

Index – Volume 25 – January to December 2004

Articles Index

AGRICULTURE

Plant variety rights, 231

ANTI-SUIT INJUNCTIONS *see*
under European Law

BANKING (*see also*

In Malaysia, confidentiality, 8

CHARITIES *see under* Company
Law

COMPANY LAW (*see also*
Nigeria; Partnership)

Antitrust law in USA, 112

Capital maintenance, 84

Charities and, 260

Corporate structure as facade, 4

Directors

competing with companies, 115

duty of care and skill, 218, 306

removal, 194

Liability and criminality, 54

Promoters, 82

Reviews, 219

object clauses, 258

COMPETITION (*see also*
Technology Transfer)

Microsoft, EU case implications,
106

Parallel trading, ECJ case, 108

CONSUMER PROTECTION

Consumer Credit Act and human
rights, 28

CONTRACTS (*see also*
Litigation)

International sale of goods, 120

CONTRIBUTORS

Aitken M, 26

Akpotaire V, 200

Andersen T, 187

Andrews G, 4

Blanke G, 261

Bourne N, 54, 82, 115, 194, 218,
258

Casey S *see* Hinchliffe S

De Schrijver S and Marquis N,
161

Dunlop H, 181

Edwards C, 231

Elwes 8, 28

Flint D (*see also under* Current
Comment Index), 142

Pry R, 152

Graupner F, 106

Groves P, 2, 149

Hinchliffe S and Casey 5, 108

Hirt HC, 93, 220

Jawahitha S, 8

Leyte P, 84

Marquis N *see* De Schrijver S

Meijboom AP, 183

Panesar 8, 196

Pourbaix N, 282

Pryce-Brown T, 306

Reid AS, 120

Rogers KM, 271, 293

Thomas E *see* Whittaker J

Vollans T, 117

Whittaker J and Thomas E, 112

Williams A, 32, 56, 236, 286, 308

COPYRIGHT (*see also*
Intellectual Property)

Enforcement, 147, 149

File sharing as infringement, 183

Norwegian Internet case, 187

'Statute of Anne', 145

Street traders, seizure of property,
159

Survey of law, 145

CORPORATE GOVERNANCE
see Company Law

COURTS (*see also* Litigation)

US Supreme and anti-trust laws,
112

CUSTOMS

Civil evasion penalties, 2?

DIRECTORS *see under* Company
Law

E-MAIL

Unsolicited, and Privacy Directive,
271, 293

EMPLOYMENT

Agency workers, status, 236

Discrimination

racial, 58

sexual orientation, 32, 56

Employment references,

tortious liability of employers,
and 308

References, employers', 286

EUROPEAN UNION LAW (*see*
also E-Mail; Intellectual
Property; Patents)

Anti-suit injunctions and English
law, 261

Microsoft case, 106

Parallel trade judgment, 108

Public procurement, 282

Technology transfer block
exemption, 161

HUMAN RIGHTS (*see also under*
Consumer Protection)

Commission for equality and,

White Paper, 203

INFORMATION
TECHNOLOGY

Software patents, 181

INSURANCE FRAUD, 26

INTELLECTUAL PROPERTY

(*see also* Copyright; Patents;
Trade Marks)

Enforcement of rights, EC

Directive, 149

Infringement, contesting, 152

Plant variety rights, 231

Special issue, 142

INTERNET (*see also* E-Mail and
under Copyright)

'Cookies' and privacy, 293

LITIGATION

Anti-suit injunctions and EU law,
261

Break in chain of causation

(Appeal), 93

Legal advice privilege, 220

MALAYSIA *see under* Banking

MONOPOLIES *see*

Pharmaceuticals and *under*

Courts

Bayer parallel trade, ECJ case, 108

NETHERLANDS

File sharing and copyright
infringement, 181

NIGERIA

Privatisation in, 200

NORWAY *see under* Copyright

PARTNERSHIP

Section 5, Partnership Act, 117

PATENTS (*see also* Intellectual
Property)

Software, European law, 181

Survey, 142

PHARMACEUTICALS

Bayer parallel trade case, 108

PRIVACY *see* E-Mail; Internet

PRIVILEGE *see under* Litigation

PUBLIC PROCUREMENT

New EU directives, 282

RETAIL TRADE

Sunday trading reform, 92

SALE OF GOODS *see under*
Contracts

Index – Volume 25 – January to December 2004

SHIPPING

Bills of Lading, 196

TAXATION (*see also* Customs)

R&D defined for UK tax, 98

TECHNOLOGY TRANSFER

REGULATION, 161

TRADE MARKS

Infringement, 2

Survey of law, 143

US LAW *see under* Courts

Current Comment

COMPETITION AID

MERGERS (*see also under* Pharmaceuticals)

EU rules, 130, 208

cartel leaders, 132

health insurance employees, 131

modernisation, 206

price fixing, 131

UK update, 132, 133

COMPUTERS AND

INTERNET (*see also* Copyright)

DVDs copied, 96

'Pop-up ads', 250

P2P systems, 275

RFID, 252

chips, and 317

Search engines, 66

Service providers, 'Yahoo!' case, 297

Spyware, 251

Trademarks in computer games, infringement, 13, 66

CONTRIBUTORS

DLA LLP, 72, 190, 191, 326

Flint D, 12, 44, 66, 96, 127, 204, 250, 275, 297, 317

Kay R, 134, 322

Nazerali J and Pourbaix N, 208

Nazerali J and Sibille S, 130

Pourbaix N *see* Nazerali J

Sargeant M, 69, 319

Sibille S *see* Nazerali J

COPYRIGHT

Californian and Canadian cases, 127–9

Copyright Designs & Patents Act, 12

Digital Millenium Copyright Act, 13, 44

DVDs, 96, 98

EU law:

Directive 2001/29/EC, 15

Droit d'auteur in France, 74

Refusal, 131

Film industry, 96, 127

Software users and, 276

WIPO Copyright Treaty 1996, 13

EMPLOYMENT

UK regulations in 2004, 69

Disability discrimination, 319

EUROPEAN UNION LAW (*see*

also under Competition and Mergers; Copyright; Health Insurance)

Recovery of illegal state aid, 131

FILM INDUSTRY *see under*

Copyright

GOOGLE *see* Computers and

Internet, search engines

HEALTH INSURANCE IN EU,

131

INSURANCE LAW

Update, 134, 322

INTELLECTUAL PROPERTY

and IT (*see also* Copyright; Patents)

Advertising and passing off, 332

Database rights, 204

Patents Act 2004, 326

Privacy and the law, 330

Selective distribution of goods, 72

Trade marks, parallel importing and repackaging, 328

INTERNET *see* Computers and

Internet

NORWAY

Copying DVDs, 98

PATENTS

Legal requirements, 72

PHARMACEUTICALS

Competition case in UK, 132

Parallel imports within EU, 131

TAKEOVERS *see* Competition

and Mergers

TRADEMARKS (*see also under*

Computers and Internet)

Reed case, 191

Sounds and smells registrable, 190

TRIBUNALS COUNCIL

WHITE PAPER, 209

WIPO *see under* Copyright 7

Infobank

ACCOUNTANCY

EU legislation, 300

AUDITORS

European standards, 279

AUTOMOBILES

End-of-Life vehicles, 79, 104

BANKRUPTCY

New UK law, 138

BOATBUILDERS *see under*

Competition

BUSINESS ADVICE SERVICE

(DTI), 22

CIVIL JUSTICE COUNCIL

Costs agreement, 209

COMPANY LAW (*see also*

Corporate Governance)

Asset stripping, 139

Auditor liability, 47

Directors

liability, 47

reviews by, 139

EU law, 300

accountancy, 300

Share issues, pre-emption rights, 301

COMPETITION

Boatbuilders, 210

EU and UK laws revised, 47, 99, 140, 208

COMPUTERS AND

INTERNET (*see also* E-mail)

Anti-spam pact, 210

Business link website, 214

CONSTITUTION, UK

Reform, 100

CONSUMER PROTECTION,

211, 213, 279

'Cold calling', 140, 211

Complaints, 212

Credit, 211, 279

agreements, 100

interest rates, 279

loan sharks, 16

Distance selling regulations, 48

Price marking, 101

Warranty, extended, 49, 253

CORPORATE GOVERNANCE

(*see also* Social Responsibility)

Companies (Audit Investigations & Community Enterprise) Bill, 17

Index – Volume 25 – January to December 2004

COSTS *see* Civil Justice Council

COURTS (*see also* Constitution, UK; Judiciary)

Access to documents, 302

County Court Judgments, 50

Court of Appeal, review, 50

Supreme Court planned for UK, 76, 100

Warrant enforcement, 280

CUSTOMS AND EXCISE

Prosecutions Office, 18

E-MAIL

‘Spam’, 16

EMPLOYMENT

Changes in UK, 56

Discrimination (sexual and religious), 19

Homeworkers, 102

Illegal, 103

UK law, 56, 211, 213, 302

Employment Relations Act, 19, 302

hours worked, 213

Unfair dismissal and redundancy payments, 56

ENERGY BILL (UK), 254

EUROPEAN UNION LAW

(*see also* Auditors; Automobiles; Competition; Financial Services; Trade Marks)

Capital Adequacy Directive, 20

Financial Services Directive, 254

EXPORT CONTROL

ORDERS, 5, 21

Military goods, 77

FINANCIAL SERVICES

EU Directive, 254

GOVERNMENT

DEPARTMENTS

Consultation by, 51

HUMAN RIGHTS

Commission for Equality and, 22

IMMIGRATION *see*

Employment, illegal

INFORMATION

TECHNOLOGY *see* E-Mail

INTELLECTUAL PROPERTY

see Patents

INTERNATIONAL LAW

Advisory Committee, 255

INTERNET *see* Computers and Internet

JUDICIARY

Composition of, in UK, 303

MONEY LAUNDERING, 102

PATENTS

Bill, 51

PROPERTY

Commonhold, 255

PUBLIC SECTOR

INFORMATION

Report of Advisory Committee, 254

SOCIAL RESPONSIBILITY

Corporations’, 101

TAKEOVERS AND MERGERS,

215

European Intervention notice, 140

Panel Executive practice, 79

TAXATION (*see also* Customs & Excise)

Appeals, guidance, 256

TRADEMARKS

‘Made in EU’, 17

TRANSPORT *see* Automobiles

TRIBUNALS COUNCIL

White Paper, 209

Cases

AOK Bundesverband (ECJ), 131

Archibald *v* Fife Council, 321

Arsenal Football Club *v* Matthew Reed, 2

Ashworth Hospital Authority *v* MGN Ltd, 156

re Attorney-General’s Reference (No 2 of 1999), 54

Bairstow *v* Queens Moathouses plc, 219

Balabel *v* Air India, 221

Bank of Scotland *v* Henry Butcher & Co & ors, 117

Base Metal Trading *v* Ruslan

Borisovich Shamurin

Bayer *v* EC [ECJ], 108

Bayer *v* Sullhofer [ECJ], 169

BCCI *v* Akindele, 6

in re Beauregard [USA], 181

Bersel Manufacturing Co Ltd & anor *v* Berry, 195

Black & ors *v* Sumimoto Corp & ors, 156

Boehringer *v* Swingward Ltd [ECJ], 131, 330

Brotherton *v* Aseguradora, 26

Bushell *v* Faith, 194

Campbell (Naomi) case, 330

Centre Reinsurance Co & anor *v* Curzon Insurance Ltd, 137

Chief Constable of W. Yorkshire *v* Kahn, 287

re City Equitable Fire Insurance Co, 218

Coleman Taymar Ltd *v* Oakes, 116

Continental Bank NA *v* Aekos

Compania Naviera SA, 264

Coote *v* Granada Hospitality, 289

JJ Coughlan Ltd *v* Ruparelia & ors, 118

CRIA *v* Jane Doe & ors [Canada], 128

Dacas *v* Brook Street Bureau, 69

Dendron GmbH & ors *v*

University of California & anor, 153

Direct Travel Insurance *v*

McGeowan, 136

Doheny and Others *v* New India Insurance Co Ltd and Another, 323

DVD Copy Control Association

Inc *v* Bunner (USA), 127

Eagle Star Insurance Co Ltd *v* J N Creswell & ors, 135, 324

Eagle Star Insurance Co Ltd *v* Games Video Co (GVA) SA & ors, 135

Ebrahmi *v* Westbourne Galleries Ltd, 194

European Commission *v* Italy (ECJ), 131

Fairchild *v* Glenbaven Funeral Services Ltd, 93

First National Tricity Finance Ltd *v* OT Computers Ltd, 326

Gasser GmbH *v* MISAT srl (ECJ), 261

Genzyme Ltd *v* Office of Fair Trading (CAT), 132

Grant *v* South-West Trains Ltd, 34, 36, 37

Hardy (*Crim LR*), 154

Harman *v* BML Group Ltd, 194

William Hill *v* British Horseracing Board & ors, 2004

F Hoffman-La Roche Ltd *v*

Empagran [USA], 113

Horbury Building Systems Ltd *v*

Hampden Insurance NV, 325

IMS Health *v* NDC Health (ECJ), 131

Insitu Cleaning Co Ltd *v* Heads, 62

Interbrew SA *v* Financial Times, 156

Index – Volume 25 – January to December 2004

- International Inc *v* Static Control Components Inc, 12
Johansen [Norway], 187
Jones *v* Warwick University, 155
Kastor Navigation Co Ltd & anor *v* Axa Global Risks (UK) & ors, 137
Kazaa [Netherlands], 183
Kruman *v* Christie's International plc [USA], 113
Lee *v* Chou Wen Sien & ors, 195
Lloyd-Wolper *v* Moore and Others, 326
Lumbermans Mutual Casualty Co *v* Bovis Lend Lease Ltd, 323
Lustig Preat & anor *v* UK, 38
MacDonald *v* Advocate-General of Scotland, 58
McDonald [intellectual property], 154
JI McWilliam Co Inc *v* Mediterranean Shipping Co BA (Rafaela S), 196
Meer *v* London Borough of Tower Hamlets, 59
Meridian Global Funds Management Asia Ltd *v* Securities Commission, 54
Metro Cash & Carry France *v* Jane Doe, 46
Metro-Goldwyn-Mayer Studios Inc *v* Grokster Ltd [USA], 186, 275
Microsoft [EU case, 2004], 106
Midland Mainline Ltd and Others *v* Eagle Star Insurance Co Ltd, 324
Den Norske Stats Oljeselskap AS *v* HeereMac vof [USA], 113
re North West Holdings plc, Secretary of State for Trade and Industry *v* Backhouse, 4, 6
Office of Fair Trading *v* IBA Health Ltd [C/A], 132
Pearce *v* Governing Body of Mayfield Secondary School, 39–41
Pickett *v* Carpet Express Ltd, 64
Pilkington United Kingdom Ltd *v* CGU Insurance plc, 135
Playboy Enterprises Inc *v* Excite Inc, 67
Playboy Enterprises Inc *v* Netscape Communications Corp, 67
Plus Group Ltd & ors *v* Pyke, 116
R *v* Dennis Clothier & Sons, 55
R *v* E, 154
R *v* Laubert, 29
R *v* Ministry of Defence *ex p* Smith & ors, 32
R *v* P & ors, 154
R *v* Secretary of State for Defence *ex p* Perkins, 37
R (on the application of West) *v* Lloyd's of London, 325
Rafaela S *see* JI McWilliam Co Inc
Ramco (UK) Ltd & ors *v* International Insurance Company of Hanover Ltd & anor, 135, 324
RCO Support Services *v* Unison, 69
Reckitt Bank (UK) Ltd *v* Home Pairfum Ltd & ors, 160
Recording Industry Association of America Inc *v* Verizon Internet Services Inc, 44
Reed & Bull Information Systems Ltd *v* Steadman, 62
Reed *v* Reed [CA], 191
Rhys Harper *v* Relaxation Group & ors, 290
Salgueiro da Silva Mouta *v* Portugal, 38
Secretary of State for Defence *v* MacDonald, 38
Shamoon *v* Chief Constable of Royal Ulster Constabulary, 63
Shield Mark BV *v* Joost Kist [ECJ], 191
Sieckmaan *v* Deutsches Patent- und Markenamt [ECJ], 191
re Simmons Box (Diamonds) Ltd, 219
Six Continents Retail Ltd *v* Carford Catering Ltd, 93
Smith & anor *v* UK, 38
Smith *v* Gardner Merchant Ltd, 33, 36
Society of Lloyd's *v* Levy and Others, 326
Sony Computer Entertainment *v* Owen, 12
Southampton Leisure Holdings plc *v* Avon Insurance plc & ors, 136
Staatgut *v* Werner Jager, 231
Staffordshire County Council *v* Black, 59
State Street Bank & Trust Co *v* Signature Financial Group (USA), 181
Strive Shipping *v* Hellenic Mutual (The Grecia Express), 26
Super Chem Products *v* American Life & General Insurance Co Ltd & ors, 137
Three Rivers DC *v* Bank of England, 156, 220
Tokai Carbon & ors *v* European Commission [ECJ], 131
Toomey *v* Banco Vitalicio de Espana, 323
Trustor AB *v* Smallbone & ors, 4
Turner *v* Grovit & ors (HL), 261
Soc Viaticum and Soc Luteciel *v* Soc Google France, 66
Virdi *v* Abbey Leisure Ltd, 194
Wilson *v* First County Trust Ltd, 28
Wilson and the National Union of Journalists *v* UK, 71
W.I.S.E. Underwriting Agency Ltd and Dornoch Ltd *v* Grupo Nacional Provincial SA, 134
Wooldridge *v* Canelhas Comercio Importacao E Exportacao Ltda, 325
Yahoo! Inc *v* La Ligue contre le Racisme et l'Antisemitisme and l'Union des Etudiants Juifs de France, 297
321 Studios *v* Metro-Goldwyn-Mayer Studios Inc (USA), 96