

List of Works Cited

All sources consulted are cited in accordance with the Oxford University Standard for the Citation of Legal Authorities and The Guide To Polish Legal Citation.

Oxford University Standard for the Citation of Legal Authorities (4th edn, Hart 2012) <http://www.law.ox.ac.uk/published/OSCOLA_4th_edn_Hart_2012.pdf>.

Guide to Polish Legal Citation (JU-CUA American Law Program 2009) <<http://www.law.uj.edu.pl/~citations/>>.

Monographies and Articles

“Study on the Overall Functioning of the European Trade Mark System“ (Max Planck Institute for Innovation and Competition Law Munich 2011) <http://www.ip.mpg.de/fileadmin/user_upload/mpi_final_report.pdf>.

George A. Akerlof, “The Market for ‘Lemons’: Quality Uncertainty and the Market Mechanism” (1970) 84 Quarterly Journal of Economics 3, 488.

Katya Assaf, “The dilution of Culture and the Law of trademarks” (2009) 49 IDEA – The intellectual Property Law Review 1 <<http://ssrn.com/abstract=1410590>>.

J. Barta, „Przeszkody w Rejestracji” Janusz Barta, Ryszard Markiewicz & Andrzej Matlak (eds); *Prawo Mediów* (LexisNexis 2008).

Roland Barthes, Adam Dziadek (tr) “Imperium Znaków” (eng. “Empire of Signs”), (Aletheia 2012).

Roland Barthes, Richard Howard (tr) “Camera Lucida: Reflections on Photography” (Farrar, Straus and Giroux 1981).

Mikhail Bakhtin, Vadim Liapunov (tr), Michael Holquist & Vadim Liapunov (eds) “Art and Answerability” (Austin University of Texas Press 1990).

Mikhail Bakhtin, Vern W. McGee (tr), Caryl Emerson and Michael Holquist (eds) “Speech Genres and, Other Late Essays” (University of Texas Press 2006).

Burton Beebe, “The Semiotic Analysis of Trademark Law” (2004) 51 UCLA Law Rev. 3, 621.

Burton Beebe, “The Semiotic Account of Trademark Doctrine and Trademark Culture”, Graeme Dimwoodie, Mark Jamis (eds), *Trademark Law and Theory: A Handbook of Contemporary Research* (Cheltenham 2008).

Daphne Berdahl, “‘(N)Ostalgic’ for the Present: Memory, Longing, and East German Things” (1999) 64 Ethnos 2, 193.

Edward L. Bernays, “Biography of an Idea: Memoirs of Public Relations Counsel” (Simon and Schuster 1965).

Jason Bosland, “The Culture of Trade Marks: An Alternative Cultural Theory Perspective” (2005) 10 Media & Arts Law Review 99.

- Laura R. Bradford, "Trademark dilution and emotion" <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1334925&download=yes>.
- Valerie Brennan, T.J. Crane "Gone But Not Goodbye: Residual Goodwill in Abandoned U.S. Trademarks" (Inta Bulletin, 15.8.2015) <<http://www.inta.org/INTABulletin/Pages/GoneButNotGoodbyeResidualGoodwillinAbandonedUSTrademarks.aspx>>.
- Jan M. Broekman, Larry Catá Backer (eds) "Signs In Law – A Source Book The Semiotics of Law in Legal Education III" (Springer 2015).
- Rosemary J. Coombe, "Embodied Trademarks: Mimesis and Alterity on American Commercial Frontiers" (1996) 11 Cultural Anthropology 2, 202.
- Norman Davis, "God's Playground: A History of Poland: 1795 to the Present (Volume 2)" (2nd edn, Oxford University Press 2005).
- Graeme Dinwoodie, "Reconceptualizing the Inherent Distinctiveness of Product Design Trade Dress" (1997) 75 North Carolina Law Review 2, 471.
- Jennifer Davis "Between a Sign and a Brand", L. Bently, Jennifer Davis & J.C. Ginsburg (eds) *Trademarks and Brands* (Cambridge 2008), 65.
- Kristofer Erickson, Paul Heald, Fabian Homberg, Martin Kretschmer and Dinusha Mendis, "Copyright and the Value of the Public Domain" (CREATE 2015) <<http://www.create.ac.uk/publications/copyright-and-the-value-of-the-public-domain/>>.
- Jerome Gilson, Anne Gilson LaLonde, "The Zombie Trademark: A Windfall and A Pitfall"(2006) 98 Trademark Reporter 6, 1280.
- Matt Haig, "Brand Royalty: How the World's Top 100 Brands Thrive & Survive" (Kogan Page Publishers, 2006).
- Susy Frankel, "Trademarks and Traditional Knowledge and Cultural Intellectual Property Rights", 1 Victoria University of Wellington Legal Research Papers 6, <<http://papers.ssrn.com/abstract=1003608>>.
- William M. Landes, Richard A. Posner, "The Economics of Trademark Law" (1988), 78 The Trademark Reporter 3, 267.
- Peter Kelvin, "Book Review: Social Influence and Social Change by Serge Moscovice" (1979) 9 European Journal of Social Psychology, 441.
- Janusz Szwaja (red.) „Ustawa o zwalczaniu nieuczciwej konkurencji Komentarz" (3rd ed. C.H.Beck 2013).
- Philip Kotler, "Marketing Insights from A to Z" (John Wiley & Sons, Inc. 2003).
- Piotr Kozarzewski, "Corporate Governance and Secondary Privatisation in Poland: Legal Framework and Changes in Ownership Structure" (Center for Social and Economic Research 2003) <<http://ssrn.com/abstract=1443803>> accessed on 15 September 2015.
- Michał Kruk, "Protection of Chopin's Heritage as a Sui Generis Regulation" (2010), 5 Journal of Intellectual Property Law & Practice 8, 608.
- Paul Manning, "The Semiotics of Brand" (2010) The Annual Review of Anthropology 39, 33.
- Mark P. McKenna, "A Consumer Decision-Making Theory of Trademark Law" (2012) 98 Virginia Law Review 1, 67.

- Anne Meneley, "Time in a Bottle: The Uneasy Circulation of Palestinian Olive Oil" (2008) Middle East Reporter 248, <http://www.academia.edu/474517/Time_in_a_Bottle_The_Uneasy_Circulation_of_Palestinian_Olive_Oil>, 18.
- B. Mercurio, "Awakening the Sleeping Giant: Intellectual Property Right in International Investment Agreement" (2012) 15 J Int Economic Law 3, 874.
- Robert Moore, "From Genocide to Viral Marketing: on 'Brand'" (2003) Language & Communication 23, 334.
- Serge Moscovici, Maria Zavalloni, "The Group as a Polarizer of Attitudes" (1969) 12 Journal of Personality and Social Psychology 2, 125.
- Serge Moscovici, "Social Influence and Social Change" (Academic Press 1976).
- Serge Moscovici, "Toward a Theory of Conversion Behaviour", Leonard Berkowitz (eds), *Advances in Experimental Social Psychology*, vol 13 (Academic Press 1980).
- Charlan Jeanne Nemeth, "The Differential Contributions of Majority and Minority Influence" (1986) 93 Psychological Review 1, 23.
- Charlan Jeanne Nemeth, "Minority Influence Theory", Paul A. M. Van Lange, Arie W. Kruglanski, E. Tory Higgins (eds), *Handbook of Theories in Social Psychology* vol 2 (Sage 2011).
- Ewa Nowińska, Michał du Vall, "Pojęcie Złej Wiary w Prawie Znaków Towarowych" in *Księga Pamiątkowa z Okazji 85-lecia Ochrony Własności Przemysłowej w Polsce*, 143.
- Charles Sanders Peirce in Charles Hartshorne and Paul Weiss (eds) "Collected Papers of Charles Sanders Peirce: Vol. II, Elements of Logic" (Belknap Press 1932), 228.
- Ferdinand de Saussure, W. Baskins (tr.), Charles Bally and Albert Sechehaye (eds.) "Course in General Linguistics" (1966 McGraw-Hill Book Co), 112.
- Wolfgang Sakulin, *Trademark Protection and Freedom of Expression: An Inquiry Into the Conflict Between Trademark Rights and Freedom of Expression Under European Law* (Kluwer Law International, 2011).
- Frank I. Schechter "The rational basis of trademark protection" (1927) 40 Harv. Law Rev. 6, 813.
- Jonathan E. Schroeder, "Brand Culture: Trade Marks, Marketing and Consumption" in Jane Ginsburg, Lionel Bently & Jennifer Davis (eds) *Trade Marks and Brands An Interdisciplinary Critique* (Cambridge University Press 2008), 174.
- Martin Senftleben, "Bringing EU Trademark Protection Back Into Shape – Lessons to Learn From Keyword Advertising", <<http://www.epip.eu/conferences/epip06/papers/Parallel%20Session%20Papers/SENFTLEBEN%20Martin.pdf>>.
- Martin Senftleben, "Trademark Law and the Public Domain" <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2280058>.
- Johnathan E. Shroeder, "Brand Culture: Trade Marks, Marketing and Consumption" in L. Bently, Jennifer Davis & J.C. Ginsburg (eds) *Trademarks and Brands* (Cambridge 2008), 161.
- Ryszard Skubisz (eds.), "System Prawa Prywatnego tom 14b Prawo własności Przemysłowej" (C·H·Beck 2012).

Ryszard Skubisz, „Zgłoszenie Znaków Towarowych w Złej Wierze” in L. Ogieńko, W. Popiołek, M. Szpunar (red.) *Rozprawy prawnicze, Księga pamiątkowa Profesora Maksymiliana Pazdana* (Kraków 2005), 1342.

Alexander Tsoutsanis, “Trade Mark Registration In Bad Faith” (Oxford 2010).

Press articles and others

“Horalky Budú Vyrábať Opavia – LU aj I.D.C. Holding“ (*finance.sk*, 12.4.2006) <<http://www.finance.sk/spravy/finance/4993-horalky-budu-vyrabat-opavia-lu-aj-i-d-c-holding/>>.

“Dohoda o Používání Názvu Horalka a Tatranka Více” (*Strategie.cz*, 8.11.2007) <<http://strategie.e15.cz/zpravy/dohoda-o-pouzivani-nazvu-horalka-a-tatranka-443643>>.

Saul McLeod “Moscovici and Minority Influence“ (*Simple Psychology*, 2007) <www.simplypsychology.org/minority-influence.html>.

Marta Karenova, “Soviet-Era Brands Rise On Socialist Nostalgia” (*Wall Street Journal* 15.11.2004), <<http://www.wsj.com/articles/SB110046692372873477>>.

Sergei Roganov, „Soviet Food Passes Taste Test for New Generation“ (*Rossiyskaya Gazeta, Telegraph* 3.1.2013) <<http://www.telegraph.co.uk/sponsored/rbth/cuisine/9778200/soviet-food-popular.html>>.

Official European Union profile of Poland <http://europa.eu/about-eu/countries/members-countries/poland/index_en.htm>.

Dawid Kosiński, „Unitra – kultowa polska marka powraca na rynek i oferuje produkty "born in Poland"” (*Spider's web*, 22.5.2014) <<http://www.spidersweb.pl/2014/05/unitra-wraca-na-rynek.html>>.

“Pewex Wraca na Rynek” (*Rzeczpospolita Ekonomia*, 16.12.2013) <<http://www.ekonomia.rp.pl/artykul/1072971.html>>.

Ewa Cander-Karolewska, „Atlantyda Ludowa” (*Onet wiadomości*, 1.07.2007) <<http://wiadomosci.onet.pl/prasa/atlantyda-ludowa/dxxm3>>.

Grzegorz Marczak, „Dlaczego Chłopaki z Pruszcza Chcą Reaktywować Pewex? Na Moje Pytania Odpowiedział Sebastian Leśniak” (*Antyweb* 7.6.2013) <<http://antyweb.pl/dlaczego-chlopaki-z-pruszcza-chca-reaktywowac-pewex-na-moje-pytania-odpowiedzial-sebastian-lesniak/>>.

Դուրս «Գրանդ Բեդդի» ամբողջական (168 ժամ, 24.10.2015) <<http://archive.168.am/am/articles/20366>>.

Results for “Działka Moje Hobby” in the Polish National Library catalogue <http://katalogi.bn.org.pl/iii/encore/search/C__Sdzia>.

“Tíz Régi Magyar Márka – Emlékszünk-e Még Rájuk” (*hvg.hu*, 8.7.2011) <http://hvg.hu/tudomany/20110707_regi_magyar_marka>.

“Az Adidas Cipők is a Tiszánál Készültek” (*haszonkulcs.hu*, 7.12.2011) <http://archive-hu-2012.com/hu/h/2012-06-21_62606_12/Sikert%C3%B6rt%C3%A9netek-Az-Adidas-cip%C5%91k-is-a-Tisz%C3%A1n%C3%A1l-k%C3%A9sz%C3%BClték-Haszonkulcs/>.

- Official announcement of the Biedronka launch of the vintage assortment <<http://www.biedronka.pl/pl/news,id,877,title,biedronka-zaprasza-w-podroz-sentymentalna-z-produktami-vintage>>.
- Mikołaj Lech, „Po 58 Latach Wedel Odzyskuje Prawo do Nazwy "PTASIE MLECZKO"” (*Wyborcza biz*, 10.11.2014) <http://wyborcza.biz/Prawo/1,128894,16946756,Po_58_lat_ach_Wedel_odzyskuje_prawo_do_nazwy_PTASIE.html>.
- Artur Kawik, „Walka o „Ptasie Mleczko®” Przyczyną Kryzysu Wizerunkowego Wedla” (*Socialpress* 13.2.2012) <<http://socialpress.pl/2012/02/walka-o-ptasie-mleczko-przyczyna-kryzysu-wizerunkowego-wedla/>>.
- “Ce au in Comun Automobile Dacia si Arctic Gaesti: Ambele Businessuri Sunt Sustinite de Campaniile „Rabla” si Exporturi” (*ZF Companii*, 26.8.2009) <<http://www.zf.ro/companii/ce-au-in-comun-automobile-dacia-si-arctic-gaesti-ambele-businessuri-sunt-sustinite-de-campaniile-rabla-si-exporturi-4801812/>>.
- Robert Mazurek, “Świat Miał Wranglery, My – Dżinsy Odra” (*Rzeczpospolita* 14.8.2015) <<http://www.rp.pl/artukul/1222410-Swiat-mial-Wranglery--my---dzinsy-Odra.html>>.
- Daria Różańska, „Twórcy Demotywatory.pl Wprowadzają do Sieci Markę Pewex” (*press.pl*, 17.12.2013) <<http://www.press.pl/personalia/pokaz/43761,Tworcy-Demotywatory-pl-wprowadzaja-do-sieci-marke-Pewex>>.
- Unitra official page, <<http://unitra.pl/>>.
- Unitra club, <<http://unitraklub.pl/unitra-dom>>.
- Unitra – official facebook page <<https://www.facebook.com/unitrapl>>.
- Herbapol Poznań <<http://www.herbapol.poznan.pl/historia>>.
- Herbapol Lublin <<http://www.herbapol.com.pl/o-nas/kim-jestesmy>>.
- Herbapol w Krakowie <<http://herbapol.krakow.pl/o-firmie/historia>>.
- Herbapol Warszawa <<http://www.herbapol.waw.pl/>>
- Herbapol Wrocław <<http://herbapol.pl/>>.
- Ursus official page <<http://en.ursus.com.pl/History>>.
- Official Wedel page <<https://www.wedelpijalnie.pl/pl/o-nas/e-wede>>.

Legislation

- Council Regulation (EC) 207/2009/EC on the Community trade mark (codified version) [2009] OJ L78/1.
- Council Directive (EC) 2008/95/EC to approximate the laws of the Member States relating to trade marks (codified version) [1993] OJ L299/25.
- Polish Industrial Property Act – Ustawa z dnia 30 czerwca 2000 r. Prawo własności przemysłowej, Dz.U. 2001 nr 49 poz. 508 with changes.

Cases

EU

- Case C- 106/89 *Marleasing SA v La Comercial* EU:C:1990:395, [1990] ECR I-4135.
- Case C-363/99 *Koninklijke KPN Nederland NV v. Benelux-Merkenbureau* EU:C:2004:86, [2004] ECR I-1619.
- Case C-329/02 SAT. 1 *SatellitenFernsehen GmbH v. OHIM* EU:C:2004:532, [2004] ECR I-08317.
- Case C-320/12 *Malaysia Diary Industries Pte. Ltd v. Ankenaevenet for Petendter og Varemaerk* EU:C:2013:435.
- Case C-487/07 *L'Oréal SA v. Bellure NV* EU:C:2009:378, [2009] ECR I-05185.
- Case C-108/05 *Bovemij Verzekeringen v. Benelux-Merkenbureau* EU:C:2006:530, [2006] ECR I-07605.
- Case C-265/00 *Campina Melkunie BV v Benelux* EU:C:2004:87, [2004] ECR I-01699.
- Cases C-53/01 and C-55/01 *Linde and others* EU:C:2003:206, [2003] ECG I-03161.
- Case T-304/06 *Reber v OHMI* EU:T:2008:268, [2008] ECG II-01927.
- Case C-383/99 *P Procter & Gamble* EU:C:2001:461, [2001] ECG I-06251.
- Case C-529/07 *Chocoladenfabriken Lindt & Sprüngli* EU:C:2009:361, [2009] EGC I-04893.
- Case C-17/06 *Celine* EU:C:2007:497, [2007] EGC I-07041.
- Case C-408/01 *Adidas v. Salomon* EU:C:2003:582, [2003] EGC I-12558.

Poland

- Judgement of NSA of 12.7.2011, II GSK 746/10.
- Judgment of NSA of 14.1.2015, II GSK 1815/14.
- Judgment of NSA of 24.5.2007, II GSK 377/06.
- Judgements of NSA of 25.5.2006, II GSK 66/06.
- Judgements of NSA of 8.1.2014, II GSK 1542/12.
- Judgement of NSA of 24.5.2005, II GSK 63/05.
- Judgement of NSA of 4.6.2002, II SA 3867/01.
- Judgement of NSA of 25.11.2009, II GSK 203/09.
- Judgement of NSA of 9.1.2015 II GSK 2062/13.
- Jusgement of WSA in Warsaw of 5.9.2014, VI SA/Wa 1995/13.
- Jusgement of WSA in Warsaw of 29.5.2014 VI SA/Wa 1996/13.
- Jusgement of WSA in Warsaw of 29.5.2014 VI SA/Wa 1980/13.
- Judgement of WSA in Warsaw of 7.1.2014, VI SA/Wa 1716/13.
- Judgement of WSA in Warszawie of 18.1.2012 r, VI SA/Wa 1850/11.
- Judgement of WSA in Warsaw of 21.3.2012, VI SA/Wa 1761/06.
- Judgement of WSA in Warsaw of 14.6.2013, VI Sa/Wa 101/13.

Judgement of the Court of Appeals in Warsaw of 6.11.2015 I ACz 1640/12.

Judgement of the Supreme Court of 24.10.1972, I CR 177/72, (OSNCP 10/73, p. 171).

Judgements of the Supreme Court of 12.10.2007, V CSK 249/07 (OSG 2009, 4, 25).

Judgement of the Supreme Court of 14.2.2003, IV CKN 1782/00 (LexPolonica 379001).

Judgement of the Supreme Court of 10.8.2006, V CSK 237/06.

Other jurisdictions

Anheuser-Busch Inc v Portugal, Merits, App no 73049/01, (2007) 44 EHRR 42, IHRL 3436 (ECHR 2007).

Judgement of the Dutch Supreme Court of 20.12.2013, 12/05013 TT/AS.

