

HGF IP in Retail Conference 2022

Thursday 1st December
St Paul's, London



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Welcome

HGF's annual IP in Retail Conference is back and will take place on Thursday 1st December in London.

The world of retail has seen many changes over the past two years as we exit a global pandemic and still live in uncertain economic times. Technological and environmental themes increasingly impact the world of retail. Is the rise of the metaverse and NFTs a fad or will they have lasting impact on the world of retail? How does retail deal with the rise of environmental concerns and above all, how does intellectual property law fit into all of this?

At HGF's IP in Retail Conference 2022, we will consider the IP dimension of current trends and issues in the sector.

8.30am — 9.00am
Registration and breakfast

Speakers



Claire Jones
Trade Mark Director

Claire has rounded knowledge and expertise in all aspects of trade mark portfolio management from clearance to enforcement, providing commercial and strategic advice to a wide variety of clients. Her industry sectors include fashion, beauty, financial services, media/entertainment and food and drink. She has a particular interest in non-traditional trade marks and devising commercially-focused and creative solutions to problems.



Yael Shalem Givon
Legal Director

Yael is an experienced IP litigator and specialises in contentious IP work, advising clients on IP enforcement and infringement matters. Over the last 10 years, Yael held both in-house and private practice positions, led and managed multi-jurisdictional litigation proceedings and other enforcement actions. With her background in biology, Yael's work has a particular focus on the life sciences, biotech, pharmaceuticals and healthcare sectors.

9:05am
– 9:35am

Circularity, recycling, upcycling and resale: the environment

Fashion and retail industries are starting to focus on sustainability issues with increased consumer demand for environmentally-friendly products and upcycling is becoming a hot topic. The session will look at the differences between recycling and upcycling and what IP issues are raised by with these trends, drawing on some recent examples faced by brand owners and what may be assessed as 'materially altered' under the doctrine of exhaustion. We will also look at steps that brand owners need to consider in brand protection and licensing strategies.



Speakers



Dr Jennifer Unsworth
Senior Patent Attorney

Jennifer has over 12 years' experience of working with individual inventors, small to medium size enterprises, as well as multinational companies and overseas attorneys. Jennifer works with clients to understand their commercial objectives and uses her knowledge and experience to tailor her work accordingly. A Fellow of the Institute of Materials, Minerals and Mining, Jennifer has a particular interest in the environmental benefits brought by developments in materials science and engineering.

9:35am
– 10:15am

Sustainability and innovation in the retail sector

With the ever-increasing focus on the impact businesses have on the environment, it is no surprise that sustainability is high on corporate agendas. There are many ways that businesses in the retail sector can improve their green credentials. One example is the development of eco-friendly products and processes. Whilst investment in research and development can require significant capital, the generation of new intellectual property rights, for example patents for innovative products and processes, can provide significant benefits to businesses. We will look at some of the opportunities that such patented technologies provide for their owners.



Speakers



Lee Curtis
Partner & Trade Mark Attorney

Lee advises and manages the design and trade mark portfolios of some of the leading brands in the UK and across the globe, including many retailers. He has extensive experience of filing and prosecuting trade mark applications, oppositions, revocation and invalidity actions before the United Kingdom Intellectual Property Office and across the globe. Lee has extensive experience of the enforcement and preservation of design and trade mark rights.



Rebecca Field
Partner & Trade Mark Attorney

Rebecca actively manages the trade mark and design portfolios of leading brands in the UK and further afield, including many retail, sport and also technology focused clients. She advises on the protection and management of trade mark portfolios, which includes opposition and invalidation cases, advising on registrability of marks such as colour and shape marks, clearance searching and related watching services. Rebecca has experience of working with retailers in protecting IP across the globe, notably in China and the US.

10:15am
– 10:55am

Iceland vs Iceland: is it a trade mark, is it a place or is it both?

The battle between Iceland, the country, and Iceland, the retailer, has been long running over many years. On Friday 9th September 2022, in the first live streamed hearing of its nature, the Grand Board of Appeal of the European Union Intellectual Property Office ('EUIPO') heard oral submissions by both parties and indeed submissions from expert witnesses, on an appeal by Iceland Foods Limited. This was against a decision of the Cancellation Division of the EUIPO to cancel two EU trade mark registrations for the word mark ICELAND and ICELAND in stylised form. The decision on the case was reserved and is unlikely to be issued for a number of months.

Why is this case important for retailers and the protection of geographical terms? What issues did these cases raise? How do we think the Grand Board of Appeal will decide the case? We will discuss all these issues and more as part of this session.



11:15am
– *11:40am*

Innovation in the metaverse –
protecting the tech in your sales
of virtual products

Retail has long been a key driver in tech innovation, with much of our online ecosystem being engineered to find new ways to use the internet to help market and fulfil sales of innovative products to customers in the real world. But what happens when the product moves online? In this talk, Matt will explore the relationship between patents and tech innovations in retail and virtual products in the metaverse, and how it impacts you in markets of the future.

Speakers



Matt Cassie
Partner & Patent Attorney

Matt has significant technical, academic, industry and professional experience in software, artificial intelligence, blockchain, cryptography, augmented reality, human-machine interfaces and database technologies working with innovative companies to use IP to protect next-generation technologies and build for them a sustainable competitive advantage in the market in a range of sectors including the eCommerce, fintech, retail and tech.



Speakers



Rachel Platts
Senior Trade Mark Attorney

Rachel has experience in all areas of trade mark, design and copyright law. She works with companies and individuals ranging from large multinationals to small business start-ups. Rachel provides pre-filing advice relating to brand development, protection and enforcement, undertakes pre-filing clearance searches and handles the filing and prosecution of new trade mark and design applications. She also advises on brand enforcement strategies, trade mark opposition, invalidity and revocation proceedings.



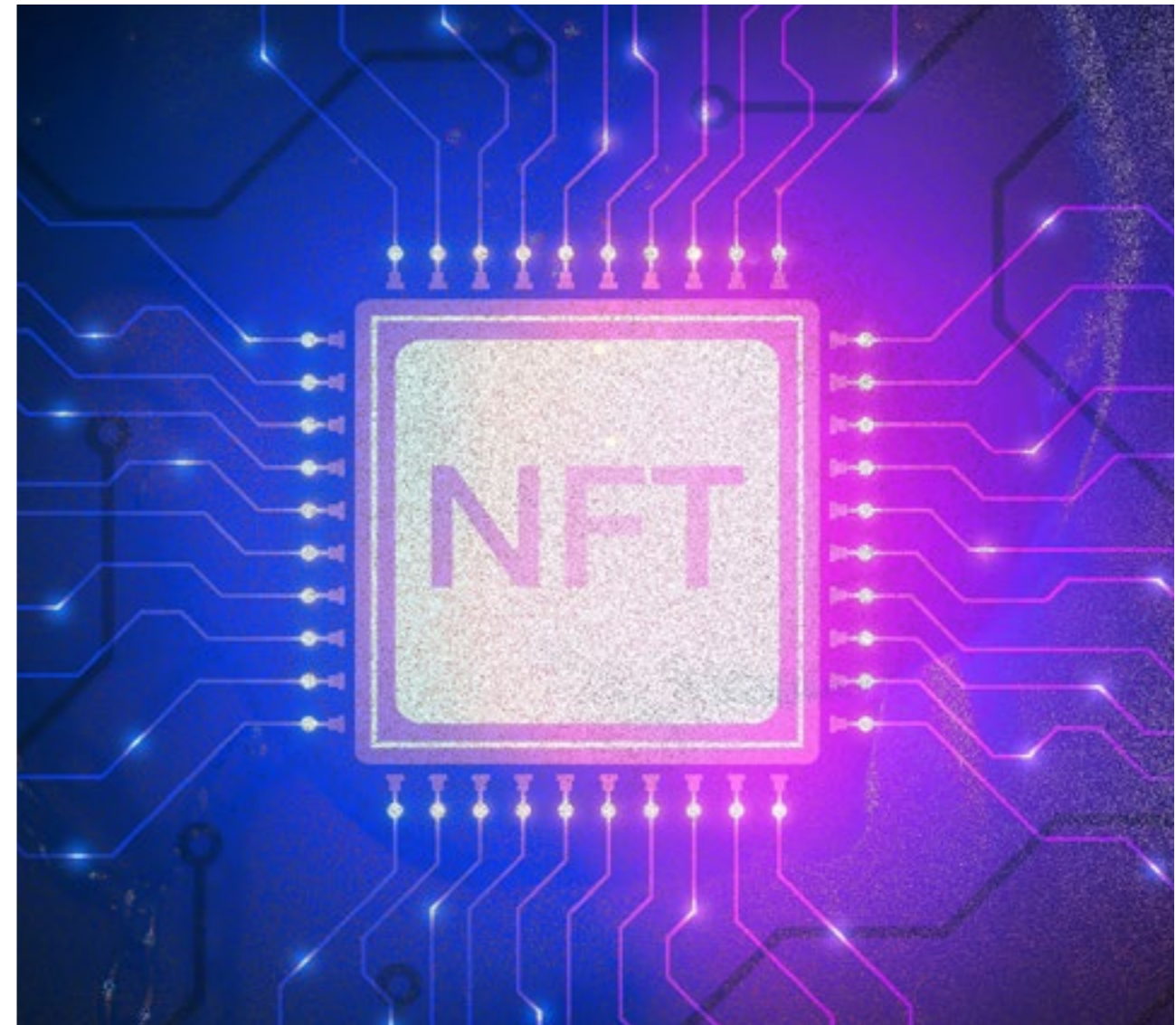
Suzan Ure
Trade Mark Attorney

Suzan is a Chartered Trade Mark Attorney and provides full lifecycle trade mark and design advice providing strategy, pre-filing advice, clearance searching, trade mark application prosecution and protection and enforcement across a range of sectors and industries.

11:40am
– 12:40pm

NFTs and retail

Non-Fungible Tokens (NFTs) – are they a fad or here to stay? What will be their impact on the protection of IP rights, particularly in the world of fashion and retail? NFTs such as virtual clothing and products raise important questions over how they are protected and how their rise could potentially impact the enforcement of IP rights. We take a look at recent cases and also discuss the practical aspects to consider when filing trade mark applications and enforcement. We consider all these issues in a discussion of the impact of NFTs on the world of fashion and retail.



13:40pm
– 14:25pm

Vertically and digitally challenged

Your distribution and agency agreements now have to deal with two new Vertical Block Exemption regimes – one from the EU and the other from the UK. Whilst the regimes are mainly consistent, we will cover those areas where they differ and how they will affect your deals. We will also dip into the EU Digital Services legislation (DSA) which will, amongst other things, obligate online platforms to empower users to: flag illegal content, goods and services; ensure business users are traceable and there are effective safeguards against unlawful content moderation decisions.

Speakers



Michelle Davies
HGF Partner

Michelle is a highly experienced transactional IP specialist. Michelle provides strategic and transactional IP advice to clients in a wide range of sectors and has specific expertise within the pharmaceutical and life sciences sector. She regularly works within the retail and commercial sector to provide specific advice on commercial contracting, T&C's, data privacy and other consumer facing responsibilities.



Richard Di Biase Pallett
Senior IP Solicitor

Richard is a solicitor-advocate and an intellectual property specialist. Richard spent 9 years as a resident counsel for a global technology company, providing commercially focused and pragmatic legal advice to different lines of business on a broad range of complex, international agreements. Richard now strategically advises and provides transactional IP support to clients, ranging from SMEs to larger sophisticated undertakings, across a number of industries, including retail, food and drink.



14:25pm

– 15:20pm

Saddle bags and shape marks

The recent Board of Appeal decision from the EUIPO declared that the shape of the famous Christian Dior “saddle bag” was not sufficiently distinctive enough to allow registration, at least on the basis of its inherent distinctiveness. If the shape of this iconic handbag doesn’t meet the criteria of departing significantly from the norm, what can? This session will look at the case (so far) in detail and consider what can be learned from the decision for shape marks in the fashion and retail sector.

Speakers



Lauren Somers
Trade Mark Director

Lauren has expertise advising large multinationals through to small start-ups, tailoring her strategic advice to suit client’s needs. She is commercially aware across sectors ranging from cosmetics and clothing, food and pharmaceuticals, to software and professional services. Lauren works with her clients to help achieve the desired outcome in a cost effective way - whether that be in relation to filing strategy, oppositions and appeals or in contentious matters.



About the HGF Retail Team

HGF is one of Europe's largest firms of intellectual property specialists with 22 offices throughout Austria, France, Germany, Ireland, The Netherlands, Switzerland and the United Kingdom.

HGF's team of retail specialists, based across Europe, provides the full spectrum of IP support, ranging from brand protection on e-markets through to the technical aspects of patenting AI, advertising and promotions advice, design and trade mark portfolio management, data protection advice and commercialisation.

Our LinkedIn groups Retail+IP and Fashion+IP have over 12,000 members and are designed to bring together those in retail and fashion to discuss stories, recent IP developments and legal updates. We have recently launched a Fashionably IP podcast dedicated to discussing issues of fashion and IP which can be found on Spotify and Apple Podcasts.

For more information on the Retail Team, please visit our Retail and Fashion page.

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