

INTERNATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF TEACHING AND
RESEARCH IN INTELLECTUAL PROPERTY



35th Annual Congress, 26-29 June 2016
Jagiellonian University, Krakow, Poland

**Intellectual Property as Functional Pluralism:
The Parameters, Challenges and Opportunities of Variation**

(programme as at 10 June 2016)

26 JUNE 2016 (SUNDAY)

Location: Collegium Maius Jagiellońska 15 Street, Kraków

15.00 - 18.00

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

18.00 - 20.00

ATRIP Congress 2016 Pre-registration and Welcome Reception (Dziedziniec/Courtyard) and guided tour of the Jagiellonian University Museum

27 JUNE 2016 (MONDAY)

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

Opening and Welcome 8.30 am

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

Prof. dr hab. Jerzy Pisuliński
Dean of the Faculty of Law, Jagiellonian University

Dr Alicja Adamczak
President of the Polish Patent Office

Joe Bradley
Head, Academic Institutions Program, WIPO Academy, Geneva

Panel 1: 9.00-10.45 am

Local and Global Pluralism: Integration or Separation?

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

Variations? Welcome- with Caveats

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

International IP Arbitration and Legal Pluralism—Infinite Variety?

Barbara Lauriat, King's College London, England

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

Alison Slade, Brunel University Law School, England

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

Ana Nordberg, University of Copenhagen, Denmark

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

Michal Kruk, Warsaw School of Economics, Poland

Discussant: Ruth Okediji, University of Minnesota, USA

Morning tea 10.45-11.15 am

Panel 2: 11.15 am -12.45 pm

How Governance Frameworks Impact IP-Related Goals

Chair: Maciej Barczewski, University of Gdańsk, Poland

The Fallacy of Intellectual Property Clauses

Lior Zemer, Radzyner School of Law, Israel

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

Margaret Chon, Seattle University School of Law, USA

Intellectual Property as Functional Pluralism in the Traditional Knowledge Space

Natalie Stoianoff, University of Technology Sydney, Australia

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

Mrinalini Kochupillai, Max Planck Institute, Munich, Germany

Discussant: Abbe Brown, University of Aberdeen, Scotland

Lunch 12.45-1.45pm

Panel 3: 1.45-3.30 pm

Prospects for Copyright

Chair: Christophe Geiger, University of Strasbourg, France

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

Joseph P. Fishman, Vanderbilt Law School, USA

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

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

Copyright and Commercial Speech: An Uncharted Relationship
Antoni Rubí Puig, Universitat Pompeu Fabra, Barcelona, Spain

Value Pluralism, the Public Interest, and Copyright Law
Haochen Sun, University of Hong Kong

What if we could Reimagine Copyright?
Kimberlee Weatherall, University of Sydney, Australia (co-author Rebecca Giblin not speaking)

Discussant: Sam Ricketson, University of Melbourne, Australia

Afternoon tea 3.30- 4.00pm

Panel 4: 4.00pm – 5.30 pm

The Powerful Role of Enforcement

Chair: Tana Pistorius, University of South Africa

Reconceptualizing Intellectual Property II: From Tort to Crime
Rochelle Dreyfuss, NYU Law School, USA (co-author Susy Frankel not speaking)

Abuse of rights' in Belgian and French patent law – A factor of variation in interpretation or a lead towards harmonisation?
Amandine Leonard, Leuven University, Belgium

Injunctive relief in patent law – in search for flexibility
Rafał Sikorski, Adam Mickiewicz University, Poznań, Poland

Private Party Enforcement of International Intellectual Property Law
Marketa Trimble, University of Nevada, USA

Winning essay presentation 5.30-6.00 pm

Chair: Jan Rosen, Stockholm University, Sweden

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

Arpan Banerjee, Jindal Global Law School, India

EVENING PROGRAMME: 7.00 - 10.00 pm

7.00-8.00 pm

Market Square Underground- guided tour of the underground exhibition "Following the traces of European identity of Kraków"

Location: The Historical Museum of the City of Krakow

Rynek Główny 1, Kraków

8.00-10.00 pm Dinner

Location: Wesele Restaurant

Rynek Główny 10, Kraków

28 JUNE 2016 (TUESDAY)

BREAKFAST SESSIONS- 7.45-9.15 AM

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

(see Breakfast Sessions Programme for panel details)

PLENARY SESSIONS: 9.30 AM-6.00 PM

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

Panel 5: 9.30 – 11.20 am

The Many Faces of Patents

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

Functional Pluralism and Inclusive Patents

Geertrui Van Overwalle, University of Leuven, Belgium

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

Aisling McMahon, Newcastle Law School, England

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

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

Patents as Functional Pluralism in Africa

Tumelo Mashabela, University of South Africa

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

Duncan Matthews, Queen Mary, University of London, England

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

Toshiko Takenaka, University of Washington, USA

Morning tea 11.20-11.45 am

Panel 6: 11.45-1.00 pm

Digital Frontiers

Chair: Christian Le Stanc, University of Montpellier, France

Invention of Meanings at the Age of 3D Printing
Nari Lee, Hanken School of Economics, Helsinki, Finland

Dynamic Patent Economic Value in the Era of Electronic Commerce and Patent Infringement—in
Terms of the 3D Printing Technologies
Chung-Lun Shen, National Chengchi University, Taiwan

Re-conceptualising the Country Code Top Level Domain Name as an Intellectual Property Right
Susan Corbett, Victoria University of Wellington, New Zealand

Exhaustion for a Digital Single Market
Guido Westkamp, Queen Mary, University of London, England

Lunch 1.00-2.00 pm

Panel 7: 2.00-3.15 pm

International and Comparative Trade Mark Law

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

Challenges and Opportunities of Trademark Exhaustion Variations: Comparing the EU/EEA,
NAFTA, and ASEAN
Irene Calboli, Singapore Management University and Texas A&M Law School, USA

Fairness of Competition as a Source of Limitations to Exclusive Trademark Rights: Dilemmas
Surrounding Legal Mechanisms of Striking a Proper Balance
Łukasz Żelechowski, University of Warsaw, Poland

Alternative Products as a Factor to Determine the Functionality of Trade Marks –How can we Apply
the Criteria from US Functionality Doctrine in EU Law?
Lavinia Brancusi, Cardinal Stefan Wyszyński University, Warsaw, Poland

The Role of Confusion in Unfair Competition Law: A Comparative Analysis
Jennifer Davis, University of Cambridge, England

Afternoon tea 3.15-3.40 pm

Panel 8 3.40-5.30 pm

The Tumultuous Evolution of Copyright and the Creative Industries

Chair: Ysolde Gendreau, University of Montreal, Canada

The Creative Industries, Copyright and its Discontents
Begoña González Otero, EU Business School, Munich, Germany

The Economics of Professional Deference: Berne Art 10(1) and the Case of Music Copyright
Paul Heald, University of Illinois, USA

Copyrightability of Digital Remix Works and the Rights Derived Therefrom
Yahong Li, University of Hong Kong

Disability and Copyright
Karolina Sztobryn, University of Łódź, Poland

What Became of Mandatory, Global, Fair Use?
Lionel Bently, University of Cambridge, England

Rulifying Fair Use
Orit Fischman-Afori, The Haim Striks School of Law, Israel
(co-author Niva Elkin-Koren not speaking)

5.30-6.00 pm 35 years of ATRIP Congresses

7.00-10.00 pm Gala Dinner

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

29 JUNE 2016 (WEDNESDAY)

Panel 9: 8.45-10.00 am

Regional Harmonisation and Diversity: EU Copyright

Chair: Séverine Dusollier, Sciences Po, France

EU Copyright Harmonisation
Bernt Hugenholtz, University of Amsterdam, The Netherlands

European Copyright Inside or Outside the European Union: Pluralism of Copyright Laws as a Chance rather than as a Call for Further Harmonisation
Andreas Rahmatian, University of Glasgow, Scotland

How the CJEU is Deconstructing Copyright Law
Andreas Wiebe, University of Göttingen, Germany

Is there an EU Copyright Jurisprudence? An Empirical Analysis of the Workings of the European Court of Justice
Paul Torremans, University of Nottingham, England
(co-authors Marcella Favale & Martin Kretschmer not speaking)

Short break 10.00-10.15 am

Panel 10: 10.15-11.45 am

Innovation Frameworks and the Governance of Research

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

Assessing the Impacts of Intellectual Property: An Interdisciplinary Literature Review and Analytical Framework
Jeremy de Beer, University of Ottawa, Canada

Intellectual Property Pluralism and African Development Agendas
Susan Isiko Štrba, University of the Witwatersrand, South Africa

Intellectual Property in Research and Development Agreements from an Antitrust Law Perspective
Marek Salamonowicz, University of Warmia and Mazury, Olsztyn, Poland

IP Pluralism and Patent Rights in European universities The Spanish Case as a Paradigm
Luz Sanchez Garcia, UCAM University, Spain

Is 'Responsible Research and Innovation' able to Achieve the Desired Outcome for Publicly Funded Research?
Helen Yu, University of Copenhagen, Denmark

Panel 11: 11.45 am -12.30 pm

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

Chair: Daniel Gervais, Vanderbilt Law School, USA

Panellists:

Graeme Dinwoodie, Oxford University, England

Rochelle Dreyfuss, NYU Law School, US

Joe Bradley, WIPO

Conference close

ATRIP General Assembly 12.30 -1.00 pm

Lunch 1.00-2.00 pm