
TRADE MARK LAW IN EUROPE

THIRD EDITION

ALEXANDER VON MÜHLEND AHL
DIMITRIS BOTIS
SPYROS MANIATIS
IMOGEN WISEMAN



OXFORD

TRADE MARK LAW IN EUROPE

THIRD EDITION

by

ALEXANDER VON MÜHLEND AHL

*Visiting Professor, Centre for Commercial Law Studies, Queen Mary, University of London
Attorney, Bardehle Pagenberg, Munich*

DIMITRIS BOTIS

Deputy Director for Legal Affairs, OHIM

SPYROS MANIATIS

*Professor of Intellectual Property and Director of the Centre for Commercial Law
Studies, Queen Mary, University of London*

IMOGEN WISEMAN

Partner, Cleveland, London

OXFORD
UNIVERSITY PRESS

OXFORD

UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries

© Alexander von Mühlendahl, Dimitris Botis, Spyros Maniatis, Imogen Wiseman 2016

The moral rights of the authors have been asserted

Impression: 1

Second Edition published in 2009

Third Edition published in 2016

All rights reserved. No part of this publication may be reproduced, stored in
a retrieval system, or transmitted, in any form or by any means, without the
prior permission in writing of Oxford University Press, or as expressly permitted
by law, by licence or under terms agreed with the appropriate reprographics
rights organization. Enquiries concerning reproduction outside the scope of the
above should be sent to the Rights Department, Oxford University Press, at the
address above

You must not circulate this work in any other form
and you must impose this same condition on any acquirer

Crown copyright material is reproduced under Class Licence
Number C01P0000148 with the permission of OPSI
and the Queen's Printer for Scotland

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data

Data available

Library of Congress Control Number: 2016933492

ISBN 978-0-19-872605-0

Printed and bound by
CPI Group (UK) Ltd, Croydon, CR0 4YY

Links to third party websites are provided by Oxford in good faith and
for information only. Oxford disclaims any responsibility for the materials
contained in any third party website referenced in this work.

The views and opinions set out in the book do not represent the views and opinions of the OHIM/EUIPO,
but are the personal views and opinions of the author.

TRADE MARK LAW IN EUROPE

THIRD EDITION

FOREWORD

Take as your starting point the provisions of the Directive and the Regulation which govern the availability and scope of trade mark protection within and across the European Union. Resist the temptation to interpret and apply them simply as if they were encapsulations of prior national jurisprudence. Remind yourself that the legislation must, so far as possible, be interpreted and applied in conformity with the provisions of the TRIPs Agreement. Turn to the case law of the Court of Justice for guidance as to the way in which the legislation should be interpreted. Then reach for this book.

Why? Because the authors have analysed the law systematically from an EU perspective and provided a comprehensive and coherent exposition of the main rules and principles as they have thus far been developed and refined by the supervising courts in Luxembourg.

That was not an easy task to accomplish. At the macro level, they have had to recognise that judgments of the Court of Justice do not all contribute equally to the development of the law. At the micro level, they have had to recognise that the significance to be attributed to particular passages in judgments of the Court may depend not so much upon what they say, as upon what they do not say in the legal and factual context in which they appear. And as an aspect of that, since the Court is generally not willing to depart in express terms from its own case law, the process of implicit departure can really only be appreciated by focusing upon what is not currently being said as compared and contrasted with what was said before on the same or inter-related topics.

It is to be welcomed that in the course of drilling down into the case law, the authors have taken account of the importance of the role played by the Advocates General in shaping and testing the rulings of the Court. The opinions of the Advocates General do help to identify any perceived need for the existing state of the law to be restated with or without modification or amplification. Their advice as to what is required for a principled determination of the case at hand also provides a statement of position against which to assess the resistance or receptiveness of the Court to the propositions that have formally been put forward for its consideration.

Sometimes that assessment must allow for an extended period of reflection while the Court works out just how far to take a proposition that the Advocate General has presented to it. As can, in retrospect, be seen to have happened in response to the influential observations of Advocate General Ruiz-Jarabo Colomer beginning at point [41] of his opinion in Case C-206/01 *Arsenal Football Club* with the words: "To state that the registered proprietor may prevent a third party from using "the trade mark as a trade mark" is as good as saying nothing at all. It is therefore necessary to give substance to that indeterminate concept and, in doing so, to keep the functions of a trade mark very much in mind."

The authors have not shied away from dealing with the expanding role of 'the functions of a trade mark' as a controlling factor in the determination of relative rights. They have considered the nature of 'the functions' and they have considered the somewhat perplexing effect that referencing 'the functions' has had upon the distribution of protection between

‘double-identity protection’, ‘extended protection for marks with a reputation’, and ‘protection against the existence of a likelihood of confusion’. There will undoubtedly be more to say in future editions of this book as the case law continues to develop in relation to the concepts of harm and adverse effect on ‘the functions’ for which a trade mark is protected by registration. Among the questions for consideration in the meantime, with the benefit of the authors’ analysis of the position thus far reached, would be: Must some level of use resulting in consumer awareness of a trade mark always be deemed to exist for the purpose of assessing whether the functions for which it is protected by registration are liable to be affected by the use of an identical or similar sign? Does the Court intend a defence of fair use to be recognised and accepted as the antithesis of interference with the functions for which a trade mark is protected by registration?

Exclusions from registration on absolute grounds continue to require compartmentalised treatment in accordance with the case law of the Court. The authors have necessarily adhered to that approach in their analysis of the jurisprudence. Their assessment of the judgment in Case C-307/10 *IP Translator* is illuminating as to the delicacy of the task undertaken by the Court in relation to the legal requirement for clarity and precision in the wording of the list of goods or services for which registration is requested. By the time the next edition of this book is published, it may have become apparent whether the Court is actually prepared to accept or reject the proposition that under the first of the absolute grounds for refusal specified in the Directive and the Regulation, the validity of an application for registration depends upon compliance with that legal requirement. More generally, the authors’ analysis of the case law points to the need for a question: should the Court move to the position that the legislation mandates ‘distinctiveness’ (intrinsic or acquired through use) as a fundamental requirement for registration and does not, in doing so, call for any great debate as to whether and where any neat dividing lines should be drawn between the various different reasons why it might be found that a particular sign does not, in fact, fulfil that requirement?

Three things are clear simply on viewing the authors’ exposition of the law as a progress report on the work of the Court of Justice. First, the magnitude of the task with which the Court was confronted in giving meaning and content to the words of the Directive and the Regulation as EU legislative instruments for the implementation of EU standards of compliance with the provisions of the TRIPs Agreement relating to trade mark rights. Second, the substantial progress that the Court has made in dealing with that task to date. Third, the extent to which further progress depends upon the adoption of more explanatory reasoning in judgments relating to the practical application of important aspects of the law. Examples of such aspects of the law would include: the meaning and relative nature of ‘distinctiveness’ as an attribute of identity in a competitive marketplace; the way in which ‘similarity’ is actually intended to operate as a test for relatedness between marks and signs and as between goods and services; and the extent to which EU-wide protection of a trade mark may be reduced or eliminated as a result of territorially limited exploitation of the protected trade mark.

There is, however, no justification for viewing this book simply as a progress report on the work of the Court of Justice. The authors have gone well beyond that in contextualising and critically appraising the jurisprudence they have addressed. At every point the reader sees points of interest and practical importance identified in the text and wants to know what

the authors have said about them. For people who care about the operation of the law of trade marks, it is a pleasure to read their work and decide whether or not to accept that the law as they describe it is following a correct course and whether to agree or disagree with what they say about that.

Geoffrey Hobbs QC
February 2016

ACKNOWLEDGEMENTS

We are delighted to publish the third edition of this work with the Oxford University Press.

The process from commissioning to bringing to the shelves has been seamless. We are grateful to Ruth Anderson for bringing the project in under the aegis of OUP. We would also like to thank Gemma Parsons for masterfully managing the team of authors, Emma Taylor for supporting the book to completion, and Louise Murgatroyd for her passionate marketing.

We are equally grateful to Paul Tompsett at Newgen for leading a fantastic team of professionals that helped us complete our work: Sue Meek, and Janet Walker for their insightful copyediting, Jim Driscoll for his intuitive proofreading, Avril Ehrlich for her thorough indexing, and Mike Leach for his skilful tabling.

As a team, the four authors had great fun working together, and we are already looking forward to the fourth edition.

Finally, we have to thank all those who helped fill in the pieces of the great EU trade mark law puzzle: students, academics, trade mark professionals, practitioners, lawyers, examiners, regulators, judges, trade mark owners and enforcers, who, in one way or another, have to give life to the case-law of the Court in a logically coherent and practically workable manner.

TABLE OF CASES

UK CASES

<i>Arsenal Football Club plc v Matthew Reed</i> [2002] EWHC 2695	9.57
<i>Arsenal Football Club plc v Matthew Reed</i> [2003] EWCA Civ 696	9.57–9.58
<i>Boehringer Ingelheim Pharma KG v Swingward Ltd</i> [2003] EWHC 110 (Ch)	10.335
<i>Boehringer Ingelheim Pharma KG v Swingward Ltd</i> [2004] EWCA Civ 757, CA	10.334–10.335
<i>BP Amoco Plc v John Kelly Ltd and Glenshane Tourist Services Ltd</i> [2001] FSR 21	5.206
<i>British Sugar Plc v James Robertson & Sons Ltd</i> [1996] RPC 281	7.145
<i>Dyson Ltd's TM Application</i> [2003] RPC 47	4.28
<i>Elizabeth Emanuel Trade Mark</i> [2004] RPC 15	5.842
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2009] EWHC 1095 (Ch)	9.222, 9.260
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2010] EWHC 925 (Ch)	9.225–9.226
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2013] EWCA Civ 510	9.260
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2013] EWHC 270 (Ch)	9.260
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2013] EWHC 273 (Ch)	9.260
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2013] EWHC 936 (Ch)	9.260
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2013] EWHC 1484 (Ch)	9.260
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2013] EWHC 1683 (Ch)	9.260
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2013] EWHC 2191 (Ch)	9.260
<i>Interflora Inc, Interflora British Unit v Marks and Spencer Plc, Flowers Direct Online Limited</i> [2014] EWCA Civ 1403	9.260, 9.261
<i>Interflora Inc (a company incorporated under the laws of the State of Michigan, United States of America), Interflora British Unit v Marks and Spencer plc, Flowers Direct Online Limited</i> [2012] EWHC 1722 (Ch)	9.260
<i>John Lewis of Hungerford Ltd's Trade Mark Application</i> [2001] RPC 28	4.88
<i>Joseph Crosfield & Son Ltd's Application ('Perfection')</i> [1910] 1 Ch 130	5.848
<i>Marks and Spencer Plc v Interflora Inc (A company incorporated under the laws of the State of Michigan, USA), Interflora British Unit</i> [2012] EWCA Civ 1501	9.260
<i>Philips Electronics NV v Remington Consumer Products Ltd</i> [1998] RPC 283	4.15
<i>Philips Electronics NV v Remington Consumer Products Ltd</i> [1999] RPC 809; [1999] ETMR 816	4.156
<i>Wagamama Ltd v City Centre Restaurants Plc</i> [1995] FSR 713	7.26
<i>Zino Davidoff SA v A&G Imports Ltd (No 1)</i> [1999] 2 CMLR 1056	10.297
<i>Zino Davidoff SA v A&G Imports Ltd (No 2)</i> [2000] 2 CMLR 750	10.297, 10.302

OTHER NATIONAL/SUPRANATIONAL CASES

Benelux

<i>Turmac v Reynolds</i> , Case A-80/1 [1981] ECC 346	8.17
<i>Vlaamse Toeristenbond</i> , Case A-2002/2, Judgment of the Benelux court of 15 December 2003	5.666

France

<i>Baccara C. A de Nancy</i> , PIBD 1980, III, 227.....	5.521
Cass Commerc, PIBD 1982, No 312, III, 238	5.521
<i>L'Oréal SA v Bellure NV</i> [2006] ECDR 16 C d'A (Paris).....	4.88

Germany

'Black/yellow colour mark,' German Federal Court of Justice, 10 December 1998 [1999] IIC 809	4.149
<i>Mühlens GmbH & Co KG v Zirh International Corp</i> [2005] ETMR 55.....	7.83

Netherlands

<i>Marca Mode CV v Adidas AG & Adidas BV</i> [1999] ETMR 791 HR (NL)	7.37–7.38
--	-----------

Sweden

<i>Koninklijke Philips Electronics NV v Rotary Shaver Sweden AB</i> [2005] ETMR 103 HR (Stockholm).....	4.156
--	-------

United States

<i>In re Clarke</i> , 17 USPQ 2d 1238 (TTAB 1990)	4.88
<i>Qualitex Co v Jacobson Products Co</i> , 514 US 159 (1995); Registration no 1633711.....	5.207

EU CASES

Court of Justice of the European Union (CJEU) (arranged by case number)

C-2/62, <i>Commission v Belgium</i> [1962] ECR 425	10.05, 10.07
C-28/62, C-29/62, and C-30/62, <i>Da Costa en Schaake NV, Jacob Meijer NV and Hoechst-Holland NV v Nederlandse Belastingadministratie</i> [1963] ECR 31	3.17
C-31 and C-33/62, <i>Milchwerke Heinz Wöhrmann & Sohn KG and Alfons Lütticke GmbH v Commission</i> [1962] ECR 501	3.10
C-6/64, <i>Costa v Ente Nazionale per l'Energia Elettrica (ENEL)</i> [1964] ECR 585.....	3.16
C-56 and C-58/64, <i>Etablissements Consten SARL and Grundig Verkaufs-GmbH v Commission</i> [1966] ECR 299	9.143, 11.13–11.25, 11.59, 11.67, 11.90, 11.93
C-161/64, <i>Pronuptia de Paris GmbH v Pronuptia de Paris Irmgard Schillgallis</i> [1986] ECR 353	11.60–11.68
C-32/65, <i>Italy v Commission</i> [1966] ECR 389.....	3.09
C-56/65, <i>Société Technique Minière v Maschinenbau Ulm GmbH</i> [1965] ECR/IBT 235	11.26–11.27, 11.44, 11.90, 11.93
C-19/67, <i>Bestuur der Sociale Verzekeringsbank v JH van der Vecht</i> [1967] ECR 345	7.586, 8.278
C-23/67, <i>Brasserie de Haecht v Wilkin</i> [1967] ECR 407.....	11.35, 11.90
C-24/67, <i>Parke, Davis and Co v Probel, Reese, Beintema-Interpharm and Centrafarm</i> [1968] ECR 55	11.115–11.117
C-10 and 18/68, <i>Società 'Eridania' Zuccherifici Nazionali v Commission</i> [1969] ECR 459	3.08
C-24/68, <i>Commission v Italy</i> [1969] ECR 193.....	10.05
C-5/69, <i>Völk v Etablissements J Vervaecke SPRL</i> [1969] ECR 295	11.28–11.30, 11.90, 11.94
C-29/69, <i>Stauder v City of Ulm</i> [1969] ECR 419	12.157
C-43/69, <i>Bilger v Jehle</i> [1970] ECR 127	11.37
C-40/70, <i>Sirena SRL v Eda SRL</i> [1971] ECR 69	10.66
C-78/70, <i>Deutsche Grammophon v Metro</i> [1971] ECR 487	10.61–10.64, 10.67, 10.133, 10.304
C-22/71, <i>Béguelin Import Co v GL Import-Export SA</i> [1971] ECR 949	11.31–11.32
C-6/72, <i>Europemballage Corp and Continental Can Co Inc v Commission</i> [1973] ECR 215	11.100–11.105
C-2/73, <i>Geddo v Ente Nazionale Risi</i> [1973] ECR 865	10.16

C-6 and C-7/73, <i>Instituto Chemioterapico Italiano SpA and Commercial Solvents Corp v Commission</i> [1974] ECR 223	11.179
C-34/73, <i>Fratelli Variola SpA v Amministrazione delle finanze dello Stato</i> [1973] ECR 981	12.143
C-127/73, <i>Belgische Radio en Televisie v SV SABAM and NV Fonior</i> [1974] ECR 51	11.12, 11.45
C-192/73, <i>Van Zuylen Freres v Hag AG (Hag I)</i> [1974] ECR 731	10.73–10.77, 10.86–10.90
C-8/74, <i>Procureur du Roi v Dassonville</i> [1974] ECR 837	5.862, 5.875, 5.880, 10.16–10.17, 10.103
C-15/74, <i>Centrafarm BV v Sterling Drug Inc</i> [1974] ECR 1147	10.65–10.66, 10.72
C-16/74, <i>Centrafarm BV and Adriaan de Peijper v Winthrop BV</i> [1974] ECR 1183	9.511, 10.71–10.72, 10.79
C-41/74, <i>Van Duyn v Home Office</i> [1974] ECR 1337	10.69
C-51/75, <i>EMI Records Ltd v CBS UK Ltd</i> [1976] ECR 811	10.284, 11.55, 11.118
C-119/75, <i>Terrapin (Overseas) Ltd v Terranova Industrie CA Kapferer & Co</i> [1976] ECR 1039; [1967] 2 CMLR 482	10.68–10.70, 10.78, 10.87–10.88
C-27/76, <i>United Brands Co and United Brands Continental BV v Commission</i> [1978] ECR 207	11.09, 11.98, 11.106–11.108, 11.179
C-53/76, <i>Procureur de la Republique Besanon v Bouhelier</i> [1977] ECR 197	10.21
C-19/77, <i>Miller International Schallplatten GmbH v Commission</i> [1978] ECR 131	11.93
C-28/77, <i>TEPEA BV v Commission</i> [1978] ECR 139	11.56
C-30/77, <i>R v Bouchereau</i> [1977] ECR 1999	7.586
C-102/77, <i>Hoffmann-la Roche & Co AG and Hoffmann-la Roche AG v Centrafarm Vertriebsgesellschaft Pharmazeutischer Erzeugnisse mbH</i> [1978] ECR 1139	5.53, 5.418, 7.51, 9.53, 9.315, 9.511, 10.98–10.116, 10.120, 10.133, 10.145, 10.148, 10.178, 10.184, 10.187, 10.201, 10.234, 10.238, 10.342, 10.347–10.348, 10.354
C-3/78, <i>Centrafarm BV v American Home Products Corp</i> [1978] ECR 1823	10.83–10.85, 10.134, 10.157, 10.199, 10.201–10.202, 10.211
C-22/78, <i>Hugin Kassaregister AB and Hugin Cash Registers Ltd v Commission</i> [1979] ECR 1869	11.109–11.111, 11.120, 11.124
C-92/78, <i>Simmenthal SpA v Commission</i> [1979] ECR 777	3.11
C-120/78, <i>Reue-Zentral AG v Bundesmonopolverwaltung für Branntwein (Cassis de Dijon)</i> [1979] ECR 649	5.863, 5.880, 10.30–10.32, 10.35, 10.56
C-152/78, <i>Commission v France (Advertising of Alcoholic Beverages)</i> [1980] ECR 2299	10.46
C-167/78, <i>Commission v France</i> [1980] ECR 347	10.08–10.09
C-170/78, <i>Commission v United Kingdom</i> [1983] ECR 2265	10.10–10.13
C-258/78, <i>LC Nungesser KG and Kurt Eisele v Commission</i> [1985] ECR 2015	11.53–11.59
C-34/79, <i>R v Henn and Darby</i> [1979] ECR 3795	10.38–10.39
C-99/79, <i>Lancôme and Cosparfrance Nederland BV v Etos BV</i> [1980] ECR I-2511	11.94
C-31/80, <i>NV L'Oreal and SA L'Oreal v PVBA De Nieuwe AMCK</i> [1980] ECR 3775	11.112
C-55 and C-57/80, <i>Musik-Vertrieb Membran v GEMA</i> [1981] ECR 147	10.266, 10.273
C-66/80, <i>International Chemical Corp v Amministrazione delle Finanze della Staw</i> [1981] ECR 1191	3.17–3.18
C-100 to C-110/80, <i>Musique Diffusion Française v Commission</i> [1983] ECR 1825	11.94
C-113/80, <i>Commission v Ireland (Irish Souvenirs)</i> [1981] ECR 1625	10.25–10.28, 10.40
C-187/80, <i>Merck v Stephar</i> [1981] ECR 2063	10.79–10.80
C-212 to C-217/80, <i>Amministrazione delle Finanze dello Stato v Salumi</i> [1981] ECR 2735	9.277
C-270/80, <i>Polydor Ltd v Harlequin Record Shops Ltd</i> [1982] ECR 329	10.285
C-1/81, <i>Pfizer Inc v Eurim-Pharm GmbH</i> [1981] ECR 2913	10.133, 10.138, 10.190
C-144/81, <i>Keurkoop v Nancy Kean Gifts</i> [1982] ECR 2853	10.304, 11.121
C-220/81, <i>Robertson</i> [1982] ECR 2349	10.56
C-249/81, <i>Commission v Ireland</i> [1982] ECR 4005	10.22–10.23
C-266/81, <i>SIOT v Ministero delle Finanze</i> [1983] ECR 731	9.510
C-283/81, <i>Srl CILFIT and Lanificio di Gavardo SpA v Ministry of Health</i> [1982] ECR 3415	3.17, 8.266

C-86/82, <i>Hasselblad (GB) Ltd v Commission</i> [1984] ECR I-883	11.93
C-174/82, <i>Sandoz</i> [1983] ECR 2445	10.149
C-190/82, <i>Adam PH Blomefield v Commission</i> [1983] ECR I-3981	3.107
C-222/82, <i>Apple and Pear Development Council v KJ Lewis Ltd</i> [1983] ECR 4083	10.24
C-343/82, <i>Christos Michael v Commission</i> [1983] ECR 4023	3.107
C-14/83, <i>Von Colson and Kamann v Land Nordrhein-Westfalen</i> [1984] ECR 1891	7.425
C-29 and C-30/83, <i>Compagnie Royale Asturienne des Mines SA and Rhein zinc GmbH v Commission</i> [1984] ECR 1679	11.90
C-35/83, <i>BAT Cigaretten-Fabriken GmbH v Commission of the European Communities</i> [1985] ECR 363	11.69–11.72
C-72/83, <i>Campus Oil Ltd Minister for Industry and Energy</i> [1984] ECR 2727	10.44–10.45
C-72/83, <i>Campus Oil Ltd v Minister for Industry and Energy</i> [1984] ECR 2727	10.21
C-79/83, <i>Dorit Harz v Deutsche Tradax GmbH</i> [1984] ECR 1921	7.425
C-117/83, <i>Theodor Kohl KG v Ringelhan & Rennet SA and Ringelhan Einrichtungs GmbH</i> [1984] ECR 3651	10.29
C-170/83, <i>Hydrotherm Gerätebau GmbH v Compact del Dott. Ing. Mario Andreoli & C. Sas.</i> [1984] ECR 2999	11.88
C-188/83, <i>Witte v Parliament</i> [1984] ECR 3465	5.38
C-207/83, <i>Commission v United Kingdom</i> [1985] ECR 1201	10.24, 10.26
C-229/83, <i>Leclerc v Au Blé Vert</i> [1985] ECR 1	10.41
C-231/83, <i>Cullet v Centre Leclerc</i> [1985] ECR 305	10.42–10.43
C-246/83, <i>Claudia de Angelis v Commission</i> [1986] ECR 1253	3.107
C-294/83, <i>Les Verts v European Parliament</i> [1986] ECR I-1339	3.106
C-19/84, <i>Pharmon BV v Hoechst AG</i> [1985] ECR 2281	10.81–10.82
C-112/84, <i>Humblot v Directeur des Services Fiscaux</i> [1985] ECR 1367	10.07
C-134/84, <i>Williams v Court of Auditors</i> [1985] ECR 2225	5.38
C-152/84, <i>Marshall v Southampton and South-West Hampshire Area Health Authority</i> [1986] ECR 723	9.277
C-232/84, <i>MPA Pharma GmbH v Rhone-Poulenc Pharma GmbH</i> [1996] ECR I-3671	10.131
C-243/84, <i>John Walker v Ministeriet for Skatter og Afgifter</i> [1986] ECR 875	10.14
C-121/85, <i>Conegate v Commissioners of Customs and Excise</i> [1986] ECR 1007	10.39
C-184/85, <i>Commission v Italy</i> [1987] ECR 2013	10.14
C-355/85, <i>Ministère Public v Cognet</i> [1986] ECR 3231	10.19
C-62/86, <i>AKZO Chemie BV v Commission</i> [1991] ECR I-3359	11.112–11.114
C-158/86, <i>Warner Brothers Inc and Metronome Video ApS v Erik Viuff Christianse</i> [1988] ECR 2605	10.273
C-222/86, <i>Heylens</i> [1987] ECR 4097	5.671, 5.690
C-286/86, <i>Ministere Public v Deserbais</i> [1988] ECR 4907	11.137
C-53/87, <i>Consorzio Italiano della Componentistica di Ricambio per Autoveicoli and Maxicar v Regio Nazionale des Usines Renault</i> [1988] ECR 6039	11.125–11.126
C-238/87, <i>AB Volvo v Eric Veng (UK) Ltd</i> [1988] ECR 6211	11.119–11.124, 11.150, 11.160
C-279/87, <i>Tipp-Ex GmbH & Co KG v Commission</i> [1990] ECR I-261	11.93
C-302/87, <i>European Parliament v Council</i> [1988] ECR 5615	3.08
C-382/87, <i>Buet v Ministère Public</i> [1989] ECR 1235	5.867
C-2/88 Imm, J.J. <i>Zwartfeld and others</i> [1990] ECR I-3365	11.48
C-21/88, <i>Du Pont de Nemours Italiana SPA v Unita Sanitaria Locale No.2 Di Carrara</i> [1990] ECR I-889	10.21
C-41/88, <i>Mathilde Becker and Josyane Starquit v Parliament</i> [1989] ECR 3807	3.107
C-125/88, <i>Nijman</i> [1989] ECR 3533	12.171
C-150/88, <i>Parfumerie-Fabrik 4711 v Provide</i> [1989] ECR 3891	5.867
C-320/88, <i>Staatssecretaris van Financiën v Shipping and Forwarding Enterprise SAFE BV</i> [1990]	7.36, 8.43
C-10/89, <i>SA CNL-SUCAL NV v Hag GFAG (Hag II)</i> [1990] ECR I-3711	4.50, 4.84, 5.726, 5.732, 5.846, 7.51, 9.300, 9.511, 10.73, 10.86–10.91, 10.96, 10.135

C-106/89, <i>Marleasing SA v La Comercial Internacional de Alimentacion SA</i>	
[1990] ECR I-4135; [1992] I CMLR 305	8.278, 9.219, 9.276, 9.291, 9.518, 10.290
C-231/89, <i>Stergios Delimitis v Henninger Bräu AG</i> [1991] ECR I-935	10.286
C-234/89, <i>Stergios Delimitis v Henninger Bräu AG</i> [1991]	
ECR I-935	11.04, 11.33–11.48, 11.88, 11.90, 11.92
C-238/89, <i>Pall Corp v PJ Dahlhausen & Co</i> [1990]	
ECR I-4827	3.111, 5.860–5.865, 5.867, 5.870, 5.880
C-358/89, <i>Extramet Industrie SA v Council</i> [1991] ECR I-2501	3.15
C-367/89, <i>Richardt and Les Accessoires Scientifiques</i> [1991] ECR I-4621	9.510
C-2/90, <i>Commission v Belgium</i> [1992] ECR I-4431	10.20
C-47/90, <i>Parfümerie-Fabrik 4711 v Provide</i> [1989] ECR 3891	5.867
C-3/91, <i>Exportur v LOR and Confiserie du Tech</i> [1992] ECR I-5529	12.167, 12.172
C-121/91 and C-122/91, <i>Ct Control and Jct Benelux v Commission</i> [1993]	
ECR I-3873	9.277
C-126/91, <i>Schutzverband gegen Unwesen in der Wirtschaft v Yves Rocher</i>	
[1993] ECR I-2361	5.880
C-195/91, <i>Bayer AG v Commission</i> [1994] ECR I-5619	11.75
C-241/91 and C-242/91 P, <i>Radio Telefís Éireann (RTE) and Independent Television Publications Ltd (ITP) v Commission (Magill)</i> [1995] ECR I-808	11.129–11.137, 11.141, 11.145, 11.150, 11.162–11.163
C-267/91 and C-268/91, <i>Keck and Mithouard</i> [1993] ECR I-6097	5.875, 10.33–10.35
C-280/91, <i>Finanzamt Kassel-Goethestrasse v Viessmann KG</i> [1993] ECR I-971	4.134
C-317/91, <i>Deutsche Renault AG v AUDI AG</i> [1993] ECR I-6227	10.93
C-37/92, <i>Vanacker and Lesage</i> [1993] ECR I-4947	12.166
C-53/92 P, <i>Hilti v Commission</i> [1994] ECR 667	5.450, 7.81, 11.127–11.128
C-91/92, <i>Faccini Dori v Recreb Srl</i> [1994] ECR I-3325	9.277, 9.291
C-127/92, <i>Enderby v Frenchay Health Authority and the Secretary of State for Health</i> [1993] ECR I-5535	5.677
C-152/92, <i>Faccini Dori v Recreb Srl</i> [1994] ECR I-3325	9.277
C-250/92, <i>Gøttrup-Klim Grovwareforeninger v Dansk Landbrugs Grovvareselskab AmbA (DLG)</i> [1994] I-5641	11.88, 11.181
C-136/92 P, <i>Commission v Brazzelli Lualdi</i> [1994] ECR I-1981	5.361
C-199/92 P, <i>Hills v Commission</i> [1999] ECR I-4287	5.757
C-315/92, <i>Verband Sozialer Wettbewerb eV v Clinique Laboratoires SNC et Estée Lauder Cosmetics GmbH</i> [1994] ECR I-317	5.866–5.871, 5.879
C-393/92, <i>Gemeente Almelo v NV Energiebedrijf IJsselmij</i> [1994] ECR I-1477	11.95
C-9/93, <i>HT Internationale Heiztechnik GmbH and Uwe Danzinger v Ideal Standard GmbH and Wabco Standard GmbH</i> [1994] ECR I-2789	7.51, 7.336, 10.92–10.97, 10.133, 10.316
C-69/93, <i>Punto Casa SpA v Sindaco Del Comune di Capena</i> [1994] ECR I-2355	10.36
C-70/93, <i>Bayerische Motorenwerke AG v ALD Auto-Leasing D GmbH</i> [1995]	
ECR I-3439	11.93, 11.97
C-266/93, <i>Bundeskartellamt v Volkswagen AG and VAG Leasing GmbH</i> [1995]	
ECR I-3477	11.92
C-293/93, <i>Houtwipper</i> [1994] ECR I-4249	10.56
C-415/93, <i>Union Royale Belge des Societes de Football Association ASBL v Jean-Marc Bosman</i> [1995] ECR I-4921	4.122
C-427, C-429 and C-436/93, <i>Bristol Myers Squibb v Paranova A/S, CH Boehringer Sohn, Boehringer Ingelheim KG and Boehringer Ingelheim A/S v Paranova A/S, and Bayer Aktiengesellschaft and Bayer Danmark A/S v Paranova A/S</i> [1996] ECR I-3457	10.117–10.124, 10.150–10.153, 10.160–10.163, 10.168–10.193, 10.194, 10.200–10.201, 10.203, 10.210, 10.218, 10.224–10.225, 10.228, 10.235–10.236, 10.238, 10.240, 10.242, 10.245, 10.250, 10.257–10.260, 10.272, 10.335, 10.340, 10.342, 10.350, 10.353–10.355, 10.374, 10.382–10.383
C-470/93, <i>Verein gegen Unwesen in Handel und Gewerbe Köln eV v Mars GmbH</i> [1995] ECR I-1923	5.872–5.877, 5.880

C-71 to C-73/94, <i>Eurim-Pharm Arzneimittel GmbH v Beiersdorf AG, Boehringer Ingelheim KG, and Farmitalia Carlo Erba GmbH</i> [1996] ECR I-3603 . . .	5.314, 10.125–10.130, 10.145, 10.154–10.157, 10.164–10.166, 10.178, 10.194–10.196
C-122/94, <i>Commission v Council</i> [1996] ECR I-881	12.124
C-232/94, <i>MPA Pharma GmbH v Rhône-Poulenc Pharma GmbH</i> [1996] ECR I-3671	10.145, 10.158, 10.167, 10.178, 10.197
C-313/94, <i>Fratelli Graffione SNC v Ditta Fronsa (COTONELLE)</i> [1996] ECR I-6039	5.704, 5.878–5.884
C-321/94 and C-324/94, <i>Pistre v France</i> [1997] ECR I-2343	12.172
C-74 and C-129/95, <i>X</i> [1996] ECR I-6609	9.518
C-168/95, <i>Arcaro</i> [1996] ECR I-4705	9.518
C-219/95 P, <i>Ferriere Nord SpA v Commission</i> [1997] ECR I-4411	8.278, 11.88
C-249/95, <i>SAM Schiffahrt et Stapf v Germany</i> [1997] ECR I-4475	7.228
C-251/95, <i>Sabel BV v Puma AG, Rudolf Dassler Sport</i> [1997] ECR I-6191	5.386, 5.514, 7.13, 7.21–7.28, 7.35, 7.37–7.39, 7.43–7.44, 7.50–7.54, 7.62, 7.66–7.71, 7.73, 7.122, 7.152, 7.215, 7.403, 7.406, 7.412, 7.417, 7.427, 7.431, 8.265, 9.21, 9.284, 9.340
C-267 and C-268/95, <i>Merck & Co Ltd v Primecrown Ltd</i> [1996] ECR I-6285	10.79, 10.306
C-317/95, <i>Canadane Cheese Trading AMBA and Adelfi G Kouri Anonymos Emoriki Kai Viomichaniki Etairia v Hellenic Republic</i> [1997] ECR I-4681	12.107–12.108
C-337/95, <i>Parfums Christian Dior SA</i> [1997] ECR I-6013	5.846, 9.181, 9.282, 9.299, 10.252–10.273, 10.308, 10.348, 10.350, 10.352, 10.410
C-349/95, <i>Frits Loendersloot v George Ballantine & Son</i> [1997] ECR I-6227	4.95, 4.163, 5.726, 5.740, 7.157, 9.53, 9.184, 9.291, 9.511, 10.90, 10.116, 10.203, 10.229–10.251, 10.337, 10.342, 10.346, 10.380, 10.385
C-352/95, <i>Phytheron International SA v Jean Bardon SA</i> [1997] ECR I-1729 37	10.342
C-4/96, <i>NIFPO and Northern Ireland Fishermen's Federation (C-4/96)</i> [1998] ECR I-681	12.124
C-53/96, <i>Hermès v FHT Marketing Choice BV</i> [1998] ECR I-3603 and C-49/02 <i>Heidelberger Bauchemie GmbH</i> [2004] ECR I-6129	4.48, 10.281
C-200/96, <i>Metronome Musik GmbH</i> [1998] ECR I-1953	10.303
C-210/96, <i>Gut Springenbeide and Tusky</i> [1998] ECR I-4657	5.261, 5.310, 5.847, 6.32, 7.48, 12.178, 12.187
C-261/96, <i>Conserchimica v Amministrazione delle Finanze dello Stato</i> [1997] ECR I-6177	9.277
C-289/96, <i>Kingdom of Denmark, C-293/96, Federal Republic of Germany, and C-299/96, French Republic v Commission</i> [1999] ECR I-1541	12.104, 12.136
C-306/96, <i>Javico International and Javico AG v Yves Saint Laurent Parfums SA</i> [1998] ECR I-1983	10.284, 11.85–11.97
C-355/96, <i>Silhouette International Schmied GmbH & Co KG v Hartlauer Handelsgesellschaft mbH</i> [1998] ECR I-4799	10.274–10.290, 10.301, 10.340
C-416/96, <i>Nour Eddine El-Yassini v Secretary of State for Home Department</i> [1999] ECR I-1209	5.853
C-2197, <i>Mag Instrument Inc v California Trading Co Norway, Ulsteen</i> [1998] 1 CMLR 331 EFTA	10.280
C-7/97, <i>Oscar Bronner GmbH & Co KG v Mediaprint Zeitungs- und Zeitschriftenverlag GmbH & Co KG, Mediaprint Zeitungsvertriebsgesellschaft mbH</i> [1998] ECR I-7791	11.141–11.146
C-37/97, <i>Bayerische Motorenwerke</i> [1999] ECR I-905	4.95
C-39/97, <i>Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc.</i> [1998] ECR I-5507	4.95, 4.143, 5.220, 5.740, 7.29–7.32, 7.44, 7.61–7.65, 7.116, 7.122, 7.141–7.147, 7.205, 7.407, 7.412, 7.431, 7.601, 9.23, 9.284
C-61/97, <i>FDV v Laserdisken</i> [1998] ECR I-5171	9.511
C-63/97, <i>Bayerische Motorenwerke AG and BMW Nederland BV v Deenik</i> [1999] ECR I-905	4.50, 5.726, 9.35, 9.63, 9.76, 9.181, 9.185, 9.272–9.307, 9.317, 9.319, 9.324, 9.335–9.336, 9.339, 9.343, 9.375, 9.380, 10.252, 10.350, 10.352, 10.410, 12.20

C-67/97, <i>Ditle v Bluhme</i> [1998] ECR I-8033	10.20
C-87/97, <i>Consorzio per la tutela del formaggio Gorgonzola v Kaserei Champignon Hofmeister and Eduard Bracharz</i> [1999] ECR I-1301	5.852, 12.122, 12.147, 12.167, 12.181
C-90/97, <i>Robin Swaddling v Adjudication Officer</i> [1999] ECR I-1075	4.134
C-108/97 and C-109/97, <i>Windsurfing Chiemsee Produktions- und Vertriebs GmbH v Boots- und Segelzubehör Walter Huber and Franz Attenberger</i> [1999] ECR I-2779	4.41, 4.84, 4.160, 4.165, 4.171, 5.04, 5.06, 5.54, 5.66, 5.154, 5.224, 5.298, 5.375, 5.504–5.531, 5.547, 5.603, 5.605, 5.607, 5.621, 5.658, 5.659, 5.821, 6.04–6.24, 6.30, 6.47, 6.78–6.79, 6.83, 6.100–6.102, 6.118, 6.149–6.150, 7.47, 8.272, 8.274, 9.87, 9.316, 9.359, 12.178
C-129/97 and C-130/97, <i>Chiciak and Fol</i> [1998] ECR I-3315	12.181
C-158/97, <i>Coote v Granada Hospitality Ltd</i> [1998] ECR I-5199	7.425
C-262/97, <i>Rijksdienst voor Pensioenen v Engelbrecht</i> [2000] ECR I-7321	9.518
C-265/97, <i>VBA v Florinex</i> [2000] ECR I-2061	5.175
C-270/97 and C-271/97, <i>Deutsche Post AG v Elisabeth Sievers and Brunhilde Schrage</i> [2000] ECR I-929	4.162
C-303/97, <i>Verbraucherschutzverein eV v Sektellerei GC Kessler GmbH und Co</i> [1999] ECR I-513	5.310
C-342/97, <i>Lloyd Schuhfabrik</i> [1999] ECR I-3819	5.155, 5.222, 5.261, 5.310, 5.386, 7.13, 7.19, 7.33–7.36, 7.45–7.48, 7.72–7.74, 7.79–7.80, 7.83, 7.85–7.86, 7.122, 7.187, 7.284, 7.427, 8.265, 12.21
C-350/97, <i>Wilfried Monsees v Unabhängiger Verwaltungssenat für Kärnten</i> [1999] ECR I-2921	9.510
C-375/97, <i>General Motors Corporation v Yplon SA (CHEVY)</i> [1999] ECR I-05421	6.16, 6.107, 6.116, 7.346–7.352, 7.354, 7.357, 7.367, 7.375, 7.381, 7.390, 7.406, 7.428, 7.458, 7.462, 7.484, 7.485, 7.489
C-379/97, <i>Pharmacia & Upjohn v Paranova A/S</i> [1997] ECR I-0013	10.198–10.213, 10.348, 10.364
C-17/98, <i>Emesa Sugar (Free Zone) NV v Aruba</i> [2000] ECR I-665	5.852
C-84/98, <i>Commission v Portugal</i> [2000] ECR I-5215	12.174
C-101/98, <i>Union Deutsche Lebensmittelwerke GmbH v Schutzverband gegen Unwesen in der Wirtschaft eV</i> [1999] ECR I-8841	10.54
C-117/98, <i>Comar Srl and Tico Sri v Commission</i> [2000] ECR I-2193	3.08
C-173/98, <i>Sebago Inc and Ancienne Maison Dubois & Fils SA v G-B Unie SA</i> [1999] ECR I-4103	10.291–10.296, 10.301, 10.393
C-220/98, <i>Estée Lauder Cosmetics GmbH & Co OHG v Lancaster Group GmbH</i> [2000] ECR I-117	5.262, 5.310, 12.41, 12.178
C-223/98, <i>Adidas AG</i> [1999] ECR I-7081	9.569
C-230/98, <i>Amministrazione delle Finanze dello Stato v Schiavon</i> [2000] ECR I-3547	5.702
C-287/98, <i>Luxembourg v Linster</i> [2000] ECR I-6917	8.34
C-300/98, <i>Parfums Christian Dior SA v Tuk Consultancy BV and C-392/98 Asseo Geruste GmbH and Rob van Dijk v Wilhelm Layher GmbH & Co KG and Layher BV</i> [2000] ECR I-11307	12.196, 12.199, 12.203, 12.204
C-312/98, <i>Schutzverband gegen Unwesen in der Wirtschaft eV v Warsteiner Brauerei Haus Cramer GmbH & Co KG</i> [2000] ECR I-9187	12.118, 12.166, 12.170, 12.180, 12.181
C-344/98, <i>HB Ice Cream Ltd v Masterfoods</i> [2000] ECR I-11369	11.04
C-352/98, <i>Laboratoires Pharmaceutiques Bergaderm and Goupil v Commission</i> [2000] ECR I-5291	5.442
C-383/98, <i>The Polo/Lauren Company v PT Dwidua Langgeng Pratama International Freight Forwarders</i> , ECLI:EU:C:1999:624	9.499–9.507, 9.514, 9.520, 9.539, 9.542–9.543, 9.548–9.549
C-405/98, <i>Konsumentombudsmannen v Gourmet International Products</i> [2001] ECR I-1795	10.37, 10.47–10.48
C-425/98, <i>Marca Mode CV v Adidas AG & Adidas BV</i> [2000] ECR I-4861	3.05, 7.37–7.44, 7.411, 7.427, 7.482, 9.84
C-448/98, <i>Guimont</i> [2000] ECR I-10063	12.136, 12.165, 12.171

C-23/99, <i>Commission v France</i> [2000] ECR I-7653.	9.509, 9.511, 9.561
C-30/99, <i>Commission v Ireland</i> [2001] ECR I-4619.	5.310, 10.55
C-89/99, <i>Sehieving-Nijstad VF v Groenveld</i> [2001] ECR I-5851.	12.196, 12.197, 12.203
C-112/99, <i>Toshiba Europe GmbH v Katun Germany GmbH</i> [2001] ECR I-7945.	9.340, 12.05–12.25, 12.35, 12.36, 12.38, 12.47, 12.56, 12.70
C-120/99, <i>Kik v OHIM</i> [2003] ECR II-8283.	2.35
C-191/99, <i>Kvaerner plc v Staatssecretaris van Financiën</i> [2001] ECR I-447.	4.137
C-193/99, <i>OHIM v WM Wrigley Jr Co (Doublemint)</i> [2001] ECR II-417.	5.553, 5.567–5.570
C-194/99 P, <i>Thyssen Stahl v Commission</i> [2003] ECR I-10821.	5.273
C-269/99, <i>Carl Kühne</i> [2001] ECR I-9517.	12.136
C-280/99 to C-282/99, <i>Moccia Irme v Commission</i> [2001] ECR I-4717.	5.32
C-299/99, <i>Koninklijke Philips Electronics NV v Remington Consumer Products Ltd</i> [2002] ECR I-5475.	4.21–4.23, 4.43, 4.95, 4.156–4.175, 5.41, 5.53, 5.140, 5.154, 5.157, 5.204, 5.261, 5.287, 5.289, 5.291, 5.310, 5.418, 5.451, 5.606, 5.627, 5.759–5.769, 5.793, 5.812, 5.821, 5.839, 6.25–6.35, 6.44, 6.45, 6.49, 6.66, 6.78, 6.83, 6.102, 6.148, 6.150, 9.88
C-315/99 P, <i>Ismeri Europa v Court of Auditors</i> [2001] ECR I-5281.	5.280
C-350/99, <i>Wolfgang Lange v Georg Schunemann GmbH</i> [2001] ECR I-1061.	4.134
C-352/99, <i>Eridania v Council of the European Union</i> [2001] ECR I-5037.	5.361
C-363/99, <i>Koninklijke KPN Nederland NV v Benelux-Merkenbureau (Postkantoor)</i> [2004] ECR I-1619.	4.20, 4.172, 4.229, 4.239, 5.09–5.10, 5.12, 5.14, 5.16, 5.20, 5.23, 5.41, 5.57, 5.66, 5.117, 5.257, 5.274, 5.314, 5.585, 5.595–5.632, 5.659, 5.664, 5.666, 5.680, 5.685, 5.689, 5.694, 5.695, 6.98, 6.100, 6.101
C-383/99 P, <i>Procter & Gamble Co v OHIM (BabyDry)</i> [2001] ECR I-6251.	5.04, 5.16, 5.19, 5.117, 5.137, 5.255–5.256, 5.532–5.566, 5.570, 5.574, 5.585, 5.587, 5.607, 5.630, 5.655–5.656, 5.659, 5.701
C-414/99, C-415/99 and C-416/99, <i>Levi Strauss & Co and Levi Strauss (UK) Ltd v Tesco Stores, Tesco Plc, Costco Wholesale UK Ltd and Zino Davidoff v A&G Imports Ltd</i> [2001] ECR I-8691.	7.421, 8.21, 8.34, 9.204, 9.527, 9.533, 10.297–10.313, 10.314, 10.317, 10.332
C-443/99, <i>Merck, Sharp and Dohme GmbH v Paranova Pharmazeutika Handels GmbH</i> [2002] ECR I-3703.	10.214, 10.217–10.218, 10.228, 10.381
C-472/99, <i>Clean Car Autoservice GmbH v Stadt Wien and Republik Österreich</i> [2001] ECR I-9687.	5.677, 5.692, 9.448
C-517/99, <i>Merz and Krell GmbH & Co v Deutsches Patent-und Markenamt (Bravo)</i> [2001] ECR I-6959.	4.84, 5.155, 5.156, 5.165, 5.171, 5.172, 5.394, 5.627, 5.723–5.744, 5.747, 5.754, 8.21, 8.269–8.270
C-2/00, <i>Hölterhoff v Freiesleben</i> [2002] ECR I-4187.	9.30–9.40, 9.45, 9.55, 9.110, 9.315, 12.68
C-13/00, <i>Commission v Ireland</i> [2002] ECR I-2943.	3.06
C-66/00, <i>Bigi (Dante)</i> [2002] ECR I-5917.	12.135
C-74 and C-75/00 P, <i>Falck and Acciaierie di Bolzano v Commission</i> [2002] ECR I-7869.	12.140
C-104/00 P, <i>DKV Deutsche Krankenversicherung AG v OHIM (Companyline)</i> [2002] ECR I-7561.	3.12, 3.69, 4.248, 5.09, 5.16–5.36, 5.33, 5.268, 5.273, 5.370, 5.386, 5.412, 5.416, 5.583, 5.658, 5.755, 7.125, 7.231
C-143/00, <i>Boehringer Ingelheim Pharma KG v Swingward Ltd</i> [2002] ECR I-3759.	10.214–10.216, 10.224–10.227, 10.334, 10.346–10.347, 10.354, 10.356, 10.362, 10.385, 10.410
C-253/00, <i>Muñoz and Superior Fruticola v Frumar Ltd and Redbridge Produce Marketing Ltd</i> [2002] ECR I-7289.	12.143
C-265/00, <i>Campina Melkunie BV v Benelux-Merkenbureau (Biomild)</i> [2004] ECR I-1699.	5.45, 5.57, 5.117, 5.659, 6.100
C-273/00, <i>Sieckmann v Deutsches Patent-und Markenamt</i> [2002] ECR I-11737.	4.13, 4.16, 4.25, 4.38, 4.77–4.105, 4.112, 4.115, 4.116, 4.127, 4.139, 4.145, 4.206, 4.223, 5.801, 8.31

C-291/00, <i>LTJ Diffusion SA v Sadas Vertbaudet SA</i> [2003] ECR I-2799	5.584, 7.08–7.19, 9.174, 9.224, 9.402, 12.208
C-292/00, <i>Davidoff & Cie SA and Zino Davidoff SA v Gofkid Ltd</i>	
[2003] ECR I-389	5.402, 7.02, 7.355, 7.389, 7.403–7.416, 7.414, 7.417, 7.421, 7.422, 7.538, 7.546, 7.591, 9.106
C-312/00 P, <i>Commission v Comar and Tico</i> [2002] ECR I-11355	7.81
C-323/00 P, <i>DSG v Commission</i> [2002] ECR I-3919	5.32
C-363/00 P, <i>Anheuser-Busch Inc v OHIM (BUDWEISER/BUDWEISER BUDVAR)</i>	
[2006] ECR II-4255	5.696
C-469/00, <i>Ravil SARL v Bellon Import SARL and Biraghi SpA</i> [2003] ECR I-5053	5.702, 12.189
C-23/01, <i>Robelco NV</i> [2002] ECR I-10913	5.846, 7.421, 9.362–9.372, 9.384, 12.208
C-25/01 P, <i>Glencore and Compagnie Continentale v Commission</i> [2002]	
ECR I-10119	5.280
C-40/01, <i>Ansul BV v Ajax Brandbeveiliging BV</i> [2003] ECR I-2439	5.394, 8.14–8.43, 8.34, 8.44, 8.47, 8.69–8.70, 8.75, 8.83, 8.89, 8.101, 8.106, 8.110, 8.113, 8.124, 8.140, 8.147, 8.208–8.215, 8.245
C-44/01, <i>Pippig Augenoptik GmbH & Co KG v Hartlauer Handelsgesellschaft GmbH</i>	
[2003] ECR I-3095	12.26–12.42, 12.70, 12.95
C-53/01 to C-55/01, <i>Linde AG (C-53/01), Winward Industries Inc (C-54/01), and Rado Uhren AG (C-55/01)</i> [2003] ECR I-3161	4.41, 4.120, 4.162, 5.08, 5.66, 5.141, 5.154, 5.172, 5.282–5.300, 5.368, 5.451, 5.588, 5.621, 5.627, 6.100
C-100/01, <i>Gerolsteiner Brunnen GmbH & Co v Putsch GmbH</i> [2004]	
ECR I-691	9.308–9.326, 12.210
C-104/01, <i>Libertel Groep BV v Benelux-Merkenbureau</i> [2003]	
ECR I-3793	4.17–4.19, 4.36, 4.42, 4.112, 4.131–4.147, 4.173, 5.07, 5.13, 5.42, 5.56, 5.60, 5.66, 5.137, 5.158, 5.174, 5.200–5.228, 5.232, 5.236–5.237, 5.244–5.246, 5.274, 5.358, 5.379, 5.620, 5.621, 5.627, 5.669, 6.69, 6.100, 6.102, 6.109, 7.163, 7.434, 9.88
C-111/01, <i>Gantner Electronic GmbH v Basch Exploitatie Maatschappij BV</i>	
[2003] ECR I-4207	4.122
C-191/01 P, <i>OHIM v WM Wrigley Jr Co (Doublemint)</i> [2003] ECR I-12447	5.66, 5.72, 5.165, 5.421, 5.553, 5.567–5.594, 5.630, 5.656, 5.659
C-206/01, <i>Arsenal Football Club plc v Reed</i> [2002] ECR I-10273	5.854, 7.16, 7.20, 7.157, 7.189, 7.197, 7.411, 7.434, 8.23–8.24, 9.30, 9.36, 9.41–9.58, 9.63, 9.73, 9.108, 9.109, 9.241, 9.315, 9.375, 12.199, 12.206–12.207
C-216/01, <i>Budějovický Budvar v Rudolf Ammersin GmbH (Budweiser I)</i>	
[2003] ECR I-13617	12.162–12.174, 12.175, 12.177, 12.177–12.178, 12.180, 12.184
C-218/01, <i>Henkel KGaA v Deutsches Patent- und Markenamt</i> [2004]	
ECR I-1725	5.140, 5.142, 5.154, 5.268, 5.301–5.314, 5.323–5.332, 5.368, 5.402, 5.407, 5.408, 5.416, 5.454, 8.278, 9.88, 12.204
C-247/01, <i>eCopy v OHIM (ECOPY)</i> [2002] ECR II-5301	6.127
C-283/01, <i>Shield Mark BV v Kist</i> [2003] ECR I-14313	4.106–4.130
C-316/01, <i>Eva Glawischnig v Bundesminister für soziale Sicherheit und Generationen</i>	
[2003] ECR I-5995	10.54
C-326/01 P, <i>Telefon & Buch v OHIM</i> [2004] ECR I-1371	5.66, 5.649–5.658, 5.755, 7.125
C-387/01, <i>Weigel</i> [2004] ECR I-4981	4.56
C-408/01, <i>Adidas-Salomon and Adidas Benelux BV v Fitnessworld Trading Ltd</i>	
[2003] ECR I-12537	5.936, 7.417–7.436, 7.449, 7.458, 7.462, 7.464, 7.465, 7.467, 7.482, 7.484, 7.488, 7.538, 7.546
C-418/01, <i>IMS Health GmbH & Co OHG v NDC Health GmbH & Co KG</i>	
[2004] ECR I-5039	11.147–11.153, 11.160, 11.162–11.163, 11.171
C-456/01 P and C-457/01 P, <i>Henkel KGaA v OHIM</i> [2004]	
ECR I-5089	5.07, 5.43, 5.56, 5.166, 5.170, 5.252, 5.268, 5.323–5.332, 5.345–5.382, 5.406, 5.457
C-468/01 P to C-472/01 P, <i>Procter & Gamble</i> [2004] ECR I-5141	5.142, 5.166, 5.172–5.173, 5.268, 5.323, 5.383–5.387, 5.437