



TRADE MARKS

Decisions of the GC

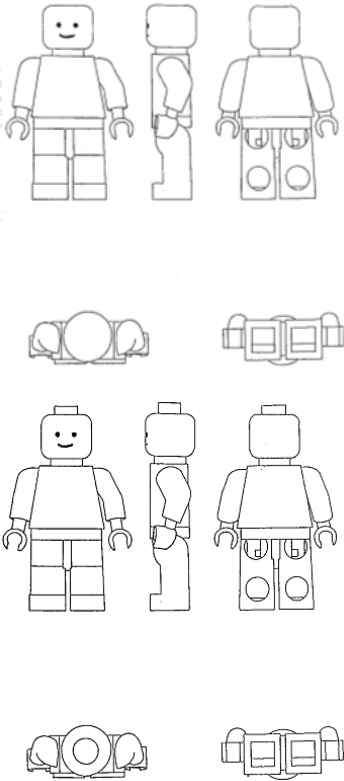
Ref no.	Application (and where applicable, earlier mark)	Comment
<p>GC T-273/14 <i>Lithomex ApS v OHIM; Glaubrecht Stingel GmbH & Co. KG</i> (03.06.15)</p>	<p>LITHOFIX - building materials (non-metallic) (19) - agricultural, horticultural and forestry products (31)</p> <p>LITHOFIN - chemical preparations for the maintenance, except those containing soap, and the sealing of the surface of stone (1) (German and International marks)</p>	<p>In invalidity proceedings, the GC upheld the decision of the BoA that there was a likelihood of confusion between the marks under Arts 53(1)(a) and 8(1)(b).</p> <p>The relevant public, which consisted mainly of professionals, but also DIY enthusiasts, would have a higher level of attention than average.</p> <p>The BoA was correct to find that there was a complementary relationship between the goods, since the Class 1 goods were important for the maintenance of Class 19 goods and further, that the goods were both sold in DIY shops. As a result, the goods were similar.</p> <p>The marks were visually and aurally similar to a very high degree. In relation to conceptual similarity, the GC rejected Lithomex's submission that the relevant public would associate the prefix 'litho' of the earlier mark with a stone-finishing product. The majority of the relevant public were German-speaking and would not perceive the meaning of 'litho'. It was therefore not possible to carry out a conceptual comparison for that part of the public. The part of the public that did understand the prefix would conclude that there was a conceptual similarity between the marks, as the prefix was common to both.</p> <p>The BoA had correctly found that there was a likelihood of confusion between the marks.</p>
<p>GC T-544/12 T-546/12 <i>Pensa Pharma, SA v</i></p>	<p>PENSA PHARMA</p>  <p>- pharmaceutical preparations, sanitary</p>	<p>In invalidity proceedings, the GC upheld the BoA's decision that there was no express consent given by Ferring to the registration of the marks applied for under Art 53(3) and there was a likelihood of</p>


<p><i>OHIM; Ferring BV & anr</i> (03.06.15)</p>	<p>preparations for medical purposes, dietetic substances adapted for medical use, plasters, materials for dressings, disinfectants (5)</p> <p>- medical services and consultancy in the field of pharmacy (44)</p> <p>PENTASA</p> <p>- pharmaceutical preparations (5)</p> <p>(various national marks, including Benelux and French marks)</p>	<p>confusion between the marks under Arts 53(1)(a) and 8(1)(b).</p> <p>The alleged peaceful coexistence of the marks in Spain and Italy, Ferring's withdrawal of the oppositions to the marks applied for in favour of applying for a declaration of invalidity and the existence of a coexistence agreement relating to a different 'pensa' figurative mark were not sufficient to show express consent for the purposes of Art 53(3).</p> <p>Both the marks applied for were visually similar to the earlier mark to a low degree. The marks were phonetically similar. In the case of the word mark applied for the relevant public would focus its attention on the 'pensa' element; 'pharma' was superfluous due to the nature of the goods and services covered by the mark. Conceptually neither the marks applied for nor the earlier mark had any clear meaning.</p> <p>The goods and services were identical or similar. This, along with the highly distinctive character the earlier mark had acquired through use in France and the Benelux territories, was sufficient to offset the low degree of visual similarity, leading to a likelihood of confusion between the marks.</p>
<p>GC T-559/13 <i>Giovanni Cosmetics, Inc. v OHIM; Vasconcelos & Gonçalves, SA</i> (03.06.15)</p>	 <p>GIOVANNI GALLI</p> <p>- bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices (3)</p> <p>GIOVANNI</p> <p>- soaps, shampoo and other haircare preparations, cosmetic preparations, perfumery (3)</p>	<p>The GC upheld the BoA's decision that there was no likelihood of confusion between the marks under Art 8(1)(b).</p> <p>The word elements of the mark applied for had equal distinctive character for at least part of the relevant public. It had not been established that non-Italians would perceive 'giovanni' as a common Italian first name (reducing its distinctive character). Nor did the case law establish, as a general rule for all Member States, that surnames had greater distinctive character than first names. As a result the aural similarity between the marks was average.</p> <p>The BoA was correct to find that the figurative element of the mark applied for had a distinctive character equal to</p>

		<p>the word elements and that the visual similarity between the marks was low.</p> <p>The conceptual similarity between the marks was also low. The earlier mark was capable of identifying any person with the first name 'giovanni' whereas the mark applied for was capable of identify a specific individual. The mark applied for also contained a drawing of a duck which had no conceptual equivalent in the earlier mark. Although the BoA was wrong to find that these conceptual differences could counteract the marks' aural similarity, the error did not entail annulment of the contested decision. In view of the significance of the other elements of the mark applied for, there was no likelihood of confusion, despite some of the goods being identical.</p>
<p>GC T-448/13 <i>Bora Creations, SL v OHIM; Beauté Prestige International</i> (03.06.15)</p>	<p>ESSENCE - <i>inter alia</i>, decorative cosmetics, nail varnishes (3)</p>	<p>The GC upheld the BoA's finding that the mark was invalid for 'decorative cosmetics' and 'nail varnishes' pursuant to Arts 52(1)(a) and 7(1)(c) on the ground that the mark was purely descriptive of those goods.</p> <p>The BoA was entitled to hold that one of the possible meanings of the mark would be a product manufactured on the basis of an essence or containing an essence, and that the connection between this meaning and the goods concerned was sufficiently direct and real to allow the relevant public to recognise the descriptive nature of the mark.</p> <p>Further, the BoA did not err in finding that the relevant consumer would perceive the word 'essence' placed on 'decorative cosmetics' and 'nail varnishes' as indicating that the goods were made from (or consisted of) an extract from a substance, in particular a plant, and possibly in concentrated form, or perfumed.</p>
<p>GC T-254/13 <i>Stayer Ibérica, SA v OHIM; ZAO Korporaciya</i></p>	 <p>- equipment and tools, parts</p>	<p>In invalidity proceedings, the GC partially upheld and partially annulled the BoA's decision that there was a likelihood of confusion between the marks under Arts 53(1)(a) and 8(1)(b).</p>

<p><i>'Masternet'</i> (04.06.15)</p>	<p>of cutting and polishing diamond machines, bits and cutting wheels for the following industries: marble, granite, stone, clay, slabs, tiles and brick, and, in general terms, cutting tools as parts of the equipment included in Class 7</p> <p>- hand held abrasive items (wheels and grinding wheels) (8)</p> <p>STAYER</p> <p>- <i>inter alia</i>, tools (8) (international mark)</p>	<p>The BoA was correct to find that invoices were sufficient to establish genuine use of the earlier mark in relation to 'polyurethane float trowels'. The BoA was also correct in finding that the relevant public comprised the general public and professionals in, for example, the construction industry and that the public's degree of attention would be relatively high.</p> <p>The BoA's finding that the marks were similar overall was not challenged by Stayer Ibérica.</p> <p>'Polyurethane float trowels' covered by the earlier mark were identical to 'equipment and tools' covered by the contested mark as they fell within this broader category designated by the contested mark. Therefore the BoA was right to find a likelihood of confusion in relation to 'equipment and tools'.</p> <p>However, the remaining categories of goods covered by the contested mark were neither complementary nor in competition with 'polyurethane float trowels' and were therefore dissimilar. The BoA was wrong to conclude that there was a likelihood of confusion in relation to these goods.</p>
<p>GC T-562/14 <i>Yoo Holdings Ltd v OHIM; Eckes-Granini Group GmbH</i> (04.06.15)</p>	<p>YOO</p> <p>- restaurant services; bar services; café, canteen, snack bar and catering services; lounge and bar services; services for providing food and drink (43)</p> <p>YO</p> <p>- meat, fish, poultry and game; meat extracts; fruits and vegetables; jellies, jams, fruit sauces (compotes); eggs, milk and milk products (29)</p> <p>- foodstuffs including preparations made from cereals including cereal bars; bread, pastry and confectionery, filled and unfilled chocolates and all</p>	<p>The GC dismissed the appeal from the BoA's decision that there was a likelihood of confusion between the marks under Art 8(1)(b).</p> <p>The BoA was correct to find that the goods in Classes 30 and 32 were complementary to the services in Class 43. The services in Class 43 could be offered in the same places as those in which the goods in question were sold, as it was common knowledge that providers of restaurant or catering services often made their own pastries or chocolate products and bakers were known to have developed catering services. The goods and services were therefore similar to a certain degree.</p> <p>The GC also confirmed that the marks were visually highly similar and phonetically identical or very similar even taking into account the different</p>

	<p>other chocolate products (30)</p> <p>- beers, mineral waters and aerated waters and other non-alcoholic drinks, fruit drinks and fruit juices (32)</p> <p>(German & International marks)</p>	<p>pronunciation of English speakers. It was not in dispute that, except for Spanish-speaking consumers, the conceptual comparison of the marks was irrelevant.</p> <p>The BoA was correct in finding that there was a likelihood of confusion, even where the earlier marks had a less than average distinctive character.</p>
<p>GC</p> <p>T-514/13</p> <p><i>AgriCapital Corp. v OHIM; agri.capital GmbH</i></p> <p>(10.06.15)</p>	<p>AGRI.CAPITAL</p> <p>- building promoter services, development of usage concepts, management of buildings, management of land, real estate management and brokerage, rental and leasing of real estate, real estate affairs, leasing of farms (36)</p> <p>AGRICAPITAL</p> <p>- financial services, financial consultancy, consulting and investment banking services for companies in agricultural sector (36)</p>	<p>The GC upheld the BoA's decision that there was no likelihood of confusion between the marks pursuant to Art 8(1)(b).</p> <p>The BoA did not err in its finding that the services covered by the mark applied for differed from those covered by the earlier mark. Although the services of the marks at issue were capable of being used together by the average consumer in the EU, they were neither competing nor complementary. The link between the services was not sufficiently close to lead the relevant public to think that those services were provided by the same undertaking.</p> <p>The lack of similarity between the services covered by the marks could not be offset (for the purposes of the assessment of likelihood of confusion) by the similarity, even if that were of a high degree, between the marks at issue.</p> <p>Therefore, the BoA was correct to find no likelihood of confusion between the marks.</p>
<p>GC</p> <p>T-306/13</p> <p><i>Silicium España Laboratorios, SL v OHIM; LLR-G5 Ltd</i></p> <p>(16.06.15)</p>	<p>LLRG5</p> <p>- pharmaceutical, veterinary and sanitary preparations, dietetic substances adapted for medical purposes, dietetic foods adapted for medical purposes, dietetic beverages adapted for medical purposes, analgesics and anaesthetics, balms for pharmaceutical purposes, ointments for medical and pharmaceutical purposes, Sera, vitamins (5)</p> <p>- non-alcoholic drinks,</p>	<p>The GC dismissed the appeal from the BoA's decision to uphold the declaration of invalidity of the mark on the basis that the mark was negotiated in bad faith pursuant to Art 52(1)(b).</p> <p>Mr R, the beneficial applicant of the mark, had instructed an intermediary to register the mark, which was the distinctive element of the company name, LLR-G5 Ltd. At the time of the application, Mr R was a director of LLR-G5 Ltd and did not inform or consult with the company regarding the application.</p>

	<p>energy drinks, vitamin drinks, revitalising drinks, tonics and reviving drinks, syrups and other preparations for making energy drinks (32)</p> <p>- medical services, veterinary services, hygiene and beauty care for human beings and/or animals (44)</p>	<p>The BoA did not err in finding that it had not been established that Mr R had acquired exclusive rights in the mark when the application was filed. Furthermore, given his close and continuous role within LLR-G5 Ltd in the activities leading up to the use of the contested sign, Mr R had clearly accepted that the mark had become LLR-G5 Ltd's company name which was used in the trading of goods.</p> <p>In his position as director, Mr R was obliged to act in LLR-G5 Ltd's best interests and could not be unaware of the risk that the registration might harm the company. In addition, by failing to inform the company of the registration, the registration could be considered a 'concealed act' intended to prevent the company from continuing to use the sign.</p>
<p>GC T-395/14 T-396/14 <i>Best-Lock (Europe) Ltd v OHIM; Lego Juris A/S</i> (16.06.15)</p>	 <p>- games and playthings; decorations for Christmas trees (28)</p>	<p>The GC upheld the BoA's decision in both appeals to dismiss the applications to invalidate the marks under Arts 52(1)(a), 7(1)(e)(i) (on which there was no argument) and (ii).</p> <p>The BoA was correct to hold that the marks at issue did not consist exclusively of the shape of goods necessary to obtain a technical result under Art 7(1)(e)(ii).</p> <p>Best-Lock had not identified what technical result a toy figure was supposed to achieve. The fact the toy figures could be joined to other objects such as Lego bricks through coupling elements (such as the holes in the feet) was not a technical result of those objects or their shape. The mere fact that some parts of an object were moveable was not a technical result, so long as the movement itself did not enable a result to be achieved. Furthermore, the marks were not modular, as they could not be combined with as many other identical figures as desired, so modularity was not a possible technical result.</p> <p>The GC further noted that the graphical representation of the hands of the mark and the holes under its feet and inside the backs of its legs did</p>

		not, per se, enable determination of whether those elements had any technical function or what such function was. These elements were not essential characteristics of the shapes in question and were not the most important elements of the marks.
<p>GC</p> <p>T-660/11</p> <p><i>Polytetra GmbH v OHIM; EI du Pont de Nemours and Company</i></p> <p>(16.06.15)</p>	<p>POLYTETRAFLON</p> <ul style="list-style-type: none"> - various chemicals, unprocessed plastics and related goods (1) - heat exchangers and various heating and lighting apparatus and related goods (11) - various types of plastics (17) - treatment of materials (40) <p>TEFLON</p> <ul style="list-style-type: none"> - various chemicals, unprocessed plastics and related goods (1) - various heating and lighting apparatus and related goods (11) - various types of plastics and related goods (17) - treatment of materials (40) 	<p>The GC annulled the BoA's decision to uphold the opposition for all the goods and services applied for under Art 8(1)(b), due to inadequate reasoning and an error of law relating to the proof of genuine use of the earlier mark under Arts 42(2) and (3).</p> <p>The GC disagreed with the BoA's conclusion that use of the earlier mark had been proved for some of the goods in Classes 1, 11 and 17.</p> <p>In addition to not giving adequate reasons for its decision, and not clearly stating which evidence amounted to proof of use for each category of goods, the BoA was incorrect in concluding that the use shown of the TEFLON mark in reference to a coating on third party goods amounted to proof of use of the TEFLON mark in relation to those goods. A component and a product integrating that component were different in their nature and intended purpose and so did not belong to the same group of goods.</p> <p>Furthermore, the use shown of the TEFLON mark in relation to the final goods did not act as an indicator of the origin of those final goods, so could not be deemed to constitute proof of use of the mark in relation to those goods.</p>
<p>GC</p> <p>T-621/14</p> <p><i>Infocit – Prestação de Serviços, Comércio Geral e Indústria, Lda v OHIM; DIN – Deutsches Institut für Normung eV</i></p> <p>(24.06.15)</p>	<p>DINKOOL</p> <ul style="list-style-type: none"> - goods in Classes 1, 2, 3, 6, 7, 12, 16, 20 and 21  <ul style="list-style-type: none"> - goods in Classes 1 to 34 (International mark) 	<p>The GC upheld the BoA's finding that there was a likelihood of confusion between the marks pursuant to Art 8(1)(b).</p> <p>The partly identical and partly similar nature of the goods was not challenged.</p> <p>The BoA was correct to find that the marks had a certain degree of visual similarity and a limited degree of phonetic similarity.</p> <p>Conceptually, for part of the relevant</p>

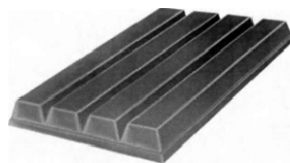
		<p>public (German speakers) DINKOOL was a fantasy word since it had no meaning in German. If a consumer divided DINKOOL into two syllables, the term 'din' could be associated with the activities of Deutsches Institut für Normung, or be a fantasy word. If the consumer associated 'din' with the intervener the word element, 'kool', perceived as a misspelling of the English word 'cool', would be associated with the intervener. In this case a conceptual similarity between the marks existed. If the consumer did not make the connection between 'din' and the intervener, there would be no conceptual similarity.</p> <p>In light of the similarity between the marks and the similar/ identical nature of the goods, there was a likelihood of confusion between the marks.</p>
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Registration of 3D shape marks

***Société des Produits Nestlé v Cadbury UK Ltd* (AG Wathelet for the CJ; C-215/14; 11.06.15)**

AG Wathelet has given his opinion on questions referred to the CJ from the English High Court concerning the registrability of the 3D shape of a Kit Kat chocolate bar.

Nestlé applied to register the mark reproduced below in the UK for 'chocolate; chocolate confectionery; chocolate products; confectionery; chocolate-based preparations; bakery goods; pastries; biscuits; biscuits having chocolate coating; chocolate coated wafer biscuits; cakes; cookies; wafers' in Class 30.



Cadbury opposed the registration on the basis of the provisions of the **Trade Marks Act 1994** which transposed **Articles 3(1)(b), 3(1)(e)(i) and (ii), and 3(3)** of the **Directive**. The examiner found the mark devoid of inherent distinctive character and that it had not acquired distinctive character through use. The examiner noted that the shape had three features: (i) the basic rectangular slab shape; (ii) the presence, position and depth of the grooves running along the length of the bar; and (iii) the number of grooves which, together with the width of the bar, determined the number of 'fingers'. The examiner concluded that feature (i) was a shape which resulted from the nature of the goods themselves and could not be registered, except in respect of 'cakes' and 'pastries' where it departed from the norms of the sector. Features (ii) and (iii) were necessary to obtain a technical result.

Nestlé appealed the decision to the High Court and Cadbury cross appealed ([2014] EWHC 16 (Ch), reported in *CIPA Journal*, February 2014). **Arnold J** held that the examiner was

wrong to differentiate between 'cakes' and 'pastries' on the one hand, and the remaining goods on the other. However, in order to assess whether the examiner had erred in his application of the provisions which transposed **Article 3(1)(e)(i)** (sign consisting exclusively of the shape which results from the nature of the goods themselves) and **3(1)(e)(ii)** (sign consisting exclusively of the shape of the goods necessary to obtain a technical result), **Arnold J** decided to refer questions to the CJ.

By its first question, the High Court asked whether, in order to establish acquired distinctive character under **Article 3(3)**, it was sufficient for the applicant to prove that a significant proportion of the relevant class of persons recognised the mark and associated it with the applicant's goods in the sense that, if they were to consider who marketed goods bearing that mark, they would identify the applicant; or whether it was necessary for the applicant to prove that a significant proportion of the relevant class of persons relied upon the mark (as opposed to any other marks which might be present) as indicating the origin of the goods. The AG concluded that it was not sufficient to prove that the relevant class of persons recognised the mark and associated it with the applicant's goods. Instead, the applicant must prove that the only trade mark in respect of which registration was sought, as opposed to any other trade marks which might be present, indicated, without any possibility of confusion, the exclusive origin of the goods at issue. This was clear from case law, including *Philips Electronics v Remington* (**Case C-299/99**, reported in *CIPA Journal*, July 2002) and *Voss of Norway v OHIM* (**Case C-445/13**, reported in *CIPA Journal*, June 2015).

The AG rejected the submission put forward by Nestlé that a trade mark need not necessarily have been used independently in order for it to have acquired distinctive character; acquisition of distinctive character could occur as a result of use with another registered mark. The AG commented that although a trade mark may have acquired distinctive character when used in conjunction with another mark, in order for that mark to be eligible for protection as a trade mark in its own right, it must be capable of fulfilling the function of identifying the origin of the goods by itself. The relevant question was therefore whether the 3D mark applied for by Nestlé, when used independently and without any reference to 'Kit Kat', served to identify the Kit Kat bar sold by Nestlé. AG Wathelet commented that precisely determining the legal identity of the producer undertaking (i.e., Nestlé rather than Cadbury) went beyond what could reasonably be expected of the relevant class of persons.

By its second question, the High Court asked whether, where a shape consisted of three essential features, one of which resulted from the nature of the goods themselves and two of which were necessary to obtain a technical result, registration as a trade mark was precluded by **Article 3(1)(e)(i)** and/or **(ii)**. The AG concluded that **Article 3(1)(e)** would prevent the registration of such a shape, provided that at least one of those grounds fully applied to that shape. Following *Hauck v Stokke* (**Case C-205/13**, reported in *CIPA Journal*, October 2014), the three grounds for refusal of registration under **Article 3(1)(e)** operated independently of one another. The fact that a mark could be refused registration on the basis of a number of grounds was irrelevant; they could apply cumulatively.

Finally, the High Court asked whether **Article 3(1)(e)(ii)** should be interpreted as precluding registration of shapes which were necessary to obtain a technical result with regard to the manner in which the goods were manufactured, as opposed to the manner in which the goods functioned. The AG concluded that **Article 3(1)(e)(ii)** precluded registration of either of these types of shapes. A literal interpretation of **Article 3(1)(e)(ii)** would exclude from its scope shapes which resulted from the manufacturing process. However, it was possible that the technical result may be obtainable only by means of a specific manufacturing process. For example, the grooves in the mark applied for gave the product the shape which was necessary to obtain the technical result – namely to allow consumers to separate the fingers – and the angle of the sides and grooves of the product was determined by its method of manufacture. The purpose of **Article 3(1)(e)(ii)** was to prevent trade mark protection granting a proprietor a monopoly on technical solutions or

functional characteristics of a product which a user was also likely to seek in the products of competitors. Therefore, registration of either of these types of shapes should be excluded.

CANARY WHARF refused registration on appeal

***Canary Wharf Group Plc ("CWG") v The Comptroller General of Patent, Designs and Trade Marks** (Iain Purvis QC; [2015] EWHC 1588 (Ch); 08.06.15)**

Iain Purvis QC (sitting as a Deputy Judge of the High Court) dismissed CWG's appeal from a decision of the Hearing Officer by which he refused registration of the sign CANARY WHARF for goods and services in Classes 16, 36, 37, 39, 42, 44 and 45.

CWG owned a large part of the Canary Wharf area of East London. The Hearing Officer had upheld the examiner's decision to reject CWG's application in its entirety on absolute grounds under **Sections 3(1)(b)** and **3(1)(c)**. He refused the application insofar as it covered 'services' on the ground that it designated the geographical origin of the services, and insofar as the application covered 'goods' on the ground that it designated another characteristic of the goods, namely their subject matter. As it was common ground in the present appeal that the grounds for objection under **Section 3(1)(b)** were co-extensive with those raised under **Section 3(1)(c)**, the Judge considered the appeal on the basis of **Section 3(1)(c)** only.

Geographical origin of the services

Iain Purvis QC set out the guiding principles relating to 'geographical origin' from the CJ judgment in **Joined Cases C-107/97 and C-109/97 *Windsurfing Chiemsee Produktions v Huber***, and referred to two GC decisions to which he was taken: **Case T-295/01 *Nordmilch v OHIM*** and **Case T-226/08 *Mineralbrunnen v OHIM***.

CWG did not dispute the Hearing Officer's finding that Canary Wharf was a geographical area, but argued that he had made a number of errors in his application of *Windsurfing Chiemsee*. **Iain Purvis QC** accepted that the Hearing Officer may have been guilty of over-generalisation in stating that any (even small) place names should be kept free for use in respect of goods and services which one would expect to be available in most cities and towns. However, he found that this had not affected the outcome of the hearing because CWG was seeking to register CANARY WHARF in respect of services that were precisely of the kind one would expect to be provided in, from, or to the geographical area of Canary Wharf, which CWG accepted was famous throughout the UK.

The Judge went on to reject CWG's other points of appeal under this head, including its argument that Canary Wharf, while known for professional services, shopping malls and the like, was not known for its real estate practices, building developers and other services applied for. The Judge pointed out that the relevant question was whether it was reasonable to assume that the name was *capable* of indicating geographic origin.

Subject matter of the goods

Iain Purvis QC held that, while the Hearing Officer did not expressly consider the right question, he did reach the correct conclusion in rejecting the application in respect of "printed matter, printed publications, printed reports and circulars" in Class 16. Following ***NMSI Trading Ltd's Trade Mark Application (Flying Scotsman)*** [2012] RPC 7, three questions had to be asked when considering a 'subject matter' or 'theme' objection, namely: (i) were the goods or services apt to provide or convey information about the subject matter of the sign; (ii) was it reasonable to believe that the sign would be recognised by the relevant class of persons as indicating a particular subject matter or theme; and (iii) was the subject matter or theme of a kind which the average consumer would consider was controlled by a single economic undertaking as opposed to something which was free to be used and exploited by anyone. Answering these questions, **Iain Purvis QC** held that the goods applied for were 'apt to convey information', that it was common ground that the name

Canary Wharf would be recognised by a great majority of people as designating a business district, and that there was no reason to believe that the public would assume that goods about a district of London were controlled by a single economic undertaking.

Katharine Stephens, Zoe Fuller and Hilary Atherton

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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