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In this issue:

Webinar invitation 03
IPEC insights: 2026 in review

A band's residual goodwill falls short 04
INXS fails to prevent registration of IMXS

Balancing trade marks & free speech 05
Can freedom of expression justify using another's trade mark?

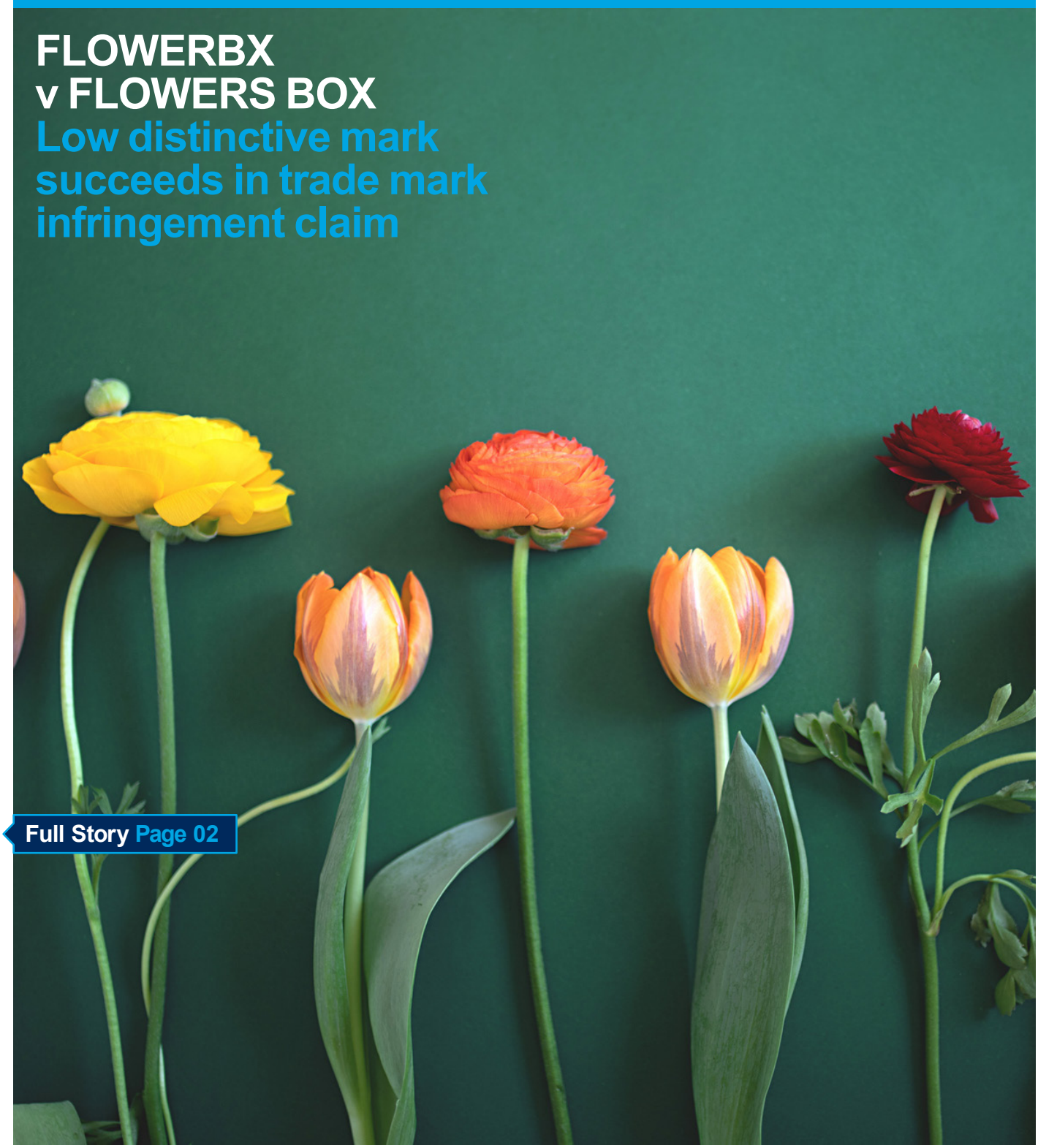
Roadget v Whaleco 06
Intermediary liability and the temporary copies exception

Do you look under your bike's saddle? 07
Bundespatentgericht considers visibility and validity

Also: Business and Property Division replaces Chancery Division of High Court & English Whisky secures protected status

FLOWERBX v FLOWERS BOX

Low distinctive mark succeeds in trade mark infringement claim



Full Story Page 02

Editorial

Welcome to our November trade mark newsletter, bringing together a varied selection of recent developments for brand owners and IP practitioners. This issue considers how even relatively low-distinctive marks can succeed in enforcement, and why substantial residual goodwill may still fall short where businesses operate in different fields. We also look at the balance between trade mark rights and freedom of expression, important lessons on intermediary liability and copyright ownership, and an interesting decision on visibility in registered designs. Alongside these updates, we consider the new protected status for English Whisky and changes to the structure of the High Court. I hope you find this issue useful and informative. Looking ahead, we also invite you to join our IPEC insights webinar in February, where we will review key decisions and themes from 2026 and their practical implications for the year ahead.

Jackie Johnson
Partner, Trade Mark Attorney

Events

INTA Leadership Meeting
16-20 November 2026, Phoenix Arizona USA
Jana Bogatz and Anna Reid will be attending.

IPEC Insights: 2026 In Review
04 February 2027, Webinar
Oscar Webb and Peter Byrd are joined by Barrister Stephanie Wickenden of Serle Court for a practical look back at a busy year in the UK IPEC. For more details see page 03 of this newsletter.

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IPEC insights

FLOWERBX v FLOWERS BOX
Low distinctive mark succeeds in trade mark infringement claim

The Intellectual Property Enterprise Court (IPEC) handed down its judgment concerning the validity of the mark FLOWERBX, protected for flowers and retail services in relation to flowers, and its infringement by the use of the sign FLOWERS BOX. The case illustrates how enforcement of marks with relatively low distinctive character may play out.

Background

The claimant started trading under the name FLOWERBX in 2015 and quickly built up a significant business offering flowers to end consumers and to high-end luxury and fashion businesses. By June 2026 the business had acquired a substantial following, and UK turnover had grown to approximately £4.3 million. The defendant first started using the term FLOWERS BOX LONDON (and other similar terms) in late 2017 to supply flowers, bouquets and plants, as well as gifts and gift cards, through online sales.

FLOWERBX issued an infringement claim in 2025, and the defendant counterclaimed that the FLOWERBX mark was invalid under s.3(1)(c); the provision preventing registration of words other traders might legitimately want to use in their business.

Distinctiveness

The judge found that there are two classes of consumer: the general public, who might buy flowers as a consumer, and a narrower cohort of fashion or leisure businesses, who might seek floral decorations for commercial use. Private consumers would pay an average amount of attention when purchasing the goods/services, whilst the business customers would be likely to pay more attention.

The judge assessed the current law on descriptive/non-distinctive marks in detail, providing a useful read for anyone considering this issue. In particular, the judge said that "the alteration of a descriptive word or a combination of descriptive words to form a 'neologism' may take a mark out of the ambit of s 3(1)(c), depending upon the impact on the mark as a whole, in effect whether there is a perceptible difference between the combination and the mere sum of its parts".

In considering the combination of the words "flower" and "bx", the claimant's own evidence suggested that the mark would be pronounced as FLOWER BOX and as such is descriptive of a box for flowers. If this is correct, the issue becomes whether those two words enable the average consumer to immediately identify that the term was a brand, or whether the words denote some characteristic of the goods/services in issue.

There was no evidence before the court that consumers would be aware of a "flower box" in the same way as they would be aware of a shoe box, or a hat box. Therefore "flower box" cannot be said to have one or more established meanings of which the relevant public would be aware. Instead, the judge held that the average consumer will attribute "flower box" to "the most natural and literal meaning of the words, describing a box in which flowers are contained, whether to be transported or delivered to a retailer or wholesaler, or to the end customer, perhaps in a cardboard box designed to fit through a letter box, or in a gift box of some kind." She did not accept the defendant's implicit submission that the words might be taken as descriptive of flowers alone, as that would require the consumer to ignore the word "box".

In any event, the judge held that the mark had acquired distinctiveness for its registered goods. The evidence before the court showed that a significant proportion of the relevant class of persons, both the general public and businesses, had come to identify the claimant's goods and services as originating from the claimant through its use of the mark. Therefore, the descriptiveness attack failed.

Infringement

The claimant relied on both s.10(2)(b), that the marks/goods are similar and there would be a likelihood of confusion, and s.10(3) that the claimant's marks have a reputation and the defendant's activities would take unfair advantage of, or otherwise harm, that reputation.

Likelihood of confusion

The marks FLOWERBX and FLOWERS BOX were highly similar (even when the latter included the word LONDON, or a logo

Case details at a glance
Jurisdiction: England & Wales
Decision level: IPEC
Parties: Flowerbx Limited v Flowers Box London Limited
Date: 07 September 2026
Citation: [2026] EWHC 2233 (IPEC)
Decision: dycip.com/2026-ewhc-2233-ipec

element). The goods (flowers) were identical.

There was evidence before the court of actual confusion. The judge worked through some of the examples at paragraph 65 of the judgment. None of these "confused individuals" were called for cross examination (which is not unusual in the IPEC). However, many people clearly confused the two businesses.

The defendant tried to claim that these were examples of administrative errors, arising after the point of sale, rather than relevant confusion. The judge disagreed, finding that there were simply too many examples of confusion to be explained away by consumers being careless. Concluding with "these parties have 'crashed into each other' despite there being many other florists in the market and online. In my judgment, the only likely explanation for that lies in the high degree of similarity of the Signs to the Mark and the close similarity of the parties' activities". Therefore, the s.10(2)(b) claim succeeded.

Reputation

The claimant's case was primarily that the defendant's use of FLOWERS BOX took unfair advantage of its reputation in the FLOWERBX mark. However, it also alleged that the defendant's use of FLOWERS BOX would dilute the reputation of, or tarnish the FLOWERBX mark, by making a link to goods and services of inferior quality.

Given the s.10(2)(b) finding, the judge readily found that the defendant's activities would cause a link to the claimant.

Relevant to this claim is that the defendant may not have intended to take unfair advantage of the claimant's reputation, but it traded with knowledge of the claimant and its business, at the latest from July 2019 when the defendant first received a Trustpilot review intended for the claimant.

There was evidence that consumers had bought the defendant's goods/services in the mistaken belief that they were buying those of the claimant. In some cases, the customer stated after the event (in reviews), that they had intended to use the claimant because of the quality of its goods/services. This was clear evidence that the defendant's activities caused a change in the economic behaviour of consumers.

The judge concluded "I am satisfied that the defendant took unfair advantage of the distinctive character or repute of the Mark, as it gave the defendant an advantage which was unfair because it enabled the defendant to profit from the reputation achieved by the claimant's hard work and marketing efforts. In my judgment, that suffices to show that a transfer of image has actually occurred and that the defendant took unfair advantage of the reputation of the Mark. That was the objective effect of its use of the Signs".

Interestingly the judge stopped short of finding that the defendant's activities tarnished the claimant's brand, on the basis that the evidence of this was limited. However, the s.10(3) claim succeeded, based on unfair advantage.

Takeaways

At first blush, this result might seem surprising, in particular that the term FLOWERBX is distinctive of flowers. However, the evidence here was compelling, the claimant has a very strong following, and consumers were actively confused; believing that the goods of the defendant were those of the claimant. If this is the case, then the claimant's mark must have some trade mark significance.

Marks that are descriptive or of low distinctive character can still be powerful, either if they are just distinctive enough to survive an attack, or because the owner has "acquired distinctiveness" in them.

When pursuing infringement of these types of mark, sufficient evidence of enhanced distinctiveness, reputation, and confusion is critical. It is clear from the judgment that the judge would have liked to have seen more evidence of confusion in this case. However, this is of course difficult in some forums (such as the IPEC, where trial time and cross examination are limited), it is good to see that the judge took a pragmatic view in the circumstances.

Author:
Peter Byrd

IPEC insights

Webinar invitation IPEC insights: 2026 in review

Join Oscar Webb and Peter Byrd, with guest speaker Barrister Stephanie Wickenden of Serle Court, for a practical and engaging look back at a busy year in the UK Intellectual Property Enterprise Court. Throughout 2026, we have tracked key IPEC decisions and published a series of articles highlighting important developments for brand owners, rights holders and those involved in IP disputes. These cases are also being brought together in our forthcoming report, "2026: A Year in IPEC", which will examine the trends and developments emerging from the year. Webinar registrants will be among the first to receive access to the report when it publishes.

In this webinar, we will draw together the themes emerging from the year's most notable IPEC soft IP cases, from trade mark enforcement and passing off to copyright protection, damages, account of profits and litigation strategy. We will also look at broader trends such as how long IPEC cases are taking to come to trial and the types of IP rights that are being litigated.

The session will focus on what these decisions mean in practice, why they matter, and what businesses and advisers should take from them when managing IP risk in 2027 and beyond.

Whether you followed every decision as it happened or want a concise update on the year's key points, this session will provide a clear, accessible review of the IPEC decisions that shaped the UK 2026 IP litigation landscape.

Registration

Further information can be found on our website. Register now to secure your place, receive joining details for the webinar and be among the first to access the report: dycip.com/webinar-ipec-review

When a band's residual goodwill falls short
INXS fails to prevent registration of IMXS

Case details at a glance
Jurisdiction: England & Wales
Decision level: UKIPO
Parties: Jiangxi Maisi Clothing Co Ltd and INXS International Pty Limited
Date: 14 September 2026
Citation: O/0829/26
Decision: dycip.com/ukipo-o-0829-26

A recent UKIPO decision (O/0829/26) highlights that even a well-known band with significant residual goodwill may not be able to prevent the registration of a similar trade mark where the parties operate in fields that are only tenuously linked.

INXS International Pty Limited opposed Jiangxi Maisi Clothing Co Ltd's UK Designation of its international registration for the stylised mark IMXS. The international registration covered various goods in classes 14, 18, 25 and 30, such as bags, clothing and tea. The opposition was based on the grounds of a likelihood of confusion, damage and/or unfair advantage to reputation, and passing off.

Despite having a relevant trade mark registration, INXS's strongest case was considered to be its passing off claim. To succeed, it was required to establish goodwill, misrepresentation and damage.

Goodwill in music, not merchandise

The evidence demonstrated the band's substantial success since 1979. INXS had sold more than 70 million records, generated billions of streams and performed extensively throughout the UK over several decades. Whilst the band's last UK performance took place in 2011, the evidence showed ongoing radio play, significant streaming figures, continued media coverage and the re-release of material. The hearing officer therefore concluded that the band retained significant residual goodwill at the relevant dates in relation to musical recordings and musical performances.

However, the hearing officer drew a distinction between the band's core music activities and its merchandising activities. Whilst accepting that bands commonly sell merchandise, the evidence of sales of INXS-branded goods was considered limited. UK merchandise turnover between January 2020 and September 2024 amounted to approximately £4,000 and covered numerous product categories without specificity. The hearing officer considered this to reflect an extremely low level of trade and found it insufficient to establish protectable goodwill in merchandise goods.

The hearing officer distinguished between the band's music and its merchandise



No misrepresentation

In considering whether the public would be misled into purchasing the relevant goods, the hearing officer found the marks to be similar to a medium to high degree (there was held to be no conceptual similarity). Notwithstanding this, INXS was unable to show a misrepresentation, largely as a result of the parties' different fields of activity.

The opponent's goodwill existed in relation to musical recordings and performances, whereas the holder sought protection for consumer goods, and whilst the hearing officer accepted that bands often engage in merchandising and thus some degree of overlap existed, such an overlap was "tenuous".

Whilst passing off does not require the parties to operate in a common field of activity, it is a relevant consideration. There will be a higher burden on proving an actionable misrepresentation and damage where there is no or only a tenuous overlap.

The hearing officer concluded that the opponent's residual goodwill was insufficient to bridge the gap between the parties' fields of activity. They were not satisfied that a substantial number of the opponent's actual or potential customers would believe that the designated goods originated from, or were commercially connected with, the band. Without misrepresentation, the passing off ground failed.

Residual goodwill v genuine use

Notably, it was found that the opponent was not in a better position as regards the likelihood of confusion and reputation grounds. The hearing officer found that the evidence would have been insufficient to establish genuine use during the relevant period. In doing so, the decision highlights an interesting distinction between goodwill and genuine use. Whilst the evidence was sufficient to demonstrate that INXS retained significant goodwill, it was not considered to show that the opponent had attempted to create or maintain a market share in the mark INXS. In any event, the hearing officer concluded that, even if genuine use had been established, the distance between the parties' respective goods and services would have remained problematic.

Key takeaways

- Goodwill may survive reduced or ceased trading.
- Merchandising goodwill requires evidence of relevant trade.
- Similar signs and substantial goodwill do not automatically establish misrepresentation across different fields.
- Residual goodwill and genuine use are distinct evidential questions.
- Renowned music artists should consider pleading "well-known mark" status of their performing names under Article 6bis of the Paris Convention when seeking to enforce those marks against third parties: such a claim could well lend additional weight in circumstances where proving genuine use of a registered trade mark may be problematic.

Authors:
Matthew Dick & Sophie Rann

Freedom of expression

Balancing trade marks and free speech

Can freedom of expression justify using another's trade mark?

The Court of Justice of the European Union (CJEU) has provided its assessment on how freedom of expression, under Article 10 of the European Convention on Human Rights (ECHR), can be relied upon as "due cause" under EU trade mark law. The CJEU has confirmed that freedom of expression does not provide a blanket immunity for using a trade mark with a reputation, but has given guidance to national courts on how to balance the two fundamental rights, and determine which should take precedence.

This update follows our previous article *"Political parody of a famous brand: IKEA v Algemeen Vlaams Belang"* on the Advocate General's opinion. IKEA, the famous flat-pack furniture company, brought an infringement action against the Belgian political party Vlaams Belang for parodying its name, logo, and colour scheme in an anti-immigration campaign, titled "IKEA Plan" (IKEA being an acronym for "Immigratie Kan Echt Anders"/"immigration truly can be different").

The association behind the campaign acknowledged that it had used IKEA's trade marks without consent but argued that it had "due cause" under freedom of expression, namely, the freedom to express political opinions. The Belgian court referred the matter to the CJEU in view of the apparent conflict between two fundamental rights of the same rank.

The CJEU noted that "due cause" is not defined in EU legislation, but that a third party's freedom of expression **may**, in principle, constitute due cause for using a trade mark with a reputation. Nevertheless, the national court must strike a balance between the trade mark proprietor's right to property and the third party's right to freedom of expression.

The court's balancing test

The court set out several factors to consider when weighing up the competing rights.

First, the national court must examine the third party's intention and whether it is exercising its freedom of expression in good faith. Good faith may involve, for example, expressing an idea or opinion relating to the trade mark, the proprietor, its commercial practices, or its goods and services.

Second, the national court should consider whether the use of the trade mark contributes to a debate of public interest.

Third, the court must consider the consequences for the proprietor, in particular, whether the use causes disproportionate harm.

Relevant factors include the extent, methods and intensity of the third-party use, the degree of reputation of the mark and the similarity between the sign and the mark, and whether the use may give the impression that the proprietor agrees with or supports the political message, especially if the proprietor is politically neutral or its values are incompatible with that message.

Concluding comments

Here, the court indicated that the use of the IKEA trade marks was likely to cause significant detriment to the proprietor. Although immigration policy is a matter of public interest, the campaign's message had no connection with IKEA, its goods or commercial practices. Regarding intention, the third party appears to have used the IKEA marks solely to take advantage of their reputation, to reinforce a political message and increase its dissemination. In these circumstances, the court considered that freedom of expression should not take precedence over the proprietor's rights. However, it is for the referring court to apply each of the factors and verify this.

Author:
Abigail Macklin

Case details at a glance
Jurisdiction: European Union
Decision level: CJEU
Parties: Inter IKEA Systems BV v Algemeen Vlaams Belang VZW
Date: 08 September 2026
Citation: C-298/23
Decision: dycip.com/c-298-23

GIs

English Whisky secures protected status

Implications for producers and brand owners

English Whisky has recently been granted geographical indication (GI) status, formally recognising its distinct identity, reputation and innovation. The new status places English Whisky alongside Scotch, Welsh and Irish whiskies as a recognised and protected whisky category. The decision reflects the rapidly growing industry, with more than 70 distilleries now producing English Whisky and bottles exported to more than 30 countries. It is estimated that maturing stocks stored in casks across England are worth around £1 billion.

A GI protects the name of a food, drink or agricultural product whose qualities or reputation are linked to a particular geographical area. Unlike a trade mark, which is owned by the business or individual who applies for it, a GI is a public collective right listed on the UK GI scheme registers that can be used by verified producers provided they comply with the relevant product specification. Under the product specification, English Whisky must be:

- made using UK Cereal Grain and English water;
- distilled in England with an alcoholic strength of less than 94.8% by volume;
- matured in England, for at least three years, in Wooden Casks of no more than 700 litres;
- bottled at a minimum of 40% ABV.

GI status provides a means of collectively protecting the English Whisky name against unauthorised use on products that do not meet the specification. Producers need to ensure that their production methods comply with the requirements to use the protected name. The new protection is relevant when developing branding for spirits: a trade mark application containing the term "English Whisky" would face a registry objection, unless it is clear from its trade mark specification that the whisky it seeks protection for, complies with the specifications of the GI.

Author:
Tilly Kettel

Roadget v Whaleco
Intermediary liability and the temporary copies exception

Case details at a glance
Jurisdiction: England & Wales
Decision level: High Court
Parties: Roadget Business Pte Ltd & Anor v Whaleco UK Ltd
Date: 13 August 2026
Citation: [2026] EWHC 2165 (Ch)
Decision: dycip.com/2026-ewhc-2165-ch

In Roadget Business Pte Ltd v Whaleco UK Ltd (Shein v Temu), the High Court dismissed Shein's copyright infringement claims concerning photographs appearing on Temu's UK marketplace. The decision provides useful guidance on the temporary copies exception under s.28A of the Copyright, Designs and Patents Act 1988 (CDPA) and the hosting defence under Regulation 19 of the Electronic Commerce (EC Directive) Regulations 2002.

Background

Shein alleged that its photographs appeared in listings created by independent merchants on Temu's UK website. Its initial cease and desist letter identified over 8,000 listings and requested their removal within three working days. Temu reviewed approximately half individually before removing the remainder in bulk. Proceedings followed and ultimately concerned 2,559 listings (although only a sample was considered at trial).

Two interim injunctions also established procedures allowing Shein to notify Temu of further infringing content for removal.

Temu denied infringement, relying on s.28A CDPA and the Regulation 19 hosting defence. It also challenged Shein's title to certain non-employee works and counterclaimed for losses arising from listings wrongly removed pursuant to the interim injunctions. A separate competition counterclaim will be heard by the Competition Appeal Tribunal in March 2027.

Chain of title

Shein encountered difficulties establishing ownership of third-party (non-employee) works and abandoned most of the sample claims. For the remaining supplier work, Shein did not acquire copyright title until after the claim was issued. However, Temu's abuse of process argument failed because Shein did not have actual or blind-eye knowledge of the defect in title.

Infringement and defences

Shein's original claim that Temu reproduced the photographs was not pursued because Temu's servers were outside the UK. Shein instead alleged that Temu:

- authorised reproduction by UK users viewing the photographs online (s.17 CDPA);
- communicated the photographs to the public (s.20); and
- exhibited or distributed the photographs whilst knowing or having reason to believe they were infringing copies (s.23).

The s.17 claim failed because the s.28A temporary copies exception applied. The key finding was that the temporary copying involved in viewing the photographs did not have an "independent economic significance". Users gained no economic advantage from the temporary copy distinct from viewing the photograph to inform a purchasing decision. Temu had also not authorised the infringement: it did not encourage, sanction or approve infringing content.

The ss.20 and 23 claims also failed. General knowledge that some merchant-uploaded photographs may infringe copyright was insufficient, and Temu had no knowledge or reason to believe that the specific photographs were infringing. Moreover, it removed the relevant listings before it had sufficient time to acquire that knowledge, so secondary infringement was not established.

The court held that Temu would in any event have benefited from the Regulation 19 hosting defence. Independent merchants uploaded the photographs in issue to the Temu platform, and Temu's role was "technical, automatic and passive" (it did not engage in any active conduct in relation to the specific content in issue). It also lacked specific knowledge of the infringement and acted expeditiously to remove the content, following Shein's notifications.

Temu also succeeded on its IP counterclaim under Shein's cross-undertakings in damages. The interim injunctions were a dominant and effective cause of Temu's losses from wrongly removed listings. Also, removing entire listings rather than replacing photographs with blank placeholders did not break the chain of causation or constitute a failure to mitigate loss.

Take-home points

The Shein v Temu dispute is a useful reminder that chain of title issues need to be thoroughly investigated and remedied before infringement is asserted. This is especially important where relevant works are created by suppliers, agencies or freelancers.

Whilst takedown procedures can resolve infringements quickly, notices should be sufficiently precise and substantiated. Rights holders should be able to provide clear information identifying both the infringement and their entitlement to the rights asserted, and be mindful of the fact that wrongful takedowns can expose a claimant to liability.

Finally, before alleging infringement in an online marketplace context, it is important to scrutinise whether the adverse party's role is active or passive, and consider whether the hosting defence might apply. General commercial involvement or running an online platform as such is not necessarily enough to defeat the defence.

Chain of title issues need to be investigated and remedied before infringement is asserted



Author:
Agnieszka Stephenson

Do you look under your bike's saddle? Bundespatentgericht considers visibility and validity

Case details at a glance
Jurisdiction: Germany
Decision level: Bundespatentgericht
Parties: Monz Handelsgesellschaft International mbH & Co KG v Büchel GmbH & Co Fahrzeugtechnik KG
Date: 26 March 2026
Citation: 30 W (pat) 802/23
Decision: dycip.com/30-w-pat-802-23

A design must meet certain basic requirements to qualify for protection, notably novelty and individual character. For component parts of complex products, an additional requirement applies: the component must be visible during normal use.

This limitation aims to exclude concealed components, such as internal vehicle parts, typically relevant as repair or replacement parts. But what happens when a design is invisible during normal use of one product for which it is registered, yet visible for another? A recent decision of the Bundespatentgericht (also known as the BPatG or in English the German Federal Patent Court or FPC) suggests that the design may nevertheless remain protected.

Background of the dispute

The case concerns German design No. 40 2011 004 383-0001, owned by German company Monz and registered for "saddles for bicycles or motorbikes". The design consists of a single representation showing the underside of a saddle. The invalidity applicant sought invalidation, arguing that the underside is not visible during normal use and is therefore excluded from protection under Article 3(3)(a) of the EU Design Directive (EUDD).

The dispute has a long history, having reached the Deutsches Patent- und Markenamt (German Patent and Trade Mark Office - DPMA), on appeal at the Bundespatentgericht, the German Supreme Court and then the Court of Justice of the European Union (CJEU).

After the Bundespatentgericht initially declared the design invalid, the German Supreme Court referred questions to the CJEU concerning the interpretation of "visibility" and "normal use". The CJEU held that normal use must be interpreted broadly and is not limited to a product's principal function or manufacturer-prescribed use. It may also include storage and transportation. Furthermore, visibility must be assessed from the perspectives of both end users and a new created external observers.

On remittal, the Bundespatentgericht found the design valid.

Visibility must be assessed from the perspective of end users and new external observers



The Bundespatentgericht's latest decision

Under Section 39 of the German Design Act, a registered design benefits from a presumption of validity. The invalidity applicant therefore had to establish that the design was not visible during normal use. The Bundespatentgericht found that this burden had not been met.

Regarding bicycles, the court held that the underside of a saddle can be visible during normal use, which extends beyond riding. Relevant situations include carrying a bicycle over uneven terrain, transporting a folding bicycle, storing it in an elevated position, or transporting it on a car roof or in a trunk.

The court also rejected the argument that mounting hardware, such as rails, clamps and brackets, sufficiently obscures the design. These components do not prevent the underside from being viewed from angles encountered during normal use.

For motorbikes, the court accepted that the underside of a saddle would generally not be visible during normal use. Their greater size and weight make situations exposing the saddle's underside during handling, storage or transportation less likely.

Nevertheless, the Bundespatentgericht held that this did not invalidate the design and argued that Article 3(3)(a) EUDD applies only where the design remains invisible in all situations falling within normal use. If a component is intended for different complex products and is visible during normal use of at least one of them, it may remain eligible for protection.

The court further considered the product indication a non-binding aid to interpretation. Although it does not determine the scope of protection, it can help identify the product and inform the visibility assessment.

Why this decision matters

The Bundespatentgericht's approach focuses on the design's appearance while recognising that visibility must be assessed in the context of normal use, as clarified by the CJEU.

The decision avoids making design validity dependent on the particular circumstances in which a product is used, stored or transported. A stricter approach could create uncertainty and complicate assessments of protectability at the registration stage.

Ultimately, the decision suggests that where a design covers components intended for different complex products, invisibility in relation to one product may not be fatal if the design remains visible during normal use of another. This interpretation could have important implications for designs registered across multiple product types.

Author:
Lisa Bieber

And finally...

Court reform

Business and Property Division of the High Court established

BPD replaces Chancery Division of the High Court

The structure of the UK High Court has been modernised by the recent establishment of the Business and Property Division (BPD). Since the start of October 2026, the BPD has combined the Business and Property Courts, which previously sat across the Chancery Division and King's Bench, into a single division. The Business and Property Courts are a group of specialist civil courts which deal with high-value, complex and frequently international disputes, which includes intellectual property cases.

The BPD replaces the Chancery Division of the High Court and stands alongside the Family and King's Bench Divisions of the High Court.

On 01 October, Sir Colin Birss, the current Chancellor of the High Court, became the first president of the BPD. He became Master of Rolls on 01 November 2026 but will maintain oversight over the BPD until a new president is appointed.

Practical effects

In his speech outlining the implementation of the BPD Sir Colin Birss stated, "Apart from the name change, users will notice little change in the ways of working".

The reform is largely an administrative one, which requires updating of court forms, seals and court guides and amendments to the Civil Procedure Rules (CPR), Practice Directions and court systems. The specialist courts within the BPD and their existing jurisdictions will continue as normal.

The reform aims to:

- make it easier for court users to understand where to bring cases and therefore improve access to justice;
- enhance the international reputation of the Business and Property Courts by including them within a single divisional structure;
- simplify processes for business and property work within the High Court; and
- ensure that it is easier to assign judges where they are most needed.

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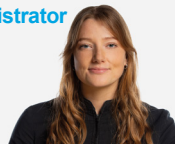
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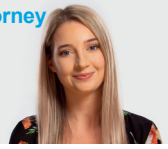
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