# **BRANDING STYLE** APPEARANCE, AESTHETICS AND ÉCLAT

The 32nd MARQUES Annual Conference Tuesday 18th - Friday 21st September 2018



MARQUES

\*Early Bird Discount\* Available to members of MARQUES for bookings received before Friday 29th June 2018

Register online at www.marques.org/conferences

# **BRANDING STYLE**

#### **32ND MARQUES ANNUAL CONFERENCE**

**APPEARANCE, AESTHETICS AND ÉCLAT** 

PARIS MARRIOTT RIVE GAUCHE HOTEL 17 BOULEVARD SAINT-JACQUES, 75014 PARIS, FRANCE PHONE: +33 1 40 78 79 80

#### **TUESDAY 18TH - FRIDAY 21ST SEPTEMBER 2018**

#### THF PROGRAMMF

The 2018 MARQUES Annual Conference will be held in Paris, a city known for fashion, beauty and art. Reflecting this, the theme of the Conference is "Branding Style: Appearance, Aesthetics and Éclat" and many sessions will focus on topics such as branding, design and luxury goods.

Timely issues such as the EU copyright reform, trade secrets directive, UDRP reform and Brexit will also be addressed and there will be a wide range of interactive workshops, as well as updates from WIPO and EUIPO and the annual review of FU case law.

#### INTRODUCTION

Paris, the cosmopolitan capital of France, is one of Europe's largest cities, with 2.2 million people living in the dense, central city and almost 12 million people living in the whole metropolitan area. Located in the north of France on the river Seine, Paris has the well-deserved reputation of being the most beautiful and romantic of all cities, brimming with historic associations and remaining vastly influential in the realms of culture, art, fashion, food and design. Dubbed the City of Light (la Ville Lumière) and Capital of Fashion, it is home to the world's finest and most luxurious fashion designers and cosmetics, such as Chanel, Dior, Yves Saint-Laurent, Guerlain, Lancôme, L'Oréal, Clarins.

#### ACCOMMODATION

We have secured accommodation at the Paris Marriott Rive Gauche Hotel and the Hôtel Concorde Montparnasse. Accommodation 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 to social events only.

#### **TUESDAY 18th SEPTEMBER 2018**

Relax and enjoy meeting up with colleagues and new acquaintances alike at our informal Welcome Reception being held at the Paris Marriott Rive Gauche Hotel.

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

#### WEDNESDAY 19th SEPTEMBER 2018

Our Cultural Evening will be held at the magnificent and unique Musée des Arts Forains & Théâtre du Merveilleux. This will be an unforgettable evening of entertainment. Dress Code: Smart/Casual/Comfortable (Gentleman are not reauired to wear suits or ties)

#### **THURSDAY 20th SEPTEMBER 2018**

Our Gala Dinner will be held at the Paris Marriott Rive Gauche Hotel. Dancing till the early hours will follow this signature evening.

Dress Code: Black Tie/Formal/Tuxedo

#### 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 Certificate 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.

#### **REGISTRATION FEES**

Members of MARQUES are offered an 'Early Bird Discount' for Full Residential or Non-residential packages booked by Friday June 29th 2018.

Please refer to the Registration Form for details of available options.

Please note that early registration is strongly recommended and that the last possible date for receipt of registrations and payment of fees is FRIDAY 31st August 2018. Unfortunately MARQUES are unable to guarantee acceptance of your registration after this date.

Registrations after FRIDAY 31st August 2018 will only be accepted if payment is made by credit card at the time of registration.

#### MARQUES

Unit Q, Troon Way Business Centre Humberstone Lane, Leicester, LE4 9HA, UK Tel: +44 116 274 7355 Fax: +44 116 274 7365 E-mail: info@margues.org Web: www.margues.org

#### **TUESDAY 18TH SEPTEMBER 2018**

- 11.00 hrs Meeting of the MARQUES Council (Council Members Only)
- 12.00 hrs Conference Registration Desk Opens
- 14.00 hrs Meeting of the MARQUES Teams (Team Members Only)
- 18.30 hrs Reception for Council, Speakers and First Time Attendees
- 19.15 hrs Welcome Reception

#### WEDNESDAY 19TH SEPTEMBER 2018

#### 09.00 hrs FORMAL OPENING AND MARQUES HIGHLIGHTS

Gregor Versondert, Procter & Gamble International Operations S.A., Switzerland and Chair of the MARQUES Council

#### 09.30 hrs PART 1 - MARK YOUR DESIGN

Product design is often much more than an isolated process to create a useful and aesthetically pleasing object. Product design reflects the values, heritage or reputation of the brand under which the product is to be sold – whether it is the use of specific materials, styles or a specific source identifier, such as the Burberry tartan or Adidas three stripe. However, design can also be the starting point for a company's success story around which the brand communication is built afterwards. The phenomenon of brand or company specific design will be addressed from different angles: How do such products come into being?; What are the legal possibilities and complexities under design and trade mark law?

#### SESSION CHAIR:

Robert Stutz, Beutler Künzi Stutz, Switzerland Co-Chair of the MARQUES Designs Team

KEY NOTE SPEAKER: Aurel Aebi, Atelier Oï, Switzerland

SPEAKERS: Laurence Morel-Chevillet, BVLGARI, Italy

Jesse Hofhuis, Hofhuis Alkema Groen, The Netherlands Member of the MARQUES Programming Team and Chair of the MARQUES 2018 Annual Conference Team

#### 11.00 hrs COFFEE AND EXHIBITORS

#### 11.30 hrs PART 2 - DESIGN YOUR MARK

A simple design choice at the early stages of the development of a product's new get-up can bite you in the tail for the lifetime of the product – particularly when the product turns out to be successful. How to best limit the risks of facing copycats? What are the lessons learned by companies that have gone through the process of protecting an iconic product throughout the world?

#### 11.30 hrs PART 2 - DESIGN YOUR MARK (cont)

What are the global possibilities of protecting unusual marks? And what can we learn from consumer psychology?

#### SESSION CHAIR:

Lydia Gobena, Fross Zelnick Lehrman & Zissu, USA Chair of the MARQUES Famous & Well Known Marks Team

#### SPEAKERS: Femke van Horen, Vrije Universiteit Amsterdam, The Netherlands

Giordano Cardini, Ferrero, Italy Member of the MARQUES Council and the MARQUES Famous & Well Known Marks Team

Birgit Choudhry, Red Bull GmbH, Austria Member of the MARQUES Famous & Well Known Marks Team

Sandrine Royer, Nestlé Legal, Switzerland Member of the MARQUES Famous & Well Known Marks Team

Tom Scourfield, CMS, UK Member of the MARQUES Famous & Well Known Marks Team

Stefan Völker, Gleiss Lutz, Germany Member of the MARQUES Famous & Well Known Marks Team

#### 13.00 hrs LUNCH

#### 14.15 hrs PART 3 - DESIGNING YOUR SECRETS

2017 saw new legislation in both the EU and the US on trade secrets. As EU member states implement the EU Trade Secrets Directive, and the US courts hand down the first judgments under the DTSA, this panel will discuss how to protect and enforce trade secrets. Speakers will address what constitutes a trade secret and explore best practice strategies for corporate management.

#### **SESSION CHAIR:**

Tove Graulund, Graulund Consulting, Denmark Life Member of MARQUES

#### SPEAKERS:

Michael Grow, Arent Fox, USA Member of the MARQUES Education Team

Donal O'Connell, Chawton Innovation Services, UK

Claudia Pappas, Thyssenkrupp Intellectual Property, Germany Member of the MARQUES Council and the MARQUES Programming Team

15.45 hrs TEA AND EXHIBITORS

#### 16.15 hrs PART 4 - SAVING THE UDRP

The UDRP is the only proven, affordable cross-border solution for abusive domain name registration. It protects the marks of brand owners; it keeps registries and registrars out of court, minimising their liability as intermediaries; it provides predictability for registrants including those who invest in domains. It promotes consumer trust because domains are regarded by internet users as signposts to authentic content. A forthcoming review within ICANN threatens to diminish its scope and effectiveness, promoting registrant rights above brand owner rights. This session will consider the state of the UDRP, how it could be changed for the better or the worse for brand owners and what can be done to preserve its effectiveness.

#### SESSION CHAIR:

Nick Wood, Com Laude, UK Member of the MARQUES Council and Vice Chair of the MARQUES Cyberspace Team

SPEAKERS: Brian Beckham, WIPO, Switzerland

Aimee Gessner, BMW Group, Germany

Willem Leppink, Ploum, The Netherlands Member of the MARQUES Council and the MARQUES Programming Team

Georges Nahitchevansky, Kilpatrick Townsend, USA Member of the MARQUES Cyberspace Team

#### 17.15 hrs SESSION SUMMATION AND CLOSE

- 19.00 hrs COACHES DEPART FOR THE CULTURAL RECEPTION AT THE MUSÉE DES ARTS FORAINS
- 22.00 hrs FIRST COACH RETURNS TO THE HOTEL 23.00 hrs LAST COACH RETURNS TO THE HOTEL

#### **THURSDAY 20TH SEPTEMBER 2018**

08.00 hrs CORPORATE BREAKFAST (by invitation only)

WELCOME: Bill Budd, Virgin Enterprises, UK Member of the MARQUES Council and the MARQUES Intellectual Asset Management Team

#### 09.30 hrs PART 5 - EMBRACING THE NEW: THE POST-GRAPHICAL REPRESENTATION WORLD FOR NON-TRADITIONAL MARKS This session will examine non-traditional trade mark filing practices since the changes took effect at the EUIPO on 1 October 2017.

#### 09.30 hrs PART 5 - EMBRACING THE NEW: THE POST-GRAPHICAL REPRESENTATION WORLD FOR NON-TRADITIONAL MARKS (cont)

Speakers will consider examples of what has been filed, accepted and rejected since that date, and provide tips on best practice. There will also be an outsider's view comparing how similar marks would be treated by the USPTO and US courts.

#### SESSION CHAIR:

Roland Mallinson, Taylor Wessing, UK Chair of the MARQUES Brexit Task Force, Member of the MARQUES Council and the MARQUES European Trademark Law & Practice Team

SPEAKERS: Speaker from EUIPO to be confirmed

Kasper Frahm, Plesner, Denmark Member of the MARQUES European Trademark Law & Practice Team

Red Horowitz, **BakerHostetler**, USA Member of the **MARQUES** Famous and Well Known Marks Team

#### LEWIS GAZE MEMORIAL SCHOLARSHIP PRESENTATION

#### 10.45 hrs COFFEE AND EXHIBITORS

## 11.15 hrs PART 6 - EU COPYRIGHT REFORM & ITS IMPACT ON TRADE MARK OWNERS

Within its Digital Single Market Strategy, the European commission published a legislative package aimed at: ensuring wider online access to content in the EU and reaching new audiences; adapting certain exceptions to the digital and crossborder environment; and fostering a well-functioning and fair copyright marketplace. In parallel, the CJEU has developed further its construction of the right of communication to the public and opened a debate regarding different scenarios of liability for copyright infringement. In this session, speakers will review the main measures introduced by this legislation and its impact on copyright in the EU. Speakers will also refer to the most relevant CJEU case law and provide some practical tips that may help advocates and trade mark owners to prepare their cases.

#### **SESSION CHAIR:**

Cristina Duch, Baker McKenzie, Spain Chair of the MARQUES Copyright Team

#### SPEAKERS:

Franz Gernhardt, Bird & Bird, Germany Member of the MARQUES Copyright Team

Christian Schumacher, Schoenherr, Germany Member of the MARQUES Copyright Team

12.30 hrs LUNCH

All details are correct at the time of printing

#### 14.15 hrs WORKSHOP / TOURS

## Workshop 1 - China Trademark Association - Well-known trade marks in China

The first part of this workshop will focus on administrative protection of well-known trade marks and the second part will focus on judicial protection.

Ma Fu, President of the China Trademark Association, will open and close the workshop.

Presented by The China Trademark Association

#### Workshop 2 - How the GDPR affects trade mark businesses

This workshop will focus on the practical side of the GDPR for trade mark businesses and share some of the dos and don'ts for shaping your data protection policy. It will reveal some of the secrets of the GDPR and shed some light on how to ensure compliance with the GDPR.

Presented by The MARQUES Regulatory Team

#### Workshop 3 - A tale of sorbets, geographical indications and brands

This workshop will present and discuss the complex issues raised by this jurisprudence and consider in particular if and how jurisprudence from the food industry is also affecting other industries. This will be followed by a tasting of GI-protected products from France.

Presented by The MARQUES Geographical Indications Team

## Workshop 4 - The average consumer in trade mark, unfair competition and consumer protection law: Fighting neighbours or best friends?

This workshop will include a discussion, with different groups representing the interests of consumer and companies suffering from unfair competition. It will conclude with a consideration of the lessons that can be learned, including for legal proceedings. **Presented by** The **MARQUES** Unfair Competition Team

#### Workshop 5 - Licensing brands: Handy hints and insider tips

This workshop will explore best practices in the licensing of brands, and discuss some of the common problems that businesses face from both a "license in" and "license out" perspective. Presented by The MARQUES Intellectual Asset Management Team

#### Workshop 6 - Mock trade mark mediation

The aim of the workshop is to allow delegates to see the process of a mediation in action and to gain a better understanding how mediation might be a further tool to resolve disputes. Presented by The MARQUES Dispute Resolution Team

#### 20.00 hrs BLACK TIE GALA DINNER & DANCE AT THE PARIS MARRIOTT RIVE GAUCHE

#### FRIDAY 21ST SEPTEMBER 2018

#### 09.30 hrs ANNUAL GENERAL MEETING

#### 10.00 hrs PART 7 - CHALLENGES TO FASHION, LUXURY AND OTHER SEASONAL INDUSTRIES

How do industries where collections of goods change often protect and defend their intellectual property? On this panel, in-house counsels and private practitioners who deal with this question on a day-to-day basis will share their experiences.

#### SESSION CHAIR:

William Lobelson, Germain Maureau, France Member of the MARQUES Programming Team

#### SPEAKERS:

Lynn Christina Schreier, Swarovski, Liechtenstein

Constance Laennec-Cuny, Maus Frères, Switzerland

Arianna Lacomelli, Furla, Italy

Jennifer Pickett, Chanel, UK

Moïra Truijens, Hoogenraad & Haak, The Netherlands Member of the MARQUES Designs Team

#### 11.15 hrs BREXIT UPDATE

#### SPEAKER:

Roland Mallinson, Taylor Wessing, UK Chair of the MARQUES Brexit Task Force, Member of the MARQUES Council and the MARQUES European Trademark Law & Practice Team

#### 11.30 hrs COFFEE AND EXHIBITORS

#### 12.00 hrs PART 8 - CJEU AND GENERAL COURT CASE LAW IN 2017/2018

The Court of Justice of the European Union and the General Court collectively handle more than 300 intellectual property cases each year. This session will take a closer look at the most important decisions issued since the last Annual Conference.

#### **SESSION CHAIR:**

Johannes Furhmann, Bomhard IP, Spain Member of the MARQUES European Trade Mark Law & Practice Team

#### SPEAKER:

Carles Prat, Baker McKenzie, Spain Member of the MARQUES Council and the MARQUES European Trade Mark Law & Practice Team

#### 13.00 hrs CONFERENCE SUMMATION AND CLOSE

Gregor Versondert, Procter & Gamble International Operations S.A., Switzerland and Chair of the MARQUES Council

13.15 hrs LUNCH

#### **TERMS AND CONDITIONS**

#### NAME and COMPANY

Please supply the details in the way in which you would like them to appear on your conference name badge. 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.

#### **B1** Full 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.

#### 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 Paris Marriott Rive Gauche Hotel.

#### D2 Wednesday Full Day

Fee includes 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 transfers to and from the conference hotel and attendance at the Cultural Reception on Wednesday evening at the Musée des Arts Forains.

#### 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, dinner and dancing at the Marriott Rive Gauche Hotel.

#### 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 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/£520 for Expert Membership, to your registration and use the Member Rates (or Members Early Bird rate before Friday 29th June 2018) 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 21st August 2018).

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 31st August 2018 MUST be paid for by Credit Card at the time of registration.

• Admittance to the conference may be refused if full payment has not been received by the time of registration in Paris.

#### FRENCH VAT RECOVERY

**MARQUES** is registered for VAT in France and all invoices are therefore subject to VAT which MUST be paid. If a business is established in another EU Member State then it should make a claim under Council Directive 2008/9/EC. A non-EU business should recover the VAT under the 13th Directive.

Information on the Council Directive 2008/9/EC can be found online here:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:fi0005 Information on the 13th Directive can be found online here:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:131015 MARQUES is unable to provide assistance in VAT recovery.

#### G TRANSFERS

There are no airport or rail transfer service available. Attendees are responsible for their own arrival and departure transport to and from the Hotel. There is a shuttle service between the conference venue and the overflow hotel.

#### THIRD PARTY EVENTS

Private receptions and other similar external events are not permitted during the Annual Conference. Please refer to Bye-Law 9.1 at https://www.marques.org/aboutus/byelaws.asp

BEFORE COMPLETING THIS FORM IN BLOCK	CAPITALS, PLEASE REFER TO THE NOTES FOR	R DELEGATES For Office use only
When complete, this form (together with co	onfirmation of payment arrangements - see no tre, Humberstone Lane, Leicester, LE4 9HA, Ur	ote F) should be sent to:
Tel: +44 116 274 7355, Fax: +44 116 274 73	65	
	ECEIPT OF REGISTRATIONS AND PAYMENT IS	
Mr Mrs Dr Mrs Miss		Member Rate Non-Member
		D. Modular Registration Rate
First name	Family name	No. Euro€ GBP£ Euro€ GBP£ TOTA
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Address		2. Weds 19th September - Full Day Conference       650       565       760       660         3. Weds 19th September - Social       325       285       400       350
		4. Thurs 20th September - Morning Conference Only       350       305       440       385         5. Thurs 20th September - Afternoon Workshops       300       260       360       315
Country	Telephone	6. Thurs 20th September - Gala Dinner & Dance       375       330       475       415
Fax	Email	7. Fri 21st September - Morning Conference         350         305         440         385
Your VAT No.	PO Number	TOTAL SECTION B
Name (incl. first name)		Payment
of spouse/partner/ guest (If appropriate)	NOT A MEMBER?	Total
	Join now from as little as €370 and save	
Please tick here if you are a first time attendee	to €850 on your registration - see note	
5	mbers Early Member Non-Member	I require expert membership of MARQUES at €650 / £520 F Total Fee Payable
INO.	l Discount* Rate Rate D€ GBP£ Euro€ GBP£ Euro€ GBP£	TOTAL 1. € Euro or £ Sterling cheque made payable to MARQUES
<ul> <li>A. Full Conference Package (including social functions but not accommodation)</li> <li>2. Remittance in € Euro or £ Sterling directly into MARQUES Accounts at Barclay 1-3 Haymarket Towers, Humberstone Gate, Leicester, LE1 1WA, UK</li> </ul>		
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B. Full Residential Package (including social functions and 3 nights accommodation)		
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C. Additional Accommodation	Single Double No. Euro€ GBP£ Euro€ GBP£	TOTAL Name and address of
Night of Sunday 16th September	<b>259 226 275 240</b>	Cardholder (if different from delegate details)
Night of Monday 17th September	<u> </u>	
Night of Friday 21st September	<u> </u>	Signature of Cardholder
Night of Saturday 22nd September	<u> </u>	Data Protection: By completing and returning this form you agree to allow MARQUES to hold a process data about your registration on computer and to pass this information on to any third
TOTAL SECTION C		parties as may be required to ensure efficient administration of the event.
*Farly Bird Discount - Available to members of MAR	OLIES on ELILL nackages booked before Eriday 29th Jun	mARQUES does not rent or sell any data to any other companies or organisations.

\*Early Bird Discount - Available to members of MARQUES on FULL packages booked before Friday 29th June 2018.