Table of cases (in chronological order)

**ECJ/CJEU**


Case C-78/70 *Deutsche Grammophon Gesellschaft mbH v Metro-SB-Großmärkte GmbH & Co KG* [1971] ECR 10487 ................................................................. 13

Case C-62/79 *SA Coditel Brabant and Others v S.A. Ciné Vog Films and Others* (‘Coditel I’) [1980] ECR 10081 ..................................................................... 136


Case C-10/89 *SA CNL-SUCAL NV v Hag GF AG* [1990] I-03711 ........................................ 141

Joined Cases C-92/92 and C-326/92 *Phil Collins v Imrat Handelsgesellschaft mbH and Patricia Im-und Export Verwaltungsgesellschaft mbH and Leif Emanuel Kraul v EMI Electrola GmbH* [1993] I-05145 ............................................................ 142

Case C-9/93 *IHT Internationale Heitechnik GmbH and Uwe Danziger v Ideal Standard GmbH and Wabco Standard GmbH* [1994] I-02789 ........................................ 141


Case C-398/95 *Syndesmos ton en Elladi Touristikon kai Taxidiotikon Grafeion (SETTG) v Ypourgos Ergasias* [1997] I-03091 ................................................................. 136

Case C-61/97 *Föreningen af danske Videogramdistributører v Laserdisk* [1998] I-05171 ................................................................. 141, 142

Case C-60/98 *Butterfly Music Srl v Carosello Edizioni Musicali e Discografiche (CEMED)* [1999] I-03939 ................................................................. 109

Case C-6/98 *Arbeitsgemeinschaft Deutscher Rundfunkanstalten (ARD) v PRO Sieben Media AG* [1999] I-07599 ................................................................. 136

Case C-23/99 *Commission v France* [2000] I-07653 ................................................................. 141

Case C-280/00 *Altmark Trans GmbH and Regierungspräsidium Magdeburg v Nahverkehrsgesellschaft Altmark GmbH* [2003] I-07747 ................................................................. 100

Case C-115/02 *Administration des douanes et droits indirects v Rioglass SA and Transremar SL* [2003] I-12705 ................................................................. 141

Case C-46/02 *Fixtures Marketing Ltd v Oy Viikkus Ab* [2004] I-10365 ....................................... 158, 166

Case C-203/02 *The British Horseracing Board Ltd and Others v William Hill Organization Ltd* [2004] I-10415 ................................................................. 157, 158, 166

Case C-338/02 *Fixtures Marketing Ltd v Svenska Spel AB* [2004] I-10497 ....................................... 158, 166
Table of cases

Case C-444/02 Fixtures Marketing Ltd v Organismos prognostikon agonon podosfairou AE (OPAP) [2004] ECR I-10549 ........................................ 158, 164, 166

Case C-192/04 Lagardère Active Broadcast v Société pour la perception de la rémunération équitable (SPRE) and Others [2005] I-07199 ......... 142, 232

Joined Cases C-94/04 and C-202/04 Federico Cipolla v Rosaria Fazari, née Portolese, and Stefano Macrino and Claudia Capodarte v Roberto Meloni [2006] I-11421 ................................................................. 100, 136

Case C-306/05 Sociedad General de Autores y Editores de España (SGAE) v Rafael Hoteles SA [2006] I-11519 ................................................................. 104

Case C-250/06 United Pan-Europe Communications Belgium SA and Others v État belge [2007] I-11135 ................................................................. 136

Case C-304/07 Directmedia Publishing GmbH v Albert-Ludwigs-Universität Freiburg [2008] I-07565 ......................................................... 158

Case C-52/07 Kanal 5 Ltd and TV 4 AB v Föreningen Svenska Tonsättares Internationella Musikbyrå (STIM) upa [2008] I-09275 ................. 142

Case C-222/07 Uniión de Televisones Comerciales Asociadas (UTECA) v Administración General del Estado [2009] I-01407 ................. 136

Case C-545/07 Apis-Hristovitch EOOD v Lakorda AD [2009] I-01627 ........ 158

Case C-478/07 Budějovický Budvar, národní podnik v Rudolf Ammersin GmbH [2009] I-07721 ................................................................. 172

Case C-5/08 Infopaq International A/S v Danske Dagblades Forening [2009] I-06569 .......... 4, 90, 95, 99, 105, 107, 120, 151, 159, 166, 170, 180, 185, 186, 190, 197, 199

Case C-42/07 Liga Portuguesa de Futebol Profissional and Bwin International Ltd v Departamento de Jogos da Santa Casa da Misericórdia de Lisboa [2009] ECR I-07633 ................................................................. 135

Case C-393/09 Bezpečnostní softwarová asociace – Svaz softwarové ochrany v Ministerstvo kulturní [2010] I-13971 ................. 4, 100, 122, 166, 179, 185, 206


Joined Cases C-403/08 and C-429/08 Football Association Premier League Ltd, NetMed Hellas SA, Multichoice Hellas SA v QC Leisure, David Richardson, AV Station plc, Malcolm Chamberlain, Michael Madden, SR Leisure Ltd, Philip George Charles Houghton, Derek Owen and Karen Murphy v Media Protection Services Ltd ..... 4, 129, 136, 137, 140, 141, 142, 146, 152, 166, 206


Case C-604/10 Football Dataco and Others v Yahoo! UK Ltd and Others ...... 5, 125, 155, 167, 200

Case C-135/10 Società Consortile Fonografici (SCF) v Marco Del Corso ..... 147

Case C-162/10 Phonographic Performance (Ireland) Limited v Ireland, Attorney General ................................................................. 147

Case C-510/10 DR and TV2 Danmark A/S v NCB – Nordisk Copyright Bureau ... 18

Case C-406/10 SAS Institute Inc v World Programming Ltd ............... 5, 174, 183, 185

Case C-5/11 Criminal proceedings against Titus Donner ....................... 2
Originality in EU copyright

Case C-521/11 Amazon.com and Others v Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH ......................................................... 238
Case C-466/12 Nils Svensson, Sten Sjögren, Madelaine Sahlman, Pia Gadd v Retreiver Sverige AB ................................................................. 174

Belgium
Artetessuto nv v B&T Textilia nv and Indecor-Europe nv, Hof van Cassatie van België, arrest No C.11.0108.N, 26 January 2012 ......................................... 153

Canada
CCH Canadian Ltd v Law Soc’y of Upper Can [2004] 1 SCR 339 .................. 60, 171

France
C Cass civ, 2 February 1937 ........................................................................ 71
Tribunal de commerce Seine, 26 June 1951 .................................................. 71
Court d’appel Paris, 4e ch, 30 April 1963 ...................................................... 71
C Cass civ 1re, 1 July 1970: D 1970, 734 ......................................................... 139
C Cass civ 1re, 13 November 1973 ............................................................. 139
Cour d’appel Lyon, 5 July 1979 ................................................................. 71
Babolat Maillot Witt v Pachot, C Cass, Assemblée plénière, 7 March 1986,
No 82 ...................................................................................................... 74
Cour d’appel Paris, 4e ch, 23 January 1995 .................................................. 71
Tribunal de Grande Instance de Nanterre, 28 April 1998 .......................... 71
Cour d’appel Paris, 4e ch, 16 September 2005 .......................................... 71
C Cass com, 17 January 2006 .................................................................. 71
Cour d’appel Paris, Groupe Liaisons v Kavesta, PIBD 839111720, 2 June
2006 ...................................................................................................... 145
C Cass, civ 1re, 20 October 2011 (pourvoi No 10-21.251) .......................... 198
Philippe G and Alexandra J v Paul M, Tribunal de grande instance de Paris, 3ème
ch, 4ème sec, 20 December 2012 ............................................................. 199

Germany
Inkassoprogramm, BGH GRUR 1985, 1041/1047 ........................................ 64, 139
Anwaltschriftsatz, BGH GRUR 1986, 739/740 ............................................. 139
Alcolix, BGH GRUR 1994, 206/2071 ............................................................ 139
Stadtplanwerk, BGH GRUR 1998, 916/917 .................................................. 139
Pharma Intranet Information AG v IMS Health GmbH & Co OHG [2005]
ECC 12 .................................................................................................. 157

Italy
British American Tobacco Italia SpA v Oneoffcigars Ltd and Vanderwood Italia Srl,
Tribunale di Roma, No 25016, 20 December 2010 ...................................... 145
Table of cases

<table>
<thead>
<tr>
<th>Country</th>
<th>Case Study</th>
<th>Court/Location</th>
<th>Date</th>
<th>References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burberry Ltd v Profumerie Frediani Snc and A L Team Srl</td>
<td>Tribunale di Firenze, No 2348, 27 June 2011</td>
<td>..............................................................................</td>
<td>145</td>
<td></td>
</tr>
<tr>
<td>RTI Reti Televisive Italiane e AnOther v Rai and AnOther</td>
<td>Tribunale di Roma, 21 October 2011</td>
<td>..............................................................................</td>
<td>74</td>
<td></td>
</tr>
<tr>
<td>Flos Spa v Semeraro Casa &amp; Famiglia SpA</td>
<td>Tribunale di Milano, 12 September 2012</td>
<td>..............................................................................</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>RTI-Mediaset v dinozap.tv and Others,</td>
<td>Procura di Milano, 11 January 2013</td>
<td>..............................................................................</td>
<td>141</td>
<td></td>
</tr>
<tr>
<td>New Zealand</td>
<td>Wham-O Manufacturing Co v Lincoln Industries Ltd</td>
<td>[1985] RPC 127 .......................................</td>
<td>203</td>
<td></td>
</tr>
<tr>
<td>Brevielle Europe Plc v Thorn EMI Domestic Appliances Ltd</td>
<td>[1995] FSR 77 ........................................</td>
<td>203</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metix (UK) Ltd v G H Maughan (Plastics) Ltd</td>
<td>[1997] FSR 718 .........................</td>
<td>203</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wildash v Klein</td>
<td>(2004) 61 IPR 324 ................................................................</td>
<td>203</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovak Republic</td>
<td>Ecopress as v Storin, spol sro, 11Co 51/2010-447 IČS: 1308209396, 27 September 2011</td>
<td>..............................................................................</td>
<td>118</td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>JG v Samford</td>
<td>[1618] ........................................</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td>Perry v Truefit</td>
<td>[1842] 6 Beav 66 ........................................................................</td>
<td>143</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Graves’ Case</td>
<td>[1869] LR 4 QB 715 ........................................................................</td>
<td>94, 196</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dick v Yates</td>
<td>[1881] 18 Ch D 76 ........................................................................</td>
<td>91</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reddaway v Banham</td>
<td>[1896] AC 199; 13 RPC 218 ................................................................</td>
<td>143</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fournet v Pearson Ltd</td>
<td>(1897) 14 TLR 82 ........................................................................</td>
<td>77</td>
<td></td>
<td></td>
</tr>
<tr>
<td>London Tramways v London County Council</td>
<td>[1898] AC 375 ........................................................................</td>
<td>101</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walter v Lane</td>
<td>[1900] AC 539 ........................................................................</td>
<td>89, 91</td>
<td></td>
<td></td>
</tr>
<tr>
<td>University of London Press, Ltd v University Tutorial Press, Ltd</td>
<td>[1916]</td>
<td>..............................................................................</td>
<td>116</td>
<td></td>
</tr>
<tr>
<td>Macmillan &amp; Co Ltd v Cooper</td>
<td>[1923] 93 LIPC 113 ........................................................................</td>
<td>78, 88</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Francis Day and Hunter v Twentieth Century Fox Corp and Others</td>
<td>[1939] UKPC 68 ........................................................................</td>
<td>116</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Football League Ltd v Littlewoods Pools</td>
<td>[1959] 1 Ch 637 ........................................................................</td>
<td>163</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ladbroke (Football) Ltd v William Hill (Football) Ltd</td>
<td>[1964] 1 WLR 273 ........................................................................</td>
<td>67, 78, 93, 145</td>
<td></td>
<td></td>
</tr>
<tr>
<td>George Hensher Ltd v Restawile Upholstery (Lancs) Ltd</td>
<td>[1976] AC 64 ........................................................................</td>
<td>203</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bauman v Fussell</td>
<td>[1978] RPC 485 ........................................................................</td>
<td>191</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Erven Warnink BV v Towend (J) &amp; Sons</td>
<td>[1979] AC 731 ........................................................................</td>
<td>144</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exxon Corp v Exxon Insurance Consultants International Ltd</td>
<td>[1981] 1 WLR 624; [1981] 2 All ER 495; 3 All ER 241 ................................................................</td>
<td>89, 117</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interleco v Tyco Industries</td>
<td>[1989] AC 217 ........................................................................</td>
<td>90, 94, 193, 197</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Express Newspaper Plc v News (UK) Ltd</td>
<td>[1990] FSR 359 (Ch D) ........................................................................</td>
<td>88</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reckitt &amp; Colman v Borden</td>
<td>[1990] RPC 340 HL ........................................................................</td>
<td>143</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Informatics Processing Systems Ltd v Daman Ltd</td>
<td>[1992] FSR 171 ........................................................................</td>
<td>177</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creation Records Ltd and Others v News Group Newspapers Ltd</td>
<td>[1997] EWHC Ch 370 ........................................................................</td>
<td>198</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Designers Guild, Ltd v Russell Williams (Textiles), Ltd</td>
<td>[2000] 1 WLR 2416 ........................................................................</td>
<td>92</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Newspaper Licensing Agency Ltd v Marks & Spencer [2001] UKHL 38 .......... 92, 114


IPC Media v Highbury-Leisure Publishing [2004] FSR 20 ............................................. 115

Sawkins v Hyperion Records Ltd [2005] EWCA Civ 565 ........................................ 124, 171

Navitaire Inc v easyJet Airline Company and Bulletproof Technologies Inc [2004] EWHC 1725 (Ch); [2006] RPC 4 ...................................................... 176, 180


O (Peter) v FKG [2006] ECDR 9 ................................................................. 190

Nova Productions Ltd v Mazooma Games Ltd and Others [2006] EWHC 24 (Ch); [2007] EWCA Civ 219 ............................................................... 177, 178

Karen Murphy v Media Protection Services Ltd [2007] EWHC 3091 (Admin); [2007] EWHC 529 (Admin) ................................................................. 129

SAS Institute Inc v World Programming Ltd, [2010] EWHC 1829 (Ch) ................. 174

Football Dataco Ltd and Others v Brittens Pools Ltd and Others, [2010] EWHC 841 (Ch); [2010] EWCA Civ 1380 ................................................. 125, 156

Paul Gregory Allen (acting as trustee of Adrian Jacobs (deceased)) v Bloomsbury Publishing Plc and Joanne Kathleen Murray (professionally known as JK Rowling) [2010] EWHC 2560 (Ch) ................................................................. 78

Football Association Premier League Ltd, NetMed Hellas SA, Multichoice Hellas SA v QC Leisure, David Richardson, AV Station plc, Malcolm Chamberlain, Michael Madden, SR Leisure Ltd, Philip George Charles Houghton, Derek Owen [2008] EWHC 1411 (Ch); [2012] EWHC 108 (Ch) ............................................. 129

Lucasfilm Ltd and Others v Andrew Ainsworth and Another [2008] EWHC 1878 (Ch); [2009] EWCA Civ 1328; [2011] UKSC 39 ......... 6, 125, 203, 204, 205

The Newspaper Licensing Agency Ltd and Others v Meltwater Holding BV and Others [2010] EWHC 3099 (Ch); [2011] EWCA Civ 890 .... 6, 111, 113, 114, 182


Future Publishing Limited v The Edge Interactive Media Inc and Others [2011] EWHC 1489 (Ch) ................................................................. 113

Forensic Telecommunications Services Ltd v The Chief Constable of West Yorkshire Police Stephen Hirst [2011] EWHC 2892 (Ch) ............................................. 124

The Queen on the application of British Telecommunication Plc and TalkTalk Telecom Group Plc v Secretary of State for Culture, Olympics, Media and Sports and Others [2012] EWCA Civ 232 ................................................. 230

Football Association Premier League Ltd and Others v QC Leisure and Others [2012] EWHC 108 (Civ) ................................................................. 148

Karen Murphy v Media Protection Services Ltd [2012] EWHC 466 (Admin) ... 148

Football Dataco and Others v Sportradar GMBH and Another and Football Dataco and Others v Stan James Abingdon Ltd and Others [2012] EWHC 1185 (Ch) ................................................................. 157
Table of cases

Temple Island Collections Ltd v New English Teas Ltd and Nicholas John Houghton [2012] EWPCC 1 .................................................... 6, 190, 191, 192, 193, 194
Abraham Moon & Sons Ltd v Andrew Thornber and Others [2012] EWPCC 37 ................................................................. 205
Football Association Premier League Ltd v QC Leisure and Others [2012] EWCA Civ 1708 ................................................................. 147
SAS Institute Inc v World Programming Ltd [2013] EWHC 69 (Ch) ................................................................. 186
Public Relations Consultants Association Limited v The Newspaper Licensing Agency Limited and others [2013] UKSC 18 ................................................................. 119

United States
Clayton v Stone, 5 F Cas 999, 1000, CCSDNY [1829] ................................................ 85
Emerson v Davies, 8 F Cas 615, CCD Mass [1845] ................................................ 84, 86
Jolly v Jacques, 13 F Cas 910, CCSDNY [1850] ................................................ 85
Trademark cases, 100 US 82 [1879] ................................................ 84, 85
Burrow-Giles Lithographic Co v Sarony, 111 US 53 [1884] ........................................ 84, 87, 152
Bleistein v Donaldson Lithographic Co, 188 US 239 [1903] ................................................ 84, 86
Reed-Elsevier v Muchnick, 130 S Ct 1237, 1241 [2010] ........................................ 212
Peters v West and Others, 11-1708, 7th Cir [2012] ................................................ 212