

UPLOAD-IT - 1 NOVEMBER 2008

COMPETITION LAW

- ***Court of Appeal upholds High Court ruling as to type of damages that can be claimed for breach of EU competition law - Devenish v Sanofi-Aventis, Court of Appeal...***

In 2001, the European Commission had fined certain vitamin manufacturers about €800 million for contravening EU competition law by participating in a cartel. Following that decision, some businesses that had purchased vitamins from that cartel brought a claim for damages in the English courts. It was not disputed that the claimants could be awarded compensatory damages for losses they could prove they suffered, but – due to the difficulty of quantifying those losses – they also sought exemplary damages to punish the wrongdoers and an account of profits.

Last year, the High Court decided that exemplary damages were not available. The Court of Appeal has now upheld that ruling. Compensatory damages was the correct method of calculation. Exemplary damages would not be available because that would be covered by the fines imposed by competition law authorities such as the European Commission – and so there would be 'double jeopardy' if they were punished again. Making such an award could also nullify the incentives behind the Commission offering leniency from fines if cartel participants comply with competition law investigations. If the courts would have effectively punished the participants again with damages over and above simply compensating the victims, this would effectively be stating that the Commission's fines were insufficient. That was not something the courts were able to do.

- ***OFT objects to recruitment agents' practices in the construction industry...***

The Office of Fair Trading has issued a statement of objections to eight recruitment agencies for their alleged breach of the Chapter I Prohibition of the Competition Act 1998. The UK's competition law regulator has accused them of distorting competition in the market for construction industry candidates by fixing the fee rates to their customers (the employers) and for agreeing to refrain from contracting with a particular intermediary (ie a collective boycott). The agencies now have three months to respond to the OFT's statement of objections.

CONTRACTS

- ***Mistake of fact irrelevant unless it forms a term of the contract***

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Statoil v Louis Dreyfus, High Court...

The parties entered into an agreement. Statoil chartered a ship to carry its cargo for sale to Louis Dreyfus. Statoil had received a demurrage claim from the ship owners and in turn sought to charge Louis Dreyfus for demurrage. Statoil's demurrage claim was wrong because it had used the wrong date for calculating the demurrage to be paid by Louis Dreyfus. Louis Dreyfus realised Statoil's mistake but kept quiet about it. The parties then entered into a settlement contract under which they agreed the amount of demurrage due to Statoil. Statoil later realised its mistake and sought to have its demurrage agreement with Louis Dreyfus declared as void and replaced with another one. Louis Dreyfus wanted the agreement to be upheld.

The High Court sided with Louis Dreyfus. It ruled that where a party had made a mistake of fact on which it had based its decision to enter into a contract, but that fact did not form part of the contract itself, then the contract would still be binding. It was irrelevant that the other party knew that the first party was mistaken as to the fact and had benefited as a result. Statoil, here, had not made a mistake as to any term of the contract. There was no basis for avoiding a contract where one party had made a unilateral mistake as to a fact or state of affairs that formed the basis for the agreement where the assumption was not a term of the contract itself. Louis Dreyfus may have won on an important legal principle, but it was a hollow victory. It still ended up losing in the end on the particular facts of this case as it had been deemed to have entered into a supplementary agreement for the demurrage.

- ***European Commission proposes Directive to replace existing consumer laws...***

The European Commission has proposed a Directive to replace existing consumer laws by harmonising laws across European Union Member States. The aim is to boost cross-border trade by giving consumers the comfort that the law is the same whoever they deal with and wherever they are based. If passed, the new law would be 'full harmonisation', meaning that Member States would not be permitted to introduce more or less stringent provisions. Here are some other key provisions in the proposed Directive:

- ◆ Businesses to give consumers information, similar to that found in current distance selling laws.
- ◆ Cancellation rights of 14 days for contracts entered into at a distance or off-premises - twice the current level.
- ◆ Delivery to be within 30 days, unless otherwise agreed.
- ◆ Risk of loss in the goods to pass to the consumer on delivery, unless the consumer unreasonably refuses to take delivery.
- ◆ A list of terms that will always be considered to be unfair, and a further list of terms that will be presumed to be unfair (unless the retailer can prove that they are fair).

The UK Government has already been consulting on changes to UK consumer laws, so its consultation now needs to take into account new proposed EU law.

- ***Homeowner dramatically sues film company for unusual losses as film location agreement goes wrong - Haysman v Mrs Rogers Films Ltd, High Court...***

In a dramatic twist, a homeowner (H) who let film companies use his house for filming on location has claimed unusual types of damages for losses caused by one such film company (R). The film location contract had provided that R would indemnify H for loss or damage resulting from its negligence. R's damage to H's driveway required it to be resurfaced. R accepted that it had to do so, but it claimed that H's claim for damages should be discounted to account for H's benefit from the better condition of his drive.

The High Court, however, sided with H and said that since the driveway was in good condition H should not be penalised for any extra benefit that he may have derived. He should also be compensated for half of the time which he was unable to work while he had to be at home during the repairs. The plot thickened, because the High Court said that some of his claims for damages were simply too far-fetched. He did not need to employ a security guard while the remedial work was undertaken and his loss of earnings from further film location agreements for a 12-month period was not because of R's damage but were due to H's choice. Ultimately, therefore, both

parties won with different parts of their claims, so all's well that ends well, unless there's a sequel in the Court of Appeal...

COPYRIGHT AND DATABASE RIGHTS

- ***Database right may be infringed by analysing and re-constituting part of a database regardless of the technical process of making the copy -***

Directmedia Publishing v Freiburg, European Court of Justice...

The University of Freiburg created the Freiburg Anthology – a collection of the 1,100 most important German poems between 1730 and 1900. The list contained the author, title, opening line and year of publication of each poem. This took two and a half years to create and cost the University €35,000. Directmedia then published a CD of the “1,000 poems everyone should have”. That CD contained 876 that were on the Freiburg University’s list – in other words, they were largely the same poems but with some removed and others added. In creating the CD, Directmedia had used the University’s list as a guide. The University sued Directmedia for infringing its database rights.

The European Court of Justice ruled that transferring material from a database that was protected by database rights to another database following analysis COULD amount to unauthorised extraction. It was for the relevant national court to decide whether this amounted to transfer of a substantial part. The ECJ said that it was immaterial whether the transfer involved a technical or a manual process of copying or whether a database was referred to and then used in a new database. It also did not matter that the first database was analysed in order to create the second one, rather than simply copied without assessment. The objective of the database Directive was to guarantee a sum of money to someone who had made a substantial investment in obtaining, verifying or presenting a database and stopping someone from using it and re-constituting it at a fraction of the cost without having to design it independently. The ECJ rejected the argument that the decision would prohibit third parties from consulting databases, although if a substantial part was transferred then the consent of the database owner would be needed.

- ***Belgian ISP wins reprieve from having to filter traffic -***
Magical Marking v Holly, High Court...

In 2007, a Belgian Court ordered an Internet Service Provider (ISP), Scarlet Extended, to block out or filter its network of Internet traffic that was copyright-infringing material, within six months of the ruling. The action had been brought by the Belgian author and composer body – the Belgian Society of Authors, Composers and Publishers (SABAM). The landmark ruling had sent shockwaves across ISPs in Europe. The ISP had been told that it would be fined €2,500 per day for every day that it did not comply with the order. The fines would now have totalled €750,000, but it has just been told by a Belgian court that it will no longer have to pay those fines. The court has accepted Scarlet’s argument that it was technically impossible to do the filtering that had been ordered last year. Scarlet is still pursuing a full appeal against last year’s verdict. That appeal is due to take place in 2009.

- ***Court unravels responsibility from threatening raid by outgoing director and IT expert in copying company’s records -***
Magical Marking v Holly, High Court...

MM was a playground painting business and had created lots of designs. It owned the copyright in its designs and business documents, database rights for information on its server and confidential information relating to its customers and business

records. H had been a director of the business but said he was leaving. Whilst the other directors were having a meeting to decide what to do about the business in light of H's departure, H and a computer consultant entered MM's premises and took a complete copy of MM's business records. At the same time, they disabled MM's computer system by inserting passwords and not providing them to MM's staff.

The High Court awarded summary judgment against H for infringement of copyright, database rights and misuse of confidential information, granted an injunction and stated that damages should be awarded. The dispute also spilled over to the relationship between IT consultant and H, and whether the consultant should be liable at all for his actions. The consultant denied that he had threatened MM's staff and claimed that he had always believed H to have had authority to instruct him and that his installation of the passwords was done as a security measure.

The High Court found the consultant's explanations to be 'wholly incredible'. It said that the copying had been done without consulting MM's staff, who had been threatened and intimidated. The conduct of the raid would have raised in the mind of any reasonable IT consultant questions as to whether he was working in MM's best interests or simply helping H in his own unauthorised goals. Accordingly, the IT consultant was an infringer and court orders were awarded against him. However, having regard on the facts of the case to H's responsibility for the damage, the consultant would be entitled to be fully indemnified by H for any liability he had to MM.

- ***Games businesses frightening non-copyright infringers with threats of action...***

A husband and wife from Scotland have been threatened with action for illegal file-sharing by Atari, the computer games maker. Mr and Mrs Murdoch – aged 54 and 66 – claimed that they have never played any computer games or shared any software and were shocked to receive a letter giving them the chance to pay a settlement fee of £500 or face court action instead. The couple told *Which?* magazine of their experience and the magazine estimates that this has happened to hundreds of innocent people. No reason has been given for why the Murdochs were targeted with the letter. In August, a British woman was ordered to pay £6,000 in damages, plus costs of £10,000, to TopWare Interactive for engaging in the illegal sharing of TopWare's Dream Pinball 3D game which cost only £9 to buy. For more on that story, please click here: <http://www.upload-it.com/editArticle.aspx?ID=2795>.

CYBERCRIME/SECURITY

- ***Now you can be spied on by being analysed how you press keyboard keys...***

Cybercriminals may soon be stealing your data based on electromagnetic signals that are produced by every key press you make. Researchers in Switzerland have worked out what someone typed by analysing the signals. The Security and Cryptography Laboratory at the Swiss Ecole Polytechnique Federale de Lausanne, which carried out the research, has concluded that keyboards were not safe to transmit sensitive material. The eavesdropping worked over distances of up to 20 metres away.

- ***More than 3.5 million cybercrimes committed in UK last year...***

More than 3.5 million cybercrime offences were committed in the UK last year, up 9% on the previous 12 months, according to a report by Garlik. Financial fraud increased by 20% to 250,000 reported incidents. Cybercrime is one of the fastest-growing criminal activities and includes hacking, identity theft and financial scams such as phishing. The UK is the second worst offender for cybercrime, being

responsible for between one in six and one in seven of all cybercrime committed – three times as many as the notorious Nigeria.

- ***Government establishes new specialist crime unit to deal with computer crime...***

The Government has established the Police Central E-Crime Unit - a new specialist crime unit to deal with computer crime. Two years ago, the Government disbanded the National Hi-Tech Crime Unit, believing that the work could be done through the Serious and Organised Crime Agency. However, most 'small' computer crime was then not dealt with at all, as local police forces were not best placed to deal with the technicalities of computer crime. The Government has set up a specialist computer crime unit again as it has recognised that e-crime is the most rapidly expanding form of criminality.

DATA PROTECTION/PRIVACY/CONFIDENTIALITY

- ***EDS loses MoD computer containing data of up to 1.7 million people...***

EDS, the IT services business, has lost an MoD computer that contained details of up to 1.7 million people who were mainly serving members and potential recruits. The MoD has lost hundreds of laptops over the last few years, as reported by Upload in August at: <http://www.upload-it.com/editArticle.aspx?ID=2752>. However, this latest loss of an unencrypted hard drive is on a massive scale. The MoD and EDS have announced that they tried, but failed, to find the hard drive. This comes on the back of a recent announcement that EDS lost a computer hard drive containing the details of up to 5,000 prison staff, as reported here: <http://www.upload-it.com/editArticle.aspx?ID=2858>.

- ***Information Commissioner calls for directors to take responsibility for lost data...***

The Information Commissioner – the regulator in charge of enforcing data protection law in the UK – has called on directors to take more responsibility for protecting personal data held by their businesses. The Commissioner said: 'Personal information is now the lifeblood of business. User properly, personal information can lead to better customer service and improved efficiency.' But he also called for the amount of data to be minimised. He warned: 'The more databases that are set up and the more information exchanged from one place to another, the greater the risk of things going wrong. The more you centralise data collection, the greater the risk of multiple records going missing or wrong decisions about real people being made. The more you lose the trust and confidence of customers and the public, the more your prosperity and standing will suffer.'

- ***Sienna Miller sues News of the World for publication of topless pictures of her on yacht...***

Sienna Miller is suing the *News of the World* newspaper after it had published topless pictures of her aboard a yacht with Balthazar Getty. Mr Getty is from an oil-rich American family and is married with four children. The actress and model is claiming a six figure sum in damages on the basis that the publication infringed her privacy rights. Ms Miller's case is the latest in a trend towards developing privacy laws in the UK. The UK had no right of privacy as such until the Human Rights Act 1998 came into force, but celebrities are increasingly looking for privacy protection, even when photographed in public places. Earlier this year, the Court of Appeal ruled that J K Rowling's son had an arguable claim for infringement of privacy when a photo of him

in the street was published. For more on that story, please click here: <http://www.upload-it.com/editArticle.aspx?ID=2651>.

DATA RETENTION

- ***Government confirms plans for giant phone and Internet database...***

The Government has confirmed its plans to create a giant database of all phone, Internet and email usage across the UK. The plans had been rumoured earlier in the year, but the Government has now confirmed that they will form part of the Communications Data Bill in the next session of Parliament. The Information Commissioner - the UK's data protection regulator - has called the plans a dangerous threat to privacy. He says they would undermine the 'British way of life'. The Government plans to consult with the public before implementing them, but the Commissioner has warned that creating such a huge database would never be risk-free and it would not be possible to eliminate the danger of the data being misused or ending up in the wrong hands.

Currently, police and intelligence agencies can make a request to telecoms and Internet service providers and the request may be queried by an independent body. Under the new proposals, the Government would already have access to the data through access to the super database without having to request use of the data being questioned.

Mark Weston - head of Commercial/IP/IT at Matthew Arnold & Baldwin - and Paul Gershlick - editor of Upload-IT - have been live on Sky News and BBC Radio speaking about this issue. Paul Gershlick comments: 'No one doubts the need to preserve data to try to stop really serious crimes such as terrorism. However, the Government's plans for one super database begs the following questions: Given the current existing laws, why the need for one database? Given its recent track record with data handling, is the Government the best person to look after that data? And how much is this going to cost the taxpayer to look after so much data?'

DEFAMATION

- ***Canadian court rules that link to defamatory material does not constitute re-publication...***

A Canadian court has ruled that the mere act of providing a link to an article containing defamatory material does not constitute re-publication and the link provider is therefore not liable for the defamatory article. Wayne Crookes - a political activist - was taking action against the publishers of articles that he claimed were defamatory about him. He also sued the P2PNet.net website which had published general commentary about the legal responsibility for people who run online forums and a link to the sites which had published the allegedly defamatory articles. The court ruled that since P2PNet had not made any comments about Mr Crookes nor cast doubt on his integrity, it was not responsible merely by providing the link. No repetition of the material within those articles had been made. The position on linking to defamatory material through websites in the UK has not yet been tested in the courts.

DOMAIN NAMES

- ***Google being sued for US\$1,000 per domain name for profit it makes out of typosquatters...***

Google is being sued in the US for US\$1,000 per domain name in a class action by brand owners for profits that it makes out of typosquatters. 'Typosquatting' is the practice of registering domain names that are common mis-spellings of famous brand names so that website users go to the website with the similar name instead of the branded website. When visitors go to the wrong site, they sometimes link through to other sites advertised on the mis-spelt domain names. Google earns many millions of dollars out of that advertising.

E-COMMERCE REGULATIONS

- ***European Court of Justice warns that websites must have telephone numbers and quick methods of contact and not just email information -***

Bundesverband v DIV, European Court of Justice...

Under the E-Commerce Directive (which was brought into UK law in 2002 through the E-Commerce Regulations), most website operators must provide certain information about themselves. That includes 'the details of the service provider, including his email address, which allow him to be contacted rapidly and communicated with in a direct and effective manner.' In this case, Bundesverband took DIV to court to force DIV to publish its telephone number on its website. The European Court of Justice has ruled that the relevant wording in the E-Commerce Directive required service providers to publish more than just a postal and email address. It had to provide a rapid means of access, which could be a telephone number, but did not have to be. It could also, for example, be a web-based form that was responded to within 60 minutes. However, the ruling leaves open more questions than it answers, because the 60 minute response was not definitive and the Court did not explain what must happen outside of working hours.

EMPLOYEES

- ***Virgin Atlantic and BA fly off the handle at staff's disparaging comments on Facebook...***

Virgin Atlantic has sacked 13 members of staff after they had made disparaging comments on Facebook about customers. They also made serious allegations about Virgin's health and safety on aeroplanes. Virgin Atlantic called the behaviour totally inappropriate and took the action in light of its staff policies. Meanwhile, BA ground staff have been under scrutiny for insulting customers – such as calling them 'smelly' - and making other insulting comments about BA on the popular social networking site.

Paul Gershlick, editor of Upload-IT, comments: 'The key to the airlines' abilities to take action has been the IT and Internet use policies that they had implemented. This shows the importance of having properly drafted policies to anyone interested in protecting their image and liability on the web.'

GAMBLING

- ***Internet house competition suspended as Gambling Commission investigates...***

The Wilshaw family has suspended its innovative scheme to try to sell their £1m 11-acre home in Devon. They had devised the scheme after they had been unable to sell it in light of the economic downturn. They received about 50,000 entries from people who each paid £25 to have a chance of winning a competition where they had to answer the following question: 'What is the cost of an adult full season coarse fishing licence for 2008/9?' The competition had been criticised, as anyone could simply find that answer by doing a search on the Internet. In order to avoid being an illegal lottery, the Wilshaws had to make it a prize competition. Under the Gambling Act 2005, that involves two elements: requiring sufficient skill and judgement such that many people would be discouraged from entering in the first place, and making it difficult enough so that many of the people entering would be disqualified.

The Gambling Commission – the regulator in charge of enforcing gambling law in the UK – had initially stayed quiet on whether the scheme was an illegal lottery or not. However, just before the draw for the prize from the successful participants was due to take place, the Commission began to investigate and warned that people running those competitions must 'be careful' because they may not be legal. The Commission asked the Wilshaws to show why they believed that their question prevented a significant number of people from participating in the competition.

IT AND INTERNET USE

- ***Majority of music downloaders now doing so legally...***

The majority of people downloading music on the Internet are now doing so legally. That is according to the Entertainment Media Research's latest survey of 1,500 UK consumers. It is the first time that has happened since it first conducted its survey five years ago. Increasing competition amongst legitimate Internet music stores has been partly the cause. In addition, music pirates are being deterred by the increased clampdown on their actions by Internet service providers. 75% of music pirates admitted that they would change their habits if told to do so by their ISP.

- ***Program comes close to passing test of artificial intelligence...***

A computer program has come close to passing the Turing Test for artificial intelligence. This test is named after Alan Turing, the 1950s code-breaker. The Turing Test is passed when at least 30% of humans having a conversation with the program in text is confused into thinking that the responses are coming from a human. Elbot, which won the recent Loebner Prize competition – the competition for the computer program that comes closest to passing the Turing Test – obtained 25% in the test.

MISLEADING ADVERTISING

- ***Scratch card operator pulled up for having too many prizes...***

Mediaprom has been ordered to stop running a scratch card game that offered more prizes than had been advertised. It had advertised a particular number of holidays, cameras, MP3 cameras and cash prizes, but in the event actually gave away more than had been advertised. The Advertising Standards Authority ruled that that was just not on as it had misled participants as to how lucky they were. Accordingly, the promotion breached the CAP Code. The CAP Code is administered by the ASA and it

governs the content of adverts and marketing communications. Although the Code does not have legal force, it is best practice to comply with it, as failure to do so can result in bad publicity and ultimately an inability to obtain advertising space.

MISLEADING SELLING

- ***Half of electrical shops break laws on providing information for extended warranties...***

45% of domestic electrical goods stores do not provide sufficient information about extended warranties, according to a survey by the Office of Fair Trading. In 2005, the Government introduced a new law which required retailers to provide information about the price, duration and optional nature of extended warranties next to the domestic electrical goods. Extended warranties are extra warranties that consumers pay for to last longer than manufacturers' warranties – they are akin to insurance against something going wrong outside of the normal warranty period. In addition to the poor provision of information on display, the OFT also discovered that about one-third of shop assistants gave incorrect information to consumers as to their rights in relation to the warranties.

PATENTS

- ***Court of Appeal looks to reconcile European and UK approaches to software patents – Symbian v Comptroller General of Patents, Court of Appeal...***

Symbian had applied for a UK patent relating to a method of accessing data in a computing device – specifically data held in a dynamic link library. The patent application was refused. Symbian appealed to the High Court, which allowed its appeal. Computer programs are generally not patentable unless they have a technical effect. However, the High Court criticised the failure of the patent examiner even to consider whether the program had a technical effect. Care would be needed to avoid pre-judging the issue of technical contribution or even exclude it altogether purely on the basis that software is involved. The High Court said that it was wrong to label all programs simply as being software and therefore excluded. Each case should be decided on its own facts. Programs that created an increase in speed or reliability due to re-organising data in the dynamic link library within the operating system should not be excluded from patentability. They had a technical effect.

The Court of Appeal has upheld the High Court's decision. The invention improved the speed and reliability of the computer, which was a technical solution to a technical problem. The Court of Appeal also tried to reconcile the approaches of the UK and European Patent Office as to when software is excluded from patentability. The EPO has come up with conflicting approaches: one was simply that the program must make a technical contribution, and the other was that the invention must involve use of or interaction with hardware. In the UK, however, the test was purely whether there was any technical effect. In the Aerotel/Macrossan case, the Court of Appeal had devised a four-stage approach to see if the test was satisfied. For more on that case, click here: <http://www.upload-it.com/editArticle.aspx?ID=1689>. In the current case, the Court of Appeal stated that the UK and EPO approaches can both be followed, yet the Court said that technical contribution and the Aerotel/Macrossan approach was still the test.

Paul Gershlick, editor of Upload-IT, comments: 'It appears that the Court of Appeal seemed willing to reconcile the UK approach with the European one, but in fact this

case has involved no significant change. What is particularly interesting is that the Court affirmed the technical contribution test in principle but recognised that it was 'imprecise' and 'elusive'. Despite the best attempts of the Court of Appeal, the position as to when software may be patentable remains as uncertain as ever.

TRADE MARKS AND PASSING OFF

- ***American Airlines sues Yahoo! for trade mark infringement over keyword sales...***

American Airlines is suing Yahoo! in a Texas court for allowing the US airline's trade marks to be used for generating sponsored links to competitors' websites. American Airlines claims that such use is free riding on its brand and is unauthorised under US trade mark law. A number of similar battles are currently being fought either side of the Atlantic.

Google's AdWords scheme is currently being challenged for trade mark infringement in the European Court of Justice. AdWords is an auction operated by Google whereby advertisers bid for placing of links to their websites in connection with keywords so that when a user searches for a term they may also click on sponsored links next to the unsponsored search results. The EU case came about after Louis Vuitton, the luxury fashion retailer, sued Google in the French courts following the auction of terms such as 'Louis Vuitton fakes'.

- ***Vodka brand challenges re-branded radio station whether it has absolute bottle to stick with its new name...***

V&S Vin Spirit – which owns the famous Swedish vodka brand, Absolut Vodka – has commenced legal proceedings against Absolute Radio for trade mark infringement. The vodka company believes that customers may be confused that it is somehow connected with the radio station. The radio station has hit back and claims that its five million listeners can tell the difference a vodka brand and a radio station. Well, maybe not if they've been drinking!

- ***Counterfeiter's novel defence that 'no one was confused because it was such a bad copy' fails – R v Gary Boulter, Court of Appeal...***

Boulter had pleaded guilty to 19 counts of unauthorised use of trade marks. However, he appealed against his conviction based on the novel argument that the material which he was selling with unauthorised use of the registered trade marks was of such a bad quality that no one would have been deceived or confused. However, the Court of Appeal threw out that argument. This was a case of infringement under Section 10 (1) of the Trade Marks Act, and in that event there is infringement where the products and the mark used are both the same without the trade mark owner having to show a likelihood of confusion. The Court of Appeal added that there was no way that Parliament could have intended for Boulter's defence to absolve him from liability on the basis that people knew they were 'genuine fakes'.

- ***Cost of brand protection across the EU drops by 40%...***

The official registry costs when registering a trade mark with protection throughout the European Union has fallen by 40%. The Office for Harmonisation in the Internal Market – the body that deals with European Community trade mark registrations – has announced that the cost of application and registration fees combined is dropping from €1,650 to €1,000. One CTM application can give a brand owner protection for its brand across all 27 EU Member States.

- ***Trade mark owners have less time to file an opposition as UK Trade Marks Registry's rules change...***

The UK Trade Marks Registry has amended some of its rules and processes last month. Trade mark owners should now be aware of the amended procedures. For example, anyone wishing to oppose a trade mark application now has two months rather than three to file an opposition. In addition, registrations, renewals and other post-registration information are no longer published in the weekly *Trade Marks Journal* but will just be published on the UK Intellectual Property Office's website.