

## Keeping on Your Toes

Ayala Deutsch talks protecting a sports brand



## IP in Argentina

Dámaso Pardo on INPI's Strategic Plan



## WHOIS Changes

Lori Schulman discusses effects of GDPR



140<sup>th</sup> Annual Meeting, Seattle



# daily news

Wednesday May 23, 2018

## Defending Travel Trademarks

Policing brands in the travel industry has become more complicated with the proliferation of phishing sites and keyword advertising. Sarah Morgan reports.

"I've made it part of my practice for years to send each cease-and-desist letter as if it's going to be on the front page of every newspaper," said Rafa Gutierrez, Director, Intellectual Property, Uber Technologies, Inc. (USA).

He was speaking yesterday in **Session IT01 Industry Breakout: Sharing the Pain: Hot Topics, Cool Solutions, and New Trends in Travel and Leisure Trademark and IP Issues.**

"They could publish the letter and make you look like a trademark bully," he warned.

However, cease-and-desist letters can be effective in securing broad remedies.

"The bad actor may be scared enough to take down the site and also [contractually] agree to refrain from future use," added Mr. Gutierrez.

There's an extra challenge for Wyndham Worldwide Corporation (USA): the hospitality company allows its franchisees to register their own domain names.

In terms of domain names, the company focuses less on "brand name plus city," because it's more likely to be registered by one of its franchisees,



(L. to R.) Elena Krafcik, Rafa Gutierrez, Susan Crane, and Christy Hurley

rather than an infringer, said Susan Crane, Group Vice President at Wyndham Worldwide Corporation.

"We're a little more aggressive if it's a broader geographic region, such as Daysinn.china or if it combines with a generic term like hotel ... Otherwise it becomes a game of whack-a-mole when you have 20 brands. We've really had to focus down on things that we think would be most damaging to the brand or damaging to revenue generation online."

Mr. Gutierrez and Elena Krafcik, Associate General Counsel, Marketing and IP, Alaska Air Group, Inc. (USA),

both cited the value of an employee reporting procedure where people can log any infringing websites they discover.

The difficulty for the airline is that part of its name is the name of a U.S. state, meaning that local business owners, such as those operating small fleets of aircraft in the state, may want to use the words "Alaska" and "airline" online.

"These are the kind of folks you don't want to engage with in a public fight. We try to take a light-handed approach," said Ms. Krafcik.

She added that, in the past, the airline used to go directly to travel websites featuring



### Grand Finale: Block Party at the Seattle Center

Don't miss your last chance at the Annual Meeting to network and have fun with your friends and colleagues while enjoying the Seattle Center. Registrants will have exclusive access to the Chihuly Garden and Glass, the Museum of Pop Culture, and the Space Needle. There will be food, drinks, and several entertainment options. Registrants must wear their badge to access the event and guest tickets are available for sale for this event.

Join us tonight from 7:00 pm until 11:00 pm!

## Linking the Real and the Virtual

The Pokémon Company International must manage global legal issues as it evolves, Kaoru Otawara, Assistant General Counsel, tells Aaron McDonald.

"Gotta catch 'em all" is an iconic phrase from the Pokémon animated series that immediately takes millions of people across the world back to childhood.

Since The Pokémon Company International (USA) introduced the Pokémon trading cards game to Japan

in 1996, and then to North America three years later, it has become one of the leading children's entertainment companies in the world. The company is owned by a consortium including Nintendo, Game Freak, and Creatures.

Its enormous growth has been achieved through a series of

entertainment avenues, from TV shows to playing cards and video games. In 2016, The Pokémon Company International released the augmented reality game Pokémon GO in partnership with Niantic, Inc.

While The Pokémon Company International is a



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# Going to the Next Level

Brand owners have been largely reluctant to explore the potential uses of “dot brand” top-level domains, but many companies may be happy just to have one, as Sarah Morgan finds out.



Although the EU General Data Protection Regulation (GDPR) and its effects on access to registrant data has been at the top of the Internet policy agenda, the issue of how to administer the next round of applications for new generic top-level domains (gTLDs), remains. It’s unclear when the Internet Corporation for Assigned Names and Numbers (ICANN) will open a new application period—but that doesn’t mean brand owners shouldn’t be prepared.

In 2012, nearly 600 brands took advantage of the opportunity to register their own “dot brand” domain name—before any brand had been able to demonstrate the actual benefits, notes Roland LaPlante, Senior Vice President and Chief Marketing Officer at Afilias (USA).

This was the first time ICANN had invited new TLD applications on such a

large scale and, as of early 2017, around 550 of these companies have launched their dot brand TLD, he says.

The program may not have been originally envisioned to work as a defensive tool, but the majority of brands did purchase new TLDs defensively, rather than because of

choice or creative opportunities, Mr. LaPlante says.

The benefits of dot brands have been promoted as increased security and enhanced consumer trust, and brands have the opportunity to use TLDs in a creative way, such as a marketing campaign or product launch, which sets them apart from the competition.

While brands have been generally conservative in rolling out their own TLDs, several have moved their major Internet presence to their dot brand. For example, Mr. LaPlante notes, banking group BNP Paribas has undertaken extensive marketing campaigns using its .bnpparibas TLD as the main address.

According to Mr. LaPlante, creative use of dot brands is not happening on a large scale just yet, but it’s something that will probably happen in the next few years.

This may also drive brands that were left out of the first round of new gTLDs to seek to level the playing field and petition ICANN to open a new round soon.

He adds that brand owners have gained from other new TLDs.

“The biggest example is the re-branding of Google to Alphabet at www.

abc.xyz. Many companies have taken advantage of the new geographical TLDs and niche TLDs such as .lgbt and .organic/.bio,” says Mr. LaPlante.

## Cost Burden

Brands have not, however, welcomed the opening up of the domain name system on the second level (i.e., web addresses underneath the TLD), cautions David Taylor, Partner at Hogan Lovells LLP (France).

“Most see it as a cost burden, and an unwanted one at that. It is almost impossible for a brand owner to register its brand or brands across all the new TLDs—this is cost-prohibitive,” he says.

Mr. Taylor adds that even the sunrise periods, which give an advanced period for trademark owners to apply for a term within a TLD, have been little used compared to the situation in previous launches such as .eu and .asia.

“It comes down to cost, and there are just too many new TLDs out there, so brand owners have to be selective and be on the lookout for infringement and abuse,” he says.

Alison Simpson, Portfolio Marketing Director at MarkMonitor (USA), adds: “As the number of second-level TLDs continues to increase, so, too, does the opportunity for online criminals or “squatters” to register TLDs that can be used to impersonate a genuine brand.”



Roland LaPlante

“

Many companies have taken advantage of the new geographical TLDs and niche TLDs.

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Alison Simpson

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It can often be more cost-effective for brands to defensively register a domain during a sunrise period rather than pay a large amount of money to recover a domain they might want in the future.

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In 2012, nearly 600 brands took advantage of the opportunity to register their own “dot brand” domain name.



# Embracing Connectional Intelligence

Designing ways to connect differently can play an important role in reaching global competitiveness, as Aaron McDonald reports.

“In today’s era of disruption, the most under-leveraged asset is the potential in our own organizations,” said Erica Dhawan, Founder and CEO of Cotelial (USA).

During yesterday’s **Lunch and Learn, Get Big Things Done: The Power of Connectional Intelligence**, Ms. Dhawan explained that connecting and networking with

people in alternative ways can help an organization to succeed.

She asked attendees how they are currently designing methods to “ensure you reach your global competitiveness and to stay ahead of the market in trademark law.”

According to Ms. Dhawan, this can be achieved by what she calls Connectional Intelligence. This concept is the ability

to make the most of your network to create value and meaning.

“As we think about the power of networks, how can we engage those in the frontline in ways that go beyond the traditional outlets?” she said.

Ms. Dhawan gave case studies of organizations that have used the power of connectivity to embrace Connectional Intelligence.

For example, when a blackout delayed play during the 2013 Super Bowl, cookie brand Oreo recognized an advertising opportunity; within four minutes of the power going out, they launched a digital advertisement for Oreo cookies on social media.

The advertisement read “You Can Still Dunk in the Dark” and was hailed by many as the best ad of the Super Bowl.

Ms. Dhawan said that Connectional Intelligence helps spread accountability within organizations, and helps them work faster in a world of change. Her concept provides the “capability to drive breakthrough innovation and business results by harnessing the power of relationships and networks.”

To help illustrate Connectional Intelligence, Ms. Dhawan encouraged the audience to write down internal departments and external organizations that people work with and rate them depending on how strong the connections with each department or organization are. Once

“  
Simply spend 10 minutes every day connecting with a new network outside of the ones you always go to.”

this was achieved, attendees were encouraged to discuss ways in which they could strengthen connections in the weaker areas.

Common challenges organizations face include people not being aware of what other teams are working on and people who don’t think their areas of expertise are being properly used. Other challenges include workloads and schedule availability that make it difficult to collaborate and not having clear structures to enable teams to work together collaboratively.

One way law firms can use Connectional Intelligence to leverage their services is by embracing technologies and trends. Some law firms have successfully implemented her strategy by producing podcasts and webinars in an effort to connect with clients in new ways, Ms. Dhawan said.

“I want to share one final tip,” she concluded. “It’s what I call the 10-minute rule. Simply spend 10 minutes every day connecting with a new network outside of the ones you always go to. We are all inundated with the time we spend responding to emails and attending meetings, but this is just 10 minutes that [could help you] to grow your business.” ●



Erica Dhawan

## Linking the Real and the Virtual (continued)

← 1 subsidiary of The Pokémon Company (Japan), its U.S. headquarters is based in Bellevue, Washington, on the outskirts of Seattle. This division is responsible for managing the brand’s IP in most markets outside of Asia.

“Entertainment and gaming are continuously evolving—and Pokémon products are part of that evolution too,” says Kaoru Otawara, Assistant General Counsel at The Pokémon Company International, Inc.

Due to new technology and innovations, she says, it is important for The Pokémon Company International to continually review legal changes.

“By being proactive in understanding our business’s legal environment, we mitigate risks and remain flexible for any unforeseen challenges in the future,” Ms. Otawara explains.

“In order to do that, it’s also essential to develop an understanding for our brand and how the business operates.”

Ms. Otawara says it is important to align IP strategy with the business strategy, legal landscape, and stakeholders for each division, from consumer goods to mobile games, video games, and animation.

“As IP professionals, we need to maintain pertinent communication to all relevant stakeholders of our business to ensure seamless execution of our strategy and creative business,” she comments.

Today, The Pokémon Company International’s legal professionals handle litigation for its animated

“  
Entertainment and gaming are continuously evolving—and Pokémon products are part of that evolution too.”

series and also its trading cards. Its animated series consists of more than 900 episodes spanning 21 seasons in more than 30 languages and 160 countries. More than 23.6 billion trading cards have been shipped in the history of the franchise, and they have been translated into 11 languages and distributed in 74 countries.

“The continued success and expansion of the brand since 1996 means trademark issues around the world are relevant or of interest to the brand,” continues Ms. Otawara.

“Since 1996, the world and global markets have become more connected in general, and even where IP policies and regulations may differ between markets, territories, and countries, these issues don’t play out in isolation, so we have to strategize accordingly.”

Looking to the future, The Pokémon Company International is keen to embrace whatever technologies may be on the horizon to give consumers the best available product.



Kaoru Otawara

“After over 20 years, The Pokémon Company International’s use of technology and innovations still focuses on how to enhance the player experience through our products and services,” explains Ms. Otawara.

“That brand goal remains a constant. We carefully assess and review new technology to choose the right innovations to fit our creative business and platforms, not the other way around.” ●

# Staying on Your Toes

IP work at the National Basketball Association (NBA) is exciting and fast-paced, much like the game itself, says NBA Executive Vice President and Deputy General Counsel Ayala Deutsch in an interview with Aaron McDonald.

In 2008, the Seattle SuperSonics, a professional men's basketball team, uprooted from Seattle, Washington for a new life as the Oklahoma City Thunder, leaving the Pacific Northwest city unrepresented in the world-famous National Basketball Association (NBA) (USA).

But while Ayala Deutsch, Executive Vice President and Deputy General Counsel at the NBA (USA), may no longer need to travel from her office in New York to Seattle on NBA business, she did attend the Annual Meeting in Seattle this week.

Ms. Deutsch is responsible for all IP matters related to the NBA and its affiliated leagues, including the Women's National Basketball Association of which Seattle Storm, a professional team, is a member.

The NBA, which currently has 30 members (29 in the United States and one in Canada), is popular far beyond U.S. shores and its members' games are watched by millions around the world.

"The essence of the brand has

remained consistent since the league was established in 1946, but we continue to build on that core in new and innovative ways. The NBA is focused on adapting the brand appropriately as we expand into additional international markets," Ms. Deutsch says.

Licensing is critical for the NBA's business, and there currently are more than 200 licensees across products and regions. The most recent playing season (2017/2018) was the NBA's first under a new long-term partnership with global sports brand Nike, Inc.—a relationship that covers consumer products as well as official uniforms and other on-court apparel.

Working across multiple jurisdictions and with big brands brings challenges. Much of this, Ms. Deutsch says, is exacerbated by ever-changing developments in technology.

"While 3D printing presents exciting opportunities, it also brings new and challenging enforcement issues," she says, adding that the same is true when

it comes to virtual trademarks and blockchain technology.

The NBA uses a combination of strategies to police its trademarks, including employing outside vendors, coordinating with other brand owners and platform operators, partnering with government and officials, and participating in industry-wide initiatives such as law enforcement training and consumer education, she explains.

In addition, she says, there is an active customs enforcement program, including a portfolio of customs recordations in a number of key markets.

"We also pursue civil litigation, administrative proceedings and criminal cases, as appropriate, and we work with IP counsel and investigators across the United States and internationally to follow leads and develop cases," she adds.

Much like the games themselves, the work of an NBA counsel is "fast-paced and exciting," Ms. Deutsch concludes, and there's plenty to keep her on her toes. ●



Ayala Deutsch

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**Working across multiple jurisdictions and with big brands brings challenges. Much of this is exacerbated by ever-changing developments in technology.**

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## Defending Travel Trademarks (continued)

← 1 incorrect text about Alaska Air Group, Inc. Now, the airline sends a take-down request to the registrar of the web page.

While take-down requests can be acted upon fairly quickly and there's "not a heavy burden of proof," according to Mr. Gutierrez, there are a handful of registrars who will "ignore your email for days and days."

He added: "There was a phishing site host who was not taking the webpage down, so we had to remind them about secondary liability. The site came down later that afternoon."

Ms. Crane suggested that when a complaint alleges tortious interference in addition to trademark infringement, the site host is normally quicker to act because it feels that it may not have safe harbor protection under the U.S. Digital Millennium Copyright Act.

Ms. Krafcik advised registrants to copy the bad actor into your letter to the site host and try to engage with them directly. "Once caught, a lot of them back off. They're really after

easy marks and low hanging fruit," she said.

### More Buying, Less Fighting

Travel companies also have to police their brands on search engines. Ms. Krafcik said that Alaska Air Group, Inc. tends not to worry about other companies that show up in search results, as long as it is happy with its own position on the page.

According to Mr. Gutierrez, others can buy your trademark as a keyword as long as it doesn't appear in the advertising copy itself (which could create a likelihood of confusion).

Ms. Krafcik added: "It's not unreasonable to search something like 'Alaska airlines flights' and find another airline. Our strategy is more about buying [keywords] and less about fighting."

This is because it's a complex task to tackle all offending adverts, and even if you do get them taken down, they often reappear the next day, she added.

Christy Hurley, Senior Paralegal, Intellectual Property, Expedia, Inc. (USA), moderated the panel. ●



## INTA and ASIPI to Collaborate on IP Goals

INTA is pleased to announce that the Association and the Inter-American Association of Intellectual Property (ASIPI), an IP association in Latin America, renewed their cooperation agreement in a signing ceremony today at the 2018 Annual Meeting.

INTA President Tish Berard and ASIPI President Maria del Pilar Troncoso signed the agreement.

INTA has been fortunate to have had many past collaborations with ASIPI.

"We will keep working on our common goals to advocate for stronger IP systems, particularly in Latin America, and to keep communicating effectively the positive contribution of trademarks to the Latin American economy," said José Luis Londoño, INTA's Chief Representative Officer, Latin America and the Caribbean. ●

### Regional breakdown of 2018 Annual Meeting registrants:



\*44 registrants did not have a country assigned

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# Transforming Trademarks in Argentina

The past two years have seen some important changes to IP protection in Argentina, and there are more on the way, as Dámaso Pardo, President of the Instituto Nacional de la Propiedad Industrial, explains to Aislinn Burton.

Argentina has taken a number of steps toward updating its IP system under the government of President Mauricio Macri, who took office on December 10, 2015. President Macri's administration aims to make the country more attractive for international trade, including by improving IP protection.

In 2016, the Instituto Nacional de la Propiedad Industrial (INPI) embarked on a four-year Strategic Plan to modernize the office, promote global integration, and develop electronic platforms. Leading these changes is Dámaso Pardo, who was appointed INPI's President in June of that year. Previously, he was an IP lawyer in private practice.

"The new government has increased efforts to strengthen the effective protection and enforcement of IP rights through the adoption of new regulations and procedures, the promotion of international cooperation, and the introduction of legislative proposals and other initiatives," says Mr. Pardo.

The most significant improvements include the Presidential Decree 27/2018, issued by President Macri in January 2018. It aims to reduce the time and cost of public administration procedures, including those affecting IP rights. The new Decree is currently in force; however, INPI is still in the process of drafting detailed regulations to implement it.

In March, INTA submitted comments on the proposed regulations via its Legislation and Regulation—Latin America and Caribbean Subcommittee.

With respect to trademarks, the Decree includes changes to articles of Argentina's Trademark Law 22.362, such as oppositions and other administrative procedures.

"The main goals of the changes in the articles of Trademark Law 22.362 are to decrease the number of steps that a business or entrepreneurs must go through, making processes simpler, and reducing costs and time," says Mr. Pardo.

He explains that the main change in the trademark procedure is the role of the trademark office *vis à vis* the opposition of a third party against the progress of a trademark application. The trademark office now decides on the merits of the oppositions, "simplifying the system and shortening time periods for obtaining resolutions," he says.

Moreover, applicants are no longer required to file a power of attorney: all that is needed is a sworn statement of the applicant.



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The opponent and applicant will have three months to settle an opposition, otherwise INPI will decide the merits of the case; there will be no mandatory mediation or a court procedure. Either party will be able to appeal INPI's decision to the Chamber of Appeal of the Federal Court on Civil and Commercial Matters within 30 days.

Other substantial changes concern proof of use and cancellation. Notably, trademark owners will have to file a declaration of use during the fifth year of the term and before the expiration of the sixth year.

The decree also contains important reforms regarding models and designs. Under the proposals, up to 20 applications will be allowed in a single filing, and photographs or electronic reproductions are now allowed instead of formal drawings. Requests for deferment of publication of the registered model for a period of up to six months from the registration date will also be permitted.

## Greater Legal Certainty

Mr. Pardo says all these changes—once fully implemented—should bring more certainty and planning to the launch of new products in the market, given the new time periods and changes in competitive procedures. They will also create a competitive advantage for Argentine entrepreneurs and small and medium-sized enterprises (SMEs) "by [granting] IP rights in accordance with



**Last year, INPI received a record 102,639 trademark applications. However, the number of resolutions fell to 83,667 in 2017, from 106,606 in 2016.**

the time that the knowledge economy and electronic commerce demand," while providing reduced costs and time for entrepreneurs.

He hopes that applications without opposition can be decided in just six months, while cases involving oppositions will take between 12 and 18 months.

According to Mr. Pardo, the proposals have been broadly welcomed by users and practitioners. "We have had a very positive response from everyone involved in the process. We organized several meetings with the different IP associations to better explain the new procedures. Their input was taken into consideration in the implementation of the regulations," he says.

## State-of-the-Art Office

As well as implementing the reforms, INPI is also focused on becoming what Mr. Pardo calls "a state-of-the-art IP office."

Last year, INPI received a record 102,639 trademark applications. However, the number of resolutions fell to 83,667 in 2017, from 106,606 in 2016.

Mr. Pardo acknowledges that work needs to be done here. "The government has taken significant measures to reduce delays in IP procedures. In 2017, the INPI administration continued its ongoing strategy to properly address concerns regarding administrative delays and pendency times," he admits.

"INPI has also started making use of new technology for the presentation and handling of applications, which helps simplify and increase the transparency of the whole process, without losing thoroughness in the analysis of application submissions.

"Ultimately, the simplification that results from these improvements

means greater legal security and the reduction of an unnecessary burden on citizens," he adds.

Looking ahead, Mr. Pardo says, the office will focus on digitization, service efficiency, and raising awareness about IP. It will not be doing this on its own. "We believe in the benefits of harmonizing trademark procedures in the region. There are many cooperation efforts toward improving processes, service, and regulatory frameworks.

"Latin American and foreign entrepreneurs will benefit from harmonized trademark procedures in the region. It's another way of simplifying the IP system for users," he concludes. ●



Dámaso Pardo

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**The government has taken significant measures to reduce delays in IP procedures.**

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# Getting IP to the Top of the Agenda

Deborah Cohn, INTA's Senior Director of Government Relations, is responsible for getting IP issues heard by the U.S. government, as she tells Sarah Morgan.

Raising the visibility of INTA's positions on trademark issues in the United States and ensuring the U.S. legislature understands why they are so important requires a lot of determination and drive.

INTA's Senior Director of Government Relations Deborah Cohn,



Deborah Cohn

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**IP is generally not a partisan issue, and that means that, regardless of political party, people can and do work together.**

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who was Commissioner of Trademarks for the United States Patent and Trademark Office (USPTO) from 2010 to 2014, is up for the job.

Based in INTA's Washington, D.C., Representative Office, Ms. Cohn serves as a liaison with legislatures and agencies and provides input to inform decision-making on policy and laws that will affect IP in the United States.

In May 2017, the Association passed a Board Resolution on an amendment to the Lanham Act, the United States' trademark statute, to include a rebuttable presumption of irreparable harm when a claimant seeks injunctive relief and there has been a finding of liability.

Now, Ms. Cohn and her team are actively advocating for this amendment to ensure it becomes a reality.

“That's where it gets tricky. The legislature has many competing interests and priorities coming at them, and we have to convince them that this is an important thing to do,” she says.

Developing and advocating INTA's policies on trademark issues is only one component of the job. Ms. Cohn is the Association's primary contact with the USPTO, and she engages with the agency on the Association's behalf. She regularly involves U.S. members in this communication through several of INTA's advocacy committees.

“The USPTO is very interested in



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hearing how various policies and issues would be received by stakeholders,” she notes. “INTA is one of the major stakeholders providing input on trademark issues, and we have to be active and engaged to be viewed this way.”

The work of INTA's Washington, D.C., Representative Office, as well as the Association's communications team, contributes to keeping the Association visible and relevant.

## A Cross-Party Vehicle

To build public education and awareness around INTA's policies and priorities, such as the troubling upswing in counterfeiting, the Association works with the U.S. Congressional Trademark Caucus (CTC).

INTA has been instrumental in helping to build the CTC: membership has soared, from a handful of people a few years ago when it began, to more than 30 members of Congress who now

participate. The CTC is bipartisan and across both legislative chambers.

“IP is generally not a partisan issue, and that means that, regardless of political party, people can and do work together,” Ms. Cohn states.

But because lawmakers face so many important issues, the challenge is making sure that INTA draws their attention effectively to trademark concerns.

This is why the Association holds events in Congress, as part of its awareness-raising efforts. Most recently, on April 25, INTA held a Sports Industry Briefing focused on IP enforcement, and on World IP Day on April 26, the Association jointly hosted with the USPTO and the IP stakeholder community a briefing aligned with the World IP Day theme of “Powering Change: women in innovation and creativity.”

“We make sure to organize events that will be compelling and get our message across,” concludes Ms. Cohn. ●

## Going to the Next Level (continued)

← 2 Although it might seem counterintuitive, defensive registrations can deliver value for brand owners, according to Ms. Simpson.

She says: “With the number of Uniform Domain-Name Dispute-Resolution Policy (UDRP) disputes continuing to increase, it can often be more cost-effective for brands to defensively register a domain during a sunrise period rather than pay a large amount of money to recover a domain they might want in the future.”

A record number of 3,074 cases were brought under the UDRP in 2017. Mr. Taylor comments: “Of course, more cases are not surprising given there are now more domain name registrations, but there does appear to be proportionally more trademark infringement in new TLDs than legacy TLDs.”

For second-level domains, brand owners should look into registering any name that has a “close nexus to their business,” says Ms. Simpson.

“Short, memorable URLs that are geo-specific, buzzworthy, or specific to

niche markets provide fun and unique marketing opportunities. Some TLDs, such as .bank and .insurance, also give customers the confidence that they're about to visit a website that's safe and secure,” she says.

Back at the top level, it's important to keep in mind that legal or IT departments, not marketing teams, manage most dot brand purchases, so a defensive approach is to be expected, adds Mr. LaPlante.

“As chief marketing officers take a greater role in address selection for new products, revised branding, and new target activities, the new TLDs will grow in value as an offensive tool,” he says. “However, they cannot add value if they are locked up in the legal portfolio with no awareness in the marketing team.”

Mr. Taylor adds that while many brands did consider new TLDs with a defensive mindset, “in reality, with the very high application fee of US \$185,000, there was little chance of infringement and third parties registering at the top level.”

He believes the situation has evolved since then, with most of those who have applied for a dot brand being happy that they did.

“People will trust dot brands in a way that they may not trust other TLDs, which is good for brands,” Mr. Taylor declares.

However, he cautions: “There remain serious questions as to whether the safeguards that have been put in place to protect consumers have worked in some non-dot brand new TLDs.”

He explains that there has been an increase in malicious domain name registrations, especially in the new TLDs. Domain names registered for malicious purposes often contain strings related to trademarked terms, which is a serious issue.

Brand owners should carefully consider the potential of applying for a dot brand in the next round, whenever that may be.

Following the progress of the current dot brands and learning how to make yours successful is the best way forward, Mr. LaPlante concludes. ●



David Taylor

“

**There remain serious questions as to whether the safeguards that have been put in place to protect consumers have worked in some non-dot brand new TLDs.**

”



# World Trademark Review®

**Industry Awards 2018**

## Winners revealed

[www.WTRIndustryAwards.com](http://www.WTRIndustryAwards.com)

World Trademark Review is pleased to announce the winners of the WTR Industry Awards 2018, revealed last night at the Seattle Art Museum. Now in their 12th year, the awards shine a spotlight on the vital work performed by in-house counsel across the globe and identify the teams and individuals that deserve special recognition for their exceptional achievements over the past year.

World Trademark Review congratulates the award winners on their success and thanks its law firm partners for all their assistance in hosting such a memorable event.

For more information about the awards visit Booth 213 in the exhibition hall or go to [www.WTRIndustryAwards.com](http://www.WTRIndustryAwards.com).

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- Chivas Brothers
- Honeywell International
- LG Display
- New Balance
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- Kat Johnston, Facebook
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**Elena M Grimme, Microsoft**

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# Choose Your Battles



As the workload of the U.S. Trademark Trial and Appeal Board grows, Gerard Rogers, Chief Administrative Trademark Judge, explains the challenges and his priorities to Ed Conlon.

“The most successful parties choose their battles wisely,” says The Honorable Gerard Rogers, Chief Administrative Trademark Judge at the Trademark Trial and Appeal Board (TTAB), a body within the United States Patent and Trademark Office (USPTO). Having served in various roles on the TTAB for more than 25 years, Judge Rogers is particularly well placed to track the developments and challenges facing it.

The TTAB handles *ex parte* appeals from parties whose trademark applications have been denied by the USPTO, and adversarial opposition and cancellation proceedings. In both areas, parties have been known to push their luck.

“Trials are sometimes pursued because the parties have issues outside the TTAB that they’re grappling with and, it appears to us, they think it will

give them another leverage point to deal with their differences.”

Judge Rogers says he has seen cases where parties have not properly followed the TTAB’s *Manual of Procedure*, which provides nonbinding guidelines on handling cases at the TTAB. The *Manual* contains an abundance of information on all the statutory, regulatory, and decisional authority that is relevant to the TTAB.

“There have been appeals and trial cases that have been lost but could have been won, due to a failure to follow the rules,” says Judge Rogers. “Many practitioners fail to follow the guidance on what evidence can be probative.”

Judge Rogers adds that it “never hurts” to remind stakeholders to be cognizant of the rules that the TTAB is required to apply—as well as the issues it must ignore—by the precedents of the U.S. Court of Appeals for the Federal Circuit. Among other issues, the TTAB often cannot take into account particulars relating to use of a trademark in the marketplace, even though U.S. district courts routinely do.

“We have to ignore that information, yet people bring it to us all the time,” Judge Rogers says.

Of the cases brought to the TTAB, just 30 percent are *ex parte* appeals, with trial proceedings making up

the majority. Despite this balance, appeals account for 75 percent of cases ultimately decided on the merits, so what might explain the large swing?

Judge Rogers says that petitions for cancellation and opposition are similar to court disputes in that a settlement is available and, if that option is used, “fewer trial cases require disposition on the merits as the parties have worked it out.” In a small percentage of cases, a party might “misbehave” and be sanctioned, which could also lead to the case being terminated, says Judge Rogers.

The other major explanation for the statistics is that cancellations and oppositions can be much more expensive than appeals from examiner refusals, so a lot of cases are never pursued beyond the initial stages, says Judge Rogers. Adversarial proceedings, which can involve plenty of back and forth between the parties, including on discovery and motion practice, naturally require more input from attorneys and therefore are more costly.

With *ex parte* appeals, in contrast, “when the attorney files the notice of appeal there is not much else to do other than file the briefs,” says Judge Rogers. The TTAB will then hear the arguments, often in written rather than oral form, “so there’s not much added expense to have an attorney pursue an appeal.”

## More Appeals

Judge Rogers notes that trademark application filings with the USPTO have risen year-on-year for eight years, so “this means more appeals and oppositions and the need to increase the staff to handle that work.” This will be one of his major challenges in the coming years.

Judge Rogers recalls that in previous years some commentators raised concerns about the Board’s slow pace in issuing decisions. While he admits that at some points those concerns were legitimate, he is adamant that these criticisms no longer apply.

One of the ways the TTAB seeks to reduce delays is through its Accelerated Case Resolution (ACR) procedure, which is available to parties in opposition and cancellation proceedings. Under the ACR, the TTAB seeks to expedite proceedings by, among other things, actively encouraging parties to consider placing limits on discovery and testimony, and adopting more efficient alternatives to the taking of discovery and the introduction of evidence at trial.

Judge Rogers and the TTAB have also introduced other working practices to boost speed. With pending contested motions, for example, he says that, while attorneys have individual responsibility for cases on their dockets, the TTAB’s managing attorney will reassign cases with pending motions on a monthly basis in order to ensure that the oldest motions are handled each month.

The ACR and general efficiencies have helped the Board mostly to meet or exceed its performance targets, says Judge Rogers, despite large variation in the complexity of cases, which affects how long they might take to resolve. TTAB judges aim to issue decisions on the merits in trial cases within 10 to 12 weeks of the case being ready to decide, says Judge Rogers (ready for decision means after all briefing is done and the case is submitted by a Board paralegal to the Chief Judge for assignment, or after oral argument, if one is requested).

“We have repeatedly beaten this goal,” he adds.

Judge Rogers says that the TTAB has realized annual reductions in overall average pendency (from

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Don’t increase your costs and file a lot of irrelevant evidence that would have a bearing in a district court but which is not relevant to our analysis.

”



Of the cases brought to the TTAB, just 30 percent are *ex parte* appeals, with trial proceedings making up the majority.



Gerard Rogers

“  
**Issue preclusion is unlikely to arise in all but the rarest of cases, so you should not change your approach at the TTAB.**  
 ”

litigation in federal district courts,” where extensions and suspensions to accommodate settlement talks are routinely approved.

**Out of the Limelight**

In a wider context, while the TTAB has largely stayed out of the U.S. IP spotlight in recent times, at least one high-profile case has caused a stir. That was *B&B Hardware, Inc. v. Hargis Industries, Inc.*, which was decided by the United States Supreme Court in 2015. The Court said that TTAB rulings should have preclusive effect in subsequent district court litigation between the same parties that litigated an earlier case before the TTAB, as long as the “ordinary elements” of the issue preclusion have been met and the issues are materially the same.

Despite the case receiving much attention in IP circles, Judge Rogers says its impact on the TTAB has been “almost none.” However, he does note that it was a very positive ruling for trademark owners as it “reaffirmed the value of owning U.S. trademark registrations and the robust nature of TTAB proceedings.”

He notes that many TTAB cases are settled and that even when they are not, parties are unlikely to pursue further litigation in court. Even if they take that step, he adds, the issues that the TTAB and district courts adjudicate are often different (e.g., the subsequent district court case very likely would consider additional issues relating to use in the marketplace).

“There was a lot of talk that, because of the possibility of issue preclusion, parties should take more discovery and introduce more evidence at the TTAB.

“But I say: issue preclusion is unlikely to arise in all but the rarest of cases, so you should not change your approach at the TTAB. Don’t

introduce more discovery than usual, and don’t increase your costs and file a lot of irrelevant evidence that would have a bearing in a district court but which is not relevant to our analysis.” he concludes.

TTAB parties would do well to heed Judge Rogers’ advice; choose your battles wisely. ●

**A Typical Day at the TTAB**

When asked about his daily responsibilities, Judge Rogers, who has been in his current position since November 2010, says there is a “real variety and things can come up on any given day.” His time includes meeting with the approximately 70 members of the TTAB staff, which includes judges, attorneys, and paralegals.

Judge Rogers reviews cases and the issues they present before assigning them to judges for disposition. A weekly summary of TTAB decisions distributed widely within the TTAB and other USPTO business units.

The TTAB hands down between 35 and 50 precedential decisions every year and that the judges are continually monitoring whether any given ruling should carry the weight of precedence.

Judge Rogers and his TTAB staff also work with other USPTO units, and he stresses the importance of working in harmony.

“We work closely with the Solicitor’s Office; they will be in the

position of defending various Board decisions before the Federal Circuit, so we want to put them in the best position possible,” he says. The attorneys from the Solicitor’s Office, Judge Rogers explains, can relay to the TTAB the questions that tend to be asked by Federal Circuit judges during those appeals.

While working as the TTAB’s most senior judge may be his primary role, Judge Rogers says his responsibilities extend to managing and motivating his staff. The TTAB’s staff are its biggest strength, says the judge.

“I find the time to remind our employees of what great work they do,” he says.

With a busy schedule, Judge Rogers has found a simple way to manage the long hours and stress—his bicycle.

“For many years I have ridden ten miles each way to the office and back; it provides a buffer between work and home life.” ●

commencement to completion) of *ex parte* appeals for the last five years in a row, with that pendency measure falling in trial cases for five of the past six years.

Judge Rogers explains that stakeholders have long expressed a preference for the TTAB to remain “a more relaxed alternative to

**Innovative Influencing**

Product placement has long been recognized as an important tool to increase brand awareness, and there are more creative approaches available than ever before. Aislinn Burton reports.

“Brands are always looking for new ways to engage, and the importance of social media influencers cannot be underestimated,” said Susan Kayser, Partner at K&L Gates LLP (USA), speaking in Monday’s **Session CM51: Madison Avenue Meets**

**Hollywood: Navigating Product Placement Deals in Movies and Television.**

Ms. Kayser explained that product placement is not just beneficial for brand awareness: it also has a direct impact on consumer purchasing.

“There’s an emotional pull that people respond to when they see a product in a movie they’ve already chosen to watch,” she said, and a significant number of consumers would be more likely to buy something if they have seen it in a movie.

“It makes people prefer, and identify with, the brand,” Ms. Kayser added.

For example, Reese’s Pieces, a candy manufactured by The Hershey Company (USA), was “made popular” by being featured in iconic movie *E.T. the Extra-Terrestrial*, according to Christine Hernandez, Vice President and General Counsel at The H.D. Lee Company, Inc. (USA).

Today, brands have access to many new and innovative ways to place their product; they’re no longer limited to movies and TV shows.

“  
**Today, brands have access to many new and innovative ways to place their product; they’re no longer limited to movies and TV shows.**  
 ”

Giselle Huron, Trademark Counsel at Google (USA), explained that there are “more unconventional ways to have product placement”—for example, on social media or through live engagement with entertainment shows.

“Searching through social media is very helpful; brands need to know what people are talking about,” Ms. Kayser said, as brands need to “think carefully about who consumers are listening to.”

She added that “if a brand can connect with a social media influencer who already has authenticity, that’s a significant upside—it will positively impact brand awareness and, ultimately, sales.” ●



(L. to R.) Christine Hernandez, Giselle Huron, and Susan Kayser

# It's Not Fair

Keeping in line with unfair competition laws requires different approaches across jurisdictions. Aislinn Burton reports.

Although unfair competition laws are not harmonized in the European Union, a shared understanding of what constitutes “behaving in an unfair manner in commerce” underpins the national law of many European countries, according to Marina Perraki, Partner at Tsibanoulis & Partners Law Firm (Greece).

Speaking yesterday at **Session CT22: Protecting Unregistered Marks via Passing Off and Unfair Competition: Reputation Versus Goodwill (and Everything In-Between)**, Ms. Perraki explained that EU law does not oblige

members to provide protection for unregistered rights.

However, when it comes to clashes between unregistered and registered rights, they are “equivalent in power” and can therefore be resolved on a priority basis, Ms. Perraki added.

In order for an unregistered mark to be protected in Greece the use of that mark must be proven. That is “how you acquire an unregistered right,” Ms. Perraki said, and an element of confusion must also be shown in order to succeed in an unfair competition law claim.

Though the relevant use must

take place in Greece, the person or entity concerned does not have to be present or established in the territory. Ms. Perraki said it suffices that the unregistered mark has been active commercially, for example, through an agent or via the Internet.

Ms. Perraki noted that, in contrast to “other jurisdictions, ‘reputation’ need not be proven for an unfair competition law claim to succeed.”

Myrtha Hurtado Rivas, Global Head Trademarks & Domain Names at Novartis International AG (Switzerland), said it is “interesting that, unlike Greek law, which explicitly refers to ‘use,’ in Switzerland this is not the case” in the context of unfair competition law.

“In Switzerland, the door is open for claiming unfair competition behavior even though the unregistered right has not been used yet,” she explained, and this works in favor of a pharmaceutical company like Novartis.

Ms. Hurtado Rivas said there is sometimes the need to claim unregistered rights “immediately after the launch of a product or even before, when the product is submitted to health

“ A shared understanding of what constitutes ‘behaving in an unfair manner in commerce’ underpins the national law of many European countries. ”

authorities,” which means that proving ‘use’ would be a near impossible task.

Like Greek law, Swiss law also makes reference to confusion, but it is not a required element of an unfair competition claim, Ms. Hurtado Rivas noted. Confusion, and “whatever other behavior which may unfairly impact competition,” can be used to substantiate a complaint.

Also on the panel was Anna Carboni, Partner at Wiggin LLP (UK), who spoke about the “very flexible” concept of passing off and misrepresentation under UK law.

Peter Chalk, Partner at Ashurst (Australia), explained that actual trading activity in Australia is not required to establish the tort of passing off; instead, it’s necessary to “demonstrate a reputation among consumers” in the country.

Yesterday’s debate was moderated by Carlo Sala, Owner at Studio Associato (Italy). ●



(L. to R.) Marina Perraki, Myrtha Hurtado Rivas, Carlo Sala, Peter Chalk, and Anna Carboni

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# Blue-Sky Thinking

Aislinn Burton catches up with INTA's Director of Legal Resources, Liz Hanellin, about the Association's expanding focus and how her department helps members to find important IP resources at the click of a button.



For INTA's Director of Legal Resources, Liz Hanellin, the most significant development in her 15 years with the Association has been its evolution from a purely trademark-focused organization to one in tune with the growing demands on practitioners from adjacent areas of law.

"One of the key changes is taking on a broader brand focus, with an expanded concentration on adjacent areas of the law, and on more strategic brand protection considerations," she says.

In the last few years, committees have been added to the roster at INTA to address copyright concerns, and the Association has expanded its remit to designs and data protection, as well as brands and innovation.

This continued shift in focus is reflected in the INTA 2018-2021

Strategic Plan. As Ms. Hanellin explains, there is now "a strong focus on promoting the value of trademarks and brands, while reinforcing consumer trust and embracing innovation."

The Legal Resources Department is responsible for publication of *The Trademark Reporter* as well as the Association's popular searchable guides, which members can use to learn more about a particular area of the law in a single jurisdiction or across several jurisdictions.

"The guides are great to use if you need to check a point of law or if you're planning to have a conversation with counsel in another country and you want to get some background first," Ms. Hanellin says.

In an increasingly interconnected world, many practitioners are

confronted with cross-border challenges as brands think more globally and seek to expand into growing markets.

Basics on filing, registering, and prosecuting are available through the searchable guides, which prove invaluable for IP professionals. The team recently added information on customs recordation and plain packaging to *Country Guides: Essential Information on Trademark Protection Worldwide*.

"Next up is a guide on anticounterfeiting," Ms. Hanellin says.

## A Shared Purpose

Across INTA's departments, there is a shared purpose to be more responsive to the increasing challenges brands face with respect to new technologies, as well as to the ever-changing IP landscape.

Many members attended INTA's Brands and Innovation conference in New York, New York, in March 2018.

"It covered the increasing role of artificial intelligence in legal practice, the role of social media influencers on a brand's success, and the long-



Liz Hanellin

"The guides are great to use if you need to check a point of law or if you're planning to have a conversation with counsel in another country."

term strategy of brands beyond pure trademarks," says Ms. Hanellin.

She concludes that INTA is continually aspiring to improve: "My team spends time every week 'blue-skying' about how we want to evolve our resources to continue to provide meaningful and useful content that helps our members effectively represent their clients in the ever-changing IP landscape." ●



## INTA Welcomes Kenya Delegation

A delegation of the Kenya National Assembly comprising eight Members of Parliament met with INTA CEO Etienne Sanz de Acedo yesterday at the Annual Meeting. Mr. Sanz de Acedo briefed the delegation on the Association's global activities, emphasizing INTA's desire to increase cooperation with key stakeholders in Africa, including Kenya. He also shared INTA's interest in developing joint activities with the legislative branch, such as the establishment of an IP caucus, awareness-raising programs, and trainings. The delegation welcomed the proposal and mentioned that partnering with an international organization such as INTA will contribute to the government's efforts to promote IP rights, which will help to fight counterfeiting. Also greeting the delegation were INTA President Tish Berard and INTA staff members. ●


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# Changes to WHOIS Spell Trouble for Trademarks

Changes resulting from the European Union General Data Protection Regulation could cause major headaches for trademark owners who need to police their marks online, as Lori Schulman, INTA's Senior Director, Internet Policy, tells Ed Conlon.

When asked what issues have been occupying her lately, Lori Schulman, INTA's Senior Director, Internet Policy says that the effects of the implementation of the European Union (EU) General Data Protection Regulation (GDPR) have been all-consuming. The new legislation takes effect on May 25, in just two days' time, and the situation for trademark owners is "particularly dire," Ms. Schulman says.

The problem is that changes being made by the Internet Corporation for Assigned Names and Numbers (ICANN) to the WHOIS system—whereby domain name registries and registrars provide public access to information on registrants, including their names and addresses—mean trademark owners could lose the ability to "quickly and efficiently contact the bad guys," according to Ms. Schulman.

It has further consequences for trademark owners who wish to properly serve respondents to the Uniform Domain-Name Dispute-Resolution Policy and Uniform Rapid Suspension System claims.

The changes come after ICANN published a revised WHOIS model in February 2018 in order to comply with the GDPR.

According to INTA, ICANN's recently approved Interim Model will mean that vital WHOIS data, including the "critically important" registrant email address, will no longer be publicly available.

## INTA is advocating for the following terms:

- Forbearance on enforcement until the Interim Model is operational
- Distinguishing between registrations of natural and legal persons
- Limiting policy to contracted parties and registrants with an EU nexus
- Allowing for publication in the public WHOIS of the registrant's actual email address
- Including a specific "Day One" solution for accessing the non-public WHOIS data mechanism in the interim
- Addressing the need for automated requests to identify patterns of domain name abuse
- Prescribing a compliance remedy for ICANN's contracted parties that fail to follow the model



## Who Gains Access?

In a letter sent to ICANN's CEO Göran Marby and signed by INTA CEO Etienne Sanz de Acedo, INTA said the most concerning shortcoming of the model is that it does not answer "what may be the most important question of any interim compliance model: Who can access non-public WHOIS data, and by what method?"

Quite simply, it's not clear whether IP owners will be able to gain access to registrant information and, if they can, what the eligibility requirements will be.

The ability to access registrant information assists in tackling a range of harms, including online counterfeiting, piracy, fraud, and cybersquatting. If access to open and accurate registrant data is unreasonably restricted or denied, efforts to protect consumers and trademark owners will be thwarted, "leading to a rise in abusive activity."

## INTA Takes Action

Ms. Schulman says that INTA has contacted all European data protection agencies (DPAs) and the European Commission representative to the Article 29 Working Party, an advisory group composed of the DPAs, to assist with interpretation and enforcement of the GDPR. As of May 25, the Working Party will become the EU Data Protection Board, with

expanded authority and enforcement powers.

Along with direct contact with the DPAs, INTA is working within the ICANN system to develop solutions to open issues and is participating in community outreach and information events hosted by the Intellectual Property Constituency and the Business Constituencies. INTA filed comments on the Proposed Interim Model, and published a reaction to the Article 29 Working Party's most recent advice to ICANN. The Working Party's advice may be found on ICANN's website.

The U.S. government has officially requested short-term forbearance in order to find a workable solution. INTA supports this request. The Association's Washington, D.C., and Brussels representatives are monitoring the issue closely, with meetings being organized with government officials on both sides of the Atlantic.

## Policy Development

Elsewhere on the ICANN front, trademark owners should be monitoring discussions on how to improve the organization's policy development process to make it more efficient and more reflective of the needs of the ICANN community, says Ms. Schulman.

"It's acknowledged by many that the ICANN working groups take too long to reach conclusions, and they are too large and inefficient for their purpose. INTA is contributing to the dialogue on improving the effectiveness of ICANN community-based policymaking," she says.

Brand owners "need to be focused

on WHOIS," Ms. Schulman concludes. With just two days until the GDPR takes effect, it seems certain that her own gaze will remain firmly fixed on the topic.

For more information attend today's session, hosted by ICANN's Intellectual Property Constituency, taking place in Room 608-609 from 1:00 pm to 3:00 pm. ●



Lori Schulman

“It's not clear how IP owners will be able to gain access to registrant information after May 25 and what the eligibility requirements will be under a proposed layered access system to information in the WHOIS directory for domain names”

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16. Televisa Corporacion SA de CV, Four Seasons Hotel
17. Hahn Loeser & Parks LLP, Starbucks Reserve Roastery
18. Chadha & Chadha, An Intellectual Property Law Firm, Aston Manor
19. Borden Ladner Gervais LLP, Kimpton Hotel Monaco Seattle, Outlier Restaurant
20. Muncy, Geissler, Olds & Lowe, P.C., Hard Rock Cafe

## A Look Ahead to Boston

Preparations are well underway for the 2019 Annual Meeting in Boston, Massachusetts, where an exciting program and a fun city will be enjoyed by all. Ed Conlon speaks with the 2019 Annual Meeting Project Team Co-Chairs, Cynthia Walden and Ronald van Tuijl, to find out more.



The 2018 Annual Meeting in Seattle may only just be coming to an end, but preparations for next year's installment have been underway since the end of 2017. Co-chairing the 2019 Annual Meeting in Boston, Massachusetts, are Cynthia Walden, a Principal at Fish & Richardson P.C. (USA), and Ronald van Tuijl, Intellectual Property Director, Trademarks, at JT International S.A. (Switzerland), who served as 2016

INTA President. "Every day there is a flurry of activity," says Ms. Walden.

Ms. Walden says the planning process for the Annual Meeting, which will be held at the Boston Convention Center May 18-22, 2019, kicked off with a brainstorming session. The participants, who included INTA President-Elect David Lossignol, Head of Trademarks at Sandoz International GmbH (Germany), and INTA staff members, considered how the 141st Annual Meeting could align with issues relevant to the Boston area.

These ideas are still being finalized, but one is technology, given the big tech startup scene in Boston, as well as innovative ideas coming out of Harvard University and the Massachusetts Institute of Technology. Sessions on artificial intelligence and robotics may be included in the program, she says.

Even though these technologies may be traditionally associated more with patents than trademarks, branding issues still affect companies in these fields, and some "traditional" industries, such as publishing, increasingly have an online element, says Ms. Walden.

She adds that the city is known for being strong in health care and medical research, so this could be a second focus of the Annual Meeting.

Another potential theme is sporting events, since the area is rich in sporting talent, boasting teams such as the Boston Red Sox (baseball), Boston Celtics (basketball), and New England Patriots (American football).

A small team of group leaders has been working on the main programming: Conference Programming (previously

known as U.S. and International Programming), Regional Updates—with hot topics from Latin America, Asia, Africa, and the Middle East—and Industry Breakouts. There will also be about 200 Table Topics.

While planning the program has kept the Co-Chairs busy, Ms. Walden says it's great to see so many INTA members from around the world offering their ideas and support.

By the end of the summer of 2018, the major work will have been done. Earlier this week, Ms. Walden and Mr. van Tuijl met in-person for the first time with the 2019 Annual Meeting Project Team. Participants pored over session proposals and other programming.

Soon after they are back home, the team will begin the Table Topics submission application process to discuss any major outstanding issues "so that nothing is left to the last minute," says Mr. van Tuijl. Everything should be finalized by the end of 2018, with the New Year used for "tweaking and putting everything in place."

Even though Ms. Walden is a long-standing INTA member, the role of Co-Chair has given her a new perspective on this year's Annual Meeting.

"I have been here since Friday, keeping an eye on what's going on, working with INTA staff, keeping

notes, and attending sessions," she says.

Mr. van Tuijl adds: "As the 2016 INTA President, I've had the privilege of working with many INTA members and staff, so the energy and professionalism of everyone involved is not a surprise. Still, it's fantastic to feel the energy of an Annual Meeting, and I've picked up some great ideas that I'll certainly discuss with Cynthia to possibly use next year."

He says there will be sessions at different levels and sessions with an industry focus. "We're working on some cutting-edge novel topics which should be of interest to many," Mr. van Tuijl says.

Ms. Walden adds that the increased level of weekend programming at this year's Annual Meeting is likely to be duplicated in Boston. Another consideration, which ties in with the potential technology focus next year, is to offer some patent-specific programming during the weekend since some trademark attorneys also specialize in patents.

Overall, says Mr. van Tuijl, "We're working hard with the 2019 Annual Meeting Project Team to provide programming that is relevant to as many attendees as possible.

"But let's not give away too much," he adds. "We hope many people will register and attend the sessions. ●"



Cynthia Walden

“

I have been here since Friday, keeping an eye on what's going on, working with INTA staff, keeping notes, and attending sessions.

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Ronald van Tuijl

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We're working hard with the 2018 Annual Meeting Project Team to provide programming that is relevant to as many attendees as possible.

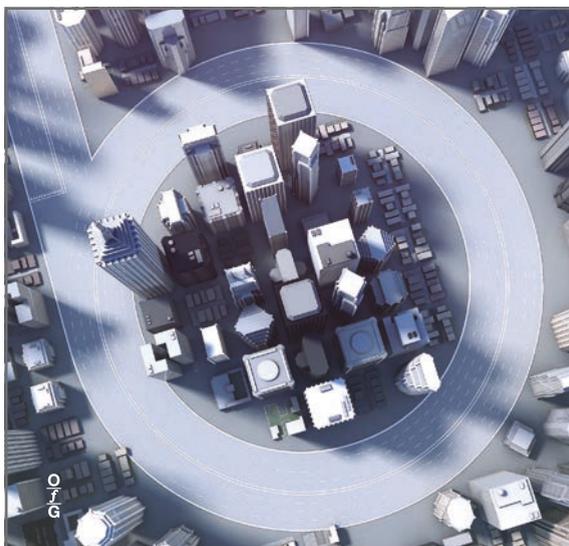
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Next year's Annual Meeting Programming will include Regional Updates, Industry Breakouts, and about 200 table topics.

START	END	NAME	LOCATION*
<b>COMMITTEE MEETINGS</b>			
10:30AM	12:30PM	<b>Brand Value Special Task Force</b>	Room 301
<b>COMMITTEE MEETINGS</b>			
11:30AM	12:30PM	<b>Group Officers and Staff Liaisons</b>	Room 3A
<b>CONCURRENT SESSIONS</b>			
11:45AM	1:00PM	<b>CW20 Proper Use of Your Trademark: How to Prevail in Revocation Actions</b> <i>Intermediate to Advanced Level</i>	Room 6C
11:45AM	1:00PM	<b>CW21 "That's Not Fair!" (or Funny): Trademark Fair Use in the Digital Age</b> <i>Intermediate to Advanced Level</i>	Room 605 - 607
11:45AM	1:00PM	<b>CW22 What Can Trademark Practitioners Learn from Advertising and Marketing Professionals</b>	Room 602 - 604
12:00PM	1:00PM	<b>SPEED NETWORKING</b>	Hall 4EF
12:30PM	1:30PM	<b>Global Membership Meeting</b>	Room 306
1:00PM	3:00PM	<b>IPC Meeting</b>	Room 608 - 609
<b>COMMITTEE MEETINGS</b>			
1:00PM	2:30PM	<b>Brexit Task Force Meeting</b>	Room 302
1:15PM	3:15PM	<b>LUNCHEON TABLE TOPICS</b>	Room 6E
7:00PM	11:00PM	<b>Grand Finale: Block Party at the Seattle Center</b>	Seattle Center

Shuttles will be provided and will be making roundtrips for the duration of the event beginning at 6:45 pm until 12:00 am. If you are in a hotel that is on the daily shuttle route, shuttles will pick up from the same location. Registrants in hotels within walking distance from the WSCC will take the shuttle from there to the venue. Another fun, quick option is the Seattle Center Monorail; remember to bring your badge or "Grand Finale" wristband to board free of charge and to enter the Grand Finale, as no registration will be available onsite. Trains leave every five minutes.



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START	END	NAME	LOCATION*
7:30AM	2:00PM	<b>Registration</b>	Hall 4B
7:30AM	2:00PM	<b>Hospitality</b>	Hall 4C & EF
8:00AM	10:00AM	<b>BREAKFAST TABLE TOPICS</b>	Room 6E
8:00AM	9:00AM	<b>Hosted Prospective Corporate Breakfast Meeting</b>	Level 4 Waterfall Suite
8:00AM	10:00AM	<b>Continental Breakfast</b>	Hall 4C & EF
		<b>COMMITTEE MEETINGS</b>	
8:00AM	10:00AM	<b>Advocacy Council</b>	Room 611 - 612
8:00AM	10:00AM	<b>Communications Group</b>	Room 620
8:00AM	10:00AM	<b>Resources Group</b>	Room 3A
9:00AM	11:00AM	<b>Canadian and Australian IPO Meeting</b>	Room 301
		<b>COMMITTEE MEETINGS</b>	
10:00AM	2:00PM	<b>Exhibition Hall</b>	Hall 4EF
		<b>COMMITTEE MEETINGS</b>	
10:15AM	11:15AM	<b>Global Advisory Councils Co-Chairs and Staff Liaisons</b>	Room 309
		<b>CONCURRENT SESSIONS</b>	
10:15AM	11:30AM	<b>CW01 Annual Review of U.S. Federal Case Law and TTAB Developments</b> <i>Advanced Level</i>	Room 6AB
10:15AM	11:30AM	<b>RW01 Regional Update: Courts and Trademarks Office: What's New in India?</b> <i>Intermediate Level</i>	Room 605 - 607
10:15AM	11:30AM	<b>RW02 Regional Update: Life Hacks for Brand Protection in ASIA-PAC: Tips and Tricks You Need to Know Now!</b> <i>Intermediate Level</i>	Room 602 - 604
10:30AM	11:30AM	<b>SPEED NETWORKING</b>	Hall 4EF

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