# 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

2/2022 Volume 71 – February 2022 Table of Contents

#### Editorial

99 CONCEPCIÓN SAIZ GARCÍA Spain: The Return of Google News

ÇIĞDEM YATAĞAN ÖZKAN

### **Articles**

101 MAXIMILIAN HAEDICKE Anti-Suit Injunctions, FRAND Policies and the Conflict between Overlapping Jurisdictions

NILS RAUER / ALEXANDER BIBI
Extended Collective Licencing in the DSM Directive – An Opportunity to Make Art. 17
DSM Directive Work?

DSM Directive Work?

## Opinion

131 MORITZ SUTTERER

123

Paris Embraces Modern Art – But Not in Court: Opinion on the Cour d'Appel de Paris Decision – Jeff Koons v Franck Davidovici

Messi vs. Massi, Prior Right vs. Reputation: The Decision of the Court of Justice of the European Union and Its Assessment with Regard to the Turkish Trademark Law

#### **Decisions**

#### **PATENT LAW**

Argentina 139 Supreme Court (Corte Suprema de Justicia) 3 December 2020 – CSJ 523/2012 (48-S) / CS1

The Right of Priority Does Not Extend Grace Periods - SCRAS v INPI

Germany 141 Federal Supreme Court (Bundesgerichtshof) 3 November 2020 – X ZR 85/19

Ne Bis in Idem for an Infringement Action Based on a Previously Enforced Patent –

Fensterflügel [Window sash]

Netherlands	146	TRADE MARK LAW Supreme Court (Hoge Raad) 19 February 2021 – 19/04586 Protection of Descriptive Trade Names – DOC Dairy Partners B.V. v Dairy Partners Limited
Poland	150	Supreme Court (Sqd Najwyższy) 18 May 2021 – III CZP 30/20 Application of Limitation Periods to Continuous Infringements – <b>Air Inlet Grilles for Passenger Cars</b>
Russian Federation	156	Supreme Court of the Russian Federation (Judicial Collegium for Economic Disputes) 15 December 2020 – SIP-635/2018  Multiple Registration of the Same Trademark Contrary to the Public Interest – Azamat Valerianovich Ibatullin
EU	158	GEOGRAPHICAL INDICATIONS  CJEU 17 December 2020 – C-490/19  Scope of Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuff – Morbier
Hungary	159	COMPETITION LAW Supreme Court (Kúria) 10 June 2020 – Kf.V.39.062/2020/4 Burden of Proof in Judicial Review Proceedings of Competition Administrative Decisions – Solar Panel
Poland	166	PHARMACEUTICAL LAW Supreme Administrative Court (Naczelny Sqd Administracyjny) 18 December 2020 – I OSK 2377/19 Access to Clinical Information Submitted in the Context of a Marketing Authorisation Procedure – Access to Clinical Information
Canada	171	COPYRIGHT LAW Supreme Court of Canada 30 July 2021 – [2021] SCC 32 Tariffs Approved by the Copyright Board Are Not Mandatory for Works Managed by Collective Societies – York University v Access Copyright
France	181	Paris Court of Appeal (Cour d'appel de Paris) 23 February 2021 – 19/09059 Copyright Infringement through the Exhibition of a Derivative Work in a Museum – Fait d'hiver
	400	DATA PROTECTION LAW

Italy

**Book Review** 

188

191

(Abhinav K Mishra)

Supreme Court of Cassation (Corte Suprema di Cassazione) 10 June 2021 – 16402/

Simon Klopschinski / Christopher Gibson / Henning Grosse Ruse-Khan: The Protection of Intellectual Property Rights Under International Investment Law

Damages for Violation of Personal Data Are Not In Re Ipsa – F.G. v INPS