

Global Protection of Brands: Trade and Intellectual Property

Wednesday, November 1, 2023

8:45 – 9:45am EU legislative and regulatory initiatives

- European Commission SEP Regulation proposal
- Patent Modernization Law
- Antitrust, anti-monopoly regulations re Brand, drug pricing
- Non-compete agreements
- Impact of US CHIPS/IRA (Inflation Reduction Act) on EU innovators
- Should AI be regulated

SPEAKERS

- Moderator: Ed Haug, Chairman, Haug Partners
- Nicola Dagg, Partner, Kirkland & Ellis International LLP
- Gabriele Mohsler, Vice President Patent Development at IPR & Licensing, Ericsson
- Melanie Müller, Boehmert & Boehmert
- Rebekka Porath, Global IP Policy Director, Intel Corporation

9:45 – 10:45am Pharma and Medical Devices IP Issues

- Plausibility
- Case in November 2022 at EPO Enlarged Board of Appeal and its effects on pharma
- Biosimilar Litigation Differences
- Compulsory licensing
- Effects of the UPC on biotech industry

SPEAKERS

- Moderator: Joseph Reisman, Partner, Knobbe Martens
- Matthew Fedowitz, Shareholder, Buchanan Ingersoll & Rooney PC
- Bethan Hopewell, Partner, Powell Gilbert
- Ute Kilger, Partner, Boehmert & Boehmert
- Tilman Müller-Stoy, Partner, Bardehle Pagenberg

10:45 – 11:00am Networking Break

11:00 – 12:00pm Global Trends on NPEs, TPLF, and Injunctions / Exclusion Orders

- Role of injunctions as a trade remedy
- Comparative analysis of standards of injunctions in different jurisdictions

SPEAKERS

- Moderator: Vishal Amin, Head of IP Policy, Intel Corporation
- Will Boyer, Partner, Gowling WLG
- Rui Luo, Partner, Han Kun Law Offices
- Tim Simcoe, Professor, Boston University
- Ralf Uhrich, Head of European Patent Litigation, Google LLC

12:00 – 12:15pm Keynote by USPTO Director Katherine Vidal

12:15 – 1:15pm Lunch

1:15 – 2:15pm Managing Trade at Borders - International Comparison

- US-EU Trade and Technology Council
- Ways importation can be controlled from the perspective of patent infringement
- Global supply chains and “friendshoring”
- Extraterritorial reach of patents as a trade issue

SPEAKERS

- Moderator: Jonathan Spadt, CEO & President, RatnerPrestia
- Jimmie Reyna, Circuit Judge, United States Court of Appeals for the Federal Circuit
- Matthias Krämer, Department Head for External Economic Policy, Federation of German Industries
- Peter Rashish, Vice President and Director, Geoeconomics Program, German-American Institute

2:15 – 2:30pm Networking Break

2:30 – 3:30pm Subject Matter Eligibility Limits: Protecting Brand when Patents are not available

- American Axle patent case
- Jack Daniels trademark case
- Apple case - Design patent, not utility patent
 - LKQ vs GM

SPEAKERS

- Moderator: Michael Sandonato, Partner, Venable LLP
- Betty Chen, Partner, Desmarais LLP
- Ed Haug, Chairman, Haug Partners
- Georg Müller, Global Head of IP, TomTom
- Varuni Parnavitane, Of Counsel, Finnegan, Henderson, Farabow, Garrett & Dunner LLP

3:30 – 4:30pm

Protecting new technologies: Green Energy, Climate Change, Sustainability

SPEAKERS

- Moderator: Claudia Frost, Partner, Orrick
- Yan Wang, Partner, Han Kun Law Offices
- TBA
- TBA

Thursday, November 2, 2023

8:30 – 9:30am

Recent Initiatives in Addressing SEPs

- Anti-suit Injunctions
 - Role of anti-suit injunctions in different jurisdictions vying to be ultimate decision maker (e.g., China, US, Europe (UPC))
- Transparency Proposals
- SEP Royalty Boards

SPEAKERS

- Moderator: Klaus Haft, Partner, Hoyng Rokh Monegier
- Le Chen, Head of IP Policy, Europe, Xiaomi
- Axel Ferrazzini, Managing Director, 4IP Council
- Audrey Scozzaro Ferrazzini, Senior Director Government Affairs, Qualcomm
- Bowman Heiden, Director, Center for Intellectual Property (CIP), University of Gothenburg
- Otto Licks, Founding Partner, Licks Attorneys

9:30 – 10:30am

Artificial Intelligence

- Privacy, confidentiality, public disclosure concerns
- AI's impact on the practice of law
- AI Act passed in Europe
- How will the UPC address AI

SPEAKERS

- Moderator: Ron Dimock, Partner, Gowling WLG
- Kevin Duan, Partner, Han Kun Law Offices
- Philip Hirschhorn, Partner, Panitch Schwarze Belisario & Nadel LLP
- Jane Massey Licata, Founder and Partner, Licata & Tyrrell
- Lucky Vidmar, Head of IP and AI Litigation, Microsoft Corporation

10:30 – 10:45am

Networking Break

10:45 – 11:45am High Court Cases from Around the World

- DABUS, InterDigital v Lenovo, Apple v Optis in UK
- Jack Daniels v VIP Products, Amgen v Sanofi in USA
- Dow Supreme Court Case in Canada

SPEAKERS

- Moderator: Nick Groombridge, Partner, Groombridge, Wu, Baughman & Stone LLP
- Rodney Gilstrap, Chief Judge, United States District Court, Eastern District of Texas
- Alexandra Brodie, Partner, Gowling WLG
- Tess Waldron, Partner, Powell Gilbert
- Jeremy Want, Principal, Smart & Biggar LLP

11:45am – 12:45pm Lunch

1:00 – 2:00pm Hot topics in Italy – Protecting Brand via Smart Trade and IP (part 1)

- This panel will focus upon cultural aspects regarding the role of industrial and intellectual property rights in the fight against counterfeiting; the impact of influencers; the development of IP rights/assets to mitigate brand dilution and price erosion; and effective partnering in a global market.

SPEAKERS

- Moderator: Luca Arnaboldi, President, American Chamber of Commerce in Italy
- José Arochi, Associate, Arochi & Lindner
- Lorenzo Litta, Partner, BRANDIT
- Roberto Rodrigues, Partner, Licks Attorneys

2:00 – 2:15pm Networking Break

2:15 – 3:15pm International Business and the role of Multilateral Treaties - Shifting Trends

- Tenders – projects conducted on national soil – Italian companies pursue tenders in other countries but US companies don't pursue in Italy
- GATT
- WTO / TRIPS waiver extension
- USTR Perspectives: EG USTR Request for ITC investigation of a TRIPS waiver
- Pandemic preparedness treaty at WHO

SPEAKERS

- Moderator: Corey Salsberg, VP, Global Head IP Affairs, Novartis
- Clark Cheney, Chief Administrative Law Judge, United States International Trade Commission
- Irina Chicu, Associate Program Officer, Office of the Assistant Director General, Global Challenges and Partnerships Sector, World Intellectual Property Organization
- Wolf Meier-Ewert, Counsellor in the Intellectual Property, Government Procurement and Competition Division, World Trade Organization
- Jamie Underwood, Partner, Latham & Watkins LLP

3:15 – 4:15pm Unified Patent Court – Perspectives, Lessons Learned, and Building Jurisprudence and Predictability

- Conflicts of interest re technical judges, and impact thereof
- Damages comparison of UPC vs other courts
- Confidentiality

SPEAKERS

- Moderator: Micaela Modiano, Co-Managing Partner, Modiano & Partners
- Kimberly Moore, Chief Circuit Judge, United States Court of Appeals for the Federal Circuit
- Rian Kalden, Presiding Judge, second panel of the Court of Appeal, Unified Patent Court
- Sharon Prost, Circuit Judge, United States Court of Appeals for the Federal Circuit
- Paolo Catalozzi, Judge, Central Division of the Court of First Instance, Unified Patent Court
- Giorgio Checcacci, Technical Judge, Unified Patent Court

4:15 – 5:30pm Friends of the Global Series Reception

Friday, November 3, 2023

8:30 – 9:30am Subject Matter Jurisdiction of Global Courts

- Scope of Judicial Jurisdictions for IP and Trade based issues
- Overlapping jurisdictions in the resolution of trade disputes

SPEAKERS

- Moderator: Patrick Keane, Executive Shareholder, Buchanan Ingersoll & Rooney PC
- Klaus Bacher, Presiding Judge, 10th Civil Senate at the German Federal Court of Justice
- Raymond Chen, Circuit Judge, United States Court of Appeals for the Federal Circuit
- Timothy Dyk, Circuit Judge, United States Court of Appeals for the Federal Circuit
- Todd Hughes, Circuit Judge, United States Court of Appeals for the Federal Circuit
- Kisu KIM, Judge, Intellectual Property High Court of Korea

9:30 – 10:45am Unified Patent Court – Moot Court panel argument

- re infringement/procedure in hypothetical case context

SPEAKERS

- Advocate: Sabine Age, Partner, Hoyng Rokh Monegier
- Advocate: Agata Sobol, Partner, Franzosi Dal Negro Setti
- Judge: Willem Hoyng, Partner, Hoyng Rokh Monegier
- Judge: Laurent Manderieux, Professor of Intellectual Property Law, Bocconi University
- Judge: Elisabetta Papa, Partner, SIB LEX

- 10:45 – 11:00am Networking Break
- 11:00 – 11:15am Unified Patent Court – Trial analysis/decision follow up
- Moot Court Judges decision/analysis
- 11:15 – 12:15pm Hot topics in Italy – Protecting Brand via Smart Trade and IP (part 2)
- “Made In Italy” initiative
 - Dynamic blocking injunctions against network providers
 - Italian “Sounding”
 - Geographical Origin/Indications; Sovereignty (e.g., EU Court: Parmesan case and follow on regulatory debate)
 - Unified Patent Court

SPEAKERS

- Moderator: Sandra Kuzmich, Partner, Haug Partners
- Giovanni Galimberti, Partner, Bird & Bird
- Vincenzo Jandoli, Senior Partner, Franzosi Dal Negro Setti
- Elena Martini, Managing Partner, Martini Manna & Partners
- Mario Pozzi, Partner, SIB LEX