

## Frequently cited trade mark cases

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

1. *Anheuser Busch Inc v Budweiser Budvar National Corporation* High Court [2001] 3 NZLR 666; Court of Appeal CA 158/01
2. *Austin, Nichols & Co Inc v Stichting Lodestar* HC Wellington CIV-2004-485-1281
3. *Stichting Lodestar v Austin, Nichols & Co Inc* [2007] NZCA 61
4. *Austin, Nichols & Co Inc v Stichting Lodestar* [2007] NZSC 103
5. *Automobile Club De L'Ouest ACO v South Pacific Tyres New Zealand Ltd* 70 IPR 639 (HC)
6. *Betterware International v Commissioner of Trade Marks & another* Wellington High Court CP10/02
7. *British Sugar plc v James Robertson & Sons Ltd* [1996] RPC 281
8. *Bud and Budweiser Budbrau Trade Marks* [2003] RPC 25
9. *Build-a-Bear Workshop Inc.* CIV 2007-485-196; CIV 2007-485-775 (HC)
10. *Cadbury Ltd v Effem Foods Ltd* 11 TCLR 966 (CA)
11. *Canon Kabushiki Kaisha v MGM Inc* [1999] RPC 117
12. *Carnival Cruise Lines v Sitmar Cruises Ltd.* [1994] 31 IPR 375
13. *Council of Ivy League Presidents v Pacific Dunlop (Asia) Ltd.* Wellington High Court 66 IPR 202
14. *Cure Kids v National SIDS Council of Australia Ltd* [2015] 3 NZLR 90
15. "Cycling IS" Trade Mark Applications [2002] RPC 729
16. *Daimler AG v Sany Group Co Limited* [2014] NZCA 421 (28 August 2014)
17. *De Cordova & others v Vick Chemical Co.* [1951] 68 RPC 103
18. *Effem Foods Ltd v Cadbury Ltd* CIV-2004-485-2127 (HC)
19. *Elle Trade Marks* [1997] FSR 529
20. *Fredco Trading Ltd v Miller* 65 IPR (HC)
21. *Fredco Trading Ltd v Miller* 11 TCLR 751 (CA)
22. *Friskies Ltd v Heinz-Wattie Ltd* [2003] 2 NZLR 663
23. *Hannaford & Burton Ltd. v Polaroid Corporation* [1976] 2 NZLR 14
24. *Intellectual Reserve Inc v Robert Sintes* [2009] NZCA 305 (CA)
25. *Intellectual Reserve Inc v Robert Sintes* CIV-2007-404-2610 (HC)
26. *K-Swiss Inc v Federation of The Swiss Watch Industry FH*, High Court Wellington, CIV-2009-485-197, 20 July 2009
27. *Levi Strauss & Co. v Kimbyr Investments Ltd.* [1994] FSR 335
28. *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV* [1999] ETMR 690
29. *Mainland Products Ltd. v Bonlac Foods (NZ) Ltd.* [1998] NZLR 341
30. *Manhaas Industries (2000) Ltd v Fresha Export Ltd* [2012] NZHC 1815
31. *Metalman New Zealand Ltd v Scrapman BOP Ltd* [2014] NZHC 2028
32. *Mark Foy's Ltd v Davies Coop & Co. Ltd.* (1956) 1 AIPR 470
33. *McCain Foods (Aust) Pty Ltd v Conagra Inc.* 3 NZLR [2002] 40 (CA)

34. *Natural Selection Clothing Ltd v Commissioner of Trade Marks* 2 NZLR [1996] 148 (CA)
35. *Neumann v Sons of the Desert S.L* CIV 2007-485-212 (HC)
36. *New Zealand Breweries Ltd v Heineken's Bier Browerij Maatschappij NV* 37 [1964] NZLR 115
37. *New Zealand Institute of Chartered Accountants v The Chartered Institute of Management Accountants* [2015] NZHC 818
38. *Newnham v Table for Six (1996) Ltd.* [1998] 44 IPR 269
39. *North Shore Toy Co v Charles L Stevenson Ltd* [1973] 1 NZLR 562
40. *N V Sumatra Tobacco Trading Company v British American Tobacco (Brands) Incorporated* [2010] NZCA 24
41. *N V Sumatra Tobacco Trading Company v New Zealand Milk Brands Limited* [2011] NZCA 264
42. *Pianotist Co's Application* [1906] RPC 774
43. *Pioneer Hi-Bred Corn Company v Hi-Line Chicks Pty Ltd.* [1979] RPC 410
44. *Platinum Homes (NZ) Limited v Golden Homes (1998) Limited* CIV 2005-485-1870 (HC)
45. *Portacom New Zealand Ltd v Port A Room Ltd* HC Auckland CIV-2007-404-2536, 6 December 2007
46. *Re Smith Hayden & Co. Ltd's Application* (1946) 63 RPC 97
47. *Ritz Hotel Ltd v Charles of the Ritz Ltd* 12 IPR 417
48. *Royal NZ Yacht Squadron v Daks Simpson Group* [2001] NZAR 187
49. *Sabel BV v Puma AG* [1998] RPC 199
50. *Seven Up v OT Ltd* 75 CLR 203 (HCA)
51. *Sexwax Incorporated v Zoggs International Limited* [2014] NZCA 311, (2014) 109 IPR 131, [2015] 2 NZLR 1
52. *Shell Company of Australia Ltd v Esso Standard Oil (Australia) Ltd* 109 CLR 407 (HCA)
53. *Smith Hayden & Co Ltd's Application* (1945) 63 RPC 97
54. *Societe Des Produits Nestle SA v Commissioner of Trade Marks* 9 TCLR 135
55. *The Scotch Whisky Association v The Mill Liquor Save Limited* [2012] NZHC 3205
56. *TomTom Communications Ltd v TomTom International B.V.* [2015] NZHC 3333
57. *V B Distributors Ltd. v Matsushita Electric Industrial Co. Ltd.* Wellington High Court 9 TCLR 349
58. *Valleygirl v Hanama Collection Pty Ltd* 66 IPR 214 (HC)
59. *Virbac S A v Merial* [2014] NZCA 619
60. *W & G Du Cros Ltd* [1913] 30 RPC 660
61. *YORKSHIRE COPPER WORKS Ltd's Application* 71 RPC 150
62. *Zespri Group Ltd v Enza Ltd* HC Wellington CIV-2008-485-1072

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