



# IPRIA PUBLIC SEMINAR

GENEROUSLY HOSTED BY Blake Dawson

## *L'OREAL AND THE LOGIC OF 'BECAUSE YOU'RE WORTH IT': FREE RIDING AND EUROPEAN TRADE MARK LAW*

*In L'Oreal v Bellure the European Court of Justice recently decided that free riding, or taking advantage of the reputation enjoyed by an earlier mark, is actionable per se. In reaching this conclusion, the ECJ significantly expanded the scope of trade mark protection but provided little justification for doing so. Referencing activity and building on the efforts of others are fundamental to creative and competitive processes, yet the court provides little guidance on separating acceptable referencing from unacceptable. If we all borrow from each other, when is this to be prohibited and why?*

*This presentation maps out the issues in L'Oreal, identifies the key findings and then traces its tentative application in subsequent OHIM and national decisions. It also considers its implications for search engine related keyword advertising references currently pending before the ECJ.*



**Dev Gangjee** joined the LSE as a Lecturer in 2005, with a primary research interest in Intellectual Property. He is a graduate of the National Law School of India (BA, LLB) and the University of Oxford (BCL, DPhil), where he was a Rhodes Scholar. Dev is presently an Associate of the Oxford IP Research Centre and a Research Affiliate with IP Osgoode. He has advised both governments and law firms on intellectual property issues.

Dev's research focuses broadly on Intellectual Property, but with a special emphasis on property interests in signs and the legal regulation of communication. He's presented research on Geographical Indications in Japan, the UK, the US, China and India and is currently writing a monograph (CUP), while also editing a volume (Edward Elgar) on this subject. Additional research interests include the history of IP, collective innovation and Traditional Knowledge.

**SPEAKER:**

Dev S. Gangjee  
Department of Law  
London School of Economics

**DATE AND TIME:**

Wednesday 12th May  
7:00pm - 8:00pm  
(Refreshments from 6:30pm)

**VENUE:**

Blake Dawson  
Level 36, Grosvenor Place  
225 George Street  
SYDNEY

**RSVP:**

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**PRICE:**

Free of charge

**CLOSING DATE:**

Friday 7 May 2010

**Continuing Professional Development**

**Professional Standards Board**

The Professional Standards Board for Patent and Trade Marks Attorneys has advised that attendance at this seminar will enable Patent and Trade Marks Attorneys to claim 1 CPE point.

**The New South Wales Bar Association**

NSW Barristers can claim 1 CPD point per hour of attendance at this seminar in the substantive law strand.

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