D YOUNG & CO TRADE MARK NEWSLETTER no.147

July 2026
In this issue:

Beyond the magic potion
Protecting fictional characters in IP law

Full Story Page 02

Editorial

In this summer edition of our newsletter, we are delighted to share some fantastic news for our trade mark team. Recent accolades include top-tier IP STARS rankings, including recognition for our Munich office, and individual honours in Best Lawyers, WIPR Leaders and WTR Global Leaders. Please visit our website for the full story on each of these rankings: www.dyoung.com/news. Many thanks to our clients and peers for their continued support and feedback.

We hope you have an enjoyable summer, whether taking a well-earned break, making plans for the season ahead, or simply finding time to recharge. We look forward to continuing to support you with your IP matters.

Yvonne Stone
Partner, Rechtsanwältin

Events

MARQUES Annual Conference
22-25 September 2026, Lisbon Portugal
Jana Bogatz, Matthew Dick, Charlotte Duly, Gabriele Engels and Anna Reid will be attending MARQUES 2026. Jana is Co-Vice-Chair of the MARQUES European Trade Mark Law and Practice Team. Gabriele is Chair of the MARQUES Cyberspace Team. Charlotte Duly is Vice-Chair of the MARQUES Education Team.

UK Trade Marks: Recent Decisions & Developments in One Hour
01 October 2026, Webinar
Charlotte Duly and Peter Byrd will present this MBL-hosted webinar.

www.dyoung.com/events

Subscriptions

Email subscriptions / mailing preferences:
subscriptions@dyoung.com

Read online and view previous issues:
www.dyoung.com/newsletters

Our privacy policy is published at:
www.dyoung.com/privacy

Follow us

LinkedIn: dycip.com/linkedin
X: @dyoungip

Beyond the magic potion
Protecting fictional characters in IP law

The General Court's recent OBELIX decision is not a simple dispute over a trade mark for military goods. It serves as a timely reminder that successful fictional characters can enjoy protection through multiple layers of intellectual property law, extending well beyond their original stories.

Can a comic-book hero stop his name from being used for tanks and grenades?

According to the General Court, the EUIPO may have dismissed that possibility too quickly.

In its judgment of 13 May 2026 (T-24/25), the General Court annulled a Board of Appeal decision concerning the registration of the word mark OBELIX for military goods in class 13. The invalidity action had been filed by the owner of the Asterix franchise relying on its earlier EU trade mark for OBELIX, registered for, *inter alia*, books, games, clothing, entertainment and publishing.

In light of the dissimilarity between the goods and services, the key issue was the reputation of the OBELIX mark.

The Board of Appeal had rejected the invalidity action, finding that the evidence submitted demonstrated the popularity of "Asterix & Obelix" as a comic-book series rather than the reputation of OBELIX alone as a trade mark. It found that consumers might perceive OBELIX as the name of a fictional character rather than as an indication of commercial origin.

The General Court held that the Board of Appeal had assessed the evidence incorrectly and incompletely. Regarding the improper assessment of reputation, the court emphasised that:

- a trade mark may acquire reputation even when used together with another mark;
- there is no requirement of independent use in order to become reputed; and
- the use of the ® symbol next to OBELIX supported trade mark perception.

The court criticised the board for disregarding evidence referring to "Asterix & Obelix". It further found that the Board of Appeal's analysis of the "link" between the marks was incomplete. By focusing on differences between goods and consumers, it failed to properly assess the mark's distinctive character and reputation.

The judgment does not automatically lead to a cancellation of the weapons trade mark. Instead, the case was sent back to EUIPO to reconsider whether the famous Gaul's name deserves broader trade mark protection. Watch this space.

More than a comic hero: how can the law protect fictional characters?

The OBELIX case highlights a broader question that extends far beyond trade mark law: how are fictional characters protected once they evolve from literary creations into commercially valuable assets? In this article we will focuses on this for EU, Germany and the UK.

Copyright law

Copyright is often the first line of defence. Copyright arises automatically and generally lasts 70 years after the author's death. However, the downside is that copyright is not harmonised and, thus, can be quite cumbersome to litigate in a multijurisdictional dispute. This is in addition to other issues potentially arising, such as chain of title.

German courts have long recognised that fictional characters themselves (even when just described on a page) may qualify for protection where they are distinguished by a unique combination of physical characteristics, personality traits, abilities and typical modes of behaviour (see, German Federal Supreme Court (BGH), 11.03.1993, I ZR 263/91 – Alcolix; BGH, 11.03.1993, I ZR 264/91 – Asterix-Persiflagen; BGH, 17.07.2013, I ZR 52/12 – Pippi Langstrumpf).

The UK position is comparable following the finding that characters can be protected by copyright as literary works in the Only Fools and Horses case (Shazam v Only Fools the Dining Experience and Others [2022] EWHC 1379), where there is sufficient complexity and well developed,

Case details at a glance
Jurisdiction: European Union
Decision level: General Court
Parties: Les Éditions Albert René v EUIPO
Date: 13 May 2026
Citation: T-24/25
Decision: dycip.com/gc-t24-25

Protecting fictional heroes calls for multi-powered and commercially focused IP strategies

identifiable elements to the character.

This threshold is generally more difficult to meet in the case of characters based on real persons, as the defining creative elements and individualising characteristics are typically less clearly identifiable. However, a boy wizard with a lightning-shaped scar, round glasses, magical abilities and a distinctive personality is immediately recognisable worldwide.

It is precisely this combination of defining features that copyright law may take into account when assessing whether a fictional character possesses a sufficiently individual identity to enjoy protection.

Trade mark Law

As the OBELIX case demonstrates, fictional characters can also become powerful trade marks. Even where copyright protection expires, trade mark rights may continue to limit commercial use of a fictional character. This was recently confirmed by the Board of Appeal in its "MICKEY IS FREE!" decision of 21 May 2026 (R0201/2026-1). The board held that only the earliest animated short film had entered the public domain, while the character name and depiction remained protected, and that the case did not raise broader copyright issues.

While word marks are the most obvious form of protection, fictional characters may also be protected by other trade mark forms, such as figurative marks, three-dimensional marks or even multimedia marks. Unlike copyright, trade mark protection can potentially last forever, provided the mark remains in use and is regularly renewed.

However, trade mark protection comes with its own challenges. A mark is generally protected only in its registered form, and continued protection depends on genuine use as a trade mark. Rights holders must also think strategically about territorial coverage, ensuring protection in markets where a character may have current or future commercial value.

Aside from that, certain jurisdictions may provide additional protection, such as work title protection (Werktitelschutz) in Germany. In a recent decision concerning the character "Moneypenny" (BGH, 4.12.2025 – I ZR 219/24 – Moneypenny), the Bundesgerichtshof (German Federal Supreme Court) emphasised that fictional characters must have achieved a certain degree of recognition and independence from the underlying work before they can function as protected designations in their own right as a work title. In other words, the public must perceive the character as something more than merely a component of a book or film, setting the hurdle quite high.

Design law

Where a character's visual appearance is particularly important, design law may offer an additional layer of protection.

Registered designs can protect the aesthetic appearance of a character, provided the design is new and possesses individual character. Timing is crucial: registration should generally occur within 12 months of first disclosure; though ideally beforehand, potentially relying on deferred publication and priority in jurisdictions where this is not an option. Although registered design protection is limited to 25 years, it remains a valuable tool.

In addition, design protection can be obtained without registration through an unregistered design. However, such protection is limited to a period of three years and commences upon the first disclosure of the design to the public within the EU.

Unfair competition law/passing-off

In Germany, unfair competition law also provides protection against imitations or where the public is misled.

The UK can offer protection through the common law tort of passing off where goodwill exists in the character. Evidence of goodwill in the character will need to be demonstrated, along with some form or misrepresentation or deception, such as marketing to the consumer in such a way as to suggest the third-party good or service is authorised or connected to the original rights holder, and resulting damage.

Conclusion

The success of a fictional character is rarely predictable. A book character can evolve into a multi-million-dollar franchise.

For that reason, relying on a single form of protection is rarely sufficient. A well-designed protection strategy combines copyright, trade mark, design and unfair competition law (or passing off), while regularly reassessing the portfolio to reflect the character's commercial development and changing market realities.

Authors:
Charlotte Duly & Sophia Hassfeld

Lost in translation?
How the EUIPO found similarity between "MARC JACOBS" and "Makcr Joacbv"

Case details at a glance
Jurisdiction: European Union
Decision Level: Opposition Division
Parties: Marc Jacobs Trademarks LLC v Zhanpeng Jiang
Citation: B 3 235 232
Date: 30/04/2026
Decision: dycip.com/makcr-joacbv

A typo is one thing. A scrambled word is another. But what happens when a trade mark appears to be neither a recognisable word nor an obvious misspelling, yet still reminds consumers of a well-known brand?

A recent EUIPO Opposition Division decision suggests that the answer may lie in how consumers mentally process what they see. In Marc Jacobs Trademarks LLC v Zhanpeng Jiang, the Opposition Division found that the sign "Makcr Joacbv" was sufficiently similar to the sign MARC JACOBS to support a successful opposition. The decision is noteworthy because of the EUIPO's reasoning used to establish similarity between two signs which at first sight, might appear rather different.

Not your typical typo

The contested application "Makcr Joacbv", filed by a Chinese individual, covered various class 18 goods, including handbags, backpacks, purses and travelling bags. Marc Jacobs opposed the application on the basis of its earlier EUTM MARC JACOBS.

The applicant's sign was not a straightforward imitation. Unlike more conventional lookalike marks, it did not merely omit, replace or transpose a single letter. Instead, both words had been substantially altered. "Makcr" and "Joacbv" do not correspond to existing words, surnames or names in any European language and, viewed in isolation, appear to be little more than arbitrary combinations of letters.

One might therefore have expected the comparison of the signs to be relatively straightforward. However, the Opposition Division took a different view.

A trade mark autocorrect?

The Opposition Division acknowledged that "Makcr Joacbv" has no apparent meaning in any European language. Nevertheless, it considered that at least a non-negligible part of the relevant public, particularly English-speaking consumers, would not perceive "Makcr Joacbv" as a purely arbitrary or fanciful combination of letters. Rather, those consumers may recognise it as a distorted or misspelled version of the familiar name "Marc" (or its equivalent "Mark") and the surname "Jacobs".

According to the Opposition Division, this is particularly plausible because both "Marc" and "Jacobs" are relatively common names. As a result, consumers may instinctively rearrange the letters when reading the application and perceive within it a similar name and surname. The Opposition Division further considered that the pronunciation of "Makcr Joacbv" would be cumbersome and unnatural. For ease of articulation, consumers may therefore naturally reorder the misspelled letters when referring to the sign and, in doing so, associate it with MARC JACOBS.

In many respects, the reasoning resembles a form of mental "autocorrect". The Opposition Division focused not only on the spelling of the sign, but also on how consumers would process it in practice.

Beyond conventional misspellings

The decision is particularly interesting because it goes beyond traditional cases involving simple misspellings or minor typographical errors. Here, similarity was not based on the omission, replacement or transposition of a single letter. Instead, several letters had been rearranged, resulting in expressions that no longer resembled ordinary words. Despite this, the Opposition Division considered that consumers would still identify the earlier mark hidden within the application.

The decision therefore illustrates that the assessment of similarity is not limited to a mechanical, side-by-side comparison of the letters appearing on the register. Consumer perception remains decisive. If consumers are likely to recognise an underlying reference to an earlier mark, similarity may be found even where the later sign has been significantly distorted.

Does fame influence perception?

The opposition ultimately succeeded under Article 8(5) EUTMR. While reputation was not expressly identified as decisive for the similarity assessment, it may well have influenced how readily the Opposition Division accepted that consumers would recognise MARC JACOBS beneath the distorted sign "Makcr Joacbv". Whether the same conclusion would have been reached for a lesser-known mark remains open.

In short

The decision demonstrates that trade mark similarity is not confined to obvious misspellings or minor typographical variations. Where a later sign appears to be a deliberate distortion of a well-known mark, the EUIPO may consider how consumers are likely to mentally process, reconstruct and recognise that sign.

For brand owners, the case provides reassurance that substantial alterations to a famous mark will not necessarily prevent a successful opposition. For applicants, it serves as a reminder that simply scrambling letters may not be enough to avoid a finding of similarity where consumers are still likely to recognise the brand hidden beneath the surface.

The decision can be appealed until the end of June 2026.

Similarity is not confined to obvious misspellings or minor typographical variations

Author:
Emily Peller

Crocs trips over its own strap
General Court confirms invalidity of iconic clog design

Case details at a glance
Jurisdiction: European Union
Decision level: General Court
Parties: Crocs v EUIPO – Gor Factory, SA
Date: 22 April 2026
Citation: T-228/25
Decision: dycip.com/t-228-25

In Crocs v EUIPO/Gor Factory (T-228/25), the General Court upheld the invalidity of Crocs' registered European Union design (REUD), providing a reminder that even iconic products are assessed according to the same legal standards as any other design.

Background of the dispute

Crocs owned an EU design registration for footwear filed in November 2004 with a priority date of May 2004. The design covered the now-famous Crocs clog, including its heel strap.

In 2022, Gor Factory challenged the registration, relying on an earlier "Holey Soles" clog design that had been disclosed before Crocs' priority date. According to Gor Factory, the Crocs design did not differ sufficiently from the earlier design to justify protection. The EUIPO's Invalidity Division agreed, as did the Board of Appeal. Crocs then appealed to the General Court.

High degree of design freedom

Crocs argued that design freedom was limited because clogs must share certain basic characteristics, such as a rounded shape, open back and flat sole. The court disagreed. While footwear must satisfy ergonomic and functional requirements, designers remain free to choose materials, colours, decorative elements, and the number, size and arrangement of holes and cut-outs.

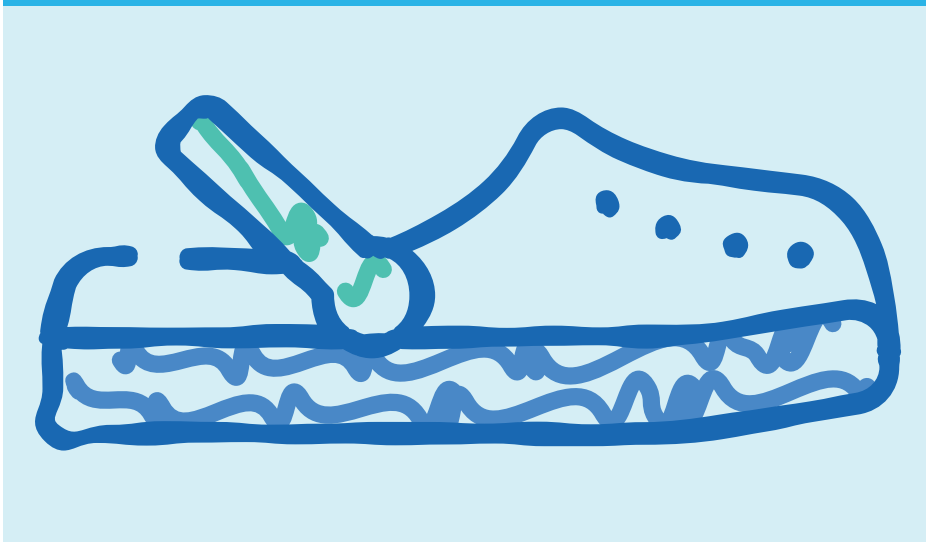
As a result, the court upheld the Board of Appeal's finding that the designer's degree of freedom was high. This matters because where design freedom is broad, relatively minor differences are less likely to distinguish one design from another.

Heel strap insufficient to create individual character

The central issue was whether the heel strap was sufficient to distinguish the Crocs design from the earlier Holey Soles clog.

The General Court agreed with the Board of Appeal that, although an informed user would notice the strap, both designs shared the same essential features, including the overall shape, thick sole, rounded toe cap, ventilation holes and side cut-outs, resulting in the same overall impression. The court considered the strap a secondary feature that was insufficient to outweigh these similarities and could be perceived merely as a variation of the earlier design. It also rejected Crocs' argument that the strap's specific shape, rolled edges and large rivets reflected creative design choices capable of conferring individual character, reiterating that design freedom is only one factor in the assessment and that creative modifications to a single feature cannot compensate where the overall design remains substantially identical to the prior art.

Even one of the most recognisable footwear designs is not immune from invalidity



Commercial success is not a substitute for individual character

Crocs also relied on the clog's cultural significance, pointing to its inclusion in the Design Museum's publication *Fifty Shoes That Changed the World*.

The court held that such considerations are legally irrelevant when assessing individual character. The analysis under Article 6 focuses exclusively on the overall impression created by the design, viewed through the eyes of the informed user, taking into account the designer's degree of freedom. Factors such as market success, fame, industry recognition and contribution to the development of the sector do not form part of the legal test.

Key takeaways

The decision serves as a clear illustration that even one of the most recognisable footwear designs of the past two decades is not immune from invalidity where the requirements of individual character are not met. It also reinforces several established principles of EU design law.

First, individual character remains an objective assessment focused on visual appearance rather than commercial success. Second, where design freedom is broad, relatively modest modifications to an existing design are unlikely to be sufficient to secure protection for the new model. Finally, applicants should be cautious about relying on a single distinctive feature to establish individual character where the overall product configuration closely resembles prior art. Adding a new feature to an otherwise identical design may not be enough to justify separate protection, particularly if the feature is regarded as incidental to the product's overall appearance.

Businesses should consider registering design variations at the outset. Later-filed variants may struggle to overcome earlier disclosures, including the applicant's own designs.

Author:
Lisa Bieber

McHug v McDonald's
UKIPO reinforces strength of family of marks and limits of strategic filings

Case details at a glance
Jurisdiction: England & Wales
Decision level: UKIPO
Parties: Nigel McHugh v McDonald's International Property Company, Ltd
Citation: O/0385/26
Date: 05 May 2026
Decision: dycip.com/o-o385-26

The UKIPO's decision in McDonald's v McHugh (O/0385/26) provides a clear illustration of the protection afforded to an established family of trade marks, and is a reminder that trade mark applications must be filed for legitimate commercial purposes.

The case concerned an application by Nigel McHugh to register the mark "The McHug or The McHug Burger" in class 43 for food and drink services. The application was opposed by McDonald's International Property Company, Ltd (McDonald's), which relied on a number of earlier registrations, including McDONALD'S, McCHICKEN, and McFLURRY. The opposition was brought on multiple grounds, including likelihood of confusion, reputation, passing off and bad faith. Central to the opposition was the contention that the applied-for mark would be perceived as part of McDonald's well-known "Mc" family of marks.

The hearing officer identified the strongest grounds as those under section 5(3) (reputation) and section 3(6) (bad faith) of the Trade Marks Act 1994, and addressed these first.

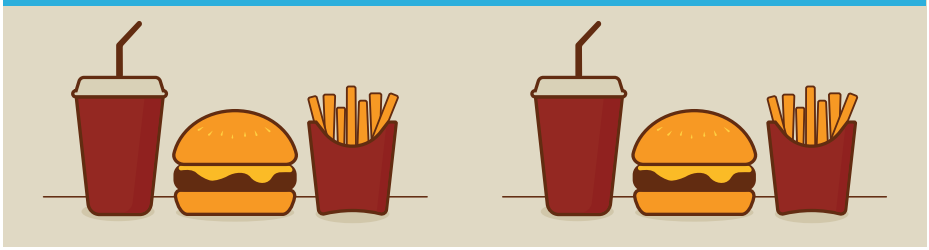
Reputation and family of marks

McDonald's filed extensive evidence of its reputation in the UK. This included evidence that it served nearly four million customers daily in 2024, generating a UK turnover exceeding £1.8 billion. The hearing officer readily concluded that McDonald's enjoyed a "strong" reputation in relation to restaurant services and core food products.

A key question was whether this reputation extended to a protectable family of marks. To establish this, the earlier marks must all be present on the market and share common characteristics such that the public recognises them as a series (which may not be the case where when the element in common is in a different position or has a different semantic content).

The hearing officer found that the requirements were satisfied. While the marks varied in their second elements, ranging from names (McDonald's), to descriptive terms (McChicken), to unrelated words (McFlurry), they were unified by the consistent "Mc-" prefix. In light of the extensive use of these marks, the hearing officer found that the relevant public would recognise this prefix as indicating a common commercial origin.

McDonald's relied on registrations including McDONALDS, McCHICKEN and McFLURRY



Link and unfair advantage

In assessing whether the public would make a "link" between the marks, the hearing officer considered the established relevant factors. Although the applied-for mark consisted of a longer phrase, the element "McHug" was identified as its most distinctive component. That term followed the "Mc + dictionary word" structure and was therefore consistent with the established family of marks.

Taking the factors together, the hearing officer concluded that the relevant public would make a mental link between the marks, and would be likely to perceive "McHug" as an extension within the same brand family, also giving rise to indirect confusion.

The finding of unfair advantage followed, and the opposition succeeded in its entirety under section 5(3).

Bad faith

The bad faith finding provides an important aspect of the decision.

McDonald's alleged that the application had been filed with the intention of approaching it to suggest a collaboration. The evidence included correspondence in which the applicant stated that his "plan… was to eventually approach McDonalds for a collaboration" and that the idea could form a new product for the McDonald's menu. The applicant accepted that he did not operate a restaurant and that McDonald's was effectively the only entity capable of using the mark.

Whilst mere knowledge of a third party's business is not sufficient to establish bad faith, the hearing officer found that this went further. The mark mimicked the format of McDonald's' family of marks and had been applied for to secure a commercial advantage in negotiations. The hearing officer concluded that this did not constitute a legitimate objective for a trade mark application. The application was therefore found to have been filed in bad faith.

The hearing officer also indicated that the opposition would have succeeded under section 5(2)(b), and under section 5(4)(a).

Practical takeaways

- A consistent structural element (such as a prefix) can support a family of marks. However, case law suggests that a family is more likely to be recognised where the shared element is itself distinctive.
- The applicant appeared to rely on similarities with his surname (McHugh), but it is well established that a personal name does not confer an automatic entitlement to register or use it as a trade mark.
- Applicants should ensure that trade mark filings are made for a genuine commercial purpose. Using the trade mark system to secure negotiating leverage may give rise to a finding of bad faith.
- Even where an applicant believes their conduct to be legitimate, subjective intent will not justify behaviour that constitutes an improper use of the trade mark system.

Author:
Sophie Rann

easyGroup v Easyfeetstore

easyGroup's claims of infringement, passing off and invalidity left flatfooted again

Case details at a glance
Jurisdiction: England & Wales
Decision level: IPEC
Parties: Easygroup Ltd v Easyfeetstore OU & Ors
Date: 01 April 2026
Citation: [2026] EWHC 767 (IPEC)
Decision: dycip.com/2026-ewhc-767-ipec

Related case
W3 Ltd v easyGroup Ltd [2018] EWHC 7 at [234]: dycip.com/2018-ewhc-7

The Intellectual Property Enterprise Court (IPEC) finds that having the common word "easy" is not enough for a finding that EASYFEET infringes easyGroup's rights.

Background

easyGroup Limited (easyGroup) claimed Easyfeetstore OÜ & Ors (Easyfeet) infringed its trade mark rights relying on s.10(2) and 10(3) Trade Marks Act 1994 (TMA) and passing off. It also brought an invalidity claim against Easyfeet's UK trade mark EASYFEET registered in class 10 in respect of orthopaedic soles, relying on s.5(2)(b), s.5(2)(c) and s.5(4)(a) of the TMA.

The claim began in the general intellectual property list and was transferred to the IPEC.

Easyfeet sells orthopaedic and orthotic insoles and related accessories online in several territories including the UK under the name "Easyfeet" and the sign shown below:

Source: [2026] EWHC 767 (IPEC).

EasyGroup relied on seven marks including, inter alia, EASYJET (class 39), EASYFOOD (classes 16, 35, 39 and 42), EASYGROUP (class 35) and those shown below:

(class 35) source: [2026] EWHC 767 (IPEC)

(class 35) source: [2026] EWHC 767 (IPEC).

(class 35) source: [2026] EWHC 767 (IPEC).

The court's approach

In the judgment, His Honour Judge Hacon noted "the obvious difficulty for easyGroup in asserting public recognition of an 'easy' family of marks is that the only feature common to all of them is the word 'easy', a conspicuously descriptive word".

The judge acknowledged that it has been established that the existence of a family of marks which share common features can increase the likelihood of confusion if an accused sign uses one or more of the common features (see W3 Ltd v easyGroup Ltd [2018] EWHC 7 at [234]). However, despite having brought 76 claims since 2015 (most in the general IP list without the constraints of IPEC), easyGroup has never produced the requisite evidence to support the proposition that the use of the "easy" prefix would be seen by consumers as a reference to easyGroup alone.

In relation to the confusion claim, it was held that easyGroup had not shown relevant similarity between any of its seven marks and Easyfeet's signs, and in six of the seven marks there were also no similarities in goods or services. The absence of any evidence of actual confusion was consistent with the conclusion that no confusion was likely.

The reputation claim failed for the same reason. The court was not persuaded that consumers would assume a connection between easyGroup and Easyfeet's orthopaedic insole business. It was therefore found that no link existed between any of the marks and the signs.

It was also held that an invalidity claim would be dependent on a finding of infringement under s.10(2) and 10(3) TMA or passing off. Therefore, easyGroup's invalidity claim also failed.

Conclusion

The decision is a useful reminder that trade mark disputes remain highly fact specific and context dependent.

Even where a claimant has a strong and well-known brand, it still has to prove the harmful effect that the defendant's brand will have.

Ordinary words with wide commercial use are not automatically off limits, and a claimant cannot convert a common prefix into a monopoly simply by building a family of marks around it. Reputation may support a claim, but it does not displace the need to show that the relevant public would in fact make a link between two allegedly conflicting marks.

In short

EasyGroup failed in its claims against Easyfeet for trade mark infringement, passing off, and invalidity.

The judge emphasised that "easy" is a descriptive and widely used term, and easyGroup had not proven that consumers associate it exclusively with its business despite claiming a family of marks. With no similarity in most goods or services and no evidence of actual confusion, all claims were dismissed, reinforcing that even well-known brands must demonstrate real consumer association and cannot monopolise common words.

Despite easyGroup's extensive enforcement history, it has never produced the requisite evidence to support the proposition that the use of the "easy" prefix would be seen by consumers as a reference to easyGroup alone.

Authors:
Ella Lane & Oscar Webb

IPEC insights
Our ongoing series of IPEC insights articles draws together the year's most notable IP cases:
dycip.com/ipecinsights

And finally...

Online enforcement / counterfeiting

UK High Court blocks counterfeit medicine websites

Block extends to any form of civil or criminal wrongdoing

The High Court has granted a website blocking injunction in the first case of its kind concerning the supply of counterfeit and unlicensed prescription-only medicines online.

Novo Nordisk manufactures semaglutide-based medicines marketed under the brands Ozempic, Wegovy and Rybelsus. Novo Nordisk applied for a website blocking order concerning four websites that were advertising and selling counterfeit and unlicensed versions of its prescription-only medicines to UK consumers. While such applications are routinely decided on the papers, this was listed for a hearing as it was a first in the context of counterfeit and unlicensed prescription-only medicines. Further, since the advertising and offering for sale of unlicensed prescription-only medicines constitutes a criminal offence under the Human Medicines Regulations 2012, the case raised important questions about jurisdiction and standing.

On jurisdiction, the court confirmed that its powers to grant website blocking injunctions were not just limited to intellectual property infringement. Any form of civil or **criminal** wrongdoing will suffice.

On standing, the judge declined to set any criteria, finding that Novo Nordisk clearly had the necessary standing, noting in particular that the Medicines and Healthcare Products Regulatory Agency (MHRA) supported the application.

Finally, the court was satisfied that the order was proportionate. In particular, the court noted that (1) website blocking injunctions reduce UK visitor by an average of 98%, (2) there were no lawful products found on any of the websites, and (3) the order was to the UK public's health benefit and protection.

The decision is significant for pharmaceutical rights-holders. It confirms that the website blocking injunction framework is not confined to intellectual property infringement and can be deployed where counterfeit or unlicensed medicines are being sold online, particularly where the medicines regulator has itself been unable to secure removal of the offending websites.

Case details at a glance
Jurisdiction: England & Wales
Decision level: High Court
Parties: Novo Nordisk & anr v British Telecommunications PLC & ors
Date: 13 May 2026
Citation: [2026] EWHC 1094 (Ch)
Decision: *dycip.com/2026-ewhc-1094-ch*

Author:
Kamila Geremek

Contributors

Associate, Rechtsanwältin
Lisa Bieber
lmb@dyoung.com
www.dyoung.com/lisabieber

Partner, Trade Mark Attorney
Charlotte Duly
cpd@dyoung.com
www.dyoung.com/charlotteduly

Associate, Solicitor
Kamila Geremek
kag@dyoung.com
www.dyoung.com/kamilageremek

Rechtsanwältin
Sophia Hassfeld
syh@dyoung.com
www.dyoung.com/sophiahassfeld

Associate, Solicitor
Ella Lane
eml@dyoung.com
www.dyoung.com/ellalane

Associate, Rechtsanwältin
Emily Peller
esp@dyoung.com
www.dyoung.com/emilypeller

Trade Mark Attorney
Sophie Rann
sar@dyoung.com
www.dyoung.com/sophierann

Partner, Rechtsanwältin
Yvonne Stone
yvs@dyoung.com
www.dyoung.com/yvonnestone

Partner, Solicitor
Oscar Webb
omw@dyoung.com
www.dyoung.com/oscarwebb

Contact details

London
Munich
Southampton

T +44 (0)20 7269 8550
F +44 (0)20 7269 8555

mail@dyoung.com
www.dyoung.com