Basic reading list for the trade mark part of Module 2a

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NOTE: THE FOLLOWING IS A BASIC LIST OF SCHOLARLY LITERATURE AND CASE LAW THAT ALL STUDENTS MUST READ. FURTHER INDEPENDENT RESEARCH IS REQUIRED AND STRONGLY ENCOURAGED.

As a general resource, you are recommended to refer to Part IV of Bently and Others, Intellectual Property Law (OUP:2018), 5th edn [NOTE: it is extremely important that you use an up-to-date textbook which reflects the amendments made to the EU trade mark system in the context of the 2015 EU trade mark reform].

Recommended journal articles and basic case law for the various specialist parts of the module:

**Trade mark registration**

- **Textbook**
  - Bently and Others: Chapters 35-39

- **Journal articles**
  - Blum – Round, ‘Boop oop a doop – protection for cartoon image of Betty Boop’ (2014) 9(7) JIPLP 546
  - Fhima, ‘The public interest in European trade mark law’ (2017) 4 IPQ 311
  - Gommers and Others, ‘Louboutin v Van Haren: white flag for red soles or provisional truce?’ (2018) 13(11) JIPLP
  - INTA, Review of the European Union trademark system
  - Senftleben and Others, Recommendation on measures to safeguard freedom of expression and undistorted competition in EU trade mark law (2014)

- **Case law**
  - Chartered Institute of Patent Attorneys v Registrar of Trade Marks, C-307/10, EU:C:2012:361
  - Constantin Film Produktion v EUIPO, C-240/18 P, EU:C:2019:553 (AG Opinion)
  - Elizabeth Florence Emanuel v Continental Shelf 128 Ltd, C-259/04, EU:C:2006:215
  - Hauck GmbH & Co. KG v Stokke A/S and Others, C-205/13, EU:C:2014:2233
Trade mark infringement

- **Textbook**
  - Bently and Others: Chapters 40-41

- **Journal articles**
  - Kur, *Trademarks function, don’t they? CJEU jurisprudence and unfair competition principles* (2014) 45(4) IIC 434
  - Senftleben, *Free signs and free use – How to offer room for freedom of expression within the trademark system* (16 June 2013)
  - Senftleben and Others, *Recommendations on measures to safeguard freedom of expression and undistorted competition in EU trade mark law* (15 September 2014)

- **Case law**
  - *Arsenal Football Club plc v Matthew Reed*, C-206/01, EU:C:2002:651
  - *Céline SARL v Céline SA*, C-17/06, EU:C:2007:497
  - *Coty Germany GmbH v Parfümerie Akzente GmbH*, C-230/16, EU:C:2017:941

Trade mark enforcement online

- **Textbook**
  - Bently and Others: Chapter 40.11

- **Journal articles**
  - Bonadio, *Trade marks in online marketplaces: the CJEU’s stance in *L’Oreal v eBay* (2012) 18(2) CTLR 37
  - Headdon, *Beyond liability: on the availability and scope of injunctions against online intermediaries after *L’Oreal v eBay* (2012) 34(3) EIPR 137
  - Kaléda, *The role of the principle of effective judicial protection in relation to website blocking injunctions* (2017) 8(3) JIPITEC 216
− Rosati, ‘Intermediary IP Injunctions in the EU and UK Experiences: When Less (Harmonization) is More?’ (2017) 12(4) JIPLP 338

**Case law**

− *AMS Neve Ltd and Others v Heritage Audio SL and Pedro Rodríguez Arribas*, C-172/18, EU:C:2019:674
− *Cartier International AG & Ors v British Sky Broadcasting Ltd & Ors* [2014] EWHC 3354 (Ch) (17 October 2014)
− *Tommy Hilfiger Licensing LLC and Others v DELTA CENTER a.s.*, C-494/15, EU:C:2016:528
− *Google France and Google*, C-236/08, EU:C:2010:159
− *Interflora Inc and Interflora British Unit v Marks & Spencer plc and Flowers Direct Online Ltd*, C-323/09, EU:C:2011:604
− *L’Oréal SA and Others v eBay International AG and Others*, C-324/09, EU:C:2011:474
− *Cartier International AG & Ors v British Sky Broadcasting Ltd & Ors* [2014] EWHC 3354 (Ch) (17 October 2014)
− *Cartier International AG and Others v British Sky Broadcasting Limited and Others*, [2016] EWCA Civ 658
− *Wintersteiger AG v Products 4U Sondermaschinenbau GmbH*, C-523/10, EU:C:2012:220

**Image/publicity rights, passing off, etc.**

**Textbook**

− Bently and Others: Chapters 31, 32, 33, 34

**Journal articles**

− Blum – Ohta, ‘Personality disorder: strategies for protecting celebrity names and images in the UK’ (2014) 9(2) JIPLP 137
− Farish, ‘Do Deepfakes Pose a Golden Opportunity? Considering Whether English Law Should Adopt California’s Publicity Right in the Age of the Deepfake’ (forthcoming) JIPLP (you’ll find the article [here](#))
− Lee, ‘Putting a face to the game: the intellectual property implications of using celebrity likenesses in videogames’ (2018) 13(2) JIPLP 143
− Rosati, ‘**Italian court confirms that unauthorized use of Audrey Hepburn’s likeness infringes (post mortem) image rights**’ (2019) The IPKat

**Case law**

− *Fenty and Others v Arcadia Group Brands Ltd and Another*, [2015] EWCA Civ 3
− *Olivia de Havilland v FX Networks, LLC et al.*, B285629