



OFFICE FOR HARMONIZATION  
IN THE INTERNAL MARKET  
(TRADE MARKS AND DESIGNS)

# IPCLC

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IP Case Law Conference



## 1st day

08:30 - 09:25

**Registration and breakfast**

09:25 - 09:30

Introduction by Conference Moderator Mark Jefferiss

09:30-10:15

Opening by António Campinos, President of OHIM and F. Peter Müller,  
President of ECTA and Partner at Müller, Schupfner & Partner

10:15 - 11:15

### **1st Session**

#### **The Role of the Boards of Appeal in building Effective Dispute Resolution:**

Powers and competences of Boards of Appeal

Scope of Appeal proceedings

Functional Continuity - *Ms Elizabeth Fink, Member of the  
Fourth Board of Appeal, OHIM*

Position of the OHIM's Boards of Appeal in the EU TM and national jurisdictional  
systems

The role of case law and legal interpretation in the decision- making  
process

11:15 - 11:45

Discussion

11:45 - 12:15

### **Coffee break**

12:15 - 13:00

### **2nd Session**

#### **Effective administration of litigation proceedings**

Active case management


Effective dispute resolution methods

Generally recognized principles of civil procedural law

Dealing with belated submissions, facts and evidence

13:00 - 13:30

Discussion



13:30 - 15:00

**Networking lunch**

15:00 - 16:15

**3rd Session**

**Litigating before the Boards**

How to prove use/reputation

Proving secondary meaning - *The Honorable Judge Lorelei Ritchie, Trademark Trial and Appeal Board, USPTO*

Proving acquired distinctiveness - *Mr Gordon Humphreys, Chairperson of the Fifth Board of Appeal, OHIM*

Well-known facts vs. right to be heard - *Mr Detlef Schennen, Chairperson of the Fourth Board of Appeal, OHIM*

Rebranding/modernizing trademarks (use of variations of marks, Art. 15 CTMR) - *Thierry van Innis, founding partner at Van Innis & Delarue*

Litigating before the Boards of Appeal of the State Intellectual Property Office of the People's Republic of China

16:15 - 16:45

Discussion

16:45 - 17:15

**Coffee break**

17:15 - 18:00

**4th Session**

**Defending famous brands**

Dilution

Famous brands from a German perspective

Tarnishment

Comparative perspective on famous brands (EU Vs. US law)

18:00- 18:30

Discussion

20:30 - 00:00

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**Dinner for panellists, panel leaders and participants with dinner speaker**



## 2nd day

09:00 - 09:30	Breakfast
09:30 - 10:30	<b>5th Session</b> <b>Arguing national law</b>  Claiming personality rights and copyright before OHIM's Boards of Appeal and the Court of Justice of the European Union - <i>Manfred Büchele, Professor of IP and Corporate Law, University of Innsbruck, Austria</i>  Challenges of relying on foreign law in the context of Article 8(4) CTMR - <i>Dr Gordian N. Hasselblatt, LL.M</i>  Proving national law before OHIM  Role of national judgments in the context of recent case law of the Court of Justice of the European Union  Relying on extended passing off in the context of Article 8(4) CTMR
10:30 - 11:00	<b>Discussion</b>
11:00 - 11:30	<b>Coffee Break</b>
11:30 - 12:30	<b>6th Session</b> <b>Dealing with weak brands</b>  Weak trade marks: defining dominant and distinctive elements  Weak marks from a corporate perspective  The fate of weak brands  The impact of linguistic diversity - <i>Mr Christoph Bartos, Member of the Fourth Board of Appeal, OHIM</i>  Impact of weak and/or non-distinctive elements in the assessment of likelihood of confusion - <i>Mr Dimitris Botis, Deputy Director, ICLAD</i>
12:30 - 13:00	<b>Discussion</b>
13:00 - 13:30	<b>Summary and Closing remarks</b> - Joao Negrao, Director, ICLAD, OHIM, & Théophile Margellos, President of the Boards of Appeal, OHIM
13:30 - 15:00	<b>Networking lunch for panellists, panel leaders and participants</b>

