

NEWSLETTER

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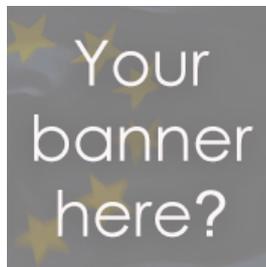
TABLE OF CONTENTS

Job offers and Advertisements	1
Monthly case law overview	1
Trade Mark Law.....	1
Calendar	1
News	1
Sponsors.....	3

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.



Advertising in this newsletter and on IP-PortaL is a great way to get the attention of the European IP-society for job offers, conferences and other IP related subjects. Advertising on IP-PortaL will get you a large banner on our website, a banner in our

newsletter, a news item on our website and a tweet to our followers.

MONTHLY CASE LAW OVERVIEW**Trade Mark Law**

IPPT20180428. EU trade mark HP not descriptive, sufficiently distinctive and registered in good faith

Trade Mark Law. General Court EU, Senetic v EUIPO: Senetic filed an application for a declaration of invalidity of the EU trade mark registrations of HP on the grounds that the marks were descriptive, lacked distinctiveness and that the registration of the marks was done in bad faith.

The actions brought before the General Court by Senetic were dismissed. The Court states that it cannot be generally asserted that a mark is descriptive simply because it consists of only one or two letters. Senetic did not provide sufficient evidence to establish a

sufficiently direct and specific relationship between the HP sign and the goods and services in question.

Furthermore, the Court does not think that there is a lack of distinctiveness because the mark is composed of elements lacking distinctive character. As the relevant public can understand the letters of the mark as referring to the surnames of the company founders (Hewlett and Packard) the lack of distinctive character cannot be accepted.

Lastly, the registration of the mark by HP was not done in bad faith; there is no evidence provided that HP knew or should have known of the use of the sign by third parties and there is no evidence of the use of the sign itself at the time of filing the application.

The General Court therefore upholds the trade mark and dismisses the actions of Senetic.

Calendar

IP 10125. UNION-IP Designs Round-Table in London on 8 June 2018

Union-IP organises the UNION-IP Designs Round-Table in London on 8 June 2018.

Address

The Royal Institution of Great Britain
21 Albemarle Street

Download the brochure [here](#). Register [here](#).

News

IP 10123. EUIPO: Design 'Bunch-O-Balloons' invalid

Mystic Products and Koopman International applied for a declaration of invalidity of the design below (No 001431829-0006). EUIPO has declared the design invalid after the application because it is dictated by its technical function with regard to the recent Doceram-judgment by the Court of Justice EU.

“According to a recent Court of Justice judgment, Article 8(1) CDR must be interpreted as meaning that, in order to determine whether the features of appearance of a product are exclusively dictated by its technical function, it must be established that the technical function is the only factor which determined those features, the existence of alternative designs not being decisive in that regard (judgment of 08/03/2018, C-395/16, DOCERAM, EU:C:2018:172, § 32).”

(Courtesy of Esther Schnepfer and Berber Brouwer, [Bergh Stoop & Sanders Advocaten](#))

IP 10124. HGF opens its 16th Office: Westport, Ireland

HGF bericht: “HGF are continuing to expand, with a strategic move into Ireland and the opening of its 16th office in Westport in the West of Ireland. The office location was chosen to capitalise on investments in the life sciences sector and be in close proximity to Galway, a globally recognised hub for MedTech

innovations. The new office will be led by Life Sciences Partner Craig Thomson, who will be supported by a team of Irish qualified patent and trade mark attorneys and the wider pool of talent throughout HGF.”

New Delegated Regulation and Implementing Regulation on the European Trade Mark Regulation

IP 10126. The Delegated Regulation (2018/625) and the Implementing Regulation (2018/626) has been published in the Official Journal of the European Union on 24 April 2018. Delegated Regulation (2017/1430) and Implementing Regulation (2017/1413) have been repealed.

Regulation (EU) 2018/625 of 5 March 2018 on the European Union trade mark has been published in the Official Journal of the European Union on 16 June 2017. The new Regulations have entered into force on 14 May 2018 and refer to Trade Mark Regulation 2017/1001 while the old Regulations referred to Trade Mark Regulation 207/2009.

IP 10127. Developer PUBG sues developer Fortnite due to copyright infringement.

The Korea Times States: “Korean game developer PUBG, a subsidiary of Bluehole, has filed a copyright violation lawsuit against U.S.-based Epic Games, asking a court to determine whether the latter's "Fortnite" was copied from the former's "PlayerUnknown's Battlegrounds.”

A PUBG official said Friday that the firm filed an injunction, alleging copyright infringement, with the Seoul Central District Court against Epic Games Korea.

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