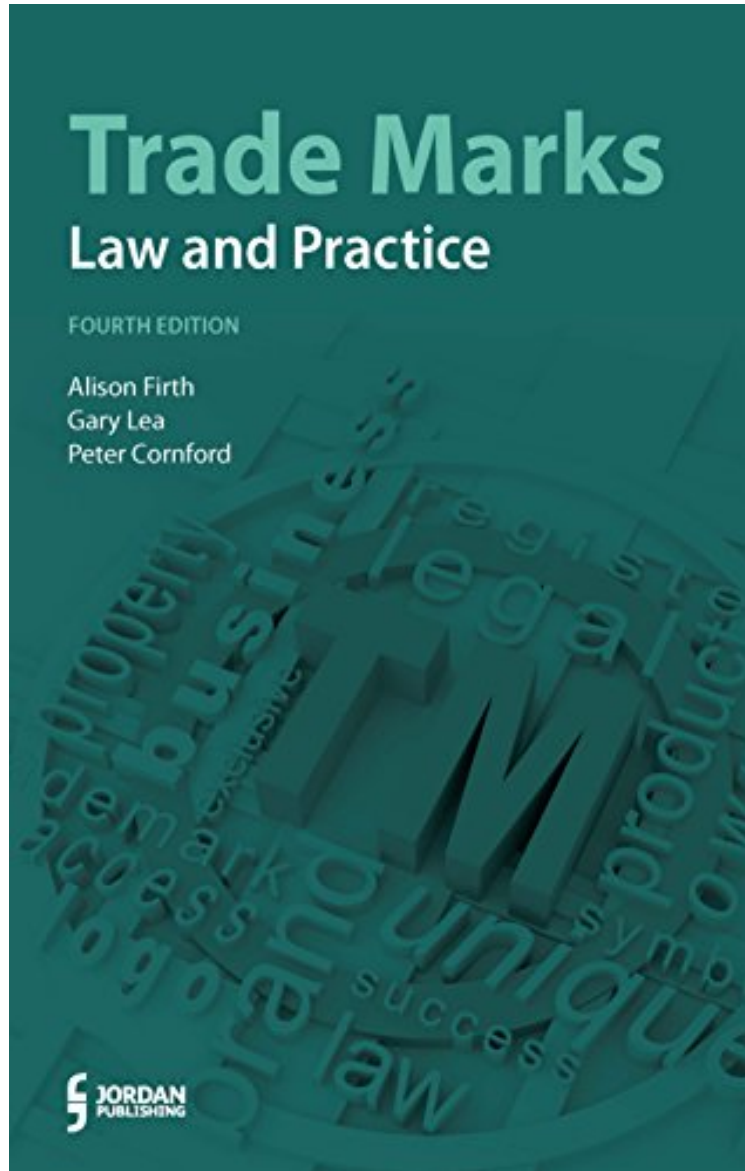


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Trade Marks: Law and Practice (Fourth Edition)

Alison Firth, Gary Lea, Peter Cornford

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Alison Firth, Gary Lea, Peter Cornford : Trade Marks: Law and Practice (Fourth Edition) before purchasing it in order to gage whether or not it would be worth my time, and all praised Trade Marks: Law and Practice (Fourth Edition):

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TRADE MARKS IN 2016. WHILST WE WATCH THE EARLY EFFECTS OF BREXIT WITH THE COURT OF JUSTICE ACTING AS A PERSUASIVE AUTHORITY IN THE FUTURE

An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers

The law and practice relating to trade marks holds great fascination for many lawyers and it is a subject area which many people have little detailed knowledge and understanding, especially in the European context. So it is most useful to have this new edition of Trade Marks brought to us by Professor Alison Firth and her colleagues Gary Lea and Peter Cornford in early 2016. As the authors say, the courts and legislators have been busy since the last edition appeared in 2012, and this edition of the book has appeared prior to the decision by the UK to leave the EU. Therefore, it is useful to read the Preface to the new edition which comments helpfully on where we are in the middle of 2016 as the authors take account of a possible Brexit. The authors write that the Court of Justice of the EU has been developing its jurisprudence on the functions of trade marks, and on the identification of autonomous concepts of EU trade mark law. They go on to say that these cases, especially those on reference from the courts of Member States, were driven by many factors, but particularly the growth of online trade. They leave the best bit to the last: Some of the Court of Justices decisions have perplexed or exasperated the UK courts! And we have added the exclamation mark because of the events of 23rd June 2016. What will also assist readers are the comments following Brexit where they ask will the UK's trade mark landscape change dramatically? This is their answer which we feel helps the practitioner: Brexit would certainly generate the need to file or designate national registrations to replace protection currently conferred by Community/EU trade marks, both for the UK proprietors and users of the Madrid system for the international registration of marks. They go on to say that trade mark proprietors who have exercised caution about abandoning national rights in favour of seniority claims under the EU system would have reason to be glad. And they comment that the courts and litigants might relish the freedom to not follow the more Delphic rulings of the Court of Justice. Just so. We found their concluding comments extremely positive and helpful when they write that there would be more freedom for parliament to fashion new legislative defences to infringement. They submit that UK trade mark law would not necessarily diverge widely from its current path. Draft EU trade mark law formed the basis of the WTO TRIPs text in relation to the registration of marks and the scope of protection conferred- adding that this does not of course include the defences. Finally, they assert that the UK would probably join other Commonwealth countries in looking to the Court of Justice as persuasive authority on many matters and whatever happens, there will be significant further developments. Well, those developments are well under way now and it will probably not be long before we await a fifth edition of this invaluable and straightforward work. Thank you to the three authors and to Jordans for this new edition. The fourth edition of Trade Marks is up to date as at 29th February 2016.

Trade Marks: Law and Practice is a concise account of UK trade marks law within the European and International context. The text incorporates and analyses the ongoing amendments and the Trade Marks Act 2004, amendments to the Trade Marks 2000 and the expansion of the system of international registration of trade marks under the Madrid protocol and International Trade Mark Treaty. Written by Alison Firth, and expert co-authors, this text deals with the relevant domestic and international developments from both the UK and EU perspective and takes into account; EU Reform Trade mark law provisional agreement relating to proposed changes to Community Trade mark regulation which include changes to CTM terminology, procedure filings and fees NICE class headings and classification of goods- IP Translator case IP and Company Commercial lawyers advising on trade marks