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Smoking or Physical Exercise? 613
According to the classics of liberalism, the greatest enemy of individual liberty is the paternalistic state, i.e. the state which believes that it may choose what is good for its citizens and impose it upon them. The recent legislation on tobacco products is an example of this paternalism. It is terrorist in nature and runs the risk of eliminating competition in the tobacco sector. This path will lead to the compulsory practice of physical exercises since they are good for the health.

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In its June 2014 opinion in the *Alice* patent-eligibility case, the US Supreme Court, once again without dissent, made only an incremental decision. It held the patent at issue to be ineligible for patent protection because it claimed and pre-empted an abstract idea. The Court declined to reach broader issues, however, such as whether all business method patents should be ineligible or in just what range of circumstances could computer-implemented methods or systems earn valid patents. In resisting demands for broader guidance, the Court disappointed those hoping for an authoritative, definitive resolution of these issues. But the Court's slow, incremental progress in its rulings must be recognised as a price to be expected for maintaining substantial unanimity in decision in this controversial field. At the same time, it may be recognised as a legitimate concession to Cromwellian uncertainty that one may be mistaken.

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The Legal Nature of Geographical Indications and Designations of Origin 640
Geographical indications and designations of origin have a special legal nature. They are not the property of one single or legal person (an association, for example); neither are they owned by the state (a state agency, for example). They are an extraordinary example of communal property (the German type of common property). This legal nature explains several difficulties in comprehending—even today—this intellectual property right.

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Reconciling the Enforcement of Copyright with the Upholding of Human Rights: A Consideration of the Marrakesh Treaty to Facilitate Access to Published Works for the Blind, Visually Impaired and Print Disabled 653
The newly adopted Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled seeks to reconcile the enforcement of copyright with the upholding of intrinsic human rights. The objective of the article is to analyse the nature, ambit and merits of the Treaty in the context of the wider theoretical discourse on the protection of such rights.

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This article aims at analysing how smells are currently protected by intellectual property rights in the European Union (EU), and how this protection might evolve. It asks the following questions: (1) how are non-verbal trade marks protected under the Community Trademark Regulation (CTMR); (2) in particular, are smell marks protected?; and (3) are they capable of graphic representation? (the *Sieckmann* case); (4) if smells are not protected under the CTMR, how can they be protected?; (5) are they protected at national trade mark level? (United Kingdom); (6) or, maybe under other intellectual property rights? (copyright, patents and trade secrets); (7) should the CTMR be amended or interpreted in a broader sense?; (8) has the opinion of the EU changed towards smell trade marks?

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In a recent IPEC case concerning design law the court criticised the parties for filing expert evidence on similarities between designs. This is not the first time that parties have been thus criticised by the English courts. The current position would appear to be that, in design cases, expert evidence may be adduced on only limited areas, such as design freedom. Prior permission is required from the court. Expert witnesses must comply with CPR 35, which places detailed obligations on experts and their instructing solicitors.

PAUL R. GUPTA AND CLIVE MCCLINTOCK

United States Supreme Court Adopts a More Flexible Approach to Obtaining Attorneys' Fees in Patent Cases: *Octane Fitness LLC v Icon Health & Fitness Inc* and *Highmark Inc v Allcare Health Management System Inc* 679

On April 29, 2014, the United States Supreme Court relaxed the standard applied by US courts for awarding attorneys' fees in patent cases, taking a step towards bringing the US legal system closer to that of the United Kingdom. Concurrently, the Supreme Court issued a second ruling clarifying that Federal trial courts have broad discretion to make rulings on attorneys' fees.

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