Preliminary Program

December 8, 2011
Radisson Blu Royal Hotel
Dublin, Ireland
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Overview

This is the moment for which we have all been waiting!

Over an eighteen-month period, EU institutions, trademark offices, academics and users engaged in a review of the trademark system in Europe. The legal environment, as well as areas in need of harmonization and change, have been scrutinized in an attempt to develop procedures and processes that are fit for the challenges of the 21st century. The study prepared by the Max Planck Institute for IP and Competition Law – a 290 page document – was published by the European Commission in March 2011. On May 26, 2011, the Commission convened a Hearing of User Associations to discuss a number of specific proposals contained in the MPI study. The trademark community is now looking forward to the proposals of the Commission, expected in the near future.

This one-day conference on Thursday, December 8, 2011 in enchanting Dublin is your opportunity to gain first-hand information. Leading trademark professionals from the bench, bar, government, academia, trademark offices and users, will share their views, insights and knowledge on:

- Consistency and harmonization of EU trademark law and practice
- Exclusive rights and protection of competition – exceptions, limitations and defenses
- Alleged cluttering of the Community and National Trademark Registers
- Acquired distinctiveness – potential effects of the Study results
- Jurisdiction and enforcement issues

Invest a day at this advanced-level conference and take away the latest information on changes relating to trademark office practices that will affect your everyday operation, gain a better understanding of the anticipated proposals to improve the European trademark system, and network as well as build relationships with high level professionals and officials.

Stay an extra day and attend INTA’s European Conference on Trademarks and the Internet, on Friday, December 9, to maximize your time and also be brought up to date on the latest issues concerning trademarks and the Internet.
Program

Agenda

Thursday, December 8, 2011

8:00 am – 9:00 am  Registration and Continental Breakfast

9:00 am – 9:30 am  Welcome and Keynote Address

Alan C. Drewsen, Executive Director, International Trademark Association (United States)

Niamh Hall, Conference Chairperson, FRKelly (Ireland)

Keynote Speaker:
Antonio Campinos, President, Office for Harmonization in the Internal Market (OHIM) (Spain)

9:30 am – 11:00 am  General Session I
In Search of the Holy Grail – Bringing Harmony and Consistency to the Pan-European Trademark Scene

Is harmonization possible in the European Union, where each country has a different cultural and legal background? Given the same set of circumstances, each country decides in the same manner – is that the Holy Grail? How do we get there? What should the priorities be for consistency and harmonization? What types of legislative and cooperation tools are required in order for consistency and harmonization to
be successful?

Answers to these questions, and more, will be provided by a distinguished panel of experts who will share their views and prognoses for the future.

Moderators:
Ingrid Desrois, (France)
Marek Lazewski, LDS Lazewski Depo & Partners (Poland)

Speakers:
Honorable Mrs. Justice Fidelma Macken, Supreme Court of Ireland (Ireland)
Marek Lazewski, LDS Lazewski Depo & Partners (Poland)
Alexander von Mühlendahl, Bardehle Pagenberg (Germany)
Vincent O’Reilly, Office for Harmonization in the Internal Market (OHIM) (Spain)

11:00 am – 11:15 am Break

11:15 am – 12:45 pm General Session II
Correcting the Distortion or Over-Compensating? Rebalancing Exclusive Rights and Protection of Competition through Exceptions, Limitations and Defenses

Trademark registrations as exclusive rights can have an effect on competition, but because of their beneficial and necessary status to traders, they are acknowledged as an intrinsic part of the system of undistorted competition. The increasing harmonization of IP laws and development of exceptions, limitations and defenses are an attempt to balance those competing interests. Discuss the suggested proposals in these areas and how the proposed changes would affect trademark practice.

Key proposals:
- Creation of a distinction between two categories of double identity
- Introduction of an honest referential use exception
• Changes to the proviso on honest practices in industrial and commercial matters
• Changes to the limitations on technical, functional and value-conferring characteristics
• General requirement for all shape marks to provide evidence of acquired distinctiveness for registration
• Changes to defenses: own name, non-use defense under national laws, earlier and intervening rights and time limits for claims

Moderator:
Niamh Hall, FRKelly (Ireland)

Speakers:
David Stone, Simmons & Simmons (United Kingdom)
Alexander von Mühlendahl, Bardehle Pagenberg (Germany)

12:45 pm – 2:00 pm Lunch

2:00 pm – 3:30 pm Session III
To be Cluttered or Not to be Cluttered: Congestion of the CTM and National Trademark Registers?

Are the Registers cluttered? If so, how can this situation be rectified? Experts discuss points contained in the report of the Max Planck Institute that may be reflected in the proposals from the Commission, including:

• Use of class headings
• Reduction from three classes to one class
• Genuine use of a Community trademark
• Appropriate level of distinctiveness

Panelists will also discuss whether the CTM will be attractive if some of the proposed “restrictions” are to be carried through.

Moderator:
Tove Graulund, Graulund IP Services (Denmark)

Speakers:
Paul Iddon, Kernel Global A/S (United Kingdom)
David Stone, Simmons & Simmons (United Kingdom)
Philippe Vandeuren, Anheuser-Busch InBev S.A. (Belgium)

3:30 pm – 3:45 pm  Dessert Break

3:45 pm – 4:45 pm  General Session IV
Where Do We Stand on Acquired Distinctiveness and Where Are We Going?

Panelists tackle and debate issues contained in the MPI Study’s findings with respect to acquired distinctiveness, including:

- Territorial issues that arise regarding marks for which an Article 7 objection applies throughout the EU, and marks for which the scope of an Article 7 objection is limited to specific EU counties as a result of linguistic (or other) considerations
- Whether there are special considerations with respect to shape and color marks

Moderator:
Jonathan Clegg, Cleveland (United Kingdom)

Speakers:
Mette Andersen, LEGO Juris A/S (Denmark)
Niamh Hall, FRKelly (Ireland)

4:45 pm – 5:00 pm  Break

5:00 pm – 6:30 pm  General Session V
Jurisdiction and Enforcement

Using a hypothetical fact pattern involving actual and potential infringements in several jurisdictions, learn about:

Jurisdiction to adjudicate:
- Which courts have jurisdiction – national courts or CTM courts?
- The territorial effect of a judgment
- Whether you can seek a preliminary injunction
- Whether there is a risk of a declaratory action, and
- Whether there is a risk of counterclaims
Applicable law:
- What law will be applied for:
  - Injunctive relief
  - Damages
  - Information requests
- Whether the court will have to apply several different laws
- Whether the choice of law can be influenced by the parties

Jurisdiction to enforce:
- How a decision can be enforced (whether it be an injunction or a damage award or an information order).
- Who has to pay, give information, and who goes to jail in the end?

Moderator:
Christoph Kleiner, Kleiner Rechtsanwälte Partnerschaftsgesellschaft (Germany)

Speakers:
Paul Gallagher SC (Ireland)
Jürgen Kroher, Kroher Strobel (Germany)
Marek Lazewski, LDS Lazewski Depo & Partners (Poland)

6:30 pm  **Wrap-Up / Adjournment**
Niamh Hall, Conference Chairperson, FRKelly (Ireland)

Alan C. Drewsen, Executive Director, International Trademark Association (United States)

6:30 pm – 8:00 pm  **Reception**
Continuing Legal Education

Most INTA educational programs are accredited in Belgium (OBFG), France (CNB), Italy (CNF) and Ireland (Law Society). Lawyers from other countries/bar associations can request a general Certificate of Attendance onsite. For details visit the webpage of each program or contact INTA's CLE Administrator at +1-212-768-9887 or cle@inta.org

Project Team

INTA would like to thank the Project Team for its excellent work in planning and presenting this conference.

**Chairperson:**
Niamh Hall, FRKelly (Ireland)

**Project Team Members:**
Jonathan Clegg, Cleveland (United Kingdom)
Ingrid Desrois, (France)
Tove Graulund, Graulund IP Services (Denmark)
Christoph Kleiner, Kleiner Rechtsanwalte Partnerschaftsgesellschaft (Germany)
Marek Lazewski, LDS Lazewski Depo & Partners (Poland)

**INTA Staff Liaisons:**
Ann Eng, Director of Education (United States)
Paula Lee, CMP, Senior Exhibition & Sponsorship Planner (United States)
Christina Sleszynska, Europe Representative (Belgium)
Carla Schwartz, Manager, External Relations, Europe (United States)
Milesh Gordhandas, Assistant Europe Representative (Belgium)
Sponsorship

PLATINUM SPONSOR – US $ 1,500

- Recognition as a Platinum Sponsor in the Final Program & Attendee List and on the INTA Website
- Two full registrations
- One piece of collateral or a giveaway to be placed on a general table by the Registration Desk
- A hyperlink to your website from the INTA website
- A one-time use of the Attendee Mailing List (pre- and post-registration); includes attendee name, company and mailing address (no email address)
- Sponsor ribbons for all attendees from your firm
- Company logo recognition on signage at Registration
- 200 word company description in the Final Program & Attendee List and on the INTA Website
- Company logo listed on walk-in session PowerPoint slides

GOLD SPONSOR – US $ 1,000

- Recognition as a Gold Sponsor in the Final Program & Attendee List and on the INTA Website
- One full registration
- One piece of collateral or a giveaway to be placed on a general table by the Registration Desk
- A hyperlink to your website from the INTA website
- A one-time use of the Attendee Mailing List (pre- and post-registration); includes attendee name, company and mailing address (no email address)
- Sponsor ribbons for all attendees from your firm
- Company logo recognition on signage at Registration
- 100 word company description in the Final Program & Attendee List and on the INTA Website
- Company logo listed on walk-in session PowerPoint slides

BRONZE SPONSOR – US $ 750

- Recognition as a Bronze Sponsor in the Final Program & Attendee List and on the INTA Website
- A hyperlink to your website from the INTA website
- A one-time use of the Attendee Mailing List (pre-registration); includes attendee name, company and mailing address (no email)
- Sponsor ribbons for all attendees from your firm
- Company logo recognition on signage at Registration
- 50 word company description in the Final Program & Attendee List and on the INTA Website
- Company logo listed on walk-in session PowerPoint slides
Hotel and Travel

Hotel

Radisson Blu Royal Hotel

Golden Lane
Dublin 8, Ireland
Phone: +353 1 898 29 00
Fax: +353 1 898 29 04
Website: www.radissonblu.ie/royalhotel-dublin/

Reservations and Room Rates

INTA has negotiated a lower lodging rate for your convenience. The rate is available three (3) days prior through three (3) days after the published conference dates. The hotel will not offer a rate lower than the INTA agreement.

Rate: €155.00 Single/Double Occupancy. Includes breakfast, guest room Internet and access to exercise facility.

Please fill out the hotel booking form and email the form to reservations.royal.dublin@radissonblu.com or fax it directly to +353 1 898 29 04. Alternatively, you may reserve by telephone. Call +353 1 898 29 00 to make your reservation and inform the agent that you are booking a guest room for the International Trademark Association Conference.

Reservations are accepted on a first come, first served basis until the room block is filled or no later than MONDAY, SEPTEMBER 26, at which time reservations are accepted on a space and rate availability basis only. Additionally, please note the following important hotel lodging information:

- Your hotel reservation must be guaranteed with a major credit card
- No-shows will be charged full room revenue for the dates of the reservation.

Visa

For more information about visa requirements to enter the Republic of Ireland, visit this page from the Irish Department of Foreign Affairs and Trade or contact the Irish Embassy/Consulate in your region.
International Trademark Association  
European Trademark Reforms Conference - December 8, 2011

Make your hotel registration by completing this form (one form per participant) in BLOCK LETTERS and fax or mail to:

Radisson Blu Royal Hotel Reservations  
Golden Lane, Dublin 8, Ireland  *  Tel: +353 1 898 29 00  *  Fax: +353 1 898 29 04  
Email: reservations.royal.dublin@radissonblu.com

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<th>Participant Details:</th>
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<tbody>
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<tr>
<td>Address: …………………………………………………………………………………………</td>
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<td>Phone number: ………………..</td>
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<td>Email address: ……………………………………………………………………………………….</td>
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<td>Dates of Stay: From …………………………. to ………………………………….</td>
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<th>Accompanying person(s) Details:</th>
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<tr>
<td>Last name: ………………</td>
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<tr>
<th>Guarantee / Payment instructions:</th>
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| □ Swift/Bank transfer prior to arrival to: Allied Irish Bank, 100 Grafton St., Dublin 2  
  Account 19817049  
  S/C: 93-10-47  
  IBAN: IE68 AIBK 9310 4719 817049  
  Swift Code: AIBKIE2D  
  (Reference: Conference and Delegate’s name) |
| □ Visa  □ MasterCard  □ American Express |
| Cardholder’s Name: ………………………………………………………………………………………. |
| Card number: …………………………….  | Exp. date: ……….  | Security Code: ……………. |
| Billing address: ………………………………………………………………………………………. |

**Guarantee:** The rooms must be guaranteed for all individual reservations. Please forward a valid credit card number and expiry date in order to guarantee your reservation. Alternatively the hotel also accepts a prepayment via cheque or bank transfer (see details above).

**Method of Payment:** Guest settles own account for accommodation and any incidental charges directly with the hotel on departure.

**Cancellation Policy:** A cancellation free of charge is possible up to 7 days prior to the day of arrival. For any cancellations after this time and no-shows, the full accommodation cost will be charged to the credit card provided.

Date: …………………………………… | Signature: ……………………………………….
Pricing and Policies

Fees

Early Registration on or before MONDAY, OCTOBER 3, 2011

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<th>Category</th>
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<th>Government/Non-profit</th>
<th>Student/Professor</th>
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<td>US $450</td>
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Registration after MONDAY, OCTOBER 3, 2011

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The registration fee covers access to the online meeting portal which includes course materials, applicable conference printed materials (*Final Program and Attendee Directory*), admission to continental breakfast, luncheon, refreshment breaks and networking welcome reception.

Proof of government/nonprofit/academic status may be required. Contact customerservice@inta.org.

Membership:

INTA Members enjoy a discount rate for this and other educational programs. To find out more about membership benefits and services, and to join, visit our membership page here or contact the INTA staff onsite.
Policies

Final Program and Attendee Directory

To be included in the official Final Program and Attendee Directory distributed at the meeting, INTA must receive your registration by Friday, November 18, 2011.

Tuition Assistance

Tuition Assistance is available for households earning less than US $35,000 per year. For more information and to apply, please request an application by sending an email to cle@inta.org.

Badges and Admittance

Only persons registered as full participants for this meeting are admitted to educational sessions, meals and receptions. Those properly registered will receive an INTA name badge that is unique to this conference. Name badges must be worn at all times to gain access to all official INTA functions. Anyone found counterfeiting, copying or sharing badges, may be subject to sanctions up to and including removal from the meeting and revocation of your INTA membership.

Cancellation and Refund Policies

Full refunds are issued only if a program cancellation is received in writing by Friday, November 18, 2011. A cancellation received after that date is subject to a US $100 service charge. No refunds will be issued for this program after Friday, November 25, 2011 at 5:00 pm EST.

Please send your cancellation request to customerservice@inta.org.

A Note for Persons with Special Needs

Accommodations are provided for those with disabilities and special needs. If you have a special need or request, or are in need of auxiliary aids or services, please contact Paula Lee at plee@inta.org.
# Register

## How to Register


Credit card payment is the only option

## Important Dates

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<tr>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td><strong>Today</strong></td>
<td>Ensure that you have the proper travel documents for your travel to Ireland. Reserve your hotel room, and begin to plan your travel arrangements.</td>
</tr>
<tr>
<td>Monday, October 3, 2011</td>
<td>Early bird registration fee expires</td>
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<tr>
<td>Monday, September 26, 2011</td>
<td>Reduced hotel rate expires, unless room block is filled. Lodging may still be reserved but is subject to space and rate availability.</td>
</tr>
<tr>
<td>Friday, November 25, 2011</td>
<td>No refunds are given for registration cancellations after this date.</td>
</tr>
<tr>
<td>Friday, November 25, 2011</td>
<td>Advance (online) registration closes. After this date, you may only register onsite and your name will not be included in the print <em>Final Program and Attendee Directory</em>.</td>
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