

# Publications on PIL issues in JIPLP

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An article and a case note on international jurisdiction in intellectual property disputes are published in Journal of Intellectual Property Law & Practice, Volume 10, Issue 6, 2015.

Annette Kur is the author of article **Enforcement of unitary intellectual property rights: international jurisdiction and applicable law** (pp. 468-480), a translation from German of the previously reported publication. The abstract reads:

*Proprietors of Community trade mark and design rights have several advantages over national right holders. In case of cross-border infringements, the claims are based on uniform law and decisions rendered by Community Trade Mark and Design Courts with central competence have immediate legal effect throughout the Community. Nevertheless several issues remain unclear, and where such issues arise, they were not always resolved satisfactorily by the CJEU. The pertinent case-law demonstrates that the CJEU fails to appreciate the particularities of intellectual property law that accrue from the principle of territoriality. Another problem is that the CJEU uses the terms “place of infringement” and “place where the event causing damage occurred” synonymously, yet the meaningful use of these terms in industrial and intellectual property law requires a clear-cut conceptual distinction.*

Kevin Bercimuelle-Chamot wrote a case note **Accessibility is the relevant criterion to determine jurisdiction in online copyright infringement cases** (pp. 406-407). The abstract reads:

*The Court of Justice of the European Union (CJEU) held that in online copyright infringement cases the special rule of jurisdiction in Article 5(3) of Regulation 44/2001 (the ‘Brussels I Regulation’) must be interpreted as giving jurisdiction to the courts located in the member state where the allegedly infringing content is accessible and that, in compliance with the principle of territoriality of copyright, those courts have competence only to determine the damages that have occurred therein.*