

## DISTINGUISHED VISITOR IN INTELLECTUAL PROPERTY LECTURE

# WHEN TRADEMARK OWNERS ACT LIKE INFRINGERS

PROFESSOR JEANNE FROMER

WALTER J. DERENBERG PROFESSOR OF INTELLECTUAL PROPERTY LAW  
NEW YORK UNIVERSITY SCHOOL OF LAW

MONDAY, 9 JANUARY 2023 || 5.00PM TO 6.30PM || WEE CHONG JIN MOOT COURT, NUS LAW

## ABOUT

In recent years, trademark owners have increasingly been acting very similarly to those they accuse of infringement or dilution of their marks. For example, fashion companies Gucci and Balenciaga recently engaged in a collaboration of sorts—the “Hacker Project”—in which they each spliced the others’ marks and signature aspects into their fashion items. Yet at the same time, mark owners like Nike are pursuing legal action for infringement against aftermarket customisers of its goods. Moreover, while businesses are increasingly self-parodying their marks, they continue to claim that third-parties’ arguable parodies constitute trademark infringement. These trends typify how trademark owners are increasingly behaving like the third parties they pursue for infringement.

This lecture address how trademark law should think about these new, prevalent behaviours by mark owners. Mark owners are arguably blurring the distinctiveness of their own marks by engaging in these uses. In fact, they might be undermining the strength and the protectability of their own marks and engaging in self-dilution. Moreover, by purposefully increasing the likelihood of consumer confusion as to whether a mark’s use is legitimate—even if done ironically—mark owners are altering the calculus of trademark infringement analysis.

## PROGRAMME

- 4.30PM Registration
- 5.00PM Lecture by Prof. Jeanne Fromer
- 6.00PM Q&A session moderated by Prof. David Tan
- 6.30PM End of Programme

## SPEAKER



## PROFESSOR JEANNE FROMER

Walter J. Derenberg Professor of Intellectual Property Law  
New York University School of Law

Professor Jeanne Fromer specialises in intellectual property, including copyright, patent, trademark, trade secret, and design protection laws. She is a faculty co-director of the Engelberg Center on Innovation Law & Policy at NYU Law. Fromer is also the co-author, with Chris Sprigman, of a free copyright textbook, *Copyright Law: Cases and Materials*, which is in use at over 60 law schools around the world. In 2011, she was awarded the American Law Institute’s inaugural Young Scholars Medal for her scholarship in intellectual property.

Before coming to NYU, Fromer served as a law clerk to Justice David H. Souter of the US Supreme Court. Fromer received her JD magna cum laude from Harvard Law School and earned her BA summa cum laude in computer science from Barnard College, Columbia University. She received her SM in electrical engineering and computer science from the Massachusetts Institute of Technology for research work in artificial intelligence and computational linguistics and worked at AT&T (Bell) Laboratories in those same areas.

## REGISTRATION

Register at [bit.ly/3Amrd8i](https://bit.ly/3Amrd8i)  
or scan the QR codeClosing date: 6 January 2023  
Contact: [ewbclb@nus.edu.sg](mailto:ewbclb@nus.edu.sg)

## CHAIRPERSON



## PROFESSOR DAVID TAN

Head (Intellectual Property)  
EW Barker Centre for Law & Business  
NUS Law

Professor David Tan was Vice Dean (Academic Affairs) at NUS Law from January 2015 to June 2021. He holds a PhD from Melbourne Law School (2010), a LLM from Harvard (1999), and graduated with a LLB (First Class Honours)/BCom from the University of Melbourne (1995). His areas of research include a cultural analysis of copyright, trademark and right of publicity laws. David was formerly with the Singapore Administrative Service, serving as Director of Sports at Ministry of Community Development, Youth & Sports and Director of International Talent at Ministry of Manpower. He has also had work experience at McKinsey & Company and DBS Bank.

Together with Professor Fromer and Professor Graeme Austin, he is editing a book titled *Fashion & Intellectual Property*, which will be published by Cambridge University Press in 2024.

Public CPD Points: 1  
Area: Intellectual Property  
Training Level: Foundation

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