



(RE) THINKING INTELLECTUAL PROPERTY

FUNDAMENTAL QUESTIONS AND NEW PERSPECTIVES

The Functions of a Community Trade Mark

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Abstract:

European trade mark courts, scholars and policymakers are currently debating which functions performed by a mark are (or should be) protected by trade mark law. This Lecture will explore the role that functional analysis can play in determining the appropriate scope of trade mark protection for Community Trade Marks (CTMs). It will outline evolving judicial attitudes to “functional analysis” in Europe, and will highlight the additional functions implicated by the enforcement of CTMs. In particular, the Lecture will suggest that not all functions relevant in the CTM context are connected to the intrinsic role of marks for consumers or producers.

Bio:

Graeme B. Dinwoodie is the Professor of Intellectual Property and Information Technology Law at the University of Oxford, Director of the Oxford Intellectual Property Research Centre, and a Professorial Fellow of St. Peter's College. Prior to his appointment to the IP Chair at Oxford in 2009, Professor Dinwoodie was a Professor of Law and Director of the Program in Intellectual Property Law at the Chicago-Kent College of Law. He has also previously taught at the University of Cincinnati College of Law and the University of Pennsylvania School of Law, and from 2005-2009 held a Chair in Intellectual Property Law at Queen Mary College, University of London. He is the author of several casebooks and numerous articles on various aspects of intellectual property law. His research focuses in particular on the international and comparative aspects of the discipline, and on trade mark and design law. Professor Dinwoodie holds an LL.B. (Hons) degree from the University of Glasgow, an LL.M. from Harvard Law School (where he was a Kennedy Scholar), and a J.S.D. from Columbia Law School (where he was a Burton Fellow). He was elected to membership in the American Law Institute in 2003, served as Chair of the Section on Intellectual Property Law of the Association of American Law Schools from 2008-2009, and is currently the President of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP). He has served as consultant to WIPO on matters of private international law, as an Adviser to the American Law Institute Project on Principles on Jurisdiction and Recognition of Judgments in Intellectual Property Matters, and as a Consultant to the United Nations Conference on Trade and Development on the Protection of Traditional Knowledge. In 2008, the International Trademark Association awarded Professor Dinwoodie the Pattishall Medal for Teaching Excellence in Trademark Law.