lawsuits against AI developers by content creators, with copyright and fair use debates taking center stage. While OpenAI avoided liability in this instance, the judge's skepticism leaves room for further legal challenges in this evolving area of intellectual property law..

<https://www.reuters.com/legal/litigation/openai-defeats-news-outlets-copyright-lawsuit-over-ai-training-now-2024-11-07/>



## *INTELLECTUAL PROPERTY*

### COPYRIGHT

#### THOUSANDS OF OPEN-ACCESS STUDIES FACE COPYRIGHT LICENSING ISSUES WITH BIORENDER ILLUSTRATIONS

Over 9,000 open-access studies may inadvertently misrepresent copyright licensing on figures created using BioRender, a commercial scientific illustration platform. These studies, published under the CC-BY licence, allow for free reuse with proper attribution, including for commercial purposes. However, BioRender has clarified that its library icons and templates are not covered by the CC-BY terms, creating confusion about reuse rights.

Researchers like Simon Dürr, creator of the open-source platform Biolcons, have flagged this issue, raising concerns about compliance with CC-BY. Some journals, such as eLife, have adjusted policies to clarify discrepancies, but many publishers remain unresponsive.

This debate highlights a broader tension between convenience-driven tools like BioRender and copyright clarity, prompting some researchers to return to bespoke or self-created illustrations to ensure control over their work. With BioRender revising its copyright policies, the issue underscores the importance of clear licensing agreements in academic publishing.

<https://www.chemistryworld.com/news/thousands-of-published-studies-may-contain-images-with-incorrect-copyright-licences/4020367.article>



## *INTELLECTUAL PROPERTY*

### COPYRIGHT

#### ED SHEERAN TRIUMPHS OVER APPEAL IN COPYRIGHT CASE FOR “THINKING OUT LOUD”

Ed Sheeran has secured another legal victory as a US appeals court upheld a prior ruling that his hit Thinking Out Loud did not infringe on Marvin Gaye’s 1973 classic Let’s Get It On. The decision dismisses claims by Structured Asset Sales (“SAS”), which alleged copyright infringement on behalf of the late co-writer Ed Townsend’s estate.

The 2nd US Circuit Court of Appeals supported the original verdict, emphasizing that the musical elements in question—such as chord progressions and rhythms—were too generic to warrant copyright protection. The ruling echoes the May 2023 jury verdict in a related lawsuit brought by Townsend’s heirs, which similarly found in Sheeran’s favour.

SAS, led by investment banker David Pullman, has indicated it is exploring further legal options following this defeat.

This latest decision reinforces a growing legal consensus on the boundaries of copyright law in music, stressing that protecting common musical elements could hinder creativity. Sheeran, who faced similar claims regarding his UK hit Shape of You in 2022, called such lawsuits “frustrating” and an obstacle for songwriters worldwide.

<https://news.sky.com/story/ed-sheeran-beats-copyright-appeal-over-claim-thinking-out-loud-ripped-off-marvin-gayes-lets-get-it-on-13246150>



## ***INTELLECTUAL PROPERTY***

### **COPYRIGHT**

#### **UNIVERSAL MUSIC GROUP SUES BELIEVE AND TUNECORE FOR \$500 MILLION OVER 'RAMPANT PIRACY' AND COPYRIGHT INFRINGEMENT**

Universal Music Group (“**UMG**”), along with its subsidiaries Capitol Records, ABKCO Music & Records, Concord Music Group, and UMG Recordings, has filed a \$500 million lawsuit against Believe and its distribution platform Tunecore, accusing them of widespread copyright infringement and facilitating piracy.

The lawsuit, filed on November 4, claims that Believe knowingly distributed infringing versions of popular songs, including altered tracks by artists like Kendrick Lamar and Lady Gaga. UMG alleges that Believe has profited from these unauthorised distributions, which have spread across digital platforms such as YouTube, Spotify, and TikTok. The complaint further accuses Believe of failing to prevent piracy and benefiting from fraudulent “artists” and pirate labels.

UMG seeks at least \$500 million in damages, along with a permanent injunction to halt Believe’s activities. The lawsuit details numerous instances where Believe distributed altered or remixed versions of songs, and alleges that the company exploited YouTube’s content management system to claim ownership of UMG’s recordings, depriving the rightful owners of royalties.

Additionally, UMG is pursuing claims related to pre-1972 sound recordings and is demanding statutory damages, injunctive relief, and destruction of infringing copies. The case is set to proceed with a jury trial.

<https://www.digitalmusicnews.com/2024/11/04/universal-music-lawsuit-believe-tunecore/>



## SPORTS

### ADELAIDE 36ERS HIRE SPORTS LAWYER AFTER HEATED CLASH WITH MELBOURNE UNITED

The Adelaide 36ers engaged James McLeod, a leading sports lawyer who is an expert in dealing with racially based, derogatory or offensive language issues to represent the players, Kendrick Davis and Montrezl Harrell, who are facing possible suspensions due to a heat clash with fans during their recent National Basketball League (“NBL”) game against Melbourne United. The players were charged by NBL for 2 incidents involving striking, engaging in a melee and inappropriate grabbing or handling a spectator. The players’ submission to the NBL’s integrity unit was that a racist language was made by spectator at Davis. To-date, NBL’s investigation of fan behaviour from the game is still ongoing.

<https://www.smh.com.au/sport/basketball/adelaide-36ers-engage-sports-lawyer-after-ugly-incident-with-united-nbl-hearing-adjourned-20241122-p5ksqp.html>



## GAMING

### FINLAND SUBMITS GAMBLING REGULATION TO THE EUROPEAN COMMISSION, ALLOWING LICENSED OPERATORS TO OFFER HORSERACING BETS

The final addition to the gambling regulation was made before it was submitted to the European Commission ("EC") on 1 November 2024 – horseracing betting is no longer regulated under monopoly but under the commercial gambling sector's jurisdiction. There had been uncertainty regarding the regulation on horseracing betting as it was previously offered solely by the monopoly prior to this new gambling regulation. Finland's Ministry of the Interior confirmed that Finland's gambling system will be restricted and opened to competition with a licence model by 1 January 2026 and the state will support the breeding and developments in the horse racing sector as well as the development of the competition system.

<https://igamingbusiness.com/legal-compliance/finland-online-gambling-horseracing-betting/>



### MACAU AUTHORITIES MADE THE FIRST ARRESTS UNDER THE NEW ILLEGAL GAMING LAW

Macau Judiciary Police ("PJ") arrested a 40 year-old unemployed male for involving in illegal currency exchange activities. It was uncovered during investigation that the suspect has been illegally making a profit of HKD 80 for every HKD 10,000 exchanged. HKD 25,900 worth of gaming chips, HKD 500 cash and the mobile phone used in the illegal activity were seized during the raid. Under the new illegal gaming law, the suspect may face up to 5 years imprisonment, and any money or assets associated with these illegal activities will be confiscated.

<https://macaudailytimes.com.mo/first-arrests-under-new-illegal-gaming-law.html>

## 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

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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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