This chapter examines the action of passing off, i.e., the means by which one trader may prevent another from misleading customers by representing (or ‘passing off’) goods or services as emanating from the former party. It analyses the leading judicial definitions of passing off, from which emerge the key elements of goodwill, misrepresentation, and damage, as well as considering extended passing off by reference to multiple examples of groups of producers seeking to protect the goodwill associated with their products. It concludes with discussion of key issues regarding the future of passing off, in particular in relation to the internet and its possible development as a law against unfair competition.
16. Passing off

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