



Professional
Training (CPD)
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The future unified patent litigation system in the European Union

Organised in the framework of the Polish EU Presidency
Warsaw, 23 September 2011



Objective

This conference organised in the framework of the Polish Presidency of the EU Council will provide a platform for discussion on the new draft agreement on a Unified Patent Court presented by the Hungarian Presidency on 14 June 2011. At the Competitiveness Council on 27 June 2011, 25 EU Member States agreed in principle to pursue the creation of a unitary patent protection system in the framework of enhanced cooperation. The Council agreed on a general approach for implementing enhanced cooperation in the creation of a unitary system and stressed the link between the creation of unitary patent protection and the creation of a unified patent litigation system. The draft agreement on a Unified Patent Court is key to the successful functioning of the new system.

The objective of the conference is to analyse how issues raised by the Court of Justice of the European Union in its Opinion 1/09 on the previous version of the agreement regarding compatibility with EU law were addressed, as well as to promote an exchange of views between courts and practitioners on the functioning of the European Patent Court.

Key topics

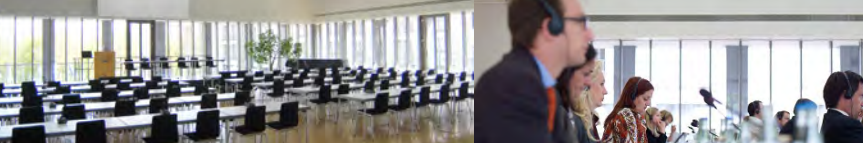
The one-day conference will consist of three panels, in which judges, legal practitioners, academic experts and users of the patent system will be invited to give their perspectives on the following issues:

- The draft agreement on the Unified Patent Court: Effectiveness and flexibility
- Overall architecture of the future Unified Patent Court
- Conformity of the new patent system with the EU Treaties

There will be time for discussion.

Speakers

- **Margot Fröhlinger**, Director, DG Internal Market and Services, European Commission, Brussels
- **Dr Klaus Grabinski**, Federal Supreme Court (Bundesgerichtshof) Karlsruhe
- **Professor Sir Robin Jacob**, University College London
- **Marcin Korolec**, Undersecretary of State, Ministry of Economy, Warsaw
- **Eurico Marques dos Reis**, Judge of the Court of Appeal, Lisbon
- **Kevin Mooney**, Partner and Head of Intellectual Property, Simmons & Simmons, London
- **Alice Pézard**, Judge, Cour de Cassation, Paris
- **David Rosenberg**, Industry Affairs Manager, Corporate IP Department, GlaxoSmithKline, Brentford
- **Thierry Sueur**, Vice President, Intellectual Property, Air Liquide and Chairman of the patent working group, BusinessEurope, Paris and Brussels
- **Maciej Szpunar**, Undersecretary of State, Ministry of Foreign Affairs, Warsaw
- **Professor Winfried Tilmann**, Of Counsel, Hogan Lovells International, Dusseldorf
- **Vincent Tilman**, Senior Advisor European Affairs, Eurochambres, Brussels
- **Robert van Beursem**, Judge, The Hague District Court
- **Pierre Véron**, Avocat, Véron&Associés, Paris
- **Mirosław Wyrzykowski**, Former judge at the Polish Constitutional Court, Warsaw



Friday, 23 September 2011

08:30 Arrival and registration of participants

09:00 Setting the scene

Jean-Philippe Rageade, Deputy director, ERA

Waldemar Pawlak, Deputy Prime Minister, Minister of Economy

Chair: *Marcin Korolec*

09:30 **Overview of the draft agreement on a European and EU Patents Court (EEUPC)**

Winfried Tilmann

10:00 **Panel I: The draft agreement on the Unified Patent Court: Effectiveness and flexibility**

- Applicable law and proceedings before the future Court
- Rights and limitations conferred to patent holders
- Remedies and competences of the future Court

Klaus Grabinski, Kevin Mooney, Thierry Sueur, Pierre Véron

11:30 Coffee break

Chair: *Mirosław Wyrzykowski*

12:00 **Panel II: Overall architecture of the future Unified Patent Court**

- Main features of the Court, appeals and role of the registry
- Panel composition (multinationality and role of technical judges)
- Territorial effect of the decisions

Margot Fröhlinger, Robin Jacob, David Rosenberg, Robert van Peursem,

13:30 Lunch

Chair: *Maciej Szpunar*

15:00 **Panel III: Conformity of the new patent system with the EU Treaties**

- Conclusions to be drawn from the ECJ's opinion 1/09
- Effectiveness of the review procedure for EU law
- Safeguards for the autonomy of the EU legal order

Eurico Marques dos Reis, Vincent Tilman, Alice Pézard

16:30 Closing speech

Marcin Korolec, Maciej Szpunar

17:00 End of the conference

Programme may be subject to amendment

For programme updates and online registration: www.era.int/?122532&en

Conference venue

Ministry of Economy, Conference Room ABC, Plac Trzech Krzyży 3/5, Warsaw, Poland



Organisers

ERA (Florence Hartmann-Vareilles and Karolina Rokicka) in cooperation with the Polish Ministry of Economy in the framework of the Polish Presidency of the Council of the EU.

Who should attend

Judges, patent attorneys and other business lawyers, national and EU civil servants dealing with patent issues

Language

English

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