

# IP Palette

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## Delhi University Photocopy Case: A New Dawn

Putting an abrupt end to a long legal battle, Oxford University Press, Cambridge University Press and Taylor & Francis announced that they were withdrawing from the Delhi High Court their copyright suit against the sale of photocopied pages of their books in Delhi University. In addition to withdrawing the case, the publishers have further assured that they are not going to take up the issue before any other higher court.

Knowledge (SPEAK) relied on the Copyright Act, 1957 and claimed that the law permits students and educational institutions to copy portions from any work for research and educational purpose.

In September 2016, the Court had ruled in favour of the defendants and held that “copyright in a literary work is not an inevitable, divine or natural right” conferred on an author. The Court further added that the copyright

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In 2012, the international publishers moved the Delhi High Court against Rameshwari Photocopy Services and Delhi University alleging that the photocopy shop was causing huge financial losses as students had stopped buying their books.

The photocopy shop had argued that its activity does not affect the market for the publishers’ since it charges a nominal rate for its services. It further stated that the students cannot afford to buy all the books, extracts of which were mentioned in the syllabi prepared by the Delhi School of Economics.

The University of Delhi, Association of Students for Equitable Access to Knowledge (ASEAK) and Society for Promoting Educational Access and

law was intended to increase and not impede knowledge.

The case has, over the last five years, attracted international attention as a test case for copyright violation and was seen as one that would set a precedent on the applicability of copyright law in the education sector in India.

Happy Readings ahead for students of Delhi University!

Read more at:

<http://www.hindustantimes.com/delhi/delhi-university-photocopy-case-three-publishers-withdraw-copyright-suit-against-shop/story-9GuzmW3H4xrq9PqLnLgRBN.html>

## CURATOR’S NOTE

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*Hello IP Enthusiasts,*

*Whilst we are putting in endless efforts each day to establish a positive IP ecosystem in the country – At times, we may miss certain developments that happened around the world. Now, these developments may be significant or inconsequential but well it’s never a bad idea to stay updated!*

*With the same view, CIPAM’s legal team is here with IPR newsletter called ‘IP Palette’! (\*Loud Applause\*)*

*We have not finalized any formats, news categories or font for that matter. We are going to experiment and learn on the way. So...we are open to suggestions with respect to anything and everything!*

*For any queries or inputs, please contact shivani.singh90@gov.in*

## Delhi High Court refused to direct eBay to pre-screen products for IPR infringement

Kent RO Systems Limited had filed an infringement suit alleging that the water purifier systems manufactured by the defendant, Mr. Amit Kotak were deceptively similar to their registered design and that eBay, being an “intermediary” under the Information Technology Act, 2000, is required to devise a mechanism to verify whether the products hosted on its website infringe the intellectual property rights.

Kent further demanded a prohibitory injunction against eBay and sought for a direction that would make it

mandatory for eBay to take down, remove and delist all infringing products.

Relying on eBay’s line of arguments, the Court was of the view that “requiring an intermediary to do such screening would be “an unreasonable interference with the rights of the intermediary to carry on its business”.

Justice Endlaw further observed, “My reading of the IT Rules aforesaid obliges the intermediary to remove/disable the information hosted on the portal only on receipt of

complaint. The IT Rules, according to me do not oblige the intermediary to, of its own, screen all information being hosted on its portal for infringement of the rights of all those persons who have at any point of time complained to the intermediary.”

Read more at:

<http://www.livelaw.in/ecommerce-websites-not-obligated-screen-products-ip-infringement-posting-website-delhi-hc-read-judgment>

## The Vatican claims copyright on the images of Pope Francis

A recent statement by the Vatican hints at their intention of protecting the image of Pope Francis and the crossed key emblem of the Holy See. They have hired the global law firm Baker McKenzie to protect its intellectual property rights and “stop situations of illegality that may be discovered”.

Read More at:

<http://www.deccanchronicle.com/world/europe/270217/vatican-wants-copyright-on-pope.html>

## Donald Trump moves to trademark ‘Keep America Great!’ slogan

Donald Trump filed a trademark application for the “Keep America Great” slogan for the 2020 campaign. The slogan is intended to take off from the 2016 slogan: “Make America Great Again.”

The trademark application was filed with the U.S. Patent and Trademark Office on January 18<sup>th</sup>, 2017, two

days before Mr. Trump was officially sworn in as President.

The application indicates the phrase could be used for T-shirts, tank tops, “baby clothing, namely, one piece garments” and “printed publications, namely, pamphlets providing information regarding Donald J. Trump as a political candidate”.

Read more at:

<http://www.mandourlaw.com/blog/trump-files-trademark-keepamericagreat-re-election-slogan/>

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