

Bibliography

- AIDE, C.M. & DITTMER, S., "Registration and Enforcement of European Community Trade Marks: A Practical Guide", 14 I.P.J. 283 (1999-00).
- ANNAND, R., & NORMAN, H., "Blackstone's Guide to the Community Trade Mark" (Blackstone Press, London 1998).
- BAINBRIDGE, D., "Intellectual Property" (7th ed.), (Pearson Education Limited, Harlow 2009).
- BASTIAN, E.-M., KNAACK, R. & SCHRICKER, G. (eds.) "Gemeinschaftsmarke und Recht der EU-Mitgliedstaaten" (Verlag C. H. Beck, München 2006).
- BEIER, F.-K., "Der Schutz geographischer Herkunftsangaben in Deutschland" 65(4) GRUR 169 (1963)
- BEIER, F.-K., "Industrial Property and the Free Movement of Goods in the Internal European Market" 21(2) IIC 131 (1990).
- BEIER, F.-K., "Objectives and Guiding Principles of Future Trade Mark Law", 8(1) IIC 1, 16 (1977).
- BENDER, A. & von KAPFF, P., "Born to be free – the Community Trade Mark in Practice", 32(6) IIC 625 (2001).
- BENDER, A., "Die garfische Darstellbarkeit bei den neuen Markenformen", in: von BOMHARD, V. von, PAGENBERG, J. & SCHENNEN, D (eds.), "Harmonisierung des Markenrechts: Festschrift für Alexander von Mühlendahl zum 65. Geburtstag am 20. Oktober 2005" (C. H. Verlag, München 2005).
- BOMHARD, V. von & PETERSENN, M., "Seniority under European Community Trademark Law", 92(6) Trademark Rep. 1327 (2002).
- BOMHARD, V. von, "Dormant Trademarks in the European Union – Swords of Damocles?" 96(5) TMR 1122 (2006).
- BOSSCHE, P. van den, "The Law and Policy of the World Trade Organization: Text, Cases and Materials" (2nd ed.) (Cambridge University Press, Cambridge 2008).
- BRONCKERS, M.C.E.J., "The Exhaustion of Patent Rights under WTO Law", 32(5) JWT 137 (1998).
- CARVALHO, N. P. de, "The TRIPS Regime of Trademarks and Designs" (Kluwer Law International, The Hague 2006).
- CORNISH, W. R. & LLEWELYN, D., "Intellectual Property: Patents, Copyrights, Trade Marks and Allied Rights" (6th ed.), (Sweet & Maxwell, London 2007).
- CORNISH, W.R. & PHILLIPS, JENNIFER, "The Economic Function of Trade Marks: An analysis with Special Reference to Developing Countries", 13(1) IIC 41 (1982).
- CORREA, C. M. & YUSUF, A. A. (eds.), "Intellectual Property and International Trade: The TRIPS Agreement" (Kluwer Law International, Alphen aan den Rijn, 2008).
- CORREA, C. M. "Trade Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement" (Oxford University Press, Oxford 2007).

- COTTIER, T., "Trade and Intellectual Property Protection: Collected Essays", (Cameron May Ltd, London 2005).
- DAVIES, I. M., (ed.), "Sweet & Maxwell's European Trade Mark Litigation Handbook" 36 (Sweet & Maxwell, London 1998).
- Davis, J., "Intellectual Property Law", (2nd ed.) (LexisNexis UK, London 2003).
- Davis, J., "Intellectual Property Law", (3rd ed.) (Oxford University Press, Oxford 2008).
- DAVIS, J., "To Protect or Serve? European Trade Mark Law and the Decline of the Public Interest", 25(4) E.I.P.R. 180 (2003).
- DHANJEE, R. & CHAZOURNES, L. B. de, "Trade Related Aspects of Intellectual Property Rights (TRIPS): Objectives, Approaches and Basic Principles of the GATT and of Intellectual Property Conventions", 24(5) JWT 6 (1990).
- DUMFARTH, P., "Prozessuale und materiellrechtliche Aspekte des Widerspruchsverfahrens der Gemeinschaftsmarkenverordnung" (Trauner, Linz 2008).
- DURAN, L., & ANNAND, R.E., "Seniority", in: POULTER, A., BROWNLOW, P. & GYNGELL, J. (eds.), "the Community Trade Mark: Regulations, Practice and Procedure" (2nd ed., Release #4) (INTA, New York 2005).
- EDENBOROUGH, M., "The Free Movement of Trade Marked Goods in the European Community", in: POULTER, A., BROWNLOW, P. & GYNGELL, J. (eds.), "The Community Trade Mark: Regulations, Practice and Procedures" (2nd ed., Release #4) (INTA, New York 2005).
- EHRING, L., "De facto Discrimination in WTO law: National and Most-Favoured-Nation Treatment— or Equal Treatment?" Jean Monnet Working Paper 12/01 <<http://centers.law.nyu.edu/jeanmonnet/papers/>>
- ENCHELMAIER, S., "the inexhaustible question – free movement of goods and intellectual property in the European Court of Justice's Case Law, 2002-2006", 38(4) IIC 453 (2007).
- EVANS, G.E., "The Comparative Advantages of Geographical Indications and Community Trade Marks for the Marketing of Agricultural Products in the European Union", 41(6) IIC 645 (2010).
- FAMMLER, M. & AIDE, C., "Enforcement of CTM in the EU: the real test of their commercial value", 86 J. Pat. & Trademark Off. Soc'y 135 (2004).
- FAWCETT, J. J. & TORREMANS, P., "Intellectual Property and Private International Law" (Oxford University Press, Oxford 1998).
- FERNANDEZ-NOVOA, C., "Die Verwirkung durch Duldung im System der Gemeinschaftsmarke", 45(4) GRUR Int. 442 (1996).
- FEZER, K.-H., "Die Grafische Darstellbarkeit eines Markenformats", in: von BOMHARD, V., PAGENBERG, J., & SCHENNEN, D. (eds.), "Harmonisierung des Markenrechts: Festschrift für Alexander von Mühlendahl zum 65. Geburtstag am 20. Oktober 2005" (C. H. Verlag, München 2005).
- FEZER, K.-H., "Markenrecht" (13th ed.) (Verlag C.H. Beck, Munich 2009).
- FIRTH, A. et al, "Trade Marks – Law and Practice" (2nd ed.) (Jordan Publishing, Ltd., Bristol 2005).
- FOLLIARD-MONGUIRAL, A. & ROGERS, D., "the Community trade mark and designs system and the enlargement of the European Union", 26(2) E.I.P.R. 48 (2004).
- FRANZOSI, M. (ed.) (1997), "European Community Trade Mark" (Kluwer Law International, Boston 1997).

- FRANZOSI, M., "Grey Market – Parallel Importation as a Trademark violation or an Act of Unfair Competition", 21(2) IIC 194 (1990).
- GASTINEL, E., & MILFORD, M., "The Legal Aspects of the Community Trade Mark" (Kluwer Law International, The Hague 2001).
- GEVERS, F., & PIRE, J. L., "European Union, Enlargement to ten new Member States and the impact on the Community trade mark" in: POULTER, A., BROWNLOW, P. & GYNGELL, J. (eds.), "the Community Trade Mark: Regulations, Practice and Procedure" (2nd ed., Release #4) XIII.7 (INTA, New York 2005).
- GIOIA, F., "Alicante and the Harmonization of Intellectual Property Law in Europe" 41(1) CML Rev. 975 (2004).
- GROSS, N., "Trade mark exhaustion: The U.K. perspective", 23(5) E.I.P.R. 224 (2001).
- HACKER, F., *et al*, "Das Verhältnis zwischen Marken und geographischen Herkunftsangaben (Q 191)", 55(8/9) GRUR Int. 697 (2006)
- HAYS, T., "Distinguishing Use Versus Functional Use: Three Dimensional Marks", in: PHILLIPS, J. & SIMON, I., (eds), "Trade Mark Use", (Oxford University Press, New York 2005).
- HEATH, C. "Parmigiano Reggiano by another Name: the ECJ's Parmesan Decision", 39(8) IIC 951 (2008).
- HEATH, C., "The Most-Favoured Nation Treatment and Intellectual Property Rights", in: C. HEATH, C. & SANDERS, K. (eds.), "Intellectual Property and Free Trade Agreements" (Hart Publishing, Oxford and Portland 2007).
- HIDAKA, S., *et al*, "A sign of the times? A review of key trade mark decisions of the European Court of Justice and their impact upon national trade mark jurisprudence in the EU", 94(5) Trademark Rep. 1105 (2004).
- HORTWITZ, J. A., "Conflicting mark: embracing the consequences of the European Community and its unitary trademark regime" 18 Ariz. J. Int'l & Comp. L. 245 (2001).
- HIJIA, S. N., "Monitoring Mechanism for Elimination of Non-Tariff Barriers" – a project undertaken on behalf of the East African Community & East African Business Council in 2009
<http://www.eac.int/customs/index.php?option=com_content&view=article&id=4:ntbs-monitoring-mechanism&catid=3:key-documents&Itemid=141>.
- INGERL, R. & ROHNKE, C., "Markengesetz" (3rd ed.) (Beck, München 2010).
- INGERL, R., "Revised Regulation Governing Agents' Marks under the New German Trademark Act" 29(6) IIC 664 (1998).
- ISAACS, N., "Law of Trade Marks" (CLT Professional Publishing, Birmingham 1996).
- JACONIAH, J., "The Requirements for Registration and Protection of Non-Traditional Marks in the European Union and in Tanzania", 40(7) IIC 756 (2009).
- JENKINS, N., "Litigation: Jurisdiction and procedure" in: POULTER, A., BROWNLOW, P. & GYNGELL, J. (eds.), "the Community Trade Mark: Regulations, Practice and Procedure" (2nd ed., Release #4) (INTA, New York 2005).
- KIEFF, F. S., & NACK, R., "international, United States and European Intellectual Property: Selected Source Material 2007-2008" (Aspen Publishers, New York 2006).
- KITCHIN, D., *et al*, "Kerly's Law of Trade Marks and Trade names" (4th ed.), (Sweet & Maxwell, London 2005).

- KNAAK, R., "The legal enforcement of the Community trademark and prior national rights", 29(7) IIC 754 (1998).
- KOOIJ, P.A.C.E. van der, "The Community Trade Mark Regulation: An Article by Article Guide" (Sweet & Maxwell, London 2000).
- KUR, A., "TRIPs and Trademark Law", in: BEIER, F., & SCHRICKER, G. (eds.), "From GATT to TRIPs – The Agreement on Trade-Related Aspects of Intellectual Property Rights" IIC Studies Vol. 18 (VCH, Weinheim 1996).
- KUR, A., "Strategic Branding: Does Trade Mark Law Provide for Sufficient Self Help and Self Healing Forces?" in: GOVAERE, I. & ULLRICH, H. (eds.), "Intellectual Property, Market Power and the Public Interest" (P.I.E. Peter Lang, Brussels; New York 2008). <<http://ssrn.com/abstract=1311243>>.
- LANDES, W. M. & POSNER, R. A., "Trademark Law: An Economic Perspective" 30 J.L. & Econ. 265 (1987).
- LUNDSTEDT, L., "Jurisdiction and the Principle of Territoriality in Intellectual Property Law: Has the pendulum swung too far in the other direction?" 32(2) IIC 124 (2001).
- M.A. Consulting Group, "Study on the Establishment of an East African Community Common Market", (submitted to the EAC on 28th August 2007).
- MANIATIS, S. M., "Whither European Trade Mark Law? Arsenal and Davidoff: The Creative Disorder Stage", 7 Marq. Intell. Prop. L. Rev. 99 (2003).
- MANIATIS, S., "Trade Marks in Europe: A Practical Jurisprudence" (1st ed.) (Sweet & Maxwell, London 2006).
- McGOVERN, P., "Conversion", in: POULTER, A., BROWNLOW, P. & GYNGELL, J. (eds.), "The Community Trade Mark: Regulations, Practice and Procedure" (2nd ed., Release #4) (INTA, New York 2005).
- McKEOUGH, J., STEWART, A. & GRIFFITH, P., "Intellectual Property in Australia" (3rd ed.) 458 (LexisNexis Butterworths, Sidney 2004).
- MÜHLENDAHL, A. von & STAUDER, D., "Territorial Intellectual Property Rights in a Global Economy – Transit and other 'Free Zones'", in: PRINZ ZU WALDECK UND PYRMONT, W. et al. (eds.), "Patent and Technological Progress in a Globalized World, Liber Amicorum for Joseph Straus" (Springer, Berlin 2009).
- MÜHLENDAHL, A. von, "Enforcement of Intellectual Property Rights – Is Injunctive Relief Mandatory?" 38(4) IIC 377 (2007).
- MÜHLENDAHL, A. von, "Koexistenz und Einheitlichkeit im Europäischen Markenrecht - Überlegungen zur Berücksichtigung älterer Rechte im künftigen europäischen Markenrecht für den Gemeinsamen Markt", 25(1) GRUR Int. 27 (1976).
- MÜHLENDAHL, A. von, "Seniority" (ECTA's special newsletter no. 30 of May 1996) (European Communities Trade Mark Association (ECTA) Secretariat, The Hague 1996).
- MÜHLENDAHL, A. von, "Unitary Character and Problems of Coexistence in the future European Trade Mark System", 7(2) IIC 173 (1976).
- MÜHLENDAHL, A. von, OHLGART, D. C. & von BOMHARD, V., "Die Gemeinschaftsmarke" (Staempfli Verlag AG, Bern 1998).
- National Economic Research Associates (NERA), SJ Berwin & IFF Research, "Economic Consequences of the Choice of Regime of Exhaustion in the area of Trade Marks: Final Report for DG XV of the European Commission", 1999.

- NIEDERMANN, A., "Surveys as evidence in proceedings before OHIM", 37(3) IIC 260 (2006).
- PAGENBERG, J., "Opposition Proceedings for the Community Trademark – New Strategies in Trademark Law" 29(4) IIC 406 (1998).
- PAGENBERG, J., "The Exhaustion Principle and "Silhouette" Case", 30(1) IIC 19 (1999).
- PERTEGAS, M., "Intellectual property and choice of law rules", in: MALATESTA, A. (ed.), "The unification of choice of law rules on torts and other no-contractual obligations in Europe" (CEDAM, Padova/Milan 2006).
- PETRIN, M., "Cancellation of Fraudulent Trademark registrations under the Lanham Act and the European Community Trade Mark Regulation" 11(2) Intell. Prop. L. Bull. 161 (2006-2007)
- PHILIPS, J., "Trade Mark Law: a Practical Anatomy" (Oxford University Press, Oxford 2003).
- PHILLIPS, J., "Trade Mark Law and the Need to Keep Free", 36(4) IIC 389 (2005).
- PHILLIPS, J., "Trade Mark Law: A Practical Guide" (OUP, New York 2003).
- POULTER, A., BROWNLOW, P. & GYNGELL, J. (eds.), "the Community Trade Mark: Regulations, Practice and Procedure" (2nd ed., Release #4) (INTA, New York 2005).
- PREÜß, U. K., "German Unification: Expectations and Outcomes", Hertie School of Governance – Working Papers, No. 48, November 2009.
- RADEN, L. van, "Community Trademark Courts – German Experience", 34(3) IIC 270 (2003).
- RUSE-KHAN, H. G., "A Comparative Analysis of Policy Space in WTO Law", Max Plank Institute for Intellectual Property, Competition & Tax Law Research Paper Series No. 08-02. <<http://ssrn.com/abstract=1309526>>.
- SANDRI, S., "Community Trade Marks and Domestic Laws", in: FRANZOSI, M. (ed.) (1997), "European Community Trade Mark" (Kluwer Law International, Boston 1997).
- SCHUMACHER, C., "Use of trade marks on repackaged and relabelled pharmaceutical goods", in: PHILLIPS, J. (ed.), "Trade Marks at the Limit" (Edward Elgar, Cheltenham 2006).
- SHYLLON, F., "Intellectual Property Law in Nigeria" IIC Studies Vol. 21 (Verlag C. H. Beck, München 2003).
- SLOTBOOM, M. M., "The Exhaustion of Intellectual Property Rights – Different Approaches in EC and WTO Law", 6 JWIP 421 (2003).
- SOUTH CENTRE, "The TRIPs Agreement – A Guide for the South: The Uruguay Round Agreement on Trade-Related Intellectual Property Rights" (South Centre, Geneva, 2000).
- STAMATOUDI, I. A. & TORREMANS, P.L.C., "International exhaustion in the European Union in the Light of "Zino Davidoff": Contract Versus Trade Mark Law", 31(2) IIC 123 (2000).
- STUART, M., "The Function of Trade Marks and the Free Movement of Goods in the European Economic Community", 7(1) IIC 27, 34 (1976).
- STUCKI, M., "Trademarks and Free Trade" 51 (Staempfli Verlag AG, Bern 1997).
- SZYMANSKI, S., "International Exhaustion: A Review of Economic Issues" (Intellectual Property Institute, London 1999).
- TATHAM, D., & RICHARDS, W., "ECTA Guide to E.U. Trade Mark Registration" (Sweet & Maxwell, London 1998).

- TORREMANS, P., “Holyoak and Torremans Intellectual Property Law” (5th ed.) (Oxford Univ. Press, Oxford 2008).
- TREBILCOCK, M.J. & HOWSE, R., “Regulation of International Trade” (Routledge, London and New York 2005).
- TRITTON, G., “Parallel Imports in the European Community”, A paper prepared for the Intellectual Property Institute – London, 1997.
- VERMA, S.K., “Exhaustion of Intellectual Property Rights and Free Trade – Article 6 of the TRIPS Agreement” 29(5) IIC 534 (1998).
- WEKESA, M. & SIHANYA, B. (eds), “Intellectual Property Rights in Kenya” (Konrad Adenauer Stiftung, Berlin and Nairobi 2009).
- WURTENBERGER, G., “Enforcement of Community Trade Mark Rights”, 4 I.P.Q. 402 (2002).
- YUSUF, A. A. & von HASE, A. M., “Intellectual Property Protection and International Trade: Exhaustion of Rights Revisited”, 16(1) World Competition 115.
- ZARPELLON, S., “The scope of the exhaustion regime for trade marks rights”, 22(9) E.C.L.R. 382 (2001).

Cited treaties, legislations and similar legal documents

International: WIPO/WTO

- Agreement Establishing the World Trade Organization (WTO) adopted at Marrakesh on 15 April 1994
- Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement) (1994)
- Madrid Agreement Concerning the International Registration of Marks of 14 April 1891, as revised and amended
- Paris Convention for the Protection of Industrial Property of 20 March 1883, as revised and amended
- Protocol relating to the Madrid Agreement Concerning the International Registration of Marks of 27 June 1989, as amended
- The General Agreement on Tariffs and Trade (GATT) of 1994
- The General Agreement on Tariffs and Trade (GATT) of 30 October 1947
- WIPO’s Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, “Relation of Established Trademark Principles to new types of Marks”, Seventh Session (May 7 to 11, 2007) <www.wipo.int/edocs/mdocs/sct/en/sct_17/sct_17_3.pdf>.

EU/Member States/Benelux

- Benelux Convention on Intellectual property (Trademarks and Designs) of 25 February 2005
- Commission of the European Communities, “Exhaustion of Trade Mark Rights” – A Working Document from the Commission Services of 21 June 1999.

Commission of the European Communities, “possible abuses of trade mark rights within the EU in the context of Community exhaustion”, Commission Staff Working Paper No. SEC (2003) 575.

Commission of the European Communities, “The need for a European trade mark system. Competence of the European Community to create one”, Commission working paper No. III/D/1294/79-EN of October 1979.

Communication No 05/03 of the President of the Office of 16 October 2003. <<http://oami.europa.eu/en/office/aspects/communications/05-03.htm>>

Communication No 1/06 of the President of the Office of 2 February 2006 on extensions of the cooling-off period <<http://oami.europa.eu/en/office/aspects/pdf/col-06en.pdf>>

Communication No 1/97 of the President of the Office of 17 June 1997 concerning examination of seniority claims <<http://oami.europa.eu/en/office/aspects/communications/01-97.htm>>

Communication No 2/00 of the President of the Office of 25 February 2000 concerning seniority examination, <<http://oami.europa.eu/en/office/aspects/communications/02-00.htm>>

Communication No 2/00 of the President of the Office of 25 February 2000 <<http://oami.europa.eu/en/office/aspects/communications/02-00.htm>>

Communication No 6/98 of the President of the Office of 14 November 1998 concerning examination of seniority claim <<http://oami.europa.eu/en/office/aspects/communications/06-98.htm>>

Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters of 27 September 1968 (Brussels Convention)

Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to Cosmetic products (OJ 1976 L 262, p. 169)

Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version).

Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade marks (published in OJ L 11, 14.1.1994, p. 1)

Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, contained in *OJ L 195, 2.6.2004, p. 16–25*.

Directive No 2008/95/EC of the European Parliament and of the Council of 22 October 2008 (codified version), which repeals the First Council Directive No. 89/104/EEC of 21 December 1988 to approximate the Laws of the Member States Relating to Trademarks.

Gesetz über die Ersterreckung von gewerblichen Schutzrechten (Ersterreckungsgesetz-ErstrG) (i.e. The German Law on the Extension of Industrial Property Rights (Extension Law-ErstrG) of April 23, 1992 (as amended)). OHIM Opposition Guidelines, 2004

OHIM Opposition Guidelines, 2007

OHIM’s Statement No 5 of the Joint Statements [1996] O. J. O.H.I.M 613.

Regulation (EC) No 44/2001 of 22 December 2000 on Jurisdiction and the Recognition of Judgments in Civil and Commercial Matters (Brussels Regulation)

Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the Law Applicable to Non-contractual Obligations (Rome II)

The *Gesetz über den Schutz von Marken und sonstigen Kennzeichen* (i.e. The German Law on the Protection of Trade Marks and other Signs (Trade Mark Law) of October 25, 1994 (as amended)

Treaty on the Functioning of the European Union (Official Journal of the European Union No C 115/47 of 9.5.2008)

Uniform Benelux Law on Marks (Consolidation) of 2 December 1992

United Kingdom Cosmetic Products (Safety) Regulations 1996 (SI 2925/1996)

United Kingdom Trade Mark Act of 1994

Africa: ARIPO/EAC/EAC Partner States

Banjul Protocol on Marks adopted by the Administrative Council at Banjul, The Gambia on November 19, 1993 (as amended)

Business Names Act Cap 213 of the laws of Tanzania

Companies Act No. 12 of 2002 (Tanzania)

Constitution of Kenya [R.E. 2009]

Constitution of the United Republic of Tanzania of 1977 (as amended)

Constitution of Uganda [R.E. 2000]

Lusaka Agreement on the creation of an Industrial Property Organization for English-Speaking Africa of December 1976 (as amended)

Patents Act No. 1 of 1987 (Tanzania)

Protocol on the Establishment of the East African Common Market of 20 November 2009

Protocol on the Establishment of the East African Customs Union of 2 March 2004

Trade and service marks Act (No. 12/86) of 1986 (Tanzania)

Trade Marks Act (Chapter 506 of the laws of Kenya) of 1957)

Trademarks Act (Chapter 217 of the laws of Uganda) of 1953

Treaty for the Establishment of the East African Community of 30 November 1999

Uganda Registration Services Bureau Act No. 7/1998 (Cap 210 of the laws of Uganda)

Cited cases

EU/Benelux/Member States

Adam Opel AG (Case C-48/05) [2007] ECR I-01017

Alfredo Nieto Nuño v Leonci Monlleó Franquet (Case C-328/06) [2007] ECR I-10093

Anheuser-Busch Inc v Budějovický Budvar (Case C-245/02), *OJ C 6*, 8.1.2005

Ansul (Case C-40/01) [2003] ECR I-02439

Arsenal Football Club plc v Matthew Reed (Case C-2006/01) [2002] ECR I-10273

Assembled Investments (Proprietary) Ltd v OHIM (Case T-105/05) [2007] ECR II-00060

Benetton Group SpA v G-Star International BV (Case C- 371/06) [2007] ECR I-07709

BIC SA v OHIM (Case T-262/04) [2005] ECR II-5959
Björnekulla Fruchtindustrier (Case C-371/02) [2004] ECR I-05791
Blueco Limited's application [1999] E.T.M.R. 398
BMW v Ronald Karel Deenik (Case C-63/97) [1999] ECR I-00905
Brauerei Beck GmbH & Co. v. Warsteiner Brauerei Haus GmbH & Co. KG [1999] E.T.M.R. 225
Bristol-Myers Squibb v Panarova (joined cases C-427/93, C-429/93 and 436/93) [1996] ECR I-3457.
British Sugar plc v. James Robertson & Sons Ltd [1996] RPC 281

Campina Melkunie BV v Benelux-Merkenbureau (Case C-265/00) [2004] ECR I-01699
Canon Kabushiki Kaisha (Case C-39/97) [1998] ECR I-05507.
Canon Kabushiki Kaisha v Metro Goldwyn Mayer Inc (Case 39/94) [1999] ETMR 1
Celltech R&D Ltd v. OHIM, 37(2) IIC 225, 226 (2006)
Centrafarm BV et Adriaan de Peijper v Winthrop BV (ECJ, Case C-16/74) [1974] ECR 01183
CINZANO (Case: I ZR 85/71), 4(3/4) IIC 432 (1973)
Citigroup, Inc. v OHIM (Case T-325/04) [2008] ECR II-00029
Claeryn/Klarein (Benelux Court) 7(3) IIC 420, 425 (176).
Colour of Elegance (I ZR 29/02), 37(2) IIC 226 (2006)
Concept – Anlagen u. Geräte nach 'GMP' für Produktion u. Labor GmbH v. OHIM (Case T-127/02) (not reported in the ECR).

D.C.M.S., Inc. ('DATA CENTER WORLD') (OHIM, 29 April 2008, Case R 49/2008-4)
DaimlerChrysler AG v OHIM (Case T-355/00) [2002] ECR II-1939.
Dainichiseika Colour & Chemicals Mfg. Co. Ltd. v OHIM (Case T-389/03) [2008] ECR II-00058
Deutsche Grammophon Gesellschaft mbH v Metro-SB-Großmärkte GmbH & Co. KG. (Case 78/70) [1971] ECR 00487.
Deutsche Renault AG v AUDI AG (Case C-317/91) [1993] ECR I-06227
Durferrit GmbH v. OHIM (Case T-224/01) [2003] ECR II-01589
Dyed Jeans" 28(1) IIC 131 *et seq.* (1997)
Dyson Ltd v Registrar of Trade Marks (Case C- 321/2003) [2007] ECR I-00687

El Corte Ingles SA v OHIM (Case T-443/05) [2007] ECR II-02579
Etablissements Consten S.a.R.L. and Grudig-Verkaufs-GmbH v Commission of the European Community (Joined cases 56 and 58-64) [1966] ECR 00299.
Eurocermex v OHIM (Case T-399/02) [2004] ECR II-1391

FON WIRELESS Limited (OHIM, 29 April 2008, Case R 1744/2007-5).
Ford Motor Company v. OHIM (Case T-91/99) [2000] E.C.R. 1925
Frits Loendersloot v George Ballantine & Son Ltd and others (Case C-349/95) [1997] ECR I-06227

Gedo v Ente Nazionale Risi (Case C-2/73) [1973] ECR 865

General Motors Corporation v Yplon SA (Case C-375/97) [1999] ECR I-05421

Gerolsteiner Brunnen GmbH & Co. V Putsch GmbH (Case C-100/02) [2004] ECR I-00691

Gillette Company and Gillette Group Finland Oy v LA-Laboratories Ltd Oy [2005] ECR I-02337

HAG GF (HAG II) (Case C-10/89) [1990] ECR I-3711

Heidelberger Bauchemie GmbH (Case C-49/02) [2004] ECR I-6129

Henkel KGaA v. OHIM (joined cases C-456 P and C- 457/01 P) [2004] ECR I-05089

Hoffmann-La Roche & Co. AG v Centrafarm (Case C-102/77) [1978] ECR 01139

Hoya Kabushiki Kaisha v OHIM (Case T-9/05) [2008] ECR II-00003

IHT Internationale Heiztechnik GmbH v Ideal-Standard GmbH (Case C-9/93) [1994] ECR, I-02789

Intel Corporation Inc. v CPM United Kingdom Ltd (Case C-252/07) [2008] ECR I-08823.

Inter-Ikea Systems BV v OHIM (Case T-112/06) [2008] ECR II-00006

Koipe Corporación SL v OHIM (Case T-363/04) [2007] ECR II-03355

Koninklijke Philips Electronics NV v. Remington Consumer Products Ltd. (Case C-299/99) [2002] E.C.R. I-05475

Kristina KIK (Case C-361/01 P) [2003] ECR I-08283

La Mer Technology Inc. v. Laboratoires Goemar SA (Case C-259/02) [2004] E.C.R. I-1159

LEGO Juris A/S v MEGABRANDS Inc., (OHIM, Case R856/2004 G) [2007] ETMR 169

LEGO Juris A/S v. OHIM (Case T-270/06) [2008] ECR II-03117

Libertel Groep BV v. Benelux-Merkenbureau (Case C-104/01) [2003] ECR I-3793

Linde AG, Winward Industries Inc. & RadoUhren AG (joined cases C-53/01 to C-55/01) [2003] ECR I-03161

Lloyd Schuhfabrik Meyer [1999] ECR I-3819

L'Oréal SA and Others v Bellure NV and Others (Case C-487/07) [2009] ECR I-05185

Mag Instrument, 29(3) IIC 316 (1998)

Mario Reichert v Dresdner Bank AG (Case C-261/90) [1992] ECR I-02149

Matthias Rath v Portela & Ca., S.A. (OHIM, 30 April 2008, Case R 1630/2006-2)

Maja case, 66(7) GRUR 372(1974).

Medion AG (Case C-120/04) [2005] ECR I-08551

Merz & Krell GmbH & Co., v. Deutsches Patent- und Markenamt (Case C-517/99) [2001] E.C.R. I-6959.

Michael Hölterhoff v Ulrich Freisleben [2002] ECR I-04187

Mülhens GmbH & Co. KG v OHIM (Case T-150/04) [2007] ECR II-02353

Myles Ltd's Application, (OHIM, Case R 711/1999-3) [2003] ETMR 718

Nichols plc v Registrar of Trade Marks (Case C-404/02) [2004] ECR I-08499

Nokia Corp. v Joacim Wärdell (Case C-316/05) [2006] ECR I-12083

OHIM v Shaker di L. Laudato & C. Sas (Case C-334/05 P) [2007] I-04529

Parke, Davis and Co. v Probel, Reese, Beintema-Interpharm and Centrafarm (Case 24/67) [1968] ECR 00055

Peak Holding AB v Axolin-Elinor AB (Case C-16/03) [2004] ECR I-11313

Pharmacia & Upjohn SA v Paranova A/S (Case C-379/97) [1999] ECR I-0692

Philips v Remington (Case C-299/99) [2001] ETMR 509

Philips v Remington [1998] ETMR 124

Quelle AG v OHIM (Case T-88/05) [2007] ECR II-00008

Ralph Sieckmann (Case C-273/00) [2002] ECR I-11737

Real Time Consultants v Manpower (Da Vinci device) (Case R-906/2001-1), O.J. OHIM 7-8/02

Redcats SA v OHIM (Case T-246/06) [2008] ECR II-00071

Sabel BV v. Puma AG (Case C- 251/95) [1997] ECR I-06191

SAT.1 Satellitenfernsehen GmbH v. OHIM [2005] 1 C.M.L.R. 57

Sebago Inc. SA v G-B Unic SA (Case C-173/98) [1999] ECR I-04103, para. 16.

Shield Mark BV v. Joost Kist h.o.d.n (Case C-283/01) [2003] ECR I-14313

Silberquelle GmbH v Maselli-Strickmode GmbH (Case C-495/07)[2009] ECR I-00137

Silhouette International Schmied GmbH & Co. KG v Hartlauer Handelsgesellschaft mbH (ECJ, Case C-355/96) [1998] ECR I-04799

Sirena S.r.l. v Eda S.r.l. and others (Case 40/70) [1971] ECR 00069

Telefon & Buch VerlagsgmbH v. OHIM [2001] 3 C.M.L.R. 3

The Procter & Gamble Company v OHIM (Case T-122/99) [2000] ECR II – 265; [2000] E.T.M.R. 580

The Wellcome Foundation Ltd v Paranova Pharmarzeugtika Handels GmbH (Case C-276/05) [2008] ECR I-10479; 40(7) IIC 874 et seq. (2009).

Three Stripes trade mark [2002] ETMR 553.

Toshiba Europe GmbH v. Katun Germany GmbH (Case C-1112/99) [2001] ECR I-7945

Unilever NV v OHIM (Case C-194/01) (not reported in the ECR)

Usinor SA v OHIM (Case T-189/05) [2008] ECR II-00022

Van Doren + Q. GmbH v Lifestyle sports + sportswear Handelsgesellschaft mbH and Michael Orth (Case C-244/00) [2003] ECR I-03051

van Uden Maritime (Case C-391/95) [1998] ECR I-07091

Vennootschap onder Firma Senta Aromatic Marketing's Application, (OHIM, Case R 156/1998-2) [1999] ETMR 429

Verein Radetzk-Orden v Bundesvereinigung Kameradschaft 'Feldmarschall Radetzky' (Case C-442/07) [2008] ECR I-09223

Wagamama Ltd v City Centre Restaurants plc [1996] ETMR 307 (HC)

Windsurfing Chiemsee Produktions- und Vertriebs GmbH v. Boots- und Segelzubehör Walter Huber and Attenberger (Joined cases C-108/97 and C-109/97) [1999] E.C.R. I-2799

Xentral LLC v OHIM (Case T- 134/06) [2007] ECR II-05213

ZinoDavidoff SA (joined cases C-414/99 to C-416/99) [2001] ECR I-08691

EAC/Partner States

Aktiebolaget Jonkoping-Vulcan v East African Match Co. Ltd, (HCU) [1964] 2 ALR Comm. 176

Kibo Match Group Ltd v. Mohamed Enterprises (T) Ltd., Civil Case No. 6 of 1999 (HCT, CCD, Dar Es Salaam Registry (unreported)).

Match Masters Ltd v Rhino Matches Ltd, Civil Suit 314 of 2006 (HCK (CCK) registry) [2006] eKLR

Pharmaceutical Manufacturing Co v Novelty Manufacturing Ltd, Case Number: 746/98 (CCK) [2001] 2 EA 521

Samaki Industries (Nairobi) Ltd v Samaki Ltd (K) Ltd (2), Case Number: 235/96 (CAK) [1995-98] 2 EA 366

SUPA BRITE Ltd v PAKAD Enterprises [1970] 2 EA563

Tanzania Breweries Ltd v Kibo Breweries and Kenya Breweries, Civil Case No. 34 of 1999 (HCT, Dar Es Salaam Registry (unreported))

GATT/WTO

Appellate Body Report, *Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef*, T/DS161/AB/R, WT/DS169/AB/R, adopted 10 January 2001, DSR 2001:I, 5