

TRAINING MODULES

EUROPEAN UNION TRADEMARK AND COMMUNITY DESIGN LAW

Module 01

From trade mark application to publication

- Introduction to the EUTM
- The functions of the EUTM
- Types of marks
- Absolute grounds for refusal – general principles
- Article 7 (1) (a, b, c, d, e, f, g, h, i, j, k, l, m) EUTMR
- Article 7 (3) EUTMR : acquired distinctiveness
- The life cycle of a mark
- Workshop: drafting response to an objection from the examiner

Module 02

Contesting a trade mark: From opposition to cancellation proceedings, including proceedings before the Boards of Appeal

- Introduction to US Trade Mark Law
- Overview of the opposition procedure
- Article 8(1)(a) EUTMR: Double identity
- Article 8(1)(b) EUTMR: Likelihood of confusion
- Article 8(3) EUTMR: Unauthorised filing by agents of the TM proprietor Article 8(4) EUTMR: Opposition based on business names, domain names, non-registered trade marks
- Article 8(5) EUTMR: Opposition based on Trade marks with reputation
- Article 8(6) EUTMR: Opposition based on Protected Geographical Indications
- Workshop : Settling the disputes

Module 03

Defending the trade mark: Judicial proceedings

- Revocation proceedings
- Invalidity based on absolute & relative grounds
- Proceedings before the Boards of Appeal
- Alternative Dispute Resolution, including arbitration and mediation Actions before the General Court
- Introduction to Japanese trade mark law
- Workshop Drafting Statement of grounds
- Infringement
- Prohibited acts
- Comparative advertising
- Parody of a trade mark
- Exhaustion
- Remedies
- Customs seizures

Module 04

Design Law

- Introduction to Community design Law
- Application for a Community design
- Workshop : Defining the informed user
- Workshop : The notion of freedom of design
- Workshop : Assessing individual character
- Design invalidity proceedings
- Infringement proceedings
- Future of EU Design Law : Proposals for a new Regulation and Directive on industrial designs