

THURSDAY 7 JULY 2016

9.00 – 12.00

*You have to choose between P8 and T7*

**P8 / US Patent Law and Universal Claim drafting**

**Toshiko Takenaka**, W Hunter Simpson Professor of Technology Law, CASRIP, University of Washington, Seattle

- Basic notions of US Patent Law
- Recent US case law: development on eligibility and functional claiming
- Pitfalls for US patent applications based on foreign patent applications
- Controversies

**T7 / Opposition and cancellation drafting in TM 2/2**

**Olivier Girard**, French and European Trademark and Design Attorney, Nuss

**Marie Lüttge**, French and European Trademark and Design Attorney, Nuss

- Cancellation
- Procedural matters: application for cancellation; admissibility check
- Substantive provisions (Case Law)

12.00 – 13.30 / Lunch break

13.30 / 17.00

*You have to choose between P9 and T8*

**P9 / Basic differences between EPO's approach and USPTO's approach**

**Didier Intès**, French and European Patent Attorney, Beau de Loménie

**James Bell**, US Patent Attorney, Beau de Loménie

- Key differences in procedural aspects
- Presentation and analysis of the claims
- Assessment of new matter and of obviousness

**T8 / Trademarks and Design Rights trials and litigation in Europe**

**Stefan Naumann**, Attorney-at-law, Hughes Hubbard & Reed LLP

- Introduction on dispute settlements
- General rules applicable in the EU
- Main procedural aspects of IP litigation in France, Germany and the UK
- Preliminary rulings at European Court of Justice, appeals against decisions
- Tribunal BoA (Board of Appeal) and arbitration
- Major issues and dispute cases in trademarks and designs
- Harmonization with competition law and other relevant regulations
- Issues and cases
- Analysis of rulings and discussions
- Revocation, invalidation, etc.

FRIDAY 8 JULY 2016

**G14 / 9:00 – 12:00 / Workshop Opposition and Oral proceedings- sample case**

A concrete view of opposition proceedings before the EPO – Brief comparison between EPO and UPC procedures especially with respect to oral proceedings – oral proceedings before the EPO

**Daniel Thomas**, Former Director DG1, EPO

**Kaisa Suominen**, European Patent Attorney, Moosedog Oy

**Claire Mouget-Goniot**, French and European Patent Attorney, Pontet, Allano et associés

12:00 – 13:30 / Lunch break

**G14 / 13:30 – 17:30 / Workshop Oral proceedings- sample case**

A concrete view of opposition proceedings before the EPO – oral proceedings before the EPO (mock trial)

**Daniel Thomas**, Former Director DG1, EPO

**Kaisa Suominen**, European Patent Attorney, Moosedog Oy

**Claire Mouget-Goniot**, French and European Patent Attorney, Pontet, Allano et associés

17:30 – 18:30 / Farewell

Application file available at:

**www.ceipi.edu**

Please send your application to  
CEIPI Centre d'études Internationales  
de la Propriété Intellectuelle  
11 rue du Maréchal Juin, BP 68  
F-67046 Strasbourg cedex

Mrs. Isabelle Christ will be happy  
to answer your questions:  
Phone: +33(0)3 68 85 80 17  
E-Mail: isabelle.christ@ceipi.edu

# CEIPI SUMMER SCHOOL ON IP IN EUROPE

CEIPI, UNIVERSITY OF STRASBOURG

27 JUNE – 8 JULY 2016

STRASBOURG



The course is organised by the Centre for International Intellectual Property Studies (CEIPI) at the University of Strasbourg and has been held successfully and attracted many participants over the last seven years. The lecturers are chosen from those of the CEIPI and IP specialists including Academics, Patent and Trademark attorneys, Attorneys-at-law, as well as a member of the EUIPO management. The summer course will be held over 11 working days, from Monday June 27 to Friday July 8, 2016.

The course aims to provide an academic and practical overview of the IP-related aspects of the legal system in the European Union, as well as giving concrete ideas about IP litigation in Europe. The course is directed mainly at students and practitioners who want to acquire the basics of the European IP system, but also to practitioners in legal and R&D departments of European companies who want to better understand the European IP System. Focus will be given on proceedings before the EPO and before the EUIPO (OHIM), as well on national laws of the three key countries involved in IP in Europe.

#### MONDAY 27 JUNE 2016

##### **G1 / 09:00 – 12:00 / EU basics**

General introduction to the European legal system: European Union law, national laws

**Guy Tritton**, Barrister, Hogarth Chambers, London

##### **12:00 – 13:30 / Lunch break**

##### **G2 / 13:30 – 15:30 / Overview of main IP rights and their validity assessment- glossary**

**Didier Intès**, French and European Patent Attorney, Beau de Loménie

**Thibaud Lelong**, Research-Assistant, CEIPI

##### **G3 / 15:30 – 16:30 / Controversies**

**Didier Intès**, French and European Patent Attorney, Beau de Loménie

**Thibaud Lelong**, Research-Assistant, CEIPI

#### TUESDAY 28 JUNE 2016

##### **G4 / 9:00 – 12:00 / Operating IP rights in Europe – EU limitations to agreements**

IP rights and the EU treaty · exhaustion of rights · competition rules · penalties for non-compliance

**Nicolas Petit**, Professor and Co-Director at the Institute for European Legal Studies (IEJE) Liege Law Faculty

##### **12:00 – 13:30 / Lunch break**

##### **G5 / 13:30 – 16:00 / Overview of proceedings before the EPO – kinds of communications received**

**Eric Le Forestier**, French and European Patent Attorney, Le Forestier Conseil

##### **G6 / 16:30 – 18:30 / Overview of proceedings before the EUIPO (OHIM) – kinds of communications received**

Proceedings before the EUIPO (OHIM); community trademarks and designs

**Béatrice Thomas**, R&D- Intellectual Property in-house legal advisor

##### **19:30 – Welcome dinner**

#### WEDNESDAY 29 JUNE 2016

##### **G7 / 9:30 – 12:00 / Overview of national grant proceedings in some key European countries, including DE, FR and GB**

Highlights of patent prosecution in Germany, France, the United-Kingdom, the Netherlands... · comparison with EPO prosecution

**Didier Intès**, French and European Patent Attorney, Beau de Loménie

##### **12:00 – 13:30 / Lunch break**

##### **G8 / 13:30 – 15:00 / The unitary patent system 1/2**

The EU patent package: European unitary patent and Unified European patent Court · outline of the package, pending issues, concrete application, possible strategies

**Didier Intès**, French and European Patent Attorney, Beau de Loménie

##### **15:00 – 17:30 / Visit of the European Parliament in Strasbourg**

##### **G8 / 18:00 – 20:00 / The unitary patent system 2/2**

The EU patent package: European unitary patent and Unified European patent Court · outline of the package, pending issues, concrete application, possible strategies

**Didier Intès**, French and European Patent Attorney, Beau de Loménie

#### THURSDAY 30 JUNE 2016

##### **G9 / 9:00 – 12:30 / Enforcement of IP rights in Europe: Litigating IP rights**

Pan-European litigation: Brussels regulation on jurisdiction, recognition and enforcement of judgments · Pan-European provisional injunctions · Italian torpedo · Litigation statistics · Alternative Dispute Resolutions TBD

##### **12:30 – 14:00 / Lunch break**

##### **G10 / 14:00 – 17:30 / Copyrights and neighbouring rights in Europe**

Basic notions of copyright protection · Introduction to the different existing traditions of copyright in Europe · "Acquis communautaire" in the field of copyrights

**Raquel Xalabarder**, Professor at the Open University of Catalonia, Barcelona

#### FRIDAY 1 JULY 2016

##### **G11 / 10:00 – 12h30 / Contracts involving IP rights**

Kinds of contracts · main provisions · focus on licenses · traps to avoid · sub-contracting · cross-licensing

**Thierry Sueur**, Vice President, European & International Affairs – IP Strategy, Air Liquide

##### **12:30 – 14:00 / Lunch break**

##### **G12 / 14:00 – 17:00 / IP Strategy in Europe**

Industry insights in European best practice cases on IP strategy for different branches, technologies and business models

**Alexander J. Wurzer**, Adjunct-Professor at CEIPI, Director of studies of the Master in IP Law and Management of CEIPI, Director of Steinbeis Transfer Institute Intellectual Property Management

##### **19:00 / Boat trip**

#### SATURDAY 2 JULY 2016

##### **G13 / 9:00 – 13:00 / Enforcement of IP rights in Europe: Enforcement at the border**

Rules applicable to customs intervention  
New EU Regulation concerning customs enforcement · specific additional rules applicable locally  
EU Directive on the enforcement of IP rights: aim · main provisions · actual impact on enforcement of IP rights  
**Tania Kern**, Attorney-at-Law, Kern & Weyl

#### SUNDAY 3 JULY 2016

##### **13:00 – 19:00 / Guided tour in the heart of the Wine Routes with castles and traditional villages**

– Visit of a picturesque village  
– Visit of the Haut-Koenigsbourg Castle  
– Wine tasting in a wine cellar

#### MONDAY 4 JULY 2016

##### **9.00 – 12.00**

##### **You have to choose between P1 and T1**

##### **P1 / Examination Practice in Europe and EPO's proceedings 1/3**

**Stéphanie Michiels**, French and European Patent Attorney, Lavoix

Filing + priority + search + case law

– Role of the EPO

– Filing formalities

– Concrete procedural aspects: main issues discussed during examination · key elements in responses · amendments · auxiliary requests · submission of further evidence · third parties observations · ex-parte oral proceedings · appeals · limitations

##### **T1 / Trademarks and Design Rights in Europe (Advanced course)**

**Yann Basire**, Associate Professor, University of Upper Alsace (UHA)

– Advanced notions of TM and Designs

– Community Trade Mark Regulation (CTMR), Community Design Regulations (CDR), etc.

– Proceedings before the EUIPO (OHIM) and some EU countries

– Relevant issues (international trends and major controversies, etc.)

##### **12.00 – 13.30 / Lunch break**

##### **13.30 – 17.00**

##### **You have to choose between P2 and T2**

##### **P2 / Examination Practice in Europe and EPO's proceedings 2/3**

**Sven J.R. Bostyn**, Senior Lecturer in IP Law and Director of European Partnerships and Recruitment at the Liverpool Law School

– EPC regulations and EPO's approach on patentability: exclusions of patentability

– Approach for software and pharmaceutical products

– Assessment of novelty (disclaimer) and of inventive step (problem-solution approach)

##### **T2 / Trademarks and Design Rights examination cases in Europe 1/2 Designs**

**Annette Kur**, Professor, Max Planck Institute for Innovation and Competition, Munich

– Classification of designs (Locarno Classification)

– Registration of designs and cases of refusal

– Hague System for International Registration of Industrial Designs

#### TUESDAY 5 JULY 2016

##### **9.00 – 12.30**

##### **You have to choose between P3 and T3**

##### **P3 / Patent trials and litigation in Europe (Advanced course)**

**Sabine Agé**, Attorney-at-Law, Véron

– General rules applicable in the EU

– Main procedural aspects of IP litigation in France, Germany and the UK

– Evidence

– Actions on the merits

– Provisional actions

– Timing

– Cost

– Damages

– Major issues in each technological field and cases of disputes

– Analysis and discussion on patent trial decision cases

##### **T3 / Examination Practice in Europe 1/2 TM**

**Stefan Martin**, EUIPO Boards of Appeal

– Role of the EUIPO (OHIM)

– Grant proceedings for CTM

– Grounds for refusal (CTMR Art. 7)

– Post-grant proceedings: opposition, cancellation

– Appeal proceedings

– Case law

##### **12.30 – 14.00 / Lunch break**

##### **14.00 – 17.30**

##### **You have to choose between P4 and T4**

##### **P4 / Examination Practice in Europe and EPO's proceedings 3/3 (concrete examples)**

**Daniel Thomas**, Former Director DG1, EPO

– Prior art

– Topping up search

– Assessment and interpretation of claims

– Clarity issues

– Added subject-matter

– Intermediate generalization

– Unity of invention (partial search)

– Sufficiency of disclosure

##### **T4 / Examination Practice in Europe 2/2 Designs**

**Martin Schlötelburg**, EUIPO Boards of Appeal

– Role of the EUIPO (OHIM)

– Grant proceedings for Community designs: criteria for registration of designs

– 3-dimensional CAD file application system

– Grounds for refusal

– Invalidity:

· Introduction – General principles applying to Invalidity proceedings

· Filing of an Invalidity Application

· Adversarial Stage of the Proceedings

· Different Grounds for Invalidity (Case Law)

· Termination of the Proceedings

· Appeal

· Case law

#### WEDNESDAY 6 JULY 2016

##### **9.00 – 12.00**

##### **You have to choose between P5 and T5**

##### **P5 / Patent examination cases in Europe**

**Rodrigo Calvo de No**, European, Belgium and French Patent Attorney, Former examiner at the EPO, Beau de Loménie

– EPO Case law: novelty, inventive step, industrial application

– General rules of writing an office action on the merits (grounds for refusal)

– Examples of writing a response to an office action on the merits

##### **T5 / Trademarks and Design Rights examination cases in Europe 1/2 TM**

**Yann Basire**, Associate Professor, University of Upper Alsace (UHA)

– Classification of trademarks, distinctiveness of trademarks, etc.

– Non-traditional trademarks, geographical indication, commonly used TM, pharmaceutical TM, etc.

– Well-known TM

– Madrid International Trademark System

– Concept of unfair competition

– Concept of confusion

– Case law

##### **12.00 – 13.30 / Lunch break**

##### **13.30 – 17.30**

##### **You have to choose between P6, P7 and T6**

##### **P6 / Claim drafting in mechanics Amending claims at the EPO**

**Didier Intès**, French and European Patent Attorney, Beau de Loménie

– Presentation of the structure of claims in Mechanics

– Drafting of main claims in Mechanics – presentation of sub-claims

– Consequences on patent prosecution

– Concrete example of amending claims in response to an office action

##### **P7 / Claim drafting in chemistry Amending claims at the EPO**

**Jason Hart-Davis**, French and European Patent Attorney, Beau de Loménie

– Presentation of the structure and type of claims in Chemistry

– Comparison of chemistry and mechanics

– Presentation of sub-claims

– Specificities of Chemistry: claiming compositions, ranges, difficulties in satisfying both amendment rules and inventive step requirements in EPO prosecution

– Concrete examples of amending claims in response to an office action

##### **T6 / Opposition and cancellation drafting in TM 1/2**

**Olivier Girard**, French and European Trademark and Design Attorney, Nuss

**Marie Lüttge**, French and European Trademark and Design Attorney, Nuss

Opposition:

– Procedural matters: admissibility check; cooling-off period; adversarial stage; termination of proceedings; procedural issues

– Identity and likelihood of confusion (Case Law)

– Unauthorised filing by the agent of the TM proprietor (art 8(3) CTMR)

– Rights under (art 8(4) CTMR)

– Trademarks with reputation (art 8(5) CTMR)

– Proof of use