

TRADE MARK CASE LAW REVIEW

24 April 2009, Conf. No. H4-5109

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MANAGEMENT FORUM LTD., 98-100 Maybury Road, Woking, Surrey GU21 5JL, UK

Tel: +44 (0)1483 730071 Fax: +44 (0)1483 730008

Website: www.management-forum.co.uk

REGISTRATION INFORMATION

Date 24 April 2009

Times Start: 09.30 Finish: 17.00

Registration & Coffee 09.00

Venue

The Rembrandt Hotel, 11 Thurloe Place, London SW7.

Directions

Opposite V&A Museum.

Nearest Underground station: South Kensington.

Map available on Website under Hotels and Venues.

Accommodation

A limited number of bedrooms have been reserved at The Rembrandt Hotel, 11 Thurloe Place, London SW7, at a special rate of £133.92 (Superior), £152.18 (Executive) both including English breakfast. Excluding VAT - subject to availability.

A special rate for Friday, Saturday and Sunday of £120.87 (Superior) including English breakfast excluding VAT - subject to availability when booked as additional nights.

Hotel Tel: +44(0)20 7589 8100.

Hotel Fax: +44(0)20 7225 3476.

Email: reservations_rembbrandt@sarova.co.uk

All bookings should be made directly with the hotels quoting Management Forum and your credit card number.

Fee

£575 + VAT. The fee includes course documentation as well as mid-session refreshments and lunch. Invoice and confirmation will be forwarded to you.

Conference No. H4-5109

Discounted Rates

Available on application for personnel from non-profit making organisations and registered charities.

Group discount available on request.

Cancellation Policy:

Over 14 days prior to the Seminar: Cancellation fee of £75. 7/14 days prior to the Seminar: 50% of the fee.

Fewer than 7 days or if no notification received:

Registrant liable to pay FULL seminar fee.

NB: Cancellations must be received in writing by lesley@management-forum.co.uk.

In the event of circumstances beyond its control, Management Forum reserves the right to alter the programme, the speakers, the date or the venue.

TRADE MARK CASE LAW REVIEW

Topics to be covered at this event:

- How should recent Case Law affect your Trade Mark Strategy?
- Key European decisions on Trade Mark Infringement and Registrability
- Significant decisions from the Court of First Instance and European Court of Justice
- Dilution and use of Trade Marks as Google® Adwords
- A comparison of Scandinavian Case Law
- European Case Law update on Design Law

Chairs:

Carrollanne Lindley Kilburn & Strode (UK)

Iain Stewart Kilburn & Strode (UK)

Course Leaders:

Alexandra Beschorner Kuhnen & Wacker (Germany)

Jennifer Bryant Norton Rose (UK)

Tom Cowling Swan Turton (UK)

Rebecca Halford Harrison K&L Gates LLP (UK)

Steinar Lie Bryn Aarflot (Norway)

Vincent O'Reilly Office of Harmonization for the Internal Market (Spain)

Register on-line at www.management-forum.co.uk
or telephone +44 (0) 1483 730071



24 April 2009
The Rembrandt Hotel, London



WHY SHOULD YOU ATTEND?

- Keep abreast of rapidly evolving European case law
- Learn why recent case law should be influencing your trade mark strategy
- Obtain a valuable insight from OHIM
- Avoid pitfalls when obtaining design rights
- Gain a commercial perspective of European case law
- Compare experiences with delegates from across Europe

WHO SHOULD ATTEND

- Trade Mark Practitioners
- Trade Mark Attorneys
- Patent Attorneys
- IP Professionals
- Others wishing to increase their knowledge of trade mark case law and design case law

ACCREDITATION

This Course merits 5.5 hours under the UK Solicitors Regulation Authority self-accreditation scheme

Ref: CJA/MAFO

and is also potentially relevant CPD for Fellows of CIPA.

DOCUMENTATION

Delegates will receive a course material folder containing comprehensive documentation provided by the speakers, which will be a valuable source of reference for the future.

A Certificate of Attendance for Professional Development will be given to each participant who completes the course.

CHAIRS

Carrollanne Lindley is a qualified barrister and Trade Mark Attorney, and Partner at Kilburn & Strode, where she heads the firm's Trade Marks Group. Carrollanne is experienced in all aspects of trade mark prosecution and enforcement both in the UK and abroad.

Iain Stewart is a Trade Mark Attorney and Partner at Kilburn & Strode. He handles all aspects of trade mark prosecution in the UK and abroad, including advising on infringement, passing off, oppositions, and cancellation actions.

SPEAKERS

Alexandra Beschorner is an Attorney at Law, Certified IP Attorney and Partner at the Intellectual Property Law Firm Kuhnen & Wacker based in Munich. She heads the legal and trademark department.

Jennifer Bryant is a solicitor of England and Wales and has recently taken up the role of Legal Adviser in the Intellectual Property team at British Sky Broadcasting Limited, where she is responsible for the company's trade marks.

Tom Cowling is a partner in Swan Turton's Intellectual Property, Litigation and Advertising & Marketing Groups. He specialises in intellectual property, media and entertainment and commercial litigation with a particular expertise in trade marks and copyright disputes.

Rebecca Halford Harrison is a partner in the Intellectual Property group in the London office of K&L Gates LLP specialising in patent, design, trade mark and copyright litigation. She also has extensive mediation experience.

Steiner Lie is an Attorney with Bryn Aarflot AS in Norway. His practice mainly consists of representing clients in ex parte proceedings before the Norwegian Industrial Property Office (NIPO) and in inter parties opposition and infringement proceedings, as well as giving general counsel in the fields of trade mark, design and copyright law.

Vincent O'Reilly has been working in OHIM since April 1995. He was Head of the Examination Division in OHIM up to February 2002. Vincent is currently Director of the Department for Industrial Property Policy.

PROGRAMME

09.30 ► Introduction

Carrollanne Lindley/Iain Stewart
(Kilburn & Strode)

09.45 ► How does recent Case Law affect your Trade Mark Strategy?

Vincent O'Reilly (OHIM)

- Decisions of OHIM's Boards of Appeal
- CFI/ECJ rulings on procedure
- Issues in the pipeline

10.30 ► Coffee

10.45 ► European Decisions on Trade Mark Infringement and Registrability

Jennifer Bryant (Norton Rose) & **Alexandra Beschorner** (Kuhnen & Wacker)

- Registrability of traditional trade marks, slogans and shapes including issues on distinctiveness and parallel imports
- Trade mark infringement including issues on comparative advertising and well known marks

12.30 ► Lunch

13.45 ► Dilution and use of Trade Marks as Google® Adwords

Tom Cowling (Swan Turton)

- Genuine use of trade marks
- Descriptiveness
- Similarity/Confusion
- Bad faith
- Trade mark dilution
- Use of trade marks as Google® and other search engine adwords

14.45 ► Scandinavian Case law

Steinar Lie (Bryn Aarflot)

- Norway
 - The concept of consumption: EFTA court decision and the coming Norwegian Trademarks Act
 - Scope of protection: Sweet and Salty (is it faulty?) Norwegian Supreme Court decision
- Denmark
 - Geographical origin within the meaning of Article 7(1)(c) of the Council Regulation No 40/94: Comparing the practice of the Danish Office and the OHIM
 - Descriptive words with negligible figurative elements: Registrability and scope of protection
- Sweden
 - Proof of genuine use on the market in cancellation actions

15.45 ► Tea

16.00 ► Community Designs – The Bigger Picture

Rebecca Halford Harrison (K&L Gates)

- Europe case law update on Design law
- Squeezing arguments - protecting designs using confidential information, patents, unfair competition and/or copyright
- Positives, pitfalls and strategy for obtaining design rights
 - What works for which industry?
- Enforcing design rights

16.45 ► Summary remarks

Carrollanne Lindley/Iain Stewart
(Kilburn & Strode)

17.00 ► Close of seminar