

**Minutes of the Meeting of the European Advertising Lawyers Association,  
Amsterdam, 2<sup>nd</sup> May 2003**

In attendance:

Michel Plogell (MP) (Co-Chair) (Sweden)	Brinsley Dresden (BD) (UK)
Jan Willem Fernhout (JWF) (Co-Chair) (Holland)	Peter Schotthöfer (PS) (Germany)
Felix Hofer (FH) (Italy)	Jan Ravelingien (JR) (Belgium)
Stephen Groom (SG) (UK)	Johan Loje (JL) (Denmark)
Matias Vellejos Meana (MM) (Hungary)	Stefan Kofler (SF) (Austria)
Duncan Grehan (DG) (Ireland)	Peter Hofer (PH) (Switzerland)
Gerhard Volz (GV) (Spain)	Cesar Bessa Monterio (CBM) (Portugal)
Ewa Skrzydlo Tefelska (EST) (Poland)	Mehmet Gün (MG) (Turkey)
Gil Wood (GW) (Romania)	Florentina Dumitrescu (FD) (Romania)
Douglas Wood (DW) (USA) - In attendance for part of the meeting.	Stacy Bess (SB) (Executive Director) - In attendance for part of the meeting.

Apologies:

Filip Winter (FW) (Czech Republic)	Wendy Reed (WR) (Canada)
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<b>No.</b>	<b>Matter</b>	<b>Action Point</b>
<b>1</b>	<b>Welcome to New Members</b>	
	MP suggested that the first item should be the introduction of new members	
1.1	MG – Turkey – His is the 5 or 6th largest firm in Turkey. It was founded 17 years ago. Practice areas cover commercial/corporate/IP/utilities/M&A/anti-trust/litigation. They have 20 lawyers and a total of 40 staff. Their main client in the advertising industry is the WPP Group & its subsidiaries in Turkey. For example, they have advised on Joint Media Buying activity. The main point of contact at the firm is Selma. MG will circulate her contact details.	<b>MG</b>
1.2	EST – Poland - Hers is the 2nd largest firm in Poland. It was founded 1991 by a group of lawyers including the author of the Commercial Code of Conduct. They have 50 lawyers covering all areas, including	

IP law. EST works for Polish telecoms, TV cos, distillers.

- 1.3 CBM – Portugal – They have 53 lawyers covering all areas, IP/IT, taxation, capital markets. Clients include Leo Burnett, Oracle, Coca-Cola; Calvin Klien; Campbell Soup. He will be the main contact.
- 1.4 GW – Romania – The firm was founded by Doug Wood & others 11 eleven years ago. Romania is about to join Nato and the EU in 2007. This is driving the development of the market economy. Now the 3rd largest firm. Not much development of advertising law but rules emerging re tobacco, advertising, children and the amount of advertising. Advertising spend is decreasing because of social problems. FD will be the main contact.

## **2 Debrief on meeting in Prague**

MP thought a good and successful meeting. All materials are now on the Website.

## **3 Future relations between EALA and GALA.**

- 3.1 At present there is an annual fee of 650 Euros and entrance fee of 2500 Euros, but this is now under review because of developments in GALA. MP proposes that we suspend entry fees and annual fees for EALA for this year and use the accrued balances for expenses like the EALA website and the planned flier. MP proposed that we do this on an ad hoc basis, so a formal decision will be required each year.
- 3.2 SG asked why 2 amounts are shown in the accounts circulated this week. PS explained that we add the 2 together, so the total about 3,500 Euros or 2,200 if we repay the sums paid by 2 members this year.
- 3.3 FH suggested before we can decide what to do about our fees, we need to make a decision about our future structure and expenditure.
- 3.3 SG agreed with FH and raised the question of whether we need the EEIG at all, given all the attendant costs that go with it.
- 3.4 DG suggested that we make a decision about the new members, so that we can at least progress the membership issue.
- 3.5 MG observed that while the new members would obviously like to join, they expected to pay \$2,000. If more is needed, then he will need an opportunity to go back to his partners to confirm his application.
- 3.6 The meeting agreed that we should decide in principle on the applications by the prospective new members in attendance. We would then resolve the issues relating to costs later, while allowing the new members to reserve their position if they are subsequently asked to contribute more than they have been told so far. It was further agreed that the minutes would record that the applications of

the new members from Turkey, Poland, Portugal and Romania were all accepted unanimously.

#### **4 EALA/GALA**

##### 4.1 Do we need the EEIG?

Originally thought to be necessary, but no longer.

##### 4.2 It was agreed that it is open to us to wind up the EEIG. This would incur some costs, but they would not be considerable.

##### 4.3 As an increasing number of our new members are not from EU member states, and therefore cannot be full members of the EEIG, BD questioned continuing appropriateness of this structure. PH replied that he is happy being an associate member, as we have afforded him full rights nevertheless.

##### 4.4 FH feels we risk using up too much time on this issue. As we are performing as GALA Europe, he would like us to agree to leave EALA behind as of now.

##### 4.5 JR thinks that as EALA has been in existence since 1989, that gives us historical credibility. It was also thought to be helpful to participation in EU tenders. We could have a dual structure and keep the EEIG alive at minimum cost.

##### 4.7 MP envisages that the website and marketing costs will be required. Peter agreed that he will no longer charge for the administration of the EEIG. So the only cost for maintaining the EEIG itself will be the court fee.

##### 4.8 A resolution was moved to keep the EEIG in existence for the time being. The costs will be kept to the minimum required, being about 100 Euros, and there will be no need to get the accounts certified. The meeting also thanked PS for his offer to cease charging for his time and expenses in relation to the EEIG. All present voted in favour with one abstention

#### **5 Costs of EALA**

##### 5.1 DG reported that the website costs are variable. A web master is employed in Prague at a cost of about 30 Euros per hour. SB has managed the relationship. 196 Euros has been invoiced since Prague, which comes from the EEIG funds, although this may not be the total cost of the website since then.

##### 5.2 DG feels that there is a case that the costs of the website should be funded from our GALA dues. An annual budget of 1000 Euros would be reasonable.

##### 5.3 MP said the other main expenditure by EALA is on marketing. We need some kind of advertising material, such as a flier. The design

costs could come from central funds.

- 5.4 GW suggested using a document that is stored on line and can be sent to digital printers to be kept up to date; print costs are very low; the materials could be also be localised.
- 5.5 SG moved that additional contribution of 200 euros for the GALA Europe marketing each would be paid per annum to JWF; reporting and budgets would be kept. Agreed unanimously. Money will be paid within one month from today. MP asked that SB arrange for all members to be invoiced accordingly after having received details from JWF.

**All  
members**

## **6 GALA Bye Laws**

- 6.1 MP put forward the GALA bye-laws for approval, these having been previously circulated to all the members.
- 6.2 PH observed that there is no provision for people to resign. BD pointed out that the rules regarding the death of a member is not clearly dealt with, especially what happens to the membership in his country. Furthermore, there is only a two-way option if a member moves firm, but the other members might want to exercise neither or both of those options. DG also felt we needed to discuss the reference to encumbering the IP rights.
- 6.3 MP reminded members that they had been given plenty of time to consider and comment on the bye-laws already, and that there was a feeling that unless people felt fundamental objections to the proposals, it would be advantageous to approve the current draft and move on. The members therefore voted to approve the bye laws, except for PH, whose concern about the absence of any provisions for voluntary retirement was noted for the minutes.

(Johan Loje joined at this point)

## **7 Sector Reports**

- 7.1 MP discussed the background to the sector reports.
- 7.2 JR believes that there are some sectors that will be easier to crack than others e.g. Financial Services and Pharmaceuticals. JL thinks we should try to go through our national bodies.
- 7.3 There was a general feeling that we should consider a change of focus. One proposal is to market by sectors but produce reports and then send them direct to companies in that sector, not via trade associations. This is because trade associations may act as a block on access to their members rather than as a facilitator, particularly if they see external legal advisors as competitors.
- 7.4 MG suggested that as well as producing reports, we could also put on seminars on topics such as comparative advertising in particular

sectors.

- 7.5 The 'easier' sectors were identified as Toys; Food; Cosmetics; Alcohol. It was agreed that we should create a template of questions and answers which could form the basis of the reports for these sectors. The sector reports can also cover issues such as comparative advertising, and any rules specific to that sector. We need to take industry advice about what the interesting questions would be. Our aim should be to have 2 reports ready for the meeting in Florence. These will be Food & Cosmetics. Labelling should be included. The Editors of the reports will be the team leaders. Editor of Food is JL. FH is joining cosmetics. Editors of Cosmetics are JWF and PS. **JL; JWF & PS; SB.**
- 7.6 MP also wants everyone to identify interesting targets for distribution of the reports when completed. **All members**
- 7.7 BD will co-ordinate with SB and FW over the text for the proposed flier. BD will copywrite some suitable draft text for it. **BD**

## **8 Speakers Team**

- 8.1 Speakers Team - Task Force **SB**  
Stacy will re-circulate an amended list and everyone who wants to and has not yet done so should volunteer.

## **9 ANA Event**

- 9.1 ANA Event - Florida 8th to 10th June 2003 - Panel members needed - Association of National Advertisers. So far only FH has volunteered to go, a second member would be desirable. BD confirmed that he will also attend.

Michel Bejot joined the meeting.

## **10 Computer Law Association**

- 10.1 MB reported on Computer Law Association Meeting on 13th & 14th November 2003 in Munich. The CLA has many in house lawyers as members. The meetings are well attended and people do attend the legal seminars, by contrast with the ERA meetings. MB has been asked to moderate a panel with members from UK and Italy. Felix and Brinsley/Giles may attend as speakers.
- 10.2 The CLA also want MB to find speakers for their meeting in the Dominican Republic in February 2004. CLA has about 2000 members with about 250 attendees at their meetings 3 times per annum. Mehmet spoke at a CLA event in Madrid about 3 years ago. He joined because aim is to increase knowledge of members and thinks it is a professional and well run body.

## **11 Advertising Festival**

- 11.1 MB also reported on the Advertising Festival at EuroDisney from 2

to 5 September. Stacy contacted them and MB met the person in Paris who is running the organisation. They have no established links with lawyers and were receptive to the notion of participation by EALA. They want to run the festival for 3 years altogether. They have a broad remit for all media and all sectors of advertising. Their concept is that there is no charge from them and they do not pay for anything. They would be happy for us to create a programme to suit us. MB thinks there is a small risk because we do not know the organisers, so the event may not be successful or offer great returns. The event is purely a networking event. FH; JR; and MB would be willing to speak; we could also ask DW. One option is to have one speaker and a panel. FH thinks that there is going to be more interest in Eastern Europe, and that could be something to speak about.

## **12 Electronic Retailers Association**

- 12.1 MB said Marcel of ERA is very friendly, but the relationship is not working productively. He tends to fix up meetings at the last minute.
- 12.2 FH gave a background briefing for the new members about the ERA. He also reported on some unsatisfactory interaction with Marcel.
- 12.3 GV reported that ERA also contacted a number of members about an event in Marbella in June. We told them that they would have to drop the entrance fee but have not heard from them since.

## **13 MIDEN**

- 13.1 MP - he was invited to speak at an event in Cannes called MIDEN and asked for other speakers. FH and PH volunteered. JR has a partner goes each year.

## **14 Promotional Marketing Association**

- 14.1 PMA - SG and FH went to the PMA Law Conference in Chicago last November. There were about 40 attendees on our roundtable session; the conference was attended by about 350 participants. They wrote a story for the PMA magazine. Tomorrow will be speaking about another project that they have been asked to go to.
- 14.2 FH also attended the PMA annual conference (approx. 250 attendees) in Florida giving a presentation in a workshop for non-lawyers. He thought that was more useful as there were less lawyers. Ed Kabach who is in house counsel and editor and would like to develop the relationship further.

## **15 French Association of In-House Lawyers**

- 15.1 MB said they are federated throughout Europe. The current Chairman **MB, JL** is a Dane who JL knows. MB will circulate details of their website. JL will contact the chairman.

## **16 INTA Meeting in Atlanta 2004**

- 16.1 It has been suggested that the GALA meeting will be arranged to coincide with the INTA meeting. BD also discussed the possibility of a brand protection booklet. JL said the problem is that we are competitors.
- 16.2 FH suggested that we organise an event during the course of the INTA event (not either before or after it). There are 6,000 to 10,000 attendees who are lawyers and trade mark agents. JL said that there a great number of receptions and they are very expensive to organise. He said that the Saturday afternoon immediately before is very useful.
- 16.3 We could also consider putting on a road show for other law firms in the USA. JL thought that the mid-west was a good hunting ground. Agreed that MP and/or FH would have to speak to DW first to ensure that he is happy. **MP; FH**
- 16.4 JR: We also discussed the German Conference on the Protection of Intellectual Property (“GRUR”). This would be useful for the German Speakers. DG volunteered.
- 16.5 Mehmet recommended the International Conference on European Trade Marks.
- 16.6 PH - Bodies such as TAAN and E3 are of more interest than the trade mark. Other members commented that some contacts with those networks had not been fruitful. However, generally felt that we should concentrate on the advertising networks.
- 16.7 JR suggested we make a list of the most important associations of advertising agencies etc. and then decide who is going to try to have contact with them. SB will be asked to prepare a list of the networks. **SB**
- 16.7 JL said the agency networks in Denmark do not use lawyers. He tries to incentivise agencies by getting them to say to clients that they will not take on responsibility for the clearance.

## **17 Quoting for Work**

- 17.1 Sometimes members want to give a quote to a client without waiting for other members to come back, by using the billing principles.
- 17.2 Problems of varying charge out rates and different laws and regulations, so some people may need to give more work.
- 17.3 We can rely on each other to give each other free advice from time to time but we need to distinguish between advice and business development.

- 17.4 Agreed that we should circulate a list of our charge rates; together with an indication of when the rates will change; and also other details such as other people in the firm. **All members**
- 17.5 MB experience with International Paper is that the client wants a single bill - control over the costs - but leave the members free to quote what they want.
- 17.6 BD and MB will prepare a memo to describe how we run the systems for people like Laura Ashley and International Paper. **BD/MB**
- 17.7 Agreed that we can give 30 minutes free advice for business development; and that all members will circulate details of their currently hourly rates, when these change, and details of a colleague who can assist in their absence. BD will submit a template to SB, and all members should submit this material to BD. **BD/SB**  
**All members**
- 18 The 10 Commandments**
- 18.1 These were circulated in March 2003 by MP and so far no comments have been received by him from members. MP ran through the commandments.
- 18.2 There was discussion on point 6 in particular and SG will circulate some amendments for consideration. **SG**
- 18.3 BD to consider what the position would be in terms of insurance and professional conduct if the advising member is uninsured in circumstances when BD has acted as the co-ordinating member. We may need supplemental terms of business for EALA dealing with liability to advising members for bills that are not paid and requirements for professional indemnity insurance. **BD**
- 18.4 GALA will try to come up with up some retainer letters and terms. SG and BD will submit drafts of their respective retainer letters. **SG; BD**
- 19 Structure to deal with Prospects**
- 19.1 This has not progressed, but we want a template so we know of the information that is required.
- 19.2 A template for briefing sheet and reporting sheet will be created by JL. **JL**
- 20 Membership Committee**
- 20.1 Norway and Finland - MP has spoken to a three firms but they have bulked at the fees; Also similar story at Bull & Co.
- 20.2 PH will contact the Finnish firm that he is dealing with, who will contact. JL will do likewise. Reports back should go back to SG. **PH; JL**
- 20.3 We have departing members - Kaisa of Finland and Rui of Portugal.

- 20.4 We also need to regularise the position in relation to DW and WR.
- 20.5 Luxembourg - JR will discuss with Laurent Fisch. **JR**
- 20.6 Bulgaria - JR will ask Ivan Todorov **JR**
- 20.7 Membership committee will create a list of the target countries for new members. We should then approach any contacts we have, such as client network organisations, to find candidates. **Member-ship committee**

## **21 Website Committee**

- 21.1 The Website Committee will be dissolved and run by SB, with DG acting as a co-ordinator.
- 21.2 SB has been working to clean up the site and use the same fonts. She has also been adding articles and country reports. The relationship with Prague Best has also been improved.

## **22 Marketing and Publications**

- 22.1 FH reported on the activity at the PMA; a questionnaire on areas of expertise and another on EALA materials; also another on timings.
- 22.2 Refreshed contacts with ERA.
- 22.3 Set up contacts with a conference in Canada and with the Direct Marketing organisation in Chicago.
- 22.4 Set up and promoted the EALA speakers team.
- 22.5 Created a list of useful websites for SB and she has been finding useful events etc.
- 22.6 We discussed the possibility of using contacts of the Indian member to turn the back issues of the Country Reports into a searchable database. SB will co-ordinate.

## **23 Meetings Committee**

- 23.1 No written report was presented. Next meeting will be in Florence. FH has distributed a fact sheet.
- 23.2 Arrive Thursday October 16th. Evening welcome event. There will be a seminar on Friday 17th October on disasters in advertising. EALA lunch. Saturday morning will be a social programme; from 12 noon onwards on Saturday afternoon.
- 23.3 DW said that the INTA tie in makes sense so the next GALA meeting will be this time next year in Atlanta; approx May 1st to May 5th 2004 onwards.

**24 Statement of Account**

- 24.1 We have to sign a document about the accounts. Some amendments are needed. A new report will be circulated.

**25 Stacy Bess Report**

- 25.1 Role to date: preparing materials; researching marketing opportunities; working on membership issues; co-ordinating the production of reports.
- 25.2 Improvements: SB needs people to be more responsive and also an indication of when a reply will be coming.
- 25.3 FH commented that SB had done a lot of editing and preparation for reports and PowerPoint presentations. She has also done a lot of work on co-ordinating with other networks and prospective clients. She has also assisted in the preparation for Florence.
- 25.4 We have resolved to make funds available to SB for the website and the brochures.
- 25.6 All members expressed their gratitude to SB for her hard work and great contributions to date.

**Brinsley Dresden**  
**Amsterdam, 2nd May 2003**