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CENTRiiK'S NEWSLETTER

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INDIAN IP OFFICE AND WEBSITE ACCESSIBILITY FOR PERSONS WITH BLINDNESS – ORDER OF CCPD

The Rights of Persons with Disabilities Act, 2016 ("RPwD Act") was sanctioned with the target of offering impact to the arrangements of the UN Convention of Persons with Disabilities to which India is a part state. The RPwD Act requires Government and private foundations to give data, correspondences and reports in designs that are available to people with incapacities. The Act likewise orders foundations to give sensible facilities, and states that not giving such facilities adds up to segregation. The Rights of Persons with Disabilities Rules, 2017 ("RPwD Rules") express that sites, archives and interchanges must follow site norms of Department of Administrative Reforms and Public Grievances. The standards likewise give that archives must be made accessible in EPUB or OCR based configurations. In various requests in Rajive Raturi Vs. Association of India, the Supreme Court has underscored the need to make sites and reports available to people with visual impairment.

Citation: INDIAMART INTERMESH LIMITED vs. MR. AKASH VERMA & ORS (*I.A. 5594/2020*)

MOTORS DENIES FREEPLAY MUSIC' S INFRINGEMENT CLAIMS

The progressing copyright infringement claim among Ford and Freeplay Music, has now brought about Ford countersuing Freeplay, in the wake of denying the Freeplay's infringement claims. Freeplay Music, which is a music library, had recently documented an infringement suit against Ford in the U.S. Region Court for the Eastern District of Michigan. In the claim, Freeplay Music guaranteed that Ford had utilized 54 melodies from its music inventory multiple times in promotions without paying for them and needed the court to arrange Ford to pay for the infringements to the tune of USD 8.1 million. Because of the claim Ford kept all from getting these charges. Portage expressed that, these charges were ridiculous, since the notices that Freeplay Music had referenced in their claim, were video ads posted by outsider members on YouTube in unfamiliar wards coordinated to unfamiliar crowds and were not produces by Ford. Further, Ford explained that the "U.S. Copyright Act doesn't make a difference to such extraterritorial lead and, autonomously, obligation under the U.S. Copyright Act can't be founded on corporate alliance alone." Passage is currently countersuing Freeplay Music, for bogus promoting and is additionally guaranteeing unknown harms, court expenses and lawyers' charges.

COURT DENIES TAYLOR SWIFT' S MOTION TO DISMISS INFRINGEMENT LAWSUIT

Nathan Butler and Sean Hall and previously filed a copyright infringement suit against singer Taylor Swift, claiming that her song "Shake it Off", infringed upon the lyrics of their own song, "Playas Gon' Play". The disputed lyrics as Butler and Hall claim to have originally written are, "Playas, they gonna play And haters, they gonna hate", and a modified version of this with some additions has been used by Taylor Swift in her song.

Following this Taylor Swift filed a motion to dismiss the lawsuit, which was granted to the singer, by the U.S. District Court for the Central District of California. However, this dismissal was recently reversed by the U.S. Court of Appeals for the Ninth Circuit. The Ninth Circuit was of the opinion that the lawsuit filed by Butler and Hall, "plausibly alleged originality", due to which the lawsuit cannot be dismissed as a matter of law.

APPLE, CISCO, GOOGLE AND INTEL FILE COMPLAINT AGAINST THE DIRECTOR OF USPTO

Apple, Cisco, Google and Intel have reportedly filed a “Complaint for Declaratory and Injunctive Relief” against the Director of USPTO, Adreian Iancu. As reported by Patently Apple, the companies claim that USPTO is not following the IPR procedures laid in the Leahy-Smith America Invents Act (AIA). Paragraph 6 of the complaint explains that “The NHK-Fintiv rule violates the AIA, which allows IPR to proceed in tandem with infringement litigation involving the same patent claims so long as the IPR petition is filed within one year after the petitioner was served with the complaint in the infringement suit. Indeed, the NHK-Fintiv rule defeats the purpose of IPR…” The complaint further explains that the Rule is “arbitrary and capricious” and that “is procedurally invalid because it was not adopted through notice-and-comment rulemaking.” The plaintiffs have requested for a relief whereby the Court declares that NHK-Fintiv rule is unlawful and sets the rule aside.

INDIA MAKES IT TO THE TOP 50, FOR THE FIRST TIME, IN THE GLOBAL INNOVATION INDEX 2020

The World Intellectual Property Organization (WIPO), Cornell University and INSEAD, published the 13th edition of the Global Innovation Index (GII) on 2nd September 2020. The Confederation of Indian Industry (CII) was one of the co-publishers of the GI 2020, this year. The special theme of the Index – Who Will Finance Innovation? focused on the challenges faced by innovators around the globe in relation to finding stable and accessible financing mechanisms. Switzerland, Sweden and the U.S.A ranked 1st, 2nd and 3rd, respectively, maintaining their positions from the 2019 Index. India jumped four spots higher and secured 48th rank, reaching Top 50 for the first time. As per the official GI Report, China, Vietnam, India and the Philippines have been recognized as the economies with the most significant progress in their GI innovation ranking.

COSTCO NOT INFRINGING TIFFANY, SUCCEEDS IN APPEALING \$21 MILLION VERDICT

The U.S. Second Circuit Court of Appeals in New York recently overturned a \$21 million award against Costco Wholesale Corporation, for infringing the trademark of renowned jewellery maker Tiffany & Co.

The suit was first instituted in 2013 by Tiffany against Costco, who was selling unbranded diamond engagement rings, bearing the “Tiffany” name. The U.S. District Court had decided the case in favour of Tiffany back 2015, holding Costco liable for trademark infringement and counterfeiting. The Second Circuit Court of Appeals, however, overturned this decision, stating that the “Tiffany” signs were placed by Costco to refer to the design of the diamond ring, which was also called the “Tiffany” design in a number of magazines and publications. Further the Court stated that Costco acted in good faith and had no intention to infringe on Tiffany’s trademark, or to counterfeit their goods.

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