

Scran & sIPs



In this issue of *Scran & sIPs*, we look at sustainability and food waste, speak to our friends at The Borders Distillery and find out more about blockchain in the whisky industry.



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SCRAN

/skran/

Noun. Food.

"We canny go out on an empty belly
– any chance of some scran?"

Welcome to Scran & sIPs

Welcome to the fourth issue of *Scran & sIPs* – the publication from Marks & Clerk that focuses on Intellectual Property and its importance to the Scottish food and drink sector

This edition of *Scran & sIPs* comes after the end of the Scottish Food & Drink Fortnight (<https://fooddrinkfort.scot/>), the annual celebration of Scotland's food and drink sector. This issue touches upon the hot topic of sustainability in the food and drink industry.

The climate crisis is without doubt one of the biggest challenges and dangers facing our planet. The crisis has the potential to create serious issues for the Scottish food and drink industry, which relies so heavily on the environment to source and produce its exceptional food and drink produce.

The Scottish Government launched its climate campaign in June, ahead of the UN Climate Change Conference 2021 (COP26), which will take place in Glasgow between 31 October and 12 November 2021. The Scottish Government has set the goal of reaching net-zero greenhouse gas emissions by 2045. A record investment of £1.9 billion will be spent on low-carbon projects in 2021/22 to tackle climate change.

Scottish food and drink stakeholders have launched various strategies and campaigns to work towards meeting the net zero target of 2045. For example, The Scotland Food & Drink Partnership has released 'Greening Your Business' – a practical guide to help food and drink SMEs increase their sustainability, reduce their carbon footprint and adopt environmentally-friendly practices that reduce cost.

The Scotch Whisky Association introduced its initial Environmental Strategy in 2009. It covered voluntary targets for water, use of non-fossil fuels and energy efficiency, packaging, and sourcing of sustainably produced casks. The SWA released 'The Scotch Whisky Industry Sustainability Strategy' in January 2021, which aims to pave the way for the industry to reach net-zero emissions in its operations by 2040 and to dramatically reduce the environmental impact of Scotch Whisky in other areas.

Scottish Salmon Producers Association (SSPO) has released the Scottish Salmon Sustainability Charter, which contains key environmental pledges and includes a commitment to becoming net zero in greenhouse gas emissions before 2045 and being 100 per cent reliant on renewable energy.

These are only a few of the ongoing initiatives and campaigns. Businesses are also doing their part to implement innovative sustainable practices and to reduce their CO2 emissions. This edition looks at some of the sustainable practices that are being adopted by Scottish food and drink businesses, as they work toward a greener future.

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Recognition for Marks & Clerk

We are delighted to announce some exciting team news.

Noelle Pearson has passed her final exams and is now fully qualified in the UK, as well as being a South African Qualified Attorney/Lawyer (non-practicing).

Julie Canet is now part-qualified, having successfully passed the Bournemouth course. Julie will undertake the Nottingham course over the course of the next year to work towards becoming fully qualified in August 2022.

Louise Mansion and **Alistair Robertson** are Patent Attorneys based in our Glasgow office. They both recently achieved dual qualification.

Robbie Gauld, a Trainee Patent Attorney based in our Aberdeen office, became single qualified.

Congratulations to everyone!

Legal 500

Our congratulations also go to **Andrew Docherty** and **David Murray** who have been specifically recognised in the latest Legal 500 UK commentary for their standout contribution to their respective practices.

Jason Chester has also been recognised as a key individual by Legal 500 for his work in Trade Marks.

Congratulations!



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Innovation in Sustainability

As many of our readers will no-doubt know, the COP26 climate conference is being held this November in Glasgow.

It is expected to attract 120 heads of state, including our Queen and US President Joe Biden. The UN's Intergovernmental Panel on Climate Change recently published a review, which expressed their concern at the extreme weather we have experienced and how this will continue, as well as key temperature limits being reached. The Panel described the situation as "code red for humanity".

A key message which is to be delivered at the conference is sustainability. What is it and what can Scotland's food and drink industry do to address this important issue?

As well as looking at sustainable food production, in a way that helps to preserve and protect the environment for future generations, food and drink producers are looking at ways to reduce their carbon emissions, as well as looking to develop more environmentally friendly food packaging. Of course, the consumer can also do their bit by reducing their reliance on single-use carrier bags for instance and the coffee drinkers out there should certainly move to avoid using disposable cups, if they have not already done so.

Food waste is a significant issue, accounting for some 8% of global greenhouse gas emissions. However, many councils now collect food waste and this is in turn reprocessed into: renewable energy, typically through anaerobic digestion; and fertiliser. Companies are also looking at ways in which food waste can be repurposed so that it can be turned into

useful products. Given the number of coffee shops and the amount of coffee which is consumed you may be pleased to know that your coffee grounds are not going to waste and a number of companies are developing ways of recycling this. Similarly, one of our Scotland based clients, Alterwaste, has developed and patented their method of processing eggshell waste, in order to provide biodegradable material, which may be mixed with other materials and formed into tableware, packaging and cosmetic products, for example.

Scotland also produces a significant amount of fish and shellfish waste during seafood processing and there are potentially a range of valuable co-products which may be extracted from the waste material and further used. One such Scotland based company, CuanTec, has developed a process for extracting chitosan from the shells of shellfish, which is often simply discarded following shellfish processing and has developed a food packaging material, CuanSave™, from this.

Given the amount of food waste which is obtained both domestically and industrially, it is encouraging to see that this is not all simply going to landfill and people are looking at innovative ways of turning such "waste" material, into valuable products, which not only generates revenue and jobs, but is helping to save the planet.

Scotland is of course, and rightly so, proud of its whisky industry. However, the industry produces a considerable amount of waste or "spent" material, as it is often termed. Historically, this spent material may have found its way to being used as an animal feed supplement. However, more recently, companies have been looking at other ways of reprocessing the spent material, in order to develop biogas, or extract high-quality nutrients.



Horizon proteins, for example, is looking to extract proteins from pot ale, which is the liquid residue left over from the whisky-making process and using this to replace traditional proteins used in farmed salmon production – another important industry to the Scottish economy.

Only recently, William Grant and Sons, reported that their Glenfiddich distillery at Dufftown in north eastern Scotland, converts spent material from the whisky distillation process, into Ultra-low carbon fuel (ULCF) gas, which they are now using to power specially converted trucks that transport the Glenfiddich spirit throughout Scotland.

Of course, developing new products and processes and bringing them to market, does require time and effort and companies need to ensure that they can secure a return on their investment. Whilst there may be local and/or governmental grants which companies may be able to access, companies should also consider protecting their intellectual property (IP). Even if the ultimate goal may be altruistic, securing your IP may be important, as it will allow you to control its use and ensure that it is used in an appropriate manner.

Some of the products and processes I have described above, may be protectable by way of patent protection and having a patent can provide a company with a competitive advantage. The company may wish to use their patent to try and maintain exclusivity in a particular field, or they may look to license or sub-license the underlying technology to another entity, for example. There are many other benefits, which may be derived from securing patent protection, but these are beyond the scope of this article.

Even if the innovative idea may not be protectable by way of a patent, a company may consider looking to build a brand around the product/process and consider filing a trademark, to be used in association with the product/process. Other forms of IP may also be appropriate and you should seek our advice on how best IP can be used to protect your investment.

Hopefully this brief article will get you thinking more about what you as an individual, or as a company, can do in terms of helping Scotland become more sustainable and help save our planet.

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What does Watercress have in common with Scotch Whisky, Fal Oysters and Champagne?

It's described as 'pungent' and 'peppery' by the BBC's online 'Good Food Glossary', its botanical name '*Nasturtium officinale*' translates as 'twisted nose', and it shares the same vegetable plant group as Brussel sprouts. So what does Watercress have in common with fine foods and drinks such as Scotch Whisky, Fal Oysters and Champagne?

On 1 January 2021, Watercress was applied for as a protected name under the UK Government's new Geographical Indications (GI) scheme. The application states that Watercress has been associated with flowing water for thousands of years, and today it looks identical to illustrations of the plant dating back to Roman times. On 2 September 2021, the Secretary of State published its decision that Watercress meets the criteria for protection under the UK GI scheme.

The UK GI scheme was introduced at the end of the Brexit transition period on 1 January 2021, and covers Scotland, England and Wales. If no appeal against the Secretary of State's decision is filed by midnight on 29 September 2021, the name 'Watercress' will be one of the protected names on the UK GI Register.

Unlike a brand name, any producer that fulfils the strict rules and requirements of the protected name (which vary depending on the category and the specific products concerned) is permitted to use the protected name.

Watercress has been applied for as a 'Traditional Speciality Guaranteed' (TSG). TSGs require that the mode of production, processing or composition corresponding to a traditional practice is produced from raw materials or ingredients that are traditionally used. Traditional Farmfresh Turkey falls into this category, with criteria that includes, among other things, use of a slow grown and mature bird of a minimum of 20 weeks. Another example is Traditional Bramley Apple Pie Filling, which requires, among other things, the use of Bramley apples between 65mm-115mm in size that are ripe and free from skin blemishes.

If protected as a TSG, some of the requirements that will need to be met for goods to be sold under the name 'Watercress' are as follows:

- Watercress must be grown in flowing water;
- The crop needs stable, stress free growing conditions in terms of temperature, water supply and fertiliser to have consist levels of PEITC, which allow for relatively uniform flavour;
- The water supply must be free from surface water contamination and tested at least four times a year to ensure it is of the quality appropriate for it to be consumed without cooking; and
- Watercress produced in the UK must be grown in accordance with the Industry Guide to Good Hygiene practice for Watercress, recognised by Food Standards Scotland and the Foods Standards Agency.

Since food and drink products with protected names exclude other manufacturers that do not meet the relevant criteria from using the name, GIs can signal to consumers that the product has a higher level of quality or reputation compared with other competing products. Could Watercress be the new superfood trend that replaces competing products such as Kale? Or does adding everyday products to the GI Register make the allure of having a protected name become less attractive?

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Reducing food waste in Scotland

I must admit I was quite surprised when reading that in Scotland about one million tonnes of food and drink was wasted each year. Based on this figure from 2013, the Scottish Government committed to reduce the country's food waste by 33% by 2025. As reported by The Waste and Resources Action Programme (WRAP), food waste is of around 9.5 million tonnes in the UK, 70% of which was intended to be consumed by people (30% being the 'inedible' parts). The value is of over £19 billion a year, and the food that could have been eaten represents over 15 billion meals – which is enough to feed the entire UK population 3 meals a day for 11 weeks!

Let's have a look at why we waste our food and how we can waste less of it. This is all the more important when by doing so we can protect the environment, save money and create energy.

What is food waste? *“Any food, and inedible parts of food, removed from the food supply chain to be recovered or disposed, including composted, crops ploughed in/not harvested, anaerobic digestion, bioenergy production, co-generation, incineration, disposal to sewer, landfill or discarded to sea”* (definition developed by FUSIONS, a European collaboration, and adopted by Scotland).

A global issue More than a billion tonnes of food are wasted every year around the world, which represents one third of food produced for our consumption. Beyond the huge waste of energy and resources, this type of waste is also generating around 8% of global greenhouse gas emissions. This is because food waste releases methane gas when it goes to landfill, which is even more dangerous for the environment than carbon dioxide.

Where is our food wasted? 61% of our food waste comes from households, 25% from food and drink manufacturing and 14% from other sources.

• Households

Scottish households waste more than £1 billion worth of food each year. This type of food waste accounts for 2,240,000 tonnes CO2 eq, which represents 2.9% of Scotland's carbon footprint.

The percentage of households recycling their food waste more than doubled between 2012 and 2017, going from 26% to 55%. In Edinburgh, 36% of the waste produced by households is food waste and in 2019 more than 163,000 food waste caddies were collected per week, recycling 700 tonnes.

• Industry

Our food and drink sector produces large quantities of waste and by-products. Since 2016, all food businesses in non-rural areas generating more than 5 kilograms of food waste per week are required to present it for separate collection.

The Courtauld Commitment 2025 has seen more than 100 organisations in the food industry in the UK committing to a goal of making the production and consumption of food & drink more sustainable by reducing carbon, water and waste. The aim is to reduce food waste from 156kg to 125kg per person.



According to Zero Waste Scotland, in the whisky, fish and beer sectors alone, we could save from £500 to £800 million every year by making better use of waste and by-products.

There is a landfill ban as part of the Scottish Government's "Zero Waste Plan", which aims to achieve a nationwide recycling rate of 70% by 2025, with only 5% of remaining waste going to landfill. Landfill operators will be banned from accepting Biodegradable Municipal Waste. Initially set for 2021, the compliance deadline has been pushed back to 2025.

The government's action plan in partnership with Zero Waste Scotland includes measures such as improved monitoring and infrastructure, sector leadership, public engagement and communication, and delivery of a new approach to food waste. The focus is on prevention.

• **Prevention**

Food only becomes waste when it no longer complies with food safety or hygiene requirements. The first way of reducing food waste is to make sure food is eaten before it becomes waste.

• **Labelling**

According to the "Too Good To Go" initiative, wrong labelling and confusion arising from labels causes 10% of Europe's food waste – 9,000,000 tonnes per year. Do you know the difference between Use By, Best before, and Sell by?

While "Use by" indicates that the food item is safe to eat until this date, "Best before" only means that the food item is at its optimal quality until this date. It may still be safe to eat after this date, though it might have lost some of its flavour or texture. Finally "Sell by" labels simply indicates the date that retailers use as guidance for stock rotations. They should be ignored by consumers as they do not indicate the expiry of the product.

Manufacturers should aim at replacing "use by" with "best before" labels on products with flexible consumption dates and removing "best before" labels where possible as they largely influence consumer purchase / discard.

• **Redistribution**

Examples of redistribution initiatives across Scotland include community fridges (in Kirkcaldy, Glasgow and Mull & Iona); Edinburgh's Food Sharing Hub (facilitated by the Shrub Co-op working with Tesco, Co-op and Lidl) and; mobile applications such as Too Good To Go, OLIO, etc.

Food waste recycling: power from waste

Did you know that food collected in your food waste caddy is taken to an anaerobic digester which turns it into electricity? I didn't – I just assumed that it went to compost. Actually, in Edinburgh, it is broken down and produces gas, which is used to power The Millerhill Recycling and Energy Recovery Centre (RERC) and then goes into the national grid. Anaerobic digestion is a natural accelerated process through which bacteria break down organic matter

in the absence of oxygen. This generates a biogas which can be used directly in engines, in the same way as natural gas, or as vehicle fuel.

Every tonne of food waste generates electricity to boil 2,500 kettles and one food caddy generates enough to power a TV for five hours!

Food waste can also be used in sustainable agricultural practices as compost and/or fertiliser to grow more food and to reduce reliance on fossil fuel-based fertilisers.

Industry recognises this as an under-utilised resource stream. More than 27 million tonnes of bio-resources arise every year in Scotland (Zero Waste Scotland 2017) which could be converted into low cost, high quality animal feeds or turned into high value renewable products.

It is great to see Scottish initiatives at the heart of food waste reduction and a rise in awareness of its impact in the fight against climate change.

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Interview with Laura Lee, Scotch Whisky Association

**SWA has appointed Laura Lee as
Legal Counsel**

You recently joined the Scotch Whisky Association (the SWA). Can you tell us a bit about your role, and what inspired you to join them?

The main role of the SWA's legal team, consisting of five lawyers and a paralegal, is to protect Scotch Whisky and prevent unfair competition from those wishing to exploit the reputation of Scotch Whisky. This involves several key tasks.

Firstly, we work to secure and maintain the recognition of "Scotch Whisky" as a description reserved only for whisky produced in Scotland by securing Geographical Indication (GI) and Certification or Collective Trademark protection in countries around the world. These regimes provide a greater degree of legal protection and are vital to the industry's export success. Secondly, where necessary, we take action to stop the sale of products being passed off as Scotch Whisky. The work is always interesting and can involve lively debates regarding the branding of an offending bottle and sending suspected fake Scotch Whisky to the Scotch Whisky Research Institute's laboratory for testing. Another significant part of the team's work is taking action to prevent the registration of trade marks which falsely evoke Scotch Whisky, and we object to or resolve around 350 a year. Tactically, it is economical to oppose a mark during the application process than at a later stage, when the mark has been granted or when the infringing brand is on the market. We also advocate for greater awareness of and effective action on illicit trade. This involves providing educational webinars/talks and engaging with national and international bodies to share information.

Along with these key tasks, we work closely with other teams within the SWA and assist members with general enquiries e.g. relating to labelling or innovative practices.

When the role became available, the prospect of working for an industry which contributes so much to our economy and culture was hugely exciting for me. Combined with this, my background is in IP and civil litigation. I absolutely loved studying IP as a student at the University of Edinburgh and during a year abroad at the University of Texas at Austin. My experience as an IP Paralegal at Pinsent Masons confirmed that I wished to specialise in IP law. So when the opportunity to join the SWA arose, it was a dram come true!

The Association is responsible for the protection of Scotch Whisky in 180 global markets. What are the key challenges you face with an international remit as wide as this? And how do you overcome these?

The biggest challenge is managing our time and resources. In an ideal world, with an unlimited budget, we would tackle every problematic product on the market. Careful consideration is given to the matters we prioritise and the markets which require closer monitoring. We are also lucky to have longstanding relationships with knowledgeable and trustworthy local agents around the world who understand our work and are able to keep us updated on changes in the market.

Global consumers undoubtedly enjoy Scottish food and drink products, not only for their quality, but often for the heritage associated with them. How important is it for producers to protect their intellectual property to ensure consumers are supporting genuine businesses?

Geographical Indications and other forms of intellectual property are important signals of the quality and reputation of a product. Businesses work hard to build up the heritage associated with their products and unfortunately, this means that there are people who try to take advantage of the goodwill of genuine businesses. If such counterfeits were permitted, this would harm businesses and consumers. It would threaten the reputation of products, built over many years. Consumers would lose confidence in genuine brands and their previously guaranteed quality. Sometimes it can also lead to health risks where the fake product contains potentially toxic additives.

A key objective of Scottish Food & Drink Fortnight is to acknowledge the work done by those who work in Scotland's food industry. What impact does Scotch Whisky have on Scotland's workforce? And how does the industry benefit local communities?

There are more than 130 Scotch Whisky distilleries now in operation in Scotland, with more than 10 planned to open in the coming year. These distilleries bring investment, skilled jobs and visitors to their local communities, many of which are

based in rural areas of Scotland. The Scotch Whisky industry as a whole supports more than 42,000 jobs in the UK and employs 11,000 people directly, 7,000 of whom are based in rural areas of Scotland.

How did the SWA support Scottish Food & Drink Fortnight?

We celebrated the people who work in our industry by sharing their career stories on social media. There's a wide range of jobs and careers available in Scotch Whisky, from production right through to marketing and legal protection, and we'll be raising a dram to the skills and diversity that our workforce brings to the industry.

We also celebrated one year since the launch of the industry's Diversity and Inclusivity Charter, by hearing voices from the industry about why improvements in this area are so important to the industry's success.

How do you see the industry looking to the future?

It's an exciting time for be involved in the industry. I'd say two key areas in motion are sustainability and diversity in the workforce.

The Scotch Whisky industry is committed to dramatically reducing its impact on the environment. Having already met or exceeded goals set in 2009 (for example, reducing greenhouse gas emissions by a third and improving water efficiency by 22%), the SWA launched a new Sustainability Strategy earlier in 2021. This commits the industry to important targets, such as reaching net zero emissions by 2040.

A year ago the SWA launched the industry's Diversity and Inclusivity Charter, aimed at improving representation and opportunities across the industry at all levels. The industry is committed to attracting a wide range of people at all levels and at all stages in their careers. Its goal is to ensure that our workforce is as diverse as our whiskies and

the people who enjoy them.

And finally, what's your favourite Scotch Whisky?!

It varies depending on my mood or the season. I did particularly enjoy a sherry cask finished Scotch Whisky during a tasting in Arran this summer.



Brexit: 10 months on

Trends in TM Activity in the EU and UK

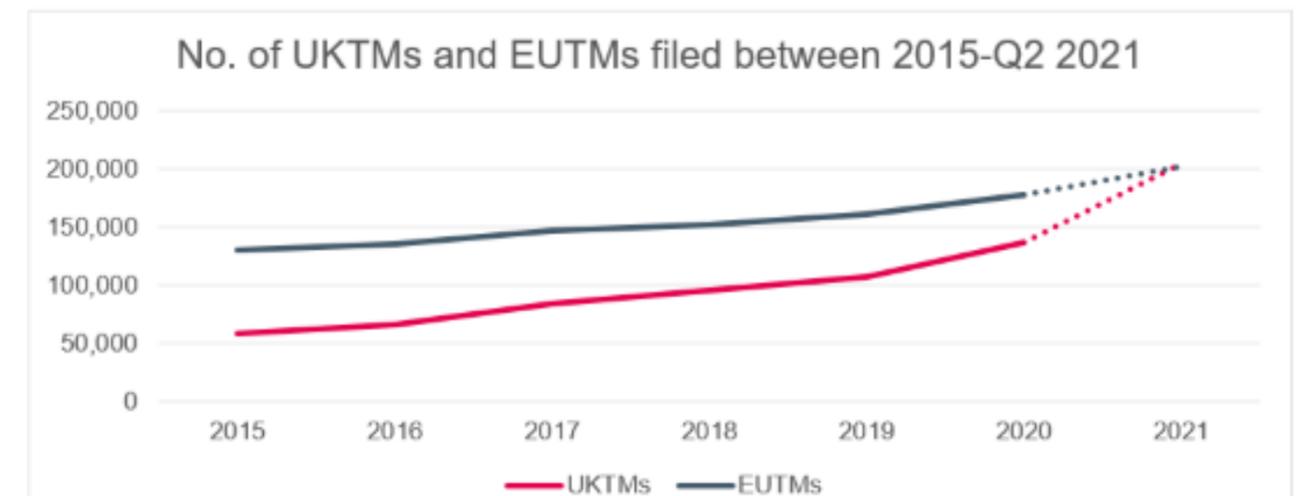
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Nine months ago the Brexit transition period ended and the UK ceased to be part of the EU, including the European Single Market and Customs Union. This concluded a complex withdrawal process that took three and a half years to complete. This article looks at some of the trends in trade mark activity in the EU and UK, from the 2016 referendum through to the end of the Brexit transition period and into the first two quarters of 2021.

UK and EU Trade Mark Applications

As you will see from the graph below, there has been a significant growth in the volume of UK and EU Trade Mark Applications filed between 2016 and 2020.



A total of 65,710 UKTM Applications were filed in 2016, compared to the 137,037 UKTM Applications filed in 2020. That represents an increase of 71,327 applications and growth of 109%. 135,470 EUTM Applications were filed in 2016, compared to 177,092 EUTMs filed in 2020. Although the increase is not as steep as the increase in the volume of UKTMs filed during the same period, it still represents growth of 31%.

The growth trajectories are very similar, which could be partly attributable to many Applicants filing simultaneous UK and EU Trade Mark Applications to mitigate the risks associated with the uncertainty surrounding the Brexit withdrawal process and the prospect of a no-deal scenario. There has also been a significant increase in the volume of UK and EU Trade Mark Applications filed on behalf of Chinese Applicant's over the past five years.

The picture for 2021 is very promising. A total of 102,395 UKTM Applications were filed in the first two quarters of 2021, compared to the 60,513 filed in the first two quarters of 2020. The increase of 41,882 filed by the end of Q2 this year represents growth rate of 69.2%.

The volume of EUTM Applications filed in the first two quarters of 2021 also surpass that of last year. 101,073 EUTM Applications were filed in the first two quarters of 2021, compared to the 81,702

applications filed in the same period of 2020. This is an increase of 19,371 applications and growth of 23.7%.

Trends – Driving Factors and Key Milestones

This graph shows the month-by-month trend since the beginning of 2017.



What we know and can see from this is that there was already steady underlying growth in UKTM filings.

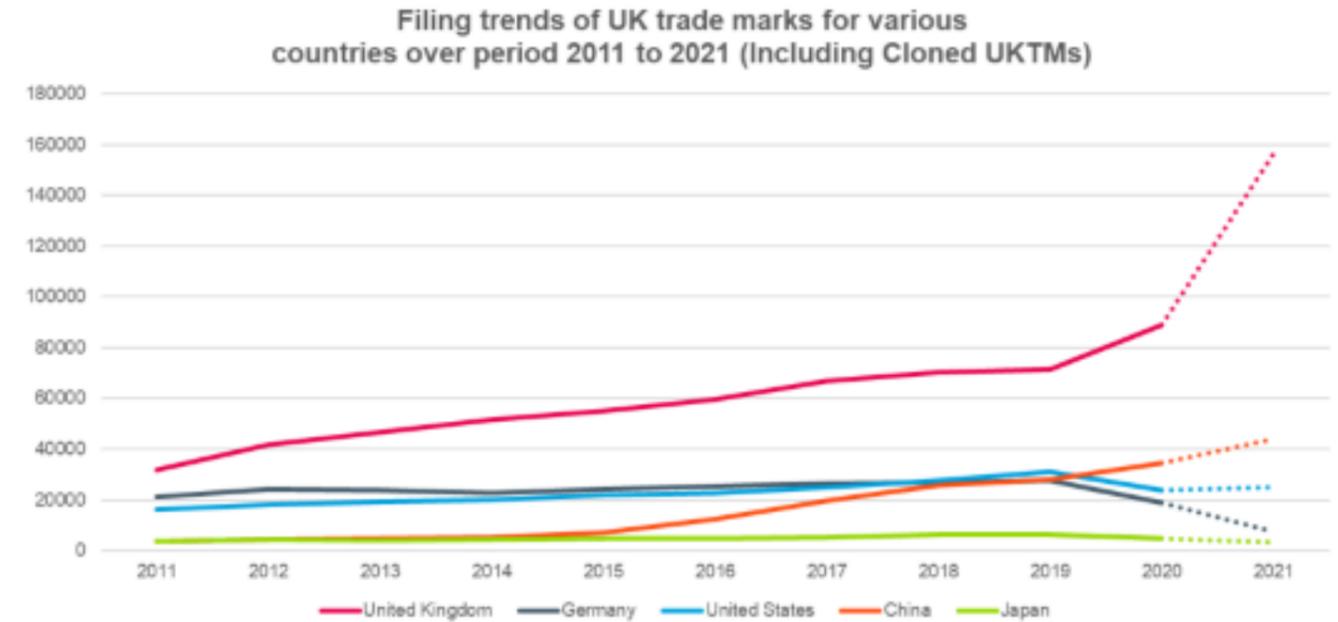
The UK system was often used by companies that operated only, or primarily, in the UK, whereas the EU system was used by larger companies with products and brands in multiple EU countries. From 1 January 2021, the UK system has to be used by both, and trade mark applications that might have only been filed in the EU, now need to be filed in the UK and EU.

The trend started in 2020 as trade mark owners sought to secure their position in the UK early. From Q2 onwards, there is a noticeable increase as businesses realised that Brexit would definitely happen as the deadline to extend the transition period passed.

Article 54 of The Withdrawal Agreement ensured continued protection in the UK for registered EUTMs that obtained registration by 31 December 2020. EUTMs that were registered as of 31 December 2020 automatically gave rise to comparable UKTM Registrations. Comparable UKTMs were not automatically created for EUTMs that were pending at the end of the transition period. Owners of EUTMs that were pending at the end of the transition period were given a deadline of 30 September 2021 to file corresponding applications in the UK for the subsequent UKTM Application to be treated as a comparable right. From October 2020, there was no possibility that pending EUTMs would be registered before 31 December (thus qualifying for a cloned right) and so it was already necessary to make an application in the UK. As a result, there is another increase in Q4 until the end of the year. Since 1 January, the increase has been greater still and in Q1 of 2021 UKTM filings overtook EUTM filings with 52,034 trade mark applications filed in the UK vs the 49,146 applications filed in the EU.

Trend – Filings of UKTMs

The graph below shows the volume of UKTM Applications filed by Applicants based in the UK, Germany, the US, China and Japan. It is important to note that the database used to generate this data has included cloned rights.



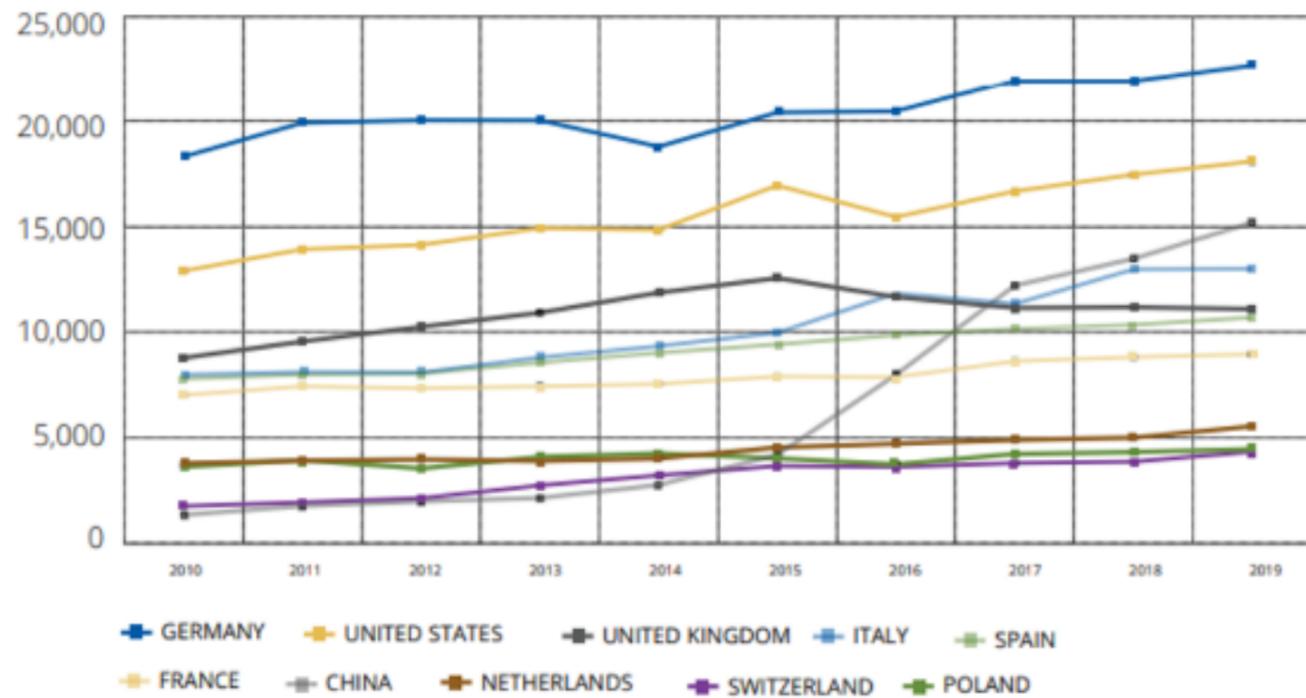
As would be expected, UK-based Applicants are by far the biggest filers of UKTMs. In the first four months of 2021, UK Applicants filed 39,153 UKTM Applications, an increase of 14,824 (61%) over the first four months of 2020. It is clear that UK businesses and individuals are gaining more confidence in the UK economy as we emerge from the pandemic.

There has been a significant increase in the volume of UKTM Applications filed by Chinese Applicants. This is unsurprising as there have been a significant increase in applications filed by Chinese Applicants at major registries around the world. For example, in October 2020, Chinese applicants surpassed US businesses to become the largest source of US Trade Mark Applications filed at the USPTO. This prompted the USPTO to publish a report into the impact that the filings may have on the US Trade Mark Register – USPTO claimed that the applications originating from China “lack value and clutter the register”.

Trend – Filings of EUTMs

The graph on the following page shows the yearly evolution of EUTM Applications filed by the top 10 countries, calculated by volume of filings.

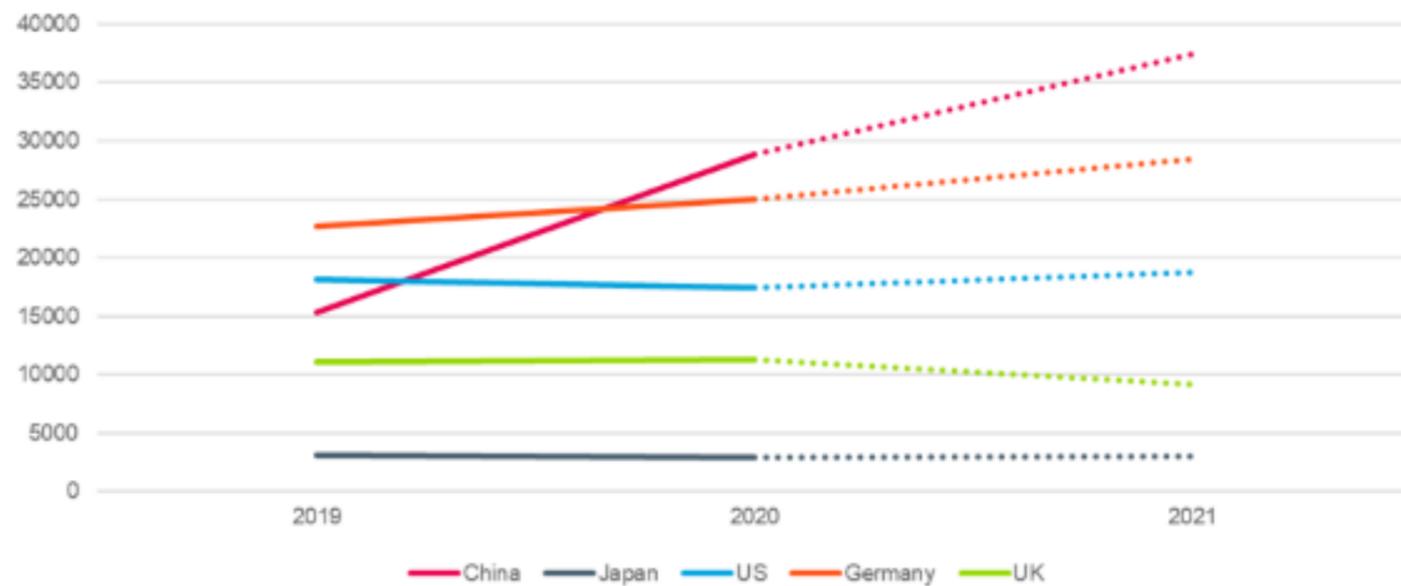
Yearly Evolution of EUTM Filings by Top 10 Countries



Source EUIPO

The volume of EUTMs filed on behalf of UK Applicants has been on a slight decline over the past six years. In contrast, the volume of EUTMs filed by Chinese Applicants has increased significantly, growing by 1,207.9% between 2010 and 2019 – that is an average annual growth rate of 33.2%.

No. of EUTMs filed on behalf of Applicants by Nationality



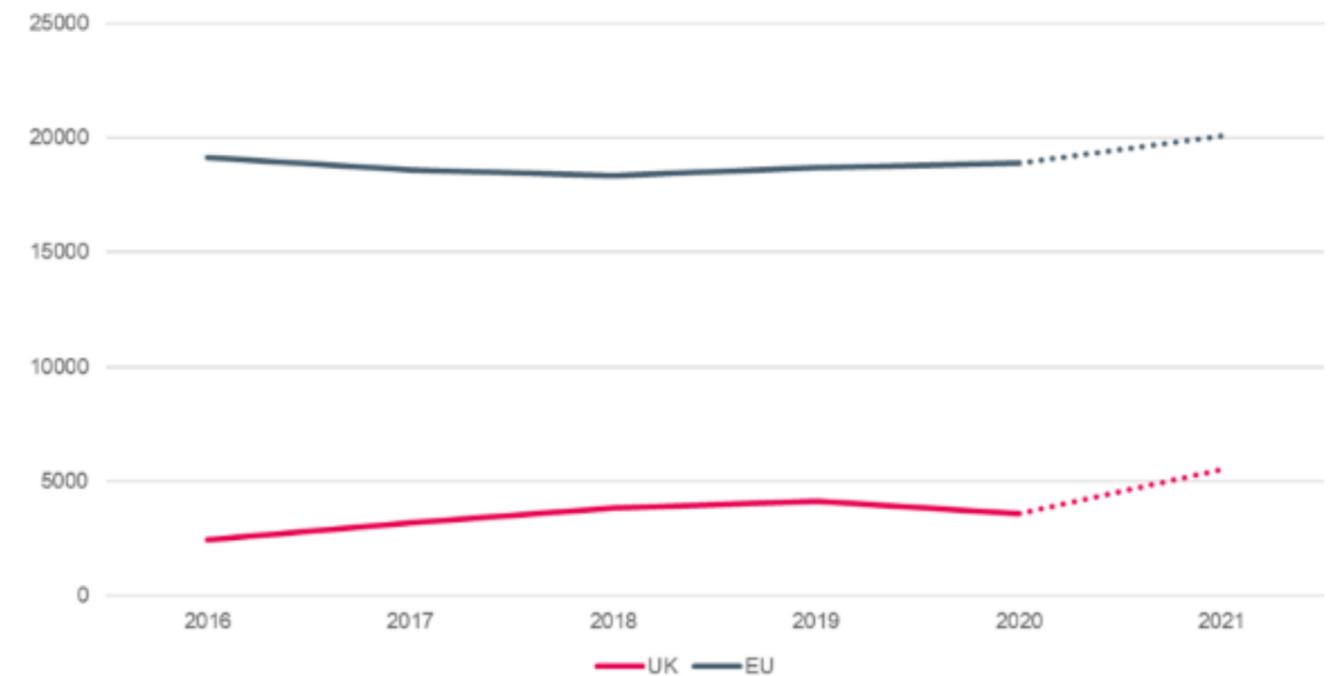
Interestingly, Chinese Applicants overtook German Applicants in 2020 as the biggest filers of EUTM Applications. This trend has continued in 2021. If the forecast is correct, the gap could become even larger by the end of 2021.

There is no use requirement in the EU and specifications can be drafted very broadly, so there is a genuine risk of the EUTM Register becoming cluttered. The EUIPO published a report in 2020 that looks at the evolution of EUTM Applications and RCDs filed by Chinese Applicants. The EUIPO report concludes that the office will closely monitor the evolution of filing volumes from China to properly adjust strategies and capabilities.

Oppositions:

The prevailing rate of opposition in the UK was about 2.3% in Q1 of 2021 and about 3.1% in Q2 of 2021 (i.e. less than 4% of applications are formally opposed).

UK and EU Oppositions filed between 2016 to 2021



The UKIPO has received 1,200 oppositions in Q1 of 2021 and 1,568 in Q2 of 2021 – around 7% being “Fast-track” oppositions. Notices of Threatened Oppositions have the effect of extending the opposition period in the UK by one month. The UKIPO received 2,026 Notices of Threatened Opposition in Q1 of 2021 and 2,754 in Q2 of 2021 – around 60% give rise to the filing of an actual opposition.

Although the UKIPO does not examine on relative grounds (i.e. the UKIPO will not raise objections at the examination stage on the basis that the mark applied for conflicts with an earlier UKTM), it does conduct a search for earlier UKTMs and it will write to owners of marks that are deemed similar to inform them that a similar mark is about to be published for opposition purposes.

The notifications can lead to opposition – both threatened and formal proceedings. According to the UKIPO, an average of 2.6 notifications were issued per application prior to 1 January 2021. The average number of notifications issued per application rose to 3.7 after the end of the transition period. This increase is largely due to the UKIPO creating over one million new UKTMs (cloned from registered EUTMs) on 1 January 2021.

It will be interesting to see how the trends develop over the next six months, as the dust continues to settle on our withdrawal from the EU.

NFTs for whisky - why would I want my whisky on the blockchain?

Non-fungible tokens (NFTs) have recently exploded in popularity, and now an Aberdeen-based start-up (CryptoDramz) is selling NFTs for collections of Scotch whisky in an attempt to reduce counterfeiting.

This can all be a bit confusing, so here is an explanation.

NFTs are unique collectable digital tokens that may be used to verify the ownership of an asset (such as a bottle of whisky). An easier way to think about NFTs is to think of them as deeds, which have no functional value but can be transferred and speculated on. However, unlike paper deeds, NFTs are impossible to forge and are easy to verify using a blockchain. The best-known blockchain is Bitcoin, but NFTs typically use the Ethereum blockchain, which enables the more complicated functionality NFTs require.

Although whisky is best drunk (perhaps after summiting a Munro in winter), investing in whisky has become popular and (for some) extremely profitable. This is reflected in the Knight Frank index, which tracks the price of various luxury goods. This shows that prices of rare whisky have risen by 540% over the past 10 years, which is faster than any other luxury asset (including watches, wine, art, and cars).

The huge demand for rare whisky has resulted in the proliferation of fakes, which can be disappointing for their owners or even dangerous when drunk. Detecting these fakes can be difficult and frequently requires expensive processes such as carbon dating.

CryptoDramz's solution to this problem is to use NFTs to verify the ownership of 25-year-old bottles of single malt Talisker (each of which is accompanied by a crystal whisky glass and a hip flask that bear the unique NFT number and an oak case). These NFTs are to be sold on the OpenSea marketplace—the most established NFT marketplace—so that investors can avoid counterfeits by focussing only on whisky verified by NFTs.

CryptoDramz are not the only ones combining alcohol and blockchain technology: Metacask enables investors to buy and sell whisky casks using NFTs, Adelphi tracks their full supply chain on the blockchain, and Cryptowhisky has created NFT whisky pixel art.

Importantly though, although NFTs have huge advantages, they also have some downsides.

First, NFTs are decentralised. This can be thought of as a plus, but if you lose your NFT (for example by forgetting a password), the NFT may be unrecoverable.

Second, NFTs are great for verifying a chain of trust but the chain of trust may have weak links. If the distiller produces a whisky and sells it together with an NFT then the NFT can be trusted to represent the genuine whisky. However, if a collector sells an old whisky together with a newly minted NFT, the NFT cannot be completely trusted to represent a genuine whisky. Instead, the collector may be selling (accidentally or on purpose) a counterfeit whisky. Subsequently, even if the whisky is always sold with the NFT, there will always be a question as to if the whisky is genuine because of the weak link. There are solutions to this, for example, the whisky could be verified to restore confidence in the NFT using counterfeit spotting experts, a paper trail, or carbon dating, but this is expensive and may require opening the whisky.

Third, at the time of writing (6 September 2021) most NFTs are verified using “mining”, which uses huge amounts of electricity and has serious environmental consequences. In the near future NFTs may be verified using a less energy intensive process but for the moment, NFTs will be unpalatable for many environmentally conscious distilleries and consumers.

However, despite these problems, NFTs could play a role in preventing whisky (and other goods) counterfeiting, and may be particularly useful in a comprehensive anti-counterfeiting strategy that includes trademark and design protection. Personally, I am hopeful that NFTs will help whisky lovers to enjoy a dram safe in the knowledge that they are drinking the genuine article.

James Burch
Trainee Patent Attorney
Edinburgh



Country in Focus: The EU

The EU trade mark (and the Registered Community Design) system was established by the Treaty on European Union (Maastricht Treaty) of 1993.

The Treaty established the Office of Harmonization in the Internal Market (OHIM) to administer and manage the newly created EU right, the EU Trade Mark (formally known as a Community Trade Mark – CTM).

The free movement of goods and services are two of the “four freedoms” of The European Single Market. National trade mark rights were considered to be a potential barrier to free movement of goods and services. The EU Trade Mark transcends national borders and confers protection throughout all Member States of the EU, and forms part of an overarching and harmonised system of trade mark law and practice.

The first Community Trade Marks were filed on 1 April 1996 and the first Registered Community Designs were filed in 2003. The OHIM changed its name to the European Union Intellectual Property Office (EUIPO) on 23 March 2016, following the implementation of new legislation that introduced a variety of technical and administrative changes.

Twenty seven years later, the EU is one of the most important and attractive jurisdictions in the world for brand owners. According to statistics from WIPO, the EUIPO received the fifth most trade mark applications out of any territory in the world in 2019. Only China, the US, Japan and the Islamic Republic of Iran received more applications.

The attractiveness of the EU trade mark system is tied to that of the EU economic market, which is the second largest economy in the world after the United States and the third in terms of purchasing power

parity after China and the United States. The EU as a whole has a GDP of about USD 15 trillion and a population between 447 and 448 million people. The EU trade mark conveniently provides brand owners with trade mark protection in all 27 Member States of the EU through a single registration.

This article will discuss some of the key features of the EU trade mark system.

How is EU Trade Mark Law Structured?

EU trade mark law is administered on two levels – 1) through the national jurisdictions of the Member States relating to national trade marks, as well as 2) on an EU-wide level with regard to the EU trade mark system. The two levels are also inter-related and are becoming increasingly entwined via the ongoing process of harmonisation.

Here are some key facts about the system:

1. EU and national trade mark systems exist in parallel but are also complementary and influence each other – this relates to both trade mark rights themselves, as well as their governing laws.
2. The highest judicial authority in the EU is the European Court of Justice (CJEU), which also acts as the highest court of appeal in trade mark matters.
3. In their jurisprudence and decision-making in the field of trade mark law, Member States and their courts are bound to follow decisions of the CJEU. The UK courts, including the Supreme Court, are not bound by decisions of the CJEU made after 11pm on 31 December 2020 – although the CJEU may refer to them if relevant.
4. National courts are able to refer cases to the CJEU to provide guidance on how particular provisions of trade mark law should be interpreted in the context of regulations governing EU trade marks, as well as the process of harmonisation of trade mark law in the EU in general.
5. Cases relating to EU trade marks are heard in EU Trade Mark Courts – national courts appointed domestically to hear EU trade mark matters, rather than supra-national courts set up by the EU itself. In order to enforce EU trade marks (e.g. in a

trade mark infringement matter), it will be necessary to take action through the national court system of a Member State either on the basis of a) where the infringement occurred, b) the domicile of the party responsible for the infringement or c) the domicile of the proprietor of the EU trade mark right.

6. Although EU trade marks are unitary rights which cover all 27 Member States of the EU, earlier national trade mark registrations and unregistered rights can be used to oppose EU trade mark applications and to prevent use of a mark in the Member State in which the national right is registered. Similarly, earlier EU trade mark registrations can be used to oppose national trade mark applications filed in any of the 27 Member States of the EU and to challenge the use of a mark in the EU.

EU trade mark law and its implementation itself is governed by three main pieces of legislation in the form of EU regulations – the EU trade mark regulation (EUTMR), the EU trade mark delegated regulation (EUTMDR), and EU trade mark implementing regulation (EUTMIR). Further guidance regarding the application of EU trade mark law and practice can be found in the “Directive approximating the laws of the Member States relating to trade marks” and the EUIPO’s trade mark guidelines[1].

Registered vs Unregistered Rights

The EU trade mark system operates on a “first to file” basis. This means that the trade mark with the earlier filing or priority date can be used to challenge (e.g. through infringement, opposition or invalidity proceedings) trade marks with a later filing or priority date. There is some protection afforded to unregistered rights. Earlier unregistered rights that are recognised under the laws of particular Member States can potentially be used to challenge the use and registration of EU trade marks. In most national jurisdictions of EU Member States, unregistered rights are defined relatively narrowly and are predominantly recognised only in the context of “unfair competition”.

EU Trade Marks Basics

As noted above, an EU Trade Mark is a unitary right that covers all 27 Member States. The EU is also party to the Madrid Protocol and can therefore be designated via an International Trade Mark Registration.

- Application fees are fixed and official fees payable to the office are determined based on the number of Classes of goods and/or services covered by the application.

- Since 1 October 2017 the EUIPO removed the requirement for trade marks to be “graphically represented” in order to qualify for registration – as such, applications can now be filed for the following types of marks: word marks, figurative marks, shape marks, position marks, pattern marks, colour marks, sound marks, motion marks, multimedia marks, and hologram marks.

- It is possible to file conventional trade marks, collective trade marks (e.g. marks used by groups of manufacturers), and certification marks (e.g. marks used to designate a certain characteristic or quality of the goods and/or services). Collective marks usually require that the user belong to a specific association and comply with its membership rules. Certification marks can, in principle, be used by anyone as long as they comply with the conditions laid down by the owner regarding the characteristics of the goods and/or services in question. One important difference between the two is that it is possible to use collective marks to protect the geographical origin of the goods or services covered by the mark, whereas, certification marks cannot be used to certify the geographical origin of goods and services.

- Absolute grounds examination is undertaken by the EUIPO examiners. It is possible to request an EU search report (i.e. a similarity search of earlier EU trade mark applications and registrations) free of charge. The EU searches are not particularly reliable and should not be used as a substitute for conducting full clearance searches.

- A payment of an additional fee is possible to request a search report of earlier national trade mark rights (i.e. trade marks registered before the national IP offices of member states).

- No relative grounds examination is carried out and earlier trade mark applications or registrations do not automatically operate as barriers to the registration of an application even in instances where the marks and goods and/or services are identical – the onus is on the proprietor of an earlier right to oppose.

- It is important to note that examination considers the registrability of trade mark applications by reference to the official languages of all Member States of the EU.

- English is an official language of Malta and Ireland. If an EU trade mark application encounters absolute ground objections on the basis that it would be understood as non-distinctive, descriptive and/or customary of the goods and/or services applied for by the English-speaking consumer, it is potentially possible to ‘convert’ into national applications in all Member States except for Ireland and Malta.

Representation requirements

Persons who have their domicile, principle place of business, or a real and effective industrial or commercial establishment within the European Economic Area, are not required to be represented in any proceedings before the EUIPO.

In all other instances an EUIPO Professional Representative needs to be appointed in order to communicate with the EUIPO in any proceedings before the office. The only exceptions to this rule are the filing of an application for an EU Trade Mark or Registered Community Design, the renewal of the same, or an application for inspection of files.

The same representation requirement applies to International Registrations designating the EU.

It is not necessary to file a Power of Attorney at the EUIPO in order to authorise a Professional Representative to act on behalf of a brand owner.

Examination process

Once an application is filed, it first undergoes absolute grounds examination. Following a successful examination process, the trade mark will be accepted and published for opposition purposes. The opposition period for EU Trade Marks lasts three months from publication and is non-extendable. Should no oppositions be filed, the trade mark application will progress to registration soon after the expiry of the opposition period and a digital registration certificate will be issued by the EUIPO. No paper registration certificates are issued – although it is possible to order a certified copy.

It is also possible for interested third parties to file “third party observations” against an application. Third party observations are essentially submissions that seek to convince the Examiner that the mark applied for does not satisfy the substantive requirements for registration (e.g. it is non-distinctive, descriptive and/or customary etc.). Third party observations may be considered by the Examiner overseeing the application and could potentially give rise to a refusal on absolute grounds, which was previously not raised.

Duration of Protection and Use Requirements

EU trade marks are registered for 10 years and can potentially be maintained in force indefinitely, provided that they are renewed every ten years and remain in use.

Unlike in some other jurisdictions (e.g. the USA), use is not a prerequisite for obtaining trade mark protection in the EU. Trade mark owners have a five year grace period in which to commence use of the mark in commerce. Once the grace period ends, third parties can seek to cancel the mark on the grounds of non-use. The mark will be cancelled in whole or in part, if it has not been used in respect of particular goods and/or services covered by the registration.

As long as an EU Trade Mark is within its grace period, it will form a valid basis for opposition or enforcement through infringement proceedings regardless of whether or not the trade mark has been put to genuine use in the territory of the EU. As such, during the first five years

from the registration of the trade mark relied upon, it will not be possible for a defendant to rely on the non-use of an EU trade mark to defend itself.

There are limited exceptions to this rule. For example, the defendant could attempt to invalidate the trade mark registration on the basis that it was made in “bad faith”. For example, if the trade mark registration in question has resulted from the re-filing of an earlier trade mark with the purpose of “evergreening” the registration, or in other words, with the purpose of extending the 5-year-limit of the grace period for non-use and circumventing rules related to providing proof of use.

Conversely, once an EU Trade Mark has been registered for five years, it will be possible for the defendant to request proof-of-use in opposition proceedings. Failure to demonstrate genuine commercial use will result in the goods and/or services from being discounted from the opposition. Whether or not a trade mark has been put to “genuine use” in the European Union is examined on a case-by-case basis and will depend on the nature of the goods and/or services in question and the peculiarities of the market concerned.

In order to qualify as genuine use, use of the mark needs to constitute commercial use of the trade mark in the economic sector concerned in order to maintain or create a share in the market. As such, genuine use does not necessarily depend on the volume of goods sold or services provided and there is no *de minimis* rule.

It is also not necessary to demonstrate use of an EU trade mark throughout the European Union – it only needs to be demonstrated that the trade mark has been used in a “substantial part” of the territory of the EU in the context of the goods and/or services, disregarding the national boundaries of member states.

The evidence should demonstrate use of the mark over the course of a five year period preceding the date of filing of the application

under examination (e.g. if the contested application was filed on 2 January 2020, it will be necessary to show use between 2 January 2015 to 1 January 2020).

The relevant use period should be the 5 years immediately preceding the date of filing of the application under opposition.

It is also possible to provide justifications for non-use, e.g. when the use of a particular mark has been delayed due to reasons outside the proprietor’s control. Such reasons could relate to, for example, in the context of medical drugs, delays in obtaining approval from national health authorities for the marketing of the products. Preparations made for starting to use a trade mark in commerce may also be taken into account.

Opposition and cancellation procedure

As noted above, it is possible for third parties to oppose EU trade mark applications within three months of their publication. The filing of an opposition requires the payment of an opposition fee and the indication of the rights and grounds relied upon. There will be opportunities for the opponent to file a statement of grounds and any evidence it wishes to rely upon, the defendant to submit observations (and request proof of use if applicable), and for the opponent to submit their observations in response. Further evidence and observations rounds may be allowed by the Examiner when deemed necessary.

Once a decision has been issued by the Opposition Division, both parties will be entitled to appeal the decision to the Boards of Appeal. The Boards of Appeal may either maintain the original decision, issue a new decision, or remand the case back to the Opposition Division for a new decision to be made.

It is possible to appeal the decisions of the Boards of Appeal further to the General Court of the European Union and from thereon to the European Court of Justice.

One important point to note is that any rights relied upon in opposition or cancellation proceedings need to be valid at the time of the issuance of the decision in these matters as opposed to the filing date of the action. This means that, for example, if an opposition action was filed based on a national trade mark right which then lapses during the opposition proceedings due to non-renewal, the opposition will fail regardless of the fact that the basis for the opposition was validly in force at the time of the filing of the action.

In all *inter partes* proceedings a decision on costs may be issued by the EUIPO which will be calculated based on a fixed scale. In normal opposition cases, costs will not exceed EUR 620 (EUR 320 for the opposition fee and EUR 300 for representation costs). Costs awarded in cancellation proceedings will be of a similar order. Cost awards in appeal actions will be higher owing to the higher appeal fees.

Priority and Seniority

It is possible to rely on a first filing of a trade mark application in the EU as a basis for a priority claim in overseas territories during the first six months following the filing of the application. Claiming priority allows the effective date of validity of a subsequent application to be back dated to the original filing date of the first application. Overseas priority will also be recognised when filing EU trade marks.

Seniority is a unique feature of the EU trade mark system. Seniority has its roots in the process of harmonisation of the internal market and allows for the information (including the date of validity) of earlier national registrations for the same trade mark be recorded against a subsequently filed EU trade mark. The effect of recording a seniority claim against an EU trade mark is that the EU trade mark will obtain the same effective date of validity in relation to the goods and/or services in question in the particular territory concerned as that of the original national registration. The national registration can then be allowed to lapse in favour of savings on renewal costs.

It is possible to record multiple seniorities against an EU trade mark.

Conversion

Conversion is another unique feature of the EU trade mark system. It is akin to “transformation” procedure for an International Registration but there are some differences between the two.

Conversion allows the applicant or owner of the trade mark to reapply for registration in national Member States in instances where the application or registration encounters an objection or invalidity action based on the mark being non-distinctive, descriptive and/or customary in a particular language of the EU. Conversion enables the applicant or owner to retain the original filing or priority date. It is possible to convert into all Member States in which the objection does not apply.

A conversion application requires the payment of a conversion fee as well as application fees for each member state where conversion is requested for. Once the application is filed, the EUIPO communicates the conversion request and the particulars to the relevant national offices which then proceed to conduct a national examination of the trade mark.

Brexit – the dreaded B-word

The UK’s departure from the EU has given rise to the following:

- Any UK national intellectual property rights no longer operate as bases for oppositions / invalidity actions in the European Union.

- Existing EU trade mark registrations (as of the end of the transition period, 31st December 2020), including designations of International Registrations in the EU, which covered the UK as a Member State were effectively cloned over to the UK register in the form of “comparable rights”. These new national UK trade mark registrations have retained their particulars from the EU registrations, including any relevant priority / seniority information.

- Any EU trade mark applications which were pending on 31st December 2020 can be refiled in the UK by 30 September 2021 and the comparable UK trade mark will be treated as if it were filed on the same day as the corresponding EU trade mark.

- Evidence of use of an EU trade mark in the UK prior to the end of the transition period will be accepted as evidence of use. Use of an EU trade mark in the UK following the end of the transition period will not be accepted.

- It is no longer possible to rely on evidence from the UK to demonstrate reputation of an EU trade mark.

- The UK courts are no longer bound by EU legislation and decisions of the CJEU. We could see the two systems diverge over time.

- UK trade mark attorneys are no longer authorised to represent clients before the EUIPO and an EUIPO Professional Representative who derives their representative status from a current member state will need to be appointed.

Marks & Clerk has well-established offices in France and Luxembourg and continues to be able to service its clients in these territories as well as the EU as a whole.

Erik Rouk
Associate
Registered & Chartered Trade Mark
Attorney (UK)
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Client Q&A with The Borders Distillery

When was The Borders Distillery established?

Our 'first nip' came off the still on March 6, 2018

What spurred the decision to set up in the Scottish borders?

It was the last part of Scotland with no Scotch whisky distillery. The one to operate in the Borders closed in 1837, hence our line 'First Since 1837'.

With many Brits opting for a staycation this year, what does the distillery offer the whisky tourist?

The Borders Distillery is a 5-Star attraction and we offer tours by our distillers, an opportunity to sample our products and shop.

What brands are available from The Borders Distillery?

We stock our own products ranging from New Make Spirit, Blended Scotch Whisky, Blended Malt Scotch Whisky, Steam Vodka and Borders Gin. We also stock a selection of Scotch Whiskies from other independent distillers.

What's the most special/excusive bottle available to buy?

The most expensive bottle you can buy is of our New Make Spirit, Back to the Borders.

Tell us about the locally sourced ingredients that go into your spirits.

We source all of our barley from Borders farms. In addition we return by products from distilling to local farms. One of our farmers makes biogas to heat hothouses for tomatoes which can be bought in

our local supermarket. We are proud of that.

The distillery has diversified into distilling gin. Tell us about the process of developing new products and at what stage you consider IP.

The Distillery was designed from the outset to include a Carter Head still (named Puffing Billy) which we use to make gin and vodka.

Once we have designed a new product and chosen a name we then seek trademark registration in our target markets.

How has securing IP for your brands aided the business since the establishment of the distillery?

In a variety of ways. In some markets you require IP to be able to authorise a resale, in others you need it to establish credibility. We also take the view that managed IP is an asset that will increase in value over time provided that we manage it properly.

Your Clan Fraser brand was specifically created for export markets, how did having an IP firm with an international footprint and expertise make the process of securing international IP rights a smooth process?

It was an important part of our strategy at start-up. Since then we have to defend infringement, negotiate shared use, apply (and reapply) and certify use. Having a partner in this area that handles all aspects is very useful for a small business.

And finally... how do you drink your whisky – with a splash of water, on the rocks or neat?

It depends on mood and occasion but I always add a little water or ice to set free the aromas and flavours I look for in Scotch whisky.

John Fordyce, Director and Co-Founder at The Borders Distillery

Meet the Team



Name/Job Title

Paul Chapman | Chartered (UK) and European Patent Attorney

Areas of expertise

Biotechnology

Client overview

I work for a great variety of clients, from small enterprises, to large multinationals. My Scottish clients include a number of the Universities and their spin-outs. I have a long history of protecting and advising on medical diagnosis inventions and supplementary protection certificates, which is a particularly niche area.

Career Highlights

I would not say I have a career highlight, but obviously becoming a partner and mentoring junior staff through their career progression, is very rewarding.

Favourite dish

I love lots of food, but I find it hard to look past a good curry.

Signature meal to cook at home

My kids would say that my lasagne is their favourite.

Top tittle

Well I now make my own all-grain beer at home, but anyone who knows me, knows I am not fussy. I do my bit to support the Scottish malt whisky industry.

Favourite restaurants

I could point to any number of restaurants here in Edinburgh, the variety is fantastic. However, our go to restaurant at the moment is Bentoya, as it reminds us of our family holiday to Japan. I would say now that lockdown is easing, I am looking forward to getting out again more and testing out some old favourite haunts, as well as new ones. Now you've got me thinking...

Dream Dinner Guests

Good question. I really don't mind, as long as everyone is getting along and enjoying themselves and the food/drink being served.

Most adventurous food/drink you've ever tried

Sea Urchin. There were also some interesting things in Japan, which I have selectively forgotten.

Hobbies

Well I have mentioned my beer making and I am also an avid rugby fan. Strangely, quite good in combination ;)



Name/Job Title

Janice Morrison | Registered and Chartered Trade Mark Attorney (UK)

Areas of expertise

Trade marks and brand protection.

Client overview

I work with a broad range of national and international clients in a variety of sectors, including food and drink, retail and fashion, software, pharmaceuticals and financial services.

Career Highlights

Joining Marks & Clerk (from a competitor); qualifying as a trade mark attorney; succeeding in overcoming official objections and third-party oppositions against clients' trade mark applications.

Favourite dish

I have a soft spot for German food, in particular Wiener Schnitzel and Nürnberger Bratwurst.

Signature meal to cook at home

I'm not known for my culinary skills!

Top tittle

I'm not a big drinker. I'll have the occasional Bucks fizz - or very occasional rum and coke - but tend to stick to coke on its own most of the time.

Favourite restaurants

I particularly enjoy eating out and have favourite restaurants in lots of different places. Amongst my favourites are Scott's in South Queensferry, Amber Regent in Glasgow and, probably best of all, Les Armures in Geneva.

Dream Dinner Guests

Childhood friends that I have lost touch with over the years.

Most adventurous food/drink you've ever tried

Probably horse meat. I don't quite recall what it tasted like as it was a long time ago (in Switzerland).

Hobbies

Motorhoming, foreign travel, foreign languages, listening to music, sleeping (!)...

Support Local Challenge

Following tradition from our previous issues, we thought we would give this edition's inclusion an local twist with a supporting local challenge.

Tomas Karger
Associate
Aberdeen



For our local dish we made Toad in Hole which is family favourite, despite not being something we grew up with in Canada! As you can see from the pictures I had some help from my kids, including my daughter Poppy. The chipolatas were picked up from our local butcher, JK Fine Foods, in Westhil who sources organic meats directly from the highlands. The milk we used for the batter came straight from the source after a visit to Forest Farm which is an organic dairy farm in Kinellar. My son Oskar grabbed some of their artisan gelato which was a well-enjoyed dessert.



Robbie Gauld
Trainee Patent Attorney
Aberdeen



My sister and I made a pavlova with kiwi, strawberries and blueberries for her birthday. All the fruit and some of the other ingredients were purchased from the garden centre local to my parent's house in Mintlaw – Simpsons at Happy Plant.



Support Local Challenge

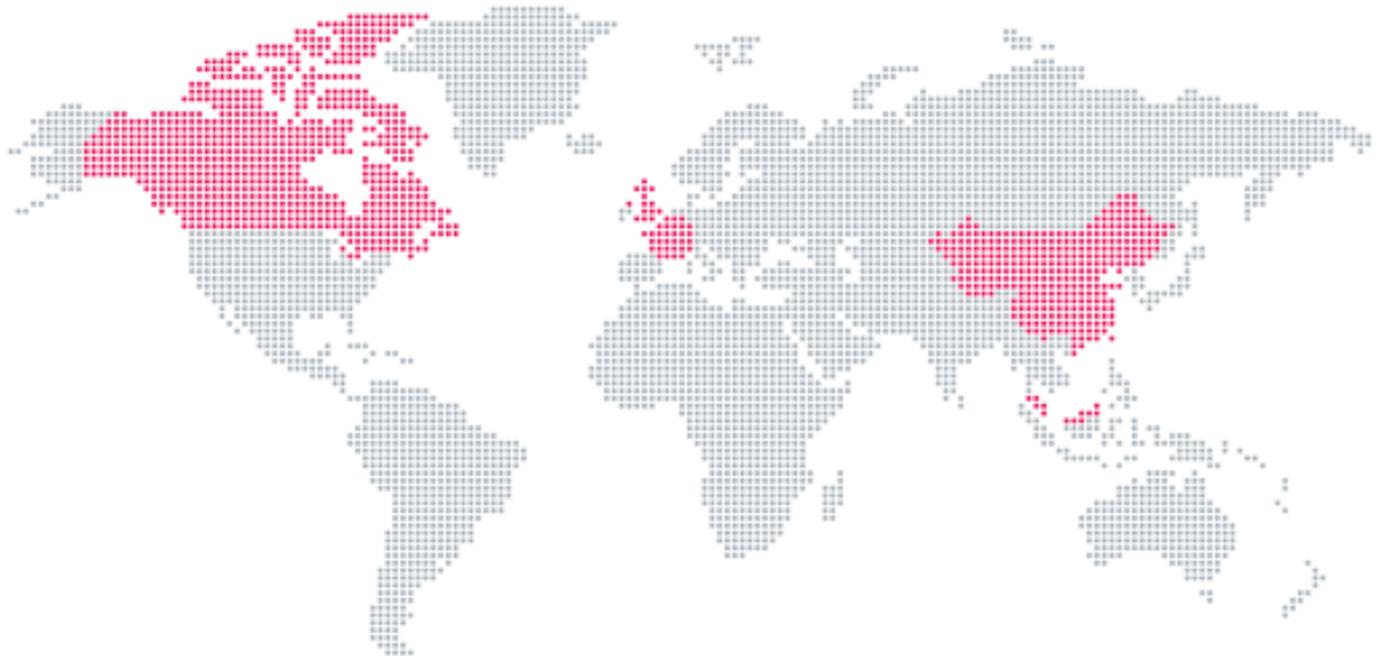
Louise Mansion
Associate
Glasgow



I made a summer pudding using raspberries and blueberries from the fruit farm across the road from my house, and bread from a local farm shop. The recipe only uses the crusts so I left them out for the birds and squirrels.

It's one of my favourite summer desserts (although maybe not the most attractive looking), and it always amazes me how you can get something so delicious from just a few simple ingredients.





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