

Objective

The aim of this conference is to meet the requirements of trade mark and design law practitioners to keep informed about the recent case law and the latest EU legislative developments.

Key topics

- Adoption of the Trade Mark Reform and implications in practice
- Online advertising and trade mark use: from *L'Oréal* to *Daimler AG*
- Trade mark protection requirements: functionality, "limping signs" and acquired distinctiveness
- Likelihood of confusion and the assessment of weak trade marks
- Trade mark registration for colours and the *Louboutin* saga
- Latest update on CJEU case law on relative and absolute grounds for refusal
- Spare parts for designs: lessons from *Ford v Wheelstrims*

Who should attend?

Lawyers in private practice, in-house counsel and other practitioners of law dealing with trade marks and designs.

Travel to Trier:

Shuttle services from Luxembourg airport to the ERA Conference Centre can be booked at special rates at: www.finkelgruens-taxi.de

Speakers

Professor Graeme Dinwoodie, Faculty of Law, University of Oxford

Tomás Lorenzo Eichenberg, Principal Administrator, DG GROW, Intellectual Property and Fight against Counterfeiting Unit, European Commission, Brussels

Imre Gonda, Deputy Head, Trade Mark and Design Department, Hungarian Intellectual Property Office, Budapest

Marko Ilešič, Judge, Court of Justice of the European Union, Luxembourg

Justas Ivanauskas, International Cooperation and Legal Affairs Department (ICLAD), EUIPO, Alicante

Sven Klos, Attorney at Law, Klos c.s., Amsterdam

Professor Annette Kur, Max Planck Institute for Innovation and Competition, Munich

Professor Alexander von Mühlendahl, Visiting Professor, Queen Mary University of London; Attorney at Law, Bardehle Pagenberg Partnerschaft mbB, Munich

Andrej Stec, Legal Secretary to Judge Schwarcz, General Court, Luxembourg

David Stone, Partner, Intellectual Property, Simmons & Simmons, London

Diana Versteeg, Senior IP Counsel, AkzoNobel Legal Group, Arnhem

Knud Wallberg, Attorney at Law, Wallberg IP Office; Post Doc, Centre for Information and Innovation Law, Faculty of Law, Copenhagen

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www.era.int/?125708&en



ANNUAL CONFERENCE ON TRADE MARKS AND DESIGNS IN EUROPE 2016

- THE EU TRADE MARK REFORM IN ACTION
- LANDMARK NEW JUDGMENTS FROM THE CJEU

Trier, 20-21 October 2016

ERA Conference Centre
Metzer Allee 4, Trier, Germany

Organiser:

Florence Hartmann-Vareilles, ERA

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English

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Thursday, 20 October 2016

08:45 **Arrival and registration of participants**

09:15 **Welcome and opening**
Florence Hartmann-Vareilles

I. THE EU TRADE MARK REFORM IN ACTION

09:30 **Overview of the EU Trade Mark Regulation and state of play of the secondary legislation**
Tomás Lorenzo Eichenberg

10:00 Coffee break

10:30 **Main implications for trade mark practice:**

- First assessment of the procedural changes at EUIPO
- Implications at national level
- Main challenges for practitioners

*Imre Gonda
Diana Versteeg
Justas Ivanauskas*

11:30 Discussion

II. TRADE MARK USE IN ADVERTISING

11:45 **Trade mark infringement and digital media: How it happens and who is responsible?**
Knud Wallberg

12:30 Discussion

12:45 Lunch

III. ABSOLUTE AND RELATIVE GROUNDS FOR REFUSAL: CURRENT ISSUES

14:15 **Trade mark protection requirements: what is the link between functionality, "limping signs", event marks and acquired distinctiveness?**
Graeme Dinwoodie

14:45 Discussion

15:00 **Likelihood of confusion and the assessment of "weak" trade marks**
Annette Kur

15:30 Discussion

15:45 Coffee break

16:15 **The *Louboutin* saga: is a colour a shape or "another characteristic"?**
Sven Klos

16:45 Discussion

IV. LITIGATING ON TRADE MARKS AND DESIGNS INFRINGEMENT ACTIONS

17:00 **Multistate infringements in the EU: jurisdiction, remedies, applicable law**
Alexander von Mühlendahl

17:30 Discussion

17:45 End of the first conference day

18:30 Guided city tour

20:00 Dinner

Friday, 21 October 2016

V. RECENT CASE LAW ON TRADE MARKS FROM LUXEMBOURG

09:15 **Update on recent decisions adopted by the CJEU**
Marko Ilešič

09:45 Discussion

10:00 **Summary of recent case law from the General Court**
Andrej Stec

10:30 Discussion

10:45 Coffee break

VI. DESIGNS IN THE SPOTLIGHT

11:15 **Spare parts and the repair clause defence**
David Stone

11:45 Discussion

12:00 **Recent decisions on designs**
Overview: *Justas Ivanauskas*
Comments from the practice: *David Stone*

12:45 Discussion

13:00 End of the conference

Social Programme

After an intensive day, enjoy our social programme: the course dinner with fellow participants and a tour of the historic city of Trier, Germany's oldest city.