
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Benjamin FONTAINE
Plaza del Ayuntamiento 2, 2º, 1ª
03002 Alicante
Spain



Date of Birth: 1975

Nationality: French

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

French industrial property attorney (*Conseil en Propriété Industrielle, mentions marques, dessins et modèles*) and a Spanish solicitor (*abogado*). Also an authorized representative before the EUIPO.

Master, Industrial Property Law (*Universidad de Alicante*) and two distinct degrees in law, obtained in France (*maîtrise de droit, Université d'Orléans*) and in Spain (*licenciatura en derecho, Universidad de Alicante*).

Also qualified as IRCA certified ISO 9001:2015 lead auditor, for quality management systems, since 2018.

LANGUAGES

French, Spanish, English

PRESENT POSITION

Partner since 2014 of E.G.Y.P SAS, in charge of the Alicante branch office.
Associate, E.G.Y.P. SAS 1999-2014.

MEMBERSHIP IN PROFESSIONAL BODIES

CNCPI, *Compagnie Nationale des Conseils en Propriété Industrielle*, France;
ICALI, *Ilustre Colegio de Abogados de Alicante*, Spain;
ECTA, *European Communities Trade Mark Association*, Brussels;
IWLA, *International Wine Law Association*, Paris.

March 14, 2019

AREAS OF SPECIALIZATION

Has specific expertise in the field of Geographical Indications and related quality signs, and in particular concerning their interaction with trade marks. Chair of the Geographical Indications Committee of the European Communities Trade Mark Association (ECTA) until 2018.

Currently the vice chair of the ECTA-EUIPO Link Committee.

As part of involvement with the EUIPO and the EU trade mark system, has been appointed by the EUIPO on 2017, as an auditor of the quality of the decisions, on behalf of ECTA (Stakeholders Quality Assurance Project, known as "SQAP").

EXPERIENCE IN INTELLECTUAL PROPERTY

Has extensive experience in trade mark prosecution and litigation, particularly in France, in Spain and with the EUIPO. Advises French and foreign clients in various industries – such as cosmetics, clothing, foodstuff and wine – on IP prosecution, brand protection and enforcement matters. Field of practice also extends to industrial design, unfair competition, and copyright law.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Manages domain name portfolios on behalf of several clients, including a portfolio of several hundred domains. Has litigated over domain names, including in the framework of a number of UDRP proceedings. Also has experience in drafting decisions in the framework of the UDRP.

MAJOR PUBLICATIONS

Lecture on Third Party Observations at the EUIPO as part of the Trademark and Design Education Programme, December 4, 2018;

"Smoking or not smoking, tobacco brands in the European Union trade mark system", lecture given on February 1, 2018 as part of the EUTM Intensive Module of the Magister Lvcentinvs, and co-organized by the EUIPO;

"The remarkable odyssey of a wine brand at the EUIPO", lecture given on a yearly basis as part of the EUTM Intensive Module of the Magister Lvcentinvs, and co-organized by the EUIPO;

"The protection of geographical indications following the overhaul of the European Union trade mark regulation: an end result?", in 20 years of the Boards of Appeal at EUIPO, Liber Amicorum, 2017;

"Rencontre du troisième type: la marque de certification de l'Union européenne", co-authored with Nathalie Pacaud, in Propriété Industrielle no. November 11, 2017;

"Le nouveau cadre juridique de la marque: analyse sur la nature des marques, leur opposabilité, et les signes de qualité", conference given at the International Chamber of Commerce, Paris, on March 3, 2017;

"Promoting Europe's food excellence", panel at Harvard European Conference 2017, March 4, 2017, on the role of IP in EU's policy in preserving and promoting food excellence;

"Trade marks and terrorism", lecture given on February 3, 2017 as part of the EUTM Intensive Module of the Magister Lvcentinvs, and co-organized by the EUIPO;

"Traditional terms for wine and traditional specialties guaranteed as absolute grounds for refusal of EUTMs", webinar organized by the EUIPO, January 17, 2017.

EXPERIENCE IN COURT LITIGATION

In capacity as solicitor in Spain, acts before the Commercial Courts in Spain and also with the General Court of the European Union, in trade mark infringement matters. Also coordinates court cases in France and in other European countries.
