



IP Case Law Conference 2020

Day one (15 October 2020)

8.30 9.00 **Connection to Zoom**

9.00 9.40 **Welcome** by Conference Master Julio Laporta, Head of the Communication Service, EUIPO

Opening statements by

Christian Archambeau, Executive Director, EUIPO

Adrián Vázquez Lázara, Chair of the Legal Affairs Committee of the European Parliament

Savvas Papasavvas, Vice-President of the General Court of the European Union

Daniel Calleja y Crespo, Director-General – Legal Service (LS) of the European Commission

Théophile M. Margellos, President of the Boards of Appeal, EUIPO

9.40 10.50 **First session**

General Court and Court of Justice of the European Union

Panel Leader: Savvas Papasavvas, Vice-President, General Court of the European Union

Leading Discussant: Monika Millet, Judge, Vienna Commercial Court

Topic 1: Conflict between trademarks and designs. Is the likelihood of confusion an appropriate test? The average consumer and the informed user

Speaker: Octavia Spineanu-Matei, Judge of the General Court of the European Union

Topic 2: The new procedure of leave to appeal judgments of the General Court before the Court of Justice

Speaker: Gabriele Steinfatt, Judge of the General Court of the European Union

Topic 3: The need for consistent judicial review by the General Court in the field of IP law

Speaker: Tamara Perišin, Judge of the General Court of the European Union

Topic 4: Online evidence (e.g. Wikipedia, Wayback Machine, Instagram) - procedural issues and probative value

Speaker: Thomas Henze, Deputy Registrar of the General Court of the European Union

Topic 5: Application of substantive rules *ratione temporis*

Speaker: George Gryllos, Legal Secretary to Judge D. Gratsias, General Court of the European Union

Topic 6: Legitimate reasons for non-use

Speaker: Alexandre Martin, Legal Secretary to the President of Chamber D. Spielmann, General Court of the European Union

10.50 11.20 **Discussion**

11.20 11.50 **Coffee break**

11.50 13.00 **Second session**

National Perspectives on Reputation

Panel Leader: Nina Korjus, Judge, Head of Department, The Market Court of Finland

Topic 1: Proving reputation by survey evidence: Standard test and evaluation of results

Speaker: Anne Niedermann, Director Surveys For Legal Evidence, Institut für Demoskopie Allensbach

Topic 2: Proving reputation by survey evidence: a Nordic perspective

Speaker: Monica Viken, Associate Professor and Head of Department of Law and Governance at BI Norwegian Business School

Topic 3: Current trends in assessing the mental link

Speaker: Samuel Granata, Judge at the Benelux Court of Justice (Luxembourg) and the Court of Appeal Antwerp (Belgium)

Topic 4: Reputation and unfair advantage

Speaker: Peter Adamsson, Judge, Patent and Market Court of Sweden

Topic 5: The role of reputation in passing off

Speaker: The Hon. Mr. Justice Peter Charleton, Supreme Court of Ireland

Topic 6: The trials and tribulations of proving luxury brand reputation: an Italian fashion industry perspective

Speaker: Niccolò Ferretti, Avvocato, Partner, Head of IP Department of Nunziante Magrone

13.00 13.30 **Discussion**

13.30 15.00 **Networking lunch**

15.00 16.10 **Third session**

Trade marks and designs litigation under the human rights lens

Panel Leader: Hugh C. Hansen, Professor of Law at Fordham University School of Law, Founding Director of the Fordham Annual IP Conference and the IP Institute

Topic 1: The prospective impact of the European Convention on Human Rights on trade marks and designs

Speaker: Ignacio Ulloa Rubio, Head of Cabinet of the Presidency of the Spanish Constitutional Court, former Judge of the General Court of the European Union

Topic 2: Protecting indigenous peoples' signs through trademark law

Speaker: Daphne Zografos Johnsson, Legal Officer, Traditional Knowledge Division, World Intellectual Property Organization (WIPO)

Topic 3: The intersection of freedom of expression and trade marks: an EU perspective

Speaker: Eleonora Rosati, Associate Professor in Intellectual Property Law at Stockholm University, Of Counsel at Bird & Bird

Topic 4: Cultural heritage and trade marks: Vigeland's new IP frontier

Speaker: Carl Baudenbacher, Professor of Law, Monckton Chambers, London, Former President of the EFTA Court

Topic 5: Parody and trade marks in the United States of America

Speaker: Michael B. Adlin, Judge, Trademark Trial and Appeal Board, USPTO

Topic 6: Property aspects of trade mark and design law from a human rights perspective

Speaker: Spyros Maniatis, Director, British Institute of International and Comparative Law, Honorary Professor, Centre for Commercial Law Studies, Queen Mary University of London and Visiting Professor, The Chinese University of Hong Kong

16.10 16.40 **Discussion**

16.40 17.10 **Coffee break**

17.10 18.30 **Fourth session**

Geographical indications, certification and collective marks in review

Panel Leader: Irene Calboli, Professor, Texas A&M University School of Law, and Visiting Professor, Nanyang Technological University

Topic 1: Certification and collective marks: Misfits or Must Fits?

Speaker: Dev Gangjee, Professor of Intellectual Property Law, University of Oxford

Topic 2: GIs - When a name has power.

Speaker: Alan Park, Director of Legal Affairs, The Scotch Whisky Association

Topic 3: Legal Reform of GIs in the European Union

Speaker: Francis Fay, Head of Unit, DG Agriculture, EU Commission

Topic 4: The Halloumi Saga

Speaker: Sozos-Christos Theodoulou, ECTA Past President, Partner/Advocate, The Law Offices of Dr. Christos A. Theodoulou LLC, Cyprus

Topic 5: Geographical indications for non-agricultural products

Speaker: Pilar Montero, Professor and Director of the Magister Lvcentinvs. Master in Intellectual Property and Digital Innovation University of Alicante

Topic 6: The Geneva Act of the Lisbon Agreement

Speaker: Marcus Höpperger, Senior Director, Department for Trademarks, Industrial Designs and Geographical Indications, Brands and Designs Sector, WIPO

Topic 7: GI cases before the CJEU: What is in the oven?

Speaker: Dimitris Botis, Deputy Director for Legal Affairs, International Cooperation and Legal Affairs Department, EUIPO

18.30 19.00 **Discussion**

Day two (16 October 2020)

10.00 10.30 **Connection to Zoom**

10.30 11.40 **Fifth session**

Bad faith and abuse of rights

Panel Leader: Anselm Kamperman Sanders, Professor of Intellectual Property Law in Maastricht University, Deputy Judge in the Court of Appeal in the Hague. **Topic 1: Broad specifications and intent to use: is the EU trade mark system credible?**

Speaker: Sir Richard Arnold, Lord Justice at the United Kingdom Court of Appeal

Topic 2: Bad faith and refiling of trade marks

Speaker: Sven Stürmann, Chairperson of the 2nd Board of Appeal, EUIPO

Topic 3: Filing of rebranded trade marks: normal commercial strategy?

Speaker: Claudia Pappas, Head of IP Team Trademarks at Thyssenkrupp Intellectual Property GmbH

Topic 4: Bad faith and the third country dimension

Speaker: Gregor Versondert, Global Legal Counsel (Commerce/Brand Equity/Go-to-Market) for Shave Care business (BRAUN, GILLETTE, VENUS) at Procter & Gamble International Operations, S.A.

Topic 5: Taking likelihood of confusion out of the bad faith equation

Speaker: Jordi Güell Serra, Partner, Güell IP, Barcelona

Topic 6: Abuse of procedural rights: a Singaporean perspective

Speaker: Sandy Widjaja, Senior Legal Counsel, Hearings and Mediation Department, Intellectual Property Office of Singapore

11.40 12.10 **Discussion**

12.10 12.20 **Lunchtime Speech: Challenges for business and society post COVID-19: Views from a former EU diplomat**

Speaker: Fernando López de Rego, former EU diplomat, former EUIPO BoA member

12.20 14.00 **Networking Lunch**

14.00 15.10 **Sixth session**

Intersection of new technologies and trade marks, designs, copyrights and enforcement

Panel Leader: Stanley Lai, Partner of Allen & Gledhill, Chairman of the Board of Directors of the Intellectual Property Office of Singapore, Member of the Singapore International Arbitration Centre IP Panel, Member of the Singapore Copyright Tribunal

Topic 1: Artificial Intelligence @EUIPO

Speaker: Xavier Xheneumont, Head of Service, Operations and Infrastructure Service, Digital Transformation Department, EUIPO

Topic 2: Protecting video games with IP: pitfalls and challenges

Speaker: Gaetano Dimita, Senior Lecturer in International Intellectual Property Law, Centre for Commercial Law Studies, Queen Mary University of London

Topic 3: New technology considerations for the design legal regime

Speaker: Stephan Hanne, International Cooperation and Legal Affairs Department, EUIPO

Topic 4: IP enforcement and new technologies: a prosecutor's perspective

Speaker: Erling Vestergaard, IP Enforcement Expert, Observatory, EUIPO; former Deputy State Prosecutor for Serious Economic Crime in Denmark

Topic 5: The pros and cons of artificial intelligence in IP — international paradigms

Speaker: Daryl Lim, Professor of Law and Director, Center for Intellectual Property, Information and Privacy Law, University of Illinois at Chicago (UIC) John Marshall Law School

Topic 6: Deep learning and the assessment of likelihood of confusion

Speaker: Samuel Dahan, Director of Conflict Analytics Lab, Professor of Law, Cornell University and Queen's University

15.10 15.40 **Discussion**

15.40 16.00 **Closing remarks by**

- Patricia García-Escudero Márquez, Director, EUIPO Academy
- João Negrão, Director, International Cooperation and Legal Affairs Department, EUIPO
- Théophile M. Margellos, President of the Boards of Appeal, EUIPO