

# Kluwer Trademark Blog

## Top 3 Posts of the Autumn from our IP Law Blogs

Kluwer Patent Blog · Thursday, December 6th, 2018

To ensure you don't miss out on interesting IP law developments reported on our other IP blogs, we will, on a regular basis, provide you with an overview of the top 3 most-read posts from each of our IP law blogs. Here are the top posts from September, October and November.

**Top 3 Kluwer Copyright Blog posts of September, October and November**



**1) Ex Machina, Ex Auctore? Machines that create and how EU copyright law views them** by Ana Ramalho

*“The creation of works by artificial intelligence systems (AIS) challenges our perception of creativity and, with it, of eligibility for copyright protection. Examples abound. AIS can autonomously create paintings, literary works, music, or even artificial photos. Were these works created by a human being, their eligibility for copyright protection would not be controversial. However, it is unclear whether the copyright framework can accommodate AIS as creators, or whether works automatically generated by an AIS can qualify for protection under copyright law.”*

**2) Legally Speaking: Questioning A New Intellectual Property Right For Press Publishers** by Pamela Samuelson

*“Should European press publishers be granted a new intellectual property (IP) right as to online uses of their journalistic contents? These publishers have long had both copyright and sui generis database IP protection for these contents. Yet the European Commission, Council, and Parliament have been convinced that only by granting the new IP right will sustainable quality journalism continue to be produced in the EU. Despite some strong opposition, this proposal seems likely to be adopted and made a mandatory part of EU law.”*

**3) Before the Singularity: Copyright and the Challenges of Artificial Intelligence** by Dr. Begoña González Otero and Joao Pedro Quintais

*“In May, the ECS held their annual summit in Brussels, under the title “EU copyright, quo vadis? From the EU copyright package to the challenges of Artificial Intelligence.” The summit covered many of the hot topics on today’s copyright agenda, including the proposed directive on Copyright*

in the Digital Single Market. This post, however, focuses on the afternoon session, dedicated to the challenges posed to copyright law by artificial intelligence (AI), especially in the EU.”

### **Top 3 Kluwer Trademark Blog posts of September, October and November**



#### **1) Norway: Ridicule as a response to claims of trade mark infringement** by Thomas Hvammen Nicholson

*“A trade mark infringement matter which has been making the headlines in Norway the last week concerns the small Norwegian beverage producer O. Mathisen’s product JALLASPRITE, which is a lemon flavoured soft drink. Coca-Cola, being the proprietor of the registered and probably reputed trade mark SPRITE, are none too happy about this.”*

#### **2) The Louboutin Saga in France: a new victory** by Laura Morelli

*“The Paris Court of Appeal ruled that the French figurative trademark owned by Mr. Christian Louboutin and designating “high-heeled shoes (except orthopedic footwear)” in Class 25, reproduced above, is valid.”*

#### **3) Denmark: Obelix, the IP-right that fell into the cauldron of magic potion?** by Lasse Søndergaard Christensen

*“In a recent decision from 1 October 2018 (B-2740-17) the Danish Eastern High Court affirmed a decision of the Danish Commercial Court from December 2017 (V-8-17) in which the court had ruled that a café in Copenhagen had infringed the trademark rights and copyrights to the character Obelix which rightfully belongs to Les Editions Albert René S.A.R.L (Albert René). The café was named Café Obelix and the interior of the café was decorated with numerous illustrations from the universe of the ‘Asterix’ comic book series.”*

### **Top 3 Kluwer Patent Blog posts of September, October and November**



#### **1) Top 9 changes to the 2018 EPO Guidelines for Examination** by Laurence Lai

*“The European Patent Office published an advance preview today of its annual update to the Guidelines for Examination which will come into force on 1 November 2018. Here are the main changes and what they mean for users of the European patent system.”*

#### **2) Cautious optimism after the first hundred days of EPO president António Campinos** by Kluwer Patent Blogger

*“On 1 July 2018, António Campinos became president of the European Patent Office, as successor of Benoit Battistelli, whose authoritarian leadership and conflicts with staff members and union leaders led to years of deep social unrest at the EPO. Hundred days after the leadership change,*

*there is cautious optimism Campinos is committed to improving the situation and will take complaints about working conditions and patent quality seriously. Still, in painful dossiers concerning employees who were in conflict with Battistelli, he hasn't acted."*

**3) The Future of the UK in the UPCA post Brexit is uncertain. But Milano è pronta.** by Thorsten Bausch

*"A recent study by two eminent scholars from the Max Planck Institute for Innovation and Competition (MPI) on "The Impact of Brexit on Unitary Patent Protection and its Court", which is available [here](#), casts significant doubts whether it will be possible for the United Kingdom to stay in the UPC Agreement after the UK has left the European Union."*

Read further posts on the Kluwer Copyright Blog [here](#), the Kluwer Trademark Blog [here](#) and the Kluwer Patent blog [here](#).

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 Wolters Kluwer



The graphic features a dark background with vibrant blue and red digital lines and glowing points, suggesting a high-tech or data-driven environment. A large, metallic gavel is positioned diagonally across the center, its head resting on a circular base. The gavel and its base are illuminated with a blue glow, contrasting with the dark background. The text is white and blue, providing high contrast and readability.

This entry was posted on Thursday, December 6th, 2018 at 9:21 am and is filed under [Case law](#), [The EU is an economic and political association of certain European countries as a unit with internal free trade and common external tariffs](#).[">European Union](#)

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