OHIM at INTA: Hong Kong

The INTA Annual Meeting is a key date in the annual international IP calendar. It gathers together IP professionals from all over the world for discussion, debate and networking – and has become a fixture on the world IP circuit.

The fact that INTA 2014 is being held in Hong Kong underscores the fact that the Asia Pacific region is firmly centre stage. OHIM, which already has a number of projects running in the region, with national IP offices and the European Commission, will have a presence in Hong Kong, of course, and the Office has a full calendar of events planned while at INTA.

This month’s Alicante News, therefore, has a distinctly Asian flavour. The editorial contains an interview with INTA CEO, Etienne Sanz de Acedo, ahead of the Hong Kong meeting. Inside the newsletter, you’ll also find an analysis of design invalidity proceedings before the Patent Re-Examination Board of the State Intellectual Property Office of China. In our ETMDN News section, which is dedicated to OHIM’s international cooperation, you’ll also find all the details of OHIM’s programme of activities at INTA 2014.

Interview with Etienne Sanz de Acedo, CEO, INTA

The INTA Annual Meeting is the highlight of the international IP calendar: how important are these meetings, and what benefits can they bring for the users of IP rights in general?

We’re now operating in a global marketplace that is becoming increasingly integrated. Despite the fantastic technology at our disposal, nothing beats face to face interaction with clients. The Annual Meeting brings over 8,000 trademark practitioners together in one place. It also provides a unique opportunity for users to work with representatives from their IP Offices and vice versa. At the upcoming Annual Meeting, the JPO, OHIM, WIPO, the TM5 and a number of regional IP Attachés are hosting such sessions. This, I believe, is one of the key motivations for IP practitioners to attend the Annual Meeting: They can actually conduct much of their work for the year in just one week.

• What is the relevance of hosting this year’s inaugural INTA Annual Meeting in Asia as opposed to the usual North American circuit?

The 2014 Annual Meeting in Hong Kong is already shaping up to be one of the Association’s largest ever meetings. With four weeks to go to the event, we already have more than 8,000 attendees registered making it our biggest event ever outside from the US, this includes record turnout from Asia, with more than 2,400 attendees from that region.

Over the past decade, Asia-Pacific economies have come to play an increasingly important role in the global marketplace. The region is home to many established export economies, including Japan, South Korea and Taiwan. There are also a number of young consumer markets, such as Indonesia and Myanmar, where the middle classes are expected to expand dramatically over the next decade. And some countries, like China, are both major exporters and engines of consumer growth. IP activity in the region reflects this economic growth, with domestic and international filings in Asia-Pacific increasing sharply over the past few years.

• INTA’s broad global reach is one of its strengths. How does the European Trade Mark and Design Network, and its contribution to the world of Intellectual Property, fit with INTA’s Mission Statement?

The protection of trademarks is at the core of INTA’s mission. Our mission statement was updated in January 2014 with the launch of our 2014-2017 strategic plan and the first of four strategic directions outlined in this plan is the protection of trademarks. In terms of protecting trademarks, harmonisation is highlighted specifically. Harmonisation has, and will always be, a priority for INTA and this is why INTA is a strong supporter of the European Trademark and Design Network.

• How would you evaluate OHIM’s long running participation at these annual meetings and how important is the OHIM-INTA partnership?

The OHIM-INTA partnership is very important to INTA, and a real benefit to both OHIM users and INTA members alike. Over the years we have increasingly become more involved in OHIM’s activities. In addition to our participation at the yearly OHIM Users Group meeting, we are now attending the twice-yearly meetings of the OHIM Administrative Board and Budget Committee, OHIM Liaison Meetings, and participating in the working groups of the Cooperation Fund and Convergence Programme as well as the Observatory. In the past few years the opportunities for INTA and other stakeholders to get involved with OHIM’s activities, especially cooperation initiatives with EU national offices, has greatly expanded.
OHIM’s participation in the INTA annual meetings is of real value to practitioners from around the world and provides a unique set of opportunities to learn more about trademarks in the EU. The OHIM booth in the Exhibition Hall is always very popular among attendees, who appreciate the opportunity to interact with OHIM staff as well as the OHIM industry update session. In addition to this, INTA officers will meet OHIM officials and the OHIM Observatory will be updating INTA members on the studies issued earlier in 2013.

• *Now that you have passed your 100 days as CEO of INTA, what are the challenges you face in your new role in the immediate and medium term?*

Well, approximately 300 days have already passed. The main challenge is to make sure we properly serve our members worldwide by defending and advancing trademark rights. To do so, we need to increase our advocacy efforts, expand our communications and initiate collaboration with new partners, and do so globally.

We recently launched our 2014-2017 strategic plan focused in four main areas: (1) the protection of trademarks, (2) communications, (3) international expansion, and (4) member satisfaction. This plan will guide INTA’s activities and engagements for the next four years, and keep the Association mission-focused.

• *Can we expect to see INTA organising an event in OHIM’s host city Alicante at any time in the future?*

Last September INTA hosted its Board of Directors meeting in Alicante for the first time - my first as INTA CEO. With so much happening in the EU, it was opportune for us to be at the home of the Community Trade Mark. This meeting was followed by a Government Relations Program that addressed many of the key issues relating to and impacting OHIM and EU national offices, as well as users of these systems. OHIM was a tremendous host to INTA for our Board Meeting and the Government Relations Program. The entire Board appreciated the value of hosting events in Alicante and of the special relationship between OHIM and INTA.

Next year INTA will host, for the first time ever, its TMAP (Trademark Administrators and Practitioners) meeting in Europe. This meeting will take place from 14 to 15 October 2015, and will be a major meeting for paralegals from Europe and around the world.

INTA is extremely thankful to OHIM and its President Mr. Campinos for hosting us. Alicante has become an IP hub in Europe. INTA is always pleased to come and visit OHIM and, on a personal level, I am always happy to return to Alicante!

**The James Nurton Interview**

James Nurton speaks to Austrian trade mark lawyer Martin Reinisch of Brauneis Klauser Prändl Rechtsanwälte GmbH in Vienna about trade mark exhaustion, Customs enforcement and protracted litigation.

**How did you become involved in trade marks?**

I’ve been working in trade marks for more than 16 years. My first legal contact with trade marks was at the University of Amsterdam where I went on an Erasmus programme, and wrote a paper on the EU Trade Mark Directive. Then, after finishing my studies, I had an internship at the CJEU in Luxembourg in the Chambers of the Austrian judge.

It was at the time the *Silhouette* case was decided, and we were aware that this was an important decision with far-reaching consequences for the question of exhaustion of rights. As we know it came down in favour of the principle of European exhaustion, so this was a historic moment, which has had an impact on many subsequent trade mark cases in my later private practice.

Another benefit of that CJEU experience was that the working language of the Court is French so I had the opportunity to practise my language skills, which a lot of my French clients now appreciate!