

THE QUEST TO IMPROVE TRADEMARK LEGISLATION IN EUROPE

BY: DANI BACKTEG

ECTA President Annick Mottet Haugaard is motivated by a desire to constantly improve conditions for trademark sector professionals and to foster greater consensus in Europe as regards attitudes to trademark protection. In an interview with AWAinformation she explains how ECTA needs to run its operations in the future and what challenges she sees for trademark protection in the years ahead.

ECTA's current president comes from Belgium. Since 2006 she has headed the IP team at the Belgium law firm Lydian.

During her early years as a practising lawyer she worked for the Swiss watch industry on trademark-related issues. This gave her valuable insights into trademark protection and a network of contacts that eventually led to assignments for several luxury fashion brands. One of the results of those assignments was a number of dramatic raids by police in Antwerp's diamond district, which established some important legal precedents.

At the time Belgium was not represented on ECTA's Anti-Counterfeit Committee, so Annick Mottet Haugaard was invited to fill this vacancy and seized what she saw as an exciting opportunity. Thus began her gradual introduction to the organisation that she has now been serving as president since the summer of 2010.

KEEN SENSE OF AESTHETICS

As a self-confessed perfectionist, she certainly has her work cut out. But she tries to make sure that she also has time to indulge her passions. Art and hiking are two of these. She paints and also enjoys visiting art galleries and exhibitions.

"For me there is a clear connection between the appreciation of beauty and the work we do as legal professionals. It's the same whether it is a work of art, a product, or a concept" she says.

QUEST FOR A FULLY HARMONISED SYSTEM

ECTA was created by 22 IP practitioners from nine member states of the European Union, but today has approximately 1,500 members from a total of 85 countries. However, while

the increase in member countries is undoubtedly a success, it has brought with it certain challenges, such as the difficulty of reaching a consensus on the issues on the agenda.

"It's extremely important to avoid narrow national interests. Instead we try to focus on a pan-European perspective. ECTA is a microcosm of Europe with representatives from every corner of the continent. For us, it is really positive that every EU member state is represented in ECTA," says Annick Mottet Haugaard.

ECTA is working hard to establish a harmonised system for dealing with trademark issues. The advantages of this include greater legal certainty and security, simpler processing procedures and reduced costs – all key factors if businesses are to develop in a way that benefits all stakeholders, including consumers. The aim is to have a fully harmonised system in place within the next 20 years.

"Another key issue is meeting the demands of a new era. Technical advances and changes in expectations have speeded up the pace of communication. For authorities and individual clients alike, contactability and swift turnaround times are today taken for granted," Annick Mottet Haugaard maintains.

A TIME OF GREAT CHANGE AND EXTENSIVE REFORMS

Right now the EU is conducting several parallel studies into trademark legislation. These range from the review of the Trademark Directive, and the review of the Customs Regulation, which tackles the question of how to stop counterfeited goods at the EU's borders, to a third major enquiry, which goes under



Annick Mottet Haugaard,
President of ECTA.

the name of the Enforcement Directive.

"Trademark legislation at EU level has entered a dynamic and eventful period. It's hugely inspiring to be part of this and it will be interesting to see what all this activity leads to. There's no need for any revolutionary changes, but nevertheless the system does need some significant fine-tuning," says Annick Mottet Haugaard.

STRONGER PROTECTION AND A BETTER WORKING CLIMATE

Any organisation, large or small, must draw up a list of priorities for its work. For ECTA, which has only a skeleton staff and is, in essence, a non-profit organisation that depends on the expertise and the dedication of its members, it is particularly important to get the focus right.

"Our limited resources compel us to be selective about the issues we deal with. We also have to walk a narrow line between industry and individual practitioners, as ECTA represents the interests of both of these groups. Our focus is constantly fixed on improving the working climate and legal framework for those involved in the trademark sector. We want to contribute to a general improvement in the situation without becoming just another special interest group."

ECTA conducts its operations through various types of activities. The organisation writes position papers, meets key decision-makers and arranges round-table discus-

sions, workshops and conferences.

THREE TOP PRIORITIES FOR THE SUMMER 2011 CONFERENCE

This year's ECTA Conference, the organisation's thirtieth, will take place in the Swedish capital, Stockholm. Three issues have been given top priority, according to Annick Mottet Haugaard:

"The first concerns implementation: how to ensure observance of and compliance with the existing regulations relating to trademarks. The second issue is trademark rights and the internet: there is a need to discuss the implications of new technology, including social media, and the rise of the movement that is opposed to trademark protection. The third important question for the conference to address is the extensive reform programme for trademark legislation that is currently being discussed at EU level." ■

A FEW FACTS AND FIGURES ABOUT ECTA

ECTA, the European Communities Trade Mark Association, was founded in 1980 and brings together professionals in the fields of trademarks and design and related IP rights. All 27 European Union countries are represented within ECTA, which today has a total of some 1,500 members from 85 countries worldwide. ECTA's head office is in Brussels.