



" Today's Asset, Tomorrow's Value "

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Today's Asset, Tomorrow's Value.



Nortel: Intellectual Property

While the headline story of Nortel ended with "Nortel is just the beginning", patents actually make headlines once in a blue moon.

The story of Nortel started in January 2009 as the company filed for bankruptcy for losing approximately \$5.8 billion due to its customers put off spending on new equipment in the midst of recession. Till recently, Nortel with its auction of the 6,000 patents and patent application were delayed to June 27 after seeing a significant level of interest in the technology market and great attention from tech giants like Google, Apple, Microsoft Corp. and Sony Ericsson.

To the particular industry astonishment, Google Inc. had tendered a public stalking-horse offer of \$900 million and most bizarre thing was that the offer actually allowed Lazard to shop the deal for few months. As a result, other companies have to top the Google's bid with at least \$929 million under rules approved by the courts overseeing Nortel's bankruptcy. However, Rich Ehrlickman, President of Boca Raton, Florida-based patent broker IP offerings foresee the price for Nortel's patents will exceed the amount of \$1 billion due to the growing interest of tech giants.

At the end of the day, all tech players' effort in bidding were in vain as a consortium of six other companies – Microsoft, Apple, RIM, Sony Ericsson Mobile Communications AB and EMC Corp won with unbelievable bid of \$4.5 billion.

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Trademark Infringement: Facebook sues "Typosquatters"

In general, typosquatting (URL hijacking) is a form of cybersquatting. Typosquatter refers to someone who register "URL" similar to a particular website to create typographical errors which eventually lead an user to an alternative website that owned by a typosquatter.

On July 22, Facebook Inc. has filed lawsuit against Cyber2Media Inc. and to more than 100 defendants in federal court in San Jose, California for cybersquatting and trademark infringement as well.

The lawsuit claims that the defendants who also known as typosquatters had register names similar to recognized websites to attract visitors who assumed they are actually being linked to Facebook. Based on the lawsuit, most of the sites that violate Facebook's trademarks are hosted on servers owned by Cyber2Media.

The popular social-media company –Facebook not only asks for termination of the Cyber2Media and other defendants' trademarks but also damages.

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Copyright Infringement: Indian Television channel lands into trouble

Academy of Motion Picture and Arts and Sciences, the organizers of the most well-known Oscar Awards had seek lawsuit in Delhi High Court against a local Indian TV channel for using similarly confusing statuette

The particular infringed party, the Academy not only filed lawsuit against the local Indian TV channel but also seek for damages of Rs two crore (Rs.30,000,000) due to allegedly violating its registered trademark through organizing Vijaya Awards for artists of Tamil film industry.

Sanjay Jain, a senior counsel submitted the fact that the Vijaya Awards statuette is similarly confusing to the prestigious Oscar statuette.

The Delhi HC stated this case is going to be an international ramification while Justice GP Mittal referred the matter of possibility of crucial changes in the Vijaya Awards statuette to the mediation centre.

However, the petitioner's counsel stated that the Oscar Awards statuette cannot be brought to India for legal battle as it is made of pure solid gold.

New Patents Regulations on Extension of Time

This new practice will come into effect on July 1

A request for extension of time will only be granted for a period of one (1) month up to a maximum of six (6) months for the applicant to file a response to any Office Action or taking any proceedings under the Patents Act 1983 and Patents Regulations 1986 (for example Registrar's Preliminary Examination Adverse Report, Substantive Examination Adverse Report or any other related action).

Further request for extension of time will not be considered unless it is accompanied by a statement of case in the form of Statutory Declaration stating reasonable grounds for Registrar's approval.

In the case of Section 30(4) of Patents Act 1983 regarding response to the Registrar's Substantive/Modified Substantive Examination Adverse Report, the granting of the period for extension of time will depend upon request by the applicant, but to a maximum of six months only. The request under this section may be granted only once.

Registrar's Notice regarding Extension of Time on Patent matters

If the applicant is unable to respond within the granted extension of time, the Registrar will notify the applicant that his patent application is refused under the relevant provision of the Patents Act 1983.



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