



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

# **IP Law Programme 2024: IEEM Intellectual Property Law Programme 2024**

**28 October – 6 November**

sponsored by :



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## **IEEM Intellectual Property Law Programme 2024**

### **The 17<sup>th</sup> Intellectual Property Law School**

**28 October to 1 November 2024, Macau Artyzen Grand Lapa Hotel**

The IP Law School is a unique initiative in Asia, offering an intensive 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 roots of IP law in civil law and the international basis of IP in the Paris and Berne conventions, the course covers the development of Intellectual Property Law all the way to the WTO TRIPS Agreement and the challenges posed by technical developments such as the internet and artificial intelligence. Regional agreements, free trade agreements and bilateral investment arrangements covering intellectual property, just as the specific enforcement obligations and mechanisms, will also be covered. The classes are taught using an intensive Socratic and interactive format by experts in the field, and importance is attached to the students' active participation and their articulation of opinions.

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

### **The 20<sup>th</sup> Intellectual Property Seminar:**

**Topic: Proportionality in Intellectual Property Law**

**4 and 5 November 2024, Macau Artyzen 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 Professional IP Update 2024:**

**6 November 2024, HK IP Department, HK**

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

## Programme

28 Oct to 1Nov	The 17 <sup>th</sup> IEEM Intellectual Property Law School
<b>Monday, 28 October</b>	<b>Lecture:</b> Terminology, Legal Nature, Rationale and Justification
	<b>Lecture:</b> Civil Law Foundations, IP and Tangible Property
	<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, 29 October</b>	<b>Lecture:</b> Principles of unfair competition and trade mark law,
	<b>Lecture:</b> Passing off and the protection of well-known marks
	<b>Case studies:</b> Trade marks
	<b>Mock trial:</b> Opel (Trademarks; similarity; confusion)
<b>Wednesday, 30 October</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, 31 October</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> Fair Game? – Copyrightable works, acts of copying, private use, communication to the public, applicable law
<b>Friday, 1 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 20<sup>th</sup> IEEM Intellectual Property Seminar

### Proportionality in Intellectual Property Law

Artyzen Grand Lapa Hotel

Macau 4 and 5 November 2024

#### Abstract and Objectives:

Greek philosophy has identified "μηδὲν ἄγαν" (*midèn ágan*, nothing in excess) as one of the guiding principles of human society. It was written over the entrance of the oracle of Delphi and has been intensely discussed in the dialogues of Platon. Also law as a framework to balance different individual and societal interests is guided by this principle, now commonly referred to as "proportionality". In particular intellectual property as a construct to foster and protect human achievements for the benefit of society must be mindful of a proper balancing of interests, be it at the stage of legislation or enforcement: Insufficient protection does not lead to a sustainable production of achievements, overprotection to unwarranted monopolies at the expense of commons.

The principle of proportionality is enshrined in e.g. Article 3 of the European Enforcement Directive. The first sentence of paragraph 2 states that "measures, procedures and remedies" to enforce "intellectual property rights" must be "proportionate" in addition to being "effective" and "dissuasive". The second sentence of Article 3(2) teaches that this principle of proportionality requires, in particular, that the measures, procedures and remedies referred to must be "applied in such a way as to avoid the creation of barriers to legitimate trade and to provide safeguards against the abuse of such procedures."

Article 3 teaches that the principle of proportionality seeks to counterbalance the private interest of the IP right holder - who benefits from deterrent and effective law enforcement - and stands for the public interest which benefits from unimpeded legitimate trade and does not benefit from abusive litigation. The principle of proportionality is also found in the TRIPS Agreement of 1995, which implies that it should be respected not only on the basis of EU law, but is also subject to interpretation by the WTO.

The seminar for the first day looks at the roots and justifications of proportionality, and two major instances where this concept must be applied: At the stage of lawmaking, and in the context of enforcement. The third part will look at specific cases of proportionality, namely in the context of an estoppel against enforcement due to conduct that is either inequitable or distorting competition.

## Schedule and Contents

Morning

09:00 Registration

09:30 **Welcome Address**

Paulo Canelas de Castro, IEEM President

09:45 **Proportionality as a Guiding Principle in EU Law**

- Paulo Canelas de Castro, University of Macau, Macau

10.15 **Proportionality in the Context of European IP Law**

- Peter Teunissen, University of Nijmegen, the Netherlands

**10:45 Q&A followed by Coffee Break**

11:15 **μηδὲν ἄγαν (midèn ágan) I - Proportionality in Legislation**

**Free Trade v. IP Protection under GATT and TRIPS**

- Anselm Kamperman & Christopher Heath

**Proportionality and the "IP Bargain"**

- Christopher Heath, EPO/Maastricht University

**Proportionality, Fair Use, the "Three-Step Test" and Exceptions**

- Tianxiang He, City University of Hong Kong, HK

**Reversal of the Burden of Proof for Process Patents**

- Chaho Jung, Sungkyunkwan University, Korea

**13:00 Q&A followed by Lunch**

*Afternoon*

**μηδὲν ἄγαν (midèn ágan) II - Proportionality in Enforcement**

14.30 **Proportionality in Remedies**

- David Llewelyn, Singapore Management University

**15:15 Q&A followed by Coffee Break**

15.45 **Unjustified Threats and their Justified Consequences**

- Anselm Kamperman Sanders, Maastricht University/CoA The Hague

16.15 **An Economic Framework for Evaluating Wrongful Patent Assertion**

- Thomas Cotter, University of Minnesota, United States

**17:00 Q&A & Closure**

**Monday  
4 Nov 2024**

**Tuesday**  
**5 Nov 2024**

*Morning*

**μηδὲν ἄγαν (midèn ágan) III: Proportionality by way of Estoppel**

**09:30 Abus de Droit in IP Infringement Cases**

- Amandine Léonard, University of Edinburgh, UK

**10:00 Bad Faith and Unclean Hands in Trade Mark Cases**

- Kung Chung Liu, Singapore Management University, Singapore

**10:30 Q&A followed by Coffee Break**

**11:00 Last Exit Brooklyn: Proportionality, Abuse and Antitrust Defences – Roundtable**

- Anselm Kamperman Sanders, Maastricht University, NL
- Christopher Heath, BoA, EPO, Germany
- Tianxiang He, City University of Hong Kong, HK
- Peter Teunissen, University of Nijmegen, NL
- Thomas Cotter, University of Minnesota, United States
- Amandine Léonard, University of Edinburgh, UK
- Chaho Jung, Sungkyunkwan University, Korea
- Kung Chung Liu, Singapore Management University, Singapore
- David Llewelyn, Singapore Management University, Singapore

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

*Afternoon*

**14:30 Mock Trial – Orchid Blues chaired by His Honour Henry B. Wheare**

**17:00 Closure followed by Coffee Break**



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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

**IEEM IP Programme 2024:**  
**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 6 November 2024**

Abstract and Objectives:

The Annual Hong Kong IP Update is meant to furnish an overview over the latest IP developments in Asia and Europe, be it in regard of specific cases or topical issues. The format of the IP Update is a one-day intensive seminar where the morning is dedicated to IP developments in Asia, and the afternoon to IP developments in other regions of the world. Speakers are either IP practitioners or IP academics.



## IEEM IP Programme 2024:

### The Professional Intellectual Property Update

Hong Kong Intellectual Property Department, Function Room 2501

Wednesday 6 November 2024

	09:00	Registration
	09:15	<b>Welcoming remarks:</b> Paulo Canelas de Castro, IEEM President Tsang Chi Sham, Thomas, Deputy Director of Intellectual Property, the Government of the HKSAR
	<b>Morning</b>	
	09:30	<b><u>1st Module: IP Developments in Greater China</u></b> <b>IP Developments in Greater China – Trademarks and Copyright</b> - Tianxiang He, City University of Hong Kong, HK
	10:00	<b><u>2nd Module: IP Developments in Asia</u></b> <b>IP Developments in Singapore</b> - David Llewelyn, Singapore Management University
	10:30 – 11:00	Q&A followed by Coffee Break
	11:00	<b>Patent Harmonisation in Asia</b> - Chaho Jung, Sungkyunkwan University, Korea
	11:30	<b>Trade Secrets Protection in Asia</b> - Kung Chung Liu, Singapore Management University, Singapore
	12:00	<b><u>3rd Module: IP Developments in US and Europe</u></b> <b>Extraterritorial damages for patent infringement</b> - Thomas Cotter, University of Minnesota, United States
	12:30	Q&A followed by Lunch



<u>Afternoon</u>	
	<b><u>3rd Module: IP Developments in US and Europe</u></b>
<b>14:00</b>	<b>Recent Patent Cases in the UK</b> - Amandine Léonard, University of Edinburgh, UK
<b>14:30</b>	<b>Recent Trademark Cases in the EU</b> - Peter Teunissen, University of Nijmegen, NL
<b>15:00</b>	<b>Q &amp; A</b>
<b>15:15</b>	<b>The Unified Patent Court – The First Year</b> - Anselm Kamperman Sanders, Maastricht University, The Netherlands
<b>15:45</b>	<b>New Developments on Exhaustion, Repair and Recycle</b> - Christopher Heath, BoA, EPO, Germany
<b>16:15</b>	<b>Q &amp; A</b>
<b>16:30</b>	<b>Closing remarks</b>

## **Fees for IP2024**

- IP Law School, 28 Oct to 1 Nov 2024: MOP 4000 – US 500
- IP Seminar, 4 and 5 Nov 2024: MOP 1500 – US 190
- Annual Professional IP update, 6 Nov 2024: HKD 800 – US 100
- IP Law School + Annual Professional IP update + IP Seminar: MOP 5000 – US 630

\*For Students

IP Law School + Annual Professional IP update + IP Seminar: MOP 3000 – US 380

For the students from Europe, Korea, Japan or other countries, the fee is US380, we will help them to reserve the hotel and they need to settle the money directly with the hotel.

\*Royal hotel, from 27 Oct to 5 Nov, twin bed room (two students per room), US 545 per student,

\*One night in HK, check in 5 Nov and check out 6 Nov (two students per room), US75per student

**Total for hotel room is US620 per student**

## **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):

<https://www.aanmelder.nl/macau-intellectual-property-law-school/subscribe>

Seminar and Update only:

<https://www.aanmelder.nl/macau-professional-ip-update-and-ip-seminar/subscribe>



## 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 15 October 2024;

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 IPS2024” and your name in the message column and send a copy of your remittance form to:

Enquiries:

Coordinator: Ms. Beatrice Lam

The Institute of European Studies of Macau

Calçada do Gaio, No 6, Macau

Tel: +853-2835 4326

Fax: +853-2835 6155

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

Website: [www.ieem.org.mo](http://www.ieem.org.mo)