



Intellectual Property

Monthly Newsletter

Dear Clients,

Welcome to the first issue of IP Monthly in 2017. We have recapped the biggest brands of 2016, and highlighted key developments in the Intellectual Property space in December and January. We are delighted to include a ruling which was a major victory for Coulson Harney at the Industrial Property Tribunal. We take this opportunity to wish you a prosperous 2017.

Important dates in December and January

- **1 December:** World Aids Day
- **2 December:** International Day for the Abolition of Slavery
- **3 December:** United Nations International Day of Persons with Disabilities
- **5 December:** World Soil Day
- **9 December:** International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime
- **9 December:** International Anti-Corruption Day
- **10 December:** Human Rights Day
- **18 December:** International Migrants Day
- **20 December:** International Human Solidarity Day
- **25 December:** Christmas Day
- **26 December:** Boxing Day
- **31 December:** New Year's Eve
- **1 January:** New Year's Day
- **27 January:** International Day of Commemoration in memory of the victims of the Holocaust

Interesting facts about December & January

- The name December comes from the Latin word for ten (*decem*), because it was the tenth month of the Roman calendar, which began in March.
- December starts on the same day of the week as September and ends on the same day of the week as April.
- January (in Latin, *ianuarius*) is named after the Latin word for door (*ianua*), since January is the door to the year. The month is conventionally thought of as being named after Janus, the god of beginnings and transitions in Roman mythology.

Historical Dates

- **1 December 1955:** Rosa Parks, an African American, was arrested in Alabama, for refusing to give up her seat to a white man and move to the back section of a municipal bus, resulting in a year-long boycott of the city bus system by African Americans and legal action ending racial segregation on buses.
- **5 December 1492:** Christopher Columbus discovered Haiti.
- **6 December 1865:** The United States abolished slavery by ratifying the 13th Amendment to the US Constitution.
- **8 December 1991:** The leaders of Russia, Belarus and Ukraine signed an agreement dissolving the USSR (Union of Soviet Socialist Republics) and establishing the Commonwealth of Independent States.
- **9 December 1948:** The United Nations General Assembly unanimously approved the Convention on the Prevention and Punishment of the Crime of Genocide.
- **10 December 1896:** Swedish chemist Alfred Nobel died at San Remo, Italy. He left most of his wealth in trust, to fund the awards that would become known as the Nobel prizes, which recognise persons who have made valuable contributions to humanity.
- **10 December 1948:** The General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights.
- **12 December 1963:** Kenya achieved independence after 43 years of British rule. It is a public holiday referred to as Jamhuri day.

Jamhuri is Swahili for republic. The holiday marks independence as well as Kenya becoming a republic, one year later on 12th December 1964.

- **17 December 1903:** The Wright brothers made their first flight with the first powered, controlled airplanes.
- **27 December 1945:** The International Monetary Fund was created with the signing of an agreement by 29 nations.
- **1 January 1901:** The Commonwealth of Australia was founded as six former British colonies became six states with Edmund Barton as the first prime minister.
- **7 January 1714:** A patent was issued for the first typewriter designed by British inventor Henry Mill “for the impressing or transcribing of letters singly or progressively one after another, as in writing.”
- **10 January 1946:** The first meeting of the United Nations General Assembly took place in London with delegates from 51 countries. The UN superseded its predecessor, the League of Nations.
- **30 January 1948:** Mahatma Gandhi was assassinated in New Delhi, India, by a religious fanatic. Gandhi had ended British rule in India through nonviolent resistance.

Interbrand’s top 10 global brands of 2016 and their values

1. Apple (USD 178 119 million)
2. Google (USD 133 252 million)
3. Coca-Cola (USD 73 102 million)
4. Microsoft (USD 72 795 million)

5. Toyota (USD 53 580 million)
6. IBM (USD 52 500 million)
7. Samsung (USD 51 808 million)
8. Amazon (USD 50 338 million)
9. Mercedes-Benz (USD 43 490 million)
10. GE (USD 43 130 million)

Interbrand’s top growing brands in 2016

1. Facebook (+48% USD 32 593 million)
2. Amazon (+33% USD 50 338 million)
3. LEGO (+25% USD 6 691 million)
4. Nissan (+22% USD 11 066 million)
5. Adobe (+21% USD 7 586 million)

Awards

Awarded a gold ranking, for the fifth time in the [World Trademark Review 1000](#) 2017 guide, which features the leading national and international trademark practitioners from around the globe.

Notable victory for Coulson Harney in Finline Industries Limited v Safepak Limited

The Industrial Property Tribunal of Kenya, in a precedent setting case, has ruled that a person would have the right to commence a revocation or invalidation action to challenge an industrial design even after the lapse of the statutorily provided time limitation of nine months under the Industrial Property Act.

In a unanimous decision delivered on 9 December 2016, the Tribunal allowed an application by Finline Industries Limited for extension of time within

which to bring an action for the revocation/ invalidation of Industrial Design No 646 registered at the Kenya Industrial Property Institute in favour of Safepak Limited. The Tribunal ruled that a person who seeks the exercise of the Tribunal's discretion in that regard would need to show genuine reasons for the delay in bringing the revocation or invalidation action.

The Tribunal agreed that Fineline had acted with appropriate dispatch in the circumstances of the case in bringing the application for extension of time. Additionally the Tribunal agreed that there were fundamental issues raised in the prospective revocation/ invalidation proceedings that gave basis for it to exercise discretion to extend time.

Fineline had brought the revocation/ invalidation action under Section 103(1) and (2) of the Industrial Property Act. The Tribunal agreed with Fineline's arguments that these two provisions were distinct rather than continuous with Section 103(1) being without a time limit and Section 103(2) requiring that a revocation action be brought within nine months after registration of the industrial design (hence the extension of time application).

Safepak has filed a design infringement case before the High Court which has been stayed pending the determination of the revocation proceedings by the Industrial Property Tribunal.

Fineline Industries Limited was represented by the firm of Coulson Harney while Safepak Limited was represented by the firm of Kaplan & Stratton.

Coulson Harney lawyers acting on this matter: [John Syekei](#), [Anthony Njogu](#), [Cecil Kuyo](#), and [Effie Omondi](#).

Commentary:

The Tribunal departed from its previous decisions in which it had ruled that it did not have the jurisdiction to extend the nine month time limit provided under the statute. In making the decision it was acknowledged that it would be unfair to lock out persons, especially foreign entities, with similar industrial design registrations from around the world from commencing revocation/invalidation actions against industrial designs registered in Kenya on the basis of the nine month time limit provided under the Industrial Property Act.

The decision means that in accordance with international best practice, a person may bring an action seeking revocation/ invalidation of an industrial design on the Kenyan register beyond the statutory period of nine months provided sufficient reason for the delay is shown.

Developments in the Intellectual Property Arena

Africa

Chicken Inn and Pizza Inn suit backfires on international franchise

South Africa's Innscor International Limited filed a law suit at Nyarugenge commercial court in Rwanda accusing two locally incorporated restaurants Pizza Inn Limited and Chicken Inn Limited for illegally using its trademarks. The South African company owns the Chicken Inn and Pizza Inn restaurants in Kenya and Uganda and was looking to expand to other countries in the region. In their defence, the Rwandese companies turned the tables on Innscor by arguing that they were registered in 2013 when they started trading in

the disputed names. They alleged that Innscor registered marks in Rwanda that had similar elements to their prior registered marks.

The court dismissed the suit by Innscor, finding that it had blackmailed the Rwandan companies and ruled that the case has no legal ground in Rwanda and the two local firms should be compensated with RWF 2 million. The Court stated that the legal status would only be possible if Rwanda was signatory to the Apostille Treaty "Convention Apostille de la Haye" – an international certification treaty which gives foreign firms a right to pursue legal property rights in another country's court system. Property rights lawsuits have become common in Rwanda after the establishment of the Business and Commercial law court four years ago.

Details on this story are available [here](#).

Source: *KTPress*

"The Look": Truworths/ Ackermans battle

The Supreme Court of Appeal of South Africa recently upheld an appeal by Pepkor Retail (Proprietary) Limited, which trades as Ackermans, against an order restraining it from using the phrase "The look for less" sought by Truworths Limited. Truworths is the trademark proprietor in South Africa of the trademark "The look" in class 25 for clothing, which is used in the fashion retail industry. In response, Ackermans filed a counter-application for the removal of Truworths' mark from the Trademarks Register based on non-distinctiveness, which was also upheld by the Supreme Court.

The Court stated that Truworths had failed to produce any evidence of the public perception of the mark and only adduced evidence merely illustrating use of the mark. This confirms the principle previously followed by the courts that

“use does not equal distinctiveness”. The Court accepted Ackermans’ application and ordered that Truworths’ trademark “The look” be removed from the Trademarks Register.

To read the full judgement click [here](#).

Source: *South Africa’s Department of Justice and Constitutional Development website*

Global

General IP News

11th Edition of Nice Classification comes into force

The Nice Classification, Eleventh Edition, version 2017 (NCL 11-2017), became effective on 1 January 2017. Trademark owners will benefit from amendments to 15 class headings and the addition of 334 new terms, as determined by the Committee of Experts of the Nice Union (the Committee) during its 26th session in Geneva in 2016. Amendments to class headings and associated Explanatory Notes aim to further clarify the scope of a particular class.

To read this story click [here](#). The Nice Classification may be accessed on the WIPO website [here](#).

Source: *World Intellectual Property Organisation (WIPO)*

China and UK strengthen IP ties

The UK and China have strengthened intellectual property ties during visits from officials to each country. In December the CEO of the UK Intellectual Property Office (IPO) visited Beijing, Guangzhou and Chengdu. The Chinese vice minister of the State Administration for Industry & Commerce (SAIC) made a trip to the UK in December. During the visits, 2017 bilateral work plans between the IPO and the State Intellectual Property Office on patents and designs, the IPO and SAIC on trademarks, and

the IPO and the National Copyright Administration of China were agreed. Additionally, the China-Britain Business Council (CBBC) and Chinese e-commerce platform JD.com signed a co-operative agreement to reduce online counterfeiting.

For more on this story click [here](#).

Source: *World IP Review*

Alibaba sues vendors of fake Swarovski watches

Chinese e-commerce Company Alibaba Group Holding Limited has sued two alleged online counterfeit vendors. The vendors are said to have used the company’s Taobao website to sell counterfeit Swarovski watches. The action was commenced after the site was labelled a haven for counterfeits by United States regulators. The lawsuit is the first legal action by an e-commerce site in China against vendors of counterfeit goods. In its claim, Alibaba seeks USD 202 000 in damages for ‘violation of contract and goodwill.’ The lawsuit is part of the Company’s larger efforts to weed out counterfeit goods on its shopping sites.

The Chief Platform Governance Officer of Alibaba Group stated in a statement that the Company is keen to protect brand owners by punishing counterfeiters. In an effort to combat copyright infringement, the Company has tightened its policies and made it easier for brands to make requests for the removal of counterfeits. In this regard, the Company closed about 180,000 stores on its Taobao platform and took down 380 million product listings over the course of 2016. Despite these efforts, the United States Office of the Trade Representative in December placed Alibaba on a blacklist for counterfeits.

To read this story click [here](#).

Source: *Bloomberg*

The mobile app gold rush may be over

Ten years ago, Apple announced the iPhone, which soon gave birth to the App Store and the resulting broader app ecosystem. That industry has now matured, having reached critical mass, according to a new report from Flurry. While there’s still some growth to be seen, that growth is slowing. Many app categories are now growing at the expense of others, when before, all were growing in tandem.

This indicates that apps have maxed out on the finite resource that is users’ time. That is, drawing attention to a new app will mean having to shift users away from others. This could be a problem for new app businesses — especially those that mean to take on the incumbents like 2016’s most used apps: Facebook, Messenger, Google, Gmail, Instagram, Amazon, Apple Music and others. The firm found that overall app usage is only up a moderate amount — 11% year-over-year, compared with 58% in the 2015 annual report. However, time spent in apps is soaring, up 69% over last year.

To read this story click [here](#).

Source: *TechCrunch*

Patent

A rush to patent the blockchain is a sign of the technology’s promise

For fans of bitcoin, a digital currency, the year got off to a volatile start. On 5 January one bitcoin changed hands for nearly USD 1 150 – almost as much as the record set three years ago. It has since dropped by 33%. Elsewhere in the land of monetary bits, things move more slowly but trouble is brewing: a potential patent war looms over the blockchain, a distributed ledger that authenticates and records every bitcoin transaction.

Heated fights over intellectual property are nothing new in promising technology markets. But given that the blockchain is expected to shake up everything from the way precious diamonds are safeguarded to the way shares are traded, the legal fights could be especially fierce.

On the face of it, the blockchain does not lend itself easily to staking out intellectual-property claims. Bitcoin's creator, known only by his pseudonym, Satoshi Nakamoto, published a paper about his invention, coded the first implementation and then disappeared — meaning that the core of the technology is now part of the public domain and only important additions and variations could be patented. Financial firms are among the most assiduous filers: MasterCard, for instance, is seeking four payment-related patents; Goldman Sachs has put in for one outlining a distributed ledger that can process foreign-exchange transactions.

To read this story click [here](#).

Source: *The Economist*

Top 100 innovators generate USD 4 trillion in revenue, says report

Research company Clarivate Analytics has produced a report outlining 100 leading innovators. Now in its sixth year, the 2016 Top 100 Global Innovators report reveals a prominent shift in strategy among the world's top innovators. Notably, the volume of patents filed has decreased while grant rates have increased. That trend, combined with a significant commitment to R&D spending, showcases an increased commitment to quality over quantity for commercializing new inventions. Together, the firms on the list generated more than USD 4 trillion revenue in 2015 and spent more than USD 227 billion on research and development. Those listed in the

report include Amazon, Bayer, InterDigital, Philips, Microsoft and Nike.

To read this story click [here](#).

To access the report click [here](#).

Source: *PR Newswire*

US inventor sues Nissan for Patent Infringement

Joseph Fleming, a US-based inventor has sued car manufacturer Nissan for patent infringement. In the suit, Fleming argued that Nissan infringed claims 1, 8, 9, 10, 13, 14, 16 and 17 of US patent number 5 877 677. The patent is titled "Control of air bag activation in vehicles by occupancy weight" and was published at the US Patent and Trademark Office in November 1996. The suit states that the patent is "directed to an automotive air bag system and method which restricts activation of an air bag to situations in which the weight of the seat occupant meets or exceeds a specified amount." The suit further states that the US Department of Transportation regulations require the installation of such a system in all vehicles. According to the suit, Nissan has appropriated the plaintiff's technology for itself and is using the technology in its vehicles.

To read more on this click [here](#).

Source: *IP Era*

Gillette settles patent suit with rival

Shaving company Gillette has settled a patent dispute surrounding three-bladed razors with Edgewell Personal Care, the manufacturers of Schick men's razors. Gillette filed a suit in August accusing Edgewell of deceptive acts, false advertising and infringement of its patents. The labelling on the Schick razors includes the line "Shaves as good or better than Mach3" which, according to Gillette, the manufacturer of Mach3,

was false and misleading. The suit was dismissed and the parties agreed on a settlement. Representatives for both companies declined to provide further details about the settlement, saying it was confidential.

To read more on this click [here](#).

Source: *Law360*

Jury rules in favour of Arista in patent dispute with Cisco

Following a long-running patent and copyright dispute between Arista Networks and Cisco, a jury at the Northern District of California has ruled in favour of Arista. The verdict is the latest in sprawling litigation between Cisco, a major networking equipment company, and Arista, a fast-growing rival. In the suit, Cisco claimed that Arista infringed one or more patent claims, and infringed its copyright for its user interfaces and sought roughly USD 335 million in damages. Cisco is fighting to preserve its position as a dominant market player and looking to brush off its rival founded by former top Cisco executives and engineers. Although the jury ruled that Cisco successfully argued that Arista infringed its copyright for its user interfaces, it said that Arista had proved fair use.

To read more on this click [here](#).

Source: *Fortune*

3 200 patents worldwide for Ford in 2016

The US Patent and Trademark Office has granted about 1 500 US patents to Ford employees so far this year – more than any other automaker and a 25% increase on 2015, the company said. Ford said it has also been granted 1 700 patents in other countries, bringing its total to more than 3 200 patents worldwide this year. Among the new patents is an

invention for equipping autonomous vehicles with drones. The system deploys a drone from an autonomous vehicle to map the surrounding area beyond what vehicle sensors can detect. Vehicle passengers control the drone using the car's infotainment or navigation system.

For more on this story click [here](#).

Source: *IP Strategy News*

Copyright

Chinese companies to pay Disney for copyright infringement

A Shanghai Court has ordered two Chinese companies to pay compensation of over USD 194 000 to Disney Enterprises Inc and Pixar for unfair competition and infringement of intellectual property rights. Disney Enterprises Inc and Pixar, holders of the copyrights of animated comedies *Cars* and *Cars 2* together with the character images, sued G-Point and Bluemtv after they found images, titles and posters of animated movie *The Autobots* resembled those of *Cars* and *Cars 2*. *The Autobots* was produced by Bluemtv and released by G-Point.

The court stated that the images of the main characters in *The Autobots*, K1 and K2, infringed on the copyright of the characters Lightning McQueen and Francesco Bernoulli in *Cars* and *Cars 2*. The court further stated that while the Chinese title of the movie had a different meaning to the Disney productions and could not be seen as unfair competition; the resemblance in the visual effect of the movie's name on the poster constituted an act of unfair competition despite the overall difference in the poster design.

For more on this story click [here](#).

Source: *Reuters*

YouTube and NMPA reach royalty deal

YouTube and the American National Music Publishers' Association (NMPA) have negotiated an agreement to distribute royalties for music used in videos where ownership of the music was previously unknown. The agreement will result in unclaimed royalties being paid to publishers and songwriters, and will "help solve the problem of attribution" on YouTube, according to the NMPA.

YouTube will run an opt-in period from 12 December 2016 to 28 February 2017, following which it will provide participating publishers with a list of songs that YouTube was previously unable to obtain ownership information for. After a three-month claiming window, publishers will receive the accrued royalties for the musical works used. The process will be repeated for future twelve-month usage periods, beginning on 1 January 2016 and ending on 31 December 2019.

To read more on this click [here](#).

Source: *IPPro*

MSI sued for copyright infringement for using an advertisement photo

Computer Hardware manufacturer MSI is being accused of using a cosplayer's photo as ad material without their permission. The cosplayer Lindze A'la Mode and photographer Allison Rose filed a complaint in the state of Georgia. In the suit, the two are accusing MSI of using an image taken in 2013 for a calendar and digitally manipulating it for use in the company's advertisement. They allege that MSI provided and distributed false copyright management information with the intent to enable, conceal

and facilitate copyright infringement. MSI has denied the allegations.

Details of this story are available [here](#).

Source: *INQUIRER.net*

Duran Duran lose court battle over US copyright to their songs

Duran Duran band members have lost a court battle over the US rights to some of their most famous songs. The band had entered into a publishing agreement for assignment of their copyright to Gloucester Place Music Limited, a company registered in the UK. Simon Le Bon and other members of the Duran Duran band had been arguing that US copyright laws gave them the right to call for a reversion of copyright after 35 years. However the 35-year rule in America gave artists from the late 1970s onwards a chance to escape those contracts and claim back ownership of their copyright. Lawyers for Gloucester Place Music successfully argued that the agreements were governed by the English laws of contract which prevented the reversion. As a result, the High Court ruling could prevent the pop group from seeking to claim back their copyright of their first three albums: *Duran Duran*, *Rio*, and *Seven and The Ragged Tiger*, as well as their Bond theme "A View to a Kill".

Details on this story are available [here](#).

Source: *The Independent*

Trademark

Slam dunk for Michael Jordan in China trademark dispute

Following a lawsuit filed in Shanghai in February 2012, the Supreme People's Court of China has ruled in favour of the legendary Basketball player,

Michael Jordan in a trademark dispute with Chinese sportswear company Qiaodan Sports. The Court ruled that the Chinese sportswear company must stop using the characters for Jordan's name, read as 'Qiaodan' in Chinese. In 1998, Qiaodan Sports registered the terms 'Qiaodan', 'Qiao Dan' and the Chinese character translation of 'Jordan'. 'Qiaodan' is the pinyin translation of 'Jordan' in Chinese. Pinyin is the system for transcribing Mandarin Chinese characters into the Latin script. The court added that the Chinese firm's actions had displayed malicious intent by registering trademarks for Jordan's Chinese name. In a statement sent to Reuters, Jordan said "I am happy that the Supreme People's Court has recognised the right to protect my name through its ruling in the trademark cases. Chinese consumers deserve to know that Qiaodan Sports and its products have no connection to me."

To read more on this click [here](#).

Source: Reuters

Nestlé lose "KitKat" trademark appeal in Singapore

Nestlé has lost a trademark battle in Singapore centring on the shape of its KitKat chocolate bar. On Thursday, November 24, the Singapore Court of Appeal dismissed Nestlé's lawsuit against Singapore-based Petra Foods (now known as Delfi), affirming a 2014 decision by the Singapore High Court. Nestlé had alleged that the two-finger and four-finger shape of KitKat chocolate bars were infringed by Petra's Take-It products, which also feature two-finger and four-finger chocolate wafer bars. The decision from the lower court held that the shapes were not inherently distinctive, as the ordinary consumer of chocolate products would not pay particular

attention to the registered shapes as indicators of origin. Additionally, the judge found that the shapes had not acquired distinctive character.

Details on this story are available [here](#).

Source: World IP Review

KitKat trademark case sent back to EUIPO by General Court

The European Union Intellectual Property Office (EUIPO) will have to reconsider a trademark dispute between Nestlé and Mondelez, over the shape of the KitKat bar, after the General Court said that distinctive character must be proved in all EU member states.

In 2002 Nestlé filed a trademark application to register the 3D shape of the four-finger KitKat bar. Mondelez filed an action in 2007, arguing that in considering the application to register the KitKat shape as a trademark, the EUIPO Board of Appeal had only considered evidence of distinctiveness acquired through use in 10 member states. At the time of Nestlé's trademark application, the EU had 15 member states. Today it has 28. The Court said that in a case such as this one, where the mark does not have inherent distinctive character throughout the EU, the distinctive character acquired through use "must be shown throughout the territory of the European Union, that is, in all the Member States concerned". But Nestlé had shown distinctiveness "only in a substantial part of the territory of the European Union". EUIPO will now have to reconsider the case and assess the evidence available from all the member states.

To read more on this click [here](#).

Source: Irish Legal

Eyewear company Specsavers secure registration of trademark "should've"

The eyewear manufacturing company, Specsavers, has managed to obtain a trademark registration for the mark 'Should've'. The mark is coined from the company's well-known tagline "Should've gone to Specsavers". The move to register the mark was followed by a string of debate over companies attempting to appropriate commonly-used words. One news article published in [The Guardian](#) read, "we are witnessing, some fear, a rampant corporate takeover of our public language".

Details on this story are available [here](#).

Source: World Trademark Review

English spa wins stormy legal battle over naming of Liverpool's Titanic Hotel

A bitter trademark dispute between two major hotel and property companies over use of the name 'Titanic' has finally come to an end. Property Renaissance set up the Titanic Spa in 2006 in the former textile mills in Huddersfield which was known as Titanic mills for its size. Stanley Dock Companies opened the Titanic Hotel Liverpool in 2014 with references to the hotel spa as T-spa. Titanic Huddersfield lodged a complaint about the use of the name T-spa citing customer confusion and saying the spa had received calls and emails from customers who believed the two were the same entity. The Liverpool hotel however later rebranded to 'Maya Blue Spa'. The Huddersfield spa still took action claiming that the use of the word Titanic in the hotel's name was a breach of its trademark. The judge in this case noted that there had indeed

been infringement by the Liverpool hotel but that the necessary steps had already been taken to make amends by changing the name in order to avoid confusion in the future.

To read more on this click [here](#).

Source: *Belfast Telegraph*

BMW succeeds in Chinese trademark case

The Shanghai Intellectual Property Court has fined two Chinese companies for registering trademarks similar to car maker BMW's. The companies, and the founder of one of them, were ordered to pay BMW 3 million Yuan (approximately USD 432 000), according to news website Shanghai Daily. Deguo Baoma Group, which translates as 'German BMW Group', was established in July 2008 and it registered the trademark 'BMN' with a logo distinctly similar to the 'BMW' trademark. Fashion firm Chuangjia, the second firm fined, then used the trademark on products including clothes, shoes and bags, changing the logo over the years to more closely resemble BMW's.

To read more on this click [here](#).

Source: *Business Times*

Diageo battles Sazerac in whiskey trademark claim

Diageo has taken up arms against rival Sazerac in a dispute centring on whiskey. Filed on 16 December 2016 at the US District Court for the Southern District of New York, the suit claims that Sazerac has committed wilful acts of trademark infringement, unfair competition, trade dress infringement and dilution. Diageo said Sazerac had diluted a trademark by redesigning the bottle and label for a

line of its alcohol beverage products, including whiskey, "in order to knock-off the appearance and unfairly trade on the reputation of Diageo's extremely popular Bulleit brand bourbon and rye whiskey". Diageo acquired Bulleit whiskey in 2001 along with all of the trademark and trade dress rights and related goodwill associated with the business. Diageo is seeking a jury trial, injunctive relief, destruction of infringing materials such as labels, a payment of all profits, damages, triple damages for wilful infringement, and costs.

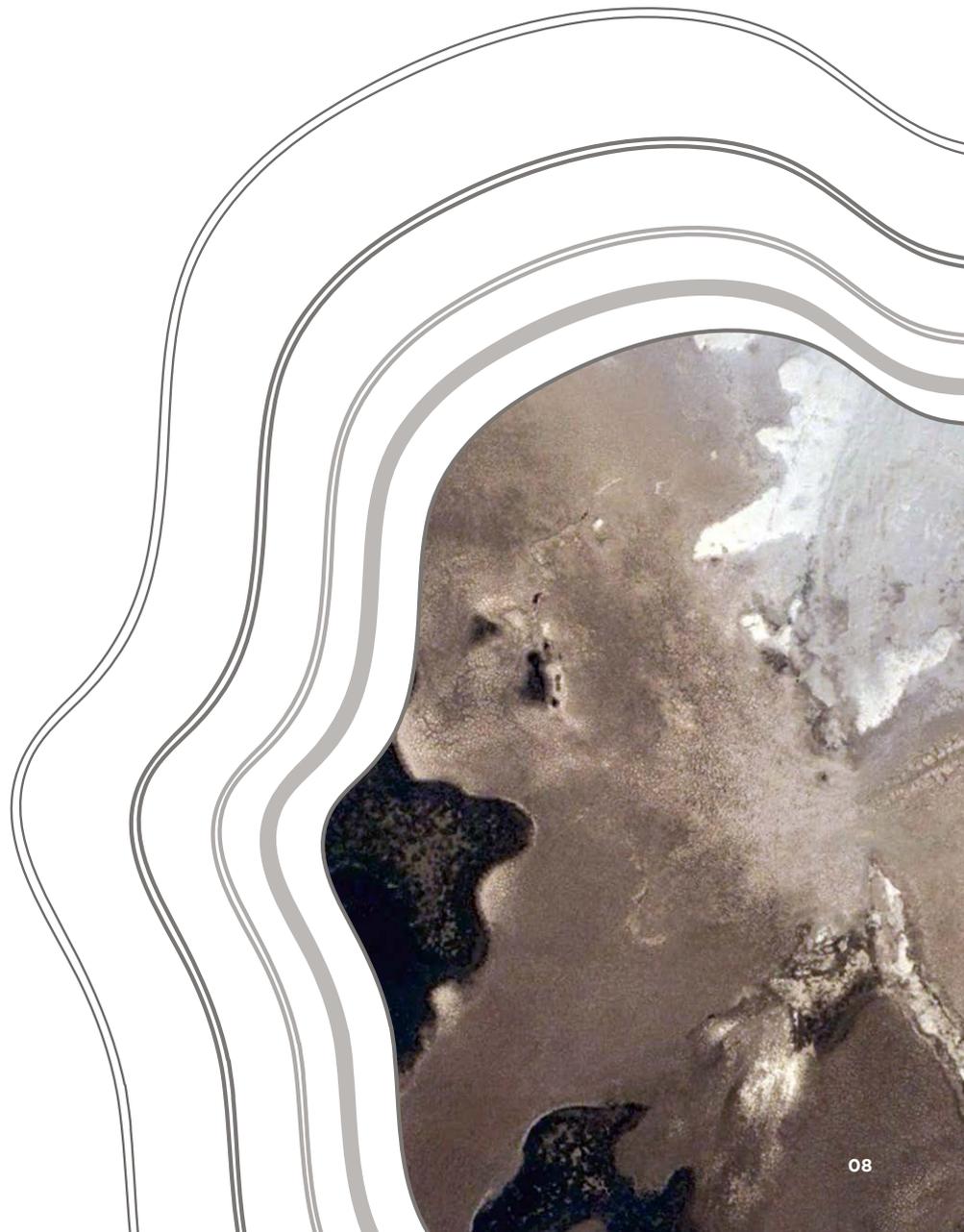
To read this story click [here](#).

Source: *World IP Review*

Our work

Over the period from December to mid-January we have:

- Filed approximately 30 trademark applications across East Africa;
- Assisted with approximately 45 trademark renewals, records of mergers, changes of names and assignments of trademarks; and
- Filed 10 patent applications and renewals of patent annuities.
- Instructed on 6 major IP litigation matters before the High Court



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