

Cases Published in R.P.C. [2008]

	<i>Issue No.</i>	<i>Page</i>
<p>ASTRON CLINICA LTD V COMPTROLLER-GENERAL [2008] R.P.C. 14 (Patent: Application: Patentability: Computer programs: Claims to programs on suitable storage media: Claims refused by UKIPO: Appeal to Patents Court: Whether claims to computer programs necessarily excluded from patentability: Whether where method and apparatus claims allowable, a claim to the computer program was also allowable: Patents Court)</p>	[4]	339
<p>DLP LTD'S PATENT [2008] R.P.C. 11 (Patent: Infringement: Comptroller's Opinion patent not infringed: Appeal to Patents Court: Whether Patents Court should entertain appeal: Proper approach to appeal: Whether Comptroller should appear on appeal: Patents Court)</p>	[3]	257
<p>esure INSURANCE LTD V DIRECT LINE INSURANCE PLC [2008] R.P.C. 5 (Trade mark: Application: Device mark of computer mouse on wheels for insurance and financial services: No colour limitation: Opposition: Earlier device mark of telephone on wheels for insurance and financial services: Whether mark confusingly similar: Whether likelihood of association: Whether use of later mark took unfair advantage of or was detrimental to distinctive character and repute of earlier mark: Survey evidence: Whether vitiated by manner in which survey conducted: Whether vitiated by parties' advertising campaigns: Whether threshold level for 'similarity': Whether use of the mark in opponent's distinctive colour was 'normal and fair use': Enhanced distinctiveness of earlier mark: Whether risk of unfair advantage/detriment sufficient: Whether 'fettering' a separate head of detriment: Blurring: Dilution: Comments on cross-examination: Trade Marks Registry)</p>	[2]	99
<p>esure INSURANCE LTD V DIRECT LINE INSURANCE PLC [2008] R.P.C. 6 (Trade mark: Device mark of computer mouse on wheels for insurance and financial services: Opposition: Earlier device mark of telephone on wheels for insurance and financial services: Whether likelihood of confusion: Whether later mark took unfair advantage of or was detrimental to distinctive character or repute of later mark: Registration refused: Appeal to High Court: Whether threshold limit for similarity: Whether hearing officer correct in rejecting survey evidence: Whether sufficient other evidence to establish likelihood of association: Whether mere risk of unfair advantage or detriment sufficient: Whether errors of principle in hearing officer's assessment of the evidence: Blurring: Fettering: Tarnishing: Ch.D.)</p>	[2]	143
<p>L'OREAL SA V BELLURE NV [2008] R.P.C. 9 (Trade mark: Infringement: Perfumes: Device marks of containers and packaging: Replica "Smell-alike" perfumes: Comparison lists and some packaging held to infringe: Appeal to Court of Appeal: Whether use in comparison lists an infringement: Reference to European Court: Meaning of "an unfair advantage" of the reputation of a mark: Reference to European Court: Meaning of presenting goods as replicas: Reference to European Court: Effect of limitations and disclaimers: Passing off: Whether smell of perfume part of goodwill: Instruments of deception: Whether tort of unfair competition exists: CA)</p>	[3]	196
<p>PAN WORLD BRANDS LTD V TRIPP LTD (EXTREME TRADE MARK) [2008] R.P.C. 2 (Trade mark: Application for revocation: Non-use: Mark revoked: Appeal to Appointed Person: Partial non-use admitted: Burden of proof: Standard of proof: Unchallenged evidence: Whether use 'internal use': Partial revocation: Scope of revised specification: The Appointed Person)</p>	[1]	21

RAYTHEON CO'S APPLICATION [2008] R.P.C. 3 (Patent: Application: Inventory management system: Patentability: Whether invention program for computer: Application refused: Appeal to High Court: Whether permissible for Comptroller to raise new ground of objection on appeal: Whether invention method of doing business: Whether presentation of information: Costs: PC)	[1]	46
RXWORKS LTD V DR PAUL HUNTER [2008] R.P.C. 13 (Trade mark: Threats: Whether justified: Counterclaim for infringement: Application by claimant for summary judgment on issue of infringement: "VET.LOCAL" registered for software: Use of term "vet.local" as folder or directory name or as a domain name in claimant's software: Whether use in the course of trade: Whether necessary for mark to be visible at point of sale: Meaning of "use in relation to": "Trade mark use": Whether use affected the function of the trade mark: Perspicacity of average consumer: Proper approach to an application for summary judgment: Ch.D.)	[4]	303
SIEMENS SCHWEIZ AG V THORN SECURITY LTD [2008] R.P.C. 4 (Patent: Infringement: Original text of claims in German: English translation: Construction of claims in German text and in translation: Whether German text or English translation was authentic text: Validity: Inventive step: Whether non-registration of ownership changes barred recovery of damages: Whether amendment to statutory bar retrospective: Whether transfer effected by consensual agreement or operation of law: Ch.D.)	[1]	58
SOCIETÀ ESPLOSIVI INDUSTRIALI SPA V ORDNANCE TECHNOLOGIES (UK) LTD [2008] R.P.C. 12 (Design right: Infringement: Multiple Warhead Systems: Use of joint venture design as starting point in later projects by first defendant: Reproducing by means of design documents: Whether "for the purpose of enabling articles to be made" a subjective test: Director's liability: Whether joint tortfeasor: Whether failure to prevent breach sufficient: Ch.D.)	[4]	269
UK INTELLECTUAL PROPERTY OFFICE – PRACTICE NOTE [2008] R.P.C. 15 (UKIPO Practice Note: Patents: Patentable subject matter: Computer programs: Change in examination approach)	[4]	356
UK INTELLECTUAL PROPERTY OFFICE – TRIBUNAL PRACTICE NOTE TPN 4/2007 [2008] R.P.C. 7 (UK IPO Tribunal Practice Note: Costs in proceedings before the Comptroller: New scale: Off scale costs: Interlocutory costs: Conditional fee arrangements)	[3]	187
UK INTELLECTUAL PROPERTY OFFICE – TRIBUNAL PRACTICE NOTE TPN 6/2007 [2008] R.P.C. 8 (UK IPO Tribunal Practice Note: Practice in Patent Proceedings before the Comptroller: Management of proceedings: Expert witness evidence: Negotiations during proceedings)	[3]	191
VECTOR CORPORATION V GLATT AIR TECHNIQUES LTD [2008] R.P.C. 10 (Patent: Invalidity: Amendment: Patent held valid and amendments allowable: Appeal to Court of Appeal: Appeal restricted to allowability of claims: Added matter: Intermediate generalisation: Whether post-appeal amendment allowable: CA)	[3]	243
YEDA RESEARCH AND DEVELOPMENT CO LTD V RHONE-POULENC RORER INTERNATIONAL HOLDINGS INC [2008] R.P.C. 1 (Patent: Entitlement proceedings: Referrer claiming joint ownership: Application to amend referrer's statement of case to add alternative claim to sole ownership: Whether amendment barred by two-year statutory time limit: Appeal to House of Lords: Whether necessary for referrer to invoke some rule of law giving him title to patent: Whether claim to sole ownership a new claim: Whether reference to the comptroller analogous to civil proceedings: Appeal and amendment allowed: House of Lords)	[1]	1