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In its Notice to stakeholders: withdrawal of the United Kingdom and EU rules in the field of copyright of March 2018, the European Commission indicated that one of the effects of the UK's withdrawal from the EU is likely to be a reduced degree of reciprocity in the way collective management organisations operate. This article analyses reactions and current collaborative efforts produced by industry stakeholders facing an uncertain legal framework in the field of collective management of music copyright.

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"It Means La Mafia's Trade Mark Sleeps with the Fishes": EU General Court Uphold EUIPO TM Revocation on Grounds of Public Policy 176

Does what constitute "the line" of offence differ between domestic and EU trade mark registrations? In *La Mafia Franchises SL v EUIPO* (T-1/17), the Spanish restaurant chain "La Mafia" was hit with a failed appeal in the EU General Court where they claimed their "Godfather" influenced EUTM was not contrary to public policy and accepted principles of morality. At home in Spain, where "La Mafia" might be viewed less ominously, the registrants now likely find themselves land-locked without their EU trade mark.

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A MESSI Situation: EU General Court Finds that Football Player's Fame Outweighs Visual and Phonetic Similarities Between MESSI and MASSI Trade Marks 178

The EU General Court has overturned a EUIPO decision that upheld an opposition to Lionel Messi's application to register a MESSI word and device mark as an EU trade mark. The court found that the conceptual differences between MESSI and the earlier mark MASSI outweighed their visual and phonetic similarities and that Lionel Messi was a well-known public figure that it was unlikely that the average consumer would not directly associate, in the vast majority of cases, the mark MESSI with the famous footballer.

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On 1 March 2018, the European Commission adopted a Recommendation on tackling illegal content online. The Recommendation gives effect to the guidance on the responsibilities of online service providers in respect of illegal content online contained in the Commission's Communication of September 2017 by providing measures to be taken by businesses and Member States.

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In *Henry Martinez t/a Prick v Price Me Baby One More Time Ltd t/a Prick* [2018] EWHC 776 (IPEC) (11 April 2018), the Intellectual Property Enterprise Court dismissed a "passing off" claim brought by a tattoo business (trading under the name "Prick Tattoos") against a retail cactus and succulent plant business (trading under the name "Prick") because, although the tattoo parlour had generated local goodwill in the PRICK name, there was no real evidence that the cactus business would be confused with the tattoo business.

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This case comment considers the recent decision in *NPV v QEL*, in which the court considered privacy in the context of a blackmail threat.

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Frank Industries PTY Ltd v Nike Retail BV: In a judgment that recognised the importance of social media advertising to brand awareness, the Court of Appeal revised an interim order to try to offer a balanced compromise for injunctions in the digital age. This comment analyses the decision and some of the practical issues faced by the parties.

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The Court of Appeal has dismissed an appeal about an option over rights in Terry Gilliam’s film *The Man Who Killed Don Quixote*. The court confirmed that a reference to the director’s involvement in the definition of the “Works” under option was not a mere descriptor, but had contractual force, and so a dispute over his involvement in the project did in fact trigger an extension of the option period.

AIDAN WILLS

NT1 & NT2 v Google LLC (Information Commissioner Intervening): Spent Convictions and the Right to be Forgotten 191

NT1 and NT2 v Google LLC [2018] EWHC 799 (QB) are the first search engine delisting—right to be forgotten—cases to reach trial in the UK. They are also the first trials concerning the application of privacy and data protection law to spent convictions in England and Wales (Northern Ireland has already seen a successful privacy and data protection claim brought in relation to the publication of information about a spent conviction in *EC v Sunday Newspapers* [2017] NIQB 117). These claims were heard separately but the judgment deals with both cases. NT1’s claim failed in both data protection and privacy, whereas NT2 succeeded in both causes of action. NT1 has been granted permission to appeal. Given that most of the factual analysis was contained in a closed judgment, this article focuses primarily on the Court’s findings in respect of the law.

Book Reviews

PETER COE

Online Publication Claims: A Practical Guide by Hugh Tomlinson QC and Guy Vassall-Adams QC (eds) 198

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International Advertising Law (3rd Edn) by Peter Schotthofer and Florian Steiner (eds) 198