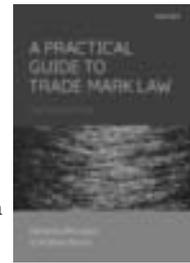


A Practical Guide to Trade Mark Law

By **Amanda Michaels** with **Andrew Norris**. Fifth Edition, 2014 (Oxford University Press). 450 pages; ISBN 978-0-19-870203-0; Paperback; Price: £75.00.



Since its third edition in 2002, credited to Amanda Michaels alone, (though with the assistance of her Chambers colleague Andrew Norris), this book has been one of my most highly-valued reference books and teaching/training aids. It was and is pithy, free of ‘froth’, neither excessively academic nor overloaded with appendices, but always citing the best authority for all its propositions – in short, a gem. The fourth edition followed in 2010 and was even better. It is a testament to our inflationary times both in trade mark law and to book production costs that a new edition became necessary and justified in just four years while the price has now gone up quite a bit while still being superb value. Right at the outset let me state that the fifth edition managed to improve on its predecessors while avoiding page inflation.

The co-authors are highly-respected barristers at Hogarth Chambers. Amanda Michaels is not only an Appointed Person but also a Recorder and this *Journal's* readers have enjoyed her authoritative judgments.

An awful lot has happened to trade marks in the past four years, European and domestic legislation, decisions from European and the UK courts. The book is up to date to January 2014; although the prospective reform of the EU Trade Mark Directive and of the Community Trade Mark Regulation has been unaccountably delayed, the authors provide all the information of their provisions as is safe to predict on

the basis of published drafts.

All the good features of the fourth edition have been retained and enhanced with the latest cases, including as much clear exegesis of the CJEU cases on trade marks, search engines and keywords/Adwords as is possible. It is my fault and not the authors' that I continue to find understanding, let alone applying in practice, the *Google* and *Interflora* decisions requiring a fresh set of cold, wet towels for my poor head.

In nine compact (but heavily footnote-d) chapters that are highly readable and lucid, the authors successively discuss the trade mark system, registrable marks, relative grounds of refusal, UK-IPO and OHIM procedures, revocation and invalidity, assignment and licensing, infringement, passing off and finally remedies and procedure in litigation. The latter is particularly clear and helpful in explaining the differences between High Court litigation and litigation in the recently-established Intellectual Property and Enterprise Court.

Throughout the book the authors carefully delineate the differences between UK law and practice and Community law and OHIM practice. To many UK practitioners more used to registration and opposition practice the particularly succinct yet lucid chapter on passing-off will be very useful.

As I said in my review of the previous edition, particularly welcome is the section in the last chapter dealing

with what is often a blind spot, the criminal aspects of the 1994 Act and court procedures under them.

The book promises to be a ‘practical guide’ and most ways it succeeds. It refrains from criticising the more opaque court decisions and the delays in arriving at them once they involve the CJEU. What it does not address and I did not seriously expect it to address is one of the biggest headaches of a practitioner: how to find a mark that is available for use and registration, in other words the awful clutter represented by the national and OHIM/Madrid registers. These are teeming with unexamined registrations with scarcely believable breadth of specifications of goods/services, unrecorded assignments and licences, defunct owners – a nightmare. The Offices maintain that it is ‘good for business’ to make it easy to get on the register. I beg to differ, the clutter is a huge burden on business. The US system has a great deal to commend it. (There, I feel better now!)

It is not very original of me to repeat myself, but this excellent book was a gem before, and it is now an even better-polished, more sparkling gem again. I have no hesitation in recommending to you, nay imploring you, to buy it: it should be on every practitioner's – and trainer's – desk.

Tibor Gold