



# MARQUES

**HIGHLIGHTS FROM  
2017**



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## Highlights from 2017

It has been another very busy year for **MARQUES**. We welcomed nearly 800 people to our Annual Conference in Prague, and they enjoyed a lively and informative range of panel presentations, workshops and networking activities.

But **MARQUES** is much more than the Annual Conference. This booklet highlights just some of the work that has gone on during 2017. From organising seminars and workshops around the world to taking part in meetings with IP offices and other associations, providing input into cooperation projects and submitting detailed papers on vital IP issues, **MARQUES** members work year-round on representing brand owners' interests wherever they are affected.

In achieving all of this, the backbone of the Association is the Teams and their members. **MARQUES** currently has 19 Teams, as well as two special Task Forces, with more than 200 members involved in them. All these people devote their time to **MARQUES** as volunteers and in addition to their regular jobs, and it is thanks to them that we can achieve so much on behalf of brand owners.

Please read through the highlights to find out more about what we have accomplished this year, and join me in thanking all the Team members for their work. We have many exciting plans underway already for 2018, so please do think about joining **MARQUES**, or renewing your membership if you have not already done so.

Gregor Versondert  
Chair of the **MARQUES** Council



## Resources for brand owners

- A multi-jurisdictional survey on the protection of well-known company and trade names was completed by the Famous and Well-Known Marks Team, who have also compiled a chart illustrating the protection of colour and shape marks in 36 jurisdictions.
- A helpful Online Infringement Booklet, with an overview of the 30 biggest online auction sites and retail platforms and their online infringement procedures, has been prepared by the Anti-Counterfeiting & Parallel Trade Team and circulated to **MARQUES** members.
- A comprehensive review of the EU Copyright Legislative Package has been prepared by the Copyright Team, and circulated to **MARQUES** members.
- The booklist, which is managed by the Education Team, was updated.
- A brand owners' guide to the General Data Protection Regulation is being prepared as a joint project between the Cyberspace and Regulatory Teams.

## Resources for brand owners

- A guide to the legal provisions and approach to scandalous and immoral marks around the world, linked to the well-received session at the Annual Conference in Prague, has been prepared.
- The monthly House**MARQUES** newsletter included a series of articles on key issues in licensing (compiled by the IAM Team) as well as regular “Field Notes” articles on unusual trade marks (written by the IP Emerging Issues Team), and regular updates on Team activities, events, publications and important news from EUIPO and WIPO.
- The **MARQUES** blogs (Class 46 and Class 99) provide comprehensive coverage of important judgments, legislative changes and other developments in trade marks and designs respectively, thanks to a large and growing team of contributors. They reach more than 5,000 readers in total.



- The **MARQUES** Twitter account now has nearly 1,400 followers and the LinkedIn discussion group has nearly 4,500 members.



### 2017 Prague



- The **MARQUES** Annual Conference in Prague was attended by nearly 800 delegates.



**MARQUES 2017**  
Annual Conference,  
Prague



- In addition to three days of panel sessions, five workshops were held at the Annual Conference: Marketing to Kids; Injunctions – their availability and requirements to obtain them; Meet the trade name; Creative work designed for business; and WIPO Workshop. The Unfair Competition Team prepared a handout on trade name protection in 14 jurisdictions, which was presented to participants in that workshop.
- During the year, Meet the Judges events were held in Lisbon, London and Munich.

**MARQUES** Meet the Judges, Munich



- The second Luxury Brands Symposium was held over two days in Hong Kong in March. It was a great success, with over 70 attendees and presentations from several major brand owners.
- In November, a new event, IP Legal Updates in China, was held in Beijing in collaboration with the China Trademark Association (CTA).

## Shaping IP policy in Europe



EUIPO Liaison meeting

- **MARQUES** is represented as one of the five permanent observers at EUIPO's Management Board and Budget Committee meetings, which take place twice a year. It is also represented, via members of the European Trade Mark Law & Practice Team and the External Relations Officer, at the regular EUIPO Liaison Meetings and European Cooperation and Convergence projects.
- A position paper on Brexit was published, setting out the priorities of brand owners when the UK leaves the EU in 2019. The Chair of the Brexit Task Force and the **MARQUES** Chair attended a meeting with EU Commission officials regarding Brexit in June.
- The **MARQUES** Amicus Curiae Team has prepared and filed amicus briefs in two pending cases (T-101/15 Red Bull v EUIPO and the WTO case on plain tobacco packaging) and has filed an application to intervene in Case T-307/17 Adidas v EUIPO and Shoe Branding Europe, regarding the three-stripes mark.



## Shaping IP policy in Europe

- **MARQUES**, represented by members of the Anti-Counterfeiting and Parallel Trade Team, is a member of three Working Groups of the EU Observatory on Infringements of Intellectual Property Rights (Legal & International, IP in the Digital World and Enforcement). This enables **MARQUES** to contribute to the Observatory's Strategic Plan and activities.
- Representatives of **MARQUES** attended and participated in the EUIPO's Stakeholder Quality Assurance Panels (SQAP) project.
- **MARQUES** provided comments and suggested amendments to EUIPO's updates to the Trade Mark and Design Guidelines, including changes following the trade mark reforms. Input was provided by the EU Trade Mark Law & Practice, Designs and Geographical Indications Teams.
- The Chair and Vice-Chair of the Anti-Counterfeiting & Parallel Trade Team took part in the 5th EU Customs – right holders and stakeholders meeting in the framework of action 1.3.2 of the EU Customs Action Plan to combat IPR infringements (2013-2017) in Brussels in July, organised by Commission's DG TAXUD.



## International IP Policy

- A bilateral meeting was held with WIPO in March in Geneva, at the time of the **MARQUES** Team and Council Meetings. WIPO Director General Francis Gurry hosted a business lunch with **MARQUES** representatives including Chair Gregor Versondert.
- **MARQUES** took part in the WIPO Standing Committee on the Law of Trademarks, Designs and Geographical Indications (SCT) meetings held during the year
- **MARQUES** took part in, and reported on, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), represented by the IP Emerging Issues Team.
- **MARQUES** was represented at the 15<sup>th</sup> Session of the Working Group on the Legal Development of the Madrid System in June. Members of the International Trade Mark Law and Practice Team also met with representatives of Latin American IP offices to promote membership of the Madrid Protocol during the INTA Annual Meeting in Barcelona.
- Two Council members represented **MARQUES** at the International IP Enforcement Summit in Berlin in June.
- **MARQUES** and WIPO held a meeting to discuss joint training and education sessions, in an initiative led by the Education Team.
- **MARQUES**, represented by the External Relations Officer, participated in the Users Session at the Annual Meeting of the TM5, held in December.



## European Cooperation

- **MARQUES** took part in the Anti-Scam Network Meeting hosted by EUIPO in February, represented by a member of the Anti-Fraud Task Force.
- **MARQUES** played an active part in the following Cooperation and Convergence Projects during 2017: ECP4 Convergence Analysis; ECP2 Improvements to Front Office; ECP3 IP Academy e-Learning Portal and IP User Repository; and the new ECP8 Use of a trade mark in a form differing from the one registered. Members of the EU Trade Mark Law & Practice and Education Teams were involved.
- **MARQUES** took part in the Maintenance Forum of Classification Experts in March represented by the External Relations Officer, who also attended the TM5 Annual Meeting in Alicante in December.

## Design rights

- **MARQUES** took part in the ID5 Annual Meeting in Alicante in December, represented by a member of the Designs Team.
- A new event, Mastering the Hague Agreement, took place in Munich and Paris with the cooperation of WIPO. Further editions of the event in other venues are planned.
- Members of the Designs Team are engaged in an ongoing collaborative initiative with other user associations on the review of EU design law, and attended the first joint meeting in Brussels.

## Geographical indications

- **MARQUES** took part in an Info Day on Geographical Indications organised by WIPO and side events at the WIPO SCT 37 and 38 in March and November, which were organised by OriGIn, and the Chair of the GI Team gave presentations on the challenges of accessing information about GIs for trade mark owners.

International Geographical Indications  
Network (oriGIn)  
March 2017



- **MARQUES** was invited to, and was represented by, the Chair of the Geographical Indications Team at the WIPO Worldwide Symposium on Geographical Indications that took place in Yangzhou, Jiangsu Province, China (29<sup>th</sup> June to 1<sup>st</sup> July).
- **MARQUES** was represented by a member of the Geographical Indications Team at the Second Session of the Working Group for the Preparation of Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement, in April.

## Building partnerships



- **MARQUES** took part in the China Trademark Festival organised by China Trademark Association in September, and hosted a sub-forum covering a range of legal and strategic trade mark issues. This was the first time **MARQUES** had visited China in a formal capacity.
- **MARQUES** took part in the annual meeting of the network of the European sister associations in Paris in March.
- During the INTA Annual Meeting, the **MARQUES** Chair met with the INTA leadership to discuss a variety of issues and areas for collaboration. **MARQUES** also met with other non-governmental organisations, including with the leadership of the China Trademark Association and a delegation of the Japan Intellectual Property Association (JIPA).
- The **MARQUES** Chair attended the ECTA conference in Budapest in June.
- At the Annual Conference in Prague, **MARQUES** hosted the Deputy Secretary General of the China Trademark Association, further to **MARQUES'** participation in the China Trademark Festival in Guilin, China.

## Developing MARQUES leadership

- At the Team and Council Meetings in March, Gregor Versoedert of Procter & Gamble took over as **MARQUES** Chair, with Susie Harris of King becoming 1<sup>st</sup> Vice-Chair and Joachim Hofmann of Syngenta becoming 2<sup>nd</sup> Vice-Chair.
- **MARQUES** currently has 19 Teams and two Task Forces.
- The Spring Meeting in Geneva and the Annual Conference in Prague included Leaders' Meetings for Team chairs and the **MARQUES** Executive to discuss current projects and plans. This cooperation will continue with four regular teleconferences throughout the year.

## Awards and recognition

- The second annual David Goldring Volunteer Award was presented to Jeremy Phillips at the Annual Conference in Prague.
- Erik Wilbers of the WIPO Arbitration and Mediation Center gave the annual Kay Uwe Jonas Lecture at the Team and Council Meetings in March.



- The winners of the annual Lewis Gaze Memorial Award, organised by the Education Team and presented in Prague, were Marek Hrubeš and Michael Feuerstein of Charles University in Prague Faculty of Law.



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