



Legal Network International

IP and trade mark news – May 2024

A monthly update on global IP and trade mark news from the member firms of the Legal Network International (LNI).



France

On April 24, 2024, the Paris judicial court issued a judgement ordering the company META *“to implement, by any effective means, measures to prevent the publication on [its social media] of ads identified by its automatic review technology”* which reproduce a specific trademark and related to online gambling.

META notably raise the argument that it has no general monitoring obligation as a host provider which was rejected by the Court on the ground that *“the filtering measure does not impose a general monitoring obligation”* when it is limited on online gambling ads featuring only a specific trademark. It *“does not appear excessive or disproportionate”* according to the Court.

J.P. KARSENTY & ASSOCIÉS

Avocats à la Cour de Paris

www.jpksenteny.com/

Contributed by Pierre Trusson
Email: ptrusson@jpksenteny.com



India

In the case of Bollywood celebrity Anil Kapoor v. Simply Life India & Others, the Delhi High Court issued an interim order to protect the actor's rights over his persona. It prohibited any unauthorized utilization of his name, image, voice, or other personal attributes for financial purposes without his explicit consent. Importantly, the court extended this protection to "other unknown persons," preventing them from disseminating various videos, among other actions.

The injunction compelled entities, including anonymous ones, to honour Kapoor's rights, forbidding the use of his name variations and signature phrases from his blockbuster films. Additionally, domain names incorporating his identity, such as the acronym 'AK' and nicknames like 'Mr. India' and others were instructed to be transferred to Kapoor upon payment of relevant charges.



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www.universallegal.firm.in/

Contributed by Preksha Shah
Email: preksha@universallegal.firm.in



Italy

The Court of first instance of Brescia dealt with a case relating to the phenomenon of “look alike”, a particular form of unfair competition consisting in any product whose packaging recalls the characterising elements of other better-known products and benefits from the broader reputation of those products.

The case concerned a famous biscuit brand which packaging has been reproduced in its colour, positioning of the image of the product combined with the image of some ingredients of the biscuit.



Despite the similarities the court decided that due to the overcrowding of the relevant market, there was insufficient evidence to believe that the defendant's challenged packaging could have a confusing effect or a linking effect with the plaintiff's packaging.

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STUDIO LEGALE

www.rucellaieraffaelli.it/

Contributed by Michele Franzosi
Email: m.franzosi@rucellaieraffaelli.it

Federico Casadei
Email: f.casadei@rucellaieraffaelli.it



Mexico

In Mexico, in May of this month, the First Chamber of the Supreme Court of Justice of the Nation took a direct appeal (amparo directo) with number 149/2024 filed in 18 TCA of the 1st Circuit. The “amparo directo” deals with the registration of a work created by artificial intelligence, which was denied by the Mexican Copyright Institute. This amparo was denied because the entity that requested its registration is CHAT GPT. The scope of this amparo will be reviewed by the Supreme Court in order to have the first precedents related to artificial intelligence.



www.sesma.com.mx

Contributed by Karen Calvo Rodríguez
Email: kcalvo@sesmalaw.com.mx



Sweden

Two film companies claimed damages from an individual for copyright infringement. The individual was said to have administered an iptv-service. People were invited to create bitcoin-accounts and be granted access to various films – without prior consent from rights holders.

The Patent and Market Court of Appeal held that the administration of the iptv-service was “a transfer to the public” according to the Swedish Copyright Act. This made the individual the offender, and not an accomplice. The court awarded damages for harm inflicted the film’s reputation. The claim for non-pecuniary damages was dismissed.

TIMEDANOWSKY

www.timedanowsky.se

Contributed by Maria Häagg
Email: Maria.Haagg@timedanowsky.se



UK

The Intellectual Property Office (“IPO”) published a new strategy, *IPO 2027: IP for creative and innovative UK*, helping people and businesses grow the UK economy by providing an IP system which encourages investment in creativity and innovation.
<https://www.gov.uk/government/news/ip-for-a-creative-and-innovative-uk-strategy-2024-to-2027>. It will be delivered through:

- high-quality, efficient, accessible services;
- policy which supports innovation and the wider economy;
- a high-performing organisation with skilled people connected by shared purpose.

IPO policy decisions impact a wide range of sectors. This will ensure UK IP legislation incentivises innovation and creativity whilst ensuring IP rights are respected with effective enforcement both nationally and internationally. Within the next three years, the IPO will aim to maximise the value of IP to society and the economy.

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www.hamlins.com

Contributed by Matthew Pryke
Email: Matthew.Pryke@hamlins.com