

Apple loses UK appeal against Samsung 'cool' ruling

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A South Korean man stands in front of an advertisement for Samsung Electronics' new tablet computer, the Galaxy Tab 10.1, at the company's main building in Seoul on July 2011. Apple lost a British court appeal on Thursday against a ruling that Samsung's Galaxy tablet is not "cool" enough to be confused with the iPad.

Apple lost a British court appeal on Thursday against a ruling that Samsung's Galaxy tablet is not "cool" enough to be confused with the

iPad.

The US tech giant had challenged a High [Court](#) judgement in July that South Korea's Samsung did not infringe Apple's registered design and that consumers were not likely to confuse the rival devices.

A panel of three British judges at the Court of Appeal in London dismissed Apple's bid to overturn the decision.

"Because this case (and parallel cases in other countries) has generated much publicity, it will avoid confusion to say what this case is about and not about," senior judge Robin Jacob said in the ruling.

"It is not about whether Samsung copied Apple's [iPad](#). Infringement of a registered design does not involve any question of whether there was copying: the issue is simply whether the accused design is too close to the registered design according to the tests laid down in the law."

"So this case is all about, and only about, Apple's registered design and the Samsung products."

Apple was also ordered to publicise the earlier decision.

Samsung said the ruling was important in relation to several legal disputes that it is embroiled in with Apple around the world.

"We continue to believe that Apple was not the first to design a tablet with a rectangular shape and rounded corners and that the origins of Apple's registered design features can be found in numerous examples of prior art," it said.

In the [initial decision](#) in July, judge Colin Birss said in his ruling that the Samsung tablet does not have the "same understated and extreme

simplicity which is possessed by the Apple design", adding: "They are not as cool."

On Thursday a US appeals court lifted a sales ban on the [Google](#)-branded Samsung Galaxy Nexus smartphone in a patent fight with Apple, saying there was no evidence sales were driven by features copied from the [iPhone](#).

Apple, which won a jury award of more than \$1 billion for patent infringement, is seeking in the United States to ban various Samsung phones and tablets on the basis of that verdict.

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