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JOB OFFERS AND ADVERTISEMENTS**MONTHLY CASE LAW OVERVIEW****Copyright**

IP10193. Opinion AG CJEU: the copyright protection of a work of applied art does not require a stronger artistic character

Copyright. Case C-683/17: Cofemel v G-Star. Opinion A-G Szpunar van 2 mei 2019. Preliminary questions Supremo Tribunal de Justiça, Portugal :

“1) Article 2(a) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and neighbouring rights in the information society, as interpreted by the Court, precludes industrial drawings and designs from being protected by copyright only if they have a more artistic character than is normally required of other categories of works.

2) When applying for copyright protection for an industrial drawing or an industrial model, the national court must take account of the specific objectives and mechanisms of copyright, such as the protection, not of ideas, but of their expressions, and the criteria for finding that exclusive rights have been infringed. The national court may not apply the specific criteria applicable to design protection to copyright protection.”

Protected designation of origin

A registered name may be evoked through the use of figurative signs

IPPT20190502, CJEU, Fundación Queso Manchego v IQC

Protected designation of origin. Article 13(1)(b) of Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs must be interpreted as meaning that a registered name may be evoked through the use of figurative signs.

Patent law***CJEU on SCP concerning new formulation of an old active ingredient*****IPPT20190321, CJEU, Abraxis Bioscience**

Patent law. Marketing authorisation relied on in support of an application for a SPC concerning a new formulation of an old active ingredient, cannot be regarded as being the first marketing authorisation for the product concerned as a medicinal product in the case where that active ingredient has already been the subject of a marketing authorisation as an active ingredient.

ITEMS**News****IP 10194. Ariana Grande is being sued for copyright infringement by posting photos of herself**

PetaPixel message: “The singer is being sued by a photographer for posting his photos of her without permission on Instagram. The photographer just filed a copyright infringement lawsuit against Grande yesterday in the U.S. District Court for the Southern District of New York. The photographer is demanding either \$25,000 for each of the photos or profits Grande generated from posting it to her 154+ million followers on Instagram.”


IP 10195. Iron Maiden files lawsuit against ‘Iron Maiden’ over trademark infringement

Forbes.com: “They are plaintiffs in a trademark infringement lawsuit filed in California federal court. The suit is over a video game called “Iron Maiden,” produced by Danish company 3D Realms, which the band alleges infringes on its trademarked name “in an effort to confuse consumers into believing [3D Realms’] products and services are somehow affiliated with or approved by Iron Maiden.”

IP 10192. Guns N’ Roses files lawsuit against brewery over a drink called Guns ‘N’ Rosé

CNN: “Legendary rock band Guns N’ Roses has filed a lawsuit against a Colorado brewery for trademark infringement over a beer called Guns ‘N’ Rosé. The band claims that Canarchy Craft Brewing Collective’s Oskar Blues Brewery started selling the craft ale as early as 2018 without the band’s approval,

according to California court documents obtained by CNN. Merchandise such as hats, t-shirts, pint glasses, stickers, buttons, and bandanas carrying the Guns 'N' Rosé logo was also sold, the band says.



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