ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

RCLIP
NEWSLETTER
Research Center for the Legal System of Intellectual Property

## International Symposium: IP Enforcement in India (2008/10/03)

On October 3, 2008, the International Symposium: "IP Enforcement in India" was held at Ono Azusa Memorial Hall of Waseda University. The symposium consisted of two parts: keynote speech and panel discussion.

As the keynote speeches, Professor S.K.Verma of Delhi University spoke on "Characteristic Of Indian IP Enforcement in Recent Years" and Justice Arjan K. Sikri, Delhi High Court spoke on "IP Enforcement in India".

First, Professor Verma outlined the TRIPS agreement on IP enforcement and then, explained about statutory laws in India regarding IP enforcement. India's existing laws are fully prepared enough to enforce IPR in the scope designated in the TRIPS Agreement. In India, IP enforcement is mainly decided by courts, but there is no specialized court in India. Other than IP specialized laws, the laws regarding IP enforcement include the following.

Section 11 of Indian Customs Act 1962 empowered the government to take measures for the protection of patent, trademark, and copyright. ("*Gramophone Co. of India vs. B. B. Pandey*" AIR 1984 SC 667). Article 483 of the Indian Penal Code also makes counterfeiting as an offense.

Civil and criminal remedies are established as the enforcement based on the IP law system.

The Patents Act stipulates civil remedies like injunction including temporary injunction, damages or account of profits. Also, infringing goods, material and implement can be ordered to be destroyed, seized, or forfeited (Article 108). Criminal remedies such as fine or imprisonment are also prepared against willful infringement (Article 120 and Article 124).

Article 135 of Trademarks Act 1999 stipulates injunction (temporary, ex parte, and perpetual injunctions), damages, account of profits, and delivery of infringing labels or trademarks. As criminal remedies, the Act states the fine ranging from Rs. 50,000 to 200,000 and imprisonment which will be from 6 months up to 3 years.

The Copyright Act (amendment) stipulates injunction, damages, account of profits, and expenses as civil remedies. As criminal remedies, the Act stipulates arrest without warrant, imprisonment of maximum of 3 years, and fine up to Rs. 200,000.

Copyright Board and courts make decisions on copyright infringing cases. The Copyright Board and the Copyright Office has a certain power as much as civil courts. Courts can issue an injunction and an ex parte temporary injunction as well as Anton Piller Order.

Use of computer programs infringing copyright is illegal and punishable with fine of maximum of Rs. 200,000 and imprisonment ranging from 7 days to 3 years.

The Copyright Enforcement Advisory Council (CEAC) has been set up on November 6, 1991 to review the progress of enforcement of the Copyright Act periodically and to advise the government regarding measures for improving the enforcement. Four copyright societies such as SCRIPT, IPRS, PPL, and IRRO are currently registered in India. They also established own strategic teams against copyright infringement. In

ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

collaboration with the police or administrative authorities, these teams are actively tackling music/record copyright piracy.

There are practical difficulties in the copyright enforcement because of lack of coordination among administrative authorities. The police generally lack knowledge of distinguishing infringing copies from originals as well as the machineries used for making duplicate copies. They do not have much knowledge about copyright law system.

Officials who involve with piracy control in the police, judicial branch, or customs bureau must receive training on copyright law in order to obtain information about copyright infringement in various industries. Entertainment industry has taken the biggest damage.

Courts can make an ex parte injunction order in addition to temporary injunction for discovery of documents and securing evidence.

1. Anton Piller Order: courts commissioners are appointed to search, seize, and secure infringing goods or return the seized goods to the infringer under the premises that the infringing goods will be submitted to the court. In order to identify the roots of infringing acts by revealing distribution channel, the order can require customs officials or tax officials to disclose quite useful detailed information about flows of goods, numbers, prices, invoices which could be corroborative evidence.

2. Norwich Pharmacal Order: the order can require a third party to disclose information.

3. Mareva Injunction: the order can freeze the assets of defendants.

4. John Doe Order: court commissioners have the authority to inspect the place where infringing act is believed to be made or has been made. The first order was granted in the case of *Tej Television Ltd vs. Rajan Mandal*, 2003, Delhi High Court. Deli High Court is now applying this order to articles such as counterfeit cigarette.

Due to delays in court procedures, temporary or permanent injunctions are the main remedies in most cases of trademark, copyright, and patent. Also, injunctions are granted for protection of emerging rights such as the copyright of ring tones or desktop wallpapers. [*Super Cassettes vs. Eros Multimedia & Anr.* (2005)]

Lastly, Professor Verma emphasized that evidently courts had been increasingly leaning in favor of the IPR holders in their recent judicial decisions and that new remedies were constantly evolved by the courts. A culture of admitting damages has been taking root in India, however, she pointed out that making rules (devising the detail mechanism of measuring damages rather than exception) was needed.

Major remedies in infringement are still injunctions (especially, temporary injunction). It is rare to have IP litigation in India. She pointed out that establishing IP specialized courts at local level should be considered and IP specialized bench could be prepared in High Courts and the Supreme Court of India.

Following her presentation, Justice Sikri made a speech. At the beginning, he emphasized the importance of IP law systems as the keystone of the initiative for Indian growth.

In India, IP issues have been rightly recognized and evaluated during the last decade. India has made an improvement for most of all IPR in order to harmonize international standards, supported development of growth areas, and taken various measures to establish IP systems for new areas.

Also he introduced the case of *Honda Motors Co. Ltd v. Charanjit Singh & Others* as a concrete case of trade passing off as well as the case of *Hitachi Ltd, Japan v. Ajay Kumar Agarwal And*

ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

*Ors*1996 (16) PTC262 as similarity in appellation. The appellant brought a suit for injunction, infringement of trademark, passing off against HITAISHI in Hindi script which was similar to HITACHI in alphabetical script. The court admitted appeal and decided that the words HITACHI and HITAISHI were phonetically similar and there was a real danger of confusion.

Injunctions include temporary, perpetual, and mandatory injunctions.

While interpreting a statute, the role of judiciary must be to evolve new principles. Judges must match laws to new circumstances.

He raised three challenges confronting IP in India: 1) Market Power: economic approach, 2) Development pressure: IPR and unfair competition, and 3) Innovative interpretation. Especially, as for market power, protecting both intellectual property right and traditional knowledge will promote foreign direct investment (FDI) and technology transfer under the current circumstance of globalization and rapid technology proliferation. However, it is necessary for the nation to gain more FDI in order to maintain strong IP system. He emphasized that FDI is important not only for a financial issue, but also for strengthening business and technology connected with other countries.

Regarding new interpretation of IP, innovative measures are needed because IP infringers are not covered under strict legal terms. Despite this, Indian courts have made significant contributions for protection and enforcement of IPR. He raised "innovative injunctions, injunction vs. damages, recognition of trade border reputation, trade dress, design, estoppels, delay, acquiescence, jurisdiction, domain names, confidential information, database, entertainment works, moral rights, fair dealing, product disparagement, and protection of geographical indication".

A panel discussion followed the keynote speeches.

(Global COE Research Associate, Lea Chang)

Panel Discussion

The panel discussion took place inviting Dr. Poonam Dass, Delhi University, Attorney Girija Varma, and Attorney Manoj G. Menda as panelists and Professor Ryu Takabayashi, Director of RCLIP, and Mr. Jim Patterson, US patent attorney as commentators, moderated by Professor Toshiko Takenaka, University of Washington (Visiting Professor of Waseda Univ.)

First, Dr. Dass made a report about the overview of the enforcement of copyright in India, focusing on concrete regulations in Indian Copyright Act. In her presentation, she highlighted piracy in India, showing detailed numbers of damages. She introduced a study estimating that 160 billion rupees profit and 800 thousand jobs had been lost throughout the country mainly in the fields such as music, game, TV programs, cinematographic films, and computer programs. She explained about efforts against infringement in India. Copyright societies and the police organization work cooperatively and have produced a result. In addition, she pointed out that it was necessary to have the police education and public awareness enhancement in order to strengthen controls on piracy.

Attorney Varma made a report about the patent system. She explained about various amendments to the Patent Act in chronological order before the current law was enacted. Then, she expounded the existing law of 2005. Especially, she introduced and reviewed judicial decisions relating to major conditions for patentability such as novelty, inventive step, and industrial applicability.

Attorney Menda made a report focusing on the enforcement of trademark. Trademark infringing

ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

cases are mainly handled in the High Courts of Mumbai and Delhi. The concept of compensation for damages is not widely accepted in India. In addition to introducing such conditions regarding trademark infringement, he outlined the way how well-known foreign trademarks are protected in India, referring to several judicial precedents. Also, he mentioned a provision in India's Trade Marks Act stating that the police officer must consult the Register of Trade Marks before starting infringement investigation. He pointed out that this provision could be negative because it hinders swift settlement of cases.

Next, two commentators made statements to the reports. Attorney Patterson made his comments as a US patent attorney, based on the experience of his stay in India. In specific, he mentioned that the US was actively outsourcing patent related works to India. Even though both speak English, Indian English and American English are different. There might be a possibility to have insufficient contents in applications due to the difference. Also, patent specialists in India often change their jobs due to economic reason. So problems have occurred in terms of education for experts and so forth.

Professor Takabayashi made a comment based on the experience in "IP Enforcement in Asia" held in November 2007 by the RCLIP. For example, there is a fact that substance patent was not admitted in India. He pointed out that Japan also did not admit it in the past. In addition, IP enforcement in the past Japan was mainly injunction and people did not pay much attention to compensation for damages. He said useful discussions could be continued with India, based on Japan's experience of development through out of such conditions in the past.

After that, Dr. Verma and Judge Sikri who made keynote speeches joined in the panel discussion. Then, questions were raised from the floor. For the detail, please refer to the proceedings which will be published in the Global COE's periodical publication next spring.

(RA Asuka Gomi)

## Waseda and Hokkaido University Global COE Joint Copyright Symposium（2008/11/29）

Panel I: Future Vision of Copyright Protection
Moderator: Prof. Ryu Takabayasi, Waseda University

In the Panel I, with the theme of "Future Vision of Copyright Protection", panelists made a presentation followed by a QA session. This theme was selected because it could be an issue from both perspective of legal policy study by Hokkaido University Global COE and law system research by Waseda University Global COE.

First, Professor Yoshiyuki Tamura made a report titled "Law and Policy around Copyright". He talked about with what views copyright should be considered in the coming Digital age. He emphasized three points of view such as 1) justification grounds of copyright, 2) focus on the process of establishing policy on copyright, and 3) changes of copyright system in line with changes of technological and social environments.

Next, with a title of "Copyright System and Competition Policy – with Development of Copyright Market", Professor Katsuyuki Izumi, Tokushima University, made a report, using recent

ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

cases. He stated that the competition policy viewpoint became necessary for interpretation and system design of copyright law as copyright market was advanced and developed.

Attorney Yuko Noguchi made a report titled "A Consideration of Fair Use – Based on the US Cases". In addition to the present situation surrounding fair use in Japan, she explained about recent discussions on adopting fair use. She pointed out the history of fair use in the U.S. and the discussion points about four requirements in Article 107. Also, she proposed the issues necessary to be considered in adopting fair use in Japan.

Last, special-appointed Professor Kazuhiro Ando, Hokkaido University, made a report titled "A Consideration of Copyright Neighboring Rights System in the Digitalized Age - Music Sampling". Sampling is a process of taking a portion of one sound recording and using it as a part of new recording by digital processing. He mentioned the case of Bridgeport and organized the situations in the U.S. in which the issues of sampling were being discussed connected with substantial similarities or de minimis doctrine. Then, he proposed his opinion on what decision would be made if the Bridgeport occurred in Japan.

After those reports, questions were raised by the commentators. Professor Ichiro Nakayama, Shinsyu University, asked a question to Professor Tamura and Professor Izumi. I myself (Imamura) asked a question to Attorney Noguchi and Professor Ando. Vigorous opinion exchange took place respectively.

（RC Tetsuya Imamura, full-time lecturer of Meiji University）

Panel 2: Legal Protection of Applied Arts

Moderated by Associate Professor Tatsuhiro Ueno, Rikkyo University, the Panel 2 was held inviting Associate Professor Yasuto Komada, Sophia University, Professor Masahiro Motoyama, Kokushikan University, and Associate Professor Koji Okumura, Kanagawa University as panelists. Patent Attorney Asuka Gomi, Waseda Global COE Research Associate, Liu Hsiao-Chien, Hokkaido University Global COE Research Associate participated in the panel session as commentators.

First, Associate Professor Tatsuhiro Ueno who is the moderator introduced the backgrounds of establishing the current Copyright law and judicial decisions regarding applied arts and so forth. He also pointed out the issues including 1) definition of applied arts, 2) relations with design law, 3) standards for applying copyright protection, and others. Then, three panelists reported respectively, from the viewpoint of comparative law in terms of France law, German law, and American law.

Associate Professor Komada introduced the "unity of art" theory in France. He explained the theory firstly "does not apply special requirements to distinguish applied arts from pure arts for protection of applied arts under the copyright law", and secondly, "admits overlapping protection by design law". He also introduced the historical backgrounds in France to adopt it as well as some concrete examples of applied arts protected by the copyright law under such a theory. Italia's separability theory which denies overlap of both laws would be influenced by the judgment of artistic value in design after all. He pointed out

ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

that French legal practitioners generally expressed a negative attitude toward such standards.

Associate Professor Motoyama introduced the "stage theory (*Stufentheorie*)" in Germany. The theory distinguishes protective area of design law and copyright law by stages, using degrees of creativity or design as *Merkmal*. His report elaborately explained that 1) the theory had developed on the premise that German copy law and design law had essential similarity because German "design law" was actually the "law relating to copyright on designs and models", which specialized protection of applied arts, and 2) the validity of the stage theory was not exactly clear because the new design law was enacted in 2005 and the new law did not have any systematical relations with copyright law. He said that some scholars pointed out the stage theory would not be maintained any more.

Associate Professor Okumura introduced the "separability theory" in the U.S. A negative attitude toward protection of applied arts has been taken traditionally in the U.S. The separability theory requires that the subject "can be separately specified by the practical aspects and can exist independently" in the case of protecting applied arts. Such a theory was established based on the traditional background stated above. Moreover, he said that, although the separability theory under the existing law was described to be two theories of physical and conceptual separability, such distinction was difficult in fact. He also introduced some judicial decisions and academic theories. As a matter of Japanese law, he pointed out, if applied arts are protected by copyright law and the scope of right of adaptation is adjusted, it is necessary to give a definition of applied arts.

Two commentators made a comment on these matters. Patent Attorney Gomi pointed out the issues in applying copyright protection to applied arts including ambiguity of necessity for copyright protection to applied arts as well as remaining uncertainty of the scope of protected design in the case of applying general creativity standards to applied arts. Also, as the standards to distinguish the protection area of both laws, he pointed out that it would be inadequate to adopt the standards of stage theory, which courts had been using to date, and it would be adequate to set practicality as main *Merkmal* in distinguishing. He also pointed out the possibility of secondarily making allowance for unsigned nature of design (the nature of having weak association with specific individuals).

Research Associate Liu pointed out that, in the case of applying long-term copyright protection to all design of utility goods, 1) it would be possible to cause severe harmful effect on utility related industries, 2) it would be difficult to have a clear role distinction of legal judgment between the Patent Office and courts, and 3) it would be possible to interfere with individual usage. In conclusion, the observation was presented that it had no other choice but coordinating with design system in applying utility copyright protection for utility design and that it would be appropriate to use the existence of aesthetic creativity independent of practical aspect, as a judgmental standard.

Discussions took place among the panelists after the reports stated above. From the floor, Professor Tamura of Hokkaido University, Judge Mimura of Tokyo High Court, and Patent Attorney Minetada made a comment to discuss the pros and cons of panelists' observations.

（RA　Asuka Gomi）

ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

## The RCLIP's Asian IP Precedents Database Project

※ The database is available in English, free of use at: http://www.21coe-win-cls.org/rclip/db/

### IP Database Project: China

With the help of Chinese collaborators, Chinese IP Precedents Database of FY 2007 was completed as planned. We will ask for continued cooperation of Professors in Beijing, Shanghai, and Guangzhou, China for additional 100 cases of FY 2008.

▼With Justice Zhang of Shanghai Peoples High Court

Currently, the Chinese Database Team of the RCLIP is making a courtesy visit to Chinese Professors in order to talk about the DB establishment as well as the future plan of the project and the way of making use of the DB.

(Global COE Research Associate Yu Fenglei)

### IP Database Project: Thailand

Currently 370 Thai precedents have already been placed at the database. More 50 cases will be added this year.

(RC Tetsuya Imamura)

### IP Database Project: Indonesia

Indonesian IP precedents have been completed to date to the amount of 100 cases in the DB.

Last year, two members from the RCLIP visited the Supreme Court of Indonesia from October 12. The purpose of this visit was to explain about the progress regarding Global COE selection, the handover of the project to the new member in the RCLIP, the request for future cooperation for the DB project, and examining precedents which should be added to the DB. At least, additional 30 cases will be added to the DB by the end of March.

▼It happened to coincide with a time when the opening ceremony for the judicial education center took place and we were invited to look around the new facility.

Also we visited Center for Intellectual Property Competition and Dispute Settlement Mechanism, CICODS, Universitas Gadjah Mada. The CICODS was established in 2007 as an organization within the university, with the financial help of WIPO, to be a think tank for Indonesian government and domestic industries. Now it is preparing its structure by inviting and fostering researchers. In 2010, it will be in full-scale operation (http://www.cicods.org/). We met Dr. Bambang Kesewo who is the founder of the CICODS and still plays a major role and Dr. Tomi Suryo Utomo who earned a degree in the University of Washington of the U.S. We exchanged information about the research structure of the RCLIP and the CICODS and agreed to actively pursuit academic exchange in the future.

▼With the researchers of the CICODS at the hall of Universitas Gadjah Mada

(RA Noriyuki Shiga)

ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

### IP Database Project: Taiwan

Currently the number of IP related precedents in Taiwanese DB is 452 cases in total. After April in 2009, more 60 cases will be added as the portion of FY 2008.

Also, the Intellectual Property Rights Court (IP specialized court) was established last July in Taiwan. It is expected that IP related judicial decision in higher quality will be made. The expansion of the Taiwan DB is also expected.

(RA Po-Chun Chen)

### IP Database Project: Vietnam

At the end of last October, Professor Takabayashi, Director of the RCLIP and RA Gomi visited People's Supreme Court in Hanoi to meet Mr. Ngo Cuong. We exchanged opinions about collecting IP precedents in Vietnam. As a result, for the future five years, it was affirmed to provide 10 cases per year in addition to 50 cases at the beginning. From now on, the RCLIP will work together with the Supreme Court on concrete processes of the project such as translation of collected precedents.

（RA Asuka Gomi）

### IP Database Project: Korea

In 2008, the RCLIP DB has 89 Korean IP precedents in total. New 60 precedents will be added. The person in charge visited Korea at the end of November and concluded an agreement with Center for Intellectual Property and Information Law of Hanyang University regarding selection/translation and summarizing of precedents. Professor Yun SunHee who is Director of the Center had reported at the RCLIP Workshop before. The first 30 cases will be prepared within this fiscal year, and the remaining 30 cases will be prepared after April 2009.

(Global COE Research Associate Lea Chang)

### IP Database Project: Europe

We are having a discussion with Dusseldorf University and Strasbourg University about the number of precedents and the date of completion after our visit to Europe. Also, we are working concurrently on the process to make the DB of 190 precedents which the European Patent Office provided us.

(Rika Honda, RCLIP Coordinator)

## News@RCLIP: Visit to Europe

RCLIP delegate team; Professor Ryu Takabayashi, Professor Toshiko Takenaka, Ms. Akiko Ogawa, Research Associate, Mr. Noriyuki Shiga, Research Assistant, and Rika Honda, RCLIP Coordinator, visited Universities and Research Institutes in 4 cities in Europe, and discussed RCLIP research activities, database projects, and future collaboration. Many researchers and the practitioners were willing to collaborate and corporate with us.

December 8, 2008, London

We have visited Patent County Court in London, and had a meeting with His Honour Judge Michael Fysh QC, SC. He is the only judge in the Patent County Court, and an expert of patent litigations. He will be coming as a speaker of the conference to be held in Waseda in January. We have discussed the contents and administrative work of the conference. Also, he lectured us regarding the IP enforcement in UK as well as the EU and global IP enforcement from the UK perspective.

December 9, 2008, London

We had a meeting with Professor Spyros Maniatis, Dr. Gail Evans, Mr. Jonathan Griffiths, at Queen Mary, University of London, and Dr. Jeremy Philips from Intellectual Property Institute. They teach and research at IP LLM program at Queen

ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

Mary. We explained our database project and asked the corporation for the collection of UK cases. They introduced useful resource for our project. Also, to promote the use of the database, we have discussed the possibility to collaborate on the workshop for young scholars.

December 10, 2008, Dusseldorf
We had a meeting with Professor Dr. Jan Busche, Dr. Dirk Zetzsche, Prof. Dr. Christian Kersting, and Dr. Tim Kleinevoss at Heninrich Heine University in Dusseldorf. They teach and research IP and related business law, and they had already started to collaborate with our database project. In the meeting, we explained the purpose and the current situation of the database project as well as its future. They have agreed to translate 50 cases by February. We confirmed that we would discuss more details once they complete the first 50 cases. Also, we discussed what we could do to promote the use of the database, and some great ideas came out. Also, they were very interested in participating workshop for young scholars.

December 12, Strasbourg
We had a meeting with Professor Yves Reboul, Professor Christophe Geiger, Associate Professor Céline Meyrueis-Pebeyre, Mr. Thibaud Lelong, and Mr. Yann Basire from Center for International Industrial Property Studies (CEIPI) at Robert Schuman University. We explained the purpose, the current situation, and the future project, and we were able to get their understanding. They expressed the interest in collaborating with our database projects and will collect, select and translate 30 French IP cases by February. Also, we talked about future collaboration research and holding a seminar about French IP law in Japan. Furthermore, Professor Takenaka lectured regarding IP enforcement in Japan and US, and Mr. Thibaud Lelong made a presentation about IP enforcement in France.

December 15, 2008, Munich
We have attended the symposium, “The Future of Intellectual Property,” celebrating the 5th Anniversary of the Munich Intellectual Property Law Center (MIPLC), held in Bavarian Academy of Humanities and Sciences. Professor Joseph Straus, MIPLC Managing Board, made an opening speech. Professor Stanisław Sołtynsiński from University of Posznań and Professor Goldstein from Stanford Law School made a presentation regarding the world IP law.

December 16, 2008, Munich
We have visited Professor Dr. Joseph Straus and Professor Dr. Reto Hilty from Max Planck Institute of Intellectual Property Law.

We explained about our database project and were able to get their understanding. To promote the use of this database, we discussed the workshop for the young scholars among the collaborating institutes/universities. Also, as Professor Dr. Straus will be coming to Japan for conference in January, we discussed the contents and administrative work for the conference.
We had a meeting with Mr. Stefan Luginbuehl, who is an IP lawyer at European Patent Office. EPO had provided some IP cases to RCLIP for our database and we thanked him for that, and also talked about the contents and administrative work for the conference held in Waseda in January, as he will be a speaker.
As the last event of the trip, at Taylor Wessing, Dr. Christian Lederer and Dr. Sabine Rojahn set up an seminar hosted by German-Japanese Lawyer Association, and Professor Takabayashi and Professor Takenaka made an presentation,

ISSN 1880-3245
January 2009, No.19
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html

"Japan's National IP Strategy and IP Enforcement Revisions: Improvements in Evidence Taking and Damages." There were so many IP lawyers and patent attorneys from Munich in the audience, and many of them stayed in the reception after the seminar and enjoyed the discussion of IP enforcement in Germany, US, and Japan.


(Rika Honda, RCLIP Coordinator)

## Events and Seminars

**International IP Seminar**
**EU IP Enforcement: Present and Future**
【Date】2009/1/17 13:00～18:00
【Place】Waseda University
Ono Azusa Memorial Hall

Welcome and Introduction of Database Project
Professor Ryu Takabayashi, Waseda University, RCLIP
Professor Toshiko Takenaka, University of Washington, CASRIP
Part 1. IP Enforcement System in Europe: Overview
Keynote Speech: "Issues and Challenges for Establishing European-wide IP Enforcement Mechanism and Contribution of Waseda IP European Case Law Database"
Professor Joseph Straus, Director of Max Planck Institute, Munich, Germany
"Establishment of a centralized patent litigation system in Europe: EU approach/EPLA approach – on the way to the best solution for Europe"
Mr. Stefan Luginbuel, European Patent Office, Munich, Germany
"IP Enforcement Strategies in European Courts: U.S. Perspective"
Mr. Michael Elmer, Finnegan, Henderson, Palo Alto, U.S.A.
Part 2- Panel Discussions: Perspectives from Judicial Branch
Implementation of EU IP Enforcement Directives
Moderator: Prof. Toshiko Takenaka University of Washington, CASRIP
Panelists:
Dr. Peter Meier-Beck, Federal Supreme Court of Germany, Karlsruhe, Germany
Dr. Gabriella Muscolo, Tribunal of Rome, Rome, Italy
Dr. Michael Fysh QC SC, Patents County Court, London, U.K.
Commentators:
Prof. Ryu Takabayashi, Director, Waseda RCLIP, Tokyo, Japan
Judge Ryoichi Mimura, Tokyo High Court, Tokyo, Japan
Language: Simultaneous Interpretation (Japanese-English)

Editor/issuer
**Ryu Takabayashi,**
**Director of Research Center for the Legal System of Intellectual Property (RCLIP)**
Waseda Global COE Program
Web-RCLIP@list.waseda.jp
http://www.globalcoe-waseda-law-commerce.org/rclip/e_index.html