

LEGAL DEPARTMENT E-BULLETIN



33rd SCCR WIPO Geneva, Switzerland

The 33rd SCCR Meeting started yesterday. More in the future edition.

China to adopt New Cybersecurity Law

The Chinese Government laid a new amended Cybersecurity Bill on 31st Oct before the National People's Congress. According to the Government's official agency, the objective is to protect critical infrastructure in China. If passed, the law would punish hackers from outside the country by permitting law enforcement and national security officials to freeze their assets. Other unspecified punishments could also be imposed.

YouTube takes down site for non-payment of bribe

YouTube's automated bot took down SRbrosentertainment (SRbros), a channel with over 100,000 subscribers on its refusal to pay US\$1000 bribe. ZM Productions sent two surprised copyright claims on SRbros iPhone giveaway video. ZM Productions later sent an email claiming usurpation of their identity in sending those strikes. They also stated that SRbros would have to pay \$1000 if they did not want another strike. SRbros refused to pay and was taken down. Upon contacting YouTube, they received an automated response saying that their problem would be resolved within 10 to 14 business days. This incident indicates the perils of YouTube's automated take down system for innocent channels.

Central Asian Rule of Law Conference postponed

The Fifth EU – Central Asian Rule of Law Conference – which serves as a high level platform for political dialogue between the EU and Central Asia has been postponed to 2017. It is held every two years since 2008. It is proposed that the Fifth Ministerial Conference should focus on economic governance and administrative law due to widespread interest in these issues from the Central Asian states recently.

Brexit: Article 50 and British Parliament

The situation in UK after Brexit continues to be confusing. Intellectual property owners are longing in the dark about their future course of action. The English High Court has ruled last week that parliament's consent is necessary before the UK can trigger Article 50. The situation has led IP owners in a state of uncertainty, as it is unclear if the UK

would remain as the existing non-EU members of the European Economic Area. The fate of the Unified Patent Court (UPC) is also uncertain.

Warner Bros in a winning strike

Warner Bros has won a \$2.6 million after a decade long law suit over copyright in images from the films "Gone with the Wind", "The Wizard of Oz" and the cartoon "Tom & Jerry". In 2006, Warner Bros had sued Art & Vintage Entertainment Licensing Agency (AVELA) over copyright and trademark infringements. AVELA had made adaptive versions of movie posters and lobby cards for the films and extracted images of famous characters. Subsequently, it licensed the images for use on lunchboxes, shirts, playing cards, figurines, water globes and action figures. On 1st November the US Court of Appeals upheld the decision of the lower court by granting summary judgment on both the trademark and unfair competition claims. The District Court had decided that Warner held registered trademarks in words and phrases from the films and common law trademarks in the film characters.

Singapore to invest in dispute resolution

The 7th November saw the Singaporean Parliament read two draft bills for boosting Singapore as a leading international dispute resolution hub. The two Bills viz. the Civil Law (Amendment) Bill and the Mediation Bill. The Civil Law (Amendment) Bill provides third – party funding in Singapore, in order to give alternative financing options to businesses for international commercial arbitrations. The Mediation Bill has been designed to support international commercial mediation by strengthening the enforcement of mediated settlements.

Cheerleaders' outfit in Copyright claim dispute

Arguments were heard by the US SC in the *Star Athletica v Varsity Brands* case, which revolves around the issue of whether a cheerleading outfit was copyrightable or not. Varsity Brands, producer of athletic gear sued clothing company Star Athletica, on the grounds that the clothing gear sold by Star Athletica were "substantially similar" to its own. The central issue is "the appropriate test to determine a feature of a useful article". Mr Breyer J. said that the fashion industry has not enjoyed copyright protection. If suddenly this case held that dresses were copyrightable subject matter, it would double the price of women's clothes. The case is on the roll to be heard in May, 2017.

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

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