



**Project on "The strategic role of IP and the necessary (re)construction of intellectual property law in a new economic, technological and social environment"**

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**Launched in January 2013** with funding from the Foundation of the University of Strasbourg with generous support by the grant made by Air Liquide, the collaboration implements the project, among others, through interdisciplinary seminars for senior (and junior) research staff from the Economics research bureau, BETA, and the Center for International Intellectual Property Law, CEIPI. These are organized in order to:

- 1) **Offer a forum** for researchers from two different fields, working in two separate university locations to discuss the common research interests in intellectual property and innovation. This way the seminar enables the creation of common law-and-economics vocabulary and opens researchers to new interdisciplinary initiatives.
- 2) **Create an expert platform in law and economics of IP** by addressing current research results on different IP rights, which have been analyzed using different types of methodologies.

To date, five seminars were organized, each focusing on a different IP right or topic. The following were addressed:

Date: January 7<sup>th</sup>

**Topic: Fundamental Aspects of Law and Economics of Copyright: A discussion of the article by Landes and Posner on "Economic Analysis of Copyright Law".**

During this first workshop, we used the article and its essential assumptions as a starting point of discussion on the legal and economic perspectives. Most constructive was the discussion on current challenges to methodological approaches to copyright, especially challenged in the era of the Internet and the changed exploitation of copyrighted material in the digital environment.

Date: February 12<sup>th</sup>

**Topic: A fresh look at testing patentability criteria based on the discussion of Seifert's article "Now why didn't I think of that? The Cognitive processes that create the obvious".**

This was an eye-opener for many of us, as psychological inquiries in the fields of patents are not very common. The potential of demonstrating the importance of behavioral economics in order to broaden



the perspective on established principles and issues was discussed in this seminar. It was also observed that in the process of defining methodologies, experimental methods of analysis could be employed.

Date: March 5<sup>th</sup>

**Topic: Law and Economics of Geographical Indications – Josling on *Terroir*.**

The issue of sui generis protection for GIs in the European Union is a bone of trading contention in the Transatlantic Relations. In this seminar, we looked at the legal problematic and the economic arguments pro and contra the introduction of a sui generis system of IP protection.

Date: April 9<sup>th</sup>

**Topic: Robert Cooter and Aaron Edlin's paper entitled "Law and Growth Economics: A framework for Research."**

In this seminar, most prominent was the critical economic appraisal of the propositions put forward by Cooter and Edlin. While most participants agreed that some elements were novel and interesting, it was clear that separation between policies supporting dynamic and static efficiencies in the economic cannot be achieved by neat distinctions. This discussion also clearly demonstrated to the legal scholars that some areas of economic analysis are much easier to engage in than others.

Date: May 14<sup>th</sup>

**Topic: Trade Secrets**

With the 5<sup>th</sup> seminar and the discussion of Mark Lemley's article "The Surprising Virtues of Treating Trade Secrets as IP Rights" we changed the format by adding a senior researcher as a commentator. The insights provided by the economist commenting the paper showed well how beneficial a matching between legal and economics competencies in the field of IP can be. For every of the legal issues brought up by Lemley, Patrick Llerena presented an economic theory, which could be applied. Following the success of this seminar, the format will be continued.