

# **WIPO Regional Workshop Building Respect for IPRs**

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Kyiv, Ukraine  
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## Topic 5

recent jurisprudence on the protection of  
trade marks and copyright

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# Infringement of video clips

- *England and Wales Cricket Board v Tixaq Ltd* [2016] EWHC 575 (Ch), Arnold J
- use of 8 second video clips of TV broadcasts
- reporting defences did not avail Dfs

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# Copyright in compilations

- usually involve much work, but often with little or no literary contribution
- often very valuable and misappropriated
- *Global Yellow Pages v Promedia Directories Pte Ltd* (Singapore, [2016] SGHC 9, 28 Jan 16)
  - rejects mere sweat-of-the-brow effort
  - requires some creativity or intellectual effort

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# Hyperlinking

- *GS Media* C-160/15
- hyperlinking to unauthorised content not a communication to the public, if
  - no financial gain
  - did not know illegal nature of the publication

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# Klingon: copyright in a fictional language

- Star Trek: Axanar



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# multi-jurisdictional TM injunctions

- for EU TMs, possible to get a pan-EU injunction
- Case C-223/15 *Combit Software*
- combit / commit: LoC for non-English speakers
  - for the Df to establish no infringement in certain places
  - for the court to define very precisely the affected territory
  - exclusion of “English speaking areas” unclear

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# confiscation of trade marks

- *Philip Morris v Uruguay* (ICSID ARB/10/7)
- no compensation for the loss of equity in the TMs

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# three dimensional marks

- Donut Paco Palace “Longhorn donuts”
- University of Texas word mark “Longhorns”



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