DAY ONE - Saturday, May 10

BREAKFAST – Room S427
7:00 AM – 8:00 AM

Segment 1 – Introduction
8:00 AM – 9:30 AM (Room S428)
Susanna Leong Huey Sy, National University of Singapore (Singapore)

What is a trademark? Discussion concerning distinguishing trademarks from other kinds of intellectual property, real property and personal property.

An overview of various key concepts and terminology, including: trademark use, registration, famous marks, licensing, assignment, valuation, geographic indications of origin, classification systems, the trademark office, opposition, cancellation, infringement, piracy/counterfeiting, litigation, the territorial nature of a trademark, translation, transliteration, symbols and non-traditional trademarks.

Each of these areas will be discussed with a view towards the later comparison among jurisdictions.

- Discussion of the selection of a trademark. Who? When? How? What? Various considerations include: a trademark’s strength or weakness, translations, transliterations, varying meanings of words, representations and symbols from country to country, language to language, and culture to culture and weighing business and marketing needs.
- What is the role of a trademark lawyer in a multinational launch of a brand name product or service?
- Overview of general types of laws applicable to trademarks/service marks globally.
- Searching globally, and dealing with results whether negative or positive.

Segment 2 – China and Hong Kong
9:30 AM – 10:30 AM (Room S428)
Patty Chan, Vivien Chan & Co (Hong Kong)

Discussion of concepts raised in the first session with the application of the particular laws of some of the countries in question, emphasis on the instances in which a country follows a typical pattern and instances in which it is unusual; issues of translation and transliteration; cultural patterns influencing trademark law and practice; interaction of national trademark offices with local courts and administrative agencies; and large geographic expanse, particularly in mainland China leading to many significantly different approaches to trademark law and protection of intellectual property rights.
BREAK
10:30 AM – 10:45 AM

Segment 3 – South America
10:45 AM – 11:15 AM (Room S428)
Tatiana Carrillo, LLOREDA CAMACHO & CO (Colombia)

Emphasis on the instances in which a country follows a typical pattern and instances in which it is unusual; traditional approach of various countries in this geographic area due to economic controls, emphasis on registration and government supervision; limitations on registrations and licensing; two major languages; significant number of regional agreements making for uniformity of law in certain geographic areas: Andean Pact, MERCOSUR; emphasis on particular formalities.

Segment 4 – United States & Canada: Trademark Law Comparison
11:15 AM – 12:15 PM (Room S428)
Nancy Lutz, Kelley Drye & Warren (United States)
With a Canadian Update by R. Scott MacKendrick, Bereskin & Parr LLP (Canada)

Emphasis on the instances in which a country follows a typical pattern and instances in which it is unusual; focus on how to best obtain protection in these jurisdictions for a trademark; discussion of practices of the trademark offices of the United States and Canada; and administrative actions and litigation procedures in these jurisdictions.

LUNCH – Room S427
12:15 PM – 1:15 PM

Segment 5 – Western Europe
1:15 PM – 2:15 PM (Room S428)
Charles Gielen, Nautadutilh (The Netherlands)

Emphasis on the instances in which a country follows a typical pattern and instances in which it is unusual; discussion on the number of jurisdictions and significant economies but different cultures in a relatively small geographic area; the fundamentals and differences that arise in some of these jurisdictions (U.K. concept of trafficking in trademarks and former lack of recognition of service marks for retail services); the competing and contrasting concerns of various jurisdictions; the European Community Trade Mark and Trademark Office; geographic indications of origin in these jurisdictions as contrasted with others; exhaustion doctrine within the European Community; applicable regional Agreements; only truly international registration opportunity (Benelux); administrative actions (oppositions and cancellations), national litigation, ECC litigation. European Trademark Harmonization Regulation (1993) and Directive (1998).

Segment 6 – India/Pakistan
2:15 PM – 2:45 PM (Room S428)
Pravin Anand, Anand and Anand (India)

Discussion of concepts raised in the first session, with the application of the particular laws of India and Pakistan; emphasis on the instances in which a country follows a typical pattern and instances when it is unusual; discussion of practices of the trademark offices of the two countries; administrative actions and litigation procedures in these jurisdictions.
Segment 7 – Mexico
2:45 PM – 3:15 PM (Room S428)
Maria Teresa Eljure, Arochi, Marroquin & Lindner (Mexico)

Emphasis on the instances in which a country follows a typical pattern and instances when it is unusual; discussion on practices of the trademark office; administrative actions and litigation procedures in this jurisdiction; importance of Mexico to U.S-based clients due to NAFTA.

BREAK
3:15 PM – 3:30 PM

Segment 8 – Israel
3:30 PM – 4:00 PM (Room S428)
Dr. Shlomo Cohen, Dr. Shlomo Cohen & Co. (Israel)

Discussion of concepts raised in the first session with the application of the particular laws of some of the countries in question; emphasis on the instances in which a country follows a typical pattern and instances in which it is unusual; cultural distinctions within the region and vis-à-vis the Americas and Europe that result in different concerns for trademark owners; what is registrable and what might not be due to cultural considerations; changing political boundaries and allegiances; boycott and political issues and the effect on trademark practice.

Segment 9 – Australia and New Zealand
4:00 PM – 5:00 PM (Room S428)
Marion Heathcote and Nick Holmes, Davies Collison Cave (Australia)

Roots in British Trademark law; emphasis on the instances in which a country follows a typical pattern and instances in which it is unusual; discussion of rights with respect to indigenous people.

DAY TWO – Sunday, May 11

BREAKFAST – Room S427
7:00 AM – 8:00 AM

Segment 10 – Africa
8:00 AM – 8:45 AM (Room S428)
Charles Webster, Spoor & Fisher (South Africa)

Discussion of concepts raised in the first session with the application of the particular laws of some of the African countries; emphasis on the instances in which a country follows a typical pattern and instances in which it is unusual; cultural distinctions vis-à-vis the Americas and Europe that result in different concerns for trademark owners; dealing with trademark registration programs on a regional basis; regional agreements in Africa, e.g., African Regional Industrial Property Organization Protocol on Marks; changing political boundaries and allegiances; boycott and political issues and their effect on trademark practice.
Segment 11 – Independent States of the Former Soviet Union and Eastern Europe
8:45 AM – 9:45 AM (Room S428)
Slobodan Petosevic, SD Petosevic (Belgium)

Discussion of concepts raised in the first session with the application of the particular laws of some of the countries in question; historical experience with the Republic of Russia; trademark law and concepts under the former Soviet Union, and changes in trademark law and administration since de-unification; development of new laws and new trademark offices in each jurisdiction. Transition provisions; administrative actions, litigation, counterfeiting; developing case law and interplay of unfair competition and trademark law; regional agreements and cooperation.

BREAK
9:45 AM – 10:00 AM

Segment 12 – Central America
10:00 AM – 10:30 AM (Room S428)
Edy Guadalupe Portal, PORTAL & ASOCIADOS (El Salvador)

Emphasis on the instances in which a country follows a typical pattern and instances when it is unusual; discussion of practices of the trademark offices of various countries; administrative actions and litigation procedures in these jurisdictions.

Segment 13 – Treaties
10:30 AM – 11:45 AM (Room S428)
Jeffrey Van Hoosear, Knobbe, Martens, Olson & Bear (United States)

- Paris Convention (history and continuing influence over national trademark laws)
- Madrid Agreement
- Madrid Protocol
- TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights
- Trademark Law Treaty

Segment 14 – INTA’s Online Databases
11:45 AM – 12:00 PM (Room S428)
Richard Young, Quarles & Brady LLP (United States)

Discussion about the scope, functionality and utilization of INTA’s online databases.

LUNCH – Room S427
12:00 PM – 1:00 PM

Segment 15 – UDRP, Internet Issues
1:00 PM – 2:00 PM (Room S428)
Brian Winterfeldt, Katten Muchin Rosenman LLP (United States)

Discussion of trademarks in relation to the internet; review alternative dispute resolution procedures such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures; discussion of evolving legal issues unique to the internet including, metatags, initial interest confusion and the use of trademarks in internet search engines.
Segment 16 – ASEAN - Singapore, Thailand, Indonesia, Malaysia, Vietnam
2:00 PM – 3:00 PM (Room S428)
Joyce Tan, Joyce A. Tan & Partners (Singapore)

Discussion of concepts raised in the first session with the application of the particular laws of some of the countries in question; emphasis on the instances in which a country follows a typical pattern and instances in which it is unusual; issues of translation and transliteration; cultural patterns influencing trademark law and practice; interaction of national trademark offices with local courts and administrative agencies.

BREAK
3:00 pm – 3:15 pm

Segment 17 – Famous Trademarks
3:15 PM – 4:15 PM (Room S428)
Clark Lackert, Reed Smith LLP (United States)

Discussion of the concept of famous or well-known trademarks and how the jurisprudence involving such marks has evolved through the courts, national legislation and treaties; perspectives on protecting and enforcing famous trademarks, and insights into how the protection of famous trademarks may evolve in the future.

Segment 18 – Review and Q&A
4:15 PM – 5:00 PM (Room S428)
Irene Calboli, Marquette University (United States) and National University of Singapore (Singapore)

Review of concepts; question and answer period.