

# Yearbook

2021/2022

A global guide for practitioners

Our responsibilities beyond intellectual property

INTA

*Etienne Sanz de Acedo*

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**November 15**

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China



**November 16**

New York, New York  
USA



**November 17**

Berlin, Germany



**November 18**

Los Angeles, California  
USA

## Registration for members opens July 14.

\* Limited attendance at onsite mini-conferences. Register for fully virtual Meeting to gain registration access to mini-conferences at additional fee.

More information to come...

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## Our responsibilities beyond intellectual property

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A resounding call from INTA to our key constituents – our members around the world – has centred on the idea that the role of the trademark practitioner is evolving. The most crucial change is in how the role has expanded beyond the traditional responsibilities of trademark registration and protection to a more holistic range of duties that touches all aspects of the brand. We refer to this as the evolution from trademark practitioner to brand professional.

INTA, as an organisation, is also evolving and has embraced the idea. We have come to appreciate how this mindset is helping us to move confidently into the future. This is part of why we continue serving our members effectively and building our influence globally. It is how we bring added value to the IP community and remain relevant.

Just as brand professionals' mandates are expanding, INTA has been expanding its substantive scope for many years now. Recently, a particular aspect of this evolution has come to the fore: we are broadening INTA's gamut to include matters that are not 'traditional' for us. They are not even explicitly IP matters. They do, however, have an impact on intellectual property and the various stakeholders within the IP ecosystem. The opposite is also true: intellectual property also has an impact on these issues.

Broadly speaking, this expanded scope encompasses specific societal issues such as:

- corporate social responsibility;
- environmental, social and corporate governance; and
- diversity, equity and inclusion.

This involves looking at intellectual property and its economic and social contribution to the development of society. And it requires us to project ourselves into the future to understand how the IP industry is changing and what our community must do to prepare.

In this chapter we explain how and why INTA is taking up these areas, and why we have a responsibility to do so.

### **Assuming greater social responsibility**

Glance through almost any consumer survey report from the past few decades that looks at how people are reacting to the emergence of corporate social responsibility and a clear trend appears: increasingly so, the degree to which a brand is acting responsibly directly impacts consumer purchasing decisions. More and more consumers are 'going green' and holding brands accountable where it matters most – at the checkout counter.

The covid-19 pandemic has put brands under the spotlight and the public has paid careful attention to how these brands are supporting the response efforts. We have seen the same attention given to the global response to systemic racism and police brutality

following the death of George Floyd in the United States in May 2020. In short, corporate social responsibility (and environmental, social and corporate governance) is more important than ever.

With a long-lasting impact on brands and their role in society and on consumer expectations, 2020 proved to be a watershed moment. As we emerge from the covid-19 crisis, brands will need to assume a higher degree of social responsibility and commitment to sustainability.

As we know, intellectual property (trademarks specifically) serves as the foundation of trust between brands and consumers. Given how important corporate social responsibility has become for consumers today, brands should approach IP protection and corporate social responsibility programmes as interdependent strategic priorities. This is how brands can build and protect trust among consumers. This may also prove to be a linchpin in another growing challenge that we face: anti-IP sentiment.

Brand professionals are aware of this and should be involved in their organisation's and client's corporate social responsibility activities. INTA members who responded to our 2020 Brands and CSR Survey Report overwhelmingly agreed that treating corporate social responsibility as an operational priority "constitutes good economic practice and will benefit a company and brand".

Looking at this issue through the consumers' lens, 85% of generation Z – the world's largest group of consumers – believes that brands should aim to do good in the world, according to INTA's 2019 Gen Z Insights: Brands and Counterfeit Products.

'Doing good' is also beneficial for the bottom line. A recent study from Accenture that looks

at the rise of purpose-driven brands provides some compelling statistics: when consumers are disappointed with a brand's words or actions on a social issue, 47% walk away in frustration and 17% never return. It is also a matter of trust. According to the Edelman Trust Barometer – Brand Trust in 2020, 74% of consumers say a brand's impact on society is a key reason for trusting that brand, up from 69% in 2019.

In short, expectations are mounting for companies and law firms to continue progressing on this front – to assume greater social responsibility. At INTA, we are working to mirror what is happening across the world and what our members are doing. By assuming greater social responsibility, we can effect change within INTA, within the global IP community and society at large. This will also help us understand and serve our members more effectively. Moreover, it is the right thing to do.

### **INTA's corporate social responsibility initiatives**

At the beginning of 2020 (and the start of INTA's 2020-2021 committee term), INTA established a Brands for a Better Society Committee to support the membership-at-large and advance INTA's corporate social responsibility initiatives. This new committee is working to help brand professionals globally better understand the relationship between corporate social responsibility, consumer trust and intellectual property, as well as to provide them with the tools and resources that they need to ensure that intellectual property can effectively fulfil its role in brands' corporate social responsibility efforts.

In terms of supporting brand professionals, INTA made corporate social responsibility an integral part of its educational programming.



**85% of generation Z – the world's largest group of consumers – believes that brands should aim to do good in the world**

The 2020 New York Conference – Brands in Society: Their Influence and Responsibility – INTA’s first fully virtual event – focused on corporate social responsibility. We are weaving this topic into all meeting and conference programming, as well as into other digital offerings. We have also expanded charity volunteer events from annual meetings to most meetings and conferences.

Since 2019, we have been presenting the INTA Members for a Better Society award. This annual INTA service award is presented to INTA member organisations and individuals who have demonstrated during the year how brands positively impact society and build consumer trust through initiatives relating to corporate social responsibility, diversity and inclusion or *pro bono* legal services.

We are also partnering with organisations whose corporate social responsibility programmes resonate with us. For example, we signed a memorandum of understanding with the WIPO to raise awareness around climate-friendly innovation. In addition, we are working with the United Nations Development Programme (UNDP) in support of the UNDP Accelerator Labs, created to solve immediate local problems and challenges. We are collaborating with the WIPO in a first-of-its-kind training programme for women entrepreneurs and indigenous people. In May 2021, we formalised our cooperation around the WIPO’s Indigenous Entrepreneurship Programme. INTA has the capacity and resources to effectively support these initiatives, which have tremendous potential to help people and communities in need around the globe through the advancement and protection of IP rights.

Responding directly to the pandemic, in April 2020, we established the INTA Community Cares – Covid-19 Donation Campaign. We hosted this donation drive to provide members with a way to support the response efforts as a community. Members’ contributions funded the purchase and distribution of masks and other personal protective equipment to public hospitals and/or non-profit organisations; and contributed money to local charitable organisations assisting healthcare institutions and the public in dealing with covid-19. Recognising the enormous need worldwide,



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CEO

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Etienne Sanz de Acedo joined INTA in 2013. As CEO, he works with the board of directors and officers to recommend, formulate and implement policies and programmes. He is also responsible for the administrative operation of INTA’s offices and the supervision of all staff, as well as for the development and administration of the annual budget.

Before joining INTA, Mr Sanz de Acedo was head of communications and a member of the president’s cabinet at the EUIPO.

Mr Sanz de Acedo holds a law degree from the University of Alicante, an LLM in European community law from the Université Libre de Bruxelles, and an executive MBA from Instituto de Empresa Business School.

INTA identified countries where we believed the donations would make the biggest difference at the time – Ecuador, Kenya, India, Italy, Nigeria, Panama, Spain and the United States.

In 2020, we also brought increased focus to diversity, equity and inclusion in the IP industry. This began with the launch of the Women’s LeadersHIP Initiative on 25 March 2020, International Women’s Day. This INTA initiative is designed to foster the development of strong leadership skills for women in the IP field and to empower them to advance their careers to the next level. We published the Women’s LeadersHIP Initiative Report and Best Practices Toolkit in February 2021, and the initiative is now a sustained and permanent programme.

As countries around the world focused on systemic racism, diversity, equity and inclusion became a key discussion point at the 2020 New York Conference and one of 12 thematic programming tracks at the 2020 Annual Meeting and Leadership Meeting. Educational sessions at the 2021 Annual Meeting, being held as a 'virtual +' event from 15 to 19 November 2021, will again feature this important topic. It is also the subject of a women's empowerment series on INTA's Brand and New podcast. INTA is also looking at the matter internally and an employee resource group has been set up to explore diversity, equity and inclusion issues.

To maintain the momentum that we built around this issue, this year INTA president Tiki Dare convened a presidential task force (PTF) to focus on diversity, equity and inclusion. Asked why this was the right time for this task force, PTF co-chair Kim Reddick (Uber, United States) said, "INTA's membership is ready for it, wants it, is engaged in it, and is thinking about it right now". Echoing this sentiment, PTF co-chair Michael Hawkins (Noerr, Spain) noted, "Brands became more vocal than ever about diversity, equity, and inclusion last year... There's no way that's going to be put back in the box and no one would want it to be".

INTA has named vice president Dana Northcott (Amazon, United States) as its first diversity officer of the board. One of the first tasks of the PTF is to look at the role and duties of the diversity officer.

Beyond that, the PTF will develop recommendations for a strategy on how INTA should approach diversity, equity and inclusion going forward in both the short and long term, including how best to involve members in diversity, equity and inclusion initiatives. Looking at the broader community, it will also address how INTA can be an industry leader in terms of promoting diversity, equity and inclusion, best practices, as well as how INTA can partner with other organisations that are also promoting this important objective.

Although PTFs generally run for the president's term, Mr Hawkins stressed, "We're all convinced on the Task Force that this is not a one-year thing; this is a permanent thing".

Finally, we have revitalised the INTA Foundation (a 501(c)(3) charitable organisation) this year, imbuing it with a new mission to expand educational and professional development opportunities in intellectual property for diverse, underrepresented populations around the world. Its purpose is to provide access to education and outreach activities in the areas of diversity, equity and inclusion, and to support individuals and organisations around the world whose work relates to these issues.

### **That's the how, what about the why?**

INTA has always been highly respected on legal and technical matters relating to intellectual property and within the global IP community. In recent years, we have been producing more studies in-house, and INTA is becoming a go-to source for thought leadership and data within the IP industry.

By expanding our scope, we are showing expertise and leadership on broader social issues. This is opening doors for INTA. We are getting a seat at the table outside of the IP bubble. We are interacting with new stakeholders on issues that surround intellectual property – issues that affect brands and that brands affect, both positively and negatively. In doing so, we are connecting the dots and showing why intellectual property matters in these new contexts and in relation to these issues of global importance. We are also widening our circle and bringing these stakeholders into the IP community.

As we progress and learn more in this regard, we will broaden our understanding of how brand owners can integrate their intellectual property into their corporate social responsibility activities and leverage it for the greater good. This will bring value to our members and enhance the economic and social contribution of brands in the development of society.

### **Bursting the IP bubble**

In 2020, INTA published three think-tank reports looking at the future of IP offices, in-house practitioners and law firms, respectively. A key takeaway from all three think tanks was the need to be agile and flexible, open-minded and be able of pivot

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quickly. Expanding our areas of focus and understanding how we fit into the bigger picture – outside of the IP bubble – is helping us to embrace this mindset.

Maintaining a closed community where we can get on with our traditional work is short-sighted and arguably irresponsible. We cannot operate in a vacuum. In doing so, we restrict the capacity of brands and intellectual property to bring about positive change in society.

On the contrary, we have a tremendous opportunity to unlock intellectual property so that it can fulfil its potential. In doing so, we can also increase its value. We need to burst the IP bubble. We must break down the walls, open up intellectual property and make it accessible to all. But, to let others in, we must also step out – we have a responsibility to do so. **WTR**

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