



The Institute of Patent & Trade Mark Attorneys of Australia

Presents

A MASTERCLASS IN TRADE MARK OPPOSITIONS

Thursday 2 and Friday 3 March 2023

RACV City Club, Melbourne



Following on from previous successful masterclasses in other areas of practice the Academy of Education is pleased to present a masterclass dedicated to Trade Mark opposition practice and procedure. The masterclass will be held in Melbourne on 2 and 3 March 2023.

It is proposed that the masterclass will also be held in both Sydney and Adelaide later in the year on dates to be advised.

Why attend this Masterclass?

The Trade Marks Opposition Masterclass is a well-crafted session designed to allow trade marks attorneys and trade mark lawyers to sharpen their opposition practice. The day and a half course will traverse important aspects of trade marks opposition practice with a case study to put learnings into practice. The course will provide a unique opportunity to interact with experienced practitioners in the area to hone your skills and provide you with insights into the best strategic approaches to resolving trade mark oppositions.

About the facilitators

The masterclass will be facilitated by Ian Horak SC, Siobhan Ryan KC and Andrew Sykes. Each of the facilitators are well respected barristers and experienced Counsel who regularly appear in trade mark opposition and appeal proceedings. Together they have over 50 years' experience in conducting trade mark oppositions, appeals and trade mark litigation. Thus, they have extensive knowledge of trade mark law and practice and intend to bring that experience to the fore in this class so that you can learn the best strategies and tactics for resolving trade mark oppositions.

Who should attend?

The masterclass is designed for IPTA members who are trade mark practitioners and who want to improve the effectiveness of their trade mark opposition practice. The masterclass will assume a good knowledge of the general principles of trade mark law and their application. It will best suit those who have had some trade mark opposition experience, although previous opposition experience is not essential. Those who infrequently deal with oppositions or wish to deal with oppositions on a more frequent basis in the future are encouraged to attend. Numbers are limited to ensure a personal learning experience and interested IPTA members are encouraged to register as soon possible.

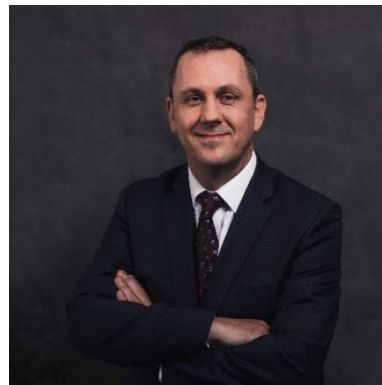
We believe the masterclass offers incredible value and look forward to seeing you there!

Janelle Borham
IPTA President

ABOUT THE FACILITATORS

Ian Horak SC

Ian is a Senior Counsel at the Victorian Bar. He has close to 20 years' experience as Counsel appearing in a range of intellectual property matters concerning patents and trade mark rights. He is also qualified as both Senior Counsel and a registered Trans-Tasman attorney, and holds a degree in Chemical Engineering (First Class Honours) in addition to his legal qualifications. He is a Senior Fellow at Monash University and a co-author of the seminal text on the law of trade marks, "*Shanahan's Australia Law of Trade Mark and Passing Off*" (5th, 6th and 7th editions).



Siobhan Ryan KC

Siobhan is an experienced intellectual property lawyer - specialising in trade marks and copyright. Siobhan also advises and appears in trade practices, passing off and designs matters. She practices in all Federal and State Courts. Siobhan is a registered trade mark attorney and regularly appears before the Registrar of Trade Marks in oppositions and registrability cases. Siobhan has been consistently recognised in the Intellectual Property category in Best Lawyers, Doyles Guide and the World Trademark Review's, Leading Trade Mark Professionals. Siobhan is the President of the Trans-Tasman IP Attorneys Disciplinary Tribunal. She is an editor of the *Intellectual Property Reports* and an author for *Lahore, Patents, Trade Marks & Related Rights*.



Andrew Sykes

Andrew Sykes is a barrister at the Victorian Bar. He is also a registered trade marks attorney and NMAS mediator. Andrew conducts a specialist national practice in intellectual property law with a predominate focus on trade mark law. His other areas include domain names, copyright, designs, internet law, software and confidential information. He frequently appears in the Federal Court of Australia and hearings before IP Australia, particularly in trade mark matters. He has been recognised in the World Trade Mark Review's Leading Trade Mark Professionals, Doyle's Guide (Intellectual Property) and in Best Lawyers Australia (Intellectual Property).. He is also the author of *Australian Trade Mark Opposition Law* which is currently in its second edition and the Co-author of the chapter "*Trade Marks and the Internet*" in "*Lahore, Patents, Trade Marks & Related Rights*".



DATES & VENUE

RACV City Club Melbourne CBD

501 Bourke Street, Melbourne Victoria.

Registration commences at 9:00am with the masterclass commencing at 9:30am.

FORMAT

Conducted over 1 ½ days with morning and afternoon tea and lunch provided, and dinner at *Spice Temple, Crown Melbourne*, also included on the first day. An indicative course outline is attached and a final outline together with case study and notes will be provided prior to students the course commencing. The course will involve a combination of seminars and interactive panel discussions in conjunction with a trade mark opposition case study.

CPE

9 hours of education content contributing towards continuing professional education requirements.

COST

IPTA Members \$850

*YIPTA Members \$750

Dinner included

REGISTER TODAY

If you would like to attend, please register online by no later than Monday 13 February 2023.

Places are limited and IPTA reserves the right to close registration early.

Please call IPTA on (03)9639 4377 if you require more information

*YIPTA – members of IPTA with less than 5 years post-registration experience as patent and/or trade mark attorneys

Indicative Course Outline – A Masterclass in Trade Mark Oppositions*

*indicative course outline subject to finalisation

Day 1

- 9:00am Registration
- 9:30am Opening Masterclass and introductions
- 9:35am Introduction to case study concerning trade mark opposition.
- 9:50am Reasons for opposing: introduction to and initiating trade mark oppositions: Strategic approaches to commencing and defending an opposition to achieve a desired outcome.
- 10:00am Instituting an opposition: timing; selection of grounds; preparation of the notice of opposition and statement of grounds and particulars; appropriate selection of particulars.
- 10:30am Morning Tea
- 10:45am Preparation of evidence: collecting the appropriate evidence; working with witnesses (lay and expert); type of evidence required for the various grounds of opposition; corroborative materials; preparing the best evidence; roles of evidence in support, answer and reply.
- 12:30pm Procedural aspects: Procedural matters including timelines; extensions of time and allowability; amendments; security for costs; possibilities to introduce further or supplementary evidence.
- 1:00pm Lunch
- 2:15pm Preparation for hearing: strategies to be adopted; interplay between grounds of opposition; successful arguments and strategies; written submissions; oral advocacy and successful presentation.
- 2:45pm Afternoon Tea
- 3:00pm Continue preparation for hearing
- 4:15pm Appeals and Court proceedings: nature of appeals de novo; judicial review; conduct of appeals in comparison to opposition hearings; hearing appeals with other proceedings such as infringement; appeals to the administrative appeals tribunal and judicial review.
- 4:45pm End of Day 1
- 6:30pm Dinner - Spice Temple, Crown Melbourne, Southbank, Melbourne

Day 2

- 9:30am Strategy discussion and case study: Working through an opposition case study and application of tips, traps and strategies that can be deployed in an opposition context.
- 10:45am Morning Tea
- 11:15am Panel discussion: Panel discussion with hearing officer from IP Australia (to be confirmed).
- 12:45pm End of Masterclass in Trade Mark Oppositions