
# LES

# PAN-EUROPEAN CONFERENCE

# 2023



236

Plenary Session - The Future is Here
AI Use

# The Generative AI Revolution

**Tomer Simon**[1]
*CTO Office, Microsoft Israel R&D Center, Israel*



211

Plenary Session - The Future is Here
AI Use

# Generative AI - Managing Risks in Enterprise AI Use

**Ben Haklai**[1]
*CELA, Microsoft, EMEA*

Using Generative AI is becoming a business requirement. Organizations not utilziing Gen AI might become obselete in the near future. Yet, Gen AI presents various new risks organizations are required to manage - form protecting the organization data estate to efferctive filtering and moderation.



238

Plenary Session - The Future is Here
Metaverse

# Navigating the Metaverse Maze: Unraveling Intellectual Property Challenges in the Metaverse

**dov greenbaum**[1,2,3]
*Law, Reichman University (IDC), Israel*
*Zvi Meitar Institute for Legal Implications of Emerging Technologies, Israel*
*Molecular Biophysics and Biochemistry, Yale Univeristy, USA*

As the metaverse evolves into a complex fusion of digital environments, social interactions, and economic activities, the boundaries of traditional IP concepts blur. This presentation will dissect the convergence of copyright, trademark, and patent issues in this digital frontier, including issues relating to ownership of digital properies in the metaverse, particularly NFTs and the IP rights they grant, or fail to grant in the metaverse. We will also look at the relevent jursisictions and enforcement mechanisms availiable to IP owners.

229

Keynote Lecture

From Curiosity-driven Research to Development of a Therapy to Alzheimer's Diseas

**Michal Schwartz**[1]
*Brain Sciences, Weizmann Institute, Israel*

Over the last two decades, my team initiated a change in understanding of the brain-immune relationships, by demonstrating that the brain requires support from innate and adaptive immune cells for its maintenance and repair. Deep understanding of these relationships by our team and by others has led us to propose that the immune cells that are hosted within the brain`s borders, together with neurons and non-neuronal cells, form an ecosystem that enhances the resilience of the brain and its robustness in withstanding continuous and diverse perturbations. Accordingly, any dysfunction in this brain-immune communication might impact brain activity. As aging is the major risk factor in dementia, including Alzheimer’s disease, we propose that dysfunction of any aspect of the brain-immune ecosystem could affect disease onset and severity, but could be amenable to immune intervention. This model led us to propose that defeating such diseases could be accomplished by harnessing the immune system, which is either exhausted or insufficient. We found that transiently blocking the inhibitory immune checkpoint pathway, initiates an immune response in the periphery that leads to disease modification within the brain. This approach was found to be effective regardless of disease etiology, and is independent of microglial polymorphism. We found that the treatment improved cognitive performance and reduced multiple parameters that contribute to disease escalation, including neural loss, local inflammation, and phospho- and aggregated-tau in tauopathy, and soluble oligomers of amyloid beta in amyloidosis. The effect was found to be dependent on recruiting immune regulating cells to the brain. Brief intermittent treatment with an AD-optimized antibody was found to provide long-term effect. Together, these studies show that targeting the immune system provides new avenues for understanding and treating neurodegenerative diseases. The Intellectual property was licensed out from the Weizmann and is now under expedite process of development by ImmunoBrain checkpoint. First-in-human clinical trial was started six months ago in several clinical centers in UK, Israel, and in Amsterdam.



192

Parallel Session I
AI & IP

# Would AI kill Copyright? - An Intellectual Property Perspective

**Haim Ravia**[1]
*Pearl Cohen Zedek latzer baratz, israel*

This lecture aims to foster a rich, thought-provoking discussion about the potential impact of AI on copyright law. As we delve into the intersection of cutting-edge technology and traditional legal principles, we will challenge our understanding of authorship, originality, and the purpose of copyright itself. Current answers by the likes of the US Copyright Office may be clear-cut, but they may shape the future of intellectual property law in ways never envisoned before.



230

Parallel Session I
AI & IP

# Training AI on Copyrighted Materials

**Lital Helman**[1]
*Ministry of Justice, Israel*

This Talk aims to shed light on the most fundamental question in the intersection between machine learning (ML) and copyright law from the point of view of Israeli Law: whether ML enterprises can make unauthorized use of copyrighted materials to train Artificial Intelligence (AI) systems. ML is the process that enables computers to autonomously learn from past data. ML thus provides the foundations for AI systems. The intersection between ML and copyright bears crucial importance. ML is becoming increasingly central to the global economy and to Israel in particular, and Israel holds a leading position as a producer of AI systems. Lifting copyright uncertainties that surround this issue can spur innovation and maximize the competitiveness of Israeli-based enterprises in both ML and content creation.



218

Parallel Session I
AI & IP

# Gen Ai Training & Copyrighted Works - Market Trends

**Vered Horesh**[1], **Yair Adato**[1]
*Bria AI, Israel*

The focus of my presentation is multifaceted, addressing several key topics which all come together to form a comprehensive understanding of the legal implications of generative AI training. The presentation is designed for an audience of professionals working in law and technology fields who are navigating the challenges presented by AI`s rapid development and the subsequent legal issues that arise.

The first section of my presentation will involve a thorough review of industry practices relating to generative AI training. I will provide an overview of the current state of affairs, discussing the various methods and practices being employed by the industry. This will include a detailed discussion on the choices being made in training AI models, the kind of data being used, and the impact of these choices on legal issues surrounding intellectual property and privacy rights.

Following the industry review, the focus will shift to an in-depth legal analysis of the challenges presented by copyright law. Drawing upon the latest case law and expert opinions, I will explore the current legal landscape and its implications for training generative AI models. I will aim to provide a clear understanding of these challenges and the legal precedents shaping them.

The second section of my presentation will cover a review of market trends, business and technological models designed to address the legal hurdles in the field. By understanding these trends and predictions, attendees will gain insight into how the industry is evolving and adapting in response to legal pressures. This knowledge can provide invaluable guidance in formulating strategies and making informed decisions in the complex intersection of AI development and law.

The third and final section of my presentation will feature a discussion by Dr. Yair Adato on a patented proprietary mathematical model developed by Bria AI. This model is designed specifically to address the legal challenges surrounding generative AI training, providing a practical solution to the issues discussed throughout the presentation. Dr. Adato`s expertise and the unique insights provided by this proprietary model will bring a fresh perspective to the topic, fostering a deeper understanding of how technical innovations can provide practical solutions to legal challenges.

In this rapidly evolving field, the intersection of law and technology is becoming increasingly complex. My presentation aims to bridge this gap, providing both a detailed overview of the current landscape along with the tools and knowledge to proactively address these concerns.

168

Parallel Session I
Standard Essential Patents ("SEP") – Policy Considerations
"Quo Vadis FRAND - the End of the World We Know or the Dawn of a New Era?"

# Quo Vadis FRAND - the end of the world we know or the dawn of a new era?

**Nina Belbl**[1], **Matteo Sabattini**[2,3], **Tom Oliver**[4]
[1]*Patents and Treaties Law Section, WIPO, Switzerland*
[2]*IP Policy, Ericsson, Italy/USA*
[3]*Member of the Board, LESI, Italy/USA*
[4]*Powell Gilbert, United Kingdom*

Quo Vadis FRAND – the end of the world we know or the dawn of a new era? Update on Regulatory Proposals and Jurisprudence influencing the SEP ecosystem

In recent years and with the raise of the IoT and the practice of global FRAND rate setting by courts and Anti-suit-injunctions, several jusrisdisctions have considered policy or regulatory actions in the field of SEPs and FRAND. For example, Japan has updated its Guide to Licensing Negotiations involving Standard Essential Patents and its Manual "Hantei" (Advisory Opinion) for Essentiality Checks. The US Department of Justice, U.S. Patent and Trademark Office (USPTO) and the National Institute of Standards and Technology (NIST) withdraw the 2019 Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments in 2022. In addition, especially concerns over ASIs and global FRAND-rate setting by courts have led to have led to two draft bills: the Defending American Courts Act (DACA)[1]) and the Standard Essential Royalty Act (SERA). In February 2022, the EU filed a case against China's IP enforcement practice through anti-suit injunctions in the area of SEPs. On April 27, 2023, the European Commission published a proposal regulating the area of SEPs, which has been heavily criticized by some and understood as a step in the right direction by others. On a global level, WIPO Member States agreed to include SEPs in the framework of the Standing Committee on the Law of Patents (SCP), which may facilitate mutual understanding of issues met by many jurisdictions. Further, the MoU between USPTO and WIPO underlines enhanced efforts in alternative dispute resolution in the area of SEPs.

In the light of these developments the panel aims to discuss:

- Different views on the requirements of a FRAND license offer and the obligations of an implementer to be deemed a willing licensee according to different jurisdictions/case law;

- Potential benefits and challenges of any formally introduced regulatory initiative and their impact on the global standardization landscape;

- Potential benefits and challenges of alternative approaches such as global voluntary guidelines, alternative dispute resolution or the proposal of a "Reciprocal FRAND Agreement"[1] modeled on the decisions of the UK Courts

- Any potential influence of the UPC in the SEP field;

- Methodology and feasibility of the determination of an aggregate royalty rate and essentiality assessment as suggested in the proposal of the European Commission regulating the area of SEPs;

- Practical considerations from implementer and owner perspective in the context of the different regulatory proposals/alternative approaches;

- Potential challenges of SEP licensing in the IoT for new players such as SMEs and if and how regulatory proposals or guidelines will be able to address these challenges;

- Value of licensing and division of labor in the standardization ecosystem for consumers and other stakeholders

232

Parallel Session I
Standard Essential Patents ("SEP") – Policy Considerations
"Quo Vadis FRAND - the End of the World We Know or the Dawn of a New Era?"

IP policy implications in IoT licensing

**Matteo Sabattini**[1]
*Self, USA*

IP policy implications in IoT licensing



176

Parallel Session I
Raw Data Licensing

# Data supply chain kept simple: Anchors for navigating unchartered waters

**Annarita Nicoletto**[1]
*The Blue Brain Project, Epfl, Switzerland*

SCOPE
Data is essential to the modern economy, be it AI, IoT or Web3.0, yet much more attention is dedicated to the final product or service rather than to the raw material and its economy.

The goal of the workshop is to design together with participants practical tools for better understanding of data economy and for facing the challenges of this fast-evolving subject.

TOPICS AND DISCUSSION OBJECTIVES

1. DATA ECONOMY LAW KEPT SIMPLE: ANCHORS FOR NAVIGATING UNCHARTERED WATERS

The importance of data as commodity is rapidly growing, but numerous fundamental questions are still open.

The session aims to discuss:
- the current status of data economy (e.g., What is data? Can data enjoy IP protection? Which is the relationship with database protection? How to obtain guarantee of data quality),
- roles of players (e.g., data holder, data intermediary), and
- main types of transactions in the data market ecosystem.

DISCUSSION OBJECTIVES: Finding those (lowest) common denominators that can be used as anchors for best data licensing practice, contract drafting and enforcement.

2. DATA CHALLEGES: CHALLENGES AND LIMITATIONS OF DATA SHARING

Data fuel innovation, but how to get the data if the data owner has exclusive access and is unwilling to licence or sell?

The session's purpose is to stimulate a debate around two main issues of data economy:

a) How to best protect data while at the same time foster sharing among different economic entities (horizontal and vertical markets)

DISCUSSION OBJECTIVES: Opportunities risks and insights of open data policies vs. traditional proprietary approaches (e.g., trade secrets)

b) EU efforts to create a single European data space and a fair-play filed for data flow and data-driven innovation

DISCUSSION OBJECTIVES: Identifying strategies to foster data transactions and avoid lock-in effects: EU traditional approach to (competition law) vs. new regulations (Data Act, Data Governance Act, Digital Markets Act, AI Act)

FORMAT
· Topic presentation
· Case studies analysis and discussion: templates and worksheets will be used to actively engage participants



175

Parallel Session I
Raw Data Licensing

# How to get the data - Best practices for data Licensing

**Arved Waltemathe**[1], **Annarita Nicoletto**[2]
[1]*Waltemathe Anwaltskanzlei, Germany*
[2]*Swiss Federal Institute of Technology, Lausanne (EPFL), Switzerland*

## HOW TO GET THE DATA – BEST PRACTICES FOR DATA LICENSING

This session is to explain the concept of data licensing, its peculiarities compared to the traditional licensing methods and how to deal with issues.
1. The importance of data is skyrocketing: data fuel AI technology, enable product development and improvement as well as marketing. The volume of data explodes, above all, due to IoT and Web 3.0. And when it comes to competition amongst innovators, data are likely to make the difference, and key considerations in data licensing and sublicensing, data ownership, use and control of both original and derived data, data delivery, data confidentiality and security, data audits and controls, disclaimers, representations and warranties may arise.
2. Data licensing features a number of unique characteristics that pose some challenges: this part of the presentation aims at finding those (lowest) common denominators that can be used as anchors for best data licensing practice. These points should support contract drafting and enforcement as well as legal compliance. They include practical examples how to secure factual protection and ownership, how to effectively control the data, how to guarantee the quality of the data and how to avoid data privacy issues.
a. Is there such thing as data licensing at all? Data are non-rivalry, i.e. there are no absolute rights in data. In practical terms, many people can access it at the same time, and it can be consumed over and over again without impacting its quality or running the risk that supply will be depleted. Although under some jurisdictions data-base rights and/or copyrights may protect certain sets of data, there are no absolute rights in data in the sense of information as such. The often used term “ownership in data” is questionable and can lead not only to confusion but also to unwanted liability. Hence, it must be very carefully phrased what rights shall be granted.
b. As absolute protection is likely to lack, contractual regulations to avoid unauthorised circulation of data are key. In this context, amongst others, rules regarding trade secrets are of paramount importance.
c. Data might contain intellectual property rights protected for third parties. Contract clauses have to balance the risks for both parties.
d. Data might contain personal data. It has to be excluded that data protection laws are violated and that data subjects raise cease and desist claims or claims for material damages. This can be avoided, for instance, by the various methods of anonymisation. e. Data might be incorrect and/or infringe third parties’ rights other than IPRs or personal data. Hence, provisions for excluding inappropriate warranties and limitation of liability are essential. f. In addition, data are exposed to risks of cyber-attacks. Therefore, also specific duties for technical protective measures are relevant.
3. At a second stage, the session will address some means to obtain data even if the data holder might have


exclusive access or might be unwilling to provide the data. Access rights might be based, for example, on the following points, which will be briefly explained: - primary EU competition law (mainly essential facility doctrine) - sector specific regulations - EU Digital Markets Act (applicable as of 2 May 2023) - EU Open Data Directive (applicable since 17 July 2021) - EU Data Governance Act (applicable as of 24 Sept. 2023) - EU Data Act (expected to come into force by end of 2023; status of May 2023)
4. Finally, the session will present case studies on how to leverage open data: The presentation will briefly introduce the concept of Open Data and Open Data initiatives that can be found at different levels such as platforms of scientific institutions, policy-organisations, universities, commercial companies, industry associations. It will show the practical issues associated with the process of open data licensing, with the licence choice, and with the use of open data licensed by third parties.

138

Parallel Session I
Raw Data Licensing

# Raw Data (non-personal data) The EU approach to licensing of such data

**Christian Czychowski**[1,2]
*Nordemann, Germany*
*University of Potsdam, Germany*

Raw Data is much more than the catchword of "the oil of the 21st century": It is the basis of a data driven economy in many industries: Think about mobility solutions that direct city trams through traffic with cars, scooters and the like. Think about predictive maintenance of machines in remote areas of the world, think about IP enforcement assistance by 3D lenses that allow to control and direction of enforcement in a warehouse thousands of miles away from your IP department.

For all of that we need to understand what raw data (different from personal data which is subject to data protection laws) is and how we can conclude (license) contracts and what needs to be taken care of in such contracts. Licensing will play a major role in this new field of law. The Law of Raw Data will be a new field of law (see the AIPPI Handbook "The Law of Raw Data", co-edited by the Speaker, with an overview over legislation on raw data in more than 20 countries).

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We know for now that legislators have decided not to introduce a new IP right or other kind of property right for raw data – that is absolutely right from an economic perspective. But how shall we conclude contracts about data? What clauses do we need? What specific needs are there for such rather technical contracts?



213

Parallel Session II
Quantum Technologies

# Quantum computing inventions - the next IP frontier?

**Asa Kling**[1]
*Intellectual Property, Naschitz Brandes Amir & Co., Israel*

The mere discussion of quantum technology`s definition in itself presents terminology challenges both on basic physics theory as well as defining the field and playing ground. The great potential of the many applications quantum technology may have shows a plethora of spaces which would involve issues of practicality as well as policy.

Looking at the current patenting activity, as far as such can be identified to be in connection with quantum technology, can provide valuable insights to help asses the vectors to which this field may evolve to and the applicability of the technology, giving rise to policy making and governance of quantum technology innovation.

More so, such introspection can provide a window into best practices which may be employed to secure IPRs in this field of technology. For instance, different approaches may be warranted when patenting quantum technology hardware which involve cutting edge advancements in state of the art research of phenomena in the field of physics over other approaches to methods of using and employing such hardware to perform seemingly programmed operations.

Quantum computing systems and methods, not un-similarly to artificial intelligence technologies, present the patent system with challenges which warrant questions as to the suitability and applicability of the commonly used criteria of software implemented inventions to innovation in such field.

The planned presentation will provide a window to current patenting of quantum technologies and address some current lessons learnt as background for interim best practices on the ground. Accordingly, related policy issues will be also addressed.



164

Parallel Session II
Quantum Technologies

## Exploring the Frontier: Patenting in Quantum Technologies

**Guillaume Stern**[1]
*Head of Physics Practice, Reinhold Cohn Group, Israel*

Quantum technologies are revolutionizing various industries, offering unparalleled advancements in computing, communication, sensing, and cryptography. As this field rapidly evolves, intellectual property protection becomes crucial for fostering innovation, incentivizing research, and enabling commercialization. This session proposes an in-depth exploration of the challenges and opportunities surrounding patenting in the exciting realm of quantum technologies.

224

Parallel Session II
Quantum Technologies

# Quantum computing and beyond

**Abraham Gross**[1]
*Complex Systems, Weizmann, Israel*

Quantum computing is a hot topic now. It involves both startup, established companies and academy. A short presentation of the essence of QC. Followed by mapping the landscape. A discussion ofcthe challenges in patent applications in the field

245

Parallel Session II
Quantum Technologies

## Quantum Software and Algorithms

**Lior Gazit Even Hen**[1]
*Classiq, Israel*

The field of quantum computing has advanced rapidly in recent years, promising revolutionary breakthroughs in computation and problem-solving. At the heart of this progress lies quantum software, a critical enabler of quantum computers. I will address the challenges in developing quantum software and algorithms and present the Classiq approach to solve these challenges.



207

Parallel Session II
UP and UPC – 'First Impressions' and Looking to the Future

# UPC - First Experiences & Outlook

**Tilman Mueller-Stoy**[1], **Gertjan Kuipers**[2], Mattia dalla Costa[3]
[1]*bardehle Pagenberg, Germany*
[2]*Hogan Lovells, Holland*
[3]*CBA, Italy*

This session looks at first experiences at the UPC, the initial statistics, lessons learned and first case law which evolved. A panel of high profile European patent litigators from Germany, Holland and Italy will discuss key strategies realting to both litigation as well as prosecution with a focus on practical issues of opt-outs, hybrid filing and hybrid litigation strategies not only at the UPC but also at national courts. Licensing aspects will be discussed in addition.



165

Parallel Session II
UP and UPC – 'First Impressions' and Looking to the Future

UPC

**Gertjan Kuipers**[1]
*IPMT, Hogan Lovells, Netherlands*

At the time of the conference, the UPC will be up and running for 4 months and so first views and impressions will certainly be available. Following a presentation of those, it is then planned to have a panel discussion with representatives from industry to get their take on the UPC and whether anything (their view) has changed since the beginning of the UPC.

In the panel session we would focus on various aspects of the UPC/UP, including (i) litigation (many opt out in view of the possibility of losing all UPC designations in one go, but what about not being able to join back in after a national action is initiated; how solid is an opt-out (first experiences must be available)), (ii) portfolio management (should one go for UP, continue with EP (but loose option to opt out in a number of years) or perhaps take a national route to stay out of the UPC) and (iii) licensing (position of licensee, what have you done to your existing contracts / templates).



201

Parallel Session II
UP and UPC – 'First Impressions' and Looking to the Future

Tessa Malamud-Cohen[1], **Gertjan Kuipers**[2]
[1]*Legal Division, Ferring Pharmaceuticals, Israel*
[2]*Hogan Lovells, The Netherlands*



202

Parallel Session II
UP and UPC – 'First Impressions' and Looking to the Future

**Devora Nuriel**[1]
*Innovation, Innoviz, Israel*

239

Parallel Session II
UP and UPC – 'First Impressions' and Looking to the Future

# UP and UPC First Impressions and Looking to the Future

**Eric Whitaker**[1]
*10x Genomics, United States*

134

Parallel Session II
IP Valuation and Deal Financing Around the World

## The Role of IP in Financing of Enterprises

**Andre Gorius**[1]
*Winnotek, France*

In light of the growing significance of intellectual property and the challenges faced companies when raising capital, an increasing number of companies are turning to their IP portfolios as a means of generating funding. This is generally a challenge, because many potential lenders or investors do not fully comprehend the inherent value of IP. The panel will be dedicated to exploring these challenges through examples, and proposing ways to overcome them, seen from the angles of technology, IP management / valuation, and financial communities.

203

Parallel Session II
IP Valuation and Deal Financing Around the World

# The Role of IP in Financing of Enterprises

**Audrey Yap**[1]
*Yusarn Audrey LLC, Singapore*

It is key to strategize to leverage IP portfolios for cash flow and liquidity purposes. Listed as one of World's Leading IP strategists in London based IAM 300 consecutively from 2009, for 14 years running ,Audrey as a renowned professional in this field will share her insights from practical case examples from companies who have successfully done so . She will also touch on emerging trends in this area on capital raising and IP backed finance. Audrey is a Past President of LESI .

204

Parallel Session II
IP Valuation and Deal Financing Around the World

The Role of Ip in Financing of Enterprises

**Stefano Zambon**[1]
*Italian FOundation for Business Reporting (O.I.B.R.), Italy*

Stefano is a Professor of Corporate Reporting at the University of Ferrara (Italy) and Secretary General of the Italian Foundation for Business Reporting (O.I.B.R.).

Measurement, disclosure and accountability of intangibles are the basis for leveraging these resources for company management and financial purposes. The speech will address the novelties in the intangibles reporting, which descend from the new European Directive on mandatory "Corporate Sustainability Reporting" (CSRD). Also, the IASB has already announced a comprehensive revision of its accounting standard IAS 38 on Intangible Assets.

190

Parallel Session III
Alternative Foods

## Food tech: trends, challenges, opportunities

**Jose Miguel Lissen**[1]
*IP Department, Bird & Bird, Madrid, Spain*

Short presentation on the current environment of plant-based ingredients and the challenges to start-ups and investors as regards IP protection and commercialisation. Why is it worth it to invest in this sector and who should the commercial relationship with the potential partner (big food industries) be focused and managed.



206

Parallel Session III
Alternative Foods

# Driving environmental transformation through New Meat Innovation

**Daniel Dikovsky**[1]
*Redefine Meat Ltd., Israel*

Today's world is facing a major threat from the rapid population growth accompanied by irresponsible use of technology and the power that it gives the humanity. The climate change is already here, and it intensifies rapidly. The need for a change becomes more urgent with every day and requires fast end efficient action. On one hand the governments re-consider their directions and try influencing people's habits in order to align with the environment needs through legislation and education. Yet, on the other hand we cannot rely on this completely and must harness the technology for inducing a faster transformation. This is being done through identifying the major contributors to the climate change and looking for technological solutions that have the potential to drive a substantial change. It's been a while since the meat farming industry was identified as a primary source of pollution, greenhouse gas emissions, and consumption of natural resources. It is expected that reducing livestock meat consumption can strongly benefit the environment in so many aspects. However, there's a huge delay between this insight and the crowd's reaction with the market trends forecast further increase in meat consumption. That's why we decided to put our effort in a technological solution that makes it possible to create meat from plants without the animal and take it to the level that allows meat eaters to choose the animal-free option without any compromise. The way towards this solution goes through a massive multi-disciplinary innovation, involving the worlds of food, chemistry, materials, mechanical engineering, meat science and data science. Along this way, we must find ways to protect this innovation, considering the start-up nature of the companies driving this change and the competing interests of the animal farming giants. In this talk I will talk about Redefine Meat's journey towards the prefect animal-free steak, the technology behind it, the discovery and innovation along the way and the challenges still ahead.

139

Parallel Session III
Alternative Foods

# IP Challenges in Alternative Protein

**Eran Noah**[1]
*IP, Remilk, Israel*

The fast-growing field of "Alternative Proteins" generally relates to new methods, ingredients, and recipes, all geared in unison towards replicating known animal-based foods using non-animal components. The "alternative" is provided by using different, non-animal sources to obtain the original animal ingredients, such as milk proteins; by using different ingredients in order to replace the original animal ingredients; or by a combination of both. Thus, new processes are continuously developed and improved to obtain new ingredients, new recipes are continuously developed and improved to obtain new foods, similar as possible to their animal-based counterparts, but materially differing in composition, and new ways are required to define these new foods so produced.

Since being appointed as Remilk' Director of Intellectual Property, I have identified worrying knowledge-gaps in the industry between alternative-protein scientists, IP professionals, and Patent examiners, which may jeopardize alternative-protein IP portfolios. In my talk I address some of these gaps, and suggest ways to minimize their risks.

This session will explore:

1. Genetically-Modified-Organisms (GMOs) – New "Composition-of-matter"
2. Product composition vs. Product formulation – Eggs as Proof-Of-Concept
3. Innovative Product vs. Traditional Product – Organoleptic & Rheologic, Characterization & Comparison

Why attend?

This session will better equip you to work with clients from the Alternative Proteins" industry.



143

Parallel Session III
Arbitration in IP Disputes

# IP Arbitration

**Eyal Bressler**[1], **Reinhard Oertli**[2], **Ronen Setty**[3], **Julian Lew**[4]
[1]*Dr Eyal Bressler & Co., Israel*
[2]*MLL Meyerlustenberger Lachenal Froriep Ltd, Switzerland*
[3]*Ronen Setty Law office, Arbitration & A.D.R, Israel*
[4]*Queen Mary University of London, UK, IL*

## IP ARBITRATION

Arbitration it is an efficient (& cost effective-) procedure for settling a dispute. It is especially suitable when either territorial and international commercial disputes are technical, comprises sensitive knowhow and confidential. Those disputes are moderated by specialized arbitrators over a large number of jurisdictions with simpler means of enforcement. There are a few international arbitration courts, such as the ICC, dealing with about a thousand disputes every year from about hundred different jurisdictions, of which more than a half are of north western European countries; the American arbitration association; the WIPO arbitration court, etc.

IP-related disputes of various categories are commonly arbitrated, where licenses and franchise agreements such as IP-use licenses, IP transfer, and R&D agreements are about 40% of all cases; knowhow and technology-based mal-uses are 25%; trademarks, 5%; patents,10%; designs 10%; and copyrights, 5%.

The session wills with latest trends in Israeli and European IP arbitration, including arbitrability and enforceability; integration of alternative dispute resolution (ADR) in state court proceedings. The role of IP dispute resolution by unified patent court (UPC, comprising e.g., a court of first instance, a court of appeal and a registry) and patent arbitration and mediation center (PAMC) will both be discussed. The increasing role of ADR in the context of licensing of standard-essential patents (SEPs, e.g., IEEE-mediated arbitration) on fair, and reasonable and non-discriminatory (FRAND) term will further be reviewed.

The session is led by Dr Eyal Bressler, chair of AIPPI standing committee of development and IP. Dr Adv. Reinhard Oertli (Switzerland) will open with UPC arbitration of IP disputed; Adv. Ronen Setty, Member of both JAC and ICC World Commission will elaborate in Thinking out of the box in solving commercial disputes, and tentatively, Professor Julian Lew, Professor of International Arbitration Law and Head of the School of International Arbitration will present his lecture National court involvement in international arbitration is a fact of life as prevalent as the weather. Q&A panel will conclude the session.

136

Parallel Session III
Academia – Industry Relationships

## IP Models for Different Collaboration Opportunities in the R&D Lifecycle

**Aybuke Semerci**[1]
*Intellectual Property and Business Intelligence, Imec, Belgium*

In the early state technology development, non-binding, open innovation models shall be preferred to be able to collaborate freely and use the collaboration result for further development.

More matured technologies can be specified for the needs of the industry or the spin-offs with giving opportunity to get advantange in the market.

Correct IP models can help successful market creations and continuation of the R&D lifecycle.



200

Parallel Session III
Academia – Industry Relationships

# Spin-Off Strategies for Academic Spin-Offs from the perspective of Investors

**Frederique Joos**[1]
*Cambrian, Belgium*

As the 21st century progresses, academic spin-offs are increasingly playing a pivotal role in the world`s innovative ecosystem. Our presentation, "Licensing and Spin-Off Strategies for Academic Spin-Offs: from the perspective of investors and acquirers" will offer a critical exploration of the importance of robust licensing and spin-off terms for these entities, emphasizing the viability of the licensing terms in future funding rounds and / or exit scenario's.

Drawing from our expansive experience in advising investors in academic spin-offs and academia, we will delve into the nuances of these legal mechanisms, with a particular focus on the viability of licensing and assignment structures in future funding rounds. We`ll provide an in-depth analysis of licensing terms, presenting real-life case studies that highlight the significance of effective licensing arrangements. We`ll explore how spin-off terms can be meticulously structured to enable the smooth transition from academia to the market, as well as addressing the balance of interests among researchers, institutions, and investors.

This presentation will offer valuable insights into the complex legal issues surrounding academic spin-offs, as well as the necessity for comprehensive licensing and spin-off terms. Moreover, we`ll underline how a proactive approach to these issues can foster a more conducive environment for innovation and commercialization.

Our presentation / discussion will encompass not only the challenges but also the opportunities and potential solutions, such as the role of hybrid licensing models or flexible spin-off terms that can accommodate the unique dynamics of academic spin-offs.

In conclusion, our presentation aims to prepare licensing professionals for the evolving legal landscapes surrounding academic spin-offs, emphasizing the crucial role of robust licensing and spin-off terms. Not only do these terms need to foster innovation and mitigate risks, but they also must be built to withstand the scrutiny of future investors, which can be a critical factor for the success of academic spin-offs.

This presentation will serve as a conduit for bridging the understanding gap between academia and investors. We aim to provide clarity on how a well-crafted agreement can create a win-win scenario for all involved parties – protecting the rights of researchers and institutions while providing a secure, legally robust proposition for potential investors.

We look forward to the opportunity to share our insights and experiences at the LES Pan-European Conference, believing that our contribution can substantially enhance our collective understanding and management of the legal aspects of academic spin-offs.

240

Parallel Session I
IP policy considerations in biopharmaceuticals – from Macro to Micro

Policy challenges into IP and Biopharma

**Meir Pugatch**[1]
*University of Haifa/Maastricht University, Israel*

247

Parallel Session I
IP policy considerations in biopharmaceuticals – from Macro to Micro

# IP policy considerations in biopharmaceuticals

**Guy Gorecki**[1]
*Policy & Public Affairs, Pfizer, Israel*

Discuss IP policy considerations from the innovative pharma industry perpsective. Protecting innovation is key.



144

Parallel Session I
Standard Essential Patents (“SEP”) – Enforcement Considerations
“Enforcement of Standard Essential Patents (SEPs): Current Status and New Battlefields”

# SEP/FRAND Handling in the EU- Proposal of European Commission of April 27, 2023

**Heinz Goddar**[1], **Melanie Mueller**[1]
*Boehmert & Boehmert, Germany*

On April 27, 2023, The European Commission (with DG Grow) has presented a "Proposal for a Regulation of the European Parliament and of the Council of Standard Essential Patents and amending REgulation (EU)" to the public for consultation.

The essential elements of the proposals are that a Holder of an SEP in the European Union (EU) can only enforce the SEP in court after having submitted the SEP for essentiality check and FRAND rate proposal to EUIPO. Furthermore, EUIPO will establish a register for SEPs identifying those standards for which an SEP has been declared as being essential and also showing whether EUIPO procedure mentioned above has already been passed.



155

Parallel Session I
Standard Essential Patents ("SEP") – Enforcement Considerations
"Enforcement of Standard Essential Patents (SEPs): Current Status and New Battlefields"

# Enforcement of SEPs in Europe: Current Status and New Battlefields

**Lars Baum**[1], **Martin Koehler**[1]
*Hoyng Rokh Monegier, Germany*

## A. Status and Recent European Case-Law

### I. Starting Point

The presentation will deal with recent topics and developments in European case-law on SEP enforcement and different FRAND approaches (e.g. German Federal Supreme Court – Sisvel v. Haier (2020); District Court of The Hague – Nokia v. OPPO (2023); UK High Court of Justice – Interdigital v. Lenovo (2023) and TCL v. Philips (2020); Paris Court of Appeal – IPCom v. Lenovo (2020)).

### II. SEP Holder's Obligations and Chances

Recent case-law e.g. dealt with the behavior of both parties (e.g. German Federal Supreme Court – Sisvel v. Haier (2020); Dutch Court of Appeal and Supreme Court – Philips v. Wiko (2019; 2022)) as well as the different courts' requirements for a sufficient infringement notice.

Further, the importance of parallel FRAND determination proceedings is on a rise. Accordingly, a number of (A)ASIs was granted (e.g. HRC Düsseldorf – HEVC v. Xiaomi (2022); UK High Court and High Court of Paris – IPCom v. Lenovo (2019)).

### III. Implementer's Obligations and Defenses

For FRAND, the German and Dutch courts focus on both parties' behavior regarding willingness. In contrast, the UK courts, by determining the terms of a worldwide FRAND license, offer the possibility to "whitewash" previous behavioral missteps (e.g. UK Supreme Court – Unwired Planet v. Huawei (2020)). In essence, the UK courts rather focus "on the numbers", while the continental European courts rather judge the parties' behavior, leading to increased "forum shopping".

This also raises the question whether the parties' willingness can be assessed without a detailed analysis of the economic parameters. Nevertheless, all courts have adopted the continuing practice to have the patentee provide "relevant" license agreements – whereas the definition of "relevance" and the rules for confidentiality differ, as case-law shows.

## B. New Battlefields for SEP litigation: Opportunities and Pitfalls

The following two (sub-)topics would be particularly well suited for a panel session and/or roundtable discussion, also opening the discussion to attendee participation.

### I. EU Regulation Proposal on SEPs

In April, the EU Commission published its proposal for a Regulation on SEPs (COM(2023)232) that has already sparked lively discussions in the IP community. Among IP professionals, some key topics discussed are:

- the role of the EUIPO ("competence center") as responsible authority, including the qualification of the new evaluators and conciliators;
- the practical application and quality of the registration system and essentiality checks;
- the challenges and acceptance by market participants of the determination process;
- the procedure of amicable FRAND settlement procedures;
- the up- and downsides of an SEP register (transparency vs. trade secrets);
- strategies for patentees and implementers to take advantage of the system; etc.

Furthermore, various legal questions are open:

- Legal benchmark: FRAND defense based on abuse of market dominance (Art. 102 TFEU) or (pre-)contractual approach?

- FRAND procedure determined by ECJ – Huawei v. ZTE?

- Applicability on already existing and future standards?

- Relationship between infringement action and amicable settlement procedure?

- Effects on infringement proceedings:
o Obligation to register SEP before filing infringement action?
o No claim for royalties or damages before registration or mere postponement of due date?

- Justifiable impact on property and judicial rights?

- Right to sue (legal effect of SEP declaration on legal successor)?

Overall, the Regulation provides for challenges and opportunities while still leaving some practical and legal key questions open for which we would like to present substantiated answers and discuss different approaches.

**II. Enforcement of SEPs at the UPC**

There is a high uncertainty how the enforcement of SEPs will be handled at the UPC. Even courts of the same jurisdiction tend to apply the FRAND rules differently ("local flavor"). Adding to this that the UPC will operate within an entirely new system, with new rules, and the possibility of a pan-European injunction, patent litigation will face unprecedented risks, but also opportunities.
Some fundamental questions are:

- Availability of FRAND defense (Art. 32 (1)(a) UPC Agreement)?

- What will the legal basis and standards be? Art. 24 (1)(a) UPC Agreement allows for the application of Art. 102 TFEU (competition law approach), while Art. 24 (1)(e) UPC Agreement refers to national law ((pre-)contractual approach). For the latter, which national law would be applicable (Art. 12 Rome II Regulation)?

- Since Brexit, the general expectation seems to be that the enforcement of SEPs will be approached in a "continental European style", focusing on the parties' behavior, not "on the numbers". But a new mixed approach is also conceivable.

- With a broader geographic scope, to what extent will the UPC allow for discretion before granting an injunction (Art. 62 (2) UPC Agreement)?

- What role will experts play, e.g. for economic issues at dispute (offer, counteroffer, license agreements, market analyses).

- Will comparable license agreements play a central role? And to what extent? Art. 58-59 UPC Agreement and Rules, 190, 262A Rules of Procedure also provide for the protection of confidential information (material and personal scope?).

- How will parallel national proceedings (of non-member states or in case of a “carve-out”) be handled? Will (A)ASIs be possible?

- Will proceedings in which the FRAND defense is raised adhere to the envisaged short time schedule of UPC proceedings?



195

Parallel Session I
Standard Essential Patents ("SEP") – Enforcement Considerations
"Enforcement of Standard Essential Patents (SEPs): Current Status and New Battlefields"

**James Tumbridge**[1]
*Venner Shipley, UK*



234

Parallel Session I
Standard Essential Patents ("SEP") – Enforcement Considerations
"Enforcement of Standard Essential Patents (SEPs): Current Status and New Battlefields"

# SEP Enforcement - International Strategies

**Tom Oliver**[1]
*Powell Gilbert, Europe*

sEP enforcement panel focussing on international litigation strategies



210

Parallel Session I
Large R&D Public Funding Programs from EU and Abroad

# Large R&D Public Funding Programs from EU and Abroad

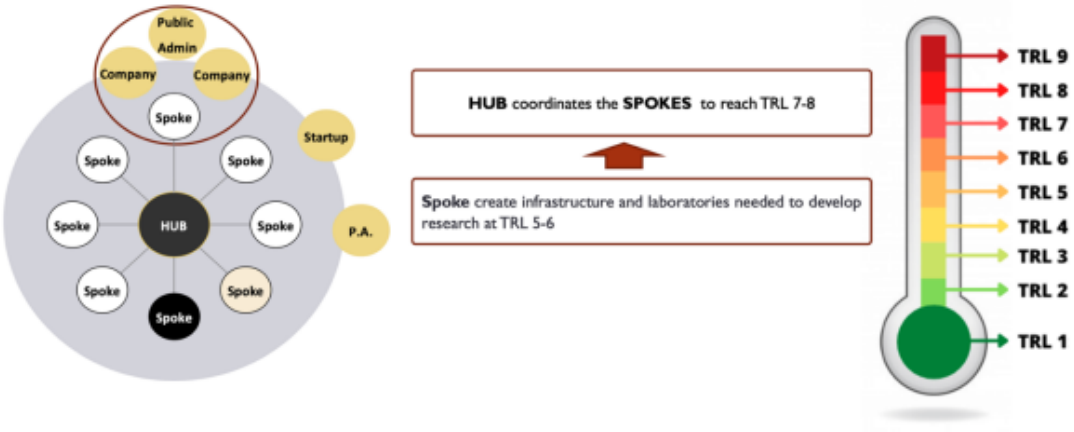
**Giacomo Garbagnati**[1]
*SLG - Studio Legale Garbagnati, Italy*

This is a proposal supported by the LESI Technology Transfer Committee.

The aim of the panel is present the Italian experience, the success, and failures of the EU funding program "Next-Generation EU" (€ 806.9 billion program) and how these funds have been invested, with the aim of comparing with other European Jurisdictions, also non-EU countries.

In order to provide a support for the post-pandemic economic Crisis, the EU issued one of the firstever economic support to the Members, by issuing a public-dept instrument, named “Next Generation EU”. Next Generation EU is a € 806.9 billion investment plan, pursuant to which Italy received the largest amount of € 191.6 billion. Among these sums, more than € 6.9 billion have been planned to be invested in R&D and innovation (Strengthening research facilities and creating R&D "national champions" on some key enabling technologies; Creating and strengthening "innovation ecosystems," building "territorial R&D leaders; Partnerships extended to universities, research centers, companies and basic research project funding; Fund for the National Research Program and Research Projects of Significant National Interest; Funding for projects submitted by young researchers), in Italy only.
The aim of the panel is present the Italian experience, the success, and failures of the funding program and how these funds have been invested, with the aim of comparing with other European Jurisdictions. The panelists will be four people, who are still under definition and will be selected among subjects from: - Non-EU European jurisdictions - EU jurisdiction - Israeli Jurisdiction - Asian Jurisdictions Currently, contacts have been established with subjects from Israel, Thailand and Austria. Ms. Karin Hoffman, current LESI Board Member confirmed her interest, waiting for administrative confirm. If she will take part in the Conference, she will be part of the panel. Beside the amounts invested, the Panel will also focus on the success of said programs, the organizational models, and the legal framework. Under an organizational perspective, this is an example from the Italian experience, where Public and Private subjects cooperate in a specific field. It could be very generic, such as “aerospace”. A central HUB, receiving large amount of funds (€ 50-200 millions) coordinates the activities. HUB may be composed by various Spokes, which specific

competences and fields. Each Spoke composed by members of the HUB and externals.




Under a regulatory perspective, the Public-Private Partnerships could be strongly conditioned by the public policy makers. An example are the “Open Science” and “FAIR Data” principles, issued by the EU Commission, which have to be necessarily included in all the projects. Of course, the members are free to the regulate among themselves the Intellectual Property policies of said projects. Therefore, beside the EU principles, the members of such projects should also take in consideration other aspects such as the following.

| Background | Ownership of the Results | Confidentiality | Warranties and liability |
|---|---|---|---|
| • "DESCA" format<br>• Access to background<br>• Limitations to access (annex) | • Non-patentable results<br>• Patenting strategy<br>• Patent costs<br>• Access rights | • Trade Secret<br>• "Open science" and "FAIR Data" principles | • Conflict of interests (public/private)<br>• merchantability liability<br>• III party IP rights |

Based on the above presentation, the aim of the panel discussion will be: - to compare how governments from different jurisdictions invest public funds in R&D projects - the regulatory framework behind said projects - stimulate an engagement with the attendees and discuss their opinions.

226

Parallel Session I
Large R&D Public Funding Programs from EU and Abroad

## The Israeli High Tech Industry and the Support Provided by Innovation Authority

**Zafrir Neuman**[1]
*The Innovation Authority,* ישראל

The israeli high tech industry and the ways the Israeli Innovation Authority support it



242

Parallel Session I
Large R&D Public Funding Programs from EU and Abroad

## University Perspective on "Quantum Austria" and other R&D Funding Programs

**Karin Hofmann**[1]
*TU Wien, Austria*



248

Parallel Session I
Large R&D Public Funding Programs from EU and Abroad

## WIPOs Pandemic Recovery Related Services and Support

**Mattias Dinnetz, LLM PhD**[1]
*WIPO, Geneva*

The talk revolves around WIPO's pandemic recovery program and explains its composition and peculiarities. There will also be a description of selected WIPO skills and capacity building materials and activities in support of life sciences innovation.

241

Plenary Session - Inventing Machines?

# Recent rulings in Israel pertaining to IP and IP related Matters

**Ofir Alon**[1]
*Private Practice, Israel*

In the persentation I will review some of the recent ILPO rulings and Israeli Court Decisions in the field of Intellectual Property

227

Keynote Lecture

## From Academic Innovation into Products: Multi-Hat Personal Experience

**Ehud Gazit**[1]
*Tel Aviv University, Israel*

I will share my personal experience as a researcher, inventor, entrepreneur, licensor, university executive, and governmental official.

187

Parallel Session II
Digital Health

## Israeli HMOs & Hi-Tech: Thriving in Health Care Bigdata

**Eran Bareket**[1]
*Gilat, Bareket & Co., Israel*

The digital health industry is a new and growing industry worldwide, and especially in Israel, which has a unique ecosystem that puts Israel at a particularly good vantage point.



205

Parallel Session II
Digital Health

# Secondary Use of Health Data Without Consent

**Ronya Rubinstein**[1], Maya Meraz[2]
[1]*school of public health, Nicoya and University of Haifa, Israel*
[2]*School of Public health, University of Haifa, Israel*

the presentation will describe a study on the attitudes of the Israeli public on using health data for research purposes witout consent and its implications for trust not just in the health system, but also in commercial companies and their ability to develop and implement digital products based on health data.

Use of health information for research purposes (secondary use) is acknowledged as being of high importance for improving public health, developing new medical technologies and for supporting the "digital health" industry.

Requiring that informed consent be obtained from each patient prior to the secondary use of one`s medical data may nullify the possibility of enjoying the potential benefits inherent to such use – first and foremost broad inclusion, leading to generalizable results. The importance of research inclusion has been recognized by both the WHO and the FDA, leading to the need to develop mechanisms for secondary use of medical information for research purposes, without prior consent.
Acknowledging the unique attributes of its unified medical records system, the State of Israel is a pioneer in embracing a regulatory system that allows access to medical data and has adopted, in 2018, an opt-out policy to secondary use. Opt-out assumes that, subject to privacy and confidentiality assurances, most agree to secondary use of their data, and those who object should actively announce their opposition which will be honored
This model raises several questions, the key one: Is the assumption, that the public agrees to wide secondary use of medical information, correct; and the impact of this assumption on technology companies.
Technology companies rely on secondary use of medical data on developing, licensing and implementing digital products based on analysis of medical data. Trust and consent, or alternatives to consent, for curating medical data, are paramount.
In our talk we will outline research we conducted in the years 2020-2021, in which 388 participants from the Israeli public were asked to fill out a quantitative questionnaire, regarding their attitudes and knowledge about secondary use of medical data.
Our research demonstrates a vast lack of knowledge as to secondary use of medical data, and more importantly – an abdication of the assumption that the Israeli public principally supports such a use.
According to our research, the existence of a worthy public interest alone is not perceived as sufficient justification for consent waiver. In addition, we saw a reluctance towards the use of medical data by commercial companies. However, robust transparency mechanisms which afford the public with context and the ability to monitor and audit secondary use of information, along with strong privacy assurances, may act as a proxy to actual consent. These findings also shed a light on maintaining trust when broad consent, or other consent formats are obtained; The interest in extensive secondary use of medical data calls for establishing new mechanisms to replace the specific patient consent; or even to augment it, and we suggest an alternative legal framework, based on radical transparency.



212

Parallel Session II
Digital Health

# Medical Data for AI-based Solutions

**Shelly Yehezkely**[1]
*Viz.ai, Israel*

Access to large-scale, geographically-distributed, and diverse patient data plays a pivotal role in the efficacy of Artificial Intelligence (AI) solutions within the healthcare domain. This abstract highlights the importance of a continuous lifecycle process for Medical AI products, encompassing data collection, annotation, algorithm development and testing, deployment, post-market surveillance, and continuous improvement. The seamless execution of these steps, in adherence to regulatory requirements, necessitates comprehensive access to patient data encompassing clinical, technical, and demographic variations. By developing a system/process for gathering and incorporating large data sets of diverse populations of people, we create products that are able to detect disease in all patients and help address inequities in healthcare.

The acquisition of such data is hindered by stringent privacy regulations,like HIPAA and GDPR, and requires extensive collaboration with healthcare providers globally, rendering it a complex endeavor. To surmount this challenge, Viz.ai devised a robust data infrastructure that ensures security, alongside innovative training methodologies that facilitate algorithm training in multiple development systems, at times obviating the need to transport data outside the hospital premises. Additionally, active partnerships have been fostered to gain access to diverse and representative datasets, incorporating appropriate data sharing agreements. Our cloud-based product streamlines the data access process, enabling efficient acquisition of new datasets.

219

Parallel Session II
Digital Health

# A double-edged sword of genetic data sharing and medical research implications

**Inna Rosenblat**[1]
*Strategic Solutions, IQVIA, Israel*

The sharing of genomic data holds great promise for advancing medical research, providing personalized treatments and other types of interventions. However, there are privacy concerns, as data misuse may lead to infringement of privacy for individuals and their blood relatives. As genomic data are rapidly growing and some of these data are being made available to researchers, it is imperative to understand the current genome privacy landscape and to identify the challenges in developing effective privacy-protecting solutions alongside with allowing future research and advancing genomic data sharing.



199

Parallel Session II
New Bills, Laws and Regulations

# Proposal for the Revision of the Israel Patent Law

**Jacqueline Bracha**[1], **Ofir Alon**[1]
*Israel Patent Office, Israel*

General:

In the last two years the Israel Patent Office and the Ministry of Justice have been preparing a bill for the revision of the Patent Law. Some of the main issues that were discussed are listed below:

I. Grace Period for Patents.
II. Examination by request and accelerated examination.
III. Secret Prior Art.
IV. Divisional applications.
V. PTE for biological drugs.

We believe the discussion of different aspects of these topics and the considerations and reasoning of the proposal will be of interest to both Israeli and foreign IP practitioners.

231

Parallel Session II
New Bills, Laws and Regulations

# Survey of current Israel IP Law Policy Formation and Legislation Initiatives

**Howard Poliner**[1]
*Ministry of Justice, Israel*

Behind the scenes in Israel IPR policy development and current legislative and soft law initiatives, including the impact of IPR chapters in Free Trade Agreements on Israeli law.

145

Parallel Session II
New Bills, Laws and Regulations

## Status of Implementation of 2nd Patent Modernization Law in Germany

**Melanie Mueller**[1]
*Boehmert & Boehmert, Germany*

In the first instance patent litigation courts, the implementation of the 2nd Patent Modernization Law has started, particularly with regard to applying proportionality clause re injunctive relief. Still to be cleared, however, is, how, possibly by a 3rd Patent Modernization Law, "Third Parties Interest"can be formulated to clearly cover also "public interest". Furthermore, whether invalidation action against a patent in litigation should be attackable by invalidation request even during pending opposition possibility or procedures (presently not possible in Germany).

152

Parallel Session II
New Bills, Laws and Regulations

# Recent amendments and trends in the Russian IP laws and practice

**Sergey Vasiliev**[1,2]
*Legal, Gorodissky&Partners, RU*
*Les Russia, RU*

There was a number of publications in foreign mass media and professional IP resources pertaining to new IP laws and court practices adopted in Russia in terms of current political and economic environment. Unfortunately, some of the content was a personal interpretation while in fact the actual amendments to laws and practice were not the same as delivered in publications.

The speaker will comment on the following matters:

(1) Local (RU) IP laws/practices and international IP regulations (basic IP treaties): local laws and practices are mostly based on the international treaties and universally recognized principles of the IP law; there is no specific local rules, which may somehow affect IP rights or contradict to the international IP practice;

(2) There are no specific restrictions recently adopted for non-resident companies in terms of IP rights: the rights of the non-resident companies regardless the origin keep being under the same scope of protection/enforcement as before (Peppa Pig and other similar court cases to be introduced by the speaker);

(3) Grant of compulsory licenses, terms and conditions for that grant: a compulsory license was granted for use of the US patent for production of Remdesivir to treat COVID-19;

(4) New regulations related to transfer of royalties for use of the IPs: the special procedure of collecting and transferring royalties for use of the IPs hold by certain foreign companies was adopted in 2022 (Decree # 322).

(5) Regulation on parallel imports: in 2022 the Ministry of Trade has adopted the list of certain goods allowed for “parallel import” (import of original goods without the consent of the right holder).

(6) Bad faith trademarks filing: a number TM applications similar to well-known trademarks owned by foreign companies, which left the RU market, has been filed with RU PTO. Despite the current political and economic climate, RU PTO keeps examining and rejecting those unfair trademark applications on the basis of similarity, misleading and bad faith.

The goal of the presentation (workshop/roundtable) is to openly analyze and discuss the recent amendments, new laws and practices developed/applied in Russia for a recent few years. The speakers will discuss the new regulations and trends in the IP and related fields. The takeaways would be the practical knowledge about the key changes in IP law and practices taking place in terms of current geopolitical situation. The attendees will

see that no substantial changes in the IP regulations has been occurred and non-resident companies (regardless the country of origin) may continue getting protection and effectively enforce IP rights in Russia.

193

Parallel Session II
Technology Transfer

# Navigating Challenges in Academic Tech Transfer: Insights from Emerging Technolo

**Eli Greenbaum**[1], **Aaron Jaffe**[2]
[1]*Arnon, Tadmor-Levy, Israel*
[2]*Yes Weizmann Institute, Israel*

In today`s rapidly evolving technological landscape, academic institutions can be catalysts for innovation and knowledge creation. However, the cutting-edge technologies emerging from academic innovation often present commercialization challenges –in terms of the structuring of licensing contracts, public policy restrictions, and identification of suitable models for commercialization and valuation. This presentation aims to explore such challenges in two specific technological areas – research tools and artificial intelligence (AI) models – and in the more general legal context of open source software.

The licensing of biotechnology research tools and AI technology poses similar obstacles. Such challenges can include balancing the licensee`s desire for exclusivity in a particular market or application area with the licensor`s goal of maximizing technology impact and access to other potential licensees in view of the broad range of the technology’s utility. In addition, both of these technologies can present challenges in determining royalty structures, due to ‘patent misuse’ restrictions and licensee reluctance to `taint’ future developments. Lastly, academic researchers are incentivized to make software code publicly available in these two technological areas under open licensing terms within the context of scientific publications. How do such terms affect the subsequent commercialization, valuation and licensing of university inventions in these areas?

The presentation will make use of real-world examples and case studies to illustrate the challenges and strategies in academic technology transfer in these fields.



208

Parallel Session II
Technology Transfer

# Navigating Challenges in Academic Tech Transfer: Insights from Emerging Technolo

**Aaron Jaffe**[1]
*Weizmann Institute of Science, Yeda R&D, Israel*

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Panelists:
Aaron Jaffe, General Counsel, Yeda Research and Development Co., Weizmann Institute
Eli Greenbaum, Partner, Arnon, Tadmor-Levy
Dr. Liora Bogin, Chief Intellectual Property Officer, Yeda Research and Development Co., Weizmann Institute



220

Parallel Session II
Technology Transfer

# Navigating Challenges in Academic Tech Transfer: Insights from Emerging Technolo

**Liora Bogin**[1]
*Weizmann Institute, Yeda R&D, Israel*

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221

Parallel Session II
Technology Transfer

# Navigating Challenges in Academic Tech Transfer: Insights from Emerging Technolo

**Sharon Hausdorff**[1]
*Legal, Teva, Israel*

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216

Parallel Session III
IP and Management in Small-Medium Enterprises (“SME”)

Legal/IP as Collaboration Facilitators in Industry 4.0 Projects

**עינב זילבר**[1]
*עינב זילבר עריכת דין ופטנטים, Israel*

Under Industry 4.0, the nature of collaboration is changing. Thus, modified work processes are required. The role of legal and IP counsel is changing too. The legal and IP counsel can serve as a change agent and facilitate collaboration. The above will be illustrated with respect to EU funding programs and academy-industry collaborations.



191

Parallel Session III
IP and Management in Small-Medium Enterprises (“SME”)

# Estimated effects of UP and UPC in patent commercialization - SME/mid-size views

**Mika Pinolehto**[1], Suvi Julin[2]
[1]*IP&Consulting/Brokerage, Berggren Oy, Finland*
[2]*Legal, Berggren Oy, Finland*

UP and UPC have been generally discussed from various views relating to patent prosecution and litigation. Impacts of UP and UPC in patent and technology commercialization, and especially monetization, have been less in focus of discussions. This presentation aims to focus on commercialization aspects of patents in Europe and opportunities offered by UP and UPC especially for smaller and midsized companies from the monetization point of view. We will discuss about traditional patent commercialization projects and their different aspects and challenges from European point of view and highlight impacts of UP and UPC to carrying out such projects and opportunities that are potentially available.

In a typical patent commercialization project, the first phase can be patent analysis including analysis of claim(s) scope, prosecution status, geographical coverage and potential market information collection. The second phase typically is an infringement analysis including analysis of claims and claim features against collected product and technology information and collection of potential (more deeper) market information. In the third phase analysis of potential buyers or licensees is conducted, contacts with target companies are established and negotiations are started. The third phase often includes identifying and analyzing potential target companies, and estimation of their willingness to acquire the patent families or taking a license. During the third phase also marketing materials are composed and initial valuation for the basis for negotiations is prepared.

UP and UPC will have an impact for all the phases of patent commercialization projects. We aim to discuss in detail about estimated effects to different phases and factors like geographical coverage, potential size and value of relevant market, estimated value of potential infringement that new larger geographical coverage area and centralized litigation opportunities enable for patent owners or litigating parties including also co-operation with litigation partners. This may create significant opportunities especially for smaller and mid-sized companies that have traditionally suffered from high litigation costs of traditional national litigation proceedings in possibly several countries. National litigation proceedings may also have produced conflicting decisions in different countries. These factors may have been show stoppers for many small and mid-sized companies in patent monetization projects, especially in licensing.

As the geographical coverage, the potential size and value of relevant market and the estimated value of potential infringement seem to suggest increased value for European Patents after UP and UPC come into operation, the potential market for selling and licensing patents (and technology) in Europe may get a positive boost. For example, NPEs may see the patents that had earlier too low value for successful licensing and litigation business case more interesting now and by that way also many small and mid-sized company owned patent portfolios may turn out to be more interesting and valuable for their owners. The actual effects of UP and UPC are still unknown and it will take years to see all the effects in real. It will be interesting to see if Europe is capable to compete with USA equally with patent monetization and commercialization due to new practices and the new system available. At least the set up seems now more interesting than earlier

especially for small and mid-sized patent owners. Active discussion also in the professional circles and forums like LESI is needed from the beginning to follow-up the development.

157

Parallel Session III
Trade Secrets Panel for external and in-house professionals

# Strategic Management and Enforcement of Patents and Trade Secrets in Future Tech

**Lior Glassman**[1]
*Legal Department, Reinhold Cohn Group, Israel*

The panel presentation will provide an in-depth analysis of the strategic, legal and practical considerations surrounding the protection and enforcement of trade secrets.

The panel will discuss the scope of trade secrets, the border between patent and trade secret protection, advantages and disadvantages of choosing between patent and trade secret protection, and examples of products that include both of these IPRs.

The panel will discuss recent developments in trade secret law - How do courts consider cases of trade secret misappropriation, when and what kind of evidence relating to trade secrets may be seized (referring to a recent Anton Piller order against employee's personal email issued by Israeli labor court).

The panel will cover the best practices for companies to protect their trade secrets, including approaches suitable for multidisciplinary companies, and consider the role of trade secrets in IP licensing.

174

Parallel Session III
Trade Secrets Panel for external and in-house professionals

# Strategic, Legal, and Practical Considerations for Protecting and Enforcing TS

**Lior Glassman**[1], **Arved Waltemathe**[2]
[1]*Reinhold Cohn Group, Israel*
[2]*waltemathe Anwaltskanzlei, Germany*

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177

Parallel Session III
Trade Secrets Panel for external and in-house professionals

# German trade secret law - Best practices for protection and enforcement

**Arved Waltemathe**[1]
*Waltemathe Anwaltskanzlei, Germany*

1. The law The German Trade Secrets Act is in force for four years. It is based on the EU Directive on the Protection of Trade Secrets and implements this directive more or less one-to-one. Hence, German law gives a flavour of the main strings of the approach in the entire EU.

2. The conditions Protection as trade secret is subject to various conditions. The presentation will focus only on the most important in practice, namely taking appropriate factual measures for protection trade secrets, i.e. “reasonable steps to keep it secret”. Meanwhile, substantial case law on this paramount point exists and some takeaways from these cases will be presented. Following from this, best practices will be listed. In this context, also the limits of trade secrets protection will be highlighted.

3. Practical tips for negotiating and contract drafting With regard to both employees and licensees some do’s and don’ts are to be taken into account when it comes to entering into an agreement. The presentation will explain some, for instance a letter of intent or a penalty clause. Beyond, some peculiarities regarding know-how, data and software licensing will be touched upon.

4. Efficiency of enforcement The various judicial remedies will be briefly set out. Emphasis will be put on the possibility to obtain a preliminary injunction. When deciding whether or not opting for trade secret protection instead of patent protection potential obstacles in the enforcement process are to be considered. Besides proof that the necessary protective measures had been put in place, in cases where the trade secret is still a secret it might be challenging to guarantee for confidentiality in the course of enforcement proceedings. The presentation will give some insights into this point.

173

Parallel Session III
IP Monetization

# Purchase Price Allocation in the Software Industry: a Practical Case

**Francesco Drago**[1], **Carolina Mason**[1]
*Bird and Bird, Italy*

There is a considerable uptake of interest by the tax authorities in IP valuation, particularly pursuant to the important changes in international tax standards in recent years. The assistance of the IP managers in assessing and documenting IP and intangible asset valuation is key. However, not all IP can be treated in the same way for valuation purposes.

In this session, we endeavour to illustrate the complexities in, and various methods of, IP valuation for various intangibles, on the basis of a recent case of purchase price allocation ("PPA") deriving from the acquisition by a French Private Equity fund of an Italian headquartered multinational group (the "Group") specialized in delivering knowledge-management software solutions and cross-media publications addressed to content producers and to publishers in particular, with a consolidated growth on other markets such as the financial market and the public sector. Indeed, the PPA analysis following the change of ownership of the Group entailed the economic valuation of several IP rights, including software, trademark and customer relationships which had then to be allocated to the respective Group entities.

The various phases of this session will be as follows:

a) Outline of the Group's business model and its pre-existing situation;

b) Business restructuring;

c) Realignment of the Group's value with intangible assets.

In the next phase, the Group's focus was to realigning the value of the Group with the intangible assets that actually drive business value and taxable profits in coherence with Group entities' functional profiles from a transfer pricing perspective. Particular attention goes to the reasoning that led to the selection of the most suitable valuation method for each intangible asset of the Group.

In conclusion, the final phase will cover the different aspects of IP valuation and transfer pricing in the context of group reorganization processes in the software industry, which is going to be increasingly affected by the issues connected to the transfer of intangible assets as a result of the increasing adoption of intellectual property in the digital economy and growth of new business models in the sector.

209

Parallel Session III
IP Monetization

first libra ip Monetization projects - success story

**Ofer Furth**

first libra ip Monetization projects - success story

184

Parallel Session III
IP Monetization

# Efficient Patent Licensing

**Art Nutter**[1]
*PatentBooks, Inc., USA*

PatentBooks are a new patent licensing market center.

PatentBooks aggregate all patents in a specific technology vertical, offer a single price bulk license to all the patents, and distribute income to each patent owner according to the quality of their patent.

PatentBooks define three patent quality/income distribution tiers.

Patent quality is determined by TAEUSworks™, the patent evaluation 'Gold Standard.'

140

Parallel Session IV
Practicing IP and Regulation in the Era of AI

## How to Be a Licensing Executive in the Age of AI Disruption

**Leah Speser**[1]
*Office of the Director General, Research and Innovation Foundation, Cyprus*

In this talk, i will explain how and why AI is going to distrupt our profession. We will begin my doing a brief functional decomposition of our work. Next we will look at how neural nets, natural language processors, rule-based systems, etc. work. Next we will look at what AI means for the evolution of IP and IP law and how that affects the things we do. Finally we will look at the application of AI to our work itself and what we have to learn and do to adapt to the distruption of what we do and the subject matter we focus on.



214

Parallel Session IV
Practicing IP and Regulation in the Era of AI

# Disclosure standards and Artificial Intelligence enhancing legal uncertainty

**Frank Van Bouwelen**[1]
*Hoffmann Eitle, Europe*

Disclosure standards and Artificial Intelligence enhancing legal uncertainty for patents

Over time insights change in our developing world. Sometimes by distinct breakthroughs, but mostly very subtly. There is a risk that the later goes unnoticed. This paper aims to communicate two subtle developments which combined leads to a breakthrough.

A seemingly minute change is observable in the way the European Patent Office (EPO) tends to assess whether certain information (for instance a set of features) has been disclosed or not. Examples will be given and the trend will be outlined. The focus will be on the subtleness, and the consequences for procedures. In short, what constitutes a disclosure is more and more down to the common general knowledge of the skilled reader, as opposed to for instance what the originator of a document had in mind to disclose.

Searching for prior art is also subjected to changes. Artificial Intelligence (AI) is more and more employed to find useful prior art for invalidating patent rights. This also has resulted in a more brutal change, namely from searching for the features of a patent claim, to searching for the problems that have been solved by the patent claim. The latter gives more output, and often guidance how the problem solved by the patent was somehow already suggested. This provides more prior art which is usually uncoverable for a more traditional search program that is focussed on finding the features of the claim, i.e. the solution in terms of structural or step-wise features.

An interesting by-product of a search focussed on the problem is sometimes the suggestion to solve the problem in a way that differs from the claimed solution. The search output can thus also guide towards a design-around, with a bit of luck a better one than the one claimed in the patent of a competitor.

The two developments of a more diffuse standard for a disclosure and the availability of more prior art that discusses the problem a patent claims to have solved, draws up more space for arguing one way or another. This often leads to much legal uncertainty for as long as no decision is available.

However, legal uncertainty applies usually more or less equally to opposite parties. One way forward would be to ask a court to issue a decision. This takes time and drains both monetary and human resources. The length of time for the legal uncertainty drives parties to each other for finding an out- of-court settlement, which is then often perceived, or explained, as a win-win.

The UPC with short terms aims to address this but has for the first few years of its existence the inherent uncertainty as to how procedures will be implemented, and how substantive law will be harmonised, not to mention to what extent the court will step in line with Case Law of the EPO’s s Board of Appeal. Will the EPO adhere to the disclosure standards drawn up by the EPO?

This may be seen as a period in which parties do not know what to expect from the executive and the judicial branches in our society, highlighting the need that parties need to create legal certainty between themselves, by terminating disputes upfront to allow business developments to gain momentum.



167

Parallel Session IV
Practicing IP and Regulation in the Era of AI

# Transformative Power of Large Language Models (GPT,...) for IP Analytics

Peter Erdody[1], Michael Natterer[2], **Peter Erdody**[1]
[1]*Dennemeyer Octimine Gmbh, Germany*
[2]*Dennemeyer Octimine GmbH, Deutschland*

"Shaping the Future of IP Analytics: Unleashing the Transformative Power of Large Language Models for Revolutionary Insights”

In this session, we will explore the transformative potential of Large Language Models (LLM), like ChatGPT, in the patent and Intellectual Property (IP) industry, with a focus on how it can enhance IP analytics. The rapid growth of patent and IP data has created a pressing need for efficient and accurate analysis tools. LLM present a unique opportunity to address this challenge and revolutionize the way we approach IP management.

The first part of the session will examine the application of LLM in automating patent searches, streamlining the patent examination process, and providing intelligent insights into complex IP matters. We will discuss how LLM`s ability to understand and generate human-like text enables it to quickly identify relevant patents, assess patentability, and assist in drafting high-quality patent applications. This, in turn, has the potential to save time and resources for both patent applicants and examiners. By leveraging LLM`s capabilities, we can minimize the risk of overlooking relevant prior art, reduce backlogs in patent offices, and ultimately accelerate the pace of innovation.

Next, we will delve into the integration of LLM with IP analytics tools. We will highlight the benefits of combining LLM`s language understanding capabilities with advanced data analysis techniques, such as machine learning and data visualization. This powerful synergy enables businesses and IP professionals to gain deeper insights into IP trends, competitor strategies, and emerging technologies, ultimately leading to more informed decision-making.

During the panel session/discussion, we will also explore potential challenges and limitations associated with the adoption of LLM like ChatGPT in the IP industry. As with any technology, it is essential to consider issues such as data privacy, security, and ethical concerns surrounding AI-generated content. We will discuss strategies for mitigating these risks and ensuring responsible AI use in the patent and IP domain.

Furthermore, we will address the potential impact of LLM on IP professionals` roles and the workforce. While AI-powered tools like ChatGPT can automate certain tasks, they are not meant to replace human expertise. Instead, we will emphasize how these tools can be leveraged to augment the capabilities of IP professionals, allowing them to focus on more strategic and high-value tasks.

The panel will also cover real-world examples and case studies that illustrate the successful implementation of ChatGPT in various aspects of the IP industry. These examples will demonstrate the practical benefits and insights that can be derived from utilizing AI-driven tools, showcasing how the technology can help businesses stay competitive in a fast-paced, innovation-driven market.

Moreover, we will discuss the future of ChatGPT and similar AI technologies in the IP industry. We will touch upon the potential for further advancements in natural language processing, machine learning, and data analysis techniques, as well as the integration of these technologies into other areas of IP management, such as licensing, litigation, and technology transfer.

Throughout the session, we will engage in an interactive discussion, inviting participants to share their perspectives on the role of ChatGPT and other AI-driven tools in the patent and IP industry. We will encourage attendees to ask questions, share their experiences, and discuss potential opportunities and challenges they foresee in adopting this disruptive technology. This dialogue will not only stimulate thought-provoking conversations but also foster a collaborative environment for exploring innovative ways to enhance the IP landscape.

Ultimately, the incorporation of LLM into the patent and IP industry has the potential to significantly disrupt traditional workflows and drive innovation. By embracing this technology, stakeholders can optimize their IP management strategies, reduce costs, and stay ahead in the competitive landscape. This will be an engaging and insightful session that will spark ideas and inspire new approaches to tackling the challenges and opportunities presented by the integration of AI in the patent and IP industry.

188

Parallel Session IV
Practicing IP and Regulation in the Era of AI

## Israel's Regulatory Sandbox for the Operation of Autonomous Vehicles

**Ayelet Feldman**[1]
*Ministry of Justice, Israel*

The presentation will discuss the components of the regulatory framework for experimental operation of an autonomous vehicles in Israel; the main requirements regarding the autonomous vehicle and the operator of the experimental use; background of the legislation; and legal issues that were discussed during process of formulating the regulatory sandbox.



162

Parallel Session IV
Not Just Patents - Less Commonly Practiced IP Rights

# The Development of Protection for Integrated Circuits Using Registries

**Chagai Vinizky**[1]
*Law, Academic Center for Law and Science, Israel*

The international protection of intellectual property laws consists of several models. One of the models is based mainly on territorial protection that requires registration in a national state registry. This model exists in the laws of patents, designs, varieties of plants, trademarks, and appellation of origin. Although there are international conventions to facilitate the registration procedures and even create international registration frameworks, there is still no international global registration. In the area of integrated circuit protection laws (similar to copyright laws) there are a few countries that require registration in their national registry like USA, Japan, Canada, Finland, Macedonia, Serbia and Montenegro, Armenia, Albania, South Korea, India, Brazil, Taiwan, Cambodia, Zambia, Pakistan and Samoa. The article will examine the cost versus benefit of requiring registration to integrated circuit protection and will recommend the appropriate outline.

148

Parallel Session IV
Not Just Patents - Less Commonly Practiced IP Rights

# Protecting Plant Varieties as Intellectual Property, the Plant Breeder's Rights

**Joseph Ivor Wyse**[1]
*Patent and PBR department, Bressler IP, Israel*

Protecting Plant Varieties as Intellectual Property, the Plant Breeder`s Rights Toolbox, Challenges and Litigation.

Plant breeders` rights (PBR), also known as plant variety rights (PVR), are rights granted to the breeder of a new variety of plant that give the breeder exclusive control over the propagating material (including seed, cuttings, divisions, tissue culture) and harvested material (cut flowers, fruit, foliage) of a new variety for a number of years.

The PBR regime is less globally harmonized beyond broad definitions and since the 1990`s the concepts of essentially derived varieties from PBR protected species have added complexity.

This talk is intended to inform decision making by stakeholders across the wide spectrum of plant based commercial agricultural activity, including commercial Breeders, Growers, smallholders, research institutes and international food corporations.

This presentation will cover topics including; The economic environment protected by Plant Breeders Rights, Data on global and national trends in PBR registrations, acquisition of PBRs in key countries and regions, Research Exemptions, Farmer’s Rights, Essentially derived Varieties and disputes involving PBRs.The Plant Variety Protection (PVP) and US plant patent regimes will be discussed, as will the differences between the use of utility patents for protecting plant traits and PBRs.

Plant Breeder`s Rights (PBR) disputes will be described with reference to important cases.

Common PBR disputes which will be presented include:

1. Infringement: A dispute may arise when someone uses a protected plant variety without the breeder’s permission, leading to an infringement claim. Such unauthorized use may include, but not limited to, producing, selling, or importing a plant variety that is already registered under PBR.

2. Ownership: Disputes over ownership of a plant variety may arise when two or more parties claim to have bred and developed the variety, leading to a question of who has the legal right to sell or license the variety.

3. Licensing: Disputes may arise between the breeder and licensee over the terms of the license agreement, including issues related to royalty payments, enforcement of quality standards, and termination of the agreement.

4. Counterfeit: Cases of counterfeit plant varieties, where the infringer intentionally deceives the public by selling a different plant variety under the name of the protected variety, may give rise to PBR disputes.

5. Cases involving Essentially Derived Varieties (EDVs) where the extent of the derivation of the new variety from an already protected species is in dispute.

6. Enforcement: Disputes may arise when the enforcement of the PBR is not as per the provisions of the law.

These PBR disputes will be illustrated by referring to relevant cases.
The presentation will show that analysis of PBR trends are a vital tool for identifying strategic partners, Licensing opportunities and Competitors.

235

Parallel Session IV
Not Just Patents - Less Commonly Practiced IP Rights

# Appellation of Origin or Geographical Indication - the Israeli dilemma

**Edan Barulfan**[1]
*Balash Gornstein Law Office, Israel*

The Israeli law on Appellations of Origin and Geographical Indications, based on the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958), is somewhat of an anomaly. Written down in 1965, the law has hardly been revised along the years in order to adapt to changes developed later on in the European AO and GI legislation, which was initially also based on the same treaty. Since there were no applications presented in Israel by the law for approximately 50 years since the first Israeli Appellation was registered in the 1960`s (Jaffa Oranges), the specifications of the law have actually never been brought to a real test.

For example, though the law protects GI`s it does not enable their formal registration in Israel (as opposed to AO`s). This creates quite a lacuna, especially in terms of local GI`s.

Another point of interest is the wide gap in implementation between the Israeli Appellation of Origin and the common European AO. Whereas European countries have recognized official governing bodies who lay down specific agricultural and production rules and also govern them, thus forming common regional product styles, Israel has no such bodies, resulting in minimum production limitations (if at all). The result of this is that the Israeli Appellation of Origin is very much different than the Appellations known in Europe, it is in fact self-governed and self-supervised, in a way which brings some critics to contend that it is much more of a GI than an AO. This unique situation of course has its shortcomings, but may also own some advantages.

The new Judea Wine appellations registered recently, after 50 years of dormancy of the law, have given rise to doubts, questions and debates as to the use and authenticity of Israeli Appellations of Origin, when registered and governed according to the present wording of the law, as it stands.

244

Parallel Session IV
Not Just Patents - Less Commonly Practiced IP Rights

# Unjust Enrichment, the Last Resort

**Eran Soroker**[1]
*Israel Bar Association - 1990 INTA ,APAA, FICPI, CITMA, PTMG INTA Committee: Parallel Imports, Israel*

Unjust Enrichment, the Last Resort

160

Parallel Session IV
IP Law and Practices in Turbulent Geopolitical Environments

# How to go about IP rights in a war affected region?

**Igor Alfiorov**[1], Slobodan Petošević[2]
[1]*PETOŠEVIĆ, Ukraine*
[2]*PETOŠEVIĆ, Luxembourg*

**How to go about IP rights in a war affected region? An overview of IP protection, developments and ongoing issues in Eastern Europe, Caucasus and Central Asia, with a separate focus on Ukraine and Azerbaijan.**

This is intended as a general overview of the IP developments and issues in countries of Eastern Europe, Caucasus and Central Asia, some more and some less affected by the war in Ukraine.

Even though this part of the world is rather turbulent due to the ongoing war and a variety of tensions between among the countries, it has always been a region of interest for various companies, including multinational and national leaders, keen to secure their IP rights in emerging markets.

The presentation will focus on the latest developments in the area of IP, both on the national and regional levels. The region is a home for the IP protection systems under Eurasian Patent Organization, providing legal protection for inventions and industrial designs and the unitary Eurasian trademark within the Eurasian Economic Union. At the time of their launch, both systems were deemed an effective and cost-efficient way to get protection for IP rights simultaneously in member states. We will offer a comparison between the Eurasian, European and international trademark, design and patent systems and try to respond to the question of whether these regional systems are still an efficient tool for securing IP rights given the new wave of geopolitical turbulence in the region following the escalation of the Russian-Ukrainian war in February 2022.

From the national perspective, the presentation will focus, among others, on the recent developments in the number of states, including the reorganization of the Ukrainian IP Office at the time of war and the situation with IP protection in other countries of the region, including countries of the Caucasus, such as Azerbaijan,Georgia and the Central Asian countries such as Kazakhstan and Uzbekistan.

The presentation is intended to provide a general overview of the volatile and ever-changing region and its IP systems and share best practices to help IP professionals and businesses devise effective strategies for protecting IP rights in this part of the world.

194

Parallel Session IV
IP Law and Practices in Turbulent Geopolitical Environments

# Trade Wars and Licensing Transactions

**Eli Greenbaum**[1]
*Arnon Tadmor, Israel*

Trade wars between Russia, China, and the United States have had far-reaching consequences, particularly in the realm of intellectual property (IP) and its licensing transactions. These conflicts have posed both risks and opportunities for the Israeli hi-tech industry, including:

1. Technology Shifts and IP Licensing: The trade wars have stimulated technological shifts and the emergence of new opportunities. For example, the push for open-source technologies as alternatives to proprietary systems has gained momentum. Israeli hi-tech companies engaged in IP licensing can explore collaborations and innovations in areas such as open-source instruction set architectures (e.g., RISC-V) or disaggregated network infrastructure (e.g., OpenRAN). These developments provide avenues for Israeli companies to diversify their IP licensing strategies and expand their market presence.

2. Export Controls and IP Licensing: The trade wars have led to increased export restrictions and controls on the transfer of technologies, affecting IP licensing transactions. Israeli companies engaging in IP licensing must navigate stricter regulations, requiring them to ensure compliance with multiple jurisdictions. The evolving trade environment may restrict the transfer of certain technologies and necessitate heightened attention to contractual obligations and legal considerations.

3. Investment Controls and IP Licensing: Foreign investment controls, influenced by the trade wars, have also affected IP licensing transactions. Regulatory scrutiny, particularly in the United States, has expanded to include investments in critical technologies, impacting the due diligence process for Israeli companies.

This lecture will describe the complex trade dynamics that Israeli companies must navigate and how they can capitalize on these emerging trends.

147

Parallel Session IV
IP Law and Practices in Turbulent Geopolitical Environments

## Overview on Life Science Technology and Intellectual Property in South Korea

**Junghoon Lim**[1]
*Patent Department, Siwon Intellectual Property Firm, South Korea*

Abstract: This presentation will explore the intersection of life science technology and intellectual property (IP) in South Korea, discussing the latest developments, trends, and challenges in the field. We will examine the unique aspects of the South Korean IP system in the context of life sciences, including patent and regulatory landscape, as well as the role of government policies and support for the biotech and pharmaceutical industries. Additionally, we will discuss best practices for foreign companies looking to protect and commercialize their life science technologies in South Korea.

Objective: To provide attendees with a deep understanding of the life science technology and intellectual property landscape in South Korea, as well as practical advice for navigating this complex and rapidly evolving field.

Outline:

1. Introduction to Life Science Technology and Intellectual Property in South Korea
   - The significance of life sciences in South Korea
   - Overview of the IP system and its impact on life science innovation
2. Patent and Regulatory Landscape
   - Recent trends in life science patent filings and litigation
   - Regulatory consideration for biotech and pharmaceutical companies: Patent-Approval Linkage System
3. Government Policies and Support for the Life Science Industry
   - Key policies driving innovation and IP protection in the life sciences
   - Government-funded initiatives and programs for research and development
4. Best Practices for Foreign Companies in South Korea
   - Navigating the IP system and protecting life science technologies
   - Case studies of licensing and technology transfer in the South Korean life science sector
5. Conclusion and Future Outlook
   - Opportunities for international collaboration in life science technology
   - Emerging trends and challenges in the South Korean life science technology and IP landscape