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141st Annual Meeting, Boston



daily news

Saturday May 18, 2019

Boston Beckons: The Inside Scoop on the 2019 Annual Meeting

Get ready for five days of action-packed educational programs and networking opportunities! INTA 2019 Annual Meeting Co-Chairs share their thoughts on some of the best and brightest aspects of the event—the world’s largest gathering of global brand professionals.

During the next five days, more than 11,000 brand professionals from 150+ countries will descend on Boston for INTA’s 141st Annual Meeting. Registrants will take advantage of 300+ educational offerings, including general sessions, Table Topics, and workshops that cover a wealth of relevant intellectual property (IP) and related business topics. Opportunities to meet with like-minded professionals

will abound at numerous receptions and networking events. Registrants will be able to meet with clients and colleagues on site and explore one of the United States’ oldest cities.

As co-chairs of the 2019 Annual Meeting Project Team, Cynthia Walden, Principal at Fish & Richardson P.C. (USA) and Ronald Van Tuijl, Intellectual Property Trade Marks Director at JTI (Switzerland) are fully



Cynthia Walden



Ronald Van Tuijl

prepared for—and excited about—this year’s gathering. Here, Ms. Walden and Mr. van Tuijl share their insights on how the Annual Meeting can empower registrants to face the present and future challenges of the IP industry.

What are some of the most pressing issues facing brand professionals in 2019—and how are these being addressed at the Annual Meeting?

Cynthia (Cindy) Walden: Counterfeiting, especially its prevalence on e-commerce sites, continues to be a pernicious issue for brand owners. There is an all-day **Anticounterfeiting Workshop** [exclusive to in-house practitioners and government officials] on Saturday—just as the Meeting gets going—that will provide an excellent opportunity to learn about the latest ➔ 3

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Getting it Right from the Start

For budding entrepreneurs, intellectual property protection may not be a priority, but it should be, as Tom Phillips reports.

When a business is starting out, the to-do list can be overwhelming. For many spanking new entrepreneurs, registering a trademark is buried below creating a logo, renting office space, and finding an accountant.

But the difference between filing an application to protect a brand and not

doing so, can be the difference between success and failure. Companies that started out with an idea and some business cards have sometimes gone on to become household names that have endured for decades. Many others remain lost to the competition.

In recent years, the need to register

a trademark has only increased as counterfeiters, cybersquatters, and trademark trolls run sophisticated operations targeting businesses everywhere. For many startups, a stolen trademark can be their first introduction to the world of intellectual property (IP). ➔ 4



Total Registrants
as of 5/16/19:
11,173

East
Asia-Pacific:
1,953

EU European
Union: 2,546

Europe Non-EU: 357
Europe Russia
and CIS: 189

LATAM:
1,312

MENA: 241

North
America
(U.S. and
Canada):
3,983

South Asia: 373

Sub-Saharan Africa:
219

Grand Total: 11,173

Letter from CEO Etienne Sanz de Acedo

INTA is first and foremost a community. And while our Annual Meeting is one of the busiest working weeks of the year for all of us, it's also our opportunity to come together, meet friends—old and new, learn from each other, advance our Association, and foster the community spirit that energizes our work.

Over the years, I have come to see just how valuable it is to be part of this community. This community spirit filters throughout our Board, our leadership, our various committees, and our global membership. No doubt, it is good for our Association, for our industry, and for our 35,000+ members around the world.

With this in mind, I welcome you to Boston and **INTA's 141st Annual Meeting**. Let me take this opportunity to thank the Annual Meeting Project Team, led by Cynthia Johnson (Walden, Fish & Richardson P.C., USA) and Ronald van Tuijl (JT International S.A., Switzerland), and the INTA staff for putting together this event for all of us. It's a tremendous undertaking, and I'm always left a bit awestruck at the end result.

Ahead of us are five days of world-class educational programming. It features thought leaders from the global intellectual property (IP) community and business professionals from an array of industries that intersect with brands, trademarks, and related IP. In between your business meetings, I encourage you to take full advantage of the educational sessions as well as the numerous networking events, corporate social responsibility

“ Ahead of us are five days of world-class educational programming. ”



Etienne Sanz de Acedo

world and his vision for how we can work together to support brands in this role. Our keynote speaker, Michael Haddad, will inspire us with his personal story of triumph in the face of adversity and share with us how, even when times are hard, we can make the world a better place.

I usually present the State of the Association during the Opening Ceremony. This year, I look forward to doing something a little different. To learn more about the Association's activities on a regular basis, I encourage you to follow us on social media, visit our website, read our *2018 Annual Report* and other publications, and, during the Annual Meeting, pick up the *INTA Daily News* every day. While here in Boston, it's one of the best ways for you to learn about INTA's activities and advocacy work from the past year, catch up on industry news and trends from around the world, and, of course, know what's happening every day during the course of the week ahead.

I wish you all a productive Meeting, and a safe and enjoyable stay in Boston. ●

initiatives, and countless other activities on the schedule.

Be sure to download the **Annual Meeting mobile app**. It contains all the information you'll need to build your schedule, navigate the Meeting efficiently, and interact with other registrants. The Annual Meeting also takes place online via a dedicated **Annual Meeting LinkedIn Group**, and on Facebook, Instagram, and Twitter. Join the conversations at **#INTA2019!**

Tomorrow, at 4:30 pm, is the **Opening Ceremony**; don't miss it! Cynthia and Ronald will offer insight into the week's action-packed schedule. They will also share tips about our gracious host city: Cynthia is a native Bostonian! Without giving too much away, during his address, INTA President David Lossignol (Novartis Pharma AG, Switzerland) will share with us a distinctive outlook of the positive role that brands play in the

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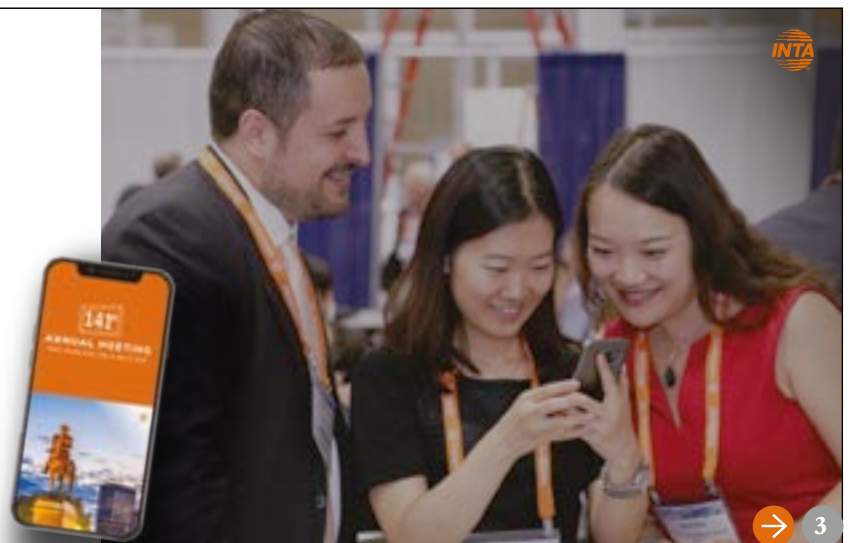
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Boston Beckons: The Inside Scoop on the 2019 Annual Meeting (continued)

← 1 strategies and techniques and to share experiences and best practices. There are also sessions relating to anticounterfeiting in China, and policing and identification of counterfeiting on e-commerce platforms. Other important emerging issues such as augmented reality and virtual reality, big data, blockchain, 4-D printing, and millennial consumerism will also be covered.

Ronald Van Tuijl: I concur with Cindy. For me, with my global responsibility in a multinational corporation, what stands out are the sessions that give updates on case law, jurisdictional updates on regions, and industry updates—as well as those that give broader coverage in terms of the area or topic that they are discussing.

A particular favorite of mine is a **Lunch and Learn** session about personal branding, which takes place on Monday. I think it's increasingly important that brand professionals really know who they are—that they know how to market themselves, that they're true to themselves, and that they understand how they come across—and really make that a part of their personal and career development.

How have you benefitted from attending INTA's Annual Meetings in the past?

RVJ: The opportunity to meet people in person at the Annual Meeting has on several occasions given me the chance to talk through issues with a competitor and to settle matters that I wouldn't have been able to do otherwise. The Annual Meeting has given me the opportunity to meet great IP professionals—some of whom I'm still working with today. In fact, I was introduced by mutual friends at the Annual Meeting to someone who later became my boss.

What are some of the unique benefits of holding this event in Boston?

CW: Boston offers a unique combination of old and new. It's full of history, architecture, and esteemed academic institutions dating back hundreds of years. But it's also a city of innovation. There has been so much change and progress. It's not just the home of esteemed academic institutions such as Harvard University and the Massachusetts Institute of Technology (MIT), but it is also the home of innovative companies, cultural institutions, and an incredible food scene.

The neighborhood around the convention center is currently undergoing a revival. It's also right on the water with amazing views and vast green spaces for walking and jogging. There is something

for everyone, and many interesting things to do and sights to see.

What are some of the corporate social responsibility (CSR) initiatives this year at the Annual Meeting, and how do they align with INTA's 2018–2021 Strategic Plan?

CW: Today, companies are more conscious than ever about their role in making a difference in the world. We want to set an example, and also create opportunities for business professionals to give back to the community.

The programming this year incorporates various ways to do that through charitable events and initiatives. One is the **Bikes for Kids** event on Saturday, where [preregistered] participants will help to assemble bikes, which are then donated to kids in need. It's a wonderful team-building event and also a really fun activity.

Among other initiatives, we'll also be holding a volunteer service day for those who want to participate in **The Greater Boston Food Bank** effort. The Annual Meeting also offers some excellent programming focusing on this important issue.

RVJ: On the educational front, several sessions will address CSR from different vantage points. There's a noteworthy session, **Brand Protection and the Intersection of Trademarks, Advertising, and Corporate Social Responsibility**, that talks about how your CSR disclosures impact your brand—particularly with respect to environmental, social, and health issues. All of these CSR offerings at the Annual Meeting are about giving back and being socially responsible. They also help to build consumer trust, one of the pillars of INTA's Strategic Plan.

Today's young consumers are increasingly demanding that a brand be authentic and socially responsible. If the brand is not authentic, they will simply not buy their products because they don't trust the brand. As brand professionals, all of us are, in a way, guardians of brands. And brands are increasingly owned by consumers, and shaped by consumers and their expectations. So social responsibility is squarely within our role.

“ There is an imperative to really focus on and maximize the innovative use of technology when it comes to how companies market, advertise, and render their services. ”

Cynthia Walden

Changing demographics, emerging technologies, and the rising influence of younger consumers are key factors affecting the work of today's brand professionals. How are these issues covered in the educational program?

CW: There's a whole new generation of consumers coming into the marketplace relying almost entirely on digital technology. So there is an imperative to really focus on and maximize the innovative use of technology when it comes to how companies market, advertise, and render their services.

There's an interesting session on artificial intelligence that I think will be really relevant to both long-time and younger practitioners who are getting into the industry. There's also an industry breakout session on blockchain that will discuss how things will be marketed, and I think this will increasingly relate to trademark issues in the marketplace.

RVJ: We're looking forward to the findings of INTA's new study, “Gen Z Insights: Brands and Counterfeit Products,” which will address insights into Gen Z [those born in the mid-1990s to mid-2000s] and their relationships with brands. As practitioners, we tend to see innovations such as virtual reality and augmented reality as disruptive technologies and initially approach them as threats to IP. But from a Gen Z perspective, these are considered perfectly normal and part of their lives.

As professionals, I think it's important that we find a way to make sure that we, as always, enforce, defend, and protect our trademarks as we have historically done—but adapt to the new expectations of Gen Z.

What can registrants gain from taking advantage of all the aspects of the Annual Meeting beyond the programmed sessions?

RVJ: I personally enjoy the **In-House Practitioners' Idea Exchange**, which is not limited to a specific subject. Practitioners talk about a wide range of topics, from case law updates to personal branding, from designs to geographical indications to trademarks.

The range is very broad, so there is something for everyone. Many of the topics addressed can really help you develop yourself and your career in the broad sense, even beyond IP knowledge.

CW: I think the way to get the most out of the Meeting is really to dive in and take advantage of all the offerings, such as the **Lunch and Learn** sessions. There are also **Table Topics** where you can sign up for a subject that interests you and have breakfast or lunch with

“ The opportunity to meet people in person at the Annual Meeting has on several occasions given me the chance to talk through an issue with a competitor and to settle matters that I wouldn't have been able to do otherwise. ”

Ronald Van Tuijl

an expert and your peers. It's a very interactive opportunity, and you can share experiences and engage in a group discussion on a smaller scale than sitting in a big conference room.

The **Exhibition Hall** always has great vendors with new things to show and talk about. And then of course we have the Industry Breakouts and a whole host of receptions, including some for in-house practitioners, and some for students.

What advice do you have for young practitioners and first-time registrants joining us in Boston?

RVJ: We've all had our first INTA Annual Meeting experience. And I've met many people who really took the time to make sure that the Annual Meeting was a positive experience for me. So my advice is—don't be shy, talk to people, introduce yourself, and ask any questions you may have while you're there.

But also, be prepared. Look at the educational and networking opportunities ahead of time, because once you're there it can be overwhelming. I also strongly recommend first-timers attend the **First-Time Orientation and Reception** Saturday afternoon.

CW: Have a game plan. Roll up your sleeves and dive in. Take advantage of the opportunities to hear and to learn from the experts. There are so many esteemed practitioners, academics, judges, and other industry experts from around the world who will be there. For example, officials from the U.S. Patent and Trademark Office and the Copyright Office will be there doing a session. We have an international panel of judges. There will be many, many people there. It is a rare and exciting opportunity to hear what they have to say and ask questions.

So put yourself out there. Go to the programs. Engage in the networking events—and really try to stretch yourself and learn something new. ●

Check out the Exhibition Hall from 10:00 am to 4:00 pm tomorrow

Getting it Right from the Start *(continued)*

← 1 Two young brands at different stages of their IP lives, for which trademarks and their legal counsel have played a big part in their journey, are featured below.

The Fishwives Club Boutique Winery

When Patrick James Robertson left a career in advertising to create The Fishwives Club Boutique Winery in Cape Town, South Africa, in 2012, he had scant knowledge of IP.

His startup's artistic labels, slick marketing, and brand name reflected his previous expertise. He did register his trademarks in South Africa; however, despite that, his brand was unprotected overseas.

Trading went well and he started exporting to Europe. But then, to his amazement, two European importers registered his brand without his permission.

"I spent 25 years in advertising, but we didn't get into the legal side of brands, we were just in charge of creating brands," Mr. Robertson admits. "I didn't know trademarks could be used as a weapon against a supplier."

The situation is complicated by the fact that his company still has a contract with the importers, despite currently pursuing a case in the German courts challenging the registration. While sales have not been affected, they might be if he cannot register his mark in the EU. The experience has also been stressful and has cost him money in legal fees. It has, he says, been an education.

"When I created my own brand, I didn't think this would be a thing. I thought trademarks pertained to IP such as ideas. I thought that once you started trading as a brand, you would automatically be known as the owner," he recalls.

Now exporting to 10 countries (mostly in Europe and also three countries in Africa), The Fishwives

Club Boutique Winery plans to enter the U.S. market. But after getting his fingers burned in Europe, Mr. Robertson is not taking any chances, and has enlisted the help of INTA's Pro Bono Trademark Clearinghouse.

The Association created the clearinghouse to help clients with trademark issues who may not be able to afford legal representation. For Mr. Robertson, this means valuable advice on how to file in the United States—a major market that could dramatically boost his business.

"Patrick didn't want to run into issues with rogue distributors who might try to register his trademark without his permission," says Jaime Vining, Co-Founder of Friedland Vining Intellectual Property Attorneys (USA), who is the pro bono team lawyer assigned to Mr. Robertson's case.

"His company is a startup, and he doesn't have the funds to register worldwide, but he does want to expand worldwide. We see that a lot through the INTA Pro Bono Trademark Clearinghouse—people with big dreams and smaller budgets—and we're happy to help them."

Other brands are lucky enough not to face the kind of dispute that befell Mr. Robertson, and protection from unscrupulous actors is only one positive aspect of registering trademarks, as Ms. Vining explains.

"A trademark registration is a corporate asset. So if Mr. Robertson were to sell his business some time down the line, he could potentially earn royalties or other forms of income from the trademark," she says. "It's important for him, as he has these broad business plans, to make sure his trademark is clear in the countries he wants to expand into, especially as he's taking on new distributors."

Mr. Robertson now includes "trademark" and "registered" symbols across his marketing materials to represent his South African registrations. He confirms that he will



Kalle Törmä

“Registering our trademark globally gave us confidence to set our sights on building a global company without hesitation.”

register trademarks in every territory he expands into, including Europe—but first he has to win back his mark.

"Trademarks are essential for anyone creating a brand. It gives you a leg to stand on. Without it, you are going to be in for a lot more money than you thought, so spend the money and protect yourself. Be cautious," he warns.

Flowhaven

In Espoo, Finland's second largest city, a startup is making waves across the hyper-competitive world of media and entertainment licensing.

Founded in 2016, Flowhaven (Finland) offers companies a software

platform to manage their licensing relationships. In practice, this means helping to manage the workflows between licensors, agents, and licensees, including contracts, product approvals, and sales and royalty reporting—making sure obligations are being met on all sides.

The company has more than 20 employees across its offices in Finland and Los Angeles, California, USA. Its software is in use in more than 200 countries, helping big licensors such as Rovio Entertainment, also based in Espoo, as well as licensing agents representing brands, including the FIA World Rally Championship.

Flowhaven is turning into one of Finland's success stories, following in the footsteps of Rovio, where Flowhaven CEO Kalle Törmä worked previously.

At Rovio, Mr. Törmä was a brand licensing specialist during the company's period of major growth, as its "Angry Birds" game and related merchandise grew into a massive global franchise.

"My life would have been easier if there had been software available that could be tailored to meet the customer's needs using business data," says Mr. Törmä, who went on to create a workflow tool that did just that.

Built on Salesforce, the world's largest customer relations management software-as-a-service (SaaS) program, Flowhaven scaled a solution already in use to meet the rigors of brand licensing.

It's a complex and fast-moving market, with global licensing operations sometimes involving several hundred companies and thousands of products. The task can be a race against time to find the best partners, and launch the right products that adhere to the right agreements, all without delays or worse—having counterfeits entering the market.

"Time is of the essence, whether it's a games studio, film studio, or sports merchandise company. Typically there's a fixed date—some event that

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merchandise is aimed at—meaning there is a very small window brand owners are aiming to capitalize on,” explains Mr. Törmä.

With a good knowledge of IP from the beginning, Flowhaven ensured its own IP was registered in all the regions it had targeted for expansion.

“It was pretty straightforward that if we wanted to be the experts at managing brands then we needed to ensure we properly established our own brand, so we put the trademarks in place from the beginning,” he adds.

A blanket approach was also important for other reasons. With 55 percent of the brand-licensing industry based in the United States, mostly in California, a company with its head office in a Nordic country would always be looking beyond its borders.

As a SaaS product, an international customer base is essential. But, Mr. Törmä explains, registering its trademark in dozens of countries gave the company something more.

“Registering our trademark globally gave us confidence to set our sights on building a global company without hesitation or future fears that we would need to switch brand names or worse, start again,” he recalls.

In conversations with clients and investors, having solid trademark

coverage across many markets is “a sign of a company working at a more mature level,” Mr. Törmä suggests. “You don’t necessarily need a rationale behind why you have trademarks, but it is a sign that there’s a long-term plan in place that is being followed.”

Investment Matters

Mr. Törmä’s IP lawyers, Katri Kiviniemi, European Trademark and Design Attorney, and Sakari Salonen, Head of Intellectual Property, both at Castrén & Snellman (Finland), agree.

Ms. Kiviniemi says trademarks are especially useful to brands looking to scale up, because of their value with investors. The IP situation is one of the first topics investors ask about, she says.

For Finland’s entrepreneurs, who rely on such investment, this makes registering IP essential.

“I would always say that companies that are born global, like most web-based companies, should instantly protect their trademarks all over the world in the regions they are aiming for, because once the brand is out there, it’s fair game,” says Ms. Kiviniemi.

Even so, Finland’s vibrant outward-looking startup scene suffers from the same lack of IP awareness as elsewhere, notes Mr. Salonen.

“Based on our experience, many companies do not understand the



Jaime Vining

“We see that a lot through the INTA Pro Bono Trademark Clearinghouse—people with big dreams and smaller budgets—and we’re happy to help them.”

territorial scope of trademark protection. In many cases companies think they have protection, but are surprised to discover that an EU trademark doesn’t, for example, cover Norway.

“They face a lot of problems because they are not able to get

trademark protection where they want it,” he says.

Trademarks and Success

The markets in which The Fishwives Club and Flowhaven are building their brands are very different, and the companies began with a marked contrast in IP knowledge, yet both are leaning on the trademark system to protect their IP as they expand into new regions.

Both have felt the confidence boost that registering gives a young company—which leads to the question: can a brand be a success without a trademark?

“You can absolutely be a success—especially in the United States, where our trademark laws are based on use, not on registration,” says Ms. Vining.

“But in Europe and most of the developed world, your rights are based on registration, not use, so registration can play a very important role to an aspiring business expanding internationally.”

Not doing so can leave companies vulnerable to costs, not to mention stress and increased working hours, like those suffered by The Fishwives Club.

“We see a lot of trademark trolls and as companies expand, if they don’t register the trademark it can be very difficult and costly to acquire that trademark back,” warns Ms. Vining. ●

In an uncertain legal environment, we are one law firm that is not content simply to accept the status quo. We work constantly to influence the evolving body of Mexico’s intellectual property laws, with the goal of ultimately bringing them in line with international standards. While we continue to make great strides in this regard, clients from all over the world rely on us to prosecute, manage, and defend their IP portfolios under the laws that exist today. In other words, we work effectively within the system, even as we seek to change it.



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Nurturing Innovation: IP Offices and SMEs

Small- and medium-sized enterprises are crucial to the global economy, though many do not understand the importance of intellectual property. Rory O'Neill looks at how IP offices are helping to change that.

According to the Organisation for Economic Co-operation and Development, small- and medium-sized enterprises (SMEs) make up 99 percent of all enterprises in its 36 member states. It is clear that SMEs, including researchers, manufacturers, and retailers, are the heartbeat of the global economy.

Yet, do these enterprises have the knowledge or the resources to protect their IP effectively? This is a challenge that IP offices around the world have been forced to grapple with in order to ensure that innovation in the economies they serve is properly protected. While there is no one-size-fits-all approach, examining the different ways in which IP offices around the world are trying to enable SMEs to better protect their IP can shine some light on best practices.

Africa

The African Regional Intellectual Property Organization (ARIPO), an inter-governmental organization, has led the way in developing new pathways to IP knowledge and services for the continent's SMEs. Director General Fernando Dos Santos acknowledges that there is a lot of work to be done in educating SMEs. "While they are either using or creating intellectual property daily, the reality on the ground is that most of these enterprises have not the slightest idea about intellectual property," he says.

Yet, he says, "Most of the African countries' industry and employment is driven by SMEs." Teaching SMEs how to harness and monetize their IP effectively is therefore a priority for ARIPO. Yet the landscape is a difficult one.

Many countries in the region are still grappling with the legacy of the past. "We still have states that are operating under outdated legislation dating back to the colonial era," Mr. Dos Santos notes. An important priority for ARIPO is overcoming the disparities in various countries' legal regimes and achieving greater harmonization across the continent in IP policy. Yet Mr. Dos Santos says that, at present, the level of political will to adopt ARIPO protocols into national law is "low."

It is in this context that the level of knowledge on IP and its benefits is not what it could be.

Mr. Dos Santos says that ARIPO has adopted a "multifaceted approach" to overcome these challenges. Among the most successful measures has been its "roving seminars" delivered in various member states. In 2018, the



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organization delivered the seminars in five countries, attracting 450 participants. The current round of seminars is focused on universities and research and development institutions, and is centered on the theme, "fostering creativity and innovation for economic growth and development in Africa."

So how successful have these been? While, as Mr. Dos Santos notes, the success of these seminars is measured mostly in the long term, he has observed an immediate impact. For example, he



Fernando Dos Santos

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Most of the African countries' industry and employment is driven by SMEs.

”

says, "We tend to record heightened activity in registration of IP rights after training." This activity comes mostly in the form of registration of utility models, designs, and trademarks.

ARIPO also receives positive feedback from attendees at the seminars, including those who have called for the inclusion of participants from a greater variety of sectors in which SMEs are active. "So far, trainees have always expressed satisfaction and have, in fact, appealed for more training," Mr. Dos Santos says.

Australia

According to Andrew Mackay, Acting General Manager of the People and Communications group at IP Australia, the country's national registry office, "IP is often seen as a luxury for many SMEs." IP Australia has found it difficult to "cut through with key messages in an already loaded business advice ecosystem."

It doesn't help, Mr. Mackay says, that the level of understanding of IP in Australia is "quite low" compared with that of countries such as the United States. To help overcome this challenge, the Office has made educating small business owners a priority.

Given Australia's large geographical scale which makes running traditional face-to-face seminars both logistically challenging and expensive, he notes,

IP Australia has adopted an innovative approach: what it calls a "digital first" policy.

To this end, the Office has devised a toolkit for SMEs to access online, accompanied by a digital assistant to help navigate the function. The toolkit, Trade Mark Assist, allows users to check whether their trademark applications are in compliance with legal requirements and are likely to be approved for registration. The service is aimed in particular at smaller



Andrew Mackay

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The IP system is key to enabling an innovative and internationally competitive business environment.

”

companies that are filing without the services of an attorney.

In 2017, IP Australia also introduced a webinar program specifically aimed at educating SMEs across the country. Currently, the webinars are built around four content modules which seek to demonstrate the basics of IP and its relevance to small business.

Underpinning all of this work is IP Australia's conviction that better educating small business owners on the importance of IP is essential to the country's continued economic development. Notes Mr. Mackay: "The IP system is key to enabling an innovative and internationally competitive business environment, and with so many Australian businesses falling into the SME bracket it's crucial they are involved."

Peru

Indecopi, the Peruvian IP Office, has taken steps to make its system of trademark filings as accessible as possible online, with a free app, PeruaNIZAdo, for searching the appropriate class of interest for a mark. Also at no cost, Indecopi offers electronic publication of trademark applications, a Trademark Advisory Service to answer basic queries on the registrability of a given mark, and advice on applications.

Ray Meloni García, Director of Distinctive Signs at Indecopi, explains that these activities help SMEs by reducing the costs associated with registering a mark; additionally, the Office has been working hard to reduce the time required to register a mark, to the point where a simple application that faces no opposition can move to registration in 35 working days.

In addition, Indecopi has had to be more creative in adapting to the peculiarities of the Peruvian economy. One of Indecopi's landmark policies has been the promotion of collective marks, which as Mr. García explains, "are tools that allow the value of intangible assets, benefiting a community of organized producers, by distinguishing products that share common characteristics such as geographical origin, raw material, traditional, ancestral, or cultural practices."

In Peru, there are particularly diverse geographies, peoples, cultures, and traditions, and Indecopi has promoted the collective mark scheme to encourage the use of IP and entrepreneurship more broadly in communities that otherwise may not have been able to access the knowledge.

Mr. García says that Indecopi provides support to these entrepreneurs in the various stages of this formalization, including providing legal advice before the start of the collective mark initiative, making



Sarah Whitehead

“It is important to us that IP is a critical element of an SME’s wider business strategy.”

applicants aware of the requirements, monitoring that the registration is progressing correctly, and even, ultimately, providing tools that help consolidate a mark in the market.

In the wake of severe flooding which drastically adversely impacted many Peruvian communities in 2017 and 2018, Indecopi waived all registration fees for collective marks. Mr. García explains that this has been extended until September 2019 due to its unprecedented success: the number of registrations of collective marks increased from 53 in 2017 to 823 in 2018.

More than 7,000 families of producers, artisans, and SMEs from the areas affected by the floods have subsequently benefited from collective marks, Mr. García adds.

Indecopi is currently exploring whether to reduce application fees for all types of IP for SMEs to further enhance its approach, while continuing to host SME-targeted road shows across Peru, he says. In 2018, the Office hosted events in nine regions of Peru, providing advice to more than 1,400 entrepreneurs.

Switzerland

The Swiss Federal Institute of Intellectual Property (IPI) has been engaging with SMEs based on a research project that began back in 2009. "SME-IP" looked at how SMEs were using IP and what they needed in terms of IP services, explains Eiman Maghsoodi, Economist in IPI's Legal & International Affairs Department.

In response, IPI developed various tools for SMEs, including a "Contact Center" where SMEs can get quick answers to their IP questions, as well as training resources aimed specifically at the SME sector.

The Institute has also set up an "IP

Advisory Network," which offers SMEs a free, 45-minute legal consultation with an attorney member of the network.

Next, IPI hopes to update the previous research and use it to further drive policy, as well as to measure the impact of IPI's work. Mr. Maghsoodi says: "While the best indication of effectiveness is the rising demand for our services ... one of the future aims is to evaluate the performance of our measures as far as possible."

United Kingdom

Similarly, the UK Intellectual Property Office (UKIPO) has prioritized digital tools as a means of enfranchising SMEs to protect their IP more effectively. Underpinning this strategy is the conviction that educating SME owners on the importance of IP and then helping them to maximize their IP protection is a key function of the Office. "It is important to us that IP is a critical element of an SME's wider business strategy," says Sarah Whitehead, Deputy Director of Innovation at UKIPO.

The Office has introduced "IP for Business," a "suite of digital tools" aimed at SMEs. These tools include the "IP Equip" and "IP Healthcheck" initiatives, which offer free online educational modules about the basics of IP, and help determine whether a business is effectively protected. According to Ms. Whitehead, these tools have been accessed over 50,000 times in the past seven years.

UKIPO also offers face-to-face engagement through events such as the "IP Masterclass." According to Ms. Whitehead, this intensive three-day course is central to UKIPO's efforts to educate partner organizations that advise SMEs on business strategy. These partners include local and devolved authorities, the library network, and England's Growth



Eiman Maghsoodi

“The best indication of effectiveness is the rising demand for our services.”



Ray Meloni García

“More than 7,000 families of producers, artisans, and SMEs from the areas affected by the floods have subsequently benefited from collective marks.”

Hubs. These Growth Hubs were established by the U.K. government as part of efforts to boost small business proliferation.

More than 700 partners have completed the course since its launch in 2012 and "report a positive response from their customers," says Ms. Whitehead.

Ultimately, the goal of these initiatives is to increase innovation. Ms. Whitehead says, "The education of SMEs is very important to the UKIPO's work; it's about behavioural change. IP plays an important role in contributing to the UK's industrial strategy and the government's ambition to make the UK the most innovative country in the world."

Different Strokes

What is clear is that IP offices need to adapt to the unique environments in which they operate; not all SMEs face the same issues, and not all countries have the same business landscape.

Nonetheless, there are some common threads that can be drawn between the work of IP offices around the world as they try to extend the benefits of rights protection to SMEs. Education is a recurring theme.

In most cases, it appears that small enterprises often know little or nothing about the available tools for protecting their IP. The major task for IP offices set on assisting SMEs will be not only reaching them, but also making sure that when SMEs are innovating, they turn to IP first rather than as an afterthought. ●

For information on INTA's work with SMEs visit www.inta.org/sme

Membership Value Remains a Priority

INTA's members are the Association's lifeblood, and there are opportunities for everyone to get involved, as Peg Reardon, INTA's Director, Membership, tells Peter Scott.

A decade ago, approximately 60 percent of INTA members were based in the United States. Today, the reverse is true, and members hail from around the world, testament not only to an increase in membership in general, but also to a strategic effort on the part of the Association to widen its reach and impact.

For Peg Reardon, INTA's Director, Membership, the numbers reflect positively on the Association's efforts to demonstrate to organizations and individuals worldwide the benefits of being part of an association.

Of course, those benefits include "business relationships, advocacy efforts, content, and education," Ms. Reardon says, but there's more to it than that. "The most valuable thing members receive is access to all of our resources, in terms of both people and tools," she declares. This includes a network of subject matter experts and knowledgeable staff, as well as guides, databases, and information that can save members time and money.

As a 13-year veteran of the Association, Ms. Reardon knows better than most what drives members not just to join but to make the most of their membership. Last year, INTA launched its "Belonging to INTA Means ..." campaign, as an interactive way for members to articulate what membership means to them.

The campaign allows the Association to gain additional insights into what drives them to join or renew their membership annually, and helps INTA determine what is important to membership.

"The initiative evokes the sense of community our members so often talk about," she says. "The thing I hear most often from members is the lifelong friends they've made at INTA—friends who have helped them when needed—professionally and even personally."

“**While the Annual Meeting provides a valuable opportunity for members to engage with each other and with the Association itself, there are countless other opportunities throughout the year.**”

Fostering Member Engagement

While the Annual Meeting provides a valuable opportunity for members to engage with each other and with the Association itself, there are countless other opportunities throughout the year, whether at regional conferences or events, or through participation in INTA committees.

Ms. Reardon says that INTA's "success is directly related to the efforts of our member volunteers," and that committee participation is something all members should consider.

This year, the application process to join committees opens on June 10, and runs through July 12, with the new two-year terms starting on January 1, 2020. Ms. Reardon advises prospective committee members to complete their online application and provide their first and second committee choices, but also to select the "any committee" box on the application in order to give themselves the best chance of being placed.

In practice, a committee might collaborate on papers, reports, and surveys; contribute to online databases, searchable guides, and newsletters; or even initiate program topics and deliver sessions at INTA's meetings and conferences.

Ms. Reardon advises all members to read the mission statements for the

different committees they are applying for "to appreciate the deliverables, commitment, and scope of work."

While INTA certainly benefits from the work of its member committees, joining one also provides volunteers with opportunities for professional development.

"Being on a committee allows you to develop your public speaking, writing, and leadership skills, as well as broaden your regional or global perspectives," Ms. Reardon says. It can also mean learning how to lead or manage a team for the first time for those members who may not have these opportunities at their workplace.

INTA is fortunate in that it often has more applicants for committees than spots available, so placement on a committee is not guaranteed. The size structure not only allows the Association to ensure the efficient operation of committees, but also to provide overall satisfaction to members during their tenure on them.

In addition to serving on a committee, other important engagement activities include hosting a roundtable or reception, speaking at a meeting, writing an article for the *INTA Bulletin* or *The Trademark Reporter*, or participating in a delegation or idea exchange.

Curated Growth

With INTA continuing to expand its global presence, the 2020 Annual Meeting in Singapore will provide another opportunity for widening membership.

"We focus on corporate member growth specifically on new unique members who have never interacted with us or attended a meeting," she says.

INTA's representative offices and HQ staff play a large role in the recruitment process, in identifying potential

organizations, setting up meetings, and showcasing the Association through regional events, roundtables, and delegations as well as demonstrating how impactful INTA is with policy makers in each of the regions.

More immediately, the focus is on this year's Annual Meeting. For Ms. Reardon, it really is all about member engagement. "I love when we open Annual Meeting registration the first day," she says. "It's so lovely to see so many of our members face to face and to catch up with them when they arrive for their badges." ●

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- Trust
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- Information
- Policy development
- Empowerment
- Collaboration
- Innovation
- Professional Development**
- Conflict resolution
- Volunteering
- Collective Voice**
- Content
- Support
- Forward Planning
- Harmonization
- Friends
- Business Development**
- Truly practicing IP
- Engagement

What does belonging to INTA mean to you?

Be sure to stop by and share your impressions on the message wall in the Annual Meeting registration area. Also, feel free to post your thoughts—using the hashtag #INTA2019—on INTA's social media channels!

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Juan Carlos Suarez	jcsuarez@goodrichriquelme.com	(5255) 5207 9261
Julio Cesar Prieto	jcPrieto@goodrichriquelme.com	(5255) 5207 8183

e-mail: mailcentral@goodrichriquelme.com website: www.goodrichriquelme.com
 Paseo de la Reforma 265, M2 Col. y Del. Cuauhtemoc 06500. Ciudad de México. Tel. (5255) 5533 0040 Fax. (5255) 5207 3150

Keeping Your Finger on the Pulse

INTA's Brand & New podcast series provides a platform for open dialogue with leaders and visionaries across intellectual property. Peter Scott spoke to podcast host Audrey Dauvet to find out more.

What is the aim of the Brand & New podcast?

Podcasting is an amazing tool to share high-value content, and that's definitely the ambition of Brand & New. Brand & New explores, with a 360° vision, the interactions between IP and innovation. Every two weeks, on Tuesday, my guests share their experiences and ideas on "hot topics" that are impacting the IP ecosystems, such as artificial intelligence, machine learning, cybersecurity, and blockchain. But we also talk about subjects less or indirectly tech-focused, from the development of soft skills for lawyers, to brand restrictions, or the intersections between corporate social responsibility and branding. There is always something to learn, for a curious listener!

Why is this initiative happening now?

Hot topics come one after the other at a fast pace and are not necessarily easy to "decrypt"—emerging technologies of the future, new trends coming from different regions or sectors, and how to figure out their impact for IP and legal practitioners and more generally for anyone interested in innovation.

All IP experts I know are curious minds. Brand & New's purpose is to offer them in each 20-minute episode a fresh vision, relevant illustrations, different paradigms and perspectives about the future, to better grasp these

topics. From the feedback received so far from our listeners, it seems that there is a great appetite for such discussions.

What have been your highlights so far?

It's just impossible to choose, given the diversity of the themes we discuss and the guests' profiles. They all bring different perspectives and ideas, and often go beyond the frontiers of legal and tech, giving us food for thought about the economic, social, cultural, or historical dimensions. I've interviewed



Audrey Dauvet

“

It is a privilege to interview people among the world's most inspiring leaders, visionaries, and experts in their areas.

”

the chairman of an international marketing agency who talks about the power of branding, the IP head of a leading media/entertainment company who explains the transformation of his industry, and an IP lawyer who shares his views on the impact of climate change and IP. It is a privilege to interview people among the world's most inspiring leaders, visionaries, and experts in their areas, who help us to understand the world of today and get us prepared for what's coming next.

What's your professional background?

I am a former IP lawyer and general counsel. I started my career in Europe in private practice before joining one of the world leaders in the beverage industry as IP director, and then I spent a few years as head of legal, public affairs and corporate social responsibility (CSR) in the United States. I also studied my passion—journalism—and AI/programming, and that is definitely a precious background today for hosting Brand & New.

What is your experience of being an entrepreneur?

Following an eye-opening trip around the world made two years ago, where I worked for extraordinary non-governmental organizations, I decided, back home, to create my own business, relying on a "purpose brand." We developed with a few partners an

innovative non-alcoholic drink, mixing few "essentials": people, planet, product (excellent!), and profit. In other words, a competitive strategy integrating solid CSR actions.

This venture is amazing, very rewarding, even though it requires being a permanent problem-solver!

Could you tell me a little more about your own business? Why that industry?

After 10 years spent in the beverage industry, I believe that certain opportunities are still untapped, in particular for consumers who are looking for options that combine indulgence, well-being and sustainability. In this respect, the product developed with my partners is in itself a revolution! Stay tuned...

What advice would you give other entrepreneurs, both in general and related to IP in particular?

As an entrepreneur, IP rights constitute one of your most valuable assets; it's never too early to protect these rights. This is a critical point, because a lot of startups that work in an informal environment may neglect to secure their intangible assets and thus fail to safeguard their investment. ●



How to Protect Your Designs

Different jurisdictions have different remedies available for design patent infringement. A session today will cover relevant case law and the different legal remedies available in various parts of the world, as Saman Javed finds out.

Session CSA53 Comparative Design Remedies, from 3:00 pm to 4:15 pm today, will feature an international panel discussing the latest developments in design litigation and the remedies available in China, Europe, and the United States.

Ivan Sempere, Director of the Legal Area and Founding Partner of PADIMA (Spain), will be presenting some key issues from the European perspective and will provide an overview on which remedies are provided by different jurisdictions in Europe and how they are implemented.

"Having a design right without appropriate remedies when it is infringed is nonsense and frustrating," Mr. Sempere says.

"But it is not only about the law, but also how judges, lawyers, and businesses react and manage infringements. The European Union is the sum of many jurisdictions and it is worth knowing how we manage to provide uniform enforcement rules," he notes.

The session will also discuss current cases moving through the courts.

Also speaking on the panel, Tracy-Gene G. Durkin, Practice Leader of the Mechanical & Design Practice Group at Sterne, Kessler, Goldstein & Fox P.L.L.C. (USA), says she is looking forward to discussing the *Apple Inc. v. Samsung Electronics Co.* U.S. Supreme Court decision on the measure of damages in design patent litigation.

"Systems with strong remedies for design infringement deter would-be copiers; weak systems encourage knockoffs. All eyes are now on the U.S. Court of Appeals for the Federal Circuit, which will soon review the first jury verdict since the Supreme Court decision," Ms. Durkin says.

According to Guanyang Yao, a Partner at Liu, Shen & Associates (China), "The session will help international companies that have design patents in China to understand the strength of design patent enforcement in the country."

He says his presentation will introduce the newly updated court system on IP protection in China. He

will also discuss the injunctive relief granted to design patents and the damages that are generally awarded for design infringement.

Also speaking on the panel will be Sarah Burstein, Professor of Law at University of Oklahoma College of Law (USA). The panel will be moderated by Robert S. Katz, Attorney at Banner & Witcoff, Ltd. (USA). ●

Session CSA53 takes place from 3:00 pm to 4:15 pm in 206 AB

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Recent Developments in China

Dan Plane and Joe Simone of SIPS (China) outline the major changes to the administration of IP in China.

Trademark Law Amended

The Trademark Law of the People's Republic of China (PRC) was amended on April 23, 2019, by the Standing Committee of the National People's Congress (NPC), with the changes scheduled to enter into effect on November 1, 2019.

The revised law dramatically increases the maximum level of statutory and punitive damages against infringers, but the most exciting provisions in the law are those intended to address the chronic problem of bad-faith trademark registration.

The new law explicitly prohibits bad-faith filings where evidence of intent to use is lacking and grants administrative authorities the power to reject such filings rather than merely dealing with them incidental to oppositions and invalidations. The revised law also prohibits trademark agents from knowingly assisting applicants to file such applications.

Beyond these promising changes, the revised law makes China a pioneer in global efforts to address bad-faith registration by granting administrative authorities the power to impose fines and other penalties against trademark warehousemen and their trademark agents. The law also grants civil courts the power to impose penalties against "malicious trademark litigants"—no doubt with the aim of deterring registry pirates from filing civil actions against victim brands for the purpose of extorting compensation.

It is unclear whether draft implementing regulations to the new law will be issued for public comment. The implementing regulations are in any case expected to be issued before the revised law enters into effect on November 1, 2019.

Draft Provisions against Bad-Faith Registration

In February 2019, the China National IP Administration (CNIPA) issued draft rules for public comment that would offer new procedures and penalties for dealing with bad-faith filings.

The draft "Provisions on Standardizing Applications for Registration of Trademarks" would allow IP owners to



Dan Plane

file petitions to CNIPA to request effective blacklisting of so-called "abnormal" filers, with the following potential consequences:

- A requirement that the applicant submit evidence confirming its use or intent to use of new marks;
- Rejection by the Trademark Office of applications for assignment; and
- Penalties under China's emerging "social credit" system (which currently includes bans on an individual's access to plane and high-speed train tickets).

It is unclear if the draft Provisions will be issued on their own or incorporated into the future implementing regulations to the recently revised Trademark Law. But further clarity in this regard should be forthcoming in the next few months.

Restructuring of IP Bureaucracies

The Chinese government has merged all national departments responsible for IP matters—excluding copyright—under the State Administration of Market Regulation (SAMR), and as such, the bodies responsible for trademark registration and policy matters have taken on new names.

Primary responsibility for registration and policy matters relating to trademarks, patents and unfair competition now lies with the newly formed CNIPA, which will handle work previously performed by the Trademark Office, the Trademark Review and Adjudication Board (TRAB), and the patent-focused State Intellectual Property Office. Responsibility for copyrights remains with the National Copyright Administration for reasons which have not been disclosed.

The Trademark Office, operating under CNIPA, has retained its name and most of its functions, with day-to-day examination work handled by its Trademark Registration and Examination Department (TRED). Meanwhile, the TRAB, which handled administrative appeals and invalidations, has been renamed the Trademark Review and Adjudication Department (TRAD) of CNIPA.

Acceleration of Timelines

Over the last year, the Trademark Office and TRAB/TRED have significantly accelerated the timelines for processing new applications, renewals, and other matters.



Joe Simone

New Ecommerce Law

China's first Ecommerce Law entered effect on January 1, 2019, and covers a wide range of matters, including antitrust, data protection, consumer protection, payment and delivery services, and of course, IP infringements—although not to the extent many hoped.

Provisions relating to IP that appear to mark a change in existing law and practices include the following:

- New requirements for vendors to register their businesses and display their business licenses;
- Clarification that platforms may be held jointly and severally liable if they allow continued sales of goods that fail to meet relevant standards for the protection of personal safety or property; and
- Obligations on platforms to discontinue IP enforcement measures against a vendor of allegedly infringing goods upon receipt of a counter-notice from the vendor that makes a prima-facie case of non-infringement, unless the complaining IP owner files a complaint with local courts or administrative enforcement authorities.

Implementing regulations to the new law are yet to be issued, and as such, Chinese trade platforms are claiming that absent clarity on the precise scope of

their obligations, they are unable to fully comply with the new law.

New Evidence Preservation Rules Issued by Supreme People's Court

Historically, Chinese courts have been reticent to issue preliminary injunctions in civil cases involving IP rights. To encourage courts to be more generous in this regard, the Supreme People's Court issued new rules that entered into effect on January 1, 2019: the "Supreme People's Court Regulations on Certain Issues Concerning the Application of Law for Conducting Preservation of Assets in Intellectual Property Disputes" (SPC Rules).

The SPC Rules provide greater clarity on a number of issues, including definitions of "urgent circumstances" and "irreparable harm."

Notably, the SPC Rules explicitly permit parties that have submitted disputes to arbitration to apply for preliminary injunctions pending issuance of arbitral awards.

Impact of Pending Trade Deal

As of this writing, the Chinese and U.S. governments have been negotiating a range of issues, including those focused on the enforcement of IP with the aim of concluding a bilateral agreement.

Media reports suggest that the main IP-related "asks" of the U.S. government have focused on trade secrets and so-called "forced technology transfers," and it remains unclear whether the final agreement will address trademark counterfeiting, bad-faith registrations, and other problems routinely faced by IP owners in China.

Regardless, the PRC government has begun reaching out with more intent to foreign and domestic companies in order to better understand their IP problems. ●

Dan Plane is a partner at SIPS. He can be contacted at: danplane@sips.asia

Joe Simone is a partner at SIPS. He can be contacted at: joesimone@sips.asia

Current Timelines for Prosecution Matters in China

Action	Timeline (from filing date)
Official filing receipt for new application	15 days to one month
Notice of amendment	2 months
Notice of refusal or internal approval	5 to 7 months
Publication/gazetted of application	6.5 months
Non-use cancellation	8 to 9 months
Opposition	13 months
Change of name/address	2 to 3 months
Change of agent	2 months
Renewal	1 month
Assignment	5 to 6 months
Certified copy of registration certificate	2 months
Application appeal	6 to 8 months
Invalidation	11 months
Non-use cancellation appeal	9 to 11 months
Evidence exchange notice for invalidation	7 months
Notice to defend against opposition	5 to 6 months from filing of the opposition
Re-issuance of registration certificate	1 month
Withdrawal	2 months

“ It remains unclear whether the final agreement will address trademark counterfeiting, bad faith registration and other problems routinely faced by IP owners in China. ”

How to Grow Your Brand Prudently

Fast-growing companies face challenges in managing and protecting their brands. James Nurton identifies the five “D’s” that can help them navigate the path to protection.

Nearly every company starts small. Some will remain small, but many will grow—into new markets, new territories, and new products. As they do so, they face challenges, including how to manage and protect their brands and other IP assets.

In today’s world, startups can emerge and blossom in a matter of months, and technology is constantly driving new business models. This means that growing companies have to respond and adapt faster than ever before.

While no two businesses face exactly the same challenges, there are some common experiences that all brand owners can learn from. These can be grouped under five broad headings: Defense, Data, Decisions, Disputes, and Diversification.

Defend Your Rights

Intellectual property (IP) practitioners do not need to be reminded that the most important step after creating a brand is to protect it, but emerging companies, which may not be familiar with the nuances of IP law, often find it hard to evaluate the available options. Registering IP rights, including trademarks, designs, and copyright if relevant, is one way to secure protection.

Companies also need to think about domain names and social media titles on Twitter, Instagram, Facebook, and other platforms.

The options may seem overwhelming, but exploring them can mitigate issues down the road. Looking just at trademarks, there are many questions for growing companies to address early or else risk future disputes and even losing rights over their brands.

These include: Which classes should we seek trademark protection in? Which jurisdictions should we file in? Should



The most important step after creating a brand is to protect it

we use regional systems such as the EU trademark or international registrations through the Madrid System? Are there nontraditional elements of the marks (such as shapes, colors, and sounds) that we should protect?

Rafa Gutierrez, Director, Intellectual Property at Uber (USA), founded in 2009, has watched the company enjoy what he calls “explosive” growth since he joined in 2016 as its first in-house trademark attorney. The company is now present in more than 700 cities in some 65 countries, and has expanded way beyond a rideshare app.

“Growth brings more work. The challenge is how to streamline and prioritize that work given the resources we have. One of the most useful things I did was adapt a system that was being used elsewhere in the company to create our trademark search submission portal,” Mr. Gutierrez explains. “We found it probably saved us five times the amount of work in just the first six months.”

Young companies face two big challenges in building their brands. The first is a lack of resources for IP protection, as trademarks may not be the top priority when a startup is struggling to roll out new products, raise finance, and hire staff.

“There’s a fine line between managing your budget, on one hand, and being prepared for the future, on the other. It is easy for companies to underestimate the perils of not spending the extra cash at the outset,” says Verena von Bomhard, Founding Partner of Bomhard IP (Spain).

The second challenge concerns vision, and the difficulty of knowing where your business is going to be in several years’ time. Ms. Von Bomhard says it is vital at an early stage to think about geographical growth.

“If you have the slightest intention of international expansion, you need to plan for protection in the major jurisdictions. For most companies, they are the United States, the European Union, and China,” she explains.

“Some young companies don’t appreciate that trademark systems can vary in different parts of the world. For example, in Europe it is not easy to block a registration based on prior use, but in the United States, many European companies face objections about lack of use, so you shouldn’t file there unless you have plans to use the mark at least in the medium term.”

In addition to new geographical markets, it is important to consider possible future product launches, says Samir Dixit, Managing Director of Brand Finance Asia Pacific (Singapore), a branded business valuation and strategy consultancy. Too narrow a protection strategy (covering too few markets or classes of goods) may limit growth options.

However, according to Ms. Von Bomhard, that does not mean filing in every class. “We see a lot of applications that cover many classes. Do you really need protection in multiple classes? Not only can it be an extra expense but it can also attract heaps of oppositions.”

Mr. Dixit suggests that problems often arise because many young companies think about their brand too narrowly. “Branding and brand management are not the same. You can put your logo everywhere but that is not brand management.

“It involves a lot more focus, measurements and key performance indicators,” he says—and that’s where data comes in.

Driven by Data

Data is the fuel that will drive your brand growth—and yet, says Brian M. Daniel, Valuation and Damages Specialist with Charles River Associates (USA), many growing companies do not fill up.

“Robust data is helpful for conducting market and economic analyses, tax reporting, and supporting damages calculations. Large companies generally have more data than we need, but smaller companies are typically not on the same level,” he says.

There are broadly two types of data that are essential for brand growth: internal and external. Internal data comprises information on customers, sales, transactions, markets, and profits. External data covers everything from macroeconomic and demographic trends to category growth and new product launches.

One without the other may be misleading. For example, a company may be pleased that a brand’s sales are growing by 10 percent, but it may be problematic if the overall market for that product category is growing by 15 percent.

Putting in place systems to track the relevant data does not need to be as burdensome as some companies fear.

“The more data you have, the more defensible your appraisals will be. It’s important to build an architecture to accommodate growth. With the right software, you can keep your options open for the future,” says Mr. Daniel.

Internal data is relatively easy to compile, but many companies fall down on building external data, so you need to identify where you can find it—including from government or other official sources, trade associations, or professional data compilers.

“It’s important to make better-informed choices early on about whether you can exploit or leverage brands in the future,” he adds.

Difficult Decisions

Once you have data, the next challenge is how to use it to make the right decisions to grow your brand. Mr. Dixit says the key here is to have “a business vision.”

“You can have a beautiful logo, brand guidelines, and a vision statement, but it could be a colossal waste of money,” he says. A business vision sets out how the company is going to grow the brand over 10 years or more, which regions and products it will expand into, and how the brand will evolve (if at all).

It’s important to keep an open mind, says Elena Galletti, Vice President for Marketing at Brandstock Services AG (Germany), an IP services provider. The main decisions to make are whether and how to change your brand, and how best to develop it.

If you have a strong brand it may be best to focus on developing that, but sometimes you need to take a step back and consider a rebrand.

Decisions about how best to grow a brand depend on the company’s circumstances, but options include licensing, franchising, → 14



Verena von Bomhard

“It is easy for companies to underestimate the perils of not spending the extra cash at the outset.”

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DUBAI (UAE)
Suites 401-402, Al-Hawai Tower
Sheikh Zayed Road, Dubai
Tel : +971-4-3437 544
Fax: +971-4-3437 546
Email: 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



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



MOROCCO
58, Rue Ibn Batouta,
PPT. No. 4, 1 er Estage,
Casablanca, Morocco
Tel : +212-522206096
Email: Morocco@UnitedTm.com



OMAN
Suite No. 702, 7th Floor
Oman Commercial Centre, Ruwi
Tel : +968-24-787555, 704788
Fax: +968-24-794447
Email: Oman@UnitedTm.com



QATAR
Villa # 40, Al Amir Street
Al Mirgap Area, Doha, Qatar
Tel : +974-444 3083, 444 3093
Fax : +974-444 7311
Email: Qatar@UnitedTm.com



SAUDI ARABIA
Behind Maktaba Al Shawwaf
30th Street-Olaya, Riyadh 11444
Tel : +966 -11- 4616157, 4655477
Fax: +966 -11- 4616156, 4622134
Email: SaudiArabia@UnitedTm.com



SHARJAH (UAE)
Suite 203, Al Buhairah Building
Buhairah Corniche, Sharjah
Tel : +971-6-5722742
Fax : +971-6-5722741
Email: UAE@UnitedTm.com



SRI LANKA
105, Hunupitiya Lake Road,
Colombo 02,
Sri Lanka.
Tel : +94 11 4322790-1
Email: srilanka@UnitedTm.com



SUDAN (Khartoum)
Flat No.1, 3rd Floor, Al Hurriya St.
Shaik Al Deen Brothers Bldg.
Tel : +249-183-740634
Fax : +249-183-796031
Email: sudan@UnitedTm.com



TANZANIA
Shauri Moyo Area,
Pugu Road
Dar-Es-Salaam
Tel : +255-222862900
Email: Tanzania@UnitedTm.com



YEMEN
6th Floor
Ideal Clinic Building
Hadda Street, Sana'a, Yemen.
Tel: +967 181 9642
Email: yemen@UnitedTm.com

How to Grow Your Brand Prudently (continued)

12 ← joint ventures, and using IP assets to raise finance. The benefits can be enormous: for example, according to its initial public offering filing in 2015, Ferrari made nearly \$500 million from royalties and sponsorship.

Securitization (a financial instrument where different assets are pooled and used to back the issuance of new securities) can be another option. The financial markets may be daunting for smaller companies, particularly given the uncertainties of the past decade, but the opportunities offered by technology such as blockchain could make securitization of IP assets simpler and more attractive in future.

Disputes and How to Avoid Them

One big downside of growth is that your brand is more vulnerable to counterfeiting.

“Once you become famous, you’re a target,” says Ms. Galletti. Brands can prepare for this, she explains, by documenting information about the brand, such as sales figures, launch dates, and proof of use, all of which may be invaluable in future opposition proceedings or litigation.

Mr. Gutierrez agrees that fame can come at a price. “We track infringements and have seen a steady climb. Uber features widely in the media, in TV shows, and even songs; and popularity unfortunately makes you a target for infringements and scams,” he says.

“We have to decide: what kind of enforcement profile do we want to have and how do we prioritize the growing number of infringements?”

Expansion into new areas also brings

the risk of disputes, says Mr. Daniel. “As markets develop, having a strong brand to provide initial awareness to consumers is very valuable. Also, as markets develop there may be increased risk and costs associated with getting into disputes,” he says.

Litigation raises questions, not least about the costs, the risks of losing, management distraction, and reputational damage. “For example, if you are in a dispute in the United States, you need to be aware of discovery: you may be required to reveal your data to the other side,” says Mr. Daniel. “Some companies may be reluctant to produce information and would prefer to forgo damages. That is a decision you may need to make.”

Diversification and Decentralization

However revolutionary and successful a company’s initial product is, most



Samir Dixit

“You can put your logo everywhere but that is not brand management.”

companies find they need to develop new products to maintain momentum. It’s possible to do this while building the value of the core brand, says Mr. Dixit.

“If an existing brand can be used, that’s the best way to grow a brand. There are a lot of advantages and cost benefits to using the primary brand with add-on elements,” he says.

Examples of this strategy include Amazon (USA), with its AMAZON PRIME and AMAZON FRESH services, and Grab (Singapore), which has expanded beyond taxi services with brands such as GRABBIKE, GRABPAY, and GRABPET.

Other companies launch entirely new brands as they grow—particularly when the brands are for different products or target different markets, as is often the case in the pharmaceuticals and fast-moving consumer goods sectors. However, a large portfolio of brands and possibly different brands for the same product in different markets can complicate things.

“I am seeing more rationalization projects by brand owners as they take stock of the IP rights they have and look at where cuts can be made,” Ms. Galletti says.

“A typical exercise is to sketch a map, showing all the trademarks, classes covered, and countries registered. You can immediately see the gaps in protection and where you need to invest more, or cut back.”

Ms. Von Bomhard agrees that, as a company grows, it is easy to lose track of rights. “We’ve seen cases where there are four different filings, for slightly



Elena Galletti

“The main decisions to make are whether and how to change your brand, and how best to develop it.”

different specifications for the same mark, filed by four different attorneys in the same country. Coordination is key for getting best value for your money.”

Mr. Daniel says: “Big, decentralized companies often find it hard to maintain an inventory of IP. One advantage smaller companies have is that you are less likely to lose track of important information. As the company grows geographically and with more departments, it is important to have a strategy to coordinate between IT, legal, and marketing.”

The journey from new brand to established company is not always easy, but careful thought, planning, and preparation can make it a lot smoother, and ensure that the benefits of innovation are not lost when the company becomes bigger and more complex. ●

Around the World in One Hour (and Fifteen Minutes)

Geographical indications provide robust protection to local producers, but can raise issues for applicants looking to sell legitimate competing products. Sarah Morgan finds out more.

How can we best safeguard the rights of good-faith applicants seeking to protect genuinely unique terms while keeping in check market-distorting efforts by those seeking to use geographical indication (GI) systems to block out existing global competition?

The interplay of these two opposing concerns and how they are evolving in regions across the globe will be the focus of **CSA25 Geographical Indications Around the World** (Saturday, 1:30 pm–2:45 pm).

Overall, session attendees will learn how different regions of the world are approaching and solving the issues presented by global trade, and the tension that ensues from GIs and trademarks—with both needing to be addressed in a manner that balances the competing interests, says James Tumbridge, Partner

at Venner Shipley LLP (UK), who is moderating the panel.

Shawna Morris, Senior Director at the Consortium for Common Food Names (USA), adds: “Those interested in GI issues or whose companies rely on the use of commonly-used food terms as they market their products should be interested in the discussion to learn what types of new limitations are emerging as well as the types of tools available to safeguard their interests—whichever side of the fence they are on.”

Ms. Morris will provide an overview of the key GI-related developments in the United States and Canada in recent years, which she says have largely been driven by trade agreements.

Turning to Africa, Andrew Papadopoulos, Director at Kisch IP (South Africa), will outline developments

across the continent, as well as address the challenges in protecting, managing, and promoting GIs in Africa.

“The economic and commercial gain and benefit to be derived from the protection of GIs in Africa will give African countries a natural competitive advantage, as well as provide awareness regarding the importance in social upliftment for rural development,” says Mr. Papadopoulos.

Work is underway in a number of African countries to identify “unique and distinctive products that are suitable for marketing by reference to their geographical origins,” he adds.

According to Mr. Papadopoulos, there’s a huge potential to protect and manage GIs in Africa, which in turn will meet a range of social, economic, and environmental objectives and goals.

Elio De Tullio, Managing Partner of De Tullio & Partners (Italy), will focus on GIs across the European Union, providing insight into the different scenarios for GI protection after Brexit, and the latest jurisprudence of the EU Court of Justice in connection with evocation.

Along with looking back at how the interaction between trademarks and GIs have evolved over the past 30 years, the session will “debate and give updates and insights on the most controversial aspects concerning the interaction,” he says.

Also speaking on the topic are Guizeng (Wayne) Liu, Partner at Yuanhe Partners (China), and Julian Vadillo, Director of Intellectual Property at Agency Firma, SC (Mexico). ●

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Clearinghouse Offers Trademark Advice to Those in Need

Shyla Jones, Of Counsel at Ice Miller, LLP (USA), finds that INTA's Pro Bono Clearinghouse not only gives individuals, small businesses, and nonprofits the trademark advice they need, but it also gives her and other participating attorneys a sense of satisfaction.

What is the Pro Bono Trademark Clearinghouse?

INTA began rolling out the Pro Bono Trademark Clearinghouse pilot program in July 2017, following several years of work by members of INTA's Pro Bono Committee.

The Clearinghouse matches an individual, small business, or nonprofit in the U.S. in need of free trademark advice with a qualified trademark attorney. The only criteria are that the potential client has a genuine financial need and has an actual trademark issue.

The test project has gone very well

so far, and we hope soon to open it up to anyone involved in INTA who's interested in doing pro bono trademark work. We also aim to extend the program beyond the United States, probably starting with Latin America.

What kind of clients are using the Clearinghouse?

We have had more than 400 applicants so far. Most of them are individuals who are starting a small business and looking to protect their name, or to get on the Amazon Marketplace, which recently started requiring sellers to have



Shyla Jones

“The ultimate goal is to set up the Clearinghouse everywhere.”

work, as well as trademark filing and navigating the prosecution process. It's very rewarding, and the clients are very appreciative.

In some cases, they can respond to an action from the Trademark Office, rather than just let it drop because they couldn't afford to deal with it without assistance from the Clearinghouse. I would absolutely recommend the Clearinghouse to individuals, small businesses, and nonprofits with limited resources in need of trademark assistance.

What is the next step for the pilot program?

The ultimate goal is to set up the Clearinghouse everywhere. However, we recognize that it is more difficult in some countries than in others.

As we expand the pilot, we will welcome people outside of the Committee who want to be involved. If anyone is interested, I would say, go for it! It's not as time-consuming as you might think. It's very similar to your regular work, and it is rewarding to help others.

Often, when you tell people you're a trademark lawyer they think that's not the kind of lawyer that can help them, so it's very nice to find an opportunity to be able to use your skills to give something back to the community. ●

a registered trademark. We also have some people apply once they have had a refusal from the Trademark Office and need advice on how to deal with that.

The first stage in the Clearinghouse process is to examine and review applications from potential clients; anyone can help with that, even non-U.S. lawyers. Once applicants are approved, they are assigned to U.S. attorneys to work directly with them.

I've done two cases so far, and have very much enjoyed working on them. They've been relatively simple matters, including some trademark clearance

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Riyadh 11333,
Mob: +966 503190075
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AIPT Intellectual Property Rights Management
Office 13, 2nd floor, Parcel Id 214-497, Garhoud Building, Opposite Al - Tayer Motor Dubai Airport Road, Al Garhoud,
Dubai, UAE
P.O. Box: 22065,
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AIP&T Egypt LLC
Office No. 1, 1st Floor 32 El Obour Building, Salah Salem Road Masr Elgdida
Cairo, Egypt
P.O. Box: 49 Ramsis - code - 11794
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AIP&T Intellectual Property SPC
Office 12, Building No. 363, Road 1805, Al Hoor 318,
Manama, Kingdom of Bahrain
Box off.: Diplomatic Area
P.O. Box: 20310
Mob: 0097336923439
Tel: +973 173 32839



AIPT Intellectual Property Co., Ltd.
Office 6, 3rd Floor, Building No. 410, Street 60, Square 85, Almamora District
Khartoum, Republic of Sudan
P.O. Box: 7435 Khartoum,
Postal code: 11123
Mob: +249903946891
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Look for all the Extras Around the Convention Center



From a Selfie Center to Puppies and Ice Cream, there is a lot going on at the Boston Convention and Exhibition Center over the next five days—and lots of volunteers to help you find your way.

Look over there ... and over there ... and over there! All around the Boston Convention and Exhibition Center (BCEC), individuals and groups are populating booths, counters, and hallways to communicate valuable information or showcase exciting activities going on during the 141st Annual Meeting.

To start with, INTA's **Information and CLE Counter** is the go-to spot to find out anything you need to know about the Annual Meeting, Continuing Legal Education (CLE), the Association, and the city of Boston. If you need help with downloading the mobile app, this is the right place as well; the INTA event app is available from Apple App and Google Play stores. The Information Counter is located in Exhibit Level-Hall A lobby.

In addition, Greater Boston Convention & Visitors Bureau volunteers—identifiable in red coats and vests—are scattered around the BCEC to help guide registrants, from providing restaurant recommendations to transportation tips to souvenir suggestions. You have questions? They have the answers!

If you want a souvenir of your time in Boston or want to let others know that you're at the 2019 Annual Meeting, take advantage of several interactive spots around the BCEC.

First, participate in INTA's "Belonging to INTA Means..." marketing campaign by jotting down on a sticky note one or more words that capture what membership means to you, and then posting it on the designated wall. You can find the **"Belonging to INTA Means..." Wall** in Exhibit Level-Hall B1. Don't forget to take a photo and post it to social media with the official hashtag, #INTA2019.

Also as part of this campaign, look for the orange "Belonging to INTA Means..." buttons on registrants' clothing or badges—and pick one up for yourself at the Registration Desk or the Information and CLE Counter.

Next, there's the **Selfie Center** located in the lobby of Exhibit Level-Hall B1 and A. Snap a cell phone photo against the logoed background, and keep it for yourself and/or share it with

others via your phone or social media; include #INTA2019.

Speaking of social media, the Annual Meeting has a large social media presence—and INTA encourages you to join the conversation. Comment and upload photos to the Association's social media channels—Facebook, Instagram, Twitter, and LinkedIn—and tag them #INTA2019. Social media walls around the BCEC will highlight posts, including some featuring the Meeting mascot, Logan the lobster (#loganlobster).

There is lots going on in the **Exhibition Hall** in Hall A. This year's 162 booths feature products, services, and information from vendors from 39 countries. The Exhibition Hall is open Sunday through Tuesday, 10:00 am to 4:00 pm, and Wednesday, from 10:00 am to 2:00 pm.

Don't miss **Puppies and Ice Cream**, a relaxing and refreshing activity, which will take place in the back of Exhibit Level-Hall A. It's your chance to play with puppies, courtesy of Great Dog Rescue New England, a nonprofit shelter-less rescue that houses adoptable dogs in loving foster homes. Stop by on Monday and Tuesday, to interact with the puppies, from 2:00 pm to 4:00 pm; and to enjoy some ice cream, from 3:00 pm to 4:00 pm.

Other points of interest relate to some of the corporate social responsibility initiatives occurring during the Annual Meeting. To give back to the host city, INTA is helping Bostonians look their best for job interviews by collecting accessories and toiletries. Collection bins are located on the Exhibit Level-East Registration Foyer. Contributions will benefit **Dress for Success Boston**, which empowers women to achieve economic independence; and **Solutions at Work**, a nonprofit dedicated to helping men escape poverty and homelessness. Drop off what you've brought from home, or visit one of Boston's many shops to buy the necessities and contribute them to these worthwhile causes.

On a more global scale, look for the presence of INTA's Unreal Campaign at the Annual Meeting. The **Unreal Campaign** educates young consumers around the world about the importance

of trademarks and brands, and the dangers of counterfeit goods. Volunteers will be staffing tables outside Ballroom East-West after the Opening Ceremony on Sunday, as well as staffing the Unreal Campaign desk at the Information and CLE Counter, Exhibit Level-Hall A lobby, starting on Monday. Get involved!

The Annual Meeting is also the perfect venue to learn more about some of INTA's other initiatives. One major project currently underway is **INTA's Digital Transformation**, which includes a website redesign. Adage Technologies, a Chicago, Illinois (USA) agency conducting the digital transformation, will be doing

brief interviews with Annual Meeting registrants as part of its research for the project. Besides interviews the agency has already scheduled, Adage encourages registrants to stop by to provide input. You'll find the Adage team at the Exhibit Level-East Registration Lobby.

In addition, from a soundproof booth in the Hospitality area in Exhibit Level-Hall A, Audrey Dauvet, the host of INTA's podcast, **Brand & New**, will be interviewing leading experts for the podcast series. The interviews conducted at Annual Meeting will be broadcast live or recorded for future posting. Listen to Brand & New on iTunes, Spotify, and Stitcher.

Lastly, amid all the excitement of this year's 141st Annual Meeting, it's a good time to get revved up about the **142nd Annual Meeting**, which will take place in Singapore April 25 to 29, 2020. Singapore Exhibition and Convention Bureau representatives will be on hand; look for their booth in the lobby of Exhibit Level-Hall B1 and A to learn more about visiting this Southeast Asia gem. And, then, INTA members can head down to the Registration Counter—Exhibit Level-Hall B1—to pre-register for the 2020 Annual Meeting and save 10 percent. This pre-sale offer ends Wednesday at 2:00 pm. At the very least—mark the date on your 2020 calendar! ●

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START	END	NAME	LOCATION*
		COMMITTEE MEETINGS	
8:00AM	9:00AM	Compensation & Benefits Committee	252 B
		TRAINING SESSIONS	
8:00AM	5:00PM	Course on International Trademark Law and Practice - Day 1	208
9:00AM	10:00AM	Continental Breakfast	Hall A
9:00AM	4:00PM	Board of Directors Meeting	253 A
9:00AM	7:00PM	Registration	Hall B1
9:00AM	7:00PM	Hospitality	Hall A
		CAREER DAY SESSIONS	
9:45AM	10:30AM	Networking 101 (<i>Career Development Day for Students</i>)	211
9:30AM	5:00PM	TM5 Mid-Term Meeting	213
		CAREER DAY SESSIONS	
10:30AM	11:30AM	How to Create a Stronger Resume (<i>Career Development Day for Students</i>)	211
		COMMITTEE MEETINGS	
		CAREER DAY SESSIONS	
11:45AM	12:45PM	Interview Skills Panel (<i>Career Development Day for Students</i>)	211
		COMMITTEE MEETINGS	
12:00PM	1:00PM	Parallel Imports Committee - Leadership Only	153 C
		SESSIONS	
12:00PM	1:15PM	CSA20 Character Wars: Trademarks vs. Copyright Protection for Fictional Characters	210 AB
12:00PM	1:15PM	CSA21 Marketers Are from Mars, Lawyers Are from Venus: A Guide to Better Understanding and Improved Business Outcomes	205 AB
12:00PM	1:15PM	CSA22 Assembling the Super Team: Leveraging Your Group's Strengths to Maximize Performance	210 C
12:00PM	2:00PM	LUNCHEON TABLE TOPICS	253 BC
		CAREER DAY SESSIONS	
12:45PM	1:30PM	Lunch with Roundtable Discussions (<i>Career Development Day for Students</i>)	211

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START	END	NAME	LOCATION*
COMMITTEE MEETINGS			
1:00PM	2:30PM	Enforcement Committee - Leadership Only	153 C
1:00PM	4:00PM	Bikes for Kids: A Team-Building and Charity Event <i>(Advance registration required)</i>	258 ABC
SESSIONS			
1:30PM	2:45PM	CSA23 Beyond the Trademark Portfolio: 360° Data Management Intermediate Level	210 AB
1:30PM	2:45PM	CSA24 A Psychological Thriller—Mediation in Action	210 C
1:30PM	2:45PM	CSA25 Geographical Indications Around the World	205 AB
1:30PM	2:45PM	CSA26 4D Printing: How Is 4D Printing Revolutionizing the World in Which We Live?	206 AB
CAREER DAY SESSIONS			
1:30PM	2:45PM	Careers in Trademark Law <i>(Career Development Day for Students)</i>	211
COMMITTEE MEETINGS			
1:30PM	2:45PM	Designs Committee - Leadership Only	153 B
SESSIONS			
3:00PM	4:00PM	Annual Meeting Registrant First-Time Orientation	210 AB
SESSIONS			
3:00PM	4:15PM	CSA50 Trademark Administrators Idea Exchange and Best Practices	259 AB
3:00PM	4:15PM	CSA51 The Clash of Branding with Traditional Knowledge and Cultural Expressions: A New Approach to Trademark Clearance	210 C
3:00PM	4:15PM	CSA52 Holy Mackerel! Identifying and Addressing Phishing of Your Employees and Customers Intermediate Level	205 AB
3:00PM	4:15PM	CSA53 Comparative Design Remedies	206 AB
COMMITTEE MEETINGS			
3:00PM	5:00PM	Anticounterfeiting Committee - Leadership Only	151 B
4:00PM	5:00PM	Annual Meeting Registrant First-Time Reception	Southwest Pre-function
COMMITTEE MEETINGS			
4:30PM	5:30PM	2019 Annual Meeting Project Team	153 B

* All events are in the Boston Convention & Exhibition Center (BCEC) unless otherwise noted

ipcrenew

The launch sequence of IPC Renew, by IP Centrum, marks the final few weeks of the renewals industry as we've all known it to date.

After five years of development, we are proud to finally introduce to the world's greatest IP formalities professionals, the future of renewals.

Follow the launch: [@ipcentrum](https://twitter.com/ipcentrum)

Sign up for early access: www.ipcentrum.com/renewals

ipcrenew LAUNCH SEQUENCE

START UP → PROD ENV → MIGRATION TEST OK → P1 PARTNER ONBOARDING → PAUTO 1 → PINST 1 → P2 PARTNER ONBOARDING → G2 PR SEPARATION → CINST 1 → CAUTO 1 → P1 CLIENT ONBOARDING → P2 CLIENT ONBOARDING → G2 CR SEPARATION → EPV MIGRATION → G2 SHUT DOWN