

Programme

26 JUNE 2016 (SUNDAY)

Location: Collegium Maius, Jagiellońska 15, Kraków

3.00 – 6.00 PM

ATRIP Executive Committee Meeting (Sala Pod Belkami/Attic Room)

6.00 – 8.00 PM

**ATRIP Congress 2016 Pre-registration and Welcome Reception;
guided tour of the Jagiellonian University Museum**

27 JUNE 2016 (MONDAY)

Location: Collegium Novum, Assembly Hall (Aula), Gołębia 24, Kraków

OPENING AND WELCOME

8.30 AM

Chair: ATRIP President, Susy Frankel, Victoria University of Wellington

Prof. dr hab. Jerzy Pisuliński

Dean of the Faculty of Law, Jagiellonian University

Dr Alicja Adamczak

President of the Polish Patent Office

Joe Bradley

Head, Academic Institutions Program, WIPO Academy, Geneva

PANEL 1

9.00 – 10.45 AM

Local and Global Pluralism: Integration or Separation?

Chair: Niva Elkin-Koren, University of Haifa, Israel

Variations? Welcome - with Caveats

Gustavo Ghidini, Università Statale di Milano, Italy (co-author Valeria Falce not speaking)

International IP Arbitration and Legal Pluralism – Infinite Variety?

Barbara Lauriat, King's College London, England

National Courts and their Role in the Development of International Intellectual Property Law and Policy

Alison Slade, Brunel University Law School, England

**Legal Method and Legal Interpretation in International
IP Law: Pluralism or Systemic Coherence**

Ana Nordberg, University of Copenhagen, Denmark

**Global and Regional Attempts to Unify Requirements for Granting
Exclusive Rights vs. Localisation of Such Requirements (trade marks)**

Michal Kruk, Warsaw School of Economics, Poland

Discussant: Ruth Okediji, University of Minnesota, USA

MORNING TEA

10.45 – 11.15 AM

PANEL 2

11.15 AM – 12.45 PM

How Governance Frameworks Impact IP-Related Goals

Chair: Maciej Barczewski, University of Gdańsk, Poland

The Fallacy of Intellectual Property Clauses

Lior Zemer, Radzyner School of Law, Israel

**Public Private Partnerships, Global Intellectual Property
Governance and the New Sustainable Development Goals**

Margaret Chon, Seattle University School of Law, USA

Intellectual Property as Functional Pluralism in the Traditional Knowledge Space

Natalie Stoianoff, University of Technology Sydney, Australia

**IP Pluralism in Plant Variety Protection Re-thinking ‘Market Failure’ & ‘Public
Goods’ Theory in the Plant Breeding Sector of Developing Countries**

Mrinalini Kochupillai, Max Planck Institute, Munich, Germany

Discussant: Abbe Brown, University of Aberdeen, Scotland

LUNCH

12.45 – 1.45 PM

PANEL 3

1.45 – 3.30 PM

Prospects for Copyright

Chair: Christophe Geiger, University of Strasbourg, France

Should the Law of Copyright Infringement Care How Copies Are Made?

Joseph P. Fishman, Vanderbilt Law School, USA

**Towards a New Copyright Paradigm – is there a room
for Copyright as a Service Interpretation?**

Ewa Laskowska and Grzegorz Mania, Jagiellonian University, Kraków, Poland

Copyright and Commercial Speech: An Uncharted Relationship

Antoni Rubí Puig, Universitat Pompeu Fabra, Barcelona, Spain

Value Pluralism, the Public Interest, and Copyright Law

Haochen Sun, University of Hong Kong

What if we could Reimagine Copyright?

Kimberlee Weatherall, University of Sydney, Australia (co-author Rebecca Giblin not speaking)

Discussant: Sam Ricketson, University of Melbourne, Australia

AFTERNOON TEA

3.30 – 4.00 PM

PANEL 4

4.00 PM – 5.30 PM

The Powerful Role of Enforcement

Chair: Tana Pistorius, University of South Africa

Reconceptualizing Intellectual Property II: From Tort to Crime

Rochelle Dreyfuss, NYU Law School, USA (co-author Susy Frankel not speaking)

International IP Arbitration and Legal Pluralism – Infinite Variety?

Barbara Lauriat, King's College London, England

Abuse of Rights' in Belgian and French Patent Law – A Factor of Variation in Interpretation or a Lead Towards Harmonisation?

Amandine Leonard, Leuven University, Belgium

Injunctive Relief in Patent Law – in Search for Flexibility

Rafał Sikorski, Adam Mickiewicz University, Poznań, Poland

Private Party Enforcement of International Intellectual Property Law

Marketa Trimble, University of Nevada, USA

WINNING ESSAY PRESENTATION

5.30 – 6.00 PM

Chair: Jan Rosen, Stockholm University, Sweden

Presenter: Intellectual Property Scholarship and the New Legal Realism Movement: Reflections from Bollywood

Arpan Banerjee, Jindal Global Law School, India

EVENING PROGRAMME

7.00 – 10.00 PM

7.00 – 8.00 PM

Market Square Underground – guided tour of the underground exhibition „Following the traces of European identity of Kraków”

Location: The Historical Museum of the City of Kraków, Rynek Główny 1, Kraków

8.00 – 10.00 PM

Dinner

Location: Wesele Restaurant, Rynek Główny 10, Kraków

28 JUNE 2016 (TUESDAY)

BREAKFAST SESSIONS

7.45 – 9.15 AM

Location: Collegium Novum, rooms: 30, 52 and 56 and the Deans' Room, Gołębia 24, Kraków (see breakfast session programme for panel details)

PLENARY SESSIONS

9.30 AM – 6.00 PM

Location: Collegium Novum, Assembly Hall (Aula), Gołębia 24, Kraków

PANEL 5

9.30 – 11.20 AM

The Many Faces of Patents

Chair: Reto Hilty, Max Planck Institute, Munich, Germany

Functional Pluralism and Inclusive Patents

Geertrui Van Overwalle, University of Leuven, Belgium

Embryonic Stem Cells, Morality and Overlapping Supra-national frameworks in the European Patent System: Too many cooks?

Aisling McMahon, Newcastle Law School, England

What if Amgen v. Sandoz Was Decided in South Korea? – Comparative analysis of Korean and U.S. Biosimilar Regulatory Regimes

Mikyung Kim, Seoul National University College of Medicine, South Korea

Patents as Functional Pluralism in Africa

Tumelo Mashabela, University of South Africa

The Unitary Patent Package of the EU: Opportunity for Convergence or for Divergence?

Duncan Matthews, Queen Mary, University of London, England

Judicial Activism in Patent Law Making: Impact on Patent Pluralism and Harmonization

Toshiko Takenaka, University of Washington, USA

MORNING TEA

11.20 – 11.45 AM

PANEL 6

11.45 – 1.00 PM

Digital Frontiers

Chair: Christian Le Stanc, University of Montpellier, France

Invention of Meanings at the Age of 3D Printing

Nari Lee, Hanken School of Economics, Helsinki, Finland

Dynamic Patent Economic Value in the Era of Electronic Commerce and Patent Infringement – in Terms of the 3D Printing Technologies

Chung-Lun Shen, National Chengchi University, Taiwan

Re-conceptualising the Country Code Top Level Domain Name as an Intellectual Property Right

Susan Corbett, Victoria University of Wellington, New Zealand

Exhaustion for a Digital Single Market

Guido Westkamp, Queen Mary, University of London, England

LUNCH

1.00 – 2.00 PM

PANEL 7

2.00 – 3.15 PM

International and Comparative Trade Mark Law

Chair: Annette Kur, Max Planck Institute, Munich, Germany

Challenges and Opportunities of Trademark Exhaustion

Variations: Comparing the EU/EEA, NAFTA, and ASEAN

Irene Calboli, Singapore Management University and Texas A&M Law School, USA

Fairness of Competition as a Source of Limitations to Exclusive Trademark Rights: Dilemmas Surrounding Legal Mechanisms of Striking a Proper Balance

Łukasz Żelechowski, University of Warsaw, Poland

Alternative Products as a Factor to Determine the Functionality of Trade Marks – How can we Apply the Criteria from US Functionality Doctrine in EU Law?

Lavinia Brancusi, Cardinal Stefan Wyszyński University, Warsaw, Poland

The Role of Confusion in Unfair Competition Law: A Comparative Analysis

Jennifer Davis, University of Cambridge, England

AFTERNOON TEA

3.15 – 3.40 PM

PANEL 8

3.40 – 5.30 PM

The Tumultuous Evolution of Copyright and the Creative Industries

Chair: Ysolde Gendreau, University of Montreal, Canada

The Creative Industries, Copyright and its Discontents

Begoña González Otero, EU Business School, Munich, Germany

The Economics of Professional Deference: Berne Art

10(1) and the Case of Music Copyright

Paul Heald, University of Illinois, USA

Copyrightability of Digital Remix Works and the Rights Derived Therefrom

Yahong Li, University of Hong Kong

Disability and Copyright

Karolina Sztobryn, University of Łódź, Poland

What Became of Mandatory, Global, Fair Use?

Lionel Bently, University of Cambridge, England

Rulifying Fair Use

Orit Fischman-Afori, The Haim Striks School of Law, Israel

(co-author Niva Elkin-Koren not speaking)

35 YEARS OF ATRIP CONGRESSES

5.30 – 6.00 PM

GALA DINNER

7.00 – 10.00 PM

Location: Cloth Hall/Sukiennice, The Gallery of 19th-Century Polish Art,
Rynek Główny 3, Kraków

29 JUNE 2016 (WEDNESDAY)

Location: Collegium Novum, Assembly Hall (Aula), Gołębia 24, Kraków

PANEL 9

8.45 – 10.00 AM

Regional Harmonisation and Diversity: EU Copyright

Chair: Séverine Dusollier, Sciences Po, France

EU Copyright Harmonisation

Bernt Hugenholtz, University of Amsterdam, The Netherlands

European Copyright Inside or Outside the European Union: Pluralism of Copyright Laws as a Chance rather than as a Call for Further Harmonisation

Andreas Rahmatian, University of Glasgow, Scotland

How the CJEU is Deconstructing Copyright Law

Andreas Wiebe, University of Göttingen, Germany

Is there an EU Copyright Jurisprudence? An Empirical Analysis of the Workings of the European Court of Justice

*Paul Torremans, University of Nottingham, England
(co-authors Marcella Favale & Martin Kretschmer not speaking)*

SHORT BREAK

10.00 – 10.15 AM

PANEL 10

10.15 – 11.45 AM

Innovation Frameworks and the Governance of Research

Chair: Peter Yu, Texas A & M Law School, USA

Assessing the Impacts of Intellectual Property: An Interdisciplinary Literature Review and Analytical Framework

Jeremy de Beer, University of Ottawa, Canada

Intellectual Property Pluralism and African Development Agendas

Susan Isiko Štrba, University of the Witwatersrand, South Africa

Intellectual Property in Research and Development

Agreements from Antitrust Law Perspective

Marek Salamonowicz, University of Warmia and Mazury, Olsztyn, Poland

IP Pluralism and Patent Rights in European Universities: The Spanish Case as a Paradigm

Luz Sanchez Garcia, UCAM University, Spain

Is ‘Responsible Research and Innovation’ able to Achieve the Desired Outcome for Publicly Funded Research?

Helen Yu, University of Copenhagen, Denmark

PANEL 11

11.45 AM – 12.30 PM

Panel Discussion: The Future of IP Research and the Teaching of IP Research

Chair: Daniel Gervais, Vanderbilt Law School, USA

Panellists:

Graeme Dinwoodie, Oxford University, England

Rochelle Dreyfuss, NYU Law School, US

Joe Bradley, WIPO

Conference close

ATRIP GENERAL ASSEMBLY

12.30 – 1.00 PM

LUNCH

1.00 – 2.00 PM

OPTIONAL GUIDED TOURS:

1. Kraków – city centre

Meeting time: 3.00 PM (duration: ca. 2 h)

Meeting point: Collegium Novum – at the entrance outside

2. Kazimierz – the best preserved former Jewish quarter in Europe

Meeting time: 3.00 PM (duration: ca. 4 h)

Meeting point: Collegium Novum – at the entrance outside

3. Wieliczka Salt Mine – city tour from Kraków

Meeting time: 2.45 PM (duration: ca. 4 h)

Meeting point: Collegium Novum – at the entrance outside

Breakfast Sessions

Tuesday 28 June, 7.45 – 9.15 AM

Breakfast sessions are held in parallel

Location: Collegium Novum, rooms: 30, 52 and 56 and the Deans' Room, Gołębia 24, Kraków

SESSION 1: INTERNATIONAL AND COMPARATIVE PERSPECTIVES

Chair and Commentator: Irene Calboli, Singapore Management University and Texas A & M School of Law

Multiplicity of GIs Registration Systems in the EU: Feasible Situation?

Suelen Carls, Federal University of Santa Catarina State, Brazil

TRIPS Flexibility, Trade Agreement & Investor-State Dispute Settlement: A Paradox

Pratyush Nath Upreti, Chakrabarti Habi Education Academy, Nepal

The Marrakesh Treaty: Lessons Learnt

Lida Ayoubi, Auckland University of Technology, New Zealand

A Sui Generis Regime for the Protection of Traditional Knowledge: What Can We Learn from India and Peru in the Design and Implementation of a Nationally Consistent Framework for the Protection of Traditional Knowledge in Australia?

Evana Wright, University of Technology, Sydney, Australia

Implementation by Russian Law of International Intellectual Property Standards

Ivan Zenin, Moscow State University, Russia

SESSION 2: INNOVATION FRAMEWORKS

Chair and Commentator: Martin Senftleben, University of Amsterdam

Rigidity vs. Flexibility: Application in Protecting Clinical Trials' Data

Doaa Abotaleb, Ain Shams University, Egypt

Flexibilities under TRIPS: An Analysis of the Proposal for Reforming Brazilian Patent Law

Roberto Romandini, Max Planck Institute, Munich, Germany

The Ongoing Fourth Amendment of the Chinese Patent Law and the Comparisons with Other Countries

Xiang Yu, Huazhong University of Science & Technology, China

Sui Generis Plant Variety Protection and New Breeding Techniques in India: Technology-Induced Reinterpretation of Functionally Diversified IP

Lodewijk Van Dycke, University of Leuven, Belgium

The Necessity of “Privacy Justice” in the Era of Technological Regulation

Phoebe Li, University of Sussex, England and James Griffin, University of Exeter, England

SESSION 3: SPOTLIGHT ON PATENTS

Chair and Commentator: Jens Schovsbo, University of Copenhagen, Denmark

Strengthening Patent Information Exploitation or Standardising Patent Substantial Rules: A Dilemma between Preserving Particular Interests and Promoting Overall Development

Nefissa Chakroun, Queen Mary, University of London, England

Utility Model Protection in Europe – an Alternative for a Patent or an Anachronism?

Marcin Balicki, Jagiellonian University, Poland

Post-Grant Patent Practices in the Competitive European Pharmaceutical Market – a Thin Line Between Patents, Strategy and Competition Law

Mari Minn, Scuola Superiore Sant’Anna di Pisa, Italy

Issues Concerning the Disclosure of Patent Ownership

Arina Gorbatyuka and Adrian Kovacs, University of Leuven, Belgium

Patent Damages without Borders: Extraterritoriality in U.S. Patent Law

Sapna Kumar, University of Houston, USA

SESSION 4: COPYRIGHT AND DESIGN

Chair and Commentator: Alexander Peukert, University of Frankfurt, Germany

‘Copyright is an Engine of Free Expression’ or ‘Free Expression is an Engine of Copyright’?: A Revisit of Expressions and Copyright for International Copyright Mechanisms

Chongnang Wiputhanupong, Sripatum University, Thailand

Towards a European Image Right on the Model of Copyright Law

Tatiana –Eleni Synodinou, University of Cyprus

The Never-ending Story of Cumulative Protection in Case of Industrial Design. Should a Candle Be Protected in Copyright?

Jakub Kępiński, Adam Mickiewicz University, Poznań, Poland

The Novelty Requirement in Design Law Protection

Johan Axhamn, Stockholm University, Sweden

Cartographic Work as a Database

Marlena Jankowska, University of Silesia, Poland