

BRANDS versus TRADEMARKS - TRADEMARKS versus BRANDS



The 30th **MARQUES** Annual Conference
20th - 23rd September 2016

Meià Villaitana
Avenida Alcalde Eduardo Zaplana, 7, 03502 Benidorm, Alicante, Spain

Register on line at www.marques.org/conferences

* **Early Bird Discount***

Available to members of **MARQUES** for bookings received before Friday 1st July 2016.

MARQUES

BRANDS VERSUS TRADEMARKS - TRADEMARKS VERSUS BRANDS

ANNUAL CONFERENCE 2016
VILLAITANA, ALICANTE
20 – 23 SEPTEMBER 2016
Meliá Villaitana
Avenida Alcalde Eduardo Zaplana, 7,
03502 Benidorm



THE PROGRAMME

The theme of the **MARQUES** 30th annual conference is “**Brands vs Trademarks – Trademarks vs Brands**”. Many of the sessions will address different aspects of this question, focusing on the legal issues and challenges of brands vs trademarks. The conference will include discussions on issues such as litigating in Europe, Geographical Indications, as well as updates on EUIPO, WIPO and European CEU Case Law.

INTRODUCTION

Located 20 minutes from Alicante, **Meliá Villaitana** was designed to simulate a Mediterranean village. It is located between two golf courses designed by Nicklaus Design and has fantastic views of the Gran Bahía on the Costa Blanca. Its 25 individual buildings and unique architectural style reproduce the region's picturesque squares and historical streets.

Alicante itself is a city and port on the Costa Blanca, the capital of the province of Alicante and of the comarca of Alacantí, in the south of the Valencian Community. It is also a historic Mediterranean port. The population of the city of Alicante proper was 332,067, estimated as of 2014, ranking as the second-largest Valencian city. Including nearby municipalities, the Alicante conurbation had 452,462 residents. The population of the metropolitan area (including Elche and satellite towns) was 757,085 as of 2014 estimates, ranking as the eighth-largest metropolitan area of Spain.

ACCOMMODATION

We have secured accommodation in **The Meliá Villaitana** and the **Asia Gardens Hotel** which is a short distance away (1.5km). Accommodation at the conference hotel (**The Meliá Villaitana**) will be allocated on a “first come first served” basis. Subject to availability, special rates have been negotiated for delegates wishing to extend their stay either before

or after the Conference. Rates quoted are inclusive of breakfast.

NON-RESIDENTIAL AND MODULAR REGISTRATIONS

We are able to offer those delegates who choose to source their own accommodation or those who live locally, modular participation in both the conference seminars and the social activities. Please see the Non-Residential and Modular section on the registration form.

SOCIAL PROGRAMME

We have organised an exciting social programme and attendance at these functions is restricted to registered delegates and registered partners only. Unfortunately we are unable to offer registrations for social functions only.

TUESDAY 20TH SEPTEMBER

There will be an Informal Welcome Reception at **The Meliá Villaitana** where we will be able to enjoy a Spanish themed welcome!

Dress Code: Smart/Casual/Comfortable (Gentlemen are not required to wear suits or ties)

WEDNESDAY 21ST SEPTEMBER

Enjoy a warm Spanish evening in more ways than one as we relax poolside at the **The Meliá Villaitana** where we will be wined, dined and entertained at a typical style Spanish BBQ.

Dress Code: Smart/Casual/Comfortable (Gentlemen are not required to wear suits or ties)

THURSDAY 22ND SEPTEMBER

There will be a Drinks Reception followed by a Gala Dinner and After Dinner Party at the **The Meliá Villaitana**, where we are able to dance until the early hours with our favourite party band, **MADHENI**

Dress Code: Black Tie/Tuxedo/Formal

REGISTRATION FEES

Members of **MARQUES** are offered an “Early Bird Discount” for registering at the for full residential or non-residential packages booked by **Friday 1st July 2016**. Please refer to the notes on the Registration Form for details of available options.

CPD CREDITS

MARQUES is an authorised course provider under the UK Solicitors Regulation Authority CPD Scheme (Ref: BKD/MARQ) and this Conference qualifies for up to 12 hours credit.

The UK Institute of Trade Mark Attorneys (ITMA) will award 12 ITMA CPD points to the full conference programme and delegates who attend the Thursday workshops can be accredited with a further 2 ITMA CPD points.

For other jurisdictions Certificates of Attendance for Delegates, indicating the number of hours of educational content, can be issued on request to the **MARQUES** Secretariat. For those jurisdictions which require it, provisions will be made for registration of attendance at individual sessions.

Please note that early registration is strongly recommended and that the latest possible date for receipt of registrations **AND** payment of fees is **FRIDAY 19TH SEPTEMBER 2016**. Unfortunately **MARQUES** are unable to guarantee acceptance of your registration after this date.

Registrations after **FRIDAY 19TH SEPTEMBER 2016** will only be accepted if payment is made by credit card at the time of registration.

TUESDAY 20TH SEPTEMBER 2016

11.00 hrs Meeting of **MARQUES** Council

12.00 hrs Conference Registration Desk opens

14.00 hrs Meeting of **MARQUES** Teams

18.30 hrs Reception of Council, Speakers and First Time Attendees

19.15 hrs WELCOME RECEPTION

WEDNESDAY 21ST SEPTEMBER 2016

09.00 hrs FORMAL OPENING AND REVIEW OF ACTIVITIES

Uwe Over, **Henkel AG & Co KGaA**, Germany

Chair of the **MARQUES** Council

Opening ceremony performed by:

António Campinos, Executive Director, **EUIPO**, Spain

09.45 hrs **PART 1 – BRANDS VERSUS TRADEMARKS**

How is the trade mark system responding to trends in branding, including the use of different types of brands, the revival of old brands, and new means of engaging with consumers? Is the law meeting the needs of the market?

Session chairman:

Mark Devaney, **Bone-Knell Symons Intellectual Property**,

United Arab Emirates

Vice-Chair of the **MARQUES** Intellectual Asset Management Team

Speakers:

Ricardo Pérez, **Millward Brown**, Spain

Shane Smyth, **FR Kelly**, Ireland

Member of the **MARQUES** Council and Education Team

Mathieu Prot, **Pernod Ricard**, France

11.00 hrs COFFEE AND EXHIBITORS

11.30 hrs **PART 2 – EUROPEAN TRADE MARK LAW**

Following the implementation of the EU trade mark reform package, this session will summarise the most important changes, review the impact of changes made so far and assess those still to come. There will also be an opportunity for audience interaction.

Session Chairman:

Willem Leppink, **Ploum Lodder Princen**, The Netherlands
Member of **MARQUES** Council and Vice Chair of the Programming Team

Speakers:

Dimitris Botis, Deputy Director, **ICLAD**, **EUIPO**, Spain

Diana Versteeg, **Akzo Nobel**, The Netherlands

Member of the **MARQUES** Council and the Anti Counterfeiting and Parallel Trade Team

Tove Graulund, **Graulund Consulting**, Denmark

Member of **MARQUES** Council and International Trade Mark Law & Practice Team

13.00 hrs LUNCH

14.15 hrs **PART 3 – GEOGRAPHICAL INDICATIONS**

As well as reviewing the latest developments and initiatives regarding geographical indications, this session will examine the overlap with trade marks, and consider examples of good and bad use.

Session Chairman:

Thera Adam van Straaten, **Kneppelhout Korthals**, The Netherlands

Member of the **MARQUES** Geographical Indications Team

Speakers:

Óscar Mondejar, Head of service, Legal Practice, **ICLAD**, **EUIPO**, Spain

Miguel Angel Medina, **Elzaburu**, Spain

Member of the **MARQUES** Council and the Geographical Indications Team

Massimo Vittori, **Origin**, Switzerland

Alessandro Sciarra, **Bird & Bird**, Italy

Chair of the **MARQUES** Geographical Indications Team

15.45 hrs **TEA AND EXHIBITORS**

**16.15 hrs PART 4 – REPLACEMENT, DEPENDENCY (CENTRAL ATTACK)
TRANSFORMATION AND OTHER NEWS FROM WIPO**

With the continuing expansion of the Madrid System, this session will review the adoption in recent countries, provide an update on likely accessions and discuss issues arising in the new members.

Session Chairman:

Michael Leonard, **Fox Rothschild LLP**, USA

Member of the **MARQUES** International Trade Mark Law & Practice Team

Speakers:

Senior Officer, Legal Division, **WIPO**

William Lobelson, **Germain & Maureau**, France

Member of the **MARQUES** International Trade Mark Law & Practice Team

17.15 hrs SESSION SUMMATION AND CLOSE

19.00 hrs CULTURAL RECEPTION

THURSDAY 22ND SEPTEMBER 2016

08.00 hrs CORPORATE BREAKFAST

Emma Stopford, **British American Tobacco**, UK

Member of the **MARQUES** Council and Brands & Marketing Team

09.30 hrs PART 5 - LITIGATING IN EUROPE

This session will provide practical tips and case studies on litigating EU trade marks before the EUIPO, General Court and CJEU. The speakers will provide key lessons for both offensive and defensive actions.

Session Chairman:

Cristina Duch, **Baker & McKenzie**, Spain

Speakers:

Arnaud Folliard, Team Leader, Litigation, **ICLAD EUIPO**, Spain

Timme Geerlof, **Ploum Lodder Princen**, The Netherlands

Member of the **MARQUES** Dispute Resolution Team

Justice Fidelma Macken, former CJEU and Supreme Court judge, Ireland

11.00 hrs COFFEE AND EXHIBITORS

11.30 hrs PART 6 - LATEST EU DESIGN DEVELOPMENTS

As design rights become more important for many IP owners, and the case law on registered Community designs continues to evolve, what are the latest trends and lessons for design applicants, owners and third parties?

Session Chairman:

Sebastian Fischeoeder, **Bird & Bird**, Germany

Chair of the **MARQUES** Designs Team

Speakers:

Sara Söderling, **Setterwalls Advokatbyrå**, Sweden

Member of the **MARQUES** Designs Team

Kelly Bennett, **Knowledge Circle Goods and Services and ICLAD**, EUIPO, Spain

Erik Lindevang Madsen, **Louis Poulsen A/S**, Denmark

12.30 hrs LUNCH

14.15 hrs WORKSHOPS / TOURS

Rebranding (location: Hotel)

This workshop, organised by the Brands & Marketing Team, will consider the “what”, “why”, “how” of rebranding from legal and public relations perspectives.

Speakers:

Christine Hsieh, **Google Inc**, USA

Philippe Claude, **Mars Inc**, USA

Arthur Artinian, **K&L Gates LLP**, UK

Member of **MARQUES** Brands & Marketing Team

The European Observatory & The Enforcement database (location: EUIPO)

This workshop is organised by the Anti-Counterfeiting and Parallel Trade Team in conjunction with the EUIPO.

Speakers:

Blanca Arteché Arbizu, Project Manager for Enforcement Tools, **EU Observatory**, Spain

Mediation (location: EUIPO)

An interactive and practical approach to mediation through video extracts of mock mediations and reports on specific

mediation-related topics by several mediators has been organised by the European Trade mark Law & Practice Team.

Speakers:

Théophile Margellos, President of EUIPO's Boards of Appeal and Coordinator of EUIPO's Boards of Appeal Mediation Service, **EUIPO**, Spain

Sven Stürmann, Accredited Mediator (CEDR), Boards of Appeal, **EUIPO**, Spain

Classification & Searching tools – Vision of The Future

(location: EUIPO)

Get a guide through the main and latest online tools available, with a particular focus on the new generation of classification tools.

Organised by the European Trade mark Law & Practice Team.

Speakers:

Fenando Martinez Tejedor, Team leader of the Terminology Management Team in the ETMDN OC, Customer Services Department, **EUIPO**, Spain

19.00 hrs DRINKS RECEPTION AND GALA DINNER

FRIDAY 23RD SEPTEMBER 2016

09.30 hrs ANNUAL GENERAL MEETING

10.00 hrs PART 7 - INDIGENOUS INTELLECTUAL PROPERTY RIGHTS

What issues do IP owners need to be aware of regarding indigenous rights and how can IP systems accommodate them in a reasonable but balanced way?

Session chairman:

Thomas Raab, **Taylor Wessing**, Germany

Member of the **MARQUES** IP Outer Borders Team

Speakers:

Ambassador Keith Harper, US Ambassador to the **UN Human Rights Council**, Switzerland

Marion Heathcote, **Davies Collison Cave**, Australia

Member of the **MARQUES** IP Outer Borders Team

Senior Officer, Global Issues Sector, **WIPO**

11.00 hrs LEWIS GAZE MEMORIAL SCHOLARSHIP PRESENTATION

Uwe Over, **Henkel AG & Co KGaA**, Germany
Chair of the **MARQUES** Council

11.15 hrs COFFEE AND EXHIBITORS

11.45 hrs PART 8 – UPDATE ON CJEU CASE LAW

This session will review the most significant trade mark cases from the CJEU in the past year, and provide an opportunity to discuss the various issues they raise.

Session chairman:

Jeremy Blum, **Bristows LLP**, UK
Member of the **MARQUES** Dispute Resolution Team

Speaker:

Paul Maeyaert, **Altius**, Belgium

12.30 hrs PANEL DISCUSSION

13.00 hrs CONFERENCE SUMMATION AND CLOSE

Uwe Over, **Henkel AG & Co KGaA**, Germany
Chair of the **MARQUES** Council

13.15 hrs LUNCH AND DEPART

MARQUES

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E-mail: info@marques.org Web: www.marques.org

TERMS & CONDITIONS

NAME and COMPANY –

Please supply the details in the way in which you would like them to appear on your conference name badge and in the delegate list. The use of first names is preferred to initials. Your co-operation would be appreciated.

A1 Full Programme –

Includes all professional and social events within the programme from Tuesday evening up to, and including, lunch on Friday. Please note the full programme does **NOT** include accommodation.

A2 Accompanying Spouse/Partner Package –

This category does NOT apply to business partners who wish to attend the conference sessions, such persons must register as delegates at the appropriate rate and attendance at formal business sessions is NOT included.

Includes all meals and social events in the programme from Tuesday evening up to, and including, lunch on Friday.

We are able to offer an optional full day excursion for accompanying spouse/partner at a cost of €75, details will be sent to those registering a Spouse/Partner

B1 Fully Residential Package –

Includes all professional and social events within the programme from Tuesday evening up to, and including, lunch on Friday and accommodation in a single room on Tuesday, Wednesday and Thursday nights.

B2 Accompanying Spouse/Partner –

This category does NOT apply to business partners who wish to attend the conference sessions, such persons must register as delegates at the appropriate rate and attendance at formal business sessions is NOT included.

Includes all meals and social events in the programme from Tuesday evening up to, and including, lunch on Friday.

We are able to offer an optional full day excursion for accompanying spouse/partner at a cost of €75, details will be sent to those registering a Spouse/Partner

C Accommodation –

Accommodation is subject to hotel availability and will be handled on a first come first served basis. The rates quoted are inclusive of breakfast.

D1 Tuesday Welcome Reception –

Fee includes attendance at the Welcome Reception on Tuesday evening at The Meliá Villatana.

D2 Wednesday Full Day –

Fees include morning coffee, lunch, afternoon tea and all morning and afternoon conference sessions on the day. Attendance at the evening social function is **NOT** included.

D3 Wednesday Evening –

Fee includes attendance at the Cultural Reception on Wednesday evening at The Meliá Villatana.

D4 Thursday Morning only –

Fee includes morning coffee, lunch and all conference sessions offered during the morning.

D5 Thursday Afternoon only –

Fee includes lunch and your pre-chosen workshop (Please complete the enclosed form).

D6 Thursday Gala Dinner –

Fee includes pre-dinner drinks reception and dancing.

D7 Friday Morning only –

Fee includes morning coffee, lunch and all conference sessions offered during the morning.

E MARQUES Membership –

If your company is not a member of **MARQUES (and has never been)** and would like to join **MARQUES** to take advantage of the benefits of membership and the reduced member rates for this conference, simply add €370/€300 for Corporate Membership and €650/€540 for Expert Membership, to your registration and use the Member Rates (or *Members Early Bird rate before Friday 1st July 2016*) indicated on the form when calculating the Total Fee Payable.

NB. This offer DOES NOT apply to lapsed membership

F PAYMENT –

FULL PAYMENT MUST BE RECEIVED BEFORE COMMENCEMENT OF THE CONFERENCE.

MARQUES are unable to provide support or assistance with entry Visas until full payment of the conference fee has been received.

Booking is a contract therefore you are liable for delegate fees regardless of attendance. Fees once booked are not refundable unless a written cancellation is received at least four weeks before the event (Tuesday 23rd August 2016).

In all cases, 25% of the fees will be charged to cover administrative expenses. Delegate substitutions are permitted at any time. In the event of cancellation by **MARQUES**, liability will be limited to the return of fees actually paid.

Please Note:

- Registrations made after Friday 19th August **MUST** be paid for by Credit Card at the time of registration.
- Attendance to the conference may be refused if full payment has not been received by the time of registration in Alicante Province, Spain.

G TRANSFERS –

Complimentary Airport transfers to and from the Conference Hotels will be available to and from **Alicante Airport** only, and to those delegates who register for the Fully Residential (B1) Package. Details of this service will be sent together with confirmation of registration and your hotel accommodation.

MARQUES ANNUAL CONFERENCE 2016 WORKSHOP OPTIONS

NAME:

ORGANISATION:

Please choose which one of the four workshops you would like to attend.
Please either fax to +44 116 274 7365 or email to info@marques.org

WORKSHOP 1:

REBRANDING

(Location: Meliá Villaitana, commencing at 14.15hrs)

This workshop, organised by the **MARQUES** Brands & Marketing Team, will consider the “what”, “why”, “how” of rebranding from legal and public relations perspectives. Workshop participants can look forward to real world examples of the business and legal considerations involved in rebranding along with practical tips on best practices.

SPEAKERS:

Christine Hsieh, **Google Inc**, USA

Philippe Claude, **Mars Inc**, USA

WORKSHOP 2:

THE EUROPEAN OBSERVATORY AND THE ENFORCEMENT DATABASE

(Location: EUIPO, coaches leave at 13:30hrs)

This workshop is organised by the Anti-Counterfeiting and Parallel Trade Team in conjunction with the EUIPO.

- Presentation of the European Observatory and of the EDB– main functions, current features and any future proposed implementations (to adapt/communicate/interact with Customs’ COPIS (Union-wide Anti-Counterfeit and anti-Piracy Information System for Customs authorities for AFAs filing/renewal purposes)
- The view of an IP owner: an invited corporate speaker will provide details of its experience with the use of the EDB
- Question time for the attendees to ask questions, share views and experiences, propose new functions/features, etc. and test the EDB on site.

SPEAKER:

Blanca Arteché Arbizu, Project Manager for Enforcement Tools, **EU Observatory**, Spain

For information on workshops 3 & 4 please see overleaf.

MARQUES ANNUAL CONFERENCE 2016 WORKSHOP OPTIONS

NAME:

ORGANISATION:

WORKSHOP 3:

MEDIATION

(Location: EUIPO, coaches leave at 13:30hrs)

An interactive and practical approach to mediation through video extracts of mock mediations and reports on specific mediation-related topics by several mediators has been organised by the European Trade mark Law & Practice Team.

SPEAKERS:

Mr Théophile Margellos, President of EUIPO's Boards of Appeal and Coordinator of EUIPO's Boards of Appeal Mediation Service, **EUIPO**, Spain

Mr Sven Stürmann, Accredited Mediator (CEDR), Boards of Appeal, **EUIPO**, Spain

WORKSHOP 4:

CLASSIFICATION AND SEARCHING TOOLS - VISION OF THE FUTURE

(Location: EUIPO, coaches leave at 13:30hrs)

During this workshop, colleagues from the EUIPO will introduce you to the latest and future developments in online classification tools, e-searching tools and Key User Services.

This workshop will feature a demo of the upcoming new version of the Goods & Services Builder 2.0 and will also cover:

- Classification – including Harmonised Database (HDB) equivalents of Nice Class Headings, expert Tandems to identify specific market related terminology per industry, evaluation of terms searched in TMclass and analysis of the most frequently used classification terms on a global and national level.
- Searching – including E-searching for figurative marks plus what is new in TMView and DesignView.
- Key user services - how to get the best out of Key User Services.

SPEAKER:

Fenando Martinez Tejedor, Team Leader of the Terminology Management Team in the ETMDN OC, Customer Services Department, **EUIPO**, Spain