

Top 3 Kluwer Trademark Blog and Kluwer Copyright Blog law posts in February 2016

Kluwer Patent Blog
March 8, 2016

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Please refer to this post as: *Kluwer Patent Blog, 'Top 3 Kluwer Trademark Blog and Kluwer Copyright Blog law posts in February 2016', Kluwer Patent Blog, March 8 2016, <http://patentblog.kluweriplaw.com/2016/03/08/top-3-kluwer-trademark-blog-and-kluwer-copyright-blog-law-posts-in-february-2016/>*

To ensure you don't miss out on interesting IP law developments reported by our Trademark Law and Copyright Law bloggers, we will, on a regular basis, provide you with a top 3 overview.

Top 3 Kluwer Trademark Blog posts in February 2016

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1) Denmark: Citations of case law considered trademarks, by Lasse Arffmann Søndergaard Christensen

"In December 2015 the Danish Maritime and Commercial High Court granted a preliminary injunction against citations and the use of metatags in a remarkable case between Karnov (Thomson Publishing) and Schultz - two providers of online databases of Danish case law."

2) Germany: May product search on Amazon amount to trademark infringement by Amazon? By Bettina Clefsen

"The Higher District Court of Cologne held in preliminary injunction proceedings that use of a distinctive trademark on amazon.de for displaying other comparable products not originating from the trademark owner may be a trademark infringement (**decision of 20 November 2015 on Case 6 U 40/15**). The case concerned a practice of Amazon on its German online shopping platform amazon.de. When users searched on amazon.de for certain products which were not offered, as results of the search under certain circumstances alternative products by third parties were shown."

3) New rules published by OHIM for CTM specifications, by Jonathan Clegg

"OHIM recently published procedural rules surrounding the important issue of the scope of CTM specifications of goods and services. These follow on from the new provisions of Article 28 EUTMR and trace back to the IP Translator decision. The new rules come in to effect on 23 March 2016 as part of a raft of other changes to the EUTMR."

Top 3 Kluwer Copyright Blog posts in February 2016

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1) Linking to illegal content unlawful under copyright law, according to the German BGH, by Jan Bernd Nordemann

Decision of the German Bundesgerichtshof ("BGH") of July 9, 2015, **file no. I ZR 46/12** ("Die Realtaet II").

2) Denmark: Infopaq-case finally decided after eight years, by Maria Fredenslund

"In a **recent judgment**, following the preliminary Infopaq-rulings of the European Court of Justice, the Danish Supreme Court ruled that extracts of newspaper articles comprising no more than 11 words can be works protected by copyright. The use of extracts that are the results of a process of data capture undertaken by the media analysis company Infopaq International A/S (now Infomedia) constitutes copyright infringement, unless prior consent from right holders has been obtained."

3) Football Dataco: skill and labour is dead! by Estelle Derclaye

"The crux of the judgment comes at paragraph 42 when the court clearly states that skill and labour in the selection or arrangement of the data, even if significant, is not sufficient as such to trigger copyright protection."

This morning, the Court of Justice delivered its judgement in **Case C-604/10, Football Dataco & others v. Yahoo UK 1 & others** and followed Advocate General Mengozzi's opinion.

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