

# 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](http://www.ip.mpg.de)

**8/2021**

**Volume 70 – August 2021**

### Table of Contents

#### Editorial

- 729** KLAUS D. BEITER  
Translation Rights and Exceptions under Berne, *Ius Cogens*, and Linguistic Genocide

#### Articles

- 731** BENEDIKT FREUND  
Reshaping Liability – The Concept of Undertaking Applied to Private Enforcement of EU Competition Law
- 744** MASSIMILIANO GRANIERI  
Sowing and Cultivating the Seed of Diversity in Agri-Food: Intellectual Property Protection in Transnational and Comparative Perspective
- 754** UFUK TEKIN  
Relationship Between Geographical Indications and Trade Marks under Turkish Law

#### Opinions

- 760** JĀNIS ROZENFELDS / VADIM MANTROV  
Is a National Court Competent to Introduce a Disclaimer into a Trade Mark Registration? The Latvian Supreme Court Finally Says 'No'
- 764** PEDRO HENRIQUE D. BATISTA  
No Need of Evidence for Moral Damages Compensation after a Trademark Infringement – An Appropriate Development of the Brazilian Case Law?

#### Report

- 770** DAVID LINKE / PETRA ŽIKOVSKÁ  
'The Implementation of the Directive on Copyright and Related Rights in the Digital Single Market' – Conference Report on the Sixth Binational Seminar of the Technische Universität Dresden and Charles University in Prague, 1 December 2020

## Official Statement

- China** 776 Antitrust Guidelines of the Antitrust Committee of the State Council on the Field of Intellectual Property (Issued by the Antitrust Committee of the State Council on 4 January 2019)

## Decisions

- Germany** 782 **PATENT LAW**  
Federal Supreme Court (Bundesgerichtshof) 22 September 2020 – X ZR 172/18  
Revocation of a Supplementary Protection Certificate after Expiry – **Truvada**
- Brazil** 786 **TRADE MARK LAW**  
Superior Court of Justice (Superior Tribunal de Justiça) 8 September 2020 – Special Appeal No. 1.863.566/SC  
No Need of Evidence for Moral Damages Compensation after a Trade Mark Infringement – **Knitted Clothes from Santa Catarina**
- Italy** 788 Supreme Court, Section I (Corte di cassazione, Sez. I) 16 June 2020 – 11635/2020  
Protection of the Names of Political Parties – **Political Party Names**
- Latvia** 791 Senate of the Republic of Latvia (Latvijas Republikas Senāts) 17 December 2020 – SKC-1032/2020  
Competence to Introduce Disclaimers – **Citramons**
- Switzerland** 794 Federal Supreme Court (Bundesgericht) 5 August 2020 – 4A\_97/2020  
Legal Interest in Filing a Central Attack Invalidation under the Madrid System – **EF-G.**
- Germany** 798 **COPYRIGHT LAW**  
Federal Supreme Court (Bundesgerichtshof) 30 April 2020 – I ZR 228/15  
Conditions for the Application of the Exception for Reporting on Current Events – **Reformistischer Aufbruch II [Reformist Awakening II]**
- Republic of Korea** 809 **DESIGN LAW**  
Supreme Court of Korea 3 September 2020 – 2016Hu1710  
Evaluation of Functional Elements When Assessing Design Similarity – **Toolbox for Freight Vehicles**
- Bulgaria** 812 **RESTRAINT OF COMPETITION**  
Supreme Administrative Court 12 March 2019 – 3495  
Merger Approval Reversed Due to a Lack of Complete Analysis of Relevant Circumstances Affecting Market Structure – **Sopharma Trading (case note by Veronika Dimova)**
- EU** 817 **DATA ECONOMY**  
CJEU 15 September 2020 – C-807/18 and C-39/19  
Compatibility of Zero-Rated Bundles of Apps with Net Neutrality – **Telenor Magyarország**