



37th Annual Conference

19th - 22nd September 2023
**IN BRANDS WE TRUST:
The Next Frontier**



PROGRAMME :

Tuesday, 19th September 2023

- 09.00 **MARQUES LEADERS MEETING** (Team Chairs only)
- 10.00 **CONFERENCE REGISTRATION DESK OPENS**
- 11.00 **MEETING OF MARQUES COUNCIL** (Council members only)
- 14.00 **MEETING OF MARQUES TEAMS** (Team members only)
- 18.30 **RECEPTION FOR COUNCIL, SPEAKERS, CORPORATES AND FIRST TIME ATTENDEES** (by invitation only)
- 19.15 **WELCOME RECEPTION**

PROGRAMME :

Wednesday, 20th September 2023

09.00 **FORMAL OPENING AND MARQUES ANNUAL REVIEW**

Antony Douglass, **Specsavers Optical Group Limited**, Guernsey
Chair of the MARQUES Council

OPENING CEREMONY

Eva Schewior, President, **German Patent and Trade Mark Office**, Germany

09.30 **PART 1 - PILOTING BRANDS: Changing to Stay the Same**

Consumers trust brands. Famous brands are signposts expected to operate according to high ethical and moral standards. But, in an ever evolving, dynamic cultural environment, brand owners must respond to new challenges such as diversity, reliability and credibility. This panel will identify pitfalls and opportunities from these challenges and discuss how to steer and adapt brands to meet these expectations whilst retaining their authenticity.

SESSION CHAIR:

Simone Pelkmans, **Deloitte Legal**, The Netherlands
Member of MARQUES Council and Regulatory Team

SPEAKERS:

Ezio Bonaccorso, **Nestlé**, Switzerland
Member of MARQUES Council and Cyberspace Team

Andre Stauffer, **Metadesign.com**, Germany

Robert Sterner, **Audi AG**, Germany

Thomas Wagner, **Faber-Castell AG**, Germany

11.00 **COFFEE AND EXHIBITORS**

11.30 **PART 2 - RISKS AND REWARDS FOR BRANDS IN THE METAVERSE**

Web 3.0 promises a future in which our physical and virtual lives are closely entwined. As best practice for IP and brand management in the metaverse evolves, this panel from the luxury industry will consider the potential, the rewards, the risks and the legal issues that they face.

SESSION CHAIR:

Leo Longauer, **LVMH**, France
Member of MARQUES Council and IP Emerging Issues Team

SPEAKERS:

Nelly Mensa, **LVMH**, France

Julius Stobbs, **Stobbs**, U K

Jana Arden, **KPMG**, Switzerland

13.00 LUNCH

14.15 PART 3 - PEOPLE POWER

The success and development of brands depends on many factors, including relationships with consumers, commentators, critics and the financial markets. A diverse panel of speakers will look at how economic, social and cultural factors influence branding strategies, and provide some tips for success.

SESSION CHAIR:

Nick Foot, **Sandoz International GmbH**, Germany

Member of the MARQUES Council and Brands & Marketing Team

SPEAKERS:

Tanya Fickenscher, **Major League Baseball**, U S A

Tiffany Valeriano, **KPMG Law**, Germany

Anke Nordemann-Schiffel, **Nordemann Czychowski & Partner**, Germany

Paul Schrader, **Blogger/Influencer**

Lesley Matty, **Mejuri**, U S A

15.45 TEA AND EXHIBITORS

16.15 PART 4 - STEERING BRANDS IN A TIME OF CRISIS

We are living through many crises, and this session will explore how these crises affect brand values and communication. The speakers will consider whether crises present opportunities to rethink brand values and communications. Using topical case studies, they will also explain how to walk the talk, plan effectively and above all how to tell a good brand story.

SESSION CHAIR:

Tanya Meedom, **Elmann IPR Law Firm**, Denmark

Vice-Chair of the MARQUES Programming Team

SPEAKERS:

Astrid Haug, **SoMe**, Denmark

Tapio Blanc, **F. Hoffmann-La Roche AG**, Switzerland

Member of the MARQUES Council and Anti-Counterfeiting & Parallel Trade Team

James Brady, **Unilever**, U K

Member of the MARQUES Council and Brands & Marketing Team

17.15 SESSION SUMMATION AND CLOSE

19.00 COACHES DEPART FOR THE CULTURAL RECEPTION AT THE ARMINIUS MARKTHALLE

22.00 FIRST COACH RETURNS TO THE HOTEL

23.00 LAST COACH RETURNS TO THE HOTEL

PROGRAMME :

Thursday, 21st September 2023

08.00 **CORPORATE BREAKFAST** (by invitation only)
Breakfast meeting for Corporate Members.

MODERATORS:

Zhanna Kryukova, **Nord-Lock International AB**, Sweden

Edanela Perez Broce, **Philips International B.V**, The Netherlands

09.30 **PART 5 - PLATFORM-LIABILITY - STILL THE OLD STUFF OR DO WE HAVE NEW RULES?**

New regulations such as the EU Digital Services Act and the Omnibus Directive address issues such as platform transparency, search lists and gatekeeper liability. But what is their impact on trade mark protection and enforcement? This panel will discuss the latest measures, and the steps that brand owners need to take in response.

SESSION CHAIR:

Andreas Lubberger, **Lubberger Lehment**, Germany

Member of the MARQUES Famous & Well Known Marks Team

SPEAKERS:

Guido Baumgartner, **Coty**, Germany

Member of the MARQUES Council and Amicus Curiae Team

Harrie Temmink, Head of Service Intellectual Property in the Digital World, EUIPO, Spain

Edward Taelman, **Allen & Overy**, Belgium

LEWIS GAZE MEMORIAL SCHOLARSHIP PRESENTATION

11.00 **COFFEE AND EXHIBITORS**

11.30 **PART 6 - IN WIPO WE TRUST, THE NEXT FRONTIER**

This session will look at current opportunities and challenges faced by WIPO, brand owners and practitioners, including geography (with a particular focus on Africa), languages and technology. Speakers will discuss the impact of these aspects and how to navigate the opportunities and challenges that they present.

SESSION CHAIR:

Gavin Stenton, **Penningtons Manches Cooper LLP**, U K

Vice-Chair of the MARQUES International Trade Mark Law & Practice Team

SPEAKERS:

Mariette Du Plessis, **Adams & Adams**, South Africa

Chair of the MARQUES International Trade Mark Law & Practice Team

Jessica Le Gros, **Baker McKenzie**, SU K

Member of the MARQUES International Trade Mark Law & Practice Team

Theodora Goula, **Hugo Boss**, Switzerland

Member of the MARQUES Dispute Resolution Team

Anna-Lena Wolfe, **EF Education First**, Switzerland

Debbie Roenning, Director of Madrid Legal Division, Madrid Registry, Brands and Designs Sector, **WIPO**, Switzerland

12.30 **LUNCH**

14.00 **WORKSHOP 1 or CHOICE OF TOUR**

The workshops are repeated at 15.30hrs to allow you to attend 2 workshop sessions

Workshop 1 – Chinese IP/TM Updates

Members of the MARQUES China Team will present an update on recent developments and cases in China. The discussion will include perspectives from practitioners in both Europe and China. It will be opened by Julia Zhong and moderated by Mirjam de Werd. Presentations will be made by Reinout van Malenstein, Tingxi Huo and Dan Plane. There will also be an opportunity for the audience to ask questions and raise issues of interest relating to China.

Presented by The MARQUES China Team

Workshop 2 – What you always wanted to know about Gis but never dared to ask!

Are you aware of the 3,500 potential trade mark conflicts in the EU that you won't find in any trade mark database, with a scope of protection that goes beyond regular trade mark protection? That is the number of registered Gis in the EU – and it is growing! That is reason enough to join this workshop in which members of the GI Team talk through the essentials of GI protection, give examples of conflicts and your input, and provide some insights as to developments and challenges ahead.

Presented by The MARQUES Geographical Indications Team

Workshop 3 – Brand, product, packaging, communications, certifications – how to do it right in light of sustainability regulations in Europe

A sustainable brand is one that has successfully integrated environmental, economic and social issues into its business operations. The in-house perspective is crucial to this topic. This workshop will shed some light on how brand legal teams can manage the high expectations set by business and marketing teams whilst ensuring that sustainability claims remain credible and meet the relevant requirements. A certification expert will address the practical side, discussing certification processes, advantages and pitfalls. Counsel will outline legal trends from EU jurisdictions in which legislators are at the forefront developing sustainability standards and enshrining these into law.

Presented by The MARQUES Regulatory Team

Workshop 4 – Walking the tightrope of brand engagement: from virtue signaling to meaningful change

Whether by their own choice or by consumer choice, brands are finding themselves increasingly engaged in the rhetoric of key aspects of society, justice and cultural inclusivity amid growing concerns relating to change, climate and community. The question is rapidly moving from 'should brands be engaged' to 'how to manage brand engagement'. In this interactive workshop, members of the IP Emerging Issues Team will explore both the importance of engagement and strategic options for engagement, while at all times working to retain the brand's integrity. The skills learned in this workshop could be the key to ensuring the brand professional is both alert and equipped to face these ever-evolving challenges and balance expectations.

Presented by The MARQUES IP Emerging Issues Team

Workshop 5 - Rule of neutralization: a danger for reputed marks?

According to settled case law of the Court of Justice and General Court, phonetic and visual similarities between two signs may be neutralized or counteracted by conceptual differences in the global assessment of the likelihood of confusion or association to the extent that at least one of those signs has a clear and fixed meaning for the relevant public which that public can immediately understand, while the other sign has no meaning or a totally different meaning. Therefore, can Apple successfully oppose an application for the trade mark Ipple in class 9? The answer is probably: no. This workshop will provide an overview of the jurisprudence of the European courts and the dangers it may involve for marks with a fixed meaning. Attendees will play the role of the EUIPO or a national court in dealing with conflicts involving such marks, while Team members will provide perspectives from the US and Switzerland.

Presented by The MARQUES Famous & Well-Known Marks Team

Workshop 6 - Update on new EU design law and its practical impact

EU design law is undergoing a comprehensive reform, the first of its kind. In late 2022, the EU Commission presented its proposals for a new EU design regulation and new EU design directive. This workshop, hosted by the MARQUES Designs Team, will give participants a handy overview on the Commission's proposal, including the most important legal changes and the current status of the legislative process. The workshop will especially highlight certain aspects that will likely be of high practical relevance, such as the broadened definition of a "design" and the newly introduced "repair clause".

Presented by The MARQUES Designs Team

19.30 BLACK TIE GALA DINNER & DANCE

PROGRAMME :

Friday, 22nd September 2023

09.30 ANNUAL GENERAL MEETING

10.00 PART 7 - NEXT GENERATION CONTENT

The explosion of Instagram, TikTok, AI bots, influencers and endorsements raises new questions about the relationships between brands and consumers, the value of trust and the regulation of marketing. This panel will discuss issues such as the regulations on marking of sponsored content, emerging legislative initiatives, managing relationships between brands and influencers, and questions of liability, content control and how influencers' behaviour can impact brands.

SESSION CHAIR:

Magdalena Borucka, **Taylor Wessing**, U K
Member of the MARQUES Regulatory Team

SPEAKERS:

Shona Tennant, **William Grant & Sons**, U K

Linda Marquardt, **Interbrand**, Germany

Dr. Alexander Kleist, **Instagram**

Julia Mischke, **Media Authority of North Rhine-Westphalia**, Germany

11.15 COFFEE AND EXHIBITORS

11.45 PART 8 - CJEU AND GENERAL COURT CASES

Our speakers will review the most important trade mark and design judgments from the CJEU and EU General Court during the past year, and explain their

significance for brand owners. They will also highlight emerging issues to look out for.

SESSION CHAIR:

Roderick Chalmers, **AKD Benelux Lawyers**, The Netherlands
Chair of the MARQUES Amicus Curiae Team

SPEAKERS:

Verena von Bomhard, **Bomhard IP**, Spain

Sven Stürmann, Chairperson of the 2nd Board of Appeal, **EUIPO**, Spain

13.00 CONFERENCE SUMMATION AND CLOSE

Antony Douglass, **Specsavers Optical Group Limited**, Guernsey
Chair of the MARQUES Council

13.15 LUNCH



MARQUES