

ZOOM webinar on IP law
Friday, 21 August 2020
12:45 – 14:00

CPD Accredited (1 CPD point pending)

GENERIC.COM: *The shifting boundaries of trade mark territory*

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On 30 June 2020, the US Supreme Court handed down its decision in *USPTO v Booking.com B.V.* By a majority, the Court allowed the registration of **booking.com** as a trade mark in respect of online hotel-reservation services by the owner of a travel reservation website by the same name. The ruling raises challenging questions about the proper boundaries of registrability of generic words and the potential for stifling legitimate competition.

The webinar will be hosted by three Intellectual Property specialists from [Des Voeux Chambers \(DVC\)](#). The speakers are seasoned advisers, advocates, mediators and/or arbitrators in the IP field. They will critically examine the correctness of the decision and will ask whether the same result would be obtained under the laws of other jurisdictions, including Hong Kong.

SPEAKERS:

CW Ling



CW joined DVC in 1999 after obtaining his LLM in Cambridge (First Class.) As a barrister his practice has focused on IP cases including trade marks, designs, copyright and patents. He has also acted as counsel in international arbitration cases with IP elements, and as a mediator in many IP disputes. He is the Chairman of the Hong Kong Mediation Council (a division of the HKIAC) and the Vice-Chairman of the IP Committee of the Hong Kong Bar Association.

Benny Lo



Benny read law at Cambridge and was called to the Hong Kong Bar in 2008. His main areas of practice are in commercial, corporate and IP dispute resolution. Before studying law, Benny worked as a research scientist in biotechnology, including as a post-doctoral fellow under Nobel Laureate Sir Gregory Winter, FRS at the UK Medical Research Council. His IP practice is focused on patents, trademark, licensing disputes and comprises court, registry and arbitration work. Apart from working as an advocate, Benny is also a Chartered Arbitrator and has been appointed to arbitrate domestic and cross-border commercial, IP, maritime, sports and investor-state disputes.

Stephanie Wong



Stephanie graduated with First Class Honours for her B.B.A.(Law) and LL.B. degrees. She was also a Visiting Student at the University of Oxford and she completed an LL.M. at the University of Cambridge (with a First in Intellectual Property law).

Stephanie has been instructed in a wide range of IP matters and disputes. She is currently serving as a Member of the Committee on Intellectual Property Law and the Committee on Competition Law.

RUNDOWN:

Benny Lo

12.45-13.05

- *Introduction and outline*
- *US Supreme Court Decision on Booking.com explained*
- *How the decision breaks new ground in trade mark law*

Stephanie Wong

13.05-13.25

- *Distinctiveness of a sign : inherent vs acquired*
- *Legal objections to descriptive and generic signs*
- *Recent cases in the EU and in Hong Kong*

CW Ling

13.25-13.45

- *A critique of the decision in Booking.com*
- *A comparative study of cases in major jurisdictions*
- *Conclusion*

13.45-14.00

- *Q&A*