



UNIVERSITÉ DE STRASBOURG



# SUMMER SCHOOL ON IP IN EUROPE

**Strasbourg**

**26 June – 7 July 2017**

The course is organised by the Centre for International Intellectual Property Studies (CEIPI) at the University of Strasbourg and has been held successfully and attracted many participants over the last seven years.

The lecturers are chosen from those of the CEIPI and IP specialists including Academics, Patent and Trademark attorneys, Attorneys-at-law, as well as a member of the EUIPO management.

The summer course will be held over 11 working days, from Monday June 26 to Friday July 7, 2017.

The course aims to provide an academic and practical overview of the IP-related aspects of the legal system in the European Union, as well as giving concrete ideas

about IP litigation in Europe. The course is directed mainly at students and practitioners who want to acquire the basics of the European IP system, but also to practitioners in legal and R&D departments of European companies who want to better understand the European IP System.

Focus will be given on proceedings before the EPO and before the EUIPO (OHIM), as well on national laws of the three key countries involved in IP in Europe.

# PROGRAMME

## Monday 26 June 2017

### **G1- 09:00 – 12:00 – EU basics**

General introduction to the European legal system: European Union law, national laws

### **12:00 – 13:30 – Lunch break**

### **G2 - 13:30 – 15:30 – Overview of main IP rights and their validity assessment - glossary**

### **G3- 15:30 – 16:30 – Controversies**

## Tuesday 27 June 2017

### **G4- 9:00 – 12:00 – Operating IP rights in Europe – EU limitations to agreements**

IP rights and the EU treaty – exhaustion of rights – competition rules – penalties for non-compliance – abuse of dominant position - cartels

### **12:00 – 13:30 – Lunch break**

### **G5- 13:30 – 16:00 – overview of proceedings before the EPO – kinds of communications received**

### **G6- 16:30 – 18:30 – Overview of proceedings before the EUIPO (OHIM) – kinds of communications received**

Proceedings before the EUIPO (OHIM) ; community trademarks and designs

*19:30 – Welcome dinner (to be confirmed)*

## Wednesday 28 June 2017

### **G7- 9:30 – 12:00 – Overview of national grant proceedings in some key European countries, including DE, FR and GB**

Highlights of patent prosecution in Germany, France, the United-Kingdom, the Netherlands... – comparison with EPO prosecution

### **12:00 – 13:30 – Lunch break**

### **G8- 13:30 – 15:00 – The unitary patent system 1/2**

The EU patent package: European unitary patent and Unified European patent Court – outline of the package, pending issues, concrete application, possible strategies

***15:00 – 17:30 – Visit of the European Parliament in Strasbourg (to be confirmed)***

**G8- 18:00 – 20:00 – The unitary patent system 2/2**

The EU patent package: European unitary patent and Unified European patent Court – outline of the package, pending issues, concrete application, possible strategies

**Thursday 29 June 2017**

**G9- 9:15 – 12:30 – Enforcement of IP rights in Europe: Enforcement at the border**

Rules applicable to customs intervention

New EU Regulation concerning customs enforcement – specific additional rules applicable locally

EU Directive on the enforcement of IP rights: aim – main provisions – actual impact on enforcement of IP rights

**12:30 – 14:00 – Lunch break**

**G10- 14:00 – 17:30 – Copyrights and neighbouring rights in Europe**

Basic notions of copyright protection - Introduction to the different existing traditions of copyright in Europe – “Acquis communautaire” in the field of copyrights

**Friday 30 June 2017**

**G11- 9:00 – 12:00 – IP Strategy in Europe**

Industry insights in European best practice cases on IP strategy for different branches, technologies and business models

**12:00 – 13:30 – Lunch break**

**G12- 13:30 – 16:00 – Contracts involving IP rights**

Kinds of contracts – main provisions – focus on licenses – traps to avoid – sub-contracting – cross-licensing

**G13- 16:00 – 19:00 - Patent procurement at USPTO, EPO and JPO**

Basic notions of US Patent Law - Recent US case law : development on eligibility and functional claiming - Pitfalls for US patent applications based on foreign patent applications – Controversies

**Saturday 1 July 2017**

**G13- 9:00 – 13:00 – Cross border classic European patents and European patent with unitary effect litigation**

Pan-European litigation: Brussels regulation on jurisdiction, recognition and enforcement of judgments – Pan-European provisional injunctions – Italian torpedo - Litigation statistics – Alternative Dispute Resolutions

**13:00 – 14:00 – Lunch**

**Sunday 2 July 2017**

***13:00 – 19:00 – Guided tour in the heart of the Wine Routes with castles and traditional villages***

- Visit of a picturesque village
- Visit of the Haut-Koenigsbourg Castle
- Wine tasting in a wine cellar

**Monday 3 July 2017**

**9:00 – 12:00**

<b>P1- Examination Practice in Europe and EPO's proceedings 1/3</b>	<b>T1- Trademarks and Design Rights examination cases in Europe 1/2 Designs</b>
Filing + priority + search + case law - Role of the EPO - Filing formalities - Concrete procedural aspects: main issues discussed during examination – key elements in responses – amendments - auxiliary requests – submission of further evidence – third parties	- Community Design Regulations (CDR), etc. - Proceedings before the EUIPO (OHIM) and some EU countries - Relevant issues (international trends and major controversies, etc.) - Classification of designs (Locarno Classification)

<p>observations – ex-parte oral proceedings – appeals – limitations</p>	<ul style="list-style-type: none"> <li>- Registration of designs and cases of refusal</li> <li>- Hague System for International Registration of Industrial Designs</li> </ul>
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**12:00 – 13:30 – Lunch break**

**13:30 – 17:00**

<b>P2- Examination Practice in Europe and EPO's proceedings 2/3</b>	<b>T2- Examination Practice in Europe 2/2 Designs</b>
<ul style="list-style-type: none"> <li>- EPC regulations and EPO's approach on patentability: exclusions of patentability</li> <li>- Approach for software and pharmaceutical products</li> <li>- Assessment of novelty (disclaimer) and of inventive step (problem-solution approach)</li> </ul>	<ul style="list-style-type: none"> <li>- Role of the EUIPO (OHIM)</li> <li>- Grant proceedings for Community designs : criteria for registration of designs</li> <li>- 3-dimensional CAD file application system</li> <li>- Grounds for refusal</li> <li>- Invalidity               <ul style="list-style-type: none"> <li>- Introduction – General principles applying to Invalidity proceedings</li> <li>- Filing of an Invalidity Application</li> <li>- Adversarial Stage of the Proceedings</li> <li>- Different Grounds for Invalidity (Case Law)</li> <li>- Termination of the Proceedings</li> <li>- Appeal</li> </ul> </li> <li>- Case law</li> </ul>

**Tuesday 4 July 2017**

**9:00 – 12:30**

<b>P3- Patent trials and litigation in Europe (Advanced course)</b>	<b>T3- Trademarks and Design Rights in Europe (Advanced course)</b>
<ul style="list-style-type: none"><li>- General rules applicable in the EU</li><li>- Main procedural aspects of IP litigation in France, Germany and the UK</li><li>- Evidence</li><li>- Actions on the merits</li><li>- Provisional actions</li><li>- Timing</li><li>- Cost</li><li>- Damages</li><li>- Major issues in each technological field and cases of disputes</li><li>- Analysis and discussion on patent trial decision cases</li></ul>	<ul style="list-style-type: none"><li>- Advanced notions of TM and Designs</li><li>- Community Trade Mark Regulation (CTMR), Community Design Regulations (CDR), etc.</li><li>- Proceedings before the EUIPO (OHIM) and some EU countries</li><li>- Relevant issues (international trends and major controversies, etc.)</li></ul>

**12:30 – 14:00 – Lunch break**

**14:00 – 17:30**

<b>P4- Examination Practice in Europe and EPO's proceedings 3/3 (concrete examples)</b>	<b>T4- Examination Practice in Europe 1/2 TM</b>
<ul style="list-style-type: none"><li>- Prior art</li><li>- Topping up search</li><li>- Assessment and interpretation of claims</li></ul>	<ul style="list-style-type: none"><li>- Role of the EUIPO (OHIM)</li><li>- Grant proceedings for CTM</li><li>- Grounds for refusal (CTMR Art. 7)</li></ul>

<ul style="list-style-type: none"> <li>- Clarity issues</li> <li>- Added subject-matter</li> <li>- Intermediate generalization</li> <li>- Unity of invention (partial search)</li> <li>- Sufficiency of disclosure</li> </ul>	<ul style="list-style-type: none"> <li>- Post-grant proceedings : opposition, cancellation</li> <li>- Appeal proceedings</li> <li>- Case law</li> </ul>
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**Wednesday 5 July 2017**

**9:00 – 12:00**

<b>P5- Patent examination cases in Europe</b>	<b>T5- Trademarks and Design Rights examination cases in Europe 1/2</b>
<ul style="list-style-type: none"> <li>- EPO Case law : novelty, inventive step, industrial application</li> <li>- Examples of writing an office action on the merits (grounds for refusal)</li> <li>- Examples of writing a response to an office action on the merits</li> </ul>	<ul style="list-style-type: none"> <li>- Classification of trademarks, distinctiveness of trademarks, etc.</li> <li>- Non-traditional trademarks, geographical indication, commonly used TM, pharmaceutical TM, etc.</li> <li>- Well-known TM</li> <li>- Madrid International Trademark System</li> <li>- Concept of unfair competition</li> <li>- Concept of confusion</li> <li>- Case law</li> </ul>

**12:00 – 13:30 – Lunch break**



13:30 – 17:30

<b>P6- Basic differences between EPO's approach and USPTO's approach</b>	<b>T6- Opposition and cancellation drafting in TM 1/2</b>
<ul style="list-style-type: none"><li>- Key differences in procedural aspects</li><li>- Presentation and analysis of the claims</li><li>- Assessment of new matter and of obviousness</li></ul>	<ul style="list-style-type: none"><li>- Opposition :<ul style="list-style-type: none"><li>- Procedural matters : admissibility check ; cooling-off period ; adversarial stage; termination of proceedings ; procedural issues</li><li>- Identity and likelihood of confusion (Case Law)</li><li>- Unauthorised filing by the agent of the TM proprietor (art 8(3) CTMR)</li><li>- Rights under (art 8(4) CTMR)</li><li>- Trademarks with reputation (art 8(5) CTMR)</li><li>- Proof of use</li></ul></li></ul>

19.00 – Boat trip

Thursday 6 July 2017

9:00 – 12:00

<b>P7- Claim drafting in Mechanics Amending claims at the EPO</b>	<b>T7- Opposition and cancellation drafting in TM 2/2</b>
<ul style="list-style-type: none"><li>- Presentation of the structure of claims in Mechanics</li><li>- Drafting of main claims in Mechanics –</li></ul>	<ul style="list-style-type: none"><li>- Cancellation</li><li>- Procedural matters : application for cancellation ; admissibility check</li></ul>

<p>presentation of sub-claims</p> <ul style="list-style-type: none"> <li>- Consequences on patent prosecution</li> <li>- Concrete example of amending claims in response to an office action</li> </ul>	<p>Substantive provisions (Case Law)</p>
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**12:00 – 13:30 – Lunch break**

**13:30 – 17:00**

<p><b>P8- Claim drafting in Chemistry</b> <b>Amending claims at the EPO</b></p>	<p><b>T8- Trademarks and Design Rights trials</b> <b>and litigation in Europe</b></p>
<ul style="list-style-type: none"> <li>- Presentation of the structure and type of claims in Chemistry</li> <li>- Comparison of Chemistry and Mechanics</li> <li>- Presentation of sub-claims</li> <li>- Specificities of Chemistry: claiming compositions, ranges, difficulties in satisfying both amendment rules and inventive step requirements in EPO prosecution</li> <li>- Concrete examples of amending claims in response to an office action</li> </ul>	<ul style="list-style-type: none"> <li>- Introduction on dispute settlements</li> <li>- General rules applicable in the EU</li> <li>- Main procedural aspects of IP litigation in France, Germany and the UK</li> <li>- Preliminary rulings at European Court of Justice, appeals against decisions</li> <li>- Tribunal BoA (Board of Appeal) and arbitration</li> <li>- Major issues and dispute cases in trademarks and designs</li> <li>- Harmonization with competition law and other relevant regulations</li> <li>- Issues and cases</li> <li>- Analysis of rulings and discussions</li> <li>- Revocation, invalidation, etc.</li> </ul>

**Friday 7 July 2017**

**G14- 9:00 – 12:00 – Workshop Opposition and Oral proceedings- sample case**

A concrete view of opposition proceedings before the EPO – Brief comparison between EPO and UPC procedures especially with respect to oral proceedings – oral proceedings before the EPO

**12:00 – 13:30 – Lunch break**

**G14- 13:30 – 17:30 – Workshop Oral proceedings- sample case**

A concrete view of opposition proceedings before the EPO – oral proceedings before the EPO (mock trial)

**17:30 – 18:30 – Farewell**