

LEGAL DEPARTMENT E-BULLETIN



Brunei joined Madrid Protocol

On the 6th October, the Government of Brunei Darussalam joined the Madrid Protocol for the International Registration of Trademarks. By submitting its instrument of accession, Brunei became the 98th member of the Madrid System. The latter system allows an applicant to apply for trademark registration in up to 114 countries through a single application.

Hefty fines for illegal broadcasts of Premier League

On the 30th September, the Guildford Crown Court in the UK imposed a fine of £992,947.60 (US\$ 1,227,417) on two persons for supplying illegal broadcasts of Premier League football to commercial premises. The two were found guilty of supplying a variety of systems allowing their customers to view live Premier League football matches without making appropriate payments. In the UK, subscription fees for commercial use are higher than residential consumption. The accused bought Sky and other viewing cards using fake names and addresses and subsequently sold them to commercial businesses including hotels, pubs and betting shops.

Geo-blocking and Competition Laws

The European Commission has ruled that geo-blocking digital content according to the country of consumption violates EU Competition law if it results from collusion between suppliers and distributors. These violations would have to be assessed on a case-by-case basis by the Commission's Competition Directorate.

India and Singapore signed MoU on Industrial Property

A noteworthy Memorandum of Understanding was signed between India and Singapore on the 4th October. The MoU establishes a Joint Coordination Committee (JCC) for facilitating bilateral exchange and cooperation in order to support Indian corporations for tapping Singapore's regional intellectual property prowess. As per the press release of the Intellectual Property Office of Singapore, the two agencies will – (i) Exchange best practices, experiences and knowledge on industrial property awareness, initiatives and programmes; (ii) Exchange human resource for deepening the industrial property capabilities; (iii) Organizing intellectual property events including conferences for academia and industry; (iv) Cooperate on modernisation projects & (v) Train local industrial property and business communities.

WIPO annual Assembly adopts Whistleblowers protection

The WIPO internal oversight mechanism was adopted by the annual General Assembly on the 11th October in Geneva HQ. The amendment is meant to make investigations of wrongdoing by high-ranking WIPO officials more transparent and it will also facilitate access to documents by WIPO member states in case of an investigation. Some countries expressed their satisfaction at this amendment and held that it is a “true example of lessons learned,” and of joint constructive work. The amendments now also allow member states to access full investigative reports. It will make WIPO a stronger and more transparent organisation and will allow member states to more effectively perform their oversight responsibilities in the future. The Assembly also approved recommendations of the WIPO Coordination Committee on the revision of WIPO’s General Procurement Principles to ensure clarity and transparency in WIPO’s procurement process. The Assembly also agreed with the Coordination Committee recommendation that WIPO’s Whistleblower bringing more transparency and requesting accountability for employees at all levels.

Does refusal to register trademark breach freedom to speech?

The US Supreme Court agreed on the 29th September to take up the question of whether the Lanham Act, which allows the US Patent and Trademark Office to refuse to register disparaging trademarks, conflicts with the First Amendment’s right to free speech. Marks which are deemed “immoral, deceptive, or scandalous” or that “disparage... persons, living or dead, institutions, beliefs, or national symbols” are being refused by the USPTO. The arguments in this case are eagerly awaited, a case which concerned an Asian-American dance-rock band called the Slants. The decision in this matter will also effectively resolve a separate one concerning the Washington Redskins football team. The trademark case was one of eight the justices chose from among the hundreds of petitions seeking review that had piled up over the summer.

ICANN freed from US Govt. oversight

ICANN which regulates domain names, is now a non-profit organisation overseen by multiple stakeholders, including internet users, businesses, registries and governments. The contract between ICANN and the US Dept. of Commerce to perform Internet Assigned Numbers Authority (IANA) ended on the 1st Oct 2016. ICANN states that the transition validates the multi-stakeholder model and is more transparent.

The E-Bulletin of the ABU Legal Dept. is a fortnightly initiative to bring news and other updates to members.

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