AIPPI World Congress – San Francisco September 10 – 13, 2022





Final Programme



AIPPI World Congress – San Francisco September 10 – 13, 2022

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Luiz Henrique O. do Amaral
President of AIPPI

Dear AIPPI Members & Friends,

This is an incredibly special year!

Firstly, AIPPI celebrates 125 years of existence.

Founded in 1897 by visionaries who foresaw the importance that intellectual property rights would achieve in the world, AIPPI has reached undeniable prominence and relevance in shaping and seeking harmonization of IP laws and practices. As IP rights have become critical tools to secure innovation and development of the economies and of the society worldwide, AIPPI's role and reach have grown internationally.

AIPPI has become and continues to be the largest IP professional association worldwide. We have reached more than 8,000 members in 131 countries and 70 national and regional groups. There are 6 Statutory Committees, 25 Standing Committees and 2 Bureau Advisory Committees. All the committees have been extremely active and help project our association in all areas of IP rights and we are thankful to our members for their invaluable dedication and splendid work.

Secondly, this year is also special because our World Congress is back in-person.

After two years of online congresses, we at AIPPI are extremely pleased to be able to hold our World Congress in San Francisco in 2022. We are coming back to the traditional format, but with considerable new features and activities. Besides the excellent scientific content, provocative Study Questions and cutting-edge issues addressed on new panels and plenaries, we will also promote social programs and networking moments, as our members are eager to interact in-person again. Of course, mindful of our members that cannot attend this year due to the continuing Covid related restrictions, AIPPI will provide an online platform which will allow for the participation on certain activities virtually. We hope that this online participation will assist our members in maintaining in contact with our program.

Thank you all for creating a powerful global movement to promote IP rights!

On behalf of the Bureau, we would like to welcome you to San Francisco for our 2022 World Congress and look forward to seeing you all in-person.



Patrick J. Coyne President, AIPPI-US



Chairman, AIPPI-US and Chair of 2022 World Congress Coordination Committee

Dear AIPPI members, esteemed guests, colleagues, and friends:

Welcome back! We are delighted to welcome you to San Francisco for the 2022 AIPPI World Congress.

It has been a long, hard three years since our last World Congress in London in 2019. COVID has taken a shocking toll on all of us and has fundamentally changed the ways we work and connect with one another. As we emerge from this pandemic, let's be thankful for the friends, opportunities, and relationships we share. We hope that this 2022 World Congress provides you an opportunity to reconnect with colleagues and rekindle relationships that we care so much about.

This year, we celebrate AIPPI's 125th Anniversary. And we are delighted that you are here with us in San Francisco to share in the celebration.

The study questions for this year's Congress focus on moral rights (copyright), protection of trade secrets during civil proceedings (general), trade marks and the Internet and social media (trade marks), and patentability of diagnostic methods (patents). These four topics are each cutting edge issues that challenge each of our legal systems. Together, we hope to formulate consensus policy statements that will address, and in

some measure resolve, these challenges. And we have a number of excellent panels, including: trademark use requirements; use of trademarks in films, games, and books; several pharma topics; non-fungible tokens; caselaw updates; a tour of IP issues in the metaverse; and many others.

We want you to share in all the City-by-the-Bay has to offer. Our Cultural Evening is in the fantastic California Academy of Science, in Golden Gate Park, a spectacular venue. Our traditional Closing Dinner is at the historic Hibernia Bank Building. Please take advantage of this gem of a city. Walk the Embarcadero, stop in the Ferry Building. Visit nearby Golden Gate Park, Golden Gate Recreational Area, Alcatraz, Ghirardelli Square, Fisherman's Wharf, and multitude of world-class restaurants and entertainment venues the City offers. Take in the view from Mount Tamalpais, stroll the Marin Headlands, or visit the Redwoods at Muir Woods. And, hopefully, you will visit Wine Country. If not, you are in luck because we are bringing some local wineries to you at our lunch and dinner events.

So, get reacquainted, relax, enjoy the Congress. We are delighted to share this special anniversary with you.

Programme at a Glance

2022 AIPPI World Congress in San Francisco – Programme at a Glance (May be subject to change)

	Friday - 09.09.22			Saturday - S	Saturday - Sept 10, 2022				Sunday - Sept. 11 2022	.11 2022			м	Monday - Sept. 12, 2022				Tuesday - Sept. 13, 2022	2	
07.30 - 08.00		07.30 - 08.00					07.30 - 08.00	Report	er General Team & Progra	Reporter General Team & Programme Committee Breakfast		07.30 - 08.00	Reporter General Team,	Programme Committee	& Standing Committees*	07.30 - 08.00		In-House Counsel		07.30 - 08.00
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17.00 - 17.30		17.00 - 17.30	_	Intro 2023 Study Questions	udy Questi	ons	17.00 - 17.30	Plenary Session for GENERAL	Full Disclosure: Impact of Clinical Trials on Pharmaceutical Patenting	Panel Session IV NFTs; Blind Date?	(by in vitation only)	17.00 - 17.30	Plenary Session for SC Resolution	Best Practices in Trademarks, Copyrights, and Designs	Mind Your Words: Filewrapper Estoppel Role in Prosecution and Enforcement	17.00 - 17.30				17.00 - 17.30
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18.30 - 19.00		18.30 - 19.00					18.30 - 19.00	2	Women in AIPPI			18.30 - 19.00	VIP Reception	(by invitation only)		18.30 - 19.00				18.30 - 19.00
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Pharma Sessions	Panel Sessions / AIPPI Café		
UPC Boot Camp	Study Questions, Plenary & ExCo Sessions	Standing Committees	
Breakfasts, Lunches	Social and networking events	others	

Pharma I

IP and Covid-19 -Two Years Later

Sunday, September 11, 2022, 09:00-10:30 Salon 10-12

Moderator:

 Wolf Meier-Ewert, World Trade Organization (CH)

Speakers:

- Maximilian Haedicke, Albert-Ludwigs-University
 (DE)
- Ernest Kawka, Pharmaceutical Research and Manufacturers of America (PhRMA) (US)
- Eric Solovy, Sidley Austin (US)

The world continues to be held in the grip of the Covid-19 pandemic, for the better part of two years now. At the AIPPI 2021 Congress, a Pharma Day Panel Session discussed the role of intellectual property rights in the prevention, containment, and treatment of Covid-19, including considering possible compulsory licenses and/or TRIPs waivers of patent rights in respect of vaccines and other treatments. This very timely panel will follow up on WTO's recent adoption of a partial waiver for COVID-19 vaccines as part of the global response to the pandemic. This panel will investigate the critical question how this Covid-19 experience may influence public policy decisions going forward. This will include a further consideration of the positive influences of patents in encouraging R&D in vaccine technology balanced against the public welfare goals of ensuring timely and accessible treatments through the use of possible licenses and/or waivers. The panel will also review the legal and technical aspects of TRIPs and whether the treaty requires amendments in view of the global Covid-19 experience.

Pharma II

Bolar Exemptions, Patent Linkage & More:
Any Path for Harmonisation?

Sunday, September 11, 2022, 11:00-12:30 Salon 10-12

Moderator:

Charles Boulakia, Ridout & Maybee LL (CA)

Speakers:

- Li Feng, Finnegan, (US)
- Pablo Fuentes, Breakthrough IP Intelligence (MX)
- Hyon-Kyong (Monica) Leeu, Kim & Chang (KR)
- Yansheng Yu, China Patent Agent (H.K.) Ltd. (CN, located in US)

This Panel Session will address Bolar exemptions and patent linkage systems in multiple jurisdictions.

The concept and scope of the Bolar exemption (and the experimental use exception more generally) varies around the world, which raises the question if harmonisation is desirable and feasible. The concept of "patent linkage" was first put forward in the US Hatch-Waxman Act 1984. Along with other provisions – including abbreviated new drug applications, Bolar exemptions, patent-term extensions and data exclusivity – it constitutes an integral system aimed at balancing both the innovator's and the public's interests. A patent linkage system exists to some extent in a number of jurisdictions, including Australia, Canada, Korea and Mexico. China also introduced a patent linkage system, in the latest revision of the Chinese Patent Law in 2021.

This Panel Session will discuss a range of issues including Bolar exception and patent linkage related rules in different jurisdictions, as well as the balance between the protection for originators and the freedom to operate for generics. Also, the panelists will explore a possible path for harmonisation.

Pharma III

Personal Healthcare Data - Free for All?

Sunday, September 11, 2022, 14:00-15:30 Salon 10-12

Moderator:

 Eran Bareket, Gilat, Bareket & Co., Reinhold Cohn Group (IL)

Speakers:

- MaryAnne Armstrong, Birch, Stewart, Kolasch & Birch (US)
- Soley Coban, Senior Attorney at Law, Deris IP Attorneys (TR)
- Mamta Rani Jha, Inttl Advocare (IN)

This Panel Session will review the legislation regarding personal information protection that has been implemented in different countries, influencing the rules for handling healthcare data and innovations of personalized medicines and diagnostic methods. Compliance with data protection requirements is particularly challenging for institutions actively involved in the management of health information.

Restrictions on accessing or stricter health data protection may have an impact on the quality of information-based health research and innovations carried out by pharmaceutical, biotechnology and medical device industries.

This panel session will review the effects of personal data protection on research and innovation, including:

- comparative studies on the legislation of countries for appropriate protection and utilization of healthcare data;
- how to improve the privacy and security of healthcare data;
- data requirements for genomic research;
- participation of patients or data subjects in research and data sharing;
- access of healthcare data for reasons of public interest, for example, in pandemic situations.

Pharma IV

Full Disclosure: Impact of Clinical Trials on Pharmaceutical Patenting

Sunday, September 11, 2022, 16:30-18:00 Salon 10-12

Moderator:

- Daniel Lim, Kirkland & Ellis International LLP (UK)
 Speakers:
- Andras Kupecz, Pinsent Masons (NL)
- Dr. Leonor Magalhães Galvão, magellan IP (BR)
- Beat Rauber, Hoffmann-La Roche Ltd. (CH)
- Joseph Snyder, Kilpatrick Townsend (US)

The registration of clinical trials is essential and such registration should include clear descriptions of the research protocol to be followed, according to the Declaration of Helsinki on ethical principles for medical research involving human subjects. This Declaration, adopted by the World Medical Association, has been gaining support, and registration of clinical trials is required by several countries and institutions.

Such disclosure might however anticipate a future patent application and deprive it of novelty. Therefore, requirements for that disclosure must be defined, such as the scope of a hypothetic treatment the effect of which has not been properly achieved during the clinical trials.

This Panel Session will look at the impact of clinical trials on pharmaceutical patenting in several jurisdictions, such as the United States, the European Union and Australia (see e.g. the Mylan v Sun Pharma case).

Panel Session I

Proving Use Across Jurisdictions A Monumental Task

Sunday, September 11, 2022, 09:00-10:30 Salon 4-6

Moderator:

- Karen Abraham, Shearn Delamore & Co. (MY)
 Speakers:
- Martin Michaus, Basham, Ringe y Correa, S.C. (MX)
- Dennis Prahl, Ladas & Parry (US)
- Jan Vleck, Reddie & Grose (UK)

This Panel Session will focus on the use requirement in trademark law which exists in many jurisdictions around the world and generally means that the trademark should be put to genuine use within a certain period of time, e.g. five years from its registration.

The genuine use requirement is of high practical importance and it should therefore be no surprise that it has been looked at before by AIPPI, as is e.g. reflected in AIPPI's 2011 Resolution and the AIPPI/Kluwer book on this topic of which already a 2nd edition was published in 2021.

While thus not a new topic as such, it continues to lead to both legal and practical questions which will be addressed in this Panel Session. For example, what types of evidence are acceptable, what territory should such cover, may the use (slightly) differ from the trademark as registered, when is use considered 'genuine', what if any circumstances are considered a justification for non-use etc. It is furthermore relevant to note that evidence that may be sufficient in one country, may not suffice in another. And more generally, the use requirements may vary from one country to another, leaving trademark owners in an uncertain position, or at least faced with a monumental task.

Panel Session II

Films, Games, & Books:
Use of 3rd Party Trademarks

Sunday, September 11, 2022, 11:00-12:30 Salon 4-6

Moderator:

 Graciela Perez de Inzaurraga, Hausheer Belgrano & Fernández (AR)

Speakers:

- Stefan Naumann, Hughes Hubbard & Reed LLP (FR)
- Dale Nelson, Donaldson Callif Perez LLP (US)
- Allen Wang, Beijing TA Law Firm (CN)

When Dustin Hoffman's character in Rain Man states emphatically that "K-Mart Sucks", what are the intellectual property repercussions? Third party trademarks are often used in films, games and books for a variety of reasons, for instance, to make a scene more realistic or as an obvious product placement. However, sometimes the specific reference to a product or brand can be for less innocuous purposes, such as using it as the basis for some momentary comic relief (as in Rain Man) or perhaps even with a more negative intent. And even without such intent, a trademark owner may not be happy with use that is not in line with its brand image.

This Panel Session will discuss intellectual property issues that may arise when brands, especially well-known ones, are referenced in films, games and books and what is to be considered in determining whether such references are permitted or can raise liability concerns. Relevant factors may e.g. include freedom of expression, fair use, the role of satire, dilution and more generally the right of an IP owner to control the message that is being associated with its brand.

Panel Session III

Open in IP: Share, Innovate & Profit!

Sunday, September 11, 2022, 14:00-15:30 Salon 4-6

Moderator:

Calum Smyth, Wiggin LLP (UK)

Speakers:

- Isabella Fu, Microsoft (US)
- Max Sills, Block (US)
- Jason Skinder, Lear (US)
- Sebastian Wuendisch, Noerr (DE)

Global megatrends emphasize the importance of IP and technology. Such megatrends include e.g. greentech, resource scarcity, decarbonization, digitization and the rise of technology, as well as demographic change and rapid urbanization.

Technology, IP and data in its various forms are relevant – if not decisive – in tackling the challenges posed. The megatrends furthermore accelerate the advancement of combinatorial technology disruption. This in turn can redefine what companies (e.g. GreenTech, FinTech, HealthTech) do and where industry boundaries lie. Increasingly, these advances in combinatorial technologies require collaborations, cross-industry developments and other open innovation settings.

This Panel Session will discuss the above as well as the most relevant strategic questions when addressing the challenging IP topics arising in collaborations and other open innovation settings. The focus will in particular be on knowledge-based collaborations and creating successful IP strategies, also involving effective management of trade secrets.

Panel Session IV

NFTs: Blind Date?

Sunday, September 11, 2022, 16:30-18:00 Salon 4-6

Moderator:

Brian Gray, Brian W Gray Law (CA)

Speakers:

- Soy Fira, Crypto Artist (CO)
- Stephen MacKenzie, Koch Disruptive Technologies (US)
- Sarah Odenkirk, Cowan, DeBaets, Abrahams & Sheppard, LLP (US)

Non Fungible Tokens (NFTs) create new means for the acquisition, distribution and transfer of digital contents, which have been rapidly adopted in many sectors, including digital art. Authors, the cultural industry and copyright owners are confronted with new challenges and new possibilities of exploitation. A principal issue to be discussed is on how NFTs work in the exciting developments in art for these hot new objects.

This panel session will be extended to various issues: What does one need to know before buying an NFT? What conditions or restrictions may be placed on the exploitation of an NFT? What is the relationship between ownership of an NFT and the IP rights in the associated digital content? Can NFTs be registered with a copyright/IP office? Can an NFT infringe? Do NFTs affect enforcement of IP rights such as copyright? Do artist remuneration rights apply to the sale of digital artworks in the same way they do the physical works? How do NFTs affect licensing arrangements for digital content, and what challenges do they present for the enforcement of IP rights?

Panel Session V

Case Law Update - US & Europe

Monday, September 12, 2022, 09:00-10:30 Salon 4-6

Moderators:

- Vanessa Bailey, Amazon (US)
- Prof. Dr. Jan Bernd Nordemann, NORDEMANN law firm (DE)

This Panel Session provides a fast-paced update on recent, must-know decisions across the IP rights spectrum from the United States and Europe.

Join us for a one-stop opportunity for practitioners from around the world to quickly get up to speed on the most pertinent IP decisions that have arisen over the last year and any related changes in the law or practice in these jurisdictions. Leading IP practitioners from the US and EU will provide valuable insights into the practical implications and takeaways from these decisions and will touch upon upcoming decisions and matters of which practitioners will wish to continue to keep apprised.

It is expected that some of the decisions discussed and the resulting changes in law or practice that may result will provide the basis for future AIPPI Study Questions.

Panel Session VI

Significant Developments in IP Law A Tour Around the World

Monday, September 12, 2022, 11:00-12:30 Salon 4-6

Moderator:

 Irmak Yalciner, Yalciner Patent and Consulting (TR)

Speakers:

- Rafael Beltran, Beltran Fortuny y Beltran Rivera, S.C. (MX)
- Clare Cunliffe, Victorian Bar (AU)
- Tamar Morag-Sela, Reinhold Cohn Group (IL)
- Abhai Pandey, LexOrbis (IN)
- Herman van Schalkwyk, Spoor and Fisher (SA)

As a part of AIPPI's Scan the Globe series, leading IP practitioners from jurisdictions spanning the world's continents will provide a rapid-fire overview of recent important developments in their country's respective intellectual property laws and case law. As businesses increase their global reach, it is critical for all IP practitioners to continually develop a broad understanding of IP laws in diverse jurisdictions. Businesses require counsel to be aware of IP developments and trends that could impact global protection of their products and services. This panel provides valuable insight into 2022 IP developments in law and caselaw by IP practitioners practicing in those diverse jurisdictions. These recent IP developments could have a broader, global application for businesses, and also highlight IP areas needing harmonization.

Panel Session VII

The Metaverse: Real World IP Issues

Monday, September 12, 2022, 14:00-15:30 Salon 8

Moderator:

Marc Richards, Crowell & Moring LLP (US)

Speakers:

- Valentina Niess, Noerr (DE)
- Janna Smith, Meta (US)
- Brian Vogelsang, (US)

The metaverse is an environment that incorporates various 'realities' (in particular virtual and augmented reality). The metaverse is typically a graphically rich virtual space where people can work, play, shop, exercise, socialize etc. — i.e., do everything humans also like to do in real life.

Transforming the "real world" into the metaverse can however be challenging, for example the conversion of real world objects into the metaverse and the implementation of existing business models in the metaverse (e.g. games, shopping, entertainment, franchising).

This Panel Session will address topical issues relating to the use and licensing of IP in the metaverse. The panel will discuss IP protection and enforcement in the metaverse, and the challenges encountered in this respect. For example, how does the territorial nature of IP rights fit in a metaverse environment, and who needs a license for use in the metaverse?

Panel Session VIII

Composite Trademarks:
How Different is Different?

Monday, September 12, 2022, 14:00-15:30 Salon 4-6

Moderator:

 Klaudia Błach-Morysińska, Zaborski, Morysiński Adwokacka Spółka Partnerska (PL)

Speakers:

- Spring Chang, Chang Tsi & Partners (CN)
- Paula Clancy, Gowling WLG (CA)
- Cliff Kuehn, Pirkey Barber PLLC (US)

This Panel Session will focus on conflicts between complex or composite trademarks, i.e. trademarks consisting of several elements (which can be words but also other elements such as colors or images).

When comparing trademarks in order to assess whether and to what extent they are similar, in principle the different parts of the trademarks should not be isolated and/or compared detail by detail; rather, the trademarks should be compared in their entirety. While this may sound simple, it may in fact bring challenges when comparing composite trademarks. For example, the trademarks may contain an identical or similar but relatively (very) small word element. Or the main similarity can be found in a relatively large descriptive element, or in a color while the trademarks additionally contain a very different image.

This Panel Session will explore and discuss how the comparison of composite trademarks is carried out in different jurisdictions, and will explore if a common thread can be found.

Panel Session IX

Online Marketplaces: Best Practices in Trademarks, Copyrights, and Designs

Monday, September 12, 2022, 16:30-18:00 Salon 10-12

Moderator:

Sophie Lens, Altius (BE)

Speakers:

- Nick Aries, Bird & Bird (UK & US)
- Caroline Berube, HJM Asia Law (SG)
- Cristobal Porzio, Porzio Rios Garcia Abogados (CL)

Online platforms play a key role in the digital economy and this offers both opportunities and challenges from an IP perspective. On one hand platforms allow IP right holders (and others) to promote and sell their products and services. On the other hand though, the content offered on the platforms, or part thereof, may infringe IP rights.

In this context, one of the fundamental issues is to determine the liability regime of platforms, when infringing content is offered. Should the general IP law on infringement apply to them? Or should a special liability regime be applied, for instance secondary liability? What can platforms do to limit liability? What is the role of available notice & takedown procedures in this respect? This Panel Session will explore these questions and discuss best practices.

Panel Session X

Mind Your Words: Filewrapper Estoppel
Role in Prosecution and Enforcement

Monday, September 12, 2022, 16:30-18:00 Salon 4-6

Moderator:

Isabelle Chabot, EXFO (CA)

Speakers:

- Daan de Lange, Brinkhof (NL)
- Ali Razai Speaker, Knobbe (US)
- Guoxu Yang, Silicon Valley Office of CCIT Patent
 & Trademark Law Office (CN)

Filewrapper estoppel for patent cases is receiving increasing attention globally. Filewrapper estoppel is the practice of estopping or preventing the scope of patent claims from extending beyond the amendments and characterizations of the claims during prosecution, i.e., the prosecution history, in the patent office. During prosecution, for example, an applicant may amend the claims or make explanatory comments regarding the claims with respect to a prior art reference, an official notice and/or in response to a patent office rejection. Some jurisdictions have construed patent claim scope in view of the prosecution history from the start. Other jurisdictions invoke use of the prosecution history only - if at all - when the claims and the specification of the patent are insufficiently clear, or only for information concerning experiments. And, even more confusing, there are additional jurisdictions which do not allow for filewrapper estoppel per se, but appear to still review the prosecution history.

It is ironic that while the common thread of the use of filewrapper estoppel is to provide clarity, the widespread varied implementation ultimately provides less clarity to patent holders and businesses. This Panel Session will take a deep dive into the role of patent prosecution history with particular reference to the cross-border relevance and effect of the acts and declarations made during prosecution in different countries.

Panel Session XI

Ethics in Funding IP Litigation

Tuesday, September 13, 2022, 9:00-10:30 Salon 10-12

Moderator:

 Gustavo De Freitas Morais, Dannemann Siemsen Bigler & Ipanema Moreira (BR)

Speakers:

- Dr Emily O'Neill, Deminor (UK)
- Mohsin Patel, Factor Risk Management (UK)
- Abha Divine, Techquity Capital Management (US)

Access to justice requires capital because litigation involves, of course, a budget for legal fees and expenses (e.g. court fees, expert fees etc.), which can be significant. Litigation funding is a method with which plaintiffs can finance litigation through a third-party funding company. This type of financing is on the rise, and therefore merits a closer look.

There is an increasing demand for litigation funders as more and more plaintiffs are unable to pursue their claims because of the high costs associated with lawsuits. In IP matters, this is especially important as entrepreneurs may lack capital as they, particularly in the early stages of their business, may prioritize using their capital for the development of their business instead of pursuing legal action.

This Panel Session will explore and discuss all kind of possible litigation funding. What kind of litigation funding is legally and practically possible and available? Are litigation funders typically investor or lender, are they actively involved in the litigation they fund and how is the risk shared? And, particularly, what ethical issues arise?

Panel Session XII

The Role of the Territoriality Principle in Copyright

Tuesday, September 13, 2022, 9:00-10:30 Salon 4-6

Moderator:

Sara Ashby, Wiggin LLP (UK)

Speakers:

- Eleonore Gaspar, DTMV (FR)
- Ben Sheffner, Motion Picture Association (US)
- Aimee Wolfson, Sony Pictures Entertainment (US)

This panel will explore the principle of territoriality in the field of copyright law.

International copyright treaties do not address the issue of which court has jurisdiction over copyright infringement claims. While a degree of harmonisation has been obtained at the EU level, the same cannot be said at the international level and approaches vary significantly around the world. Once jurisdiction is settled, the issue becomes which law should apply to a given dispute. The Berne Convention provides the basic rule that the extent of protection and the means of redress are "governed exclusively by the laws of the country where protection is claimed."

The current framework raises a number of issues for rightsholders seeking to protect and exploit their copyright works in the digital environment and throughout the world. On the one hand copyright owners want flexibility to take legal action across different fora but on the other may find it onerous to have to seek relief in multiple jurisdictions particularly, with respect to the same infringer. From a commercial perspective, the territoriality of copyright has important implications for the financing, production and distribution of content around the world.

The panel will consider the challenges that stakeholders face in the current environment and the extent to which international solutions are even possible or desirable.

Panel Session XIII

Hold the Presses! Fair Use on the Internet

Tuesday, September 13, 2022, 11:00-12:30 Salon 10-12

Moderator:

Erin Simon, Google (US)

Speakers:

- Hans Eriksson, Westerberg (SE)
- Matthew Swinn, King & Wood Mallesons (AU)
- Thomas Widmer, LALIVE (CH)

This panel will address the role of copyright and related rights in news media. This issue has come into focus with the growing role of the internet and the shift in publishing away from paper format publications and towards digital media. In particular the harvesting of news articles, their re-grouping, collation and presentation as part of search results has attracted attention.

Conventional IP protection has not proved as adaptable to the internet age. There is the possibility that publishers exercise their right to refuse to license content, and that perfectly legitimately exercised right could conflict with new internet business models that seek to use such content whether the content is given willingly or not, and unremunerated or not.

There have been calls from publishers to make online technology companies, particularly those who now attract many of the advertising revenues that would previously have gone to publishers, to "pay for news". For example, Australia and the European Union have passed legislation requiring technology companies to obtain permission and/or remunerate publishers for the online use of their publications.

The purpose of this panel is to examine whether the balance between the right holder and those seeking permission to use content is right. If rights to access information are too broad then news and content providers will lose control over the final (and possibly most valuable) presentation of information to consumers and their content will be forcibly syndicated. If the rights of journalists, data miners and "fair use" users are restricted unduly then free discourse, the free press and the dissemination of information to the public will be unduly restricted.

Panel Session XIV

Unfair Competition: An Alternative Against

IP Infringement

Tuesday, September 13, 2022, 11:00-12:30 Salon 4-6

Moderator:

Rafael Atab, Dannermann Siemsen (BR)

Speakers:

- Tobias Cohen Jehoram, De Brauw (NL)
- Amita Haylock, Mayer Brown (HK)
- Eric Prager, Venable LLP (US)

In some cases, "classic" IP protection (such as trademark, design or copyright infringement) against a competitor's (alleged) wrongful conduct may for various reasons not be available or sufficient to fully address the harm that is occurring to the IP owner. However, in many countries alternatives are available that may provide similar protection against e.g. copycat products. Examples may include passing off, slavish imitation or more generally unfair competition.

This Panel Session will highlight some of these alternatives and their availability from a global perspective as potential alternatives that an IP owner may be able to use, including in the context of the e-commerce domain. Panelists will present the available options in several jurisdictions and will also discuss any differences with classic IP protection.

UPC Boot Camp

Basic Training

Monday, September 12, 2022, 9:00-10:30 Salon 10-12

Moderator:

Penny Gilbert, Powell Gilbert (UK)

Speakers:

- Brigitte Carion-Taravella, Sanofi (FR)
- Isabella Fu, Microsoft (US)
- Klaus Grabinski, Federal Court of Justice (Bundesgerichtshof) (DE)
- Stephen MacKenzie, Koch Disruptive Technologies (US)

The concept of a unitary patent court for Europe is many decades old, with one early version being the now-defunct Community Patent Convention of 1975. However, the idea started to become reality with the Unitary Patent (UP) and Unified Patent Court (UPC) concepts and the signing of the Unified Patent Court Agreement in 2013. Since then there have been numerous further challenges and obstacles to the UPC. With Austria becoming the 13th state to ratify the agreement on 19 January 2022, the UP/UPC's time has finally arrived. The new system could fundamentally change patent filing and enforcement practices in Europe.

This panel will not only provide an update on the current status of the UP and UPC, but will also provide a practical overview of the UPC structure and procedures to enable practitioners to better understand all aspects and implications of the new system, including the tactical options to be considered with respect to patent enforcement in Europe under both the UPC and the conventional existing regimes. This is a not-to-bemissed session for those practitioners who want to hit the ground running. By the time the UPC starts operations, patent holders will already need to have decided whether to opt in, or opt out, and this decision can only be made with enforcement strategies firmly in mind.

UPC Boot Camp

In the Field (Mock Trial) - Session 1 and 2

Monday, September 12, 2022, 11:00-12:30 and 14:00-15:30 Salon 10-12

Moderators:

- Edger F. Brinkman, Court of The Hague, The Netherlands (NL)
- Ulla Klinge, Inspicos P/S (DK)
- Zane Petersone, Civil Cases Department of the Supreme Court of Latvia (LV)
- Matthias Zigann, Regional Court Munich I (DE)

Speakers:

- Helene Correct, BENECH (FR)
- Andras Cserny, Oppenheim Law Firm (HU)
- Dr. Juergen Meier, Vossius & Partner (DE)
- Emma Monotechnic, Ericsson (IT)
- Cordula Schumacher, Arnold Ruess (DE)
- Mark van Gardingen, Brinkhof (NL)

After many years of delays and obstacles to be overcome, the UPC is now a reality and is expected to commence operation in the near future. In so doing, a fundamentally different patent enforcement regime will come into force in Europe, with its prime feature being a pan-EU injunction. It is envisaged that this will allow patent holders to obtain injunctive relief from a single UPC court rather than having to litigate in every member state.

In combination with the UPC Boot Camp: Basic Training panel session (providing an overview of the current UPC structure and procedure), AIPPI will also be assembling an array of leading European patent litigators to argue a mock UPC Court of First Instance patent case before a panel of leading European judges. The mock will provide an exciting and dynamic presentation of what is to be expected from the new UPC judicial system, including providing helpful insights in terms of how a case is to be presented, what the evidentiary requirements are, what role discovery plays and how the case is adjudicated in terms of both the legal issues pursued and the remedies sought.

Read into the case prior to coming to the mock trial. Add the sessions to your schedule in the Attendee Hub and download the UPC Mock Trial Bundle.

Lunch 1

Diversity & Inclusion Today

(Separately ticketed session)

Sunday, September 11, 2022, 12:30-14:00 Salon 7

Moderator:

Judith Willert, AIPPI (CH)

Speakers:

- Carlyn Burton, Osha Bergman Watanabe & Burton LPP (US)
- Michael Hawkins, Noerr (ES)
- Jason Murata, AXINN (US)

Diversity and inclusion ("D&I") are at the centre of many discussions nowadays. This Lunch Session will explore developments and steps taken in this respect in the intellectual property world. Options that are available will be discussed, such as education on unconscious biases, increasing the diversity of recruitment teams, applying quota, the appointment of a D&I officer and many more. What can (and must?) be done, and what are best practices? Also, the impact of not taking steps will be discussed: from consequences in the 'war for talent' to potentially missing out on work if not meeting D&I requirements.

Lunch 2

Would You Like Some IP with Your Wine?

(Separately ticketed session)

Monday, September 12, 2022, 12:30-14:00 Salon 7

Moderator:

Maria Scungio, Robinson & Cole LLP (US)

Speakers:

- Alexis Garcha, E. & J. Gallo Winery (US)
- Dariusz Szleper, Syleper Henry Avocats AARPI (FR)

Close to Napa Valley, one of the US wine hot spots, this Lunch Session will look at and, importantly, taste wine from a number of angles. After a brief history on Napa Valley and its wine business, attendees will have the opportunity to sample some of its wonderful wines. Furthermore, not only will they receive an explanation on the wines, but also the many legal aspects that are important in the wine industry will be addressed. From label and bottle design to GI and plant variety issues: IP is all around.

Lunch 3

Copyright in Graffiti and Street Art

(Separately ticketed session)

Tuesday, September 13, 2022, 12:30-14:00 Salon 7

Moderator:

Sanna Wolk, Schjødt Lawfirm (SE)

Speakers:

- Gina Elliott, Bradley Berstein Sands LLP (US)
- Stef van Gompel, Vrije Universiteit Amsterdam (NL)
- Suzy Wilson, United States Copyright Office (US)

Like many large cities worldwide, San Francisco offers extensive graffiti and street art for everyone to admire and enjoy for free. Views differ though, such that the artistic movement known as graffiti and street art may instead be perceived as vandalism – at least by the owners of properties to which, e.g., graffiti is applied. Interesting IP issues surface, including from a copyright angle. May graffiti or street art be removed without the artist's permission? If the graffiti was illegally applied, who owns the copyright? Who (if anyone) can monetize reproductions? More fundamentally, what exactly qualifies as street art or graffiti?



AIPPI Café

(For all attendees - limited space)

Sunday, September 11, 2022, 15:30-16:30 Salon 7

Session 1

Opting out of the UPC System?

Organising SC: IP Office Practice and Procedure UPC (jointly)

Session 2

PCT: Challenges and Experiences

Organising SC: PCT

Session 3

Identical Designs, Different Products: Validity & Infringement

Organising SC: Designs

Session 4

Traditional Knowledge, Genetic Resources and Cultural Expressions in Connection with COP 15

Organising SC: IP and GRTK

Session 5

Trademark Applications & the Metaverse

Organising SC: Trademarks

Session 6

AIPPI Free Trade Agreements -An Overview and Trends

Organising SC: Free Trade Agreements

Session 7

R&D and **IP** Sharing Towards Affordable Medicine

Organising SC: Development & IP

Session 8

Copyright in Technical Drawings, User Manuals and Website Design

Organising SC: Copyright

Session 9

Cannabis and Second Medical Use of Psychoactive Drugs

Organising SC: Biotechnology & Pharma

Session 10

COVID-19 TRIPs Waiver & IP

Organising SC: TRIPs

Session 11

Ownership of IP Resulting from AI Data Processing – Who Owns What?

Organising SC: IT & Internet

AIPPI Café

(For all attendees - limited space)

Monday, September 12, 2022, 15:30-16:30 Salon 7

Session 1

Oral Proceedings by Video-Conference: Good or Bad?

Organising SC: IP Office Practice and Procedure

Session 2

Making AIPPI the Go-to Association

Organising SC: Communications

Session 3

The Next Frontier: Unregistered Design Protection for Part of a Product

Organising SC: Designs

Session 4

Fostering Agreements – Approaches to FRAND Litigation

Organising SC: Standards & Patents

Session 5

Trademark Implications of Upcycling, Refurbishing and Restoring

Organising SC: Trademarks

Session 6

Copyright & Photography

Organising SC: Copyright

Session 7

Fostering Green IP Innovation - WIPO GREEN and More

Organising SC: IP & Green Technology

Session 8

Grace Period in Patent Law

Organising SC: Patents

Session 9

Can Raw Data and Information Be Licensed?

Organising SC: Digital Economy

Session 10

(For in-house counsels only)

Organising SC: AIPPI In-House Committee (IHC)

COPYRIGHT: Moral Rights

Study Committee Meeting

(For Study Committee representatives)
Saturday, September 10, 2022, 09:00-15:30
Salon 1-2

Plenary Session

(For all attendees) Sunday, September 11, 2022, 9:00-12:30 Salon 8

TRADE MARKS: Trade Marks and the Internet and Social Media

Study Committee Meeting

(For Study Committee representatives)
Saturday, September 10, 2022, 09:00-15:30
Salon 5-6

Plenary Session

(For all attendees) Monday, September 12, 2022, 9:00-12:30 Salon 8

GENERAL: Protection of Trade Secrets during Civil Proceedings

Study Committee Meeting

(For Study Committee representatives)
Saturday, September 10, 2022, 09:00-15:30
Salon 3-4

Plenary Session

(For all attendees) Sunday, September 11, 2022, 14:00-18:00 Salon 8

PATENTS: Patentability of Diagnostic Methods

Study Committee Meeting

(For Study Committee representatives)
Saturday, September 10, 2022, 09:00-15:30
Nob Hill A-B

Plenary Session

(For all attendees)
Tuesday, September 13, 2022, 9:00-12:30
Salon 8

Plenary Session SC Resolution

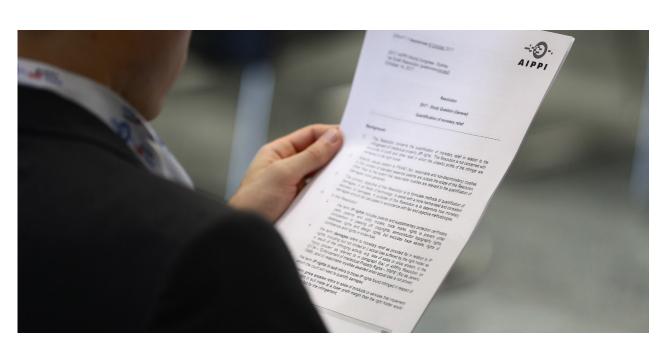
(For all attendees) Monday, September 12, 2022, 16:30-18:00 Salon 8

The Standing Committee on Alternative Dispute Resolution (ADR) will be debating a Resolution on privilege for the protection of settlement negotiations. The problem addressed by this Resolution is the conduct of settlement negotiations, and whether statements, concessions and admissions (oral or in writing) made in good faith for the purpose of reaching a settlement can or should later be admissible in legal proceedings if no settlement is reached. The Standing Committee has received 16 Reports from National Groups, and summarised the views expressed in those reports in a Summary Report. The draft Resolution being discussed in this Plenary Session is based on the Summary Report.

Representatives of National Groups may discuss, debate and vote on the draft Resolution at this Plenary Session, which will be chaired by Rafael Atab, the Chair of the Standing Committee on ADR.

The issues arising are expected to relate to the following questions:

- whether statements made for the purposes of reaching settlement should be admissible in legal proceedings, i.e. whether there should be a 'settlement privilege' that protects such statements;
- what exceptions to settlement privilege there should be;
- whether particular words/notices (such as "without prejudice") should be required to be used before settlement privilege applies;
- if and how settlement privilege applies in crossborder situations;
- whether statements in documents protected by settlement privilege should be protected from compelled disclosure/discovery; and
- whether there should be different rules for settlement privilege in IP cases.



Intro 2023 Study Questions

(For all attendees)
Saturday, 10 September, 2022, 17:00-18:00
Salon 8

Doctrine of equivalents

This Study Question will examine the best approach to equivalents in patent law, taking into account recent developments in case law. It will among others study what the correct test should be to assess if there is equivalent infringement, what factor legal certainty for third parties should play and whether better and more comprehensive claim drafting is a way to eliminate or reduce the need to run equivalents arguments (e.g. by listing all equivalents where desired in the claim).

Collecting societies

Collecting societies manage and license copyrighted works on behalf of copyright owners to users such as broadcasters, digital service providers, public performance venues and individuals. This Study Question will consider the legal position and regulation of collecting societies, focusing on issues such as accountability and transparency, governance and supervision, and the principles and processes for the setting of rates and the distribution of revenues.

Proving trade mark use

Generally, a registered trademark requires a certain use to maintain its protection. Although the use requirement has been studied before by AIPPI, several issues have not (or not in detail) been addressed recently. For example, one may wonder if current laws provide too high bars for the amount of evidence to be submitted and also whether more concrete guidelines or rules can be developed and harmonized. Furthermore, use of a trademark on goods in the metaverse or other virtual environments deserves attention.

Responsibility of online marketplaces for online infringement

An online marketplace is a type of e-commerce website that connects buyers and multiple third-party sellers. In an online marketplace, consumer/buyer transactions are typically processed by the marketplace operator and then delivered and fulfilled by the sellers. The objective of this Study Question is among others to study whether online marketplaces should be subject to the general regime for IP infringement, or whether it is desirable to create a special liability/responsibility regime.

Meetings of the Executive Committee of AIPPI

The Executive Committee (ExCo) of AIPPI is the decision making body of the Association. Each National or Regional Group is represented by delegates, who have the power to vote on the adoption of Resolutions of AIPPI, elect the Bureau, and take other decisions.

Executive Committee I

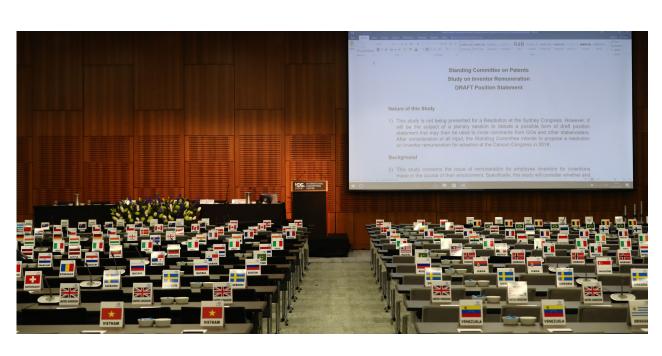
(For all attendees)
Saturday, September 10, 2022, 16:00-17:00
Salon 8

The first meeting of the Executive Committee is directed to presentations of activity reports by Officers of AIPPI. It will include the report of the Treasurer General and the Finance Committee and the approval of the accounts and budget. The session will also be an opportunity for the Bureau to discuss current issues with the ExCo.

Executive Committee II

(For all attendees)
Tuesday, September 13, 2022, 14:00-16:30
Salon 8

In the second meeting, the Plenary Approved SQ Resolutions will be presented for approval as Resolutions of AIPPI.



Bureau Lunch with Statutory Committee Leadership

(By invitation only)
Friday, September 9, 2022, 12:30-14:00
Sierra H

The Statutory Committee Leadership meet the Bureau for lunch to discuss Statutory Committees' activities and potential assistance they may need from Bureau members.

Council of Presidents' Meeting

(By invitation only)
Friday, September 9, 2022, 14:00-15:30
Foot Hill

The Council of Presidents is a forum where Presidents of National Groups and Members of Honour, can share experiences and provide advice to its members and the Bureau.

Council of Presidents' Break with SC Receptions

(By invitation only)
Friday, September 9, 2022, 15:30-16:30
Soma

The participants of the Council of Presidents' Meeting and the Standing Committees' Meeting can meet after their respective meetings. This meeting is held for the first time this year.

Info Session for First Time Attendees (Cocktail)

(For all first-time attendees)
Saturday, September 10, 2022, 14:00-15:30
Sierra A-B

If it is your first AIPPI Congress and you would like to better understand the educational, social, and networking activities of the Congress, be sure to attend this information session.

NGO Coordination Meeting and Lunch

(By invitation only)
Saturday, September 10, 2022, 11:00-13:30
Salon 10-11

This meeting allows us to meet with our sister organizations.

Secretaries & Treasurers Meeting

(By invitation only)
Sunday, September 11, 2022, 11:00-12:30
Salon 13

The meeting is important for all Secretaries and Treasurers at AIPPI's National and Regional Groups to learn and exchange information about Group activities, key membership information, and how to participate in the international work of AIPPI.

Independent Members Meeting

(By invitation only)
Sunday, September 11, 2022, 16:30-17:30
Nob Hill C

The meeting is intended to allow the Independent Members of AIPPI to get better acquainted with each other, share their experiences and receive useful information about membership and, how to make the most of their membership both locally and in the international work of AIPPI.



Council of Presidents' Dinner (Cruise)

(By invitation only)

Date: Friday, September 9, 2022

Time: 19:30-22:30

• Location: Pier 3 on The Embarcadero

Dress code: Business casual

Cruise on the California Hornblower



Opening Ceremony and Welcome Reception

(For all attendees)

Date: Saturday, September 10, 2022

• Time: 19:30-22:30

Location: Marriott Marquis Hotel, Salon 1-7 and 9

Dress code: Business casual

 Keynote speaker: Judge Marsha S. Berzon, United States Court of Appeal for the Ninth Circuit (US)

The Grand Opening of the 2022 AIPPI World Congress will take place at the Marriott Marquis Hotel, the main venue for the Congress. Everyone will have the opportunity to meet again for the first time since 2019.



Women in AIPPI

(By invitation only for all female participants)

Date: Sunday, September 11, 2022

Time: 18:30-19:30

Location: Marriott Marquis Hotel, The View Lounge

Dress code: Casual attire
 This networking events unites women from all over the world.



Cultural Evening

(For all attendees)

Date: Sunday, September 11, 2022

Time: 19:30-22:30

Location: The California Academy of Sciences

Dress code: Casual attire

This iconic museum is one of the largest natural history museums in the world and houses over 46 million specimens. During the evening, our guests will indulge in a culinary wonder inspired by San Francisco's street food culture, sampling China-Town cuisine, and the best Fisherman's Wharf has to offer in one place.

Transportation from the hotel to the museum will be arranged. Please note that our buses can only accommodate a limited number of participants. The museum is easily accessible by taxi or Uber. When ordering a taxi (Uber or other), the address of the destination should be **55 Music Concourse Drive** to be dropped off at the front entrance of the California Academy of Sciences.



Young AIPPI Forum

(By invitation only for participants aged 36 and below)

Date: Monday, September 12, 2022

Time: 18:00-19:00

Location: Marriott Marquis Hotel, Salon13

Dress code: Casual attire
 The Young AIPPI Forum is an educational and networking event designed for Young AIPPI Members to network and make contacts in a

multicultural professional environment.



Closing Dinner

(Separately ticketed event)

Date: Tuesday, September 13, 2022

Time: 19:30-22:30

Location: The Hibernia

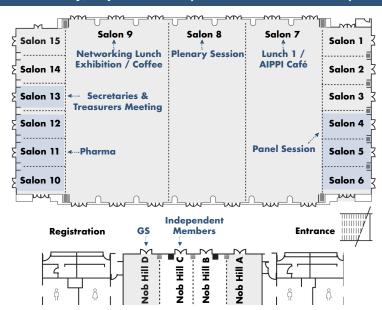
Dress code: Business Attire/Black Tie optional/1920's Formal Wear optional The Hibernia Bank Building will transport our guests back to the 1920s, taking them back a century to the founding of AIPPI for the grand finale of AIPPI's 125th anniversary. With a prohibition theme, the night promises to be memorable.

The venue is only a 10-minute walk from the hotel.

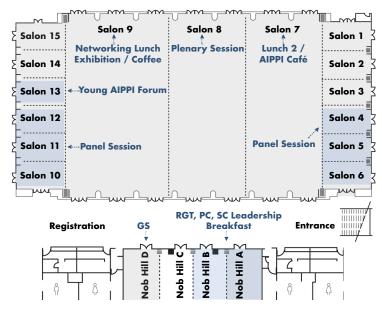
Saturday, September 10 (Yerba Buena Ballroom)



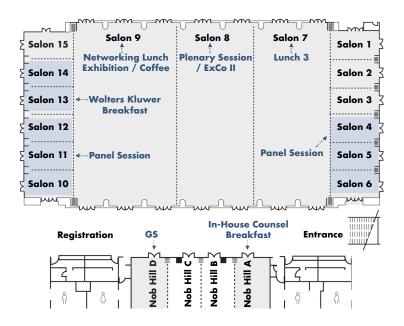
Sunday, September 11 (Yerba Buena Ballroom)



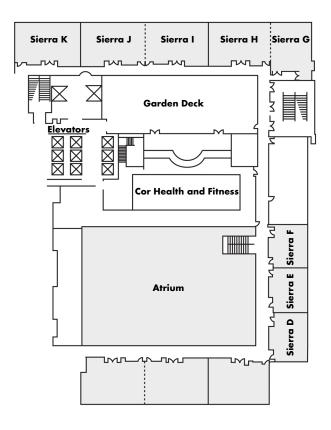
Monday, September 12 (Yerba Buena Ballroom)



Tuesday, September 13 (Yerba Buena Ballroom)



Sierra Conference Suites - 5th Floor



Registration and Exhibition

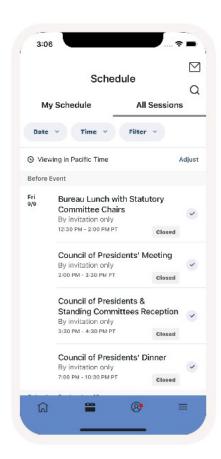
Dates	Registration & Welcome Desks	Exhibition
Friday, September 9	10:00 - 18:00	
Saturday, September 10	08:00 - 19:00	20:30 - 22:30
Sunday, September 11	08:00 - 17:00	08:30 - 17:00
Monday, September 12	08:00 - 17:00	08:30 - 17:00
Tuesday, September 13	08:00 - 12:00	08:30 - 14:00

Name badges must be worn at all times including social functions. Badges will be checked for admission to all events.

Participants Type	Badge Colour
Bureau member	Yellow
Council of Presidents	Silver
Member	Blue
Non-Member	Green
Speaker	Orange
Sponsor/Exhibitor/Press	Brown
Organising Committee	Purple
Accompanying person	Red
Staff	White

Attendee Hub and Congress APP

All information about the Congress can be found on the <u>Attendee Hub</u> and on your mobile App (<u>App Store</u> and <u>Google Play</u>). We highly recommend downloading our Congress App and make use of the Attendee Hub.



Wifi Access

Wireless Network: AIPPI
Password: SF2022



AIPPI and 2023 AIPPI World Congress – Istanbul

Booth No. 100

aippi.org



The International Association for the Protection of Intellectual Property, known as AIPPI (Association Internationale pour la Protection de la Propriété Intellectuelle), is the world's leading non-profit association dedicated to the development and improvement of laws for the protection of intellectual property.

ABPI - Brazilian Intellectual Property Association

Booth No. 107

abpi.org.br



ABPI, the Brazilian Intellectual Property Association, is a nonprofit organization dedicated to the study and development of Intellectual Property, notably the right of industrial property, copyright, competition law, technology transfer, and other related areas.

Acumass

Booth No. 108

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Acumass is a leading Intellectual Property service provider, operating on a global level with offices based across Europe, Asia and the US. We take pride in providing comprehensive, secure and cost effective IP management and renewal services.

AIPLA CELEBRATING 12 YEARS

American Intellectual Property Law Association (AIPLA) Booth No. 201

www.aipla.org

Founded in 1897, AIPLA is a national bar association constituted primarily of practitioners in private and corporate practice, in government service, and in the academic community.

Asia IP



www.asiaiplaw.com

Asia IP is a leading legal media platform, featuring in-depth analysis of the IP issues facing companies in Asia.





ASIPI

Booth No. 103

asipi.org

The Inter-American Association of Intellectual Property (ASIPI) is a non-profit-making private association and its main objective is to promote the development and harmonization of industrial and intellectual property laws and procedures in the Americas.



Azami Global

Booth No. 210

azamiglobal.com

Azami Global is the world's largest collaborative network of IP professionals. Empower your business by accessing end-to-end solutions for all your IP lifecycle needs.



CAS

Booth No. 207

www.cas.org

CAS is a leader in intellectual property solutions, partnering with patent offices, law firms, and innovators around the world to accelerate and protect scientific breakthroughs.



Dannemann Siemsen

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Recognised as leaders in Latin America, Dannemann Siemsen is formed by a team of experts and has been dedicated to defending Intellectual Property since 1900.



Dorothy Al

Booth No. 206

www.dorothyai.com

DorothyAI is dedicated to unleashing untapped sources of profitability. By combining AI technology with deep IP expertise, DorothyAI's solutions empower law firms and corporations to research with greater speed and accuracy, inspiring confidence in every business decision.



Equinox

Booth No. 200

equinox-ipms.com

Equinox IPMS is the powerful all-in-one IP management system that's easy to use and scales with you.



Hong Kong Trade Development Council - BIP Asia Forum

Booth No. 202

bipasia.hktdc.com

Jointly organised by the HKSAR Government, Hong Kong Trade Development Council and Hong Kong Design Centre, BIP Asia Forum brings IP professionals and business leaders from all over the world to discuss the latest developments in the IP world, and to explore business collaboration opportunities.



Inventia Global Patent Solutions

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