**JOEU489XA0 - Trademarks and Designs in the European Union – ECTS 6**

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The seminar introduces students to the rules of trademarks and designs in the EU in an interactive way through practical examples and the respective case law of the CJEU.

**General introduction**

* Trademarks and designs in the EU
* National, international and EU intellectual property law systems
* EU law (regulations and directives), case law of the CJEU, national laws

**Trade Marks**

* Registrability: absolute and relative grounds for refusal
* Distinctive capacity (Maglite, Henkel cases)
* Graphical representation: non-traditional trademarks: sound, olfactory, position marks, etc.
* Descriptiveness (Postkantoor, Biomild cases)
* Immoral signs (Soviet coat of arms case)
* Likelihood of confusion: visual, aural and conceptual similarity, similarity of goods
* Marks with a reputation in the EU (Pago case, Impulse case, reputation limited in space)
* Trade mark infringement (issue of EU wide jurisdiction, Pago, DHL/Chronopost cases)
* Free movement of goods in the EU versus IP rights, parallel import: concept and cases
* Genuine Use (use of a CTM in part of the EU, Ansul case, ONEL case)
* Trademarks and the Internet: domain names, infringement on the Internet (Google Adwords)
* Extension of the EU trade mark system
* The reform of the EU trademark system

**Designs**

* Protection of designs in the EU, registered and non-registered designs

**Recommended literature**

* Hasselblatt (ed.) – Community Trademark Regulation. C.H. Beck Hart Nomos, 2015.
* Jehoram, van Nispen, Huydecoper – European Trademark Law. Kluwer, 2010.