

The 17th IEEM Intellectual Property Seminar
IP Rights: Obstacles or Opportunities to Legitimate Trade
Grand Lapa Hotel, Macau
6 and 7 November 2017

Morning

Monday
6 Nov 2017

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

09:45 **The history of TRIPS, and notion of “Barriers to Legitimate Trade”**

Matthew Kennedy - University of International Business and Economics, Beijing

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.

10: 30 Q&A followed by Coffee Break

11:00 **Parallel Imports, Exhaustion and Patents**

t.b.a.

This topic looks at one of the most controversial issues of the TRIPS Agreement and the underlying legal and economic rationales.

11:45 **The Geoblocking of Legitimate Content**

Marketa Trimble – University of Nevada, Las Vegas

This topic primarily concerns copyright and geographical encryptions that prevent the legitimate use of copyrighted works across borders

12:30 Q&A followed by Lunch

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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 Senftleben – Free University of Amsterdam, The Netherlands

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

Tuesday
7 Nov 2017

Morning

9:00 The Green, Green Grass of Evergreening Patents

Roberto Reis – Center for Technologic Development in Health – CDTS/FIOCRUZ, Brazil

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.

9:45 Exhaustion and Second – hand Digital Goods/Contents

Matthias Leistner – University of Munich, Germany

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.

10:30 Q&A followed by Coffee Break

11:00 Unjustified Threats

Anselm Kamperman Sanders - Maastricht University, The Netherlands

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.

11:45 Science-Based Research in IP

Innovation and Ethics - Clara Ducimetiere (University of Strasbourg/Queen Mary University of London)

Balancing the Quality of Patents with Effective Enforcement of Invalidity Claims in the Pharmaceutical Industry in Europe - Naina Khanna (Maastricht University/University of Augsburg)

Innovation and Justice - Constructing Just and Efficient Court Systems - Tamar Khuchua (University of Strasbourg/Queen Mary University of London)

12:15 Q&A followed by Lunch



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<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>