



Union Internationale des Avocats  
International Association of Lawyers  
Unión Internacional de Abogados

Webinar presented by the UIA Intellectual Property and Competition Law Commissions

# Fair Use and Abuse of IP Rights: Finding the Balance between Exclusivity and Competition

March 15 to 17, 2021

#UIAEvents

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## INTRODUCTION

Intellectual property rights provide valuable protection for creativity, inventiveness and brand identity. They are valuable assets for business. However, they can be exploited and enforced in ways which represent an unfair balance of power between IP owners, licensees and others. Certain checks and balances are inherent in the nature of IP rights or the ways in which IP rights are granted; others are provided by competition laws which restrict the exploitation of IP rights through agreements or the enforcement of IP rights by those with a dominant market position.

This series of webinars will take a close look at IP and competition laws and how they interact with the aim of establishing where the balance lies between fair use and unfair monopoly.



## HOW TO REGISTER

Register online at [www.uanet.org](http://www.uanet.org)

### Registration fees:

- **UIA MEMBER** – Including the 3 sessions € 80\*
- **NON-MEMBER** – Including the 3 sessions € 120\*

**After registering, you will receive a confirmation email explaining how to join the webinar.**

Please note that the number of places is limited. The organisers reserve the right to refuse registrations in the event of excess applications. Admission will be on a first come – first served basis and will only be confirmed upon receipt in full of the registration fees.

\*Amounts exclusive of VAT. The VAT (20%) can be applied to the amount stated above according to the European Directive 2006/112/CE of November 28, 2006. If you have one, please provide your EU VAT ID number. For more information, please contact the UIA.

## LANGUAGE

The working language will be **English**.

## CONTINUING LEGAL EDUCATION

Every participant attending the Forum will receive a "Certificate of Participation" at the end of the event that may be to obtain "Credits" for "Continuing Legal Education".

## CONTACT & INFORMATION

Please do not hesitate to contact us at [uiacentre@uanet.org](mailto:uiacentre@uanet.org) or by phone **+33 1 44 88 55 66** should you have any questions.

## SESSION N°1 - Framework for Obtaining and Maintaining Trade Mark and Design Rights: Relevant Case Law Shaping Trade Mark and Design Practice

Monday, March 15

from 4:00 PM CET to 5:30 PM CET (Paris time)

The first Session of the Webinar will deal with the framework for obtaining Trade Mark and Design rights, and for maintaining them as well as the limits to their effects, with reference to substantial caselaw. Trade Marks and designs in Europe grant and exclusive right to trade mark and design owners which stem from registration, registration but not only, as EU legislation and national laws also provide a limited protection to unregistered designs.

### Welcome and Opening of the Webinar

• **Jorge MARTÍ MORENO**, *UIA President, Uría Menéndez, Valencia, Spain – or his Representative*

### Moderator

• **Marita DARGALLO NIETO**, *President of the UIA Intellectual Property Law Commission, IP Partner, Buigas, Barcelona, Spain*

### Speakers

- **Mario KROGMANN**, *Partner, Blaum Dettmers Rabstein, Hamburg, Germany*
- **Gavin LLEWELLYN**, *Chief Editor of the UIA Newsletter, Partner, Stone King LLP, London, UK*

## SESSION N°2 - Abusive Use of Intellectual Property Rights (Trade Marks, Designs and Patents) – Competition Law Meets IP Law

Tuesday, March 16

from 4:00 PM CET to 5:30 PM CET (Paris time)

The second section of this session will be devoted to competition aspects in connection with abusive use of trade mark, design and patent rights.

### Moderator

• **Kajetan ROZGA**, *Counsel, bpv Hügel, Vienna, Austria*

### Speakers

- **Mario KROGMANN**, *Partner, Blaum Dettmers Rabstein, Hamburg, Germany*
- **Ian DE FREITAS**, *UIA Deputy Director of Commissions, Partner, Farrer & Co., London, UK*
- **Adrian MAGNUS**, *Partner, Dentons, London, UK*
- **Ivo DU MONT**, *Partner, Kapellmann Rechtsanwälte, Mönchengladbach, Germany / Brussels, Belgium*

## SESSION N°3 - Copyright Issues – When Fair Use Is Not Fair and Other Stories

Wednesday, March 17

from 4:00 PM CET to 5:30 PM CET (Paris time)

The last session of the Webinar will be dedicated to copyright issues, when is fair use fair and the differences between unfair competition and passing of as well as the impact of competition law on abusive use of copyright.

### Moderator

• **Marita DARGALLO NIETO**, *President of the UIA Intellectual Property Law Commission, IP Partner, Buigas, Barcelona, Spain*

### Speakers

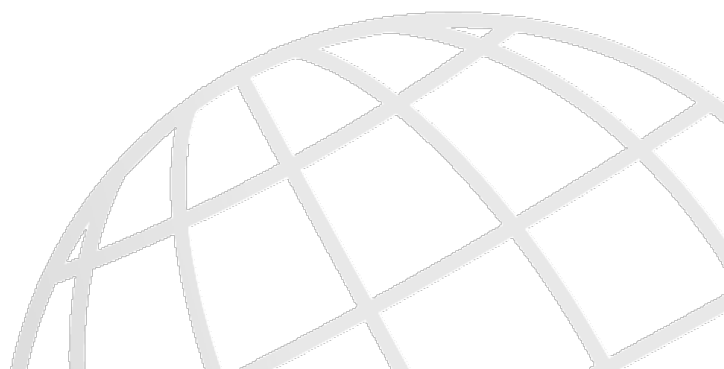
- **Anna VILADÀS JENÉ**, *Head of IP Practice Gómez-Acebo & Pombo, Barcelona, Spain*
- **Marco IMPERIALE**, *Lawyer and Chief Innovation Officer, LCA Studio Legale, Milan, Italy*
- **Ian DE FREITAS**, *UIA Deputy Director of Commissions, Partner, Farrer & Co., London, UK*
- **Kajetan ROZGA**, *Counsel, bpv Hügel, Vienna, Austria*

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## CANCELLATION CONDITIONS

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A participant, who cannot attend, may send a substitute participant without any additional cost. Please inform the UIA in writing ([uiacentre@uianet.org](mailto:uiacentre@uianet.org)) prior to the event.

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

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## FORCE MAJEURE

“Force majeure” means any events external to the parties, of both an unforeseeable and insurmountable nature that prevents either the client or the participants, or the agency or service providers involved in organising the seminar, from executing all or part of the obligations provided for in the present agreement. By express agreement, such will be the case in the event of a strike affecting the means of transport, hotel staff, air traffic controllers, an insurrection, a riot or any prohibition whatsoever decreed by governmental or public authorities.

It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

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- For the purpose of administering your registration for the event and your on-site access to the event;
- In order to pay for the selected services - your bank details will be deleted after receipt of your payment;
- In order to communicate information messages from UIA.

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