



INSTITUTE OF EUROPEAN STUDIES OF MACAU
澳門歐洲研究學會
INSTITUTO DE ESTUDOS EUROPEUS DE MACAU

The 15th IEEM Intellectual Property Seminar
30 November – 1 December 2015
Grand Lapa Hotel Macau

**How Quantum Innovations in Society and Technology
Drive IP Law**

- **Neither Here nor There: Territoriality and Ubiquity**
 - The principle of territoriality has come to be stretched by the recent ubiquity of production: The assembly of parts or the provision of services in different countries seems to result in an evasion of responsibility, and the question is whether the law can find appropriate responses.
 - *Speaker: Eleonora Rosati - University of Southampton*

- **All For this Moment: Events and IP**
 - Increasingly, intellectual property rights are used to maximise profits in single events such as the Olympics, or the Football World Championship. This of course increases the friction between rights and limits, makes issues extremely time sensitive and is a challenge to contract drafting.
 - *Speaker: Roberto Menescal – Brazil*

- **From Terroir to GIs – Stifling or Promotion of Innovation**
 - The link between the protection of geographical indications of origin and innovation has often been disputed. Traditional means and collective methods of production seem to be at odds with individual creative effort and the creation of competitive markets. Do GIs belong in the pantheon of IP rights at all?
 - *Speaker: Delphine Marie-Vivien – CIRAD Recherche Agronomique Pour le Développement, France*



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- **Do take it personal: Patent Protection from Chemical Compounds to Personalised Medicine**
 - Patent law was conceived around mechanical inventions. For a long time, chemical compounds were given protection only for the manufacturing process and for specific usage. While absolute product protection for all kinds of uses and regardless of the manufacturing process has now been acknowledged, there still seems to be room for protecting medical indications, dosage regimes and personalised medicine.
 - Speaker: Christopher Heath - BoA, EPO, Germany (t.b.c.)

- **How Exhausting: The Internet of Things**
 - Exhaustion is one of the most important limitations of all IP rights. The principle applies to physical goods and means that commercial marketing of a product. Trying to avoid exhaustion by legal construct thus appears a promising way of increasing control and profit. One way of doing so could be to replace a sale by a rental, the other by making products a service (or a combination of both). How successful are these constructs in order to avoid exhaustion?
 - Speaker: Anselm Kamperman Sanders – Maastricht University

- **Extortion rackets in IP: Promoting the Wrong Kind of Creative Ideas**
 - The notion that copyrights and patents foster creativity and innovation has never been conclusively proven, but is the underlying assumption for justifying the system. Still, “misuse” of the system poses an increasing problem: Copyright enforcement by “collecting societies”, costly warning letters to consumers who download music or films, non-practicing entities that exploit the patent system. Do these phenomena call the whole system into question?
 - Speaker: Meir Pugatch – Pugatch Concilium; Maastricht University, The Netherlands

- **Here Come the Robots, but Who Owns Their Creations?**
 - Autonomous creation by artificial intelligence is capable of producing works, but who is the author or producer? Is there ownership or are these works by definition in the public domain?
 - Speaker: Gonalo Cabral – Legal advisor to the Secretary for Economy and Finance, Macau SAR, China

- **Just a Few Drops of Chanel No.5 – Publicity Rights**
 - Commercialising personalities has been an ongoing phenomenon in the last 50 years. As fame becomes ever more ephemeral, the tendency increases to commercialise everyone and everything that becomes recognised in social media networks, from cuddly polar bears to starlets to event promoters – How far do IP rights protect such endeavours (publicity rights; unfair competition; trade mark law)
 - Speaker: Irene Calboli – SMU, Singapore and Texas A&M, US

- **Social Media and Big Data – We Own the Knowledge of What You Are**
 - Through social media platforms like Facebook we share information, family snapshots and personal creations. Less conspicuous are cookies and other technological means charting all you do, what you watch, what you consume or purchase, where you have been, etc. Are we signing over all we create and all we are? Should we care?
 - Speaker: Carlos Affonso Souza – Instituto de Tecnologia & Sociedade do Rio, Brazil

- **Globalisation of IP – Innovation Policy, Trade Issue, or Investor Expectation?**
 - With the conclusion of the TRIPS Agreement as part of the WTO system, intellectual property has become a trade issue, rather than a means for national industrial policy. Whereas certain IP standards are now pegged in the multilateral trade system,



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many nations are moving away from multilateral regimes to do bilateral deals that place power in the hands of IP owners as investors through state-investor dispute settlement provisions.

With the plain-packaging tobacco cases as prime examples, the question can be raised to what extent nation-states retain policy freedom.

- Speaker: Daren Tang – Intellectual Property Office (IPOS), Singapore

- **Mock Trial: Here, There and Everywhere?**
 - Are there limits to Video on Demand in a globalizing economy where time and space shifting have become customary? This mock trial will bring this question to life



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**How Quantum Innovations in Society and Technology
Drive IP Law**
Grand Lapa Hotel, Macau 30 Nov – 1 Dec 2015

Morning

Monday
30 Nov 2015

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 **Neither Here nor There: Territoriality and Ubiquity**

Eleonora Rosati – University of Shouthampton, UK

10:30 Q&A followed by Coffee Break

11:00 **All For this Moment: Events and IP**

Roberto Menescal - Brazil

12:30 **From Terroir to GIs – Stifling or Promotion of Innovation**

Delphine Marie-Vivien – CIRAD Recherche Agronomique Pour le Développement, France

13:15 Q&A followed by Lunch

Afternoon

14:30 **Do take it personal: Patent Protection from Chemical Compounds to Personalised Medicine**

Christopher Heath - BoA, EPO, Germany (t.b.c.)

15:15 **How Exhausting: The Internet of Things**

Anselm Kamperman Sanders - Maastricht University, The Netherlands

16:00 Q&A followed by Coffee Break

16:30 **Extortion rackets in IP: Promoting the Wrong Kind of Creative Ideas**

Meir Pugatch - Pugatch Consilium and Maastricht University, The Netherlands

17:15 Q & A – Closure

19:30 Dinner



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<p>Tuesday 1 Dec 2015</p>	<p style="text-align: center;"><i>Morning</i></p> <p>9:00 Here Come the Robots, but Who Owns Their Creations? Gonçalo Cabral - Legal advisor to the Secretary for Economy and Finance, Macau</p> <p>9:45 Just a Few Drops of Chanel No.5 – Publicity Rights Irene Calboli, SMU, Singapore and Texas A&M, US</p> <p>10:30 Q&A followed by Coffee Break</p> <p>11:00 Social Media and Big Data – We Own the Knowledge of What You Are Carlos Affonso Souza – Instituto de Tecnologia & Sociadade do Rio, Brazil</p> <p>11:45 Globalisation of IP – Innovation Policy, Trade Issue, or Investor Expectation Daren Tang – Intellectual Property Office, IPOS, Singapore</p> <p>12:30 Q&A followed by Lunch</p> <p style="text-align: center;"><i>Afternoon</i></p> <p>14:30 Mock Trial: Here, There and Everywhere?</p> <p>17:00 Closure & drinks</p>



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香港特別行政區政府知識產權署
The Government of the Hong Kong Special Administrative Region
Intellectual Property Department

The Professional IP Update

2 December 2015

**Hong Kong Intellectual Property Department, Function Room 2501
25/F Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong**

3D Printing and Secondary Liability

- 3D printing is said to be the next disruptive technology, changing fundamentally the cycles of production, even placing the means of production in the hands of consumers. But is 3D printing disruptive to the IP system as well if we can no longer distinguish private from commercial activities?
- **New Developments in IP Law – A Panel birds-eye view and discussion**
 - Greater China and Asia
 - Can Cui – Morrison & Foerster, HK
 - Henry Wheare – Hogan Lovells, HK
 - Kung Chung Liu – Academica Sinica, Taiwan
 - Daren Tang – Intellectual Property Office, IPOS, Singapore
 - USA
 - Irene Calboli – SMU, Singapore and Texas A&M, US
 - EU
 - Eleonora Rosati – University of Shouthampton, UK
 - Christopher Heath - BoA, EPO, Germany (t.b.c.)

IEEM IP Programme 2015:
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
3D Printing and Secondary Liability
Wednesday 2 December 2015

	8:30 - 8:45	Registration
	8:45 - 9:00	Welcoming remarks: José Luís de Sales Marques, IEEM President Ada Leung, Director of Intellectual Property Department, the Government of the HKSAR
	<u>Morning</u>	
	9:00 - 10:30	3D Printing – Secondary Liability Copyright and Design Carlos Affonso Souza – Instituto de Tecnologia & Sociedade do Rio, Brazil Eleonora Rosati, University of Shouthampton, UK
	10.30 – 10.45	Q & A Moderator and Commentator: Meir Pugatch, Pugatch Consilium and Maastricht University, The Netherlands
	10:45 - 11:15	Coffee break
	11:15 - 12:45	Printing – Secondary Liability Patents and Trade Marks Anselm Kamperman Sanders - Maastricht University, The Netherlands Christopher Heath - BoA, EPO, Germany (t.b.c.)
	12:45 – 13:00	Q & A Moderator and Commentator: Bryan Mercurio, Chinese University, Hong Kong

	13:00 - 14:30	Lunch
	<u>Afternoon</u>	
	14:30 - 16:00	<p>New Developments in IP Law – A Panel birds-eye view and discussion</p> <p>Greater China and Asia</p> <ul style="list-style-type: none"> • Can Cui – Morrison & Foerster, HK • Henry Wheare – Hogan Lovells, HK • Kung Chung Liu – Academica Sinica, Taiwan • Daren Tang - IPOS, Singapore <p>USA</p> <ul style="list-style-type: none"> • Irene Calboli – SMU, Singapore and Texas A&M, US <p>EU</p> <ul style="list-style-type: none"> • Eleonora Rosati – University of Shouthampton, UK • Christopher Heath - BoA, EPO, Germany (t.b.c.) <p>Moderator and Commentator: Anselm Kamperman Sanders, Maastricht University, The Netherlands</p>
	16:00	Closing remarks