

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS

SCIENTISTS CHALLENGES SHYCOCAN
Ref:- indianexpress.com, Monday, 07.09.2020



An inventor from Bengaluru has invented a device claims to have the capability to kill coronavirus in closed spaces by using electron particles. The device is named as Shycocan and claims approval from FDA and EU-CE for its marketing in US and Europe. It is a plug and play device that operates on a regular wall socket delivering necessary signals to photon mediated electron emitters that produce hypercharge high velocity electrons by photon mediation that interacts with negative seeking S- Protein of Corona Virus. It thereby reduces infectivity and prevents air as well as surface borne transmission. This device has been severely criticized by many senior scientists who call it a physically incorrect concept. The claim has also been unsubstantiated by any scientific document.

NIKE CAN BAN AUTHORIZED RETAILERS FROM ONLINE SALE
Ref: thefashionlaw.com, Wednesday, 23.09.2020



Amsterdam court of appeal in its noteworthy decision has held that Nike can now legally ban third parties from selling its footwear on unapproved online marketplaces. In this case, Action Sport had been an authorized Italian distributor of Nike products. The reason why Nike terminated its distributor agreement with Action Sport was offering of authentic Nike products on Amazon that led to violation of Nike's Selective Retailer Distribution Policy. Action Sport lost the case in both trial court as well as Court of Appeals. The court affirmed that brand owners have all rights to restrict their authorized dealers to offer their branded products for sale on any platform. US trademark law however differs from this point of view as under US law anyone whether authorized or not can sell genuine goods on any platform. As far as trademark infringement claims are concerned likelihood of confusion about a product as well as sponsor of business continues to be the linchpin. Clearly even though brand owner has freedom but a delicate balance needs to be maintained between developing brand image and maximizing sales as well as maintaining amicable relations with distributors.

WIPO LAUNCHES NEW FREE DATABASE OF JUDICIAL DECISIONS
Ref: wipo.int, Thursday, 24.09.2020



WIPO has recently launched a new database under the name WIPO Lex-Judgments that provides free access to leading judicial pronouncements related to IP law from around the world. These databases shall contribute in creating awareness about how common issues of highly sophisticated nature are handled globally.

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These judgments shall establish precedent and offer persuasive interpretation of IP law for adjudication of IP disputes across the world. In matters relating to IP, owing to its dynamic nature, courts and policy makers will be able to cultivate a better understanding and response to technical nature of wide variety of IP disputes. These judicial decisions have been selected directly by the courts and national authorities of each member state as leading decisions owing to their significant impact or precedential value.

INDIA AND SOUTH AFRICA DEMAND WAIVER FOR COVID 19 THERAPEUTICS

Ref: economictimes.indiatimes.com, Saturday, 03.10.2020



India and South Africa have demanded waiver from World Trade Organization in respect of certain provisions of Trade related Intellectual Property Rights in order to speed up efforts for the prevention, containment and treatment of Covid-19. Owing to the sensitive nature of this disease, the vaccine and treatment could be hoarded by rich countries in a race to inoculate their populations first. At present point in time more than anything there is an urgent need of global solidarity for handling the worst crisis that has hit humanity and the more countries share with each other the more humanity as a whole will stand to gain. Irrespective of anything, equitable access to any medication as well as vaccine should be made immediately available to all. Any kind of IP Rules or monopolies should not be allowed to come and stand in the way of pulling out humanity from this dark abyss of despair.

BAJAJ FILED 'NEURON' TM

Ref: carandbike.com, Tuesday, 06.10.2020



Bajaj Auto has recently filed a trademark under the name and style “Neuron” in India. The buzz and speculation in the market is hinting at Bajaj’s Bluetooth based connectivity technology. Neuron being a specialized cell designed to transmit information to other cells, the whole market is looking forward to if this possibly Bajaj’s ‘linked expertise’ which could be launched within the firm’s future fashions or supplied as an adjunct which might be fitted to contemporary fashions.

DELHI HC RESTRAINS XIAOMI

Ref: livelaw.in, Saturday, 10.10.2020



In this case the Plaintiff, Interdigital Technology Corporation approached the High Court seeking an injunction against Xiaomi. The suit was basically filed for infringement of Standard Essential Patents alleging that Xiaomi had been using patented technology without entering into a licensing agreement. Xiaomi filed an application before Wuhan Court seeking anti suit injunction, hence restraining the plaintiff from prosecuting the present suit before the court. Delhi High Court while observing the action of Xiaomi amounted to infringing upon the authority of Court to exercise its jurisdiction restrained Chinese electronic giant from enforcing the order passed by Wuhan Court.

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS

VOLVO PATENTS SIDE STEERING

Ref: caradvice.com.au, Wednesday, 14.10.2020



Swedish brand Volvo has recently filed a patent application with the US Patent office where by-wire controls allow steering, braking and accelerator controls to switch sides. This technology is suitable for border crossings where a vehicle is manually controlled, allowing the driver to switch from left-hand drive to right-hand drive, along with self driving situations where the controls can move out of the way of front seat occupants. Though, the system allows the freedom for controls to move out of the way during autonomous driving, it also allows a passenger to take full vehicle control in an instance where a driver is suddenly incapacitated. Minimal need for human intervention is the ideal situation where everyone is looking forward to. Inventions like these take us a step closer towards the most sought after.

THIRUMALA V/S TIRUMALAA

Ref: <https://www.barandbench.com/news/litigation/thirumala-v-tirumalaa-mad-hc-injunction>, Thursday, 15.10.2020



In this case, an infringement suit and an application for injunction was filed in the Madras

High Court by Tirumala Milk Products Ltd against Kute Group after they were found using a mark “Tirumalaa Daairy”. An interim injunction was granted in this case as both the companies marketed their products under a similar name that created a likelihood of confusion in the minds of consumers. Further the actions of the Defendant resulted into drawing away customers of the Plaintiff.

MATTEL INJUNCTS FOR KICK&PLAY

Ref: barandbench.com, Saturday, 17.10.2020



A suit was filed by Mattel Inc. against Present Enterprises for copyright infringement. The plaintiff had launched a set of cartoon animal characters under the name and style “Rainforest Family” that consisted of six animal characters. Trademark KICK AND PLAY was filed too. While granting ex-parte ad-interim injunction qua copyright violation, the court held that the six characters of Rainforest Family had been uniquely prepared with unique color combination appealing to the children. Flipkart was thereafter ordered to remove all listings relating to the advertisement and sale of products in violation of Mattel's copyright in the six characters of the ‘Rainforest Family’.

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS

COURT ON ITS OWN MOTION V. STATES AND OTHERS.

Ref:- indiankanoon.org, Tuesday, 20.10.2020



As a result of outbreak of COVID nationwide lockdown was announced for a period of 21 days w.e.f. from 25.3.2020. As a result of this notification all interim orders passed in matters pending before different courts in the country were automatically extended till 15.05.2020. Exception was granted in case of extreme hardship to any party. This order kept on extending from 15.5.2020 till 31.10.2020. As a result of inextricable hardships faced by convicts in different jails, an application was moved requesting issuance of appropriate guidelines for grant of interim bails. All prisoners whose interim bail had been extended will now surrender in a phased manner and their fresh applications shall only be considered based on merit. -With regards to interim orders that were passed in civil matters that were extended vide order dated 25.3.2020, all such orders would cease to have any effect. Concerned parties can though apply for extension of interim orders on merit

INNOVATIONS & PATENTS WEBIMINAR

Ref: Dainik Jagran, Wednesday, 04.11.2020

In a webinar sponsored by TQIP, Founding Partners of Knowledgentia along with renowned dignitaries from NIFTEM and Indian Building Congress enlightened an audience of more than 100 participants of J.C. Bose YMCA, Faridabad regarding the issues pertaining to the patentability of innovations and the procedures for filing and

registration thereof. During the global pandemic crisis, as the humanity continues to be at a crucial crossroads, it is the field of innovation which shall be the injection point that changes the trajectory of entire humankind.

निर्माण क्षेत्र में नवाचार की जरूरत पर बल

जागरण संवाददाता, फरीदाबाद : जेसी बोस (वाईएमसीए) विश्वविद्यालय के सिविल इंजीनियरिंग विभाग और आरईसी अंबडेकर नगर उत्तर प्रदेश के संयुक्त तत्वाधान में नवाचार और पेटेंट विषय पर जागरूकता कार्यक्रम का आयोजन किया। इसमें देशभर से 100 से अधिक प्रतिभागियों ने हिस्सा लिया। सिविल इंजीनियरिंग के अध्यक्ष प्रो. एमएल अग्रवाल ने अतिथि वक्ताओं का स्वागत किया तथा नवाचारों एवं पेटेंट की बढ़ती आवश्यकता पर बल दिया। कार्यक्रम में मुख्य अतिथि भारतीय भवन कांग्रेस के राष्ट्रीय अध्यक्ष प्रदीप मित्तल रहे। उन्होंने निर्माण क्षेत्र में नवाचार की आवश्यकता पर बल दिया। उन्होंने कहा कि सीमेंट और ईट जैसी मानव निर्मित सामग्री बहुत

अधिक कार्बन उत्सर्जन पैदा कर रही है और पर्यावरण को बुरी तरह प्रभावित कर रही है। सबसे ज्यादा इन्ही से प्रदूषण होता है। निर्माण क्षेत्र में नए वैकल्पिक पर्यावरण के अनुकूल निर्माण सामग्री की आवश्यकता है। उन्होंने निर्माण क्षेत्र में प्लाईवुड के प्रभावी उपयोग पर बल दिया। नेशनल इंस्टीट्यूट ऑफ फूड टेक्नोलॉजी एंटरप्रेन्योरशिप एंड मैनेजमेंट से डा. विकेल अरोड़ा ने पेटेंट दाखिल करने की आवश्यकता पर बल दिया। अर्पणा जैन और हरिंदर नरवतन ने पेटेंट दाखिल करने की प्रक्रियाओं के बारे में बताया। कार्यक्रम का समन्वयन डा. रजनी सग्गु ने किया। डा. मुनीश वशिष्ठ, डा. विशाल पुरी, योगेश मोर्या और डा. कृष्ण कुमार कार्यक्रम में शामिल रहे।

KNOWLEDGENTIA[®]
CONSULTANTS
 Corp Legal & Intellectual Property Rights Firm

W - 19, L.G.F, GREATER KAILASH II,
 NEW DELHI - 110048
 Telephone No:
Delhi-011 -49122916, 29213024
Chandigarh-0172-2544552
Email:info@knowledgentia.com
Website:www.knowledgentia.com
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Knowledgentia Consultants