

## **IEEM Intellectual Property Law Programme 2017**

### **The 14<sup>th</sup> Intellectual Property Law School**

**30 October to 3 November 2017**

**Macau Cultural Centre**

The IP Law School is a unique initiative in Asia, offering a taught programme in international Intellectual Property Law and its relevance for global, European and Asian economic development and innovation policy. The IP Law School is extremely suited for trainee lawyers, Intellectual Property professionals with an economic or policy background, and master's students in Intellectual Property wishing to enhance their skills at post-academic level.

Starting from the basics of the Paris and Berne conventions, the course covers the development of Intellectual Property Law all the way to the WTO TRIPS Agreement and the WIPO Copyright treaties. Attention is also devoted to regional arrangements, such as the European Patent Convention, and other new international and national initiatives. From a policy perspective, free trade agreements and bilateral investment arrangements covering Intellectual Property, as well as ongoing negotiations in the area of protection of traditional knowledge, will be covered. The classes are taught using an intensive Socratic format by experts in the field.

This challenging programme also expects participants to jointly prepare and argue several moot cases in a friendly, yet competitive atmosphere, providing a unique insights into the way in which colleagues from various jurisdictions approach international and domestic legal problems.

### **The 17<sup>th</sup> Intellectual Property Seminar:**

**IP Rights: Obstacles or IP Opportunities to Legitimate Trade?**

**6 and 7 November 2017**

**Macau Grand Lapa Hotel**

The annual two-day Intellectual Property Seminar offers a forum for IP professionals wishing to be part of a thought-provoking discussion on cutting-edge developments in intellectual property law and policy. Distinguished practitioners, judges and academics from all over the world have contributed to this event. The papers they have presented have been published in book form by Kluwer Law International and Hart Publishing.

The 2017 event 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 ratio 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.



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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 Professional IP Update 2017:  
8 November 2017  
HK IP Department, HK**

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, you 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.

## Tentative Programme

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



The 17<sup>th</sup> IEEM Intellectual Property Seminar  
**IP Rights: Obstacles or Opportunities to Legitimate Trade**  
**Grand Lapa Hotel, Macau**  
**6 and 7 Novmeber 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 geograpical encryptions that prevent the legitimate use of copyrighted works across borders*

**12:30 Q&A followed by Lunch**

**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 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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<b>Tuesday</b> <b>7 Nov 2017</b>	<p style="text-align: center;"><i>Afternoon</i></p> <p><b>14:00 Science-Based Research in IP</b></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><b>14:30 Mock Trial</b></p> <p><b>16:00 Closure followed by drinks</b></p>

## 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

	8:30 – 8:45	Registration
	8:45 - 9:00	<b>Welcoming remarks:</b> José Luís de Sales Marques, IEEM President Ada Leung, Director of Intellectual Property, the Government of the HKSAR
	<b>Morning</b>	
	9:00 – 10:45	<b>Exhaustion and Parallel Trade</b> Marketa Trimble, University of Nevada, Las Vegas  <b>IP, Investment and International Trade</b> Flavia Marisi, City University of Hong Kong, HK  Q & A
	10:45 - 11:00	Coffee break
	11:00 – 12:00	<b>Science-Based Research in IP</b>  Bridging the Valley of Death - Krishnamani Jayaraman (Maastricht University/University of Augsburg)  Push or Pull Information to or from the Market - Girish Nagraj (University of Alicante/University of Strasbourg)



		<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 &amp; A</p>
	<b>12:00 – 13:30</b>	<b>Lunch</b>
	<b><u>Afternoon</u></b>	
	<b>13:30 – 16:00</b>	<p><b>New Developments in IP Law - A Panel birds-eye view and discussion</b></p> <ul style="list-style-type: none"> <li>- Chair Martin Senftleben</li> <li>- Hong Kong – Gabriela Kennedy (Mayer Brown JSM, HK)</li> <li>- China - Tianxiang He (City University, HK)</li> <li>- EU – t.b.a., Anselm Kamperman Sanders, Matthias Leistner</li> <li>- USA - Marketa Trimble</li> </ul> <p>Q &amp; A</p>
	<b>16:00</b>	<b>Closing remarks</b>

## **Fees**

- IP Law School, 30 Oct to 3 Nov 2017: MOP 8000 or USD 1000
- IP Seminar, 6 and 7 Nov 2017: MOP 6,000 or USD 750
- Annual Professional IP update, 8 Nov 2017: MOP 3000 or USD 375
- IP Law School + Annual Professional IP update + IP Seminar: MOP 14,400 or USD 1800
- Each IP Seminar dinner: MOP 400 or USD 50

## **Early bird registration**

Discount of 15% for enrolment before 11 August 2017 and discount of 10% for enrolment before 8 September 2017

## **Requirements for admission to the IP Law School**

The expected level of English proficiency is the equivalent of a minimum of 6.0 on the IELTS/550 on the TOEFL.

Participants should hold a bachelor degree or above, preferably in law or economics. Work experience will also be considered.

In order to safeguard interactive teaching, the number of participants to the IP Law School is limited to 24 individuals, with a cap of 4 participants per jurisdiction. Should applications exceed 24, a waiting list will be opened until there are sufficient candidates to warrant the opening of a second group.

For the Annual IP Seminar and the Professional IP Update no restrictions apply.

## **Registration**

IP School (with option to register for IP Seminar and Update):

<http://lawstudy.maastrichtuniversity.nl/conference/files/index.asp?cn=12&ln=1>

Seminar and Update only:

<http://lawstudy.maastrichtuniversity.nl/conference/files/index.asp?cn=11&ln=1>

## **Terms and Conditions**

Program cancellation: The IEEM reserves the right to cancel the whole or part of the IP Programme should there be insufficient registrants;

Registration deadline: Enrolment is open until 13 October 2017;

Refund policy: 80% of fees paid for the IP Law School will be refunded if cancellation occurs before 29 September 2017. Dinner fees are not refundable;

Payment: Fees should be settled by remittance to the following bank account:

Banco Comercial de Macau

Av. da Praia Grande, 572. Macau

Account n. 706450

Name of beneficiary: Instituto de Estudos Europeus de Macau, Swift code: CMACMOMX

Please specify “Fee for the IPS2017” and your name in the message column and send a copy of your remittance form to:

Instituto de Estudos Europeus de Macau

Calçada do Gaio, 6

Macau

Tel: +853 2835 4326

Fax: +853 2835 6155

E-mail: [beatrice@ieem.org.mo](mailto:beatrice@ieem.org.mo)



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