

Trade Mark Challenges and Opportunities in Times of Social Media and Non-Conventional Marks



by

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Dr. Friedmann is an award winning researcher and lecturer of intellectual property law, with a particular interest in international economic law and the intersections between human rights law, intellectual property law, innovation and investment law, trade law and transnational law.

Before becoming research fellow, lecturer and tutor at CUHK, Danny Friedmann did his PhD at CUHK, and his LL.M at the University of Amsterdam. In his book 'Trademarks and Social Media' he calls for a paradigm shift of the trademark logo, towards algorithmic justice to reconcile the freedom of expression with the protection of the trademark logo, and an abandonment of the safe harbour provisions. Dr. Friedmann is familiar with both civil and common law systems and has co-taught Intellectual Property and the Law and has taught lawyers about transnational trademark law.



Dr. Friedmann has authored and co-authored articles and book chapters that have been published in peer-reviewed law journals and books, such as J. INTELL. PROP. L. & P. (Oxford University Press), GRUR Int, BENELUX TRADE MARKS AND DESIGN RIGHTS BULLETIN and KLUWER INTERNATIONAL LAW. His monograph 'Trademarks and Social Media' will be published with EDWARD ELGAR PUBLISHING in September 2015. His book chapter on Google and China was quoted by the Advocate General of the CJEU. His blog, IP Dragon, "gathering, commenting on and sharing information about IP in China to make it more transparent since 2005", is widely read.

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Course Objective:

Trade mark law is facing the following challenges and opportunities in the era of social media and non-conventional trade marks:

- User-generated content, online service providers, such as social media and search engines, can complicate or simplify life for brand/trade mark holders when faced with unauthorized use of their trade marks;
- Non-conventional trade marks provide brand/trade mark holders with unprecedented opportunities to distinguish brands even in mature markets, but getting them is not an easy task.

This course will give an overview of the problems relating to the protection and enforcement of trade marks in social media. The 'walled garden of social media' phenomenon will be discussed as a solution.

Non-conventional trade marks, such as colour trade marks, as three-dimensional trade marks, sound trade marks, scent trade marks, taste trade marks and hologram trade mark will be introduced and the problems of getting them registered will also be discussed.

Course Outline:

In this course you will have an opportunity to:

- Consider why safe harbours that immunize online service providers against copyright and trade mark infringement are ineffective;
- Consider why strict liability and automatic enforcement is preferable and inevitable in the era of social media;
- Realize that courts and social media are moving towards that direction, and that higher filter standards are prescribed for online service providers;
- Review the different non-conventional trade marks such as colour marks, three-dimensional marks, sound, taste and scent marks;
- Identify the distinctiveness and representability challenges and solutions for non-conventional trade marks;
- Identify the legal developments in the EU, which provide opportunities for non-conventional trade marks;
- Realize the advantages and disadvantages of the Nice Classification system and the problems related to trade mark extensions.

Scan to Calendar



Code:	EVT000000098	Level:	Intermediate
Date:	14 October 2015 (Wednesday)	Language:	English
Time:	15:30 - 17:40 (Reception starts at 15:00)	Accreditation(s):	LSHK 2.0 CPD Points (LSHK Allocated Number: 20153196)
Venue:	Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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