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ECTA BULLETIN

28 PAGES

INTERVIEW WITH
JESS HONCULADA (WIPO)

ECTA DEBATE CLUB
A NEW ONLINE EVENT CONCEPT

39TH
ANNUAL
CONFERENCE

ECTA
VIENNA
21-22 OCTOBER 2021



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Enjoy !

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1.

Introduction

The Publications Committee has been preparing the latest ECTA Bulletin while hoping that many of us will soon be seeing each other again in Vienna. At the time of writing we are still on track and I'm sure we are all looking forward to a meeting that is not virtual.

Just how creative is a bullfighter or how related is computer software with the luxury goods of a well-known brand? The answers just might surprise you so be sure to read our latest Case Law Reports. Continue, and discover updates to French copyright practice following some recent decisions and learn about political branding and how an individual's name and their political

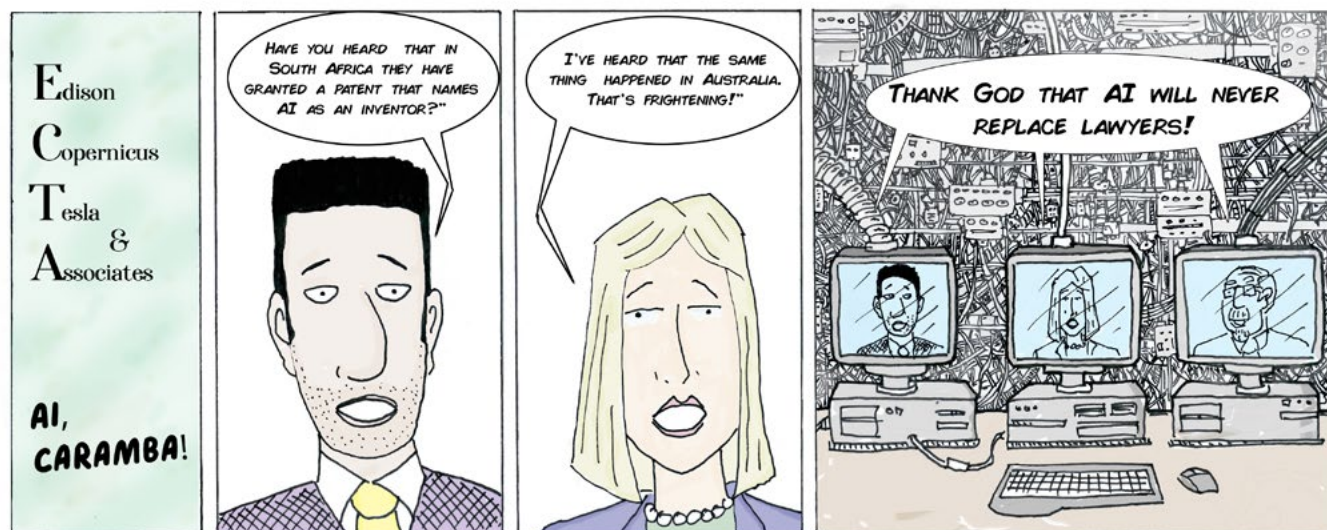
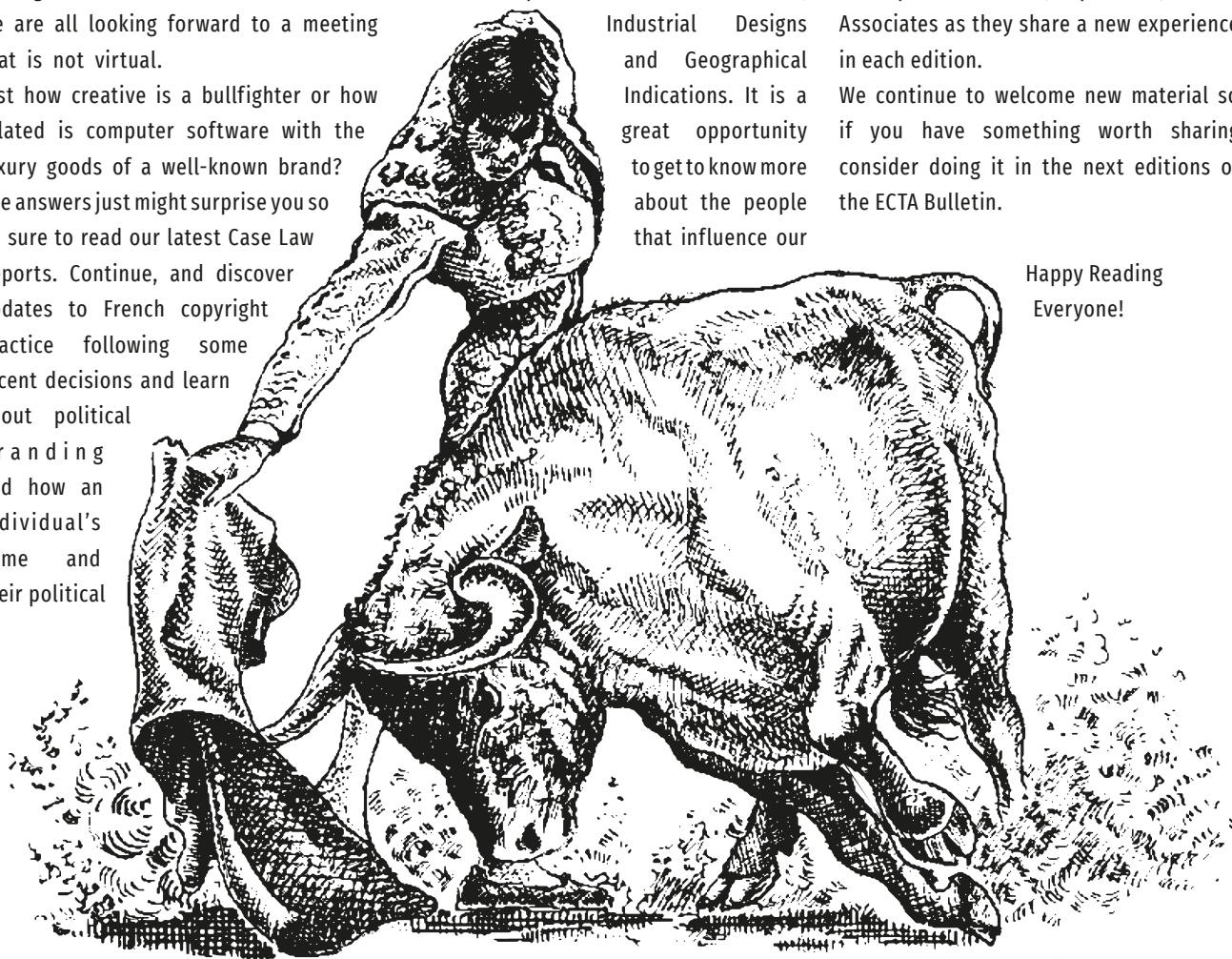
performance can have a profound effect on the performance of a brand.

We are also pleased to include an interview of Jess Honculada, Senior Counsellor at WIPO's Department for Trademarks, Industrial Designs and Geographical Indications. It is a great opportunity to get to know more about the people that influence our

daily work and we hope to bring similar interviews to future editions. Of course, we continue to introduce our new members and I hope all of you have been enjoying the exploits of Edison, Copernicus, Tesla & Associates as they share a new experience in each edition.

We continue to welcome new material so if you have something worth sharing consider doing it in the next editions of the ECTA Bulletin.

Happy Reading
Everyone!



Stefan Bojovic

2. ECTA Editorial board

Craig Bailey, *ECTA Publications Committee Chair*

R. Peter Spies, *ECTA Publications Committee Vice-Chair*

Irma Spagnulo, *ECTA Publications Committee Secretary*

Yasemin Aktas

Juan Berton Moreno

Carin Burchell

Giles Corbally

Isabeau Harretche

Colin Manning

Charlene Nelson

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Geographical Indications Committee

The Committee has concluded a number of projects over the past few months, the last of which is the Position Paper on the protection on GIs on the Internet in cooperation with the Internet Committee. The interest in doing this project was earlier spurred by the respective questionnaire of WIPO Standing Committee on the Law of Trade Marks, Industrial Designs and Geographical Indications (SCT). The conclusions drawn in this paper include a) the need to improve the DNS system taking eventually into account the need to protect GIs from the domain name registration stage and through the life and use of the domain name, b) the urge to give GIs at least the same dignity and level of protection as is awarded to trade marks, and c) the need to simplify the process to obtain information about domain name registrants in order to make the protection and enforcement procedures more effective and less burdensome. Our Committee, as it has done many times, is again involved in the review of the draft Guidelines of the EUIPO for GIs in cooperation with the EUIPO-Link Committee. During the last Committee meeting held in June 2021, the following projects have been

proposed and at the time of drafting of this update are either in a fine-tuning and launch stage or already in progress:

i. The requirements of consumer awareness under the concept of ‘European Consumer’

The project focuses on the study and assessment of the current European enforcement practices and the identification of the average consumer, which is often a key factor in disputes involving GIs. It seems that this concept is presently assessed differently in the Member States and that there could be space to find more common ground leading to a more consistent practice.

ii. A push to harmonisation in GI enforcement procedures

In daily practice, the requirements for the finding of infringement of GIs show some inconsistency. This project aims to assess the current situation and provide concrete suggestions for a better harmonisation.

iii. The practitioner’s point of view

This project aims to look at the difficulties in providing consultancy in GIs and GI-related matters from the practitioner’s point of view and identify the needs to be fulfilled in order to meet clients’ interests.

iv. Geographical indications as ingredients

This is an old but an evergreening and hot topic. The ECJ case law and the EC Guidelines do not match with the EUIPO Guidelines on trade marks when it comes to goods that contain or may contain GI products as ingredients. It appears that the correct treatment of ingredients and the labelling of goods containing GI products as ingredients remain unclear. This projects aims to describe the situation, highlight current inconsistencies and propose improvements to the practice and the EUIPO Guidelines.«

Message from the Committee:

The biggest development in European GI law is the upcoming introduction of an entirely new EU regime on non-agri GIs. Therefore, the importance of GIs in the IP sector is bound to increase even more over the next years, which is a good reason to closely follow our work and the papers produced by the ECTA GI Committee.«

Prepared by:

Paola Ruggiero, Chair
Boris Osgnach, Vice-Chair
Andrea Ringle, Secretary

3. ECTA Committee Section

Internet Committee

The mission of the Internet Committee is to analyse the legal and practical implications of the Internet and new technologies on trade marks and other distinctive signs. Further, to identify solutions for conflicts concerning such rights on the Internet.

Top project updates

Two of the Committee's most recently active projects include:

i. Position paper on GIs in the DNS system

The paper was finalised and submitted to DG AGRI in July. The paper provides ECTA's support for any possible legislative or authoritative intervention aimed at achieving that all existing ADR proceedings in the DNS can also be brought based on a protected geographical indication, and not solely based on a trade mark.

ii. Position paper on Digital Services Act

This paper is in the final stages of draft and should be completed this summer. The purpose of the paper is to provide the European Commission with a view on the draft legislation and to analyse the results of the public consultation when considering the draft text.

Who have we met?

The Internet Committee met virtually in June with a mix of experienced and new members. Welcome newbies!

Nicole took the opportunity as new Chair to open the floor for new potential projects. This created a lively discussion with lots of promising ideas such as a project on keyword

advertising and trade mark infringement and the use of IP in video games. Nicole, Lauren and Micaela plan to select the 'top 5' on which work will commence at the ECTA Autumn Meeting.

Beyond the Committee meeting, Ivett Paulovics organised a second online workshop on the DNS Abuse Study commissioned by DG CONNECT, which Nicole attended. Ivett chaired the workshop and also lead the discussion regarding proposed measures to combat DNS abuse.

Legal update/news

In June, the CJEU issued its decision on the *YouTube* and *Cyando* case (joined cases C-682/18 *YouTube* and C-683/18 *Cyando*). One of the key points of this case was the question referred to the CJEU that essentially asked whether video sharing and file hosting and sharing platforms could rely on Art. 14 of the E-Commerce Directive – aka 'the hosting exemption'. The CJEU held that such platforms could rely on Art. 14 provided that the hosts do not 'play an active role of such a kind as to give it knowledge of or control over the content uploaded to its platform'.

Member focus

What have you done to contribute to the IC in the past 3 months?

'I support the Internet Committee leadership, Nicole van Roon and Lauren Somers, as Secretary. The IC is not only a highly interesting Committee in terms of topics,

but is also very active and committed in terms of its members. The Committee has suffered somewhat in its agility due to the lack of personal contact recently, but together with Nicole and Lauren we are now trying to ramp up activities again with new projects in the pipeline! I am also responsible for taking the minutes and assisting with the 'follow-up' in order to organise the next tasks of the Committee.'

What's the strangest thing you've come across on the Internet recently?

'Product piracy and trade mark infringements on the Internet is an increasing challenge for my clients. It is staggering for me to observe the lack of awareness of injustice – or simple impudence – of counterfeiters who use the trade marks of third parties on the Internet. Many of my firm's clients from the healthcare and medical sector have suffered from this, especially in the pandemic; extremely disconcerting! To me this makes ECTA's work all the more important, providing professional support to trade mark owners and their representatives but also in the context of commenting on the legislative procedures at EU level.'

Micaela Schork,

ECTA Internet Committee Secretary«

Prepared by:

Nicole van Roon, Chair
Lauren Somers, Vice-Chair
Micaela Schork, Secretary

3. ECTA Committee Section

Professional Affairs Committee

The Professional Affairs Committee (PAC) had a Zoom meeting on 22 June 2021 where the new leadership as per 1 July 2021, namely Franc Enghardt (Chair, NL) and Carla Biancotti (Vice-Chair, HR) were introduced and approved by the members.

The Committee will have new members for the next two year period, some of them from outside of the EU, and will also say goodbye to some longstanding members, which will not only mark a new beginning, but also will mean some reshuffling of tasks.

Sozos-Christos Theodoulou (CY), ECTA ECP6 Representative (and former PAC Chair) gave a short presentation on the state of affairs in relation to a future cooperation with the EUIPO on the framework of a continued IP *Pro Bono* programme and other SME related initiatives stemming from the EUIPO Strategic Plan. PAC was asked to provide volunteers for the ECTA *ad hoc* SME Task Force and Manuel Minguez (Task Manager,

EUIPO-Link Committee, ES) and Nicole Ockl (Task Manager, T-028 EUIPO IP *Pro Bono* scheme proposal) will represent PAC in this important new ECTA Task Force. To learn more on this topic, please also see the ECTA position paper on EUIPO IP *Pro Bono* initiative, which was prepared by the PAC and EUIPO-Link Committee earlier last year. The Task task T-029 '*Leasing of EUIPO's user credentials to foreign (non-EU) IP law firms*' was discussed. In January 2021, ECTA sent a letter to the EUIPO regarding ECTA's concern in the leasing of the user area credentials to foreign IP law firms. (In collaboration with the ECTA International Trade and EUIPO-Link Committees.)

Task T-026 '*Conflict of interest*' is considered increasingly important and one section of the upcoming ECTA Annual Conference will be dedicated to it.

New tasks were introduced, such as '*Artificial intelligence and the legal profession*'

(T-030) and will be taken further by PAC under the new leadership.

The most important for now, however, is our 'running' task T-007 (what's in a name...) the ECTA AWARD! A whopping twenty-three papers were received this year – eleven in the professional category and twelve in the student category. All papers have been read and evaluated by a PAC member and six papers have also been co-read by members from the Copyright Committee, three have been read by members from the GI Committee and one by a member from the Design Committee. Overall, the quality of the papers was high and scores were given between 35 and 93 points – most of them in the higher end. Jette de Fries was the excellent Lead Task Manager and coordinator for this project.«

Prepared by:
Carla Biancotti, Vice-Chair

4. ECTA Reports

ECTA Debate Club

IN JUNE 2021, ECTA LAUNCHED ITS NEW ONLINE EVENT CONCEPT, THE 'ECTA DEBATE CLUB', WHICH CONSISTED OF A SERIES OF EDUCATIONAL AND NETWORKING SESSIONS FOR A LIMITED NUMBER OF ECTA MEMBERS.

The purpose was to increase the sense of involvement and interactivity within the association by allowing a small group of professionals to deepen their knowledge and actively exchange views on specific IP topics with other colleagues from the EU and beyond.

The sessions focused on NFTs (non-fungible tokens), proof of use, and trade mark squatting in China and were organised with the support of Session Partners Wiggin and AWA as well as Knowledge Partner for the June 2021 sessions Koushos Korfiotis Papacharalambous LLC.

NFTs: A BRAVE NEW WORLD OR THE EMPEROR'S NEW CLOTHES

The ECTA's inaugural online Debate Club session entitled 'NFTs: A Brave New World or the Emperor's New Clothes?' took place on Thursday, 17 June 2021 and was a great success. The session was organised in

partnership with the UK and Brussels law firm Wiggin and was led by Michael Browne, a partner from Wiggin's London office.

The event attracted a truly international audience, with attendees from as far afield as the US, Brazil, Argentina and South Africa, as well as colleagues from closer to home across Europe. Of particular note was the attendance of Antony Macey, UK Head of Risk and Security at Crypto.com, who was able to provide a particularly valuable technical and regulatory perspective on the topic.

The event was introduced by ECTA Second Vice-President Carina Gommers, who explained that the ECTA had devised the novel Debate Club format as a way of encouraging a more interactive online event than has proved possible via the traditional webinar format. With that in mind, the attendees were each given the opportunity to briefly introduce themselves, so as to encourage discussion. Having done so, Michael Browne then gave a general introduction to the topic that would be the subject of the afternoon's debate, namely the increasingly high-profile class of crypto-assets known as NFTs.

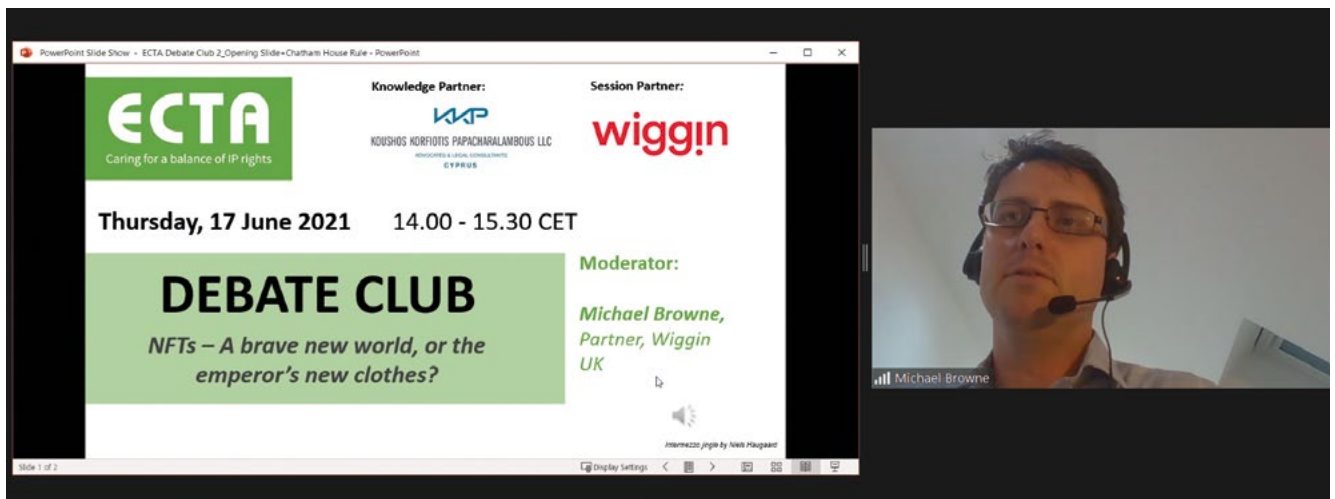
The short introductory presentation explained that NFTs (non-fungible tokens) are unique digital assets that are stored

on decentralised ledger systems, more commonly known as blockchains. High profile examples of NFTs that have recently hit the headlines include digital artworks (such as the collection of 5,000 digital artworks created by the artist Beeple which sold for a staggering \$69M at auction in March 2021), GIFs, and Tweets. However, NFTs have much wider applications and can include video clips of sports events (such as the NBA's 'Top Shot' collection of 'officially licensed digital collectibles') and unique computer game content. Indeed, they even have potential applications in the physical world, being used in conjunction with smart tags as part of anti-counterfeiting measures in the luxury fashion sector.

The session then moved on to the debate section, which focused on consideration of the IP issues raised by the increasing prominence of NFTs. This included a lively discussion around the need for consumers to understand the distinction between the ownership of an NFT itself on the one hand, and the intellectual property rights



DEBATE
ECTA





ECTA
Caring for a balance of IP rights

Friday, 25 June 2021 14.00 - 15.30 CET

DEBATE CLUB
Proof of use of a trade mark. A very important factor for all countries?

Knowledge and Session Partner:
KMP
KOUSHOS KORFIOTIS PAPACHARALAMBOUS LLC
ADVOCATES & LEGAL CONSULTANTS
CYPRUS

Moderator:
Eleni Papacharalambous,
Partner, Koushos Korfiotis Papacharalambous LLC, CY

Intermezzo Jingle by Niels Haugaard

Eleni Papacharalambous

subsisting in the asset (such as an artwork) that an NFT represents on the other. The risk of straying into the realm of trade mark infringement by creating digital artworks bearing third party brands for the express purpose of selling an associated NFT was also debated, with a clear divergence in approaches between the US and European trade mark systems. There was also time for discussion of the more philosophical question of whether or not it is, in fact, the NFT itself, rather than the digital asset to which the NFT is related, that can be said to have 'value'.

The session concluded with attendees recognising that whilst NFTs raise a host of IP-related issues, when advising in this area it is important to recognise that a variety of other issues must also be considered, such as tax law and the regulation of securities. It was agreed that there is probably no such thing as an NFT 'expert' that can cover all the relevant bases alone!

After the formal debate session ended, a number of the attendees were able to stay online for a brief post-discussion networking event.

Michael Browne

Partner
Wiggin UK
Michael.Browne@wiggin.co.uk
ECTA Debate Club Session Partner

PROOF OF USE OF A TRADE MARK. A VERY IMPORTANT FACTOR FOR ALL COUNTRIES?

The second ECTA Debate Club session '*Proof of Use of a Trade Mark. A Very Important Factor for All Countries?*' was held on the 25 June 2021. It was a very interesting and successful session, organised by the ECTA and Session/Knowledge Partner for the June 2021 sessions Koushos Korfiotis Papacharalambous LLC. The session was led by Eleni Papacharalambous, a Partner from Koushos Korfiotis Papacharalambous LLC, and attended by a number of ECTA members from around the world.

The ECTA Treasurer, Jordi Güell, opened the session and welcomed the participants, explaining the new 'ECTA Debate Club' event concept and the reason for its creation. He then introduced and welcomed the moderator of the session, Eleni Papacharalambous, who invited participants to introduce themselves before commencing the debate.

Eleni explained that she chose this topic because 'proof of use' is governed by different laws, regulations, and practices in different countries and she continued by briefly analysing this requirement in Cyprus. She mentioned that proof of use is not an actual requirement for the registration of a trade mark in Cyprus, but there are many procedures in which the 'proof of use' issue arises. She also explained what is considered evidence of use, as covered by the New Trade Mark Regulations in Cyprus. The conclusion was that in Cyprus, although it is not a requirement for the registration of a trade mark, use is still an important factor in many trade mark proceedings.

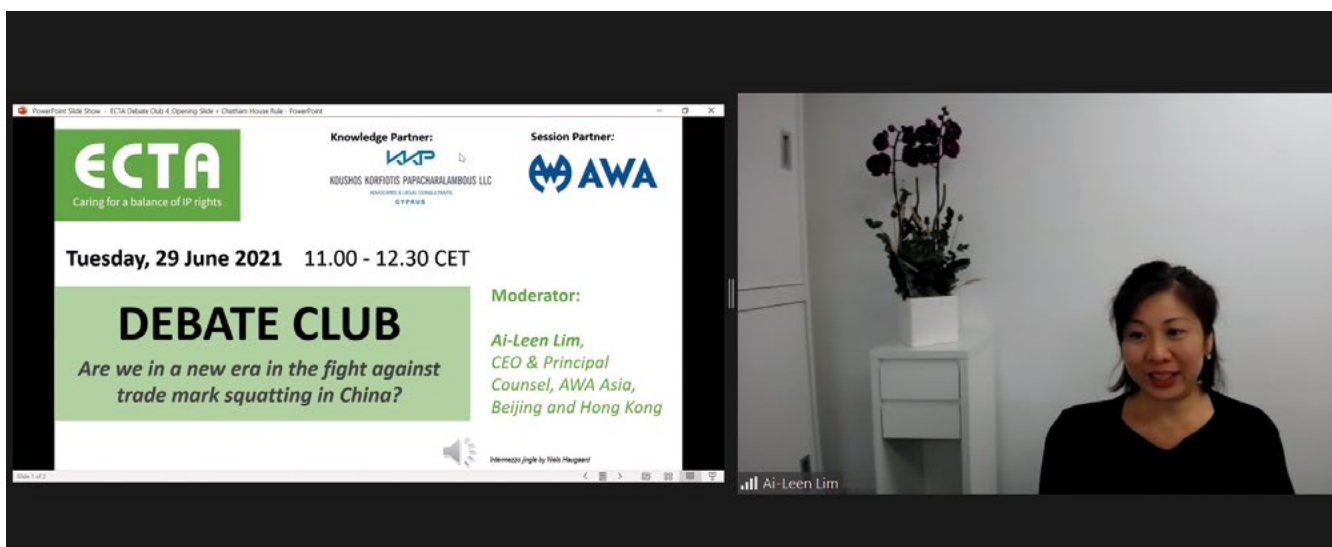
Then, the actual debate commenced. There were very interesting contributions from all participants:

- Cancellation actions based on non-use of trade marks was discussed;
- The kinds of evidence accepted as 'proof of use' by the courts and trade mark offices in different countries was covered in detail, which led to the conclusion that there are indeed different approaches;
- Art. 5 of the German-Swiss Agreement regarding mutual patent, design and trade mark protection of 13 April 1892 was



CLUB

4. ECTA Reports



discussed and it was explained how and when use of an identical Swiss trade mark, which is registered for the same goods/services in Germany and Switzerland, counts as valid use in Germany and *vice versa*;

- Attendees from countries where 'proof of use' is a new requirement explained the difficulties they are facing in their everyday practice.
- Another topic discussed in detail was the acceptance or not, by courts and trade mark offices, of the filing of affidavits confirming proof of use of a trade mark. It was very interesting listening to different approaches.
- After a very engaging discussion, the debate was concluded by Eleni, who thanked all the attendees for their participation and active exchanges. Then Jordi, in turn, thanked everyone for their attendance and thanked Eleni for her contribution and organisation of the session.«

Eleni Papacharalambous

Partner, Head of IP Department

Koushos Korfiotis Papacharalambous LLC

elenip@kkplaw.com

ECTA Debate Club Knowledge Partner of the June 2021 sessions

ARE WE IN A NEW ERA IN THE FIGHT AGAINST TRADE MARK SQUATTING IN CHINA?

The ECTA Debate Club session 'Are We in a New Era in the Fight against Trade Mark Squatting in China?' was held on 29 June 2021 and was very successful. Organised by ECTA and Session Partner AWA, the event was an online debate with fifteen registrants from across Europe and from Korea and Brazil.

The ECTA President, Anette Rasmussen, opened by welcoming the registrants to the Debate Club and introducing the speaker, Ai-Leen Lim, CEO and Principal Counsel of AWA Asia based in Beijing and Hong Kong.

Ai-Leen introduced the session and the three sub-topics covered, including: the current trade mark squatting situation in China; the latest developments since amendments to the PRC trade mark law in 2019; and how brand owners are working with the law to optimise their brand protection and enforcement efforts in China.

Ai-Leen first discussed the problem of pre-emptive registration and hoarding by malicious (or bad faith) third-party registrants of trade marks owned by international brand owners. She then invited the participants to share their own

experiences of trade mark squatting in China, which led to a lively discussion.

Ai-Leen then introduced Art. 4 of the PRC trade mark law, which for the first time addressed trade mark squatting by stating that '*bad faith trade mark registration applications not made for the purpose of using the trade mark shall be rejected.*' The Debate Club then used real-life examples to discuss how, in practice, the authorities and the courts are applying Art. 4 typically in favour of international brand owners.

The final sub-topic considered the best strategies for brand owners to optimise protection and enforcement efforts. This involves a multi-pronged approach. It includes actively designing and building your trade mark protection system, timely and effective detection of infringement, and taking vigorous action to enforce your trade mark rights.

The Debate Club ended with an active discussion and with Ai-Leen answering questions and sharing real-life experience of working on-the-ground with Chinese trade marks for over twenty-three years.«

Ai-Leen Lim

CEO and Principal Counsel

AWA Asia

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ECTA Debate Club Session Partner

ECTA ALWAYS IN YOUR POCKET

Download the ECTA APP and its Member Guide!

Would you like to easily get in touch with other members or stay up-to-date on everything related to your favorite Association? Make sure to download the ECTA APP and its Member Guide on your mobile, a dedicated feature for ECTA members only!

HOW TO GET IT

Send an email at ecta@ecta.org and you will receive the link and password to install the APP and its Member Guide.



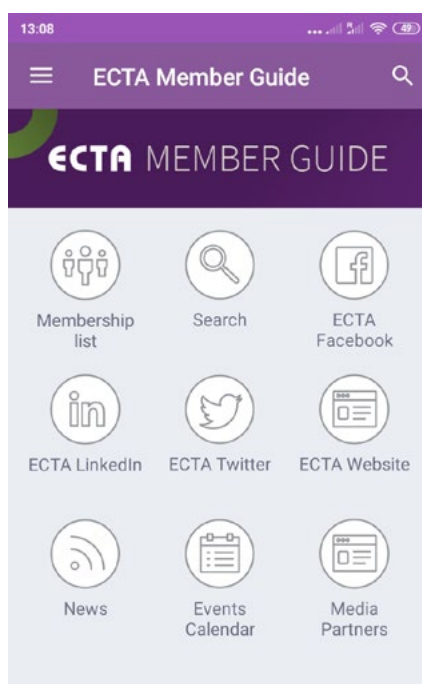
WHAT'S IN IT?

ECTA Member Guide

The ECTA Member Guide is a permanent feature of the ECTA APP, conceived as a benefit for ECTA members only. Find out all the advantages of having it on your mobile:

- **Membership List**

Find a full membership list with details



of all ECTA members and easily get in contact with them. You can also send them messages or schedule a meeting.

- **IP updates**

Stay well informed by consulting all news on the latest IP developments as well as informative articles drafted by our experienced members.

- **ECTA Calendar**

Don't miss anything regarding our Association by checking an updated calendar with all events, initiatives and relevant meetings with Institutions.

- **ECTA Social Media**

Quickly flip through the latest in our LinkedIn and Twitter page.

- **Notifications**

Make sure you don't lose anything important from our Community by receiving notifications on your phone screen.

AND THAT'S NOT ALL!

ECTA Annual Conference and Autumn Meeting dedicated section!

In addition to the Member Guide, the ECTA APP provides temporary sections dedicated to the ECTA Annual Conference and Autumn Meeting, released ahead of each event. Attendees will be guided through our flagship events by finding in the APP all necessary information such as programme, speakers, maps, list of attendees, exhibitors, media partners and much more.«

5. ECTA New Members

So finally, we are back to some level of normalcy. Of course, it is not the same in every country and we are still facing difficulties, but nevertheless, we have at least learned how to manage everything and try to make the best of it.

Irma Spagnulo

Trade Mark Attorney

irma.spagnulo@gmail.com

ECTA Publications Committee

Maria Boicova-Wynants of Starks: IP and International Trade Law, Ghent, Belgium (originally from Latvia, if my understanding is correct) gave me something to think about. While indicating her interest she said 'Golf. What I especially like about it is that you are playing against yourself, trying to improve your own game; and moreover, you have to play the ball as it lies, which is the perfect metaphor for whatever life throws at you. It is up to you to make the best out of it'.

Maria is not 'new' to ECTA. She participated in many conferences, observed and appreciated ECTA: 'When I was still in Latvia, ECTA was my first international conference. Warsaw, 2007. Then came Deauville and Killarney. I was blown away by the friendliness, openness, and professionalism of the ECTA community. Even though after Killarney I have not attended further events yet (for personal and professional reasons), I always kept that warm feeling about ECTA in my heart'.

She set some goals to go along with her ECTA membership: 'I would love to be involved in one of the ECTA Committees – Copyright Committee, or perhaps EUIPO-Link Committee, or others where my contribution can add value. For the rest, knowledge exchange and sharing are important values for me and here I am aligned with the values



of ECTA. I believe that together, by joining forces, 1+1 could result in much more than 2'. Maria, just knock at the door, I am sure that they will open it for you.

'Get the best of it' was also the approach taken by ECTA for its 39th Annual Conference 'Waltzing with IP': virtual and on site, flexible and respectful of any need.

Vienna, the city in which you may hear Mozart, Beethoven, Haydn or Schubert in the streets, the city with its historic and striking architecture, as well as its rich cultural heritage, would be a beautiful option for everybody, especially for those who love travelling.

I'm happy to introduce another travel lover, **Joana de Mattos Siqueira** of Montaury Pimenta, Machado & Vieira de Mello, Rio de Janeiro, Brazil.

Talking about what brought her to our sector, she said 'I got into the IP world by chance, since when I was studying law, my goal was to join a family law firm – I have always been very interested in helping people – but I never could get that clerk position... and other than that, destiny gifted me with a position at Montaury Pimenta and I was introduced to this 'new' world that I totally fell in love with – IP! After more than twenty years in Montaury I specialised in trade marks, became one of the partners in charge of the Trade Marks Department – and realised that I could join two of my passions – travelling and interacting with people – while I am working in this amazing area of law'.

Joana is not new to ECTA either. She attended some previous conferences and now has become a member, which is of great importance for her because it is the first time that a partner of her firm is a member of ECTA. She values ECTA a lot and her expectations are high. Even though her firm is located far away from Europe, it has many international clients and many connections in Europe. With ECTA, she hopes to gain more knowledge about her European clients, and their roots, culture and IP rights, and to take this knowledge home and adapt it to the Brazilian scenario.

Joana is already very involved in ECTA. In fact she said 'Yes, I did attend ECTA a few times before deciding to become a member, and I decided to do so in order to be more active in ECTA – I recently joined the Professional Affairs Committee – and my goal is to exchange information, positive and negative points about trade mark law in Brazil and the European Union. This overall perspective is quite important in view of the globalisation and, in case of the Brazil, particularly, as a member of the Madrid Protocol'.

Welcome to Maria and Joana!





Interview with Jess Honculada, Head of Hague Development and Promotion at World Intellectual Property Organization (WIPO)*

AS PART OF OUR PRACTICE, MANY OF US ENGAGE WITH WIPO AND UTILISE ITS RESOURCES AND SERVICES IN ADVANCING AND PROTECTING OUR CLIENTS' RIGHTS. IN OUR OCTOBER ISSUE OF 2020, WE TALKED TO YO TAKAGI, WIPO ASSISTANT DIRECTOR GENERAL - GLOBAL INFRASTRUCTURE SECTOR, ABOUT THE NEWLY IMPLEMENTED WIPO PROOF. IN OUR CURRENT INTERVIEW WE SPEAK WITH JESS HONCULADA, HEAD OF HAGUE DEVELOPMENT AND PROMOTION AT WIPO ABOUT HER CAREER AND ROLE AT WIPO*, THE EFFECTS OF COVID-19 AND HER OUTLOOK ON INTERACTING WITH MEMBER ORGANISATIONS SUCH AS ECTA.

PLEASE DESCRIBE YOUR ACADEMIC ROUTE INTO IP!

Getting into IP, or precisely IP law, was anything but linear or deliberate, it was not even part of my academic path! My scholastic story is your classic Asian mix of parental obedience, lucky serendipity and, definitely, a good dose of that wonderful aphorism, *carpe diem*. As the tenth of ten children, I was my father's last hope of following in his lawyer's footsteps (little did he know that one of my older brothers would switch careers later and become a lawyer). Entering the legal profession was therefore

preordained for me. But whether as a reward for fulfilling my filial duty or because it had always been written in the stars, fate had a surprising bonus in store for me - I fell in love with law. At its core, it is an exercise of logic and reason - beautiful in its simplicity and challenging in its complexity. I would not have wished to do anything else but practice law.

However, I am getting slightly ahead. To be able to enter law school in the Philippines, where I originate, I had to have an undergraduate degree first. This meant a total of eight years of university studies before aspiring to take the Bar exams - clearly an onerous financial burden for my parents who, despite their modest earnings, were resolute in arming all their children with the only lasting advantage they could bequeath: education. Luck came in the form of a generous government scholarship. Armed with a first university degree less than four years later, I launched into earning my Bachelor of Laws - combining scholarship, part-time work and family subsidy. Still, IP was not on the horizon. This was after all back in the 1990s when IP in the developing world was more esoteric than a real need. Even when I went to do my masters at the London School of Economics, made possible by a British Council grant, it was environment law - which was starting to gain ground as an independent legal discipline at that time - that received my focus in the broader context of development studies. My exposure into IP and IP law happened much, much later!

WHAT WAS YOUR CAREER PATH TO YOUR CURRENT ROLE IN WIPO SINCE YOU JOINED IN 2007?

I am probably one of the most mobile among WIPO staff, currently on my fifth role in the

* Since 1 October 2021, Jess has joined WIPO's Department for Trademarks, Industrial Designs and Geographical Indications as Senior Counsellor.

6. ECTA Interviews

organisation. I first joined WIPO as a Senior Legal Officer in the Office of the Legal Counsel and then as Head of its IP Laws and Treaties Section. I received further immersion into WIPO's corporate life when I moved into the Human Resources Management Department as Head of its Law and Policy Section and later as Senior Counsellor.

Two years ago, with my second daughter turning eighteen and getting ready to leave home for university studies, the time had come to devote my energies into acquiring a specialisation on the core mandate of WIPO – promoting IP globally as an enabler of innovation and creativity. Until then, being a parent – or monoparent in my case – meant that my children had first priority in my universe. It sounds so easy saying this but juggling the world of work and the demands of children was far from straightforward – the many highs definitely came with their share of bumps. Looking now at the two strong and stunning young women my daughters have become, every second, every ounce of attention I dedicated to them unquestionably contributed to their growth. The sense of accomplishment is immense and endures.

As with many working mothers, the passage of children into adulthood also became an opportunity for me to refocus from the joys of parenting to further career development. Among WIPO's global IP services, the Hague System for the International Registration of Industrial Designs is the smallest outfit and therefore an ideal starting point. That was two years ago and here I am beaming with abundant knowledge and ever ready to answer any question, about the Hague System.

WHY DID YOU JOIN WIPO AND WHAT WERE THE HIGHLIGHTS OF YOUR CAREER UP TO NOW?

Fortunate serendipity, really. I applied for a post, was selected and I accepted.

Highlights? The establishment of WIPO Lex is definitely one. Back in 2009, I led a cross-functional team in the design and development of what is now the leading global IP legal intelligence. I am pleased that the architecture which we put in place has stood the test of the fast-evolving research and information needs of our diverse users. Another highlight is the revamp of WIPO's internal justice system which was my first big challenge when I became Head of HR Law and Policy in 2012. We succeeded in producing a leaner review and adversarial procedure and propped up the indispensable role of informal conflict resolution. Another welcome change which I had a hand in introducing was e-voting in WIPO. We faced a Staff Council at that time which had reservations about the role of electronic ballots in staff-related elections. The benefits of being able to vote anytime and anywhere was too evident and encouraged buy-in from staff at large. Subsequently, a few UN sister agencies contacted us to share our experience as they also prepared to adopt e-voting. In my current role as Head of Hague System Development and Promotion, the team is proud of many milestones. We established the first-ever customer service dashboard in WIPO – recording, analysing and reporting key data as the cornerstone for a customer-centric approach to service delivery. We are investing in improving information dissemination to our diverse stakeholders – upgrading information channels, updating content and departing from UN-speak to a concise and more personal communication style. Our Hague System webinars are all the time improving based on feedback from participants. These efforts are paying off with the outcome of enhanced responsiveness to our customers – they represent the bottom-line, after all.

HOW DID YOU BECOME HEAD OF HAGUE DEVELOPMENT AND PROMOTION AT WORLD INTELLECTUAL PROPERTY ORGANIZATION? WHAT ARE THE MAIN GOALS OR TASKS OF YOUR TEAM?

The how was quite straightforward – my application received the nod of the hiring board and my future hierarchy, thus landing me the challenge of my present functions. My team is responsible for the business development and geographical expansion of the Hague System which means outreach, promotion, marketing and information-dissemination. We also take care of customer-facing tools and customer service in general. We work towards ensuring that the needs of our diverse stakeholders are met. Satisfied customers are loyal customer and good news (as well as bad) travels fast.

DOES THE CURRENT COVID-19 PANDEMIC RAISE ANY PARTICULAR OR UNIQUE CHALLENGES FOR WIPO OR YOUR DAY JOB IN GENERAL?

I see opportunities, opportunities, opportunities – for creativity and new ways of working, embracing new technologies, remaining connected and establishing new contacts despite the odds, in effect, the challenge is to broaden our optic and in many ways, to do more with less. I think that we have never been more attuned with our public or more productive than we are now. COVID-19 has brought about a new consciousness at an unparalleled scale and all senses seem to be awakened in full measure. Everyone sees things in a new light, hears messages more acutely, acts with added care and compassion. It is fantastic to seize the open space for reaching out and reinforcing IP's role and relevance in the new normal. Darwin's



wisdom that adaptability, not strength or intelligence, will see us through any revolutionary change is staring us right in the face. At our team level, we try to hold true to the qualities of agility and being nimble as we adapt, adapt, adapt.

DO YOU SEE A CRUCIAL ROLE FOR WIPO INTERACTING WITH ASSOCIATIONS SUCH AS ECTA? ANY PARTICULAR OR POTENTIAL PROJECT?

I view ECTA and other professional associations as agents of change, playing a critical role in the legal and practical development of the IP systems. For the Hague System in particular, we would like to work closer with you in propagating

knowledge sharing. The Hague System will celebrate its centennial in four years' time in November 2025. There is incredible richness in its near-to-100 years of providing the unique international route towards design protection in multiple jurisdictions – the benefits it offers are considerable and yet we have come across many lawyers and IP agents who are largely unaware. We are trying to address this knowledge gap. Story telling is one of them and I would like to call on ECTA and other umbrella IP organisations to bring your members' stories to us for sharing – we aim to tap 100+ stories to showcase designs in action by 2025. We want to get personal with our public and get to know

their incredible diversity of experiences. We are also preparing to roll out a Trainer's training on the Hague System – a course leading to certification as Hague System ambassadors. In the next four years, our goal is to produce 100+ ambassadors. One outreach that has taken off is our Hague System webinars covering a broad range of issues of interest to our users. When the Hague System turns that century milestone – it will be accompanied by no less than our 100th webinar. We encourage ECTA to rope us in for any learning needs among your ranks relating to international design protection. I very much welcome opportunities for closer collaboration.



DESCRIBE YOUR KEY INTERESTS OUTSIDE OF YOUR DAY JOB E.G. HOBBIES AND OTHER ACTIVITIES OR INTERESTS

Mountaineering became a passion when I came to Switzerland over 20 years ago – on foot or with crampons and switching to skis when snow comes. Growing up in a country – an archipelago – with over 7000 islands, I often wondered why the sea and boundless beaches did not have any particular lure for me. I found out why when I discovered the mythic Swiss alps – words cannot begin to capture their majesty. When not up at altitude, I hop on my bike and discover villages, lakes, and nature. In the city and

after a full day's work, I turn to yoga to self-renew, reinvigorate, maintain equilibrium and simply be.«



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7. ECTA Articles



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ECTA Copyright Committee

French courts have addressed some interesting issues in the field of copyright law in France in recent cases. Two decisions stand out in particular:

The first decision concerns the artist Jeff Koons and his sculpture entitled '*Fait d'hiver*', exhibited at the *Centre national d'art et de culture Georges Pompidou* (Paris) in 2014. In this matter, Koons had been sued by the author of an advertisement used for products of a clothing company in its 1985 campaign. The advertisement – entitled '*Fait d'hiver*' – featured a picture of a young woman with short hair lying in the snow above which was standing a piglet with the barrel of a Saint Bernard dog around its neck. The author claimed Koons' sculpture infringed his IP rights.



Franck Davidovic



Jeff Koons

The decision by the Paris Court of Appeal dated 23 February 2021 (No. 19/09059) confirmed the first instance decision and found that Koons' sculpture infringed the IP rights owned by the author of the advertisement. Despite differences between the two works – the sculpture notably included two penguins, a flower necklace on the pig and different clothing on the woman – the Court considered that the sculpture reproduced original features of the prior work, namely a woman with the same facial expression and identical haircut lying in the snow, as well as the barrel around the pig's neck. The similarities exceeded the differences.

Notwithstanding the fact that the sculpture was itself 'unquestionably' a



**Overview on Recent
Copyright Decisions in France**



work protected by author rights, it did not prevent the existence of infringement. In defence of the claim of infringement, Koons' counsel argued that his sculpture was a 'transformative work' conveying a different message and whose artistic process should necessarily be preserved in the public interest in a democratic society. Moreover, it was argued that such a work could be regarded as a parody. On this ground, the Court considered that his work did not meet the three requirements that apply to the parody exception according to EUCJ decision of *Deckmyn* (EUCJ, 3 September 2014, C-6201/13). There was no proof that Koons intended to reference the prior advertisement and since the sculpture was shown in 2014, nearly 30 years after the advertising campaign, it was undeniable that the public would not have been able to perceive the parodic dimension. The Court of Appeal also considered that the restriction to Koons' freedom of expression was proportionate and necessary, since the sculpture depicted substantially the original elements of the prior work and the public could not understand the reference by the sculpture to the advertisement nor perceive the alleged transformative character.

The Court also reaffirmed the fact that French copyright law aims to provide authors with financial compensation for authorisation to exploit a work and also to protect moral rights. Koons, as an artist, should have sought the prior author's authorisation. This decision confirms the position of the French Supreme Court (*Klasen*, Cass. civ. 1ère, 15 May 2015): courts should consider *in concreto* if the restriction to the freedom of expression of the second author is proportionate. In a second decision from the Paris Court of Appeal on 5 March 2021 (No 19/17254), the Court confirms the current position of French case law regarding the characterisation of collective works in the field of fashion, which provides that the employer shall automatically be regarded as the owner of these rights when various authors are involved in the creation of a work without the possibility of distinguishing the contribution of each author and under the instructions of the employer. In this particular case, an employee of the clothing company, *Comptoir des Cotonniers*, claimed to be the only stylist and therefore the sole owner of intellectual property rights on models of shoes (Slash), shoe soles and shoe boxes.

The Court stated that the party claiming copyright ownership on a work must prove the content of its creation as of a certain date as well as its originality. The Court further stated that the fact that a creator is an employee is not an obstacle to ownership of author rights provided that the employee has kept his creative freedom and the aesthetic choices of the work were not imposed by the employer. The Court confirmed the first instance decision by holding that the employee had created these works in collaboration with the company's styling department and under the instructions of his styling director. The stylist intervened in the creation of the works following a defined process and creative instructions set by his director. These elements did not only result from the employment contract but also from the factual evidence provided, such as emails and testimonies. Consequently, the Court rightfully held that the stylist could not claim individual authorship. This decision confirms the current law on collective works status. It is therefore essential for an employee wishing to claim ownership of author rights to be able to demonstrate their autonomy in creating the work.«

8. ECTA Case Law Reports

The Supreme Court Confirms that a Bullfight is Not a Copyrighted Work

THE SPANISH SUPREME COURT'S JUDGMENT OF 16 FEBRUARY 2021 CONCLUDES PROCEEDINGS THAT STARTED IN 2014 FOLLOWING THE REFUSAL, BY THE TERRITORIAL REGISTRY OF INTELLECTUAL PROPERTY OF EXTREMADURA, TO REGISTER A BULLFIGHTER'S BULLFIGHT PERFORMANCE AS A WORK.

Following the refusal, the bullfighter, Miguel Ángel Perera, initiated legal proceedings in order to have the refusal revoked. Following the dismissal of the claim by both the Court of First Instance and the Court of Appeal, the Supreme Court has now finally confirmed the dismissal of the registration of the work *'Bullfight, with two ears with tail, request to the bull 'DIRECCION000' nº 94, weighing 539 kgs, born in February 2010, Garcigrande livestock Fair of San Juan de Badajoz, 22 June 2014.'*

The Court of Appeal rejected the claim on the basis that the bullfighter's performance was assimilated to a sporting event, and as such did not

meet the necessary requirements to be considered a work susceptible to copyright protection. The reasoning following the Court's applications of the CJEU doctrine derived from its judgment of 4 October 2011, *Football Association Premier League* (joined cases C-403/08 and C-429/08).

The Spanish Supreme Court confirms that the bullfighter's performance cannot be considered a work and therefore it is not susceptible to copyright protection. However, the decision is not based on the application of the doctrine of the *Football Association Premier League* case, but on the lack of compliance with the requirements established by the CJEU in the *Cofemel* case (C-683/17) with the express reference to the judgments in *Infopaq* (C-5/08) and *Levola Hengelo* (C-310/17). In that regard, two cumulative conditions must be satisfied for subject matter to be classified as a 'work' within the meaning of Directive 2001/29:

'First, the subject matter concerned must be original in the sense that it is the author's own intellectual creation' (Levola Hengelo, C-310/17, at [36]); 'Secondly, only something which is the expression of the author's own intellectual creation may be classified as a 'work' within the meaning of Directive 2001/29' (Levola Hengelo, C-310/17, at [37]).

The Supreme Court does not question whether a specific bullfighter's performance could be considered as an intellectual creation attributable to the bullfighter but focused its decision on the lack of the required expression: a protectable 'work' should be expressed in such a way that the protected object can be identified with sufficient precision and objectivity, even if this expression is not necessarily permanent.

The Supreme Court concluded that such



identification is not possible as it is not possible to express objectively what the artistic creation susceptible of protection would consist of, due, among other things, to the unpredictable intervention of an animal.

'In the fight of a bull, this identification is not possible, as it is not possible to objectively express what the artistic creation of the bullfighter would consist of when performing a specific task, beyond the feeling it transmits to those who witness it, due to the beauty of the forms generated in that dramatic context. For this reason, it cannot be considered a work object of intellectual property.' (at [7])

The Supreme Court concluded that it is not possible to consider the bullfighter performance at issue as a copyrighted work. Although the performance could be compared to a choreographed piece of work, it is not possible, through

notation, to identify with any real precision the specific movements and forms of dance in which constitute the original creation of the author, so that it allows others to clearly identify what the creation consists of.

Circumstances which the Supreme Court understands are not present in a bullfighter's performance:

'The same thing does not happen with the performance of a bullfighter, in which, beyond the particular passes, moves and manoeuvres – over which exclusive ownership cannot be claimed – it is very difficult to objectively identify where the original artistic creation lies so as to allow the claim of an exclusive right to a work of intellectual property.'«



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8. ECTA Case Law Reports

Sberbank-info.com Case: No Automatic Domain Name Transfer for Successful Plaintiffs in Russia

THE RUSSIAN INTELLECTUAL PROPERTY COURT (IP COURT) REFUSED TO ORDER THE TRANSFER OF THE gTLD <SBERBANK-INFO.COM> BY THE REGISTRAR TO RUSSIA'S LARGEST BANK, SBERBANK, IN ITS RESOLUTION, CASE NO. A40-304694/2019, DATED 14 MAY 2021.

FACTS OF THE CASE

Russia's largest bank, Sberbank, filed a lawsuit against an individual, the registrant of the domain name <Sberbank-info.com> and the registrar, Reg.ru, as a co-defendant, in the Moscow City Commercial (Arbitrazh) Court. Sberbank requested the Court to prohibit the registrant's use of the disputed domain name and for the registrar to transfer the reference domain name to Sberbank.

Sberbank relied on a number of its Russian 'Sberbank' trade marks, including its well-known trade mark, and on its trade name to prove both trade mark and trade name infringement.

The Moscow Commercial Court found trade mark infringement and trade name infringement, in particular they confirmed the earlier 'Sberbank' trade marks of the plaintiff, its rights to the 'Sberbank' trade name, and the absence of legitimate rights of the registrant.

However, it rejected the second claim, namely, the request that Reg.ru transfer the disputed domain name to Sberbank.

Sberbank appealed to the 9th Appellate Commercial Court but the appellate court upheld the first instance court decision. Sberbank disagreed and filed a cassation appeal to the IP Court of Russia.

WHAT THE FUSS IS ALL ABOUT?

Russian law provides that *'trade mark use is inter alia its use on the Internet, including in domain names and other addresses.'*

While trade mark use concerns use in commerce with respect to goods (services) similar to those for which a trade mark is registered, in domain disputes, Russian courts were willing to stretch the boundaries further. The Russian courts were prepared to support a finding of infringement when there was no commercial use of the disputed domain as such (i.e. in case of passive holding or redirection to a plaintiff's own web site). However, one of the main issues in Russian domain name disputes is the absence of automatic domain transfer for successful plaintiffs.

Unlike UDRP, where the domain transfer is automatic in the event of a successful complaint, in Russian national court proceedings, a plaintiff can only prohibit the use of the disputed domain by the registrant. The registrar is then required to cancel the domain name registration.

After cancellation, a successful plaintiff then has priority to register the cancelled domain name ('priority right'). To use the priority right, the plaintiff must send an application form to the registrar concerned within a thirty (30)-day period after the court decision enters into force.

Usually, the plaintiff should also provide some supporting documents along with the application form (i.e. a copy of a court decision and a PoA).

This priority right is provided in the Regulation on .ru and .рф (Russian ccTLDs) domains registration.

The absence of an automatic transfer inevitably results in delays for successful plaintiffs in obtaining the domain name after the court's decision.

Sberbank claimed the courts failed to apply the rules properly by rejecting its second claim. Sberbank further argued that they are unable to receive efficient protection of its rights without the transfer of the disputed domain.

Sberbank also argued that the priority right is not available for gTLDs and is only available for ccTLDs in Russia.

The registrar (Reg.ru), on the other hand, argued that the decision with respect to the registrant is sufficient to cancel the disputed domain name registration. Sberbank could then register the



disputed domain upon the payment of the necessary fees.

IP COURT RESOLUTION

Regarding the domain name transfer, the IP Court found that Reg.ru is not a proper respondent in this dispute and did not violate any rules or procedures on domain registration. Therefore, Reg.ru cannot be ordered to transfer the disputed domain name.

The IP Court found that the preventive measures were fulfilled by prohibiting the use of the disputed domain name by the registrant.

The IP Court also took into account oral explanations from the registrar's representative regarding cancelling the registration of the disputed domain name and its subsequent registration in the name of Sberbank, should Sberbank decide to proceed.

Therefore, the request for domain name transfer was rejected.

CONCLUSION

This case is yet another illustration of existing problems with domain disputes in Russia, despite rather favourable rules for trade mark owners.

Russian courts remain reluctant to order the automatic transfers of disputed domain

names. The procedure goes as follows:

- 1) finding of trademark infringement resulting *inter alia* in the prohibition of the registration to use the disputed domain name,
- 2) cancellation of the domain by the registrar, and
- 3) registration of the domain name in the name of the successful plaintiff.

Each step is separate and takes extra time (the actual court decision covers the first step only and the domain transfer may take a few months after the decision is rendered).

The issue of automatic domain name transfer can be resolved in Russia in future either through amending the law and/or regulations on domains registration or through court practice.

This case also shows that when a plaintiff 1) has a rather clear gTLD dispute, 2) wants only the domain transfer and 3) can choose between a court in Russia and UDRP proceeding, there are clear advantages in going for the UDRP route.

In this case the plaintiff was primarily interested in the transfer of the disputed gTLD (no monetary claims) yet could not get the redress sought.

Accordingly, in those instances where there is a gTLD domain, a prior distinctive trade mark, the absence of legitimate rights by

the registrant and a strong indication of respondent's bad faith, UDRP continues to be the preferred route over national proceedings in Russia.«



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8. ECTA Case Law Reports

When Trade Marks are Upside Down: The General Courts Decision in the Matter Chanel / Huawei



On 26 September 2017, Huawei Technologies filed an application for registration of an EU trade mark *inter alia* covering 'computer hardware' (Class 9) with the EUIPO. Registration was sought for the following figurative sign:



On 28 December 2017, Chanel filed a notice of opposition to the registration of the mark applied for invoking articles Art. 8(1)(b) and 8(5) EUTMR. According to Chanel, there would be a likelihood of confusion with respect to Chanel's earlier French trade marks:



and



registered for 'perfumes, cosmetics, costume jewellery, leather goods, clothes' (Classes 3, 14, 18 and 25). The opposition on both grounds was rejected.

In its decision of 28 November 2019, the Fourth Board of Appeal of the EUIPO dismissed the appeal. In particular, it found that there was no likelihood of confusion between Huawei's EU trade mark application and Chanel's earlier trade marks and no similarity between the signs at issue, even though the second trade mark had a reputation in the EU.

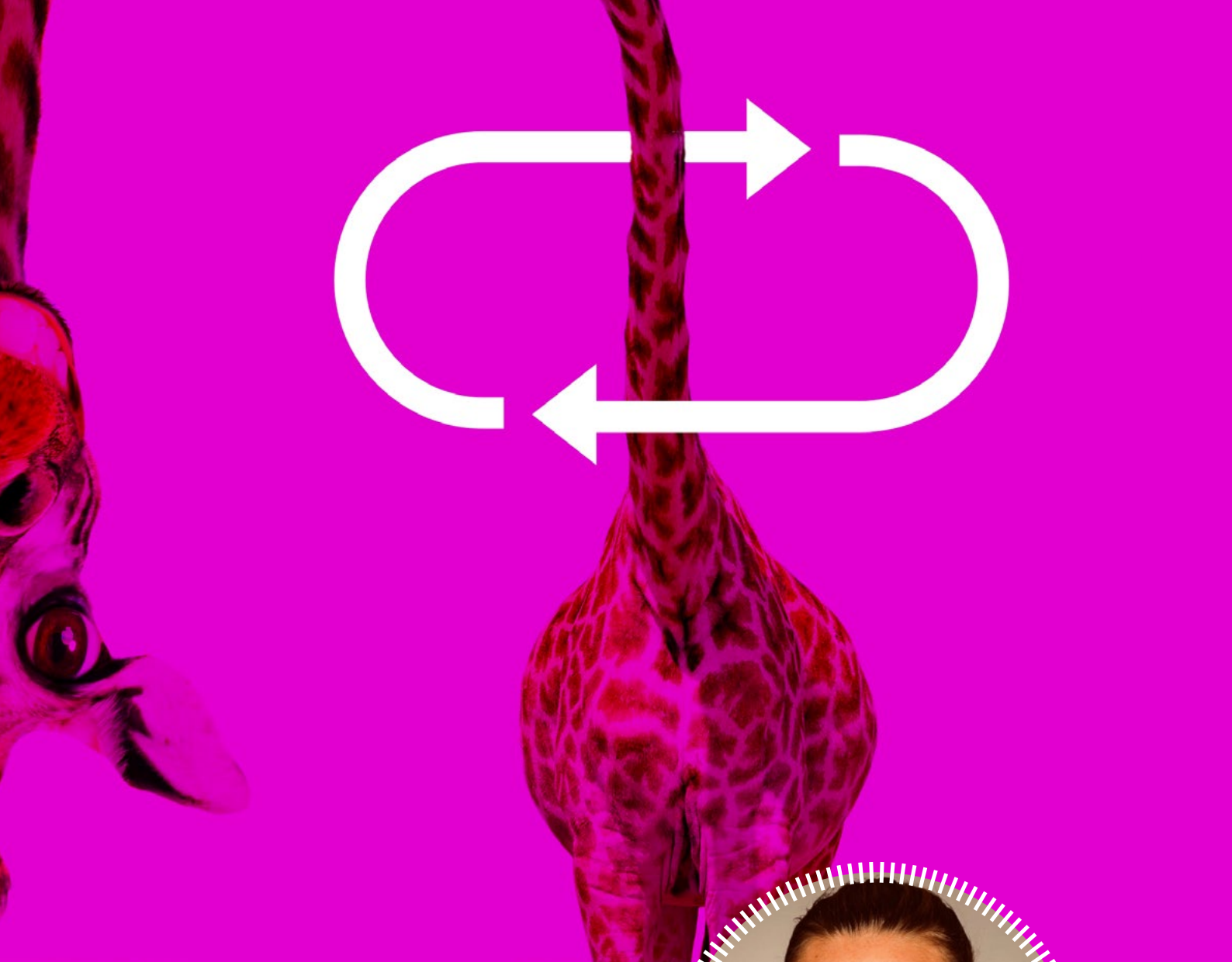
In its decision of 21 April 2021, the General Court (Fifth Chamber) dismissed the action of Chanel against the decision of the EUIPO. The General Court considered, in particular, the degree of similarity between the conflicting signs. The General Court pointed out that, for the purposes of assessing their identity or similarity, the earlier trade marks must be compared in the form in which they

are registered and the mark applied for in the form in the application, regardless of whether they might be used on the market in a rotated orientation.

Following the above principle, according to the General Court, the overall impression of the conflicting signs would be dissimilar.

In this 21 April decision, the General Court deviated from its previous view in *Chanel vs. EUIPO – Jing Zhou and Golden Rose 999* (General Court, decision of 18 July 2017 – T-57/16), in which it affirmed the similarity of the monogram of Chanel





and the Community design



and confirmed the invalidity of the Community design due to lack of novelty. In that decision, the General Court focused on the fact that Chanel also used its monogram in a rotated form.

With respect to trade marks, trade mark identity/similarity must be examined autonomously on the basis of the trade mark registration, without taking into account the rotated use of the (well-known) trade mark. Therefore, as part of the trade mark strategy for monogram marks, it is recommended they be registered in various rotated forms

in order to comprehensively secure the trade mark owner's rights. Finally, it will be interesting to learn how the national courts will apply the General Court's ruling in infringement cases where the infringing trade mark is registered in one position, but used in a different orientation.«



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9. ECTA Book Review

Brands, Political Brands and Donald Trump

(Streamline Brand Associates, 2020)

by Jess M. Collen



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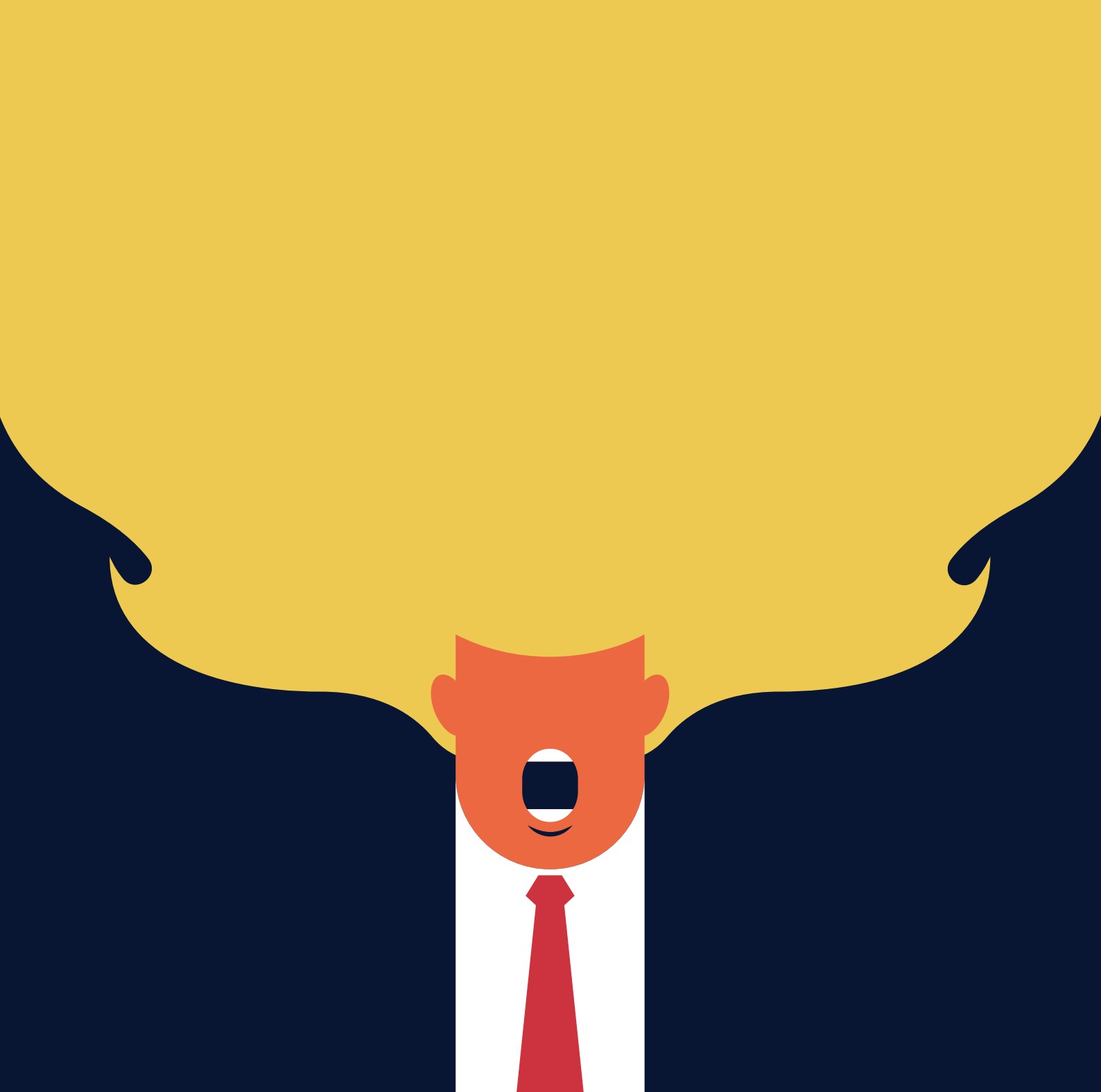
'Brands, Political Brands and Donald Trump' is, in my view, a good read for trade mark practitioners. It comprises a number of short articles which were published in Forbes magazine, and each chapter is concerned with a particular political brand, or a point relating to branding and trade marks. I found some of the points raised were quite thought provoking, particularly for someone interested in branding and trade mark reputation.

The author is an IP attorney who has his own practice in Upstate New York, Collen IP, and

who has been in practice now for over thirty-five years. Jess often lectures on trade mark issues.

A number of the chapters deal with well-known brands in the US political field, such as Kennedy, Bush, Clinton and then Trump, particularly where there is a family dynasty known under that particular name. I had not really equated the family name of a politician with a trade mark until I read this book, but can quite see that the philosophy behind trade marks, such as the reputation of a name, and the 'same again' principle of

quality, would relate in the same way as it would to products. Obviously, things moved on somewhat with the Trump brand, which has been used and is still being used, in connection with a number of other fields, such as hotels and golf courses, wines, and, even at one stage, with an educational establishment. There are now a very large number of Trump trade mark registrations in the US, some owned by Donald Trump, or his companies, his wife, or even Ivanka Trump. Clearly a family name with a 'good reputation' would help further candidates



from that family standing for political election, but it could be said that not such a good reputation could be a hindrance for others coming along later. In addition, I have heard it said that too many people moving into politics with the same family name can lead to almost a concern or a suspicion that it is not so much the skills of those politicians, or hopeful politicians, than the reputation of the family legacy name which is more important.

There are some chapters in this book which are interesting to trade mark practitioners

by way of background, such as those relating to marks like Facebook or Jack Daniels, or even trade marks owned by the Vatican (something I had not realised). There is a chapter on rebranding, such as Kraft becoming Mondelez, and the thinking behind that change, and the change of e.g. Tesla Motors to Tesla (because of diversification of interests). What about when the name of a politician becomes the name of a particular initiative, such as Obamacare? The success or not of that initiative can impact on the family name reputation later on.

Finally we come to some discussions on the Trump name. I think there is no doubt that the reputation of that name is, at present, being discussed constantly and it remains to be seen what the long-term impact will be on how that name is remembered – a successful brand or not?

I would recommend this as a thought provoking read for members of our profession!«

A nighttime photograph of a grand, ornate building in Brussels, Belgium, illuminated by streetlights. The building features a prominent green-tiled roof and multiple levels of arched windows. In the foreground, a street is visible with light trails from cars and bicycles, and various traffic signs. The sky is a deep blue, and a bright light source, possibly the moon, is visible in the upper center.

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