



FÉDÉRATION INTERNATIONALE DES CONSEILS  
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF  
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION  
VON PATENTANWÄLTEN

FICPI Historic Event  
10<sup>th</sup> Open Forum  
Seville, Spain  
7-10 November 2007

# 10<sup>th</sup> Open Forum

## Seville, 7-10 November 2007

### WORKING PROGRAM

#### DAY 1 – Thursday 8 November 2007

Trade Marks	Patents	General
<p>1.1 Counterfeit Goods and Enforcement of IP rights against Counterfeiters</p> <p>Part 1 Counterfeit Goods – This session will include a consideration of the increasing problem of counterfeit goods. The questions of where these products come from and how they reach end consumers will be answered. The sort of goods are usually copied will be looked at along with strategies to prevent easy copying. Health and safety concerns will be addressed. Also considered will be at what points in the process of delivery of goods to consumers can the goods be seized.</p> <p>Moderator:</p> <p>Coleen Morrison (CA)</p> <p>Speakers: Ms. Lina Xie (CN) David Shore (Regional Manager, Global</p>	<p>2.1 News of the World I - B.RICH</p> <p>In the most recent years, countries like Brazil, Russia, India and China (“B.RICH”) have experienced enormous growth rates of their economies. Other Eastern Asia, technology-driven economies like Japan and South Korea have modernised their patent system and other countries are catching up by strengthening their own patent system. It is becoming more and more important for global companies to secure their inventions in these countries. The “shotgun” presentations of experienced practitioners in these countries will point to specific peculiarities that will strengthen patents in these countries.</p> <p>Moderator: Ivan Ahlert (BR)</p> <p>Speakers: Christian Hano (DE)</p>	<p>3.1 Paper Less v. Less Paper:</p> <p>How to be or not to be</p> <ul style="list-style-type: none"> <li>• What forces are driving IP professionals to the e-office environment.</li> <li>• As quantity of e-mail communication increases, how do you organize and store in an efficient and secure manner.</li> <li>• The costs of migrating to “less paper office” or staying the same.</li> </ul> <p>Moderator: Len Svensson (US)</p> <p>Speakers: Alessandro Orsi (Hewlett- Packard Española S.L.) Stephen Perry (CA)</p>



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<p>Security, Europe, Middle East, Africa, Pfizer)</p>	<p>Ge Bo (CN) Manoj Pillai (IN)</p>	
<p>1.2 Counterfeit Goods and Enforcement of IP rights against Counterfeiters</p> <p>Part 2 Enforcement at the Border – The recent European Directive on the Enforcement of IP rights requires Member States to apply effective, dissuasive and proportionate remedies and penalties against counterfeiters. This Directive complements the Community Regulation concerning action against counterfeiting and piracy, which has proved to be highly effective in recent years. This session will look at some of the strategies which countries, within and outside the European Community have adopted as well as how practitioners ensure the rights of clients are enforced through cooperation with customs officials.</p> <p>Moderator: Miguel O’Farrell (AR)</p> <p>Speakers: Ignacio D. Rivera Elizaburu (ES) Quang-minh Lepescheux (Jurist, Union des Fabricants)</p>	<p>2.2 News of the World II - Divide et impera</p> <p>Divisional applications are under attack in many countries. How many divisional applications can the patent owner file from the parent application, when and for what is the subject matter? How do the decisions of the EPO Enlarged Board of Appeals affect this practice? How do proposed rules for divisional, continuation and CIP applications of the US-PTO and the JPO change the strategies for applications comprising multiple inventions? The situation in Europe, JP and in the U.S. is critically analysed by a panel of expert practitioner.</p> <p>Moderator: Francis Ahner (FR)</p> <p>Speakers: Robert Katz (US) Peter Indahl (DK) Kazuaki Takami (JP)</p>	<p>3.2 Managing Your IT functions</p> <ul style="list-style-type: none"> <li>• How do you stay current with technology without going broke.</li> <li>• How and when to outsource IT functions.</li> <li>• What are the best available systems/devices to enhance productivity.</li> <li>• Firm policies for who gets what “toy”.</li> </ul> <p>Moderator: Bill Edgar (CA)</p> <p>Speakers: Gustavo Barbosa (BR) Fred Pretorius (Director of Information Systems, Mintz Levin)</p>



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<p><b>1.3 Descriptive Marks</b></p> <p>What protection is possible for descriptive marks and once obtained, how broad and enforceable are the associated rights? This session will cover information relating to Article 12 of the Community Trademark Legislation including the defense of having used an honest description of the goods or services. Also considered will be how descriptive marks are dealt with in Opposition and infringement proceedings including how descriptiveness is proven or refuted.</p> <p>Moderator: Kate Løhren (NO)</p> <p>Speakers: Elia Sugranes (ES) Coral Toh (HK)</p>	<p><b>2.3 News of the World III - EPC 2000</b></p> <p>On 13 December 2007 the EPC 2000 enters into force with changes to 97 Articles of the EPC. The proceedings before the EPO will be based on a completely new legal framework in compliance with the Patent Law Treaty (PLT). Fundamentally novel procedures will be introduced, such as a petition for review by the Enlarged Board of Appeal and the centralised limitation proceedings. This session will high-light the major implications and opportunities for the practical work from the view of the EPO and from the view of the world-wide users of the system.</p> <p>Moderator: David Bannerman (GB)</p> <p>Speakers: Markus Hössle (DE) Eugen Stohr (Director for International Legal Affairs, EPO)</p>	<p><b>3.3 What E-Discovery Means to Your Firm</b></p> <ul style="list-style-type: none"> <li>• What are the new rules/standards.</li> <li>• How do the changes affect storing of communications and records in the firm.</li> </ul> <p>Moderator: Eric Le Forestier (FR)</p> <p>Speakers: Alan Aucoin (CA) R. Danny Huntington (US)</p>
<p><b>1.4 Quality of Examination &amp; Opposition</b></p> <p>The current trend seems to be for National and Regional Trademark Offices to either conduct no substantive examination or alternatively fairly</p>	<p><b>2.4 News of the World IV - Future of European patent policy and the role of Patent Attorneys</b></p> <p>At one time, Europe’s patent future seemed to include the “London Agreement” and “EPLA” but</p>	<p><b>3.4 Safely Communicating with Others by Electronic Means</b></p> <ul style="list-style-type: none"> <li>• What is security and how do you get it?</li> <li>• Extranets and other means for clients to access</li> </ul>



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<p>detailed examination including searching for, and rendering objections based on, confusingly similar marks. This panel will endeavor to consider what may be done to enhance the quality of examination from the view of the Offices and the trademark owners. The relationship between Examination and Opposition will also be considered.</p> <p>Moderator: Gabriella Modiano (IT)</p> <p>Speakers: Lisa Power (Director of Trade-marks, Canadian Patent Office) Gabriel F. Leonardos (BR)</p>	<p>will this transpire? How can the European Patent be embedded in the framework of the European Community? How will this future influence the role of patent attorneys in private practice throughout the EU as providers of knowledge and skills to local industry, especially to SMEs?</p> <p>Moderator: Enrique Armijo (ES)</p> <p>Speakers: Harrie Temmink (Internal Market &amp; Services DG, European Commission) Eric Le Forestier (FR)</p>	<p>files and information.</p> <ul style="list-style-type: none"><li>• Avoiding meta data and other inadvertent disclosures.</li><li>• Disaster preparedness.</li></ul> <p>Moderator: Simon Rees (GB)</p> <p>Speakers: Mike Bursell, Certicom (GB) Christian Schieber (AU) Walter Wolf (US)</p>
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## Day 2 – Friday 9 November 2007

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<p><b>1.5 New Types of Marks</b></p> <p>This session will explore the myriad of non-traditional indicators that may in some jurisdictions be considered trade-marks. For example, motion marks, holograms, shape marks, colour marks, sound, scent and texture marks. National and international trends will be considered as well as the fundamental problem of representation. Also looked at will be restrictions necessary to ensure that the subject matter protected by one does not unduly restrict trade, for example if one secures protection of the colour blue.</p> <p>Moderator: Andrew Parkes (IE)</p> <p>Speakers: Lars Thyresson (SE) Marcus Hopperger (Trademark Law Division, WIPO)</p>	<p><b>2.5 Patent Value</b></p> <p>Patents are valuable assets but how is their value reflected in the company's balance sheet and how are they handled with respect to taxes? How can the patent attorney help a client maximise the potential benefit of these assets to the company? Is there a simple calculation formula or is valuation of patents a mathematical and economical art? How do patent valuations affect license deals? Experts show how patent valuation is done in their field showing similarities but also differences depending on the aim of valuation.</p> <p>Moderator: R. Danny Huntington (US)</p> <p>Speakers: Ulrich Moser (DE) Samar A. Al-Labbad (EG)</p>	<p><b>3.5 E-Filing of Patents</b></p> <ul style="list-style-type: none"> <li>• What are the available options/systems.</li> <li>• What are the dangers and how to avoid them.</li> <li>• How to still maintain quality control.</li> </ul> <p>Moderator: Hans Mertens (NL)</p> <p>Speakers: Alexander Esslinger (DE) Yoshikazu Tani (JP) Karl Kalejs (PCT-Safe Project Manager, WIPO)</p>
<p><b>1.6 Protection of Brands including Get-Up by Designs versus Trade marks</b></p> <p>This panel will consider from an international perspective design versus trademark protection.</p>	<p><b>2.6 Patent Quality</b></p> <p>Quality is a keyword of patent officials all over the world. Patent offices establish quality audits and standards but are these relevant to users? In the</p>	<p><b>3.6 E-Billing and Cost Control Systems</b></p> <ul style="list-style-type: none"> <li>• What kinds of systems are available and requested by clients.</li> <li>• How do you simultaneously maintain multiple</li> </ul>



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<p>What are the advantages and disadvantages of the two forms of protection? How much protection will a design provide.</p> <p>Moderator: Mike Hawkins (NZ)</p> <p>Speakers: Fiona McBride (GB) José Izquierdo Peris (Assistant to the Director, OHIM)</p>	<p>perfect World, users file, patent offices grant and courts enforce only high quality patents. Unfortunately, the real world is not perfect, so what are appropriate quality metrics in the patent field? Is a common denominator from these standpoints on patents possible and if so what does it look like?</p> <p>Moderator: Julian Crump (GB)</p> <p>Speakers: Hubert Plugge (Director of Quality Management, EPO) Daniel Alge (AT) Mark B. Wilson (US)</p>	<p>systems for different clients.</p> <p>Moderator: David Merrylees (BR)</p> <p>Speakers: Nick Dougan (Practice Director, Withers &amp; Rogers) Alessandro Orsi (Hewlett-Packard Española S.L.)</p>
<p>1.7 The Internet of the Future</p> <p>The Internet is fast becoming the dominant forum for personal and business communication, for personal information, research, shopping and even purchasing movie tickets.... it is a phenomenon of global proportions. It is also a hiding place for crime of all kinds including IP crime. So, where does it come from? who controls it? what's being done to catch the bad guys? to protect IP? to protect my privacy? to allow billions whose language is neither English nor based on the roman alphabet to participate in their native tongue? where is it going and how can you stay involved?"</p>	<p>2.7 Patent Trolls</p> <p>Patent Trolls are entities that purchase patents at low prices from inventors, and then broadly assert these patents across an industry for the purpose of generating nuisance value settlements. What or who is a patent troll. Are patent trolls questioning the patent system as a whole? Are universities also patent trolls? Are patent trolls a real threat to the patent system or can a reasonable judge efficiently balance the rights of a patent holder with the rights or needs of market operators or consumers?</p> <p>Moderator: Arild Tofting (NO)</p>	<p>3.7 E-Systems for Enhancing Client Relations</p> <ul style="list-style-type: none"> <li>• How to use e-systems for timely, personalized updates to clients.</li> <li>• How to distinguish yourself from "spam"</li> <li>• Systems for evaluating success and improving marketing strategies.</li> </ul> <p>Moderators: Christian Schieber (AU) Noel Brett (AU)</p> <p>Speakers: Mark Schuman (US)</p>



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<p>Moderator: Mike Lynd (GB)</p> <p>Speakers: Jonathan Cohen (CA) Paul Twomey, CEO of ICANN</p>	<p>Speakers: Brian Buss (US) Roderick McKelvie (US) Andrew T. Ramer (Corporate Finance practice of Ocean Tomo)</p>	<p>Colette Mullings (GB) Jonathan Newcombe (CPA Software Solutions)</p>
<p>1.8 OHIM's Business Tools</p> <p>The European Union's Trade Marks and Designs Office will present and explain their new e- business tools.</p> <p>Moderator: Gonçalo de Sampaio (PT)</p> <p>Presenter: Nicolas Vigneron (OHIM)</p>		