

# Recent Case Law in German Trademark Law



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## FOREWORD

At EISENFÜHR SPEISER, trademark competence is pooled across the firm in the trademarks practice group. The attorneys-at-law and patent attorneys regularly exchange information regarding new developments in case law and practice. Together, the practice group draws on a wealth of experience of over 50 years. And our clients benefit from this.

This year's case law review pays particular attention to the forthcoming "Brexit" and the resulting possible scenarios for EU intellectual property rights. In order to ensure the protection of, for example, your EU trademarks and Community designs even after Brexit, you will find some useful hints in the following.

In this case law review, the trademarks practice group has compiled and prepared eight current practice-related decisions from the last couple of months for you. In addition to the question of trademark infringement by various forms of use and questions of distinctiveness, the courts also dealt with the issue of "parity of arms" in temporary injunction proceedings, with two widely-noticed decisions handed down by the Federal Constitutional Court. In addition, the review also highlights the latest developments on the subject of "recall obligations in injunctive relief".

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