

TRADE MARKS

Decisions of the GC

Ref no.	Application (and where applicable, earlier mark)	Comment
<p>GC T-137/14 <i>I Castellani Srl v OHIM; Compagnie Chomarat</i> (21.10.15)</p>	 <p>- building materials (non-metallic); non-metal building tiles, natural and artificial stones, plaster, lime, mortar, cement and sand (19)</p>	<p>The GC upheld the BoA's decision revoking the mark on the basis that the proprietor had failed to demonstrate genuine use of the mark under Arts 51(1)(a) and 15(1)(a).</p> <p>The GC held that it was possible to establish a connection between invoices that referenced particular product lines and photographs of the packaging of those product lines that showed that the packaging incorporated the mark applied for and, as a result, conclude that there has been some use of that mark.</p> <p>However, having regard to the market price of the goods concerned, the value of the invoices for the relevant product lines was very low and demonstrated that only a very low volume of goods were marketed under the mark. The onus was therefore on the proprietor to produce additional evidence to dispel doubts as to the genuineness of the mark's use.</p> <p>The GC agreed with the BoA that, on a global assessment, the other documents submitted failed to compensate for the low sales volume and, therefore, failed to establish genuine use.</p>
<p>GC T-597/13 <i>Calida Holding AG, v OHIM; Quanzhou Green Garments Co. Ltd</i> (23.10.15)</p>	 <p>- clothing and children's clothing, namely coats, trousers, shirts; layettes; bathing suits; shoes; caps; socks; gloves; scarfs; football shoes (25)</p> <p>CALIDA</p> <p>- fabrics for manufacturing</p>	<p>In invalidity proceedings, the GC upheld the BoA's decision that there was no likelihood of confusion between the marks under Arts 53(1)(a) and 8(1)(b).</p> <p>It was not disputed that the goods at issue were partly similar and partly identical, and that there was an average phonetic similarity between the marks but the conceptual similarity was neutral.</p> <p>The BoA was correct to find the marks</p>

	<p>clothing (24) - clothing (25)</p>	<p>were visually different. The differences between the word elements were strongly reinforced by the presence of a figurative element in the mark applied for, which the BoA correctly found to be co-dominant with the word element.</p> <p>The BoA was correct to reject Calida's submission that the earlier mark enjoyed enhanced distinctive character, both on the lack of evidence submitted and in finding that a party cannot rely upon the recognition of the enhanced distinctive character in separate proceedings. The BoA was entitled to find no likelihood of confusion between the marks.</p>
<p>GC T-714/14 <i>David Bonney v OHIM; Vanessa Bruno</i> (23.10.15)</p>	<p>ATHEIST</p> <ul style="list-style-type: none"> - various bags (18) - shoes, clothing (25) - retail of clothing, footwear and bags (35) <p>ATHÉ</p> <ul style="list-style-type: none"> - spectacles, sunglasses, spectacle cases (9) -jewellery, timepieces (14) -leather, animal skins; baggage, umbrellas, purses (18) -clothing, footwear, headgear (25) <p>(French and international marks)</p>	<p>The GC upheld the BoA's decision that there was a likelihood of confusion between the marks under Art 8(1)(b).</p> <p>The relevant public was the French consumer with a normal level of attention. The goods and services covered by the marks were identical or similar.</p> <p>Given the only visual differences between the marks were the absence of an accent and the presence of 'i', 's', and 't' in the mark applied for, the BoA was entitled to conclude that the signs at issue were visually similar to a medium degree.</p> <p>Phonetically, a French-speaking consumer would pronounce the common parts of the marks in the same way. The BoA was therefore correct to conclude that the signs were phonetically similar to a medium degree.</p> <p>The marks were very similar conceptually. The earlier mark would be perceived as meaning 'athée', meaning 'atheist' in English. While the mark applied for had no direct meaning in French it could be perceived by French consumers as a reference to 'athée'.</p> <p>There was therefore a likelihood of confusion under Art 8(1)(b).</p>

<p>GC</p> <p>T-736/14</p> <p><i>Monster Energy Company v OHIM; Home Focus Development Ltd</i></p> <p>(28.10.15)</p>	<p>MOMO MONSTERS</p> <p>- confectionery, namely sweets, lollipops of any kind, jellies, bubble gum, chewing gum, licorice, chocolate, marzipan, marshmallows, biscuits, cakes, pastry (30)</p> <p>MONSTER</p> <p>- dairy-based beverages and milk-based beverages containing coffee (29)</p> <p>- coffee-based beverages and coffee-based beverages containing milk (30)</p> <p>MONSTER ENERGY</p> <p>- paper, cardboard; printed matter; photographs; stationery (16)</p> <p>- clothing, footwear, headgear (25)</p>  <p>- clothing, namely, t-shirts, hooded shirts and hooded sweatshirts; headgear (25)</p>	<p>The GC dismissed the appeal, holding that the BoA was correct to find that there was no likelihood of confusion between the marks under Art 8(1)(b).</p> <p>The BoA was right to conclude that the goods in Class 30 covered by the application, and the goods in Classes 29 and 30 covered by the earlier registration for MONSTER were different in nature. The fact that sugar may be added to the goods at issue in Classes 29 and 30 did not mean that they belonged to the same sweet-snacks category as the goods in the application, as any such addition depended entirely on consumer taste.</p> <p>Similarly, the goods at issue did not serve the same purpose - those covered by the application were consumed to satiate hunger whilst those covered by the earlier registration were consumed to quench thirst.</p> <p>Given that the goods at issue were found to be dissimilar, the BoA was correct to conclude that there was no likelihood of confusion between the marks under Art 8(1)(b).</p>
<p>GC</p> <p>T-96/13</p> <p><i>Rot Front OAO v OHIM; Rakhat AO</i></p> <p>(28.10.15)</p>	<p>Ма́рка</p> <p>- fruit snacks (29)</p> <p>- confectionery (30)</p>  <p>(Unregistered sign used in the course of trade for confectionery in Greece and Germany)</p>	<p>The GC annulled the BoA's decision to reject the opposition under Art 8(4).</p> <p>Rot Front opposed the registration on the basis that its earlier unregistered mark gave it the right to prohibit the use of the mark applied for in Germany.</p> <p>The BoA erred when rejecting Rot Front's submission that, under German law, the relevant public should be limited only to Russian or Russian-speaking consumers in Germany on the ground that the goods covered by the earlier mark were sold only in shops which were specifically intended for those consumers. The BoA should have used all the means available to it in order to obtain information about the applicable national law. It could not be ruled out that the BoA's lack of enquiry had a decisive impact on the interpretation of the German law. Accordingly the</p>

<p>GC T-256/14 <i>Andrea Giuntoli v OHIM; Société des produits Nestlé</i> (29.10.15)</p>	 <p>- edible ices, chocolate, chocolate-, coffee-, cocoa-based beverages, fruit confectionery, bread, pastry and confectionery, pancakes; cereal preparations; honey (30)</p> <p>- advertising and business services; franchise-issuing services in relation to business management assistance for ice cream parlours; information and advice in relation to the sale of foodstuffs, in particular home-made ice creams; import, export, commercial and sole agencies of foodstuffs, in particular home-made ice creams (35)</p> <p>- services for providing food and drink; ice-cream parlours; cafés; food and drink catering; temporary accommodation (43)</p>  <p>- coffee and coffee extracts; cocoa-based preparations and beverages, confectionery and chocolate products, bakery goods; pastry articles; desserts, puddings; edible ices, iced cakes, ice desserts; honey cereal-based foodstuffs (30)</p>	<p>GC annulled the BoA's decision.</p> <p>The GC upheld the BoA's decision that there was a likelihood of confusion under Art 8(1)(b) between the marks in respect of the goods in Class 30 and certain food-sector services in Classes 35 and 43 of the mark applied for.</p> <p>The BoA was correct to find that there was a high degree of similarity between the 'edible ices' covered by the earlier mark and the food sector services in Class 35 covered by the mark applied for, in view of a close link between any product and its marketing. Furthermore, the goods covered by the earlier mark were similar to the food sector services in Class 43 because they were complementary. The goods in Class 30 were identical to the goods of the earlier mark.</p> <p>Although the marks had an average degree of visual and phonetic similarity there was a degree of conceptual difference between them, deriving from the presence of the element 'toscana' in the mark applied for. This element had slightly below average distinctive character and had little ability to indicate the commercial origin of the goods and services covered. The common element 'cremeria' however, had a normal degree of distinctiveness and was capable in itself of indicating that commercial origin.</p>
<p>GC T-517/13 <i>Éditions Quo Vadis v OHIM; Francisco Gómez Hernández</i> (29.10.15)</p>	<p>QUO VADIS</p> <p>- alcoholic beverages (except beers) (33)</p> <p>- retailing including via global computer networks of foodstuffs, in particular wine and oil (35)</p> <p>QUO VADIS</p> <p>- various goods in Class 16 including time planners (French mark)</p>	<p>The GC upheld the BoA's decision to reject the opposition under Art 8(5) as there was no likelihood of the relevant public making a connection or link between the marks.</p> <p>Whilst the marks were identical, Éditions Quo Vadis had only established a reputation for the earlier mark in relation to time planners. Alcoholic beverages differed from time planners in their nature, purpose and method of use and there was nothing to suggest any proximity or link between them. The same applied to the retailing of wine. The</p>

		<p>consumers for which the earlier mark had a reputation (youngsters and teenagers) were different to those at whom the mark applied for would be directed (adults able to purchase alcoholic products).</p> <p>Furthermore, the distinctive character of the earlier mark (a Latin phrase) was at most average, as the English equivalent ('where are you going') had been used by third parties in association with goods and services in various sectors.</p> <p>Without a link between the marks, the use of the mark applied for would not be likely to take unfair advantage of or be detrimental to the distinctive character or repute of the earlier mark.</p>
<p>GC T-449/13 T-450/13 CEDC <i>International sp. zo.o. v OHIM;</i> <i>Fabryka Wódka Polmos Łańcut SA</i> (12.11.15)</p>	<div style="text-align: center;">  </div> <p>(a) (b)</p> <ul style="list-style-type: none"> - mineral and aerated waters and other non-alcoholic drinks, fruit drinks and fruit juices (32) - alcoholic beverages (except beers), vodka (33) <div style="text-align: center;">  </div> <p>(word element: żubrówka) - alcoholic beverages (33) (Polish mark)</p>	<p>The GC annulled the BoA's decision that there was no similarity between the marks applied for and the earlier mark under Arts 8(1)(b) and 8(5).</p> <p>It was not disputed that the goods of the earlier mark were similar or identical to the goods of the marks applied for.</p> <p>The BoA had erred in holding that the word elements dominated the overall impression created by the marks applied for. The representation of a bison in those marks was not negligible in the overall impression, and in fact was just as distinctive and contributed to the same extent as the verbal element to the overall impression created by those marks.</p> <p>The BoA had also erred by failing to take into account, when comparing the marks at issue, the figurative element of the earlier mark (a bison in a circle against a background of trees).</p> <p>The marks were visually similar, albeit to a low degree. There was a certain conceptual similarity due to the common presence of a bison, and the presence of 'żubrówka' (meaning 'bison' in Polish) in the earlier mark.</p> <p>The fact the marks were phonetically dissimilar did not preclude a finding that, overall, the marks had at least a low degree of similarity. The BoA</p>

		ought to have carried out an overall assessment on the likelihood of confusion and considered the other Art 8(5) conditions.
<p>GC T-361/13 <i>Menelaus BV v OHIM; Vicente Garcia Mahiques and Anr</i> (18.11.15)</p>	<p>VIGOR</p> <p>- brushes (except paint brushes); brush-making materials; instruments and material for cleaning purposes; steelwool; glassware, porcelain and earthenware, articles for cleaning purposes; cleaning cloths, sponges, brushes (21)</p>  <p>- all kinds of brushes and brush goods, for cleaning and hygiene purposes; mops, brooms, buckets, refuse containers, sponges, feather-dusters (21)</p> <p><i>(International and Community mark)</i></p>	<p>The GC upheld BoA's decision that the mark applied for was invalid under Arts 53(1)(a) and 8(1)(b) for all goods except 'brush-making materials' and 'glassware, porcelain and earthenware'.</p> <p>The GC agreed with the BoA's finding that genuine use of the earlier Community mark had been proved and rejected Menelaus' submission that submitting evidence of proof of genuine use by CD-ROM was contrary to the Implementation Regulation (2868/95/EC). The evidence was identifiable and legible – its evidential value was therefore not undermined. The GC was not bound by a previous BoA decision to the contrary.</p> <p>The BoA had appropriately used its discretion under Art 76(2) in allowing Mahiques to submit new evidence of use. The new evidence supplemented the evidence filed previously and was genuinely relevant to the outcome of the invalidity proceedings. Sufficient proof of genuine use for the earlier Community mark had been submitted for the BoA to reach its finding that there was a likelihood of confusion between the marks. Menelaus' submissions regarding errors in the BoA's assessment of genuine use of the earlier International mark were therefore irrelevant.</p>
<p>GC T-659/14 <i>Instituto dos Vinhos do Douro e do Porto, IP v OHIM; Bruichladdich Distillery Co. Ltd</i> (18.11.15)</p>	<p>PORT CHARLOTTE</p> <p>- whisky (33)</p> <p>porto port</p> <p>(protected as designations of origin or geographical indicators)</p>	<p>The GC annulled the BoA's decision which rejected an application for invalidity based on prior rights in protected designations of origin for port wine under Arts 53(1)(c), 53(2)(d) and 8(4) together with Regulation 491/2009/EC.</p> <p>Regarding the submission of infringement of Art 118m(2) of Regulation 491/2009/EC the BoA did not err in finding the mark neither used nor that it evoked the designation of origin.</p>

		<p>However, the protection conferred by Art 118 was not exhaustive, and could be supplemented by relevant national law. By failing to apply Portuguese legislation, the BoA manifestly misinterpreted the scope of Arts 53(1)(c) and 53(2)(d), vitiating the legality of the BoA's decision.</p>
<p>GC T-558/14 <i>Research Engineering & Manufacturing, Inc. v OHIM; Nedschroef Holding BV</i> (18.11.15)</p>	<p>TRILOBULAR - metal threaded fasteners (6)</p>	<p>In invalidity proceedings, the GC upheld the BoA's finding that the mark was descriptive under Arts 52(1)(a) and 7(1)(c).</p> <p>The BoA did not err in examining whether part of the relevant public, namely professionals, and not general consumers, would consider whether the mark was descriptive, as professionals represented a larger part of the relevant public.</p> <p>There was a sufficiently direct and specific relationship between the mark and the goods. The word 'trilobular' could be understood not only by German speaking professionals but also professionals from other Member States for whom that word could refer to the expression 'tri lobular' (meaning composed of three lobes) and therefore describe one of the characteristics or qualities of the goods.</p> <p>Further, Nedschroef Holding established that as early as 1982 the word 'trilobular' could be used descriptively with respect to a screw whose threaded body was geometrically trilobal and demonstrated that the mark already had descriptive character before it was registered.</p>
<p>GC T-508/13 <i>Government of Malaysia v OHIM; Paola Vergamini</i> (18.11.15)</p>	 <p>- various goods and services in Classes 5, 18, 25, 29, 30, 31, 32, and 43</p>	<p>The GC upheld the BoA's decision to reject the opposition pursuant to Art 8(4) finding that goodwill of the earlier UK unregistered mark had not been established.</p> <p>The GC found that the Government of Malaysia was the owner of the goodwill of the earlier mark (which certified compliance of goods with Sharia law) rather than shared with the authorised users as the BoA had found. However, the BoA was correct</p>

	 <p>(UK unregistered mark used for a range of goods and services, including food)</p>	<p>to find that the Government of Malaysia's evidence had not established the existence of goodwill in the mark. Therefore any error made by the BoA in applying the 'extended' form instead of the 'classic' form of passing off could not invalidate the contested decision.</p> <p>The BoA had not erroneously assessed the evidence submitted to prove reputation and goodwill in the mark. For example, the figures provided for the global halal food market were of little evidential value as they did not indicate what percentage of turnover was achieved by products bearing the mark, and an export declaration and commercial invoice only showed proof of sale of a negligible quantity of products and could not suffice to demonstrate knowledge of the mark by the relevant public.</p>
--	--	---

PASSING OFF

IPO succeeds in stopping renewal scam

***The Comptroller-General of Patents, Designs and Trade Marks & Anr v Intellectual Property Agency Ltd ("IPAL") & Anr** (Judge Hacon; [2015] EWHC 3256 (IPEC); 10.11.15)**

The Comptroller-General and the second defendant, The Secretary of State for Business, Innovation and Skills, succeeded in their claims of passing off and trade mark infringement against IPAL. **Judge Hacon** awarded the maximum account of profits permitted under the IPEC cap, namely £500,000.

IPAL had been writing to proprietors of patents and trade marks reminding them that the right required renewal, and requesting a renewal fee. These reminders stated IPAL's full name "Intellectual Property Agency Ltd" at the top, with a logo as shown below:



IPAL would then renew the relevant right at the Intellectual Property Office (IPO) on behalf of the rightholder, charging rightholders significantly higher sums than the IPO actually required for the renewal of such rights. In most cases, IPAL's fee was at least five times that charged by the IPO.

Passing Off

Judge Hacon found that the services provided by the IPO undoubtedly generated goodwill which was associated in the public mind with 'Intellectual Property Office'. He also found that IPAL's activities amounted to a misrepresentation, as the document used by IPAL suggested that it emanated from an official source. The Judge was of the opinion that those

who were not very familiar with the IP system in the UK would think that the form came from a government organisation. He pointed to correspondence from a number of parties which had received the 'Reminder' document, which served as evidence of actual confusion which had taken place. The Judge found that inactivity on the IPO's part in preventing a scam was likely to damage its reputation. **Judge Hacon** therefore held that the Comptroller-General had established all the elements of passing off.

Trade Mark Infringement

Pursuant to **Section 10(2)**, the Judge held that IPAL's use of the sign INTELLECTUAL PROPERTY AGENCY LTD infringed the IPO's trade mark (the "Mark"), as shown below:



It was held that the principal impact of the Mark was the concept conveyed by the words 'Intellectual Property Office', which were therefore the dominant part of the Mark. The visual, aural and conceptual similarities between INTELLECTUAL PROPERTY OFFICE and INTELLECTUAL PROPERTY AGENCY LTD were found to be obvious. The Judge noted that the inclusion of 'Ltd' in IPAL's name did not displace the suggestion that it was a government body as implied by the term 'agency'. Moreover, the evidence of actual confusion reinforced the likelihood of confusion in the mind of the average consumer.

Account of Profits

IPAL received a total of £1,334,234 from rightsholders and its gross profit was £1,106,510. Accordingly, the Judge awarded £500,000, the maximum permitted under the IPEC cap.

Licence defeats claim to passing off and copyright infringement

***Janet Helme & Ots v Richard Maher & Anr** (Judge Hacon; [2015] EWHC 3151 (IPEC); 02.11.15)**

Judge Hacon dismissed Ms Helme's claims for passing off and copyright infringement relating to the use by Mr Maher and the second defendant, Mr Green, of a trade name, logo, and photograph used in relation to Ms Helme's jewellery business. The Judge held that Mr Maher and Mr Green had acted within the scope of a licence granted to them by Ms Helme.

It was common ground that there was goodwill in Ms Helme's jewellery business associated with the 'Hidden Gem' trade name and logo. It was also common ground that Ms Helme owned the copyright that subsisted in (i) a photograph of her jewellery, and (ii) the 'Hidden Gem' logo, as shown below:



Since 2007, Ms Helme had offered jewellery for sale in display cabinets located in hair salons and beauty parlours, and also through direct sales via a website. In 2008, she, her friend Mr Maher, and Mr Green entered into negotiations for a joint venture which it was agreed would exist alongside Ms Helme's business. The aim of the joint venture was to grant franchises to conduct similar businesses elsewhere in the UK. Ms Helme agreed to the use of the trade name, logo and a photograph of her jewellery by Mr Maher and Mr Green (for instance on a website they set up for the newly incorporated 'Hidden Gem Jewellery Company Limited' and in at least some advertisements placed in national press). In 2009, Ms Helme discovered that she could no longer access control of the Hidden Gem website because the password had been changed. Upon discovering that the website had been used to promote

only online sales, as opposed to the franchise business, a cease and desist letter was sent on her behalf to Mr Maher and Mr Green on 9 April 2010 claiming copyright infringement and passing off.

The Judge was of the view that the cooling of the friendship between Ms Helme and Mr Maher could not retrospectively affect the nature of the licence granted to him and to Mr Green at the time it was entered into. As Ms Helme had given Mr Maher and Mr Green 'fairly free rein' to make use of the 'Hidden Gem' name, logo and the photograph, and had not objected to the promotion of direct sales under the 'Hidden Gem' name, their use of the name, logo and photograph up to 9 April 2010 was not unlawful. As the only use of the trade name, logo or photograph after that date was by a third party to which goods had been sold prior to 9 April 2010, the claim was dismissed.

COPYRIGHT

Communication to the public by broadcasting organisation

SBS Belgium NV v Belgische Vereniging van Auteurs, Componisten en Uitgevers (SABAM) (CJ (First Chamber); C-325/14; 19.11.15)

Following a reference from the Brussels Court of Appeal, the CJ held that a broadcasting organisation did not carry out an act of communication to the public within the meaning of **Article 3 of Directive 2001/29** (the '**InfoSoc Directive**') when transmitting programme signals via the direct injection technique, unless the intervention of the distributor was purely technical.

Direct injection occurred when (1) the broadcasting organisation transmitted programme-carrying signals to distributors in an encrypted form which were inaccessible to the public; and (2) the distributor then sent the signals on to subscribers enabling them to view the programmes. The CJ recalled the judgment in *Svensson* (**C-466/12**, reported in *CIPA Journal*, March 2014) which established the cumulative criteria of **Article 3(1)**, namely that there must be (a) an act of communication of a work and (b) the communication of that work to a public.

The CJ confirmed that condition (a) included any transmission of a work protected by copyright, regardless of the technical means or process used in that transmission. Any such transmission or retransmission using specific technical means must be authorised by the relevant right holder, as the exclusive rights afforded by the **InfoSoc Directive** should be interpreted broadly. However, the concept of 'a public' in condition (b) implied an indeterminate number of recipients. The initial transmission by a broadcasting organisation to specific individual distributors (without those signals being accessible to the public) did not therefore fulfil this condition.

The CJ recognised that there may be situations whereby a distributor was not independent from the broadcasting organisation and where its distribution service was purely technical in nature. In these situations, it was for the national court to determine whether the subscribers of the distributor could be considered to be the public for the purposes of the communication by the broadcasting organisation, so that the broadcasting organisation would make a 'communication to the public' within **Article 3(1)**.

DATABASE RIGHTS

Assessing the value of independent materials extracted from a database

Freistaat Bayern v Verlag Esterbauer GmbH (CJ (Second Chamber); C-490/14; 29.10.15)

The CJ delivered a preliminary ruling on a question from the German Bundesgerichtshof (BGH), and held that geographical information extracted from topographical map would fall within the definition of independent materials of a database for the purposes of **Article 1(2)** of **Directive 96/9**, provided that those materials retained their autonomous informative value following the extraction. The CJ found that the value of the materials must not be assessed in light of the purpose or the principal intended use of the information but whether the materials retained value for each possible third party interested in the extracted material.

Freistaat Bayern produced topographic maps of Bavaria and published these in hard copy form. Esterbauer, a publisher of atlases, tour books and maps for cyclists and mountain bikers, scanned these maps and extracted information from them, producing new maps highlighting bike trails. Bavaria objected to the use of the underlying data from its maps in this manner and brought proceedings before the Regional Court of Munich which upheld the application. On appeal, the Higher Regional Court set aside the application in part and granted Bavaria leave to appeal to the BGH on a point of law in respect of its claims based on protection of databases pursuant to the national law implementing **Article 1(2)**. The BGH stayed the proceedings and referred a question to the CJ.

The BGH asked, in essence, whether **Article 1(2)** must be interpreted as meaning that geographical data extracted from a topographical map in order that a third party may produce and market another map retain, after extraction, sufficient informative value to be held to be 'independent materials' of a database within the meaning of that provision. The CJ answered this in the affirmative.

In reaching this decision, the CJ held that the classification of a database depended on the existence of a collection of 'independent materials' and highlighted the decisions of *Fixtures Marketing* and *Football Dataco and Ots (C-444/02; C-604/10, reported in CIPA Journal, November 2004 and April 2012)* which established that a combination of pieces of information can constitute independent material within the meaning of **Article 1(2)**. The information which Esterbauer had extracted, namely the 'geographical co-ordinates point' and the numbered signature code designating unique features such as a church, or indeed a greater combination of information, was not precluded from being 'independent material' within the meaning of **Article 1(2)**, provided that it retained its autonomous informative value following the extraction. The CJ confirmed that such value was retained as, once extracted, the information was useful to Esterbauer's customers using the new maps.

Katharine Stephens, Zoe Fuller and Hilary Atherton

Reporters' note: We are grateful to our colleagues at Bird & Bird LLP for their assistance with the preparation of this report: Toby Bond, Toby Sears, Ahalya Nambiar, Mark Livsey, Henry Elliot, Rachel Harrison, Ning-Ning Li, Emma Green, Tom Darvill, Rebekah Sellars, and Fleur Chenevix-Trench.

The reported cases marked * can be found at <http://www.bailii.org/databases.html#ew> and the CJ and GC decisions can be found at http://curia.euro.pa.eu/jcms/jcms/j_6/home