Saturday, May 19, 2018
8:00 am—5:00 pm

Course on International Trademark Law and Practice

(Day 1; advance registration required; CLE credit available)

This course has been designed to provide a comparative analysis of trademark law and practice in countries around the world. Depending on the topic, the focus will vary from historical, philosophical, and legal perspectives to practical "how to" tips and advice. Each international jurisdiction covered in the course will be taught by a professor or practitioner from that region. Practitioners new to trademark law, students, trademark administrators, and in-house counsel seeking to obtain a well-rounded overview of trademark law and practice from across the globe are encouraged to attend.

Fee: US $670 (for a two-day program)

Registration includes breakfast, lunch, CLE credit, and course materials. Participants MUST commit themselves to attending the full, two-day program. Tickets for admission to this event will not be sold on-site. **Registration is nonrefundable.**

8:00 am–5:00 pm

Mediation Training: Guiding the Parties to and Through an Effective Mediation

(Day 1; advance registration required; CLE credit available)

Great mediators help counsel and parties navigate mediation preparation, manage the opening joint session, and provide expertise in negotiation strategy. Proper preparation is one of the most important factors to a favorable outcome. Experienced mediators set the stage by assisting the parties in specific preparation techniques. As the process expert, mediators help the parties attain maximum value when they give an effective presentation in the joint opening session. Throughout the mediation, our expert mediators give feedback and coaching grounded in current negotiation theory to guide the parties to resolution.

This day-and-a-half interactive course will be based on teacher presentations and demonstrations, videos, and small group simulations. Over the course of the training, each participant will practice acting as the mediator during part of a simulated mediation. Trainers will observe and comment on the simulations as they progress. Each participant will receive specific written feedback from a trainer.
Fee: US $900 (for a day-and-a-half program)

Registration includes CLE credit, breakfast and lunch on Saturday, and breakfast on Sunday. Participants **MUST** commit to attend the full day-and-a-half program.

Registration for admission to this event will not be sold onsite. **Registration is nonrefundable and limited to 24 participants.**

9:00 am–10:00 am

**Continental Breakfast**

Continental breakfast will be served daily until 10:00 am in the Hospitality Area on the 4th floor of the WSCC.

9:00 am–4:00 pm

**Board of Directors Meeting**

9:00 am–5:00 pm

**Workshop: Anticounterfeiting**

*(Exclusive to in-house practitioners and government officials)*

This workshop will give in-house teams, including marketplaces and government officials, an opportunity to benchmark and collaborate with respect to the ongoing challenges of online counterfeiting. This hands-on and discussion-heavy workshop will also give participants the opportunity to work together to share best practices and lessons learned, and discuss how to enhance collaboration and cooperation among key stakeholders to effectively stem the rising tide of online counterfeiting.

This workshop is for in-house registrants and government officials only. Please note that space is limited and registration is on a first-come, first-served basis. In view of the space limitations, we ask that no more than two members of an organization attend this workshop.

In addition to discussions among all workshop attendees, there will be an opportunity for closed-door discussions among groups of registrants.

**Fee: US $100**

Registration includes coffee breaks and lunch.

Tickets for admission to this event will not be sold onsite. **Registration is nonrefundable, but substitutions are allowed and space is limited.**

9:00 am–6:00 pm

**Career Development Day**

A day of programming designed just for students.

9:00 am–7:00 pm
Registration and Hospitality

12:00 pm–1:15 pm

GENERAL SESSIONS

CSA20 Fair Use: Comparing the Approach Under Trademark and Copyright Law
Intermediate Level

Exploring the concept of fair use in both trademark and copyright law in the United States, EU, and other countries with similar federal trademark and copyright laws. Speakers will offer comparisons between situations under trademark and copyright law, specifically with respect to parodies and comparative advertising.

The panel will explore the following questions:

- Does copyright protection prevent trademark use in comparative advertising or nominative fair use situations?
- Does trademark protection prevent copyright fair use or fair dealing in expressive works?
- Do the fair use concepts influence each other, and can trademark owners benefit from fair use exemptions under copyright law?
- How are claims of exemption under the same fact pattern approached by different jurisdictions, and what is the likely outcome of such claims in different jurisdictions?

Moderator:
Jacqueline Schaap, Visser Schaap & Kreijger (Netherlands)

Speakers:
Mireille Buydens, Janson Baugniet (Belgium)
Megan Carpenter, University of New Hampshire School of Law, Franklin Pierce Center for Intellectual Property (United States)
J. Kevin Fee, Morgan, Lewis & Bockius LLP (United States)
Richard Watts, Simpson Grierson (New Zealand)

CSA21 Generating Effective IP Protection Efficiently: Building a Trademark and IP Department for International Corporations

Intermediate Level

Speakers will share their experiences with creating an efficient and effective IP protection program for businesses, specifically:

- Empowering businesses to decide on their IP (trademark/patent) coverage.
- Building a group/company-wide IP and trademark community.
- Managing trademarks strategically as IP.
- Finding the right mix of external and internal service providers for trademark and IP generation.

Moderator/Speaker:
Stephan Wolke, thyssenkrupp Intellectual Property GmbH (Germany)

Speakers:
Ulrich Demuth, Wika Group (Germany)
Patrick Keane, Buchanan Ingersoll & Rooney P.C. (United States)
Laure Vanoudheusden-Perset, Philips International B.V. - Intellectual Property & Standards (the Netherlands)

12:45 pm–2:45 pm
Committee Meetings

1:00 pm–2:30 pm
GENERAL SESSION

 CSA22 Experienced Trademark Administrators Idea Exchange and Best Practices

Join INTA’s Trademark Administrators Committee as it hosts a moderated and lively interactive session for experienced Trademark Administrators. The session is designed to offer a rotating discussion, where attendees will choose multiple topics to sit in on throughout the 90-minute session. Attendees contribute to the discussions on best practices and professional/career development topics. The concept is to keep the discussions exciting and encourage networking with your peers.

1:30 pm–2:45 pm
GENERAL SESSIONS

 CSA23 Certifying Geographical Origin

Intermediate Level

Strengthening the protection and significance of geographical indications in product branding is receiving renewed interest as they tend to create trust with consumers and build goodwill. From ensuring fair use of the geographical names, to the development of a specific label (protected geographical indication), to the registration of collective and certification marks, product specification plays a key role. It delimits the territory, sets conditions and rules for using the Geographical Indication and identifies stakeholders such as the association of producers and the certifying bodies.

This expert panel will share diverse views on how the use geographical indications meets the challenges in setting the correct production standards, including the production area delimitation, certifying and enforcing correct use and developing a powerful collective brand that interacts with individual trademarks. The following subjects will be covered:

- How to protect a geographical indication? The role of the producer’s association and choice of a protection system.
- Interplay between GI’s, certification marks, collective trademarks, other licensing systems and rules on fair trade practices.
- Setting quality standards and delimiting the territory.
- The role of the product specification.
- Quality control and product labeling.
- Certification of geographical origin and product characteristics.
- Enforcing correct use of a geographical indication.
- International recognition of quality labels.
**CSA24 The Psychology of Mediation: Analyzing How Parties Negotiate**

**Advanced Level**

Learn how parties make decisions when they mediate. This live mediation will take you inside the minds of experienced outside and in-house counsel, as well as that of a seasoned mediator from the INTA Panel of Trademark Mediators, as they work to resolve a fictional trademark dispute. As the mediation progresses from start to finish, a psychologist well-versed in mediation will analyze the choices being made by each party. Through this session, gain insight into:

- The motivations of the parties involved in a mediation.
- How the conscious and unconscious objectives of the parties impact a mediation.
- How understanding the psychology of all the parties involved in a mediation can help you develop a mediation strategy to better advise clients.

**Moderator:**
Kevin Hartley, Trust Tree Legal, P.C. (United States)

**Speakers:**
Ruth Corbin, Osgoode Hall Law School, York University (Canada)
David Friedland, Friedland Vining, P.A. (United States)
Sarah Anne Keefe, Womble Carlyle Sandridge & Rice, LLP (United States)
Nathalia Mazzonetto, Muller, Mazzonetto (Brazil)
Paul Havel, Miller Nash Graham & Dunn LLP (United States)
Joel VadenBrink, Two Beer Brewing and Seattle Cider Co. (United States)

**CSA25 Synthetize, Prioritize and Monetize: Practical Patent Strategies to Strengthen your Clients' Valuable Assets and Brands**

**Intermediate Level**

Patent and IP professionals will discuss the intersection of IP rights, where technical and non-technical filings protect goods and services. Speakers will offer practical strategies and tips for strengthening your client’s valuable assets and brands through patents, trade secrets, enforcement, licensing and other agreements.

**Moderator:**
Ari Sherwin, The Sherwin-Williams Company (United States)
Speakers:
Vita Conforti, Impel NeuroPharma (United States)
Scott Hayden, Amazon.com, Inc. (United States)
Jan B. Krauss, Boehmert & Boehmert (Germany)

3:00 pm–4:00 pm

Patent Professional Networking Reception

Are you a patent professional or spend any time working with patents in your regular workload? Join us for a cocktail and an opportunity to mingle with other registrants with similar patent interests and background.

3:00 pm–4:15 pm

GENERAL SESSIONS

CSA50 Intersection of Rights of Publicity and Trademarks and with the First Amendment: Free Speech Rights in Advertising, Social Media, and Creative Content

Intermediate Level

Speakers will discuss the intersection of rights of publicity and trademarks with First Amendment free speech rights in advertising, social media, and creative content from the perspective of actors and studios. The discussion will also include the limitations imposed by the Screen Actors Guild (SAG) Basic Agreement.

Moderator:
David Grace, Loeb & Loeb LLP (United States)

Speakers:
Duncan Crabtree-Ireland, Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) (United States)
Ben Sheffner, Motion Picture Association of America (MPAA) (United States)

CSA51 “Eeny, meeny, miny, moe”: Choosing Foreign Counsel

Choosing Foreign Counsel can be a daunting task when you aren’t working with the right tools. A panel discussion of the various considerations that go into selecting and retaining foreign counsel including referrals, procedures, retainer letters, payment of fees, due date management, approaches to conflicts of interest, and compliance requirements.

Moderator:
Amalia Berg, Goodmans LLP (Canada)

Speakers:
Tracey Berger, Spruson & Ferguson (Australia)
Mark Foreman, Osborne Clarke LLP (United Kingdom)
Karen Lim, Fross Zelnick Lehrman & Zissu, P.C. (United States)
Kristi Spicer, Amazon.com, Inc. (United States)
Rachel Li-Mei Tan, Rouse & Co. International LLP (China)

Design clearance has long been thought to be hard, expensive, and pointless. Times have changed though. Many innovative companies now clear designs, but in a different way than trademarks. This session will bring together in-house and outside counsel from different design-focused industries to discuss the ins and outs of design clearance—an essential set of skills for avoiding third-party claims. Panelists will look at other areas of risk management on the designs side, including looking at proof of independent creation.

Moderator:
John Froemming, Jones Day (United States)

Speakers:
Anne Gundelfinger, Swarovski AG (Liechtenstein)
Emily Weal, Keltie (United Kingdom)
Thomas Adams, The Procter & Gamble Company (United States)

CSA53 Privacy’s Goodwill Implications

With the EU’s looming General Data Protection Regulation coming into force in May of 2018, many organizations are focusing on privacy and data protection as a compliance issue. How can we avoid those fines that might escalate as high as 4 percent of annual revenue? For the biggest firms in the U.S., however, privacy is a brand consideration first and foremost. Such are the findings of the International Association of Privacy Professionals’ (IAPP) “Privacy Risk Study,” which examined the disclosure statements of more than 100 of the largest publicly traded companies. What’s the top-mentioned privacy risk? Reputational harm, cited by 83 percent of companies disclosing digital concerns. In this session, we’ll do a deep dive into the findings, look at the language of privacy risk, and discuss ways to protect the goodwill of your brand from a privacy misstep.

- A comprehensive look at risk mitigation through the disclosure statements of the world’s largest publicly traded companies.
- How to protect your brand from reputational harm.
- Meaning behind the language of privacy risk.

Speakers:
Jennifer Garone, Microsoft Corporation (United States)
Sam Pfeiffe, International Association of Privacy Professionals (IAPP) (United States)
Ray Thomas, Jr., Law Office of Ray Thomas, Jr. PLLC (United States)

3:00 pm–5:00 pm
Committee Meetings
3:00 pm–4:00 pm
Annual Meeting Registrant First-Time Orientation and Reception

Learn from experienced Annual Meeting attendees about the many resources and opportunities for education and networking; also find out how to navigate the Exhibition Hall and make the best use of your time. Don’t miss out on this informative event and discover what’s new at this year’s Meeting.
After you hear from experienced INTA attendees about how to maximize your time at the Meeting, stick around to network with other first-time attendees and get to know each other better.

First-time attendees, young practitioners, and students, as well as new INTA members, will find this orientation essential to making the most of their first Annual Meeting and will have the opportunity to network at a reception after the session.

Sunday, May 20, 2018

7:30 am–7:00 pm
Registration and Hospitality

8:00 am-10:00 am
Continental Breakfast

Continental breakfast will be served daily until 10:00 am in the Hospitality Area on the 4th floor of the WSCC.

8:00 am–10:00 am
Committee Meetings

8:00 am–4:00 pm
Course on International Trademark Law and Practice

(Day 2; advance registration required; CLE credit available)

The Course is designed to provide a comparative analysis of trademark law and practice in countries around the world. See Saturday’s program for full description.

9:00 am–11:00 am
Breakfast Table Topics

9:00 am–10:30 am
TM5 Users Meeting

The Trademark 5 (TM5) will conduct an open session with users. The TM5 is a framework through which the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the Office for Harmonization in the Internal Market (OHIM), the State Administration for Industry and Commerce of the People’s Republic of China (SAIC), and the United States Patent and Trademark Office (USPTO) exchange information and undertake cooperative activities. During this user session, the TM5 partners will discuss updates in their respective office as well as the progress they have made on their cooperative projects.
9:00 am–10:30 am

INTA’s International IP Court is in Session: Judges from International Jurisdictions Discuss Hot Topics in Trademark Law

Don’t miss this panel of judges from around the world as they share their perspective on a hot topic that affects practitioners. Exact hot topic to be announced soon.

Judges:
Henry Brown, Honorable Justice Henry Brown, Federal Court of Canada (Canada)
Freyke Bus, Senior Judge at the District Court of The Hague (Netherlands)
Fidelma Macken, Former Judge of the Court of Justice of the European Union and Retired Justice of the Supreme Court of Ireland, Dublin (Ireland)
Ralf Neugebauer, Judge at the Higher Regional Court Duesseldorf (Germany)
Elisabeth Ohm, Deputy Director of Norwegian Board of Appeals for Industrial Property Rights (Norway)
Eurico Dos Reis, Judge of the Appeal Court Lisbon (Portugal)

9:30 am–2:30 pm

In-House Practitioners Workshop and Luncheon

(Limited to in-house practitioners only; advance registration required)

Early Bird Fee (before March 2): US $150
Standard Fee (after March 2): US $200

This interactive workshop and luncheon, designed exclusively for in-house practitioners, offers a unique opportunity to network, benchmark and exchange best practices for strengthening your brand in a marketplace where corporations of all sizes face challenges.

Registration includes admission to the workshop sessions and luncheon (not sold separately). Tickets for admission to this event will not be sold onsite.

10:00 am–11:00 am

China’s New E-Commerce Law: What Does it Mean for Protecting Brands Online?

A new e-commerce law in China will present brand owners and e-commerce platforms with significant new rules regarding the treatment of notice and takedown provisions in disputes involving suspected trade in counterfeit goods online via sales platforms. This panel session will convene industry observers, Chinese e-commerce leaders, specialists and government representatives to provide views on how brands can best navigate this new legislation and continue working with platforms to better protect their consumers.

Speaker names to be confirmed.

10:30 am–3:00 pm
Judge’s Workshop: A Discussion with IP Judges on Hot Topics in Trademark Law (Exclusive to IP Judges)

In this closed door workshop, IP judges from several different jurisdictions worldwide will participate in an open and interactive discussion on hot topics in trademarks and recent noteworthy decisions in this workshop exclusively for IP judges.

10:00 am–11:15 am

CSU01 Working with Intermediaries to Combat the Manufacture and Trade of Counterfeit Goods in Free Trade Zones (FTZ)

Balancing the economic benefit of FTZs with their vulnerability to exploitation by counterfeiters remains an ongoing struggle, particularly for brand owners and IP professionals. Counterfeiters find workarounds to avoid detection. For example, some counterfeiters ship only the manufactured parts to the free trade zone, and within the free trade zone, they then attach the brand owner’s mark to the substandard goods, and repackage, or re-label the counterfeit products. Counterfeiters create sophisticated and multi-tiered transit routes for their infringing products in order to disguise the country of origin and true destination by purposely passing through ports that lack sufficient border controls, due to lack of funding, manpower, etc. This panel will discuss what brand owners and intermediaries need to do to help customs officials identify and stop counterfeit goods in FTZ and will highlight best practices to successfully stop the manufacture and storage of counterfeit products.

Moderator:
Huib Berendschot, AKD Benelux Lawyers (The Netherlands)

Speakers:
Hoda Barakat, Hoda Barakat Legal Consultancy (United Arab Emirates)

CSU02 Does Firm Size Correlate to Success?

As outside counsel, many of us may question whether we can be more successful and happier in a smaller or larger trademark practice. Trademark practices range from solo practitioner firms, small and large boutique IP firms, to departments in general practice firms of varying sizes. Hear the perspective of practitioners from across this spectrum—and from around the globe—on what they see as the strengths and challenges given the size of their practice. You will also learn how successful attorneys differentiate themselves, and how technology and outsourcing has helped level the playing field. In this practical live session focused on the business aspect of practicing trademark law, come discover the strategies that firms of different sizes employ to compete, including for prestigious national and multinational brands.

Moderator:
Anuj Desai, Arnall Golden Gregory LLP (United States)

Speakers:
Susie P. Arnesen, Løje, Arnesen & Meedom (Denmark)
John Cunningham, Firstmark Intellectual Property (Bermuda)
Morag Macdonald, Bird & Bird LLP (United Kingdom)
10:00 am–12:00 pm

**Madrid System Users Meeting (MSUM) Organized by World Intellectual Property Organization (WIPO)**

Don’t miss the opportunity to hear WIPO presenters provide an overview of key Madrid System developments, and engage with officials from a selection of Madrid System Contracting Parties. Invited officials will address specific issues regarding the designation of their countries in an International Registration, including how to avoid and respond to provisional refusals. An interactive question and answer session will follow.

11:30 am–12:45 pm

**GENERAL SESSIONS**

**CSU20 More or Less Secure: Are International Data Privacy Regulations Helping You Protect Your Brand?**

Speakers will provide both an overview of the international regimes for data privacy and security and an in-depth look at the impact of those regulations on brand protection and images.

- Speakers will cover the following:
  - Overview of GDPR, including APEC and Latin America data privacy regulations.
  - Discussion of impact of incident and breach reporting on brands.
  - Discussion of best practices.

**Moderator:**

Christopher Kenneally, Copyright Clearance Center, Inc. (United States)

**Speakers:**

Iris Geik, Copyright Clearance Center, Inc. (United States)
Pamela Passman, Center for Responsible Enterprise And Trade (CREATe.org) (United States)
Randi Singer, Weil, Gotshal & Manges, LLP (United States)

**CSU21 Influencer Marketing: Insights on ROI from Marketing and Legal Academics**

Social media’s democratization of marketing includes the inordinate reach of individuals with mass social media followings, known as “influencers” or “trendsetters.” By 2016, 86% of marketers reported use of influencers in their marketing, and 48% planned to increase their use of influencers in 2017. At the same time, well-publicized misfires and backfires highlight the potential for negative impact on the brand and other unwanted consequences of association with an influencer. In this context, our panel of academic thought leaders will illustrate and provide insights on the intended and unintended returns on investment (ROI) in influencer marketing: What is the brand owner’s investment to implement an influencer marketing strategy? What are the direct and indirect costs? How is the influencer’s effectiveness measured by the brand owner? What are the markers for evaluating the marketing and legal return on investment (ROI)? Does a combination of the different perspectives of Marketing Academics and Legal Academics provide a truer evaluation of ROI?
Moderator:
Susan Barbieri Montgomery, Northeastern University (United States)

Speakers:
Eric Goldman, High Tech Law Institute, Santa Clara University School of Law (United States)
Werner Kuntz, UMass Boston (United States)
Koen Pauwels, D'Amore-McKim School of Business, Northeastern University (United States)

11:30 am–1:30 pm

Trademark Administrators Brunch: Practical Lessons, Takeaways and First-Hand Experience Relating to IP Enforcement in Social Media

(Advance registration required)

With the advent of digital disruption and the rapid rise of e-commerce and social media as engines of business growth, companies are increasingly having to grapple with IP enforcement issues in this new “hyper” cyberspace. Our experienced panel will provide useful insights and share tips on how to best utilize social media and e-commerce platforms’ policies and reporting mechanisms to enforce your IP. They will lead an interactive discussion on best practices that every organization’s trademark team should know.

Join us at the Trademark Administrator’s Brunch for an informative and valuable hands-on event, including a live takedown demo. Offering a perfect mix of learning, good food and good company, the TMA Brunch will also be a great opportunity to network with friends and colleagues.

Fee: US $55

Tickets are sold on a first-come, first-served basis. Tickets for admission to this event will not be sold onsite.

Moderator:
Mark Jansen, Fenwick & West LLP (United States)

Speakers:
Rosaleen R. Chou, Kilpatrick Townsend & Stockton LLP (United States)
Teresa Rodewald, Microsoft Corporation (United States)
Azhar Sadique, Keltie LLP (United Kingdom)
David Wong, Barnes & Thornburg LLP (United States)

12:00 pm–2:00 pm

Luncheon Table Topics

12:00 pm–4:00 pm

Exhibition Hall
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.

12:15 pm–1:15 pm

USPTO Users Meeting

1:30 pm–2:45 pm

GENERAL SESSIONS

CSU22 Ethical Implications of Unconscious Bias in the Boardroom, Classroom and Courtroom
All Levels

We all have unconscious biases—attitudes and stereotypes that we may not even be aware of, or agree with, that can affect how we view and work with others, and act as potential hurdles to successful leadership and teamwork. This interactive session will explore how to recognize and overcome the negative effects of such biases, and foster more inclusive and effective business and legal work environments. In addition, the speakers will explore the ethical implications of unconscious bias, and how diverse teams can actually deliver better results.

Speaker:
Jack Manhire, Texas A&M University School of Law (United States)

CSU23 Professor vs. Practitioner Debate:
Trademarks in the Cannabis Industry

Don't miss INTA's annual Professor vs. Practitioner Debate, bringing passion and intellectual rigor (not to mention a fair bit of good humor) to the Annual Meeting. Each year, in a rumble between all-stars, a renowned professor battles a prominent practitioner regarding an important issue in trademark law. The debate resolution is designed to be provocative, and debaters are asked to take extreme opposing positions on it. Equivocation is discouraged! The debate will observe traditional rules and strict time limits, with an opportunity at the conclusion for audience voting. This year's debate, concerning law and policy regarding trademarks in the cannabis industry, will not disappoint. A question and answer panel with the audience will follow.

Moderator:
Megan Carpenter, University of New Hampshire School of Law, Franklin Pierce Center for Intellectual Property (United States)

Debaters:
Shabnam Malek, Brand & Branch LLP (United States)
Academic participant to be confirmed

1:30 pm–3:30 pm
Committee Meetings

1:30 pm–3:30 pm

Japan Patent Office (JPO) Users Meeting: Recent Activities and Quality Management for Trademarks in Japan

Open to All! Join JPO trademark representatives for an informational users meeting. Attendees will be able to get an update on the JPO’s recent activities. Representatives will also provide information on the quality management of trademark examination in Japan and will accept questions from the floor.

3:00 pm–4:15 pm

GENERAL SESSIONS

CSU50 Copyright and Trademark: What They Can Learn From Each Other on the Internet Frontier of Trademark Protection

Copyright law can expand the scope of protection available to brands comprising logos and designs and other copyrightable subject matter. Unlike trademark law, copyright law does not require likelihood of consumer confusion. The panel will explore the copyright law of various countries, including the United States and the EU, focusing on strategies to leverage copyright law to enhance brand protection. Additionally, the panel will explore:

- How the DMCA and similar takedown laws in other countries can be used to combat trademark violations online.
- How each area of the law (copyright and trademark) has been expanded and constricted in view of the protection available under the other.
- Other opportunities in this Internet frontier.

Moderator:
G. Roxanne Elings, Davis Wright Tremaine LLP (United States)

Speakers:
Emily F. Burns, Google (United States)
Dean Marks, Coalition for Online Accountability (United States)
Eleanora Rosati, University of Southampton and Journal of Intellectual Property Law & Practice (United Kingdom)
Seagull Song, Hogan Lovells and Loyola Law School (United States)

CSU51 Taking Our New Seattle Coffee Pot to the World—Design (Patent) and Trademark Protection for Our New Brewer

Intermediate Level

Using Seattle as a backdrop, imagine that our engineers have developed a highly innovative coffee brewing machine with a very unique ornamental/aesthetic design. A panel of design experts will discuss:

- The timing necessary for securing design (patent) protection in the United States and other key jurisdictions.
- Steps to take to conduct clearance searches from both a design (patent) perspective and a trademark perspective in each of the relevant jurisdictions.
- Steps to take to promote the design to consumers to build consumer goodwill for the aesthetic design in the relevant markets.
- Steps to secure registered trademark protection for the aesthetic design of the product.

**Moderator:**
Staci Riordan, Nixon Peabody LLP (United States)

**Speakers:**
Simon Bennett, Fox Williams LLP (United Kingdom)
Christoph Rademacher, Waseda University (Japan)
Richard McKenna, Foley & Lardner LLP (United States)

**4:30 pm–6:00 pm**

**Opening Ceremonies and Keynote Address**

Hear from INTA's CEO and 2018 President as they share their vision for the Association in 2018 and discuss INTA's impact on the IP industry. The 2018 Annual Meeting Co-Chairs will also introduce you to this year’s program and welcome the Keynote speaker.

**INTA CEO's Address**
Etienne Sanz de Acedo, International Trademark Association (United States)

**2018 INTA President’s Address**
Tish Berard, Hearts On Fire Company LLC (United States)

**2018 Annual Meeting Project Team Co-Chairs**
Axel Nordemann, Boehmert & Boehmert (Germany)
Dana Brown Northcott, Amazon.com, Inc. (United States)

**6:00 pm–8:00 pm**

**Welcome Reception: Building Blocks of Seattle’s Brands and Innovation**

Welcome to Seattle, home to countless world headquarters, international shipping ports, growing tech start-ups, worldwide brands, and innovative founders! Join us at this great networking opportunity at the WSCC as we welcome all attendees to the 140th Annual Meeting and celebrate Seattle as a world leader in innovation.

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Monday, May 21, 2018

**7:30 am–5:00 pm**

**Registration and Hospitality**

https://www.inta.org/2018Annual/Program/Pages/Schedule-by-Day.aspx
8:00 am–10:00 am

Breakfast Table Topics

8:00 am–10:00 am

Committee Meetings

8:00 am-10:00 am

Continental Breakfast

Continental breakfast will be served daily until 10:00 am in the Hospitality Area on the 4th floor of the WSCC.

10:00 am–4:00 pm

Exhibition Hall

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.

10:15 am–11:30 am

GENERAL SESSIONS

CM01 The Yin and Yang of Licensing: Deep Thoughts from a Licensee and a Licensor

Intermediate Level

Join us for a mock trademark license negotiation, in which a licensor and licensee will discuss their perspectives on:

- Reasons for licensing a brand.
- Considerations in selecting a partner and types of due diligence.
- The terms that make a licensing arrangement successful.
- Key tension points and how to resolve them.
- Success stories and nightmare experiences.

Moderator:
Elisheva M. Jasie, Coty Inc. (United States)

Speakers:
Judith Eckl, HUGO BOSS (United States)
Judy McCool, HBO (United States)

CM02 THE REDSKINS and THE SLANTS: A Review of the Causes, the Cases, and How the First Amendment Is Likely to Impact Trademark Registrations Going Forward

Intermediate Level
The audience will first hear from the advocates, Simon Tam and Amanda Blackhorse (or Suzan Harjo), who will discuss the social causes each was looking to advance.

- Lawyer Stephen Baird will then discuss the origins of his Ladas Memorial award-winning article “Moral Intervention in the Trademark Arena: Banning the Registration of Scandalous and Immoral Trademarks,” 83 Trademark Rep. 661, 788 (1993), which provided a roadmap for cancelling the REDSKINS marks. Steve will then discuss his work with Suzan Harjo against the Washington State football team which, in turn, paved the way for Amanda Blackhorse’s efforts.
- Simon Tam’s lawyer, Joel MacMull, will then discuss Simon’s case, how it differed from the Redskins’ case, and how the matter culminated with a unanimous Supreme Court victory last term.

Finally, the panel will discuss how, if at all, the Supreme Court’s decision in Tam may impact trademark law and branding in the future.

**Moderator:**
Marc Randazza, Barry University School of Law (United States)

**Speakers:**
Stephen Baird, Winthrop & Weinstine, P.A. (United States)
Amanda Blackhorse, Social Worker and Activist (United States)
Joel MacMull, Mandelbaum Salsburg (United States)
Simon Tam, The Slants (United States)

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**IM01 Industry Breakout: Battling Counterfeit Sports Merchandise—A Multi-Jurisdictional Review**

**Intermediate Level**

Discover how sports brand owners tackle the ever increasing market of counterfeit sports merchandise. Highlighting China, the EU, and the United States, speakers will address a variety of the legal and business issues they face in these jurisdictions. Topics include:

- An analysis of the law for administrative, criminal, and civil cases.
- Preparing for such cases, including how to best support prosecutors/law enforcement.
- Addressing and managing championship events.
- Enforcing brand owners’ trademark rights on the multitude of online platforms and social media.

**Moderator:**
Tanya Fickenscher, Major League Baseball Properties, Inc. (United States)

**Speakers:**
Helen Chen, National Basketball Association China (China)
Anna Guix, FCBarcelona (Spain)
Victoria Loughery, National Football League (United States)
Scott Palmer, Sheppard Mullin (China)

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**RM01 Africa Regional Update: Land, Sea, and Air Adventures—An Update on New Developments and in the Protection and Enforcement of Trademark Rights in Africa**

**Intermediate Level**
This session will offer an assessment of cross-border regional strategies, focusing on the flow of goods in Africa and how best to enforce IP rights across borders. Our journey through Africa will focus on West, East, and Southern Africa, and cover:

- Main transit routes and flow of goods in the region: from borders and airports to the end consumer.
- Regional best practice and strategies.
- Current developments, trends, and regional case updates.
- Enforcement of regional trademark registrations.
- Tips on using traditional IP rights in nontraditional enforcement measures.
- Online and e-commerce in Africa: an outline of the challenges and strategies on how to protect and enforce IP rights online in Africa.

Moderator:
Vanessa Ferguson, KISCH IP (South Africa)

Speakers:
Vanessa Halle, Nico Halle & Co. Law Firm (Cameroon)
Karen Kitchen, KISCH IP, (Zimbabwe)
Marius Schneider, IPvocate Africa Law Firm Cabinet d’Avocats (Mauritius)

11:45 am–1:00 pm

CM20 Trademarks: A Comparison of Damages and Compensatory Measures

Intermediate Level

- Comparative approach of existing solutions.
- Evolution of the legislation and case law in the EU.
- Expectations of rights owners.

Moderator:
Antoine Gautier-Sauvagnac, FTPA (France)

Speakers:
Anke Nordemann-Schiffel, Boehmert & Boehmert (Germany)
Xavier Ragot, Christian Louboutin (France)
Thierry van Innis, Van Innis & Delarue (Belgium)

CM21 The Fate of Color Per Se Marks in Europe

Advanced Level

Speakers will review the legal development of color per se marks in Europe based on ECJ decisions together with the EUTMR, the new Implementing Regulation, and EUIPO Guidelines, past and present; an overview will be given on the status quo of color per se marks as their fate is to be determined by the highest courts in Europe; and, finally, an assessment will be made of the necessity of clarifying the registration process for color per se marks so that these exclusive rights will continue to be an effective and powerful tool in brand enforcement and will continue to enhance well-earned corporate identity grown by extensive investment.

Past and current requirements for registration of color per se marks:
• Interpretation of nontraditional marks ECJ decisions: Sieckmann, Shield Mark, Libertel, and Heidelberger Bauchemie.
• Registration requirements and amending regulation
• EUIPO Guidelines.

Brand enforcement of color per se marks:
• Company perspective on brand enforcement based on color per se marks and their scope of protection.
• General concerns for color per se mark holders and maximizing protection and the value of color marks.

Moderator:
Jennifer Powers, Red Bull GmbH (Austria)

Speakers:
Dimitris Botis, European Union Intellectual Property Office (EUIPO) (Spain)
Fidelma Macken, Former Judge of the ECJ (Judge Rapporteur in Sieckmann and Shield Mark), retired Judge of the Supreme Court of Ireland (Ireland)
Roland Mallison, Taylor Wessing (United Kingdom)
Andreas Renck, Hogan Lovells (Alicante) SL y Cia. (Spain)

CM22 Trademark Litigation for Non-Litigators

Beginner to Intermediate Level

This session will explore and explain what non-litigators need to know about key strategic questions, practical considerations, and evidentiary issues in trademark litigation. The session will also provide tips from the in-house perspective on how to evaluate litigation claims and effectively manage cases.

Moderator:
Richard D. Rochford, Haynes and Boone (United States)

Speakers:
Caldwell Camero, Fluke Corporation (United States)
Jenifer deWolf Paine, Microsoft Corporation (United States)

IM20 Industry Breakout: Legal-Up! Implications of Video Games in the 21st Century

Intermediate Level

There are more than 2 billion video game players worldwide. Almost half of all U.S. households own a dedicated game console. This session is designed to explore the legal implications of the ever-growing and exciting video game field. For those who practice trademark law in this area, challenges abound at every corner, as clearance requires navigating the obstacles presented by smaller app developers, and enforcement demands a balance between protecting one’s IP and maintaining one’s fickle fan support. This session will also examine how video game lawyers tackle 21st century issues, such as virtual and augmented reality, especially as video games increasingly mirror reality and employ real items in-game.

Topics the panel will explore include:
- Title clearance: challenges with approving a game title in increasingly crowded fields.
- In-game content: when and how to use real things: real people (rights of publicity), real landmarks (trademark extension for brands), and real brands (when do you need a license).
- Enforcement: how do we deal with the volume of infringing apps, flash, and fan games; how do we deal with fan games and balance PR considerations.

**Moderator:**
Christopher Parent, Nintendo of America (United States)

**Speakers:**
John Crittenden, Cooley (United States)
Jon Berroya, Entertainment Software Association (United States)
Vineeta Gajwani, Electronic Arts Inc. (United States)
Alexandre Rudoni, Allen & Overy LLP (France)

1:15 pm–2:30 pm

**Adjunct Professor Panel: Crossing the Interdisciplinary Bridge**

Lawyers teaching law students as adjunct professors can particularly relate to their students as they share a similar history. Teaching law to students from other faculties therefore is a special challenge, topics and teaching methods may have to differ due to the special demands of the students. In our session we would like to discuss the following topics:

- Unique position of IP correlating to other fields of study.
- Bridging the gap between law school and business/medical/technology schools.
- Working with school tech transfer offices.
- Incorporating non-law students into the classroom.

**Moderator:**
Wiebke Baars, Taylor Wessing (Germany)

**Speakers:**
Lisbet Anderson, Aumento Law Firm (Denmark)
Susan Barbieri Montgomery, Northeastern University School of Law (United States)
Ann Bartow, University of New Hampshire School of Law, Franklin Pierce Center for Intellectual Property (United States)
Olaf Gillert, Taylor Wessing (Germany)

1:15 pm–3:15 pm

**Luncheon Table Topics**

1:15 pm–3:15 pm

**Luncheon Committee Meetings**

1:15 pm–3:15 pm
Past Presidents and Past Counsel Luncheon

(By invitation only)

1:15 pm–3:15 pm

Professor Luncheon
(Exclusive for full-time professors)

Join your fellow professors for lunch and a hot topic discussion and presentation.

1:15 pm–3:15 pm

Lunch and Learn

How Advertising Campaigns Influenced the Colombian Peace Process

Francisco Samper, Founder and President, MullenLowe SSP3 and Regional Director, MullenLowe Latin America, is the agency trailblazer and standard bearer for Colombian creativity. A publicist with almost 40 years of experience, he founded MullenLowe SSP3 (formerly Lowe-SSPM) in 1996 with Humberto Polar and Jose Miguel Sokoloff. Their agency quickly became the gold standard in both sales and quality, receiving more than 800 international awards, including a Cannes Titanium and a Black Pencil from D&AD.

Samper will elevate our thinking about the strategic role that brands and advertising play in the increasingly complex environment that is an everyday reality in Latin America. He will also share with us the important work that MullenLowe SSP3 has done to help demobilize guerilla forces.

Starting in 2008, demobilization advertising campaigns created by MullenLowe SSP3 served to convince close to 18,000 guerrillas to demobilize. In order to achieve this, they utilized such creative and innovative advertising that the Colombian Defense Minister became one of the world’s most awarded public service advertisers.

Francisco Samper will tell the story of how they developed this campaign – their strategies, phases, key components, and the way they obtained these outstanding results.

1:15 pm–3:15 pm

TM5 Joint Workshop: Examination Practices on Nontraditional Trademarks

Be sure to attend this TM5* workshop, being held with the INTA, under the theme of Examination Practices on Non-traditional Trademarks. The TM5 Government officials and trademark users will participate and introduce practices on non-
traditional trademarks including the examples of both registered/refused trademarks, the way to prove acquired distinctiveness and so on. Names of speakers to be announced soon.

*The TM5 is a cooperation framework that was established by five trademark offices (EUIPO, JPO, KIPO, SAIC and USPTO) in 2012. TM5 is designed to support global business activities of companies through international cooperation, in order to further ensure that users’ trademarks are appropriately protected and utilized around the world.

3:30 pm–4:45 pm

GENERAL SESSIONS

**CM50 Geographical Indications in the Domain Name Space**

Intermediate Level

This session will explore the tension between geographical indications (GIs) and trademarks within the domain name space (DNS), look into whether GIs should be registrable within the DNS clearing houses, and explore the dispute resolution mechanisms handling of GIs within the DNS space.

**Moderator:**
Francine Tan, Francine Tan Law Corporation (Singapore)

**Speakers:**
Scott Gerien, Dickenson Peatman & Fogarty, PLC (United States)
Charles Goemaere, Comité Champagne (France)
Massimo Vittori, oriGIn (Switzerland)
Mary Wong, ICANN (United States)

**CM51 Madison Avenue Meets Hollywood: Navigating Product Placement Deals in Movies and Television**

Intermediate Level

As consumers, we see product placement often. As trademark practitioners, many of us know that much more thought goes into making these deals than the general public may realize. This session will explore details of product placement in a fun and practical way. It will cover:

- Discussion of product placement methods, including “reverse” product placement and broader brand integration.
- Criticism of product placement deals and the potential for tarnishment.
- Considerations for negotiating product placement deals, including level of control by brand owners.
- Emerging techniques in product placement, including electronic insertion of products into older programs or to customize placement for appeal to different regions.

**Moderator:**
Christine Hernandez, The H.D. Lee Company, Inc. (United States)

**Speaker:**
Megan Martin, Warner Brothers (United States)
Giselle Huron, Google (United States)

CM52 Enforcement Strategies in Asia

Advanced Level

Speakers will address practical and real enforcement strategies for the major (business size as well as interest) jurisdictions in Asia—e.g., China, Japan, Korea, etc. This session will include some detailed explanations of which government bodies are relevant and how to work with them.

Practical tips on using and managing outside investigators. Explanation of the various options (criminal, administrative, and civil) along with the pros and cons.

Moderator:
Ik Hyun Seo, Cho & Partners (South Korea)

Speaker:
Kenneth Anand, West Brands Fashion LLC (United States)

IM50 Industry Breakout: Pharmaceuticals, Healthcare, and Wellness

Intermediate Level

Learn from industry experts about a wide range of trademark and related IP and regulatory issues at the forefront of the biopharmaceutical, healthcare, beauty, and wellness industries. Discover the impact that patient advocates, company brand ambassadors, and social media niche marketing have on clearance processes and trademark strategy. Learn how changing corporate and consumer attitudes toward health and wellness affect purchasing behaviors and, consequently, consumer product development. Explore the growing area of biosimilar medicines, and gain an understanding of emerging regulatory schemes that govern their naming including international non-proprietary names, both in the U.S and internationally. Speakers will share best practices from an in-house and outside counsel perspective. The panel will explore topics including:

- Trademark legal issues that arise in the context of wellness wearables, and the best practices for addressing them.
- The latest trademark hot topics in the consumer healthcare and over-the-counter (OTC) field, including the rise of the niche beauty brand, the leveraging of social media influencers, and how not to get tripped up even as iconic consumer brands expand into mobile apps and medical devices.
- A biosimilar, and how a company can navigate the sometimes conflicting rules for naming a biosimilar medicine.

Moderator:
Tiffany Trunko, Pfizer Inc. (United States)

Speakers:
Jake Feldman, Johnson & Johnson (United States)
Meredith Pavia, Fitbit, Inc. (United States)
Maury Tepper, Tepper & Eyster, PLLC (United States)
3:30 pm–5:00 pm

**In-House Practitioners Industry Exchanges**
(Exclusive to in-house practitioners; advanced registration required)

In-house practitioners have the ability to participate in moderated discussions with their corporate colleagues. **Onsite registration will not be available.**

5:00 pm–7:00 pm

**In-House Practitioners Reception**

(Exclusive to in-house practitioners)

**NEW DAY!** Join fellow in-house practitioners and corporate trademark professionals for cocktails and light refreshments during this exclusive networking opportunity.

5:00 pm–6:00 pm

**India Reception**

This reception provides registrants from India with an invaluable opportunity to network with colleagues and share experiences concerning the benefits and challenges of doing business in India. This reception provides an opportunity to meet with INTA's CEO, India Representative staff, and other INTA staff.

5:00 pm–6:00 pm

**Africa Reception**

This reception provides registrants from Africa with an invaluable opportunity to network with colleagues and share experiences concerning the benefits and challenges of doing business in the region. This reception provides an opportunity to meet with INTA's CEO and other INTA staff.

5:00 pm–6:00 pm

**Asia-Pacific Reception**

Network with colleagues and share experiences of doing business in Asia. This is the must-attend reception for those in the INTA community who want to be plugged into our extensive Asia network and presents the opportunity to meet with INTA's CEO and the Chief Representative of the Asia-Pacific office.

9:00 pm–12:00 pm

**President's Dessert Reception**

(By invitation only)
Tuesday, May 22, 2018

7:30 am–5:00 pm
Registration and Hospitality

8:00 am–10:00 am

Breakfast Table Topics

8:00 am–10:00 am
Committee Meetings

8:00 am–10:00 am
Continental Breakfast
Continental breakfast will be served daily until 10:00 am in the Hospitality Area on the 4th Floor.

8:30 am–10:00 am
INTA Roundtable Hosts Breakfast
(By invitation only)
The Roundtable Hosts Breakfast honors the hosts of the INTA roundtables that have taken place between June 2017 and May 2018. The Association is grateful to the many volunteers who have contributed to the roundtable program’s success.

9:00 am–4:30 pm
IP Office Workshop: Working Towards the 21st Century IP Office
(Exclusive to IP Office Representatives)
IP office officials are invited to join the annual, all-day workshop developed by IP office representatives exclusively for IP offices around the world. Coordinated by the Canadian Intellectual Property Office (CIPO) and the Hungarian Intellectual Property Office (HIPO), the workshop will feature an open session to all Annual Meeting registrants and then several closed-door sessions for IP office registrants. This full day of programming is an excellent opportunity for registrants from your office to benchmark with other offices, network, and learn. A detailed schedule will be posted soon.

10:00 am–4:00 pm
Exhibition Hall
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.

10:15 am–11:30 am
Trademark Scholarship Symposium
The Symposium offers academics and practitioners from around the world the chance to participate in
small group discussions of scholarly works in progress in the field. Exact topics to be presented to be confirmed soon.

10:15 am–11:30 am

GENERAL SESSIONS

CT01 Annual Review of Leading Case Law in the European Union

Intended for a global audience, where speakers from Europe will provide a wide-ranging and concise analysis of recent key decisions that have shaped European trademark law.

Speakers:
Guy Heath, CMS UK (United Kingdom)
Jordi Guell, CURELL SUNOL S.L.P. (Spain)
Martin Viefhues, JONAS Rechtsanwaltsgesellschaft mbH (Germany)

CT02 The Messy Divorce Between New Zealand and Australian Non-Use Revocation/Cancellation Law

Intermediate to Advanced Level

Learn about current rules and requirements for non-use cancellation/revocation requirements in New Zealand and Australia. Speakers will summarize the existing state of the law in each country as well as recent case law developments, including the Lacoste decision in New Zealand’s Supreme Court.

Speakers will then explore the continued divergence in approach between the two countries and offer some insights as to why the countries appear to be drifting apart and, in the spirit of the friendly rivalry between the two countries, whether one approach is preferred to the other. Topics the panel will cover include the New Zealand and Australian position in relation to:

- Legal standing required to apply to revoke a mark.
- Grounds for non-use cancellation.
- Grounds for revocation.
- Procedural matters including onus and burden of proof, choice of forum, and discovery.
- Timing of actions and genuine use of a mark.
- Commissioner’s/Registrar’s discretion to revoke a mark.

Moderator:
Theodore Doucas, Zone IP (New Zealand)

Speakers:
Frank DiGiamtomasso, Knightsbridge Lawyers
Clive Elliott, Shortland Chambers (New Zealand)
Karen Hayne, Addisons (Australia)

CT03 Ethics in the Movies

All Levels
Using clips from programs and movies as points of reference (e.g., hypotheticals) this program will explore a wide array of ethical issues lawyers confront as a practical matter in everyday practice. The issues addressed will include, among others:

- Conflicts of Interest.
- Confidentiality.
- Distribution of responsibility among lawyers and clients.
- Communications.
- Representing organizations.
- The adversary process.
- Supervision of lawyer and staff.
- Reporting misconduct.

**Presenter:**
Larry Cohen, Cohen Law Firm (United States)

**IT01 Industry Breakout: Sharing the Pain: Hot Topics, Cool Solutions, and New Trends in Travel and Leisure Trademark and IP Issues**

**Advanced Level**

Join a select group of trademark and IP counsel from online travel agency, hotel, airline, transportation, resort, and destination/attraction companies as they discuss current hot button trademark and IP issues they are facing and strategies for dealing with them, while also looking at possible future issues. Each panelist will address some hot issues like:

- Keyword bidding and SEM advertising.
- Trademarks and the death of SEO.
- Use of user generated content.
- Trademarks and domain names.
- Dealing with multi-brand portfolios.
- Inter-company trademark licensing and joint ventures.

**Moderator:**
Christy Hurley, Expedia, Inc. (United States)

**Speakers:**
Susan Crane, Wyndham Worldwide Corporation (United States)
Raphael Gutierrez, Uber Technologies, Inc. (United States)
Elena Krafck, Alaska Air Group, Inc. (United States)

11:45 am–1:00 pm

**GENERAL SESSIONS**

**CT20 Celebrities Everywhere! Analysis of the Use of Personal and Image Rights of a Celebrity in Different Jurisdictions**

**Intermediate Level**

The intangible asset known as the right of publicity (ROP) is becoming more and more relevant in
many jurisdictions around the world. However, its regulation is far from being homogeneous, which poses a great challenge to practitioners in this field. Four experts, with vast experience in the entertainment industry, and who deal with these issues regularly, will share practical cases and discuss how ROP is regulated in jurisdictions such as the U.S., France, Germany, and Latin America.

Join us to learn more about:
- Understanding what ROP is and what aspects it includes.
- The regulations of ROP may vary from jurisdiction to jurisdiction and the similarities and contrasts among them.
- Common pitfalls encountered by practitioners of different jurisdictions.
- The main challenges when enforcing ROP in various jurisdictions.

**Moderator:**
Abraham Diaz, OLIVARES Y COMPAÑÍA, S.C. (OLIVARES) (Mexico)

**Speakers:**
Ricardo Alberto Antequera, Estudio Antequera Parilli & Rodríguez (Venezuela)
Michel Bejot, Bernard Hertz Bejot Société d’Avocats (France)
Thomas Hertl, ARNECKE SIBETH (Germany)
Barbara Quinn, Sony Pictures Entertainment Inc. (United States)

**CT21 3D Trademarks after Rubik’s Cube**

**Advanced Level**

Speakers from the United States and the EU will discuss the evolution of 3D trademarks and will offer insight on the following:
- Past and current requirements and absolute grounds for refusal for registration of 3D trademarks—EU perspective
  - EUTMR – Art .7(1)(e)(i) through (iii).
  - In particular Art. 7(1)(e)(ii): the shape of goods necessary to obtain a technical result.
  - General Court’s view: graphic representation vs. CJEU’s position: analysis of the functionality of a trademark by taking into account the actual goods in relation to which the mark was used (cf. also joined cases C-337/12P – C-340/12P, Pi-Design).
  - Outlook on how to assess the functionality of a trademark (e.g., types of sources and information regarding the functionality of the actual use).
- Interface of related rights, such as copyright and designs, with 3D marks.
- Comparison to the situation in the United States.

**Moderator:**
Georg Schönherr, Schwarz Schonherr Rechtsanwalte (Austria)

**Speakers:**
James Johnson, Eversheds Sutherland (United States)
Maximilian Kinkeldey, Grünecker (Germany)
David Stone, Allen & Overy LLP (United Kingdom)

**CT22 Protecting Unregistered Marks via Passing Off and Unfair Competition: Reputation Versus Goodwill (and Everything In-Between)**
Advanced Level

Regarding the decision by the UK Supreme Court in the Starbucks (HK) case, the common law approach to reputation vs. goodwill and its implications for passing off will be discussed, including:

- Overview of the Starbucks (HK) case, including the common law test for passing off under UK law.
- Why the common law distinguishes between reputation and goodwill and what the substantive differences are between them?
- Should the online environment require a reconsideration of the common law rule?
- The diversity in treatment between reputation vs. goodwill in other common law jurisdictions (such as Australia, New Zealand, and the United States); where they agree with the UK approach and where they don’t.
- The civil law approach to these questions, focusing on Europe:
  - Does the distinction between reputation and goodwill apply or are there other appropriate legal constructs?
  - How do these legal constructs play out in an action for unfair competition or Paris Convention 6bis/well-known marks?
  - Is use within the jurisdiction considered a requirement for protection?
  - Are there other possible causes of action?
- Implications for practice, including strategic considerations, case management, and evidentiary requirements.

Moderator:
Neil Wilkof, Dr. Eyal Bressler Ltd. (Israel)

Speakers:
Anna Carboni, Redd Solicitors LLP (United Kingdom)
Frank Di Giantomasso, Knightsbridge Lawyers (Australia)
Myrtha Hurtado Rivas, Novartis International AG (Switzerland)
Marina Perraki, Tsibanoulis & Partners Law Firm (Greece)

RT20 Regional Update: Law and Practice in China, Korea, and Japan—Distinctiveness of Marks

Intermediate Level

Speakers from China, Korea, and Japan will discuss law and practice on distinctiveness of the marks in each jurisdiction, including the following topics:

Law, rules, and guidelines on how distinctiveness of the mark is determined:

- Typical example of distinctiveness/nondistinctiveness.
- Distinctiveness of numerals, such as 501.
- Distinctiveness of a simple mark; for example, a duoliteral mark such as HP, or a triliteral mark such as GAP.
- Distinctiveness of a 3D product shape.
- Distinctiveness of a color mark.
- How to prove secondarily meaning/acquired distinctiveness; for example, the kind of proof that should be filed, if well-known status outside the country would be enough, or if registrations of the mark in many other countries would help.

Moderator:
Tomoya Kurokawa, SOEI Patent & Law Firm (Japan)
Speakers:
Seo-Young Im, Lee International IP & Law Group (Korea)
Yang Xiaoli, King & Wood Mallesons (China)

11:45 am–1:00 pm
Trademark Scholarship Symposium II

The Symposium offers academics and practitioners from around the world the chance to participate in small group discussions of scholarly works in progress in the field. Exact topics to be presented to be confirmed soon.

1:15 pm–3:15 pm
Luncheon Table Topics

1:15 pm–3:15 pm
Luncheon Committee Meetings

1:15 pm–3:15 pm
Lunch and Learn

Get Big Things Done: The Power of Connectional Intelligence

We typically associate success and leadership with smarts, passion and luck. But in today’s hypercompetitive world, even those gifts aren’t enough. Strategist Erica Dhawan argues that the game changer is a thoroughly modern skill called Connectional Intelligence (CxQ). Virtually anyone can maximize his or her potential, and achieve breakthrough performance, by developing this crucial ability.

So, what is it? Connectional Intelligence is the ability to combine knowledge, ambition and human capital, forging connections on a global scale that create unprecedented value and meaning. As radical a concept as Emotional Intelligence was in the 90s, Connectional Intelligence is turning people into superconnectors who accelerate innovation, break down silos and foster breakthrough top and bottom line impact.

This dynamic, engaging, high-energy, fast-paced keynote will help participants understand the practice of using connectional intelligence as the key to professional success and leadership in the 21st century. Attendees will learn new insights and tools to accelerate the connected power of teams, become more agile and innovative, and drive breakthrough ideas and outcomes.

Learning outcomes include:
- How anyone can excel not just through skills and smarts, but through Connectional Intelligence
• Keys to leveraging your networks and connections, and creating contagious positive results
• Successful tactics used to address connectional overload and in changing turbulent times
• How leaders create deep connections of fierce loyalty and respect from their team and customers
• How connectionally intelligent leaders outperform the competition and create remarkable results

Now it’s your turn to leverage the secrets of the people using connectional intelligence. It’s your turn to “Get Your Big Things Done.” You’ll be surprised just how easy it is.

**Erica Dhawan** is the Founder & CEO of Cotential, a global consultancy that helps organizations transform by delivering collaboration across teams, business units, customers and other stakeholders. As one of today’s most provocative business thinkers on the future of work, Erica advises business leaders and companies to lead markets through innovations that matter, create increasing value for customers and clients, deliver sustainable results and ensure future global competitiveness.

2:15 pm–3:30 pm

**Trademark Scholarship Symposium III**

The Symposium offers academics and practitioners from around the world the chance to participate in small group discussions of scholarly works in progress in the field. Exact topics to be presented to be confirmed soon.

3:30 pm–4:45 pm

**GENERAL SESSIONS**

**CT50 Bad Faith and Trademarks at the EUIPO: Beyond the Hercules Pillars**

Speakers will discuss a bad faith scenario inspired by real events and give their perspective while analyzing different bad faith cases at the EUIPO. Registrants will walk away from this session with:

• Tips and recommendations about bad faith at the EUIPO.
• Different approaches by EU national offices and EUIPO.
• Recent rulings of the EUIPO about bad faith.
• Different perspectives between in-house and outside counsels.

**Moderator:**
Lorenzo Litta, Società Italiana Brevetti (Italy)

**Speakers:**
Holger Gauss, Grunecker (Germany)
Juan Luis Gracia Albero, FJF LEGAL (Spain)
Ronald van Tuijl, JT International S.A. (Switzerland)

**CT51 IP Checklist for Investments in Latin America**

Intermediate Level
Speakers will discuss trademarks protection as a tool for investment in emerging countries, including the good news and “to do” list in a synergy of what is hot from a trademark standpoint in Argentina, Brazil, Chile, and Mexico.

**Moderator:**
Santiago R. O’Conor, O’Conor & Power (Argentina)

**Speakers:**
Fernando Becerril, Becerril, Coca & Becerril, S.C. (Mexico)
Pablo Cariola, Sargent & Krahn (Chile)
Elisabeth Siemsen, Dannemann Siemsen (Brazil)

**CT52 Planning for BREXIT**

**Intermediate Level**

The British Government gave formal notice to the EU in March 2017 that the United Kingdom intends to leave the European Union (EU) and absent an agreement on “transitional arrangements”, the UK will leave the EU in March 2019. The “Brexit” process will be complex at all levels. While the length and outcome of the negotiations remain unclear, the consequences will be far-reaching and may impact your company in many ways, including those related to intellectual property (IP) and corporate brand protection. Speakers will discuss the future of European Union Trademarks (EUTMs) and Registered Community Designs (RCDs) when the UK leaves the EU as well the potential significant impact on businesses that rely on EUTMs (and RCDs) to provide trademark protection for their activities in the UK. Speakers, including from the UK Intellectual Property Office, private practice and industry will provide an update to trademark owners and their advisers on the likely impact of Brexit and the steps businesses and their advisers can take to minimize the disruption to their trademark portfolios resulting from Brexit.

**Moderator:**
Nick Bolter, Cooley (UK) LLP (United Kingdom)

**Speakers:**
Steve Rowan, UK Intellectual Property Office (United Kingdom)

**IT50 Industry Breakout: Food Revolution: Branding and Trademark Issues Arising in the Rapidly Changing Food Industry**

**Intermediate Level**

No brands are more familiar with consumers than their food brands and the food they love. The food industry is going through a dramatic change in what we eat, how we buy it, and how brands are used. This panel, representing packaged food, fast food, confection, retail, and ecommerce experts, will discuss and debate how trademark professions must respond to the changes, including such topics as:

- How the e-commerce of food will change your job.
- Emerging importance of trade dress for food products and the associated challenges.
The clash of brands between packaged food, fast food, and meal kits.
When private brands collide: Why Kroger sued Lidl.

Moderator:
William Miller, General Mills (United States)

Speakers:
Sandra Buja, Wal-Mart Stores, Inc. (United States)
Michael Kelly, Amazon.com, Inc. (United States)
Mark Leonard, Jelly Belly (United States)
Toam Rubinstein, Restaurant Brands International (United States)

5:00 pm–6:00 pm

Middle East Reception

This reception provides registrants from the Middle East with an invaluable opportunity to network with colleagues and share experiences concerning the benefits and challenges of doing business in the region. This reception provides an opportunity to meet with INTA's CEO and other INTA staff.

5:00 pm–6:00 pm

Latin America Reception

This reception provides registrants from Latin America with an invaluable opportunity to network with colleagues and share experiences concerning the benefits and challenges of doing business in the region. This reception provides an opportunity to meet with INTA's CEO and other INTA staff.

5:00 pm–6:00 pm

China Reception

This reception provides registrants from mainland China with an invaluable opportunity to network with colleagues and share experiences concerning the benefits and challenges of doing business in the region. This reception provides an opportunity to meet with INTA's CEO and other INTA staff from the China Office and NY Headquarters.

5:30 pm–6:30 pm

Government Officials Reception

(By invitation only)

Join INTA's leadership and government officials from around the world for a reception thanking these officials for their dedication and support of the trademark community. This reception provides an opportunity for officials to share information and best practices with their colleagues in the trademark community.

5:30 pm–7:00 pm
INTA Political Action Committee (PAC) Reception

(By invitation only to non-corporate INTA Members who are U.S. citizens or permanent residents)

Show your support for the International Trademark Association Political Action Committee (PAC) by attending this reception. A contribution for this event will be used to support the campaigns of U.S. federal candidates identified by the INTA PAC Board as having shared interests with the trademark community. INTA accepts both personal checks and those drafted from non-corporate INTA member firm accounts, as well as all major credit cards. Donations can also be made online.

Only non-corporate, non-reimbursed contributions to INTA PAC will be accepted. Contributions to INTA PAC are not deductible for income tax purposes.

Wednesday, May 23, 2018

7:30 am–2:00 pm

Registration and Hospitality

8:00 am–10:00 am

Breakfast Table Topics

8:00 am–10:00 am

Committee Meetings

8:00 am–10:00 am

Continental Breakfast

Continental breakfast will be served daily until 10:00 am in the Hospitality Area on the 4th Floor.

10:00 am–2:00 pm

Exhibition Hall

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.

10:15 am–11:30 am

GENERAL SESSIONS

CW01 Annual Review of U.S. Federal Case Law and TTAB Developments

Advanced Level
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. 107, no. 1 of The Trademark Reporter.

Speakers:
Theodore H. Davis, Kilpatrick Townsend & Stockton LLP (United States)
John L. Welch, Wolf, Greenfield & Sacks, P.C. (United States)

RW01 Regional Update: Courts and Trademarks Office: What’s New in India?

Intermediate Level

This session will shed light on significant recent developments in trademark case law and procedural law governing court practice in India. Speakers will offer insights into the developments in both procedural and substantive aspects of law, with a focus on how litigants are ultimately affected and how these developments are encouraging enforcement efforts in India. The session will also discuss the increased awareness of the importance of IP in India, as witnessed through several governmental reforms and policy changes, making India a conducive market and a promising jurisdiction for safeguarding IP. The session will highlight several recent changes that have come about in the Trademarks Office reflecting a positive trend for trademark owners.

- Case laws on substantive and procedural developments in trademark law such as trademark infringement by use of a mark as a corporate name, trade dress infringement, jurisdiction, composite IP suits, the newly set up commercial courts, and developments related thereto.
- Improved functioning of the Indian TMO and the steps taken in that direction, and a reflection of the same through statistical analysis of trademark trends over the past few years.
- How the Indian TMO has become technology and social media savvy.
- Governmental policies that promote trademark awareness and legislative changes that have been introduced through Trademark Rules, 2017.

Moderator:
Latha Nair, K & S Partners (India)

Speakers:
Sujata Chaudhri, SCIP, Sujata Chaudhri IP Attorneys (India)
Samta Mehra, Remfry & Sagar (India)

RW02 Regional Update: Life Hacks for Brand Protection in ASIA-PAC: Tips and Tricks You Need to Know Now!

Intermediate Level

This session, aimed at the experienced trademark manager, will provide a treasure trove of practical ideas, tips, and tricks to help you get that difficult mark registered, navigate around pain points, and help you implement the best trademark protection strategies.

Moderator:
Celia Davies, Herbert Smith Freehills (Australia)

Speakers:
Sayaka Okeno, Okeno IP Professionals (Japan)
Melvin Pang, Amica Law (Singapore)
Akhilesh Rai, AZB & Partners (India)
Jenni Rutter, Kensington Swan (New Zealand)
Deanna Wong, DeLab Consulting (Hong Kong SAR, China)

11:30 am–12:30 pm
Luncheon Committee Meetings

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.

1:15 pm–3:15 pm
Luncheon Table Topics

11:45 am–1:00 pm
GENERAL SESSIONS

**CW20 Proper Use Your Trademark: How to Prevail in Revocation Actions**

*Intermediate to Advanced Level*

The session will explore the most important aspects of the proper use of a trademark to defend a trademark in cancellation actions. It provides equal guidance in opposition proceedings and infringement actions if the use is challenged. The panellists will discuss national differences and explain generally acknowledged principles. Finally, the session will look at practical and organizational aspects and provide guidance for the management of evidence of use. Topics the panel will explore are:

- The relevant requirements to prove use of a trademark.
- The role of affidavits of use.
- The national and regional peculiarities that you have to consider.
- How to collect/store/manage your proof of use for an international trademark portfolio.

**Moderator:**
Olaf Gillert, Taylor Wessing (Germany)

**Speakers:**
Karina Dimidjian-Lecomte, Casalonga Avocats (France)
Meike Urban, Sandoz International GmbH (Germany)
Kenneth L. Wilton, Seyfarth Shaw LLP (United States)

**CW21 “That’s Not Fair!” (or Funny): Trademark Fair Use in the Digital Age**

*Intermediate to Advanced Level*

Join us for a discussion with a Ninth Circuit Judge, as we explore trending fair use issues, including:

- Tarnishment in the digital age.
Nominative fair use in dilution cases.
Third-party marks in social media, including video.
Companies’ expressed need to use logos in mobile and Internet settings.

Moderator:
Signe Naeve, Starbucks (United States)

Speakers:
Judge Margaret McKeown, Ninth Circuit Court of Appeals (United States)
Kathryn Spelman, Lane Powell (United States)

CW22 What Can Trademark Practitioners Learn from Advertising and Marketing Professionals?

Beginner Level

Advertising and marketing professionals (whether organized in their own firms, or working inside broader businesses) are often charged with naming new products or services—and trademark practitioners are frequently called upon to assist with clearance, strategy, and legal implementation issues in those projects. Sometimes those pairings are successful, but sometimes they just aren’t. And too often when an engagement isn’t successful, the parties just drift apart and neither side really gets to learn why it didn’t work out.

In this session, we’ll look at what trademark practitioners need to know about working successfully with advertising and marketing professionals. Part of the lessons to be learned will come from better understanding how advertising and marketing professionals execute their roles, including as regarding:
- Considerations and techniques used by marketing groups to identify names;
- Timelines and reporting processes for selecting name candidates; and
- Sector-specific practices and considerations that can affect the name selection exercise.

We’ll also examine what advertising and marketing professionals think are the hallmarks of a successful legal engagement, and what they wish more trademark practitioners knew about advertising and marketing professionals—and about trademarks!—that would enhance the chances of a successful engagement.

Moderator:
Jeffrey Vicq, Clark Wilson LLP (Canada)

Speakers:
To be confirmed

7:00 pm–11:00 pm

Grand Finale: Block Party at the Seattle Center

Don’t miss your last chance at the Meeting to network and have fun with your friends and colleagues while enjoying the Seattle Center. Registrants will have exclusive access to the Chihuly Garden and Glass, the Museum of Pop Culture, and the Space Needle. Dinner and drinks will be served and there will be several entertainment options. Registrants must wear their badge to access the event and guest tickets are available for sale for this event.