

BIBLIOGRAPHY

LAWS AND REGULATIONS

European Union Trade Mark Regulation (EU) 2017/1001, 14 June 2017, [2017], OJ L 154

European Union Trade Mark Directive (EU) 2015/2436, 16 December 2015, [2015], OJ L 336

CASE LAWS

EU

Case C-39/97, *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, [1998] ECR I-5507

Case C-206/01, *Arsenal Football Club plc v. Matthew Reed*, [2002], ECLI:EU:C:2002:651

Case T-185/02, *Claude Ruiz-Picasso and Others v. Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, [2006], ECLI:EU:T:2004:189

Case C-252/07, *Intel Corporation Inc. v. CPM United Kingdom Ltd*, [2008], ECLI:EU:C:2008:655

Case C-419/13, *Art & Allposters International BV v Stichting Pictoright*, [2015], ECLI:EU:C:2015:27

Case C-228/03, *Gillette*, [2005], ECLI:EU:C:2005:177

Case 85/76. *Hoffman La Roche v. Centrafarm*. [1978] ECR 461

Case C-10/89, *SA CNL-Sucal v. Hag AG (HAG II)*, [1990], ECLI:EU:C:1990:112

Case C-323/09, *Interflora Inc and Interflora British Unit v. Marks & Spencer plc and Flowers Direct Online Ltd*, [2011], ECLI:EU:C:2011:604

Case C-558/08, *Portakabin v. Primakabin*, [2010], ECLI:EU:C:2010:416

Case C-487/07, *L'Oréal SA and Others v. Bellure NV and Others*, [2009],
ECLI:EU:C:2009:378

United Kingdom

Levi Strauss & Co. v. Shah and Another [1985].

United States

Chanel, Inc. v. The RealReal Inc., Case 1:18-cv-10626 (S.D.N.Y) [2025]

Indonesia

'*Formula Strong*' v. '*Pepsodent Strong 12 Jam*', Putusan Nomor
332K/PDT.SUS-HKI/2021 jo. Putusan Nomor
30/Pdt.Sus-Merek/2020/PN.Niaga.Jkt.Pst [2020]

'*SUPERMAN*', Putusan Nomor 29/Pdt.Sus-HKI/Merek/2019 [2019]

BOOKS

Berger JT and Halligan RM, *Trademark Surveys: A Litigator's Guide* (OUP USA
2011) 92

Dreier A, *European Intellectual Property Law: Text, Cases and Materials* (Edward
Elgar Publishing 2019) 3

Dreyfuss RC and Pila J, *The Oxford Handbook of Intellectual Property Law* (Oxford
University Press 2018) 517

Ilanah Simon Fhima and Dev Gangjee, *The Confusion Test in European Trade Mark
Law* (Oxford University Press 2019) 1

Jeroen Muyldermans and Maeyaert P, *Likelihood of Confusion in Trade Mark Law*
(Kluwer Law International BV 2019) 31

Kur A and Senftleben M, *European Trade Mark Law* (Oxford University Press 2017)

4

Lammasniemi L, *Legal Research Methods and Approaches* [2021] *Law Dissertations* 67

McCarthy JT, *McCarthy on Trademarks and Unfair Competition* (Clark Boardman Callaghan 1996) 5

JOURNAL ARTICLES

Bain A, ‘“DANK” Customs, Bootlegs, and Reworked Pieces’ (2020) 23 *The Journal of World Intellectual Property* 375

Baumgarten BA, ‘One Too Many Sticks for the Trademark Bundle? The Unintended Consequences of Luxury Brands’ Push for a Post-First Sale Authentication Right’ (2022) 42 *Loyola of Los Angeles Entertainment Law Review* 111

Berridge HS, ‘A Practical Look at the Challenges Luxury Fashion Brands Face in the Wake of Digitalization: Is It Time That Luxury Fashion Brands Learn to Love E-Commerce Platforms?’ (2018) 13 *Journal of Intellectual Property Law & Practice* 902

Chaudhary PS and Chhikara U, ‘Role of Intellectual Property Law in the Fashion Industry’ (2021) III *Indian Journal of Law and Legal Research* 1

Curtis L and Tilbury R, ‘The Aura of Luxury’ (2010) 5 *Journal of Intellectual Property Law & Practice* 599

Hasan DK, ‘The Sophistication of Thrifting for Designer Goods: Trademark Law in the Secondhand Market’ (2023) 22 *UIC Review of Intellectual Property Law* 340

Kal Raustiala and Sprigman CJ, ‘Rethinking Post-Sale Confusion’ (2018) 881 *Trademark Reporter* 6 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3205334 accessed 26 April 2025

Kapferer J-N, 'The Luxury Strategy: Break the Rules of Marketing to Build Luxury Brands' (2013) 50 *Choice Reviews Online* 71

Kleinman B, 'Luxury Markets, Antitrust, and Intellectual Property: An Introduction' (2008) 90 *Journal of the Patent and Trademark Office Society* 743

Ko E, Costello JP and Taylor CR, 'What Is a Luxury Brand? A New Definition and Review of the Literature' (2019) 99 *Journal of Business Research* 406

Kur A, "'As Good as New" – Sale of Repaired or Refurbished Goods: Commendable Practice or Trade Mark Infringement?' (2021) 70 *GRUR International* 231

McCarthy AM, 'The Post-Sale Confusion Doctrine: Why the General Public Should Be Included in the Likelihood of Confusion Inquiry' (1999) 67 *Fordham Law Review* 3357

Mezei P and Härkönen H, 'Monopolising Trash: The Critical Analysis of Upcycling under Finnish and EU Copyright Law' (2023) 18 *SSRN Electronic Journal*

Morris PS, 'Guess What Gucci? Post-Sale Confusion Exists in Europe' (2012) 47 *SSRN Electronic Journal* 3

O'Byrne P and Allgrove B, 'Post-Sale Confusion' (2007) 2 *Journal of Intellectual Property Law & Practice* 318

Senfleben M, 'Developing Defences for Fashion Upcycling in EU Trademark Law' (2023) 73 *GRUR International* 102

Shankar G and Gupta N, 'Intellectual Property and Competition Law: Divergence, Convergence, and Independence' (2011) 4 *NUJS Law Review* 115

Stakheyeva H, 'Competition Law in Attempt to Understand (Luxury) Trademarks' (2021) 18 *European Competition Journal* 2

Stolz K, 'Why Do(N't) We Buy Second-Hand Luxury Products?' (2022) 14 *Sustainability* 8656 <https://www.mdpi.com/2071-1050/14/14/8656>

Tamerler J, ‘The Ship of Theseus: The Lanham Act, Chanel, and the Secondhand Luxury Goods Market’ (2022) 32 *Fordham Intellectual Property Media and Entertainment Law Journal* 433

Wang Y, ‘Analysis on the Marketing Strategy of Hermes’ (2021) *Atlantis Press Proceedings* <https://www.atlantis-press.com/proceedings/icemed-21/125957363>

Windiantina W and Nurastriani N, ‘Legal Protection of Well-Known Trademarks under Indonesian Law’ (2025) 5 *Constitutionale* 158

Yu PK, ‘The Comparative Law and Economics of Counterfeits and Post-Sale Confusion’ (2021) *Texas A&M University School of Law Legal Studies Research Paper* 363