

21st EIPIN CONGRESS
22-24 January 2020
Crowne Plaza Maastricht



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EIPIN-Innovation Society is an EU funded Horizon 2020 project at the forefront of multidisciplinary research. It was set up in 2017 to examine the role of intellectual property (IP) as a complex adaptive system in innovation. The ambition is to enhance Europe's capacity to foster innovation-based sustainable economic growth globally. Fifteen doctoral candidates have been carrying out research on a number of topics of great societal interest.

The aim is to provide reliable results and recommendations that can guide inventors and entrepreneurs through the lifecycle of IP-intensive assets that takes human creativity into the marketplace. This conference is aimed at discussing the adaptive complexities of innovation cycles and how we can secure economic benefits and uphold justice in the innovation society.



Wednesday, 22 January 2020

13.00-14.00 **Registration**

14.00-14.15 **Anselm Kamperman Sanders**, Maastricht University

Welcome

14.15-14.45 **Winning EIPIN team 2018/19**

What EIPIN can do for you

Panel I - IP and Innovation - New Relation interphases

Chair: **Anselm Kamperman Sanders**, Maastricht University

This panel will address two follow-on themes. The first theme discusses re-conceptualizations to intellectual property (IP) in the light of recent innovation trends that seek to capture value from IP as a system of knowledge commons. Shared use of IP resources as a collective seek to break information asymmetries that impede emergent innovation uptake, development, validation, implementation and commercialization. IP based collectives could be critical knowledge resources for start-ups who need to be confident of the innovative signal of technologies that they invest into.

The second theme discusses the role of the patent system for start-ups. These market players have been designated as the main intended beneficiaries of the implementation of a unified system of patent protection. In this context, the panel addresses the risks and benefits of the establishment of the Unified Patent Court for innovation of start-ups. It explores the issues related to injunctions and the award of damages within the Unified Patent Court and their implications for start-ups in comparison to the current system.

14.50-15.10 **David Harper**, New York University

Intellectual property rights structures as complex and emergent phenomena

15:10-15:30 **Christof Augenstein**, KatharAugenstein

Implications of a unified system of patent protection for start ups

15.30-15.40 **Commentators** Krishnamani Jayaraman and Letizia Tomada

15.40-16.10 **Questions Team 1 and Discussion**

16.10-16.40 **Coffee break**

Panel II - From exclusivity to interoperability: the foundations of the patent system in the XXI century

Chair: **Julian Lopez Richart**, Universidad de Alicante

The grounds that based the creation of the patent system in the XIX century have been at stake for a long time, nevertheless, in the advent of the 4th industrial revolution, some of its fundamentals - its role as innovation promoter, among others - are severely challenged. In addition, the growing importance of standards in complex industries, such as ICT, have shifted the focus from exclusivity to access to essential technologies whose impact - due to the Internet of the Things - could potentially reach any industrial sector. This panel aims to analyse whether such fundamentals should be reviewed from a normative and an economic perspective. The panel will start with a broader perspective by Michele Boldrin to later analyse the specific case of Standard Essential Patents whose regime, despite of limiting the SEP holders' power due to disclosure obligations, obligation to license in FRAND terms or limitations injunctions', have contributed to an outstanding innovative performance of the ICT sector.

- 16.40-17.00 **Bjorn Lundqvist**, Stockholm University
SEP disclosure, asymmetries of information and market power
- 17.00 -17.10 **Commentators** Girish Nagraj and Vicente Zafrilla
- 17.10-17.40 **Questions Team 2 and Discussion**

Panel III - Patent Explosion, Innovation and Competition Law

Chair: **Josef Drexler**, Max Planck Institute for Innovation and Competition

Patent applications and resulting grants skyrocket worldwide. Europe is no exception in this regard. This panel discusses the implications of patent explosion for patent quality and innovation. It then ventures the scope for EU competition law to intervene if and when patent explosion undermines innovation.

- 17.40-18.00 **Christoph Ann**, Technical University of Munich
Patent quantity and quality: implications for innovation in Europe
- 18.00-18.20 **Marco d'Ostuni**, Cleary Gottlieb Steen & Hamilton LLP
Patent quantity and quality concerns under competition law
- 18.20-18.30 **Commentators** Naina Khanna and Niccolo Galli
- 18.30-19.00 **Questions from Team 3 and Discussion**
- 19.30 **Dinner** at Grand Café Soiron

Thursday, 23 January 2020

Panel IV - Suitability of the patent system for AI generated inventions

Chair: **Noam Shemtov**, Queen Mary University of London

The panel seeks to address challenges for patent law derived from AI generated inventions. Specifically, the panel will focus on specific aspects of the patent system, such as inventorship, inventive step, enabling disclosure, that might require reconsideration in light of inventions generated partially and or fully by artificial intelligence.

09.30-09.50 **Eva Stankova**, University of Oxford

AI-generated inventions and creativity tests in patent law?

09:50-10.10 **Florian Leferve**, Pharnext

Inventorship, enabling disclosure and inventive step in relation to AI generated inventions

10.10-10.20 **Commentator** Francesca Mazzi

10.20-10.50 **Questions from Team 4 and Discussion**

10.50-13.00 **Coffee break**

Team works on reports, EIPIN Innovation Society Supervisory Board meeting

13.00-14.00 **Lunch**

Panel V - Innovation in agribusiness

Chair: **Aurelio Lopez-Tarruella Martinez**, Universidad de Alicante

The EU agricultural policy tries to find a compromise between protecting tradition and fostering innovation. The panel provides a focus on innovation in the agribusiness through the lens of geographical indications and plant varieties.

14.00-14.20 **Andrea Zappalaglio**, Max Planck Institute for Innovation and Competition

The Nature of EU Geographical Indications

14.20-14.40 **Judith de Roos**, Plantum

Innovation and Intellectual Property Rights in the EU Seed Industry

14.40-14.50 **Commentators** Maurizio Crupi and Jared Onsando

14.50-15.20 **Questions from Team 5 and Discussion**

15.20-15.50 **Coffee break**

Panel VI - Updating the Role of Institutions in Copyright Law

Chair: **Christophe Geiger**, Centre for International Intellectual Property Studies

This panel considers the crucial role of institutions and their impact on national, EU-wide, and global markets for copyright protected content.

15.50-16.10 **Guiseppe Mazziotti**, Trinity College Dublin

The Role of Market-driven and Legislative Solutions to Online Music Licensing

16.10-16.30 **Stef van Gompel**, Institute for Information Law, University of Amsterdam

The Role of International Organisations in Regulating the Creative Market

16.30-16.40 **Commentators** Lucius Klobucnik and Natasha Mangal

16.40-17.10 **Questions from Team 6 and Discussion**

18.00 **Tour Belvedere area** meeting point *The Commons Restaurant*

19.30 **Dinner and party** at *The Commons Restaurant*



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Friday, 24 January 2020

Panel VII - Do (quasi-)courts make IP law?

Chair: **Guido Westkamp**, Queen Mary University of London

This panel will address the role of the judicial and quasi-judicial bodies in the development of the intellectual property law. Prof. Karen Walsh will discuss how the court systems have evolved in recent years by stressing the importance of harmonisation amongst the European courts and coherent application of laws in the field of IP law. Prof. Van den Bossche will discuss the place of WTO AB jurisprudence in shaping domestic IP regimes in the past, and its transcendence for potential disputes under bilateral trade agreements in the future.

9.45-10.05 **Justine Pila**, University of Oxford

Increased role of courts in IP law making

10.05-10.25 **Peter van den Bossche**, Berne University

25 years of TRIPS and the role of the WTO DSS

10.25-10.45 **Rochelle Dreyfuss**, New York University, School of Law

Investment Agreements and Creative Production

10.45-10.55 **Commentators** Tamar Khuchua and Anastasiia Kyrylenko

10.55-11.25 **Questions from Team 7 and Discussion**

11.25-12.00 **Coffee break**

Roundtable VIII - The role of IP law in Innovation Society: a synthesis

Chair: **Meir Pugatch**, Maastricht University

This roundtable will take stock of what the key insights are on the role of IP law for innovation. The panellists will do so on the basis of the presentations during the conference but also on the basis of 2,5 years of research carried out by 15 PhD researchers as part of the EIPIN Innovation Society project.

12.00-12.50 **Roundtable**

including Anselm Kamperman Sanders, Guido Westkamp, Christophe Geiger, Manuel Desantes and Josef Drexl

12.50-13.20 **Questions from Team 8 and Discussion**

13.20-14.15 **Lunch**

14.15 **Close of conference/Goodbye**



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