

# The 3<sup>rd</sup> International Convention on The Economy of Innovation

April 30-May 1, 2018



1/14

## MONDAY, APRIL 30

### 1. 1<sup>st</sup> day Opening Session

Monday, April 30, 9:00 am- 10:15 am

#### Part I. Greetings:

**Moderator:** Mr. Nachman Cohen Zedek, Senior Partner at Pearl Cohen and President, AIPPI Israel and , co-chairman of the conference organizing committee

- ✓ Dr. Ilan Cohn, Senior Partner, Reinhold-Cohn Group, co-chairman of the conference organizing committee
- ✓ Mr. Gerard Myon, Treasurer General of AIPPI International
- ✓ Ms. Mariana Karepova, Head of Austrian Patent Office
- ✓ Video greeting of Dr. Francis Gurry, Director General, World Intellectual Property Organization
- ✓ Mr. Georg Weber, Director Information and communications technology (ICT), European Patent Office, on behalf of the EPO President

#### Part II. Plenary lectures:

**Moderator:** Adv. Tal Band, Senior Partner, S. Horowitz and former President, AIPPI Israel

- ✓ Justice Asher Grunis, President of the Supreme Court of Israel 2012 – 2015 on: *Judge made law in the field of intellectual property*
- ✓ Mr. Aharon Aharon, CEO, Israel Innovation Authority

### 2. THE US PHARMACEUTICAL INDUSTRY – DRIVING FORCES – PATENTS AND FDA

**Convener:** Ilan Miller, Adv., Intellectual Property and Medical Information Manager, Dexcel Pharma. <https://www.linkedin.com/in/ilan-miller-97269122>

Monday, April 30, 10:45 am- 12:15 pm

Two major legal arenas are in the heart of any drug development, brand or generic. In the first arena, the patent landscape and future potential litigation are considered. In the second arena, the FDA regulatory pathway and the possible regulatory incentives are considered.

The purpose of this session is to discuss recent development in the patent and FDA arenas, and their impact on the pharmaceutical industry.

#### Speakers:

- ✓ Kurt R. Karst, director, Hyman, Phelps & McNamara P.C.  
<http://www.hpm.com/vattorney.cfm?RID=22>

# The 3<sup>rd</sup> International Convention on The Economy of Innovation

April 30-May 1, 2018



2/14

- ✓ Robert F. Green, founding partner of Green, Griffith & Borg-Breen LLP  
<https://greengriffith.com/robert-green/>
- ✓ Dr. Sharon Hausdorff, Senior assistant general patent counsel at Teva Pharmaceutical Industries, Ltd. <https://www.linkedin.com/in/sharon-hausdorff-1072884/>
- ✓ Matthew R. Weinberg, Chief Executive Officer, The Weinberg Group,  
<https://weinberggroup.com>

### 3. PATENTING SOFTWARE AROUND THE WORLD – A COMPARISON OF REGIMES

Convener: Sandy Colb, Founder, Sanford T. Colb & Co. <http://stc.co.il/SanfordTColb.asp>

Monday, April 30, 10:45 am- 12:15 pm

Patenting software-related inventions has become increasingly challenging as a result of changes in the law, changes in revisions of patent office practice and enforcement of software-related patents. The session will examine these issues, including opportunities for patenting software, software based systems and methods and business methods and enforcing such patents in some major jurisdictions including the USA, Israel, Europe, China, Japan and India. Leading patent practitioners in these jurisdictions will present the current legal and practical framework in each jurisdiction.

#### Speakers:

- ✓ Morgan Chu, Partner, Irell and Manella, <https://www.irell.com/professionals-22.html>
- ✓ Claude Stern, Partner, Quinn Emanuel, <https://www.quinnemanuel.com/attorneys/stern-claude-m>
- ✓ Duncan White, Partner, Marks & Clerk, UK <https://www.marks-clerk.com/Home/Our-People/White-Duncan.aspx?lang=en-GB#.WhuwK0ojTIU>
- ✓ Makoto Onda, President, Patent Attorney, Onda Techno Intl. Patent Attorneys,  
<https://www.ondatechno.com/English/attorney/ondam.html>
- ✓ Mr. Gerard Myon, partner at LAVOIX IP; and the Treasurer General of AIPPI International.
- ✓ Mr. William H. Mandir, Partner, Sughrue Mion, PLLC, Washington D.C.,  
<http://www.sughrue.com/wmandir/>

### 4. The Inter-Relations / Overlap Between Trademarks and Designs

Convener & Moderator: Ron Klagsbald <https://www.linkedin.com/in/ronklagsbald>, Ron Klagsbald, Law Offices

Monday, April 30, 10:45 am- 12:15 pm

The existence of trademark rights and design rights evoke issues of coexistence of these rights as opposed to the exclusive regime of one right over the other in the object for which protection is required. These questions and hesitations are rooted in the underlying principles of these two rights. Such issues would arise mainly (but not only) when three –dimensional objects are involved. Should

# The 3<sup>rd</sup> International Convention on The Economy of Innovation

April 30-May 1, 2018



3/14

trademark and design rights coexist and protect simultaneously the same object? Or rather should protection of one of these rights rule out the possibility to use the other form of protection? What are the different views of different legal systems. We will discuss these and other issues of interest in this panel.

#### Speakers:

- ✓ Jeffrey Handelsman, Associate, Greenblum & Bernstein, US <http://www.gbpatent.com/professionals/attorneys/jeffrey-handelsman/>
- ✓ Eyal Price, Price-Plinner Law Offices : Israeli Legislation and development of the case Law <https://www.linkedin.com/in/eyal-price-bb1175a/>
- ✓ Adv. Asa Kling, former Director of the Israel Patent Office: Insights into the new Israeli Designs Law <https://www.linkedin.com/in/asa-kling-4b40887>
- ✓ Verena von Bomhard- Bomhard IP, Alicante, Spain: the EU perspective and recent developments in this matter in the EU. <http://bomhardip.com/verena-von-bomhard/>

#### 5. Dealing with the Diversity of Trade Secrets Protection in an Age of Increased Statutory Treatment and Expanding Commercial Interest

Convener: Dr. Neil Wilkof, Partner, Dr. Eyal Bressler, Israel, <http://www.bressler.co.il/neil-j-wilkof/>

Moderator: Dr. Jeffrey Belson, HP Inc., Indigo Digital Press Division.

**Monday, April 30, 12:15 pm -1:30 pm**

The increased activity in legislation of trade secrets in the US and EU serves to highlight the heightened interest in the area, which can only be expected to continue. This session will consider the extent of the diversity that still characterizes trade secret protection as well as provide suggestions on how to better navigate through this legal labyrinth. Interesting global angles will be discussed, such as the nature of trade secret protection in the US, where the long legal tradition of protection at the state, intersects with the Defend Trade Secrets Act of 2016, the EU Trade Secrets Directive, which attempts to provide a structure for trade secret protection across the EU, the UK position in light of Brexit, and the best ways to handle trade secrets in transactions and due diligence.

#### Speakers

- ✓ Emily Michiko Morris - Visiting Professor and Director of the LL.M. Program at the University of Maine School of Law, and Eastern Scholar at the Shanghai University of Political Science and Law <https://mainelaw.maine.edu/faculty/profile/michiko-morris-emily/>
- ✓ Karen Elburg, Partner, Herzog, Fox & Neeman, Israel <http://www.hfn.co.il/lawyer/karen-elburg/main>
- ✓ Neil Wilkof, Partner, Dr. Eyal Bressler, Israel <http://www.bressler.co.il/neil-j-wilkof/>
- ✓ Roland Mallinson, Partner, Taylor Wessing in London <https://united-kingdom.taylorwessing.com/en/expert/view/london/roland-mallinson>

# The 3<sup>rd</sup> International Convention on The Economy of Innovation

April 30-May 1, 2018



4/14

## 6. MEDICAL DEVICES AND IP

**Moderator: Roy Melzer, Head of Software, Information Sys. Department , Ehrlich & Fenster of the Ehrlich Group, [http://www.ipatent.co.il/enm/enm-team/roy\\_melzer/](http://www.ipatent.co.il/enm/enm-team/roy_melzer/)**

**Monday, April 30, 12:15 pm -1:30 pm**

Israel is a powerhouse of new medical technologies. It is estimated that a third of the new game-changing medical technologies come out of Israel. Patents play a key role in the ability to successfully commercialize medical technologies and as by its nature development of medical technologies require a multidisciplinary approach, so does the patent strategy. A successful patent strategy needs also to take regulatory issues into consideration.

### Speakers:

- ✓ Ori Hadomi, CEO of Mazor Robotics, <https://www.mazorrobotics.com/index.php/mazor-robotics-leading-innovators-in-spine-surgery/about-us/management-team>
- ✓ Michal Geva, Managing Partner and Co-Founder, Triventures. <http://www.triventures.net/team/michal-geva/>
- ✓ Adv. Dr. Marco Greco, Italy
- ✓ Moritz Höffe, Patent Attorney, Grünecker Patent- und Rechtsanwälte, Germany
- ✓ Adam Samansky, Member, Mintz Levin. <https://www.mintz.com/professionals/detail/name/adam-p-samansky>

## 7. INTERNET OF THINGS (IoT) AND STANDARD ESSENTIAL PATENTS (SEPs)

Convener: Dr. Ralph Nack, attorney-at-law, AIPPI Bureau Member

**Monday, April 30, 12:15 pm -1:30 pm**

The Internet of Things (IoT), in particular building automation (connected home/building) and connected cars are exponentially growing technology markets. This growth offers unparalleled opportunities in particular for startups to rapidly become established market players by development and marketing of new electronic and/or mechatronic devices. IoT functionality is essentially based on existing and upcoming telecommunication standards, e.g. Z-Wave, ZigBee, Thread, 5G. Every IoT device needs to be fully compliant with the respective telecommunication standard in order to operate. However, functionalities of telecommunication standards tend to be subject to patent protection – these patents are called Standard Essential Patents (SEPs). Consequently, ensuring Freedom-to-Operate (FOT) and access to Fair, Reasonable and Non-Discriminatory (FRAND) licenses of such SEPs is critical for the sustainable success of IoT startup companies. The panel will discuss best practices & strategies for SEP licensing and litigation, both from a legal and a practical perspective.

# The 3<sup>rd</sup> International Convention on The Economy of Innovation

April 30-May 1, 2018



5/14

## Speakers:

- ✓ Dr. Ralph Nack, attorney-at-law, AIPPI Bureau Member: FRAND, SEP litigation
- ✓ Ms. Klaudia Blach-Morysinska, patent and trademark attorney, attorney-at-law, Zaborski, Morysiński Law Office, Poland, <http://www.zaborski-morysinski.pl/en/team/klaudia-blach-morysinska-attorney-at-law-patent-attorney/>, on: Best practices & strategies for SEP licensing
- ✓ Mr. Yehuda Herbst, General Counsel at Moonscape and AGT International
- ✓ Adv. Ehud Hausman, Senior Partner, manages the Hi-Tech department of Reinhold Cohen, <http://www.rcip.co.il/en/our-team/ehud-hausman/>
- ✓ Mr. Uri Copenhagen, Senior Examiner, Israeli Patent Office on:

## 8. Overlapping Intellectual Property Rights In The Fashion Industry

"Fashion is not an island — it's a response"!

**Convener:** Dr Eyal Bressler <http://www.bressler.co.il/eyal-bressler>

**Chair/moderator:** Dr. Reinhard Oertli, Partner, Meyerlustenberger Lachenal Ltd. (MLL),

Switzerland <http://www.mll-legal.com/professionals/detail-view/person/oer/>

**Monday, April 30, 3:00 pm- 4:30 pm**

Fashion, e.g., the prevailing types of clothing, are at once (i) ornamental, decorative and stylish, on the one hand, and (ii) functional, on the other. The dual nature of fashion lies uneasily in intellectual property law within and between copyright, trademark, and design law protection. Much of the difficulty in understanding these relationships derive from an unclear understanding of the nature of functionality, and how this impacts on the scope of these overlapping IP (and non-IP) rights. The session will address these issues.

## Speakers:

- ✓ Shai Shalom (Fashion Designer, Israel) "A designer's view of fashion: It is a whole lot different"; <http://www.shai-shalom.com/doc/ShaiShalom>
- ✓ Dr. Yanai Toister (Shenkar College of Engineering, Design & Art, Israel) - "Thoughts on the commercialization of creativity & culture"; <http://yanaitoister.com/about/>
- ✓ Prof. Dr. Jan Bernd Nordemann, Boehmert & Boehmert, Germany: "Trademarks and copyright in the fashion industry"; <https://www.boehmert.de/en/team/jan-bernd-nordemann/>
- ✓ Dr. Neil Wilkof, Partner, Dr. Eyal Bressler, Israel : "Alternative means for IP-like protection in the fashion industry"; <http://www.bressler.co.il/neil-j-wilkof/>
- ✓ Dr. Reinhard Oertli, Partner, Meyerlustenberger Lachenal Ltd. (MLL), Switzerland, "Enforcing fashion rights: The European view". <http://www.mll-legal.com/professionals/detail-view/person/oer/>
- ✓ Mrs. Jacqueline Bracha, Deputy Director of the Israel Patent Office

# The 3<sup>rd</sup> International Convention on The Economy of Innovation

April 30-May 1, 2018



6/14

## 9. SERVICE INVENTIONS

**Convener: David Gilat, Senior Partner, Gilat, Bareket & Co. -Reinhold Cohn Group,**  
<http://www.rcip.co.il/en/our-team/david-gilat/>

**Monday, April 30, 3:00 pm- 4:30 pm**

"Service Inventions", better known as inventions made by employees, is one of the most controversial subjects in the field of Intellectual Property. The everlasting debate on the subject uncovers different and sometimes opposite approaches to the role of Intellectual Property in the era of globalization. Thus, the debate exposes for example a tension between the desire to lift restrictions on free movement of people on the global level and the risk of human capital flight on the national level. Similarly, it is a challenge to find the golden mean way to attract investment without stifling creativity and the innovative environment. The debate further involves policy issues, such as governmental intervention in the labor market. As intellectual properties have become the most influential factor on economic growth, the importance of this topic cannot be underestimated.

The discussion will highlight the subject from different angles both from theoretical and pragmatic aspects.

### Speakers:

- ✓ Adv. Tal Band, Senior Partner, S. Horowitz
- ✓ Dr. Ishai Ilani, Senior Technologist at Western Digital, An inventor who became famous in Israel in view of the decision in the Ilani v. Actelis case, which started the buzz surrounding service inventions in Israel. Dr. Ilani will present the perspective of the employees, as reflected in his own experience. <https://www.linkedin.com/in/ishai-ilani-07053b3>
- ✓ Mr. Ron Moscona, Partner, Dorsey & Whitney LLP (London)  
<https://www.dorsey.com/people/m/moscona-ron> . Ron will provide the British and European perspectives
- ✓ Adv. Sarit Erez, Partner, Luthi+Co, on her thesis on the influence of organizations on employee-inventor's disclosure <http://luthi.co.il/team/sarit-erez/>

## 10. THE INTERFACE BETWEEN IP AND COMPETITION LAW

**Convener: Reuven Behar, Partner, Fischer Behar Chen Well Orion & Co.**

**Monday, April 30, 3:00 pm- 4:30 pm**

Charging excessive prices for products protected by patents is a source of controversy and occasionally comes up, in particular, although not only in the field of pharmaceuticals. The Israeli Restrictive Trade Practices Law provides that establishing "unfair prices" by a monopoly may be deemed as abuse of a dominant position. In a 2015 case, the Central District Court ruled that prosecuting a patent application that was eventually abandoned amounts to abuse of a dominant position and the defendant (Sanofi) was ordered to pay a percentage of its profit to the plaintiff

# The 3<sup>rd</sup> International Convention on The Economy of Innovation

April 30-May 1, 2018



7/14

(Unipharm). Royalties paid to societies for intellectual property rights have also been under scrutiny, both in Israel and worldwide. These and other issues will be covered in the session.

## Speakers:

- ✓ Justice Prof. Ofer Grosskopf, Central District Court
- ✓ Judge (retired) Dr. Iris Soroker, The head of the Heth Academic Center for Research of Competition and Regulation, of the College of Management.
- ✓ Thomas Vinje, Partner, Chairman, Global Antitrust Group, Clifford Chance, Brussels  
[https://www.cliffordchance.com/content/cliffordchance/people\\_and\\_places/people/partners/be/thomas\\_vinje.html](https://www.cliffordchance.com/content/cliffordchance/people_and_places/people/partners/be/thomas_vinje.html)
- ✓ Adv. Liad Whatstein, Founding Partner, Liad Whatstein & Co.,  
<http://liadwhatstein.com/lawyer/liad/>
- ✓ Dr. Shlomi Parizat, Chairman of Finance Committee, Shenkar - Engineering. Design. Art. and Dean's Fellow, Recanati Business School, The Hebrew University.

## 11. IP AND LICENSE AGREEMENTS (panel)

**Convener: Yael Baratz, Senior Partner, Pearl Cohen Zedek Latzer Baratz**

**Monday, April 30, 5:00 pm- 6:30 pm**

Many aspects of license agreements present complex legal issues that a licensing practitioner, who negotiates and drafts cross border license agreements, must take into account. We will focus on the following topics: Can a contractual obligation to pay royalties extend beyond the life of a patent? Can a licensee challenge a licensed patent? What tax obligations are imposed on a licensee when remitting payments to a licensor? And what anti-trust issues arise in the context of licensing?

## Speakers:

- ✓ Dr. Arpita Maiti, Senior Director, External R&D Innovation (ERDI), Inflammation & Immunology at Pfizer, <https://www.linkedin.com/in/arpita-maiti-3a4b17/>
- ✓ Mr. Mike Lee, Director at Sterne, Kessler, Goldstein & Fox P.L.L.C. of Washington DC.  
<http://www.skqf.com/michaellee>
- ✓ Prof. Michal S. Gal, S.J.D, Director of the Forum for Law and Markets, Faculty of Law, University of Haifa, President, International Academic Society of Competition Law Scholars (ASCOLA), <http://weblaw.haifa.ac.il/en/faculty/gal/pages/home.aspx>
- ✓ Mr. Moshe Bina, Senior Manager, International Taxation, Deloitte Israel,  
<http://opendatany.com/attorney.php?id=4695532>
- ✓ Mr. Curtis McDaniel, Vice President, Global Legal Advisor at Ferring International Center S.A., <https://www.linkedin.com/in/curtmcdaniel/?ppe=1>

# The 3<sup>rd</sup> International Convention on The Economy of Innovation

April 30-May 1, 2018



8/14

## 12. INTELLECTUAL PROPERTY IN THE ERA OF 3D PRINTING

**Convener: Heidi M. Brun, Owner and Managing Patent Attorney, Heidi Brun Associates**

<http://heidibrun.com/ourteam.htm>

**Monday, April 30, 5:00 pm- 6:30 pm**

3D printing is on our doorsteps and will change the manufacturing world and the consumer products market. In this brave new world, innovators will face new challenges in protecting their innovations since existing protection paradigms, such as patents and design protection, may be less effective particularly as the server storing a downloadable printing instruction file may be in one region (where IP rights may not be registered) and the user printing the 3D model may be in another region. Should other types of protection be sought? Is there a need for a new regulated environment? Are there lessons that may be learned from the music and film industry? These and a host of other IP-related issues associated with 3D printing will be discussed.

### Speakers:

- ✓ Mr. Carsten Fink, Chief Economist, WIPO <https://www.ictsd.org/about-us/carsten-fink>
- ✓ Prof. Timothy Holbrook, Professor of Law, Emory Law <http://law.emory.edu/faculty-and-scholarship/faculty-profiles/holbrook-profile.html>
- ✓ Adv. Carlo Sala, Owner, Studio Associato, Milano, <https://www.linkedin.com/in/carlo-sala-146668/>
- ✓ Shirit Schwarz Leibovitch, Designer.
- ✓ Lee-Bath Nelson, Co-Founder, VP Business, " LEO Lane "

## 13. A STARTUP NATION - THE ISRAEL EXPERIENCE

**Dr. Shlomo Cohen, Dr. Shlomo Cohen & Co.**

[http://www.shlomocohen.co.il/en/professionals/shlomo\\_cohen](http://www.shlomocohen.co.il/en/professionals/shlomo_cohen)

**Monday, April 30, 5:00 pm- 6:30 pm**

In the last generation Israel has become a major center of innovation and technological entrepreneurship. In this session we will explore the reasons which brought Israel to this position: cultural and political factors, government policy and action, and of course IP law.

Shlomo Cohen will moderate this session. Participants will include experts from government, industry, innovation, and IP.

### Speakers:

- ✓ Prof. Oded Shoseyov, Protein Engineering and Nano-Biotechnology, The Robert H. Smith Institute of Plant Science and Genetics, The Robert H. Smith Faculty of Agriculture, Food and Environment, the Hebrew University of Jerusalem  
[http://departments.agri.huji.ac.il/botany/people/Oded\\_Shoseyov/](http://departments.agri.huji.ac.il/botany/people/Oded_Shoseyov/)
- ✓ Dr. Orna Berry, Corporate Vice President and General Manager for Israel Center of Excellence at EMC Corporation.

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