

Marques gets the red carpet treatment

Tove Graulund reviews the 27th trademark conference, hosted in the glamorous surroundings of Monte Carlo



The 27th Marques Annual Conference took place in Monte Carlo, Monaco, in 17-20 September this year. The conference gathered a record number of 715 delegates from more than 70 countries. The location might have had a special effect on the number of spouses and partners, which was a big total of 70. I have attended more Marques conferences than I care to count and remember the first ones in smallish rooms with less than 100 delegates, so it was a pleasure to attend a conference of what is now a vibrant organisation.

There are many traditions at a Marques conference. One of the better ones is the first-timers reception that I would recommend to any newcomers to attend – this year had about 100 first-timers. Marques has many “regulars” and the reception is a great way for first-timers to meet with some of them, as all council members are there to greet the new members of the Marques family. I know that it can be difficult to break into what may look like the inner circles, so wearing the first-timer’s light blue ribbon is a great way to strike up a conversation and to start making new friends. Those who were wearing the ribbon this year may in fact miss it next year.

Sessions and culture

The conference took off in the usual elegant style with the opening ceremony on Wednesday 18 September, performed by chairman Diana Versteeg (AkzoNobel) and the Mayor of Monaco, Georges Marsar, who invited us all to enjoy the Principality of Monaco. We were treated to a surprise speaker in the chief executive officer of Monaco brands, who talked about the brand strategy for Monaco and Monte Carlo. Monaco brands owns both national and international trademark registrations, and licenses the marks for a wide range of luxury goods.

Well within the theme of the conference, the first session dealt with the risk of dilution by consumers and competitors and the three speakers described different measures to deal with these threats to

a trademark. The first speaker, Jakob Balling of Arla Foods, gave a very entertaining presentation on the topic of how to safeguard the trademark ‘Keso’ that had been under pressure for years, partly due to the lack of internal understanding of how you can lose your trademark if it is too successful – being the market leader and not having a proper product name can develop into a real threat.

The second session is still being discussed on social media. The keynote speaker, Dr Karl Pilny of Dentons, discussed a wide range of topics including the rise of Asia, the emergence of artificial intelligence and whether giant spiders will take over the planet. Some left the session very impressed with Pilny’s ability to discuss sophisticated issues. Others, however, failed to see the relevance of the talk to them as IP attorneys. This is probably inevitable when you introduce a debate that is not immediately related to topics that delegates might expect. Several tables continued to debate the session and the topics over lunch.

The first afternoon session discussed ‘Running the show’ from an enforcement perspective. One might think that not much more can be said on *Apple v Samsung* or on *IP Translator*, but the session revealed new insights on both cases. Three New Square barrister, Simon Malynicz, put forward arguments that *IP Translator* effectively makes the substantive law on trademarks different – even though it is supposed to be harmonised in the EU. The last session of the day probably felt even more like home, as we had an update and new hot topics from the World Intellectual Property Organization, in addition to an insightful talk by Fox Rothschild’s Michael J Leonard, on how to get a designation of the US right, not an easy task as we all know.

The day ended in France – a fact that I am sure not many delegates were aware of. We spent a very pleasant evening at ‘Le Deck’, enjoying the company and the great views of the ocean. The organisers had brilliantly managed to get the full moon in just the right position for us all to enjoy. Some spent a good part of the night clubbing at the

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Buddha Bar next to the hotel, but not this delegate who needed a good dose of beauty sleep before heading back to the conference the next morning. But it is good to know that the young are still going.

The first session on Thursday 19 September was a lively and popular session run by Winkler Partners' Peter J Dernbach. It revolved around the nexus of trademark rights and free speech rights. Davies Collison Cave's Marion Heathcote talked about the heated debate of plain packaging in Australia. She pointed out that to her, it is more of a free speech than a trademark issue, noting that adoption of the relevant legislation amounted to denial of brand owners' rights to communicate their products to consumers and consumers' rights to make informed choices over which brand they prefer. While Marion talked, sample empty packs of products actually sold in Australia were passed around so that delegates could see the graphic and shocking images for themselves.

For the second session, Com Laude's Nick Wood had rounded up "the bosses" as the title said to explore the changes and the impact that the Internet Corporation for Assigned Names and Numbers' new generic Top-Level Domain (gTLD) programme will have. John Nevett spoke for Donuts who is the largest applicant for the new gTLDs. The session discussed the changes, why the panellists had all applied, the rights protections measures, the future and what was coming. As Nick said, by 2015, there could be 1,000 new gTLDs registries and 300 country code registries operating – a change on a huge scale.

Another tradition at Marques is the workshops on Thursday afternoon. The workshops are always in competition with the tours and the sunshine outside. Again, I was impressed with the number of people who chose to stay inside for the workshops, which were all very well attended. The workshop on 'Protecting product shapes in Europe' attracted a large attendance, and the other two workshops did very well too. I do think that people are beginning to catch on to the fact that when there is a Geographical Indication workshop, there will be tasting at the end with good wine and cheese.

The Gala dinner was splendid. It was held in the Salle des Etoiles at the Sporting Monte Carlo. This delegate completely missed the big event which was the roof sliding away to leave us having dinner under the stars. Everyone joined the after dinner party with the band keeping the dance floor crowded almost all night.

In spite of the party, a very good number made it to the first session on Friday 20 September. While some of the previous sessions had raised unexpected perspectives and animated discussions during lunches and dinners, we were back on home ground with the talks from The Office for Harmonization in the Internal Market (OHIM). This is not to say that António Campinos, the president of OHIM did not have news for us, but the achievements of OHIM have become almost standard expectations. The president explained how OHIM had evolved from being purely a registration office into something more, thanks to its work promoting cooperation among European offices and with the addition of the Observatory.

After the president, OHIM's Dimitris Botis addressed the conference, analysing the *One!* decision and its impact. He said the Court of Justice of the European Union's judgment was "cautious" and required "a minimum of fine-tuning".

The last session of the conference was a highpoint, with an interactive session entitled "You are running the show". The session was held by Taylor Wessing's Roland Mallinson and Hoyng Monegier's Marlou van de Braak, and we were encouraged to put our mobile phones back on to participate online and via Twitter. The session addressed a wide range of cases affecting trademarks that arise from social media and crowd-sourcing and was an excellent end to a great programme.

The programme was put together by Peter Wild and the conference team, who must be congratulated for putting on such a good show.



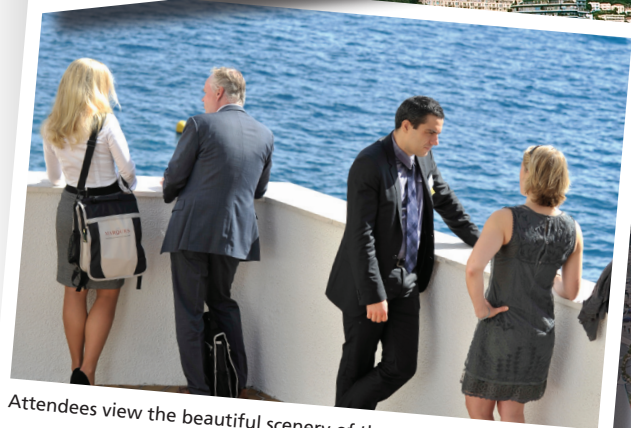
Drive to success. The Red Bull Formula One car adds even more glamour to the event



Chairman Diana Versteeg during a talk



Dr Karl Pilny of Dentons during a seminar



Attendees view the beautiful scenery of the prestigious country

“The Gala dinner was splendid. It was held in the Salle des Etoiles at the Sporting Monte Carlo. This delegate completely missed the big event which was the roof sliding away to leave us having dinner under the stars.”



Guests enjoy the moonlight during the 'Le Deck' event



Davies Collison Cave's Marion Heathcote speaking on plain packaging



An entertainer surprises guests

Every now and then I am asked the question, “What is different about a Marques conference?” and I must say that this conference lived up to the response that I normally give. Presentations are about IP in a business context with some mix from legal perspectives. Apart from the unavoidable disappointment now and then, the talks are of a high quality and at the same time serious, inspiring and lively. This year was no exception. And one more thing is certain. Nobody puts on a good-looking stage like Marques. The design is all professional with use of the latest tools in bringing the messages from the stage to the audience.

I was pleasantly surprised when I was asked if I would want to take on the task of writing a review of the conference. As a past chairman it is a nice job, but I suspect that not many expect me to be able to be objective when I begin to praise the organisation. On the other hand, I can give some good hints about how to best enjoy and benefit from the conference and the organisation.

Closing thoughts

Many will agree with me when I say that a Marques conference is brilliantly organised and one of the most pleasant conferences on the IP circuit – best organised refers to both the high quality of the professional programme as well as the social events. But some will also sigh and say that it is so expensive. What you need to keep in mind when you look at the registration form is that the full residential fee is all inclusive. Basically, you need not bring any money. Once you have paid the fee, you only need to book your flight and get there. Everything is taken care of, from airport transfers to all meals, and I came back without spending any of my Euros. Of course, if you hang out in the Buddha bar, you may need to get your credit card out, but then you will also have to be young and/or energetic still.

Marques has a policy of working to keep all delegates together and offer good opportunities for networking alongside the educational events. This year followed that recipe closely. Almost everyone was situated in the main hotel and casino, with one quarter within a five minute walk. External events are not tolerated during the conference as it would spoil the closeness that is created by keeping everyone together. This means that it is not traditional to organise formal meetings as you will find the people you are looking for if not at the first coffee break, then at the next. I will admit that with the size this year, I did come back and realised that I had missed talking to someone that I had waved to the first day. So from now on, we may have to be on our toes!

The Marques conference is one of the best conferences around and has a lot of value to offer. If you do not believe me, then ask around. Or better yet, come next year to Copenhagen, to experience it for yourself. We already have a brilliant theme and an excellent social programme lined up for you. If the weather is good to us, it really does not get better than what we are planning. The dates are 23 – 26 September 2014.

Author



Tove Graulund is principal of Graulund IP Services. The company offers consulting services in the areas of IP management and IP strategy to businesses, and in alliance with Robin Rolfe Resources, the company provides strategic and business development consultancy services to IP firms and law firms. Previously, Tove was head of corporate IP at Arla Foods and director of trademarks at Zacco. Tove is honorary member of Marques and was chairman of the association from 2001 to 2006. Tove is regularly quoted in the IP press on developing issues.