2015 Volume 37 Issue 10
ISSN: 0142–0461

European Intellectual Property Review

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Karen Millen's action against Dunnes Stores seemed like a simple case of infringement of an unregistered Community design right. Dunnes Stores copied Karen Millen's clothing and sold it as its own. This article examines what can be learnt from the series of decisions in the Irish High Court and Supreme Court, and the Court of Justice of the EU (CJEU).

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Over the last four years the High Court of England and Wales has granted a series of injunctions requiring the five main UK internet service providers (ISPs) to implement technical measures to block, or at least impede, access by their subscribers to websites which infringe, and enable users to infringe, intellectual property rights. This article considers the adequacy of the legislative basis for these orders.

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PEDRO LETAI

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Intellectual property rights, although they can be viewed in form as property rights (i.e. rights exercisable *erga omnes* that grant the right holder all revenues derived from the asset), are not actually property rights as such, and therefore cannot be considered an intangible property whereby we may indiscriminately apply the private rules concerning acquisition, transfer or protection of private property to institutions such as patents or copyright. The economic reasons for supporting this different treatment are very important: intellectual property rights reduce static efficiency by raising the price that consumers pay for the product containing the innovation, and reduce dynamic efficiency by hampering innovation or derivatives based on previous inventions or creations. A system of rewards to inventors or creators would be more efficient in terms of competition, although calculation of the deserved reward is problematic.

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Innovation occupies a considerable place and plays an important role in enhancing progress. Intellectual property may serve as an innovation incentive and an innovation indicator as well. Countries in Africa have different levels of development or economic strength, and so the innovation capacity varies from one country to another and from one domain to another. In general terms, despite the low number of applications or granted patents, in the areas of trade marks and industrial designs, figures are acceptable but still low compared with the potential. In Africa, as demonstrated through success stories on innovation, that innovation may occur in high-income economies, in upper-middle-income economies, lower-middle-income economies, and low-income economies. Branding innovations should be a good strategic tool to be used by African countries mainly in the areas where they have competitive advantages.

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In its first passing-off decision, the UK Supreme Court has examined the position of a claimant whose use of a trade mark only occurs abroad. The court has confirmed the traditional view that passing-off requires goodwill (not mere reputation) in the jurisdiction, and thisrequires customers in the jurisdiction who make bookings with or purchase from an entity in the jurisdiction

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The Personal Copies for Private Use exception to copyright infringement came into force in October 2014 to permit copying of lawfully acquired copyright works by individuals for their private use. The legislation was challenged by way of judicial review on the basis that it failed to provide "fair compensation" for copyright owners for the permitted copying by way of a levy on blank media or equipment used for recording as required by the Copyright Directive. In *British Academy of Songwriters, Composers and Authors, Musicians' Union and UK Music 2009 Ltd v Secretary of State of Business, Innovation and Skills*, while the court upheld that the legislation as drafted was within the discretion provided under the Copyright Directive, ultimately it was unlawful as there was insufficient evidence to support the conclusion that the private copying permitted would cause zero or *de minimis* harm to the copyright owners, such that no compensation was needed. The legislation was quashed by the judge with agreement from the parties with prospective effect. The judge left open the issue of whether this was also retrospective. No reference has been made to the CJEU, although leave to apply for such a reference has been granted.

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China's new Trademark Law came into effect in May of 2014. One of the most important revisions to the Trademark Law is the addition of a specific mechanism whereby prior right holders may challenge the registration of trade marks. This article provides an analysis of prior rights under the new trade mark law. Specifically, it addresses the concept of prior rights, the scope of protection afforded to prior right holders, and the process of asserting prior rights under the new Trademark Law.

SOPHIE RICH AND GRACE PEAD

A Golden Ticket for Licensees? Patentee Ordered to Disclose Existing Licences before Infringement Proceedings Begin: *Big Bus Co Ltd v Ticketogo Ltd* 678

In an "unprecedented" application, the Patents Court has ordered pre-action disclosure of a patentee's existing licence agreements, so that the alleged infringer can quantify its potential damages liability under the patentee's intimated infringement claim. This is the first time in the UK that a party accused of patent infringement has obtained an order granting access to the patentee's documents going to quantum before infringement proceedings have begun.

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