

## Protecting a 'Grande' Brand

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

# daily news

Monday May 21, 2018

## Opening Ceremony: Brands as Drivers of Change

INTA's Opening Ceremony was full of surprises, including fish throwing, origami, and INTA's 2018 President Tish Berard rocking out on guitar to Nirvana.

"We operate in an increasingly connected, increasingly complex, and indeed, increasingly chaotic and disruptive, global economy," said Tish Berard, INTA's 2018 President, who made her entrance as the bass guitarist in a grunge rock band, Jar Of Flies, and playing "Smells Like Teen Spirit" in a tribute to Seattle legends Nirvana.

She later explained that her unique entrance was intended to illustrate how "we—as brand professionals—can benefit from choosing to see things

differently." She also used a butterfly analogy throughout to emphasise this.

"Just as traffic lights bring order to roads, trademarks and brands bring order to the marketplace," she added.

However, while brand value is increasing, brand equity (how consumers value brands) is threatened because the critical roles of trademarks and brands are being diminished in the marketplace.

"This is happening because the role of trademarks, [other forms of] IP, and brands in society is by-and-



Tish Berard

large misunderstood. This is negatively impacting brand reputation and is fueling anti-IP sentiment," added Ms. Berard.

To combat this, INTA is taking a fresh perspective and looking at innovative ways that the Association, as a community, can address these challenges.

INTA membership comprises around 31,000 brand professionals across 191 countries.

"Think about what we can accomplish, how we can bring about

major changes to our industry, our brands, to the global economy, and to consumers everywhere, if we all choose to take action to make small changes," she said.

Ms. Berard added that the potential to effect the changes that we would like to see in our industry is within our hands.

"However, I also believe that we will be far more effective in bringing about these changes if we choose to see things differently. This is how we can have a positive

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### INTA's 2018 Annual Meeting in Numbers

**10,964** Registrants  
(A Record)

From **150** Countries

**1,250** Corporate Members

**2,674** first-timers  
As of May 20

## Singapore to host INTA's 142nd Annual Meeting

INTA CEO Etienne Sanz de Acedo has announced that the 2020 Annual Meeting will take place in Southeast Asia for the first time.

Speaking during last night's Opening Ceremonies, Mr. Sanz de Acedo revealed that the event will take place at the Marina Bay Sands from April 25 to 29, 2020.

It will be the second Annual Meeting to take place in Asia, following 2014's event in Hong Kong SAR, China.

INTA's impact study entitled *The Economic Contribution of Trademark-Intensive Industries in Indonesia, Malaysia, the Philippines, Singapore, and Thailand* indicates that trademark-intensive activities in Singapore generate increased employment across sectors and contribute to international trade.

"Singapore is a seminal location for the global trademark dialogue that will take place at INTA's Annual Meeting in 2020. We are extremely pleased to go there and view this as an opportunity to further interact with and serve members globally," said Mr. Sanz de Acedo. ●

You know you work in IP Formalities when...

## Cases

...means something entirely different





# Opening Ceremony: Brands as Drivers of Change (continued)

➔ 1 ‘butterfly effect,’” she stated, after fashioning an origami butterfly in record time.

First, and perhaps most fundamentally, the IP community must view the profession differently.

“The world around us is evolving. Brands are evolving. How consumers are interacting with our brands has certainly evolved, and the role of the trademark practitioner has also evolved,” she explained.

Ms. Berard’s second call to action was to demystify IP and help consumers to see that they can rely on and place trust in brands and that trademarks “provide the foundation upon which this trust is placed.”

Thirdly, she concluded that you can either see innovation and change as a glass half full or a glass half empty.

“Yes, there is a disruptive effect. But there’s also an opportunity. Let’s choose to see the glass as half full,” said Ms. Berard, adding that by choosing to embrace innovation, IP professionals can “become drivers of change rather than products of it.”

## Obsession, Trust, and Transformation

Ms. Berard’s exceptional entrance was followed by the introduction of Keynote Speaker Neil Lindsay, Vice President of Global Marketing, Prime & Engagement at Amazon.com, Inc. (USA), who was interviewed by his colleague and Annual Meeting Co-Chair, Dana Brown Northcott, Associate General Counsel at Amazon.com, Inc.

Brands are like storybook characters, he said, adding that bringing the brand story to life is all about “finding those moments where your effort is somewhat magical.”

Mr. Lindsay added: “It can be a little, enabling moment of triumph. Amazon isn’t the hero, it’s the customers who are the everyday heroes.”

For a brand to be sustainable, its principles and values need to be consistent and long-lasting, he explained.

“But characters in a story need to be more interesting than just that,” he continued, adding that at its heart,

the big brand is a “customer-obsessed” company.

And being customer-obsessed means caring about every single customer experience, which involves a “lot of hard work, every day.”

Trust and transformation are the company’s watchwords, and while Mr. Lindsay admitted that trust and transformation don’t always go together easily, Amazon.com, Inc. is trying to take its customers on an “adventure.”

“When we first started out, we were asking people to put their credit card on the Internet. That’s a pretty scary thing,” he said.

At the core of the brand is an optimism about the future.

“What gets us up in the morning is this idea that we are really trying to find the best future, together with brands, sellers, authors, employees and, most importantly, our customers.”

This year’s Annual Meeting Co-Chairs, Ms. Northcott and Axel Nordemann, a Partner at Boehmert & Boehmert (Germany), along with Seattle’s famous Pike Place Market resident fish throwers (yes, you read that correctly), welcomed registrants to Seattle.

“We have a busy week ahead. The agenda is designed to get you up to speed on emerging issues, trends, and legislation. We hope you’ll have a great Annual Meeting, full of opportunities and new ideas,” said Ms. Northcott.

Thanking INTA’s Project Team, Mr. Nordemann noted that two years of planning had gone into the 300 educational sessions with more than 100 industry speakers, receptions, panels and networking events.

Back in 2009, the last time the Annual Meeting was held in Seattle, there were 7,590 registrants. As of today, there are more than 10,900 registrants, announced INTA CEO Etienne Sanz de Acedo.

For three consecutive years there has been record attendance, meaning that IP and the Association are in “great shape,” he said.

This year, the Annual Meeting has 2,674 first-timers, 1,250 corporate members, 175 officials, and almost 150 countries represented.

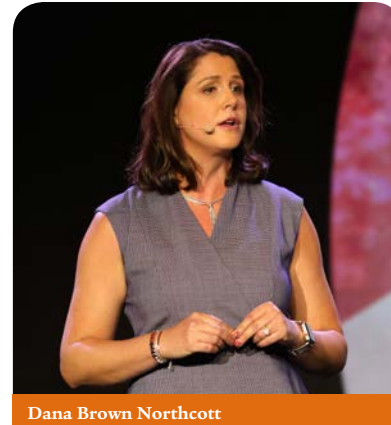
“On top of that, we’ll make a US \$20 million contribution to the Seattle area over the next five days. We’re currently supporting more than 4,763 jobs in the area,” added Mr. Sanz de Acedo.

Mr. Sanz de Acedo took audience members on a trip around the globe highlighting INTA’s major policy activities in Asia Pacific, China, India, Africa and the Middle East, Europe, and North America.

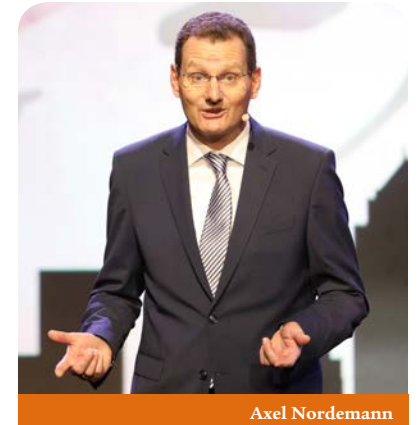
“We’ve done a lot of things, but there are still a lot of challenges in



Fish throwing



Dana Brown Northcott



Axel Nordemann



Tish Berard (R.) and Jar Of Flies



Neil Lindsay

front of us,” he stated, noting some of the main challenges as being further harmonization, stronger enforcement, and brand restrictions.

Mr. Sanz de Acedo continued: “In addition, we should never forget that this is not just about brand owners, it’s also about consumers.”

This means that consumer protection, innovation and change, the value of brands, and small and medium-sized enterprises and entrepreneurs are firmly on the Association’s agenda. ●



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# Seeing the Bigger Picture

INTA must continue to embrace issues both inside and outside the traditional trademark realm while interacting with as many different stakeholder groups as possible, says INTA CEO Etienne Sanz de Acedo in an interview with Sarah Morgan.

Etienne Sanz de Acedo, INTA's Chief Executive Officer (CEO), looks at the IP landscape with an expansive view—one that is intensely global and spreads beyond trademark professionals to incorporate multiple audiences.

"In strengthening intellectual property rights, we should be not only targeting our own members, but looking to other stakeholders who are concerned about the policies we advocate, such as policymakers, enforcement officials, and consumers," he says.

It is with this in mind that the Association has structured and begun implementing its new 2018-2021 Strategic Plan.

The plan has three core pillars: promoting the value of trademarks and brands, reinforcing consumer trust, and embracing innovation and change.

Discussing the first pillar, Mr. Sanz de Acedo notes that INTA must demonstrate the value of IP if it wants to combat a growing anti-IP sentiment, which is manifested in brand restriction initiatives, for example.

"It's extremely important for us to show the value of brands within companies as well as to society at large and to policymakers," he adds.

To do this, the Association's Board of Directors in March approved the creation of a Brand Value Special Task Force. It will examine this complex topic by investigating what brand value means and the different methodologies that can be used to test it, and by identifying what role INTA can play in the conversation.

"Companies do not talk about trademarks—they talk about brands, and we need to speak their language," adds Mr. Sanz de Acedo.

While CEOs are by definition protective of the brands they oversee, this does not always translate into allocating enough budget for IP teams and brand protection.

Mr. Sanz de Acedo cautions: "It might be the case that we, as IP professionals, need to do a better job in terms of showing the value of the work we do for companies. IP departments should not be perceived as an expense, but rather as a revenue stream."

This also links with the Association's second pillar of reinforcing consumer trust—the Brand Value Special Task Force's mission is to research the materials needed to explain brand value to stakeholders, professionals, and consumers.

Beyond this, INTA's goal is to



Etienne Sanz de Acedo

reinforce that trademarks enable consumers to make quick, confident, and safe purchasing decisions based on factual, verifiable information. "Myths and loss of trust among consumers also feed anti-IP sentiment, and we need to refute that," the CEO declares.

Also this year, INTA established the 2018 Presidential Task Force—Small-to-Medium Enterprises (SMEs) and Entrepreneurs which will focus on identifying the interests, needs, and characteristics of small and medium-sized enterprises and entrepreneurs.

"This effort also reverts to value. SMEs need to understand the value of protecting IP early on in order to succeed later on," Mr. Sanz de Acedo says. Next year, the Task Force will propose a set of recommendations and actions to the INTA Board.

The CEO states: "We want to give them enough time to be deep in their analysis. It's essential that we do something that is robust in terms of analysis and strategy."

**"In strengthening intellectual property rights, we should be not only targeting our own members, but looking to other stakeholders who are concerned about the policies we advocate, such as policymakers, enforcement officials, and consumers."**

## The Wider View

Looking to the future, Mr. Sanz de Acedo asks: "How is the world going to look five years from now? What about in 10 years? How do we see brands evolving? How will the role of IP counsel and firms evolve in the future?"

The future outlook is keenly reflected in the Strategic Plan's third pillar: embracing innovation and change.

The Strategic Plan clearly states: "Brands drive innovation, and at the same time, brands must innovate in order to be relevant in the marketplace."

INTA plans to build a much stronger online presence and to lead discussions that link brands and innovation.

While trademarks continue to be an extremely important part of INTA's mission, Mr. Sanz de Acedo believes it's time to expand the Association's scope by talking more about the concept of "a brand" and approaching other brand professionals.

INTA has always had a very strong platform and, over the past few years, it has gained increasing visibility and credibility around the world.

Mr. Sanz de Acedo explains: "We're being approached by other organizations to get our viewpoint, and this is exactly what we want. We cannot limit ourselves only to trademark registration and enforcement. We need to look at the bigger picture and interact more with policymakers."

## Involving Bipartisan Legislators

An excellent example in the United States of INTA's work is the U.S. Congressional Trademark Caucus, which was founded in 2014 with four members of Congress; now, it has 30

members, composed of legislators from both parties. INTA works with the Caucus to educate policymakers about the value of IP and why they should pay attention to it, including how IP-intensive industries contribute to local, national, and global economies.

Every year, the Association is invited to briefings on Capitol Hill in Washington, D.C., to talk about IP and consumer protection. In April, INTA participated in a briefing that discussed the importance of brands within the sports industry and the effect of counterfeit goods, for example.

Mr. Sanz de Acedo would like to see legislators in other countries adopt a similar model—a bipartisan or bicameral group dedicated to brand-related issues. Once again looking to the future, he asks how INTA can do even more to defend the IP industry globally.

The Association has been experiencing substantial membership growth outside North America, which the CEO attributes to a holistic approach. For INTA, it's important to expand in a planned and strategic manner, he says. Two years ago, INTA opened its Asia-Pacific office, in Singapore, and last year, it opened its Latin America & the Caribbean Representative Office, in Santiago, Chile. Next, the Association will be exploring having an on-the-ground presence in Africa.

"The scope of issues regionally and globally is continually changing and often intensifying," Mr. Sanz de Acedo says. "Our dedicated and strong team intends to be in the forefront to advocate for IP rights for the benefit of not only brand owners, but also for society." ●

# Investment in Latin America and Change in the Food Industry

For anyone interested in investment in Latin America or in branding issues in the food industry, there are sessions tomorrow that will provide what you need to know. Aislinn Burton reports.

## Session CT51 IP Checklist for Investments in Latin America (Tuesday, 3:30 pm–4:45 pm)

Santiago O'Connor, Managing Partner at O'Connor & Power (Argentina), will be moderating a panel tomorrow that will review the trademark registration systems in Latin America.

According to Mr. O'Connor, the discussion will address why protection of trademarks and domain names in the region is vital by exploring factors such as Latin America's investment opportunities, large population, and growing economies.

The session will then move on



Santiago O'Connor

to discuss the latest news from each country represented on the panel.

"Mexico is one of the most important countries for registering and protecting IP rights in Latin America," says panelist Fernando Becerril, a Partner at Becerril, Coca & Becerril S.C. (Mexico). Mexico's adherence to the Madrid Protocol and the new trademark law recently passed by the Mexican Congress are two examples of the "more efficient methods" available to owners looking to protect their rights in the country.

Pablo Cariola, Senior Associate at Sargent & Krahn (Chile), another panelist, adds: "Chile is not a part of the Madrid Protocol, but it has improved IP rights protection a lot." For example, he says, the examination period in the trademark registration process has been shortened to less than six months.

Elisabeth Siemsen, a Partner at Dannemann Siemsen (Brazil), also on the panel, will discuss how Brazil has improved its trademark law and practice in order to modernize and align the IP

laws with those of other regions. There is discussion about Brazil entering the Madrid Protocol, but Ms. Siemsen notes that Brazil's National Institute of Industrial Property has "not yet reached the examination timelines" prescribed by the Protocol.

## Session IT50 Industry Breakout—Food Revolution: Branding and Trademark Issues Arising in the Rapidly Changing Food Industry (Tuesday, 3:30 pm–4:45 pm)

William Miller, Chief Intellectual Property Counsel at General Mills, Inc. (USA), who will be moderating the panel, says that one of the major trends impacting today's food industry is that many people learn about brands from social media rather than marketers.

"They often care as much, if not more, about whether the company supplying their food shares their world values than how the food itself tastes," he adds.

The panel will include Sandra Buja, Associate General Counsel at Wal-

Mart Stores, Inc. (USA), who believes the growth of e-commerce means that "now more than ever" it's vital for brand owners in the food industry to establish and protect brand identity.

"At the speed the industry is moving today, design elements quickly become commonplace or a market trend," Ms. Buja explains. "IP professionals already know it is impossible to protect every element, so it is important to define the key brand-identifying elements and strategically protect them."

According to Mr. Miller, the session will explore the rapidly evolving interactions people have with food, and why these changes mean that "the trademark professionals representing these brands need to be more agile, more engaged, and more connected."

Also speaking on the topic are Michael Kelly, Senior Corporate Counsel at Amazon.com, Inc. (USA); Mark Leonard, General Counsel at Jelly Belly Candy Company (USA); and Toam Rubinstein, an Associate at Reed Smith (USA). ●



William Miller

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# More Work Ahead for IP

The IP outlook in Latin America and the Caribbean is improving, but there is still a lack of harmonization and there still needs to be more awareness of IP. José Luis Londoño, INTA's Chief Representative Officer, Latin America and the Caribbean, tells Aaron McDonald more.

As INTA's Chief Representative Officer, Latin America and the Caribbean, José Luis Londoño is optimistic about the increase in understanding of IP issues by companies and consumers in the region—although he acknowledges that authorities need to raise awareness on certain topics.

Mr. Londoño and his team are responsible for implementing INTA's 2018–2021 Strategic Plan in the region and advocating for improved trademark rights, particularly regarding harmonization, enforcement, and anticounterfeiting.

Despite his positive forecast, Mr. Londoño says that one of the challenges facing the IP community is a lack of harmonization across the countries in the region.

"We have seen a significant increase in the use of the IP system by Latin American and Caribbean businesses, particularly small and medium-sized enterprises," he explains. "However, IP policy in each country varies from government to government, and in

some cases, there is a lack of IP policies. Therefore, IP owners face uncertainty, as they have to deal with negative consequences such as anti-IP trends like brand restrictions and growing illicit trade."

Mr. Londoño adds that a handful of the countries in the region are updating their legislation to grant rights to nontraditional marks, enforce trademark owners' rights, and offer simpler, faster, and more modern proceedings to obtain trademark registrations. For example, in 2018 Mexico made amendments to its trademark law, and Argentina approved Decree 27/2018, which amends legislation on various aspects of IP.

## IP-Aware

For INTA's Representative Office, areas of focus are creating awareness of the negative impact brand restriction regulations (which limit a trademark's basic function of being a product's identifier) inflict on IP owners, coupled with communicating the positive

contributions brands have made in the region.

Mr. Londoño expects local governments to introduce new policies supporting innovation within Latin America and the Caribbean. Currently, he says, the region's gross domestic product relies mainly on commodities, but supporting local innovation would help Latin America toward achieving new mechanisms of economic growth.

Latin American companies face obstacles such as unfair competition and so-called trademark trolls (entities that obtain trademark registrations they don't intend to use in order to sell them to the rightful owner or to file infringement actions against them), he says. However, these challenges also have resulted in a better understanding by companies in the region of the importance of protecting IP rights.

"Are we in the best possible scenario? No," Mr. Londoño admits.

"There is still a lot of work to be done to create awareness within




José Luis Londoño

“There is still a lot of work to be done to create awareness within companies.”

companies. It is important for them to include IP in their strategy.”

For stakeholders at companies throughout the region, attending educational conferences locally or elsewhere can help them gain a better understanding of IP, he says. At INTA's 2018 Annual Meeting, Latin America and the Caribbean will be well represented, with more than 1,200 registrants from the region.

This demonstrates that IP owners are eager to ensure that their rights are protected and to learn about the latest developments to achieve this goal. ●



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# Getting to Grips with Data Privacy

With the EU General Data Protection Regulation coming into effect this Friday, brands need to understand and deal with its implications, as Peter Scott reports.

The arrival of the EU General Data Protection Regulation (GDPR), which becomes law in Europe on May 25, will have profound implications for almost all companies. **In Session CUS20 More or Less Secure: Are International Data Privacy Regulations Helping You Protect Your Brand?** yesterday, panelists discussed the changes and gave practical tips for companies looking to stay compliant with their various legal and regulatory responsibilities for data.

The GDPR “could really affect your ability to police your trademarks,” said Randi Singer, Partner at Weil, Gotshal & Manges, LLP (USA), as she introduced the most important changes resulting from the new regulation and busted some of the most common myths about it.

Most of the important changes affect how companies need to manage and process the data they hold, but she cautioned that for brand owners, there may be other problems: “When you are out there policing your brand, people have been used to having certain resources to help them do that,” Ms. Singer said, including, for example, the WHOIS system, which is maintained by the Internet Corporation for Assigned Names and Numbers and which companies use to help track infringement online.

Some of these kinds of resources are full of “personal information” as defined in the GDPR, so many of them may become unavailable to brand owners beginning May 25 or available in a different form.



(L. to R.) Anne Kelley, Iris Geik, and Randi Singer

As session moderator Christopher Kenneally, Director, Relationship Marketing at Copyright Clearance Center, Inc. (USA) pointed out, “the lives we lead online have utterly changed the other lives we lead,” and GDPR will change them again. This perhaps explains why a recent PWC survey found that 75 percent of companies plan to invest at least US \$1 million in preparing for the GDPR.

Ms. Singer explained that the GDPR is designed to give EU citizens more control over how their personal data is used, saying that “privacy is a fundamental right in Europe” analogous to free speech in the United States. She cautioned that, while the GDPR is European, its effects are much farther reaching. “If your website is accessible in the European Union, this applies to you,” she said.

Indeed, there are several common misconceptions about the GDPR, including companies that think they can avoid it because they don’t share data or because they don’t collect

personal information. Anne Kelley, Adviser to the Center for Responsible Enterprise And Trade (CREATE.org) (USA) explained that if you hold data in the cloud, that constitutes sharing data, as does using third party analytics for your website.

Ms. Singer underlined that the GDPR’s definition of personal information “could not be more broad,” so that if a company collects any information at all about people, it is likely that they would be caught by the scope of the regulation.

Iris Geik, Associate General Counsel and Privacy Officer, Copyright Clearance Center, Inc. (USA), spoke about the practical steps companies should take to make sure they are ready for the GDPR, including asking basic questions such as “What controls do we have on transferring information?” and “Where is our data held, and what do we do with it?”

The answers to these questions should inform your strategy for dealing with data protection, said Ms.

Geik, and whatever you do, it’s vital to “document, document, document” in order to ensure you can demonstrate your compliance with the GDPR and other regulations.

She urged IP attorneys to act as advocates in their organizations for planning how to deal with “subject access requests,” when someone asks for a record of the personal information a company holds on them. She also noted that it needs to be very clear who is responsible for data collected in the company and how it is stored, or else there is a risk of “joint and several liability” for breaches.

Ms. Kelley detailed how cybersecurity interacts with data protection, noting that, while good cybersecurity is important, it does not prevent you needing to fulfill your obligations over data. “If you think cybersecurity is going to solve your problems, you’ve got another think coming,” she said.

It’s important to remember that, should you suffer a data breach, it may have implications well beyond customer data. Trade secrets and IP information, business-to-business data, technical information, and data you hold in the cloud all require protection too, and “GDPR does not stand alone in an analysis of cyber-readiness,” she said.

Perhaps the “single biggest risk” to companies in this area is that “nobody wants to be in charge of these issues” within an organization, she added. Still, they need to be addressed. ●

## A Balancing Act

A panel of judges representing 10 countries took turns yesterday addressing the complex relationship between public health concerns and the recognition of IP and branding rights, as reported by Aislinn Burton.

**In INTA’s International IP Court is in Session: Judges from International Jurisdictions Discuss Public Well-Being v. Private Rights—Brand Restrictions from the Perspective of the Judiciary**, held yesterday, Eurico Dos Reis, Judge of the Lisbon Court of Appeal (Portugal), addressed the challenges of balancing public health concerns with trademark rights. “You are talking to someone who doesn’t like cigarettes, but I do like IP rights and I like creative rights, so I have to balance this,” he explained.

Judge Dos Reis said branding restrictions in Portugal are considered in the context of a provision in the country’s Constitution, which

highlights the importance of health.

Justice Manmohan, High Court of Delhi (India), similarly explained that public health considerations must be weighed against the public’s right to make an informed decision about branding and purchasing.

“Proponents of plain packaging can say life without a healthy body is of no use,” he added. “Brand restrictions have to be seen in the context of constitutional rights.”

Junli Xia, Judge of The Supreme People’s Court of the People’s Republic of China (China), said the key is to implement branding restrictions to a proportionate and “appropriate degree,” which is not an easy formula to achieve.

However, she believes “it’s necessary to note the smoking hazard; not just for public health but also for the individual.”

Also on the panel were Elisabeth Ohm, Deputy Director of the Norwegian Board of Appeals for Industrial Property Rights (Norway); Fidelma Macken, Former Judge of the Court of Justice of the European Union and Retired Justice of the Supreme Court of Ireland, Dublin (Ireland); Freyke Bus, Senior Judge at the District Court of The Hague (Netherlands); Honorable Justice Henry Brown, Federal Court of Canada (Canada); Jose Ayu Prado Canals, Supreme Court of Justice of Panama

“Public health considerations must be weighed up against the public’s right to make an informed decision.”

(Panama); Ralf Neugebauer, Judge at the Higher Regional Court Dueseldorf (Germany); and Sumiko Sekine, IP High Court of Japan (Japan).

In 2015, INTA issued a Board Resolution titled “Restrictions on Trademark Use through Plain and Standardized Product Packaging.” The Resolution rejected the significant restriction of trademark use on lawful products and services and said that governments should use less drastic alternatives to address health and safety goals, such as public educational campaigns.. More information about this can be found on [inta.org](http://inta.org). ●



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# Using Copyright in China

Panelists in a session yesterday examined how brand owners can benefit from copyright laws in China. Aaron McDonald reports.

“How can we use copyright to help protect our brands?” asked G. Roxanne Elings, Partner at Davis Wright Tremaine LLP (USA) at yesterday’s **Session CSU50 Copyright and Trademark: What They Can Learn From Each Other on the Internet Frontier of Trademark Protection**. “Also, how do copyright and trademark law intersect, particularly online?”

Ms. Elings, who moderated the panel, called China an important jurisdiction for brand owners, and copyright law can help to assist in protecting brands in the country.

Zhen (Katie) Feng, Partner and Director at Hogan Lovells International LLP (China) said there are “at least four ways that copyright law can help brand owners protect their brand in China.

First, the brand owner can rely on copyright law to block or invalidate trademarks that infringe his or her copyright.

Second, the brand owner can rely

on copyright law to help obtain an injunction against the infringer. It can also be used to support take down notices online and, finally, it can be used as a starting point for cease-and-desist notices, she said.

Emily Burns, Senior Trademark Counsel at Google (USA), added that Google has benefited from using copyright law to protect its brand in China.

“From the brand owners’ perspective, we have had great successes in securing copyright registrations in China and using those to supplement our trademark enforcement, especially in connection with our famous and well-known logos,” she said.

She added that copyright registrations in China can typically be secured much faster than in the United States. For example, it takes only 30 working days for the Copyright Protection Center of China to examine an application and issue



(L. to R.) Dean S. Marks, Eleonara Rosati, Zhen (Katie) Feng, Emily Burns, and G. Roxanne Elings

a certificate. In contrast, one Google application was pending for almost a year before it was examined by the U.S. Copyright Office.

“Additionally, you can typically secure copyright registrations in China faster than you can secure a trademark registration in China,” said Ms. Burns.

The average time from filing a trademark application at China’s State Administration for Industry and Commerce to registration is 13 to 14 months, and even longer if it is filed via the Madrid Protocol.

Outside of China, Eleonara Rosati, Lecturer in IP Law at Southampton Law School (UK), discussed how copyright laws can help trademark owners in the

European Union. She was followed by Dean S. Marks, Executive Director, Legal Counsel at the Coalition for Online Accountability (USA), who said that, while U.S. copyright owners have the Digital Millennium Copyright Act, trademark owners in the United States have been able to use Rule 65 of the Federal Rules of Civil Procedure: Injunctions and Restraining Orders.

This is used to tackle offshore counterfeiting sites. “Once the website has been adjudicated to be a trademark infringing site, then any other entities that are in active participation with the site that has been adjudicated to be a trademark infringer will have to stop acting,” said Mr. Marks. ●

# Trademarks in the Cannabis Industry

This year’s Professor vs. Practitioner Debate saw two professionals wrestle with the topic of trademarks and cannabis. Aislinn Burton reports.

At yesterday’s much-anticipated Professor vs. Practitioner Debate, INTA registrants voted in favor of the United States Patent and Trademark Office (USPTO) registering trademarks for cannabis products.

**Session CSU23 Professor vs. Practitioner Debate: Trademarks in the Cannabis Industry** was moderated by Megan Carpenter, University of New Hampshire School of Law, Franklin Pierce Center for Intellectual Property (USA).

Ms. Carpenter described the annual Professor vs. Practitioner Debate as “a verbal professional wrestling match, minus the tights and minus the theme music.”

Currently, the USPTO will not grant

trademark registration if goods and services covered by the mark cannot be lawfully regulated by Congress.

Although 31 states have legalized cannabis use in some form, marijuana remains illegal under federal law and the USPTO therefore refuses to register marks for cannabis products.

“The federal ban is impeding the normalization of the industry,” Ms. Carpenter noted. The ban includes the inability to obtain trademark registrations in the cannabis space.

Speaking in favor of the USPTO registering marks for cannabis products was Shabnam Malek, Partner and Co-Founder of Brand & Branch LLP (USA). Ms. Malek was opposed by Robert Mikos, Professor of Law at Vanderbilt Law School (USA).

Ms. Malek, who noted that legal cannabis sales in the United States totaled US \$9.2 billion last year, said that brand owners need to obtain trademarks at the federal level to best-protect consumers in what is clearly a growing industry.

Ms. Malek argued that the possibility of consumer harm is very real in the cannabis industry, but it can be mitigated by allowing brands to register and enforce trademarks at the USPTO.

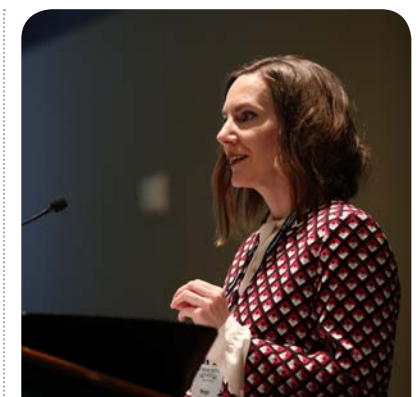
Brands and trade dress associated

with cannabis products travel across state lines even while the products cannot, Ms. Malek explained. Therefore, consumers come to associate branding with certain products, yet these identifiers cannot be registered as federal trademarks.

Mr. Mikos countered that having the USPTO grant national trademark protection to products that are illegal under federal law is “unnecessary, unwise, and unauthorized.”

He explained that the marijuana industry is already “heavily regulated” and trademark registration is therefore “unnecessary” to protect the health and safety of consumers.

Mr. Mikos pointed to the fact that each of the 31 states in which cannabis is legal have distinct products, producers,



Megan Carpenter moderated the debate

and policies. This allows for “a unique set of products and players,” which a uniform and nationally-run system would not, Mr. Mikos explained.

“If we grant national trademark rights, those national trademarks could help eviscerate these differences; they would undermine state laws and enable cannabis firms in one state, with one set of laws, to promote the product elsewhere—even where the product is illegal,” he said.

Mr. Mikos asserted that Congress could, if it wished, change the federal law which determines the legality of cannabis across the whole of the United States, rather than asking the USPTO to grant trademark protection now when cannabis remains illegal under federal law.

At the end of the debate, a majority of spectators voted in favor of the USPTO granting trademark registrations for cannabis products. ●



Shabnam Malek



Robert Mikos

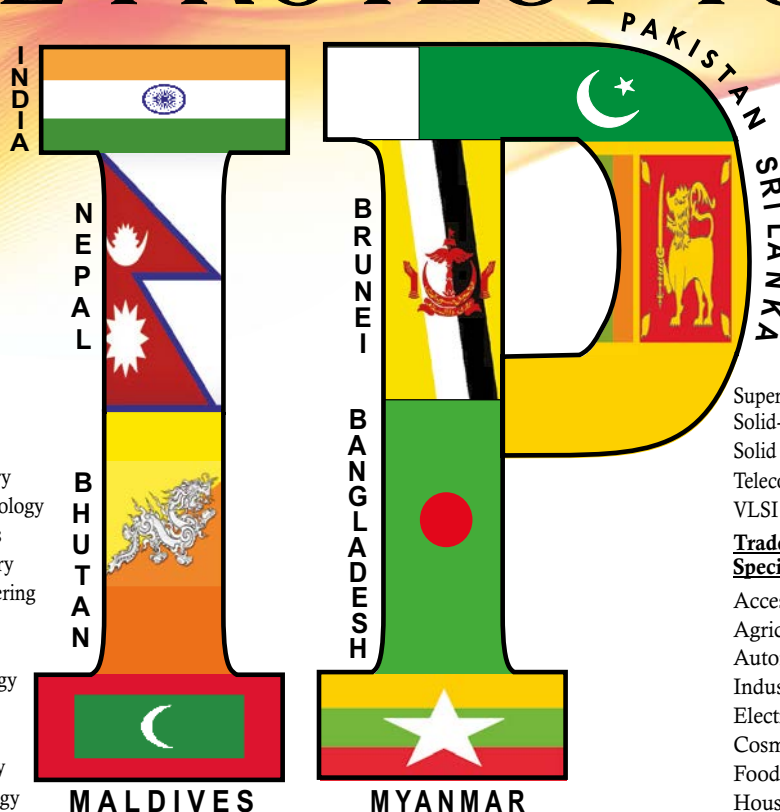


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# Talking Pictures



## Protecting trademarks and copyright in the fast-paced Bollywood movie industry requires careful planning, as Ed Conlon finds out.

The success of Bollywood, India's Hindi-language film industry, has helped Indian cinema become the global powerhouse it is today. According to a March 2018 report by Deloitte, *Economic Contribution of the Indian Motion Picture and Television Industry, 2017*, India's film and television sector contributed US \$33.3 billion to the economy and supported more than 2.36 million jobs in 2017.

Protecting the copyright underlying this content is no mean feat. One of the major players in this crusade is the Motion Picture Distributors Association (India) Pvt. Ltd. (MPDA), a wholly-owned subsidiary of the Motion Picture Association (MPA), which represents Paramount Pictures, Sony Pictures Entertainment Inc., Twentieth Century Fox, Universal City Studios LLC, Walt Disney Studios Motion Pictures, and Warner Bros.

Uday Singh, Managing Director



Uday Singh

“The growth of the Internet has created new benefits and opportunities for society at large, but it has also facilitated growth of online copyright infringement.”

at MPDA, says that as the legitimate film industry continues to contribute significantly to the country's economy, the sector continues to battle with online piracy.

“The growth of the Internet has created new benefits and opportunities for society at large, but it has also facilitated growth of online copyright infringement by wholesale sharing of digital content through mass file sharing, including through illegal/rogue websites,” he says.

Mr. Singh explains that while stakeholders seek judicial relief by filing “John Doe” orders to block websites, this is “a tedious and onerous process.”

These traditional routes are typically inefficient, time-consuming, and expensive, given that the illegal sites are based overseas, he says.

“The success, or failure, of a film is highly dependent on the opening weekend attendance numbers and, given the speed of distribution of illegitimate content online, the current procedures under Section 52(1)(c) of the Copyright Act, 1957 do not serve the purpose of deterring piracy or protecting the film effectively,” he explains.

In order to combat rogue sites, Mr. Singh says there needs to be an administrative procedure that would offer a fast and effective method for preventing Internet users from accessing illegal content, especially if such sites are not based in India.

“An amendment to Section 69A of the Information Technology Act should therefore be considered, in order to allow for an effective administrative remedy against online piracy by denying access to rogue piracy sites.”

### Many Trademarks

One of the MPA's member studios is Viacom18 Motion Pictures, which is the motion pictures arm of the company Viacom18 Media Private Limited—a joint venture between TV18 (51 percent) and Viacom (49 percent).

Viacom18 has a portfolio of more than 1,000 trademarks, and the task of managing these falls to a team led by Thomas George, Senior Vice President, Head-Litigation, IP & Regulatory at Viacom18 (India). Mr. George says the large number of trademarks reflects the creativity and growth of the network, with new shows and films being churned out on a regular basis.

The company's biggest brand is Colors, which was the network's first general entertainment channel and is among the top channels and brands in India. Viacom18 also operates several regional channels under the brand Colors. A range of trademark protection is required across all formats.

“For us, even our character names (for our children's channels) and the characters themselves form an important part of our protection strategy and efforts,” says Mr. George.

“We are now seeking to protect certain sound marks for the signature tune of Colors, variations of which are used for the network,” he adds.

Mr. George notes that in India, clearing a trademark in the film industry can be a major challenge. This is because the majority of Indian production houses and studios are members of industry bodies, including the Indian Motion Picture Producers' Association, with which titles of films and TV shows are also registered.

While these associations do not grant legal trademark rights, the names registered with the bodies go a long way to proving prior adoption and use. Therefore, he says, at the trademark clearance stage, a thorough search needs to be conducted with the associations as well as the Trade Marks Registry to ensure that the title is not identical and/or deceptively similar to any other.

“Members follow a rule of not using titles of films which would be rejected by these associations since they would not want to infringe the rights of a

fellow member. However, with the multiplicity of these industry bodies, it can sometimes lead to a title being registered by one association despite the title being previously registered in favor of another association,” he explains.

“We apply for titles of all our shows and films with the associations. For key names, we simultaneously apply for titles with the associations and for trademarks as an added layer of protection to ensure that we have priority in adoption at both places,” he says.

Another hurdle is convincing the Trade Marks Registry about use and acquired distinctiveness of a title for a standalone film. As title protection is sought mostly during the making of the film, proving acquired distinctiveness on the basis of its publicity and marketing can be difficult, he says.

“However, the timelines between application and registration of the mark allow us time to file the appropriate documents to prove distinctiveness of the mark and, until such time, we ensure that we are represented properly and make appropriate submissions to allow the mark to proceed.”

Mr. George ends with a lesson about appropriate trademark clearance, one that could be applied to any industry or jurisdiction. Last year, the company faced a challenge to a trademark for one of its TV shows just a few days before the show went to air.

“Even though the opponent unsuccessfully sought an injunction and the case was strongly in our favor, it caused a lot of stress and simply reinforced that a thorough clearance can greatly mitigate the risks involved and keep you prepared for the worst,” he concludes. ●



Thomas George

“Even our character names and the characters themselves form an important part of our protection strategy and efforts.”



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Sheikh Zayed Road, Dubai  
Tel : +971-4-3437 544  
Fax: +971-4-3437 546  
Email: [Dubai@UnitedTm.com](mailto:Dubai@UnitedTm.com)



### JORDAN (Amman)

Suite 7, 2nd Floor  
Chicago Building, Al Abdali  
Tel : +962-6-5683088  
Fax : +962-6-5683089  
Email: [Jordan@UnitedTm.com](mailto:Jordan@UnitedTm.com)



### LEBANON

6th Floor, Burj Al-Ghazal Bldg.,  
Tabaris, Beirut, Lebanon  
Tel : +961-1-21 5373  
Fax: +961-1-21 5374  
Email: [Lebanon@UnitedTm.com](mailto:Lebanon@UnitedTm.com)



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58, Rue Ibn Batouta,  
PPT. No. 4, 1 er Estage,  
Casablanca, Morocco  
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### OMAN

Suite No. 702, 7th Floor  
Oman Commercial Centre, Ruwi  
Tel : +968-24-787555, 704788  
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Villa # 40, Al Amir Street  
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Behind Maktaba Al Shawwaf  
30th Street-Olaya, Riyadh 11444  
Tel : +966 -11- 4616157, 4655477  
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### SHARJAH (UAE)

Suite 203, Al Buhairah Building  
Buhairah Corniche, Sharjah  
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Colombo 02,  
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### SUDAN (Khartoum)

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Shaik Al Deen Brothers Bldg.  
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### TANZANIA

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Pugu Road  
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# Madrid System Flourishes

Global trademark systems are becoming increasingly harmonized and, though Brexit has threatened to destabilize it, the Madrid System is flourishing, as Aaron McDonald reports.

The United Kingdom's withdrawal from the European Union—Brexit—is a source of major uncertainty in legal circles and beyond. Since the United Kingdom is the first major economy to leave the European Union in its current form (others, including Greenland, departed when it was the European Community), the world is watching to see how the country will navigate its way through rocky waters.

Released in March 2018, a joint draft withdrawal agreement on the United Kingdom's departure have calmed—for now—some fears around a range of issues, including trademarks, but other questions have been left unanswered. Additionally, it cannot be overstated that the draft withdrawal agreement contains no guarantees, since “nothing is agreed until everything is agreed”—a key negotiating principle that the European Union and United Kingdom will strictly observe.

“The result of the U.K. referendum created a great deal of uncertainty over what IP rights the owners of registered EU trade marks (EUTMs) and registered Community designs (RCDs) would have (or would have to obtain) in the United Kingdom after Brexit,” says David Birchall, Partner at Venner Shipley LLP (UK).

While critics have expressed hostility toward the consequences of the Brexit vote, in June 2016, Mr. Birchall believes that it may not be all doom and gloom for owners of EU registered rights requiring IP protection in the United Kingdom, as had been feared.



istockphoto / magnima

He explains that since the referendum, some “cautious brand owners” have secured national U.K. trademark rights so they could be certain that they would have trademark protection after the nation leaves the European Union.

“The March 2018 draft of the withdrawal agreement between the European Union and the United Kingdom suggests that the impact on trademarks and designs might not be as dramatic as had been feared,” he says.

Some sections of the withdrawal agreement were colored green, representing that consensus had already been reached. One of the green sections provides protection for EUTMs registered in the United Kingdom before Brexit. EUTMs and RCDs will be automatically transferred onto the U.K. Intellectual Property Office's (UKIPO) registers by December 31, 2019, without any re-examination.

Mr. Birchall also notes that another green-colored paragraph provides that the United Kingdom will take measures to ensure that owners of trade mark or design protection in the European Union obtained through the Madrid and Hague Systems will, likewise, enjoy protection in the United Kingdom by December 31, 2019.

## An Unclear Picture

Some issues may have been agreed, but there are still murky waters surrounding brand protection after the United Kingdom has left the European Union.

For example, arrangements for geographical indications (GIs) are still underway.

According to Mr. Birchall, after Brexit, the costs of IP protection for owners of trademarks and designs that are operating in the United Kingdom and in other EU member states will increase. This is because

protection granted by the European Union Intellectual Property Office will no longer be effective in the United Kingdom post Brexit.

However, the draft withdrawal agreement contains a silver lining provision that no official fees will be payable for the creation of U.K. rights from the European Union.

“If this provision is agreed and contained in the final signed agreement, it will save rights owners the costs of official fees for creating new U.K. rights out of their registered EUTMs and RCDs—a drawback that had been widely expected,” says Mr. Birchall.

On the other hand, he adds, a downside to this will be official renewal fees that will be payable on such newly-created U.K. rights in due course.

Mr. Birchall explains that the withdrawal agreement merely provides that U.K. trademarks automatically created by EUTMs would be protected from non-use cancellation only until December 21, 2019.

“This seems a little harsh,” he comments. “It is hoped that the UKIPO will give owners of these newly-created U.K. trademarks a longer period of immunity from non-use cancellation.”

“If so, from a brand owner's perspective, this would provide a welcome opportunity of extended time to begin using their marks in the United Kingdom.”

Mr. Birchall believes that the U.K. government needs to prioritize providing clarity where necessary—for example, whether official fees will be payable and exactly how soon U.K. trademark rights created from EUTMs will be open to non-use cancellation actions from third parties.

“It also needs to prioritize the creation of a structure for protecting GIs and similar rights in the United Kingdom,” he adds.

## Madrid Protocol

Systems such as the Madrid Protocol are designed to be a convenient and cost-efficient solution to filing trademarks on an international level. In the United Kingdom, companies will still be able to apply for international trademark registrations via the system after Brexit.

Under the Madrid Protocol, trademark owners are currently able to file a single application and gain protection in up to 117 countries. Administered by the World Intellectual Property Organization (WIPO) (Switzerland), the system covers countries which represent more than 80 percent of global trade.

“The Madrid Protocol's role in facilitating the international protection of trademarks is particularly important as the number of countries taking part in the global IP system grows, along with the increasing awareness of the importance of IP protection for innovation and economic growth,” says Marcus Höpferger, Director of the Madrid Registry, Brands and Designs Sector at WIPO.

One of the countries that joined the Protocol more recently is Thailand, which became a member in August 2017, with an effective date of November 7, 2017.

“Thailand would like to welcome foreign investments,” says Darani Vachanavuttivong, Co-Managing Partner and Managing Director of the Intellectual Property Department at Tilleke & Gibbins (Thailand).

“The country seeks to provide easier access to foreign trademark owners to come to Thailand and protect their trademarks in Thailand, and at the same time offer a wider solution for Thai trademark owners to protect their own IP in other countries.”



David Birchall

“

The U.K. government also needs to prioritize the creation of a structure for protecting GIs and similar rights in the United Kingdom.

”



Somboon Earterasun, Partner at Tilleke & Gibbins, adds that joining the Protocol is “another indication for Thailand to reiterate to the world that we are committed to IP protection.”

Last year, Thailand was removed from the U.S. *Special 301 Report's* Priority Watch List for the first time in several years. The report identifies trade barriers to U.S. companies because of IP-related problems.

“We believe joining the Madrid Protocol was one of the contributors to that success,” adds Mr. Earterasun.

He says while there is not much difference between smaller and larger countries joining the Madrid Protocol because it works the same way regardless of size, some less-developed countries, such as Laos and Cambodia, may benefit from the low costs of the Protocol.

Mr. Höpperger adds that the Madrid Protocol opens up a pathway for countries to enter international markets.

“Trading blocs such as the Association of Southeast Asian Nations (ASEAN) help enhance regional cooperation between independent economies and facilitate cooperation and intraregional trade, while increasing the trading bloc's international competitiveness,” he says.

He explains that reducing trade barriers ultimately allows for increased



Darani Vachanavuttivong

revenue and sustainable economic growth.

“ASEAN's commitment to the protection of IP as a driver for innovation and a conduit for technology transfer across borders has led to the expansion of the Madrid System across the region, further contributing to development and industrialization of its smaller nation members,” Mr. Höpperger says.

#### Harmony for Asia

According to Mr. Earterasun, ASEAN countries have been in discussion over whether there should be a harmonized system in place covering the 10 member countries (Brunei, Cambodia, Indonesia,

Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam).

“If that does happen, it would make this particular regional bloc more attractive to investors,” Mr. Earterasun explains.

Of the countries making up the ASEAN bloc, Brunei has the smallest population, at 423,000. At the other end of the scale, Indonesia has the largest population, with 261.1 million inhabitants. Thailand has a population of 69 million.

Although the Madrid Protocol has been welcomed by Thai brand owners and IP practitioners since the country joined, there are still some teething issues, predominantly around the language barrier. Thailand's Department of Intellectual Property has the job of translating international applications into Thai for examination purposes. As with any translation, this can result in some discrepancies.

Currently the issue isn't too problematic as there aren't many applications—Thailand is new to the Protocol. “But in the future, when many thousands of applications come in, the size of the Madrid Protocol Office in Thailand will have to be increased to gain sufficient manpower to translate the applications,” says Ms. Vachanavuttivong.



Somboon Earterasun

Mr. Earterasun explains that according to the Department of Intellectual Property, Thailand currently has 800 incoming applications and 37 outgoing applications seeking protection. Of the trademark owners using the Madrid Protocol in Thailand, roughly 95 percent are foreign, with Thai brand owners representing the remaining 5 percent.

#### More for Madrid

Since Thailand's 2017 accession to the Protocol, others have joined the club. Afghanistan is the most recent member, having joined in March 2018.

“A number of countries from Africa, Asia, and



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# A Unified Approach

The Five Trademark Offices has outlined projects to help protect brands' rights. Aaron MacDonald reports.

Developing a unified approach in protecting users against fraudulent solicitations is a priority for the Five Trademark Offices (TMOs) moving forward.

It was one of the key issues discussed yesterday at the **Session TMO Users Meeting**, moderated by Ki-joong Song, Deputy Director of Trademark Examination Policy Division at the Korean Intellectual Property Office. The session looked at a number of projects recently initiated by the TMOs, such as the Fraudulent Solicitation to Trademark Owners Project.

Fraudulent solicitation "is where private companies that are not connected at all with the national IP offices are sending out advertisements and solicitations for various trademark services," said Sharon Marsh, Deputy Commissioner for Trademark Examination Policy at the United States Patent and Trademark Office (USPTO).

When the USPTO first heard about fraudulent solicitations a few years ago, the agency posted information on its website. However, it recognized that not everyone would think to look

at the website, so it sent out additional warning letters.

"We had a roundtable at the USPTO and invited other trademark agencies that have the mission and resources to work on this kind of problem," she said. "It was very helpful, and we exchanged a great deal of information. As a result of that, we are sending out some staff members to the U.S. Department of Justice to help with investigations."

Dimitris Botis, Deputy Director of Legal Affairs, International Cooperation and Legal Affairs Department for the European Union Intellectual Property Office (EUIPO), added that an EU network was

developed three years ago to help identify these scammers.

"When it comes to defensive actions it is very important that we protect our data in a way that ensures they cannot be scraped by scammers."

Another focus for the EUIPO, according to Mr. Botis, is to raise awareness and provide information to other national government agencies via working groups. "We hope this will become a global alliance," he said.

One of the other ideas that was recently launched is the Outline of Quality Management Project, designed to synchronize trademark management initiatives across the TMO partners.



Ki-joong Song

"This is a project that has been directly proposed by the Japan Patent Office (JPO) and the EUIPO," said Kanako Aya, Deputy Director, Trademark Division at the JPO.

While the project doesn't propose any specific new initiatives, "its main purpose is to share information with practices and offices," she said, which "will enhance our mutual understanding."

José Izquierdo, Deputy Director at the EUIPO, added that, while the Outline of Quality Management Project is still in the first phase, "phase two is to try and identify in which areas the partners can deploy synergies in order to employ different quality management systems".

Finally, the meeting discussed the Priority Rights Project, which has the purpose of mapping the different practices in relation to priority rights documents, such as filing priority documents online. ●



(L. to R.) José Izquierdo, Sharon Marsh, Dimitris Botis, Sunao Sato, and Kanako Aya

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Juan Carlos Suarez	jcsuarez@goodrichriquelme.com	(5255) 5207 9261
Guillermo Sosa	gsosa@goodrichriquelme.com	(5255) 5207

e-mail: mailcentral@goodrichriquelme.com  
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13 the Americas are actively working toward accession," says Mr. Höpperger. "By the end of 2020, we expect to see South Africa, Brazil, Canada, and Malaysia in the Madrid System. A number of other countries have also expressed serious interest in joining, and we continue to provide the necessary support to help with their preparations."

WIPO is aiming to bring some improvements to the Protocol to simplify it and make it more user-friendly.

"The development of a more modern, agile, and robust IT platform will improve the operational efficiency and customer service," notes Mr. Höpperger.

"To achieve this goal, we are focused on simplifying the legal framework and on developing self-service tools to facilitate the centralized management of international trademarks."

The Madrid System will continue to evolve with the business demands of its users, he adds.

"This means taking a more proactive and anticipative approach to changes in market trends and technologies, and providing users with more responsive portfolio management tools," he says.

Mr. Höpperger points out that 2017 was a record year in terms of new international applications filed—with

56,200 applications filed, representing a growth of 5 percent from the previous year.

"The Madrid System will continue to meet the demands of an ever-increasing user community and we will make all efforts to provide the expected services," he says. ●



Marcus Höpperger

“By the end of 2020, we expect to see South Africa, Brazil, Canada, and Malaysia in the Madrid System.”



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## Contact:

Irene De Sola ([irene@desolapate.com](mailto:irene@desolapate.com)) and/or  
Richard N. Brown ([rbrown@desolapate.com](mailto:rbrown@desolapate.com))

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# Protecting a 'Grande' Brand

Starbucks Coffee Company, which calls Seattle home, encounters a high volume of trademark infringement, but its response must be tempered by wider considerations, as Director and Expert Senior Counsel Batur Oktay tells Aislinn Burton.

With the Starbucks Coffee Company operating in 74 countries and managing a portfolio of nearly 24,000 trademarks, there are many IP challenges for the global brand to tackle, according to Batur Oktay, Director and Expert Senior Counsel at Starbucks Coffee Company (USA).

As the popular coffee chain continues to build its loyal following of customers, Starbucks Coffee Company's legal team has seen an uptick in infringement—particularly in China, Southeast Asia, Turkey, and Mexico, according to Mr. Oktay.

This includes typical trademark infringement and more counterfeit products, he says, noting that “the company is working hand-in-hand with customs offices around the world to seize and destroy shipments before they have a chance to make it to bricks-and-mortar or virtual stores.”

Typically, Starbucks Coffee Company has a caseload of more than 1,000 active IP matters at any one time, Mr. Oktay says, so the company's lawyers and “rock star paralegals” are hard at work. The team also relies on a network of outside counsel to help the brand identify and then tackle IP challenges.

“I would say we are extremely proactive with our filing approach, and we are vigilant enforcers of our rights,” Mr. Oktay declares.

Despite the large volume of branding challenges that Starbucks faces, litigation is never the primary go-to option,



according to Mr. Oktay. “We reach out with letters in the first instance, and resort to litigation only if all else fails,” he says.

Although the IP team works across all business units in the company, as “keepers of the brand” they sometimes need to push back in order to best protect the Starbucks Coffee Company name.

Mr. Oktay explains: “Marketers often wish to push the limits of how to represent brands, but we advise them against certain choices where necessary in order to protect and maintain the strength of our marks.”

“Trademark strategy has to be closely aligned with business strategy,” he says, adding that it's important to stay close to the company's overall business needs and direction.

“For example, being a very public-facing and often in-the-news company requires that we work closely with the global communications team, among others, to ensure the right story is being told,” he explains.

## Serving its Roots

The Starbucks Coffee Company story dates back to 1971, when the company operated in a single narrow storefront in the historic Pike Place Market in Seattle, Washington. “We couldn't be more proud of our roots, and we're prouder still to keep serving the people and communities that have been with us from the beginning,” Mr. Oktay says.

He explains that the first store sold coffee, spices, and tea, and the brand's original logo contained these three words as a tribute to that site. The logo itself harks back to Seattle's nautical seafaring roots, and “Starbucks” comes from the

name of the first mate in *Moby Dick*, one of the United States' most famous works of literature.

Over time, Starbucks Coffee Company evolved from a company primarily serving coffee to one that engages in a wide array of services. This broadening of goods and services eventually led Starbucks Coffee Company to drop all words from the logo, relying solely on the image of the iconic siren currently in use.

In a changing and competitive global market, companies must innovate to prosper and survive, and Mr. Oktay explains that Starbucks has done this through diversification.

Just a few blocks from the Washington State Convention Center, at 1124 Pike Street, is the first Starbucks Reserve Roastery. It opened in 2014 and serves hot and cold concoctions—some of which are available at no other Starbucks Coffee Company outlet. The Roastery also offers tours and tastings, allowing guests to learn about brewing techniques and experience comparative tasting in a private coffee library.

Starbucks Coffee Company opened its second Reserve Roastery in December 2017—a 30,000 square-foot store in Shanghai, China. By 2020, others will open in Chicago, Illinois; Milan, Italy; New York, New York; and Tokyo, Japan.

“These different outlets provide opportunities for the company to innovate in customer experience and the product pipeline, which will then be infused into the broader store portfolio,” Mr. Oktay says.

As part of its culture, the chain seeks to serve the local community through projects focusing on the arts, youth engagement, and other social services. Mr. Oktay explains. As such, the coffeehouse chain has numerous partnerships with organizations across the globe, enabling Starbucks Coffee Company to use its scale for good.

For example, the company works with Conservation International, a non-profit environmental organization, to produce coffee in a sustainable and transparent way. Starbucks' coffee is now 99 percent ethically sourced, making it the largest coffee retailer in the world to reach this milestone.

“We have always believed Starbucks Coffee Company can—and should—have a positive impact on the communities we serve,” Mr. Oktay says.

“For more than 45 years, we've had the pleasure of calling Seattle home,” he concludes. ●



Batur Oktay

“

Being a very public-facing and often in-the-news company requires that we work closely with the global communications team, among others, to ensure the right story is being told.

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**Starbucks Coffee Company owns nearly 24,000 trademarks and operates in 74 countries**

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# Improving the IP Ecosystem

INTA's India Consultant, Gauri Kumar, is leading its efforts to build partnerships and brand awareness in India, as she tells Aaron McDonald.

In March, INTA's eighth Annual Delegation to India took place, visiting New Delhi and Mumbai. It included a workshop on the present and future for brands in India, a roundtable on the timely topics of jurisdiction and trademark enforcement, and meetings with the Department of Industrial Policy & Promotion (DIPP) and the Controller General of Patents, Designs, and Trade Marks.

Arranging the Annual Delegation is one of the responsibilities of INTA's India Consultant, Gauri Kumar, who joined INTA in June 2015. "This visit is crucial, as it provides action points for the Association to pursue in India for the rest of the year and builds on existing priorities and partnerships," she says.

One partnership that has been flourishing is with the Cell for IPR Promotion and Management, a professional body under DIPP, which has given INTA the unique opportunity to collaborate with the government on its IPR Awareness campaign for school children in India. So far, more than 100 schools have been involved in the government-run initiative, and approximately 8,000 students have been educated.

In addition, INTA has been supporting the government's IP awareness campaigns for the police by providing member volunteers to speak at various training sessions, says Ms. Kumar.

Another example is the Unreal Campaign, INTA's public awareness initiative aimed at teenagers. She notes that members have brought the Unreal Campaign student presentation about counterfeiting and the importance of IP to Indian schools, and INTA's Unreal Committee—Asia and Africa Subcommittee is looking at expanding the reach of this campaign to more schools in the country.

"Through collaborations, we're able to approach IP from many different angles and address many different audiences, which results in a greater impact," Ms. Kumar says.

She says that raising public awareness through these types of efforts is a priority, given that counterfeiting—both online and on the street—is "a prime and rising concern" in India.

"While India has a strong legal framework for combating counterfeiting, more efficient procedural measures must be permanently established to effectively

stem the rising tide of counterfeiting," she says.

"In this context, it is indeed encouraging to see that the Indian government and enforcement agencies have been giving high priority to finding a resolution to these issues."

Ms. Kumar says that brand awareness is increasing among brand owners and consumers, as shown by the increase in local and international trademark filings by Indian companies. Trademark filings in the country shot up by approximately 40 percent in 2016–2017 compared to 2014–2015, reflecting the vibrancy of the Indian economy.

A key step in improving IP protection was the introduction of India's National IPR Policy in 2016. Now two years later, Ms. Kumar says, the country is well on its way to achieving the Policy's objectives.

"In recent years, we have seen a steady incline in progressive IP activity in India: the strengthening of institutional mechanisms; huge reductions in pendencies and backlogs at the Indian Intellectual Property Office; an increase in filing activity; creating IP rights awareness; and so on," she says.



Gauri Kumar

**“Through collaborations, we’re able to approach IP from many different angles and address many different audiences, which results in a greater impact.”**

INTA believes that the Policy will further strengthen existing laws and enforcement procedures.

"It is safe to say that India is steadily creating an ecosystem where IP will become an effective driver of the country's overall development," Ms. Kumar concludes. ●



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# A Four-Step Approach Against Piracy

Gerardo Muñoz de Cote, Chief IP Counsel at Televisa Corporacion SA de CV, and a member of INTA's Board of Directors, outlines the key steps that the multimedia company is taking to fight piracy. Sarah Morgan reports.

As pirates develop ever-more sophisticated technologies and invest more resources every day, media companies are going to great lengths to fight back against illicit activities.



Gerardo Munoz de Cote

“It’s absolutely vital to make the public aware of the cybersecurity and health and safety risks of illicit streaming devices and illegal apps.”

This means a four-step proactive approach to stem the rising tide, according to Gerardo Muñoz de Cote, Chief IP Counsel at Televisa Corporacion SA de CV (Mexico) and a member of INTA's Board of Directors.

Televisa Corporacion SA de CV is a multimedia company with stakes in the film and TV industries, as well as sectors including publishing, gaming, radio, and soccer.

First, says Mr. Muñoz de Cote, it is necessary to implement anti-piracy services and a global intelligence network to monitor prime content across a range of channels, including cyberlockers, on-demand video streaming, and live video streaming sites, search engines, and social media sites. It's also important to gain a broader understanding of the variety of illicit streaming devices (ISDs) and media app players that are available. “What is the trend today may not be tomorrow,” he adds.

Second, working with different marketplaces in order to prevent the sale of these types of products is also a must, according to Mr. Muñoz de Cote.

Third is enforcement, and he

suggests that civil, administrative, and criminal actions should all be deployed when necessary.

Last but not least is enhancing public awareness. It's absolutely vital to make the public aware of the cybersecurity and health and safety risks of ISDs and illegal apps, says Mr. Muñoz de Cote.

In the past, content providers could only target physical media, but now the digital environment has opened up numerous new sources of piracy, making the war on infringement time consuming and costly.

“Streaming services are the most popular and easy way for consumers to access non-authorized content. As a natural consequence, illegitimate streaming channels have become a huge problem for all media companies,” says Mr. de Cote.

## A Wider Brief

Fighting piracy is not Mr. de Cote's only job. He also focuses on trademarks and brand protection, among other topics, including through his work as a member of the INTA Board of Directors.

INTA has always supported the harmonization of laws and convergence of practices and played a leading role (along with other IP associations) in promoting the Madrid Protocol in Latin America.

“In today's global environment, it's clear that advocating for change in Latin American countries in order to standardize their forms of legislation, regulation, and harmonization of rules and practices is critical,” states Mr. Muñoz de Cote.

He adds that brand owners need more legal certainty in the region, so enforcement mechanisms and better access to trademark rights protection should be top of the agenda in the region.

The promotion of trademarks and brands falls under the first pillar of INTA's 2018-2021 Strategic Plan. And Mr. Muñoz de Cote believes INTA is doing excellent work on this front.

“Trademarks and brands are generally misunderstood by the public at large,” he explains, adding that INTA has consistently indicated that it is necessary to “demystify” trademarks and the role they play. ●

# The “Gems” of the U.S. Patent and Trademark Office

IP attachés are the international face of the United States Patent and Trademark Office. Sarah Morgan reports on the latest trademark issues facing them across the globe.

“To say there's been an explosion in legislative initiatives [in Europe over the past few years] is a bit of an understatement,” said Susan Wilson, IP attaché at the U.S. Patent and Trademark Office (USPTO) (Belgium).

This includes the Digital Single Market initiative, which touches “every area of business,” and proposals on copyright affecting publishers and the music industry.

Ms. Wilson was speaking in **Latest Trademark Issues Facing IP Attachés based in China, Europe, South America, South Asia and Geneva** yesterday, where Dominic Keating, Director of the USPTO IP attaché program, introduced Ms. Wilson and her fellow panelists.

Later this week, on May 25, the EU General Data Protection Regulation (GDPR) will take effect, having a “profound impact on all of your business,” noted Ms. Wilson.

She added that, while this only slightly modifies preexisting regulations, non-compliance carries some heavy penalties.

Ms. Wilson said that her office is also “looking forward to the French presidency of the Group of Seven and possibly reinvigorating the conversation of IP at that level.”

The USPTO's attachés are one of the “gems” in the office's structure, acting as “IP experts and diplomats,” stated Shira Perlmutter, Chief Policy Officer and Director of International Affairs at the USPTO (USA).

“They also serve as the eyes and ears [on IP] for all of the United States government,” she added.

Debbie Lashley-Johnson, IP attaché at the USPTO (Geneva) who is focused on the World Trade Organization and World Intellectual Property Organization (WIPO), stated that the United States is continuing to monitor the ability of WIPO's Lisbon System to be financially self-sufficient and provide greater transparency with respect to the funding of the system.

Bad-faith trademark filings are the number one issue brought to the U.S. consulates in China, according to Mike



(L. to R.) Mike Mangelson, Komal Kalha, Laura Hammel, Susan Wilson, Debbie Lashley-Johnson, Shira Perlmutter, and Dominic Keating

Mangelson, IP attaché at the USPTO for China and Taiwan (China).

He added that 13 out of the top 15 trademark filers in China last year were bad-faith trademark filers. “This has become a disease,” claimed Mr. Mangelson.

Laura Hammel, IP attaché at the USPTO for South America (Brazil) outlined the assistance and training the office has offered to IP offices in the region.

“In Brazil and Argentina, there's been an increased political will to take some action” on enforcement, she

said, adding that the United States has supported an action of seizing 880 tons of counterfeit goods worth around US \$150 million in the region.

Looking to Asia, Komal Kalha, IP Specialist and Senior Counsel at the USPTO covering India and South Asia (India) noted that India's Intellectual Property Appellate Board, which hadn't had a chairman for three years, elected a chair earlier this year.

“I understand that in the last three months, he's disposed of around 400 cases,” she added. ●



# Trademark Cases in China: Quality Evidence Is Key

Two high-profile trademark cases in China provide lessons for companies seeking to address infringement issues, as Simon Tsi and Michael Fu of Chang Tsi & Partners (China) report.

Under Armour brought a case against a Chinese domestic company, TFL, for use of the mark (1), which infringed Under Armour's prior rights to the mark (2). This was a complex and high-profile litigation.

The disputed mark (3) was actually the combination of two registered marks, (4) and (5), which TFL asserted in its defense as a legal basis for using the disputed mark. At the same time, TFL registered a shell company in Hong Kong under the name "Under Armour (China) Co., LTD", which Under Armour argued wholly plagiarized its

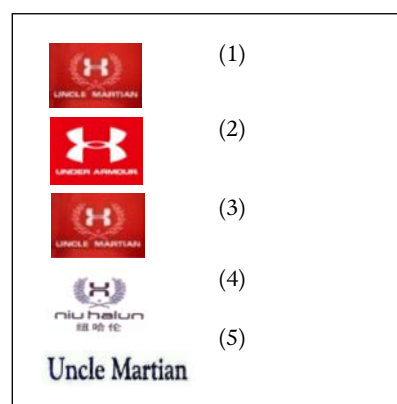
registered trademark. TFL was planning a major launch of products bearing the mark in one to two months, which meant that Under Armour had little time to stop TFL from marketing the infringing products.

Under these tight circumstances, Under Armour provided a significant volume of evidence to prove the use and fame of its UNDER ARMOUR marks in China. In addition, the relevant court was asked to grant a preliminary injunction against TFL, and did so after hearing pleadings.

A preliminary injunction is a very rare occurrence in China, so securing the court's agreement was a major accomplishment. The court subsequently rendered a judgment in favor of Under Armour, eventually deciding that TFL's activities constitute trademark infringement and unfair competition against Under Armour, and ordered TFL to cease infringement, eliminate the influence, and compensate the plaintiff for its financial losses including reasonable expenses in the amount of CNY 2 million (US \$316,300).



A preliminary injunction is very hard to obtain in China





**Simon Tsi**, managing partner of Chang Tsi & Partners, established the firm with founding partner Spring Chang in 2002. In this year, 2018, he embraces the 15th anniversary of this firm. Simon is specialized in the fields of litigation and arbitration, corporate laws, security and finance, construction and real estate, and intellectual property. He successfully handled quite a few complicated cases due to his familiarity with the working mechanism of the judicial system and the rich experiences accumulated in the related field when he was working at Personnel Mobility and Assignment Department, Ministry of Personnel and State Power Grid Construction Corporation.



**Michael Fu**, partner of Chang Tsi & Partners, received his two LL.M. degrees in Intellectual Property from Peking University and from Franklin Pierce Law Center respectively. After gaining some professional experience in Lowe, Hauptman & Ham LLP, Michael joined Chang Tsi and has been consistently working with Chang Tsi as a client manager and an attorney-at-law. He is specialized in IP law field and has successfully represented many Fortune 500 companies including 3M, Mondelez International, HP, Inc., etc. He has been providing legal services in extremely-demanding enforcement cases to secure clients' IP rights and to maximize their interests.

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## Further Success

In another case, the well-known brand owner Guinness World Records instituted a case against a China automobile company, Chery Automobile, in a claim for trademark infringement and unfair competition.

Guinness World Records is the trademark owner of the marks GUINNESS WORLD RECORDS and JI NI SI (GUINNESS in Chinese). Chery held large-scale commercial activities using JI NI SI as well as the single word GUINNESS in at least 16 cities throughout China.

The defendant argued that it did not use the words as trademarks, but rather as generic words, and thus was not liable for trademark infringement. It also argued that its acts did not constitute unfair competition because its business was significantly different from the plaintiff's, and that it did not use the plaintiff's enterprise name.

Guinness submitted thousands of pages of evidence such as excerpts from English-Chinese dictionaries to prove that the single word GUINNESS and JI NISI are not the generic names of goods or services. Other evidence included reports issued by the National Library to prove that the plaintiff's trademark and enterprise name are well-known in China and therefore should be protected under the Trademark Law and the Anti-Unfair Competition Law of the People's Republic of China.

The court eventually supported all the claims and decided that Chery had committed trademark infringement and unfair competition. Based on the

“ These favorable judgments ... demonstrate that, with the relevant evidence, Chinese courts can be professional and fair in intellectual property disputes. ”

facts of this case, especially the obvious bad faith of Chery, the court awarded punitive damages amounting to double the losses of the plaintiff, around CNY 2.12 million (US \$335,000).

These favorable judgments were significant victories for Under Armour and Guinness World Records. They demonstrate that, with the relevant evidence, Chinese courts can be professional and fair in intellectual property disputes.

The two cases discussed above show that the quality of evidence amassed before pleadings is important in China. While the type of evidence needed to support a case is easy enough to understand, the quality and veracity of the evidence are the key factors. ●

Simon Tsi is managing partner at Chang Tsi & Partners (China). He can be contacted at: [simontsi@changsiti.com](mailto:simontsi@changsiti.com)

Michael Fu is a partner at Chang Tsi & Partners (China). He can be contacted at: [michaelfu@changsiti.com](mailto:michaelfu@changsiti.com)



# Keeping an Eye on India



Legislative changes concerning well-known trademarks and expedited examination, plus a case on parallel imports, are some of the important talking points in India, as Hemant Singh, a member of INTA's Board of Directors, tells Ed Conlon.

There have been several significant changes since India's trademark system was overhauled, says Hemant Singh, Managing Partner at Intl Advocare (India), who serves on INTA's Board of Directors. In March last year, the Trade Marks Rules 2017 came into effect, replacing the previous version from 2002 and modernizing a range of trademark processes.

The first change was simple but effective—a huge reduction in the number of forms, from a total of 74 forms to just eight covering all major processes, including application, opposition, and renewal. The objective is to increase efficiency at the Trade Marks Registry, says Mr. Singh.

In addition, the new rules mandate online notification at every stage of the application process. Earlier applicants had to wait to receive office objections or oppositions to their marks through the postal service—a system that “could take years,” says Mr. Singh. Now, they can proactively monitor the whole process online. Applicants can download and respond to office objections and

oppositions in a timely manner, and the online system has helped to fast-track most standard procedures, he explains.

The next noteworthy change is that applicants filing marks based on use must produce evidence of use, rather than merely claiming it. Mr. Singh admits this is causing “a bit of hardship and undue delay,” but it is a positive step forward because previously some applicants would simply make a false use claim “and get away with it.” Now, applicants are held accountable for the claims they make.

A “very important development” concerns recordal of well-known trademarks, Mr. Singh continues. There is now a formal procedure for applying for and recordal of such status which, if granted, requires the Trade Marks Registry to object to any applications that are identical or similar to the well-known mark across all classes of goods and services. Well-known trademark owners can also assert their marks in infringement proceedings even when the goods and services are completely different. Well-known trademarks

are “extremely useful and highly recommended recordals,” he says.

Before the new rules, the Trade Marks Registry or a court could issue well-known status only in proceedings for opposition, rectification, and infringement. Therefore, in the absence of such proceedings, there was no mechanism for establishing well-known status, says Mr. Singh. Now, anyone can request such status, as long as they submit evidence to support their application. The applications are subject to public opposition within 30 days of the Trade Marks Registry opening a comment period, and granted applications are published in India's *Trade Marks Journal*.

Trademark owners should also take note of a significant ruling by the Supreme Court of India when enforcing their marks. In *Neon Laboratories v. Medical Technologies 2016 (2) SCC 672*, the court ruled that a later-filed trademark trumped an earlier registration for the same mark because the first registrant had not used its mark sufficiently. The later registrant had used its mark—and the earlier party was aware of this—so the later registrant was entitled to the mark.

“The message is that brand owners must be prompt to register and use their trademarks, either by themselves or through licensees, to secure brand protection in India and avoid bad-faith registration by third parties,” says Mr. Singh.

Mr. Singh is active in his work with INTA; he has been on the Board of Directors since January 2016, and is Chair of the INTA Anticounterfeiting Committee—South Asia Subcommittee, and Co-chair of the India Global Advisory Council.

In 2013, he supported INTA's efforts to submit an *amicus* brief to the Supreme Court of India in the case of *Samsung Electronics Co. Ltd. v. Kapil Wadhwa & Ors*, which concerned parallel imports and trademark exhaustion (see <https://www.inta.org/Advocacy/Pages/Amicus.aspx>).

While Mr. Wadhwa has argued that the doctrine of international exhaustion should apply in this case, Samsung contended that he had infringed its trademarks because he was importing and reselling the products from overseas markets without obtaining Samsung's authorization.

INTA believes that exhaustion should be national and not international. The import and resale in the Indian market by way of parallel import should not be permitted without the express consent of the brand owners, Mr. Singh explains, adding that there is still no clear timeline for the hearing by the Supreme Court of India.

To learn more about trademark issues in India, head to **Session RW01 Regional Update: Courts and Trademarks Office: What's New in India?** on Wednesday, May 23, when panelists will discuss issues including case law and the Trade Marks Rules 2017. ●



Hemant Singh

“The message is that brand owners must be prompt to register and use their trademarks, either by themselves or through licensees, to secure brand protection in India and avoid bad-faith registration by third parties.”



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# Resolving Domain Name and Website Disputes in Russia



Brand owners seeking to enforce their rights against cybersquatting and other online infringement in Russia should be clear on the different rules and practices, says Sergey Medvedev of Gorodissky & Partners (Russia).

Under Article 1484(3) of the Russian Civil Code, no one is allowed to use without the authorization of the trademark owner confusingly similar marks in connection with the goods for which the trademark has been registered, or similar goods, if such use leads to a likelihood of confusion.

The use of a trademark on the Internet, including in the domain name or other addressing modes (e.g., keywords), falls under the scope of exclusive rights that belong to the trademark owner and, therefore, is permitted only with the trademark owner's consent.

Unauthorized trademark use, whether committed in the domain name or on the website, is generally prohibited and may be prosecuted by the trademark owner, or its exclusive licensee, in accordance with the applicable Russian law and local practice.

## Trademarks vs. Domain Names

Domain name disputes involving the .ru, .рф and .su addresses fall under the jurisdiction of the Russian commercial courts or courts of general jurisdiction, unless they are resolved in the non-judicial or pre-trial manner. Russia does not adhere to the Uniform Domain-Name Dispute-Resolution Policy (UDRP) of the Internet Corporation for Assigned Names and Numbers (ICANN) and, therefore, the above country-code top-level domains (ccTLDs) cannot be arbitrated under the UDRP.

At the same time, Russian courts, including the specialized Russian IP Court, do take into account the fundamental UDRP principles, while resolving local domain name disputes.

During a civil procedure instituted in the local court the trademark owner has to prove that: (1) the conflicting domain name is identical

or confusingly similar to a trademark or service mark in which the claimant has rights; (2) the respondent has no rights or legitimate interests in respect of the domain name; and (3) the respondent's domain name has been registered and is being used in bad faith.

UDRP principles are actively used by trademark owners in clear-cut trademark infringement matters involving the .ru, .рф and .su ccTLDs when such domain names are only registered but not delegated for posting of any sort of web content or held for further sale or re-sale, or simply used in bad faith and without the trademark owner's permission.

While establishing a trademark infringement case, the trademark owner must always act in good faith and avoid any unfair domain name hijacking. In the event that the trademark owner has acquired a bad faith trademark registration, and this fact is proved, the case may be dismissed.



Sergey Medvedev

“While establishing a trademark infringement case, the trademark owner must always act in good faith and avoid any unfair domain name hijacking.”

## Trademarks vs. Websites

Domain name registrants are not the only infringers in practice. Persons offering and selling counterfeit goods online (i.e., website operators, actual sellers) are also liable for trademark infringement.

The respective trademark owner (plaintiff) has a valid cause of action against at least two defendants: the domain name registrant; or the actual

seller of infringing goods; or both. If there is clear evidence that a particular trademark is infringed because of illegal actions of several persons, those persons will be jointly responsible (Article 1252 (6.1) of the Russian Civil Code).

Online intermediaries, including hosting providers, can also be involved and may be asked to block access to the infringing websites. In practice, hosting providers are forced to stand as co-defendants if they have not complied with a trademark owner's claims out-of-court.

From the procedural standpoint, in a classic dispute involving an infringing domain name and the counterfeit website, the trademark owner has to prove the following three basic factors: (1) the priority of the trademark over the conflicting domain name; (2) the similarity between the trademark and the conflicting domain name; and (3) the similarity of the trademarked goods and the goods offered for sale on the website (under the conflicting domain name). In this connection, the “risk” itself for a mark at issue of being similar to another one, rather than the “real confusion in the eyes of customers,” is already sufficient to assert trademark infringement.

When conflicting trademarks are placed on websites for certain descriptive (information) purposes, or for the promotion of goods authorized for sale and distribution in Russia, the infringement of trademark rights will not take place. In this case, the competent court in Russia will either refer to the concept of “exhaustion of trademark rights,” which is set forth in Article 1487 of the Russian Civil Code, ascertaining the genuine origin of the trademarked goods, or hold that the use of the asserted trademark for information purposes may not create a likelihood of confusion among respective customers.

## Comment

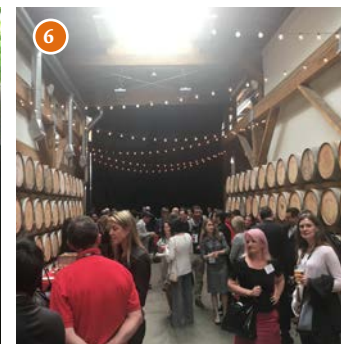
Disputes between trademarks and domain names or conflicts between trademarks and websites are very common in Russia.

Foreign as well as domestic brand owners tend to enforce their duly protected trademark rights against cybersquatting or counterfeiting online to enhance their brand value and global reputation.

Normally, trademark owners prefer to claim an injunction and some sort of monetary relief during their civil actions in order to achieve their trademark enforcement goals. ●

*Sergey Medvedev is a senior lawyer at Gorodissky & Partners (Russia). He can be contacted at: MedvedevS@Gorodissky.ru*





1. Fieldfisher LLP, Seattle Art Museum
2. Unitalen Attorneys At Law, Motiv Seattle Hotel
3. BARDEHLE PAGENBERG Partnerschaft mbB, The Rainier Club
4. Vossius & Partner, The Butcher's Table
5. Smart & Biggar, Loulay Kitchen & Bar
6. Boulton Wade Tennant, Westland Distillery
7. Vivien Chan & Co., Grand Hyatt Seattle Hotel
8. Goroditsky & Partners, Sheraton Seattle Hotel
9. Bomhard IP, Optimism brewery
- 10: GreenbergTraurig LLP, Pike Pub
11. Partridge Partners P.C., Foster White Gallery

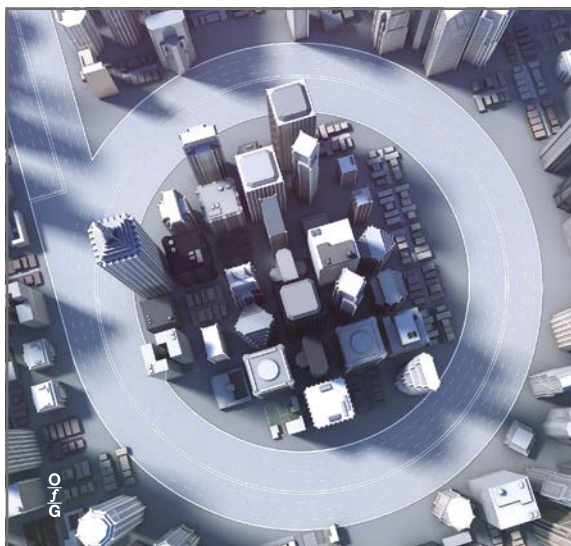
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START	END	NAME	LOCATION*
11:15AM	12:45PM	Indigenous Rights Committee – Americas and Caribbean Subcommittee	Room 608 - 609
11:15AM	12:45PM	Indigenous Rights Committee – Indigenous Rights Trademark Awareness Subcommittee	Room 608 - 609
11:15AM	12:45PM	Indigenous Rights Committee – International IR Initiatives and Policy Analysis Subcommittee	Room 608 - 609
11:15AM	12:45PM	Indigenous Rights Committee – North of the Equator Subcommittee	Room 608 - 609
11:15AM	12:45PM	Indigenous Rights Committee – South of the Equator Subcommittee	Room 608 - 609
CONCURRENT SESSIONS			
11:45AM	1:00PM	CM20 Trademarks: A Comparison of Damages and Compensatory Measures <i>Intermediate Level</i>	Room 6C
11:45AM	1:00PM	CM21 The Fate of Color Per Se Marks in Europe <i>Advanced Level</i>	Room 6AB
11:45AM	1:00PM	CM22 Trademark Litigation for Non-Litigators <i>Beginner to Intermediate Level</i>	Room 602 - 604
11:45AM	1:00PM	IM20 Industry Breakout: Legal-Up! Implications of Video Games in the 21st Century <i>Intermediate Level</i>	Room 605 - 607
12:00PM	1:00PM	<b>SPEED NETWORKING</b>	Hall 4EF
COMMITTEE MEETINGS			
12:00PM	1:00PM	Unfair Competition Committee <i>Leadership Only</i>	Room 301
1:00PM	2:00PM	ODR Cross-Committee Task Force	Room 301
1:15PM	2:15PM	International Oppositions Project Team <i>(Legal Resources)</i>	Room 306
1:15PM	3:15PM	LUNCHEON TABLE TOPICS	Room 6E
SESSIONS			
1:15PM	3:15PM	Lunch and Learn Changing The World through Advertising: Guerrillas, Soccer and Peace	Room 608 - 609
1:15PM	3:15PM	TM5 Joint Workshop: Examination Practices on Nontraditional Trademarks	Room 605 - 607
1:15PM	3:15PM	Past Presidents and Past Counsel Luncheon	Room 610
1:15PM	3:15PM	Professors Luncheon	Room 616 - 617
COMMITTEE MEETINGS			
1:15PM	3:15PM	Anticounterfeiting Committee <i>Full Committee Meeting</i>	Conf Center Tahoma 3
1:15PM	3:15PM	Impact Studies	Room 611 - 612
1:15PM	3:15PM	Law Firm Committee – Attorneys in a Management Role Subcommittee	Room 303
1:15PM	3:15PM	Law Firm Committee – New INTA Associate Members Subcommittee	Room 303
1:15PM	3:15PM	Law Firm Committee – Programming Subcommittee	Room 303
1:15PM	3:15PM	Legislation & Regulation Committee – Europe and Central Asia Subcommittee	Room 307
1:15PM	3:15PM	Panel of Trademark Mediators	Room 3A
1:15PM	3:15PM	Saul Lefkowitz Moot Court Competition	Room 310
1:15PM	3:15PM	Trademark Office Practices Committee – Canadian Intellectual Property Office Subcommittee	Room 305
1:30PM	2:30PM	<b>SPEED NETWORKING</b>	Hall 4EF
COMMITTEE MEETINGS			
1:30PM	3:00PM	Internet Committee – Future of IP on the Internet Subcommittee	Room 309
1:30PM	3:00PM	Internet Committee – Social Media and Online Use Subcommittee	Room 308
2:15PM	3:15PM	Trade Dress Project Team <i>(Legal Resources)</i>	Room 306
3:00PM	4:00PM	<b>SPEED NETWORKING</b>	Hall 4EF
COMMITTEE MEETINGS			
3:30PM	4:30PM	Anticounterfeiting Committee – Online Counterfeiting Project Team	Room 610
3:30PM	4:30PM	Anticounterfeiting Committee – Policy Project Team	Room 307
CONCURRENT SESSIONS			
3:30PM	4:45PM	CM50 Geographical Indications in the Domain Name Space <i>Intermediate Level</i>	Room 602 - 604
3:30PM	4:45PM	CM51 Madison Avenue Meets Hollywood: Navigating Product Placement Deals in Movies and Television <i>Intermediate Level</i>	Room 6AB
3:30PM	4:45PM	CM52 Enforcement Strategies in Asia <i>Advanced Level</i>	Room 6C
3:30PM	4:45PM	IM50 Industry Breakout: Pharmaceuticals, Healthcare, and Wellness <i>Intermediate Level</i>	Room 605 - 607
3:30PM	4:45PM	In-House Practitioners “Industry Exchanges” <i>(Exclusive to in-house practitioners only)</i>	Room 6E
COMMITTEE MEETINGS			
3:30PM	5:00PM	Internet Committee – New gTLD Subsequent Rounds and Geographic Terms Subcommittee	Room 309
3:30PM	5:00PM	Internet Committee – Legal Resources and Communications Subcommittee	Room 308
3:30PM	5:30PM	Enforcement Committee – General Trademark Enforcement Matters Subcommittee	Room 304
3:30PM	5:30PM	Legislation & Regulation Committee – United States Subcommittee	Room 310
3:30PM	5:30PM	Trademark Office Practices Committee – China Trademark Office Subcommittee	Room 302
3:30PM	5:30PM	2018 TMAP Project Team	Room 306
3:30PM	5:30PM	2019 Annual Meeting Project Team	Room 303
4:30PM	5:30PM	Trademark Administration Project Team <i>(Legal Resources)</i>	Room 305
5:00PM	7:00PM	In-House Practitioners Reception <i>(Exclusive to in-house practitioners only)</i>	Amazon HQ
5:00PM	6:00PM	India Reception <i>(By invitation only)</i>	Level 4 Atrium Lobby
5:00PM	6:00PM	Africa Reception <i>(By invitation only)</i>	Level 4 Skybridge Lobby
5:00PM	6:00PM	Asia Pacific Reception <i>(By invitation only)</i>	Room 616 - 617

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



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START	END	NAME	LOCATION*
7:30AM	5:00PM	Registration	Hall 4B
7:30AM	5:00PM	Hospitality	Hall 4C & EF
		COMMITTEE MEETINGS	
8:00AM	9:00AM	Internet Committee <i>Leadership Only</i>	Room 302
8:00AM	10:00AM	Continental Breakfast	Hall 4C & EF
8:00AM	10:00AM	BREAKFAST TABLE TOPICS	Room 6E
		COMMITTEE MEETINGS	
8:00AM	10:00AM	2018 Australia Conference Project Team	Room 304
8:00AM	10:00AM	2018 Leadership Meeting Project Team	Room 303
8:00AM	10:00AM	INTA PAC Board of Governors	Room 309
8:00AM	10:00AM	Legislation & Regulation Committee – Middle East, Africa & South Asia Subcommittee	Room 305
8:00AM	10:00AM	Trademark Office Practices Committee – Africa TMO Relations Subcommittee	Room 308
8:00AM	10:00AM	Trademark Office Practices Committee – Asia Pacific TMO Relations Subcommittee	Room 610
8:00AM	10:00AM	Trademark Office Practices Committee – European National Trademark Offices Subcommittee	Room 310
		COMMITTEE MEETINGS	
9:00AM	9:30AM	Unfair Competition Committee – Full Committee	Room 3B
9:00AM	10:00AM	Anticounterfeiting Committee – Middle East and Africa Subcommittee	Room 614
9:00AM	10:00AM	Anticounterfeiting Committee – Eastern Europe and Central Asia Subcommittee	Room 620
9:00AM	10:00AM	Asia-Pacific Moot Court Competition	Room 301
9:00AM	10:00AM	Internet Committee – Full Committee Meeting	Room 611 - 612
9:30AM	11:00AM	Unfair Competition Committee – Advocacy Subcommittee	Room 3B
9:30AM	11:00AM	Unfair Competition Committee – Model Law Guidelines Subcommittee	Room 307
9:30AM	11:00AM	Unfair Competition Committee – Policy Development Subcommittee	Room 306
10:00AM	5:00PM	Exhibition Hall	Hall 4EF
		COMMITTEE MEETINGS	
10:15AM	11:15AM	Anticounterfeiting Committee – Canada Subcommittee	Room 309
10:15AM	11:15AM	Cancellations Project Team (Legal Resources)	Room 305
10:15AM	11:15AM	2019 February Conference Project Team	Room 303
10:15AM	11:15AM	Indigenous Rights Committee – Full Committee	Room 608 - 609
		CONCURRENT SESSIONS	
10:15AM	11:30AM	CM01 The Yin and Yang of Licensing: Deep Thoughts from a Licensee and Licensor <i>Intermediate Level</i>	Room 6AB
10:15AM	11:30AM	CM02 THE REDSKINS and THE SLANTS: A Review of the Causes, the Cases, and How the First Amendment Is Likely to Impact Trademark Registrations Going Forward <i>Intermediate Level</i>	Room 6C
10:15AM	11:30AM	IM01 Industry Breakout: Battling Counterfeit Sports Merchandise – A Multi-Jurisdictional Review <i>Intermediate Level</i>	Room 602 - 604
10:15AM	11:30AM	RM01 Africa Regional Update: Land, Sea, and Air Adventures – An Update on New Developments and in the Protection and Enforcement of Trademark Rights in Africa <i>Intermediate Level</i>	Room 605 - 607
		COMMITTEE MEETINGS	
10:15AM	12:15PM	Alternative Dispute Resolution Committee	Room 3A
10:15AM	12:15PM	Anticounterfeiting Committee – Western Europe Subcommittee	Room 620
10:15AM	12:15PM	Building Bridges	Conf Center Skagit 4
10:15AM	12:15PM	Law Firm Committee – Associate Concerns Subcommittee	Room 304
10:15AM	12:15PM	Law Firm Committee – Technology Subcommittee	Room 304
10:15AM	12:15PM	Law Firm Committee – Written Content Subcommittee	Room 304
10:15AM	12:15PM	Planning Committee	Room 505
10:15AM	12:15PM	Roundtables Project Team	Room 613
10:15AM	12:15PM	Trademark Office Practices Committee – Latin America TMO Relations Subcommittee	Room 302
10:15AM	12:15PM	Trademark Office Practices Committee – Madrid Subcommittee	Room 308
10:15AM	12:15PM	Unreal Committee	Room 611 - 612
10:30AM	11:30AM	SPEED NETWORKING	Hall 4EF
		COMMITTEE MEETINGS	
10:00AM	12:00PM	Fashion Industry Group	Room 310
10:30AM	12:00PM	Internet Committee – Domain Industry Issues and Metrics Subcommittee	Room 614
10:30AM	12:00PM	Internet Committee – ICANN Compliance and Accountability Subcommittee	Room 615
11:00AM	12:00PM	Bad Faith Task Force	Room 307
		COMMITTEE MEETINGS	
11:15AM	12:15PM	2019 March Conference Project Team	Room 303
11:15AM	12:15PM	Anticounterfeiting Committee – South Asia Subcommittee	Room 306
11:15AM	12:15PM	Country Guides Project Team (Legal Resources)	Room 305

Continued overleaf

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