

KLOS MOREL VOS & SCHAAP

Alicante

A clear focus excellence in intellectual property

Klos Morel Vos & Schaap

The law firm of Klos Morel Vos & Schaap was founded in 2002 by a group of experienced and highly regarded intellectual property litigators who were then partners in various renowned large Dutch and international firms. Klos Morel Vos & Schaap is entirely and exclusively dedicated to the practice of intellectual property law and has since its formation quickly and firmly established itself as the leading and largest boutique firm in this area in the Netherlands. Klos Morel Vos & Schaap's approach to the IP practice has over the years consistently been praised by the international legal press and described as 'lean and fresh', 'available, up to date and dynamic' and 'energetic and efficient'.

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Klos Morel Vos & Schaap was founded on the principle that excellence in the practice of intellectual property is best achieved in a setting that is truly and exclusively dedicated to that purpose. At Klos Morel Vos & Schaap, the focus is entirely on the practice of intellectual property law on the highest level. All our firm's management and information systems and structures are geared towards that single goal. No distractions.

Our top priority

Klos Morel Vos and Schaap's top priority is and will remain quality. We invest heavily and continuously in the development of the talent and skills of our people, their professional support and the know-how and information resources that they depend upon

on a daily basis. Of partners and associates alike, we require a combination of proven top level advocacy skills and a continuing dedication to the study of intellectual property law. Our attorneys are continuously on the cutting edge of the development of all fields of intellectual property law. Not only by litigating cases and continuously keeping up to date, but also by contributing to the development of intellectual property law through academic research, lecturing and publishing articles and books on the subject.

Underlining its commitment to quality is the fact that Klos Morel Vos & Schaap counts among its partners two of the very few and highest ranking full professors of intellectual property law in private practice in the Netherlands today. In addition, Klos Morel Vos & Schaap is one of the few firms that employs a full time research staff exclusively dedicated to monitoring developments in IP on a daily basis.

Our clients

Our clients mainly are major multinational companies from widely varying branches of industry, including the food and beverage industry, pharmaceuticals, chemicals, fashion, fast-moving consumer goods, entertainment, advertising, publishing and sports. Most of our clients are leaders in their field. Nearly all of our clients operate in a multitude of different jurisdictions. Many of them involve us regularly in the coordination and strategy of multi-jurisdictional IP litigation, particularly and increasingly on the European level.

Our European trademark practice

The practice of European trademark law forms the core of our practice. Our trademark practice encompasses a wide variety of different types of matters: ranging all the way from high-end litigation before the European Court of Justice (ECJ) and the Court of First Instance (CFI) through to large-scale anti-piracy enforcement campaigns and from advise on multi-jurisdictional licensing programs through to registrability issues and advice on portfolio management.

Historically the firm's home jurisdiction, the Benelux, plays a significant role on the forefront of developments in trademark law. The Benelux is the cradle of the type of multi jurisdictional trademark system that has now become the European standard; a system creating a uniform and unitary trademark right that is valid for a collection of countries with different languages, different market dynamics, different court systems and enforcement rules. Our attorneys were trained in, and are accustomed to dealing with, the questions, problems and issues that such a system gives rise to.

Against this background it is only natural that the internationally oriented attorneys at Klos Morel Vos & Schaap from the outset have enthusiastically embraced European harmonisation of trademark law and the unitary Community Trademark (CTM) system and have actively sought to explore to the maximum for their clients' benefit the opportunities and possibilities the system offers. In a series of

groundbreaking cases the attorneys at Klos Morel Vos & Schaap have pioneered European cross border litigation in trademark cases.

Klos Morel Vos & Schaap focuses its trademark practice on the European dimension of this field. At Klos Morel Vos & Schaap we are acutely aware of the fact that – even though this may not always be obvious – no such thing as a purely national trademark case exists anymore within the EU member states. Each case involves some aspect of European trademark law and touches on one or more of its concepts that is the subject of constantly evolving ECJ, CFI and OHIM practice and case law.

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With the coming of age and rise in importance of the CTM system our clients increasingly call upon our knowledge of European trademark law and litigation experience to assist them in achieving their goals in the prosecution of their CTM portfolio and represent them in all the different types of proceedings before the Office for Harmonization in the Internal Market (OHIM). We now represent our clients at OHIM in the appeals against refusals to register trademarks on absolute grounds as well in opposition proceedings on all levels.

We bring to these proceedings not only our extensive experience and know how in the field of European trademark law, but also our litigational mindset and skills. Everything we do in the area of

the prosecution of CTM's we do without ever losing sight of our clients' ultimate goal of achieving the best possible protection of the distinctive elements of their products and thereby their competitive advantage in their specific markets. This means, for instance, that in any and all advice we give regarding the registration of CTM's the main consideration is always the impact that the registration will have on the actual protection of our client's position in the European market place. We never forget that our clients ultimately acquire and maintain rights to, if necessary, enforce them. Another example of the influence of our litigation background is that we are always acutely aware that any argument made in an appeal against refusal or in opposition proceedings may have a huge impact on pending or future litigation regarding the same or similar mark. Last, but not least, in representing our clients in proceedings before OHIM we always keep a firm eye on the procedural, tactical and strategical impact of everything we do on the 'endgame'; the possible proceedings before the CFI and ECJ.

Our Alicante office

The increasing demand for our services in the area of representation at OHIM in CTM and Community Design (CD) prosecution, opposition and cancellation proceedings and our firm believe that the European practice of trademark and design law will be increasingly independent of national borders and will eventually be focused and concentrated exclusively on the Community level, has made us decide to concentrate the management and coordination of our OHIM practice from a single office at the seat of OHIM in Alicante, Spain. Our Alicante branch is fully operational as of 1 October 2006 under the leadership of Liesbeth Marijnissen, appointed full partner in Klos Morel Vos & Schaap. Liesbeth was trained as a trademark litigator and practised as such for a considerable number of years at the law firm Nauta Dutilh together with a number of the current Klos Morel Vos & Schaap partners. She subsequently joined Unilever as in-house counsel for trademark matters where she rose to the position of head of the Foods Trade Marks Department. Liesbeth brings to our OHIM practice, in addition to her management skills, a unique blend of litigation experience, knowledge of European trademark law and intimate knowledge of, and firsthand experience with, industry practice in the field of trademarks. With Liesbeth in charge of our OHIM practice we can be sure that our perspective is and will always be that of our clients and that we will never lose sight of the client's needs and the ultimate purpose of our work.

Our Alicante office, which will be staffed in addition to the managing partner with experienced multi lingual associates and paralegals, is the focal point of our OHIM practice; all OHIM matters are managed and coordinated by the Alicante office. The Alicante office, is there to reinforce and enhance our existing practice and service. This means that the Alicante office will be able to call upon the talent and experience available within the firm as a whole and have direct access to the know how and resources of the entire firm. Moreover, this means that we can continue to accommodate specific client wishes as regards the staffing of a specific matter; all attorneys practising in the field of trademarks within the firm will continue to be involved in the handling of the OHIM matters.

Alicante services

The service provided by our Alicante office cover the full range of our OHIM practice including:

- Practical and strategic advice regarding CTM and CD applications, including registrability analysis and clearance
- Handling the registration procedure; correspondence and monitoring in the examination phase
- Representation before the Boards of Appeal against refusals on absolute grounds
- Filing and defending oppositions
- Representation before the Boards of Appeal in opposition cases
- Revocation and invalidity actions
- Representation before the Boards of Appeal in appeals against cancellation decisions
- Appeals of opposition and registration decisions with the CFI
- Representation at the ECJ in all CTM cases
- Strategic trademark portfolio management and planning

To the provision of these services we bring the lean and fresh approach that has been the cornerstone of our success so far. We offer high quality specialized legal services while maintaining the costs of these services at a highly competitive level. We keep our billing rates at such a reasonable and realistic level as to enable us to offer the best value for money in the market. For services related to our

OHIM representation work that may be required by clients, such as the actual filing, for which our specific litigation expertise is not required, we charge only cost oriented fees. Furthermore, we place great emphasis on speed and efficiency of communication and work procedures. As an example, the partners of Klos Morel Vos & Schaap work with as few associates in each individual matter as possible, with a maximum of two, thus ensuring that their clients have easy and direct access to their partner of choice, while avoiding unnecessary and costly duplication of work.

Contact us

If you are interested in the services of our Alicante office, please contact Liesbeth Marijnissen at liesbeth.marijnissen@kmvs.eu, T +34 96 520 3323 for any further information you might require.



Liesbeth Marijnissen

liesbeth.marijnissen@kmvs.eu

+34 96 520 3323



Elisabeth (Liesbeth) A.M. Marijnissen (1967)

was educated at the University of Utrecht, earned her degree (cum laude) in 1991 and was admitted to the bar the same year. She practiced as a trademark litigator in the Nauta Dutilh IP Department until 1997. She subsequently joined Unilever where she headed the Foods Trade Marks Department until 2006. In this capacity she was responsible for the development, implementation and execution of strategies and processes related to the protection and management of one of the largest trade mark portfolio's in the world. In 2006 she was appointed managing partner of the Alicante office of Klos Morel Vos & Schaap.

In her various professional capacities Liesbeth has been involved in high profile litigation matters before the European Court of Justice, the Benelux Court of Justice and most national courts in Europe. In addition Liesbeth has over the course of her career to date gained extensive experience with prosecution matters before OHIM, co-ordination of multi jurisdictional enforcement actions and has developed unique knowledge of global trademark portfolio management.

Liesbeth is Vice-President of the Benelux Association of Trade Marks and Design law (BMM), was a member of Trade Mark Committee of the European Brands Association (AIM) and represented Unilever within the Confederation of Dutch industry and employers (VNO/NCW).

Liesbeth has been a member of the main IP practitioners advisory body to the Dutch Government and is an active member and lecturer for various international professional organisations.

Klos Morel Vos & Schaap Spain, S.L.
Explanada, 2 – Ppal. Dcha.
03002 Alicante
Spain
T +34 96 520 3323
F +34 96 520 4823
www.klosmorelvosschaap.com