

5. ECTA Interviews

INTERVIEW:

Fabrizio de Benedetti



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When I started in the IP field some decades ago Fabrizio De Benedetti was already like an icon for me, so it now feels a little "strange" to be interviewing him because, although I am honored to be able to count

him among my peers in the profession, he is still a person from whom I can still learn a lot...

But, anyway, let's start

1. When and how did your passion for IP begin?

I started to work part-time for SIB (Società Italiana Brevetti) when I was 22 (year 1963) just before graduating from Rome University.

I was already cooperating part-time with Altiero Spinelli who is considered one of the fathers of the European Union for writing, while imprisoned for opposing the fascist Italian regime, the so-called "Ventotene Manifesto" in which he and his fellow prisoner Ernesto Rossi called for the establishment of a European federation of free democratic countries to avoid the possibility of new wars among the member countries. The main building of the European Parliament in Brussels is, in fact, named after him.

I must confess that at that time I was much more interested in the political vision of Altiero Spinelli and in the evolution of international relations than in IP. In any case, I continued for some time to pursue both activities and I must underline that Spinelli's capability to explain the history of international relations and his visionary approach to a possible future was not only fascinating, but it taught me to approach problems by analyzing the entire picture of the situation and taking into consideration all possible effects or consequences. This approach proved to be terribly helpful to me when I decided to dedicate myself full-time to IP.

The passage, as sometimes happens in life, was the consequence of the fact that, at a certain point, I understood that I could not base my life just on studying international politics which, at that time in Italy, interested very few people, none of them politicians.

The choice, however, was dictated also by the fact that I had, little by little, appreciated more and more the IP sector for the many political and economic implications for the future of the modern society.

This, in fact, was the subject of an international meeting that I organized in 1982 on the occasion of SIB centennial anniversary in which the main leaders of IP institutions accepted to take part among which the Director General of WIPO, the President of the European Patent Office, the Director of the Max-Planck Institute – IP Section, and a number of experts in IP and economics coming from the US, Japan and major countries in South America and Europe. In fact, at that meeting the possible evolution of IP as a strategic policy was discussed and that strategic role was confirmed about 12 years later by the adoption of the TRIPs Agreement.

2. What moments in your life would you consider the milestones of your career in the field of IP?

The first milestone was when I realized that it

was possible to have a different approach to IP based on the ability to appreciate its possible evolution. Later, the fact that after a few years from its foundation, I was asked to take the presidency of ECTA of which I am one of the founders.

Another milestone was the fact that in Italy the IP government authorities decided to involve me in the Committees appointed for updating and changing national IP legislation.

This involvement has been continuing since 1978 regarding the legislation on trademarks, patents and designs and includes the consolidation of the entire national legislation on IP into the Italian Industrial Property Code.

A further key fact in my professional career regards the role that I played in the official recognition both of a recognized IP profession in Italy and of an Institute of the Italian Industrial Property Consultants. Since 1981 I have been constantly contributing to the institute as a council member, vice-president and president.

However, my involvement in ECTA remains an essential aspect of my professional life.

3. How did ECTA blend with these milestones?

During my presidency, 1988-1990, I developed a strong relationship between ECTA and the IP unit within the EU Commission, then called European Economic Community. ECTA, in fact, played an essential role in shaping European legislation on trademarks by counseling and discussing day-by-day with the EEC IP representatives all the difficult and controversial aspects of the new European IP system, and often offering the right solutions which were then implemented.

4. In which way do you feel ECTA has contributed most to the field of IP (e.g.; raising industrial awareness, aiding young lawyers, being a strong analyst and point of reference for the interpretation of regulations and statutes...)?

ECTA arose from an excellent idea of Eric Wenman who understood the need for an association of trademark experts in order to establish a cooperation with the European Commission in this field.

So ECTA began to be a point of reference for the European Commission in the years in which European trademark legislation was shaped. Thereafter ECTA has contributed at the highest

level by analyzing the legislation as well as its implementation by official institutions such as the OHIM, now EUIPO, or the national IP Offices as well as the European or national courts dealing with IP. ECTA Committees have proved to be excellent in giving interpretations of provisions and rules, raising objections against wrong positions or practices of the IP Offices dealing with trademarks or designs while making appropriate propositions for possible changes. In this respect ECTA has greatly helped trademark practitioners in Europe to improve their professional capabilities and knowledge of difficult aspects of the profession.

5. You have a strong interest in the legislation process, proven by your constant presence at the legislator and regulatory table. In light of the concrete possibility of the UK leaving the EU, do you feel this will hinder the widely followed road of IP harmonization within the EU? What role will ECTA play in this and the future scenario?

Brexit has been indeed a shock for many of us in the profession as well as for all people who believe that Europe should proceed towards greater integration at least in fields like foreign policy, defense, fiscal policy and areas of legislation which, more than others, require harmonization; IP among them. I don't think that Brexit will change this approach if other EU member countries, or at least an important group of them, are resolute in reviving the original spirit which inspired Altiero Spinelli, but also great politicians like Robert Schuman, Jean Monnet, Konrad Adenauer, Alcide De Gasperi, Paul-Henri Spaak and others who are at roots of Europe.

As you may appreciate, speaking with Fabrizio is always an enlightening experience and I thank him very much for the time dedicated to this interview.



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