Preliminary Programme

Helsinki
AIPPI Forum & ExCo
5 - 11 September 2013
Event Organisation

AIPPI ExCo Oy and AIPPI Finnish Group are organizing the AIPPI Forum & ExCo in co-operation with

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<tr>
<th>Professional Conference Organiser</th>
<th>AIPPI General Secretariat</th>
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<tr>
<td>• Confedent International Ltd</td>
<td>• AIPPI</td>
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<tr>
<td>Aleksanterinkatu 44</td>
<td>Toedistrasse 16</td>
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<tr>
<td>00100 Helsinki, Finland</td>
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<td>• E-mail: <a href="mailto:aippi2013@confedent.fi">aippi2013@confedent.fi</a></td>
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<tr>
<td>• Web site: <a href="http://www.confedent.fi">www.confedent.fi</a></td>
<td>• E-mail: <a href="mailto:registration@aippi.org">registration@aippi.org</a></td>
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<td>• Web site: <a href="http://www.aippi.org">www.aippi.org</a></td>
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<tr>
<th>Event venue</th>
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<tr>
<td>• Finlandia Hall</td>
<td>More information available at</td>
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<tr>
<td>Mannerheimintie 13, 00100 Helsinki</td>
<td><a href="http://www.aippi.net">www.aippi.net</a></td>
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<td><a href="http://www.finlandiatalo.fi">www.finlandiatalo.fi</a></td>
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For information on accommodation and tours please consult the brown brochure “Accommodation & Social Events” or visit our website at www.aippi.net.
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**AIPPI Bureau**

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**Programme Committee**

Chairperson
Charles Gielen (The Netherlands)
Dear AIPPI members, delegates and guests,

The members of the Finnish Group of AIPPI are very pleased to welcome you to take part in the AIPPI Forum & ExCo 2013 in Helsinki from 5 to 11 September 2013.

We are proud and very excited to host the 2013 Forum & ExCo Meeting. The meeting will provide you with lots of information and discussions on topical IPR issues and trends in different parts of the world. For example, businesses are moving to the cloud and new business models in gaming are rapidly changing the industry - what does this mean to IPRs?

We will ensure that you have many opportunities to meet with your clients, friends and business colleagues from all continents and, very importantly, to establish new contacts to enhance your business activities. We expect more than 700 participants to attend!

Helsinki hosted the AIPPI meeting in 1967. Since then, Helsinki has become a vibrant metropolitan city sometimes described as “the smallest big city in the world”. Helsinki is located at the heart of the Baltic Sea area, and can easily be reached from anywhere in the world. Come and experience Helsinki’s identity, formed by cultural influences from both the East and West. Also, Finnish design has made Helsinki world famous, as it was nominated the World Design Capital in 2012. And you will get to experience Finland’s nature, considered to be among the most beautiful in the world.

BE COOL and join us for an unforgettable AIPPI meeting 2013 in Helsinki!

Markku Simmelvuo  
Chairman, Organizing Committee for AIPPI 2013 Helsinki

Esa Korkeamäki  
President AIPPI Finland
A word on AIPPI

The International Association for the Protection of Intellectual Property, generally known under the acronym “AIPPI”, is the world’s leading international organisation dedicated to the development and improvement of intellectual property.

It is a politically neutral, non-profit organisation, headquartered in Switzerland, which currently has almost 9000 members, representing more than 100 countries.

The objective of AIPPI is to improve and promote the protection of intellectual property on both an international and national basis. It pursues this objective by working for the development, expansion and improvement of international and regional treaties and agreements, and also national laws relating to intellectual property.

AIPPI operates by conducting studies of existing national laws and policies, and proposes measures to promote best practices and achieve international harmonisation of law, policy and practice. In this context, AIPPI has become increasingly involved with defining well balanced systems for protecting and enforcing intellectual property rights.

Organization and Membership

AIPPI Membership:

• 64 National Groups • 1 Regional Group • 190 Independent Members

AIPPI’s members are people actively interested in intellectual property protection at a national or international level. They include lawyers, patent and trademark agents or attorneys and representatives from industrial corporations, as well as judges, academics, scientists and engineers.

AIPPI is organized into 64 National and one Regional Group and membership is obtained by joining one of these Groups. In countries where no Group exists, membership is obtained as an Independent Member of AIPPI.

The primary bodies through which AIPPI works are:

• the General Assembly, in which all members have a right to participate and which is responsible for adopting and modifying AIPPI’s rules;

• the Executive Committee, the principal decision-making body of AIPPI, which is made up of delegates from all of the Groups – around 300 in number;

• the Council of Presidents, made up of the Presidents of the Groups plus a representative of the Independent Members as well as Presidents and Members of Honour; and

• the Bureau which directs the activities of AIPPI; it has nine members including the President of AIPPI who chairs the Bureau; the Vice-President; the Secretary General and a Deputy who with three Assistants, are responsible for administration and representation; the Reporter General and two Deputies who, with three Assistants, organize the scientific work of AIPPI; a Treasurer General in charge of financial resources; and a Congress Representative.

AIPPI also includes Statutory Committees: the Programme Committee, which recommends IP subjects for study; the Finance Advisory Committee, which acts as an internal auditor; the Nominating Committee, which proposes candidates for AIPPI’s various elective positions; the Membership Committee, which proposes strategies to attract new members and to improve the services AIPPI can offer to best meet the needs of its members; the Communications Committee, which gathers and disseminates important and topical IP information and is responsible for AIPPI’s website, archives, and external communications such as e-News.
The Working Methods of AIPPI

The Programme Committee (PC) identifies important IP issues for study which are put into the form of numbered Questions.

The Reporter General Team (RGT) drafts Working Guidelines for each Question. The National/Regional Groups prepare reports which set out the current legal position on the Question in their respective jurisdictions, and provide recommendations and comments on harmonisation of the law.

The Summary Report and Group Reports form the basis for Working Committees (consisting of members from the National/Regional Groups responsible for a particular Question) to prepare draft Resolutions, which are debated at annual meetings. When a consensus is achieved, final Reports and Resolutions representing the position of AIPPI are adopted by the ExCo. These Resolutions are presented to WIPO and other international NGOs as well as the IP offices and governments of the National/Regional Groups, as guidance on harmonization.

Special Committees (SC) study Questions of emerging or particular urgency and monitor developments in IP law, allowing AIPPI to deal with matters requiring action outside the regular cycle for Working Questions. This is important in view of public consultations, meetings or other projects in which AIPPI is invited to participate, and it is necessary to study documents and formulate the opinion of AIPPI on the basis of previous Resolutions before the next ExCo meeting takes place.

AIPPI Meetings

AIPPI Congresses and Forum/Executive Committee (ExCo) meetings take place in alternate years.

Congresses are open to all members. Normally, about 2000 members attend with around 1000 accompanying persons. Forum/ExCo meetings usually attract about 850 participants and 400 accompanying persons. Forthcoming Congress venues include Toronto (2014) and Milan (2016). Further Congresses are planned for Mexico (2018) and China (2020). An enlarged Forum/ExCo meeting will take place in Rio de Janeiro in 2015.

As noted above, at AIPPI meetings Working Committees engage in discussions to achieve consensus on Resolutions representing the positions of AIPPI. However, the majority of attendees engage in the educational programme of AIPPI, which typically features a day of workshops on international IP issues relating to pharmaceuticals and two days of international workshops on contemporary IP law issues. In addition, there are special panels of experts discussing current and future developments, mock trials, meetings of corporate representatives from industry and women in IP meetings.

Participation in the Congresses and ExCo meetings is reserved to AIPPI members. The educational workshop programme of the AIPPI Forum in the year between two Congresses is open to members and non-members.

The decision making bodies of AIPPI, the Council of Presidents and the Executive Committee, convene at all meetings of AIPPI. They identify new Questions for future debate, consider administrative and governance issues and thus provide for continuity in decision taking.

Both Congress and Forum/ExCo meetings provide excellent networking opportunities.
<table>
<thead>
<tr>
<th>Time</th>
<th>Thursday 5 September</th>
<th>Friday 6 September</th>
<th>Saturday 7 September</th>
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<tr>
<td>07.30 – 08.00</td>
<td>Breakfasts SGT</td>
<td>Breakfasts RGT</td>
<td>Breakfast RGT, PC</td>
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<td>08.30 – 09.00</td>
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<td>09.30 – 10.00</td>
<td>Forum Workshop II - IP licensing &amp; insolvency</td>
<td>Forum Workshop V - UsedSoft v. Oracle - exhaustion online?</td>
<td>WC Q233 - Grace period for patents</td>
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<td>Bureau Meeting</td>
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<td>11.00 – 11.30</td>
<td>Forum Workshop II - Apple v. Samsung - lessons for design law and strategy</td>
<td>Forum Workshop VI - Unitary patent and unified patent court - what you need to know</td>
<td>WC Q234 - Well known marks</td>
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<td>Lunch with First time attendees</td>
<td>Lunch with Corporate &amp; Industry members</td>
<td>Working Lunch</td>
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<td>14.00 – 14.30</td>
<td>Forum Workshop III - Brand strategy in light of new TLDs</td>
<td>Forum Workshop VII - Unitary patent and unified patent court - what you need to know</td>
<td>WC Q235 - Term of copyright protection</td>
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<td>19.30</td>
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<td>Council of Presidents’ dinner (Kulosaaren Casino)</td>
<td>Closing Forum / Opening EvCo (Pörsi)</td>
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**Legend:**
- **Forum Sessions** for Forum participants
- **ExCo Sessions** for ExCo participants
- **Preparatory meetings** for ExCo participants
- **Designated events** by invitation only
- **Bureau** internal meetings

*We kindly remind you that private receptions are only allowed on Friday 6 September 2013 and Monday 9 September 2013*
We kindly remind you that private receptions are only allowed on Friday 6 September 2013 and Monday 9 September 2013
# Programme at a Glance

## Thursday 5 September 2013
- **19.00 – 22.30 Opening Forum (Finlandia Hall)**

## Friday 6 September 2013
- **09.00 – 10.30 Pharma Workshop 1**
  - Pharmaceutical products and TM
- **09.00 – 10.30 Forum Workshop I**
  - IP licensing & insolvency
- **10.30 – 11.00 Coffee break**
- **11.00 – 12.00 Pharma Workshop 2**
  - Second medical use patents
- **11.00 – 12.00 Forum Workshop II**
  - Apple v. Samsung - lessons for design law and strategy
- **12.30 – 14.00 Working Lunch**
- **12.30 – 14.00 Lunch with First time attendees**
- **14.00 – 15.30 Pharma Workshop 3**
  - TRIPS tightrope - public health, innovation, incentives & access
- **14.00 – 15.30 Forum Workshop III**
  - Brand strategy in light of new TLDs
- **15.30 – 16.00 Coffee break**
- **16.00 – 17.30 Pharma Workshop 4**
  - Data exclusivity - provisions and availability around the world
- **16.00 – 17.30 Forum Workshop IV**
  - Digital gaming and IP

## Saturday 7 September 2013
- **09.00 – 10.30 Forum Workshop V**
  - UsedSoft v. Oracle - exhaustion online?
- **10.30 – 11.00 Coffee break**
- **11.00 – 12.30 Forum Workshop VI**
  - Unitary patent and unified patent court – what you need to know
- **12.30 – 14.00 Working Lunch**
- **12.30 – 14.00 Lunch with Corporate & Industry members**
- **14.00 – 15.30 Forum Workshop VII**
  - Unitary patent and unified patent court – what you need to do
- **15.30 – 16.00 Coffee break**
- **16.00 – 17.30 Forum Workshop VIII**
  - Trade secrets – effective protection for innovation?
- **18.30 – 19.30 Women in IP (Juridia)**
- **19.30 – Closing Forum / Opening ExCo (Pörssi)**

## Legends
- **Forum Sessions** for Forum participants
- **Forum evening events** for Forum participants
- **ExCo Sessions** for ExCo participants
- **ExCo evening events** for ExCo participants
- **Preparatory meetings** for ExCo participants
- **Designated events** by invitation only
- **Bureau** internal meetings
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<tr>
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<td>Friday</td>
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<td>Breakfasts SGT, RGT</td>
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<td>Council of Presidents’ meeting</td>
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<td>20.00 – 22.30</td>
<td>Council of Presidents’ dinner at Kulosaaren Casino (by invitation only)</td>
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<td>Q 234 Relevant public for determining the degree of recognition of famous marks,</td>
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<td>well-known marks and marks with a reputation</td>
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<td>Q 235 Term of copyright protection</td>
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<td>16.00 – 17.30</td>
<td>Introduction of Working Questions 2014</td>
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<td>16.30 – 17.30</td>
<td>Women in IP (Juridia)</td>
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<tr>
<td>Sunday</td>
<td>07.30 – 08.30</td>
<td>Breakfast RGT, PC, SCs</td>
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<td>12.30 – 14.00</td>
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<td>famous marks, well-known marks and marks with a reputation</td>
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<td>14.00 – 15.30</td>
<td>NGO Coordination meeting</td>
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<td>19.00 –</td>
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<td>Monday</td>
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<td>Lunch Bureau with Secretaries/Treasurers</td>
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<td>Secretaries &amp; Treasurers meeting</td>
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<td>Plenary Session Q235 Term of copyright protection</td>
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<td>Tuesday</td>
<td>09.00 – 12.30</td>
<td>Plenary Session Q236 Relief in IP proceedings other than injunctions or damages</td>
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<td>Coffee break</td>
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<td>19.30 –</td>
<td>Closing Dinner (Wanha Satama)</td>
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**Q233**

**Grace period for patents**

The recent adoption of the Leahy-Smith America Invents Act in the U.S. has provided an opportunity to restart long-stalled discussions on substantive patent law harmonization. The heads of the world’s five largest intellectual property offices, who refer to themselves as the IP5, have noted the importance of maintaining the momentum towards harmonization of patent laws and agreed to establish an expert panel to continue discussions. The so-called “Tegernsee Group”, which was formed in July, 2011, and comprises the heads of the European, Danish, French, German, UK, Japanese and United States patent offices, is undertaking a comparative analysis of substantive patent laws, with a view to identifying and studying areas of patent law that can be substantively aligned. The grace period has been highlighted as one of four issues for near term focused effort. Equally, the Japanese Group of AIPPI recently surveyed the National Groups of AIPPI in order to identify those patent law harmonization issues that are considered to be most urgent. The grace period has been identified as one of these issues.

Therefore, alignment of national and regional laws relating to the grace period can be considered a key requirement in realizing international harmonization of substantive patent law. It is against this background that we propose to study the grace period for patents in the framework of a Working Question for Helsinki in 2013. AIPPI has acknowledged the necessity of adopting a grace period in principle in previous Resolutions (for instance in Q75 in 1980/1982 and in Q170 regarding the Substantive Patent Law Treaty in 2004). However, the specific conditions have not been studied in detail in the framework of a Working Question. The traditional AIPPI working method is well-suited to conduct an in-depth comparative analysis of specific conditions of a modern grace period involving multiple countries. What types of disclosures should be covered by the grace period? How long should the grace period be? Should a declaration by the applicant be required to invoke the grace period? If so, when should it be filed and what must it contain? By studying these questions, among others, AIPPI hopes to make an important contribution to the current substantive patent harmonization discussions.

**Q234**

**Relevant public for determining the degree of recognition of famous marks, well-known marks and marks with a reputation**

The question of the relevant public for determining the degree of recognition of a mark was discussed in Paris in 2010 when AIPPI adopted Resolution Q214 dealing with the protection against dilution of a trademark. The Working Guidelines Q214 discussed whether the general public at large or a relevant sector of the public would be the relevant public in determining the knowledge, recognition or fame of a mark. This prompted mixed answers by the Groups. A number of Groups noted that the relevant population for determining the knowledge or reputation of a well-known mark or a mark with a reputation is the public that is concerned by the products or services covered by the protected mark in question. In these jurisdictions, recognition or a reputation in a niche market is sufficient. In other jurisdictions, however, the relevant population in determining the degree of recognition of a famous or even a well-known mark or a mark with a reputation, is the entire consuming public of the country; i.e. recognition in a niche market is not sufficient.

The Resolution Q214, eventually adopted in Paris states that the relevant public in determining the recognition or fame of a mark depends on the public concerned by the products or services covered by the trademark and can be a limited product market. However, in the Working Committee Q214 in Paris, it became clear that the issue of the relevant public required further study and should be made the subject of a separate question. It is against this background that AIPPI is now studying both qualitative and quantitative aspects of the relevant public in more detail in the framework of a Working Question.
The availability of relief for infringement is fundamental to the protection of intellectual property rights (IPRs). In Hyderabad (2011), AIPPI adopted Resolution Q219 regarding injunctive relief in the case of infringements of IPRs. In Boston, in 2008, AIPPI adopted Resolution Q203 dealing with damages in the context of trademark infringement, and, notably, counterfeiting and piracy of trademarks. Besides injunctive relief and damages, there are other remedies permitting 'effective action against any act of infringement' (Article 41 (1) TRIPS) which AIPPI has not studied so far. We propose to explore the availability of relief, other than injunctions or damages, in IP proceedings.

These other forms of relief include, for example, seizure of infringing goods, delivery up and destruction of infringing goods, rectification, publication of the court’s judgment and declaratory relief.

In addition, there may be forms of monetary relief other than damages, e.g. account of profits where the infringer is asked to surrender the profits earned as a result of the IPR infringement. The Working Guidelines for Q203 regarding damages for infringement, counterfeiting and piracy of trademarks briefly addressed account of profits. However, the Working Committee and, hence, the Resolution Q203 did not further consider account of profits as a separate form of monetary relief. Alternatively, the plaintiff may obtain an award of monetary reparation for moral tort, or an award of reasonable royalty based on unjust enrichment law.

Finally, in addition to these more general forms of relief, there are also other forms of relief which are heavily fact specific, e.g. alteration of infringing goods such as change/removal of packaging, modifications to technology by way of a workaround and corrective advertising.
Pharma Workshop 1
Pharmaceutical products and trademarks

While pharmaceutical intellectual property discussions often focus on patents, trademarks play a very important role in pharmaceutical business, and their value should not be underestimated. Following on from the Paris (2010) workshop, this workshop will again concentrate on selected trademark issues not previously covered. In particular, this workshop will cover potential conflicts between International Non-proprietary Names (INNs) and trademark protection. Speakers will explore issues such as the evaluation-, clearing- and selection-strategies regarding pharmaceutical trademarks. In addition, the session will explore possible regulatory effects on the selection, protection and enforcement of trademarks, as the pharmaceutical industry is somewhat unique in its approach to trademarks in a highly regulated industry.

In addition, speakers will discuss pharma related trademark conflicts. This will include important questions regarding the standards to be applied when analyzing the risk of confusion (e.g., the difference between sophisticated users such as medical personnel vs. less generally less sophisticated potential end users). Finally, the session will tackle genuine use issues of marks for very specific drugs which are rarely used in practice (e.g., those for a very specific application).

Thus, trademark selection, protection and enforcement from a practical standpoint will be investigated by speakers from various jurisdictions and with different legal backgrounds.

Pharma Workshop 2
Second medical use patents

Following on from the Paris (2010) workshop on second and further indications, this workshop will explore the implications and enforceability of various types of second use claims, particularly in Europe, including the following:

a) In Europe, do the new style purpose-limited product claims introduced under EPC 2000 have a different scope from the old Swiss-style claim? If so, what are their respective scopes and how will this affect the Pharmaceutical Industry?

b) The EPO practice of recognizing novelty in new dosages regimes and, importantly, novel patient groups, have led to some interesting questions. To what extent does this affect the balance between the innovative pharma and the generics?

c) What can a generics company do to avoid contributory infringement of second medical use claims? What level of knowledge does the generic company have to have that a product, which appears free to market for one use, could be used by a doctor or hospital for a patented new clinical indication or new patient group, for contributory infringement to be found? Does the practice of so-called “skinny labelling” by generics avoid their liability for contributory infringement?

d) How is an appropriate balance kept elsewhere, in particular in the US, where broad method treatment claims have always been allowed and would not necessarily be restricted by a new clinical indication alone?

e) Following the CJEU Decision in the Neurim case (allowing for a second SPC on a new product with an already approved ingredient for a different use), will there be greater opportunities for SPCs for second medical uses? In other words what are the limitations of that decision?

f) What about patent term extension for new medical uses outside Europe (e.g., Japan and US)?

The workshop will feature speakers from the major jurisdictions in Europe, US, and Asia to explore these issues.

Pharma Workshop 3
The TRIPS tightrope - public health, innovation, incentives and access

Ever since the adoption of the TRIPS agreement, there has been a debate about the impact of the requirement to provide improved, consistent, global intellectual property for the biopharmaceutical industry, which provides incentives for solving unmet medical needs, on the need to provide access to these new technologies in the least developed countries. Indeed, the Directors General of WTO, WHO and WIPO have recently released a trilateral study titled: “Promoting Access to Medical Technologies and Innovation: Intersections between public health, intellectual property and trade” see http://www.wto.org/english/res_e/publications_e/who-wipo-wto_2013_e.htm.
Data exclusivity (DE) is a form of intellectual property protection whereby, for a fixed period of time, regulatory agencies protect proprietary pharmaceutical registration data generated by the originator of a new medicine against unauthorized use of the data by a third party to obtain approval of a generic form of the medicine. DE is also known as data package exclusivity and test/regulatory data protection.

Patents and DE are separate, but complementary intellectual property rights. Patents protect innovators by permitting them to exclude third parties from reproducing the patented product. DE protects the underlying pharmaceutical data, which includes pre-clinical and clinical data that establish a drug’s safety and efficacy. Without referring to such data, regulatory agencies cannot grant a marketing authorization. This data is highly valuable as its generation accounts for a large proportion of the costs in the development of a new medicine.

While DE and patents often run concurrently, DE provides an incentive for innovators to develop products for which patent protection is not available, and to explore new indications and uses of existing drugs.

The requirement to provide DE is set out in Article 39(3) of the TRIPS agreement, as follows:

“Members, when requiring, as a condition of approving the marketing of a pharmaceutical or of an agricultural or chemical product which utilise new chemical entities, the submission of undisclosed test or other data, the origination of which involves a considerable effort, shall protect such data against unfair commercial use.”

This has generally been interpreted as meaning that during the DE period, other companies are not allowed to rely, directly or indirectly, on the registration data in their applications to register generic versions of the originator drug. Thus, regulatory agencies will not grant generic manufacturers marketing approvals during the DE period unless they have produced and submitted their own safety and efficacy test data. After the DE period expires, generic applicants can rely on originator’s data to obtain a marketing approval for their versions of the originator drug. They only need to prove the bioequivalence of their version of the originator’s drug.

There is a great disparity in the provision of DE around the world in regard to their term, start date, and scope. The US provides a 5 year period for small molecules, and 12 years for bioproducts; the EU provides 10 years for new drugs, extendible by one year for new uses, Japan provides 8 years, all of these periods measured from the date of approval in the country. Other countries provide lesser periods: begin the DE period from the approval in the first country, or do not provide DE at all.

The present workshop will explore the landscape of where DE is provided, why it is important, and how it should be properly implemented in order to provide the appropriate protection intended by TRIPS.
Forum Workshop I
IP licensing and insolvency

The insolvency of technological giants such as Qimonda, BenQ or Kodak sends massive shockwaves into the world of intellectual property. These falling stars not only own substantial patent portfolios (10,000 patents or more) but are also embedded in worldwide cross-licensing systems with the entire industry. Given the patent thickets in the high-tech industry, these cross-licensing systems are critical for the freedom to operate (FTO) of all players in the market. Does the insolvency of a tech giant result in a total collapse of the well-established cross-licensing system, leading to patent infringement?

A very similar problem arises in industries which heavily depend on sub-licensing systems, such as the music & entertainment industry: If the main licensor (e.g. of a popular piece of music) becomes insolvent, does this result in a loss of rights of the many sub-licensees in the industry?

Most countries still lack established case law on how to deal with these intriguing questions, and, even in those countries where there are precedents, national approaches vary dramatically. Which national insolvency law is applicable? What is the effect of a foreign or national insolvency on a national IP right? Are licenses IP rights sui generis which survive any insolvency, or are they mere contractual relations, which share the fate of all contractual obligations of an insolvent entity?

This workshop aims to be the starting point for the work of AIPPI towards a strongly needed worldwide harmonisation in this area of law.

Forum Workshop II
Apple v. Samsung – lessons for design law and strategy

The war between Apple and Samsung on the outward appearance of the different iPhone and iPad versions versus the Galaxy tablets and phones has resulted in a number of very interesting, but also contradictory, decisions by UK, German and Dutch courts. Furthermore a jury in the US has decided that some of Samsung’s designs infringe Apple’s design patents and that others do not. The European decisions provide insight into the relatively new criteria of design law following the Community Design Regulation No 6/2002 and the Design Harmonisation Directive No 98/71, and, were decided at almost the same time as some very important decisions were delivered by the Court of Justice in Luxembourg, such as the Grupo Promer and Baena-cases, as well as cases such as Shenzhen, Sphere Time and Antrax by the General Court. These decisions provide guidance on how to interpret the scope of protection of registered designs and, in particular, the meaning of the overall impression a design produces on the informed user. What is the relevance of the prior art in assessing this scope of protection and what is an informed user? What role does the degree of freedom of the designer play in assessing the scope of protection? Should we look at technical constraints only, or also, to functional, marketing or other constraints? How should we look at the registration itself; does the intention of the registrant play a role? what do dotted lines mean, etc.? What is the exact meaning of the Paris Convention priority right for designs? This workshop will look at these questions from a global perspective.
Forum Workshop III
Brand strategy in light of new top level domains

The introduction of new custom generic top-level domains (gTLDs) will revolutionise the way we use the internet by making it possible to register gTLDs which take the form of a .brand, .industry, .interest or .place extension. In June 2012, a list of 1930 applications for new gTLD strings was published, with applications covering names in a range of industries including the airline, automotive, banking and credit card, hotel, luxury goods, media and technology and sporting industries. During 2013, gTLD applications will begin to make their way through the initial evaluation stage and then on to contracting, pre-delegation and delegation.

With the continued growth of e-commerce seeing more consumers doing their research and purchasing on-line, gTLDs will mark a new era of digital brand strategy by making domain names a faster and more precise way for consumers to engage with brands and products on-line. However, with opportunities come risks and challenges, whether that be applicants seeking to register brands of interest to competitors or generic descriptors for key products or services in a particular industry. There is also concern any new digital branding opportunity also provides opportunities for brand-jackers and cyber-squatters, whether that be at the gTLD level or seeking to exploit pre-existing trade marks at the second level, once the new gTLDs are up and running.

This workshop will explore branding strategy in the new gTLD environment.

Forum Workshop IV
Digital gaming and IP

Games in social media, app games and other online games are a growing market and the value in the game business is connected to different intellectual property rights. In many countries, digital games are eligible for copyright protection. Nevertheless, copyright does not protect the idea for a game or the method or methods for playing it. Trademark protection is also important for the game business. This workshop will explain different aspects of intellectual property issues in digital games. Such as:

• What parts of a digital game are copyrightable?
• Using appearances of real sportsmen and intellectual property rights in games.
• Can game characters be protected?
• How could game titles be protected?
• Is it possible to protect a game concept?
• How to make games findable for users?

Forum Workshop V
UsedSoft v. Oracle - exhaustion online?

The CJEU decision “UsedSoft” of 3 July 2012 (C-128/11) has shaken the copyright world. For software copyright, it has recognized exhaustion of copyright for copies downloaded online. The workshop will analyse the requirements for exhaustion and possible consequences for drafting software licenses. Further, it will explore, whether this concept also applies to other works such as films, music and books. International copyright experts on the panel will also look at other jurisdictions outside the EU (e.g. in North America and Asia) and their approach for software and other works.
**Forum Workshop VI**
Unitary patent and unified patent court – what you need to know

The workshop will review the major features of the new Unitary Patent and how it differs from the current European Patent despite a common grant procedure. The expected advantages and potential drawbacks of the new patent will be discussed and compared with other types of protection available in Europe, the European patent, of course, but also the recourse to national patents.

The workshop will also review the major features of the Unified Patent Court, which, after a transitional period, will have exclusive jurisdiction for the litigation of both Unitary Patents and European Patents over most of the territory of the EU. This new court represents a fundamental change in the patent litigation landscape in Europe and the broad adjustments it will require in the practices of companies, lawyers and judges alike will be discussed.

**Forum Workshop VII**
Unitary patent and unified patent court – what you need to do

This workshop will review why and how the various stakeholders will need to prepare themselves in order to be able to reap the benefits of the new system but also to avoid the many pitfalls that may catch the unwary. If the Unitary Patent should not present too big a challenge, it is not so for the Unified Court. Although the operation of the court appears to be based on the best practices in the various national court systems in Europe, the net result is likely to prove widely different from the current practices and procedures in any of them.

The international composition of the panels, a complex regime for the language of proceedings before the various divisions of the court, a whole new set of Rules of Procedures specific to this court, the potential separation of the infringement issues from the validity issues before certain divisions (the so-called “bifurcation”), the possibility of opting out of the jurisdiction of the new court for all or part of the current portfolio of European patents, are but examples of the complexities litigants and their counsel will have to face and adjust to in a relatively short time. This should lead to lively discussions!

**Forum Workshop VIII**
Trade secrets – effective protection for innovation?

Trade secrets can be a good way to protect innovation, especially where the underlying technology cannot be ascertained by reverse engineering. Trade secret protection can save the cost of applying for patents, and the technology does not get published. However, protection and enforcement of trade secrets can be more difficult, and, keeping technology secret means that others cannot develop it further.

Trade secrets are regarded as intellectual property under the TRIPs Agreement, which provides a minimum regime for protection in Article 39. Member States are required to ensure effective protection.

In the USA the Uniform Trade Secrets Act has harmonized State law and provided a framework for protection. On the other hand, the European Union did not include trade secrets when it enacted the Enforcement Directive, although this Directive refers to the TRIPs Agreement. Recently, the European Commission announced a public consultation, which may lead to new instruments for protection. On the other hand, there may be some reluctance if this leads to accepting the creation of a new intellectual property right.

Thus, until now, protection of trade secrets has been a matter of national law throughout the world, which varies widely, but we may be on the verge of a change. This workshop will discuss the current status of trade secret protection, best practices developed in individual jurisdictions and views on the way forward with regard to harmonization and legislation.
AIPPI wishes to strengthen its cooperation and deepen the dialogue on pressing IP issues with the corporate & industry sector. AIPPI appreciates that in-house counsel have subjects of interest that may be peculiar to this sector, as well as particular needs beyond the regular scientific activities of AIPPI. As in Hyderabad and Seoul, we will organize a meeting exclusively for participants from industry.

The purpose of this special meeting is to provide a forum in order to discuss ways and means by which AIPPI can more adequately address the needs of its existing industry members, as well as draw more members from industry. The meeting will provide the participants with the opportunity to exchange views on issues of common interest with their colleagues in corporations from various industries. The participants are also encouraged to raise their concerns and discuss any suggestions with the leadership of AIPPI, who will attend the meeting.

The Women in IP networking event is now a firm tradition at AIPPI’s annual meeting. It provides a forum to meet with old and new colleagues and friends, and to exchange information about business opportunities and working life as professional women practising in IP.

We are pleased to announce that in Helsinki, the Women in IP reception will be generously hosted at the premises of Attorney-at-Law Juridia Ltd. The theme of ‘Sparkling & Strawberries’ and the opportunity to get acquainted with some aspects of famous Finnish design will provide a lively atmosphere to meet your colleagues from many parts of the world.

The Women in IP events are deliberately informal. The aim is for women IP professionals to get to know each other, expand their networks and learn about the practice of IP in the many countries in which AIPPI is represented. As is now the established format, after a short introduction, the rest is up to you. We look forward to seeing our women colleagues at this event in Helsinki.
Registration procedure

• Please register online at www.aippi.net.
• You can choose to register for the Executive Committee meeting (ExCo) only, for the Forum only or for both the ExCo and Forum.
• Only AIPPI members can register for the ExCo, while the Forum is open also to non-members.
• In order to register for the ExCo you will need your AIPPI login information. Please make sure that you have this information before starting with your online registration.
• For Forum only registrations no AIPPI login is required.
• Joining AIPPI when you register

In order to participate in the ExCo meeting you must be a member of one of the National Groups of AIPPI or an independent member. To make that process easier for those wishing to attend the AIPPI ExCo 2013, the National Groups in Argentina, Australia, Croatia, Czech Republic, Egypt, France, Germany, India, Latvia, Pakistan, Rep. of Korea, South Africa, Sweden, Switzerland, Thai, UK and USA have allowed IP professionals residing in those countries to join the respective National Group of AIPPI when they register for the ExCo, for an additional payment of CHF 200. That payment will cover the subscription to the respective National Group through the end of 2013. As soon as your payment has been processed, you will receive a login code to enabling you to start your online registration for the ExCo meeting.

If you reside in a country not listed above, please refer to the National or Regional Group of your country for joining AIPPI before the ExCo meeting. Contact information can be found at www.aippi.org in the section ‘Officers & Addresses’. If there is no National or Regional Group in your country, please contact registration@aippi.org for joining AIPPI as an independent member.

Should you have further queries about the registration procedure, please contact us at registration@aippi.org.

SAVE ON THE REGISTRATION FEES BY RegisterING BY 3 JUNE 2013

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<th>Registration Fees (Taxes included)</th>
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<th>From 4 June to 5 August</th>
<th>From 6 August &amp; onsite</th>
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Note:
• Payments can be made by bank transfer or credit card through the online registration system.
• Payment by bank transfer will be possible until 5 August 2013. After that date, only online registrations with credit card payment will be possible.
• If you belong to one of the three groups below, please contact the General Secretariat (registration@aippi.org) for processing with your registration:

1. Young participants, less than 30 years old:
   • Send us a copy of your ID or passport by FAX +41 44 280 58 85.
   • Regular fees will be charged if the General Secretariat does not receive the credentials within one week of registration.

2. Student Lawyers:
   • Send us a copy of your student card for the current year by FAX +41 44 280 58 85.
   • Regular fees will be charged if the General Secretariat does not receive the credentials within one week of registration.

3. Full time academic professional:
   • Please send us information on the academic institution that you work for and your occupation in this institution by Fax: +41 44 280 58 85.
   • Regular fees will be charged if the General Secretariat does not receive the credentials within one week of registration.

• Changes and Cancellation Policies
Any cancellation must be sent to AIPPI General Secretariat in writing (fax or email).

For cancellations received before 26 July 2013, the fee will be refunded less EUR 100 for administrative costs. After this date, no refund will be possible.

A handling fee of EUR 25 per registration will be charged for every registration modification received after 26 July 2013.

In case of visa refusal, refund will only be possible if communicated to the General Secretariat two weeks prior to the meeting and the visa has been requested three months prior to the meeting.

All refunds will be processed after the Forum and ExCo meeting.

• Forum participant’s fee includes:
   • Attendance at Forum Workshops
   • Opening Ceremony Forum on Thursday 5 September 2013
   • Closing Forum/Opening ExCo Reception on Saturday 7 September 2013
   • Coffee Breaks and Lunches
   • Participant bag, including documents
   • Final Programme & List of Participants
   • Tourist Documentation of Helsinki

• ExCo participant’s fee includes:
   • Attendance at ExCo Sessions
   • Closing Forum/Opening ExCo Reception on Saturday 7 September 2013
   • One of the Cultural Evening on Sunday 8 September 2013
   • Coffee breaks and lunches
   • Participant bag, including documents
   • Final Programme and List of Participants
   • Tourist Documentation of Helsinki

• Accompanying person’s fee includes:
   • City tour
   • Closing Forum/Opening ExCo Reception on Saturday 7 September 2013
   • Opening Ceremony Forum on Thursday 5 September 2013 (for Forum participants)
   • Cultural Evening on Sunday 8 September 2013 (for ExCo participants)
   • Tourist Documentation of Helsinki

• Visa requirements and Passport
Please check the visa regulations of your country with your local Finnish embassy or consulate. EU citizens only need their national identification papers. Carrying a passport, however, is recommended for EU citizens. Citizens from most other countries will need a valid travel passport. If you plan to visit Tallinn (Estonia) a passport is highly recommended. For St. Petersburg (Russia) both passport and visa are needed.

Please carefully read the cancellation policy in case of visa refusal.
• **Registration opening hours**
  Thursday, 5 September 2013 from 14.00 to 18.30
  Friday, 6 September 2013 from 08.00 to 18.00
  Saturday, 7 September 2013 from 08.00 to 18.00
  Sunday, 8 September 2013 from 08.00 to 18.00
  Monday, 9 September 2013 from 08.00 to 18.00
  Tuesday, 10 September 2013 from 08.00 to 18.00

• **Special offer with Finnair – Official Airline Partner for AIPPI**

![Finnair Logo](image)

**Fly with Finnair to Helsinki!**

Finnair’s route is geographically the shortest way between Asia and Europe. Finnair has been nominated the Best Airline in Northern Europe for the third year running.

To make your reservations, and for more information please visit [www.aippi.net](http://www.aippi.net).

• **List of participants**
  During the online registration process you will be asked to upload a picture of yourself which will be published with the online and printed list of participants.

  Only pictures of the participants are allowed, no firm logos will be printed.

  The pictures should be in jpg-format, not bigger than 2MB and they should not exceed A x B pixels (2,3 x 2,3 cm in 300 dpi resolution). An example of pictures can be found when registering online.

• **Networking area**
  A networking area will be available in the convention center (Finlandia Hall). You are invited to use this area to meet your client and friends. Please look for the “meeting point”.

• **Event Documents and Badges**
  Event documents and badges should be collected on-site at the registration desk. Name badges must be worn at all times including social functions. Badges will be checked for admission to all events.

• **Certificate of Attendance**
  A certificate of attendance will be provided to the participants upon request at the General Secretariat during the event.

• **Language**
  Working language of the AIPPI Forum is English. For the Sessions of the Executive Committee, simultaneous translations from French, German and Spanish into English will be provided.

• **Refund of Finnish VAT**
  **Taxable persons established in the EU**
  Taxable persons established in another Member State of the EU can obtain a refund of VAT either directly or by using a service provider appointed for this purpose. An explanatory note on VAT recovery in Finland is available in English at: [http://www.vero.fi/en-US/Precise_information/Value_added_tax/Special_VAT_refund_to_foreign_taxpayers/Refund_of_VAT_to_Finnish_businesses_from%2816400%29](http://www.vero.fi/en-US/Precise_information/Value_added_tax/Special_VAT_refund_to_foreign_taxpayers/Refund_of_VAT_to_Finnish_businesses_from%2816400%29)

  **Taxable persons not established in the EU**
  Taxable persons not established in the EU can obtain a refund of VAT directly from the Finnish administration upon request. Assistance on VAT refunds can be obtained in English by specialized service providers such as: [http://www.vero.fi/en-US/Precise_information/Value_added_tax/Special_VAT_refund_to_foreign_taxpayers/Refund_of_value_added_tax_to_foreign_bus(14530)](http://www.vero.fi/en-US/Precise_information/Value_added_tax/Special_VAT_refund_to_foreign_taxpayers/Refund_of_value_added_tax_to_foreign_bus(14530))