

Edition 1

2020 AIPPI World Congress Online

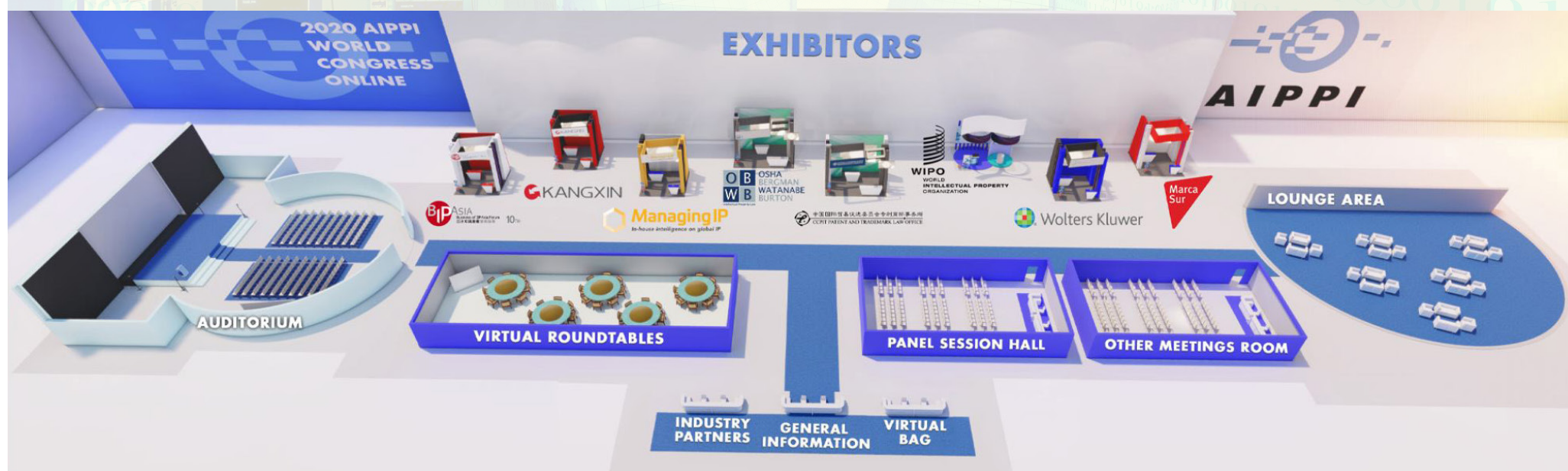
October 5-14, 2020

Congress News



2020 AIPPI World Congress in the News

Here you can see how others are reporting on the 2020 AIPPI World Congress Online



DDG Yi: Today's thriving knowledge economy is the result of 25 years of TRIPS Agreement

WTO Deputy Director-General Yi Xiaozhun underscored on 5 October the significance of the WTO's Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), which has created unprecedented possibilities for creators, innovators and companies across the globe. Speaking at the International Association for the Protection of Intellectual Property (AIPPI) World Congress, DDG Yi highlighted the 25th anniversary of the TRIPS Agreement and warned of the risk of taking for granted the improvements achieved by its implementation around the world.

EUIPO lawyer: trademark disclaimers pose language difficulties

Panellists at the AIPPI Congress discussed how applicants can avoid inconsistent IP office decisions on trademarks that contain generic or descriptive terms.

AI inventorship takes (virtual) centre stage at AIPPI

Panellists at the AIPPI World Congress Online discussed AI inventorship and forecasted how AI-assisted drug research will shake up the pharma industry.

AIPPI panel: Lawyers hail benefits of bifurcation

Speakers at yesterday's virtual panel on litigating in a bifurcated system at AIPPI's World Congress Online mapped out the reasons why their respective systems offer litigants advantages over a more unified approach.

AIPPI 2020: copyright 'was not prepared' for Covid-19

Panellists discuss fair use exemptions brought on by the pandemic; examine whether copyright law needs changing for another pandemic-sized event.

AIPPI 2020: delays can be 'fatal' when seeking injunctions

Patentees should "move as quickly as they can" when seeking injunctions against defendants, so agreed panellists speaking at the International Association for the Protection of Intellectual Property's (AIPPI) 2020 World Congress Online event.

25 Panel Sessions



Interview with Doron Davidson, Strevas

How was it to lead the Young AIPPI Forum in London?

It was brilliant. I was humbled by the fact that so many of the Young Members turned up first thing on a Sunday morning to join me in exploring effective communication. As someone who enjoys a lazy weekend, I certainly didn't take that for granted [laughs]. We had a really great session looking at simple and easy-to-access tools and techniques that enable better conversations in the professional and social settings. For me, as the facilitator, it was great that during the experiential segments of the morning, Young Members were enthusiastic about getting involved and trying things out. I also really enjoyed having the opportunity to get to know some of them afterwards during the networking lunch.

Although you were the teacher, what did you learn from the Young AIPPI Members?

Running the session as an interactive, two-way conversation as much as possible (rather than just me talking at people for a couple of hours), certainly allowed me to learn from the Young Members. Perhaps the most important thing I took away from our time together was linked to the fact that the Young Members joining the session came from all over the world and had an exciting array of backgrounds and experiences. I was reminded that what amounts to "effective communication" to a person from one cultural background should also be considered from the perspective of a person from a different cultural background. We each have our natural communication preferences and styles and, to an extent, they are shaped by those cultural backgrounds. So we need to be mindful of others' experiences and have compassion for one another, taking (or indeed making) the time to consider why another person may have a different approach to us.

What can people expect at this year's virtual Young AIPPI Forum?

For this year's Congress, we are focusing on expanding networks in a virtual setting. Essentially, the effectiveness of your business development is only as good as the networks you build with other intellectual property practitioners. Our hour-long session will look at effective ways to network virtually as well as tools and tips to help Young Members expand their networks, as a way to make their business development easier.

The important thing to mention is that this won't be like an ordinary webinar – the Young Members will be playing an important part in the session, so we'd love for them to have their cameras switched on, if possible, and to join the meeting using one device only, as this will enable us to send them to breakout rooms, which in itself creates a virtual networking opportunity.

When is it on?

BUILDING NETWORKS VIRTUALLY is open to all AIPPI Young Members and takes place via Zoom on Friday, October 9, 2020. The session will run twice to accommodate for the different time zones Young Members may be joining from.

The session times are:

- 10 am CEST (session facilitated by Alicia Sutton and myself), and at
- 4 pm CEST (session facilitated by Vanessa Coffey and myself)

Each of the two sessions will be opened 15 minutes before the start time so that Young Members have the opportunity to check that the tech is working for them. Once they're set up, they can feel free to grab a drink and be back in their seat ready to start the session on time.

What happens if someone can't join either session?

We will be sharing some useful materials with all Young Members after the sessions and these will be available from the Members area on the AIPPI website.

Can you tell us a little bit about your legal background?

I qualified and worked for several years as an entertainment, intellectual property and commercial lawyer in the UK and I have held roles both in private practice and in-house.

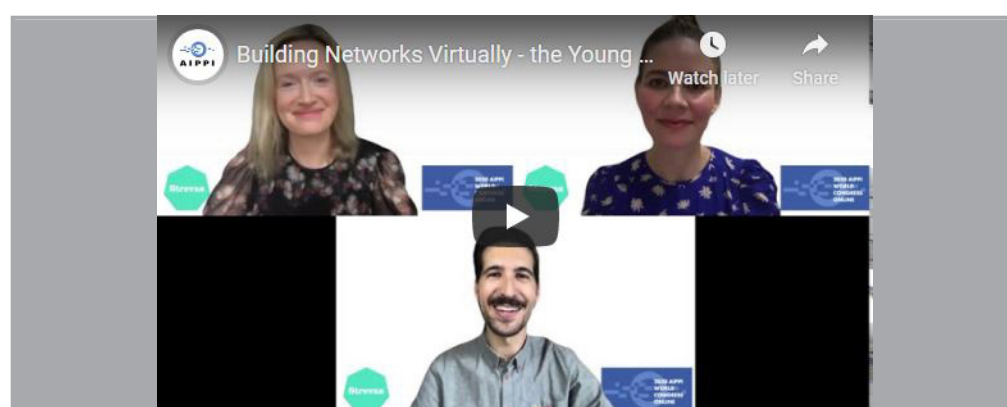
What inspired you to leave the relatively safe legal world to join the notoriously fickle entertainment industry?

From a young age I wanted to be an actor. A few years after qualifying as a lawyer I auditioned for drama schools not thinking much of my chances of getting in. But when I was subsequently offered a place at my preferred school, it seemed like too good an opportunity to miss. I've been very fortunate in having the ability to combine my two professional backgrounds in the work that I now do.

What kind of work do you do now?

Alongside my work as an actor, I am an executive trainer and facilitator and, together with my colleagues at Strevas, I provide personal communication training and consultancy to professionals around the world.

Thank you very much for this interview Doron. We are looking forward to the 2020 Young AIPPI Forum!



INVITATION WOMEN IN AIPPI



- Date: Monday, October 12, 2020
- Time: 2:00 PM - 3:00 PM (CEST)
- Topic: The advantages of being female in a corporate and technical workplace
- Keynote speaker : Ms Gwen ten Berge of VMI Group in the Netherlands
- Description:



Bring your favorite beverage and join us for a live networking discussion on the advantages of being female in a corporate and technical workplace. Gwen ten Berge will entertain us with some of her most memorable experiences in a male-dominated workplace. She'll inspire us to find tricks and tips to achieve our career goals. Her keynote address will be followed by two networking opportunities where we will be invited to share and exchange on positive actions we can take in the workplace.

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Special Session at the AIPPI World Congress Online



Chinese courts: a close-up look at IP enforcement Friday, 9 October, 2:00 PM – 4:00 PM CEST

This session will explain key features of the Chinese IP court system and provide a comprehensive update on important developments in practice and law. The panellists include a Chinese Supreme Court judge, a Chinese litigator and a German litigator who will share their knowledge and experience enforcing IP rights in China. This session will provide insight into why many now consider China to be one of the leading IP enforcement jurisdictions and will provide practical advice on how to use the system effectively.



Shu TONG

The Supreme People's Court of China



Xiaolin DANG

Beijing Sanyou Intellectual Property Agent Ltd.

Ralph NACK
Noerr LLP



**Moderator
Hao MA**
CCPIT Patent & Trademark Law Office



AIPPI - Panel Session on Artificial Intelligence and Pharma

By Fabiana Culshaw

Artificial intelligence is taking the lead from Pharma and posing challenges for IP

Investment in Research & Development (R&D) for patents in the pharmaceutical sector amounted to US \$800 million in 2001 and increased to US \$3 billion in 2019, according to Drug Discovery Today 2019. In other words, it has almost quadrupled over the last two decades.

R&D in this industry is often done on the basis of Artificial Intelligence (AI) and Big Data, changes which have accelerated certain processes.

However, the number of new molecules approved by the US Food & Drug Administration (FDA) has been declining in this area. Why is this? It is due, not only to the FDA's strict demands, but also because of the complexity of finding an effective cure in the field. It is estimated that in general terms it takes much longer to create effective drugs today than in the past.

This interesting data was provided by Patrick Breslin, a partner at Breslin Consulting LLC (USA) who was a speaker on the panel session "Intellectual Property (IP) and the Pharmaceutical Industry".

Breslin showed that interest in the field of medicine and biomedicine has been growing exponential, something that also requires updating in the field of intellectual property.

The number of new molecules approved by the US Food & Drug Administration (FDA) has been decreasing.

The use of AI is enormous and encompasses areas such as drug discovery, patient data and risk analysis, digital health monitoring and diagnosis, virtual assistance, hospital management, mental health, surgery, prognoses, and treatments. Machine learning is one of the most used tools in these areas.

Breslin cautioned that quality data is essential, because it generally takes a long time to clean the databases. He noted that sources must be consistent, of comparative quality and reliable, and linked to the successful use of well-determined algorithms.

Debate, responsibilities and rights

Takanori Abe, managing partner of Abe & Partners and a professor at the University of Osaka (Japan), referred to the debate on legal mechanisms for pharmaceutical companies to evaluate data (which is generally confidential) to process medical information.

Another issue was discussed during the session, namely, "Does the AI developer have responsibility, along with the pharmaceutical companies, for the flaws of the programming systems?" Can he or she be sued for

compensation for damages in the event that health information systems have errors?

Rana Gosain, partner at Daniel Law (Brazil), also highlighted the impact of emerging technologies (5G, Internet of things (IoT), virtual and augmented reality, blockchain and robotics) on inventions, and on the field of IP.



Can humanoid machines have the same rights as people? Will they be recognized as inventors (with the right to patent)? What is it possible to do with machine learning algorithms in fields with mostly confidential data like healthcare? What are the management risks in all of this?

In this context, the speakers agreed that regulations on these matters must provide certainty, among other things, to attract investors. Gosain noted that currently a robot cannot be an inventor, only a person can be, unless

the legislation changes.

However, this poses many questions. Countries face common IP challenges and some have developed new legislation or clauses, or are in the process of doing so. Along these lines, China, for example, has embarked on the path of recognizing "creative computers" as inventors.

Ireland, Hong Kong and New Zealand are considering recognizing the author of the program used to generate the invention.

Héctor Chagoya, partner at Becerril, Coca & Becerril (Mexico) examined the genetic information analyses that are currently being carried out to determine the sequence of the Covid-19 patterns, a complex undertaking. He noted that the complexity of technological systems in medicine also creates difficulties for the IP system.

Internationally, some companies have established alliances, such as Novartis and Microsoft to work on molecular designs and the development of new drugs for the treatment of cancer.

Alphabet (Google), for its part, founded two pharmaceutical companies: Calico and Verily Life Sciences.

The panel addressed the issue of ethics, especially the topic of avoiding deviations in algorithms to ensure safe systems.

[This article originally appeared in Spanish on the Marcasur website.](#)

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AIPPI 2020 Congress: A packed programme and time differences

Felipe Claro and Jorge Otamendi spoke about the event in advance.

MARCASUR spoke with lawyers in Latin America with long experience in Intellectual Property (IP) organizations. They expressed their amazement in terms of quality and the number of issues to be addressed at the 2020 AIPPI World Congress Online.

Felipe Claro, a partner at Claro & Cía (Chile), and who was President of AIPPI International (2014-2016), was enthusiastic about the online offerings and the effort of the association to put on a large online event.

Jorge Otamendi, a partner at G. Breuer (Argentina), who also has a long history in the association, having been President of the Argentine Group of AIPPI (2004-2014) and who was appointed a Member of Honour of AIPPI in 2010, summed up his impressions in a few words: "An extraordinary event, the programme impresses me."

Otamendi, as well as other lawyers consulted as part of this article, noted the focus on the substantive sessions in the programme and that, considering the time difference between countries, the earliest sessions will begin at 6:30 in the morning in Argentina. Commenting on this, he said, "I trust that some are recorded, although it is not really that early for me, I am an early riser."

AIPPI is happy to reassure him that this is indeed the case. One of the advantages of having the Congress online is that most (but not all) events will be available as a recording approximately 48 hours after they have taken place.

It's easy to catch up. Just log in to the Congress platform – go back in time to the event in the programme. Click on it and press the "Watch" button on the top right-hand side.

All AIPPI members will have access to these recordings until 15 November.

Thank you Felipe and Jorge, we hope you are enjoying the Congress, despite the early start for you!

A version of this article originally appeared in Spanish on the Marcasur website.

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The screenshot shows a session page for "AI inventive step & sufficiency" scheduled for October 6 at 11:30 AM. A red circle highlights a "WATCH" button in the top right corner. The page includes a description of the session, a list of speakers (Peter FINNIE, MaryAnne ARMSTRONG, Divyendu VERMA, and Bhupinder RANDHAWA), and tags for "Panel Sessions".

AIPPI Library

Over the years, AIPPI has built up a substantial collection of resources containing a large number of documents and publications relating to the Association's work. These resources compose a valuable source of knowledge to AIPPI's membership and external stakeholders with an interest in Intellectual Property rights. It also constitutes an important part of the Association's institutional memory and heritage.

One of AIPPI's main objectives is to contribute to the understanding, and encourage further development, of intellectual property protection, among others by publicly disseminating information and distributing AIPPI's publications.

On this site you will be able to search more than 3500 publications ranging from AIPPI's Resolutions, dating back to 1954, to Standing Committee publications and AIPPI's submissions to external Organizations.

www.aippi.org → Library.

The screenshot shows the AIPPI Library website. At the top is the AIPPI logo and navigation links for "NEW SEARCH" and "ADVANCED SEARCH". Below is a search bar with the placeholder text "Enter search phrase" and a "SEARCH" button. A "USE ADVANCED SEARCH" link is also present. The main content area is titled "FEATURED COLLECTIONS" and lists several categories: Resolutions (Patents, Trademarks, Copyrights, Trade Secrets, Designs, General), AIPPI World Congresses (London (2019), Cancun (2018), Sydney (2017), Milan (2016), Rio de Janeiro (2015), Earlier Congresses), Standing Committees (Publications, Annual Reports, Other), Languages (English, French, German, Spanish), Submissions (Submissions to external organizations, Amicus Briefs submissions, Other), and AIPPI Publications (Yearbooks, Protocols, Terms of Reference, Statutes and Regulations).

38 Virtual Roundtables

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Launch

interactive document

Good for the gander: IPR estoppel

Haynes & Boone examine the lesser-known estoppel and what the rule prohibits.



Patent co-ownership

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Mexican IP Law

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Antibody-based drugs

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