

## IP in Retail 2014

**Date:** Wednesday 1<sup>st</sup> October

**Time:** 8.45am – 3.00pm

**Venue:** The Hepworth Gallery, Wakefield

The Conference is free and will attract 5 CPD points.

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### Programme outline

**8.45am – 9.15am**

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**Registration and breakfast**

**Welcome and introduction: Antony Gold**

**9.15am – 9.50am**

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#### Designs 101

This important intellectual property right, traditionally much under-used by retailers, has undergone some significant statutory and case law changes recently under the Intellectual Property Act and through cases such as the recent decision of the Court of Justice in *Karen Millen Fashions v Dunnes Stores*.

We look at how the different systems of design right fit (UK/EU and registered/unregistered) fit – or don't fit – together and provide advice about effective exploitation in the light of recent developments.

**Speaker: Martyn Fish, Solicitor, HGF**

Martyn is an experienced IP litigator who has considerable experience of UK and European design law. He has acted for a number of retailers in design-related disputes and works for major brands such as Lil-lets, Toyota and Unipart.



**9.50am – 10.25am**

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### **Looking at lookalikes**

Lookalikes and similar logos are, once again, in the spotlight following a spate of recent cases involving retailers such as Aldi (MoroccanOil and Saucy Fish) and House of Fraser (Jack Wills) as well as the recent consultation on the availability of civil injunctions for copycat packaging under the Consumer Protection Regulations.

We review how case law has moved on in this area since the landmark *United Biscuits v Asda* litigation and offer guidance as to where the line between the permissible and prohibited is presently drawn in this difficult area of law.

**Speaker: Antony Gold, Solicitor, HGF**

Antony is a lawyer who specialises in brand protection and other intellectual property issues for retailers. Antony is highly ranked as an intellectual property litigator in the independent guides to law firms and has acted for Specsavers throughout its dispute with Asda.



**10.25am – 10.50am**

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### **Complaints procedures on e-markets**

Retail brands are increasingly finding that their products – or counterfeits – are ending up on a range of e-markets. The growing power of relatively new entrants is reflected in Alibaba's valuation at nearly \$170bn and the fact that it accounts for 80% of all Chinese e-commerce.

We look at how to make best use of the complaints procedures now established on a variety of social media platforms, what works and what doesn't, as well as good practice in terms of monitoring and follow up.

**Speakers: Chris Robinson, Solicitor, HGF and Katie Goulding, Trainee Trade Mark Attorney, HGF**

Chris is involved in all aspects of contentious and non-contentious intellectual property law. He has been involved in High Court actions relating to patents, trade marks, copyright and design rights.

Katie works with leading retailers in fashion and e-commerce. Katie assists retailers with online brand monitoring and removal of counterfeit listings from online retail platforms.



**10.50am – 11.05am**

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**Break**

**11.05am – 11.45am**

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**Brand valuation**

The valuation of retail brands, their tax effective use as well as their use in accounting, litigation and franchising contexts and to solve pension deficits can be an essential but and often insufficiently understood exercise. Ian Brewer from the UK's leading valuation practice, Valuation Consulting, looks at the key principles and methodologies, illustrated with public domain examples.



**Speaker: Ian Brewer, Director, Valuation Consulting**

Ian is a Law Society (now Sweet and Maxwell) registered Expert Witness, member of the Society of Share and Business Valuers and RICS Registered Business Valuer. Prior to Valuation Consulting Co, Ian was responsible for valuations in the Northern offices of one of the Big 4 Accountancy Firms. He is the Director in charge of Valuation Consulting Co.'s Northern office.

**11.45am – 12.20pm**

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**International round-up**

Across the globe trade mark registry practice is changing. We look at some of the key developments in some key territories including Saudi Arabia, China and Brazil as well as jurisdictions much closer to home.

**Speakers: Richard Wylie, Trade Mark Attorney, HGF and Antony Douglass, Intellectual Property Counsel, Specsavers**



Richard works with a wide variety of brands, and is experienced in offering practical advice and assistance including developing appropriate strategies for brand-protection, clearing brands for use, securing national and international trade mark protection and policing against infringements.

**12.20pm – 1.20pm**

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**Lunch**

**1.20pm – 1.40pm**

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### **Fluid trade marks**

The internet and other media are pushing forward a profound sea-change in trade mark use where the exact presentation of a mark changes according to a variety of circumstances. We consider this trend and comment on the opportunities for retailers and the key implications in terms of trade mark protection.

**Speaker: Lee Curtis, Trade Mark Attorney, HGF and Lauren Somers, Trainee Trade Mark Attorney, HGF**

Lee is a trade mark attorney who focuses on supporting clients in the retail sector and works with many leading brands. Lee has a particular interest in the trade mark issues surrounding keyword advertising and also has extensive experience of working with retailers in protecting IP in their supply chain.

Lauren has worked with retailers in a range of fields, including fashion, home furnishings, automotive, shoes and handbags. Lauren has prepared and delivered training to the management, marketing and design teams of a number of leading UK retailers.



**1.40pm – 2.35pm: Streamed Sessions**

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### **Workshop A: Exploring the limits of trade mark protection – for store design and beyond.**

Apple's recent successful application for a trade mark protecting the appearance of its stores has captured the imagination of many retailers. We will be discussing the potential for non-traditional trade marks to be powerful weapons in a retailers' IP arsenal.

**Workshop leader: David Potter, Trade Mark Attorney, HGF**

David is Head of the Trade Marks Team at HGF and has 20 years' experience of working with major brands such as Ben Sherman, Innocent Drinks, Deb Skincare and Robbie Williams.



## Workshop B: Price wars – winning and losing

As comparative advertising becomes a steadily greater component of retail, particularly online and in the value sector, we look at recent decisions and discuss do's and don'ts.

### Workshop leader: Alice Gould, Solicitor, HGF

Alice is an IP specialist providing a full service to owners of brands, designs, patents and confidential information. She has become well-known for her anti-counterfeiting work and for brand enforcement generally. She has major clients in the film industry, motor-manufacturing, sports, retail, IT and other sectors.



## 2.35pm – 3.00pm

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### Catch up on key UK developments

A short sweep-up session picking up on a number of key developments including new guidelines for obtaining protection for logos in black and white, recent clarification in the law on revocation and recent decisions on “due cause”.

### Speakers: Jason Lumber and Jocelyn Wheeler, Trade Mark Attorneys, HGF

Jason is a dual qualified solicitor and registered trade mark attorney. He has a particular focus on trade mark and brand clearance work domestically and internationally. Jason has advised a wide range of retail clients on IP protection issues, including the UK's largest DIY product retailer, several high street electrical goods retailers, computer and media entertainment retailers and one of the UK's leading women's fashion retailers.

Jocelyn has 8 years' experience working for a wide range of retailers and has experience in brand clearance, portfolio management, and global expansion, including worldwide co-existence agreements and local use investigations.



## 3.00pm: Closing – coffee and refreshments

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### About HGF's Retail Team

HGF is one of the fastest growing and largest full service IP practices in the United Kingdom. When ranked by the number of Community Trade Mark filings (a commonly used metric) we are presently the second largest trade mark practice in the UK and the sixth largest in Europe.

The HGF Retail team work with a growing number of national and international retailers. The team, led by Antony Gold, provides support and advice on the full suite of IP needs including

- brand creation;
- searching and clearance;
- filing and prosecution of trade mark and design applications globally;
- trade mark and design portfolio management, including renewals;
- oppositions, appeals and other disputes at trade mark offices around the world;
- domain name registration and maintenance;
- design and brand protection including anti-counterfeiting, dispute management, enforcement and litigation;

In addition to our expert advisors, many of whom are highly ranked in legal directories, we support our clients with leading edge, bespoke portfolio and document management software allowing full online access to files as well as specialist renewals and formalities teams.

For information about the speakers, venue and additional programme content, [click here](#). To get in touch call or email Antony Gold on +44 (0)161 247 4925, [agold@hgf-law.com](mailto:agold@hgf-law.com)