

FAMOUS AND WELL-KNOWN MARKS

Frederick W Mostert



Butterworths

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Clifford Lane



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Famous and Well-known Marks Frederick W. Mostert, Ludwig Baeumer, 1996-12-31 This unique book introduces the subject through an initial chapter focusing on the international law position followed by a chapter on each of the approximately 15 jurisdictions including the UK the US Japan France Germany Italy China Australia and South Africa outlining the separate provisions which exist for the protection of famous and well known marks in that country Each chapter follows the same structure to ensure uniformity of content National legislation such as it exists is reproduced in an appendix together with a number of illustrations showing famous and infringing marks Well known marks carry with them significant reputation and worth unauthorised exploitation has serious economic implications for the trade mark owners Various matters need to be considered when dealing with this area how a well known mark is defined how such a mark may qualify for protection bad faith use of such a mark and the damages or other remedies which may be available to the trade mark owner in the event of such use having taken place

Well-Known Trade Marks Hiroko Onishi, 2015-06-26 This book considers the effectiveness of well known trade mark protection at an international level It particularly considers EU trade mark law from Japanese perspectives and provides a practical and critical overview of trade mark law in Japan including the historical development of the law and the recent development on cases and policy The book includes detailed coverage of the Japanese Unfair Competition Prevention Act and contains the first systematic analysis of Japanese jurisprudence and legislative amendments of law in relation to well known trade marks and unfair competition The book goes on to comparatively analyse Japanese trade mark law alongside that of the European Community Trade Mark system The book critically considers the difficulties in comprehensively defining a well known trade mark in the relevant international trade mark instruments In breaking down the traditional definition of the well known trade mark the book works to address existing theoretical ambiguities in the application of trade mark law

The Protection of Well-Known Marks in Asia Christopher Heath, Kung-Chung Liu, Max-Planck-Institut für Ausländisches und Internationales Patent-, Urheber- und Wettbewerbsrecht, 2000-03-08 Trade mark law has become an increasingly important field of law in the context of a rapidly globalizing economy The promotion and protection of marks is widely viewed as the most important tool for a successful expansion of business particularly in areas of economic transformation such as the Asia Pacific region The importance of the Asian market for global competition makes the appearance of a book on the protection of well known marks in Asia extremely timely This collection of expert essays examines the legal protection of well known marks both under trade mark and unfair competition law in 10 different jurisdictions of the Asia Pacific region analysing the still widespread piracy of well known marks in the context of the underlying legal and cultural concepts It explores the significance of trade marks in an information society highlighting the tensions between those seeking to protect their well established brands globally in an age of electronic commerce and those concerned to prevent large firms from being granted indiscriminate control over

certain marks without having made the corresponding marketing efforts It examines the opportunities and problems arising from the advent of the new digital technology and looks at some of the issues the technology gives rise to such as the protection of domain names The papers collected in this volume are the revised and updated proceedings of a conference on Trade Marks Domain Names and Unfair Competition in the Information Age held in Taipei in January 1999 as the result of the co operation by the Sun Yat Sen Institute for Social Sciences and Philosophy Academia Sinica Taipei and the Max Planck Institute Munich The Cambridge Handbook of International and Comparative Trademark Law Irene Calboli, Jane C.

Ginsburg, 2020-09-24 Trade in goods and services has historically resisted territorial confinement but trademark protection remains territorial albeit within an increasingly important framework of multilateral treaties Trademark law therefore demands that practitioners policy makers and academics understand principles of international and comparative law This handbook assists in that endeavour with chapters describing and critically analyzing international and regional frameworks and providing comparative perspectives on the substantive issues in trademark law and related fields such as geographic indications advertising law and domain names Chapters contrast common law and civil law approaches while focusing on the US and EU trademark systems in light of the role these systems have played in the development of trademark laws Additionally this handbook covers other jurisdictions both common law and civil law on the Asia Pacific African and South American continents This work should be read by anyone seeking a better understanding of trademark law around the world

Famous and Well-known Marks Frederick W. Mostert, 1997 *Special Protection of Trade Marks with a Reputation under European Union Law* Michal Bohaczewski, 2020-04-09 When a mark acquires a reputation it becomes a means of attracting consumers by communicating to them various messages going beyond the indication of commercial origin of goods or services Thus trade marks familiar to the general public enjoy a special legal protection regime above and beyond that afforded trade marks in general allowing them to benefit from enhanced protection against reproduction or imitation detrimental to or taking unfair advantage of the distinctive character of the mark or its repute This richly researched book the first comprehensive guide to current European Union EU law and practice concerned with reputed trade marks conducts an in depth analysis of this extended protection provided by Regulation 2017 1001 on EU trade marks and Directive 2015 2436 under which it is mandatory across all Member States Using a practical approach focused on identifying and analysing the criteria for infringement of trade marks with a reputation in proceedings before civil courts and in administrative proceedings before the European Union Intellectual Property Office EUIPO or national trade mark offices the author addresses such elements of the special protection regime as the following prerequisites for infringement of the right to a reputed mark common to all recognised forms of infringement how to demonstrate each type of infringement of the right to the trade mark with a reputation blurring tarnishment and unfair advantage proof of reputation distinguishing the concept of well known trade mark legitimate versus questionable justifications of the due cause exception within the meaning of EU law

provisions use of a disputed sign falling under freedom of expression identifying the role of likelihood of confusion under the special regime and how to prove the existence of a link between the signs in dispute The author pays detailed attention to the case law of the Court of Justice and General Court of the EU as well as cases before the EUIPO and national courts He takes into account research from a number of Member States plus Switzerland thus widening prior work in the field from its predominant English language context With this book practitioners will confidently approach cases before courts the EUIPO and national EU trade mark offices involving enhanced protection of trade marks with a reputation In addition the book will help judges and trade mark offices examiners to interpret the EU provisions and assess claims regarding such reinforced protection For scholars and students of intellectual property law this book will prove a cornerstone volume in the field

Principles of Intellectual Property Law Catherine Colston, 1999-09-20 First published in 1999 Routledge is an imprint of Taylor Francis an informa company **The Global Challenge of Intellectual Property Rights** R. Bird, Robert Bird, Subhash C. Jain, 2009-01-01 a gratifying collection of informed and engaging contributions John A Tessensohn European Intellectual Property Review The importance of intellectual property rights is now well established as a vital component in the success of firms and nations The diverse contributors to this volume drawn from the fields of law business and economics clarify and analyze the problems and promise of IP policy from a global perspective They discuss both developed and emerging nations and advance the understanding of this increasingly important topic The articles address issues from an interdisciplinary focus with an emphasis on current topical issues Topics addressed include intellectual rights protection in emerging nations such as China an exploration of a specific cross national intellectual property perspective strategies for protecting intellectual property rights and a guide to understanding emerging and non western legal systems A mix of theoretical and practical observations helps the reader navigate the increasingly international topic of intellectual property as well as offers strategies for optimal utilization of intellectual property assets The volume serves well both as a solution oriented book and as a tool for facilitating further discussion and analysis in the classroom Scholars and students in law business and economics as well as business practitioners interested in a global perspective on IP policy will enjoy this book

Modern Intellectual Property Law Jonathan Galloway, Daithí Mac Síthigh, Andrew Griffiths, Aisling McMahon, 2010-07-12 Modern Intellectual Property Law combines coverage of each intellectual property right granted for creations of the mind into a thoughtful unified textbook Deconstructing the fundamental topics into short clear sections separated by subheadings throughout Colston and Galloway's text is the ideal student companion to this intriguing area of the law This new edition has been completely revised to bring it up to date with the latest debate and changes to the law All significant recent developments are covered including the continuing controversy over patents for computer implemented inventions and biotechnological inventions the House of Lords developments of patent law the ECJ jurisprudence relating to trade mark dilution and comparative advertising as well as the database right and international efforts to reconcile copyright with peer

to peer file sharing This text also discusses the ongoing effort to achieve an appropriate balance between intellectual property and competition law in order to protect market competition while retaining key incentives to drive the process of innovation Written for students this accessible and comprehensive textbook provides the perfect starting point for anyone studying intellectual property law in the UK **Law Against Unfair Competition** Reto Hilty, Frauke

Henning-Bodewig, 2007-07-28 Unfair competition law is concerned with fair play in commerce It is generally regarded as necessary together with antitrust law in order to steer competition along an orderly course and thereby to contribute to promoting an efficient market system that serves the interests of all participants Nevertheless the significance of unfair competition law varies from one country to another Whereas in some countries such as Germany it is seen as one of the most effective commercial laws in other countries such as the United Kingdom it leads rather a shadowy existence From the outset this discrepancy laid in the differences in national legal systems Whilst those continental European countries that possessed a written civil law when instances of unfair competition emerged more or less successfully attempted to incorporate them in the existing tort law system protection in the common law countries was restricted to some narrowly defined torts in particular passing off At this stage one of the few shared convictions was that the protection of honest entrepreneurs was at issue on this basis in 1900 the only regulation at the international level until now was enacted Art 10 of the Paris Convention **The Oxford Handbook of Intellectual Property Law** Rochelle Cooper Dreyfuss, Justine Pila, 2018 A

comprehensive overview of intellectual property law this handbook will be a vital read for all invested in the field of IP law Topics include the foundations of IP law its emergence and development in various jurisdictions its rules and principles and current issues arising from the existence and operation of IP law in a political economy **Geographical Indications at**

the Crossroads of Trade, Development, and Culture Irene Calboli, Wee Loon Ng-Loy, 2017-06-16 Historically few topics have proven to be so controversial in international intellectual property as the protection of geographical indications GIs The adoption of TRIPS in 1994 did not resolve disagreements and countries worldwide continue to quarrel today as to the nature the scope and the enforcement of GI protection nationally and internationally Thus far however there is little literature addressing GI protection from the point of view of the Asia Pacific region even though countries in this region have actively discussed the topic and in several instances have promoted GIs as a mechanism to foster local development and safeguard local culture This book edited by renowned intellectual property scholars fills the void in the current literature and offers a variety of contributions focusing on the framework and effects of GI protection in the Asia Pacific region The book is available as Open Access *National Developments in the Intersection of IPR and Competition Law* Hans Henrik Lidgard, 2011-05-13 This is the third volume in the series Swedish Studies in European Law produced by the Swedish Network for European Legal Studies a national network comprised of Swedish universities focusing on recent legal developments within European Union law In this volume Swedish researchers with specific interests in European Market law

intellectual property rights competition and marketing law have joined forces to review recent Swedish legislation and case law of particular European interest in national Swedish Courts or the Court of Justice of the European Union CJEU The volume also includes comments on general EU developments from a Swedish perspective The essays focus upon a number of significant recent developments including amongst others an essay on a proposed reform to the Swedish Copyright Act a report of the recent Swedish decision concerning the Mini Mag two different analyses of the future for illicit file sharing following the recent Pirate Bay litigation and essays on refusal to supply and the new Unfair Commercial Practices Directive and its implementation in Sweden

Trademark Dilution and Free Riding Daniel R. Bereskin, 2023-12-11 Written by a team of international experts marshalled by one of the world's foremost trademark lawyers Trademark Dilution and Free Riding is the leading comparative work on trademark dilution This book is a must have resource for trademark professionals worldwide and will also stand as a valuable reference point for intellectual property scholars

The Luxury Economy and Intellectual Property Haochen Sun, Barton Carl Beebe, Madhavi Sunder, 2015 Intellectual property law plays a pivotal role in ensuring that luxury goods companies can recoup their investments in the creation and dissemination of their copyrighted works trademarked logos and patented designs In 2011 global sales for luxury goods reached about 250 billion and consumers in East and Southeast Asia accounted for more than 50 percent of that figure The rapid expansion of the market has prompted some retailers to wield intellectual property against the influx of imitators and counterfeiters The Luxury Economy and Intellectual Property comprehensively explores the rise of the luxury goods economy and the growing role of intellectual property in creating sustaining and regulating this economy Leading scholars across various disciplines critically consider the industry its foundational intellectual property laws and the public interest and social concerns arising from the intersection of economics and law Topics covered include defining the concept of luxury the social life of luxury goods concerns about distributive justice in a world flooded by luxury goods and knockoffs the globalization of luxury goods and the economic social and political ramifications of the meteoric rise of the Asian luxury goods market

Relocating the Law of Geographical Indications Dev Gangjee, 2012-02-23 Dev Gangjee considers the international legal rules which determine the protection of geographical brands such as Champagne

Antitrust for Small and Middle Size Undertakings and Image Protection from Non-Competitors Pranvera Këllezi, Bruce Kilpatrick, Pierre Kobel, 2014-05-05 This publication provides an unparalleled comparative analysis of two hot topics in the field of antitrust and unfair competition laws with regard to a number of key countries The first part of the book examines whether small and middle sized businesses could or should be subject to specific competition rules These businesses account for 99% of the enterprises in Europe and the United States making this a particularly important topic The papers consider both the public and private enforcement rules across a range of jurisdictions and a detailed international report prepared by Michele Carpagnano identifies general trends and highlights differences and the most interesting features of national regulations The second part of the book gathers

contributions from various jurisdictions on the unfair competition question of whether a company could or should be protected against the use of their trademark distinctive signs and other components of their image and identity on the part of non competing companies The papers focus on the fundamental issue of the competitive relationship as a condition of protection under unfair competition acts and the connection to intellectual property protection The comprehensive and insightful international report prepared by Martine Karsenty Ricard brings together these reflections by comparing various national positions The book also includes the resolutions passed by the General Assembly of the LIDC following a debate on each of these topics which include proposed solutions and recommendations The International League of Competition Law LIDC is a long standing international association that focuses on the interface between competition law and intellectual property law including unfair competition issues Intellectual Property Law Lionel Bently,Brad Sherman,2014 Intellectual Property Law is the definitive textbook on this subject It clearly sets out the law in relation to copyright patents trade marks passing off and confidentiality whilst enlivening the text with illustrations and diagrams **Commercial Law Reports** 2005 ,2012 **Cardozo Journal of International and Comparative Law** ,2004

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