

# NEWSLETTER

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# IP-PortaL

Platform for EU IP Law

MARCH 2018

ISSUE NO. 03

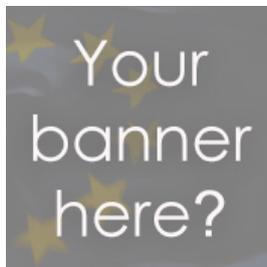
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### JOB OFFERS AND ADVERTISEMENTS



The Advanced Masters Intellectual Property Law and Knowledge Management (IPKM) feature specialisation tracks on international IP litigation practice, entrepreneurship and valorization, and claim drafting. In its common programme lawyers, economists, scientists and engineers mingle to deal with real-life problems in multidisciplinary teams.



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### MONTHLY CASE LAW OVERVIEW

#### Design law



***CJEU: the existence of alternative designs isn't decisive in order to ascertain whether the relevant features of appearance of a product are solely dictated by its technical function***

**[IPPT20180308, CJEU, Doceram v CeramTec](#)**

**[Design Law](#)** - In order to ascertain whether the features of appearance of a product are solely dictated by its

function, it must be established that the function is the only factor which dictated those characteristics: the

existence of alternative designs isn't decisive. In order to ascertain whether the product is solely dictated by its technical function, the national court must take account of all the circumstances relevant to the case; there is no need to base those findings on the 'objective observer'.

### ITEMS

#### News

**[IP 10109](#). 'China will strengthen punishment of intellectual property rights violations'**

Reuters: "China will strengthen punishment of intellectual property rights violations and provide equal protection to both Chinese and foreign companies, the head of the intellectual property rights office said on Tuesday.

Shen Changyu, commissioner of the State Intellectual Property Office, told reporters on the sidelines of China's annual meeting of parliament the regulator will also provide equal protection to big companies as well as small-and-medium businesses."



**[IP 10110](#). Dolby sues Adobe for dodging license fees**

The Register: "Audio specialist Dolby Labs is suing Adobe for copyright violation as the two companies sit at odds over licensing payments.

A complaint filed with the Northern California District Court accuses Adobe of violating its copyright on nine different media encoders and software routines. The complaint also alleges breach of contract, breach of warranty, and assertion of audit rights."

**[IP 10111](#). Joint statement European IP organisations regarding the negotiations concerning Brexit**

**Statement:** "[...] 2.1 Existing rights

Taking into account what has been said above we think that all existing EUTM registrations should be automatically entered onto the UK Trade Mark Register as UK trade mark registrations with the same scope of protection, registration date and, where applicable, priority and seniority. We suggest that the same approach is applied to RCDs. In the case of EUTM registrations, the EU 27 should propose to and encourage the UK government to provide that owners of EUTMs applicable in the UK should be deemed to have stated a bona fide intention to use the trade mark in the UK. The position under other EU Regulations, such as those relating to geographical indications and plant varieties, will also require consideration, including on the need to adopt national legislation in the UK to protect them where necessary. This way of handling existing rights, as suggested above, would provide a high level of certainty, because it would not require any action from the right holders."



***IP 10112. Trademark lawsuit  
against firm behind  
'Alibacoin' filed by Alibaba***

Reuters: "In a complaint filed in U.S. District Court in Manhattan, Alibaba said

Alibacoin Foundation's "prominent, repeated, and intentionally misleading" use of its trademarks is designed to confuse consumers to think its products are affiliated with or endorsed by the Chinese online retailer. [...]

Alibaba accused Alibacoin of using its "single-minded focus to capitalize on plaintiff's reputation for success" by using its trademarks "without alteration, in countless instances" to sell cryptoassets.

Despite Alibaba having repeatedly said "it is not interested in moving into the cryptocurrency space," confusion over its role has spread through media, and Alibacoin has "done nothing to combat or correct this confusion," the complaint said. [...]"

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