

TRADEMARK LAW INSTITUTE

Conference ‘Referential, Descriptive and Other Fair Use of Trademarks’

December 1 and 2, 2022

Institute for Information Law (IViR), Amsterdam Law School

Programme

Venue: IViR Library, Roeterseilandcampus, Building A, 5th floor, Nieuwe Achtergracht 166

Thursday, December 1, 2022

13.30 Registration and coffee

14:00 Welcome and Information on Trademark Law Institute

Prof. Martin Senfleben, Trademark Law Institute (Amsterdam)

Aim of the Conference

General Approach

14:15 Part 1: Referential Use Defence: Conceptual Contours, Fields of Application, Proper Scope

Chair: *Prof. Tobias Cohen Jehoram, Trademark Law Institute (Rotterdam)*

14:15 Introduction I: Indication of the Intended Purpose of Goods or Services and Necessity Test

Prof. Dev Gangjee, Oxford

14:25 Introduction II: Comparative Advertising, Keyword Advertising and Other Modern Forms of Advertising

Anke Moerland, Maastricht

14:35 Introduction III: Parody and Other Forms of Artistic Expression

Sabine Jacques, University of East Anglia

14:45 Discussion

15:45 Coffee Break

16:15 Part 2: Descriptive and Non-Distinctive Use Defence: Conceptual Contours, Fields of Application, Proper Scope

Chair: *Charlotte Vrendenburg, Trademark Law Institute (Leiden)*

16:15 Introduction I: Descriptive and Non-Distinctive Use Defences in EU Trademark Law

Prof. Anna Tischner, Jagiellonian University Krakow

16:25 Introduction II: (Absence of) Descriptive and Non-Distinctive Use Defences in EU Geographical Indications Law

Prof. Annette Kur, Max Planck Institute, Munich

16:35 Introduction III: Limitations of Protection in Geographical Indications Law from an International and Comparative Law Perspective

Prof. Irene Calboli, Texas A&M, Fort Worth

16:45 Discussion

18:00 Closing

19:00 Conference Dinner (information will follow)

Friday, December 2, 2022

9:30 Part 3: Coexistence with Other Rights in Distinctive Signs: Conceptual Contours, Fields of Application, Proper Scope

Chair: *Prof. Antoon Quaedvlieg, Trademark Law Institute (Nijmegen)*

9:30 Introduction I: Trademarks, Trade Names and Other Earlier Rights in a Particular Locality

Prof. Marco Ricolfi, Turin

9:40 Introduction II: Later Trademarks in a Part of the EU that is Remote From the Area Where an EUTM has Been Used

Professor Ansgar Ohly, LMU, Munich

9:50 Introduction III: Prior Trademarks and Later Geographical Indications

Wolf Meier-Ewert, World Trade Organization

10:00 Discussion

11:00 Coffee Break

11:15 Part 4: Honest Practices in Industrial or Commercial Matters: Conceptual Contours and Impact on Trademark Limitations

Chair: *Prof. Anselm Kamperman Sanders, Trademark Law Institute (Maastricht)*

11:15 Introduction I: Proviso of Honest Practices From an International and Comparative Perspective

Marcus Höpferger, World Intellectual Property Organization

11:25 Introduction II: Circularity of Honest Practices Analysis in CJEU Case Law

Prof. Łukasz Żelechowski, Warsaw

11:35 Introduction III: Human Rights Guidelines for Determining Honest Practices in Case of Use for Artistic Expression

Prof. Christophe Geiger, Luiss, Rome

11:45 Discussion

12:45 Closing and suggestions concerning future projects

13:00 Conference Lunch