ESF Exploratory Workshop on

The Future of Patent Governance in Europe

Hamburg (Germany), 31 August - 2 September 2014

Convened by:
Ingrid Schneider © and Esther van Zimmeren ®

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® Government & Law, Faculty of Law, University of Antwerp, Antwerp, Belgium
The European Science Foundation (ESF) was established in 1974 to provide a common platform for its Member Organisations to advance European research collaboration and explore new directions for research. Currently it is an independent organisation, owned by 67 Member Organisations, which are research funding organisations, research performing organisations and academies from 29 countries.

ESF is in a period of transition; the ESF Member Organisations (MO’s) have indicated that they would like to wind down certain ESF activities, such as EUROCORES, RNP’s, ECRP’s and Forward Looks by the end of 2015, but ESF will continue to honour its existing commitments until the projects are finalised.

In 2013 the only research instrument that will have a call for proposals is the Exploratory Workshops. The focus of the Exploratory Workshops scheme is on workshops aiming to explore an emerging and/or innovative field of research or research infrastructure, also of interdisciplinary character. Workshops are expected to open up new directions in research or new domains. It is expected that a workshop shall conclude with plans for follow-up research activities and/or collaborative actions or other specific outputs at international level.

ESF is also currently exploring new areas where we could serve the science community. Services we have identified that would leverage our expertise and experience and provide added-value to the science community are: peer review, evaluation, research conferences and career tracking.

Please check our website (www.esf.org) for regular updates regarding ESF and its future developments.

European Science Foundation
1 quai Lezay Marnésia
BP 90015
67080 Strasbourg Cedex
France
Fax: +33 (0)3 88 37 05 32
http://www.esf.org

ESF Exploratory Workshops:
Jean-Claude Worms
Head, Science Support Office

Nathalie Geyer-Koehler
Administrative Coordinator
Tel: +33 (0)3 88 76 71 48

Isabelle May
Administrative Coordinator
Tel: +33 (0)3 88 76 71 46
Email: ew-office@esf.org
http://www.esf.org/workshops
Convenor / Local Organiser:

PD Dr. Ingrid SCHNEIDER
Ingrid.Schneider@uni-hamburg.de
University of Hamburg
FSP BIOGUM
Lottestr. 55
22529 Hamburg
GERMANY

Co-convenor:

Prof. Dr. Esther VAN ZIMMEREN
Esther.vanZimmeren@uantwerpen.be
University of Antwerp
Faculty of Law
Government & Law
Venusstraat 23
2000 Antwerp
BELGIUM

Objectives of the Workshop:
The objectives of the workshop are threefold. First, it explores important paradigm shifts in European patent governance induced by patent reforms, technological and socio-economic developments at the European (“inbound”) and international level (“outbound”). Second, it provides an anticipatory impact assessment of the EU Patent Package, including the regulation for unitary patent protection and the international agreement on the Unified Patent Court. Third, it initiates a new debate on norms, criteria, and procedures for good governance in the patent system.

Background:
The workshop was triggered by the realization that decision-making in intellectual property (IP) has become increasingly politicized and contested by a growing number of stakeholders. The upheavals in the patent system are ongoing, and fundamental reforms of the European patent system are under way. These shifts need to be assessed from an interdisciplinary perspective, combining legal and social science expertise, to grasp the nature of empirical changes, the interests of the stakeholders involved, and the structures of decision-making in the European multi-level system in its international context.

Workshop Agenda:
Ultimately, we would like to use the workshop as a platform to explore opportunities for future collaborative research projects in this area and the interest in applying for funding at the ESF or in the framework of Horizon2020.

Format of the Workshop:
The number of participants to the workshop is limited: participants of the workshop also act as speakers and discussants. Speakers consist of a mix of young, mid-career, and senior scholars and policymakers. Presentations will be short providing extensive opportunities for intense interaction and informal discussion. In principle there will be no pre-circulated papers.

Report publication and dissemination
At the end of the workshop a decision will be made together with the participants as to the publication of the presented papers and the dissemination of the results of the workshop.
PRELIMINARY PROGRAMME

Sunday 31 August 2014
Afternoon

19.00  Welcome dinner (Brasserie Flum, Hotel Elysée, Rothenbaumchaussee 10, 20148 Hamburg)

Monday 1 September 2014
Welcome

08.45-09.00  Welcome by University of Hamburg, BIOGUM, and Hamburg City State Senator of Justice
Prof. Kollek, BIOGUM and TBA

09.00-09.20  Presentation of the European Science Foundation (ESF)
Professor Daniel David (Scientific Review Group for the Social Sciences)

09.20-11.40  Session 1: The Evolution of the Multilevel Patent System in Europe
Chair: Esther van Zimmeren

09.20-10.00  Horizontal and Vertical Structures: The Supranational Double Pillar Structure of the European Patent Office (EPO), the European Union (EU) and the National Level
Ingrid Schneider (University of Hamburg, Hamburg, Germany) (20min)
Discussant: Antonina Bakardjieva Engelbrekt (Stockholm University, Stockholm, Sweden) (5 min)
General discussion (15 min)

10.00-10.20  Coffee/Tea Break

10.20-11.00  The EU Patent Package: The Unitary Patent and a Unified Patent Court, Opportunities and Pitfalls of the EU's Enhanced Cooperation Procedure
Thomas Jaeger (Max Planck Institute for Intellectual Property and Competition Law, Bad Kleinkirchheim, Austria) (20min)
Discussant: Rob Aerts (Keygene N.V., Wageningen, The Netherlands) (5 min)
General discussion (15 min)
11.00-11.40 Old and New Stakeholders, Forums and Arenas of Patent Governance in Europe
Antonina Bakardjieva Engelbrekt (Stockholm University, Stockholm, Sweden) (20min)
Discussant: Esther van Zimmeren (University of Antwerp, Antwerp, Belgium) (5 min)
General discussion (15min)

11.40-13.00 Lunch

13.00-17.20 Session 2: Europe “Inbound”: Increased Patent Integration
Chair: Ingrid Schneider

Georg Artelsmair (European Patent Office, speaking in his own capacity, Leonstein, Austria) (20min)
Discussant: Ingrid Schneider (University of Hamburg, Hamburg, Germany) (5 min)
General discussion (15min)

13.40-14.20 Integration by Courts: Interaction, Complementarity and Frictions between the Court of Justice of the EU, the EPO’s Boards of Appeal, National Courts and the New Unified Patent Court
Rob Aerts (Keygene N.V., Wageningen, The Netherlands) (20min)
Discussant: Kerstin Jorna (European Commission, Brussels, Belgium) (5 min)
General discussion (15min)

Christophe Geiger (CEIPI, University of Strasbourg, France) (20 min)
Discussant: Christine Godt (University of Oldenburg, Oldenburg, Germany) (5 min)
General discussion (15min)

15.00-15.20 Coffee/Tea Break

Sebastian Haunss (University of Bremen, Bremen, Germany) (20 min)
Discussant: Nari Lee (Hanken School of Business, Helsinki, Finland) (5 min)
General discussion (15min)
16.00-16.40 Integration by Politics: National Governments and Patent Bureaucracies: Between Supervision and Delegation

**Manuel Desantes** (University of Alicante, Alicante, Spain) (20 min)
Discussant: **Thomas Jaeger** (Max Planck Institute for Intellectual Property and Competition Law, Bad Kleinkirchheim, Austria) (5 min)
General discussion (15min)

16.40-17.20 The EU Commission's Agenda for Future Patent Integration

**Kerstin Jorna** (European Commission, Brussels, Belgium) (20 min)
Discussant: **Tomoko Miyamoto** (World Intellectual Property Organization, Geneva, Switzerland) (5 min)
General discussion (15min)

17.20-18.00 Wrap-Up of Day 1

**Ingrid Schneider & Esther van Zimmeren**

Past and Future of Patent Integration in Europe: Opportunities and Challenges

Points to consider and general discussion

19.00-22.00 Dinner at Ristorante Portonovo, Alsterufer 2, 20354 Hamburg
Tuesday 2 September 2014

09.00-12.00  **Session 3: Europe “Outbound”: Balancing Harmonization and Plurality in International Patent Governance**

**Chair:** Christine Godt

09.00-09.40  **EU and WIPO: What Comes after the Development Agenda?**

_Graham Dutfield_ (University of Leeds, Leeds, UK) (20 min)

Discussant: Henning Große Ruse-Khan (University of Cambridge, Cambridge, UK) (5 min)

General discussion (15 min)

09.40-10.20  **The WIPO's Vision for Future International Patent Cooperation**

_Tomoko Miyamoto_ (World Intellectual Property Organization, Geneva, Switzerland) (20 min)

Discussant: Manuel Desantes (University of Alicante, Alicante, Spain) (5 min)

General discussion (15 min)

10.20-10.40  **Coffee/Tea Break**

10.40-11.20  **EU and WTO/TRIPS & FTAs: Hard Standards and Flexibilities**

_Henning Große Ruse-Khan_ (University of Cambridge, Cambridge, UK) (20 min)

Discussant: Sebastian Haunss (University of Bremen, Bremen, Germany) (5 min)

General discussion (15 min)

11.20-12.00  **Intellectual Property: Plurality, Culture, National Interest and International Harmonization**

_Margo Bagley_ (University of Virginia, Charlottesville, USA) (20 min)

Discussant: Christophe Geiger (University of Strasbourg, Strasbourg, France) (5 min)

General discussion (15 min)

12.00-13.00  **Lunch**
13.00-15.20  Session 4: Good Patent Governance: Norms, Criteria and Procedures

Chair: Axel Metzger

13.00-13.40  Good Governance: Norms, Criteria and Procedures
Christine Godt (University of Oldenburg, Oldenburg, Germany) (20 min)
Discussant: Graham Dutfield (University of Leeds, Leeds, UK) (5 min)
General discussion (15 min)

Esther van Zimmeren (University of Antwerp, Antwerp, Belgium) (20 min)
Discussant: Georg Artelsmair (Leonstein, Austria) (5 min)
General discussion (15 min)

14.20-14.40  Coffee/Tea Break

14.40-15.20  Good patent governance: Best practices in Japan and Korea
Nari Lee (Hanken School of Business, Helsinki, Finland) (20 min)
Discussant: Margo Bagley (University of Virginia, Charlottesville, USA) (5 min)
General discussion (15 min)

15.20-16.45  Wrap Up of the Workshop
Ingrid Schneider & Esther van Zimmeren
General Discussion (30 min)
Collecting issues for follow-up research (25 min)
Discussing publication of results and future potential research collaborations (i.e. research proposal on Patent Governance in Europe to be submitted at ESF or in the framework of Horizon 2020) (30 min)

16.45-17.00  Closing of the Workshop
Ingrid Schneider & Esther van Zimmeren

17.00  End of Workshop and Departure
Objectives of the ESF Scientific Review Group for the Social Sciences

The mission of the **ESF Scientific Review Group for Social Sciences** is as follows:

- to promote high quality social science research at the European level;
- to help support innovative research ideas and approaches emanating from the scientific community, and
- to play a role in strengthening European social science research infrastructure.

**ESF Social Sciences Staff:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Julia Boman</td>
<td>Science Officer</td>
</tr>
<tr>
<td>Rhona Heywood-Roos</td>
<td>Administrative Coordinator</td>
</tr>
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Tel: +33 (0)3 88 76 71 19  
Email: soc@esf.org  
Website: [http://www.esf.org/social](http://www.esf.org/social)
ESF Exploratory Workshop:
The Future of Patent Governance in Europe
Hamburg (Germany), 31 August - 2 September 2014

Provisional List of Participants

Convenor:
1. PD Dr. Ingrid SCHNEIDER
   University of Hamburg
   FSP BIOGUM
   Lottestr. 55
   22529 Hamburg
   GERMANY
   Ingrid.Schneider@uni-hamburg.de

Co-Convenor:
2. Prof. Dr. Esther VAN ZIMMEREN
   Government & Law
   Faculty of Law
   University of Antwerp
   Venusstraat 23
   2000 Antwerp
   BELGIUM
   Esther.vanZimmeren@uantwerpen.be

ESF Representative:
Prof. Daniel DAVID
Department of Clinical Psychology and Psychotherapy
Faculty of Psychology and Educational Sciences
Babes-Bolyai University
Mihai Kogalniceanu nr. 1
400084 Cluj-Napoca
Romania
DanielDavid@psychology.ro

Participants:
3. Dr. Rob AERTS
   Keygene N.V.
   Agro Business Park 90
   6708 PW Wageningen
   THE NETHERLANDS
   rob.aerts@keygene.com

4. Dr. Georg ARTELSMAIR
   European Patent Office
   Priethal 2
   4592 Leonstein
   AUSTRIA
   gartelsmair@epo.org

5. Prof. Dr. Margo BAGLEY
   Law School
   University of Virginia
   580 Massie Rd.
   Charlottesville, VA 22903
   USA
   mbagley@virginia.edu

6. Prof. Dr. Antonina BAKARDJIEVA ENGELBREKT
   Faculty of Law
   Stockholm University
   10691 Stockholm
   SWEDEN
   antonina.bakardjieva@juridicum.su.se

7. Prof. Dr. Manuel DESANTES
   University of Alicante
   03080 Alicante
   SPAIN
   manuel.desantes@ua.es

8. Prof. Dr. Graham DUTFIELD
   School of Law
   University of Leeds
   Liberty Building
   Leeds LS2 9JT
   UK
   G.M.Dutfield@leeds.ac.uk

9. Prof. Dr. Christophe GEIGER
   CEIPI
   University of Strasbourg
   11, rue du Maréchal Juin, BP 68
   67046 Strasbourg Cedex
   FRANCE
   christophe.geiger@ceipi.edu

10. Prof. Dr. Christine GODT
    Fakultät 2: Informatik, Wirtschafts- und Rechtswissenschaften Carl von Ossietzky
    University of Oldenburg
    Postfach 2503
    26111 Oldenburg
    GERMANY
    christine.godt@uni-oldenburg.de
11. **Prof. Dr. Henning GROSSE-RUSE KAHN**  
Faculty of Law  
University of Cambridge  
10 West Road  
Cambridge CB3 9DZ  
UK  
henning.gr-khan@ip.mpg.de

12. **PD Dr. Sebastian HAUNSS**  
University of Bremen  
SFB 597 - Transformation of the State  
Linzer Str. 9a  
28359 Bremen  
GERMANY  
sebastian.haunss@sfb597.uni-bremen.de

13. **PD Dr. Thomas JAEGGER**  
Fellow at Max Planck Institute for  
Intellectual Property and Competition Law  
Falkertweg 1  
9546 Bad Kleinkirchheim  
AUSTRIA  
thomas.jaeger@ip.mpg.de

14. **Kerstin JORNA**  
DG Internal Market & Services  
European Commission  
SPA2-Pavillon  
Rue de Spa 2  
1000 Brussels  
BELGIUM  
Kerstin.JORNA@ec.europa.eu

15. **Prof. Dr. Nari LEE**  
Department of Accounting and  
Commercial Law  
Hanken Business School  
POB 479  
00101 Helsinki  
FINLAND  
nari.lee@hanken.fi

16. **Tomoko MIYAMOTO**  
Head, Patent Law Section  
World Intellectual Property Organization (WIPO)  
34, chemin des Colombettes  
1211 Geneva 20  
SWITZERLAND  
tomoko.miyamoto@wipo.int

17. **Prof. Dr. Axel METZGER**  
Institut für Rechtsinformatik  
University of Hannover  
Königsworther Platz 1  
30167 Hannover  
GERMANY  
metzger@iri.uni-hannover.de