European Policy for Intellectual Property 11th Annual Conference

3-5 SEPTEMBER 2016

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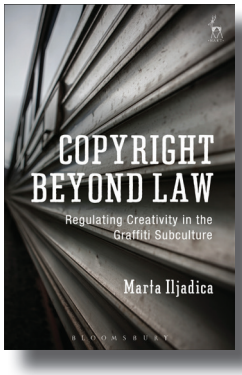
Forthcoming from Hart Publishing

Copyright Beyond Law

Regulating Creativity in the Graffiti Subculture

Marta Iljadica



The form of graffiti writing on trains and walls is not accidental. Nor is its absence on cars and houses. Employing a particular style of letters, choosing which walls and trains to write on, copying another writer, altering or destroying another writer's work: these acts are regulated within the graffiti subculture. *Copyright Beyond Law* presents findings from empirical research undertaken into the graffiti subculture to show that graffiti writers informally regulate their creativity through a system of norms that are remarkably similar to copyright.

The 'graffiti rules' and their copyright law parallels include: the requirement of writing letters (subject matter) and appropriate placement (public policy and morality exceptions for copyright subsistence and the enforcement of copyright), originality and the prohibition of copying (originality and infringement by reproduction), and the prohibition of damage to another writer's works (the moral right of integrity). The intersection between the 'graffiti rules' and copyright law sheds light on the creation of subculture-specific commons and the limits of copyright law in incentivising and regulating the production and location of creativity.

Marta Iljadica is Lecturer in Law at the University of Southampton.

Nov 2016 | 9781849467773 | 304pp | Hbk | RSP: ~~£65~~
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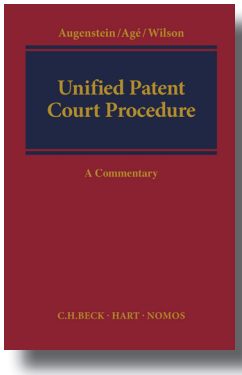
Unified Patent Court Procedure

A Commentary

Christof Augenstein, Sabine Agé and Alex Wilson



Forty years after the first discussions began with a view to creating a single European patent, 25 EU Member States (with the exception of Italy, Spain and Croatia) approved three instruments creating a European Patent with unitary effect. One of the instruments is the Agreement on a Unified Patent Court, signed on 19 February 2013. The Agreement provides for a 'Unified Patent Court' (UPC) as a single court consisting of a Court of First instance and a Court of Appeal. The court will have exclusive jurisdiction both in infringement and revocation proceedings. By this means it is intended that it will provide a less complex and cheaper alternative to the current situation where patent cases have to be tried in each EU Member State separately. This commentary is focused on the procedure of the Unitary Patent Court, and covers Infringement and Defences; Proceedings and the UPC; Statutes of the UPCC; Financial Provisions; General Provisions; Languages of Proceedings; Proceedings before the Court; Powers of the Court; Appeals; Decisions and Implementation and Operation of Agreement.

Christof Augenstein, ***Sabine Agé*** and ***Alex Wilson*** are experienced patent specialists working for renowned law practices.

Feb 2017 | 9781849464932 | 1000pp | Hbk | RSP: ~~£330~~
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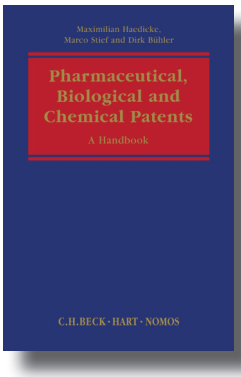
Pharmaceutical, Biological and Chemical Patents

A Handbook

Maximilian Haedicke, Marco Stief and Dirk Bühler



The topic of chemical and biological patents is of special importance in European and German patent law. The highly technical nature of patents in this area gives rise to special problems for patent lawyers in understanding, for instance, structural alterations like polymorphism and enantiomerism, which lead to a derivative of a substance that is comprised in the prior art. It is a legal question whether and under what circumstances such alterations are treated as novel, and in which cases they are part of the state of the art. Even if a substance is prior art, a new medical use can be patented. Dealing with natural occurrences of a substance is also a problem for patent law, as is the difficulty of understanding how different identifications of a substance and the resulting patents interrelate with each other. This book provides an expert overview of all these questions.

Past decisions of the European Court of Justice (ECJ) concerning broccoli and tomato patents, as well as embryonic stem cells, have highlighted the importance of this field of law. Most of the proceedings regarding chemical and biological patents have been held in German courts, and the German jurisprudence has often been the basis for ECJ decisions. Thus, German case law is used to illustrate the commentary.

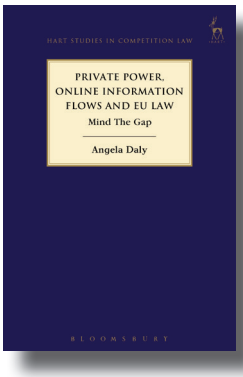
Maximilian Haedicke is Professor of Intellectual Property Law at the University of Freiburg.
Marco Stief is Director Legal in the Legal Department of Fresenius, Bad Homburg.
Dirk Bühler is patent attorney and partner in Maiwald Patentanwälte in Munich.

Dec 2017 | 9781849464901 | 250pp | Hbk | RSP: ~~£200~~
Discount Price: £160

Private Power, Online Information Flows and EU Law

Mind The Gap

Angela Daly



This monograph examines how European Union law and regulation address concentrations of private economic power which impede free information flows on the Internet to the detriment of Internet users' autonomy. In particular, competition law, sector specific regulation (if it exists), data protection and human rights law are considered and assessed to the extent they can tackle such concentrations of power for the benefit of users. Using a series of illustrative case studies, of Internet provision, search, mobile devices and app stores, and the cloud, the work demonstrates the gaps that currently exist in EU law and regulation. It is argued that these gaps exist due, in part, to current overarching trends guiding the regulation of economic power, namely neoliberalism, by which only the situation of market failure can invite ex ante rules, buoyed by the lobbying of regulators and legislators by those in possession of such economic power to achieve outcomes which favour their businesses. Given this systemic, and extra-legal, nature of the reasons as to why the gaps exist, solutions from outside the system are proposed at the end of each case study. This study will appeal to EU competition lawyers and media lawyers.

Angela Daly is a post-doctoral fellow at the Swinburne Institute for Social Research, Australia.

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•HART•

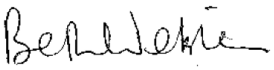
Welcome to EPIP 2016

Europe has a longstanding reputation for being a powerhouse for new ideas, productivity growth and industrial champions. Not only is it one of the major economic blocs in the world but it is regarded by many as the preeminent progressive voice on issues such as climate change; political stability; global integration; quality jobs; refugee settlement and, of course, song contests.

Underpinning this leadership are strong civil institutions that debate, research and advise governments, business and community groups. These institutions give balance and objectivity to what can at times be emotional discussions dominated by the loudest campaigners.

One of the key areas for economic development is intellectual property. The annual European Intellectual Property Policy conference has become the peak confest for the mutual exchange of ideas and evidence on IP; not only for Europeans, but increasingly for other parties around the world.

On behalf of the other members of the Organising Committee for 2016 – Graeme Dinwoodie, Christine Greenhalgh (University of Oxford), Paul Jensen and Marian Schoen (University of Melbourne), Gaétan de Rassenfosse (EPFL), Pippa Hall (UK IPO) – I welcome you to the 2016 conference. We have been impressed by the quality of papers and hope you are all able to give and receive in equal measure.



Professor Beth Webster
Chair of the Organising Committee EPIP 2016
Director, Centre for Transformative Innovation
Swinburne University of Technology

CTI SWINBURNE Centre for Transformative Innovation

BRIDGING ENGINEERING AND BUSINESS

ÉCOLE POLYTECHNIQUE FÉDÉRALE DE LAUSANNE

The College of Management of Technology at the École polytechnique fédérale de Lausanne

About EPFL

EPFL is a research-intensive university in Lausanne, Switzerland, that specialises in physical sciences and engineering. EPFL is widely regarded as one of the world leading universities. The QS World University places EPFL 14th in the world across all fields in their 2015/2016 ranking, while the Times Higher Education World University ranking places EPFL in the first position in its ranking of the top 150 universities under 50 years old.

About CDM

Established in 2004, the College of Management of Technology (CDM) has an aligned focus on research and teaching in the areas of Management Science with close ties to Engineering and Technology. Moreover, it infuses the EPFL campus with an entrepreneurial spirit, encourages cross-disciplinary partnerships and undertakes a comprehensive approach to industrial issues and public policy.

The College is composed of three institutes, the Management of Technology and Entrepreneurship Institute (MTEI), the Swiss Finance Institute at EPFL (SFI@EPFL), and the Institute of Technology and Public Policy (ITPP). The CDM offers two Master programs, two Doctoral programs and three executive Master programs in partnership with other outstanding universities.

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http://cdm.epfl.ch

Introductory Information

Dear EPIP Delegate,

We welcome you to the 2016 EPIP Conference. We hope that you have had a chance to look at the conference website at www.epip2016.org where we have included lots of information to facilitate your attendance at the conference and your stay in Oxford.

Pembroke College Map

Doctorate Workshop

The first activity of the conference is a Doctorate Workshop on Saturday 3rd September. Registration for the workshop has now closed, but registered participants will meet from 09:30 AM at the Harold Lee Room.

Oxford Walking Tours

If you have registered for this activity, you should make your way to 5 Broad Street, Oxford in time for your tour (being either at 9 AM, 11 AM or 2 PM). The walk will go ahead rain or shine so please dress appropriately including comfortable walking shoes. The walking tour will run for approximately 2 hours.

Registration and Welcome

Registrations will be from 4:30 PM on Saturday 3rd September in the Pichette Auditorium Foyer. Registration will then be followed by a welcoming address and the first keynote presentation in the Pichette Auditorium. A cocktail reception will begin from 6:15 PM in Farthings Café.

Conference Program

A digital copy of the program can be found at www.epip2016.org/program. At registration, delegates will receive a conference bag containing items such as the conference companion book with information on the paper abstracts and synopsis of sessions.

EPIP 2016 will be held solely within Pembroke College. Prominent signposting will be placed around the college and student helpers with EPIP2016 branded t-shirts will be on hand to assist with direction and enquiries. We advise delegates to make their way promptly to subsequent sessions during the conference.

Wireless Internet

Wireless internet coverage across Pembroke College is very good. The details on how to access the WiFi network can be found below. The Wi-Fi details are also reproduced on the back of your identification lanyard.

WiFi Network name: PMB Guest Access
Username: epip
Password: XHD6vGNa

Conference Dinner

The EPIP Conference Dinner takes place at Pembroke College in Pembroke Hall.

Social Media

Please use the hashtag **#epip2016** in your social media posts, updates and tweets.

Pembroke College Contact

Name of conference contact:
Huw Edmunds, Head of Conferences and Events
Email: huw.edmunds@pmb.ox.ac.uk
Tel: (+44) 01865286098
Website: www.pmb.ox.ac.uk

Traveling Around Oxford

Pembroke College is located on Pembroke Square just off St Aldate's in central Oxford. The Geoffrey Arthur Building (GAB) is located about 10 minutes walk from the College on the banks of the Thames. Oxford has excellent road and rail links, and is not far from major airports. Pembroke is in the centre of the city, with a train and coach station located nearby. Visitors planning to arrive by car should plan to use one of the park and ride or other city car parks and plan their route carefully. If you use a satellite navigation unit, the main College postcode is OX11DW, and the GAB is OX14NJ. We recommend visitors who are planning to arrive by car, should plan to use one of several Park and Ride services (parkandride.oxfordbus.co.uk) as there is limited car parking in the city centre.

How to find Pembroke College

By Air

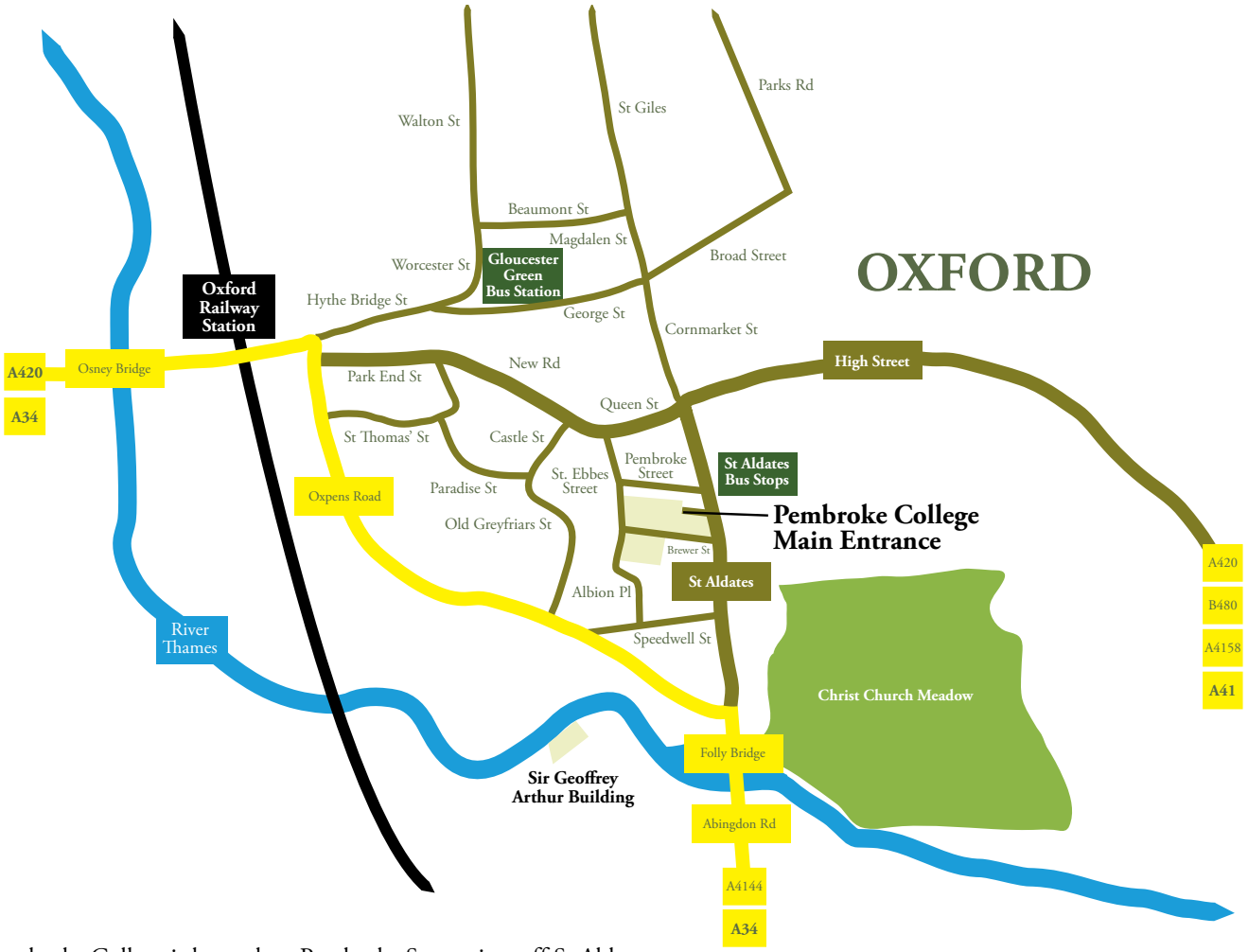
From London Heathrow or Gatwick, the Airline coach service goes directly to Oxford. Get off at Gloucester Green Bus Station (the last stop). The College is then a 5 minute walk. From London Stansted, the National Express 737 train runs to Oxford via Luton Airport. Ask the driver to be put off in St Aldates. There is a direct train from Birmingham International Airport to Oxford.

By Rail

For information on train times and operators please contact National Rail Enquiries on 08457 484950. From Oxford Station it is a 10 minute walk to Pembroke College. There is a good taxi service from the station and numerous buses go to St Aldates.

By Coach/Bus

There are excellent and frequent coach services, (the Oxford Tube, and the X90) from Central London to Oxford, the Oxford Tube runs 24 hours a day. Get off at St Aldates. Pembroke College is just across the road. For information on bus services and timetables call 0870 574 777.



Pembroke College is located on Pembroke Square just off St.Aldates in central Oxford. The Sir Geoffrey Arthur Building is a 10 minute walk from the College on the banks of the Thames.

SWINBURNE UNIVERSITY OF TECHNOLOGY

Swinburne Law School
Australia's newest law school

For more than 100 years, Swinburne has been committed to innovative education, producing outstanding graduates and delivering enduring outcomes.

With its specialisation in science, technology and innovation, Swinburne's reputation for high-quality, engaged teaching and research is reflected in the University's consistent ranking among the top 3% of universities in the world.*

Swinburne's law school now offers an undergraduate program which focuses on commercial law with emphasis on intellectual property. As the only degree in Australia with this specialisation, students learn to practise law for the knowledge economy.

The Swinburne Bachelor of Laws program is fully accredited by the Victorian Legal Admissions Board and offers students the option of a single degree or combined program with science, engineering, arts or business.

For more information visit swinburne.edu.au/lawschool

*Academic Ranking of World Universities 2014

Swinburne Law School

Full Conference Schedule

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09:30 - 16:00	Pre-Conference Doctorate Workshop (more information on p 46)	Harold Lee Room
11:00 - 13:00	Oxford Walking Tour B	5 Broad St, Oxford
14:00 - 16:00	Oxford Walking Tour C	5 Broad St, Oxford
15:30 - 17:00	EPIP Board Meeting	SCR Parlour, Chapel Quad, staircase 22
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17:00 - 17:15	Welcome to EPIP 2016 with Professor Anne Davies (Dean of the Oxford Law Faculty) and HE Dr Mark Higgie (Australian Ambassador to Belgium, Luxembourg, the EU and NATO)	Pichette Auditorium
17:15 - 18:15	**Opening Plenary** **Chair: Gaétan de Rassenfosse & wrap up by Alan C Marco** Rochelle Dreyfuss & Benjamin Jones, "IP and Science"	Pichette Auditorium
18:15 - 19:45	Cocktail Reception	Pichette Auditorium Foyer & Farthings Café

Sunday 4th September 2016		Location
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©	**A1 - Copyright** **Chair: Christophe Geiger** Ruth Towse, *"Digitisation, Multi-territorial Licensing and Copyright Management Organisations"* (p 37) Nicola Searle, "*Changing Business Models in the Creative Industries: Industry Response to Copyright Challenges in the Digital Era*" (p 34) Daniel John Zizzo, Piers Fleming & Sven Fischer, *"Consuming copyrighted media without paying – A controlled experiment with a representative sample"* (p 40) Theodore Koutmeridis, Kristofer Erickson & Martin Kretschmer , *"Copyright and Digital Innovation in the Creative Economy: A survey of the evidence, using a peer-produced review method"* (p 26) Ariel Katz, *"e-Books, p-Books, and the Durapolist Puzzle"* (p 26)	Pichette Auditorium

	**A2 - Innovation** **Chair: Elisabeth Müeller** Bettina Peters & Mila Köhler, *"Subsidized and non-subsidized R&D projects: Do they differ?"* (p 31) Florian Seliger, Spyros Arvanitis & Martin Woerter, *"Knowledge Spillovers and their Impact on Innovation Success – A New Approach Using Patent Backward Citations"* (p 35) Gaétan de Rassenfosse, Claudia Pellegrin & Emilio Raiteri, *"The effect of public procurement on environmental innovation: evidence from the American Recovery and Reinvestment Act"* (p 31) Michael Verba, *"Modeling Knowledge Flow on the Global Innovation Network Reveals 'Keystone Technologies'"* (p 38) Roger Svensson & Per Botolf Maurseth, *"The Value of Tacit Knowledge: Dynamic Inventor Activity in the Commercialization Phase"* (p 36)	**Harold Lee Room**
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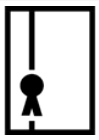	**C1 - Patent Misuse?** **Chair: Patrick Waelbroeck** Hazel Moir, *"Exploring evergreening: estimating the cost of low patent standards"* (p 28) Gaétan de Rassenfosse & Emilio Raiteri, "*Technology protectionism and the patent system: Strategic technologies in China*" (p 32) Jonathan Ashtor, *"Opening Pandora's Box: Analyzing the Complexity of U.S. Patent Litigation"* (p 20) Igor Nikolic, *"Injunctions on Standard-Essential Patents: Views from the US and the EU and Proposals for Courts"* (p 30)	**Pichette Auditorium**
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10:10 - 10:40	Morning Tea & Poster Session (more information on page 17) Chair: Marian Schoen	**Pichette Auditorium Foyer & Farthings Café**
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	**E1 - Migration** **Chair: Francesco Lissoni** Edoardo Ferrucci & Francesco Lissoni, *"Foreign Inventors in the US and EU15 : Homophily, Self-selection, and Productivity"* (p 23) Ernest Miguelez & Claudia Temgoua, *"Immigration externalities, ethnic networks, and international Knowledge Diffusion"* (p 28) Gaétan de Rassenfosse, Gabriele Pellegrino & Julio Raffo, *"Immigration and innovation: empirical evidence from the Collapse of the Soviet Union"* (p 31)	**Pichette Auditorium**
	**E2 - International Institutions** **Chair: Manuel Trajtenberg** Ingrid Schneider & Viola Prifti, *"CRISPR and human germline modification at the EPO: The Role of the 'Ordre Public or Morality' Clause in patent law"* (p 34) Eleonora Rosati, *"International Jurisdiction in Online EU Trade Mark Infringement Cases: Where Is the Place of Infringement Located?"* (p 33)	**Harold Lee Room**
	**E3 - Designs and Trade Secrets** **Chair: Christian Helmers** Jussi Heikkilä & Mirva Peltoniemi, "*Uncertain design rights and design spillovers: The case of sauna heater markets"* (p 25) Tyrone Berger, *"Growing Union: Changing face of the Hague Agreement"* (p 21) Barbara Radon, *"Trade secret protection for 'Big Data'"* (p 32)	**Allen & Overy Room**
	**E4 - Copyright** **Chair: Amanda Scardamaglia** Antoni Rubi-Puig, *"Licensees in Breach: The Interface between Remedies for Copyright Infringement and Remedies for Breach of Contract"* (p 33) Irene Calboli, *"Overlapping Trademark Protection for Creative Works: Unfitting Policy Justifications and the Rise of the "Just Dessert" Theory"* (p 21) Poorna Mysoor, *"Implied Licence instead of 'New Public'?"* (p 29)	**Andrew Pitt Room**
11:45 - 11:50	Preview of 12th Annual EPIP Conference (EPIP 2017) - Francesco Lissoni	**Pichette Auditorium**
11:50 - 12:20	**Plenary** **Chair: Graeme Dinwoodie** Wolf Meier-Ewert, *"Current major challenges in concluding international IP agreements"*	**Pichette Auditorium**
12:20 - 13:15	Lunch	**Pembroke Hall**
13:15 - 14:45	**Closing Plenary** **Chair: Paul Jensen** Dietmar Harhoff, Manuel Trajtenberg & Adam Jaffe, *"Theory vs. Practice in Global Innovation Policy: Perspectives from Europe, the Middle East, and the Antipodes"*	**Pichette Auditorium**

Plenary Sessions

Saturday 3rd September

17:15 - 18:15
Welcome and Opening Plenary - *"IP and Science"*
Pichette Auditorium


Professor Rochelle Dreyfuss (NYU School of Law) & Professor Benjamin Jones (Kellogg School of Management, NW University)

Chair: Professor Gaétan de Rassenfosse (EPFL) and Dr Alan C. Marco (USPTO) wrapping up.

Sunday 4th September

09:00 - 10:30
Day Two Opening Plenary - "Copyright Policies: Perspectives from Europe, the US and the West Pacific"
Pichettee Auditorium



Maria Martin-Prat (European Commission, DG CONNECT), Shira Perlmutter (USPTO) & Associate Professor Kimberlee Weatherall (University of Sydney Law School)

Chair: Professor Beth Webster (Swinburne University of Technology)

13:45 - 14:45
Day Two Plenary - *"Using IP for R&D Strategy"*
Pichette Auditorium


Marshall Phelps (ipCreate) & Professor Thomas Åstebro (HEC Paris, KU Leuven),

Chair: Pippa Hall (UK IPO)

Monday 5th September

11:45 - 12:20
Day Three Plenary - *"Current major challenges in concluding international IP agreements"*
Pichette Auditorium

Wolf Meier-Ewert (World Trade Organisation)

Chair: Professor Graeme Dinwoodie (University of Oxford)

13:15 - 14:45
Day Three Plenary - *"Theory vs. Practice in Global Innovation Policy: Perspectives from Europe, the Middle East, and the Antipodes"*
Pichette Auditorium



Professor Dietmar Harhoff (Max Planck Institute), Professor Manuel Trajtenberg (Tel-Aviv University) & Professor Adam Jaffe (Motu, New Zealand)

Chair: Professor Paul Jensen (University of Melbourne)

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- HILDA Survey
- macroeconomics

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- the Medicine in Australia: Balancing Employment and Life (MABEL) longitudinal survey of doctors — this longitudinal survey of Australian doctors seeks to improve our understanding of how changes in the working lives of Australian doctors influence the provision of healthcare, and
- CASiE (Consumer Attitudes, Sentiments and Expectations), a monthly survey of 1,200 Australian consumers — this survey is used to compile the Consumer Sentiment Index, and it is informative about expectations of unemployment, inflation and house prices.

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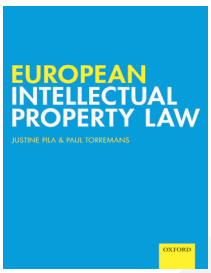
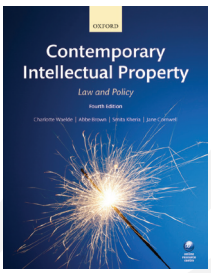
Poster Sessions

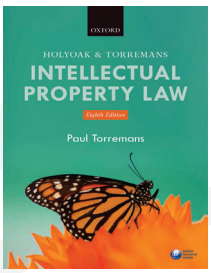
During EPIP 2016 we will have on display research posters in the Pichette Auditorium Foyer. Authors will also be giving a brief presentation during the morning and afternoon breaks in Farthings Café. A list of those posters on display and author presentation times can be found below. Be sure to check them out and discuss with the authors the research on display.

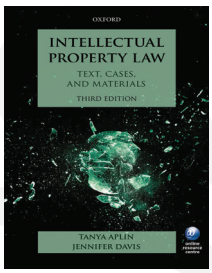
Sunday 4th September - 10:30 AM	
Abbe Brown	*"Success' in IP enforcement actions: and the consequences for the Creative Industries"* (p 42)
Stephen Petrie	*"A harmonised international trademark database to inform IP research and policy"* (p 44)
Kelli Larson	*"Patent Litigation Reform & Non-practicing Entities: Solutions in Search of a Litigation Problem?"* (p 43)
Joanna Buchalska	*"Surname commercialisation in Fashion Law"* (p 42)
Sunday 4th September - 4:15 PM	
Sanskriti Singh & Lipsa Dash	*"Be Authentic: The politics of Trademark Counterfeiting in India and The United States"* (p 45)
Federica Baldan	*"Exploring the Principle of Separation of Powers in the European and US Patent Systems"* (p 42)
Andrea Zappalaglio	*"1899-1963: The untold story of the Italian model of GI protection and of how it failed"* (p 45)
Shukhrat Nasirov, Cher Li & Stephen Thompson	*"Managerial aspects of differentiation strategy: Evidence from the analysis of trademark statistics"* (p 43)
Monday 5th September - 10:10 AM	
Franck Gloglo	*"Legal Adjustments to International Law for an Economically Sound Patenting of Biotechnological Inventions"* (p 43)
Eugen Stoica	*"The implications of the new UK Open Access policies on the ownership of copyright in academic publishing"* (p 45)
Florelia Vallejo Trujillo	*"The Complex Genesis of ABS"* (p 45)
Sander Nysten, Esther van Zimmeren & Sigrid Pauwels	*"Open Metropolitan Design & IP-governance: Two Case Studies in Contemporary, Collaborative Urban Development"* (p 44)
David Felipe Alvarez	*"Common elements from the theories of copyright regarding the protection of author's moral and material interests"* (p 42)
Ruslan Nurullaev & Irina Bogdanovskaya	*"Website Blocking in Russia and the EU: Recent Trends and Common Grounds"* (p 44)

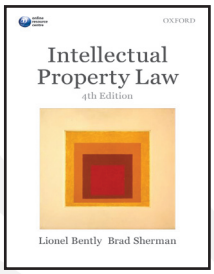
Intellectual Property Law textbooks from Oxford

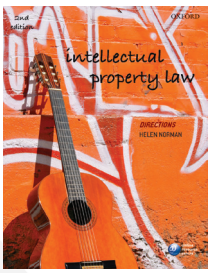












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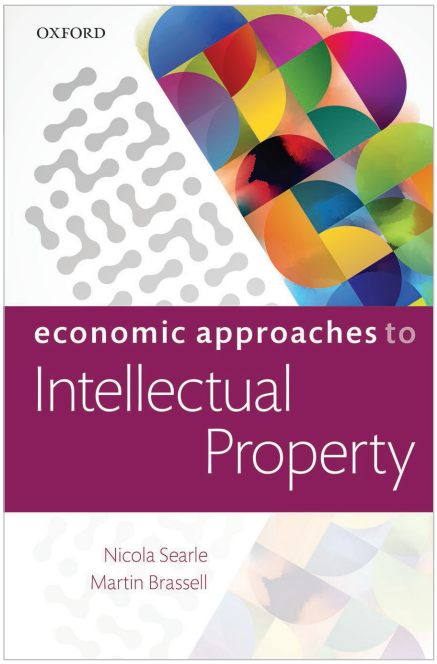


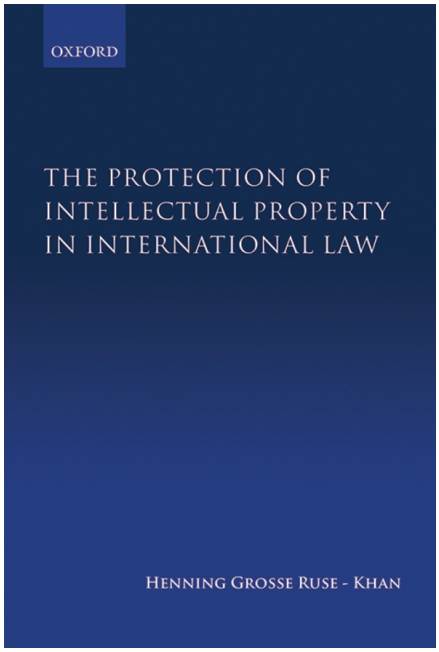
Economic Approaches to Intellectual Property

Nicola Searle and Martin Brassell

June 2016 | 9780198736264

PB: ~~£75.00~~ £60.00

This book is a comprehensive, critical analysis of economic interpretations of intellectual property, written for researchers, practitioners and policymakers. This analytical text offers readers a better understanding of IP's contribution to macro- and microeconomics, as well as insights that inform the debate on evidence-based IP policy.



The Protection of Intellectual Property in International Law

Henning Grosse Ruse-Khan

July 2016 | 9780199663392

HB: ~~£125.00~~ £100.00

This book examines intellectual property (IP) protection in the broader context of international law. Against the background of the debate about norm relations within and between different rule systems in international law, it construes a holistic view of international IP law as an integral part of the international legal system.

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Parallel Session Abstracts

Jonathan Ashtor, "*Opening Pandora's Box: Analyzing the Complexity of U.S. Patent Litigation*"

Patent litigation is widely regarded as one of the most complex types of civil litigation, with costs often totalling millions of dollars and typical case durations stretching for years. Patent litigation is generally accepted to be a "Pandora's Box" of incalculable complexity, which, once opened, is only arduously and unpredictably concluded. This study undertakes a comprehensive exploration of patent litigation complexity, first defining robust metrics of complexity and continuing with rigorous analysis of the determinants thereof.

Benjamin Balsmeier, Lee Fleming & Gustavo Manso, *"Independent Boards and Innovation"*

Much research has suggested that independent boards of directors are more effective in reducing agency costs and improving firm governance. Less clear, however, is how they influence innovation and innovation search strategies. Relying on regulatory changes for identification, we show that firms that transition to independent boards focus on more crowded and familiar areas of technology. They patent and claim more and receive more total future citations to their patents, though the citation increase comes mainly from incremental patents in the middle of the citation distribution; the numbers of uncited and highly cited patents - arguably corresponding to riskier and completely failed or breakthrough inventions, respectively do not change significantly. Split samples indicate stronger effects for research-intensive firms and firms with more entrenched managers. Overall the results indicate that strengthened governance improves innovation performance along existing trajectories, without changing the possibility of a breakthrough.

Joanna Banasiuk, *"Orphan works issue as a "twentieth century black hole" – justification for adopting solutions at international level"*

The issue of orphan works, which is called a "twentieth century black hole" has been hotly debated not only in the European Union but also in the USA. So far the rights of the rightholder have taken priority, which in practice was based on the need to obtain permission to use the work. At EU level the debate concerning orphan works (to allow their use without the consent of rightholders who are either unidentified or cannot be located despite diligent search efforts) has focused primarily on the issue of their mass digitalization in connection with the European Digital Library (EDL) project and the necessity to scan and make the largest possible volume of European library stocks available online.

Justus Baron, *"The Causal Effect of Essential Patents on the Further Technical Progress and the Adoption of Technology Standards"*

This paper analyzes the causal effect of the inclusion of patented technology into technology standards on follow-up innovation involving the standard. In particular, I distinguish between subsequent technological progress in the standard including the patented technology, and the development of new applications implementing the standard including the patented invention. I compare standards subject to declared essential patent applications which eventually result in granted patents with standards subject to declared patent applications which are eventually abandoned or rejected at the USPTO, and use the grant rate by examiner to instrument for the grant decision. I find a negative effect of the grant of the pending standard-essential patent application on measures of both new implementations of the standard including the essential patents, and further technical progress in the standard including the patented technology.

Tyrone Berger, "*Growing Union: Changing face of the Hague Agreement*"

Designs laws are frequently described as the least harmonised of all of the intellectual property regimes, internationally. As a consequence, there remains real flexibility for countries to prescribe national requirements for design protection, in contrast to other regimes. The diversity in national approaches is partly a reflection of divergent philosophies towards design protection, and partly a result of the practical difficulties that exist for countries implementing systems of legal protection. This paper surveys the Hague Yearly Review – an empirical snapshot produced by WIPO each year – to examine the changing face of the Hague Union, and assess whether the Hague Agreement does more than just facilitate international designs protection.

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Megan Blakely, *"From Museums to Murals: Community Participation and Copyright in Public Art"*

It is notoriously difficult to design and attach suitable legal rights to intangible cultural heritage (ICH), due to its nature as an evolving, living heritage. This article investigates the effects of domestic government intervention relating to Celtic-derived ICH in order to trace the relationship between formal proprietary rights, commodification, and cultural branding. Further, the converse effect of the resulting propertisation and commercialisation on these intangible cultural heritage practices will be examined, and intangible cultural heritage as a living, evolving practice by communities and legal methods, specifically related to intellectual property, will be emphasised.

.....

Dan Burk, *"On the Sociology of Patenting"*

Recent commentary on the patent system has argued that there is little evidence supporting the incentive justification for patenting, so that continued faith in patents constitutes a kind of irrational adherence to myth or falsehood. While an obituary for the incentive theory of patenting is likely premature, the concept that the patent system is based upon myth should not be surprising. Over the past 30 years, some of the most prominent work in sociology has focused on social ordering, including legal ordering, that is found to be structured around prevalent social narratives or myths. Explicitly rejecting the economic construct of rational behavior, such "new institutional" approaches to social ordering recognize that organizations adopt practices and structures according to widely recognized scripts or conventions that lend legitimacy to their goals. In this essay I suggest that the known behavior of patenting firms likely fits the models developed in new institutional sociology: firms patent because other firms patent, because investors expect them to patent, and because patents validate the firm as innovative and reputable. Following such conventions is socially rational, but not necessarily economically rational. Applying new institutional approaches to patenting could explain several pervasive yet puzzling behaviors within the patent system, and moves us away from interminable fruitless arguments over the idealized efficiency or inefficiency of patents.

.....

Irene Calboli, *"Overlapping Trademark Protection for Creative Works: Unfitting Policy Justifications and the Rise of the "Just Dessert" Theory"*

In this paper, I criticize the practice of using trademark law in addition to copyright law to protect exclusive rights in creative works. My analysis focuses primarily on U.S. law, but similar consideration are applicable to other jurisdictions including the European Union. Notably, I argue that, regardless of whether creative works can theoretically fit under both sets of copyright and trademark protection, extending trademark protection to creative works may inevitably result in breaching the societal bargain upon which copyright law and policies were originally built.

.....

Jorge Contreras, Brian Love, Christian Helmers & Fabian Gaessler , "*Assertion of Standards-Essential Patents by Non-Practicing Entities in Europe*"

Standard-setting organizations (SSOs) often require their participants to license patents essential to the implementation of standardized product (standards-essential patents or SEPs) on terms that are fair, reasonable and non-discriminatory (FRAND). The European Commission, in its investigations of Samsung,

Google and others, has expressed concern regarding the assertion of SEPs as to which FRAND commitments have been made. The current study builds on prior work by analyzing the assertion of SEPs by NPEs in Europe, and comparing the trends and modalities of this litigation with that in the U.S. We conclude with a discussion of the implications of these findings for current debates regarding FRAND licensing and SSO policy limitations, particularly regulatory and competition law proposals regarding the assertion of SEPs.

Elena Cooper, *"Copyright, Printsellers and Pirates: Art in the Courts in the Mid Nineteenth Century"*

This paper explores the role of illegal trade in 'pirate' photographs in the mid nineteenth century, in making art available to the wider public. In so doing, it draws on significant archival work relating to mid nineteenth century copyright cases brought by the leading printsellers of the time (such as Henry Graves and Ernest Gambart) against so-called 'pirates' distributing unauthorised photographic copies of engravings of popular paintings of the day (such as William Holman Hunt's The Light of the World and William Powell Frith's The Railway Station). In reflecting on these legal decisions, the paper situates judicial approaches to the scope of copyright, within the context of debates taking place outside the court room, about the potential of new technology – photography - to revolutionise access to great art, to the benefit of a new class of purchaser. Recent scholarship focussing on literary copyright, has argued that the nineteenth century approach to infringement offers 'wisdom' that might be instructive today; the nineteenth century courts adopted a balancing test which included consideration of the social purpose of the defendant's use.1 This paper argues that a focus on artistic, rather than literary copyright, reveals a more complex picture, and provides different conclusions for today about the relation between infringement rules, new technologies and public access.

Gaétan de Rassenfosse, Adam B. Jaffe & Elizabeth Webster, *"Low-quality patents in the eye of the beholder: Evidence from multiple examiners"*

Low-quality patents generate business uncertainty and may create unjustified monopoly rights. There presence is of considerable concern to businesses operating in patent-dense markets. We define low-quality patents as patents whose inventive step is too small to deserve patent protection. There are two pathways by which this may be occurring: the patent office may apply systematically a standard that is too lenient (low inventive step threshold); and the patent office may grant patents that are, in fact, below the threshold (so-called 'weak' patent). This paper uses novel data from 'twin' patents that have been examined at the five largest patent offices to derive first-of-their-kind office-specific estimates of the height of the inventive step threshold and the prevalence of weak patents.

Chris Dent, *"The Patent System as the Regulation of the Exchange of Rights over Inventions"*

Recent research has shown that when the nineteenth-century English reforms are viewed in light of the contemporary works of the classical economists, the underlying purpose of the system was to facilitate the trade in inventions – rather than in the production of new inventions. That is, when the nineteenth-century patent cases are considered in detail, a number of features can be highlighted that accord with the writings of the political economists. First, the law saw patentees as financially self-interested individuals. Second, the system, particularly after the reforms of the middle of the century, operated to give value to the patents themselves; with value being a key concern of the classical economists. Further, many of the mid-century reforms can be seen to have been aimed at the bureaucratisation of the allocation of value. Finally, these bureaucratic processes are best understood as facilitating the exchange of patents. The question, then, is whether the reforms since the turn of the twentieth century have impacted on the system's underlying purpose.

Kristofer Erickson, Fabian Homberg & Martin Kretschmer, "*Measuring the costs and benefits of copyright re-use for follow-on creators: evidence from a crowdfunding marketplace*"

This paper exploits the patronage-like features of an online crowdfunding market to study the effect of transaction and licensing costs on the ability of follow-on creators to successfully re-use existing works. We study the reported costs of production of 1,993 projects seeking funding on the Kickstarter platform from January to March 2014 to investigate if re-use of copyright material has a measurable effect on the cost of creation under four different conditions: (1) the creator has obtained a copyright license; (2) the creator vows to seek a license if funding is successful; (3) the creator borrows from a copyright work but does not discuss licensing; and (4) the creator borrows from a work in the public domain.

Edoardo Ferrucci & Francesco Lissoni, *"Foreign Inventors in the US and EU15 : Homophily, Self-selection, and Productivity"*

We examined the quality of patent applications signed by US- and EU-resident teams of inventors, as a function of the nationality composition of teams. In particular, we test the hypothesis of a negative association between team's homophily and patent quality.

Ruth Flaherty, *"The benefits of a recognised parody exception in UK law following the Hargreaves Review of IP – will it enable greater creative freedom under the fair dealing exceptions to copyright infringement?"*

This paper discusses why parodies are important and will criticise the arguments that have been raised through the legislation and case law of the UK and the US prior to the implementation of the new law (s30A Copyright Designs and Parents Act 1988). The US Fair Use defence is more logical and offers greater protection for creativity than the UK Fair Dealing exception, but that as per the Hargreaves Report the cost of implementing it into British law is too high to be economically feasible, and as such importing the best parts of Fair Use into the Fair Dealing exception is advisable. The outcome of these cases is compared to their likely outcome under the new legislation. In conclusion, although there are improvements under the new law, it has not, and will not, benefit creativity in the area of comedic criticism as strongly as some supporters suggest.

Fabian Gaessler & Dietmar Harhoff, *"Patent Transfers in Europe – Data and Methodological Report"*

We introduce a new dataset on patent transfers – the Max Planck Institute for Innovation and Competition Patent Transfers Data 2016 (MPIIC-PT2016). The dataset entails registered patent ownership information changes of patents granted (DE) or validated in Germany (EP) between 1981 and 2013. For each patent and patent application we have information on current and all prior right holders in terms of name, country and address, as well as the date of change. With Germany having the highest validation and renewal rate among all EPC member countries, our data capture a maximum of possible patent transfers of EP patents. With the help of dictionary- and rule-based methods, we classify all ownership information changes according to a newly developed taxonomy of patent transfers. As a result, the MPIIC-PT2016 dataset distinguishes patent transfers by the relational and spatial distance of the transacting parties and hereby allows a first time quantification of the activities in the market for patents in Europe.

Patrick Gaule, "*Patents and the Success of Venture-Capital Backed Startups: Using Examiner Assignment to Estimate Causal Effects*"

I study whether patent protection has a causal effect on entrepreneurial firm outcomes using a measure of patent examiner leniency as an instrument for getting patents. The analysis is based on sample of 2,191 U.S. startups applying for patent protection in the two years following their first round of venture capital funding. I find a positive and large effect of patents on firm success but only for life science firms and more important inventions. I interpret these results as reflecting the effectiveness of patents in appropriating returns to invention.

Christophe Geiger & Elena Izyumenko, *"The Role of Human Rights in Copyright Enforcement Online: Elaborating a Legal Framework for Website Blocking"*

In recent years, intellectual property enforcement by ordering Internet access providers to block infringing websites has been rapidly evolving in Europe. Understandable from the perspective of rightholders searching for the most efficient ways to stop infringing activities, this increasing tendency to seek for website blocking raises several interrelated legal questions. Those range from the extent to which new enforcement models should burden the freedom to conduct a business of these intermediaries to how this practice affects the ability of Internet users to access information of their choice and exercise their freedom of expression in the online environment.

Manuel Gigena, Ashish Arora & Reinhilde Veugelers, *"Creation, Development and commercialization of radical innovation in Biotechnology"*

Despite anecdotal evidence, literature does not provide a clear understanding of how the process of radical innovation unfolds. A capabilities-based view leads to a division of labour wherein large firms are more efficient at commercializing novelty, whereas small firms may either be creators of novelty, or intermediaries between universities and large firms. Using patent-based indicators, we sketch a framework to study the role of different actor types in the generation of technological novelty, its development, and approach its commercial application.

John Golden, Lauren Cohen, Umit Gurun & Scott Kominers, *""Troll" Check? A Proposal for Administrative Review of Patent Litigation"*

The patent system is commonly justified on grounds of promoting social welfare and, more specifically, scientific and technological progress. For years, however, there has been concern that patent litigation in the United States is undermining, rather than furthering, these goals. The time, cost, and complexity of patent suits provide openings for opportunistic assertions of patent infringement that can generate outcomes, possibly through settlement, that represent more a distortion than a fulfillment of patents' purpose. Such opportunistic assertions can come from any form of patent holder but have been perceived as especially associated with patent-enforcement specialists commonly derided as "patent trolls." This article proposes a means to address the information problems that facilitate opportunistic assertion—namely, the institution of an automatic process of substantive but non-binding administrative review of new patent-infringement lawsuits.

Jake Goldenfein & Dan Hunter, "*Copyright and Blockchain*"

This paper addresses the use of the decentralised ledger technology called the 'blockchain' for applications in copyright registration and licencing. Cryptographic ledgers based on the blockchain have recently emerged as useful platforms for various applications, including financial services (banks and stock exchanges), government services (such as land registries), and cryptographic currencies (notably Bitcoin). However, the use of blockchain in copyright management, while attracting some attention, is yet to be rigorously explored. This paper develops the research program necessary for the implementation of the blockchain in copyright management, including analysis of the systemic, structural and political difficulties of existing (failed) registries, and the institutional, commercial, legal and technical requirements of blockchain based mechanisms.

Arina Gorbatyuk & Adrián Kovács, *"Patent Provisions as a Barrier to Open Innovation? Issues Concerning the Disclosure of Patent Ownership"*

Open innovation refers to a trend whereby organizations increasingly rely on access to technologies developed by external parties and increasingly provide access to their own technologies to generate revenues. This trend is manifested in a growing market for patent monetization wherein patent rights are licensed and traded on a previously unprecedented scale. The appropriate functioning of this market relies to a great extent on the notice function of the patent system, which is commonly ascribed to be the quid pro quo of granting exclusive rights to patent owners. As a potential improvement to existing patent provisions, we propose four minimal requirements that future initiatives by patent offices should impose to warrant a more adequate, accurate and timely disclosure of patent ownership information.

Fahmida Hasan, *"The pragmatic approach towards TRIPS compliance in Least Developed Countries"*

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) negotiated between 1986-1994 Uruguay Round under the patronage of the General Agreement on Tariffs and Trade (GATT), the institutional predecessor of the World Trade Organization (WTO), incorporated stringent uniform worldwide protection of intellectual property rights. TRIPS became binding, at least on developed WTO members, one year after the negotiation concluded, on January 1996 and since January 2005, on expiration of the transitional period, all developing countries excluding LDCs became liable to adopt and enforce all the TRIPS patent rights standards. Despite the mandatory patent protection required from the signatory Members, least-developed countries (LDCs) have not managed to make significant progress due to economic, financial and administrative incapacities. It is identified in the paper that greater coordination and incentives at various levels are required for all WTO Members to implement the minimum standard of intellectual property protection and hence the paper proposes some measures that should be undertaken by the Member States in order to reach the desired goal of TRIPS implementation globally.

Jussi Heikkilä & Mirva Peltoniemi, "*Uncertain design rights and design spillovers: The case of sauna heater markets"*

This case study investigates how the design right institution affects innovative activity and industry dynamics. We present an analysis of the commercialization process of a novel design in Finnish sauna heater markets, which is a mature and "locally" well-defined market with a few large incumbents and several smaller players. The case study illustrates how an industry shifts from technical innovation to design innovation regime. Our findings are consistent with the view that weak and uncertain (probabilistic) design rights may induce unwarranted beliefs about the scope of design right protection. Self-serving biases may further diverge the heterogeneous beliefs and increase the probability of failure in pre-trial negotiation and the probability of litigation. The welfare effects of uncertain design rights are unclear: on the other hand they may induce unjustified entrepreneurial optimism and excessive entry but on the other hand excessive entry of innovative entrepreneurs may lead to increased knowledge spillovers.

Carsten Fink, Bronwyn Hall & Christian Helmers, *"What happens when companies in developing countries start using intellectual property? Evidence from Chile"*

We explore the determinants of the use of IP rights – specifically patents and trademarks – by manufacturing firms in Chile between 1995 and 2008. We are particularly interested in first-time use of IP rights: when do firms start using the IP system, what determines that decision, and what is the short and long-term effect of using the IP system on these companies. This analysis is possible thanks to a novel, rich data source from Chile that includes production, IP ownership, and innovation data at the firm level spanning nearly two decades.

Martin Husovec, *"Accountable, not liable: injunctions against intermediaries"*

In Europe, even law abiding Internet intermediaries can be sued in private lawsuits by intellectual property right holders in order to provide them with some 'extra assistance' in enforcement of their rights. The law increasingly forces intermediaries to work for the right owners by making them accountable even if they are not (tortiously) liable for actions of their users. Thus even intermediaries who diligently deal with illegitimate content on their services can be still subject to a forced cooperation to a benefit of right holders, such as website-blocking or subscriber-disconnections. This paper explores how this novel entitlement of right holders, which is being gradually exported also outside of the EU, impacts traditional allocation of liability under tort-law and future innovation. In studying the entitlement, it relies on traditional law and economics framework of tort law and transactions.

Gaétan de Rassenfosse, T'Mir Julius & Alfons Palangkaraya , *"From Technology to Market: Revelations from an IPC-Nice Concordance Table"*

In this paper, we develop a concordance table between the classification systems for patents and trademarks and investigate the link between innovation (the technology) and new product and services (the market). We construct the concordance table using novel application level patent and trademark data for the population of intellectual property right owners in Australia. The table is built at a high level of disaggregation in order to reveal the underlying technology-to-market activities and increase its relevance to research community worldwide.

Ariel Katz, "*e-Books, p-Books, and the Durapolist Puzzle"*

In March 2016 the US Supreme Court declined to hear Apple's appeal in the e-books price fixing case. The lower courts determined that Apple had conspired with book publishers to raise the prices of digital books. The case opens a window into some fascinating aspects of the book trade, its peculiar economics, and the intersection of copyright and antitrust laws that regulate it. In particular, it appears that arrangements among publishers (with the cooperation of retailers) to maintain high retail prices—or attempts to create such arrangements—is not a novel phenomenon limited to e-books, but one that has a long and persistent pedigree, both in the United States and in Europe. This paper makes the following contributions: First, it offers a novel explanation for Resale Price Maintenance (RPM), one of the most controversial practices in antitrust law, and thus adds to the literature on RPM and other vertical restraints. Second, it explains why publishers have found it insufficient to act independently of each other, and resorted to collusive arrangements to implement RPM. Third, it considers how the move from printed books to e-books alters the economics of the book trade in profound ways, and fourth, it shows that these insights may shed light on several other contemporary copyright disputes.

Theodore Koutmeridis, Kristofer Erickson & Martin Kretschmer , *"Copyright and Digital Innovation in the Creative Economy: A survey of the evidence, using a peer-produced review method"*

Within the last 20 years, copyright law has moved from an esoteric branch of law to the regulatory centre of challenges associated with the digital economy. Social science research emphasizes the importance of evidence in the design of informed policy interventions, and should be well placed to contribute to the evaluation of previous interventions and the design of future policy reforms. The need for evidence-based policies has been intensified by improvements in data and research designs, the development of interdisciplinary research and by the advance of knowledge exchange that encourages a creative dialogue across academe, policy and industry. Surprisingly, the evidence related to copyright policy still remains weak. For example, there have been no attempts to use new research methods

relating to big data mining techniques which have encouraged researchers in other policy fields to build theories that are consistent with observation. This study utilises a unique source – a bottom-up, peer-produced Wiki of currently about 500 empirical papers – to attempt to catalogue the existing evidence on copyright policy. The present paper surveys the literature uncovered using this method and points to new directions for future work. A large-scale analysis of key theoretical propositions in the light of new data and empirical research reveals that the current policy debate is often misled. The assessment of the existing evidence indicates the significance of heterogeneity across the various creative industries, identifies successful research strategies from previous studies and highlights gaps.

Marcella Favale, Martin Kretschmer & Paul Torremans, *"Normative Forces in the European Court of Justice: Who is Steering Copyright Jurisprudence?"*

The Court of Justice of the European Union (ECJ) interprets the meaning of EU legislation. Larger numbers of preliminary references to the Court on the same legal concepts suggest either a normative void, or greater attention from political forces, or both. However, the exact impact of the influence of political forces on the jurisprudential outcome is unknown. Taking copyright as a case-study, the paper examines all preliminary references to the ECJ registered between 1998 and 2015 regarding at least one of the directives of the copyright acquis. The study aims at understanding to what extent the participation of third-parties to copyright litigation is strategic, and in what direction these parties intend to steer copyright jurisprudence. Case documents are examined with a mixed research methodology including doctrinal, content (text) and statistical analysis, in order to measure empirically the impact of third party submissions on the legal interpretation of copyright concepts in the ECJ.

Amandine Leonard, *"Abuse of rights' in Belgian and French patent law. A case law analysis."*

This paper examines what actions undertaken by patent holders have been considered as abusive in the framework of French and Belgian patent litigation. Particular attention is given to the principle of the prohibition of 'abuse of rights' (AoR). In the jurisdictions under scrutiny, the principle of AoR is essentially a jurisprudential construction in cases where judges faced a particular set of circumstances for which no codified rules were available. To investigate how judges deal with the prohibition of AoR in patent litigation and taking into account the jurisprudential nature of the principle, an in-depth and comparative case law analysis has been conducted. Although the number of cases in which patent holders have been sanctioned for such abuses is not overabundant, they do provide sufficient leads on what is understood by Belgian and French courts to constitute an abuse of patent rights. From this comparative analysis, useful lessons can be learned for the interpretation of the evasive notion of 'abuse' from a broader perspective.

Catalina Martinez, Lauren Ciaramella & Yann Ménière, "*How to track patent transfers in Europe: a first empirical analysis*"

This article provides both methodological and empirical contributions to the literature on the analysis of technology markets and patent transfers. Drawing on more than half a million granted patents filed at EPO between 1998 and 2012 and almost 300,000 inscriptions affecting changes in their ownership at the EPO and top national registers (France, Germany, Switzerland, Spain), we carry out an empirical analysis of the market for European patents in medical technologies. The methodology that we develop makes it possible to track and group parallel inscriptions in different European validation countries, and to distinguish between intragroup transfers and real market transactions (bare). Around 35% of the 40,919 EPO patents on medical technologies in our sample were transferred at least once in their lifetime, and two thirds of those transfers happened 'intragroup'.

Malwina Mejer & Benedikt Herz, *"The Impact of the Madrid System and the Community Trademark on Trademark Protection in Europe"*

Trademark protection in Europe underwent important institutional changes since the 1990s. We document these changes and analyze their impact on filing behavior using a newly constructed dataset that combines data on trademark filings at national offices, CTM filings, and designations over Madrid System and the respective filings fees. Using panel-data econometrics, we find that the introduction of the CTM on average reduced national filings them by about 19%. We document that smaller countries were much stronger affected than bigger countries. We also show a substantial difference by foreign and domestic companies with the former substituting direct national filings to Madrid System and CTM. Finally, we document that the CTM led to substantial cost savings for applicants.

Ernest Miguelez & Claudia Temgoua, *"Immigration externalities, ethnic networks, and international Knowledge Diffusion"*

This paper documents the influence of diaspora networks of highly-skilled individuals on international knowledge diffusion. It adds to the growing literature on high skilled international migration and its contribution to economic growth in migrants' home countries. In particular, it explores knowledge feedbacks to home countries generated by migrant inventors, a representative category of high-skilled migrants, most of them scientists and engineers. In line with a recent strand of literature on migration and innovation studies, we make use of patent and inventor data to measure bilateral migration flows between countries, and test our hypotheses in a country-pair gravity model framework, for the period 1990-2010, using patent citations across countries as a measure of international knowledge diffusion.

Hazel Moir, *"Exploring evergreening: estimating the cost of low patent standards"*

Litigated pharmaceutical patents are a valuable source of data on how much inventiveness is required for a patent grant and what are the costs of patents. Although innovation is central to economic growth and the competitiveness of firms, there are few data about either the cost of granted patents or the quantum of inventiveness required for a patent. Two cases of litigated pharmaceutical patents allow investigation of two types of 'evergreening' patents - new formulations and closely related chemical variants. Both lead to higher health costs, and in some cases these can be substantial. Both types of evergreening patent point to the very low standard of inventiveness required for patent grant. Although the data refer to Australia, there are implications for patent policy in other jurisdictions too.

Maria Lillà Montagnani & Mariateresa Maggiolino, "*Open innovation and patent pledges*"

Recently, driven by the enthusiasm spurred by the Open Innovation movement, also individual patentees as well as wealthy corporations holding valuable patent portfolios have started sharing their patented knowledge. Whether in the open source software environment or in the fields of biosciences and green technologies, during the last few years patent holders have been uniformizing the terms and conditions of their licenses in order to facilitate the access to, the transfer as well as the use of their patents. Patent pledges and covenants have thus become the keys to open patents. However, the way in which patented knowledge is opened varies according to the pledges and covenants that are adopted. Some pledges and covenants have contributed to create large "clubs of patentees" that are reciprocally committed to share their patents, but are closed towards the non-members. Other pledges and covenants have set the grounds to make patents open toward whoever is interested in them, on the main condition that this unknown re-user will make her own follow-on innovation be equally open. By analyzing the characteristics of OI systems and the cases of patent pledges that open patented invention this chapter seeks to illustrate how and when patent pledges fit within the wider realm of Open innovation (OI).

Elisabeth Müeller & Philipp Boeing, *"Measuring Patent Quality in International Comparison"*

Patents filed through the Patent Cooperation Treaty (PCT) offer international protection and increase in global relevance with China ranked third in terms of applications. However, national technological performance should account for the quality of patent applications. We derive an index of patent quality that is based on citations from international search reports (ISRs) of PCT applications and not influenced by national economic policies, allowing for cross-country quality comparison. Our analysis indicates that China's rapid PCT expansion took place to the detriment of quality and the gap to the national technological performance of the leading USA increases after quality adjustment. Our index not only provides an internationally comparable measure of PCT quality but also improves economic analysis, as it offers easily implementable and reliable monitoring of national technological performances.

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Federico Munari, *"Tradition and Innovation. The complementarities of geographic indications, patents and trademarks in the food sector"*

In this paper, we address the research questions of why some regions are capable of escaping lock-in traps, while others are not. We argue that the capacity of pursuing a right balance of focus between tradition and innovation at the regional level is required in order to enhance regional economic growth. We study our predictions in the food sector, by using geographic indications (GIs), patents and trademarks to capture the orientation of a given region towards tradition (as in the case of GIs) or innovation (as in the case of patents and trademarks). We address our research questions in the case of Italy, using data from the food sector and 108 Italian provinces. We assess the impact on local economic growth of the stock of GIs and the number of food-related patents and trademarks generated in the provinces. We also analyse whether the complementary presence of GIs, patents and trademarks in a province is associated to stronger economic growth, as a way to test our predictions on "ambidextrous" regions.

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Poorna Mysoor, *"Implied Licence instead of 'New Public'?"*

In interpreting the right of communication to the public, the CJEU has introduced the concept of 'new public'. Essentially, this concept captures the idea that if a copyrighted content is communicated to a public not originally intended by the copyright owner, then it amounts to communicating it to the new public. It should have meant that a communication to the public cannot take place unless it is made to the new public, embedding the concept of new public within the right of communication itself. However, in the more recent decision of *Nils Svensson v Retriever Sverige AB* (Svensson) relating to linking, the CJEU appeared to regard new public as an external defence to copyright infringement. Although there is a body of law developing from the decisions of the CJEU on the right of communication to the public, the relationship of the concept of new public with the right itself somehow remains a mystery. My presentation will explore the justification for a licence to be implied based on factors other than the consent of the copyright owner, and how it can be used in a principled way to bring reasonableness to the use of online content.

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Dianne Nicol & Jane Nielsen, "*Patentable subject matter: where to from here for biotechnology?*"

Although the patentable subject matter requirement had traditionally been interpreted as setting a low threshold to patenting, it has become a live issue in more recent times, particularly in the areas of information technology and biotechnology. This paper will provide a brief discussion of the jurisprudence in the USA and Australia on patentable subject matter, with particular focus on the case law relating to the isolated nucleotide sequence patents owned by Myriad Genetics, Inc. This paper will also consider new intellectual property challenges in light of the Myriad set of decisions, and conclude that fresh nuances to the patent debate in biotechnology will continue to emerge for the foreseeable future.

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Igor Nikolic, *"Injunctions on Standard-Essential Patents: Views from the US and the EU and Proposals for Courts"*

What should courts do when dealing with claims for infringement of standard essential patents (SEPs)? I will analyse the practice of courts and government authorities in the US and the EU in situations when SEP holders seek injunctive relief for infringement of their SEPs. I will show that getting injunctions for infringement of SEPs is extremely limited in both jurisdictions. On top of that, antitrust authorities on both sides of the Atlantic investigated SEP holders alleging that merely seeking injunctive relief, under certain circumstances, amounts to antitrust offence. I then examine how limiting one party's use of legal remedy negatively alters the process of licensing negotiations and, contrary than anticipated, may lead to more litigation and under compensation of patent holders. I conclude with proposals for courts to adopt when dealing with litigation of SEPs, which should strike appropriate balance between the interests of SEP holders and implementers, reduce frivolous litigation and induce settlements between parties.

Yoshimi Okada, Sadao Nagaoka & Yusuke Naito, *"Contribution of patent examination to making the patent scope consistent with the invention: Evidence from Japan"*

Delineating the patent scope consistent with the contribution of the disclosed invention to the state of the art is one of the crucial requirements for the patent system in effectively promoting innovation. Given the incentive of a firm to claim the scope of the patent right as broad as possible, an important task of the patent office is to narrow the overbroad claims so that they become consistent with the invention. This study empirically analyzes how significantly the patent office delivers this important function through its patent examination. We found that the patent right scope very often (i.e. two thirds of the granted patents) gets narrower as the outcome of patent examination process and becomes more consistent with the invention. Both the incidence and the extent of such narrowing increase when the applicant chooses broader claims, and decrease when the quality of prior art disclosure by applicant is higher. This study covers product inventions in all major technology areas where cascaded type claim structure is dominant.

Frantzeska Papadopoulou, *"The impact of regulatory systems in life sciences. Emerging exclusive rights growing outside the scope of the traditional Intellectual Property system?"*

The paper will look into the role regulatory systems play in the life sciences industry. The paper shows how the evolution of regulatory law brings it closer to IP law and provides for its gradual substitution in the specific field of technology.

Hanne Peeters, Julie Callaert & Bart Van Looy, "*Firms involving academics when developing technology: does it make a difference?*"

This study analyzes the academic contribution to corporate technology development in Flanders (period 1991-2010), combining both empirical analyses and interview data. Firm patents which involved academic inventors were contrasted with firm patents developed in-house. In assessing impact, we distinguish in self or non-self assignment of forward citations. We further distinguished in the novelty of technology development and show that this relates to the modes of involvement and the impact of technology. The findings reveal that academically invented corporate patents are more inspired by scientific findings and less incremental compared to corporate patents without university involvement. Firms involve academics relatively more in exploratory activities outside their core technologies, and technology developments that do not have roots in existing technologies. If patent impact is considered, the picture is more nuanced. When examining private and social value, measured by respectively forward self-citations and forward citations without self-citations, university-invented corporate patents are of significantly less private value. However, when developing novel technologies firms, benefit - in terms of subsequent innovation by the firm itself - when they source expertise from academics. Finally, the results seem to suggest that more inventive risks are taken when technology development is not kept in-house. Involving academics implies relatively more 'hits', i.e. breakthrough innovations, and 'misses', i.e. inventions with no follow-up development by the firm.

Gaétan de Rassenfosse, Claudia Pellegrin & Emilio Raiteri, *"The effect of public procurement on environmental innovation: evidence from the American Recovery and Reinvestment Act"*

The objective of this paper is to investigate the effect of public procurement on environmental innovation, which is measured in terms of environmental patents. The relationship between public procurement and environmental innovation is still scarcely explored. This paper aims at filling this gap by analyzing the evidence from the American Recovery and Reinvestment Act (2009), which funded a large amount of federal procurement contracts.

Gaétan de Rassenfosse, Gabriele Pellegrino & Julio Raffo, *"Immigration and innovation: empirical evidence from the Collapse of the Soviet Union"*

This study analyses the impact of a large influx (post-1991) of Soviet inventors on the productivity of their U.S. counterpart, by using a recently constructed dataset that maps migratory patterns of inventors, extracted from patent applications filed under the Patent Cooperation Treaty. The database consists of bilateral counts of migrant inventors over more than three decades and with a worldwide coverage. Our identification strategy is based on a difference-in-difference analysis at the inventor level, which provides causal evidence on whether and to what extent the productivity level of U.S. inventors (proxied by the number of citations received) change after 1992, when they start interacting and collaborating with their Soviet counterparts. Preliminary results show a relevant positive effects of Soviet inventors on the productivity of U.S. inventors.

Bettina Peters & Mila Köhler, *"Subsidized and non-subsidized R&D projects: Do they differ?"*

Little is known about whether and to what extent the outcome of subsidized and non-subsidized R&D projects differ. In this paper we exploit a novel dataset of patent applications filed in Germany between 1995-2005, which allows us to identify if a patent application stems from a subsidized project or not. We use a variety of patent indicators to elucidate to what extent successful subsidized and non-subsidized R&D projects differ. Results show that patent applications from subsidized R&D projects have a higher private value, are more often co-applied, more general, but less original, and have larger inventor teams when compared to all other patent applications filed by the same firms. These differences seem to reflect that thematic R&D programs aim to support R&D projects that have an immediate economic utilization of results and in which firms collaboratively develop basic technologies in high-tech fields.

Dan Prud'homme, *"IP-conditioned government incentives in China and the EU: a comparative analysis of strategies and impacts on patent quality"*

This paper uses typological analysis to identify the strategies behind more than 70 IP-conditioned government incentive programs in China and 21 EU Member States, compares these strategies, and uses policy case studies to analyze the effects of patent subsidy programs in particular on patent quality. It finds that China and the EU both attempt to localize benefits of knowledge investment and discourage offshoring of taxable assets through controversial IP-conditioned tax incentives. At the same time, China appears to use IP-conditioned incentives on a larger scale, and more techno-nationalistically, than EU Member States; and although this strategy can be explained by China's position as a latecomer, some of these incentives nonetheless appear questionably effective at enabling catch-up. The analysis notes that while IP-conditioned incentives in the EU are most commonly intended to provide needs-based commercial support to SMEs, it is not uncommon for such types of incentives to be provided to large firms/other entities in China. Additionally, it is shown how IP-conditioned incentives lowering costs of utility model patents, when combined with lack of Substantive Examination for such rights, can lower patent quality – a situation Chinese policymakers have sought to address by adopting a strategy for reforming such incentives that evolves with the country's technological development trajectory.

T. Alexander Puutio, *"Size matters: Justifying sizeable reverse payments in patent disputes"*

Scholars of pharmaceutical patent law are increasingly finding themselves sharing both academic interests and lively discussions with an unfamiliar type of interlocutor in the realm of judicial analysis namely economists and competition policy specialists. While the arguments on all sides of the table have undoubtedly been rejuvenated by the fruitful cross scientific discourse, a wealth of issues where ostensibly perpetual chasms of divergent views exist have also been revealed. This article deals with reverse payments in patent settlements: a subject which has earned the attention of some of the brightest judicial and economic minds alive today, and as a consequence, has inspired fascinating developments in both jurisprudence and economic thinking. This paper will critically assess the recent jurisprudence concerning the size of reverse payments, the main tests for assessing the acceptability of such arrangements and the probabilistic nature of patent disputes in general.

Barbara Radon, *"Trade secret protection for "Big Data""*

The paper will discuss the problem of the protection of "Big Data" under trade secret law. Firstly, the working definitions of "Big Data" will be created, as a second step, the framework of protection of trade secret in the EU will be analysed. Finally, the existing law will be critically assesed, including further recomendations in the area of trade secret protection.

Gaétan de Rassenfosse & Emilio Raiteri, "*Technology protectionism and the patent system: Strategic technologies in China*"

The national treatment principle (NTP) is a centerpiece to many trade-related international law treaties. It states that foreigners and locals must be treated equally, and its violation may lead to retaliation measures by affected countries. The NTP is also central to international patent law treaties, preventing that countries free-ride on foreign technologies. Business and policy circles have voiced concerns about violation of the NTP at the Chinese patent office, without empirical evidence to assert this claim. Using data on about half a million patent applications filed in China we find no, or only weak, evidence of anti-foreign bias in the issuance of patents overall. However, foreign applications in technology fields that are of strategic importance to China are five to six percentage points less likely to be granted a patent than local applications, all else equal.

Ana Ramalho, *"Resistance is futile? The impact of the Court of Justice of the EU on the development of copyright law and policy"*

This paper aims at analysing the effect of CJEU case law on several EU institutional actors in the field of copyright. It starts by arguing that it is necessary to look beyond claims of judicial activism. It suggests that we need to concentrate instead on how CJEU case law affects other actors from the perspective of EU constitutional law, and it follows to analyse this premise in relation to national courts, the EU legislator, and the CJEU itself. The leeway of these institutions to deviate from CJEU decisions is going to be examined. The paper concludes that, while the EU institutions have some space to deviate from CJEU rulings, most of them have not made use of such possibility, and recommends possible ways to address this.

Eleonora Rosati, *"International Jurisdiction in Online EU Trade Mark Infringement Cases: Where Is the Place of Infringement Located?"*

Article 97 of the European Union Trade Mark Regulation (EUTMR) sets a number of grounds to determine international jurisdiction in cases of alleged infringement of a European Union trade mark (EUTM). Besides the possibility to bring proceedings before the courts of the Member State of domicile/establishment of the defendant/claimant and where the European Union Intellectual Property Office (formerly the Office for Harmonization in the Internal Market) has its seat, Article 97(5) EUTMR also allows for proceedings to be brought "in the courts of the Member State in which the act of infringement has been committed or threatened". Lacking specific guidance from the Court of Justice of the European Union (CJEU), this contribution asks how Article 97(5) EUTMR is to be interpreted in relation to proceedings for alleged infringement of a EUTM over the internet. It concludes that, in light of preceding jurisprudence, the CJEU may hold that this is place where the activation of the process for the technical display of infringing content on a certain website takes place. While in the majority of instances this is likely to be the same place where the defendant is domiciled/established, this may not always be the case.

Antoni Rubi-Puig, *"Licensees in Breach: The Interface between Remedies for Copyright Infringement and Remedies for Breach of Contract"*

This article discusses the relationship between remedies for breach of contract and actions for copyright infringement when a contract or license on a copyright protected work is breached by a licensee. Coexistence of two substantive and procedural regimes which attach different consequences –among others, differences affecting the scope of damages awards, the availability of injunctive relief, and the use of secondary liability rules for contributory infringement- calls for criteria aimed at establishing their respective scope of application and for analyzing their interrelation. After describing the basic differences between the two legal regimes, the article evaluates three general solutions to the problems posed by the interaction between contract law and copyright. Although the accessibility to two different sets of remedies creates an opportunity for licensors to obtain supracompensatory damages in cases of licensee's breach, making copyright actions available may prove necessary to provide incentives to negotiate and to safeguard licensors' interest in avoiding degradation of final users' experiences, especially in online platforms.

Antoine Dechezleprêtre, Ilja Rudyk, Yann Ménière, Gerard Owens, Alessia Volpe & Robert Ondhowe, "*Climate Change Mitigation Technologies in Europe – Evidence from Patent and Economic Data*"

The study analyses the position of Europe in the global development of new climate change mitigation technologies (CCMTs), its importance in the dissemination of CCMTs and the role of European climate change policies. Using a comprehensive dataset on patent applications, trade in CCMT capital goods, foreign direct investment in CCMTs, climate change policy stringency, carbon emissions and public expenditure on CCMT research and development activities, we investigate inventive and associated economic activity in CCMTs in Europe. The main source of data to identify CCMT-related inventive activities was the Worldwide Patent Statistical Database (PATSTAT), developed by the European Patent Office (EPO). This publicly available database is the world's largest repository of patent information, containing data on over 82 million patent applications. The EPO has

developed a dedicated classification scheme for CCMTs (using the Y02 and Y04S tags) that makes it possible to analyse CCMT-related trends in inventive activity and in the global technology market, and to provide evidence to support public and private decision-making.

Eden Sarid, *"Fostering Innovation without IP – What Enables Informal Creativity?"*

The paper explores the principles that underlie creative communities in which innovation flourishes despite, or thanks to, absence of IP law. It systematically analyzes the different studies of the informal creative communities, collectively. It examines what features regulate creativity in each informal creative community, and to what degree. It assesses the nature of the intellectual good and the nature of the community that creates it, and the economic and social mechanisms employed to foster creativity and innovation.

Amanda Scardamaglia & Mitchell Adams, *"Registering Non-Traditional Signs as Trade Marks in Australia: A Retrospective"*

This article provides a 20-year retrospective on non-traditional trade marks in Australia. It presents the initial findings from an empirical study on the application and registration of such trade marks in Australia, since the introduction of the *Trade Marks Act 1995* (Cth). It concludes that while the data shows that shape and colour trade marks remain popular subjects of trade mark applications, sounds and scents have yet to live up to the hype or pose the kinds of controversies that these categories of marks were anticipated to present.

Ingrid Schneider & Viola Prifti, *"CRISPR and human germline modification at the EPO: The Role of the 'Ordre Public or Morality' Clause in patent law"*

The 'ordre public and morality' clause in Article 53 (b) EPC and its narrow or wide interpretation has been contested for long. The understanding of this clause in examining patents is of particular importance in light of recent scientific advances in genome editing. New techniques such as CRISPR-Cas9 and CRISPR-Cpf1 (Clustered Regularly Interspaced Short Palindromic Repeats) promise precise, fast, inexpensive, and easy to handle ways of genome editing and can be employed in all kinds of DNA. Despite their significant advantages for research (Broad Institute 2015; Ledford 2015), and possible treatment of genetic diseases (Miller 2015; Norcross 2015), the application of CRISPR in heritable germline modification is considered unsafe and unethical by many scientists (Baltimore et al. 2015; Lanphier et al. 2015). This paper aims at showing the importance of these arguments in applying the 'ordre public and morality' exemption in patent examinations of genome editing by the European Patent Office (EPO).

Nicola Searle, "*Changing Business Models in the Creative Industries: Industry Response to Copyright Challenges in the Digital Era*"

Adopting a longitudinal case study approach, this paper reports on analysis of the interaction between business models and copyright. Beginning in late 1990s, business models were touted as the solution to market and technological changes, including increased copyright infringement, stemming from the advent of the digital era. In the ensuing years, business models have received mixed reviews from scholars who question business models' ability to manage market change and the enforcement of copyright. This academic critique is in contrast to the widespread adoption of business model strategies by practitioners. This paper reports on a follow-up, longitudinal study of six case studies constructed in 2010, on the interaction between business models and copyright in the creative industries. It suggests that copyright is a secondary force in shaping business models, highlights wider challenges to the creative industries, and provides copyright policy recommendations.

Florian Seliger, Spyros Arvanitis & Martin Woerter, *"Knowledge Spillovers and their Impact on Innovation Success – A New Approach Using Patent Backward Citations"*

We propose a new patent-based measure of knowledge spillovers that calculates technological proximity between firms not just based on a firm sample, but on all firms that can be identified via patent backward citations links. We argue that this measure has a couple of advantages as compared to the "standard" measure proposed by Jaffe: First, it reflects spillovers from both domestic and foreign technologically "relevant" firms, second, it is more precise because it only takes into account knowledge relations with "relevant" firms. Our empirical results indeed show that the measure performs better in an innovation model than the standard measure. We find that knowledge spillovers measured in this way have a positive and significant impact on innovation success. However, the knowledge spillovers appear to be localised as spillovers from geographically distant areas such as the USA and Japan matter, if at all, less than spillovers from near destinations such as Europe and particularly Switzerland itself. Moreover, the spillover effect on innovation performance increases with decreasing number of competitors on the main product market so that this effect would appear only in niche markets or oligopolistic market structures.

Caterina Sganga & Silvia Scalzini, *"Another Brick in the Wall: the Doctrine of Abuse of Right and Its Role in Increasing the Consistency of EU Copyright Law"*

Driven by a set of uncoordinated forces, EU copyright law appears to have substantially departed from the common core of Member States' national legal systems, leaving behind the paths paved by the Anglo-Saxon and continental legal traditions. The development has proceeded along not fully defined rationales, and on tracks diverse from the inspirations of any of these two models, at the same time growing without a coherent framework of principles and dogmas, thus not evolving in a systematic fashion. In fact, the ad hoc advancement of the harmonization process has intervened to pursue few, mostly industry- oriented goals, always in a fragmented and unsystematic manner, without any intent to build a consistent system. Such silent revolution has been responsible for several interpretative short-circuits in the practice of national courts, which negatively influenced the interplay between EU and national sources. This led on one side to the progressive abandonment of well-established copyright doctrines before state courts, and on the other side to schizophrenic results in the definition of fundamental matters such as the boundaries of old and new exclusive economic rights, variably compressed or expanded; the balance between rightholders' prerogatives and other private and public interests; the spaces left to freedom of contract; the clarity of the borders of copyrightable works, and many others.

Michal Shur-Ofry, *"Connect the Dots: Interdisciplinarity and Patent Doctrine"*

Research in various domains suggests a positive link between interdisciplinarity and innovation. Transcending disciplinary boundaries, this literature indicates, allows innovators to "connect the dots" between seemingly disparate fields, stimulates the development of innovative and valuable technologies, and is more likely to yield breakthrough inventions. Adopting this article's proposals and incorporating the concepts of interdisciplinarity and recombinations into patent doctrine holds numerous potential advantages for patent law. First, it would introduce a relevant, concrete and measurable criterion into the nonobviousness analysis, famously criticized for its uncertainty and ambiguity. Second, it would allow to calibrate and refine specific legal doctrines, particularly the doctrine of "analogous art" and the treatment of combination inventions. Finally, and more generally, it would enable patent law to realize some of the enormous potential of the information that can be drawn from patents databases—a goldmine which the current legal regime leaves untapped.

Jessica Silbey, "*IP Claims, Privacy Harms and Equal Protection*"

This paper is part of a larger research project excavating fundamental values in intellectual property discourse and regulation. It develops case studies and analyzes qualitative data from interviews to engage a discursive and cultural analysis of intellectual property claims, harms and dispute resolution. Taking my recent book as a point of departure, The Eureka Myth: Creators, Innovators and Everyday Intellectual Property (Stanford University Press 2015), this new project asks about the contested but dispersed and deeply embedded function of fundamental values such as privacy, equality and distributive justice in diverse IP regimes.

Roger Svensson & Per Botolf Maurseth, *"The Value of Tacit Knowledge: Dynamic Inventor Activity in the Commercialization Phase"*

The inventor generally knows more about the invention than what is written down in a patent application. Because of such tacit knowledge, it might be necessary that the inventor has an active role when the patent is commercialized. We build on Arora (1995) and model firm-inventor co-operation in commercialization of a given invention. Because of tacit knowledge, inventor activity is warranted. Due to moral hazard problems, incentives for inventor activity are limited. We analyse when first best inventor activity is achieved in a two-stage contract. In the empirical part, we analyze when inventor activity is important for a successful commercialization of patents by using a detailed patent database.

Grid Thoma, *"The Value of Patent and Trademark Pairs"*

The valuation of patents is assessed with respect to complemental IP strategies, such as trademarks and design patents. I elaborate a novel method and database to gauge the combination of IP strategies regarding the same innovative project, when the patentee pairs the patenting strategy with other formal IP mechanisms. In particular, I analyze jointly the content of legal documents using textual matching algorithms, and I link them with estimates on the premium value of patent protection. I find ample evidences that a pairing strategy based on the combination of patents and trademarks has a large impact on patent valuation with a net increase of about twice the average premium value. The results hold after controlling for several patentee demographic characteristics and patent value indicators typically used in the literature. To interpret these finding I argue on the signaling function of the combined IP strategies. A patent and trademark pair constitutes a signaling device of the high expected value of the underlying invention from a commercial point of view.

Andrew Toole, Dirk Czarnitzki, Katrin Hussinger, Paula Schliessler & Thorsten Doherr, *"Knowledge Creates Markets: The Influence of Entrepreneurial Support and Patent Rights on Academic Entrepreneurship"*

We use an exogenous change in German Federal law to examine how entrepreneurial support and the ownership of patent rights influence academic entrepreneurship. In 2002, the German Federal Government enacted a major reform called Knowledge Creates Markets that set up new infrastructure to facilitate university-industry technology transfer and transferred patent rights from university researchers to their universities. Based on a novel researcher-level panel database that includes a control group not affected by the IP policy change, we find no evidence that the new infrastructure resulted in an increase in start-up companies by university researchers. The transfer of patent rights may have strengthened the relationship between patents on university-discovered inventions and university start-ups; however, it substantially decreased the volume of patents with the largest decrease taking place in faculty-firm patenting relationships.

Salvatore Torrisi, Marco Corsini & Myriam Mariani, "*Patent citations as a measure of knowledge flows: a replication exercise with extensions*"

This paper compares direct information about knowledge interactions to patent citations to assess the "validity" of patent citations as a measure of knowledge flows. For a sample of about 10,000 inventions patented at the European Patent Office, we collect: (1) data about backward patents citations; (2) primary survey data about the use of knowledge flows as reported by the inventors who took part in the inventive process. By comparing the two datasets, we substantiate possible measurement errors associated with the use of patents citations. We replicate and extend a study of Roach and Cohen (2013) based on US patents. Replication is a research endeavor that has proven to be crucial for the advancement of research in 'hard sciences'. Only recently, social scientists and management scholars have highlighted the role of replication as a key mechanism to the accumulation of scientific knowledge.

Ruth Towse, *"Digitisation, Multi-territorial Licensing and Copyright Management Organisations"*

This paper extends the author's earlier work (Towse, 2016, presented at EPIP2015) on the effect of digitization on the economics of collective rights management and now considers the impact of new arrangements for multi-territorial licensing on the institutional organization of Collective Management Organisations (CMOs) due to the EU Directive on Collective Management of Copyright and Related Rights 2014/26 EU. CMOs manage the various rights granted in copyright law to creators and performers, offering pooled services of rights administration to rights holders and users. CMOs are typically non-profit collectives, governed by members. They operate through blanket licensing of a specific right or bundle of closely related rights in their own territory with international agreements that mutually offer rights management services between them, enabling users to obtain a licence to effectively a world repertoire. This scenario is being challenged by the demands of users of digital works (initially of music) who wish to obtain one licence for all territories in the EU as part of the common market. The supply and demand for creative goods, however, vary radically between states in the EU and all CMOs are not able to offer equivalent digital licensing and digitised services to their members as required by the EU Directive. The larger CMOs are in a position to corner the market in copyright management, however and that may be detrimental to national cultures. This paper discusses these issues from an economic and cultural point of view.

Geertrui Van Overwalle, *"Inventing inclusive patents"*

Open innovation is the subject of increased scholarly debate. A lot of attention has thereby been paid to firm-centered open innovation, characterized by a for-profit motive and the interplay between patents and contracts, resulting in restricted openness. Inspired by the increasing call for more openness and triggered by the strong ethos of sharing in innovator communities the present paper examines how the law can assist in establishing a new approach to open innovation ('new' open innovation) and craft legal tools establishing universal and sustainable use of high quality, technical inventions going beyond the realm of software. Resonating contemporary legal philosophy on property rights, we propose the introduction of a new, alternative patent: the inclusive patent. The inclusive patent is perceived as a one-sided right geared to include rather than to exclude others, and encompasses as an attribute the right to enforce sharing behaviour and take non-sharing users to court. The inclusive patent is further conceived as a registration patent obtainable at low cost. The inclusive patent regime may be developed as a semi-codified regime where the inclusive patent entitlement is provided by law and the open source copyleft type license is built on top by private parties, or as a fully-codified regime where the legislature imposes universal and sustainable access and use ex ante. The inclusive patent may meet the needs of both innovator firms and innovator communities: it is a valuable alternative for firms making use of non-assert clauses and provides more legal certainty to users, and it meets the needs of innovator communities, and offers a powerful property entitlement to enforce the sharing ethos.

Esther van Zimmeren, *"The Creation of the Patent Mediation and Arbitration Centre as Part of the Unitary Patent Package: A Comparative Case Study Analysis of Various IP Arbitration and Mediation Institutions"*

The unique attributes and potential advantages of Alternative Dispute Resolution (ADR) for dealing with intellectual property (IP) disputes are increasingly being recognized by both companies and policymakers. Several institutions with special expertise in IP law are now offering ADR services, including for instance the World Intellectual Property Organization (WIPO) Arbitration and Mediation Centre in Geneva, the EU Intellectual Property Office (EUIPO) in Alicante and several national IP offices. In December 2012, the EU Member States adopted the "Unitary Patent Package" aimed at fundamental reforms of the European Patent System consisting of the creation of unitary patents and the establishment of a specialized patent court (the Unified Patent Court, hereinafter UPC), including a Patent Mediation and Arbitration Centre (PMAC). The current paper focuses on the PMAC, which until now has been basically ignored within the gradually growing academic literature on the Unitary Patent Package. The research question of this paper relates to the lessons that can be learnt from a systematic comparative analysis of a number of key International, European and national institutions specialized in IP mediation and arbitration for the future operations of the PMAC.

Michael Verba, "*Modeling Knowledge Flow on the Global Innovation Network Reveals "Keystone Technologies""*

In this paper we model technological knowledge as a dynamic network in order to identify technologies that are the drivers of innovation at the global level, which we term "keystone technologies." The sphere of technologically relevant knowledge is conceptualized as a reflexive, directed, link- and node-weighted complex network, with distinct spheres of knowledge (or technology domains) representing network nodes and learning (or knowledge flows) across domains acting as inter-nodal links. The empirical knowledge network is constructed from a sweeping database, including records from 105 patent-granting authorities, and containing almost all patents granted anywhere in the World during the period of coverage. We instantiate the nodes of the knowledge network from patent categories of the International Patent Classification (IPC) system. Links between technology domains, representing knowledge transfer between fields of technology, are constructed from patent citations provided by inventors, aggregated at the patent subclass level. Modeling the evolving dynamics of knowledge flow on the World knowledge network allows us to identify the technologies that make the greatest contribution to the dynamics of technological progress and reveals trends in technology over the 22-year period spanning 1991-2012.

Andrea Wallace, *""Display At Your Own Risk": Misconnections Between Cultural Institutions and Users When Enabling Online Access to Public Domain Works"*

It is common practice during the digitization of public domain works to claim new intellectual property rights over the digital surrogates. Whether this practice is generally accepted, however, is becoming increasingly controversial: by enforcing copyright to digital surrogates, cultural institutions have begun to expose such practices and generate greater public awareness and interest. Underlying digitization efforts is a genuine intent to make collections more available online. Yet, what the public understands about copyright, its expiration, and the reuse of public domain works online is often vastly different than what an institution formalizes and makes transparent through its policies and in practice. This article examines these points of genuine confusion and how they may have a chilling effect on engagement and use. By approaching the issue from a user's perspective, the article presents research gathered during the curation of an experimental exhibition, which examines the various levels of access granted by cultural institutions to digital surrogates of public domain works. In doing so, this article addresses the gap between a user's understanding of the public domain and a cultural institution's approach when making works available online, which is translated through and guided by both institutional and legal norms. Ultimately, these access-driven policies are a product of systemic tensions and uncertainty in copyright law, and they result in misconnections between users and cultural institutions when enabling online access to public domain works.

Stephen H. Haber & Seth Werfel, *"Patent Trolls as Financial Intermediaries? Experimental Evidence"*

Why do individual patent holders assign their patents to "trolls" rather than license their technologies directly to manufacturers or assert them through litigation? We explore the hypothesis that an asymmetry in financial resources between individual patent holders and manufacturers prevents individuals from making a credible threat to litigate against infringement. First, individuals may not be able to cover the upfront costs associated with litigation. Second, unsuccessful litigation can result in legal fees so large as to bankrupt the individual. Therefore, a primary reason why individual patent holders sell to PAEs is that they offer insurance and liquidity. We test this hypothesis by experimentally manipulating these financial constraints on a representative sample of inventors and entrepreneurs affiliated with academic institutions that are particularly known for their innovative activity: Stanford University and the University of California, Berkeley. We find that in the absence of these constraints, subjects were significantly less likely to sell their patent to a PAE in a hypothetical scenario. Furthermore, treatment effects were significant only for subjects who were hypothesized to be most sensitive to these constraints.

Joy Xiang, *"Addressing Climate Change: Domestic innovation, international aid and collaboration"*

Climate change is a pressing issue confronting the global community. The rapid development and diffusion of clean technologies (i.e., technologies necessary for adapting to or mitigating climate change) must be a central part of the solution. However, a stalemate has persisted in global climate change negotiations at the United Nations, caused by diverging views regarding the role of intellectual property rights ("IPR") in the international transfer of clean technologies. Developed nations insist on strong IPR for clean technologies, while developing nations claim that IPR is a major barrier to the international transfer of clean technologies and demand to remove or reduce IPR for clean technologies. This article explores two questions: (1) Is the existence of IPR a major barrier to the international transfer of clean technologies, and (2) why has the international transfer of clean technologies to developing nations been limited? Analyzing evidential data available, this article concludes that IPR probably has not been a major barrier to the international transfer of clean technologies. However, sustainable international transfer of clean technologies requires the joint efforts of developing and developed nations. To prepare for sustainable international transfer of clean technologies and to advance the effort for addressing climate change, this article proposes a new paradigm based on domestic innovation, international aid and international technology collaboration.

Maryam Zehtabchi, "*Market for Trademark*"

This paper focuses on the notion of "market for trademarks". First, we look at trademark market vis-à-vis patent to unveil their market differences which unveils trademarks have higher market visibility, less complementarity, less value rivalry, lack of repugnance, indefinite renewability and are employed in broader range of products. Second we posit a formal model to discusses how fluctuation in maintenance cost impacts trademark transactions. Our model explains that, an increase in trademark maintenance cost increases rate of transactions, these transactions are more likely to be in form of security interest.

Xingyuan Zhang & Jiaming Jiang, *"Patent Thickets and Licensing: Empirical Findings from Japanese Listed Companies"*

In this paper, we employ licensing contract information disclosed in the ``Important Technology Contracts in Business" section of the Annual Securities Reports of Japanese listed companies to construct a licensing dataset, and propose alternative methods of measuring patent thickets to examine the effects of patent thickets on licensing contracts and patent portfolio races of Japanese companies. Our empirical results show that patent thickets are positively associated with licensing activities, and the patent applications of both licensors and licensee, while licensing activities help to alleviate patent portfolio races both for licensors and licensees.

Daniel John Zizzo, Piers Fleming & Sven Fischer,
"Consuming copyrighted media without paying – A controlled experiment with a representative sample"

We report the results of controlled experiments on unlawful consumption of non-rivalry consumer goods such as film and music, with a sample of 1,200 participants, representative for the adult population aged 18 to 65 in the United Kingdom. Our study allows us to identify how consumer behaviour is affected by equity considerations towards the right holder, deterrence, intrinsic and social norms, and empirical expectations of how others behave. We are furthermore able to correlate experimental and real-world behaviour with reported norms, personality measures and socio-demographic characteristics.

Special Session Abstracts

Patenting Processes in Europe and the Unitary Patent

Papers and Contributors:

1) **The Effect of Time Pressure on Real Effort Investment Under Ambiguity** – Daniel Zizzo (Newcastle University), Sven Fisher (Newcastle University) and Marco Kleine (Max Planck Institute)
2) **Patenting Strategies in Europe** – Dietmar Harhoff (Max Planck Institute), Antanina Garanasvili (Padua) and Georg von Graevenitz (QMUL)
3) **Patent Appeal Cases at the UK High Court** – Chris Hanretty (UEA), Georg von Graevenitz (QMUL) and Prashant Gupta (Swansea)

This session brings together contributions from the ESRC Knowledge Exchange "Assessing the Unitary Patent and the Unified Patent Court". This project was set up to investigate the patenting process in Europe before the introduction of the Unitary Patent System to provide a baseline against which to evaluate the impact of the Unitary Patent.

The session provides new evidence on three aspects of the European patenting process:

1. Effects of cooling off periods in patent application processes
2. The choice between national patents and validation of the EPO's patent in multiple countries
3. Litigation at the UK High Court – importance of judge effects on outcomes

Each paper addresses aspects of the European patenting system that are relevant to discussion surrounding the Unitary Patent at present. The first paper addresses the question of how applicants' incentives to pursue a patent are affected by delays enforced by the patent office. This is particularly important in the UK, where patent applicants are not required to seek representation by a patent attorney. The second paper focuses on the choice between national and EPO patents made by firms patenting in Europe. It provides descriptive evidence at the firm level on firms' patenting strategies (including validation choices) and analyses the relative impact of national, sectoral and technological influences on these strategies. The third paper analyses how important the characteristics of judges and particularly their experience and educational backgrounds are for the outcomes of patent litigation in the High Court of the UK. Each of these papers provides evidence on the current patenting process in Europe that is currently not available. This evidence is intended to inform decisions on the design of patent application processes, the pricing of patents and the education of patent judges that will shape the way the Unitary patent and the existing patent systems in Europe interact.

Poster Session Abstracts

David Felipe Alvarez, *"Common elements from the theories of copyright regarding the protection of author's moral and material interests"*

This paper proposes a revision of some of the principal theories regarding copyright in order to find its relation with the possible elements that would support author's rights as human rights. The principal conclusion in this paper is to recognise that the discourse of autonomy and freedom of expression regards anyone, and the author is this "anyone" who potentially could express and exercise his communicative power. His will is fundamental for this purpose. Is author's volition what makes possible to publish or not a given expression, and in terms of communicative rationality, it means that such will is in the middle between communication or not communication. This means that individuals are potential holders of social power. Such power emerges through the intersubjective exchange of opinions and this is possible under conditions of autonomy. Finally in this paper it will be analysed that copyright cannot only be explained as mere property. A natural law conception of copyright could not be limited to the idea of natural property, which would be an incomplete conceptualization of copyright. Instead, copyright should be inscribed in the system of constitutional rights with a very important role in democracy.

Federica Baldan, *"Exploring the Principle of Separation of Powers in the European and US Patent Systems"*

Institutional developments taking place at the European and US patent systems are raising some fundamental questions about the respect of the principle of separation of powers. In the European patent system, decision R 19/12 of the Enlarged Board of Appeal brought to the foreground important issues concerning the lack of independence of the quasi-judicial Boards of Appeal (BoAs) from the administrative branch of the European Patent Office. In the US patent system, the 2011 America Invents Act expanded the role of the Patent Trial and Appeal Board (PTAB), raising concerns about the check and balances between the administrative and judicial powers. The research question of the current research is: to what extent are the BoAs and the PTAB independent from the executive branches that created them?

Abbe Brown, *"'Success' in IP enforcement actions: and the consequences for the Creative Industries"*

Legal, societal and technical developments across jurisdictions have led to substantive changes in the remedies which can be obtained after bringing a successful infringement action, in the willingness of courts to grant these orders, and against those in respect of whom orders may be sought. Some notable instances follow. The decisions and bases for them cover a range of laws, countries, industries and infringing scenarios. The focus of this paper is to assess the extent to which there are conflicting and contrasting themes across these decisions. Particular regard will be had to the extent to which IP rights should confer a right to control (see (Bell and Parchomovsky 2014, Firth 2015, Claeys 2015); do these approaches overly extend or limit the power of IP owners; the consistency of these new approaches with Part III TRIPS, human rights, competition and emerging trade agreements; and do they indicate inappropriate judicial creativity? This will be done through the lens of the potential impact of these decisions on one particular sector: Creative Industries. These industries are of increasing value in society (both cultural and economic). A wide range of IP rights and forms of information protection underpin and are relevant to the core activities in these industries, both in terms of encouraging and stifling development. Finally, this paper will consider if there is a place or need for a different approach to be taken to remedies in this sector, across jurisdictions.

Joanna Buchalska, *"Surname commercialisation in Fashion Law"*

The object of this presentation is to answer the question whether there really is a need to create a new legal discipline in Europe; moreover how to regulate the commercialisation of surnames in this field.
According to US practice there is a possibility to sell or give a license to a personal trade mark, but this kind of practice can infringe on personal goods and human rights. The question which arises is should we take the

pattern form US legislation and case law, or try to regulate this area in a unique way.

Franck Gloglo, *"Legal Adjustments to International Law for an Economically Sound Patenting of Biotechnological Inventions"*

Patents apply to a very broad range of technologies for which there are sometimes few other sources of data. As for the biotechnology sector, patents are based on any technological application that uses biological material to make or modify products or processes, and its role in the production of means that aim to improve human life on earth. With regard to the sub-sector of pharmaceuticals for example, studies have shown that a large proportion of new drugs come from biotechnological inventions. Yet, the use of tools to producing these innovative drugs arises a huge controversy, not just on the ownership of these tools –which, as a matter of fact, may be sorted out by the right anybody has to prospect natural resources under certain circumstances–, but on ethical concerns. The question, then, is to what extent and for how long international law shall be overdue in a matter that enables further technological developments for the benefit of humankind. Ethical considerations may deter companies from taking strategic decisions on R-D activities resulting in underinvest in such activities because of their inability to sufficiently appropriate the returns of their investments. Moreover, ethical concerns make it hard to design policies that aim at shaping IP systems and aligning them with the needs of the society. The aim of this paper is to analyse how to properly address the patentability of biotechnological inventions with an international law that meets the evolution of technologies.

Kelli Larson, *"Patent Litigation Reform & Non-practicing Entities: Solutions in Search of a Litigation Problem?"*

Patent litigation initiated by so called non-practicing entities (NPEs) or patent trolls, individuals or entities that build business models solely around the procurement and enforcement of patents to generate revenues, has seemed to cause a wave of eruption across the American intellectual property law, business and political world. This essay provides an overview of the most recent federal legislative reforms that have been considered in light of the NPE patent litigation reform debate and assesses their status beginning with the AIA reform leading to the proposed Innovation Act. The Innovation Act is the main focus of assessment in light of its comprehensiveness including to a greater extent several provisions of previous proposed patent reforms intended to address an alleged NPE patent litigation problem. The essay concludes that Congress should take caution in trying to curb alleged patent abuses supposedly caused by NPEs by passing seemingly broad, unnecessary legislation of the Innovation Act before fully exploring and examining any implications resulting from the recently passed AIA patent reform, and before key Court decisions affecting patent enforcement are better understood. Pausing to reflect on the potential wider implications the Innovation Act may impose upon all patent owners operating in the patent ecosystem, not only for NPEs, may help Congress to reconsider reform that further weakens an already weakened patent enforcement landscape. The implications of the Innovation Act, if passed, may ultimately lead patent owners to explore other jurisdictions to enforce patents, namely Europe and parts of Asia where the strengthening of patent enforcement is taking place.

Shukhrat Nasirov, Cher Li & Stephen Thompson, *"Managerial aspects of differentiation strategy: Evidence from the analysis of trademark statistics"*

Earlier research on competitive strategy has demonstrated only partial support for aligning CEO personality with product differentiation. Our article revises and extends these findings by considering a much wider set of managerial characteristics proposed by subsequent studies. By integrating the upper echelons perspective with the hierarchical view of strategy, we also draw attention to alternative channels through which chief executives may influence organisational outcomes. In particular, we argue that along with direct involvement, decisions made by the CEO regarding the firm's businesses portfolio and resource allocation will eventually affect the extent of product differentiation, too. Our empirical testing is based on a sample of 854 chief executives in 263 U.S. publicly traded companies over the period 1992-2012. Using trademarks to measure product differentiability, we have demonstrated that CEOs' tenure, firm-specific knowledge, education, and proactivity have statistically

significant explanatory power for variations in the degree of product differentiation across companies, even after controlling for unobserved firm-specific and year-specific heterogeneity. Furthermore, it has been shown that managerial characteristics stipulate the selection of product markets or industries to be in, thus mediating the relationship between chief executives and differentiation strategy. By confirming CEO biases that guide product differentiation, this research contributes to the broader discussion on the necessity to account for managerial background characteristics when considering the process of making strategic decisions.

Ruslan Nurullaev & Irina Bogdanovskaya, *"Website Blocking in Russia and the EU: Recent Trends and Common Grounds"*

With the rising popularity of the Internet as a medium for dissemination of creative works, enforcement of copyright online becomes a pressing concern for right holders. There are different ways of addressing online copyright infringements, such as enforcement of copyright against website owners or users who access the content unlawfully. However, in Cartier International AG v British Sky Broadcasting Ltd Arnold J recognised that blocking of access to websites which are used to infringe intellectual property rights could the most effective and also least burdensome measure. This proposal suggests to review recent developments in implementation of website blocking in Russia and compare them with the practice established in the EU. When implementing website blocking, Russian courts have to deal with the same issues as their counterparts in the EU. Hence, analysis of the Russian practice may deepen our understanding of website blocking in the EU. Implementation of website blocking in Russia and the EU should not be fundamentally different considering that the European Court of Human Rights, which has jurisdiction over Russia as well as EU member states, laid down general requirements for website blocking in Yildirim v Turkey.

Sander Nysten, Esther van Zimmeren & Sigrid Pauwels, *"Open Metropolitan Design & IP-governance: Two Case Studies in Contemporary, Collaborative Urban Development"*

Urban development and design processes are increasingly interdisciplinary and collaborative in order to provide appropriate solutions in modern cities for so-called "wicked" problems. Such processes, hence, require the input of various experts and stakeholders, such as urban planners, architects, economists, climatologists, biologists, medical doctors, engineers, and citizens. For the purpose of the proposed research project, the concept 'Open Metropolitan Design' (OMD) is introduced to refer to this trend. The concept of OMD is based on the literature on urban theory and the economic literature on "open innovation" (OI) and "co-creation" (CC). "Rebuild By Design" in New York, which focuses on providing a sustainable solution for the challenges of climate change, is an exemplary project for the increase of interdisciplinary, collaborative urban development projects. This paper will provide a first set of valuable insights on OMD and will elaborate on how parties are managing their IP in this collaborative and non-traditional environment. Ultimately, the proposed paper considers the need for an adapted regulatory framework as well as the formulation of a set of best practices (i.e. contractual arrangements on IP-ownership, conflict management and subsequent knowledge sharing) in the area of OMD. These findings will not only provide a valuable addition to the currently lacking body of legal research on OI/CC in general, but will also address specific IP-governance issues arising in the presented OMD-cases.

Stephen Petrie, *"A harmonised international trademark database to inform IP research and policy"*

Researchers and policy makers are concerned with many international issues regarding trademarks, such as trademark squatting, cluttering, and dilution. Trademark application data can provide an evidence base to inform government policy regarding these issues, and can also produce quantitative insights into economic trends and brand dynamics. Currently, national trademark databases can provide insight into economic and brand dynamics at the national level, but gaining such insight at an international level is more difficult due to a lack of internationally linked trademark data. We are in the process of building a harmonised international trademark database (the "Patstat of trademarks"), in which equivalent trademarks have been identified across national offices. This will provide a quantitative evidence base for economics research, brand research, and government policy.

Sanskriti Singh & Lipsa Dash, *"Be Authentic: The politics of Trademark Counterfeiting in India and The United States"*

Trademark counterfeiting is one of the biggest global limit to the intellectual property law. Developed Country like The United States of America has enacted a specific legislation for the protection of the trademark, India being a developing country needs a strong enforcement measures to protect the trademark owners from the loss from counterfeit products. This paper shall in its first part study the existing laws in the India and The United States of America to counter the trademark counterfeiting, in the second part the author attempts to make a comparative analysis of the landmark judgments in both the countries and in the end details the enforcement measures that India can develop to strengthen its position as of The USA.

Eugen Stoica, *"The implications of the new UK Open Access policies on the ownership of copyright in academic publishing"*

For the last three years the UK universities had to comply with new Open Access policies which requires that publicly-funded research should be freely accessible. Considering that in order to publish in the journal of their choice academics are required to assign the copyright or an exclusive license to the publisher and also that most of the research is publicly-funded, suddenly the issue of who owns the copyright in works produced by academics during employment becomes a very stringent one, not to mention expensive.
The topic of copyright ownership in academia has been debated at length between faculty members and HEIs management without reaching a conclusion. This paper, based on theoretical and practical insights, will examine the new UK Open Access policies and consider whether they might be the deciding arguments of this debate. A possible solution will be proposed and discussed.

Florelia Vallejo Trujillo, *"The Complex Genesis of ABS"*

The fair and equitable sharing of benefits arising from the utilisation of biological diversity (hereafter biodiversity) and traditional knowledge (TK) i.e. access and benefit sharing (ABS), is a topic that has been increasingly gaining importance in the international arena. At the same time, biotechnology was evolving, allowing the use of genetic resources (GR) as separate components of biological resources. The ABS refers to the right of providers to be compensated when a third party uses their biodiversity and the knowledge related to its use, for example, to develop marketable products. Thus, it was acknowledged by the international framework that the countries of origin of the resources and the traditional communities who have preserved and developed these resources and knowledge deserve a compensation for their use, based on both, property and equity reasons. This paper will show that a key element for the understanding of the ABS system as enshrined in the CBD must include the analysis of its historical development at an international level, mainly within FAO, CBD and TRIPS forums. Through this historical description, it will be supported that poor developments and poor compliance of the ABS systems are caused by the lack of political will of developed countries in the fulfilment of ABS obligations, as well as by their high ability to include their interests in the texts of international treaties, which, in addition, may include the non-recognition or non-inclusion of other countries' rights in the same treaties. This fact can be observed for example in the avoidance of providers' demands to establish a mandatory disclosure requirement in patent applications.

Andrea Zappalaglio, *"1899-1963: The untold story of the Italian model of GI protection and of how it failed"*

The paper explores the history of the early Italian attempts to introduce a law on the protection of geographical names. It will reveal that Italy, in the decades before World War II, tried to develop its own rules independently from the French paradigm of sui generis GI protection. The history of this early 'Italian way' of GI protection has never been told before not only by the English-speaking but also by the Italian literature. The present paper will introduce this legislative evolution and analyse the reasons why this original system never eventually came to life. Thus, it will show that in the early days of sui generis GI protection in Europe, the French model was not alone.

Doctorate Workshop

Saturday 3rd September, 9:30 AM - 4:30 PM

Running Order

09:30 - 09:40	Welcome from the Workshop Conveners
09:40 - 10:40	Presentation from Paul Jensen (with Q&A)
10:40 - 11:00	Coffee break
11:00 - 12:00	Presentation from Martin Kretschmer (with Q&A)
12:00 - 13:00	LUNCH
13:00 - 15:00	PhD student presentations (4 mins each)
15:00 - 15:30	Coffee break
15:30 - 15:45	Voting for Best Presentation
15:45 - 16:00	Presentation of Prize for Best Presentation
16:00	CLOSE

Conference Notes

Thank you

for attending the 2016 European Policy for Intellectual Property Conference

See you next year
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