

Law Lore & Practice

PTMG



Pharmaceutical
Trade Marks Group

Oct 2011



Editorial: on peace of mind ...

Back to school here in the Northern hemisphere is often associated with runny noses and snuffly coughs but for our household it all came rather more quickly than expected as my son came home from school running a temperature and with a sore throat on day three. A trip to the local GP later that afternoon, over an hour's wait in the waiting room

with a snoring, very hot six-year-old on my knees, a 15-minute consultation and a prescription for antibiotics was all it took (plus a quick trip to the chemist in the village) to settle the matter.

The following day it struck me how different that scenario would have been only 60 years ago. Back then, parents did not have the inner certitude that the doctor would diagnose, prescribe and cure their child with a miracle medicine that we enjoy today. Of course, everyone now knows that 'antibiotics are not automatic'. In the early years of wide commercialisation in the western world, new antibiotics were developed faster than the bacteria could develop resistance to them. Unfortunately, more

and more tales are being told where the converse is now true.

Therefore, one should certainly not abuse their intake but when appropriate and where use is targeted correctly, there is no price for that peace of mind where, after a couple of days' treatment, one's child is back on his or her feet again. Indeed, it almost seems obscene for those of us in the developed world to take the moral high ground that it is better for their immune system to cope on its own compared to those parents who anguished only two generations previously and those who in less fortunate situations still face that anguish today.

Meanwhile of course, vast amounts of 'getting well again' television have been consumed and zombie status has set in, but that is another story!

This Autumn e-edition of *LL&P* is a shortened one but I trust that you will enjoy reading it all the same and look forward to seeing many of you in Prague in less than a month for another excellent conference.

Vanessa

Members News

New members

We are delighted to welcome the following new members to the Group:

Florence Tordoir of Nederlandsch Octrooibureau, The Hague, The Netherlands (Tordoir@octrooibureau.nl)

Ivana Toningerova of Korejzova & Co., Prague, Czech Republic (i.toningerova@korejzova.cz)

Vikrant Rana of S.S. Rana & Co., New Delhi, India (Vikrant@ssrana.com)

Emily Ellis of Ellis Terry, Wellington, New Zealand (Emily.ellis@ellisterry.com)

Tuba Tuncer of C&T Intellectual Property Trademark Patent Consultancy and FT Ltd., Ankara, Turkey (tuba@ctip.com.tr)

Myrtha Hurtado Rivas of Novartis Pharma AG, Basel, Switzerland (Myrtha.hurtado_rivas@novartis.com)

Ulrika Carlsson of Groth & Co., Stockholm, Sweden (Ulrika.carlsson@groth.eu)

Firas Qumsieh of NJQ Associates, Amman, Jordan (firas@qumsieh.com)

Kirsten Peter of IPAN Intellectual Property Associates Network GmbH,

Munchen-Haar, Germany (kpeter@ipan.eu)

Bassam Ibrahim of Buchanan Ingersoll & Rooney PC, Alexandria, Virginia, USA (bassam.ibrahim@bipc.com)

John Breen of InterbrandHealth, New York, NY, USA (John.breen@interbrandhealth.com)

Kivanc Ok of Grup Ofis Patents & Trademarks Agency Ltd., Ankara, Turkey (kivanc.ok@grupofis.com)

Jo-Ann See of Amica Law LLC, Singapore, Singapore (Joann.see@amicalaw.com)

Dana Bentata of Bentata Abogados, Caracas, Venezuela (dbentata@bentata.com)

Theodore Davis Jr. and **Olivia Baratta** both of Kilpatrick Townsend & Stockton LLP, Atlanta, Georgia, USA (tdavis@kilpatricktownsend.com) (mbaratta@kilpatricktownsend.com)

Moves and mergers

James Thomas has left Troutman Sanders and established his own firm: Thomas Trademark and Copyright Legal Services, in Durham, North Carolina, USA. His new contact address is james@thomaslegal.pro.

Michael Hawkins has left Hogan Lovells and has joined Noerr Alicante IP, SL in

Alicante, Spain. He can be contacted at Michael.hawkins@noerr.com.

Paola Ruggiero has left Studio Legale Bird & Bird to join Barzano & Zanardo Milano S.p.A. in Milan, Italy. Her new e-mail address is p.ruggiero@barzano-zanardo.com.

Lovisa Jonsdottir has left Arnason Faktor and is now with Tego IP Consulting in Reykjavik, Iceland. She can be contacted at lovisa@tego.is.

Espen Clausen has left Tandbergs and has joined Acapo AS in Oslo. His new e-mail address is ec@acapo.no.

Rajita Sharma has left Edwards Angell Palmer & Dodge to join Stephens Innocent Finer LLP in London, UK. Her new e-mail address is rajita.sharma@fsilaw.com.

Please remember to let us know of any changes to your contact details. You can notify me either via the PTMG website www.ptmg.org or directly to Lesley@ptmg.org or by writing to me at Tillingbourne House, 115 Gregories Road, Beaconsfield, Bucks, HP9 1HZ

Lesley Edwards

PTMG Secretary

International Update

Bahrain: law on protection of trade names

Zeina Salameh and Joanna Matar, Saba & Co. IP, Beirut

A draft law on the protection of trade names is currently under discussion by the Bahraini Parliament. We list below the main features of this law:

- The new trade name shall not be similar to a well-known trade name nor to any other registered name.
- The new trade name shall not include any political, military or religious content.
- The new trade name shall not refer to any regional, Arab or international organisation.
- The new use of the trade name shall not create any confusion with other names of company owners or product distributors.

The Bahraini Trademark and Patent Office has recently announced that only powers of attorney that are legalised up to any Arab consulate will be accepted. This means that simply signed powers will no longer be admissible in support of trademark, patent and design applications.

European Union: New Customs regulation

Arty Rajendra, Rouse, London

The draft proposal to replace Customs Regulation 1383/2003 is currently being reviewed by the European Parliament and Council, with the aim of producing a final draft by the end of 2011. These proposed changes will be welcomed by most brand owners:

- The simplified procedure, currently optional for Member States, will become mandatory.
- Parallel goods will be brought within the scope of the Customs Regulation having previously been expressly excluded. While positive, this does beg the question whether Customs have the resources to cope with this additional burden.
- Customs will be able to dispose of 'small consignments' of counterfeit or pirated goods without reference to the brand owner provided the importer does not object to destruction. This should reduce the burden on brand owners, but will also reduce their awareness of the scale of the problem.

However, to the dismay of most brand owners:

- Despite strong support in the public consultation, the proposal does not

explicitly address Customs' authority to detain counterfeit goods found in transit between non-Member States.

- Importers will be given three days' notice of Customs' intention to detain potentially infringing goods, in advance of the brand owner being notified. The infringer will therefore be tipped off before the brand owner is even aware that there is a problem.

If these two changes are not made in the further draft, the EU will be left vulnerable to abuse by counterfeiters.

Finally, of particular interest to pharmaceutical companies is a specific reference in the draft to the Doha Declaration. This basically warns Customs off interfering with the passage of generic medicines between non-Member States through the EU unless there is a substantial risk of diversion on to the EU market.

France: Trade Marks vs Generics: Act II

Jean-Philippe Bresson and Franck Soutoul, Inlex, Paris

In May 2011, the French Parliament proposed an amendment to current law with the aim of reforming the French health system. Draft Article L. 5121-10-03 of the Public Health Code was written with the intention of preventing intellectual property rights on the appearance and texture of brand name drugs to be enforced over generics once the patent expires.

The same article and provisions had already been blocked by the French Constitutional Council in 2009 because they did not match the subject matter of the then-law relating to the expenses of the social security system in France (as reported in *LL&P* December 2009).

Once again, the French Constitutional Council upheld on 4 August 2011 that these provisions were contrary to the French Constitution and therefore could not be enacted because they do not bear a sufficient link with the law in question.

Trade mark monopolies in shapes and/or colors of tablets are consequently preserved for the time being. But we fear that such a provision in favour of generics may well reappear again and may well be successful next time.

India: Supreme Court allows use of HILLTONE mark for hotel

Madhur Chopra, Ranjan Narula Associates

A relatively small hotel in Mount Abu (a hill station in Indian Rajasthan state) run

under the mark HILLTONE has been given protection by the Supreme Court to run its operations without interference from the famous hotel chain, Hilton International Corp. In support of its case the Hilltone showed that it had run the hotel since 1973. It had obtained copyright registration of artistic work 'HOTEL HILLTONE with rock device', in August 1978. Further they had also registered 'HILLTONE HOTEL and logo' as a trade mark in 1982. In 1984 the partnership was converted into a private limited company, Hilltone Private Ltd Company, and thereafter changed to Hilltone Hotel Ltd.

In July 1995 Hilton issued a notice objecting to use of the name HILLTONE for hotel services. Hilton also filed an application for rectification/cancellation of Hilltone's registration no. 396750, which was dismissed by the Intellectual Property Appellate board. Hilton also opposed Hilltone's application under No. 496536 when it was published in 1992. The opposition was dismissed, an appeal filed by Hilton is pending. In response to Hilton's notice, Hilltone brought a groundless threats action and sought a declaration that Hilton should not interfere in its use.

Hilton argued prior adoption and use since 1948, but was not able to establish use and reputation prior to Hilltone's use. Thus the court inferred that there was neither bad faith in adoption nor any instance of confusion. The Court thus issued a restraining order against Hilton which prevents them from issuing threats designed to prohibit Hilltone using the HOTEL HILLTONE mark.

Macedonia: changes to law on civil procedure

Source: Petosovic, Macedonia

The Macedonian Law on Civil Court Procedure has undergone certain changes, which became effective on 9 September 2011. A few amendments affect intellectual property right owners potentially involved in civil court procedures in Macedonia.

One of the changes concerns the information that the plaintiff must provide when filing the lawsuit. Before the amendments, the plaintiff had to provide only the name, address and state of incorporation. Now that the amendments have entered into force, the company registration number or value added tax (VAT) identification number also needs to be supplied.

The amended law also enables the parties in a lawsuit to present their own expert

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evidence before the court. So far, only the court was entitled to order expert evidence. The Ministry of Justice will publish an official list of expert witnesses soon.

There is a change in the legal remedies as well. Up until now, there were no limitations for filing an appeal before the Supreme Court of the Republic of Macedonia. An appeal before the Supreme Court of the Republic of Macedonia can now be filed only for intellectual property cases where money claims exceed approximately EUR 16,000 (USD 23,000).

Malaysia: The Trade Descriptions Act 2011

Su Siew Ling, Tay & Partners, Kuala Lumpur

The Trade Descriptions Act 2011 (TDA) has just been passed and gazetted on 18 August 2011, which repeals the old Trade Descriptions Act 1976. In the realm of trade marks, the TDA is an important piece of legislation as it provides for the administrative enforcement of trade marks and criminal penalties for trade mark infringement. The Act is enforced by the Ministry of Domestic Trade, Cooperatives and Consumerism.

The TDA expressly defines a 'trade description' to include an indication,

whether direct or indirect, and by any means given, in respect of any goods or parts of goods relating to any rights in respect of trade mark registered under the Trade Marks Act 1976. It is an offence for any person who applies a false trade description to any goods subject to rights relating to a registered trade mark, or who supplies or offers to supply, exposes for supply or has in possession, custody or control for supply any goods to which a false trade description is applied.

The TDA no longer allows enforcement in respect of a common law or unregistered trade mark, previously permissible, as a Trade Descriptions Order (TDO) can now only be obtained by a registered trade mark owner. The TDO also lasts for only a year and the infringing mark or get-up must be identified specifically. The TDO is relevant where the infringing mark is not identical with the registered trade mark. In the case of exact imitation or counterfeit goods, there is now an express presumption of law that the person is deemed to have applied, supplied or offered to supply goods bearing a false trade description.

The penalties for a false trade description in relation to a trade mark have also been amended. A body corporate may be fined up to RM15,000 for each good

bearing the false trade description whilst an individual may be fined up to RM10,000 per good or to imprisonment for a term not exceeding 3 years or to both. For a second or subsequent offence, the fines are doubled.

Ukraine: Customs security for processing counterfeit goods reduced

Source: Ukrainian parliament website, Petosovic, Macedonia

The amendments to the 2007 decree addressing the expenses and reimbursement of expenses related to the activities of the Ukrainian customs that contribute to the protection of intellectual property rights, issued by the State Customs Service of Ukraine, entered into force on 21 July 2011.

According to the new provisions, the security deposited by the right holders to cover all customs services needed to process allegedly counterfeit goods, including the storage fees, has been reduced from EUR 5000 (USD 7100) to EUR 1000 (USD 1400).

The security may be deposited in Ukrainian or foreign currency and is to be returned to the right holder in the currency in which it was deposited.

Poland/Hungary: implications of unsuccessful merger of Polpharma & Gedeon Richter

Kardina Marciszyn, Kochanski, Warsaw

The judgment of the International Court of Arbitration of the International Chamber of Commerce issued in Paris on 3 August 2011 is one of the most widely commented on events in the pharmaceutical industry in Poland.

The judgment concerns a dispute between the Hungarian company Gedeon Richter and the biggest Polish generic company, Polpharma, and the Dutch company Genefar controlling almost 100% of shares in Polpharma. Polpharma is a pharmaceutical company in Poland particularly and actively involved in the Eastern markets, including Russia, Ukraine and Belarus, producing, among others, a generic equivalent of VIAGRA called MAXIGRA. Gedeon Richter is a company with around a hundred years of tradition, and is known primarily for drugs used in gynaecology and diseases of the cardiovascular system, launching approximately nine new drugs onto the market per year. In 2014, the company plans to acquire US\$1 billion worth of the drugs market for central nervous system

disorders in the United States and in 2012 will start the production of biotechnological preparations.

The story began in 2007 when Gedeon Richter and Polpharma announced the planned merger of the companies for the price of \$1.4 billion paid to the Polish company in shares issued by Gedeon Richter. If the merger of the two companies had come into effect, it would have created a company ranking 15th in the world among pharmaceutical companies and the biggest in Central Europe.

In 2008 it became clear that the planned merger would not take place because Polpharma withdrew from the transaction. The prevailing opinion is that the Polish company withdrew due to the declining value of the shares of the Hungarian company and the strengthening of the Polish currency against the US dollar, which was the basis of the Polpharma valuation conducted for the purpose of the merger. These factors meant that, in the meantime, conditions for the merger

became unprofitable for the Polish company, or at least not as lucrative as at the beginning of negotiations.

The International Court of Arbitration awarded Gedeon Richter compensation for breach of contract for the amount of US\$ 40 million. It is worth noting that the Hungarian company repeatedly demanded greater compensation than that granted in accordance with the provisions of the contract in the event of Genefar's (Polpharma's) withdrawal from the transaction. Hence, it can not be excluded that Gedeon Richter will not appeal against the judgement of the Court of Arbitration, despite having declared that the judgement is satisfactory. As far as Polpharma is concerned, it is not yet known if the Polish company has decided to appeal against the unfavourable judgement.

Nevertheless, it seems that the chances of successfully challenging the said judgement of the Court of Arbitration before the common court of law are limited.

Consumerising wellness: where consumer products meet science

Lisa Ritchie, Managing Associate, Simmons & Simmons LLP, London

'We have to move from illness to wellness. Businesses will have to invest in wellness. There is no choice. It's not philanthropy. It's enlightened self-interest.'

Shrinivas N. Shanbhag, Medical Adviser, Reliance Industries, India

Traditional models of business in the life sciences sector are changing: no longer is there a pure division between consumer-oriented companies that sell general food and beverage products and pharmaceutical companies that have conventionally targeted hospitals and health professionals. Instead, in a world where consumers are more informed about medicines and foods have become functional, there exists a 'health space' in which life sciences companies are competing in a previously unknown terrain and an increasingly regulated environment.

Modern consumers are more interested in preserving wellness than curing illness, which has created a huge (and exponentially growing) "personal care" market for nutraceuticals and nutricosmetics, that is, food and cosmetics that are fortified with functional nutrient supplements which aim to enhance nutrition, energy and beauty. This has been driven by sophisticated formulations, scientifically credible claims, an ageing population and a trend towards natural and organic products. The figures are startling: the nutraceuticals market has been forecast to grow from \$120 billion in 2007 to \$176 billion in 2013, with new players from emerging markets such as China and Brazil. India and the Asia-Pacific are projected to see significant growth in the long term, spurred on by growing affluence and an increased awareness of preventative medicine and self-treatment.

The trend from treatment to prevention has stimulated commercial opportunities: there have been numerous prominent mergers between food, nutraceutical, pharmaceutical and cosmetic corporations. Business and investment profiles are changing to marry expertise in the health and consumer industries. Healthcare nutrition has been an increasingly important focus for Nestlé, for example, which introduced the Glowelle drink in the US last year, which contains antioxidants, vitamins and botanical extracts for enhancing natural beauty and health. Indeed, late last year Nestlé set out to challenge the pharmaceutical industry by announcing

that it would invest \$510 million over the next decade into the creation of a stand-alone health science business to tackle obesity and chronic disease. In a self proclaimed move to 'pioneer a move between food and pharma', the Swiss group hopes to capture a portion of the high margin non-prescription health products market. This is a tactic designed not only to capture a slice of the lucrative nutraceuticals market, but also to diversify against high-risk traditional drug development and the commercial impact of declining prescription products pipelines. Former Nestlé executive Steve Allen has told the market to 'look for more action in the hitherto sleepy medical foods category', suggesting that the rules of the health game are changing.

As the commercial landscape of the life sciences sector changes, so too is the regulatory regime within which it operates. Regulatory agencies around the world are increasingly scrutinising the health claims that are being made on functional products. The European Food Safety Authority (EFSA) and the US Food and Drug Administration (FDA) have tightened their rules to prevent manufacturers from taking advantage of health and functional claims without clinical trials and scientific evidence to back them up. The regimes examine both 'health promotion' and 'disease prevention' claims on products and are already beginning to bite: late last year, a US district court ordered a manufacturer to stop claiming that its acai berry supplement had a weight loss effect. The EFSA has also proven very reluctant to allow claims that probiotics help stomach complaints and boost immunity, causing Danone to twice withdraw health claim applications for its probiotic yogurts ACTIVIA and ACTIMEL.

On a local level, the United Kingdom's Advertising Standard Agency (ASA) is also getting in on the act, with numerous recent adjudications relating to functional food and beauty products. The ASA has specific rules in its advertising codes for health and beauty products and it has issued a background briefing on the issue which makes it clear that health claims, especially those

which are medical and scientific, must be objective and verifiable. Amongst its recent rulings, the ASA has held against a claim that a red grape nutritional supplement can 'banish stiff, aching joints in a week' and a claim that a milk protein to add to drinks and foods would help 'get the better of spots'.

As food companies partner with well-established and credible research institutes and pharmaceutical companies, there will be an increasing corporate focus on translating science into revenue generating business through consumer food and beauty products. This will be driven by consumer demand, yet curtailed by increasing consumer access to information and vigilance about the products that they buy. Demand will continue to escalate for natural and health-enhancing food and beauty products. The challenge for life sciences companies is to promote specific, defensible health and welfare claims for functional food and beauty products, capitalising on consumer demand for health and wellness, while satisfying the requirements of an evolving multi-jurisdictional regulatory regime.

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EPILEX and E-PLEX confusingly similar for pharmaceuticals in different therapeutic fields

Bill Ladas, SJ Berwin LLP, London

In Case T-161/10, *Longevity Health Products, Inc v OHIM*, the General Court has considered an opposition against the mark E-PLEX based on Tecnifar-Industria Technica Farmaceutica SA's earlier mark EPILEX, each covering class 5 goods (albeit that Longevity excluded Tecnifar's goods).

Background

Longevity filed its CTM application for E-PLEX on 22 May 2006, claiming a broad list of class 5 goods and also classes 3 and 35. The application was opposed by Tecnifar based on their earlier Portuguese trade mark registration for EPILEX covering anti-epileptics in class 5. During the proceedings, Longevity amended its specification as follows, presumably with the intention of removing the overlap with Tecnica's anti-epileptics: Pharmaceutical and veterinary preparations, except medicines to combat diseases in connection with the central nervous system; sanitary preparations; dietetic substances adapted for medical use, preparations of trace elements for human and animal use, food supplements for medical purposes, mineral food supplements, vitamin preparations.

Despite this, the opposition was upheld by the Opposition Division except in relation to 'sanitary preparations'. The signs were found to be visually and aurally similar and (based on the fact that the respective marks had no meaning in Portuguese) there were no conceptual differences that influenced the assessment of similarity.

The 4th Board of Appeal had a slightly different take. It upheld the opposition, but only as against 'pharmaceutical and veterinary preparations, except medicines to combat diseases in connection with the central nervous system'. The exclusion did not remove the high similarity between

those respective goods.

However, as against the remaining goods, the Board of Appeal considered that 'dietetic substances adapted for medical use, preparations of trace elements for human and animal use, food supplements for medical purposes' were only of average similarity to the Opponent's goods (as the Opponent's goods, for example, 'have a specific therapeutic indication and are applied only to persons or animals suffering from epilepsy'), and that 'mineral food supplements, vitamin preparations' were only slightly similar to the Opponent's goods (as the respective goods were addressed to different types of consumers).

In making its global assessment, the Board considered – also taking into account the similarities between the marks which (as was held by the Opposition Division) were held to be at the 'average' level – that there was only a likelihood of confusion with regard to the highly similar goods covered (i.e. 'pharmaceutical and veterinary preparations, except medicines to combat diseases in connection with the central nervous system').

General Court

Longevity filed an application with the General Court to annul the decision of the Board of Appeal with regard to 'pharmaceutical and veterinary preparations, except medicines to combat diseases in connection with the central nervous system'.

In response to Longevity's argument that the restriction to its specification removed any similarity between the respective goods, the General Court agreed with the findings of the Board of Appeal and referred to previous case law to the effect

that excluding Tecnifar's goods from class 5 'is not sufficient, in itself, to exclude any similarity of the goods in question'.

However, it was in the assessment of the level of similarity between the goods that the General Court disagreed with the Board of Appeal. The General Court took into account the distinct therapeutic indications in holding that there was only 'some degree' of similarity between the respective goods (rather than a high similarity as held by the Board of Appeal).

Nevertheless, the General Court agreed with the Board that there was an 'average' degree of similarity between the marks, and – despite finding only a low degree of similarity between the goods – went on to find that there was a likelihood of confusion, even where the level of attention of the relevant public is above average.

Conclusion

This case confirms that simply excluding the pharmaceutical goods covered by the earlier mark will not remove the similarity between the respective goods.

It is also interesting to note the contrasting approaches between the Board of Appeal and the General Court (which in itself is nothing new). In particular, the Board of Appeal held that there was no likelihood of confusion between the marks except for goods that are highly similar, whereas it was sufficient for the General Court for the respective goods to have an average degree of similarity (which may have meant that Tecnifar's opposition would also have succeeded as against dietetic substances adapted for medical use, preparations of trace elements for human and animal use, food supplements for medical purposes).

US Update

James Thomas, Thomas Trademarks and Copyright Legal Services, North Carolina

According to reports, the FDA is dropping its pilot programme for reviewing proposed proprietary names for new drugs and biologicals. Initiated in October of 2009, the pilot was scheduled to run until 30 September of this year, followed by a full review of the data from the pilot as well as a public meeting regarding next steps. The FDA has indicated, however, that only two sponsors submitted applications under the pilot. Therefore, it has elected simply to allow the pilot to end with no further action and will instead continue to review names under only the existing process.

Industry has called for a review of the drug name review process as a whole, but the FDA has not shown any current signs of further revisions to the process. In its recently released performance goals for fiscal years 2013 to 2017, drug name reviews and approvals are still spotlighted as important FDA objectives.

The USPTO recently requested comments on a set of rule changes that would allow Trade Mark Examiners to request additional specimens, affidavits, and other evidence of use in the case of new applications and section 8 and section 71 affidavits of use, particularly with

respect to the growing lists of goods and services appearing in these applications and affidavits. The USPTO notice indicates that it does not intend to request such additional information in all cases, but only 'in a relatively small subset of cases to assess the accuracy of particular identifications of goods/services'. It is anticipated that these changes would impact primarily on filings involving lengthy lists of goods and services. The comment period on the new proposed revisions has recently closed pending further action by the USPTO.

PROFILE: Shlomo Cohen

Shlomo Cohen is the founder of the intellectual property law firm Dr. Shlomo Cohen & Co., Israel. Educated in Tel-Aviv, New York and Brussels, he was admitted to the Israel Bar in 1973 and speaks English, Hebrew and French. The 2008 Who's Who Legal wrote 'the number one practitioner in Israel for trade marks legal expertise'. Shlomo has contributed to a great number of IP related publications and has been a Lecturer in Intellectual Property at the Hebrew University School of Law for a number of years. He is most proud of his three sons, the setting up of the Israel Bar Pro Bono programme and founding, along with others, the leading Israeli Human Rights Watch Organization.

Where were you brought up and educated?

I was brought up in Jerusalem and Tel-Aviv, Israel, and educated at schools in Tel-Aviv, Tel-Aviv University, and New York University.

How did you become involved in trade marks?

In law school I found IP to be fascinating and it was relatively undeveloped in Israel.

What would you have done if you hadn't become involved in intellectual property?

Journalist, historian.

Which three words would you use to describe yourself?

Thinner, Jewish, curious.

Complete the following sentence. 'I wish ...'

Members of my family who were lost in the Holocaust could have seen Israel today.

What do you do at weekends?

Reading, movies, friends and family.

Complete the sentence: "I'm no good at ..."

Small talk.

What's the best thing about your job?

My illusionary independence

What is your favourite work of art?

Klimt, Adele Bloch Bauer.

What is the soundtrack to your life?

Chariots of Fire.

Who was your mentor or role model?

My high school teacher Elisha Shefi, who taught Bible and Talmud classes from a totally secular-historical perspective; Arthur J. Greenbaum and Alan Latmun, two creative, wise and very human IP lawyers.

Which book or books are you currently reading?

Les Bienveillantes by Irene Nemirovsky, To the End of the Land by David Grossmann and Bismarck by J. Steinberg.

What is your favourite children's book?

The Little Prince by Antoine de Saint Exupéry.



Which music recording would you take with you to a desert island?

Brahms and Beatles.

What is your all-time favourite film?

Jules and Jim.

Which one person would you invite to dinner (other than a family member or relative)?

Henry Kissinger.

What is your most treasured possession?

A scribble of my late wife.

Which piece of advice would you give a visitor to the area in which you live?

Spend as long as you can in Israel.

What is your favourite building / piece of architecture and why?

The Israel Supreme Court. It is a wonderful, imaginative combination of old and new.

What do you like, even though it's not fashionable?

My 1988 Volvo 740.