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

10/2020 Volume 69 – October 2020

Table of Contents

Editorial

987 CYRILL P. RIGAMONTI

On the New Copyright Protection for Non-Original Photographs in Switzerland

Articles

989 JENS SCHOVSBO AND THOMAS RIIS

Concurrent Liability in Contract and Intellectual Property Law: Licensing Agreements in Light of Case C-666/18 IT Development SAS

998 EGON ENGIN-DENIZ

The Right to Oppose Further Commercialisation of Goods According to Art. 15(2) of the European Union Trade Mark Regulation – A Balance of Interests?

1008 LOTTE ANEMAET

The Fairy Tale of the Average Consumer: Why We Should Not Rely on the Real Consumer When Assessing the Likelihood of Confusion

Opinions

1027 JOSEPHA KOCH

G 3/19 – The struggle of power within the EPC

1032 ANDREAS SEIDEL

On the Market Dominance of the Provider of Ad Blocker Software on an Asymmetrical Two-Sided Market – Also a Discussion of the German Federal Supreme Court's Decision of 8 October 2019, KZR 73/17 – Ad Blocker III

Decisions

PATENT LAW

United Kingdom 1039 Supreme Court 24 June 2020 – [2020] UKSC 27

Chimeric Mice: Invalidity of Product Claims due to Lack of Sufficiency Disclosure of the Invention – **Regeneron Pharmaceuticals Inc v Kymab Ltd**

TRADE MARK LAW

China 1051 Supreme Court of the People's Republic of China (Administrative Division) 24

December 2019 - Ban-Ji No. 5146

Protection of Louboutin's Red Sole Trade Mark - Christian Louboutin's National Intelligence of the Property Administration

National Intellectual Property Administration

Taiwan 1054 Supreme Court of Taiwan 16 January 2020 – 108 Tai-Shang-Zi No. 397

Parallel Imports in Case of Different Trademark Owners in Different Jurisdic-

tions - PHILIP B

EU 1056 CJEU 2 July 2020 - C684/19

Independent Third-Party Reproduction of Infringing Signs Does not Constitute

Trade Mark Use – mk advokaten v MBK Rechtsanwälte

UNFAIR COMPETITION

Austria 1057 Supreme Court (Oberster Gerichtshof) 26 November 2019 – 4 Ob 84/19k

No Legal Infringement by Online Directory of Psychotherapists with Commercial Purposes – **List of psychotherapists (case note by Alexander**

Koller and Axel Oldekop)

RESTRAINTS OF COMPETITION

Germany 1065 Federal Supreme Court (Bundesgerichtshof) 8 October 2019 – KZR 73/17

Dominant Position of an 'Adblock Plus' Supplier - Ad Blocker III [Werbeblocker III]

EU 1071 CJEU 30 January 2020 - Case C307/18

Pay-for-Delay Agreements Likely Violate Competition Law Where Reverse Payments Occur without Justifiable Explanation – **Generics and others (case**

note by Alexander Eufinger)

DATA PROTECTION LAW

Sweden 1090 Supreme Court (Högsta domstolen) 17 March 2020 – B 5438-19

Criminal Liability for Dissemination of Images of a Person in an Especially

Vulnerable Situation – Instagram pictures (case note by Branka Marusic)

Book Review

1094 Thomas Bopp / Holger Kircher: Handbuch Europäischer Patentprozess (Begoña González Otero)

