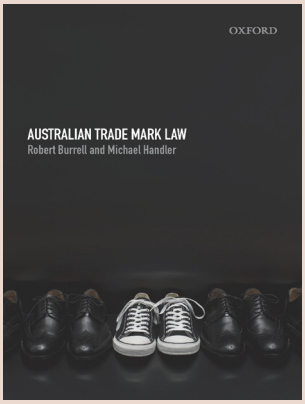

A$165.00 • NZ$198.99 • November 2010
Paperback • 9780195565393 • 688 pp

AUSTRALIAN TRADE MARK LAW

Robert Burrell – Associate Professor, TC Beirne School of Law, The University of Queensland

Michael Handler – Senior Lecturer, Faculty of Law, The University of New South Wales

A critical analysis of the trade mark system

Australian Trade Mark Law provides a comprehensive overview of trade mark law in Australia and encourages readers to critically engage with the operation of the Australian trade mark system as a whole.

Moving beyond a purely descriptive account of existing legislation and case law, this book encourages readers to view and question the law through a critical lens. It questions the functioning of the trade mark system as well as the decisions made by courts, the legislature and administrative bodies that have shaped such a system, while also critically assessing how the trademark system could work better in the future.

KEY FEATURES

- Draws attention to the way the Australian trade mark system fits together as a whole by explaining:
  - the way the different provisions of the Trade Marks Act 1995 (Cth) fit together;
  - the connection between the trade mark registration system and the system of protection for unregistered marks;
  - the relationship between passing off and Australia's consumer protection legislation.
- Covers recent high court activity: E & J Gallo Winery v Lion Nathan Australia Pty Ltd and Health World Ltd v Shin-Sun Australia Pty Ltd.
- Includes 42 trade mark images/diagrams.
- Draws on comparative material that illustrates how other jurisdictions deal with particular issues or problems

CONTENTS

Preface
Table of Cases
Table of Legislation
Table of Abbreviations
1. The Roles of the Trade Mark System
2. Applying to Register a Trade Mark: Examination and Opposition Proceedings
3. Signs and their Representation
4. Distinctiveness
5. Other Grounds of Rejection and Opposition not involving Conflicts with other Marks
6. Conflicts with Earlier Registered Marks or Applications for Registration
7. Conflicts with Earlier Marks – Other Grounds of Opposition
8. Amendment, Revocation and Cancellation of Registration
9. Non-Use of Registered Marks
10. Infringement and Defences
11. Passing Off and Consumer Protection
12. Revisiting the Relationship between Passing off and the Consumer Protection Regime
13. Extended Passing off, Special Forms of Trade Marks and Related Legal Regimes
14. Exploitation of Trade Marks
15. Litigation and Remedies
Index

OXFORD UNIVERSITY PRESS
AUSTRALIA & NEW ZEALAND

Telephone: (03) 9934 9192 | Email: highered.au@oup.com | Web: www.oup.com.au

TECH IP Professional Development Seminar

ORDER FORM

20% DISCOUNT *
*ONLY FOR EVENT ATTENDEES

PLEASE FAX OR MAIL TO OXFORD UNIVERSITY PRESS, AUSTRALIA FREEFAX: 1800 813 602
EMAIL: CS.AU@OUP.COM
OXFORD UNIVERSITY PRESS | GPO BOX 2784 | MELBOURNE VIC 3001 | ARBN: 007 510 125 | ABN: 29 869 163 236

University: _____ Department: _____

Contact: _____

Street Delivery Address*: _____

City: _____ State: _____ Postcode: _____

Phone: _____ Fax: _____

Email: _____

☐ I would like to be added to an email/mailing list to recieve information about related Oxford titles.

TITLE	ISBN	RRP†	DISCOUNTED PRICE*	FIRM ORDER QTY	TOTAL
Australian Trade Mark Law	9780195565393	165.00	132.00		A$
Australian Intellectual Property	9780195569308	125.00	100.00		A$
Emerging Challenges in Intellectual Property	9780195575125	65.00	52.00		A$

† These recommended retail prices include GST and are correct at the time of printing and are subject to change without notice.

* Exclusive 20% discount for TECH IP Development Seminars' attendees only. Offer expires 19 September 2011.

* All delivery addresses must be in Australia or New Zealand.

SUBTOTAL	A$
HANDLING & FREIGHT	~~A$12.50~~ FREE
AMOUNT PAYABLE	A$

☐ I enclose my cheque for $ _____ (payable to Oxford University Press)

OR

☐ Please charge $ _____ to my credit card: ☐ Visa ☐ Mastercard Expiry Date: ____ /____ /____

☐☐☐☐ ☐☐☐☐ ☐☐☐☐ ☐☐☐☐ Signature: _____

Please direct all inspection copy or review inquiries to highered.au@oup.com

CUSTOMER SERVICE PHONE: 1300 650 616 | FAX: 1800 813 602 | EMAIL: CS.AU@OUP.COM | WEB: OUP.COM.AU

OXFORD UNIVERSITY PRESS
AUSTRALIA & NEW ZEALAND