

LAWS3005: Intellectual Property Law

View Online



1

2

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, Intellectual property: patents, copyright, trade marks and allied rights, Sweet & Maxwell, London, 8th ed., 2013.

3

Bently, Lionel and Sherman, Brad, Intellectual property law, Oxford University Press, Oxford, 3rd ed., 2009.

4

Christie, Andrew and Gare, Stephen, Blackstone's statutes on intellectual property, Oxford University Press, Oxford, 11th ed., 2012, vol. Blackstone's statutes.

5

M. Dowie-Whybrow, Core statutes on intellectual property, Palgrave Macmillan, Basingstoke, Fourth edition., 2013, vol. Palgrave Macmillan core statutes.

6

Jacob, Robin, Alexander, Daniel, and Fisher, Matthew, Guidebook to intellectual property, Hart, Oxford, 6th ed., 2013.

7

Spence, Michael, Intellectual property, Oxford University Press, Oxford, 2007, vol. Clarendon law series.

8

Waelde, Charlotte, Contemporary intellectual property: law and policy, Oxford University Press, Oxford, 3rd ed., 2014.

9

Bainbridge, David I., Intellectual property, Pearson, Harlow, 9th ed., 2012.

10

Torremans, Paul and Holyoak, Jon, Holyoak and Torremans intellectual property law, Oxford University Press, Oxford, 7th ed., 2013.

11

Terrell, Thomas and Thorley, Simon, Terrell on the law of patents, Sweet & Maxwell, London, 16th ed., 2006.

12

Fysh, Michael, Roughton, Ashley, Johnson, Phillip, and Cook, Trevor M., The modern law of patents, LexisNexis, London, 2nd ed., 2010.

13

Kitchin, David, Kerly, Duncan Mackenzie, and Jacob, Robin, Kerly's law of trade marks and trade names, Sweet & Maxwell, London, 14th ed., 2005, vol. Intellectual property library.

14

Morcom, Christopher, The modern law of trade marks, LexisNexis Butterworths, London,

2nd ed., 2005.

15

Garnett, K. M., Davies, Gillian, Harbottle, Gwilym, Copinger, Walter Arthur, and Skone James, E. P., Copinger and Skone James on copyright, Sweet & Maxwell, London, 16th ed., 2011, vol. Intellectual property library.

16

Laddie, Hugh, The modern law of copyright and designs, Butterworths, London, 2000.

17

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, Intellectual property: patents, copyright, trade marks and allied rights, Sweet & Maxwell, London, 8th ed., 2013.

18

Bently, Lionel and Sherman, Brad, Intellectual property law, Oxford University Press, Oxford, 3rd ed., 2009.

19

Jacob, Robin, Alexander, Daniel, and Fisher, Matthew, Guidebook to intellectual property, Hart, Oxford, 6th ed., 2013.

20

Spence, Michael, Intellectual property, Oxford University Press, Oxford, 2007, vol. Clarendon law series.

21

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, Intellectual property: patents, copyright, trade marks and allied rights, Sweet & Maxwell, London, 8th ed., 2013.

22

Bently, Lionel and Sherman, Brad, Intellectual property law, Oxford University Press, Oxford, 3rd ed., 2009.

23

Richard Arnold, European Intellectual Property Review, 2007, **29**, 339–343.

24

Tanya Aplin, Intellectual Property Quarterly.

25

Gavin Phillipson, Modern Law Review, 2003, **66**, 726–758.

26

Rachael Mulheron, Modern Law Review, 2006, **69**, 679–713.

27

Alexandra Sims, Intellectual Property Quarterly, 2005, **1**, 27–51.

28

N.A. Moreham, Law Quarterly Review, 2005, **121**, 628–656.

29

Court: English court pre-dating November 1874, Albert (Prince) v Strange (1849) 18 LJ Ch 120, 1 H & Tw 1, 1849.

30

Court: Court of Appeal, Seager v Copydex Ltd [1967] 2 All ER 415, [1967] 1 WLR 923, 1967.

31

Court: House of Lords, *Campbell v Mirror Group Newspapers Ltd [2004] UK HL 22, [2004] 2 AC 457, 2004.

32

Court: Chancery Division, *Coco v AN Clark (Engineers) Ltd [1968] FSR 415, [1969] RPC 41, 1969.

33

Court: Court of Appeal, Seager v Copydex Ltd [1967] 2 All ER 415, [1967] 1 WLR 923, 1967.

34

Court: Chancery Division, *Coco v AN Clark (Engineers) Ltd [1968] FSR 415, [1969] RPC 41, 1969.

35

AG v Guardian Newspapers [1990] AC 109, 1990.

36

Queen's Bench Division, Mosley v News Group Newspapers Ltd [2008] EMLR 20, 2008.

37

Chancery Division, De Maudsley v Palumbo [1996] FSR 447, 1996.

38

Court: English court pre-dating November 1874, *Albert (Prince) v Strange* (1849) 18 LJ Ch 120, 1 H & Tw 1, 1849.

39

AG v Guardian Newspapers [1990] AC 109, 1990.

40

Court: Chancery Division, **Coco v AN Clark (Engineers) Ltd* [1968] FSR 415, [1969] RPC 41, 1969.

41

Court of Appeal (Civil Division), **Faccenda Chicken Ltd v Fowler* [1987] Ch 117, 1987.

42

AG v Guardian Newspapers [1990] AC 109, 1990.

43

AG v Guardian Newspapers [1990] AC 109, 1990.

44

Court of Appeal (Civil Division), *Woodward v Hutchins* [1977] 2 All ER 751; [1977] 1 WLR 760, 1977.

45

Court of Appeal (Civil Division), *Douglas v Hello! Ltd* [2005] 4 All ER 128; [2005] 3 WLR 881, 2005.

46

Court of Appeal (Civil Division), *Lion Laboratories Ltd v Evans* [1984] 2 All ER 417, 1984.

47

Court of Appeal (Civil Division), *Kaye v Robertson* [1991] FSR 62, 1991.

48

Court of Appeal (Civil Division), *Douglas v Hello! Ltd (No.1)* QB 967, [2001] 2 WLR 992, 2001.

49

House of Lords, *OBG Ltd v Allan* [2008] 1 AC 1, HL, 2008.

50

House of Lords, *Wainwright v Home Office* (AC 406), 2003.

51

European Court of Human Rights, **Von Hannover v Germany* (59320/00) (2004) 40 EHRR 1, 2004.

52

Court of Appeal (Civil Division), *HRH Prince of Wales v Associated Newspapers Ltd* [2008] Ch 57, [2007] 3 WLR 222, 2008.

53

Court: House of Lords, **Campbell v Mirror Group Newspapers Ltd* [2004] UK HL 22, [2004] 2 AC 457, 2004.

54

House of Lords, *S (A Child) (Identification: Restrictions on Publication)* [2005] 1 AC 593, 2005.

55

Court of Appeal (Civil Division), **Murray v Express Newspapers Plc* [2009] Ch 481, 2009.

56

Queen's Bench Division, **Spelman v Express Newspapers* [2012] EWHC 355, 2012.

57

European Court of Human Rights, **Von Hannover v Germany (59320/00)* (2004) 40 EHRR 1, 2004.

58

Court of Appeal (Civil Division), *Donald v Ntuli* [2011] 1 WLR 294, 2011.

59

European Court of Human Rights (Grand Chamber), *Axel Springer v Germany* [2012] EMLR 15, 2012.

60

European Court of Human Rights (Grand Chamber), *Von Hannover v Germany (No 2)* [2012] EMLR 16, 2012.

61

Queen's Bench Division, **Mosley v News Group Newspapers Ltd* [2008] EWHC 1777 (QB), [2008] EMLR 20, 2008.

62

European Court of Human Rights, *Mosley v United Kingdom* [2012] EMLR 1, 2011.

63

Court: House of Lords, **Campbell v Mirror Group Newspapers Ltd* [2004] UK HL 22, [2004] 2 AC 457, 2004.

64

Douglas and Zeta Jones v Hello! Ltd [2005] 4 All ER 128, 2005.

65

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, *Intellectual property: patents, copyright, trade marks and allied rights*, Sweet & Maxwell, London, 8th ed., 2013.

66

Bently, Lionel and Sherman, Brad, *Intellectual property law*, Oxford University Press, Oxford, 3rd ed., 2009.

67

Wadlow, Christopher, *The law of passing-off: unfair competition by misrepresentation*, Sweet & Maxwell, London, 3rd ed., 2004, vol. *Intellectual property library*.

68

S. Ricketson, *University of New South Wales Law Journal*.

69

Jennifer Davis, *Cambridge Law Journal*, 2010, **69**, 561–581.

70

Christopher Wadlow, *European Intellectual Property Review*, 2011, **33**, 447–455.

71

**Erven Warnink vs Townend* [1979] A.C. 731, 1979.

72

House of Lords, **Reckitt & Colman v Borden* [1990] RPC 341; [1990] 1 WLR 491, 1990.

73

Court: House of Lords, *IRC v Muller & Co's Margarine Ltd* [1901] AC 217, 1901.

74

**Erven Warnink vs Townend* [1979] A.C. 731, 1979.

75

House of Lords, **Reddaway v Banham* [1896] AC 199, 1896.

76

Court: House of Lords, *Edge (William) & Sons Ltd v William Niccolls & Sons Ltd* [1911] AC 693, 1911.

77

Court of Session (Outer House), *John Haig & Co Ltd v Forth Blending Co Ltd* (1953) 70 RPC 259, 1953.

78

House of Lords, *Reckitt & Colman v Borden [1990] RPC 341; [1990] 1 WLR 491, 1990.

79

Privy Council, Cadbury Schweppes Pty Ltd v Pub Squash Co Pty Ltd [1981] 1 WLR 193 (PC), 1981.

80

Court: Chancery Division, Bollinger v Costa Brava Wine Co Ltd [1961] RPC 116, 1961.

81

Court: Chancery Division, Vine Products Ltd v Mackenzie & Co Ltd [1969] RPC 1, 1969.

82

Court of Appeal (Civil Division), Diageo v Intercontinental Brands [2010] ETMR 57, 2010.

83

Court: Court of Appeal, Anheuser-Busch Inc v Budejovicky Budvar Narodni Podnik, Budweiser Case [1984] FSR 413, 1984.

84

Chancery Division, Waterman (Pete) Ltd v CBS United Kingdom Ltd [1993] EMLR 27, 1993.

85

Court of Appeal (Civil Division), Hotel Cipriani Srl v Cipriani (Grosvenor Street) Ltd [2010] RPC 16, 2010.

86

Court: House of Lords, *Spalding (A.G.) & Bros v A.W. Gamage Ltd and Benetfink & Co Ltd (1915) 32 RPC 273 (HL), 1915.

87

Chancery Division, *Irvine v Talksport Ltd [2002] 1 WLR 2355, 2002.

88

Court of Appeal (Civil Division), Taittinger SA v Allbev Ltd [1993] FSR 641, 1993.

89

Court of Appeal (Civil Division), Harrods v Harrodian School [1996] RPC 697, 1996.

90

H1 Appeal from the High Court (Chancery Division), Arsenal v Reed [2003] RPC 39, 2003.

91

Court: Court of Appeal, *L'Oreal SA v Bellure NV [2007] EWCA Civ 968, [2008] RPC 196, 2007.

92

*Erven Warnink vs Townend [1979] A.C. 731, 1979.

93

Court of Appeal (Civil Division), Taittinger SA v Allbev Ltd [1993] FSR 641, 1993.

94

Court of Appeal (Civil Division), Taittinger SA v Allbev Ltd [1993] FSR 641, 1993.

95

Court of Appeal (Civil Division), *Harrods v Harrodian School* [1996] RPC 697, 1996.

96

Chancery Division, **Irvine v Talksport Ltd* [2002] 1 WLR 2355, 2002.

97

Bently, Lionel and Sherman, Brad, *Intellectual property law*, Oxford University Press, Oxford, 3rd ed., 2009.

98

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, *Intellectual property: patents, copyright, trade marks and allied rights*, Sweet & Maxwell, London, 8th ed., 2013.

99

Jochen Pagenberg., *International Review of Intellectual Property and Competition Law*, 2004, **35**, 831–843.

100

J. Bergquist and D. Curley, *European Intellectual Property Review*, 2008, 17–24.

101

V. Liakatou and S. Maniatis, *European Intellectual Property Review*, 2010, **32**, 653–656.

102

Jeremy Phillips, *International Review of Intellectual Property and Competition Law*, 2005, **36**, 389–401.

103

J. Davis, in Trade mark use, Oxford University Press, Oxford, 2005.

104

Patricia Loughlan, European Intellectual Property Review, 2005, **27**, 443-445.

105

Intellectual Property Office, 1994.

106

2008.

107

Court: European Court of Justice, Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel BV: C-342/97 [1999] ECR I-3819, [1999] All ER (EC) 587, 1999.

108

Intellectual Property Office, 1994.

109

2008.

110

European Court of Justice, *Sieckmann v Deutsches Patent- und Markenamt (C-273/00) [2002] ECR I-11737; [2003] ETMR 37, 2002.

111

Dyson Ltd v Registrar of Trade Marks (Case C-321/03) - [2007] ETMR 34, 2007.

112

European Court of Justice, *Sieckmann v Deutsches Patent- und Markenamt (C-273/00) [2002] ECR I-11737; [2003] ETMR 37, 2002.

113

European Court of Justice, *Sieckmann v Deutsches Patent- und Markenamt (C-273/00) [2002] ECR I-11737; [2003] ETMR 37, 2002.

114

Court of First Instance, Eden SARL v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) [2006] (T-305/04) ETMR 14, 2006.

115

European Court of Justice (Sixth Chamber), Shield Mark BV v Joost Kist H.O.D.N. Memex (Case C-283/01) [2004] ETMR 33, 2004.

116

*Libertel v Benelux Merkenbureau (Case C-104/01) [2003] ECR I-3793 [2003] ETMR 63, 2003.

117

European Court of Justice, *Koninklijke Philips v Remington (Case C-299/99) [2002] ECR I-5475, [2002] ETMR 81, 2002.

118

European Court of Justice (Second Chamber), SAT.1 SatellitenFernsehen GmbH v OHIM (Case C-329/02) (SAT.2), [2005] 1 CMLR 1546, 2005.

119

*Libertel Groep BV v Benelux-Merkenbureau (Case C-104/01) - [2004] Ch 83, 2004.

120

European Court of Justice (Second Chamber), SAT.1 SatellitenFernsehen GmbH v OHIM (Case C-329/02) (SAT.2), [2005] 1 CMLR 1546, 2005.

121

Koninklijke Philips Electronics NV v Remington Consumer Products Ltd (Case C-299/99) - [2003] Ch 159, 2002.

122

European Court of Justice (Second Chamber), SAT.1 SatellitenFernsehen GmbH v OHIM (Case C-329/02) (SAT.2), [2005] 1 CMLR 1546, 2005.

123

*Libertel Groep BV v Benelux-Merkenbureau (Case C-104/01) - [2004] Ch 83, 2004.

124

European Court of Justice (Sixth Chamber), Procter & Gamble v OHIM (Cases C-473/01 P and C-474/01 P) [2004] ETMR 89, 2004.

125

Court: European Court of Justice, *Linde AG, Winward Industries Inc & Rado Uhren AG v Deutsches Patentund Markenamt (Cases C-53/01, 54/01 & 55/01) [2003] ECR-I 3161, [2003] RPC 803, 2003.

126

European Court of Justice, *OHIM v Wm Wrigley Junior Co (DOUBLEMINT) (Case C-191/01 P) [2004] RPC 327, [2004] 1 WLR 1728, 2004.

127

European Court of Justice, Windsurfing Chiemsee Produktions und Vertriebs GmbH v Boots und Segelzubehor Walter Huber (Cases C-108/97 and 109/97) [1999] ECR I-2779, [2000] 2 WLR 205, 1999.

128

European Court of Justice, Windsurfing Chiemsee Produktions und Vertriebs GmbH v Boots und Segelzubehor Walter Huber (Cases C-108/97 and 109/97) [1999] ECR I-2779, [2000] 2 WLR 205, 1999.

129

European Court of Justice, Procter & Gamble Company v OHIM (BABY DRY) (Case C-383/99 P) [2001] ECR I-6251, [2002] Ch 82, 2001.

130

European Court of Justice, *OHIM v Wm Wrigley Junior Co (DOUBLEMINT) (Case C-191/01 P) [2004] RPC 327, [2004] 1 WLR 1728, 2004.

131

European Court of Justice (Second Chamber), SAT.1 SatellitenFernsehen GmbH v OHIM (Case C-329/02) (SAT.2), [2005] 1 CMLR 1546, 2005.

132

Merz & Krell (Case C-517/99) [2001] ECR I-6959, 2001.

133

European Court of Justice, *Windsurfing Chiemsee Produktions und Vertriebs GmbH v Boots und Segelzubehor Walter Huber (Cases C-108/97 and 109/97) [1999] ECR I-2779, [2000] 2 WLR 205, 1999.

134

European Court of Justice, Philips Electronics NV v Remington Consumer Products Ltd (Case C-299/99) [2002] ECR I-5475, [2002] All ER (EC) 634, [2002] 2 CMLR 1329, 2002.

135

Dyson Ltd v Registrar of Trade Marks (Case C-321/03) - [2007] ETMR 34, 2007.

136

European Court of Justice, *Koninklijke Philips v Remington (Case C-299/99) [2002] ECR I-5475, [2002] ETMR 81, 2002.

137

European Court of Justice (Grand Chamber), *Lego Juris v OHIM (Case C-48/09 P) [2010] ETMR 63, 2010.

138

Trade Marks Registry (Appointed Person), Re Ghazilian's Trade Mark Application [2002] RPC 33, 2002.

139

Trade Marks Registry (Appointed Person), Re Basic Trademark SA's Trade Mark Application [2005] RPC 25, 2005.

140

Trade Marks Registry (Appointed Person), Dennis Woodman v French Connection [2007] RPC 1, 2007.

141

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, Intellectual property: patents, copyright, trade marks and allied rights, Sweet & Maxwell, London, 8th ed., 2013.

142

Bently, Lionel and Sherman, Brad, Intellectual property law, Oxford University Press, Oxford, 3rd ed., 2009.

143

Andrew Griffiths, Intellectual Property Quarterly, 2001, 326–360.

144

Phillips, Jeremy, Trade mark law: a practical anatomy, Oxford University Press, [Oxford], 2003.

145

R. Joshi and B. Isaac, European Intellectual Property Review, 2005, **27**, 184–187.

146

J. Phillips, Journal of Intellectual Property Law & Practice, **1**, 385–397.

147

F. Schechter, Harvard Law Review.

148

D. Gangjee and R. Burrell, Modern Law Review, **73**, 282–295.

149

Court: European Court of Justice, Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel BV: C-342/97 [1999] ECR I-3819, [1999] All ER (EC) 587, 1999.

150

*Case C-291/00 LTJ Diffusion v Sadas Vertbaudet, [2003] ECR I-2799, [2003] ETMR 83, 2003.

151

Court of Appeal (Civil Division), Reed Executive Plc v Reed Business Information Ltd [2004] ETMR 56, 2004.

152

European Court of Justice, *Case C-251/95 SABEL v Puma [1997] ECR I-6191, [1998] ETMR 1, 1998.

153

Court: Court of First Instance, EC, Les Editions Albert Rene v OHIM (Case T-336/03) [2005] ECR II-4667, 2005.

154

Court: European Court of Justice, Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel BV: C-342/97 [1999] ECR I-3819, [1999] All ER (EC) 587, 1999.

155

European Court of Justice, *Case C-39/97 Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc [1998] ECR I-5507, [1999] ETMR 1, 1999.

156

Office for Harmonization in the Internal Market (Opposition Division), Zanella SNC's Community Trade Mark Application (B.42053) [2000] ETMR 69, 2000.

157

European Court of Justice, *Case C-251/95 SABEL v Puma [1997] ECR I-6191, [1998] ETMR

1, 1998.

158

Marca Mode CV v Adidas AG and Adidas Benelux (Case C-425/98), 2000.

159

European Court of Justice, *Case C-39/97 Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc [1998] ECR I-5507, [1999] ETMR 1, 1999.

160

Court: European Court of Justice, Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel BV: C-342/97 [1999] ECR I-3819, [1999] All ER (EC) 587, 1999.

161

European Court of Justice, *Case C-251/95 SABEL v Puma [1997] ECR I-6191, [1998] ETMR 1, 1998.

162

European Court of Justice, *Case C-39/97 Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc [1998] ECR I-5507, [1999] ETMR 1, 1999.

163

European Court of Justice, *Case C-39/97 Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc [1998] ECR I-5507, [1999] ETMR 1, 1999.

164

European Court of Justice, *Case C-39/97 Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc [1998] ECR I-5507, [1999] ETMR 1, 1999.

165

Case T-387/06 Inter-Ikea Systems BV v OHIM (IDEA/IKEA) [2009] ETMR 17, 2009.

166

Advocate Generals Opinion, *Case C-292/00 Davidoff & Cie SA, Zino Davidoff SA v Gofkid Ltd [2003] ECR I 389, [2002] ETMR 99, 2002.

167

European Court of Justice (Sixth Chamber), *Case C-408/01 Adidas-Salomon AG & Adidas Benelux BV v Fitnessworld Trading Ltd [2004] ETMR 10, 2004.

168

European Court of Justice (Sixth Chamber), *Case C-408/01 Adidas-Salomon AG & Adidas Benelux BV v Fitnessworld Trading Ltd [2004] ETMR 10, 2004.

169

European Court of Justice, Case C-375/97 General Motors v Yplon [2000] RPC 572, 2000.

170

Chancery Division, Julius Sämann Ltd v Tetrosyl Ltd [2006] EWHC 529, 2006.

171

European Court of Justice (First Chamber), Case C-323/09 Interflora v Marks & Spencer plc [2012] ETMR 1, 2012.

172

*Case C-252/07 Intel Corporation Inc v CPM United Kingdom Ltd [2009] ETMR 13, 2009.

173

Benelux Court of Justice, Colgate-Palmolive BV v Koninklijke Distilleerderijen Erven Lucas Bols NV (1976) 7 IIC 420 (CLAERYN/KLAREIN), 1979.

174

European Court of Justice (First Chamber), Case C-487/07 L'Oréal SA v Bellure NV [2009] ECR I-5185; [2010] RPC 1; [2009] ETMR 55 (ECJ), 2009.

175

Court of Appeal (Civil Division), L'Oréal SA v Bellure NV [2010] ETMR 47 (Court of Appeal), 2010.

176

Intellectual Property Office, 1994.

177

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, Intellectual property: patents, copyright, trade marks and allied rights, Sweet & Maxwell, London, 8th ed., 2013.

178

Bently, Lionel and Sherman, Brad, Intellectual property law, Oxford University Press, Oxford, 3rd ed., 2009.

179

Helen Norman, Intellectual Property Quarterly, 2004, 1-34.

180

Ilanah Simon, International Review of Intellectual Property and Competition Law, 2005, 401-420.

181

Andrew Griffiths, *Intellectual Property Quarterly*, 2007, **3**, 312–349.

182

M. Senftlebel, 2011.

183

Andrew Griffiths, *Intellectual Property Quarterly*, 2007, **3**, 312–349.

184

Mothercare v Penguin Books [1988] R.P.C. 113, 1988.

185

Helen Norman, *Intellectual Property Quarterly*, 2004, 1–34.

186

*Case C-291/00 LT] *Diffusion v Sadas Vertbaudet*, [2003] ECR I-2799, [2003] ETMR 83, 2003.

187

European Court of Justice, Case C-63/97 *BMW v Deenik* [1999] ECR I-905, [1999] 1 CMLR 1099, 1999.

188

European Court of Justice, Case C-2/00 *Hölterhoff v Ulrich Freiesleben* [2002] ETMR 917, 2002.

189

European Court of Justice, *Case C-206/01 Arsenal Football Club plc v Reed, [2002] ECR I-10273, [2003] ETMR 19 (ECJ), 2003.

190

Court of Appeal (Civil Division), *Arsenal Football Club plc v Reed [2003] ETMR 73 (CA), 2003.

191

House of Lords, *R v Johnstone [2004] ETMR 2, 2004.

192

Case C-48/05 Adam Opel v Autec [2007] ETMR 33, 2007.

193

Google France SARL and another v Louis Vuitton Malletier SA Google France SARL v Viaticum SA and another Google France SARL v Centre national de recherche en relations humaines (CNRRH) SARL and others - [2010] All ER (D) 23 (Apr), 2010.

194

European Court of Justice (Grand Chamber), Case C-17/06 Céline v Céline SA [2007] ECR I-7041, [2007] ETMR 80, 2007.

195

Chancery Division, RxWorks Ltd v Hunter [2007] EWHC 3061, 2007.

196

Google France SARL and another v Louis Vuitton Malletier SA Google France SARL v Viaticum SA and another Google France SARL v Centre national de recherche en relations humaines (CNRRH) SARL and others - [2010] All ER (D) 23 (Apr), 2010.

197

European Court of Justice (Grand Chamber), Case C-324/09 L'Oreal SA v eBay International AG [2011] ETMR 53, 2011.

198

European Court of Justice (First Chamber), Case C-323/09 Interflora v Marks & Spencer plc [2012] ETMR 1, 2012.

199

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, Intellectual property: patents, copyright, trade marks and allied rights, Sweet & Maxwell, London, 8th ed., 2013.

200

Bently, Lionel and Sherman, Brad, Intellectual property law, Oxford University Press, Oxford, 3rd ed., 2009.

201

A. Roughton, in Trade mark use, Oxford University Press, Oxford, 2005.

202

Ilanah Simon, Intellectual Property Quarterly, 2007, 117–147.

203

European Intellectual Property Review, 2008, **30**, 286–293.

204

Christophe Geiger, International Review of Intellectual Property and Competition Law, 2007, **38**, 317–327.

205

Claire Howell, *European Intellectual Property Review*, 2006, **28**, 118–121.

206

Phillips, Jeremy, *Trade mark law: a practical anatomy*, Oxford University Press, [Oxford], 2003.

207

European Court of Justice (Grand Chamber), *Case C-17/06 Céline v Céline SA* [2007] ECR I-7041, [2007] ETMR 80, 2007.

208

Court of Appeal (Civil Division), *Hotel Cipriani Srl v Cipriani (Grosvenor Street) Ltd* [2010] RPC 16, 2010.

209

Patents County Court, *Redd Solicitors LLP v Red Legal Ltd* [2012] EWPC 54, [2013] ETMR 13, 2013.

210

Case C-48/05 Adam Opel v Autec [2007] ETMR 33, 2007.

211

European Court of Justice (Fifth Chamber), *Case C-100/02 Gerolsteiner & Brunnen GmbH & Co. v Putsch GmbH* [2004] ETMR 40, 2004.

212

European Court of Justice (Third Chamber), **Case 228/03 Gillette Company v*

LA-Laboratories Ltd Case [2005] ETMR 67, 2005.

213

European Court of Justice (Fifth Chamber), Case C-100/02 Gerolsteiner & Brunnen GmbH & Co. v Putsch GmbH [2004] ETMR 40, 2004.

214

European Court of Justice (Third Chamber), *Case 228/03 Gillette Company v LA-Laboratories Ltd Case [2005] ETMR 67, 2005.

215

European Court of Justice (Grand Chamber), Case C-17/06 Céline v Céline SA [2007] ECR I-7041, [2007] ETMR 80, 2007.

216

European Court of Justice (First Chamber), Case C-487/07 L'Oréal SA v Bellure NV [2009] ECR I-5185; [2010] RPC 1; [2009] ETMR 55 (ECJ), 2009.

217

M. Dowie-Whybrow, Core statutes on intellectual property, Palgrave Macmillan, Basingstoke, Fourth edition., 2013, vol. Palgrave Macmillan core statutes.

218

European Court of Justice (First Chamber), *Case C-533/06 O2 Holdings Ltd v Hutchison 3G UK Ltd [2008] ETMR 55, 2008.

219

European Court of Justice (First Chamber), Case C-487/07 L'Oréal SA v Bellure NV [2009] ECR I-5185; [2010] RPC 1; [2009] ETMR 55 (ECJ), 2009.

220

European Court of Justice, *Case C-40/01 Ansul BV and Ajax Brandbeveiliging BV (Minimax) [2003] ECR I-2439, [2003] ETMR 85, 2003.

221

European Court of Justice (Third Chamber), Case C-259/02 La Mer Technology Inc v Laboratoires Goemar SA [2004] ETMR 47, 2004.

222

Silberquelle GmbH v Maselli-Strickmode GmbH (C-495/07), 2009.

223

European Court of Justice (Third Chamber), Case C-246/05 Armin Häupl v Lidl Stiftung & Co KG [2007] ETMR 61, 2007.

224

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, Intellectual property: patents, copyright, trade marks and allied rights, Sweet & Maxwell, London, 8th ed., 2013.

225

Bently, Lionel and Sherman, Brad, Intellectual property law, Oxford University Press, Oxford, 3rd ed., 2009.

226

Stothers, Christopher, Parallel trade in Europe: intellectual property, competition and regulatory law, Hart, Oxford, 2007.

227

Gill Grassie, European Intellectual Property Review, 2006, **28**, 474–479.

228

Gill Grassie, *European Intellectual Property Review*, 2006, **28**, 513–516.

229

Keeling, David T., *Intellectual property rights in EU law: Vol. 1: Free movement and competition law*, Oxford University Press, Oxford, 2003, vol. Oxford EC law library.

230

I. S. Fhima, *Journal of Intellectual Property Law & Practice*, 2011, **6**, 325–329.

231

European Court of Justice, Case 8/74 *Procureur du Roi v Dassonville* [1974] ECR 837 at 852, [1974] 2 CMLR 436, 1974.

232

European Court of Justice, Cases C-15 & 16/74 *Centrafarm v Sterling Drug, Centrafarm v Winthrop* [1974] ECR 1147, 1183, [1974] 2 CMLR 480, 1974.

233

European Court of Justice, Case C-317/91 *Deutsche Renault AG v Audi AG* [1993] ECR I-6227, [1995] 1 CMLR 461, 1995.

234

European Court of Justice, Case C-355/96 *Silhouette International Schmied GmbH v Hartlauer Handelsgesellschaft mbH* [1998] ECR I-4799, [1998] 2 CMLR 953, 1998.

235

European Court of Justice, *Case C-414/99 *Zino Davidoff SA v A&G Imports Ltd* [2001] ECR

I-8691, [2002] Ch 109, [2002] 1 CMLR 1, 2002.

236

European Court of Justice, *Case C-414/99 Zino Davidoff SA v A&G Imports Ltd [2001] ECR I-8691, [2002] Ch 109, [2002] 1 CMLR 1, 2002.

237

Court of Appeal (Civil Division), Mastercigars Direct Ltd v Hunters and Frankau [2007] ETMR 54, 2007.

238

European Court of Justice (Fifth Chamber), Case C-173/98 Sebago Inc and Ancienne Maison Dubois v GB Unic SA [1999] ETMR 681, 1999.

239

European Court of Justice, *Case C-16/03 Peak Holding v Axolin-Elinor [2004] ECR I-11313, [2005] Ch 261, [2005] 2 WLR 650, 2005.

240

Case C-324/09 L'Oréal v eBay International [2011] RPC 27, 2011.

241

Case C-59/08 Copad SA v Christian Dior Couture [2009] FSR 859 (22), 2009.

242

European Court of Justice, *Case C-427/93 Bristol-Myers Squibb v Paranova [1996] ECR I-3457, [1997] 1 CMLR 1151, 1997.

243

European Court of Justice (Second Chamber), *Case C-348/04 Boehringer Ingelheim v Swingward Ltd and Dowelhurst ("Boehringer II"), [2007] ECR I-3391, [2007] 2 CMLR 52, 2007.

244

European Court of Justice, Case C-379/97 Pharmacia & Upjohn SA v Paranova A/S ("Paranova II")[1999] ECR I-6927, [2000] 1 CMLR 51, 2000.

245

European Court of Justice (Second Chamber), *Case C-348/04 Boehringer Ingelheim v Swingward Ltd and Dowelhurst ("Boehringer II"), [2007] ECR I-3391, [2007] 2 CMLR 52, 2007.

246

European Court of Justice, *Case C-427/93 Bristol-Myers Squibb v Paranova [1996] ECR I-3457, [1997] 1 CMLR 1151, 1997.

247

European Court of Justice (Second Chamber), *Case C-348/04 Boehringer Ingelheim v Swingward Ltd and Dowelhurst ("Boehringer II"), [2007] ECR I-3391, [2007] 2 CMLR 52, 2007.

248

Court of Appeal (Civil Division), Boehringer Ingelheim v Swingward [2008] EWCA Civ 83, [2008] ETMR 36, 2008.

249

European Court of Justice, *Case C-143/00 Boehringer Ingelheim v Swingward Ltd and Dowelhurst ("Boehringer I") [2002] ECR I-3759, [2002] All ER (EC) 581, 2002.

250

Chancery Division (Patents Court), *Glaxo Group Ltd v Dowelhurst Ltd (No 2)* [2000] FSR 529, 2000.

251

European Court of Justice (Second Chamber), *Case C-348/04 *Boehringer Ingelheim v Swingward Ltd and Dowelhurst ("Boehringer II")*, [2007] ECR I-3391, [2007] 2 CMLR 52, 2007.

252

European Court of Justice (Second Chamber), *Case C-348/04 *Boehringer Ingelheim v Swingward Ltd and Dowelhurst ("Boehringer II")*, [2007] ECR I-3391, [2007] 2 CMLR 52, 2007.

253

Advocate Generals Opinion, *Case C-337/95 *Parfums Christian Dior SA v Evora BV* [1997] ECR I-1603, 1997.

254

Case C-59/08 *Copad SA v Christian Dior Couture* [2009] FSR 859 (22), 2009.

255

Case C-324/09 *L'Oréal v eBay International* [2011] RPC 27, 2011.

256

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, *Intellectual property: patents, copyright, trade marks and allied rights*, Sweet & Maxwell, London, 8th ed., 2013.

257

Bently, Lionel and Sherman, Brad, *Intellectual property law*, Oxford University Press, Oxford, 3rd ed., 2009.

258

J. Pila, *Oxford Journal of Legal Studies*, **30**, 229–254.

259

M. Spence, in *Dear images: art, copyright and culture*, Ridinghouse:, ICA, London, 2002, pp. 389–403.

260

Irini A. Stamatoudi, *Intellectual Property Quarterly*, 2000, 117–126.

261

Richard Arnold, *Intellectual Property Quarterly*, 2001, 10–21.

262

Richard Arnold, *European Intellectual Property Review*, 2005, **27**, 303–305.

263

Andreas Rahmatian, *Intellectual Property Quarterly*, 2005, 267–293.

264

Tania S.L. Cheng, *European Intellectual Property Review*, 2006, 276–281.

265

I. Silver and P. Lee, *European Intellectual Property Review*, 2007, **29**, 251–255.

266

1988.

267

Court of Appeal (Civil Division), *Norowzian v Arks Ltd (No 2) [1999] FSR 79, [2000] FSR 363 (CA), 2000.

268

Court of Appeal (Civil Division), Baigent & Leigh v Random House [2007] EWCA Civ 247, [2007] FSR 24, 2007.

269

Chancery Division, Nova Productions Ltd v. Mazooma Games Ltd [2006] RPC 14, 2006.

270

Court of Appeal (Civil Division), Nova Productions Ltd v. Mazooma Games Ltd [2007] RPC 25, 2007.

271

Court of Appeal (Civil Division), Exxon Corp v Exxon Insurance Consultants International Ltd [1982] Ch 119, 1982.

272

University of London Press v University Tutorial Press [1916] 2 Ch 601, 1916.

273

*Newspaper Licensing Agency Ltd v Meltwater Holding BV [2012] RPC 1, 2012.

274

Court of Appeal (Civil Division), *Norowzian v Arks Ltd (No 2) [1999] FSR 79, [2000] FSR 363 (CA), 2000.

275

Chancery Division, Nova Productions Ltd v. Mazooma Games Ltd [2006] RPC 14, 2006.

276

Chancery Division, Lawson v Dundas, 1985.

277

Court of Appeal (Civil Division), *Sawkins v Hyperion Records [2005] RPC 32; [2005] 1 WLR 3281, 2005.

278

Chancery Division, Creation Records v News Group Newspapers [1997] EMLR 444, 1997.

279

Metix (UK) Ltd v G.H. Maughan (Plastics) Ltd [1997] FSR 718, 1997.

280

Court of Appeal (Civil Division), Nova Productions Ltd v. Mazooma Games Ltd [2007] RPC 25 (CA), 2007.

281

Court: Chancery Division, British Northrop Ltd v Texteam Blackburn Ltd [1974] RPC 57, 1974.

282

Merchandising Corporation of America v Harpbond [1983] FSR 32, 1983.

283

Supreme Court, *Lucasfilms v Ainsworth [2009] FSR 2, 2009.

284

Supreme Court, *Lucasfilms v Ainsworth [2009] FSR 2, 2009.

285

House of Lords, George Hensher Ltd v Restawile Upholstery (Lancs) Ltd [1976] AC 64, 1976.

286

University of London Press v University Tutorial Press [1916] 2 Ch 601, 1916.

287

House of Lords, Ladbroke (Football) Ltd v William Hill (Football) Ltd [1964] 1 WLR 273, 1964.

288

Walter v Lane [1900] AC 539, 1900.

289

Express Newspapers plc v News (UK) Ltd and others - [1990] 3 All ER 376, 1990.

290

Cornish, W. R., Llewelyn, David, and Aplin, Tanya Frances, Intellectual property: patents, copyright, trade marks and allied rights, Sweet & Maxwell, London, 8th ed., 2013.

291

Bently, Lionel and Sherman, Brad, Intellectual property law, Oxford University Press, Oxford, 3rd ed., 2009.

292

Nigel P. Gravells, Intellectual Property Quarterly, 2007, **3**, 267–293.

293

L. Zemer, Journal of Intellectual Property Law & Practice, **1**, 283–292.

294

Rebecca Baines, European Intellectual Property Review, 2005, **27**, 122–123.

295

David Booton, Intellectual Property Quarterly, 2011, **1**, 28–49.

296

Laddie, Justice, European Intellectual Property Review, 1996, **18**, 253–260.

297

N. Helberger, N. Dufft, S. Van Gompel and P. Bernt Hugenholtz, European Intellectual Property Review, 2008, **30**, 174–181.

298

Estelle Derclaye, European Intellectual Property Review, 2010, 247–251.

299

University of London Press v University Tutorial Press [1916] 2 Ch 601, 1916.

300

House of Lords, Ladbrooke (Football) Ltd v William Hill (Football) Ltd [1964] 1 WLR 273, 1964.

301

Walter v Lane [1900] AC 539, 1900.

302

Express Newspapers plc v News (UK) Ltd and others - [1990] 3 All ER 376, 1990.

303

Privy Council (Hong Kong), *Interlego AG v Tyco Industries Inc [1989] AC 217, 1989.

304

Court of Appeal (Civil Division), *Sawkins v Hyperion Records [2005] RPC 32; [2005] 1 WLR 3281, 2005.

305

Court of Appeal (Civil Division), ZYX Music GmbH v King [1995] 3 All ER 1, [1997] 2 All ER 129, 1997.

306

Chancery Division, Antiquesportfolio.Com Plc v. Rodney Fitch & Company Limited [2001] ECDR 5, 2001.

307

European Court of Justice (Third Chamber), *Case C-145/10 Eva-Maria Painer v Standard Verlags GmbH, [2012] ECDR 6, 2012.

308

Patents County Court, *Temple Island Collections Ltd v New English Teas Ltd [2012] FSR 9, 2012.

309

*Infopaq International v Danske Dagblades Forening (Case C-5/08), 2009.

310

European Court of Justice (Third Chamber), *Case C-145/10 Eva-Maria Painer v Standard Verlags GmbH, [2012] ECDR 6, 2012.

311

*Newspaper Licensing Agency Ltd v Meltwater Holding BV [2012] RPC 1, 2012.

312

House of Lords, Newspaper Licensing Agency v Marks & Spencer Plc [2001] Ch 257 (CA); [2003] 1 AC 551 (HL), 2003.

313

Chancery Division, *Robin Ray v Classic FM [1998] FSR 622, 1998.

314

Chancery Division, Brighton v Jones [2005] FSR 16, 2005.

315

Chancery Division, *Hadley v Kemp* [1999] EMLR 589, 1999.

316

House of Lords, *Fisher v Brooker* [2007] EMLR 9; [2007] FSR 12 (Ch D); [2008] EMLR 13 (CA); [2009] 1 WLR 1764 (HL), 2009.

317

Court of Appeal (Civil Division), *Beckingham v Hodgens* [2003] ECDR 6 (Ch D); [2003] EMLR 18 (CA), 2003.

318

Court: Court of Appeal, *Stevenson (or Stephenson) Jordan and Harrison Ltd v MacDonald and Evans* (1952) 1 TLR 101, 1952.

319

Chancery Division, **Noah v Shuba* [1991] FSR 14, 1991.

320

Court of Appeal (Civil Division), *Griggs Group Ltd v Evans* [2005] FSR 31, 2005.