

LEGAL DEPARTMENT E-BULLETIN



Poland to have new laws on Collective Rights Management

Poland's Ministry of Culture and National Heritage is drafting a new law on collective rights management which is to implement the relevant European Union legislation into Polish law. However, a think tank with close ties to the government has released a report that points to the relatively high operational costs of the authors' and creators' organisations, and could pave the way for further modifications to the system.

Issue of separability finally settle?

A recent judgment settled the test courts must use to determine separability under the US Copyright Act. The US Supreme Court in *Star Athletica v Varsity Brands* gives hope to fashion designers for greater protection. The fashion industry has traditionally struggled to protect apparel designs through copyright law, other than distinctive textile designs and graphic artwork.

Huawei faces trouble in English and Welsh Courts

Spelling trouble for Huawei Technologies, the England and Wales High Court has ruled an injunction could be granted against the Chinese telecommunications company in its first Fair, Reasonable, And Non-Discriminatory (FRAND) decision.

Is data from directory copyrightable?

Singapore's Court of Appeal has ruled in the negative. Global Yellow Pages had sued rival phone directory Promedia Directories, accusing it of copying from its online directories. However, the Court said that there is no creativity in selecting or displaying the data. Copyright did not subsist in the individual listings and the form of expression was unoriginal. Just to mention that Singapore does not have the same 'database rights' as the European Union.

Changes in Australian laws to protect online service provider

Australian law could be updated to better protect online service providers being liable for copyright infringing activities by their users. The Australian government has announced that it plans to consult on changes to the country's Copyright Act which would extend existing 'safe harbour provisions' that internet service providers (ISPs) currently enjoy to online service providers.

Hungarian Rubik Cube in Indian Court

The Rubik's Cube was invented by Ernő Rubik in 1974 and is a trademark name. In the case *Rubiks Brand Ltd & Anr vs. Mahesh Vaman Manjrekar & Ors*, Bombay High Court granted an injunction in favour of Rubiks Brand Ltd (Rubiks) for the illegal use of the mark by Mahesh Vaman Manjrekar, an Indian actor and filmmaker, as the title of his upcoming Marathi movie.

British Airways in turbulence over copyright

British Airways (BA) has flown into a spot of turbulence after being accused of copying various street arts without authorisation for use in its adverts and as its logos on its planes.

Eminem sues New Zealand's governing party

Eminem has sued New Zealand's governing party – the National Party for using his song "Lose Yourself" as part of campaign advertisement campaign in 2014. Eminem's lawyers have alleged that the track was used as it could be easily found due to Eminem's name in the title. The respondent claims however that the title which was originally called "Eminem-esque" was bought from a music stock library.

WTO upholds Australia's plain packing restrictions

The WTO has upheld Australia's 2011 plain packaging restrictions on tobacco products as not being against international trade law on ground of public health measure. Indonesia, Ukraine and Cuba had filed the complaint before the WTO on ground of being a barrier to trade. Australia is the first country in the world to have introduced the plain packaging requirement for cigarettes. Vide also last edition – UK is introducing it on 20th May 2017.

INTA opens regional office in Chile

The International Trademark Association (INTA) has opened an office in Santiago, Chile for the Latin America and Caribbean region. The association aims to protect trademarks and related intellectual property rights for protecting consumers and for promoting fair and effective commerce.

Singapore's IP Office launches innovation fund

The Intellectual Property Office of Singapore (IPOS) has launched a \$716.6 million private equity fund – the Makara Innovation Fund – to drive growth in the economy. The IPOS and Singapore Business Federation have signed an MoU for driving enterprise growth through IP and innovation during the next five years.

IP (Unjustified Threats) Bill receives Royal Assent in the UK

The Intellectual Property (Unjustified Threats) Bill which aims to make disputes over IP easier to resolve has received royal assent. This bill seeks to harmonize the different regimes by clarifying what could be said out of court for settling an IP dispute.

German Google case referred to ECJ

A Berlin court has referred a dispute between publishers and Google to the European Court of Justice on the validity of the law governing press and copyright that it was asked to enforce. The referral question is whether the German govt. should have presented its draft law to the European Commission before it became effective in August 2013.

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

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