Introduction

A new direction for the trademark community

In partnership with INTA

Author

Mei-lan Stark

For those of us who work in intellectual property, it can be easy to forget that trademarks serve not only as the legal means to protect our brands, but also as the most important signifier in the shopping aisles. Trademarks allow consumers to shop with confidence and also to make quick repeat purchases time and time again. Guided by its new Strategic Plan, the International Trademark Association (INTA) plans to recapture the public’s imagination about the role that trademarks play in their daily lives. We want to bring more people into the conversation, reiterate that they are perhaps the most important stakeholders in intellectual property and urge them to be active participants in advancing intellectual property.

To accomplish this, we in the trademark community need to strengthen our relationships within the IP world and also develop new relationships with less traditional groups outside our community, including trade unions, non-governmental organisations (NGOs), and marketing and consumer protection associations. With regard to the latter, we must demonstrate the enormous value that trademarks bring to commerce and how they foster innovation and support jobs. Then, collectively, as we engage the public, we can cast the widest possible net and ensure that our message has the greatest impact.

The 2014-2017 Strategic Plan sets out four strategic directions:

• the protection of trademarks;
• communications;
• international expansion; and
• member satisfaction.

The plan will guide INTA’s activities and engagements for the next four years and envisions the association working with organisations around the world, including trademark offices, NGOs and national and regional associations. INTA will also develop an energetic programme to explain the benefits of trademarks and intellectual property for consumers, national economies and society at large.

Building bridges
INTA already has strong ties with many key players in the IP community and in 2013 made significant progress strengthening and expanding these relationships.

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Last December, INTA Chief Executive Officer Etienne Sanz de Acedo participated in the 17th Work Sessions and Administrative Council meeting of the Inter-American Association of Intellectual Property (ASIPI), which took place in Punta Cana, Dominican Republic. During a special panel discussion on the topic of cooperation, Sanz de Acedo and ASIPI President Juan Vanrell announced that the two organisations will engage in efforts to collaborate on issues such as anti-IP sentiment, legal protection for rights holders and public engagement.

Public-private partnerships between brand owners and governments was a focus of INTA’s first-ever conference in the Middle East. Entitled “Hot Trademark Topics in the MEASA Region”, the December gathering attracted over 250 attendees from 50 countries, including government officials from Bahrain, Pakistan, Saudi Arabia, Qatar and the United Arab Emirates. INTA also hosted its first-ever Branding and Social Media Conference, which took place in Chicago last October and brought together branding and marketing professionals and their legal counsel. The aim of the conference was to provide insight into best practices on modern branding and social media, as well as the laws that govern their use, with a special focus on the relationship between branding, marketing and trademark professionals.

An excellent example of what can be accomplished through international collaboration between two associations is that of INTA and the China Trademark Association (CTA). INTA has a long-established relationship with the CTA dating back to before China joined the World Trade Organisation in 2001. Our associations have worked together on a variety of programmes, including regular policy delegations, where we have jointly participated in high-level government meetings and forums as well as joint seminars through which INTA has been able to provide assistance to Chinese enterprises in the field of trademark law.

During 2014 an INTA presidential taskforce will explore this concept of building bridges even further. Brand owners account for a huge percentage of gross domestic product (GDP); in 2012 INTA members alone collectively contributed almost 17 % ($12 trillion) of the global GDP. In order to be really compelling about why trademarks are important, we need to step outside our comfort zones in our
communication and advocacy efforts. This taskforce will examine these issues and make concrete recommendations about how to proceed. This is one of three new presidential taskforces to be created in 2014. A second taskforce will study the relationship between brands and innovation, while a third will re-examine INTA’s committee structure and participation to ensure that our committees are effective and efficient and that our members have an enriching volunteer experience.

Engaging the public
INTA is already reaching the public directly through the Unreal Campaign, a consumer awareness programme that aims to educate high-school students about the dangers of counterfeiting and the importance of trademarks. In late 2012 INTA officially launched its partnership with Street Law, Inc and the Constitutional Rights Foundation to develop trademark-related educational materials and bring the anti-counterfeiting message to high schools across the United States. The goal of this programme is to empower teens to make educated purchasing decisions and to help them appreciate the risks that counterfeit goods pose to themselves, their communities and the national economy. Working with INTA member volunteers, the campaign reached more than 800 students in 2013 and INTA is delighted to be continuing this partnership in 2014. Looking ahead, the plan is to expand the programme internationally, starting with Canada and Latin America. INTA commends all organisations that are engaging the younger generation, such as ASIPI, which will launch its ASIPI Educa programme later this year.

The task of educating the public is not about changing opinion. Instead, it is about communicating – far and wide and on every possible occasion – the benefits of intellectual property to society. And we have many tools at our disposal. Brands – Reputation and Image in the Global Marketplace – a major new report released by the World Intellectual Property Organisation (WIPO) – explores in detail the role that trademarks and brands play in the global economy. Brands inform purchasing decisions. They represent an array of attributes – such as quality, functionality, luxury, social responsibility and reliability – which align with an equally vast array of consumer preferences. As the report explains, this is how trademarks – which protect a brand’s uniqueness – provide a business with competitive advantage. The need to maintain that advantage, and to meet the shifting needs of the marketplace, spurs innovation and the creation of new products and services – a process that not only improves choices for consumers, but also stimulates global economic growth.

We also have hard economic data to support WIPO’s analytical study. A 2013 study (entitled Intellectual Property Rights Intensive Industries: Contribution to Economic Performance and Employment in the European Union) carried out by the Office for Harmonisation in the Internal Market and the European Patent Office revealed that IP-intensive industries account for almost 39% of all economic activity in the European Union. It also explained that one in three EU jobs relies on these industries, and that wages in these industries are 40% higher than in non-IP intensive industries. The situation is similar in the United States. Intellectual Property and the US Economy: Industries in Focus, a 2012 study published by the US Department of Commerce,
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found that IP-intensive industries accounted for 34.8% of national GDP in 2010. And every two jobs in IP-intensive industries supported an additional job elsewhere in the economy. In total, 27.7% of all jobs in the United States were attributable to intellectual property and, on average, those paid 42% more than jobs in other industries.

These reports will serve as valuable resources in the task of educating the public about how trademarks and intellectual property support a safe and thriving marketplace, a productive workforce and a growing economy.

Going global

INTA’s 136th Annual Meeting will take place in Hong Kong this May. This is a truly historic event. In accordance with the goals laid out in our new Strategic Plan, this meeting will enable INTA – and the entire trademark community – to broaden its presence in this increasingly important region. And this is just one of many ways in which we are expanding our activities worldwide. For example, we recently launched a Chinese-language microsite as the first step of a new INTA initiative to offer materials in languages other than English. The 2014 Annual Meeting will also provide us with yet another platform to foster new relationships and build on existing ones. This will permit INTA to carry out more targeted advocacy in more areas of the world and offer more meaningful participation to the growing international INTA membership. At last year’s annual meeting in Dallas, we had representatives from over 30 governments. We expect this number to rise at the coming meeting, especially from governments in the surrounding Southeast Asian jurisdictions.

Hong Kong, with its colourful mix of Western and Chinese influences, has a truly global feel and is often described as the place where East meets West. Come May, this will be true of both the city’s bustling streets and the annual meeting. We expect over 8,500 attendees in Hong Kong, with a substantial influx in participation from China and surrounding countries. For those travelling from Europe, the Middle East and North and South America, this will be a unique opportunity to learn first-hand about the potential business opportunities that the booming Asian markets have to offer and to establish a professional network in the region. We are calling on everyone in the global trademark community to join us in our mission of building bridges and engaging the public – and what could serve as a more appropriate platform for us to launch into this task than the largest gathering of trademark professionals in the world?

See you in Hong Kong.

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Mei-lan Stark is senior vice president, intellectual property for Fox Entertainment Group. In this role, she heads the IP legal group, which is responsible for all trademark, copyright, domain name and patent work for all of the Fox Entertainment Group entities worldwide.

Ms Stark joined Fox after spending several years with The Walt Disney Company, where she was responsible for IP matters for several Disney divisions, including feature animation, Buena Vista Pictures marketing and distribution and Disney consumer products. She began her career as an IP attorney at Kilpatrick Stockton following her graduation from Yale Law School.

Ms Stark is the 2014 INTA president and chair of its board of directors.