

Law on demand

Lawrence, a platform that aims to redefine legal services with AI

The rules of game

Why Switzerland is a global hub for sports law

Farawell to tax haven

The stricter approach and the effect on Swiss reputation as a tax-friendly jurisdiction

Shaping the future of IP

In an exclusive interview, Eva-Maria Strobel (Baker McKenzie) discusses key IP trends, the complexities of protecting unique trademarks, and how AI and sustainability are reshaping the IP landscape for businesses worldwide

Claudia La Via



Embracing change, shaping the future

The legal universe is increasingly seeking new spaces, a new balance, new objectives, and new challenges. Technology is profoundly transforming the profession, with Artificial intelligence leading an unstoppable revolution. There is no turning back from the future, and truthfully, we wouldn't want to. What is certain is that we must face this change with full awareness, embracing it actively, not passively, approaching it with initiative rather than fear—riding the wave of change instead of letting it overwhelm us.

This transformation is reshaping the way law firms operate, as highlighted in our interview with **Proxima Legal**, a boutique firm that has chosen to prioritize quality over quantity and direct relationships over intermediated ones. The way clients seek legal support is changing too: increasingly streamlined, informal, and cost-effective. Once again, technology is setting the pace, and Switzerland is proving to stay ahead of the curve. This is confirmed by the experience of **Lawrence**, a platform that leverages AI and a global network of lawyers to simplify consultations and offer accessible, “democratic” entry points for everyone seeking legal advice. In this issue, visionary lawyer and founder Vanja Mégevand explains to *MAG* how Lawrence aims to redefine legal services

through AI.

Reinforcing Switzerland's crucial role in the legal world, we have explored the intersection of law and innovation in multiple dimensions. One central theme is the growing importance of **sports law** in Switzerland, where the country's pivotal role in global arbitration and ethical governance in sports is examined. With the Court of Arbitration for Sport (CAS) and major international organizations like FIFA headquartered here, Switzerland's influence extends globally. However, it's not just traditional sports that are evolving. Our in-depth look at how AI and digital transformation are reshaping sports law offers a glimpse into the future of athlete data protection and the complexities of new technologies like NFTs in sports.

Meanwhile, the debate over **tax controversy** has intensified as Switzerland's reputation as a tax haven is increasingly challenged by new global regulations. The growing scrutiny by Swiss and international tax authorities means that multinational corporations and law firms operating here must prepare for a new era of compliance, audits, and litigation. This article delves into the growing need for robust legal strategies to navigate these challenges, highlighting the increasing complexity of the Swiss tax system in light of recent reforms.

The landscape of **intellectual property (IP)** is another focal point of this issue, where we spoke with **Eva-Maria Strobel from Baker McKenzie** about the evolution of IP protection. Her reflections on how AI, sustainability, and the rise of "green trademarks" are reshaping the global IP market provide valuable guidance for companies seeking to remain competitive while managing their IP portfolios. IP law, particularly in areas like gesture trademarks and sustainable branding, is becoming a vital tool for businesses navigating the opportunities and challenges of the digital age.

We also take a giant leap beyond our planet with an exploration of **space law**—an emerging frontier where Switzerland is making its mark. With its recent signing of the Artemis Accords, Switzerland positions itself as a key player in the future governance of space exploration. This legal field presents new challenges, from resource extraction on the Moon to liability for space debris, and Swiss expertise in arbitration and diplomacy will undoubtedly shape the future rules governing space activities.

As you browse through this issue, you'll see that Switzerland's legal market is not merely keeping pace with global trends but is actively shaping the future of law across various fields. Whether through its role in sports arbitration, tax regulation, IP innovation, or space exploration, the Swiss legal ecosystem continues to demonstrate that its expertise, neutrality, and adaptability make it a leader on the global stage.

We hope this edition provides valuable insights and sparks new ideas as you navigate these complex and exciting times. Let's continue this journey together, exploring the latest legal innovations and tackling the most pressing challenges shaping our world today. 📖

2024

EVENTS CALENDAR

OCTOBER

- Inhousecommunity Awards Italia Milan, 17/10/2024
- Legalcommunity Marketing Awards Milan, 21/10/2024
- Inhousecommunity Days Switzerland Zurich, 24-25/10/2024
- Legalcommunity Litigation Awards Milano, 29/10/2024

NOVEMBER

- Iberian Lawyer Inhousecommunity Day Madrid, 05/11/2024
- Iberian Lawyer Gold Awards Madrid, 05/11/2024
- Financecommunity Week Milan, 11-15/11/2024
- Financecommunity Awards Milan, 14/11/2024
- LegalcommunityMENA Awards Riyadh, 21/11/2024

DECEMBER

- The LatAm Energy & Infrastructure Awards São Paulo, 11/12/2024

2025

EVENTS CALENDAR

JANUARY

- Legalcommunity Energy Awards Milan, 30/01/2025

FEBRUARY

- Private Capital Talks and Drinks Madrid, 06/02/2025
- Legalcommunity Finance Awards Milan, 13/02/2025
- Iberian Lawyer Sustainability Summit - Spain Madrid, 20/02/2025
- Iberian Lawyer Labour Awards Madrid, 20/02/2025

MARCH

- Iberian Lawyer Inspiralaw Madrid, 06/03/2025
- Financecommunity Fintech Awards Milan, 13/03/2025
- Legalcommunity IP&TMT Awards Milan, 20/03/2025
- LC Sustainability Summit Milan, 25/03/2025
- LC Sustainability Awards Milan, 25/03/2025

APRIL

- LC Inspiralaw Italia Milan, 01/04/2025
- Legalcommunity Tax Awards Milan, 03/04/2025

MAY

- LegalcommunityCH Awards Zurich, 08/05/2025
- Legalcommunity Forty under 40 Awards Milan, 22/05/2025
- Iberian Lawyer Legaltech Day Madrid, 29/05/2025
- Iberian Lawyer IP&TMT Awards Madrid, 29/05/2025

JUNE

- Legalcommunity Week Milan, 09-13/06/2025
- Legalcommunity Corporate Awards Milan, 11/06/2025
- Rock the Law Milan, 12/06/2025
- Iberian Lawyer Energy Day Madrid, 19/06/2025
- Iberian Lawyer Energy Awards Madrid, 19/06/2025

JULY

- Italian Awards Rome, 03/07/2025

SEPTEMBER

- LC Energy Day Milan, 11/09/2025
- The Latin American Lawyer Women Awards São Paulo, 11/09/2025
- Legalcommunity Labour Awards Milan, 18/09/2025

SEPTEMBER

- Iberian Lawyer Forty Under 40 Awards Madrid, 25/09/2025

OCTOBER

- Inhousecommunity Days Milan, 1-3/10/2025
- Legalcommunity Real Estate Awards Milan, 09/10/2025

LEGEND

- Legalcommunity / LegalcommunityCH
- LegalcommunityMENA
- LegalcommunityWEEK
- Financecommunity
- FinancecommunityES
- FinancecommunityWEEK
- Iberian Lawyer
- The Latin American Lawyer
- Inhousecommunity
- Foodcommunity
- LC

ITALY

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ENERGY & INFRASTRUCTURE		
Research Period from	01/11/23	DOWNLOAD SUBMISSION ↓
Research Period to	31/10/24	
Deadline Submission	27/09/2024*	
Report Publication	Feb-25	

*It will be possible to integrate with subsequent deals within Friday 22 November 2024

FINANCE		
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Deadline Submission	11/10/2024*	
Report Publication	Feb-25	

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Deadline Submission	08/11/2024*	
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Report Publication	Oct-25	

REAL ESTATE		
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Deadline Submission	16/05/2025	
Report Publication	Nov-25	

INHOUSECOMMUNITY		
Research Period from	01/07/24	
Research Period to	30/06/25	
Deadline Submission	23/05/2025	
Report Publication	Nov-25	

LITIGATION		
Research Period from	01/04/24	
Research Period to	31/03/25	
Deadline Submission	30/05/2025	
Report Publication	Nov-25	

FINANCECOMMUNITY		
Research Period from	24/08/24	
Research Period to	31/08/25	
Deadline Submission	27/06/2025	
Report Publication	Dec-25	

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SPAIN AND PORTUGAL

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Research Period to	30/11/24	
Deadline Submission	20/09/2024*	
Report Publication	Apr-25	

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IP&TMT		
Research Period from	01/03/24	DOWNLOAD SUBMISSION ↓
Research Period to	28/02/25	
Deadline Submission	15/11/2024*	
Report Publication	Jun-25	

*It will be possible to integrate with subsequent deals within Friday 14 March 2025

ENERGY & INFRASTRUCTURE		
Research Period from	01/04/24	DOWNLOAD SUBMISSION ↓
Research Period to	31/03/25	
Deadline Submission	17/01/2025*	
Report Publication	Jul-25	

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SWITZERLAND

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SWITZERLAND		
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Deadline Submission	15/11/2024	
Report Publication	Jun-25	

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MENA

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MENA		
Research Period from	01/05/24	
Research Period to	30/04/24	
Deadline Submission	27/06/2025	
Report Publication	Jan-26	

LATAM

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ENERGY & INFRASTRUCTURE		
Research Period from	01/05/24	
Research Period to	30/04/25	
Deadline Submission	30/05/2025	
Report Publication	Jan-26	

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On the Move



ACC EUROPE

Maria Rocha Barros new president of the board of directors

The Association of Corporate Counsel Europe (ACC Europe) has announced the appointment of Maria Rocha Barros (pictured left) as the chapter's new president. Maria succeeds Eva Argilés (pictured right), who has served with distinction as ACC Europe president for the past two years. "I'm honoured to be elected president of this organisation I have long admired and respected", says Barros underlying her focus for the future: mobilise ACC Europe for the next phase of growth and development while staying true to its core purpose—to be the foremost, relevant peer-to-peer forum for in-house counsel across Europe. Maria Rocha Barros serves as the chief legal & public affairs officer at Booking.com, leading the company's legal, government affairs and regulatory compliance teams, and serving as a member of the management board of Booking.com. With a robust background in corporate law and a passion for technology, she plays a crucial role in shaping Booking's strategy in the rapidly evolving travel and tech sector. Maria's leadership roles on the ACC Europe Board and with various initiatives showcase her commitment to the Chapter, making her ideally suited to lead the organisation forward.

APPOINTMENT

Alejandro Bes new Axmed general counsel

Alejandro Bes has been appointed as Axmed general counsel. Axmed is a medicines marketplace that unlocks access to life-saving therapeutics by aggregating demand across healthcare providers such as governments, INGOs and private providers. Bes began his legal career as an associate at Freshfields in Spain. He later transitioned to an in-house role, serving as corporate legal counsel for Apple in Italy, Spain, and Portugal. Over time, he specialized in the medical and pharmaceutical sector, joining Novartis in September 2018. By October 2024, he held the position of global legal head for immunology at the company.



KIAC

Bernd Ehle appointed to the Board of Directors

Bernd Ehle (pictured), partner at LALIVE in Geneva specializing in international arbitration, has been appointed to the Board of Directors of the Kigali International Arbitration Centre (KIAC) for a three-year term. KIAC, established in 2010 and officially launched in May 2012, is one of Africa's foremost arbitration institutions. It plays a pivotal role in promoting arbitration and alternative dispute resolution across Rwanda and the broader region. With its modern and efficient framework for resolving commercial disputes, KIAC strengthens the business climate, fosters

investor confidence, and contributes to sustainable economic growth. In June 2025, KIAC will co-host the ICCA-KIAC Conference, further reinforcing its position as a key player in the global arbitration community.

NEW PARTNER

Aude Peyrot joins Walder Wyss as a partner in Geneva



Aude Peyrot (pictured) has joined the team of Walder Wyss as a new partner in their Geneva office. Dr. Aude Peyrot is a recognized specialist in inheritance law, coming from Harari Avocats, located in Geneva, where she held the position of partner. Prior to that, she worked as an attorney-at-law at Python and Peter. As a Trust and Estate Practitioner (TEP), she advises Swiss and foreign clients on estate planning, and assists them in domestic and international disputes involving complex structures (trusts, foundations, etc.).

She also practices real estate law (real estate transactions and developments), banking litigation and debt enforcement law (including recognition and enforcement of foreign judgments). She is co-moderator of the Geneva Bar Association's specialized forum on inheritance law and a member of the Swiss Bar Association. She is also a director of a leading real estate company in French-speaking Switzerland and a member of the board of a charitable foundation in Geneva. She is currently President of the Société genevoise de droit et de législation. She practices in French and English and is registered with the Geneva Bar Registry and admitted to practice in all Switzerland.



SCHELLENBERG WITTMER

Three new partners and a new counsel for the firm

Schellenberg Wittmer has further strengthened its team with the appointment of three new partners and a new counsel in the last months. On 1 September 2024, Dr Stéphanie Chuffart-Finsterwald joined the firm as a partner in Geneva. She will lead the Intellectual

Property, Information and Communication Technology (ICT) and Life Sciences practices. On 1 October 2024, Dr Simone Nadelhofer and Matthias Gstoehl will also join the Zurich office as partners. Nadelhofer brings extensive expertise in handling complex domestic and cross-border proceedings, internal and government-led investigations, with a focus on white-collar crime, corruption, money laundering, and ESG violations. Gstoehl specialises in complex disputes and investigations, with a strong focus on financial crime and contentious banking matters. Both partners will further bolster Schellenberg Wittmer's Dispute Resolution and White-Collar Crime practices. Furthermore, last August, Petra Spring joined the Zurich office as counsel and Co-Head of the Employment Practice Group.



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INTELLIGENCE



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On the web



Facilitating global expansion: the role of Swiss law firms in key sectors

In recent months, the Swiss legal market has been particularly dynamic, particularly in the healthcare, life sciences, and technology sectors. The below deals highlight the pivotal role played by Swiss law firms in advising on a variety of high-profile, complex transactions that demonstrate both domestic growth and international expansion strategies.

Vischer's role in advising Santis Pharma on its partnership with Abenex exemplifies how Swiss legal expertise is supporting the growth of the health supplements sector, helping companies expand into new geographies and markets.

Similarly, Advestra's guidance on the acquisition of Synple Chem by eMolecules and Avista Healthcare highlights the increasing consolidation within the biotech sector. This deal expands eMolecules' portfolio, particularly in drug discovery, and underscores Switzerland's significance as a hub for innovation in life sciences.

In another notable transaction, Lenz & Staehelin and Walder Wyss assisted Emmi Group in its acquisition of the coffee roaster Hochstrasser. This deal reinforces Emmi's position in the coffee market, showcasing the broad expertise of Swiss legal firms across various industries, including food and beverage.

Lastly, NKF's advisory role in Gogo's acquisition of Satcom Direct, a transaction valued at USD 375 million, demonstrates the scale and complexity of Swiss legal involvement in global technology and communications sectors.

These examples reflect the robust and diverse nature of the Swiss legal market, which continues to play a crucial role in facilitating strategic growth across a wide range of industries.



GIAN-ANDREA CAPREZ

Vischer with Santis Pharma on its partnership with Abenex

Vischer acted as Swiss counsel to the founders of Santis Pharma on its partnership with Abenex, in collaboration with lead counsel Archer Avocats. Accompanied by its new partner, Santis Pharma aims at accelerating its expansion and development in adjacent markets and new geographies. Vischer's team was led by corporate/M&A partner **Gian-Andrea Caprez** (pictured) and included **Christoph Niederer** (partner, tax), **Patrik Fisch** (managing associate, tax), **Dr. Sandro Bernet** (associate, corporate/M&A) and **Levi Schöb** (junior associate, corporate/M&A).

Santis Pharma is a Franco-Swiss laboratory company developing and marketing food supplements with health benefits. Santis Pharma is located in northeastern Switzerland, a region where expertise in natural medicine has been developed for centuries. The laboratory owes its name to a Swiss mountain, the Säntis, located in the heart of this region.

PRACTICE AREA:

Healthcare

DEAL:

Abenex

LAW FIRM:

Vischer

HEAD PARTNERS:

Gian-Andrea Caprez

VALUE:

Not disclosed



ANDREAS HINSEN

Advestra with eMolecules and Avista on Synple Chem acquisition

Advestra advised eMolecules and Avista Healthcare Partners (of which eMolecules is a portfolio company), on the acquisition of all shares in Synple Chem. The acquisition strategically expands eMolecules' product and service portfolio to include automation solutions and enhances its one-stop-shop offering for drug discovery customer. Advestra's team included partner **Andreas Hinsén** (pictured), **Beau Visser**, **Luca Schmid** and **Martina Giacometti** (all corporate | M&A). eMolecules was founded in 2005 with a vision to reduce drug discovery timelines through improved efficiencies in the compound search and acquisition process. Avista Healthcare is a New York-based private equity firm with over \$8 billion invested in more than 45 growth-oriented healthcare businesses globally. Synple Chem was founded in 2016 in Zurich as an ETH spin-off and is active in the field of automated chemical synthesis systems and solutions for small molecules drug discovery customers.

PRACTICE AREA

Healthcare

DEAL

Synple Chem

LAW FIRM

Advestra

HEAD PARTNERS

Andreas Hinsén, Beau Visser, Luca Schmid and Martina Giacometti

VALUE

Not disclosed



Lenz & Staehelin and Walder Wyss as Emmi Group advisors in the acquisition of Hochstrasser

Lenz & Staehelin and Walder Wyss advised and represented Emmi Group on the acquisition of coffee roaster Hochstrasser. Lenz & Staehelin dealt with the merger control proceedings before the Swiss Competition Commission. Lenz & Staehelin's team comprised partner **Marcel Meinhardt** (pictured left), associate **Sandro Travaglini**, associate Ueli Weber and associate **Tizia Scharf** (all competition). Walder Wyss advised the Emmi Group on all legal aspects of the acquisition. The team included corporate/M&A counsel **Samuel Lieberherr** (pictured center), corporate/M&A senior counsel **Urs Schenker** (pictured right), **Justin Paljuh** (trainee, corporate/M&A) and **Carmen Stetter** (trainee, corporate/M&A). Founded in 1907 and headquartered in Lucerne, Emmi Group is listed on SIX Swiss Exchange and is a manufacturer of high quality dairy products in Switzerland, having a presence in 14 countries. With this acquisition, the company is strengthening its coffee expertise and the innovative further development of the iconic Emmi Caffè Latte brand, thereby ensuring outstanding barista quality in the long term.

PRACTICE AREA

DEAL & TRANSACTIONS

DEAL

Hochstrasser

LAW FIRMS

Lenz & Staehelin and Walder Wyss

HEAD PARTNERS

Marcel Meinhardt (L&S) - Samuel Lieberherr and Urs Schenker (WW)

VALUE

Not disclosed



JACQUES BONVIN

NKF with Gogo on the acquisition of Satcom Direct

Niederer Kraft Frey (“NKF”) advised Gogo as Swiss counsel on its definitive agreement to acquire Satcom Direct. This acquisition will create the only in-flight connectivity provider able to satisfy the performance and cost needs of every segment of the global business aviation and military/government mobility markets and will accelerate Gogo’s growth strategies and offering of integrated GEO-LEO satellite solutions and world-class customer support. The NKF team was led by corporate/M&A partner **Jacques Bonvin** (pictured), working with partner **Andrea Wuerzner** (corporate/M&A and finance), associate **Boris Catzeflis** (corporate/M&A and technology) and junior associate **Julia Pennoni** (corporate/M&A). Satcom Direct will receive USD 375 million in cash and five million shares of Gogo stock at closing, and up to an additional USD 225 million in payments tied to realizing certain performance thresholds over the next four years. The transaction has been unanimously approved by the board of directors of Gogo and remains subject to regulatory approvals and other customary closing conditions, and is expected to close by the end of 2024. Founded in 1997, Satcom Direct is a provider of fully integrated, end-to-end global satellite communications solutions customized for business aviation, government, land mobile and marine customers.

PRACTICE AREA

Deal & Transaction

DEAL

Satcom Direct

LAW FIRM

NKF

HEAD PARTNER

Jacques Bonvin

VALUE

375 million (cash) + 5 million shares of Gogo stocks



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17.30	Welcome Cocktail	19.30	Standing Dinner
18.00	Roundtable		

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KEVIN GUILLET

Being small, thinking big

Kevin Guillet, founder and managing partner of Proxima Legal explains *MAG* his genuine approach to the legal profession behind the launch of his boutique law firm: to build close client relationships while delivering tailored, specialized legal solutions

by benedetta miarelli

A new law firm, a disruptive vision of the legal profession, an ambition to build close and meaningful relationships with clients. With these key elements in mind, on September 1st, 2024, Proxima Legal, founded by **Kevin Guillet**, made its debut in the Swiss legal market. Based in Lausanne, the firm focuses on offering specialized legal services in employment law. Positioned as a boutique law practice, it aims to deliver tailored legal solutions.

Guillet grew up in Lausanne. He passed the bar examination in Geneva and began his career with BCCC Avocats, later working as in-house counsel for Tamedia. In 2018, he joined Sigma Legal as a

partner in Geneva: "The plan was for me to join Sigma Legal and to open an office in Lausanne to expand the company's presence in the region". During his six-year tenure there, he specialized in employment law. Reflecting on his time at Sigma Legal, he noted that it helped him develop the business and build strong relationships with clients: «I think I would not have been really comfortable launching my own law firm six years ago, but it was much easier with the development of Sigma Legal».

His practice is not limited to employment law; he also handles business matters, contracts, and corporate issues. While he continues to engage in media law, this is not the primary focus of the firm, which has clearly defined its boundaries.

What is Proxima Legal's goal in entering the Swiss market? Which areas do you intend to focus on?

The goal of Proxima Legal in the Swiss market is to be a boutique law firm. We focus on a few specific areas of law, primarily employment matters, business law, and technology. For many of our cases, these three areas are interconnected, which allows us to offer clients high-value counsel tailored to their unique needs.

There are many large law firms in the region offering a broad range of services. However, being a smaller firm, our strategy is to specialize deeply in the areas where we provide services. The name 'Proxima' reflects our core philosophy: we want to be close to our clients. When they reach out,



«The name Proxima reflects our core philosophy: we want to be close to our clients»

«Clients are looking for someone they can trust. They're looking for someone who they like to work with. And this is what we intend to provide»

they can expect to speak directly with me or my associate, Joséphine, and we will personally handle their cases, not delegate them to other staff.

I feel that we have a future in this area of the law because I think this is what some of the clients are looking for: someone they can trust. They're looking for someone who they like to work with. And this is what we intend to provide.

What challenges have you encountered in the early stages of establishing Proxima Legal, and how have you addressed them?

One of the initial challenges was finding a name that truly represented us, followed by building a website and establishing our corporate identity. Deciding on the logo and how we wanted to present ourselves to clients was also crucial. These tasks were outside our usual scope of legal work, so it was important to be well-organized, set deadlines, and seek advice from professionals experienced in these areas. Another difficulty was dealing with the extensive administrative work, such as setting up insurance and taking over the office space. It required a lot of organization and multitasking, but we managed these challenges effectively and now it's up and running.

How do you plan to structure the office, and what are your hiring plans?

Currently, the structure of our office is quite small, and we intend to keep it that way. While we may consider hiring additional team members in the future, the plan is not to expand rapidly or hire many people. Our focus is on maintaining a small team.

How is it to be a boutique law firm in an ecosystem like the Swiss one and how do you plan to differentiate Proxima Legal from other firms in the Swiss legal market?

It is crucial that we find the right individuals who align with our values and can deliver the high-quality services we pride ourselves on. I prefer to grow slowly and thoughtfully, ensuring we can sustain the high standards that set us apart. This approach also ties into our strategy for differentiating Proxima Legal in the Swiss market.



JOSÉPHINE KOWALSKI-SCHWAB, ASSOCIATE AT PROXIMA LEGAL

Many legal firms typically choose Zurich as their primary location in Switzerland. What motivated Proxima Legal to open an office in Lausanne instead?

I have been living in the Lausanne region since I was a child, so there are both professional and personal reasons for choosing this location. From a business perspective, I have strong connections with local professionals and businesses, and I believe it's important to stay close to your clients and the local market. This allows us to be more responsive and engaged in the community. Additionally, there are language considerations: although I speak German, I'm not a native speaker. The personal aspect is just as important: I have my family in Lausanne - my wife and my daughters. It's important for me to be present for my family, whether it's taking my kids to school or being home for dinner in the evening. We have busy lives, and we want to ensure that in the evening I will not commute and drive for two hours before being home.

How do you see Proxima Legal in the next five years?

I envision Proxima Legal remaining a boutique law firm, as this is a fundamental aspect of our identity. We will likely continue to focus on the same areas of law, but our development will be guided by our clients' evolving needs. My priority is to stay actively engaged with clients and not just act as a manager overseeing cases.

One area where I foresee significant growth is in the use of technology, particularly Artificial intelligence. We are already integrating AI into certain tasks, and I believe its role will only expand in the coming years. Embracing these new tools will be essential. These tools are already proving to be very helpful, and I believe we need to stay connected with the market as these technologies evolve. It's important to remain focused on our clients' needs, as they, too, will increasingly use these new tools. 📖



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21 NOVEMBER 2024

HYATT REGENCY RIYADH OLAYA

Olaya Street Riyadh, Riyadh, 11433
Saudi Arabia

PROGRAM

18.15 Check-in

18.30 Welcome Cocktail

19.15 Roundtable "*Bridging the Gap: Technology's Role in Enhancing Collaboration Between In-House Counsel and External Lawyers*"

SPEAKERS

Yara A. AlZouman, General Counsel, *PepsiCo KSA*

Abdullah Al Farha, Senior Governance Consultant, *Saudi Telecom Company*, Board Director, *ACC MENA*

Fahad Al Mubarak, the General Counsel, Executive Director, *Saudi Electricity Company in Saudi*

MODERATOR

Mohamed El-Mogy, General Counsel, *Siemens Energy UAE* & President, *ACC MENA*

20.00 Awards Ceremony

21.00 Seated Dinner

#LcMenaAwards 

www.legalcommunityMENA.com

For information: chiara.rasarivo@lcpublishinggroup.com

A portrait of Eva-Maria Strobel, a woman with dark hair, smiling and wearing a red blazer. She is positioned in the upper half of the frame, with her arms crossed. The background is a plain, light-colored wall. The entire image is framed by a thin orange border.

Shaping the future of IP

In an exclusive interview, Eva-Maria Strobel (Baker McKenzie) discusses key IP trends, the complexities of protecting unique trademarks, and how AI and sustainability are reshaping the IP landscape for businesses worldwide

by claudia la via

In 2024, Switzerland once again claimed the top spot as the world's most innovative economy, as ranked by the Global Innovation Index (GII). A key factor in this success is Switzerland's ability to transform innovation into tangible outputs, including a robust pipeline of intellectual property (IP). In an era where the protection, management, and commercialization of IP are essential for driving economic growth, leading experts play a critical role in helping businesses navigate the complexities of IP.

MAG interviewed **Eva-Maria Strobel**, partner at Baker McKenzie's Zurich office and co-chair of the firm's global IP, Technology, and Data Practice Group, in order to discuss key IP trends, the rise of gesture trademarks, the impact of sustainability on IP protection, and how her team helps clients stay ahead in an ever-evolving landscape. "Digitalization and innovation present huge opportunities for brands to connect with customers in new ways, but they also speed up the process for lookalike or dupe products, creating new challenges for IP enforcement", Strobel explains. When asked about the current trends in IP, Strobel emphasized the challenges posed by the digital era, but also the pressure to adapt businesses to a new comprehensive vision: "The three main challenges we are seeing our IP clients grapple with are digitalisation and innovation, sustainability, and strategic portfolio management", she says.

From a Baker McKenzie perspective, why and how are these three topics "shaking" the business world?

Digitalisation and innovation present huge opportunities for brands to connect with customers in new ways – for example, the growing interest in protecting gestures and other unique identifiers for athletes has been driven in large part by social media as a key platform for brand engagement and promotion. However, it also offers new challenges for enforcement, for example by exponentially speeding up the product design and launch process for lookalike or dupe products, as well as the well-trodden difficulties with enforcing IP rights in a digital world. The growing focus



«It's essential for in-house teams to take advantage of genAI and other technological advances, think holistically and partner with the right external counsel to develop a pragmatic protection strategy»

«Once the trademark is protected, the real challenge begins. Enforcing it across different jurisdictions can be a thrilling chase, requiring vigilance and determination»

on sustainability as a key consideration for customers, and the huge increase in brands wishing to showcase their environmental and other ESG credentials, has been met with a wave of new legislation and consumer regulatory enforcement action, including a recent amendment to the Swiss Unfair Competition Act. Brands – and especially in-house IP lawyers – need to strike a fine balance between complying with these rules and enabling the business to shout about its commitment to ESG principles. Finally, brands must adapt their approach to

portfolio strategy, management and enforcement in the face of rapid technological change both within the business and in the outside world. It's essential for in-house teams to take advantage of genAI and other technological advances, think holistically and partner with the right external counsel to develop a pragmatic protection strategy.

As you mentioned, there is a growing interest in protecting gestures and other unique identifiers for athletes and celebrities. Have you encountered any cases or client requests related to gesture trademarks? If yes, how do you approach those topics?

There is a lot of excitement about athletes and celebrities – and having a teenage son at home I definitely see why they want to take their branding to the next level by trademarking iconic gestures and unique identifiers. Kylian Mbappé's gesture of crossing his arms and tucking his hands under his armpits after shooting a goal is something I see at home regularly.



«The war on trademark-infringing dupes has to be fought on two fronts, the legal and the reputational»

There is a vivid discussion amongst trademark experts about the legal requirements for protecting these signature moves and other unique identifiers. And the journey often begins with registering the gesture as a trademark. This isn't just about filing (nowadays of course only electronic) paperwork; it's about capturing the essence of the gesture and finding the best way to represent it in a way suitable to be accepted as a trademark – which can be a logo, or motion mark, depending on the respective trademark office.

But how do you prove that a gesture is unique enough to be trademarked – and not just a common cultural expression?

It has to stand out and be unmistakably linked to the individual – my teenage son would have no doubt about Mbappé's goal celebration, but the trademark examiner may have. And once the trademark is protected, the real challenge begins. Enforcing it across different jurisdictions can be a thrilling chase, requiring vigilance and determination – and balancing not only commercial but also the interests of fans against the public opinion. There definitely is a buzz around trademarking gestures or other unique identifiers; some see it as a move to protect personal branding for commercial reasons, while others might view it as a way to cement their legacy. In the end, it's a fascinating blend of creativity, law, and strategy – and it keeps the world of intellectual property vibrant and ever-evolving!

The rise of “green trademarks” and concerns around greenwashing have gained considerable attention too.

How does your team help clients navigate the complexities of sustainability claims in IP, and how have you seen this trend evolve?

Making unclear or poorly-substantiated environmental claims has always presented a risk under unfair competition laws. However, with the rise of concerns around greenwashing, we've seen new legislation attempting to tackle the issue from two angles.

In the first wave we've seen amendments to existing legislation to specify when making green claims could amount to unfair competition, like the EU Empowering Consumers for the Green Transition Directive, which will enter into force in 2026, or the amendments to the Swiss Unfair Competition Act that will take effect in 2025.

The EU's proposed Green Claims Directive, which is currently moving through the legislative process, represents part of the next wave. In parallel, we have seen guidance and enforcement action from consumer and advertising regulators.

A significant trend that emerged a few years ago in the EU is a change in regulatory enforcement, particularly addressing greenwashing with substantial fines. We have seen – particularly with the introduction of GDPR – that sufficiently severe fines linked to global turnover can effectively deter.

What's your experience through Backer McKenzie clients?

We are seeing a swell of interest in the registration and use of certification marks. These marks impose more onerous diligence obligations for applicants, who need to provide detailed information to support their application.

There are also important reputational considerations for brand owners who sign up to these marks, and need to carefully investigate the credentials of the certification and their own ability to live up to its requirements.

«Symphony allows us to offer our clients a secure, user-friendly tool for managing trademark portfolios comprehensively. It is designed to efficiently handle high transaction volumes while managing the complexities of large, diverse, and global IP portfolios»

Also luxury companies are increasingly concerned with trademark infringements, particularly in the form of dupes. How is Baker McKenzie addressing the growing challenge of trademark enforcement in this space, especially with the rise of retail battles?

The war on trademark-infringing dupes has to be fought on two fronts, the legal and the reputational. High-profile disputes in Switzerland and beyond have demonstrated the value of building a mosaic of rights – including design rights and 3D trademarks, and bringing in unregistered rights – around key products or product features. We encourage our teams and our client's legal counsel to work closely with internal product and marketing teams from the very initial stages of a product's life. And we also work closely with our clients and at times also external advisors to adopt a proactive enforcement strategy that builds in the reputational risk and business goals alongside the legal analysis.

Design protection has become increasingly relevant, especially in industries like automotive and luxury goods. What role does Baker McKenzie play in navigating the regulatory challenges that come with design protection, and how are these developments affecting your clients?

A key issue we help clients navigate is thinking carefully or strategically about the design features they want to protect. Each country has its own set of regulations and requirements for design registration. Navigating these varying legal systems can be complex and time-consuming – and you need to have a lot of technical experience to understand where you can for instance use dotted lines to exclude certain portions of the design from protection



to make this work on a global scale. Many design cases fail because the design owner has not thought out what they want to protect as a design feature, and simply files an image of their actual product, which can narrow the scope of protection when it comes to enforcement. Another challenge is filing for design protection at the right stage of product development: too early and you risk a mismatch between the scope of protection and the product as it evolves on the market, too late and you risk losing protection on the basis that the design has already been publicly disclosed.

You recently launched Symphony, an IP portfolio management system co-developed with MaxVal. Could you explain how this tool is transforming IP portfolio management for your clients and what role AI and machine learning play in that process?

We have leveraged our expertise in IP management to partner with MaxVal in co-developing Symphony, a cutting-edge, future-proof IP management platform – and we have, from a very early stage on, involved our clients in the design process. I like to state that we have developed the new platform together with our clients, for our clients. Symphony allows us to offer our clients a secure, user-friendly tool for managing trademark portfolios comprehensively. It is designed to efficiently handle high transaction volumes while managing the complexities of large, diverse, and global IP portfolios. Key features include customizable workflows, streamlined communication, automated processes covering the entire IP lifecycle, and a holistic view of all critical data, allowing our clients to make strategic, informed decisions.

Built on the Salesforce platform, Symphony has the ability to integrate AI-enabled technology solutions for patent drafting, prior art searching, categorization of IP assets, and various other IP management functions. Salesforce is a platform which allows quick, easy, and secure integration with other systems, making it easy to integrate with financial, data and other platforms – which is exciting for us and our clients. Symphony will

continue to evolve as new technology becomes available. We are developing tools that will harness the power of AI and Machine Learning to deliver benefits to our clients and enable us to deliver more cost-effectively, quickly and accurately. We are also working with our in-house Machine Learning team to ensure these tools are deployed responsibly and effectively and that the quality of the output is enhanced by the size and scale of our global practice, which is unique in the market.

More generally, as IP continues to evolve with advancements in AI and machine learning, how do you see the future of IP portfolio management changing? What trends should companies be aware of to stay ahead?

The future of IP portfolio management is set to undergo significant changes, driven by advancements in AI and machine learning. These technologies are already transforming the way IP portfolios are managed, and their influence is only expected to grow. One key development is the increased automation and efficiency that AI brings. Tasks such as client communication, legal document summarization, and report generation will become more streamlined, offering a dynamic and efficient approach to managing IP portfolios. This shift may also challenge traditional law firm business models.

Another major shift will come from predictive analytics, where machine learning models will become more adept at forecasting trends in intellectual property, from emerging technologies to potential risks. This will enable companies to integrate IP portfolio data with broader financial insights, driving more informed and strategic decision-making. With the growing sophistication of IP management tools, data security will also become a critical focus. Companies will need to invest in AI-powered cybersecurity solutions to protect their IP assets from increasingly complex cyber threats. Furthermore, companies should use the power of their data and technology to create a single source of truth for all IP rights. IP must be seen more holistically, and IP management is an important enabler for that. 📌

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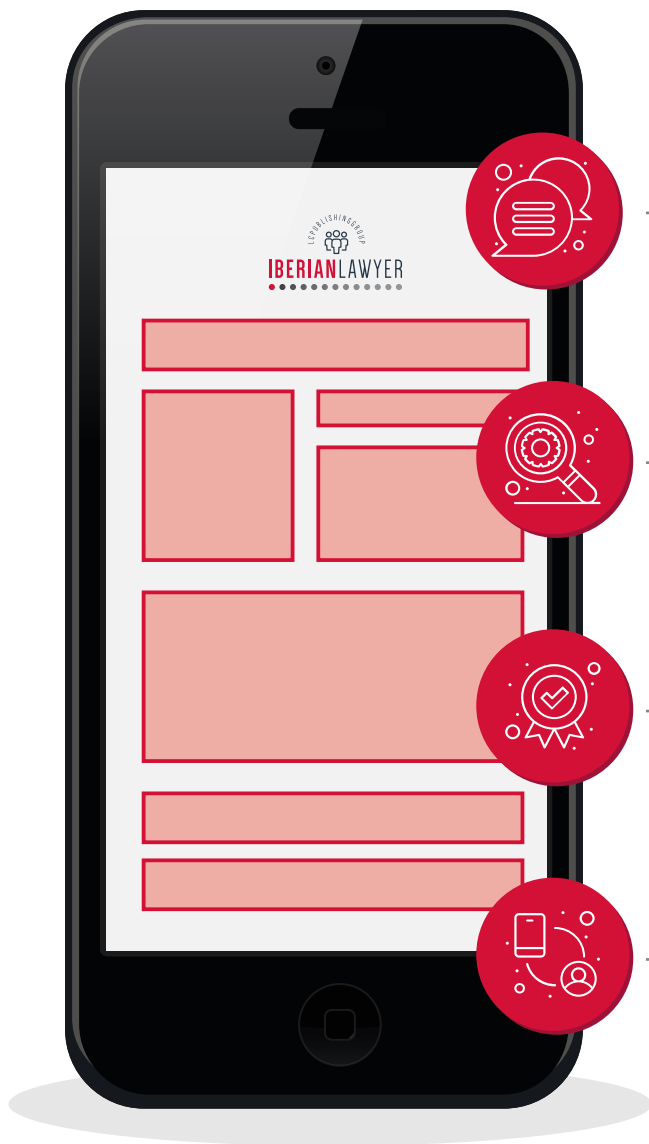


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The rules of game

As the world of sports law evolves, Switzerland solidifies its role as a global hub for arbitration, ethical governance, and cutting-edge legal challenges in a rapidly changing landscape. Experts explain why

by claudia la via & benedetta miarelli

Switzerland has long been at the heart of international sports law, shaping how disputes are resolved and setting the standards for governance and integrity in the world of sports. Whether dealing with high-profile arbitration cases or navigating the complexities of digital transformation, Swiss legal frameworks are central to maintaining fair play and ethical conduct across global sports. As the legal landscape continues to evolve—encompassing everything from athlete rights to cutting-edge technologies like artificial intelligence and NFTs—Switzerland remains a pivotal player, offering the expertise and legal infrastructure to address the most pressing challenges in modern sports. MAG tried to dive deeper into this sector with the help of some of the most experienced Swiss sport lawyers.

SWITZERLAND'S LEGAL INFLUENCE IN GLOBAL SPORTS DISPUTES

Switzerland is home to many major international sports organizations, including FIFA, UEFA, and the IOC, which often incorporate Swiss law into their statutes and regulations. From broadcasting rights to sponsorship agreements, Swiss law frequently shapes the outcome of sports litigation, either as the primary legal framework or as a subsidiary reference when sports regulations fall short. “The CAS, based in Lausanne, is the premier institution for resolving sports-related disputes globally. It operates under Swiss law, making Swiss legal principles crucial in international sports arbitration. Swiss arbitration law is considered sophisticated and arbitration-friendly, which is particularly important for sports disputes that often require quick and confidential resolution”, explains **Pierre Ducret**, Partner and Co-Head of the Private Clients and Sports Law Departments at CMS Switzerland.

This influence was brought into sharp focus in a recent high-profile case involving Olympic athlete Caster Semenya, in which the European Court of Human Rights (ECHR) challenged Switzerland's Federal Supreme Court proceedings. The case highlighted the intersection of Swiss law, sports regulations, and human rights, reaffirming



«The CAS, based in Lausanne, is the premier institution for resolving sports-related disputes globally. It operates under Swiss law, making Swiss legal principles crucial in international sports arbitration»

Pierre Ducret,
Partner at CMS Switzerland

Switzerland's central role in global sports law governance.

DIGITAL TRANSFORMATION AND LEGAL CHALLENGES

However, technological innovations, such as Artificial intelligence (AI) and non-fungible tokens (NFTs), are reshaping the sports industry. AI tools are increasingly used for athlete training, performance analytics, and officiating, but they also present new legal challenges, particularly around data privacy, intellectual property, and liability. Switzerland's legal system must continually adapt to keep pace with these rapid advancements. **Michele A.R. Bernasconi**, partner at Bär & Karrer Zurich where he heads the



«New data collection techniques are used to monitor and improve athletes while also “selling” new aspects of sports performances»

Michele A.R. Bernasconi,
partner at Bär & Karrer

sports, media, technology and entertainment practise, emphasizes that digital transformation is influencing the way sports are experienced and regulated: “In international sports, digitalization is important for the “plaid game”, from the use of VAR technology to automatic baseline judgment in tennis. Additionally, new data collection techniques are used to monitor and improve athletes while also “selling” new aspects of sports performances.” When it comes to NFT’s, instead, Bernasconi remains prudent: “A few years ago, NFTs were seen as a potential strong source of new income, but so far, this has not fully materialized.” Moreover, there is a matter of regulation on a sector which is not yet fully transparent. While NFTs can create new revenue streams for sports organisations and individual athletes, they can also trigger disputes over athletes' image rights. AI tools used in sports, instead, may raise concerns about data protection, as they may analyse personal data without explicit consent. “In Switzerland, football clubs that use such tools to analyse player performance must ensure that these tools comply with Swiss data protection law. Additionally, with respect to digitalisation, the World Intellectual Property Organization (WIPO), based in Geneva, now offers dispute resolution advice and case administration services to help resolve disputes within the realm of video games and e-sports (electronic sports)”, **Xavier Favre-Bulle**, Head of Arbitration and Sports Law at Lenz & Staehelin in Geneva highlights. In addition to AI and NFTs, gesture trademarks represent another evolving frontier in the field of sports law. The registration of gesture trademarks provides protection for distinctive movements or gestures associated with specific brands, athletes, or sports organizations. This represents an innovative form of intellectual property. The use of such gestures can enhance fan engagement and brand identity. However, they also present unique challenges regarding enforcement and protection, particularly in the global sports landscape.

ATHLETE RIGHTS AND IMAGE PROTECTION

In recent years, the commercialization of athletes' images and brands has surged, making legal protection of athletes' rights a growing



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**Xavier Favre-Bulle,
partner at Lenz & Staehelin
in Geneva**

priority in Switzerland. Swiss law plays a critical role in protecting these rights, particularly as digital media expands the global reach of athletes. "In Switzerland and much of continental Europe, athletes' image rights are regarded as a fundamental personality right, with strong legal protections. These rights span multiple legal areas, including intellectual property and data privacy", says Xavier Favre-Bulle. This growing trend of protecting athletes' image rights has opened up significant financial opportunities for both athletes and their clubs. In many sports, athletes assign image rights to their teams as part of their employment contracts, allowing clubs to use these images in group marketing or sponsorship deals. "For instance, FIFA professional football player requirements recommend individual players to exploit their own image rights while also enabling the club to use their image as part of a collective group. However, conflicts can arise when an athlete's individual brand clashes with the interests of the team or league", explains Favre-Bulle. A notable example occurred in 2022 when French footballer Kylian Mbappe refused to participate in a team photo session and sponsor activities due to his objections to endorsing certain brands that were contracted with the French national team. This led to a dispute over his image rights with the French Football Federation.





«Now we are probably in the middle of a phase of strong, complex, and problematic debates in court. More and more often, sports-related issues are subject to litigious procedures, both within and outside of the sports justice system»

Michele A.R. Bernasconi,
partner at Bär & Karrer

GOVERNANCE, ETHICS, AND INTEGRITY IN SPORTS

Ethical governance in sports has become a focal point in Swiss law, especially following high-profile abuse cases, such as those in gymnastics. Switzerland has introduced new regulations aimed at ensuring the welfare of athletes and promoting gender equity in sports organizations. Swiss Olympic, along with other national sports federations, is now required to meet a mandatory 40% gender quota in their governing bodies. These regulations reflect Switzerland's progressive stance on inclusivity and fairness in sports governance. "Swiss association law offers considerable flexibility in governance, which is beneficial for complex international bodies. This, coupled with expertise in sports law, cements Switzerland's importance in the field", Ducret highlights.


By implementing ethical codes tied to state funding, Switzerland sets a benchmark for the protection of athletes and integrity in sports management.

ADDRESSING DOPING AND LEGAL FRAMEWORKS

Switzerland continues to also lead the fight against doping in sports, with the government taking decisive measures to criminalize the self-consumption of performance-enhancing drugs starting in 2024. This bold move reinforces Switzerland's commitment to maintaining sports integrity by ensuring athletes face not only sporting sanctions but also criminal consequences for doping violations. Switzerland's new independent Swiss Sport Tribunal further strengthens the country's legal infrastructure for handling doping cases, marking a significant development in its sports law system.

SWITZERLAND'S ROLE IN INTERNATIONAL SPORTS LAW

As the world of sports evolves, so too does Switzerland's role in shaping its legal landscape. With reforms in ethics, governance, digitalization, and athlete rights, Switzerland remains at the forefront of addressing the multifaceted challenges facing modern sports. Its legal system,

known for its transparency and integrity, is set to continue influencing the future of global sports law, ensuring that Switzerland remains a key player on the international stage, especially today as the world of sports has experienced a phase of great commercialization, followed by a phase of legalization, with a significant increase in the regulatory apparatus governing each sport. "Now we are probably in the middle of a phase of strong, complex, and problematic debates in court. More and more often, sports-related issues are subject to litigious procedures, both within and outside of the sports justice system", Bernasconi says that, in his view, the next challenges will undoubtedly be to defend the world of sports and some fundamental principles of sports, such as the principle that all athletes, all clubs, all teams, must be treated the same way and have the same rights. Something which has to remain valid for the future though, is the very nature of sport that goes beyond legislation and trends: "It remains one of the last human activities that are mainly of interest if seen or experienced live", Bernasconi underlines. And this might have a significant impact on how sport continues to be regulated. 



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Switzerland's legal path to the Stars

Why the Swiss legal framework can shape the future of space exploration

As humanity continues to push the boundaries of space exploration, the development of legal frameworks to govern activities beyond Earth has become increasingly important. Space law plays a crucial role in regulating the peaceful use of outer space, establishing norms for everything, from satellite management and collision avoidance systems, to active space debris removal and space mining. For Switzerland, a country known for its neutrality and expertise in international law, space law presents an exciting and important opportunity. The country's recent release of a space policy and the signing of the Artemis Accords—a multinational agreement led by NASA to establish principles for responsible exploration of the Moon, Mars and other celestial bodies—signifies Switzerland's deeper engagement with global space governance and its intent to shape the future of space law.

The Artemis Accords seek to establish international guidelines for activities aimed at ensuring transparency, interoperability, and peaceful use of resources in compliance with the space treaties, and in particular the Outer Space Treaty of 1967. By signing the Artemis Accords, Switzerland aligns itself with over 40 nations committed to the peaceful and sustainable use of outer space, setting the stage for deeper involvement in space-related legal discourse.

THE IMPORTANCE OF SPACE LAW AND SWITZERLAND'S ROLE

As a country with a long-standing reputation for neutrality and legal precision, Switzerland is particularly well-suited to contribute to the legal complexities of outer space, such as resources utilization. While the Artemis Accords recognize the right of nations to extract and use resources from the Moon and other celestial bodies, the management, ownership and regulation of these activities remains to be determined. By taking part to the Artemis missions, Switzerland can help to shape these legal frameworks, ensuring that resource utilization occurs in a way that promotes equitable access and avoids potential conflicts between states and private actors.

Another critical legal issue in space law is the question of liability. The Outer Space Treaty holds states responsible for the space activities conducted by both governmental and non-governmental entities, meaning that Switzerland, like other signatory nations, would be liable for damages caused by satellites launched by Swiss operators or space debris caused by those satellites. To the extent that Switzerland will be chosen by commercial companies engaging in space exploration, Switzerland's regulation of commercial space activities at national level may help to set the example for other nations.

International cooperation is another fundamental principle enshrined in the Artemis Accords, which align closely with Switzerland's diplomatic culture. The Accords call for participating nations to share their space activities openly and coordinate with one another to avoid conflicts. As a neutral and respected mediator in international affairs, home to organizations like the United Nations Office for Outer Space Affairs (UNOOSA), Switzerland could provide a unique platform to facilitate diplomatic discussions aimed at ensuring that space remain a domain governed by peaceful cooperation.

SWITZERLAND'S LEGAL INFRASTRUCTURE AND SPACE LAW CHALLENGES

Switzerland's legal infrastructure has long supported its role in global diplomacy and international arbitration, and this infrastructure can be extended to space law as well. Institutions like the University of Geneva and ETH Zurich are at the forefront of legal and technical research and are exploring the implications of space commercialization, satellite constellations, and the growing militarization of space.


However, while Switzerland's legal system is well-equipped to handle many of the challenges posed by space law, there are still obstacles that must be addressed. The Swiss space industry, though growing, remains relatively small compared to the major spacefaring nations such as the United States, China, or Russia. This limits Switzerland's direct involvement in space exploration, though it strengthens its ability to mediate and influence the

legal aspects of space governance. Additionally, as space activities evolve—particularly with the rise of space tourism, asteroid mining, and commercial space stations—legal frameworks will need constant updates. Switzerland, with its legal precision and commitment to international cooperation, will need to stay at the forefront of these changes to maintain its influence in the field.

THE FUTURE OF SWITZERLAND IN SPACE LAW

Switzerland's neutrality, established role as diplomatic hub provide significant opportunities for the country to play a leading role in shaping

space governance. Moreover, as the number of the commercial space actors increases, it is likely that disputes will increase, too. The country's expertise in arbitration makes Switzerland an ideal candidate to lead discussions on how disputes between nations and private companies can be managed in this rapidly evolving sector, just as it does for global trade and humanitarian law.

By strengthening its presence in the space sector, leveraging its existing legal and research infrastructure, and thanks to its political and diplomatic positioning, Switzerland can and should help craft the rules that will govern humanity's future in space. 





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PROGRAM

24th OCTOBER

14:00 CHECK-IN & REGISTRATIONS

14:25 WELCOME MESSAGE

Aldo Scaringella, CEO, *LC Publishing Group S.p.A.*

14:30 **ROUNDTABLE I "TO INTERNALISE OR TO OUTSOURCE? THE CORE PRACTICES OF LEGAL AFFAIRS DEPARTMENTS"**

SPEAKERS:

Dahir Ali, Vice President, General Counsel Asia Pacific, *CNH Industrial*

Stefan Buerge, General Counsel, *Climeworks*

Claudio Elia, Group Vice President and Legal Counsel, Product Groups, *STMicroelectronics*

Jenny Hartmaan, Data Privacy Lawyer, *Axiom Law*

MODERATOR:

Ilaria Iaquinta, Editor-in-Chief, *LegalcommunityCH*

15:45 COFFEE BREAK

16:15 **ROUNDTABLE II "LEGAL SUSTAINABILITY"**

SPEAKERS:

Evelyn Acevedo, Associate Legal Director, Corporate & Governance, *Alnylam Switzerland*

Alejandro Bes, General Counsel, *Axmed*

Valérie Collaudin, General Counsel & Head of Sustainability, *Gurit*

Juancho De Lassaletta, Global Head Legal & Compliance and General Secretary
Vifor Fresenius Medical Care Renal Pharma

Ueli Sommer, Managing Partner, *Littler Switzerland*

MODERATOR:

Ilaria Iaquinta, Editor-in-Chief, *LegalcommunityCH*

17:30 COCKTAIL

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PROGRAM

25th OCTOBER

08:15 CHECK-IN AND REGISTRATIONS

08:45 WELCOME MESSAGE

Aldo Scaringella, CEO, *LC Publishing Group S.p.A.*

08:50 OPENING MESSAGES

Stéphanie Fougou, General Counsel, *Technicolor*, Chairwoman of the Board, *ECLA*

Xavier Schops, Chief Legal Officer & Head of M&A and Member of the Executive Committee *medmix*, Board Member & Treasurer, *ACC Europe*

09:10 **ROUNDTABLE III "TECHNOLOGY FOR CONFLICT RESOLUTION: IMPROVING TIMELINE AND EFFICIENCY"**

SPEAKERS:

Alice Flacco, General Counsel, *MicroPort Scientific Corporation (CRM)*

Stéphanie Fougou, General Counsel, *Technicolor*, Chairwoman of the Board, *ECLA*

Nicole Olsman, Chief Legal Officer & Head of Sustainability, *Linxon*

Leonardo Scimmi, Regulatory Compliance Officer, *STOXX*

MODERATOR:

Ilaria Iaquinta, Editor-in-Chief, *LegalcommunityCH*

10:15 COFFEE BREAK

10:45 **ROUNDTABLE IV "CRISIS MANAGEMENT: CHALLENGES OF CYBER INCIDENTS"**

SPEAKERS:

Elmar Büth, Group General Counsel, *Ivoclar*

Irene Comoglio, Senior Legal Counsel, *Zucchetti Switzerland*

Nicolas Grunder, Group Lead Counsel Digital, Data & Cyber, *ABB*

Kamila Pudlo, General Counsel, *swissQuant Group AG*

Kees van Ophem, Former Global General Counsel & EVP, *Fresenius Medical Care*

MODERATOR:

Ilaria Iaquinta, Editor-in-Chief, *LegalcommunityCH*

12:00 LUNCH

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Farewell to tax haven?

Switzerland's reputation as a tax-friendly jurisdiction faces new pressures as federal and cantonal tax authorities adopt stricter approaches, increasing scrutiny on multinational corporations

by claudia la via

Switzerland, long heralded as a tax haven for multinational corporations due to its attractive tax rates and business-friendly environment, is experiencing a notable shift. While the country remains a favored jurisdiction for tax purposes, a new era of heightened scrutiny is emerging. This change comes as federal and cantonal tax authorities adopt stricter approaches to tax audits and litigation, making multinational enterprises more exposed than ever before. For the Swiss legal ecosystem, including law firms and in-house counsels, navigating this evolving landscape is becoming increasingly critical.

The global tax environment is evolving rapidly, driven by increased regulatory oversight and initiatives from bodies like the OECD. Switzerland, though historically seen as tax-efficient, now faces both external and internal pressures. Discussions with tax lawyers specializing in Swiss taxation reveal how these pressures are shaping new risks and opportunities.

THE GLOBAL CONTEXT AND SWITZERLAND'S RESPONSE

Globally, tax authorities are clamping down on perceived tax avoidance strategies employed by multinational corporations. The OECD's Base Erosion and Profit Shifting (BEPS) initiative is one example of international efforts to

curb aggressive tax planning. As one of the countries that align itself with such global standards, Switzerland is adapting its tax policies accordingly. The "Tax Reform and AHV Financing" (TRAF) law, which entered into force in 2020, already marked a key turning point, as it aimed to comply with international standards by eliminating preferential tax regimes for multinationals.

More recently, the OECD's global minimum tax (Pillar Two of the BEPS 2.0 framework) has added additional layers of complexity for multinational enterprises. Tax experts note that Switzerland's adoption of this global minimum tax, while necessary, makes it more challenging for corporations to optimize tax structures. Cantonal tax authorities are now keenly aware of international tax standards and are becoming more proactive in scrutinizing multinational corporations' arrangements.

INCREASED SCRUTINY AND GROWING LITIGATION

While Switzerland has long provided a stable and relatively predictable tax environment, tax authorities are becoming less lenient, especially regarding transfer pricing and cross-border tax planning strategies. "There has been a marked rise in the number of tax audits focused on



multinationals in recent years,” comments a senior tax lawyer from Zurich. “Authorities are asking more detailed questions about transfer pricing policies, intra-group financing, and substance requirements”.

This shift is in part a reaction to the pressures exerted by international tax bodies, but also reflects a change in domestic tax enforcement. The federal and cantonal tax offices are working more collaboratively, sharing data and expertise to close potential loopholes. As a result, companies operating in Switzerland need to be more vigilant in ensuring their tax practices align with both national and international regulations. The increased scrutiny is also leading to a rise in disputes and litigation, with companies challenging tax assessments in court.

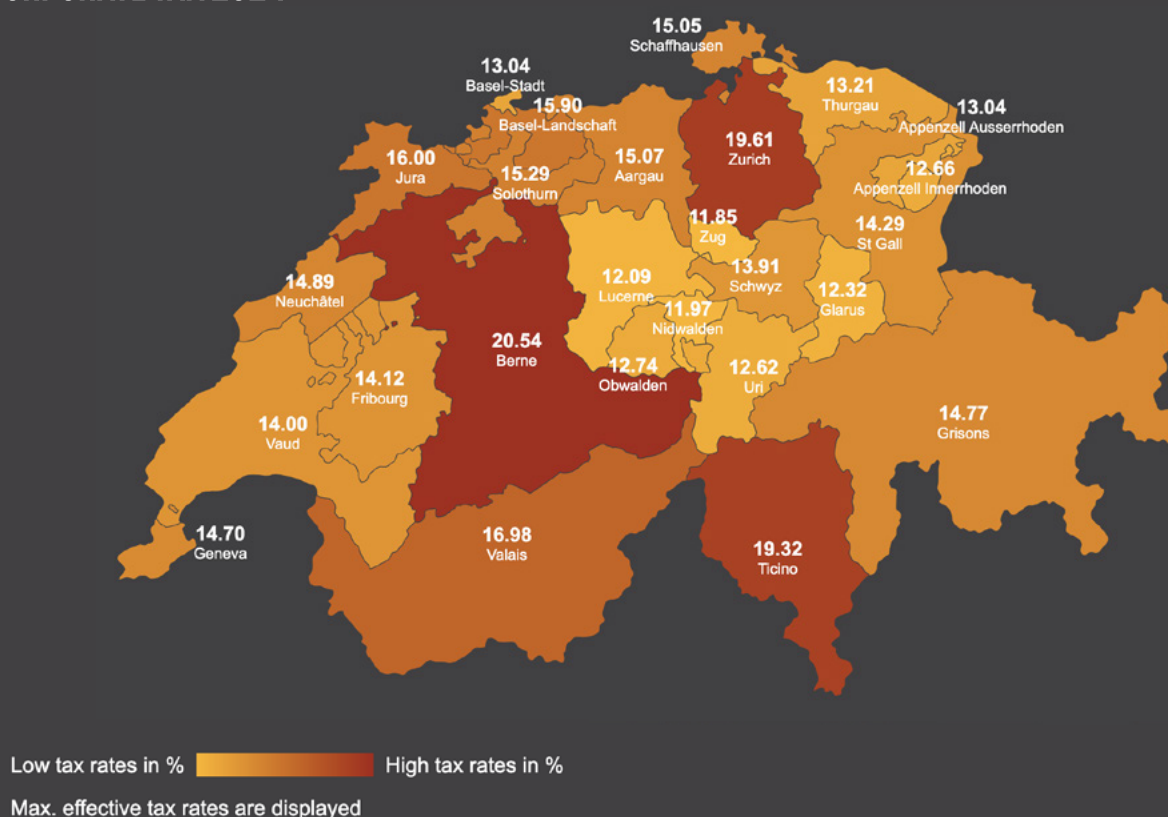
Swiss tax controversy is now a growing field of practice, with lawyers advising clients not only on compliance but also on managing risks and

disputes with the tax authorities. Experts point out that there has been a rise in tax controversy cases related to the classification of income, the use of double tax treaties, and questions surrounding beneficial ownership. Moreover, many of these cases are complex, often involving multiple jurisdictions, which increases the risk of litigation.

CHALLENGES FOR MULTINATIONAL ENTERPRISES

For multinational enterprises operating in Switzerland, these developments are particularly significant. Many of these businesses historically benefitted from preferential tax regimes at the cantonal level, but those regimes have been phased out under international pressure. The TRAF reform replaced them with a patent box regime and additional deductions for research and development. However, even these measures come with stringent requirements that companies must meet to qualify.

CORPORATE TAX 2024



SOURCE: PWC'S TAX COMPARISON

Multinationals are also facing increased attention on their transfer pricing policies, with authorities becoming more assertive in questioning the pricing of intra-group transactions. The key challenge is that each canton may have different approaches, creating a fragmented tax landscape within the country. Tax experts are advising businesses to prepare for more detailed audits and to ensure that their transfer pricing policies are robust and well-documented.

Increased scrutiny also poses risks related to retroactive tax assessments. Tax authorities can look back several years and reassess a company's tax position, leading to potential disputes over past arrangements. For companies that have engaged in complex tax planning, this retroactive application of stricter standards can be particularly costly.

THE ROLE OF LEGAL ADVISORS

In this changing environment, legal advisors are playing a crucial role. Tax lawyers specializing in Swiss tax are increasingly called upon to help clients navigate audits, respond to information requests from tax authorities, and resolve disputes. "The stakes are much higher now for multinational companies," many tax lawyers remark. This means that it's no longer enough to simply comply with the law, as companies must proactively manage their tax risk, and that often requires legal intervention.

Legal firms are also advising companies to adopt more conservative tax positions, as the risk of aggressive tax planning being challenged has increased. This means focusing on compliance with both Swiss tax rules and the international


frameworks adopted by Switzerland, such as the OECD's Pillar Two minimum tax.

The shift in Switzerland's tax policy, combined with a global move towards greater transparency and accountability, is transforming the way tax planning is approached. For multinational corporations, the cost of non-compliance has grown significantly. Legal teams are critical not only in helping companies meet their tax obligations but also in defending their positions when disputes arise.

LOOKING AHEAD: MANAGING THE "NEW NORMAL"

As Switzerland continues to adapt to global tax standards, it remains an attractive jurisdiction for business. However, the days of light-touch tax enforcement are waning. Multinational enterprises operating in the country must be prepared for greater scrutiny, increased audits, and the potential for more litigation.

The Swiss legal ecosystem — law firms, in-house counsels, and tax advisors — will play an increasingly vital role in helping companies navigate these challenges. From ensuring compliance with new rules to managing disputes with tax authorities, the demand for expert legal advice is set to rise.

For businesses, the message is clear: Switzerland remains a favorable tax environment, but it's a landscape in transition. Multinational enterprises will need to evolve their strategies to remain compliant and manage the growing risks posed by stricter tax authorities. 





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09:00 - 13:00	Opening Conference "Finance and Geopolitics"	  	Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
13:00	 Light Lunch			
14:00 - 16:00	Roundtable "Family Holdings and Italian Economy"	 d'Aniello & Associati STUDIO LEGALE TRIBUTARIO	Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
16:00 - 18:00	Roundtable		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER

TUESDAY 12 NOVEMBER

09:00 - 13:00	Conference "Safe assets, securitisation and Capital Market Union"		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
09:15 - 11:15	Roundtable "Building impactful leadership through mentorship and sustainable value"		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
11:15 - 13:00	Roundtable "M&A e Private Capital Outlook"	 	Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
13:00	 Light Lunch			
14:00 - 16:00	Roundtable		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
14:15 - 16:00	Roundtable "Medium-sized enterprises and finance. Alternatives for growth"		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
16:00 - 18:00	Roundtable "Growing with Private Capital in the Current Macroeconomic Environment"		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
From 18:30	Cocktail "Fin Tonic"		ADVANT Nctm Via Agnello 12, Milan	FOR INFO

WEDNESDAY 13 NOVEMBER

09:30 - 13:00	Conference "SICAF Reinvented II edition Innovations and future perspectives"		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
11:00 - 13:00	Roundtable "Tax Reform/Cooperative Compliance"	 	Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
13:00	 Light Lunch			
14:00 - 16:00	Roundtable "The revolution to come: digital wallets, payments and regulations ahead"		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
16:15 - 18:00	Roundtable "Going concern protection: a key factor in a recovering insolvency process"		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER

THURSDAY 14 NOVEMBER

09:00 - 13:00	Conference "Private Equity"		Four Seasons Hotel Milan Via Gesù 6/8, Milan	REGISTER
13:00	 Light Lunch			
19:15 - 23:00	Financecommunity Awards		Rubattino56 Via Raffaele Rubattino n.56 Milan	FOR INFO



Law on demand

Vanja Mégevand, visionary lawyer and founder of Lawrence, explains to *MAG* how her platform aims to redefine legal services with AI

by claudia la via

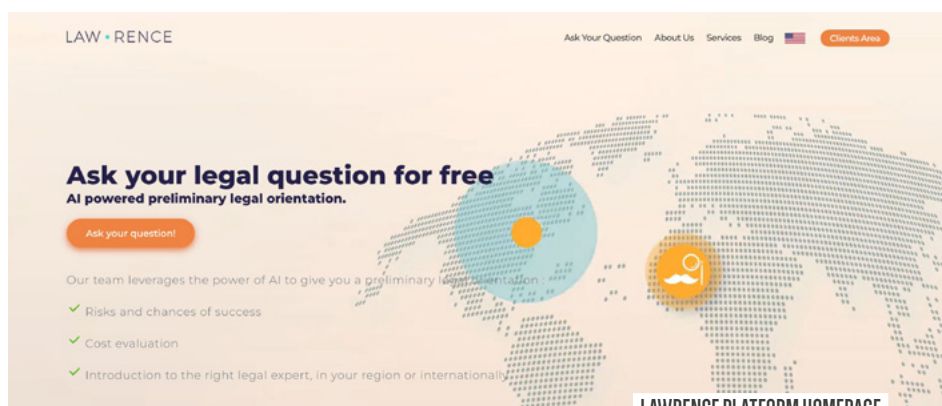
A platform for legal services leveraging AI and a global network of lawyers and law firms to simplify legal consultations and offer accessible, “democratic” entry points for anyone with legal questions or issues. This is the vision behind Lawrence, a company founded in Switzerland in 2017 by **Vanja Mégevand**, a lawyer and entrepreneur. Mégevand’s legal career began traditionally at Bonnant & Partners, one of Geneva’s most prestigious law firms, but her desire for international experience and curiosity for projects beyond her comfort zone led her to challenge the status quo of a typically “traditionalist” and analog legal sector by integrating cutting-edge technology.

This pioneering Swiss legal-tech startup emerged after a year of collaboration with Bertrand Piccard and André Borschberg during the Solar Impulse project, a round-the-world trip showcasing clean technologies. “After passing the bar exam in 2014, I joined the Solar Impulse project, handling legal matters such as trademarks and permits and managing VIP events, directly assisting the project’s managing director,” Mégevand shares.

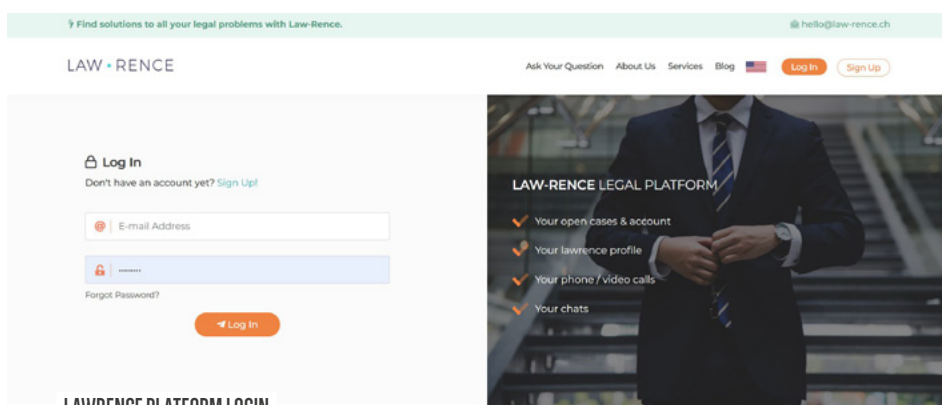
During one of these trips, a stop in Silicon Valley sparked the idea that soon became a business: “At Stanford, I met the founder of the first US legal tech practice and realized that the legal world needed something different—something that would simplify processes and tasks while being intuitive and accessible,” she says. The idea crystalized during an Uber ride: “I wondered why highly digital, on-demand solutions didn’t exist for the legal ecosystem,” Mégevand explains. From this question, *Lawrence, your reference in law* was born.

Lawrence AI is one of the first legal-tech startups in Switzerland. You present yourselves as a legal intermediary between clients and lawyers. What does this mean?

With the help of our partner law firms, we assist private clients, startups, and established companies facing legal challenges. Our mission is always the same: to help them find fast, cost-effective, and high-quality legal solutions. We operate focusing on three pillars: experienced lawyers, absolute confidentiality, and customized, immediate support with transparent cost tracking.



LAWRENCE PLATFORM HOMEPAGE



LAWRENCE PLATFORM LOGIN

**Where does the name “Lawrence” come from?**

I wanted a name that was easy to remember, pleasant to say, and that reflected two key concepts that are central to our business: “law,” as the legal aspect is at the core of our activity, and “reference,” because we aim to be the go-to point for legal tech, offering verified and reliable legal expertise. Lawrence is our monocled mascot, personifying all lawyers around the world.

Your business started more than 7 years ago. How has it evolved since then?

When I started, none of the technology we use today existed. ChatGPT wasn't around, and automating processes was far from feasible. In the early days, we had to manually respond to every client inquiry, researching the necessary information ourselves. Over time, we built our own dataset of inquiries, and with the arrival of AI, we started training our generative AI tool. Today, this allows us to answer questions in various languages, across multiple jurisdictions—both Swiss and international—quickly and efficiently.

How do you calculate the cost of your services?

For a fixed fee of \$69, clients can contact a legal expert via our platform's chat feature. After this initial consultation, the expert offers coaching and provides a fee proposal, which the client can either accept or reject—there are no binding commitments.

How does your pricing differ from traditional legal services?

We place value on every inquiry, no matter how big or small. We do not charge based on timesheets; instead, we always offer a flat fee, so clients know in advance exactly how much they will pay for a particular task.

How do you monetize this service?

It depends on the service itself, on the type and the level of consultancy required. We do not impose fees, either to the professionals or to the final clients.

Beyond private clients, you recently moved to the corporate world too. What is your offer?

In 2023, we decided to enter partnerships with financial institutions to automate in-house legal workflows. Right now, our target is private

equity departments within the banking sector, particularly those managing deals worth at least \$2 million. In these cases, our goal is to offer tailored solutions that serve as a “legal copilot” for contract automation, reducing not only human error but also operational costs by an average of 80%.

What is the business model behind this service?

We cover deployment and implementation costs for the first six months. After the first year, we charge an annual subscription fee for continued service, for the use of our technology and the immediate access to our international network of legal specialists.

How do you select your legal experts, and how many law firms do you partner with?

The selection process is organic: sometimes professionals reach out to us, asking to join our network, and other times we actively seek out specialists to meet specific needs. In either case, we never bypass personal relationships. We meet every partner—whether they are an individual professional or an entire law firm—before agreeing to collaborate.

Which geographical areas do you operate in?

We have a network of 250 partners globally. We started in Switzerland, selecting ten law firms per canton. From there, we expanded into France and the UK, and today, we also have partners in Germany. Outside of Europe, we work extensively in Turkey, the Middle East, and Qatar, and two and a half years ago, we opened a branch in Dubai. One of our investors, Dunhill Ventures, assists us in the global expansion.

You're still an associate at Bonnant & Partners. How do you balance both roles without a conflict of interest?

When I chose this path, I made the decision to stay close to clients, and that's what I do every day. Many legal tech companies have no idea what clients truly experience or the depth of expertise that every legal practice inherently carries. I'm fortunate to work with two fantastic teams, and the idea that one can continuously help the other improve makes me proud. This is also thanks to the fact that Bonnant & Partners is an extremely tech-focused law firm.

Yours is an AI-based software, and you have believed in AI from the very beginning. Do you fear that AI could lead to disintermediation or misinterpretation when it comes to legal matters?

No, I don't think that will happen because behind the use of technology lies an essential legal expertise. We're not just technicians—we're legal professionals first, with skills and passion, who have consciously and professionally embraced technology.

How do you see the future of legal services in the coming years?

Looking back to 2016, when I was conducting market research to gauge awareness and openness to advanced tools in the legal field, 80% of respondents were skeptical. Today, I receive at least two or three calls a week from colleagues asking for training in AI or simply more work as their clients start using technologies that slowly replace them. This shows there's been a drastic shift in vision in just a few years. The legal industry is undergoing disruptive change, although careful management of data privacy will still require time and expertise. But there's no doubt: the future will be AI-driven. The sector needs to be prepared for it.

What will happen to lawyers? Will they be replaced by chatbots?

There will always be “lawyers. But generations are changing. Think of Gen Z: legal needs will remain, but young people are hyper connected and well trained with new technologies: they are very demanding as they need efficiency and excellency at the lowest cost, so they will choose whether to consult a human lawyer or an AI, based on their specific needs. It's better to adapt to this trend than disappear entirely. If firms don't embrace this shift, it will be hard to retain clients. It's not just about adopting technology, but also changing the mindset. Law firms today have the reputation to overcharge for their services, and that needs to change. Services should reflect the actual value of the request and not feel arbitrary. Education will also need a profound overhaul. The legal profession won't disappear, but it will evolve: agility, continuous learning, and multidisciplinary skills will be key. Mastering law alone will no longer suffice, and Education of the legal “next gen” will have to adopt a tech focused approach. ■

A portrait of Roberto Egori, a middle-aged man with glasses, wearing a dark suit, a striped shirt, and a dark tie. He is standing outdoors in front of a modern building with balconies. His arms are crossed.

FOREIGN
PERSPECTIVES

Roberto Egori:

ROBERTO EGORI

«The future of Linklaters, according to me»

At the end of October, the tax lawyer will officially take over from outgoing managing partner Andrea Arosio and begin leading the Italian office of the magic circle firm that has played a pivotal role in shaping an innovative approach to business law. *MAG* met him in Milan

by nicola di molfetta

A story of growth and innovation. Linklaters closed the last fiscal year in Italy with an 8% increase in revenue, estimated by *MAG* and *Legalcommunity* at around 54 million euros. This places the firm behind Freshfields and ahead of Clifford Chance and A&O Shearman in the list of the top 25 business law firms active in Italy in 2023.

A significant story, we might say, with the poet's words, that by the end of 2024 will mark an important turning point. **Andrea Arosio**, founding partner of Linklaters' Italian practice in 2007 and managing partner for seventeen and a half years, is passing the baton to partner **Roberto Egori**, who will officially take over as the firm's new managing partner in November.

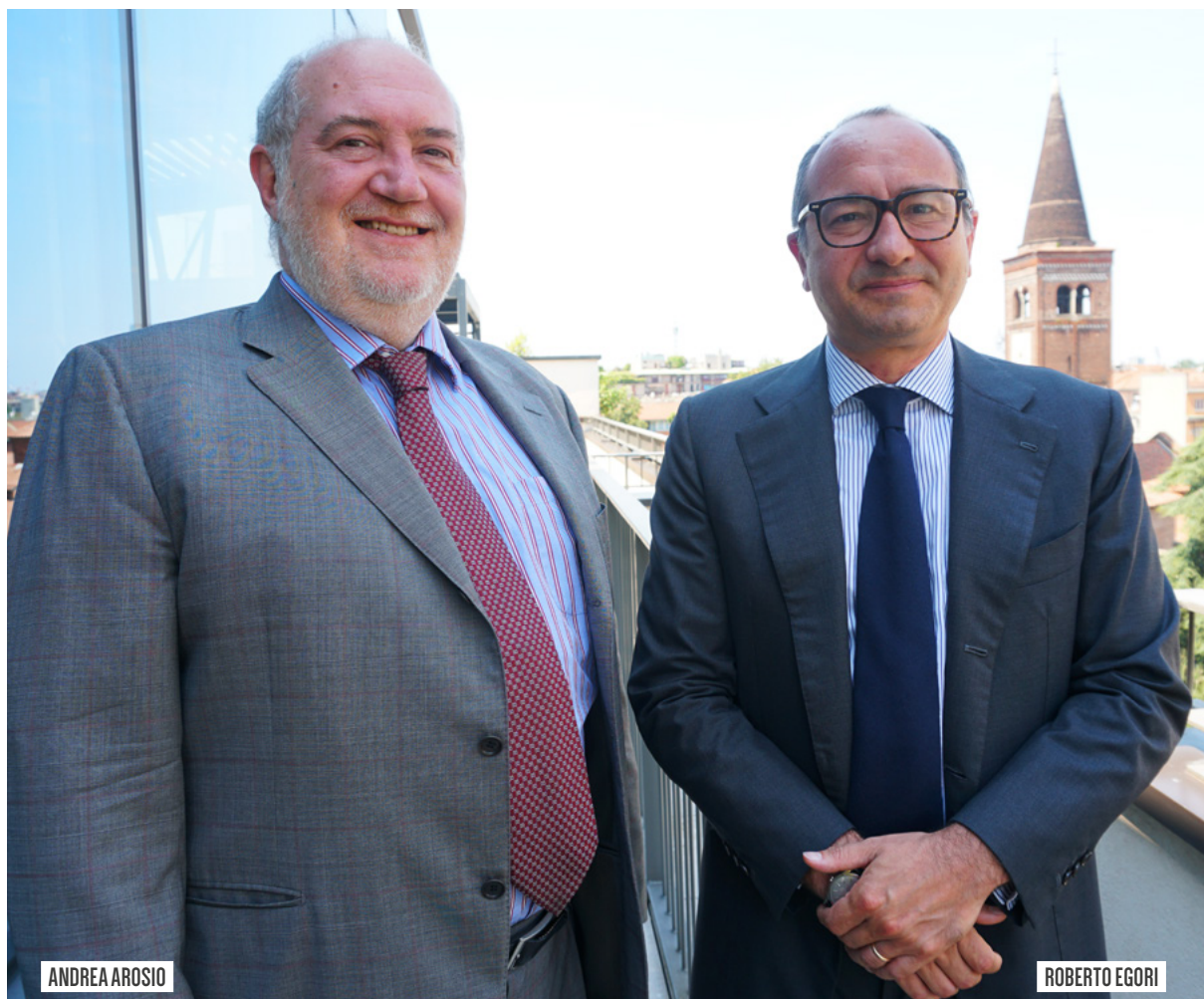
Egori joined Linklaters in June 2019, already a partner at Freshfields, where he had spent 15 years, with previous experiences at Simmons & Simmons and MTA. Under Egori's leadership, Linklaters' tax practice has grown significantly, both in terms of revenue and personnel, assisting in some of the most significant and complex transactions completed in Italy in recent years, working alongside major Italian and international clients.

A few months after Egori joined Linklaters, in October 2019, Arosio announced internally his intention to leave the firm within the next five years. Of course, the former Freshfields professional couldn't have imagined that by the end of that period, he would be the one tasked with the responsibility and honor of succession. Still, that moment gave Egori a clear, immediate example of what the firm's style was (and would remain). Linklaters in Italy has always been managed with a strong team spirit and a collective commitment to making things work.

The news, which was reported on July 12 by *Legalcommunity.it*, did not come as a surprise to anyone, at least within the firm's partnership. Instead, it is likely to remain a best practice to study for managing one of the most delicate phases in the life of a professional organization: leadership transitions or generational changes (even though this is not the case here, since Arosio and Egori are only six years apart).

Arosio's departure has been handled on two fronts. The first involved the organization of the banking & finance practice, which has seen internal talent promotions and development over the years, solidifying the professional structure. The second concerned leadership. Work on this began about two years ago and led to the decision we revealed: the choice of Roberto Egori, who now joins the list of tax lawyers tasked with leading a law firm that includes notable figures like **Michele Carpinelli** (who is both a lawyer and accountant), former managing partner of Chiomenti; **Stefano Simontacchi**, former president of BonelliErede; **Angelo Bonisconi**, founder and, until 2023, managing partner of CBA; **Massimo Di Terlizzi**, who also holds both titles (lawyer and accountant) and has been in leadership at Pirola Pennuto Zei & Associati for years; and **Michele Citarella**, former head of Simmons & Simmons in Italy (now a partner at CBA). There is also a precedent within Linklaters at the highest levels: the firm's global managing partner at the time of the Italian office's opening nearly eighteen years ago was **Tony Angel**, a highly talented and respected tax lawyer. Angel was the man behind the "clear blue water" strategy, outlined in an internal firm document that has become one of the sacred texts of modern legal management. The document's concluding pages state: "We must focus on our leadership destination in the market and the need to create clear blue water between us and our competitors...".

«We have an amazing skill set in the sectors that are strategic for us. Of course, we are monitoring the market and are ready to seize any opportunities»



Awareness of the importance of the position achieved and the determination to maintain and grow these results will be among the drivers of Egori's efforts. As Arosio told MAG, "[Egori] has vision and enjoys the respect and trust of the partners."

The tax lawyer welcomed us in a room on the top floor of the law firm's Milan office, located on Via Fatebenefratelli, on a hot summer morning. Although there are still a few weeks until the official start of his role as managing partner (in addition to his position as head of the tax department), he already seems quite busy with organizing upcoming commitments and activities. It was inevitable to ask him about the current state of affairs. "We are coming off ten years of growth (in 2014, according to MAG and *Legalcommunity* estimates, Linklaters generated 33 million, and last year that figure grew to 54

million). In the past four years, we've seen a 40% increase in income. And this wasn't driven by merging revenues and people, but by organic growth and a market approach aimed at seizing strategic opportunities."

Indeed, in recent years the firm has seen the promotion of **Tessa Lee** and **Diego Esposito** to partners, as well as the appointment of five new counsels. The only lateral hire was **Francesco de Blasio**, formerly of DLA Piper, with whom the firm entered more decisively into the real estate market. The only previous lateral hire, in 2019, was Egori himself, who joined Linklaters after **Luca Dal Cerro** moved to Legance.

The emphasis on fostering internal growth and talent will remain a key feature of Egori's management. "Today," he says, "we have an amazing skill set in the sectors that are strategic

THE PROJECT

Arosio: "I will focus on governance and organization of professional firms"

First, a bit of vacation. Andrea Arosio, 55, wants to rest after twenty years of full-speed work launching Linklaters in Italy and turning the international firm into one of the leading business law brands in the country. And now? "My idea," the lawyer who grew up at Brosio Casati, went through the Allen & Overy era, played a key role at Pedersoli, and then spearheaded the founding and growth of Linklaters in Italy, told MAG, "is to focus on consulting, governance, and the organization of professional firms." Of course, law firms are at the top of the list of potential targets for this project, but they are not the only ones. In particular, Arosio believes he can make a strong contribution in terms of technological transformation and AI integration. "Firms will need to recognize the tools they truly need. Then, they will have to start seriously rethinking their business models. The current one—based on leverage—could soon be called into question precisely because of the increasing use of technology in the workplace." We'll have to wait a little longer to learn the timing and details of the project.

for us. Of course, we are monitoring the market and are ready to seize any opportunities. One area that could see further growth is corporate M&A. But there's no urgency. The deals in our recent track record speak for themselves."

These deals include the sale of Saras to Vitol, Prelios to Ion, and Mondelez's acquisition by Perfetti Van Melle. The same applies to other areas, according to Egori. "In debt capital markets, we handled, among others, Tim's debt securities exchange offer of around 5 billion euros, and we are working on UniCredit's 35-billion-euro covered bond program, to name two. In banking, we were the lawyers on the 4.4-billion-euro mega financing of Automobil Cells Company. Not to mention the growth we are experiencing in energy, real estate, and real estate finance. And in equity capital markets, with Ugo Orsini, we have one of the most competitive teams in the sector," just think of the recent 500-million-euro capital increase for Fincantieri.

That said, Egori believes the groundwork has been laid for continued success. The market is in an interesting phase with many active fronts. The

managing partner-designate spoke to us about the growing trend of cross-border deals, where a global platform like Linklaters clearly has a strong advantage. In private equity, the continuation fund phenomenon seems to be on the rise, along with the trend of fund formation ("We recently advised Vesper Infrastructure on launching a Luxembourg platform").

Thirdly, there is increasing regulatory scrutiny, from golden power onwards, which is placing growing demands on law firms involved in extraordinary transactions.

"There is also a fourth trend that we are paying close attention to and where our commitment, already strong, is bound to grow," concludes Egori. "I'm talking about technology and the use of AI. We are developing a series of tools. Locally, we are able to assist clients by fully leveraging the potential offered by technology. This is important not only because it gives us a significant competitive advantage, but because it consolidates our position as an innovative firm to the benefit of our clients, our professionals, and the best talent eager to challenge themselves and grow in a dynamic and stimulating environment. ▣



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FOREIGN
PERSPECTIVES

KYLIAN MBAPPÉ

Gestures worth millions

Recording celebrations as brands is transforming sport. Players such as Mbappé and Vinicius Jr. are turning them into valuable commercial assets. At Iberian Lawyer, we analyse this with experts in industrial property

by mercedes galán

Football is no longer just a sporting spectacle. It has also become fertile ground for sophisticated commercial strategies. Athletes are taking their iconic celebrations beyond the field, turning them into strategic commercial assets. From Kylian Mbappé to Michael Jordan, protecting gestures and movements has become a new way to capitalize on sporting success. Our sibling magazine *Iberian Lawyer* has explored this phenomenon — where sports and industrial property intersect — alongside several experts in the field and we thought this could be interesting also for *MAG* readers to know.

As **María Dolores Garayalde**, a partner in the intellectual property area of Baker McKenzie, explains, in the world of sports, particularly in football, goal celebrations have become a clear personal signature for many players. In recent years, as **Aída Tari**, head of the Trademarks and Brand Intelligence department at PONS IP, notes, “sports stars such as David Beckham, Rafael Nadal, Pau Gasol, Tiger Woods, Michael Schumacher, Gareth Bale, or Cristiano Ronaldo have opted to protect their names, nicknames, slogans, and celebrations as trademarks in different jurisdictions”.



MARÍA DOLORES GARAYALDE

LEGAL OPPORTUNITIES AND CHALLENGES

“The main opportunity is to monetize these distinctive expressions, granting exclusive rights to exploit their use in the market, both directly



LUIS BAZ

and through licensing to third parties”, says Garayalde. For a celebration to be registered, it must be graphically representable. “It can be a figurative mark (a static image), a movement mark (an animation), or even a multimedia mark (a combination of video and sound)”, she explains.

Tari highlights that “the challenge for industrial property lawyers, as exemplified by the case of Mbappé, is to develop comprehensive strategies to protect intangible assets in a global and digitized environment, as athletes now extend trademark registration beyond their name and signature, including celebrations and sound marks”.

Some standout examples include the famous “jumping player” image of Michael Jordan, registered by Nike, or the animation of Cristiano Ronaldo running and jumping vertically with his arms outstretched while shouting “Siuuu”, which could be registered as a multimedia mark, Garayalde points out.

The celebration must also meet registration requirements such as distinctiveness and the absence of conflicts with prior rights. Athletes, agents, and clubs need to define a national and international protection strategy for these distinctive signs, Tari explains.

Although trademark law and image rights are separate legal regimes, they complement each other in the protection strategy for the athlete or sports entity. However, when asked if a football celebration can meet the originality requirements to be protected by copyright under Intellectual Property Law, **Luis Baz**, head of the trademark area at Elzaburu, is clear: “According to the law, for a work to be protected, it must be expressed in any medium or tangible or intangible support. In other words, it is unlikely that the athlete’s gesture, considered on its own, would meet this requirement”.

But if the gesture were transferred into a drawing, who would be the author? According to Baz, “if it was not created by the athlete, I’m afraid that the athlete could only reserve the exploitation rights of the work, but the authorship and moral rights would belong to the actual creator”. The law protects the expression of a work, not ideas, so if the drawing is not made by the athlete, it would be difficult for it to reflect their imprint, and they would not be considered the author. Consequently, “I don’t think this is the best route to attempt to protect a football celebration”, Baz concludes.

Regarding legal challenges, like the opportunities, as Garayalde points out, “they will depend on the specific project and brand”. In many cases, the main challenges consist of carefully determining, for example, whether the player can request or exploit the trademark in light of prior contracts signed with their respective clubs or past sponsors, whether due to industrial property obligations or image rights exploitation.

PROTECTION AND DEFENSE OF THESE RIGHTS

As Garayalde notes, the strategy for registering a celebration mark will depend on the specific project and must consider several factors: compatibility with existing agreements on image rights and sponsorship, the structure for marketing the products or services that include the mark, and variations in international legal regimes. Additionally, it is essential to comply with legal obligations, such as continuous use of the mark to avoid cancellation, and to monitor

for potential misuse to protect the registered mark. “Any mark not used for an uninterrupted period of five years allows a third party to take action to request the cancellation of that mark”, she emphasizes.

If the athlete has not registered their trademark, they can still claim infringement of their image rights. As Baz points out, when it comes to claiming a violation of intellectual property or image rights, each case must be assessed individually. “A footballer could invoke the Organic Law on the Protection of Honor, Privacy, and Self-Image to claim a violation of their rights if their image is used without authorization for commercial purposes. This route would allow them to request the cessation of unauthorized use and also seek compensation for damages or illicitly obtained profits”, he explains.

COMMERCIAL IMPACT

The growing trend of co-branding and the importance of endorsers in marketing drive the protection of such trademarks. “Brands leverage the image of sports stars to stand out in advertising campaigns and generate positive associations that resonate with consumers”, explains Tarí. Aware of the importance of their image, some athletes capitalize on their trademarks through sponsorship and merchandising agreements. As Garayalde points out, this approach is especially relevant given



AIDA TARÍ



VINICIUS JUNIOR

that some footballers generate more income from their image and commercial activities than from their on-field performance.

Registered celebrations become part of the player's identity, strengthening their personal brand, enhancing emotional connections with fans, and increasing their appeal to sponsors, Garayalde highlights. These celebrations not only create an emotional bond with fans but also allow brands to develop more effective advertising campaigns and gain visibility.

SUCCESS STORIES

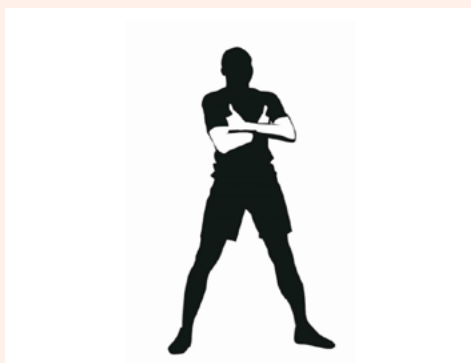
Kylian Mbappé, for example, has registered his famous celebration as a trademark in the EU, allowing him to control its commercial use in products, licenses, and other forms of exploitation. "This type of protection turns symbolic gestures into valuable assets that diversify athletes' revenue streams", Garayalde points out. Mbappé's trademark portfolio goes beyond the conventional, including not only his celebration pose but also iconic phrases like "*Le football il a changé*" and "*Moi tu m'parles pas d'âge*", comments Tari. Vinicius Jr. has also registered his "*BAILAVINIJR*" brand and others, related to his popular celebratory dances, for commercial exploitation.

However, it is important to remember that the relationship between a player and their sponsors can limit the use of their registered personal brand due to exclusivity clauses or the need to obtain approval for certain commercial uses. Additionally, contracts with clubs often include clauses about image rights that allow the club to control how the player's trademarks are used, Garayalde concludes. 



EXAMPLES OF REGISTRATIONS PROTECTING THE CELEBRATION OF SPORTING STARS

GRAPHICAL EXAMPLES OF BRANDS



Kylian Mbappé, with the European Union trade mark n. 018984423, registered in 2024



Kylian Mbappé, with the European Union trade mark No. 017157355 .Registered in 2019



Jude Bellingham, with the European Union trade mark n. 018725642, in 2024



Lionel Messi, already in 2015 obtained the registration of his own signature also before the EUIPO



just like Pau Gasol in 2003



Welshman Gareth Bale's celebration was recorded in the UK on 19 July 2013 by the same player

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