

Exhaustion, Sec. 24 MarkenG

The principle of Union-wide exhaustion applies, Art. 15 MRL (ECJ GRUR 1998, 919 - *Silhouette*; GRUR 2002, 156 – *Zino Davidoff v. Levi Strauss*).

In the interest of the free movement of goods, the trade mark owner cannot prohibit the use of the sign when reselling the product.

This also applies to the so-called right of announcement, i.e. the right to use the mark also in advertising (BGH NJW-RR 2003, 1403 - *Mitsubishi*; GRUR 2003, 878 – *Vier Ringe über Audi*).

Exclusion of exhaustion under Sec. 24 (2) MarkenG:

- Intervention in physical integrity of goods
(BGH GRUR 1996, 271 - *Dyed jeans*)
- Without intervention in physical integrity of goods
 - false impression of a trade relation is created
 - Risk of damage to reputation