



Online

CEIPI SUMMER SCHOOL ON IP IN EUROPE

**28 JUNE
9 JULY
2021**



Centre d'études internationales de la **propriété intellectuelle** | CEIPI

Center for International **Intellectual Property** Studies

Institut für internationale Studien des **geistigen Eigentums**

Université de Strasbourg

Programme - Week 1

Timetables in accordance with Central European Summer Time (CEST)

Monday 28 June 2021

10:00 – 10:30 / Welcoming remarks

10:30 – 12:00 / Introduction to the European patent system from a global perspective

Yann Ménière, Chief economist, EPO, Professor of Economics, MINES ParisTech

12:00 – 14:00 / Break

14:00 – 16:00 / Overview of proceedings before the European Union Intellectual Property Office (EUIPO) – Types of communication received

- Proceedings before the EUIPO
- European Union trade marks (EUTM) and Community designs

Olivier Thrierr, French and European Trademark Attorney, TMark Conseils, Paris

Tuesday 29 June 2021

10:00 – 12:00 / Examination practice in Europe – Trade marks

- Role of the EUIPO
- Grant proceedings for European Union trade marks
- Grounds for refusal - European Union trade mark regulation (EUTMR), Art. 7
- Post-grant proceedings: opposition, cancellation
- Appeal proceedings
- Case law

Stefan Martin, Member of the Boards of Appeal, EUIPO

12:00 – 14:00 / Break

14:00 – 16:00 / Examination practice in Europe – Designs

- Role of the EUIPO
- Criteria for registration of designs
- 3-dimensional CAD file application system
- Grounds for refusal
- Invalidity
- Filing of an invalidity application
- Adversarial stage of the proceedings
- Different grounds for invalidity (Case law)
- Termination of the proceedings
- Appeal
- Case law

Christoph Bartos, Member of the Boards of Appeal, EUIPO

Wednesday 30 June 2021

10:00 – 12:00 / Overview of proceedings before the European Patent Office (EPO) – Types of communication received

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

12:00 – 14:00 / Break

14:00 – 16:00 / Examination practice in EPO's proceedings
(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

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

Thursday 1 July 2021

10:00 – 12:00 / Trade marks in Europe

- Advanced notions of Trade marks
- European Union trade mark regulation (EUTMR)
- Proceedings before the EUIPO and some European Union countries
- Relevant issues (international trends and major controversies, etc.)

Caroline Le Goffic, Associate Professor, Paris Descartes University

12:00 – 14:00 / Break

14:00 – 16:00 / Various routes to patent protection in Europe

- Patent Cooperation Treaty (PCT)
- National routes
- European route
- Unitary patent

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

Friday 2 July 2021

10:00 – 12:00 / Concrete tips for claim drafting (in mechanics and chemistry)

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

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

12:00 – 14:00 / Break

14:00 – 16:00 / Workshop opposition and cancellation drafting in trade marks

Marie Lüttge, French and European Trademark and Design Attorney, Cabinet Nuss, Strasbourg

Programme - Week 2

Timetables in accordance with Central European Summer Time (CEST)

Monday 5 July 2021

14:00 – 16:00 / Intellectual property strategy in Europe (1/2)

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

Alexander J. Wurzer, Adjunct-Professor at CEIPI, Director of studies of the MILPM, Director of Steinbeis Transfer Institute Intellectual Property Management

12:00 – 14:00 / Break

14:00 – 16:00 / Intellectual property strategy in Europe (2/2)

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

Alexander J. Wurzer, Adjunct-Professor at CEIPI, Director of studies of the MILPM, Director of Steinbeis Transfer Institute Intellectual Property Management

Tuesday 6 July 2021

10:00 – 12:00 / Contracts involving intellectual property

Main provisions - focus on licenses - traps to avoid - sub-contracting - cross-licensing

Emmanuel Gougé, Attorney-at-Law, Pinsent Masons, Paris

12:00 – 14:00 / Break

14:00 – 16:00 / Patent trials and litigation in Europe

- General rules applicable in the EU
- Main procedural aspects of IP litigation in France, Germany and the United Kingdom
- 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

Sabine Agé, Attorney-at-Law, Véron & Associés, Paris

Wednesday 7 July 2021

10:00 – 12:00 / Operating IP rights in Europe – European Union limitations to agreements (1/2)

IP rights and the EU treaty - exhaustion of rights - competition rules - penalties for non-compliance - abuse of dominant position - cartels

Dietger Glorieux, Lecturer at the Liege Competition and Innovation Institute (LCII), Liège Law Faculty

12:00 – 14:00 / Break

14:00 – 16:00 / Operating IP rights in Europe – European Union limitations to agreements (2/2)

IP rights and the EU treaty - exhaustion of rights - competition rules - penalties for non-compliance - abuse of dominant position - cartels

Dietger Glorieux, Lecturer at the Liege Competition and Innovation Institute (LCII), Liège Law Faculty

Thursday 8 July 2021

09:30 – 11:30 / 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, Paris

11:30 – 14:00 / Break

14:00 – 16:00 / Cross borders litigation of classic European patents and European patent with unitary effect

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

Emmanuel Gougé, Attorney-at-Law, Pinsent Masons, Paris

Friday 9 July 2021

10:00 – 12:00 / Examples of writing

- Examples of writing an office action on the merits (ground for refusal)
- Examples of writing a response to an office action on the merits

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

12:00 – 14:00 / Break

14:00-16:00 / Workshop oral proceedings - Sample case

- Concrete view of opposition proceedings before the EPO
- Online oral proceedings before the EPO

Claire Mouget-Goniot, French and European Patent Attorney, IPAZ, Paris

Kaisa Suominen, European Patent Attorney, Laine IP Oy, Turku

Daniel X. Thomas, Former Director DG1, EPO

16:00-16:30 / Farewell

Pre-recorded sessions

General introduction to IP

- Overview of main IP rights and their validity assessments
- IP Glossary

Didier Intès, French and European Patent Attorney, Beau de Loménie, Paris
Thibaud Lelong, Attorney-at-Law, Fidal, Strasbourg, Postdoctoral
Researcher, CEIPI

EU Law basics

- EU Treaties
- European institutions
- Single market and IP
- IP legislation in the EU

Guy Tritton, Barrister, Hogarth Chambers, London

Introduction to trade marks

- Absolute grounds
- Relative grounds

Jérôme Tassi, Attorney-at-Law, Agil'it, Paris

- Trade mark Infringements
- Trade mark revocation

Stefan Martin, Member of the Boards of Appeal, EUIPO

Introduction to designs

- Requirements for protection
- Technical function exclusion
- Rights conferred
- Design infringements

Pierre Massot, Attorney-at-Law, Arenal, Paris

Introduction to patents

- Patentability requirements
- Filing requirements
- Rights conferred
- Actions seeking invalidation

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

Introduction to copyright

- Object of and requirements for copyright protection
- Rights granted by copyright (moral and economic)
- Exceptions and limitations to copyright
- Copyright reform: Overview of the DSM Directive 2019/790

Eleonora Rosati, Associate Professor, University of Stockholm

Trade mark rights examination in Europe

- Trade marks and unfair competition
- Trade marks on national, EU and international level
- Trade marks and Geographical indications
- Non traditional trade marks

Caroline Le Goffic, Associate Professor, Paris Descartes University

Design rights examination in Europe

- Non-registered designs
- Design protection and spare parts
- Design rights enforcement

Natalia Kapryna, Associate Professor, Moscow State Institute of
International Relations

Examination practices in Europe and proceedings at the European Patent Office

- Assessment of novelty
- Assessment of inventive step

Sven J.R. Bostyn, Associate Professor of Biomedical Innovative Law,
University of Copenhagen

- The role of the EPO in oppositions

Daniel X. Thomas, Former Director DG1, EPO

Pre-recorded sessions

Claim for ownership

- Patent entitlement proceedings

Jean-François Merdrignac, Attorney-at-Law, Linklaters, Paris

- Claim for ownership of a trade mark

Stefan Martin, Member of the Boards of Appeal, EUIPO

- Claims relating to the entitlement to a Design

Natalia Kapyrina, Associate Professor, Moscow State Institute of International Relations

Special topic: Artificial intelligence and Intellectual property

- The patentability of computer implemented inventions in Europe
- The patentability of artificial intelligence applications in Europe
- From Infineon to G 1/19 - the patentability of computer simulations at the European patent Office

Jean-Marc Deltorn, Senior researcher, CEIPI, Former examiner, EPO

Special topic: Patents in the pharmaceutical industry

- Patenting pharmaceutical inventions

Sven J.R. Bostyn, Associate Professor of Biomedical Innovative Law, University of Copenhagen

- Supplementary Protection Certificate
- « Bolar » exemption
- Compulsory licenses

Stanislas Roux-Vaillard, Attorney-at-Law, Hogan Lovells, Paris

Special topic: Standard essential patents

- Standard essential patents

Gaëlle Bourout, Attorney-at-Law, Linklaters, Paris

- FRAND obligations

Pauline Debré, Attorney-at-Law, Linklaters, Paris

- Huawei/ZTE decision and follow-up applications

Simon Corbineau-Picci, Attorney-at-Law, Linklaters, Paris

Teaser : Contracts involving IP rights

Emmanuel Gougé, Attorney-at-Law, Pinsent Masons, Paris

Teaser : Current status of the Unitary patent system

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