

D YOUNG & CO TRADE MARK NEWSLETTER *no.100*

September 2018

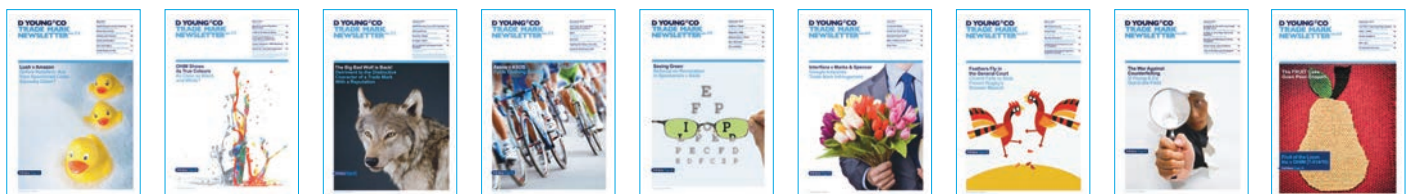
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Celebrating
100 newsletters
Trade mark decisions
2001-2018

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Since the first edition of this newsletter, innovation barely contemplated two decades ago has challenged rights owners, academics and the courts alike, reshaping the legal landscape as reflected in the case law we have reported over the years. Whether you have shared our 18 year journey or if this is the first time you've picked up this newsletter, we hope you will find this edition an informative and valuable resource. Our thanks for your continued support! We look forward to the next 18 years and the changes they will bring. For us, the first of these changes will be announced on the first of October – look out for news about exciting developments in our German office!

D Young & Co trade mark team, September 2018

Events



18-21 September 2018

MARQUES conference, Paris, France

Matthew Dick and Anna Reid will attend the 32nd MARQUES Annual Conference.

06-09 November 2018

INTA leadership meeting, New Orleans, US

Jeremy Pennant, Helen Cawley and Gemma Kirkland will be attending INTA.

www.dyoung.com/news-events

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Our 100th newsletter

Celebrating 100 newsletters Trade mark decisions 2001-2018

To mark our 100th newsletter we've created a whistle-stop tour of the eighteen years of case law that we have reviewed and written about. Technologies, brands and products we could not have contemplated nearly two decades ago has challenged rights owners, academics and the courts alike, seeing case law extend and reshape the legal landscape. If this whets your appetite for more you'll find all these cases reported on our website or in our European Trade Mark Decisions book (email us at subscriptions@dyoung.com for a copy).



2001 BRAVO

Merz & Krell GmbH & Co
C-517/99, 04 October 2001

Relevant to absolute grounds; customary (generic) marks; Article 3(1)(d) TMD.

Registration of a mark is only precluded where the signs or indications of which the mark is exclusively composed, have become customary in the current language or bona fide and established practices of the trade to designate the goods/services.



2002 ARSENAL v REED

Arsenal Football Club v Matthew Reed
C-206/01, 12 November 2002

Relevant to infringement & opposition grounds; double identity; post-sale confusion; trade mark use; Article 5(1)(a) TMD; Article 6 TMD. Infringement may still arise even when goods marked as 'unofficial' if use of a mark creates the impression of a material link.



2003 TWO STRIPES

Adidas-Salomon AG et al v Fitnessworld Trading Ltd
C-408/01, 23 October 2003

Relevant to infringement and opposition grounds; reputation; confusion; decoration; dilution; unfair advantage; Article 5(2) TMD. Even if the offending sign is an embellishment or decoration, an earlier mark with a reputation can benefit from protection even if there is no confusion, as long as a link can be established between the sign and the earlier mark.



2004 LA MER

La Mer Technology Inc v Laboratoires Goemar SA
C-259/02, 27 January 2004

Relevant to revocation; genuine use; evidence after filing revocation action; Article 10(1) TMD; Article 12(1) TMD.

The CJ indicated that a relatively low volume of goods marketed under the trade mark may be compensated by high intensity/value and stated that genuine use of a mark after the filing of the revocation action is not necessarily irrelevant and the court should, in some circumstances, take this into account.



2005 HAVE A BREAK

Société des Produits Nestlé v Mars UK Ltd
C-353/03, 07 July 2005

Relevant to absolute grounds; slogans; acquired distinctiveness; composite marks; Articles 7(1)(b) and 7(3) EUTMR.

Acquisition of distinctive character through use must be as a result of use as a trade mark. The mark for which registration is sought 'need not necessarily have been used independently'.



2006 ELIZABETH EMANUEL

Elizabeth Florence Emanuel v Continental Shelf 128 Ltd
C-259/04, 30 March 2006

Relevant to revocation; deceptiveness; assignments; goodwill; personal names; Article 3(1)(g) TMD; Article 12(2)(b) TMD.

This case highlights the careful consideration required when assigning personal trade marks, as once the mark has been assigned, the applicant may lose control over their name and may not be able to trade under it in the future.



2007 LIMONCELLO

Shaker di L Laudato & C. Sas v Limiřana y Botella, SL
C-334/05, 12 June 2007

Relevant to infringement and opposition grounds; likelihood of confusion; distinctive and dominant elements; global assessment. Article 8(1)(b) EUTMR.

Assessment of confusion must be appreciated globally, based on the overall impression of the marks, bearing in mind their dominant and distinctive elements.



2008 INTEL

Intel Corporation Inc v CPM United Kingdom Ltd
C-252/07, 27 November 2008



Relevant to infringement & opposition grounds; reputation; detriment; dilution; unfair advantage; Article 4(4)(a) TMD.

The requirements for infringement of a mark with a good reputation by a similar mark used on dissimilar goods/services cannot be listed exhaustively. The assessment must be global, taking all relevant facts into consideration.

2009 L'ORÉAL V BELLURE

L'Oréal SA et al v Bellure NV et al
C-487/07, 18 June 2009

Relevant to infringement and opposition grounds; comparative advertising; look-a-likes; without due cause; Articles 5(1) and 5(2) TMD.

Rights owners have rights to protection which will ensure that earlier marks can fulfil their functions, including functions not only as guarantees of origin and quality, but also to their investment or advertising.

2010 LEGO

Lego Juris A/S v EUIPO
(OHIM) (Mega Brands Inc)
C-48/09, 14 September 2010

Relevant to invalidity; shapes & 3D marks; shapes necessary to obtain a technical result; Article (7)(1)(e)(ii) EUTMR.

The CJ held that the brick shape was invalid because its shape was necessary to obtain a technical result. The fact that the shape of the bricks could take many forms did not preclude its technical function. The question of distinctiveness acquired through use has no bearing on the refusal of a mark on the grounds of a shape necessary to obtain a technical result.

2011 INTERFLORA

Interflora Inc et al v Marks & Spencer plc et al
C-323/09, 22 September 2011

Relevant to infringement and opposition grounds; keywords; dilution; essential function; free-riding; reputation; Articles 5(1)(a) and 5(2) TMD and 9(1)(a) and (c) EUTMR.

Use of an earlier mark as a keyword may be prevented where the signs and goods/services are identical and if that use adversely affects one of the earlier marks functions.

2012 IP Translator

Chartered Institute of Patent Attorneys v Registrar of Trade Marks

C-308/10, 19 June 2012

Relevant to EUTM procedures & practice; Nice class headings; specification of goods/services; Communication 4/03.

An application for a mark in the EU (national or community) must identify, with sufficient clarity and precision, the goods and services to be protected so the competent authorities and competitors can determine the extent of the protection sought. It is essential to ensure that the desired goods/services are specifically claimed.

2013 SPECSAVERS

Specsavers International Healthcare Ltd et al v Asda Stores Ltd
C-252/12, 18 July 2013

Relevant to revocation; genuine use; likelihood of confusion; reputation; Articles 9(1)(b) and (c) and 15(1) EUTMR.

Use of separately registered marks together may constitute genuine use. Variations of marks that do not alter the distinctive character of the registered mark are permissible. However, the perception of a mark plays a decisive role in the assessment of confusion and unfair advantage and the context in which an allegedly infringing sign is used must be considered.

2014 5 STRIPES

K-Swiss Inc v EUIPO
(OHIM) (Künzil SwissSchuh AG)
T-85/13, 13 June 2014

Relevant to absolute grounds; descriptive & non-distinctive marks; distinctive character; signs capable of constituting a trade mark; Article 7(1)(b) EUTMR.

The 5-stripe mark registered for footwear was invalid as being devoid of distinctive character. The court held that the sign must be independent of the appearance of a product, otherwise consumers may see it as merely decorative.

2015 IMPULSE

Iron & Smith kft v Unilever NV
C-125/14, 03 September 2015

Relevant to infringement and opposition grounds; reputation; genuine use; Article 4(3) TMD.

In national oppositions, an earlier reputed EUTM does not need be reputed in the national state where the opposition occurs, but the

EUTM proprietor should demonstrate that a commercially significant part of the national public is familiar with the EUTM; that they make a connection with the national application; and that there is damage as a result.

2016 HERITAGE AUDIO

AMS Neve Ltd v Heritage Audio SL
[2016] EWHC 2563 (IPEC), 11 October 2016

Relevant to jurisdiction on infringement of EUTM; Article 97(5); Brussels I Regulation (EU) No. 1215/2012.

An English court held that it did not have jurisdiction to decide a claim in relation to acts of infringement of a European Union Trade Mark (EUTM) under Article 97(5) of the EUTM Regulation, in circumstances where the potentially infringing acts committed by the defendant took place in Spain where the defendant was domiciled. The court did, however, have jurisdiction in relation to infringement of various UK national marks.

2017 R v M

R v M, R v C, R v T
[2017] UKSC 58, 03 August 2017

Relevant to infringement; criminal sanctions; exhaustion of rights; Section 92(1) TMA.

The UK Supreme Court ruled that criminal penalties can not only be imposed on businesses that engage in the sale of 'true' counterfeit goods but also those who sell 'grey goods' – goods that have been legitimately produced but whose sale has not been authorised by the relevant trade mark owners.

2018 DEBRISOFT

Junek Europ-Vertrieb v Lohmann & Eauscher International
C-642/16, 17 May 2018

Relevant to parallel imports; repackaging; Article 15.

This case held that re-labelling the packaging of a medical device may not constitute trade mark infringement where the packaging has not been modified or opened, the new, small label has been affixed to an unprinted part of the packaging, the trade mark is not concealed and the label confirms the responsible parallel importer.

Authors:

Jackie Johnson & Gemma Kirkland



Trade mark licenses

Holland & Barrett v General Nutrition

➤ **Case details at a glance**
Jurisdiction: England & Wales
Decision level: Court of Appeal
Parties: (1) Holland and Barrett International Limited (2) Health and Diet Centres Limited (appellants) and General Nutrition Investment Company (respondent)
Hearing date: 20 June 2018
Citation: [2018] EWCA Civ 1586
Full decision (link): dycip.com/holland-barrett

It is common for a brand owner to own a main brand and a number of sub-brands which incorporate the main brand, with corresponding trade mark registrations (sometimes referred to as 'main' and 'auxiliary' marks respectively).

When licensing the portfolio an issue with which both the licensor and licensee need to be alive is the maintenance of those registrations. Of particular concern for the licensor is to prevent the registrations from being revoked for non-use. For this reason, it is common to have provisions within the licence to address such non-use.

What happens, however, where the main marks are used but the auxiliary marks are not and, therefore, are liable to be revoked? This is the situation which arose in *Holland and Barrett International Ltd v General Nutrition Investment Co*.

General Nutrition Investment Co was the owner of seven marks, three European Union trade marks (EUTMs) and four United Kingdom trade marks. One of the EUTMs was the main mark, GNC, with the remainder being auxiliary marks (for example a device mark with the words GNC HERBAL PLUS).

General Nutrition Investment Co granted Holland & Barrett a licence for the marks.

Clause 2.1 of the licence granted "... the exclusive right to Use the Trade Marks during the term of this Agreement (as provided for under clause 5 below): (a) within the Territory..." The Territory was the United Kingdom and the term "exclusive" was defined as meaning that "... only the Licensee (including Sublicensees) have the right to use the Trade Marks in the Territory [...] as contemplated in this Agreement to the exclusion of all other persons including the Licensor".

Clause 5.6 of the licence addressed the situation regarding non-use as follows: "If the Licensee ceases to Use the Trade Marks or any of them in respect of the Products for a continuous period of 5 years or more the Licensor shall be entitled

General Nutrition Investment Co granted Holland & Barrett a licence for seven trade marks



to terminate this Licence in respect of such Trade Mark or Trade Marks."

Holland and Barrett did not use five of the auxiliary marks for a period of five years. As a result, General Nutrition Investment Co purported to terminate the licence for the five unused trade marks. It contended that once the licence had been terminated for a given trade mark (for example, the GNC HERBAL PLUS mark), it was entitled to use that trade mark in the United Kingdom and Holland and Barrett had no legal right to prevent that activity.

Holland and Barrett argued that termination of the licence in relation to an unused mark did not give General Nutrition Investment Co a right to do acts which breached the exclusivity of the licence of the main mark, GNC. That would prevent General Nutrition Investment Co from using, for example, the GNC HERBAL PLUS mark.

At first instance, Mr Justice Warren ruled in favour of General Nutrition Investment Co. The decision was appealed, being heard by a panel of Lady Justice Arden, Lord Justice Kitchin and Mr Justice Birss. In a unanimous decision, the Court of Appeal overturned the decision at first instance.

The court reasoned that, "... although clause

5.6 could be interpreted as including an implied term contemplating that the licensor may itself use unused marks after the termination is triggered, such an implied term has to yield to the fundamental and express exclusivity term of the licence itself. Such a term should not give the licensor the right to act contrary to the exclusivity of the licence which would remain in place. Since in this case the exclusive licence remains in full force and effect in relation to the GNC word mark, on the facts of this case the licensor cannot use any of the five unused marks on the products in the United Kingdom because that use would inevitably be confusingly similar to the GNC word mark."

Author:
Antony Craggs



In short

This is a salutary lesson for those licensors licensing trade mark portfolios. If there is to be termination of the licence for some of the auxiliary marks, there needs to be a corresponding termination of the exclusivity of the licence for the main mark.



The interpretation of 'shape'

Christian Louboutin v Van Haren Schoenen

For those who may not have been privy to the long ongoing legal battle between Louboutin (a French footwear designer whose high-end stilettoes incorporate shiny red-lacquered soles which has become his signature mark) and Dutch retailer Van Haren Schoenen, the dispute began when Louboutin sued Van Haren for selling high-heeled women's shoes with red soles.

The initial decision went in Louboutin's favour but Van Haren challenged the validity of Louboutin's non-traditional trade mark registration for the application of the colour red to the sole of a high-heeled shoe as shown on the image (above, right) (also known as a 'position mark').

Van Haren argued that the registration was invalid on the basis of Article 3(1)(e)(iii) of Directive 2008/95/EC which provides that a sign shall not be registered or, if registered, shall be liable to be declared invalid in circumstances where the sign consists **exclusively** of the shape which gives substantial value to the goods (such as the shape of a cut diamond). Put another way, Van Haren claimed that the registration consists of a two-dimensional mark (the colour red) which conforms to the shape of the shoe and gives substantial value.

The Dutch Court took the view that, having regard to the graphic representation of the registration, as well as its description, the colour is inextricably linked to the shoe sole meaning, therefore, that the mark cannot be regarded merely as a two-dimensional figurative mark.

It further agreed that the sole does give substantial value to shoes marketed by Louboutin as that colour forms part of the appearance of those shoes and plays an important role in a consumer's decision to purchase them.

As a result, following two Advocate General's opinions (the latest opinion can be read online at <https://dycip.com/louboutin>) the CJEU was asked to consider whether the notion of 'shape', within the exclusions of Article 3(1)(e)(iii), is limited

Louboutin's high-end stilettoes incorporate shiny red-lacquered soles



to the three dimensional properties of the goods in question, such as their contours, measurements and volume (expressed three-dimensionally), or broad enough to include other (non-three-dimensional) properties of the goods, such as their colour.

As the Directive provides no definition to the term 'shape', the meaning and scope of that concept had to be determined by, inter alia, applying the usual meaning of the word in everyday language.

In the context of trade mark law and as defined by the European Commission, 'shape' is understood as meaning a set of lines or contours that outline the product concerned.

Consequently, whilst the shape of a product (or part of it) plays a role in creating an outline for the colour, it cannot be held that a sign consists of that shape in the case where the registration of the mark did not seek to protect that shape but, instead, sought merely to protect the application of a colour to **a specific part of that product**. In this instance, the mark wasn't related to a specific shape of sole for high heeled shoes since the description of the mark explicitly states that "the contour of the shoe

is not part of the trade mark but is intended to show **the positioning of the mark**" (emphasis added). It could also not be said that the mark consisted 'exclusively' of a shape in circumstances where the main element of the sign is a specific colour designated by an internationally recognised identification code.

As a result, the CJEU ruled that a sign consisting of a colour applied to the sole of a high-heeled shoe, such as that at issue in the main proceedings, **does not consist exclusively of a 'shape', within the meaning of Article 3(1)(e)(iii).**

Author:
Alban Radivojevik



In short

Whilst position marks have in theory become an accepted and recognised form of trade mark following the implementation of the 2017/1001 Regulation in October 2017, they tend to be difficult to register. This decision may however provide some useful guidance that may assist in assessing the registrability of other position marks.

LNDR beats LDNR Injunction granted against Nike

Case details at a glance

Jurisdiction: England & Wales

Decision level: Intellectual Property
Enterprise Court (IPEC)

Parties: Frank Industries PTY LTD
(claimant) and (1) Nike Retail BV

(2) Nike European Operations Netherlands BV
(3) Nike (UK) Limited (defendants)

Hearing date: 20 June 2018

Citation: [\[\[2018\] EWHC 1893 \(Ch\)\]](#)

Full decision (link): [dycip.com/nike](https://www.dycip.com/nike)

In a recent David & Goliath battle between Frank Industries Pty Ltd (Frank), an Australian company with an establishment in the UK, and sportswear giant Nike Retail BV (Nike), the UK Courts have demonstrated their ability to deal with time sensitive matters with great efficiency, by granting interim injunctive relief, ruling on an appeal and handing down judgment in the substantive trial within a six month period.

Interim injunction

Frank is the owner of UK and international (EU) trade mark registrations for the mark LNDR in respect of clothing and sportswear (the trade marks). The dispute with Nike arose in early January 2018 following the launch of Nike's 'Nothing Beats a Londoner' advertising campaign (the Campaign) which featured prominent use (including on t-shirts) of the sign LDNR in conjunction with the well-known Nike Swoosh and the words 'Nothing beats a...'. The campaign featured (a) films shown on YouTube and played in TV advertising breaks during major sporting events (b) advertising posters at two Premier League football games, (c) on Nike UK's website and (d) on Nike's social media accounts.

Following pre-action correspondence Frank issued a claim against Nike for infringement of its trade marks and passing off. Frank also sought interim injunctive relief (in relation

to which it offered a cross-undertaking in damages of £500,000) and an expedited trial.

Nike counterclaimed for invalidity of the trade marks on the basis that the marks were inherently descriptive and non-distinctive. Nike also argued that it had a defence to infringement as it was using the sign LDNR to indicate a characteristic of the goods in question in accordance with honest practices.

His Honour Judge Hacon granted an interim injunction as he was satisfied there was a risk of Frank's LNDR brand being fatally diluted by association with Nike before trial and that such prejudice could not be adequately compensated for by way of damages. The trial date was set for 12 July 2018.

Nike appealed the decision to grant an interim injunction.

Appeal

The Court of Appeal upheld the decision to grant interim injunctive relief although the court varied the wording of mandatory parts of the order so as to make it clear that Nike could archive the Instagram posts complained of and obscure sections of the campaign film on YouTube, rather than permanently deleting the same. The court also discharged the section of the order requiring Nike to delete the signs from its Twitter feed. In this

regard, the judge had failed to consider the irreversible effect his order would have had if Nike was to permanently delete all LDNR references on its social media accounts.

The trial

The case was heard by Mr Justice Arnold sitting in the Intellectual Property Enterprise Court (IPEC).

In support of its counterclaim for invalidity Nike sought to show that the trade marks were being used as a known abbreviation for the word 'Londoner'. In light of some evidence of use of the mark LNDR before the launch of the campaign Mr Justice Arnold accepted that, when used in an appropriate context in digital media, LNDR was capable of being used and understood to mean 'Londoner'. However, Nike had failed to establish that LNDR would be perceived as such when used in respect of clothing, for example, on a swing tag or label in the absence of some context suggesting that meaning. The trade marks were therefore considered to be inherently distinctive in relation to clothing.

Frank's claim for infringement and passing off ultimately succeeded as a result of the distinctiveness of the trade marks, the identity of the goods concerned, the high degree of similarity between the trade marks and the sign LDNR and in view of evidence of actual confusion.

Ultimately the court was satisfied that the average consumer would likely consider use of the LDNR sign in the campaign to indicate a tie-up or collaboration between Frank and Nike. Frank also succeeded in their claim for passing off.

Nike's defence failed as they had not demonstrated that the sign LDNR is an indication of any characteristic of clothing. Furthermore, Nike's use of the sign LDNR was not in accordance with honest practices for various reasons, including the fact that Nike knew of the existence of the trade marks before going ahead with the campaign.

The dispute followed the launch of Nike's 'Nothing Beats a Londoner' advertising campaign



Missed an opportunity?

MASTERCHEF & MISTER CHEF

➤ Case details at a glance

Jurisdiction: United Kingdom

Decision level: UK Intellectual Property Office

Parties: Trade mark application no. 3175431 by Mr Chef Limited and opposition no. 407756 by Shine TV Limited

Date: 10 April 2018

Citation: [2018] UKIntelP o22818

Full decision (link): dycip.com/mister-master

This case highlights that, in certain circumstances, a lack of conceptual similarity between two marks can trump a high level of visual and aural similarity such that, even for identical goods, confusion is unlikely to arise.

The applicant filed for MISTER CHEF in class 21 and was opposed by the owner of the MASTERCHEF trade mark, well known for the television series which has run for more than 20 years attracting audiences of up to 6 million viewers. The opposition was filed under both S.5(2)(b) and 5(3) of the Act.

The hearing officer considered the global assessment of likelihood of confusion. He decided that the goods were likely to be selected by consumers, being members of the general public, paying a normal degree of attention, and found them to be the same.

He went on to consider the degree of distinctive character of the earlier mark and concluded: "that both the CHEF element, and the earlier mark as a whole, have a below average degree of inherent distinctiveness in relation to the goods at issue. There is no evidence of use of MASTERCHEF/MASTER CHEF in the UK prior to the relevant date in relation to goods in class 21. Consequently, the distinctive character of the mark rests on its inherent level of distinctiveness."

Visually and aurally the hearing officer decided the marks are "similar to quite a high degree".

The crux of the case turned on the opponent's submission that the marks were also conceptually similar. Although Master can have different meanings the hearing officer emphatically disagreed. He went on to say:

"MISTER is plainly a title for an adult male. The meaning of CHEF is obvious. The combination conveys the meaning of a person or chef called Mister Chef. By contrast, the word MASTER in MASTERCHEF/MASTER CHEF will be understood by relevant average consumers as meaning a skilled practitioner of a particular art or activity. Therefore, MASTERCHEF/MASTER CHEF means a highly skilled chef. This means that, when compared as wholes, the marks

MASTERCHEF in class 21 was opposed by the owner of the MASTERCHEF trade mark



have quite distinct meanings. I therefore find that the marks are conceptually dissimilar."

The hearing officer went on to hold that because the difference between the marks was near the beginning (and therefore, he felt, would be more noticeable) and on the basis the earlier mark had a below average level of inherent distinctiveness, confusion would be unlikely to arise. He also considered the possibility of confusion occurring through imperfect recollection but felt that the different meanings of the marks made this unlikely.

The opposition therefore failed under the likelihood of confusion test.

We find this decision surprising. Although MISTER and MASTER can have different meanings, they can also be similar with MASTER inferring a junior or young man. The hearing officer appears to have selected one meaning from the dictionary ignoring others which may have led to a conclusion that, conceptually, the marks were at least averagely similar.

It is also questionable that MASTER CHEF should be considered to have a low level of distinctive character for the goods. For chef related services this could be a reasonable conclusion, less so for class 21 goods.

In our view, taking into account the identity between the two sets of goods and the high

level of visual and aural similarity, considering the global assessment, confusion would be likely and therefore the opposition should have succeeded on this ground.

Would the opponent fare any better based on their considerable reputation under S.5(3)? The hearing office held that with its "substantial" reputation this would lead to a normal level of distinctive character for the MASTER CHEF mark through extensive use in relation to the well known television show. However, following the guidance set out in the Intel decision the hearing officer, stated: "In my view, the differences between the marks and the goods and services are sufficient to avoid a likelihood of confusion. I find that the UK public would not make any link between, on the one hand, the contested mark and the goods covered by the application and, on the other hand, the earlier mark and the entertainment services for which it has a reputation. The opposition under section 5(3) therefore fails. This is because, unless the public will make a link between the marks, use of the contested mark cannot take unfair advantage of the reputation acquired by the earlier mark."

The case highlights that notwithstanding a high degree of similarity between two marks and two sets of identical goods this will not always lead to a finding that confusion is likely to arise.

Author:
Jeremy Pennant



D YOUNG & CO INTELLECTUAL PROPERTY

And finally...

Client alert Unsolicited mail or invoices

Applicants should be cautious of unsolicited mail or invoices



Intellectual property applicants appear to be receiving an increasing amount of unsolicited mail from companies requesting payment for services such as publication, registration or entry in business directories. This has long been an issue, primarily due to the fact that details of applications and registrations are automatically entered onto the official registers. These details are mis-used by certain companies who target users with invoices that often look genuine. If you receive such an invoice:

1. Please do **not** pay it.
2. Contact your usual attorney to inform them and if possible, send them a copy.
3. Alert any colleagues who might also receive such notices.

Should you have any doubts about unsolicited mail please do not hesitate to get in touch.

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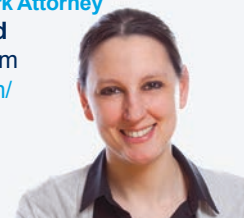
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