

# Central and Eastern European Seminar on IP

“Five years after EU enlargement: current issues  
and new perspectives”

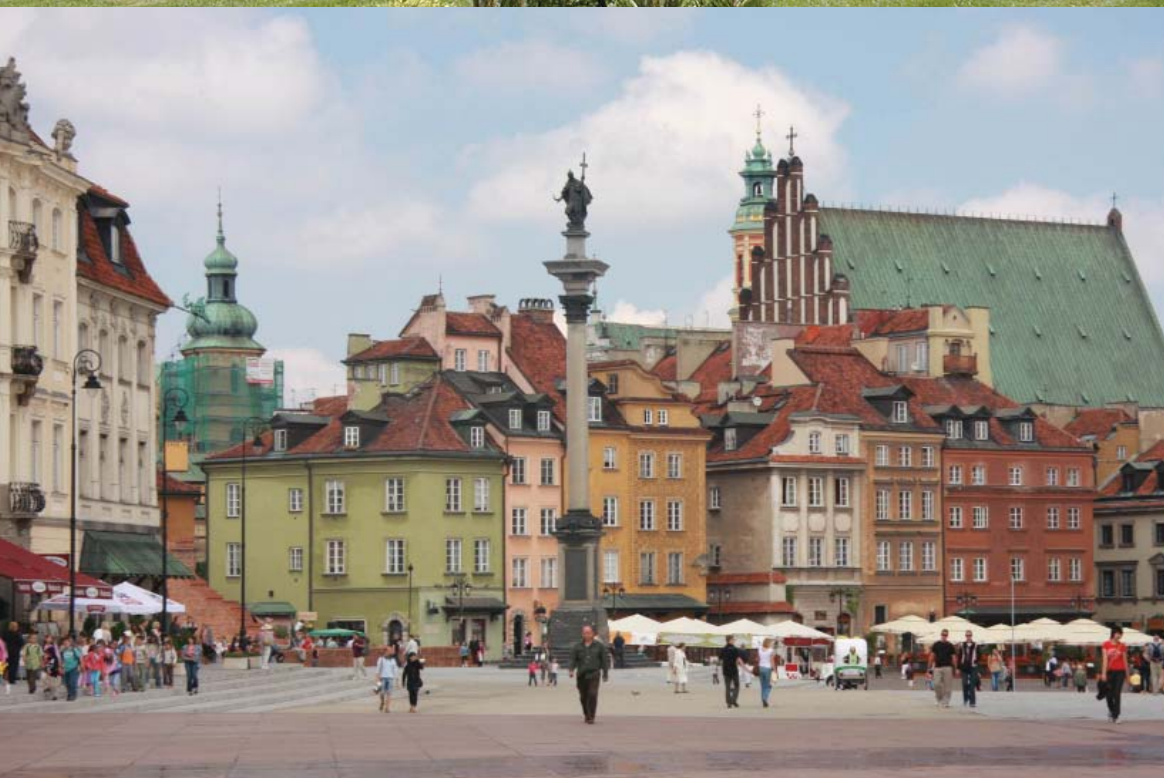
27 and 28 April 2009

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Programme



Monday, 27 April 2009

09.30 – 09.45 **Opening of the Seminar**

**Welcoming speeches:**

**Mr Thierry Mollet-Viéville**, President of AIPPI, Paris, France

**Mr Andrzej Pyrza**, Vice President of the Polish Patent Office, Warsaw, Poland

**Mr Andrzej Ponikiewski**, President of the Polish Group of AIPPI, Warsaw, Poland

09.45 – 11.00 **Session I: Industrial Designs – Extension of the Hague Agreement on International Registration and limits of protection**



**Moderator:**

**Mr Stephan Freischem**, Deputy Secretary General of AIPPI, Cologne, Germany

**CV**

Stephan Freischem works as a German and European Patent and Trademark Attorney in Cologne, Germany, since 1995. His firm represents mainly small and medium enterprises from Europe and abroad.

Stephan Freischem is a member of the board of the German Association for the Protection of Intellectual Property (GRUR) and serves on the Bureau of AIPPI as Deputy Secretary General of AIPPI since October 2006.

**Summary**

Last year, the European Union acceded the Hague System for the International Registration of Industrial Designs. This has significantly increased the attractiveness of the Hague System. It is now possible to obtain design protection with one single registration throughout the EU, Switzerland and Liechtenstein, a good number of the Eastern neighbours of the EU (Ukraine, Turkey, Serbia, Georgia, Bosnia and Herzegovina) and selected countries in Africa and Asia.

The valuable and effective system of design protection will be presented by experts from WIPO and the Polish Patent office to include the local and the national perspective.

An experienced litigator of design infringement and unfair competition will explain the practical importance of design protection in concert with other IP rights in order to convey best protection for new products in the market.



**Presentation of the system from the WIPO perspective:**

**Mr Grégoire Bisson**, WIPO, Geneva, Switzerland

**CV**

A Member of the Quebec Bar, Mr. Bisson is Head, International Registration Systems Legal Service, at the World Intellectual Property Organization. His previous positions with WIPO included overseeing the examination and registration activities under the Madrid and Hague systems. He joined WIPO in 1995 after a short stint with the Canadian Trade-Mark Opposition Board. Before that, he was Senior Legal Advisor with the Canadian Federal Government, being responsible in particular for the TRIPS implementing legislation. At the same time, he was lecturing on the legal aspects of transfer of technology at the University of Ottawa.

**Recommendations for new users:**

**Ms Elzbieta Dobosz**, Expert, Polish Patent Office, Warsaw, Poland

**CV**

Elzbieta Dobosz received her M.Sc. degree in Precise Mechanics from Warsaw University of Technology (WUT), Poland, in 1981. She is currently an expert at the T.M. Examination Department at the Patent Office of the Republic of Poland dealing with trademarks and industrial designs applications. Since 2003 she is a contact person with OHIM in the field of designs and represents Poland at Liaison Meetings on designs between OHIM and experts from the National Offices. She conducts trainings related to industrial designs regulations and procedures that are addressed to patent attorneys and various companies, especially SMEs.

**Summary**

- Accession to the Hague Agreement by the Republic of Poland – why the Geneva Act?
- Proposed declarations
- Preparations to accession – amendments in IP law and in implementing regulation
- Conditions for the grant of protection under Polish IP Law (requirements that will be checked in applications designating Poland, according to Art. 12 of the Geneva Act)
- Practical directions for new users of the Hague system.

**Coffee break**

11.00 – 11.30

**Session I (continued): Industrial designs in concert with trademarks and copyright protection – synergies and differences**

11.30 – 12.30

**Speaker:**

**Mr Thomas Schmitz**, Attorney at Law, Reimann Osterrieth Köhler Haft, Düsseldorf, Germany

**CV**

Thomas H. Schmitz, attorney since 1998, partner of the firm Reimann Osterrieth Köhler Haft, Düsseldorf, since 1 January 2008, advises German and international clients in various fields of Intellectual Property law, in particular trademarks and designs, unfair competition and copyrights. He is a highly experienced litigator with a focus on plagiarism and trademark infringement. He also advises on the development of his clients' advertising and marketing strategies as well as product development. He drafts and negotiates licences and cooperation agreements and advises on IP intensive transactions.

During his studies at the universities of Cologne and Lausanne he specialized in Intellectual Property law. He has focused further on this specialization in different law firms and as inhouse-counsel of a major telecommunications company.

**Lunch**

12.30 – 14.00

**Session II: The Internet and IPRs**

14.00 – 15.30

**a) Trademarks and domain names litigation and arbitration**

**Specific forms of trademark infringement on the Internet: Update on European case law and domain name WIPO arbitration**

**Moderator:**

**Dr. Ludwig von Zumbusch**, Attorney at Law, Preu Bohlig & Partner, Munich, Germany

**CV**

**Professional Education:**

- Studies of Law at the Law Schools of the Universities of Tuebingen and Freiburg; First State Examination (University of Freiburg) 1982.
- Legal traineeship with the Bavarian Judiciary; Second State Examination (Bar Exam) 1986
- Master of Comparative Jurisprudence M.C.J. the University of Texas, School of Law, 1987
- Ph.D. Thesis at the Law School of the University of Munich (Dr. jur.).

**Professional Career:**

- Traineeship with Commerzbank; certified banking clerk (1978).
- Research assistant at the Max-Planck-Institute for Foreign and International Patent Copyright and Competition Law (1982–1986).
- Attorney at Law at Kirkpatrick & Lockhart, Attorneys at Law, Washington D.C. (1987–1988.)
- Attorney at Law with Preu Bohlig & Partner, Munich office, since 1989.
- Admitted to practice law before the courts of Germany (since 1989) and before the courts of the State of New York (since 1990).

**Memberships:**

- German Association for Intellectual Property and Copyright – GRUR.
- Secretary of the German Group of the Association for the Protection of Intellectual Property – AIPPI.
- Licensing Executives Society – LES.





Monday, 27 April 2009

**Speakers:**

**Mr David Roache-Turner**, WIPO Arbitration and Mediation Center, Geneva, Switzerland

**CV**

Following studies in economics and law at the University of Sydney, David Roache-Turner was admitted as an Australian Solicitor in 2000. Before joining the senior legal staff of the WIPO Arbitration and Mediation Center in 2006, he worked as a policy adviser at the Australian Government Department of Communications, and prior to that, practised in the Sydney offices of law firm Clayton Utz in Intellectual Property and e-commerce litigation. David is an Australian national.

**Summary**

David will be providing an update on current issues and future directions in domain name dispute resolution. This will include an overview of recent filing trends, key defining features of existing domain name dispute mechanisms, and examples of rights and abusive conduct covered thereunder. Possible new directions in rights protection mechanisms (RPMs) for the domain name system will also be discussed, including the recent WIPO-proposed Post-Delegation Procedure for new gTLDs, and possible expedited domain name suspension mechanisms for adoption by new gTLD Registries.



**Ms Berenika Depo**, Patent and Trademark Attorney, LDS Lazewski Depo & Partners, Warsaw, Poland

**CV**

Graduate of Stockholm University, Faculty of Law; Postgraduate Degree in Industrial Property at the Jagellonian University, Kraków. She started practicing law in 2000 and was admitted to the Warsaw Patent Attorney Bar (as well as a European Patent Attorney) in 2005. Before becoming partner in LDS IP she was senior associate in Baker & McKenzie's IP group leading the trademark prosecution and litigation practice. Between 2003-2005 she was a trademark examiner at the Trademark Department at OHIM, Alicante, being the first Polish examiner employed as a result of Poland's accession to the EU.

Berenika teaches Community Trademark law at the Polish Chamber of Patent Attorneys within the patent agent trainee program. She is also a frequent lecturer and contributor at conferences and seminars related to trademarks, patents and unfair competition law and publishes extensively in Polish and international IP publications and regular press. Berenika's legal practice concentrates on trademark prosecution and IP litigation, particularly "on the edge" and make-law cases, combining this with Community Trademark and Design advise as well as unfair competition issues. She is Secretary General of the Polish Chamber of Patent Attorneys and is actively involved in INTA, ECTA, Marques, and AIPPI.



**Mr Dariusz Szleper**, Deputy Reporter General of AIPPI, Attorney at Law, Paris, France

**CV**

Me. Szleper has 20 years of experience in litigating Industrial Property law. He specialises in Industrial Property law and deals especially with patent, trade mark, and design and model law. In these fields he is involved in all types of litigation and notably counterfeiting. He actively contributes to the creation of case law in matters involving worker's rights relating to their inventions.

Along with his law practice, Me. Szleper is the co-author of the legal periodical "les Annales de la Propriété industrielle" and lectures on patent law at the CEIPI (Centre d'Études International de Propriété Industrielle).

Me. Szleper is Deputy Reporter General of AIPPI (International Association for the Protection of Intellectual Property), an official of AAPI (French Association of Intellectual Property litigators), a member of the AFPII (French Association for the Protection of Industrial Property) and of the EPLAW (European Patent Lawyers Association).

15.30 – 15.45

Coffee break

15.45 – 17.30

Session II (continued)

b) Internet and Copyrights

**Moderator:**

**Mr Bartosz Krakowiak**, Patent and Trademark Attorney, Polservice, Warsaw, Poland

**CV**

Bartosz Krakowiak is a Polish patent and trademark attorney, European patent attorney and European trademark and design attorney. He co-heads the Trademark and Legal Department of POLSERVICE Patent and Trademark Attorneys Office in Warsaw. He specializes in trademark registration matters, trademark, design and copyright enforcement matters as well as in unfair competition cases, including litigation, Internet domain name arbitration and anti-counterfeiting/anti-piracy actions.

He is a board member of the Polish National Group of AIPPI and secretary of AIPPI Special Committee Q85 – Community Trademark. He is also an active member of the Polish Chamber of Patent Attorneys (vice president of the Disciplinary Court of Appeal, member of the Legislation Committee and member of the regional board of Mazowsze Region).

Bartosz Krakowiak obtained his law degree from the University of Warsaw (2001) and completed the Postgraduate Studies on IP Law at the University of Warsaw (2002) and the Jagiellonian University in Cracow (2003), as well as the Special Module on Community Trademarks at the University of Alicante, Spain (2004). He gives lectures to patent and trademark attorney trainees and frequently speaks at various IP conferences and seminars.



**Copyright and new technical measures of protection – position of the EU**

**Speaker:**

**Mr Guillaume Henry**, Attorney at Law, Gaultier Lakits Szeleper, Paris, France

**CV**

Since 2005 Attorney at the Bar of Paris (Lauréat), Associate of law firm Gaultier – Lakits – Szeleper. Fields of practice: Copyright & Patent Litigation.

2000-2004 Professor's assistant at the University of Paris II (Panthéon-Assas) & University of Versailles (contract Law & tort Law).

**Education:**

1998-2006 Doctorate (PhD): "Valuation of Copyright", University of Paris II.  
Thesis award from the University of Paris II (Panthéon-Assas).  
Thesis award from the Paris Chamber of Commerce and Industry.  
1998 Master II in Intellectual Property Law, University of Paris II (Panthéon-Assas).

**Summary**

Copyright Legislations provide a legal monopoly and prohibit unauthorized copies of works. Consequently, access to a work need an authorization provided by the right holder. Enforcement of copyright can be obtained by two different mechanisms. First of all, judicial procedures (infringement and counterfeiting) and sanctions pronounced by judges. And second, technical measure of protection which limit access to the works. Use of technical measures is an old means to control the access to works. But in the digital age, the technical measures of protection are the greatest challenge in so far as files containing works can be reproduced one the same time by millions of Internet users.

This presentation relates to two different technical measures of protection: the DRM (Digital Rights Management) and the "graduated response schemes" or so called "three strikes approach".

Digital Rights Management systems (DRM) consist in access control technologies used by publishers, copyright holders and the cultural industries to limit the use of digital files containing works protected by copyright. As for instance a DRM can limit the number of viewings or the number of copies. At the end of the last century, DRM were considered by the cultural industries as the best way to control access to digital works and to avoid illicit peer-to-peer (P2P) file-sharing. DRM has been inserted in US and European Legislation and implemented in most of the European countries. But DRM also raise difficulties such as interoperability, i.e. consumers cannot play works on all types of equipments.



The second type of technical measures of protection consists in the suspension of the Internet connection. This drastic technical measure is the third step of a graduate response. First step is an informative email sent by an authority setting out the infringer's legal obligations and warning of penalties in case of further breach. If the internet user does not comply with this first warning, the authority will send him a recorded-delivery letter. The last step is the suspension of the internet connection for a period set between two month to one year. This new technical measure of protection has been hardly debated in France and in Bruxelles. It also raises issues such as the systematic monitoring of internet users' activities by right holders, the obligation for ISP (Internet Service Provider) to communicate IP address and the protection of individuals' personal data and privacy, the sanction of disconnection pronounced without a prior judicial ruling, etc.

### Current practice in relation to litigating copyright infringement on the Internet



#### Speakers:

**Mr Thierry Calame**, Deputy Reporter General of AIPPI, Attorney at Law, Zurich, Switzerland

#### CV

Thierry Calame is a partner and head of the Intellectual Property practice of Lenz & Staehelin, Switzerland. He represents clients in patent, trademark and other IP-related litigation and arbitration and advises on licensing and the intellectual property aspects of a wide range of other transactions. His significant litigation practice includes numerous patent, trademark and copyright infringement actions in various Swiss courts and the Federal Supreme Court.

Thierry holds a degree in Chemistry from the Swiss Federal Institute of Technology (ETH) and a Doctorate in Law from the University of St. Gallen, Switzerland. A visiting scholar at the Max-Planck-Institute in Munich, Germany, in 1996 he held a similar position at the University of Santa Clara Law School in the USA in 1998. Thierry is currently Deputy to the Reporter General of the International Association for the Protection of Intellectual Property (AIPPI) and a member of the Board of Directors of the Swiss group of AIPPI. He is a regular lecturer on intellectual property issues and has written on a wide range of intellectual property topics, notably in patent and trademark law. Thierry is the international co-editor, together with Massimo Sterpi, of *Patent Litigation* (2006) and *Trade Mark Litigation* (2007), both published in the Reference Series of the *European Lawyer*.

#### Summary

My presentation will consist of two parts. In the first part I will provide a short overview of the recent amendments of the Swiss Copyright Act relevant to copyright infringement on the internet. These amendments relate to the right of making a work available over the internet, technical measures such as DRM, the private use exception in the context of downloading digital content and an exception to copyright infringement on the internet where reproduction is incidental and has no independent significance, among other issues. They essentially serve to implement the two WIPO Internet Treaties and the EU Information Society Directive.

The second part of my presentation will focus on issues of jurisdiction and applicable law. Despite the level of harmonisation of copyright laws worldwide, achieved through the Berne Convention, the TRIPs Agreement and WIPO Copyright Treaty, copyright infringements on the internet still give rise to a number of relevant jurisdictional and conflict of laws issues. AIPPI has previously studied jurisdiction and applicable law, for instance in Q143, Q164 and most notably in Q174 (Jurisdiction and applicable law in the case of cross-border infringement (infringing acts) of intellectual property rights) resolved at the ExCo in Lucerne in 2003. In addition, in Session VII at the AIPPI Forum in Singapore in 2007 experts from all over the world discussed the topic „Infringement of IPR (inc. Copyright) over the Internet: Issues of Jurisdiction and Applicable Law“. I will briefly present this previous work of AIPPI and put it into the overall context of national, European and international law and current discussions in this field.

**Ms Anke Nordemann-Schiffel**, Attorney at Law, Boehmert & Boehmert, Potsdam, Germany

**CV**

Dr. jur. Anke Nordemann-Schiffel, maître en droit, studied law at the universities of Paris-I (Panthéon-Sorbonne), Goettingen and Munich. She obtained her doctorate in private international law from the university of Munich. She specialises in copyright law, unfair competition, press and trade mark law as well as in international law. She regularly publishes on all issues of copyright and is co-author of the "Fromm/Nordemann" commentary on the German Copyright Act and Publishing Statute. She sits on the Committee on Intellectual Property of the German Bar Association.



**Summary**

In recent years, the focus of discussion and jurisprudence on copyright and the Internet has been – and still is – on enforcing copyright and stopping infringements rather than on issues revolving around more basic dogmatic issues such as, for example, copyright protection and the Internet. Besides the enforcement of the copyright owner's rights against the infringers themselves, the responsibility of the (third party) owner or operator of the website that includes or makes the infringing material accessible was vividly discussed before German jurisprudence established a clear line in this respect. More recently, discussion has turned its focus on the question of whether Internet service providers have an obligation to disclose information on their customers (users) to rights owners, especially in the light of data protection laws. This latter issue is still not entirely resolved.

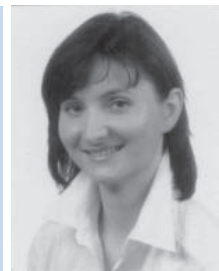
The presentation will give a rough overview of copyright protection on and in connection with Internet and of the enforcement of rights in case of infringement, focussing on the different alternatives of action, whom to tackle when preparing and bringing an action, on questions of jurisdiction and – very briefly – applicable law, and, last but not least, on the possibilities of effectively stopping infringement after or parallel to litigation in Germany.

**Ms Anna Golebiowska**, Attorney at Law, Drzewiecki, Tomaszek & Partners, Warsaw, Poland

**CV**

Anna Golebiowska is a graduate of the Faculty of Law and Administration at the University of Warsaw. She specialises in intellectual property law (particularly in trademarks, designs and copyrights), competition law and litigation.

She has a broad experience in representing Polish and foreign clients in litigation, especially in the proceedings relating to intellectual property. She also represents clients in litigation before the Patent Office and administrative courts. She deals with cases regarding the protection of Internet Domains, in particular before the Court of Arbitration World Intellectual Property Organization in Geneva and in proceedings before the Court of Arbitration for Internet Domains in Warsaw. She participates in meetings of the International Trademark Association (INTA).



**Summary**

- 1) Copyright Law infringements in Internet – Polish perspective
  - legal background: – copyright law, – press law
  - subject of infringement in the Internet: – multimedia work, – computer programs, – home-pages
  - cases in Poland
- 2) Claims available
  - civil claims,
  - criminal proceedings
- 3) Responsible entities
  - content provider,
  - service provider,
  - end user

Closing of the Sessions

17.30

Cocktail for the Participants

17.30 – 19.30

Tuesday, 28 April 2009

09.15 – 11.00

Session III: Perspectives of the patent system in Europe

a) Community patent and the common litigation system



**Moderator:**

**Dr. Jochen Bühling**, Reporter General of AIPPI, Attorney at Law, Düsseldorf, Germany

**CV**

Jochen Bühling was admitted to the German bar in 1992. Being a partner of the law firm of Krieger Mes & Graf v.der Groeben in Düsseldorf he specialises in IP matters of all kind focussing on patent and trademark law. His practice comprises among others national and multi-national (cross-border) litigation and counselling, including strategic and licensing issues and mediation. Jochen Bühling represents clients from multi-national industry as well as SMEs. He regularly publishes and lectures on various IP matters nationally and internationally. In 1999 he received his doctorate degree with a thesis on "Trademark licenses and their Contractual Structure". Jochen Bühling is currently Reporter General of the International Association for the Protection of Intellectual Property (AIPPI).

**Summary**

Plans for a Community Patent and a related European Patent Judiciary have been around for more than 30 years ever since the Luxemburg Community Patent Convention of 1975. Various political issues and legal problems have been in the way preventing the convention to enter into force despite (or because of) the ever growing membership of the European Community – nowadays the European Union. But those plans were never completely abandoned.

The European Commission has worked tirelessly in promoting their plans for a common patent judiciary and the Community Patent. NGOs, including AIPPI, and other interested circles have been consulted and have expressed their views on the various proposals. The most recent draft has been released only on March 23, 2009. At the same time the Commission has requested from the Council a mandate to negotiate the adoption of an agreement creating a Unified Patent Litigation System.

In this session we shall look at how the plans have developed and what the latest status is. You will hear from experts with different professional backgrounds and from five different jurisdictions where they see the drawbacks of the current system and the advantages and disadvantages of the proposals which are being discussed. You will also be able to debate the issues which you find most pressing at this stage with the expert panel.



**Assessment of the present system:**

**Mr Thierry Mollet-Viéville**, President of AIPPI, Paris, France

**CV**

Attorney at the Paris Bar (1968), Specialist in Intellectual Property Law.

Education: D.E.S. in Private Law, Paris University (1968), Graduate of the Business Law Institute (1969).

Practice Areas: Intellectual Property Law (patents, trademarks, designs and copyrights), Unfair competition, Litigation.

Activities: Editor of the publication *Les Annales de la Propriété Industrielle, Littéraire et Artistique* (1974-84).

Board Member (1980-92), then Member of Honor (1992), Vice-President (2006-08) then President of the International Association for the Protection of Intellectual Property (AIPPI).

Board Member (1978), Secretary (1994), Vice-President (1999), then President (2006) of the French Association for the Protection of Intellectual Property (AFPPI).

**Summary**

Despite the last ECJ decisions, would it be still possible to ask a national Judge for considering foreign infringing acts and foreign remedies according to the foreign national laws, and for not staying, although some National Judges may have already been asked for cancelling the national (part of the European) patent, at least pursuant to French International Private Law?



**Proposals of the EU Commission – advantages and inconveniences:**

**Mr Luis-Alfonso Durán**, Patent Attorney, Durán-Corretjer, Barcelona, Spain

**CV**

Industrial Engineer through the Polytechnical University of Barcelona. Master in European and Spanish Patents, University of Barcelona, 1990.

Spanish and European Patent, Design and Trade Mark Attorney since 1985. Senior Partner of Durán-Corretjer, Spanish & European Patent & Trade Mark Attorneys, founded in 1902.

Council Member of EPI (European Patent Institute) and former Vice-President. Council Member of ECTA (European Communities Trade Mark Association) and former President.

Vice-President of AGESORPI (Association of Spanish Attorneys recognized before IP International Organizations). Vice-President of the Spanish Association of Patent and Trade Mark Attorneys (COAPI).

Member of Honour of AIPPI (International Association for the Protection of Intellectual Property) and former Reporter General.



**Ms Eva Jarnvall**, Confederation of Swedish Enterprise, Stockholm, Sweden

**CV**

Eva Jarnvall is a Senior Policy Adviser with the Confederation of Swedish Enterprise. She is a lawyer, specialized in IPR matters, and has a background from working with multinational and national IPR litigation in industry. Eva has been a member of the Executive Committee of the Swedish Group of AIPPI for many years.

**Summary**

Eva Jarnvall will present the efforts to develop the present EPC system by extending its function into the post-grant phase, and describe Swedish industry's views on how a cost-effective, high quality system for multinational patent litigation, which utilises and enhances existing resources, could be established in Europe.

**Proposals for patent litigation in Poland:**

**Mr Marek Lazewski**, Patent and Trademark Attorney, LDS Lazewski Depo & Partners, Warsaw, Poland

**CV**

Graduate of Warsaw School of Economics (MA in International Economics), Warsaw University Law School and Jagiellonian University in Kraków, Postgraduate Degree in IP law. He started practicing in 1995 and was admitted in 1999. European Patent Attorney from 2004. Marek was the founder of Lazewska & Lazewski in 1995, which developed to become one of the leading IP practices in Poland and now has developed into LDS IP.

Marek teaches Industrial Property at Warsaw University. He is the author of various publications on the topic addressed to Polish entrepreneurs and a frequent contributor at conferences and seminars.

His practice involves mainly complex litigation with respect to patents, trade marks and designs. He is an active member of LES, FICPI and INTA and serves currently on INTA's ADR Committee.

**Summary**

The presentation will examine the pitfalls of patent litigation in Poland. Taking you on a quick tour of a country that has undergone transformation from a centrally planned economy into a capitalistic society and how the role of patents and in particular patent enforcement has changed. An overview of the current situation will be given. The plans and possibilities to establish specialist judiciary will be presented and expectations as to future changes will be analysed. The presentation will try to show how they may coincide with the latest developments on the EU level.



Coffee break

11.00 – 11.15

Tuesday, 28 April 2009

11.15 – 12.30

Session III (continued)

b) The perspectives for patent practitioners – fresh blood for the European patent system



**Moderator:**

**Mr Dariusz Szleper**, Deputy Reporter General of AIPPI, Attorney at Law, Paris, France

**CV**

Me. Szleper has 20 years of experience in litigating Industrial Property law. He specialises in Industrial Property law and deals especially with patent, trade mark, and design and model law. In these fields he is involved in all types of litigation and notably counterfeiting. He actively contributes to the creation of case law in matters involving worker's rights relating to their inventions.

Along with his law practice, Me. Szleper is the co-author of the legal periodical "les Annales de la Propriété industrielle" and lectures on patent law at the CEIPI (Centre d'Études International de Propriété Industrielle).

Me. Szleper is Deputy Reporter General of AIPPI (International Association for the Protection of Intellectual Property), an official of AAPI (French Association of Intellectual Property litigators), a member of the AFPPI (French Association for the Protection of Industrial Property) and of the EPLAW (European Patent Lawyers Association).



**Speakers:**

**Mr Adam Pawlowski**, European Patent Attorney, Tutor of CEIPI EQE Preparation Seminars in Strasbourg, EUPATENT.PL, Lodz, Poland

**CV**

Adam Pawlowski is a European Patent Attorney. He studied telecommunications at the Technical University of Lodz, Poland. From 2002 to 2007 he worked as an IP analyst at Advanced Digital Broadcast, where he was mostly involved with patents related to software and hardware issues of digital television. In 2007 Adam qualified as a European patent attorney after passing the European Qualifying Examination as the first candidate from Poland. In 2008 he started his own patent firm, EUPATENT.PL, located in Lodz, Poland. Adam Pawlowski is a substitute member of the Professional Qualifications Committee of the epi. He is involved in a number of training activities for EQE candidates.

**Summary**

Perspectives for patent practitioners in new member countries

- short-term and long-term perspectives
- new activities to be handled by patent practitioners
- obstacles in qualifying as a European patent attorney in new member countries, means to handle the obstacles
- sources of capital available to fund potential new initiatives.



**Mr Armin Zellner**, European Patent Academy, EPO, Munich, Germany

**CV**

Armin Zellner, born in 1964, studied chemistry at the University of Ulm, Germany, where he received his degree in 1992 (Diplom-Chemiker), after which he moved to Lausanne, Switzerland (Université de Lausanne) and continued his studies in the field of organo-metallic chemistry. After obtaining a Ph.D. he started working as a patent examiner at the European Patent Office in 1997 where he has been working in different technical areas, including organic dyes, biocides, organo-metallic and heterocyclic chemistry, as both a search and substantive examiner. After having passed the European Qualifying Examination (EQE) in 2005 he became active in the training of future representatives before the EPO (European patent attorneys) as a tutor for CEIPI in Strasbourg. During 2007 he moved part-time to the European Patent Academy, where he is now full-time head of the unit Professional Representatives, which is responsible for coordinating the external training activities of the European Patent Office directed to professional representatives (European Patent Attorneys), their administrative support staff, as well as candidates for the EQE.

**Summary**

The presentation will focus on the structure and tasks of the EPO European Patent Academy, the body within the European Patent Office responsible for the coordination of its external training activities. Emphasis will be given on the unit "Professional Representatives" which supports training directed to present and future "European patent attorneys" as well as their administrative support staff. A brief overview on present and potential future activities in this area will be given.

**Lunch**

12.30 – 14.00

**Session IV: Computer implemented Inventions**

14.00 – 15.15

**Moderator:**

**Mr Michael Brunner**, Secretary General of AIPPI, Patent Attorney, London, UK

**CV**

Michael Brunner's Degree in Engineering Science led him into IP in 1971. A UK (London based) Chartered Patent Attorney and a European Patent Attorney, he is the senior partner of Gill Jennings & Every LLP, where he started his career. He took a lead role in early practice-forming decisions of the European Patent Office in respect of PCT applications and procedures and has litigated in the English and Scottish Courts, as well as handling many oppositions and appeals in the European Patent Office.

He has been an advisor to both the UK Patent Office and the EPO in regard to their electronic filing and publication strategies and is the former Chairman of Computer Patent Annuities, the largest provider of IP renewal services in the world.

Michael Brunner is currently Secretary General of the International Association for the Protection of Intellectual Property (AIPPI).



**Pandora's Box – reloaded. The EPO President's referral of the question of the extent of the exclusion of computer programmes as such to the Enlarged Board of Appeals**

**Speakers:**

**Mr Peter Finnie**, European Patent Attorney, Chartered Patent Attorney, Gill Jennings & Every LLP, London, UK

**CV**

Peter is a recommended Patent Attorney in the latest editions of the UK Legal 500 and Chambers UK. To quote from Chambers UK, "the 'commercially minded' Peter Finnie is 'remarkably good with start-ups and knows what a new company needs to do to protect its IP'".

The core of his practice is represented by European start-up companies for whom he advises on the development of IP strategies as an integral part of business planning and fund raising. He has helped guide his clients through a number of successful funding rounds involving both UK and overseas investors. On the flip side of this work, he has also acted for a number of private equity investors.

Peter has considerable experience before the UK Intellectual Property Office and EPO handling complex cases relating to the protection of computer-implemented inventions. He holds a position as co-chairman of AIPPI (International Association for the Protection of Intellectual Property) Committee Q132 which considers these issues from an international perspective. He is also a Council member of the UK Group of AIPPI.

**Summary**

Peter Finnie will discuss the background to the referral by the President of the EPO to the Enlarged Board of Appeal in G3-08, the specific questions that have been referred, and provide an overview of the Amicus Brief prepared by the members of AIPPI Special Committee Q132 that sets out AIPPI's position in relation to this commercially important issue.



Tuesday, 28 April 2009



**Mr Thomas Kretschmer**, European Patent Attorney, Accenture Global Services, Schaffhausen, Switzerland

#### CV

After the professional honor of an electrician and technical and legal internships Thomas Kretschmer studied electrical engineering, information technology, and intellectual property law at Humboldt University in Berlin. For six years Thomas has been a patent attorney in the Intellectual Property law department of IBM's Research Laboratory in Rüschlikon, Switzerland. Since 2004 Thomas is globally responsible as IP Counsel for Accenture. In 2007 Thomas received a Master in IP Law & Management from Centre d'Etudes Internationales de la Propriété Industrielle (CEIPI), Université Robert Schuman, Strasbourg. Thomas is a member of AIPPI Special Committee Q132.

#### Summary

Thomas Kretschmer will talk about computer implemented inventions from an industry perspective and address the referral by the President of the EPO to the Enlarged Board of Appeal in G3-08.

15.15 – 15.45

#### Closing of the Seminar

##### Closing speeches:

**The Ukrainian, German and Polish National Groups of AIPPI**

**Mr Thierry Mollet-Viéville**, President of AIPPI, Paris, France