

Dorsey Takes London: Highlights from the INTA Annual Meeting

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by Connor J. Hansen, J. Michael Keyes, Tiffany Shimada, Janet Wong, and Cathy Dahl



The Dorsey Trademark, Copyright + Advertising team and the IP Litigation team attended the 2026 International Trademark Association Annual Meeting in London. The Dorsey team was represented by seventeen attorneys from Dorsey's Minneapolis, Denver, Seattle, Dallas, New York, London, Hong Kong, and Beijing offices. We thoroughly enjoyed our time in London and want to share some highlights from the

meeting:

Dorsey's Reception – Dorsey's annual INTA reception took place at the Churchill War Rooms, the remarkable underground headquarters where Winston Churchill and Britain's wartime leadership coordinated military strategy during World War II. Tucked beneath the streets of Westminster and preserved largely as it was left in 1945, the War Rooms offered guests a rare opportunity to step inside a pivotal piece of history while connecting with colleagues, clients, and friends of the firm. From the historic Cabinet Room to the map-lined operations center and exhibits chronicling Churchill's leadership, the venue provided an unforgettable backdrop for conversation and networking. The combination of a world-class setting, strong attendance, and an international group of guests made the reception one of the standout social events of INTA week and a memorable way to celebrate Dorsey's relationships across the global trademark community.

Thank you to everyone who joined us at the reception and to the team who made the evening such a success! It was a pleasure to welcome guests to London during such an important week for the global IP community.

Dorsey's LanhamAI™ Platform – As trademark practitioners know, consumer surveys testing for a likelihood of confusion are becoming increasingly prominent and important in federal court litigation and in proceedings before the Trademark Trial and Appeal Board. Since 2022 alone, approximately one-third of court decisions addressing consumer surveys and related expert reports criticize or exclude the research.

Mike Keyes, consumer survey expert and the head of Dorsey's Consumer Insights Group, and Connor Hansen, a Partner in Dorsey's IP Litigation Group, debuted LanhamAI™ during the INTA conference. LanhamAI™ is an AI-powered platform developed by Dorsey to instantly analyze consumer survey research and deliver a curated analysis of how courts have evaluated similar research. It identifies potential flaws in the survey design, methodology, expert qualifications, and other common pitfalls identified by the courts. The platform has already proven to be a valuable tool for the Dorsey team and we are excited for its potential as we continue to refine and expand its capabilities.

Digital Advertising Panel – Dorsey Partner Tiffany Shimada was a speaker on a panel entitled *Digital Advertising Under the Microscope: AI Claims, Dark Patterns, and Global Legal Trends*. The panel discussed current case law developments around the world, including background and case law progeny of DABUS, and specifically ownership of AI created content through the lens of patent, trademark and copyright laws around the world and how regulatory bodies are influencing the landscape through the confluence of consumer and financial protection laws. Of note was agentic AI and how brands can and should plan for optimization of AI agents in marketing to AI consumers, including machine-readable specs, structured data, and value propositions that resonate with algorithms in addition to human consumers.

Regarding risks, the panel addressed scrutiny over AI washing and regulatory responses to AI washing claims. In particular, the panel addressed the U.S. Federal Trade

Commission's aggressive response to false and exaggerated claims of AI saving consumers and businesses money and efficiencies without proper substantiation. Such claims open the advertiser to actionable claims under Section 5 of the FTC for false and misleading advertising. Further, there is heightened risk for consumers of dark patterns, whereby AI optimizes manipulative interfaces at scale, personalizing friction and choice architecture, and drawing additional regulatory scrutiny for advertisers whether they engage directly or indirectly in dark patterns. In recent high-profile cases, dark patterns have led brands to pay high financial damages as well as reputational damage, which is difficult to predict and even harder to overcome once the damage has occurred and consumer impressions have formed.

Addressing the more practical aspects of using AI, the panel discussed advertising around the world and risk management for IP professionals coordinating global branding and marketing programs, including review of contractual provisions internally as well as for vendors, partners, and talent who may be utilizing AI in their products and services. Finally, the panel discussed how to manage IP portfolios and technology within existing global legal frameworks by keeping humans at the forefront of the process, documenting contributions as between humans and AI in the creation of IP, and making adequate disclosures—all while considering evolving consumer perceptions and technological developments.

The panel was moderated by Jayde Wood, a Partner at Gowling WLG (Canada) LLP. And Tiffany was joined on the panel by speakers Ryan Abbott from the University of Surrey Law School and Enrico Bonadio, Professor of Law, City St. George's University of London.

Law Firm Committee Meeting – Cathy Dahl provides the following update of the Law Firm Committee meeting, held on May 5, 2026, at the Excel London: We had a great turnout for the Law Firm Committee meeting in London! The LFC focuses on the development of member benefits, services and educational programs specifically for law firms, with a particular focus on materials for mid-level associate and management-level IP professions. Key focuses for the LFC include looking forward to the future of law firms and their technological needs, particularly in connection with artificial intelligence, and providing insight and strategies to best position law firms for success.

Cathy is part of the Mid-Level Law Firm Professionals Subcommittee and leads the Career Pathways project team. The focus for the project team this term is to continue to develop materials that concentrate on options available to mid-level associates, including non-partnership and partnership tracks in a law firm, in-house legal opportunities, alternative careers in a law firm or complementary thereto, and how to navigate and identify potential opportunities based on individual goals and life circumstances. The overall messaging is that creating a career path should be individually intentional and that law firms must be ready to work with legal talent to create pathways that are both individually rewarding and that also benefit the firm.

Refurbishment of Genuine Goods in Korea – Judge Young Gi Kim of the Intellectual Property High Court discussed a recent Korean Supreme Court decision clarifying that

refurbishment of genuine goods at the owner's request for personal use does not constitute trademark infringement, as there is no use of the mark as a source identifier. However, the Court emphasized that this will depend on the facts. Where the refurbishing party plays a leading role, such that the activity goes beyond a personal service and begins to resemble commercial production, infringement may still arise. Relevant factors include control over design, ownership of the finished product, material sourcing and whether the goods enter commercial circulation. The discussion also noted the courts' increasing willingness to award enhanced damages in cases of willful infringement.

Damages and Injunctive Relief in Japan – A judge from the Tokyo District Court, Intellectual Property Division, highlighted recent cases illustrating the Japanese courts' pragmatic approach to enforcement. In particular, it was noted that where a defendant refuses to produce financial records, courts may rely on the plaintiff's asserted figures as the basis for assessing damages, and may adjust royalty rates upward in light of bad faith conduct. In a separate *Zoom* case, the Tokyo District Court awarded damages for an earlier period of infringement but declined injunctive relief. While the marks were found to be similar, the court considered that the defendant's mark had, over time, particularly during the COVID-19 pandemic, gained sufficient independent recognition such that the likelihood of confusion had diminished. These examples highlight the Japanese courts' flexible approach, both in addressing evidential issues and in assessing remedies by reference to evolving market realities.