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# THE POWER OF A TRADE MARK MONOPOLY SHOULD NOT BE GRANTED WHERE IT WOULD REQUIRE HONEST MEN TO LOOK FOR A DEFENCE TO AN INFRINGEMENT ACTION." - A CRITICAL DISCUSSION



GRIN Verlag Okt 2011, 2011. Taschenbuch. Book Condition: Neu. 210x148x1 mm. This item is printed on demand - Print on Demand Neuware - Essay from the year 2011 in the subject Law - Media, Multimedia Law, Copyright, grade: 1,3, University of Reading, course: Intellectual property rights, language: English, abstract: One of the main functions of trade mark law is to reconcile conflicting interests of trade mark owners and third parties. The present essay identifies those conflicting interests and sheds light on how the legal framework attempts to strike a balance between preserving the rights of trade mark owners and securing the interests of third parties. The legal framework seeks to balance the interests of trade mark owners and other stakeholders such as the direct competitor, the consumer or the public at large. The first section of the essay outlines the tensions of trade mark law. Firstly, it focuses on the wide powers conferred upon the proprietor of a registered trade mark. Consequently, it identifies when the law provides for limitations of the monopolistic character of trade marks. The concept of 'honest practices in industrial and commercial matters' is identified also in the first section. The second section of the present essay looks more closely at the trade mark defences under Section 11 of the Trade Mark Act 1994. 16 pp. Englisch.

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