

## What is "UNION-IP" ?

### Foundation

In 1961, twenty two far-sighted Patent Attorneys from nine European countries founded the "UNION of European Patent Attorneys" with the intention of providing European colleagues with a forum for discussing and influencing forthcoming draft laws and international agreements, and also helping the profession in Europe to grow together.

Although originally restricted to Patent Attorneys in the countries of the European Economic Community, UNION-IP has meanwhile removed these limitations from its statutes and today welcomes free and employed intellectual property practitioners from all (geographical) European countries, as expressed in the present name "UNION of European Practitioners in Intellectual Property". Still retained are the limitations to European membership and the concentration of activities on problems and developments which especially affect the professionals in Europe.

### Aims

UNION-IP is an association of practitioners in the field of Intellectual Property, that is, of individuals whose principal professional occupation is concerned with Patents, Trademarks, Designs or Copyright and related subjects and who carry on their profession independently or as employees. UNION-IP is a private, free, international association that is not dependent on any national or international authority: it approves its own members, in accordance with its statutes, in total independence, and likewise decides on its own activities and its own budget.

It aims on the one hand to work continuously on current developments in Intellectual Property in Europe, especially by making early submissions during the preparation of proposed laws and treaties with the intention of influencing them and on the other hand to devote itself to the improvement of professional and personal understanding between European practitioners in the Intellectual Property field in different countries and different branches of the profession.

For more information: <http://www.union-ip.org>

## REGISTRATION FORM

This UNION-IP Round Table will be held

on **Friday, 28 October 2016**

at **Royal Industriele Groote Club** ([www.igc.nl/en](http://www.igc.nl/en))  
Dam 27, 1012 JS Amsterdam (NL)

### Registration Form

Please send the completed form/data on or before **18 October 2016** by email to [info@3mevents.nl](mailto:info@3mevents.nl) for the attention of Mrs. Laura Verheijen (Tel. +31 6 50 87 59 57)

Accommodation can be provided on request.

### YES, register me for the Round Table:

Name
Surname
Title
Company
Street
City & ZIP
Country
Tel
Email
For Union Members - Membership Number

Fee: € 90 for UNION-IP members  
€ 150 for non members

The fee includes a buffet lunch and coffee breaks. Upon registration an invoice will be issued by 3M Events.

### Bank transfer (free of charge for the recipient) to

3M Events, Voorstraat 93, NL-4132 AP Vianen (NL)  
VAT number: NL158530780B01  
IBAN/Account number: NL76RABO 0120 6676 57  
Bank: Rabobank, Voorstraat 61, NL-4132 AN Vianen  
BIC code: RABONL2U



# ROUND TABLE

Friday, 28 October 2016  
Amsterdam

UNION OF EUROPEAN PRACTITIONERS IN INTELLECTUAL PROPERTY  
PRESENTS

## BLACK & WHITE IP SHOWS ITS TRUE COLOUR

When **trademarks** or **designs** represented in black and white (monochrome) come into conflict with trademarks or designs represented in colour, the relevance or significance of the component, element or feature in colour becomes a key factor.

In the aftermath of the "Specsavers" saga and EUIPO's "Common Communication on the Common Practice of the **Scope of Protection of Black and White Marks**", the question remains whether IP holders should amend their filing practice, and if so, how should this practice be amended.

Organised by the UNION-IP Trademarks Commission, UNION-IP Designs Commission  
in association with the UNION-IP Dutch national group



# Union

Round Table Program, 28 October 2016

## BLACK & WHITE IP SHOWS ITS TRUE COLOUR

[09:30] DOORS & REGISTRATION

[09:50] WELCOME SPEECH

**Catriona Smith** (GB) [ROUSE LEGAL, London]  
Reporter General UNION-IP

[10:00] **SESSION I: THE RULES OF EUROPEAN IP LAW**

### MODERATOR

**Alexander von Mühlendahl** (DE) [BARDEHLE PAGENBERG, Munich]

### THE "SPECSAVERS" STORY - GENUINE USE AND INFRINGEMENT UNDER EUROPEAN TRADEMARK LAW

**Alexander von Mühlendahl** (DE) [BARDEHLE PAGENBERG, Munich]

This presentation will guide us through the relevant case law, examining the meaning behind the Judge's reasoning and identifying the lessons to be learned.

### COMMON PRACTICE ON BLACK AND WHITE TRADEMARKS

**Elisabeth Fink** (DE) [EUIPO, Alicante]

The EUIPO receives hundreds of trademark applications per day. To what extent does the EUIPO address black and white trademarks differently from colour trademarks, during examination, opposition and revocation proceedings.

### BLACK AND WHITE VERSUS COLOUR – SCOPE OF PROTECTION IN EUROPEAN DESIGN LAW

**Johanna Brückner-Hofmann** (DE) [DUSSELDORF DISTRICT COURT, Düsseldorf]

Designs are depicted in various manners in design registrations, either using line drawings or photographs, either in black and white or in colour. When invoked before the courts, how does the Judge interpret these representations and decide how they can be compared with the conflicting design.

[11:30] **SESSION II: BEST WAYS TO ESTABLISH MAXIMUM IP PROTECTION**

### MODERATOR

**Catriona Smith** (GB) [ROUSE LEGAL, London - UNION-IP]

### COLOUR VERSUS BLACK AND WHITE – THE TRADEMARK PERSPECTIVE

**Alexander Hagen** (NL) [NOVAGRAAF, Amsterdam]

Strategic considerations from the first concept of a trademark to the actual filing of a trademark application, the implications of choices during the rest of the registration proceedings (absolute and relative validity grounds examination) and post registration proceedings.

### WHAT TO CONSIDER WHEN FILING A DESIGN APPLICATION

**Uwe T. Hirsch** (DE) [Ex PROCTER & GAMBLE / BRAUN, Frankfurt]

Integrating IP strategic choices in the commercial and manufacturing processes. Matching static registrations with continuously changing (colour) tendencies.

### HOW TO MAKE APPROPRIATE SKETCHES – TRICKS AND TIPS

**Laurent Overath** (BE) [CABINET BEDE, Brussels - UNION-IP]

Preparing regular representations using freely available bitmap and vector drawing tools. Making decisions on what information should be included in the representations.

[13:00] **BUFFET LUNCH**

[14:00] **SESSION III: ENFORCING CLAIMS UNDER TRADEMARK, DESIGN AND COPYRIGHT LAW**

### MODERATOR

**David Musker** (GB) [MAUCHER JENKINS, London - UNION-IP]

### CASE LAW FROM EUROPEAN DESIGN COURTS

**Véronique Pede** (BE) [CAPE IP LAW, Gent - UNION-IP]

Review and analysis of major court decisions involving designs rights. Implications of the presence or absence of colours in the claimed design versus either the prior art or the accused product.

### CASE LAW FROM EUROPEAN TRADEMARK COURTS

**Jesse Hofhuis** (NL) [HOFHUIS ALKEMA GROEN, Amsterdam]

This walk through key court decisions will reveal the strengths and vulnerabilities of trademarks registered in black and white or in colour.

### CASE LAW FROM EUROPEAN COPYRIGHT COURTS

**Henning Hartwig** (DE) [BARDEHLE PAGENBERG, Munich - UNION-IP]

An insight look on how courts in Europe address the issue of black and white versus colour under national copyright law. How to determine the subject matter and the scope of a copyright claim.

[15:30] **Final Q&A, closing and farewell drink**



CPE registration of participation available