

5 KEY TAKEAWAYS

Why Trademark Policy Matters to Brand Owners Large and Small

Kilpatrick Townsend's [Dan Englander](#) moderated a recent panel at the [International Trademark Association \(INTA\) Annual Meeting](#) that addressed "Why Trademark Policy Matters to Brand Owners Large and Small." The panelists discussed provisions concerning protection of trademarks and enforcement against counterfeit goods at the World Trade Organization on Trade-Related Aspects of Intellectual Property Rights. These agreement provisions set minimum standards for domestic laws that impact brand owners, small and large.

Mr. Englander's key takeaways from the presentation, include:

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The Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS") sets minimum standards for all 164 World Trade Organization Members to implement in their domestic laws with relation to intellectual property (though some have transition periods for implementation).

Various other bilateral and regional trade agreements raise TRIPS standards, close loopholes, and address other issues relating to trademark law and practice in the relevant parties' domestic laws and practice.

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Areas of trademark law and practice that are commonly negotiated in international agreements include, but are not limited to: categories of protectable subject matter, term of protection, certification marks, enforcement, calculation of damages, publication of laws and decisions, establishment and maintenance of trademark system, procedures for registry disputes, licensing records, etc.

There are many ways for brand owners and industry groups to get involved in the process of negotiating trade agreements that have impact on domestic trademark law and practice in various jurisdictions. These include responding to requests for public comment, engagement with government officials directly, or advocating for model trade agreement language.

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The Harmonization of Trademark Law and Practice Committee of the International Trademark Association ("INTA") advocates for brand owners by studying international agreements, proposing treaty language to negotiators, and advocating policy positions to relevant government officials. To become involved in this process through INTA, contact Dan Englander, Chair of the Harmonization committee.

For more information, please contact Dan Englander: denglander@kilpatricktownsend.com.