

Published by the German Association for Intellectual Property Law (GRUR)

In collaboration with the Max Planck Institute for Innovation and Competition

www.ip.mpg.de

4/2024 Volume 73 – April 2024

Table of Contents

| Editorial | 285 | YOSHIYUKI TAMURA 'Intellectual Property' as a Metaphor: A Recommendation for an Understanding as 'Governmental Regulation of Actions' |
|---------------------|-----|--|
| Articles | 287 | SIMON GEIREGAT Trading Repaired and Refurbished Goods: How Sustainable is EU Exhaustion of Trade Marks? |
| | 299 | TIANXIANG HE AI Originality Revisited: Can We Prompt Copyright over AI-Generated Pictures? |
| | 308 | VINCENZO IAIA Eco-Patents at the Crossroads Between Technological Neutrality and Environmental Sensitivity |
| Opinion | 323 | DARIA KIM / MICHAEL A. KOCK / MATTHIAS LAMPING / PEDRO HENRIQUE D. BATISTA / RETO M. HILTY / PETER R. SLOWINSKI / MIRIAM STEINHART New Genomic Techniques and Intellectual Property Law: Challenges and Solutions for the Plant Breeding Sector – Position Statement of the Max Planck Institute for Innovation and Competition |
| Decisions Brazil | 340 | TRADE MARK LAW Superior Court of Justice (Superior Tribunal de Justiça) 11 October 2022 – Special Appeal No. 1.339.817 – RJ Insufficient Distinctiveness of a Sign Having a Connotative Connection with the Designated Activity – Rose & Bleu (case note by Pedro Henrique D. Batista) |
| Andean Community | 343 | TRADE LAW Court of Justice of the Andean Community (Tribunal de Justicia de la Comunidad Andina) 29 June 2023 – Case 05-Al-2021 Differential Pricing: Violation of Fundamental Principles or Justified Measure? – Republic of Peru v Republic of Ecuador |

COPYRIGHT LAW

| China | 360 | Beijing Internet Court 27 November 2023 – (2023) Jing 0491 Min Chu No. 11279 Copyright Protection for 'Al-Generated' Images – Lee v Liu |
|-------------|-----|---|
| France | 369 | Court of Cassation (Cour de cassation) 15 November 2023 – 608 F-B on appeal U 22-23.266 Limitation Period for Civil Actions for Copyright Infringement – Fontaine aux chevaux |
| Netherlands | 371 | Supreme Court (Hoge Raad) 27 January 2023 – 17/01135 Assessing Whether a Usenet Service Provider is Entitled to Rely on Exemption from Liability – Stichting Brein v News-Service Europe B.V. |