



GAZETTE

MARCH - JUNE 2004

Welcome to the sixth issue of the *GALA Gazette*!

PRESIDENT'S MESSAGE

One of the greatest compliments to success is competition. And we're beginning to see some other firms trying to enter our "space". A firm in Washington D.C. touts itself as a member of an international group of advertising law experts. See <http://www.advertisinglawyers.com>. A firm in Germany makes similar claims, regrettably using a variation of Reed Smith's trademark, Adlaw. We're looking into ways to address the potential infringement.

Regardless, this means we must be doing something right. And the good news is that we're leaps and bounds ahead of the competition in our organization and product. But we can't get complacent and now is the time to make sure we all contribute to our success equally. So expect some increased pressure from Stacy and me to be part of our efforts to produce the best possible product and remain the "Rolls Royce" of international advertising lawyers. Some members, for example, have failed to provide country reports. Others have not contributed to global papers we've prepared with other organizations. And some have missed too many meetings. To put it bluntly, you're either in or you should graciously exit.

I'm reminded of a great line from one of my favorite motion pictures - *The American President*. I'm sure Brinsley will have something to say about my choice! In any event, Michael Douglas, the character playing the President, is challenged by his political opponent to step up and debate issues of character and fitness. While he avoids the debate early, he engages his adversary at the end of the movie with the line (paraphrased to some degree since my memory is not what it used to be), "You want to be serious? Well here I am. And your fifteen minutes of fame are over. I am the President of the United States."

We need to be serious. Our competitors don't deserve fifteen minutes. We are *GALA*.

So we need to not only talk the talk, but also walk the walk.

Stay tuned.

IN MEMBERSHIP NEWS....

POTENTIAL MEMBERS

Reaching the goal of 70 country members by 2007 seems like a challenge but a task I believe we are all up for. Immediately after the *GALA* Annual Meeting in Atlanta, I had 3 very productive days meeting potential new members from various world regions attending the INTA Meeting.

BOLIVIA

We have received a completed application from Ramiro Moreno Baldivieso of the law firm Moreno-Baldivieso in La Paz, Bolivia. This firm was recommended to *GALA* by Roberto Arochi (Mexico) and Steve Getzoff (USA). Both have long relationships with "Ram" and feel that he is the best suited in Bolivia. The Executive Committee is in the process of reviewing the application and has posed some additional questions to the applicant. Once we receive answers to these questions, we will move forward with the application.

CHINA

At INTA I met with Jan Liu of the Beijing based law firm King & Wood. King and Wood is a 200 person Chinese firm founded in 1993. There are 24 people in the IP department of which 9 are lawyers. In addition to their office in Beijing they also have offices in Shanghai, Shenzhen, Chengdu, Guangzhou, & San Francisco. An application was sent in mid-May and we are waiting to receive it completed. If anyone has other recommendations for China please continue to pass these on.

DOMINICAN REPUBLIC

At Heenan Blaikie's reception in Atlanta, I was introduced to Orietta Blanco Miniño of the Dominican firm Estudio Jurídico Dr. Manual Ma. Miniño Rodríguez Abogados y Consultores. She has not yet received an application, however we have introduced her to *GALA* and informed her of the process. We are waiting to determine her interest.

GHANA

Several members recommended I get in touch with James Quashie-Idun of the firm Lynes Quashie-Idun & Co. It is believed that he would be an ideal candidate for *GALA* from Ghana. I have sent Mr. Quashie-Idun information about *GALA* and I am waiting to hear if he is interested in becoming a member.

IRAN

In Atlanta, I met with Dr. Ali Laghaee of the firm Law Offices of Dr. Ali Laghaee & Associates Inc. He was introduced to me by Steve Getzoff (USA) and Sharad Vadhera (India). Sharad was instrumental in building Dr. Laghaee's interest in *GALA*. An application form was sent to Dr. Laghaee in mid-May and wait to receive the completed form.

NICARAGUA

We sent an application last week to a gentleman I met with in Atlanta, Julian J. Bendaña-Aragón of the firm Guy Jose Bendaña-Guerrero & Asociados. I look forward to receiving his completed application. His firm based in Managua, specializes in Intellectual Property Law.

PANAMA

In Atlanta, I met with a potential member from Panama. His name is Orlando Lopez and he is with the firm Durling & Durling. Orlando has been on the board of McCann Erickson de Panama for 20 years, and proudly mentions in his firm brochure, Advertising and Marketing as one their practice areas. Orlando has the application form and I look forward to receiving it shortly.

TUNISIA

Steve Getzoff (USA) has been working with a firm in Tunisia that expressed interest in becoming a member in GALA. I have been corresponding with Slim BenAmor of the Tunisian firm Cabinet Ben Amor & Associates. They are a full service law firm with attorneys that are admitted to practice in Tunisia as well as in Algeria and Morocco. We have not yet reached the application phase, but will do so shortly.

IN ADDITION, WE ARE LOOKING FOR MEMBERS IN.....CAN YOU HELP?

In Atlanta, each region created a membership "wish list". In addition to the countries mentioned above, we are looking for the following additional countries. If you know someone you would like to recommend, please get in touch with Stacy or the regional president of the region where the member would reside.

AALA: Guatemala, El Salvador, & Honduras

EALA: Cyprus, Estonia, Latvia, Lithuania, Malta, Norway, Russia, Slovakia, & Slovenia

ROWALA: Egypt, Kenya, Korea, Tanzania & Thailand

By securing the potential members we are already speaking with and by targeting the countries on our wish list, we are well on our way to reaching our goal of 70 country members. In fact, we will likely surpass it as all of these add up to 75!

EVENTS UPDATE....

RECENT EVENTS

PMA ANNUAL CONFERENCE (MARCH 17-19, CHICAGO)

Silvia Rico (Puerto Rico) and Wendy Reed (Canada) presented in a session entitled *Promotion Marketing Law for the Non-Lawyer* with a focus on the changing world of international promotions. The conference was well attended and their presentation was well received.

GALA GLOBAL MEETING 2003 (APRIL 28-MAY 1, ATLANTA)

This year's GALA Global Meeting in Atlanta was a very productive four days. The seminars which were held on the first two days were very well received by the audience members. While the attendance was low, those who attended felt the things they learned were invaluable. We followed up with the attendees by sending them the conference presentation along with the GALA member

contact details. The regional and global meetings were attended by a total of 35 members, AALA gets the award for best attendance! The GALA and EALA minutes have been circulated along with Doug's presentation. The APALA and AALA minutes will follow shortly. At the Global and Regional meetings, we outlined many goals for the coming years, including increasing membership, adding associate members, increasing internal and external communication, etc.

COMPUTER LAW ASSOCIATION (MAY 6-7, WASHINGTON)

Michel Béjot (France) participated in a panel entitled *Focus on International Wireless and Content Issues*. His co-panelists were Karlyn Stanley, Cole, Raywid & Braverman LLP (Washington, DC); Esther Nunes, Pinheiro Nieto Advogados (Sao Paulo), Stefan Schicker, Sonnenberg Fortmann (Munich); & Kristen Neller Verderame, BT Americas, Inc. (Washington, DC). Felix Hofer (Italy) also attended this conference for networking purposes. The conference was well attended and Michel's presentation was favorably received.

SEARCH ENGINE STRATEGIES CONFERENCE (JUNE 2-3, LONDON)

Felix Hofer (Italy) was invited to re-join the panel in London that he participated in earlier in the year in New York. According to Felix's recap, the event was well attended (approx. 350 participants, with about 70/80 people in the session). The official program can be found and downloaded at the following URL: <http://www.jupiterevents.com/sew/london04/presentations.html> Username - seslondonpres / Password - june2. The organizers were quite happy with Felix's participation, and have already expressed interest in him participating in the future. They have mentioned the idea of setting up a special section on their website called "*Search Law*" and asked Felix to supply them with legal information on a constant basis, which he will do. This will be excellent publicity for GALA. SES's upcoming events will be , San Jose, CA (August 2-5, 2004), Stockholm, Sweden (October 27-28, 2004), and Chicago, IL (December 13-16, 2004). There are already discussions in the works to have Doug Wood (USA) join the San Jose panel and Michael Plogell (Sweden) the Stockholm panel.

INTERNATIONAL ADVERTISING ASSOCIATION (IAA) NEW YORK CHAPTER SUMMER BALL (JUNE 10, NYC)

This annual event brings together approximately 300-400 people from the New York City advertising community for an evening of fun, food, networking and charity. Each year at the event they hold a raffle benefiting a different charity (this year was Samsung's Four Seasons of Hope). All the prize are donated by different companies, who receive great publicity throughout the event and this year GALA was one of them. We chose this method of sponsorship, because it was an inexpensive way for the attendees to see our brand - attendees tend to be very focused on this portion of the evening when they have the chance to win something they always pay attention. In keeping with our global theme, our prize was a set of globe shaped cufflinks & a matching keychain from Tiffany & Co. The winner was a woman from The Wall Street Journal.

AAF ANNUAL CONFERENCE (JUNE 12-16, DALLAS)

Frank Cutitta, CEO of the International Advertising Association (IAA) moderated a panel consisting of Doug Wood (USA) and Catherine Bate (Canada) similar to the one we presented in Atlanta. The presentation was well received by the audience and gave us an opportunity to "strut our stuff" to both the AAF and IAA.

ADVERTISING LAW CONFERENCE (JUNE 21-22, LONDON)

Brinsley Dresden (UK), Stephen Groom (UK), and Michel Béjot (France) were all speakers at this event produced by Euro Forum (the sister company of American Conference Institute and Canadian Conference Institute). In addition, Stephen Groom chaired Day Two of the event. While attendance was weak, the sessions were well received. On Day One, Brinsley Dresden spoke along side Kate Fulton (Former Chief Legal Counsel UK/Europe, Young and Rubicam) on *Negotiating the Client / Agency Contract*. On Day 2, Stephen Groom & David Harris (Senior Solicitor, Camelot Group Plc) spoke on *Ownership of Rights in Marketing Material*. Michel Béjot sat on a panel with a few others discussing *How to Conduct a Successful Pan-European Advertising Campaign*. Jan Ravelingien (Belgium) attend the conference as a delegate. GALA and EALA were endorsers of the event which allowed us to distribute flyers in the delegate packs.

UPCOMING EVENTS

THE 39th INTERNATIONAL ADVERTISING ASSOCIATION (IAA) WORLD CONGRESS (SEPTEMBER 7-10, BEIJING)

Doug Wood (USA) has been invited by the IAA to present at the World Congress in Beijing. He will be joining Carla Michelotti of Leo Burnett on a panel of which the topic is still to be determined. There is a possibility that other GALA members will be able to join the panel. Please let me know if you are interested.

ASSOCIATION OF NATIONAL ADVERTISERS (ANA) LEGAL AFFAIRS MEETING (SEPTEMBER 22-23, NYC)

GALA has been invited to have a panel on the second day of this meeting. The attendees of the meeting will be the General Counsels who are members of the ANA. The plan is to do a similar type program as we did in Atlanta. If you are interested in participating in this event please let me know as soon as possible.

INTELLECTUAL PROPERTY INSTITUTE OF CANADA (IPIIC) CONFERENCE (BANFF, OCTOBER 14-16)

This conference is usually attended by 300 of the 1600 members, of IPIIC. Through Heenan Blaikie (GALA Canada), GALA has been invited to participate in a session entitled "*Comparative Advertising: Different Approaches*" the panel is likely to be comprised of Genevieve Marcotte (Canada), Douglas Wood (USA) and a European member who is still to be determined.

EALA REGIONAL MEETING (OCTOBER 21-24, DUBLIN)

Duncan Grehan (Ireland) has generously offered to host the next EALA meeting in Dublin, Ireland on October 21-24, 2004. All EALA members should notify him whether or no they plan to attend so he can plan the events of the meeting.

ASIPI ANNUAL MEETING (NOVEMBER 14-18, 2004)

Doug Wood (USA), Genevieve Marcotte (Canada) and Valdir Rocha (Brazil) will be presenting as panelists at the ASIPI Conference. The moderator will be a non-GALA ASIPI member named Francisco Perez-Gangotena of the Ecuadorian firm Perez, Bustamante & Ponce Abogados. The panelists will cover topics on search engine marketing, product placement, comparative advertising & corrective advertising. Dámaso Pardo (Argentina) and Hugo Berkemeyer (Paraguay) were instrumental in securing the speaking engagement.

AALA REGIONAL MEETING (NOVEMBER 17, SANTO DOMINGO)

The AALA Regional Meeting will take place in Santo Domingo, Dominican Republic on the afternoon of November 17, 2004. The meeting will begin immediately after the presentation that morning at the ASIPI meeting.

EUROPEAN COMPUTER LAW ASSOCIATION CONFERENCE (NOVEMBER 18-19, AMSTERDAM)

Felix Hofer (Italy) will be presenting on Friday, November 19th on *The problems arising from search engine marketing and from the use of ad-words/keywords techniques, in particular with respect to fair use of third parties' trademarks*. Additionally, Michel Béjot (France) will moderate a panel on Advertising Law in which Sylvia Spalter of SCP Caubet Chouchana Meyer, Doug Wood (USA), Michael Plogell (Sweden) and Brinsley Dresden (UK) will be panelists. There have been talks of holding a seminar on the 18th for Jan Willem's clients since many members will be in Amsterdam already. More information to follow.

WEBSITE CONTRIBUTIONS

There has been a lull in written contributions to the GALA website. I know you are out there writing articles on the hot topics in your countries. Please send me these articles so I can post them on the GALA website.

INITIATIVES

GALA Brochure

We are in the process of doing a reprint of the GALA brochure. Additionally, we are working on having the members translate the brochure into Spanish, French and Portuguese to create inserts to accompany the English brochures. We hope this will be completed before the end of July.

GALA Website

The re-design of the GALA website is now complete, we are in the process of building the members only site which will include reports, presentations, organizational documents, important links and problematic ads & commercials. Passwords will be distributed to the members once this is completed.

The Global Marketer

The Global Marketer (www.theglobalmarketer.net) an online portal for Global Marketing approached us to be the legal section of their site. On the site there is a section entitled "*Looking at the Law*". Within this section, GALA members' contact details are listed along with the members' most recent country report. Right now 45 of the 48 country members are listed. For those of you who are not listed, do not fret, you will be listed soon. They just recently went live and were only able to put up the countries they already had on their site.

Rates

I am attempting to put together a listing of rates for all GALA members. It would be most helpful if each of you could send me a list of your partner / associate rates as well as trademark filing rates for use in compiling a list.

PowerPoint of ads and commercials

Doug and I are working to develop a PowerPoint presentation with all the ads and commercials on file. Each slide will have an ad or commercial on it and in the notes section will have a script of what a moderator or a panelist/presenter would say about the slide in a presentation setting. This will create an easy way for members to pull together presentations and panel discussions for conferences and seminars on varying topics. This will serve as an on-going tool which members will be asked to contribute to on a regular basis.

Each member will receive the PowerPoint on CD in mid - late July for review and comment. At that time, we will ask each member to review the slides and if there is any missing or incorrect information you will be asked to fill it in appropriately. Additionally, if you have any ads you would like to add, that would be a convenient time to do so. Once the PowerPoint has been revised, we will then post it on the intranet for members to use at their leisure.

Articles

International Journal of Advertising and Marketing to Children

Thank you to Sharad Vadhera (India) for his recent contribution to the July- September 2004 issue. Once the article is published you will all be able to find it in the what's new section of the GALA website.

Felix Hofer (GALA Italy) has agreed to contribute to the next issue which is October - December 2004.

THANK YOU'S & CONGRATULATIONS'

- Thank you to Doug Wood (USA), Silvia Rico (PR), Valdir Rocha (Brazil), Michel Béjot (France) Brinsley Dresden (UK), Felix Hofer (Italy), Michael Plogell (Sweden), Peter LeGuay (Australia) & Patrick Mirandah (Malaysia) for their hard work and excellent presentation for the seminar in Atlanta.
- A special thank you to Felix Hofer (Italy) and Stephen Groom (UK) for all their hard work in organizing the GALA / PMA International Law Book. Those members who contributed to the book, received a copy in Atlanta. For those of you who did not contribute but would like to have a copy please contact Stacy Bess. She has order forms that she can send you.

- Congratulations to Uri Weinstok M. of GALA Costa Rica for becoming a named partner in his firm. The firm name changed from Niehaus & Niehaus to Niehaus & Weinstok effective May 1st.
- Congratulations to Roberto Arochi and his partners (Mexico) on the opening of their new office. A party was held on June 3rd for friends, family, colleagues and clients in honor of the new office.
- Thank you to Brinsley Dresden (UK) for preparing stellar minutes of both the EALA and GALA meetings in Atlanta.
- Thank you to Hugo Berkemeyer and Dámaso Pardo for introducing GALA to ASIPI. As a result we have been invited to participate in the upcoming ASIPI meeting. We would never have been able to break in without their help.
- Best of luck to Patrick Mirandah who recently re-organized his firm which is now called Patrick Mirandah Co.

UPDATES

Email Addresses

Just a reminder, if you would like to email everyone in GALA you can do so by sending an email to gala@gala-marketlaw.com.

Additionally, you can reach the regional groups at the following addresses:

ALA - aala@gala-marketlaw.com

EALA - eala@gala-marketlaw.com

ROWALA - rowala@gala-marketlaw.com

(THE ROWALA ADDRESS IS NEW AND HAS BEEN CHANGED FROM apala@gala-marketlaw.com)

Vacations

In some parts of the world, summer began this week which means many of you will be going on vacation in the coming months. If you will be away from your office for any length of time, please let me know the dates and the name of an alternative contact should business matters arise that require urgent attention. Thank you!