

## “IP Question of the Day”

**Question: What hot topics will AIPPI discuss next?**



Maria Cecilia Romoleroux

**In conversation with...**

**Kevin Feng and Maria Cecilia Romoleroux**

Kevin Feng



In this interview, Kevin (a Young Member) and Maria (a long-time Congress attendee) quiz one another on their AIPPI Congress experiences

**Maria, what keeps you coming back to AIPPI World Congresses year after year? What value do you get out of belonging to AIPPI?**

The AIPPI World Congress is enriching, not only personally but professionally as well. Every meeting provides lessons in many aspects, including negotiation skills. These skills are useful for everyday situations. Each year I look forward to seeing my colleagues and discussing new, relevant topics during the workshops.

I believe the mission of AIPPI is important to help develop and improve IP protection both nationally and internationally. The Congress provides a space annually to meet and talk through developments.

**Kevin, how have your first AIPPI Congresses gone?**

I have attended two AIPPI World Congresses – and they were both virtual (2020 and 2021). I can recall that I was quite nervous in the first couple of sessions in front of the camera. But the hosts and co-hosts were very skilful at doing ice-breaking activities and it soon enabled me to comfortably express myself in online discussions.

**How do the virtual Congresses compare to the in-person Congresses you previously attended Maria?**

I think Congresses in person are always better, as we need the “human touch” and interaction. Nevertheless, COVID showed us

that we can adapt to any situation. COVID changed the ways we have to communicate and taught us how to create new environments and use technology more. That said, I am looking forward to San Francisco next year and being able to see everyone in person.

**Maria, what was your most unforgettable moment this Congress?**

One of the most memorable parts of the Congress this year was when I was Vice Chair for one of the Study Questions and the discussion went over 5 hours! I was taking the minutes and representing my National Group, which was quite difficult to manage, but it showed me that any task is possible when there is teamwork. I think the discussions are interesting as they provide a space where everyone can expand on a point of view and give their opinions. Although it was challenging, in the end we were able to come to a consensus.

**And what were your highlights, Kevin?**

The Young AIPPI Forum at the World Congress this year had a set main theme which was the “Resilient Professional.” A training firm helped to organize a half-presentation and half-interactive seminar. We talked about possible ups and downs in career development, and collaboratively found better solutions to these challenges. Simply put, it was like how we can address hardships and pressures and then turn them into positive momentum to help us grow.

**Answer: Find out today at the session: “Introduction of AIPPI 2022 Study Questions”.**

Besides this, the Young AIPPI members Advisory Committee (YAC) hosted two AIPPI Cafés during the World Congress. One centred on how the Young Members can make the best use of AIPPI resources and the other focused on story sharing about brands. They were both successful sessions, attracting some of the first-timers to the Congress.

**Maria, what tip would you give “newbies” to get the most out of attending an AIPPI World Congress?**

I would tell “newbies” to not be afraid of asking questions. The AIPPI structure may be complex to understand at first, and therefore newbies could use the guidance of someone experienced to get the most out of the association and give back the same. By asking questions, I believe that newcomers would gain more from the experience. At the Congress there is a wonderful atmosphere made up of professionals and it is great for networking.

**Kevin, is there anything else you think is important for young attendees to know about AIPPI and the Congress?**

Overall, I find that AIPPI offers opportunities to sharpen professional skills and to obtain necessary practice tips. It also serves as a great networking platform where you can find practitioners who possess an even greater passion for IP than you do. I felt lucky to be part of it. I advise every one of us to make the best use of all the resources in the association.

*Thank you to Maria and Kevin for sharing your experiences!*

## New AIPPI Bureau



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## Awards at the 2021 AIPPI World Congress



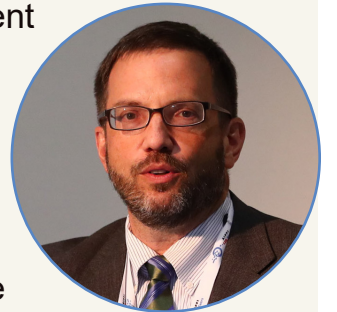
At the Executive Committee meeting on the first day of the Congress and speaking on behalf of the AIPPI Bureau, AIPPI Secretary General, Marek Łazewski, proposed that Renata Righetti and John Osha be awarded the recognition of [AIPPI Member of Honour](#).

Speaking about Renata, Marek noted that it would take him quite a while to list all of the contributions that Renata made to AIPPI, on a national and international level. He mentioned her involvement in the Secretary General Team as an Assistant responsible for Europe, Middle East and Africa, her further presidency of the Italian group, including during the mighty success of the Milano 2016 Congress.



Finally, her leadership as part of the AIPPI Bureau Presidency and her role in developing this institution. Renata truly embodies the spirit and the enthusiasm of AIPPI.

Marek then spoke about John's long involvement in the Reporter General Team and his activity within the US National Group. He made mention of John's achievements, particularly in relation to the London Congress in 2019 and his drive that led to the 2020 AIPPI World Congress Online being the robust substantive offering and very successful event it was.



We are lucky to have thought leaders of John's magnitude among our members.

Both nominations were enthusiastically accepted by the members of the Executive Committee.

## AIPPI's 125th Anniversary

**"An inventor protected everywhere and protected everywhere in the same manner, what a beautiful dream!"**

—Eugène POUILLET, first President of AIPPI, speaking at the AIPPI constitutive meeting in Brussels on May 8, 1897.



The AIPPI founders in 1897

**1897 - 2022**

AIPPI was founded at a meeting in Brussels on May 8, 1897. Next year marks 125 years since that momentous event. AIPPI International is collaborating with the AIPPI Belgian National Group to kick off the celebration events of the association's quasiquicentennial at its birthplace in 2022! In addition, a series of other activities will take place throughout the year at different locations, culminating at the 2022 AIPPI World Congress in San Francisco.

The details of the celebratory programme will be revealed and shared with our members in the coming months. In the meantime, we are happy to share with you the official logo that has been created for the 125th anniversary.



We are looking forward to marking this wonderful milestone with you!

If you have any AIPPI artifacts of historical interest, please drop us a line at [publications@aippi.org](mailto:publications@aippi.org). We would love to learn more about AIPPI memorabilia in circulation.

# 2021 AIPPI Virtual Party – TODAY!

**You are all invited to the party!**

**Let's celebrate the end of the Congress together from 3:50 PM CEST – right after the Grand Finale.  
We have a surprise or two in store for you there...!!!**

What do you need to bring?

Just a party mood and whatever drinks or snacks you want to have *al desko*. It would be great if everyone coming to the online party could add a virtual background of their own region or city – let's show how global and fun the AIPPI family really is!

The party link has been added to the online programme or [simply click here at the appointed time!](#)

## A Fond Farewell

**By Annie Tsoi and Nazli Korkut Ozsoy**

**Marek Łazewski, Secretary General, and Isabelle Chabot, Assistant Secretary General will be stepping down from their positions after the 2021 AIPPI World Congress.**



**Marek Łazewski**  
Secretary General

Marek first joined the enlarged Bureau in 2014 as an Assistant Secretary General (SG). He became Second Deputy SG in 2016 and the SG in 2019. Marek has led the Secretary General Team (SGT) and the General Secretariat (GS) during the two years when the world has been facing a very uncertain and unpredictable situation as a result of the pandemic. Like many other companies and organisations, AIPPI also has to make some very unprecedented changes and adjustments to maintain its operations and services to the members.

In the last two years, the SGT and the GS have been working exceptionally hard to adapt to the new format of the World Congress. Migrating the Congress to a virtual platform and yet keeping the networking opportunities required some imagination. With his special interest and enthusiasm in technology, Marek has also led the GS team in the setting up of the CRM system which enables a much more efficient way to store and maintain our membership data. The website template is another project which aims to help NRGs to build and to update their website efficiently and economically. He has also taken the initiative of organising a panel and an AIPPI Café during the online Congresses of 2020 and 2021, focusing on the “management” aspects of IP which attracted the attention of not only IP practitioners but other corporate personnel as well!

Marek is a forward-looking leader and a fun person to work with. He brought his skillsets to support the teamwork in the Bureau and GS while promoting an open and dynamic working environment. Some of us will always remember his special taste and knowledge of Polish vodka!



**Isabelle Chabot**  
Assistant Secretary General

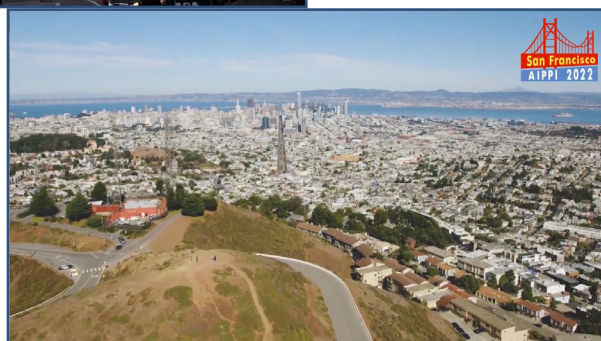
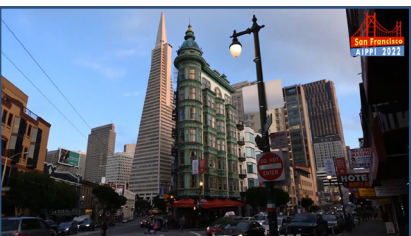
Isabelle joined the enlarged Bureau in 2017. She subsequently moved to an in-house position and helped in the setting up of the [In-House Counsels Bureau Advisory Committee](#). This enables much greater corporate and IPR owner participation in the Association's work. She has made good use of her double-layered professional hat (as an in-house IP practitioner), something that has added value to the Bureau's work.

Isabelle is a super organised person. She is always ready to co-create and is a great host of many events during the Congress. Those who attended the last two online Women in AIPPI events will have enjoyed her dynamic moderation and her invitation to inject a bit of fun in an otherwise more formal session by proposing a virtual dance party and an origami session! She has also hosted in-person, the first-time attendees' meeting at the Congress. If you are new to the Association, Isabelle has made a video for you, providing tips on how to navigate the Congress and to get involved in the work of the Association. [Watch it here.](#)

Both Marek and Isabelle were valuable members of the SGT and the Bureau. While they will be greatly missed by the Bureau and the GS, we are certain that we will see them again shortly at the 125th anniversary celebration and the San Francisco Congress – if not earlier! We wish them lots of success in the future. We will stay in touch with them within the greater IP community!



# Looking ahead to next year's Congress



Watch the 2022 San Francisco video [here!](#)

## Accessing videos after the Congress

<p><b>Pre-Opening</b> 15 October 2021 12:30-14:00 CEST 00:24:05</p> <p>Opening Ceremony</p>	<p><b>Panel Session 1:</b> Compulsory licenses and TRIPs waivers for COVID? 16 October 2021 12:00-13:00 CEST Session sponsored by   01:03:36</p> <p>Panel Session 1 - Pharma: Compulsory licences and TRIPs waivers for COVID?</p>	<p><b>Panel Session 10:</b> Many A's and no end in sight: anti-suit &amp; anti-anti-suit injunctions 20 October 2021 17:30-18:30 CEST Session sponsored by   01:01:01</p> <p>Panel Session 10: Many A's and no end in sight: anti-suit &amp; anti-anti-suit injunctions</p>	<p><b>Panel Session 11:</b> A year in an hour - EU &amp; US case law 21 October 2021 12:00-13:00 CEST 01:01:36</p> <p>Panel Session 11: A year in an hour - EU &amp; US case law</p>	<p><b>Panel Session 12:</b> Doctrine of equivalents: can the prior art infringe? 21 October 2021 17:30-18:30 CEST 01:02:25</p> <p>Panel Session 12: Doctrine of equivalents: can the prior art infringe?</p>	<p><b>Panel Session 2:</b> Trademark evergreening - limitations to refiling 16 October 2021 12:00-13:00 CEST 01:00:49</p> <p>Panel Session 2: Trademark evergreening - limitations to refiling</p>
<p><b>Panel Session 3:</b> Alternative medicine? Data protection rules for pharmaceutical compounds 16 October 2021 17:30-18:30 CEST Session sponsored by   01:01:06</p> <p>Panel Session 3 - Pharma: Alternative medicine? Data protection rules for...</p>	<p><b>Panel Session 4:</b> Video gaming: copyright &amp; design issues 18 October 2021 17:30-18:30 CEST Session sponsored by   01:02:43</p> <p>Panel Session 4: Video gaming: copyright &amp; design issues</p>	<p><b>Panel Session 5:</b> Multi-jurisdictional inventorship 19 October 2021 12:00-13:00 CEST Session sponsored by   01:09:01</p> <p>Panel Session 5: Multi-jurisdictional inventorship</p>	<p><b>Panel Session 6:</b> Guilty or not guilty: platform liability &amp; safe harbours 19 October 2021 12:00-13:00 CEST 00:59:48</p> <p>Panel Session 6: Guilty or not guilty: platform liability &amp; safe harbours</p>	<p><b>Panel Session 8:</b> Turning local into international: protection of GIs 01:01:01</p> <p>Panel Session 8: Turning local into international: protection of GIs</p>	<p><b>Panel Session 9:</b> Transfer of priority rights - getting what you bought 20 October 2021 12:00-13:00 CEST 01:02:54</p> <p>Panel Session 9: Transfer of priority rights - getting what you bought</p>

Watch all the replays of the recorded session videos [here!](#)

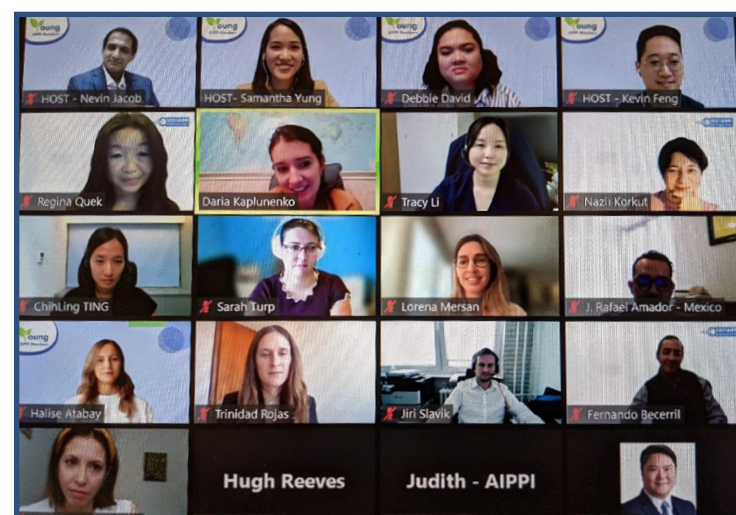


## IP Cafe 24

### “Exchange of Local Brand Stories & Interesting Brand Protection Strategies”



A session of brand stories and marketing ideas from across the globe was the summary of the second AIPPI Café session that was hosted by the [Young AIPPI Members Advisory Committee](#) (“YAC”). In this session, guided by hosts Nina Fitzgerald, Jaewon Yoon, Halise Atabay and Debbie David, participants had the opportunity to talk about a brand from their country, and to share any stories, strategies or ideas on how these brands continue to grow and attract a following. The stories ran the gamut from famous apparel brands, conglomerate companies and international hotel chains, across to celebrities, boy bands, and cute and cuddly creatures. There were interesting discussions on brand protection and marketing strategies, with themes such as trademark filing strategies, large online shopping events, cross collaboration with other brands, using influencers and tapping into the mindset of the younger consumer. Some of these brands will certainly earn some new followers after this AIPPI Café event!



If you are a Young Member (defined as age 36 or under) or you are interested in helping out as a volunteer, we welcome you to connect with the YAC at [yac@aippi.org](mailto:yac@aippi.org).

## Meet the AIPPI Congress Closing Keynote Speaker: Harry D. Moseley, Global Chief Information Officer at Zoom

**Watch Harry speak at the Grand Finale today, starting at 3 PM (CEST)!**

Harry D. Moseley brings to Zoom a blend of transformational leadership, disruptive innovation, and corporate growth strategies. As the former CIO & Managing Director for KPMG, Harry was responsible for technology and innovation to support the firm’s competitive growth. Over five years he identified and replaced legacy technology to dramatically improve productivity, security, and reliability. Before joining KPMG, Harry served as CIO & Senior Managing Director - Partner for Blackstone, where he led the company’s transformation to the world’s best digital alternative asset manager.

Prior to Blackstone, Harry was a Managing Director for Credit Suisse, where he served as the CIO of Global Investment Banking, and Global Co-Head of Application Development / Co-CIO of the firm. Before Credit Suisse, Harry served as CTO & Managing Director for UBS Americas.

Harry has been inducted into CIO Magazine’s Hall of Fame, recognized as one of the world’s top 100 CIOs by Computerworld, and honoured by Irish Magazine (twice) as one of its Annual Wall Street 50.





Christian Czychowski



Jan Bernd Nordemann

## In conversation with... the editors of *Law of Raw Data*

The following edited exchange has been extracted, with permission, from the podcast “International Law Talk” by Wolters Kluwer International.

In this episode, Christian Czychowski and Jan Bernd Nordemann, both partners at NORDEMANN, a German IP Law Firm, discuss *Law of Raw Data*.

Recently their new book about this topic was published by Wolters Kluwer, as part of the [AIPPI Law Series](#). It provides an overview of the Law of Raw Data and the legal concepts in many jurisdictions around the world, including 30 countries worldwide.

[Please click here to hear the podcast in full.](#)

### Christian

Data is used in many circumstances. To give you some examples, just think about a consortium of a couple of industry partners, a university and a city. Everybody’s talking about e-mobility. So let’s imagine that the city has a lot of data for certain travel intersections, namely traffic light data. That’s certainly raw data. It’s not personal data. And that industry consortium wants to use this data, for example, to enhance the traffic in that city. The cars could then communicate with each other. This is just one case example where contracts have to be concluded about raw data.

One more example. Imagine a manufacturer of machines that uses data in the production of e.g., sheet metal, at worldwide factory outlets. He has developed a method that enables such a production company to monitor the operation of these machines from its headquarters, not from each factory. So there has to be a flow of data from the factory to the headquarters, to the operator, to a service company etc. Of course, such data, which is normally not personal data, can be of great interest not only to the manufacturer, but also for the customer in order to optimize his own processes. These are just two examples. You can see Jan, it sounds interesting from a lawyer’s point of view, I would say, to think about what this means, in terms of legal questions.

### Jan

You use the examples of collected traffic light data or machine data. But beyond factual issues, how about the legal issues? Are there any legal issues? Or is this more something that only plays on the factual side of things?

### Christian

Yes, there are a number of legal questions around this “factual possession”, let’s call it that way. I am a little bit careful about

phrasing the way someone uses data, has data or possesses data. When you talk about this really brand new field of law, we lawyers tend to use old fashioned phrasings. But actually, it’s not that we talk about potatoes or ice cream that you can possess, and own, and transfer. You talk about immaterial things that we don’t know what they are. So, to answer your question, yes, there are legal questions.

First of all and most important, what is raw data in legal terms? As I already said, if you talk about it, you tend to use words that you are used to from the material world. So, is there any kind of property right in this unstructured or raw data? We have seen that many lawmakers have decided that there are no such property rights. So, we don’t have anything to own or to possess. It’s more and more important that you have contracts governing this factual ownership.

Are there rules for contracts if you don’t know what the contents of that contract are? That’s another question. And apart from that contract, but beyond the contractual relationship, how can there be legal protection, for example, to control access, as I said in my example, for the manufacturer of the sheet metal? How can the customer urge the manufacturer to grant him access? I would say Jan, there will be plenty of questions coming up and I would imagine that we don’t have a solution for all of them.

\*\*\*\*\*

### Jan

Are lawmakers starting to legislate and recognize ownership in raw data? Or what’s the trend here in legislation on a worldwide basis?

### Christian

Yes. It’s very interesting to see that there have been discussions going on in the major jurisdictions throughout the world, in the last two years, I would say. And at least in Europe, and as far as I can see, also in North America and in Japan, they have come to the conclusion that they will probably not regulate or introduce any kind of ownership, some sort of new IP right, because there are too many questions, unsolved, too many problems that then will evolve.

China is a little bit different as I understand it, they have introduced some kind of ownership, at least for certain data. But the trend is clearly going to a contractual rule and to rules of access. The question of ownership does not seem to be on the table currently. They leave us practitioners with the easy call, don’t worry, do it with contracts.



**Christian**

So to wrap this up, we've now talked a little bit about the interesting legal questions. But Jan, tell us why did we all end up discussing this? There was some background for it within AIPPI. How did it come about?

**Jan**

Yes. AIPPI also thought that IP rights in data was an interesting issue. So they made this an AIPPI Study Question. And all those who know AIPPI, also know that in the case of a Study Question, a questionnaire is sent out to the entire world, to all the national groups of AIPPI. And for the Study Question of IP rights in data, more than 30 national reports came back to AIPPI. Afterwards, a Resolution was passed at the AIPPI World Congress Online 2020.

[You can look at all these materials and access them through the AIPPI website.](#) Very interesting, I think, for all the lawyers that need to know the law of raw data beyond their own national borders in an international context.

And from this great AIPPI work, we thought we should also make a book. Christian and I then started to gather national chapters from different countries around the world, from the most important jurisdictions, describing the law of raw data. There's also a chapter I would like to mention on international conflict of laws in law of raw data, which may also be interesting to read for those who work in law of raw data in an international context.

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## Law of Raw Data

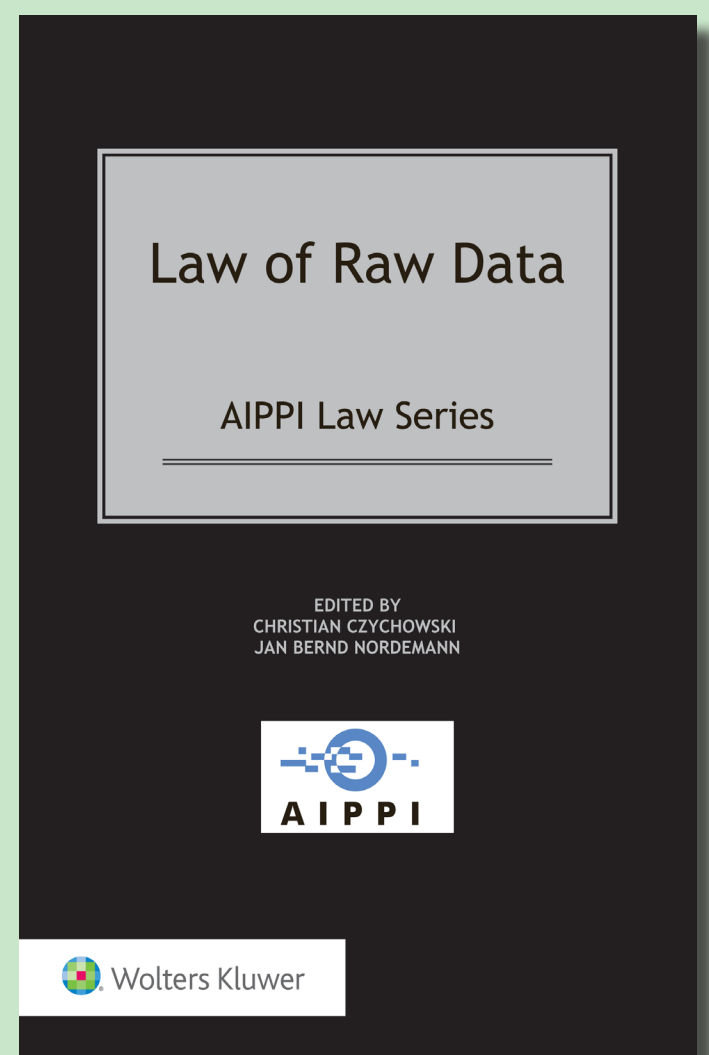
**Edited by Christian Czychowski & Jan Bernd Nordemann**

*Law of Raw Data* gives an overview of the legal situation across major countries and how such data is contractually handled in practice in the respective countries. In recent years, digital technologies have transformed business and society, impacting all sectors of the economy and a wide variety of areas of life. Digitization is leading to rapidly growing volumes of data with great economic potential. Data, in its raw or unstructured form, has become an important and valuable economic asset, and protection of raw data has become a crucial subject for the intellectual property community. As legislators struggle to develop a settled legal regime in this complex area, this invaluable handbook will offer a careful and dedicated analysis of the legal instruments and remedies, both existing and potential, that provide such protection across a wide variety of national legal systems.

### Special Wolters Kluwer offer for delegates of the 2021 AIPPI World Congress Online

All Kluwer Law International titles, now **30% off** using discount code **30AIPPIWCO2021\*** when ordering on [kluwerlaw.com/store](https://kluwerlaw.com/store)

\*This offer is valid from 1 October – 12 November 2021, this reduction is not valid on: Visser's Annotated European Patent Convention 2021 Edition, ISBN 9789403532035, Born, International Commercial Arbitration, Third Edition, ISBN 9789403526430, Competition Law of the European Union, Sixth Edition, ISBN 9789041153982





## Friday, October 22, 2021

10:30 AM - 11:30 AM	<b>Replay Recorded Panel Session 12: Doctrine of equivalents: can the prior art infringe?</b> Panellists: Sabine Agé, Trevor Cook, Michael Schneider, Agata Gabriela Sobol
10:30 AM - 11:30 AM	<b>Replay Recorded Panel Session 13: Update on UPC</b> Panellists: Christof Augenstein, Alexander Ramsay
1:00 PM - 2:00 PM	<b>Introduction of AIPPI 2022 Study Questions</b>
2:00 PM - 3:00 PM	<b>Executive Committee Meeting II (2021 Resolutions)</b>
3:00 PM - 4:00 PM	<b>Grand Finale</b> Speaker: Harry D. Moseley

# Thank you

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