



## **NÝJUNGAR Í HUGVERKAVERND**

María Kristjánsdóttir, lögmaður á LEX og framkvæmdastjóri GH Sigurgeirsson IP

24. maí 2023

# YFIRLIT

- Vernd hugverkaréttinda í takt við öra tækniþróun
- Nýjar áskoranir og álitæfni
- Vörumerki í sýndarveruleika
- Gervigreind og ChatGPT

# VÖRUMERKI Í METAVERSE

Fashion powerhouse Lacoste files 5 trademarks for metaverse-compatible brand



Image source: Forever 21



Image source: Coca-Cola



NFT GATORS

NFT News - Education - Industry - Web3 - Metaverse - Blockchain - Games - Collecti

INDUSTRY NEWS, METAVERSE NEWS, NFT NEWS 2 weeks read

## Nissan Files New Trademark Applications for NFTs and the Metaverse

Nicholas Khonyi  
March 13, 2022

The filing indicates the company plans to offer an NFT marketplace, virtual clothes and cars and metaverse advertising services.



# Google Cloud CEO announces 4 cloud-specific tools, details plans for Web3 and the metaverse

Victor Dey  
October 11, 2022 3:32 PM  
f t in



Image source: Hyundai

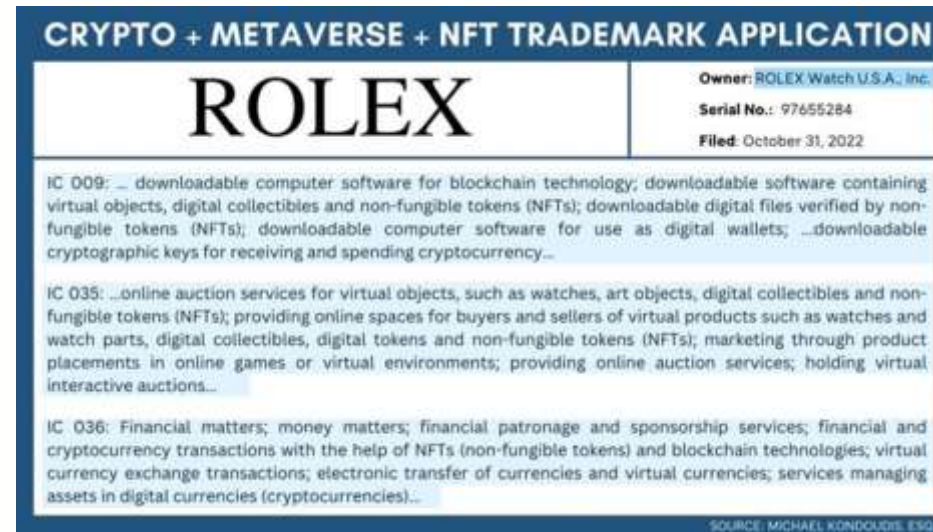


Image source: H&M



# VÖRUMERKI Í METAVERSE - ÁLITAEFNI

- Flokkun vöru og þjónustu
- Vörumerki alltaf skráð fyrir ákveðnar vörur og þjónustu
- 45 flokkar
  - 1-34 vörur
  - 35-45 þjónusta
- Yfirskrift flokka
  - Vísbending um hvaða vörur og þjónusta falla undir hvern flokk



# VÖRUMERKI Í METAVERSE

## ■ Dæmi:

- Fatnaður – 25
- Skyr – 29
- Hugbúnaður – 9
- Þróun hugbúnaðar – 42
- Downloadable virtual goods, namely computer programs for footwear, clothing, toys – 9
- Retail store services featuring virtual goods, namely footwear and clothing – 35
- Entertainment services, namely providing on-line non-downloadable virtual footwear and clothing - 42



The image shows a screenshot of a USPTO Trademark Application for the NIKE logo. The header is dark blue with the USPTO seal on the left and the text "USPTO TRADEMARK APPLICATION" on the right. Below the header, the NIKE logo is displayed in black. To the right of the logo, there are three paragraphs of text, each starting with an International Class (IC) number and a description of the goods or services. The text is highlighted in pink. Below the logo, there are three lines of text: "SERIAL #: 97096366", "FILING DATE: OCT. 27, 2021", and "OWNER: NIKE, INC". At the bottom of the page, there is a small disclaimer: "The graphic represents only a portion of the application. For the full application, visit: [https://tadm.uspto.gov/#caseNumber=97096366&caseType=SERIAL\\_NO&searchType=statusSearch](https://tadm.uspto.gov/#caseNumber=97096366&caseType=SERIAL_NO&searchType=statusSearch)

**USPTO TRADEMARK APPLICATION**

**NIKE**

SERIAL #: 97096366

FILING DATE: OCT. 27, 2021

OWNER: NIKE, INC

IC 009: Downloadable virtual goods, namely, computer programs featuring footwear, clothing, headwear, eyewear, bags, sports bags, backpacks, sports equipment, art, toys and accessories for use online and in online virtual worlds

IC 035: Retail store services featuring virtual goods, namely, footwear, clothing, headwear, eyewear sports bags, backpacks, sports equipment, art, toys and accessories for use online; on-line retail store services featuring virtual merchandise, namely, footwear, clothing, headwear, eyewear, bags, sports bags, backpacks, sports equipment, art, toys and accessories

IC 041: Entertainment services, namely, providing on-line, non-downloadable virtual footwear, clothing, headwear, eyewear, bags, sports bags, backpacks, sports equipment, art, toys and accessories for use in virtual environments

The graphic represents only a portion of the application. For the full application, visit: [https://tadm.uspto.gov/#caseNumber=97096366&caseType=SERIAL\\_NO&searchType=statusSearch](https://tadm.uspto.gov/#caseNumber=97096366&caseType=SERIAL_NO&searchType=statusSearch)

# VÖRUMERKI Í METAVERSE - ÁLITAEFNI



## USPTO TRADEMARK APPLICATION



**SERIAL #:** 97096945

**FILING DATE:** OCT. 28, 2021

**OWNER:** NIKE, INC

IC 009: Downloadable virtual goods, namely, computer programs featuring footwear, clothing, headwear, eyewear, bags, sports bags, backpacks, sports equipment, art, toys and accessories for use online and in online virtual worlds

IC 035: Retail store services featuring virtual goods, namely, footwear, clothing, headwear, eyewear sports bags, backpacks, sports equipment, art, toys and accessories for use online; on-line retail store services featuring virtual merchandise, namely, footwear, clothing, headwear, eyewear, bags, sports bags, backpacks, sports equipment, art, toys and accessories

IC 041: Entertainment services, namely, providing on-line, non-downloadable virtual footwear, clothing, headwear, eyewear, bags, sports bags, backpacks, sports equipment, art, toys and accessories for use in virtual environments

The graphic represents only a portion of the application. For the full application, visit: [https://bdr.uspto.gov/#caseNumber=97096945&caseType=SERIAL\\_NO&searchType=statusSearch](https://bdr.uspto.gov/#caseNumber=97096945&caseType=SERIAL_NO&searchType=statusSearch)

# HERMÉS INT. VS. MASON ROTSCCHILD

- Mál höfðað fyrir US District Court of New York, 14. janúar 2022
- Hermés á skráð vörumerkið BIRKIN í flokkum 16 og 18, fyrir “*leather goods, namely handbags*”
- Engar skráningar í flokkum 9, 35 eða 42 fyrir sýndarvörur/þjónustu



Image: Hermés



# HERMÉS INT. VS. MASON ROTSCCHILD

## ■ Dómur þann 14. febrúar 2023

- Notkun Rotschild á vörumerkjum Hermés talið brot gegn vörumerkjarétti þeirra, þrátt fyrir að Hermés ætti merkið ekki skráð fyrir sýndarvörur.

## ■ Hugleiðingar

- BIRKIN þekkt merki – áhrif?
- Hvað með þegar uppruni “brotamanns” er óþekktur?



# GERVIGREIND OG HUGVERKARÉTTINDI

- Generative AI – Spunagreind

- ChatGPT – OpenAI
- DALL-E – OpenAI
- DeepArt
- RunwayML
- DeepDream – Google

- Heart on your sleeve

- Lag með „röddum“ tónlistarmannanna Drake og The Weeknd birt af Ghostwriter977 án aðkomu þeirra.
- Fjarlægt af helstu streymisveitum en ennþá aðgengilegt á netinu.



## Gervigreind framleiddi lag með röddum Drake og The Weeknd

Bjarki Sigurðsson skrifar · © 17. apríl 2023 11:25



# GERVIGREIND OG HUGVERKARÉTTINDI

## Generative AI og vörumerkjaréttindi

- Brot gegn vörumerkjavernd
- Falsaður varningur
- Lagaleg ábyrgð

## Generative AI og höfundaréttur

- Brot gegn höfundarétti
- Getur efni sem verður til með aðstoð spunagreindar verið varið höfundarétti?
- Eignarhald efnis

TAKK FYRIR!

