**Take the No Fakes pledge | 张锦辉署长与学生分享版权保护**

INTA President Mei-lan Stark had an opportunity to explain the importance of trademarks to the next generation of Hong Kong consumers at the Unreal student engagement session yesterday. She outlined the importance of brands to the economy, and how research had revealed that jobs in IP-rich industries typically pay up to 40% more than jobs in other sectors. She said that online shopping site Taobao employs teams of people to remove fake products from the website and explained why they do it: “Fake products are often poor quality and they can harm you,” she said.

Eugene Low of Mayer Brown introduced Hong Kong Intellectual Property Office (HKIPO) Director Peter Cheung, who outlined Hong Kong’s anti-fakes program. Retailers who pledge not to sell counterfeit products in their shops can display an official No Fakes sign, giving shoppers confidence that the products they buy are genuine. He then taught the students a “No Fakes” song. Emily Wong of HKIPO, Vincent Lai of Hong Kong Customs and Excise Department and Fornia Lo of Gucci also spoke at the event, which was supported by Platinum Sponsor Estee Lauder and Silver sponsors Gucci and Fox.

**Develop your online enforcement strategy**

In-house counsel discussed the most effective response to online infringement at two sessions this week, recommending IP owners take a strategic approach to brand protection.

“Our clients often say ‘can you stop that?’ when one of our brands faces criticism online,” said Rebecca Borden of CBS Corporation. “But we have to be careful. If you take a very tough approach you can hurt us to say ‘we recognize you’re a fan and the creators get paid and that we don’t breach any of our other contracts.’”

Pinterest’s Anthony Falzone agreed. “It pays to be nice and respectful to people.”

Borden revealed one of the more unusual requests that she has had to consider while working for the broadcasting company, which airs episodes of Star Trek. CBS was asked whether images from Star Trek could be used on the gravestone of a fan of the sci-fi show. Lawyers had to weigh up whether giving the go-ahead would interfere with a licensing deal the company has with a coffin maker who produces Star-Trek themed cas- kets, but ultimately sanctioned the request.

In another session on social media in China on Monday, Stanislas Barro of Kerring, which owns brands including PUMA, GUCCI and BRIONI, outlined some of the practical challenges involved in enforcing IP rights online in a country with 618 million internet users, 91% of whom have at least one social media account. He explained how many sellers of counterfeiters advertise their products on Sina Weibo to receive maximum exposure, but shift their negotiations with buyers to WeChat, where their conversations remain private. “We get cut out of the discussions at that point,” he said.

“There is lots of ground to cover, the Internet is moving fast and it is a challenge to keep up,” he concluded. On the positive side, however, brand owners are doing more to share best practices for dealing with the problem, and there have been encouraging signs from the authorities, including the establishment of specialized cybercrime units, he said.

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**Grand Finale is included in registration price Registered attendees of the Annual Meeting DO NOT pay extra for Grand Finale access—your badge is your ticket, so you must have it on you. Hong Kong Disneyland will keep us dry The Grand Finale will go on, rain or shine—Hong Kong Disneyland is ready! There will be both indoor and outdoor space so guests can stay dry if necessary.**

**Buy guest tickets now** If you are bringing a guest to the Grand Finale, you MUST buy guest tickets on site before close of registration on Wednesday at 2:00 pm. Shuttles depart at 5:30 pm to avoid traffic, shuttles to Hong Kong Disneyland will depart at 5:30 pm from several departure points. Please pick up the shuttle schedule at the Information Desk on the Mezzanine level for details.
India goes “scientific” to improve Registry

A n overhaul of the Indian Trade Marks Registry has brought about considerable improvements to the quality of its services. Thanks to streamlined procedures and increased digitalization, the Trade Marks Registry has been able to reduce pending times and increase responsiveness in the office.

According to Ram Awtar Tiwari (pictured) of the Trade Marks Registry, this came in large part from a push from the top to improve service. “After 2009, our leaders concentrated on reorganizing the trademark registry,” he told the INTA Daily News. “Now, it has been completely implemented.”

The Madrid Protocol has played a major role in this improvement. In preparation for India’s accession to the Protocol, the Trade Marks Registry implemented a full-service e-filing system. In fact, Tiwari explained that Madrid applications in India may only be filed online, and that oppositions filed online are logged immediately with the Registrar, while those filed by paper often take about a week to be logged. These changes have helped to reduce pending time; in 2012-2013, the Trade Mark Registry actually examined more applications than it received, which should help address the backlog.

Tiwari says that there are more improvements to come, and that the office is taking a “scientific” approach to improving its procedures.

USPTO wants to lower most trademark filing fees

The USPTO has proposed to reduce fees for trademark filings that are done electronically. Deborah Cohn, commissioner for trademarks at the Office, explained during the USPTO Users session yesterday that the aim is to lower costs and promote efficiency for customers.

Last Friday the USPTO issued a Notice of Proposed Rulemaking proposing to reduce fees for many trademark applications and most renewals of registrations. It also proposed a new Trademark Electronic Application System Reduced Fee (TEAS RF).

The fee for a new application filed using the regular Trademark Electronic Application System application form would be reduced to $275 per class from $325 if the applicant files the application completely electronically. The fee for a new application filed using the TEAS Plus option would be reduced to $225 per class from $275. The fee for an application for renewal of a registration submitted through TEAS would be reduced to $300 per class from $400.

The filing fees for trademark applications and renewals filed on paper will remain unchanged. “The fee for Madrid filings is also staying the same,” Cohn clarified.

Comparison of Attendees to past years (as of May 12th)

<table>
<thead>
<tr>
<th>Year</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>4,574</td>
</tr>
<tr>
<td>2008</td>
<td>7,510</td>
</tr>
<tr>
<td>2013</td>
<td>8,892</td>
</tr>
<tr>
<td>2014</td>
<td>8,580</td>
</tr>
</tbody>
</table>

Regional breakdown of Attendees (as of May 12th)

- Asia Pacific: 2,732
- North America: 1,890
- Europe: 2,732
- Latin America: 799
- Africa and Middle East: 411
- Other: 10,000

Hong Kong Disneyland Grand Finale Event - Shuttle bus service

<table>
<thead>
<tr>
<th>Route</th>
<th>District</th>
<th>Boarding locations</th>
<th>Service hours</th>
<th>Destinations</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>HK Island</td>
<td>Expo Drive Entrance, Phase I – HKCEC</td>
<td>5:30 pm – 6:40 pm</td>
<td>HK Disneyland</td>
<td>Every 5 – 10 minutes</td>
</tr>
<tr>
<td>2</td>
<td>Kowloon</td>
<td>Marco Polo HK Hotel (TST) – the vehicle driveway leading to Canton Road right next to the Hermes Boutique</td>
<td>5:00 pm – 5:20 pm</td>
<td>HK Disneyland</td>
<td>Every 5 – 10 minutes</td>
</tr>
<tr>
<td>3</td>
<td>Kowloon</td>
<td>Peninsula HK Hotel (TST) – Middle Road, hotel side entrance</td>
<td>5:00 pm – 5:20 pm</td>
<td>HK Disneyland</td>
<td>Every 5 – 10 minutes</td>
</tr>
<tr>
<td>4</td>
<td>Kowloon</td>
<td>Kowloon Shangri-la Hotel (TST) - side parking area outside the hotel main entrance</td>
<td>5:00 pm – 5:20 pm</td>
<td>HK Disneyland</td>
<td>Every 5 – 10 minutes</td>
</tr>
</tbody>
</table>

Return shuttle bus service routes

<table>
<thead>
<tr>
<th>Route</th>
<th>District</th>
<th>Service hours</th>
<th>Destinations</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lantau Island</td>
<td>HK Disneyland</td>
<td>10:30 pm – 11:45 pm</td>
<td>HKCEC (HK)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>General Post Office (HK)</td>
<td>JW Marriott HK Hotel (HK)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Paterson Street (HK)</td>
<td>Every 10 – 15 minutes</td>
</tr>
<tr>
<td>2</td>
<td>Lantau Island</td>
<td>HK Disneyland</td>
<td>10:30 pm – 11:45 pm</td>
<td>Marco Polo HK Hotel</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Peninsula HK Hotel</td>
<td>Kowloon Shangri-la Hotel</td>
</tr>
</tbody>
</table>

*No shuttle bus service will be provided after the above specified servicing hours. Each shuttle bus is for one (1) drop off point as listed above. The shuttle service time is subject to change based on the traffic condition(s) on site without prior notice.

Public transportation options available for attendees’ considerations (between Downtown to/from HK Disneyland) in addition to the above shuttle bus services:

- Mass Transit Railways-MTR (any one station) - Take the closest MTR train to “Sunny Bay Station” then transit to “Disneyland Resort Station” or vice versa.
- Taxi - Remarks: Taxis will be available at Disney taxi stand.

For further information enquiries, please visit our Information Counter at HKCEC from 09-14 May, 2014 or dial at +852 2370-1888 (Monday – Friday, 0900 – 1800) Pacific World Meetings & Events Hong Kong, Ltd.
See you in San Diego! | 圣地亚哥见!

INTA's 137th Annual Meeting will take place in San Diego, California from May 2 to 6, 2015. Co-chairs Joshua J. Burke of General Mills and Mario Soerensen Garcia of Soerensen Garcia Advogados Associados in Brazil predict that it will be educational, entertaining and exciting. Progress is already well underway, with a 40-member Project Team working hard planning educational sessions, and table topics. "We have been coming up with topics for the panels and fleshing them out and are now thinking about the speakers," says Burke, who also co-chaired the 2012 Leadership Meeting. Soerensen Garcia adds that the focus is on "raising the quality bar" for the educational sessions, lining up the best speakers and making sure there is a balance of advanced, intermediate and beginner sessions. "I've attended almost every Annual Meeting since 1998 and really appreciate the opportunity to have a say in terms of making sure the panels being presented are panels I would be excited to attend," says Burke.

The Annual Meeting was last held in San Diego in 2005, and the city has proven to be one of the most popular, particularly with attendees from outside the United States. Soerensen Garcia, who is the first Latin American to co-chair an INTA Annual Meeting, speaks of the “positive vibes” in California and Burke adds that the program and social events will reflect the musical, entertainment and cultural strengths of the region: "It's a great location, with fabulous amenities and normally very good weather. We're expecting good attendance!"

The two co-chairs have been working on the 2015 Annual Meeting since July last year, and have also previously worked together on the INTA Board of Directors. Soerensen Garcia says: "Josh is very focused, well prepared and on top of all that, very funny" while Burke says the two are the “Laurel and Hardy of IP.”

With a team like that at the helm, INTA members should be sure to take advantage of the pre-sale register today at a discount.

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U.S. courts in “disarray” over irreparable harm

Attendees were updated on the confusing approach to irreparable harm in U.S. courts on Monday in the session, The Presumption of Irreparable Harm: Don’t Stop Believing. Two Supreme Court decisions in the past decade threw the viability of this presumption into question. The first was eBay v. MercExchange in 2006 in which the Supreme Court announced a test for injunctive relief that required the plaintiff prove “that it has suffered an irreparable injury”. This was followed by Winter v. Natural Resources Defense Council in 2008, which held that a party seeking a preliminary injunction must show that irreparable harm is “likely”, and not just “possible” as had been ruled by the Ninth Circuit.

Kent Raygor of Sheppard Mullin Richter & Hampton, said there had been “so much disarray in Federal Circuit and district courts since eBay and Winter.” Although eBay was a patent case and Winter was an environmental injury case, Raygor noted the effect on trademark cases had been profound. “Injunctions had long been a favored remedy in trademark cases,” he said.

Susan Kayser of Jones Day said different policies were leading courts to different approaches. The Fourth, Sixth and Seventh Circuits are courts where presumption still likely applies. Courts where it is unclear are the First, Third, Fifth, Eighth, Tenth, Eleventh and DC Circuits, and the Federal Circuit. “This is leading to some uncertainty and some forum shopping,” said Kayser. The Second and Ninth Circuits are courts where presumption definitely does not apply.

In the Q&A section of the session, audience member David Bernstein of Debevoise & Plimpton noted that Ferring Pharmaceuticals v. Watson Pharmaceuticals also addressed the issue of irreparable harm. Bernstein filed an amicus brief in the case, which is on appeal to the Third Circuit, on behalf of INTA last year. The brief said the court should hold that a showing of likelihood of success under the Lanham Act continues to give rise to a rebuttable presumption of irreparable harm and that such a presumption is not inconsistent with the Supreme Court’s decisions in eBay and Winter. This longstanding presumption remains appropriate in Lanham Act cases, said the brief, because the injury that results from false advertising and trademark violations is inherently unquantifiable and, as such, irreparable.

How luxury culture will shape the law

How luxury culture will shape the law

How will shifting consumption patterns affect brand protection? That was one of the questions posed at yesterday’s panel, Trademarks at the Crossroads of Trade and Culture. Professor Irene Calboli of Marquette University Law School and the National University of Singapore pointed out that though trademarks are intended to be a source indicator, there has been a shift in the last 50 years and trademarks now play a much bigger role in our cultural dialogue.

Shifts in cultural norms are now bringing changes to trademark law. Professor Dan Hunter of Queensland University of Technology and New York Law School said that as luxury buyers move away from goods with large and highly visible logos to more subtle design-based indicia, such as flared gussets on women’s handbags, companies will increasingly rely on trade dress protection. This, Hunter explained, can be legally very challenging.

“Some of the areas in trademark law that are the most problematic from a theoretician’s point of view stem from the interaction between trade dress and functionality, trade dress and distinctiveness,” he said. “You end up having to make these extremely difficult determinations that end up being a crapshoot as to whether they turn out the way you want.”

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Website: www.kingsound-ip.com.cn

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Latin America has not been heavily affected by the world economic crisis, and intellectual property is becoming more important in the region. Attendees will receive an update on how the region’s IP systems are progressing in a panel moderated by Valdir Rocha from Brazilian law firm Veirano Advogados Associados.

The panel will focus on four topics: the Madrid Protocol and the Hague Agreement; enforcement of IP rights at Customs; domain names alternative dispute resolution; and the increasing relevance to local practitioners and in-house counsel of the use of trademarks on the Internet. Joining Rocha will be Ariela Agosin from Chilean law firm Albagli Zaliasnik and Hedwig Adelheid Lindner from Mexican law firm Arroqui, Marroquin & Lindner.

There are a wide range of practices in Latin America’s IP systems. Most of the region’s countries are not members of the Madrid Protocol. The only Latin American countries to have signed on to the Protocol are Cuba in 1995, Colombia in 2012 and Mexico last year.

CAMEX, the Brazilian Chamber of Foreign Trade of the Federal Government, in April last year approved Brazil’s accession to the Madrid Protocol. The government intended to introduce legislation on the Protocol to the Brazilian Congress but no further progress has yet been made.

“The official intent is to have Brazil adhere to the Protocol,” said Rocha. “There has been no opposition from any sector but the BPPO because of its turnover [in staff] has an enormous backlog and probably doesn’t feel comfortable about meeting the deadline. We’ve been waiting for at least 10 years for the signing of the Madrid Protocol by the authorities.”

Rocha believes other countries may be waiting for the region’s largest economy to commit to the Protocol before making a move. “In Argentina the Madrid Protocol has not been signed yet,” he said as an example. “Since Argentina is a member of Mercosur, they will probably wait until the other members decide to adhere. Argentina is probably waiting to see what Brazil will do because Brazil is the largest economy in the Mercosur.”

Another example is Chile, which has a very open economy and several free trade agreements with countries in Asia and North America. “The Madrid Protocol is not being discussed yet so they have not adhered to yet,” said Rocha.

**Internet updates**

The way trademarks on the internet are treated also differs from country to country. Argentina, Chile and Mexico have no specific internet laws about trademarks.

“These are all civil law jurisdictions and the law is codified so wherever there is no specific laws governing the Internet the other laws would apply. My impression is that these major economies in the region will soon have to regulate cyberspace and e-commerce because the existing laws are not effective enough and criminal codes do not refer to some of the cyber crimes,” said Rocha.

Brazil is set for big change on this issue, however. A lot of counterfeit and infringing goods are sold through the Internet in the country. In response, Brazil has passed Internet legislation. After months of delay, Brazil’s Congress passed an Internet Bill of Rights on April 21. The so-called Marco Civil guarantees net neutrality, regulates government surveillance on the Internet and places limits on the data companies can collect from Brazilian customers. Internet providers will not be held liable for content published by customers but will be legally required to remove offensive material.

The new law also has implications for trademarks. Rocha said the new law will lead to an increase in trademark-related litigation. “The ISPs will not have the authority to take down websites or pages,” he said. “The notice and take down system will be very limited to pornography and nudity. That will be the limit. But for infringement the parties will have to go to court. So there will be an increase in litigation in Brazil including trademark infringement on the Internet.”

Continued on page 6.
Feature: Local script marks

Diverting from the script

Choosing a local script mark can be good for business, as long as you get it right. Emma Barraclough explains what issues brand owners need to consider.

We might be in a period of unprecedented globalization, but when it comes to entering new markets, localizing your brand is often a savvy commercial move. Unfortunately for IP owners, however, choosing a great name is no easy task.

Companies that want to localize their brands need to decide whether they will do it by translation or transliteration. A translation needs to express the spirit of the mark in the original language but also ensure that the local version captures the cultural nuances of local consumers. A word that has positive cultural connotations in one language may not have them in another.

Other foreign trademarks can be transliterated by simply choosing sounds that mirror the name in the local language. Although these sounds may have no particular meaning when read together, individually they should offer positive connotations. Car company BENZ provides a good example. Its Chinese name (奔驰, pronounced Ben Chi) means “to gallop” or “run quickly,” invoking the speed that the company would like consumers to associate with its cars. Tire company Goodyear also chose a good pronunciation captures the cultural nuances of local consumers. A word that has positive cultural connotations in one language may not have them in another.

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A session today will consider some of the practical and legal aspects of choosing and protecting a local script name. It will be moderated by Patsy Y. Lau, of Deacons, who will provide examples of successful local marks and explain what makes them so good. Emi Ashihara of YKI Patent Attorneys will discuss the differences between the three writing styles in Japanese (see box) and suggest what factors brand owners should take into account when choosing which system to use for their trademarks. Faisal Daudpota of Daudpota International will look at localizing names in Arabic and explain how trademark owners should consider how their chosen name will be received in different regions within the UAE. Christopher Woo of Quah Woon & Palmer will address some of the complex issues that brand owners face when choosing a name for the Singaporean market, given that the multicultural city state has four official languages (English, Malay, Mandarin Chinese and Tamil) as well as a number of Chinese dialects.

The variety of dialects spoken throughout greater China can pose a problem for marketing specialists who want to ensure brand consistency. The same Chinese characters can be pronounced very differently by Cantonese, Mandarin and Hokkien speakers, making it very hard to choose a suitable transliterated name that will reflect the original trademark across the region.

Trademark owners should choose names that are relatively short. Names that consist of five or six characters are often shortened by consumers, and not always in ways that the brand owner wanted. That may mean sacrificing transliterating accuracy for brevity. An early translation of the trademark JOHNSON & JOHNSON, for example, gave the accurate-sounding but rather long-winded 杰 生 迪 朗 の 意 思 (pronounced yue han xun yue han xun). This was later changed to 强 生 (pronounced qiang sheng), which means strong life. The new name captured both the sound of the mark and the attributes the owner would doubtless want associated with it.

Brand owners should also consider what their trademark invokes, because words carry different symbolic meanings across linguistic divides. Fashion house Yves Saint Laurent, for example, was obliged to pull bottles of its (directly translated) OPIUM perfume from department store shelves in China following complaints about the product’s name. Opium may suggest languorous, exotic passion to Western consumers. To many Chinese it invokes a history of a brutal trade in drugs and unjust wars.

Localizing your mark is an important part of getting your products accepted in overseas markets. But paying close attention to the cultural aspects of localization, as well as the transliteration and translation elements, is a vital part of the process.

### Japan’s three writing styles

Kanji (漢字): These are Chinese characters imported into the Japanese language. Each character is composed of different radicals, or elements.

Hiragana (ひらがな): These are used to write native Japanese words for which there are no Japanese characters.

Katakana (カタカナ): There are 46 katakana used in modern Japanese, which are used for words which have been incorporated into Japanese from other languages. Examples include the Japanese words for coffee and sofa.

### Chinese brands in translation

<table>
<thead>
<tr>
<th>Company</th>
<th>Chinese trade mark</th>
<th>Pronunciation (pinyin)</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Express</td>
<td>美国运通</td>
<td>Mei Guo Yun Tong</td>
<td>American transportation</td>
</tr>
<tr>
<td>BMW</td>
<td>宝马</td>
<td>Bao Ma</td>
<td>Precious horse</td>
</tr>
<tr>
<td>Bon Aqua</td>
<td>飞雪</td>
<td>Fei Xue</td>
<td>Flying snow</td>
</tr>
<tr>
<td>FedEx</td>
<td>联邦快递</td>
<td>Lian Bang Kuai Di</td>
<td>Federal express delivery</td>
</tr>
<tr>
<td>Hui Feng</td>
<td>汇丰</td>
<td>Hui Feng</td>
<td>Abundance of remittance or harvest</td>
</tr>
<tr>
<td>Ikea</td>
<td>宜家</td>
<td>Yi Jia</td>
<td>A proper home</td>
</tr>
<tr>
<td>Mercedes Benz</td>
<td>奔驰</td>
<td>Ben Chi</td>
<td>Run quickly, gallop</td>
</tr>
<tr>
<td>Procter &amp; Gamble</td>
<td>宝洁</td>
<td>Bao Jie</td>
<td>Precious and clean</td>
</tr>
<tr>
<td>Volkswagen</td>
<td>大众汽车</td>
<td>Da Zhong Qi Che</td>
<td>Car for the people</td>
</tr>
</tbody>
</table>

### Continued from page 5.

**Madrid Protocol**

Brazil’s regulations for trademarks are undergoing other big changes this year. In March new guidance on famous and well-known trademarks became effective. The Brazilian Patent and Trademark Office (BPTO) published guidelines in a resolution changing the procedures to request “highly-recognized” status of a trademark in Brazil. Trademark owners could not previously file a request for well-known trademarks without it first being infringed or in litigation. They can now file for well-known trademarks independently without their marks being disputed. They were not the only changes for trademark owners to come out of the BPTO office recently. In February this year the BPTO, which is under the leadership of new president Otavio Brandelli, published new fees for patent and trademark applications. This increased the cost of paper filings by 14%. The office has also launched a trademark mediations pilot project. This project was started in collaboration with WIPO and was officially extended in January.

**RWG2 - Regional Update: Latin America:** 10:15 am to 11:30 am today
Industry Awards 2014
Winners revealed

www.WTRIndustryAwards.com

World Trademark Review is pleased to announce the winners of the World Trademark Review Industry Awards 2014, revealed last night at the Hong Kong Jockey Club at Happy Valley Racecourse. The awards shine a spotlight on the vital work performed by in-house counsel across the globe and identify the teams and individuals that deserve special recognition for their exceptional achievements over the past year.

World Trademark Review congratulates the award winners on their success and thanks its law firm partners for all their assistance in hosting such a memorable event.

For more information about the awards visit Booth 343 in the exhibition hall or go to www.WTRIndustryAwards.com.

World Trademark Review is the world’s only independent daily news and information service dedicated to the issues that matter to international trademark professionals.

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www.WorldTrademarkReview.com
The brand behind the brands

Amy Yang of Procter & Gamble discusses the responsibilities of managing a large and diverse brand portfolio and why rights holders can be optimistic about trademark protection in China.

How long have you been with Procter & Gamble?
I have been with the company for 20 years and I have been Brand Equity Counsel for seven of those years. Before becoming Brand Equity Counsel I was with Procter & Gamble’s Commerce Legal team.

How big is your team?
There are less than 20 members in the Asia Brand Equity team, and they are based in China, Singapore and Japan.

The team covers the whole of the Asia-Pacific region, including Southeast Asia and India. We are also responsible for Australia and New Zealand. Our products are sold in many of the biggest markets in the region.

What are your duties as Brand Equity Counsel?
The team is responsible for all types of trademark matters for every brand in Procter & Gamble’s portfolio in Asia. Our responsibilities include trademark clearance, prosecution, as well as litigation. In addition to trademark issues, we are also responsible for other IP matters, such as copyright and design filings related to our products and packaging.

The Brand Equity Counsel’s role is divided according to the company’s lines of business in the region. Each Asian counsel is responsible for matters that arise in that product line or category anywhere within the geographic scope. I am responsible for several categories, including baby care, feminine care, personal health care, oral care and batteries. So if we have to prosecute a trademark in the category within my care, whether it is in Australia or India or China, I would be the one handling it.

Also, for specific issues in Greater China, even if they fall outside my categories, I may help out my colleagues who are based outside of China.

Patents are handled separately by the innovation team.

What are some of P&G’s biggest brands?
Procter & Gamble has many big brands. Some of them include: PAMPERS for baby products; VS, H&S, PANTENE, REJOICE and CLAIROL for hair care products; OLAY and SK-II for skin care products; TIDE and ARIEL for laundry products and SAFEGUARD for personal cleansing products. Some of our other brands include GILLETTE, BRAUN, VICKS (cough and cold medicine), and DURACELL batteries, among others.

Are there any countries where P&G faces particular problems?
In the last few years, we have been seeing many infringement and counterfeit cases in China, India and South Korea, especially as regards to our beauty care brands, such as our haircare and skincare products. We also see many infringement and counterfeit cases involving our body care and laundry products.
The new Trademark Law in China will be coming into effect on May 1. Many of the changes are quite substantial. Award of damages is one such change, where the maximum statutory damages are now RMB3,000,000 (US$482,000, €485,730), six times higher than that under the previous law. This is a very positive development that I believe will help deter infringers.

Another positive change is the harsher punishment for repeat infringers, which is now defined as those who commit multiple acts of infringement more than two times in five years. Under the previous law, dealing with these repeat infringers was very difficult. You could start an enforcement action against them and the counterfeiter gets hit with a small administrative fine. The penalty was small so it was easy for the infringer to start up again within a few months.

A positive change under the new law relates to the confiscation of the infringer’s equipment, which was almost not possible previously. Many of these infringers don’t have a lot of cash on hand, but the equipment that they use to commit the infringing products is very expensive. Now, the equipment mainly used in the manufacture of the infringing goods can be confiscated and even destroyed.

The quality of their work is the most important. Their opinions need to be accurate and I need them to provide practical solutions and a business-savvy approach to the issues.

You are based in nearby Guangzhou; what do you recommend for visitors to Hong Kong for the first time?

I think Hong Kong is a great place for sightseeing and shopping. I recommend that visitors visit Ocean Park if they have time, especially for those coming with their families. For shopping, I enjoy shopping at Times Square and Langham Place, where you can find many different things in one big mall. I also recommend taking the opportunity to try some authentic Cantonese food. I hope everyone has a good time here.

In proportion to traditional forms of counterfeiting, it is a growing issue.

We have a team responsible for monitoring online infringement, and they will deal with these infringers by giving notice of our takedown requests.

Do you work with online marketplaces such as Taobao in China?

Yes, we work with Taobao a lot. Taobao has been paying a lot of attention to the concerns of QBPC members, and they have come to meet with us and explained their takedown procedures. Our online monitoring team issues a lot of takedown requests to Taobao.

Taobao has streamlined their approach to online counterfeiting and infringement. They work with brand owners and are helpful in dealing with counterfeiters and infringers.

What qualities do you look for in outside counsel?

The quality of their work is the most important. Their opinions need to be accurate and I need them to provide practical solutions and a business-savvy approach to the issues.

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This is also a good change that will cripple the activities of infringers.

The changes in the new Trademark Law are indeed timely and will benefit brand owners.

India is another country where we face brand protection challenges. Unlike China, there is no administrative enforcement so you have to initiate a court action for enforcement. These can take longer which make it tougher to protect our brands.
Receptions

Advance China IP Law Office
Andra Musatescu
Bird & Bird
Borden Ladner Gervais
BSKB
Bugnion

Dumont Bergman Bider & Co
Gleiss Lutz
Goodwin Procter
Hogan Lovells
Iberbrand
King & Wood

Reuse
Sanyou
Simmons & Simmons
Sanco & Sligh
Spruson & Ferguson
Sundhure

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GOODRICH RIQUELME ASOCIADOS

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- Licensing Enforcement
- Entertainment and Sport Law
- Copyrights

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SARTURDAY The Annual Meeting has been held in five countries: Canada, Germany, the Netherlands, the U.S. and now China (Hong Kong SAR). International Trademark Association year-end meeting was held in the four countries: Canada, Germany, the Netherlands, and the United States, and now China (Hong Kong SAR).

Winner: Hogarth Andall, Sony Computer Entertainment Europe, London, United Kingdom

SUNDAY The first Chief Executive of Hong Kong was Mr. Tung Chee-hwa.

Winner: Susan Rector, Ice Miller, Columbus, OH, United States

MONDAY The last INTA event to be held in Hong Kong was a two-day, advanced level anti-counterfeiting conference in October 2010.

Winner: Jim Miao, CommScope China, Hickory, NC, United States

TUESDAY The architect who designed the HSBC Building was Norman Foster.

Winner: Ashley Mengen, U.S. Chamber of Commerce, Washington D.C.

Go to INTA Booth (#733) to collect your prizes!
Today's Schedule | Wednesday, May 14, 2014

All events take place at the Hong Kong Convention and Exhibition Centre (HKCEC) unless otherwise indicated. Consult the Final Program for times and locations of invitation-only events.

7:30 am – 2:00 pm REGISTRATION Mezzanine & Convention Hall Foyer
7:30 am – 2:00 pm INFORMATION BOOTH Mezzanine
7:30 am – 4:00 pm HOSPITALITY N201
8:00 am – 10:00 am BREAKFAST TABLE TOPICS S428
8:00 am – 10:00 am Policy Development and Advocacy Group Council
9:00 am – 10:00 am ESG Group Council
9:00 am – 10:00 am Trademark Administrators and Practitioners Conference Project Team
10:00 am – 11:30 am Europe Global Advisory Council
10:00 am – 11:00 am Trademark Administrators Committee
10:00 am – 2:00 pm EXHIBITION HALL Hall 3FG
8:00 am – 2:00 pm Tour Desk Mezzanine
10:15 am – 11:30 am CONCURRENT SESSIONS Hall 3FG
10:30 am – 11:30 am SPEED NETWORKING Grand Hall
10:30 pm – 12:00 pm Africa Global Advisory Council
10:30 pm – 12:30 pm IPC Meeting N204-N205
11:00 am – 12:00 pm INTA/WIPO Meeting N004
11:45 am – 1:00 pm CONCURRENT SESSIONS N004
12:00 pm – 1:00 pm SPEED NETWORKING Grand Hall
1:00 pm – 3:00 pm Brand Registry Group N004
1:15 pm – 3:15 pm LUNCHEON TABLE TOPICS N201
3:00 pm – 4:00 pm INTA Examination Guidelines Project S424
7:00 pm – 11:00 pm GRAND FINALE: Hong Kong Disneyland Shuttles depart from 5:30 pm