



**European Conference
on Trademarks and
the Internet**

December 9 | Dublin



Preliminary Program

**INTA European Conference on
Trademarks and the Internet**

**Online Infringement -- Opportunities and Threats
in a Rapidly Changing Landscape**

**December 9, 2011
Radisson Blu Royal Hotel
Dublin, Ireland**



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Overview

*How is the online landscape changing?
Are you asking the right questions?*

Online brand name protection is a critical priority for brand owners.

With the meteoric growth of commerce, marketing and communication on the worldwide web, brand owners, legal counsel and users of the Internet are increasingly confronted with a rapidly changing landscape and an array of practical as well as legal issues and concerns such as:

- How is my brand perceived on the web?
- As 2012 will see a changing landscape on the Internet with the arrival of hundreds of new types of generic top level domains (new gTLDs), what threats and opportunities will these bring to consumers and business?
- How will existing mechanisms such as the UDRP cope? What are the new rights protection mechanisms that are contemplated? How will they affect brand owners?
- Are courts and government moving towards clarity with respect to the standards for liability of intermediaries, such as search engine and marketplace sites?
- In view of the delicate balance between promotion opportunities and the risk of backlash, how does one deal with the new social media and networking platforms?
- What are the litigation strategies for dealing with infringement in a new online environment?

Attend this advanced-level conference in Dublin, Ireland, on Friday, December 9, 2011 at the Radisson Blu Royal Hotel, to get answers to these questions and more from a variety of subject experts from across the globe. Learn about the changing landscape of online infringement as well as the role of the INTA Internet Committee and its work in shaping the future of the Internet.

Arrive in Dublin a day earlier and also attend INTA's **European Trademark Reforms Conference** on Thursday, December 8, 2011.



Program

Agenda

Friday, December 9, 2011

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

9:00 am – 9:20 am Welcome

9:20 am – 10:40 am General Session I
New Generic Top Level Domains

The decision to limitlessly increase the number of generic top level domains (gTLD) has spawned a significant number of complex issues, and will result in future changes to the global domain name system and the Internet landscape. How will this affect online brand protection strategies? Should one object or apply? What are the threats and the opportunities for brand owners and businesses? Can there be a real competitive advantage? What are the positions of the International Trademark Association and other stakeholders?

Experts on these issues will discuss:

- New gTLDs, and their *raison d'être*
- Enforcement in a new world and new Rights Protection Mechanisms (RPMs)
 - Uniform Rapid Suspension System (URS)
 - Trademark Clearinghouse

- Opportunities for brand owners to apply for a new gTLD such as .BRAND
- Uniform Domain Name Dispute Resolution Policy (UDRP) and its evolution over the last decade
 - Electronic Uniform Domain Name Dispute Resolution Policy (eUDRP)
 - ICANN Policy Development Process (PDP)
- Recent developments at Internet Corporation for Assigned Names and Numbers (ICANN)
- The Three Rs -- Who do you sue? Registrant / Registrar / Registry and their potential liability – a move to intermediary liability?

Moderator:

David Taylor, Hogan Lovells International LLP
(France)

Speakers:

Brian Beckham, World Intellectual Property
Organization (WIPO) (Switzerland)

Stacey King, Richemont (United Kingdom)

Russell Pangborn, Microsoft Corporation (United
States)

Nick Wenban-Smith, Nominet UK (United Kingdom)

10:40 am – 11:00 am

Break

11:00 am – 12:10 pm

General Session II

Search Engines and Marketplaces

Keyword advertising is a lucrative business; however, brand owners and companies are becoming increasingly concerned with how their brands or trademarks are being used. Does misuse constitute trademark infringement? What do the courts around the world have to say? What is the current status of marketplace liability and where is this going?

Distinguished panelists will discuss:

- Recent case law developments in the European Union
- The brand owner's perspective, and how they deal with these problems
- The search engine company's perspective, including policy, business rationale and take down procedures
- What can be learned from the United States courts?
- The Online Marketplace – where to next for brand owners?

Moderator:

Nick Bolter, Edwards Angell Palmer & Dodge UK LLP
(United Kingdom)

Speakers:

David H. Bernstein, Debevoise & Plimpton LLP
(United States)

Louise Delcroix, eBay Inc. (France)

Harjinder Ohbi, Google

Gregor Vos, Klos Morel Vos & Schaap (Netherlands)

12:10 pm – 12:30 pm

General Session III

Internet Committee Update

Be brought up to date on what the INTA Internet Committee and Subcommittees are doing to fulfill the Association's mission of ensuring trademark protection on the Internet and protecting consumers.

Speaker:

Claudio DiGangi, International Trademark Association
(United States)

12:30 pm – 2:00 pm

Lunch

2:00 pm – 3:10 pm

General Session IV

The Rise of Social Media: The Legal Risks and Benefits to Brand Owners, Advertisers and Users

The concept of social media has taken the world by storm. Once a medium for social communication and interaction, social media has morphed into a highly effective marketing platform. Recognizing the phenomenal amount of exposure and reach that can

be achieved in social fora, traders and brand owners are increasing their presence on social sites, but not without liability issues and repercussions.

Leading authorities will discuss:

- Optimizing these new tools while protecting your brands
- Potential IP breaches of images and videos, including that which lies ahead
- Digital Millennium Copyright Act (DMCA) notice and take down
- E-Commerce Directive
- Whether fan page creators and social network providers are host providers or content providers
- Whether a fan page is considered a forum or a blog, and to what extent does the degree of liability differ?
- Advertising techniques and consequences
- Privacy issues, including risks and benefits to users, as well as the EU Cookies Directive

Moderator:

Giulio Coraggio, DLA Piper Italy (Italy)

Speakers include:

Stacey King, Richemont (United Kingdom)

Michael Leadbeater, William Hill (United Kingdom)

Russell Pangborn, Microsoft Corporation (United States)

3:10 pm – 3:30 pm

Break

3:30 pm – 4:30 pm

General Session V

Domain Name Litigation Strategies

In anticipation of litigation stemming from the new gTLDs, be prepared in advance with strategies for defending your client's interests. By reviewing current case law and analyzing the emerging domain name marketplace, expert litigators will extrapolate future trends to determine the best ways to proceed.

Issues to be discussed dealing with complexities surrounding jurisdiction include:

- Potential intermediary liability following the *L'Oréal v eBay* judgment
- Foreign government cessation of domain names at registry level based on registries being located in that jurisdiction
- The evolution of domain name infrastructure marketplace (registries/registry infrastructure providers/registrars/resellers) and its impact on litigation options
- Seizing a cybersquatter's portfolio of names to collect judgment

Moderator:

Michael Palage, Afilias Limited (Ireland)

Speakers Include:

David H. Bernstein, Debevoise & Plimpton LLP
(United States)

Ronan Lupton, Ronan Lupton B.L. (Ireland)

Okke Delfos Visser, MPAA Europe

Nick Wenban-Smith, Nominet UK (United Kingdom)

4:30 pm – 4:45 pm

Break

4:45 pm – 5:45 pm

General Session VI
The Final Platform

Join this highly interactive session with conference speakers to discuss:

- Search engines
- Concealment
- Privacy protection
- Combating counterfeiting online
- Social searching

Moderator:

Russell Pangborn, Microsoft Corporation (United States)

Speakers:

Conference Panelists

5:45 pm – 6:15 pm

Keynote Speaker:

Dr. Stephen Crocker, Board Chair, Internet
Corporation for Assigned Names and Numbers
(ICANN) (United States)

6:30 pm Wrap up / Adjourn

6:30 pm - 8:00 pm Reception

Continuing Legal Education

This conference qualifies as an educational program for CLE and CPD credits. Accreditation is pending for Belgium (OBFG), France (CNB) and Italy (CNF). Practitioners from other bar associations can request a Certificate of Attendance. For more information, please email cle@inta.org or stop by the Registration and Information Desk at the conference.

Project Team

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

Chairperson:
David Taylor, Hogan Lovells International LLP (France)

Team Members:
Nicholas Bolter, Edwards Angell Palmer & Dodge UK LLP (United Kingdom)
Giulio Coraggio, DLA Piper Italy (Italy)
Michael Palage, Afiliias Limited (Ireland)
Russell Pangborn, Microsoft Corporation (United States)

Staff Liaisons:
Ann Eng, Director of Education, International Trademark Association (United States)
Paula Lee, Senior Exhibition & Sponsorship Planner, International Trademark Association (United States)
Claudio DiGangi, Manager, External Relations - Internet & The Judiciary, International Trademark Association (United States)

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

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 or fax it directly to +353 1 898 29 04. Alternatively, you may reserve your room by phone. 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.

International Trademark Association European Conference on Trademarks and the Internet December 9, 2011

Register 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

Participant Details:

Last name: First Name: Title:

Address:

Phone number: Fax number:

Email address:

Dates of Stay: From..... to

Accompanying person(s) Details:

Last name: First Name:

Guarantee / Payment instructions:

- Swift/Bank transfer **prior 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

Member	US \$450
Nonmember	US \$550
Government/Non-profit	US \$300
Student/Professor	US \$200

Registration after MONDAY, OCTOBER 3, 2011

Member	US \$500
Nonmember	US \$600
Government/Non-profit	US \$300
Student/Professor	US \$200

***Tuition Assistance is available for households earning less than US \$35,000 per year. To apply, email cle@inta.org**

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

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 may be available to eligible professionals on the basis of financial hardship. 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

www.inta.org/2011EUInternet

*Credit card payment is the only option.

Important Dates

Today

Ensure that you have the proper travel documents for your travel to Ireland. Reserve your hotel room, and begin to plan your travel arrangements.

Monday, September 26, 2011

Reduced hotel rate expires, unless room block is filled. Lodging may still be reserved but is subject to space and rate availability.

Monday, October 3, 2011

Early bird registration fee expires

Friday, November 25, 2011

No refunds are given for registration cancellations after this date.

Friday, November 25, 2011

Advance (online) registration closes. After this date, you may only register onsite and your name will not be included in the print *Final Program and Attendee Directory*.