

Recent Case Law in German Trademark Law



2019

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Patentanwälte Rechtsanwälte PartGmbB

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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.

For the 2019 case law review, the trademarks practice group has compiled and analysed a total of eight current decisions of relevance for practitioners in the field, with a personal assessment added by the respective attorney.

The decisions relate not only to infringement cases, but also to cancellation cases and cases concerning the eligibility of trademarks. Particular attention is drawn to the

changes in established case law regarding the place of jurisdiction for cross-border tort cases. The other decisions discussed in this review concern issues such as the validity of registered Community designs, the protection of geographical indications of origin, as well as the legal concepts of distinctiveness, genuine use as a trademark and the exhaustion of trademark rights. Questions concerning the requirements for protection of colour combination marks and the use of marks with weak distinctiveness are also discussed.

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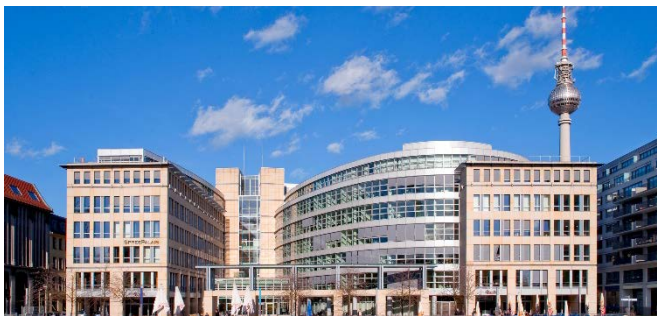
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