

18 February 2014, Tuesday ✦ 10.00am – 12.00pm ✦
Lee Sheridan Conference Room, Eu Tong Sen Building, NUS (BTC)


Trademark Protection and Territoriality Challenges in A Global Economy: Impact to and Perspective from Asia

by Prof. Graeme Austin and Prof. Irene Calboli


ABSTRACT

Even as courts insist that the territoriality principle is “basic to trademark law,” they continue to forge exceptions to it. Traditionally, the territoriality principle has two corollaries. First, trademark rights are, for the most part, secured on a jurisdiction-by-jurisdiction basis. The laws of each individual jurisdictions will determine the scope a firm’s trademark rights, even when the firm is engaged in a large international roll-out of the same goods or services. Secondly, one nation’s trademark laws do not generally apply within another nation’s borders. The territoriality principle implies that, in an infringement action involving allegations of trademark infringement in one more jurisdictions, the owner of the trademarks will likely need to invoke the laws of all of the individual jurisdictions in which it has secured rights. In the global economy, these traditional principles are under pressure. At the most basic level, firms are insisting on more streamlined and cost-effective mechanisms for securing rights on a wider scale – both regionally and internationally. Perhaps more fundamentally, we are also seeing important substantive shifts in trademark law as it responds to challenges to territoriality posed by globalisation. Professors Irene Calboli and Graeme Austin will discuss some of these challenges with particular attention to Asian countries, drawing on Professor Calboli’s recently-published book, *Trademark Protection and Territoriality in a Global Economy* (co-edited with Professor Edward Lee; Edward Elgar, 2014), for which Professor Austin contributed the Introduction.

ABOUT THE SPEAKERS



Graeme W. Austin is visiting the National University of Singapore in early 2014 as the Yong Shook Lin Professor in Intellectual Property. He is currently Professor of Law at the University of Melbourne and the Chair in Private Law at Victoria University of Wellington, where he is also Associate-Dean of Research. Prior to returning to Australasia in 2010, he was the J. Byron McCormick Professor of Law at the University of Arizona. With first law degrees from Victoria University of Wellington, he also holds a doctorate in laws from Columbia University, where he was the Burton Fellow in Intellectual Property Law. An elected member of the American Law Institute, Professor Austin has lectured on intellectual property law in a variety of public and private He has published widely on the topic of intellectual property, including in the *Law Quarterly Review* and the *International Review of Intellectual Property and Competition Law*. He has served as a member of the New Zealand Copyright Tribunal. His latest book, published by Cambridge University Press, is *Human Rights and Intellectual Property: Mapping the Global Interface* (2011, with Laurence Helfer (Duke)).



Irene Calboli is a Visiting Professor at the Faculty of Law, a Professor of Law at Marquette University Law School, and a Transatlantic Technology Law Forum Fellow at Stanford Law School. She started her academic career at the Faculty of Law of the University of Bologna and held visiting research positions at the King’s College London, the University of California Berkeley, the University Complutense, and the Max-Planck-Institute for Intellectual Property Law. She is an active member of the International Trademark Association (INTA), the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), the Association Littéraire and Artistique Internationale (ALAI), the Association of American Law Schools, and the American Bar Association.

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