

Why are trademarks important?

Trademarks play an essential role in protecting consumers and in promoting global economic growth.

- Trademarks promote freedom of choice and enable consumers to make quick, confident, and safe purchasing decisions.
- Trademarks and other intellectual property (IP) encourage vibrant competition, which benefits consumers, job holders, brand owners, and society at large.
- Studies undertaken by INTA (see “INTA Impact Studies,” below) found the contribution of trademark-intensive industries to gross domestic product (GDP) varied between 17 percent and 50 percent in Southeast Asia, and between 10 percent and 21 percent in Latin America. Similar government reports published in Europe and the United States demonstrate how IP-intensive industries contribute an average of 40 percent to their respective GDP values.
- IP supports millions of jobs across multiple industries. These jobs have wages that are notably higher than in non-IP industries—between 4.6 percent and 25 percent higher in Latin America, and 46 percent higher in the European Union (EU) and the United States.

INTA Impact Studies

INTA's Impact Studies Committee commissions and coordinates research projects and studies on behalf of the Association.

- INTA published *The Economic Contribution of Trademark-Intensive Industries in Indonesia, Malaysia, the Philippines, Singapore, and Thailand* (August 2017), analyzing the contribution of trademark-intensive industries to five major economies in Southeast Asia, with a focus on GDP, share of exports, and employment.
- INTA commissioned the *New gTLD Cost Impact Survey* (May 2017) to determine the impact of the new gTLD program on trademark enforcement.
- Commissioned by INTA and ICC-BASCAP, *The Economic Impacts of Counterfeiting and Piracy* (February 2017) examines the scope of counterfeiting and piracy in international trade. The report provides estimates on the wider social and economic impacts on displaced economic activity, investment, public fiscal losses, and criminal enforcement.
- INTA and ASIPI collaborated on *Trademarks in Latin America: A study of their economic impact in five countries in the region* (December 2016) to determine the impact of trademark-intensive industries on the economies of Chile, Colombia, Mexico, Panama, and Peru. The study focuses on the contribution of trademarks to the GDP, external trade, tax revenue, foreign direct investment, job creation, employment, and wages.

What is INTA?

The International Trademark Association is a global association of brand owners and professionals dedicated to supporting trademarks and related IP to foster consumer trust, economic growth, and innovation.

- **Membership:** INTA's members are more than 7,200 organizations from 191 countries. INTA members collectively contribute almost US \$12 trillion/€8.8 trillion/¥73 trillion to global GDP annually. For comparison, the 2016 annual GDP of the top three markets was \$11.2 trillion (China), \$16.4 trillion (EU), and \$18.6 trillion (United States). INTA's member organizations represent some 32,000 trademark professionals and include brand owners from major corporations as well as small and medium-sized enterprises, law firms, and nonprofits. There are also government agency members as well as individual professor and student members.

Except for a few limited categories, INTA membership is not by individual but by organization. Every employee at a member organization's location can take advantage of member benefits and volunteer for a committee, project team, or other service opportunity.

- **Global presence:** INTA undertakes advocacy work throughout the world and offers educational programs and informational resources of global interest. The Association has headquarters in New York City; offices in Brussels, Santiago, Shanghai, Singapore, and Washington, D.C.; and representatives in Geneva and New Delhi. As a not-for-profit association, INTA's role is to serve its members and society as a trusted and influential advocate for the economic and social value of brands.

2018–2021 Strategic Plan

INTA's 2018–2021 Strategic Plan focuses on the following three strategic directions:

1. Promote the value of trademarks and brands

- Encourage the protection of trademarks and related IP
- Support the harmonization of laws and convergence of practices
- Support trademark enforcement
- Promote the business value of brands

2. Reinforce consumer trust

- Reinforce trademarks as sources of information and brands as promises of delivery

- Communicate the contribution of brands to economies and society
- Promote brand equity

3. Embrace innovation and change

- Evaluate changes as a result of technology, innovation, and evolving consumer needs and values
- Educate members on the impact of innovation, technology, and change on brands
- Provide innovative, valuable services to members

Volunteer Involvement: To implement the Strategic Plan, more than 3,000 talented and dedicated volunteers serve on INTA's nearly 200 different committees, subcommittees, and project teams. The Association's committees form three major groups: Advocacy, Communications, and Resources.

Policy Development and Advocacy

Testimony and Submissions submitted on:

- Brazilian Draft Guidelines on Industrial Designs (INPI—February 2018)
- EUIPO Anti-Scam Network (EUIPO—January 2018)
- IP Key Cooperation Programmes (European Commission (DG TRADE)—December 2017)
- EU Regulatory Framework on Intellectual Property Rights (European Commission (DG GROW)—November 2017)
- Appointment as Intellectual Property Enforcement Coordinator to the United States Administration (US Government—August 2017)
- Streamlined Version of Cancellation Proceedings on Grounds of Abandonment and Nonuse (USPTO—July 2017)
- Fraudulent Solicitation Notices (USPTO—July 2017)
- Proposed Amendments to the Trademark Regulations (Canadian Intellectual Property Office Public Consultations—July 2017)
- Draft Guidelines for Examination of Applications for Registered Community Designs and Design Invalidity Applications (EUIPO—June 2017)
- Draft Act Banning the Use of Symbols of Totalitarianism in Hungary (European Commission, EU Member States Permanent Representations in Brussels, the Hungarian Intellectual Property Office, and relevant Hungarian Ministries—June 2017)

Amicus Briefs filed:

- On January 23, 2018, INTA submitted an amicus brief with the U.S. Court of Appeals for the Federal Circuit in the matter of *NantKwest v. Matal*. INTA's brief urges the court to uphold the decision of the Eastern District of Virginia that an applicant seeking federal district court review of a determination by the Patent Trial and Appeal Board is not required by 35 U.S.C § 145 to pay attorneys' fees to the Patent and Trademark Office as part of the "expenses" of that proceeding.
- On December 6, 2017, INTA filed an amicus brief to the U.S. Court of Appeals for the District of Columbia Circuit in the case of *American Society for Testing and Materials et al. v. Public.Resource.Org, Inc.* INTA is advocating that the court should rule that the trademark owners may assert Lanham Act claims over misattribution or unauthorized use of trademarks in connection with goods that contain copyrightable materials.
- On December 16, 2016, INTA submitted an amicus brief to the Supreme Court of the United States in the case of *Matal v. Tam*. This case covers a matter of great importance to INTA's membership: the registrability of trademarks under U.S. trademark law, otherwise known as the Lanham Act. The Lanham Act, including provisions governing trademark registrations, must be consistently applied, but the "may disparage" provision of Section 2(a) of the Lanham Act has been inconsistently interpreted and applied. INTA's brief asserts that the Court should rule that the "may disparage" provision of Section 2(a) of the Lanham Act, as drafted, is unconstitutional.

Board Resolutions passed:

- Copyright Registration as a Precondition of Infringement Suit (November 2017)
- Model Design Law Guidelines (November 2017)
- Copyright Protection of Trademarked Material (September 2017)
- Hague Convention on Recognition and Enforcement of Judgments (September 2017)
- Amendment of the Lanham Act to Include a Rebuttable Presumption of Irreparable Harm (May 2017)

Recent Achievements:

- *2018 INTA India Delegation and Workshop*: In March 2018, an INTA delegation of members and staff traveled to New Delhi and Mumbai. Over the course of three days the delegation met with local IP attachés, the Central Board of Excise and Customs Commissioner of Customs, Invest India, the Department of Industrial Policy & Promotion, the Honorable Justice Prathiba M. Singh of the High Court of Delhi, and the Controller General of Patents, Designs and Trademarks. The 2018 India Workshop, titled "A 'Brand' New Day—Preparing for the Present and Future of Trademarks," covered the preparedness of brands and businesses to adapt to rapidly changing social, technological, and cultural landscapes.
- *Business of Intellectual Property Asia Forum (BIP Asia)*: In December 2017, INTA participated in BIP Asia, jointly organized by the Hong Kong SAR Government, Hong Kong Trade Development Council, and Hong Kong Design Centre. Entitled "IP & Innovation: Propelling Change, Growth and Connectivity," the event featured more than 80 prominent speakers and attracted more than 2,000 participants from 31 countries.

- *INTA Position on Intellectual Property Rights Issues and Brexit*: In November 2017, INTA's Board of Directors approved a position paper issued by the Brexit Cross-Committees Task Force which lists general principles and specific recommendations related to IP. INTA is advocating for pragmatic solutions that trigger minimum disruption of trade, costs, and burden for rights holders for a maximum retention of rights, transparency, and legal certainty.
 - In February 2018, a high-level INTA delegation met with UK authorities in London. The delegation met with the UK Intellectual Property Office, the City of London Police Intellectual Property Crime Unit, the Chartered Institute for Trade Marks Attorneys, and the Chartered Institute for Patent Attorneys.
- *Continued Collaboration with Vietnam Ministry of Science (MOST)*: In November 2017, INTA and MOST met in Hanoi to renew their memorandum of understanding (MOU) for an additional three years. Both parties signified their commitment to work together to develop and deliver activities that are aligned with their strategic directions. Following the MOU signing, brand owners, key industry stakeholders, IP agents, INTA, and MOST participated in a workshop on IP valuation and brand equity.
- *National Inventors Hall of Fame Anticounterfeiting Exhibit*: During the November 2017 Board of Directors Meeting in Washington, D.C., INTA unveiled a museum exhibit at the National Inventors Hall of Fame. This exhibit is intended to educate visitors on the importance of trademarks and the dangers of counterfeit goods and will be available until May 2019. More than 30,000 visitors are expected to visit the museum in 2018.
- *ICANN60*: On October 31, 2017, INTA members participated on a panel that briefed government officials on the importance of Rights Protection Mechanisms to consumers, brand owners, and national economies, during ICANN60 in Abu Dhabi, UAE. Particular emphasis was on the upcoming review of the Uniform Domain-Name Dispute-Resolution Policy and ongoing review of the Uniform Rapid Suspension System; the sunrise period; trademark claims; and the Trademark Clearinghouse. Officials were very receptive to the importance of protecting the domain name system from trademark fraud and abuse.
- *Chile Anticounterfeiting Seminar*: In October 2017, INTA held a seminar with the National Customs Service of Chile on Methods for Detecting Counterfeit Goods and Border Control Challenges in Santiago, Chile. The Latin American and Caribbean Anticounterfeiting Committee organized the event, which drew almost 100 customs officials from Chile and representatives from global brands.
- *INTA and Andean Court Magistrates Host Judges Training in Ecuador*: In October 2017, INTA hosted a judges training in Ecuador that drew 120 government representatives from the judicial branch and the Ecuadorian Institute of Intellectual Property. Topics discussed included application of Andean Law, evidence of use for cancellations actions, new criteria for determining goods and services connection coexistence, and enhanced protection of famous marks.
- *Washington, D.C., Trademark and Brands Congressional Briefing*: In October 2017, INTA hosted a U.S. Congressional Trademark Caucus (CTC) briefing on trademarks and brands with a focus on IP enforcement, outreach, and education. The briefing included remarks from CTC House of Representatives Co-Chairs, Rep. John Ratcliffe and Rep. Ted Deutch, covering consumer and business harms caused by counterfeiting. The briefing included a brand owner panel of INTA members and remarks from the USPTO Commissioner for Trademarks, Mary Boney Denison, and Deputy Director of the National IPR Coordination Center, William Ross.
- *Belgium Online Counterfeiting Policy Dialogue*: In October 2017, INTA co-hosted a policy dialogue with the Belgian Anticounterfeiting Association focused on combating online counterfeiting. The event brought together key stakeholders on this issue, namely, government (including EU Commission and the Belgian Central Administration for Customs and Excises), brand owners, and online platforms. This was the first of INTA's online counterfeiting policy dialogues to be held on Europe.
- *Canada Anticounterfeiting Policy Dialogue*: In October 2017, INTA co-hosted a policy dialogue with the Canadian Anti-Counterfeiting Network and the Canadian Intellectual Property Council. Titled "Combating a Tsunami of Counterfeits, Piracy and Fraud: Protecting the Health, Safety and Economy of Canada," the event in Ottawa, Canada, was attended by representatives from Global Affairs Canada; Innovation, Science and Economic Development Canada; Royal Canadian Mounted Police; and U.S. Homeland Security.
- *INTA Delegation to 2017 China Trademark Festival*: Taking place in September 2017, in Guilin, Guangxi Zhuang Autonomous Region, the theme of the 2017 China Trademark Festival was "To Protect Trademarks and Brands, and Share Innovation and Development." INTA held meetings with the China Trademark Association, and the State Administration for Industry and Commerce Vice Minister Liu Junchen, and hosted a panel presentation on China's One Belt, One Road infrastructure program.

Education

INTA's **Annual Meeting** is the world's largest meeting of trademark and brand protection professionals. In May 2017, more than 10,600 registrants attended the 139th Annual Meeting in Barcelona, Spain. It was INTA's third Annual Meeting to take place in Europe and the fourth outside North America. The 140th Annual Meeting will be held in Seattle, Washington, from May 19 to May 23, 2018.

INTA holds two other yearly meetings:

- **Leadership Meeting:** INTA volunteer leaders gather to advance the Association's objectives and goals.
 - New Orleans, Louisiana (November 6–9, 2018)
- **Trademark Administrators and Practitioners Meeting:** Orlando, Florida (September 12–14, 2018)

INTA hosts topical conferences for the IP and business community. The following conferences will take place in the remainder of 2018:

- **Australia Conference** (Title TBD) (Sydney, Australia—October 11–12, 2018)
- **Middle East and Africa Conference** (Title TBD) (Dubai, UAE—December 10–11, 2018)

Academic Competitions:

- **Annual Saul Lefkowitz Moot Court Competition.** Open to teams of students from accredited law schools throughout the United States.
 - The National Finals of the Oral Argument Competition took place on March 17, 2018, in Washington, D.C. The winner of the 2017–2018 competition is Chicago-Kent College of Law, IIT. Registration for the 2018–2019 competition opens in September 2018.
 - **New in 2018!** INTA has introduced an **Asia-Pacific Moot Court Competition.** Open to all law students outside the United States, the inaugural event was held in Singapore, February 23–24, 2018. Teams from 23 law schools in eight countries participated in the competition. A team from the National University of Singapore won the competition. Registration for the 2018–2019 competition opens in September 2018.
- **Annual Ladas Memorial Award Competition.** A writing competition on the subject of trademark law or a matter that directly relates to or affects trademarks. Winners will be announced in late March 2018.
- **Pattishall Medal for Teaching Excellence.** Presented every four years to an educator in the business and legal fields for outstanding instruction in the trademark and trade identity field. The award will be presented again in 2020.

Legal Resources

INTA membership gives everyone in a member office access to all of INTA's Member Resources, including seven multijurisdictional searchable practice guides, fact sheets, Practitioners' Checklists, Industry Perspectives papers, and the *INTA Bulletin*. Highlights include:

- **The Trademark Reporter:** The theme issue on fashion and luxury was published in December 2017. The January–February issue, which is the U.S. Annual Review of Case Law, has also been published. The March–April issue, which is the EU Annual Review of Case Law, is underway.
- **Enforcement: An International Litigation Guide:** The annual update for this searchable guide went live in January 2018.
- Forthcoming anticounterfeiting searchable guide: This publication is in early stages of development; a basic preliminary outline has been developed and is now being perfected and expanded.
- **Trademark Cancellations: International Practice and Procedures:** The 2018 update of this searchable guide is underway.
- **International Opposition Guide: Comparative Practice and Procedures:** The 2018 update of this searchable guide is underway.

Unreal Campaign

The Unreal Campaign aims to educate teenagers (ages 14–18) about the importance of trademarks and the dangers of counterfeit goods. In 2017, the Unreal Campaign Committee hosted more than 40 events in 22 countries, directly reaching more than 3,600 students around the world.

[Learn more and get involved.](#)

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