
Kluwer Copyright Blog

Copyright case: Levola v Smilde, Court of Justice of the European Union (CJEU)

Patricia Mariscal (Elzaburu) · Wednesday, February 13th, 2019

The Court of Justice of the European Union (CJEU) ruled on a series of questions referred by the Arnhem-Leeuwarden Appeals Court (Netherlands), relating to the possible copyright protection of the taste of a cheese product. The CJEU confirmed that the concept of a “work” provided for in Directive 2001/29 requires the existence of an external expression identified in a sufficiently accurate and objective manner, which does not occur in the case of a taste. In short, it is impossible to objectively and accurately define the subject matter of protection, leading to legal uncertainty, which determines that a flavour cannot be classified as an intellectual work.

Case date: 13 November 2018

Case number: C-310/17

Court: Court of Justice of the European Union (CJEU)

A full summary of this case has been published on [Kluwer IP Law](#).

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