

LEGAL DEPARTMENT E-BULLETIN



INTA surveys contribution of trademark intensive industries to ASEAN's economy

The International Trademark Association (INTA) has conducted an impact study on the role of trademark intensive industries to the economies of the Association of South East Asian Nations (ASEAN). Across all the ASEAN countries, manufacturing was the top trademark-intensive industry followed by information and communications, construction, and retail. Trademark intensive industries contributed 50%, 30%, 17% and 22 % respectively to Singapore's, Malaysia's, Philippines and Thailand's Gross Domestic Product (GDP).

US sports associations unite to combat counterfeiters

The National Basketball Association (NBA), Major League Baseball (MLB) and the National Hockey League (NHL) have united to combat a group of counterfeiters. In a claim filed at the US District Court for the Northern District of Illinois, the sports associations alleged that a group residing either in China or some other foreign jurisdiction had infringed their trademarks. The sports associations have designed a programme for protecting their trademarks in collaboration with the Coalition to Advance the Protection of Sports logos (CAPS). The programme regularly "investigates" suspicious websites and e-commerce platforms based on information tipped off from variety of informants. The informants have sought injunctive relief, a transfer of infringing domains and damages for wilful counterfeiting of \$2 million for each infringing use and \$100,000 per infringing domain.

US civil society groups gear to protest against net neutrality rules

A coalition of US activists and consumer groups are gearing to protest against a proposal by the country's telecommunications regulator (the Federal Communications Commission-FCC) to rewrite the rules governing the internet. The FCC intends to disband the net neutrality rules put in place in 2015 by the Obama Administration. As per the opponents, the amendments proposed by the FCC will pave the way for a tiered internet which will allow ISP's to discriminate between content providers by giving higher speeds to those they favour, or those willing or able to pay more. The protest will take place on September 26th, 2017 at the FCC headquarters and move to the Capitol Hill for a discussion with the legislators.

Waymo postpones trial date with Uber

Waymo, Google's former self-driving car division has postponed its trade secrets court date with Uber due to the

discovery of "mountain of new evidence". The appeal for time extension which was originally fixed for October 10th, 2017 was filed at the US Court of Appeals for the Federal Circuit. The court allowed Waymo's request to seek a confidential report by risk management firm StrozFriedberg. Previously, StrozFriedberg had investigated former Waymo employees and the resulting report has been the central issue in the clash between Waymo and Uber.

Threats to confidence in IP System : Czech IPO

Josef Kratochvil, President of the Czech Republic Industrial Property Office has indicated a looming threat to the future of trademarks in the Czech Republic and in the EU. Speaking at the 31st Marques Annual Conference in Prague, he explained that fraudsters were increasingly resorting to "sophisticated techniques" for defrauding trademark owners. He explained that this was a common problem not only in the Czech Republic but across Europe. Explaining the process, he stated that companies were increasingly receiving fake letters on behalf of IP institutions requesting the trademark owners to pay for renewing their marks. However, it was only upon close study that it is discovered that these letters actually have no legal effect. He cautioned trademark owners to be careful against these fraudsters.

ASEAN as a model for IP cooperation

Legal academics Elizabeth Ng and Graeme Austin in their recently released book titled International Intellectual Property and ASEAN Way: Paths to Interoperability have argued that relationship between countries was an often ignored but an extremely crucial factor in developing the innovative capabilities of a nation. According to them, harmonization in IP was no longer relevant and achieving cooperation in IP in the ASEAN way was a more realistic alternative for strengthening relations between the countries.

Singaporean property lists sues rival for copyright infringement

Singapore's largest property listing Property Guru has sued its rival 99.co over alleged copyright infringement accusing latter of unauthorized reproduction of content. The case is important for its implications on who owns the copyright over the content uploaded onto online platforms. At issue is an app called Xpressor which allows property agents to list their postings across multiple portals. This has resulted in several listings on 99.co bearing PropertyGuru's watermark. The trial is currently going on.

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

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