



Trademarks, Designs and more – AIPPI at the EUIPO



Brief report: AIPPI Trademarks and Designs Committees

April 26, 13:45-14:00

SC ON TRADEMARKS

Leadership

Eléonore GASPARD - Chair (FR)

Alexander VON MÜHLENDAHL (DE) - Co-chair

Graciela PEREZ DE INZAURRAGA (ARG) - Secretary



Special thanks to former Chair Peter Widmer and former Secretary, Elena Molina Lopez

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External representation on behalf of AIPPI

WIPO

-37th Session of the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), March 27-30, 2017, Elena Molina

-16th session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks, Geneva, July 2- 6, 2018.

EUIPO

- EUIPO User Group Meetings - Elena Molina (2017) /Marieke Westgeet (March 2018)
- TM5 Mid year user session, May 2017 in Barcelona, Eléonore Gaspar
- EUIPO Convergence Program - CP9 “Distinctiveness of three dimensional marks containing verbal and/or figurative elements when the shape is not distinctive in itself” - Marieke Westgeet
- TM5 user session in Alicante, December 2017, Eléonore Gaspar
- SQAP

ICANN section

IPC meetings - Torsten Bettinger / Dennis Prah

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Contributions to external consultations

- Comments on draft implementing EU Regulation
- EUIPO Convergence Program - CP9 - “Distinctiveness of three dimensional marks containing verbal and/or figurative elements when the shape is not distinctive in itself” - Marieke Westgeet - + questionnaire (January 2018)
- EUIPO Questionnaire Survey (January 2017)
- EUIPO Convergence Program – CP8 – “Use of a trademark in a form differing from the one registered” - Questionnaire (October 2017)
- WIPO Questionnaire on Limitations of International Registrations Under the Madrid System (April 2018)

Support to the AIPPI RGT

- Suggestions of panel sessions and study questions (e.g. bad faith, public order and morality)
- Support for Study Questions
 - 3D trademarks for the Cancun Congress (2018)
 - Bad faith trademarks for the Sydney Congress (2017)

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Pending Studies

- Implementation of the EU Directive : administrative procedures for revocation and invalidity (art 45)
- Impact of Brexit
- Protection of country names against registration and use as trademarks which is an issue currently under review by the WIPO

The AIPPI / Kluwer book : genuine use of trademarks

To be published for the Cancun Congress

26 jurisdictions

Panel Session during the Cancun Congress : Use it or Lose it

JOIN US !



- Eléonore Gaspar (Chair of the Standing Committee on Trademarks)
- Christopher Carani (Chair of the Standing Committee on Designs)
- Ruth Almaraz (Co-chair of the Standing Committee on Designs)

SC ON DESIGNS

Leadership



Christopher CARANI
Chair (US)



Ruth ALMARAZ
Co-Chair (ES)



Sara ASHBY
Secretary (UK)

Designs Committee Leadership

Chris Carani (US) - Chair

Sara Ashby (UK) - Secretary

Ruth Almaraz (ESP) - Co-chair

Mario Franzosi (ITA)

Cristiano Bacchini (ITA)

Reinhard Oertli (CHE)

Fernand de Visscher (BEL)

Michael Haegens (NLD)

Arnout Groen (NLD)

Jens Kunzel (DEU)

Mattias Malmstedt (SWE)

Saar ALON (IR)

Klaudia-Blach Morysinska (PO)

Subroto Bose (US)

Octavio Espejo (MEX)

Johan Loje (DE)

Markus Mattila (FI)

Simon Strässle (CHE)

Qing Ge (CHN)

Kazuko Matsuo (JPN)

Iván Poli (ARG)

Robert Wulff (AUS)

Wayne Slater (AUS)

Lucas Gaiarsa (BRA)

Curtis Behman (CAN)

Pina Campagna (US)

Irmak Yalciner (Turkey)

Hanna Karin Held (DEU)

Saulo Murari Calazans (BRA)

Koichi Naka (JPN)

Irmeli Nokkanen (FI)

Lili Wu (CHI)

Mille Grazie e Muchas Gracias

Former Chair



Mario Franzosi (ITA)

Former Co-Chair



Iván Poli (ARG)

“Un buon disegno va in paradiso; cattivo disegno va dappertutto!” ~M.Franzosi

Translation: “A good design goes to heaven; bad design goes everywhere!”

~M.Franzosi

AIPPI Design Committee Mandate

Advise AIPPI re position on issues regarding Design IP, including designs, trademark, trade dress, copyright)

1. Developing positions and providing comments regarding Design IP issues at international and national levels.
2. Monitoring significant developments in design law (judicial decision and statutory)
3. Working with AIPPI Amicus Brief committee on any needed interventions.

AIPPI Design Committee Projects

1. International Design Law Survey (e.g. term, grace-periods, partial designs, surfacing shading, GUI, color, etc.)

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5. EUIPO Taxonomy Re-Organization (CP07)
6. Publication of book “Design Rights: Functionality and Scope of Protection” (September 2017)

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7. 2018 CANCUN World Congress

CANCUN ANNUAL CONGRESS 2018

2018 Study Questions:

Designs: Partial Designs

CANCUN ANNUAL
CONGRESS 2018

2018 Study Questions

Trademarks: Registrability of 3D Trademarks

Thanks for your attention!