

LEGAL DEPARTMENT E-BULLETIN



Historic day for visually impaired and blind people: Today the 30th Sept 2016

The Marrakech Treaty which facilitates access to Published Works for Blind People Visually Impaired or otherwise Print Disabled is today coming into force. After Canada's accession to the Treaty as the 20th nation, the treaty has reached the required number of nations to come into force. The treaty requires nations to adopt national law provisions that permit the reproduction, distribution and making available of published works in accessible formats such as Braille through limitations and exception to copyright holders. The treaty is seen as creating a framework for blinds and visually impaired people to have access to literacy at par with abled persons. India was the first country to sign this treaty. The other APA countries are: Singapore, Mongolia, Republic of Korea, Australia and Democratic People's Republic of Korea.

Roskomnadzor cracks down illegal hotspots in Russia

Roskomnadzor, the Russian federal telecommunications regulator said that it found 5500 public Wi-Fi hotspots being non-compliant with Russian law. Over 18,000 public Wi-Fi hotspots were examined to ensure compliance with mandatory legal requirement. This is an improvement from 2014, where 90 percent of public hotspots were not licensed to function.

AIPPI World Congress: Parody and Satire

This year's International Association for the Protection of Intellectual Property (AIPPI) World Congress in Milan was held on 20th September 2016. Dale Nelson, Vice president and senior IP counsel at Warner Brothers Entertainment explained the creation of parodies in the US in relation to various types of intellectual property. She remarked that just because something was transformative, did not qualify it as fair use. At the AIPPI, copyright, trademark and dilution were discussed. The next issue of ABU Quarterly News will see an article on Parody by Mr Nawaz Dookhee.

Delhi High Court : Where does the buck stop?

Delhi University (DU) was sued by major international publishers like Oxford University Press and Cambridge Press for issuing photocopies of their major textbooks. The Court ruled that "*copyright, especially in literary works, was not an inevitable, divine, or natural right that conferred on authors the absolute ownership of their creations. It was designed rather to stimulate activity and progress in the arts for the intellectual enrichment of the public.*" The court ruled that

Section 52 of the Copyright Act exempted education from copyright infringement.

Sports rights: Twitter to get a bite of the cherry

Four major U.S. leagues are to be carried on non-exclusive rights by Twitter, which has been in negotiation over the past few months to stream some of their sports content. Twitter will broadcast NFL (Football), NBA (Basketball), MLB (Baseball) and NHL (Hockey).

Yahoo: Over 500 million user's data hacked

It is confirmed that Yahoo's users' account details were stolen. The state is said to be behind this. Information such as names, email addresses, phone numbers, dates of birth, hashed passwords and, in some cases, encrypted or unencrypted security questions and answers is concerned in this hack.

Singapore: New Internet Advertising Guidelines issued

The Advertising Standards Authority of Singapore (ASAS) issued the Interactive Marketing Communication and Social Media Guidelines. It came into force on 29th August, and marketers and media owners were given a grace period of one month until yesterday (29.09.2016) to adhere to them.

BMI wins licensing row

Performing rights organisation Broadcast Music Inc. (BMI) was successful in its claim for fractional licensing in New York District Court. "*Fractional licensing*" is a long established industry practice of 'greenlighting' by each rights holder of its portion of a song for establishing a licence. BMI disputed the Department of Justice decision to allow songs written by multiple writers, any writer or rights holder could issue a licence for the entirety of the song. This is known as "*full-works licensing*". Judge Stanton ruled, "*The consent decree neither bars fractional licensing nor requires full-works licensing.*" He further added, "*if a fractionally-licensed composition is disqualified from inclusion in BMI's repertory, it is not for violation of any provision of the consent decree.*"

The conundrum of "own your power" resolved

Simone Kelly-Brown sued Oprah Winfrey for using "*own your power*" on the cover of *O, The Oprah Magazine*. Simone claimed that she has trademarked the three word phrase in 1996. The Court held that "*own your power*" was not distinctive and did not warrant trademark protection.

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

Editor: **Mr Nawaz Dookhee**, Legal Manager; Contributor: **Ms Sharma Seemantani**, Legal Officer

To subscribe please email: **Ms Sharma – seemantani@abu.org.my**