

# LEGAL DEPARTMENT E-BULLETIN



## **33<sup>rd</sup> SCCR WIPO Geneva, Switzerland**

The 33<sup>rd</sup> Standing Committee on Copyright and Related Rights (SCCR) was held between the 14<sup>th</sup> and 18<sup>th</sup> November 2016 at the WIPO HQ in Geneva. The ABU discussion on the Broadcasters' Treaty met with some success with the Asia Pacific Group which is headed by India. The paper presented jointly as document SCCR/33/5 "Note on the Draft Treaty to Protect Broadcasting Organizations" submitted by the delegation of Argentina, Colombia and Mexico were favourably welcomed by all delegations. The ABU was represented at WIPO by Dr. Yan Bo (Deputy Director, Copyright and Legal Affairs Office CCTV – China and Chairperson of ABU IPLC), Mr. Masataka Hirano (NHK – Japan), Mr. Nawaz Dookhee (ABU Legal Manager) and Ms. Seemantani Sharma (ABU Legal and Intellectual Property Services Officer). A new Chairman of the Committee will be appointed next year. The next SCCR (34<sup>th</sup>) will take place from 1<sup>st</sup> to 5<sup>th</sup> May 2017.

## **Artist Richard Prince targeted in copyright infringement**

Fine art photographer Eric McNatt has sued artist Richard Prince, art gallery Blum & Poe and art marketplace Ocula for infringing his photograph "Kim Gordon 1" which is a portrait of singer Kim Gordon, at her home in Massachusetts. McNatt alleges that Prince had "created and displayed" the infringing photograph on his Instagram account. McNatt prayed for a declaratory relief, permanent injunctive relief, statutory damages and attorneys' fees.

## **Trademark opposition against Microsoft**

Social media company Instagram has filed trademark opposition against Microsoft for using the term "Actiongram" – which was filed at the United States Patent & Trademark (USPTO) earlier this year. Instagram has filed the complaint alleging that if Microsoft's claimed mark 'Actiongram' is granted then its 'Instagram' mark will suffer damages. It further argued that it has used the mark "Instagram" continuously within the US since 2010. Also, it has alleged that "Actiongram" was "deceptively similar" to its mark "Instagram" and could deceive or cause confusion amongst the public about the origin of the two marks.

## **Trump to abandon TPP**

Newly elected US President Donald Trump is reported to pull out of the Trans - Pacific Partnership (TPP) which primarily focused on reducing trade barriers and increasing

and modernising regional economic integration. The US will favour bilateral trade deals instead. The TPP is among 12 Pacific Rim countries excluding China. TPP has been heralded as a disaster due to its stringent IP protection which lead to income disparity as highly paid IP owners would accrue all benefits out of it. Since the US has now chosen to turn away from leadership in trans-Pacific trade liberalization and modernization — China is poised to assume that leadership at the APEC Summit next week in Peru.

## **BBC launched counterfeit investigation against Groupon**

UK broadcaster BBC has launched an investigation against E-commerce giant Groupon. According to a press release by BBC, Groupon was misleading online consumers with cut-down prices on goods such as Ralph Lauren shirts and white gold sapphire earrings, which were subsequently proved to be counterfeit by the UK Trading Standards.

## **Authors to have digital control over out-of-print books**

The European Court of Justice ruled that authors were permitted to prevent the digital reproduction of out-of-print books. In the landmark case of *Marc Soulier and Sara Doke v Premier Ministre and Ministre de la Culture et de la Communication*, the Court ruled that EU member states must guarantee the protection afforded to authors by the copyright directive (2001/29/EC). As per a press release on 16 November, the court said that legislation must ensure that authors have control over their work by "being informed of any potential digital exploitation" of their work.

## **No copyright over court judgments**

The Indian Supreme Court, reaffirming its previous decision ruled that publishers who merely published (after editing) its decisions could not claim copyright over it. It held that there was no copyright over judgments uploaded on the judgment section of the Supreme Court's website and that all were free to use it as a raw source.

## **Online Legal Services in APAC**

It has been reported that 60% of the world's new internet users come from the Asia-Pacific region. It also said that the intersection of the internet and legal services is likely to increase in the future as it appears more lawyers and legal services sector companies will successfully adopt the internet as their prime means of interface with clients and the public.

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

Editor: **Mr Nawaz Dookhee**; Contributor: **Ms Sharma Seemantani**

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