



ABSTRACT

CJ – THE “UNIFORM” UMBRELLA OF THE REGULATION AND DIRECTIVE?

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The Court of Justice of European Union and the General Court constitute the highest courts in Europe that pronounce upon trade mark matters. Their judgments have effect throughout the Union, either directly when ruling upon the Community trade mark Regulation, or indirectly when ruling upon Article 267 references concerning the trade mark Directive. In addition to ruling upon substantive issues, their approach to procedural matters has unavoidably wide ramifications. This short presentation will highlight a number of ways in which these two courts have adversely affected the smooth running of the trade mark system within the Union. In particular, it will address the issue of idiosyncratic judgments that have had unexpected ramifications that have distorted the operation of the trade mark system, and procedural peculiarities that result in inefficiencies. Both these types of failing are to the disadvantage of the business community in the Union. A tentative solution to these problems will be proposed.