

IPCLC

IP Case Law Conference

25 years of the Boards of Appeal: Shaping New Horizons



7-8 July 2022



Day one – 7 July 2022

09.30 10.00 Welcome by João Negrão, President of the Boards of Appeal, European Union Intellectual Property Office

Opening statements by:

- Christian Archambeau, Executive Director, European Union Intellectual Property Office
- Ivan Jančárek, Ambassador of the Czech Republic for Spain and Andorra
- Savvas Papisavvas, Vice-President, General Court of the EU

10.05 11.05 **First Session**

General Court Proceedings

Panel Leader: Savvas Papisavvas, Vice-President, General Court of the EU

Leading Discussant: Monika Millet, Judge, Vienna Commercial Court

Topic 1: Pourvoi to the Court of Justice under the New Regime: lessons to be drawn after 3 years?

Speaker: Tamara Perisin, Judge, General Court of the EU

Topic 2: ‘Amplification’ of Pleas and Arguments Before the General Court: how far can we go without going too far?

Speaker: Renata Ukelyte, Administrator, General Court of the EU

Topic 3: Conceptual Comparison and Names of Celebrities: a VIP entry pass?

Speaker: Ionut Dragan, Legal Secretary, General Court of the EU

Topic 4: Overprotection of Weak Marks: only history?

Speaker: Charles-Henry Massa, Legal Secretary, General Court of the EU

Topic 5: Distinctiveness of Non-Traditional marks: ‘Significant Departure’ vs ‘Resonance’

Speaker: Natalie Schall, Legal Secretary, General Court of the EU

11.05 11.35 **Q&A Session**

11.35 12.00 Coffee break

12.00 12.50 Second Session

Sustainability and the Greening of Intellectual Property

Panel Leader: Max Walters, Senior Reporter, Managing Intellectual Property

Topic 1: Key Takeaways from the Europe Commission Action Plan on Intellectual Property 2020

Speaker: Markus Kicia, DG Grow, European Commission

Topic 2: A Helicopter View of Green Trade Mark and Design Case Law

Speaker: Pierre-Yves de Harven, Judge, Brussels Business Tribunal

Topic 3: Eco-Friendly Plant Varieties: a view from the Community Plant Variety Office

Speaker: Francesco Mattina, President, Community Plant Variety Office

Topic 4: Weeding Out the Unsustainable: cannabis trade marks before the Boards of Appeal

Speaker: Gordon Humphreys, Chairperson of the First and Third Boards of Appeal, European Union Intellectual Property Office

Topic 5: Transitioning into the Green Zone: an in-house perspective

Speaker: Laetitia Lagarde, Legal Counsel, Global Blue

12.50 13.15 Q&A Session

13.15 14.30 Lunch break

14.30 15.20 Third Session

Intersecting Intellectual Property Rights in Culture, Fashion and Entertainment

Panel Leader: James Nurton, Partner, Lextel Partners

Topic 1: Trademarking Press and Book Titles: trying to make the impossible possible?

Speaker: Yann Basire, Directeur General Center for Intellectual Property Studies, Université de Strasbourg

Topic 2: Gaming and Sport: generating potential for concurrent intellectual property rights

Speaker: Vojtech Chloupek, Partner, Bird & Bird

Topic 3: Protection of Music and Films: a tour d'horizon of intellectual property rights possibilities

Speaker: Nina Korjus, Chairperson of the Fourth Board of Appeal, European Union Intellectual Property Office

Topic 4: From Bansky to Rembrandt: objections to exploiting intellectual property rights in art and culture

Speaker: Knud Wallberg, Partner, Zacco

Topic 5: New Frontiers for Fashion Law

Speaker: Eleonora Rosati, Professor of Intellectual Property Law, Stockholm University

15.20 15.50 Q&A session

15.50 16.15 Coffee Break

16.15 17.05 Fourth Session

Nurturing the Value of Healthcare and Wellness

Panel Leader: Jose Antonio Gil Celedonio, Director General, Spanish Office of Patents and Trademarks

Topic 1: Legal Issues of Pharmaceutical Compulsory Licensing

Speaker: Marco Aleman, Assistant Director General, World Intellectual Property Organization

Topic 2: Current Challenges of Pharmaceutical Trade Marks

Speaker: Ilanah Fhima, Professor of Intellectual Property Law, University College London

Topic 3: Health and Public Policy Concerns: the case of Covid trade marks

Speaker: Virginia Melgar, Chairperson of the Fifth Board of Appeal, European Union Intellectual Property Office

Topic 4: Justifications for Non-Use: the force majeure benchmark

Speaker: Albert Zervas, Judge, Trademark Trial and Appeal Board, United States Patent and Trademark Office

Topic 5: Protecting Wellness and Beauty through Intellectual Property Rights: an industry view

Speaker: José Monteiro, Of Counsel, PGDH Avocats

17.05 17.30 Q&A session

End of day one

Day two (8 July 2022)

09.10 09.30 Opening address by Marion Walsmann, Member, European Parliament

09.30 10.30 **Fifth Session**

Challenges in the Digital Age

Panel Leader: Axel Voss, Member, European Parliament

Topic 1: Perspectives on Frontier Technologies, Artificial Intelligence and Beyond: scaling up artificial intelligence (and blockchain) for public administrations

Speaker: Marc Clement, Judge, Administrative Court of Appeal of Lyon

Topic 2: The Human Factor in Artificial Intelligence Machine Inventions: Decisions J 8/20 and J 9/20 of the European Patent Office Legal Board of Appeal

Speaker: Ingo Beckedorf, Chairperson, Boards of Appeal, European Patent Office

Topic 3: Race Against the Machine: comparing the system-level performance of computational and human decision-making

Speaker: Anna Ronkainen, Independent Scholar, University of Helsinki

Topic 4: Artificial Intelligence and Trade Mark Law

Speaker: Anke Moerland, Associate Professor of Intellectual Property Law, Maastricht University

Topic 5: Internet-Based Evidence: how can trade mark law catch up with the Digital Age?

Speaker: Alicja Zalewska-Orabona, Of Counsel and Head of the EU Trade Mark Team at CMS Cameron McKenna Nabarro Olswang

Topic 6: Case-Law on Software Trade Marks: all up in the cloud(s)?

Speaker: Sven Stürmann, Chairperson of Second Board of Appeal, European Union Intellectual Property Office

10.30 11.00 **Q&A Session**

11.00 11.30 **Coffee break**

11.30 12.20 **Sixth Session**

Rolling Out Automotive Intellectual Property

Panel Leader: Amedeo M. Vanara, Senior Legal Counsel, Iveco Group

Topic 1: Spare Parts and Models: conundrums of genuine use of car trade marks

Speaker: Rüdiger Pansch Dr iur., M. Jur. (Oxon.)

Topic 2: Cutting-Edge Legal Issues of Automotive Designs

Speaker: Julie Samnadda, Member of the Legal Service, European Commission

Topic 3: Upscaling Value from the Past: vintage marks in Europa

Speaker: Verena von Bomhard, Founder and Partner, Bomhard Intellectual Property

Topic 4: Design Reform: terra nova or just tweaking?

Speaker: David Stone, Global Head of Intellectual Property, Allen & Overy

Topic 5: Latest Case-Law on Patents in the Automotive Industry: a national perspective

Speaker: Nathalie Sabotier, Head of the Intellectual Property Chamber, Tribunal of Paris

12.20 12.45 Q&A session

12.45 14.15 Lunch break

14.15 15.15 Seventh Session

Boosting the Attractiveness of Intellectual Property Rights in Food and Beverages

Panel Leader: Irene Calboli, Professor of Law, Texas A&M University School of Law

Topic 1: The Panorama of Geographical Indications Reform: great expectations

Speaker: Dimitris Botis, Legal Department, European Union Intellectual Property Office

Topic 2: The International Dimension of Geographical Indications: relevancy for European stakeholders

Speaker: Bernard O'Connor, Head of Office, O'Connor and Company

Topic 3: Comparing Alcoholic and Non-Alcoholic Beverages: market realities

Speaker: Imogen Fowler, Partner, Hogan Lovells

Topic 4: Dilemmas of Dual Protection of Geographical Indications and Trade Marks

Speaker: Pilar Montero, Director of the Master in Intellectual Property and Digital Innovation, Magister Lvcentinvs, Universidad de Alicante

Topic 5: Vexed Questions of Reputation and Genericity of Geographical Indications

Speaker: Dev Gangjee, Professor of Intellectual Property Law,
University of Oxford

**Topic 6: Can Geographical Names, Including State Names, be
Trade Marks?**

Speaker: Marcus Höpperger, Director of Law and Legislative Advice,
World Intellectual Property Organization

15.15 15.45 Q&A session

15.45 16.00 Closing remarks by:

João Negrão, President of the Boards of Appeal, European Union Intellectual
Property Office

End of conference