



## Competition Law Association

British Group of the  
Ligue Internationale du Droit de la Concurrence  
(International League for Competition Law)

[www.competitionlawassociation.org.uk](http://www.competitionlawassociation.org.uk)

[www.ligue.org](http://www.ligue.org)

# GOLDING ESSAY PRIZE 2016

The CLA is offering a prize of £1000 to be awarded for an essay submitted by a student, trainee solicitor, pupil barrister, devil barrister (from Scotland) or trainee patent and trade mark attorney on the following topic:

## How should three dimensional shapes be protected under intellectual property law?

*There are a number of overlapping intellectual property rights that can be relied upon to protect three dimensional shapes. These include artistic copyright, trade mark law, and registered and unregistered designs. There are various checks and balances included in some of these rights such as those in the trade marks directive which were recently interpreted by the CJEU in the Cadbury v Nestle and Hauck cases. Copyright may also apply to design drawings following the CJEU decision in Flos. How should these various rights be rationalised and what limits are appropriate when protecting three dimensional shapes? Are there, for example, fundamental distinctions to be drawn between monopoly and other rights or should it make a difference if the owner of the right has already produced articles to that design for a number of years?*

The essay shall be of a maximum length of 5000 words (inclusive of footnotes) and the closing date for submission of entries is 28 February 2016. Entries should be formatted on A4 in at least 11 point font and 1.5 spacing with footnotes at the bottom of the page, and submitted in electronic form to the CLA secretary, Sharon Horwitz at [sharon.horwitz@cma.gsi.gov.uk](mailto:sharon.horwitz@cma.gsi.gov.uk).

Entrants should please place a codeword instead of their real name on the essay and include both the codeword and real name, with confirmation that the author satisfies the entry qualifications, in the covering e-mail.

Those already qualified as lawyers whether in the United Kingdom or a foreign jurisdiction are not eligible for the prize and the entry qualifications apply as at 28 February 2016.

CHAIRMAN:	James Flynn QC	Brick Court Chambers: Telephone: 020 7379 3550; Email: <a href="mailto:james.flynn@brickcourt.co.uk">james.flynn@brickcourt.co.uk</a>
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OTHER COMMITTEE MEMBERS:	Euan Burrows, Kim Dietzel, Bruce Kilpatrick, Celia Lloyd Davidson, Nathalie Lobel-Lastmann, Munesh Mahtani, Christopher Morcom QC, Giles Pratt, Nicholas Saunders, Christopher Stothers.	



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The panel of judges will be:

Nicholas Saunders (Chairman)                      Brick Court Chambers

Christopher Morcom QC                              Hogarth Chambers

Associate Professor Dev Gangjee                  University of Oxford

The decision of the judges is final and the CLA reserves the right not to award the prize if the judges consider that no entry is of a sufficiently high standard or to divide the prize between two or more entries if the judges so decide.

The CLA encourages all entrants to consider submitting their entries for publication, and may lend support to the submission of the winning entry. The winning entry must only be published if it is identified on publication as having won the CLA's Golding Essay Prize. All entrants agree not to submit their entries for publication until after the judges have announced their decision.

With kind regards

**Sharon Horwitz**  
Secretary

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