

Frequently cited trade mark cases

When making hearing submissions, the Commissioner does not require copies of the following cases:

1. Pioneer Hi-Bred Corn Company v Hi-Line Chicks Pty Ltd. [1979] RPC 410
2. McCain Foods (Aust) Pty Ltd v Conagra Inc. 3 NZLR [2002] 40 (CA)
3. Pianotist Co's Application [1906] RPC 774
4. Royal NZ Yacht Squadron v Daks Simpson Group [2001] NZAR 187
5. V B Distributors Ltd. v Matsushita Electric Industrial Co. Ltd. Wellington High Court 9 TCLR 349
6. Mark Foy's Ltd v Davies Coop & Co. Ltd. (1956) 1 AIPR 470
7. Mainland Products Ltd. v Bonlac Foods (NZ) Ltd. [1998] NZLR 341
8. W & G Du Cros Ltd [1913] 30 RPC 660
9. Council of Ivy League Presidents v Pacific Dunlop (Asia) Ltd. Wellington High Court 66 IPR 202
10. De Cordova & others v Vick Chemical Co. [1951] 68 RPC 103
11. New Zealand Breweries Ltd. v Heineken [1964] NZLR 115
12. Hannaford & Burton Ltd. v Polaroid Corporation [1976] 2 NZLR 14
13. Betterware International v Commissioner of Trade Marks & another Wellington High Court CP10/02
14. Re Smith Hayden & Co. Ltd's Application (1946) 63 RPC 97
15. Newnham v Table for Six (1996) Ltd. [1998] 44 IPR 269
16. Anheuser Busch Inc v Budweiser Budvar National Corporation High Court [2001] 3 NZLR 666; Court of Appeal CA 158/01
17. Levi Strauss & Co. v Kimbyr Investments Ltd. [1994] FSR 335
18. Carnival Cruise Lines v Sitmar Cruises Ltd. [1994] 31 IPR 375
19. Baume & Co Ltd v Moore (AH) Ltd. 1958 RPC 226
20. TREAT Trade Mark [1996] RPC 281
21. SHEEN Trade Mark [1936] 53 RPC 355
22. CHUNKY Trade Mark [1978] FSR 322
23. WELDMESH Trade Mark (1966) RPC 220
24. YORKSHIRE COPPER WORKS Ltd's Application 71 RPC 150
25. BLUSH Trade Mark [1987] 11 IPR 424
26. DIAMOND T Trade Mark 38 RPC 373
27. TARZAN Trade Mark [1970] RPC 450
28. BALI Trade Mark [1969] RPC 472
29. KWIK KOPY Trade Mark [1982] RPC 102
30. Fanfold's Application [1928] RPC 325
31. Automobile Club De L'Ouest ACO v South Pacific Tyres New Zealand Ltd 70 IPR 639 (HC)
32. Fredco Trading Ltd v Miller 65 IPR (HC)
33. Fredco Trading Ltd v Miller 11 TCLR 751 (CA)
34. Effem Foods Ltd v Cadbury Ltd CIV-2004-485-2127 (HC)
35. Cadbury Ltd v Effem Foods Ltd 11 TCLR 966 (CA)

36. Intellectual Reserve Inc v Robert Sintes [2009] NZCA 305 (CA)
37. Intellectual Reserve Inc v Robert Sintes CIV-2007-404-2610 (HC)
38. Valleygirl v Hanama Collection Pty Ltd 66 IPR 214 (HC)
39. Friskies Ltd v Heinz-Wattie Ltd [2003] 2 NZLR 663
40. Platinum Homes (NZ) Limited v Golden Homes (1998) Limited CIV 2005-485-1870 (HC)
41. Build-a-Bear Workshop Inc. CIV 2007-485-196; CIV 2007-485-775 (HC)
42. Societe Des Produits Nestle SA v Commissioner of Trade Marks 9 TCLR 135
43. Bud and Budweiser Budbrau Trade Marks [2003] RPC 25
44. Elle Trade Marks [1997] FSR 529
45. Kodiak Trade Mark [1987] RPC 269
46. Nike International Ltd v United Pharmaceutical 35 IPR 385
47. Ritz Hotel Ltd v Charles of the Ritz Ltd 12 IPR 417
48. Austin, Nichols & Co Inc v Stichting Lodestar CIV-2004-485-1281 (HC); [2007] NZCA 61 (CA); [2007] NZSC 103 (Sup Ct)
49. Austin, Nichols & Co Inc v Stichting Lodestar CIV-2004-485-1281 (HC); [2007] NZCA 61 (CA); [2007] NZSC 103 (Sup Ct)
50. Austin, Nichols & Co Inc v Stichting Lodestar CIV-2004-485-1281 (HC); [2007] NZCA 61 (CA); [2007] NZSC 103 (Sup Ct)
51. Malibu Boats West Inc v Catanese 51 IPR 134
52. Neumann v Sons of the Desert S.L CIV 2007-485-212 (HC)
53. North Shore Toy Co v Stevenson Ltd 1NZLR [1973] 562
54. Seven Up v OT Ltd 75 CLR 203 (HCA)
55. Shell Coy v Esso 109 CLR 407 (HCA)
56. Moorgate Tobacco Co Ltd v Philip Morris 3 IPR 545 (HCA)
57. Natural Selection Clothing Ltd v Commissioner of Trade Marks 2 NZLR [1996] 148 (CA)
58. Zespri Gp Ltd v Enza CIV-2008-485-1072

In addition, any IPONZ decisions that are available on [NZLII](#) do not need to be supplied with the hearing submissions.