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INSIGHTS OF THE EUROPEAN COMMUNITIES TRADE MARK ASSOCIATION

CARING FOR
A BALANCE
OF IP RIGHTS
FOR

40
YEARS



4. ECTA Committees

Professional Affairs Committee

The mission of ECTA's Professional Affairs Committee (PAC) is to generate, maintain and promote quality standards, ethical rules, recommendations and a communication forum for the members of ECTA and other EU trade mark and design attorneys, by providing consistently excellent information, guidelines and related services to the members of ECTA for the recognition of a qualified trade mark and design profession in Europe.

Personally, I consider that the mission statement underlines not only the importance of the Professional Affairs Committee, but also how interesting our tasks and work are. Work in the Professional Affairs Committee has been not only professional and efficient, but always very friendly and cooperative. The importance of the Committee is reflected by the fact that, not only is the current President of ECTA, Sozos-Christos Theodoulou, but also two of the past Presidents, Ruta Olmane and F.

Peter Müller were in the leadership of the PAC before their highly successful terms in the ECTA Management.

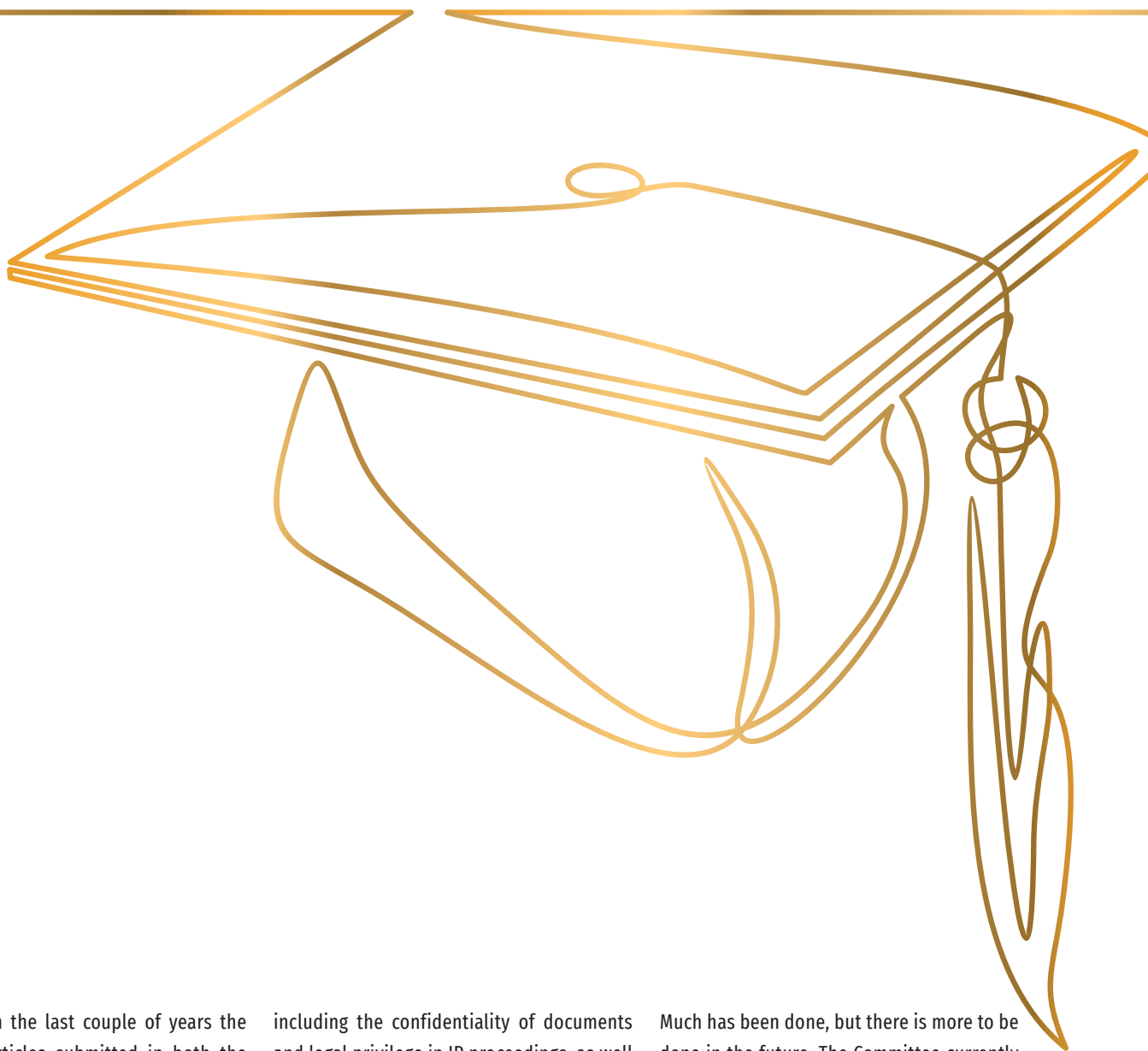
I have had the privilege to serve as the Chair of the Professional Affairs Committee since 2014 and to be *primus inter pares* among so many excellent Committee members. Thus, on the truly special occasion of the 40th Anniversary of ECTA, I try to reflect on our Committee work in the past years and to take a glimpse into what the future might hold.

Several tasks of the Professional Affairs Committee have been linked to the qualification of the trade mark and design profession in Europe. We have looked into the role of intellectual property law throughout the qualification systems and suggested that the importance of the role of IP law should be raised in higher education in qualifying law profession exams. Further, a few years ago, it was the Professional Affairs Committee that formulated detailed

comments and suggestions in relation to on the Commission's Communication on reform recommendations for regulation in professional services. PAC has also dealt with the task concerning the protection of the term 'Trade Mark Attorney' – rights and powers of trade mark and patent attorneys on national and European levels.

The qualification system is closely related to the educational system. The Committee has generated a list of schools and courses offering IP law in various Member States and it was also asked to formulate comments in relation to the EUIPO's European Trade Mark and Design Education Programme, which has become a very successful programme.

The Committee has been responsible for the ECTA Award since its creation in 2014. The initiative of the Award came from F. Peter Müller, whose aspiration was that the ECTA Award would one day become the leading prize for the best studies on EU IP Law, under the best possible criteria. I am pleased



to say that in the last couple of years the number of articles submitted in both the professional and the student category has dramatically increased. The extension of the scope of the Award from trade mark law to all kinds of IP law two years ago has certainly contributed to this increase. Furthermore, the broadening of the scope has brought out excellent cooperation with other ECTA Committees, most notably the Copyright, Design and Geographical Indications Committees, in relation to the evaluation of the submitted papers.

The Professional Affairs Committee has dealt with tasks protecting the interests of our clients, the trade mark owners. It has carried out a survey and created a position paper with regard to misleading invoices sent to EU trade mark owners and has been ECTA's delegate in supporting the EUIPO Anti-Scam Network.

PAC has dealt with several issues that affect the daily work of IP professionals,

including the confidentiality of documents and legal privilege in IP proceedings, as well as reimbursement of costs in opposition proceedings before the EUIPO. It has been active in developing best practices and sharing know-how about IP firm management, most notably of small and family firms, in particular in relation to recruitment and succession.

The Committee has closely followed the Commission's IP Helpdesk and the consultancy service offered by the IP offices of EU Member States in order to safeguard interests of consumers and to strike the right distinction and the right balance between general guidance and professional advice.

ECTA has been in the forefront in dealing with issues raised by Brexit and the Professional Affairs Committee has provided its share by closely following the issue of professional representation before the EUIPO after Brexit and has delivered opinions and recommendations in this respect.

Much has been done, but there is more to be done in the future. The Committee currently has several interesting topics on its agenda, including mediation in IP, cross-border representation in IP disputes and conflict of interest. It also continues to have the pleasure of evaluating papers submitted for the ECTA Award and is keen to support the EUIPO in its efforts within the Anti-Scam Network.

The Professional Affairs Committee is keen to follow its mission and to continue to work hard to contribute to the success of ECTA in the next forty years, at least.«

Péter Lukácsi, Chair