



CENTRIiK'S NEWSLETTER

WHO AND COSTA RICA TO LAUNCH COVID-19 TECHNOLOGY POOLING INITIATIVE THIS MONTH

As per a recent press release, the World Health Organization, the Presidents of Costa Rica and Chile have announced the launch of a new technology pooling initiative to provide equitable access to COVID-19 health products. The initiative which was first proposed by the Costa Rican government will be launched on 29 May, 2020. WHO Director General, Dr. Tedros Adhanom Ghebreyesus believes that everyone must have access to innovations without any restrictions. The Director has also said that it is likely that traditional markets will not have the power to meet the global requirements, therefore, solidarity will be the way forward. The official press release explains that the initiative will create a voluntary pool of data, knowledge and IP for existing and new COVID-19 related products.

VOX MEDIA FACES INFRINGEMENT LAWSUIT BY PHOTOGRAPHER

A photographer named Helayne Seidman, has filed a copyright infringement law suit against Vox Media, in the Southern District of New York. The lawsuit which has been filed under the Copyright Act and the Digital Millennium Copyright Act, accuses Vox Media of unauthorized reproduction and public display of a copyrighted photograph. As per the claims made in the lawsuit, Vox Media has allegedly infringed upon a photograph of an apartment building taken by Seidman. The photograph is that of a luxury apartment building, Gotham West, on 45th Street in New York, and is a copyrighted photograph which has been registered to and is owned by Seidman. This photograph was licensed by Seidman to the New

York Post, who had then published it in an article and had also credited Seidman for the photograph. Following this, Seidman then discovered her photograph on www.NY.Curbed.com, which is a site owned and operated by Vox Media.

Seidman is of the opinion that Vox Media obtained the photograph from the New York Post article without taking the necessary permission or giving her credit for the photograph. Further, Seidman has accused Vox Media of removing, falsifying, and altering the copyright management information, due to which she claims that Vox Media has violated copyright law. Seidman now seeks declaratory judgment of Vox Media's infringement, an award for damages, an award for costs and fees, pre- and post-judgment interest, and other relief as determined by the court.

ANADAY TAKES ON AMADAY FOR TRADEMARK INFRINGEMENT

Ajanta Pharma ('Plaintiff'), a multinational pharmaceutical company, filed a suit before the High Court of New Delhi seeking a permanent injunction to restrain Zuventus Healthcare ('Defendant') from using the trademark 'ANADAY' for pharmaceutical drugs. The Plaintiff claims to be the registered proprietor of the mark AMADAY since 1997 for treatment of high blood pressure and heart disease. Even though the Defendant uses 'ANADAY' for the treatment of breast cancer, the Plaintiff claims that the confusion in reading the prescription would amount to a serious lapse vitally affecting the lives of consumers. The Defendant contended that the Plaintiff is not selling the AMADAY drug in India and is only engaged in exporting it, and also the drug requires a prescription by an Oncologist and not other specialists, thus there is no likelihood of any confusion. Defendant further contended that the trademark was devised by adopting the first three letters of the molecule ANASTROZOLE, and the tablet is required to be administered daily, thereby coining the word 'ANADAY'. Although 'ANADAY' and AMADAY are deceptively similar, there is no material on record to show that the Defendant dishonestly adopted their mark to ride on the reputation and/or goodwill of the Plaintiff's mark. The Plaintiff has no sales in India and thus no corresponding goodwill in India. Moreover, the Plaintiff's drug is used for a different ailment than that of the Defendant's. Thus, the goodwill if any, earned by the Plaintiff's product cannot be utilized by the Defendant. In view of the aforesaid, the Court finds no ground to grant the relief of injunction in favor of the Plaintiff and thus dismissed the suit.

Citation: Ajanta Pharma Ltd. vs Zuventus Healthcare Ltd (I.A. 8731/2019)

SUPREME VICTORY IN CHINA FOR SUPREME US

Supreme has tightened its grip globally by getting new trademark registration in China. The US based clothing and accessories brand has been granted registration for its mark 'Supreme' in China for accessories and footwear—including shirts, pants, jackets, underwear, belts, hats, bandannas, and shoes. With the grant of the trademark, Supreme US has ended its long battle with similarly named clothing counterfeiter Supreme Italia, owned by International Brand Firm (IBF) based in England. The copycat brand had been copying Supreme US's logo and selling fake knockoff products in China through a flagship store in Shanghai. As a result, Supreme Italia has been forced to close its Shanghai location.

GI TAG TO MANIPUR BLACK RICE

The Geographical Indication (GI) Registry granted GI registration to the black rice of Manipur in the Agricultural category. Black rice of Manipur, locally known as Chakhao, is a scented glutinous rice which has been in cultivation in the Manipur region for centuries. It is characterized by its special aroma and its appearance has a dark purple hue on its outer bran layer making it appear almost black. It is mostly used during community feasts and has also been used as a part of traditional medicine. The application was filed by the North Eastern Regional Agricultural Marketing Corporation Limited (NERAMAC) in December 2017. The Panel considered the complaint well-grounded and therefore there is no evidence of abuse. Accordingly, the Panel declined to enter a finding of reverse domain name hijacking.

GENERAL IP UPDATED

In view of the prevailing situation in the country due to the spread of COVID-19 virus, The European Union IP Office (EUIPO) has confirmed that, as of 18 May 2020, the registry's extension period has come to an end. The Indian IP Office (CGPDTM) has announced a further extension on deadlines related to the country's nationwide lockdown. For cases with deadlines falling between 25 March, 2020 and 17 May 2020, the new deadline has been extended until 1 June, 2020. The Sri Lanka IP Office (NIPO) has confirmed that it plans to re-open its headquarters

on 1 April, 2020. Bangladesh office will remain closed till 31 May, 2020. National Intellectual Property organisation, NIPO, Sri Lanka, is operational but with limited staff.

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