

Assignment iii

Family



3 July Assignment Intellectual property rights refer to distinct creations of the mind for which rights are recognized. IPR exists mostly in the field of technology as well as literary and artistic creations as people are able to come up with innovation as well as invention mostly in these aspects of the world. These rights are exclusive to a person and help to protect his or her intellectual property from being infringed upon or copied by others without permission. Patents on the other hand are grants that are provided by a government that gives the creator of any invention the complete right to make use of and sell a particular invention for a particular period of time. With growing competition in the world today, most companies are trying to soar ahead by coming up with newer technology and protecting their work with the help of these rights. Despite this, a large number of lawsuits are filed on a daily basis for infringement of these rights. This paper further provides an insight into the case of Apple vs. Samsung, where Apple filed an injunction on four patents against Samsung. Within the last one year, an important case took place in the field of patents and IPR as Apple asked a U. S Court to issue a preliminary injunction against Samsung on four patents. Earlier on in April, Apple had sued Samsung in a federal Court of California due to Samsung's Galaxy series being copied from the iPad and iPhone. However, in the current dispute against the two tech giants, Apple has asked the court to file an injunction which will stop Samsung from infringing three design patents and one utility patent of Apple's. According to the court filing, if the court agrees to go ahead with it then Samsung would have to make changes in certain products including the Galaxy S smart phone and the Samsung Galaxy Tab, which are copies of the iPhone and the iPad respectively. (Levine, Dan) 1 However, Samsung's spokespersons have <https://assignbuster.com/assignment-iii/>

stated that they will defend their technology well and have clearly said that their smart phones and tabs are a part of their personal innovation and have not been copied from anywhere. It would be very tough for the court to understand and find out which company has stolen the other's technological rights over intellectual property applied in the making and use of these smart phones and tabs or iPads, and also regarding the use of patents. Apple also was seen making a request to the court along with the claim against the designs, saying that they wanted to see the new designs of Samsung before the company went ahead and released them in the market. This request has been sanctioned for Apple, but not on a mutual basis for Samsung as yet. (Feeley, Jef, and Jun Yang)² It has been rumoured that the two companies will now be making a settlement just like the deal that was made between Apple and Nokia because Nokia wanted to use the technology that was used in the iPhones manufactured by Apple. Samsung is one of Apple's parts suppliers and they have at least \$5.7 billion worth of products going to Apple thus the best thing would be to understand and form a settlement between both parties so that they are both able to make use of the patents and the technology for their phones and tabs/iPads. (Muenyi, Wen)³ It has also been stated that both companies need each other in the market for their survival. They have both been able to establish a very strong holding over the global technological market; however, they are symbiotic towards each other as Samsung is Apple's product and parts supplier. Thus, Apple buys from Samsung and it is also one of the company's biggest customers. However, in recent news, Samsung had also filed a patent infringement suit against Apple in response to the allegations that Apple had made against its Galaxy series, nevertheless, it has now dropped that filing in order to "

streamline the legal proceedings," according to a spokesperson Nam Ki Yung. Samsung will thus continue to defend its patent rights through a counter claim against Apple and the future will be able to show whether or not Apple has been successful in claiming that its innovation and invention of the iPhone and iPad as well as the technology and patents have been copied by the tech giant Samsung, or not. This is a matter of great concern for both parties because it might involve the loss of face and goodwill within the consumer base for the side that loses in the eyes of the law which could end up hurting the company's image. (Sherr, Ian)⁴ Works Cited Levine, Dan. " Apple Seeks Injunction in Samsung Patent Case." Business & Financial News, Breaking US & International News | Reuters. com. 01 July 2011. Web. 03 July 2011. . Muenyi, Wen. " Samsung vs Apple Patent Battle Might Be Coming to an End." Cell Phone News and Reviews - IntoMobile. 20 June 2011. Web. 03 July 2011. . Sherr, Ian. " Samsung Drops One Lawsuit Against Apple to Focus on Others - WSJ. com." Business News & Financial News - The Wall Street Journal - Wsj. com. 2 July 2011. Web. 03 July 2011. . Feeley, Jef, and Jun Yang. " Samsung Sues Apple Over iPhone, iPad and iPod Technology - Businessweek." Businessweek - Business News, Stock Market & Financial Advice. Web. 03 July 2011. .