PUBLICATIONS

A. LEGAL PUBLICATIONS

1. BOOKS/CHAPTERS


2. Tuguitsprake van die Mediese Raad (1986) Digma (co-author with T Verschoor)

3. Disciplinary Rulings of the Medical Council (1990) Digma (co-author with T Verschoor)


2. ACCREDITED JOURNALS

1. “Consent to Duels” 1984 TRW 104 (co-author) (Originally – “Verweer by Tweegevegte”)


11. “Honest concurrent use under the 1994 United Kingdom Trade Marks Act” 2006 De Jure 140
12. “Honest concurrent use under the 1938 United Kingdom Trade Marks Act” 2006 THR-HR 491
15. “The relevance of prior trade mark use in the common law of the United Kingdom” 2007 TRW 64
21. “Prior use as a ground of opposition in South African trade mark law” Stell LR 2008 51
23. “Administrative–law aspects of domain name adjudication” 2008 SALJ 217

25. “The scope of the fair dealing defence in Australian copyright law” 2010 De Jure 197


28. “The (positive) right to use a trade mark: The Kurt Geiger case” 2010 Stell LR 479

29. “Comparative advertising: The more things change..” 2012 SALJ 154

30. “Santam v Dial Direct: discussion” 2012 De Jure 201

31. “I love the smell of perfume in the morning: the L’Oréal case and trade mark infringement” 2013 TSAR 74-89

32. “The timeous enforcement of trade mark rights” 2015 De Jure 172

33. “Trade marks: The reach of a retail services registration” 2015 SALJ 31-40

34. “Trade mark law: Can an unregistered mark be protected prior to the acquisition of a reputation? 2015 De Jure 430

35. “Frankly my dear…” Is trade mark infringement in films gone with the wind? 2016 SALJ 235

36. “Taxi! Taxi! - The protection of car shapes in intellectual property law” 2017 SALJ 221 (co-author)

37. “The promotional use of a trade mark: Its potential to have significance” 2017 SAIPLJ 1

38. “A brief overview of trade dress protection under American law, and a South African case study” 2018 THR-HR 1
3. OTHER LEGAL JOURNALS

South Africa

1. “Character Merchandising in South Africa – Recognition at last” 1995 Juta’s Business Law 77

2. Book review of Van Heerden and Neethling’s Unlawful Competition De Rebus September 1995


7. “Promotional Use of a Trade Mark” De Rebus January 2003 22


12. “Dividing the country – regional trade mark rights” 2005 Juta’s Business Law 103


17. “The difference between passing-off and trade mark infringement” 2006 (2) Juta’s Business Law 44


23. “The descriptive use of the BMW trade mark” Without Prejudice December 2006 51

24. “Delays in the enforcement of trade mark rights” Juta’s Business Law 2007 part 1 32

25. “The ‘right’ to use a registered trade mark or company name” 2007 volume 14 Juta’s Business Law 110

26. “What is intellectual property”? De Rebus November 2007 45

27. “Intellectual property: The requirements for the registration of a patent” De Rebus December 2007 52

28. “Bona fide use of a trade mark” Juta's Business Law 2007 part 3 105


30. “Sport trade marks” Without Prejudice 2007 23
31. “Regional trade mark rights” Without Prejudice October 2007 30


33. “La cosa nostra on the Trade Marks Register” Without Prejudice December 2007 8

34. “The new domain name dispute resolution structure - First decisions” Juta's Business Law 2008 part 2, 66

35. “...until the fat ladies have sung” - Joint ownership of copyright in musical works” Juta's Business Law 2008 part 2, 88

36. Patent Infringement” De Rebus January 2008 70

37. “Registered design protection” De Rebus March 2008 51

38. “Basic requirements for copyright protection” De Rebus April 2008 53

39. “Copyright infringement” De Rebus May 2008 52

40. “The registration of trade marks” De Rebus June 2008 56

41. “Trade mark infringement” De Rebus July 2008 52

42. “What is unlawful competition?” De Rebus August 2008 57


44. “Acquiring intellectual property” De Rebus October 2008 56.

46. “Arbitration and mediation in trade mark disputes” Juta’s Business Law 2008 part 1 5 (co-author)
47. “Copyright in ideas: A lesson from the ivory tower” Juta’s Business Law 2008 part 2
48. “Trade marks without justice” Without Prejudice February 2008 34
49. “The registration of colour marks” Without Prejudice April 2008 42
50. “Descriptive trade marks” Without Prejudice July 2008 24
52. “Objecting to company names” Without Prejudice December 2008 18 (co-author)
53. “Passing off” Without Prejudice March 2009 18 (co-author)
54. “Soulfood – The Golden Fried Chicken case” Without Prejudice April 2009 28
55. “A brief examination of the IP profession” Without Prejudice August 2009 30
56. “Copyright ownership and the position of employees” Without Prejudice October 2009 31
58. “Protecting trade marks in different languages” Without Prejudice June 2010 22
59. “The franchisor’s duty to care” Without Prejudice September 2010 7 (co-author)
60. “Deciding who owns which piece of turf” (The delineation of ASA and High Court jurisdiction) Without Prejudice October 2010 21
61. “Protecting the look and feel of a franchised restaurant” Without Prejudice December 2010 9 (co-author)

62. “Are there special rules for trade marks in printed media?” Legal Times March 2011 1 (co-author)

63. “Lionel Ritchie’s greatest hits: Paying tribute or royalties?” De Rebus August 2011 28

64. “Pretty women and copyright law” Without Prejudice July 2011 52 (co-author)

65. “Descriptive v Distinctive” General Counsel May 2011 22 (co-author)

66. “Read the fine print” Without Prejudice May 2011 16


68. “Protecting the design of a vehicle” Business Law and Tax Review August 2011 7 (co-author)

69. “Driving Miss Daisy without permission” Without Prejudice September 2011 29 (co-author)

70. “Colour Code” Legal Times September 2011 1 (co-author)


72. “Whose red is it anyway?” Without Prejudice October 2011 10 (co-author)

73. “A lively portfolio for corporate counsel” Without Prejudice November 2011 66

74. “Placing a value on intellectual property” Legal Times 2011 1

75. “Placing a value on Intellectual Property” Without Prejudice December 2011 38 (co-author)

76. “An old-fashioned dispute” Legal Times 3 February 2012 1 (co-author)
77. “When two doesn’t make three” Business Law & Tax Review 10 February 2012 1 (co-author)

78. “Rights and wrongs of ads” Business Law & Tax Review March 2012 1 (co-author)

79. “But who will find her slipper?” (Future of IP) Without Prejudice June 2012 28

80. “Incidental use in South African Copyright law: Guidelines from overseas cases” De Rebus August 2012 40

81. “Vehicle parts” Without Prejudice September 2012 46 (co-author)

82. “Overseas trade marks: Finding the balance” Without Prejudice October 2012 54 (co-author)


87. “Saving the rhino” Without Prejudice April 2015 10-11


89. “A case of tension between copyright and real property rights” IP Briefs March 2017 13

90. “Sheer driving pleasure: Trade mark law through the (BMW) cases” Afro IP 3 July 2017
International

1. “Promotional Use in South Africa” Trademark World October 2002 28

2. “Discordant harmonies – Who owns the rock ’n roll trade mark?” Trademark World December 2003 34


4. “Prior use as a ground of opposition in British Law” November 2005 Trademark World 20


6. “Constitutional law aspects of registering offensive trade marks in South Africa” 2006 Trademark World 41


8. “A New Era in Domain Name Disputes” Trademark World November 2007 45


11. “Comparative advertising and trade mark law” Trademark World September 2008 33

B. NON-LEGAL PUBLICATIONS


Die Afrikaanse Skryfgids (ed Scheepers and Kleyn) 2012 – chapters on publishing contracts and intellectual property

Member of the Trade Mark Committee of the South African Association of Intellectual Property Law and Information Technology Law Teachers and Researchers