



2009 WASHINGTON CONGRESS TECHNICAL PROGRAM

The theme of the Congress is the continuing relevance of IP rights in a global economy. Some studies have suggested that innovation is being hindered by the overprotection of IP rights. Patent Offices around the world are being crushed under a mountain of work such that years pass before patents issue. One result has been that companies are experimenting with other means of protecting IP rights. The Speakers will examine these various issues and provide their thoughts on where the unfolding events will take us.

Sunday 7 June

Session 1

Are Patents Worth the Cost of Obtaining Them?

9.00 – 10.30

Recent research has come out on both sides of this issue. Some researchers claim that the cost of litigating patents in most technologies is more expensive than the potential rewards. Other researchers claim that a strict monetary approach fails to take into account that often the existence of patents means no litigation occurs because the patents are licensed individually or as part of a standards setting organization, and that patents are especially valuable for small companies and individual inventors. Advocates on both sides of this issue will present their findings.

Moderator: Mr. R. Danny Huntington (US), Rothwell, Figg, Ernst & Manbeck, PC

Speaker 1: Dr. Michael Meurer (US), Boston University School of Law

Speaker 2: Dr. Richard Rozek (US), NERA Economic Consulting

Session 2

Addressing the Backlog

11.00 – 12.30

It's like the weather: everybody complains about it, but nobody does anything about it. Patent Offices around the world are struggling with how to deal with the onslaught of an increasing number of new applications. While various solutions have been suggested, most of the discussion has been about why these solutions will not work. This session will look at the problems facing Patent Offices around the world and suggest possible ways of attacking the backlog.

Moderator: Mr. Peter Huntsman (AU), Davies Collison Cave

Speaker 1: Acting Under Secretary John Doll (US), US Patent and Trademark Office

Speaker 2: Mr. John Orange (CA), Blakes

Session 3

How Can I Best Protect My Intellectual Property?

2.00 – 3.30

It's the question every client asks when they have intellectual property they want to protect. At one time the most likely choices were patent, trademark, and copyright. The answer now is much more complicated with the advent of the Open Source community, the increasing importance of design patents, and the increasingly complicated IP laws as countries struggle to protect innovation. This session will examine the myriad ways one might protect a hypothetical innovation.

Moderator: Mr. Jan Modin (SE), Ehrner & Delmar

Speaker 1: Mr. Maxim H. Waldbaum (US), Schiff Hardin, LLP

Speaker 2: Dr. Dieter Laufhütte (DE), Lorenz, Seidler, Gossel

Speaker 3: Mr. Philippe Baechtold (CH), World Intellectual Property Organization

Session 4

Being a Business Partner With Your Client

4.00 – 5.30

Gone are the days when all you do for a client is provide advice on protecting IP rights and then send a bill. They expect you to provide business advice in addition to IP advice, and they want you to come up with creative ways of sharing the risk during enforcement. In this session we will look at techniques for providing additional services to your clients, and creative ways of developing relationships demonstrate that you are not just a service provider, but a valuable member of their team.

Moderator: Mr. John Dean (UK), Withers & Rogers

Speaker 1: Mr. Bryon Sabol (US), Sabol International, Inc.

Speaker 2: Ms. Leonora Hoicka (US), IBM

Speaker 3: Mr. Alastair Neill (UK), Appleyard Lees

Monday 8 June

Session 5

Do Business Methods and Software Patents Make Sense?

9.00 – 10.30

Innovations in computer software and business methods continue to challenge the world's patent systems. While some argue that patents should protect anything under the sun, others maintain that software and business methods are not protectable under laws that prohibit the patenting of non-technological matters including algorithms and abstract ideas. Many have expressed concern that decisions on business method patents, such as *In re Bilski*, threaten patent protection in fields such as medical diagnostics, therapeutic methods, and personalized medicine. This session will present the current situation for software and business method patenting in Japan, Europe, and the U.S., and will examine the potential consequences of these developments for other industries. Practitioners will present opposing views of patentable subject matter in mock argument to Hon. Paul R. Michel, Chief Judge of the U.S. Court of Appeals for the Federal Circuit. The session will conclude with comments from Chief Judge Michel on issues raised by the current efforts at patent reform.

Moderator: Mr. Yoshikazu Tani (JP), Tani & Abe

Mock Judge: Chief Judge Paul Michel (US), US Court of Appeal for the Federal Circuit

Speaker 1: Ms. Erika Arner (US), Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Speaker 2: Mr. Alexander Esslinger (DE), Betten & Resch

Session 6

Combating Counterfeiting

11.00 – 12.30 Combating counterfeiting is no longer simply an IP issue, it is now the subject of a proposed treaty with the acronym “ACTA” - Anti-Counterfeiting Trade Agreement. There are many issues in the draft treaty that will require careful consideration. A related issue is that of middleman liability by online sellers or auction houses who do not do enough to stop the sale of counterfeit products. This session will examine the most recent efforts at combating counterfeiting and suggest further measures that could be taken.

Moderator: Ms. Coleen Morrison (CA), Marks & Clerk Canada

Speaker 1: Mr. Petter Rindforth (SE), Fenix Legal KB

Speaker 2: Mr. Miguel O’Farrell (AR), Marval, O’Farrell & Mairal

Speaker 3: Ms. Candice Li (US), INTA

Session 7

Where Is Design Protection Valuable?

2.00 – 3.30 Different markets and products call for different kinds of IP protection. Speakers will give presentations on why design protection is important in different regions (EU, US, South America, Asia, Aus/NZ).

Moderator: Mr. Robert Watson (UK), Mewburn Ellis LLP

Speaker 1: Mr. Gerhard Bauer (DE), Daimler AG

Speaker 2: Mr. Reilly Brendan (US), Nokia

Session 8

4.00 – 5.30

IP Valuation, IP Auctions, IP Licensing

At one time the primary reason for obtaining IP rights was to protect a product or service. However, the rise of IP trolls, the increasing emphasis on licensing of IP rights by universities, and regulations requiring companies to properly protect, value and exploit their IP assets has added to the expertise required by an IP practitioner. This session will tell you what you need to know to advise your clients on these critical areas.

Moderator: Mr. Didier Intès (FR), Cabinet Beau de Loménie

Speaker 1: Mr. Daniel Collopy (US), Ingrassia, Fisher & Lorenz

Speaker 2: Mr. Ronald S. Lourie (US), Inflexion Point Strategy, LLC

Wednesday 10 June

Session 9

Work/Life Balance in a Virtual World

9.00 – 10.30 Ninety percent of the trademark examiners at the USPTO work at home. PDAs mean that clients expect instantaneous advice. And the advice practitioners provide is increasingly not just about what to do in a single country, but instead about what to do in various countries around the world. This session will explore how to cope with the demands of clients and technology, while still attracting and retaining new members of the profession.

Moderator: Mr. Stephen Krouzecky (AU), Hodgkinson McInnes Patents

Speaker 1: Ms. Karen Sinclair (AU), Watermark

Speaker 2: Ms. Tracy-Gene G. Durkin (US), Sterne, Kessler, Goldstein & Fox

Speaker 3: Mr. Darren Gibson (AU), Ernst & Young

Speaker 4: Mr. Ari Kaplan (US), Ari Kaplan Advisors LLC

11.00 – 12.30 **Discussion of Resolutions**