

**Fordham Intellectual Property Law Institute
&
Emily C. & John E. Hansen Intellectual Property Institute**

**25th Annual Intellectual Property Law & Policy
Conference**

www.fordhamipconference.com

**Fordham Law School, New York, NY
Thursday and Friday, April 20 - April 21, 2017**

**Hugh C. Hansen
Director**

Learn Debate Have Fun

CONFERENCE PROGRAM

Subject to Change

Wednesday, April 19

**Allen & Overy Opening Reception
for Faculty & Attendees**

Reception: Costantino A/B/C at Fordham Law School
6:30 PM to 9:00 PM

Thursday Morning, April 20

Continental Breakfast

Fordham Law School, Bateman Room
7:00 AM – 9:00 AM

Sponsored by:

Crowell & Moring LLP

Registration

Fordham Law School, Soden Lounge
7:00 AM – 8:00 AM

Please note: Doors to Costantino A/B/C will close at 8:00 AM.

Welcoming Remarks:

Thursday 8:00 AM – 8:15 AM
Costantino A/B/C

Prof. Hugh C. Hansen

Fordham University School of Law, New York

Dean John D. Feerick

Fordham University School of Law, New York

Dean Matthew Diller

Fordham University School of Law, New York

SESSION 1: Plenary Session

Thursday 8:15 AM – 1:00 PM
Costantino A/B/C
Overflow: Moot Court Room 1-01

1A. General Counsel Roundtable

Thursday 8:15 AM – 9:15 AM (60 minutes)
Costantino A/B/C
Overflow: Moot Court Room 1-01

Moderator:

Prof. Hugh C. Hansen

Fordham University School of Law, New York
(up to 5 minutes to introduce the subject matter; intro of speakers –
just name and affiliation, please see bios in print materials and online.)

Panelists:

Mark Chandler

Senior Vice President and General Counsel, Chief Compliance Officer, Cisco
Systems, Inc., San Jose

Michael Fricklas

Executive Vice President, General Counsel and Secretary, Viacom Inc., New York

Mark Seeley

Senior Vice President & General Counsel, Elsevier, Boston

Brad Smith

President and Chief Legal Officer, Microsoft Corporation, Redmond

General discussion: 55 minutes (panelists and members of the audience)

1B. Brexit & IP

Thursday 9:25 AM – 10:25 AM (60 minutes)

Costantino A/B/C

Overflow: Moot Court Room 1-01

Moderator:

Prof. Hugh C. Hansen

Fordham University School of Law, New York
(up to 5 minutes to introduce the subject matter; intro of speakers –
just name and affiliation, please see bios in print materials and online.)

Speakers:

Margot Fröhlinger

Principal Director, Patent Law and Multilateral Affairs, EPO, Munich
Unitary Patent and Unified Patent Court - State of implementation and possible implications of Brexit
The speech will address the last steps for the implementation of the Unitary Patent and the Unified Patent Court before their entry into operation in December 2017. It will also deal with the implications of the Brexit and possible future scenarios for the time thereafter.
(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Hon. Mr. Justice Arnold

Chancery Division, High Court, London

The Effect of Brexit on UK IP Law.

The effect of Brexit on UK IP Law is uncertain in many respects. The Government's proposed Great Repeal Act will maintain in effect all EU Directives which have been implemented into domestic law before Brexit, but that leaves many questions open.

For example, how will IP rights based on EU Regulations, such as EUTMs, be given effect to when those Regulations cease to apply to the UK?

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Trevor Cook

WilmerHale, New York

Hon. Dr. Klaus Grabinski

Federal Supreme Court, Karlsruhe

John Pegram

Fish & Richardson, New York

Nicholas Saunders

Brick Court Chambers, London

Joel Smith

Herbert Smith Freehills LLP, London

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 25 minutes (speakers, panelists and members of the audience)

Break

10:30 AM – 10:55 AM

1C. 25 Years of IP: Where Has It Been? Where Is It Going?

Thursday 10:55 AM – 11:55 PM (60 minutes)

Costantino A/B/C

Overflow: Moot Court Room 1-01

Moderator:

Prof. Hugh C. Hansen

Fordham University School of Law, New York

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Panelists:

Isabella Fu

Associate General Counsel, Microsoft Corporation, Redmond

Prof. Jane C. Ginsburg

Columbia Law School, New York

Prof. Justin Hughes

Loyola Law School, Los Angeles

Rt. Hon. Prof. Sir Robin Jacob

Faculty of Laws, University College London, London

David J. Kappos

Cravath, Swaine & Moore LLP, New York

Paul Maier

Director, EU Observatory on Infringements of IP Rights (European Union Intellectual Property Office), Alicante

Etienne Sanz de Acedo

Chief Executive Officer, International Trademark Association (INTA), New York

Prof. Jay Thomas

Georgetown University Law Center, Washington, D.C.

General discussion: 55 minutes (speakers and members of the audience)

1D. IP in China

Thursday 12:05 PM – 1:05 PM (60 minutes)

Costantino A/B/C

Overflow: Moot Court Room 1-01

Moderator:

Prof. Hugh C. Hansen

Fordham University School of Law, New York

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Panelists:

Prof. Mark Cohen

Fordham University School of Law, New York

He Jing

AnJie Law Firm, Beijing

Carey R. Ramos

Quinn Emanuel Urquhart & Sullivan, LLP, New York

Erick Robinson

Beijing East IP Ltd., Beijing

Prof. Peter K. Yu

Texas A&M University School of Law, Fort Worth

Parker Zhang

Director of Global IP, Baidu, Sunnyvale

General discussion: 55 minutes (speakers and members of the audience)

Lunch

1:10 PM – 2:30 PM

Landmarc @ Time Warner Center

10 Columbus Circle, 3rd Floor

(Enter at the corner of 60th & Broadway)

SESSION 2: PATENT LAW

Concurrent Session

Thursday 2:45 PM – 6:30 PM

Costantino A/B

2A. Trade Secrets

Thursday 2:45 PM – 3:45 PM (60 minutes)

Costantino A/B

Moderator:

TBA

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

James Pooley

Orrick, Herrington & Sutcliffe LLP, Silicon Valley

Trade Secrets a Year After the DTSA and the EU Directive

The federal Defend Trade Secrets Act and the EU Trade Secrets Directive came into effect within weeks of each other last year. The DTSA has since raised challenging questions about extraterritorial application, injunctions against departing employees for threatened misappropriation, and the practical effect of Congress' grant of immunity to whistleblowers. Meanwhile the EU Directive remains a work in progress, as Member States confront significant gaps between its requirements and those of TRIPS.

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Annsley Merelle Ward

Bristows LLP, London

Is the “bad” patent bargain paving the way for trade secrets?

With increasing frequency, commentators are suggesting that trade secrets may overtake patents as the “go to” right to effectively protect R&D. But is this true? With reference to IP philosophy, filing practice and litigation trends, this talk will examine whether and why trade secrets are overtaking patent protection and, if so, whether this trend calls into question the value of the patent system.

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Giovanni Casucci

Dentons Europe Studio Legale Tributario, Milan

Victoria A. Cundiff

Paul Hastings LLP, New York

Huw Evans

Norton Rose Fulbright LLP, London

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 20 minutes (speakers, panelists and members of the audience)

Break

3:45 PM – 4:10 PM

2B. Doctrine of Equivalent and Prosecution History Estoppel in Europe

Thursday 4:10 PM – 5:15 PM (65 minutes)

Costantino A/B

Moderator:

Rt. Hon. Lord Justice Floyd

Court of Appeal, London

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Hon. Dr. Klaus Grabinski

Federal Supreme Court, Karlsruhe

Update on the German Approach on the Doctrine of Equivalence

The Protocol on the Interpretation of Article 69 EPC provides that for the purpose of determining the extent of protection conferred by a European Patent, due account shall be taken of any element which is equivalent to an element specified in the claims. National courts in the EPC Member States developed different approaches on how to take due account of equivalent elements in patent litigation. This talk tends to give an update on the approach developed by the Bundesgerichtshof (Federal Court of Justice)

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Hon. Edger Brinkman

Court of The Hague, The Hague

Equivalence and estoppel under Dutch law (and what the UPC might do)

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Prof. Dr. Heinz Goddar

Boehmert & Boehmert, Munich

Marleen van den Horst

BarentsKrans, The Hague

Aloys Hüttermann

Michalski Hüttermann & Partner, Düsseldorf

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 25 minutes (speakers, panelists and members of the audience)

2C. IP Remedies

Thursday 5:20 PM – 6:30 PM (70 minutes)

Costantino A/B

Moderator:

Nicholas Groombridge

Paul, Weiss, Rifkind, Wharton & Garrison LLP

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Hon. Mr. Justice Birss

Chancery Division, High Court, London

Role of Judicial Discretion in Crafting Appropriate IP Remedies

This will look into the role of discretion relating to injunctions (from outright refusal, stays on terms, standards essential patents, and springboard injunctions cf eBay Inc. v. MercExchange, Shelfer v City of London Electric Lighting and Vestergaard v Bestnet). It will also look at web blocking orders (Cartier v BSKyB) and publicity orders (Apple v Samsung). The question is whether judges rather than the legislators can or should take the lead in crafting appropriate remedies.

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Richard Vary

Bird & Bird, London

IP Courts for Individuals and Small Claims

Do IP cases need lawyers? This talk looks at how in the UK individuals can bring and defend some types of IP claims themselves, and how it works in practice.

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Jill (Yijun) Ge

Allen & Overy LLP, Shanghai

Patent damages in China – “Crossing the river by feeling the stones”

Possibly the most significant trend for IP enforcement in China is that the courts have shown willingness to enhance damages awards and to properly compensate patentees. In particular, where evidence supports greater damages, the IP courts now are willing to award them. Courts have also used procedural measures to mitigate the lack of discovery in China. Notably, in the recent WatchData case, the Beijing IP Court awarded damages of RMB 49 million. The next issue for the Chinese courts is how they would exercise scrutiny of the damages assessment. Questions need to be raised as to whether any damages estimate proposed by a patentee is economically sound and evidentiarily reliable. Otherwise it could result in overcompensation.

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Penny Gilbert

Powell Gilbert LLP, London

Arrow declarations re-visited: FKB v AbbVie

“There is a public interest in commercial certainty in patent matters as in any others. Business needs to know where it stands” – Arrow v Merck (2007)

Ten years on, the UK courts have reviewed the extent of their jurisdiction to grant declaratory relief to alleviate the commercial uncertainty arising from cascading divisional applications that threaten product launch. On what basis did the court exercise its discretion in the recent case concerning Humira and will Arrow declarations become more widely available in future – or not?

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Andrew Bowler

Bristows LLP, London

Massimo Sterpi

Jacobacci & Associati, Rome

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 10 minutes (speakers, panelists, and members of the audience)

**25th Anniversary Gala Reception & Dinner
(Separate Registration Required)**

7:00 PM – 10:00 PM

Location: St. Regis Hotel, St. Regis Roof
2 E 55th Street, New York, NY

Gala Speaker:

Brad Smith

President & Chief Legal Officer, Microsoft

Sponsored by:

Freshfields Bruckhaus Deringer LLP

SESSION 3: COPYRIGHT LAW

Concurrent Session

Thursday 2:45 PM – 6:30 PM

Moot Court Room 1-01

3A. EU Copyright Reform & Digital Single Market

Thursday 2:45 PM – 4:00 PM (75 minutes)

Moot Court Room 1-01

Moderator:

Nicholas Bartelt

Assistant Director, Fordham IP Institute, Fordham University School of Law, New York

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Marco Giorello

Deputy Head of Unit —Copyright, DG Connect, European Commission, Brussels
Digital Single Market: A View from the Commission
(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Dr. Martin Schaefer

Boehmert & Boehmert, Berlin

Art. 11 and 13 Draft Copyright Directive - A Practitioner's View on two aspects of the Digital Single Market Copyright Package

The draft DSM Copyright Directive contains a conglomerate of divergent regulatory topics. The idea of a neighboring right for press publishers (Art. 11) and the idea of imposing certain duties on service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users (Art. 13) lend themselves to be discussed in conjunction because they are often interpreted as being aimed at Google/Youtube.

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Shira Perlmutter

Chief Policy Officer and Director for International Affairs, U.S. Patent and Trademark Office, Alexandria

Digital Single Market: A View from Across the Pond

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Ian Dahlman

Senior Policy Analyst, Copyright and International Trade Policy Branch, Department of Canadian Heritage, Government of Canada, Gatineau

How to Step on a Landmine and Walk Away Intact, or, Lessons from Copyright Reform

From EU efforts towards a single market, to the UK's 2014 reforms, to the US Copyright Office's target of the Next Great Copyright Act, to Canada's own long

road leading to reforms in 2012, there is a wealth of knowledge and experience to be mined regarding the legislative reform process when it comes to copyright.
(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Carlo Lavizzari

Lenz Caemmerer, Basel

Bradley Silver

Chief Intellectual Property Counsel, Time Warner Inc., New York

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 20 minutes (speakers, panelists and members of the audience)

Break

4:00 PM – 4:25 PM

3B. Communication to the Public & Hyperlinking

Thursday 4:25 PM – 5:25 PM (60 minutes)

Moot Court Room 1-01

Moderator:

David Carson

Senior Counsel and Head of Copyright Policy Team, Office of Policy and External Affairs, United States Patent and Trademark Office, Alexandria
(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Panelists:

Neville Cordell

Allen & Overy, London

Mihály Ficsor

Honorary President, Hungarian Copyright Council; International Legal Consultant, Budapest

Jan Bernd Nordemann

Boehmert & Boehmert, Berlin

Dr. Eleonora Rosati

University of Southampton, e-LAWnora, and IPKat, London

Benoit Van Asbroeck

Bird & Bird, Brussels

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 55 minutes (speakers, panelists and members of the audience)

3C. Intermediary Liability

Thursday 5:30 PM – 6:30 PM (60 minutes)

Moot Court Room 1-01

Moderator:

Ted Shapiro

Wiggin LLP, Brussels

(up to 5 minutes to introduce the subject matter; intro of speakers –

just name and affiliation, please see bios in print materials and online.)

Panelists:

Brian Gray

Norton Rose Fulbright Canada LLP, Toronto

Adam Rendle

Taylor Wessing, London

Tim Kuik

Managing Director, BREIN, Amsterdam

Dean Marks

Executive Vice President and Deputy General Counsel, MPAA, Sherman Oaks

General discussion: 55 minutes (speakers, panelists, and members of the audience)

25th Anniversary Gala Reception & Dinner (Separate Registration Required)

7:00 PM – 10:00 PM

Location: St. Regis Hotel, St. Regis Roof

2 E 55th Street, New York, NY

Gala Speaker:

Brad Smith

President & Chief Legal Officer, Microsoft

Sponsored by:
Freshfields Bruckhaus Deringer LLP

**SESSION 4: MULTILATERAL DEVELOPMENTS; TRADE;
COMPETITION**

Concurrent Session

Thursday 2:45 PM – 6:30 PM

Costantino C

4A. Multilateral Developments

Thursday 2:45 PM – 3:55 PM (70 minutes)

Costantino C

Moderator:

Michael S. Shapiro

Senior Counsel for Copyright, Office of Policy and External Affairs, United States
Patent and Trademark Office, Alexandria

(up to 5 minutes to introduce the subject matter; intro of speakers –
just name and affiliation, please see bios in print materials and online.)

Speakers:

Michele Woods

Director, Copyright Law Division, World Intellectual Property Organization, Geneva
Copyright Developments at WIPO

(up to 7 minutes)

Panel discussion: 5 minutes (speakers and members of the audience)

Antony Taubman

Director, Intellectual Property Division, World Trade Organization, Geneva
After TPP: What Prospects for a New Round of Bilaterals?

(up to 7 minutes)

Panel discussion: 5 minutes (speakers and members of the audience)

Bhamati Viswanathan

Legal Fellow, Center for the Protection of Intellectual Property (CPIP), Alexandria
The Importance of IP to Developing Countries

(up to 7 minutes)

Panel discussion: 5 minutes (speakers and members of the audience)

Prof. Jerome H. Reichman

Duke Law School, Durham

Why the Nagoya Protocol to the Convention on Biodiversity Matters to Science and Industry in the United States

Although the United States has not ratified the Convention on Biological Diversity, its scientists and industries will feel its effects now that the Nagoya Protocol has entered into force. Scientists who work with non-compliant plant cultivars or microbial specimens will find it difficult to publish research results without incurring legal and reputational consequences. Exports of industrial end-products derived from non-compliant genetic resources risk seizure as contraband in 190 member countries.

(up to 7 minutes)

Panel discussion: 5 minutes (speakers and members of the audience)

Panelists:

Jamie Love

Director, Knowledge Ecology International, Washington, D.C.

Fiona Phillips

Executive Director, Australian Copyright Council, Sydney

General discussion: 15 minutes (speakers, panelists and members of the audience)

Break

3:55 PM – 4:20 PM

4B. International Trade, Populism & IP

Thursday 4:20 PM – 5:25 PM (65 minutes)

Costantino C

Moderator:

Stanford McCoy

President & Managing Director, Motion Picture Association EMEA, Brussels

(up to 5 minutes to introduce the subject matter; intro of speakers –

just name and affiliation, please see bios in print materials and online.)

Speaker:

Maria Martin-Prat

Director of Services and Investment, Intellectual Property and Public Procurement,
DG Trade, European Commission, Brussels

The European Union, IP and Trade (in a time of turmoil)

International trade and investment policies find themselves in the middle of a larger debate about the effects of globalisation, the distribution of wealth in our societies and the pursuit of sustainable development. In the European Union, the question of competence (exclusive versus shared) and Brexit add to the complexity of the debate. Intellectual property seems to be enjoying a relatively low profile in all these discussions while of course being directly affected by it. This intervention will discuss latest development in the EU and possible ways going forward.

(up to 10 minutes)

Panelists:

Probir J. Mehta

Assistant U.S. Trade Representative for Innovation & Intellectual Property, Office of the U.S. Trade Representative, Washington, D.C.

Stevan D. Mitchell

Director, Office of Intellectual Property Rights, International Trade Administration, Washington, D.C.

Maria Strong

Deputy Director of Policy and International Affairs, United States Copyright Office, Washington, D.C.

Antony Taubman

Director, Intellectual Property Division, World Trade Organization, Geneva

George York

Senior Vice President, International, Recording Industry Association of America, Washington, D.C.

General discussion: 45 minutes (speakers, panelists and members of the audience)

4C. 25 Years of Competition: Where Has It Been? Where Is It Going?

Thursday 5:30 PM – 6:30 PM (60 minutes)

Costantino C

Moderator:

Prof. Eleanor M. Fox

New York University School of Law, New York

(up to 5 minutes to introduce the subject matter, intro of speakers – just name and affiliation, please see bios in print materials and online.)

Panelists:

Logan M. Breed

Hogan Lovells, Washington, D.C.

Prof. William E. Kovacic (invited)

The George Washington University Law School, Washington, D.C.

Renata B. Hesse

Sullivan & Cromwell LLP, Washington, D.C.

Cecilio Madero Villarejo

Deputy Director-General for Antitrust, Directorate-General for Competition,
European Commission, Brussels

General discussion: 55 minutes (speakers and members of the audience)

**25th Anniversary Gala Reception & Dinner
(Separate Registration Required)**

7:00 PM – 10:00 PM

Location: St. Regis Hotel, St. Regis Roof
2 E 55th Street, New York, NY

Gala Speaker:

Brad Smith

President & Chief Legal Officer, Microsoft

Sponsored by:

Freshfields Bruckhaus Deringer LLP

Friday Morning, April 21

Continental Breakfast

Fordham Law School, Bateman Room/Soden Lounge
7:00 AM – 9:00 AM

Sunrise Seminars

Sunrise Seminar I: Second Medical Use & UK Plausibility

Friday 7:30 AM – 8:45 AM (75 Minutes)

Costantino A/B

Moderator:

Brian Cordery

Bristows LLP, London

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Rt. Hon. Lord Justice Floyd

Court of Appeal, London

Plausibility: A New Ground of Revocation?

The notion that a claimed invention must be made plausible by the specification is one which is not to be found in the Patents Act 1977. It has its origin in the need to prevent speculative claiming, particularly at the application stage. But it has slightly surprising consequences where the speculation turns out to be correct, and the patent therefore covers a valuable invention. The patent is not insufficient in the classical sense, or obvious, but fails for being “implausible”. Should this be so?

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Nicola Dagg

Allen & Overy LLP, London

Second Medical Use Patents and Their Value

Being involved in one of the largest second medical use patent disputes in Europe, Nicola Dagg will explore the legal importance of these types of disputes in their commercial context for pharmaceutical innovators and research and development, particularly the role of plausibility in second medical use patent validity in the UK and elsewhere.

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Jürgen Dressel

Head of Global Patent Litigation Strategy, Novartis Pharma AG, Basel

Hon. Rian Kalden

Court of Appeal of The Hague, The Hague

Dr. Christine Kanz

HOYNG ROKH MONEGIER, Düsseldorf

Dr. Ute Kilger

Boehmert & Boehmert, Berlin

Miquel Montaña

Clifford Chance, Barcelona

General discussion: 30 minutes (speakers, panelists, and members of the audience)

Sunrise Seminar II: Music Licensing

Friday 7:30 AM – 8:45 AM (75 minutes)

Moot Court Room 1-01

Moderator:

Maria A. Pallante

President and Chief Executive Officer, Association of American Publishers, Washington, D.C.

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Panelists:

Danielle Aguirre

Executive Vice President & General Counsel, NMPA, Washington, D.C.

Mitch Glazier

Senior Executive Vice President, Recording Industry Association of America (RIAA), Washington, D.C.

Christopher Harrison

Vice President, Music Business Affairs, Sirius XM Radio Inc., Austin

Garrett Levin

Deputy General Counsel for IP Law and Policy, Legal and Regulatory Affairs,
National Association of Broadcasters, Washington, D.C.

Richard Pfohl

General Counsel, CONNECT Music Licensing, Toronto

Lauri Rechart

Director of Licensing and Legal Policy, IFPI, London

Stuart Rosen

Senior Vice President and General Counsel, Broadcast Music Inc. (BMI), New York

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 65 minutes (speakers, panelists and members of the audience)

Sunrise Seminar III: Text & Data Mining

Friday 7:30 AM – 8:45 AM (75 minutes)

Moot Court Room 1-01

Moderator:

Sergio Miralles

Intangibles Legal S.L.P., Barcelona

(up to 5 minutes to introduce the subject matter; intro of speakers –
just name and affiliation, please see bios in print materials and online.)

Speakers:

Carlo Lavizzari

Lenz Caemmerer, Basel

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Dave Green

Assistant General Counsel – Copyright Policy, Intellectual Property Group,
Corporate, External & Legal Affairs, Microsoft Corporation, Redmond

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Frederic Haber

Vice President and General Counsel, Copyright Clearance Center, Inc., Danvers

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Christian Troncoso

Director, Policy, BSA | The Software Alliance, Washington, D.C.

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Adrian Howes

Senior Legal Counsel, Nokia, London

Jerker Ryden

Senior Legal Advisor, National Library of Sweden, Stockholm

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 15 minutes (speakers, panelists and members of the audience)

1D. Views from the Judiciary

Friday 9:00 AM – 10:30 AM (90 minutes)

Costantino A/B

Overflow: Moot Court Room 1-01

Moderator:

Prof. Hugh C. Hansen

Fordham University School of Law, New York

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Panelists:

Hon. Mr. Justice Arnold

Chancery Division, High Court, London

Hon. Annabelle Bennett

Chancellor, Bond University, Robina; 5 Wentworth, Sydney

Hon. Mr. Justice Birss

Chancery Division, High Court, London

Hon. Edger F. Brinkman

Court of The Hague, The Hague

Rt. Hon. Lord Justice Floyd

Court of Appeal, London

Hon. Dr. Klaus Grabinski

Federal Supreme Court, Karlsruhe

Hon. Gordon Humphreys

Chairperson of the Fifth Board of Appeal, European Union Intellectual Property Office, Alicante

Rt. Hon. Prof. Sir Robin Jacob

Faculty of Laws, University College London, London

Hon. Rian Kalden

Court of Appeal of The Hague, The Hague

Hon. Maria Eugénia Martins de Nazaré Ribeiro

Formerly Judge of the General Court of the European Union, Luxembourg

Hon. Pauline Newman

U.S. Court of Appeals for the Federal Circuit, Washington, D.C.

Hon. Kathleen M. O'Malley

U.S. Court of Appeals for the Federal Circuit, Washington, D.C.

Hon. Gerard Rogers

Chief Judge, Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, Alexandria

Hon. Misao Shimuzu

Intellectual Property High Court, Tokyo

General discussion: 85 minutes (speakers, panelists and members of the audience)

Break

10:30 AM – 10:45 AM (Patent & Trademark Tracks)

Friday Morning, April 21

SESSION 5: PATENT LAW

Concurrent Session

Friday 10:45 AM – 1:00 PM

Costantino A/B

5A. Patent Potpourri

Friday 10:45 AM – 11:50 AM (65 minutes)

Costantino A/B

Moderator:

Prof. Jay Thomas

Georgetown University Law Center, Washington, D.C.

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Hon. Kathleen O'Malley

U.S. Court of Appeals for the Federal Circuit, Washington, D.C.

The Potential Demise of Chevron and What It Might Mean to the Patent World
Courts and Congress have grown increasingly critical of the doctrines of judicial deference to agency interpretations of the statutes they are charged with implementing and even the regulations they adopt. These concepts are known as Chevron deference - having originated in Chevron, U.S.A., Inc. v. Natural Res. Def. Counsel, 467 U.S. 837 (1984) - and Auer deference - having originated in - Auer v. Robbins, 519 U.S. 452 (1997). If these doctrines disappear or are greatly curtailed, the regulatory landscape and the relationships between the Executive, Legislative, and Judicial Branches will change. How might that effect patent law and patent litigation?

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Hon. Misao Shimizu

Intellectual Property High Court, Tokyo

Patent Litigation in Japan

(up to 7 minutes)

Jule Sigall

Assistant General Counsel – IP Policy & Strategy, Intellectual Property Group, Corporate, External & Legal Affairs, Microsoft Corporation, Redmond

Intellectual Property & Cloud Computing: Managing Infringement Risk

What are techniques companies can use to mitigate patent and other IP risk more effectively as they transition their businesses to cloud platforms? An important question is: to what extent are traditional contractual mechanisms like indemnification enough in the cloud platform environment to provide a stable and robust environment for IP owners and users in the cloud?

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Clara Pombo

Assistant General Counsel – IP Policy & Strategy, Intellectual Property Group,
Corporate, External & Legal Affairs, Microsoft Corporation, Redmond

IP in Latin America: Hotspot Argentina, Brazil and Colombia

This talk will address recent case law for pharmaceutical companies opposing ANVISA decisions; recent case law in Argentina for agro-sciences (The Monsanto case); and cross-country IP Litigation in Latin America: recent trends, role of NPEs and where to get your “first strike.”

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Kenneth R. Adamo

Kirkland & Ellis, Chicago

Shimako Kato

Abe, Ikubo & Katayama, Tokyo

General discussion: 10 minutes (speakers, panelists, and members of the audience)

5B. Patent Eligible Subject Matter

Friday 11:55 AM – 1:00 PM (65 Minutes)

Costantino A/B

Moderator:

Patricia Martone

The Law Office of Patricia A. Martone, P.C., New York

(up to 5 minutes to introduce the subject matter; intro of speakers –

just name and affiliation, please see bios in print materials and online.)

Panelists:

David Kappos

Cravath, Swaine & Moore, LLP, New York

Kevin Madigan

Center for the Protection of Intellectual Property (CPIP), Antonin Scalia Law School,

George Mason University, Arlington

John Richards

Ladas & Parry, New York

Prof. Josh Sarnoff

DePaul University, Chicago

Laura Sheridan

Senior Patent Counsel, Google Inc., New York

Prof. Kelvin Willoughby

Skolkovo Institute of Science and Technology (Skoltech), Moscow

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 60 minutes (speakers, panelists and members of the audience)

SESSION 6: COMPETITION

Concurrent Session

Friday 10:45 AM – 1:10 PM

Moot Court Room 1-01

6A: Pharma, IP & Competition

Friday 10:45 AM – 11:40 AM (55 minutes)

Moot Court Room 1-01

Moderator:

Prof. Daryl Lim

The John Marshall Law School, Chicago

(up to 5 minutes to introduce the subject matter; intro of speakers –

just name and affiliation, please see bios in print materials and online.)

Panelists:

Jürgen Dressel

Head of Global Patent Litigation Strategy, Novartis Pharma AG, Basel

Cordula Schumacher

Arnold Ruess, Düsseldorf

Justin Watts

Freshfields Bruckhaus Deringer LLP, London

Koren W. Wong-Ervin

Director, The Global Antitrust Institute, Antonin Scalia Law School, George Mason University, Arlington

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 50 minutes (speakers, panelists and members of the audience)

6B. FRAND/Standard Essential Patents

Friday 11:45 AM – 1:00 PM (75 minutes)

Moot Court Room 1-01

Moderator:

Prof. Daryl Lim

The John Marshall Law School, Chicago
(up to 5 minutes to introduce the subject matter; intro of speakers –
just name and affiliation, please see bios in print materials and online.)

Panelists:

Nicholas Banasevic

Head of Unit, Antitrust – IT, Internet and Consumer Electronics, DG Competition,
European Commission, Brussels

Dr. Tobias Hahn

HOYNG ROKH MONEGIER, Düsseldorf

Dina Kallay

Director, Intellectual Property & Competition, Ericsson, Washington, D.C.

Milan Kristof

Référéndaire, Court of Justice of the European Union, Luxembourg

Prof. Mark R. Patterson

Fordham University School of Law, New York

David Por

Allen & Overy LLP, Paris

Timothy D. Syrett

WilmerHale, Boston

Dirk Weiler

Chairman of the ETSI Board, Chairman of the ETSI IPR Special Committee; Head of
Standards Policy, Nokia BellLabs CTO, Munich

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 70 minutes (speakers, panelists and members of the audience)

SESSION 7: TRADEMARK LAW AND ENFORCEMENT

Concurrent Session

Friday 10:45 AM – 1:00 PM

Costantino C

***7A. EU Boards of Appeal & U.S. Trademark Trial and Appeal
Board: Where Have They Been? Where Are They Going?***

Friday 10:45 AM – 11:45 AM (60 minutes)

Costantino C

Moderator:

Magdalena Berger

Curi Platz LLP, New York
(up to 5 minutes to introduce the panelists –
just name and affiliation, please see bios in print materials and online.)

Speakers:

Gerard F. Rogers

Chief Administrative Trademark Judge, Trademark Trial and Appeal Board (United States Trademark and Patent Office), Alexandria

TTAB: Where Have They Been? Where Are They Going?

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Gordon Humphreys

Chairperson of the Fifth Board of Appeal, European Union Intellectual Property Office, Alicante

EU Boards of Appeal: Where Have They Been? Where Are They Going?

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Jefferey A. Handelman

Brinks, Gilson & Lione, Chicago

Dr. Andrea Lensing-Kramer

Freshfields Bruckhaus Deringer LLP, Düsseldorf

James Nurton

Managing Intellectual Property, London

General discussion: 25 minutes (speakers, panelists and members of the audience)

7B. Copyright & Trademark Enforcement

Friday 11:50 AM – 1:00 PM (70 minutes)

Costantino C

Moderator:

Paul Maier

Director, EU Observatory on Infringements of IP Rights (European Union Intellectual Property Office), Alicante

(up to 5 minutes to introduce the subject matter; intro of speakers –
just name and affiliation, please see bios in print materials and online.)

Speakers:

Paul Maier

Director, EU Observatory on Infringements of IP Rights (European Union Intellectual Property Office), Alicante

European Citizens and Intellectual Property: Perception, Awareness, and Behaviour

There are many sides to enforcement of IPRs. The law and the enforcers are major elements but one should not forget the consumers. After a first study in 2013, the EUIPO – through the EU Observatory on IPR Infringements – has again measured the perception of IPRs by EU citizens and their attitude toward them. There is good and bad news. While 97% of citizens think that inventors, creators and performing artists should be allowed to protect their rights and be paid for their work, a large proportion of citizens consider that buying counterfeits or downloading from illegal sites is legitimate. Youngsters are particularly prone to such reactions. Availability and price of the products or services are the major factors that explains such attitude. Such results make the case for more awareness raising actions but also an increase of availability of ‘legal’ products and services. The main results of the study and reasons for them will be outlined.

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Matthew Dean Stratton

Corporate Counsel, Elsevier, New York

Safe Harbor, Piracy & Levies: An economically efficient and just solution

(up to 6 minutes)

Panel discussion: 4 minutes (speakers, panelists and members of the audience)

Barry B. Sookman

McCarthy Tétrault LLP, Toronto

Equustek v Google: global delisting orders to enforce IP rights

The Supreme Court of Canada has reserved its decision in the landmark case involving Equustek v Google. The British Columbia Court of Appeal had affirmed an order requiring Google to globally delist from its search engines web sites from which goods which violated Equustek’s trade secret and trade mark rights were being sold. This talk will focus on the issues raised by the Equustek case including by the many entities that intervened in the case before the Supreme Court.

(up to 6 minutes)

Panel discussion: 4 minutes (speakers, panelists and members of the audience)

Prof. Bankole Sodipo

G.O. Sodipo & Co., Lagos, Nigeria

Enforcement of IP: Surfing Nigeria’s IP Kaleidoscope

This talk highlights the changing scenes in the over 100 years of trademark and fifty years of copyright, patent and design litigation in Nigeria. It reveals the recent trends, the challenges of digital age, the eagerness for criminal prosecution by poorly funded agencies, a nascent collective management system and the increasing need for foreign right holders to maintain and enforce their rights through ingenious application of IP and IP related laws. It summarises imminent changes proposed by the Copyright Bill and the Industrial Property Bill.

(up to 6 minutes)

Panel discussion: 4 minutes (speakers, panelists and members of the audience)

Gareth Dickson (invited)

Cooley LLP, London

Data Protection and Domain Names

(up to 6 minutes)

Panel discussion: 4 minutes (speakers, panelists and members of the audience)

Panelist:

Laura Fresco

HOYNG ROKH MONEGIER, Amsterdam

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 10 minutes (speakers, panelists and members of the audience)

Lunch

1:00 PM – 2:30 PM

Atlantic Grill 49 West 64th St

(btw Broadway & Central Park West)

SESSION 8: PATENT LAW

Concurrent Session

Friday 2:45 PM – 6:30 PM

Constantino A/B

8A. Patent Assertion Entities in the U.S. and EU: Common Features, Differences, and Future Trends

Friday 2:45 PM – 3:45 PM (60 minutes)

Constantino A/B

Moderator:

John Richards

Ladas & Parry, New York

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Nikolaus Thumm

Senior Fellow, Joint Research Centre, European Commission, Sevilla, Spain

Patent Assertion Entities in Europe; Their impact on innovation and knowledge transfer in ICT markets

Patent assertion has become a common practice in shaping the balance between technology creation and technology dissemination in the Information and Communication Industry (ICT). The importance of this practice for the functioning of ICT markets has given rise to new entities that enforce patents but do not utilise the patented technology, commonly referred to as patent assertion entities (PAEs). This presentation provides an overview of patent assertion practices and of PAEs in Europe, taking into consideration their impact on innovation and technology transfer in European ICT markets.

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Suzanne Munck

Deputy Director (Policy Planning) and Chief IP Counsel, Federal Trade Commission, Washington, D.C.

Patent Assertion Entity Activity, an FTC Study

Last fall, the U.S. Federal Trade Commission issued its report analyzing PAE business models using non-public data collected under Section 6(b) of the FTC Act. Ms. Munck, the report's lead author, will discuss the Commission's findings and recommendations.

(up to 7 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Scott W. Burt

Senior Vice President, Chief Intellectual Property Officer and General Counsel,
Conversant Intellectual Property Management Inc., Ottawa

Myles Jelf

Bristows LLP, London

Steven Lieberman

Rothwell, Figg, Ernst & Manbeck. P.C., Washington, D.C.

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 25 minutes (speakers, panelists and members of the audience)

Break

3:45 PM – 4:10 PM

8B. U.S. Patent Developments

Key U.S. cases including TC Heartland, Promega, and Lexmark

Friday 4:10 PM – 5:25 PM (75 minutes)

Constantino A/B

Moderator:

Martin J. Adelman

The George Washington University Law School, Washington, D.C.

(up to 5 minutes to introduce the subject matter; intro of speakers –
just name and affiliation, please see bios in print materials and online.)

Speakers:

Dimitrios Drivas

White & Case LLP, New York

U.S. Patent Developments Overview

(up to 25 minutes)

Panelists:

James Moore Bollinger

Troutman Sanders LLP, New York

Robert Colletti

Haug Partners, New York

Wendy E. Miller

Wissing Miller LLP, New York

Matthew Siegal

Stroock & Stroock & Lavan LLP, New York

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 35 minutes (speaker, panelists and members of the audience)

8C. Patents & Populism

Friday 5:30 PM – 6:30 PM (60 minutes)

Constantino A/B

Moderator:

Robert J. Goldman

Ropes & Gray LLP, Palo Alto

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Hon. Dr. Annabelle Bennett

5 Wentworth, Sydney

Patents & Innovation

The highest appellate courts do not seem to agree on whether patents harm, or chill innovation or promote it. Is the answer evidence-based or depend on one's views of populism?

(up to 7 minutes)

Panel discussion: 4 minutes (speakers, panelists and members of the audience)

Jamie Love

Knowledge Ecology International, Washington, D.C.

Policies Concerning Patents on Federally Funded Biomedical Inventions Need a Reboot

There is considerable public support for government funding of biomedical research, but not much government support for the public interest in the management of patents on the research. An astounding lack of transparency of licensing practice, excessive pricing of drugs, and restrictive licensing of patents are allowed by the NIH, the Army and other federal agencies that fund biomedical research, as though the taxpayers have no legitimate interests in the management of the R&D resources they fund.

Recent controversies include the CRISPR gene editing technologies, expensive drugs such as Spinraza or Xtandi, and the federally funded vaccines for the Zika virus. If the

Executive branch of the government is unwilling to implement reforms, the Congress should act.

(up to 7 minutes)

Panel discussion: 4 minutes (speakers, panelists and members of the audience)

Panelists:

Hon. Mr. Justice Birss

Chancery Division, High Court, London

Hon. Denny Chin

U.S. Court of Appeals for the Second Circuit, New York

John Lee

Gilbert + Tobin, Sydney

David Rosenberg

Vice President, IP Policy, GlaxoSmithKline (GSK), London

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 25 minutes (speakers, panelists and members of the audience)

Closing Reception

Bateman Room, Fordham Law School

6:30 PM – 8:30 PM

Sponsored by

Bristows

SESSION 9: COPYRIGHT LAW

Concurrent Session

Friday 2:45 PM – 6:30 PM

Moot Court Room 1-01

9A. 25 Years of Copyright: Where Has It Been? Where Is It Going?

Friday 2:45 PM – 3:50 PM (65 minutes)

Moot Court Room 1-01

Moderator:

Hugh C. Hansen

Fordham IP Institute, New York

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Panelists:

Richard Dannay

Cowan, Liebowitz & Latman, P.C., New York

Dr. Mihaly Ficsor

Honorary President, Hungarian Copyright Council; International Legal Consultant, Budapest

Hannu Wager

Counsellor, World Trade Organization, Geneva

Shira Perlmutter

Chief Policy Officer and Director for International Affairs, U.S. Patent and Trademark Office, Alexandria

Eric J. Schwartz

Mitchell Silberberg & Knupp LLP, Washington, D.C.

Dr. Silke von Lewinski

Max Planck Institute for Innovation and Competition, Munich

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 55 minutes (panelists and members of the audience)

Break

3:45 PM – 4:10 PM

9B. U.S. Copyright Developments

Friday 4:15 PM – 5:25 PM (70 minutes)

Moot Court Room 1-01

Moderator:

June Besek

Executive Director, Kernochan Center for Law, Media and the Arts, Columbia Law School, New York

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Karyn Temple Claggett

Acting Register of Copyrights and Director, United States Copyright Office, Washington, D.C.

US Copyright Office Developments

(up to 10 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Thomas Kjellberg

Cowan, Liebowitz & Latman, P.C., New York

US Copyright Caselaw Developments

(up to 10 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Jacqueline Charlesworth

Covington & Burling LLP, New York

Lauren Emerson

Baker Botts LLP, New York

Kevin M. Rosenbaum

Mitchell Silberberg & Knupp LLP, Washington, D.C.

Steven M. Tepp

President & Chief Executive Officer, Sentinel Worldwide, Washington, D.C.

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 30 minutes (speakers, panelists and members of the audience)

9C. Fair Use

Friday 5:30 PM – 6:30 PM (60 minutes)

Moot Court Room 1-01

Moderator:

Prof. Jane C. Ginsburg

Columbia Law School, New York

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Panelists:

Jon Baumgarten (invited)

Retired Partner, Proskauer Rose LLP, Washington, D.C.

Howard Knopf

Macera & Jarzyna LLP, Ottawa

Prof. Ralph Oman

The George Washington University Law School, Washington, D.C.

N. Cameron Russell

Executive Director, Center for Law and Information Policy (CLIP), Fordham University School of Law, New York

(Panelists have no individual time allocated; they take part in the general discussion.)

General discussion: 55 minutes (panelists and members of the audience)

Closing Reception

Bateman Room, Fordham Law School

6:30 PM – 8:30 PM

Sponsored by

Bristows

SESSION 10: TRADEMARK LAW

Concurrent Session

Friday 2:45 PM – 6:30 PM

Costantino C

10A. EU Trade Mark Developments

Friday 2:45 PM – 4:05 PM (80 minutes)

Constantino C

Moderator:

James Nurton

Managing Intellectual Property, London

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Dimitris Botis

Deputy Director for Legal Affairs, International Cooperation & Legal Affairs Department (European Union Intellectual Property Office), Alicante

The reform of the EU trademark system: New representation requirements for non-traditional trademarks

On 23 March 2016 the first phase of the reform of the EU trademark system was completed with the enactment of the new EUTM Regulation and TM Directive. One of the most important changes brought about by the new legislation was the abolishment of the ‘graphical representation requirement’ from the definition of EU trademarks. The new rules lay down the representation requirements for non-traditional trademarks.

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Hon. Maria Eugénia Martins de Nazaré Ribeiro

Formerly Judge of the General Court of the European Union, Luxembourg

The unitary character of the EU trademark: recent CJEU case-law concerning infringement proceedings and the territorial scope of injunctions

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Anna Carboni

Redd Solicitors LLP, London

Trademark Jurisdiction in Internet Cases

Where does EU trade mark infringement take place in internet cases: where the offending sign is placed on a website, or where the target internet users are based? National courts have continued to grapple with jurisdictional issues in cases about trade mark infringement via the internet, with mixed results. The apparent consequence of one recent English judge's decision to refuse jurisdiction to tackle an on-line trade mark infringement claim in AMS Neve Limited v Heritage Audio SL [2016] EWHC 2563 (IPEC) is that all cases involving infringement via a website based outside the EU will need to be decided by the EUTM Courts in Alicante. Can this be right?

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Prof. Peter Ruess

International School of Management, Frankfurt; Arnold Ruess, Düsseldorf

Recent law on Coats of Arms, including religious content

Most people will agree one cannot trademark and protect a crucifix, religious symbols should be open to all. But the truth is somewhat more complicated, as recent case law suggests. Especially armorial bearings such as the maltese cross are used in commerce and require protection. The presentation aims at updating the respective law on this important issue.

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Christian Dekoninck

Crowell & Moring LLP, Brussels

Prof. Spyros Maniatis

Queen Mary University of London, London

General discussion: 25 minutes (speakers, panelists and members of the audience)

10B. Protection of Designs

Friday 4:25 PM – 5:25 PM (60 minutes)

Constantino C

Moderator:

Sven Schonhofen

Reed Smith LLP, Munich

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Gordon Humphreys

Chairperson of the Fifth Board of Appeal, European Union Intellectual Property Office, Alicante

The Future Face of the Community Design

While the legislative framework for trademarks has undergone a comprehensive update, the 1998 Design Directive and the 2001 Community Design Regulation remain untouched. In 2014, the Commission launched a comprehensive legal and economic evaluation of the overall functioning of design protection in the EU. The first step was a report published in 2015 on the economic aspects of designs in Europe. The second step was a report, published in May 2016, on the legal review of design protection in Europe. This presentation will look at the highlights of both reports and how they might feed in to the future face of the revamped EU industrial design system.

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

David Stone

Allen & Overy LLP, London

Can a red sole be a shoe-in to a trademark registration?

Colors play a major part in some of the world's most famous brands but it is always difficult to register them as trademarks. Christian Louboutin is fighting around the world to protect its famous red soles and the CJEU has been asked whether the current prohibition on trademark registrations for signs that consist exclusively of shapes that give substantial value to goods also includes 2D elements such as color. The revised EU Trade Mark Directive suggests that "another characteristic" like color should also be excluded from registration but is it fair that competitors might be allowed to copy the signature red soles?

(up to 8 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Prof. Irene Calboli

Visiting Professor, Singapore Management University School of Law, Singapore;
Texas A&M University School of Law, Fort Worth

Shlomo Cohen

Dr. Shlomo Cohen & Co., Tel Aviv

Prof. Susan Scafidi

Fordham University School of Law, New York

General discussion: 25 minutes (speakers, panelists and members of the audience)

10C. U.S. Trademark Developments

Friday 5:30 PM – 6:30 PM (60 minutes)

Constantino C

Moderator:

Anderson Duff

Revision Legal, New York

(up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Speakers:

Prof. Marshall Leaffer

Maurer School of Law, University of Indiana, Bloomington

U.S. Trademark Update

(up to 12 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Robert L. Raskopf

Quinn Emanuel Urquhart & Sullivan LLP, New York

The Slants Case

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Gerald M. Levine

Levine Samuel, LLP, New York

Commodifying Words as Domain Names.

A point has been reached with registered domain names that all dictionary words, alone or with other parts of speech are no longer available for registration as trademarks or service marks. They are held (and effectively owned) by domain investors. In effect, there has been a closing of the public domain of words with the result that domain names corresponding to marks may not be available except at a price dictated by the investor registrant.. What remedies (if any) mark owners have under the Uniform Domain Name Dispute Resolution Policy is determined by a

number of factors but principally the timing of domain name registration and first use of mark in commerce.

(up to 6 minutes)

Panel discussion: 5 minutes (speakers, panelists and members of the audience)

Panelists:

Daan G. Erikson

Husch Blackwell LLP, Omaha

Christian W. Liedtke

Acuminis PC, Costa Mesa

Mary Wong

Senior Policy Director & Special Adviser for Strategic Policy Planning, Internet Corporation for Assigned Names and Numbers (ICANN), Los Angeles

General discussion: 15 minutes (speakers, panelists and members of the audience)

Closing Reception

Bateman Room, Fordham Law School

6:30 PM – 8:30 PM

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