

**EUROPEAN POLICY  
FOR INTELLECTUAL PROPERTY  
18<sup>th</sup> Annual Conference**

**Kraków, 11-13 September 2023**

## Conference schedule: overview

Monday, 11 September 2023		
08:30-14:30	EPIP PhD Workshop	Collegium Maius: Bobrzyński Room
15:00-15:30	Registration	Collegium Novum: Assembly Hall
15:30-16:00	<p><b>Welcome</b></p> <p><b>Frank Tietze</b>, EPIP President 2022-2023</p> <p><b>Dorota Malec</b>, Vice-Rector of the Jagiellonian University for International Relations</p> <p><b>Jerzy Pisuliński</b>, Dean of the Jagiellonian University Faculty of Law and Administration</p> <p><b>Piotr Zakrzewski</b>, Vice President of the Patent Office of Republic of Poland</p> <p><b>Robert Piaskowski</b>, Plenipotentiary for Culture of the Mayor of the City of Kraków</p>	Collegium Novum: Assembly Hall
16:00-16:45	<p><b>Keynote: Maciej Szpunar</b></p> <p>Internet Challenges for the Protection of Intellectual Property</p>	Collegium Novum: Assembly Hall
16:45-18:15	<p><b>Perspectives of IP Office Chief Economists</b></p> <p>IP Rights in the face of new technologies</p>	Collegium Novum: Assembly Hall
18:30-20:30	Welcome reception	Garden of the Archaeological Museum

Tuesday, 12 September 2023		
08:40-10:00	<b>Parallel Sessions D2/1</b>	
	<p><b>Themed session</b></p> <p>Sub-Patent Innovation Rights: Do Utility Models Contribute to Innovation, Business and Society?</p>	Auditorium Maximum: Medium Hall
	Free Flow vs. Protection of Information: Finding the Secret Recipe	Auditorium Maximum: Small Hall
	International Trade and Beyond	Auditorium Maximum: Seminar Room
	The Dynamics of Technology Transfer and Licensing	Auditorium Maximum: Conference Room
	DSA and CDSM: Synergies and Complications	Faculty of Law: Room A
	Towards a Balanced Copyright Framework	Faculty of Law: Room B
10:00-10:15	Break	
10:15-11:00	<p><b>Keynote: Dietmar Harhoff</b></p> <p>Financial Market Reactions to International Patent Disclosures and Grants (co-author Ann-Kristin Kreyer)</p>	Auditorium Maximum: Medium Hall

11:00-11:15	<b>EPO Presentation</b> New EPO IP Educational modular: "CREATE – PROTECT – INNOVATE: Bringing ideas to market"	Auditorium Maximum: Medium Hall
11:15-11:30	Break	
11:30-13:10	<b>Parallel Sessions D2/2</b>	
	<b>Themed session</b> FLL talks-AI and the future of IP law	Auditorium Maximum: Medium Hall
	Diversity Across the (IP) World	Auditorium Maximum: Small Hall
	Inside the Patent Offices: Unravelling Examiner Practices	Auditorium Maximum: Seminar Room
	Leveraging Empirical Data for IP Research	Auditorium Maximum: Conference Room
	Fully Automated, Digital IP Ecosystems?	Faculty of Law: Room A
	IP in Times of the Climate and Environmental Crisis	Faculty of Law: Room B
13:10-14:10	Lunch	
14:10-15:10	<b>Judges roundtable</b> The Changing Litigation Landscape and Strategies in Europe	Auditorium Maximum: Medium Hall
15:10-15:30	<b>EPIP General Assembly</b>	Auditorium Maximum: Medium Hall
15:30-15:40	Break	
15:40-17:00	<b>Parallel Sessions D2/3</b>	
	<b>Themed session</b> Rethinking Copyright for Quality Journalism and Media Diversity in Europe	Auditorium Maximum: Medium Hall
	<b>WIPO session</b> Innovation and Intellectual Property in the Videogame Industries	Auditorium Maximum: Small Hall
	Expanding Access to Medicine: the Role of IP	Auditorium Maximum: Seminar Room
	The Data Dilemma: Balancing Access and Protection	Auditorium Maximum: Conference Room
	IP's Contribution to Sustainability	Faculty of Law Room A
	Standard-Essential Patents: Trends and Developments	Faculty of Law Room B
17:00-17:10	Break	
17:10-18:30	<b>Parallel Sessions D2/4</b>	

	<b>WIPO session</b> Cumulative Creativity and the Dynamics of the Copyright System – The Impact of New Technology including Artificial Intelligence	Auditorium Maximum: Medium Hall
	<b>Themed session</b> Virtual Markets and Trademark Infringement and Enforcement	Auditorium Maximum: Small Hall
	A Machine-Centric IP System?	Auditorium Maximum: Seminar Room
	Charting New Paths in Copyright and Creativity	Auditorium Maximum: Conference Room
	Strategic Thinking in IP Protection	Faculty of Law: Room A
	The Pharmaceutical Sector: IP and Data	Faculty of Law: Room B
20.00-23.30	<b>Gala Dinner</b>	National Museum's Gallery Sukiennice

<b>Wednesday, 13 September 2023</b>		
08:40-10:00	<b>Parallel Sessions D3/1</b>	
	IP Insights from the COVID-19 Pandemic	Auditorium Maximum: Medium Hall
	Exploring the Nexus of Access to Knowledge and Innovation	Auditorium Maximum: Small Hall
	Navigating IP Issues on Online Platforms	Auditorium Maximum: Seminar Room
	IP in the Circular Economy: Ally or Obstacle?	Auditorium Maximum: Conference Room
	<b>Themed session</b> Generative AI and Intellectual Property: Assessing the Regulatory Landscape of the Terms & Conditions as a Start for Responsible Innovation and Adoption	Faculty of Law: Room A
	IP's Market Footprint	Faculty of Law: Room B
10:00-10:15	Break	
10:15-11:00	<b>Keynote: Annette Kur</b> IP overlaps – chance, nuisance or (new) normality?	Auditorium Maximum: Medium Hall
11:00-12:15	<b>Plenary session</b> Overlapping IP Rights: Still An (Unavoidable) Problem in the 21st Century?	Auditorium Maximum: Medium Hall
12:15-13:05	Lunch	Auditorium Maximum: Exhibition Room
13:05-14:45	<b>Parallel Sessions D3/2</b>	

	<b>Themed session</b> Limits of flexibility in the implementation of the DSM Directive	Auditorium Maximum: Medium Hall
	Innovation: Drivers and Obstacles	Auditorium Maximum: Small Hall
	Innovation Across Industries	Auditorium Maximum: Seminar Room
	A Multifaceted View on IP Enforcement	Auditorium Maximum: Conference Room
	Integrating IP Protection and Fair Labor Practices	Faculty of Law Room A
	Copyright Challenges in the Digital Era	Faculty of Law: Room B
14:45-14:55	Break	
14:55-16:15	<b>Parallel Sessions D3/3</b>	
	<b>Themed session</b> IP for Progress and Preservation	Auditorium Maximum: Medium Hall
	Assessing IP's Impact on Innovation	Auditorium Maximum: Small Hall
	The Economic Value of Intellectual Property Rights	Auditorium Maximum: Seminar Room
	Expanding Methodological Toolboxes for IP Research	Auditorium Maximum: Conference Room
16.15-16:30	Conference close and farewell	Auditorium Maximum: Medium Hall

# Plenary sessions

<b>Monday, 11 September 2023</b>		
<b>16:00-16:45</b>	<b>Keynote Address</b> <b>Prof. Maciej Szpunar</b> Internet Challenges for the Protection of Intellectual Property	Collegium Novum: Assembly Hall
<p>Graduate of the Faculty of Law at the University of Silesia and the College of Europe in Bruges; PhD in Law (2000); Dr. habil. (2009); Professor of Law (2013); Visiting Scholar at Jesus College, Cambridge (1998), at the University of Liège (1999) and at the European University Institute in Florence (2003); Attorney-at-law (2001-2008), member of the private international law team of the Civil Law Codification Commission of the Ministry of Justice (2001-2008); member of the advisory board of the Academy of European Law in Trier; full member of the Académie internationale de droit comparé; member of the Groupe européen de droit international privé (GEDIP); member of the Research Group on EC Private Law (Acquis Group); undersecretary of state at the Office of the Committee for European Integration (2008-2009), then at the Ministry of Foreign Affairs (2010-2013); attorney for the Polish government in numerous cases before the courts of the European Union; member of the editorial board of a number of legal periodicals; author of numerous publications on European law and private international law; Advocate General of the Court of Justice since October 23, 2013.</p>		
<b>16:45-18:15</b>	<b>Perspectives of IP Office Chief Economists</b> <b>IP Rights in the face of new technologies</b> Chair: Catalina Martinez (CSIC Institute of Public Goods and Policies)	Collegium Novum: Assembly Hall
<p><b>Carsten Fink</b> is the Chief Economist of the World Intellectual Property Organisation (WIPO) based in Geneva. Before joining WIPO, he was Professor of International Economics at the University of St.Gallen. He also held the positions of Visiting Professor at the Fondation Nationale des Sciences Politiques (Sciences Po) in Paris and Visiting Senior Fellow at the Group d'Economie Mondiale, a research institute at Sciences Po. Prior to his academic appointments, Mr. Fink worked for more than 10 years at the World Bank. Among other positions, he was a Senior Economist in the International Trade Team of the World Bank Institute, working out of the World Bank's office in Geneva and an Economist in the Trade Division of the World Bank's research department, based in Washington, DC. Mr. Fink's research work – focused on intellectual property, innovation, and international trade – has been published in academic journals and books. He holds a doctorate degree in economics from the University of Heidelberg in Germany and a Master of Science degree in economics from the University of Oregon in the United States.</p>		
	<p><b>Andrew Toole</b> is the Chief Economist at the U.S. Patent and Trademark Office (USPTO) and a Research Associate at the Leibniz Centre for European Economic Research (ZEW). Dr. Toole joined the USPTO with experience in the private sector, academia, and government. After completing his Ph.D. in economics at Michigan State University, Andrew Toole went to Stanford University as a postdoctoral student before becoming a faculty member at Illinois State University and Rutgers University in New Jersey. His research focuses on the economics of innovation, intellectual property, and related science and technology policies. Dr. Toole has published in the Journal of Law and Economics, the Review of Economics and Statistics, Research Policy, Management Science, and many other peer-reviewed journals.</p>	
<p>Born in Wrocław, Poland and a dual Polish/Danish national, <b>Nathan Wajzman</b> was educated at the University of Aarhus in Denmark and later undertook graduate studies in the USA, earning a PhD in Economics from the University of Florida and an MBA from Temple University in Philadelphia. Dr. Wajzman was named Chief Economist of the EUIPO in May 2011. He has been with the agency since 2007, previously working in Finance and Quality Management. Prior to joining the EUIPO, he spent 20 years working in the private sector. A stint as a forecasting analyst at an electric utility in Florida was followed by a career in telecommunications and finance industries in the USA and several European countries, including positions with AT&amp;T in the USA and Belgium, Swiss Reinsurance Company in Zurich, and Claranet Benelux, a managed hosting and internet service provider in the Netherlands.</p>		



**Brent Lutes** is the first chief economist for the United States Copyright Office. He was appointed to the position effective April 10, 2022. Dr. Lutes, an applied economist, is responsible for evaluating the economic impacts of programs and policies relating to the U.S. and international copyright systems. He advises the Register of Copyrights and other senior Office officials on how these impacts affect the Office, copyright stakeholders, and the general public. He is also in charge of developing internal and external research projects to support policy determinations and operational decisions. Before joining the Office, Dr. Lutes worked in Boston at a global economic and financial consulting firm, the Brattle Group, where he served as a consultant, project manager, and expert witness. He has contributed important economic analyses in high-profile litigation and regulatory matters involving intellectual property in the United States and internationally. His experience spans a breadth of industries, including art and entertainment, technology, telecommunications, transportation, and health care. Brent earned a PhD in economics from the University of California, Irvine, where his research focused on the economic concerns of legislative and regulatory governance.

**Yann Ménière** joined the EPO as Chief Economist in 2016. He has many years of extensive experience of providing economic insights into issues relating to patents, innovation and economic growth and contributes high-level expertise and analysis to public and expert forums on a regular basis. Yann led the chair on IP and Markets for Technology at MINES ParisTech where he was previously a professor of economics. He also lectured on the economics of IP at Imperial College London, the Université catholique de Louvain (Belgium) and CEIPI. His research and expertise relate to the economics of innovation, competition and intellectual property.



**Piotr Zakrzewski** is the Deputy President of the Patent Office of the Republic of Poland. He was appointed to the position in January 2020. From 2016 to 2020 he served as deputy director of the Department for Promotion and Support of Innovation at the Polish Patent Office, where he was responsible for the implementation of system projects, as well as the development of materials aimed at disseminating knowledge about intellectual property. Graduate of the University of Warsaw, he holds PhD in social sciences. Author of publications in the field of intellectual property protection and management. Lecturer at the Cardinal Stefan Wyszyński University in Warsaw.

**Catalina Martinez** is senior researcher at the Institute of Public Goods and Policies of the Spanish National Research Council (CSIC-IPP) in Madrid. With a PhD in Economics, before joining CSIC she worked at a competition policy consulting firm in London and Brussels and at the OECD in Paris for several years. Her research focuses on the analysis of policies and the strategies of actors in the science and innovation system, especially in relation to patents, technology markets and science-industry links, and has published in journals such as Research Policy; Scientometrics; Journal of Technology Transfer; Economics of Innovation and New Technology; Technology Analysis and Strategic Management; Research Evaluation; Science and Public Policy and Industry and Innovation. Member of the EPIP board and president in the academic year 2021/22, she is also member of the scientific committee of the Observatoire des Sciences et Techniques (Hcéres-OST) in France and often participates in expert groups on science and innovation policy nationally and internationally.




## Tuesday, 12 September 2023

10:15-11:00	<b>Keynote Address</b> <b>Prof. Dietmar Harhoff</b> Financial Market Reactions to International Patent Disclosures and Grants (co-author Ann-Kristin Kreyer)	Auditorium Maximum: Medium Hall
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**Dietmar Harhoff** is Director at the Max Planck Institute for Innovation and Competition and Professor for Entrepreneurship and Innovation at the Ludwig-Maximilians-Universität (LMU) Munich. His research focuses on innovation, entrepreneurship, intellectual property, industrial economics, and economic policy. He has served in advisory functions to private and public organizations at various times. From 2007 to 2019, he was Chairman of the Commission of Experts for Research and Innovation (EFI) who presents annual reports on research, innovation and technological performance to the German Chancellor. In 2019, he was appointed chair of the Commission for the establishment of the German Agency for Disruptive Innovation (SPRIND). He is now member of the SPRIND supervisory board. Dietmar Harhoff is elected member of the German Academy of Science and Engineering (acatech), the German National Academy of Sciences Leopoldina, and the Bavarian Academy of Sciences and Humanities (BAW).



14:10-15:10	<p style="text-align: center;"><b>Judges roundtable</b></p> <p style="text-align: center;"><b>The Changing Litigation Landscape and Strategies in Europe</b></p> <p style="text-align: center;">Chair: Nari Lee (Hanken School of Economics)</p>	<p style="text-align: center;">Auditorium Maximum: Medium Hall</p>
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">  </div> <div style="width: 65%;"> <p><b>Sir Richard Arnold</b> read Chemistry at the University of Oxford before being called to the Bar of England and Wales in 1985. He specialised in intellectual property law and became a QC in 2000. He was Chairman of the Code of Practice for the Promotion of Animal Medicines Committee from 2002 to 2008, an Appointed Person hearing trade mark appeals from 2003 to 2008 and a Deputy High Court Judge from 2004 to 2008. He was a Judge of the High Court, Chancery Division from October 2008 to September 2019 and Judge in Charge of the Patents Court from April 2013 to September 2019. He has been an External Member of the Enlarged Board of Appeal of the European Patent Office since March 2016. He has been a Judge of the Court of Appeal since October 2019. He is the author of <i>Performers' Rights</i> (6th ed, Sweet &amp; Maxwell, 2021), the editor of the <i>Halsbury's Laws of England</i> title <i>Trade Marks and Trade Names</i> (5th ed, Butterworths, 2014), an editor of <i>Dicey, Morris and Collins on The Conflict of Laws</i> (16th edn, Sweet &amp; Maxwell, 2022), was editor of Entertainment and Media Law Reports from 1993 to 2004 inclusive and has published numerous articles in legal journals. He is a Visiting Professor at the University of Westminster and was made an honorary Doctor of Laws by the same institution in July 2017.</p> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 65%;"> <p><b>Angel Galgo Peco</b> graduated in Law in 1985 (Universidad Complutense de Madrid) and joined the Judiciary in 1989, serving in different courts. From 1999 to 2002 he worked at the High Council of the Judiciary, in charge of the International Relations Unit. During this period, he also worked occasionally for United Nations (Guatemala, El Salvador) and the Council of Europe (Western Balkan countries), in programs on judicial capacity building. In 2003, he joined the Council of Europe (Strasbourg), as seconded national expert. From 2004 to 2008, he worked for the European Union (The Hague, Brussels). Back to Madrid in 2008, he assumed the office of the President of Chamber No. 28 at the Court of Appeal of Madrid, which dealt with IP and other commercial law matters. On 7 June 2023, Mr. Galgo Peco was appointed President of the newly created Section No. 32 at the Court of Appeal of Madrid, with exclusive and excluding competences in IP and competition law matters. Mr. Galgo Peco was appointed legally qualified member of the Enlarged Board of Appeal of the EPO with effect as from 1 January 2018. He is serving as a member of the WIPO Advisory Board of Judges for the 2023-2024 term. Mr. Galgo Peco regularly participates as a lecturer on IP law in activities organized by WIPO, EPO, EUIPO, CEIPI and the Spanish Patents and Trademarks Office. He also participates on a regular basis as an expert in the European Commission's IPKey Projects (China, Latin America and South-East Asia). He has participated in the ENTranNCE Programme (European Networking and Training for National Competition Enforcers), as well as in several workshops between the European Commission and Member States national competition law judges. He has also been lecturer at the University of Alcalá, Carlos III University of Madrid and the Spanish Judicial School. He is author of various publications on IP law and Competition law. Mr. Galgo Peco is member of IPAJ (Association of Judges in Intellectual Property) and AECLJ (Association of European Competition Law Judges).</p> </div> <div style="width: 30%;">  </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 25%;">  </div> <div style="width: 70%;"> <p><b>Virginia Melgar</b> graduated in law from the University of Paris (Paris II Assas), (1981); graduated in Criminal Sciences from the Institute of Criminology Paris (1980) Judge in France (1982) Public Prosecutor at the Versailles Court of First Instance (1984-1986) Magistrate at the Ministry of Justice Criminal division (1986-1991) seconded national expert at the Legal Service of the European Commission (1991-1994); Lawyer at the Legal Service of the Office for harmonisation in the Internal Market (trade marks and designs) Alicante (1995-2001); Deputy Director of the General Affairs and External Relations Department of OHIM (2001-2004) examiner of trade marks at the Trade Marks Department of OHIM (2004-2006) Principal Director Legal Affairs at the European Patent Office Munich (2006-2011); Lawyer at the cancellation and litigation department of OHIM (2011-2012) lawyer at the Litigation Department of EUIPO (former OHIM) (2012-2015); member of the 5th Board of Appeal of EUIPO (2015-2020); Chairperson of the 5th Board of Appeal of EUIPO since 1/4/2020. Certified mediator since 2019.</p> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 65%;"> <p><b>Nari Lee</b> is the professor intellectual property law at Hanken School of Economics and the deputy director of the IPR University center. She has joined Hanken faculty in 2012. She has studied law at Ewha Womans University in Korea and at Kyushu University, Japan (LL.M), and holds a Ph.D from University of Eastern Finland and Doctor of Laws (LL.D) degree from Kyushu University, Japan. Since 1996, she has researched and taught in the area of intellectual property and international trade in universities in Europe, Asia and USA. Her research experience includes post of an affiliated research fellow at Max Planck Institute for Intellectual Property and Competition in Munich, Germany (2012-2014), Research Visitor at University of Cambridge (2016), Senior Global Hauser Fellow at New York University (NYU) Law School (2017). In 2019 Spring, she served as a Designated Professor, at the Center for Asian Legal Exchange at Nagoya University, Japan and in 2019 Spring-Summer as Research Visitor at Center for IP and Information Law (University of Cambridge).</p> </div> <div style="width: 30%;">  </div> </div>		



## Wednesday, 13 September 2023

10:15-11:00	<b>Keynote Address</b> <b>Prof. Annette Kur</b> IP overlaps – chance, nuisance or (new) normality?	Auditorium Maximum: Medium Hall
	<p>Annette Kur held a tenured position as senior member of research staff and Head of Unit at the Max-Planck-Institute (MPI) for competition and Innovation until her retirement in 2015, and continues to work as an affiliated fellow at the MPI. She is also a honorary professor at the University of Munich (LMU), and she holds honorary doctor degrees from the University of Stockholm and the Hanken School of Economics in Helsinki.</p> <p>She is the author of books and numerous articles in the field of national, European and international trademark, unfair competition and industrial design law as well as international jurisdiction and choice of law.</p>	
11:00-12:15	<b>Plenary session:</b> Overlapping IP Rights: Still An (Unavoidable) Problem in the 21st Century?	Auditorium Maximum: Medium Hall
<b>Chairs:</b>		
<b>Annette Kur</b>		
<p><b>Irene Calboli</b> is Regents Professor at Texas A&amp;M University School of Law, Academic Fellow at the University of Geneva, Senior Fellow at Melbourne University, Transatlantic Technology Law Fellow at Stanford University, and Associate at Singapore University of Social Science. In 2022, she was a Fulbright-Hanken Distinguished Chair in Law and Economics in Finland and, in 2018, a Fulbright Specialist at the Royal University of Law and Economics in Cambodia. Irene is a world-renowned expert in the field of trademarks, geographical indications, overlapping rights, and intellectual property exhaustion. Her current research focuses on the relationship between intellectual property, the circular economy, and sustainable development. Irene's latest books are <i>Overlapping Intellectual Property Rights</i> (OUP 2023, with N. Wilkof and S. Basheer), <i>Handbook Of Intellectual Property Research</i> (OUP 2021, with M.L. Montagnani), and the <i>Cambridge Handbook Of Comparative And International Trademark Law</i> (CUP 2020, with J.C. Ginsburg). Irene regularly advises national IP offices and is an expert for WIPO, WTO, the International Trade Center, the EUIPO, and EU Commission. In the past decade, she co-founded the IP &amp; Innovation Researchers of Asia (IPIRA) and the IP Researchers Europe (IPRE) networks in collaboration with WIPO and WTO.</p>		
<b>Participants:</b>		
	<p><b>Estelle Derclaye</b> is Professor of Intellectual Property Law at the University of Nottingham. She is the author and editor of 7 books and over 100 articles in the field of IP law and has done expert work for the UK Intellectual Property Office, the European Commission (including in 2018 the study in support of the review of the database directive) and national and foreign law firms. She was a senior visiting scholar at the University of California, Berkeley in 2010 and at Melbourne Law School in 2013 and a visiting professor at the National University of Singapore in 2015. She is regularly invited to give lectures at universities in Europe and abroad. Her main areas of research are copyright and designs, database protection, intellectual property overlaps, intellectual property and climate change, and intellectual property and well-being. In 2021-2022, she was the President of the European Copyright Society, a group of academics aiming to influence policy-making. A full biography and the list of her publications can be found at <a href="http://www.nottingham.ac.uk/law/people/estelle.derclaye">http://www.nottingham.ac.uk/law/people/estelle.derclaye</a>.</p>	
<p><b>Alexander Cuntz</b> heads the Creative Economy Section of the World Intellectual Property Organisation (WIPO) in Geneva. Before joining WIPO, he worked as a senior consultant at the Federal Expert Commission for Research and Innovation (EFI) in Berlin and as a research fellow at the European Commission in Seville. His research focuses on creativity, the role of intellectual property, and the impact of digitization on creative industries.</p>		

## Parallel sessions

Tuesday, 12 September 2023		
Parallel Sessions D2/1		
08:40-10:00	<p style="text-align: center;"><b>Themed session</b></p> <p style="text-align: center;"><b>Sub-Patent Innovation Rights: Do Utility Models Contribute to Innovation, Business and Society?</b></p> <p>Chair: Jorge L. Contreras (University of Utah)</p> <p><b>Utility Models, Protection Criteria and Innovation</b> Speaker: Rafat Sikorski (Adam Mickiewicz University in Poznań)</p> <p><b>Utility Models and European Harmonization</b> Speakers: Martin Stierle (Luxembourg University), Alessandro Cogo (University of Turin)</p> <p><b>How Will Utility Models interact with the Unified Patent Court?</b> Speakers: Lisa van Dongen (Tilburg University), Timo Minssen (University of Copenhagen), Tine Sommer (Aarhus University)</p> <p><b>Standards Essential Utility Models</b> Speaker: Jorge L. Contreras (University of Utah)</p> <p><b>The Chinese Utility Model System – a Comparison</b> Speaker: Yu Yang (Shanghai Business &amp; Economics University)</p>	Auditorium Maximum: Medium Hall
08:40-10:00	<p style="text-align: center;"><b>Free Flow vs. Protection of Information: Finding the Secret Recipe</b></p> <p>Chair: Nari Lee (Hanken School of Economics)</p> <p><b>Centering Employees in the IP Equation</b> Speaker: Sharon Sandeen (Mitchell Hamline School of Law)</p> <p><b>Challenges in Enforcing Trade Secret Protection in Information (Data) Networks</b> Speaker: Ulla-Maija Mylly (Hanken School of Economics)</p> <p><b>Trade Secrets in Co-Creation Environments</b> Speaker: Nicola Searle (Goldsmiths, University of London) Co-author: Muthu De Silva (Birkbeck, University of London)</p> <p><b>Shifting Toward ‘Statutorisation’ of Trade Secrets Law in Australia: Necessity and Benefits? <span style="color: red;">online presentation</span></b> Speaker: Suzana Nashkova (University of Newcastle)</p>	Auditorium Maximum: Small Hall
08:40-10:00	<p style="text-align: center;"><b>International Trade and Beyond</b></p> <p>Chair: Keith L Maskus (University of Colorado Boulder)</p>	Auditorium Maximum: Seminar Room

	<p><b>The Impacts of Intellectual-Property Related Preferential Trade Agreements on Bilateral Patent Applications</b>  Speaker: Keith Maskus (University of Colorado Boulder)  Co-authors: Jacob Howard, William Ridley</p> <p><b>Collisions between International Intellectual Property Law and International Investment Law caused by the FET principle <a href="#">online presentation</a></b>  Speaker: Ramil Gachayev (Swansea University)</p> <p><b>Outer Space &amp; Intellectual Property Law - Conflicts and Confluences <a href="#">online presentation</a></b>  Speaker: Ed Koellner (University of Mississippi School of Law)</p> <p><b>Global Intellectual Property Protection and Digital Trade: Evidence from Preferential Trade Agreements</b>  Speaker: María Vásquez Callo-Müller (University of Lucerne) <a href="#">online presentation</a>  Co-author: Mira Burri</p>	
08:40-10:00	<p><b>The Dynamics of Technology Transfer and Licensing</b>  Chair: Valerio Sterzi (University of Bordeaux)</p> <p><b>Digital marketing of patent pools and licensing programs</b>  Speaker: Gülfem Özmen (Lappeenranta-Lahti University of Technology LUT)  Co-authors: Jussi Heikkilä, Matti Karvonen, Ville Ojanen</p> <p><b>Reaching for the Society: The Commercialization Effects of the NASA Technology Transfer Program</b>  Speaker: Anja Roesner (DICE, University of Duesseldorf) <a href="#">online presentation</a>  Co-author: Marek Giebel (Copenhagen Business School)</p> <p><b>The locus of value capture: Bifurcated vs. integrated patent licensing</b>  Speaker: Adrian Goettfried (Technical University of Munich)  Co-author: Joachim Henkel</p> <p><b>Who benefits from the License of Right? - Evidence from UK and Germany</b>  Speaker: Xia Liu (Tongji University)</p>	Auditorium Maximum: Conference Room
08:40-10:00	<p><b>DSA and CDSM: Synergies and Complications</b>  Chair: Péter Mezei (University of Szeged)</p> <p><b>Codes of conduct and Codes of practice as a regulatory instrument</b>  Speakers: Martin Kretschmer (CREATe, University of Glasgow)  Co-authors: Philip Schlesinger, Ula Furgat (CREATe, University of Glasgow)</p> <p><b>Human Rights Outsourcing in the CDSM Directive and the Digital Services Act</b></p>	Faculty of Law: Room A

	<p>Speaker: Martin Senftleben (Institute for Information Law - University of Amsterdam)</p> <p><b>DSA: Due Process for Demonetization of Potentially Copyright-Infringing UGC?</b></p> <p>Jelizaveta Jurickova (Institute of Law and Technology, Masaryk University)</p>	
08:40-10:00	<p style="text-align: center;"><b>Towards a Balanced Copyright Framework</b></p> <p>Chair: Caterina Sganga (Scuola Superiore Sant Anna)</p> <p><b>Contract vs Copyright – Looking at Genius v Google from the other side of the Atlantic</b></p> <p>Speaker: Maria Jose Schmidt-Kessen (Central European University)</p> <p><b>Functional Shapes and Shapely Functions: balancing Supply of Innovation and Access to Innovation in Applied Art</b></p> <p>Speaker: Stina Teilmann-Lock (Copenhagen Business School)</p> <p><b>Modalities of Balancing in EU Copyright Law: Understanding the Use and Abuse of the EU Charter and the Concept of “Fair Balance”</b></p> <p>Speaker: Daniel Jongsma (Hanken School of Economics)</p> <p><b>The Need for Culturally Sensitive Mediation Techniques in Resolving Copyright Disputes in the Music Industry</b></p> <p>Speakers: Seun Lari-Williams (University of Antwerp), Esther van Zimmeren (University of Antwerp)</p>	Faculty of Law: Room B
<b>Parallel Sessions D2/2</b>		
11:30-13:10	<p style="text-align: center;"><b>Themed session</b></p> <p style="text-align: center;"><b>FLL talks-AI and the future of IP law</b></p> <p>Chairs: Grzegorz Mania (The Feliks Nowowiejski Academy of Music in Bydgoszcz), Bartłomiej Kucharzyk (Jagiellonian University)</p> <p><b>Disrupting Creativity: Copyright Law in the Age of Generative Artificial Intelligence</b></p> <p>Speaker: Ryan Abbott (University of Surrey)</p> <p><b>Conceptualize machine creativity. Discussing the potential of ChatGPT and developing copyright standards for protection</b></p> <p>Speaker: Aviv Gaon (Reichman University)</p> <p><b>Stealing the Show: Audio-visual Creators’ Legal Framework Proposals</b></p> <p>Speaker: Iga Bałos (Andrzej Frycz Modrzewski Krakow University)</p> <p><b>AI &amp; IP metaphors and pragmatics</b></p> <p>Speaker: Ewa Laskowska-Litak (Jagiellonian University)</p>	Auditorium Maximum: Medium Hall
11:30-13:10	<p style="text-align: center;"><b>Diversity Across the (IP) World</b></p> <p>Chair: Nathan Wajzman (European Union Intellectual Property Office)</p>	Auditorium Maximum: Small Hall

	<p><b>Bottom-of-the-pyramid innovations: the impact of gender diversity</b>  Speaker: Carlos Guillermo Benavides-Chicón (University of Malaga)  Co-authors: Cristina Quintana-García, Macarena Marchante-Lara</p> <p><b>Breaking the Patent Ceiling: Uncovering the Global Drivers of Gender Disparities in Patenting</b>  Speaker: Elodie Carpentier (World Intellectual Property Organization)  Co-authors: Julio Raffo (World Intellectual Property Organization), Intan Hamdan-Livramento (World Intellectual Property Organization)</p>	
11:30-13:10	<p><b>Inside the Patent Offices: Unravelling Examiner Practices</b>  Chair: Andrew Toole (U.S. Patent and Trademark Office)</p> <p><b>Patent Disclosure and Migration: Unraveling the Role of Examiners in Signaling Talent and Knowledge Transfer</b>  Speaker: Benjamin Buettner (Eindhoven University of Technology)  Co-authors: Emilio Raiteri and Rudi Bekkers (Eindhoven University of Technology)</p> <p><b>Procrastination or incomplete data? An analysis of USPTO examiner search activity</b>  Speaker: Charles de Grazia (EM Léonard De Vinci)  Co-author: Nicholas Pairolero, Alexander Giczzy</p> <p><b>Unintended Consequence of KSR v. Teleflex: A Natural Experiment on Identities Conflict Harming Performance</b>  Speaker: Egbert Amoncio (Frankfurt Goethe University)</p> <p><b>What do follow-up examiners in Japan learn from US first office actions?</b>  An empirical study of examiner attributes and examination spillover  Speaker: Tetsuo Wada (Gakushuin University)</p> <p><b>Limitations in drafting patent claims</b>  Speaker: Jonathan Ashtor (Benjamin N. Cardozo School of Law) <b>online presentation</b></p>	Auditorium Maximum: Seminar Room
11:30-13:10	<p><b>Leveraging Empirical Data for IP Research</b>  Chair: Stefan Wagner (ESMT Berlin)</p> <p><b>Inclusive intellectual property rights? The case of collective trademarks</b>  Speaker: Carolina Castaldi (Utrecht University)  Co-authors: Milene Tessarin, Can Yamanoglu</p> <p><b>Of geographical indications and wars: what the specifications tell us about the impact of military conflicts on French PDOs</b>  Speaker: Anastasiia Kyrlylenko (Universidade Católica Portuguesa)</p> <p><b>The Market for Toasters in the EU and the US: Comparing Evidence of Design Incentives on Amazon Platforms</b>  Speaker: Paul Heald (University of Illinois College of Law)</p> <p><b>Trademark Intangibles and the Sale of Patented Technologies</b>  Speaker: Markus Simeth (Copenhagen Business School)  Co-authors: Marco S. Giarratana, Martina Pasquini</p> <p><b>The Expansion of Provisional Patent Applications: a Legal and Empirical Review</b></p>	Auditorium Maximum: Conference Room

	<p>Speaker: Joanna Belowska (Polish Academy of Sciences), Catalina Martinez (CSIC Institute of Public Goods and Policies), Żaneta Zemła-Pacud (Polish Academy of Sciences)</p>	
11:30-13:10	<p style="text-align: center;"><b>Fully Automated, Digital IP Ecosystems?</b></p> <p>Chair: Irene Calboli (Texas A&amp;M University School of Law)</p> <p><b>The challenge of distribution services in the digital market for Geographical Indications</b> Speaker: Bernardo Calabrese (Università degli studi di Verona)</p> <p><b>The Rise of the Metaverse: How Web3 and Virtual Goods Are Reshaping Intellectual Property</b> Speaker: Jakub Wyczik (University of Silesia in Katowice)</p> <p><b>Trademark Law and Freedom of Expression in the Age of Automated Commerce: A Case for More Trademark Parody T-Shirts</b> Speaker: Vera Sevastianova (Hanken School of Economics)</p> <p><b>The Dark Side of the Moon: Weaponization of Automated Content Recognition Systems</b> Speaker: Sevra Guler Guzel (University of Hertfordshire) <b>online presentation</b></p>	Faculty of Law: Room A
11:30-13:10	<p style="text-align: center;"><b>IP in Times of the Climate and Environmental Crisis</b></p> <p>Chair: Bohdan Widła (Jagiellonian University)</p> <p><b>Old Issues with new urgency - Patent law and climate change</b> Speaker: Peter Slowinski (Max Planck Institute for Innovation and Competition)</p> <p><b>Closing the loops of circular economy - Opening data for a better patent system</b> Speaker: Maria Lilla Montagnani (Bocconi University), Laura Zoboli (University of Brescia &amp; Centre for Antitrust and Regulatory Studies)</p> <p><b>Eco-patents at the crossroads between technological neutrality and environmental sensitivity</b> Speaker: Vincenzo Iaia (Luiss University, Rome)</p> <p><b>Green Technology Patenting &amp; Climate Change Politicisation in the Refrigerant Gas Industry</b> Speaker: Sujitha Subramanian (University of Liverpool)</p> <p><b>Are we moving to a less toxic world? How bans on Persistent Organic Pollutants affect firms' inventive strategies</b> Speakers: Gianluca Biggi (Scuola Superiore Sant Anna), Julia Mazzei (Scuola Superiore Sant Anna) Co-authors: Arianna Martinelli, Elisa Giuliani</p>	Faculty of Law: Room B

Parallel Sessions D2/3		
15:40-17:00	<p style="text-align: center;"><b>Themed session</b></p> <p style="text-align: center;"><b>Rethinking Copyright for Quality Journalism and Media Diversity in Europe</b></p> <p>Chairs: Joost Poort (Institute for Information Law, University of Amsterdam) and Martin Senftleben (Institute for Information Law, University of Amsterdam)</p> <p><b>Designing “Digital Constitutionalism”: The Regulation of Copyright Exceptions and Limitations and their Role in Promoting Media Freedom and the Right to Information</b></p> <p>Speaker: Christophe Geiger (LUISS Rome) <b>online presentation</b> and Bernd Justin Jütte (University College Dublin)</p> <p><b>No News is Bad News: The Welfare Economic Rationale for Intervention in News Markets in the Age of Aggregators and AI</b></p> <p>Speaker: Joost Poort (Institute for Information Law, University of Amsterdam)</p> <p><b>Codes and Copyright: Complements or Substitutes? The Role the Press Publishers’ Right in National Negotiation Frameworks</b></p> <p>Speakers: Martin Kretschmer (CREATe, University of Glasgow), Ula Furgat (CREATe, University of Glasgow)</p> <p><b>AI-Generated News and the Contribution of Copyright to the Survival of Human Journalistic Work</b></p> <p>Speaker: Martin Senftleben (Institute for Information Law, University of Amsterdam)</p>	Auditorium Maximum: Medium Hall
15:40-17:00	<p style="text-align: center;"><b>WIPO session</b></p> <p style="text-align: center;"><b>Innovation and Intellectual Property in the Videogame industries</b></p> <p>Chair: Intan Hamdan-Livramento (World Intellectual Property Organisation)</p> <p><b>Strategic Responses to Innovation Shocks: Evidence from the Video Game Industry</b></p> <p>Speaker: Hakan Ozalp (University of Amsterdam)</p> <p><b>Change the Game, Not the Player – From Enforcement of Foreign Copyright Judgments to a Unified Gaming Law</b></p> <p>Speaker: Naama Daniel (Hebrew University of Jerusalem)</p> <p><b>“Gamification” of the Entertainment Industry in Latin America – Video Games and IP</b></p> <p>Speaker: Jose Herrera Díaz (Herrera Diaz Abogados)</p> <p><b>From Pixels to Progress: Assessing Women’s Involvement in Video Game Development</b></p> <p>Speaker: Prince C. Oguguo (World Intellectual Property Organization) Co-authors: Elodie Carpentier (World Intellectual Property Organization), Alexander Cuntz (World Intellectual Property Organization), Julio Raffo (World Intellectual Property Organization)</p>	Auditorium Maximum: Small Hall
15:40-17:00	<p style="text-align: center;"><b>Expanding Access to Medicine: the Role of IP</b></p> <p>Chair: Markus Simeth (Copenhagen Business School, Denmark)</p> <p><b>How many drugs are repositioned each year in Europe?</b></p> <p>Speaker: John Liddicoat (Kings College London)</p> <p><b>Patent Portfolios in the Pharmaceutical Sector: the Uncertain Contours of Second Medical Use Patents and Their Negative Implication for Generic Competition</b></p> <p>Speaker: Emanuela Arezzo (Universita degli studi di Teramo)</p>	Auditorium Maximum: Seminar Room

	<p><b>The Divisional Game: Using Procedural Rights to Impede Generic/Biosimilar Market Entry</b>  Speaker: Katarina Foss-Solbrekk (University of Oxford and Schjødt)</p> <p><b>Effectiveness of SPC Export Manufacturing Waiver Regulation in realizing the interests of generic companies</b>  Speaker: Monalisha Maharana <b>online presentation</b></p>	
15:40-17:00	<p><b>The Data Dilemma: Balancing Access and Protection</b>  Chair: Nicola Searle (Goldsmiths University of London)</p> <p><b>Data property, data governance and Common European Data Spaces</b>  Speaker: Thomas Margoni (KU Leuven – CiTiP), Luca Schirru (KU Leuven – CiTiP)  Co-author: Charlotte Ducuing</p> <p><b>The Data Sharing-Paradigm vis-à-vis IP Flexibilities: Time for a Fair Use Doctrine for Data in the EU?</b>  Speakers: Caterina Sganga (Scuola Superiore Sant Anna), Camilla Signoretta (Scuola Superiore Sant Anna)</p> <p><b>The litigation on the database sui generis right in the EU Member States' courts. An empirical analysis</b>  Speaker: Estelle Derclaye (University of Nottingham)</p> <p><b>Web Scraping and Text and Data Mining Exception for Commercial Purposes under DSM Directive: How the CDSM Directive intended to support reuse of publicly available data and might have achieved the opposite effect?</b>  Speaker: Stepanka Havlikova (Institute of Law and Technology, Masaryk University)</p>	Auditorium Maximum: Conference Room
15:40-17:00	<p><b>IP's Contribution to Sustainability</b>  Chair: Łukasz Żelechowski (University of Warsaw)</p> <p><b>Ecological patents and trademarks as indicators of firms active in ecological innovation</b>  Speakers: Darius Lambrecht (Trier University), Tom Willeke (Trier University)  Co-authors: Jörn Block, Marco Cucculelli, Damiano Meloni</p> <p><b>Sustainable Patent Governance of Artificial Intelligence. Recalibrating the European Patent System to Build Resilient Infrastructure, Promote Inclusive and Sustainable Industrialization, and Foster Innovation (SDG 9)</b>  Speaker: Gabriele Cifrodelli (CREATE, University of Glasgow)  Co-authors: Guido Noto La Diega, Artha Dermawan</p> <p><b>The patent governance for agricultural genome editing technologies in the United Kingdom, the European Union and Ukraine: the implications for global food security and sustainability</b>  Speakers: Duncan Matthews (Queen Mary University of London), Hanna Ostapenko (Queen Mary University of London)</p> <p><b>Grappling with the Green and Sheen – A Critical Assessment of the Trademark Law's Potential to Drive the Green Transition</b>  Speaker: Wathsala Samaranayake (University of Colombo) <b>online presentation</b></p>	Faculty of Law: Room A
15:40-17:00	<p><b>Standard-Essential Patents: Trends and Developments</b>  Chair: Rafał Sikorski (Adam Mickiewicz University in Poznań)</p> <p><b>Patent privateering</b>  Speaker: Valerio Sterzi (BSE UMR CNRS 6060, University of Bordeaux)  Co-authors: Adrien Hervouet, Emmanuel Lorenzo, Cesare Righi</p>	Faculty of Law: Room B



	<p><b>Standards Essential Patents under EU law: the Role of the Unified Patent Court</b> Speaker: Enrico Bonadio (City, University of London)</p> <p><b>Welfare-Optimal Rewards and Royalties for a Full Stack of Standard-Essential Patents</b> Speaker: John Turner (University of Georgia)</p> <p><b>Is Ex-Post Patent Holdup Real in Standard Settings? Evidence from SEP Declarations and Involvement in 3GPP Standard Development</b> Speaker: Runhua Wang (The University of Science and Technology Beijing)</p>	
<b>Parallel Sessions D2/4</b>		
17:10-18:30	<p style="text-align: center;"><b>WIPO session</b></p> <p><b>Cumulative Creativity and the Dynamics of the Copyright System – The Impact of New Technology including Artificial Intelligence</b> Chair: Alexander Cuntz (WIPO), Brent Lutes (US Copyright Office) Referees: Paul Heald (University of Illinois College of Law), Michael Palmedo (US Copyright Office) <b>online</b></p> <p><b>Promoting music through user-generated content – TikTok effect on music streaming</b> Speaker: Wojciech Hardy (Digital Economy Lab University of Warsaw) Co-authors: Michał Paliński (Digital Economy Lab University of Warsaw); Satia Rożynek (Digital Economy Lab University of Warsaw); Sophia Gaenssle (Erasmus School of History, Culture and Communication, Erasmus University Rotterdam)</p> <p><b>The blurred lines of copyright infringement</b> Speaker: Alberto Galasso (University of Toronto)</p>	Auditorium Maximum: Medium Hall
17:10-18:30	<p style="text-align: center;"><b>Themed session</b></p> <p><b>Virtual Markets and Trademark Infringement and Enforcement</b> Chair: Klaudia Błach-Morysińska (Zaborski, Morysiński Law Firm)</p> <p><b>Trademark infringement and enforcement in online and virtual environment – brand owners perspective</b> Speaker: Anna Piechówka (CD PROJEKT S.A.)</p> <p><b>Aspects of trademark infringement and enforcement in online and virtual environment – practitioners perspective</b> Speaker: Bartosz Krakowiak (POLSERVICE Kancelaria Rzeczników Patentowych Sp. z o.o.)</p> <p><b>Trademarks in online and virtual environment – EUIPO perspective</b> Speaker: Pierluigi Villani (European Union Intellectual Property Office)</p> <p><b>Trademark Infringement in E-commerce Practice and Digital Services Act – e-commerce platforms perspective</b> Speaker: Cezary Sowiński (Amazon)</p> <p><b>Case law regarding the trademark infringement and enforcement in online and virtual environment</b> Speaker: Pilar Montero (University of Alicante) <b>online presentation</b></p>	Auditorium Maximum: Small Hall
17:10-18:30	<p style="text-align: center;"><b>A Machine-Centric IP System?</b></p> <p>Chair: Ryan Abbott (University of Surrey)</p> <p><b>Forget Me Not: Memorization In Generative Sequence Models Trained On Open Source Licensed Code</b> Speaker: Thomas Margoni (CiTiP - KU Leuven) Co-author: Ivo Emanuilov</p>	Auditorium Maximum: Seminar Room

	<p><b>Copyright and Artificial Intelligence – Is there Anything New to Say?</b> Speaker: Andreas Rahmatian (University of Glasgow School of Law) <b>online presentation</b></p> <p><b>Authorship in the Age of Artificial Intelligence: A Civil Law Approach</b> Speaker: Efrain Fandino Lopez (Universite Paris Cite) <b>online presentation</b></p> <p><b>Rethinking Open AI ChatGPT Copyright Management in the Digital Society</b> Speaker: Faye Wang (Brunel University London) <b>online presentation</b></p> <p><b>A Blueprint for Mobilizing Artificial Intelligence (AI) Methodologies in the Analysis of Intellectual Property Data</b> Speaker: Leonidas Aristodemou (University of Cambridge) <b>online presentation</b> Co-author: Frank Tietze (University of Cambridge)</p>	
17:10-18:30	<p><b>Charting New Paths in Copyright and Creativity</b> Chair: Martin Kretschmer (CREATE, School of Law, University of Glasgow)</p> <p><b>Fair Remuneration in Copyright Law: Endowment Effect and Inequality of Bargaining Power</b> Speaker: Branislav Hazucha (Hokkaido University Graduate School of Law)</p> <p><b>Framing Texts and Images: Critical and Posthumous Editions in the Digital Single Market</b> Speakers: Cristiana Sappa (IÉSEG School of Management), Bohdan Widła (Jagiellonian University)</p> <p><b>Journalist, a creator</b> Speaker: Ula Furgał (CREATE, University of Glasgow)</p> <p><b>Personality, creativity and adherence to intellectual property: A lab experiment on copyright</b> Speaker: Julien Pénin (University of Strasbourg), Remy Guichardaz (University of Strasbourg) Co-authors: Herrade Igersheim, Mathieu Lefebvre</p> <p><b>Video on Demand Services: New Frontiers in the Regulation of Cultural Policy, Industrial Policy, &amp; Copyright</b> Speaker: Mark Schultz (University of Akron School of Law)</p>	Auditorium Maximum: Conference Room
17:10-18:30	<p><b>Strategic Thinking in IP Protection</b> Chair: Enrico Bonadio (City, University of London)</p> <p><b>From open warfare to strawman’s anonymity: Motives and strategies behind patent opposition at EPO</b> Speaker: Julia Mazzei (Scuola Superiore Sant Anna), Rudi Bekkers (Eindhoven University of Technology) Co-author: Arianna Martinelli</p> <p><b>Navigating Legal and Ethical Challenges of Employing ChatGPT in Patent Drafting</b> Speaker: Dov Greenbaum (Reichman University Interdisciplinary Center Herzliya)</p> <p><b>Preserving Legacy, Enhancing Innovation: Intellectual Property Strategies of Austrian Family Firms</b> Speaker: Christine Bachner (IMC University of Applied Sciences, Krems), Alfred Radauer (IMC University of Applied Sciences, Krems) Co-authors: Reinhard Altenburger, Alexandra Kuhnle-Schadn</p> <p><b>Strategic Decisions During Patent Preparation and Prosecution Potentially Leading to Different Firm-Level Outcomes</b> Speaker: Geoffrey White (University of Cambridge)</p>	Faculty of Law: Room A

	<p>Co-author: Frank Tietze (University of Cambridge)</p> <p><b>Twitnovation and Aboutnovation: Can Social Media Explain Performance?</b></p> <p>Speaker: Jenniffer Solorzano Mosquera (Imperial College London)</p> <p>Co-authors: Eugenie Duguo, Ralf Martin</p>	
17:10-18:30	<p><b>The Pharmaceutical Sector: IP and Data</b></p> <p>Chair: Duncan Matthews (Queen Mary School of Law)</p> <p><b>Data Exclusivity: An Alternative to Patent Protection? An Indian Perspective</b></p> <p>Speaker: Khushbu Kumari (Victoria University of Wellington)</p> <p><b>EU Data Exclusivity in Flux; Data Governance in Pharmaceutical Sector – A Regulatory Overload?</b></p> <p>Speaker: Dhanay Cadillo Chandler (Hanken School of Economics), Nari Lee (Hanken School of Economics)</p> <p><b>Mandatory data-sharing for regulatory purposes: could the model adopted in agrochemical industry inspire change in the pharmaceutical sector?</b></p> <p>Speaker: Gabriela Lenarczyk (Polish Academy of Sciences)</p> <p><b>Privacy vs. Health? The EU General Data Protection Regulation and its impact on clinical research</b></p> <p>Speaker: Christian Sternitzke (Sternitzke Ventures UG)</p>	Faculty of Law: Room B

<b>Wednesday, 13 September 2023</b>		
<b>Parallel Sessions D3/1</b>		
08:40-10:00	<p><b>IP Insights from the COVID-Pandemic</b></p> <p>Chair: Catalina Martinez (CSIC Institute of Public Goods and Policies)</p> <p><b>Lessons from the COVID-19 Pandemic for IP Licensing Practices in Vaccine Production</b></p> <p>Speaker: Duncan Matthews (Queen Mary University of London)</p> <p><b>Technology Transfer for Production of COVID-19 Vaccines in Latin America</b></p> <p>Speaker: Ken Shadlen (London School of Economics and Political Science)</p> <p><b>Waiver or Compulsory Licence? Lessons learned from the past, solutions for the future</b></p> <p>Speaker: Dariusz Kasprzycki (Jagiellonian University)</p> <p>Co-author: Justyna Ożegalska-Trybalska (Jagiellonian University)</p>	Auditorium Maximum: Medium Hall
08:40-10:00	<p><b>Exploring the Nexus of Access to Knowledge and Innovation</b></p> <p>Chair: Orit Fischman Afori</p> <p><b>Beyond Plan S: On openness and secrecy in university-industry research collaborations</b></p> <p>Speaker: Haakon Thue Lie (Dehns, NTNU)</p> <p>Co-authors: Knut Jørgen Egelie (NTNU Technology Transfer), Roger Sørheim (NTNU), Christoph Grimpe (CBS)</p> <p><b>Dependence of Academic Research on Third-Party Data: Policy Implications</b></p> <p>Speakers: Sharon Bar-Ziv (Sapir Academic College), Orit Fischman Afori (College of Management Israel)</p> <p><b>Regulation of Digital Access to Knowledge – The Uneasy Case of Copyright and eLending</b></p>	Auditorium Maximum: Small Hall

	<p>Speakers: Matteo Frigeri (CREATe University of Glasgow), Péter Mezei (University of Szeged)</p> <p>Co-author: Martin Kretschmer (CREATe, University of Glasgow)</p> <p><b>The Effect of Lobbies' Narratives on Academics' Perceptions of Scientific Publishing: An Information Provision Experiment</b></p> <p>Speaker: Giulia Rossello (University of Pisa) <b>online presentation</b></p> <p>Co-author: Arianna Martinelli (Sant'Anna School of Advanced Studies)</p>	
08:40-10:00	<p style="text-align: center;"><b>Navigating IP Issues on Online Platforms</b></p> <p>Chair: Tomasz Targosz (Jagiellonian University)</p> <p><b>Digital User Rights and Their Enforcement: What Is the Copyright Directive Asking For?</b></p> <p>Speaker: Jasmin Brieske (Frankfurt Goethe University)</p> <p><b>Non-fungible tokens and liability of online marketplaces: a European perspective</b></p> <p>Speaker: Zoi Krokida (University of Stirling)</p> <p><b>Responsibility of online platforms and content moderation in the areas of copyright and media law in the EU</b></p> <p>Speaker: Katarzyna Klafkowska-Waśniowska (Adam Mickiewicz University in Poznan)</p> <p><b>Live event Piracy - Discussion Paper: Challenges and good practices from online intermediaries to prevent the use of their services for live event piracy</b></p> <p>Speaker: Antoine Aubert (EUIPO Observatory) <b>online presentation</b></p>	<p>Auditorium Maximum: Seminar Room</p>
08:40-10:00	<p><b>IP in the Circular Economy: Ally or Obstacle?</b></p> <p>Chair: Anna Tischner (Jagiellonian University)</p> <p><b>The Role of IPRs in Circular Economy: a Focus on the 'Right to Repair'</b></p> <p>Speaker: Margherita Corrado (Bocconi University)</p> <p><b>The Ship of Theseus and the Refurbishment Conundrum</b></p> <p>Speakers: Anna Tischner (Jagiellonian University), Katarzyna Stasiuk (Jagiellonian University)</p> <p><b>How may intellectual property law help to promote sustainable fashion?</b></p> <p>Speaker: Agnieszka Warmuzińska (Design, Fashion, and Advertising Law Center at the University of Silesia)</p>	<p>Auditorium Maximum: Conference Room</p>
08:40-10:00	<p style="text-align: center;"><b>Themed session</b></p> <p><b>Generative AI and Intellectual Property: Assessing the Regulatory Landscape of the Terms &amp; Conditions as a Start for Responsible Innovation and Adoption</b></p> <p>Chair: Lilian Edwards (Newcastle University)</p> <p><b>Assessing the Regulatory Landscape of the Terms &amp; Conditions with regard to the text-to-image models</b></p> <p>Speaker: Gabriele Cifrodelli (University of Glasgow, CREATe)</p> <p><b>Assessing the Regulatory Landscape of the Terms &amp; Conditions with regard to Text-to-audio/video models</b></p> <p>Speaker: Igor Szpotakowski (Newcastle University)</p> <p><b>Copyright in Terms and Conditions of Generative AI-based Legal Services Platforms</b></p> <p>Speaker: Joséphine Sangaré (CREATe University of Glasgow)</p>	<p>Faculty of Law: Room A</p>
08:40-10:00	<p style="text-align: center;"><b>IP's Market Footprint</b></p> <p>Chair: Michał Kazimierczak (European Union Intellectual Property Office)</p> <p><b>Brands, Patents and Company Performance</b></p>	<p>Faculty of Law: Room B</p>

	<p>Speaker: Jia Yi Ho (Intellectual Property Office of Singapore) Co-author: Miles Chan</p> <p><b>Intellectual property rights and competition and collaboration: evidence from ineligible gene patents</b></p> <p>Speaker: Weiqi Zheng (Tilburg University) Co-authors: Shivaram Devarakonda, Geert Duysters</p> <p><b>IPR intensity and industrial dynamic in the EU</b></p> <p>Speaker: Michał Kazimierczak (European Union Intellectual Property Office)</p> <p><b>Non-Practicing Entities' Business Models, Patent Quality and Implications on Technology Markets: A PRISMA Literature Review</b></p> <p>Speaker: Cecilia Maronero (University of Insubria)</p>	
<b>Parallel Sessions D3/2</b>		
13:05-14:45	<p style="text-align: center;"><b>Themed session</b></p> <p style="text-align: center;"><b>Limits of flexibility in the implementation of the DSM Directive</b></p> <p>Chair: Ryszard Markiewicz (Jagiellonian University)</p> <p><b>Obligations of Platforms for User-Generated Content</b></p> <p>Speaker: Martin Senftleben (Institute for Information Law - University of Amsterdam)</p> <p><b>How to license permitted use as defined in Article 17 of the DSM - challenges and opportunities for collective management</b></p> <p>Speaker: Karol Kościński (Stowarzyszenie Autorów ZAiKS)</p> <p><b>Implementation of art. 17 DSM in Polish law</b></p> <p>Speaker: Tomasz Targosz (Jagiellonian University), Michał Wyrwiński (Jagiellonian University)</p> <p><b>TDM Copyright Exception and its justification</b></p> <p>Speaker: Tatsuhiro Ueno (Waseda University)</p>	Auditorium Maximum: Medium Hall
13:05-14:45	<p style="text-align: center;"><b>Innovation: Drivers and Obstacles</b></p> <p>Chair: Nicolas Rada (USPTO)</p> <p><b>Anvisa's prior consent as reverse patent linkage: the dual examination of pharmaceutical patents in Brazil</b></p> <p>Speaker: Eduardo Mercadante (London School of Economics and Political Science)</p> <p><b>Megaprojects, Digital Platforms, and Research Productivity: Evidence from the Human Brain Project</b></p> <p>Speaker: Ann-Christin Kreyer (Max Planck Institute for Innovation and Competition)</p> <p>Co-author: Xiaolu Lucy Wang</p> <p><b>The determinants of parallel invention: Measuring the role of information sharing and personal interaction between inventors</b></p> <p>Speaker: Rudi Bekkers (Eindhoven University of Technology)</p> <p>Co-author: Byeongwoo Kang</p> <p><b>When innovation meets regulations: is the interplay of the medical device regulation and patent law in Europe supporting the development of AI-medical devices?</b></p> <p>Speaker: Magali Contardi (Scuola Superiore Sant Anna)</p> <p><b>Who are the Drivers of Innovation in Digital Technologies, and What Innovations are They Spurring?</b></p>	Auditorium Maximum: Small Hall

	<p>Speaker: Intan Hamdan-Livramento (World Intellectual Property Organization)</p> <p>Co-author: Alicia Daly</p>	
13:05-14:45	<p style="text-align: center;"><b>Innovation Across Industries</b></p> <p>Chair: Carsten Fink (WIPO)</p> <p><b>Disclosure of (What) Origin? A Critique of European Biotechnology Patent Law from the Social Network Perspective</b></p> <p>Speaker: Elnur Karimov (Kyushu University)</p> <p><b>Geostrategic Analysis of the European Battery Industry: A Focus on European Patent Strategy</b></p> <p>Speaker: André Hemmeler (University of Münster)</p> <p>Co-authors: Jens Leker (University of Münster), Frank Tietze (University of Cambridge)</p> <p><b>Paradigm Battle and Mutually Enabling Technologies</b></p> <p>Speakers: Stefano Baruffaldi (Max Planck Institute for Innovation and Competition), Dietmar Harhoff (Max Planck Institute for Innovation and Competition)</p> <p><b>Stimulating the development of hydrogen technologies in the Visegrad Group countries - between state intervention and patent law</b></p> <p>Speaker: Michał Barycki (Jagiellonian University)</p> <p><b>Identifying AI-related EP patents using machine-learning approaches</b></p> <p>Speaker: Ling-Ki Wong (ESMT Berlin) <b>online presentation</b></p> <p>Co-author: Stefan Wagner (ESMT Berlin)</p>	Auditorium Maximum: Seminar Room
13:05-14:45	<p style="text-align: center;"><b>A Multifaceted View on IP Enforcement</b></p> <p>Chair: Esther van Zimmeren (University of Antwerp)</p> <p><b>What do Advocates General Cite? And What Does it say about CJEU?</b></p> <p>Speaker: Martin Husovec (London School of Economics)</p> <p><b>Do Non-Practicing Entities Behave Opportunistically? Evidence from Litigation of Standard Essential Patents</b></p> <p>Speaker: Christian Helmers (Santa Clara University)</p> <p>Co-author: Brian Love</p> <p><b>Fundamental rights and patent enforcement – perspectives from practice</b></p> <p>Speaker: Lisa van Dongen (Tilburg University)</p> <p><b>Trusting the Unified Patent Court: The Importance of the Institutional Design of the UPC and its Judges</b></p> <p>Speaker: Esther van Zimmeren (University of Antwerp)</p> <p><b>Wrongful preliminary injunctions in patent disputes and the role of EU procedural law</b></p> <p>Speaker: Amandine Leonard (University of Edinburgh)</p>	Auditorium Maximum: Conference Room
13:05-14:45	<p style="text-align: center;"><b>Integrating IP Protection and Fair Labor Practices</b></p> <p>Chair: Justyna Ożegalska-Trybalska (Jagiellonian University)</p> <p><b>Italian independent inventors: gender gaps and employability</b></p> <p>Speaker: Federico Caviggioli (Politecnico di Torino)</p> <p><b>Old but good? Employee inventions in Austria and their compensation in practice through the employee invention provisions in Austrian Patent Law</b></p> <p>Speaker: Alfred Radauer (IMC University of Applied Sciences, Krems)</p> <p>Co-author: Maximilian Wiesner (IMC University of Applied Sciences, Krems)</p>	Faculty of Law: Room A

	<p><b>Participation of women designers in the labour market and the intellectual property system</b> Speaker: Carolina Arias Burgos (European Union Intellectual Property Office)</p> <p><b>The innovation wage premium and labour mobility in Australia</b> Speaker: Michael Falk (IP Australia) Co-author: Brodie Dobson-Keefe (IP Australia)</p> <p><b>Who gets to be an author? An analysis of authors' earnings and professional working lives</b> Speaker: Amy Thomas (CREATE at the University of Glasgow) <b>online presentation</b> Co-authors: Michele Battisti, Martin Kretschmer</p>	
13:05-14:45	<p><b>Copyright Challenges in the Digital Era</b> Chair: Joost Poort (Institute for Information Law, University of Amsterdam)</p> <p><b>A Proposal to Solve Copyright Issues under the Non-Fungible Tokens Mechanism</b> Speaker: Thomas (Yi) Lu (National Sun Yat-sen University), Lucius Klobučník (Aston University)</p> <p><b>Moral rights (in the digital world): From Privacy to Reputation</b> Speaker: Plamena Popova (University of Library Studies and IT)</p> <p><b>Protection of Avatars as Works Created with Computer Programmes: the Context of Art. 33 of the Law of Ukraine 'On Copyright And Related Rights'</b> Speaker: Nataliia Bulat (Odesa I. I. Mechnikov National University)</p> <p><b>Copyright Governance by and of Algorithms: an Analysis Of The Music Streaming Industry In The UK</b> Speaker: Aline Iramina (University of Glasgow)</p> <p><b>The ambiguity of purchasing digital music in the Spotify era: EU digital consumer contract law to limited avail?</b> Speaker: Liliia Oprysk (University of Bergen)</p>	Faculty of Law: Room B
<b>Parallel Sessions D3/3</b>		
14:55-16:15	<p><b>Themed session</b> <b>IP for Progress and Preservation</b> Chair: Geoffrey White (University of Cambridge)</p> <p><b>Intellectual Property strategies for social sustainability: Evidence from mission-driven firms</b> Speaker: Akriti Jain (International Management Institute New Delhi) <b>online presentation</b> Co-authors: Pratheeba Vimalnath, Elizabeth Eppinger, Anjula Gurtoo, Frank Tietze</p> <p><b>Intellectual property strategies for sustainability transitions: A co-evolutionary framework</b> Speaker: Frank Tietze (University of Cambridge) <b>online presentation</b> Co-authors: Akriti Jain (International Management Institute - New Delhi), Pratheeba Vimalnath, Anjula Gurtoo</p> <p><b>Management of intellectual property models for green innovators</b> Speaker: Jonathan Schwaderlapp <b>online presentation</b> Co-authors: Pratheeba Vimalnath, Jonas Müller, Wolfgang Boos, Frank Tietze</p>	Auditorium Maximum: Medium Hall

14:55-16:15	<p style="text-align: center;"><b>Assessing IP's Impact on Innovation</b></p> <p>Chair: Michael Falk (IP Australia)</p> <p><b>Intellectual Property Protection and Crowdfunding Success: A Match Made in Funding Heaven?</b></p> <p>Speaker: Hanna Jaeschke (Leibniz University Hannover)</p> <p>Co-authors: Thomas Schaeper, Johann Nils Foege, Frank Tietze</p> <p><b>Time-Limited Forward Patent Protection and Cumulative Innovation</b></p> <p>Speaker: Christian Kiedaisch (University of Namur)</p> <p><b>Startups, Private Finance, and Invention in U.S. Agriculture</b></p> <p>Speaker: Nicholas Rada (USPTO)</p> <p><b>From public research spend to innovation: the role of registered IP</b></p> <p>Speakers: Charlotte Guillard (UK Intellectual Property Office), Charlotte Campbell (UK Intellectual Property Office) <b>online presentation</b></p> <p><b>Delays with benefits? – The Effects of Administrative Delays on Innovation</b></p> <p>Speaker: Marek Giebel (Copenhagen Business School) <b>online presentation</b></p>	Auditorium Maximum: Small Hall
14:55-16:15	<p style="text-align: center;"><b>The Economic Value of Intellectual Property Rights</b></p> <p>Chair: Dariusz Kasprzycki (Jagiellonian University)</p> <p><b>Citations Across Time: Uncovering the Learning Process of Patent Value</b></p> <p>Speaker: Alexis Stevenson (Hanken School of Economics)</p> <p><b>Global Recession Impact on the Stock Market Value of Intangible Assets</b></p> <p>Speaker: Antanina Garanasvili (London Metropolitan University)</p> <p><b>The Green Technology Pilot Program: Entrepreneurial Outcomes</b></p> <p>Speaker: Mike Teodorescu (University of Washington)</p> <p><b>The market valuation of international patenting using a real option approach: the moderating role of uncertainty</b></p> <p>Speaker: Grid Thoma (University of Camerino)</p>	Auditorium Maximum: Seminar Room
14:55-16:15	<p style="text-align: center;"><b>Expanding Methodological Toolboxes for IP Research</b></p> <p>Chair: Michał Markiewicz (Jagiellonian University)</p> <p><b>Creatively Misinformed: Mining Social Media to Capture Internet Creators and Users' Misunderstanding of Intellectual Property Registration System</b></p> <p>Speakers: Xiaoren Wang (University of Dundee), Paul Heald (University of Illinois College of Law)</p> <p>Co-author: Weihao Ge</p> <p><b>The concept of the Civil Law Policy as a methodological basis for shaping rights on intangible goods</b></p> <p>Speaker: Konrad Gliściński (Jagiellonian University)</p> <p><b>Gender gap in IP and innovation in emerging countries: Mexico, India, and Brazil</b></p> <p>Speaker: Alenka Guzman (Universidad Autónoma Metropolitana Iztapalapa) <b>online presentation</b></p> <p>Co-author: Flor Brown</p>	Auditorium Maximum: Conference Room



# Abstracts and session descriptions

Tuesday, 12 September 2023

## Parallel Sessions D2/1

### **Sub-Patent Innovation Rights: Do Utility Models Contribute to Innovation, Business and Society?**

In February 2022, Professor Jorge Contreras at the University of Utah convened an international group of legal scholars to consider the current status of sub-patent innovation rights in Europe, Asia and the Americas, and to assess the manner in which these sub-patent rights are working (or not) to achieve their goals across jurisdictions. Since initially convening, the Comparative International Utility Models (CIUMS) Project has held two online workshops and an in-person workshop at the London School of Economics in February 2023.

The goal of the Project is to produce a book with individual country chapters and several cross-border analytical chapters to elucidate fully this form of IP protection. This would be the first book of its kind of which we are aware. A book proposal is currently under consideration with a major international academic publisher. A conference will also be planned in late 2024.

One of the most important contributions of this volume will be a collaborative comparative analysis of utility model systems around the world. We have identified a number of key variables for comparison among jurisdictions including duration, subject matter coverage, substantive inventiveness threshold, examination process, challenge process, enforcement requirements and conversion to patents. On the basis of these comparisons, we will draw conclusions, or at least offer hypotheses, regarding the relative effectiveness of utility model systems in achieving their purported goals, and the degree to which such systems can or should be harmonized to a greater degree.

This themed session will bring together legal experts both within and outside of the CIUMS Project to discuss the following aspects of utility model law:

1. How do the substantive requirements for utility models differ across European jurisdictions?
2. How is litigation over utility models likely to interface with the Unified Patent Court?
3. Is there a need for greater harmonization of utility model laws in Europe?
4. What social and developmental goals are utility models intended to achieve, are they currently achieving those goals, and could processes be amended in order to achieve these goals?
5. What can European jurisdictions learn from China, the current world leader in utility model filings, regarding utility model processes and litigation?

### **Free Flow vs. Protection of Information: Finding the Secret Recipe**

#### **Centering Employees in the IP Equation**

Speaker: Sharon Sandeen (Mitchell Hamline School of Law)

The predominate theoretical basis for most intellectual property (IP) rights is the incentive rationale, the idea being that if IP rights are created and enforced more individuals and companies will be incentivized to create and invent because of the promise of financial rewards flowing from statutorily created “exclusive” rights. In recognition of this theory, many academic studies have been conducted to determine if the incentive rationale works and, if so, to what extent. Less attention has been paid to other, non-financial conditions that might promote or hamper creativity and invention. Yet, if as Paul Romer has theorized, ideation is important for economic development, we need to pay more attention to the conditions that improve and hamper ideation. For instance, although most trade secret misappropriation disputes involve current or former employees, little attention has been paid to the rights of employees in the information that they possess and are exposed to in the course of their employment and whether restrictions on information flows hamper ideation. Instead, the assumption of most cases is that if an employer or former employer proves the existence of trade secrets or confidential information the accused employee has absolutely no rights in the subject information. This assumption belies the cognitive processes of the human brain, the importance of human development, and the role of employees in the innovation process. Based upon a review of recent developments in various scholarly disciplines, this presentation posits that because we know more today about the conditions that affect ideation, greater consideration should be given to whether IP laws improve or hamper ideation. It calls attention to laws and business practices that restrict access to and sharing of information, like trade secret laws and confidentiality agreements. It also argues that it is time to reconceptualize the rights of employees in the information that they perceive, store, and process and specifically recognize that they have a fundamental right to learn from the information that they are exposed to on the job.

### **Challenges in Enforcing Trade Secret Protection in Information (Data) Networks**

Speaker: Ulla-Maija Mylly (Hanken School of Economics)

Automated systems collect vast amounts of non-personal information, which could be utilized across various business sectors. EU has recognized the potential of economic growth related to data-driven economy. To benefit from the potentials of data-driven economy there is a need to provide access to data. For example, the objective in the EU's Data Act is to provide new possibilities for access to information and its reuse. For firms, new technologies and possibilities to easily exchange information provide new opportunities for collaboration through information value networks. Some exchanged information may be subject to trade secret protection. Trade secret protection leave considerable room for competition, which is an aspect that has been argued to make trade secret protection particularly suitable for the data-driven economy. However, specific characteristics create difficulties for enforcing trade secret protection in data networks. Firstly, trade secret protection is not an exclusive right, which means that identifying similar information in third party's products does not necessarily mean infringement. Secondly, under the Trade Secrets Directive infringement may occur in various situations where an infringing product does not contain similar information with the initial source of information. Moreover, for a third-party infringement, the trade secret regime requires constructive knowledge about unlawfulness. The subjective element of the knowledge may be difficult to prove, but it is an essential element in limiting trade secret protection. All these characteristics entail special challenges when trade secrets are to be enforced. However, these elements are in important manner connected to the underlying justifications of the trade secret regime and have a limiting effect to the scope of protection. As trade secret regime is not supposed to provide same protection as exclusive intellectual property rights, the difference has necessarily consequences for the strength of the protection and its enforcement. The article will analyze the challenges related to trade secret protection in the specific context of the data networks. Some provisions of the EU's Data Act will be analyzed from this perspective as illustrative examples for the discussion. There are explicit rules under the Data Act which require protective measures to be taken when access to information is to be provided. However, uncertainties related to trade secret protection have consequences on the trade secret holders' willingness to provide access. During the EU's legislative procedure under the Data Act demands for stronger protection has been spelled out. One draft provision now provides for a trade secret holder a possibility to deny access to its information in some special circumstances. But such access denials may lead to information lock-down, which is not in line with the needs for access to information related to data economy. The paper questions whether trade secrets in the end are suitable for the data economy.

### **Trade Secrets in Co-Creation Environments**

Speaker: Nicola Searle (Goldsmiths, University of London)

Co-author: Muthu De Silva (Birkbeck, University of London)

The use of trade secrets is generally assumed to inhibit knowledge flows. Yet, when firms engage in collaboration, they may have to share some of their trade secrets to achieve expected joint output. Therefore, it is important to understand how firms may decide to share trade secrets during the life-cycle of co-creation projects. Using qualitative interviews with 30 firms, who have engaged in collaboration for joint production, we address this specific gap in our knowledge. Our findings suggest that the decision to share trade secrets is determined by four key arguments. These are (A) trust based argument (i.e. how the trust developed during the life cycle of co-creation project may positively and negatively influence the likelihood of sharing trade secrets), (B) perceived benefit argument (i.e. how the change in the perception of the perceived benefit of the co-creation project to collaborators would influence the willingness to share trade secrets), (C) perceived value argument (i.e. how the perceived value of the trade secrets shared by partners of co-creation project to the sharer, receiver and collaboration may influence the likelihood of sharing trade secrets), and (D) side ground argument (i.e. how the perception of developing trade secrets using the output of the collaboration independently of the collaboration may impact the future sharing of trade secrets). While past research has discussed the paradox of secrecy as a double edged sword - on one hand enabling firms to protect their valuable knowledge but on the other hand making firms less attractive to collaborators - we offer a more nuanced discussion as to how the likelihood of collaborators to share trade secrets along the lifecycle of co-creation may change. Our paper also offers practical implications to collaborative firms as to how to make co-creation projects a success by carefully considering their and partners' decisions on the sharing of trade secrets.

### **Shifting Toward 'Statutorisation' of Trade Secrets Law in Australia: Necessity and Benefits?**

Speaker: Suzana Nashkova (Univeristy of Newcastle)

The emergence and dominance of knowledge-based economies has heightened the importance of trade secrets as a 'currency' to attaining competitiveness on the market and drivers for innovation. Yet espousing policies to govern trade secrets protection was not something that Australian legislative and regulatory policymakers were

traditionally focused on. Albeit dated statistics reveal concerning results, prompting a conclusion that the instances of misappropriation of trade secrets have 'spiralled out of control'. It perhaps might seem surprising that, to date, there is no dedicated statutory civil or criminal body of law governing their protection. In terms of the civil law protection, instances exceeding contractual protection of confidential information led judges to mainly resort to applying the doctrine of breach of confidence. Despite the common law offering alleged flexibility in decision making, businesses often see the common law approach as frustrating due to its uncertainty and slow development. Recent legislative incentives undertaken by the Australian legislator in the criminal law sphere indicate that the tide has slightly shifted and after decades of being somewhat neglected, the questions pertaining to the necessity of statutory protection of trade secrets are finally gaining more attention. This paper aims to investigate the effectiveness of the current regulatory regime on trade secret protection in Australia in order to assess the necessity for an initiative for the enactment of dedicated trade secret legislation. The theoretical observations are informed by findings of a broader empirical study probing the Australian trade owners' approaches and challenges to protecting trade secrets against a patchwork of legal regimes. The overall analysis aims to support the paper's working hypothesis and illustrate that while there has been a shift in the way in which the Australian legislator perceives the need to enact statutory provisions on trade secret protection more needs to be done in this context. The paper hence argues that the Australian legislator should perhaps consider the approaches adopted in the United States and the United Kingdom and enact a uniform statutory trade secret instrument to remedy the challenges ensuing from the application of patchwork of legal regimes.

### **International Trade and Beyond**

#### **The Impacts of Intellectual-Property Related Preferential Trade Agreements on Bilateral Patent Applications**

Speaker: Keith Maskus (University of Colorado Boulder)

Co-authors: Jacob Howard, William Ridley

#### **Video on Demand Services: New Frontiers in the Regulation of Cultural Policy, Industrial Policy, & Copyright**

Speaker: Mark Schultz (University of Akron School of Law)

#### **Collisions between International Intellectual Property Law and International Investment Law caused by the FET principle**

Speaker: Ramil Gachayev (Swansea University)

#### **Outer Space & Intellectual Property Law - Conflicts and Confluences**

Speaker: Ed Koellner (University of Mississippi School of Law)

#### **Global Intellectual Property Protection and Digital Trade: Evidence from Preferential Trade Agreements**

Speaker: María Vásquez Callo-Müller (University of Lucerne)

Co-author: Mira Burri

### **The Dynamics of Technology Transfer and Licensing**

#### **Digital marketing of patent pools and licensing programs**

Speaker: Gülfem Özmen (Lappeenranta-Lahti University of Technology LUT)

Co-authors: Jussi Heikkilä, Matti Karvonen, Ville Ojanen

#### **Reaching for the Society: The Commercialization Effects of the NASA Technology Transfer Program**

Speakers: Anja Roesner (DICE, University of Duesseldorf) **online presentation**

Co-author: Marek Giebel (Copenhagen Business School)

#### **The locus of value capture: Bifurcated vs. integrated patent licensing**

Speaker: Adrian Goettfried (Technical University of Munich)

Co-author: Joachim Henkel

#### **Who benefits from the License of Right? - Evidence from UK and Germany**

Speaker: Xia Liu (Tongji University)

### **DSA and CDSM: Synergies and Complications**

#### **Article 17'S Unintended Effects on the Foundational Principles Of European Copyright**

Speaker: César Ramírez-Montes (Leeds University)

#### **Codes of conduct and Codes of practice as a regulatory instrument**

Speakers: Martin Kretschmer (CREATe, University of Glasgow)

Co-authors: Philip Schlesinger, Ula Furgał (CREATe, University of Glasgow)

#### **Human Rights Outsourcing in the CDSM Directive and the Digital Services Act**

Speaker: Martin Senftleben (Institute for Information Law - University of Amsterdam)

#### **DSA: Due Process for Demonetization of Potentially Copyright-Infringing UGC?**

Jelizaveta Jurickova (Institute of Law and Technology, Masaryk University)

### **Towards a Balanced Copyright Framework**

#### **Contract vs Copyright – Looking at Genius v Google from the other side of the Atlantic**

Speaker: Maria Jose Schmidt-Kessen (Central European University)

#### **Functional Shapes and Shapely Functions: balancing Supply of Innovation and Access to Innovation in Applied Art**

Speaker: Stina Teilmann-Lock (Copenhagen Business School)

#### **Modalities of Balancing in EU Copyright Law: Understanding the Use and Abuse of the EU Charter and the Concept of “Fair Balance”**

Speaker: Daniel Jongsma (Hanken School of Economics)

#### **The Need for Culturally Sensitive Mediation Techniques in Resolving Copyright Disputes in the Music Industry**

Speakers: Seun Lari-Williams (University of Antwerp), Esther van Zimmeren (University of Antwerp)

## **Parallel Sessions D2/2**

### **Themed session**

#### **FLL talks-AI and the future of IP law**

(1) **“Disrupting Creativity: Copyright Law in the Age of Generative Artificial Intelligence”, by Ryan Abbott.** Professor Abbott will speak about issues related to artificial intelligence and intellectual property (IP), in particular whether and how AI-generated output can be protected under existing IP laws. Very recently, due largely to breakthroughs in deep learning technologies, AI has begun stepping into the shoes of human content generators and making valuable creative works at scale. Before the end of the decade, a significant amount of art, literature, music, software, and web content will likely be created by AI rather than traditional human authors. Yet the law, as it has so often historically, lags this technological evolution by prohibiting copyright protection for AI-generated works. The predominant narrative holds that even if AI can automate creativity, that this activity is not the right sort of thing to protect, and that protection could even harm human artists. AI-generated works challenge beliefs about human exceptionalism and the normative foundations of copyright law, which until now have offered something for everyone. Copyright can be about ethics and authors and protecting the sweat of a brow and personality rights. Copyright can also be about the public interest and offering incentives to create and disseminate content. But copyright cannot have it all with AI authors—there is valuable output being generated, but by authors with no interests to protect. This Article argues that American copyright law is, and has been traditionally, primarily about benefiting the public interest rather than benefiting authors directly. As a result, AI-generated works are precisely the sort of thing the system was designed to protect. Protection will encourage people to develop and use creative AI which will result in the production and dissemination of new works. Taken further, attributing authorship to AI when an AI has functionally done the work of a traditional author will promote transparency, efficient allocations of rights, and even counterintuitively protect human authors. AI-generated

works also promise to radically impact other fundamental tenets of copyright law such as infringement, protection of style, and fair use. How the law should respond to AI activity has lessons more broadly for thinking about what rules should apply to people, machines, and other sorts of artificial authors.

(2) **“Conceptualize machine creativity. Discussing the potential of ChatGPT and developing copyright standards for protection”, by Aviv Gaon.** Dr Gaon will speak about a particular case of ChatGPT and verify it against the background of the copyright subject matter premises. He will advocate for a more holistic approach to authorship, arguing that there is no good reason to exclude computer-generated and artificial intelligence creations from copyright. Moreover, his presentation will argue in favour of an open search for the right ‘candidate’ for AI ownership. In doing so, he will explore several possible legal frameworks, including assigning ownership to the programmer, the user, the AI itself and other alternatives such as the public domain or author-in-law approaches.

(3) **Dr Iga Bałos will focus on the following issue: “Stealing the Show: Audio-visual Creators’ Legal Framework Proposals”.** She will discuss the treats to the work performed by the actors and screenwriters pointed out by the British Actors’ Equity Association, the Writers Guild of America West and Polish Screenwriters’ Guild. She will also present legal framework proposals developed by the labour unions and organisations mentioned above. The solutions address the problem through legislation and contractual provisions. The aim of the presentation is answering the question of compliance of these proposals with universal standards of copyright and rights of performers as well. She will consider different solutions and their prospects for implementation.

(4) **“AI & IP metaphors and pragmatics”, by Ewa Laskowska-Litak.** Dr Laskowska- Litak will speak about ethical, methodological, and epistemological concerns relating to the interconnections between AI and IP law, in particular copyright law. The presentation will be divided into three parts: (1) the presentation of AI metaphors, that will show the epistemic machinery of AI movement and notions relating to these problems (including but not limited to sustainability, bias amplification, AI autonomy and accountability). The concept behind the first part is to highlight the linguistic problem of AI against the backdrop of IP law (the algorithmicization of language); (2) IP metaphors (economic vs personal incentives, the problem of public domain, but also the problem of fictional legal notions, such as authorship). The concept behind the second part is to highlight the linguistic and systemic framework of IP law that should accommodate the AI as well; and finally, (3) the last part that will combine, compare and evaluate the shifting tectonics caused by the AI movement to copyright law with a general thesis that the machine learning presents a regime of normative reasoning that, when in the ascendant, takes shape as a powerful governing rationality, probably not suitable for the contemporary IP law. The presentation will present a number of case law of the US and EU jurisprudence, compared with a significant literature review gathered in 2021-2023.

### **Diversity Across the (IP) World**

#### **Bottom-of-the-pyramid innovations: the impact of gender diversity**

Speaker: Carlos Guillermo Benavides-Chicón (University of Malaga)

Co-authors: Cristina Quintana-García, Macarena Marchante-Lara

#### **Breaking the Patent Ceiling: Uncovering the Global Drivers of Gender Disparities in Patenting**

Speaker: Elodie Carpentier (World Intellectual Property Organization)

Co-authors: Julio Raffo (World Intellectual Property Organization), Intan Hamdan-Livramento (World Intellectual Property Organization)

### **Inside the Patent Offices: Unravelling Examiner Practices**

#### **Patent Disclosure and Migration: Unraveling the Role of Examiners in Signaling Talent and Knowledge Transfer**

Speaker: Benjamin Buettner (Eindhoven University of Technology)

Co-authors: Emilio Raiteri and Rudi Bekkers (Eindhoven University of Technology)

**Procrastination or incomplete data? An analysis of USPTO examiner search activity** Speaker: Charles de Grazia (EM Léonard De Vinci)

Co-author: Nicholas Pairolero, Alexander Giczy

#### **Unintended Consequence of KSR v. Teleflex: A Natural Experiment on Identities Conflict Harming Performance**

Speaker: Egbert Amoncio (Frankfurt Goethe University)

**What do follow-up examiners in Japan learn from US first office actions?** An empirical study of examiner attributes and examination spillover

Speaker: Tetsuo Wada (Gakushuin University)

**Limitations in drafting patent claims**

Speaker: Jonathan Ashtor (Benjamin N. Cardozo School of Law)

### **Leveraging Empirical Data for IP Research**

**Inclusive intellectual property rights? The case of collective trademarks**

Speaker: Carolina Castaldi (Utrecht University)

Co-authors: Milene Tessarin, Can Yamanoglu

**Of geographical indications and wars: what the specifications tell us about the impact of military conflicts on French PDOs**

Speaker: Anastasiia Kyrylenko (Universidade Católica Portuguesa)

**The Market for Toasters in the EU and the US: Comparing Evidence of Design Incentives on Amazon Platforms**

Speaker: Paul Heald (University of Illinois College of Law)

**Trademark Intangibles and the Sale of Patented Technologies**

Speaker: Markus Simeth (Copenhagen Business School)

Co-authors: Marco S. Giarratana, Martina Pasquini

**The Expansion of Provisional Patent Applications: a Legal and Empirical Review**

Speaker: Joanna Belowska (Polish Academy of Sciences), Catalina Martinez (CSIC Institute of Public Goods and Policies), Żaneta Zemła-Pacud (Polish Academy of Sciences)

### **Fully Automated, Digital IP Ecosystems?**

**The challenge of distribution services in the digital market for Geographical Indications**

Speaker: Bernardo Calabrese (Università degli studi di Verona)

**The Rise of the Metaverse: How Web3 and Virtual Goods Are Reshaping Intellectual Property**

Speaker: Jakub Wyczik (University of Silesia in Katowice)

**Trademark Law and Freedom of Expression in the Age of Automated Commerce: A Case for More Trademark Parody T-Shirts**

Speaker: Vera Sevastianova (Hanken School of Economics)

**The Dark Side of the Moon: Weaponization of Automated Content Recognition Systems**

Speaker: Sevra Guler Guzel (University of Hertfordshire)

### **IP in Times of the Climate and Environmental Crisis**

**Old Issues with new urgency - Patent law and climate change**

Speaker: Peter Slowinski (Max Planck Institute for Innovation and Competition)

**Closing the loops of circular economy - Opening data for a better patent system**

Speaker: Maria Lilla Montagnani (Bocconi University), Laura Zoboli (University of Brescia & Centre for Antitrust and Regulatory Studies)

**Eco-patents at the crossroads between technological neutrality and environmental sensitivity**

Speaker: Vincenzo Iaia (Luiss University, Rome)

**Green Technology Patenting & Climate Change Politicisation in the Refrigerant Gas Industry**

Speaker: Sujitha Subramanian (University of Liverpool)

**Are we moving to a less toxic world? How bans on Persistent Organic Pollutants affect firms' inventive strategies**

Speakers: Gianluca Biggi (Scuola Superiore Sant Anna), Julia Mazzei (Scuola Superiore Sant Anna)

Co-authors: Arianna Martinelli, Elisa Giuliani

## Parallel Sessions D2/3

### Themed session

#### **Rethinking Copyright for Quality Journalism and Media Diversity in Europe**

The media ecosystem faces fundamental challenges in the increasingly digital and algorithmic society. The shift towards platform-based news and media consumption has led to a trend of steering and organising the discourse on social, cultural and political issues, as well as advertising and related revenue, with the help of networks and apps that allow permanent micro-level points of contact with individual users, and big data streams that include personal data reflecting consumption patterns and individual preferences. In this environment, traditional news and media producers hardly have direct access to the public anymore. Instead, they have become providers of information input and brands for "retrievable" content that depend heavily on online platforms with gatekeeper power. In addition, the evolution of generative AI systems may increasingly change the production of news and media content. Besides the use of AI tools to detect and verify news stories, AI output may complement – and even substitute – human journalistic work.

While horizontal efforts to re-regulate the news and media system are taking shape in the EU in the form of the European Media Freedom Act, these efforts may fail to exhaust the full potential of intellectual property, and copyright in particular, in the endeavour to support quality journalism and media diversity. Although copyright itself does not automatically lead to the generation of news and information, it can be an important tool in the calibration of the power balance between producers of news and media outlets. The beneficial effect of the new neighbouring right for press publishers may be doubtful. Arguably, copyright law as such, nonetheless, holds one of the keys to an economically sustainable media sector that enables the circulation of a plurality of opinions.

Against this background, this panel – based on a current research project and collaboration of the speakers – will examine the potential contribution of copyright to a sustainable and diverse media sector with a focus on the generation and dissemination of (quality) news. Topics for discussion range from the overarching fundamental rights framework and experiences with the new press publisher's right to challenges and opportunities arising from the use of AI tools. The different presentations will critically assess the potential of copyright law and policy to contribute to a healthy and diverse media sector – a media sector capable of supporting an open and free democratic discourse.

### WIPO session

#### **Innovation and Intellectual Property in the Videogame industries**

##### **Strategic Responses to Innovation Shocks: Evidence from the Video Game Industry**

Speaker: Hakan Ozalp (University of Amsterdam)

##### **Change the Game, Not the Player – From Enforcement of Foreign Copyright Judgments to a Unified Gaming Law**

Speaker: Naama Daniel (Hebrew University of Jerusalem)

##### **"Gamification" of the Entertainment Industry in Latin America – Video Games and IP**

Speaker: Jose Herrera Díaz (Herrera Diaz Abogados)

##### **From Pixels to Progress: Assessing Women's Involvement in Video Game Development**

Speaker: Prince C. Oguno (World Intellectual Property Organization)

Co-authors: Elodie Carpentier (World Intellectual Property Organization), Alexander Cuntz (World Intellectual Property Organization), Julio Raffo (World Intellectual Property Organization)

### **Expanding Access to Medicine: the Role of IP**

#### **How many drugs are repositioned each year in Europe?**

Speaker: John Liddicoat (Kings College London)

**Patent Portfolios in the Pharmaceutical Sector: the Uncertain Contours of Second Medical Use Patents and Their Negative Implication for Generic Competition**

Speaker: Emanuela Arezzo (Universita degli studi di Teramo)

**The Divisional Game: Using Procedural Rights to Impede Generic/Biosimilar Market Entry**

Speaker: Katarina Foss-Solbrekk (University of Oxford and Schjødt)

**Effectiveness of SPC Export Manufacturing Waiver Regulation in realizing the interests of generic companies**

Speaker: Monalisha Maharana

**The Data Dilemma: Balancing Access and Protection**

**Data property, data governance and Common European Data Spaces**

Speaker: Thomas Margoni (KU Leuven – CiTiP), Luca Schirru (KU Leuven – CiTiP)

Co-author: Charlotte Ducuing

**The Data Sharing-Paradigm vis-à-vis IP Flexibilities: Time for a Fair Use Doctrine for Data in the EU?**

Speakers: Caterina Sganga (Scuola Superiore Sant Anna), Camilla Signoretta (Scuola Superiore Sant Anna)

**The litigation on the database sui generis right in the EU Member States' courts. An empirical analysis**

Speaker: Estelle Derclaye (University of Nottingham)

**Web Scraping and Text and Data Mining Exception for Commercial Purposes under DSM Directive: How the CDSM Directive intended to support reuse of publicly available data and might have achieved the opposite effect?**

Speaker: Stepanka Havlikova (Institute of Law and Technology, Masaryk University)

**IP's Contribution to Sustainability**

**Ecological patents and trademarks as indicators of firms active in ecological innovation**

Speakers: Darius Lambrecht (Trier University), Tom Willeke (Trier University)

Co-authors: Jörn Block, Marco Cucculelli, Damiano Meloni

**Sustainable Patent Governance of Artificial Intelligence. Recalibrating the European Patent System to Build Resilient Infrastructure, Promote Inclusive and Sustainable Industrialization, and Foster Innovation (SDG 9)**

Speaker: Gabriele Cifrodelli (CREATE, University of Glasgow)

Co-authors: Guido Noto La Diega, Artha Dermawan

**The patent governance for agricultural genome editing technologies in the United Kingdom, the European Union and Ukraine: the implications for global food security and sustainability**

Speakers: Duncan Matthews (Queen Mary University of London), Hanna Ostapenko (Queen Mary University of London)

**Grappling with the Green and Sheen – A Critical Assessment of the Trademark Law's Potential to Drive the Green Transition**

Speaker: Wathsala Samaranayake (University of Colombo)

**Standard-Essential Patents: Trends and Developments**

**Patent privateering**

Speaker: Valerio Sterzi (BSE UMR CNRS 6060, University of Bordeaux)



Co-authors: Adrien Hervouet, Emmanuel Lorenzo, Cesare Righi

**Standards Essential Patents under EU law: the Role of the Unified Patent Court**

Speaker: Enrico Bonadio (City, University of London)

**Welfare-Optimal Rewards and Royalties for a Full Stack of Standard-Essential Patents**

Speaker: John Turner (University of Georgia)

**Is Ex-Post Patent Holdup Real in Standard Settings? Evidence from SEP Declarations and Involvement in 3GPP Standard Development**

Speaker: Runhua Wang (The University of Science and Technology Beijing)

## Parallel Sessions D2/4

### WIPO session

**Cumulative Creativity and the Dynamics of the Copyright System – The Impact of New Technology including Artificial Intelligence**

**Promoting music through user-generated content – TikTok effect on music streaming**

Speaker: Wojciech Hardy (Digital Economy Lab University of Warsaw)

Co-authors: Michał Paliński (Digital Economy Lab University of Warsaw); Satia Rożynek (Digital Economy Lab University of Warsaw); Sophia Gaenssle (Erasmus School of History, Culture and Communication, Erasmus University Rotterdam)

**The blurred lines of copyright infringement**

Speaker: Alberto Galasso (University of Toronto)

### Themed session

#### Virtual Markets and Trademark Infringement and Enforcement

Due to the pandemic and as technology advances, virtual markets have become a booming sector of global commerce. However, with the spreading of e-commerce platforms, social media as e-commerce platforms, virtual worlds, and metaverse, the risk of trademark infringement has increased significantly. This panel will explore the complexities of trademark infringement in the digital landscape, including liability of e-commerce platform owners, recent EU DSA and DMA regulations, trademark protection for NFTs and virtual goods, and strategies for securing and enforcing intellectual property (IP) in online and virtual worlds. The topic will be discussed from academic business and practical perspectives. The panel will:

- 1) discuss the challenges and trends of trademark infringement in e-commerce. We will analyze the legal frameworks and case law related to trademark infringement in e-commerce, both at the EU level and in specific member states, and discuss practical strategies for brand owners to protect their trademarks in virtual markets. Additionally, we will explore the emerging phenomenon of social media platforms being used as sales channels and the challenges brand owners face in enforcing their trademark rights in this context. We will discuss strategies for detecting and addressing trademark infringement on social media, including takedown procedures, legal remedies, and best practices for brand protection.
- 2) investigate the joint liability of e-commerce platform owners for trademark infringement, drawing on recent EU General Court cases and relevant legal principles. We will explore the obligations and responsibilities of e-commerce platforms in relation to trademark infringement, including monitoring and enforcement measures, and discuss the implications for brand owners in light of the evolving legal landscape.
- 3) discuss the EU legislative framework, namely the Digital Markets Act (DMA) and the Digital Services Act (DSA), and their potential impact on trademark infringement in virtual markets. We will discuss the regulatory measures for online platforms and their implications for brand owners, including strategies for complying with the new requirements and leveraging the regulatory framework to protect and enforce their trademark rights.
- 4) analyse the complex issues of trademark infringement in virtual worlds and metaverse, including the use of trademarks in virtual goods and services. We will discuss the legal and practical considerations for

brand owners in protecting their trademarks in virtual environments, including jurisdiction, liability, and enforcement challenges, and explore potential solutions and strategies.

- 5) provide an overview of the recent guidance issued by trademark offices, including the EUIPO and UKIPO, on trademark protection for NFTs and virtual goods and services. We will discuss the critical considerations for brand owners in securing trademark protection for their IP assets in virtual markets and the challenges and opportunities presented by this emerging area of IP law.
- 6) discuss the concept of genuine use of trademarks in the online and virtual world context, including the requirements for maintaining trademark rights and defending against non-use cancellation actions.
- 7) provide practical insights and strategies for brand owners to secure their IP from infringement in online and virtual environments, including best practices for trademark registration, monitoring, and enforcement.

### **A Machine-Centric IP System?**

#### **Forget Me Not: Memorization In Generative Sequence Models Trained On Open Source Licensed Code**

Speaker: Thomas Margoni (CiTiP - KU Leuven)

Co-author: Ivo Emanuilov

#### **Copyright and Artificial Intelligence – Is there Anything New to Say?**

Speaker: Andreas Rahmatian (University of Glasgow School of Law)

#### **Authorship in the Age of Artificial Intelligence: A Civil Law Approach**

Speaker: Efrain Fandino Lopez (Universite Paris Cite)

#### **Rethinking Open AI ChatGPT Copyright Management in the Digital Society**

Speaker: Faye Wang (Brunel University London)

#### **A Blueprint for Mobilizing Artificial Intelligence (AI) Methodologies in the Analysis of Intellectual Property Data**

Speaker: Leonidas Aristodemou (University of Cambridge)

Co-author: Frank Tietze (University of Cambridge)

### **Charting New Paths in Copyright and Creativity**

#### **Fair Remuneration in Copyright Law: Endowment Effect and Inequality of Bargaining Power**

Speaker: Branislav Hazucha (Hokkaido University Graduate School of Law)

#### **Framing Texts and Images: Critical and Posthumous Editions in the Digital Single Market**

Speakers: Cristiana Sappa (IÉSEG School of Management), Bohdan Widła (Jagiellonian University)

#### **Journalist, a creator**

Speaker: Ula Furgał (CREATe, University of Glasgow)

#### **Personality, creativity and adherence to intellectual property: A lab experiment on copyright**

Speaker: Julien Pénin (University of Strasbourg), Remy Guichardaz (University of Strasbourg)

Co-authors: Herrade Igersheim, Mathieu Lefebvre

### **Strategic Thinking in IP Protection**

#### **From open warfare to strawman's anonymity: Motives and strategies behind patent opposition at EPO**

Speaker: Julia Mazzei (Scuola Superiore Sant Anna), Rudi Bekkers (Eindhoven University of Technology)

Co-author: Arianna Martinelli

#### **Navigating Legal and Ethical Challenges of Employing ChatGPT in Patent Drafting**

Speaker: Dov Greenbaum (Reichman University Interdisciplinary Center Herzliya)

**Preserving Legacy, Enhancing Innovation: Intellectual Property Strategies of Austrian Family Firms**

Speaker: Christine Bachner (IMC University of Applied Sciences, Krems), Alfred Radauer (IMC University of Applied Sciences, Krems)

Co-authors: Reinhard Altenburger, Alexandra Kuhnle-Schadn

**Strategic Decisions During Patent Preparation and Prosecution Potentially Leading to Different Firm-Level Outcomes**

Speaker: Geoffrey White (University of Cambridge)

Co-author: Frank Tietze (University of Cambridge)

**Twitnovation and Aboutnovation: Can Social Media Explain Performance?**

Speaker: Jenniffer Solorzano Mosquera (Imperial College London)

Co-authors: Eugenie Dugoua, Ralf Martin

**The Pharmaceutical Sector: IP and Data**

**Data Exclusivity: An Alternative to Patent Protection? An Indian Perspective**

Speaker: Khushbu Kumari (Victoria University of Wellington)

**EU Data Exclusivity in Flux; Data Governance in Pharmaceutical Sector – A Regulatory Overload?**

Speaker: Dhanay Cadillo Chandler (Hanken School of Economics), Nari Lee (Hanken School of Economics)

**Mandatory data-sharing for regulatory purposes: could the model adopted in agrochemical industry inspire change in the pharmaceutical sector?**

Speaker: Gabriela Lenarczyk (Polish Academy of Sciences)

**Privacy vs. Health? The EU General Data Protection Regulation and its impact on clinical research**

Speaker: Christian Sternitzke (Sternitzke Ventures UG)

**Tuesday, 12 September 2023**

**Parallel Sessions D3/1**

**IP Insights from the COVID-Pandemic**

**Lessons from the COVID-19 Pandemic for IP Licensing Practices in Vaccine Production**

Speaker: Duncan Matthews (Queen Mary University of London)

**Technology Transfer for Production of COVID-19 Vaccines in Latin America**

Speaker: Ken Shadlen (London School of Economics and Political Science)

**Waiver or Compulsory Licence? Lessons learned from the past, solutions for the future**

Speaker: Dariusz Kasprzycki (Jagiellonian University)

Co-author: Justyna Ożegalska-Trybalska (Jagiellonian University)

**Exploring the Nexus of Access to Knowledge and Innovation**

**Beyond Plan S: On openness and secrecy in university-industry research collaborations**

Speaker: Haakon Thue Lie (Dehns, NTNU)

Co-authors: Knut Jørgen Egelie (NTNU Technology Transfer), Roger Sørheim (NTNU), Christoph Grimpe (CBS)

**Dependence of Academic Research on Third-Party Data: Policy Implications**

Speakers: Sharon Bar-Ziv (Sapir Academic College), Orit Fischman Afori (College of Management Israel)

**Regulation of Digital Access to Knowledge – The Uneasy Case of Copyright and eLending**

Speakers: Matteo Frigeri (CREATe University of Glasgow), Péter Mezei (University of Szeged)

Co-author: Martin Kretschmer (CREATe, University of Glasgow)

**The Effect of Lobbies' Narratives on Academics' Perceptions of Scientific Publishing: An Information Provision Experiment**

Speaker: Giulia Rossello (University of Pisa)

Co-author: Arianna Martinelli (Sant'Anna School of Advanced Studies)

**Navigating IP Issues on Online Platforms**

**Digital User Rights and Their Enforcement: What Is the Copyright Directive Asking For?**

Speaker: Jasmin Brieske (Frankfurt Goethe University)

**Non-fungible tokens and liability of online marketplaces: a European perspective**

Speaker: Zoi Krokida (University of Stirling)

**Responsibility of online platforms and content moderation in the areas of copyright and media law in the EU**

Speaker: Katarzyna Klafkowska-Waśniowska (Adam Mickiewicz University in Poznan)

**Live event Piracy - Discussion Paper: Challenges and good practices from online intermediaries to prevent the use of their services for live event piracy**

Speaker: Antoine Aubert (EUIPO Observatory)

**IP in the Circular Economy: Ally or Obstacle?**

**The Role of IPRs in Circular Economy: a Focus on the 'Right to Repair'**

Speaker: Margherita Corrado (Bocconi University)

**The Ship of Theseus and the Refurbishment Conundrum**

Speakers: Anna Tischner (Jagiellonian University), Katarzyna Stasiuk (Jagiellonian University)

**How may intellectual property law help to promote sustainable fashion?**

Speaker: Agnieszka Warmuzińska (Design, Fashion, and Advertising Law Center at the University of Silesia)

**Themed session**

**Generative AI and Intellectual Property: Assessing the Regulatory Landscape of the Terms & Conditions as a Start for Responsible Innovation and Adoption**

The rapid advancement of artificial intelligence (AI) in recent years has brought about exciting opportunities and challenges for the regulation of this technology. One area of particular interest is the regulation of generative AI (or foundation) models, which have demonstrated remarkable capabilities in generating human-like language, images, audio and video. However, these models also pose significant ethical, legal, and social implications, including concerns around bias, privacy, accountability, and intellectual property.

The panellists of this proposed themed session will report (some of) the findings of a unique study which addressed the private regulation by terms and conditions of some of these models. The project (and subsequent study) dealt with the analysis of most of the provisions contained in these T&Cs (e.g. content restrictions, dispute

resolution mechanisms, privacy policy, etc..). However, for the purpose of the EPIP Conference, the focus of the session will be on those IP issues that these models may pose, since they are trained on millions of (copyrighted) inputs and then produce outputs based on that training, and whether/how such issues are privately regulated in the T&Cs. The models that are addressed in this study are divided into three categories on the basis on their output:

- Text-to-Image (T2I): Lensa, Midjourney, Nightcafe, Stable Diffusion. The choice to undertake the analysis of their Terms of Service (ToS) (and – in minor part – their Community Guidelines) derives from the fact that perhaps these are four of the most common Generative AI available on the market. A market which is not a virtual space limited to artists but includes the public at large and thus users from different backgrounds and expertise. The focus here is on those provisions contained in ToS that relate to copyright and other IP issues, since the product offered by these services are images (photo, drawing, painting, etc..), and this definitely entails some concerns with regard to - first and foremost - the ownership of this kind of output.
- Text-to-video/audio (T2V/A): the UK based Synthesia, which could be used to transform text to voice and also providing compatible video templates; US based Gen-2 from Runway, which can generate novel videos with text, images, or video clips; US based model Colossyan which create natural-sounding voiceovers from more than 70 languages. Also in this case, since the product offered by these services is of “an artistic nature” (audio and video), this definitely entails some copyright issues which may (or may not) be addressed in the relative T&Cs.
- Text-to-text (T2T) legal services: DoNotPay, Clio (Themis Solutions), Harvey, Firmis, Vizir, Kira, Lawgeex, Ontra. Several services have emerged offering the automation of responding to routine legal requests on the basis of the service provider’s case and solutions data base. The applications are based on closed-code and operate on a prompt-to-text basis. The output is generated based on generally available legal information and the information by the clients submitted specifically to adapt the output to the products of the client. This can entail – once again – copyright and other IP issues.

The analysis for each of the aforementioned models’ ToS is led by the following research questions:

- 1) Who owns the copyright over the outputs and (if any indication is found) over the inputs? Is it a proper copyright ownership or a particular type of licence?
- 2) If a copyright infringement is committed, who is responsible (e.g. user, service, etc..)?
- 3) Is there any procedure in force (e.g. notice and takedown, filtering, etc..) to avoid or at least minimise the risk of copyright infringement and any other breaches of these services? If yes, which ones?

### **IP's Market Footprint**

#### **Brands, Patents and Company Performance**

Speaker: Jia Yi Ho (Intellectual Property Office of Singapore)

Co-author: Miles Chan

#### **Intellectual property rights and competition and collaboration: evidence from ineligible gene patents**

Speaker: Weiqi Zheng (Tilburg University)

Co-authors: Shivaram Devarakonda, Geert Duysters

#### **IPR intensity and industrial dynamic in the EU**

Speaker: Michał Kazimierczak (European Union Intellectual Property Office)

#### **Non-Practicing Entities’ Business Models, Patent Quality and Implications on Technology Markets: A PRISMA Literature Review**

Speaker: Cecilia Maronero (University of Insubria)

## **Parallel Sessions D3/2**

### **Themed session**

#### **Limits of flexibility in the implementation of the DSM Directive**

The main issue under discussion concerns whether it is permissible to apply such a legislative solution in the implementation of the DSM which is limited to repeating the literal content of the directive's provisions? Or is it permissible to implement the Directive in a way that does not have a direct literal parallel with the content of the

Directive, but aims to achieve the objective outlined in the Directive. It should be noted that most EU member states have applied a "simple" solution by repeating the content of Article 17 of the DSM almost word for word. The implementation of this provision was handled differently in Germany and Austria, where the legislature introduced a model providing for the delayed takedown of content that can be presumed to be covered by copyright exceptions. There are also those countries where the implementation of the DSM Directive, including the controversial Article 17, has not yet taken place. An example is Poland, where the regulations to implement the DSM Directive are still under discussion. This is an issue analysed within the framework of the NCN-funded research project entitled Scientific Model of Copyright Reform in the Digital Single Market according to EU Directives (2019/35/B/HS5/03671) managed by Prof. R. Markiewicz.

The issue of the rules of implementation of the DSM Directive is often discussed in the context of the CJEU judgment in Case C-401/19 (Poland v. EU Commission), which articulated a type of guidelines and conditions for the proper formation of legal mechanisms based on Article 17 of the DSM. However, against the background of this judgment, the question arises about the scope of acceptable modification of the literal content of the DSM Directive. The above-mentioned problem has significant implications for the practice of legal transactions, the rules governing the exercise of creativity on the Internet, as well as the protection of creators. In view of the needs of protecting the online community market, it is necessary to analyze the principles of licensing in accordance with the requirements of Article 17. This is an issue that requires consideration of the collective management of copyright, because without collective management in the digital single market, it is difficult to be certain that the use of works does not infringe copyright. Another important issue that has been controversial both in the academia and in practice is the scope of obligations than online-content service providers owe to users who make their own work available using these platforms. This is an interdisciplinary issue, as it requires taking into account not only copyright law, but also consumer protection and data protection. The last topic in our session concerns the principles of data use or so-called TDM. The scope of the TDM issue goes beyond the territorial nature of copyright protection. Therefore, it is imperative to evaluate this issue in a global context.

### **Innovation: Drivers and Obstacles**

#### **Anvisa's prior consent as reverse patent linkage: the dual examination of pharmaceutical patents in Brazil**

Speaker: Eduardo Mercadante (London School of Economics and Political Science)

#### **Megaprojects, Digital Platforms, and Research Productivity: Evidence from the Human Brain Project**

Speaker: Ann-Christin Kreyer (Max Planck Institute for Innovation and Competition)

Co-author: Xiaolu Lucy Wang

#### **The determinants of parallel invention: Measuring the role of information sharing and personal interaction between inventors**

Speaker: Rudi Bekkers (Eindhoven University of Technology)

Co-author: Byeongwoo Kang

#### **When innovation meets regulations: is the interplay of the medical device regulation and patent law in Europe supporting the development of AI-medical devices?**

Speaker: Magali Contardi (Scuola Superiore Sant Anna)

#### **Who are the Drivers of Innovation in Digital Technologies, and What Innovations are They Spurring?**

Speaker: Intan Hamdan-Livramento (World Intellectual Property Organization)

Co-author: Alicia Daly

### **Innovation Across Industries**

#### **Disclosure of (What) Origin? A Critique of European Biotechnology Patent Law from the Social Network Perspective**

Speaker: Elnur Karimov (Kyushu University)

#### **Geostrategic Analysis of the European Battery Industry: A Focus on European Patent Strategy**

Speaker: André Hemmelder (University of Münster)

Co-authors: Jens Leker (University of Münster), Frank Tietze (University of Cambridge)

**Paradigm Battle and Mutually Enabling Technologies**

Speakers: Stefano Baruffaldi (Max Planck Institute for Innovation and Competition), Dietmar Harhoff (Max Planck Institute for Innovation and Competition)

**Stimulating the development of hydrogen technologies in the Visegrad Group countries - between state intervention and patent law**

Speaker: Michał Barycki (Jagiellonian University)

**Identifying AI-related EP patents using machine-learning approaches**

Speaker: Ling-Ki Wong (ESMT Berlin)

Co-author: Stefan Wagner (ESMT Berlin)

**A Multifaceted View on IP Enforcement****What do Advocates General Cite? And What Does it say about CJEU?**

Speaker: Martin Husovec (London School of Economics)

**Do Non-Practicing Entities Behave Opportunistically? Evidence from Litigation of Standard Essential Patents**

Speaker: Christian Helmers (Santa Clara University)

Co-author: Brian Love

**Fundamental rights and patent enforcement – perspectives from practice**

Speaker: Lisa van Dongen (Tilburg University)

**Trusting the Unified Patent Court: The Importance of the Institutional Design of the UPC and its Judges**

Speaker: Esther van Zimmeren (University of Antwerp)

**Wrongful preliminary injunctions in patent disputes and the role of EU procedural law**

Speaker: Amandine Leonard (University of Edinburgh)

**Integrating IP Protection and Fair Labor Practices****Italian independent inventors: gender gaps and employability**

Speaker: Federico Caviggioli (Politecnico di Torino)

**Old but good? Employee inventions in Austria and their compensation in practice through the employee invention provisions in Austrian Patent Law**

Speaker: Alfred Radauer (IMC University of Applied Sciences, Krems)

Co-author: Maximilian Wiesner (IMC University of Applied Sciences, Krems)

**Participation of women designers in the labour market and the intellectual property system**

Speaker: Carolina Arias Burgos (European Union Intellectual Property Office)

**The innovation wage premium and labour mobility in Australia**

Speaker: Michael Falk (IP Australia)

Co-author: Brodie Dobson-Keefe (IP Australia)

**Who gets to be an author? An analysis of authors' earnings and professional working lives**

Speaker: Amy Thomas (CREATe at the University of Glasgow)

Co-authors: Michele Battisti, Martin Kretschmer

## Copyright Challenges in the Digital Era

### **A Proposal to Solve Copyright Issues under the Non-Fungible Tokens Mechanism**

Speaker: Thomas (Yi) Lu (National Sun Yat-sen University)

Co-author: Lucius Klobučnik

### **Moral rights (in the digital world): From Privacy to Reputation**

Speaker: Plamena Popova (University of Library Studies and IT)

### **Protection of Avatars as Works Created with Computer Programmes: the Context of Art. 33 of the Law of Ukraine 'On Copyright And Related Rights'**

Speaker: Nataliia Bulat (Odesa I. I. Mechnikov National University)

### **Copyright Governance by and of Algorithms: an Analysis Of The Music Streaming Industry In The UK**

Speaker: Aline Iramina (University of Glasgow)

### **The ambiguity of purchasing digital music in the Spotify era: EU digital consumer contract law to limited avail?**

Speaker: Liliia Oprysk (University of Bergen)

## Parallel Sessions D3/3

### **IP for Progress and Preservation**

#### **Intellectual Property strategies for social sustainability: Evidence from mission-driven firms**

Speaker: Akriti Jain (International Management Institute New Delhi)

Co-authors: Pratheeba Vimalnath, Elizabeth Eppinger, Anjula Gurtoo, Frank Tietze

#### **Intellectual property strategies for sustainability transitions: A co-evolutionary framework**

Speaker: Frank Tietze (University of Cambridge)

Co-authors: Akriti Jain, Pratheeba Vimalnath, Anjula Gurtoo

#### **Management of intellectual property models for green innovators**

Speaker: Jonathan Schwaderlapp

Co-authors: Pratheeba Vimalnath, Jonas Müller, Wolfgang Boos, Frank Tietze

### **Assessing IP's Impact on Innovation**

#### **From public research spend to innovation: the role of registered IP**

Speaker: Charlotte Guillard (UK Intellectual Property Office)

Co-author: Charlotte Campbell

#### **Intellectual Property Protection and Crowdfunding Success: A Match Made in Funding Heaven?**

Speaker: Hanna Jaeschke (Leibniz University Hannover)

Co-authors: Thomas Schaeper, Johann Nils Foege, Frank Tietze

#### **Time-Limited Forward Patent Protection and Cumulative Innovation**

Speaker: Christian Kiedaisch (University of Namur)

#### **Startups, Private Finance, and Invention in U.S. Agriculture**

Speaker: Nicholas Rada (USPTO)



**Delays with benefits? – The Effects of Administrative Delays on Innovation**

Speaker: Marek Giebel (Copenhagen Business School)

**The Economic Value of Intellectual Property Rights**

**Citations Across Time: Uncovering the Learning Process of Patent Value**

Speaker: Alexis Stevenson (Hanken School of Economics)

**Global Recession Impact on the Stock Market Value of Intangible Assets**

Speaker: Antanina Garanasvili (London Metropolitan University)

**The Green Technology Pilot Program: Entrepreneurial Outcomes**

Speaker: Mike Teodorescu (University of Washington)

**The market valuation of international patenting using a real option approach: the moderating role of uncertainty**

Speaker: Grid Thoma (University of Camerino)

**Expanding Methodological Toolboxes for IP Research**

**Creatively Misinformed: Mining Social Media to Capture Internet Creators and Users' Misunderstanding of Intellectual Property Registration System**

Speaker: Xiaoren Wang (University of Dundee), Paul Heald (University of Illinois College of Law)

Co-author: Weihao Ge

**The concept of the Civil Law Policy as a methodological basis for shaping rights on intangible goods**

Speaker: Konrad Gliściński (Jagiellonian University)