



Dear Client,

Welcome to this year's eleventh issue of IP Monthly, filled with interesting news articles and developments. We hope that you will find the features in this newsletter informative.

Developments in the Intellectual Property arena

Trademark

Kenya industrialists launch online portal for Investor Information

The Kenya Association of Manufacturers (KAM) and the TradeMark East Africa (TMEA) said the centralized business portal will provide industry stakeholders and potential investors with information on economic and legal environment, industrial and trade statistics relevant to the manufacturing sector and its sub sectors.

To read this story click [here](#)

Source: Trade Mark East Africa

Local manufactures urged to register trademarks

The Uganda Registration Services Bureau (URSB) asked local manufactures to register trademarks of their products, so as to enhance competition.

Broadcom's \$130 billion bid for Qualcomm

Broadcom's reported \$130 billion takeover bid for Qualcomm may depend on Qualcomm and Apple resolving their patent dispute, while the deal could have a wider IP impact, according to lawyers.

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

Source: WIPR and the Patent Lawyer Magazine

EU communication on SEPs comes in for criticism

IP Europe, an alliance of small and medium-sized companies originally co-founded by Ericsson, announced its opposition to the European Commission's current draft of the communication on standard-essential patents (SEPs).

To read this story click [here](#)

Source: WIPR

Counterfeits

Harley-Davidson seeks court action to stop Chinese counterfeiters

Motorcycle manufacturer Harley-Davidson sued a group of Chinese counterfeiters allegedly running internet stores to sell counterfeit goods to US residents.

To read this story click [here](#)

Source: WIPR

Alec Baldwin wins payout from gallery over 'fake' painting

A dispute between American actor, comedian and producer Alec Baldwin and a New York art gallery owner over an allegedly fake painting was resolved with a reported seven-figure settlement.

To read this story click [here](#)

Source: WIPR

Kenyan Anti-counterfeit legislation is constitutional

In the recent case of Paul

The managing director of the bureau, Mercy Kyomugasho Kainobwiso, said no product can compete without a trademark.

To read this story click [here](#)

Source: New Vision Uganda

Madrid Protocol amendments come into force

Several amendments to regulations under the Madrid Agreement and Protocol came into force on 1 November 2017. The Madrid Protocol allows protection for trademarks in multiple countries through the filing of one application with a single office, in one language, with one set of fees. Trademark owners and users of the Madrid System will benefit directly from three key changes.

To read this story click [here](#)

Source: wipo.int

Madrid monitoring and customer support improvements at WIPO

Madrid Monitor will soon become WIPO's best and only tool for tracking your international trademark application or registration. Starting December 1, ROMARIN, Madrid e-Alert, and Madrid Realtime Status will be discontinued and replaced with Madrid Monitor, providing a simpler and more streamlined way to monitor trademarks registered through the Madrid System. Users can

Apple wins \$120 million judgement

It was announced that Apple, technically, won the \$120 million patent ruling after Samsung's appeal was rejected by the US Supreme Court. The damages were a part of its ongoing battle for the 'slide-to-unlock' button with Apple. The judgment means Samsung will have to pay \$120 million in damages to their biggest competitor.

To read this story click [here](#)

Source: the Patent Lawyer Magazine

USPTO extends patent agreements with JPO and KIPO

The US Patent and Trademark Office (USPTO) signed patent search agreements with both the Japan Patent Office (JPO) and the Korean Intellectual Property Office (KIPO). The expanded pilot builds on the successful first phase that was recently completed in the summer of 2017, according to a [press release](#) from the USPTO.

To read this story click [here](#)

Source: WIPR

USITC to investigate Apple Macs and iPhones

The US International Trade Commission (ITC) instituted a probe into Apple over its Mac computers, iPhones, iPads, iPods and Apple TVs. The investigation,

Nduba Vs Hon Attorney General and the Anti-Counterfeit Agency the Kenyan court ruled that the provisions of the Kenyan Anti-Counterfeit Act are constitutional. The Anti-counterfeit Agency had conducted a raid on a shop and seized what it believed was counterfeit clothing. Brands involved included Puma, Nike, Adidas and Jeep.

To read this story click [here](#)

Source: Managing IP

also use Madrid Monitor to access the WIPO Gazette of International Marks, the official publication of the Madrid System.

To read this story click [here](#)

Source: INTA.org

INTA's Data protection committee asks, "Are you ready for Europe's next generation of data privacy regulations?"

A growing number of trademark and brand attorneys are being asked to include data protection as part of their portfolio. In response to this trend in the profession, INTA's Data Protection Committee is tasked with examining the growing intersection of brand protection and privacy. Off to a running start in its first term, the committee has recently published two articles to help guide INTA members in the intricacies of European data privacy laws. Both articles can be accessed on INTA's Advocacy page under "Reports."

To read this story click [here](#)

Source: INTA.org

London black cabs lack distinctive character, appeals court affirms

The English Court of Appeal rejected an appeal from The London Taxi Company (LTC) against a finding that designs of the city's famous black cabs lack distinctive character. In a decision handed down on 1 November 2017,

which was announced on November 14, was based on a complaint filed by California-based companies Aqua Connect and Strategic Technology Partners. Aqua Connect and Strategic filed their complaint with the ITC, alleging that Apple was infringing US patent numbers RE46,386 and 8,924,502.

To read this story click [here](#)

Source: WIPR

EPO and SIPO renew patent cooperation

The European Patent Office (EPO) and China's State Intellectual Property Office (SIPO) reinforced their collaboration with the signing of a strategic partnership agreement.

To read this story click [here](#)

Source: WIPR

Copyrights

Kenyan company secures music licensing rights to stream global catalog

The big international music news in Africa is usually about an African artist signing with an American label, but this time, Mdundo.com flipped the table. Mdundo licensed the rights to stream Warner Music's catalog in Kenya, Uganda, Tanzania and Nigeria. Disrupt Africa and Billboard provide some details, including much optimism from Mdundo CEO Martin

Lord Justice Floyd and Lord Justice Kitchin affirmed a decision made by Mr Justice Arnold in January this year at the English High Court.

To read this story click [here](#)

Source: WIPR

Appeals court says silencing online speech over trademark suit is unconstitutional

A gag order that was imposed on the backers of a Comic-Con convention was ruled by a federal appeals court as an unconstitutional infringement of speech. "Petitioners assert that the court-ordered prior restraints on their speech violate the First Amendment. We agree," the San Francisco-

To read this story click [here](#)

Source: The Trademark Lawyer Magazine

Coca-Cola accused of bullying UK coffee shop owners

Coca-Cola is facing accusations of being a "trademark bully" after reportedly asking an independent coffee shop in a UK town to stop using the word 'Honest'. Reports in the Plymouth local newspaper The Herald yesterday, November 28, stated that Wyatt Cavalier and his wife Grace, who have run Honest Coffees since 2013, were told to change the name by Coca-Cola.

To read this story click [here](#)

Nielsen and Africa Warner Music South Africa Director Tracy Fraser.

To read this story click [here](#)

Source: afro-ip.blogspot.co.za

BBC hit with copyright suit over Bill Cosby documentary

The producer of "The Cosby Show", the Carsey-Werner Company, hit broadcaster the BBC with a copyright infringement lawsuit.

According to a [claim \(pdf\)](#) filed on Friday, November 3 at the US District Court for the Central District of California, the BBC aired the infringing works in a programme called "[Bill Cosby – Fall of an American Icon](#)".

To read this story click [here](#)

Source: WIPR

Haribo taken to court over Halloween sweets

Confectionery company, Haribo was hit with a copyright lawsuit over the packaging design of its Halloween sweets. On Monday, November 13, Font Diner, which creates software for custom fonts, filed a claim against Haribo at the US District Court for the Eastern District of New York.

To read this story click [here](#)

Source: WIPR

Is it Legal to Link? Playboy is Taking BoingBoing to Court Over it

Source: WIPR

EU General Court rules against Red Bull colour combination mark

A trademark consisting of the mere juxtaposition of two colours, without a systematic arrangement, is not sufficiently precise and uniform to be valid, the EU General Court ruled in a case concerning the Red Bull blue/silver mark. The case involves two EU trademark (EUTM) applications for "energy drinks" in class 32. The decision can be found [here](#).

To read this story click [here](#)

Source: WIPR

Patents

Samsung phones and laptops to face USITC investigation
The US International Trade Commission (ITC) agreed to investigate a complaint that Samsung products, including mobile phones, tablets and laptops, have infringed two patents covering semiconductors after a complaint was filed by Tessera Advanced Technologies in September.

To read this story click [here](#)

Source: WIPR

Israeli start-up accuses Apple of copying camera tech

Israel-based Corephotonics sued Apple for allegedly copying its patented

Can simply linking to copyright-protected imagery land you in court? Yes, it can. Just ask BoingBoing, whose parent company Happy Mutants, LLC was slapped with a copyright infringement lawsuit by Playboy earlier this month, over a February 2016 article, entitled, "Every Playboy Playmate Centerfold Ever."

To read this story click [here](#)

Source: Fashion law.com

Copyright dispute over David Bowie image ends

A copyright dispute between the estate of late photographer Brian Duffy and Hard Rock Café over an image of British singer David Bowie, who died in 2016, was discontinued. US District Judge William Pauley signed the order on Thursday, November 16, stating that the action is discontinued without costs to any party, after it was reported to the court that this action "has been, or will be, settled".

To read this story click [here](#)

Source: WIPR

Claim of joint authorship fails in the Florence Foster Jenkins case

The High Court settled the dispute between script writer Nicholas Martin and opera singer Julia Kogan over the authorship of the script used to produce the film. The decision can be found [here](#).

camera technology for smartphones. In a filing at the US District Court for the Northern District of California, Corephotonics accused Apple of infringing four patents by incorporating them into the iPhone 7 Plus and iPhone 8 Plus.

To read this story click [here](#)

Source: IP kitten blogspot

To read this story click [here](#)

Source: WIPR

Interesting facts about November

- November is the eleventh month of the year in the Gregorian calendar and one of four Gregorian months with the length of 30 days. November retained its name (from the Latin novem meaning "nine") when January and February were added to the Roman calendar.
- The 11th month of the year brings us Thanksgiving, Veterans Day, and every 4 years, the US Presidential Election.
- November starts on the same day of the week as February in common years, and March every year. November ends on the same day of the week as August every year.
- November is the only month used to represent a letter in the phonetic alphabet

IMPORTANT DATES

- **1 November** - All Saints Day.
- **1 November:** World Vegan Day
- **5 November:** World Tsunami Awareness day-
- **12 November:** World Pneumonia Day
- **14 November:** World Diabetes Day
- **16 November:** International Day for Tolerance
- **17 November:** World Prematurity Day
- **19 November:** International Men's Day
- **20 November:** Universal Children's Day
- **23 November:** Thanksgiving
- **25 November:** International Day for the Elimination of Violence against Women

General

Innovations proof Kenya on track to be a cash-lite economy

OUR WORK

In the month of November we have;

Historical dates in November

- **1 November 1993** - The European Union came into existence

Last year, more than \$50 billion mobile money transactions passed through M-Pesa (the first platform to launch in 2007) alone. It is not surprising therefore that a number of financial institutions are vying for a slice of the action – with several major entries launching into the Kenyan money transfer and payments market in the last 12 months.

To read this story click [here](#)

Source: Business Daily

Uber inks deal to insure riders

Taxi-hailing firm Uber has partnered with First Assurance Company to offer personal accident insurance cover against rider injury or death locally. The personal accident cover, which took effect from mid-November, compliments the Public Service Vehicle (PSV) insurance that each Uber driver-partner has for their vehicles and beefs up the safety of riders.

To read this story click [here](#)

Source: Business Daily

Uber to begin testing flying taxi services in 2020

Uber is taking part in a joint industry and government push with NASA to develop software which the company aims to use to manage “flying taxi” routes that could work like ride-hailing services it has popularised on the ground. Uber said it was

- Filed approximately 35 trademark applications across East Africa;
- Assisted with approximately 20 trademark renewals, records of mergers, changes of names and assignments of trademarks;
- Filed 4 patent applications; and
- Filed 5 renewal of patent annuity.

as a result of the Maastricht Treaty.

- **2 November 1930** - Haile Selassie was crowned Emperor of Ethiopia.
- **3 November 1957** - Soviet Russia launched the world's first inhabited space capsule, Sputnik II, which carried a dog named Laika.
- **6 November 1860** - Abraham Lincoln was elected as the 16th U.S. President and the first Republican. He received 180 of 303 possible electoral votes and 40 percent of the popular vote.
- **6 November 1962** - The U.N. General Assembly adopted a resolution condemning South Africa for its apartheid policies and recommended economic sanctions.
- **11 November 1972** - The U.S. turned over its military base at Long Binh to the South Vietnamese, symbolizing the end of direct American military participation in the Vietnam War.
- **13 November 1956** - The U.S. Supreme Court ruled that racial segregation on public buses was unconstitutional.
- **14 November, 1666** - The first experimental blood transfusion took place in Britain, utilizing two dogs.
- **18 November 1477** - William Caxton printed the first book in the English language, The Dictes and Sayengis of the Phylosophers.
- **20 November 1789** - New Jersey became

the first formal services contract by the U.S.

To read this story click [here](#)

Source: Standard Newspaper

Firm takes online pay services across Africa

Direct Pay Online (DPO) has ambitious plans for expansion into the African market. The company says it will double its footprint to 24 countries by the end of 2018, partly fuelled by about Sh1.5 billion that it has received from the UK-based Apis Partners in two investment rounds over the last two years.

To read this story click [here](#)

Source: Business Daily

Twitter cracks down on verified accounts With new policy

Twitter updated its policies for removing the verification of a user's identity, saying it can pull the blue check mark at any time without notice for behaviour including promoting hate or inciting harassment of others.

To read this story click [here](#)

Source: Business Daily

WTO to hear Qatar's IP trade row with UAE

The World Trade Organization (WTO) has established a dispute consultation panel to hear Qatar's complaint against the United Arab Emirates (UAE) over a trade blockade which

the first state to ratify the Bill of Rights.

- **24 November 1859** - Charles Darwin's book *On the Origin of Species by Means of Natural Selection* was first published, theorizing that all the living creatures descended from a common ancestor.

Kenya: Historical Dates in November

- **1 November 1970:** President Kenyatta orders the immediate release from detention of former KPU official Mr. J. D. Kali after meeting a delegation of Kamba leaders at his Gatundu home.
- **3 November 1964:** Constitution of Kenya (Amendment) Bill is passed by House of Representatives.
- **5 November 1974:** President Jomo Kenyatta is installed as President and Commander-in-Chief of the Republic of Kenya for a third term.
- **6 November 1964:** Tanzanian President Nyerere confers first University of East Africa degrees at Nairobi's University College.
- **7 November 1954:** Nineteen Mau Mau freedom fighters are jailed after being found guilty of illegal possession of arms.
- **8 November 1977:** The Kenya Court of Appeal, established after the break-up of the East Africa Court of Appeal, delivers its first judgment.
- **10 November 1964:** Kenya becomes a

helped to spark a diplomatic crisis. In June, [several countries cut off diplomatic relations](#) with Qatar, accusing it of supporting terrorism. Qatar filed a complaint with the WTO in August against the UAE, Bahrain and Saudi Arabia.

To read this story click [here](#)

Source: WIPR

China announces plans to step up IP protection

China will step up its protection of IP rights to provide "sustained impetus for economic development", according to the country's state-owned news agency.

To read this story click [here](#)

Source: WIPR

WTO general council agrees to a 2-year extension for TRIPS Health Amendment Acceptance

The World Trade Organization General Council on 30 November 2017 agreed to a two-year extension for countries to adopt an amendment to the agency's intellectual property agreement intended to help small economies get affordable medical products. But a decision on non-violation complaints will be left to the December WTO ministerial in Buenos Aires.

To read this story click [here](#)

Source: IPwatch.org

one-party state. KADU is dissolved and opposition members that included Ronald Ngala join the ruling KANU government.

- **12 November 1954:** Gatiti Kabutu, a Mau Mau fighter, is found guilty of illegal possession of a revolver and sentenced to death.
- **17 November 1960:** KANU releases its long-awaited policy statement, calling for independence under Jomo Kenyatta.
- **19 November 1956:** The trial of Dedan Kimathi begins before the Supreme Court.
- **21 November 1964:** Oil refinery at Mombasa is opened.
- **20 November 1952:** The Governor, Sir Evelyn Baring declares a state of emergency. This followed the killing of a loyalist Kikuyu chief, Waruhiu by Mau Mau freedom fighters. Mzee Jomo Kenyatta and Messrs Paul Ngei, Achieng' Oneko, Bildad Kaggia, Fred Kubai and Kungu Karumba are arrested by the colonial security forces.

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