

Publications and Lectures

by Dr. Katharina Schmid, attorney at law

Publications

Co-Author of Wiebe/Kodek (Editors), **Legal Commentary on the Austrian Unfair Competition Law Act**, 2nd Edition, Editorial MANZ (2012), contributions to § 9 (Rights in Unregistered Signs - "Kennzeichenverletzungen") (2024) and to § 25 (Publication of Verdicts) (2021), § 21 (2024) (Up to 2012 also commentary on § 1 -Breach of Law - "Rechtsbruch").

Regular contributions to the Kluwer Trademark Blog (since 12/2015):
<https://trademarkblog.kluweriplaw.com/author/katharina-schmid/>

Regular reviews of case law and annotations to decisions, e.g. ,

- Austrian Supreme Court Decision of 27.09.2016, OLG Wien 1 R 39/16m (OGH 4 Ob 263/16d), ÖBI 2017/65 **Süßwarenmanufaktur**
- Austrian Supreme Court Decision of 16.12.2014, 4 Ob 190/14s, ÖBI 2015/26 (p. 122) - **MCBERG** (MC DONALD'S)
- Austrian Supreme Court Decision (OGH) of 17.2.2014, 4 Ob 10/14 w - ÖBI 2014/46 (S. 222) - **Jimi Hendrix**.
- CJEU (ECJ) Decision of 6.2.2014 in case C-65/12, Leidseplein Beheer BV, Hendrikus de Vries vs. Red Bull GmbH, Red Bull Nederland BV - **Bull Dog**, ÖBI 2014/37 (p. 176).
- OGH 14.2.2006, 4 Ob 177/05s –**Baustellenwerbung II**, ÖBI 2007/31, 137 (140) (Community design law)

Schmid in *Schenk/Lovrek/Musger/Neumayr*, Festschrift für Irmgard Griss (2011) 569, **Kennzeichenbenutzung nach »Céline« – doch keine Einheit der marken- und firmenmäßigen Benutzung?**

The Name of a Trade Establishment as Business Identifier“ (German title „Die Etablissementbezeichnung als Unternehmenskennzeichen“), *ipCompetence* Vol. 3 (2010) 4.

„Trap: Unjustified Refusal to Accept an Offer to Conclude an Enforceable Default Settlement“, ÖBI 2004, 203,

Annotation to Austrian Supreme Court decision OGH 15.10.2002, 4 Ob 209/02t – **Brühl**, ÖBI, 2003/23, 87 (*Hiti*) (as Katharina *Hiti*)

Third Party Effects of Trademark and Patent Licences, Österreichische Blätter für gewerblichen Rechtsschutz und Urheberrecht (ÖBl) 2003, 4 (as Katharina Hiti).

Doctoral Thesis (as Katharina Hiti) „**Refusal to license by the Owners of Intellectual Property Rights in Austrian and EU Competition Law** - also an Examination of the ‚Essential Facilities‘-doctrine“, Graz 2001. Awarded with the Josef-Krainer-Förderungspreis 2002: <http://www.steirisches-gedenkwerk.at/preistr/2002.htm>.

Lectures

REACT Member Symposium Zurich on 26.11.2019, Lecture on Anticounterfeiting Enforcement in Austria (Criminal and Civil Law)

LES Breakfast Lectures on the occasion of the World IP Day/IP on 7 May 2019 on 07.05.2019 Lecture "Certification Marks vs. Individual Marks - Differences and Common Features", and "New Rules on Trademark Use of Names in Commerce"

Lecture (IPR-Session) Using information and content from the internet - copyright-issues and common mistakes“ am 10.09.2014, CommNet Training Course 2014, 10-12. September 2014, Vienna (http://commnet.eu/06_Events).

Speaker at the „Forum Wettbewerbsrecht 2011“ on 25 November 2011: „Die Fallgruppe Rechtsbruch nach der UWG-Novelle 2007“ (The ‚Breach of Law‘ case law after the 2007 reform of the Austrian Unfair Competition Law Act).

Lecture „(IPR-Session) IPR Communication Issues“ am 22.07.2011, CommNet Training Course 2011, Vienna.

Speaker at the 133rd Annual Meeting of the International Trademark Association (INTA-www.inta.org) in San Francisco, USA, on 17 May 2011: „Regional Update OHIM/EU: What’s New in the World of Trademarks and Domains?“

Lector at the higher technical college FH Joanneum in Kapfenberg / Styria in the Master Program Industrial Management (part time), course: Commercial Law 2, subject: Intellectual Property and Contracts (winter terms 2009/2010, 2010/2011). Website of the advanced technical college FH Joanneum.

Lectures at ARS Academy for Law and Taxes, Vienna: „Update in International Trade Mark Protection“ (2008, 2009).