



PANGEA NET

International Network of Independent Law Firms



Pangea Net Annual Report **2015/16**

www.pangea-net.org

Contents

An introduction 3

Thoughts from the Chair 4

Looking forward to Germany 2016 6

The international trend for Tech start-ups 8

Pangea Net expands into Japan! 12

A brief reminder about Secondments 13

Practise makes perfect! 14

The Problem of Counterfeits 18

Meet the Board 22

An introduction

Dear Members

It's incredible to believe that we are now approaching our eighth AGM and this is the second edition Pangea Net's Annual Report.

I was delighted to receive such a positive response to last year's report which was very much a "first attempt". The Board would really like to build on the concept going forward and hope that you find this year's edition to be equally interesting, if not more so.

Each year Pangea Net goes from strength-to-strength. We continue to attract quality new members in strategically key jurisdictions such as Japan.

The emergence, and growth, of the practice area sub-groups is extremely exciting and I was delighted to have had the opportunity to host the inaugural meeting of Pangea Net's IP and Technology practice group in London in April. I have no doubt that the practice groups will provide the platform for taking Pangea Net to the next level as energised lawyers from across all of our member firms pull together and generate new ideas for driving the network forward. You will find a report from each of our three practice group leaders in this year's report.

The report also provides a teaser as to what will be covered at this year's AGM, and aims to provide informative content (contributed by our members) which highlights a number of areas which provide excellent opportunities for Pangea Net firms to work together and generate new business and opportunities.

I look forward to seeing you all soon.

All the very best,

Declan

- Board member responsible for marketing and communications



Thoughts from the Chair

This coming June 16th marks the start of our AGM in Bielefeld Germany and our seventh year together. In the time since our first meeting in Milan, we have traveled from Zurich to Baltimore, to Nottingham, Prague and Istanbul. This AGM will be our most attended event to date, with old and new colleagues, including invitees from firms in Malta and South Africa.



This past February the Board took the time to inspect the location and discuss the meeting events.

Our primary goal has always been to put together an informative and interesting program that provides real value to the membership. This year should be no different, with two distinct programs covering network business opportunities in data security and handling partner compensation. With the activity of now three practice groups and increased participation from member firms, the event promises to be memorable.

In addition to planning the AGM, the Board has been busy working to grow and structure the network in line with our discussions in Istanbul. Membership growth, as always, is our primary topic at meetings as we look for qualified firms which will fit well within our network. Although we have not yet brought in another firm with the U.S., we have been actively searching and reaching out to firms which appear to fit our model. We have promising leads in New York City, which we are currently pursuing. Likewise in Canada, we have reached out to several firms and have dialogue with two in Ontario and Quebec. Other inquiries came in from Malta and South Africa, the latter to potentially fill the void left by the departure this March of Michael Judin's firm, Judin Combrinck, Inc. The Board also discussed possible membership opportunities in Croatia, Singapore and Korea, among other locations.

As we grow, managing this search becomes a significant task, and the Board decided that the time is appropriate to look toward engaging the services of an Independent Consultant to assist with network growth, particularly in the U.S. and Canada, to review and provide suggestions for improvement of Pangea Net's communication and marketing tools. We have already initiated this process and hope to have it in place before the end of the year. Details will follow at the AGM.

This year also marks the seventh year of service on the Board for six of the seven current Board members. Although we long-termers have enjoyed our time working to grow the network, we also recognize that it is time to begin a transition. Thus, there were serious discussions in February over succession planning and how best to provide for a gradual change over in the Board over the next two years, while maintaining our current initiatives.

The Board's proposal, to be presented in advance of the meeting, will be to transition to staggered Board member terms, as well as to put in place a more flexible approach to the number of Board positions and selection of Board members.

Taken together, we expect that these changes will work to the benefit of all members in expanded opportunities and strengthening of the personal connections that differentiate us as a network.

I look forward to seeing all of you in Bielefeld.

Looking forward to Germany 2016

Plans are well underway for this year's annual conference which is being hosted in Bielefeld and Gütersloh, Germany by BRANDI Rechtsanwälte on 16 – 19 June. We look forward to seeing as many of you at the conference as possible and, in advance of then, wanted to use this opportunity to set the scene for two of the topics which will be discussed by our speakers, in particular: (i) data protection and the upcoming EU General Data Protection Regulation; and (ii) partner compensation systems in law firms.

Data: Issues and Business Opportunities for the Network

Speakers: Sebastian Meyer, BRANDI Rechtsanwälte and Mark Gleeson, Browne Jacobson

The rapid emergence of new technologies offers businesses the opportunities to better use and manipulate their information in order to create revenue, to better understand customers and to reduce costs. Enterprises may offer their services on a worldwide basis and may use service providers located in one or multiple jurisdictions. In some cases, an enterprise might not even be clear at all where its data is stored.

The new technologies bring their own challenges. In a global environment, businesses may need to comply with a multitude of laws, codes of practice, standards and regulatory guidance.

The legal environment is rapidly changing. Businesses in Europe, and some outside the EU, will soon need to comply with the General Data Protection Regulation. This Regulation will, for the first time, impose obligations on service providers processing information as well as on data controllers. The sanctions for non-compliance will be severe. The EU will also be introducing an additional security law in the form of the Network Information Security Directive.

Giving pragmatic legal advice to enterprises and service providers is a rapidly growing market. An approach designed to cover both data privacy issues, and data security requirements in particular, is high on the list of companies' priorities.



Sebastian Meyer



Mark Gleeson

Using the combined resources of Pangea Net's law firms, we can offer such services for an international market and not only limited to certain jurisdictions. This creates new opportunities for assisting clients who are looking for professional support, especially with a view to the new European developments.

Sebastian Meyer is a partner in BRANDI's Bielefeld office specialized in information technology and data protection issues. With an academic background in law, informatics and legal informatics, he brings a deep understanding of data security and data privacy to this event. He serves as data protection officer for numerous clients and is furthermore a TÜV certified data protection auditor.

Mark Gleeson is a partner and barrister in Browne Jacobson's London office, and leads the Data and Privacy practice. Mark has around 20 years' experience advising on data protection/cyber security matters in private practice and in-house. His particular focus is on data monetisation, compliance and breach management. He also advises on multi-jurisdictional projects, direct marketing, loyalty, Big Data, information security and freedom of information.

Riding the compensation tiger: Partner Compensation Systems in Law Firms

Speaker: Markus Hartung

Compensation is more than a 'carrot and stick' scheme to manipulate partners to do whatever the firm's management wants. Instead, in the most successful law firms, it is an integrated part of a firm's strategy. Adding to that, in successful firms partners do understand and accept this concept. It is not easy to achieve such an enlightened state. There are a few issues that can be so threatening for the harmony and collegiality of a partnership as a discussion of the partners' compensation system.

Markus Hartung was Linklaters' Managing Partner in Germany and a former member of Linklaters' Global Executive Committee. Today he is the Director of the Bucerius Center on the Legal Profession at Bucerius Law School in Hamburg. From his research and his consultancy he has obtained a thorough understanding of partners' compensation structures and all related issues. We will have the chance to benefit from his in depth knowledge of and insight into compensation systems in law firms.



Markus Hartung

The international trend for Tech start-ups

A remarkable development in Tech in the last few years has been the sheer quantity and quality of start-ups that have appeared. The worldwide tendency for the cost of technology to decline has seemingly led to an influx of individuals creating start-ups which utilise new software to provide products and services. Whilst the trend has prominent focal points, such as San Francisco and London, it is also clearly international as shown by the emergence of incubators and accelerators in places as diverse as Rio de Janeiro, Tel Aviv and Tokyo. A further international dimension is also added by the fact that the potential customers of these Tech start-ups are not confined within borders, meaning that the businesses can quite literally conquer the world within their own niches.

In this article, we take a more detailed look at two of the most high-profile sectors for start-ups: AdTech and FinTech. We also provide views on the opportunities presented for Pangea Net and its members.

FinTech

FinTech is a financial services sector characterised by entrepreneurs using technology to find more efficient ways to provide financial services in order to challenge and disrupt traditional, conventional financial service providers. FinTech businesses focus on providing online services for activities as diverse as deposit holding, e-payments, debt finance, fundraising, equities exchange and asset management. Examples of FinTech include P2P lending, crowdfunding and digital currencies such as bitcoin.

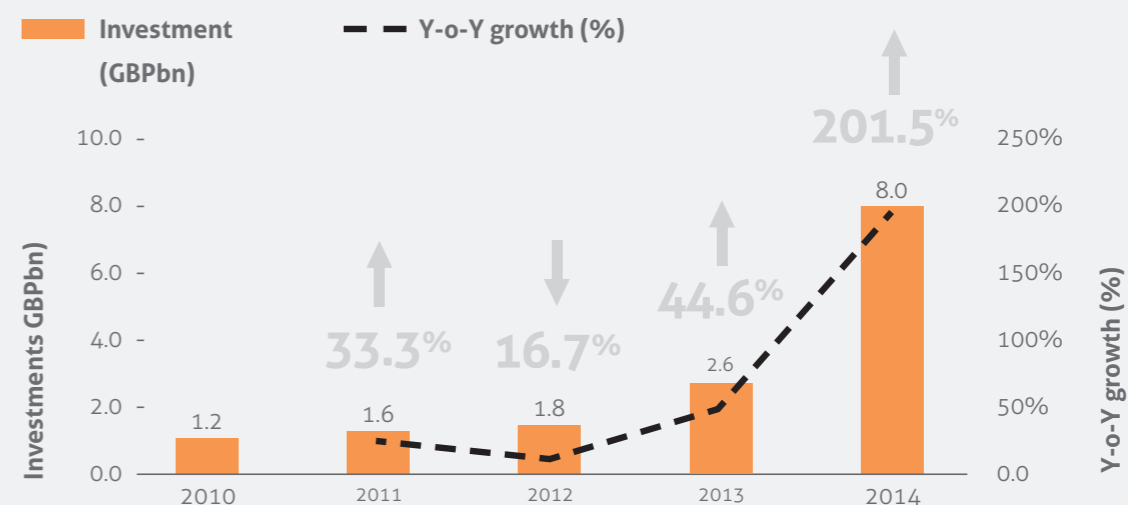
FinTech is notable for having an identifiably progressive culture which embraces collaboration and internationalism. Many of the early thinkers in FinTech draw inspiration from the financial crisis of 2008 and are ideologically motivated to create financial services that are stable, efficient and accessible. That is not to say FinTech is a fringe sector, it has quickly become big business.

The US is the global leader in the sector with the majority of businesses and investment. However, Europe has experienced considerable growth within which London has become the most important and vibrant regional hub.

The analysis that FinTech businesses are often concentrated in the same places as conventional financial services businesses appears to be correct, with New York, Frankfurt, Singapore and Hong Kong also having vibrant FinTech scenes.

Although the underlying technology of FinTech can be very complex, it must be kept in mind that its purpose is to simplify the user experience of financial services users. Therefore, to the consumer, FinTech is an international driver of simplification and transparency, reducing obfuscation and inefficiency.

Global Fin tech financing activity



Global investment in FinTech ventures tripled from \$4.05bn in 2013 to \$12.21bn in 2014. In early 2016, after an incredibly strong 2015, FinTech appears if anything to be gaining momentum.

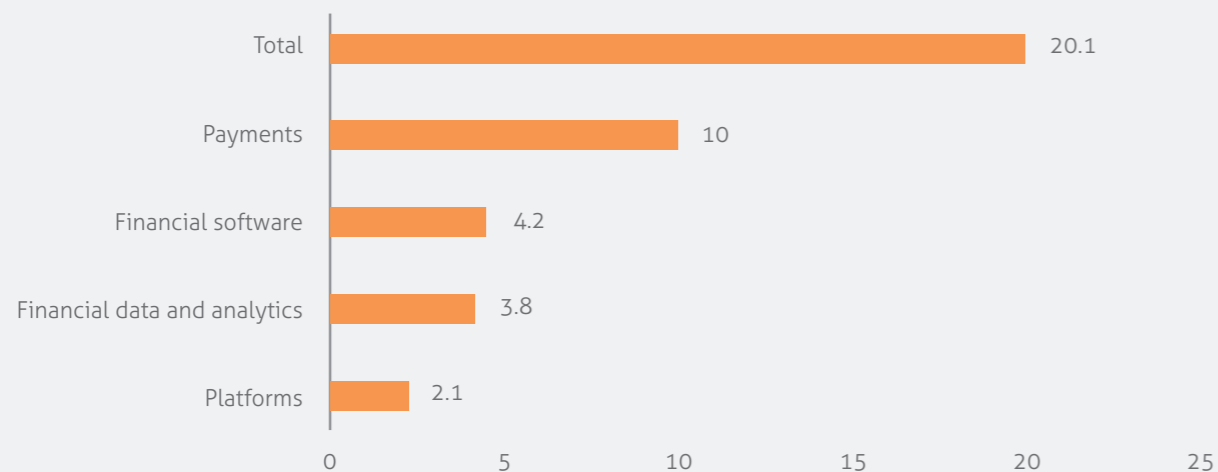
The efficiency of AdTech makes advertising more useful and less noticeably intrusive to its audience. It can also be significantly less expensive to the client whilst still reaching the target audience, wherever in the world that audience might be. Success is easily monitored, for example, through clicks or webpage usage.

Stickiness can also be improved over conventional media by making adverts interactive, for example, playable adverts for computer games accessed via smart phones.

London has become the clear centre of European FinTech and probably the world, not least because of the City of London's standing as the premier global financial centre and its proximity to Tech City in Shoreditch, the UK's Silicon Valley. The combination has proven to be world class.

Eddie George, CEO of New Finance
(the leading global FinTech professional network)

Breakdown of the UK FinTech revenue by segment (GBPbn), 2014



Worldwide digital advertising spend is projected to be close to \$200bn during 2016, with roughly 50% of that attributable to mobile advertising.



Opportunities for Pangea Net



The opportunities for Pangea Net's members as a result of the international groundswell of innovation in Tech are vast. Notably, highly skilled individuals, often with significant financial means, are leaving the major organisations that nurtured them to create disruptive competitors and are turning to professional advisers for help in making their aspirations become a reality.

Due to the relative ease in scaling up for Tech businesses compared to other major sectors, today's start-ups can genuinely demonstrate traction, raise capital and grow at an incredible pace. Start-ups require excellent lawyers in the commercial, IP, corporate, data protection and regulatory spaces to make this possible.

Taking by way of example, data protection, the risks for Tech start-ups can be significant. Many of the FinTech and AdTech businesses that are emerging rely heavily on personal data to deliver personalised, targeted services and convenience. The volume of data being collected, often from a variety of different countries, can be significant and the implications are often misunderstood by the entrepreneurs and C-level operators.

An opportunity in Tech exists for lawyers that can present themselves as approachable and who clearly articulate the relevancy of their services to start-ups. Although the services provided by these new businesses are innovative, quite often the legal advice needed is conventional. However, a major challenge also exists; because the end-product service provided by FinTech, AdTech and other Tech businesses is usually international in reach, the legal advice required is often multi-jurisdictional. The global reach of Pangea Net will be crucial to its members in overcoming this challenge in order to make the most of the new opportunities in Tech.

Author: Chris Carroll, Browne Jacobson

Pangea Net expands into Japan!

In August last year we were very pleased to announce that Hayabusa Asuka Law Offices officially joined Pangea Net, taking the total number of members to 25 firms, covering 25 countries.

Following a visit to Tokyo last year by members of Pangea Net's Executive Board, Hayabusa Asuka Law Offices was represented at last year's AGM in Istanbul and officially joined the network shortly after.

Mr. Shinji Itoh has responsibility for coordinating Hayabusa Asuka Law Offices' involvement in the network and we will very much look forward to meeting him at this year's AGM in Germany.



In advance of then, you can find out more about Hayabusa Asuka Law Offices, and the services that they offer, at <http://www.halaw.jp/eng/index.html>, or on the Pangea Net website at <http://www.pangea-net.org/network-law-firms/japan/>.

A brief reminder about Secondments

Pangea Net's greatest strength is the close working relationships, and personal friendships, formed between its members. A great example of this, shared in last year's Annual Report, was the secondment exchange between Absis Legal and Bağatur Law Office.

You may remember that Maria Navarro of Absis Legal, and Ahmet Turan of Bağatur Law Office, spent two weeks on a secondment exchange where they were each given a valuable opportunity to visit exciting new cities and to really get to know the firm, and lawyers, who hosted them during their stay.

Pangea Net recognises the value of such secondments and is happy to provide financial support for the secondments of junior lawyers to other firms within the network. A sum of up to €2,000 per secondment is available at the Board's discretion.



If you plan host a junior lawyer from another Pangea Net law firm on secondment at your offices, and would like to apply for funding, please contact Pangea Net's Treasurer, Georg Weber, by sending an email to georg.weber@probst-law.ch.

Practice makes perfect!

One of the great developments in Pangea Net within the last few years has been the success of the practice area sub-groups.

Practice groups have so far been established for Employment Law, Corporate Transactional Law, and IP & Technology Law and 2015/16 has been by far Pangea Net's most active year for practice group events and activities. The section below sets out a summary of recent events and developments:

Employment Law practice group

Update provided by: Uwe Augustin (WENNER), Andrea Pirscher (BRANDI), and Raymond Silverstein (Browne Jacobson)

Pangea Net's Employment Law practice group met in Paris in early October 2015, hosted by our two French member firms, WENNER and KGA. Uwe Augustin of WENNER, Michèle Dauvois of KGA, and their teams did an excellent job of organising everything required to facilitate a very successful meeting. The group comprised many of the same members who attended the group's inaugural meeting in Vienna and also involved the welcoming of new participants from Poland, Czech Republic, France, Switzerland and the USA.

The working section of the meeting was dominated by case studies regarding the posting of workers, unfair dismissal cases, the drafting of employment contracts and the transfer of undertakings. As a follow-up action each participant will provide detailed information about the posting of workers according to the laws of his or her home jurisdiction. These notes will be uploaded in the Members' section of the Pangea Net website.

Another key outcome of the meeting is that all participants expressed a willingness to welcome young lawyers of Pangea Net firms to participate in a legal internship or secondment. Raymond Silverstein explained that he was very satisfied with the work of Laura Kammerscheidt a former BRANDI intern, who joined Browne Jacobson in summer 2015 for three months subsequent to a secondment of Francesca Ciappi, an Italian intern of WENNER, who had worked with BRANDI for 6 weeks. Francesca is now an associate with WENNER. It is also anticipated that Petra Kutkova from UEPA will stay with WENNER for a several weeks during September/October 2016.



BRANDI was glad to have an interview with Browne Jacobson's Raymond Silverstein on the topic "Modern Slavery Act" published in BRANDI's international law newsletter. Pangea Net's Employment Law practice group intends to meet at Browne Jacobson's offices in London in October / November 2016, with the exact dates to be confirmed in due course. It is intended that the main focus of the meeting will be to brainstorm strategies for developing the network further.

Corporate Law Practice Group

Update provided by: Richard Cox, Browne Jacobson

Prior to the meeting, the Corporate Law practice group initially circulated a questionnaire to all the network firms to gain a better understanding of the type of corporate transactional work that each firm engages in. The questionnaire provided each of the contributors with a better understanding of the overall capability of the corporate teams within the network firms. Feedback from the questionnaire identified some significant synergies between the firms involved.

The group then held its inaugural meeting at Browne Jacobson's offices in London in September last year. Representatives attended from 11 different jurisdictions (USA, the Netherlands, Spain, Germany, France, Poland, Bulgaria, Belgium, Switzerland, Luxembourg and England).

The agenda for the meeting spanned over a day and a half. The firms shared their own corporate experience and the similarities and differences between transactional work in the different jurisdictions were explored.



A key focus of the discussions was how the corporate lawyers across the member firms could work better together and to maximise the opportunities which the network could provide. One specific area was the requirement for due diligence when target groups crossed several jurisdictions. This was an area of opportunity for all firms - even where a firm had limited experience in transactional work there were opportunities to support this work type, and having trusted contacts strengthened each firm's offer to clients in this area.

As a result of the due diligence discussion it was agreed to share current due diligence practice (e.g. typical questionnaires) around the group so that there was greater knowledge of what may be expected if the opportunities arose.

Other advantages of the network were considered – how could the relationships be used to enhance the client offer? It was agreed that the firms could potentially offer straightforward fee arrangements whereby the client only received one bill and the lead firm took responsibility for member firm's invoices once they were paid.

It was agreed that it would also be useful for the member firms to share some specific information regarding their corporate experience and capability in a form which could be shared on the Pangea website members' area, and used directly by member firms in client pitches to enhance their offer.

A series of further actions have been agreed and the group is now in the process of implementing these.

IP and Technology Practice Group

Update provided by: Bonita Trimmer, Browne Jacobson

The inaugural IP & Technology Practice Group event was hosted at Browne Jacobson's London offices in April and attended by representatives from 14 Pangea firms.

Following a warm welcome from Declan Cushley and Bonita Trimmer of Browne Jacobson, Declan announced that Bonita had helped to organise the event and would be happy to take over responsibility for leading Pangea Net's IP and Technology practice group going forward. Bonita has a diploma in Intellectual Property Law and Practice from Bristol University, is an active member of ITMA, and has over 20 years' experience in IP law. She has a particular focus on brands and designs disputes having advised on a number of high profile reported cases including, most recently, *The London Taxi Corporation Limited v Frazer-Nash Research Limited and Ecotive Limited* [2016] EWHC 52 (Ch).

Following that short introduction, guest speaker Anna Mae Koo of Vivien Chan & Co opened proceedings (using the video link platform of one of her own Technology clients), with an informative presentation on dealing with IP enforcement in China. Spanning AIC/PSB raids, customs, litigation, online platform complaints and closing with a case study, the comprehensive talk was very well-received by Pangea members.

Patricia McGovern of DFMG then lead a panel discussion on ways to deal with counterfeits within our borders, covering traditional routes such as border control measures and civil/criminal actions, as well as innovative alternative strategies for dealing with counterfeiters, such as targeting landlords, welfare offences, health & safety and money laundering / tax offences. Patricia has followed up her presentation with an article covering this topic which is included in this Annual Report.

This excellent presentation was followed by contributions from many of the attendees, sharing information and expertise relating to dealing with the counterfeit problem in their own jurisdictions, highlighting that anti-counterfeiting is an area where the Pangea network can be leveraged to provide an efficient and holistic global service to our clients.

Helena Wootton of Browne Jacobson then spoke about the new EU Data Protection Regulation, providing an overview of the scope and new concepts contained within the Regulation. The talk stimulated contributions from several Pangea members, leading to the proposal that a Data Protection & Privacy sub-group be created in order to allow the network's data specialists to effectively share information relating to their own jurisdictions, with a particular focus on: i) assessing where the most stringent requirements can be found globally; and ii) considering EU/US data sharing, following the recent abolishment of Safe Harbour. Steven Tiller volunteered that Whiteford Taylor & Preston would head up this data initiative.

The roundtable element of the day closed with a lively talk from David Henderson and Chris Carroll of Browne Jacobson on London's booming Tech Scene. The talk sparked further discussion across the group, with attendees sharing information about similar 'incubator' and 'accelerator' models being followed in Paris and Zurich, mirroring the well-established tech VC scene found in the US and the flexible pricing models various firms offered in order to meet the demands of such clients.



The group agreed that collecting case studies from across the Pangea firms would provide some new content for the Pangea website which may assist with obtaining instructions from the dynamic start up tech sector.

All attendees agreed that the event achieved its objective of deepening the links between the Pangea firms, allowing the IP and technology specialists from across the network to meet, discuss pertinent legal issues and assess the significant cross-referral opportunities that exist. To assist in this regard, the group has produced a Pangea Net Intellectual Property & Technology brochure, which contains profiles of the Pangea firms' IP & Technology expertise, along with contact details for their leading experts.

A hard copy of this brochure was included in each attendee's pack and further hard copies are available on request. An updated e-copy of this brochure will shortly be added to the Pangea Net web site. The slides from the presentations will also be added to the member's area of the website.

Further opportunities for members of the practice group to meet will occur shortly for those who are attending INTA in Orlando and invitations to Browne Jacobson's INTA reception were provided to all attendees. Discussions are also afoot as to how regularly the group should meet and as to the location of the next meeting.

The Problem of Counterfeits

Counterfeiting is one of the biggest problems facing rights holders today. Counterfeiters now produce a much larger variety of goods on a much larger scale than ever before. Their manufacturing processes have improved, the sales channels have diversified and the techniques for avoiding detection have become much more sophisticated.

In this article I look at the typical legal actions that rights holders can take to combat counterfeiting which generally involves the enforcement of their intellectual property (IP) rights. However, I will also touch briefly on some alternative strategies that rights holders may wish to pursue in circumstances where enforcing IP rights is not achieving the desired objective. I will also look, in particular, at the threat of the Internet which raises its own challenges for rights owners.

Border Control Measures

Traditionally rights holders have relied on the enforcement of their IP rights to combat counterfeiting. In particular, they make use of the Border Control measures if they operate within the EU. These measures permit Customs to take action against suspect counterfeit goods at points of importation into and export from the EU. It is important for rights holders to ensure that a Border Control application is filed each year, designating the countries of interest and setting out clearly the IP rights on which the rights holder wishes to rely. When renewing the application each year, rights holders should make sure that it is reviewed thoroughly and that any new rights that have been acquired since the previous year are added and any obsolete rights removed.

However, the counterfeiters may see such seizures as a mere inconvenience of carrying on business rather than a deterrent and will simply order more goods. Therefore, to be really effective, rights holders frequently need to take legal action either against the importer or the exporter or both.

Civil actions

If a counterfeiter infringes, for example, a trade mark or a patent, a rights holder can apply to court for an injunction to immediately stop the infringer manufacturing, importing or selling the product. The rights holder can also let the case ultimately go to full hearing at which it may be entitled to recover damages or an account of profit in respect of the loss that it had suffered. Frequently, rights holders also seek remedies such as Anton Piller Orders and Mareva Injunctions. However neither of these orders are particularly easy to obtain.

Criminal action

Frequently a criminal prosecution may only be brought by the relevant State enforcement authority rather than the rights holder. However, some jurisdictions around the world have provisions whereby a rights holder can bring a private criminal prosecution against an individual if believed to be committing a crime.

Alternative strategies

Sometimes however civil or criminal proceedings, for whatever reason, may not be appropriate or may not have the desired effect of reducing or eliminating the counterfeits in question. There are other options which rights holders could consider pursuing and I will cover these briefly as follows:-

Market Trading Legislation

If counterfeit goods are being sold, e.g. on a market stall, it is worthwhile exploring if there is any market trading legislation that exists which could be utilised to prevent such trading, e.g. the market trader may not have a proper licence.

Targeting Landlords

It is also possible to consider taking legal action against landlords who allow counterfeit goods to be sold from their premises or indeed taking criminal action against landlords e.g. under proceeds of crime legislation.

Labelling Offences

Another option to consider is whether the counterfeiters could be pursued for lack of adherence to labelling legislation. There is legislation setting out labelling requirements for most products in most jurisdictions, from toys to cosmetics to medicinal products.

Unfair or Misleading Commercial Practices

Rights holders could consider taking action under legislation which deals with unfair or misleading commercial practices. Frequently offences may give rise to substantial penalties which can often be a deterrent.

Health and Safety

Another approach is to consider pursuing counterfeiters for breach of health and safety legislation. In general counterfeiters are considerably less likely to have put their products through the same safety procedures that brand owners will have ensured their products were subject to. As a consequence, counterfeit products are more likely to be dangerous to consumers.



Tax Offences

Counterfeiters are quite likely not to have fully complied with Customs regulations or to have complied fully with their tax obligations (e.g. registration, returns and payment obligations) and accordingly consideration should be given to the option of reporting suspected counterfeiters to the Revenue authorities.

Employment Law Offences

If a counterfeiter is employing other individuals, a rights holder might also consider making a complaint to the relevant State authority on the basis that the counterfeiter has not complied with employment legislation. An employer in most jurisdictions will have to adhere to certain tax requirements as well as other requirements such as minimum working hours and minimum wage and health and safety. Again, it is unlikely that the counterfeiter will have gone to the trouble of registering as an employer with the appropriate authority.

Social Welfare Fraud

Although it might not be applicable in every case of counterfeiting, rights holders may also consider reporting the counterfeiter to the relevant authority in their jurisdiction responsible for social welfare fraud if e.g. there was evidence to suggest that the counterfeiter might also be claiming social welfare entitlements.



The Internet

The Internet has significantly altered the landscape of the counterfeiting industry. It has brought significant benefits to counterfeiters in that now they can reach consumers worldwide and they are no longer limited e.g. to the customers that frequent the market where they have a stall. Because of its potential for anonymity, consumers can be more easily fooled into purchasing counterfeit goods. It is not at all unusual for sellers of counterfeit goods to post pictures of genuine products on a website but then ship counterfeit goods to the consumer.

Intelligence and Vigilance

Unfortunately, rights holders need to be proactive if they are to keep ahead of the counterfeiters. This will most likely involve a certain level of expenditure by rights holders. Rights holders should, at a minimum, do the following:-

- As well as ensuring that it has obtained appropriate protection for all its IP rights, a rights holder also needs to pay attention to the search terms that surround its brand. If it is likely that a brand is being associated with e.g. discount or bargain related sites then search terms like "discount" may need to be bought also, as may domain names with the brand and e.g. the word "discount".
- Rights holders may need to put effort into educating their customers on their trade marks, their authorised online outlets and any other information in identifying a genuine site.
- Rights holders should allocate resources to monitoring online activity. There are many companies offering web monitoring services across auction websites, e-commerce websites and domain registrations to identify counterfeiters. Consideration should also be given to expanding this to social media monitoring to encompass Twitter, Facebook, blogs, social networking sites, forums, photo shopping sites, videos and message boards.

Working with Search Sites, Shopping Sites and Payment Service Providers

Rights holders need to cooperate with search sites, shopping sites and payment service providers. By way of example, the likes of Google, eBay and Alibaba all have complaints/takedown policies which should be utilised.

Conclusion

A group such as Pangea is ideally suited to assisting clients in the fight against counterfeiting. Most acts of counterfeiting have a multijurisdictional element to them so it may be the case that one country has available a course of action e.g. private criminal prosecution that is not available elsewhere. A pooling of knowledge of the potential remedies or causes of action available in Member countries could provide options for clients when the more traditional routes are not achieving the desired effect.

Author: Patricia McGovern, DFMG

Meet the Board

This section sets out a brief summary of Pangea Net's current management team and their respective responsibilities:



- | | |
|---|--|
| <p>1. Peter Guattery
(Whiteford, Taylor & Preston, USA)
- Board member and Chairman</p> | <p>5. Andreas Ueltzhöffer
(UEPA, Czech Republic)
- Board member (to resign at this year's AGM)</p> |
| <p>2. Franz Tepper
(Brandi, Germany)
- Board member and Vice Chair</p> | <p>6. Roberto Tirone
(Cocuzza, Italy)
- Board member jointly responsible for South America</p> |
| <p>3. Georg Weber
(Probst Partner, Switzerland)
- Board member and Treasurer</p> | <p>7. Jens Förderer
(Wenner, France)
- Board member jointly responsible for South America</p> |
| <p>4. Declan Cushley
(Browne Jacobson, England)
- Board member responsible for Marketing & Communications</p> | <p>8. Ryan Harrison
(Browne Jacobson, England)
- Network Administrator</p> |

A big thank you to **Andreas Ueltzhöffer**

With effect from this year's AGM Andreas Ueltzhöffer will be stepping down from his position on the Board. Andreas' firm was one of the seven founding members of Pangea Net and Andreas has been a valued member of the Board since the network was first formed in 2009. He has made an incredible contribution to the development of the network and Pangea Net would not be the success that it is today without his involvement. Andreas and the rest of his colleagues at UEPA will continue to maintain an active involvement in Pangea Net going forward and we will look forward to catching up with Andreas at annual conferences and other network events in the future.





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