

FICPI China Symposium

FICPI中国研讨会

Beijing, September 20-21 2007
北京 - 2007年 9月20-21日

FÉDÉRATION INTERNATIONALE
DES CONSEILS EN PROPRIÉTÉ
INDUSTRIELLE



CHALLENGES OF A GLOBAL IP PRACTICE

Discussion of Practical Issues
by Experts in their Fields

全球性知识产权业务面临的挑战
专家解说各自领域内的实务话题

PATENTS

Claim drafting techniques for Europe, US and China.

专利

欧洲、美国及中国撰写权利要求的技巧

TRADEMARKS

Emerging international strategies.

商标

商标的淡化

DESIGNS

Use of designs as part of a comprehensive I.P. portfolio.

设计

未注册外观设计的权利

ENFORCEMENT

Practical Strategies for Patent Enforcement.

专利维权

切实可行的专利维权策略

PATENT LAW REFORM

China and international.

专利法变革

中国及国际动态



SPEAKERS FROM EUROPE, NORTH AMERICA, ASIA AND CHINA

演讲者来自欧洲, 北美, 亚洲及中国

OPEN TO ALL - FICPI members, non members, industry, government.

报名不受限制 - 欢迎FICPI成员, 非FICPI成员, 工业界, 政府机构参加

PRESENTATIONS WILL BE IN ENGLISH 英文演讲, 中文同传

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**ONLINE DETAILS AT
WWW.FICPI.ORG**

THE PROGRAM

Despite many years of detailed discussion, harmonization of patent law remains elusive. Practices vary from country to country in many key areas, and knowledge of the best practices is essential if the practitioner is to protect the client's invention properly.

This two day seminar will address the key issues of specification preparation, claim drafting, and patent enforcement in key jurisdictions, with emphasis on China, Europe and the United States. Experts from those jurisdictions will compare and contrast the latest development. First hand information from Chinese practitioners and officials on the upcoming Chinese Patent Law Reform and judicial and administrative enforcement in China will be of particular interest to foreign practitioners.

The Chinese economy will in the shorter term continue to expand and become one of the largest in the world.

Patents issued in China on applications filed now will issue into an immense economy in which IP rights are increasingly enforceable and where enforcement is an important policy of government. In the Beijing courts, for example, foreign plaintiffs are increasingly successful in most cases. It follows that it is critical for non-Chinese practitioners to understand the changing Chinese IP regime and how to benefit from it.

In order to provide a cohesive presentation, a single invention, the LEGO® blocks, will be used to demonstrate not only patent issues, but also designs, trade marks and copyright considerations for various jurisdictions.

At the end of the seminar, you will have gained advanced level insight into analysis and exploitation of all these interrelated aspects of the IP unity, in order to enhance IP protection for your client in key jurisdictions.

Social Programme

A full social program for participants and accompanying persons is included in the conference registration fee.

A pre-conference one day tour to the Forbidden City and the Great wall of China is included in the conference registration fee. This tour will leave the hotel at 9:00am on Wednesday 19th September. There will be an opening ceremony and reception at the Hotel Kempinski on the evening of Wednesday 19th September, commencing at 7pm, giving all participants an opportunity to meet new friends and renew old acquaintances.

On the evening of Thursday 20th September a dinner with dance performance entitled "The Night of Beijing" has been arranged. Bus transportation from the Kempinski hotel to the venue is included. Dress code is casual – no tie required.

On Friday 21st September, the conference concludes with a gala dinner at the Meiweizhai (Royal Style) Restaurant. Bus transportation is provided.

Accompanying persons tours

In addition to the social programme, the accompanying persons may participate in two optional tours at additional cost.

On 20th September a visit has been arranged to the Summer Palace, Temple of Heaven (US\$60). The tour will depart the hotel at 9:00am by bus and will be accompanied by English speaking guides. The tour will be completed by 17:30 and lunch is included.

On 21st September the tour includes Lama Temple, Capital Museum and Wangfujing Shopping District (US\$60). The tour will depart the hotel at 9:00am by bus and will be accompanied by English speaking guides. The tour will be completed by 18:00 and lunch is included.

Please indicate on the registration form if you wish to participate in either of these tours.

THE PROGRAM IN DETAIL

THURSDAY SEPTEMBER 20TH - PATENTS: CLAIMING THE INVENTION, AMENDING AND ENFORCING THE CLAIMS

9:00 – 9:15 OPENING REMARKS
Danny Huntington, President of FICPI
Dr. Ge Bo, President FICPI China

Topic 1 - Constructing the Claim Set to Fit Key Jurisdictions

This session will move through the drafting process, and the thinking that is integral to that process, in a step by step fashion to demonstrate the latest techniques for attaining strong and enforceable patent rights in PCT/EPO and the USPTO. A PCT/EPO model will first be developed and then modified, redeveloped for the U.S. model. Areas of significant difference between the two jurisdictions will be emphasized. These include a detailed study of claim structure, permissible and desirable scope of claiming, equivalents, and claiming for possible subsequent amendment.

The limitations on amendment and the effect of amendments in the EPO and the USPTO will be examined. Required disclosure to support the claims will be discussed.

9:15 – 9:30 Introduction of the Subject Matter :
The Invention and Prior Art
Jan Modin (SE)

9:30 – 10:30 **PCT/EPO Model** :Problem/Solution;
Unity; Claim Categories
Daniel Alge (AT)

10:30 – 11:00 *Coffee Break*

11:00 –11:20 **EPO** : Effect of Claim Amendments :
Limits on Amendments;
Article 123(2); Clarity
David Bannerman (UK)

11:20 – 12:00 **U.S. Model** : Claiming to Avoid
Amendment
Jason Cooper (US)

12:00 – 12:30 **U.S. Model** : Effect of Amendments:
Estoppel; Scope of Protection;
Equivalents; Means Plus Function
Danny Huntington (US)

12:30 – 14:00 *Lunch*

Topic 2 – Enforcement Including Equivalents

Having drafted claims according to the latest best practice, you will discover how those claims would fare in the real world of litigation. Have you claimed broadly enough? Have you claimed too broadly? Have your U.S. amendments reduced claim scope? Have your EPO amendments been too broad under EPO law? You will receive expert guidance and commentary on these and many other issues critical to the all important enforcement process.

Some topics of particular concern relate to lack of harmony in European courts, equivalents and the latest *Festo* interpretations in the U.S., required examples, etc. Again, disclosure is critical to the support of broad claims in both the U.S. and EPO, yet disclosure requirements are very different in this respect.

A comparison with PRC law and practice will offer valuable insights to obtaining enforceable rights within China, either through patents or utility models.

14:00 – 14:15 Introduction of the “Allegedly”
Infringing Device
Bill Edgar(CA)

14:15 – 15:00 Europe : Valid and Infringed?
Eric Le Forestier (FR)

15:00 – 15:45 U.S.: Valid and Infringed?
Bill Schuurman (US)

15:45 – 16:15 *Coffee Break*

16:15 – 17:00 Patents and the Design/Utility Model
Alternatives :- the PRC experience –
Mr. Yang Xiaoguang, Vice President,
FICPI China Section.

19:00 Buses depart to dinner and entertainment “ The Night of Beijing”

THE PROGRAM IN DETAIL continued

FRIDAY SEPTEMBER 21ST. - DESIGNS, TRADEMARKS, COPYRIGHT

Topic 3 - Protection by Design: Authorship/Unregistered/Copyright –

This session will analyze a product for possible design protection, again using the LEGO® model, and discuss how to meet critical formal requirements in key jurisdictions. Design protection may offer substantial advantages of cost and simplicity, especially where, as with the LEGO® block, direct copying is a simple matter. You will be fully informed about unregistered designs in Europe, and fully warned of the dangers internationally of failure to register.

9:00 –9:10	Introduction <i>Michelle Ma (CN)</i>
9:10 – 9:35	Unregistered Europe Model : What Uncertainty? <i>Alexander Bulling (DE)</i>
9:35 – 10:00	Registered Chinese Model : Authorship; First to File <i>Mr. Shen Rengan, Former Deputy Director General of China State Copyright Office.</i>
10:00 – 10:25	Copyrighted Canadian Model : We've Got You Every Which Way <i>Sean Zhang (CA)</i>

10:30 – 11:00 *Coffee Break*

Topic 4 - Protecting Trade-marks/Unregistered/Copyright Effect –

Here you will hear about the latest forms of trade mark protection, be they in colour, shape, etc., many of which are directly applicable to the LEGO® invention. You will gain an understanding of differing use/registration requirements and will be able to clearly differentiate registrability issues from scope of protection issues. We will also consider enforcement issues including famous marks and the international spectre of dilution.

11:00 – 11:10	Introduction <i>Coleen Morrison (CA)</i>
11:10 – 11:35	U.S.: What National Borders? The Spectre of Dilution and Other Topics <i>John Hardaway (US)</i>

11:35 – 12:00 Australia : Not Too Dilute!... And
Other Topics
David Griffith (AU)

12:00 – 12:25 Japan : The World Knows Our Marks :
Economic Impact of International
Recognition of Marks; And Other Topics
Hiromichi Aoki (JP)

12:30 – 14:00 *Lunch*

PROGRESS IN IP LAW

Topic 5 - Patent Law Reform in China

China is becoming one of the largest patent offices in the World and is amending its IP laws to reflect the importance given to intellectual property in China. A panel of highly placed Chinese officials will provide the PRC perspective on reform of IP law in China with specific reference to topics of international interest. An explanation of the different enforcement options available under the proposed law will also be provided.

14:00-14:10	Introduction <i>Mr. Yang Wu, Vice President of FICPI China Section.</i>
14:10-14:40	China Patent Law Reform <i>Mr. Yin Xintian, Director General of Law and Treaty Department, SIPO</i>
14:40-15:10	Judicial Enforcement in China <i>Mr. Zhang Guangliang, IP Judge of Beijing First Intermediate Court.</i>
15:10-15:30	Administrative IP Enforcement in China <i>Mr. Tang Yi, Deputy Director General of Guangdong Provincial IP Administrative Office.</i>
15:30 – 16:00	<i>Coffee Break</i>

Topic 6 – FICPI and International IP Reform

FICPI prides itself on "Acting for the IP Profession Worldwide" and has a reputation of offering an international thought leadership in the field of IP. Senior members of FICPI will outline some of the key international issues that are presently under discussion and the positions that FICPI is advocating. Topics include patent law harmonization, EU Community Patent and enforcement regime, status of IP practitioners before the Courts and the interface between trademarks and the internet

19:00 buses depart for gala dinner at the Meiweizhai (Royal Style) Restaurant.

Post conference tours

Two post conference tours have also been arranged. Travel from Beijing is by air and accommodation is provided in 5 star or luxury 4 star hotels. Transportation, accommodation and meals are included in the price. A single person supplement of \$150 is applicable. Full itinerary of the tours may be found at www.ficpi.org.

The tours offered are :-

A. Beijing—Hangzhou—Shanghai

September 22, 23, 24. 3 days and 2 nights.
US\$500, all expenses are included.

September 22 Beijing—Hangzhou (by air)

Lunch in Hangzhou followed by excursion to West Lake, Flower port Garden and Liuhe Pagoda. Dinner (Hangzhou Style) followed by shopping at ancient street.

Accommodation is provided at Hangzhou International Hotel (5 star).

September 23 Hangzhou—Shanghai (by coach). Lunch in Shanghai followed by excursion to Najing Road, Bank of Huangpu River and Oriental-Pearl Television tower.

In the evening there will be dinner and night sailing on Huangpu River.

Accommodation is provided at the Sofitel Hotel (luxurious 4 star)

September 24 Shanghai

Breakfast at hotel, excursion to Yu garden, Chenghuang Temple and shopping.

The tour finishes with a farewell lunch

B. Beijing—Xi'an—Shanghai

September 22, 23, 24. 3 days and 2 nights.
US\$700 (all expenses are included)

September 22 Beijing—Xi'an (by air)

Lunch in Xi'an followed by an excursion to Wild Goose pagoda, Ancient City Wall and Historical museum.

Dinner at a Dumplings Restaurant.

Accommodation is provided at Sheraton Hotel (5 star)

September 23 Xi'an—Shanghai

Excursion to Terracotta warriors and Huaging Pool. After lunch, depart for Shanghai by air. Dinner in Shanghai with an excursion to "Night sailing on Huangpu River." Accommodation is provided at Sofitel (luxurious 4 star)

September 24 Shanghai

Excursion to the bank of Huangpu River, Nanjing Road and Yu Garden followed by shopping at Chenghuang Temple.



Note:

1. Both post conference tours will terminate in Shanghai so participants can order an international air ticket departing from Shanghai. If your departure is from Beijing, the cost of Shanghai—Beijing air ticket is NOT included. The tours will finish by 14:00 allowing participants to plan returns from Shanghai airport from 16:00. If special arrangements are required they can be discussed with the tour organizer.
2. All hotel rooms in the tour should be shared by two persons, if you need a single room, an additional charge of US\$150 will apply.

PROGRAM AT A GLANCE

WEDNESDAY 19TH SEPTEMBER

09:00 - 17:00	Tour to Forbidden City & Great Wall of China
19:00	Opening Reception Hotel Kempinski

THURSDAY 20TH SEPTEMBER: PATENTS: CLAIMING THE INVENTION/AMENDING AND ENFORCING THE CLAIMS;

9:00 – 9:15	OPENING REMARKS
9:15 - 12:30	Topic 1 – Constructing the Claim Set to Fit Key Jurisdictions
14:00 - 17:00	Topic 2 – Enforcement Including Equivalents

FRIDAY 21ST SEPTEMBER: DESIGNS, TRADEMARKS, COPYRIGHT

9:00 - 10:30	Topic 3 - Protection by Design: Authorship/Unregistered/Copyright
11:00 - 12:25	Topic 4 - Protecting Trade-marks/ Unregistered/Copyright Effect

PROGRESS IN IP LAW

14:00 – 15:30	Patent Law Reform in China
15:30 – 16:00	BREAK
16:00 – 17:00	FICPI: International Developments.

Conference Venue

The meeting will be held at the Kempinski Hotel, Beijing Lufthansa Centre. The Kempinski Hotel is conveniently located in the heart of Beijing's diplomatic and business district. Its impressive blend of grand culture and dynamic modern day architecture makes it one of the landmarks in the Chinese capital.

The 526 guestroom hotel forms the centre piece of the Beijing Lufthansa Center, the city's premier self contained complex, comprising grade A offices, fully serviced apartments, a shopping plaza and numerous boutiques. The hotel is well known in Beijing for the quality and variety of its restaurants and entertainment venues. The hotel also provides a true haven from the demands of everyday life with two health and fitness centers, rooftop heated pool, fully equipped gymnasium and beautifully landscaped gardens.

Within the complex and literally "all under one roof", guests can enjoy a full array of services: kiosk, hair and beauty salon, bank, ATM cash dispensers, international airline ticketing offices, 24 hour medical clinic, dental clinic, supermarket and adjacent shopping plaza. The hotel is a RMB 70 (approximately \$10) taxi ride from the international airport.

Weather

The weather in Beijing is typically warm and dry with temperatures during the day of between 20°C and 25°C.

Dress code

Unless otherwise indicated, business attire is appropriate for the working sessions and social events.

Visa requirements

Participants should ensure they have the necessary visa's and travel documentation to enter China.

Secretariat of FICPI China Section

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