

Fordham IP Conference Cambridge 2009

Presentation Outline

Recent EU Law on Online Trademark Infringement – a Clear Picture?

Dr. Peter Ruess, 16 April 2009

The presentation will focus on how trademarks are employed in an online context, putting special focus on the use in auction platforms and search engines.

Both seller of counterfeit brand products and sellers of other, third brand products are using the afore-mentioned structures to advance the sale of their products, thereby either exploiting the *source indicator* function of the trademark or the *pilot* function of the trademark.

It is important to look into which forms of entering a trademark in whatever context online will constitute use in trademark terms and thus lead to an infringement claim of the trademark owner.

As it is inefficient to pursue individuals who are, e. g., acting on eBay, it is also important to look into whether and under which conditions the provider, e. g., eBay can be held liable for infringing conduct on its website.

The presentation will focus on recent legal developments, including referrals of French and German courts to the European Court of Justice and try to formulate some suggestions in this field.