# 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

4/2021 Volume 70 – April 2021 Table of Contents

**Editorial** 

323 ALEXANDRE L. DIAS PEREIRA
A copyright 'human-centred approach' to AI?

**Articles** 

MARTIN HUSOVEC / JOÃO PEDRO QUINTAIS

How to License Article 17? Exploring the Implementation Options for the New EU

Rules on Content-Sharing Platforms under the Copyright in the Digital Single Market

Directive

349 SANTIAGO ROCA

Compatibility of the Intellectual Property Regime, the Convention on Biological Diversity and the Nagoya Protocol

361 VILHELM SCHRÖDER / PHILIPP WIDERA

Obtaining Evidence in Patent Litigation and Trade Secret Protection – A Tale of Two Poles

Opinion

377 BRANKA MARUSIC

New Changes in the Croatian Patent Act

Report

380 KATHARINA DE LA DURANTAYE / MICHAEL GRÜNBERGER
Copyright Law 2030 – A Memorandum on the Future of the Creative Ecosystem in Europe

#### Official Statements

China 383 National Intellectual Property Administration: Administrative Measures for the Use of Special Marks Reserved for Geographical Indications (for Trial

Implementation) – Issued on 7 April 2020 (comment by Yanqi Zhu)

China 387 Guidelines for the Application of Leniency Policy in Horizontal Monopoly

Agreements of the Anti-Monopoly Commission of the State Administration (Issued by the Anti-Monopoly Commission of the State Administration on

4 January 2019)

#### **Decisions**

#### **PATENT LAW**

Netherlands 390 The Hague District Court (Rechtbank Den Haag) 14 October 2020 - C/09/

54126

Liability and Unjust Enrichment for the Enforcement of a Retrospectively

Invalid Patent – Menzis Zorgverzekeraar v AstraZeneca

#### TRADE MARK LAW

**EU 396** CJEU 16 July 2020 – C-714/18 P

Subcategories of Goods and Services and Proof of Genuine Use of an Earlier Mark – **ACTC v EUIPO, TAIGA** 

Mark - ACIC V Loll O, TAIG

**COPYRIGHT LAW** 

**Russia 397** Supreme Court of the Russian Federation 17 September 2020 – 305-ES20-8198

Legal Effect of the Deposit of Copyrighted Works - Red Cat

Sweden 399 Supreme Court (Högsta domstolen) 29 June 2020 – PMT 13399-19

Principles Governing the Issuance and Formulation of Dynamic Injunctions –

Dynamic Injunctions (case note by Branka Marusic)

### **RESTRAINTS OF COMPETITION**

Germany 409 Federal Supreme Court (Bundesgerichtshof) 28 January 2020 – KZR 24/17

Causality in Damages Claims Regarding Bid Rigging Agreements -

Schienenkartell II

#### **Book Review**

416 Marius Schneider / Vanessa Ferguson: Enforcement of Intellectual Property Rights in Africa (Gordian N. Hasselblatt)