

SESSION 7.2 AMBUSH MARKETING

Ambush marketing refers to marketing campaigns that are centred around an event, but for which authorisation was not given by the event organiser and no sponsorship money was contributed. These are often creative campaigns that may or may not involve infringing conduct.

Representative speakers will consider the issues arising from ambush marketing, including examining the limits of acceptable versus infringing conduct.

Toni Polson Ashton (CA)

Robert Watson (GB)

Daniel Alge (AT) – *Colour Image*

Luiz Henrique O. do Amaral (BR)

Susie P. Arnesen (DK)

Lena Shen (CN)

Leigh A. Walters (CA)



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

SESSION 7.2 AMBUSH MARKETING

TONI POLSON ASHTON (CA) – MODERATOR

Toni Polson Ashton's commitment to trade-mark law and its evolution has led to serving as Chair of the National Intellectual Property Section of the Canadian Bar Association; and on the International Trademark Association (INTA) Board of Directors and its Executive Committee, Steering Council, Legislative Analysis, Meetings, International, Geographical Indications, Famous & Well-Known Marks and INTA 2012 Annual Meeting Project Team Committees. She is currently a member of The University of Akron School of Law IP Advisory Council. Toni is a senior partner, having practised since 1976, in intellectual property law, with particular concentration on all aspects of trade-mark and related law.

Her 30-year legal practice encompasses counselling clients in the selection and availability of trade-marks, portfolio management, prosecution, policing of trade-marks, opposition and related licensing and packaging issues.

Toni Polson Ashton is included in the Best Lawyers in Canada. The Best Lawyers in Canada list is based on a rigorous peer-review survey that has been developed and refined for more than 25 years. She has spoken/lectured at the Law Society of Upper Canada, the University of Toronto law school and for private/professional organizations within and outside Canada. She has also instructed at Osgoode Hall Law School (Intellectual Property LL.M. Program trade-marks).



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IP Practice

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ROBERT WATSON (GB) – MODERATOR

Robert joined Mewburn Ellis in 1995 with first class degree in Chemistry from The University of Oxford. He qualified as a UK and European Patent Attorney in 1999, and became a partner in 2001.

The majority of his work is in the chemical field, with a specialism in pharmaceuticals. He advises a range of clients from multinationals to start-ups and public sector organisations.

He has developed a great deal of experience of invention capture and licensing negotiations in his practice, and works closely with a number of clients in these areas. He also has a significant practice in design protection.

He has been President of FICPI-UK since 2010, and is also Chair of the FICPI CET group on Designs (Group 2). He was named as a leading UK patent attorney in the IAM Patent 1000 2013 and 2014.



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DANIEL ALGE (AT) – “COLOUR IMAGE”

Biochemist, specialised in molecular biology and biotechnology during his diploma studies (graduated in 1988) and his thesis (doctor degree in 1990). Continued research work at the European Molecular Biology Laboratory (EMBL) in Heidelberg, Germany.

European Patent Attorney 1995; Austrian Patent Attorney 1997; Partner of Sonn & Partner, Austria; Expert Lay Judge at the Commercial Court Vienna since 2005; Sworn Certified Court Expert 2011.

For more than 20 years involved in patent matters (prosecution, litigation and licensing) relating to pharma and biotech.

Tutor for the CEIPI EPC basic course for European Patent Law in Vienna since 1995.

University tutor for patent law (esp. IP involving biotechnological inventions) at the Vienna Biocenter (University of Vienna), at the University of Innsbruck and at the University of Salzburg, since 1998. Tutor for patent and innovation management at the Management Center Innsbruck (MCI) since 2006.

Frequently appointed as private expert in patent infringement and nullity actions, especially in the field of pharmaceutical chemistry, biochemistry and biotechnology.

Austrian Delegate of FICPI; President of the European Union Members Commission of FICPI (EUCOF).



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LUIZ HENRIQUE O. DO AMARAL (BR) – SPEAKER

Mr. Amaral is an Attorney-at-Law and graduated in 1985 from the Cândido Mendes Law School in Rio de Janeiro and is specialised in Intellectual Property, franchising, licensing, anti-trust, Computer Law, transfer of technology, consumer protection laws, litigation at the judicial and administrative spheres in the above related areas.

He is a Partner and Executive Committee Member of the Law Firm Dannemann Siemsen Advogados and of the industrial property firm Dannemann, Siemsen, Bigler & Ipanema Moreira.

He is the former President of the AIPPI Brazilian Group (Association Internationale pour la Protection de la Propriété Intellectuelle).

Other memberships

- Board Member of the Global IP Network.
- General Counsel of the Brazilian Franchising Association (ABF).
- Former Secretary General of the World Franchising Council (WFC) for 2009/2010.
- Member of the Biotechnology Information Counsel (CIB).
- Member of the Intellectual Property Committee of the American Chamber of Rio de Janeiro.



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SUSIE P. ARNESEN (DK) – SPEAKER

Susie is partner and attorney-at-law with the Copenhagen IP boutique firm of Sandel, Løje & Partnere. She has been working in the IP field since 1983, primarily focusing on counselling of Danish and foreign companies on establishment, maintenance and enforcement of trademark and design rights, both nationally and internationally, always with particular focus on the commercial aspects of IP. Preparing a protection and enforcement strategy is a natural part of this counselling and - in co-operation with the client - finding the commercially most reasonable solution, also with regard to conflict situations, is at the core of her practice.

Susie is entitled to plead before the High Courts of Denmark and takes an active part in PTMG and especially INTA, where she has over the years participated as a conference speaker, moderator and long-time committee member.



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LENA SHEN (CN) – SPEAKER

Ms. Lena Shen is a partner of Beijing Sanyou Intellectual Property Agency Ltd. She received education in both China and UK. Her main practice is trademark prosecution and IP litigation. She is of rich experience in handling cases of trademark registration, review, opposition, cancellation, etc. Meanwhile, Ms. Shen has involved a number of patent and trademark litigations and other enforcement actions for various clients.

Ms. Shen has participated in a Global IP Project to collect and analyze the IP infringement statistics all over the world and she is responsible for the Chinese data.

Publications:

- Co-author of the book *Global Patent Litigation-How and Where to Win* published by Bloomberg BNA in April 2014
- Author of an article *How to Reward and Remunerate Your Inventors* published by Managing Intellectual Property in March 2014
- Co-author of an article about patent protection with business method for the magazine American Bar Association (5th issue, 2009)

Speeches:

- 2013.10: mock-trial panellist on Geographic Extent of Use and Use of a Translation of a Mark at FICPI Sorrento Forum
- 2009.5: Invited by the Law School of Osaka University to give a lecture about patent litigation in China



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LEIGH A. WALTERS (CA) – SPEAKER

Leigh's practice covers all aspects of intellectual property law including the protection, prosecution, transfer and enforcement of intellectual property rights, with a particular emphasis on trade-marks. Her practice encompasses the negotiation and drafting of licensing, co-existence and acquisition agreements, as well as trade-mark availability.

Leigh is a member of the Canadian Bar Association (CBA) and the Intellectual Property Institute of Canada (IPIC). She is an active speaker in the fields of trade-marks and intellectual property licensing.

Prior to joining Sim & McBurney, Leigh practiced in the areas of pharmaceutical patent litigation and transactional intellectual property at prominent full-service law firms.



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