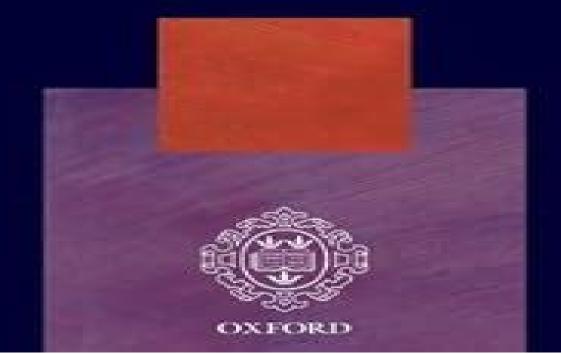
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TRADE MARK

Amanda Michaels
with Andrew Norris

FOURTH EDITION



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Providing a highly structured and complete overview of the confusion test and all assessment criteria as determined by the General Court and Court of Justice the authors unravel the concept of likelihood of confusion and establish a sound and thorough methodology for resolving confusion in any trade mark case Among the practical features offered by the analysis are the following consideration of the constituent criteria of the confusion test through a simple three step test examining the similarity among goods and services similarity between different trade marks and global appreciation of confusion the identification of the relevant consumer including from territorial and linguistic points of view guidance on procedural aspects of the confusion test before the EU courts as well as before the EU Intellectual Property Office and its Boards of Appeal identifying the dominant and distinctive components of a trade mark phonetic visual and conceptual the concept of similarity and the Nice Agreement the principle of partial use effect of the terms of sale of the goods or services consideration of the existence of a family or series of trade marks and consideration of the effects of coexistence on the confusion test Numerous illustrated examples of trade marks involved in confusion cases enhance the presentation Any practitioner dealing with trademark confusion in infringement proceedings before EU or national courts or in opposition proceedings before national offices or the EU Intellectual Property Office will be enabled to approach each case with full awareness of applicable criteria of assessment This much needed synthesis of case law will quickly become a standard work among lawyers examiners and judges acting in trade mark matters The Average Consumer in Confusion-based Disputes in European Trademark Law and Similar Fictions Rasmus Dalgaard Laustsen, 2019-11-06 This book contends that with regard to the likelihood of confusion standard European trademark law applies the average consumer incoherently and inconsistently To test this proposal it presents an analysis of the horizontal and vertical level of harmonization of the average consumer The horizontal part focuses on similar fictions in areas of law adjacent to European trademark law and in economics and the average consumer in unfair competition law The vertical part focuses on European trademark law represented mainly by EU trademark law and the trademark laws of the UK Sweden Denmark and Norway The book provides readers with a better understanding of key aspects of European trademark law the average consumer applied as part of the likelihood of confusion standard and combines relevant law and practices with theoretical content and other related areas of law and economics Accordingly it is an asset for policymakers and practitioners as well as general readers with an interest in intellectual property law and theory A Practical Guide to Working with TRIPS Antony Taubman, 2011-04-07 A brief and accessible guide to the practical workings of the TRIPS agreement this book offers a unique account of how the international rules of intellectual property function in practice within a broader legal framework that consists of WTO law and dispute resolution procedures Records of the Diplomatic Conference for the Conclusion of the Trademark Law Treaty World Intellectual Property Organization, 1995 Contains documents relating to the Conference issued before during and after the Conference

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