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Editorial

Welcome to our September newsletter. Our lead article considers the General Court's refusal of OPENAI and what it means for naming a brand in a fast-moving technology sector. It is a useful reminder that the name which explains a product best may be the hardest to protect. Elsewhere we look at AI-generated search results and trade mark use, how a hypothetical licence is priced in an IPEC damages inquiry, and the near-global injunction Hasbro obtained in the Wolfoo dispute.

We hope you enjoy this month's edition and welcome any thoughts on the issues raised.

Gabriele Engels
Partner, Rechtsanwältin

Events

Music Frontiers: New Visions for the Music Ecosystem
17-18 September 2026, Hamburg Germany
Attending: Yvonne STone

MARQUES Annual Conference 2026
22-25 September 2026, Lisbon Portugal
Attending: Jana Bogatz, Matthew Dick, Charlotte Duly, Gabriele Engels & Anna Reid

UK Trade Marks - Recent Decisions & Developments in One Hour
01 October 2026, Webinar
Presenting: Charlotte Duly & Peter Byrd

PTMG Autumn Conference
07-10 October 2026, Prague Czech Republic
Attending: Yvonne Stone

INTA Leadership Meeting
16-20 November 2026, Phoenix Arizona USA
Attending: Jana Bogatz & Anna Reid

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Distinctiveness

Building AI, open to all? General Court refuses OPENAI

The General Court has found OPENAI descriptive and dismissed OpenAI's challenge to the EUIPO; a reminder that fame and distinctiveness are not the same thing.

Background

In June 2023, OpenAI applied to register OPENAI as an EU trade mark across classes 9, 38, 42 and 45, including downloadable media, non-fungible tokens (NFTs), computer software, and scientific and technological services.

OPENAI is registered as a trade mark in the UK and in several other countries. None of this helped here. The examiner at the EUIPO partially refused the application, allowing only the telecommunications services in class 38, on the basis that it lacked distinctive character and was purely descriptive under Article 7(1)(b) and (c) EUTMR. The EUIPO dismissed OpenAI's appeal, finding the words "open" and "AI" descriptive of the nature and intended purpose of the goods and services: "open" meaning available or unrestricted and "AI" the familiar abbreviation of the expression "artificial intelligence".

The EUIPO found that the sign would not be read as a badge of origin. Instead, it would tell the relevant public directly that the goods and services at issue are linked to, or operate by means of, "freely accessible artificial intelligence".

Invoking equal treatment, OpenAI also pointed to similar marks already on the EU register and to its registrations elsewhere. Neither helped: The Board of Appeal held that earlier decisions do not bind the office, and the EU system is autonomous, so registrations in other countries carry no weight before the EUIPO.

OpenAI then brought an action before the General Court of the European Union, seeking to have that decision set aside.

OpenAI's case

OpenAI submitted that the Board of Appeal had read too much into the sign. OPENAI was a complex sign with no meaning of its own, it said, and so could not describe a characteristic of anything. It also objected to the Board of Appeal refusing everything at once, on blanket reasoning that drew no distinction between one good or service and the next.

Decision

One meaning sufficient: The court began from a settled principle: a sign must be refused registration if at least one of its possible meanings designates a characteristic of the goods or services concerned.

On that basis the court agreed that the EUIPO had been entitled to reach for the dictionary: "open" in combination with "AI" could refer to accessible or unrestricted artificial intelligence. OpenAI objected that "open" is not shorthand for "open source", but that missed the point. The term carries many meanings, and only one of them needed to be descriptive for the mark to be denied registration.

Two words, no space: On OpenAI's argument that OPENAI is a neologism (an unconventional arrangement of words lacking any lexical meaning) the court fell back on settled case law about how people actually read. Faced with a word sign, the average consumer breaks it into elements that resemble familiar words. To escape Article 7(1)(c) EUTMR, such a mark must give an impression perceptibly different from the sum of its parts. The lack of a space between the "OPEN" and "AI" elements was not enough to create that difference.

And since OPENAI follows the normal grammatical rules of English (adjective, then noun), people would read it as meaning accessible artificial intelligence.

Does every class involve AI? OpenAI's further argument was that not everything it had applied for was AI-related, criticising the finding that goods and services in classes 9, 42 and 45 were AI-based. The court disagreed: people would assume these services run on accessible

Case details at a glance
Jurisdiction: EU
Decision Level: General Court
Parties: OpenAI Inc v EUIPO
Date: 15 July 2026
Citation: T-555/25
Decision: dycip.com/t-555-25

As AI became mainstream, its language became descriptive rather than distinctive

AI, and in each class the goods and services claimed did relate to it.

The mark was descriptive. The action was dismissed.

Famous, but not distinctive

That a company as prominent as OpenAI should encounter the descriptiveness objection raises a question about how brands in emerging sectors get named. The vocabulary of a new technology tends to settle quickly, and often around the words its own developers used first. "AI" was specialist shorthand a decade ago and is ordinary English now. A company that names itself in that vocabulary risks describing its field rather than distinguishing itself within it, and the difficulty is there from the outset, rather than arising later as the term becomes common.

The better a name explains the product, the weaker it potentially is as a mark: the words that make something instantly understandable are the words the register is least willing to hand over. As a result, we may see more technology companies falling back on Article 7(3) EUTMR and proving distinctiveness acquired through use.

OPENAI may not be inherently registrable, but that does not mean the sign cannot function as a trade mark. OpenAI's evidence of recognition among consumers failed here only because reputation is beside the point under Article 7(1)(c). It goes to the heart of an acquired distinctiveness claim, and the EUIPO has said it will examine OpenAI's subsidiary Article 7(3) claim once the decision is final.

Whether OpenAI can meet that standard is not straightforward. Distinctiveness has to be shown as at the filing date (June 2023, barely six months after ChatGPT reached the public) and at a point when the name most consumers knew was ChatGPT rather than OpenAI. Later evidence counts only so far as it supports conclusions about the position at filing, and much of the recognition OpenAI would want to rely on may have come after that point. It will also need to show the sign worked as a badge of origin for each of the goods and services claimed, which may be more challenging for the more peripheral entries in classes 42 and 45.

Takeaways

There is a broader lesson in that timing. A company growing this fast will be famous long before it is protected, and the EU system asks what the public thought on the day you filed, not what it thinks by the time you reach Luxembourg.

> For businesses building brands in AI and other fast-moving sectors, the practical response is to separate the descriptive from the distinctive at the outset.

A name that explains what the product does might win recognition quickly, but it may struggle at the EUIPO, and pairing it with a coined element or a figurative mark should be a cheaper route to protection than an acquired distinctiveness claim built on years of evidence. However, the scope of protection may not be the same.

Whether a name gets through can also vary within a single application. Class 38 survived, while classes 9, 42 and 45 did not, so a filing strategy should assume each class will be judged separately rather than the application standing or falling as one.

> Any applicant who may need to fall back on acquired distinctiveness should be gathering evidence of use as they go.

It requires proof of what the public understood on the filing date, and a picture of that day is harder to reconstruct later.

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Copyright infringement / injunctive relief

The big bad Wolfoo? Peppa Pig's near global injunction
Why direct and specific argumentation is key

Case details at a glance
Jurisdiction: England & Wales
Decision level: High Court
Parties: Hasbro Consumer Products v Cong Ty Tnhh Dau Tu Cong Nghe Va Dich Vu Sconnect Viet Nam
Dates: 25 June 2026 & 27 July 2026
Citations: [2026] EWHC 1546 (Ch) & [2026] EWHC 1957 (Ch)
Decisions: dycip.com/2026-ewhc-1546-ch & dycip.com/2026-ewhc-1957-ch

Hasbro, owner of the Peppa Pig franchise, was recently successful in a summary judgment for copyright infringement against the Vietnamese producers of Wolfoo, an animated children's YouTube series.

Hasbro alleged that audio recordings from Peppa Pig had been copied in Wolfoo videos, creating an impression of association between the two programmes.

> This finding enabled Hasbro in a separate High Court decision to secure a near-global injunction against the producers of Wolfoo.

Jurisdiction
In the initial case, the defendants first argued that the claim should be governed by the laws of the countries where the alleged infringement occurred, including Vietnam.

The court rejected this argument as Hasbro was entitled to rely on the presumption that foreign copyright laws do not materially differ from English law, particularly given the international copyright framework established by treaties such as TRIPS and the WPPT. As the defendants failed to identify any specific differences between the applicable regimes, the claim was therefore determined under the law of England and Wales.

Subsistence and ownership
Next, the defendants challenged both the existence and ownership of any copyright in the sound recordings.

First, they argued that since Hasbro's evidence was based on audio extracted from Peppa Pig YouTube videos, they were relying on copies of recordings, not originals, as such no copyright could subsist in them under 5A(2) CDPA 1988. Yet the court disagreed as Hasbro had provided detailed evidence explaining how the recordings were stored and created, accepting that to locate every original recording would have been disproportionate. Therefore, use of audio extracted from YouTube was an acceptable substitute.

The defendants also attempted to dispute Hasbro's ownership of the recordings, claiming their evidence was nothing but vague recollections of the production process. Yet again, the court disagreed as detailed evidence of the creation of the sounds through various production companies established a clear chain of title.

As a result, the court concluded that neither challenge had any realistic prospect of success at trial.

Spectrogram evidence
A significant feature of the case was Hasbro's reliance on spectrogram evidence, an analysis of the visual representations of sound frequencies capable of identifying identical or substantially similar recordings.

Hasbro's experts identified at least 1,175 instances of copying across 92 English-language Wolfoo videos, alongside additional matches in later uploads and foreign-language content.

The defendants criticised the methodology as subjective and affected by audio compression but provided no convincing alternative explanation and admitted that a third party had copied Peppa Pig sounds into 66 Wolfoo videos during production.

> The judge described Hasbro's evidence as compelling and largely unanswered, concluding that the defendants had no real prospect of successfully defending the infringement claim.

Communication to the public
Finally, the defendants argued that their content targeted audiences in Vietnam, USA and Canada, not the UK.

The court again rejected this submission, as although UK viewers represented only around 3% of total viewership, that equated to a substantial audience given the scale of the operation with 48 billion total views. Hasbro also produced evidence showing that YouTube offered specific geographical blocking tools.

Accordingly, the court found that the defendants had no real prospect of disputing that the works had been communicated to the UK public.

The consequential injunction
The second case focused on the scope of the relief available to Hasbro. Although Hasbro's infringement evidence was based on fewer than 200 sample videos, those videos exhibited an infringement rate near 100%, leading Hasbro to argue that the copying was systemic across the wider Wolfoo catalogue.

The court agreed. Rather than requiring analysis of more than 30,000 videos, the judge held that safe inferences could be drawn from the representative sample. Given the scale of the infringement, and its continuation after Hasbro first raised concerns in 2020, the court granted an injunction covering the entire Wolfoo catalogue across the UK, the EU and 166 countries party to international copyright conventions, giving the order an effectively worldwide reach.

Conclusions
These decisions highlight that summary judgment applications cannot be resisted through speculation or undeveloped arguments, to address detailed evidence equally detailed criticism and argumentation is needed with a view of establishing a real prospect of success at trial.

The judgments also demonstrate that large-scale online infringers cannot rely on the volume of their activity as a shield against effective enforcement, given the findings of systematic infringement from a representative sample along with the deployment of a practically worldwide injunction.

Author:
Frankie Thomas

Tipping v Smith
Pricing the hypothetical licence in a damages inquiry

Case details at a glance
Jurisdiction: England & Wales
Decision level: IPEC
Parties: Andrew Tipping v Mark Smith
Date: 22 July 2026
Citation: [2026] EWHC 1855 (IPEC)
Decision: dycip.com/2026-ewhc-1855-ipec

In Tipping v Smith, the Intellectual Property Enterprise Court (IPEC) awarded damages of £56,850 to the claimant on the basis that the parties would have agreed a notional licence fee of £37.50 per social media post. The decision also considers recoverability of costs and when IPEC costs caps can be lifted.

Background

The claimant, Andrew Tipping, photographer and co-creator of Max Power magazine, brought copyright infringement proceedings against Mark Smith, who had used photographs from the magazine in 1,432 social media posts on "maxpowerreunion" accounts. The claimant contended that the posts helped the defendant gain followers and promote unofficial Max Power reunion events. Summary judgment on liability was granted (following admission of infringement), leaving the court to determine quantum.

Damages

HHJ Melissa Clarke considered what reasonable royalty or notional licence fee the parties would have agreed, had they been a willing licensor and licensee negotiating a licence for using the photographs. The court considered the "user principle", noting that while damages are assessed liberally, their object is compensatory, not punitive.

The parties' positions

The claimant relied on his usual charging structure. He calculated a licence fee of £37.50 per post (1/8 of his daily feature rate of £300), giving a total notional licence fee of £56,850. He was assisted by the National Union of Journalists (NUJ), which was considered to have expertise in negotiating for photographers and a good understanding of the market.

The defendant argued £56,850 was excessive. He relied on Glassdoor's automotive photography day rates of £100-£150, argued there was no reasonable basis to charge separately for use on two social media sites, and that the proposed post fee would not have been agreed. He further argued that his bargaining position had not been taken into account, that other photographers had given him royalty-free licences, and that his use of the photographs was non-commercial as posts were not monetised.

Outcome

The judge awarded the claimant £56,850 in damages, based on a notional fee of £37.50 per post, finding that:

- The defendant's use was commercial. The accounts were not monetised but were used to build an audience and promote revenue-generating reunion shows and merchandise.
- Each post could attract a separate fee. The defendant found value in maintaining two social media sites, so the hypothetical parties would consider all posts subject to a separate licence fee (regardless of platform).
- The claimant's particular skills were relevant and justified higher fees.
- The terms of the alleged royalty-free licences were unknown and it was accepted that granting a royalty-free licence is a matter for each photographer's discretion.
- The claimant's proposed feature rate was an appropriate benchmark. The photographs were taken from works commissioned and paid for at a feature rate; 1/8 of a day rate was reasonable value for a post which could include multiple photographs. A discount was already reflected by charging per post, not per photograph. The £37.50, supported by the NUJ and the claimant's actual charging structure was a reasonable market proxy for a hypothetical negotiation.
- The claimant was in a strong bargaining position while the defendant "needed the photographs to inspire nostalgia and drive interest in his commercial events".

Costs

The claimant asked the court to lift the IPEC caps (which it can do in "truly exceptional" cases). Whilst aspects of the defendant's conduct could be criticised, and he might, in hindsight, have been advised to accept the claimant's offer, the judge found that these matters did not justify departing from the caps. The judge therefore ordered the defendant to pay the claimant's costs, summarily assessed at £58,075, within the applicable caps.

Takeaways

Tipping v Smith demonstrates the importance of evidence of actual licensing practices in damages inquiries. Established charging structures may provide persuasive market benchmarks, particularly where supported by industry expertise.

The decision also highlights that costs caps are key features of litigating in the IPEC, and departing from them requires exceptional circumstances.

Finally, the case illustrates that damages inquiries, although relatively uncommon in UK IP litigation, can involve significant evidence and valuation issues after liability has been established. Parties should consider the potential costs and evidential burden when assessing litigation strategy or settlement.

Author:
Agnieszka Stephenson

IPEC insights: key decisions from 2026

Our ongoing **IPEC insights** series brings together expert analysis of some of the most significant judgments handed down by the IPEC in 2026.

Designed to help brand owners, rights holders and IP professionals stay ahead of key legal developments, the series examines the practical lessons arising from each decision and what they may mean in practice.

Explore the collection to catch up on the year's most important cases: www.dyoung.com/ipec-insights

Save the date! Webinar invitation
IPEC insights: 2026 in review
Thursday 28 January 2027
Join us for a practical and engaging review of a busy year in the UK IPEC. More details coming soon at www.dyoung.com/events.

AI-generated search engine results
Trade mark use or mere reference?

Case details at a glance
Jurisdiction: Germany
Decision level: Regional Court of Berlin II
Date: 01 June 2026
Citation: 52 O 62/26 eV; GRUR-RS 2026, 12047

AI has become an integral part of everyday life, but its growing role raises new legal questions, including in trade mark and unfair competition law. The Regional Court of Berlin II recently addressed whether AI-generated overviews constitute trade mark use.

The plaintiff manufactures and distributes perfumes of different brands. The defendant operates a search engine offering two AI-powered features that generate summaries of search results.

The case concerns AI-generated results for searches such as "perfume dupes" or alternatives to the plaintiff's perfumes, linking to third-party websites selling these products and, in some cases, displaying sponsored ads above the AI-generated text.

The plaintiff argued that the use of its trade marks and the promotion of perfume imitations in the AI summaries infringed its trade mark rights and constituted unfair competition, alleging that the defendant benefited financially from directing users to dupe providers that are either advertisers or sell products through its platform services.

Following a warning letter, the plaintiff applied for a preliminary injunction.

The court's decision

The Regional Court rejected the application for a preliminary injunction as partly inadmissible and otherwise unfounded, holding that it lacked jurisdiction to grant an EU-wide injunction.

EU trade mark law

The court held that the defendant did not use the trade marks in its own commercial communication. Under Article 9 EUTMR, trade mark use requires active conduct and direct or indirect control over the use of the sign. An injunction can only be directed against a party that is able to stop the infringing use.

Simply providing the technical infrastructure for displaying third-party content, even for remuneration, is insufficient.

The Court of Justice of the European Union (CJEU) has held that enabling advertisers to use trade marks as keywords does not constitute trade mark use by the search engine operator itself.

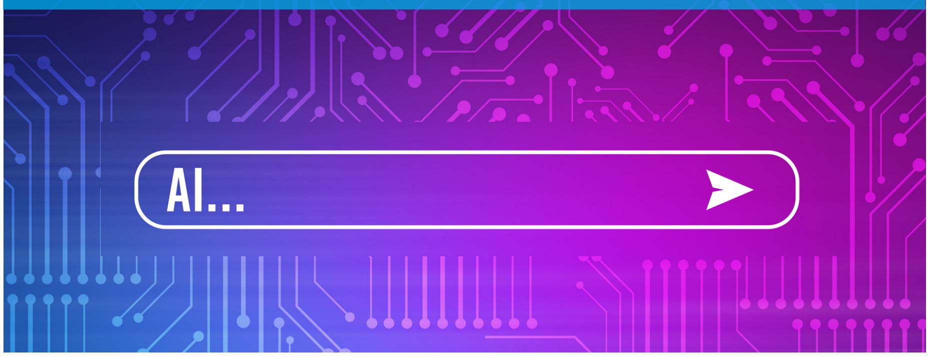
Against this background, the court found that the AI-generated overviews merely compile and summarise information that already exists. The defendant does not present AI-generated texts as its own content, adopt them as its own, or assume responsibility for the third-party content.

The average user understands the AI overview as a summary of external sources. The court considered it simply a new search format.

It further concluded that the defendant does not have sufficient control over the specific content of the AI-generated texts, since the overviews depend on information published by third parties.

It also held that the presence of sponsored products displayed alongside or outside the AI-generated overview did not constitute trade mark use by the search engine operator. Displaying advertisements only provides the technical framework for advertising and does not mean that the operator itself is using the trade marks.

AI-generated search results are creating new challenges for trade mark law



German unfair competition law

The court also rejected the unfair competition claim, finding that the parties are not competitors: The plaintiff sells perfumes, the defendant provides search engine services.

Any benefit to perfume dupes sellers resulting from the AI-generated content is merely incidental and does not give rise to a direct economic benefit for the defendant, which neither sells the products nor receives payment for including third-party websites or links. While it receives payment for advertising, such advertisements do not form part of the AI-generated texts.

Conclusion

Merely generating AI summaries containing trade marks does not constitute trade mark use by the AI provider. Trade mark use requires presenting the content as its own commercial communication and exercising sufficient control over the use of the mark.

This decision stands in direct contrast to a decision of the Regional Court of Munich I dated 28 May 2026 (Case 26 O 869/26, GRUR-RS 2026, 11860), which found the operator of an internet search engine liable for AI-generated overviews displayed in response to search queries. The court held that the AI-generated overviews were not merely search results but constituted content attributable to the search engine operator itself.

As AI continues to reshape how information is created and accessed, its implications for trade mark law and other areas of law will remain an evolving and closely watched issue. It remains to be seen whether higher courts will provide clarity on these questions in the near future and what the outcome will be.

Author:
Sophia Hassfeld

Ambush marketing meets the Streisand effect
Levi's World Cup lesson

At the recent FIFA World Cup 2026, one of the tournament's most talked-about marketing moments did not come from an official sponsor, but from an attempt to conceal a well-known trade mark. The episode involving Levi's Stadium provides a useful case study on ambush marketing, the Streisand effect, and the commercial value of distinctive brand assets. For brand owners, marketing professionals and IP practitioners alike, it offers an important reminder of how enforcement measures, public perception and trade mark strength can interact in unexpected ways.

What is ambush marketing?

Ambush marketing is a tactic used by brands to associate themselves with major events, such as the Olympic Games or FIFA World Cup, without paying for official sponsorship. It typically takes the form of either association, where a brand seeks to imply a connection with the event, or intrusion, where it places itself within the event's physical or visual environment to gain exposure.

Levi's batwing breakthrough at the FIFA World Cup 2026

Major sporting events are accompanied by extensive commercial protection measures. Sponsors pay significant sums for exclusive marketing opportunities and, in return, event organisers seek to ensure that non-sponsors do not benefit from the same visibility.

For the 2026 FIFA World Cup, hosted across the USA, Canada and Mexico, FIFA enforced "clean zone" requirements around host venues. These measures restricted non-sponsor commercial activities and required several stadiums with sponsor-affiliated names to adopt temporary alternatives during the tournament. Mercedes-Benz Stadium became Atlanta Stadium, while Levi's Stadium became San Francisco Bay Area Stadium.

As part of these efforts, FIFA covered the large Levi's batwing logo located at the stadium. However, while the logo itself was concealed beneath a white covering, the distinctive batwing shape remained clearly visible.

Levi's quickly recognised the opportunity.

A batwing shape is distinctive to the Levi's brand

The company posted a short video of the covered logo on its official Instagram account using the audio clip "nobody's gonna know". The post resonated strongly with audiences and quickly attracted international media attention, generating close to one hundred million views. Rather than distancing itself from the concealment, Levi's embraced it as the central feature of its campaign. The company subsequently released a line of "Nobody's Gonna Know" t-shirts featuring a plain white batwing silhouette, transforming FIFA's attempt to hide the branding into a marketing asset in its own right.

The Streisand effect in action

The campaign appears to be a striking example of the Streisand effect, a phenomenon whereby attempts to suppress or conceal information unintentionally draw greater attention to it. Rather than limiting Levi's visibility, FIFA's efforts to cover the batwing logo became the story itself.

The incident highlights an important consideration for rights holders and event organisers. While enforcement is often necessary to protect sponsorship value, highly visible enforcement measures can sometimes generate the publicity they are intended to prevent, particularly in an era of social media and rapidly shared content.

The importance of distinctiveness

Arguably, the campaign's greatest lesson concerns the value of a distinctive trade mark.

Consumers instantly recognised Levi's despite being unable to see the Levi's name or many of the visual features typically associated with the brand. The silhouette of the batwing alone was sufficient to communicate commercial origin. Indeed, much of the humour behind Levi's "nobody's gonna know" post depended on the fact that consumers immediately knew exactly what was hidden beneath the white sheet.

That level of recognition is not accidental. It is the product of decades of consistent branding and sustained investment in a distinctive visual identity. Through extensive use and promotion, the batwing logo has acquired significant distinctiveness and commercial value. The campaign demonstrated that a successful trade mark does not always need words to perform its identifying function.

Takeaways

The Levi's campaign highlights the intersection between ambush marketing, rights enforcement and the Streisand effect. While organisers of major events must continue to protect the exclusivity purchased by official sponsors, enforcement strategies should be considered not only from a legal perspective but also from a communications and reputational standpoint. In the age of social media, protecting rights and managing publicity are increasingly part of the same conversation.

The campaign also serves as a powerful reminder of the commercial value of distinctive trade marks. The fact that consumers could identify Levi's solely from the outline of a concealed logo demonstrates one of the fundamental objectives of trade mark law: enabling consumers to recognise commercial origin through distinctive brand indicators. Whatever view one takes of the ambush marketing aspects of the campaign, its success reinforces the importance of building and maintaining strong, recognisable brand assets capable of delivering value even when the brand name itself is nowhere to be seen.

Author:
Richard Burton

And finally...

UK registered designs / expert evidence

Expert evidence in UK registered design proceedings Guidance on admissibility and limitations

In ICAP Laundry Care SL v Persan SA, an invalidity action was brought against a UK registered design for a detergent capsule. The rightsholder filed a witness statement presented as an expert report to try and prove the design was new and had individual character. The Tribunal deemed this to be expert evidence, and its admissibility was challenged as no permission had been sought.

While permission is required to adduce expert evidence in trade mark proceedings, where issues are generally determined by reference to the "average consumer", this decision confirms that expert evidence may be filed in registered design proceedings without seeking permission. There is nothing in the Registered Designs Act 1949 or the Registered Designs Rules 2006, nor any UKIPO guidance specific to registered designs, imposing a permission requirement.

However, where expert evidence is admitted into proceedings, its evidential value will depend on the issues it addresses. Here, the hearing officer noted that Tribunal Practice Notice (TPN) 1/2000 was relevant to registered design proceedings, and requires the Tribunal to adhere to the same overriding objective as the court for dealing with cases justly, as set out in rule 1.1 of the Civil Procedure Rules 1998. The hearing officer also acknowledged the treatment of expert evidence in design case law (including in P&G v Reckitt Benckiser [2007] EWCA Civ 936 and Rothy's v Giesswein Walkwaren [2020] EWHC 3391 (IPEC)).

In short, the parts of the report that were granted evidential weight in this case included: the summary of the laundry market; and the designer's degree of freedom, in particular, the extent to which the size and shape of the capsule was dictated by functional constraints and manufacturing techniques. Conversely, no evidential weight was granted to the report's comments on issues that were ultimately for the Tribunal to decide, such as: the identity of the informed user; comparing the designs; and the overall impression produced on the informed user.

Author:
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Useful links
O/0497/26, ICAP Laundry Care SL v Persan SA (PDF):
dycip.com/icap-persan

TPN 1/2000:
dycip.com/tpn-1-2000

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