

**33rd ANNUAL CONGRESS OF  
THE INTERNATIONAL ASSOCIATION FOR THE  
ADVANCEMENT  
OF TEACHING AND RESEARCH IN INTELLECTUAL  
PROPERTY (ATRIP)**

TO BE HELD IN MONTPELLIER, FRANCE,  
JULY 6<sup>TH</sup> to 9<sup>TH</sup>, 2014

**INTELLECTUAL PROPERTY PERSPECTIVES ON THE REGULATION OF NEW  
TECHNOLOGIES**

The overarching objective of the Congress is to discuss the challenges that emerging technologies and new technology-driven practices pose for intellectual property law and policy.

This Congress will explore perspectives across the IP law spectrum, including some that are long-standing (e.g., patenting in the life sciences and regulation through code) and some that are more recent (e.g. user-generated content, 3D printing and the new GTLDs).

**PRELIMINARY PROGRAMME**

**SUNDAY JULY 6**

16:00-18:30 ATRIP Executive Committee Meeting

**18:30-20:30 ATRIP Congress 2014 Pre-registration and Welcome Reception  
Cloister (Attire: Business casual (jeans permitted))**

**MONDAY JULY 7**

08:30-9:00 Registration

09:00-9:15 Welcome

09:15-10:45

**I PERSPECTIVES ON THE IMPACT OF NEW TECHNOLOGIES ON IP LAW AND POLICY**

**Chair: Jose Antonio Gomez Segade (University of Santiago de Compostela)**

Valeria Falce (European University of Rome)  
*Trade Secret Protection in the Digital Agenda: From National fragmented Legislation  
to the EU common regime*

Margaret Ann Wilkinson, (Western University)  
*What is the Role of New Technology in Tensions in IP?*

E. Derclaye (University of Nottingham) and T. Taylor (University of Leeds)  
*Aligning the justification for intellectual property rights with well-being*

Joseph Straus (University of South Africa, George Washington University)  
*Courts as Pacemakers of Sustainable Innovation?*

10:45-11:15 Coffee Break

11:15-13:00

## **II PATENTABILITY AND TECHNOLOGICAL FRONTIERS**

**Chair: Christian le Stanc (University of Montpellier)**

Natalie P. Stoianoff (University of Technology)  
*Limiting Patentability for the Information Technology Industry – A Comparative Study*

Jessica Lai (University of Lucerne)  
*The State of Open Source Biotech Patents: Are We Moving Forward?*

Ana Nordberg (Copenhagen University)  
*Patentability of Human Enhancement: From Ethical Dilemmas to Legal (un)certainly*

Toshiko Takenaka (University of Washington)  
*Patent Eligibility and Extent of Patent Protection for Inventions in the Information Age*

Agnieszka A. MACHNICKA (VU University Amsterdam)  
*Patentability of diagnostic and surgical methods – Europe and the U.S. compared through the lens of behavioural science*

13:00-14:30 Lunch: Cloister

14:30-16:15

## **III BIOTECHNOLOGY, MORALITY AND PUBLIC INTEREST**

**Chair: Susy Frankel (Victoria University of Wellington)**

Niva Elkin-Koren, Yael Bergman, and Sharon Bar-Ziv (University of Haifa)  
*Does Law Shape R&D? Empirical Evidence from Stem Cell Patent Activity*

Aisling McMahon (Newcastle University)  
*Morality, Dignity and Embryonic Stem Cells: A Patently Moral Approach*

Valérie Wyssbrod (Université de Neuchâtel)  
*Article 15 of the Convention on Biological Diversity (CBD) and the Nagoya Protocol: An Efficient Counterbalancing to the Regime of Patents on Biotechnological Inventions?*

Juan F. Córdoba (Universidad de La Sabana) TBC  
*Boundless Creativity, Limited Patentability: "Morality Clauses" As Expression Of Public Interest Restraints On Biotechnology Patents*

Andrea Stazi (European University of Rome)  
*Biotechnological Inventions and Limits of Patentability between Recent Evolutions in the US Case Law and the EU Perspective of Fundamental Rights: Moving Toward a Common “Western approach”?*

16:15-16:45 Coffee Break

16:45-17:45

#### **IV PRESENTATION OF WINNER OF ATRIP ESSAY COMPETITION**

**Chair and Introduction: Jan Rosen (Stockholm University)**

**19:00-21:00 Welcome dinner and reception on the beach: Le White Beach**  
[www.lewhitebeach.fr](http://www.lewhitebeach.fr)

### **TUESDAY JULY 8**

7:30-9:00

#### **BREAKFAST ROUNDTABLES A-D**

##### **BREAKFAST ROUNDTABLE A: NEW TECHNOLOGIES AND PATENT LAW**

**Chair: Irene Calboli (Marquette University)**

Hsiao-Fen HSU (Tunghai University)

*Green Technologies and Patent System: What is the Role for Patent Law in Asia Post-Copenhagen?*

Milton Lucídio Leão Barcellos (Lawyer and Licensed Patent and Trademark Attorney) TBC  
*Patent claim interpretation and new technologies: re-thinking the problem/solution approach*

Mindaugas Kiskis (Mykolas Romeris University) TBC

*Intellectual Property in Modern Biotechnology: The Study of Biotech Start-ups*

Rohit Moonka (Nirma University)

*Plant Varieties Protection vis-à-vis Farmers right: Need to balance the conflicting interest*

Nébila Mezghani (Faculty of Law and Political Sciences of Tunis) TBC

*Traditional cultural heritage and new technologies, conflict of interest and sustainable development*

##### **BREAKFAST ROUNDTABLE B: FUTURE COPYRIGHT**

**Chair: TBC**

Yahong Li (University of Hong Kong)

*Reconstructing Copyright to Promote Creativity in Internet Age*

Philippe Jougoux (European University of Cyprus)

*The outcomes of the Svensson case: Internet is safe, but what about EU copyright law?*

César Ramírez-Montes (Leeds University)  
*Online Streaming and the Lessons from European and US Law*

Kung-Chung Liu (National Tsing Hua University)  
*Searching for a Sustainable Copyright Code*

Helen Chuma-Okoro (University of Cape Town) TBC  
*The Impact of Open Content Initiatives on the Development Agenda and Proposed Role for WIPO in their Promotion*

## **BREAKFAST ROUNDTABLE C: COMPETITION LAW, STANDARDS AND DATA**

**Chair: Charlotte Waelde (University of Exeter) TBC**

Vidya Kumari (Osmania University)  
*Hot News Doctrine-Sizzling and Simmering Down the Century*

Sujitha Subramanian (University of Bristol)  
*The Phase-Down of Climate-Damaging Refrigerant Gases: Examining the Interface between Climate Change, Intellectual Property & Competition Law*

Magda Fletcher (University of Tilburg)  
*The functioning of standardization organizations in Europe in establishing rules for the adoption of ICT standard-essential patents to encourage effective interface between IP rights and competition laws*

Pawel Kamocki (Université Paris Descartes/Westfälische Wilhelms-Universität Münster)  
*Should miners go on strike? Legal aspects of text and data mining*

Jacques LARRIEU (Université Toulouse Capitole, France) TBC  
*Data and robot*

## **BREAKFAST ROUNDTABLE D: ENFORCEMENT OF RIGHTS**

**Chair: TBC**

Arpan Banerjee Jindal Global Law School  
*Online Piracy: Finding the Right Strategy for Bollywood*

Susanna H.S. Leong (National University of Singapore)  
*The Digital Resale Market and Online Copyright Exhaustion*

Chung-Lun Shen (National Chengchi University)  
*Reflections on the Justified Limitation of Patent Enforcement in the Industry of Telecommunication in terms of Standard Essential Patents and FRAND Licensing*

Tapas Kumar Paul (Independent University, Bangladesh)  
*The Debate of Book Piracy in Bangladesh: The Impact on University Education*

Saeed Habiba and Farzaneh Shakeri (University of Teheran) TBC  
*Cause of action in infringement of parallel Intellectual Property Rights (With Special Reference to the European Union)*

Behrooz Akhlaghi and Farhad Emam (Dr. Behrooz Akhlaghi & Associates) TBC  
*The integration of intelligent technologies into the existing intellectual property framework in Iran*

9:15-11:15

## **V THE REGULATION OF TECHNOLOGIES AND COPYRIGHT LAW**

**Chair: Irini Stamatoudi (Greek National Copyright Organization)**

Rebecca Giblin (Monash University) and Jane Ginsburg (Columbia University) TBC  
*Vestigial Copyright Categories and Copyright-Avoiding Business Models: The Supreme Court's decision in Aereo*

Senftleben Martin R.F. (VU University Amsterdam)  
*Hiding behind technology? Why the applicability of copyright limitations should not depend on technology-based arguments*

Giorgio Spedicato (University of Bologna)  
*Digital Lending and Public Access to Digital Content. An EU-US Perspective*

Orit Fischman Afori (Haim Stirks School of Law)  
*Accommodating Copyright Exceptions to Technological Developments through Bottom-Up Norms*

Ian Eagles and Louise Longdin (Auckland University of Technology) TBC  
*Copyright Liability in the Hyperlinking Debate: The Inchoate Role of Motive and Commercial Gain*

Alain Strowel (UC Louvain, Université Saint-Louis-Bruxelles, Munich IP Law Centre) TBC  
*Hyperlinking on the Internet: when is there (indirect) liability?*

11:15-11:30 Coffee Break

11:30-13:00

## **VI LICENSING, AND USER-CREATED CONTENT**

**Chair: Retro Hilty (Max Planck Institute for Innovation and Competition)**

Dr Alison Slade (Brunel University)  
*User-Generated Content: Copyright as Enabler rather than Obstructor?*

Peter K. Yu (Drake University Law School)  
*Can the Canadian UGC Exception Be Transplanted Abroad?*

Qian Tao (Capital University of Economics and Business, Beijing, China)  
*Liability Exemption of User-Generated Content Platforms for Copyright Infringement - A Comparison of Approaches in the Europe Union, the United States and China*

Caroline Ncube (University of Cape Town)

*Would new ways of considering the Intellectual Property and Technology nexus yield better IP laws?*

13:00—14:15 Lunch: Cloister

14:15-15:45

## **VII TRADEMARKS AND NEW TECHNOLOGIES**

**Chair: Graeme Dinwoodie (University of Oxford)**

Irene Calboli (Marquette University Law School)

*The Impact of 3D Printing Technology on the Luxury Economy: The Case for Resisting the Pressure to (Again) Increase Trademark Protection*

Hong Xue Beijing (Normal University Institute for Internet Policy & Law (BNU IIPL))  
*Trademark Protection at the Top-Level Domains: A Legal Review of the Trademark Right Objections in ICANN New gTLD Program*

Aileen V. Sicat (Philippines University)

*The Sweet Smell of Success: Can Technology Facilitate the Registration of Scent Marks?*

Madhavi Sunder (University of California)

*Learning by Doing*

15:45-16:15 Coffee Break

16:15-18:00

## **VIII THE IMPACT ON FUNDAMENTAL RIGHTS**

**Chair: Séverine Dusollier (University of Namur)**

Anupam Chander (University of California)

*The Free Speech Foundations of Cyberlaw*

Begoña Gonzalez Otero (University of Santiago de Compostela)

*The interface between the right to data portability and the current intellectual property framework on software: Repercussions for interoperability policies in the cloud*

Emanuela Arezzo (University of Teramo) TBC

*Hyperlinks and making available rights in the European Union: how the regulation of the Internet may affect freedom of expression in Europe*

Tatiana-Eleni Synodinou (University of Cyprus)

*The liability of intermediaries for online copyright infringement in the EU: new evolutions*

Antoni Rubí-Puig (Universitat Pompeu Fabra)

*Methodological Individualism and Holism in IP Theory*

**19:00-22:00 Visit to the Museum Fabre) and formal dinner at the Museum Patio**  
<http://museefabre.montpellier-agglo.com>

Wednesday July 9:

8:30-10:15

**IX INTERDEPENDENCIES BETWEEN IP LAW AND TECHNOLOGY IN THE ENFORCEMENT OF RIGHTS**

**Chair: Annette Kur (Max Planck Institute for Innovation and Competition)**

Christoph Beat Graber (University of Lucerne)  
*Tethered Online Appliances and the Shift from Ownership to Rental: Technology-Enforced Business Models of Copyrighted Works*

Christophe Geiger (University of Strasbourg)  
*Regulating the Online Environment: The End of Copyright Enforcement as We Know It?*

Haochen Sun (University of Hong Kong)  
*The Responsibilities of Intellectual Property Rights Owners for the Regulation of New Technologies*

Bérénice Lemoine (British Institute of International and Comparative Law)  
*The Effectiveness of the Copyright Protection and the Recast of the Brussels I Regulation, an Improvement in an Interconnected Digital World?*

Johan Axhamn (Stockholm University)  
*Challenges to the Territorial Nature of Copyright in a Cross-border Online Environment*

10:15-10:30 Coffee Break

10:30-11:15

**X RESOURCES, TECHNOLOGY AND IP TEACHING**

**Chair: Alberto Musso (University of Bologna)**

Speaker: WIPO Academy  
Project: ATRIP IP Teaching Resources (TBC)

11:15-12:40

**XI NATIONAL REPORTS: PROJECTS AND CASE STUDIES**

**Chair: Jacques Raynard (Montpellier Université)**

RIBEIRO et al National Institute of Industrial Property (INPI) TBC  
*Intellectual Property Statistical Database-BADEPI: Data of IP use in Brazil (2000-2012)*

Laura Sofía Gómez Madrigal and Olga Alicia Torres Krauss (University of Colima)  
TBC

*Traditional Knowledge Protection by Appellation of Origin Case: Salt of Cuyutlan, Colima*

Jeremy de Beer (University of Ottawa), Tobias Schonwetter (University of Cape Town), Dick Kawooya (University of South Carolina), Chidi Oguamanam (University of Ottawa) and Caroline Ncube (University of Cape Town)  
*The Open African Innovation Research & Training Project (Open AIR)*

12:40-13:00

**XII GENERAL ASSEMBLY**

**Chair:** Tana Pistorius

13:00 Lunch: Snack pack

**13:30: Afternoon Tour by small train and walking tour around old Montpellier with  
Tour Guide:** [http://www.petit-train-de-montpellier.com/Index\\_us.asp](http://www.petit-train-de-montpellier.com/Index_us.asp)