

Alicante 2014

33rd Annual Conference

June 18-21, 2014

Celebrating the 20th
CTM Anniversary

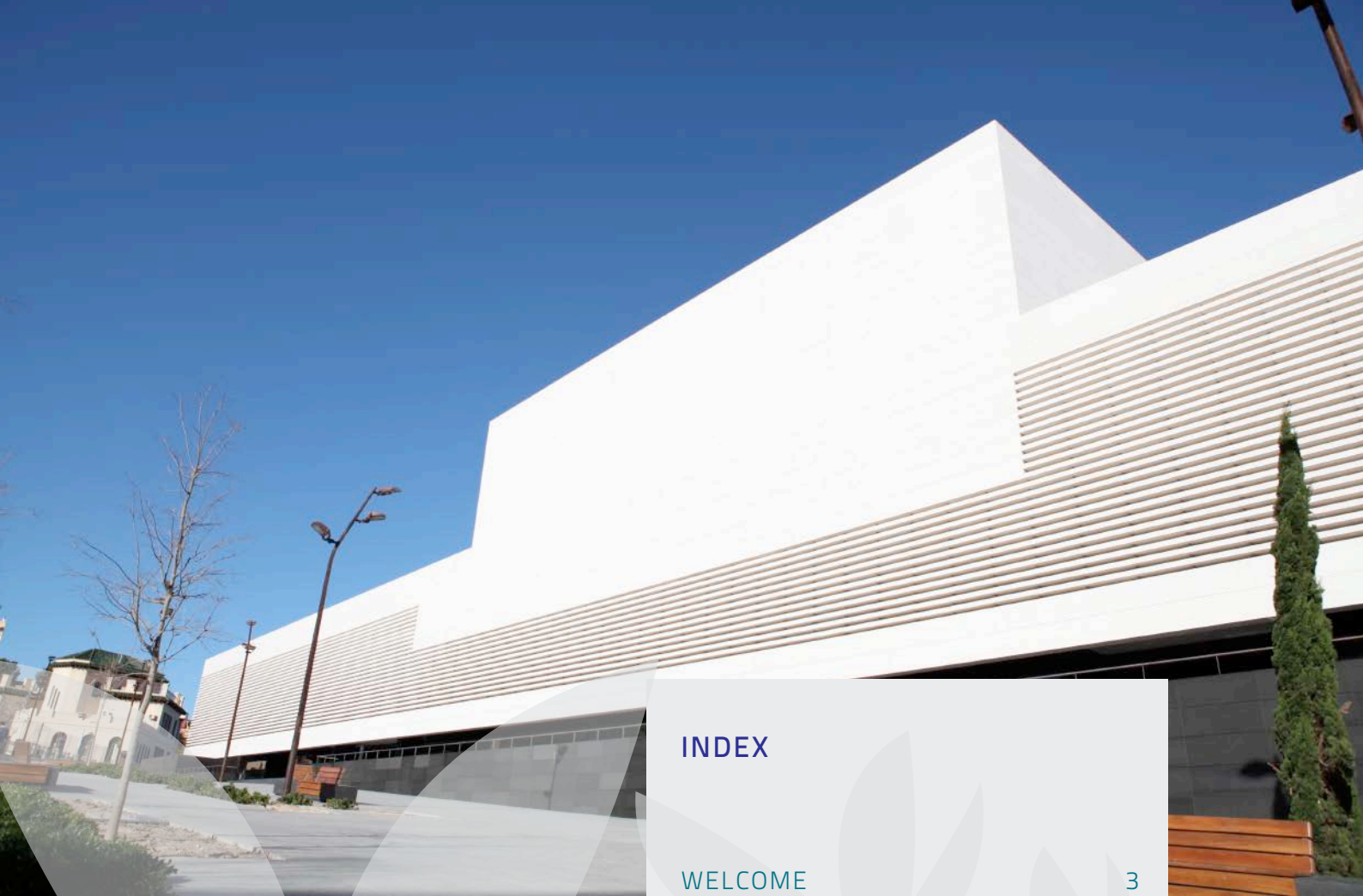
Preliminary Programme



ECTA

European Communities Trade Mark Association





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WELCOME

Alicante 2014: Look back to see ahead

Revisiting places, events and people every 20 years is a deep-seated social tradition, though not one recognized by law. This tradition moves us to reflect on our experiences over two decades and, based on this look backwards, considers how best to move forward.

Consistently, twenty years after the adoption of the Community Trade Mark Regulation, with works on updating it in full swing, ECTA is back in Alicante for its 2014 Annual Meeting.

Through its Committees, ECTA is playing an active role in the revision of the Regulation, as well as in respect of several other issues, offering opinions and suggestions aimed at enhancing the quality of the trade mark protection, as the valuable assets they have been for tens of years, when they have contributed to the wealth and welfare of nations and to job creation, as the European Observatory on Counterfeiting and Piracy rightly observed in its study released in October 2013.

It should be recalled that ECTA was formed in 1982 as an outgrowth of initial work by the then EEC seeking to harmonize trade mark law and practice at Community level and to create a unitary tool, the Community Trade Mark, so ECTA is pleased to come back to Alicante, at the OHIM's invitation and with its full support.

To ensure that the meeting will do justice to the significance of the date, an extremely interesting programme of presentations has been put together, with Alicante's modern and superb Convention Centre as its venue, to review the functioning of the Community trade mark system at this time and cast a look ahead at what changes may lie in store, and an equally attractive programme of social activities is also being offered.

We trust that both the working and social programmes, along with the OHIM's involvement and the anniversary being commemorated, will draw many ECTA members, IP practitioners, and right holders to the ever bright and hospitable city of Alicante, and from there we extend our warmest welcome to all.



Domenico de Simone
ECTA President



Mireia Curell | Luis-Alfonso Durán | Luis H. de Larramendi
Members of the Organizing Committee

PROGRAMME

WEDNESDAY 18 JUNE



08.00-18.30 **REGISTRATION AND INFORMATION DESK**

08.30-13.00 Committee Meetings (by invitation only)

09.00-12.30 Design Committee
Internet Committee

08.30-11.15 Professional Affairs Committee

08.30-13.00 Anti-Counterfeiting Committee
Law Committee

10.00-13.00 Geographical Indications Committee
Harmonization Committee

WEDNESDAY 18 JUNE

13.00-14.30	OHIM- Link Committee lunch meeting Publications Committee lunch meeting Advisory Committee lunch meeting Membership and Disciplinary Committee lunch meeting
13.00-14.30	Lunch for Council and Committee Members
14.30-18.30	Council Meeting (by invitation only)
14.30-17.30	WORKSHOP Looking overseas - US trade mark prosecution, opposition and infringement proceedings Moderator: Jim Bikoff , Silverberg Goldman & Bikoff LLP, US Filing a trade mark at the US TM Office (Basis, Intent to use, List of goods and services, filing a Madrid application with extension to the US, avoiding objections) Dwayne K. Goetzel , Meyertons, Hood, Kivlin, Kowert & Goetzel, US The opposition procedure (Basis, costs, discovery, procedure, time, risks) Curtis Krechevsky , Cantor Colburn LLP, US Discussion with the audience
16.00-16.15	COFFEE BREAK
16.15-17.30	Infringement Proceedings Paul Fields , Leason Ellis LLP, US Discussion with the audience
20.00 -Midnight	Welcome Reception offered by OHIM. Dress Code: Cocktail attire. Coach transfer to and from meeting points. Schedule of coaches and meeting points will be indicated in the final programme.

PROGRAMME

THURSDAY 19 JUNE

08.00-18.30 **REGISTRATION AND INFORMATION DESK**

08.45-09.10 Annual General Meeting

09.10-09.30 Celebrating the 20th CTM Anniversary
Welcome

Domenico de Simone, ECTA President, De Simone & Partners, IT

António Campinos, President of OHIM, ES

Mireia Curell, ECTA Organizing Committee. Curell Suñol SLP, ES

Luis de Larramendi, ECTA Organizing Committee, Elzaburu SLP, ES

Luis-Alfonso Durán, ECTA Organizing Committee, Durán-Corretjer SLP, ES

F. Peter Müller, ECTA First Vice-President, Müller Schupfner & Partner, DE

09.30-10.45 Latest strategies and steps for clearing, filing and obtaining an EU Trade Mark

Moderator: **Luis-Alfonso Durán**, ECTA Past President, Durán-Corretjer SLP, ES

STEP 1: Clearing Strategies:

- Searching tools available at CTM and national and international level
- Where to search
- How to search
- Analysis of results
- Post search strategies i.e.: National, CTM and/or Madrid filing

Tanya Fickenscher, Sandoz, DE

Laurent Nowak, Cabinet Plasseraud, FR

Discussion with the audience

10.45-11.15 **COFFEE BREAK**

11.15- 13.00 Latest strategies and steps for clearing, filing and obtaining an EU Trade Mark

Moderator: **Keith Hodkinson**, Marks & Clerk, UK

STEP 2: Filing Strategies

- The sign: word mark, script, labels, packaging, 3D, colour /black & white etc.
- The goods/services: class headings, specific, broad, how many classes, etc.
- National, CTM (direct/Madrid), Madrid, etc., priority claim, seniority claim.
- Negotiations and agreements with other parties (before or after filing, wait for opposition, etc.)
- Seniority Claim
- CTM/CD or both

Speaker tbd

Karla Hughes, Hogan Lovells, ES

STEP 3: Obtaining Strategies

Examination

- Motivation of objections. Who has the burden of the proof?
 - Arguments and evidences
 - The acquired distinctiveness burden
 - Geographic names
 - Unconventional trade marks (3D, packaging)
-

Opposition - Applicant's perspective

- Negotiations to settle. Limitation, coexistence agreements.
- Request of proof of use
- Conversion alternatives
- How to draft a convincing reply

Opposition - Opponent's perspective

- Negotiations to settle. Limitation, coexistence agreements.
- Request of proof of use
- Conversion alternatives
- How to draft a convincing reply

OHIM

- Examination procedure of opposition.
- How examiners analyze the arguments of parties and deliberate before adopting a decision
- Recommendations to users

Nikolaos Lyberis, Vayanos Kostopoulos, GR

Lia Young, Caterpillar, Inc., US

Karin Kuhl, Head of Service, Quality Matters and Cancellation (OD), OHIM, ES

Discussion with the audience

13.00-14.30

LUNCH

14.30-15.00

How to catch the Pirates

Criminal Aspects of Trade mark Infringement and how to involve police forces

Moderator: **Jordi Güell**, Curell Suñol SLP, ES

Rosella Mangion, Legal Officer, Office of Legal Affairs of INTERPOL General Secretariat, FR

Discussion with the audience

15.00-16.00

CASE LAW UPDATE I - OHIM and EC Case Law

Moderator: **Alexander von Mühlendahl**, Bardehle Pagenberg, DE

Julio Laporta, Head of Service, Legal Practice, OHIM, ES

Achim Bender, Vossius & Partner, DE

Discussion with the audience

16.00-16.30

COFFEE BREAK

16.30-18.00

CASE LAW UPDATE II - EC and ECJ Case law

Moderator: **Alexander von Mühlendahl**, Bardehle Pagenberg, DE

Charles Gielen, Nauta Dutilh, NL

Annette Kur, Max Planck Institute, DE

Discussion with the audience

18.00-19.15

ECTA Committee Chairs meeting (by invitation only)

20.00 -Midnight

Dinner at La Cantera

Next to the sea in a privileged area of the Alicante bay, a dinner party in a relaxing atmosphere on a magnificent terrace.

Dress Code: Smart Casual.

Coach transfer to and from meeting points.

Schedule of coaches and meeting points will be indicated in the final programme.

PROGRAMME

FRIDAY 20 JUNE

08.00-18.30 **REGISTRATION AND INFORMATION DESK**

09.00-10.15 Legislative Package.
Moderator: **Joe Cohen**, Collyer Bristow LLP, UK
EU Parliament.
Representative from European Parliament, tbd
EU Commission
Representative from DG Internal Market, tbd
Lawyers Perspective.
Oscar Benito, Glaxo Smith Kline, UK
Discussion with the audience

10.15-10.45 **COFFEE BREAK**

10.45-11.30 Do we need IP Rights in a Modern World ?
Why trade marks and what about lookalikes and trade dress
Moderator: **Max Oker-Blom**, ECTA Secretary General, FI
Speaker: **Manuel Desantes**, Elzaburu SLP, ES
Discussion with the audience

11.30-13.00 OHIM, National Offices and the Practitioners – any competition around?
The Law Firm and Advertising - Fire and Water?
Moderator, tbd
Information Services of OHIM
Inge Buffolo, Head of Service, Institutional Relations (ICLAD), OHIM, ES
Services of National Offices
Patricia García-Escudero, Director General of the Spanish Patent and Trade Mark Office, ES.
10 Reasons why trade mark and design practitioners are still needed despite Legal Services of National Offices and OHIM
Shane Smyth, FRKelly, IE
Do IP firms have to advertise their services? The law firm 2020
Etienne Sanz de Acedo, Chief Executive Officer of INTA, US
Discussion with the audience

13.00-14.30

LUNCH

14.30-16.00

Trade Mark Enforcement "on the rim of the EU"

Moderator: **Marius Schneider**, Chair of the ECTA Anti-Counterfeiting Committee, Member of the European Observatory of Infringements of Intellectual Property Rights, Cruyplants Eloy Wagemans & Partners, BE

- Counterfeit goods in transit – where do we stand where do we go?

Luigi Sansone, Salomone, Sansone & Co, MT

- Small consignments of counterfeit goods – where is the legislative proposal and what is the outcome of the Blomqvist vs Rolex case?

Christophe Maillefer, Gros & Waltenspühl, CH

- The secret paths of counterfeiters

Sozos-Christos Theodoulou, Law Office of Dr. Christos A. Theodoulou, CY

- Observatory of intellectual property right infringements – has there been progress now that the Observatory is in Alicante?

Paul Maier, Director of the EU Observatory on Infringements of Intellectual Property Rights, OHIM, ES

16.00-17.00

20th Anniversary Surprise Session and Summary-Another 20 years to come

Moderator: **F. Peter Müller**, ECTA First Vice-President, Müller Schupfner & Partner, DE

20.00 -Midnight
or more

Gala Dinner at Jardines de Abril

Jardines de Abril offers an environment that perfectly describes its name.

Flowers, plants, trees and fountains are harmoniously united, perfect for a gala dinner

Dress Code: Dark Suit.

Coach transfer to and from meeting points.

Schedule of coaches and meeting points will be indicated in the final programme.

ACCOMPANYING PERSONS PROGRAMME

Thursday 19 June

"Arroces" (Rice) Workshop

Rice is the most acclaimed gastronomic experience of Alicante and its surrounding area. Participants will visit the city's central market to buy the ingredients, and then attend a master class with a chef from one of the most famous restaurants in Alicante. Degustation included.

Price per person, 90 €

Friday 20 June

Alicante City Tour: Hogueras de San Juan

Alicante celebrates the arrival of summer with the bonfires of San Juan. The festivities officially begin on 20 June with the "plantá", or building of enormous bonfires with their cardboard figures which fill the streets of Alicante with wit and good humour. Participants will visit the Bonfires of San Juan and can help in the plantá (Set up of monuments and street "ninots"), enjoying a typical meal and the fireworks (Masclatá).

Price per person, 70 €





Saturday 21 June

Tabarca Island

The island is a pleasant 45 minute boat trip from Alicante. Tabarca is the first marine reserve of Spain. The city centre (church and walls) is a declared historical artistic collection, and the countryside is a protected natural area. Lunch at a typical beach restaurant (chiringuito) is included. Guided snorkelling optional.

Price per person, 100 €. Optional snorkelling additional 50 €

Masia el Altet, Oil Mill in Alcoi

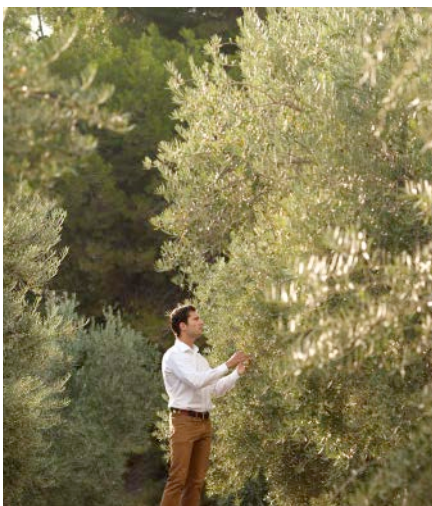
Recognized as the most internationally awarded Spanish olive oil producer, participants will visit the olive groves and taste their acclaimed olive oils. The excursion ends with lunch in a well-known restaurant in Alcoi.

Price per person, 110 €

Golf Tournament

A golf tournament at Alicante golf course in Playa San Juan with lunch in the golf course restaurant included.

Price per person, 190 € (Rental of clubs and buggy included)



ACCOMMODATION

Room rates include VAT at 10% as valid at the date of release of this brochure. Taxes are subject to Government change without prior notification. Any increase of taxes by the Government will be charged by the hotels upon departure.

Room rates are per room and per night.

When the registration for the conference is made, choose your hotel and complete the form according to your requirements. If you have specific requirements (such as a larger room or a longer stay), please send these to registration@ecta.org.

At the time of registration, you will be required to pay the first night of accommodation only. The cost of the other nights will be paid directly by you to the hotel upon departure.

1



Hotel Meliá ****
Plaza del Puerto, 3
03001 Alicante
Tel.: +34 965 205 000
www.melia.com

2



Hotel Hospes Amérigo *****
Rafael Altamira, 7
03002 Alicante
Tel.: +34 965 146 570
www.hospes.com

Official Conference Headquarters. One of the city's most iconic hotels, is located between Postiguet Beach and Alicante marina, near the well-known Paseo de la Explanada de España, the historic and commercial centre of the city and Santa Bárbara Castle. Complimentary wireless internet.

Double Room 95.70 € *
 Double Room The Level 168.30 €
 Junior Suite 145.20 € *
 Junior Suite The Level 223.30 €

Same price single or double use.
 * Breakfast not included (15,40 € per person)

Walking Distance to ADDA:
 2 km (25 min).

A shuttle service will be provided between meeting points, which will be established next to the different hotels, and the Convention Center (ADDA) and viceversa.

Located in the historical heart of Alicante, with beautiful views of Alicante's Cathedral and the Santa Bárbara Castle. Hospes Amérigo's free rooftop Bodyna Spa features cabins for spa treatments, a sauna, a gym, a relaxing area, an open air swimming pool (covered or open according to the season) and a solarium-terrace with panoramic views.

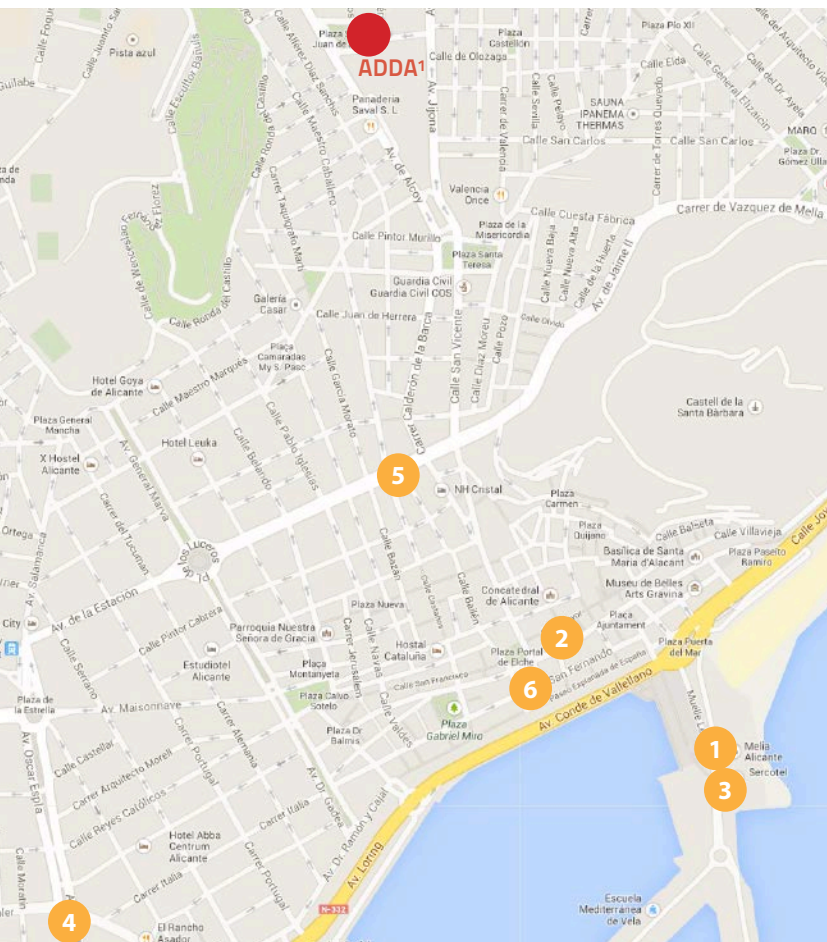
This elegant design hotel is set in a 16th-century Dominican Convent in Alicante's old town, 300 metres from Postiguet Beach. Hospes Amérigo is within 50 metres of the cathedral and Alicante Town Hall. On-site parking can be reserved for an extra charge. Complimentary wireless internet.

Double room single use 187 €
 Double room 206.50 €

Breakfast included

Walking Distance to ADDA:
 1,5 km (19 min).

A shuttle service will be provided between meeting points, which will be established next to the different hotels, and the Convention Center (ADDA) and viceversa.



1 ADDA is the Convention Center venue where all Committee Meetings, the Council Meeting and the Conference will take place.

3



**Sercotel Hotel Spa
Porta Maris ******
Plaza Puerta del Mar, 3
03002 Alicante
Tel.: +34 965 147 021
www.hotelspapotamaris.com

This spa hotel in Alicante offers spacious and modern rooms, all with a terrace, free wifi internet, and views of the Alicante marina or the bay. Located between Postiguët beach and the Alicante marina, with excellent panoramic views of the sea and 100 meters from the new Mediterranean casino.

Complimentary wireless internet.

Classic Hotel Spa Porta Maris 90.20 € *
Junior Suites Del Mar 137.50 € *

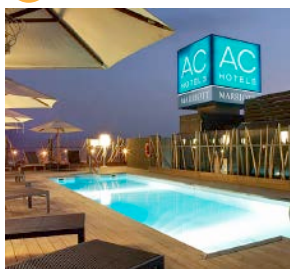
Same price single or double use.

* Breakfast not included (11,00 € per person).

Walking Distance to ADDA¹:
2 km. 25 min.

A shuttle service will be provided between meeting points, which will be established next to the different hotels, and the Convention Center (ADDA) and viceversa.

4



AC Hotel Alicante ****
Tel.: +34 965 120 178
Avda. de Elche, 3 Alicante
03008 Alicante
www.marriott.com/hotels/travel/alcal-ac-hotel-alicante/

An upper moderate tier lifestyle hotel brand, targeting the design conscious, younger traveller looking for a cosmopolitan hotel stay in a great city location. With stylish, urban hotels, the brand appeals to both business and leisure travellers who seek to experience the culture of the city.

High-speed Internet, Fitness centre, Business centre, Restaurant on-site, Pool, Room service, Parking.
Complimentary wireless internet.

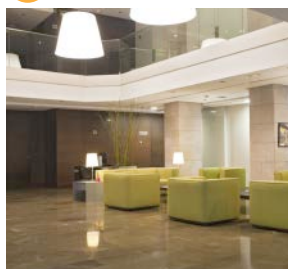
Double room single use 71.50 €
Double room 80.30 €

Breakfast included

Walking Distance to ADDA¹:
2,4 km (32 min).

A shuttle service will be provided between meeting points, which will be established next to the different hotels, and the Convention Center (ADDA) and viceversa.

5



**Hotel Eurostars
Lucentum ******
Avda. Alfonso el Sabio, 11
03002 Alicante
Tel.: +34 966 590 700
www.eurostarslucentum.com

The Eurostars Lucentum is a modern hotel located in the heart of Alicante, very close to the Mercado Central and just a few metres from the port and the old quarter, making it the perfect vantage point for visiting the city on foot. It is also well-connected with other points of interest in the city, with a stop on the new metropolitan tramline right across the street.
Complimentary wireless internet.

Double room single/double use 90.20 € *

* Breakfast not included (7,70 € per person)

Walking Distance to ADDA¹:
1,1 km (15 min).

A shuttle service will be provided between meeting points, which will be established next to the different hotels, and the Convention Center (ADDA) and viceversa.

6



Hotel Tryp Gran Sol ***
Rambla Mendez Núñez, 3
03002 Alicante
Tel.: +34 965 203 000
www.tryphotels.com/en/tryp-gran-sol-hotel-alicante-spain.html

Located in the heart of the city of Alicante, opposite the sea and with spectacular panoramic views. The hotel enjoys a magnificent location along the Rambla de Alicante, next to the Explanada seafront promenade, the Paseo Marítimo port area and only 200 metres from Postiguët Beach.

Complimentary wireless internet.

Tryp Room Sea View 72.60 € *
Superior Room Sea View 84.70 € *

Same price single or double use.

* Breakfast not included (8,80 € per person).

Walking Distance to ADDA¹:
1,4 km (19 min)

A shuttle service will be provided between meeting points, which will be established next to the different hotels, and the Convention Center (ADDA) and viceversa.

Registration & General Information

ONLINE REGISTRATION

To register for the 33rd ECTA Annual Conference, please visit ECTA website (www.ecta.eu), select 33rd Annual Conference (under events) and select "register on-line". Follow the steps and choose your payment method. You will receive a confirmation of your registration upon payment.

REGISTRATION FEES

Registration fees are valid only if payment is received on or before the deadline dates. A completed registration form must be submitted for each participant, including accompanying persons, speakers and invited guests.

	Early Bird	Regular
	before 10 March 2014	from 11 March 2014
ECTA Member	1.350 €	1.550 €
Non ECTA Member	1.650 €	1.850 €
Accompanying Person	550 €	650 €

Registration payment

You can either pay by credit card (Visa or MasterCard) or by bank transfer. The payment will be charged in euros. Please note that all bank charges for bank transfer payment must be settled by the remitter.

ENTITLEMENTS

Delegates registration includes:

- Attendance at all Conference working sessions, Coffee breaks and lunches
- Publication of your name and firm's name in the list of participants.
- Conference Briefcase
- OHIM Welcome Reception, Wednesday 18 June
- Dinner at La Cantera, Thursday 19 June
- Gala Dinner at Jardines de Abril, Friday 20 June
- Gift

Accompanying person registration includes:

- OHIM Welcome Reception, Wednesday 18 June
- Dinner at La Cantera, Thursday 19 June
- Gala Dinner at Jardines de Abril, Friday 20 June
- Gift

REGISTRATION CANCELLATION

Notification of cancellation must be sent in writing to the Conference Organizer, registration@ecta.org. Cancellations will be accepted until **30 April 2014** with a refund of all prepaid fees, less 1% cancellation charge; from **1 May to 28 May 2014** with a refund of all prepaid fees, less 25% cancellation charge. After this date, no refunds will be made.

CONFIRMATION AND JOINING INSTRUCTIONS

Confirmation of registration will be sent to all delegates on receipt of payment. In addition, joining instructions will be sent out in May 2014 by e-mail to assist with your visit to Alicante.

Please ensure you provide your personal e-mail address when registering.

Hotel Cancellation Policy:

All cancellations should be cancelled in writing. A penalty of 1% of the accommodation deposit paid will be incurred for cancellations received **before 28 May 2014**. Any cancellations received **from 29 May 2014** onwards, will incur a penalty equal to the cost of one night's accommodation.

EDUCATIONAL CREDITS

ECTA is an authorized course provider namely:

UK Solicitors Regulation Authority Accredited (ref. DBL/ECTA), UK

UK Bar Standards Board Accredited, UK

CNF, (Consiglio Nazionale Forense), IT

Swedish IP Attorney Association, SE

Romanian Bar Association (A participation certificate should be filed)

German Bar Association in principle appropriate to 15FAO, DE (Ultimately a matter for the respective Bar Association).

ECTA constantly provides high level educational content sessions during Annual meetings for attendees working in various fields of trade mark and design law. Please check with your local authorities if these sessions are recognized as credit point granters in your respective country. Certificates of attendance will be available upon request after the meeting from the ECTA Secretariat (ecta@ecta.org)

CONFERENCE ORGANIZER

ECTA Secretariat

Rue des Colonies, 18-24
BE-1000 Brussels, Belgium
Tel. +32 2 513 52 85
Fax +32 2 513 09 14
registration@ecta.org

ORGANIZING AGENCY

AB MEETING PLANNERS

Moià 1 2°
08006 Barcelona, Spain
Tel. +34 934 45 67 87
Fax +34 934 14 70 36
abmeeting@abmeeting.com

VENUE

ADDA

Tel.: +34 965 91 91 00

DATES

The ECTA Conference will take place from Thursday 19 June to Saturday 21 June 2014. ECTA Council and Committee Meetings will be held on Wednesday 18 June 2014.

REGISTRATION AND INFORMATION DESK:

The desk for registration and distribution of documents will be located in the lobby of ADDA and will be open as follows:

Wednesday 18 June 08.00-18.30

Thursday 19 June 08.00-18.30

Friday 20 June 08.00-18.30

OFFICIAL LANGUAGE

The official language of the ECTA Conference is English. No simultaneous translation will be offered.

SOCIAL EVENTS

ECTA request that during the entire period, (Wednesday 18 to Saturday 21 June 2014) no other non-official Conference events should be arranged.

INSURANCE

Participants are highly advised to arrange personal travel insurance in case they have to cancel their participation in the conference, and hotel accommodation as well as for other risks associated with travel.

BADGE

Delegates, guests and accompanying persons are requested to wear their identification badges at all times during the event.

TRAVEL TO ALICANTE

Alicante is a very accessible city from any part of the world.

The Alicante airport El Altet has direct links by bus (every 20 min.) to the city in less than 30 minutes. Taxis are also available.

PASSPORTS AND/OR VISA

A valid ID or Passport is required for entry into Spain for participants from the European Union. For participants from other countries a valid Passport is required.

Participants from some countries may require a Visa for entry to Spain. Please check with your local Spanish Consulate or Embassy.

TIME DIFFERENCE

UTC/GMT +1hour

CLIMATE

The average day temperature during June is 27 degrees Celsius during the day and a low of 17 degrees Celsius at night.

CURRENCY

The currency in Spain is Euro (€).

ELECTRICITY

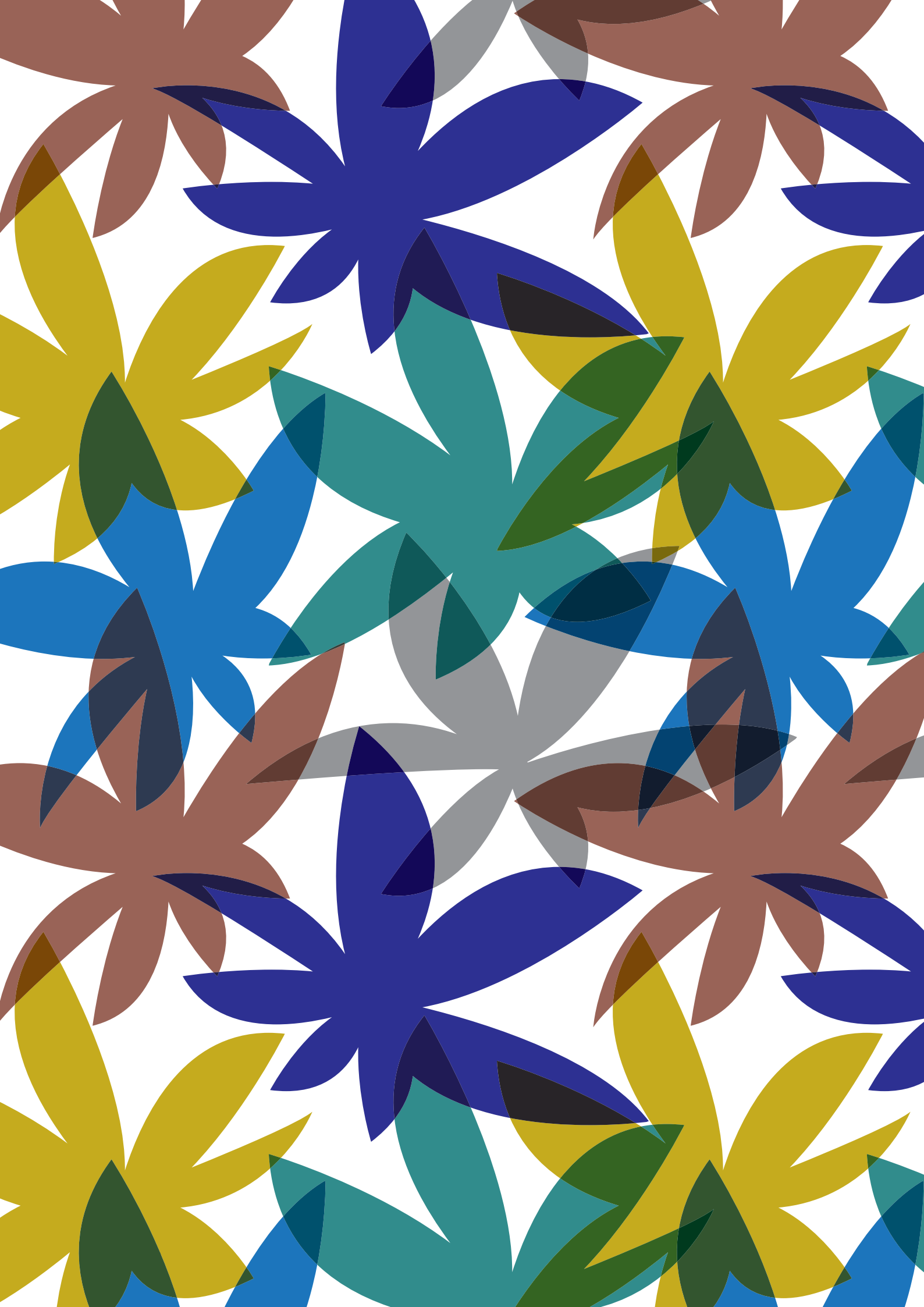
Standard voltage is 220-240V AC, 50 Hz. Electrical appliances from the US require a transformer and an adaptor. Plugs are two-pin and adaptors are available at any hardware store.

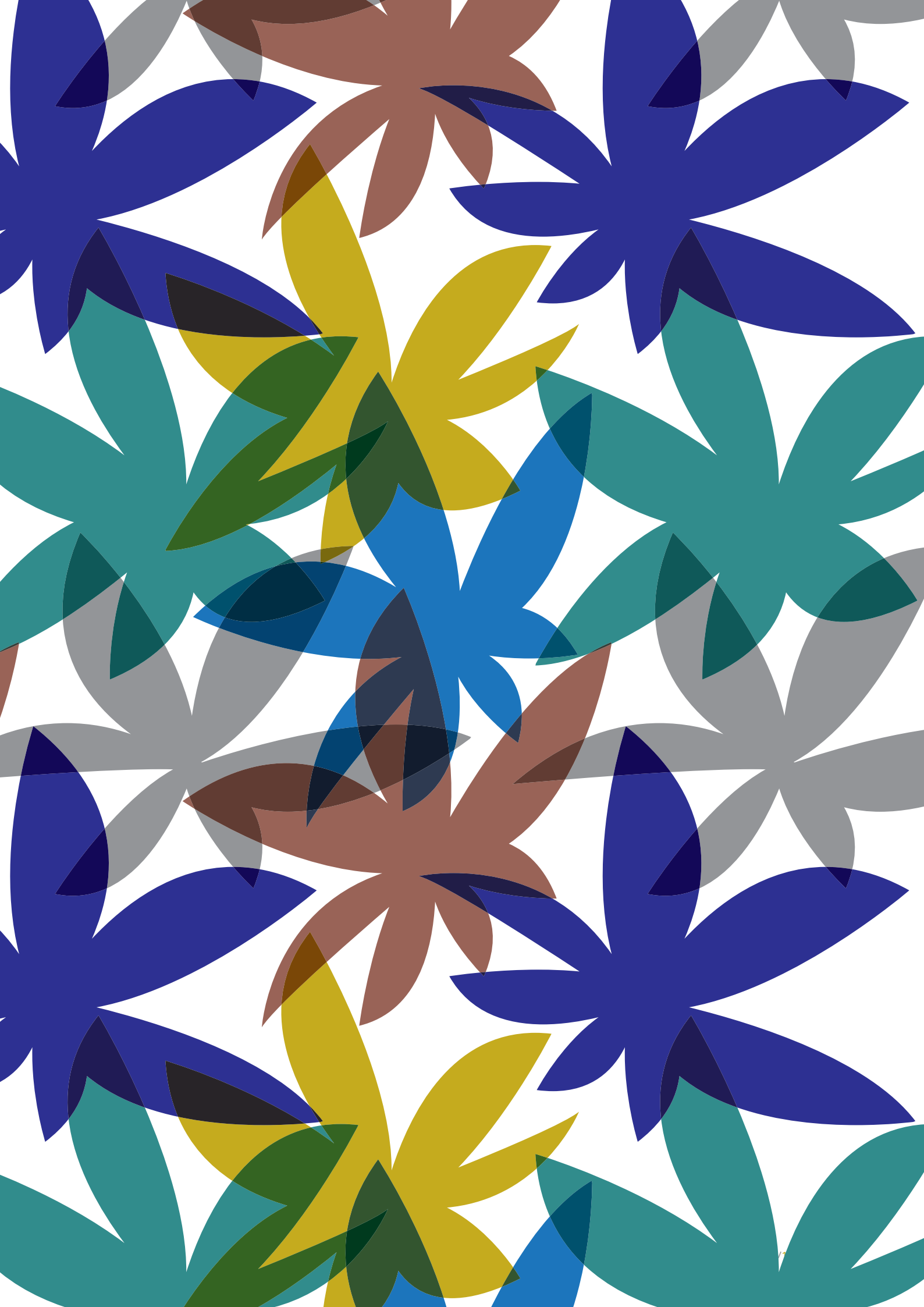
BANKS

Most banks are open Monday to Friday from 8.30 am to 2.00 pm. Only a few branches are open on Saturday morning. There are 24-hour ATM cash dispensers throughout the city, most of which accept international bank cards.

CREDIT CARDS

Most hotels, restaurants and shops accept major credit cards such as American Express, VISA, MasterCard, 4B, Access and Diners Club.







ECTA

European Communities Trade Mark Association



Official support from

**OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET**

(TRADE MARKS AND DESIGNS)