

**Court of Justice of the European Union**

**Cour de Justice de l'Union Européenne**

**L – 2925 Luxembourg**

**Re: C-334/22 Audi AG v. GQ**

September 1, 2022

**Amicus Submission – International Trademark Association**

The International Trademark Association (**INTA**) has prepared this Submission in relation to Case C-334/22 *Audi AG v. GQ* pending before the Court of Justice of the European Union (**CJEU**), request for a preliminary ruling under article 267 of the Treaty on the Functioning of the European Union (**TFEU**) referred by the Sąd Okręgowy w Warszawie (Regional Court, Warsaw, Poland).

The case concerns issues related to limitations of the effects of a registered trademark under Article 14(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 (OJ 2017 L 154, p. 1) on the European Union Trade Mark (**Regulation or EUTMR**) and to use as an indication of origin.

**A. INTA's interest in the case**

1. INTA is not a party in the case and acknowledges that the CJEU does not have a procedure for accepting an *amicus curiae* intervention *stricto sensu*. INTA however believes that the case is significant to the development of trademark law and presents itself as a “friend of the court” in this matter and as done in the past (*cf.* **Annex A** listing previous amicus interventions by INTA before European courts and bodies).

2. This submission was prepared by the INTA's International Amicus Committee – Europe Amicus Subcommittee, under the direct supervision of INTA's Executive Committee of the Board of Directors, following a strictly independent procedure. In particular, and in order to maintain INTA's independence, the preparation of the enclosed submission took place confidentially. INTA did not disclose its deliberations to either of the parties and did not consult with the parties on the issues in the case.

3. INTA hopes that its comments may be of assistance to the Court.

## B. About INTA

1. The International Trademark Association (INTA) is a global association of brand owners and professionals dedicated to supporting trademarks and complementary intellectual property (IP) to foster consumer trust, economic growth, and innovation, and committed to building a better society through brands. Members include nearly 6,500 organizations, representing more than 34,350 individuals (trademark owners, professionals, and academics) from 185 countries, who benefit from the Association's global trademark resources, policy development, education and training, and international network. Founded in 1878, INTA, a not-for-profit organization, is headquartered in New York City, with offices in Beijing, Brussels, Santiago, Singapore, and Washington, D.C. Metro Area, and a representative in New Delhi. For more information, visit [inta.org](http://inta.org).

2. An important objective of INTA is to protect the interests of the public by the proper use of trademarks. In this regard, INTA strives to advance the development of trademarks, related IP and unfair competition laws and treaties throughout the world, based on the global public interest in avoiding deception and confusion. INTA has been an official non-governmental observer to the World Intellectual Property Organization ("WIPO") since 1979 and actively participates in all trademark related WIPO proposals. INTA has influenced WIPO trademark initiatives such as the Trademark Law Treaty and is active in other international arenas, including the Asia Pacific Economic Cooperation Forum ("APEC"), the Association of Southeast Asia Nations ("ASEAN"), the European Union (EU) and the World Trade Organization ("WTO").

3. INTA provides expertise concerning trademark and other IP-related laws to courts and intellectual property offices around the world through the submission of *amicus curiae* ("friend of the court") briefs or similar filings, playing a neutral role and addressing only the legal issues. Since 1916, INTA has intervened as *amicus curiae* ("friend of the court") in the US and in other jurisdictions, including before the CJEU and the General Court of the EU. A list of some of these submissions is attached as **Annex A** to this Submission.

4. The present brief was drafted by INTA independently of the parties in the case at issue.

5. Questions referred to the CJEU:

1. Under Article 267 [TFEU, the referring court decides to] refer a question to the Court of Justice [...] for a preliminary ruling:

(a) Must Article 14(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark be interpreted as precluding the trade mark proprietor / court from prohibiting a third party from using in the course of trade a sign which is identical or confusingly similar to an EU trade mark, in relation to automotive spare parts (radiator grilles) where that sign constitutes a mounting element for an automotive accessory (an emblem reflecting the EU trade mark), and: - where it is technically possible to affix the original emblem reflecting the EU trade mark to an automotive spare part (radiator grille) without reproducing on that part a sign identical or confusingly similar to the EU trade mark; or in a situation - where it is technically impossible to affix the original emblem

*reproducing the EU trade mark to an automotive spare part (radiator grille) without reproducing on that part a sign identical or confusingly similar to the EU trade mark? - if the answer to any of the questions in 1(a) is in the affirmative:*

*(b) What evaluation criteria should be used in such cases to determine whether the use of an EU trade mark is consistent with honest practices in industrial and commercial matters?*

*(c) Must Article 9(2) and Article 9(3)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark be interpreted as meaning that, where the trade mark is included in the shape of an automotive part and in the absence in Regulation 2017/1001 of a clause that would be similar to the repairs clause in Article 110(1) of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs, the trade mark does not fulfil a designation function in that situation?*

*(d) Must Article 9(2) and Article 9(3)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark be interpreted as meaning that, where the mounting element for a trade mark, which reflects the shape of the trade mark or is confusingly similar to it, is included in the shape of an automotive part and in the absence in Regulation 2017/1001 of a clause that would be similar to the repairs clause in Article 110(1) of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs, that mounting element cannot be regarded as a trade mark with a designation function even if it is identical to the trade mark or confusingly similar to it? ...*

### **C. Reasons why INTA is submitting this brief**

Even though there is CJEU case law, clarifying issues related to limitations of trademark rights under Article 14 EUTMR and trademark use, the issue of the particular use at issue and whether it denotes origin has not been dealt with by the CJEU, neither has the issue of technical ability or inability to use the trademark within the limitations of trademark rights provided in Article 14(1)(c) EUTMR. The question affects the way this provision is applied by national courts in infringement cases. It concerns not only EUTMs but also national trademarks of the EU Member States, since analogous provisions are contained in the Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trademarks, which includes analogous provisions (**Directive**)<sup>1</sup>. Furthermore, the new wording of Article 14(1)(c) EUTMR, namely the words “*identifying or referring to goods or services as those of the proprietor of that trade mark*” which were added in this last Regulation and did not exist in the previous ones, has not yet been interpreted by the CJEU.

### **D. Background**

The defendant is in the business of selling automotive spare parts. Per the referring court, it sells products primarily to other businesses (distributors) and does not sell to consumers. The defendant offered and advertised on its website radiator grilles not originating from Audi that were customized and designed for Audi models. Those radiator grilles bore mounting elements that were used for mounting on them Audi’s original figurative trade mark (emblem). The mounting elements reproduced Audi’s registered trademark. The original emblem of Audi was then mounted on them. The original emblems according to the referral “can only come from the right holder”, so the only issue is the mounting device.

Audi, on the basis of EU trademarks that it holds, brought proceedings before the Polish referring court, against three defendants, arguing that they infringed its trademark rights and

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<sup>1</sup> Although not binding, the decision of the CJEU is also likely to influence the UK courts interpretation of UK trademark law, which has the same legislative foundation.

requesting the Polish court to prohibit them from importing, offering, marketing and advertising radiator grilles not originating from Audi and bearing a sign identical or similar to its EU trademark and ordering also the destruction of such goods seized.

## E. INTA's analysis

1. INTA submits as a starting point that the questions relating to use of the trademark as indicator of origin (sub-questions c and d) should be examined and answered first. This is because if the answers are that use does not indicate origin (and does not affect any other trademark functions) it means that the use falls outside the scope of trademark law and there is no need to examine the limitations (sub-questions a and b).

Furthermore, INTA submits that the questions of the referring court relate to both word and figurative or composite marks, without distinction. However, the rationale invoked by the referring court in relation to the Designs Regulation repair clause would necessarily apply only to figurative marks and thus would only apply to a part of the questions invoked. It should therefore be disregarded because otherwise it would lead to an inconsistent approach.

Furthermore, without the Designs Regulation repair clause, component parts (e.g., spare parts) of complex products could not be manufactured by unauthorized third parties. The result is not the same in the case of trademarks. In the case at issue for example, it would only mean that the spare part's mounting device would not be able to bear the form of the original trademark and not that the radiator grille could not be manufactured at all. The protection afforded by designs, on the one hand, and by trademarks, on the other hand, is of a different nature, and one may not compare the one as being "greater" than the other, since the two are not comparable.

Last, per existing CJEU case law, provisions of one set of rules on designs cannot be transposed to the other set of rules on trademarks, and CJEU, has specifically ruled that restoring the initial appearance of the good is not a ground that can be invoked in the context of trademark law to justify use of a third party trademark on a spare part: *"Article 14 of Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs and Article 110 of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs must be interpreted as not allowing, by way of derogation from the provisions of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks and Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark, a manufacturer of replacement parts and accessories for motor vehicles, such as wheel covers, to affix to its products a sign identical to a trade mark registered for such products inter alia by a producer of motor vehicles, without obtaining the latter's consent, on the ground that the use thus made of that trade mark is the only way of repairing the vehicle concerned, restoring to that complex product its original appearance"* [Order of the CJEU in *Ford Motor Company v. Wheeltrims srl*, C-500/14, EU:C:2015:680 (**Ford**), paragraph 46].

### i. Questions 1c and 1d:

INTA submits that Article 9(2) and Article 9(3)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark must be interpreted as meaning that, **where the trade mark is affixed on an automotive part or where a mounting device on which the trademark shall be affixed reproduces the mark**, such depiction and use **fulfils a designation function**, to the extent it would be

perceived by the public or part thereof as denoting that the goods bearing the mark or the mounting device so formulated, originate from the trademark owner or with its consent.

Article 110(1) of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs is neither applicable nor relevant in the context of trademark law for the reasons submitted above.

To assess that what is important is whether the public when encountering the goods (radiator grilles) bearing the trademark or the mounting device that looks like the trademark, understands that the goods do not originate from the trademark owner. As regards mounting devices, INTA notes that after the radiator grilles are installed in the vehicle, the mounting devices are not visible anymore because the original emblems are affixed to them. Therefore, what is critical is the encounter of the public with the specific spare parts prior to them being installed in the final product and the emblem being mounted thereon. While it may not be precluded that a radiator grille with the mounting device (and without the original emblem) be used by an end consumer for vehicles other than those of the trademark owner. In any case, who is likely to come across the relevant sign and in what circumstances is a point for factual determination.

The public in the case at issue comprises not only the specialized distributors but also the end consumers, to the extent it is possible for the end consumer to buy the radiator grilles or be exposed to their use, e.g., in advertising or on a car before the emblem has been mounted on them. INTA submits that even if a part of the public when seeing the goods perceives the goods bearing the trademark or the mounting device depicting the trademark as goods originating from Audi or with its consent, then the use made denotes origin. As regards the specialized distributors it is also a matter of fact whether they understand by seeing the goods bearing the above signs that they do not originate from or are not authorized by Audi.

This would only be relevant if as a matter of fact it were clear to the average consumer that comes across the goods bearing the signs, that the affixing of the trademark as a mounting device does not indicate or imply any commercial relationship between the trademark owner and the defendant. This could be the case if for example a clear such indication existed on the website where the goods are advertised, or if the public was used to perceiving radiator grilles bearing mounting devices that reproduce a trademark as not originating from the trademark owner or with its consent.

According to the CJEU case law, it is clear that any use that may affect any of the trademark functions (origin, quality, advertising) shall be deemed as trademark use, while the *ad hoc* assessment is to be done by the national court on that basis; in this regard see, for instance: *Arsenal Football Club plc v. Matthew Reed*, C-206/01, ECLI:EU:C:2002:651, at paragraph 54 and *Adam Opel AG v. Autec AG* case, C-48/05, EU:C:2007:55 (**Opel**), whereby: “*In the case in the main proceedings, [...] the referring court has explained that, in Germany, the average consumer of the products of the toy industry, normally informed and reasonably attentive and circumspect, is used to scale models being based on real examples and even accords great importance to absolute fidelity to the original, so that that consumer will understand that the Opel logo appearing on Autec's products indicates that this is a reduced-scale reproduction of an Opel car. If, by those explanations, the referring court intended to emphasise that the relevant public does not perceive the sign identical to the Opel logo appearing on the scale models marketed by Autec as an indication that those products come from Adam Opel or an undertaking economically linked to it, it would have to conclude that the use at issue in the main proceedings does not affect the essential function of the Opel logo as a trade mark registered for toys. It is for the referring court to determine, by reference to the average consumer of toys in Germany, whether the use at issue in the main proceedings affects the*



*functions of the Opel logo as a trade mark registered for toys. Moreover, Adam Opel does not appear to have claimed that that use affects functions of that trade mark other than its essential one”* (see, to that effect, paragraphs 23-25; emphasis added).

The referring court essentially asks whether the use of a trademark on an automotive part or the use of a trademark as a mounting device of such a part on which the trademark shall be affixed, is use denoting origin.

From the above it follows that even if use were deemed not to denote origin, what should be examined further in order to preclude trademark use and therefore leading to an infringement (before examining any exception) is whether the other two functions of the trademark (quality and advertising function) could be affected. Therefore, a finding that the use at hand does not indicate origin would not preclude that it is an infringing use.

The examination of the limitation of Article 14(1)(c) EUTMR would be undertaken therefore to the extent it would be established that the use at hand is denoting origin or is otherwise considered as trademark use according to the CJEU case law.

Lastly, according to the CJEU case law (specifically, in the Opel case, paragraph 37) the affixing of the mark without authorization to toy vehicles in order to faithfully reproduce the actual vehicles and the marketing of the former “*constitutes [...] a use which the proprietor of the trade mark is entitled to prevent if that use affects or is liable to affect the functions of the trade mark as a trade mark registered for toys and a use which the proprietor of the trade mark is entitled to prevent if, without due cause, use of that sign takes unfair advantage of, or is detrimental to, the distinctive character or the repute of the trade mark as a trade mark registered for motor vehicles*”, namely it constitutes a use which is not precluded from being an infringing one.

## ii. Question 1a

By its first sub-question the referring court asks whether the trademark owner must allow a third party to use its trademark in a case where (a) it is **technically possible**, or (b) it is **technically impossible** to affix the trademark to an automotive spare part (radiator grille) **without** reproducing on that part a sign identical or confusingly similar to the EU trademark, under Article 14(1)(c) EUTMR.

What first would need to be established for the application of the above Article, is whether the use of the mark in the mounting element is made as a means of reference, for example, for the purpose of indicating the intended purpose of the product as, e.g., accessory or spare part, in other words whether the primary conditions of the specific examples of the limitation of Article 14 (1)(c) EUTMR apply. This would be a factual assessment. In the case at issue, it would need to be determined on a factual basis whether the mounting device must necessarily depict the trademark in order for the defendant to be able to communicate the intended purpose of the good, namely that the radiator grille is a spare part for Audi cars.

If to this end, it is necessary to shape the mounting device in a way that reproduces the mark, then the exception applies (to the extent, further, that use is in accordance with honest practices in industrial or commercial matters – criteria which the CJEU has already clarified and enumerated, please see below). If not, it does not apply.

The CJEU in *Bayerische Motorenwerke AG (BMW) and BMW Nederland BV v. Ronald Karel Deenik*, C-63/97, ECLI:EU:C:1999:82 (**BMW**) stated that “*the use of a trade mark intended to*

*identify the vehicles which a non-original spare part will fit* is a use falling within Article 14 (1) (c). However, it also clarified that “*the use concerned must be held to be necessary to indicate the intended purpose of the service*” (emphasis added).

The criteria for assessing the “necessity” to show the intended purpose are identified and enumerated by the CJEU in its existing case law.

The CJEU in *The Gillette Company and Gillette Group Finland Oy v LA-Laboratories Ltd Oy*, C-228/03, ECLI:EU:C:2005:177, paragraph 39 (**Gillette**) stated that “*Use of the trade mark by a third party who is not its owner is necessary in order to indicate the intended purpose of a product marketed by that third party where such use in practice constitutes the only means of providing the public with comprehensible and complete information on that intended purpose in order to preserve the undistorted system of competition in the market for that product*”. It also stated that “*It is for the national court to determine whether, in the case in the main proceedings, such use is necessary, taking account of the nature of the public for which the product marketed by the third party in question is intended*” (emphasis added).

Therefore, if the reproduction of the mark on the mounting device is not the only means possible to indicate the intended purpose, then the limitation of the intended purpose in Article 14(1)(c) EUTMR does not apply.

If this specific example of limitation does not apply, then it should be examined whether there is any other use for the purpose of the general “identifying or referring to goods as those of the proprietor of that trade mark” that comes into play. No such other use has been indicated in the referral decision.

If for example:

(i) the requirement to mount on the radiator grille the emblem of the trademark owner was a requirement imposed on the defendant; and

(ii) it is impossible technically to proceed to such mounting unless the mounting device depicted the trademark;

then the purpose of using the trademark on the radiator grille in the form of the mounting device could be deemed to be necessary in order for the goods to correspond to original spare parts and in that sense to refer to the goods as those of Audi.

INTA submits therefore that it shall be relevant whether mounting the original emblem on the radiator grille is only possible by reproducing the trademark. The limitations of the rights of trademark owners set forth *inter alia* in Article 14(1)(c) EUTMR have as a goal to strike a balance between protection of such rights and freedom to provide goods and services. If it is “technically impossible” to affix / mount the trademark to an automotive spare part (radiator grille) without reproducing on that part a sign identical or confusingly similar to the EU trademark, then the ability of third parties to legally sell unauthorized spare parts would be affected and so would the choice of consumers to buy such spare parts instead of those originating from the trademark owner, while trademark owners would be encouraged to intentionally take steps for such an impossibility to apply, so as to control and monopolize the spare parts market.

On the other hand, where it is “technically possible” to affix the trademark to an automotive spare part (radiator grille) without reproducing on that part a sign identical or confusingly similar to the EU trademark, the choice of the unauthorized spare parts manufacturer/importer/seller to reproduce the trademark would not appear to fall within the exceptions of Article 14(1)(c) EUTMR, since the use in question would not be one either to identify or refer to the goods as those of the trademark owner (as the goods, namely the radiator grilles, are not of the trademark owner) – nor would it be one necessary in order to indicate the intended purpose of the product, namely to denote that it is an accessory or spare part for Audi cars.

Other criteria could be taken into account, namely that the mounting device should allow the mounting of the original emblem on it, in a manner that does not affect the functions of the owner’s trademark and does not harm its image, namely in a manner resulting to the emblem being mounted in a manner corresponding to the original spare part.

### Burden of proof

Given that the application of a limitation is invoked by the defendant in infringement proceedings, national rules on evidence apply. It is expected that the burden of proof, under these rules, lies on the party invoking the defense. It would therefore be up to the defendant claiming applicability of the limitation, to establish and prove all elements of it.

### iii. Question 1b:

If Article 14 (1)(c) EUTMR applies, the evaluation criteria to determine whether the use of an EU trademark is consistent with honest practices in industrial and commercial matters, per paragraph 2 of the same Article, are provided indicatively by the CJEU in *Gillette*. INTA does not believe that this case law should be changed.

In that context, if for any reason it is “impossible” to affix / mount the trademark to an automotive spare part (radiator grille) without reproducing on that part a sign identical or confusingly similar to the EU trade mark, INTA submits that the unauthorized third party maker/dealer of the spare part should be required to take precautions to avoid any confusion; such as, for instance, by adopting disclaimers on the product packaging or the product itself, clearly stating that the part is not made by the trademark owner.

Indeed, INTA takes the view that this would be a criterion to be taken into consideration in the assessment of whether the relevant mark has been used in accordance with honest practices in industrial and commercial matters, per paragraph 2 of Article 14 EUTMR, as interpreted by the CJEU.

### Conclusion

INTA’s views on the questions referred by the Regional Court, Warsaw, Poland are as follows:

### Question 1a:

(a) Article 14(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade must be interpreted **as not precluding** the trademark proprietor / court from prohibiting a third party from using in the course of trade



a sign which is identical or confusingly similar to an EU trademark, in relation to automotive spare parts (radiator grilles) where that sign constitutes a mounting element for an automotive accessory (an emblem reflecting the EU trademark), where it is **technically possible** to affix the original emblem reflecting the EU trademark to an automotive spare part (radiator grille) without reproducing on that part a sign identical or confusingly similar to the EU trade mark or, vice versa, **as precluding** the above, in a situation where it is **technically impossible** to affix the original emblem reproducing the EU trade mark to an automotive spare part (radiator grille) without reproducing on that part a sign identical or confusingly similar to the EU trade mark.

### **Question 1b:**

(b) for the evaluation criteria that should be used to determine whether the use of an EU trademark under Article 14(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union is consistent with honest practices in industrial and commercial matters, the CJEU (in the Gillette case) has provided guidance, namely:

*“The condition of ‘honest use’ [...] constitutes in substance the expression of a duty to act fairly in relation to the legitimate interests of the trade mark owner. The use of the trade mark will not be in accordance with honest practices in industrial and commercial matters if, for example: — it is done in such a manner as to give the impression that there is a commercial connection between the third party and the trade mark owner; — it affects the value of the trade mark by taking unfair advantage of its distinctive character or repute; — it entails the discrediting or denigration of that mark;— or where the third party presents its product as an imitation or replica of the product bearing the trade mark of which it is not the owner. The fact that a third party uses a trade mark of which it is not the owner in order to indicate the intended purpose of the product which it markets does not necessarily mean that it is presenting it as being of the same quality as, or having equivalent properties to, those of the product bearing the trade mark. Whether there has been such presentation depends on the facts of the case, and it is for the referring court to determine whether it has taken place by reference to the circumstances. Whether the product marketed by the third party has been presented as being of the same quality as, or having equivalent properties to, the product whose trade mark is being used is a factor which the referring court must take into consideration when it verifies that that use is made in accordance with honest practices in industrial or commercial matters”.*

In the assessment of whether the relevant use meets the “honest practices” test, it seems also advisable to evaluate whether the spare part maker/dealer has taken **precautions** – such as adopting disclaimers on the product packaging or the product itself, clearly stating that the part is not made by the trademark owner or the like – **to avoid confusion**.

### **Question 1c:**

(c) Article 9(2) and Article 9(3)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark must be interpreted as meaning that, **where the trade mark is included in the shape of an automotive part** and in the absence in Regulation 2017/1001 of a clause that would be similar to the repairs clause in Article 110(1) of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs, the trade mark **does fulfil a designation function** in that situation, to the extent it would be perceived by the public as denoting that the goods originate from the trademark owner or with its consent. Article 110(1) of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs is neither applicable nor relevant in the context of trademark law.

**Question 1d:**

(d) Article 9(2) and Article 9(3)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark be interpreted as meaning that, **where the mounting element for a trade mark, which reflects the shape of the trade mark or is confusingly similar to it, is included in the shape of an automotive part** and in the absence in Regulation 2017/1001 of a clause that would be similar to the repairs clause in Article 110(1) of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs, that mounting element **can be regarded** as a trademark with a designation function **if it is identical to the trade mark or similar to it**. It is immaterial that the reproducing device is a mounting element, to the extent the trademark is recognizable. Article 110(1) of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs is neither applicable nor relevant in the context of trademark law.

## ANNEX A

INTA has filed the following *amicus*-type submissions in cases before European courts:

- Letter of submission on January 10, 2022, in the case *Harman International Industries, Inc v. AB SA* ([C-175/21](#))
- Letter of submission on December 2, 2021 in the case *Monz Handelsgesellschaft International mbH & Co. KG vs. Büchel GmbH & Co. Fahrzeugtechnik KG* ([C-472/21](#)).
- Letter of submission on August 16, 2021 in the case *X BV v. Classic Coach Company vof, Y, Z* ([C-112/21](#))
- Letter of submission on June 28, 2021 in the case *Leinfelder Uhren GmbH & Co KG v. E. Leinfelder GmbH and others* ([C-62/21](#))
- Letter of submission on December 23, 2020 in [Case C-421/20 ACACIA S.R.L v. Bayerische Motoren Werke Aktiengesellschaft](#)
- Letter of submission to Novartis AG on September 28, 2020, in Joint Cases C-254/20 *Novartis AG v. Impexco NV* and C-254/20 *Novartis AG v. PI Pharma NV* ([C-253/20 and C-254/20](#))
- Letter of submission to Novartis AG on August 27, 2020, in Joint cases C-147/20, *Novartis Pharma GmbH v. Abacus Medicine A/S* and C-224/20, *Merck Sharp & Dohme B.V. et al. v. Abacus Medicine A/S et al.* ([C-147/20 and C-224/20](#))
- Statement of Intervention on January 6, 2016, in the case *DHL Express (France) v EUIPO* ([T-142/15](#)).
- Statement of Intervention on April 25, 2014 in the case *Voss of Norway v OHIM* ([C-445/13 P](#)).
- Written Observations on March 16, 2010 in the case *Nokia Corporation v. Her Majesty's Commissioners of Revenue and Customs* (HMRC) ([C-495/09](#)).
- Letter of submission to Specsavers International Healthcare Limited on August 23, 2012 in the trademark case *Specsavers International Healthcare Limited & others vs Asda Stores Limited* ([C-252/12](#)).
- Letter of submission to Intel Corporation on September 5, 2007, in the trademark case *Intel Corporation v. CPM United Kingdom Ltd.* ([C-252/07](#)).
- Letter of submission to Adidas and adidas Benelux on June 12, 2007 in the trademark case *Adidas and adidas Benelux* ([C-102/07](#)).
- Letter of submission to SARL Céline on April 25, 2006 in the trademark case *SARL Céline v. SA Céline* ([C-17/06](#)).
- Submission as intervener to the English Court of Appeals on October 16, 2006 in the case *Special Effects v L'Oreal SA* (HC 05C012224, Court of Appeal 2006 0744).
- Letter of submission to Bovemij Verzekeringen N.V. on June 17, 2005 in the case *Bovemij Verzekeringen N. V. v. Benelux Merkenbureau* (ECJ - C-108/05).
- Letter of submission to Schering-Plough Ltd. on December 5, 2003 in the trademark case *Schering-Plough Ltd v. European Commission and EMEA* (CFI T-133/03).

- Letter of submission to Merck Inc. on April 4, 2003 in the trademark case *Paranova A/S v. Merck & Co., Inc, Merck, Sharp & Dohme B. V. and MSD (Norge) A/S* (EFTA Court E-3/02).
- Letter of submission to Praktiker Bau - und Heimwerkermarkte AG on March 20, 2003 in the trademark case *Praktiker Bau - und Heimwerkermarkte AG* (ECJ C- 418/02).
- Letter of submission to Shield Mark on November 1, 2001 in the trademark case *Shield Mark v. J. Kist* (ECJ C-283/01).
- Letter of submission to Libertel Groep B.V. on July 6, 2001 in the trademark case *Libertel Groep B.V. v. Benelux Merkenbureau* (ECJ - C- 104/01)
- Letter of submission to Glaxo Wellcome Limited on October 10, 2000 in the trademark case *Glaxo Wellcome Limited v. Dowelhurst Limited and Swingward Limited* (ECJ - C-143/00)