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140<sup>th</sup> Annual Meeting, Seattle

# daily news

Saturday May 19, 2018

## Success Is All in the Planning

This year's Annual Meeting Co-Chairs, Dana Brown Northcott and Axel Nordemann, tell Aislinn Burton why Seattle is such a great host city and discuss what registrants can expect across the five-day program.

Seattle, Washington, has become synonymous with industries including coffee, online retail, and aerospace. Starbucks Coffee Company and Amazon.com, Inc. both call the city home, and The Boeing Company's history with the city dates back to 1910. This vibrant city is therefore a fantastic place for hosting the 2018 INTA Annual Meeting.

INTA returns to Seattle this year for the first time since 2009. More than 10,800 people are expected to attend the five-day event at the Washington State Convention Center, a short walking

distance from the iconic Space Needle. The 2018 attendance far surpasses that of INTA's last visit to this Northwest city, when registration totaled slightly more than 7,500.

For Dana Brown Northcott, Associate General Counsel, Intellectual Property at Amazon.com, Inc. (USA), one of the Co-Chairs of this year's Annual Meeting, it's an extra-special treat to have people coming to her hometown. She is not alone in her excitement—her Co-Chair, Axel Nordemann, Partner at law firm



Dana Brown Northcott



Axel Nordemann

Boehmert & Boehmert (Germany), believes the city is the ideal venue.

"Seattle is the perfect location for the Annual Meeting: almost all hotels are within walking distance from the Convention Center, which is conveniently located in the city center, and restaurants and the main shopping area are right around the corner. Seattle, with its maritime flair, is attractive and is always worth a visit," Mr. Nordemann says.

### On the Agenda

This year's Annual Meeting agenda

reflects some big political shocks in the United States and overseas during the last few years, which have started to filter down into the legal realm, as practitioners contend with the changing landscape.

"One of the more significant changes that affects intellectual property (IP) is probably the United Kingdom's vote to leave the European Union, which will be addressed in several sessions," says Ms. Brown Northcott.

While the ensuing uncertainty around Brexit

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## Pharmaceutical Counterfeiting: Expert Views

Counterfeit pharmaceuticals can cause problems far beyond brand damage and trademark infringement, as Aaron McDonald learns from two industry insiders.

Pharmaceutical companies carry a lot of responsibility on their shoulders. While patent protection encourages their work on innovation, applying for and then defending trademarks is equally important. If counterfeits are able to slip through the cracks, it can

lead to serious damage for consumers—potentially even death.

David Lossignol, Global Head of Trademarks at Sandoz International GmbH (Germany), a subsidiary of the Novartis Group, says counterfeiting is an issue for all types of products that it

sells, from generics to biosimilars and mature brands.

"The biggest and growing threat we face is the prominent availability of counterfeit medicines on the Internet—on rogue online pharmacies, but also on social media and

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# Counterfeiting Is a Universal Problem

Tackling counterfeiting requires a holistic approach in which brands, consumers, and other stakeholders must work together closely, Maysa Razavi, INTA's External Relations Manager, Anticounterfeiting, tells Aislinn Burton.

In February 2017 INTA released a report called *The Economic Impacts of Counterfeiting and Piracy*, which indicated that the global economic value of counterfeiting and pirated goods could reach US \$2.8 trillion by 2022. Paired with wider woes such as public fiscal losses, including reduced employment and economic growth, and the cost of criminal enforcement, the total figure could reach US \$4.68 trillion and put more than five million legitimate jobs at risk by 2022.

As INTA's External Relations Manager, Anticounterfeiting, Maysa



Brands need to monitor retail stores and online marketplaces for evidence of counterfeits

“Criminal networks don't have jurisdictional or legal bounds so it is very difficult for a brand owner in one country to enforce its rights in another.”

Razavi heads up the organization's anticounterfeiting policies and activities worldwide. INTA executes its anticounterfeiting initiatives through a dedicated Anticounterfeiting

Committee (ACC). “It's the largest committee at INTA,” Ms. Razavi notes.

The ACC includes 275 members across 70 countries and includes approximately 60 brand owners, all of

which ensures that INTA has a good grasp of how businesses are dealing with counterfeiting, Ms. Razavi says. “The main objective of the ACC is to work with

## Success Is All in the Planning (continued)

← 1 remains a focus for many IP professionals, there have been headline developments in U.S. law, including the U.S. Supreme Court's ruling in *Matal v. Tam* last year that the ban on disparaging trademarks was unconstitutional.

Mr. Nordemann notes that The Slants, a Portland, Oregon-based rock band, became famous in trademark law for the Supreme Court decision, and Simon Tam, the band's founder, will be a speaker on one of the session panels, on Monday, at the Annual Meeting.

Beyond coverage of hot topics like this, the Annual Meeting can be a useful resource for members from all over the world, Ms. Brown Northcott says.

“It is always a fantastic opportunity to learn, network, and hold client meetings or workshops.”

“There is the opportunity to speak with international colleagues and gain different perspectives on managing global portfolios. You can learn so much legal nuance and on-the-ground practical solutions from in-person discussions,” she says.

Mr. Nordemann adds: “INTA's Annual Meeting is by far the largest conference relating to IP, and it is always a fantastic opportunity to learn, network, and hold client meetings or workshops.”

He specifically points to the **Professor vs. Practitioner Debate**, two interesting **Lunch and Learn** sessions, and specific sessions focusing on India, the European Union, Asia-Pacific, Latin America, and the United States.

Preparing an event of such magnitude does not simply begin as soon as the previous year's meeting ends. Mr. Nordemann and Ms. Brown Northcott have both been working

for two years with a project team on this year's event, including identifying moderators and speakers from around the world.

“It's been lovely working closely with the team at INTA,” Ms. Brown Northcott says. Her Co-Chair responsibilities have included securing a dynamic keynote speaker, developing content, reviewing session proposals, and coordinating the project team.

Ms. Brown Northcott says the keynote speaker, Neil Lindsay, Vice President of Global Marketing, Prime & Engagement at Amazon.com, Inc. (USA), will be “an engaging and motivating speaker.”

In addition, glamour is guaranteed: tonight, U.S. rock icons Joan Jett and the Blackhearts, famous for hits including “Bad Reputation,” “I Love Rock ‘N’ Roll,” and “Crimson and Clover,” will be taking to the stage at the Showbox. (Tickets are still available.)

### Back to the Day Job

Ms. Brown Northcott has been juggling her Annual Meeting duties with her role at Amazon.com, Inc., where she deals with a wide range of IP matters, such as trademarks, generic top-level domain names, and content-protection issues.

“It's a lot of fun to work on projects from the branding conception stage

through to launch and beyond, and the variety of projects keep us engaged and energized,” she says.

Mr. Nordemann's practice specializes in trademark disputes, while his spare time is taken up teaching copyright law at the University of Konstanz (Germany).

“My work has become more international. I love working with friends and other local counsel in other jurisdictions, and to travel the world for conferences and client meetings,” he says.

Mr. Nordemann and Ms. Brown Northcott have some simple advice as they hand over the baton to the 2019 Annual Meeting organizers, Cynthia Walden, Principal at Fish & Richardson P.C. (USA), and Ronald van Tuijl, Intellectual Property Director Trademarks at JT International S.A. (Switzerland).

“Find the right people for your project team; then everything will be smooth,” they advise. ●

To hear more from the Co-Chairs, head to the Opening Ceremonies at 4:30 pm tomorrow.

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## Pharmaceutical Counterfeiting: Expert Views (continued)

← 1 commercial platforms,” he explains.

Mr. Lossignol says the company has noticed a growing issue with off-label use of certain products, such as Omnitrope (somatropin, a synthetic growth hormone sometimes used by the bodybuilding community); tramadol, a pain reliever; and alprazolam, a tranquilizer.

“This demand outside the legitimate supply chain creates an ideal environment for counterfeiters,” he says.

Citing a European Union Intellectual Property Office report, Mr. Lossignol says that counterfeit medicines cost the EU pharmaceutical industry €10.2 billion (US \$12.4 billion) a year in lost sales. Further, pointing to reports from the Pharmaceutical Security Institute, the World Health Organization (WHO), and the World Customs Organization, he says that falsified medicines are on the rise.

GSK is also experiencing an increase of counterfeiting instances, says Jenny Barker, Director, Global Anti-Counterfeiting at GSK (UK). The global healthcare company has a dedicated team working on anticounterfeiting, reporting to Ms. Barker and focused primarily on addressing the threat to patient safety. She adds that counterfeiters will target the market leaders and small packages of high-value products, and are primarily operating in countries where IP enforcement is weak.

“We are also grappling with the problem of increased use of e-commerce by the counterfeiters coupled with the difficulty of tracing the source of those selling via these platforms,” says Ms. Barker.

Mr. Lossignol believes that the main driving force of this trend is

that counterfeit pharmaceuticals provide a profitable business, while penalties remain low—because “most people, including legislators, associate counterfeits almost exclusively with an economic impact. Rarely do they take into consideration their critical impact on patients and consumers, which is particularly relevant when it comes to counterfeit medicines.”

As counterfeiters do not care about the health of patients, the company fears that fraudulent products may damage its reputation and harm patients.

While counterfeit drugs continue to be accessible, there are significant threats to public health. This can include antimicrobial resistance (AMR), disease complications, and even death. According to Mr. Lossignol, WHO estimates that AMR could kill 10 million people per year by 2050. Counterfeit medicines are recognized as contributing to AMR, since they may have the wrong amount of an active ingredient, none at all, or a different one. He explains that in many cases, they are not manufactured, transported, or stored correctly.

According to Ms. Barker, the International Criminal Police Organization has reported that more than one million people die per year as a result of counterfeit pharmaceutical products—either because they contain harmful ingredients or because they contain no active ingredients.

“Apart from the very real risk to patient safety and putting patients and consumers’ lives at risk,” she says, “counterfeit products also affect the global economy by creating an underground trade that deprives governments of revenue for vital public services and imposes greater burdens on taxpayers.”

### Prevention Strategies

It is important for GSK to implement a strategy that looks at the whole counterfeit supply chain, according to Ms. Barker.

“To protect patients, our aim is to remove counterfeit products from the illegal supply channel as close to the source of manufacture as possible,” she says.

GSK’s anticounterfeiting program includes investigations, case linking, and intelligence gathering to trace the source of counterfeit products. This, coupled with a strong enforcement capability (working in partnership with government enforcement agencies), has led to many successes in closing down counterfeit manufacturing operations.

She says the GSK team works closely with online platforms to address the online sale of counterfeit drugs. GSK also has many of its trademarks recorded with various customs authorities as part of its border protection program.

“However, it is national and international governments, law enforcement, and public health and industry associations worldwide that have the primary responsibility to address counterfeit healthcare products and to ensure that effective legislative and regulatory measures exist,” Ms. Barker says.

GSK collaborates with these bodies to encourage coordinated action in reducing counterfeiting, she adds. GSK also uses protection features which are applied to labels to identify products and help distinguish genuine products from counterfeits.

In the case of Sandoz International GmbH, a Novartis Group anticounterfeiting team has built strong intelligence, prevention, and enforcement capabilities aimed at monitoring (online and offline), detecting, and investigating cases of suspected counterfeits.

“They lead or participate in enforcement operations in multiple jurisdictions, and they regularly manage to close down illegal manufacturing sites producing Sandoz International GmbH/Novartis Group counterfeit products,” comments Mr. Lossignol.

Consumers also have a role to play in preventing counterfeit pharmaceuticals, although this isn’t



Jenny Barker

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**Counterfeit products also affect the global economy by creating an underground trade.**

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necessarily easy to achieve, he says. One way is by making purchases through traditional distribution channels and avoiding online pharmacies unless they are legal and state-endorsed.

Mr. Lossignol concludes that the fight against counterfeiting requires a huge effort from all stakeholders.

“The impact of counterfeiting on the global economy is disastrous: innovation, employment, and long-term economic growth are definitely affected,” he says. ●



David Lossignol

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**Demand outside the legitimate supply chain creates an ideal environment for counterfeiters.**

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# The Joy of Travel

The newly rebranded Expedia Group, Inc. faces unusual trademark enforcement challenges as an online company, and is looking forward to a major relocation in 2019, as Expedia Group Senior Counsel Michael Graham tells Ed Conlon.

In 1996, online travel agency Expedia began life as a division of Microsoft, where Rich Barton, a product manager and frustrated business traveler, wanted to allow individuals to research and book their own travel online. The unit was spun off as Expedia, Inc. in 1999, and nearly 20 years and a series of major acquisitions later, it has just undergone a corporate rebrand to Expedia Group, Inc.

The facelift, which was completed in March, is designed to better reflect the brand's identity as a technology company within the travel industry, says Michael Graham, Senior Counsel at Expedia Group, Inc. (USA). Expedia Group, Inc. offers a range of services, including those covering hotels and car rentals—alongside the Expedia.com websites Hotels.com (USA), trivago (Germany), and CarRentals.com (USA), to name just some of its numerous brands.

The rebrand followed a busy three years of mergers and acquisitions, with companies including Travelocity (U.S. online travel agency), Orbitz (U.S. online travel agency), and HomeAway (U.S. vacation rental marketplace) all coming on board. These changes have led to a doubling of the number of trademark registrations and domain names that the IP team handles to more than 1,600 trademark registrations and applications and more than 20,000 domain names worldwide, says Mr. Graham.

Apart from increasing the resources required to maintain the trademark portfolio, there has been little change in the company's strategy of clearance, registration, use, and protection, he says. On the other hand, the mergers and acquisitions have resulted in changes in the domain name registration strategy.

"We will no longer attempt to register a large number of defensive domain names with as many typo variations as before, hyphenated terms, lookalike characters, etc.," he explains. "At the same time, we have increased our use of Uniform Domain-Name Dispute-Resolution Policy proceedings to challenge typosquatters and trademark infringers."

As a business that depends on consumers finding its brands via the Internet and social media, "the relationship between trademarks and domain names is especially important for us," says Mr. Graham.

"We have therefore established strong domain name watch and



challenge programs to protect our primary domain names against cybersquatters, prevent typosquatting by affiliates and competitors, and identify other infringements of our trademarks and intellectual property."

## Fighting Fake Travel Sites

Mr. Graham explains that one of Expedia Group, Inc.'s challenges is protecting its brands and websites against counterfeit online travel websites. Because Expedia Group, Inc. only offers online services—not goods—it is unable to take advantage of the more robust seizure and injunction options, law enforcement engagement, or enhanced damages and attorneys' fees available in successful cases in the United States with respect to counterfeit goods.

"We can't get the sort of quick orders from a court to shut down a website that are available to stop the sale of counterfeit goods, and, even more importantly, we lose the ability to engage with law enforcement to find



Michael Graham

**"We have increased our use of Uniform Domain-Name Dispute-Resolution Policy proceedings to challenge typosquatters and trademark infringers."**

these people and close them down. It's easier to engage the FBI when you have counterfeit goods," says Mr. Graham.

Another challenge for Expedia Group, Inc. is the clearance of its many trademarks worldwide, he says, adding that searches must increasingly include searches not only of domain names, but also of social media handles and common law uses, among others. The trademark team also faces challenges in searching and registering trademarks and brands that have different levels of distinctiveness worldwide.

"For example, EXPEDIA is a fanciful term entitled to immediate protection as a trademark, whereas HOTELS.COM, which began as a suggestive mark for a telephone reservation service and has been used worldwide as a domain name URL and trademark, has been considered descriptive and has therefore had to gain consumer recognition and goodwill through its more than 21 years of use and marketing worldwide to be registrable in most of the world," Mr. Graham explains.

## A New Home

While the rebrand has kept Mr. Graham busy, he and the rest of the team are preparing for another major

milestone in the company's history—in 2019, Expedia Group, Inc. is moving its headquarters from Bellevue, Washington, to Seattle, Washington, just a 15-minute drive away..

Mr. Graham calls it "a huge step," not just for the company and its employees, but for the city of Seattle. He says the new Interbay location, a 40-acre waterfront campus overlooking Elliott Bay, has not seen much development since biotech company Amgen Inc. moved from the site in 2015.

"The area hasn't seen renewal like the rest of the city, such as Downtown Seattle, which is rapidly changing," he says. "We want to bring vibrancy and new life to this part of the city. The area has a lot of promise."

Mr. Graham adds that as Expedia Group, Inc. gears up for the move and prepares the campus for the adaptive reuse of the buildings, "one key component is looking at unique ways to repurpose and salvage different elements of the campus—everything from building materials and landscape to furniture and technology left behind by Amgen."

This approach fits in with the company's wider strategy on corporate social responsibility (CSR), Mr. Graham concludes.

"CSR is something Expedia Group takes very seriously, and, as expressed in our mission statement, our efforts are aligned with 8 of the 17 United Nations Sustainable Development Goals—initiatives that are focused on protecting the planet, providing quality education, advancing equality, and enabling a more tolerant, just, and peaceful world." ●



## Counterfeiting Is a Universal Problem (continued)

← 2 governments, develop policies based on problems, and advocate for change all over the world,” she explains.

One of the major challenges facing the Committee, as well as brand owners more widely, is that evidence points to very complicated and organized crime networks embedded into the counterfeit trade.

“Criminal networks don’t have jurisdictional or legal bounds, so it is very difficult for a brand owner in one country to enforce its rights in another when the Internet server is in another country, for example. It’s so spread out across jurisdictions that it passes the limits of the law,” Ms. Razavi says.

Dealing with this “very complicated international problem”

“There are so many stakeholders when it comes to counterfeiting. INTA’s updated guide focuses on each one of them and gives high-level recommendations on the issue.”

is therefore no easy feat, particularly amid the growth of technology, she says. New technology creates new problems for brand owners, but digital advancement can also present solutions, according to Ms. Razavi. The ACC is currently exploring how new tools such as blockchain and artificial intelligence can be used to help anticounterfeiting efforts, offering enormous potential in the future fight against counterfeiting.

### Updated INTA Guide

In February 2018 the ACC published its updated *Addressing the Sale of Counterfeits on the Internet* guide. Since the guide was initially released in 2008, the changes triggered by the Internet—from social media to e-commerce—have been “really extensive” says Ms. Razavi, and the document’s update includes recommendations to address these developments.

For example, businesses should actively monitor social media platforms and online retail stores for evidence of counterfeits, as well as have a clear and effective process for dealing with reported instances.

“The reason we felt the need to update the guide is that online counterfeiting is the main way these goods are being sold,” she says. “On the



Maysa Razavi

Internet, you can sell goods anywhere, to any consumer in the world.”

It’s not all about cost, or lost business, though. Ms. Razavi says the guide features recommendations on best practices to protect consumers from counterfeiting, and that it’s important to work together to address the challenge.

“There are so many stakeholders when it comes to counterfeiting. INTA’s updated guide focuses on each one of them and gives high-

level recommendations on the issue,” she says. A range of Internet service providers and brand owners contributed to the document.

Ms. Razavi explains that the best way to address counterfeiting is to engage all stakeholders; a lot of the issues center on the fact that people aren’t necessarily connected with each other. An SME starting out and an established e-commerce site are going to have different concerns, different resources, and different experiences.

“It’s very hard for a new brand owner to grasp all the different players involved, and that’s one thing INTA strives to help members with,” Ms. Razavi says.

“It’s everybody’s problem, so we all have to work together on it,” she urges. ●

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# Wherever They Go, We Will Follow

Counterfeiters are increasingly hard to catch, but the authorities are as committed and astute as ever in their pursuit of criminals. Sarah Morgan speaks to two enforcement agencies trying to stem the tide of fakes.

Counterfeiting is not a victimless crime. While registrants at the INTA Annual Meeting are well aware of this, the general public may not be. This is one of the biggest hurdles facing enforcement agencies worldwide that are tasked with tackling counterfeits.

Chris Vansteenkiste, Cluster Manager at Europol's Intellectual Property Crime Coordinated Coalition (IPC3) (Belgium), says: "While everyone is aware that organized crime is clearly behind illicit drugs and trafficking, the image of counterfeiting is not as crystal clear in some countries. Policymakers in such countries say they don't think that organized crime is behind counterfeiting."

But the situation is clear: a 2017 report on counterfeiting and piracy in the European Union, undertaken by Europol and the European Union Intellectual Property Office, confirmed that intellectual property (IP) rights infringements are an important source of income for organized crime groups.

"IP rights crime ... continues to be one of the most lucrative criminal enterprises, and the fact that the illegal funds generated have been linked to organized crime means that tackling IP rights crime should remain on the EU law enforcement and policymaking radars, not least to deprive those involved in other criminal enterprises of their revenue streams," said the report.

Peter Ratcliffe, Detective Inspector of the Police Intellectual Property Crime Unit (PIPCU) (UK), explains



istockphoto / Bestimage

that there are multiple types of victims of counterfeiting. Among them are customers who purchase counterfeits and then are exploited by criminals.

"The consumer buys counterfeit goods and then criminals set up accounts using their name. The individuals then receive letters ordering them to court because they've sold fakes. There have also been cases where other consumers have turned up on their doorsteps, angry about being sold fake goods," he explains.

In addition, he says, the people creating a lot of the counterfeit products are working in terrible conditions, making them victims too.

Consumers face potential health and safety risks. The effects are particularly bad when someone becomes ill from fake medicines or is hurt by a fake product.

Mr. Ratcliffe cites fake costumes as a prime example. They come with increased risks: the dye used may have toxins, and non-removable capes pose fire safety hazards.

## Getting the Message Across

What can be done to convince consumers that counterfeiting is not as victimless as they think? Communication is key, according to Mr. Ratcliffe.

PIPCU uses a range of tools: it writes to people whose identities have been misused, spreads the message through social media and newspapers, and works closely with industry. The unit has overseen 100 investigations involving copyright, trademarks, and fraud offenses.

"It's not particularly easy to get the word out because this is not the first thing people think about. However, we're always learning and improving," adds Mr. Ratcliffe.

When Mr. Vansteenkiste began

his work on IP crime—nearly 20 years ago—an article on counterfeiting and its dangers was rare. Now, the topic is being written about almost every day.

He adds: "As long as there is demand there will be an offer. If we can reduce demand by incentivizing people not to buy fakes, we will probably impact the criminals too, and the more we communicate our successes, the more the criminals know how serious we are."

## Tracking IP Criminals

The advent of new technologies has brought counterfeit products closer to the consumer. In the past, you would usually need to go to a tourist destination to buy fakes. Now, you don't even have to leave your house. Internet counterfeiting is rampant.

Established in 2013, PIPCU was founded to deal purely with the shift of IP crimes into the online environment.

"Every offense we've looked at has an international element," says Mr. Ratcliffe, adding that this can make tackling the sale of fakes even more complicated, time consuming, and costly.

To ensure PIPCU is at the top of its game, the unit works with stakeholders across the board, including law enforcement agencies, the private sector, other police agencies, customs officials, and brand owners.

IPC3 monitors social media, while actively patrolling both the Internet and the so-called dark net.

Mr. Vansteenkiste warns: "Wherever they go, we will follow them."

IPC3's "In Our Sites" Operation seized 32 domains in its first year with the cooperation of five countries. In the latest operation, more than 21,000 domain names were seized, with 28 countries and 32 different agencies playing a part. PIPCU played a leading role by taking down 15,420 websites as part of the operation.

Authorities worldwide are facing a mammoth task: by 2020, international trade in counterfeit and pirated goods could reach US \$991 billion, and legitimate economic activity valuing up to US \$1.24 trillion is expected to be displaced.

These are some of the forecasts in *The Economic Impacts of Counterfeiting and Piracy*, published by economics consultancy Frontier Economics in February last year. The study was prepared for the International Chamber of Commerce Business Action to Stop Counterfeiting and Piracy and INTA.

"We have to face the facts: we will probably never be able to extinguish counterfeiting entirely," concludes Mr. Vansteenkiste.

But that doesn't mean these organizations will stop trying. ●



Chris Vansteenkiste

**"If we can reduce demand by incentivizing people not to buy fakes, we will probably impact the criminals too."**



Peter Ratcliffe

**"Every offense we've looked at has an international element."**





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**WE CALL IT 360° INTELLECTUAL PROPERTY**

# IP Down Under: Defense at the Border

Surrounded entirely by ocean, Australia is well placed to defend itself from imported counterfeit goods, as Patricia Kelly, Director General of IP Australia, tells Sarah Morgan.

“As a country with no land borders and a finite number of well-policed importation points, we are in a good position to regulate imports,” says Patricia Kelly, Director General of IP Australia. She notes that border protection measures play a crucial role in stemming the flow of sometimes dangerous counterfeit goods into Australia.

“Counterfeiting is a serious issue with real consequences for businesses and consumers,” adds Ms. Kelly, who took over as Director General in 2013, following a decade as Deputy Secretary in Australia’s Department of Industry and Science.

Among the fake products frequently seized by border agents are pharmaceuticals, alcoholic beverages, car parts, infant milk formula, and children’s toys. The most recent figures, for the 2015–2016 financial year, show that the Australian Border Force (ABF) seized almost 200,000 individual counterfeit and pirated goods.

“Effective enforcement of trademarks is a significant issue for rights owners who have worked to establish their brands in the marketplace and do not want to see others take unfair advantage of their hard work or damage the goodwill of their brands,” says Ms. Kelly.

## Taking Steps

IP Australia can’t directly intervene against counterfeits; the responsibility lies with rights owners. Trademark owners must lodge a notice of objection with the ABF and, if this is successful, goods that appear to infringe IP rights will be seized. From here, the rights owner has 10 business days to take legal action; otherwise, the products are released to the wider market. The ABF enforces more than 600 notices of objection every year, says Ms. Kelly.



Patricia Kelly



istockphoto / zhuyang

In 2013, Australia introduced a number of changes to the Trade Marks Act 1995 and Trade Marks Regulations 1995 that were aimed at strengthening protection against counterfeiting. The changes included stronger penalties, better tailored offense provisions, and additional damages in civil infringement actions. Penalties can include up to five years’ imprisonment and fines of up to AU \$99,000 (US \$74,500).

Additionally, the Trade Marks Act 1995 provides for border protection measures such as seizure against the cross-border flow of counterfeit goods.

“Our strengthened legislation improves protection for trademark owners and assists in safeguarding Australian consumers against the perils of fake goods,” says Ms. Kelly. “While it’s not possible to halt all attempts to import and sell counterfeit goods, I’m not aware of any significant dissatisfaction with current measures we have in place to address this. It is not an issue businesses are raising with me.”

She describes Australia’s IP legal framework as “robust,” while noting that IP Australia “encourages businesses to ensure they monitor use of their trademarks carefully and take advantage of the protection mechanisms available to assist in the effective removal of counterfeit goods from the market.”

Looking further afield, Ms. Kelly mentions trademarks in China, Australia’s largest trading partner, and the challenges businesses face in protecting their IP there.

“Due to China’s first-to-file trademark system, many Australian businesses have been caught not protecting their brands before

“Our strengthened legislation improves protection for trademark owners and assists in safeguarding Australian consumers against the perils of fake goods.”

manufacturing in China or exporting to the Chinese market,” Ms. Kelly says.

To help combat this, toward the end of 2016 IP Australia took the step of appointing an IP counselor in China to work with Australia’s Department of Foreign Affairs and Trade and help businesses navigate this new landscape.

While it may not be the silver bullet for rights owners, the appointment gives businesses a focal point and a human face to whom they can direct their questions or concerns when entering a new territory.

“Through the IP counselor position we have been able to expand our resources to support Australian businesses in protecting their IP in the Chinese market,” Ms. Kelly says.

IP Australia has a range of bilateral cooperation agreements with other IP offices, including those in the Association of Southeast Asian Nations (ASEAN) region, says Ms. Kelly, adding that “our activities include administrative cooperation, sharing information and tools, public awareness-raising, and exchange of technical personnel and data.”

She says: “I am particularly

interested in regional cooperation activities, including with ASEAN IP offices, and have shared our experiences in implementing and examining under the Madrid Protocol to assist countries in our region to accede [to the Protocol].”

## Across the Tasman Sea

IP Australia has a close relationship with the Intellectual Property Office of New Zealand, which is perhaps unsurprising given the two countries’ close links in other areas.

However, a session on Tuesday will examine the continued divergence between Australia and New Zealand in their approaches to trademark law and procedure. According to the program description, Session **CT02 The Messy Divorce Between New Zealand and Australian Non-Use Revocation/Cancellation Law** will “offer some insights as to why the countries appear to be drifting apart and, in the spirit of the friendly rivalry between them, whether one approach is preferred to the other.”

The session will cover topics such as the legal standing required to apply to revoke a mark and the grounds for non-use cancellation.

Ms. Kelly concludes that “in an increasingly interconnected, global, and digital world with rapid technological developments, working with other IP offices around the world is very important. Collaboration helps to build a stable and efficient global IP system that promotes trade and investment.”

Session **CT02 The Messy Divorce Between New Zealand and Australian Non-Use Revocation/Cancellation Law** takes place on Tuesday from 10:15 am to 11:30 am. ●



# Finding Solutions Together

China has the world's largest economy by purchasing power parity, so it is no surprise that it also is a major market for counterfeit goods. But there is a more positive side to the story, as Seth Hays, INTA's Chief Representative Officer, Asia-Pacific, tells Aaron McDonald.

Seth Hays, INTA's Chief Representative Officer, Asia-Pacific, says that, while the Association is concerned about the state of counterfeiting in China as well as in the global e-commerce market, China has made strides in recent years to confront this international problem.

"When you look at the data," Mr. Hays says, "much of the world's cross-border consumer goods are manufactured in China, and criminals take advantage of this for counterfeiting activity."

"China is a big country," he explains. "It is a market of 1.4 billion people, and it's still the world's manufacturing base."

"You put all of those factors together and it's a recipe for vulnerability on anticounterfeiting."

However, in many respects, there is a more positive angle to the story, Mr. Hays says. "Authorities in Beijing treat the issue of counterfeiting very seriously," he says, and INTA is working with e-commerce platforms



Policy dialogue will assist in finding the way forward

on industry-to-industry dialogue in China, as well as in South East Asia and Asia-Pacific.

In China, only a few major e-commerce players take up the majority of market share. In South East Asia, on the other hand, it's a highly fragmented market.

"That makes the outreach to these platforms a lot more difficult, so

INTA has been organizing a series of policy dialogues across e-commerce platforms and brand owners in each of these countries," he explains.

Most recently, INTA has been working in Indonesia, and the Association will be having more discussions with industry, other associations, government, and practitioners in Japan, ➔ 17

**“** We're trying to facilitate more information sharing between governments and industry. **”**



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# Anticounterfeiting Workshop: a Rare Opportunity to Exchange Views

In a closed, sold-out session today, government officials, corporate in-house representatives, and digital commerce service providers will have a rare opportunity to exchange best practices and views on tackling online counterfeiting. Aislinn Burton reports.

Today more than 100 government officials, corporate in-house representatives, and digital commerce service providers will gather at a day-long **Anticounterfeiting Workshop** for the rare opportunity to collaborate on ways to combat online counterfeiting. Evident of the importance of this topic, this must-attend workshop quickly reached capacity and is sold out.

The stakeholders attending the interactive, discussion-heavy workshop will share best practices and lessons learned. By the end of the day, they will have developed ideas on how to enhance collaboration in order to effectively stem the rising tide of online counterfeiting.

Co-Chairing the **Anticounterfeiting Workshop** will be Jeremy Newman, UK Country Manager at Rouse (UK) and Myrtha Hurtado Rivas, Global Head Trademarks & Domain Names at Novartis International AG (Switzerland). They also serve as Co-Vice Chairs of INTA's Anticounterfeiting Committee for the 2018–2019 term.

Although INTA will be facilitating the dialogue, the Co-Chairs explain that

participants will be strongly encouraged to drive the agenda for the day.

"Collaboration is key to dealing with the threat of online counterfeiting," Mr. Newman says. "The workshop presents a rare opportunity for key stakeholders to exchange views and explore collaborative solutions in a closed-door environment."

Ms. Hurtado Rivas notes that INTA held a similar workshop on this topic during the 2017 Annual Meeting in



Myrtha Hurtado Rivas

Barcelona, Spain. Based on feedback following the event, the format of today's **Anticounterfeiting Workshop** includes a discussion with ample time for registrants to "work together towards a common solution," she says.

## Ongoing Dialogue

To kick-start the day, each group of stakeholders—government officials, corporate in-house representatives, and digital commerce service providers—will meet separately to discuss a series of questions.

Ms. Hurtado Rivas explains that these will focus on what "success" in the fight against online counterfeiting will look like at any given time, as well as the current obstacles. Registrants will be asked to consider what steps the various stakeholders can take to overcome those hurdles, in the short, intermediate, and long term.

Through this dialogue, Mr. Newman hopes that "registrants will share examples of particularly helpful practices or processes they are using in the fight against online counterfeiting."



Jeremy Newman

**“ The workshop presents a rare opportunity for key stakeholders to exchange views and explore collaborative solutions in a closed-door environment. ”**

Following the morning's discussions, all stakeholders will be brought together in mixed groups to explore the issues identified and propose solutions. The outcomes will be captured to share with the plenary group, ensuring that everyone present can benefit from all dialogues.

The Co-Chairs add that there will also be space to examine any tensions between different interest groups in order to reach common solutions.

Mr. Newman hopes that workshop registrants will continue to collaborate afterwards, allowing stakeholders to further "explore ways to enhance collaboration across borders and industries." ●

# Fighting Fakes in Professional Sports

Ever wondered how your favorite sports team tackles counterfeit goods? A session on Monday will have the answers. Aaron McDonald interviews one of the panelists.

On Monday, find out how sports brand owners are tackling an ever-increasing volume of counterfeit merchandise, in **Session IM01 Industry Breakout: Battling Counterfeit Sports Merchandise—A Multi-Jurisdictional Review**, from 10:15 am to 11:30 am.

Moderator Tanya Fickenschier, Vice President and General Counsel at Major League Baseball Properties, Inc. (USA), will be joined by Helen Chen, Senior Director and Senior Legal Counsel at National Basketball Association, China (China); Anna Guix, Intellectual Property Lawyer at FC Barcelona (Spain); Victoria Loughery, Assistant Counsel at National Football League (USA); and Scott Palmer, a Partner at Perkins Coie LLP (China).

Topics of discussion will include addressing and managing championship events and enforcing brand owners' trademark rights on online platforms, including on social media.

Regarding the main issues facing counterfeit products in sports merchandise, Mr. Palmer says that counterfeiters and the tools they employ to produce, market, distribute, and sell counterfeit goods are becoming more sophisticated.

"Sports leagues and brand owners have to expend significant resources monitoring e-commerce and social media platforms," he explains.

"This means managing an effective notice-and-takedown program and trying to identify, track down, document, and then hopefully eliminate the more egregious manufacturers and sellers on the ground by employing one of the available offline enforcement tools."

Mr. Palmer adds that brand owners must address a lot of issues before they can effectively enforce their rights, with finding the source of fakes often proving to be a real challenge.

"Counterfeiters know how to play the game," he warns. "For example, the most sophisticated ones will rarely store or ship quantities significant enough to interest the enforcement authorities, and they will often move around regularly or operate out of residential areas."

He adds that some unscrupulous actors take advantage of first-to-file trademark systems to obtain trademark rights in bad faith. According to Mr. Palmer, they often try to invoke those rights as a "shield" against claims of infringement, while some may use them as a ruse for building a "confusing online presence under color of right."

Mr. Palmer advises brand owners to register their rights quickly and broadly. They shouldn't seek to register their goods only in the obvious merchandise categories such as apparel, but also consider other classes that are often targeted by infringers, such as bags, posters, and towels.



Scott Palmer

"If you are prepared, if you have a well-crafted anticounterfeiting strategy, if you have the right brand protection resources and agents to assist with execution of that strategy, and if you are consistent in executing that strategy, your consumers will appreciate it and you will make an impact," he concludes.

In another session focusing on counterfeits, registrants can learn about balancing the economic benefit of free trade zones and their vulnerability to exploitation by counterfeiters.

**Session CSU01 Working with Intermediaries to Combat the Manufacture and Trade of Counterfeit Goods in Free Trade Zones** takes place on Tuesday from 10:00 am to 11:15 am. ●



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# EU Trade Mark Reforms: the Answers You’ve Been Looking For

Since the second wave of EU trade mark reforms were introduced in October 2017, several questions have come up time and again. Dimitris Botis, Deputy Director of Legal Affairs in the International Cooperation and Legal Affairs Department at the European Union Intellectual Property Office, gives Ed Conlon the answers.

To what extent can nontraditional trademarks be registered in the European Union? It’s one of several questions rights owners have repeatedly asked the European Union Intellectual Property Office (EUIPO) since October 2017, when several reforms to the EU trade mark (EUTM) system came into effect.

Before these changes took effect, a number of other provisions had already been operational since March 2016. That’s because the new EU Trade Mark Regulation (EUTMR) came into force in March 2016, with two of the main changes at the time concerning nomenclature: the Office for Harmonization in the Internal Market became the EUIPO, and the Community trade mark became the EUTM.

Then, months later, in October 2017, the EUTMR brought more changes. These additional amendments had to be developed by “secondary legislation” in the form of a European Union Trade Mark Delegated Regulation and a European Trade Mark Implementing Regulation (EUTMIR). Both legislative acts aimed at further detailing and implementing the EUTMR.

### Graphical Representation

The removal of the need to represent a trademark graphically in an application was a cornerstone of the October 2017 reforms.

Dimitris Botis, Deputy Director of Legal Affairs in the International Cooperation and Legal Affairs Department at EUIPO says that the



change eliminates a previous barrier to registration and means that certain types of trademarks that can be represented only in electronic format (e.g., multimedia marks) are now acceptable.

“It also means that EUTMs that are non-visual (sound marks) or comprise moving images (motion marks) become easier to file by making use of sound or video files rather than having to rely on still graphics,” he adds.

However, an EUTM must still be represented in a form that uses generally available technology that can be reproduced on the register in a clear, precise, self-contained, easily accessible, intelligible, durable, and objective manner, says Mr. Botis.

“The removal of the need to represent a trademark graphically in an application was a cornerstone of the October 2017 reforms.”

“One question that has come up over the past few months is whether the elimination of the graphical representation requirement facilitates smell marks. The answer is ‘not immediately,’” he says.

That said, he adds, if “generally available technology” one day allows smells to be represented in a clear, precise, self-contained, easily accessible, intelligible, durable, and objective manner, there would be no legal barrier and the category “other” could be used to file such marks.

“However, it is difficult to see this happening in the near future,” he suggests.

### New Marks

The second commonly posed question concerns what new types of trademarks are available and how they can be represented.

Mr. Botis explains that, of the types of trademarks specifically named in the EUTMIR (see Table 1 for more details), only one is new—the multimedia mark. The others already existed *per se* or within broader categories. 3D marks have been renamed “shape marks,” he adds.

### Certification Marks

Trademark owners have also been asking about the impact of the new certification mark, which is the first new EU-wide IP right administered by EUIPO since the registered Community design was introduced in 2003.

EUIPO says such marks indicate that the goods and services bearing that mark comply with a given standard set out in the regulations of use and controlled

Table 1: Types of trademarks and requirements		
Type of trademark	Description required?	Format required
Word	No	N/A
Figurative	No	JPEG
Shape	No	JPEG; OBJ; STL; X3D
Position	Optional	JPEG
Pattern	Optional	JPEG
Color (single)	No	JPEG
Color (combination)	Optional (previously mandatory)	JPEG
Sound	No	JPEG, MP3 (max 2 Mb)
Motion	Optional (previously mandatory)	JPEG, MP4 (max 20 Mb)
Multimedia	No	MP4 (max 20 Mb)
Hologram	No	JPEG, MP4 (max 20 Mb)



under the responsibility of the certification mark owner, “irrespective of the identity of the undertaking that actually produces or provides the goods and services at issue and actually uses the certification mark.”

Mr. Botis explains that EUIPO has already received about 100 applications, “quite a few of which were filed on or around October 1,” showing that people were waiting for the system to be introduced.

### Priority

Changes to priority claims are the next focus of interest. Such claims must now be filed on the same date as the EUTM application, and, where required, documentation in support of the claim must be filed within three months of the filing date.

According to Mr. Botis, if the supporting documentation is not in a language of the office, it is now optional for the office to request that it be translated.

In addition, priority claims are no longer examined in substance at the filing stage. At this point, the office will examine only whether all formal requirements have been met, namely the number, date and country of the purported first filing, and the availability of official online sources

**“ Evidence of substantiation...must still be submitted in the language of the proceedings...within the time limit set for substantiation. ”**

to verify the priority data (or the submission of priority documents and translations).

### Online Sources

Users have also been asking which online sources are accepted by EUIPO for the purposes of substantiating earlier rights, says Mr. Botis.

He explains that the office recognizes all the databases of the national and regional EU IP offices, with TMview (a trademark search tool) being acceptable as a portal through which the national offices are accessed.

For geographical indications, opponents and cancellation applicants can now rely on EU databases (E-Bacchus, E-Spirits and E-Door), he explains, adding that general references to such databases and sources are sufficient and the use of a direct hyperlink is optional.

### Translation

Mr. Botis says that users have also been asking about the new requirements for and standards of translation.

He explains that in opposition and invalidity proceedings, where the language of the evidence of substantiation (except certificates of filing, registration and renewal or provisions of relevant law) is not the language of the proceedings, a translation will now be required only where requested by the office—either through its own motion or after a “reasoned request” by the other party. Evidence of acquired distinctiveness or reputation would fall within this category.

“However, evidence of substantiation (certificates of filing, registration and renewal or provisions of relevant law) must still be submitted in the language of the proceedings (or translated into this language) within the time limit set for substantiation,” he adds.

### Communication

The final popular query concerns how communication with the office has changed.

Mr. Botis explains that because modernizing the EUTM system was at the heart of the reforms, “obsolete forms of communication have been removed.” These include hand delivery and deposit in a post box at the office.



Dimitris Botis

Also, he says, since January 1, 2018, the office does not accept EUTM applications and renewals by fax, “except as a backup system if technical malfunctions prevent the use of e-filing.”

### For More Information

While the above questions are the main queries that users have raised, other questions may arise. For further information requests, EUIPO can be contacted at [information@euipo.europa.eu](mailto:information@euipo.europa.eu). Mr. Botis will be on a panel in Session **CM21 The Fate of Color Per Se Marks in Europe** on Monday from 11:45 am to 1:00 pm. ●

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# Meeting the Challenges of Innovation in Asia

Trademark owners need a long-term plan for dealing with infringement and counterfeiting in the ASEAN region, where enforcement can be challenging. Kowit Somwaiya, a member of the INTA Board of Directors, explains more in an interview with Ed Conlon.

“Counterfeiting in ASEAN remains one of the significant concerns for doing business in this region,” says INTA Board of Directors member Kowit Somwaiya, Managing Partner at LawPlus Ltd. (Thailand), who assists with the Association’s advocacy efforts in the ASEAN region.

A growing threat globally is online trademark infringement, he says, but while there are some actions available against this problem, “they are not effective or efficient in many ASEAN countries.” General problems include cumbersome processes for addressing infringement and a lack of cooperation between authorities.

Trademark owners therefore need to have a long-term strategic plan that deals with infringement in the region, Mr. Somwaiya adds. This should include assessing the landscape for trademark infringement in each state, the “actual and potential” negative impacts on the business, and the basic measures to be taken if and when infringement activities are identified, including an investigation, cease and desist letter, and police complaint.

“The plan should also include annual budgets, responsible/implementation teams, and expected results, preferably quantified in key performance indicators. The plan should cover a period of three to five years,” he adds.

The Association of Southeast Asian Nations (ASEAN) member states—Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam—are increasingly trying to

encourage and facilitate IP enforcement and compile and communicate data on enforcement cases, best practices and national guidelines for criminal and civil actions, Mr. Somwaiya explains.

Just two years ago, the ASEAN region began a decade-long strategic IP plan (2016–2025). Enforcement is one of the core focuses in the plan; others include acceding to the Madrid Protocol and creating the ASEAN IP Portal.

Concerning the Madrid Protocol, which is administered by the World Intellectual Property Organization (WIPO), Malaysia and Myanmar have yet to join the treaty. On the ASEAN IP Portal, the member states have set up an online platform to provide public access to IP-related data and information in the region.

The major progress on the fourth core aim—legislation development—comes from Myanmar, which is passing four IP laws, including one on trademarks. “This is to ensure that its IP legislation is more in line with the Agreement on Trade-Related Aspects of Intellectual Property Rights,” Mr. Somwaiya says. Once these new IP laws come into force, they will substantially change the



**The Association of Southeast Asian Nations (ASEAN) member states are Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam**



Kowit Somwaiya

“The plan should also include annual budgets, responsible/implementation teams, and expected results, preferably quantified in key performance indicators.”

current practices of IP registration and enforcement in Myanmar.”

Mr. Somwaiya helps to further the Association’s efforts in the ASEAN region, particularly with respect to advocacy, communication, education, and networking opportunities, as well as assisting the Association in implementing its 2018–2021 Strategic Plan. He works closely with INTA’s Board of Directors, officers, committees, and advisory council on global and regional issues, especially in the Asia-Pacific area (which includes the ASEAN region).

“On the ground I help INTA promote the values of trademarks and brands among regional brand owners and the public. I advocate best practices for registration and protection of trademarks and related IP, harmonization of trademark laws and practices, and enforcement of trademark rights against trademark infringement, to name a few,” he says.

Mr. Somwaiya says the major challenges facing INTA and brand owners are innovation and technological changes, which will be “fast, disruptive, and challenging.”

“For example, the speedy development of online platforms/e-commerce, social media, financial technology, and blockchain technology will result in more sophisticated online trademark infringements and more unfair use and unfair competition in relation to brands on a global basis,” he suggests.

He adds that growth rates of e-commerce and social media use in the ASEAN region have been very high in the past few years, and he expects them to increase in 2018.

“This could mean more difficult problems in enforcing trademark rights against online infringers,” Mr. Somwaiya emphasizes.

In response, brand owners should invest time and money in informing and educating their management teams, including counsel, about all aspects of online IP infringement activities “so that at all times they are aware of the volume and severity of the infringement problems applicable to their brands and businesses.” ●



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1400 Sixth Avenue, Seattle, WA 98101, 2 Minutes walking from Washington State Convention Centre.

Date: 20 to 23 May 2018 Time: 9:00AM to 4:00PM

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## Finding Solutions Together (continued)

← 9 Malaysia, and Thailand, as well as in other countries.

To help achieve a common goal, INTA recently published a voluntary best practices guide—*Addressing the Sale of Counterfeits on the Internet*—on fighting online counterfeiting directed at various industry players, including those in e-commerce, logistics, shipping, and social media.

“We’re trying to facilitate more information sharing between brands and intermediaries, and governments and industry,” explains Mr. Hays. “We’re encouraging governments that don’t have IP rights enforcement coordination centers, or cross-ministerial bodies for information exchange to form such entities.

INTA’s best practices guide, *Addressing the Sale of Counterfeits on the Internet*, is aimed at various stakeholders, including e-commerce companies.

“

**We are encouraging more regional coordination on IP rights enforcement.**

”

Additionally, we are encouraging more regional coordination on IP rights enforcement.”

Another challenge is the trend towards plain packaging. For example, Singapore has floated brand restrictions on products such as tobacco, while Thailand has already passed regulations on plain packaging for tobacco products. This could increase the trade of counterfeit goods since plain packaging is easier to counterfeit, says Mr. Hays.

### Good News

However, there is much to be hopeful about.

Countries such as Cambodia and Myanmar, which don’t have a great deal of IP resources, are pushing forward on IP protection legislation in a “proactive” and “surprising” way, says Mr. Hays. Myanmar is expected to pass its first trademark law soon, and Cambodia’s Counter Counterfeiting Committee has been actively enforcing anticounterfeiting laws.

Regionally, the Association of Southeast Asian Nations (ASEAN) is also working to build a network of enforcement officials. INTA has participated in these initiatives, sharing its views with ASEAN on regional IP enforcement.

And last year, INTA sent its first leadership delegation trip to Timor-Leste, also in South East Asia.

“Like Myanmar, they don’t have trademark law on the books, and we’re working with them on that,” says Mr. Hays. “They were very keen to learn about IP and they understand the basics of IP protection and the role that trademarks play in consumer safety.”



Seth Hays

With plenty of activity on the ground in developing Asia-Pacific’s IP infrastructure, the region is working diligently with stakeholders like INTA to protect the IP rights of brand owners in a progressive and forward-thinking manner. ●

## Ready, Set, Go For the Annual Meeting

When the 10,800+ registrants converge beginning today for INTA’s 140th Annual Meeting, busy schedules will be the norm. There’s plenty to fill everyone’s days and evenings—from myriad educational sessions, receptions, and networking opportunities to a concert (tonight) by the iconic Joan Jett and the Blackhearts and other sights and sounds of Seattle.

“While we hope you take in all that the Annual Meeting has to offer, we also hope that you take the time to reflect on the experience,” says INTA CEO Etienne Sanz de Acedo. “What you absorb here can be put into practice to help accelerate not only your own careers, but also advance the field.”

As the Annual Meeting gets underway, here are a few key points to help you navigate the event.

### Your identity:

The first stop for all registrants and those who are registering on site is the Registration Area on the 4th floor in Hall 4B of the Washington State Convention Center. It’s essential to pick up your badge, which provides access to all educational sessions, the Exhibition Hall, receptions, other INTA-affiliated events, and any add-on events that you’ve purchased. Your badge also lets you ride INTA’s shuttle and the Seattle Center Monorail at no charge. Separate event wristbands are being issued for guests attending the **Saturday Night**

**Concert**, and **Opening Ceremonies** and **Welcome Reception** on Sunday; go to the Guest Ticket Pick-up counter if you’ve already purchased guest tickets, or to the New Registrations counter to buy them now. In-house practitioners heading to the **In-house Practitioners Reception** on Monday at 5:00 pm at Amazon.com, Inc. headquarters must show their badge and a form of identification, such as a driver’s license or passport, to gain entry.

### Your information sources:

There are multiple ways to check out the daily schedule of events and to stay informed during the Annual Meeting. Download the INTA Annual Meeting mobile app, by searching for “INTA Events” on the App Store and Google Play Store. Carriers will be distributing the *INTA Daily News*, the official publication of the Annual Meeting, in and around the Convention Center every morning through Wednesday. In addition, the Association will be posting regular updates on social media and encourages you to share your experiences and photos as well, with hashtag #INTA2018. Your posts might even make it to the social media walls around the Convention Center!

### Your experience:

Choose among the many educational sessions that pique your interest. Take advantage of the numerous networking opportunities, including the **First-Time Orientation and Reception**

today at 3:00 pm in Room 6E, regional receptions, and the Hospitality Area on the 4th floor. Check out the latest products and services available from the 160+ exhibitors in the Exhibition Hall in Hall 4EF, beginning at 10:00 am Sunday through Wednesday. Add to your experience with some “extras”—such as **Lunch and Learn** sessions on Monday and Tuesday, 1:15 pm to 3:15 pm, with dynamic speakers and a midday meal right at the Convention Center. While there is plenty going on today and tomorrow, the 140th Annual Meeting officially “opens” on Sunday with the **Opening Ceremonies** at 4:30 pm in Room 6AB, followed by the **Welcome Reception** at 6:00 pm in Hall 4A; you won’t want to miss this! Then, after a jam-packed five days, also don’t miss the **Grand Finale** on Wednesday from 7:00 pm to 11:00 pm at the Seattle Center, officially “closing” the 140th Annual Meeting.

During the Grand Finale, go up to the summit of the Space Needle for one last—and bird’s-eye view—of Seattle. INTA is offering a limited number of free tickets (one per registrant). Visit <https://web.ticket.spaceneedle.com/>, and enter Promo Code-INTA2018. ●

### Seattle Travel Advisory for Sunday

On Sunday, from approximately 3:00 pm to 6:00 pm, a rally will be taking place in Seattle involving several hundred members of the Oregon-based Patriot Prayer. This event is related to Second Amendment (pro-gun) rights, and participants carry permitted firearms. Washington is an open carry state—being allowed to “openly carrying a firearm in public.” The demonstration is being promoted as peaceful.

According to the latest information, the rally will be held at McGraw Square at 5th & Stewart (near the Westin and Mayflower Park hotels). People may begin gathering around 2:30 pm.

While INTA does not enter into political discussions on issues like this, we feel it is important for Annual Meeting registrants to know about this situation. Be aware of large crowd sizes and potential disruptions in the area, and be prepared to take alternate routes throughout downtown Seattle. Officials are working to mitigate any negative impacts.

For up to date information:

- Follow the Seattle Police Department’s Twitter feed- @SeattlePD
- Sign up at [www.alert.seattle.gov](http://www.alert.seattle.gov) to get free alerts by text, email, voicemail, and social media

The first stop for all registrants and those who are registering on site is the Registration Area on the 4th floor in Hall 4B of the Washington State Convention Center.



# Time Out in Seattle

If you're short of ideas for what to do in your spare time during the Annual Meeting, you may want to consider a baseball game or even a mountain hike, as Aaron McDonald reports.

Nicknamed the “Emerald City” due to its luscious greenery, Seattle, Washington is the largest city in the Pacific Northwest region of North America. Whether you enjoy the great outdoors or prefer the comfort of four walls, here are some of the top things to do during your stay in Seattle, as picked from recommendations by Visit Seattle, a nonprofit marketing organization.

## Space Needle

Standing at 605 feet, the Space Needle provides impressive views of the city and its surrounding landscape. It is a 25-minute walk from the Washington State Convention Center and, from the Space Needle itself, it takes 43 seconds via elevator to reach the summit—the perfect vantage point for the sights of Seattle. The tower is open from 10:00 am to 7:00 pm from Sunday to Thursday and for an additional hour on Fridays and Saturdays. Admission price: US \$26.

## Seattle Art Museum

At the center of Downtown Seattle is the Seattle Art Museum. The galleries house global art collections, temporary installations, and special exhibitions. Art lovers can take in African, Mesoamerican, Islamic, European, and Australian Aboriginal arts, among others. During the course of the INTA Annual Meeting, the museum is hosting an “Everyday Poetics” exhibition of the work of contemporary Latin American artists. The museum is open Wednesday to Sunday from 10:00 am to 5:00 pm, and later on Thursdays, until 9:00 pm. It is a 10-minute walk from the Convention Center. Price: US \$24.95.

## Pike Place Market

This market is famed for its “fish throwing” tradition—where fishmongers pass fish to one another before a customer purchases it. The market started trading in 1907 and now contains more than 500 shops, vendors, restaurants, and bars. It recently added a MarketFront feature, which houses an open-air plaza and views of Elliott Bay. The market is just over a 10-minute walk from the Convention Center.

## Ride the Ducks Tour

If you want to sit back and let somebody show you around the city in a wacky style, the lively Ride the Ducks land and sea tour will keep you entertained. The Duck is a World War II amphibious



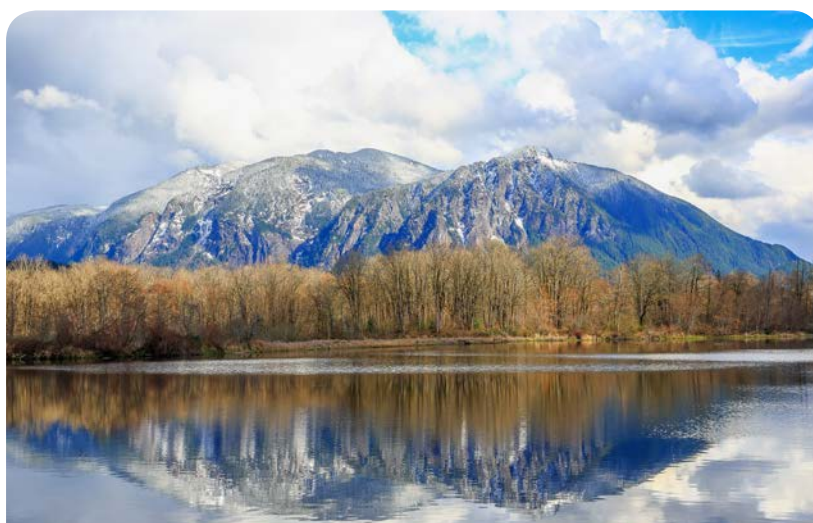
Space Needle: provides impressive views of the city and its surrounding landscape



Seattle Art Museum: a 10-minute walk from the Convention Center



Pike Place Market: famed for its “fish throwing” tradition



Mount Si: one of the most popular walks in the area, according to Visit Seattle

“ If you want to sit back and let somebody show you around the city, the lively Ride the Ducks land and sea tour will keep you entertained. ”

landing vehicle. According to Visit Seattle, the Ride the Ducks Tour has been voted the number one tour in the city for nine consecutive years. Departing from the Seattle Center, the tour operates Monday to Friday from 10:00 am to 4:00 pm, and for an extra hour on weekends; from the Westlake Center, you can join the tour from 11:00 am to 3:00 pm. Price: US \$35.

## Catch a Baseball Game

With the baseball season in full swing, there's a great opportunity to catch a game on May 25, for those who are staying on in the city. Seattle's beloved team, the Mariners, will be taking on the Minnesota Twins at Safeco Field. The stadium is an eight-minute drive from the Convention Center, or just over a 30-minute walk. Tickets are available from US \$17.

## Mount Si

Just a 40-minute drive outside the city is Mount Si, peaking at 3,150 feet. According to Visit Seattle, it is one of the most popular walks in the area and attracts both serious hikers and those looking for a more leisurely day out. The local Snoqualmie people believe Mount Si was the body of the moon that fell to the earth.

For more suggestions on what to do during your stay in Seattle, log on to [www.visitseattle.org](http://www.visitseattle.org)

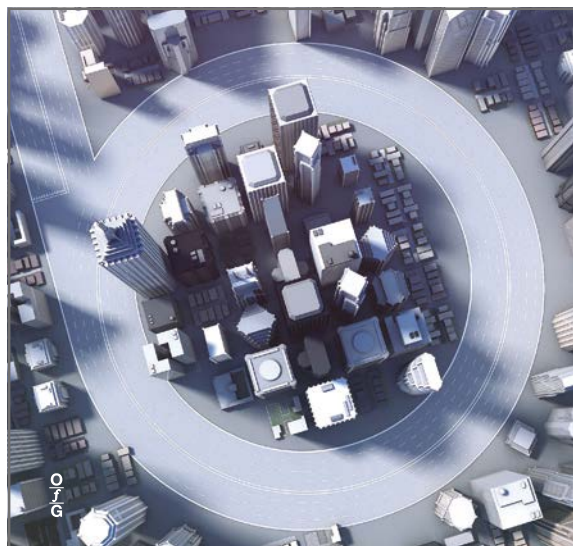
Want to explore Seattle as a group experience with fellow Annual Meeting registrants? A limited number of tickets are available for selected networking excursions arranged by INTA. Check out the daily schedule of activities to purchase tickets.





START	END	NAME	LOCATION*
1:30PM	2:45PM	<b>CSA23 Certifying Geographical Origin</b> <i>(Intermediate Level)</i>	Room 602 - 604
1:30PM	2:45PM	<b>CSA24 The Psychology of Mediation: Analyzing How Parties Negotiate</b>	Room 6C
1:30PM	2:45PM	<b>CSA25 Synthesize, Prioritize and Monetize: Practical Patent Strategies to Strengthen your Clients' Valuable Assets and Brands</b> <i>(Intermediate Level)</i>	Room 608 - 609
		<b>CAREER DAY SESSIONS</b>	
1:45PM	2:45PM	<b>Careers in Trademark Law</b> <i>(Career Development Day for Students)</i>	Room 616 - 617
		<b>SESSIONS</b>	
3:00PM	4:00PM	<b>Annual Meeting Registrant First-Time Orientation</b>	Room 6E
3:00PM	4:00PM	<b>Patent Professionals Networking Reception</b>	Room 620
		<b>COMMITTEE MEETINGS</b>	
3:00PM	4:00PM	<b>Harmonization of Trademark Law and Practice Committee</b> <i>(Leadership Only)</i>	Room 301
		<b>SESSIONS</b>	
3:00PM	4:15PM	<b>CSA50 Intersection of Rights of Publicity and Trademarks and with the First Amendment: Free Speech Rights in Advertising, Social Media, and Creative Content</b> <i>(Intermediate Level)</i>	Room 608 - 609
3:00PM	4:15PM	<b>CSA51 Eeny, meeny, miny, moe: Choosing Local Counsel</b>	Room 602 - 604
3:00PM	4:15PM	<b>CSA52 Design Clearance in 2018—Where? Who? Why?, and, Most Importantly, How?</b>	Room 605 - 607
3:00PM	4:15PM	<b>CSA53 Privacy's Goodwill Implications</b>	Room 6C
		<b>COMMITTEE MEETINGS</b>	
4:00PM	4:30PM	<b>Right of Publicity Committee</b> <i>(Leadership Only)</i>	Room 305
4:00PM	5:00PM	<b>Copyright Committee</b> <i>(Leadership Only)</i>	Room 306
4:00PM	5:00PM	<b>Legislation &amp; Regulation Committee</b> <i>(Leadership Only)</i>	Room 309
4:00PM	5:00PM	<b>Annual Meeting Registrant First-Time Reception</b>	Level 4 - Atrium Lobby
4:00PM	5:30PM	<b>Sponsors Reception</b> <i>(By invitation only)</i>	Room 613 - 614
		<b>COMMITTEE MEETINGS</b>	
4:30PM	5:30PM	<b>Designs Committee</b> <i>(Leadership Only)</i>	Room 302
5:00PM	6:00PM	<b>Anticounterfeiting Committee</b> <i>(Leadership Only)</i>	Room 301

• All events are in the Washington State Convention Center (WSCC) unless otherwise noted



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START	END	NAME	LOCATION*
		<b>TRAINING SESSIONS</b>	
7:30AM	5:30PM	<b>Mediation Training: Guiding the Parties to and Through an Effective Mediation</b> (Pre-registration required)	Room 615
8:00AM	5:00PM	<b>Course on International Trademark Law and Practice - Day 1</b>	Room 3A
9:00AM	10:00AM	<b>Continental Breakfast</b>	Hall 4C & EF
9:00AM	7:00PM	<b>Registration</b>	Hall 4B
9:00AM	7:00PM	<b>Hospitality</b>	Hall 4C & EF
		<b>CAREER DAY SESSIONS</b>	
9:45AM	10:40AM	<b>How to Create a Stronger Resume</b> (Career Development Day for Students)	Room 616 - 617
10:45AM	11:30AM	<b>Networking 101</b> (Career Development Day for Students)	Room 616 - 617
11:30PM	12:15PM	<b>Lunch with Roundtable Discussions</b> (Career Development Day for Students)	Room 616 - 617
		<b>SESSIONS</b>	
12:00PM	1:15PM	<b>CSA20 Fair Use: Comparing the Approach Under Trademark and Copyright Law</b> (Intermediate Level)	Room 602 - 604
12:00PM	1:15PM	<b>CSA21 Generating Effective IP Protection Efficiently: Building a Trademark and IP Department for International Corporations</b>	Room 605 - 607
12:15PM	1:00PM	<b>Course on International Trademark Law and Practice Lunch</b>	Room 3B
		<b>CAREER DAY SESSIONS</b>	
12:20PM	12:50PM	<b>Interview Skills Panel</b> (Career Development Day for Students)	Room 616 - 617
		<b>COMMITTEE MEETINGS</b>	
12:45PM	1:45PM	<b>Data Protection Committee</b> (Leadership Only)	Room 302
12:45PM	1:45PM	<b>Enforcement Committee</b> (Leadership Only)	Room 301
12:45PM	1:45PM	<b>Non-Traditional Marks Committee</b> (Leadership Only)	Room 306
12:45PM	2:45PM	<b>Indigenous Rights Committee</b> (Leadership Only)	Room 305
		<b>CAREER DAY SESSIONS</b>	
12:55PM	1:40PM	<b>Practical Tips on Legal Administrative Matters</b> (Career Development Day for Students)	Room 616 - 617
		<b>SESSIONS</b>	
1:00PM	2:30PM	<b>CSA22 Experienced Trademark Administrators Idea Exchange and Best Practices</b>	Room 6E

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