

Fashion Law: the IP and Distribution Issues Facing the Industry Today

FRIDAY, FEBRUARY 15 & SATURDAY, FEBRUARY 16, 2013



NEW YORK
CITY, NY

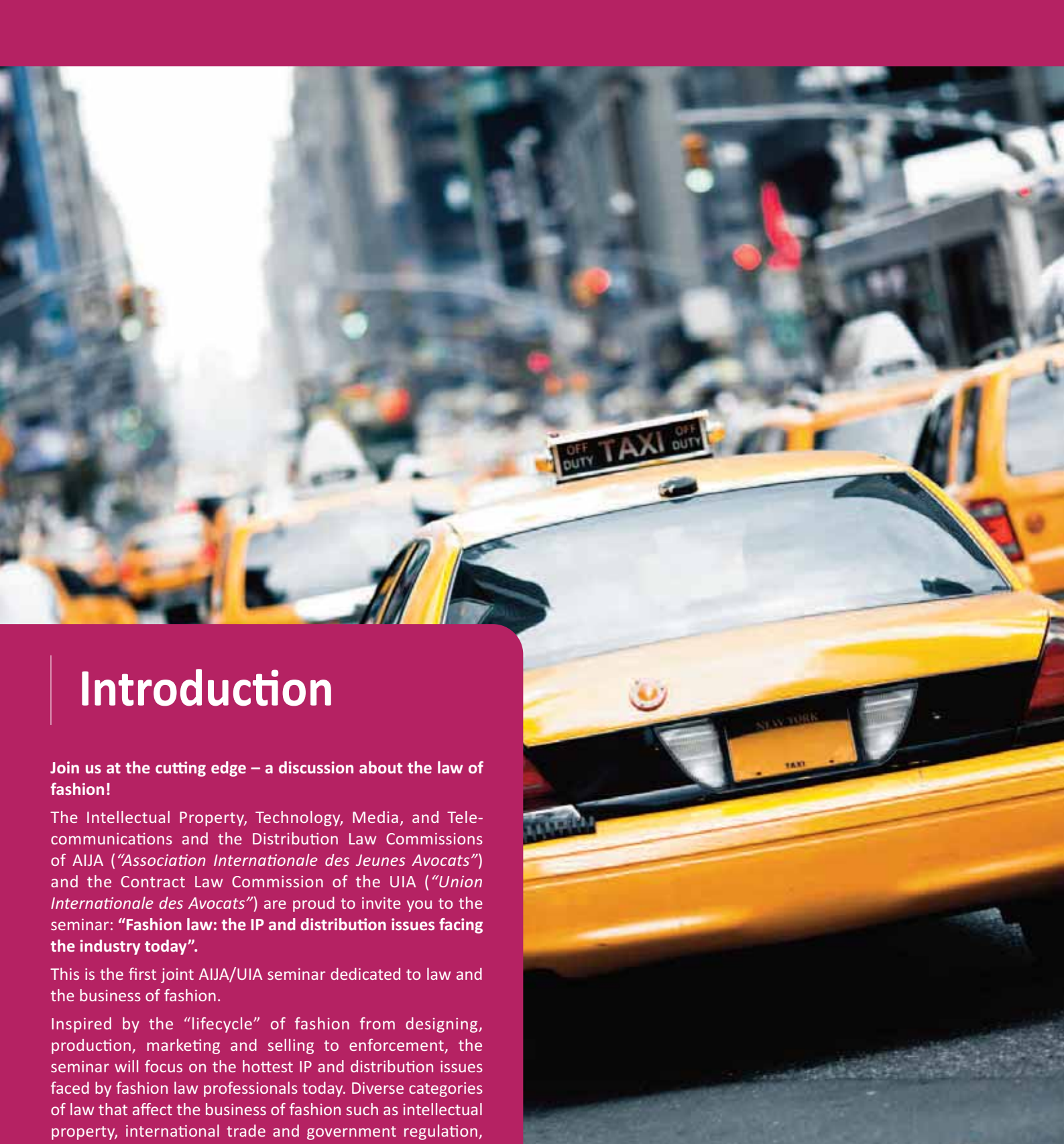
USA



Joint seminar organised by the UIA and the AIJA

UIA – Union Internationale des Avocats (International Association of Lawyers) – www.uianet.org

AIJA – Association Internationale des Jeunes Avocats (International Association of Young Lawyers) – www.aija.org



Introduction

Join us at the cutting edge – a discussion about the law of fashion!

The Intellectual Property, Technology, Media, and Telecommunications and the Distribution Law Commissions of AIJA (*“Association Internationale des Jeunes Avocats”*) and the Contract Law Commission of the UIA (*“Union Internationale des Avocats”*) are proud to invite you to the seminar: **“Fashion law: the IP and distribution issues facing the industry today”**.

This is the first joint AIJA/UIA seminar dedicated to law and the business of fashion.

Inspired by the “lifecycle” of fashion from designing, production, marketing and selling to enforcement, the seminar will focus on the hottest IP and distribution issues faced by fashion law professionals today. Diverse categories of law that affect the business of fashion such as intellectual property, international trade and government regulation, e-commerce regulations will be covered during the seminar.

Given the globalisation of fashion we have invited lawyers with a strong focus on the fashion industry from Europe, Asia and the US, both in private practice and in-house. You will have access to those with a strong knowledge of the law and how it applies to the business of fashion.

New York City – an international centre of design, fashion and business – was an easy choice for this seminar. Participants will enjoy the fashion and business vibes of the city as well as the unmatched networking opportunities in the area.

As ever, we shall do our best to arrange a terrific social programme during which you will be meeting colleagues and friends from AIJA as well as UIA!

Thursday | February | 14 | 2013

06:00 pm – 08:00 pm WELCOME COCKTAIL

Hosted by Becker, Glynn, Muffly, Chassin & Hosinski LLP
299 Park Avenue, New York, NY, 10171



Friday | February | 15 | 2013

08:15 am – 08:45 am REGISTRATION OF PARTICIPANTS

INK48 –A Kimpton Hotel

653 Eleventh Avenue @ 48th St., New York, NY 10036, USA

08:45 am – 09:15 am WELCOME AND OPENING OF THE SEMINAR

- **Stephen L. DREYFUSS**, *UIA President-Elect, Hellring Lindeman Goldstein & Siegal LLP, Newark, NJ, USA*
- **Anita SCHLAEPFER**, *AIIA First Vice-President, Schellenberg Wittmer, Zurich, Switzerland*
- **Stephen SIDKIN**, *Fox Williams LLP, London, United Kingdom*

09:15 am – 09:35 am Agreements with Fashion Designers; and Design Consultancy, Manufacturing and Supply Agreements for the Trademark Owner

- **Mattia DELLA COSTA**, *CBA Studio Legale e Tributario, Padova/Munich, Italy/Germany*

09:35 am – 10:15 am Stop the Rip-Offs! The Strategy of Protecting Fashion

- Speakers:**
- **Nicolas MOSIMANN**, *Kellerhals, Basel, Switzerland*
 - **Fredrik ROOS**, *Setterwalls, Göteborg, Sweden*
 - **Jean-Philippe ARROYO**, *J.P. Karsenty & Associés, Paris, France*

PRODUCTION AND DISTRIBUTION

10:15 am – 10:35 am Can you Patent Clothing? – The Knitted Shoe Battle Nike vs. Adidas

- **Julia BLIND**, *KLEINER Rechtsanwälte, Stuttgart, Germany*

10:35 am – 11:00 am COFFEE BREAK

11:00 am – 11:20 am Production in China – IP Rights Protection for Fashion

- **Wei LIN**, *Zhonglun W&D Law firm, Shanghai, China*

11:20 am – 11:40 am Licensing Agreements in the Fashion Industry

- **Jeff MOVIT**, *Mitchell Silberberg & Knupp LLP, New York, NY, USA*

11:40 am – 12:00 pm What has to be said on the Label?

- **Stephan DITTL**, *SALGER Rechtsanwälte, Frankfurt am Main, Germany*

12:00 pm – 12:30 pm Protection of Confidential Information – Measures and Actions to Protect against the Use by Departing Employees of Confidential Information to Assist a Competitor

- **Eric D. KUHN**, *Becker, Glynn, Muffly, Chassin & Hosinski LLP, New York, NY, USA*
- **Bonnie KLUGMAN**, *Becker, Glynn, Muffly, Chassin & Hosinski LLP, New York, NY, USA*

12:30 pm – 02:00 pm LUNCH

PRODUCTION AND DISTRIBUTION (CONTINUES)

02:00 pm – 02:30 pm Brick & Mortar vs Online Distribution for Fashion Brands

- **Philippe C.M. MANTEAU**, *Schiff Hardin, New York, NY, USA*
- **Aurélien CONDOMINES**, *ARAMIS, Paris, France*

02:30 pm – 02:50 pm Taking Back Exclusive Distribution Rights from a Distributor and Related Issues

- **Stephen SIDKIN**, *Fox Williams LLP, London, United Kingdom*

02:50 pm – 03:20 pm CSR in the Fashion Industry

- **Bruce M. LANDAY**, *Landay Leblang Stern, Boston, MA, USA*

03:20 pm – 03:40 pm NETWORKING BREAK

MARKETING AND SALE (PANEL)

03:40 pm – 04:00 pm Sales in Outlets/Shop in the Shop-Concepts

- **Giuliano IANNACCONE**, *Tarter Krinsky & Drogin LLP, New York, NY, USA*

04:00 pm – 04:45 pm Hot Issues in the Online World

- **Yan PECORARO**, *Portolano Cavallo Studio Legale, Milan, Italy*
- **Richard DICKINSON**, *Arnold & Porter, London, United Kingdom*
- **Alex WATT**, *Redd, London, United Kingdom*

04:45 pm – 05:05 pm Sisyphian Legislation: An Update on Fashion Design Protection in the US

- **Susan SCAFIDI**, *Fordham University School of Law, New York, NY, USA*

05:05 pm – 05:25 pm How to Market through Celebrities: Publicity Rights in the US and in EU, Product Placement, Endorsements

- **Amy B. GOLDSMITH**, *Tarter Krinsky & Drogin LLP, New York, NY, USA*

05:25 pm – 05:45 pm Fashion Business Partnerships and Investment: IP as a Business Asset

- **Annabelle GAUBERTI**, *Crefovi, Paris, France*

08:00 pm DINNER

09:00 am – 09:15 am REGISTRATION OF PARTICIPANTS

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653 Eleventh Avenue @ 48th St.,
New York, NY 10036, USA

ENFORCING

09:00 am – 09:20 am Trademarks' Registration Strategies in Production Countries

- Stephen R. BAIRD, *Winthrop & Weinstine, Minneapolis, MN, USA*

09:20 am – 09:40 am Discovery Proceedings in the US

- Michael MARGULIES, *Becker, Glynn, Muffly, Chassin & Hosinski LLP, New York, NY, USA*

09:40 am – 10:25 am Interim Proceedings in Various Jurisdictions

Moderator: Nis MARINUS DOMMERGAARD, *Bech-Bruun, Aarhus, Denmark*

Speakers:

- Thomas BERENDSEN, *Banning N.V., 's-Hertogenbosch, Netherlands*
- Jose Antonio MIGUEL NETO, *Miguel Neto Advogados Associados, Sao Paulo, Brazil*
- Theodore C. MAX, *Sheppard Mullin, New York, NY, USA*

10:25 am – 10:45 am Cross Border Issues in Relation to Venue and Choice of Law + Enforcement of Judgment

- Jose Antonio MIGUEL NETO, *Miguel Neto Advogados Associados, Sao Paulo, Brazil*

10:45 am – 11:15 am COFFEE AND NETWORKING BREAK

11:15 am – 11:45 am Who is Afraid of Parallel Imports?

- Alexandre GLATZ, *Gide, Paris, France*
- Charles COLMAN, *Charles Colman Law, New York, NY, USA*

11:45 am – 12:05 pm Working with Customs Authorities

- Mario KROGMANN, *Blaum Dettmers Rabstein, Hambourg, Germany*

12:05 pm – 12:25 pm Trademark Infringement with an Emphasis on Google AdWords

- Gavin LLEWELLYN, *Berwin Leighton Paisner LLP, London, United Kingdom*

12:25 pm – 12:45 pm Use of Mediation in the Fashion Industry

- Fabio MORETTI, *Cascio Ferraro & Moretti Burgio, Milan, Italy*

12:45 pm – 01:00 pm Q&A and Closing of the Academic Programme



Organising Committee

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General Information

SEMINAR VENUE

INK48 –A Kimpton Hotel
653 Eleventh Avenue @ 48th St., New York, NY 10036, USA
T +1 212 757 0088 • F +1 646 572 7439 • www.Ink48.com

REGISTRATION FEES

| | UIA/AIJA/NYSBA Member | | Non Member | |
|-----------------------|-----------------------|---------------|---------------|---------------|
| | ≤ 15.01.2013 | > 16.01.2013 | ≤ 15.01.2013 | > 16.01.2013 |
| Standard registration | € 470/USD 615 | € 520/USD 680 | € 520/USD 680 | € 570/USD 745 |
| Young lawyer (<35)* | € 420/USD 550 | € 470/USD 615 | € 470/USD 615 | € 520/USD 680 |
| Speakers | € 430/USD 560 | | | |

* Please attach proof of age to the registration form to benefit from young lawyer fee.

These fees cover participation in the welcome cocktail, participation in the seminar, coffee breaks, lunch on Friday, February, 15, 2013, as well as the documentation of the seminar. The dinner on Friday February 15, 2013, is optional and at additional charge. Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a “Certificate of Participation” at the end of the event that may be used for obtaining “Credits” for “Continuing Legal Education” – “Continuing Professional Development” purposes, depending on national rules. For more information, please contact the UIA.

NOTICE FOR FOREIGNERS TRAVELLING TO THE USA

As of January 12, 2009, all citizens of VWP (Visa Waiver Programme) countries who plan to travel to the United States for business or tourism using the VWP must pre-register with the Electronic System for Travel Authorization (“ESTA”) programme and receive an electronic travel authorization prior to boarding a U.S.-bound airplane or cruise ship. (The requirement will not affect U.S. citizens travelling overseas.) ESTA applications may be submitted at any time prior to travel, although it is recommended that the VWP traveller apply for ESTA travel authorization at least 72 hours before departing for the United States. VWP travellers may apply for ESTA authorization at <https://esta.cbp.dhs.gov>. Once approved, ESTA travel authorizations will be valid for multiple entries for up to two years or until the applicant’s passport expires, whichever occurs first. Please take note of this new requirement, as failure to register with ESTA will result in travel delays.

LANGUAGE

The working language will be **English**. There will be no simultaneous translation.

HOTEL ROOM RESERVATION

A limited number of rooms has been pre-booked at a preferential rate for **the nights of February 14 and February 15, 2013**. Reservations should be made directly through the hotel following the instructions below. Credit card details must be given in order to secure your reservation.

Please note that the number of rooms is limited. We recommend that you proceed with your reservations as soon as possible.

Hotels

Rates

INK48 – A Kimpton Hotel

653 Eleventh Avenue @ 48th St.

New York, NY 10036, USA

T +1 212 757 0088

F +1 646 572 7439

www.lnk48.com

King room

USD 249

Double room

USD 279

Breakfast and taxes **NOT** included

Breakfast: **\$36** for full American Breakfast /

\$25 for Continental breakfast

Reservations should be made:

- **By phone: +1 877 843 8869** mentioning "Union Internationale des Avocats Block"
- **Online** following the instructions indicated on the seminar Website: www.uianet.org

CANCELLATION CONDITIONS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats (UIA) **no later than January 15, 2013**. No refund will be made for cancellations received after this date.

VISAS

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than January 15, 2013** to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus € 50/USD 70 to cover administrative costs, provided that the UIA has received the registration documents and total registration fees **no later than January 15, 2013**.

If you register after this date, only 50% of the amount paid minus € 50/USD 70 to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar**. Cancellations must be accompanied by a **proof of visa refusal**.

If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

GENERAL CONDITIONS

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

FORMALITIES

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

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Fashion Law: the IP and Distribution Issues Facing the Industry Today

Friday, February 15 & Saturday, February 16, 2013

NEW YORK CITY, NY – USA

REGISTRATION FORM

Register online at: www.uianet.org

or please complete and return this form **before February 1, 2013**, by email, fax or post, to:

UNION INTERNATIONALE DES AVOCATS

25, rue du Jour, 75001 Paris, France

Tel: +33 1 44 88 55 66 ■ Fax: +33 1 44 88 55 77 ■ Email: uiacentre@uianet.org



UIA INDIVIDUAL MEMBERS

Please specify your membership number (Please check your membership card or membership fees):

MI - - - - -

Family Name:

First Name:

Firm:

Address:

Post Code: City:

Country:

Tel: Fax:

Email:

Date of Birth:

EU VAT ID – Number:

A. SEMINAR REGISTRATION FEES

| | UIA/AIJA/NYSBA Member | | Non Member | |
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* Please attach proof of age to the registration form to benefit from young lawyer fee.

B. SEMINAR SOCIAL ACTIVITIES

Please indicate below whether you plan to attend the following events **included** in the cost of your registration.

- Welcome Cocktail – Thursday, February 15, 2013
 Lunch – Friday, February 15, 2013

C. OPTIONAL ACTIVITY

(**not included** in the registration fees)

- Optional Dinner – Friday, February 15, 2013

• Please book person(s) for the Dinner on **Friday, February 15, 2013**

€ 80/USD 100 x ___ / pers

Total (C) € / USD

D. TOTAL

TOTAL (A) – Registration Fees € / USD

TOTAL (C) – Optional Activity € / USD

TOTAL (A+C) € / USD

E. METHOD OF PAYMENT

- By cheque in **€ only** payable to the UIA, addressed to: UIA – 25 rue du Jour – 75001 Paris – France
 By bank transfer in **€** or in **USD**, without charges to the payee, in favour of the Union Internationale des Avocats, quoting “2013 New York Seminar”, to the following bank and account:

Société Générale – Paris Elysées Entreprise
91, avenue des Champs Elysées – 75008 Paris – France
BIC / SWIFT N°: SOGEFRPP
IBAN: FR76 3000 3033 9200 0503 4165 164

Kindly attach a copy of your bank transfer to your registration form.

- By credit card: Visa Eurocard / Mastercard

Card N°: _ _ _ _ _

Expiry date: _ _ / _ _ 3 digits: _ _ _

Name of card holder:

I authorise the Union Internationale des Avocats to debit the above mentioned credit card in the amount of **€ (EUR)/ USD**

Date: / /

Signature:

F. CANCELLATION CONDITIONS

I, the Undersigned, confirm that I have read and accepted the **cancellation conditions** as well as the **general conditions** given on page 6 of the registration programme. My registration will only be taken into account on receipt of the payment.

Participants are aware that their image and/or voice may be photographed, recorded or filmed throughout the duration of the seminar. They hereby assign to the UIA, with the signature of this form, the right to exploit, reproduce and disseminate the images and recordings by all means, both known and unknown, using all media, for an unlimited term and free of charge.

Date: / /

Signature: