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NEWSLETTER EMPRESARIAL

AGOSTO 2016 – AUGUST 2016

Includes an International IP Law Section in English

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JURISPRUDENCIA

Por *Florencia Y. Villano*

1. **MARCAS. Registro. Cese de oposición.**

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International IP Law Section in English

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by

Guardian News & Media Ltd

I.-

JURISPRUDENCIA

I. 1. MARCAS. Registro. Cese de oposición.

En “Lácteos Vidal SA c/ Benítez Darío Ruben s/ cese de oposición al registro de marca” – CNCIV Y COMFED – SALA I – 29/04/2016” los signos en pugna estaban dirigidos a identificar productos lácteos, en especial queso rallado, ya que las marcas evocativas representan un queso rallado “VIDALeche” y “VIDALAC”. Los vocablos evocan las características de los productos que comercializan:

“LECHE” y “LAC”, y mientras que la designación comercial de la solicitante surge en forma explícita y la marca oponente resulta una fantasía, bien podría referirse a otro tipo de productos si no estuviera destinada a identificar un derivado lácteo.

El consumidor tiene una idea de lo que está adquiriendo y una de sus características más salientes convierte a ambos signos en débiles, y ésta debilidad deviene entonces de tener que aceptar la coexistencia de otras marcas porque todos los titulares tienen derecho a evocar las propiedades de sus productos.

Los signos son lo bastante diferente como para evitar asociación en cuanto al origen de los productos, al tiempo que autorizan a descartar un propósito de competencia desleal, y no es razonable asumir que el consu-

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misor se va a confundir de producto, directa o indirectamente. Es por eso que se confirma la sentencia que hizo lugar a la demanda de cese de oposición al registro de la marca, declarando infundada la oposición deducida por el demandado.

Fuente: www.eldial.com.ar

II.-

**International IP Law
Section in English**

Por *Julieta M. Villano*

II. 1. Led Zeppelin ask for Stairway to Heaven plagiarism trial to be dismissed

by

Guardian News & Media Ltd

www.theguardian.com

Led Zeppelin's lawyers have requested a judge dismiss a copyright infringement case against them. The estate of Spirit founder Randy Wolfe, who was also known as Randy California, accused the band's songwriters of copying a riff for Stairway to Heaven.

Singer Robert Plant and guitarist Jimmy Page, as well as Warner

Music, argue that the estate of Wolfe failed to prove it owned the copyright to his 1968 song Taurus and that it was substantially similar to Zeppelin's song, attorney Peter Anderson said. "Plaintiff rested and failed to carry his burden of proof on multiple issues," Anderson wrote in a motion to dismiss.

US district judge R Gary Klausner is expected hear arguments on the motion when the trial resumes on 21 June.

Wolfe's estate claims that Page and Plant incorporated a musical phrase from Taurus in the introduction to their 1971 classic.

Anderson said attorney Francis Malofiy had failed to show that members of Led Zeppelin were familiar with the song and ex-

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perts had not presented a convincing case that the tunes were similar enough to constitute copyright infringement.

Musical experts for the Wolfe estate said there were many similarities between the obscure instrumental Taurus and Stairway, but a defence expert testified on 17 June that the only resemblance was a common descending chord sequence that has been used as a musical building block for 300 years.

Anderson also said the plaintiff failed to show actual damages from any infringement or present evidence of revenues from Stairway to Heaven.

An economist testified that Led Zeppelin works that include the song in question earned almost

\$60m (£40.7m) in revenues in the last five years, but that included other works and didn't include manufacturing costs or other expenses.

Source:
<https://www.theguardian.com/music/2016/jun/21/led-zeppelin-stairway-to-heaven-plagiarism-trial-jimmy-page-robert-plant>

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