



European Communities Trade Mark Association

## **PRIVACY POLICY ECTA**

### **1. General**

- 1.1 This is the privacy policy of ECTA, European Communities Trade Mark Association, an association under UK law, with registered offices at 52 Kingsway Place, Sans Walk, London, EC1R 0LU, (United Kingdom) and registered in Belgium under number BE0851 518 061, with its general administration (ECTA Secretariat) at Rue des Colonies 18/24, 8th Floor, 1000 Brussels, Belgium, Phone: + 32/2 513 52 85; E-mail: [ecta@ecta.org](mailto:ecta@ecta.org) ("ECTA").
- 1.2 ECTA promotes the knowledge and professionalism of members and owners alike in the fields of trade marks, designs, copyright and other intellectual property rights, within the European Union. ECTA has become a recognized expert spokesman on questions related to the protection and use of trade marks, designs and domain names and related rights, such as copyrights or unfair competition, in and throughout the European Union, and for example, in the following areas: harmonization of the national laws of the EU countries; Community Trade Mark Regulation and Directive; Community Design Regulation and Directive; Organization and practice of the EUIPO. ECTA organizes several events, open to member and non-members and provides for direct material in this respect.
- 1.3 ECTA acts as the controller of personal data that it obtains when you provide your personal data or when you provide personal data regarding other persons (e.g. by email, registration, on our website or through personal contact) ("**Personal Data**").
- 1.4 With this privacy policy ECTA informs you and/or every person of whom Personal Data is processed. This privacy policy will be provided to you physically or by electronic means and can be consulted at any time on the website of ECTA, <http://www.ecta.org/> under the section "Privacy Policy".
- 1.5 This privacy policy, whether obtained online or offline, can at any time be modified by ECTA. Consult it therefore regularly. The modified privacy policy will be published on our website. It will come into force immediately on the date of publication. This date will be mentioned at the bottom of the privacy policy.
- 1.6 This privacy policy is not necessarily applicable to services, activities or products of third parties (including websites or applications to which ECTA refers via (even permitted) hyperlinks on its website) whereto could be referred and on which another privacy policy can be applicable.

### **2. Legal**

- 2.1 ECTA will use Personal Data with the highest possible care, only in accordance with privacy policy and the privacy legislation, consisting a.o. of:
  - (i) the Belgian Data Protection Act of December 8, 1992 on the protection of privacy in relation to the processing of personal data;



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- (ii) Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (“General Data Protection Regulation”);
- (iii) all other applicable legislation regarding the protection of privacy and the processing of personal data.

(“**Privacy Legislation**”).

### **3. Purpose**

3.1 ECTA processes Personal Data in order to:

- (i) execute its activities, as described in article 1.2 and to provide (potential) products and/or services in this respect;
- (ii) manage a (potential) business relationship (including the performance of an agreement entered into) with you and/or the persons of whom the Personal Data is processed;
- (iii) create a member and non-member file, a participant file, a speaker file, (potential) employee file or partner file and to obtain more information hereof;
- (iv) perform market research, to better understand the needs and preferences in the fields of trade marks, designs, copyright and other intellectual property rights;
- (v) help improve its products and services;
- (vi) provide direct marketing regarding its activities such as updates, bulletins, newsletters, info brochures, emails, marketing materials, invitations to events, marketing material and other information that may be useful to you or the persons of whom the Personal Data is processed;
- (vii) comply with applicable legislation;
- (viii) transfer these to its members, board members, subcontractors and contract parties (a.o. members) of ECTA: (i) for the execution of the aforementioned points on ECTA's behalf, (ii) to provide you direct marketing with invites and updates of its members and/or participants of ECTA events; (iii) to inform these on your activities (or these of the persons of whom the Personal Data is processed) and your (potential) business relationship with ECTA (e.g. speaker engagement);

(together or separately the “**Purpose**”).

3.2 ECTA may use the Personal Data for the Purpose in any way whatsoever, including:

- (i) its internal use (e.g. the communication through its internal communication systems and to its internal bodies and/or staff, such as mailings to members, directors etc.) and to store these on a server accessible to ECTA (either from ECTA or from its ICT provider);
- (ii) external communication (e.g. communication via email or on social media to external third parties or the public, for promotional, informative or other purposes...).

### **4. Legal ground and applicability**

4.1 ECTA has the following legal grounds for the processing of Personal Data:

- (i) the contract you have entered into with ECTA;



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- (ii) the free, specific, informed and unambiguous consent, from you or provided through you on behalf of the person concerned to ECTA, to process Personal Data. Such consent can be given by any means, such as, but not limited to mail, email, an online or offline consent form, a membership form or orally;
- (iii) a legal obligation; and/ or
- (iv) a legitimate interest of ECTA.

4.2 This privacy policy is not necessarily applicable to services, activities or products of third parties (including websites or applications where to ECTA refers via (even permitted) hyperlinks on our website) whereto could be referred and on which another privacy policy can be applicable.

## 5. Personal Data

5.1 ECTA can collect and process all Personal Data that:

- (i) can be useful for the Purpose, such as (first, middle, last) name, date of birth, gender, address, email address, phone number, language preference, company number, copy of identity card, bank account number, professional interests and preferences, photo, video, sound recording, bio, marketing material and/or other information provided to ECTA;
- (ii) is gathered during or in the light of one of ECTA's activities as set out in article 1.2.

5.2 You guarantee that the Personal Data you have provided ECTA with are complete and correct.

## 6. Image and Sound

6.1 ECTA can make use of Personal Data in picture and sound material (such as photographs, videos, sound recordings etc.) ("**Image and Sound**") of persons involved in the context of its activities as set out in article 1.2.

6.2 You are aware that Image and Sound of you or of the persons from whom you have provided the Personal Data of, can be taken at any event organized by ECTA (e.g. workshops, events, seminars or on-site or at ECTA ...).

6.3 ECTA may use the Image and Sound for the Purpose, including:

- (i) the use for internal purposes (internal communication systems, such as mailings to members, directors etc.) and to store these on a server accessible to ECTA (either from ECTA or from its ICT provider);
- (ii) the use for external purposes such as sharing (e.g. via email or on social media, for promotional, informative or direct marketing purposes... )

## 7. Transfer of Personal Data to third parties

7.1 As stated above, ECTA can transfer the Personal Data to members, board members, subcontractors, contracting parties (also non-members) of ECTA and/or other third parties (e.g. visitors of the website): (i) for the execution of the aforementioned points on ECTA's behalf (e.g. hosting the ECTA website, other ICT-purposes etc)., (ii) to provide you direct marketing with invites and updates of its members and/or participants of ECTA events; (iii) to inform these on



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your activities (or these of the persons of whom the Personal Data is processed) and your (potential) business relationship with ECTA (e.g. speaker engagement, attendance of one of the events).

- 7.2 ECTA enters into processing agreements with its subcontractors processing Personal Data on its behalf.
- 7.3 Third parties to whom ECTA may, or is obliged to, transfer personal data on the basis of the above categories, can be located within or outside the European Union (e.g. for the conference registrations and for the mailing system). Those third parties' privacy policy might be applicable. The Personal Data may thus be transferred to companies or authorities of non-EU countries. ECTA cannot be held responsible regarding the transfer of Personal Data and cannot be liable for the further processing of the Personal Data by such third parties, except for its subcontracting parties processing personal data on ECTA's behalf.

## **8. Representations and guarantees**

- 8.1 By providing Personal Data to ECTA, you guarantee that:
- (i) the Personal Data you have provided to ECTA are complete and correct; and/or
  - (ii) you are entitled (on behalf of the person concerned) to pass on the Personal Data to ECTA, e.g. from you, your employees, directors, partners... You hereby warrant, as far as necessary, to have obtained all necessary consents for the aforementioned transfer and you shall indemnify and hold ECTA harmless for any claim in this respect.
- 8.2 You are aware that a violation of this provision will be considered a serious fault.

## **9. Term**

- 9.1 ECTA stores and uses Personal Data for as long as it is necessary to achieve the Purpose (and minimum during the term as provided for in the applicable legislation, or for 5 years after the agreement that you had in place with ECTA has come to an end, whichever being the longest).
- 9.2 When the Purpose is accomplished, ECTA will erase the Personal Data.

## **10. Your rights**

- 10.1 The Privacy Legislation provides you with a number of rights regarding Personal Data. Everybody has the right, free of charge:
- (i) to have access to and receive a copy of his/her Personal Data;
  - (ii) to have his/her Personal Data corrected in case of errors;
  - (iii) to have his/her Personal Data erased in case:
    - a. Personal Data are no longer necessary to achieve the Purpose;
    - b. he/she withdraws his/her consent and there is no other legal ground for the processing of Personal Data;
    - c. he/she objects to the processing his/her Personal Data and there is no other legal ground for the processing of his/her Personal Data;
    - d. his/her Personal Data have been unlawfully processed;



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- e. there is a legal obligation to erase his/her Personal Data;
  - (iv) to have the processing of his/her Personal Data restricted;
  - (v) to request that his/her Personal Data are transferred to a third party;
  - (vi) to object against the processing of his/her Personal Data, in particular in relation to direct marketing. This means amongst others that you can unsubscribe from newsletters, bulletins, commercial or promotional mailings or personalized ads and that ECTA can no longer send these to you/the persons of whom the Personal Data are provided to ECTA;
  - (vii) to file a complaint with the data protection agency in case you are of the opinion that the processing of its Personal Data is contrary to the Privacy Legislation.
- 10.2 In case you one want to exercise the above rights, you can send a written, dated and signed request, with proof of identity (front of identity card), by ordinary mail to ECTA Secretariat at Rue des Colonies 18/24, 8th Floor, 1000 Brussels, Belgium, or by E-mail to [ecta@ecta.org](mailto:ecta@ecta.org). Please note that the Privacy Legislation may impose conditions on exercising any of the above rights.

## **11. Storage and security**

- 11.1 The Personal Data are stored by ECTA, and/or, its subcontractors located in or outside the EU, such as its ICT provider or its subcontractor carrying out the registrations for ECTA events (e.g. for the conference registrations and/or for the mailing system).
- 11.2 ECTA commits to take (or have) all reasonable measures (taken) to its best ability to safeguard the protection of the Personal Data through technical safety measures and an appropriate safety policy from destruction, loss, modification or unauthorized processing.
- 11.3 You acknowledge and accept that the transfer and storage of Personal Data is never without risk and consequently, ECTA cannot be held liable for the damages that you may suffer as a result of the unlawful use of your Personal Data by third parties, other than ECTA's subcontractors.
- 11.4 If you are aware of any data leakage, you must immediately and no later than 2 hours inform ECTA hereof via phone + 32/2 513 52 85 or E-mail: [ecta@ecta.org](mailto:ecta@ecta.org).

## **12. Liability**

- 12.1 ECTA can solely be held liable for damages which directly result from the processing of Personal Data due to a fault or negligence of ECTA. Neither ECTA, nor its bodies, members or employees can be held liable: (i) in circumstances of force majeure, (ii) for any indirect or consequential damage, and/or (iii) for damages that result from errors, faults or negligence by you or third parties, other than ECTA's processors-subcontractors.
- 12.2 The total amount of ECTA's liability for breaches of this privacy policy and/or Privacy Legislation cannot exceed 2,500 (two thousand five hundred) euro.

## **13. Severability**

- 13.1 If any provision in this privacy policy is deemed to be unlawful or unenforceable, such provision shall be amended insofar as necessary in order to make it lawful or enforceable, while retaining the original meaning of that provision as much as possible.



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13.2 Whenever possible, the provisions of this privacy policy shall be interpreted in such a manner as to be valid and enforceable under applicable law. However, if one or more provisions of this privacy policy are found to be invalid, illegal or unenforceable, in whole or in part, the remainder of that provision and of this privacy policy shall remain in full force and effect as if such invalid, illegal or unenforceable provision had never been contained herein.

**14. Applicable law and competent court**

14.1 You agree that all disputes between you and ECTA regarding Personal Data and privacy issues, are exclusively subject to Belgian law, excluding any conflict-of-law principles.

14.2 Every dispute regarding Personal Data and privacy issues should be submitted to the exclusive jurisdiction of the Dutch speaking courts of Brussels, Belgium, excluding any other court.