WTO GI Decision Prompts Dual Victory Claim

In a March 2005 WTO panel decision on geographic indications (GIs), both the United States and the European Union (EU) claimed victory.

The United States claimed that the laws of the EU on the protection of GIs were inconsistent with (among other things) the WTO’s TRIPS Agreement. The WTO panel concluded that the EU laws – contained in Council Regulation No 2081/92 – discriminate improperly against other WTO Members in the conditions they apply to the protection of GIs. However, it is the panel’s findings on the relationship between trademark and GI protection that have greatest significance for the trademark community.

EU Protection for GIs

Under the EU Regulation, a GI is the name of a region or place, used to describe an agricultural product or foodstuff, which originates in that location and owes some specific characteristic or reputation to its production there. Protection is obtained by registration with the European Commission against a definitive product specification.

Under Article 13 of the EU Regulation, a name that is registered as a GI is protected against commercial uses that exploit its reputation, misuse or imitate it, or mislead as to the provenance, origin or nature of a product. Conversely, producers whose products meet the geographic and other parameters, by reference to which a GI has been registered, are entitled to use the protected name, even where the use would otherwise infringe an earlier trademark. This was the crux of the dispute before the WTO.

Co-Existence of Trademarks and Protected GIs

Only two provisions in the EU Regulation address the possible conflict between a protected GI and an earlier trademark. The first is Article 14(2). This permits continued use of a valid earlier trademark notwithstanding the

See WTO DECISION on Page 2

U.S. Dilution Reform Bill Passes House

On April 19, 2005, the U.S. House of Representatives overwhelmingly passed the Trademark Dilution Revision Act of 2005 (HR 683). House action follows the February 17 congressional hearing at which INTA President Anne Gundelfinger testified in support of the bill, stating, “adoption of this legislation will provide a narrower, clearer and more focused statute that addresses the specific harm of dilution, while providing owners of famous marks a provable cause of action.”

The proposed law, which is based on the work of a select committee of INTA experts, comes after the Supreme Court’s 2003 decision in Moseley v. V Secret Catalogue, Inc., 537 U.S. 418 (2003). In that decision, the high court ruled that the current dilution law requires a showing of actual harm. However, as INTA President Gundelfinger noted in her statement before Congress, this holding is contrary to Congress’ intent when it enacted the Federal Trademark Dilution Act in 1996. Thus, one of the major goals of the bill is to clarify Congress’ intent that dilution must be actionable at the outset to ensure that the goodwill associated with famous marks is not eroded over time. To accomplish this, the bill specifically provides for a likelihood of dilution standard for uses that blur or tarnish a famous mark. And, to further assist courts and litigants, H.R. 683 establishes non-exclusive criteria for determining whether there is a likelihood of dilution by blurring.

In addition to clarifying the appropriate standard for a dilution claim, the bill provides for a specific definition of “fame” and protects famous marks that have inherent or acquired distinctiveness. The bill also ensures that valuable First Amendment rights granted under the

See DILUTION on Page 3

IN THIS ISSUE

3 World Update
Removal of Misleading Health and Nutrition Claims May Include Trademarks

4 Association News
Brazilian Business Leaders Speak Up for Madrid
Fourth Annual PTO Industry Training Seminar
Brand Owners Inform EU President of the “Real Cost of Fakes”
Roundtable Covers Tips for Fighting Infringements in China
Mediation Seminar in Lagos
How Time Flies … Mary McGrane marks 30 years with INTA

10 Law and Practice
European Union
New OHIM Fees in the Pipeline
European Court Rules on Fair Use in Gillette Case
Italy
New Industrial Property Code
New Anticounterfeiting Law
Iran
Little TWEETY Remains with Time Warner
Mexico
House of Representatives Approves Bill on “Well-Known” and “Famous” Marks
Saudi Arabia
New Border Measures for Protection of Trademarks and Copyrights
Serbia-Montenegro
New Trademark Law
South Africa
Counterfeit Goods and Transshipment

13 Newsbytes

14 Welcome New Members
BE A PART OF AN INTA COMMITTEE

One of INTA’s most important assets is the talented and committed group of volunteers who serve on its committees. INTA’s committees are central to the role that INTA plays in representing trademark owners, and committee members take part in a variety of meaningful work, including advocacy, program planning, publishing and education.

Any individuals employed by a current INTA Member are eligible to serve on a committee. The committee application form will be accessible online from June 1st – June 30th. For more information on committees please go to http://www.inta.org/membersonly/com/.

WTO Decision CONTINUED FROM PAGE 1

protection given later to a conflicting GI. It does not permit the trademark owner to oppose use of the conflicting GI; its premise is that the two uses must co-exist.

The second provision is Article 14(3). This provides that GI registrations must be refused on the basis of an earlier trademark, but only where “in light of [the mark’s] reputation and renown and the length of time it has been used, registration [of the GI] is liable to mislead the consumer as to the true identity of the product.”

The Dispute

The United States argued that, in its failure to provide for the supremacy of all earlier trademarks, the EU Regulation offended Article 16.1 of the TRIPS Agreement. The regulation states that trademark owners’ rights are to be exclusive of all third parties. This position is consistent with INTA’s own resolution to support the principle of “first in time, first in right” priority, as between GIs and trademarks. In other words, a validly-registered trademark should prevail against a later GI, and vice versa.

The EU responded broadly as follows:

• Article 14(3) of the EU Regulation provides sufficient safeguards for owners of valid earlier trademarks.
• The co-existence of GIs and conflicting earlier trademarks is permitted (or even mandated) by TRIPS Article 24.
• The approach taken in the EU Regulation is in any event saved by TRIPS Article 17.1, which allows WTO members to provide “limited exceptions to the rights conferred by a trademark, such as fair use of descriptive terms.”

The Decision

The WTO panel dismissed the EU’s first and second arguments but agreed with the third. Accordingly, there may be situations where the owner of a valid EU trademark right will have to tolerate use of a GI registered later, even if there is a likelihood of confusion. However, the TRIPS Article 16.1 rule on trademark exclusivity will generally hold sway – TRIPS does not countenance co-existence as such. The later conflicting GI can be used only by virtue of the Article 17.1 exception. This is a limited exception, reflecting the legitimate interests of the trademark owner and third parties.

Three particular findings of the WTO panel indicate strongly that trademark owners should rarely be prejudiced by the EU Regulation:

• The protection offered by the GI applies only where it is used within the scope of registration – i.e., for products of the specified characteristics from the specified geographic area.
• The protection will not extend to the use of anything other than the protected name itself, including unregistered linguistic versions of the name.
• Where the likelihood of confusion with the earlier mark is “relatively high,” the panel believes that Article 14(3) of the Regulation can be relied on to deny protection to the GI.

The decision permits the EU to retain a Regulation that has understandably disquieted trademark owners, but does so in terms that provide considerable comfort to the trademark community.

According to Burkhart Goebel, INTA’s GI Subcommittee Chair, “The Panel sought a solution within the established concepts of trademark law – priority, exclusivity and territoriality, combined with a fair descriptive use exemption. This is nothing new for trademark lawyers and is a welcome step towards normality. In light of the narrow construction of the Art. 17.1 TRIPS exemption in the Panel report, the owner of a valid prior trademark should in most cases be able to block the registration and use of a confusingly similar GI.”

By Guy Heath, Nabarro Nathanson, London, United Kingdom
World Update

Removal of Misleading Health and Nutrition Claims May Include Trademarks

The European Commission and the majority of the Member States are campaigning in the EU to take out any misleading health and nutrition claims on packaging of products. Some advocates are even suggesting changing the name of a product.

In 2003, the Commission released a proposal for a Regulation on Nutrition and Health Claims Made on Foods with the intent to: "...[harmonize] the provisions laid down by law, regulation or administrative action in Member States that relate to nutrition and health claims in order to ensure the effective functioning of the internal market whilst providing a high level of consumer protection" (Article 1, paragraph 1). Due to the 2004 election of a new European Parliament and Commission, the proposed Regulation was not adopted and therefore the text of the draft Regulation remains on the agenda of the European institutions.

Although the original text of the proposal was not clear as to whether trademarks would fall under the Regulation, it is obvious now that a majority of Member States and the Commission believe this Regulation should apply to trademarks as well as descriptions. The two key provisions of the Regulation that raise some concerns in the trademark community are Article 2, which sets out the subject matter and scope of the Regulation, and Article 11, which refers to implied health claims. Article 2 is phrased so generally that it could be interpreted to cover trademarks. Article 11 prohibits a wide range of implied health claims such that, where the claim implied by the use of a particular trademark relates to the health benefits of using the product in question, the use of the trademark will be prevented.

INTA is concerned that the Regulation, although primarily aimed at express claims regarding nutrition or health benefits of food products, will also affect the use of legitimate, established trademarks if those trademarks are translated as implicitly making claims about the nutrition or health benefits of the food in question.

INTA Secretary Richard Heath, head of Trade Marks and General Trade Mark Counsel for Unilever, says that this issue "goes to the heart of trademark law and practice by attempting to ban the use of all marks in the food industry that make direct or implied claims." Mr. Heath maintains that the concept of a trademark making a claim is an oxymoron, since descriptive marks, including those that have not been able to prove acquired distinctiveness, are not able to be registered in the first place.

The INTA Europe Legislation Analysis Subcommittee is currently leading the Association’s work on this issue. After discussing the Commission’s proposal extensively, the members of the subcommittee concluded that Community and national trademark law generally meet the objectives of the proposal as trademark law already provides for the un-registrability of deceptive marks. In addition, trademarks are not perceived as “claims” by consumers but rather as identifiers of source.

According to subcommittee member Terri Frank who is chief intellectual property counsel for Weight Watchers International, Inc., “Article 11 of the Regulation as written, prohibits companies from making general implied health, well-being, slimming and weight control claims on their packaging. Therefore, companies with brands that could be construed as making such claims, would be prohibited from using their long-established, well-respected trademarks that consumers have come to rely on and trust. In essence, property rights that have been acquired and used for many years would be taken from their owners with no recourse.”

Members of the European Parliament have shown support for the general exclusion of trademarks from the scope of the Regulation. In fact, on March 21, 2005, the Environment Committee approved an amendment that, if adopted in the Plenary Session of the EU Parliament and supported by the Member States, would answer brand owners’ concerns. The amendment reads: “This Regulation shall not apply to trademarks that comply with the provision of Council Directive 89/104/EEC as amended (the trademark Directive) and Council Regulation (EC) No 40/94 as amended (on the Community Trademark).”

The Plenary Session of the EU Parliament is scheduled to vote on the Committee amendment in May. INTA supports this amendment and hopes that the Parliament as a whole will endorse it, but the amendment is far from being accepted by the Commission or Member States.

By Chehrazade Chemcham, External Relations Manager, Europe, INTA

Dilution CONTINUED FROM PAGE 1

U.S. Constitution are not curtailed. Specifically, the bill exempts all forms of news reporting and commentary, parodies, fair use in comparative commercial ads and noncommercial use of trademarks from claims of dilution.

The bill is now before the U.S. Senate for consideration.

By Janice W. Housey, Roberts, Mlotkowski & Hobbies, PC, McLean, Virginia, USA; Verifiers: Jessica S. Sachs, Harness, Dickey & Pierce, P.L.C., Troy, Michigan, USA; Michael Heltzer, Manager, External Relations, INTA
Brazilian Business Leaders Speak Up for Madrid

From April 4 – 8, delegates from INTA and MARQUES travelled to cities in Brazil and Argentina to meet with representatives of nearly 30 companies to discuss the Madrid Protocol.

INTA has officially supported the Madrid Protocol since the board of directors passed a resolution in 1990 urging U.S. adherence to the treaty. The Madrid Protocol permits the registration of a mark in several countries with one application, in one language, with only one fee and one renewal date. The World Intellectual Property Organization (WIPO) has administered the Protocol since 1996, and to date, 66 countries have acceded to the Protocol, including China, the European Community, Japan and the United States. Thus far, Cuba is the only country that has acceded to the Madrid Protocol in Latin America.

Meetings were held separately in Rio de Janeiro, Sao Paulo and Buenos Aires to discuss the cost saving possibilities that would be available to local companies should Brazil and Argentina join the treaty. José Graça-Aranha, director, Information and Promotion Division, Sector of Trademarks, Industrial Designs and Geographical Indications of WIPO, joined the delegation to provide a brief description of the system by which the Madrid Protocol operates. MARQUES chairperson Tove Graulund, of Arla Foods, Denmark and Gerhard Bauer of DaimlerChrysler, Germany elaborated with an account of their experiences as representatives of corporations that have used the Protocol to register marks throughout the world.

Maurício de Sousa

Brazilian comic writer Maurício de Sousa, of Maurício de Sousa Produções, is often referred to as the “Disney” of South America. Mr. de Sousa supports the Madrid Protocol because it will help Brazilian exporting companies promote and protect marks in new markets.

What type of business do you own?
We provide artistic services, produce comic books, television shows and films, and create theme parks, musical projects, and institutional programs.

How many marks do you own in Brazil?
About 330 registered marks (word, composite and figurative marks) in different classes at INPI (the Brazilian Industrial Property Office). All our characters are duly protected through copyright with the corresponding entity in Brazil (making sure the author is Maurício de Sousa), and only a percentage of the total are registered trademarks because of the costs involved. We have certainly decided to register those that are more commonly licensed.

Do you export your products? If so, do you protect your trademarks in all the countries where you export?
Our company, as a service provider, is currently found in magazines, newspapers, television and products with our marks in countries such as Portugal, Italy, Spain, Indonesia, South Korea and the United States. Through licensing agreements, our characters have been exported to more than 30 countries in recent years. If we also consider publications, licensed products, Brazilian exports such as films, public advertisements, institutional magazines (of specialized UN agencies), international congresses, plays and cartoons, the “Turma da Monica” has been present in 93 countries, in fourteen different languages. Currently, our trademarks are registered in 22 countries.

Do you think your company will benefit when Brazil joins the Madrid Protocol?
Without a doubt. We would plan our costs for legal protection on a much broader basis, with less costs and much wider coverage.

Will you use the Madrid Protocol when Brazil becomes a party to the Protocol?
I will be one of the first.
Among many valuable benefits of membership, INTA’s searchable online databases make trademark research more efficient and save time and money.

-NEW-
Practitioner’s Guide to the Madrid Agreement and the Madrid Protocol
Obtain practical information and guidance on the application of local practice and procedure in obtaining, maintaining, licensing and enforcing registrations obtained through the Madrid system using customizable searches by jurisdiction or subject heading.

Country Guides: Basic Information on Trademark Registration Worldwide
Access the most current information on trademark filing, prosecution, registration and maintenance in more than 90 jurisdictions through customizable searches by country and question.

International Opposition Guide: Comparative Practice and Procedure
Assess the availability, feasibility and merits of pursuing trademark opposition in 130 jurisdictions worldwide to make informed legal and business decisions with customizable searches by jurisdiction or subject heading.

FOR MORE INFORMATION, VISIT WWW.INTA.ORG/PUBS OR GO TO WWW.INTA.ORG/JOIN TO BECOME AN INTA MEMBER NOW AND START TAKING ADVANTAGE OF THESE INDISPENSABLE ONLINE PUBLICATIONS.
Fourth Annual PTO Industry Training Seminar

On April 12, 2005, amidst the cherry blossoms and sunshine of an early Spring day, the Industry Advisory Council of INTA held its fourth annual PTO Industry Training Seminar at the United States Patent and Trademark Office (USPTO). The seminar was hosted at the USPTO’s new Alexandria, Virginia facility, making it the first trademark-related event held in the Madison Auditorium. Nearly two hundred USPTO examining attorneys, managers, officials and quality control representatives attended the event, which this year focused on the motor vehicle industry.

Following an introduction by Acting Commissioner of Trademarks Lynne Beresford, USPTO Under Secretary of Commerce for Intellectual Property and Director Jon Dudas welcomed the attendees and thanked the speakers, their companies, INTA and the Industry Advisory Council for their work in preparing the seminar and for taking the time out of their schedules to travel to Alexandria. Seminar Chair Stacey Berg from Citigroup introduced the speakers and laid out the agenda for the day. INTA’s director of Marketing and Communications Daryl G. Grecich echoed the earlier welcomes and pointed out that in the past year INTA has expanded the seminar to the Office for the Harmonization in the Internal Market (OHIM) and is hoping to take it to other intellectual property offices in the future.

Timothy Gorbatoff of General Motors Corporation began the day with a primer on the history of automobiles and their precursors, channels of trade in the industry and specimens of use. He then talked about infringements of vehicle designs, an area of increasing concern for manufacturers, both in the United States, where court challenges are becoming more common, and overseas, where nearly identical copies often occur.

Mark Sparschu from the Ford Motor Company presented the second part of the automotive industry subtopic. He discussed descriptions of goods and services, the clearance process and similarity of goods, with respect to vehicles and tires on the one hand, and bicycles, on the other. Additional highlights of Mr. Sparschu’s talk were alphanumerical vehicle marks and the burgeoning practice of the counterfeiting of parts, and the steps manufacturers, suppliers and law enforcement officials are taking against such activity.

After an earlier than planned lunch break prompted by a sudden Alexandria-wide power failure, Linda Heban from Harley-Davidson spoke about trademark issues in the motorcycle industry. Ms. Heban reviewed the different types of motorcycles and the wide range of ancillary goods, clothing and licensed items bearing the company’s marks. She continued with a discussion of two important factors in motorcycle trademark practice – channels of trade and sophistication of the purchasers. One interesting focus of Ms. Heban’s presentation was her discussion of Harley-Davidson’s application for a sound mark, which she played for the attendees.

Michael Mihm from John Deere rounded out the day with a discussion of agricultural, lawn and grounds care, construction and forestry equipment and credit, health and technology services rendered by John Deere and the industry in general. He gave the mostly urban-dwelling audience a primer on such equipment, including tractors in Class 12, combines and planters in Class 7 and the extensive line of licensed items. Mr. Mihm concluded by exploring strategies for protecting color marks.

The day closed with additional questions from the examining attorneys, including one question about how in-house counsel balance budgetary restraints with a desire for broader protection of trademark rights. Carrie Knecht, a member of the Industry Advisory Counsel from Motorola Inc., wrapped up the day by encouraging everyone to fill out evaluations and by thanking the USPTO officials, examining attorneys and managers, particularly Debbie Cohen, Sharon Marsh and Tamara Spiro for their help in hosting the seminar, the speakers and their companies, Daryl Grecich, Lisa Sandick and Lyonel Yu of INTA and the entire Industry Advisory Council, especially Amelia Deller, Senior Trademark Paralegal at Jack Daniel’s Properties, Inc., and Council Chair Larisa Colton, Senior Trademark Counsel, Yum Brands, Inc., who also served on the PTO Seminar 2005 Team.

At the close of the day, PTO managers treated the speakers and PTO Seminar Team members to a tour of the new facility including the Trademark Assistance Center, the file room (much pared down in this electronic age), a law office and a TTAB hearing room. The tour, as well as the PTO-hosted speaker cocktail party and INTA-hosted speaker dinner the night before, rounded out the experience for the speakers who all agreed that the chance to hear directly from examining attorneys and to meet their colleagues at other vehicle companies was well worth the trip and the late nights of slide preparation.

The Industry Advisory Council looks forward to partnering with the USPTO and a cadre of trademark professionals from another industry on next year’s PTO Industry Training Seminar. If you are an in-house trademark practitioner, keep your eyes and ears open for a chance to speak at future events.
European luxury brand owners and members of INTA took their concerns about the multi-billion-dollar global counterfeit market to EU President Jose Manuel Barroso on April 28. The group discussed the serious issues surrounding the “real cost of fakes.”

In the past five years, the number of fakes seized in the EU has increased ten fold and, since 1993, worldwide production of counterfeit goods has reportedly jumped by 1,700 percent. This is especially true for the luxury brand market in Europe, which represents 80 percent of the world’s luxury good industry.

Frederick Mostert, past president of INTA and chairman of the intellectual property committee of Walpole Group, which represents British luxury brands, led a delegation that included luxury brand leaders Santo Versace of Versace, Leonardo Ferragamo of Salvatore Ferragamo, and Madeleine Vendeuil-Denise of LVMH Moet Hennessy Louis Vuitton.

For the meeting, to illustrate the scope of the problem, Mr. Mostert dressed completely in counterfeit goods, sporting a fake ARMANI suit, fake DUNHILL shirt, fake VERSACE tie, fake FERRAGAMO belt, fake GIVENCHY socks, fake LOUIS VUITTON sunglasses, fake YVES SAINT LAURENT cashmere coat and fake BURBERRY scarf. He also carried a fake PRADA briefcase containing fake TIFFANY jewelry.

“It was heartening to see how passionate and supportive President Barroso was on a subject of great importance to the European Union and to INTA members,” said Mr. Mostert. President Barroso indicated that the famous brands in the luxury goods industry were not only part of the history and heritage of Europe, but ingrained in its culture, which makes the escalation of counterfeit goods in the EU particularly serious.

The President was also interested to hear about developments in China where recently a number of luxury good brands from Europe were officially recognized by the Administration of Industry and Commerce in China as well-known marks. These brands include MONTBLANC, DUNHILL, CARTIER, HERMES, GUCCI, ESTEE LAUDER, VACHERON CONSTANTIN and PIAGET. The President pointed out that as an important cultural asset, uniqueness of luxury good brands and their protection must be supported.

Also attending were Julia Carrick, CEO of the Walpole Group, Armando Branchini, secretary general of Italy’s Altagamma and Pier Luigi Roncaglia, head of Altagamma’s intellectual property committee.

From Left to Right: Santo Versace, President Barroso, Frederick Mostert, Julia Carrick, Leonardo Ferragamo and Madeleine Vendeuil-Denise
On April 14, INTA held a roundtable in Shanghai on the practical judging standard and tips for fighting against trademark infringements in China. More than 30 representatives from over twenty Chinese companies and joint-ventures participated in the roundtable, which was sponsored by Shanghai Xu Cheng Intellectual Property Agent Ltd.

To more effectively expand on this topic, three speakers – Xing Dongsheng, from the Shanghai Administrative Authority for Industry and Commerce, Xu Jianchu, from the High People’s Court of Shanghai, and Frederick Mostert, from Richemont – spoke about the administrative and legal protection of trademarks and gave tips on cooperating with local government. Mr. Dongsheng, the director of Trademark Supervision and Administration Division of Shanghai AIC, presented various trademark infringement cases raised in Shanghai and the new measures taken by Shanghai AIC to stop trademark infringement through the administrative protection system. Mr. Jianchu, the presiding judge of Intellectual Property Tribunal of the High People’s Court of Shanghai, introduced the importance of evidence to the court and several cases that were not favorable to trademark owners due to evidential problems. Mr. Mostert, the director and the global chief legal counsel of Richemont, shared his experiences with local government and legal departments in Shanghai as well as around the world to stop trademark infringements.

Attendees were very interested in the topics and the practical experiences introduced by the speakers and questioned the speakers on subjects such as recognizing well-known trademarks, malicious registration of famous trademarks, evidence used before the court against trademark infringement, governmental assistance channels in trademark infringement, and the possibilities to protect Chinese trademark owner in overseas markets.

Following a very successful roundtable in October 2004, this is the second roundtable that INTA has held in China, and the attendees expressed their interest in further participation in INTA roundtables.

By Ding Xianjie, Shanghai Xu Cheng Intellectual Property Agent Ltd., Shanghai, China

**Mediation Seminar in Lagos**

On April 7, 2005, more than 40 guests attended a mediation seminar in Lagos, Nigeria. The seminar was hosted by INTA member firm Jackson, Etti & Edu, and supported by the Negotiation and Conflict Management Group (the non-profit organization that helped create the Lagos Multi Door Court House).

Participants included INTA members in Nigeria, the Registrar of Trademarks, the Director-General of the Nigerian Copyright Commission and some officials from the Commission, a judge of the High Court, facilitators from the Lagos Multi Door Court House, representatives from a number of companies and legal practitioners.

Sade Laniyan, a partner at the law firm of Jackson, Etti & Edu, and a member of INTA’s Programs Subcommittee for ADR, gave the welcome address in which she spoke briefly about INTA, its role in promoting ADR and the existence of the Panel of Neutrals. Godwin Richards, who is a member of INTA’s Panel of Neutrals in Nigeria, explained the role of the INTA’s neutrals and the INTA ADR process.

Kehinde Aina, from the Negotiation and Conflict Management Group (NCMG), delivered the keynote speech on mediation as a way to move forward in resolving trademark disputes. After a video presentation, which illustrated a mock mediation session and how the cases of both parties could be resolved, participants divided into various groups to role-play different mock scenarios. The group that performed the best did their role-playing in front of everyone at the session.

Overall, the session went very well. Many participants commented that they felt that mediation was a better way of resolving trademark disputes, and some attendees indicated that they intended taking cases to mediation.
How Time Flies …
Mary McGrane marks 30 years with INTA

On March 30, INTA staff members came together to celebrate 30 years of achievement by Publications Manager Mary McGrane.

To Mary, 30 years does not seem like a long time. “My work with INTA has continued to stay fresh and pose new and interesting challenges,” she says, and indeed, it has. Mary began working with INTA on March 31, 1975, as a communications assistant with diverse responsibilities. Since then, she has specialized in writing, editing, design, production, public relations and marketing for INTA. She has also planned meetings and roundtables, managed the design and production of the Association’s brochures and promotional materials and been involved in projects ranging from creating and editing the highly-regarded Remarks newsletter to the production of a film on trademark basics.

Given her experience in design, marketing, editing and production, Mary’s transition to publications was a natural one. Over the years, Mary has worked closely with INTA’s publishing committees, project team members and staff to edit, produce, launch and sell more than 50 titles for INTA.

In addition to generating authoritative works such as the Trademark Law Handbook, Trademark Searching, The Community Trademark and Trademark Law and the Internet, all of which have become staples in many IP legal libraries, INTA has recently branched out to produce online searchable databases. In 2003, Mary supervised the creation of Country Guides: Basic Information on Trademark Registration Worldwide, a searchable database of practical information on trademark filing, prosecution, registration, maintenance and enforcement on a country-by-country basis. She also managed the team that, in 2004, launched International Opposition Guide: Comparative Practice and Procedure, which offers practical information on the structure of local trademark opposition and related practices in 130 jurisdictions. This product allows trademark professionals to quickly assess the availability and feasibility of pursuing trademark opposition before incurring costs, helping clients make informed legal and business decisions. Most recently, Mary led the team that, in May of this year, produced the Practitioner’s Guide to the Madrid Agreement and Madrid Protocol, a searchable database of practical information on the local application of both treaties in member countries. (See announcement on page 5.)
EUROPEAN UNION

New OHIM Fees in the Pipeline

The draft of a Commission Regulation amending Regulation No. 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (OHIM) is currently under discussion with the European Commission’s Trademark Working Group. The draft reflects the fact that a considerable increase in the revenue of OHIM is expected in the medium term, as a result of the payment of renewal fees for Community trademarks.

While acknowledging that a slight surplus is justified, the draft takes into account that according to Art. 139 (2) of the Community Trademark Regulation, the amounts of the fees payable to OHIM are to be fixed at such a level as to ensure that the revenue is balanced. The draft therefore proposes to reduce the official fee for a new application covering up to three classes of goods and services from €975.00 to €600.00. An additional reduction of €300.00 will be made if the application is made online.

To encourage users not to bring groundless appeals, the draft anticipates that the appeal fee should be raised by €400.00. Furthermore, the fees for oppositions and applications for revocation or for a declaration of invalidity have also been increased, the latter by €300.00, thereby effecting a more appropriate cost balance between these two types of proceedings.

Contributor: Claus M. Eckhartt, Bardehle Pagenberg Dost Altenburg Geissler, Munich, Germany; Verifier: Dr. Festl-Wietek, Viering, Ventschura & Partner, Munich, Germany

MEXICO

House of Representatives Approves Bill on “Well-Known” and “Famous” Marks

On March 1, 2005, the Mexican House of Representatives approved a bill to amend the Mexican Industrial Property Law by incorporating an administrative procedure to declare “well-known” and “famous” trademarks and granting the Mexican Trademark Office (IMPI) explicit powers to issue such declarations. The bill has subsequently been presented to the Mexican Senate.

Although in Mexico well-known trademarks have been regulated for some time through the Mexican Industrial Property Law and international treaties, such as the Paris Convention, TRIPS and NAFTA, these regulations, in practice, have been insufficient to protect well-known and famous trademarks, since the IMPI has been unwilling to reject illegitimate trademark applications on grounds of prior existence of well-known trademarks. The IMPI has been very reluctant to declare that a trademark is well known even in litigation cases where a large amount of evidence has been offered to demonstrate the famous nature of the mark.

The bill incorporates two degrees of fame. The first refers to the “well-known” trademark, which is a mark known by a determined sector of the public or by the commercial circles of Mexico because of the commercial activities developed in Mexico or abroad by a person that employs such trademark in relation with its products or services. The second is the “famous” mark, which is a mark known by the majority of consumers.

If the bill is approved by the Mexican Senate, it will have a significant impact on trademark law and related litigation, since it will establish clear rules for the acknowledgment of trademark fame through prior accreditation, which the IMPI is empowered to issue. By giving explicit power to the IMPI, the bill incorporates two degrees of fame. The first refers to the “well-known” trademark, which is a mark known by a determined sector of the public or by the commercial circles of Mexico because of the commercial activities developed in Mexico or abroad by a person that employs such trademark in relation with its products or services. The second is the “famous” mark, which is a mark known by the majority of consumers.

If the bill is approved by the Mexican Senate, it will have a significant impact on trademark law and related litigation, since it will establish clear rules for the acknowledgment of trademark fame through prior accreditation, which the IMPI is empowered to issue. By giving explicit power to the IMPI, the bill incorporates two degrees of fame. The first refers to the “well-known” trademark, which is a mark known by a determined sector of the public or by the commercial circles of Mexico because of the commercial activities developed in Mexico or abroad by a person that employs such trademark in relation with its products or services. The second is the “famous” mark, which is a mark known by the majority of consumers.

The bill incorporates two degrees of fame. The first refers to the “well-known” trademark, which is a mark known by a determined sector of the public or by the commercial circles of Mexico because of the commercial activities developed in Mexico or abroad by a person that employs such trademark in relation with its products or services. The second is the “famous” mark, which is a mark known by the majority of consumers.

Contributor: Saul Santoyo, Uhthoff, Gomez Vega & Uhthoff, S.C., Mexico City, Mexico; Verifier: Adolfo Ocejo, PepsiCo, Inc./Frito-Lay, Inc., Mexico City, Mexico

IRAN

Little TWEETY Remains with Time Warner

The Time Warner Entertainment Co. opposed a trademark application filed by Ghasem Ghorbankhani, an Iranian individual, for the Looney Tunes yellow canary figure named TWEETY.

The application was for the registration of the design in Classes 3, 5, 16, 28, 29, 30, 31, 32 and 34.

The Time Warner Entertainment Co. filed a new application for the registration of the TWEETY figure simultaneous with the filing of the opposition to strengthen the opposition and meet the legal requirement of the Trademark Law.

The Time Warner Entertainment Co. claimed prior use and registration of the mark in other member countries of the Paris Convention and alleged that the use of the TWEETY figure by the Iranian applicant would mislead consumers as to the source of goods.

Mr. Ghorbankhani argued that his application was for the TWEETY figure in a different form and that the marks were not identical. He also argued that a case involving the TWEETY figure had already been heard by another court, and the decision of that court stated that the claim by the Time Warner Entertainment Co. was baseless.

Dr. Mansour P. Nouri, the judge of the Court of First Instance branch no. 3, issued his judgment for the cancellation of the trademark application for the famous yellow canary named TWEETY filed by the Iranian individual and registration of the TWEETY figure in the name of the Time Warner Entertainment Co.

The Appellate Court affirmed the court’s decision further holding that the prior judgments referred to by Mr. Ghorbankhani involved different applications, and since the applications under the present hearing differed from the previous case, the objection of the Iranian applicant was found to be unreasonable.

The judgments were published on February 28, 2005.

Contributor: Mohammad Badamchi, HAMI Legal Services, Inc., Tehran, Iran; Verifier: Houman F. Matin, Cabinet Abad, Tehran, Iran
EUROPEAN UNION

European Court Rules on Fair Use in Gillette Case

On March 17, the European Court of Justice (ECJ) outlined the proper approach for applying the EU’s fair use rules by ruling that a Finnish company can use Gillette Company’s trademark razor system to market its own shaving products.

In case C-228/03, the ECJ had to deal with a reference from the Finnish courts in a dispute relating to razor blades sold under the Parason FLEXOR brand. The blades’ packaging bore a sticker declaring, “All Parason FLEXOR and Gillette SENSOR handles are compatible with this blade.”

The ECJ was asked to rule on Article 6(1)(c) of the EC’s trademark directive, which provides that “The trademark shall not entitle the proprietor to prohibit a third party from using, in the course of trade, … the trade mark where it is necessary to indicate the intended purpose of a product or service, in particular as accessories or spare parts, provided he uses them in accordance with honest practices in industrial or commercial matters.”

Although the ECJ does not rule on the facts of individual cases, its ruling indicates the following:

- The defendant need not strive to have its product recognized as a mere “accessory” or “spare part.” No special magic attaches to products in these categories; the question is, simply, whether or not use of the mark is necessary to indicate the intended purpose of the product, whatever the case.

- Whether or not the use of the mark is “necessary” depends on whether or not it is the only means in practice to convey the intended purpose to consumers.

- Although the “honesty” of the use can be challenged, in particular where it creates a false impression of a commercial connection, takes unfair advantage of (or denigrates) the trade mark, or presents the defendant’s product as a replica of the product referred to, none of these things are taken to happen necessarily. Everything depends on the specific presentation of the product and the way the mark is used.

- It does not matter (as such) that the defendant not only makes and sells the accessory/spare part, but also competes with the trademark owner by manufacturing and selling its own host product.

The ruling has been referred back to the Finnish Court, which will apply the ruling to the facts of the case.

Contributor: Guy Heath, Nabarro Nathanson, London, United Kingdom; Verifier: Richard Penfold, DLA Piper Rudnick Gray Cary UK LLP, London, United Kingdom

SOUTH AFRICA

Counterfeit Goods and Transshipment


Moola owns THE GAP trademark for clothing in Class 25 in South Africa. The Gap owns THE GAP trademark for clothing in Class 25 in neighboring countries and islands. The Gap claimed that the export or import through (i.e., the transshipment through) South Africa of its goods bearing THE GAP trademark where the trademark is placed on the goods outside South Africa and where such goods are not for sale in South Africa, is not unlawful in terms of The Counterfeit Goods Act or The Trade Marks Act 1994 of 1993.

Moola claimed that the transshipment through South Africa is caught by the provisions of Section 2(1)(f) of the Counterfeit Goods Act. He claimed that goods that are counterfeit may not be transshipped through South Africa.

Counterfeiting, briefly defined, is seen as fraudulent imitations of goods. The Court referred to an earlier ruling that held that goods in transit are not imported into South Africa for purposes of the Custom and Excise Act. The European Community requires countries to impound counterfeit goods in transit.

The Court found that there was no reason to impound goods, which are not in the ordinary sense of the word “counterfeit,” that have to be transshipped through South Africa from island and landlocked countries, especially if no local rights holder is thereby affected and no intellectual property right infringed. The Court stated that South Africa would not wish to interfere with the legitimate trade of countries that, due to their particular geographical location, are dependent for access and egress on those countries. It is not lightly to be presumed that the legislation becomes a barrier to legitimate trade.

The Counterfeit Goods Act is intended to criminalize a particular species of fraud. The Court found that The Gap’s actions cannot be considered fraudulent, and since The Counterfeit Goods Act is a penal statute and interpreted restrictively, the word “import” need not include transshipment. The result may be that truly counterfeit goods might be transshipped through South Africa without hindrance. The Court felt that, if the legislator wishes to have South African law conform to the European model, it should do so in clear language.

The appeal by Moola was dismissed.

Contributor: Stephen Goldberg, Spoor & Fisher, Pretoria, South Africa; Verifier: David Broodyk, IPS (international) Limited, Cape Town, South Africa
SAUDI ARABIA

New Border Measures for Protection of Trademarks and Copyrights

The Saudi Arabian Ministry of Finance has adopted new border measures for the protection of trademarks and copyrights. The measures will come into force ninety days after the date of publication in the Official Gazette on April 12, 2005. According to government sources, the measures are in line with Section 4 Part III of the TRIPS Agreement.

Under these new measures, Saudi Customs Authorities are authorized to act ex officio and shall have the power to suspend the clearing of goods suspected of bearing imitated trademarks or of being a pirated copyrighted work. Upon receipt of prima facie evidence to this effect, the Customs Authorities shall notify the importer and right holder of the seizure, if their addresses are known.

The Customs Authorities shall forward samples of the imported works to the Ministry of Culture and Information. The Ministry may suspend the clearance of said works upon receipt of evidence of infringement of another’s intellectual property rights, and shall notify the Customs Authorities, the importer and the right holder, if their addresses are known, of the suspension.

The right holder and importer may inspect samples of goods where clearance has been suspended in order to confirm the claim of the competent authorities.

The Customs Authorities have the right to ask the trademark owner to provide, free of charge, any information or assistance, including technical knowledge and facilities, in order to determine if the suspended goods are counterfeits.

The trademark owner can seek at anytime, even prior to filing a civil or criminal lawsuit, the issuance of a judicial order by the Board of Grievances (the Court) to seize the goods and suspend their clearance by Customs, in accordance with the procedures and conditions set forth in Article 49 of the Trademarks Act and Article 22.7 of the Copyright Act.

Contributor: Nassir Kadasa & Partners, Riyadh, Saudi Arabia; Verifier: Hamad Al Mehairi, Emirates Advocates, Dubai, UAE

ITALY

New Anticounterfeiting Law

The Italian government acted sooner than expected in issuing a law decree regarding the recently proposed fine of up to €10,000 for consumers who purchase counterfeit articles. This law decree, which came into force on March 19, 2005, will be used to fine anyone who purchases counterfeit goods in Italy without first ascertaining whether the goods are legitimate. It will be applied when the quality of the goods, the condition of the seller, or the price of the goods are such as to indicate to the consumer that intellectual property rights have been violated.

This fine will directly impact the sale of infringing articles in the streets, where consumers are aware that they are buying counterfeit goods. The fines collected will be used by the Italian government to further the fight against counterfeit activity.

Contributor: Gabriele Lazzeretti, Società Italiana Brevetti, Florence, Italy; Verifier: Ilaria Carrai, Studio Professore Marzaduri e Carlioni, Viareggio, Italy

New Industrial Property Code

The new Italian Industrial Property Code, which was approved by the Council of Ministers on December 23, 2004, came into force on March 19, 2005 (See INTA Bulletin, Vol. 60, No. 3 for details about the Code).

The new Code will not be immediately enacted.

Article 245 of the Code provides that the procedural aspects of the Code will be implemented six months from the date that the Code comes into force. Therefore, while the substantive law contained in the Code is already in effect, the procedure provided for in the Code will not be implemented until September 19, 2005.

Contributor: Maria Boletto, Società Italiana Brevetti, Florence, Italy; Verifier: Stefania Bergia, Studio Vanzetti, Milan, Italy
SERBIA-MONTENEGRO

New Trademark Law

The newTrademark Law in Serbia and Montenegro entered into force on January 1, 2005. It is aimed at harmonizing the law with the European Trademarks Directive and Regulation, as well as with International Treaties and Agreements.

Compared to previous trademark legislation and practice in Serbia-Montenegro, the new law introduces the following important changes:

- The use of a trademark is clarified – genuine use is a condition for filing an infringement action, for preventing cancellation on the grounds of non-use, or for registration of a mark despite its lack of distinctiveness, in which case acquired distinctiveness through use is required. The law clarifies what use is not serious enough to be considered as genuine. For example, mere advertising of a product bearing the mark in question is not considered as genuine use of this mark, and the same goes for mere payment of the renewal fee.

- The law defines a certification mark, for the first time in the history of the country's trademark legislation.

- The new law introduces disclaimers for the first time in Serbia-Montenegro. For example, if a trademark contains an element that is not distinctive enough, and could give rise to serious doubts as to the scope of protection of the mark, a disclaimer may be used.

- Division of an application and of a registration are now available. The applicant/mark owner may divide the application or a registered trademark, by dividing the list of goods and declaring that a part of it would be subject to divisional application or registration. The divisional application (registration) shall preserve the filing date and priority of the original application.

- Another important new feature is the introduction of the concept of international exhaustion of trademark rights. As a result, the owner of a registered trademark shall not be entitled to prohibit use of the trademark in relation to the goods that have been put on the market “anywhere in the world” by the owner of the mark or with the owner’s consent.

- Registration of non-traditional trademarks has also been made easier under the new law, since it offers the possibility of filing a description of the mark in the trademark application.

- The examination procedure has changed in that the conditions for registration of a mark will now be examined at the time the grant decision is made instead of the previous practice by which applications were judged at the date of filing the application. Since there is a substantial time lag in the country between filing an application and a grant decision, the new provision is important since it avoids situations in which a mark is blocked from registration on the basis of a similar or identical prior mark that was registered at the moment of filing of the later one, but expired at some point during the application process of the later mark.

- Apart from these changes, a number of other amendments have been made, such as broadening the range of persons entitled to file an infringement action to include the users of a collective mark and the users of a certification mark, and unifying the grant decision and certificate of registration into one document. These changes provide better protection for trademarks in Serbia-Montenegro, primarily by introducing international and European concepts of trademark law.

Contributor: S.D Petosevic, b.v.b.a., Overijse, Belgium; Verified by: Gordana Pavlovic, Cabinet Pavlovic, Brussels, Belgium and Belgrade, Serbia-Montenegro

News Bytes

Irish boyband Westlife lost a case in the European Court of First Instance on May 4 against the owners of Germany’s popular West cigarette brand who challenged the use of the pop group's name as a trademark. The Court said that the name Westlife was too similar to West.

– Associated Press

Beverly Hills yoga master Bikram Choudhury has claimed copy and trademark rights for his BIKRAM’S BASIC YOGA SYSTEM, consisting of 26 postures, exercises, breathing techniques and dialogues. He has sent cease and desist letters to yoga teachers whom he feels follow his routine too closely. Opponents claim that yoga is a 5,000-year-old tradition that can’t be owned.

– National Post

Apple & Pear Australia has threatened legal action against three Chinese marketing and distribution companies for trying to sell apples with its PINK LADY brand or using elements of its PINK LADY mark in Europe and Britain without a license.

– Weekly Times Australia

U.S. company Car Freshner Corp. has filed a trademark violation lawsuit against companies that it says are wrongly using its well-known pine tree design on greeting cards. The company claims that its opponents are trying to cash in on “the reputation and goodwill associated with the design.”

– Watertown Daily Times

The U.S. Miami-Dade Police Department is considering protecting its badge and logo with a trademark. The police department is featured in shows such as CSI: Miami and is playing a big role in the upcoming movie adaptation of Miami Vice.

– Sun-Sentinel

Tiger Direct, a subsidiary of Systemax, has sued Apple Computer for using the nickname TIGER for its new Mac operating system. The suit was not brought in time to stop the launch of the operating system on April 29.

– Newsday

For more details, visit Trademark Matters on the Members Only Site, accessible through INTA’s website at www.inta.org/tmmatters.html. Trademark Matters provides pre-built news feeds pulled from more than 4,000 news sources to enable practitioners to conveniently access the most up-to-date trademark information.
Welcome New Members

222 new organizations became INTA members in March and April 2005. Following is a list of these members. For full contact information, visit the INTA Membership Directory on the Members Only Site of the INTA website, www.inta.org.

A.A. Tejuoso & Co, Solicitors, Nigeria; A.D. Sosa & Soto, Sociedad Civil, Guatemala; Aamhas IP Consultant, Indonesia; ABACUS Security, USA; Addisons Lawyers, Australia; Aditya & Associates, India; Agabi, Shinaba, Ogon & Co., Nigeria; AGN Mak Business Consultants, UAE; AKJ Associates LTD, UK; Alexander, Holburn, Beaudin & Lang, Canada; Allbright Law Offices, PRC; Allen & Overy, Germany; Allen & Overy LLP, Germany; Archer & Angel, India; Arenales & Skinner-Klee Abogados, Guatemala; Arnold & Porter, USA; Asia Trademark, Ltd, Iraq; Asia Trademark, Ltd, Libya; Asia Trademark, Ltd, Rwanda; Asia Trademark, Ltd, Australia; Asia Trademark, Ltd, Burundi; Asia Trademark, Ltd, Cayman Islands; AstraZeneca, UK; Avid Technology, Inc., USA; Baker & Daniels, PRC; Baker & McKenzie, Italy; Baker & McKenzie LLP, USA; Baker & McKenzie, Beijing, PRC; Bandai America Inc., USA; Bauer-Vorberg-Kayser, Germany; Beijing GMK Intellectual Property Ltd., PRC; Binderow Law Offices, USA; Bird & Bird, Italy; Bletry & Associates, France; Blue Tooth Special Interest Group Inc., USA; Borochov, Korakh, Elizri & Co., Israel; Branfman & Associates, USA; Brown Cooper Monier-Williams, UK; Cantor Colburn, LLP, USA; Carreira Pitti & Garibaldi P.C., Panama; Chan Law Group LC, USA; Chanel, France; Chavalit & Associates Limited, Thailand; Clifford Chance CIS Limited, Russia; Coca-Cola Latin America, Mexico; Curatolo Sidoti Co, LPA, USA; D & L Consultant, LLC, Ukraine; Dac Legal Practitioners, Nigeria; Denton Wilde Sapte, UAE; DeRyook Int’l Patent and Law Firm, South Korea; Deloitte Touche Tohmatsu, PRC; Dentons, UK; Dhal, Smith & Partners, USA; Dillworth Paxson LLP, USA; DLA Piper Rudnick Gray Cary UK LLP, Germany; Doha Asian Games Organising Committee (DAGOC), Qatar; Dr. Eyal Bressler, Israel; D.S. Avocats, France; Duckor Spradling Metzger & Wynne, USA; Ehrlich & Partners, Israel; Erenburg & Kosiba Legal Services, LLC, USA; Escande, France; FagelHaber LLC, USA; Fangda Partners, PRC; Fernandez Lopez & Asociados, Costa Rica; Fleisch & Gally, Germany; Fonar Corp., USA; Gare & Ortiz Do Amaral-Advogados, Brazil; Genentech, Inc., USA; George Widjojo & Partners, Indonesia; Goodman Law Group PC, USA; GS Holdings Corp, South Korea; Hamre, Schumann, Mueller & Larson, USA; HDOS Enterprise/Hot Dog on a Stick, USA; Henley & Associates, USA; Henri Job Law Firm, Cameroon; Henricks, Slavin & Holmes LLP, USA; Hilborne, Hawkin & Co., USA; Hilborne, Hawkin & Co., Bermuda; Hitachi America Ltd. Inc., USA; Hitchcock Evert LLP, USA; Holofer ApS, Denmark; Holmes & Loftstrom LLP, USA; Howrey LLP, Belgium; Hughes Fields & Stoby, Guyana; Hugo Silva, Rosa & Maldonado Propriade Intelectual, Brazil; Hunton & Williams, LLP, McLean, USA; Idea Legal, USA; International Coffee Bean & Tea Leaf, USA; International Practice Group, P. C., USA; Intuit Inc., USA; Invitrogen Corporation, USA; IP-Central LLC, USA; Iseme, Kamau & Maema Advocates, Kenya; IT & T International Patent & Trademark Agent Limited, PRC; J.D. Hardie & Co., New Zealand; J2 Global Communications Inc., USA; James E. Quashie-Idun & Co., Ghana; Jeesahn IP Law Firm, South Korea; Joep Mens Trademark Company (JMTCO), Netherlands; John Wilson Partners, Sri Lanka; Kaufman & Canoel, USA; Kazuo Ohtake Partner of Nagashima Ohno & Tsunematsu, Japan; Kirkpatrick & Lockhart Nicholson Graham LLP, USA; Klein, O’Neill & Singh, LLP, USA; Kochanski Brudkowski & Partners SC, Poland; Lacoste Alligator S.A., Switzerland; Landon IP, USA; Lane Powell Spears Lubersky LLP, USA; Laptv Atlanta Partners, USA; Lathrop & Gage L.C., USA; Law Firm Raeder DA, Norway; Law Office of Dr. Joachim Lauer, Switzerland; Law Office of Ralph H. Lane, USA; Law Offices of Gwenn Roos, USA; Law Offices of Karla Shippey, USA; Law, Raj & Partners, Malaysia; LeBeouf, Lamb, Greene & MacRae, L.L.P., USA; LeClair Ryan, USA; Lee & Hayes, PLLC, USA; LegiMark, France; Lehman, Lee & Xu, USA; Lett Law Firm, Denmark; LGV Avvocati, Italy; Lovells, Russia; Lubberger Lehments, Germany; Manufacture Francaise Des Pneumatiques Michelin, France; Marcucia, France; Marketing Workshop, Inc., USA; Mayer, Brown, Rowe & Maw LLP, USA; McCain Foods Limited, Canada; McDonough, Holland & Allen, USA; Michael Wilson & Partners, Ltd, Azerbaijan; Middle East Trademark Renewals, UAE; Middle East Trademark Renewals, Egypt; Miki & Yoshida, Japan; Mintz Levin Cohn Ferris Glovsky and Popeo LLP, UK; Mintz Levin Cohn Ferris Glovsky and Popeo PC, USA; Miranda & Amado Abogados, Peru; MIS Fox Mandel & Co., India; Molina Salgado & Asociados S.C., Mexico; Morrison & Forester LLP, USA; N. Keith Simmons & Co., Barbados; National Trademark Investigations, USA; Natura Cosmeticos S.A., Brazil; NewKorea International Patent & Law Office, South Korea; Nico Halle & Co. Law Firm, Cameroon; Ochoa Silva Abogados, Colombia; Office of Aletta Dekkers, Ontario, Canada; Office of James N. Palik, France; Ogarrio Daguerre, S.C., Mexico; Oori Patent and Law Office, South Korea; Osborne Clarke Solicitors, UK; Patton Boogs, LLP, USA; Perfetti Van Melle
A Special Welcome to INTA’s New Professor and Student Members:

Professors:
Mariano Riccheri, Universidad de Alicante-Magister Lscentinius, Spain; Ross Petty, Babson College, USA; William Murphy, Franklin Pierce Law Center, USA; Antonio Ligon, De La Salle University, Philippines; Steven Hoffer, World Cyberspace Law Institute, USA; Ma Teresa Delgado, Universidad San Francisco De Quito, Ecuador; Lesley Craig, George Washington University Law, USA; Mario Golab, Universidad Austral, Argentina; Ziya Akinci, Galatasaray University, Istanbul Turkey, Turkey

Students:
Radim Charvat, Masaryk University in Brno, Faculty of Law, Czech Republic; Richard Flaggert, Northeastern University, USA; Raed Karawani, University of East Anglia, UK; Simon Goodfellow, University Of California Hastings College of the Law, USA; Yasmin Poyan, Cardozo School of Law, USA; Erin Ogden, University of Wisconsin, USA; Daniel Fedorkov, Russia; Claudia Valera, Franklin Pierce Law Center, USA; Alejandro Blanco, Universidad Jose Maria Vargas, Venezuela; Ines Terhorst, Thomas Jefferson School of Law, USA; Todd Gerber, University of Akron, USA; Roger Juntunen, University of Akron, USA; Bo Yu, Cardozo School of Law, USA; Suzan Taha, University of Jordan, Jordan; Keunbok Seo, Korea University School of Law, South Korea; Li Wen, Law School of Remin University of China, USA; Karina Mozgozaya, Franklin Pierce Law Center, USA; Matt Boisen, Seattle University School of Law, USA; Nick Wood, Queen Mary Intellectual Property Research Institute, UK; Donna Vigil, Golden Gate University, USA; Rob Cottle, Gonzaga University School of Law, USA; Crystal Van Der Linden, Loyola University of Chicago, USA; Author Severance, California Western School of Law, USA; Richard Yuen, University of South Dakota, USA; Miguel Oppenheimer, Franklin Pierce Law Center, USA; Petra Hansmersmann, Cardozo School of Law, USA; Mauricio Lia, Universidade Presbiteriana Mackenzie, Brazil; William Morris, Franklin Pierce Law Center, USA; Peter Ruess, George Washington University Law, USA; Mert Yalcin, Bilgi University, Istanbul Turkey, Turkey; Bekir Gektir, Bilgi University, Istanbul Turkey, Turkey; Marc Trachtenberg, DePaul University, USA; Joseph Loomis, University of Phoenix, USA
Mark Your Calendars

June 6 – 26, 2005
TTAB – An E-Learning Program

June 13 – 24, 2005
Roundtable: Prosecution Tips for Trademark
Administrators and Paralegals
Various U.S. Cities

July 11 – 22, 2005
Roundtable: Advanced TTAB
Various U.S. Cities

September 8 – 9, 2005
Worldwide Forum on Marks and Designs
Vancouver, British Columbia, Canada

September 12 – 13, 2005
Trademarks in Cyberspace Forum
Vancouver, British Columbia, Canada

September 18 – 21, 2005
Trademark Administrators Conference
Chicago, Illinois, USA

Additional Details About INTA's Events
For a full description and to register, visit www.inta.org/events.

Exhibitions and Sponsorship
To inquire about sponsorship or exhibition opportunities for INTA's events, visit www.inta.org/sponsor.

Although every effort has been made to verify the accuracy of items carried in this newsletter, readers are urged to check independently on matters of specific concern or interest. The INTA Bulletin primarily relies on members of the INTA Bulletin Committee and INTA staff for content but also accepts submissions from others. The INTA Bulletin Editorial Board reserves the right to make, in its sole discretion, editorial changes to any item offered to it for publication.

International Trademark Association
655 Third Avenue, 10th Floor
New York, NY 10017 USA
+1-212-768-9887 • f: +1-212-768-7796
www.inta.org • info@inta.org