

## **SPILOVER REPUTATION TERRITORIAL**

**Ref: [www.livelaw.in](http://www.livelaw.in), Wednesday,  
22.04.2020**



Recently, Delhi High Court has denied interim injunction to plaintiff in an application where plaintiff while not having business operations in India, could also not prove spillover of reputation and goodwill from abroad to India. It was held that mere ownership or registration of mark does not lead to any presumption of mark having a reputation and goodwill, even in the territories where the mark is being used. In this case, plaintiff was using the mark 'KW' since 1994 and was aggrieved from adoption by defendants of identical and or deceptively similar marks in respect of identical and or similar services. This decision would be an appreciable judicial precedent for matters wherein MNC come from abroad and on basis on their registrations alone stall the indigenous businesses.

## **STYLIS X OF XBOX SERIES TM**

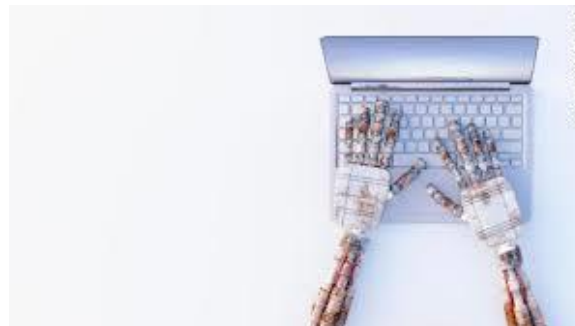
**Ref: [www.gamespot.com](http://www.gamespot.com), Thursday,  
23.04.2020**



Microsoft has recently filed a trademark application for next generation console XBOX SERIES X. The trademark application shows a logo that features a stylized X and the word "Series". The trademark application covers all types of things, from a game console to bathrobes to squeeze stress balls.

## **AI NOT A LEGAL INVENTOR**

**Ref: [uspto.gov](http://uspto.gov), Monday, 27.04.2020**



In this case, the petitioner claimed that the invention was generated by machine named "DABUS". The main contention was that the inventorship should not be limited to natural persons and naming DABUS as inventor in the patent application is appropriate. USPTO while clarifying that machines do not qualify as inventor under the US patent laws, identified threshold question for inventorship is "conception". The word "conception" is defined under the relevant laws as the complete performance of the mental part of the inventive act and it basically refers to formation in the mind of inventor of a definite and permanent idea of complete and operative invention as it is thereafter to be applied in practice. Hence, the use of terms such as "mental" and "mind" indicates that conception must be performed by a natural person. This decision will stall the taking over of AI in matters of ownership of IP.

## **IIT DELHI – ETEX -KAWACH**

**Ref: [www.indianexpress.com](http://www.indianexpress.com), Friday,  
08.05.2020**



COVID-19 has seen severe shortages of personal protective equipment in the country and presented opportunities for

invention. IIT –Delhi based start up ETEX, has launched KAWACH- an affordable and effective face mask at par with N95 masks. Since the cost of N-95 mask that is readily available for the use of masses is quite high, the same has made it unaffordable for a lot of people. Surgical masks that are being widely used do not secure proper covering around nose and mouth and use of sewn cloth face covering or handkerchief is not able generate sufficient amount of protection due to absence of nonwoven layer. Finding a solution that offers reusability, biodegradability, affordability and scalability for PPE's is the need of the hour. KAWACH mask has been invented keeping these challenges in mind in order to protect massive population of our country in most economic and effective manner.

#### **CCI ADVISORY TO BUSINESSES**

**Ref: [www.cci.gov.in](http://www.cci.gov.in), Sunday  
19.04.2020**



COVID -19 has created serious shortages in supply and demand chain of essentials across the length and breadth of India. Critical healthcare products and daily essentials have disrupted the normal course of life in immense proportions and to cope up with this kind of a dynamic economy, businesses need to coordinate certain activities for instance sharing data on stock levels, timings of operation, sharing of distribution network and infrastructure, transport logistics, R & D as well as production. Ensuring continued supply of essentials and fair and timely distribution of products is the only way to minimise the impact of this pandemic that has impacted a million lives across the world. Competition Act of 2002 prohibits

the conduct that causes adverse effect on competition and Section 3(3) makes a presumption that concerted action between competitors will lead to appreciable adverse effect on competition. This presumption however is not applicable to joint ventures in case these agreements increase the efficiency of supply, distribution, storage, production or acquisition of goods and services. The new Advisory that has been issued to businesses with respect to coordinated conduct encourages businesses to avoid taking advantage of COVID -19 to contravene any provisions of the Act and any kind of coordinated conduct engaged into by businesses should only be necessary and proportionate to address the concern arising from COVID-19.

#### **MATT CARDONA FILES TM**

**Ref: [www.heelbynature.com](http://www.heelbynature.com),  
Saturday, 25.04.2020**



Matt Cardona aka Zack Ryder who is a former WWE wrestler has recently applied for two trademarks with the USPTO. The marks are namely "Always Ready" and "Internet Champion" under two classes which include merchandise and entertainment by a professional wrestler and sports entertainment personality. He has taken this step to ensure his post WWE career as he is beginning to marketing himself and some of his iconic names and he used to refer himself as the "Internet Champion" ever since he debuted on his YouTube show. The Trademark Application is still pending.

#### **SC EXTENDS PERIOD OF LIMITATION AND DELHI HC SUSPENDS IP NOTICE**

**Ref: [www.thehindu.com](http://www.thehindu.com), Thursday,  
07.05.2020**



The Supreme Court has extended the period of limitation for cheque bouncing cases and arbitration proceedings amid COVID-19 pandemic and lockdown. Extraordinary powers under Article 142 were issued to lift limitation period for all cases across tribunals and courts until further notice to obviate difficulties and ensure that lawyers/litigants do not have to attend physically. As per this order in case the limitation period expires after 15 March, 2020, then it would be extended for a period of 15 days post the date when lockdown is lifted. Further, in lieu of this order Delhi High Court also suspended the notification dated 04.05.2020 issued by the Controller of Patents, Trademarks & Designs whereby they had issued notice that all limitations will expire on 18<sup>th</sup> May, 2020.

**RELAXATIONS TO NRI'S ON  
'RESIDENTIAL STATUS'**

**Ref: [www.livelaw.in](http://www.livelaw.in), Saturday,  
09.05.2020**



COVID-19 lockdown has resulted into a situation where Non-resident Indians had to prolong their stay in India. The Central Government has granted relaxations to the criteria for determining 'residential status' under Income Tax Act for Financial Year 2019-20. As per Income Tax Act, stay for 182 days or more in India during a financial

year will make an individual 'resident in India' for purposes of Income tax liability. Any individual who has come on a visit to India before 22 March 2020; and (i) has been unable to leave India or on before 31<sup>st</sup> March, 2020, his period of stay in India from 22<sup>nd</sup> March to 31<sup>st</sup> March 2020 shall not be taken into account; (ii) Has been quarantined in India on account of Novel Corona Virus (Covid-19) on or after 1<sup>st</sup> March 2020 and has departed on an evacuation flight on or before 21<sup>st</sup> March 2020 or has been unable to leave India on or before 31<sup>st</sup> March 2020 shall not be taken into account; (iii) Has departed on an evacuation flight on or before 31<sup>st</sup> March 2020, his period of stay in India from 22<sup>nd</sup> March, 2020 to his date of departure shall not be taken into account.



**KNOWLEDGENTIA  
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