

# TABLE OF CASES

## International Cases

### *Court of Justice of the European Union*

Adam Opel AG v. Autec AG, Case C-48/05 [2007] E.C.R. I-1017 .....	14.48
Anheuser-Busch v. Budejovický Budvar, Case C-245/02 [2004] E.C.R. I-10989 .....	14.48
Ansul BV v. Ajax Brandbeveiliging BV, Case C-40/01 [2003] E.C.R. I-2439 .....	16.15
Arsenal Football Club plc v. Matthew Reed, Case C-206/01 [2002] E.C.R. I-10273 ....	14.48
BAT v. Commission, Case 35/83 [1985] 2 C.M.L.R. 470, 491 .....	11.37
Budějovický Budvar v. Anheuser-Busch, Case C-482/09, Judgment of 22 September 2011 .....	16.16
Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc., Case C-39/97 [1998] E.C.R. I-5507, I-5531 .....	16.17
Cartel Damages Claims (CDC) Hydrogen Peroxide SA v. Akzo Nobel NV et al, Case C-352/13, decision of 21 May 2015 .....	13.35
Copad SA v. Christian Dior Couture SA and Others, Case C-59/08 [2008] E.C.R. I-03421 .....	14.02, 14.14-14.16, 14.17, 14.18, 14.19, 14.20, 14.21, 14.22, 14.23, 14.24, 14.25, 14.27, 14.28, 14.29, 14.30, 14.31, 14.32, 14.35, 14.36, 14.37, 14.38, 14.59
DHL Express France SAS v. Chronopost SA, Case C-235/09 [2011] E.C.R. I-02801 .....	14.55
Eco Swiss China Time Ltd v. Benetton International NV, Case C-126/97 [1999] E.C.R. I-03055 .....	13.65
Emanuel (Elizabeth Florence) v. Continental Shelf 128, Case C-259/04 [2006] E.C.R. I-3089 .....	14.05, 15.14
Football Association Premier League and Others v. QC Leisure and Others, Case C-403/08 and C-429/08 [2011] ECR I-09083 .....	17.15
Genentech Inc. v. Hoechst GmbH, formerly Hoechst AG, Sanofi-Aventis Deutschland GmbH, Case C- 567/14, 2015 O.J. (C 73) 12 .....	13.65
Gesellschaft für Antriebstechnik mbH & Co.KG v. Lamellen und Kupplungsbau Beteligungs KG, Case C-4/03 [2006] E.C.R. I-06509 .....	12.21
Google France and Google et al. v. Louis Vuitton et al., Joined Cases C-236, 237 & 238/08 [2010] E.C.R. I-02417 .....	14.36, 14.53
Hauck GmbH & Co. KG v. Stokke A/S, opinion of A.G. Szpunar (14 May 2014), Case C-205/13, decision of 18 September 2014 .....	3.02
Interflora Inc. and Interflora British Unit v. Marks & Spencer plc and Flowers Direct Online Ltd., Case C-323/09 [2011] E.C.R. I-08625 .....	14.36, 14.52, 14.53, 14.55
Koninklijke Philips Electronics NV v. Remington Consumer Products Ltd., Case C-299/99 [2002] E.C.R. I-5475 .....	16.17
L'Oreal SA, et al v. Bellure et al, Case C-487/07 [2009] E.C.R. I-05185 .....	14.36, 14.48, 14.53
Leidseplein Beheer v. Red Bull, Case C-65/12 .....	14.52, 14.55
Loendersloot Internationale Expeditie v. George Ballantine & Son Ltd and others, Case C-349/95 [1997] E.C.R. I-6227 .....	16.17

Martin Y Paz Diffusion SA v. David Depuydt and Fabriek van Maroquinerie Gauquie NV, Case C-661/11 .....	14.02, 14.43–14.47, 14.48, 14.49, 14.50, 14.52, 14.53, 14.54, 14.57, 14.58, 14.59
Parfums Christian Dior SA and Parfums Christian Dior BV v. Evora BV, Case C-337/95 [1997] E.C.R. I-6013 .....	14.17, 14.21, 14.36, 14.37, 14.38
Pie Optiek SPRL v. Bureau Gevers SA and European Registry for Internet Domains ASBL, Case C-376/11, ECLI:EU:C:2012:502 (2012) .....	4.23, 14.06
Toltecs/Dorcet II, CJEU, 399, GRUR Int. (1985) .....	16.51
UPC Telekabel Wien, Case C-314/12 [2014] .....	4.15
Viking Gas A/S v. Kosan Gas A/S Case C-46/10, [2011] E.C.R. I-06161 .....	14.56
Windsurfing International Inc. v. Commission, Case 193/83 [1986] ECR 611 .....	17.16

### *General Court of the European Union*

The Cartoon Network, Inc. v. OHIM and Boomerang TV (Case T-285/12), (Seventh Chamber) October 2, 2013 .....	11.31
--	-------

### *Commission Decision*

78/253/EEC, Campari, 1978 O.J. (L 70) 69 .....	16.44
--	-------

### *International Chamber of Commerce (ICC)*

Case 4491 .....	13.42
-----------------	-------

### *Office for Harmonization in the Internal Market (Trademarks and Designs) (OHIM)*

Decision No. 2011–1 Presidium of the Boards of Appeal, 2011 O.J. 3.10 .....	13.03
---	-------

### *World Intellectual Property Organization (WIPO)*

Case No. D2001–1484, J. C. Bamford Excavators Ltd. v. MSD (Darlington) Ltd. (WIPO 20 March 2002) .....	4.12
Case No. D2002–0895, AVENTIS v. S. Priest c/o Lark Computer Ltd., (WIPO 2002) .....	4.12
Case No. D2004–0206, Covance, Inc. v. Covance Campaign, Administrative Panel Decision (WIPO 30 April 2004) .....	13.07
Case No. D2004–0749, Deutsche Telekom AG v. Oded Zucker, Administrative Panel Decision (WIPO 2004) .....	13.26
Case No. D2007–1461, 1066 Housing Ass'n, Ltd. v. Mr. D. Morgan, Administrative Panel Decision (WIPO 18 January 2008) .....	13.07

### *World Trade Organisation (WTO) Appellate Body Report*

United States – Continued Existence and Application of Zeroing Methodology, 269, WT/DS350/AB/R (4 February 2009) .....	1.64
---	------

### *World Trade Organisation (WTO) Dispute Settlement Panel*

Indonesia – Certain Measures Affecting The Automobile Industry Case, WT/DS54/R (2 July 1998) .....	1.39
---	------

## National Cases

*Australia*

Advantage Rent-A-Car Inc v. Advantage Car Rental Pty Ltd (2001) 52 IPR 24 .....	9.36
Crossmark Asia v. Retail Adventures [2013] NSWSC 55 .....	9.10
Health World Ltd v. Shin-Sun Australia Pty Ltd (2010) 240 CLR 590, 597–9 .....	9.29
Mediaquest Communications LLC v. Registrar of Trade Marks (2012) 205 FCR 205 .....	9.27
Services WA Pty. Ltd. v. ATCO Gas Australia Pty. Ltd. (2014)WA SC 10 (S) .....	13.41
SFS Projects Australia Pty Ltd v. Registrar of Personal Property Securities (2014) 226 FCR 188 .....	9.28
White v. Spiers Earthworks Pty Ltd (2014) 99 ACSR 214, 221–3 .....	9.11
Woolworths Ltd v. BP Plc (2006) 150 FCR 134 .....	9.28

*Canada*

Bad Ass Coffee Company of Hawaii Inc. v. Bad Ass Enterprises Inc., 2008 ABQB 404 (CanLII) .....	13.58
Heintzman v. 751056 Ontario Ltd, [1990] F.C.1033 (Can.), 34 C.P.R. (3d) 1 (F.C.T.D.) .....	1.24
Jean Patou Inc. v. Luxo Laboratories Ltd., [2001] 67 F.C.1419 (F.C.A.) .....	1.24

*China*

Interpretation of Several Questions on the Application of Law in Trial of Trademark Civil Dispute Cases (promulgated by Adjudication Comm. of the Supreme People's Court, 12 October 2002, effective 16 October 2002) 32 Sup. People's Ct. Gaz. (Interpretation of Trademark Disputes)	
Art 3 .....	20.40
Art 4 .....	20.41
Art 4, § 2 .....	20.47
Interpretation of Several Questions on the Application of the Guaranty Law of PRC (promulgated by Judicial Comm. Supreme People's Court, 29 September 2000, effective 13 December 2000) 44 Sup. People's Ct. Gaz.	
Art 105 .....	20.66

*Denmark*

IFPI Danmark v. DMT2 A/S (Frederiksberg Court, 29 October 2008) .....	4.15
---	------

*France*

Cour de Cassation (Supreme Court)	
13 May 1980, Bull. civ. IV, No. 78–15666 .....	17.54
June 24, 1986, Bull. civ. IV, No. 84–14379 .....	17.27
18 June 1996, Bull. civ. IV, No. 94–44654 .....	17.09
23 October 2007, Bull. civ. IV, No. 06–18570 .....	17.44
8 April 2008, Bull. 2008, Case 06–10961, Greenpeace v. Esso .....	14.52
8 April 2008, Bull. 2008, Case 07–11251, Greenpeace v. Areva .....	14.52
29 January 2013, Bull. civ. IV, No. 11–24713 .....	17.54

Cours d'appel (CA) (Regional Court of Appeal)	
Paris, 11 May 1987, JCP E. 1988, No. 69 .....	17.09
Lyon, com., 11 February 1999, Bull. Civ. IV, No.96LY00297 .....	17.27
Le Mans Court of First Instance, Microcaz v. Oceanet (29 June 1999) .....	4.30
Paris Court of First Instance Mobimedia France v BDLG Sofiges and Mediapiazza.com (No. 05/05413, 2006) .....	4.12
Strasbourg Court of First Instance, Puma France v. France Telecom E-Commerce, Brandalley, and Vanam (2008) .....	4.11
Versailles Court of First Instance, EuroDNS and Laurent Nunenthal v. AFNIC (2004) .....	4.23
Versailles Court of First Instance, France Printemps, Somewhere, Redcats, Free v. KLTE Ltd, AFNIC (2006) .....	4.23
Conseil Constitutionnel (CC) (Constitutional Council)	
Decision No. 2013–685DC, 29 December 2013, Rec. 1127 .....	17.47
Conseil d'Etat (CE) (Council of State)	
No. 43573, CE, 5 November 1984, Rec. Lebon .....	17.52
No. 64092, CE, 24 July 1987 .....	17.52
No. 189904, CE, 18 May 1998, Rec. Lebon .....	17.52
No. 262219, CE Sect., 14 October 2005, Rec. Lebon .....	17.52
No. 308494, CE Sect., 16 October 2009, Rec. Lebon .....	17.53
No. 328762, CE Sect., 26 September 2011 Rec. Lebon .....	17.51
Tribunal Administratif de Montreuil, 1ère Chambre, Judgment of 9 February 2012 .....	4.32

## Germany

Federal Court of Justice (BGH)	
BGH, Altenburger Spielkarten, GRUR 754, 757 (1995) .....	16.27
BGH, Baader, GRUR 363 (1973) .....	16.19
BGH, Beta Layout, 500, GRUR mn. 25 (2009) .....	16.29
BGH, Buendgens, GRUR 1164, 1165 (2001) .....	16.30, 16.31
BGH, Cambridge Institute, GRUR 884 (2007) .....	16.27
BGH, City Hotel, GRUR 507, 508 (1995) .....	16.27
BGH, DB Immobilienfonds, GRUR 344, 345 (2001) .....	16.29
BGH, FROMMIA, GRUR 972, 975 (2002) .....	16.30, 16.31
BGH, Heilquelle, WUW/E 1385 (1975) .....	16.51
BGH, Hotel Krone, GRUR 378, 379 (1984) .....	16.27
BGH, hufeland.de, GRUR 159 (2006) .....	16.27
BGH, Im Namen Des Volkes Urteil, I ZR 317/99 (April 2002) .....	4.30
BGH, 11 March 2008, NJW 2110, 2008 .....	14.52
BGH, Jette Joop, GRUR 641–7, Case KZR 71/08 (7 December 2010), (2011) .....	11.38, 16.51
BGH, Lila Postkarte, 3 February 2005, Case I ZR 159/02, Gewerblicher Rechtsschutz und Urheberrecht 2005, 583 .....	14.52
BGH, Micky-Maus-Orangen, GRUR 485, 488 (1963) .....	16.20
BGH, Peters, GRUR 325 (1986) .....	16.19
BGH, Pic Nic, GRUR 923, 924 (1993) .....	16.27
BGH, Rialto, GRUR 155, 156 (1991) .....	16.27
BGH, soco.de, GRUR 262, 263 (2005) .....	16.27
BGH, Torres, GRUR 825, 827 (1995) .....	16.29

BGH, Verschenktexzte I, GRUR 218, 220 (1990) .....	16.32
BGH, Windsurfing Chiemsee, BGH Bl. 210, 212 (2001) .....	16.29
BverfG (Federal Constitutional Court)	
Weinbergssrolle, 51, BVerfGE 193 .....	16.23
Esslinger Neckarhalde II, 78, BVerfGE 58 .....	16.23
OLG Koblenz 935, 936 RIW (1993) .....	16.55
OLG Saarbrücken, Bierstraße, 62 NJWE-WettbR (1998) .....	16.27
OLG Stuttgart 260, 261 NJWE-WettbR (1999) .....	16.22
CAC, Kraftwerk GbR Ralf Hütter/Florian Schneider v. EURid (11 November 2006) .....	4.25

*India*

Antox v. State Drug Controller of Tamil Nadu, MANU/TN/0067/1990: 1991 IPRL 264 .....	23.10
Babul Products Private Ltd. v. Zen Products, MANU/GJ/0346/2005: 2005 (31) PTC 135 .....	23.32, 23.34, 23.37
Baker Hughes Limited and Another v. Hiroo Khushalani and Another, MANU/DE/0411/1998: I.L.R. 1999 (Del.) 41 .....	23.14, 23.54
Bawa Jagmohan Singh v. Registrar of Trade Marks, MANU/DE/2053/2001: 2002 (24) PTC 417 (Del) .....	23.63
Brakes International v. Tilak Raj Bagga, 1998 A.I.R. (Del.) 146 .....	23.63
Chorion Rights Ltd. v. Ishan Apparel & Others, MANU/DE/1071/2010 .....	23.47
CIT v. Ciba of India Ltd., MANU/SC/0125/1967 .....	23.71
Classic Equipments (P) Ltd. v. Johnson Enterprises, MANU/DE/4819/2009: 2009 (41) PTC 385 (Del) .....	23.68
Cycle Corporation of India Ltd. v. T.I. Raleigh Industries Pvt. Ltd., 1995 A.I.R. (Cal.) 73 .....	23.09, 23.23
D.M. Entertainment Pvt. Ltd. v. Baby Gift House and Ors, MANU/DE/2043/2010 ...	23.47
Eaton Corporation v. BCH Electric Ltd MANU/DE/1836/2013: 2013 (55) PTC 417 (Del) .....	23.38
Fatima Tile Works v. Sudarsan Trading Company Ltd., 1992 A.I.R. (Mad.) 12 .....	23.23
Fedders North American v. Show Line and Ors. MANU/DE/1938/2006: 2006 (32) PTC 573 .....	23.51
Forward Auto Industries v. Brakes International, 1999 PTC 787 (Del) .....	23.63
Himalaya Drug Co. v. Arya Aushadhi Pharmaceutical Works, 1999 A.I.R.(M.P.) 110 ...	23.33
ITO v. Sylvania and Laxaman (P) Ltd., MANU/ID/5047/2007 .....	23.72
J.K. Jain v. Ziff Davies Inc., MANU/DE/1334/2000: 2000 PTC 244 (Del) .....	23.23
J.L. Morison (India) Ltd. v. Deputy Commissioner of Income Tax, MANU/IK/0181/2014 .....	23.71
JMA Industries v. Union of India, 1980 A.I.R. (Del.) 200 .....	23.26
Kohinoor Paints v. Paramveer Singh, MANU/DE/0713/1995: 1996 PTC 69 .....	23.63
M/s. Modi Threads Ltd. v. M/s. Som Soot Gola Factory and Anr., 1992A.I.R. (Del.) 4 .....	23.67
Motilal Padampat Sugar Mills v. State of UP (1979) 2 S.C.R. 641 .....	23.54
Nico Quality Products v. N.C. Arya Snuff and Cigar Co, MANU/TN/2680/2013 .....	23.61
Pepsi Foods Ltd. v. Collector of Central Excise, 2004 (28) PTC 186 (SC) .....	23.72
Pioneer Hi-Bred International Inc USA v. Pioneer Seed Co. Ltd, LAWS (DLH) 1988 (5) 36: 1988 (2) ArbLR 340: 1988 (1) Del Law 136 .....	23.41, 23.54

Prestige Housewares India Ltd. and Anr. v. Gupta Light House and Anr., MANU/IC/5032/2007: 2007 (35) PTC 876 (IPAB) .....	23.09
Riverdale School Society v. Riverdale High School and Ors, MANU/IC/5034/2007: 2008 (36) PTC 131 .....	23.50, 23.56, 23.57
Rob Mathys India Pvt. Ltd. v. Synthes Ag Chur, MANU/DE/0308/1997 .....	23.49
SKOL Breweries Ltd. v. Som Distilleries and Breweries Ltd. and Anr., MANU/MH/1194/2009: 2009 Indlaw Mum 1764 .....	23.66, 23.67
Sun Pharmaceuticals Industries Limited v. Cipla Limited, MANU/DE/1527/2008: 2009 (39) PTC 347 (Del) .....	23.65, 23.67
Synthes A.G. Chur v. Rob Mathys India, 1996 MANU/DE/1103/1996: PTC 401 (Del) .....	23.16
Texmo Industries, Coimbatore and others v. Aqua Pump Industries and others, MANU/IC/0072/2004: (2005) (31) P.T.C. 335 .....	23.10
Thukral Mechanical Works v. Nitin Machine Tools, (1998) P.T.C. 18 (Del) .....	23.04
Velcro Industries v. Velcro India Ltd., 1992 Indlaw Mum 6333: 1993(1) Arb.LR 465 ...	23.37
Vishnudas Trading v. Vazir Sultan Tobacco Co. Ltd. (1997) 4 S.C.C. 201 .....	23.43
Ziff-Davies Inc. v. Dr. J.K. Jain and Others, MANU/DE/0215/1998: 1998 PTC (18) 739 .....	23.38

### Italy

Bergamo Public Prosecutor's Officer v. Kolmisappi (Supreme Court of Cassation, 29 September 2009) .....	4.15
--	------

### Japan

Supreme Court	
28 November 1975, 29 Minshu 1554 .....	12.17
27 February 2003, Heisei 14 (ju) no. 1100, 57 SAIKŌ SAIBANSHO MINJI HANREISHŪ [MINSHŪ] 125 .....	21.08
13 February 2004, Heisei 13 (ju) nos. 866, 867, 58 SAIKŌ SAIBANSHO MINJI HANREISHŪ [MINSHŪ] 311 .....	21.36
17 June 2005, Heisei 16 (ju) no. 997, 59 SAIKŌ SAIBANSHO MINJI HANREISHŪ [MINSHŪ] .....	21.28
2 February 2012, Heisei 21 (ju) no. 2056, 66 SAIKŌ SAIBANSHO MINJI HANREISHŪ [MINSHŪ] .....	21.32
Osaka Dist. Ct. Dec. 9, 1987, Showa 59 (wa) no. 6274, Showa 62 (wa) no. 3283 .....	21.50
Osaka Dist. Ct. 8 December 2005, Heisei 16 (wa) no. 12032 .....	21.05
Osaka Dist. Ct. Sept. 12, 2013, Heisei 24 (wa) no. 12967 .....	21.66
Tokyo Dist. Court, Judgment, 28 January 1999, 995 Hanrei Taimuzu [Judicial Times] 242; 1670 Hanrei Jiho [Judicial Reports] 75 .....	12.05, 12.06, 12.32
Tokyo Dist. Court, 29 June 1999, Heisei 7 (wa) no. 13557 .....	21.32
Tokyo Dist. Court, Sonybank 2001, 2001(wa) no. 5603 .....	4.31
Tokyo Dist. Court, Judgment, 26 September 2003, 1156 Hanrei Taimuzu 268 ....	12.05, 12.32
Tokyo Dist. Court, Coral Sand Case, Judgment, 16 October 2003, 1874 Hanrei Jiho 23 .....	12.21
Tokyo Dist. Court, Judgment, 26 January 2004, 1157 Hanrei Taimuzu 267; 1847 Hanrei Jiho 123 .....	12.07
Tokyo Dist. Court Judgment, 26 October 2007 (unpublished) .....	12.40

## TABLE OF CASES

---

Tokyo Dist. Court, Judgment, 30 April 2009 (unpublished) .....	12.40
Tokyo Dist. Court, Unpublished Judgment, 23 July 2009 .....	12.03
Tokyo Dist. Court, Judgment, 31 March 2010 .....	12.05, 12.32
Tokyo Dist. Court, 30 July 2010, Heisei 17 (wa) no. 25703 .....	21.48
Tokyo Dist. Court, Judgment, 26 March 2014 .....	12.05, 12.06, 12.32
IP High Court, Judgment, 27 March 2008 (unpublished) .....	12.40
IP High Court, Judgment, 29 September 2010 .....	12.02
Osaka High Ct. 29 September 2004, Heisei 14 (ne) no. 3283 .....	21.60
Tokyo High Court Judgment, 30 May 2001, 1797 Hanrei Jiho 111 .....	12.40
Tokyo High Court, 28 May 2003, 1831 Hanrei Jiho 135 .....	12.40

### *Netherlands*

Mercis and Bruna v. Punt, Court of Appeals of Amsterdam, Case LJN BS7825, 3 September 2011 .....	14.52
--	-------

### *Singapore*

Guy Neale and others v. Ku de Ta SG Pte Ltd [2013] SGHC 250 .....	22.05
Kickapoo (Malaysia) Sdn Bhd v. The Monarch Beverage Co (Europe) Ltd [2009] SGCA 63 .....	22.32
Kickapoo (Malaysia) Sdn Bhd v. The Monarch Beverage Co (Europe) Ltd [2010] 1 SLR 1212 .....	22.27
Weir Warman Ltd v. Research & Development Pty Ltd [2007] 2 SLR 1073 .....	22.31

### *Sweden*

Columbia Pictures Industries Inc. v. Portlane AB (Swedish Court of Appeal, 4 May 2010) .....	4.15
--	------

### *Switzerland*

Federal Supreme Court (Tribunal Fédéral, TF)	
TF, 119 ATF Suisse I 436 .....	8.16
TF, 2A.588/2006 .....	8.45
TF, 119 ATF Suisse Ib 116 .....	8.45
TF, 2 September 1993, ATF 119 II 380 .....	13.38
TF 115 ATF Suisse Ia 157; RDAF 1993, 407 .....	8.45
TF, 2A.346/1992 du 9 mai 1995 in Archives 65 p. 51/57, StE 1995 B 72.11 no 3 .....	8.45
TF, 4 December 2003, 2004 [StR] 524 .....	8.60
TF, 19 May 2003, 4C.40/2003 .....	13.41
TF, 13 April 2010, ATF 136 III 200 .....	13.66
TF, Feb. 27, 2014, ATF 140 III 134 .....	13.37, 13.38, 13.41
TF, BGE 133 III 360 .....	5.35
TF, Decision 4A_553/2014 of 17 February 2015 – von Roll .....	5.17, 13.61

### *Thailand*

Dika.No. 10207/2553, Bangchak Petroleum Public Company Limited v. Sanpatong SR Petroleum Limited Partnership et al. (2010) Supreme Court .....	22.63
--	-------

*United Kingdom*

American Greetings Corporation's Application, in re [1984] 1 W.L.R. 189 .....	23.09
Apple Corps. Limited v. Apple Computer, Inc. [2006] EWHC 996 (Ch) .....	13.61
Bristol Groundschool Ltd. v. Intelligent Data Capture et. al. [2014] EWHC 2145 (Ch) .....	15.10
Compass Group UK and Ireland Ltd. (trading as Medirest) v. Mid Essex Hospital Services NHSTrust [2013] EWCA (Civ) 200, [2012] EWHC 781 (QB) .....	15.10
Crosstown Music Co. v. Rive Droite Music Ltd. & Ors [2010] EWCA (Civ) 1222 .....	15.75
Don King Productions Inc. v. Warren et. al. [1998] 2 All E.R. 608 (D) 114 .....	15.08
Doosan Power Systems Ltd. v. Babcock International Group plc and another company [2013] EWHC (Ch) 1364 .....	15.48
Dunlop Pneumatic Tyre Co. Ltd. v. Selfridge & Co. Ltd., [1915] A.C. 847 (H.L.) .....	15.81
GE Trade Mark, [1972] 1 W.L.R. 729 .....	22.14
Hamsard 3147 Ltd. (trading as Mini Mode Childrenswear) & Anor v. Boots UK Ltd. [2013] EWHC (Pat.) 3251 .....	15.73
Harrods Ltd. v. Harrods (Buenos Aires) and Harrods (South America) Ltd. [1999] F.S.R. 187 .....	15.85
Holly Hobbie Trade Mark [1984] R.P.C. 101 .....	15.54
Hongkong Fir Shipping Co. Ltd. v. Kawasaki Kisen Kaisha Ltd. [1962] 2 Q.B. 26 .....	15.29
Investors Compensation Scheme Ltd. v. West Bromwich Building Society and Others [1998] 1 All E.R. 98 .....	15.21
Kijowski v. New Capital Properties Ltd. [1987] 15 Con. L.R. 1 .....	15.35
Lawson v. Donald Macpherson & Co. Ltd., [1897] 14 R.P.C. 696 .....	15.10
Leofelis SA & Anor v. Lonsdale Sports Ltd. [2012] EWHC (Ch) 485 .....	15.43
Lucasfilm Ltd. v. Ainsworth [2011] UKSC 39, [2011] 3 W.L.R. 487 .....	12.11
Morley v. Boothby (1825) 130 Eng. Rep. 455; 3 Bing. 107, 111–12 .....	15.23
National Power plc v. United Gas Co. Ltd. and Another [1998] All E.R. (Q.B.) 321 .....	15.75
Northern & Shell plc v. Conde Nast and National Magazines Distributors Ltd. [1995] R.P.C. 117 .....	15.42
Omega SA v. Omega Engineering Inc. [2011] EWCA Civ. 645 .....	13.61
Phelps v. Spon-Smith and Co. (a firm) [1999] All E.R. (D) 1268 (Ch) .....	15.35
R. Griggs Group Ltd. & Ors v. Evans & Ors [2003] EWHC (Ch) 2914, [2003] 1 Ch. 153 .....	15.32
Reckitt & Colman Products Ltd. v. Borden Inc. [1990] 1 All E.R. 873 .....	15.08
Reuter v. Mulhens, (1953) 70 RPC 235 .....	23.59
Saunders v. Vautier [1841] EWHC (Ch) J82, (1841) 41 E.R. 482 .....	15.33
Scandecor Development AB v. Scandecor Marketing AB and Another [1999] F.S.R. 26 .....	15.13, 15.56
Scandecor Development AB v. Scandecor Marketing AB and Others and One Other Appeal [2001] UKHL 21, [34], [2001] All E.R. 29 (H.L.) .....	15.13, 15.56, 22.32
Sirdar/Phildar [1975] 1 C.M.L.R. D 93 .....	11.37
Tinsley v. Milligan [1994] 1 A.C. 340 (H.L.) .....	15.36
Twentieth Century Fox Film Corp & Ors v. British Telecommunications plc [2011] EWHC 1981 (Ch) .....	4.15
Williams, re [1917] 1 Ch. 1 .....	15.35
Yam Seng Pte v. ITC Ltd. [2013] EWHC 111 (QB) .....	15.10



*United States of America*

A. Bourjois & Co. v. Katzel, 260 U.S. 689, 691 (1923) .....	10.75
Already, LLC v. Nike, Inc., 133 S. Ct. 721, 184 L. Ed. 2d 553 (2013) .....	6.35, 6.75, 6.76
Apple v. Samsung, 920 F.Supp.2d 1079 (N.D. Cal. 2013) .....	3.36
Apple Comp., Inc. v. Formula Intern. Inc., 725 F.2d 521 (9th Cir. 1984) .....	3.20
Archer Daniels Midland Co. v. Narula, 2001 WL 804025 (N.D. Ill. 12 July 2001) .....	18.18
Bach v. Forever Living Products U.S., Inc., 473 F. Supp. 2d 1110, 1114 (W.D. Wash. 2007) .....	3.01, 18.35
Barcamerica Int'l USA Trust v. Tyfield Imps., Inc., 289 F.3d 589, 597–98 (9th Cir. 2002) .....	18.22, 18.31. 18.35
Benihana, Inc. v. Benihana of Tokyo, LLC, 784 F.3d 887 (2d Cir. 2015) .....	13.45
BLT Restaurant Group LLC v. Tourondel, 855 F. Supp. 2d 4, 21 (S.D. N.Y. 2012) .....	18.20
Bodum USA, Inc. v. La Cafetiere, Inc., 621 F.3d 624, 631 (7th Cir. Ill. 2010) .....	13.56
Boston Professional Hockey Ass'n v. Dallas Cap & Emblem Mfg., 360 F. Supp. 459 (N.D. Tex. 1973), rev'd in part 510 F.2d 1004 (5th Cir. 1975) .....	3.03, 3.32, 18.36
Boyle v. U.S., 200 F.3d 1369 (Fed. Cir. 2000) .....	3.02
Bradlees Stores, In re Nos. 00–16033 (BRL), 00–16035(BRL), 00–16036(BRL), 01–CV–3934 (SAS), 2001 WL 1112308 (S.D.N.Y. 20 September 2001) .....	10.40
Brewski Beer Co. v. Brewski Bros., 47 U.S.P.Q.2d (BNA) 1281, 1288–9 (T.T.A.B. 1998) .....	18.41
Brown Bar II, L.P. v. Dixie Mills, LLC, 732 F.Supp.2d 1353, 4 (N.D. Ga. 2010) .....	18.20
Bulte v. Iglehart Bros., 137 F. 492, 499 (7th Cir. 1905) .....	18.17
Burgess v. Gilman, 316 Fed. Appx. 542 (9th Cir. 2008) .....	18.20
Campbell v. Acuff-Rose Music, 510 U.S. 569 (1994) .....	6.34
Carroll v. Duluth Superior Milling Co., 232 F. 675, 680 (8th Cir. 1916) .....	18.17
CDS, Inc. v. I.C.E.D. Mgmt., Inc., 80 U.S.P.Q. 2d 1572, 1585 (T.T.A.B. 2006) .....	10.90
CFLC, Inc., In re 89 F.3d 673, 677 (9th Cir. 1996) .....	10.44
Chain v. Tropodyne Corp., 93 Fed. Appx. 880, 881 (6th Cir. 2004) .....	10.21–10.23, 10.32, 10.73
Clorox Co. v. Chem. Bank, 40 U.S.P.Q.2d (BNA) 1098, 1103–04 (T.T.A.B. 1996) .....	18.43
Coca-Cola Bottling Co. v. Coca-Cola Co., 269 F. 796, 806 (D. Del. 1920) .....	10.45
Crescent Publ'g Group, Inc. v. Playboy Enters., 246 F.3d 142, 151 (2nd Cir. 2001) .....	3.38
Cumulus Media, Inc. v. Clear Channel Communications, 304 F.3d 1167 (11th Cir. 2002) .....	3.18
Dastar Corp. v. Twentieth Century Fox Film Corp. 539 U.S. 23 (2003) .....	3.05, 3.06, 3.07, 3.09, 3.15
Dawn Donut Co. v. Hart's Food Stores, Inc., 267 F.2d 358, 369 (1959) 121 U.S.P.Q. 430 (2d Cir. 1959) .....	1.22, 18.10, 18.27, 18.34
DC Comics v. Pacific Pictures Corp., 2012 WL 4936588 (C.D. Cal. 2012) .....	3.26
DC Comics v. Towle, 2015 U.S. App. LEXIS 16837 (9th Cir. 2015) .....	3.01
De Beers LV Trademark Ltd. v. DeBeers Diamond Syndicate, Inc., 440 F.Supp.2d 249 (S.D.N.Y. 2006) .....	1.40
Dept. of Parks & Recreation v. Bazaar Del Mundo, Inc., 448 F.3d 1118, 1131 (9th Cir. 2006) .....	18.35
E.&J. Gallo Winery v. Gallo Cattle Co., 967 F.2d 1280, 1290 (9th Cir. 1992) .....	18.41
Embedded Moments, Inc. v. Int'l Silver Co., 648 F. Supp. 187, 194 (E.D.N.Y. 1986) .....	18.34, 18.35

Eva's Bridal Ltd. v. Halanick Enterprises, Inc., 639 F.3d 788 (7th Cir. 2011) .....	18.35
Exide Techs., in re 340 B.R. 222 (Bankr. D. Del. 2006) .....	10.09, 10.10, 10.33, 10.34–10.43, 10.44, 10.45, 10.46, 10.48, 10.49, 10.51, 10.53, 10.54, 10.59, 10.71, 10.78, 10.79, 10.93, 10.94
Exide Techs, in re 607 F.3d 957 (3rd Cir. 2010) .....	10.09, 10.43, 10.55, 10.56, 10.59, 10.64, 10.67
Express Media Group, LLC, et al.& DVD.com v. Express Corp.& Gregory Ricks, 2007 WL 1394163 (N.D. Cal., 2007) .....	4.24
Exxon Corp. v. Humble Exploration Co., 592 F.Supp. 1226 (N.D. Tex. 1984), on remand from 695 F.2d 96 (5th Cir. 1983) .....	3.18
Fairchild Semiconductors Corp. v. Third Dimension Semiconductor, 564 F.Supp.2d 63 (D. Maine, 12 December 2008) .....	13.66
Faiveley Transport Malmo AB, in re 522 F. Supp. 2d 639 (S.D.N.Y. 2007) .....	13.67
Fitzpatrick v. Sony-BMG Music Entm't Inc., 99 U.S.P.Q.2d 1052 (S.D.N.Y. 2010) .....	18.20
Fogerty v. Fantasy, Inc., 510 U.S. 517, 534 (1994) .....	3.38
FTC v. Actavis, Inc., 133 S.Ct. 2223 (2013) .....	6.40, 6.67
Geisel v. Poynter Prods., 283 F.Supp. 261 (S.D.N.Y. 1968) .....	3.14
Geisel v. Poynter Prods., 295 F.Supp. 331 (S.D.N.Y. 1968) .....	3.14
Glover v. Ampak, Inc., 74 F.3d 57 (4th Cir. 1996) .....	1.51
Glow Indus., Inc. v. Lopez, 273 F. Supp. 2d 1095, 1107 (C.D. Cal. 2003) .....	18.10, 18.19, 18.39, 18.41, 18.44
Goldsmith v. Comm'r, 143 F.2d 466, 468 .....	10.78
Green River Bottling Co. v. Green River Corp., 997 F.2d 359, 361–62 (7th Cir.1993) ....	6.74
Griggs, Cooper & Co. v. Erie Pres. Co., 131 F. 359, 361–2 (W.D.N.Y. 1904) .....	10.45
Hanover Star Milling Co. v. Metcalf, 240 U.S. 403 (1916) ...	10.80, 10.81, 10.83, 10.88, 18.30
Haymaker Sports, Inc. v. Turian, 581 F.2d 257, 262 (C.C.P.A. 1978) .....	18.35, 18.41, 18.43
Herwig v. United States, 105 F. Supp. 384 (Ct. Cl. 1952) .....	10.75
Hicks v. Anchor Packing Co., 16 F.2d 723, 725 (3d Cir. 1926) .....	18.30
Hokto Kinoko Co. v. Concord Farms, Inc., 738 F.3d 1085, 1098 (9th Cir. 2013) .....	6.74
Hormel Foods Corp. v. Jim Henson Prods., Inc., 73 F.3d 497 (2d Cir. 1996) .....	6.74
Hy-Cross Hatchery, Inc. v. Osborne, 303 F.2d 947 (C.C.P.A. 1962) .....	18.18
Illinois Tool Works Inc. v. Independent Ink, Inc., 547 U.S. 28 (2006) .....	6.72
Institut Pasteur v. Cambridge Biotech Corp., 104 F.3d 489, 493 (1st Cir. 1997) .....	10.44
International Cosmetics Exchanges, Inc. v. Gapardis Health & Beauty, Inc., 303 F.3d 1242 (11th Cir. 2002) .....	18.19
Interstate Bakeries Corp., In re 690 F.3d 1069 (8th Cir. 2012) .....	10.57–10.67
InterState Netbank v. Netb@nk, 348 F. Supp. 2d 340 (D.N.J. 2004) .....	18.19
Int'l Order of Job's Daughters v. Lindeburg & Co., 633 F.2d 912, 919 (9th Cir. 1980) ....	6.74
Jefferson Parish Hospital District No. 2 v. Hyde, 466 U.S. 2 (1984) .....	6.72
Jews For Jesus v. Google, Inc., 2005 WL 377582 (2005) (No. 05 CV 10684) (case terminated) .....	4.12
KeeblerWeyl Baking Co. v. J. S Ivins' Son, Inc., 7 F. Supp. 211, 214 (E.D. Pa. 1934) ....	18.30
Keener v. Sizzler Family Steak Houses, 597 F.2d 453, 456 (5th Cir.1979) .....	6.73
Kellogg Co. v. National Biscuit Co., 305 U.S. 111 (1938) .....	3.14
Kentucky Fried Chicken Corp. v. Diversified Packaging Corp., 549 F.2d 368, 387 (5th Cir. 1977) .....	5.26, 6.74, 18.34
Kidd v. Johnson, 100 U.S. 617 (1879) .....	18.30

TABLE OF CASES

Klinger v. Conan Doyle Estate, 755 F.3d 496 (2014) .....	3.16
KP Permanent Make-Up, Inc. v. Lasting Impression I, Inc., 543 U.S. 111 (2004) .....	11.32
Krebs Chrysler-Plymouth, Inc. v. Valley Motors, Inc., 141 F.3d 490, 498 (3d Cir. 1998) .....	10.44
Kremen v. Cohen, 337 F.3d 1024, 1030 (9th Cir. 2003) .....	4.31
Lakewood Eng'g & Mfg. Co., Inc., 459 B.R. 306, 310 (Bankr. N.D. Ill. 2011), In re aff'd sub nom. Sunbeam Prods., Inc. v. Chi. Am.Mfg., LLC, 686 F.3d 372 (7th Cir. 2012) .....	10.61-10.67
Land O'Lakes Creameries, Inc. v. Oconomowoc Canning Co., 221 F. Supp. 576 (D.Wis. 1963), aff'd, 330 F.2d 667 (7th Cir. 1964) .....	18.10, 18.35
Laurent's Est. v. Comm'r, 34 T.C. 385 (1960) .....	10.75
McGraw-Hill Compensation Inc. v. Vanguard Index Trust, 139 F. Supp. 2d 544 (S.D.N.Y., 2001), aff'd 27 Fed. Appx. 23 (2d Cir. 2001) .....	18.18
McKesson Corp., et al. v. Health Robotics, s.r.l., 2011 WL 3157044 (N.D.Cal.) .....	13.58
MacMahan Pharmacal Co. v. Denver Chem. Mfg. Co., 113 F.2d 468, 474-5 (8th Cir. 1901) .....	18.17, 18.29
Marshak v. Green, 746 F.2d 927, 930 (2d Cir. 1984) .....	18.10
Med. Creative Techs. v. Dexterity Surgical, Inc., 2004 U.S. Dist. LEXIS 11304, (E.D.Pa. 24 February 2005) .....	13.58
MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118 (2007) .....	6.35
Meijer, Inc. v. Purple Cow Pancake House, 226 U.S.P.Q. 280, 280-81 (T.T.A.B. 1985) .....	10.90
Merck & Co. v. Smith, 261 F.2d 162 (3d Cir. 1958) .....	10.75
MGM Studios, Inc. v. Grokster, Ltd., 545 U.S. 913 (2005) .....	6.34
Mister Donut of Am., Inc. v. Mr. Donut, Inc., 418 F.2d 838 (9th Cir. 1969) .....	18.18
Money Store v. Harriscorp Fin., Inc., 689 F.2d 666, 678 (7th Cir. 1982) .....	18.18
Morse-Starrett Prods. Co. v. Steccone, 86 F. Supp. 796, 805 (N.D. Cal. 1949) .....	18.33
Mulhens & Kropff, Inc. v. Ferd. Muelhens, Inc., 43 F.2d 937 (2d Cir. 1930) .....	18.17
Nat'l Lampoon, Inc. v. Am. Broad. Cos., 376 F. Supp. 733, 737 (S.D.N.Y. 1974), aff'd per curiam, 497 F.2d 1343 (2d Cir.1974) .....	18.34
National Trailways Bus System v. Trailway Van Lines, Inc., 269 F. Supp. 352, 155 U.S.P.Q. 507 (E.D.N.Y. 1965) .....	1.22
Nelson v. J. H. Winchell & Co., 89 N.E. 180, 183-4 (Mass. 1909) .....	18.30
Nova Wines, Inc. v. Adler FelsWinery LLC, 467 F.Supp.2d 965, 983 (N.D. Cal. 2006) .....	3.02, 3.39
Oracle America, Inc. v. Myriad Group AG, 2011 U.S. Dist. LEXIS 98830, 2011 WL 3862027, 20 (N.D. Cal. 1 September 2011) .....	13.47, 13.49, 13.52, 13.53
Oracle America, Inc. v. Myriad Group A.G., 724 F.3d 1069 (9th Cir. 2013) .....	13.47, 13.54
Original Rex v. Beautiful Brands International, 792 F. Supp. 2d 2442(N.D. Okla 2011) .....	18.35
Panavision Int'l v.Toeppen, 141 F.3d 1316 (9th Cir. 1998) .....	3.03
Patterson Labs., Inc. v. Roman Cleanser Co. (in re Roman Cleanser Co.), 802 F.2d 207 (6th Cir. 1986) .....	18.42, 18.43
PepsiCo, Inc. v. Graphette Co., 416 F.2d 285, 290 (8th Cir. 1969) .....	18.10, 18.11, 18.18
Performance Unlimited, Inc. v. Questar Publishers, Inc., 52 F.3d 1373 (6th Cir. 1995) .....	13.66
Phillips v. Audio Active Ltd., 494 F.3d 378 (2nd Cir. 2007) .....	13.35

Pilates, Inc. v. Current Concepts, Inc. 120 F. Supp. 2d 286 (S.D.N.Y. 2002) .....	18.18
Prof 'l Golfers Ass'n of Am. v. Bankers Life & Cas. Co., 514 F.2d 665 (5th Cir. 1975) .....	18.37
Pure Imagination v. Pure Imagination Studios, No. 03 C 6070. 2004 WL 2222269 (N.D. Ill. Sept. 30, 2004) .....	18.19
Queen City Pizza, Inc. v. Domino's Pizza, Inc., 124 F.3d 430 (3d Cir. 1997) .....	6.73
Raufast S.A. v. Kicker's Pizzazz, Ltd., 208 U.S.P.Q. (BNA) 699, 702 (E.D.N.Y. 1980) .....	18.41
Reid v. Comm'r, 26 T.C. 622, 632 (1956) .....	10.75
Rhône-Poulenc Spécialités Chimiques v. SCM Corp., 769 F.2d 1569 (Fed. Cir. 1985) .....	13.35
Robinson Co. v. Plastics Research & Dev. Corp., 264 F. Supp. 852, 864 (W.D. Ark. 1967) .....	18.34
Rock and Roll Hall of Fame and Museum v. Gentile, 134 F.3d 749 (6th Cir. 1998) .....	3.12
Russell v. Price, 612 F.2d 1123 (9th Cir. 1979) .....	3.16
Sands, Taylor & Wood v. Quaker Oats Co., 18 U.S.P.Q.2d (BNA) 1457, 1467-68 (N.D. Ill. 1990), aff'd in part and rev'd in part, 978 F.2d 947 (7th Cir. 1992) .....	18.41
Sauer-Getriebe KG v. White Hydraulics, Inc., 715 F.2d 348 (7th Cir. 1983) .....	13.67
Sauers Milling Co. v. Kehlor Flour Mills, Co., 39 App. D.C. 535, 542 (D.C. Cir. 1913) .....	18.17
Scherk v. Alberto-Culver Co., 417 U.S. 506, 527 (1974) .....	13.31, 13.55, 13.56
Seattle Brewing & Malting Co. v. Comm'r, 6 T.C. 856, 873 (1946) .....	10.24-10.32, 10.46, 10.69, 10.76, 10.78
Sexton Mfg. Co. v. Chesterfield Shirt Co., 24 F.2d 288 (D.C. Cir. 1928) .....	18.17
Shoney's, Inc. v. Schoenbaum, 894 F.2d 92, 97-98 (4th Cir. 1990) .....	10.71, 10.72
Siegel v. Chicken Delight, Inc., 448 F.2d 43, 48-49 (9th Cir. 1971) .....	18.33
Siegel v. Warner Bros. Entertainment Inc., 542 F.Supp.2d 1098 (C.D. Cal. 2008) .....	3.26
Simula, Inc. v. Autoliv, Inc., 175 F.3d 716, 720-21, 723 (9th Cir. 1999) ....	13.35, 13.56, 13.67
Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984) .....	6.34
Sporty's Farm L.L.C. v. Sportsman's Market, Inc., 202 F.3d 489 (2d Cir. 2000) .....	3.37
Ste. Pierre Smirnoff, Fls, Inc. v. Hirsch, 109 F. Supp. 10, 12 (S.D. Ca. 1952) .....	10.47, 10.75
Steelworkers v. American Mfg. Co., 363 U.S. 564, 569 (1960) .....	13.34
Steward v. Abend, 495 U.S. 207 (1990) .....	3.27
Sugar Busters LLC v. Brennan, 177 F.3d 258 (5th Cir. 1999) .....	18.18
Sunbeam Prods., Inc. v. Chicago Am. Mfg., LLC, 686 F.3d 372 (7th Cir. 2012) .....	10.61-10.67
Sunstar, Inc. v. Alberto-Culver Co., 2009 U.S. Lexis 23759 (7th Cir. 28 October 2009) .....	21.25, 21.38
Sunterra Corp., In re 361 F.3d 257, 264 (4th Cir. 2004) .....	10.44
Susser v. Carvel Corp., 206 F. Supp. 636, 641 (S.D.N.Y. 1962), aff'd, 332 F.2d 505 (2d Cir. 1964) .....	18.33
Syntex Labs, Inc. v. Norwich Pharmacal Co., 315 F. Supp. 45, 55-56 (S.D.N.Y. 1970), aff'd, 437 F.2d 566 (2d Cir. 1971) .....	18.41
T & T Mfg. Co. v. A.T. Cross Co, 449 F.Supp. 819, aff'd in 587 F.2d 533, cert. denied, 441 U.S. 60 (1978) .....	11.33
TMT N. Am., Inc. v. Magic Touch GmbH, 124 F.3d 876, 885-86 (7th Cir. 1997) .....	18.33
TR-3 Industries, in re 41 B.R. 128 (Bankr. C.D. Cal. 1984) .....	18.42

TABLE OF CASES

---

Transgo, Inc. v. Ajac Transmission Parts Corp., 768 F.2d 1001, 1017–18 (9th Cir. 1985) .....	18.34
United Drug Co. v. Theodore Rectanus Co., 248 U.S. 90, 96–97, 39 S.Ct. 48, 63 L.Ed. 141 (1918) .....	6.74, 10.80, 10.84, 10.85, 10.86, 10.87, 18.17
United States v. Carruthers, 219 F.2d 21 (9th Cir. 1955) .....	10.75
United States v. Giles, 213 F.3d 1247 (10th Cir. 2000) .....	3.03
United States v. Line Materials Company, 333 U.S. 287 (1947) .....	6.40
Visa U.S.A. Inc. v. Birmingham Trust Nat'l Bank, 696 F.2d 1371, 1375 (Fed. Cir. 1982) .....	18.18, 18.40, 18.41
Vittoria North America L.L.C. v. Euro-Asia Imports Inc., 278 F.3d 1076 (10th Cir. 2011) .....	18.19, 18.44
Waltham Watch Co. v. FTC, 318 F.2d 28, 29 (7th Cir. 1963), cert. denied, 375 U.S. 944 (1963) .....	18.22
Warne (Frederick) & Co. v. Book Sales, Inc. 481 F.Supp. 1191 (S.D.N.Y. 1979) ....	3.07, 3.08, 3.09, 3.10, 3.12, 3.23
Waukesha Hygiene Mineral Springs Co. v. Hygeia Sparkling Distilled Water Co., 63 F. 438 (7th Cir. 1894) .....	11.31, 11.35
Wexler v. Greenberg 160 A.2d 430 (1960) .....	6.57
Williams v. Roberto Cavalli S.p.A, 113 U.S.P.Q.2d (BNA) 1944 (C.D. Cal. 2015) .....	3.01
XMH Corp., in re 647 F.3d 690, 696 (7th Cir. 2011) .....	6.74
Yamamoto & Co. (America), Inc. v. Victor United, Inc., 219 U.S.P.Q. 968 (C.D. Cal. 1982) .....	1.22