

# HOW HARMONIZED IS PATENT LAW IN EUROPE ?

**National case law vs. European Patent Office:  
similarities and differences**

**11-12 OCTOBER 2023**

**STRASBOURG (CEIPI, CARDO, AMPHI F)  
ONLINE BROADCASTING**

## SCIENTIFIC SUPERVISION

**FRANCK MACREZ**

ASSOCIATE PROFESSOR, DIRECTOR OF THE RESEARCH DEPARTMENT OF CEIPI, UNIVERSITY OF STRASBOURG

**THIERRY DEBLED**

ADJUNCT PROFESSOR, DIRECTOR OF CEIPI INTERNATIONAL SECTION OF CEIPI, UNIVERSITY OF STRASBOURG

LABORATOIRE DE RECHERCHE DU CEIPI, UR4375, UNIVERSITÉ DE STRASBOURG



The European patent system exhibits a dual asymmetry. On one hand, it operates independently of the European Union, unlike entities like the Community trademark. It maintains its own legal framework, separate from that of the European Union, which gives rise to inquiries concerning its alignment with Union law, particularly the 1998 directive pertaining to biotechnology.

On the other hand, patents are bestowed by the European Patent Office following an examination procedure that assesses patentability criteria. However, the Office's interpretation of legislative texts may not necessarily align with that of national courts, which could be brought into play during an infringement action, potentially leading to the annulment of a previously granted patent by a judicial judge.

This dual observation engenders legal uncertainty for companies, both in terms of the prospects of their patent applications and the valuation of the awarded patents that underscore their innovations.

The focal point of this conference is to address these pivotal and fundamental inquiries by employing a comparative approach that contrasts the diverse practices of the Office, applicants, and the jurisprudence of judicial courts across major European countries in the realm of patents.

# WEDNESDAY 11 OCTOBER 2023

CHAIRMAN: PETER R. THOMSEN, PRESIDENT OF THE INSTITUTE OF PROFESSIONAL REPRESENTATIVES BEFORE THE EUROPEAN PATENT OFFICE (EPI)

## 13.30 Welcome address - General questions and issues

*Benoît Battistelli, Chairman of the board of CEIPI*

*Mihály Ficsor, Principal Director Legal Affairs at the European Patent Office (EPO)*

*Philippe Borne, INPI Regional representative in Strasbourg*

## 14.00 The structure of the European patent system, from the patent office to the judicial judge

*Birgit Herregodts, Former Judge IP-law Commercial Court Brussels, member of the board of appeal at the European Patent Office (EPO)*

## 14.30 - Session 1: Patentable inventions (art. 52 EPC)

The patentable invention at the EPO and in Germany

*Martin Müller, Chairman of a Board of Appeal, European Patent Office (EPO), Germany*

The patentable invention at the EPO and in the United Kingdom

*Richard Kennedy, European and Chartered Patent Attorney*

The patentable invention at the EPO and in the Netherlands

*Peter Blok, Center for Intellectual Property Law, Chair of Patent law and Privacy Utrecht University*

The patentable invention at the EPO and in France

*Franck Macrez, Associate Professor and Director of the research department of CEIPI, University of Strasbourg*

The patentable invention in Europe: Synthesis elements

*Grégoire Desrousseaux, European Patent Attorney, Attorney-at-Law, France*

Questions

# THURSDAY 12 OCTOBER 2023

## 09.00 - Session 2: Exceptions to patentability (art. 53 EPC)

**CHAIRMAN: ENRICO PRIORI, SECRETARY OF CNCPI**

Exceptions to patentability at the EPO and in Germany  
*Dr. Alexander Meier, inhouse lawyer*

Exceptions to patentability at the EPO and in the United Kingdom  
*Zack Mummery, Chartered UK patent attorney, European patent attorney*

Exceptions to patentability at the EPO and in the Netherlands  
*Huib Maas, European Patent Attorney*

Exceptions to patentability at the EPO and in France  
*Richard Monni, French and European Patent Attorney*

Exceptions to patentability in Europe: Synthesis elements  
*Rainer Moufang, Former Chairman of a technical board of appeal of the EPO and a former member of the Enlarged Board of Appeal*

Questions

## 14.00 - Session 3: Conditions of patentability (art. 54-57 EPC)

**CHAIRMAN : HENRI BOURGEOIS, PRESIDENT OF EPLIT**

Conditions of patentability at the EPO and in Germany  
*Andreas Dilg, German and European Patent Attorney*

Conditions of patentability at the EPO and in the United Kingdom  
*Chris Mercer, European Patent Attorney*

Conditions of patentability at the EPO and in the Netherlands  
*Erik Nijs, European and Dutch patent attorney*

Conditions of patentability at the EPO and in France  
*Nathalie Sabotier, Council, Chambre commerciale, économique et financière, Cour de cassation*

Conditions of patentability: Synthesis elements  
*Thierry Debled, Adjunct Professor at CEIPI, University of Strasbourg, Director of CEIPI international section*

Final remarks : The Role of the Unified Patent Court for legal stability in the field of patents  
*Bruno Vandermeulen, Senior IP Advisor and Director, Member of the Brussels Bar*

Questions

Closing

*Thierry Debled and Franck Macrez, CEIPI*

# PRACTICAL INFORMATION

## LOCATION

**In Strasbourg**

*(CEIPI, Bâtiment le CARDO, Amphi F, 7 rue de l'Écarlate 67000, Strasbourg)*

**Or online (via Zoom)**

## TIMETABLE

Wednesday 11 October 2023 : From 13:30 to 18:00

Thursday 12 October 2023 : From 09:00 to 18:30

**Central European Time (CET)**

## LANGUAGE OF THE CONFERENCE

English

## REGISTRATION

Registration is free but mandatory :

<https://sondagesv3.unistra.fr/index.php/193541?lang=en>

