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Weekly Competition Law News

Intellectual Property Court of SPC: Severely Punish Monopolistic Behaviors

On April 27, 2022, Zhu Li, Deputy Chief Judge of the Intellectual Property Court of the Supreme People's Court ("SPC"), said in an interview with the media that from January 1, 2019, when the Intellectual Property Court of SPC was established, until March 31, 2022, the court has continuously promoted anti-monopoly administration of justice and severely punished various monopolistic behaviors over the past three years. The Court has, first, heard antitrust cases properly to maintain fair competition in the market; second, supported and supervised the administrative law enforcement in accordance with the law to form a synergy of antitrust supervision; third, promoted the formulation of judicial interpretations to improve the competition adjudication rules system. ([More](#))

Intellectual Property Court of SPC Publicly Hears the Appeal of a Water Supply Company Abusing Market Dominance

On April 27, 2022, the Intellectual Property Court of SPC publicly heard an appeal case concerning the abuse of dominant market position. The plaintiff accused that the defendant designated its subsidiary to be the project supplier of design and construction, as well as applied unreasonable trading conditions, which constituted an abuse of its dominant market position. The court of first instance held that the defendant was in a dominant position in the market of water supply and construction and management of sewage facilities in Weihai City, but the existing evidence could not prove that it had implemented behaviors that restricted trading. The plaintiff's claim was then rejected. Later, the plaintiff appealed to the SPC and the Intellectual Property Court of SPC will make a final judgment on the case. ([More](#))

SAMR: Anti-Monopoly Law Expected to Be Released This Year

On April 26, 2022, Gan Lin, deputy director of the State Administration for Market Regulation ("SAMR") and director of the State Anti-monopoly Bureau, said at a press conference of the State Council Information Office of the People's Republic of China that the revision of the *Anti-Monopoly Law* has entered into the agenda of the National People's Congress of the People's Republic of China and is expected to be released this year. In addition, *Opinions on Strengthening Anti-monopoly and Further Promoting the Implementation of Fair Competition Policies*, submitted by SAMR, has been approved by the Central Comprehensively Deepening Reforms Commission. SAMR has also issued three anti-monopoly compliance guidelines, providing a more complete institutional guarantee for creating an orderly market ecology with online and offline competition. ([More](#))

SAMR Announces 2022 Legislative Plan to Improve the Anti-monopoly Legal System

On April 26, 2022, SAMR announced its 2022 legislative working plan. *Provisions of the State Council on the Standard for Merger Declaration*, together with department regulations such as *Interim Provisions on Prohibiting the Acts of Excluding or Restricting Competition by Abuse of Administrative Power*, *Interim Provisions on Prohibiting Monopoly Agreements*, *Interim Provisions on Prohibiting Abuse of Dominant Market Positions*, *Provisions on Prohibiting the Acts of Excluding or Restricting Competition by Abuse of Intellectual Property Rights* and *Interim Provisions on the Review of Concentration of Undertakings*, are listed as the first level of legislative items and shall be submitted for review before June 30, 2022, in order to be presented for review by the council meeting of SAMR within this year. ([More](#))

Case of Huizhou Motor Vehicle Inspection Association Charging Against a Horizontal Monopoly Administrative Penalty Selected as Guangdong Top 10 Intellectual Property Cases

On April 25, 2022, the High People's Court of Guangdong Province released the 2021 Top 10 Cases of judicial protection of intellectual property rights in Guangdong. One of them is the *case of Huizhou Motor Vehicle Inspection Association Charging Against a Horizontal Monopoly Administrative Penalty*. The Court held that the Huizhou Motor Vehicle Inspection Association's act of formulating and organizing the implementation of a monopoly agreement restricting members from reducing prices directly or in disguise was a monopolistic conduct which excluded and restricted competition, and rejected all the claims of the plaintiff. The significance of this typical case is to distinguish between the unorganized coincidental implementation of a certain price standard and the collective concerted practices of price monopoly. ([More](#))

SPC Issues New Rules on Jurisdiction of First Instance Monopoly Cases

On April 20, 2022, SPC issued the *Provisions on the Jurisdiction of First Instance Civil and Administrative Cases of Intellectual Property Rights*, which stipulates that the first instance civil and administrative cases of monopoly disputes shall be handled by intellectual property courts, the Intermediate People's Courts of the cities where the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government are located, and the Intermediate People's Court designated by SPC. The new rules take effect on May 1, 2022. ([More](#))

EU to Formally Charge Apple for Restricting Access of Apple Pay to Competitors

On April 29, 2022, according to media reports, the EU Commission is set to officially accuse Apple of breaking EU law and "unfairly" restricting access of Apple Pay on iPhone to third-party payment service providers. The EU Commission will accuse Apple of deliberately limiting access of its NFC technology used for Apple Pay to third-party payment service providers like PayPal and Venmo. The tech giant might face heavy penalties if found guilty. ([More](#))

Thomson Reuters Faces Antitrust Counterclaim

On April 26, 2022, according to media reports, Ross Intelligence Inc. ("**Ross Intelligence**"), a competing legal research service, filed an antitrust counterclaim to Thomson Reuters Enterprise Centre ("**Reuters**") in a copyright battle in Delaware Federal Court. Ross Intelligence argued that Reuters unlawfully tied its legal search tool to its public law database to maintain dominance in the overall market for legal search platforms. Reuters said that its legal search tool has never been sold separately from its public law database and is therefore the same product, by which the judge wasn't convinced. ([More](#))

South Korea's Antitrust Regulator Fines 8 Insurers WON 1.76 Billion for Bid Collusion

On April 24, 2022, South Korea's Antitrust Regulator, Korea Fair Trade Commission ("**KFTC**"), said it has decided to impose a combined fine of KRW 1.76 billion (approximately CNY 9.17 million) on eight insurance companies for colluding to fix bidding prices. According to the survey, they colluded for the insurance bidding put forward by state housing developer Korea Land & Housing Corp. in 2018, intentionally offered low bidding prices or dropped out of the bidding in order to let the industry player KB Insurance win contracts from LH twice. Along with the fine, KFTC has decided to lodge a complaint with the prosecution against two insurance companies and three of their executives. ([More](#))

Broadcom under Antitrust Scrutiny from FTC for Forcing Exclusive Agreements with Customers

On April 22, 2022, according to media reports, Semiconductor maker Broadcom Inc ("**Broadcom**") is under scrutiny from the U.S. Federal Trade Commission ("**FTC**"). Broadcom is a major supplier of Bluetooth chips and WiFi connectors to companies like Apple Inc. The scrutiny from FTC is following complaints that Broadcom is forcing exclusive agreements with customers, while Broadcom is blaming

the supply-chain crisis to justify its demands from customers. In July last year, FTC had filed a proposed order to require Broadcom to stop demanding that its customers buy components mostly or only from Broadcom. ([More](#))

Cybersecurity and Data Protection

SAMR Issues Administrative Measures for the Establishment of Online Market Supervision and Service Demonstration Zones (Trial Version)

On 28 April 2022, in order to standardize the establishment of online market supervision and service demonstration zones, upgrade the improvement of online market supervision and service capabilities and levels, and promote the healthy and sustainable development of online market regulation, the State Administration for Market Regulation (“SAMR”) issued *Administrative Measures for the Establishment of Online Market Supervision and Service Demonstration Zones (Trial Version)* (“the Measures”) and its supporting evaluation index system, as an important measure to improve the platform economy and digital economy governance system. ([More](#))

The Political Bureau of the CPC Central Committee Holds Meeting to Propose Normalized Supervision of the Platform Economy

On 29 April 2022, the Political Bureau of the Central Committee of the Communist Party of China (“CPC Central Committee”) held a meeting to analyze and study the current economic situation and economic work, and review the *National Talent Development Plan during the 14th Five-Year Plan*. Xi Jinping, general secretary of the CPC Central Committee, presided over the meeting. The meeting emphasized the need to promote the healthy development of the platform economy. The platform economy is the main force of the country’s digital economy. The special rectification of the platform economy has achieved substantial results. The supervision of the platform economy will become normalized. The state will further introduce specific measures to support the standardized and healthy development of the platform economy. ([More](#))

The Ministry of Industry and Information Technology Holds the 2022 Information and Communication Industry Safety Production Work Conference

On 29 April 2022, the Ministry of Industry and Information Technology held the 2022 Information and Communication Industry Safety Production Work Conference, to report the safety production work of the information and communication industry in 2021 and deploy the work tasks for 2022. Zhang Yunming, a member of the party group and deputy minister of the Ministry of Industry and Information Technology, pointed out that in 2021, there was no major accidents in the construction of the information and communication industry, the information and communication network operated safely and stably, and emergency communication guarantee was timely and powerful. It is necessary to firmly establish the concept of safe development, improve the safety management system, strengthen the construction of basic capabilities, implement safety supervision responsibilities, and reinforce emergency response to risks. ([More](#))

Technical Specifications for Certification of Cross-Border Processing of Personal Information Solicit Public Opinions

On 29 April 2022, in order to guide personal information processors to carry out cross-border personal information processing activities in a standardized manner, the National Information Security Standardization Technical Committee organized the Network Security Standard Practice Guide - Technical Specifications for Certification of Cross-Border Processing of Personal Information (“the Guide”) and solicited public opinions. The Guide put forward requirements in terms of basic principles, the require-

ments that relevant parties should follow in cross-border processing activities, and the protection of the rights and interests of personal information subjects, providing certification basis for certification bodies to carry out certified cross-border processing activities of personal information, and also providing reference for personal information processors to regulate cross-border processing activities of personal information. ([More](#))

Guide on Data Leak Prevention Technical Released to Improve Data Security Management Capabilities

On 26 April 2022, the Data Security Working Group of the Information Security Professional Committee of the China Information Association, Beijing Skyguard Network Security Technology Co., Ltd. and other units jointly issued the *Guide on Data Leak Prevention Technical* (“the Guide”). The Guide aims to improve data security management capabilities, accelerate the construction of an all-round security system for the digital economy, promote the rational, legal, and compliant use and circulation of data, and consolidate the foundation of the digital economy. ([More](#))

Beijing Intellectual Property Court Releases Top 10 Cases in the Field of Computer Software Copyright

On 26 April 2022, the 2022 Zhongguancun Intellectual Property Forum was held in Beijing. At the forum, the Beijing Intellectual Property Court released 10 typical cases of computer software copyright, involving source code comparison in computer software copyright cases, the impact of non-compete agreements on infringement determination, issues related to contract performance, issues related to contract modification and assignment, issues related to rescission of the contract and the right to rescind, issues related to the consequences of rescission of the contract, etc. ([More](#))

WeChat: Mini Program Developers Are Not Allowed to Force Users to Authorize Phone Numbers Unless Necessary

On 2 May 2022, according to WeChat, some mini program developers unreasonably required users to authorize personal information such as mobile phone numbers, interrupting the normal use process, affecting the user experience, and bringing risk of personal privacy information leakage. This behavior violated the user privacy and data specifications of the *WeChat Mini Program Platform Operation Specifications*. ([More](#))

Japan Releases Interim Report of Mobile Ecosystem Competitiveness Assessment

Recently, a new antitrust report *Interim Report of Mobile Ecosystem Competitiveness Assessment* (“the Report”) has been released by the Japanese government. The Report suggested that the pre-installation of Apple and Google’s own applications on smartphones’ systems means that competitor apps are disadvantaged. So, the Report proposed the introduction of new rules to prohibit acts that prevent users making decisions and choices. It also expressed concern over application developers paying a high fee to Apple as they can only distribute their products through the company’s store and called for allowing OS providers to allow users to select the app store of their choice. ([More](#))

Google Play Launches New Feature “Safety Section”

On 26 April 2022, the Google Play Store launched a new feature called “safety section”. It is designed to inform users whether the APP developers are collecting data and for what purpose, whether the developers are sharing the data with third parties, whether users can ask for their data to be deleted, whether an application follows Google Play’s Families Policy and so on. The section will be gradually rolling out for users over the coming weeks. Developers have until July 20, 2022, to update the data handling practices and other details. ([More](#))

European Parliament Publishes Fifth Briefing on Citizens’ Expectation on the Fu-

Future of Data Protection

On 27 April 2022, the European Parliament published the fifth briefing of a series of briefings discussing citizens' expectations on the future of data protection and privacy and including recommendations expressed in the course of the Conference on the Future of Europe ("CoFoE"), as well as corresponding European Parliament activities. In particular, the European Parliament noted that the CoFoE provided European citizens with the opportunity to have their say on what the EU does and how it works for them, through a multilingual digital platform and four European Citizens' Panels. Furthermore, the briefing notes that overall, citizens call for a high level of data protection and stringent implementation, and recommends measures promoting industry compliance, increasing citizens' control over data, and limiting the monitoring, profiling, and manipulation of citizens by private and public actors. ([More](#))

EU Court of Justice Rules Consumer Groups Can Bring Class Actions for Data Protection Infringements

On 28 April 2022, the EU Court of Justice ruled that consumer groups can autonomously bring legal proceedings for alleged breaches of data protection rules as long as national law allows it. The ruling results from a lawsuit by the Federation of German Consumer Organizations against Facebook. Facebook was accused of not providing a clear explanation of how it was processing personal data on its gaming platform App Centre. The alleged infringement of data protection rules entailed an unfair commercial practice for the consumer group, breaching consumer protection laws. The German Federation of German Consumer Organizations brought this case autonomously, as a representative action. The EU's data protection legislation, the GDPR, Article 80 in particular, leaves room for national legislation to allow consumer groups to bring representative actions when mandated by concerned individuals. ([More](#))

British Digital Regulation Cooperation Forum Publishes Documents Guiding Artificial Intelligence and Machine Learning Algorithms Audit

On 28 April 2022, the Digital Regulation Cooperation Forum ("DRCF"), a group of four UK regulators, published two documents where it provided businesses with guidance about the benefits and risks of artificial intelligence ("AI") and machine learning and how to audit algorithms. The United Kingdom is developing a new regulatory framework to govern the use of AI and machine learning. In 2021, the U.K. government published a National AI Strategy setting out its plan to become an AI superpower. This strategy included the creation of a National AI research and innovation program, an AI Standards Hub (to establish or collaborate in the development of international standards) and the modification of existing laws to include AI. ([More](#))

Google to Pay USD 100M to End Class Action over Biometrics Photos Face Scans

On 28 April 2022, according to media reports, Google agreed to pay USD 100 million, reaching a settlement agreement to end the class action over biometrics photos face scans in Illinois. The lawsuit took aim at Google over claims its Photos app improperly scanned the faces of people imaged in photos that were uploaded to the photo storage and sharing platform. Google was accused for not obtaining consent from those people before scanning and storing their facial images, and also not providing certain notices, and violating *Illinois Biometric Information Privacy Act*. ([More](#))

Google Search Removal Requests Expanded to Include Personal Contact Information

On 28 April 2022, according to media reports, Google has now expanded Google Search removal requests to include additional personally identifiable contact information, such as a person's phone number, email address, or physical address. Up until now, people have been able to request the removal of other certain sensitive information from Search, such as doxxing content, which is when a person's

contact information is shared in a malicious way, or information like bank account or credit card numbers that could be used for financial fraud. Under the expanded policy, users can also request for the removal of additional information that may pose a risk for identity theft, such as confidential log-in credentials, when it appears in search results. This latest update follows on from Google rolling out a new policy last October to enable people under the age of 18, or their parents or guardian, to request the removal of their images from Google search results. ([More](#))

American New Rules on Cyber Incident Reporting Come into Effect on May 1

On 1 May 2022, according to media reports, new cyber incident report rules for U.S. banking industry came into effect, requiring notification of computer-security incidents to a financial services organization's primary regulator as soon as possible following discovery of the incident and no later than 36 hours after identifying the incident. Under this rule, which was finalized in November 2021, financial services organizations also are required to notify customers as soon as possible if the incident has caused or might cause "material service disruption or degradation for four or more hours". ([More](#))

Intellectual Property

Beijing Higher People's Court Issued *Trial Guidelines on the Application of Punitive Damages in Intellectual Property Rights Infringement Civil Cases*

On April 25, the Beijing Higher People's Court issued the *Trial Guidelines on the Application of Punitive Damages in Intellectual Property Rights Infringement Civil Cases* by Beijing Higher People's Court (*Trial Guide*).

The *Trial Guide* consists of 51 articles, divided into six parts, with a number of highlights, such as summarizing the general rules for the application of punitive damages in different types of IP cases, simplifying the determination of the elements of punitive damages, and creating the situation of intentional and serious infringement; attaching importance to the achievements of technological innovation, and increasing the protection of key core technologies, key areas and emerging industries; stipulating the calculation method for the application of punitive damages; emphasizing the positive and prudent principle, and making a systematic design for the application rules of punitive damages, etc.

Source: [Beijing Higher People's Court](#)

Jiangsu Higher People's Court: Comparing the "Difference of Transmission Failure Rate " to Accurately Determine the Amount of Damages

Jiangsu Higher People's Court issued a final judgment in the case of VMI HOLLAND B.V. v. Sachs Huachen Machinery (Suzhou) Co., Ltd., et.al, upholding the original judgment. Previously, the first-instance court ordered the two defendants to stop the infringement and pay damages of RMB 3.06 million.

In this case, the court determined the number of failures that can be reduced per day and the average repair time by comparing the "difference of transmission failure rate" between the patented product and the existing similar products and calculated the technical contribution rate of the involved patent according to the single tire production time and daily output of the infringed product, so as to determine the amount of damages. The calculation method of technical contribution rate will provide useful reference for similar cases.

Source: [Jiangsu Higher People's Court](#)

B.Duck Trademark Was Protected by the Judiciary from Trademarks Squatting and Malicious Utilization of the Trademark Reputation

The Guangdong High People's Court made a judgment of second instance on the dispute over trademark infringement between the plaintiff Sunke Products Co., Ltd., and the defendants Wenzhou Little Yellow Duck Brand Operation Co., LTD. et.al (Little Yellow Duck Company), and ordered the three defendants to stop infringement and pay damages totaling RMB 110,000.

The court held that, compared with the registered trademark No. 35073115 of the Little Yellow Duck Company, the infringed trademark added bubble graphics, significantly changing the characteristics of the latter, which does not belong to standardized use of registered trademarks, and compared with the cited trademark, the text and graphic composition of the two are basically the same. It's difficult to distinguish the two by the public. The usage is likely to cause the public to misidentify the source of the goods or misunderstand that the source has a specific connection with the plaintiff's goods, and the two shall be identified as similar trademarks. Also, the three defendants used the English name and decoration of the plaintiff's enterprise at the collar label and hangtag of the apparel, which is sufficient to cause the relevant public to misunderstand the source of the goods, and the act constitutes unfair competition.

Source: Guangdong Higher People's Court

The "Thousand Pages Tofu" is a Generic Name: Criteria on the Degradation of a Registered Trademark into a Generic Name

The Beijing Higher People's Court made a final judgment on the administrative dispute over the cancellation review of the trademark of "Thousand Pages Tofu", revoking the original judgment and ordering CNIPA to remake cancellation review of the trademark .

In the judgment, the court elaborated on the basis of the judgment of the generic Name and clarified the criteria that the degradation of a registered trademark becomes the generic name of the designated goods. The criteria include Time standard, Subject standards, Regional standards, Commodity standards, Standard of proof and Overall judgment principle.

The court held that the degradation not only includes the genericization caused by the trademark owner, but also includes the genericization caused by other entities and the public, and does not rely on the fault of the trademark owner.

In this case, the court held that at the time of the review by CNIPA and the first instance trial, the relevant public had generally perceived that "thousand pages tofu" as a type of tofu, or tofu products, and that such perception was a common phenomenon nationwide. In addition, "thousand pages" and "thousand pages tofu" have become generic Names. The trademark can no longer be used to identify the source of goods, and shall be cancelled.

Source: Beijing Higher People's Court

Retrial Reversal, a Judgment on Whether a Sculpture-Like Reproduction Is Substantially Similar to the Work

The Zhejiang Higher People's Court made a retrial judgment on the copyright infringement dispute between the plaintiff Zheng Baocheng and the defendants Zhu Bingren et.al, revoking the judgments of the first and second.

The court held that originality is the substantive element for a work to obtain copyright protection, and only the original external expression can become a work in the sense of Copyright Law. In terms of art works, the Copyright Law requires not only originality but also aesthetic significance, i.e. it must have a certain degree of artistry and be able to reflect the author's individual aesthetic judgment.

In this case, although the rabbit' external expression are all images of rabbits in the public domain, the specific forms of the rabbit's five senses and limbs, the degree and shape of the hind limbs bending

while sitting upright and crouching, and the degree of fatness of the two hind limbs, especially as sculptures in art works, the three-dimensional line outlines of the components and the overall form after combination can reflect the different creative characteristics of the works, and shall not be excluded completely when comparing them.

Although the difference between the two rabbits in eyes makes them present different image characteristics, the expression is only a simple replacement of the eye shape, and shall not be given too much weight in the comparison of infringement. The infringing rabbit as a whole has the original expression of the work involved, such as the contrast between the fatness of the front and hind limbs, the shape and front and back position of the ears, as well as the shape and overall form of each part after combination. In conclusion, the infringing copy constitutes substantial similarity to the work involved.

Source: [Zhejiang Higher People's Court](#)

Visual China Claimed Pictures Copyright with "Watermark", the Supreme People's Court Ruled that the Copyright Cannot Be Determined Only by Watermark

The Supreme People's Court (SPC) made a retrial judgment on the case of Hanhua Yimei (Tianjin) Image Technology Co., LTD. v. Henan Caolu Apiculture Co., LTD., over copyright infringement of the right to disseminate information on the Internet. The court revoked the judgment of the first and second instance, and rejected all the plaintiff's claims.

SPC held that, in addition to the watermark "GettyImages ®", the involved pictures were also marked with watermarks such as "DougalWaters", and "GettyImages" was followed by the registered trademark "®". Therefore, the copyright of the involved pictures cannot be identified as to Getty Company only through this watermark. The plaintiff submitted the Certificate of Authorization issued by Getty Company and the statement of website rights, but the Certificate of Authorization can only prove the fact that Getty Company authorized the plaintiff, not the evidence that Getty Company had the copyright of the involved pictures. The claim of rights is a unilateral statement, and in the absence of other evidence, it cannot be used only to determine the ownership of copyright.

Source: [Supreme People's Court](#)

Lifang & Partners: Regarding the works of copyright marked with watermark, there are many viewpoints, such as the doctrine of electronic information of rights management, signature, synthesis and so on. In recent years, judicial practice tends to be more strict in the examination and identification of copyright ownership by watermarks on works, especially those on pictures. In judgment No. 57 of Min Ti Zi (2014), SPC clarified the burden of proof of copyright owners in such cases: Only after the right holder submitted evidence of the employment relationship between the photographer and Getty, the exclusive license of the work enjoyed by Getty, the specific affiliation between Getty and other websites selling the images, and further proof of ownership, did SPC consider that the right holder had met the initial burden of proof of ownership.

The burden of proof cannot be reduced because of the large number of copyright works involved. Picture watermarks are easy to be generated and modified. This case again clarified that the ownership cannot be determined only by the watermark on the picture, and other evidence should be submitted. This case once again clarified the burden of proof for picture cases, which has guiding significance for standardizing the litigation activities of similar cases.

Commission Boosts Protection of European Craft and Industrial Products in the EU and Beyond

On April 13, 2022, the Commission has proposed a first-ever framework to protect the intellectual property for craft and industrial products that rely on the originality and authenticity of traditional practices from their regions.

The main contents of the proposal include:

(1) Establish an EU-wide protection for geographical indications of craft and industrial products to help producers protect and enforce the intellectual property rights of their products across the EU. The new Regulation will also facilitate action against fake products, including those sold online.。

(2) Enable simple and cost-efficient registration of GIs for craft and industrial products by establishing a two-level application process.

(3) Allow full compatibility with international GI protection and protect corresponding GIs from third countries within the EU.

(4) Support the development of Europe's rural and other regions by providing incentives for producers, especially SMEs, to invest in new authentic products and create niche markets.

[Source: European Commission](#)

KIPO Relaxed Standards for Restoration of Patent Rights

A number of important changes to the Korean Patent Act (KPA) are scheduled to go into effect from April 20, 2022.

The provisions of relaxing standards for restoration of patent rights are as followings:

Where, due to a failure to submit documents, pay fees, or meet a due date, events such as

- i) a patent procedure being nullified,
- ii) the patent application being deemed withdrawn (because a request for examination could not be filed),
- iii) the final rejection becoming finalized (because a request for re-examination could not be filed), or
- iv) a patent right being terminated (because annuity fees have not been paid)

occur, such could only previously be rectified when the failure was due to ‘a cause not attributable to the applicant or patentee,’ such as a natural disaster. However, KIPO has now relaxed the term ‘a cause not attributable to the applicant or patentee’ to ‘a justifiable cause.’ Examples of a justifiable cause may include an applicant/patentee’s impaired judgement due to a health issue or a system failure when submitting patent documents. Cancellation or restoration must be requested within two months after the justifiable cause is no longer in effect. However, the request for cancellation or restoration is not accepted if one year has passed from the due date of the designated or statutory period. This revision will also be applied to those who have received an order of correction or have failed to meet deadlines before April 20, 2022 (the date of implementation), as long as more than two months have not passed from the termination of the justifiable cause at the time of implementation.

[Source: Chambers and Partners](#)

MPA Wins Piracy Battle, US Court Orders Primewire to Shut Down

Last December, Paramount, Universal, Warner, Columbia, Disney and Netflix sued PrimeWire, one of the most recognizable pirate streaming sites of the last decade.

In an order handed down at a California court, District Judge Mark C. Scarsi focused on the issues of liability and a permanent injunction. The Judge found that third parties directly infringed the studios’ rights by hosting and streaming copyrighted works. Through their operation of the PrimeWire web-

site, the defendants encouraged users to supply infringing links, curated them, and provided them to the public.

PrimeWire demonstrated knowledge of these infringements by hiding their identities, encouraging users to deploy VPNs to hide theirs, and providing a means to connect users to illegal streaming performances.

The terms of the permanent injunction require PrimeWire to shut down and “transfer the operation of the PrimeWire websites” to the studios. PrimeWire’s operators are restrained and enjoined from “linking to, distributing, reproducing, copying, hosting, uploading, making available for download, indexing, displaying, exhibiting, publicly performing or otherwise exploiting” any copyrighted works owned by the plaintiffs and “taking any action” that directly or indirectly enables any user or third party to do the same. The site’s domains cannot be transferred to any other registrant or registrar other than as identified by the plaintiffs. The order reads, noting that if the registrars do not facilitate transfer within five days, the relevant top-level domain registries must take action.

With the matters of liability and a permanent injunction settled, Judge Scarsi says the plaintiffs are now free to conduct discovery to determine the level of damages caused by the PrimeWire site. He allocated 90 days but extensions may be granted.

Source: torrentfreak.com

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