



APRAM



association des praticiens du droit des marques et des modèles

APRAM : Association of Practitioners of Trade Mark and Design Law

➤ an international French speaking association which brings together IP professionals, especially trademark and design professionals.

- Founded in 1978
- More than 800 members,
- Including some 170 foreign members, who practice in several different countries (Europe, Northern America, Latin America, Asia, Africa),
- Membership is reserved to all French speaking lawyers specialized in Trademarks and designs (each candidate should be sponsored by two members)

➤ **APRAM is made-up of lawyers specializing in the field of Trademarks and Designs:**

- in-house Counsels,
- Trademark and design Attorneys,
- Attorneys at Law

➤ These 3 groups of trademark and design specialists form the basis and is the strength of the association

➤ **Organization:**

✓ An administrative board, which governs the association, made-up of 21 members (7 in-house Counsels, 7 Trademark and Design Attorneys, 7 Attorneys at law), which are elected by the General Assembly.

✓ **A management committee:**

- ✓ A President which is elected for 2 years
- ✓ Two Vice-Presidents
- ✓ A Secretary and a Vice-Secretary
- ✓ A Treasurer and a Vice-Treasurer
- ✓ The previous President

The management Committee is assisted by an assistant who is the only employee of the association

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✓ **Several specialized Committees:**

- National Trade Mark Committee
- Community Trade Mark / International Trade marks Committee
- Design Committee
- Anti-counterfeit Committee
- Copy-right Committee
- Arbitration and mediation Committee
- Trade Mark and Internet Committee
- Professional practice Committee
- Canadian Committee

These Committees organize regular meetings and help in drafting the association's position papers

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➤ Activities

- ✓ **Organization of 4 free of charge working sessions per year for its membership** (between 200 and 300 members attend these conferences), among these, a joint session is organized with the **MEDEF** (the French business and companies' organization) and one is organized with the **OHIM**.
- ✓ **Submission of position papers on IP topics** (APRAM notably submitted a paper for the study related to the functioning of the trademark systems in Europe and was interviewed by the European Commission).

➤ Activities

- ✓ **APRAM organizes regular bilateral meetings with OHIM, INPI, WIPO, Judges.**
- ✓ **APRAM is also a privileged partner of the OHIM**
 - ✓ as a member of the Users Group of the OHIM
 - ✓ as a member of the AB/BC of the OHIM
 - ✓ APRAM was invited to attend the last Trilateral meeting in Washington.
 - ✓ as an association involved in the cooperation fund and the convergence program launched by the OHIM (Apram is involved in 4 working groups).

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➤ Activities

- ✓ APrAM has the status of Observer at WIPO and attends various meetings organized by WIPO (SCT, Madrid System, La Haye System).
- ✓ APrAM will soon be registered on the “transparency register of the EU”, so that APrAM will then be active in contributing to the EU legislative process

- ✓ APrAm participates, once a year, at a Joint Meeting with European sister associations (ECTA, BMM, MARQUES, GRUR, UNION, ITMA), to exchange opinions on several IP topics.
- ✓ APrAm is also closely connected with the future of IP professionals : APrAm organizes an annual meeting with Universities and organizes an annual IP award for students

- ✓ APrAm keeps its membership up-to-date on developments, in particular on current developments in case-law, via its publication Flash APrAm, distributed by e-mail
- ✓ APrAm also publishes a Newsletter on its activities for its members.

Thank you for your attention

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PRESS RELEASE – 23 April 2012

OBJECTION TO THE ADOPTION OF RESTRICTIVE LEGISLATION OR POLICY OPTIONS FREQUENTLY REFERRED TO AS “GENERIC” OR “PLAIN PACKAGING”.

The signatories of this statement are dedicated to the protection and development of intellectual property rights in general and trade marks in particular. Based upon the expertise and experience of their members – including professional representatives and other practitioners, in-house counsel, IP owners representing all industry lines, IP judges and law professors – they take an active, ongoing interest in legislative projects and regularly submit their comments and proposals, both on the EU and Member State level.

The signatories are all united by the principle of advancing the cause of IP laws to ensure that IP rights - and particularly, though not exclusively, trade marks and trade dress - are well protected against any abuse and misappropriation. At the same time they appreciate that the interests of right holders need to be reconciled with the public interest in a balanced and well-functioning IP system, in order to protect the consumers from deception and confusion. IP rights are a cornerstone of the European economic system and the Internal Market. They provide significant value to their owners and wider wholesale and retail circles. They are likewise essential to safeguard the public faith and the interests of consumers.

Specifically trade marks and trade dress are relied upon by consumers as signposts of genuine goods and services. This is true for both word marks and figurative marks (graphical devices), and for signs resulting from the combination of the two, as well as so called “non-traditional” trade marks such as packaging shapes and colours *per se*. Trade marks also indicate the source of goods and services to assure consumers on the quality of the products that they purchase or that they would consider purchasing. This fundamental function cannot be fulfilled if trade marks are not noticeable, or unavailable, to consumers when selecting a product. The inability to recognize a brand or trade mark on a product would lead to consumer confusion, and therefore diminish the goodwill acquired in that brand through considerable investment and effort over a significant period of time. In fact the inability to call for or recognize a brand also takes away a consumer’s freedom of choice.

The IP business and professional communities have very strong concerns that any legislation that precluded – whether fully or in part – brand owners from the ability of making legitimate use of their trade marks, would amount to an indirect legislative expropriation of private intellectual property and, as a consequence, lead to the extinction of their property rights. Any such legislation would adversely affect the markets, with harmful impacts on the economy as a whole as would be derived from escalating counterfeiting and piracy throughout the EU and worldwide. Where there is a need to achieve important public objectives, any developing legislation and/or policy options should not deviate from maintaining an appropriate balance with legitimate intellectual property and other proprietary rights.

Consequently, the signatories of this letter object to the adoption of restrictive legislation or policy options, frequently referred to as “generic” or “plain packaging”.

23 April 2012

APRAM, BMM, ECTA, GRUR, MARQUES, UNION

