

International Trade Mark and Signs Protection

A Handbook

von

José de Oliveira Ascensão, Klaus Brandmeyer, Ottmar Franzen, A. Kelly Gill, Petr Hajn, Christian Hauer, Phillip Johnson, Paul van der Kooij, Paul Lange, Eugen Marbach, Kazuko Matsuo, Prof. Dr. Klaus Schmidt, Roland Schulz, Alexander Sergeev, Ivo Telec, Pascale Tréfigny, Hendrik Vanhees, Adriano Vanzetti, Peter Widmer, Yi Wenhui, Lian Yunze, Connie Zhuang, Jeremy Phillips

1. Auflage

[International Trade Mark and Signs Protection – Oliveira Ascensão / Brandmeyer / Franzen / et al.](#)

schnell und portofrei erhältlich bei beck-shop.de DIE FACHBUCHHANDLUNG

Thematische Gliederung:

[Markenrecht](#)



Verlag C.H. Beck München 2010

Verlag C.H. Beck im Internet:

www.beck.de

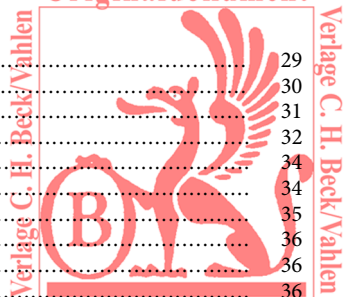
ISBN 978 3 406 57875 5

Table of Contents

Part 1. Country reports

Chapter 1. Austria	1
§ 1. Types of signs	2
A. Trade marks	2
I. Term and function	2
II. Special categories	3
B. Corporate signs	4
I. Term and function	4
II. Special categories	4
C. Domain names	4
D. Titles	5
I. Term and function	5
II. Special categories	5
E. Geographical indications	6
F. Names	6
G. Variety names	7
§ 2. Statutory regulations and their interrelationship	8
§ 3. Requirements of protection	10
A. Trade marks	10
I. Formal requirements	10
II. Substantive requirements	12
1. Capability of distinction	12
a) Distinctiveness	12
aa) Word marks	13
bb) Combined marks (word and logo)	14
cc) Figurative marks	15
dd) Three-dimensional marks	15
ee) Letter marks	16
ff) Numeral marks	16
gg) Colour marks	16
hh) Sound marks and others	17
b) Need to preserve availability	18
c) Common parlance	18
2. Distinctive character following use	18
3. Other requirements for protection	19
III. Genuine use and consequences of non-use	19
1. Survey	20
2. Ways of use	20
3. Use in a modified form	22
4. Extent and place of use	22
5. Period for use	24
6. Proper reasons for non-use	24
7. Consequences of non-use	24
IV. Priority date	24
V. Protection for foreign trade marks	25
B. Corporate signs	26
I. Formal requirements	26
1. Name	27
2. Company name	27
3. Particular business name	27
4. Presentation	28
II. Substantive requirements	28
1. Name	29

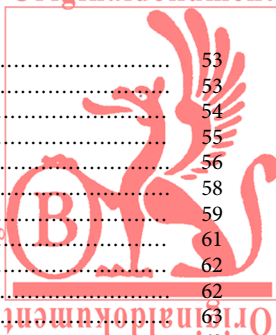


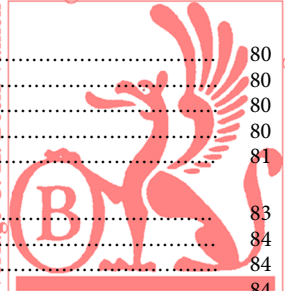


2.	Company name	29
3.	Particular business name	30
4.	Presentation	31
III.	Use and consequences of non-use	32
IV.	Priority date	34
V.	Protection for foreign corporate signs	34
C.	Domain names	35
D.	Titles	36
E.	Geographical indications	36
F.	Names	36
§ 4.	Ownership, transfer, licensing	37
A.	Trade marks	37
I.	Proprietorship	37
II.	Transfer	37
III.	Licence	38
B.	Corporate signs	38
I.	Proprietorship	39
II.	Transfer	39
III.	Licence	39
C.	Domain names	39
I.	Proprietorship	39
II.	Transfer	39
III.	Licence	40
D.	Titles	40
I.	Proprietorship	40
II.	Transfer and licence	40
E.	Geographical indications	40
F.	Names	41
§ 5.	Loss of protection	42
A.	Trade marks	42
I.	Non-use	42
II.	Absolute grounds of invalidity	42
III.	Bad faith	43
IV.	Other reasons	43
B.	Corporate signs	43
I.	Non-use	43
II.	Other reasons for invalidity	44
C.	Domain names	44
I.	Non-use	44
II.	Other reasons for invalidity	44
D.	Titles	44
E.	Names	45
§ 6.	Conflict with earlier rights	46
A.	Earlier trade mark	47
I.	Later trade mark	47
II.	Later corporate sign	48
III.	Other later trade marks and other later rights	48
B.	Earlier corporate sign	48
I.	Later trade mark	48
II.	Later corporate sign	48
III.	Other later trade marks and other later rights	49
C.	Earlier domain name	49
D.	Earlier title	49
E.	Earlier geographical indication	49
F.	Earlier name	49
§ 7.	Scope of protection	50
A.	Trade marks	50
I.	Acts of infringement	50

Table of Contents

II. Protection of identity	53
III. Protection against confusion	53
1. Principles of likelihood of confusion	54
2. Similarity of trademarks	55
a) Phonetical and visual similarity	56
b) Conceptual similarity	58
3. Similarity of goods/services	59
4. Degree of distinctiveness	61
5. Types of likelihood of confusion	62
IV. Protection of well-known trade-marks	62
V. Use of one's own name	63
B. Corporate signs	63
I. Acts of infringement	64
II. Protection of identity	64
III. Protection against confusion	65
1. Principles of likelihood of confusion	65
2. Similarity of signs	65
3. Common field of activity	65
4. Degree of distinctiveness	65
5. Types of likelihood of confusion	65
IV. Protection of well-known corporate designations	66
V. Use of one's own name	66
C. Domain names	66
D. Titles	67
E. Geographical indications	67
F. Names	68
§ 8. Defences	69
A. Non-use	69
I. Trade marks	69
II. Corporate signs	70
B. Name, address, and descriptive information	70
C. Exhaustion	70
I. Trade marks	70
II. Corporate signs	71
D. Acquiescence	71
I. Trade marks	71
II. Corporate signs	72
E. Statute of limitation	72
F. Abuse of law	72
G. Contradictory earlier right	73
H. Deception	73
I. Other defences	74
§ 9. Claims in cases of infringement	75
A. Injunction	75
B. Damages	75
C. Other claims	76
I. Disclosure and accounting search	76
II. Cancellation	76
III. Elimination	76
IV. Seizure at the border	76
D. Transposition of Community law	77
§ 10. Infringement proceedings	78
A. Ordinary proceedings before the court	78
B. Interim relief	78
C. Proceedings before the patent office	79
I. Opposition proceedings	79
II. Cancellation proceedings	79
D. Criminal offences	79



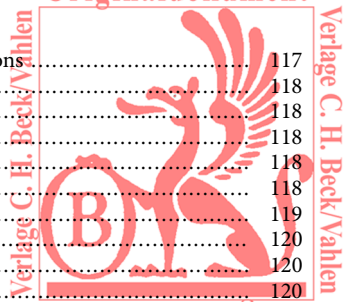


§ 11. Strategy for the protection of signs	80
A. Prevention by research	80
B. Necessity of trade mark registration	80
C. Necessity of company formation	80
List of abbreviations	81
Chapter 2. Belgium	83
§ 1. Types of signs	84
A. Trade marks	84
I. Term and function	84
II. Special categories	85
B. Corporate signs	85
I. Term and function	85
II. Special categories	86
C. Domain names	87
D. Titles	88
I. Term and function	88
II. Special categories	88
E. Geographical indications	88
F. Names	88
G. Other signs	89
§ 2. Statutory regulations and their interrelationship	90
§ 3. Requirements of protection	92
A. Trade marks	92
I. Formal requirements	92
II. Substantive requirements	93
1. Capability of distinction	93
2. Distinctive character following use	93
3. Other requirements for protection	93
III. Genuine use and the consequences of non-use	93
1. Survey	93
2. Ways of use	93
3. Used in a modified form	93
4. Extent and place of use	93
5. Period for use	93
6. Proper reasons for non-use	93
7. Consequences of non-use	93
IV. Priority date	93
V. Protection for trade marks registered abroad	94
B. Corporate signs	94
I. Formal requirements	94
II. Substantive requirements	94
1. Inherent distinctive character	95
2. Reputation	95
3. Distinctive character following use	95
4. Other requirements for protection	96
III. Use and consequences of non-use	96
IV. Priority date	97
V. Protection for foreign corporate designations	97
C. Domain names	98
D. Titles	98
E. Geographical indications	98
F. Names	99
G. Other signs	99
§ 4. Ownership, transfer, licensing	100
A. Trade marks	100
B. Corporate signs	100
C. Domain names	101

Table of Contents

I. Ownership	101
II. Transfer and licensing	101
D. Titles	101
E. Geographical indications	101
F. Names	102
G. Other signs	102
I. Ownership	102
II. Assignment	102
III. Licensing	103
§ 5. Loss of protection	104
A. Trade marks	104
I. Non-use	104
II. Absolute grounds of invalidity	104
III. Bad faith	104
IV. Other reasons	104
B. Corporate signs	104
I. Non-use	104
II. Reasons for invalidity	105
C. Domain names	105
D. Titles	106
E. Geographical indications	106
F. Names	107
G. Other signs	107
§ 6. Conflict with earlier rights	108
A. Earlier trade mark	108
I. Later trade mark	108
II. Later corporate designation	108
III. Later other signs and later other rights	108
B. Earlier corporate sign	109
I. Later trade mark	109
II. Later corporate sign	110
III. Other later signs and rights	110
C. Earlier domain name	111
D. Earlier title	111
E. Earlier geographical indication	111
F. Earlier name	111
G. Other earlier rights	112
§ 7. Scope of protection	113
A. Trade marks	113
I. Acts of infringement	113
II. Protection against identical marks/goods	113
III. Protection against similar marks/goods	113
1. Principles of likelihood of confusion	113
2. Similarity of marks	113
3. Similarity of goods/service	113
4. Degree of distinctiveness	113
5. Types of likelihood of confusion	114
IV. Protection of well-known trademarks	114
V. Use of one's own name	114
B. Corporate signs	114
I. Acts of infringement	114
II. Protection against identical corporate designations	115
III. Protection against likelihood of confusion	115
1. Principles of likelihood of confusion	115
2. Similarity of corporate signs	116
3. Common field of activity	117
4. Degree of distinctiveness	117
5. Types of likelihood of confusion	117

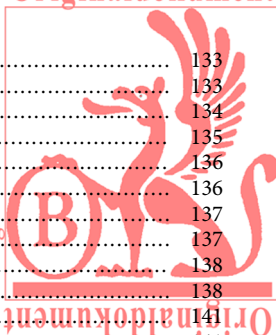


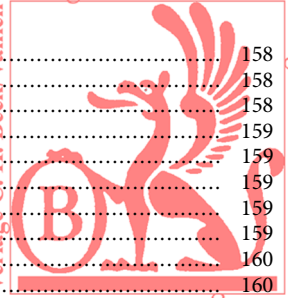


IV. Protection of well-known corporate designations	117
V. Use of one's own name	118
C. Domain names	118
D. Titles	118
E. Geographical indications	118
F. Names	118
G. Other rights	119
§ 8. Defences	120
A. Non-use	120
I. Trade marks	120
II. Corporate designations	120
III. Other signs	120
B. Name, address and descriptive information	121
C. Exhaustion	121
I. Trade marks	121
II. Corporate designations	121
III. Other signs	121
D. Acquiescence	122
I. Trade marks	122
II. Corporate designations	122
III. Other signs and rights	122
E. Statute of limitation	122
F. Abuse of law	122
G. Contradictory earlier right	123
H. Deception	123
I. Other defences	123
§ 9. Claims in cases of infringement	124
A. Injunction	124
B. Damages	124
C. Other Claims	124
I. Disclosure and accounting search orders	124
II. Cancellation	125
III. Seize orders	125
IV. Seizure at the border	125
§ 10. Infringement proceedings	126
A. Ordinary proceedings before the court	126
B. Interim relief	126
C. Proceedings before the patent office	127
I. Opposition proceedings	127
II. Cancellation proceedings	127
D. Criminal offences	127
§ 11. Strategy for the protection of signs	128
A. Prevention by research	128
B. Necessity of trade mark registration	128
C. Necessity of company formation	128
Chapter 3. Canada	129
§ 1. Types of signs	130
A. Trade marks	130
I. Term and function	130
II. Special categories	131
B. Corporate designations	131
I. Term and function	131
II. Special categories	132
C. Domain names	132
D. Titles	132
I. Term and function	132
II. Special categories	133

Table of Contents

E.	Geographical indications	133
F.	Names	133
G.	Other signs	134
§ 2.	Statutory regulations and their interrelationship	135
§ 3.	Requirements of protection	136
A.	Trade marks	136
I.	Formal requirements	137
II.	Substantive requirements	137
1.	Capability of distinction	138
a)	Distinctiveness	138
aa)	Word marks	141
bb)	Combined word and device marks	141
cc)	Device marks	141
dd)	Three-dimensional marks	141
ee)	Letter marks	141
ff)	Numeral marks	141
gg)	Colour marks	141
hh)	Sound and other marks	141
b)	Possibility to serve in trade as a descriptive designation	141
c)	Generic signs	141
2.	Distinctive character following use	142
III.	Genuine use and consequences of non-use	142
1.	Survey	142
2.	Ways of use	142
3.	Use in a modified form	143
4.	Extent and place of use	144
5.	Period for use	144
6.	Proper reasons for non-use	145
7.	Consequences of non-use	145
IV.	Priority date	145
V.	Protection for trade marks registered abroad	146
B.	Corporate signs	147
I.	Formal requirements	147
II.	Substantive requirements	148
1.	Inherent distinctive character	150
2.	Distinctive character following use	150
3.	Other requirements for protection	150
III.	Use and consequences of non-use	150
IV.	Priority date	150
V.	Protection for foreign corporate signs	151
C.	Domain names	151
D.	Titles	151
I.	Formal requirements	151
II.	Substantive requirements	151
E.	Geographical indications	151
F.	Names	151
G.	Other signs	152
§ 4.	Ownership, transfer, licensing	153
A.	Trade marks	153
B.	Corporate signs	154
C.	Domain names	154
D.	Titles	154
E.	Geographical indications	154
F.	Names	155
G.	Other signs	155
§ 5.	Loss of protection	156
A.	Trade marks	156
I.	Non-use	157





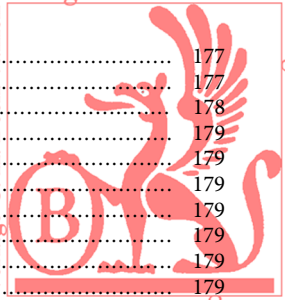
II. Absolute grounds of invalidity	158
III. Bad faith	158
IV. Other reasons	158
B. Corporate signs	159
I. Non-use	159
II. Reasons for invalidity	159
C. Domain names	159
D. Titles	159
E. Geographical indications	160
F. Names	160
G. Other signs	160
§ 6. Conflict with earlier rights	161
A. Earlier trade mark	161
I. Later trade mark	161
II. Later corporate designation	161
III. Later other signs and later other right	161
B. Earlier corporate sign	162
I. Later trade-mark	162
II. Later corporate designation	162
III. Later other signs and later other right	162
C. Earlier domain name	162
D. Earlier title	163
E. Earlier geographical indication	163
F. Earlier name	163
G. Earlier other rights	163
§ 7. Scope of protection	164
A. Trade marks	164
I. Acts of infringement	164
II. Protection against identical marks/goods	165
III. Protection against similar marks/goods	165
1. Principles of likelihood of confusion	166
2. Similarity of marks	169
a) Phonetical similarity	170
b) Visual similarity	170
c) Conceptual similarity	172
3. Similarity between goods/service	172
4. Degree of distinctiveness	172
IV. Protection of well-known trade-marks	174
V. Use of one's own name	174
B. Corporate signs	174
I. Acts of infringement	175
II. Protection against identical corporate designations	175
III. Protection against likelihood of confusion	175
1. Principles of likelihood of confusion	175
2. Similarity of corporate signs	175
3. Common field of activity	175
4. Degree of distinctiveness	176
5. Types of likelihood of confusion	176
IV. Protection of well-known corporate signs	176
V. Use of one's own name	176
C. Domain names	176
D. Titles	176
I. Acts of infringement	177
II. Protection against identical titles	177
III. Protection against likelihood of confusion	177
IV. Protection of well-known titles	177
E. Geographical indications	177

Table of Contents

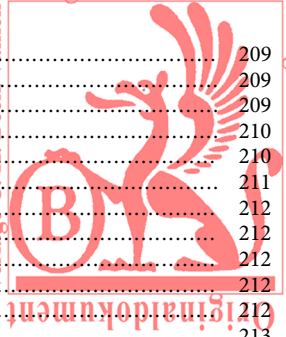
Originaldokument

Verlage C. H. Beck/Vahlen

Verlage C. H. Beck/Vahlen



F. Names	177
G. Scope of protection of other rights	177
§ 8. Defences	178
A. Non-use	179
I. Trade marks	179
II. Corporate designations	179
III. Others signs	179
B. Name, address and descriptive information	179
C. Exhaustion	179
I. Trade marks	179
II. Corporate designations	180
III. Other signs	180
D. Acquiescence	180
I. Trade marks	180
II. Corporate designations	180
III. Others signs and rights	180
E. Prescriptions under the Statutes of Limitations	180
F. Abuse of law	181
G. Contradictory earlier right	181
H. Deception	181
I. Other defences	181
§ 9. Claims in cases of infringement	183
A. Injunction	183
B. Damages	184
C. Other claims	184
I. Disclosure and accounting search orders	184
II. Cancellation	185
III. Seize orders	185
IV. Seizure at the border	185
§ 10. Infringement proceedings	186
A. Ordinary proceedings before the court	186
B. Interim relief	186
C. Proceedings before the patent office	186
I. Opposition proceedings	186
II. Cancellation proceedings	187
D. Criminal offences	189
§ 11. Strategy for the protection of signs	191
A. Prevention by research	191
B. Necessity of trade mark registration	191
C. Necessity of company information	191
List of abbreviations	192
Chapter 4. China	193
§ 1. Types of signs	194
A. Trade marks	194
I. Term and function	194
II. Special categories	196
B. Corporate signs	197
I. Term and function	197
II. Special categories	199
C. Domain names	199
D. Titles	201
I. Term and function	201
II. Special categories	201
E. Geographical indications	201
F. Names	203
G. Other signs	204
§ 2. Statutory regulations and their interrelationship	205

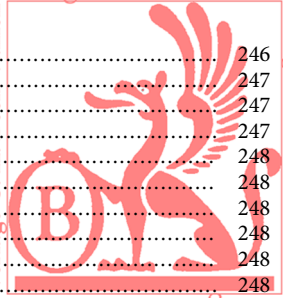


§ 3. Requirements of protection	209
A. Trade marks	209
I. Formal requirements	209
II. Substantive requirements	210
1. Capability of distinction	210
a) Distinctiveness	211
aa) Word marks	212
bb) Device marks	212
cc) Combined word and device marks	212
dd) Three-dimensional marks	212
ee) Letter marks	212
ff) Numeral marks	213
gg) Colour marks	213
hh) Sound and other marks	213
b) Possibility to serve in trade as a descriptive designation	213
c) Generic signs	213
2. Distinctive character following use	213
3. Other requirements for protection	214
III. Genuine use and consequences of non-use	215
1. Survey	215
2. Ways of use	215
3. Use in a modified form	216
4. Extent and place of use	216
5. Period for use	217
6. Proper reasons for non-use	217
7. Consequences of non-use	217
IV. Priority date	217
V. Protection for trade marks registered abroad	218
B. Corporate signs	219
I. Formal requirements	219
II. Substantive requirements	220
1. Distinctive character	220
2. Other requirements for protection	220
III. Use and consequences of non-use	221
IV. Priority date	221
V. Protection for foreign corporate signs	222
C. Domain names	223
D. Titles	223
E. Geographical indications	223
F. Names	224
G. Other signs	224
§ 4. Ownership, transfer, licensing	225
A. Trade marks	226
I. Ownership	226
II. Transfer	226
III. Licensing	226
B. Corporate signs	226
I. Ownership	226
II. Transfer	226
III. Licensing	227
C. Domain names	227
I. Ownership	227
II. Transfer	227
III. Licensing	227
D. Titles	227
I. Ownership	227
II. Assignment	227
III. Licensing	227

Table of Contents

E.	Geographical indications	227
I.	Ownership	227
II.	Transfer	227
III.	Licensing	228
F.	Names	228
I.	Ownership	228
II.	Transfer	228
III.	Licensing	228
G.	Other signs	228
I.	Ownership	228
II.	Assignment	228
III.	Licensing	228
§ 5.	Loss of protection	229
A.	Trade marks	229
I.	Non-use	229
II.	Absolute grounds of invalidity	229
III.	Bad faith	230
IV.	Other reasons	230
B.	Corporate signs	231
I.	Non-use	231
II.	Reasons for invalidity	231
C.	Domain names	231
D.	Titles	231
E.	Geographical indications	232
F.	Names	232
G.	Other signs	232
§ 6.	Conflict with earlier rights	234
A.	Earlier trade mark	234
I.	Later trade mark	235
II.	Later corporate designation	235
III.	Later other signs and later other right	235
B.	Earlier corporate sign	236
I.	Later trade mark	236
II.	Later trade name	236
III.	Later other signs and later other right	237
C.	Earlier domain name	237
D.	Earlier title	238
E.	Earlier geographical indication	238
F.	Earlier name	238
G.	Earlier other rights	238
§ 7.	Scope of protection	239
A.	Trade marks	239
I.	Acts of infringement	239
II.	Protection against identical marks/goods	240
III.	Protection against similar marks/goods	240
1.	Principles of likelihood of confusion	242
2.	Similarity of marks	242
a)	Phonetical similarity	243
b)	Visual similarity	243
aa)	Similarity of word marks	243
bb)	Similarity of device trade marks	244
cc)	Similarity of combined trade marks	244
c)	Conceptual similarity	244
3.	Similarity between goods/service	245
4.	Degree of distinctiveness	245
5.	Types of likelihood of confusion	245
IV.	Protection of well-known trade marks	246
V.	Use of one's own name	246





B.	Corporate signs	246
I.	Acts of infringement	247
II.	Protection against identical trade names	247
III.	Protection against likelihood of confusion	247
1.	Principles of likelihood of confusion	248
2.	Similarity of trade names	248
3.	Common field of activity	248
4.	Degree of distinctiveness	248
5.	Types of likelihood of confusion	248
IV.	Protection of well-known trade names	248
V.	Use of one's own name	248
C.	Domain names	248
D.	Titles	249
E.	Geographical indications	249
F.	Names	249
G.	Other signs	249
§ 8.	Defences	250
A.	Non-use	250
I.	Trade marks	250
II.	Trade names	250
III.	Others signs	250
B.	Name, address and descriptive information	251
C.	Exhaustion	251
D.	Acquiescence	251
E.	Statute of limitation	252
F.	Abuse of law	252
G.	Contradictory earlier right	252
H.	Deception	252
I.	Other defences	252
§ 9.	Claims in cases of infringement	253
A.	Injunction	253
B.	Damages	253
C.	Other claims	254
I.	Disclosure and accounting search orders	254
II.	Cancellation	254
III.	Seize orders	254
IV.	Seizure at the border	254
§ 10.	Infringement proceedings	255
A.	Ordinary proceedings before the court	255
B.	Interim relief	255
C.	Proceedings before the trade mark office	255
I.	Opposition proceedings	256
II.	Cancellation proceedings	256
D.	Criminal offences	256
§ 11.	Strategy for the protection of signs	257
A.	Prevention by research	257
B.	Necessity of trade mark registration	257
C.	Necessity of company formation	258
	Table of legislation	259
Chapter 5.	Czech Republic	261
§ 1.	Types of signs	262
A.	Trade marks	262
I.	Term and function	262
II.	Special categories	263
B.	Corporate designations	263
I.	Term and function	263
II.	Special categories	265

Table of Contents

C. Domain names	267
D. Titles	268
I. Term and function	268
II. Special categories	270
E. Geographical indications	270
F. Names	271
G. Other signs	272
§ 2. Statutory regulations and their interrelationship	273
§ 3. Requirements of protection	275
A. Trade marks	275
I. Formal Requirements	275
II. Substantive Requirements	276
III. Genuine use and consequences of non-use	280
IV. Priority date	280
V. Protection of trade marks registered abroad	280
B. Corporate designations	281
I. Formal requirements	281
II. Substantive requirements	281
1. Inherent distinctive character	281
2. Distinctive character following use	282
3. Other requirements for protection	282
III. Use and consequences of non-use	282
IV. Priority date	283
V. Protection for foreign corporate signs	283
C. Domain names	283
D. Titles	283
I. Formal requirements	284
II. Substantive requirements	284
E. Geographical indications	284
I. National laws	284
II. Council Regulation (EC) No 510/06	284
F. Names	285
G. Other signs	285
§ 4. Ownership, transfer, licensing	286
A. Trade marks	286
B. Corporate signs	288
C. Domain names	288
D. Titles	289
E. Geographical indications	289
F. Names	289
G. Other signs	290
§ 5. Loss of protection	291
A. Trade marks	291
B. Corporate signs	292
I. Non-use	292
II. Reason for invalidity	292
C. Domain names	292
D. Titles	293
E. Geographical indications	293
F. Names	293
G. Other signs	293
§ 6. Conflict with earlier rights	294
A. Earlier trade mark	294
B. Earlier corporate sign	296
C. Earlier domain name	296
D. Earlier title	296
E. Earlier geographical indication	296

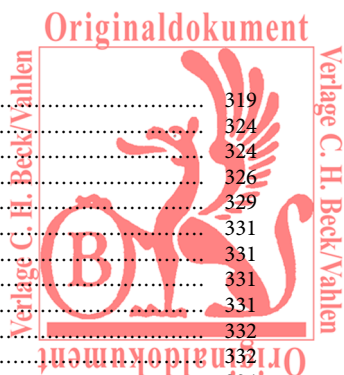


F. Earlier name	296
G. Other earlier right	296
§ 7. Scope of protection	298
§ 8. Defences	299
A. Non-use	300
I. Trade marks	300
II. Corporate designations	300
III. Other signs	300
B. Name, address and descriptive information	300
I. Trade marks	300
II. Corporate designations	301
III. Other signs	301
C. Exhaustion	301
I. Trade marks	301
II. Corporate designations	301
III. Other signs	301
D. Acquiescence	301
I. Trade marks	301
II. Corporate designations	302
III. Other signs and rights	302
E. Prescriptions under the Statutes of Limitations	302
I. Trade marks	302
II. Corporate designations	302
III. Other signs	302
F. Abuse of law	303
I. Trade marks	303
II. Corporate designations	303
III. Other signs	303
G. Contradictory earlier right	303
I. Trade marks	303
II. Corporate designations	304
III. Other signs	304
H. Cancellation	304
I. Trade marks	304
II. Corporate designations	304
III. Other signs	305
I. Other defences	305
I. Trade marks	305
II. Corporate designations	305
III. Other signs	305
§ 9. Claims in the case of infringement	306
§ 10. Infringement proceedings	308
A. Ordinary proceedings before the court	308
B. Interim relief	309
C. Proceedings before the patent office	309
I. Opposition proceedings	309
II. Cancellation proceedings	310
D. Criminal offences	310
§ 11. Strategy for the protection of signs	311
A. Prevention by research	311
B. Necessity of trade mark registration	311
C. Necessity of company formation	311
Table of statutes	312
Chapter 6. France	313
§ 1. Types of signs	314
A. Trade marks	314
I. Term and function	314



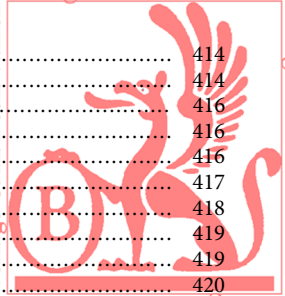
Table of Contents

II. Special categories	319
B. Corporate signs	324
I. Term and function	324
II. Special categories	326
C. Domain names	329
D. Titles	331
I. Term and function	331
II. Special categories	331
E. Geographical indications	331
F. Names	332
G. Other signs	332
§ 2. Statutory regulations and their interrelationship	334
§ 3. Requirements of protection	336
A. Trade marks	336
I. Formal requirements	336
1. The application for registration	337
2. The observation and opposition procedure	339
a) Observations	339
b) The opposition	339
3. The registration	340
4. The renewal	341
6. Well-known trademarks	342
II. Substantive requirements	342
1. Graphical representation	343
2. Distinctive character	343
a) Statutory regulations	343
b) Content	344
3. Types of trade mark	349
a) Word marks	349
aa) Words and combination of words	349
bb) Surname	350
cc) Pseudonyms	353
dd) Geographical names	353
ee) Letters, numerals and abbreviations	354
b) Combined word and device marks	355
c) Device marks	355
d) Three-dimensional marks	356
e) Colour marks	356
f) Sound marks	358
g) Olfactory marks	359
4. Lawful character	360
a) Article 6 ter of the Paris Convention	360
b) Public policy	361
c) Deception	361
5. Availability	362
a) Prior rights due to a trade mark	363
b) Prior rights resulting from a company name	364
c) Prior rights resulting from a trade name or a shop sign	365
d) Prior rights resulting from an appellation of origin	366
e) Prior rights resulting from copyright	367
f) Prior rights resulting from a personality right	368
g) Prior rights resulting from the name and image of a local authority	368
h) Other possible prior rights	368
III. Genuine use and consequences of non-use	370
1. Survey	370
2. Ways of use	372
3. Use in a modified form	372

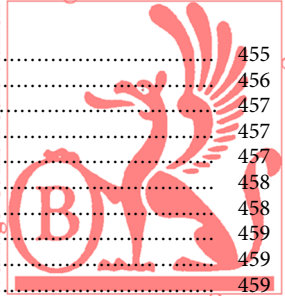


4.	Extent and place of use	374
5.	Period for use	375
6.	Proper reasons for non-use	376
7.	Consequences of unjustified non-use	376
IV.	Priority date	377
V.	The protection for foreign trade marks	377
B.	Corporate signs	378
I.	Formal requirements	378
II.	Substantive requirements	379
III.	Use and consequences of non-use	379
IV.	Protection for foreign corporate signs	379
C.	Domain names	380
D.	Titles	380
E.	Geographical indications	380
I.	The national regulation	380
II.	The Community regulation	382
§ 4.	Ownership, transfer, licensing	384
A.	Trade marks	385
I.	Transfer	387
II.	Licensing	388
B.	Corporate signs	392
C.	Domain names	392
D.	Titles	392
E.	Geographical indications	392
§ 5.	Loss of protection	393
A.	Trade marks	393
I.	Non-use	393
II.	Dilution	393
III.	Deception	393
IV.	Bad faith	394
V.	Absolute grounds of invalidity	394
B.	Corporate signs	394
C.	Domain names	394
D.	Geographical indications	396
§ 6.	Conflict with earlier rights	397
A.	Earlier trade mark	397
B.	Earlier corporate sign	397
C.	Earlier domain name	397
D.	Earlier title	397
E.	Earlier geographical indication	398
F.	Other earlier rights	398
§ 7.	Scope of protection	399
A.	Trade marks	399
I.	Acts of infringement	400
1.	Reproduction of the identical sign	401
2.	Protection against identical products	405
3.	Protection against similar goods	405
4.	Imitation of the signs	407
a)	Phonetical similarity	407
b)	Visual similarity	408
c)	Conceptual or intellectual similarity	408
5.	Likelihood of confusion	409
6.	Protection of the well-known nature of a trademark	410
7.	Use of one's own name	410
II.	Other criminal acts	410
B.	Corporate signs	413
C.	Domain names	413





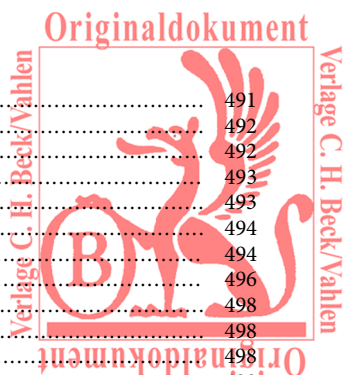
D. Titles	414
E. Geographical indications	414
§ 8. Defences	416
A. Non-use, dilution, deception	416
B. Name, address and descriptive information	416
F. Exhaustion	417
D. Acquiescence	418
E. Statute of limitation	419
F. Abuse of law	419
G. Other defences	420
§ 9. Claims in cases of infringement	422
A. Injunction	422
B. Damages	422
C. Other claims	424
I. Cancellation	424
II. Fines and imprisonment	424
III. Publication and other supplementary measures	425
§ 10. Infringement proceedings	427
A. Preventive actions	427
I. Seize orders	427
II. Seizure at the border	430
B. Ordinary proceedings before the court	431
C. Interim relief	433
§ 11. Strategy for the protection of signs	435
A. Prevention by research	435
B. Necessity of trade mark registration	435
C. Necessity of company formation	436
Chapter 7. Germany	437
§ 1. Types of signs	438
A. Trade marks	438
I. Term and function	438
II. Special categories	440
B. Corporate signs	441
I. Term and function	441
II. Special categories	441
C. Domain names	443
D. Titles	443
E. Geographical indications	444
F. Names	445
G. Other signs	445
§ 2. Statutory regulations and their interrelationship	446
§ 3. Requirements of protection	447
A. Trade marks	447
I. Formal Requirements	447
II. Substantive Requirements	448
1. Capability of distinction	448
a) Distinctiveness	448
aa) Word marks	450
bb) Figurative and word marks	450
cc) Figurative marks	450
dd) Three-dimensional marks	451
ee) Letter marks	451
ff) Numeral marks	452
gg) Colour marks	452
hh) Sound marks etc.	452
b) Need to keep free	452
c) Common parlance	455

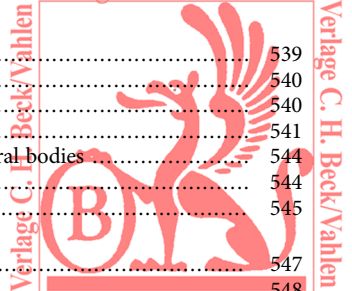


2.	Distinctive character following use	455
3.	Other requirements for protection	456
III.	Use and the consequences of lack of use	457
1.	Survey	457
2.	Ways of use	457
3.	Use in a modified form	458
4.	Extent and place of use	458
5.	Period for use	459
6.	Proper reasons for non-use	459
7.	Consequences of non-use	459
IV.	Priority date	460
V.	Protection of foreign trademarks	461
B.	Corporate signs	462
I.	Formal requirements	462
II.	Substantive requirements	462
1.	Inherent distinctive character	462
2.	Distinctive character following use	464
3.	Other requirements for protection	464
III.	Geographical scope of protection	464
IV.	Use and consequences of lack of use	464
V.	Priority date	465
VI.	Protection for foreign trade names	465
C.	Domain names	466
D.	Titles	466
I.	Foundation	466
II.	Requirements	467
E.	Geographical indications	467
I.	National legislation	467
II.	Regulation (EC) No 510/2006 (certain agricultural products and foodstuffs)	468
III.	Regulations (EC) No 479/2008 (Wine) and (EC) No 110/2008 (Spirits) ..	470
F.	Names	470
§ 4.	Ownership, transfer, management, licensing	472
A.	Trade marks	472
B.	Corporate signs	474
C.	Domain names	475
D.	Titles	476
E.	Geographical indications	476
F.	Names	476
§ 5.	Loss of protection	478
A.	Trade marks	478
I.	Non-use	478
II.	Absolute grounds for refusal	480
III.	Bad faith	482
IV.	Other grounds for cancellation	482
B.	Corporate signs	486
I.	Lack of use	486
II.	Other grounds for invalidity	486
C.	Domain names	487
D.	Titles	488
E.	Geographical indications	488
F.	Names	489
G.	Other signs	489
§ 6.	Conflict with earlier rights	490
A.	Earlier trade mark	490
B.	Earlier corporate sign	490
C.	Earlier domain name	491
D.	Earlier title	491

Table of Contents

E.	Earlier geographical indication	491
F.	Earlier name	492
G.	Other earlier rights	492
§ 7.	Scope of protection	493
A.	Trade marks	493
I.	Acts of infringement	494
1.	Essence of usage	494
2.	Ways of use	496
II.	Protection of identity	498
III.	Protection against confusion	498
1.	Principles of likelihood of confusion	498
2.	Trademark/sign identity or similarity	499
3.	Goods/services identity or similarity	501
4.	Degree of Distinctiveness of earlier trademark	501
5.	Types of likelihood of confusion	502
IV.	Protection of well-known trademarks	503
V.	Use of one's own name	505
B.	Corporate signs	505
I.	Acts of infringement	506
II.	Protection against identical corporate signs	507
III.	Protection against likelihood of confusion	507
IV.	Protection of well-known corporate signs	509
V.	Use of one's own name and coexistence situations	509
C.	Domain names	510
D.	Titles	510
E.	Geographical indications	511
F.	Names	514
G.	Other rights	515
§ 8.	Defences	516
A.	Non-use	516
B.	Name, address and descriptive information	517
C.	Exhaustion	519
D.	Acquiescence	520
E.	Statute of limitation	522
F.	Abuse of law	524
G.	Contradictory earlier right	525
H.	Deception	525
I.	Other defences	525
§ 9.	Claims in cases of infringement	528
A.	Injunction	528
B.	Payment	529
I.	Claims in damages	529
II.	Unjust enrichment claims	529
III.	Agency without specific authorisation claims	530
C.	Other claims	530
I.	Disclosure and accounting search	530
II.	Cancellation	532
III.	Elimination	532
IV.	Seizure at the border	534
V.	Other claims	535
D.	Alternative protective devices	536
§ 10.	Infringement proceedings	537
A.	Ordinary proceedings before the court	537
I.	Injunction	537
II.	Declaratory action	538
III.	Claim in damages	539
IV.	Action for disclosure of information	539



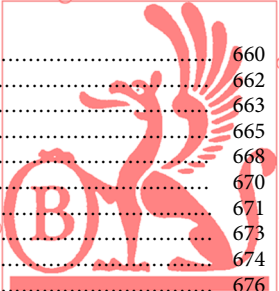


V. Elimination action	539
VI. Defensive counter-action to opposition	540
B. Interim relief	540
C. Administrative procedures	541
D. Non-judicial procedure before domain name arbitral bodies	544
E. The risks involved in legal proceedings	544
§ 11. Strategy for the protection of signs	545
Chapter 8. Italy	547
Preamble	548
§ 1. Types of signs	549
A. Trade Marks	549
I. Term and function	549
II. Special categories	551
B. Corporate Signs	556
I. Term and function	556
II. Special categories	557
C. Domain names	559
D. Titles	559
I. Term and function	559
II. Special categories	560
E. Geographical indications	560
F. Names	562
G. Other signs	563
§ 2. Statutory regulations and their interrelationship	565
§ 3. Requirements of Protection	569
A. Trade marks	569
I. Formal requirements	569
II. Substantive Requirements	573
1. Capability of distinction	573
a) Distinctiveness	574
b) Possibility of serving in trade as a descriptive designation	575
c) Generic signs	578
2. Distinctive character following use	580
3. Other requirements for protection	582
III. Genuine use and the consequences of non-use	586
1. Survey	586
2. Ways of use	587
3. Use in a modified form	588
4. Extent and place of use	589
5. Period for use	590
6. Proper reasons for non-use	590
7. Consequences of non-use	590
IV. Priority date	591
V. Protection for trade marks registered abroad	592
B. Corporate signs	593
I. Formal Requirements	593
II. Substantive requirements	595
1. Inherent distinctive character	595
2. Distinctive character following use	596
3. Other requirements for protection	596
III. Use and consequences of non-use	596
IV. Priority date	598
V. Protection for foreign corporate signs	599
C. Domain names	600
D. Titles	602
I. Formal requirements	602
II. Substantive Requirements	602

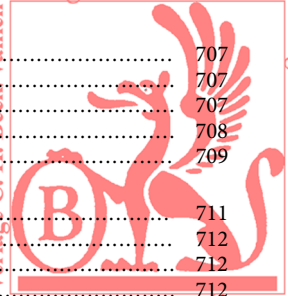
Table of Contents

E.	Geographical indications	603
F.	Names	606
G.	Other signs	606
§ 4.	Ownership, assignment, licensing	607
A.	Trade marks	607
I.	Ownership	607
II.	Assignment	608
III.	Licensing	611
B.	Corporate signs	612
I.	Ownership	612
II.	Assignment	613
III.	Licensing	615
C.	Domain names	615
I.	Ownership	615
II.	Assignment and licensing	615
D.	Titles	615
I.	Ownership	615
II.	Assignment and licensing	617
E.	Geographical indications	617
I.	Ownership	617
II.	Assignment and licensing	619
F.	Names	619
I.	Ownership	619
II.	Assignment and licensing	623
G.	Other signs	623
§ 5.	Loss of protection	624
A.	Trade Marks	624
I.	Non-use	625
II.	Absolute grounds for invalidity	628
III.	Bad faith	629
IV.	Other reasons	631
B.	Corporate signs	635
I.	Non-use	635
II.	Reasons for invalidity	636
C.	Domain names	638
D.	Titles	638
E.	Geographical indications	639
F.	Names	640
G.	Other signs	641
§ 6.	Conflict with earlier rights	642
A.	Earlier trade mark	642
I.	Later mark	642
II.	Later corporate designation	648
III.	Other later signs and rights	648
B.	Earlier corporate designation	649
I.	Later trade mark	649
II.	Later corporate designation	650
III.	Other later signs and rights	651
C.	Earlier domain name	651
D.	Earlier title	651
E.	Earlier Geographical indications	651
F.	Earlier name	652
G.	Earlier other rights	652
§ 7.	Scope of protection	655
A.	Trade marks	655
I.	Acts of infringement	655
II.	Protection against identical marks/goods	659





III. Protection against similar marks/goods	660
1. Principles of likelihood of confusion	662
2. Similarity of marks	663
3. Similarity between goods/services	665
4. Degree of distinctiveness	668
5. Types of likelihood of confusion	670
IV. Protection of well-known trade marks	671
V. Use of one's own name	673
B. Corporate signs	674
I. Acts of infringement	676
II. Protection against identical corporate designations	676
III. Protection against likelihood of confusion	677
1. Principles of likelihood of confusion	677
2. Similarity of corporate designations	677
3. Common field of activity	678
4. Degree of distinctiveness	679
5. Types of likelihood of confusion	680
IV. Protection of well-known corporate designations	680
V. Use of one's own name	680
C. Domain names	681
D. Titles	681
E. Geographical indications	681
F. Names	682
G. Other rights	682
§ 8. Defences	683
A. Non-use	683
I. Trade marks	683
II. Corporate signs	684
III. Other signs	684
B. Name, address and descriptive information	684
C. Exhaustion	684
I. Trade marks	684
II. Corporate signs and other signs	685
D. Acquiescence	685
I. Trade marks	685
II. Corporate signs and other signs	686
E. Prescription under the Statute of Limitations	687
F. Abuse of law	687
G. Contradictory earlier right	687
H. Deception	689
I. Other defences	689
§ 9. Claims in the case of infringement	690
A. Injunction	690
B. Damages	692
C. Other claims	695
I. Disclosure and accounting search orders	695
II. Cancellation	696
III. Seizure orders	696
IV. Seizure at the border	697
V. Publication of the decision	698
§ 10. Infringement proceedings	699
A. Ordinary proceedings before the Court	699
B. Interim relief	699
C. Proceedings before the patent office	703
I. Opposition proceedings	703
II. Cancellation proceedings	703
D. Criminal offences	703



§ 11. Strategy for the protection of signs	707
A. Prevention by research	707
B. Necessity of trade mark registration	707
C. Necessity of company formation	708
Abbreviations	709
Chapter 9. Japan	711
§ 1. Types of signs	712
A. Trade marks	712
I. Term and function	712
II. Special categories	714
B. Corporate signs	715
C. Domain names	717
D. Titles	717
E. Geographical indications	717
F. Names	718
G. Other signs	718
§ 2. Statutory regulations and their interrelationship	719
§ 3. Requirements of protection	721
A. Trade marks	721
I. Formal requirements	721
II. Substantive requirements	722
1. Capability of distinction	723
a) Distinctiveness	723
aa) Word marks	724
bb) Combined word and device marks	724
cc) Device marks	724
dd) Three-dimensional marks	724
ee) Letter marks	724
ff) Numeral marks	724
gg) Colour marks	724
hh) Sound mark and other marks	725
b) Possibility to serve in trade as a descriptive designation	725
aa) Word marks	725
bb) Three-dimensional marks	725
c) Generic signs	726
2. Distinctive character following use	726
3. Other requirements for protection	726
III. Genuine use and consequences of non-use	726
1. Survey	727
2. Ways of use	727
3. Use in a modified form	728
4. Extent and place of use	728
5. Period for use	729
6. Proper reasons for non-use	729
7. Consequences of non-use	729
IV. Priority date	729
V. Protection for trademarks registered abroad	730
B. Corporate signs	731
I. Formal requirements	731
II. Substantive requirements	732
1. Inherent distinctive character	732
2. Distinctive character following use	732
III. Use and consequences of non-use	732
IV. Priority date	733
V. Protection for foreign corporate signs	733
C. Domain names	734
D. Titles	734

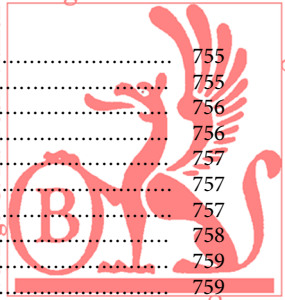
E. Geographical indications	735
F. Names	735
§ 4. Ownership, transfer, licensing	736
A. Trade marks	736
I. Ownership	736
II. Transfer	737
III. Licensing	737
B. Corporate signs	738
I. Ownership	738
II. Transfer	738
III. Licensing	738
C. Domain names	739
I. Ownership	739
II. Transfer	739
III. Licensing	739
D. Titles	739
I. Ownership	739
II. Transfer	739
III. Licensing	739
E. Geographical indications	739
F. Names	740
I. Ownership	740
II. Transfer and licensing	740
G. Other signs	740
§ 5. Loss of protection	741
A. Trade marks	741
I. Non-use	741
II. Absolute grounds of invalidity	742
III. Bad faith	743
IV. Other reasons	743
B. Corporate signs	744
I. Non-use	744
II. Reasons for invalidity	744
C. Domain names	744
D. Titles	744
E. Geographical indications	744
F. Names	744
G. Other signs	745
§ 6. Conflict with earlier rights	746
A. Earlier trade mark	746
I. Later trade mark	747
II. Later corporate designation	747
III. Later other signs and later other right	747
B. Earlier corporate sign	747
I. Later trade mark	748
II. Later corporate designation	748
III. Later other signs and later other right	748
C. Earlier domain name	748
D. Earlier title	748
E. Earlier geographical indication	748
F. Earlier name	749
§ 7. Scope of protection	750
A. Trade marks	750
I. Acts of infringement	750
II. Protection against identical marks/goods	752
III. Protection against similar marks/goods	752
1. Principles of likelihood of confusion	754
2. Similarity of marks	755



Table of Contents

Originaldokument

Verlage C. H. Beck/Vahlen



Verlage C. H. Beck/Vahlen

a) Phonetical similarity	755
aa) Characters	755
bb) Words in another language	756
cc) Parts of a mark	756
dd) Order of the letters or words	757
b) Visual similarity	757
c) Conceptual similarity	757
3. Similarity of goods/services	758
4. Degree of distinctiveness	759
5. Types of likelihood of confusion	759
IV. Protection of well-known trade marks	760
V. Use of one's own name	761
B. Corporate signs	761
I. Acts of infringement	762
II. Protection against identical corporate sign	763
III. Protection against likelihood of confusion	763
1. Principles of likelihood confusion	764
2. Similarity of corporate signs	764
3. Common field of activity	764
4. Degree of distinctiveness	764
5. Types of likelihood of confusion	765
IV. Protection of well-known corporate signs	765
V. Use of one's own name	765
C. Domain names	765
D. Titles	765
E. Geographical indications	765
F. Names	765
§ 8. Defences	766
A. Non-use	766
I. Trade marks	766
II. Corporate designations	766
B. Name, address and descriptive information	767
C. Exhaustion	767
I. Trade marks	767
II. Corporate designations	768
III. Other signs	769
D. Acquiescence	769
I. Trade marks	769
II. Corporate designations	769
III. Other signs and rights	769
E. Statute of limitation	770
F. Abuse of law	770
G. Contradictory earlier right	770
H. Deception	771
I. Other defences	771
§ 9. Claims in cases of infringement	772
A. Injunction	772
B. Damages	772
C. Other claims	773
I. Disclosure and accounting search orders	773
II. Cancellation	773
III. Seize orders	774
IV. Seizure at the border	774
§ 10. Infringement proceedings	775
A. Ordinary proceedings before the court	775
B. Interim relief	776
C. Proceedings before the patent office	776
I. Opposition proceedings	776

II. Cancellation proceedings	776
D. Criminal offences	777
§ 11. Strategy for the protection of signs	778
A. Prevention by research	778
B. Necessity of trade mark registration	778
C. Necessity of company formation	778
Chapter 10. Portugal	779
§ 1. Types of signs	780
A. Trademarks	781
I. Term and function	781
II. Special categories	781
B. Corporate signs	782
I. Term and function	782
II. Special categories	783
1. Logo	783
2. Company name	784
3. Company name of commercial companies	784
4. Trade name	784
C. Domain names	785
D. Titles	786
I. Term and function	786
II. Special categories	786
E. Geographical indications	786
F. Names	787
G. Other signs	787
I. Awards	787
II. New plant varieties	788
§ 2. Statutory regulations and their interrelationship	789
A. International	789
B. Community	790
C. National	790
§ 3. Requirements of protection	791
A. Trademarks	791
I. Formal requirements	791
II. Substantive requirements	793
1. Capability of distinction	793
a) Distinctiveness	793
b) Need to keep free	794
c) Common parlance	794
2. Distinctive character following use	795
3. Other requirements for protection	796
III. Genuine use and consequences of non-use	797
1. General considerations	797
2. Ways of use	797
3. Use in a modified form	798
4. Extent and place of use	798
5. Period for use	798
6. Proper reasons for non-use	799
7. Consequences of non-use	799
IV. Priority date	799
V. Protection of foreign marks	800
B. Corporate signs	801
I. Formal requirements	801
1. Company name	801
a) Without registration	802
b) Dependent on certificate	802
2. Other distinctive corporate signs	803

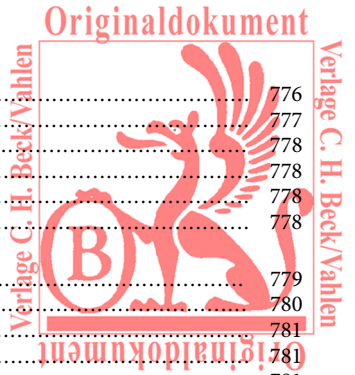
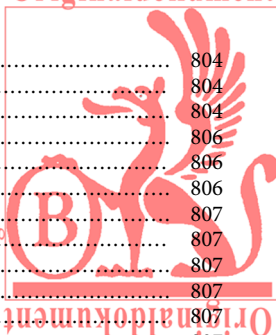


Table of Contents

II. Substantive requirements	804
1. General aspects	804
a) Company name	804
b) Other distinctive corporate signs	806
2. Inherent distinctive character	806
a) Company name	806
b) Other distinctive corporate signs	807
3. Distinctive character following use	807
a) Company name	807
b) Other distinctive corporate signs	807
4. Other requirements for protection	808
a) Company name	807
b) Other distinctive corporate signs	808
III. Use and consequences of non-use	808
1. Company name	808
2. Other distinctive corporate signs	808
IV. Priority date	809
1. Company name	809
2. Other distinctive corporate signs	809
V. Protection for foreign corporate signs	810
1. Company name	810
2. Other distinctive corporate signs	811
C. Domain names	811
D. Titles	811
I. Formal requirements	812
II. Substantive requirements	812
E. Geographical indications	812
F. Names	813
G. Other signs	813
I. Awards	813
II. New plant varieties	814
§ 4. Ownership, transfer, licensing	815
A. Trademarks	815
I. Ownership	815
II. Transfer	816
III. Licence	817
B. Corporate signs	818
I. Ownership	818
1. Company name	818
2. Other distinctive corporate signs	819
II. Assignment	819
1. Company name	819
2. Other distinctive corporate signs	819
III. License	820
1. Company name	820
2. Other distinctive corporate signs	820
C. Domain names	821
I. Ownership	821
II. Assignment	821
III. License	821
D. Titles	821
I. Ownership	822
II. Assignment	822
III. License	822
E. Geographical indications	822
I. Ownership	822
II. Assignment	823
III. License	823



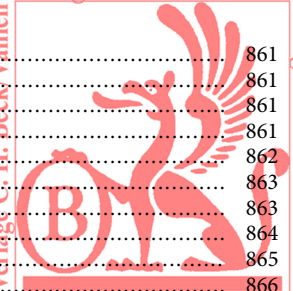
F. Names	823
I. Ownership	823
II. Assignment	823
III. License	824
G. Other signs	824
I. Awards	824
II. New plant variety appellations	824
§ 5. Loss of protection	825
A. Trademarks	825
I. Non-use	825
1. Application for revocation	825
2. Means of defence in the infringement process	826
II. Absolute reasons of invalidity	826
III. Bad faith	827
IV. Other reasons	827
B. Corporate signs	828
I. Non-use	828
1. Company name	829
2. Name and sign of establishment	829
3. Logo	829
II. Other reasons for invalidity	829
1. Company name	829
2. Name and sign of establishments	829
3. Logo	829
C. Domain names	830
D. Titles	830
E. Geographical indications	831
F. Names	831
G. Other signs	832
§ 6. Conflict with earlier rights	833
A. Earlier trademark	833
I. Later trademark	833
II. Later corporate sign	834
1. Company name and business identifier	834
2. Logo	835
III. Later other sign and later other right	835
1. Domain names	835
2. Titles of works	835
3. Geographical indications	836
4. Names	836
5. Other distinctive signs	836
a) Award	836
b) Logo	836
c) Appellation of new plant varieties	836
d) Other right	836
B. Earlier corporate sign	837
I. Later trademark	837
II. Later corporate sign	837
III. Later other sign and later other right	838
C. Earlier domain name	838
D. Earlier title	839
E. Earlier geographical indication	839
F. Earlier name	839
G. Earlier other right	839
§ 7. Scope of protection	841
A. Trademarks	841
I. Acts of infringement	841
II. Protection of identity	843



Table of Contents

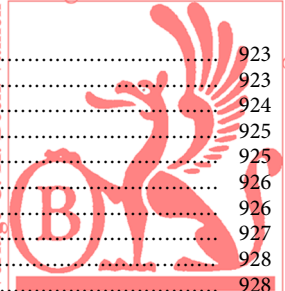
III. Protection against confusion	844
1. Principles of likelihood of confusion	844
2. Similarity of trademarks	845
a) Visual similarity	845
b) Phonetical similarity	845
c) Figurative similarity	845
d) Conceptual similarity	845
3. Similarity between products and services	845
4. Degree of distinctiveness	846
5. Types of likelihood of confusion	846
IV. Protection of well-known trademarks	846
V. Use of one's own name	847
B. Corporate signs	847
I. Types of sign	848
1. Company name and business identifier	848
a) Territorial range of sign	848
b) Other aspects	848
2. Distinctive trade signs: name, sign of establishment and logo	849
II. Acts of infringement	849
III. Protection of identity	849
IV. Protection against confusion	850
1. Principles of likelihood of confusion	850
2. Similarity of signs	850
3. Common field of activity	850
4. Degree of distinctiveness	850
5. Types of likelihood of confusion	850
V. Protection of well-known corporate signs	850
VI. Use of one's own name	851
C. Domain names	851
D. Titles	851
E. Geographical indications	852
I. Damaging acts	852
II. Protection of identity	853
III. Protection against confusion	853
IV. Protection of prestige	854
F. Names	854
G. Other rights	855
§ 8. Defences	856
A. Non-use	856
I. Trademarks	856
II. Distinctive corporate signs	857
1. Company name	857
2. Name, sign of establishment and logo	857
III. Other distinctive signs	857
1. Domain name	857
2. Title	857
3. Geographical indication	858
4. Name	858
5. Other distinctive signs	858
B. Name, address and descriptive information	858
C. Exhaustion	858
I. Trademark	858
II. Distinctive corporate sign	859
III. Other distinctive signs	859
D. Acquiescence	860
I. Trademark	860
II. Distinctive corporate signs	860
III. Other distinctive signs	861





E.	Statute of limitation	861
I.	Trademark	861
II.	Distinctive corporate sign	861
III.	Other distinctive signs	861
F.	Abuse of law	862
G.	Contradictory earlier right	863
H.	Deception	863
I.	Other defences	864
§ 9.	Claims in case of infringement	865
A.	Injunction	866
B.	Damages	866
C.	Other claims	867
I.	Disclosure and accounting search	867
II.	Cancellation	867
III.	Elimination	867
IV.	Seizure at border	868
§ 10.	Infringement proceedings	869
A.	Ordinary proceedings before the court	869
B.	Interim relief	871
C.	Administrative procedures	871
I.	Opposition procedures	872
II.	Cancellation procedures	872
D.	Criminal conduct	872
§ 11.	Strategies for the protection of signs	874
A.	Prevention by research	874
B.	Necessity of trade mark registration	874
C.	Necessity of company formation	874
	Abbreviations	876
Chapter 11.	Russia	879
§ 1.	Types of signs	880
A.	Trade marks	880
I.	Term and function	880
II.	Special categories	882
B.	Corporate signs	885
I.	Term and function	885
II.	Special categories	887
C.	Domain names	887
D.	Titles	888
I.	Term and function	888
II.	Special categories	889
E.	Geographical indications	889
I.	Term and function	889
II.	Special categories	891
F.	Names	891
G.	Other signs	891
§ 2.	Statutory regulations and their interrelationship	893
A.	Trade marks	893
B.	Firm names	894
C.	Domain names	894
D.	Titles	895
E.	Appellations of origin	895
F.	Names	895
G.	Other designations	896
§ 3.	Requirements of protection	897
A.	Trade marks	897
I.	Formal requirements	897
II.	Substantive requirements	900

1.	Designations which cannot be registered as they cannot perform functions of trade marks	901
a)	Lack of distinctiveness	901
b)	Trademarks representing public signs	902
c)	Free marks	902
d)	Designations which are generally accepted symbols and terms ...	902
e)	Generic signs	902
2.	Designations which cannot be registered as contradicting public order and social interests	903
a)	Designations which are deceptive or capable of misleading consumers as for the goods or their producer	903
b)	Designations contradicting public interests, principles of humanity and morality	903
3.	Designations which cannot be registered as violating the rights and legitimate interests of third persons.	903
III.	Genuine use and consequences of non-use	904
1.	Survey	904
2.	Ways of use	905
3.	Use in a modified form	905
4.	Extent and place of use	905
5.	Period for use	906
6.	Use of a trade mark notice	906
7.	Proper reasons for non-use	906
8.	Consequences of non-use	906
IV.	Priority date	907
V.	Protection for trade marks registered abroad	907
B.	Corporate signs	908
I.	Formal requirements	908
II.	Substantive requirements	909
1.	Inherent distinctive character	909
2.	Distinctive character following use	909
3.	Other requirements for protection	909
III.	Use and consequences of non-use	909
IV.	Priority date	910
V.	Protection for foreign corporate signs	911
C.	Domain names	911
D.	Titles	911
E.	Appellation of origin	912
F.	Names	913
G.	Other signs	914
§ 4.	Ownership, transfer, licensing	915
A.	Trade marks	915
I.	Ownership	915
II.	Assignment	916
III.	Licensing	916
B.	Corporate signs	918
I.	Ownership	918
II.	Assignment	918
III.	Licensing	918
C.	Domain names	919
D.	Titles	919
E.	Appellation of origin	920
F.	Names	920
G.	Other Signs	920
§ 5.	Loss of protection	922
A.	Trade marks	922
I.	Non-use	922
II.	Absolute grounds of invalidity	922



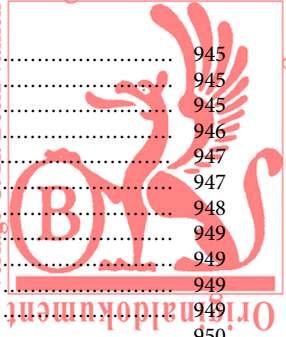
III. Bad faith	923
IV. Other reasons	923
B. Corporate signs	924
C. Domain names	925
D. Titles	925
E. Appellation of origin	926
F. Names	926
G. Other Signs	927
§ 6. Conflict with earlier rights	928
A. Earlier trade mark	928
I. Later trade mark	929
II. Later firm name	929
III. Later other signs and later other rights	929
B. Earlier corporate sign	930
I. Later trade mark	930
II. Later firm name	930
III. Later other signs and later other rights	930
C. Earlier domain name	931
D. Earlier title	931
E. Earlier appellation of origin	931
F. Earlier name	931
G. Earlier other rights	932
§ 7. Scope of protection	933
A. Trade marks	933
I. Acts of Infringement	933
II. Protection against identical trade marks	934
III. Protection against similar trade marks	934
1. Principles of likelihood of confusion	935
2. Similarity of marks	935
a) Phonetical similarity	935
b) Visual similarity	936
c) Conceptual similarity	936
3. Similarity between goods/services	936
4. Types of likelihood of confusion	937
IV. Protection of well-known trade marks	937
V. Use of one's own name	937
B. Corporate signs	937
I. Acts of infringement	937
II. Protection against identical corporate designations	939
III. Protection against similar corporate designations	939
IV. Protection of well-known firm names	939
V. Use of one's own name	940
C. Domain names	940
D. Titles	940
E. Appellations of origin	941
F. Names	941
G. Other rights	941
§ 8. Defences	943
A. Non-use	943
I. Trade marks	943
II. Firm names	943
III. Other signs	944
B. Name, address and descriptive information	944
C. Exhaustion	944
I. Trade marks	944
II. Firm names	945
III. Other signs	945
D. Acquiescence	945

Table of Contents

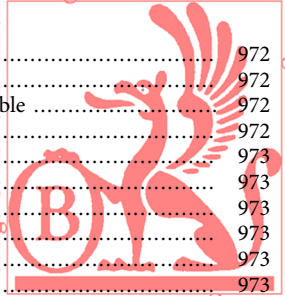
Originaldokument

Verlage C. H. Beck/Vahlen

Verlage C. H. Beck/Vahlen



I. Trade marks	945
II. Firm names	945
III. Other signs	945
E. Abuse of law	946
§ 9. Claims in cases of infringement	947
A. Injunction	947
B. Damages	948
C. Other Claims	949
I. Disclosure and accounting search orders	949
II. Cancellation	949
III. Seize orders	949
IV. Seizure at the border	950
V. Other measures	951
§ 10. Infringement proceedings	952
A. Ordinary proceedings before the court	952
B. Interim relief	952
C. Proceedings before the patent office	952
I. Opposition proceedings	953
II. Cancellation proceedings	953
D. Criminal offences	953
§ 11. Strategy for the protection of signs	954
A. Prevention by research	954
B. Necessity of trade mark registration	954
C. Necessity of company cormation	955
Table of statutes	956
Chapter 12. Switzerland	957
§ 1. Types of signs	958
A. Trade marks	958
I. Term and function	958
II. Special categories	959
B. Corporate signs	960
I. Term and function	960
II. Special categories	960
C. Domain names	961
D. Titles	961
I. Term and function	961
II. Special categories	961
E. Geographical indications	962
F. Names	962
I. Term and function	962
II. Special categories	963
G. Other signs	963
§ 2. Statutory regulations and their interrelationship	965
A. The national legislation	965
B. Relevant treaty law	965
§ 3. Requirement of protection	967
A. Trade marks	967
I. Formal requirements	967
II. Substantive requirements	968
1. Capability of distinction	970
a) Distinctiveness	970
aa) Word marks	970
bb) Combined word and device marks	971
cc) Device marks	971
dd) Three-dimensional marks	971
ee) Letter marks	972
ff) Numeral marks	972

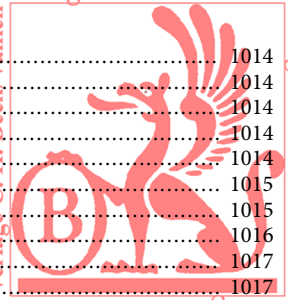


gg) Colour marks	972
hh) Sound and other marks	972
b) Requirement to keep a mark freely available	972
aa) Word marks	972
bb) Combined word and device marks	973
cc) Device marks	973
dd) Three-dimensional marks	973
ee) Letter marks	973
ff) Numeral marks	973
gg) Colour marks	973
hh) Sound and other marks	973
c) Use in current language	973
2. Distinctive character following use	974
3. Other requirements for protection	975
III. Genuine use and consequences of non-use	975
1. Survey	975
2. Ways of use	976
3. Use in a modified form	976
4. Extent and place of use	976
5. Period for use	977
6. Proper reasons for non-use	977
7. Consequences of non-use	977
IV. Priority date	977
V. Protection for trade marks registered abroad	978
B. Corporate signs	978
I. Formal requirements	978
II. Substantive requirements	980
1. Preliminary remarks	980
2. Business names	980
a) General restrictions on the choice of signs	980
b) Rules on the creation of business names	981
3. Corporate signs under the first-to-use principle	981
4. Corporate signs under the establishment principle	981
III. Use and consequences of non-use	982
IV. Priority date	982
V. Protection for foreign corporate signs	982
C. Domain names	983
D. Titles	984
E. Geographical indications	984
I. The national legislation	984
II. Relevant treaty law	985
F. Names	985
I. Formal requirements	985
II. Substantive requirements	985
G. Other signs	986
§ 4. Ownership, transfer, licensing	987
A. Trade marks	987
B. Corporate signs	988
I. Business names	988
II. Corporate signs under the first-to-use principle	988
III. Corporate signs under the establishment principle	989
C. Domain names	989
D. Titles	989
E. Geographical indications	989
F. Names	990
G. Other signs	990
§ 5. Loss of protection	991
A. Trade marks	991

Table of Contents

I.	Non-use	991
II.	Absolute grounds of invalidity	991
III.	Bad faith	992
IV.	Other reasons	992
B.	Corporate signs	992
I.	Non-use	992
II.	Other reasons for invalidity	992
C.	Domain names	993
D.	Titles	993
E.	Geographical indications	993
F.	Names	994
G.	Other signs	994
§ 6.	Conflict with earlier rights	995
A.	Earlier trade mark	995
I.	Later trade mark	996
II.	Later corporate designation	996
III.	Later other signs and later other right	997
B.	Earlier corporate sign	997
I.	Later trade mark	998
II.	Later corporate sign	998
III.	Later other signs and later other right	998
C.	Earlier domain name	998
D.	Earlier title	999
E.	Earlier geographical indication	999
F.	Earlier name	1000
G.	Earlier other rights	1000
§ 7.	Scope of protection	1001
A.	Trade marks	1001
I.	Acts of infringement	1001
II.	Protection against identical trade marks	1002
III.	Protection against similar marks/goods	1002
1.	Principles of likelihood of confusion	1003
2.	Similarity of trade marks	1003
a)	Phonetical similarity	1004
b)	Visual similarity	1004
c)	Conceptual similarity	1004
3.	Similarity between goods/services	1005
4.	Degree of distinctiveness	1005
5.	Types of likelihood of confusion	1005
IV.	Protection of well-known trade marks	1006
V.	Use of one's own name	1007
B.	Corporate signs	1007
I.	General considerations	1007
II.	Acts of infringement	1008
1.	Business names	1008
2.	Corporate signs under the first-to-use and the establishment principle	1008
III.	Protection against identical corporate signs	1009
1.	Business names	1009
2.	Corporate signs under the establishment principle	1009
IV.	Protection against likelihood of confusion	1010
1.	Business names	1010
2.	Corporate signs under the first-to-use and the establishment principles	1012
3.	Principles of likelihood of confusion	1012
4.	Similarity of signs	1012
5.	Common field of activity	1013
6.	Degree of distinctiveness	1013

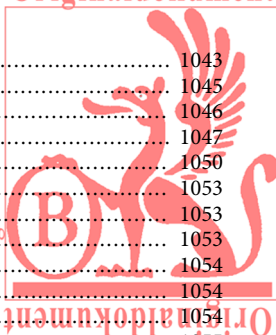




7. Types of likelihood of confusion	1014
V. Protection of well-known corporate signs	1014
VI. Use of one's own name	1014
C. Domain names	1014
D. Titles	1014
E. Geographical indications	1015
F. Names	1015
G. Other rights	1016
§ 8. Defences	1017
A. Non-use	1017
I. Trade marks	1017
II. Corporate signs	1017
III. Other signs	1018
B. Name, address and descriptive information	1018
C. Exhaustion	1018
D. Acquiescence	1019
E. Statute of limitation	1019
F. Abuse of law	1020
G. Contradictory earlier right	1020
H. Deception	1020
I. Other defences	1020
§ 9. Claims in cases of infringement	1021
A. Injunction	1021
B. Damages	1022
C. Other claims	1023
I. Miscellaneous	1023
II. Seizure at the border	1024
§ 10. Infringement proceedings	1025
A. Ordinary proceedings before the court	1025
B. Interim relief	1025
C. Proceedings before the patent office	1026
I. Opposition proceedings	1026
II. Cancellation proceedings	1026
D. Criminal offences	1026
§ 11. Strategy for the protection of signs	1027
A. Prevention by research	1027
B. Necessity of trade mark registration	1027
C. Necessity of company formation	1028
List of Abbreviations	1029
Chapter 13. The Netherlands	1031
§ 1. Types of signs	1032
A. Trade marks	1032
I. Term and function	1032
II. Special categories	1034
B. Corporate signs	1035
I. Term and function	1035
II. Special categories	1035
C. Domain names	1036
D. Titles	1036
I. Term and function	1036
II. Special categories	1036
E. Geographical indications	1037
F. Names	1037
G. Other signs	1037
§ 2. Statutory regulations and their interrelationship	1039
§ 3. Requirements of protection	1043
A. Trade marks	1043

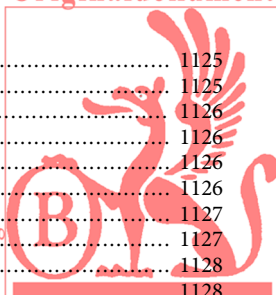
Table of Contents

I.	Formal requirements	1043
II.	Substantive requirements	1045
1.	Capability of distinction	1046
a)	Distinctiveness	1047
aa)	Word marks	1050
bb)	Combined word and device marks	1053
cc)	Device marks	1053
dd)	Three-dimensional marks	1053
ee)	Letter marks	1054
ff)	Numeral marks	1054
gg)	Colour marks	1054
hh)	Sound and other marks	1055
b)	Possibility to serve in trade as a descriptive designation	1055
c)	Generic signs	1058
2.	Distinctive character following use	1058
3.	Other requirements for protection	1060
III.	Genuine use and consequences of non-use	1063
1.	Survey	1063
2.	Ways of use	1063
3.	Use in a modified form	1064
4.	Extent and place of use	1065
5.	Period for use	1065
6.	Proper reasons for non-use	1066
7.	Consequences of non-use	1066
IV.	Priority date	1067
V.	Protection for trade marks registered abroad	1068
B.	Corporate signs	1069
I.	Formal requirements	1069
II.	Substantive requirements	1069
1.	Inherent distinctive character	1069
2.	Distinctive character following use	1070
3.	Other requirements for protection	1071
III.	Use and consequences of non-use	1073
IV.	Priority date	1074
V.	Protection for foreign corporate signs	1076
C.	Domain names	1077
D.	Titles	1077
E.	Geographical indications	1078
F.	Names	1079
G.	Other signs	1079
§ 4.	Ownership, transfer, licensing	1080
A.	Trade marks	1080
I.	Ownership	1080
II.	Transfer	1081
III.	Licensing	1081
B.	Corporate signs	1082
I.	Ownership	1082
II.	Transfer	1082
III.	Licensing	1083
C.	Domain names	1083
D.	Titles	1084
E.	Geographical indications	1084
F.	Names	1084
G.	Other signs	1084
I.	Ownership	1084
II.	Transfer	1085
III.	Licensing	1085



§ 5. Loss of protection	1086
A. Trade marks	1086
I. Non-use	1086
II. Absolute grounds of invalidity	1086
III. Bad faith	1087
IV. Other reasons	1088
B. Corporate signs	1089
I. Non-use	1089
II. Reasons for invalidity	1089
C. Domain names	1089
D. Titles	1090
E. Geographical indications	1090
F. Names	1090
G. Other signs	1090
§ 6. Conflict with earlier rights	1092
A. Earlier trade mark	1092
I. Later trade mark	1092
II. Later corporate sign	1093
III. Later other signs and later other rights	1096
B. Earlier corporate sign	1096
I. Later trade mark	1096
II. Later corporate sign	1098
III. Later other signs and later other rights	1098
C. Earlier domain name	1098
D. Earlier title	1099
E. Earlier geographical indication	1099
F. Earlier name	1100
G. Earlier other rights	1100
§ 7. Scope of protection	1101
A. Trade marks	1101
I. Acts of infringement	1101
II. Protection against identical marks/goods	1104
III. Protection against similar marks/goods	1105
1. Principles of likelihood of confusion	1105
2. Similarity of marks	1107
a) Phonetical similarity	1109
b) Visual similarity	1110
c) Conceptual similarity	1112
3. Similarity between goods/services	1112
4. Degree of distinctiveness	1113
5. Types of likelihood of confusion	1114
IV. Protection of well-known trade marks	1116
V. Use of one's own name	1117
B. Corporate signs	1117
I. Acts of infringement	1117
II. Protection against identical corporate designations	1119
III. Protection against likelihood of confusion	1120
1. Principles of likelihood of confusion	1120
2. Similarity of corporate designations	1121
3. Common field of activity	1121
4. Degree of distinctiveness	1123
5. Types of likelihood of confusion	1123
IV. Protection of well-known corporate designations	1123
V. Use of one's own name	1123
C. Domain names	1124
D. Titles	1124
E. Geographical indications	1124





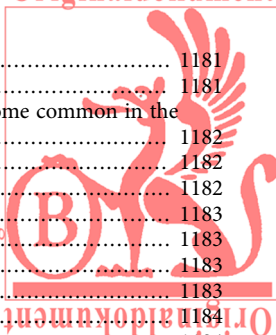
F. Names	1125
G. Other rights	1125
§ 8. Defences	1126
A. Non-use	1126
I. Trade marks	1126
II. Corporate designations	1126
III. Other signs	1127
B. Name, address and descriptive information	1127
C. Exhaustion	1128
I. Trade marks	1128
II. Corporate designations	1130
III. Other signs	1130
D. Acquiescence	1131
I. Trade marks	1131
II. Corporate designations	1132
III. Other signs and rights	1132
E. Statute of limitation	1133
F. Abuse of law	1133
G. Contradictory earlier right	1134
H. Deception	1134
I. Other defences	1135
§ 9. Claims in cases of infringement	1136
A. Injunction	1136
B. Damages	1137
C. Other claims	1139
I. Disclosure and accounting search orders	1139
II. Cancellation	1139
III. Seize orders	1140
IV. Seizure at the border	1140
§ 10. Infringement proceedings	1141
A. Ordinary proceedings before the Court	1141
B. Interim relief	1141
C. Proceedings before the patent office	1142
I. Opposition proceedings	1142
II. Cancellation proceedings	1142
D. Criminal offences	1142
§ 11. Strategy for the protection of signs	1143
A. Prevention by research	1143
B. Necessity of trade mark registration	1143
C. Necessity of company formation	1143
Chapter 14. United Kingdom	1145
§ 1. Types of signs	1146
A. Trade marks	1147
I. Term and function	1147
II. Types of trade mark	1148
B. Corporate signs	1149
I. Company names	1149
II. Trade names	1150
C. Domain names	1150
D. Titles	1151
E. Geographical indications	1151
I. Regulation (EC) No. 510/2006	1151
II. Spirits and drinks	1152
III. Certification and collective marks	1152
IV. Collective goodwill	1152
V. Special protection	1152

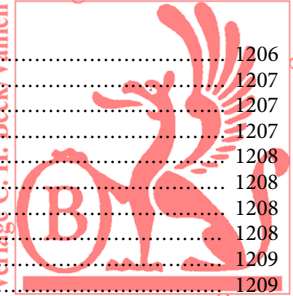
F. Plant varieties	1152
G. Special marks	1153
§ 2. Statutory regulations and their interrelationship	1154
§ 3. Requirements of protection	1155
A. Trade marks	1155
I. Formal requirements	1155
II. Substantive requirements	1157
1. Capable of distinguishing	1158
2. Lack of distinctiveness	1159
a) Names	1159
b) Colours	1160
c) Descriptive words	1161
d) Generic	1161
e) Shapes	1161
aa) Nature of the goods themselves	1161
bb) Achieving technical results	1161
cc) Substantial value	1162
3. Other requirements for protection	1162
a) Public policy	1162
b) Deception and use contrary to law	1162
c) Bad faith	1162
d) Protected emblems	1163
e) Relative grounds	1164
f) Certification and collective marks	1164
III. Genuine use and consequences of non-use	1164
IV. Priority date	1164
V. Protection of trade marks registered abroad	1165
B. Corporate signs	1166
I. Company names	1166
1. The registrar's index of company names	1167
2. Company names	1167
3. Company names in which another person owns the goodwill	1168
4. Other corporate entities	1169
II. Trade Names	1169
1. Formal requirements	1169
2. Substantive requirements	1170
C. Domain names	1171
D. Titles	1171
E. Geographical indications	1171
F. Plant varieties	1172
§ 4. Ownership, transfer, licensing	1174
A. Trade marks	1174
I. Ownership	1174
II. Assignment	1174
III. Licensing and consent agreements	1175
B. Corporate signs	1176
I. Company names	1176
II. Trade names	1176
1. Assignment	1176
2. Licensing	1177
C. Domain names	1177
D. Titles	1177
E. Indications of geographical origin	1177
F. Plant varieties	1178
§ 5. Loss of protection	1179
A. Trade marks	1179
I. Revocation on the grounds of non use	1179



Table of Contents

II. Absolute grounds	1181
1. Invalidity	1181
2. Revocation on the grounds that the mark has become common in the trade (generic)	1182
3. Revocation on the grounds of misleading use	1182
III. Surrender	1182
B. Corporate signs	1183
I. Company names	1183
II. Trade names	1183
C. Domain names	1183
D. Titles	1184
E. Geographical indications	1184
F. Plant varieties	1184
§ 6. Conflict with earlier rights	1185
A. Later trade marks	1185
I. Earlier trade mark	1185
II. Earlier other rights	1186
III. Earlier geographical indications	1186
IV. Honest concurrent use	1186
B. Later company names	1187
I. Earlier company names	1187
II. Earlier trade names	1187
C. Later domain names	1187
D. Later titles	1188
E. Later geographical indications	1188
F. Later plant varieties	1188
§ 7. Scope of protection	1189
A. Trade marks	1189
I. Infringing acts	1190
1. Types	1190
2. Use in the course of trade	1190
3. Use as a trade mark	1191
II. Protection against use of an identical mark on identical goods	1192
III. Protection against similar marks and similar goods	1193
1. Global appreciation	1193
2. Similarity of marks	1193
3. Similarity of goods	1194
4. Distinctiveness	1194
IV. Protection of marks with a reputation on similar or dissimilar goods or services	1194
1. Reputation	1195
2. Unfair advantage and detriment	1195
3. Due cause	1196
B. Corporate signs	1197
I. Company names	1197
II. Trade names	1197
1. Misrepresentation	1197
2. Likelihood of damage	1198
C. Domain names	1199
D. Geographical indications	1199
E. Plant varieties	1199
§ 8. Defences	1201
A. Trade marks	1201
I. Consent or licence	1201
II. Name, address and descriptive information	1202
III. Exhaustion	1204
IV. Acquiescence	1206
V. Statute of limitation	1206





VI. Use of registered mark	1206
VII. Use in a particular locality	1207
VIII. Comparative advertising	1207
IX. Transitional protection	1207
B. Corporate signs	1208
I. Company names	1208
II. Trade names	1208
1. Names	1208
2. Descriptive/Generic	1209
3. Concurrent reputation	1209
4. Exhaustion	1209
5. Acquiescence	1209
C. Domain names	1210
D. Titles	1210
E. Geographical indications	1210
F. Plant varieties	1210
§ 9. Claims in cases of infringement	1211
A. Trade marks	1211
I. Injunction	1211
II. Damages	1212
III. Accounts for profit	1212
IV. Erasure, destruction and delivery up	1213
V. Seizure at the border	1213
VI. Domestic customs regime	1214
B. Corporate signs	1215
I. Company names	1215
II. Trade names	1215
C. Domain names	1216
D. Titles	1216
E. Geographical indications	1216
F. Plant varieties	1216
§ 10. Infringement proceedings	1217
A. Ordinary proceedings before the court	1217
B. Interim injunctions and relief	1217
I. Injunctions	1217
II. Search orders (Anton Piller Order)	1218
III. Norwich Pharmacal Orders	1219
IV. Freezing assets (Marvea injunction)	1220
C. Proceedings before the Intellectual Property Office	1220
I. Opposition proceedings	1220
II. Cancellation proceedings	1221
D. Criminal offences	1221
I. Fraud	1223
II. Unfair consumer practices	1223
§ 11. Strategy for the protection of signs	1224
A. Prevention by research	1224
B. Necessity of trade mark registration	1224
C. Necessity of company formation	1224
D. Concluding thoughts	1225

Part 2. Brand strategy

§ 1. Introduction and definitions	1228
§ 2. What is a brand?	1229
A. A brief history	1229
B. Holistic branding	1230
C. Everything is a brand	1231

Table of Contents

D.	The value of a brand	1231
I.	The financial value of a brand	1232
II.	Measurement of brand effectiveness	1232
E.	The global context	1232
I.	Competiiton	1232
II.	Consolidation	1233
III.	Cultural diversity of markets	1233
IV.	Sustainable advantage through brands	1233
§ 3.	International and global brands	1235
A.	Origins and culture	1235
I.	American global brands	1235
II.	Country of origin	1235
III.	Things to avoid	1236
IV.	Characteristics of successful international brands	1236
B.	Brand strategy and structure	1237
I.	The nature of the business	1237
II.	The business aims	1238
III.	The corporate structure	1238
§ 4.	Trademarks	1240
A.	Definition of a trademark	1240
B.	What a trademark should do	1240
I.	Differentiation	1241
II.	The general background	1241
III.	The specific area	1242
IV.	Relevance in all markets	1242
V.	Conveying subjective qualities	1242
VI.	Recognisability and memorability	1242
VII.	Uniqueness and unmistakability	1242
VIII.
IX.	Reproduction and other practical concerns	1243
X.	Predicted period of use	1243
C.	Types and categories	1244
I.	Names	1244
II.	Design	1245
D.	Creating a trademark	1247
I.	The name-finding process	1247
II.	The design process	1249
§ 5.	Brands in context	1250
A.	Mergers and acquisitions	1250
B.	Going international	1251
C.	Exploiting national reputations	1252
D.	Evolution and relevance	1253
E.	Branding a start-up	1254
F.	Stretching a brand	1254
G.	The internet environment	1255
§ 6.	Future developments	1257
A.	The future is holistic	1257
B.	The Chinese challenge	1258
C.	Costs and value	1258
D.	A force for good	1259
§ 7.	Brands and trademarks	1260

Part 3. Brand valuation

§ 1.	How and where the value of a brand is created	1262
§ 2.	On the origin of brand valuation	1265
§ 3.	Reasons for brand valuation	1267
§ 4.	Brand value and Corporate value	1269



Table of Contents

§ 5. Models for brand valuation	1270
A. Methodology	1270
B. Cost-based valuation models	1271
C. Market based valuation models	1271
D. Price premium valuation models	1272
E. Indicator-based valuation models	1272
F. Multiplier-based valuation processes	1273
G. Capitalized valuation processes	1273
§ 6. Selected brand valuation models of commercial suppliers	1275
A. AC Nielsen Brand Performance	1275
B. Brand Rating	1277
C. BBDO/Ernst & Young Brand Equity Valuation for Accounting (BEVA)	1278
D. Interbrand Model	1279
E. KPMG Model	1280
F. PWC/GfK Advanced Brand Valuation	1281
G. Semion brand evaluation Model	1282
§ 7. Brand valuation in business practice	1284
§ 8. Conclusion	1286
Bibliography	1287

Originaldokument

Verlage C. H. Beck/Vahlen

Verlage C. H. Beck/Vahlen

Originaldokument