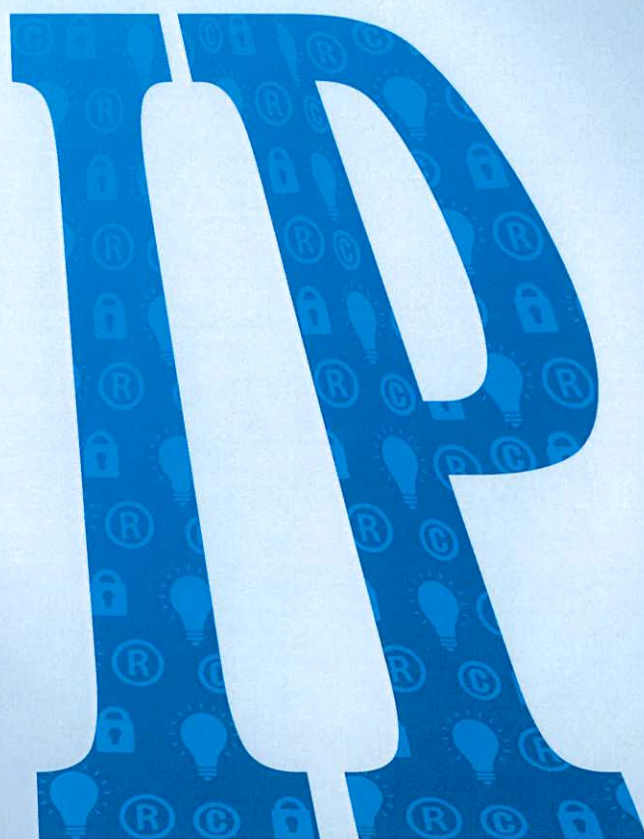




INSTITUTE OF EUROPEAN STUDIES OF MACAU
澳門歐洲研究學會
INSTITUTO DE ESTUDOS EUROPEUS DE MACAU

IEEM IP Programme 2025



Intellectual Property Seminar 2025: Intellectual Property and the Circular Economy 4 November 2025

**Location: Artyzen Grand Lapa Macau
2nd floor Lotus Conference Room,
956 -1110 Avenida da Amizade, Macau**

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The 21th IEEM Intellectual Property Seminar

Intellectual Property and the Circular Economy

Artyzen Grand Lapa Hotel

Macau 4 November 2025

Abstract and Objectives:

While a circular economy with the declared goal of, repair, reuse and recycle (RRR) of goods, is an officially stated goal by many countries, one needs to be aware that this clashes with the current economic model based on wasteful consumption. Economic players that prefer "ending" over "mending" may thus be inclined to obstruct attempts to limit consumption by way of RRR, not least by the use of intellectual property rights. While new inventions may offer solutions to environmental problems, the fabric of intellectual property law as an instrument of a competition-based economy may equally allow the owners of intellectual property rights to block attempts to interfere with consumption-driven models of profit maximization. Reversing Aldous Huxley's Brave New World logic of "Ending is better than mending" will take much more than the presence or absence of intellectual property rights, but we must make sure that the latter do not unduly interfere with such change. This conference addresses the potential clashes between RRR and intellectual property rights.



This Programme is funded by Macau Foundation

Schedule and Contents

Morning

08:45 Registration

09:20 **Welcome Address**

Paulo Canelas de Castro, IEEM President

09:30 **Introduction – Circularity by Design – Unblocking IP Rights – Difficulties of Regulating**

- Anselm Kamperman Sanders, Maastricht University, the Netherlands
- Christopher Heath, BoA, EPO, Germany

10:10 Q&A followed by Coffee Break

Specific IP Rights

10:30 **Notice and Implied Consent**

- Christopher Heath, BoA, EPO, Germany

***Abstract:** Perception of ownership increasingly clashes with digital limitations implemented in both physical and digital goods. Owning becomes meaningless where manufacturers are the digital overlords that control possession by way of allowing, withholding or limiting actual access. This in turn may clash with the notion of Art 17 Charter of Fundamental Rights of the European Union that provides “Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions”. Should thus the concept of “implied consent” be revived to define the boundaries of digital v. physical ownership of goods?*

11:00 **Upcycle and Copyright**

- Tianxiang He, City University of Hong Kong, HK

***Abstract:** This presentation addresses the issue of “upcycling” old videogames and consoles by MOD chips and the circumvention of TPMs, and the question under which conditions this is permissible. Also, whether the international protection of TPMs stands in the way of a proper adjustment, adaptation and digital transformation of videogames, DVDs etc.*

11:30 **Upcycle and Origin Confusion**

- Kung Chung Liu, Jinan University, Guangzhou

***Abstract:** Upcycling of fashion goods has become a new industry in which trade mark owners as well as third parties are involved. While traditional notions of trade mark law (origin confusion; advertising function) casts doubt on the lawfulness of such acts, social acceptance of such phenomenon may speak against infringement.*

12:00 **Right to Repair and Override by Contract**

- Leanne Wiseman, Griffith University, Australia

***Abstract:** More and more, the functioning and the functionality of physical items is determined by software that can enable, control, monitor and disable the physical object. Manufacturers can thereby effectively control how an item is used and enforce this by way of contract. John Deere tractors are but one example. Is a right of repair necessary to ensure users a freedom to operate?*

- 12:30 **The Claims to be Green – Unfair Competition by Greenwashing**
- Anselm Kamperman Sanders, Maastricht University, the Netherlands

***Abstract:** Consumers' choice is increasingly based on factors that do not relate to the product as such, but to the goals and behaviour of a company (use of green energy, of sustainable production, of promises to facilitate repair and recycle, etc.). To that extent, these promises, when untrue, may become actionable as misleading indications under Art. 10^{bis} (3) (iii) Paris Convention.*

13:00 Q&A followed by Lunch

- 14:30 **The Right to Repair – Should Competition Law step in?**
An Asian Perspective
- Chaho Jung, Sungkyunkwan University, Seoul Korea

***Abstract:** In a Japanese decision of 2020 (Tokyo District Court, 22 July 2020, Case No. 40337 (Wa) of 2017), the court held that the enforcement of a patent meant to obstruct the refill of toner cartridges could contravene anti-trust laws (tie-in sales in regard of consumers, undue interference with a competitor's business in regard of independent refill companies). This presentation looks at this issue in a comparative manner.*

- 15:00 **A European Perspective**
- Christopher Heath, BoA, EPO, Germany
- Anselm Kamperman Sanders, Maastricht University, the Netherlands

16:30 Q&A

16:45 Closure followed by Coffee Break