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Harry and Meghan and their brand soul-searching 329

In December 2019 the UK Intellectual Property Office revealed that the Harry and Meghan's foundation had filed in June 2019 applications to protect the trade marks "Sussex Royal" and "Sussex Royal the Foundation of the Duke and Duchess of Sussex". Yet, the couple later decided to withdraw such applications, probably after Queen Elizabeth told them to drop all royal titles following their shocking announcement in January 2020 to step down from monarchy-related duties. Harry and Meghan will also need to rebrand their popular Instagram account and in general plan a new (and more effective) trade mark strategy not linked to their former life as members of the Royal Family.

Articles

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Copyright Exceptions Across Borders: Implementing the Marrakesh Treaty 332

This article reviews state ratification and implementation of the Marrakesh Treaty since its conclusion in 2013. We find that most states have adhered closely to the Treaty's text, thus creating a de facto global template of exceptions and limitations that has increasingly enabled individuals with print disabilities, libraries and schools to create accessible format copies and share them across borders. The article argues that the Marrakesh Treaty's core innovation—mandatory exceptions to copyright to promote public welfare—together with consultations with a diverse range of stakeholders, may offer a model for harmonising human rights and IP in other contexts.

OXSANA TREIVAS AND SERGEI
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Confirmation of Entitlement of the Priority Claim when an International Application for an Invention Enters the Regional Phase with the Eurasian Patent Office is a Prerequisite for the Successful Completion of the Procedure for Obtaining a Eurasian Patent 341

A documented confirmation of entitlement of the priority claim when an international application for an invention under the Patent Cooperation Treaty enters the regional phase of consideration with the Eurasian Patent Office is an essential requirement for maintaining the priority. The authors review the validity of the applicant's submission of a document confirming his entitlement of the priority claim against the requirements of the Eurasian Patent Office when the international application enters the regional phase of consideration with the Eurasian Patent Office if the applicant is not the applicant who filed the earlier application. The applicant's entitlement of the priority claim may be proven by documents on the transfer of rights or succession, or a declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application, as mentioned in the PCT Request, or a declaration submitted directly to the Eurasian Patent Office.

GIANCARLO MORETTI

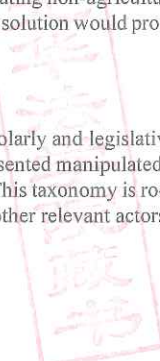
Non-Agricultural Geographical Indications in the European Union: A Sector in Need of Harmonisation 345

In contrast with the position on agricultural products and specialty foods, sui generis geographical indication (GI) protection is not available for traditional and local non-agricultural products in the European Union (EU). As a result, the legislative framework regarding this sector displays considerable fragmentation. In order to overcome this problem, this article suggests incorporating non-agricultural products into the body of the current EU Regulations for GIs. It claims that such a solution would provide harmonisation of the framework of non-agricultural GIs.

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Manipulated Images: A Taxonomy 353

Given the prevalence of unconsented manipulated images, there is growing scholarly and legislative interest in regulating such images. This article offers a new taxonomy of unconsented manipulated human images based on clarity of manipulation and perceived subject consent. This taxonomy is rooted in subjects' interests in autonomy over their own image, and also accounts for other relevant actors' perspectives.



ZARINA IQBAL, ZAFAR IQBAL, AND
SAIMA SADAF**Comments**

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Impact of Bolar-exemption and Compulsory Licensing on Market Exclusivity and the Public Health Crisis—Perspective from Developing Countries 36

The creation of a balance between the rights and obligations of right holders and the user of technological innovations is one of the principal objectives of TRIPS. To meet this, TRIPS has created various exemptions under which patented rights can be exploited without the authorisation of the right holder. One of them is the regulatory-trial (or Bolar) exemption, introduced by the Member States to facilitate the generics' early market entry; and the other is compulsory licensing, sanctioned to meet the local market needs or to address the public health crisis resulting from the abuses of monopoly rights. This article is an attempt to analyse the implications of TRIPS exemptions on its objectives especially the objective of protecting and enforcing intellectual property rights to the promotion of technological innovations, particularly in the pharmaceutical sector; on the market exclusivity; and the public health crisis management strategies when abused by the generic drug manufacturers.

Interflora in Reverse: Higher Regional Court of Frankfurt on Keyword Advertising 376

In a recent decision, BeckRS 2019, 2487—*Polzar*, the Higher Regional Court of Frankfurt ruled on a case of keyword advertising. The case shows that the concept of "vagueness" pursuant to the ECJ's judgment in *Interflora* is potentially vast. In general, the judgment provides an opportunity to discuss the premises of the ECJ's and BGH's jurisprudence on keyword advertising.

General Court Confirms Rejection of Cannabis Trade Mark on the Ground of Public Order pursuant to art.7(1)(f) of European Union Trade Mark Regulation (EUTMR): Cannabis Store Amsterdam (T-683/18) EU:T:2019:855 378

Article 7(1)(f) EUTMR provides for the refusal of signs that are contrary to public policy or accepted principles of morality. A recent judgment from the General Court confirmed that, despite a growing tolerance within the European Union towards legalising cannabis for recreational and medical uses, its use remains prohibited in at least nine Member States. The prohibition in those countries is justified by public health issues that are considered fundamental in accordance with those countries' own systems of values. As a result, the trade mark Cannabis Store Amsterdam infringes public policy concerns for the purposes of art.7(1)(f) EUTMR.

Martin v Kogan: (It) Take(s) Two—the Court of Appeal Clarifies the Joint Authorship Test 381

Previously, the UK copyright law on joint authorship seemed to be unforgiving to those seen as only minor contributors. Perhaps prioritising legal certainty, some decisions favoured "control" and "responsibility for what actually appears on paper". Others were more holistic, taking account of the skill and effort involved in creative inputs. Recently, in *Kogan v Martin*, the Court of Appeal of England and Wales clarified the approach to joint authorship. It endorses a flexible, contextual approach. This article examines the background to the case and explains the Court's decision to allow the appeal and order a retrial. It then anticipates some of the challenges which first instance courts may face when attempting to apply the Court of Appeal's guidance in future cases. It concludes that the new guidance better equips courts with the tools needed to engage with the issue of joint authorship and its approach arguably sits better with the harmonised EU standard of originality. Minor contributors to a collaborative work are now more likely to be recognised as joint authors of the resulting collaborative work.

CIPA Guide to the Patents Act 390**The Object and Purpose of Intellectual Property** 391