

What Is INTA?

The International Trademark Association is a global association of brand owners and professionals dedicated to supporting trademarks and related intellectual property (IP) to foster consumer trust, economic growth, and innovation.

- **Membership:** INTA's members are nearly 6,500 organizations from 185 countries. INTA's member organizations represent 34,350 trademark professionals and include brand owners from major corporations as well as small and medium-sized enterprises, law firms, and nonprofits. There are also government agency members as well as individual professor and student members. Except for a few limited categories, INTA membership is not by individual but by organization. Every employee at a member organization's location can take advantage of member benefits and volunteer for a committee, project team, or other service opportunity.
- **Global presence:** INTA undertakes advocacy work throughout the world and offers educational programs and informational resources of global interest. The Association has headquarters in New York City; offices in Brussels, Santiago, Shanghai, Singapore, and Washington, D.C.; and a representative in New Delhi. As a not-for-profit association, INTA's role is to serve its members and society as a trusted and influential advocate for the economic and social value of brands.
- **Policy priorities:** INTA's major policy priorities focus on areas of global concern, including:
 - **The value of trademarks and brands**—informing government officials and consumers about the value of trademarks and brands to local economies and society at large
 - **Harmonization**—advocating for harmonization of laws and regulations across jurisdictions, resulting in less uncertainty and confusion as well as greater cross-border protection for consumers
 - **Brand restrictions**—encouraging governments to take a balanced approach and consider the bigger public policy picture, and to ensure the integrity of their IP systems as a means to promote investment and economic growth
 - **Counterfeiting**—working in partnership with all stakeholders to advocate for stronger anticounterfeiting measures online and offline, to promote cooperation in enforcement efforts across agencies and borders, and to increase awareness of the harms of counterfeiting
 - **Internet Governance and the Domain Name System**—playing a prominent role in ensuring a secure, stable, and trusted Internet in order to protect consumers and trademark owners

2018–2021 Strategic Plan

INTA's 2018–2021 Strategic Plan focuses on the following three strategic directions:

1. Promote the value of trademarks and brands

- Encourage the protection of trademarks and related IP
- Support the harmonization of laws and convergence of practices
- Support trademark enforcement
- Promote the business value of brands

2. Reinforce consumer trust

- Reinforce trademarks as sources of information and brands as promises of delivery
- Communicate the contribution of brands to economies and society
- Promote brand equity

3. Embrace innovation and change

- Evaluate changes as a result of technology, innovation, and evolving consumer needs and values
- Educate members on the impact of innovation, technology, and change on brands
- Provide innovative, valuable services to members

Volunteer Involvement: To implement the Strategic Plan, more than 3,000 talented and dedicated volunteers serve on INTA's nearly 200 committees, subcommittees, and project teams. The Association's committees form three major groups: Advocacy, Communications, and Resources.

INTA Studies

INTA's regularly commissions and coordinates research projects and studies on behalf of the Association.

- INTA's ***Brand Value Special Task Force Report*** clarifies the complex concepts and definitions borne out of the different brand valuation methodologies and provides recommendations to advance INTA's work in brand value, brand equity, brand valuation, and brand evaluation (April 2020).
- INTA and the Inter-American Association of Intellectual Property (ASIPI) collaborated on two studies investigating the economic impact of trademark-intensive industries on gross domestic product (GDP), international trade, employment, and wages. The first study, ***Trademarks in Latin America: A study of their economic impact in five countries in the region*** (December 2016), determined the economic impact in five countries: Chile, Colombia, Mexico, Panama, and Peru. The second study, ***Trademarks in Latin America: Economic Impact in 10 Latin America and the Caribbean Countries*** (October 2019), updated the findings for the original study's five countries and included findings for five additional countries: Argentina, Brazil, Costa Rica, Dominican Republic, and Guatemala.
- INTA's ***Gen Z Insights: Brands and Counterfeit Products study*** (May 2019) explores the relationship between Gen Z and brands, and their attitudes and perceptions of counterfeit products; and unpacks the importance of different practical and ethical considerations influencing Gen Z's purchase of counterfeit products. The study covers 10 countries: Argentina, China, India, Indonesia, Italy, Japan, Mexico, Nigeria, Russia, and the United States.
- INTA published ***The Economic Contribution of Trademark-Intensive Industries in Indonesia, Malaysia, the Philippines, Singapore, and Thailand*** (August 2017), analyzing the contribution of trademark-intensive industries to five major economies in Southeast Asia, with a focus on GDP, share of exports, and employment.
- INTA's members-only New ***gTLD Cost Impact Survey Report*** (June 2017) determines the impact of new gTLDs on trademark enforcement.
- Commissioned by INTA and ICC-BASCAP, ***The Economic Impacts of Counterfeiting and Piracy*** (February 2017) examines the scope of counterfeiting and piracy in international trade as well as the wider social and economic impacts on displaced economic activity, investment, public fiscal losses, and criminal enforcement.
- In 2020, INTA is working on two studies:
 - **In-House Practitioners Benchmarking Report:** Coming soon in December, INTA will launch its 2020 In-House Practitioners Benchmarking Report. More than 500 in-house practitioners from 300+ INTA member organizations participated in a 45-minute online survey. Following the survey, in-depth interviews were conducted with some survey respondents. The Report consisting of multiple deliverables, including a Special Edition Compensation and Benefits Report and an Outside Collaborators Report, provides invaluable data to understand better the changing roles and responsibilities of in-house trademark teams.
 - **Brand Restrictions Study:** Through qualitative and quantitative research, INTA exploring the attitudes and perceptions of Millennials and Gen Zers towards brand restrictions legislation and how legislation could affect their purchase behavior. About 5,000 young consumers from Brazil, Chile, Colombia, India, Mexico, Singapore, South Africa, South Korea, Thailand, and the United Kingdom are participating in this research. Brand restrictions is a critical issue that affects all trademark practitioners, and INTA's Board of Directors recognized this through a **2019 Board Resolution**. The results of the study are expected in 2021. For study sponsorship opportunities, contact Sheila Francis, INTA Director, Strategic Partnerships & Economic Research, at sfrancis@inta.org.

Policy Development and Advocacy

Amicus Briefs Filed in 2020:

- On October 28, 2020, INTA filed an amicus brief in the **Joint cases C-147/20, Novartis Pharma GmbH v. Abacus Medicine A/S and C-224/20, Merck Sharp & Dohme B.V. et al.** v. Abacus Medicine A/S et al. with the Court of Justice of the European Union. INTA's position: A trademark owner may oppose further commercialization of a medicinal product that a parallel importer has repackaged in new external packaging to which the trademark has been reaffixed, where the importer is able to achieve packaging that may be marketed and gain effective access to the market of the Member State of importation in accordance with Article 47(a) of the Falsified Medicines Directive and Article 16 of the Delegated Regulation.
- On October 21, 2020, INTA filed an amicus brief in **Jack Daniel's Property, Inc. v. VIP Products, LLC** with the Supreme Court of the United States. INTA argues that the Court should grant Jack Daniel's Property's petition for a Writ of Certiorari as the Ninth Circuit's decision in this case improperly extends *Rogers v. Grimaldi* to the use of trademarks on any commercial good arguably having some "expressive" quality.
- On September 28, 2020, INTA filed an amicus brief in the **Joint Cases C-253/20 Novartis AG v. Impexco NV and C-254/20 Novartis AG v. PI Pharma NV** with the Court of Justice of the European Union. INTA's position: The trademark rights in relation to the trademark of the original product are not exhausted when use of that trademark is made on the generic product. Since paragraph 1 of Article 15 of the EUTMR does not apply, as the rights are not exhausted in the cases at issue, there is no reason to examine its exception (paragraph 2) and the interpretation of Articles 34-36 TFEU and the BMS criteria.
- On June 27, 2020, INTA filed an amicus brief in **Tata Sia Airlines Ltd. v. Union of India WP** with the Delhi High Court of India. INTA argues that the court should find that under the current law a mark that has been determined to be well known by a court may be listed on the well-known marks list maintained by India's Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM) without being subject to a fee or examination.
- On April 22, 2020, INTA filed an amicus brief in **VIP Products, LLC v. Jack Daniel's Property, Inc.** with the United States Court of Appeal for the Ninth Circuit. INTA argues that the court should grant Jack Daniel's Property's petition for rehearing or rehearing en banc as the panel's decision in this case improperly extends *Rogers v. Grimaldi* to the use of trademarks on any commercial good arguably having some "expressive" quality
- On February 20, 2020, INTA filed an amicus brief in the **USPTO v. Booking.com B.V.** case pending before the U.S. Supreme Court. INTA argues that the Court should consider survey evidence when deciding whether a mark is generic or descriptive and should not be limited to cases involving "coined" terms, and that the Court should furthermore affirm that there is no per se rule for the protectability of generic marks with the addition of a generic top-level domain (".com") for an online business.
- On January 16, 2020, INTA filed an amicus brief with the U.S. Court of Appeals for the Ninth Circuit in the matter of **LTTB, LLC v. Redbubble, Inc.** INTA argues that the court should reverse and remand the case to the district court to reconsider its decision in view of the district court's incorrect holding regarding the legal standard for and misapplication of the doctrine of aesthetic functionality.

[View Amicus Briefs.](#)

[View Testimony and Submissions on Various Issues Around the World.](#)

Board Resolutions Passed (2017–present):

- Brand Restrictions (November 2019)
- Fair Use in Copyright Law (November 2019)
- Model Design Law Guidelines (Update) (November 2019)
- Protection of Geographical Indications (November 2019)
- Appointment of Third Party Expert Witnesses in Judicial Anticounterfeiting Cases (May 2019)
- Low Bar to Copyright (May 2019)
- Right of Publicity Minimum Standards (March 2019)
- Guidelines for Examination of Industrial Designs (November 2018)
- Copyright Registration as a Precondition of Infringement Suit (November 2017)
- Model Design Law Guidelines (November 2017)
- Copyright Protection for Trademarked Material (September 2017)
- Hague Convention on Recognition and Enforcement of Judgments (September 2017)
- Amendment of the Lanham Act to Include a Rebuttable Presumption of Irreparable Harm (May 2017)
- Madrid Protocol: Dependency Period (March 2017)

[View Board Resolutions.](#)

Education

INTA's **Annual Meeting** is the world's largest gathering of brand owners, trademark professionals, and other IP professionals. INTA's 142nd Annual Meeting was held in November 2020 as an all-virtual event—a first—and it was combined with the annual Leadership Meeting—also a first. The event drew more than 3,200 registrants from 110 countries. Annual Meeting programming, November 16–20, 2020; Committee meetings, November 10–12, 2020; and Leadership Meeting sessions, November 13, 2020.

- **143rd Annual Meeting (2021):** May 1–5, 2021

First Quarter, 2021 Conferences:

What's Next for Brands: A View from Europe (February 18, 2021—virtual)

Brand Resilience: Risk, Recovery, and the Future of the Brand Practitioner (March 16 – 17, 2021—virtual)

[Visit INTA's Calendar of Events.](#)

2020 Academic Competitions:

- **Annual Saul Lefkowitz Moot Court Competition:** This competition is open to teams of students from accredited law schools throughout the United States. INTA announced the National Finals winners of the 2019–2020 competition in March 2020.
- **Asia-Pacific Moot Court Competition:** Introduced in 2018, this competition is open to all law students outside the United States. The second annual event was held in Singapore, March 1–2, 2019; 21 law schools from 7 countries participated. The 2019–2020 competition was held in March 2020 with a revised format for this year.
- **Annual Ladas Memorial Award Competition:** This award is presented in student and professional categories for a paper on trademark law or a matter that directly relates to or affects trademarks. The submission process opens each November, and INTA announces the award winners each spring.

Legal Resources

- **The Trademark Reporter:** *The Trademark Reporter* has published its September–October 2020 issue, which offers readers an article exploring the tension between Section 22 of Canada’s *Trademarks Act* with the public’s rights of freedom of expression and competition, a lively commentary on the protection of fictional brands in the (so-called) real world, an in-depth commentary on the Court of Justice of the European Union’s decision earlier this year in *Sky v. SkyKick*, and a review of rising scholar Althaf Marsoof’s book *Internet Intermediaries and Trade Mark Rights*.
- **Practice Guides:** INTA’s Practice Guides provide time-saving, practical information on trademark and related areas of law, contributed by seasoned experts throughout the world: *Country Guides: Essential Information on Trademark Protection Worldwide*; *Enforcement: An International Litigation Guide*; *Trademark Cancellations: International Practice and Procedures*; *International Opposition Guide: Comparative Practice and Procedures*; *Practitioner’s Guide to the Madrid Agreement and Madrid Protocol*; *Geographical Indications, Certification Marks and Collective Marks*; and *Trade Dress: International Practice and Procedures*.
- **Quick-Start Trademark Chart:** Get “quick hit” answers to 18 frequently asked questions across more than 120 jurisdictions with the Quick-Start Trademark Chart. Each response is dynamically pulled from one of INTA’s searchable guides, and you can print out a mini-chart of the answers for any country or any question.
- **Fact Sheets:** More than 70 INTA fact sheets provide answers to basic questions about trademarks and related topics. Some of INTA’s top fact sheets are: Protection of Olympic Trademarks, U.S. Trademark Registrations: Principal Register vs. Supplemental Register, Trademarks vs. Generic Terms, Loss of Trademark Rights, and Marking Requirements.
- **Practitioners’ Checklists:** Help ensure that critical considerations are not forgotten and that details are managed efficiently, with our series of Practitioners’ Checklists, including our top five checklists: Clearance Search, Assuming Responsibility for a Trademark Portfolio, Cease and Desist, Due Diligence, and Trademark Filings in Foreign Countries.

Unreal Campaign

The Unreal Campaign educates young consumers (ages 14–23) about the importance of trademarks and brands and the dangers of counterfeit products. The Campaign does this through student engagement presentations (both on-site and virtually) as well as online engagement on Instagram and Facebook. Since its inception in 2012, the Campaign—with the support of Unreal Campaign Committee members and other volunteers—has reached more than 55,000 students in 40 jurisdictions and 130 cities around the world. To date, in 2020, the Campaign has reached more than 10,900 students through 11 in-person events and 28 virtual presentations in 11 jurisdictions. Student presentations are available in 21 languages. There are multiple ways to support the Unreal Campaign, including volunteering to host student engagement presentations, donating products to demonstrate real vs. fake for social media campaigns, and becoming a sponsor.

Learn more and get involved: www.unrealcampaign.com

INTA Officers and Counsel (2020)

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This update: November 2020
Next update: March 2021