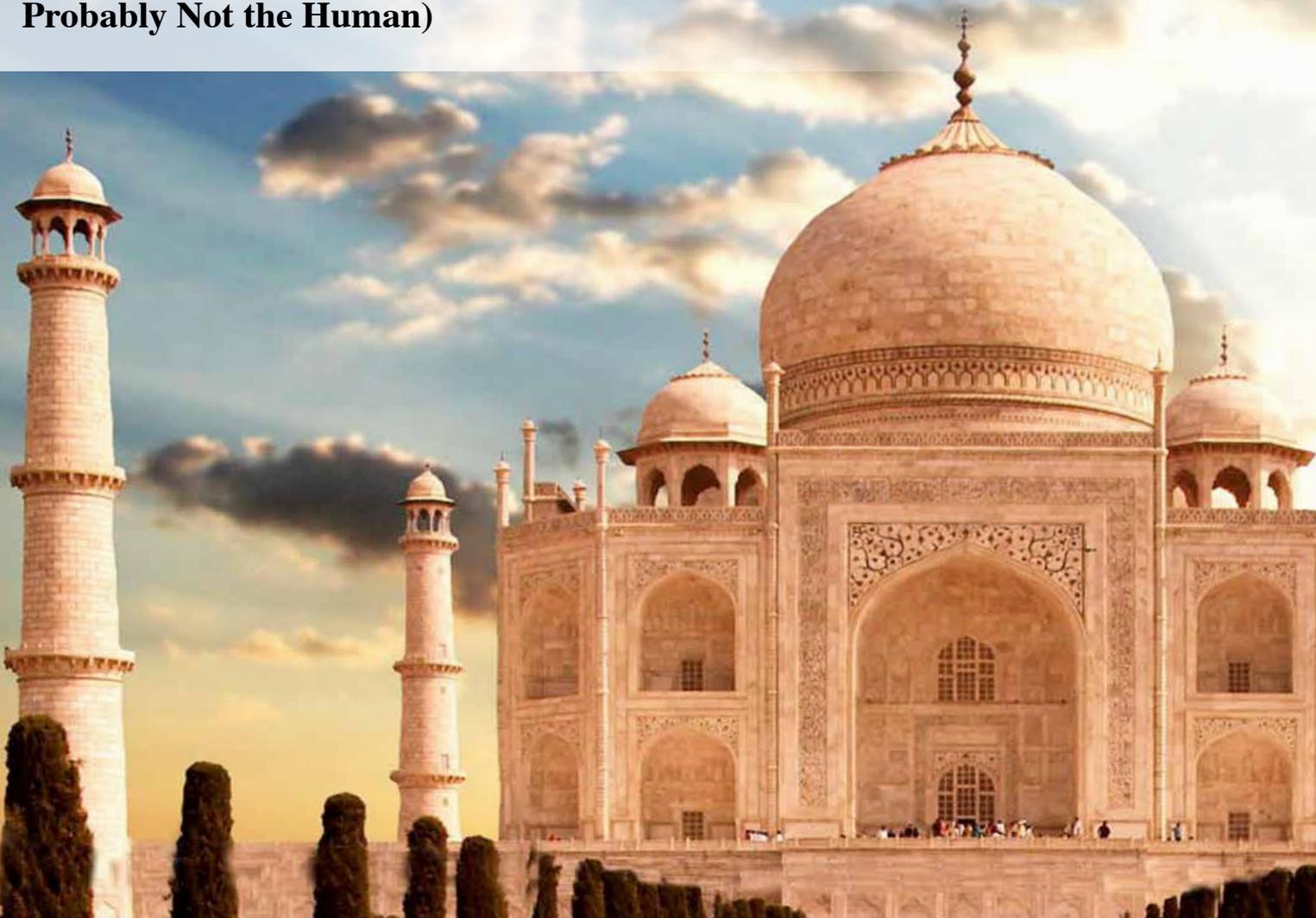


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Instagram Launches Bolt App, Ignores Trademark Concerns

SAN FRANCISCO - Facebook-owned Instagram has launched a photo-messaging app called Bolt despite being urged by a company of the same name to re-brand it. With the app, Instagram users can send images or videos to each other that are deleted once they have been viewed.

Bolt is currently only available in New Zealand, Singapore and South Africa, but is expected to go on sale in other countries too. It can be downloaded on the iOS and Android platforms.

The launch is likely to anger a US start-up called Bolt, which urged Instagram to “do the right thing” and choose a different name for its app earlier this week.

Andrew Benton, chief executive of Bolt, whose one-year-old service aims to replace mobile phone carriers’ voice and SMS plans so that customers “only need to pay them for data”, said likely confusion between the brands would hurt his company more than Instagram.

“Our users have reached out to us, wondering whether we’ve been acquired or are possibly providing the underlying technology behind your Bolt app. People are searching for Bolt in the Play Store and downloading our app thinking it’s yours, then leaving frustrated when they realise it’s not what they expected,” he said.

Benton said he did not want a legal battle with the photo-sharing service, although he added that Bolt was entitled to police its US trademark.

Source: Trademarks and Brands Online (TBO)

Disney Out in the Cold in Frozen Copyright Case

CALIFORNIA - Disney could be heading to court to defend the trailer for its hit film Frozen after its attempts to dismiss a copyright infringement claim were denied.

The media conglomerate had attempted to throw out a copyright claim from filmmaker Kelly Wilson, who accused its teaser trailer for Frozen of being “substantially similar” to a short film she created called The Snowman.

But Vince Chhabria, sitting at the US District Court for the Northern District of California, said the sequence of events in the two works were “too parallel” to conclude that no reasonable juror could find the works substantially similar.

The denial means the case looks likely to go to trial unless both parties settle.

Released in November last year, Frozen centres on a princess, a reindeer and a snowman, and their journey through the winter countryside. It broke box-office records and earned an estimated \$110 million worldwide in its opening weekend.

The Snowman, released in 2010, tells the story of a snowman who attempts to stop a group of rabbits from eating his carrot nose on an icy lake before becoming friends with them.

It was screened at eight film festivals and is also available online.

In Wilson’s initial complaint, filed in March this year, she said Disney’s teaser trailer, released prior to the film’s release, was not related to the film’s subject and created confusion.

The complaint said both Wilson’s work and the Disney trailer show a snowman in a battle to save his nose before finding friendship with former enemies.

Issuing his judgment, Judge Chhabria noted similarities, including a snowman losing his carrot



nose and an animal who wants the nose being on an opposite side of the lake to the snowman.

Chhabria also noted similarities with how the camera moved in relation to the music.

While there are differences between the pair, such as different animals, and a difference in the overall mood, the two works “nevertheless enjoy a parallelism,” Chhabria wrote.

“The sequence of events in both works, from start to finish, is too parallel to conclude that no reasonable juror could find the works substantially similar. This sequence of events does not merely represent a premise from which a story is launched; it is a major part of the whole story in both works,” Chhabria said. Wilson’s additional claims that the entire film and its other trailers infringed were dismissed because “no scene from the trailer” features in the final film.

Source: World Intellectual Property Review



Cristiano Ronaldo Sued Over CR7 Trademark

RHODE ISLAND - A legal battle has erupted in the US over the use of 'CR7', the shorthand phrase used by Real Madrid footballer Cristiano Ronaldo.

JBS Textile Group, the maker of the CR7 brand of underwear, has demanded a US man called Christopher Renzi gives up a trademark he owns for the term, prompting him to file a lawsuit in return.

In a complaint filed at the US District Court for the District of Rhode Island, Renzi is seeking confirmation that he has the rights to the phrase in the US.

The 43-year-old claimed he had been sent letters from Denmark-based JBS demanding that he

stops using the term, as the company planned to launch the underwear brand in the US.

JBS has also asked the US Patent and Trademark Office (USPTO) to cancel the trademark, awarded to Renzi in 2009 and used on jeans and clothing as well on an online fitness video.

'CR7' was "so closely tied to the fame and reputation of Cristiano Ronaldo, that a connection with the soccer player would immediately be presumed by the general public", JBS said in its filing at the USPTO's Trademark Trial and Appeal Board. The company added that it had a "worldwide licence" to the phrase.

In his complaint, filed on July 28, Renzi claimed that the term is a play on both his initials and date of birth, October 7.

Renzi's lawyer, Michael Feldhuhn, told Reuters News Agency that although the Portuguese star is a more famous user of 'CR7', the case would come down to who was using it first.

"We can show we were the first users of the CR7 name in commerce in the US," he said.

Source: World Intellectual Property Review

Protecting Intellectual Property Rights: Customs Authorities Detain Nearly 36 Million Fake Goods at EU Borders in 2013

BRUSSELS - Customs authorities in the EU detained almost 36 million items suspected of violating Intellectual Property Rights (IPRs) in 2013, according to the Commission's annual report on customs actions to enforce IPRs. Although this is less than previous years, the value of the intercepted goods still represents more than 760 million Euros. Today's report also gives statistics on the type, provenance and transport method of counterfeit products detained at the EU's external borders.

Algirdas Semeta, Commissioner for Taxation, Customs, Anti-fraud and Audit, said: "Innovation and creativity is where Europe creates value. Protecting Intellectual Property Rights is not only important for health and safety of European consumers but also supports growth and job creation in the EU. The figures in today's report show that counterfeiting afflicts all products and that customs authorities do a good job intercepting fakes." Clothing (12% of all articles detained) and medicines (10%) are among the top categories of goods detained. Postal and courier packages accounted for around 70% of customs interventions in 2013, with 19% of the detentions in postal traffic concerning medicines. Around 90% of all detained goods were either destroyed or a court case was initiated to determine the infringement.

Source: Emirates News Agency (WAM)





Singapore Passes Law to Block Illegal Sites

By Aloysius Low

SINGAPORE - Announced back in April, the new amendment to Singapore's Copyright Act will provide content owners with the ability make Internet service providers in the country block illegal web sites such as the infamous Pirate Bay.

Singapore's Senior Minister of State for Law Indranee Rajah said the new law will give copyright owners "greater ability to protect their rights in the online space."

"The prevalence of online piracy in Singapore turns customers away from legitimate content and adversely affects Singapore's creative sector," Rajah said.

The new law is reportedly set to come into force at the end of August, and copyright owners can apply to the court in Singapore without having to establish the liability of the network service provider. Previously, copyright owners



had to send a take-down notice, but as it was not mandatory to comply, service providers did not need to act.

Given that it's relatively easy to use a Virtual Private Network (VPN) service to bypass the block, the block is likely to really only affect the less tech-savvy users (who just enter URLs into a browser window).

Source: CNET



Who Owns the Monkey Selfie?

(Spoiler Alert:
Probably Not
the Human)

JAKARTA - The world got a crash course in copyright law earlier this week when David Slater, a British photographer, requested that the Wikimedia foundation take down a photograph snapped by a macaque.

The “monkey selfie” was born when Slater set up his camera in an Indonesian forest and came back later to find that monkeys had snatched it and were snapping pictures, The Washington Post reports.

While Slater claims that he owns the rights to the photograph, Wikimedia insists that the work isn’t owned by anyone because it was taken by a monkey.

Who Owns a Photograph?

Section 102 of the Copyright Act provides copyright protection for, among other things, “pictorial, graphic, and sculptural works.” Copyrights are vested in an author. So who is the author of a photograph?

Probably the photographer, according to a Supreme Court ruling in an 1884 dispute over a photograph of Oscar Wilde. In that case, the fight was between the person who snapped the photo and the lithographer, the person who developed the photo. Quoting from English sources, the Supreme Court agreed that “the author is the man who really represents, creates, or gives effect to the idea, fancy, or imagination.” The lithographer, the Court explained, is merely combining chemicals in a predetermined way.

It would appear, then, that if the monkey snapped the picture, then the monkey is the author. Or, at the very least,

David Slater isn’t the author. He didn’t “represent, create, or give effect to the idea, fancy, or imagination” of the monkey selfie. He put a camera on a tripod, but otherwise had nothing to do with the creation of the picture. Surely negligence can’t be enough to vest authorship in a work.

The Answer Is...

The answer is that Slater certainly doesn’t own the work because he isn’t the author. But because the macaque isn’t a “natural person” -that being defined as “a living human being”- the monkey can’t be the author, either. Copyrights work by carving out protection for works that would otherwise be unprotected: If a work doesn’t meet one of the requirements of copyright, then it’s not copyrighted.

Normally, works aren’t copyrightable because they’re not original; that was the case in 1991 when the Supreme Court decided that telephone “white pages” weren’t copyrighted because they were just arrangements of facts, and facts can’t be copyrighted. In this case of first impression, the work can’t be copyrighted because the author isn’t human and hasn’t otherwise assigned the right to someone else (or wasn’t a joint author or creator-for-hire). The answer, then (barring any unreported facts in this dispute), is that Wikimedia appears to be right: No one owns the photograph.

In a world where intellectual property is becoming more and more important, it’s tempting (and profitable) to assume that someone must own every little thing that’s created. But that’s just not the case, as we can learn from a ridiculously photogenic macaque.

Source: FindLaw

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