

# GRURInt

Gewerblicher Rechtsschutz und Urheberrecht  
Internationaler Teil



# GRUR**Int**

## **Gewerblicher Rechtsschutz und Urheberrecht Internationaler Teil**

Zeitschrift der Deutschen Vereinigung für gewerblichen Rechtsschutz und Urheberrecht

Herausgegeben von Josef Drexl und Reto Hilty  
in Gemeinschaft mit Joachim Bornkamm und Ansgar Ohly

Redaktion: Max-Planck-Institut für Innovation und Wettbewerb,  
Marstallplatz 1, 80539 München

**70. Jahrgang 2021**



# IMPRESSUM

ISSN 2632-8623

## GRUR International

Journal of European and International IP Law

**Schriftleitung:** Verantwortlich für den Inhalt: Professor Dr. Josef Drexl und Professor Dr. Reto M. Hilty; Verantwortliche i. S. d. Presserechts für den Textteil: Francisco Beneke, Gabriele Spina Ali, Marstallplatz 1, D-80539 München, Telefon:(089) 2 42 46 54 06.  
E-Mail: grurint@ip.mpg.de

**Redaktion:** GRUR International, Max-Planck-Institut für Innovation und Wettbewerb, Marstallplatz 1, D-80539 München, Telefon: (089) 24 24 64 25.

**Manuskripte:** Manuskripte sind per E-Mail an die Redaktion zu senden. Die Annahme zur Veröffentlichung muss schriftlich erfolgen. Mit der Annahme zur Veröffentlichung überträgt der Autor der Deutschen Vereinigung für gewerblichen Rechtsschutz und Urheberrecht e.V. (GRUR e.V.) für ein Jahr ab Erscheinen das ausschließliche und danach für die Dauer der gesetzlichen Schutzfrist einschließlich zukünftiger Verlängerungen das nichtausschließliche Recht zur weltweiten Vervielfältigung und Verbreitung. Eingeschlossen sind insbesondere auch das Recht zur Herstellung elektronischer Versionen und zur Einspeicherung in Datenbanken. Die Vereinigung ist berechtigt, diese Rechte vollständig oder teilweise auf Dritte zu übertragen.

**Urheber- und Verlagsrechte:** Alle in dieser Zeitschrift veröffentlichten Beiträge sind urheberrechtlich geschützt. Das gilt auch für die veröffentlichten Gerichtsentscheidungen und ihre Leitsätze, denn diese sind geschützt, soweit sie vom Einsender oder von der Schriftleitung erarbeitet oder redigiert worden sind. Der Rechtsschutz gilt auch gegenüber Datenbanken und ähnlichen Einrichtungen. Kein Teil dieser Zeitschrift darf außerhalb der engen Grenzen des Urheberrechtsgesetzes ohne schriftliche Genehmigung des Verlags in irgendeiner Form vervielfältigt, verbreitet oder öffentlich wiedergegeben oder zugänglich gemacht, in Datenbanken aufgenommen, auf elektronischen Datenträgern gespeichert oder in sonstiger Weise elektronisch vervielfältigt, verbreitet oder verwertet werden.

**Verlag:** Verlag C.H.BECK oHG, Wilhelmstr. 9, 80801 München, Postanschrift: Postfach 40 03 40, 80703 München, Telefon: (0 89) 3 81 89-0, Telefax: (0 89) 3 81 89-398, Postbank München IBAN: DE82 7001 0080 0006 2298 02, BIC: PBNKDEFFXXX.

Der Verlag ist oHG. Gesellschafter sind Dr. Hans Dieter Beck und Dr. h. c. Wolfgang Beck, beide Verleger in München.

**Anzeigenabteilung:** Verlag C.H.BECK, Anzeigenabteilung, Wilhelmstraße 9, 80801 München, Postanschrift: Postfach 40 03 40, 80703 München.  
Media-Beratung: Telefon (0 89) 3 81 89-687, Telefax (0 89) 3 81 89-589.  
Disposition, Herstellung Anzeigen, technische Daten: Telefon (0 89) 3 81 89-609, Telefax (0 89) 3 81 89-589, E-Mail: anzeigen@beck.de  
Verantwortlich für den Anzeigenteil: Bertram Mehling.

**Erscheinungsweise:** Monatlich.

**Bezugspreise 2021:** Jährlich € 666,- (inkl. MwSt.). Die Bezugsbedingungen für die Mitglieder der Deutschen Vereinigung für gewerblichen Rechtsschutz und Urheberrecht werden auf Anfrage von der Geschäftsstelle, Hohenstaufenring 30–32, D-50674 Köln, und beim Verlag mitgeteilt.  
Einzelheft: € 63,- (inkl. MwSt.). Versandkosten jeweils zuzüglich.  
Die Rechnungsstellung erfolgt zu Beginn eines Bezugszeitraumes. Nicht eingegangene Exemplare können nur innerhalb von 6 Wochen nach dem Erscheinungstermin reklamiert werden. Jahrestiteleil und -register sind nur noch mit dem jeweiligen Heft lieferbar.

**Bestellungen** über jede Buchhandlung und beim Verlag.

**KundenserviceCenter:** Telefon: (0 89) 3 81 89-750, Telefax: (0 89) 3 81 89-358, E-Mail: kundenservice@beck.de

**Abbestellungen** müssen 6 Wochen vor Jahresende erfolgen.

**Adressenänderungen:** Teilen Sie uns rechtzeitig eine Adressenänderung mit. Dabei geben Sie bitte neben dem Titel der Zeitschrift die neue und die alte Adresse an. Hinweis gemäß § 7 Abs. 5 der Postdienste-Datenschutzverordnung: Bei Anschriftenänderung des Bezieher kann die Deutsche Post AG dem Verlag die neue Anschrift auch dann mitteilen, wenn kein Nachsendeantrag gestellt ist. Hiergegen kann der Bezieher innerhalb von 14 Tagen nach Erscheinen dieses Heftes beim Verlag widersprechen.

**Druck:** Druckerei C.H.Beck, Bergerstraße 3-5, 86720 Nördlingen.



# INHALTSVERZEICHNIS

## EDITORIALS

Barczewski, Maciej: ‘No One Is Safe Until Everyone Is Safe’ – The Erosion of the WTO System of Intellectual Property Rights for Pharmaceutical Products? .....	619	Krupko, Svetlana: Compulsory Licensing in the Case of a Dependent Patent: The Interplay between Intellectual Property Law and Civil Law .....	1023
Beiter, Klaus D.: Translation Rights and Exceptions under Berne, <i>Ius Cogens</i> , and Linguistic Genocide .....	729	Leistner, Matthias: The Commission’s Digital Markets and Services Package – New Rules for Big Tech and Big Data .....	515
Delich, Valentina: Crafting a Post-Pandemic IP Policy Agenda for Latin America .....	819	Li, Chen: How Can Consideration of Cultural Diversity Be Made Practicable in a Copyright System? .....	923
Dias Pereira, Alexandre L.: A copyright ‘human-centred approach’ to AI? .....	323	Stavridou, Sylvia: Copyright in the Digital Single Market in Europe: The Quest for Legal Certainty Still Remains .	1
García, Ernesto Rengifo: Blockchain and Competition Law .....	113	Tan, David: Designing a Future-Ready Copyright Regime in Singapore: Quick Wins and Missed Opportunities ....	1131
Hilty, Reto M.: Licensing Agreements – Time to Intensify Legal Research .....	419	Vivant, Michel: Thinking IP: A Game of the Mind? .....	213

## ARTICLES

Ackermann, Markus: No Need for ‘Plausibility’ in German Patent Law .....	3	Jackson Bertón, Matías: Text and Data Mining Exception in South America: A Way to Foster AI Development in the Region .....	1145
Altwickler, Tilmann: Trademark Opposition Proceedings in Switzerland: An Empirical Study of Legal Reasoning .	1158	Jaeger, Thomas: Delayed Again? The Benelux Alternative to the UPC .....	1133
Anemaet, Lotte: Which Honesty Test for Trademark Law? Why Traders’ Efforts to Avoid Trademark Harm Should Matter When Assessing Honest Business Practices .....	1025	Jütte, Bernd Justin: Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match .....	517
Czychowski, Christian: What Is the Significance of a FRAND License Declaration for Standard Essential Patents with Regard to their Transferability? – News from Germany .....	421	Kock, Michael A.: Essentially Derived Varieties in View of New Breeding Technologies – Plant Breeders’ Rights at a Crossroads .....	11
Dijkman, Léon E.: Does the Injunction Gap Violate Implementers’ Fair Trial Rights Under the ECHR? .....	215	Kur, Annette: ‘As Good as New’ – Sale of Repaired or Refurbished Goods: Commendable Practice or Trade Mark Infringement? .....	228
Freund, Benedikt: Reshaping Liability – The Concept of Undertaking Applied to Private Enforcement of EU Competition Law .....	731	Leistner, Matthias: Towards an Access Paradigm in Innovation Law? .....	925
Gaitán, Manuel Guerrero: Licensing as a Central Structure of Technology Transfer Agreements – Joint Venture and Franchising Agreements .....	427	Lightbourne, Muriel: What’s in a Name? The Journey of Geographical Indications from Paris 1883 to Geneva 2015 .....	932
Geiger, Christophe: Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match .....	517	Martín Aresti, Pilar: Licence Agreements and Insolvency Proceedings under Spanish Law .....	452
Gelato, Paola: IP Licensing Contracts in Italy – Royalty Rate Determination and Dispute Resolution Clauses ....	440	Matsumoto, Kei: Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law .....	463
Gerber, Daniel: Trademark Opposition Proceedings in Switzerland: An Empirical Study of Legal Reasoning ....	1158	O’Donnell, Carol A.: Amendments to the Argentine Trademark Law: Initial Impact .....	28
Goldhammer, Michael: Taking Constitutionalization Seriously: European IP Law, Weak Fundamental Rights and the Network of Courts .....	544	Olubiyi, Ifeoluwa A.: Implications of the Nigerian Broadcasting Code on Broadcast Copyright and Competition	644
Granieri, Massimiliano: Sowing and Cultivating the Seed of Diversity in Agri-Food: Intellectual Property Protection in Transnational and Comparative Perspective ..	744	Oprysk, Liliia: Digital Consumer Contract Law without Prejudice to Copyright: EU Digital Content Directive, Reasonable Consumer Expectations and Competition ..	943
Heinze, Christian: Patent Law and Climate Change – Do We Need an EU Patent Law Directive on Clean Technology? .....	554	Oriakhogba, Desmond O.: Implications of the Nigerian Broadcasting Code on Broadcast Copyright and Competition .....	644
Husovec, Martin: How to License Article 17 of the Copyright in the Digital Single Market Directive? Exploring the Implementation Options for the New EU Rules on Content-Sharing Platforms .....	325	Oser, Andreas: The COVID-19 Pandemic: Stress Test for Intellectual Property and Pharmaceutical Laws .....	846
		Otero, Begoña Gonzalez: Machine Learning Models Under the Copyright Microscope: Is EU Copyright Fit for Purpose? .....	1043

Quadrio, Iris V.: Amendments to the Argentine Trade-mark Law: Initial Impact .....	28	Sganga, Caterina: The Many Metamorphoses of Related Rights in EU Copyright Law: Unintended Consequences or Inevitable Developments? .....	821
Quintais, João Pedro: How to License Article 17 of the Copyright in the Digital Single Market Directive? Exploring the Implementation Options for the New EU Rules on Content-Sharing Platforms .....	325	Stierle, Martin: A <i>De Lege Ferenda</i> Perspective on Artificial Intelligence Systems Designated as Inventors in the European Patent System .....	115
Rademacher, Christoph: Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law .....	463	Suga, Ayako: Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law .....	463
Randakevičiūtė-Alpman, Jurgita: The Role of Trademarks on Online Retail Platforms: An EU Trademark Law Perspective .....	633	Sztobryn, Karolina: In Search of Answers to Questions about Electronic Sports and Copyright .....	237
Ricolfi, Marco: Damages and Recovery of Profits in Intellectual Property Litigation before Italian Courts .....	1056	Takenaka, Toshiko: Breathing New Life into the German Utility Model System in the Industry 4.0 Era .....	621
Roca, Santiago: Compatibility of the Intellectual Property Regime, the Convention on Biological Diversity and the Nagoya Protocol .....	349	Tekin, Ufuk: Relationship Between Geographical Indications and Trade Marks under Turkish Law .....	754
Rouvinen, Markus: Free-Riding for the Common Good? Generics, Biosimilars and References to Originator Trademarks in Comparative Advertising in France .....	134	Thouvenin, Florent: Trademark Opposition Proceedings in Switzerland: An Empirical Study of Legal Reasoning ..	1158
Scheuerer, Stefan: Artificial Intelligence and Unfair Competition – Unveiling an Underestimated Building Block of the AI Regulation Landscape .....	834	Ueno, Tatsuhiro: The Flexible Copyright Exception for ‘Non-Enjoyment’ Purposes – Recent Amendment in Japan and Its Implication .....	145
Schröder, Vilhelm: Obtaining Evidence in Patent Litigation and Trade Secret Protection – A Tale of Two Poles .....	361	Vergano, Stefano: IP Licensing Contracts in Italy – Royalty Rate Determination and Dispute Resolution Clauses .....	440
		Widera, Philipp: Obtaining Evidence in Patent Litigation and Trade Secret Protection – A Tale of Two Poles .....	361

## OPINIONS

Valtere, Laura: Back to the Roots: A First Marketing Authorisation Is the First Marketing Authorisation – <i>Santen SAS v Directeur général de l’Institut national de la propriété industrielle</i> .....	36	Mansour Fallah, Sara/Koller, Andreas/Stadler, Michael: The UPCA’s Path to Entry into Force between Delayed and Withdrawn Ratifications – Dead-end Street or Bumps in the Road? .....	662
Bartels, Marvin: Ethical Limits for Patentability? On the Board of Appeal’s Balancing of Animal Suffering and Medical Benefit – T 0682/16 <i>Non-human organism/INTREXON</i> of 5 June 2020 .....	44	Rozenfelds, Jānis/Mantrov, Vadim: Is a National Court Competent to Introduce a Disclaimer into Trade Mark Registration? The Latvian Supreme Court Finally Says ‘No’ .....	760
Díaz-Marta, Vicente Zafrilla: UK Courts Determination of Global FRAND Rates: There Is a Will but Is There a Way? UKSC Judgment in <i>Unwired Planet v Huawei, Huawei v Conversant</i> , and <i>ZTE v Conversant</i> .....	153	Batista, Pedro Henrique D.: No Need of Evidence for Moral Damages Compensation after a Trademark Infringement – An Appropriate Development of the Brazilian Case Law? .....	764
Kianzad, Behrang: Did the Danish Supreme Court Give the Fashion Industry the Kantian Boot? .....	159	Haedicke, Maximilian: Identity of Applicants for Priority Rights and the EPO’s <i>CRISPR-Cas/Broad Institute</i> Decision T 0844/18 – Scope of the EPO’s ‘Formal Review’ to Establish Identity of the Holder of the Priority Right ..	855
Galoyan, Arman/Glonina, Vera: The Work-For-Hire Doctrine in Russia: Recent Law Enforcement Trends ....	164	Baldus, Oliver: Decision G 1/19 and the Messy Misconception of the COMVIK Approach .....	957
Sandfuchs, Barbara: The Future of Data Transfers to Third Countries in Light of the CJEU’s Judgment C-311/18 – <i>Schrems II</i> .....	245	Adewopo, Adebambo/Itanyi, Nkem: Protection of Copyright in Foreign Works in Nigeria: An Analysis of the Decision in <i>Voice Web International Limited v Emerging Markets Telecommunication Services Ltd &amp; Ors</i> ...	1174
Gschwindt, Daniela: Temporary Relief of Pay-for-Delay: The ECJ as Specifically Different Antidepressant .....	250	Buchalska, Joanna: Protection of Personal Rights in Poland on the Basis of the Judgment of the Polish Supreme Court – The <i>Tiger</i> Case .....	1181
Marusic, Branka: New Changes in the Croatian Patent Act .....	377	Kianzad, Behrang: Excessive Pharmaceutical Pricing as an Abuse of Dominant Position – The Case of <i>CD Pharma</i> (Denmark) .....	1188
Mackenrodt, Mark-Oliver: Data Processing as an Abuse of Market Power in Multi-Sided Markets – The More Competition-Oriented Approach in the German Federal Supreme Court’s Interim Decision KVR 69/19 – <i>Face-book</i> .....	562		
Arnold, Richard: Broad Specifications and Intent to Use: Is the EU Trade Mark System Credible? .....	656		

## REPORTS

de la Durantaye, Katharina/Grünberger, Michael: Copyright Law 2030 – A Memorandum on the Future of the Creative Ecosystem in Europe .....	380	national Seminar of the Technische Universität Dresden and Charles University in Prague, 1 December 2020 .....	770
Yu, Ronald/Yip, Kenneth: New Changes, New Possibilities: China’s Latest Patent Law Amendments .....	486	Lee, Jyh-An/Li, Yangzi: The Pathway Towards Digital Superpower: Copyright Reform in China .....	861
Kapyrina, Natalia/Rybachak, Viacheslav: Geographical Indications in Russia: Federal Law 230-FZ of 26 July 2019 .....	571	Merbecks, Aurelia: Conference Report on ‘Patents and Standards – Online FRAND-Forum’ .....	963
Callo-Müller, María Vázquez/Upreti, Pratyush Nath: RCEP IP Chapter: Another TRIPS-Plus Agreement? .....	667	Sutterer, Moritz: Report on the Kyoto Guidelines of the ILA Committee on Intellectual Property and Private International Law .....	969
Linke, David/Žikovská, Petra: ‘The Implementation of the Directive on Copyright and Related Rights in the Digital Single Market’ – Conference Report on the Sixth Bi-		Keller, Klaus/Scheuerer, Stefan/Wiedemann Klaus: ‘New Directions in the European Union’s Innovation Policy?’ – Report on the Conference of the Max Planck Institute for Innovation and Competition in Collaboration with the MPI Alumni Association in Munich, 9 July 2021 .....	1074

## OFFICIAL STATEMENTS

<i>China</i>		Guidelines for the Application of Leniency Policy in Horizontal Monopoly Agreements of the Anti-Monopoly Commission of the State Administration (Issued by the Anti-Monopoly Commission of the State Administration on 4 January 2019) .....	387
Provisions of China’s Supreme People’s Court on Several Issues Concerning the Application of Law in the Trial of Administrative Cases Concerning Patent Grant and Confirmation .....	257	Antitrust Guidelines of the Antitrust Committee of the State Council on the Field of Intellectual Property (Issued by the Antitrust Committee of the State Council on 4 January 2019) .....	776
National Intellectual Property Administration: Administrative Measures for the Use of Special Marks Reserved for Geographical Indications (for Trial Implementation) – Issued on 7 April 2020 (comment by Yanqi Zhu) .....	383		

## CASE NOTES

Bulayenko, Oleksandr: AsDAC v Republic of Moldova (European Court of Human Rights) .....	1014	Nazar de la Vega, Gonzalo Maria: Tourism Vehicles with Driver (Supreme Court Spain) .....	701
Dimova, Veronika: Sopharma Trading (Supreme Administrative Court Bulgaria) .....	812	Oshikamo, Ryoko: Doxepin (Supreme Court Japan) .....	1197
Foerstl, Uli: FRAND-Einwand [FRAND defence] (Federal Supreme Court Germany) .....	89	Saiz García, Concepción: Faena (Supreme Court Spain) ...	1006
Ilchenko, Stanislava: AsDAC v Republic of Moldova (European Court of Human Rights) .....	1014	Saiz García, Concepción: La Estrella del Rock (Supreme Court Spain) .....	592
Krumlová, Dita: Significant Market Power in Food Markets (Constitutional Court Czech Republic) .....	78	Selçuk, Ulya: Mediation in Intellectual Property Rights Disputes (Court of Cassation Turkey) .....	615
Marusic, Branka: Crocs (Patent and Market Court of Appeal Sweden) .....	989	Stenvik, Kristina: iPhone Screens (Supreme Court Norway) .....	285
Marusic, Branka: Dynamic Injunctions (Supreme Court Sweden) .....	399	Wahl, Jörg: FRAND-Einwand [FRAND defence] (Federal Supreme Court Germany) .....	89
Marusic, Branka: Sandoz v AstraZeneca (Patent and Market Court of Appeal Sweden) .....	871		
Mező, Barnabás: Milka v Bonbonetti (Supreme Court Hungary) .....	676		

### Bibliography

(Peter Weber, Francisco Beneke, Gabriele Spina Ali)..... 102, 313, 503, 717, 914, 1119

## BOOK REVIEWS

Maria Cristina Caldarola/Joachim Schrey: Big Data and Law: A Practitioner's Guide (Klaus Wiedemann) ..... 210 Marius Schneider/Vanessa Ferguson: Enforcement of Intellectual Property Rights in Africa (Gordian N. Hasselblatt) ..... 416	Jacques de Werra: Accords de technologie/Technology Transactions (Natacha Estèves) ..... 512 Pedro De Miguel Asensio: Conflict of Law and the Internet (Moritz Sutterer) ..... 725
--	---

### Authors of Case Notes, Opinions, Reports, Comments and Book Reviews

Adewopo, Adebambo ..... 1174 Arnold, Richard ..... 656 Baldus, Oliver ..... 957 Bartels, Marvin ..... 44 Batista, Pedro Henrique D. .... 764 Buchalska, Joanna ..... 1181 Bulayenko, Oleksandr ..... 1014 Callo-Müller, María Vásquez ..... 667 De la Durantaye, Katharina ..... 380 Díaz-Marta, Vicente Zafrilla ..... 153 Dimova, Veronika ..... 812 Estèves, Natacha ..... 512 Foerstl, Uli ..... 89 Galoyan, Arman ..... 164 Glonina, Vera ..... 164 Grünberger, Michael ..... 380 Gschwindt, Daniela ..... 250 Haedicke, Maximilian ..... 855 Hasselblatt, Gordian N. .... 416 Ilchenko, Stanislava ..... 1014 Itanyi, Nkem ..... 1174 Kapyrina, Natalia ..... 571 Keller, Klaus ..... 1074 Kianzad, Behrang ..... 159, 1188 Koller, Andreas ..... 662 Krumlová, Dita ..... 78 Lee, Jyh-An ..... 861	Li, Yangzi ..... 861 Linke, David ..... 770 Mackenrodt, Mark-Oliver ..... 562 Mansour Fallah, Sara ..... 662 Mantrov, Vadim ..... 760 Marusic, Branka ..... 377, 399, 871, 989 Merbecks, Aurelia ..... 963 Mező, Barnabás ..... 676 Nazar de la Vega, Gonzalo Maria ..... 701 Oshikamo, Ryoko ..... 1197 Rozenfelds, Jānis ..... 760 Rybchak, Viacheslav ..... 571 Saiz García, Concepción ..... 592, 1006 Sandfuchs, Barbara ..... 245 Scheuerer, Stefan ..... 1074 Selçuk, Ulya ..... 615 Stadler, Michael ..... 662 Stenvik, Kristina ..... 285 Sutterer, Moritz ..... 725, 969 Upreti, Pratyush Nath ..... 667 Valtere, Laura ..... 36 Wahl, Jörg ..... 89 Wiedemann, Klaus ..... 210, 1074 Yip, Kenneth ..... 486 Yu, Ronald ..... 486 Zhu, Yanqi ..... 383 Žikovská, Petra ..... 770
---	--



## CASE LAW

### PATENT LAW

<i>Canada</i>	Federal Supreme Court (Bundesgericht) 11 May 2020 – 4A_613/2019 .....	169
Nova v Dow – Principles Governing an Accounting of Profits as a Remedy for Infringement Federal Court of Appeal 15 September 2020 – 2020 FCA 141 .....	Sandoz v Eli Lilly – Combining Different Teachings from a Single Piece of Prior Art Federal Supreme Court (Bundesgericht) 1 May 2020 – 4A_570/2019 .....	280
261		
Minister of Health v GlaxoSmithKline Biologicals S. A. – Interpretation of ‘Medicinal Ingredient’ under the Certificate of Supplementary Protection Regulations Federal Court of Appeal 14 April 2021 – 2021 FCA 71 .	<i>United Kingdom</i> Unwired Planet – Jurisdiction of UK Courts on FRAND Disputes regarding Global Licences on Multinational Patent Portfolios Supreme Court 26 August 2020 – [2020] UKSC 37 .....	174
1079		
<i>Germany</i>		
Autoantibody Detection [Autoantikörpernachweis] – Inventive Step in the Use of a Generally Available Tool Federal Supreme Court (Bundesgerichtshof) 17 December 2019 – X ZR 115/17 .....	<b>SUPPLEMENTARY PROTECTION CERTIFICATES</b>	
275	<i>European Union</i>	
Data conversion [Datenpaketumwandlung] – Interest in Bringing Legal Proceedings When Filing an Action for Revocation After Patent Expiry Federal Supreme Court (Bundesgerichtshof) 11 August 2020 – X ZR 96/18 .....	Santen v Directeur général de l’Institut national de la propriété industrielle – Interpretation of ‘Product’ Under C.JEU 9 July 2020 – C-673/18 .....	49
490		
Truvada – Revocation of a Supplementary Protection Certificate after Expiry Federal Supreme Court (Bundesgerichtshof) 22 September 2020 – X ZR 172/18 .....	<b>TRADE MARK LAW</b>	
782	<i>Brazil</i>	
<i>Japan</i>	Knitted Clothes from Santa Catarina – No Need of Evidence for Moral Damages Compensation after a Trade Mark Infringement Superior Court of Justice (Superior Tribunal de Justiça) 8 September 2020 – Special Appeal No. 1.863.566/SC ..	786
672		
Doxepin – Unexpected Remarkable Effect of an Invention as Ground to Determine Inventive Step Supreme Court 27 August 2019 – H30 (Gyo-Hi) 69 (case note by Ryoko Oshikamo) .....	<i>Czech Republic</i> Ketofit – Prior User Defence Is not Considered a Subjective Right but a Statutory Limitation of Trademark Rights Supreme Court (Nejvyšší soud) 21 July 2020 – 23 Cdo 3944/2019 .....	1088
1197		
<i>Netherlands</i>	<i>Germany</i>	
Menzis Zorgverzekeraar v AstraZeneca – Liability and Unjust Enrichment for the Enforcement of a Retrospectively Invalid Patent The Hague District Court (Rechtbank Den Haag) 14 October 2020 – C/09/541261 .....	INJEKT/INJEX – Evaluation of Partial Use of a Trade Mark: Differences Between Cancellation and Infringement Proceedings Federal Supreme Court (Bundesgerichtshof) 6 February 2020 – I ZB 21/19 .....	583
390	YOOFOOD/YO – Weight of Descriptive Elements in the Evaluation of Trade Mark Similarity Federal Supreme Court (Bundesgerichtshof) 9 July 2020 – I ZB 80/19 .....	880
Eli Lilly and Company v Fresenius Kabi Nederland B. V. – Application of the Doctrine of Equivalents to Different Salt Forms of a Drug Component The Hague Court of Appeal (Gerechtshof Den Haag) 27 October 2020 – 200.261.833/01 .....	Vorwerk – Trademark Infringement by Keyword Advertising Federal Supreme Court (Bundesgerichtshof) 15 October 2020 – I ZR 210/18 .....	977
575		
<i>Poland</i>	<i>Hungary</i>	
Flowmeter Body – Employee Right to Remuneration for Non-Patented Inventions Supreme Court (Sąd Najwyższy) 8 January 2020 – II PK 173/19 .....	Milka v Bonbonetti – Infringement of Colour Trademarks Supreme Court (Kúria) 1 July 2020 – Pfv.IV.20.260/2019/6 (case note by Barnabás Mező) .....	676
972		
<i>Sweden</i>	<i>Indonesia</i>	
Sandoz v AstraZeneca – Destruction of Goods Manufactured in Countries in which Patent Protection Does Not Apply Patent and Market Court of Appeal (Patent- och marknadsöverdomstolen) 18 December 2020 – PMT 8135–19 (case note by Branka Marusic) .....	Rolling Stones – Bad Faith in the Registration of Well-known Trademarks Supreme Court 4 February 2020 – 169 K/Pdt.Sus-HKI/2020 .....	681
871		
<i>Switzerland</i>		
Mundipharma v Develco – Singling-out Individual Elements When Filing Patent Amendments		

<i>Italy</i>		<i>Turkey</i>	
LOVE Therapy by E. F. – The Use of One’s Own Name Is in Accordance With Honest Commercial Practices Only When it Absolves a Descriptive Function Supreme Court (Corte Suprema di Cassazione) 29 May 2020 – 10298 .....	55	Dünya – Use of a Trademark on the Cover of a Book Court of Cassation (11th Chamber) 19 October 2020 – Case No. 2020/406, Decision No. 2020/4212 .....	887
Political Party Names – Protection of the Names of Political Parties Supreme Court, Section I (Corte Suprema di Cassazione, Sez. I) 16 June 2020 – 11635/2020 .....	788	<i>Benelux</i>	
<i>Latvia</i>		Pet’s Budget – Standard of Descriptiveness and Evidence to Prove Acquired Distinctiveness Benelux Court of Justice 15 June 2020 – C2019/6/9 .....	
Citramons – Competence to Introduce Disclaimers Senate of the Republic of Latvia (Latvijas Republikas Senāts) 17 December 2020 – SKC-1032/2020 .....	791	291	
<i>Netherlands</i>		<i>European Union</i>	
Infinion Technologies Holding B.V. and AG v NXP B.V. – Referring Use of a Trade Mark to Indicate the Intended Destination of a Product Supreme Court (Hoge Raad) 8 January 2021 – 19/03590 .....	885	ACTC v EUIPO, TAIGA – Subcategories of Goods and Services and Proof of Genuine Use of an Earlier Mark CJEU 16 July 2020 – C-714/18 P .....	
<i>Norway</i>		396	
iPhone Screens – Importation of Goods Affixed with a Trademark Concealed by a Removable Marker Supreme Court of Norway (Norges Høyesterett) 2 June 2020 – HR-2020–1142-A (case note by Kristina Stenvik) .....	285	<i>WIPO</i>	
<i>Peru</i>		Gorgonzola.blue – Cybersquatting of a Trademark Consisting of a Geographical Indication WIPO Arbitration and Mediation Center, Administrative Panel 30 May 2021 – D2021–0722 .....	
Sunny girl – Evidence of Genuine Use of a Trademark Made Up of a Packaging Box Court of the Defence of Competition and Intellectual Property (Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual (Indecopi)) 11 November 2020 – Resolution No. 1137–2020/TPI-INDECOPI, File No. 797617–2019/DSD .....	1093	1099	
<i>Russia</i>		<b>GEOGRAPHICAL INDICATIONS</b>	
Raffaello – Criteria for Determining the Well-known Character of a Trademark Intellectual Property Court 17 January 2020 – SIP-196/2019 .....	185	<i>Germany</i>	
Three Keys [Tri ključa] – Multiple Registrations of the Same Trademark by a Single Applicant Supreme Court of the Russian Federation 11 November 2020 – 300-ES20–12511 .....	986	Schwarzwälder Schinken II [Black Forest Ham II] – On-Site Packaging and Slicing as a Requirement for Geographical Indications Federal Supreme Court (Bundesgerichtshof) 3 September 2020 – I ZB 72/19 .....	
<i>Spain</i>		996	
La Estrella del Rock – Genuine Use of a Trademark in a Form Different from the One Registered Supreme Court (Tribunal Supremo) 28 May 2020 – 1533/2020 (case note by Concepción Saiz García) .....	592	<b>UNFAIR COMPETITION</b>	
<i>Sweden</i>		<i>Czech Republic</i>	
Crocs – Registration of Three-Dimensional Marks Consisting of the Shape of Footwear Patent and Market Court of Appeal (Patent- och marknadsöverdomstolen) 2 December 2020 – PMT 7014–19 (case note by Branka Marusic) .....	989	Bénéficielle – Liability of Sole Shareholder Acting as Executive Officer Supreme Court (Nejvyšší soud) 4 July 2020 – 23 Cdo 3497/2019 .....	
<i>Switzerland</i>		1004	
EF-G. – Legal Interest in Filing a Central Attack Invalidation under the Madrid System Federal Supreme Court (Bundesgericht) 5 August 2020 – 4A_97/2020 .....	794	<i>Germany</i>	
OTTO GmbH v OTTO’S AG – Unfair Competition Can Prevail over a Registered Trademark if the Owner Has Forfeited Protection Federal Supreme Court (Bundesgericht) 26 October 2020 – 4A_152/2020 .....	1204	Customer ratings on Amazon [Kundenbewertungen auf Amazon] – Supplier’s Liability for Misleading Online Customer Ratings for Therapeutic Products Federal Supreme Court (Bundesgerichtshof) 20 February 2020 – I ZR 193/18 .....	
		189	
		<b>COPYRIGHT LAW</b>	
		<i>Austria</i>	
		ORF v Facebook – Cease-and-Desist Orders: Future Infringements and Territorial Scope Supreme Court (Oberster Gerichtshof) 30 March 2020 – 4 Ob 36/20b .....	
		59	
		Bundesliga broadcasts – Copyright Protection for Transmissions and Recordings of Sports Matches Supreme Court (Oberster Gerichtshof) 2 July 2020 – 4 Ob 86/20f .....	
		497	
		<i>Brazil</i>	
		Brazilian Graffiti – Commercial Reproduction of Works Permanently Located in a Public Space Superior Court of Justice (Superior Tribunal de Justiça) 25 August 2020 – Special Appeal No. 1.746.739/SP .....	
		889	
		<i>Canada</i>	
		Teksavvy Solutions v Canadian Internet Registration Authority – Discretionary Power and Criteria to Issue Site-Blocking Orders Federal Court of Appeal 26 May 2021 – 2021 FCA 100 .....	
		1213	

<i>Chile</i>		<i>Russia</i>	
EGEDA v VTR – Liability of a Cable Television Operator that Provides Access to Open Television Signals Supreme Court (Corte Suprema de Justicia) 6 April 2020 – 8.177–2018 .....	194	Red Cat – Legal Effect of the Deposit of Copyrighted Works Supreme Court of the Russian Federation 17 September 2020 – 305-ES20–8198 .....	397
<i>Denmark</i>		<i>Spain</i>	
Rubber boot – No Copyright Protection for a Footwear Design Supreme Court (Højesteret) 10 June 2020 – BS-7741/2019-HJR .....	200	Faena – Copyright Protection for a Bullfight Supreme Court (Tribunal Supremo) 16 February 2021 – 82/2021 (case note by Concepción Saiz García) .....	1006
<i>France</i>		<i>Sweden</i>	
Betec Licht – Copyright Protection and Unfair Competition for the Design of a Lamp Court of Cassation (Cour de cassation) 7 October 2020 – 19–11.258 .....	684	Dynamic Injunctions – Principles Governing the Issuance and Formulation of Dynamic Injunctions Supreme Court (Högsta domstolen) 29 June 2020 – PMT 13399–19 (case note by Branka Marusic) .....	399
Knoll v Mobilier – Copyright Protection for Works of Applied Art under the Berne Convention Court of Cassation (Cour de cassation) 7 October 2020 – D 18–19.441 .....	894	<i>Council of Europe</i>	
<i>Germany</i>		AsDAC v Republic of Moldova – Standing of Collective Management Organisations before the European Court of Human Rights European Court of Human Rights 8 December 2020 – Application No. 47384/07 (case note by Oleksandr Bulayenko and Stanislava Ilchenko) .....	
Metall auf Metall IV – Phonogram Sampling as Reproduction Federal Supreme Court (Bundesgerichtshof) 30 April 2020 – I ZR 115/16 .....	64	1014	
Reformistischer Aufbruch II [Reformist Awakening II] – Conditions for the Application of the Exception for Reporting on Current Events Federal Supreme Court (Bundesgerichtshof) 30 April 2020 – I ZR 228/15 .....	798	<i>European Union</i>	
<i>Italy</i>		Non-EEA Performers – Equitable Remuneration for Performers Outside the European Economic Area CJEU 8 September 2020 – C-265/19 .....	
Wycon v Kiko – Copyright Protection for Interior Design Projects Supreme Court (Corte Suprema di Cassazione) 6 February 2020 – 8433/2020 .....	205	602	
Bronze Bust – Reproduction of a Portrait Sculpture without the Consent of the Author Supreme Court, Section I (Corte Suprema di Cassazione Sez. I) 7 February 2020 – 2981/2020 .....	294	<b>TRADE SECRETS</b>	
Casucci v Unipol – Assessment of Originality for Legal Texts and Technical Regulations Supreme Court, Section I (Corte Suprema di Cassazione, Sezione I) 29 May 2020 – 10300 .....	599	<i>Germany</i>	
<i>Lithuania</i>		Protection of Trade Secrets – Trade Secret Protection for the External Features of Digital Files Federal Administrative Court (Bundesverwaltungsgericht) 5 March 2020 – 20 F 3.19 .....	
Novus Nexus v Solidas – Copyright Protection for Data Protection Compliance Documentation Supreme Court of Lithuania (Lietuvos Aukščiausiasis Teismas) 26 March 2020 – e3K-3-77-687/2020 .....	686	690	
<i>Nigeria</i>		<i>Poland</i>	
Green Light v Copyright Society – Distribution of Royalties by Collective Management Organizations Federal High Court of Nigeria 25 November 2020 – FHC/L/CS/1418/2019 .....	1102	Unlawful use of trade secrets – Use of Trade Secrets by a Former Employee Supreme Court (Sąd Najwyższy) 25 September 2019 – III CSK 217/17 .....	
Voice Web International Ltd v Emerging Markets Telecommunication Services Ltd – Copyright Protection of Foreign Works Federal High Court of Lagos 1 March 2021 – FHC/L/CS/576/2017 .....	1220	73	
<i>Poland</i>		<b>DESIGN LAW</b>	
Remuneration for Personal Use Copies – Appropriate Remuneration for Copies Intended for Personal Use Supreme Court (Sąd Najwyższy) 24 July 2020 – I CSK 631/18 .....	899	<i>Republic of Korea</i>	
		Toolbox for Freight Vehicles – Evaluation of Functional Elements When Assessing Design Similarity Supreme Court of Korea 3 September 2020 – 2016Hu1710 .....	
		809	
		<b>RESTRAINTS OF COMPETITION</b>	
		<i>Bulgaria</i>	
		Sopharma Trading – Merger Approval Reversed Due to a Lack of Complete Analysis of Relevant Circumstances Affecting Market Structure Supreme Administrative Court 12 March 2019 – 3495 (case note by Veronika Dimova) .....	
		812	
		<i>Czech Republic</i>	
		Significant Market Power in Food Markets – Constitutionality of Regulation Aimed at Restraining Buyer Market Power in Food Markets Constitutional Court (Ústavní soud) 7 April 2020 – Pl. ÚS 30/16 (case note by Dita Krumlová) .....	
		78	
		<i>Denmark</i>	
		CD Pharma – Temporal Requirement for a Dominant Position and Excessive Pricing of Pharmaceuticals Maritime and Commercial Court (Sø- og Handelsretten) 2 March 2020 – BS-3038–2019 .....	
		1225	

*France*

Google v Press Publishers – Interim Measures and the Protection of Press Publishers and News Agencies’ Rights  
Paris Court of Appeal (Cour d’Appel de Paris) 8 October 2020 – 20/08071 ..... 905

*Germany*

FRAND-Einwand [FRAND defence] – Abuse of a Dominant Position by the Holder of a Standard Essential Patent  
Federal Supreme Court (Bundesgerichtshof) 5 May 2020 – KZR 36/17 (case note by Jörg Wahl and Uli Foerstl) ..... 89

Schienenkartell II – Causality in Damages Claims Regarding Bid Rigging Agreements  
Federal Supreme Court (Bundesgerichtshof) 26 January 2020 – KZR 24/17 ..... 409

Facebook – Standard of Causality in Abuse of Dominance Cases Regarding Terms and Conditions in Multi-Sided Markets  
Federal Supreme Court (Bundesgerichtshof) 23 June 2020 – KVR 69/19 ..... 603

FRAND-Einwand II [FRAND defence II] – Willingness to Acquire a License in FRAND Disputes  
Federal Supreme Court (Bundesgerichtshof) 24 November 2020 – KZR 35/17 ..... 1105

*Italy*

Aspen – Excessive Pricing of Pharmaceuticals  
Supreme Administrative Court (Consiglio di Stato) 13 March 2020 – 1832/2020 ..... 499

*Poland*

P. S. A. v UoKiK – Failure to Comply with Obligations in a Commitments Decision  
Supreme Court (Sąd Najwyższy) 22 January 2020 – I NSK 105/18 ..... 693

*Spain*

Tourism Vehicles with Driver – Necessity and Proportionality of Restrictions on Ride-hailing Services  
Supreme Court (Tribunal Supremo) 10 March 2020 – 349/2020 (case note by Gonzalo Maria Nazar de la Vega) ..... 701

**DATA ECONOMY**

*European Union*

Telenor Magyarország – Compatibility of Zero-Rated Bundles of Apps with Net Neutrality  
CJEU 15 September 2020 – C-807/18 and C-39/19 ..... 817

**DATA PROTECTION LAW**

*European Union*

Schrems II – EU-US Privacy Shield Agreement: Legality of Data Transfers to Non-EU Countries  
CJEU 16 July 2020 – C-311/18 ..... 299

**RIGHT OF PERSONALITY**

*Poland*

Tiger – Difference in Legal Protection between Pseudonyms and Nicknames  
Supreme Court (Sąd Najwyższy) 23 October 2020 – III CSK 134/18 ..... 1227

**PROCEDURAL LAW**

*Turkey*

Mediation in Intellectual Property Rights Disputes – Applicability of Compulsory Mediation Requirement of Financial Claims in the Case of Consolidated Proceedings  
Court of Cassation (11th Civil Chamber) 4 November 2020 – 2019/3611 E., 2020/4734 K. (case note by Ulya Selçuk) ..... 615

# SACHREGISTER

## für die Zeitschrift GRUR International

Der Zusatz E macht einen Entscheidungsabdruck kenntlich, die Abkürzung (Ls.) weist auf eine nur im Leitsatz abgedruckte Entscheidung hin, (Buchbespr.) auf eine Buchbesprechung.

### A

#### Abuse of Dominance

- , Data Processing as an Abuse of Market Power in Multi-Sided Markets – The More Competition-Oriented Approach in the German Federal Supreme Court’s Interim Decision KVR 69/19 – Facebook 562 Op
- , Standard of Causality in Abuse of Dominance Cases Regarding Terms and Conditions in Multi-Sided Markets (Germany) 603 D

#### Abuse of Rights

- , Abuse of a Dominant Position by the Holder of a Standard Essential Patent (Germany) 89 D

#### Access

- , Towards an Access Paradigm in Innovation Law? 925 A

#### ACTC v EUIPO, TAIGA (CJEU)

- , Subcategories of Goods and Services and Proof of Genuine Use of an Earlier Mark 396 D

#### Africa

- , Enforcement of Intellectual Property Rights in Africa 416 BR

#### Agri-Food

- , Sowing and Cultivating the Seed of Diversity in Agri-Food: Intellectual Property Protection in Transnational and Comparative Perspective 744 A

#### Agriculture

- , Sowing and Cultivating the Seed of Diversity in Agri-Food: Intellectual Property Protection in Transnational and Comparative Perspective 744 A

#### Animal Suffering

- , Ethical Limits for Patentability? On the Board of Appeal’s Balancing of Animal Suffering and Medical Benefit – T 0682/16 *Non-human organism/INTREXON* of 5 June 2020 44 Op

#### Antitrust Guidelines

- , Antitrust Guidelines of the Antitrust Committee of the State Council on the Field of Intellectual Property (Issued by the Antitrust Committee of the State Council on 4 January 2019) 776 OS

#### Application of Law

- , Provisions of China’s Supreme People’s Court on Several Issues Concerning the Application of Law in the Trial of Administrative Cases Concerning Patent Grant and Confirmation (China) 257 OS

#### Applied Art

- , Copyright Protection for Works of Applied Art under the Berne Convention (France) 894 D

#### Argentina

- , Amendments to the Argentine Trademark Law: Initial Impact 28 A

#### Artificial Intelligence

- , A copyright ‘human-centred approach’ to AI? 323 Ed
- , A *De Lege Ferenda* Perspective on Artificial Intelligence Systems Designated as Inventors in the European Patent System 115 A
- , Artificial Intelligence and Unfair Competition – Unveiling an Underestimated Building Block of the AI Regulation Landscape 834 A
- , Machine Learning Models Under the Copyright Microscope: Is EU Copyright Fit for Purpose? 1043 A

- , Text and Data Mining Exception in South America: A Way to Foster AI Development in the Region 1145 A

#### AsDAC v Republic of Moldova (European Court of Human Rights)

- , Standing of Collective Management Organisations before the European Court of Human Rights 1014 D

#### Aspen (Supreme Administrative Court – Italy)

- , Excessive Pricing of Pharmaceuticals 499 D

#### Austria

- , Cease and Desist Orders: Future Infringements and Territorial Scope 59 D
- , Copyright Protection for Transmissions and Recordings of Sports Matches 497 D

#### Autoantibody Detection [Autoantikörpernachweis] (Federal Supreme Court – Germany)

- , Inventive Step in the Use of a Generally Available Tool 275 D

#### Automated Filtering

- , How to License Article 17 of the Copyright in the Digital Single Market Directive? Exploring the Implementation Options for the New EU Rules on Content-Sharing Platforms 325 A
- , Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match 517 A

### B

#### Bad Faith Registration

- , Bad Faith in the Registration of Well-Known Trademarks (Indonesia) 681 D

#### Beauty Instrument (Intellectual Property High Court – Japan)

- , Calculation of Damages in Case of Patent Infringement 672 D

#### Bénéficielle (Supreme Court – Czech Republic)

- , Liability of Sole Shareholder Acting as Executive Officer 1004 D

#### Benelux

- , Delayed Again? The Benelux Alternative to the UPC 1133 A
- , Standard of Descriptiveness and Evidence to Prove Acquired Distinctiveness 291 D

#### Berne Convention

- , Copyright Protection for Works of Applied Art under the Berne Convention (France) 894 D
- , Translation Rights and Exceptions under Berne, *Ius Cogens*, and Linguistic Genocide 729 Ed

#### Betec Licht (Court of Cassation – France)

- , Copyright Protection and Unfair Competition for the Design of a Lamp 684 D

#### Bibliography

- , – 102 -, 313 -, 503 -, 717 -, 914 -, 1119 -

#### Bifurcated Patent System

- , Does the Injunction Gap Violate Implementers’ Fair Trial Rights Under the ECHR? 215 A

#### Big Data

- , Big Data and Law: A Practitioner’s Guide 210 BR
- , The Commission’s Digital Markets and Services Package – New Rules for Big Tech and Big Data 515 Ed

## Big Tech

- , The Commission’s Digital Markets and Services Package – New Rules for Big Tech and Big Data 515 Ed

## Biodiversity

- , Sowing and Cultivating the Seed of Diversity in Agri-Food: Intellectual Property Protection in Transnational and Comparative Perspective 744 A

## Biosimilars

- , Free-Riding for the Common Good? Generics, Biosimilars and References to Originator Trademarks in Comparative Advertising in France 134 A

## Blockchain

- , Blockchain and Competition Law 113 Ed

## Blocking Orders

- , Discretionary Power and Criteria to Issue Site-Blocking Orders (Canada) 1213 D

## Book Cover

- , Use of a Trademark on the Cover of a Book (Turkey) 887 D

## Brazil

- , Commercial Reproduction of Works Permanently Located in a Public Space 889 D
- , No Need of Evidence for Moral Damages Compensation after a Trade Mark Infringement 786 D
- , No Need of Evidence for Moral Damages Compensation after a Trademark Infringement – An Appropriate Development of the Brazilian Case Law? 764 Op

## Brazilian Graffiti (Superior Court of Justice – Brazil)

- , Commercial Reproduction of Works Permanently Located in a Public Space 889 D

## Breeding Techniques

- , Essentially Derived Varieties in View of New Breeding Technologies – Plant Breeders’ Rights at a Crossroads 11 A

## Broad Institute

- , Identity of Applicants for Priority Rights and the EPO’s *CRISPR-Cas/Broad Institute* Decision T 0844/18 – Scope of the EPO’s ‘Formal Review’ to Establish Identity of the Holder of the Priority Right 855 Op

## Broad Specifications

- , Broad Specifications and Intent to Use: Is the EU Trade Mark System Credible? 656 Op

## Broadcast

- , Implications of the Nigerian Broadcasting Code on Broadcast Copyright and Competition 644 A

## Bronze Bust (Supreme Court – Italy)

- , Reproduction of a Portrait Sculpture without the Consent of the Author 294 D

## Bulgaria

- , Merger Approval Reversed Due to a Lack of Complete Analysis of Relevant Circumstances Affecting Market Structure 812 D

## Bullfight

- , Copyright Protection for a Bullfight (Spain) 1006 D

## Bundesliga broadcasts (Supreme Court – Austria)

- , Copyright Protection for Transmissions and Recordings of Sports Matches 497 D

## Bundles of Apps

- , Compatibility of Zero-Rated Bundles of Apps with Net Neutrality (CJEU) 817 D

## C

## Canada

- , Discretionary Power and Criteria to Issue Site-Blocking Orders 1213 D

- , Interpretation of ‘Medicinal Ingredient’ under the Certificate of Supplementary Protection Regulations 1079 D

- , Principles Governing an Accounting of Profits as a Remedy for Infringement 261 D

## Casucci v Unipol (Supreme Court – Italy)

- , Assessment of Originality for Legal Texts and Technical Regulations 599 D

## CBD

- , Compatibility of the Intellectual Property Regime, the Convention on Biological Diversity and the Nagoya Protocol 349 A

## CD Pharma (Maritime and Commercial Court – Denmark)

- , Temporal Requirement for a Dominant Position and Excessive Pricing of Pharmaceuticals 1225 D

## Cease and Desist Orders

- , Cease and Desist Orders: Future Infringements and Territorial Scope (Austria) 59 D

## Chile

- , Liability of a Cable Television Operator that Provides Access to Open Television Signals 194 D

## China

- , Antitrust Guidelines of the Antitrust Committee of the State Council on the Field of Intellectual Property (Issued by the Antitrust Committee of the State Council on 4 January 2019) 776 OS
- , Guidelines for the Application of Leniency Policy in Horizontal Monopoly Agreements of the Anti-Monopoly Commission of the State Administration (Issued by the Anti-Monopoly Commission of the State Administration on 4 January 2019) 387 OS
- , National Intellectual Property Administration: Administrative Measures for the Use of Special Marks Reserved for Geographical Indications (for Trial Implementation) 383 OS
- , New Changes, New Possibilities: China’s Latest Patent Law Amendments 486 Re
- , Provisions of China’s Supreme People’s Court on Several Issues Concerning the Application of Law in the Trial of Administrative Cases Concerning Patent Grant and Confirmation 257 OS
- , The Pathway Towards Digital Superpower: Copyright Reform in China 861 Re

## Citramons (Senate – Latvia)

- , Competence to Introduce Disclaimers 791 D

## Civil Law

- , Compulsory Licensing in the Case of a Dependent Patent: The Interplay between Intellectual Property Law and Civil Law 1023 Ed

## CJEU

- , See ‘Court of Justice of the European Union’

## Clean Technology

- , Patent Law and Climate Change – Do We Need an EU Patent Law Directive on Clean Technology? 554 A

## Climate Change

- , Patent Law and Climate Change – Do We Need an EU Patent Law Directive on Clean Technology? 554 A

## CMOs

- , See „Collective Management Organizations“

## Collective Management Organisations

- , Distribution of Royalties by Collective Management Organizations (Nigeria) 1102 D
- , Standing of Collective Management Organisations before the European Court of Human Rights (ECHR) 1014 D

## Colour Trademarks

- , Infringement of Colour Trademarks (Hungary) 676 D

## Commitments Decision

- , Failure to Comply with Obligations in a Commitments Decision 693 D

## Communication to the Public

- , Liability of a Cable Television Operator that Provides Access to Open Television Signals (Chile) 194 D

## Comparative Advertising

- , Free-Riding for the Common Good? Generics, Biosimilars and References to Originator Trademarks in Comparative Advertising in France 134 A

## Competition Law

- , Abuse of a Dominant Position by the Holder of a Standard Essential Patent (Germany) 89 D
- , Antitrust Guidelines of the Antitrust Committee of the State Council on the Field of Intellectual Property (Issued by the Antitrust Committee of the State Council on 4 January 2019) 776 OS
- , Blockchain and Competition Law 113 Ed
- , Causality in Damages Claims Regarding Bid Rigging Agreements (Germany) 409 D
- , Constitutionality of Regulation Aimed at Restraining Buyer Market Power in Food Markets (Czech Republic) 78 D
- , Data Processing as an Abuse of Market Power in Multi-Sided Markets – The More Competition-Oriented Approach in the German Federal Supreme Court’s Interim Decision KVR 69/19 – Facebook 562 Op
- , Excessive Pharmaceutical Pricing as an Abuse of Dominant Position – The Case of CD Pharma (Denmark) 1188 Op
- , Excessive Pricing of Pharmaceuticals (Italy) 499 D
- , Failure to Comply with Obligations in a Commitments Decision 693 D
- , Guidelines for the Application of Leniency Policy in Horizontal Monopoly Agreements of the Anti-Monopoly Commission of the State Administration (Issued by the Anti-Monopoly Commission of the State Administration on 4 January 2019) 387 OS
- , Implications of the Nigerian Broadcasting Code on Broadcast Copyright and Competition 644 A
- , Interim Measures and the Protection of Press Publishers and News Agencies’ Rights (France) 905 D
- , Merger Approval Reversed Due to a Lack of Complete Analysis of Relevant Circumstances Affecting Market Structure (Bulgaria) 812 D
- , Necessity and Proportionality of Restrictions on Ride-hailing Services (Spain) 701 D
- , Reshaping Liability – The Concept of Undertaking Applied to Private Enforcement of EU Competition Law 731 A
- , Standard of Causality in Abuse of Dominance Cases Regarding Terms and Conditions in Multi-Sided Markets (Germany) 603 D
- , Supplier’s Liability for Misleading Online Customer Ratings for Therapeutic Products (Germany) 189 D
- , Temporal Requirement for a Dominant Position and Excessive Pricing of Pharmaceuticals (Denmark) 1225 D
- , Willingness to Acquire a License in FRAND Disputes (Germany) 1105 D

## Compulsory Licence

- , Compulsory Licensing in the Case of a Dependent Patent: The Interplay between Intellectual Property Law and Civil Law 1023 Ed

## Compulsory Mediation

- , Applicability of Compulsory Mediation Requirement of Financial Claims in the Case of Consolidated Proceedings (Turkey) 615 D

## Computer-Implemented Inventions

- , Decision G 1/19 and the Messy Misconception of the COMVIK Approach 957 Op

## Conflict of Law

- , Conflict of Law and the Internet 725 BR

## Constitutionalisation

- , Taking Constitutionalization Seriously: European IP Law, Weak Fundamental Rights and the Network of Courts 544 A

## Consumer

- , Digital Consumer Contract Law without Prejudice to Copyright: EU Digital Content Directive, Reasonable Consumer Expectations and Competition 943 A

## Content-Sharing Platforms

- , How to License Article 17 of the Copyright in the Digital Single Market Directive? Exploring the Implementation Options for the New EU Rules on Content-Sharing Platforms 325 A
- , Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match 517 A
- , ‘The Implementation of the Directive on Copyright and Related Rights in the Digital Single Market’ – Conference Report on the Sixth Binational Seminar of the Technische Universität Dresden and Charles University in Prague, 1 December 2020 770 Re

## Contract Law

- , Digital Consumer Contract Law without Prejudice to Copyright: EU Digital Content Directive, Reasonable Consumer Expectations and Competition 943 A

## Copyright Infringement

- , Cease and Desist Orders: Future Infringements and Territorial Scope (Austria) 59 D
- , Commercial Reproduction of Works Permanently Located in a Public Space (Brazil) 889 D
- , Conditions for the Application of the Exception for Reporting on Current Events (Germany) 798 D
- , Copyright Protection for a Bullfight (Spain) 1006 D
- , Phonogram Sampling as Reproduction (Germany) 64 D
- , Principles Governing the Issuance and Formulation of Dynamic Injunctions (Sweden) 399 D
- , Reproduction of a Portrait Sculpture without the Consent of the Author (Italy) 294 D
- , Translation Rights and Exceptions under Berne, *Ius Cogens*, and Linguistic Genocide 729 Ed

## Copyright Law

- , A copyright ‘human-centred approach’ to AI? 323 Ed
- , Appropriate Remuneration for Copies Intended for Personal Use (Poland) 899 D
- , Assessment of Originality for Legal Texts and Technical Regulations (Italy) 599 D
- , Cease and Desist Orders: Future Infringements and Territorial Scope (Austria) 59 D
- , Commercial Reproduction of Works Permanently Located in a Public Space (Brazil) 889 D
- , Conditions for the Application of the Exception for Reporting on Current Events (Germany) 798 D
- , Conflict of Law and the Internet 725 BR
- , Copyright in the Digital Single Market in Europe: The Quest for Legal Certainty Still Remains 1 Ed
- , Copyright Law 2030 – A Memorandum on the Future of the Creative Ecosystem in Europe 380 Re
- , Copyright Protection and Unfair Competition for the Design of a Lamp (France) 684 D
- , Copyright Protection for a Bullfight (Spain) 1006 D
- , Copyright Protection for Data Protection Compliance Documentation (Lithuania) 686 D
- , Copyright Protection for Interior Design Projects (Italy) 205 D
- , Copyright Protection for Transmissions and Recordings of Sports Matches (Austria) 497 D
- , Copyright Protection for Works of Applied Art under the Berne Convention (France) 894 D
- , Copyright Protection of Foreign Works (Nigeria) 1220 D
- , Designing a Future-Ready Copyright Regime in Singapore: Quick Wins and Missed Opportunities 1131 Ed
- , Did the Danish Supreme Court Give the Fashion Industry the Kantian Boot? 159 Op

- , Digital Consumer Contract Law without Prejudice to Copyright: EU Digital Content Directive, Reasonable Consumer Expectations and Competition 943 A
  - , Discretionary Power and Criteria to Issue Site-Blocking Orders (Canada) 1213 D
  - , Distribution of Royalties by Collective Management Organizations (Nigeria) 1102 D
  - , Equitable Remuneration for Performers Outside the European Economic Area (CJEU) 602 D
  - , How Can Consideration of Cultural Diversity Be Made Practicable in a Copyright System? 923 Ed
  - , How to License Article 17 of the Copyright in the Digital Single Market Directive? Exploring the Implementation Options for the New EU Rules on Content-Sharing Platforms 325 A
  - , Implications of the Nigerian Broadcasting Code on Broadcast Copyright and Competition 644 A
  - , In Search of Answers to Questions about Electronic Sports and Copyright 237 A
  - , Interim Measures and the Protection of Press Publishers and News Agencies' Rights (France) 905 D
  - , Legal Effect of the Deposit of Copyrighted Works (Russia) 397 D
  - , Liability of a Cable Television Operator that Provides Access to Open Television Signals (Chile) 194 D
  - , Machine Learning Models Under the Copyright Microscope: Is EU Copyright Fit for Purpose? 1043 A
  - , No Copyright Protection for a Footwear Design (Denmark) 200 D
  - , Phonogram Sampling as Reproduction (Germany) 64 D
  - , Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match 517 A
  - , Principles Governing the Issuance and Formulation of Dynamic Injunctions (Sweden) 399 D
  - , Protection of Copyright in Foreign Works in Nigeria: An Analysis of the Decision in *Voice Web International Limited v Emerging Markets Telecommunication Services Ltd & Ors* 1174 Op
  - , Reproduction of a Portrait Sculpture without the Consent of the Author (Italy) 294 D
  - , Standing of Collective Management Organisations before the European Court of Human Rights (ECHR) 1014 D
  - , Text and Data Mining Exception in South America: A Way to Foster AI Development in the Region 1145 A
  - , The Commission's Digital Markets and Services Package – New Rules for Big Tech and Big Data 515 Ed
  - , The Flexible Copyright Exception for 'Non-Enjoyment' Purposes – Recent Amendment in Japan and Its Implication 145 A
  - , 'The Implementation of the Directive on Copyright and Related Rights in the Digital Single Market' – Conference Report on the Sixth Binational Seminar of the Technische Universität Dresden and Charles University in Prague, 1 December 2020 770 Re
  - , The Many Metamorphoses of Related Rights in EU Copyright Law: Unintended Consequences or Inevitable Developments? 821 A
  - , The Pathway Towards Digital Superpower: Copyright Reform in China 861 Re
  - , The Work-For-Hire Doctrine in Russia: Recent Law Enforcement Trends 164 Op
  - , Translation Rights and Exceptions under Berne, *Ius Cogens*, and Linguistic Genocide 729 Ed
- Court of Justice of the European Union**
- , Compatibility of Zero-Rated Bundles of Apps with Net Neutrality 817 D
  - , Equitable Remuneration for Performers Outside the European Economic Area 602 D
- , EU-US Privacy Shield Agreement: Legality of Data Transfers to Non-EU Countries 299 D
  - , Interpretation of 'Product' Under Arts. 1(b) and 3(d) of the SPC Regulation 49 D
  - , Subcategories of Goods and Services and Proof of Genuine Use of an Earlier Mark 396 D
- Courts' Network**
- , Taking Constitutionalization Seriously: European IP Law, Weak Fundamental Rights and the Network of Courts 544 A
- Covid-19**
- , Crafting a Post-Pandemic IP Policy Agenda for Latin America 819 Ed
  - , Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law 463 A
  - , The COVID-19 Pandemic: Stress Test for Intellectual Property and Pharmaceutical Laws 846 A
- CRISPR-Cas**
- , Identity of Applicants for Priority Rights and the EPO's *CRISPR-Cas/Broad Institute* Decision T 0844/18 – Scope of the EPO's 'Formal Review' to Establish Identity of the Holder of the Priority Right 855 Op
- Croatia**
- , New Changes in the Croatian Patent Act 377 Op
- Cross (Patent and Market Court of Appeal – Sweden)**
- , Registration of Three-Dimensional Marks Consisting of the Shape of Footwear 989 D
- Cultural Diversity**
- , How Can Consideration of Cultural Diversity Be Made Practicable in a Copyright System? 923 Ed
- Customer Ratings**
- , Supplier's Liability for Misleading Online Customer Ratings for Therapeutic Products (Germany) 189 D
- Customer Ratings on Amazon [Kundenbewertungen auf Amazon] (Federal Supreme Court – Germany)**
- , Supplier's Liability for Misleading Online Customer Ratings for Therapeutic Products 189 D
- Cybersquatting**
- , Cybersquatting of a Trademark Consisting of a Geographical Indication (WIPO) 1099 D
- Czech Republic**
- , Constitutionality of Regulation Aimed at Restraining Buyer Market Power in Food Markets 78 D
  - , Liability of Sole Shareholder Acting as Executive Officer 1004 D
  - , Prior User Defence Is Not Considered a Subjective Right but a Statutory Limitation of Trademark Rights 1088 D
- D**
- Damages Compensation**
- , Calculation of Damages in Case of Patent Infringement (Japan) 672 D
  - , Causality in Damages Claims Regarding Bid Rigging Agreements (Germany) 409 D
  - , Damages and Recovery of Profits in Intellectual Property Litigation before Italian Courts 1056 A
  - , No Need of Evidence for Moral Damages Compensation after a Trade Mark Infringement (Brazil) 786 D
  - , No Need of Evidence for Moral Damages Compensation after a Trademark Infringement – An Appropriate Development of the Brazilian Case Law? 764 Op
  - , Principles Governing an Accounting of Profits as a Remedy for Infringement (Canada) 261 D
- Data Economy**
- , Big Data and Law: A Practitioner's Guide 210 BR



–, Compatibility of Zero-Rated Bundles of Apps with Net Neutrality (CJEU) 817 D

#### **Data packet conversion [Datenpaketumwandlung] (Federal Supreme Court – Germany)**

–, Interest in Bringing Legal Proceedings When Filing an Action for Revocation after Patent Expiry 490 D

#### **Data Processing**

–, Data Processing as an Abuse of Market Power in Multi-Sided Markets – The More Competition-Oriented Approach in the German Federal Supreme Court’s Interim Decision KVR 69/19 – Facebook 562 Op

–, Standard of Causality in Abuse of Dominance Cases Regarding Terms and Conditions in Multi-Sided Markets 603 D

#### **Data Protection Compliance Documentation**

–, Copyright Protection for Data Protection Compliance Documentation (Lithuania) 686 D

#### **Data Protection Law**

–, EU-US Privacy Shield Agreement: Legality of Data Transfers to Non-EU Countries (CJEU) 299 D

–, The Future of Data Transfers to Third Countries in Light of the CJEU’s Judgment C-311/18 – Schrems II 245 Op

#### **Data Transfer**

–, EU-US Privacy Shield Agreement: Legality of Data Transfers to Non-EU Countries (CJEU) 299 D

–, The Future of Data Transfers to Third Countries in Light of the CJEU’s Judgment C-311/18 – Schrems II 245 Op

#### **Denmark**

–, Did the Danish Supreme Court Give the Fashion Industry the Kantian Boot? 159 Op

–, Excessive Pharmaceutical Pricing as an Abuse of Dominant Position – The Case of CD Pharma (Denmark) 1188 Op

–, No Copyright Protection for a Footwear Design 200 D

–, Temporal Requirement for a Dominant Position and Excessive Pricing of Pharmaceuticals 1225 D

#### **Dependent Patent**

–, Compulsory Licensing in the Case of a Dependent Patent: The Interplay between Intellectual Property Law and Civil Law 1023 Ed

#### **Deposit of Copyrighted Works**

–, Legal Effect of the Deposit of Copyrighted Works (Russia) 397 D

#### **Descriptive Trademark**

–, The Use of One’s Own Name Is in Accordance with Honest Commercial Practices Only When It Absolves a Descriptive Function (Italy) 55 D

–, Weight of Descriptive Elements in the Evaluation of Trade Mark Similarity (Germany) 880 D

#### **Design Law**

–, Copyright Protection and Unfair Competition for the Design of a Lamp (France) 684 D

–, Did the Danish Supreme Court Give the Fashion Industry the Kantian Boot? 159 Op

–, Evaluation of Functional Elements When Assessing Design Similarity (Republic of Korea) 809 D

–, No Copyright Protection for a Footwear Design (Denmark) 200 D

#### **Design Similarity**

–, Evaluation of Functional Elements When Assessing Design Similarity (Republic of Korea) 809 D

#### **Destruction of Goods**

–, Destruction of Goods Manufactured in Countries in which Patent Protection Does Not Apply (Sweden) 871 D

#### **Digital Files**

–, Trade Secret Protection for the External Features of Digital Files (Germany) 690 D

#### **Digital Markets Act**

–, The Commission’s Digital Markets and Services Package – New Rules for Big Tech and Big Data 515 Ed

#### **Digital Services Act**

–, The Commission’s Digital Markets and Services Package – New Rules for Big Tech and Big Data 515 Ed

#### **Digital Single Market**

–, Copyright in the Digital Single Market in Europe: The Quest for Legal Certainty Still Remains 1 Ed

–, How to License Article 17 of the Copyright in the Digital Single Market Directive? Exploring the Implementation Options for the New EU Rules on Content-Sharing Platforms 325 A

–, Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match 517 A

–, ‘The Implementation of the Directive on Copyright and Related Rights in the Digital Single Market’ – Conference Report on the Sixth Binational Seminar of the Technische Universität Dresden and Charles University in Prague, 1 December 2020 770 Re

#### **Disclaimer**

–, Competence to Introduce Disclaimers (Latvia) 791 D

–, Is a National Court Competent to Introduce a Disclaimer into Trade Mark Registration? The Latvian Supreme Court Finally Says ‘No’ 760 Op

#### **Dispute Resolution**

–, IP Licensing Contracts in Italy – Royalty Rate Determination and Dispute Resolution Clauses 440 A

#### **Distinctiveness of a Trademark**

–, Standard of Descriptiveness and Evidence to Prove Acquired Distinctiveness (Benelux) 291 D

#### **Distribution of Royalties**

–, Distribution of Royalties by Collective Management Organizations (Nigeria) 1102 D

#### **Doctrine of Equivalents**

–, Application of the Doctrine of Equivalents to Different Salt Forms of a Drug Component (Netherlands) 575 D

#### **Domain Names**

–, Cybersquatting of a Trademark Consisting of a Geographical Indication (WIPO) 1099 D

#### **Dominant Market Position**

–, Abuse of a Dominant Position by the Holder of a Standard Essential Patent (Germany) 89 D

–, Excessive Pharmaceutical Pricing as an Abuse of Dominant Position – The Case of CD Pharma (Denmark) 1188 Op

–, Temporal Requirement for a Dominant Position and Excessive Pricing of Pharmaceuticals (Denmark) 1225 D

#### **Doxepin (Supreme Court – Japan)**

–, Unexpected Remarkable Effect of an Invention as Ground to Determine Inventive Step 1197 D

#### **DSM-Directive**

–, How to License Article 17 of the Copyright in the Digital Single Market Directive? Exploring the Implementation Options for the New EU Rules on Content-Sharing Platforms 325 A

–, Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match 517 A

–, ‘The Implementation of the Directive on Copyright and Related Rights in the Digital Single Market’ – Conference Report on the Sixth Binational Seminar of the Technische Universität Dresden and Charles University in Prague, 1 December 2020 770 Re

#### **Dünya (Court of Cassation – Turkey)**

–, Use of a Trademark on the Cover of a Book 887 D

#### **Dynamic Injunctions (Supreme Court – Sweden)**

–, Principles Governing the Issuance and Formulation of Dynamic Injunctions 399 D

## E

### E-Sports

- , In Search of Answers to Questions about Electronic Sports and Copyright 237 A

### ECHR

- , See ‘European Court of Human Rights’

### Editorial

- , A copyright ‘human-centred approach’ to AI? 323 Ed
- , Blockchain and Competition Law 113 Ed
- , Compulsory Licensing in the Case of a Dependent Patent: The Interplay between Intellectual Property Law and Civil Law 1023 Ed
- , Copyright in the Digital Single Market in Europe: The Quest for Legal Certainty Still Remains 1 Ed
- , Crafting a Post-Pandemic IP Policy Agenda for Latin America 819 Ed
- , Designing a Future-Ready Copyright Regime in Singapore: Quick Wins and Missed Opportunities 1131 Ed
- , How Can Consideration of Cultural Diversity Be Made Practicable in a Copyright System? 923 Ed
- , Licensing Agreements – Time to Intensify Legal Research 419 Ed
- , ‘No One Is Safe Until Everyone Is Safe’ – The Erosion of the WTO System of Intellectual Property Rights for Pharmaceutical Products? 619 Ed
- , The Commission’s Digital Markets and Services Package – New Rules for Big Tech and Big Data 515 Ed
- , Thinking IP: A Game of the Mind? 213 Ed

### EF-G. (Federal Supreme Court – Switzerland)

- , Legal Interest in Filing a Central Attack Invalidation under the Madrid System 794 D

### EGEDA v VTR (Supreme Court – Chile)

- , Liability of a Cable Television Operator that Provides Access to Open Television Signals 194 D

### Eli Lilly and Company v Fresenius Kabi Nederland B. V. (The Hague Court of Appeal – Netherlands)

- , Application of the Doctrine of Equivalents to Different Salt Forms of a Drug Component 575 D

### Eligibility

- , A *De Lege Ferenda* Perspective on Artificial Intelligence Systems Designated as Inventors in the European Patent System 115 A

### Employee Rights

- , Employee Right to Remuneration for Non-Patented Inventions (Poland) 972 D

### Enforcement

- , Enforcement of Intellectual Property Rights in Africa 416 BR
- , Liability and Unjust Enrichment for the Enforcement of a Retrospectively Invalid Patent (Netherlands) 390 D
- , The Work-For-Hire Doctrine in Russia: Recent Law Enforcement Trends 164 Op

### Essentially Derived Varieties

- , Essentially Derived Varieties in View of New Breeding Technologies – Plant Breeders’ Rights at a Crossroads 11 A

### Ethics

- , Ethical Limits for Patentability? On the Board of Appeal’s Balancing of Animal Suffering and Medical Benefit – T 0682/16 *Non-human organism/INTREXON* of 5 June 2020 44 Op

### EU Competition Law

- , Reshaping Liability – The Concept of Undertaking Applied to Private Enforcement of EU Competition Law 731 A

### EU Copyright Law

- , Copyright in the Digital Single Market in Europe: The Quest for Legal Certainty Still Remains 1 Ed
- , Copyright Law 2030 – A Memorandum on the Future of the Creative Ecosystem in Europe 380 Re

- , Digital Consumer Contract Law without Prejudice to Copyright: EU Digital Content Directive, Reasonable Consumer Expectations and Competition 943 A

- , Equitable Remuneration for Performers Outside the European Economic Area (CJEU) 602 D

- , How to License Article 17 of the Copyright in the Digital Single Market Directive? Exploring the Implementation Options for the New EU Rules on Content-Sharing Platforms 325 A

- , Machine Learning Models Under the Copyright Microscope: Is EU Copyright Fit for Purpose? 1043 A

- , Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match 517 A

- , The Commission’s Digital Markets and Services Package – New Rules for Big Tech and Big Data 515 Ed

- , ‘The Implementation of the Directive on Copyright and Related Rights in the Digital Single Market’ – Conference Report on the Sixth Binational Seminar of the Technische Universität Dresden and Charles University in Prague, 1 December 2020 770 Re

- , The Many Metamorphoses of Related Rights in EU Copyright Law: Unintended Consequences or Inevitable Developments? 821 A

### EU Digital Content Directive

- , Digital Consumer Contract Law without Prejudice to Copyright: EU Digital Content Directive, Reasonable Consumer Expectations and Competition 943 A

### EU Innovation Policy

- , ‘New Directions in the European Union’s Innovation Policy?’ – Report on the Conference of the Max Planck Institute for Innovation and Competition in Collaboration with the MPI Alumni Association in Munich, 9 July 2021 1074 Re

### EU Trademark Law

- , Broad Specifications and Intent to Use: Is the EU Trade Mark System Credible? 656 Op
- , Subcategories of Goods and Services and Proof of Genuine Use of an Earlier Mark (CJEU) 396 D
- , The Role of Trademarks on Online Retail Platforms: An EU Trademark Law Perspective 633 A

### European Court of Human Rights

- , Standing of Collective Management Organisations before the European Court of Human Rights 1014 D

### European Economic Area

- , Equitable Remuneration for Performers Outside the European Economic Area (CJEU) 602 D

### European Patent Convention

- , A *De Lege Ferenda* Perspective on Artificial Intelligence Systems Designated as Inventors in the European Patent System 115 A
- , Decision G 1/19 and the Messy Misconception of the COMVIK Approach 957 Op
- , Ethical Limits for Patentability? On the Board of Appeal’s Balancing of Animal Suffering and Medical Benefit – T 0682/16 *Non-human organism/INTREXON* of 5 June 2020 44 Op
- , Identity of Applicants for Priority Rights and the EPO’s *CRISPR-Cas/Broad Institute* Decision T 0844/18 – Scope of the EPO’s ‘Formal Review’ to Establish Identity of the Holder of the Priority Right 855 Op

### Evidence

- , No Need of Evidence for Moral Damages Compensation after a Trade Mark Infringement (Brazil) 786 D
- , No Need of Evidence for Moral Damages Compensation after a Trademark Infringement – An Appropriate Development of the Brazilian Case Law? 764 Op
- , Obtaining Evidence in Patent Litigation and Trade Secret Protection – A Tale of Two Poles 361 A

### Exceptions and Limitations

- , Appropriate Remuneration for Copies Intended for Personal Use (Poland) 899 D

- , Commercial Reproduction of Works Permanently Located in a Public Space (Brazil) 889 D
- , Conditions for the Application of the Exception for Reporting on Current Events (Germany) 798 D
- , Prior User Defence Is Not Considered a Subjective Right but a Statutory Limitation of Trademark Rights (Czech Republic) 1088 D
- , Text and Data Mining Exception in South America: A Way to Foster AI Development in the Region 1145 A
- , The Flexible Copyright Exception for ‘Non-Enjoyment’ Purposes – Recent Amendment in Japan and Its Implication 145 A
- , Translation Rights and Exceptions under Berne, *Ius Cogens*, and Linguistic Genocide 729 Ed

#### Excessive Pricing

- , Excessive Pharmaceutical Pricing as an Abuse of Dominant Position – The Case of CD Pharma (Denmark) 1188 Op
- , Temporal Requirement for a Dominant Position and Excessive Pricing of Pharmaceuticals (Denmark) 1225 D

#### Executive Officer

- , Liability of Sole Shareholder Acting as Executive Officer (Czech Republic) 1004 D

## F

#### Faena (Supreme Court – Spain)

- , Copyright Protection for a Bullfight 1006 D

#### Fashion Law

- , Did the Danish Supreme Court Give the Fashion Industry the Kantian Boot? 159 Op
- , No Copyright Protection for a Footwear Design (Denmark) 200 D

#### Flexibilities

- , Appropriate Remuneration for Copies Intended for Personal Use (Poland) 899 D
- , Commercial Reproduction of Works Permanently Located in a Public Space (Brazil) 889 D
- , Conditions for the Application of the Exception for Reporting on Current Events (Germany) 798 D
- , The Flexible Copyright Exception for ‘Non-Enjoyment’ Purposes – Recent Amendment in Japan and Its Implication 145 A
- , Translation Rights and Exceptions under Berne, *Ius Cogens*, and Linguistic Genocide 729 Ed

#### Flowmeter Body (Supreme Court – Poland)

- , Employee Right to Remuneration for Non-Patented Inventions 972 D

#### Food Market

- , Constitutionality of Regulation Aimed at Restraining Buyer Market Power in Food Markets (Czech Republic) 78 D

#### Footwear

- , Did the Danish Supreme Court Give the Fashion Industry the Kantian Boot? 159 Op
- , No Copyright Protection for a Footwear Design (Denmark) 200 D
- , Registration of Three-Dimensional Marks Consisting of the Shape of Footwear (Sweden) 989 D

#### Force Majeure

- , Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law 463 A

#### Foreign Works

- , Copyright Protection of Foreign Works (Nigeria) 1220 D
- , Protection of Copyright in Foreign Works in Nigeria: An Analysis of the Decision in Voice Web International Limited v Emerging Markets Telecommunication Services Ltd & Ors 1174 Op

#### Forfeiture of a Trademark

- , Unfair Competition Can Prevail over a Registered Trademark if the Owner Has Forfeited Protection (Switzerland) 1204 D

#### Formal Review

- , Identity of Applicants for Priority Rights and the EPO’s *CRISPR-Cas/Broad Institute* Decision T 0844/18 – Scope of the EPO’s ‘Formal Review’ to Establish Identity of the Holder of the Priority Right 855 Op

#### France

- , Copyright Protection and Unfair Competition for the Design of a Lamp 684 D
- , Copyright Protection for Works of Applied Art under the Berne Convention 894 D
- , Free-Riding for the Common Good? Generics, Biosimilars and References to Originator Trademarks in Comparative Advertising in France 134 A
- , Interim Measures and the Protection of Press Publishers and News Agencies’ Rights 905 D

#### Franchising

- , Licensing as a Central Structure of Technology Transfer Agreements – Joint Venture and Franchising Agreements 427 A

#### FRAND

- , Abuse of a Dominant Position by the Holder of a Standard Essential Patent (Germany) 89 D
- , Conference Report on ‘Patents and Standards – Online FRAND-Forum’ 963 Re
- , Jurisdiction of UK Courts on FRAND Disputes regarding Global Licences on Multinational Patent Portfolios (UK) 174 D
- , UK Courts Determination of Global FRAND Rates: There Is a Will but Is There a Way? UKSC Judgment in *Unwired Planet v Huawei*, *Huawei v Conversant*, and *ZTE v Conversant* 153 Op
- , What Is the Significance of a FRAND License Declaration for Standard Essential Patents with Regard to their Transferability? – News from Germany 421 A
- , Willingness to Acquire a License in FRAND Disputes (Germany) 1105 D

#### FRAND-Einwand [FRAND defence] (Federal Supreme Court – Germany)

- , Abuse of a Dominant Position by the Holder of a Standard Essential Patent 89 D

#### FRAND-Einwand II [FRAND defence II] (Federal Supreme Court – Germany)

- , Willingness to Acquire a License in FRAND Disputes 1105 D

#### Free Trade Agreement

- , RCEP IP Chapter: Another TRIPS-Plus Agreement? 667 Re

#### Free-Riding

- , Free-Riding for the Common Good? Generics, Biosimilars and References to Originator Trademarks in Comparative Advertising in France 134 A

#### FTA

- , See ‘Free Trade Agreement’

#### Functional Elements

- , Evaluation of Functional Elements When Assessing Design Similarity (Republic of Korea) 809 D

#### Fundamental Rights

- , Does the Injunction Gap Violate Implementers’ Fair Trial Rights Under the ECHR? 215 A
- , How to License Article 17 of the Copyright in the Digital Single Market Directive? Exploring the Implementation Options for the New EU Rules on Content-Sharing Platforms 325 A
- , Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match 517 A
- , Taking Constitutionalization Seriously: European IP Law, Weak Fundamental Rights and the Network of Courts 544 A

## G

### Generics

- , Free-Riding for the Common Good? Generics, Biosimilars and References to Originator Trademarks in Comparative Advertising in France 134 A

### Genetic Resources

- , Compatibility of the Intellectual Property Regime, the Convention on Biological Diversity and the Nagoya Protocol 349 A

### Genuine Use

- , Evidence of Genuine Use of a Trademark Made Up of a Packaging Box (Peru) 1093 D
- , Genuine Use of a Trademark in a Form Different from the One Registered (Spain) 592 D
- , Subcategories of Goods and Services and Proof of Genuine Use of an Earlier Mark (CJEU) 396 D

### Geographical Indications

- , Cybersquatting of a Trademark Consisting of a Geographical Indication (WIPO) 1099 D
- , Geographical Indications in Russia: Federal Law 230-FZ of 26 July 2019 571 Re
- , National Intellectual Property Administration: Administrative Measures for the Use of Special Marks Reserved for Geographical Indications (for Trial Implementation) 383 OS
- , On Site Packaging and Slicing as a Requirement for Geographical Indications (Germany) 996 D
- , Relationship Between Geographical Indications and Trade Marks under Turkish Law 754 A
- , What's in a Name? The Journey of Geographical Indications from Paris 1883 to Geneva 2015 932 A

### Germany

- , Abuse of a Dominant Position by the Holder of a Standard Essential Patent 89 D
- , Breathing New Life into the German Utility Model System in the Industry 4.0 Era 621 A
- , Causality in Damages Claims Regarding Bid Rigging Agreements 409 D
- , Combining Different Teachings from a Single Piece of Prior Art 280 D
- , Conditions for the Application of the Exception for Reporting on Current Events 798 D
- , Data Processing as an Abuse of Market Power in Multi-Sided Markets – The More Competition-Oriented Approach in the German Federal Supreme Court's Interim Decision KVR 69/19 – Facebook 562 Op
- , Evaluation of Partial Use of a Trade Mark: Differences Between Cancellation and Infringement Proceedings 583 D
- , Interest in Bringing Legal Proceedings When Filing an Action for Revocation after Patent Expiry 490 D
- , Inventive Step in the Use of a Generally Available Tool 275 D
- , No Need for 'Plausibility' in German Patent Law 3 A
- , On Site Packaging and Slicing as a Requirement for Geographical Indications 996 D
- , Phonogram Sampling as Reproduction (Germany) 64 D
- , Revocation of a Supplementary Protection Certificate after Expiry 782 D
- , Standard of Causality in Abuse of Dominance Cases Regarding Terms and Conditions in Multi-Sided Markets 603 D
- , Supplier's Liability for Misleading Online Customer Ratings for Therapeutic Products 189 D
- , Trade Secret Protection for the External Features of Digital Files 690 D
- , Trademark Infringement by Keyword Advertising 977 D
- , Weight of Descriptive Elements in the Evaluation of Trade Mark Similarity 880 D

- , What Is the Significance of a FRAND License Declaration for Standard Essential Patents with Regard to their Transferability? – News from Germany 421 A

- , Willingness to Acquire a License in FRAND Disputes 1105 D

### Global Licences

- , Jurisdiction of UK Courts on FRAND Disputes regarding Global Licences on Multinational Patent Portfolios (UK) 174 D
- , UK Courts Determination of Global FRAND Rates: There Is a Will but Is There a Way? UKSC Judgment in *Unwired Planet v Huawei*, *Huawei v Conversant*, and *ZTE v Conversant* 153 Op

### Google v Press Publishers (Paris Court of Appeal – France)

- , Interim Measures and the Protection of Press Publishers and News Agencies' Rights 905 D

### Gorgonzola.blue (WIPO Arbitration and Mediation Center – Administrative Panel)

- , Cybersquatting of a Trademark Consisting of a Geographical Indication 1099 D

### Green Light v Copyright Society (Federal High Court – Nigeria)

- , Distribution of Royalties by Collective Management Organizations 1102 D

## H

### Honest Commercial Practices

- , The Use of One's Own Name Is in Accordance with Honest Commercial Practices Only When It Absolves a Descriptive Function (Italy) 55 D
- , Which Honesty Test for Trademark Law? Why Traders' Efforts to Avoid Trademark Harm Should Matter When Assessing Honest Business Practices 1025 A

### Human Rights

- , Does the Injunction Gap Violate Implementers' Fair Trial Rights Under the ECHR? 215 A
- , Standing of Collective Management Organisations before the European Court of Human Rights (ECHR) 1014 D

### Hungary

- , Infringement of Colour Trademarks 676 D

## I

### Identity of Applicants

- , Identity of Applicants for Priority Rights and the EPO's *CRISPR-Cas/Broad Institute* Decision T 0844/18 – Scope of the EPO's 'Formal Review' to Establish Identity of the Holder of the Priority Right 855 Op

### Importation

- , Importation of Goods Affixed with a Trademark Concealed by a Removable Marker (Norway) 285 D

### Indication of Destination

- , Referring Use of a Trade Mark to Indicate the Intended Destination of a Product (Netherlands) 885 D

### Indonesia

- , Bad Faith in the Registration of Well-Known Trademarks 681 D

### Industry 4.0

- , Breathing New Life into the German Utility Model System in the Industry 4.0 Era 621 A

### Infineon Technologies Holding B. V. and AG v NXP B. V. (Supreme Court – Netherlands)

- , Referring Use of a Trade Mark to Indicate the Intended Destination of a Product 885 D

### INJEKT/INJEX (Federal Supreme Court – Germany)

- , Evaluation of Partial Use of a Trade Mark: Differences Between Cancellation and Infringement Proceedings 583 D

## Injunction Gap

- , Does the Injunction Gap Violate Implementers' Fair Trial Rights Under the ECHR? 215 A

## Innovation Law

- , Towards an Access Paradigm in Innovation Law? 925 A

## Insolvency

- , Licence Agreements and Insolvency Proceedings under Spanish Law 452 A
- , Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law 463 A

## Intent to Use

- , Broad Specifications and Intent to Use: Is the EU Trade Mark System Credible? 656 Op

## Interim Measures

- , Interim Measures and the Protection of Press Publishers and News Agencies' Rights (France) 905 D

## Interior Design

- , Copyright Protection for Interior Design Projects (Italy) 205 D

## International Trademark System

- , Legal Interest in Filing a Central Attack Invalidation under the Madrid System (Switzerland) 794 D

## Internet

- , Conflict of Law and the Internet 725 BR

## Invalid Patent

- , Liability and Unjust Enrichment for the Enforcement of a Retrospectively Invalid Patent (Netherlands) 390 D

## Inventive Step

- , Inventive Step in the Use of a Generally Available Tool (Germany) 275 D
- , Unexpected Remarkable Effect of an Invention as Ground to Determine Inventive Step (Japan) 1197 D

## IP Law

- , Compatibility of the Intellectual Property Regime, the Convention on Biological Diversity and the Nagoya Protocol 349 A
- , Compulsory Licensing in the Case of a Dependent Patent: The Interplay between Intellectual Property Law and Civil Law 1023 Ed
- , Crafting a Post-Pandemic IP Policy Agenda for Latin America 819 Ed
- , Damages and Recovery of Profits in Intellectual Property Litigation before Italian Courts 1056 A
- , Enforcement of Intellectual Property Rights in Africa 416 BR
- , IP Licensing Contracts in Italy – Royalty Rate Determination and Dispute Resolution Clauses 440 A
- , Licence Agreements and Insolvency Proceedings under Spanish Law 452 A
- , Licensing Agreements – Time to Intensify Legal Research 419 Ed
- , Licensing as a Central Structure of Technology Transfer Agreements – Joint Venture and Franchising Agreements 427 A
- , 'New Directions in the European Union's Innovation Policy?' – Report on the Conference of the Max Planck Institute for Innovation and Competition in Collaboration with the MPI Alumni Association in Munich, 9 July 2021 1074 Re
- , 'No One Is Safe Until Everyone Is Safe' – The Erosion of the WTO System of Intellectual Property Rights for Pharmaceutical Products? 619 Ed
- , Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law 463 A
- , RCEP IP Chapter: Another TRIPS-Plus Agreement? 667 Re
- , Report on the Kyoto Guidelines of the ILA Committee on Intellectual Property and Private International Law 969 Re

- , Sowing and Cultivating the Seed of Diversity in Agri-Food: Intellectual Property Protection in Transnational and Comparative Perspective 744 A
- , Taking Constitutionalization Seriously: European IP Law, Weak Fundamental Rights and the Network of Courts 544 A
- , The COVID-19 Pandemic: Stress Test for Intellectual Property and Pharmaceutical Laws 846 A
- , Thinking IP: A Game of the Mind? 213 Ed
- , Towards an Access Paradigm in Innovation Law? 925 A

## IP System

- , Compatibility of the Intellectual Property Regime, the Convention on Biological Diversity and the Nagoya Protocol 349 A
- , Crafting a Post-Pandemic IP Policy Agenda for Latin America 819 Ed
- , 'No One Is Safe Until Everyone Is Safe' – The Erosion of the WTO System of Intellectual Property Rights for Pharmaceutical Products? 619 Ed
- , RCEP IP Chapter: Another TRIPS-Plus Agreement? 667 Re
- , Sowing and Cultivating the Seed of Diversity in Agri-Food: Intellectual Property Protection in Transnational and Comparative Perspective 744 A
- , The COVID-19 Pandemic: Stress Test for Intellectual Property and Pharmaceutical Laws 846 A
- , Thinking IP: A Game of the Mind? 213 Ed
- , Towards an Access Paradigm in Innovation Law? 925 A

## iPhone Screens (Supreme Court – Norway)

- , Importation of Goods Affixed with a Trademark Concealed by a Removable Marker 285 D

## Italy

- , Assessment of Originality for Legal Texts and Technical Regulations 599 D
- , Copyright Protection for Interior Design Projects 205 D
- , Damages and Recovery of Profits in Intellectual Property Litigation before Italian Courts 1056 A
- , Excessive Pricing of Pharmaceuticals 499 D
- , IP Licensing Contracts in Italy – Royalty Rate Determination and Dispute Resolution Clauses 440 A
- , Protection of the Names of Political Parties (Italy) 788 D
- , Reproduction of a Portrait Sculpture without the Consent of the Author 294 D
- , The Use of One's Own Name Is in Accordance with Honest Commercial Practices Only When It Absolves a Descriptive Function 55 D

## J

### Japan

- , Calculation of Damages in Case of Patent Infringement 672 D
- , Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law 463 A
- , The Flexible Copyright Exception for 'Non-Enjoyment' Purposes – Recent Amendment in Japan and Its Implication 145 A
- , Unexpected Remarkable Effect of an Invention as Ground to Determine Inventive Step 1197 D

### Joint Venture

- , Licensing as a Central Structure of Technology Transfer Agreements – Joint Venture and Franchising Agreements 427 A

### Jointly Owned IP

- , Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law 463 A

### Jurisdiction

- , Delayed Again? The Benelux Alternative to the UPC 1133 A

- , Is a National Court Competent to Introduce a Disclaimer into Trade Mark Registration? The Latvian Supreme Court Finally Says ‘No’ 760 Op
- , Jurisdiction of UK Courts on FRAND Disputes regarding Global Licences on Multinational Patent Portfolios (UK) 174 D
- , Taking Constitutionalization Seriously: European IP Law, Weak Fundamental Rights and the Network of Courts 544 A
- , The UPCA’s Path to Entry into Force between Delayed and Withdrawn Ratifications – Dead-end Street or Bumps in the Road? 662 Op

## K

### **Ketofit (Supreme Court – Czech Republic)**

- , Prior User Defence Is Not Considered a Subjective Right but a Statutory Limitation of Trademark Rights 1088 D

### **Keyword Advertising**

- , Trademark Infringement by Keyword Advertising (Germany) 977 D

### **Knitted Clothes from Santa Catarina (Superior Court of Justice – Brazil)**

- , No Need of Evidence for Moral Damages Compensation after a Trade Mark Infringement 786 D

### **Knoll v Mobilier (Court of Cassation – France)**

- , Copyright Protection for Works of Applied Art under the Berne Convention 894 D

### **Kyoto Guidelines**

- , Report on the Kyoto Guidelines of the ILA Committee on Intellectual Property and Private International Law 969 Re

## L

### **La Estrella del Rock (Supreme Court – Spain)**

- , Genuine Use of a Trademark in a Form Different from the One Registered 592 D

### **Latin America**

- , Crafting a Post-Pandemic IP Policy Agenda for Latin America 819 Ed

### **Latvia**

- , Competence to Introduce Disclaimers 791 D
- , Is a National Court Competent to Introduce a Disclaimer into Trade Mark Registration? The Latvian Supreme Court Finally Says ‘No’ 760 Op

### **Legal Interest**

- , Legal Interest in Filing a Central Attack Invalidation under the Madrid System (Switzerland) 794 D

### **Legal Texts**

- , Assessment of Originality for Legal Texts and Technical Regulations (Italy) 599 D

### **Leniency Policy**

- , Guidelines for the Application of Leniency Policy in Horizontal Monopoly Agreements of the Anti-Monopoly Commission of the State Administration (Issued by the Anti-Monopoly Commission of the State Administration on 4 January 2019) 387 OS

### **Liability**

- , Reshaping Liability – The Concept of Undertaking Applied to Private Enforcement of EU Competition Law 731 A

### **Licensing Agreements**

- , IP Licensing Contracts in Italy – Royalty Rate Determination and Dispute Resolution Clauses 440 A
- , Licence Agreements and Insolvency Proceedings under Spanish Law 452 A
- , Licensing Agreements – Time to Intensify Legal Research 419 Ed

- , Licensing as a Central Structure of Technology Transfer Agreements – Joint Venture and Franchising Agreements 427 A
- , Protecting IP Licenses and Jointly Owned IP in the Age of COVID-19: Insolvency and Force Majeure Events under Japanese Law 463 A
- , What Is the Significance of a FRAND License Declaration for Standard Essential Patents with Regard to their Transferability? – News from Germany 421 A

### **Lithuania**

- , Copyright Protection for Data Protection Compliance Documentation 686 D

### **LOVE Therapy by E. F. (Supreme Court – Italy)**

- , The Use of One’s Own Name Is in Accordance with Honest Commercial Practices Only When It Absolves a Descriptive Function (Italy) 55 D

## M

### **Machine Learning**

- , Machine Learning Models Under the Copyright Microscope: Is EU Copyright Fit for Purpose? 1043 A

### **Madrid System**

- , Legal Interest in Filing a Central Attack Invalidation under the Madrid System (Switzerland) 794 D

### **Marketing Authorisation**

- , Back to the Roots: A First Marketing Authorisation Is the First Marketing Authorisation – *Santen SAS v Directeur général de l’Institut national de la propriété industrielle* 36 Op

### **Mediation in Intellectual Property Rights Disputes (Court of Cassation – Turkey)**

- , Applicability of Compulsory Mediation Requirement of Financial Claims in the Case of Consolidated Proceedings 615 D

### **Medicinal Ingredient**

- , Interpretation of ‘Medicinal Ingredient’ under the Certificate of Supplementary Protection Regulations (Canada) 1079 D

### **Menzis Zorgverzekeraar v AstraZeneca (The Hague District Court – Netherlands)**

- , Liability and Unjust Enrichment for the Enforcement of a Retrospectively Invalid Patent 390 D

### **Merger Approval**

- , Merger Approval Reversed Due to a Lack of Complete Analysis of Relevant Circumstances Affecting Market Structure (Bulgaria) 812 D

### **Metall auf Metall IV (Federal Supreme Court – Germany)**

- , Phonogram Sampling as Reproduction (Germany) 64 D

### **Milka v Bonbonetti (Supreme Court – Hungary)**

- , Infringement of Colour Trademarks 676 D

### **Minister of Health v GlaxoSmithKline Biologicals S. A. (Federal Court of Appeal – Canada)**

- , Interpretation of ‘Medicinal Ingredient’ under the Certificate of Supplementary Protection Regulations 1079 D

### **Moral Damages**

- , No Need of Evidence for Moral Damages Compensation after a Trade Mark Infringement (Brazil) 786 D
- , No Need of Evidence for Moral Damages Compensation after a Trademark Infringement – An Appropriate Development of the Brazilian Case Law? 764 Op

### **Multi-Sided Markets**

- , Data Processing as an Abuse of Market Power in Multi-Sided Markets – The More Competition-Oriented Approach in the German Federal Supreme Court’s Interim Decision KVR 69/19 – Facebook 562 Op
- , Standard of Causality in Abuse of Dominance Cases Regarding Terms and Conditions in Multi-Sided Markets (Germany) 603 D

## Multiple Registrations

- , Multiple Registrations of the Same Trademark by a Single Applicant (Russia) 986 D

## Mundipharma v Develco (Federal Supreme Court – Switzerland)

- , Singling-out Individual Elements When Filing Patent Amendments 169 D

## N

### Nagoya Protocol

- , Compatibility of the Intellectual Property Regime, the Convention on Biological Diversity and the Nagoya Protocol 349 A

### Neighbouring Rights

- , The Many Metamorphoses of Related Rights in EU Copyright Law: Unintended Consequences or Inevitable Developments? 821 A

### Net Neutrality

- , Compatibility of Zero-Rated Bundles of Apps with Net Neutrality (CJEU) 817 D

### Netherlands

- , Application of the Doctrine of Equivalents to Different Salt Forms of a Drug Component 575 D
- , Liability and Unjust Enrichment for the Enforcement of a Retrospectively Invalid Patent 390 D
- , Referring Use of a Trade Mark to Indicate the Intended Destination of a Product 885 D

### New Agencies

- , Interim Measures and the Protection of Press Publishers and News Agencies' Rights (France) 905 D

### Nicknames

- , Difference in Legal Protection between Pseudonyms and Nicknames (Poland) 1227 D
- , Protection of Personal Rights in Poland on the Basis of the Judgment of the Polish Supreme Court – The Tiger Case 1181 Op

### Nigeria

- , Copyright Protection of Foreign Works 1220 D
- , Distribution of Royalties by Collective Management Organizations 1102 D
- , Implications of the Nigerian Broadcasting Code on Broadcast Copyright and Competition 644 A
- , Protection of Copyright in Foreign Works in Nigeria: An Analysis of the Decision in Voice Web International Limited v Emerging Markets Telecommunication Services Ltd & Ors 1174 Op

### Non-EEA Performers (CJEU)

- , Equitable Remuneration for Performers Outside the European Economic Area 602 D

### Non-Patented Inventions

- , Employee Right to Remuneration for Non-Patented Inventions (Poland) 972 D

### Norway

- , Importation of Goods Affixed with a Trademark Concealed by a Removable Marker 285 D

### Nova v Dow (Federal Court of Appeal – Canada)

- , Principles Governing an Accounting of Profits as a Remedy for Infringement 261 D

### Novus Nexus v Solidas (Supreme Court – Lithuania)

- , Copyright Protection for Data Protection Compliance Documentation 686 D

### Nullity of a Patent

- , Interest in Bringing Legal Proceedings When Filing an Action for Revocation After Patent Expiry 490 D

### Nullity of a Trademark

- , Broad Specifications and Intent to Use: Is the EU Trade Mark System Credible? 656 Op
- , Evaluation of Partial Use of a Trade Mark: Differences Between Cancellation and Infringement Proceedings (Germany) 583 D
- , Genuine Use of a Trademark in a Form Different from the One Registered (Spain) 592 D
- , Legal Interest in Filing a Central Attack Invalidation under the Madrid System (Switzerland) 794 D
- , Subcategories of Goods and Services and Proof of Genuine Use of an Earlier Mark (CJEU) 396 D

## O

### Online Retail Platforms

- , The Role of Trademarks on Online Retail Platforms: An EU Trademark Law Perspective 633 A

### Open Television Signals

- , Liability of a Cable Television Operator that Provides Access to Open Television Signals (Chile) 194 D

### Opposition Proceedings

- , Trademark Opposition Proceedings in Switzerland: An Empirical Study of Legal Reasoning 1158 A

### ORF v Facebook (Supreme Court – Austria)

- , Cease and Desist Orders: Future Infringements and Territorial Scope 59 D

### Originality

- , Assessment of Originality for Legal Texts and Technical Regulations (Italy) 599 D

### OTTO GmbH v OTTO'S AG – (Federal Supreme Court – Switzerland)

- , Unfair Competition Can Prevail over a Registered Trademark if the Owner Has Forfeited Protection 1204 D

## P

### P. S. A. v UoKiK (Supreme Court – Poland)

- , Failure to Comply with Obligations in a Commitments Decision 693 D

### Packaging

- , On Site Packaging and Slicing as a Requirement for Geographical Indications (Germany) 996 D

### Packaging Box

- , Evidence of Genuine Use of a Trademark Made Up of a Packaging Box (Peru) 1093 D

### Partial Use of a Trademark

- , Evaluation of Partial Use of a Trade Mark: Differences Between Cancellation and Infringement Proceedings (Germany) 583 D

### Patent Amendment

- , Singling-out Individual Elements When Filing Patent Amendments (Switzerland) 169 D

### Patent Dependency

- , Compulsory Licensing in the Case of a Dependent Patent: The Interplay between Intellectual Property Law and Civil Law 1023 Ed

### Patent Expiry

- , Interest in Bringing Legal Proceedings When Filing an Action for Revocation after Patent Expiry 490 D

### Patent Infringement

- , Application of the Doctrine of Equivalents to Different Salt Forms of a Drug Component (Netherlands) 575 D
- , Calculation of Damages in Case of Patent Infringement (Japan) 672 D

- , Conference Report on ‘Patents and Standards – Online FRAND-Forum’ 963 Re
  - , Destruction of Goods Manufactured in Countries in which Patent Protection Does Not Apply (Sweden) 871 D
  - , Does the Injunction Gap Violate Implementers’ Fair Trial Rights Under the ECHR? 215 A
  - , Jurisdiction of UK Courts on FRAND Disputes regarding Global Licences on Multinational Patent Portfolios (UK) 174 D
  - , Liability and Unjust Enrichment for the Enforcement of a Retrospectively Invalid Patent (Netherlands) 390 D
  - , Obtaining Evidence in Patent Litigation and Trade Secret Protection – A Tale of Two Poles 361 A
  - , Principles Governing an Accounting of Profits as a Remedy for Infringement (Canada) 261 D
  - , Provisions of China’s Supreme People’s Court on Several Issues Concerning the Application of Law in the Trial of Administrative Cases Concerning Patent Grant and Confirmation (China) 257 OS
  - , UK Courts Determination of Global FRAND Rates: There Is a Will but Is There a Way? UKSC Judgment in *Unwired Planet v Huawei*, *Huawei v Conversant*, and *ZTE v Conversant* 153 Op
  - , What Is the Significance of a FRAND License Declaration for Standard Essential Patents with Regard to their Transferability? – News from Germany 421 A
- Patent Law**
- , *A De Lege Ferenda* Perspective on Artificial Intelligence Systems Designated as Inventors in the European Patent System 115 A
  - , Application of the Doctrine of Equivalents to Different Salt Forms of a Drug Component (Netherlands) 575 D
  - , Calculation of Damages in Case of Patent Infringement (Japan) 672 D
  - , Combining Different Teachings from a Single Piece of Prior Art (Germany) 280 D
  - , Compulsory Licensing in the Case of a Dependent Patent: The Interplay between Intellectual Property Law and Civil Law 1023 Ed
  - , Conference Report on ‘Patents and Standards – Online FRAND-Forum’ 963 Re
  - , Decision G 1/19 and the Messy Misconception of the COMVIK Approach 957 Op
  - , Delayed Again? The Benelux Alternative to the UPC 1133 A
  - , Destruction of Goods Manufactured in Countries in which Patent Protection Does Not Apply (Sweden) 871 D
  - , Does the Injunction Gap Violate Implementers’ Fair Trial Rights Under the ECHR? 215 A
  - , Employee Right to Remuneration for Non-Patented Inventions (Poland) 972 D
  - , Ethical Limits for Patentability? On the Board of Appeal’s Balancing of Animal Suffering and Medical Benefit – T 0682/16 *Non-human organism/INTREXON* of 5 June 2020 44 Op
  - , Identity of Applicants for Priority Rights and the EPO’s *CRISPR-Cas/Broad Institute* Decision T 0844/18 – Scope of the EPO’s ‘Formal Review’ to Establish Identity of the Holder of the Priority Right 855 Op
  - , Interest in Bringing Legal Proceedings When Filing an Action for Revocation after Patent Expiry 490 D
  - , Interpretation of ‘Medicinal Ingredient’ under the Certificate of Supplementary Protection Regulations (Canada) 1079 D
  - , Inventive Step in the Use of a Generally Available Tool (Germany) 275 D
  - , Jurisdiction of UK Courts on FRAND Disputes regarding Global Licences on Multinational Patent Portfolios (UK) 174 D
  - , Liability and Unjust Enrichment for the Enforcement of a Retrospectively Invalid Patent (Netherlands) 390 D
  - , New Changes in the Croatian Patent Act 377 Op
  - , New Changes, New Possibilities: China’s Latest Patent Law Amendments 486 Re
  - , No Need for ‘Plausibility’ in German Patent Law 3 A
  - , ‘No One Is Safe Until Everyone Is Safe’ – The Erosion of the WTO System of Intellectual Property Rights for Pharmaceutical Products? 619 Ed
  - , Obtaining Evidence in Patent Litigation and Trade Secret Protection – A Tale of Two Poles 361 A
  - , Patent Law and Climate Change – Do We Need an EU Patent Law Directive on Clean Technology? 554 A
  - , Principles Governing an Accounting of Profits as a Remedy for Infringement (Canada) 261 D
  - , Provisions of China’s Supreme People’s Court on Several Issues Concerning the Application of Law in the Trial of Administrative Cases Concerning Patent Grant and Confirmation (China) 257 OS
  - , Singling-out Individual Elements When Filing Patent Amendments (Switzerland) 169 D
  - , Temporary Relief of Pay-for-Delay: The ECJ as Specifically Different Antidepressant 250 Op
  - , The COVID-19 Pandemic: Stress Test for Intellectual Property and Pharmaceutical Laws 846 A
  - , The UPCA’s Path to Entry into Force between Delayed and Withdrawn Ratifications – Dead-end Street or Bumps in the Road? 662 Op
  - , UK Courts Determination of Global FRAND Rates: There Is a Will but Is There a Way? UKSC Judgment in *Unwired Planet v Huawei*, *Huawei v Conversant*, and *ZTE v Conversant* 153 Op
  - , Unexpected Remarkable Effect of an Invention as Ground to Determine Inventive Step (Japan) 1197 D
  - , What Is the Significance of a FRAND License Declaration for Standard Essential Patents with Regard to their Transferability? – News from Germany 421 A
- Patent Prosecution**
- , Combining Different Teachings from a Single Piece of Prior Art (Germany) 280 D
  - , Decision G 1/19 and the Messy Misconception of the COMVIK Approach 957 Op
  - , Delayed Again? The Benelux Alternative to the UPC 1133 A
  - , Ethical Limits for Patentability? On the Board of Appeal’s Balancing of Animal Suffering and Medical Benefit – T 0682/16 *Non-human organism/INTREXON* of 5 June 2020 44 Op
  - , Identity of Applicants for Priority Rights and the EPO’s *CRISPR-Cas/Broad Institute* Decision T 0844/18 – Scope of the EPO’s ‘Formal Review’ to Establish Identity of the Holder of the Priority Right 855 Op
  - , Inventive Step in the Use of a Generally Available Tool (Germany) 275 D
  - , No Need for ‘Plausibility’ in German Patent Law 3 A
  - , Provisions of China’s Supreme People’s Court on Several Issues Concerning the Application of Law in the Trial of Administrative Cases Concerning Patent Grant and Confirmation (China) 257 OS
  - , Singling-out Individual Elements When Filing Patent Amendments (Switzerland) 169 D
  - , Unexpected Remarkable Effect of an Invention as Ground to Determine Inventive Step (Japan) 1197 D
- Pay-for-Delay**
- , Temporary Relief of Pay-for-Delay: The ECJ as Specifically Different Antidepressant 250 Op
- Performers**
- , Equitable Remuneration for Performers Outside the European Economic Area (CJEU) 602 D
- Personal Use**
- , Appropriate Remuneration for Copies Intended for Personal Use (Poland) 899 D
- Personality Rights**
- , Difference in Legal Protection between Pseudonyms and Nicknames (Poland) 1227 D



→, Protection of Personal Rights in Poland on the Basis of the Judgment of the Polish Supreme Court – The Tiger Case 1181 Op

#### Peru

→, Evidence of Genuine Use of a Trademark Made Up of a Packaging Box 1093 D

#### Pet's Budget (Benelux Court of Justice)

→, Standard of Descriptiveness and Evidence to Prove Acquired Distinctiveness 291 D

#### Pharmaceuticals

→, Application of the Doctrine of Equivalents to Different Salt Forms of a Drug Component (Netherlands) 575 D

→, Back to the Roots: A First Marketing Authorisation Is the First Marketing Authorisation – *Santen SAS v Directeur général de l'Institut national de la propriété industrielle* 36 Op

→, Combining Different Teachings from a Single Piece of Prior Art (Germany) 280 D

→, Crafting a Post-Pandemic IP Policy Agenda for Latin America 819 Ed

→, Destruction of Goods Manufactured in Countries in which Patent Protection Does Not Apply (Sweden) 871 D

→, Ethical Limits for Patentability? On the Board of Appeal's Balancing of Animal Suffering and Medical Benefit – T 0682/16 *Non-human organism/INTREXON* of 5 June 2020 44 Op

→, Excessive Pharmaceutical Pricing as an Abuse of Dominant Position – The Case of CD Pharma (Denmark) 1188 Op

→, Excessive Pricing of Pharmaceuticals (Italy) 499 D

→, Free-Riding for the Common Good? Generics, Biosimilars and References to Originator Trademarks in Comparative Advertising in France 134 A

→, Identity of Applicants for Priority Rights and the EPO's *CRISPR-Cas/Broad Institute* Decision T 0844/18 – Scope of the EPO's 'Formal Review' to Establish Identity of the Holder of the Priority Right 855 Op

→, Interpretation of 'Medicinal Ingredient' under the Certificate of Supplementary Protection Regulations (Canada) 1079 D

→, Interpretation of 'Product' Under Arts. 1(b) and 3(d) of the SPC Regulation (CJEU) 49 D

→, Inventive Step in the Use of a Generally Available Tool (Germany) 275 D

→, 'No One Is Safe Until Everyone Is Safe' – The Erosion of the WTO System of Intellectual Property Rights for Pharmaceutical Products? 619 Ed

→, Revocation of a Supplementary Protection Certificate after Expiry (Germany) 782 D

→, Temporal Requirement for a Dominant Position and Excessive Pricing of Pharmaceuticals (Denmark) 1225 D

→, Temporary Relief of Pay-for-Delay: The ECJ as Specifically Different Antidepressant 250 Op

→, The COVID-19 Pandemic: Stress Test for Intellectual Property and Pharmaceutical Laws 846 A

→, Unexpected Remarkable Effect of an Invention as Ground to Determine Inventive Step (Japan) 1197 D

#### Plant Variety Law

→, Essentially Derived Varieties in View of New Breeding Technologies – Plant Breeders' Rights at a Crossroads 11 A

#### Plausibility Requirement

→, No Need for 'Plausibility' in German Patent Law 3 A

#### Poland

→, Appropriate Remuneration for Copies Intended for Personal Use 899 D

→, Difference in Legal Protection between Pseudonyms and Nicknames 1227 D

→, Employee Right to Remuneration for Non-Patented Inventions 972 D

→, Failure to Comply with Obligations in a Commitments Decision 693 D

→, Protection of Personal Rights in Poland on the Basis of the Judgment of the Polish Supreme Court – The Tiger Case 1181 Op

→, Use of Trade Secrets by a Former Employee 73 D

#### Political Parties

→, Protection of the Names of Political Parties (Italy) 788 D

#### Political Party Names (Supreme Court – Italy)

→, Protection of the Names of Political Parties 788 D

#### Press Publishers

→, Interim Measures and the Protection of Press Publishers and News Agencies' Rights (France) 905 D

#### Prior Art

→, Combining Different Teachings from a Single Piece of Prior Art (Germany) 280 D

#### Prior User Defence

→, Prior User Defence Is Not Considered a Subjective Right but a Statutory Limitation of Trademark Rights (Czech Republic) 1088 D

#### Priority Rights

→, Identity of Applicants for Priority Rights and the EPO's *CRISPR-Cas/Broad Institute* Decision T 0844/18 – Scope of the EPO's 'Formal Review' to Establish Identity of the Holder of the Priority Right 855 Op

#### Private Enforcement

→, Reshaping Liability – The Concept of Undertaking Applied to Private Enforcement of EU Competition Law 731 A

#### Private International Law

→, Report on the Kyoto Guidelines of the ILA Committee on Intellectual Property and Private International Law 969 Re

#### Procedural Law

→, Applicability of Compulsory Mediation Requirement of Financial Claims in the Case of Consolidated Proceedings (Turkey) 615 D

#### Protection of Trade Secrets (Federal Administrative Court – Germany)

→, Trade Secret Protection for the External Features of Digital Files 690 D

#### Pseudonyms

→, Difference in Legal Protection between Pseudonyms and Nicknames (Poland) 1227 D

→, Protection of Personal Rights in Poland on the Basis of the Judgment of the Polish Supreme Court – The Tiger Case 1181 Op

#### Public Space

→, Commercial Reproduction of Works Permanently Located in a Public Space (Brazil) 889 D

## R

#### Raffaello (Intellectual Property Court – Russia)

→, Criteria for Determining the Well-Known Character of a Trademark 185 D

#### RCEP

→, See 'Regional Comprehensive Economic Partnership'

#### Recovery of Profits

→, Damages and Recovery of Profits in Intellectual Property Litigation before Italian Courts 1056 A

#### Red Cat (Supreme Court – Russia)

→, Legal Effect of the Deposit of Copyrighted Works 397 D

#### Reformistischer Aufbruch II [Reformist Awakening II] (Federal Supreme Court – Germany)

→, Conditions for the Application of the Exception for Reporting on Current Events 798 D

## Refurbished Goods

- , ‘As Good as New’ – Sale of Repaired or Refurbished Goods: Commendable Practice or Trade Mark Infringement? 228 A

## Regional Comprehensive Economic Partnership

- , RCEP IP Chapter: Another TRIPS-Plus Agreement? 667 Re

## Related Rights

- , The Many Metamorphoses of Related Rights in EU Copyright Law: Unintended Consequences or Inevitable Developments? 821 A

## Relevant Circumstances Affecting Market Structure

- , Merger Approval Reversed Due to a Lack of Complete Analysis of Relevant Circumstances Affecting Market Structure (Bulgaria) 812 D

## Remuneration for Personal Use Copies (Supreme Court – Poland)

- , Appropriate Remuneration for Copies Intended for Personal Use 899 D

## Remuneration Rights

- , Appropriate Remuneration for Copies Intended for Personal Use (Poland) 899 D

## Repaired Goods

- , ‘As Good as New’ – Sale of Repaired or Refurbished Goods: Commendable Practice or Trade Mark Infringement? 228 A

## Report of Events

- , Conditions for the Application of the Exception for Reporting on Current Events (Germany) 798 D

## Republic of Korea

- , Evaluation of Functional Elements When Assessing Design Similarity 809 D

## Restraints of Competition

- , Abuse of a Dominant Position by the Holder of a Standard Essential Patent (Germany) 89 D
- , Antitrust Guidelines of the Antitrust Committee of the State Council on the Field of Intellectual Property (Issued by the Antitrust Committee of the State Council on 4 January 2019) 776 OS
- , Blockchain and Competition Law 113 Ed
- , Causality in Damages Claims Regarding Bid Rigging Agreements (Germany) 409 D
- , Constitutionality of Regulation Aimed at Restraining Buyer Market Power in Food Markets (Czech Republic) 78 D
- , Data Processing as an Abuse of Market Power in Multi-Sided Markets – The More Competition-Oriented Approach in the German Federal Supreme Court’s Interim Decision KVR 69/19 – Facebook 562 Op
- , Excessive Pharmaceutical Pricing as an Abuse of Dominant Position – The Case of CD Pharma (Denmark) 1188 Op
- , Excessive Pricing of Pharmaceuticals (Italy) 499 D
- , Failure to Comply with Obligations in a Commitments Decision 693 D
- , Guidelines for the Application of Leniency Policy in Horizontal Monopoly Agreements of the Anti-Monopoly Commission of the State Administration (Issued by the Anti-Monopoly Commission of the State Administration on 4 January 2019) 387 OS
- , Interim Measures and the Protection of Press Publishers and News Agencies’ Rights (France) 905 D
- , Merger Approval Reversed Due to a Lack of Complete Analysis of Relevant Circumstances Affecting Market Structure (Bulgaria) 812 D
- , Necessity and Proportionality of Restrictions on Ride-hailing Services (Spain) 701 D
- , Reshaping Liability – The Concept of Undertaking Applied to Private Enforcement of EU Competition Law 731 A
- , Standard of Causality in Abuse of Dominance Cases Regarding Terms and Conditions in Multi-Sided Markets (Germany) 603 D
- , Temporal Requirement for a Dominant Position and Excessive Pricing of Pharmaceuticals (Denmark) 1225 D

- , Willingness to Acquire a License in FRAND Disputes (Germany) 1105 D

## Revocation of a Supplementary Protection Certificate

- , Revocation of a Supplementary Protection Certificate after Expiry (Germany) 782 D

## Riding-hailing Services

- , Necessity and Proportionality of Restrictions on Ride-hailing Services (Spain) 701 D

## Rigging Agreements

- , Causality in Damages Claims Regarding Bid Rigging Agreements (Germany) 409 D

## Right of Personality

- , Difference in Legal Protection between Pseudonyms and Nicknames (Poland) 1227 D
- , Protection of Personal Rights in Poland on the Basis of the Judgment of the Polish Supreme Court – The Tiger Case 1181 Op

## Right to Remuneration

- , Employee Right to Remuneration for Non-Patented Inventions (Poland) 972 D

## Rolling Stones (Supreme Court – Indonesia)

- , Bad Faith in the Registration of Well-Known Trademarks 681 D

## Royalty Rate Determination

- , IP Licensing Contracts in Italy – Royalty Rate Determination and Dispute Resolution Clauses 440 A

## Rubber boot (Supreme Court – Denmark)

- , No Copyright Protection for a Footwear Design 200 D

## Russia

- , Criteria for Determining the Well-Known Character of a Trademark 185 D
- , Geographical Indications in Russia: Federal Law 230-FZ of 26 July 2019 571 Re
- , Legal Effect of the Deposit of Copyrighted Works 397 D
- , Multiple Registrations of the Same Trademark by a Single Applicant 986 D
- , The Work-For-Hire Doctrine in Russia: Recent Law Enforcement Trends 164 Op

## S

## Salt Forms

- , Application of the Doctrine of Equivalents to Different Salt Forms of a Drug Component (Netherlands) 575 D

## Sampling

- , Phonogram Sampling as Reproduction (Germany) 64 D

## Sandoz v AstraZeneca (Patent and Market Court of Appeal – Sweden)

- , Destruction of Goods Manufactured in Countries in which Patent Protection Does Not Apply 871 D

## Sandoz v Eli Lilly (Federal Supreme Court – Germany)

- , Combining Different Teachings from a Single Piece of Prior Art 280 D

## Santen v Directeur général de l’Institut national de la propriété industrielle (CJEU)

- , Interpretation of ‘Product’ Under Arts. 1(b) and 3(d) of the SPC Regulation 49 D

## Schienenkartell II (Federal Supreme Court – Germany)

- , Causality in Damages Claims Regarding Bid Rigging Agreements 409 D

## Schrems II (CJEU)

- , EU-US Privacy Shield Agreement: Legality of Data Transfers to Non-EU Countries 299 D

### Schwarzwälder Schinken II [Black Forest Ham II] (Federal Supreme Court – Germany)

- , On Site Packaging and Slicing as a Requirement for Geographical Indications 996 D

### Sculpture

- , Reproduction of a Portrait Sculpture without the Consent of the Author (Italy) 294 D

### Significant Market Power in Food Markets (Constitutional Court – Czech Republic)

- , Constitutionality of Regulation Aimed at Restraining Buyer Market Power in Food Markets 78 D

### Singapore

- , Designing a Future-Ready Copyright Regime in Singapore: Quick Wins and Missed Opportunities 1131 Ed

### Slicing

- , On Site Packaging and Slicing as a Requirement for Geographical Indications (Germany) 996 D

### Sopharma Trading (Supreme Administrative Court – Bulgaria)

- , Merger Approval Reversed Due to a Lack of Complete Analysis of Relevant Circumstances Affecting Market Structure 812 D

### South America

- , Text and Data Mining Exception in South America: A Way to Foster AI Development in the Region 1145 A

### South Korea

- , See ‘Republic of Korea’

### Spain

- , Copyright Protection for a Bullfight 1006 D
- , Genuine Use of a Trademark in a Form Different from the One Registered 592 D
- , Licence Agreements and Insolvency Proceedings under Spanish Law 452 A
- , Necessity and Proportionality of Restrictions on Ride-hailing Services 701 D

### SPC

- , See ‘Supplementary Protection Certificates’

### Special Trademarks

- , National Intellectual Property Administration: Administrative Measures for the Use of Special Marks Reserved for Geographical Indications (for Trial Implementation) 383 OS

### Specifications

- , On Site Packaging and Slicing as a Requirement for Geographical Indications (Germany) 996 D

### Sports Matches

- , Copyright Protection for Transmissions and Recordings of Sports Matches (Austria) 497 D

### Standard Essential Patents

- , Abuse of a Dominant Position by the Holder of a Standard Essential Patent (Germany) 89 D
- , Conference Report on ‘Patents and Standards – Online FRAND-Forum’ 963 Re
- , Jurisdiction of UK Courts on FRAND Disputes regarding Global Licences on Multinational Patent Portfolios (UK) 174 D
- , UK Courts Determination of Global FRAND Rates: There Is a Will but Is There a Way? UKSC Judgment in *Unwired Planet v Huawei*, *Huawei v Conversant*, and *ZTE v Conversant* 153 Op
- , What Is the Significance of a FRAND License Declaration for Standard Essential Patents with Regard to their Transferability? – News from Germany 421 A
- , Willingness to Acquire a License in FRAND Disputes (Germany) 1105 D

### Sunny girl (Court of the Defence of Competition and Intellectual Property – Peru)

- , Evidence of Genuine Use of a Trademark Made Up of a Packaging Box 1093 D

### Supplementary Protection Certificates

- , Back to the Roots: A First Marketing Authorisation Is the First Marketing Authorisation – *Santen SAS v Directeur général de l’Institut national de la propriété industrielle* 36 Op
- , Interpretation of ‘Product’ Under Arts. 1(b) and 3(d) of the SPC Regulation (CJEU) 49 D
- , Revocation of a Supplementary Protection Certificate after Expiry (Germany) 782 D

### Supplier Liability

- , Supplier’s Liability for Misleading Online Customer Ratings for Therapeutic Products (Germany) 189 D

### Sweden

- , Destruction of Goods Manufactured in Countries in which Patent Protection Does Not Apply 871 D
- , Principles Governing the Issuance and Formulation of Dynamic Injunctions 399 D
- , Registration of Three-Dimensional Marks Consisting of the Shape of Footwear 989 D

### Switzerland

- , Legal Interest in Filing a Central Attack Invalidation under the Madrid System 794 D
- , Singling-out Individual Elements When Filing Patent Amendments 169 D
- , Trademark Opposition Proceedings in Switzerland: An Empirical Study of Legal Reasoning 1158 A
- , Unfair Competition Can Prevail over a Registered Trademark if the Owner Has Forfeited Protection 1204 D

## T

### Technical Regulations

- , Assessment of Originality for Legal Texts and Technical Regulations (Italy) 599 D

### Technology Transactions

- , Accords de technologie/Technology Transactions 512 BR

### Technology Transfer

- , See ‘Transfer of Technology’

### Teksavvy Solutions v Canadian Internet Registration Authority (Federal Court of Appeal – Canada)

- , Discretionary Power and Criteria to Issue Site-Blocking Orders 1213 D

### Telenor Magyarország (CJEU)

- , Compatibility of Zero-Rated Bundles of Apps with Net Neutrality 817 D

### Text and Data Mining

- , Text and Data Mining Exception in South America: A Way to Foster AI Development in the Region 1145 A

### Therapeutic Products

- , Supplier’s Liability for Misleading Online Customer Ratings for Therapeutic Products (Germany) 189 D

### Three Keys [Tri ključa] (Supreme Court of the Russian Federation)

- , Multiple Registrations of the Same Trademark by a Single Applicant 986 D

### Three-Dimensional Trademarks

- , Registration of Three-Dimensional Marks Consisting of the Shape of Footwear (Sweden) 989 D

### Tiger (Supreme Court – Poland)

- , Difference in Legal Protection between Pseudonyms and Nicknames 1227 D

### Toolbox for Freight Vehicles (Supreme Court – Republic of Korea)

- , Evaluation of Functional Elements When Assessing Design Similarity 809 D

### Tourism Vehicles with Driver (Supreme Court – Spain)

- , Necessity and Proportionality of Restrictions on Ride-hailing Services 701 D

### Trade Secrets

- , Obtaining Evidence in Patent Litigation and Trade Secret Protection – A Tale of Two Poles 361 A
- , Trade Secret Protection for the External Features of Digital Files (Germany) 690 D
- , Use of Trade Secrets by a Former Employee (Poland) 73 D

### Trademark Infringement

- , ‘As Good as New’ – Sale of Repaired or Refurbished Goods: Commendable Practice or Trade Mark Infringement? 228 A
- , Evaluation of Partial Use of a Trade Mark: Differences Between Cancellation and Infringement Proceedings (Germany) 583 D
- , Evidence of Genuine Use of a Trademark Made Up of a Packaging Box (Peru) 1093 D
- , Genuine Use of a Trademark in a Form Different from the One Registered (Spain) 592 D
- , Importation of Goods Affixed with a Trademark Concealed by a Removable Marker (Norway) 285 D
- , Infringement of Colour Trademarks (Hungary) 676 D
- , No Need of Evidence for Moral Damages Compensation after a Trade Mark Infringement (Brazil) 786 D
- , No Need of Evidence for Moral Damages Compensation after a Trademark Infringement – An Appropriate Development of the Brazilian Case Law? 764 Op
- , Prior User Defence Is Not Considered a Subjective Right but a Statutory Limitation of Trademark Rights (Czech Republic) 1088 D
- , Referring Use of a Trade Mark to Indicate the Intended Destination of a Product (Netherlands) 885 D
- , Relationship Between Geographical Indications and Trade Marks under Turkish Law 754 A
- , The Use of One’s Own Name Is in Accordance with Honest Commercial Practices Only When It Absolves a Descriptive Function (Italy) 55 D
- , Trademark Infringement by Keyword Advertising (Germany) 977 D
- , Unfair Competition Can Prevail over a Registered Trademark if the Owner Has Forfeited Protection (Switzerland) 1204 D
- , Use of a Trademark on the Cover of a Book (Turkey) 887 D
- , Weight of Descriptive Elements in the Evaluation of Trade Mark Similarity (Germany) 880 D
- , Which Honesty Test for Trademark Law? Why Traders’ Efforts to Avoid Trademark Harm Should Matter When Assessing Honest Business Practices 1025 A

### Trademark Law

- , Amendments to the Argentine Trademark Law: Initial Impact 28 A
- , ‘As Good as New’ – Sale of Repaired or Refurbished Goods: Commendable Practice or Trade Mark Infringement? 228 A
- , Bad Faith in the Registration of Well-Known Trademarks (Indonesia) 681 D
- , Broad Specifications and Intent to Use: Is the EU Trade Mark System Credible? 656 Op
- , Competence to Introduce Disclaimers (Latvia) 791 D
- , Criteria for Determining the Well-Known Character of a Trademark (Russia) 185 D
- , Cybersquatting of a Trademark Consisting of a Geographical Indication (WIPO) 1099 D
- , Evaluation of Partial Use of a Trade Mark: Differences Between Cancellation and Infringement Proceedings (Germany) 583 D
- , Evidence of Genuine Use of a Trademark Made Up of a Packaging Box (Peru) 1093 D
- , Genuine Use of a Trademark in a Form Different from the One Registered (Spain) 592 D

- , Importation of Goods Affixed with a Trademark Concealed by a Removable Marker (Norway) 285 D
- , Infringement of Colour Trademarks (Hungary) 676 D
- , Is a National Court Competent to Introduce a Disclaimer into Trade Mark Registration? The Latvian Supreme Court Finally Says ‘No’ 760 Op
- , Legal Interest in Filing a Central Attack Invalidation under the Madrid System (Switzerland) 794 D
- , Multiple Registrations of the Same Trademark by a Single Applicant (Russia) 986 D
- , National Intellectual Property Administration: Administrative Measures for the Use of Special Marks Reserved for Geographical Indications (for Trial Implementation) 383 OS
- , No Need of Evidence for Moral Damages Compensation after a Trade Mark Infringement (Brazil) 786 D
- , No Need of Evidence for Moral Damages Compensation after a Trademark Infringement – An Appropriate Development of the Brazilian Case Law? 764 Op
- , Prior User Defence Is Not Considered a Subjective Right but a Statutory Limitation of Trademark Rights (Czech Republic) 1088 D
- , Protection of the Names of Political Parties (Italy) 788 D
- , Referring Use of a Trade Mark to Indicate the Intended Destination of a Product (Netherlands) 885 D
- , Registration of Three-Dimensional Marks Consisting of the Shape of Footwear (Sweden) 989 D
- , Relationship Between Geographical Indications and Trade Marks under Turkish Law 754 A
- , Standard of Descriptiveness and Evidence to Prove Acquired Distinctiveness (Benelux) 291 D
- , Subcategories of Goods and Services and Proof of Genuine Use of an Earlier Mark (CJEU) 396 D
- , The Role of Trademarks on Online Retail Platforms: An EU Trademark Law Perspective 633 A
- , The Use of One’s Own Name Is in Accordance with Honest Commercial Practices Only When It Absolves a Descriptive Function (Italy) 55 D
- , Trademark Infringement by Keyword Advertising (Germany) 977 D
- , Trademark Opposition Proceedings in Switzerland: An Empirical Study of Legal Reasoning 1158 A
- , Unfair Competition Can Prevail over a Registered Trademark if the Owner Has Forfeited Protection (Switzerland) 1204 D
- , Use of a Trademark on the Cover of a Book (Turkey) 887 D
- , Weight of Descriptive Elements in the Evaluation of Trade Mark Similarity (Germany) 880 D
- , Which Honesty Test for Trademark Law? Why Traders’ Efforts to Avoid Trademark Harm Should Matter When Assessing Honest Business Practices 1025 A

### Trademark Opposition

- , Trademark Opposition Proceedings in Switzerland: An Empirical Study of Legal Reasoning 1158 A

### Trademark Prosecution

- , Bad Faith in the Registration of Well-Known Trademarks (Indonesia) 681 D
- , Broad Specifications and Intent to Use: Is the EU Trade Mark System Credible? 656 Op
- , Competence to Introduce Disclaimers (Latvia) 791 D
- , Criteria for Determining the Well-Known Character of a Trademark (Russia) 185 D
- , Is a National Court Competent to Introduce a Disclaimer into Trade Mark Registration? The Latvian Supreme Court Finally Says ‘No’ 760 Op
- , Multiple Registrations of the Same Trademark by a Single Applicant (Russia) 986 D
- , Protection of the Names of Political Parties (Italy) 788 D

- , Registration of Three-Dimensional Marks Consisting of the Shape of Footwear (Sweden) 989 D
- , Relationship Between Geographical Indications and Trade Marks under Turkish Law 754 A
- , Standard of Descriptiveness and Evidence to Prove Acquired Distinctiveness (Benelux) 291 D
- , Trademark Opposition Proceedings in Switzerland: An Empirical Study of Legal Reasoning 1158 A

#### Traditional Knowledge

- , Compatibility of the Intellectual Property Regime, the Convention on Biological Diversity and the Nagoya Protocol 349 A

#### Transfer of Technology

- , Accords de technologie/Technology Transactions 512 BR
- , Licensing as a Central Structure of Technology Transfer Agreements – Joint Venture and Franchising Agreements 427 A

#### Translation Rights

- , Translation Rights and Exceptions under Berne, *Ius Cogens*, and Linguistic Genocide 729 Ed

#### TRIPS-Plus

- , RCEP IP Chapter: Another TRIPS-Plus Agreement? 667 Re

#### Truvada (Federal Supreme Court – Germany)

- , Revocation of a Supplementary Protection Certificate after Expiry 782 D

#### Turkey

- , Applicability of Compulsory Mediation Requirement of Financial Claims in the Case of Consolidated Proceedings 615 D
- , Relationship Between Geographical Indications and Trade Marks under Turkish Law 754 A
- , Use of a Trademark on the Cover of a Book 887 D

## U

#### UK

- , Jurisdiction of UK Courts on FRAND Disputes regarding Global Licences on Multinational Patent Portfolios 174 D
- , UK Courts Determination of Global FRAND Rates: There Is a Will but Is There a Way? UKSC Judgment in *Unwired Planet v Huawei*, *Huawei v Conversant*, and *ZTE v Conversant* 153 Op

#### Unexpected Remarkable Effect

- , Unexpected Remarkable Effect of an Invention as Ground to Determine Inventive Step (Japan) 1197 D

#### Unfair Competition Law

- , Artificial Intelligence and Unfair Competition – Unveiling an Underestimated Building Block of the AI Regulation Landscape 834 A
- , Copyright Protection and Unfair Competition for the Design of a Lamp (France) 684 D
- , Free-Riding for the Common Good? Generics, Biosimilars and References to Originator Trademarks in Comparative Advertising in France 134 A
- , Liability of Sole Shareholder Acting as Executive Officer (Czech Republic) 1004 D
- , Supplier's Liability for Misleading Online Customer Ratings for Therapeutic Products (Germany) 189 D
- , Unfair Competition Can Prevail over a Registered Trademark if the Owner Has Forfeited Protection (Switzerland) 1204 D
- , Which Honesty Test for Trademark Law? Why Traders' Efforts to Avoid Trademark Harm Should Matter When Assessing Honest Business Practices 1025 A

#### Unified Patent Court

- , Delayed Again? The Benelux Alternative to the UPC 1133 A
- , The UPCA's Path to Entry into Force between Delayed and Withdrawn Ratifications – Dead-end Street or Bumps in the Road? 662 Op

#### Unjust Enrichment

- , Liability and Unjust Enrichment for the Enforcement of a Retrospectively Invalid Patent (Netherlands) 390 D

#### Unlawful use of trade secrets (Supreme Court – Poland)

- , Use of Trade Secrets by a Former Employee (Poland) 73 D

#### Unwired Planet (Supreme Court – UK)

- , Jurisdiction of UK Courts on FRAND Disputes regarding Global Licences on Multinational Patent Portfolios 174 D

#### UPCA

- , See 'Unified Patent Court'

#### UPOV

- , Essentially Derived Varieties in View of New Breeding Technologies – Plant Breeders' Rights at a Crossroads 11 A

#### USA

- , EU-US Privacy Shield Agreement: Legality of Data Transfers to Non-EU Countries (CJEU) 299 D
- , The Future of Data Transfers to Third Countries in Light of the CJEU's Judgment C-311/18 – *Schrems II* 245 Op

#### Utility Model

- , Breathing New Life into the German Utility Model System in the Industry 4.0 Era 621 A

## V

#### Voice Web International Ltd v Emerging Markets Telecommunication Services Ltd (Federal High Court of Lagos – Nigeria)

- , Copyright Protection of Foreign Works 1220 D

#### Vorwerk (Federal Supreme Court – Germany)

- , Trademark Infringement by Keyword Advertising 977 D

## W

#### Well-Known Trademark

- , Bad Faith in the Registration of Well-Known Trademarks (Indonesia) 681 D
- , Criteria for Determining the Well-Known Character of a Trademark (Russia) 185 D

#### Willingness to Acquire a License

- , Willingness to Acquire a License in FRAND Disputes (Germany) 1105 D

#### WIPO

- , Cybersquatting of a Trademark Consisting of a Geographical Indication 1099 D

#### Work-for-Hire Doctrine

- , The Work-For-Hire Doctrine in Russia: Recent Law Enforcement Trends 164 Op

#### Works of Applied Art

- , See 'Applied Art'

#### Works Permanently Located in a Public Space

- , Commercial Reproduction of Works Permanently Located in a Public Space (Brazil) 889 D

#### World Trade Organization

- , 'No One Is Safe Until Everyone Is Safe' – The Erosion of the WTO System of Intellectual Property Rights for Pharmaceutical Products? 619 Ed

#### WTO

- , See 'World Trade Organization'

#### Wycon v Kiko (Supreme Court – Italy)

- , Copyright Protection for Interior Design Projects (Italy) 205 D

Y

YOOFOOD/YO (Federal Supreme Court – Germany)

–, Weight of Descriptive Elements in the Evaluation of Trade Mark Similarity 880 D

Z

Zero-Rated Bundles of Apps

–, Compatibility of Zero-Rated Bundles of Apps with Net Neutrality (CJEU) 817 D



