

TABLE OF CASES

Australia

University of New South Wales v. Moorhouse and Angus & Robertson (Publishers) Pty Ltd. (1975) 6 ALR 193	8.02
---	------

European Union

Anheuser-Busch v. Budějovický Budvar (Case C 96/09 P) EU:C:2011:189	5.75
Appeal of the European Union, represented by the European Commission, relating to Community trade mark application No. 7 548 225, Decision of the First Board of Appeal, 22 November 2011 (Case R 828/2011-1)	5.90
Appeal of the European Union, represented by the European Commission, relating to Community collective trade mark application No. 009136714, Decision of the Second Board of Appeal, 10 May 2012 (Case R 1007/2011-2)	5.92
Bic Benelux SA v. Belgian State (Case C-13/96), ECLI:EU:C:1997:173	6.38
Cassis de Dijon (Case 120/78), ECJ (1979)	6.42
Commission Decision Industrierverband Solnhofener Natursteinplatten eV O.J. L 138, 26/11/1980	6.77
Commission Decision NAVEWA/ANSEAU OJ 1982 L167/39; O.J. 1982 L325/20	6.76
Criminal Proceedings against Johannes Lemmens (Case C-226/97), ECR 1998 I-03711	6.40
Criminal Proceedings against Karl Schwibbert (Case C-20/05), ECR 2007 I-09447	6.40, 6.41
Criminal Proceedings against Roelf Donkersteeg (Case C-37/99), ECJ (2000)	6.39
DOWNMARK (Appeal R 1360/2014-5) 12 December 2014 Fifth Board of Appeal	3.30
Elisabeth Schmitt v TÜV Rheinland LGA Products GmbH (Case C-219/15), ECLI:EU:C:2017:128	4.58
Motorola, Summary of Commission Decision, 29 April 2014, Case AT.39985	6.68
Nintendo Co Ltd, Nintendo of America Inc, and Nintendo of Europe GmbH v. PC Box Srl, and 9Net Srl (Case C-355/12), ECLI:EU:C:2014:25	8.32-8.37
NV IAZ International Belgium v. EC Commission [1983] ECR 3369	6.76
Republic of Cyprus v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Joined Cases T-292/14 and T-293/14), 7 October 2015	3.49-3.50
Sapod Audic v Eco-Emballages SA.(Case C-159/00), ECR 2002 I-05031	6.40
The Tea Board v. Office for Harmonisation in the Internal Market (Trade Marks and Designs) (Case T-624/13), 2 October 2015	5.97

France

Erika, The, French Court of Cassation, 2012	4.50
Jugement du 14 novembre 2013, Société GF ELECTRONICS & société EMI IMPORTACAO E DISTRIBUCAO LTDA & société J & D MEDICALS et autres intervenants volontaires contre SAS TÜV RHEINLAND FRANCE & société TÜV RHEINLAND LGA PRODUCT, Tribunal de Commerce de Toulon, 3ème chambre	4.55, 4.56

Hong Kong

Costain International Ltd v. Attorney-General (1983) 23 B.L.R. 54, HKCA	5.20
---	------

Italy

Redwood, The, Genoa Court of Appeal, 2014	4.49, 4.50
---	------------

New Zealand

Bell-Booth Group v. Attorney General, [1989] 3 N.Z.L.R. 148	4.65
Rutherford v. Attorney-General [1976] 1 N.Z.L.R. 401	4.38

United Kingdom

Application by the British Motor Cycle Manufacturers' and Traders' Union Ltd. for a Trade Mark, re [1923] 40 R.P.C. 226	3.77
Artistic Upholstery Ltd. v. Art Form Ltd. [1999] 4 All E.R. 227	3.121
Ashington Piggeries Ltd. v. Christopher Hill, Ltd. [1972] A.C. 441	5.24
Blanchard v. Hill (1742) 26 E.R. 692	2.19
British American Tobacco v. Department of Health [2016] EWHC 1169 (Admin)	7.39
Candler v. Crane, Christmas & Co [1951] 2 K.B. 164.	4.60
Couchman v. Hill [1947] K.B. 554	5.26
Downland Bedding Co. v. Retail Trading Standards Association [1959] Crim. L.R. 217	5.51
Driver v. William Willett (Contractors), Ltd [1969] 1 All E.R. 665	4.41
Eckersley v. Binnie and Partners (1988) 18 Con. L.R. 1	4.41
Gill & Duffus, S.A. v. Berger & Co., Inc. [1984] 1 A.C. 382	5.24
Goodman v. J. Elban, Ltd. [1954] 1 Q.B. 550, [1954] 1 All E.R. 763, [1954] 2 W.L.R. 581	8.18
Hamble Fisheries, Ltd. v. L. Gardner & Sons, Ltd, (The Rebecca Elaine) [1999] C.L.Y. 3960	4.39
Hedley Byrne & Co Ltd. v. Heller & Partners, Ltd. [1964] A.C. 465, [1963] 2 All E.R.575, [1951] 2 K.B. 164	4.60, 4.61, 4.62
Henderson v. Merrett Syndicates [1995] 2 A.C. 145	4.08
Homespace Ltd v. Sita South East Ltd. [2008] 1 P & C.R. 24	5.21
Hunt v. Optima (Cambridge) Ltd. [2014] EWCA Civ. 714	4.62
Lawton v. B.O.C. Transhield [1987] I.C.R. 7, [1987] 2 All E.R. 608	4.65

LondonWaste Ltd. v. Amec Civil Engineering, Ltd. (1997) 53 Con. L.R. 66	4.38, 4.39
Marc Rich & Co v. Bishop Rock Marine [1995] 3 All E.R. 307	4.45, 4.48
Matter of an Application by Union Nationale Inter-Syndicale des Marques Collectives to register Trade Marks, Re the [1922] 39 R.P.C. 97	3.05, 3.71
Millington v. Fox (1838) 3 My. and Cr. 338	2.21
Murphy v. Brentwood DC, [1990] 2 All E.R. 908, [1991] 1 A.C. 398, [1990] 3 W.L.R. 414, H.L.	4.38
National Guild of Removers and Storers Ltd., The [NGRS] v. Milner [2014] EWHC 670	5.101, 5.102, 5.104
Niblett, Ltd. v. Confectioners' Materials Co. Ltd. [1921] 3 K.B. 38	5.23
Pasley and Another v. Freeman (1789) 3 Term Rep. 51	2.21
Perry v. Truffit (1842) 49 E.R. 749	2.17
Prorace, Ltd. v. Le Brasseur 44 R.P.C. 73; [1927] 1 Ch. 589	2.26
R v. Lockwood (2001) (Crown Court, Stafford)	4.41
Reardon Smith Line Ltd. v. Yngvar Hansen-Tangen [1976] 1 W.L.R. 989	5.26
Robinson v P.E. Jones (Contractors) Ltd. [2011] EWCA Civ. 9	4.61
Sandforth's Case, Cory's Entries, BL MS Hargrave 123, folio 168 (1584)	2.16, 2.18, 2.19
Scandecor Developments AB v. Scandecor Marketing AB and Others[2001] UKHL 21; [2001] E.T.M.R. 74; [2001] F.S.R. 22	4.79
Scandecor Developments AB v. Scandecor Marketing AB and Others [2002] F.S.R. 7	5.101
Sea Island Cotton Certification Trade Marks [1989] R.P.C. 87	3.71
Singleton v. Bolton (1783) 3 Dougl. 293	2.20
Smith New Court Securities v. Scrimgeour [1996] 3 W.L.R. 1051	4.09
Société des Produits Nestlé SA v. Mars UK Ltd. [2004] EWCA Civ 1008	3.80
Southwark London Borough Council v. IBM UK Ltd. [2011] EWHC 549 (TCC) QBD	8.07
Toepfer v. Continental Grain Co. [1974] 1 Lloyd's Rep. 11, C.A	5.24
White v. Jones, [1995] 2 A.C. 207	4.38
Yorkshire Dale Steamship Co. v. Minister of War Transport [1942] A.C. 691	4.10

United States

Alflex Corp. v. Underwriters Laboratories Inc. (1989) U.S. Dist. LEXIS 6935, 914 F.2d. 261 (9th Cir. 1990) cert. denied, 502 US 812 (1991)	3.101
Alltrade, Inc. v McDonald, 213 G. App. 758, 445 S.E.2d 856, 858 (1994)	4.86
Amoskeag Manufacturing Co. v. Trainer 101 U.S. 51 (1879)	2.47
Andujar v. Sears, Robuck & Co 193 A.D.2d 415, 597 N.Y.S.2d 78 (1993)	4.85
Bargoose Home Textiles, Inc. In re, 2009 WL 1719383 TTAB (May 27, 2009)	7.40
Bauerlein v. Salvation Army 2010 N.Y. Slip Op 04939 [74 AD3d 851]	4.44
Beasock v. Dioguardi Enterprises, Inc. 494 N.Y.S.2d 974, (Sup.1985)	4.74
Berrier v. Simplicity Mfg., Inc. 563 F.3d 38 (3d Cir. 2009)	4.11
B.F. Goodrich Company v. National Cooperatives, Inc. 114 U.S.P.Q. 406 (1957)	5.110
Binaknosky v. Ford Motor Co. 929 F. Supp. 915 (1996), affirmed in part, reversed in part, 133 F.3d 281 (1996)	4.22
Bornsen v. Pragotrade, LLC, 804 N.W.2d 55 (N.D. 2011)	4.87
Buszta v. Souther 232 A.2d 396 (R.I. 1967)	4.42

TABLE OF CASES

Calera Corp., in re, 2010 WL 1233877 TTAB (March 24, 2010)	7.40
Canal Co. v. Clark 80 U.S. 311 (1871), 13 Wall. 311, 20 L.Ed. 581	2.45
Carlson v. Bic Corp. 840 F. Supp. 457 (1993)	4.22
Cenveo Corp. In re, 2009 WL 4086560 TTAB (September 30, 2009)	7.40
Complaint, Biodegradable Product Institute v. Le, Case No. 2:08-cv-03661-FMC-VBKx (C.D. Cal. June 4, 2008)	7.62
Dan Glickman, Secretary of Agriculture, Petitioner v. Wileman Brothers & Elliot, Inc. 521 U.S. 457, 117 S.Ct. 2130, 138 L.Ed.2d 585	5.115
Dei Rossi v. Whirlpool Corporation case No. 2:12-CV-00125-JAM-JFM (E.D. Cal. May 07, 2012)	5.14, 5.34, 5.38
Dekens v. Underwriters Laboratories, Inc. (2003) 107 Cal. App. 4th 1177	4.69
Doughtery v. C.R. Bard, Inc., and Davol, Inc. Eastern District of Pennsylvania (2012) Civil Action No. 11-6048	4.11
D.S.W. v. Fairbanks North Star Borough 628 P.2d 554 (Alaska 1981)	4.78
Escola v. Coca-Cola Bottling Co. of Fresno 150 P.2d 43	4.14
Fletcher v. Atex, Inc., 668 F.3d 1451 (1995)	4.85
FNS Mortgage Serv. Corp. v. Pacific General Group, Inc. 29 Cal.Rptr.2d 916 (Ct.App.1994)	4.72
Gallo Cattle v. California Milk Producers Advisory Board, Ann M. Veneman, Secretary of the California Department of Food and Agriculture and the State of California 167 F.3d 1247 (1999)	5.115
Green Products Co. v. Independence Corn By-Products Co. 992 F. Supp. 1070 (N.D. Iowa 1997)	7.37
Greenman v. Yuba Power Products, Inc. 59 Cal. 2d 57, 377 P.2d. 897, 27 Cal. Rptr. 697 (1963)	4.27
Hanberry v. Hearst, 81 Cal. Repr. 519, Cal. Ct. App. (1969)	4.12, 4.70, 4.71, 4.91
Hempstead v. General Fire Extinguisher Corp. and Underwriters' Laboratories, Inc. 269 F.Supp. 109 (D.Del. 1967)	4.70, 4.91
Hill v. Roll International Corp. et al. Court of Appeal for the State of California, First Appellate District Two, First Division, opinion filed May 26, 2011	7.61
Hill v. Smith 7 Pa. D. & C. 4th 422 (Erie County 1990)	4.43
Idaho Potato Commission v. M&M Produce Farms and Sales 335 F.3d 130 (2d Cir., 2003) (M & M III), cert. denied, 541 U.S. 1027, 124 S. Ct. 2066, 158 L.Ed.2d 642 (2004)	3.104
Certification in Occupational Therapy, Inc. v. American Occupational Therapy Association, et al. Civ.No.AMD 97-767 (US District Court for the District of Maryland) (1998)	3.121
International Information Systems Security Certification Consortium, Inc. v. Security University LLC 14-3456-cv (2d Cir. May 18, 2016) (ISC2 v. SU)	3.96-3.99, 5.83
Johanns v. Livestock Marketing Association 54 U.S. 550, 125 S. Ct. 2055 (2005)	5.115
Jones v. United Metal Recyclers 825 F. Supp. 1288 (1993)	4.23
Kasel v. Remington Arms, 101 Cal. Rptr. 314, 323 (Cal. Ct. App. 1972)	4.88
King v. National Spa & Pool Institute, Inc. 570 So.2d 612 (Ala.1990)	4.72, 4.77
Koh v. S.C. Johnson & Son, Inc. No. 5:09-cv-00927RMW filed March 3, 2009 (N.D. Cal.)	7.60
Kitaru Innovations Inc In re. Serial No. 85211019 (March 26, 2013)	7.41
Kramer v. Showa Denko, 929 F.Supp.733 (1996)	4.23

Lawrence Manufacturing Co v. Tennessee Manufacturing Co. 138 U.S. 537 (1891)	2.47
Lou v. Otis Elevator Co. [2010] 77 Mass. App. Ct. 571	4.84
McKendall v. Crown Control Corp. 122 F.3d 803 (1997) US Court of Appeals for the Ninth Circuit	4.11
Maryland v. United States, 460 US 1001 (1983)	6.67
Menendez v. Holt 128 U.S. 514 (1888)	2.47
National Board for Certification in Occupational Therapy, Inc. v. American Occupational Therapy Association 24 F. Supp. 2d 494 (D.C. Md.) (1998)	3.102
Neal v. Toyota Motor Corp. 823 F. Supp. 939 (1993)	4.22
Opticians Association of America v. Independent Opticians of America, 920 F.2d 187 (1990)	3.136
New Kids on the Block v. News America Publishing, Inc. (1992) 971 F.2d 302	3.97
Pillsbury-Washburn Flour Mills Co. v. Eagle [1898] 86 Fed. Rep. 608	2.46
Polaroid Corp. v. Polarad Electronics, Corp. 287 F.2d 492 (2d Cir. 1961)	3.97
Richter v. Limax Intern. Inc. 45 F.3d. 1464 (1995)	4.23
Rountree v. Ching Feng Blinds Industry Co. 560 F.Supp.2d 804 (2008)	4.78
Roush Bakery Products Co. v. F.R. Lepage Bakery Inc. 4 USPQ ₂ d 1401 (TTAB 1987), aff'd, 851 F.2d 351, 7 USPQ ₂ d 1395 (Fed. Cir. 1988), withdrawn, vacated and remanded, 863 F.2d 43, 9 USPQ ₂ d 1335 (Fed. Cir. 1988), vacated and modified, 13 USPQ ₂ d 1045 (TTAB 1989)	3.112
San Diego Hosp. Ass'n. v. Superior Court, 35 Cal. Repr. 2d 489, 30 C.A. 4th 8, (1994)	4.23
Savett v. Whirlpool Corp. et al. Case: 1:12-cv-00310-PAG Northern District of Ohio, Eastern Division, Filed: August 31, 2012	5.34, 5.35-5.37, 5.38
Security University, LLC, et al., Petitioners, v. International Information Systems Security Certification Consortium, Respondent. On Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit, Brief of the International Trademark Association as amicus curiae in support of Petitioners, 15 October 2016, No.16-352	3.95
Security University, LLC and Sondra Schneider, Petitioners, v. International Information Systems Security Certification Consortium, Inc. Respondent. Document #78-161003-005B	3.99
Sessinghaus Milling Co. v. Hanebrink, 247 Mo. 212, 152 S.W. 354	2.47
Snell v. Bell Helicopter Textron 107 F.3d 744, 745 (1997) US Court of Appeals for the Ninth Circuit	4.11
State of Idaho Potato Commission v. G&T Terminal Packaging Inc. 425 F.3d 708, 716 (9th Cir. 2005)	3.104
Swartzbauer v. Lead Indus. Asso, Inc., 794 F. Supp. 142, (E.D.Pa.1992)	4.74
United Parcel Service Of America, Inc. v. Powertech Industrial Co. Ltd. 2011 Opposition No. 91184197 against Serial No. 77176134 TTAB (January 31, 2011)	7.40
United States v. American Telephone & Telegraph Co. 552 F.Supp. 131 (1982), affirmed as Maryland v. United States 460 US 1001 (1983)	6.67
United States v. Microsoft Corp. 84 F.Supp.2d, 9; 87 F.Supp. 2d, 30; 97 F.Supp.2d, 59 (2000)	6.67
United States v. Steffens, et al. 100 U.S. 82	2.39
United States v. United Foods, Inc. 533 U.S. 405 (2001), 197 F.3d 221	5.115
Universal City Studios, Inc v. Reimerdes 111 F.Supp.2d 294, 318 (S.D.N.Y. 2000)	8.40

Wilson v. Bradlees of New England, Inc. 96 F.3d 552, 553 (1996), US Court of Appeals for the First Circuit, cert. denied 519 U.S.1149, 117 S.Ct. 1083, 137 L.Ed.2d 218 (1997) 4.11

Young v. MTD Products, Inc. (2008) WL 4155068 (W.D. Pa. Sept. 8, 2008) 4.11

WTO Dispute Resolution

Report of the Appellate Body, United States – Import Prohibition of Certain Shrimp and Shrimp Products October 1998, WT/DS 58/AB/R 6.10

WTO Dispute DS174, 290 European Communities – Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs (2003) 3.41–3.42

WTO Dispute DS381 United States of America – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products 6.11