# Trademark Law Institute

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

**1-2 December**

**Amsterdam Law School**

**Institute for Information Law (IViR)**

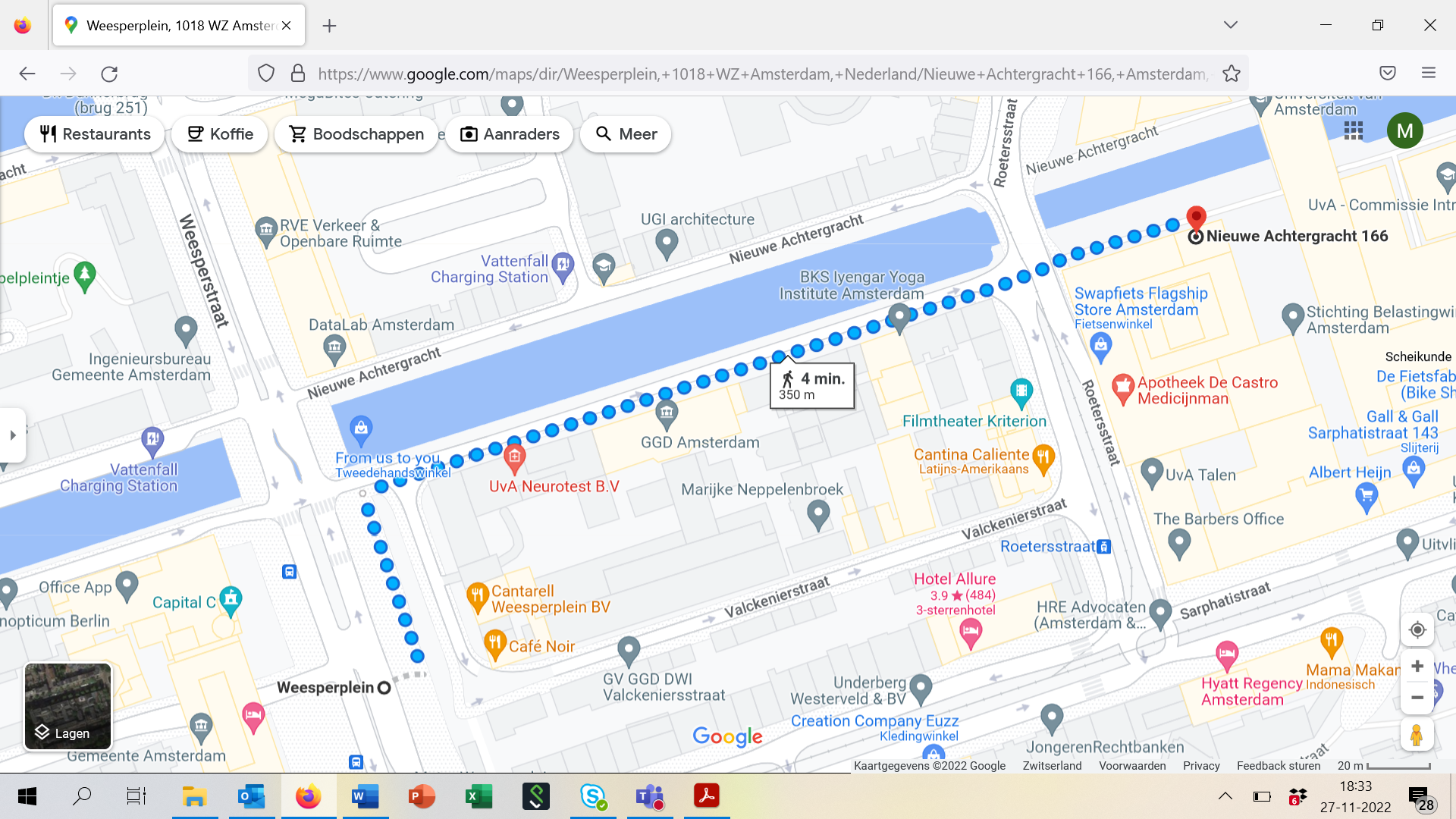
**, Roeterseiland Campus, Nieuwe Achtergracht 166**

From the airport:

(1) take a train to Amsterdam Centraal

(2) From Amsterdam Centraal, take Metro 51 (direction Isolatorweg), Metro 53 (direction Gaasperplas) or Metro 54 (direction Gein) to station ‘Weesperplein’

(3) From Weesperplein, it is only a short walk to the Roeterseiland Campus:



## Programme

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



When you enter the building through the main entrance, please turn right to the law faculty (Building A) and take the lift to the 5th floor. Leaving the lift, you have the IViR Library on your right.

### **Thursday, December 1, 2022**

13.30 Registration and coffee

14:00 Welcome and Information on Trademark Law Institute

*Prof. Martin Senftleben, 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: Comparative Advertising, Keyword Advertising and Other Modern Forms of Advertising

*Anke Moerland, Maastricht*

14:25 Introduction II: Parody and Other Forms of Artistic Expression

*Sabine Jacques, University of East Anglia*

14:35 Discussion

15:45 Coffee Break

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

Chair: *Charlotte Vrendenbarg, 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*

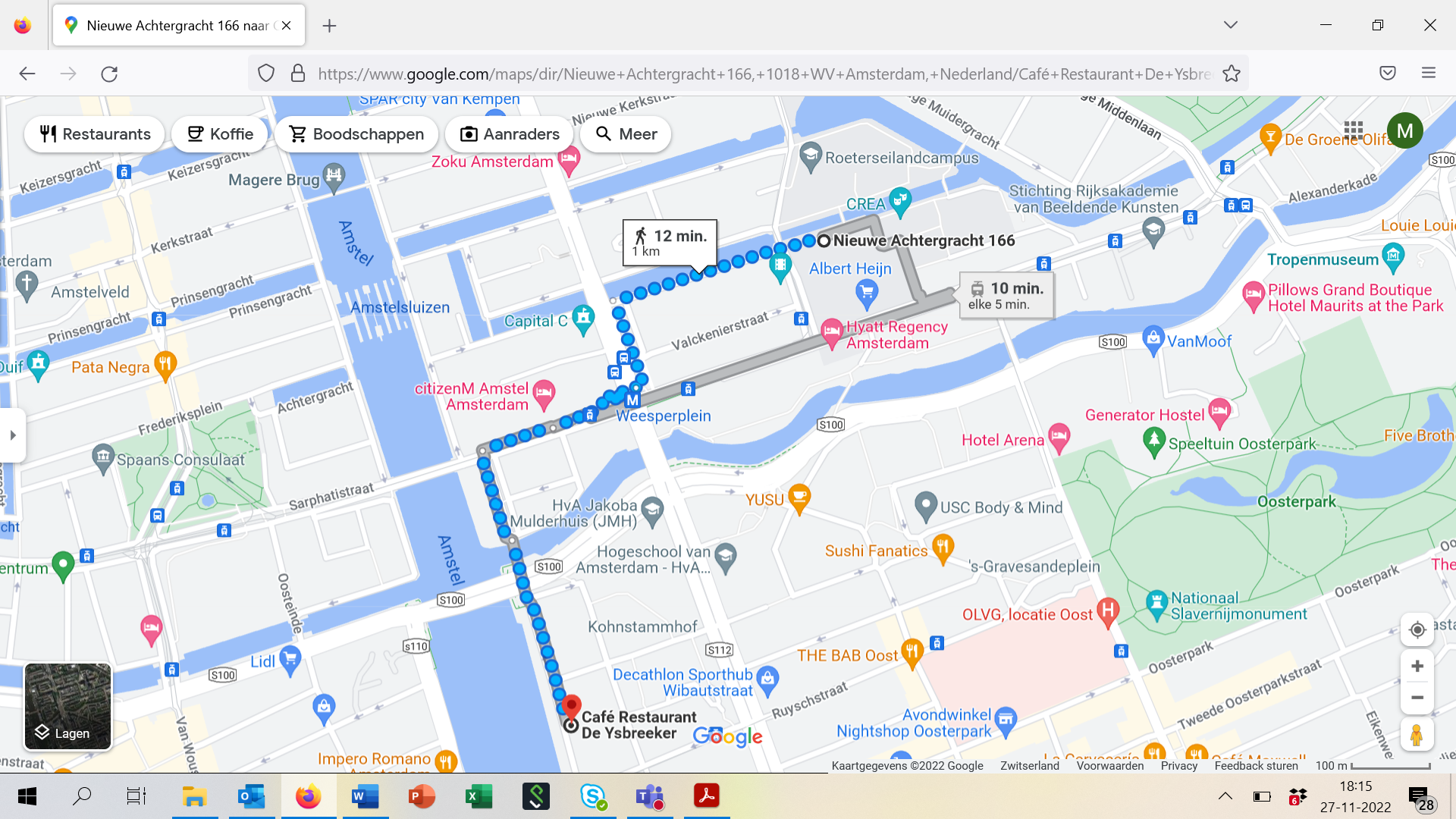
16:45 Discussion

18:00 Closing

19:00 Conference Dinner

Café Restaurant De Ysbreeker, Weesperzijde 23, Amsterdam, https://www.deysbreeker.nl/

From the IViR Library, this is a 10-15 minutes walk:



### **Friday, December 2, 2022**

Venue: IViR Library, Roeterseilandcampus, Building A, 5th floor, Nieuwe Achtergracht 166 (same as the day before)

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: Prior Trademarks and Later Geographical Indications from an International and Comparative Perspective

*Wolf Meier-Ewert, World Trade Organization*

9:40 Introduction II: Trademarks, Trade Names and Other Earlier Rights in a Particular Locality

*Prof. Marco Ricolfi, Turin*

9:50 Introduction III: Later Trademarks in a Part of the EU that is Remote From the Area Where an EUTM has Been Used

*Prof. Ansgar Ohly, LMU, Munich*

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 Höpperger, 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

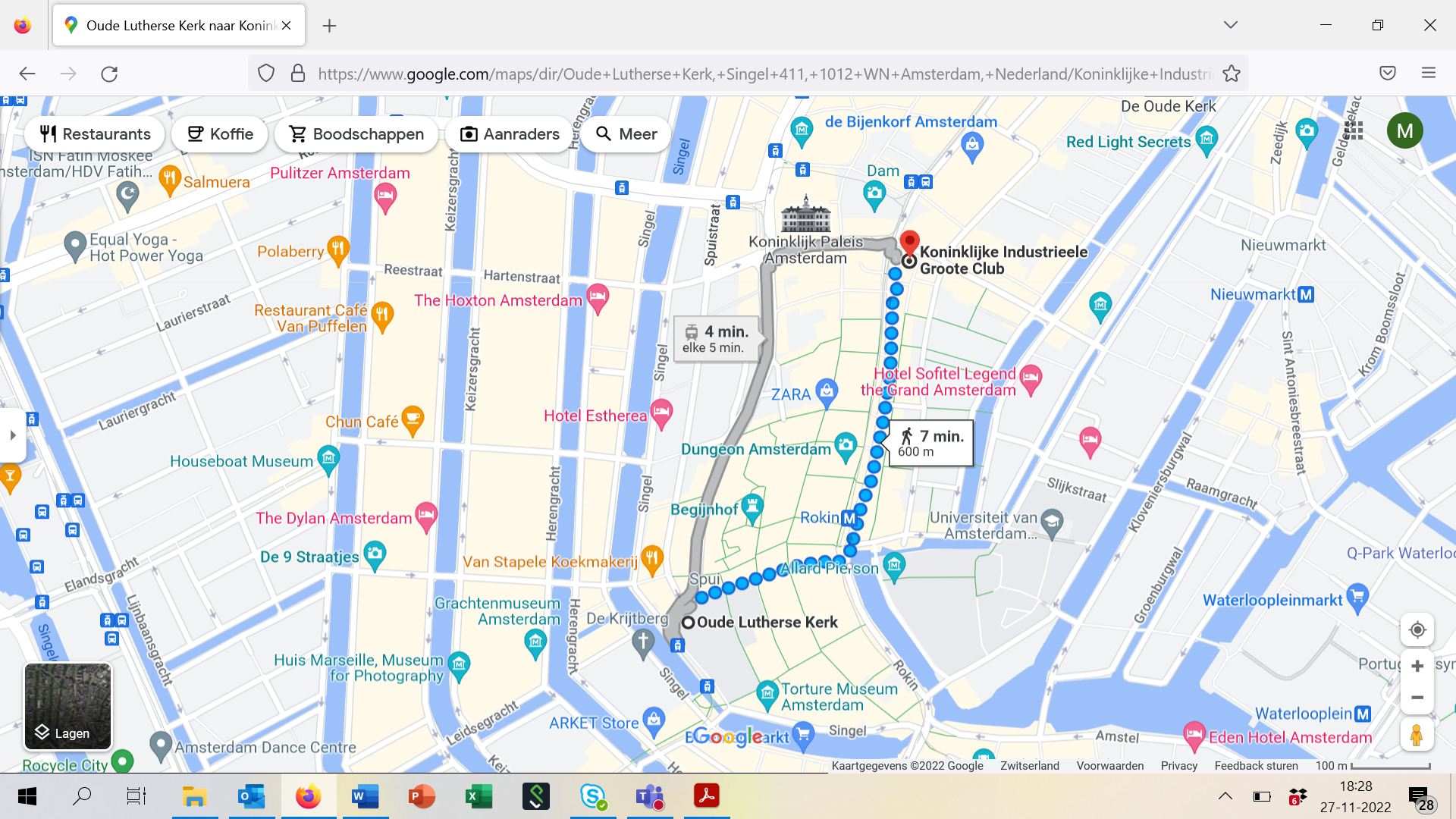
13:00 Conference Lunch

**In case you participate in the inaugural lecture:**

16:00 Doors open at the Old Lutheran Church (Aula of the University of Amsterdam), address: Singel 411/corner Spui (if you are a professor participating in the cortège, it is good to be present around 16:00, please walk through the church hall to the toga room).

16:30 Start inaugural lecture (duration: 45-60 minutes)

18:00 Reception at the Koninklijke Industrieele Groote Club, address: Dam 27 (5-minute walk from the Aula, https://www.igc.nl/)



**List of Participants**

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| Anemaet, Lotte - Vrije Universiteit Amsterdam, The Netherlands |
| Appl, Clemens - Danube University Krems, Austria |
| Brancusi, Lavinia - University of Warsaw, Poland |
| Bronneman, Marjolein - Benelux Office for Intellectual Property, The Netherlands |
| Calboli, Irene - Texas A&M University, United States |
| Chalmers Hoynck van Papendrecht, Roderick - Erasmus University, The Netherlands |
| Cohen Jehoram, Tobias - Trademark Law Institute, Erasmus University, The Netherlands |
| Derclaye, Estelle - University of Nottingham, United Kingdom |
| Fhima, Ilanah - University College London, United Kingdom |
| Geiger, Christophe - Luiss University, Rome, Italy |
| Gervais, Daniel - Vanderbilt Law School, United States |
| Gielen, Charles - Trademark Law Institute, University of Stellenbosch, South Africa |
| Gompel van, Stef - Vrije Universiteit Amsterdam, The Netherlands |
| Homar, Philipp - Johannes Kepler University Linz, Austria |
| Höpperger, Marcus - World Intellectual Property Organization, Geneva, Switzerland |
| Hout van den, Gertjan - Trademark Law Institute, University of Groningen, The Netherlands |
| Jacob, Robin - University College London, United Kingdom |
| Jacques, Sabine - University of East Anglia, United Kingdom |
| Kamperman Sanders, Anselm - Maastricht University, The Netherlands |
| Kur, Annette - Max Planck Institute for Innovation and Competition, Germany |
| Mansani, Luigi - University of Parma, Italy |
| Meier-Ewert, Wolf - World Trade Organization, Geneva, Switzerland |
| Moerland, Anke - Maastricht University, The Netherlands  Mühlendahl von, Alexander – Bardehle Pagenberg, Munich, Germany |
| Ohly, Ansgar - Ludwig Maximilians University München, Germany |
| Quaedvlieg, Antoon - Trademark Law Institute, Radboud University, The Netherlands |
| Ricolfi, Marco - University of Turin, Italy |
| Sakulin, Wolfgang - Sakulin Advocatuur, Rotterdam, The Netherlands |
| Senftleben, Martin - Trademark Law Institute, University of Amsterdam, The Netherlands |
| Tischner, Anna - Jagiellonian University Krakow, Poland |
| Torremans, Paul - University of Nottingham, United Kingdom |
| Vrendenbarg, Charlotte - Trademark Law Institute, Leiden University, The Netherlands |
| Zelechowski, Lukasz - University of Warsaw, Poland |