

Strains of Trademark Harmony in Europe Discussed at INTA Forum

First-ever MARQUES/INTA joint forum takes place in London.

SIMON PAGE

Schneider Page, LONDON, UK

ON NOVEMBER 30 AND DECEMBER 1, 2000 INTA and MARQUES held its first joint conference in London entitled "Trade Marks: Harmony in



Jeremy Phillips opened up the first session of the forum.

Europe?" The two-day program, which is the first forum held by INTA outside the U.S., boasted a full attendance list of approximately 200 people. The meeting was co-chaired by Mark Foreman from Rouse & Co International and Ian Starr from Ashurst Morris Crisp and was held in the historical Assembly Hall of the Church

of England Synod, in the shadow of Westminster Abbey and the Houses of Parliament. The meeting included an impressive line-up of speakers.

Jeremy Phillips of the European Trade Mark Reports spoke first on decisions within the European Community and confirmed that there was no real consistency in the reporting of decisions in the jurisdiction. He suggested that the use of precedent actually encouraged more suits in certain jurisdictions. He discussed the objectives of the European Directive and concluded that the European Union ("EU") courts are now trying to create some consistency of approach to trade mark disputes.

The forum included a fascinating discussion about forum shopping within Europe, in which English Barrister and deputy judge, David Young Q.C. and Constant Van Nispen of DeBrauw Blackstone Westbroek discussed the application of the Brussels Convention in the EU for actions concerning Community Trade Mark ("CTM") infringement. Mr. Young suggested that a prospective infringer of a CTM should consider taking revocation proceedings before commencing infringement, thus preventing infringement proceedings from commencing. Participants considered this an interesting idea that

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trademark owners would prefer not to face.

After lunch on the first day Morag MacDonald from Bird & Bird in London, together with Christian Bardenfleth of Hofman-Bang in Denmark, chaired a very interesting session with three judges. Judge Elmer from Denmark, Judge Landers from Belgium and David Young Q.C. from London. These esteemed jurists discussed whether, based on recent decisions, the Community is moving toward harmonization.

Friday morning began with a session titled "Oppositions before OHIM: a skirmish or all-out war?" chaired by Mark Foreman of Rouse & Co International, and featuring Panayotis Geroulakos of the Opposition Division at OHIM and Ingrid Desrois of Procter & Gamble in France. According to the speakers, Germany, Spain and the UK are the main source of oppositions whereas many other countries tended to prefer invalidity proceedings. The panelists discussed strategies for success in these and other jurisdictions.

The final session featured a role-play hosted by Paul Steinhauser of Steinhauser Hooogenraad in the Netherlands. The panelists, Mary Ann Alford of Diageo plc, Lesley Craig of Townsend & Townsend & Crew in Denver and Tove Graulund the Vice President of MARQUES, dispelled the myth of the Madrid Protocol, and discussed its many aspects, including what might be the effect on the United States should it eventually join.

The forum was filled with valuable information. Attendees agreed that the subjects discussed are important and in a seeming constant state of change.



(from left to right) Paul, Lesley, Mary Ann and Tove proceed to dispel the "Myth of the Madrid Protocol."

Snippets

INTA Hosts Washington, D.C. Holiday Party

On Monday, December 5, INTA president Kimbley Muller hosted a holiday party in Washington, D.C. The party was well attended by U.S. PTO officials and other Washington based guests who work with INTA in the trademark policy arena. INTA looks forward to making the Washington holiday party an annual event.

Mid-Winter Meeting—The Copyright Society of the U.S.A.

The Mid-Winter Meeting will be held February 15-17, 2001 at the Royal Garden Hotel, London, England. For further details, please consult their web site at www.csusa.org or call +1 (212) 354-6401.