## GRUR International

## Journal of European and International IP Law

Published by the German Association for Intellectual Property Law (GRUR)

In collaboration with the Max Planck Institute for Innovation and Competition

www.ip.mpg.de

3/2024 Volume 73 – March 2024

Table of Contents

**Editorial** 

**189** SANYA SAMTANI

New Frontiers in Intellectual Property and Human Rights: Copyright Discrimination

**Articles** 

191 NICOLAS BINCTIN / CRAIG A. NARD

Brexit and the Legal Legitimacy of the Unitary Patent Court

198 DIANA D. CHIAMPI OHLY

Trademark Protection Versus Parodic Use in Commerce: A Comparative Analysis of the US Approach Post *Jack Daniel's Properties v. VIP Products* and the German Likelihood of Confusion Analysis

210 ANASTASIIA KYRYLENKO

Of Geographical Indications and Wars: What the Specifications Tell Us about the Impact of Military Conflicts on French Protected Designations of Origin

Report

217 LUCA SCHIRRU / ALLAN ROCHA DE SOUZA / CLAUDIA CHAMAS

Building a Text and Data Mining Limitation: The Brazilian Case

**Decisions** 

**PATENT LAW** 

Finland 223 Supreme Court (Korkein Oikeus) 21 September 2023 – KKO:2023:61

Right to Be Heard in the Process for Protective Measures – Fingolimod

Italy 227 Supreme Court of Cassation, Civil Division, Section 1 (Corte Suprema di Cassazione, Sez. 1 Civ.)

10 May 2023 – 12499/2023

Interpretation of a Patent – Max Mara s.r.l. v Kocca s.p.a. and Carnevali s.p.a.

**Sweden 231** Supreme Court (Högsta domstolen) 20 December 2022 – Ö 5978-21

Challenging the Refusal to Grant a Second Supplementary Protection Certificate –

AstraZeneca v Swedish Patent and Registration Office (case note by Branka Marusic)

Switzerland	237	Federal Administrative Court (Bundesverwaltungsgericht) 8 March 2023 – B-1974/2022 Evaluation of Similarities of Figurative Marks with Matching Motifs – <b>Apple Logo</b>
Norway	243	COMPETITION LAW Supreme Court (Høyesterett) 16 February 2023 – HR-2023-299-A Assessment of a Below-Threshold Merger in the Digital Sector – Competition Authority v Schibsted ASA
Denmark	255	COPYRIGHT LAW Supreme Court (Højesteret) 22 March 2023 – BS-50856/2020-HJR Determining Compensation for the Infringement of Copyright and Marketing Practices Laws – Anne Black v Salling Group and Ronald
Italy	258	Supreme Court of Cassation, Civil Division, Section 1 (Corte Suprema di Cassazione, Sez. 1 Civ.) 16 January 2023 – 1107/2023 Copyright Protection of a Floral Fractal Generated Using Software – RAI Radiotelevisione v Chiara Biancheri
Netherlands	261	Supreme Court (Hoge Raad) 7 July 2023 – 21/02827 Product Design Infringement from Copyright and Unfair Competition Law Perspectives – <b>Koninklijke Philips N.V., Philips Consumer Lifestyle B.V. v Lidl and others</b>
Spain	268	RESTRAINTS OF COMPETITION Supreme Court (Tribunal Supremo) 12 June 2023 – STS 2492/2023 Compensation for Individual Harm Caused by a Cartel – Fiat Chrysler (Truck Cartel)
Book Review	281	Luc Desaunettes-Barbero, Fernand de Visscher, Alain Strowel, Vicent Cassiers: The Unitary Patent Package & Unified Patent Court. Problems, Possible Improvements and Alternatives (Markus Ackermann)

TRADE MARK LAW