

**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*

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**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**

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#### *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)**

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**Lunch**

1:10 PM – 2:30 PM

Landmarc @ Time Warner Center

10 Columbus Circle, 3rd Floor

(Enter at the corner of 60th & Broadway)

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## **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:

#### **John White**

Cooper & Dunham LLP, 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:

#### **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 Equivalents 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

**Aloys Hüttermann**

Michalski Hüttermann & Partner, Düsseldorf

**Shimako Kato**

Abe, Ikubo & Katayama, Tokyo

**Marleen van den Horst**

BarentsKrans, The Hague

(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)**

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## **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**

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### **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)**

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**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**

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**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.

**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)**

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**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**

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## **Friday Morning, April 21**

### **Continental Breakfast**

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

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### **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)**

***1E. 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 Shimizu**

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

*The consistency between a judgement regarding to a defense of invalidity in a patent infringement lawsuit and a decision of a invalidation trial in Japan Patent Office (JPO)*

**(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**

Corporate IP Strategy, Latin America, Clarke, Modet & Co., Madrid

***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**

Legal Fellow, 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

**Dina Kallay**

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

**Milan Kristof**

Référendaire, Court of Justice of the European Union, Luxembourg

**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 7 minutes)**

**Panel discussion: 5 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 7 minutes)**

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

**Gareth Dickson**

Taylor Vinters, London

***How the EU's new data protection regime might affect online IP enforcement.***

*This talk will look briefly at the key elements of the new EU data protection regime; the General Data Protection Regulation. We will discuss some of the potentially far-reaching consequences of the GDPR for IP owners seeking remedies for infringements carried out online, and will offer suggestions for what rightsholders can do to protect their interests.*

**(up to 7 minutes)**

**Panel discussion: 5 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: 15 minutes (speakers, panelists and members of the audience)**

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**Lunch**

1:00 PM – 2:30 PM

Atlantic Grill 49 West 64th St

(btw Broadway & Central Park West)

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## **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

**Hon. Pauline Newman**

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

**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)**

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## **Closing Reception**

Bateman Room, Fordham Law School

6:30 PM – 8:30 PM

Sponsored by

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## **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:

#### **Catherine R. Rowland**

Senior Advisor to the United States Register of Copyrights, 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**

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)**

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## **Closing Reception**

Bateman Room, Fordham Law School

6:30 PM – 8:30 PM

Sponsored by

**Bristows**

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## **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)**

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## **Closing Reception**

Bateman Room, Fordham Law School

6:30 PM – 8:30 PM

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