

**Minutes of the Meeting of the European Advertising Lawyers Association,
Florence, 17th/18th October 2003**

In attendance:

Michel Plogell (MP) (Co-Chair) (Sweden)	Brinsley Dresden (BD) (UK)
Felix Hofer (FH) (Co-Chair) (Italy)	Johan Loje (JL) (Denmark)
Michel Béjot (MB) (France)	Filip Winter (FW) (Czech Republic)
Jan Willem Fernhout (JWF) (Holland)	César Bessa Monterio (CBM) (Portugal)
Matías Vellejos Meana (MM) (Hungary)	Florentina Dumitrescu (FD) (Romania)
Duncan Grehan (DG) (Ireland)	David Wolberg (David) (Israel)
Filipe Bances Handschuh (FBH) (Spain)	Ewa Skrzydlo Tefelska (EST) (Poland)
Selma Toplu Ünlü (STU) (Turkey)	

Apologies:

Corina Fassouliki (CF) (Greece)	Gerhard Volz (GV) (Spain)
Douglas Wood (DW) (USA)	Jan Ravelingien (JR) (Belgium)
Peter Schotthöfer (PS) (Germany)	Peter Hofer (PH) (Switzerland)
Stefan Kofler (SF) (Austria)	Stacy Bess (SB) (Executive Director)
Wendy Reed (WR) (Canada)	Stephen Groom (SG) (UK)

No.	Matter	Action Point
1	Presentation by David Wolberg	
1.1	David was born in the USA but brought up in Israel, which is where he has always practised law. He started his own firm 8 months ago. His background is as an IP specialist in 2 other law firms. Past experience includes trade marks, designs, domain names, cyber squatting, marketing law, advertising law. His trade mark work includes dealing with applications abroad for his domestic clients. David is 38, married with a 5 year old daughter. David is a member of the Israeli bar, and also a member of INTA.	
1.2	FH moved to welcome David formally as a member of EALA. Although the decision has already been made by e-mail, we need to complete the formalities of signing the documentation. The motion was unanimously agreed and the documentation completed.	

2. Report of the Website Committee by DG

- 2.1 DG reported that SB is running the website day to day, together with the webmaster, Prague Best.
- 2.2 Costs and budgeting: DG said that PS thinks it will cost about 600 Euros to take us through to next May, 2004 – about 30 Euros per member. We will all be invoiced accordingly.
- 2.3 EALA.COM – We already own eala.net but Peter Le Guay has discovered that EALA.COM is available. DG found out that the owners wanted 6,000 Euros for the .com address. He then discovered that the registration had lapsed, but the owners have now re-registered within the grace period. The .com address will next be available in September 2004.
- 2.4 The website has been an important source of work, e.g. Gateway and Laura Ashley. It is important for all members to remember to update the website with new information and articles etc from time to time.
- 2.5 MP – the finance issues will arise again tomorrow.

3. Report of the Membership Committee by MB

- 3.1 **Luxembourg.** We hope that Laurent Fisch will apply and may come to the next meeting. SG will follow up. MP mentioned that Fisch has been approved by the Executive Committee as a putative member of GALA, but he is not yet a member of either GALA or EALA. SG
- 3.2 **Norway.** MB believes that SG has a name in mind for Norway, but he is a member of the same network as Osborne Clark, which is an issue for several members. MP also reported that Bull & Co have been contacted, but like Finland, there seems to be a reluctance to pay the relevant fees. DG suggested that they could become members of EALA but that might be problematic. JL said he has also used a Norwegian firm that might be interested in joining. JL agreed to send the contact details to MB, MP and SG for them to progress the application process. JL & the membership committee
- 3.3 **Finland.** MB has also used a Finish firm that he will try to interest. MB
- 3.4 **Slovenia.** MB has a lead in Slovenia, but does not have a contact with any particular law firm.

- 3.5 **Ukraine and Croatia.** MB has seen correspondence between SB and prospective members in these countries. MB asked that the membership committee be kept in the loop for co-ordination. SB & the membership committee
- 3.6 **China.** FH said that we need to progress the process of finding a member in China. This was suggested as something for the Executive Board to progress. Executive Board
- 3.7 **Membership of the Committee:** SG has told MP that he would like to continue as Chair, and the PS has left. SG has invited MP to replace PS, which with the agreement of the meeting, MP has agreed to do.
- 3.8 **Process for applications:** MP said that we had brought in David by e-mail, which he thought had worked well, but wanted to know what other members thought about this process.

MB said it works best when new members are people who have worked with current members before.

JL said he thinks that there is a real benefit in having interviews and the quality of the members is more important than quantity.

FH mentioned the new EU countries, and the need to find members in those countries.

4. **Report of Marketing & Publications Committee**

- 4.1 **The Flier.** FH reported that these have been distributed at two events, and thanked FW and SB. FW thanked BD for his input. FW has brought them to Florence for some to be distributed as well as the Advertising to Children booklet. If the flier is re-published, BD pointed out that there are some small things to be addressed.
- 4.2 **PMA Annual Conference in Orlando, USA.** FH went to this event, a meeting of commercial people, not lawyers, mainly at the top level. It also provides a means of contact with companies that can be difficult to meet. The next such event is in Chicago in Spring 2004, and FH would recommend that we try to cover that as well.
- 4.3 **INTA, Amsterdam, Spring 2003.** This will be discussed later.
- 4.4 **Association of National Advertisers – June 2003, Miami, Florida.** Another worthwhile event which we should cover again in future.

- 4.5 **The Advertising Festival, Paris, September 2003.** MB will give a de-brief tomorrow.
- 4.6 **PMA Law Book Supplement.** This will be a tool for use at the PMA Conference in 8/9th December 2003. We have established a good contact with the PMA and are doing a panel session with a presentation. We have also been asked to head ‘expert tables’ where people can ask questions. In attendance will be SG, MB, FH and WR.
- 4.7 **Computer Law Association in Munich 13th/14th November.** We will be presenting as GALA at the event. The CLA deals with a wide range of issues including on-line services, data protection etc. This will be covered MB and FH. The panel that we have been invited to join already had two speakers, so there were only limited opportunities for other speakers. It is an ambitious 2 day event. MB and FH are both members. There is a good proportion of in-house lawyers among the membership. But they are nervous about the involvement of other organisations like EALA in their group.
- 4.8 Various articles have been published, including Promo Marketing Magazine, the International Journal of Advertising & Marketing to Children.
- 4.9 Everyone must continue the investment of personal time and money to market EALA and GALA for the network to progress. SB is great in assisting in putting together the material, creating a uniform template for presentations. She is fast, experienced and reliable. She can assist in many ways. All members
- 4.10 **In house lawyers association.** MB has tried to approach this group before but they are quite shy. JL has recently spoken to the President of the association, who was quite receptive. BD said that we might be able to offer some light relief for a dry programme. JL added that the in-house lawyers might also want to be able to have some greater involvement as against the marketing departments.
- 4.11 **PMA ‘Interim Meeting’.** At the last “in-between” PMA meeting FH went alone. Now we have the PMA law book, MP wonders whether we should also attend that event again. FH thinks that advantage is that unlike the law conference, it is not packed with lawyers. The problem is that one has to be prepared to travel to the United States of America. FH has also found that marketing GALA is much more effective than trying to market one’s own law firm. You do not have to be a PMA member, but it is mainly limited to the members. FH thinks that we should try to cover the next interim meeting. It was agreed that we would discuss at Executive level. Agreed that MP will compile a list of which members are members of which networks e.g. MP & the Executive Board

INTA, PMA, etc.

- 4.12 JL asked whether the impact of client/agency contracts resulting from the recession creates a marketing opportunity. FH thinks the only spending that is being increased is in on-line advertising. JL added that there is not so much focus on on-line advertising and the problems that arise. DG noted that Ireland's third largest agency has gone bust. We need to go to the agencies and get them to sell our services to their clients – instead of taking chances with local lawyers, use our service to add value to the client. Another common issue is ideas being stolen by clients from agencies. BD suggested that we come with some case studies for the website with the help of SB and the Website Committee. There is a possibility that advertisers are preferable clients for us. JL said that he has a free quote system that could be expanded. FH observed that we should market ourselves as lawyers who say yes, not no, or we advise them on how to manage and control risk. MB cited the work currently being done with BD as a suitable example of this process. FH also thinks that enforcement work around Europe could be marketed to clients. SB & the website committee
- 4.13 **Electronic Retailers Association.** FH reported that he is fed up with the relationship. They want a lot of pro bono advice and even financial contributions. For example, in December 2002 the EU started the consultation on the Television Without Frontiers Directive. The deadline was in the Summer. Three days before the deadline we were asked to assist them in preparing a submission and going to a meeting with them at the Commission. FH feels that he will only respond to their enquiries, but he will not actively work on the relationship. MB agreed that we should say that the door is open, but we cannot waste time as a result of the abysmal organisation.
- 4.14 Those who are not already doing so should use the e-mail signatures with links to the website. All members
- 4.15 **International Advertising Association.** MB mentioned that we should also check out the IAA in our individual countries as he thinks that they are a natural ally in our work.
- 5. Autumn 2004 Meeting of EALA**
- 5.1 There will be a spring meeting of EALA in Atlanta in June 2004.
- 5.2 DG volunteered Dublin for the Autumn of 2004, but wondered whether it would be more sensible to go to one of the bigger centres. We agreed the meeting in the Autumn 2004 will be in Dublin in October, and the next meeting in 2005 will be in Copenhagen. JWF thinks that the ability of the host member to hold a seminar to

demonstrate to his local clients that he is a member of the group is valuable, and that meetings should not be confined to the major industry centres, such as London or Paris. In summary, the EALA Regional Meeting schedule is as follows:

Spring 2004 – Atlanta (with Global Meeting)

Autumn 2004 – Dublin

Spring 2005 – San Diego, California (with Global Meeting)

Autumn 2005 – Copenhagen.

6. Signing of the GALA Bye Laws

- 6.1 The bye-laws were circulated for signature by all members present.

7. Debrief of the meeting in Amsterdam

- 7.1 MP invited comments about the internal meeting of EALA and the first global meeting of GALA. FH thought the meeting was very productive, and that it was a good opportunity for networking at the INTA meeting, as demonstrated by the invitation to speak at the PMA event.
- 7.2 JL thinks that the difficulty of having the meeting at the same time as INTA is that it is difficult to break through the clutter in the relevant city. This suggests that we should not bother to hold seminars in the host city at that time.
- 7.3 David asked about having a stand at INTA. He also thinks that many INTA members will see us as potential competitors. JL thinks that major advertisers would not go to the events where we have a booth. MB mentioned that one route may be to join an INTA committee. He did this before and joined the committee on Trade Mark Notices. This exposed him to in-house lawyers at major companies. MB agreed that a seminar would be a waste of time. David also mentioned that Peter Le Guay recruited him for EALA at the INTA meeting. That is a process that we could repeat. JL's experience of being on a committee is that it is a way of participating at the Autumn meeting, which is much smaller. Any contact with the meetings committee would have to be done as individuals. JL will try to find out who is on the meetings committee.

JL

At this point the meeting adjourned and reconvened on Saturday 18th October at The Savoy Hotel.

EST; MM; MB; BD; MP; FH; Maria Luisa Cassandro (Hofer Lösch Torricelli); CBM; FD; David.

8. Business Related Matters

8.1 EALA Flier

Any further print runs will require some amendments.

8.2 De-Brief Advertising Festival in Paris, September 2003

Benefits were our exposure on their website and the fact that we were the first people to be involved, which would help if it ran again. The original plan was to run it 3 times.

The cons were the organisation, which MB described as abysmal. MB commented on the lack of audience, the lack of technical organisation, the fact that after we fixed the timetable they then arranged a conflicting speaker from Leo Burnett. MP agreed that it was a catastrophe, given the time, energy and money invested by the speakers.

MB commented that he had not expected a big audience for the first occasion, but he did not think it would be so bad. MP is concerned by the negative publicity reflecting on us. MB is not sure that it is worth feeding back comments or making any fuss with the organiser. MP thinks we should do nothing and see if they come back to us.

BD moved to thank MB for all his work that was not reflected by what happened. BD thinks that we should not be involved in the unlikely event it runs again because of the damage to our reputation by using as a draw for the event. BD will look into the trade press and contact the people who attended to find out their feed back.

BD

8.3 De-brief from the Florence Seminar

There was consensus among the speakers who participated at the Paris event and the event yesterday that it was much better. It was agreed that this seemed to be a result of greater use of SB.

FH explained that 30 people had registered for the event, but more importantly, there was very good press coverage. This included a full page interview with FH in the Media and Marketing Section of "Italia

Oggi”, the second national business newspaper publication in Italy. Further PR coverage is in the pipeline, including a piece in the Italian equivalent of the Financial Times, “Il Sole 24 Ore” (*Note: this interview took place on 30.10.03*). Both publications are read y the top business executives in Italy. FH and SB will co-ordinate to arrange for translations of both pieces to be posted on the EALA and GALA websites in English in due course.. [JWF and DG arrived].

SB and FH

At the event today at TANN we had about 20-25 people. MP thought it went better, slightly shorter etc. We have told them that the meeting in October 2003 will be in Dublin. Agreed that SB & DG should find out who the Irish member is, and see if they want to have a presentation or just a social event.

DG & SB

There were mixed views about the competence of the translator yesterday. David also commented that the translator was too close to the people at the back of the room, and that created confusion. FH said that there are restrictions on setting up the room, so that there was not very much that could be done.

8.4 INTA Road Show

MP has been planning a series of visits to companies around the Atlanta area. Lists of companies and law firms in an area 1 hour flying time from Atlanta have been completed. DW is looking at the list at the moment to see if he has any problems with any of the organisations, e.g. competitor law firms etc.

DW

The plan is to split into teams of 2 to 3 lawyers to make presentations to these companies. No firm plans have been made about the presentation itself. DG suggested that this could be done by asking SB to create a presentation on CD Rom which would then be delivered in a uniform way. It was agreed that the presentation will be circulated by SB in advance to all GAL members for their comments and approval. This should be done as soon as possible so that it can be used as a tool as soon as possible.

MB & SB

The people who have said that they would be able to participate:

JL; JR; FH; MP; MB; PS; David W.

GV will be INTA and FBH will ask whether GV will participate in the road show; BD said that he can make Atlanta but not the road show.

The INTA meeting starts on Sunday May 2nd, and runs to the 5th

FBH & GV

May. Our EALA Regional meeting was supposed to be Friday 30th April. MB was suggesting that we do the road show on Wednesday 28th and Thursday 29th April, with the GALA Global meeting on Saturday 1st May.

MB wanted to commented on the two options suggested by FH: either we go to see the clients, or we invite them to come to us. MB thinks that the experience of Paris would suggest that we have to visit the targets, because otherwise, they will arrange to come to meetings and then cancel or not show up.

8.5 Sector Groups

At the meeting in Amsterdam it was decided to concentrate on the Food and Cosmetics groups, and that they would work to produce publications using templates created by their respective editors (JWF for cosmetics and JL for food). These templates have not been produced, and MP wonders whether they should be continued.

DG thinks that they are not making progress and should be discontinued.

JWF has been in touch with the trade association in Holland and has arranged a meeting with them. [*STU arrived*].

MB also reported the Children to Advertising Booklet has been circulated.

BD suggested we approach particular clients in particular sectors and shared our knowledge in that sector for the benefit of individual clients. We talked about Elizabeth Arden, who several of us work for some time, and there are other contacts exist which we could build upon.

STU will prepare a template for pharmaceuticals and JWF for Cosmetics in conjunction with SB. All the members will then contribute their reports. Each member will then be able to circulate this to their clients and contacts in particular sector, bearing in mind that marketing to existing clients is always easier than marketing to new clients. BD feels that approaching our existing clients in the relevant sector is more effective than going through trade associations who consider themselves as competitors of EALA.

STU, JWF
& SB

STU will also circulate some information concerning a German organisation called APM where she has contacts.

STU

[*JL joined the meeting.*] JL reported that he has been unable to progress the food law report. He is interested in the emergence of functional foods and will consider how that can progressed.

JL

8.6 **In house lawyers association**

As discussed yesterday, JL has been in contact with the person he knows at the European organisation for in-house lawyers. MB reported that there is a French association of in house counsels, where has a contact, who explained to him that this a federation of national organisations. MB will circulate the website address. They are resistant of strong selling activity. FH recommended that we approach them on the basis of the GALA group as whole, not as competing lawyers or trying to sell to them.

MB

8.7 **PMA Law Book**

FH reported that this is now ready, having been edited by SG. It will be distributed at the same time as the PMA Law Conference. FH reported that we should not rush into doing any follow up books, because it has entailed a great deal of time by SG and FH. Contributors have not stuck to the guidelines which has created additional work for harmonisation. It was agreed that we should decide in Atlanta what we do next.

JL raised the issue about copyright in materials that we contribute to books that allows us to use those materials again in future. FH agreed that we should wait and see. DG recommends that we should look for ways to republish materials as many times as possible. We should also confine ourselves to general publications, not detailed materials.

BD asked what was the experience of members of work that flows from the PMA involvement. FH has found it to be worthwhile in terms of the work that flows. His clients include 3 or 4 large US law firms and a similar number of smaller firms. It does require a sustained and serious effort.

8.8 **Proposals for Goals**

BD and MP had agreed that we could make better use of SB to market direct to companies in our respective markets. It is suggested that SB could make the initial contact to see if there is an interest in the GALA service, and if so, she would then refer the contact to the local member who would then take the next step of fixing a meeting with the local representative.

SB

FH thinks that the natural target group are US companies who are based in the USA, so a contact coming from New York would be natural. DG asked whether the first group would be DW's clients, but FH thinks we need to be sensitive to DW's position.

MB also pointed out that SB is not a Hall Dickler employee, but an employee of GALA. But co-ordination of client work is not, in MB's opinion, part of her work.

JL and FH agreed that it would not be appropriate for SB to start telephoning domestic European clients. BD suggested that SB could be used for research into likely clients, supplying draft letters to be sent by the local member etc. CBM pointed out that there is a problem with local bar rules in Portugal, and that these are shared in other European countries. STU also raised the point of the cultural differences between US and European countries which we need to observe.

FH would like to see greater interaction between the regional groups of GALA, as he does not think that the USA is the only source of work for the network. For example, if the Australian member of GALA show, would it be helpful for the Australian member to come and speak from Europe.

JL mentioned that the Licensing Executives Society ("LES") has a useful website that is only accessible to members. JL thinks we could use our site to put up things like an introductory letter and simple introduction to the network and its benefits. SB could prepare some of this information and arrange for it to be accessible to a private part of the website.

SB

MP summoned up: We ask SB to assist us in different ways in marketing. One way would be for her to contact US based firms on behalf of GALA. A target list should be drafted first and circulated so that members can identify any companies that they would be embarrassed to approach, e.g. because they already work for them as a result of a referral from a law firm outside the GALA network. Second, she could prepare documents needed for domestic markets and research domestic clients, but the actual contact will be made by the local member, and subject to domestic requirements.

SB & all members

STU said that she would like to see improved communication to and from SB. It was agreed that everyone should confirm that David W's and Selma's name is in their various distribution lists.

All

STU is also going to investigate whether there is a need for any

advice to the Turkish government. People need to be appraised by the local member about issues such as discounts and payment terms, as there can long delays in payment.

members

STU

8.9 Fee Sheets

MP asked for everyone who has not already done so to complete the fee sheets.

JL; PS; CF;
JWF; EST;
FD; & SG

8.10 Other events to cover 2004

We need to decide in advance what events we want to cover in 2004. There is a speakers team but MP would like participation by speakers in all members. The new members should ask SB for the templates for presentations and other relevant materials. Other members should also look out for other events which should be circulated and sent to SB.

Newer
members &
SB

Events that we shall attend:

1. INTA;
2. PMA – the law conference and/or the annual meeting;
3. CLA – already going to Munich; and
4. ANA.

Events that we may not attend:

1. ERA
2. Advertising Festival

SB

SB

We would also like SB to do research into other events around the world that we might like to participate in.

It was agreed that we need to create some presentations that any of us could deliver, including speaking about experiences in other people. Things like advertising disasters, war stories, taste and decency etc. The co-ordination work could be done by SB.

STU & JL

STU recommended that we research the brand owners organisation called 'Marques'. JL also has a contact through his senior partner. He

agrees that they would like speakers and articles for their publications. STU will contact her contacts at Marques and JL will contact Rob at PTMG.

8.11 **The speakers kit**

As well as pooling the slides we need an explanation for each slide in a shared format. Some kind of common template for the information is required. DG has previously suggested creating a library of materials, and FH believes that there is template that was completed and sent back to SB. We need to ask SB to find out the current position and then to take any further steps to be completed. SB

8.12 **Targeting insurance agencies**

DG identified the resistance of advertising agencies to marketing compliance services. There is a reliance instead on insurance policies that are becoming increasingly expensive. This could provide us with a route to market. It was agreed that we need to develop our thinking. All members should research who are the companies providing insurance cover in the first instance. SB can also provide assistance with this research. SB

[We broke for tea and FD left the meeting.]

9. **Financial Statement**

PS usually uses SK to help him by ‘auditing’ the figures he prepares, but that has not happened this year. There are therefore some outstanding information requests which mean that it is difficult to vote on accepting the statement at this point. MP therefore suggested that we wait until the information is available from PS before we vote. PS

According to the figures we have, there is an overall need for us to pay in 30 Euros each to keep the website going. In Amsterdam we agreed to pay to JWF 200 Euros each instead. This has not yet been received from David W; DG, SG; PS; PH; [JL – although he believes that he has paid and asked for JWF to check the position]. David W, DG, SG, PS, PM [JL]

These funds would take us through the coming months and pay for the website, etc, the costs of this meeting. FW also wants some further monies for the flier. Costs such as the individual travel expenses incurred at the road show will be met by the individuals who have volunteered to participate.

[JL left the meeting].

There was a suggestion that the fees for GALA should be frozen for the coming financial year.

10. Confidentiality and Referrals

MB has concerns about sharing information concerning referrals, as these may involve a disclosure of confidential information. SU mentioned that the TELFA network that includes Wedlake Bell in the UK had enabled the members to check what each member was making from the membership. This had then required a change to the membership dues when it became clear that people were making different amounts. STU agreed to send a sample referral sheet to FH and SB (*note: this action has been completed 31.10.03*).

SB & all
members

We need to ask SB to circulate the referral information to see if it needs to be updated and then all members should ensure that it is up to date.

11. Adapting EALA to GALA

We are working increasingly under the GALA umbrella, rather than EALA. FH explained the historical background to EALA. MP explained that the GALA name etc is now owned by an independent not-for-profit body based in New York City. DG asked that the EALA executive committee invite DW to provide some further information about the status of this body in Atlanta.

Exex.
Comm. &
DW

12. Any Other Business

12.1 Compliance with Money Laundering Regulations

DG is concerned that there is not a clear understanding about the need for Money Laundering Compliance between members of the group. DG believes that this is a fairly common requirement between counties to do the following:

- (1) Establish the identity of the client – this can be a photocopy of the client's passport and secondary evidence of their residential address. If the contact is made electronically then some certified information is needed. There is also a requirement to have corporate information.
- (2) Keep the information for 5 years.
- (3) Lawyers are obliged to make a report about their clients to the relevant authorities if the lawyer thinks that there is any reason to

be suspicious.

Where one of our members refers work to another member, then the referring member has to confirm to the receiving member that the referring member will, upon request, provide the necessary information.

FH also mentioned that there are other issues concerning Data Protection and VAT requirements.

DG

DG will circulate the Irish law on Money Laundering to those that are interested.

We need to consider preparing (1) forms that allow us to comply with the relevant regulations (2) terms and conditions for use to use with shared clients.

On the motion of DG, the meeting resolved that each member will adopt best practice in making sure that we have the necessary information about the identity of clients, subject to any conflicting rules of local bar associations. In cases of such conflict, the relevant members will use their best endeavours to co-operate to achieve compliance.

All
members

Members who have contacts with other international networks will also research with those networks what they are doing to achieve compliance.

All
members

DG will prepare a briefing note for circulation to all members of EALA and GALA.

DG

12.2 **Vote of thanks for Felix Hofer**

The meeting expressed the gratitude of all members to Felix Hofer for a splendid meeting.

Brinsley Dresden
Florence, 17th/18th October 2003