

Global Hospitality & Leisure Update

The Hotel Cipriani Case – using your name in different EU countries

This alert, issued by the Intellectual Property Group in London, relates to the trade mark dispute between the owners of the Hotel Cipriani in Venice and the operators of the Cipriani restaurant in London. This is of interest in terms of:

when the use of your own name is a defence to trade mark infringement (here, both businesses had connections with members of the Cipriani family);

whether applying for an EU-wide trade mark, when you know another business uses that mark within the EU, amounts to “bad faith” so as to invalidate your trade mark; and

whether businesses such as hotels, which are located outside the UK but take bookings from UK customers, can sue in the UK under the law of passing off.

See <http://www.mayerbrown.com/publications/article.asp?id=6081&nid=6> for a full report of this case.

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