



## Preliminary agenda (last update: 22.03.2023)

10.00 – 10.30 **Registration & welcome breakfast**

10.30 – 10.35 **Welcoming remarks**

Dr Gert Würtenberger, President of GRUR, Attorney-at-Law, Munich

10.35 – 13.00 **PART I - TOPICAL ISSUES IN TRADEMARK AND UNFAIR COMPETITION LAW**

Six years ago, EU trademark law was amended after thorough evaluation. Although most of the changes have resulted in improvements, some drawbacks remain. This concerns certain obstacles against timely and efficient enforcement of Union trademarks, such as the so-called ‘Alicante torpedo’ (Art. 132, Art. 128(5) EUTM), but it also includes other issues such as the – still lacking – unification of sanctions. Following an impulse address by Dr Ulrich Hildebrandt, the seriousness and practical implications of the issues are discussed by a panel of experts. Concerning the interface of unfair competition and trademark law, the presentation will focus on the relationship between a factual (empirical) approach towards evaluation of consumer protection and a normative approach, which might lead to an alienation of legal assessment from market reality.

10.35 – 11.00 **Introductory statement**

**Potential obstacles against timely and efficient enforcement of Union trademark**

Prof. Dr Ulrich Hildebrandt, Attorney-at-Law, Berlin

11.00 – 12.00 **Panel discussion**

**Is there a need for legal clarification or legal reform so as to facilitate enforcement of Union marks?**

**Chair:** Prof. Dr Annette Kur, Affiliated Research Fellow, Intellectual Property and Competition Law, Max Planck Institute for Innovation & Competition, Munich

**Panellists:**

- N.N., DG GROW C.4. (Intangible Economy), European Commission, Brussels *(to be confirmed)*
- Prof. Dr Ulrich Hildebrandt, Attorney-at-Law, Berlin
- Prof. Dr Alexander von Mühlendahl, JD., LL.M. (Northwestern), Attorney-at-Law, Munich
- Dr Anke Nordemann-Schiffel, Attorney-at-Law, Berlin
- Dr Frederik Thiering, Attorney-at-Law, Hamburg

12:00 – 13.00      **Statement**

Improved transparency for online consumers - does it have an impact on trademark law?

**Dr Andreas Lubberger**, Attorney-at-law, Berlin

**followed by questions & answers**, moderated by **Prof. Dr Annette Kur**

13:00 – 14.00      **Joint lunch at SPARKS Restaurant**

14.00 – 17.30      **PART II - THE EU DESIGN REFORM PACKAGE**

On 28 November 2022, the European Commission adopted two proposals to modernise the legislation on design protection, consisting of a “Proposal for a Regulation amending the Community Designs Regulation [COM(2022)666]” and a “Proposal for a Directive on the legal protection of designs [COM(2022)667]”.

The Committee for Design Law of the German Association for the Protection of Intellectual Property submitted various detailed comments on both proposals, including two helpful synopses and some more specific remarks, which have been published recently (GRUR 2023, 387).

The GRUR meets Brussels Workshop 2023 provides for a perfect opportunity to discuss the two proposals and related comments/concerns, including the removal of the current seven-view limitation, possibilities to amend the representation of the EU design before registration and the issue of disclosure in case of unregistered EU designs. Another issue of special interest to be covered will be the so-called repair clause.

14.00– 14.25      **The EU Design Reform Package – overview and state of play** (*working title*)  
**N.N.**, DG GROW C.4. (Intangible Economy), European Commission, Brussels (*to be confirmed*)

14.25 – 14.50      **Efforts to modernise EU legislation on design protection – the GRUR activities over time**  
**Professor Dr Alexander Bulling**, Former Chair of the GRUR Expert Committee on Design Law, Patent Attorney, Stuttgart

14.50 – 15.15      **Representation of a registered design (limitation of views, visual disclaimer, alteration of the representation)**  
**Dr Sabine Kossak**, Patent Attorney, Hamburg

15.15 – 15.40      **Disclosure in case of unregistered EU designs (territorial scope)**  
**Dr Henning Hartwig**, Chair of the GRUR Expert Committee on Design Law, Attorney-at-Law, Munich

15.40 – 16.10      **Coffee break**

16.10 – 16.35      **The Commission’s proposal for a repair clause in the Regulation and the Directive – the GRUR view**  
**Dr Torsten Dilly**, Senior Legal Counsel, BMW AG, Munich

- 16.35 – 17.00 **The GRUR position and the feedback from other stakeholders**  
Christian Spintig, Attorney-at-Law, Hamburg
- 17.00 – 17.25 **Questions & answers**, moderated by **Dr Henning Hartwig**
- 17.25 – 17.30 **Wrap up & closing remarks** by GRUR President **Dr Gert Würtenberger**

\*\*\*\*\*