

IPCLC

IP Case Law Conference

ALICANTE, 5-6 MAY 2016



1st day

08:30 - 09:25	Registration and breakfast
09:25- 09:30	Introduction by Conference Moderator Mark Jefferiss, UK Intellectual Property Office
09:30-10:15	Opening by António Campinos, Executive Director of EUIPO, Mihály Ficsor, Chairperson of the Management Board of EUIPO and Vice-President of the Hungarian Intellectual Property Office, and F. Peter Müller, President of ECTA
10:15 - 11:15	1st Session The Role of the Boards of Appeal in building Effective Dispute Resolution: Panel leader - Judge Guido Berardis, President of the 9th Chamber of the EU General Court <i>Powers and competences of Boards of Appeal - Dr. Matteo Gargantini, Senior Research Fellow, Max Planck Institute for International, European and Regulatory Procedural Law, Luxembourg</i> <i>Scope of Appeal proceedings - Ms Mercedes Ortuño Sierra, Chairman of the Board of Appeal of the European Chemicals Agency</i> <i>Functional Continuity - Ms Elisabeth Fink, Member of the Fourth Board of Appeal, EUIPO and Judge at the German Federal Patent Court</i> <i>Position of EUIPO's Boards of Appeal in the EU TM and national jurisdictional systems - Mr Vittorio Ragonesi, Judge at the Supreme Court of Italy</i> <i>The role of case law and legal interpretation in the decision-making process - Ms Kai Härmand, Deputy Secretary General, Ministry of Justice, Estonia</i>

11:15 - 11:45 Discussion

11:45 - 12:15 **Coffee break**

12:15 - 13:00 **2nd Session**
Effective administration of litigation proceedings: Panel leader - Sir Nicholas Forwood QC, former Judge of the General Court, CJEU

Effective dispute resolution methods - Ms Diana Wallis, President of the European Law Institute (ELI)

Generally recognised principles of civil procedural law - Ms Anna Veneziano, Deputy Secretary-General of the International Institute for the Unification of Private Law, UNIDROIT

Common Minimum Standards of Civil Procedures in IP litigation before the Boards of Appeal and the EU Court of Justice - Mr Robert Bray, Head of Unit, Secretariat of the Committee on Legal Affairs of the European Parliament

The Application of the European Union's principles of procedural law by the General Court in IP disputes - Judge Ulloa Rubio, Seventh Chamber, General Court of the European Union

Effective management of litigation proceedings - Mr Francisco Fonseca Murillo, Deputy Director-General, DG Justice and Consumers, European Commission

13:00 - 13:30 Discussion

13:30 - 15:00 **Networking lunch**

15:00 - 16:15

3rd Session

Litigating before the Boards and the Court of Justice:
Panel leader - Mr James Nurton, Managing Editor, Managing IP

How to prove use/reputation - *Hanne Kirk, Legal Counsel, PhD, Vice-Chairman of the Danish Board of Appeal for Patents and Trademarks*

Proving secondary meaning - *The Honorable Judge Lorelei Ritchie, Trademark Trial and Appeal Board, USPTO*

Proving acquired distinctiveness - *Mr Gordon Humphreys, Chairperson of the Fifth Board of Appeal, EUIPO*

Well-known facts vs. right to be heard - *Mr Detlef Schennen, Chairperson of the Fourth Board of Appeal, EUIPO*

Rebranding/modernizing trademarks (use of variations of marks, Art. 15 CTMR) - *Thierry van Innis, avocat*

Litigating before the Boards of Appeal of the State Intellectual Property Office of the People's Republic of China
David N.W. Chen, Professor/founding and Senior Partner, Allbright Law Offices

16:15 - 16:45 Discussion

16:45 - 17:15 **Coffee break**

17:15 - 18:10

4th Session

Defending famous brands: Panel leader - Professor Hugh Hansen, Director, Fordham Intellectual Property Law Institute

Dilution - *Professor Spyros Maniatis, Director of the Centre for Commercial Law Studies, Queen Mary, University of London*

Famous brands from a German perspective - *Ms. Dr. Martina Schwonke, Judge, Federal Court of Justice (Bundesgerichtshof), Karlsruhe, Germany*

Tarnishment - *Professor David Franklyn, Director of the McCarthy Institute for IP and Technology Law, University of San Francisco*

A comparative perspective on famous trade marks in the current digital environment - *Dr Frederick Mostert, Research Fellow, St Peter's College, Oxford University*

Proving reputation - *Mr Arne Führer, Regional Justice Court, Hamburg*

18:10- 18:30

Discussion

20:30

Official Dinner

Dinner Speaker: *His Honour Michael Fysh, QC, SC, former Judge at the Patents County Court, London*

2nd day

09:00 - 09:30 **Breakfast**

09:30 - 10:30 **5th Session**

Arguing national law: Panel leaders - His Honour Michael Fysh, QC, SC, former Judge at the Patents County Court, London and Mr Farrokh Keneshkar, General Manager of Clarke, Modet & C°.

Challenges of relying on foreign law in the context of Article 8(4) CTMR - Prof. Dr. Gordian N. Hasselblatt, LL.M.

Role of national judgments in the context of recent case law of the Court of Justice of the European Union - Ms Beate Schmidt, President, Federal Patent Court (Bundespatentgericht), Germany

Relying on extended passing off in the context of Article 8(4), CTMR - Geoffrey Hobbs, QC

Claiming personality rights and copyright before EUIPO's Boards of Appeal and the Court of Justice of the European Union - Manfred Büchele, Professor of IP and Corporate Law, University of Innsbruck, Austria

Proving national law before EUIPO - Mr Giuseppe Bertoli, Head of Litigation Service, ICLAD, EUIPO

10:30 - 11:00 **Discussion**

11:00 - 11:30 **Coffee Break**

11:30 - 12:30

6th Session

Dealing with weak brands: Panel leader - Judge Savvas S. Papasavvas, President of the 3rd Chamber, General Court of the European Union

Weak trade marks: defining dominant and distinctive elements - Ms Ruta Olmane, Vice-President of European Communities Trade Mark Association (ECTA), Associated Partner, Metida Law Firm

Dealing with weak national marks in the wake of the F1 judgement of the Court of Justice of the European Union - Mr David T Keeling, Member of the Boards of Appeal at EPO and Former Member of the EUIPO Boards of Appeal

Weak marks from a corporate perspective - Mr Jan de Visser, Manager Brand Protection, Senior Director, Global Brand Licensing, Philips Intellectual Property & Standards

The fate of weak brands - Ms Anna Carboni, Partner at Redd Solicitors, LLP

Impact of weak and/or non-distinctive elements in the assessment of likelihood of confusion - Mr Dimitris Botis, Deputy Director, ICLAD, EUIPO

The impact of linguistic diversity - Mr Christoph Bartos, Member of the Fourth Board of Appeal, EUIPO

12:30 - 13:00

Discussion



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2nd day

- 13:00 - 13:30** Summary and closing remarks by João Negrão, Director, ICLAD, EUIPO & Dr. Jur. Théophile M. Margellos, President of the Boards of Appeal, EUIPO
- 13:30-15:00** Networking lunch for panellists, panel leaders and participants

For information and inquiries, please contact :
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