

D YOUNG & CO TRADE MARK NEWSLETTER *no.106*

September 2019

In this issue:

Porsche loses design protection for its latest 911 04

[General Court dismisses Porsche's appeal](#)

Accepted principles of morality 05

[Advocate General Bobek's opinion on the refusal of the trade mark "Fack Ju Göhte"](#)

Adidas' attempt to monopolise three-stripes suffers a set back 06

[Adidas v Shoe Branding Europe](#)

Ortlieb v Amazon 07

[The constant struggle to find what you are looking for](#)

German office expansion 07

[Munich team appointments](#)

IP & Brexit 08

[Post Brexit advice](#)



Timing is everything
Avoiding the pitfalls of genuine use and intention to use requirements at the EUIPO

Full story [Page 02](#)

www.dyoung.com/newsletters

Editorial



We are pleased to share good news from our rapidly growing Munich office. Associate Rechtsanwältin Yvonne Stone and Trade Mark and Design Specialist Stefanie Koroll have recently joined us - a warm welcome to them as extremely capable new members of our team. We are also delighted to congratulate Natasha O'Shea who has recently passed her final exams with distinction and is now a fully qualified Chartered Trade Mark Attorney.

Events



17-20 September 2019

MARQUES, Dublin Ireland

Matthew Dick, Anna Reid and Jana Bogatz will be attending the 33rd annual MARQUES conference in September.

25-27 September 2019

GRUR Annual Meeting, Frankfurt Germany

Partner Jana Bogatz and Associate Yvonne Stone will be attending the regional group Frankfurt/Main of the German Association for the Protection of IP (GRUR) annual meeting.

19-22 November 2019

INTA Leadership Meeting, Austin US

Partners from our London, Munich and Southampton offices (Jeremy Pennant, Helen Cawley, Gemma Kirkland, Tamsin Holman and Jana Bogatz) will be attending the INTA leadership meeting.

www.dyoung.com/news-events

Brexit news



We welcome your Brexit questions (email our advisors at brexit@dyoung.com) and regularly publish news and advice regarding Brexit on our website: www.dyoung.com/knowledgebank/ip-brexit.

Subscriptions



For subscriptions and to manage your mailing preferences, please email subscriptions@dyoung.com.

Read this newsletter and previous editions online at www.dyoung.com/newsletters

Follow us



LinkedIn: dycip.com/dyclinkedin
Twitter: @dyoungip

Genuine use & genuine intention to use

Timing is everything Avoiding the pitfalls of genuine use and intention to use requirements at the EUIPO

Two recent cases serve as a reminder on the rules relating to genuine use of an EU trade mark and also address the issue of a genuine intention to use an EU trade mark.

Viridis Pharmaceuticals Ltd v EUIPO & Hecht-Pharma GmbH

This case addresses whether use of a mark prior to marketing authorisation could be considered genuine use.

The life of a pharmaceutical product usually starts long before it hits the shelves. Factoring in clinical trials and the relevant marketing authorisation that must be sought makes it a lengthy process which can complicate matters when the five year period in which an EU trade mark must be put to genuine use is surpassed. Failure to use the mark within this period can leave it vulnerable to cancellation for non-use, which can in turn lead to cancellation actions against the mark from competitors. Genuine use means actual use that is not token, that serves to indicate the origin of the goods and services and which is aimed at establishing or maintaining an outlet or market share. This may include preparations to put the goods or services on the market. However, internal use will not normally qualify as genuine use as the use must be outward facing.

The question that arose in this case was whether the five year period should be adapted to account for the time lost waiting for marketing authorisation and cover use made of the mark during clinical trials. In short, the answer from the Court of Justice (CJEU) was "no".

Viridis Pharmaceuticals registered BOSWELAN as a EUTM in class 5. Some years later, it applied for authorisation for a clinical trial involving a treatment for multiple sclerosis. Hecht Pharma then applied for cancellation of the trade mark on the grounds of non-use, when there was still no marketing authorisation. Viridis's use of the mark had however included advertising in relation to a clinical trial.

Use or non-use?

A trade mark cannot be cancelled for lack of genuine use if the proprietor can show

that there are "proper reasons" for non-use, such as import restrictions or government regulations. Where "proper reasons" can be established, the proprietor will be able to preserve the validity of the mark and commence use once the prohibition ends. It should be considered whether the obstacle to use arises independently of the will of the owner of the trade mark rather than in relation to the trade mark owner's commercial difficulties. It is therefore important to ask whether putting the mark to use would have been unreasonable.

Further, it is possible for preparations for future marketing to qualify as "genuine use"; however, this only applies if entry to the market is imminent. In this case, BOSWELAN was **not** about to enter the marketplace.

The CJEU confirmed the earlier AG opinion and considered that the clinical trial use was not outward facing use of the mark as it was not aimed at establishing an outlet or market share for the goods on the relevant market. It also found that there was no direct preparatory evidence of an upcoming launch. Given that it is legally forbidden to advertise medicinal products prior to marketing authorisation, it is not possible to make "genuine use" of such trade mark at the clinical trials stage.

The court also held that Viridis could have anticipated at the date of filing that there might be delays and could have carried out the clinical trials more quickly, concluding that these were commercial difficulties that could have been managed. Therefore the need to carry out a clinical trial in and of itself did not amount to a proper reason for non-use.

Timing is key

Of course it is prudent for those in the pharmaceutical industry to look to carry out the necessary clearance searches and seek to obtain registrations for their trade marks; however, the question of timing is perhaps the take away message for this case.

Brand owners would benefit from factoring in the risk of applying too early and reaching the end of the five year period in which a mark can be genuinely used if there is a good chance that relevant marketing authorisation may be sought

Brand owners are advised to avoid filing too early if their mark may not be used genuinely



in time. There is currently no special test applied to genuine use of pharmaceuticals due to the regulatory framework that surrounds them.

Risks of repeat filings

Another risk is that if the owner then looks to effectively re-validate their mark by applying for the same mark again, after the five year non-use period, there is a risk that such action may amount to bad faith, which brings us to the second case of *Kreativni Dogadjaji d.o.o. v Hasbro, Inc.* which addressed the repeat filing of the MONOPOLY trade mark.

Kreativni Dogadjaji d.o.o. v Hasbro, Inc

The trade mark MONOPOLY has been protected on the EU Register since 1996, but there are in fact a number of registrations for the mark and this case concerned the registration dating back to 2010.

In 2015, *Kreativni* filed an application to cancel the 2010 registration on the ground that it was invalid. The basis of the invalidity action was that the application was a repeat filing and that Hasbro had a dishonest intention when the application was filed as Hasbro already had existing registrations of MONOPOLY and this application was a means of fraudulently extending the five year grace period for proof of use of the earlier registrations. The invalidity action was unsuccessful at the first instance and this case is the decision by the Second Board of Appeal.

In defence of its registration, Hasbro filed evidence including the statements that it regularly files new applications for MONOPOLY as a result of new product

offerings, for strategic and administrative reasons, bearing in mind its trade mark portfolio and changes in business requirements.

Determining bad faith

As we know, if a trade mark registration has been on the register for over five years, a third party can apply to cancel that registration on the ground of non-use and the burden of proof will be upon the registered proprietor to show genuine use. The legal requirement that a trade mark that is the subject of an EU registration must be put to use is to avoid the situation where the trade marks register becomes almost a collection of inactive trade marks, each of which gives the owner a legal monopoly for an unlimited period. EU trade mark law does not refer to bad faith. However, bad faith can be inferred from the behaviour of a party which files a trade mark application with a dishonest intention. It has already been established that, if an application is filed with the aim of preventing another party from continuing legitimately to use a sign, bad faith can be inferred. This decision confirmed that, if a party re-files an application to register a mark that has already been protected, simply to avoid a successful cancellation action on the ground of non-use, it may be construed that the party acted in bad faith.

In these particular circumstances, it was clear that Hasbro already owned registrations of MONOPOLY; the attacked registration covered a combination of goods and services that were already covered by earlier registrations and new goods and services.

Unsurprisingly, it was confirmed that it is a legitimate business activity for a party to

file an application to register a mark that is already registered, but for a new range of goods and services. The question concerns the goods and services for which the mark has previously been registered. As part of Hasbro's explanation that the attacked registration was filed for administrative purposes, Hasbro argued that the attacked registration would make "lives easier" in relation to activities such as licensing and enforcement, including that oppositions based upon the MONOPOLY trade mark might be administratively easier and cheaper because it would not be necessary to file proof of use. The problem was that this statement was not backed up by the facts; the administrative burden of managing trade mark protection would be reduced if a trade mark owner filed a fresh trade mark application overlapping with its earlier registrations, but also covering new goods and services, if those earlier registrations were allowed to lapse. However, here the earlier registrations of MONOPOLY were renewed which did not show administrative sense. It was therefore confirmed that, as far as any goods and services that were already covered by existing registrations were concerned, the registration was invalid and the application had been filed in bad faith.

Comment

Brand owners are encouraged to work with their IP advisors to factor in the potential pitfalls of:

1. filing too soon if there is a good possibility that a mark may not be used genuinely during the relevant five year period (such as in the pharmaceutical sector where there are common delays due to R&D, clinical trials and authorisation, etc); and
2. re-filings for identical marks and the possibility that such filings may be considered to have been filed in bad faith.

Of course one may be as a direct result of the other and, whilst brand owners may have good intentions, they would benefit from giving early consideration to these risks and keeping the timing issues in mind where possible.

Authors:

Richard Burton & Jackie Johnson



Porsche loses design protection for its latest 911

General Court dismisses Porsche's appeal

This case concerned the successful cancellation by Autec AG, a producer of toy cars, of Porsche's registered Community design for the latest iteration of the 911 (below, left) as a result of their earlier existing registered Community design (below right):



The case considered the extent the "informed user" would consider the differences between the two and how broad the body of prior art should be.

Porsche's appeal before the General Court was against the decision to cancel their registered Community design for lack of individual character. Their main argument was that the two models "differ significantly" and "differ so clearly" in their outward appearance that the Board of Appeal could not have held, without making an error of assessment, that the contested design lacked individual character.

Case law confirms that the individual character of a registered Community design must be assessed first in light of the overall impression conveyed to the informed user concerned and; second, the overall impression must be different from that produced by another earlier design.

The informed user

The Board of Appeal had held, that the informed user of the products concerned by the conflicting designs was not just the user of the Porsche 911 passenger car, but of passenger cars in general. Moreover, informed users generally know that car manufacturers do not constantly develop new models but often simply modernise existing models.

Porsche argued however that their knowledge would be particularly high in the case of "expensive luxury limousines or sports cars". The Board of Appeal had, rightly the General Court said, taken account of the broader category of products with the correct classification being 'automobiles, buses and lorries' in class 12-08. Porsche argued that the informed user would have had a greater than usual level of awareness as a result of the existence of the 911 car over a number of decades. Their argument, which may not have endeared themselves to the non-Porsche driving public, was that the 911 "naturally" receives "considerably more" attention than "normal" motor vehicles", which have no special characteristics and are "more or less interchangeable". Unimpressed, the General Court upheld the Board of Appeal's rejection of this argument.

The designer's freedom of design

The degree of freedom of the designer in developing the design in question should also be taken into account.

Porsche argued that the freedom of the designer is limited by market expectations, since consumers expect that the "design idea" or original form on which the Porsche 911 passenger car is based, perceived as "iconic", will be retained in subsequent models. The General Court rightly confirmed that this was not the correct analysis and that the freedom of the designer must be not just in relation to the 911 but passenger cars in general.

Comparison of the overall impression produced by each of the conflicting designs

The General Court confirmed that two designs are regarded as identical if their characteristics differ only in insignificant details, that is to

Related articles

Our latest design case law updates and commentary can be found on our website:

<https://dycip.com/design-articles>

William Burrell offers advice to readers on how clients can make the most of deferment periods for upcoming design registrations when applying in a number of territories around the world: "Nothing to see here... no, really! Keeping your registered design portfolio hidden away from prying eyes":

<https://dycip.com/design-deferment>

say, in details which do not give rise to any differences, not even minor ones, between those designs. Conversely, in order to assess the novelty of a design, it is necessary to examine whether there are differences, even small ones, between the old and new designs, which are not negligible. There was considerable debate regarding the headlamps which "curved outwards" and "conspicuously" differ from the headlamps of the earlier model, and that the door handles are "completely redesigned". However, the General Court stated the side views, which represent the silhouette of each design as a whole, do not allow the opposing designs to be considered in such detail. They went on to say even if it is held that those differences may be observed by the informed user, they are not sufficiently pronounced to call into question the Board of Appeal's assessment alone. According to the Board of Appeal, all the views of the designs in question, and not just the side views, show that they are identical in the shape and lines of their bodywork, both in terms of dimensions and proportions and in terms of the shape and arrangement of the windows and doors.

The General Court confirmed that the Board of Appeal had ruled correctly that the differences between the numerous views of the conflicting designs, taken individually and in combination, were too small to significantly affect the overall impression conveyed to the informed user.

Unsurprisingly Porsche's appeal was dismissed.

What lessons can Porsche learn from this?

With more than 700 registered Community designs filed at the EUIPO in addition to their cars, as you would expect, they have also sought design protection for individual elements ranging from exhaust pipes and wing mirrors to rear spoilers and steering wheels. They have an extensive portfolio of design protection which should be sufficient to enable them to prevent third party use whether in relation to toys or after-market products. Seeking protection for a new iteration is always likely to be potentially open to challenge without clearly showing the new features and specifically highlighting them.

Author:
Jeremy Pennant



Accepted principles of morality

Advocate General Bobek's opinion on the refusal of the trade mark "Fack Ju Göhte"

➤ Case details at a glance

Jurisdiction: European Union

Parties: Constantin Film

Produktion GmbH v EUIPO

Date: 02 July 2019

Citation: C-240/18

Opinion: <https://dycip.com/constantin>

In an academically interesting and humorous opinion, Advocate General Bobek proposed that the CJEU set aside the judgment of the General Court (GC) and annul the EUIPO's decision to refuse registration of the word sign "Fack Ju Göhte". The sign had been refused on the grounds that the mark was deemed contrary to the accepted principles of morality under Article 7(1)(f) EUTMR.

"Fack Ju Göhte" is the name of a successful Germany comedy produced by the appellant, Constantin Film Produktion GmbH, who had applied for the mark in connection with a wide range of (merchandising) goods and services. Johann Wolfgang von Goethe was an author whose works included "Die Leiden des jungen Werthers" (The Sorrows of Young Werther) first published in 1774 and soon after banned in several German territories as they were deemed to corrupt morality.

The Board of Appeal considered that the pronunciation of the words "Fack Ju" were aurally identical to an English expletive and that to the relevant German-speaking public, the term was an insult in bad taste, and shocking and vulgar, also offending the late and respected writer Johann Wolfgang von Goethe. The success of the film "Fack Ju Göhte" was not considered sufficient to allow registration of the ostensibly shocking trade mark. The GC dismissed the appeal against this decision, considering that the addition of the element "Göhte" (which resembles the surname of the writer Johann Wolfgang von Goethe) to "Fack Ju" did not mitigate the vulgarity of the expression.

Constantin Film then appealed that judgment to the CJEU, claiming errors in the interpretation and application of Article 7(1)(f) EUTMR and a breach of the principles of equal treatment and good administration.

In his opinion, Advocate General Bobek deemed that the offensive nature of the trade mark "Fack Ju Göhte" had not been proved. He considered the extent to which the assessment of accepted principles of morality should rely on the sign "as such" or whether elements of social context and a proven reaction by the

Should the AG annul the GC judgment?



relevant public should be taken into account. In this regard, he considered that there is a distinction between the concepts of "public morality" and "accepted principles of morality" under the EUTMR. Whilst acknowledging that there was an overlap in these concepts in some cases, Advocate General Bobek suggested that "public policy" is defined by a public authority as the norms to be respected in society, whereas "accepted principles of morality" (at issue in this case) refers to values and convictions currently adhered to by a given society, which evolve over time. The assessment required in this case must therefore be grounded in a specific social context at a given time.

Factual evidence which indicates what conforms to "accepted principles of morality" within a given society in connection with the goods and services at a given time can therefore be relevant. In this case, the success of a film which was uncontroversial, and authorised and released for screening to younger audiences, as well as being incorporated into the learning programme of the Goethe-Institut, can therefore be relevant to whether a given society and that same public at a given time consider a mark to be acceptable in terms of morality. Advocate General Bobek concluded that the EUIPO's decision and the General Court's endorsement of this had failed to take into account elements of the social context in this case. Advocate General Bobek also considered that freedom of expression clearly applies to the field of trade marks, even though it is not the primary goal of trade mark law;

and that the EUIPO has a role to play in the protection of public policy and morality, although this is not its predominant role.

The scope of the obligation on the EUIPO to state reasons for departing from its past decision-making practice was also considered. A similar case had been put forward by the appellant in support of its position before the EUIPO, however plausible reasons why the "Fack Ju Göhte" application had to be decided differently were not provided by the EUIPO. Advocate General Bobek considered that the GC had erred by not requiring the EUIPO to appropriately explain its reasons for adopting a decision that could be seen as a departure from that of a previous similar matter.

Whilst the opinion of Advocate General Bobek is not binding on the CJEU, he has recommended that the CJEU annul the GC's judgment and may give final judgment on the matter.

Author:
Jennifer Heath



Madrid Protocol Brazil & Canada

Brazil has acceded to the Madrid Protocol, and will join the Madrid System on 02 October 2019. As of this date, it will be possible to designate Brazil under an international registration (IR). Canada joined the Madrid System on 17 June 2019. The Canadian Intellectual Property Office (CIPO) is only authorised to send correspondence to the applicant or an appointed Canadian agent, and not to a foreign representative. Only certain communications will be sent to WIPO. Clients should note that a Canadian agent should therefore be appointed for the Canadian designation to report any correspondence received from CIPO.

Author:
Natasha O'Shea



Adidas' attempt to monopolise three-stripes suffers a set back

Adidas v Shoe Branding Europe

➤ **Case details at a glance**
Jurisdiction: European Union
Decision level: General Court
Parties: Adidas AG v Shoe Branding Europe BVBA
Date: 19 June 2019
Citation: T-307/17
Decision: <https://dycip.com/adidas-shoe-branding>

A didas registered the three stripe trade mark (shown right) for clothing, footwear and headgear in class 25. The trade mark was registered as a figurative mark with the description “the mark consists of three parallel equal distant stripes of identical width, applied on the product in any direction”. The trade mark was registered in May 2014. In December 2014, Shoe Branding Europe filed a declaration of invalidity. The Cancellation Division granted the application on the grounds that the trade mark was devoid of distinctive character, both inherently and acquired through use.



to significant alteration of the characteristics of the trade mark. Therefore, the simpler the trade mark, the less likely it is to have distinctive character and the more likely it is that alteration will affect one of the essential characteristics. As part of its analysis, the General Court considered the reversal of the colour scheme. The trade mark is three black stripes. However, a significant portion of the evidence filed seems to be three white stripes on a black background, as shown by the examples below:



Adidas appealed but did not dispute the lack of inherent distinctive character but appealed on the basis that the trade mark had acquired distinctiveness through use. The Board of Appeal dismissed this appeal and Adidas appealed further to the General Court. The points of appeal were:

1. The Board of Appeal wrongly dismissed numerous items of evidence on the ground that the evidence related to signs other than the mark at issue.
2. The Board of Appeal made an error of assessment holding that it had not established that the mark at issue had acquired distinctive character following use made within the European Union.

Decision

The court talked about the difference in the concept of “genuine use” where trade mark owners are permitted to use a mark in a form differing in elements which do not alter the distinctive character of the trade mark (the starting point here is the registered trade mark is inherently distinctive) and the concept of “acquired distinctiveness through use” where the assumption is that the trade mark lacks distinctive character. The General Court agreed that these concepts are comparable but they applied the test narrowly in this case.

The General Court considered that Adidas’ trade mark was very simple and said that even slight differences in the form could lead

The General Court held that the Board of Appeal was right to take account only of the evidence filed in three black stripes on a lighter background.

In terms of the slope and cut some of the evidence showed stripes with different length and width dimensions. The General Court commented that simultaneous alterations to the thickness and length significantly affects the trade mark’s characteristics.

The General Court held that the Board of Appeal was correct to conclude that the vast majority of evidence filed was different than the form registered. Looking at the remaining “relevant” evidence (by the way Adidas filed over 12,000 pages of evidence) the relevant evidence was deemed not sufficient to show a portion of the relevant public would identify the sign.

Adidas’ evidence included:

- Turnover, marketing and advertising figures. These covered all 28 member states.
- An affidavit confirming the vast majority of advertising relates to the trade mark.
- Market share information for Germany, France, Poland and the UK.
- A summary of sponsorship activities including sporting events and competitions.

The figures were described as “impressive” however the General Court held that it was not possible to establish a link between the trade mark and the figures and the goods covered by the registration.

The sponsorship evidence also seemed to relate to the inverted colour scheme. The marketing surveys were conducted between 1983 and 2011 and covered countries including Germany, Estonia, Spain, France, Italy, The Netherlands, Romania, Finland, Sweden and the United Kingdom. As participants of the majority of the surveys had already been asked whether they had encountered the trade mark in relation to sportswear this was considered to influence the results and therefore not relevant.

Other evidence criticised included “reputation” being acknowledged in decisions from various EU national Courts. Adidas had not clearly explained which cases were relevant and why.

Comment

The case demonstrates the importance of filing relevant evidence. It seems that Adidas have fallen foul to the same pitfalls encountered by McDonald’s by filing lots of evidence rather than carefully considering how relevant the evidence is to the trade mark at issue.

Author:
Helen Cawley



Takeaway points

- Think about how your trade mark will be used at the time of application. The simpler the trade mark, the more limited your options for variation will be
- Take into account the dimensions and colour
- Evidence of use must clearly relate to the trade mark
- Most importantly – quality not quantity.

Ortlieb v Amazon

The constant struggle to find what you are looking for

The trade mark conflict between Amazon and Ortlieb in Germany went into a second round and left Ortlieb with a win.

The German Federal Supreme Court (Bundesgerichtshof – BGH) confirmed in its decision of 25 July 2019 that the use of the ORTLIEB trade mark by Amazon in an advertisement was trade mark infringement since it linked to search results on amazon.de containing not only original ORTLIEB products, but also those of unconnected third parties.

Background

The German company Ortlieb is known for its outdoor gear, in particular waterproof bags. Online advertisements for Amazon used the ORTLIEB trade mark and included it in the link, such as “Ortlieb Fahrradtasche” (in English: “Ortlieb bicycle bag”) and the corresponding link “amazon.de/ortlieb+fahrradtasche”. The results shown after clicking on the link, however, were not limited to ORTLIEB products, but included products from other manufacturers.

The BGH decision

Ortlieb claimed trade mark infringement based on Sec. 14(1), (2) no. 1, (5), (7) of the German Trade Mark Act (Markengesetz – MarkenG), which was affirmed on first instance and appeal. The further appeal to the BGH by Amazon failed.

Imagine asking a store employee for specific products of a specific manufacturer and the employee showed you products from another manufacturer without warning. Would you be confused?

In its decision, the BGH stressed that a retailer is not prohibited from offering competing products, while advertising with the mark of just one particular manufacturer. However, things are different where the consumer is misled due to the layout of the specific advertisement. In the case at hand, the BGH saw the consumer confusion in the use of the

link referring to ORTLIEB, such as “amazon.de/ortlieb+fahrradtasche”, coupled with the display of third party products. A consumer would not expect to be exposed to third party products under these circumstances.

Previous dispute

In 2018 the BGH decided on another claim for trade mark infringement brought by Ortlieb against Amazon. Back then, Ortlieb’s claim was based on the fact that the search for “Ortlieb” on amazon.de showed third party products in the search results. The BGH decided that this could be considered infringing if it was not easily recognizable for the consumer that the products were from a third party, and referred the case back to the appeal court. In June 2019, the Appeal Court of Munich decided in favour of Amazon.

Given Ortlieb’s recent win, it would not be surprising for Ortlieb to go into a third round against Amazon. In any event, the previous cases have helped shape and provide valuable guidance on online advertising and the use of search algorithms.

Author:

Yvonne Stone



In short

This case serves as a reminder that the question of consumer confusion is intertwined with consumer expectation – and what a consumer can reasonably expect will always depend on the facts of the individual case.

➤ Case details at a glance

Jurisdiction: Germany
Decision level: Bundesgerichtshof
Parties: Ortlieb (claimant) and Amazon (defendant)
Date: 25 July 2019
Docket number: I ZR 29/18
Decision: <https://dycip.com/34G28UK>

German office expansion

Munich team appointments

We are delighted to announce the appointment of Associate, Rechtsanwältin Yvonne Stone and Trade Mark and Design Specialist Stefanie Koroll to our Munich office. Yvonne and Stefanie join a flourishing team following the appointment of partner Jana Bogatz to the trade mark group in Germany in early October 2018.



Yvonne has a wide range of experience and advises on both the contentious and non-contentious aspects of national and international trade mark, design, copyright and unfair competition law. Yvonne handles proceedings before the German Patent and Trade Marks Office, the Federal German Patent Court, all German civil courts, the EUIPO and the General Court in Luxemburg.



Stefanie joins the Munich team as a trade mark and design specialist working closely with Jana and Yvonne to support a

broad range of clients. She is responsible for the administration of national and international trade marks and designs, including new filings and registrations, as well as assisting with EU-wide trade mark availability searches and international portfolio management.

Head of the trade mark group
Jeremy Pennant comments:

“Since opening our Munich office in early 2016 our clients have benefited from the expertise of our growing team both at a local and European level. I am excited by our rapid growth to date and we look forward to the further expansion of our team in Germany over the coming years.”

D YOUNG & CO INTELLECTUAL PROPERTY

And finally...

IP & Brexit Post Brexit advice

Our UK & German teams will continue to provide all our services up to and beyond Brexit



Readers will have seen over the last few weeks the situation relating to the UK's departure from the EU changing on an almost daily basis. Whilst we are unable to provide clarity on when and how the UK will leave the EU, you can be assured that our people, processes and systems are prepared for the changes that Brexit will bring.

We will be able to provide a seamless service throughout the Brexit transition period, whether that be immediate, short or long. Our UK and German teams will continue to provide all of our services across Europe both in the run up to Brexit and well beyond.

Our post Brexit advice can be found on our website at www.dyoung.com/knowledgebank/ip-brexit

Send your Brexit questions and/or request a link to our webinar "IP after Brexit: a practical guide to UK & EU trade mark and design practice" by emailing us at brexit@dyoung.com.

Contact details

London
Munich
Southampton

T +44 (0)20 7269 8550
F +44 (0)20 7269 8555

mail@dyoung.com
www.dyoung.com

To update your mailing preferences or to unsubscribe from this newsletter, please send your details to subscriptions@dyoung.com. Our privacy policy is available to view online at www.dyoung.com/privacy.

This newsletter is intended as general information only and is not legal or other professional advice. This newsletter does not take into account individual circumstances and may not reflect recent changes in the law. For advice in relation to any specific situation, please contact your usual D Young & Co advisor.

D Young & Co LLP is a limited liability partnership and is registered in England and Wales with registered number OC352154. A list of members of the LLP is displayed at our registered office. Our registered office is at 120 Holborn, London, EC1N 2DY. D Young & Co LLP is regulated by the Intellectual Property Regulation Board.

Copyright 2019 D Young & Co LLP. All rights reserved. 'D Young & Co', 'D Young & Co Intellectual Property' and the D Young & Co logo are registered trade marks of D Young & Co LLP.

Contributors

Partner, Trade Mark Attorney

Richard Burton
rpb@dyoung.com
www.dyoung.com/richardburton



Partner, Trade Mark Attorney

Helen Cawley
hjc@dyoung.com
www.dyoung.com/helencawley



Associate, Trade Mark Attorney

Jennifer Heath
jxh@dyoung.com
www.dyoung.com/jenniferheath



Partner, Trade Mark Attorney

Jackie Johnson
jhj@dyoung.com
www.dyoung.com/jackiejohnson



Trade Mark Attorney

Natasha O'Shea
nlo@dyoung.com
www.dyoung.com/natashaoshea



Partner, Trade Mark Attorney

Jeremy Pennant
jbp@dyoung.com
www.dyoung.com/jeremypennant



Associate, Rechtsanwältin

Yvonne Stone
yvs@dyoung.com
www.dyoung.com/yvonnestone

