

CENTRE FOR INTELLECTUAL PROPERTY RIGHTS

NEWSLETTER

JUNE 2021

INTERNATIONAL NEWS



HIGHLIGHTS OF THIS ISSUE

THE EU SUBMITTED AN ALTERNATIVE PROPOSAL TO THE WTO IN OPPOSITION TO THE IP WAIVER

INDIA AND PAKISTAN MAY AGREE FOR JOINT RECOGNITION OF BASMATI BRANDING RIGHTS IN THE EU

MILEY CYRUS CAN NOW USE HER NAME AS TRADEMARK IN THE EU

GERMANY PUTS AN END TO PATENT TROLLS



EPO has released the 'EPO Data Hub' smartphone app

In addition to the yearly Patent Index, the EPO has introduced a new mobile app to expand public access to its vast sources of patent statistics. The EPO Data Hub, which is available on Android and iOS devices, is designed to assist anyone to explore EPO data and discover trends in patenting activity around the world. The EPO Data Hub contains information on European patent applications and awarded patents from the last five years (2016-2020). The data is presented in tables and charts at the global and country levels, with charts and tables displaying percent share and percent growth, as well as rankings for top candidates. The built-in download feature makes it simple to gain access to the source data for sharing or private examination.



1

IP5 met virtually to improve application and examination procedures for AI patents

On June 23rd, the chiefs of the world's five largest intellectual property offices (IP5) held their 14th annual virtual meeting. The IP5 Heads of Office Meeting was held by video conference at the Japan Patent Office (JPO). The JPO and the leaders of the IP5 Offices came to an agreement at the meeting on a number of initiatives, including the creation of a roadmap for IP5 cooperation in the areas of new emerging technologies and artificial intelligence. Intellectual property (IP) has an important role in safeguarding and promoting innovations to help overcome COVID-19 and enhance economic recovery, according to the IP5 offices. They then shared information about their individual projects to address social challenges through the use of intellectual property rights (IPRs), emphasising the importance of maintaining a long-term perspective on IPRs and the critical role they play in tackling social issues.



2



Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

3

Issues from the EPO's Enlarged Board of Appeal Decision G4/19: Applications for 'double patenting' may be denied -

The European Patent Convention's (EPC) highest judicial authority, the Enlarged Board of Appeal, issued Decision G4/19 on June 22nd, stating that a European patent application might be refused due to the prohibition on duplicate patenting. The restriction on duplicate patenting prevents the same applicant from receiving two patents for the same invention. Because the applicant already obtained a patent for the same invention, the examining division followed this approach and denied European patent application 10718590.2 under Articles 97(2) and 125 EPC.



4

Ericsson and Samsung have settled their patent licencing disagreement

Ericsson, a Swedish telecoms equipment company, and Samsung, a Korean tech behemoth, have signed multi-year global patent licences that cover all cellular technologies, including fifth-generation or 5G technology. The two businesses have resolved a patent licencing issue that had been affecting Ericsson's first-quarter revenue. The deal also puts an end to objections brought by both businesses with the United States International Trade Commission (USITC) as well as continuing cases in a number of nations, according to the telecom gear maker. Several variables, including expired patent licence agreements requiring renewal, geopolitical influence on the phone market, technology transfer from 4G to 5G, and probable currency effects in the future, are affecting Ericsson's IPR licencing revenues, according to the company.



Amazon wins case related to technology for purchasing groceries through Alexa

Amazon.com Inc was alleged to have used an Israeli patented technology “smart kitchen” for voice commands for online grocery shopping. It was held that Amazon did not infringe the patents of Freshub. It was alleged that Amazon already knew about the patents when the technology was being built in Alexa. However, Amazon argued that Freshub was manipulating patent applications to take Alexa within its ambit as well which were already popular in the market. Amazon also alleged that Freshub was involved in fraudulent activities to obtain the patent from US Patent and Trademark Office.



The EU submitted an alternative proposal to the WTO in opposition to the IP waiver

As an alternative to India and South Africa's plan, the European Union presented a petition to the World Trade Organization on Friday opposing IP waivers. In its suggestion, the European Union argues that instead of calling for IP rights to be waived, the focus should be on reducing export barriers and utilising flexibility in existing WTO standards. In its proposal, the EU argues that a waiver would not necessarily improve production of medications and vaccines used in COVID19 treatment and management. Instead, relaxing export prohibitions and encouraging vaccine developers to form partnerships with developing-country producers would aid in increasing production. Furthermore, the EU has stated in its proposal that a number of nations already have compulsory licencing laws that can be used at the national level. Unfortunately, India has taken opposing views at home and in the WTO. While the government advocates for voluntary licencing as a solution at home, it has taken a diametrically opposed stance at the WTO, arguing that IP waivers are the way forward.



The United States Patent and Trademark Office made a change to its structured text filing system

The US Patent and Trademark Office (USPTO) is migrating to a system that allows new patent applications to be submitted in structured text, notably DOCX format. Following public feedback, the USPTO now considers the applicant's DOCX document to be the authoritative document. As a result, an applicant who files a DOCX application can use that version as the source or evidential copy of the application to make any changes to the documents in the file. On January 1, 2022, the USPTO will switch all filers to DOCX in order to improve application quality and efficiency. Regular DOCX training events are being held by the USPTO to provide further information, demonstrate how to file and retrieve DOCX files in different patent platforms, and answer any queries.





MILEY CYRUS

9

Miley Cyrus can now use her name as trademark in the EU

Miley Cyrus can now use her name as a trademark in Europe after a long battle in Court since 2014. The decision will enable her to use her name on numerous products which was earlier restricted by the EU patent office. The singer's company Smiley Miley Inc. wanted to trademark her name for mobile phone cases, calendars, e-books, etc. The application was opposed by a company Cyrus Trademark Ltd. with the mark "CYRUS" and was supported by the EUIPO as it would cause likelihood of confusion. The Court stated that the mark "Miley Cyrus" is semantic as it refers to a public figure who is recognized globally and is known by most public who are knowledgeable.



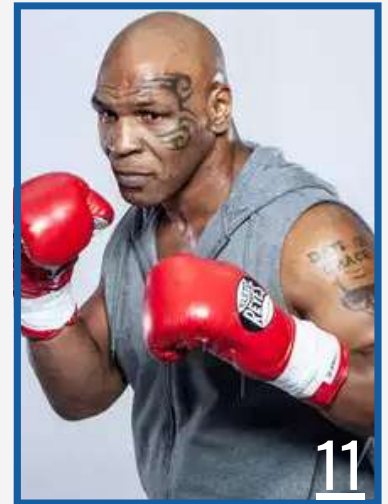
10

Popular gaming firm Roblox, sued for copyright infringement of The National Music Publishers' Association, US

The National Music Publishers' Association (NMPA) in the US sued the gaming firm Roblox on behalf of popular music publishers, for storing a library of copyright songs without any license. The users of the firm were allowed to upload songs without any license fee. It was alleged, the user base of Roblox could be easily influenced, and taking an advantage of this, Roblox was indulging children into piracy related activities making it appear "perfectly acceptable" activity. Roblox on the other hand claimed that its operations were perceived wrongly and it uses a high-tech filter as well to identify the unlicensed music and prohibit it.

Mike Tyson Files a Lawsuit Against a Streetwear Company

Mike Tyson, a former world champion boxer, has filed a trademark infringement lawsuit against Culture Kings in Australia's New South Wales Federal Court. Tyson, who trademarked his own name globally in 2010, claims that the apparel firm has infringed on his trademark rights by selling a line of clothing with his name, likeness, photos, and some of his notorious nicknames like "Kid Dynamite" and "Iron Mike" written on it. Tyson is suing Culture Kings for any proceeds made from the allegedly infringing gear, as well as an injunction barring Culture Kings from selling it.



Apple sued for allegedly infringing patents related wireless communication services of its products

It has been alleged that the products of Apple (iPhones, iPads) that aid Wi-Fi and cellular connectivity infringe 13 different patents in wireless communication which belong to Smart Mobile LLC. It has been alleged that Apple knew about at least eight patents and patents filed by Smart Mobile since 2015. These patents are related to voice communication, switching to wireless communications or server automatically. Smart Mobile has requested for a Jury Trial, damages and a permanent injunction to restrain Apple from manufacture or sale of products that are infringing the patents.

Warner Music Group sued for Copyright Infringement by 'The Jesus and Mary Chain' band.

The rock band "The Jesus and Mary Chain" have filed a copyright infringement lawsuit against Warner Music Group (WMG) when the latter refrained from terminating its ownership in five albums of the band and did not comply to the notices of termination received under Section 203 of the Copyright Act, 1976. As per Warner Music, the band was not entitled to serve any notice because the copyrighted works were a subject matter of British law and the suit was "untenable".





Germany puts an end to Patent Trolls

Germany has become a popular venue for legal patent claims aimed at international companies such as Apple Inc., Samsung Electronics Co., and Alphabet Inc.'s Google. Courts examining a patent claim will conduct a proportionality check to determine whether an injunction would cause “undue hardship” to the alleged infringer or any third party, such as patients who might be deprived of a certain drug or phone customers who might face service disruptions, under the legislation. Even if a judge accepts the patent claims while denying an injunction, the claimed infringement must nevertheless pay the patent holder appropriate compensation. Compensation should be at least equal to the amount paid in usual royalties for the patent. It could go up if the infringer failed to undertake adequate due diligence, or it could go down if the court determines that the patents were purchased purely for the purpose of extorting excessive settlements under threat of an injunction, a practise known as patent trolling.



India and Pakistan may agree for joint recognition of basmati branding rights in the EU:

India and Pakistan, the world's two largest producers of basmati rice, are poised to split ownership of the prized basmati rice naming rights in European Union markets (EU). After challenging each other's claims for a Protected Geographical Indication (PGI), or GI tag, for the goods in the EU, both countries are likely to strike an agreement. The standoff began when India requested GI designation for its basmati from the EU's Council on Quality Schemes for Agricultural Products and Foodstuffs in 2020. Because names of products registered as GIs are legally protected against imitation and misuse within the EU and in non-EU countries where a particular protection agreement has been struck, this status would have given New Delhi a monopoly over basmati rice markets in Europe.



Lukka

17

Cryptocurrency Company loses cybersquatting case

Lukka Inc., a cryptocurrency asset software and data supplier, has lost a cybersquatting fight for the domain name www.Lukka.com. The crypto firm, which operated under the domain name www.lukka.tech, had filed a trademark dispute under the Uniform Domain Name Dispute Resolution Policy (UDRP), asserting trademark rights to the domain name. The UDRP Panel, on the other hand, determined that the trademark over which Lukka Inc. sought to exercise its rights belonged to someone else and not to Lukka Inc. As a result, Lukka Inc.'s complaint was dismissed. The Panel did not look at the issue of domain name hijacking in reverse.

Shein, China's Fashion Unicorn, accused of trademark infringement

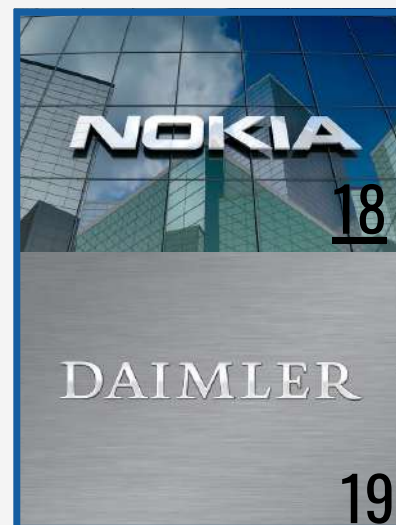
Fashion brands and independent designers have accused e-commerce platform Shein of trademark infringements, including Dr. Martens' owner AirWair International and independent designers. With an Instagram post comparing nearly identical earrings from two companies, Kikay, a California-based designer brand, also claimed that the company steals intellectual property. Shein has rejected the claim brought by AirWair International, and the hearing will begin later this year. The website, which was founded in 2008, seeks to become a fashion e-commerce platform for Generation Z.

New Patent Pool created by Dolby, Sony

Dolby Laboratories Inc. Sony Group Corp. created a new patent pool along with Fraunhofer-Gesellschaft's U.S. arm, a research institute to advance the new technology of 3D sound experience on televisions. It includes more than 90% patents that are required to operate the new audio standard that does away with the need for speakers in a room. The aim is to revamp the technology industry and work towards a litigation free industry. The product manufacturers will be charged with license fee but artists, video directors will obtain access for free.

Nokia and Daimler resolve SEP patent dispute, sign patent license agreement

Nokia and Daimler have announced that they have reached an agreement to licence their patents, putting an end to all current legal battles between the Finnish networking giant and the German automaker. Daimler has agreed to pay Nokia royalties for the use of Nokia's technologies in Daimler's navigation and communications systems. While the terms of the deal aren't public, sources claim Daimler will pay Nokia approximately \$2 every vehicle produced. The agreement between the two corporations brings an end to a two-and-a-half-year-long dispute.



Top Court in EU rules in favour of Youtube in Copyright Fight

The EU Court of Justice held that online platforms cannot be held liable for unauthorised works uploaded by the platform users. However, if the platform does not make a quick move to remove the block or remove the illegal content, then they are liable for copyright infringement. The Court further noted that the operators of online platforms do not communicate with owners of copyrighted content that is uploaded unauthorisedly by platform users. However, the Court also said that if online platforms contribute in making the illegal content accessible to public, or they do not adopt actions to deal with illegal content, they can be held liable for copyright infringement.

Disney Faces Infringement Suit Against 'Star+' Streaming Platform

Disney has been sued for trademark infringement by Starz, an American media business, over Disney's prospective Latin American streaming service "Star+." Starz has filed trademark infringement lawsuits against Disney in Mexico, Brazil, and Argentina, claiming that Disney's projected streaming service infringes on its trademark rights for the 'StarzPlay' platform, which has been in use in Latin America since 2019. Due to the fact that the two streaming services are classified as "general entertainment," Starz claims that there is a considerable risk of consumer confusion.



NATIONAL NEWS



HIGHLIGHTS OF THIS ISSUE

**ARBITRABILITY OF IPR-
THE CONUNDRUM
RESURFACES**

**CAN A CELEBRITY'S LIFE
BE SUBJECT TO
COPYRIGHT?**

**PPL'S COPYRIGHT
SOCIETY REGISTRATION
DENIED BY THE DELHI
HIGH COURT**

**DRUGMAKER BAJAJ
HEALTHCARE LIMITED
REQUESTED FOR
COMPULSORY LICENSE**



Arbitrability of IPR

THE CONUNDRUM RESURFACES

The Delhi High Court probed into the meaning of Section 8 of the Arbitration and Conciliation Act, 1996, in regard to trademark disputes. This case involving a trademark license agreement breach was deemed arbitrable by the court.

Section 62 of the Copyright Act, which states that an infringement matter cannot be brought before a court lower than the jurisdictionally competent district court, the arbitrability of IPR has always been a source of consternation in India. The court found that the current dispute is arbitrable because the dispute is principally about the parties' understanding of the terms of their agreements, as well as whether it is legitimate and legal for the Defendant to terminate the agreements and cancel the Plaintiff's trademark assignment. The Plaintiff's right is a right derived from the licence agreement, not from trademark law.

In this situation, trademark transfer is done by contract rather than by law, and it does not involve the state exercising any sovereign responsibilities. As a result, the court sent the case to arbitration.



Singh & Singh Law Firm LLP v. Singh + Singh Lawyers LLP

Plaintiffs filed this action under Order 39 and Rules 1 and 2 of the CPC to protect their mark/name 'Singh & Singh'. The plaintiffs were harmed by defendants' use of identical marks such as "Singh + Singh", "Singh + Singh Lawyers LLP", and various variants. The word was coined by the founders of the law firm 'Singh & Singh' and it has been in use since 1997. Counsel added to the submissions by stating that the name 'Singh & Singh' has been registered for legal services since 2005 and has been in use since 1997. The names 'Singh & Singh' and 'Singh + Singh' are nearly identical, and there is a clear instance of trademark infringement under Section 29(2)(c) of the Trademarks Act of 1999. The facts proved that the infringement marks were identical and were being used for identical services and for the same class of customers/clients, according to the bench. Plaintiff 1 has a worldwide reputation and is serving clients all around the world.



SINGH & SINGH
LAW FIRM LLP

1

2

Can a celebrity's life be subject to copyright?

The case revolves around Sushant Singh Rajput's celebrity rights, and the application to the Court uses phrases like "publicity right," "celebrity right," and "personality right." SSR's life is claimed by Krishna Kishore Singh as a copyright. Facts that are historical, biographical, or current events, on the other hand, cannot be copyrighted under the Copyright Act of 1957 because they are in the public domain, accessible to anyone, and do not contain the 'originality' and 'creation' that are at the heart of copyright protection. The Court noted that once the disclaimer is added to the opening of the cinematograph film, all of Plaintiff's claims about the picture being a biography based on his son's life will be dispelled.



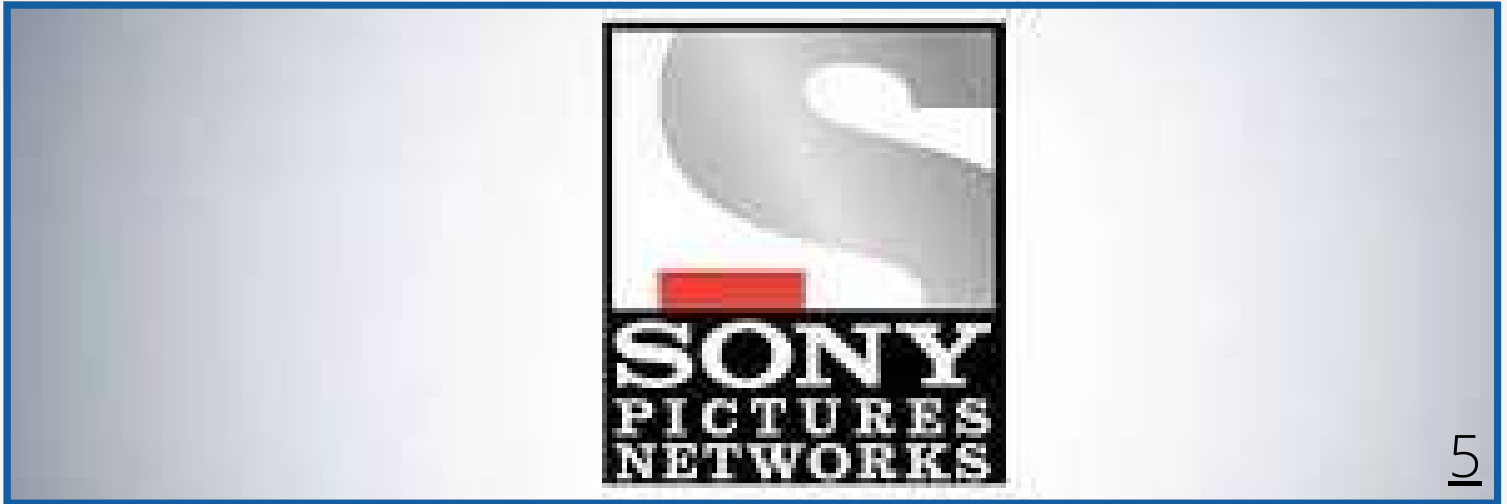
3

UPL Limited v. Sikko Industries Ltd

UPL created a container that is both aesthetically pleasing and airtight. The container was filed in Class 09-01 of Class 9, which covers bottles, flasks, pots, carboys, demijohns, and containers with dynamic dispensing mechanisms. UPL discovered in March 2021 that Sikko Industries Ltd. ('Sikko') was promoting Aluminium Phosphide (ALP) in a container with a design that was confusingly similar to that of UPL. According to UPL, there is no visible or functional difference between Sikko's container and UPL's container. UPL petitioned in the Delhi High Court for an injunction to prevent Sikko from infringing on UPL's registered Design No. 325205-001. The Court issued an ex parte preliminary injunction in favour of UPL, prohibiting Sikko from releasing any product, including "SIKPHOS" in the imitative container, on the market. The Court, on the other hand, has not barred Sikko from producing the containers. The Court has warned Sikko that doing so would be at its own risk and that no equities would be asserted as a result.

4





Sony Pictures Network India filed for lawsuit against www.sportsala.tv & Ors



www.Sportsala.Tv, a website in the business of streaming and uploading unlicensed content was sued by Sony Pictures Network in the New Delhi High Court. The website, among other things, illegally streamed sporting events and has previously infringed on Sony Pictures Network's exclusive media rights. Sony Pictures Network filed this lawsuit to prevent them from doing so during the 2021 India-England International Cricket Series. The court ruled that unauthorised streaming of the matches will result in monetary losses for Sony Pictures Network as well as losses for the government in the form of tax revenue. The court ruled that www.Sportsala.Tv would be prohibited from making available to the public on their websites via the internet in any way, any cinematograph work, content, programme, show, or event over which Sony Pictures Network had exclusive rights.



M/s Copenhagen Hospitality v. M/s AR Impex & Ors

The Delhi High Court issued an interim injunction prohibiting the Defendant and its associates from selling pizzas under the impugned names SPRING BLING, LOVERS DELIGHT, BURN TO HECK, AMERICAN RETREAT, MILANO RETREAT, and 7 CHEESY/CHEESE 7 which infringed the Plaintiffs' registered trademarks SPRING FLING, LOVERS BITE, BURN TO HELL and ENGLISH RETREAT, and misuse Plaintiff's product names/marks LAS VEGAS RETREAT, CHICAGO RETREAT and CHEESY 7. Defendant is prohibited from using or controlling any of LA PINO'Z PIZZA's official social media accounts or any other websites. They are also required to take over management of the official social media accounts to the Plaintiff as soon as this order is served. Defendants are prohibited from disparaging the Plaintiff's registered brand LA PINO'Z PIZZA in any public or private communication.

PPL's Copyright Society Registration denied by the Delhi High Court

PPL's Copyright Society Registration has been denied by the Delhi High Court, which has issued a notice and granted an ad-interim stay. The application of Phonographic Performance Limited India (PPL) to become a registered copyright society was denied by the Registrar of Copyrights. PPL has approached the Delhi High Court, requesting that the application be reconsidered. The current court case aimed to put a stop to this claim and grant an injunction barring the consideration of petitions from other copyright groups. The court merely barred the government from acting in a way that was "inconsistent with the position" that PPL's registration application might be reopened. Recorded Music Performance Ltd., claims to own and control its members' public performance rights, has a 2018 application for registration as a copyright society pending, which is presumably what motivated PPL to re-register and seek the injunction.





10

The Registrability, Concurrent Use, and Infringement of the 'KSRTC' Mark in Kerala and Karnataka

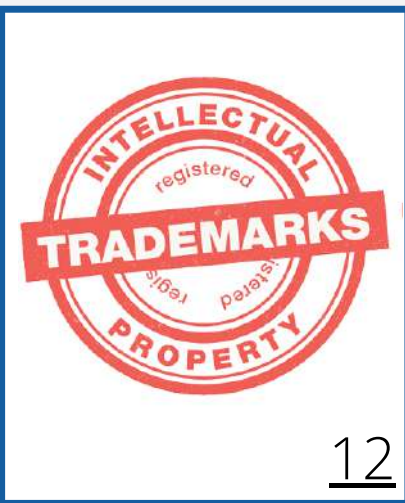
The history of the acronym's use for the states' separate State Road Transport Corporations resulted in a squabble in 2014, when Karnataka requested for a trademark registration and served a notice to Kerala indicating that they should not use it. Both parties currently have the right to use their trademarks without infringing on the rights of the other. The KSRTC mark is likely to qualify for honest concurrent use by both parties under Section 12 and the judicial principles laid out in this regard. Even though Karnataka's use of the mark would appear to constitute infringement on the surface, it is likely to be accepted under Section 30(2)(a) because the mark specifies the geographical origin of the services. He finds that in these unusual circumstances, arguments for exclusive rights may be made on both sides, but that due to the public service nature of the organisations, it is desirable to allow concurrent use.



11

Sri Tulasi Industries v. Sri Saphthagiri Industries

The appellant went to the Telangana High Court to dispute the District Court's ruling removing the interim injunction against its trademark, Tasty Gold. In this case, the defendant/respondent was using the trademark Tasty Drops and several suffix modifications. The trademarks for edible oils were used by both parties. The Court reinstated the interim injunction after evaluating the circumstances, finding that the prefixes were similar, the products were comparable, and the plaintiff's products had earned goodwill in the market. The defendant should not be allowed to benefit from the plaintiff's goodwill while the case is pending, the Court reasoned.



Franco Indian Pharmaceuticals Pvt Ltd v. Micro Labs and Anr.

In this case, the Bombay High Court issued an ex Parte injunction against the word and label marks Dexorange, as well as the bottle's trade dress. For more than 50 years, the plaintiff's trademarks have been utilised for folic acid supplements, and the plaintiff owns various trademark registrations. The defendants in the case were selling items under the brand "Ferri Orange," despite the fact that one of them had previously been issued a permanent injunction. The Court granted an Ex Parte injunction against the defendants because the plaintiff had a prima facie case, the trademarks and trade dress were copied, and the defendants acted dishonestly.

Ttk Prestige Limited v. Baghla Sanitaryware Private

The Delhi High Court issued an interim injunction prohibiting the Defendants and their associates from selling, offering for sale, and advertising in any manner, including on the internet and e-commerce platforms such as 'www.amazon.com' and 'www.flipkart.com', directly or indirectly dealing in sanitaryware, bath and kitchen fittings, kitchenware, cookware, and/or cognate and related products, until the next date of hearing. It also ordered the e-commerce platforms, Flipkart and Amazon, to de-link the Defendants' products that bear the Plaintiff's logo or are associated with the Plaintiff.



Frankfinn Aviation Services Private Limited v. Frankfinn Creations

The Delhi High Court issued an ad-interim injunction prohibiting the defendant from using any mark that is confusingly similar to the plaintiff's registered "FRANKFINN" mark, and appointed a local commissioner to go to the defendant's premises and inventory and seize products bearing the marks "FRANKFINN/FRANKFINN CREATIONS." According to the plaintiff, the defendants adopted the identical trademark "FRANKFINN/FRANKFINN CREATIONS" in a brazen act of trademark infringement of the plaintiff's trademark "FRANKFINN," with the intent to deceive the public at large and ride on the plaintiff's enormous reputation and goodwill earned over the years. The defendants' website, according to the defence, launched under the name "FRANKFINN CREATIONS" and described themselves as an event management company with offices across India. According to this website, the defendants' sorts of services include managerial services, he claims.



15

Sulphur Mills Limited v. Virendra Kumar Saini

In this case, the Bombay High Court issued an interim order prohibiting the defendant from using the mark Fortis Royal. The plaintiff in this case owns a trademark on Fortis and sells sulphur products under it. Plaintiff discovered that the Defendant was selling FORTIS ROYAL-WDG, a FORTIS-branded product with an 80% sulphur content. In comparison to the rest of the mark, the word ROYAL is minimised and appears in a very small font. The Plaintiff's packaging has nearly fully been lifted in terms of its visual and artistic features. The image of a branching tree or plant with leaves displaying numerous agricultural items is repeated. The colour scheme is extremely similar, with orange, white, and yellow. In each, the word FORTIS is written in italics and the alphabet 'O' is changed to 'E'. There is clear trademark and copyright violation, as well as a strong prima facie case of passing off. The Court concluded that the defendant had lifted the plaintiff's packaging and trademark representation after comparing the packaging. The defendant's use of the mark will not be non-infringing if one vowel is changed, the Court stated.



16

PepsiCo. took Parle Agro to court over the use of the 'For the Bold' tagline

PepsiCo has filed a trademark infringement lawsuit against Parle Agro for using the "For the Bold" motto on its new beverage B Fizz. Before a petition filed in the Delhi High Court earlier this month, the US beverage and packaged goods conglomerate stated that 'For the Bold' is an internationally registered trademark for the Doritos nacho chips brand. According to court records, PepsiCo has asked the court to stop the Mumbai-based beverages company from engaging in "infringement, passing-off, dilution, and unfair trade rivalry," and has demanded roughly Rs 2 crore in damages. The court has given Parle Agro a month to make a written response and set the next hearing date for July 17.



On the basis of a copyright complaint filed by music label T-Series, Google has temporarily deleted the indigenous social media app Bolo Indya from the Playstore.

The live-streaming platform Bolo Indya has around 70 lakh users. The music label in September 2020, claimed damages of Rs 3.5 crore giving a copyright infringement notice to social media and video sharing platforms and asked them to give accounts of all revenues illegally earned by the platform from the copyrighted content. However, the Bolo Indya spokesperson says that all their content and transaction details for in-app currency purchases are safe and the app will be back on Play Store very soon.



The Bombay High Court witnessed a plea claiming online Ludo as gambling

The petition was filed in the Bombay HC against Cashgrail Private Limited, owner of the Ludo Supreme App claiming it to be gambling. The petitioner contends Ludo cannot be considered a game of mere skill but is a game of chance. It was claimed that the rolling of dice and value rolled is run by the application and the algorithm used by it. The Court sought the response of the Maharashtra government on the plea.



20



21

Phone Pe withdraws trademark injunction appeal against Bharat Pe

PhonPe had filed a suit for injunction against BharatPe on the ground of trademark infringement over using the suffix “Pe” in April, which was dismissed by the Delhi HC thereafter PhonePe filed an appeal in the High Court. PhonePe withdrew its motion challenging the order but have not withdrawn their original commercial lawsuit against BharatPe which was filed in 2019 where they accused BharatPe of trademark violations. PhonePe has also declined the possibility of reaching out to BharatPe for a settlement.

Drugmaker Bajaj Healthcare Limited requested for compulsory license

Drugmaker Bajaj Healthcare Limited requested the Indian patent office for grant of a compulsory license to it for the manufacture and supply of Baricitinib, one of the potential treatment options against Covid-19. Bajaj Healthcare after failing to get a voluntary license from Eli Lilly & Company requested Indian Patent Office to grant compulsory licence for manufacture and supply of COVID-19 Drug Baricitinib.



22

Artist Lloyd John in trouble for copyright violation

Musician Lloyd John for uploading a revamped version of the renowned poet ONV Kurup's popular song Mele Poomala from the movie Madhanolsavam received the intimation from YouTube citing violation of the Copyright Act, 1957. According to the High Court, remixing or changing the lyrics of a song without permission and using it for commercial purposes would constitute copyright infringement.



Bombay High Court gives Ad-interim Relief to Sony Music against Kal Radio.

An ad-interim injunction given by Bombay High Court in favour of Sony Music against KAL Radio Limited restricting them from broadcasting or communicating the copyrighted works of Sony Music on its radio stations. The ad interim injunction shall continue until 2nd July 2021. The order given by Bombay High Court is one of the first ad-interim injunction orders against a radio broadcaster post the statutory licensing order of IPAB being passed.

Venus Remedies wins 10 year old legal battle for the revocation of patent on intravenous paracetamol solution by SCR Pharmatop.

Venus Remedies Ltd filed the post-grant opposition against the SCR Pharmatop's intravenous paracetamol patent back in 2011 before Indian Patent Office on several grounds such as lack of novelty and lack of inventive steps, among others. During the course of the case, Patent Office first revoked the patent in 2018 observing that the claims made by SCR Pharmatop are obvious to an ordinary person skilled in the art, however, the company moved their plea to Delhi High Court and Intellectual Property Appellate Board (IPAB). IPAB directed the Patent office to again hear the matter and after hearing and written submissions from both the parties the Indian Patent Office gave its final decision on 4th June, 2021, maintaining the revocation order of Patent no.238164, dated 24th December 2018.



Chief Editors

Prof. Gunjan Arora
Prof. Taruna Jakhar

Managing Editors

Amishi Sodani
Ahna Agrawal

Content Editors

Jesika Somani
Tanisha Gautam
Mahak Agarwal
Ashi Chouksey
Shubhangi Sharma

Technical Editors

Mahek Shah
Ananya Choudhary
Priya Prajapati
Divya Karda
Palash Thakkar

- Kindly Note: We do not own any copyright in the images. The source of the images have been hyperlinked in the numbers put beside the images



[cipr.ilnu](https://www.instagram.com/cipr.ilnu)



[linkedin.com/company/centre-for-intellectual-property-rights-ilnu/](https://www.linkedin.com/company/centre-for-intellectual-property-rights-ilnu/)



<https://www.facebook.com/Centre-for-IPR-ILNU-102627165372616>



centreipr@nirmauni.ac.in