



European Communities Trade Mark Association

President`s Report 2016

F. Peter Müller

ECTA has taken some big steps forward over the past 2 years. And it was necessary. At the outset of the year 2014 and even before the 33rd Annual Conference in Alicante, Spain, various challenges in the world of intellectual property, such as the activities of the legislator in Brussels and of the EUIPO, flanked by the cooperation program and the conversion efforts of the ETMDN, as well as challenges in the world of information technology gave rise to some substantial changes in the way ECTA operates.

This year ECTA is holding its 35th Annual Conference in Dubrovnik, Croatia. We will cover a wide range of Intellectual Property topics as well as the latest IP news and trends. We will, among other things, discuss the European Trade Mark Legislative Package and its implementation, Anti-Counterfeiting and Enforcement topics, Copyright issues, IP in China and offer a popular Case Law update. More than 850 participants are expected to attend. Attendance to our conferences has climbed, especially by members, the number of workshops increased, channels of communication added and enlarged and the impact of ECTA in the European IP context has been substantially enhanced. The decrease in membership has been turned around, even though numbers are not yet satisfactory, and more members join ECTA. What made us achieve this?

In 2014 a Strategic Plan (SP) was created for the first time in ECTA`s history, taking into consideration the position paper on IPR of January 2006, the objects of the Association as outlined in Chapter 5 of the Articles of the Association, its mission, the current structure of committees, Council and the office, the updated SWOT Analysis of 21 October 2010 and the financial capabilities as given in the budget for 2014. The overall goal was and still is to make ECTA the foremost and most prestigious trade mark, geographical indications, design and related rights Association of the European Union.



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The SP 2020 has been developed for 6 consecutive years by 5 teams of Council Members and members of the Management Committee in collaboration with the President, F. Peter Müller, and structured in 5 main areas, namely:

AREA	TEAM
Develop Membership Benefits (DMB)	Aurélia Marie and Pierre Kihn
Broaden ECTA`s Expertise (BEE)	Ruta Olmane and Mladen Vukmir
Reinforce External Partnerships (REP)	Raluca Vasilescu and Andrew Ratza
Strengthen the Internal Organization (SIO)	Fabio Angelini and Max Oker-Blom
Broaden Financial Basis (BFB)	Frank Jorgensen and Sozos-Christos Theodoulou

The SP 2020 was adopted by the Council of ECTA on 23 October 2014 in Tallin. It is a rotating plan. Every 2 years, upon election of a new President, progress should be evaluated, plan targets adapted or amended as appropriate so as to safeguard the continuity of ECTA`s development in the field of IP as well as being flexible enough to allow for modifications, deletions or additions which reflect the situation at hand. The new President will then propose the next SP 2022.

These 5 main areas have further been sub-structured into individual action items. Various additional ideas from several ECTA members have been considered and put in an commented SP 2020 which is available in the Member Section of ECTA`s new website. The yellow marked strategic goals have been prioritized by myself and Ruta Olmane, the next president, will be able to focus on her strategic goals, thereby further developing the strategic plan for another 2 years.

The main topics of the SP 2020 are outlined below, wherein the goals for 2016, which I selected in the year 2014 and which were achieved, are marked in **green** while those goals which were not achieved are marked in **yellow**. In detail:

1. Develop Membership Benefits (DMB)

1.1 Organize high level conferences, workshops and debates

Annual Conferences: Include Keynote Speaker

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Offer parallel working Sessions

Workshops: 1-2 topics per year in at least 3 cities

Debates: Twitter / Blog on Website

1.2 Reinstall ECTA Bulletin

PUBS: Publication Committee to install quarterly an e-bulletin – starting Hamburg – with “chapters” (case law update, news from member states, news from association, Committee Section, EUIPO Section, Key-Interview)

1.3 Provide Online Tools, up-to-date Information and Resources

Develop an interactive and modernized website

See Media Strategy of Daniela Derksen in order to achieve:

- Use media and develop participation of members
- Searching the best modality to create a discussion platform

1.4 Offer training, education and standards for members

Create Webinars

- Training Sessions on Online Tools (EUIPO & WIPO)
- Online transmission of Workshops
- Online Transmission of Conferences

1.5 Organize networking opportunities

1.6 Develop Leadership among members

Invite external consultants for MC advise + education

1.7 Create a professional and social “membership experience”

Overall Goal: Increase membership

2. Broaden ECTA`s Expertise (BEE)

2.1 Broaden scope of expertise (establishing new committees)

a. Copyright issues

- Create a new Copyright committee

- Check other subjects such as Anti-Trust or Competition Law

b. Unfair Competition

Create Task Force to identify whether

- A new committee is necessary or whether subcommittees should be established within existing committees
- Name of new Committee
- Shall other subjects be included such as Anti-Trust or Copyright

c. Case Law

d. IP 2030 – Where do we go ? (3D printing, open source, one-click-licensing)

2.2 Broaden ECTA's expert base:

- Speakers at workshops/conferences (academia, anti-IP, industry)

Broaden subjects of dialogue:

broader IP issues

Technologies – social platforms, virtual business models, ect

Commercialisation of IP rights

2.3 Broaden dialogues with officials

National Offices

Judges

2.4 Broaden ECTA's Committees size, outreach and topics

3. Reinforce External Partnerships (REP)

3.1 Maintain good relationship with EUIPO and the EU Commission (Market, Trade, Competition, Foodstuffs, Connect)

- Regular EUIPO Meetings (EUIPO Link, Liaison, MBBC) and define regular attendance and persons attending
- At least 3 Meetings / Year with EU Commission – Management Committee, invite committee chair responsible for subject
- Invite at least two EUIPO speakers to our conferences

3.2 Reinforce good relationship with WIPO

- Create WIPO Link Committee

- Regular WIPO Meetings (WIPO Link once a year, Attend Working Group Meetings and possibly Standing Committee on TMs, Designs and GIs – by responsible Chairs and WIPO Link Committee Member)
- Invite at least one WIPO speaker to our conferences

3.3 Maintain and enhance good relationship with EU Council, EU Parliament and enhance relationship with national legislators (Council Involvement) as well as national trade mark office

- At least 2 Meetings / Year with EU Council Reps and EU Parliament Reps – Management Committee, invite committee chair responsible for subject
- Invite at least one EC or EP Rep to our conferences
- Channel position papers through Council Members to national legislator on a regular basis
- at least 1 meeting per year between Council Member and national legislator and report during Council Meeting

3.4 Draft an agenda of activities (work and social) that could be jointly organised with sister organisations

- Identify associations, preferably from outside the EU, which organise annual meetings
- Suggest joint seminars, to take place either at ECTA's annual meeting or the other way around
- Organise joint or independent parties or other social events during the other associations' annual meetings to promote ECTA
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3.5 Identify and cooperate with Associations, including Trademark Owners' Associations, Copyright Associations and non-IP Associations in the EU and around the world with which a strategic partnership can be established

3.6 Enforce contact to SME's

- contact EU countries' Chambers of Commerce to contact SME's; for ECTA conferences - there could be a separate block (1 day) for SME owners about basic trademark law and filing strategies hold by IP professionals/company IP



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- ECTA organizing in each country a workshop for SME's about national rights, IRs and CTMs and maybe also about copyrights / unfair competition issues because that's also important for SMEs

3.7 Strengthen partnerships with national Trademark Offices, Boards, Agencies and Universities

3.8 Involvement in / lobby for Governmental programs regarding Trademark issues in EU member countries

- Organise meetings / seminars with authorities (judges, Customs workers, etc) in various countries around the EU
- Keep an eye on programs initiated by governmental bodies in various EU countries (such as, in schools, etc) and offer ECTA's support / involvement

4. **Strengthen the Internal Organization (SIO)**

4.1 Members: Improve Communication to members and Transparency of ECTA's internal work and decision making
Develop Communication Strategy

4.2 Office: Improve capabilities

- Larger office space
Office has relocated in Brussels to a new office with more space
- Engage new employee
Daniela Derksen has been employed as Legal Communicator
- New Software and Hardware to facilitate tasking
 - Appropriate Mobile Devices for Manager Legal Affairs, Manager Administration and Legal Communicator
 - Check existing server architecture and need for interactive content and communication management – possibly renew / add capabilities
 - Check existing software and need for interactive content and communication management - possibly renew / add capabilities

4.3 Council: Improve participation in ECTA's affairs/decision making process

a. Creation of Council Subcommittees/work groups tasked with examining issues

- Use Ad-Hoc Task Forces for specific issues
- Disseminate position papers to national legislator
- Each council member meet national rep once a year

b. Creation/adoption of procedures (selection, discussion, voting majorities) to request MC to look after certain issues

4.4 Management Committee: Strengthen legitimacy and transparency

- Adoption and ratification by Council of the rules defining selection, nomination and election of ECTA's executive officers

- Draft an updated criteria & selection method sheet for approval by Council
- Implement new criteria and selection method

- Advanced dissemination to Council of agenda/issues to be discussed at MC meetings

- Agendas and Minutes are sent to Council prior and after MC Meetings
- Council has opportunity to add Agenda Items

- Institution at Council Meetings of a specific question time where Council members may address MC members

- Reserve a 30min Q&A section for Council Meetings in June and a 60min section in October; questions should be handed in at least 2 days prior to the meeting

4.5 Committees: Increase participation and develop output

a. Engage Vice Chairs and Secretaries

- Draft updated expectation sheet for Vice Chairs and Secretaries of which tasks they should perform

b. Use of Task Managers

- Check whether all chairs have used task managers for their projects

- c. Co-opting non-members into specific Committee projects
- d. Creation of Subcommittees tasked with specific long range issues
- e. Implementation of open enrollment sessions during Annual Meetings
- f. Reorganisation of ECTA's current Committees work:
 - * organise special ad hoc committees when ECTA decides to be involved into "large" projects, for example, Trade mark Legislative package (pool from all ECTA members)
 - * Revise aims and objections of current committees
 - * Revise internal organisation of Committees work.
 - team work
 - permanent subcommittees/teams focusing on certain scope of questions (Madrid system, well-known trademark, ect.)

4.6 Annual Meeting: Increase quality /involvement on sessions

- Prepare fixed guidelines for session Chairs to follow in organizing their panels
 - Create Guidelines (expectations as to performance and contents) for
 - o Session chairs (moderators)
 - o Speakers

4.7 Speed up work on documents and papers – installment of standard routines, webbased

4.8 Change name: ECTA: European Copyright and Trade Mark Association

5. **Broaden Financial Basis (BFB)**

5.1 Bill for Workshops, Webinars and Seminars (non-members only)

5.2 Sponsorship opportunities

5.3 ECTA merchandise

- T-shirts, mugs, mouse pads...the sky is the limit – below is a concept art idea - would people wear something like this:



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- Potentially - Order it during registration and pick up at conference.

5.4 Offer content for money

Subscription to restricted information on ECTA website – newsalerts, publications

Should be cheaper than membership fee.

5.5 Liaise with other IP service providers

5.6 Referral System for Legal Services

The SP 2020 is designed to run for six years, so from 2014 until 2020, and in that vein includes the insights of the first and second vice presidents, Ruta Olmane and Sozos-Christos Theodoulou, so when they take over the presidency, there will be some continuity in what ECTA is attempting to achieve during the two-year blocks of the incumbent presidents. Ruta Olmane will take over from me, so she will be able to pick up the strategic plan, add or amend goals as she sees fit, with the input of the new second vice president. Ruta's presidency will then oversee the plan with an end date of 2022 in mind. This new procedure will give ECTA more continuous development.

ECTA has also changed internally, through the introduction of the rotational principle in Council in 2011 and all other positions in Leadership. Thereby, new, younger members started to influence the policy of ECTA which is nowadays an innovative, fresh, professional organization with a lot of expertise and a profound high level scientific IP background on board. ECTA isn't a lobbying organization. Most of our members are lawyers, mainly external but also in-house, representing trademark owners, as well as their competitors and consumers. In that regard ECTA is looking for an equilibrium of law, to have a balanced law in Europe. That differs to the interests of other associations, which e.g. represent brand owners only and so want to have quick and inexpensive trademark protection. The Max Planck Study however clearly showed that the balance between national marks and EU marks was of the interest of all users and constituencies. ECTA always fostered the idea that if the EU mark becomes less expensive, also national marks must become less expensive, otherwise we endanger the existing coexistence.



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There exists an anti-IP trend in the EU and excessive IP protection is oil in their fire. European institutions appreciated ECTA's initiatives because they realized that we were not there to lobby a particular interest. We just wanted good law.

Hence, as we saw, continuous intellectual property reforms have become more frequent, especially considering the ceaseless technological innovations and constant introduction of new business models. The computer has revolutionized industry and changed many workplaces in the past. Now we are heading towards "Industry 4.0" and the "Internet of Things" which will now also affect white collar workplaces and the way we are living. 90% of the global data has been produced within the past 2 years and each year the global data volume doubles. Soon we will see that also the administration of businesses, banking and legal services will change. We will be confronted with completely different ways of doing businesses, such as the development of blockchains. Will this abolish intermediaries such as banks and – lawyers?

It will now be necessary to closely watch the impact of the reform, such as the implementation of the Directive, the interpretation of anti-counterfeiting rules by DG TAXUD, the development of new technology, a possible revision of the EU Design Regime with a possible regulation on spare parts by DG GROWTH or the digital agenda of DG CONNECT. It will also be necessary to accompany the EUIPO on its way to new services as well as national offices and EU initiatives who strive to "automatize" IP protection as much as possible.

How does this affect us, ECTA? Will we cope with these rogue waves and crosswinds?

I think: "Yes, we will!" ECTA is different and ECTA is changing rapidly. Governed by a Council, where each EU Member State is represented, ECTA has a strong national base as well as a strong Brussel base through its office close to the main station, equipped with excellent IT and staffed with excellent, efficient and hard working personnel. No other association can rely on such basis. With ECTA's supra-national character and 13 committees, we unite practitioners, academia, legislators and judiciary in an international EU context. ECTA's member firms represent more than 50% of all EU trademarks and with such expertise we are recognized as an unbiased expert spokesman and an accredited NGO, not only for the offices but also for the institutions such as the EU Commission, EU Parliament, EU Council or national governments. ECTA is robust and has a stable financial basis. Fabio



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Angelini, long term Council Member and former Chair of the Law Committee once characterized ECTA as follows and I fully agree:

- **E as in engagement, enlightenment;**
- **C as in commitment, critical thinking;**
- **T as in training, thoroughness;**
- **A as in aggregation, attentiveness.**

Together with my fellow Management Committee Members, Ruta Olmane, Sozos-Christos Theodoulou, Max Oker-Blom and László Bérczes, with the excellent support of the secretariat in Brussels, Bárbara Diaz-Alaminos, Cathy von Vuuren, Daniela Derksen and Petra Haenitsch, and the excellent work of the extremely dedicated Committee Chairs and attentive Council Members it was possible for us to establish and partially execute the six year Strategic Plan which should help ECTA to cope with the described ever changing future of intellectual property law. Nearly all set goals of the first two years were achieved, such as, for example, new membership benefits, new media channels, newsletters, next to the traditional Flash, presence on various social media by following a new communication strategy, a larger new office space with additional staff, 2 new committees, Copyright and WIPO-Link, new presentation formats, such as webinars and podcasts as well as a better internal structure and more transparency of our governance. Also the cooperation with our sister associations has been strengthened so that joint position papers have become more the rule than the exception.

We will also manage the challenges because the financial basis of ECTA is very stable. With a new financial monitoring, developed by our Treasurer General, László Bérczes, who not only checks all the contractual work but also overlooks the expense side with stringent eyes, and with the success of the annual conferences, enabled by our Manager Administration, Cathy von Vuuren, and excellent conference organizers and local organizing ECTA members, ECTA could raise the financial reserves we had 2014 by not less than about 65% until today, with the conference in Dubrovnik certainly further enlarging the financial capabilities of ECTA.

Finally, I would like to mention that ECTA would have never developed and would have never been where it stands right now without the dedicated work and intensive efforts of our dear Secretary General, Max Oker-Blom. Max would not only take care of the office in Brussels, including two intensive times of searching new staff members, with many visits to



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Brussels for interviews, but also guided and advised me and the whole Management Committee over the years through the diplomatic jungle of committee meetings and meetings of constituencies, advised on actions to be taken or not to be taken and always remained calm and unbiased, not only as an extremely experienced IP lawyer and association expert but also as an ever caring and empathetic friend and colleague, not only in times of success but also on occasions of challenges and frustration. Thank you, Max !

And as the world changes ECTA and ECTA`s tasks, there is one thing which is unique within ECTA and which will never change: That are the friendships among ECTA members, the family atmosphere of our conferences, the way we treat each other with respect and the kind of professionalism which we find among each other. My time as President is over now, an intense time, an interesting time, an honorable and filled time and a time which I will never want to miss. My motto will remain:



Thank you all for your trust and confidence.

F. Peter Müller
ECTA President
Dubrovnik, June 2016



ECTA

European Communities Trade Mark Association

President`s Report

by F. Peter Müller
June 2016
Dubrovnik

ECTA - Strategic Plan 2020 (SP 2020)

- 1 Develop Membership Benefits (DMB)
- 2 Broaden ECTA`s Expertise (BEE)
- 3 Reinforce External Partnership (REP)
- 4 Strengthen the Internal Organization (SIO)
- 5 Broaden Financial Basis (BFB)

ECTA - Strategic Plan 2020 (SP 2020)

1 Develop Membership Benefits (DMB)

- Organize high level conferences, workshops and debates
- Reinstall ECTA Bulletin
- Develop an interactive and modernized website
- Create Webinars

ECTA - Strategic Plan 2020 (SP 2020)

1 Develop Membership Benefits (DMB) - next to come

Offer training, education and standards for members

Training Sessions on Online Tools (OHIM & WIPO)

Online transmission of Workshops

Online Transmission of Conferences

Organize networking opportunities

Develop Leadership among members

Invite external consultants for MC advise + education

Create a professional and social “membership experience”

ECTA - Strategic Plan 2020 (SP 2020)

2 Broaden ECTA`s Expertise (BEE)

- Copyright issues
- Unfair Competition
- Different Speakers at workshops/conferences (academia, anti-IP, industry)

ECTA - Strategic Plan 2020 (SP 2020)

2 Broaden ECTA`s Expertise (BEE) - next to come

Unfair Competition

Case Law

IP 2030 - Where do we go ? (3D printing, open source, one-click-licensing)

Broaden ECTA's expert base

Broaden ECTA's Committees size, outreach and topics

ECTA - Strategic Plan 2020 (SP 2020)

3 Reinforce External Partnership (REP)

- **Maintain good relationship with EUIPO and the EU Commission**
- **Reinforce good relationship with WIPO**
- **Maintain and enhance good relationship with EU Council, EU Parliament and enhance relationship with national legislators (Council Involvement) as well as national trade mark office**

ECTA - Strategic Plan 2020 (SP 2020)

3 Reinforce External Partnership (REP) - next to come

Draft an agenda of activities (work and social) that could be jointly organised with sister organisations

Identify and cooperate with Associations, including Trademark Owners' Associations, Copyright Associations and non-IP Associations in the EU and around the world with which a strategic partnership can be established

Enforce contact to SME`s

ECTA - Strategic Plan 2020 (SP 2020)

3 Reinforce External Partnership (REP) - next to come

Strengthen partnerships with national Trademark Offices, Boards, Agencies and Universities

Involvement in / lobby for Governmental programs regarding Trademark issues in EU member countries

ECTA - Strategic Plan 2020 (SP 2020)

4 Strengthen the Internal Organization (SIO) (tbc)

- Improve Communication to members and Transparency of ECTA`s internal work and decision making
- Larger office space
- Engage new employee
- New Software and Hardware to facilitate tasking
- Creation of Council Subcommittees/work groups tasked with examing issues
- Strengthen legitimacy and transparency of MC

ECTA - Strategic Plan 2020 (SP 2020) (short list for 2014 - 2016)

4 Strengthen the Internal Organization (SIO)

- Increase participation and develop output of Committees
Engage Vice Chairs and Secretaries
Use of Task Managers
- Annual Meeting: Increase quality /involvement on sessions
- Prepare fixed guidelines for session Chairs to follow in organizing their panels

ECTA - Strategic Plan 2020 (SP 2020)

4 Strengthen the Internal Organization (SIO) - next to come

Speed up work on documents and papers - installment of standard routines, webbased

Change name: ECTA: European Copyright and Trade Mark Association

ECTA - Strategic Plan 2020 (SP 2020)

5 Broaden Financial Basis (BFB)

- **Bill for Workshops, Webinars and Seminars (non-members only)**
- **Sponsorship Opportunities**
- **ECTA merchandise**

ECTA - Challenges

- **Rapid Reaction Forces**
- **Resourcing Knowledge of Members quickly**
- **Look beyond our IP-horizon**
- **Allocate our resources effectively and efficiently**
- **Remain independent**
- **Develop internal Leadership**

ECTA - Highlights

- **Office Crew in Brussels:**
 - Bárbara Diaz-Alaminos**
 - Cathy van Vuuren**
 - Daniela Derksen**
 - Petra Haenitsch**
- **Strong Council**
- **Excellent Committees, including MC**
- **New Office (space, interior, „air-to-breath“)**
- **New Ways of Communication: Facebook, Twitter, LinkedIn, Newsletter, Special Flash, Blog, e-Bulletin, new website, new conference app**
- **Very stable financial basis**

GOAL

The Association to maintain and expand the status of a recognised expert spokesman on all questions related to the protection and use of trade marks, designs and domain names and related rights, such as copyrights or unfair competition in the European Union.....

GOAL

.....and of course, to remain **THE BIG**



ECTA FAMILY