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## Newsletter

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### Welcome



We are most grateful to our clients for a phenomenal start to the year. We have a diverse client base and each one of our clients is valuable to us. We aim to work closely with clients across more practice areas. Please note that we have opted for a quarterly newsletter to keep in touch with you. Remember you are not losing out, as we have lots of resources on our main website that you can refer to and we are always willing to assist if you have a query. Please enjoy this issue of our newsletter – ***Rosanna Cooper, Global Head, RT Coopers.***

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### News

Our focus for this coming year is to provide our clients and prospective clients with substantive news/information and we aim to send out legal alerts to notify you of pertinent changes in the law. If there is anything that you would like us to cover in our quarterly newsletter, or pay particular attention to, then please let us know.

- For food manufacturers, the deadline to comply with Commission Regulation EC No 1321/2013 on Smoke Flavouring is 1 January 2015.
- Reminder: If you are operating in the [Food sector](#), (restaurant, bakery, takeaway, catering establishment, importer or distributor), you should be aware of the new regulation (Regulation (EU) No 1169/2011) governing labelling, presentation and advertising of foodstuffs and nutrition claims, which is due to come into force in December 2014. Dr Rosanna Cooper gives an excellent [overview](#) of the new regulation.
- [Testimonials](#). As the year progresses, we continue to receive positive feedback and exceptional testimonials from clients. Thank you for all your support. To view a sample of these testimonials, [click here](#)

## Recent Deals

- Our education team has had tremendous success with higher education appeals, overturning decisions of universities or on appeal to the Office of Independent Adjudicator relating to accusations of plagiarism, deregistration from university, refusal to grant PhDs and expulsions.
  - Our commercial litigation team has managed to reach settlement on two very large cases.
  - Other recent work that we have been involved in, includes, licensing deals and drafting and negotiating media contracts.
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## Articles

We have written a number of articles, which are available on our [website](#). Our most recent articles include:

- [Data Protection: How should a Data Controller Respond to a Data Subject Access Request to Disclose an Email written by a Third Party that Refers to the Data Subject?](#)
- [Chemicals: Registration, Evaluation, Authorisation and Restriction of Chemicals \(REACH\) Made Simple: Compliance of Chemical Substances, Mixtures or Articles under Reach](#)

Be sure to also take a look at previous [Articles](#) we have written.

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## Services

We provide legal services across a number of areas. Below is a list of just a few of these areas. Please contact us for further information.

- Commercial
  - Commercial Litigation
  - Data Protection
  - [Education - Higher Education Law Leaflet](#) - Discover how to get the best independent legal advice in relation to an education law matter easily and effectively.
  - [Employment - Redundancy legal advice](#) - Have you been told you are at risk, had a consultation or been given a settlement agreement? Read more about this on our [blog](#).
  - [Intellectual Property - IP law expertise by our team of IP lawyers](#)
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## Legal Round Up

### Intellectual Property - EU Trademark opposition case – *Golam v OHIM*

In the recent case of *Golam v Office of Harmonisation in the Internal Market (Trade Marks and Designs)* ("OHIM") [2014] All ER (D) 34 (Apr), the General Court of the European Union (First Chamber) dismissed an action that was brought against the decision of the Fourth Board of Appeal of OHIM relating to opposition proceedings.

### Article: Data Protection - *Data Subject Access Request*

If you are a data controller and you have received a Data Subject Access Request to disclose an email with information sent to your organisation about the data subject by a third party, you should take legal advice, writes Dr Rosanna Cooper

### Product Regulation - New Directive - *Tobacco Products*

Members of the European Parliament have voted to approve the revised Directive on Tobacco Products (replacing Directive 2001/37/EC).

### Food Law - *EFSA rejects caffeine health claim*

The European Food Safety Authority ("EFSA") recently refused the health claim relating to caffeine and increased alertness submitted by SmithKline Beecham Limited on the basis that it could not be substantiated.

### Data Protection - *Penalty for Data Protection Breach*

The Information Commissioner's Office ("ICO") recently imposed a monetary penalty of £185,000 on a Government department, after a filing cabinet containing personal information of victims of a terrorist incident was sold at auction.

### Product Regulation – Food Law - *Health claims approved by EFSA*

The EFSA recently approved a number of new health claims relating to infants and young children, including claims in relation to Iodine, Vitamin C and Iron.

### Employment Law - *Changes to the law as from 31 January 2014*

The Department for Business, Innovation and Skills has confirmed that as of 31 January 2014, the proposed changes to the Transfer of Undertakings (protection of Employment) Regulations (TUPE) will come into force.

#### Commercial Law - Data Protection - *Pay day loans company fined £175k*

The ICO imposed a monetary penalty of £175,000 on the pay day loans company, First Financial, for breaching the Privacy and Electronic Communications Regulation by sending out millions of unlawful spam texts.

#### Product Regulation – Food Law - *Authorised smoke flavourings*

Commission Regulation EC No 1321/2013 will come into effect on 1 January and establishes a list of authorised smoke flavouring primary products. Food manufacturers have until 1 January 2015 to comply with the new regulations.

#### Pharmaceuticals - Medicinal Products - *Fines for J&J and Novartis*

The European Commission recently imposed a fine of €16 million on Johnson & Johnson and Novartis for delaying the market entry of a generic painkiller, fentanyl.

#### Intellectual Property – Media & Entertainment - *Copyright & Performers Rights*

The EU Directive 2011/77/EU recently came into effect in the UK via the Copyright and Duration of Rights in Performances Regulations 2013. As a result of this, the term of protection for sound recordings and performers' rights in most cases has been extended from 50 to 70 years.

#### Intellectual Property - *Gucci Loses UK Trade Mark*

In a recent decision by the UK intellectual Property Office, the luxury fashion brand Gucci had its famous GG (interlocking double G logo) trade mark revoked on the grounds of non-use.

#### Advertising - Commercial - *ASAs new legal backstop*

An agreement was recently reached between the Advertising Standards Agency ("ASA") and Trading Standards that Trading Standards will act as the ASA's "legal backstop".

#### Internet Law – Website Domains - *Facebook wins first URS claim*

Facebook has won the first case to be resolved under the Uniform Rapid Suspension System, which was designed for new generic top-level domains to combat clear cases of cybersquatting quicker than pre-existing systems.

#### Data Protection - *Council fined for DPA breach*

The ICO recently imposed a monetary penalty of £80,000 on North East Lincolnshire Council for a serious breach of the Data Protection Act 1998 ("DPA").

### *Chemicals – Product Regulation - HSE Consultation to amend REACH*

The consultation to amend the Registration, Evaluation, Authorisation and Restriction of Chemicals ("REACH") Enforcement Regulations 2008 in relation to dichloromethane-based paint strippers is now under way.

### *Article: Chemicals – Product Regulation – Article about REACH*

The European Regulation (EC) No 1907/2006 is better known as "REACH" and applies to all chemical substances. REACH means the Registration, Evaluation, Authorisation and Restriction of Chemicals and is concerned with the risks posed by chemicals to ensure a high level of protection of human health and the environment, their safe use and alternative methods for assessing the hazards of substances.

### *Data Protection - Penalty imposed on Ministry of Justice*

The ICO recently imposed a monetary penalty of £140,000 on the Ministry of Justice for a serious breach of the DPA.

### *Employment Law - Making reasonable adjustments*

It was recently confirmed in the case of *Croft Vets & Others v Butcher* (UKEAT/0430/12LA), that an employer's duty to make reasonable adjustments for an employee with a disability could include, paying for medical treatment, where the treatment is a specific form of support recommended by a consultant to enable the employee to return to work and cope with difficulties being experienced at work. Of course, this would not apply to private medical treatment in general.

### *Intellectual Property - Passing off case: Bocabar*

In the recent case of *Bocacina Ltd v Boca Cafes Ltd, Dercio de Souza junior, Malgorzata de Souza* [2013] EWHC 3090 (Ch), the Intellectual Property Enterprise Court held that the defendants were liable for passing off because they had been operating a restaurant and bar in Bristol under the name, "Boca Bistro Café".

### *Data Protection - ICO warns about storage devices*

The ICO recently stated that is important for organisations' data protection policies to "reflect how the modern workforce is using personal devices for work"

For more Legal Updates, please click [here](#).

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## To Watch Out For

Keep an eye out for the following impending changes in the law:

- **Regulatory** - Introduction of [Regulation \(EU\) No 1169/2011](#) in December 2014, in relation to food labelling, nutritional labelling and food information(See News above).

Share our Newsletter! 

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