Social Media Influencers: How to Rein Them in

Managing the activity of celebrity influencers on social media may help your brand to stay on the right side of the regulators, as Ed Conlon reports.

Panelists in a session yesterday told registrants how brands can work with their brand advocates to promote products without falling foul of advertising regulations.

In ITDA Industry Breakout: Beyond #Ad—Guidelines and Guardrails for Working with Social Influencers and Brand Advocates, attorneys gave advice on best practice in this area.

Famous influencers include the Kardashians, a celebrity family who are known for endorsing products on social media sites such as Instagram.

The discussion focused on how to steer clear of breaching advertising regulations when engaging third parties to advocate for a brand on social media. The panel showed examples of advertising authorities in the United States and United Kingdom investigating, and in some cases sanctioning, brand owners for not clarifying the nature of paid-for promotions.

In the United States, this area is primarily governed by the Federal Trade Commission (FTC), while across the Atlantic there are several bodies, including the Advertising Standards Authority (ASA) and the Competition and Markets Authority (CMA).

According to Adrian Smith (Simmons & Simmons LLP, UK), the ASA’s work does not amount to “complete enforcement” because its rulings are followed, but there is an almost universal acceptance of its findings, he said.

The CMA has a wider remit, dealing with issues including mergers and acquisitions, but it does also cover consumer protection and competition regulations.

AB InBev: Keeping a Clear Head

International brewer AB InBev requires clear documentation of trademark rights when buying or merging with another company, as Associate General Counsel Jeremy Roe tells Ed Conlon.

Few industries have experienced such large-scale disruption as the alcohol sector in the past few years. A revolution has taken place on both sides of the Atlantic, in which craft breweries have seized on consumer demand for a greater variety of products.

Such a market shift has forced more established players to adapt to the business landscape, including the world’s largest brewer, AB InBev, the company behind the famous BUDWEISER beer brand. In a major deal last year, AB InBev acquired rival brewer SAB Miller for US $105 billion.

Merging with large companies and acquiring new brewers is a key part of the company’s strategy to adapt to the changing market. Consolidation arrives with many legal concerns which, if not addressed, can
Social Media Influencers: Keeping Them on a Leash (continued)

Occasionally the CMA does get involved in taking advertisers to task,” Mr. Smith said, usually when it’s not sufficiently clear whether an advert has been sponsored.

In the United States, the FTC is trying to regulate “just about anyone,” said Staci Riordan (Nixon Peabody LLP, USA), with brands, advertising agencies and influencers all falling under the agency’s watch.

In April this year, the FTC sent “reminder letters” to influencers for the first time, said Ms. Riordan, who explained that previously only brands or agencies had been targeted.

The FTC said in a statement that after reviewing numerous Instagram posts by celebrities, athletes, and other influencers, its staff sent out more than 90 letters reminding influencers and marketers that influencers should “clearly and conspicuously disclose their relationships to brands when promoting or endorsing products through social media.”

It added that when multiple tags, hashtags, or links are used, “readers may just skip over them, especially when they appear at the end of a long post—meaning that a disclosure placed in such a string is not likely to be conspicuous.”

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Tweet with Care

Mr. Smith gave examples of two British soccer players, one current and one former, whose promotions prompted investigations by the authorities.

The first case concerned Wayne Rooney, who captains Manchester United and the England national team. In 2012 he tweeted that he wanted to start and finish the year as a “champion,” with his tweet linking to sportswear manufacturer Nike. Mr. Smith said the ASA found that the promotion wasn’t obviously identifiable as being sponsored. As a result, the tweets were found to have breached the ASA’s code.

In the second case, involving Rio Ferdinand, a former teammate of Mr. Rooney’s at club and international level, the ASA cleared several tweets of any wrongdoing after Mr. Ferdinand posted “teaser” tweets before posting a picture of himself eating a SNICKERS chocolate bar.

To avoid investigation, Ms. Riordan said, brands should use a hashtag to clarify the nature of sponsored content and this hashtag should ideally be the first one used by the influencer, not buried at the bottom of a chain.

Mr. Smith added that brands should manage the compliance of influencers with company guidelines, as there is “only so far you can sensibly outsource the controls you want … You need to be realistic about how far you can put obligations on the agency or end poster.”

Thomas A. Adams (The Procter & Gamble Company, USA), who also spoke in the session, said companies should do their due diligence and it is important to manage “controversial personalities.”

While a contract with third parties is important to “keep people on the rails,” companies also need a practical plan for when something goes wrong, Mr. Smith concluded.

Counterfeits: The Role of the Middle Man

Awareness campaigns and prosecuting counterfeiters won’t stop consumers being misled by counterfeits, but damages are a great help in the fight, registrants heard yesterday. Sarah Morgan reports.

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Awareness campaigns and prosecuting counterfeiters won’t stop consumers being misled by counterfeits, but damages are a great help in the fight, registrants heard yesterday. Sarah Morgan reports.

Focusing on China and the United States, Ms. Sonnier explained that Louis Vuitton Malletier has taken actions against landlords for contributory infringement for many years.

Mr. Sonnier advised rights owners in the United States to avoid providing landlords with general allegations without directing them to specific counterfeiters because they can then say that they don’t have knowledge of the illicit activity taking place on the premises.

Injunctions in the United States are very efficient, claimed Ms. Sonnier, but the real “cherry on the cake” is damages.

“You can claim up to US $2 million per mark and type of good. It’s a deterrent for counterfeiters,” she said.

Damages are lower in China: there, criminal sanctions are the real deterrent, she added, explaining that seizure of as few as 100 counterfeit Louis Vuitton bags could lead to imprisonment for eight years.

So-called “luxury” hotels have become entangled in the issue of counterfeiting in China.

Different courts across the country have held that when fake bags were sold in a shop in
very easily derail an agreement, and for beer companies such as AB InBev, where branding is vital to its business model, concerns about IP rights can reach the top of the agenda.

“Trademarks are a key part of the value we attribute to M&A deals,” says Jeremy Roe, Primary Counsel for AB InBev’s U.S. craft and import division, The High End.

With the SAB Miller deal, there were a number of obstacles to obtaining its brand rights because of antitrust and other regulatory considerations, he says.

“This was an example of where trademark value was looked at in terms of needing to divest of trademark rights in order to obtain regulatory approval, versus more traditional deals involving craft brewery acquisitions where we seek to grow and cultivate their brands.

“We had to divest many of the trademarks owned or licensed by SAB Miller to third parties. In that case, the trademark value was part of the strategic thinking, but also part of the closing process in order to get regulatory approval in several territories,” he adds.

Mr. Roe explains that with licensing, “usually you are looking to license brands to another brewer who would take care of them in a good way and allow us to successfully exercise our quality control obligations.”

With divestiture, “it’s more about value optimization,” he adds.

Upon closing, SAB Miller was required to jettison the PILSNER URQUELL beer brand and around 1,000 other trademark rights to Japanese brewer Asahi.

“PILSNER was one of the most successful global brands in SAB Miller’s portfolio,” Mr. Roe says.

Mr. Roe describes the agreement as “overall a smooth transaction,” in contrast to his experience with AB InBev’s acquisitions of smaller craft brewers, where a laissez-faire approach to IP protection can often pervade.

“One of the biggest issues with regional craft brands is that they are not traditionally aggressive in enforcing their rights. They resolve disputes by calling a colleague at another brewery and coming up with a creative solution. There is often no documentation; there is simply a call or handshake agreement saying ‘we won’t infringe in your area if you don’t infringe in ours.’

To some degree, these problems have impaired M&A discussions, he says; for instance, where the company wants to acquire a brand but finds during the due diligence stage that the craft brewery uses that the brewer has ignored or not enforced against.

“We’ve reviewed situations where it would be difficult to move forward without having geographical limitations.”

In 2011, AB InBev acquired the Chicago craft brewer Goose Island in a high-profile deal. Under AB InBev’s wing the white goose has become an international symbol while maintaining its craft beer image. Few people will know that the brand is three decades old and “only now are we realizing the value of that brand,” says Mr. Roe.

Open Dialogue

IP protection and enforcement can be a public relations minefield for brewers. The advent of social media means they can be the subject of David and Goliath stories within hours of a tweet being published or a Facebook status being updated. What is essentially a defensive legal measure can very easily be presented in the media as an aggressive business strategy.

A creative approach is needed, Mr. Roe explains.

“Part of it is getting to know the craft breweries. We operate the breweries in a very independent manner. My aim is for them to see me as a partner, not someone creating a problem where there isn’t one,” he says.

Central to that dialogue is informing them of the benefits of IP protection, especially for smaller brewers.

“Education is the key difference. The smaller brewers often don’t understand what is appropriate for brand registration, so we have to provide education on the value of trademarks.”

AB InBev: Keeping a Clear Head (continued)

The initiative is a set of best practices that adopt a zero tolerance policy regarding counterfeiting. Around four years ago, the Business Action to Stop Counterfeiting and Piracy (BASCAP) initiative began working on a project looking at the roles and responsibilities of intermediaries in fighting counterfeiting and piracy in the supply chain.

Before approaching any acquisition Mr. Roe asks himself three questions: how good has the target been at protecting its rights acquired over time? What will be the position AB InBev takes up on day one? Will there be any portfolio clean-up work needed to operate without risk?

By clean-up work, Mr. Roe means ensuring adequate protection is sought for branding rights—a key consideration when assessing the value of a potential acquisition. An opportunity for a smaller brewer to scale upwards through a merger may disappear if it is unable to fulfill this basic criterion or unless AB InBev can move quickly to ensure protection is set up.

The face of the alcohol industry is changing dramatically and this shift is having a great impact on trademarks, as Mr. Roe notes.

“There are so many brands that it’s become next to impossible to truly clear a mark in this space, unlike before. We are always looking at common law uses and coexistence agreements; very rarely do we come up with a new brand and say ‘we are the first and only use.’ It’s a different risk calculation.

Beer drinkers can be very loyal consumers—to the newer small craft breweries or to the larger brands that have served them well over the years. And while IP protection is essential to the success of that model, it is ultimately about the quality of the product behind the brand.

Mr. Aung played an important role in the next step: beginning a process of engagement with elected groups of intermediaries in the maritime sector.

Shipping companies can also be held liable as intermediaries if they transport counterfeit goods. “Nobody knows the answers to the counterfeiting problem, but we’re trying to work together to get to the right answers,” Ms. Aung said.

The maritime sector is big business—in 2015, it was estimated that more than 10 billion tons of goods were transported in shipping containers. It’s not the only approach being used in the industry, “but sometimes you can’t achieve the softer approach with carrots unless you have the sticks,” Ms. Aung said.

José Luís Arnaud (CMI Rui Pena & Arnaud, Portugal) moderated the panel.
Trademarks in South Korea: Making Life Easier

Through assisting trademark owners and working with neighboring IP Offices, the Korean Intellectual Property Office is working hard to improve the country’s trademark system, as Director General Gyuwan Choi of the Trademark and Design Examination Bureau tells Ullduz Larki.

South Korea’s Trademark Act has been revised entirely for the first time since 1990. According to Gyuwan Choi, Director General of the Trademark and Design Examination Bureau at the Korean Intellectual Property Office (KIPO), the main focus of the amendments is for user convenience by making the system more consistent.

The changes came into effect on September 1, 2016, and clarified difficult and complicated terms which existed within the law. Mr. Choi explains that the amendments are also intended to protect users from bad-faith filings, so they can avoid “wasting their time and money.”

“The amendments brought major changes to the trademark regime in Korea, for instance, streamlining the trademark system by integrating the category of the service mark into the trademark and allowing ‘any person’ to request a trial to cancel a mark that is registered but not in use,” says Mr. Choi.

Korea is trying to improve the trademark system, but the country still faces challenges, especially when it comes to trademark squatting. According to Mr. Choi, squatting is one of the main threats for trademark owners in Korea.

“While trademark owners need to do their best to prevent others free-riding on the goodwill and reputation of their brands, KIPO strictly examines if a filed mark is identical to or substantially indistinguishable from a registered mark, and has a special judicial police system for trademark rights to prevent infringement,” he explains.

KIPO has announced that more than 1,000 Korean trademarks were counterfeited overseas and up to 600 companies were affected as of May 2016. Mr. Choi says. He adds that counterfeiting is becoming more sophisticated. In response to this, KIPO has implemented policies to support companies to secure and protect their trademark rights from being infringed.

“We have put multiple policies in place to enhance trademarks, for instance, providing consulting services for applicants when filing an application to prevent disputes and infringement.”

KIPO also offers financial support through insurance which protects trademark holders in case they are hit with an IP lawsuit, Mr. Choi explains.

With regard to trademark filings, Mr. Choi explains that the number of applications has been on the rise gradually from 2011 to 2015, with a slight decline in 2016. In 2011, there were 134,234 filings—both domestic and foreign—which rose to 185,443 in 2015 and fell to 181,592 in 2016.

Working Together

KIPO is a member of the group of five national trademark offices known as the TM5, and engages in multiple bilateral cooperations with other TM5 partners. For example, KIPO works with the European Union Intellectual Property Office (EUIPO) and the U.S. Patent and Trademark Office (USPTO) to digitize the classification system, enhance examination qualities, and share examination know-how through examiner exchange programs. It is also currently sharing information about trademark systems and examination practices with the Japan Patent Office. The office is also joining forces with its neighbors to build a framework of a Korea-Japan-China trilateral cooperation, says Mr. Choi.

In response to bad-faith filings, KIPO has collaborated with China’s State Administration for Industry and Commerce (SAIC), holding meetings. KIPO also offers training programs in cooperation with the World Intellectual Property Organization (WIPO) for examiners from developing countries in the Asia-Pacific region, Africa, Latin America, and the Middle East. This, Mr. Choi says, is to give other regions the opportunity to learn from Korea’s trademark examination system, and through that contribute to building their region’s IP capacity.

One of KIPO’s biggest recent trademark cases was against Seoul National University in Korea. KIPO refused to register SEOUL NATIONAL UNIVERSITY on the ground that “Seoul” merely refers to a geographical location and “National University” is merely a type of school. However, the Supreme Court upheld that SEOUL NATIONAL UNIVERSITY could be registered as a trademark as it created a new concept in the mind of most people that it was “the national university located in Gwanak-gu, Seoul,” not just any university in the city.

This case, Mr. Choi says, shows that if use of a trademark results in creating a new concept in the mind of the general public beyond awareness or popularity, it can be exclusively used as a trademark. In the future this will influence cases in which a geographical location is combined with a type of business.

These amendments to the Trademark Act, which have brought major changes to the trademark regime in Korea, are set to fulfill KIPO’s vision for making life easier for trademark owners.
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Mary Boney Denison:

Hitting Targets and Tackling Dead Wood

Mary Boney Denison, Commissioner for Trademarks at the U.S. Patent and Trademark Office, must stay on top of targets, keep customers happy, fight fraud, and root out the dead wood, as she told Sarah Morgan.

The trademarks unit of the U.S. Patent and Trademark Office (USPTO) has met or surpassed its quality and production goals for the last 11 consecutive fiscal years.

It’s on target to meet these goals again this year, and that’s due in no small part to Commissioner for Trademarks, Mary Boney Denison.

The Office’s current goals for first action and final action quality compliance rates, which consider whether the examining attorney made the right decision on substantive issues, are 95.5 percent and 97 percent respectively.

The USPTO also reviews office actions to see if they meet an “exceptional” standard of quality.

This measure reviews the overall quality of office actions through a more comprehensive standard looking at excellence in reviewing the search, the writing, the decision, and the evidence. Only office actions that are excellent in each of these categories meet the standard for “exceptional” quality.

This year the target is 42 percent, a goal that Ms. Boney Denison is very much expecting to meet.

Perhaps more interesting to trademark lawyers is the target for first action pendency (from the date of filing to the first office action). It’s currently set at between 2.5 and 3.5 months—the Office met the goal in fiscal year 2016 and, at the end of March 2017, first action pendency was 2.7 months.

Facing Up to the Challenge

Ms. Boney Denison faces two major challenges in her role, one external and one internal to the organization.

The external obstacle is the apparently ever-increasing number of fraudulent solicitations to those in the trademark community.

Customers constantly contact the USPTO over all types of fraudulent emails and mailings they receive, with some being duped into paying fees that they incorrectly assume are coming from the Office.

The Office is fighting back against this complex problem in five different ways.

“First, we are raising awareness of schemes to defraud trademark owners,” says Ms. Boney Denison.

The USPTO has developed a page on its website to address the issue, together with a video, and a list of fraudulent entities that have been identified.

That’s not enough for the USPTO, however; the email notification for office actions includes a link to that page, and with each trademark registration it mails a bright orange paper with the same information. In addition, it will shortly be adding a warning to its filing receipts.

The second approach involves cooperating with the U.S. Department of Justice on criminal proceedings related to trademark scams.

With USPTO support for the proceedings, two men recently pleaded guilty to stealing nearly US $1.7 million from U.S. trademark applicants and registrants, and a third man was convicted in 2017.

Third, the USPTO is part of an informal interagency working group formed to address this issue.

As part of its fourth method to tackle the challenge, the Office and the Trademark Public Advisory Committee are planning a public roundtable on fraudulent solicitations at the Office on July 26 this year, in a bid to raise awareness of the issue with the public and other government agencies.

The fifth method arises because fraudulent trademark solicitations are a global issue—the Office is considering how to work through the TMS framework to “attack the issue on a worldwide basis.”

TMS is a framework through which five IP offices—the Japan Patent Office, the Korean Intellectual Property Office, the European Union Intellectual Property Office, the State Administration for Industry and Commerce of the People’s Republic of China and the USPTO—exchange information on trademark-related matters and participate in cooperative activities.

Internally, the main challenge is the modernization of the Office’s IT systems.

The trademarks business unit alone uses 35 interrelated IT systems to accomplish its work and, for years, the trademarks IT systems were intertwined with those for patents.

This meant that if there was an IT problem in one of the patent systems, the trademark systems could be impacted, and vice versa.

“We have now largely separated the patent and trademark IT systems and have moved on to the modernization of individual systems,” explains Ms. Denison.

In recent years, the USPTO has replaced its electronic Official Gazette and ID Manual with modernized platforms.

Work is underway on many other systems but it will take a number of years to complete, she adds.

Tackling the “Dead Wood”

In October 2016, Ms. Boney Denison announced a “three-pronged” approach to tackling the “dead wood” in the trademark database.

The approach resulted from a pilot program launched in 2012 in a bid by the USPTO to ensure the accuracy of its trademark registry.

It gathered data on whether registered marks were “actually being used” for the products and services listed on the registrations, and found that in “more than half of the trademark registrations selected, the owner was unable to verify the actual use of the mark for the goods or services queried.”

Although it’s too early to tell how successful the approach will be, it looks like so far, so good.

The first prong consisted of the implementation in January 2017 of a more readable registration declaration.

“We already consider this effort to be a success because we have received quite a few comments indicating that people are now reading the declaration,” says Ms. Boney Denison.

Based on user feedback, the Office is working towards some minor changes to the declaration in April 2017.

The second prong is to make permanent post-registration audits. The effective date of the rule was March 21, 2017, with audits expected to begin later this year.

Through this program, the USPTO will randomly select registrations to assess the submission of information, exhibits, affidavits or declarations, and any additional specimens, to ensure that the marks are in use in the United States for all goods/services identified.

For the third and final prong, the office plans to issue a request for comments in the Federal Register by May 2017 on two streamlined Trademark Trial and Appeal Board (TTAB) cancellation procedures.

“We chose to focus on two TTAB options initially because they require regulatory, but not statutory, changes, and could therefore be implemented more quickly,” explains the Commissioner.

A Top Priority

“I was a user of the USPTO for many years before joining the agency in 2011. That has led me to be very interested in offering the best possible customer experience to every user,” she says.
Because of this, Ms. Boney Denison has made the enhancement of customer experience a top priority. The agency retained an outside consultant to advise on how to improve customer experience at the USPTO. Ms. Boney Denison’s unit carefully considered the advice and it’s now “working to ensure that each customer experience with trademark personnel at the office is clear, consistent and intuitive.” These aren’t empty words—Ms. Boney Denison lists several ways in which the USPTO is enhancing the customer experience.

Top of the list is that the Office considers that maintaining strong relationships with user groups, listening to their feedback, and implementing their suggestions where possible is vital for a successful customer experience.

“We are here to serve the public and by listening and implementing changes, we can continue to improve the customer experience,” she says. Before even receiving the consultant’s report, Ms. Boney Denison’s unit decided to kick off the initiative by offering refresher customer service training to all employees.

A customer service hall of fame was also introduced, recognizing every employee who had received four or more customer service awards. Other initiatives included the hiring of a customer experience administrator, working towards simplifying the filing process, enhancing customer experience through TM5, and expanding its outreach tools.

The Office also appointed two plain language writers to make its website and forms more user-friendly. Language writers make our website more customer service awards. Other initiatives included the hiring of a customer experience administrator, working towards simplifying the filing process, enhancing customer experience through TM5, and expanding its outreach tools.

The Office also appointed two plain language writers to make its website and forms more user-friendly. Language writers make our website more customer-friendly. “With about a third of our customers choosing to proceed without a lawyer, it is very important that we use language that everyone can understand. The plain language effort will be a multi-year initiative to improve our forms and website,” says Ms. Boney Denison.

**At the Forefront of Equality**

It’s no secret that the USPTO has a much higher percentage of women in senior executive service positions than the rest of the U.S. government. “The USPTO for many years has been a vanguard of equal opportunity, not just for women, but for any historically disadvantaged group,” explains Ms. Boney Denison.

Immediately preceding her as Commissioners for Trademarks were three women: Anne Chasser, Lynne Beresford, and Debbie Cohn (who is now INTA’s Senior Director, Government Relations, based in the Washington D.C. Representative Office).

Women are on an equal footing with men at all levels of the USPTO, if not higher: Michelle Lee currently serves as the USPTO’s Director, Sarah Harris as General Counsel, and Shira Perlmutter as Head of the Office of Policy and International Affairs.

The agency has 16 affinity groups that act as social groups and career development supports to employees. Three of those are women’s groups: the Network of Executive Women, Women in Science and Engineering, and Federally Employed Women. Three of those are women’s groups: the Network of Executive Women, Women in Science and Engineering, and Federally Employed Women.

“Our agency is truly an equal opportunity employer. We have a very accepting and diverse culture at the USPTO. People are drawn to that,” she concludes.

**Lunch and Learn: How to Be a Creative IP Lawyer**

Anyone can learn to be innovative in their job. Christian Wuestner reports.

During yesterday’s Lunch and Learn session, corporate management guru Paul Birch suggested a few solutions to make oneself more creative at work.

One of the main hurdles to creativity, according to Mr. Birch, is the limitations that formal education places on you. Most education systems in the world value very structured, analytical thinking, and part of the process of creativity is getting yourself away from that structure to think of possibilities. Analysis does need to come into the process, but not at the point when you are coming up with ideas, he said.

Formal education teaches us that there is a definitive right answer to a question. But when you are talking about creativity, there is an infinite number of right answers. “Your job is to find loads of them and then pick some of the best,” Mr. Birch suggested. “One of the biggest obstacles to creativity is the belief that you are not creative,” he added.

Mr. Birch also offered some more practical advice. To help unleash creativity, one needs to think more broadly about the subject. When imagining a paper clip, for example, instead of thinking of it as merely a twisted wire, it could be also a person holding a paper between their fingers, he suggested.

“Don’t think in the way you’ve always thought.”

**Check out the INTA Facebook page**

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From Colors to Collectives: 
Trademark Developments in Japan

With the first color trademarks being registered in Japan earlier this year, Sarah Morgan hears about what applicants have to show in order to secure protection, and other changes to trademark law.

Christian Louboutin’s red soles, the canary yellow of 3M’s sticky notes, and Milka’s lilac packaging are all instantly recognizable colors that serve to differentiate goods and services.

February this year was a turning point in Japanese trademark law—the Japan Patent Office (JPO) approved two trademarks consisting of colors alone. The trademarks are the gold-green-red color scheme of 7-Eleven stores and the blue-white-black of the MONO eraser, produced by Tombow.

This was the first time that any color trademarks had been registered in Japan, since an amendment to the Trademark Act 2014.

Since April 1, 2015, JPO applicants have been able to register nontraditional marks including sounds, colors and holograms. A few foreign brand owners such as Christian Louboutin, Yahoo!, and GSK are in the process of trying to obtain a single-color mark registration in Japan, says Shunji Sato (TMI Associates, Japan).

INTA has been an active proponent of nontraditional marks, including color marks, and has shared this view with Japanese policymakers over the years.

Keeping Pace Globally
Colors and sounds have been registrable in many other jurisdictions for years, so Japan needed to keep pace, explains Mr. Sato, adding that demand for registration of these types of marks had increased in the country.

“Traditionally, marks that can distinguish the source of one’s goods/services from those of others were considered to be those that are visually recognizable, such as words, symbols, and devices,” explains Mr. Sato.

But the way businesses now interact with consumers is changing—meaning that colors, sounds, and 3D shapes can also have such functions, he says.

Tomohiro Nakamura (Komishi & Nakamura, Japan) agrees, adding that the Trans-Pacific Partnership (TPP) trade deal had also played its part in changing the law.

He explains that the Japanese government had been eager to sign the TPP, which includes provisions on the registrability of nontraditional marks.

For pure color marks, applicants need to prove distinguishability, since these marks are considered to inherently lack the ability to distinguish goods/services.

The applicant for a color mark should expect to receive a notification of refusal first. Then it will be required to demonstrate acquired distinguishability through use,” says Mr. Nakamura.

Typical evidence to prove acquired distinctiveness includes advertisements, brochures, and survey results concerning consumer awareness of the trademark.

It’s important to remember that under Japanese trademark practice, objective evidence such as the volume of sales is regarded as having more evidentiary value than subjective evidence such as surveys, warns Mr. Sato.

On the other hand, he says, it’s not so difficult to register sound marks as long as the sound can function as a trademark.

The fizzle of a sparkling drink or a natural sound, such as the wind blowing, is not registrable.

As of March 2017, there are 125 sound trademark registrations in Japan; all of these registered sound marks also contain linguistic elements.

Regional Changes
In April last year, Article 7-2(1) of the Trademark Act was amended to include commercial and industrial associations, chambers of commerce, and nonprofit organizations as bodies entitled to obtain registration of a regional collective trademark.

Approximately 600 regional collective trademarks have been registered since the implementation of the system.

“We have typically experienced difficulties in that several independent associations are using the same regional collective mark and they don’t want to become co-applicants,” explains Mr. Nakamura.

He adds that the majority of users of such trademarks do not belong to an association, meaning that only a small number of users belong to an association which is entitled to file and register a regional collective mark.

Another potential problem is that the law requires the trademark to be well-known among consumers as indicating the goods/services pertaining to the applicant’s or its members’ business as a result of use.

“Accordingly, in the case where a trademark is used not only by the members of the associations, but also by non-members of the associations, it could be difficult to prove that the trademark has become well-known as a result of the use by the associations’ members,” he says.

Future Topics
An important issue in practice is whether the law allows an examiner to accept a letter of consent, says Mr. Nakamura.

He explains that the guidelines for trademark examiners allow a petition from a conflicting senior trademark owner in which it agrees to the use of the coexisting trademark.

An examiner may consider the consent at his/her discretion, which Mr. Nakamura believes is broad.

“I would expect that discussion over this issue will continue when an opportunity to think about revising the law arises,” he says.

There were also plans to amend Article 38 of the Trademark Act, which prescribes a “presumed amount of damage.”

“More specifically, it was planned that the holder of the trademark right or of an exclusive right to use a trademark may claim against an infringer for compensation for damage sustained as a result of the intentional or negligent infringement of the trademark right or the exclusive right to use,” explains Mr. Sato.

The holder may claim the amount of money equivalent to what it costs to obtain and maintain the trademark right.

This amendment was due to become effective on the date of the TPP’s implementation. However, since U.S. President Donald Trump formally withdrew the United States from the treaty in January, uncertainty reigns over the fate of the provision.
World Trademark Review is pleased to announce the winners of the WTR Industry Awards 2017, revealed last night at the Museum of Contemporary Art in Barcelona, Spain. Now in their eleventh year, the awards shine a spotlight on the vital work performed by in-house counsel across the globe and identify the teams and individuals that deserve special recognition for their exceptional achievements over the past year.

Visit Booth C67 for more information about the awards. Also, don’t forget to visit www.WorldTrademarkReview.com to sign up for a free three-week trial to World Trademark Review.
While trademarks and trade dress are important for protecting General Mills' many food products, brand value itself goes deeper than just a legal registration. Josh Burke, Senior IP Counsel, talks to Ed Conlon about protecting rights and keeping consumers happy.

Trademarks and trade dress are both important to the company, but the latter is particularly important for attracting people’s attention in the marketplace.

“HAAGEN-DAZS ice cream or PILLSBURY meals, for example, are well known to consumers and have strong visual identities that help consumers find our products in stores.

“We know that the look and feel is very important to consumers—if they are in a hurry and not carefully looking at the goods in store they may grab a different product by mistake.”

The interaction between trademarks as a legal right and the more holistic brand is of increasing importance, particularly from a brand protection standpoint as consumers seek greater interaction with their favorite companies.

“From a classical brand protection strategy, you can't let consumers do things commercially with your brands, but I think they want to be able to have some ownership stake, and we as companies need to figure out a way to let them do that, whether through user-generated content, tweeting with them, or other creative ways to play with the brand,” says Mr. Burke.

“It is important to find the right line between brand protection and being appropriate.

“We live in a world where social media are ever present and constant, and consumers have an increasing desire for transparency and authenticity from the brands they choose to trust.

“You can see consumers who have a sense of ownership and stewardship for their favorite brands and want to be part of the conversation with them, and I think brands have struggled with how they interact with their consumers appropriately.”

The philosophical shift from trademarks to brands has been an evolution, says Mr. Burke, but not all trademark professionals have the privilege of close interaction with marketing specialists.

“For those lawyers without such experience, Mr. Burke advises, “One of the best things someone taught me is to put myself in someone else's shoes, whether they are a marketer or consumer, and to think about 'how does this play out in the real world?'

“You have to get past technical trademark rules—you have to think about what makes sense for customers too.”

**Join Our Group:**
INTA's 139th Annual Meeting in Barcelona, Spain
M&A Deals: IP Shifts to the Center

The importance of intellectual property has grown substantially in mergers and acquisitions transactions, and early involvement of IP lawyers in a potential deal has become essential, Annual Meeting registrants learned yesterday. Christian Wuestner reports.

During the panel discussion CT03, IP Representations and Related Provisions in M&A Transactions, Aaron Hendelman (Wilson Sonsini Goodrich & Rosati, USA) said that 20 years ago, IP in mergers and acquisitions (M&A) was often more of an afterthought, and that not every transaction would have a meaningful IP component.

But the world has changed. “There really is no deal that doesn’t have deep, serious IP issues in it,” Mr. Hendelman said.

IP assets in M&A transactions include company IP, such as trademarks, copyrights and patents, and also third-party IP licensed to the company, such as brand licenses, software or patent licenses, explained Kristin Stammer (Herbert Smith Freehills, Australia).

Handling the IP component in an M&A deal is not always straightforward, however. The type of transaction will differ based on the form of the transaction, be it a stock share purchase, a merger, or an asset purchase.

The key point to bear in mind when you are acting for a seller is to make sure that your disclosures contain only specific, known facts.”

Ms. Franks pointed to the importance of design of warranties because a seller will not be liable to the buyer for any facts that it has fairly disclosed to the buyer, she noted.

“The key point to bear in mind when you are acting for a seller is to make sure that your disclosures contain only specific, known facts,” Ms Franks said.

“Warranties should be seen as an addition, not as an alternative to proper due diligence.”

Jeremy Roe (AB InBev, USA) noted that it is important that the IP team is part of the deal team to help assess the deal value. IP lawyers are essential to determine the value of the IP rights being acquired and the risks involved, he suggested.

There is a tendency for an IP lawyer to have merely a support role and to come in at a later stage when problems have been identified, Mr. Roe said.

“What I’d like to see is the IP lawyer being part of the initial deal team from day one.”

Later involvement of the IP lawyer can result in negative surprises and lead to a different type of deal structure financially, difficult negotiations, or even cause the deal to fall apart, he concluded.

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Impact Studies: Making the Most of Trademarks

Combining data with on-the-ground knowledge helps to make INTA’s Impact Studies more successful, says Sheila Francis, INTA’s Director of Marketing and Liaison for the Impact Studies Committee, in an interview with Sarah Morgan.

For Ms. Francis, this approach and the results of the studies make her job as Marketing Director a little easier and more fulfilling.

Economic Impacts of Counterfeiting and Piracy with the International Chamber of Commerce's Business Action to Stop Counterfeiting and Piracy. The report confirmed the findings of a 2016 report published by the Organisation for Economic Cooperation and Development and the European Union Intellectual Property Office that said international trade in counterfeit and pirated products is increasing. The INTA-RASCAP report found that this illicit trade will continue to increase and forecasts that it will reach an estimated US $991 billion by 2022.

“The studies give people a concrete idea about the size of a problem. How do you tackle it? How do you prioritize things? These are the key issues we need to take to the forefront,” adds Ms. Francis.

Last year, the ISC collaborated with the Asociación Interamericana de la Propiedad Intelectual (ASipi) on a study to determine the impact of trademark-intensive industries on the economies of Chile, Colombia, Mexico, Panama, and Peru, which was published in December 2016. Among other important findings, that study revealed that trademark-intensive industries generated 8–26 percent of total employment; and 110–21 percent of GDP in these countries. This is equivalent to 18.5 million jobs and a value added per person of US $2,390 annually.

The Impact Studies use a combined approach, aimed primarily at supporting INTA’s advocacy initiatives, and are one of the most rewarding aspects of her work.

The research cuts across a range of

Visit the Pro Bono Clearinghouse at the INTA Information Booth

Today is the last day to visit the Pro Bono Clearinghouse Information Booth—located at the INTA Information Booth in Hall 8—to learn more about INTA’s recently established Pro Bono Clearinghouse. Don’t miss this opportunity to hear about this program directly from members of the Pro Bono Committee and learn how you can help. The booth will close at 3:00 pm.

If you cannot make it to the booth, but want to learn more or know of any individual or nonprofit organization that may be in need of free legal services, please refer to the box (right).

Visit the Pro Bono Clearinghouse at the INTA Information Booth

Requesting an Impact Study: How it Works

1. All requests must be submitted in writing via a form found at: http://www.inta.org/Committees/Pages/ImpactStudiesCommittee.aspx
2. The committee’s Study Request Intake Team then evaluates the request against the criteria that the committee developed and shared with the Board in March 2016. This takes anywhere between two and six weeks. The requester should be clear about what needs to be studied. If items are unclear, they are addressed through e-mails and/or telephone calls with the study requester. The team then scores the request against the relevant criteria.
3. The Study Request Intake Team then presents its recommendations to the full committee.
4. The full committee is given an opportunity to ask any additional questions before deciding to move ahead with the study or not.
5. Once it is confirmed to move ahead with the study, the appropriate vendors are researched and a list developed.
6. An RFP is prepared and then sent to all the vendors on the list (all responses are confidential).
7. In tandem, a new project team is constituted to evaluate the responses using a score card. Those with the top scores are invited for interviews. Once a final vendor selection is made, the ISC works with the vendor to develop the study. The study requester is informed of the outcomes at all times.

For Ms. Francis, this approach and the results of the studies make her job as Marketing Director a little easier and more fulfilling.

Our members guide us on the industries we need to be looking at, and help us to open doors.

Sheila Francis

Pro Bono Committee website: http://www.inta.org/Membership/Pages/2017_ProBono.aspx
topics and takes the form of surveys and topic-related studies, including the most recent study the committee is working on, an ASEAN Impact Study to understand the economic impact of trademark-intensive studies in Indonesia, Malaysia, Philippines, Singapore and Thailand. Additionally, the committee works with other INTA committees on their study requests. This includes a request from the Internet Committee to study the cost impacts of the new gTLDs on brand owners. Looking ahead, the committee is also reviewing study requests from the Brands & Innovation Committee.

**A Strategic Approach**

The ISC is particularly crucial as the Association prepares to launch its 2018–2021 Strategic Plan. The new Strategic Plan will focus heavily on themes such as brands, technology, innovation, and consumer trust. All Impact Study requests must demonstrate how the proposed study would support an enhanced understanding of such themes and/or other specific goals of the Strategic Plan.

Additionally, to further support the implementation of the Strategic Plan, the ISC believes it is important to improve INTA’s research capabilities. This includes the following tasks for the ISC:

1. Developing best practices and/or white papers on lessons learned from previous studies;
2. Developing best practices on partnering with other associations on research;
3. Developing an internship program around Impact Studies;
4. Developing some programming for IP economists and researchers in the coming years during an Annual Meeting; and
5. Determining whether the ISC needs to be supported by dedicated staff member as INTA matures as a research organization.

**Completing the Puzzle**

Communication is the final part of the ISC puzzle.

“If we want to promote our message on the importance of trademarks and IP, it’s important to speak the language of the people we are talking to,” Ms. Francis says. Outside the IP world, very strong communication tools are needed to ensure that everyone understands the real issues.

“As an Association, we can put together best practices that can be shared. This helps to enhance our members’ benefits as well,” Ms. Francis says. Looking ahead, Ms. Francis has some key aims: “We want to be a more proactive research unit. We are talking to other committee members to find out what other topics could merit a study so that by end of 2017, we have a research agenda we can share with the new slate of members in the new committee.”

Any questions?
Reach out to Sheila Francis at sfrancis@inta.org
What to Do in Barcelona Post-Annual Meeting

For registrants spending some time in Barcelona after the Annual Meeting ends, there are plenty of options for diversion, as Ullduz Larki reports.

**A Night at the Opera**

Barcelona’s Gran Teatre del Liceu is a world-renowned opera house. On Friday May 26, it plays host to a production of Richard Wagner’s great work The Flying Dutchman. The performance starts at 8:00 pm. Tickets are still available via the theatre’s website, or you can buy them in person at the theatre box office.

**Culture in Catalan**

If opera’s not your thing, why not have an evening at the theatre instead? The Teatre Nacional de Catalunya is a great place to watch a production (although most are performed in Catalan), and from Thursday, May 25 to Saturday, May 27, William Shakespeare’s Richard III is being staged.

**Picture this**

You’ve been to the Annual Meeting exhibit hall, now discover a different kind of exhibition while you’re in Barcelona. The Museu Nacional D’Art de Catalunya is showing the oil paintings of Catalan artist Pere Torné Esquius, in its first show dedicated to the artist. More than 300 works are on view.

**VOXPOP!**

What was the highlight of your Annual Meeting?
I enjoyed talking with and meeting people from all over the world—I particularly like the fact that we had a chance to also discuss non-work-related topics.

Alina Sun, HIGENIUS Intellectual Property Agency Co., LTD, China

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This is the one time of the year when the whole IP community comes together. It’s a great time.

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As an exhibitor, I find it really interesting that there are so many enthused people coming through, interested in understanding how they can innovate, how they can do things better and more effectively.

Neil Berrecloth, Anaqua Inc., United Kingdom

**Clubbing it**

If you want to do something a little more high tempo, try to get to the opening party of the Café del Mar Club at Port Forum on Saturday, May 27. Spanish electronic music pioneer David Penn and superstar New York DJ Erick Morillo and others will be playing until the early hours of the morning.

“...If you want to do something a little more high tempo, try to get to the opening party of the Café del Mar Club at Port Forum...”

“I love to club and this was an opportunity I couldn’t miss.”

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1. Becerril, Coca & Becerril, Castell de Montjuic
2. Gün + Partners, Maritime Museum of Barcelona
3. Borden Ladner Gervais Alaire, Condes Hotel
4. Bergenstrahle, Partners Stockholm AB
5. Chadha IP, Club Bazemataz
6. Dentons, Museu Picasso
7. MIP, Women in IP reception, Hotel Porta Fira
8. Winston & Strawn, Fundacio Antoni Tapies
9. Gómez-Acebo & Pombo, Camp Nou
10. Lall & Sethi, The Marquee La Carpa
11. Haseltine Lake, Palau de la Musica Catalana
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INTA Tennis Tournament 2017: An 18 year tradition continues to grow
Looking Ahead
to the 2018 Annual Meeting

Seattle will host the 140th INTA Annual Meeting in 2018, and as the Co-Chairs, Dr. Axel Nordemann and Dana Northcott explain to Naomi Jeffreys, there is much to look forward to.

With the 139th INTA Annual Meeting drawing to a close, what lies in store for the 140th meeting, which takes place in Seattle, Washington.

The 2018 INTA Annual Meeting will be held from May 19 to 23 at Seattle’s Washington State Convention Center, which is conveniently located in the city center and close to many hotels and restaurants.

Co-Chair of the meeting, Dr. Axel Nordemann (Boehmert & Boehmert, Germany), says: “Seattle is a close-knit and walkable city, so it should be easy to travel to meetings and events.

“We're planning some cutting-edge content, to bring back the Saturday concert, secure an engaging keynote speaker, and arrange opportunities to meet new colleagues and friends in what Pacific Northwesterners call 'The Evergreen City.'”

The pre-sale for the event ends today, May 24, and registration will re-open in January 2018.

Seattle on the Map
INTA hosted its 131st Annual Meeting in Seattle at the same Convention Center in May 2009.

Why choose to host the event in Seattle again? 140th Annual Meeting Co-Chair, Dana Northcott (Amazon, USA), explains that “in the past few decades, Seattle has quietly grown from a far-flung port city to being nationally recognized as one of the most livable cities in the United States.”

“It hosts a critical mass of advanced technology, agriculture, manufacturing, and international trade, and a wonderful quality of life and international outlook given its location in the Pacific Rim.”

A number of high-profile companies have helped place Seattle on the map. For example, Amazon’s global headquarters are in Seattle’s South Lake Union district, not far from the Lake Union waterfront and the new Museum of History and Industry.

Starbucks opened its first store in 1971 in Seattle’s historic Pike Place Market.

Other companies which bring Seattle to prominence include Boeing, Microsoft, Amazon, Nordstrom, Costco, Expedia, and several others that have shown that “high-tech mixes well with evergreen trees, the sparkling Puget Sound, and Olympic mountain ranges, lakes and rivers,” Ms. Northcott says.

A Broad Focus
INTA has a dynamic and interesting set of topics for all its Annual Meetings, and the 2018 event promises to have an “exciting compilation of topics to be discussed,” Dr. Nordemann says.

“Some sessions will be U.S.-focused, and many will be international. We will have regional updates for Europe, Latin America, Africa, India, Japan, China, and South East Asia, including Australia and New Zealand,” he adds.

Ms. Northcott explains that the sessions will focus on “advertising and product placement, licensing, trademark litigation and fair use, current developments in trademark legislation and jurisdiction, and include overlapping IP rights such as copyright, design, and unfair competition law, to name just a few.”

“The role of the Co-Chairs in Seattle is to work with an incredible project team to develop content for the conference program,” Dr. Nordemann says.

“We're looking to secure a dynamic keynote speaker to engage and inspire the INTA community. I wish we could promise perfect conference weather, but it's best to bring an umbrella,” Ms. Northcott adds.

What else goes into chairing INTA’s Annual Meeting?
“We're looking to secure a dynamic keynote speaker to engage and inspire the INTA community. I wish we could promise perfect conference weather, but it's best to bring an umbrella,” Ms. Northcott adds.

What else goes into chairing INTA’s Annual Meeting?
“It is mostly work which relates to developing content and coordinating the project team, reviewing session proposals and suggestions for speakers,” Dr. Nordemann explains.

He adds that the aim is to make the conference program as “interesting as possible, but also innovative.”

They also hope to include music and other entertainment in the Convention Center, for attendees to enjoy between sessions and meetings.

“We are reserving at least one session slot for a ‘hot topic’ which may evolve only in the weeks before the Annual Meeting starts,” he adds.

Attracting the Crowds
“Some sessions will be U.S.-focused, the better the discussions and connections are,” she adds.

Dr. Nordemann concludes: “Seattle is one of the most perfect locations for an INTA Annual Meeting and a great place to travel to. It will be more than worthwhile to come and join us there.”
**CW02 The Future of Trademark Protection in a World of Mega-Regional Agreements** *(Intermediate Level)*  
10:15AM - 11:30AM  
Fira Gran Via Hall 8.0 - D3

From the Trans-Pacific Partnership Agreement (TPP) to the Transatlantic Trade and Investment Partnership (TTIP) to the Regional Comprehensive Economic Partnership (RCEP), mega-regional agreements have become one of the most important forums for discussions on the future of trademark protection and the development of trade-mark policies for the 21st century. This panel assembles a unique constellation of expert international trade negotiators and policy-makers, who will share their insights on mega-regional policies and international trade agreements in general and the importance of these agreements for brand owners and trademark practitioners.

**Public Information Committee**  
10:15AM - 12:15PM  
Fira Gran Via Hall 8.0 - E5

**SPEED NETWORKING**  
10:30AM - 11:30AM  
Fira Gran Via Hall 8.1

INTA is offering Speed Networking in the Exhibition Hall in Hall 8.1. Speed Networking is an ideal way to find new business associates and expand your network, as it brings people together to exchange contact details and business information. Bring your own business cards—and your smile! Who should attend: new members, non-members, first-time attendees, and experienced Annual Meeting attendees interested in making new contacts.

**Group Officers, Coordinators and Staff Liaisons Meeting**  
11:30AM - 12:30PM  
Fira Gran Via CC8 - 8.19 - 8.20

**ASIPI Meeting**  
11:30AM - 12:30PM  
Fira Gran Via CC8 - 8.5

**CW20 Annual Review of U.S. Federal Case Law and TTAB Developments** *(Advanced Level)*  
11:45AM - 1:00PM  
Fira Gran Via Hall 6

Plan to attend this INTA annual favorite and hear a concise analysis of recent major decisions rendered by the U.S. courts and the Trademark Trial and Appeal Board (TTAB), as reported in Vol. 106, No. 1 of The Trademark Reporter.

**RW20 Regional Update: Limits on Trademark Rights in India—Focus on Plain Packaging and Surrogate Advertisement** *(Intermediate Level)*  
11:45AM - 1:00PM  
Fira Gran Via Hall 8.0 - A2

This session will explain the start of limits on trademark rights by lawmakers who introduced plain packaging for tobacco products and how the tobacco industry has mastered the art of surrogate advertisement. The session will seek to explore the middle path that rights holders and lawmakers have to walk so that the trademarks owners' rights to market their products are not defeated by public health measures, while not compromising the public’s health.

**SPEED NETWORKING**  
12:00PM - 1:00PM  
Fira Gran Via Hall 8.1

INTA is offering Speed Networking in the Exhibition Hall in Hall 8.1. Speed Networking is an ideal way to find new business associates and expand your network, as it brings people together to exchange contact details and business information. Bring your own business cards—and your smile! Who should attend: new members, non-members, first-time attendees, and experienced Annual Meeting attendees interested in making new contacts.

**LUNCHEON TABLE TOPICS**  
1:15PM - 3:15PM  
Fira Gran Via Hall 8.0 - D2

**India Jurisdiction Task Force**  
2:00PM - 3:00PM  
Fira Gran Via CC8 - 8.5

**Grand Finale**  
7:00PM - 11:00PM  
Ocean Promenade, Passeig Maritim 34, 08003 Barcelona

Enjoy an evening at Barceloneta Beach. Explore the different restaurants on the boardwalk and enjoy the music and atmosphere, all while networking with registrants one last time during the Meeting.

**After Party**  
11:30PM - 02:00AM  
Opium

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**We protect the work of those who are creating a new world**

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<tr>
<th>NAME</th>
<th>START</th>
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<tbody>
<tr>
<td>Registration</td>
<td>07:30AM</td>
<td>2:00PM</td>
<td>Fira Gran Via</td>
<td>Hall 8 Lobby</td>
</tr>
<tr>
<td>Hospitality</td>
<td>07:30AM</td>
<td>2:00PM</td>
<td>Fira Gran Via</td>
<td>Hall 8 Lobby</td>
</tr>
<tr>
<td>Breakfast Table Topics</td>
<td>08:00AM</td>
<td>10:00AM</td>
<td>Fira Gran Via</td>
<td>Hall 8.0 - D2</td>
</tr>
<tr>
<td>Continental Breakfast</td>
<td>08:00AM</td>
<td>10:00AM</td>
<td>Fira Gran Via</td>
<td>Hall 8.1</td>
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Continental breakfast will be served daily until 10:00 am in the Hospitality Area in Hall 8.1.

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<tbody>
<tr>
<td>Advocacy Group Council</td>
<td>08:00AM</td>
<td>10:00AM</td>
<td>Fira Gran Via</td>
<td>Hall 8.0 - C1</td>
</tr>
<tr>
<td>Communications Group Council</td>
<td>08:00AM</td>
<td>10:00AM</td>
<td>Fira Gran Via</td>
<td>CC8 - 8.17 - 8.18</td>
</tr>
<tr>
<td>Resources Group</td>
<td>08:00AM</td>
<td>10:00AM</td>
<td>Fira Gran Via</td>
<td>Hall 8.0 - E4</td>
</tr>
<tr>
<td>Sponsors Breakfast (By invitation only)</td>
<td>08:30AM</td>
<td>09:30AM</td>
<td>Fira Gran Via</td>
<td>Hall 8.0 - B4</td>
</tr>
<tr>
<td>Judges Training Paraguay</td>
<td>10:00AM</td>
<td>11:00AM</td>
<td>Fira Gran Via</td>
<td>CC8 - 8.5</td>
</tr>
<tr>
<td>Exhibition Hall</td>
<td>10:00AM</td>
<td>2:00PM</td>
<td>Fira Gran Via</td>
<td>Hall 8.1</td>
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Visit the 100+ exhibitors displaying their products and services. Exhibitors include trademark solution providers, law firms, media companies, IP offices, trade associations, and government offices.

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<tbody>
<tr>
<td>Global Advisory Councils Co-Chairs and Staff Liaisons</td>
<td>10:15AM</td>
<td>11:15AM</td>
<td>Fira Gran Via</td>
<td>CC8 - 8.19 - 8.20</td>
</tr>
<tr>
<td>CW01 Contracts with Vertical Restrictions: Trademarks and Selective Distribution Agreements—Protecting Distribution Networks Around the World with Trademarks (Intermediate Level)</td>
<td>10:15AM</td>
<td>11:30AM</td>
<td>Fira Gran Via</td>
<td>Hall 8.0 - D1</td>
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Experienced IP experts will discuss:
- How trademark owners use trademarks to protect their distribution network
- Enforcing trademark rights beyond exhaustion
- Value of trademark rights once the product is already in the market
- Defending your distribution strategies in the face of anticompetition issues

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<tr>
<td>RW01 Regional Update:Developing an IP Strategy for South East Asia/Australia/New Zealand (Beginner to Intermediate Level)</td>
<td>10:15AM</td>
<td>11:30AM</td>
<td>Fira Gran Via</td>
<td>Hall 8.0 - A1</td>
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This is a moderated panel discussion about IP strategy within the region with Q&A opportunity. Join speakers from the region who have experience developing an IP strategy as they discuss:
- Brief case law and legislation update.
- IP pitfalls and strategies around doing business in the region, illustrated with real-life examples.

...means something entirely different

You are the backbone of the IP industry. You care more, worry more, are insanely diligent and relentlessly passionate. Not everyone has what it takes. We get you.

We speak the same language.