



## **London 2019, Panel Session**

### **Panel Session XI: Keep your hands off my brands**

In a 2018 decision of the Court of Justice for the European Union (CJEU, Mitsubishi, C-129/17) the Court concluded that a 3<sup>rd</sup> party, in removing original equipment manufacturer (OEM) trademarks from their machinery and replacing the OEM marks with the defendant's marks, the defendant infringed the trademark rights of the OEM even though no actual use of the OEM trademark took place. The CJEU's decision was contrary to a number of earlier decisions from some EU member state courts and tribunals that had reached the opposite conclusion.

This panel will discuss the basis of the CJEU decision, how it fits within the context of the trademark law, and the broader issue of de-branding of OEM products in various jurisdictions in the rest of Europe, in Asia, and the Americas. The panel will consider the decision in light of prevailing law in other jurisdictions under the doctrine of trademark exhaustion. The panel will also consider other related issues that may arise in the context of conduct of this kind, including considerations of unfair competition, consumer protection laws, and false advertising laws.