

The Importance of IP Law

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ECTA And The Importance Of Intellectual Property Rights

It goes without saying that the importance of Intellectual Property Rights (IPR) has grown considerably over the last decade. The introduction of the internet for commercial use some fifteen years ago has escalated this development. The possibility to obtain an exclusive right to an invention, a brand or a design, etc., continues to function as an important incentive for industry. In most cases an investment is only worthwhile if appropriate protection is obtained. Therefore, a well-functioning IP legal infrastructure is a necessary prerequisite for a successful economy as a whole, a matter more important than ever in the global competitive economy.

IPRs as an important means for business To secure a patent for an invention is crucial. It gives the owner a possibility to cover the costs spent to make the invention and to secure the income envisaged. Designs serve the same purpose. Without trade marks it is impossible to distinguish goods or services of one company from another. Even though a domain name is technically considered to be an internet address, it clearly also has a distinguishing function. IPRs are in other words necessary means for businesses to achieve their goals.

The European Communities Trade Mark Association

The European Communities Trade Mark Association (ECTA) wants to be of assistance in this respect. ECTA is a European association with a membership of IP practitioners, both from the free profession and from the industry. In this respect it is

quite unique within the EU. Today it has close to 1,450 members.

The association was founded in 1980. At the time there was neither a Community Trade Mark system (CTM) nor a European Design system, and it was still uncertain whether anyone of them would become a reality. The initial aims of the association were to create an association of IP practitioners, whose main interest was focused on trade marks, whether from industry or the free profession, and to be involved in the creation of a European trade mark system.

EU Trade Mark Regulation and the role of ECTA

ECTA played an active role in the drafting of the CTM Regulation. When the regulation entered into force in 1996 ECTA became, and still is, one of the most active observers of the implementation of the CTM system. At the time the so-called ECTA OHIM Link Committee was created to facilitate the cooperation between ECTA, the profession and the Office for Harmonisation in the Internal Market (OHIM). Over the years this cooperation has continued to be both regular and active.

Over the last 18 months ECTA, particularly with the assistance of its Law Committee, has closely followed and actively commented upon the Study on the Overall Functioning of the European Trade Mark System by the Max Planck Institute (the Study), which was published in March last year (MARKT/2009/12/D). The Commission is continuing the work based on the Study, and a legislative proposal on both the Community

trade mark regulation and the trade mark directive, is expected to be forthcoming within the coming months. To review and comment upon it will of course be one of the main priorities of the association and its members.

Besides ensuring an adequate legal framework for the benefit of the business community, ECTA is also very concerned to secure the enforcement of those granted rights. Through its Anti-Counterfeiting Committee, it has closely participated in the review of the enforcement directive and customs regulation, as well as in the drafting of the ACTA agreement – the ratification of which it now supports and explains to the members of the EU Parliament. ECTA Anti-Counterfeiting Committee is also closely following the works of the European Observatory on the infringements of intellectual property rights.

Governance of ECTA

In addition to these, ECTA has several other committees on relevant matters such as; Geographical Indications, Harmonisation, Internet, Professional Affairs, and Publications – to name a few. They are all actively engaged in following the latest developments within the IP field. At present there are one hundred projects of various sizes and importance being pursued. If the Council, the Management or a Committee finds it important to affect the development, be it EU legislation or decisions to be made in the IP field, opinion papers will be written and directed to the appropriate authorities. ECTA has regular contacts not only with



OHIM in Alicante, but also, among others, with the EU Commission, the EU Parliament and World Intellectual Property Organisation (WIPO). In addition to these contacts, ECTA finds it important to cooperate with the National Patent and Trademark Offices (PTOs) and is regularly in touch with other Non Government Organisations (NGOs), particularly when a joint effort is considered important.

ECTA is governed by an Annual General Meeting and a Council – the latter representing each EU Member State and convening twice a year during the autumn and summer. In addition to these bodies there is a Management Committee handling the running matters between the meetings. This Management Committee consists of the President, two Vice Presidents, the Secretary General and the Treasurer. ECTA also has a Legal Coordinator in its employment, responsible for preparing all matters related to IP Law.

ECTA Today

ECTA is actively engaged in arranging workshops and seminars around Europe. In

2010, in cooperation with OHIM, it arranged a number of workshops on the European trade mark system, and last year with WIPO on designs – the latter, a continuing cooperation that resulted in a further meeting held last month in Madrid. Among others, separate seminars were also arranged in February on Geographical Indications in Alicante and on Genuine Use and Class Headings in Brussels.

This year the Annual Conference will be held in Palermo in June with, among other highlights, a China workshop. The Council meeting is being arranged in Amsterdam in October and next year ECTA will be convening in Bucharest and in Malta. In 2014, in close cooperation with OHIM, the Annual Conference will be held in Alicante.

Currently, the President is Annick Mottet Haugaard, a lawyer who specialises in IP litigation, based in Brussels (Belgium). However, in June she will be succeeded by Domenico de Simone based in Italy, for a two-year period, before being replaced by F. Peter Müller, a German Trade Mark Attorney from Munich. Dr Max Oker-Blom from

Helsinki (Finland) is Secretary General and Jaroslaw Kulikowski from Warsaw (Poland) is Treasurer.

ECTA Secretariat

Should you wish to join ECTA as a member or obtain some additional information about its activities, please visit the ECTA website (www.ecta.eu) or get in touch with Ewa Grabiak, Legal Coordinator, or Cathy van Vuuren, Administrative Secretary, at the ECTA Secretariat in Brussels, Rue des Colonies 18/24, BE-1000 Brussels, Belgium, tel. +32/2 513 52 85. ECTA will be very pleased to serve you.

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