



### **Qatar joins the Rome Convention**

Qatar has joined the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, 1961 (the Rome Convention). The Rome Convention is an international treaty protecting the rights of broadcasting organizations. Qatar became the 93<sup>rd</sup> country to join the Rome Convention. As of date, out of the total 188 WIPO member states, only 93 are its signatories and only 17 countries of the APAC region are its signatories. Qatar's Ministry of Economy and Commerce announced that Qatar's accession to the Rome Convention is a continuation of the State's success in the field of intellectual property rights protection, where it ranks first in the Arab world for eight consecutive years and twentieth in the worldwide rankings.

### **Aldi loses to English broadcaster Sky in General Court trademark battle**

The European Union General Court has ruled that the European Union Intellectual Property Office (EUIPO) must dismiss Aldi's "Skylite" application as it caused a likelihood of confusion with broadcasting company Sky's registered marks. Aldi had applied to register a trademark for "Skylite" for laptop and travelling bags. In June 2013, the broadcaster Sky filed an opposition on the basis that it owned several previous marks in the same classes for the word "Sky" which was first registered in 2012. The word mark in dispute related to cases for consumer electronic devices and leather goods.

### **35th WIPO SCCR to commence soon**

The 35th WIPO Standing Committee on Copyright & Related Rights (SCCR) will take place at the WIPO headquarters in Geneva, Switzerland. During the course of the week, negotiations on the Broadcasters Treaty, limitations and exceptions for libraries and archives and limitations and exceptions for educational and research institutions and for persons with other disabilities will take place. The SCCR will also consider matters with respect to proposal for analysis of copyright related to the digital environment and proposal from Senegal and Congo to include the Resale Right (droit de suite) in the agenda of the SCCR in future.

### **Sports broadcaster ESPN accused of copyright infringement**

The US District Court for the Northern District of Mississippi, Oxford Division has held that sports broadcaster ESPN cannot be excused from a jury trial

following accusations of copyright infringement over a documentary it shot on the late college football player Chucky Mullins. The dispute arose over a 2014 documentary called "It's Time: The Story of Brad Gaines and Chucky Mullins" created by ESPN which looked into the life of Mullins, who died in 1991 as a result of complications from an injury. According to production company 38 Films, ESPN's documentary infringed its copyright. 38 films alleged that "It's Time: The Story of Brad Gaines and Chucky Mullins" featured exactly the same players and told exactly the same story as its documentary "Undeclared" and did not contain even a single attribution. In August 2017, ESPN filed a motion for summary judgement against the claim arguing that the broadcaster was entitled to the motion because there was no use by ESPN of 38 Films' copyrighted film "Undeclared" and plaintiffs had no protectable copyright interest in third-party footage that defendants did use.

### **Amendments to the Madrid Protocol come into effect**

Several amendments to the Madrid Agreement and Protocol came into effect on 1st November 2017. The Madrid Protocol extends trademark protection in multiple countries through single filing, in one language and with one set of fees. From 1st November 2017 onwards, each time a representative for international trademark registration is appointed or cancelled, the World Intellectual Property Organization (WIPO) will inform the IP offices of the member countries of the Madrid Protocol. Recently, Indonesia became the 100th member of the Madrid Protocol.

### **Singapore contemplates to ratify UNESCO Cultural Heritage Convention**

Singapore is looking to ratify the Convention for the Safeguarding of Intangible Cultural Heritage for protecting its unique cultural heritage. This 2003 convention is administered by the United Nations Educational, Scientific and Cultural Organization (UNESCO) for safeguarding aspects of cultural heritage such as the performing arts, cultural rituals and traditional crafts. In order to ratify the convention, Singapore will have to uphold to the requirements of the convention to preserve its own cultural heritage.

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

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