

GRUR

International

Journal of European and International IP Law

Published by the German Association for the
Protection of Intellectual Property (GRUR)

In collaboration with the Max Planck Institute
for Innovation and Competition

www.ip.mpg.de

5/2022

Volume 71 – May 2022

Table of Contents

Editorial

- 393** ALBERTO MUSSO
Basic and Improvement Patents in COVID-19 Vaccines

Articles

- 395** PETER GEORG PICHT / HEIKO RICHTER
EU Digital Regulation 2022: Data Desiderata
- 403** YANIV BENHAMOU / JUSTINE FERLAND
Digitization of GLAM Collections and Copyright: Policy Paper
- 422** MUHAMMED FARIS VAZHATHODI
Patentability of Nanotechnology Inventions: A Study Based on Decisions by the
Examination Division of the European Patent Organisation, the Opposition Division and
the Technical Board of Appeal

Reports

- 432** YUKUN XIAO
China's Antitrust Probe into the Platform Economy – A Comment on the *Alibaba*
Decision
- 439** ANAÏS BAYROU
Digitization of Museum Collections and Copyright – Report on the International
Conference 'When Museums Go Online', University of Geneva, 11 December 2020

Decisions

- Brazil 444** **PATENT LAW**
Supreme Federal Court (Supremo Tribunal Federal) 12 May 2021 – 672/2020
Patent Extensions Deemed Unconstitutional for Violating the Right to Health and
the Social Function of Intellectual Property – **Unconstitutionality of Patent
Extensions**

Japan	447	Intellectual Property High Court 28 October 2020 – R1(Gyo-Ke) 10137 Pharmaceutical Invention Claiming a Specific Particle Size Distribution Deemed Non-Obvious – Celecoxib
		TRADE MARK LAW
Switzerland	456	Federal Supreme Court (Bundesgericht) 7 September 2021 – 4A_61/2021 Exclusion of Technically Necessary Shapes – Nespresso
		COPYRIGHT LAW
Nigeria	467	Abuja Court of Appeal 3 February 2021 – CA/A/345/2017, LCN/15036(CA) Copyright and Image Rights in Photo Shoots – Banire v NTA-STAR TV Network
Poland	471	Supreme Court (Sąd Najwyższy) 20 July 2020 – V CSK 108/18 Lump-Sum Compensation Claimed by a Collective Management Organization – Lump-Sum Compensation
EU	476	CJEU 22 June 2021 – C-682/18 and C-683/18 Online Platform Liability for User Uploads – Frank Peterson v Google, YouTube and Elsevier v Cyando
		DESIGN LAW
Germany	477	Federal Supreme Court (Bundesgerichtshof) 7 October 2020 – I ZR 137/19 Design Protection for Patented Products – Papierspender [Paper dispenser]
Bibliography	482	Bibliography of Intellectual Property Law and Competition Law