



Working Programme

Programme Chair: Coleen Morrison (CA)			
Stream Leaders:	Patents: Jürgen Schmidtchen (DE)	Trade Marks/Domain Names/Designs: Toni Polson Ashton (CA)	General: Patrick Erk (DE)

Thursday, 6 November 2014

Time	Session	Plenary
09:00-10:30	1	<p>1. The future belongs to those who prepare for it today</p> <p>Increasingly IP offices are establishing modern approaches aimed at improving procedures for users through the adoption of enhanced electronic facilities and communications with each other. We have seen the Vancouver group of Canada, Australia and the UK partner with WIPO to develop Centralised Access to Search and Examination (CASE), a digital library of search and examination material. China, New Zealand and Singapore have since joined this initiative. Within the IP5 offices of the EPO, JPO, KIPO, SIPO and USPTO, we have seen the introduction of or plans for the Common Application Format, the Common Citation Document, the One Portal Dossier and now the Global Dossier, which will integrate the IP5 proposals with WIPO and CASE. It is said the Global Dossier will advance the patent system by reducing user costs through increased efficiencies, international examiner collaboration and enhanced work sharing. Architects of this initiative aspire to users accessing one portal to manage filings in all participating countries thereby avoiding costs, for example relating to duplicate documentation. Other cost and efficiency achieving harmonisation is planned by the Tegernsee Group of patent offices, and WIPO is proposing its ePCT system of simplified national phase filing. Panellists will expand on all of this and more, and will discuss its likely impact not only on the professional services we offer but also on our profession itself.</p>
		<p>Moderator: Coleen Morrison (CA)</p> <p>Speakers: Günter Hubert (DE) (Deputy Head of Patent Department I, German Patent and Trade Mark Office, DPMA) Alan Kasper (US) Yo Takagi (CH) (Assistant Director General of WIPO)</p>
10:30-11:00		Coffee



Thursday, 6 November 2014				
Time	Session	Patents	Trade Marks/Domain Names/Designs	General
11:00-12:30	2	<p>2.1 Inventive Step</p> <p>The longer patent attorneys practice, the more they understand that non-obviousness or inventiveness is an undefined legal term. The answer to the question whether something is inventive or not depends on the point of view of an entirely fictitious person, the skilled person. The approaches in the US, Europe and Asia seem to be similar, at least on paper. However, there are real issues between different technical fields as well as jurisdictions. The panel will explore the points of view used in assessing inventive step.</p>	<p>2.2 Trade marks and Fashion</p> <p>Trade marks are what makes the world of fashion go around. Without strong brand recognition fashion could not exist. This session will explore some of the many interesting aspects of trade marks and fashion. Speakers will discuss issues surrounding the protection of marks, well known and otherwise, in the fashion industry. Enforcement of those rights will also be considered and in particular anti-counterfeiting strategies.</p>	<p>2.3 Leading a Team of IP Professionals</p> <p>Even in tough economic times, companies and firms can thrive when IP professionals work together collaboratively. Collaboration may be the biggest factor in workplace satisfaction, firm profitability and sustainability. In this interactive session we will discuss creating a culture of collaboration as well as attracting, keeping and motivating professionals other than through compensation. Speakers will also canvass effective techniques for having professionals do what they say they will do. Means of instilling leadership and a sense of ownership will also be covered.</p>
		<p>Moderator: Arild Tofting (NO)</p> <p>Speakers: Claudio Germinario (IT) William Y. Klett III (US) Tomokatsu Tsukahara (JP) <i>(former Chief Judge IP High Court)</i></p>	<p>Moderator: Elia Sugrañes-Coca (ES)</p> <p>Speakers: José Antonio Moreno Campos (ES) Mireia Curell-Aguilá (ES) Leslie Lott (US) Gloria Wu (CN)</p>	<p>Moderator: Rich Goldstein (US)</p> <p>Speakers: Rey Barceló (US) Antonio Tavira (ES)</p>
12:30-14:00	Lunch			



Thursday, 6 November 2014

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14:00-15:30	3	<p>3.1 Partial Priorities and Toxic Divisionals</p> <p>FICPI has long been discussing the question of assigning partial priorities to parts of a more generic claim that encompasses several separable subject-matters disclosed in different priority applications. Recent case law of different EPO Boards of Appeal has, however, shown that reasonable minds may still widely disagree on the concept of partial priorities and the requirements that a claim must fulfil to be assigned more than one priority date. This session will report the current status of case law and opinions.</p>	<p>3.2 Trade marks and Designs in Sports</p> <p>New York Yankees, Montreal Canadians, Real Madrid, Bayern Munich, Manchester United or Dallas Cowboys – fans love their teams. Speakers will consider some of the special considerations arising when trade marks rights relating to sports teams are sought and then enforced. Sponsorship, licensing, colours, venues and personality rights will all be discussed.</p>	<p>3.3 Designing a Profitable IP Firm</p> <p>How do you price your time/work to have a profitable firm in an environment where clients refuse to pay for many of the services that were provided historically? How do you respond to a tender offer or request for proposal (RFP)? How should you redesign your firm to deal with issues like the Global Dossier, companies that compete stiffly with attorneys' for international filing, and the Unitary Patent System?</p>
		<p>Moderator: Jérôme Collin (FR)</p> <p>Speakers: Dr Alexander Esslinger (DE) Christopher Rennie-Smith (GB)</p>	<p>Moderator: Luis-Alfonso Durán (ES)</p> <p>Speakers: Alejandro Angulo (ES), Doug Rettew (US) Kay Rickelman (ZA)</p>	<p>Moderator: Patrick Erk (DE)</p> <p>Speakers: Dr Malte Köllner (DE) Antonio Pizzoli (IT)</p>
15:30-16:00	Coffee Break			



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16:00-17:30	4	<p>Patent Workshop 4.1.1 <i>Myriad and Prometheus</i></p> <p>Protecting innovation in the biotechnology sector has faced many hurdles, not least being interpretation of patent eligibility to rapidly developing technology. Legislative reforms and judicial consideration challenge conventional wisdom on patentable subject matter. The two most striking developments were the US Supreme Court decisions of <i>Prometheus</i> and <i>Myriad</i>. These have the potential to stymie commercialisation of life science research, particularly in the areas of biologics and personalised medicine. Revised patenting strategies are essential in light of dynamic public interest sentiments and politicisation of judicial reviews. Participants will discuss the implications and consequences of these cases.</p>	<p>Trade mark Workshop 4.2 Experience is the name we give our mistakes!</p> <p>Participants will discuss what means are available in various jurisdictions for making corrections to the record when the error is made by a National or Regional Trade marks Office. The advantages and disadvantages of various procedural options will be considered. Also discussed will be the correction of unintentional errors on the part of the Applicant and what is best practice for an office to adopt for making these corrections.</p>	<p>General Workshop 4.3 Working and communicating when out of the office</p> <p>Be a travel warrior – rare is the attorney who never travels and never works at home. Participants will discuss the best devices and apps that facilitate remote work. Participants will also discuss strategies for optimising communication and professional effectiveness when not physically in the office.</p>
		<p>Workshop Leaders: Bill Pickering (AU) Leonard R. Svensson (US)</p>	<p>Workshop Leaders: Toni Polson Ashton (CA) Elia Sugrañes (ES)</p>	<p>Workshop Leader: Gustavo Barbosa (BR) Hetal Kushwaha (CA)</p>



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		<p>Patent Workshop 4.1.2 Patent Strategies in the Wireless and Cloud Environments</p> <p>The world is in the midst of a mobile revolution. Wireless devices and cloud computing have reshaped the way we work, live, and play. Hardware and software are developing to provide an increasing array of devices and services for consumer and businesses alike. The mobile world has also reshaped the patent landscape by creating new patent protection and enforcement challenges. Participants will explore patent drafting, filing and enforcement strategies in the telecommunications and software industries with a focus on the latest advancements in wireless and cloud computing technologies.</p>		
		<p>Workshop Leaders: Dr John-Paul Rooney (GB) Brett Slaney (CA)</p>		



Friday 7 November 2014

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09:00-11:00	5	<p>5.1 Unified Patent Court</p> <p>Patent litigation in Europe has been a national domain. Thus it is not harmonised, like the colours of our cars. However, although nothing prevents customers from buying cars of all colours, black or silver prevail. Similarly, patent litigation plaintiffs tend to pick the few mainstream fori. The UPC should harmonise patent litigation in Europe. One significant question is what colour will the litigation be, black and silver or pink and yellow? In late 2014, we are close to the start of the UPC. Top experts will provide the latest news and their views on the colours of litigation in the UPC.</p>	<p>5.2 Foreign Words as Trade marks</p> <p>Foreign terms can be great trade marks. They can also be embarrassing mistakes. Foreign words can convey sophistication and bring an element of the exotic to otherwise mundane goods. Speakers will consider the implications associated with trade marks comprising words in languages other than that of the country in which they are being registered. What is prohibited, what is ill advised? What are the preferred strategies for protecting such marks? How is law and practice changing in our internationalised and highly digital world? Speakers will deal with these and other questions surrounding foreign words as marks.</p>	<p>5.3 Best Laid Schemes – Attorney Compensation Schemes</p> <p>In this session managing partners will discuss various compensation schemes including what options exist, what works and what does not. Speakers will consider the factors that need to be balanced to achieve the overall goals of the firm while satisfying individual partner financial expectations and lifestyle preferences. Speakers will consider how to deal with junior partners, salaried partners, full partners and retiring partners and associates.</p>
		<p>Moderator: Simon Dack (NL) <i>European Patent Litigator</i></p> <p>Speakers: Daniel Alge (AT) (<i>Patent Attorney and “Technical Judge” at the Commercial Court Vienna</i>) Dr. Martin Chakraborty (DE) (<i>Litigator</i>) Dr. Klaus Grabinski (DE) (<i>Judge</i>)</p>	<p>Moderator & Speaker: Ügur Aktekin (TU)</p> <p>Speakers: Ian Gill (GB) Vikrant Rana (IN) Joseph S. Yang (CN)</p>	<p>Moderator: Peter Huntsman (AU)</p> <p>Speakers: Stephen Carter (GB) Doug Deeth (CA) David Merrylees (BR)</p>



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		<i>Bundesgerichtshof and member of Draft committee for the RoP of the UPC</i> Kevin Mooney (GB) (<i>Litigator and Chairman of Draft committee for the RoP of the UPC</i>)		
11:00-11:30	Coffee Break			
11:30-12:30	6	6.1 Revival of Reach Through Claims? In 2001, the EPO, USPTO and JPO concluded that claims encompassing a genus of compounds defined only by their function wherein the relationship between the structure of the compounds and their function is unknown and has not been disclosed, do not comply with the requirement of sufficiency of disclosure / enablement. This practice was confirmed in many decisions since then. Given the recent German Federal Court of Justice decision “Dipeptidylpeptidase Inhibitors”, can we anticipate a revival of Reach-Through-Claims? The session will discuss this question and consequences.	6.2 MOCK TRIAL OF THE FUTURE Fast Forward... through time with our presenters who will perform a mock trial of the future. The case will be set in 2022 in an era when 3-D printing has been perfected and commercialised. This has thrown a proverbial wrench into IP law enforcement. To further complicate matters, the prevalence of on-line sales confound jurisdictional boundaries. What will this brave new world of IP look like and how might IP laws adapt? Join our panel to find out.	6.3 Redesigning the Client Clients are working on limited budgets, limited support staff, and short deadlines. How do you teach them to use your services in a helpful way? The session will consist of a series of short demonstrations of techniques for enhancing your relationship with your client, thereby strengthening your relationship and the amount of work you receive.



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		Moderator: Michael Caine (AU) Speakers: Dr. Thorsten Bausch (DE) Karl Hermanns (US)	Moderator/Clerk of the Court: Joseph Nabor (US) Judge: Robert Katz (US) Defence Counsel: Caroline Casalonga (FR) Plaintiff Counsel: Marek Łazewski (PL)	Moderator: Louis-Pierre Gravelle (CA) Speakers: Young-Wook Ha (KR) Didier Intès (FR) Robert Watson (GB)
12:30-14:00	Lunch			
14:00-15:30	7	7.1 Opposition The US have introduced something resembling the opposition systems known from Europe and Asia. In Europe, the defendants of infringement litigation are frustrated by the duration and results of opposition proceedings, whereas litigation and cost-adverse clients like the long lasting and relatively inexpensive oppositions. In Australia, a pre-grant opposition system is used. The session will provide first-hand experiences with the new US system and highlight the pros and cons of oppositions in the US, Europe and Australia.	7.2 Ambush Marketing Ambush marketing refers to marketing campaigns that are centred around an event, but for which authorisation was not given by the event organiser and no sponsorship money was contributed. These are often creative campaigns that may or may not involve infringing conduct. Representative speakers will consider the issues arising from ambush marketing, including examining the limits of acceptable versus infringing conduct.	7.3 Liability <i>If the bread falls on the buttered side: Liability and disciplinary risks.</i> Attorneys and law firms have to cope with very high standards for due care and diligence on both a personal and an organisational level in order to avoid malpractice and liability issues. At the same time, IP work requires the handling of large commercial values on a daily basis. What happens if things do go awry? This session gives examples of what can go wrong, how to deal with it and how to avoid it. We shed light on cases that have been brought before disciplinary committees and insurance



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				companies, and on measures a firm may take to hedge organisational risks.
		Moderator: John W. Knox (CA) Speakers: Dr. Wolfgang Behr (DE) Greg Chambers (AU) C. Gregory Gramenopolous (US)	Moderators: Toni Polson Ashton (CA) Robert Watson (GB) Speakers: Susie P. Arnesen (DK) Luiz Henrique O. do Amaral (BR) Lena Shen (CN) Leigh A. Walters (CA) “Colour Image”: Daniel Alge (AT)	Moderator: Roberto Pistolessi (IT) Speakers: Redvers Cunningham (GB) Barry Graham (US) Huw Hallybone (GB) Dr Shoichi Okuyama (JP)
15:30-16:00	Coffee Break			