

Teaching European Intellectual Property Law to non-European students: The Community Trademark System

*European Intellectual Property Teachers' Network
Madrid, June 24-25, 2010.*

Eli Salis

Legal Counsel, PricewaterhouseCoopers

Professor at the University of Alicante

*connectedthinking

PRICEWATERHOUSECOOPERS 

Own experience: lectures at different institutions

- *Flacso* (Buenos Aires, Argentina): one week course
- *Universidad Finnis Terrae* (Santiago, Chile): three days course
- *UDLA* (Quito, Ecuador): one week course
- *IMPI* (Mexican Trademark and Patent Office, Mexico) and *Mexican Customs*: one week Seminar

Areas of specialization

- Three primary areas of specialization under the general rubric of IP practice:
 - Prosecution / registration / filing
 - Litigation
 - Transactional

Different kinds of courses

- Survey Courses
- Specialized Courses
- Practice Courses

Teaching materials

- OHIM website
- Case law of the ECJ
- Presentations to be shown

Frequent concerns

- Differences between a Directive and a Regulation
- Organization of the European Court of Justice (competence of the General Court in actions relating to CTM)
- Issues regarding earlier rights

Contents of the courses

- Introduction to the CTM System
- Absolute and relative grounds for refusal
- Three-dimensional trademarks, colours or combination of colours, sound marks, olfactory marks
- Marks with reputation: difference between well known trademarks (8.1.c CTMR) and marks with reputation (art.8.5 CTMR)
- Cancellation proceedings
- Civil actions: the CTM Courts

Contents of the courses

- Link between the CTM System and the International System (Madrid Protocol)
- Differences between Community Trademarks and Community Designs
- Advantages of the Regulation 1383/03 regarding actions before the European Customs.

What are the Basic Pedagogical Methods?

- The Case Method of Teaching: widely used in USA and UK
- The Problem Method of Teaching: I describe a particular set of circumstances which raise interesting legal problems:
 - Non traditional trademarks
 - Show samples of two product labels whose marks are confusingly similar
 - Design registrations along with samples of the products for comparison.

Conclusions

- Start IP education at an early stage with a view to fostering a culture
- Knowledge and understanding of the concept of IP
- Better approaches to updating IP education

Thank You

eli.salis@es.landwellglobal.com