



TABS™ Update Technology And Brands

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Happy Birthday....CTM

The Community Trade Mark (“CTM”) will mark its 12th birthday on 1st April 2008. The Office for Harmonisation in the Internal Market (“OHIM”) officially launched the CTM on 1st April 1996.

Since the CTM was launched, the European Union has expanded from 15 to 27 Member States, with the possibility that membership could grow to more than 30 within the next 5 years.

In 1996, over 42,000 CTM applications were received. Twelve years later, the number of applications filed have doubled to over 88,000.

Since its launch, the CTM has become an established and important weapon for brand owners. Companies should therefore, without delay, review their operations to ensure that their intellectual property rights are adequately protected. Act now before it is too late – speak to your legal or IP advisors today.

Music Firms Sue Over Downloads

Internet Service Providers (“ISPs”) should closely monitor the progress of the High Court proceedings instituted by four record companies (“Record Companies”) against Eircom (the largest broadband ISP in Ireland) as the outcome of the action could impact on how they operate their business.

The Record Companies have instituted proceedings seeking orders under the Copyright and Related Rights Act 2000 restraining Eircom from infringing copyright in sound recordings owned by or licensed to them. Their aim is to prevent Eircom’s network being used for the illegal downloading of music.

It is estimated that 20 billion music files were illegally downloaded worldwide in 2006. The Irish market has suffered a dramatic decline with sales falling from €146 million in 2006 to €102 million in 2007.

The Chairman of the Irish Record Music Association (a non-profit association which promotes and protects the welfare and interests of the Irish record industry) attributes a substantial portion of that decline to illegal peer-to-peer file sharing.

As the case has been transferred into the Commercial Court (which is a division of the High Court), it means that it will be progressed in an expeditious manner. Assuming a settlement is not reached between the parties, the trial would be expected to take place later this year. Watch this space for further updates.

In the meantime, ISPs should review their networks to ensure that they are not being used to infringe the intellectual property rights of third parties. If this is the case, be proactive and talk to your legal advisors immediately as specific actions can be taken to prevent the violation of such intellectual property rights. Act now or else!

Beauchamps Solicitors

Riverside Two, Sir John Rogerson’s Quay, Dublin 2

Tel +353 (1) 418 0600 Fax +353 (1) 418 0699

email TABS@beauchamps.ie web www.beauchamps.ie



€3 Million Counterfeit Goods Seized

Those involved in the counterfeit and piracy trade should take note that the Irish police and custom authorities are closing in on their activities. Earlier this month, in an operation involving custom authorities and the Criminal Assets Bureau, the police seized counterfeit goods valued at almost €3 million following searches of more than 20 premises across Dublin which included private houses, warehouses and factories. The goods included counterfeit designer footwear and clothing. It has been reported that the goods were sourced from overseas, most likely southeast Asia and eastern Europe and then imported to Ireland where they were sold by street traders and at markets throughout the country.

Counterfeit products seriously damage the reputation and goodwill of brand owners. Governments lose out on revenue from lost taxes and employment. The profits from piracy and counterfeiting can also be used to fund crime and terrorism. Intellectual property rights play an important role in the battle against piracy and counterfeiting. However, brand owners must be proactive, conducting surveillance of the market to identify possible entry points for counterfeit products and any weak links as well as liaising with custom authorities. They must also invest time and effort in detecting and prosecuting infringement. There are many other preventative measures that brand owners can take to protect their brand in the never-ending battle against counterfeiters. There is no time to lose – talk to your legal advisors today!

2nd European Data Protection Intensive

Beauchamps Solicitors, together with the member firms of Ecomlex and other specialist data protection practitioners, are participating in the 2nd European Data Protection Intensive. This event is a two-day conference organised by Data Protection Law & Policy which takes place in Berlin on 15th and 16th May 2008. Claire Callanan, Head of the Litigation and Dispute Resolution Department and Madeleine Delaney will be speaking on Day 2 of the conference.

TABS Update readers can avail of an (extended) early bird discount until Friday 28th March 2008. For further details, please contact Kavitha Kasilingam (email kavitha.kasilingam@e-comlaw.com) at Data Protection Law & Policy.

In The News

Maureen Daly, Partner and Head of Technology & Intellectual Property was a legal contributor to an article entitled "*Patents are pending*" in the February/March edition of the magazine, Business & Finance. The article refers to last month's Intellectual Property Summit 2008 Conference in the Law Society of Ireland at which Maureen spoke on the issue the current state of play of R&D and intellectual property in Ireland.

If you have any queries on issues raised in the article, please contact Maureen Daly (m.daly@beauchamps.ie) or any member of the Technology & Intellectual Property Unit.

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Contact:

Maureen Daly – Partner and Head of Technology & Intellectual Property (m.daly@beauchamps.ie)

Beauchamps Solicitors

Riverside Two, Sir John Rogerson's Quay, Dublin 2

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