

Subject : EIPIN Innovation Society training plan skills 2
To : Academic Board (as well as supervisors)
From : A. Kamperman Sanders, Maastricht University
Date : 22 August 2017

Training plan Skills 2: Moot training

Skills 2: Moot training and PhD presentation:

- Module 1: IP School moot training (30 hours)
- Module 2: Attendance IP Seminar and IP Update (15 hours)
- Module 3: PhD project presentation (20 minutes per ESR)

The skills training “Moot training and PhD presentation” is offered at the beginning of the research and training period and takes place in Macao and Hong Kong from 30 October until 8 November 2017, is organized by Maastricht University, and is hosted by the Institute of European Studies of Macau and the Hong Kong Intellectual Property Department.

It encompasses modules that introduce students to the way in which IP law is instrumental to the functioning of a competitive economy. Traditionally, commercial actors and interest groups have shaped IP policy. Increasingly, however, policy makers and citizens alike expect innovation and intellectual property to contribute towards the tackling of big issues, such as global warming, access to healthcare and food, sustainable development and technology transfer. A group of renowned speakers cover diverse, yet connected issues, such as participation in IP policymaking, access to information, open innovation and technology transfer. The central question is: What contribution can Intellectual Property make to an open society?

The training consists of three parts:

- Intellectual Property Law School Moot training
- Intellectual Property Seminar and Professional IP Update
- PhD project presentation

Main educational objectives

The main educational objectives of the individual modules are:

Module 1: IP School moot training

By Prof. Anselm Kamperman Sanders and Dr. Christopher Heath (European Patent Office) It comprises a re-appraisal of the fundamentals of international IP law through interactive teaching;

The course teaches ESRs:

- to argue a number of mock trials on various IP issues;
- to articulate a position in a multicultural and comparative legal setting; and in doing so
- learn about various litigation styles.

Module 2: Attendance IP Seminar and IP Update

The 2017 IP Seminar will cover the way in which intellectual property rights may create obstacles to legitimate trade. The WTO/TRIPS Agreement for the first time put intellectual property rights in the context of trade rules. The reason was that only a harmonised level of IP protection would ensure a level playing field in international trade, while on the other hand lacunae in the scope of IP protection would lead to trade distortions. On the other hand, it must be realised that territorial monopolies are already per se obstacles to trade. The TRIPS Agreement tries to strike a balance by ensuring “that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade”.

In the last 20 years, a number of controversial cases have arisen where intellectual property rights are conferred, used or enforced in a manner that arguably impede legitimate trade, both in the domestic and international context.

The annual professional update provides an overview of all relevant cases and legislative developments of the past year from all over the world. During one day, the participants will be brought up to speed on the major important legal decisions and developments in intellectual property law and policy.

For this edition, the discussion will also explore exhaustion and parallel trade.

Objectives:

- Attend the IP Seminar and Hong Kong IP Update;
- connect to a host of international IP luminaries reflecting on recent developments and controversial issues in IP.

Module 3 PhD project presentation (15 minutes per ESR):

By ESRs to an international audience

This teaches the ESRs:

- to succinctly present the EIPIN-Innovation Society research in public;
- to make progress in articulating the research problem, question and methodology;
- to present the research proposals in the IP Seminar and Hong Kong IP Updated to a public of academics and practitioners.

Organisational matters

Required:

ESRs

Dates:	30 October – 8 November 2017
Start:	30 October, Macau Cultural Centre, 09:30 hrs
Place:	Macau SAR, China
Accommodation:	organised by Institute of European Studies, Macau
Travel:	organised by ESRs individually
Finance:	organised by ESRs through personal training budget
Contact logistics:	Beatrice Lam (Beatrice@ieem.org.mo)
Contact training:	Anselm Kamperman Sanders (a.kampermansanders@maastrichtuniversity.nl)
Financial contact:	Diana Schabregs (diana.schabregs@maastrichtuniversity.nl)

Timetable skills 2

IPKM Macau IP School and Moot Training (draft)



30 Oct to 3 Nov	The 14 th IEEM Intellectual Property Law School
Monday, 30 October	Lecture: Introduction: History and Structure of IP Laws
	Lecture: Introduction: History and Structure of IP Laws
	Lecture: International IP treaties and its guiding principles: National treatment, independence, priority, jurisdiction and dispute settlement
	Mock trial: Preparation for mock trials
Tuesday, 31 October	Lecture: Principles of trade mark law, passing off and the protection of well-known marks
	Lecture: Trademarks: confusion/dilution/passing off, three-dimensional marks
	Case studies: Trade marks
	Mock trial: Opel (Trademarks; similarity; confusion)
Wednesday, 1 November	Lecture: National and international copyright law
	Lecture: Interfaces - Slavish imitation, copyright and works of applied art
	Case studies: Digital Copyright
	Mock trial: Wheelies – Designs, trade marks, exhaustion
Thursday, 2 November	Lecture: National and international patent law – Basic Principles
	Lecture: How to read patents, claims, descriptions, priority issues
	Case studies: Patents: Monopolies, Rights and Limits
	Mock trial: Expedite Sulawesi – Copyrightable works, acts of copying, private use, communication to the public, applicable law
Friday, 3 November	Lecture: Enforcement Issues
	Lecture: Internet Issues: Infringement and Liability
	Lecture: Technology Transfer and Licensing
	Mock trial: Tick Card – Patents, validity, claim interpretation

IPKM Macau programme IP Seminar 2017 (draft)

<p>Monday 6 Nov 2017</p>	<p style="text-align: center;">The 17th IEEM Intellectual Property Seminar IP Rights: Obstacles or Opportunities to Legitimate Trade Grand Lapa Hotel, Macau 6 and 7 Novmeber 2017</p> <p style="text-align: center;"><i>Morning</i></p> <p>09:00 Registration 09:30 Welcome Address José Luís de Sales Marques - IEEM President Gonçalo Cabral – Legal advisor to the Secretary for Economy and Finance, Macau – Seminar Convenor</p> <p>09:45 The history of TRIPS, and notion of “ Barriers to Legitimate Trade” t.b.c.</p> <p><i>The WTO/TRIPS Agreement for the first time put intellectual property rights in the context of trade rules. The reason was that only a harmonised level of IP protection would ensure a level playing field in international trade, while on the other hand lacunae in the scope of IP protection would lead to trade distortions. On the other hand, it must be realised that territorial monopolies are already per se obstacles to trade. The TRIPS Agreement tries to strike a balance by ensuring “that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade”.In the last 20 years, a number of controversial cases have arisen where intellectual property rights are conferred, used or enforced in a manner that arguably impede legitimate trade, both in the domestic and international context.</i></p> <p>10: 30 Q&A followed by Coffee Break</p> <p>11:00 Parallel Imports, Exhaustion and Patents t.b.a.</p> <p><i>This topic looks at one of the most controversial issues of the TRIPS Agreement and the underlying legal and economic rationales.</i></p> <p>11:45 The Geoblocking of Legitimate Content Marketa Trimble – University of Nevada, Las Vegas</p> <p><i>This topic primarily concerns copyright and geographical encryptions that prevent the legitimate use of copyrighted works across borders</i></p> <p>12:30 Q&A followed by Lunch</p>
--	---

Monday
6 Nov 2017

Afternoon

14:00 The registration of description terms in International Trade

Anke Moerland, Maastricht University, The Netherlands

This topic arises in the context of trade marks and geographical indications. For trade marks, it concerns the registration of foreign descriptive terms with the purpose or result of preventing competition by importation. For geographical indications, it concerns the protection of terms that are considered generic in the domestic market.

14:45 Transit and Trade

Martin Senfleben – Free University of Amsterdam

In the field of enforcement, the issue of IP enforcement over goods in transit has been particularly controversial and also given rise to complaints before the WTO due to conflicts with the principle of free transit enshrined in the GATT Agreement.

15:30 Q&A followed by Coffee Break

16:00 Science-Based Research in IP

Geographical Indications: a spurring or hampering device for innovation agribusiness - Maurizio Crupi (University of Alicante/Maastricht University)

Agribusiness, the Future of Plant breeding in the Light of the Developments in Patent and Plant Breeders Rights - Jared Onsando (Maastricht University/University of Alicante)

Enforcement of Intellectual Property Rights and Global Trade - Anastasiia Kyrylenko (University of Alicante/University of Strasbourg)

Patent Aggregation in Patent and Competition Law - Niccolò Galli (University of Augsburg/Maastricht University)

Automation, Robotics and Big Data in the Biomedical Field - Francesca Mazzi (Queen Mary University of London/Maastricht University)

17:30 Q&A & Closure

19:30 Dinner



<p>Tuesday 7 Nov 2017</p>	<p style="text-align: center;"><i>Morning</i></p> <p>9:00 The Green, Green Grass of Evergreening Patents t.b.c.</p> <p><i>This topic concerns tensions between the limited duration of pharma patents and attempts to extend such duration by the subsequent filing of similar patents, thereby creating legal uncertainty and a deterrent for generic manufacturers.</i></p> <p>9:45 Exhaustion and Second – hand Digital Goods/Contents Matthias Leistner – University of Munich</p> <p><i>Rules on the domestic exhaustion of copyrighted goods serve the freedom of commerce and do not allow the copyright owner to control the second-hand market of such goods. This established balance may considerably shift in favour of copyright owners and platform providers should the exhaustion principle not apply to digital products.</i></p> <p>10:30 Q&A followed by Coffee Break</p> <p>11:00 Unjustified Threats Anselm Kamperman Sanders - Maastricht University, The Netherlands</p> <p><i>Enforcement of intellectual property rights by way of warning letters sent to alleged infringers may be a cheap but potentially abusive way of asserting rights. After all, infringement should be determined by the courts and not by threatening letters to producers or their customers. Many jurisdictions thus impose a rather strict liability where such threats turn out to be unfounded.</i></p> <p>11:45 Science-Based Research in IP</p> <p>Innovation and Ethics - Clara Ducimetiere (University of Strasbourg/Queen Mary University of London)</p> <p>Balancing the Quality of Patents with Effective Enforcement of Invalidation Claims in the Pharmaceutical Industry in Europe - Naina Khanna (Maastricht University/University of Augsburg)</p> <p>Innovation and Justice - Constructing Just and Efficient Court Systems - Tamar Khuchua (University of Strasbourg/Queen Mary University of London)</p> <p>12:15 Q&A followed by Lunch</p>
---	--



<p>Tuesday 7 Nov 2017</p>	<p style="text-align: center;"><i>Afternoon</i></p> <p>14:00 Science-Based Research in IP</p> <p>Decision making Institutions - Gerben Hartman (Queen Mary University of London/University of Strasbourg)</p> <p>Creativity and Access - Adaptation of Copyright to the Digital Economy – Natasha Mangal (University of Strasbourg/Queen Mary University of London)</p> <p>Collecting Management Organizations and Institutional Users - Lucius Klobucnik (Queen Mary University of London/University of Augsburg)</p> <p>14:30 Mock Trial</p> <p>16:00 Closure followed by drinks</p>



<p align="center">IEEM IP Programme 2017: The Professional Intellectual Property Update Hong Kong Intellectual Property Department, Function Room 2501 25/F Wu Chung House, 213 Queen’s Road East, Wanchai, Hong Kong Wednesday 8 November 2017</p>		
	8:30 – 8:45	Registration
	8:45 - 9:00	<p>Welcoming remarks: José Luís de Sales Marques, IEEM President Ada Leung, Director of Intellectual Property, the Government of the HKSAR</p>
		Morning
	9:00 – 10:45	<p>Exhaustion and Parallel Trade Marketa Trimble, University of Nevada, Las Vegas</p> <p>IP, Investment and International Trade t.b.c.</p> <p>Commentator: Flavia Marisi, City University of Hong Kong, HK</p> <p>Q & A</p>
	10:45 - 11:00	Coffee break
	11:00 – 12:00	<p>Science-Based Research in IP</p> <p>Bridging the Valley of Death - Krishnamani Jayaraman (Maastricht University/University of Augsburg)</p> <p>Push or Pull Information to or from the Market - Girish Nagraj (University of Alicante/University of Strasbourg)</p>

		<p>Declaration of Standard-essential Patents, Strategic Use of IP Policies of Standard Setting Organisations by Patent Holders - Vicente Zafrilla (University of Augsburg/University of Alicante)</p> <p>The Unitary Patent Court - Letizia Tomada (University of Augsburg/University of Alicante)</p> <p>Q & A</p>
	12:00 – 13:30	Lunch
	<u>Afternoon</u>	
	13:30 – 16:00	<p>New Developments in IP Law - A Panel birds-eye view and discussion</p> <ul style="list-style-type: none"> - Chair Martin Senftleben - Hong Kong - Henry Wheare (Hogan Lovells, HK) - China - Tianxiang He (City University, HK) - EU – t.b.a., Anselm Kamperman Sanders, Matthias Leistner - USA - Marketa Trimble, Daniel Gervais <p>Q & A</p>
	16:00	Closing remarks