

# Legal Newsbytes

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## Myer Stores wins domain dispute

Myer Stores had its cybersquatting complaint upheld recently in the World Intellectual Property Organisation (WIPO) against David John Singh of Lismore, Australia in relation to his domain *myeronline.com*.

The site was registered in 1999 and contained information and commentary on the financial performance of Myer and contained several disclaimers denying association with Myer.

However, Myer registered the mark *MYER ONLINE* with effect from 28 August 2000 and owned the *MYER* trade mark prior to 1999.

Source:  
[www.elawbusiness.com.au](http://www.elawbusiness.com.au)

## Wheel patented by Melbourne man

Freelance patent attorney John Keogh has been issued with an innovation patent for the wheel.

The controversial registration is for a "circular transportation facilitation device" was reportedly patented to prove that the new innovation patent system was flawed because applications are not examined by IP Australia.

IP Australia issued a statement that obtaining the patent for the wheel would have required a false claim and would be invalidated if a third party challenged the patent.

No challenge has been reported yet.

Source: *The Age* - 2 July 2001

## Insect shape trade mark rejected

The Federal Court has made its first decision on the registration of shapes under the Trade Marks Act 1995.

The Court held that a mark in the shape of an insect was not inherently adapted to

distinguish the product (which was confectionery) from that of others even though the shape was only insect-like and not exactly the shape of any real insect known to man.

Source: *Ken Man Candy Australia Pty Ltd v the Registrar of Trade Marks [2001] FCA1047*.

## New Zealand overhauls IP laws

The Trade Marks Bill was introduced in the New Zealand Parliament at the beginning of July and it is expected that bills in relation to patents and copyright will also be introduced over the next year.

These bills will update local intellectual property laws and cover Maori culture, in leading edge developments in the world in indigenous intellectual property rights.

Source: *New Zealand Herald/IP Australia*.

## Wrestling over WWF trade mark

US wrestling promoter, World Wrestling Federation Entertainment Inc. was found to have breached restrictions over the use of the initials WWF imposed in an agreement in 1994 with the former World Wildlife Fund.

The former World Wildlife Fund, now known as the Worldwide Fund for Nature, won the case in London over objections that the restrictions were a restraint of trade.

Source: *Reuters Ltd*

## Introduction of Cybercrime Bill

The Cybercrime Bill 2001 has been introduced by the Federal Government aimed at computer crimes such as hacking, denial of service attacks, virus attacks and website vandalism.

The Bill will create new offences under the Criminal Code Act 1995 punishable by up to 10 years imprisonment.

Source: <http://search.aph.gov.au>