



**OVERLAPS  
BETWEEN  
COPYRIGHT AND INDUSTRIAL  
PROPERTY  
IN  
MOBILE SERVICES**

# CONTENT:

**§1. Copyright & Industrial property are two types of Intellectual Property. Catch a likeness and what difference.**

**§2. Copyright on paintings («ЯЙЦЕКВАДРАТЫ») or right on trademark mobile company.**

**§3. Copyright on software made for hire or Patent right on Invention. Unfair competition in Mobile Services. GIGAFONE v. SUPERFON**

**§1. Copyright & Industrial property are two types of Intellectual Property. Catch a likeness and what difference.**

# INTELLECTUAL PROPERTY



**LITERARY & ARTISTIC  
PROPERTY**



**INDUSTRIAL PROPERTY**

# LITERARY & ARTISTIC PROPERTY

## COPYRIGHT

## RELATED RIGHTS

Works of  
science,  
literary & art

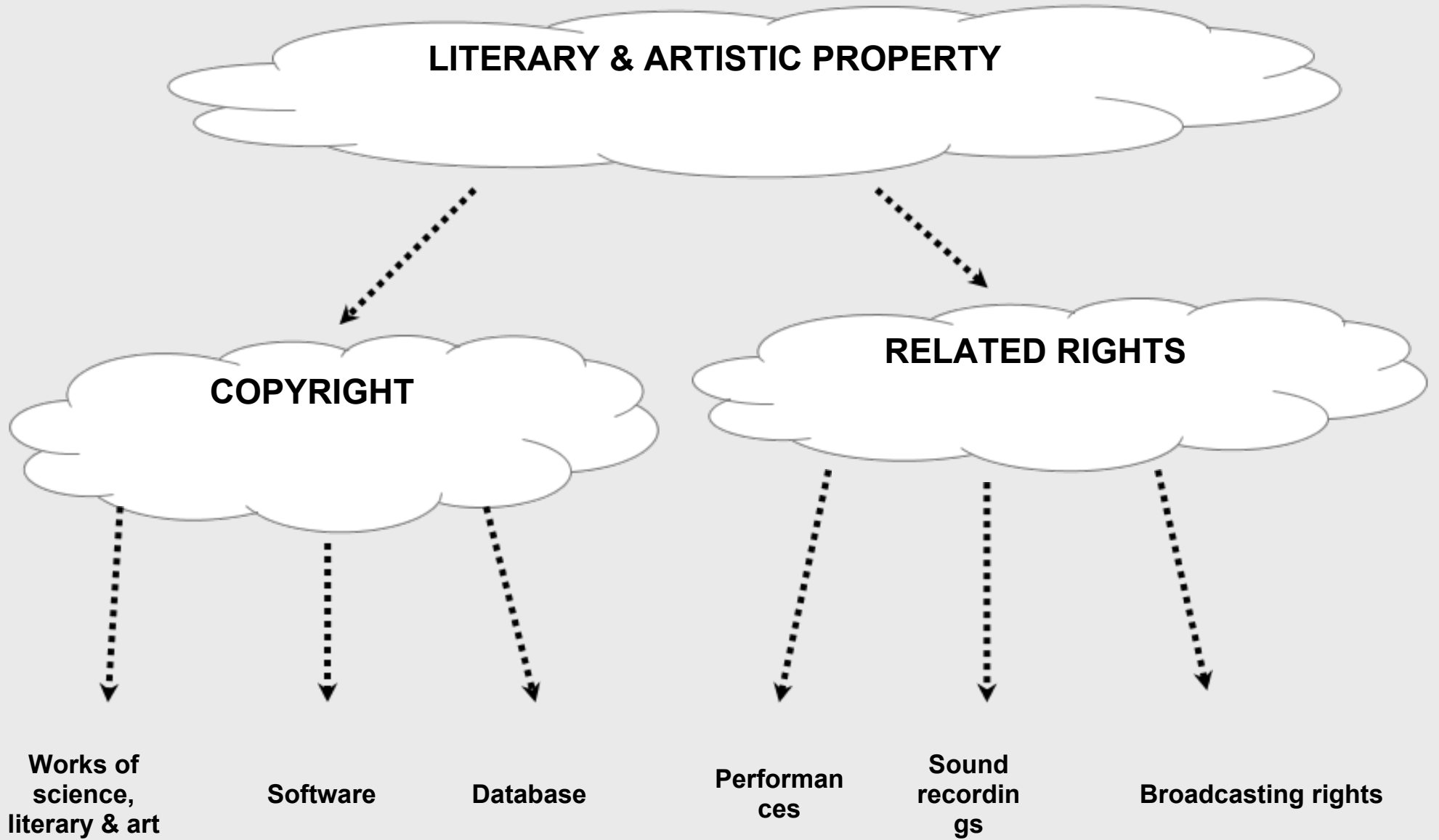
Software

Database

Performan  
ces

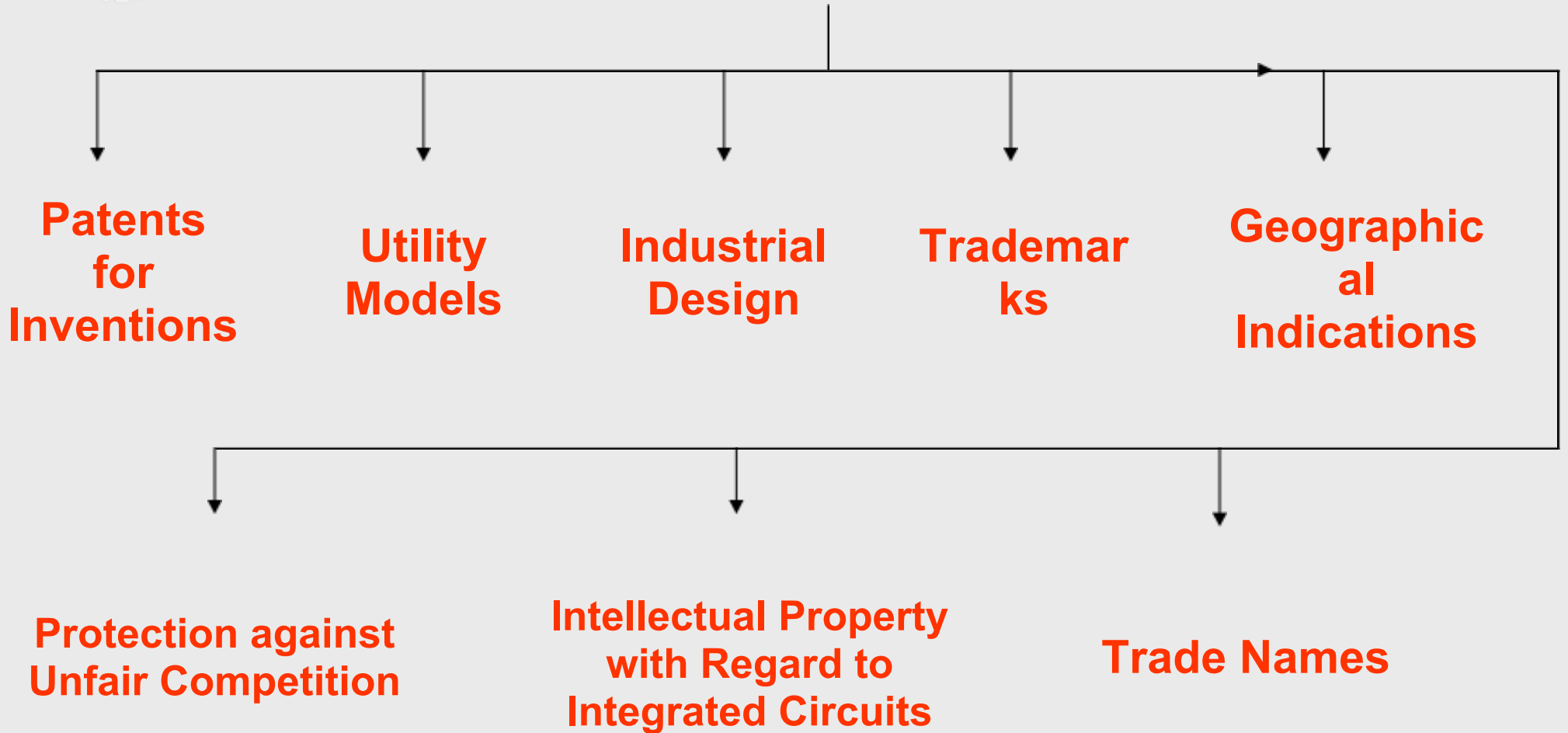
Sound  
recordin  
gs

Broadcasting rights



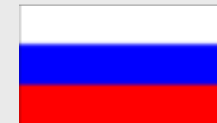


# INDUSTRIAL PROPERTY

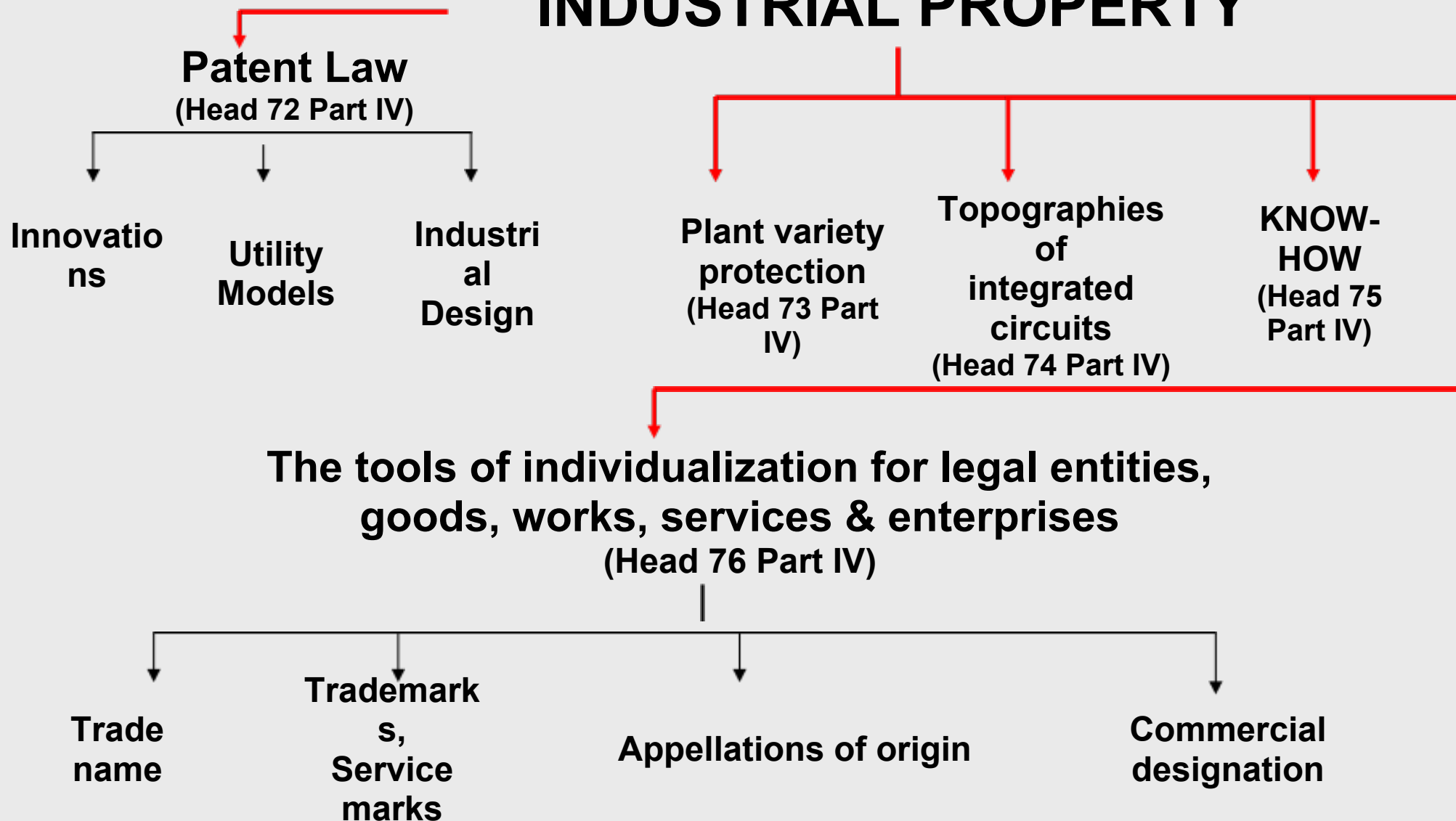




IN ACCORDANCE WITH PART IV RUSSIAN CIVIL CODE  
(after January, 1, 2008)



# INDUSTRIAL PROPERTY





## **THE MAIN DIFFERENCE**

**Industrial Property  
from  
Literary & Artistic Property**



**STATE  
REGISTRATION**

- **Literary & Artistic Property - DON'T NEED STATE REGISTRATION (Subsection 4 Section 1259 Part IV Russian Civil Code)**
  
- **Industrial Property – ONLY STATE REGISTRATION**



**§2. Copyright on paintings  
or  
Right on Trademark mobile company**

Fine Art's works



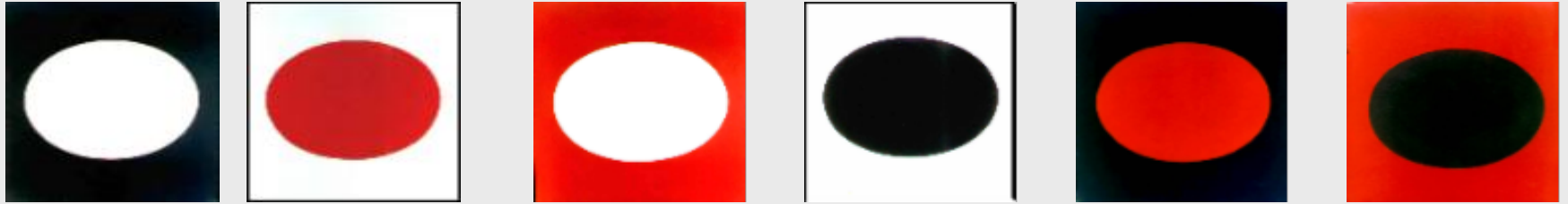
COPYRIGHT

Trademark  
**№ 25419**  
Russian company

Trademark  
**№ 25208**  
Belarus company



INDUSTRIAL PROPERTY



**The Six Paintings from fine art's project  
“ЯЙКАКВАДРАТЫ”  
Poet Ales Riazanov and Fine Artist Victor  
Markovets  
(The First Art Exhibition – December, 1992)**

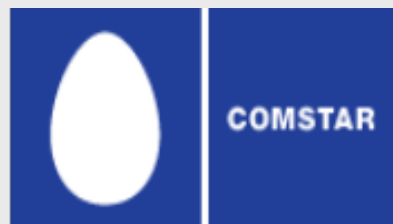


Алесь Разанаў (Алесь  
Рязанов)



Віктар Маркавец (Виктор  
Марковец)

**May, 10, 2006**  
**Date of Rebranding**  
**Company Group «SYSTEMA TELECOM»**



# ORIGINAL LEGAL SCHEME OF REBRANDING IN BELARUS



**August, 30, 2006**  
**RUSSIAN COMPANY**

**September, 9, 2006**  
**BELARUS COMPANY**

Application  
Trade mark  
№ BY 20062798

Application  
Trade mark  
№ BY 20062797

Application  
Trade mark  
№ BY 20063211



**August 2007. Plaintiffs bring suit in the Supreme Court of Republic Belarus against mobile company (right holder of trademark № 25420)**

**WRITERS of  
Six fine art's works**



**Plaintiffs  
Poet & Fine Artist**



**Pictures from fine art's project  
Promulgated in December 1992**



**October, 16, 2007 Supreme Court Republic of Belarus  
TO DENY A CASE  
about trademark № 25420**

**«The Company “Mobile TeleSystem” to use  
separate, independent image.....»**

**Except from Supreme Court’s decision**



**May, 3, 2008. The Board of Appeals of the National Center of Intellectual Property Republic of Belarus considers objection to the registration of a trademark № 25420. The Board of Appeals recognize this trademark as illegal**





# Sample of use literary & artistic property in industrial property. In USSR's time



Work of sculpture



Work of architecture

The Logo  
film studio  
«Mosfim»



**Writers**  
«Worker and Kolkhoz  
Woman»

USSR pavilion for the World Fair (1937), whose architect  
was Boris Iofan. The sculpture was to be an inseparable part  
of the whole structure

The famous Mosfilm logo, representing the monument "Worker and Kolkhoz Woman"  
by

Vera Mukhina and Spasskaya Tower of the Kremlin, was introduced in 1947 in the  
musical comedy "Spring".

July, 1948. The monument "Worker and Kolkhoz Woman" - official logo film studio  
"Mosfilm"

November, 1950. The film studio "Mosfilm" has concluded writer's agreement with  
Vera Mukhina – little copy of the monument "Worker and Kolkhoz Woman"

May, 29, 1951. Vera Mukhina assign to right use image of little copy of the  
monument

"Worker and Kolkhoz Woman" as Mosfilm's logo



**Boris Iofan**  
architect



**Vera  
Mukhina**  
sculptor

Little copy of the monument "Worker and Kolkhoz Woman", which was created by Vera Mukhina  
without Boris Iofan



**This pedestal is not copy of  
original  
Boris Iofan's pedestal**

**PLEASE CHECK PEDESTALS FROM OLD AND NEW MOSFILM'S LOGO**



**LIKENESS OR DIFFERENCE**

PLEASE CHECK PEDESTAL FROM ORIGINAL WORK AND  
PEDESTAL FROM NEW MOSFILM'S LOGO



**LIKENESS OR DIFFERENCE**

# Sample of use industrial property in literary & artistic property

**Andy Warhol**  
American fine artist  
«The king of pop art»



Writer of 48 paintings  
**(literary & artistic property)**  
The trademark & industrial design of  
«Campbell Soup Company» are  
main image of this paintings  
**(industrial property)**

**CAMPBELL SOUP COMPANY –  
RIGHT HOLDER**

**TRADE  
MARK**

**INDUSTRIAL  
DESIGN**



**PAINTING'S PRICE  
EXCEED  
\$ 2, 000, 000**

**Picture was created in  
1962**

**§3. Copyright on software made for hire or  
Patent right on Invention.**

**Unfair competition in Mobile Services.**

**GIGAFONE v. SUPERFON**



**ЕВРАЗИЙСКАЯ ПАТЕНТНАЯ ОРГАНИЗАЦИЯ  
ЕВРАЗИЙСКОЕ ПАТЕНТНОЕ ВЕДОМСТВО**

**ЕВРАЗИЙСКИЙ ПАТЕНТ**  
№ 007757

Наименование изобретения:  
«МЕТОД И СИСТЕМА ДЛЯ ПУБЛИКАЦИИ РЕКЛАМНЫХ  
СООБЩЕНИЙ В СИСТЕМЕ МОДЕЛЬНОЙ СВЯЗИ»

Изобретатель(и) (ФИО):  
ГЛОБАЛ ДИРЕКТ МЕНЕДЖМЕНТ КОРП. (СН)

Изобретатель (Ф):  
Пашурин Михаил В. (RU)

Классификация:  
Возраст ИС: 200901316  
Приоритет изобретения: 13 апреля 2004 г.; 28 августа 2004 г.;  
21 мая 2004 г.  
Дата подачи заявки: 17 апреля 2005 г.  
Дата выдачи патента: 29 декабря 2006 г.

Подпись: *Alexander Grigoriev*  
ГРИГОРЬЕВ Александр Николаевич  
Председатель Евразийского патентного ведомства

V.I.

Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters  
Register of Copyrights, United States of America

Form TX  
TX 6-563-984

1/20/07

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**1**  
TITLE OF THIS WORK  
SUPERPHONE FOR OS Systems 7, 8, X (MSRM 60)

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION: If this work was published in a periodical, serial, or collection, give information about its relative work in which the contribution appears. Title of Collection Work

Is published in a periodical or serial give: Volume Year Date Page

**2 a**  
NAME OF AUTHOR  
OOO "SUPERPHONE"  
DATE OF BIRTH AND DEATH  
Year Month Year Day

Was this contribution in the work a "work made for hire"?  
L If Yes  
OR  
M If No (Name of P. Intellectual Prop. Rights)

WAS THIS AUTHOR'S CONTRIBUTION THE WORK?  
Assessment: Yes No  
If No, give date of contribution

**NOTE**  
NATURE OF AUTHORSHIP: Fully describe nature of work(s) created by the author in which copyright is claimed.

**b**  
NAME OF AUTHOR  
OOO "SUPERPHONE"  
DATE OF BIRTH AND DEATH  
Year Month Year Day

Was this contribution in the work a "work made for hire"?  
L If Yes  
OR  
M If No (Name of P. Intellectual Prop. Rights)

WAS THIS AUTHOR'S CONTRIBUTION THE WORK?  
Assessment: Yes No  
If No, give date of contribution

**c**  
NAME OF AUTHOR  
OOO "SUPERPHONE"  
DATE OF BIRTH AND DEATH  
Year Month Year Day

Was this contribution in the work a "work made for hire"?  
L If Yes  
OR  
M If No (Name of P. Intellectual Prop. Rights)

WAS THIS AUTHOR'S CONTRIBUTION THE WORK?  
Assessment: Yes No  
If No, give date of contribution

**3 a**  
TITLE OF WORK OR CREATION OF THIS WORK WAS COMPLETED  
OOO "SUPERPHONE"  
DATE OF PUBLICATION  
Year Month Year Day

**b**  
DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK  
DATE OF PUBLICATION  
Year Month Year Day  
NATION OF PUBLICATION  
Country

**4**  
COPYRIGHT CLAIMANT'S Name and address must be given even if the claimant is the author or the author's agent. If  
OOO "SUPERPHONE"  
Russia 125184 Moscow, Puzanovskaya stb., 34/1 building 1

APPL. FOR REG. REC'D  
DATE RECEIVED  
1/20/07  
This Office's Receipt

# INVENTION REGISTRATION IN USA

**US COMPANY - Global Direct Management Corp.,**

**APPLICATION No 10/851,524 May, 21, 2004**

**A method for advertising in a mobile communication system may include generating a request for advertisement information, transmitting the request for advertisement information to an advertisement device, wherein the advertisement device stores a plurality of advertisement information, receiving requested advertisement information from the advertisement device, storing the requested advertisement information in a storage device and presenting selected advertisement information along with notification information indicating an incoming request for connection to a user of a mobile communication device when a request for connection is received by the mobile communication device.....**

**US. PATENT OFFICE**

**PATENT No US 7,162,226 B2**

**Effective date for property rights: May, 21, 2004**

**Date of issue: January, 9, 2007**



# PATENT № US 7,162,226 B2



# INVENTION REGISTRATION IN RUSSIA

**US COMPANY - Global Direct Management  
Corp.,**

## APPLICATION

**«Method and system of advertising in a mobile communication  
system»**

**April, 13, 2005**



**THE EURASIAN PATENT OFFICE**



**EURASIAN PATENT № 007757**

**Effective date for property rights: May, 21, 2004**

**A COPYRIGHT REGISTRATION IN USA.  
LITERARY WORK (COMPUTER SOFTWARE) MADE FOR HIRE**

**RUSSIAN COMPANY  
Obshchestvo s ogranichennoj otvetstvennost'ju "Superfon"**

**February, 20, 2007**

Form TX  
№ TX 6-563-984



**US. COPYRIGHT OFFICE**



**SERTIFICATE OF REGISTRATION**



**Date of registration: February, 20, 2007**

**A COPYRIGHT REGISTRATION IN USA.  
LITERARY WORK (COMPUTER SOFTWARE) MADE FOR HIRE**

**RUSSIAN COMPANY** ▶  
**Obshchestvo s ogranichennoj otvetstvennost'ju "Superfon"**

**July, 13, 2007**

Form TX ▶  
№ TX 6-598-652



**US. COPYRIGHT OFFICE**



**SERTIFICATE OF REGISTRATION**



**Date of registration: July,13, 2007**

# SERTIFICATE OF REGISTRATION

**Certificate of Registration**

The Copyright Office has received information from the Copyright Office in accordance with 17 U.S.C. 405(b)(2) that the work identified below is a work of authorship in the field of literature, music, drama, or other intellectual property. The information on this certificate has been made a part of the Copyright Office records.

*Margaret Pitters*  
 Register of Copyrights, United States of America

**Form TX**  
 For a Copyright in Literary Works  
 (Application Form for the U.S. Copyright Office)

**TX 8-500-832**

OFFICE USE ONLY (PREVIOUS EDITIONS)

7 13 2017

**1** **WORK IDENTIFICATION INFORMATION**

**1** **TITLE OF THE WORK**  
 SUBVERSIVE LIFE BY ORSON WELLES, S.A., A.A. (Drama), (TV, Windows Media)

**2** **AUTHOR INFORMATION**

**2 a** **NAME OF AUTHOR**  
 ORSON WELLES AND HELEN  
 Year Born: 1909 Year Died: 1985

**2 b** **RESIDENCE AT THE TIME OF CREATION**  
 1000 Broadway, New York, NY 10003

**2 c** **RESIDENCE AT THE TIME OF REGISTRATION**  
 1000 Broadway, New York, NY 10003

**3** **DATE OF FIRST PUBLICATION**  
 1941

**4** **DATE OF REGISTRATION**  
 07/13/2017

**5** **WORK IDENTIFICATION INFORMATION**

**5** **TITLE OF THE WORK**  
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**7** **DATE OF FIRST PUBLICATION**  
 1941

**8** **DATE OF REGISTRATION**  
 07/13/2017

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 1000 Broadway, New York, NY 10003

# INVENTION REGISTRATION IN RUSSIA

RUSSIAN COMPANY

Obshchestvo s ogranichennoj otvetstvennost'ju "Superfon"

APPLICATION № 2006133729/12, 21.09.2006



FEDERAL SERVICE FOR INTELLECTUAL PROPERTY,  
PATENTS AND TRADEMARKS



PATENT № RU 2322702 C1



Effective date for property rights: **21.09.2006**

C1

(19) RU (11) 2322702 (13) C1  
(51) Int. Cl.  
G09F 19/00 (2006.01)

**(12) ABSTRACT OF INVENTION**

(21)	Application: <b>2006133729/12</b> ,
(24)	Effective date for property rights: <b>2006.09.21</b>
(45)	<b>Date of publication: 2008.04.20 Bull. 11</b>

**FEDERAL SERVICE FOR INTELLECTUAL  
PROPERTY, PATENTS AND  
TRADEMARKS**

**(54) METHOD FOR DISTRIBUTION OF ADVERTISING AND INFORMATIONAL IMAGES**

**FIELD:** mobile communications, advertising.

**SUBSTANCE:** in accordance to the method, prior to receipt of incoming/outgoing call or incoming/outgoing SMS and/or MMS message, an advertising-informational image is sent to the client if consent is given, and browsed by the client before the moment of answering the call and/or in the moment of call completion and/or prior to browsing the SMS and MMS messages and responding the them. The advertising informational image is present on the cell phone screen for the whole duration of the call or until the call is cancelled and/or until response to SMS and MMS messages. Money for viewing advertising-informational images are transferred to the client account independently on whether the images are viewed or not, and/or whether the call is answered or not, and/or whether SMS and MMS messages are viewed and/or responded to. On receipt of a new SMS and/or MMS message during viewing of advertising-informational image a notification appears on the phone screen, which does not interfere with browsing of advertising information and indicates receipt of a new SMS or MMS message for the client or of a new advertising-informational image. The advertising informational image displayed on the cell phone screen is accompanied with appropriate voice or musical or sound accompaniment, which is a part of the advertising-informational image. The subject of incoming advertising-informational image selected according to wishes of the client and/or advertiser, and the advertising informational image displayed on the screen of the client cell phone is scaled according to the size of cell phone screen.

**EFFECT:** reduced time needed to receive advertising information, increased reliability of receipt of aforementioned information and creation of conditions which are more comfortable for provision of informational services.



**INVENTION**

«Method and system  
of advertising in  
a mobile communication system»



**INVENTION**

“Method for distribution  
of advertising and  
informational images”

INVENTOR: **PAPULOV; MICHAEL V. (Moskow, RU)**

WRITER: **UNKNOWN**

Effective date for property rights: **May, 21,  
2004**

Effective date for property rights: **September,  
21, 2006**

**WORK MADE FOR HIRE**

«SUPERFONE 2.05 for OS Symbian 7, 8.x, 9.x (series 60) ,  
Windows Mobile»

WRITER: **UNKNOWN**

First publishing date: **June, 30, 2007**



# Your Questions

you can put to us by mail:



[alexey.s@kondrin.com](mailto:alexey.s@kondrin.com)



[www.kondrin.com](http://www.kondrin.com)