

LOYENS  LOEFF

clear solutions by sharp minds

Marketing Competence Group

Belgium



the leading Benelux law firm

Marketing Competence Group

Marketing and law, two activities which do not, at first sight, seem to be natural companions. Whereas the first is all about promoting products and services, the second is often seen as stifling marketers' creative ideas!

But what is the point of expending so much time and money in promoting a product or service if, at the end of the day, the fruits of all that effort have no protection from third parties (counterfeiters, competitors, the authorities)? By the same token, the value of a brand is not just measured by its reputation but also by the extent of the protection it enjoys.

The rules applying to marketing techniques are currently undergoing profound change. The adoption of a European directive to harmonise market practices in the European Union is also changing the landscape and current Belgian legislation is far from being uniformly applied. Knowing what the position of the various authorities (government, courts and tribunals) on the subject is, can be one way of marking yourselves out from your competitors by daring to do what they dare not.

The Belgian **Marketing Competence Group** at Loyens & Loeff has the expertise and positive approach which make its legal advice both sound and constructive. It covers all the facets of marketing, from strategy to implementation, so that you can develop a coherent, effective and dynamic marketing policy.

Our clients

Our client portfolio includes a large number of Belgian and foreign companies that we assist on a daily basis in connection with their advertising and commercial communication strategy, including digital and interactive marketing.

Our expertise

Clients can benefit from our strong expertise in advertising and corporate communications and frequently call upon our Marketing Competence Group to deal with contract drafting, prevention of potential problems which could arise from advertising campaigns, contract termination and dispute resolution.

Loyens & Loeff's comprehensive range of services to the marketing community include:

- Compliance with consumer protection and fair trade practice law
- Protection, exploitation and enforcement of intellectual property rights (trademarks, copyrights, etc.)
- Data and privacy protection
- Co-operation agreements
- Distribution and franchise agreements
- Information technology-related contracts

Our excellent relations with like-minded professionals in other countries enable us to provide you not only with an analysis for Belgium but also, if you so wish, for many other countries where you may be planning to do business.



Some recently handled matters

- Advising on numerous advertising projects and promotional actions
- Advising on the organisation of a promotional competition within Belgium
- Checking the legal compliance of an interactive website set up to promote a new service
- Assisting our clients with the start-up of their online shop
- Assisting some of our clients in the drafting of the labelling of their products to avoid any possible charge of misleading advertising
- Conducting the defence of one of our clients in proceedings relating to an advertising booklet which competitors alleged infringed fair trade practices rules and the European regulations on nutrition and health claims.
- Advising on the protection of a specific product with a 3D trademark
- Representing one of our clients in proceedings relating to the termination of a promotion agreement
- Representing clients in enquiry proceedings initiated by the regulatory authorities responsible for overseeing the application of the laws on market practices
- Establishing worldwide intellectual property protection strategies including portfolio management and licensing
- Acting in a dispute situation between one of our clients and a photographer alleging that our client was selling products using a reproduction of one of her pictures
- Advising a communications services group on privacy related issues
- Drafting a framework marketing agreement between one of our clients and its advertising agency
- Reviewing compliance of promotional campaigns with pharmaceutical rules (Professional Code of Ethics, etc.)

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