

Annual Report Academic Year



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Prof. Thomas M.J. Möllers
Professor of Law,
University of Augsburg
Managing Director of CELOS
(Center for European Legal Studies)

It is a pleasure and an honor to welcome all readers to the Annual Report of the Munich Intellectual Property Law Center (MIPLC), as we look back on another successful year – the fifth since the Center’s creation. We hope that this Annual Report will provide valuable insights into the academic, social and personal life at the MIPLC during the academic year 2007/08.

The MIPLC was founded in March 2003, after months of intense preparation, as a joint academic center by the Max Planck Institute for Intellectual Property, Competition and Tax Law; the University of Augsburg; the Technische Universität München; and the George Washington University Law School, Washington, D.C. I was personally involved in setting up the MIPLC as a representative of the University of Augsburg and I am pleased to report that this complex cooperation has worked extremely well – in fact, I am tempted to call it a miracle given that we cover four institutions – and very much to the benefit of the Center and our students. I take this opportunity to thank my colleagues on the Managing Board for the constructive and fruitful cooperation we have enjoyed, and to whose continuation I very much look forward.

Likewise and on behalf of my colleagues on the Managing Board as well as the MIPLC’s administrative staff, I would like to thank all of our faculty members for their dedicated teaching, our sponsors for their generous support to our Center and its students, and our tutors for their commitment to supporting “the next generation” with their knowledge and insights. We hope to be able to enjoy your continued cooperation in the future.

Just a few months after its official creation, the MIPLC’s first academic year started in October 2003. Our initial class was only 16 students strong, but these trailblazers have since been joined by an-

other 163 students from a total of 56 countries. If current application figures are any indication, the MIPLC will enjoy growing interest in the years to come.

During the academic year 2007/08, the MIPLC continued to prosper with a variety of successful undertakings and the continuation of its one-year LL.M. program. In addition, the Center’s fifth birthday was a reason to celebrate past achievements and the path that lies ahead. And celebrate we did – by means of an international symposium on “The Future of Intellectual Property,” held in the Bavarian Academy of Sciences and Humanities.

Nevertheless, there was also a very sad moment when, at the end of the year 2008, an era came to an end. Prof. Joseph Straus entered his well-deserved formal retirement after heading the MIPLC’s Managing Board and being the driving force behind the Center for five years. On behalf of all involved with the MIPLC, the Managing Board expresses its sincere and heartfelt thanks to Prof. Straus for his indefatigable efforts to further expand the MIPLC. We are delighted about Prof. Straus’ willingness to continue teaching his very popular courses to our students and look forward to benefiting from his outstanding experience in the years to come.

Effective January 1, 2009, Prof. Straus was succeeded by Prof. Josef Drexler, Executive Director of the Max Planck Institute for Intellectual Property, Competition and Tax Law, as Chair of the Managing Board and member of the Study and Examination Board.

Other personnel changes occurred in the MIPLC administrative team. Ms. Tina Höfinghoff left her position as Administrative Director in the summer of 2008 to be succeeded by Ms. Julia Pracht, and Wolrad Prinz zu Waldeck und Pyrmont, the long-time Program Director, was replaced by Seth Ericsson as of January 1, 2009. I am grateful to Ms. Höfinghoff and Prinz zu Waldeck for their valuable contributions to the MIPLC and wish both of them and their successors the best of success.

Besides conducting “business as usual” in terms of the LL.M. program, now teaching its fifth/sixth class, the MIPLC staff focused its energies on successfully completing the requirements for obtaining a full accreditation certificate from the Bavarian accreditation agency ACQUIN. In its report, the accreditation commission concluded that “overall, the LL.M. program reaches the goals pursued by the MIPLC in an excellent manner,” confirming the path chosen over the past five years.

In terms of research, the MIPLC successfully organized three major conferences in 2008. The first one, held in May and in cooperation with the European Patent Office/European Patent Academy, the Japanese Patent Attorneys’ Association, and the VPP, focused on “Computer-Implemented Inventions.” The second conference was the above-mentioned international symposium on “The Future of Intellectual Property,” held to celebrate the MIPLC’s fifth birthday. Thirdly, the MIPLC was involved in organizing the conference “The Protection of Intellectual Property in a Globalized World” together with the Bavarian Government.

Last but not least, the MIPLC also made its mark on Munich’s sport scene with the successful participation of three teams, made up of students, tutors, and staff, in the Munich Company Triathlon 2008.

The MIPLC thus looks forward to the next five years.

Thomas M.J. Möllers
Member of the Managing Board

The MIPLC Managing Bord

Prof. Joseph Straus
Chair Managing Board,
Chair Study and
Examination Board



Prof. Christoph Ann
Managing Board, Study
and Examination Board



Prof. Robert Brauneis
Managing Board, Study
and Examination Board



Prof. Thomas M.J. Möllers
Managing Board



Prof. Michael Kort
Study and Examination
Board, Scientific
Advisory Board



Prof. Josef Drexler
Managing Board, Study
and Examination Board,
as of 2009



The MIPLC Administrative Team

**Wolrad Prinz zu
Waldeck und Pyrmont**
Program Director



Margit Hinkel
Administrative
Director



Tina Höfinghoff
Administrative
Director



Dagmar Klein
Administrative
Assistant



1. Organizational Developments and Personal Achievements

1.1. Awards and Nominations

Managing Board

In January 2008, Prof. Christoph Ann was appointed as Neutral at the Arbitration and Mediation Center of the World Intellectual Property Organization. In May, he was appointed Academic Member of the Bavarian American Academy (BAA). In November, he received the TUM Business School's "Best Teaching Award 2008."

Faculty

In May 2008, Prof. Graeme B. Dinwoodie, Professor of Intellectual Property and Information Technology Law at the University of Oxford and MIPLC Faculty Member from the very beginning, was awarded the Pattishall Medal for Teaching Excellence. This award, established by the law firm of Pattishall, McAuliffe, Newbury, Hilliard Geraldson LLP and the INTA Foundation to recognize educators in the business and legal fields for outstanding instruction in the trademark and trade identity field, is presented every four years to the university or graduate

Law School, Indiana University, and MIPLC Faculty Member since 2007, received the 2008 Ladas Memorial Award for their law review article "Confusion Over Use: Contextualism in Trademark Law" (92 Iowa Law Review 1703, 2007). This article examined trademark use theory "which many scholars regard as fundamental to future policy debates over the scope of trademark protection." The annual Ladas Memorial Award is presented to the paper judged best on the subject of trademark law or a matter that directly relates to or affects trademarks.

Both awards were presented at a gala during the 130th Annual Meeting of the International Trademark Association (INTA) in Berlin.

Students

In November 2007, the MIPLC nominated two students of the class of 2007/08, Zecharias Fassil Berhe from Ethiopia and Ugreson Maistry from South Africa, as candidates for the African Good Governance Network (AGGN). The AGGN, founded in 2007, is a long-term scholarship and education program run by the German Academic Exchange Service (DAAD) under the auspices of the German Federal President Dr. Horst Köhler. The network aims to foster the democratization process and good governance in sub-Saharan African countries through capacity building among future decision makers.

After a competitive selection process, both candidates were accepted into the network whose members come from Cameroon, Côte d'Ivoire, Eritrea, Ethiopia, Ghana, Kenya, Malawi, Namibia, Senegal, South Africa, Tanzania, Togo, Uganda, and Zambia.

Prof. Graeme B. Dinwoodie (left), Prof. Mark D. Janis



school professor "who best exemplifies the qualities of excellence and innovation in teaching subjects broadly related to trademarks and trade identity."

In addition, Prof. Dinwoodie and Prof. Mark D. Janis, Professor of Law and Ira C. Batman Faculty Fellow of the Maurer



Ugreson Maistry: »I was fortunate to be selected along with my MIPLC colleague to join the second intake of AGGN Fellows. Some highlights to date have included attending skill building conferences in Berlin, Leipzig and Geneva. Fellows are required to put in a lot of time and effort to make sure that the AGGN is a viable, independent and contributory source for good governance in Africa.«



Zecharias Fassil Berhe: »I would like to share with you the insider's view of the AGGN and my personal attachment to good governance issues. I first began my career teaching in a public university in Ethiopia where I taught Human Rights Law, Constitutional Law and Legislative Drafting courses amongst others. However, I was not only limited to the theoretical discussions involving human rights and good governance issues; I had the chance to collaborate with local and international NGO projects working on good governance, democratization and human rights issues in regional towns in Ethiopia. As a result, I have been a panelist in public meetings, panel discussions and political debates organized and sponsored by NGOs. This involvement in the theoretical field and in emerging local endeavors convinced me that Ethiopia and other emerging democracies need to advocate and implement good governance principles rather than merely paying them lip-service. As confirmed by the former Sec-

retary General of the United Nations, Kofi Annan, "good governance is perhaps the single most important factor in eradicating poverty and promoting development." Therefore, for sub-Saharan African countries, nothing could redeem them from their poverty except for the implementation of good governance principles. This view is shared by MIPLC – and that is why we were strongly recommended to join the AGGN.

It gives me great pleasure to be part of a network that allows me to enhance my skills and knowledge needed to implement good governance in the sub-Saharan African region. So far we have received training in decision-making, negotiation and moderation. Moreover, the network workshops provide in-depth knowledge of the contemporary understanding of good governance and global governance issues, whereby practitioners in the field and well-praised academics present their views and invite discussions and solutions to the problems that Africa is facing. The network is actively involved in integrating with academic and research institutions dealing with African development issues.

This is a very promising project. It significantly affects the quality of future governance of sub-Saharan Africa, most importantly because it invests in future independent decision makers and policy makers at different levels of governance. Once again, I would like to congratulate and thank the people who had the foresight to initiate this project.«

1. Organizational Developments and Personal Achievements

1.2. Staff

In 2008, the MIPLC administrative team incurred two severe losses in terms of personnel but was lucky to find equally qualified replacements.

In July, Tina Höfinghoff, Administrative Director, left the Center to advance her career by enrolling in a Master Program in Transatlantic Relations. The gap was filled in November, when MIPLC welcomed Julia Pracht as new team member at this position. Ms. Pracht holds a Master's degree in American Studies and has extensive international project management experience in a variety of professional contexts.

The Managing Board and staff wish to express their sincere thanks to Ms. Höfinghoff for her valuable contributions, in particular to the successful completion of the official accreditation process of the program.

At the end of the year, Wolrad Prinz zu Waldeck und Pyrmont, MIPLC Program Director during the academic years 2004/05, 2005/06 and 2007/08, left the Center to join a law firm and work in patent litigation. In January 2009, he was succeeded by Seth I. Ericsson, an American lawyer holding a German LL.M. in Media Law, who took over Prinz zu Waldeck's tasks with great enthusiasm and ability.

The MIPLC is most grateful and indebted to Prinz zu Waldeck for his excellent work in guiding and advancing the LL.M. program. Thanks to his dedication and perseverance, many improvements and new ideas were implemented during the past years, and his communication skills made him an outstanding representative of the MIPLC on the international IP floor.

But the team was not only temporarily weakened by staff members leaving, it was also significantly strengthened when Monika Schönrock joined on January 1, 2009 to take over the newly created position of the MIPLC secretary.



Tina Höfinghoff: »“MIPLC brings together students from around the world to study and research intellectual property law taught by distinguished faculty members”... how many times did I write and pronounce this sentence during the almost two years I spent working at MIPLC?! Too many times to count, but I can say from the bottom of my heart that all of that and much more is true!

My time at MIPLC can be described as international, intercultural, work intensive, cooperative, and somehow even family-like. When I applied for the job as Administrative Director and met my future colleagues for the first time, I was impressed by each team member's personal commitment to and strong conviction of the program. I quickly caught the

“MIPLC virus” and happily devoted myself to supporting the students and general operations, as well as seeking out new students, sponsors, partners for career cooperation, and lifelong MIPLC friends that could make MIPLC even stronger.

My time at the MIPLC presented me with both professional challenges and rewards, and I would like to take this opportunity to thank all my colleagues and students for enriching my experience. After leaving this job to pursue my own Master in Transatlantic Relations with plans to work in the field of German-US cooperation, I have an even higher appreciation for a well-organized program, an outstanding and highly-regarded academic faculty, and a dedicated administrative team. MIPLC students can consider themselves lucky to be a part of such a fine academic program.

After the celebration of the MIPLC's fifth anniversary, I am looking forward to watching the MIPLC continue to grow and consolidate its position as a world-renowned IP institution – I have no doubt that it will do so.◀



Julia Pracht
Incoming Administrative
Director



Wolrad Prinz zu Waldeck:

»The MIPLC plays an important role in my life, not only because I have been involved with it for such a long time, but also because of the many enriching conversations, encounters and experiences I have had in its very open-minded international yet family-like atmosphere.

I started out as a tutor to MIPLC students and, at the end of the first academic year, became the Program Director. Being responsible for the LL.M. IP program presented an opportunity and a challenge at the same time: the opportunity to collaborate with so many renowned experts from academia and practice both from Germany and abroad and with students from all over the world, and the challenge of establishing the program as one of the top educational IP pro-

grams worldwide, always striving for further improvement to meet the high expectations.

It is difficult to single out any “best memories” as there are so many good memories of life at MIPLC. What I treasure most about the MIPLC is its open and international atmosphere and the chance to meet and interact with so many interesting personalities; the constant opportunity to broaden one’s professional and personal horizon, e.g. by learning about different cultures and traditions from our diverse student body; and seeing the students’ happy faces at their graduation ceremony, celebrating the successful completion of their academic year.

After five years, the MIPLC and I part ways. It fills me with pleasure to see that the program has reached its maximum capacity of enrolment with the class of 2008/09 and to experience the dedication and involvement of faculty and tutors as well as the alumni’s continuing interest in and support for the MIPLC. These factors allow me to think that we may have reached our goal of establishing a world-class program. I am both proud of and thankful for the contribution I was able to make.«



Seth I. Ericsson
Program Director as of 2009



Monika Schönrock
Secretary as of 2009

1. Organizational Developments and Personal Achievements

1.3. Retirement of Prof. Straus

The most severe loss, however, is certainly Prof. Straus' retirement and leaving the MIPLC at the end of 2008. Prof. Robert Brauneis expresses what the Managing Board and the staff think and feel about this incisive event in the MIPLC's history:



»How can flourishing children possibly give adequate thanks for what their

parents have given them – for the sleepless nights of nurturing, the wise guidance, the expert instruction, the selfless love, and finally, for the gift of life itself? That is the quandary that we at the Munich Intellectual Property Law Center face when trying to pay proper tribute to Joseph Straus. For we all know that the MIPLC is first and foremost his offspring, and that he is an *Alma Pater* to all of us who have benefited from an association with the MIPLC.

Seven years ago, Joseph Straus could have chosen to pursue any number of projects. His reputation as a brilliant, hard-working, honest, uncompromising scholar, lawyer and educator had spread not only to Geneva, Brussels, London, Washington and Tokyo, but also to São Paulo, Johannesburg, New Delhi and Shanghai, and indeed to everywhere in the world where intellectual property law was pondered and debated. His connections in the academy, in legal practice, in industry, in foundations, and among judges and legislators would have made it easy for him to pursue many paths. Among those paths, the creation of a new institution for intellectual property education and research may not seem to have been an obvious one. It was certainly not a path to riches, nor to pure scholarly fame. And yet it is a venture to which Prof. Straus chose to devote a considerable portion of his talents and time, and for that we owe him a tremendous debt of gratitude.

Prof. Straus's involvement with the MIPLC undoubtedly led him to discover talents that he did not know he had, for it took an astonishingly wide variety of talents to build the institution into what it is today. Chief among these are:

Vision. Prof. Straus had to see the role that an institution like the MIPLC could play in the future of intellectual property law, bringing students, teachers and scholars from around the world to Munich, and how it might be implemented through



Vision and Diplomacy:
MIPLC Founding
Ceremony on March 17,
2003.



Development: Signing of the Memorandum of Understanding with the Chungnam National University in Seoul, Korea, on October 27, 2006.

an unusual partnership of a German research institute, two German universities, and one American university.

Diplomacy. Along with a few others whom he interested in the MIPLC project, Prof. Straus has had to navigate the bureaucracies, not only of his own institute and its parent, the Max Planck Society, but also of three universities, the Bavarian Ministry for Research, Science and the Arts, and the accreditation agency ACQUIN. Many would have given up right there and then, but he persevered.

Recruitment. Prof. Straus drew on his worldwide connections to build a world-renowned group of academics, judges, and lawyers to teach in the MIPLC IP LL.M. program, and to undertake research on a wide variety of topics in intellectual property law.

Leadership and Management. Prof. Straus has skillfully led the MIPLC Managing Board through dozens of meetings and hundreds of e-mail exchanges over more than five years, making decisions about every aspect of institutional policy. He was also the only member of the MIPLC Managing Board in year-round residence at the MIPLC, and was therefore involved in day-to-day management issues with the MIPLC staff.

Development. Prof. Straus took the lead role in organizing the Board of Trustees (Kuratorium) to build ties between the MIPLC and other institutions that could support and publicize its activities; he approached a number of individuals and institutions to fund scholarships and prizes; and he negotiated cooperation agreements with several important partners.

Teaching and Mentoring. Prof. Straus established himself as a model for the entire MIPLC faculty as a revered teacher in the LL.M. program, and as a mentor to students on matters ranging from Master's and Ph.D. theses to career development.

Scholarship. Prof. Straus also led by example in the area of scholarship, co-leading a joint MIPLC-Stanford Law School project on intellectual property in Asia with Prof. Paul Goldstein, and continuing

to publish prolifically throughout his term as Chair of the MIPLC Managing Board.

That one man could have all of these talents in such abundance is exceptional. That such a man would choose to bring these talents to bear on the creation and development of the Munich Intellectual Property Law Center is even more extraordinary. And that brings us back to the question with which we started: how can we possibly thank him adequately for his efforts? Of course, we should try to express our gratitude with events, reports, tributes, and personal contacts, as we have done and will continue to do. But there is really only one way that children can fully thank their parents, and that is to give their own children – the next generation – the same loving care that they received. That is our challenge, and a serious challenge it is: to invest our own energies into the MIPLC, so that it continues to thrive as a place where students, teachers, and researchers can come from all over the world to learn, discuss, and debate the law of innovation, creativity and competition, and can then leave with a continuing sense of community that connects them to their time at the MIPLC for the rest of their lives. Only if we can do that will we fully repay the debt we owe to a truly remarkable man, Joseph Straus. «



Scholarship: Receiving the International Venice Award for Intellectual Property, Venice, November 23, 2007.



Mentoring: Numerous former Ph.D. students came to Munich from far and wide to celebrate with Prof. Straus on December 15, 2008.

2. Cooperation with Other IP Institutions

During the first years of operation, the MIPLC had established cooperation with numerous renowned IP institutions the world over. In the period covered by this report, the MIPLC entered into one new cooperation agreement and continued to work with the partners acquired in the past. Synoptic summaries of the latest developments are presented below, and a list of all partner institutions is available at the end of this chapter.

2.3. European Intellectual Property Institutes Network (EIPIN)

The continuing close relationship between the MIPLC and the four other European IP teaching institutions in EIPIN was demonstrated by the large number of events organized in the course of the 8th EIPIN Congress 2007/08 (see pp. 31 and 58).



The class of 2007/08 in front of the European Patent Office during the annual study visit.

Front row, kneeling (from left): Özge Eşan, José Roberto Herrera Diaz, Esther Seitz, Eduardo Magalhães Machado, Zecharias Fassil Berhe, Hee Sob Nam.

Standing (from left): Marina Borsanello Ramos Berger, Judge Shintaro Takami, Adriana Morganti, Pallavi

Kondapalli, Prof. Kelvin W. Willoughby, Wolrad Prinz zu Waldeck (MIPLC Program Director), Aziza Tulyaganova, Wang Guan, Maria Blagoveshchenskaya, Sidney Cheung, Sergio Velázquez Vértiz, Wei Xiaojing, Burkard Luhmer, Chloe Tai, Ugreson Maistry, Meital Werner, Siddharth Karkhanis, Andrea Hüllmandel, Mario Cisneros, Ramin Amirsehhi.

2.1. European Patent Academy

In 2008, the extension of the Memorandum of Understanding was prepared and the new MoU was eventually signed in 2009.

2.2. German Federal Patent Court

In 2007/08, the German Federal Patent Court accepted another MIPLC student as intern, a German-American lawyer who was given the opportunity to go through three different senates, thereby receiving a good overall perspective of the workings of the court.

2.4. World Intellectual Property Organization (WIPO)

As in the year before, WIPO offered again internship positions for MIPLC students. This year, a total of five students went to Geneva for four weeks to intern in different departments and get an impression of the mission and work of a truly international IP organization (cf. p. 29).

various MIPLC professors. Dr. Unni has a long association with MIPLC and was the principal contributor from India for the MIPLC research project entitled “Treatment of Know-how in International R&D Cooperations.” He was also the sole panelist from India during the 5th Shanghai Intellectual Property Forum on “The Impact of the WTO TRIPS Agreement on Economic Development of Asian Countries” in 2007, co-organized by the MIPLC, the Stanford Law School, the State Intellectual Property Office of China (SIPO), the Tongji University, and the Shanghai Intellectual Property Administration (SIPA).

2.5. Supreme Court of Japan

With the participation of Judge Shintaro Takami in the LL.M. program, the cooperation with the Supreme Court was continued in its third year. As a result of the Court’s satisfaction with the education the judges have received at the MIPLC, the cooperation, initially limited to three years, was extended.

2.6. NALSAR University of Law

In the framework of the cooperation agreement concluded between the MIPLC and the NALSAR University, Dr. V.K. Unni, Assistant Professor at NALSAR, visited the MIPLC in the period of November 9 through December 16, 2008. Earlier that year, Dr. Unni had received the Max Planck India Fellowship from the Max Planck Society. He is the first person from the field of law to receive this fellowship, as all previous Max Planck India Fellowships had been awarded to scholars from various streams of natural sciences.

During his stay at the MIPLC, Dr. Unni was associated with Prof. Straus. His work, as part of the research undertaken at MIPLC, focused on the US Supreme Court’s characterization of non-obviousness in patent law and its possible impact on the Court of Appeals for the Federal Circuit’s judicial creativity. Dr. Unni’s study, which is in the process of publication, covers all 37 cases decided by the CAFC during the period from May 1, 2007 to October 31, 2008, with full statistics of various sectors, details about the judgments (such as affirmations or reversals), etc. The study also analyzed in detail all nine pharma-related obviousness cases the Court decided during that period. This analysis will be very beneficial to companies from India that are active generic drug producers who heavily utilize the Abbreviated New Drug Application (ANDA) route pursuant to the Hatch Waxman Act.

Dr. Unni also participated in the Symposium “The Future of Intellectual Property,” organized by MIPLC in Munich on December 15, 2008, and interacted with

2.7. State Intellectual Property Office of the People’s Republic of China (SIPO)

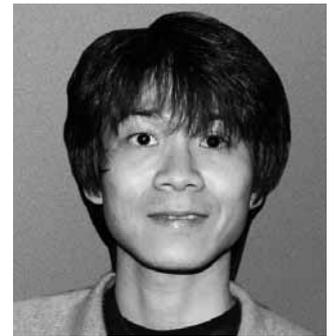
After the joint organization of the 5th Shanghai Intellectual Property Forum in 2007, the second major project conducted in the framework of the MIPLC-SIPO cooperation was a two-week IP training program offered by the MIPLC to a group of Chinese officials from various regional IP offices. A detailed description of the training program is provided in section 3.3.

2.8. International Max Planck Research School for Competition and Innovation (IMPRS-CI)

The IMPRS-CI is a three-year Ph.D. program jointly offered by the Max Planck Institute for Intellectual Property and the Ludwig Maximilians University, Munich (Department of Economics; the Munich School of Management; Faculty of Law). As part of the Ph.D. requirements, students have to take a number of economic and legal courses. Since the MIPLC’s LL.M. courses perfectly match the IMPRS students’ needs, in particular of those students lacking a background in law, the two institutions started to cooperate in 2008. In the framework of this agreement, IMPRS students are granted access to a certain number of LL.M. classes, predominantly basic courses, which, in turn, constitute the major part of the IMPRS’s legal curriculum.

The following table provides a synopsis of all collaborations and cooperative activities in which the MIPLC has participated since its foundation in 2003.

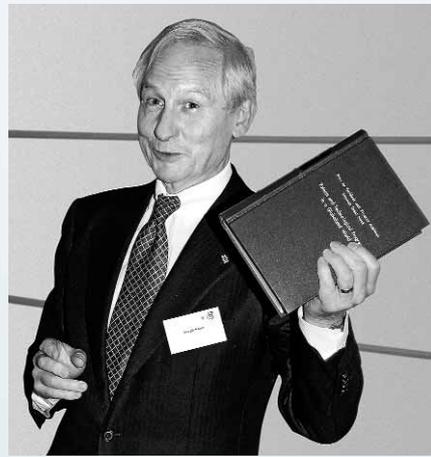
Judge Shintaro Takami, sponsored by the Supreme Court of Japan.



Dr. V.K. Unni, Assistant Professor at the NALSAR University of Law and Max Planck India Fellow.

2. Cooperation with Other IP Institutions

| Cooperating Partner(s) | Objective(s) | Established in |
|---|--|----------------|
| European Patent Office/European Patent Academy (www.miplc.de/about/cooperations/epo/ ; www.epo.org/about-us/office/academy.html) | Research Education | 2003 |
| German Federal Patent Court (www.miplc.de/about/cooperations/bpatg/ ; www.bpatg.de/index.html) | Education (internship) | 2003 |
| European Intellectual Property Institutes Network (EIPIN) (www.miplc.de/about/cooperations/eipin/ ; www.eipin.org/): <ul style="list-style-type: none"> ■ Master of Advanced Studies in Intellectual Property (MAS IP, ETH Zurich, Switzerland) ■ Queen Mary Intellectual Property Research Institute (QMIPRI, University of London, UK) ■ Magister Lucentinus (Universidad Alicante, Spain) ■ Centre d'Etudes Internationales de la Propriété Industrielle (CEIPI, Université Robert Schuman, Strasbourg, France) | Education (EIPIN Congress) Research (EIPIN Doctoral Meetings) Career development Networking | 2004 |
| EC-ASEAN Intellectual Property Rights Cooperation Program (ECAP II) (www.miplc.de/about/cooperations/ecap/ ; www.ecap-project.org/) | Education Networking Research | 2004 |
| Supreme Court of Japan (www.miplc.de/about/cooperations/japan/ ; www.courts.go.jp/english/) | Education | 2004 |
| University of South Africa, Dept. of Mercantile Law (www.miplc.de/about/cooperations/unisa/ ; www.unisa.ac.za/default.asp?Cmd=ViewContent&ContentID=211) | Research | 2004 |
| WIPO Worldwide Academy (www.miplc.de/about/cooperations/wipo/ ; www.wipo.int/academy/en/) | Research Education (internship) | 2006 |
| Chungnam National University of Korea (www.miplc.de/about/cooperations/chungnam/ ; www.plus.cnu.ac.kr/eng/sub0407.jsp) | Research Education | 2006 |
| NALSAR University of Law (www.miplc.de/about/cooperations/nalsar/ ; www.nalsarlawuniv.ac.in/) | Research Education | 2006 |
| State Intellectual Property Office of the People's Republic of China (SIPO) (www.miplc.de/about/cooperations/sipo/ ; www.sipo.gov.cn/sipo_English/) | Research Education | 2007 |
| Korea Institute for Intellectual Property (KIIP) (www.miplc.de/about/cooperations/kiip/ ; www.kiip.re.kr/eng/) | Research | 2007 |
| Dottorato di Ricerca in Diritto Commerciale, Università degli Studi di Catania (www.miplc.de/about/cooperations/catania_dottorato/ ; www.lex.unict.it/dottorato/dirittocommerciale/) | Research Education | 2007 |
| Institute of Intellectual Property (IIP) of Japan (www.miplc.de/about/cooperations/iip/ ; www.iip.or.jp/e/) | Research | 2007 |
| International Max Planck Research School for Competition and Innovation (IMPRS-CI) (www.miplc.de/about/cooperations/imprsci/ ; www.imprs-ci.ip.mpg.de) | Education | 2008 |



The editors of the *Festschrift* (from left): Wolrad Prinz zu Waldeck und Pyrmont, Prof. Martin J. Adelman, Dr. Ralph Nack, Prof. Robert Brauneis, and Prof. Josef Drexl.

On December 15, 2008, in a ceremony held at the Max Planck Institute for Intellectual Property, Prof. Straus was awarded the *Festschrift* compiled in his honor. In their laudatory speeches, Dr. Barbara Bludau, Secretary General of the Max Planck Society, Prof. Wolfgang Schön, then Executive Director of the Max Planck Institute, Prof. Drexl on behalf of the editors, Prof. Brauneis for the MIPLC, and Dr. Hans Peter Kunz-Hallstein on behalf of GRUR honored Prof. Straus both for his achievements in the field of IP law and for his personality.



3. Conferences and Training Activities

3.1. Conference “The Protection of Intellectual Property in a Globalized World”

On February 29, 2008 the conference “The Protection of Intellectual Property in a Globalized World” (“Der Schutz Geistigen Eigentums in einer globalisierten Welt”) took place in the Munich *Residenz*. The conference was initiated jointly by the Bavarian Government and the MIPLC and aimed to provide the Bavarian Gov-



Speakers at the conference “The Protection of Intellectual Property in a Globalized World.” From left: Theo Koll (Chair), Prof. Li Yuguang, Prof. Straus, Prof. Winfried Büttner, and Christopher S. Wilson.

ernment with information on the international enforcement of intellectual property rights. The conference resulted *inter alia* in a resolution of the Bundesrat (the Second Chamber of the German Federal Parliament) of October 10, 2008, initiated by the Bavarian Government, in which the Bundesrat asked the German Federal Government to advocate on the European level for better enforcement of intellectual property rights in third countries (“Entschließung des Bundesrates zu Maßnahmen der EU zum verbesserten Schutz geistigen Eigentums,” GRUR Int. 2008, 1014).

The conference, which was opened by the then Bavarian Minister for Federal and European Affairs, Dr. Markus Söder, firstly dealt with the protection of patents and trademarks in China and India from

an industry perspective. It also discussed free trade agreements and other policy tools as part of the United States’ intellectual property policy. Additionally, the efforts made by China to protect intellectual property were analyzed by the participants, as well as the European approach to protect intellectual property rights in third countries. Finally, participants discussed the degree to which bilateral treaties and better coordination can be used to improve the protection of intellectual property rights on the international level.

The list of speakers comprised the following persons: Prof. Winfried Büttner (Head Corporate IP, Siemens AG); Christopher S. Wilson (Office of the United States Trade Representative); Prof. Li Yuguang (Deputy Commissioner, State Intellectual Property Office of the People’s Republic of China); Klaus-Heiner Lehne (Member of the European Parliament); and Prof. Joseph Straus. The conference was chaired by Theo Koll, anchorman of the TV broadcast Frontal 21 (ZDF).

A report of the conference was published in GRUR Int. (Klopschinski, Prinz zu Waldeck, GRUR Int. 2008, 393).

Simon Klopschinski

3.2. Conference “Computer-Implemented Inventions”

On May 16, 2008, the MIPLC together with the European Patent Office/European Patent Academy, the Association of Intellectual Property Experts VPP and the Japanese Patent Attorneys’ Association JPAA organized a one-day patent conference focused on computer-implemented inventions. The conference was divided into three sessions, each addressing the patentability and the enforcement of computer-implemented inventions under the laws and practice of Europe, Japan and the USA. The panel discussions following each of the three sessions allowed for a spirited discussion and comparison of the diverging approaches.



Participants in the Conference “Computer-Implemented Inventions” in the auditorium of the European Patent Office.

The distinguished speakers from judiciary, academia and practice included Prof. Meier-Beck, Judge of the Patent Senate of the German Federal Supreme Court; the Honorable Randall R. Rader, Circuit Judge of the US Court of Appeals for the Federal Circuit; Dr. Jörg Machek, Director at the EPO in charge of search and examination of computer-implemented inventions; Prof. Katsuya Tamai, RCAST Tokyo; Prof. Martin J. Adelman, The George Washington University, Washington D.C.; Christian W. Appelt, German and European Patent Attorney with Boehmert & Boehmert, Munich; Keiko Kawakami, Japanese Patent Attorney with Ikeuchi, Sato and Partners, Osaka; and Yutaka Osawa, Japanese Patent Attorney with Osawa Patent Office, Tokyo.

The conference was met with great interest by the IP community and attended by more than 170 persons. After the conference, several participants specifically commended the comparative trilateral approach of the conference and voiced their hope that the MIPLC will organize similar conferences in the future.

3.3. MIPLC-SIPO IP Training Program

In the framework of the Memorandum of Understanding concluded between MIPLC and the State Intellectual Property Office of the People’s Republic of China (SIPO) in 2007, the MIPLC-SIPO IP Training Program took place in Munich from November 17 to 28, 2008. A delegation of 25 high-ranking officials from various regional intellectual property offices, headed by Mr. Tian Yingnan, Deputy Director of the Intellectual Property Office of Inner Mongolia, came to the MIPLC for two weeks of intensive training. The program comprised a series of lectures on all areas of European industrial property law, technology transfer, and IP management strategies in internationally active companies. The majority of lectures in the IP training program were given by MIPLC faculty members (Dr. von Bomhard, Prof. Drexl, Dr. Hertel, Dr. Kroher, Prof. Kur, Prof. Straus, Prinz zu Waldeck) and by Dr. Huber, then Senior Vice President and Head of Corporate IP, Robert Bosch GmbH (and member of the MIPLC Board of Trustees) as well as Ms. Heiningner, then Deputy Head of the Central Office of IPR of the Customs Administration, Munich.

In addition to the intensive lectures, the program comprised study visits to

3. Conferences and Training Activities

The members of the SIPO delegation, with Prof. Drexl and Prinz zu Waldeck, in front of the Max Planck Institute.



Mr. Tian Yingnan, Head of the delegation, presenting President Lutz with a Chinese scroll.

the European Patent Office, the German Patent and Trademark Office, the German Patent Attorneys Chamber and to the German Federal Patent Court. At the court, President Raimund Lutz not only welcomed the delegation but also gave an overview of the court's international cooperation and its intensification with regard to China in the IPR2 framework. As the lectures raised many interesting points for discussions, President Lutz joined the delegation for lunch to continue the conversation. At the EPO, the participants were introduced to the structure and organization of the European Patent

Organization and to the many bilateral, trilateral and international cooperations the EPO participates in. At the German Patent and Trademark Office (DPMA), the delegation was introduced to the DPMA's task and organization and to the processing of a patent application filed to the office. At the Patent Attorneys Chamber, Dr. Böhm, Member of the Chamber's Board, explained the procedure of becoming a registered patent agent before the DPMA and the EPO. She was met with incredulity when mentioning the (comparatively) high German pass rates for the final exam and the fact that – other than in China – candidates do not have to pay for their training to become a patent attorney, but even receive a salary.

The MIPLC-SIPO IP Training Program was considered a great success by both the MIPLC and SIPO. Another training program has been scheduled for 2009.

Successfully completed: Prof. Drexl awarding the Certificate to Gao Xiaoyu.



Prof. Straus opening the Symposium.



Member and Professor of Law at the University of Poznań, Poland.

Prof. Soltysiński spoke eloquently about the “never-ending dispute” regarding the merits, shortcomings and limits of IP laws. He started off by asking the respective questions of whether the TRIPS rationale benefitted developing countries and whether the new EU Member States profit from adopting the EU IP standards. He then moved from selected topics of

3.4. Symposium “The Future of Intellectual Property”

On the occasion of MIPLC’s 5th anniversary, a dynamic Symposium on “The Future of Intellectual Property” was held in the Bavarian Academy of Humanities and Sciences. As the MIPLC’s 5th anniversary coincided with the *Festschrift* of Prof. Straus, each of the illustrious speakers also paid homage to Prof. Straus for the essential and visionary role he played in establishing MIPLC. Prof. Straus would no doubt be the first to mention the efforts of the many other MIPLC founding figures; however, it was readily apparent and perhaps goes without saying that MIPLC truly is his “Brain Child.”

As such it was only fitting that Prof. Straus opened the Symposium. After warmly welcoming the many guests, he began by saying a few words about the continuous positive development of the Center. He also looked back at the “absolutely harmonious cooperation of the four partners and their representatives” during his tenure as Chair of the Managing Board. Prof. Straus then set the tone for the following speeches and discussions by calling for a “rational and balanced response to the actual needs of IP generators as well as of its consumers, be it in developing or developed countries” in all areas of IP.

Prof. Möllers chaired the first topic, “The European Perspective.” He also referred to the harmonious cooperation between the partners and the role Prof. Straus played in creating such a productive atmosphere. He then kindly introduced Prof. Stanislaw Soltysiński, MIPLC Faculty



Prof. Soltysiński (left), Prof. Möllers.

patent policy on to issues relating to copyright before getting to his “favorite issue:” the perils of cumulative protection of works and other inventions. In short, the speech of Prof. Soltysiński was a *tour de force* of European IP perspectives. It led the way for a lively round of discussion which included questions and comments ranging from European patents on computer-implemented inventions to Poland’s view on European patent jurisdiction.

As one may imagine, a few words on “The US Perspective” appropriately followed “The European Perspective.” Prof. Paul Goldstein, MIPLC Faculty Member and Professor at the Stanford Law School, was introduced by Prof. Brauneis, who expressed his gratitude to Prof. Straus for the five excellent years of cooperation.

3. Conferences and Training Activities

Prof. Goldstein (left),
Prof. Brauneis.



Dr. Gurry (left),
Prof. Drexel

Prof. Goldstein began by narrowing the topic a bit to “The Political Economy of American Intellectual Property in the Twenty-First Century.” He attributed the important role of political economy in the future of American intellectual property law, in part, to the relative instability of intellectual property rules. This instability, Prof. Goldstein argued, is due to a number of factors: a lack (inexistence perhaps) of empirical guideposts, the fact that intellectual assets represent information, and the unprecedented growth of the internet.

Prof. Goldstein then pointed to “light posts at hand as we peer into the tumult of American intellectual property law’s longer future.” These guiding principles, he suggested, are the lessons to be drawn from the American past as well as the lessons to be learned from across the Atlantic and Pacific. With regard to the American past, “cycles of high and low protection” may be called upon in order to shape American IP landscape of the future. Stepping outside the American framework, Prof. Goldstein referred to several lessons which may be learned from both the European and Asian IP experience. Once again, a lively discussion, participated in by professors and students alike, followed this excellent presentation.

After a pleasant lunch break, during which the invitees were able to catch up on a more intimate level, Prof. Drexel gave a nice introduction to Dr. Francis Gurry, Director General of WIPO.

As Director General of WIPO, it was surely appropriate that Dr. Gurry’s speech dealt with “The International Perspective.” Dr. Gurry began by announcing his desire to give a “provocative” talk in which he would try “to look a little bit into the future.” His talk was neatly structured around five different topics: the knowledge model, the innovation model, the remuneration model, the administrative model and the diplomatic model.

With regard to the knowledge model, Dr. Gurry called attention to its four specific features: the increase in intangibles, global economic behaviour of enterprises, an environment of immediacy in communications and increasing societal technology dependence.

When discussing the innovation model, Dr. Gurry noted the general move away “from the 20th century model of vertical innovation [...] to a more horizontal method of innovation – or open innovation.” He then mentioned the different connotations of the “open model.” If the open innovation model is used to describe “a set of practices of relations between enterprises,” this seemed to Dr. Gurry to be a rather traditional approach. If, however, the open innovation model describes an open source model or an open standards model, this represents newer sector-specific ideas.

In connection with the remuneration model, Dr. Gurry made reference to the “need to address seriously the question of business models and of privacy protections [...] one of the key possible barriers to some business models in the new digital environment.” In this vein, Dr. Gurry mentioned the increased collectivization of the commercial exploitation of creative works and the increased use of flatrated or bundled access models.

Dr. Gurry then moved on to discuss the administrative model where “interna-

tional systems are absolutely essential.” With regard to patents in particular, two developments, “the internationalization of demand and the changing linguistic composition of the prior art,” require contemplation of intensified international cooperation.

Dr. Gurry finished up his thought-provoking remarks with a few words on the diplomatic model. He first made mention of the “paradox of globalization [...] the growing number of international questions but a growing resort, at the same time, to non-multilateral answers.” He then specifically referred to the transition from the old “à la carte” system to the new architecture introduced by TRIPS and WIPO of “menu du jour.” Reference was also made to the WIPO Member States’ repeated blocking of the WIPO legislative agenda. In this regard, he has called upon the Member States “to look at ways in which they can address the blockages and perhaps to borrow in this respect from the WTO notion of a single undertaking to have a process to come up by September 2009 with a global accord for a work program at WIPO which would cover all fields that are currently under negotiation and which would provide a way forward in each of those fields.” Dr. Gurry completed his talk by calling attention to the possible danger that “law and policy will not be the regulators of intellectual property in the future but rather technology and the market will be.”

Prof. Ann had the honor of introducing the fourth and final speaker, Prof. Joachim Bornkamm, Presiding Judge of the German Federal Supreme Court. Prof. Bornkamm gave a “View from the Bench.”

The “red thread” of Judge Bornkamm’s presentation was the interplay between IP and Competition. He began with an overview of the justification for intellectual property rights in a free market economy. He then examined both patent and trademark law in light of competition law.

With regard to patent law in particular, Judge Bornkamm spoke about the monopoly right and licensing in connection with a dominant market position. He demonstrated his ideas by referring to the *Standard Spundfass* decision of the German Federal Supreme Court. In connection with trademark law, Judge Bornkamm pointed to the *Lotto* decision as well as the *Post* decision as having definitive competition law aspects. Judge Bornkamm summarized his detailed presentation with the following message: “Competition and intellectual property are not enemies fighting against each other for survival [...] they are rather partners [...]”



Prof. Bornkamm (left),
Prof. Ann.

The presentations were followed by addresses from representatives of the respective MIPLC partners, members of the respective MIPLC Boards and a representative of the MIPLC Alumni Association.

Prof. Frederick M. Lawrence, Dean of the George Washington University Law School, gave the first address in which he paid tribute to the international spirit of MIPLC. In addition, he also emphasized three points, which he felt crucial to the

3. Conferences and Training Activities



Wishing well on the partners' behalf (from left): Prof. Frederic M. Lawrence, The George Washington University Law School; Prof. Wilfried Bottke, University of Augsburg; Prof. Liqiu Meng, Technische Universität München; Prof. Rüdiger Wolfrum, former Vice President of the Max Planck Society.

success of an international endeavor such as MIPLC: the right model, the right leadership and a continuing commitment.

Prof. Wilfried Bottke, President of the University of Augsburg, began his address by rightfully mentioning the courage and vision associated with the establishment of MIPLC five years ago. He called attention to the growing importance of international scientific cooperation in a globalized world.

Prof. Liqiu Meng, Vice President of the Technische Universität München, highlighted the important role of each MIPLC partner institution in making MIPLC a success. She also made sure to highlight the integral role of Prof. Straus in creating the collegial and cooperative atmosphere.

Prof. Rüdiger Wolfrum, former Vice President of the Max Planck Society, outlined the uniqueness of MIPLC within the greater Max Planck Society. Although the MIPLC model may have been met with skepticism in the planning stages by some, its various successes, ranging from the LL.M. program to collaborative research projects, have demonstrated that "excellent fundamental scientific research may be combined with teaching and that fundamental research does not

exclude engaging in research having an eminent practical background."

Dr. Bertram Huber, Prof. Vincenzo Di Cataldo and Prof. Ralf Reichwald, respectively representing the MIPLC Board of Trustees, the MIPLC Scientific Advisory Board and the MIPLC Fachbeirat, also addressed the guests with words of praise for the success of MIPLC as well as for the crucial efforts of Prof. Straus.

Last, but certainly not least, Ms. Anna Bacchin, Founding President of the MIPLC Alumni Vereinigung e.V., spoke about the creation of the MIPLC Alumni Vereinigung. Ms. Bacchin drew attention to two ideas in particular: the building and maintenance of a powerful network between the graduates and MIPLC as well as a sense of affiliation and identification with MIPLC throughout the world.

After having been presented with gifts from the partners and the Alumni Association, Prof. Straus then brought the 5th Anniversary Symposium to a close by wishing the MIPLC Managing Board the best of luck in its future endeavors.



Dr. Bertram Huber (left), Senior Vice President and Head of Corporate IP, Robert Bosch GmbH, and Prof. Vincenzo Di Cataldo, University of Catania, representing the MIPLC Board of Trustees and the Scientific Advisory Board, respectively.



Prof. Ralf Reichwald (left), Technische Universität München, Chair of the MIPLC Fachbeirat; Anna Bacchin, Founding President of the MIPLC Alumni Association.



A birthday present from the colleagues of the Managing Board: Prof. Ann (handing over the present), Prof. Brauneis, and Prof. Möllers. Far left: Prof. Adelman, far right: Prof. Lawrence.



5th Anniversary Impressions

Prof. Christophe Geiger, Director General at the Centre d'Etudes Internationales de la Propriété Industrielle (CEIPI), University of Strasbourg.



Prof. Straus



Prof. Möllers

Dr. Wolf-Dieter Wirth (left), Treasurer of GRUR, and Dr. Paul Katzenberger, former research fellow at the MPI.



Dr. Jürgen Schade, former President of the German Patent and Trademark Office.



Prof. Yu Xiang, former MPI scholar and Manager of the Institute of China and Germany Intellectual Property Rights, Huazhong University of Science & Technology, Wuhan, China.



Mineko Mohri (left), former Ph.D. student at the MPI, and Prof. Toshiko Takenaka, Director CASRIP, University of Washington, Seattle, USA.



Dr. Henning Große Ruse-Khan, research fellow at the MPI.



Clara Sattler de Souza e Brito (left), Marianna Moglia, and Simon Klopschinski, former Ph.D. students of Prof. Straus.



Federico Bueno Icaza, MIPLC LL.M. student 2008/09, enjoying the lunch buffet.



Prof. Goldstein (left), Dr. Hans Peter Kunz-Hallstein, President of GRUR, and Dr. Gurry using the break to continue the discussion.



Prof. Wilfried Bottke (left), President of the University of Augsburg, and Dr. Matthias Kober, Manager of the Augsburg Law Faculty.

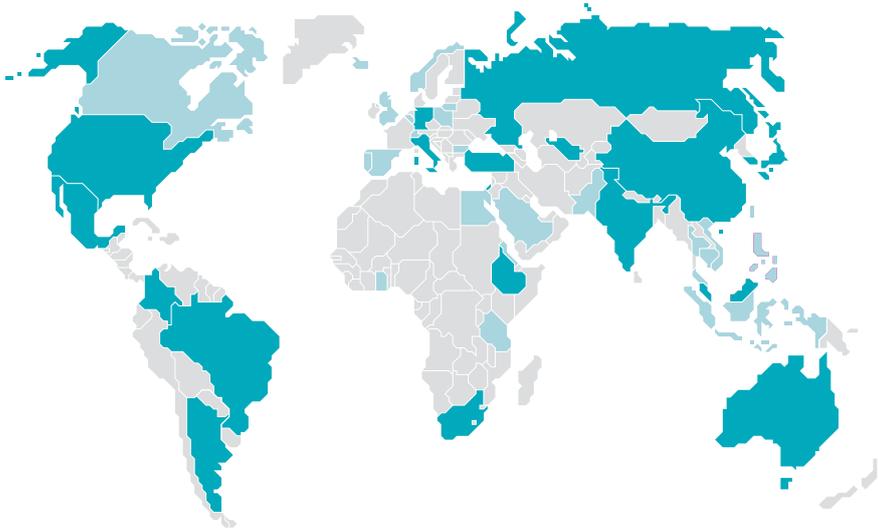


4. The LL.M. Program Academic Year 2007/08

4.1. Students

The class of 2007/08 was comprised of 25 students from 19 countries: Argentina, Australia, Brazil (2), China (2), Colombia, Ethiopia, Germany (3), India (2), Israel, Italy, Japan, Malaysia, Mexico, Republic of Korea, Russia, South Africa, Turkey, USA (2), Uzbekistan.

Not only did the students' geographical provenance display a wide spectrum, but their academic backgrounds were also diverse: 15 had a prior law degree, eight had scientific or technical backgrounds, one held a degree in economics and one in media studies.



Map showing MIPLC students' countries of origin. Dark blue: students from 2007/08; light blue: students from previous years.

4.2. Summary of Events

October 2007

| | |
|----|------------------------|
| 15 | Welcome Day |
| 16 | Start of winter term |
| 29 | Study visit to the EPO |

November

| | |
|----------|---|
| 07 | Autumn party at the MPI |
| 23 | City tour |
| 27 | Oral proceeding before EPO Boards of Appeal |
| 30–02/12 | EIPIN Conference in Gerzensee (4.7.) |

December

| | |
|----|--------------------------------|
| 18 | Christmas Reception at the MPI |
|----|--------------------------------|

March 2008

| | |
|-------|--|
| 10 | Start of Spring Break Internships (4.6.) |
| 14–16 | EIPIN Conference in Strasbourg (4.7.) |

April

| | |
|-------|------------------------------------|
| 14 | Start of summer term |
| 18–20 | EIPIN Conference in Windsor (4.7.) |

May/June

| | |
|----------|--|
| 09 | Alumni Reunion (4.17.) |
| 31–07/06 | Study Visit to Washington, D.C. (4.8.) |

July

| | |
|----------|---|
| 07–02/08 | The George Washington University IP Summer Program (4.9.) |
| 24 | Summer party at the MPI |
| 27 | Munich Company Triathlon (4.10.) |

August

| | |
|----|-------------------------------|
| 08 | End of summer term |
| 09 | End-of-Year Excursion (4.11.) |

November

| | |
|----|-----------------------------|
| 07 | Graduation Ceremony (4.14.) |
|----|-----------------------------|

4.3. Curriculum

The list of courses offered in the academic year 2007/08 is available in Appendix 1.

Based on previous experience and on the students' evaluation of the program, the following changes in the curriculum were introduced:

The course Protection of Databases, Plant Varieties and Semi-Conductors, which comprised three relatively independent areas of IP, was discontinued. Instead, two of the three course components were added to other courses: The protection of databases was merged into the new course



With regard to the Introductory Courses, Legal Research and Writing was transferred from the beginning to the end of the winter term. Many students start to work on their thesis during the spring break, and equipping them with the necessary academic writing skills closer to the point at which they commence their actual writing was deemed more effective than having this course at the very beginning of the program.

Introduction to Economics was replaced by a more IP-related course on Theoretical and Economic Foundations of IP taught by Prof. John F. Duffy of the George Washington University Law School. As a Specialized Course, it represents another opportunity to acquire credits in the field of economic aspects of IP.

Protection of Databases and Other Forms of Investment Protection (Prof. Leistner), while protection of plant varieties was integrated into the new class on Protection of Biotechnological Inventions. The main focus of this course, taught by Prof. Straus and Prof. F. Scott Kieff, is European and US statutory law and practice, including special aspects of plant variety protection, as they are embedded in the TRIPS Agreement and the UPOV Convention. Due to the low practical relevance of semi-conductor protection, this part of the previous course was dropped altogether.

Arbitration Simulation, so far an optional course without the possibility of acquiring credits, was transformed into a Specialized Course.

The class of 2007/08 in the Munich Hofgarten. From left: Judge Shintaro Takami, Eduardo Magalhães Machado, Sergio Velázquez Vértiz, Aziza Tulyaganova, Wang Guan, Prof. Kelvin W. Willoughby, Esther Seitz, Hee Sob Nam, José Roberto Herrera Diaz, Marina Borsanello Ramos Berger, Ugreson Maistry,

Meital Werner, Burkard Luhmer, Özge Eşan, Adriana Morganti, Ramin Amirsehhi, Zecharias Fassil Berhe (kneeling), Andrea Hüllmandel, Siddharth Karkhanis, Maria Blagoveshchenskaya, Pallavi Kondapalli, Wei Xiaojing, Mario Cisneros, Chloe Tai. (Missing: Sidney Cheung)

4. The LL.M. Program Academic Year 2007/08

Faculty
Portrait

Professor
Paul Goldstein



In addition, two new courses were offered for the first time in the academic year 2007/08: International IP Convention Systems (Prof. Kur), an Introductory Course familiarizing the students with the international IP framework, and Software Contracts (Prof. Maggs), a Specialized Course offered by the George Washington University IP Summer Program.

4.4. Faculty

The MIPLC faculty members who actively taught in the academic year 2007/08 are listed in Appendix 2.

The MIPLC was pleased and honored to welcome to its faculty the following new teachers from academia and practice:

- Prof. John F. Duffy, The George Washington University Law School (Theoretical and Economic Foundations of IP)
- Dr. Heinz Hammann, Director Corporate Division Patents at Boehringer Ingelheim (Pharmaceuticals and IP)
- Prof. Mark D. Janis, Indiana University, Maurer Law School (European, U.S. and International Design Law)
- Prof. Susan L. Karamanian, The George Washington University Law School (Arbitration Simulation)
- Prof. Gregory E. Maggs, The George Washington University Law School (Software Contracts).

4.5. Tutorials

Due to the successful practice in the past, the tutorial concept remained unchanged. Some long-term tutors regrettably left Munich and as a consequence had to give up their tutoring positions. To replace them, several new tutors were recruited, the majority of whom are LL.M. alumni. The tutors of 2007/08 are listed in Appendix 2.

Prof. Paul Goldstein, a globally recognized leading expert on intellectual property law and a member of the Stanford Law School faculty since 1975, was a founding faculty member of the Munich Intellectual Property Law Center. In addition to his extensive academic experience, he also serves as Of Counsel to a US law firm's intellectual property group and has been regularly included in Best Lawyers in America. He has served as Chairman of the US Office of Technology Assessment Advisory Panel on Intellectual Property Rights in an Age of Electronics and Information and has been a visiting scholar at the Max Planck Institute for Intellectual Property, Competition and Tax Law. At the MIPLC, Prof. Goldstein has repeatedly taught his very popular course "International and Comparative Copyright Law." He also enriched our symposium on "The Future of Intellectual Property" in December 2008 by contributing his rich expertise on practically every aspect of contemporaneous IP issues on the globe.

Incidentally, Prof. Goldstein is also a very successful writer of crime novels.

The MIPLC's students have greatly benefited from Prof. Goldstein's effective teaching and his thorough knowledge of the US's copyright legislation. In addition, the MIPLC and Prof. Goldstein have undertaken extensive research together, resulting in, to give but two examples, the publication "Intellectual Property in Asia – Law, Economics, History, and Politics" or the conference "The Impact of the WTO TRIPS Agreement on Economic Development of Asian Countries" in Shanghai in 2007.



Ugreson Maistry, South Africa: »The tutorial system provides excellent support to students for exam preparation. My tutor was really very helpful and caring and advised me appropriately in regard to the exams. MIPLC students are very fortunate to have individual tutorials and should take advantage of the excellent system.«



Pallavi Kondapalli, India: »I believe that the tutorial system is one of the most important components of the education that we receive at MIPLC. On the one hand the tutors serve as guides to steer the students through the maze of courses and exams, and on the other hand tutorials are the best place to break the initial ice and make good friends. I have had combined tutorials with a co-student, which enriched my learning experience and made my tutorials fun. What I really liked and enjoyed were the interactions that we had with our tutor, as a team, sharing our thoughts and complementing each other's knowledge.«



Andrea Hüllmandel, Germany: »In general I think that the quality of the tutorial and therefore the benefit for the student depends a lot on the tutor, on his or her knowledge and ability to convey this knowledge to the students. Nevertheless the tutorials are a good tool to review the lecture material needed for the exams, especially if a few weeks pass between the classes and the exam dates. Furthermore, they force the students to think about the topic even if they have not yet deeply studied the lecture materials, and they clearly demonstrate one's strengths and weaknesses with regard to certain topics. In my personal case, it was decided in the beginning of the academic year that we would have group sessions rather than one-on-one tutorials. This allowed each of us to learn from the knowledge and the different views of the others. And those points of view can differ starkly if you have, as in my case, a tutor from Italy with a law background, an Argentinean engineer, a Japanese judge and a German economist. As you may be able to imagine, we had some quite interesting discussions.«



Eduardo Magalhães Machado, Brazil: »The tutorial system is very well crafted and counts on the valuable support of Ph.D. candidates that help the educational process by shedding light on most controversial subjects. This system is not closed and very often tutors interact with one another in order to provide the best applicable information.

My experience with the tutorial system at MIPLC was quite amazing! It completely met my expectations of exchanging ideas with my tutor about a number of widely different IP areas. The impact and value of this flexibility was that I benefited greatly from my tutor's experience in subjects not necessarily related to topics dealt with in class.

As the system can only work if both parties are willing to benefit from each other's viewpoints, you must prepare yourself in advance for the tutorial meetings and be ready to defend your ideas before your tutor, as if you were in Court.«



Tutor and Student
Welcome Day, October 2007: Kristina Janušauskaitė (class of 2004/05) providing her new tutee Wei Xiaojing with initial information about the program.



Tutor and Student
Graduation, November 2008: Diana Leguizamón (class of 2005/06) celebrating with her tutee Adriana Morganti.

4. The LL.M. Program

Academic Year 2007/08

4.6. Internships

Each year all LL.M. students are required to complete a four-week internship at a law firm, company, court, government agency, or other organization that concerns itself with some aspect of intellectual property law.

The internship program aims to provide an opportunity to apply substantive knowledge in an actual practical setting, to develop additional skills of research and writing, interviewing, counseling, investigation, and working cooperatively with others, and to understand issues of professional responsibility, including confidentiality and avoiding conflicts of interest.

In the academic year 2007/08, our students found the following internship sponsors:

| Company | Location | Number of Students | Student's Nationality |
|--|-----------------------------------|--------------------|--|
| Bird & Bird Rechtsanwälte | Munich Germany | 1 | Italian |
| Boehmert & Boehmert Anwaltssozietät | Munich Germany | 1 | Russian |
| Eurice European Research and Project Office GmbH* | Saarbrücken Germany | 1 | German |
| European Patent Office | Munich Germany | 1 | Japanese |
| Federal Patent Court | Munich Germany | 1 | German |
| Freshfields Bruckhaus Deringer* | Hong Kong China | 1 | Australian |
| Freshfields Bruckhaus Deringer | Munich Germany | 1 | US |
| Frohwitter Intellectual Property Counselors | Munich Germany | 1 | Indian |
| Howrey Rechtsanwälte* | Munich Germany | 1 | Brazilian |
| Intel GmbH* | Feldkirchen/ Munich Germany | 1 | Israeli |
| Lovells | Alicante Spain | 2 | Mexican, South African |
| Max-Planck-Innovation GmbH* | Munich Germany | 1 | US |
| Office for Harmonization in the Internal Market* | Alicante Spain | 1 | Ethiopian |
| Robert Bosch GmbH* | Stuttgart Germany | 1 | Indian |
| Siemens AG | Munich Germany | 4 | Argentinean, Colombian, German, Chinese |
| Vossius & Partner | Munich Germany | 1 | Chinese |
| World Intellectual Property Organization | Geneva Switzerland | 5 | Turkish, Brazilian, Korean, Malaysian, Uzbek |

* New internship sponsor



Wang Guan, China: »I completed my internship at Vossius & Partner, a German patent law firm of outstanding reputation especially in the fields of chemistry and biology. During the internship, I had the opportunity to work with five patent attorneys on eight cases. Besides performing standard work, such as drafting the response to EPO office actions and communication to clients, I sometimes participated in oral or opposition proceedings and worked with several senior patent attorneys. I learned a lot from both everyday business in a German patent law firm and the attorney's performance during the proceedings. I also greatly benefited from my colleagues' kindness, especially my direct internship supervisor. I really appreciate the experience and warmly recommend the internship to other students with a related technical background.«



Andrea Hüllmandel, Germany:

»My internship company Eurice GmbH offers comprehensive support for the planning and implementation of international EU-funded R&D projects. I found the company myself and went to Eurice GmbH before the internship for an interview and to learn more about the tasks awaiting me. On that occasion, I was introduced to all colleagues. On the first day of my internship, I found that everything had been prepared for my arrival (my desk incl. PC, company email account, internet connection, etc.) so I could really start to work right away, which is crucial since the whole internship takes just four weeks. Because of the close connection between Eurice GmbH and the Saarland University, I also

got an overview of the general surroundings of the University.

My task was to develop case studies for IPR issues in the area of the EU Research Framework program. I had to deal with practical IPR issues which were identified in past and current projects or are likely to arise in international EU-funded R&D projects based on these project experiences. At the end of my internship I presented my results to all colleagues during an in-house seminar in order to raise awareness of intellectual property rights and to show practical examples of how they can be dealt with during the life cycle of an EU-funded project.

As a welcome side-effect, I learned a lot about managing EU research projects in general from discussions with my colleagues and the Managing Director.

Besides the interesting work in which I was involved, I was very pleased with the location of my internship sponsor in Saarbrücken. Saarbrücken is close to the French and Luxembourg borders and I took the opportunity to make some cross-border visits on week-ends.«



Chloe Tai, Malaysia: »To be frank, one month is really not enough for actually learning something from an internship. That is why I decided to complete my internship in a sector of the IP community that I might be unable to enter on a different occasion.

I was lucky that WIPO accepted my application for their Small and Medium-Sized Enterprises (SMEs) Division. I got a taste of what it is like working for an international body in a multinational and multicultural environment. I think that the internship provides an excellent opportunity for students to find out whether a particular sector of IP community is really as they had imagined it.«

4. The LL.M. Program Academic Year 2007/08

Faculty Portrait

**Professor
Graeme B.
Dinwoodie**



Graeme Dinwoodie is the Professor of Intellectual Property and Information Technology Law at the University of Oxford. He is also Director of the Oxford Intellectual Property Research Centre, and a Professorial Fellow of St. Peter's College. He teaches and writes in all aspects of intellectual property law, with an emphasis on the international and comparative aspects of the discipline. He received the 2008 Ladas Memorial Award from the International Trademark Association for his article "Confusion Over Use: Contextualism in Trademark Law" (with Janis).

Prof. Dinwoodie has extensive teaching experience at US universities (Professor of Law and Director of the Program in Intellectual Property Law, Chicago-Kent College of Law; University of Cincinnati College of Law; and University of Pennsylvania School of Law) and at Queen Mary College, University of London. He has served as a consultant to WIPO on matters of private international law, as an Adviser to the American Law Institute Project on Principles on Jurisdiction and Recognition of Judgments in Intellectual Property Matters, and as a Consultant to the United Nations Conference on Trade and Development on the Protection of Traditional Knowledge. He is the past-Chair of the Intellectual Property Section of the Association of American Law Schools. Prof. Dinwoodie was elected to the American Law Institute in 2003.

Prof. Dinwoodie, who has been awarded the Goldman Prize for Excellence in Teaching at the University of Cincinnati and the Pattishall Medal for Excellence in Teaching Trademark and Trade Identity Law by the International Trademark Association, has been teaching at the MIPLC since 2003, much to the delight of our students.

Faculty Portrait

**Professor
Angela Poech**



With Prof. Angela Poech, Professor for Entrepreneurship and Business Administration at the Munich University of Applied Sciences, the MIPLC further strengthens its economics focus.

Throughout her academic and professional career, Prof. Poech has focused on issues concerning medium-sized businesses. After graduating from Ludwig Maximilians University in Munich with a degree in business she worked in the field of communications for several years. After the completion of her Ph.D., she was employed as a scientific project manager for the President of the Technische Universität München, which coincided with the foundation of the MIPLC. Subsequently, Angela Poech worked under Prof. Ann-Kristin Achleitner at the KfW Endowed Chair for Entrepreneurial Finance, Technische Universität München. Between 2004 and 2006, she was one of the Managing Directors at the Center for Entrepreneurial and Financial Studies (CEFS) at the Technische Universität München.

Prof. Poech is in a unique position as she has closely followed the establishment of the MIPLC from an administrative point of view during her time as a staff member of the TUM's Management. She has been a member of the MIPLC faculty since the very beginning in 2003 and teaches her course on Entrepreneurship together with Prof. Bassen.

Faculty Portrait

**Professor
John F. Duffy**



Professor Duffy is a Professor of Law and Oswald Symister Colclough Research Professor of Law at The George Washington University Law School, whose faculty he joined in 2003. After receiving an undergraduate degree in physics, he served as articles editor on the University of Chicago Law Review and was awarded an Olin Fellowship in Law and Economics. Prof. Duffy clerked for Judge Stephen Williams on the US Court of Appeals for the D.C. Circuit and for Justice Antonin Scalia on the US Supreme Court, served as an attorney adviser in the Department of Justice's Office of Legal Counsel, and practiced law with the Washington firm of Covington & Burling. Since entering academia in 1996, Prof. Duffy has been on the faculty of the Benjamin N. Cardozo School of Law and the William and Mary School of Law, and has also served as a visiting professor at the University of Chicago. He has published articles in the University of Chicago Law Review, Columbia Law Review, Texas Law Review, and Supreme Court Review, and he is the co-author of a casebook on patent law.

Prof. Duffy, who has been teaching at the MIPLC since the academic year 2007/08, is a valuable addition to our faculty due to his deep and varied insights into the economic foundations of intellectual property, whose examination is one of the core facets and unique features of the MIPLC's LL.M. program.

4.7. EIPIN Congress

The 9th EIPIN Congress 2007/08, which dealt with the Enforcement of IP Rights, started with the meeting in Gerzensee, Switzerland, from November 30 to December 2, 2007. As in previous years, the meeting was attended by students and team advisors from the five EIPIN member institutions – CEIPI (Strasbourg), MAS IP (Zurich), QMIPRI (London), ML (Alicante) and MIPLC (Munich). The MIPLC was represented by ten LL.M. students, the Program Director, three team advisors and Prof. Straus, who chaired one of the sessions.

The three-day Gerzensee meeting mainly focused on Enforcement Framework and Civil Enforcement. The content of the presentations touched upon definitions of enforcement, its modes and strategies, as well as the civil enforcement infrastructure in Europe. The concretely available enforcement issues such as discoveries, provisionally and precautionary measures (civil seizures and orders), civil remedies (damages) were discussed as well. The participants enjoyed the lively, informative and qualitative presentations given by the US and European speakers which were illustrated by practical examples. The last day of the conference was dedicated to alternative dispute resolution and limits to civil enforcement followed by the team presentations chaired by Prof. Straus on the recent Microsoft cases.

The presentations that were given provided for the best possibility to get substantial and complex information about enforcement of IP rights. The students from the participating institutions followed up with questions to each speaker thus making the discussions on the various presented topics more fruitful. Besides the dense schedule of the conference, the participants were also able to meet their colleagues from other academic institutions and exchange their thoughts, ideas and future plans. The teams got together for the first time to work on their EIPIN reports on various topics related to enforcement of IP rights.

The second EIPIN conference was held in Strasbourg on March 14–16, 2008. The topics discussed mainly focused on *ex ante* and *ex post* IP Enforcement Procedures and Institutional Developments, where speakers from the EPO, WIPO, academia and renowned law firms shared their experiences and opinions. Following the work scheme put into practice in the previous EIPIN conferences, teams prepared questions in advance for the ongoing conferences, supported by the materials that had been made available at the EIPIN virtual classroom.

During the first day, opposition procedures related to Community Trademarks and European patents were discussed. Subsequently, those discussions were complemented with the next two presentations, which addressed contrasting national *ex ante* procedural practices in France and the US. On the subsequent days, presentations were devoted to judicial enforcement procedures. Firstly, a presentation was given on the implementation of the IP Enforcement Directive 2004/48, with special reference to its provisions relating to new means of collection of evidence. Later on, discussions dealt with cross-border infringement proceedings in the light of the Brussels II Regulation and the controversial ECJ judgments *GAT v. LuK* and *Roche v. Primus*. In this respect, established court practices in Germany, the Netherlands and the United Kingdom to enforce foreign patents and deal with validity defenses before the ECJ rules on the said decisions were compared. The closing remarks covered the existing efforts to establish a common patent litigation system in Europe. Finally, students got the possibility to discuss the corrected drafts of their EIPIN reports with their respective team advisors.

The third and last symposium of the 9th EIPIN Congress took place in Windsor from April 18–20, 2008. The subject of this symposium was Criminal Enforcement of IP Rights. Speakers from diverse institutions and organizations from the



Pallavi Kondapalli, India:

»The EIPIN Congress was a wonderful experience for me. Scholarly seminars aside, I really enjoyed visiting different places in Europe, getting to know a world so different from the one that I belong to. What I particularly loved in Gerzensee was the beautiful scenery at the lake, and the food was fantastic (which was a rare thing for me, since I am a vegetarian). The boat ride in the beautiful city of Strasbourg, and the long walks around the park in the famous English rain in London were some of my best memories. Although the overnight parties were new to me, I enjoyed the interaction with students from other IP institutions. EIPIN simply took the multicultural influence to a new level.◀◀

4. The LL.M. Program Academic Year 2007/08

public and private sectors as well as the academic sector were invited to hold presentations. The topics discussed covered different matters of this subject such as the Impacts of Counterfeiting and Piracy, Criminal Law Infrastructure, Border Control of IP Infringements, Criminal Law Infrastructure, Industry Perspectives, Criminal Enforcement in the Courts and International Developments in Criminal Enforcement of IP Rights. Criminal enforcement of IP rights has gained importance in recent years given the increase both in scope and magnitude of cases of counterfeiting and piracy of protected goods around the world. This problem extends to all sorts of products including those in sensitive areas of society like health and security, apparently even supporting organized crime organizations. Even though any attempt at assessing the impact of IPR counterfeiting and piracy faces the difficult task of access to reliable data, establishment of assessment criteria, determination of infringing activities etc., an overall estimation indicates short and long term effects on the economy, society, innovation and development level of a country. The issue is also directly linked to the ineffectiveness of national, regional and even international laws and regulations on enforcement of IP rights. Apart from aspects related to insufficiency of public enforcement resources, the low efficacy of IP enforcement is connected to the public perception and understanding of IP rights, whereby counterfeiting and piracy are not considered serious crimes by society and courts. The highly controversial EC Proposal for Criminal Enforcement of IP Rights is a good example of the complexity of this issue. A fundamental point of discussion is whether the EU is the right institution for dealing with criminal enforcement matters. Furthermore, discrepancies emerge due to the need for the correct wording of such a directive, which should cover bad/criminal infringers, however, without affecting the non-criminal ones.

It was in the framework of the Windsor symposium that the traditional EIPIN Moot Court Competition was finalized. Based on submitted written pleadings four working teams out of eleven were selected to participate in the Moot Court semifinals followed by a final competition. The symposium came to an end with a closing ceremony in which EIPIN diplomas were distributed to the participating students and words of encouragement and gratitude were spoken by members of the hosting institution.

Kristina Janušauskaitė

Paola Karam Valdés

Diana Leguizamón Morales



Prof. Kelvin W. Willoughby, USA/Australia: »The third and final gathering of the EIPIN Congress is the exciting venue for the IP Moot Court, in which multinational teams cut their legal teeth in mortal juristic combat. Well, that's what the organizers think... for the hard working and weary EIPIN students, however, it's actually the end of an arduous journey, and it's time to party all night!

For me – a professor-student not known for being conservative when it comes to celebratory beverages – my final evening at EIPIN surprised everybody, because I went to bed “early” (midnight). My reason? This year's final conference took place in Windsor, which just happens to be the home of Queen Elizabeth. For some mysterious reason I was invited to attend a Sunday morning church service in the Queen's private chapel at Windsor. Guess who was greeting visitors as they exited the chapel? ... yes, Her Majesty. Almost as interesting was my discovery that the MIPLC Program Director (Wolrad Prinz zu Waldeck) was actually something like 179th in line for succession to the British (and Australian) throne! MIPLC has a surprise for everybody.◀◀

4.8. Study Visit to Washington, D.C.

13 students participated in the study visit to Washington, D.C. from May 31 to June 7, 2008.

The program was jointly organized with the two EIPIN partners MAS IP (Zurich) and QMIPRI (London) and started on June 2 with the ITC mock proceedings hosted by Paul Hastings LLP. The proceedings were followed by presentations on expert opinions in US patent and trademark matters at the George Washington University Law School. Furthermore, the participants attended hearings at the Court of Appeals for the Federal Circuit (CAFC) after a lively *en banc* case introduction given by The Honorable Randall R. Rader. Further items on the schedule were a tour of the USPTO and a reception organized by GWU. The joint program ended with a lecture on IP Management given at Baker & Hostetler LLP by Robert T. Braun (Disco- vision) and chaired by Gary Rinkerman.



Sightseeing:
The Capitol Building in
Washington, D.C.



The Honorable Randall
R. Rader briefing the
students for the court
hearings.



Carrying the MIPLC
to Washington, D.C.:
Maria Blagoveshchen-
skaya, Pallavi Konda-
palli, and Andrea Hüll-
mandel.

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Maria Blagoveshchenskaya, Russia: »One of the practical experiences, organized in the course of the MIPLC program, was the study visit to Washington, D.C. That visit combined two important aspects – getting to know one of the partners of the MIPLC, namely, the George Washington University Law School, and attending oral hearings at the Court of Appeals for the Federal Circuit (CAFC).

Living on the George Washington University Campus and meeting people from GW Law School was a great personal experience, which helped us feel at home at GWU.

The visit to the CAFC was highly interesting, as it was a practical illustration of the theoretical knowledge we got at MIPLC, especially as regards US patent law. Here we finally had a chance to see how judges deal with intellectual property cases in US courts. For our group, it was especially interesting to watch Judge Rader, one of our MIPLC lecturers, in action.

Apart from the above, the trip was very enjoyable as it allowed participants to spend some free time with friends, to explore the city together and, of course, to add another album to our MIPLC photo collection.◀



Summer School students at the MIPLC.

4.9. The George Washington University IP Summer Program

The summer program organized by the George Washington University Law School ran from July 7 to August 2, 2008. A total of 36 students participated in the program: 16 students from GWU, 14 students from other law schools across the United States, and six students from other countries. Six of the eight courses offered were open to enrollment by MIPLC LL.M. students.

The two-week sessions program took place at the MIPLC, where students attended courses on Technical Protection of Authors' Rights; Cross-Border Trade in Intellectual Property; International Patent Law; Trademarks and Geographical Indications; Internet Law; Computer Crime; Software Contracts; and Intellectual Property and Indigenous Heritage.

The program allowed the students to visit local institutions such as the European Patent Office or the German Patent and Trademark Office, and to attend other lectures and activities, including the policy discussions at the IP Roundtable dinners, hosted by the MIPLC Alumni Association.

Furthermore, students had the opportunity to network with colleagues and to discuss about future steps in their professional careers, sharing knowledge and experience obtained while studying in different countries, schools and legal traditions. There was also time for relaxation, social activities and visits to lively Biergartens and pubs. *Mario Cisneros*



The student team (from left): Simon Klopschinski, swimmer (actually a tutor but ready to support the students in every possible way); Esther Seitz, runner; and Siddharth Karkhanis, biker.



The winning staff team (from left): Dagmar Klein, biker; Moritz Braun, swimmer; and Mike Durek, runner.

4.10. Munich Company Triathlon

Never shying away from a challenge, the MIPLC signed up for the Munich Company Triathlon on July 27, 2008, with not one, but three teams. These teams were made up of students, tutors, and staff, respectively, and proved that MIPLC draws the best and the brightest not just in academic, but also in physical terms. After fervent preparations and near-Olympic training sessions, nine dedicated athletes were ready to race on the big day. While the tutor team unfortunately had to give up due to injury, the other two teams finished. The staff team achieved the better overall result, thereby winning the MIPLC internal competition. It was awarded the MIPLC Cup in a solemn ceremony that, inexplicably, drew no attention from the world media...



Dagmar Klein, member of the staff team: »Our swimmer Moritz (MIPLC student assistant) used to be a triathlon semi-professional. Our runner Mike (MIPLC student assistant) also looks back on a long history of long-distance running. Thus the staff team was clearly aiming for a spot on the winner's podium with two of its members. I, by contrast, had never ridden a road bike before and in fact, had no plans to ever do so, as I prefer the company of my mountain bike. Nevertheless my two colleagues managed to talk me into joining them for the contest. Equipped with Moritz' excellent full carbon racing bike, I not only finished the second part of the triathlon for the staff team but did so in a rather satisfying time. All in all, the staff team finished 71 of around 100 teams.

It was a great experience and a lot of fun to have three MIPLC teams participating in this big Munich sporting event. Many of our students came to cheer for the teams and to enjoy a wonderful summer day in this exciting and sportive atmosphere. We hope to be able to organize new teams for participation in future triathlons.«



Esther Seitz, member of the student team: »Participating in the Munich Triathlon on behalf of the MIPLC allowed me to experience my classmates in a whole new light – as teammates. I had grown accustomed to working with and learning from my classmates while preparing for classes and studying for exams during my time at the MIPLC. But competing – together and for each other – athletically was new. And nice.

I was the last leg of our triathlon squad. That is, I ran my 10-km race after Simon and Siddharth completed their swim and bike ride. It was a hot day and all of us were exhausted by the heat. I felt fatigued even before I started my run. But the atmosphere at the race was upbeat. All of us from the MIPLC cheered each other on. Some classmates came just to watch. I found my teammates' and friends' excitement and encouragement especially motivating during my last half of the run. Competing athletically alongside my classmates added another colorful memory to my MIPLC experience.«

4. The LL.M. Program Academic Year 2007/08

A big group of students, tutors and staff members setting out for the Alps.



4.11. End-of-Year Excursion

After the final stressful weeks of taking many exams, it was time to let off some steam and relax for a few days before we got back to the last chapter of our LL.M. program – the grueling Master’s thesis completion period. Therefore everyone was looking forward to the end-of-year excursion organized by the MIPLC administration.

The excursion was planned in a manner to enable everybody (students, tutors and MIPLC staff) to spend a full day together. Those who still had not had enough could hike a few more hours and spend the night at a mountain hut.

The weather forecast was good and hence we set off early in the morning and in good spirits by train to Scharnitz in Austria. Unfortunately, the weather had other plans: it was raining heavily when we arrived at our destination. But as the saying goes “There is no bad weather, just the wrong clothes,” or in our case “There is no bad weather, there is a taxi.”

Thus the majority of our group “climbed” up the mountain by car and then ad-

ded a “strenuous” 1-km hike to the Kastenalp. Only Dagmar and Moritz were brave enough to go by bike. At Kastenalp we had our traditional *Brotzeit* served by a man who looked exactly like the *Alm-öhi* from the Swiss tale “Heidi.”

By the time we finished our lunch, the weather was improving, and so we finally got to do a hike. While some of our group worried about being attacked by the cows we passed, we noted with relief that they were not at all interested in us – not even in Wolrad, who, in his red sweater, seemed predestined to be a torero.

In the afternoon the larger part of the group started to walk back down the mountain, while a party of ten decided to hike to a hut called Halleranger Alm higher up the mountain to spend the night there. We were rewarded with excellent views of the surrounding scenic mountains, a few streams on the way, beautiful landscapes and some very small and old houses – especially exotic to the non-Europeans in our group.

None of us knew what to expect at Halleranger Alm, but we had an outstanding



Ready to face the enemy...



Ten hard-core mountaineers on their way to Halleranger Alm (from left): Burkard Luhmer, Sergio Velázquez Vértiz, Özge Eşan, Mario Cisneros, Adriana Morganti, Ramin Amirsehhi, Ugreson Maistry, José Roberto Herrera Diaz (front), and tutor Rita Matulionytė with her boyfriend André Menzel (back).

“Did you say there was a Holiday Inn around the corner?”
Özge and Adriana in their bunk bed dorm.



experience. When we arrived, we were welcomed by the sight and sound of traditional Austrian music and dance. A group of around 20 fathers and sons from a nearby village were reviving an old tradition of “Father’s and Son’s Day,” i.e. celebrating this day together by just singing, dancing, drinking, eating and having a good time.

Our accommodation was interesting to say the least – it was a huge cottage with bunk beds. I guess we managed to get there just in time so that we at least had a place to sleep for the night. The highlight of the night was the song which never was and never will be written, but which was composed and sung on the spot. All of us partied till the wee hours of the morning with music and dance. We met a lot of friendly people, all of whom were obviously fascinated by our nationalities. They had never met a group of ten people from ten different countries spanning the entire globe from East Asia to Latin America.

After a sumptuous breakfast the next morning we continued our trek for another three hours to the top of the mountain range from where we could see a few Austrian towns in a distance. The view was breathtaking.

The descent was quite an adventure since nobody had any idea how long it would take, but everybody was aware that the train back home would be leaving soon. Part of the group wisely decided to take a taxi halfway down into the valley. The other part of the group, more heroically, decided to continue walking – and thus they kept walking and walking and w...running and running to catch the train. But in the end everybody made it and we had lots of fun on the train going back to Munich.

This trip was definitely a great experience because it was yet another way to get to know one’s classmates in a completely different environment from the academic one. To have an excursion at the end of such an intensive year was really a very memorable experience and, like all other experiences at MIPLC, this was one worth being a part of. Thanks a lot to the administration and especially Dag-



mar for organizing this amazing day for us. We all hope that we will have the possibility to meet again to be a part of such great events.

*José Herrera Diaz
Andrea Hüllmandel
Siddharth Karkhanis*



Austrian tradition: “Father’s and Son’s Day” at Halleranger Alm.

A gorgeous setting for a Sunday morning breakfast.



Exhausted after the final run to the train station.

4. The LL.M. Program Academic Year 2007/08

Prof. Kelvin W. Willoughby (more used to receiving theses) gladly submitting his own Master's thesis.



Chloe Tai, Malaysia: » Throughout my studies at MIPLC, I felt like I was stuffing knowledge into my overflowing brain. But when I started writing my thesis, I suddenly felt like I was emptying my brain – soon I found myself struggling to keep up the rate of input (by reading materials relevant to my thesis topic) in order to generate output (write further chapters of my thesis).

I think it is important for students to know what they intend to find out through researching for and writing their thesis, think about the conclusions that they might reach by the end of the research and ask themselves whether those are really of interest to them.

I was glad to work on a topic that genuinely interests me. It made it easier for me to get through the final intense month of writing my thesis.

I was elated after I submitted my thesis as I had always worried that I would miss the submission deadline. The feeling was like saying to yourself “You have made it!” after a very exhausting marathon!«



Pallavi Kondapalli, India: » “Delivering a thesis is almost like delivering a baby” – these were the words of my tutor. Being an engineer, legal writing was new to me. I was lucky to have the best thesis supervisor I could have, who encouraged me to push my boundaries and challenge me to explore my abilities. Because my field of research was completely new to me I had a lot of reading and learning to do, but what helped me most were the numerous discussions I had with my knowledgeable friends, and of course indispensable and valuable advice from my tutor. One of the most important lessons I learnt from this experience is to somehow balance the requirements of finishing the thesis and maintaining the quality of research and writing so that the end result is the best I can give within the time frame. After almost two months of non-stop thesis writing, I did feel a void on September 19th: I had nothing to do that evening, and my tutor's words were ringing in my ear.«



4.12. Master's Theses

The preparation of the Master's thesis is one of the most important features of the MIPLC LL.M. program and involves the most demanding academic writing required during the program. The theses have a total length of 55 to 75 pages and usually address current issues in the field of IP and competition law.

The students of the 2007/08 class produced theses on the topics indicated on the opposite page.

The average grade on the theses was 12 points, on a scale from 0 to 18, demonstrating the high academic standard of the papers.

4.13. Overall Results and Oehm Prize

The students' overall final grade is calculated from the result of the Master's thesis (which contributes a little less than one third) and the grades attained in the course examinations (a little more than two thirds).

The average student final grade for the class of 2007/08 was 12 points, which is to be considered highly satisfactory. Furthermore, all 25 students finished the program and obtained their degrees.

This year's Oehm Prize winner was Ms. Pallavi Kondapalli from India. The Oehm Prize, created from a generous endowment made to MIPLC by Siegfried and Gertrud Oehm, is awarded every year to the student with the highest overall grade. Ms. Kondapalli not only achieved the highest grade of her class, but she was at the same time the student with the highest number of credits from elective courses ever acquired in the program's history.

| Name | Country of Origin | Topic of Master's Thesis |
|-------------------------------------|-------------------|--|
| Amirsehhi, Ramin | USA | The Significance of Trade Secrets Versus Patents |
| Borsanello Ramos Berger, Marina | Brazil | Fragrance Trademark Registration – An Analysis of Industry Practices in Europe and North America |
| Berhe, Zecharias Fassil | Ethiopia | Institutional Capacity to Administer and Enforce IP Rights in Ethiopia: Prospects and Challenges |
| Blagoveshchenskaya, Maria Sergeevna | Russia | Question of Gaps in Intellectual Property System: European Trademark and Unfair Competition Law Example |
| Cheung, Sidney Tin Yee | Australia | Well-Known Trademarks in the People's Republic of China and the United States |
| Cisneros, Mario | Argentina | Patentability Requirements for Nanotechnological Inventions: An Approach from the European Patent Convention Perspective |
| Eşan, Özge | Turkey | Invasion of Private and Intimate Sphere in "ESRA," a Roman à Clef – Right to Personality Versus Freedom of Artistic Expression |
| Herrera Diaz, José Roberto | Colombia | Ownership of Copyright in Works Created in Employment Relationships: Comparative Study of the Laws of Colombia, Germany and the United States of America |
| Hüllmandel, Andrea | Germany | Creating Awareness – Intellectual Property Management in European Research Projects, an Empirical Analysis of the Framework Programmes of the European Commission |
| Karkhanis, Siddharth | India | Employees' Inventions: Legal and Business Perspectives for Multi-National Companies |
| Kondapalli, Pallavi | India | Biotechnology Industry in India: Interplay of Incentives and Regulatory Framework |
| Luhmer, Burkard | Germany | Consideration of Selected Aspects on Network Personal Video Recording Services |
| Machado, Eduardo Magalhães | Brazil | The Madrid System for the International Registration of Marks: Streamlined in Theory but Gridlocked in Practice |
| Maistry, Ugreson | South Africa | Developing the South Africa Position in Terms of Patent Protection for Biotechnological Inventions |
| Morganti, Adriana | Italy | Do Personality Rights Deserve IP Protection? A Comparative Analysis Between US, UK and German Law. |
| Nam, Hee Sob | Republic of Korea | Defense for Persons Having Good Faith in the Arts |
| Seitz, Esther | Germany | Fact-Gathering in Patent Infringement Cases: Rule 34 Discovery and the Saisie-Contrefaçon |
| Tai, Sok Tiang (Chloe) | Malaysia | An Economic Approach to Article 82 EC: Does it Make a Difference to Parallel Trade in Pharmaceuticals Within the European Community? |
| Takami, Shintaro | Japan | The Comparative Study of the Patent Infringement Litigation – Focusing on the Procedure for Collecting Evidence in the United States, Europe (the United Kingdom, France and Germany), and Japan |
| Tulyaganova, Aziza | Uzbekistan | When a Subliminal Link Between Senior Trademark and Junior Trademark or Sign Constitutes Infringement |
| Velázquez Vértiz, Sergio | Mexico | The Criminal Enforcement of Intellectual Property Rights in the European Context |
| Wang, Guan | China | Patent Protection of Traditional Chinese Medicines |
| Wei, Xiaojing | China | A Knowledge-Based Approach to Manage Projects for Protecting Intellectual Property in Manufacturing Enterprises |
| Werner, Meital | Israel | Model Agreements for Technology Transfer Between Academy and Industry in Germany |
| Willoughby, Kelvin W. | USA | Technology and the Law of Patent Eligible Subject Matter in the United States of America |

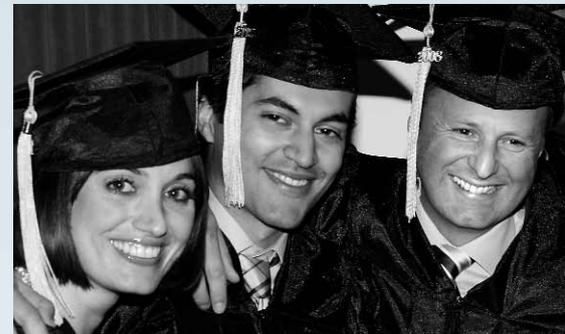
4. The LL.M. Program Academic Year 2007/08

Graduation Ceremony
of the 2008 LL.M. Course
"Intellectual Property
and Competition Law"

4.14. Graduation Ceremony



Prof. Straus



A great day for Adriana Morganti, Ramin Amirsehhi, and Burkard Luhmer.

Invitation

The fifth class of students at the Munich Intellectual Property Law Center has successfully completed the LL.M. Course "Intellectual Property and Competition Law".

We have the pleasure to invite you to the **Graduation Ceremony** followed by a reception, **on Friday, November 7, 2008, at 6:30 p.m.** at the "Small" Golden Hall of Augsburg Jesuitengasse 12.

Prof. Dr. Dres. h.c. Joseph Straus
Chair Managing Board MIPLC

Bus-shuttle from Munich to Augsburg.
Departure: 3.45 p.m., MPI for Intellectual Property, Competition and Tax Law,
Marstallplatz 1 (new: Alfons-Goppel-Str. 1)
Return to Munich will be at approximately 10 p.m.

RSVP by October 31, 2008 to: bettina.brandenburger@mipplc.de

Program

Welcome Address Prof. Dr. Michael Kort
Vice-Dean Faculty of Law
University of Augsburg

Address Prof. Dr. Horst Hanusch
Vice-President
University of Augsburg

Address Prof. Dr. Dres. h.c. Joseph Straus
Chair Managing Board MIPLC

Address Dr. Bertram Huber
Senior Vice President
Head of Corporate Intellectual Property
Robert Bosch GmbH
MIPLC Board of Trustees

Review and Forecast Andrea Hüllmandel
Eduardo Magalhães Machado
Students, Class of 2008
Eliamani Isaya Laltaika
President
MIPLC Alumni Association e.V.

Graduation Prof. Dr. Christoph Becker
Dean Faculty of Law
University of Augsburg

Oehm Prize Awarding of the Oehm Prize
to the student with the best
overall grade of the Class of 2008
Prof. Dr. Dres. h.c. Joseph Straus

Prof. Horst Hanusch,
Vice President of the
University of Augsburg.



Dr. Bertram Huber,
MIPLC Board of
Trustees, giving the
keynote speech.

21 of the 25 graduates
travelled to Augsburg
to attend the Cere-
mony.
Back row (from left):
Adriana Morganti, Ra-
min Amirsehhi, José
Roberto Herrera Diaz,
Ugreson Maistry,
Judge Shintaro Taka-
mi, Wang Guan. Front
row (from left): Prof.
Kelvin W. Willoughby,
Sidney Cheung, Aziza

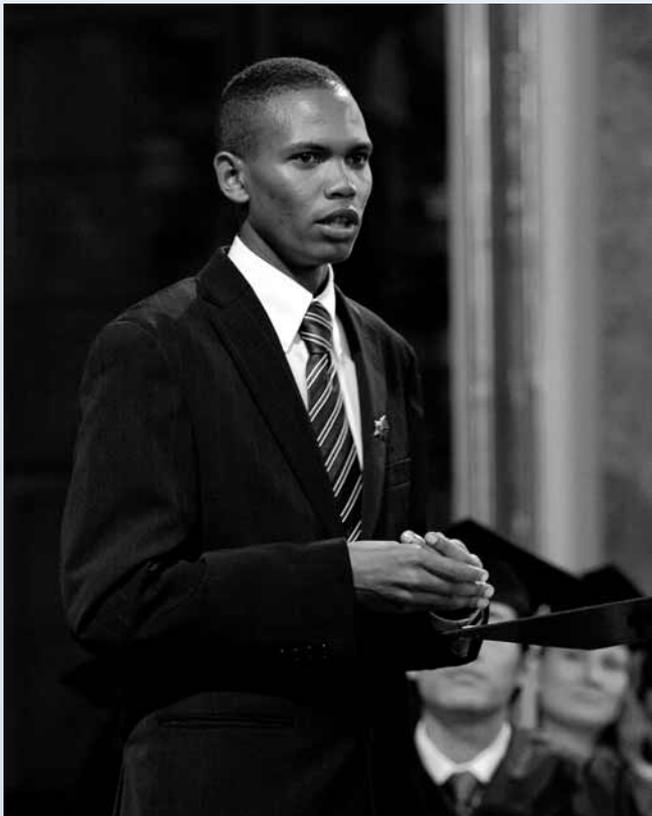
Tulyaganova, Chloe
Tai, Burkard Luhmer,
Özge Eşan, Meital Wer-
ner, Zecharias Fassil
Berhe, Marina Borsa-
nello Ramos Berger,
Maria Blagoveshchen-
skaya, Andrea Hüll-
mandel, Mario Cisne-
ros, Pallavi Kondapalli,
Siddharth Karkhanis.
(Missing: Eduardo Ma-
galhães Machado)

Frieder Held (left) and
Hansjörg Geirhos, two
of the four excellent
musicians.



4. The LL.M. Program Academic Year 2007/08

Eliamani Laltaika,
President of the MIPLC
Alumni Association.



Prof. Christoph
Becker, Dean of the
Faculty of Law, Univer-
sity of Augsburg, pre-
sented Marina Bor-
sanello Ramos Berger
with her diploma.



Pallavi Kondapalli, India:

»The graduation ceremony to me was like the icing on the wonderfully delicious chocolate cake. Initially I had not been sure if I would be able to make it back to Germany for the occasion, but when I did decide to go, it was the right decision. The ceremony itself was grand and spectacular. Everything about the evening was memorable, meeting all friends after a break, journeying together on the bus, getting dressed up for the evening in the Graduation gowns, confusion about which side of the cap the tassel should be hanging, the (long) wait for the announcement of our names, excitement at each of our names being called, the wonderful video of personal statements from each of our classmates, and last but not least a warm, cozy chat with everybody afterwards. In short it was a perfect endnote to a wonderful year, which I will never forget in my life.«

Specials thanks are due to the City of Augsburg for hosting the Center's ceremony in one of the city's most wonderful places, to Bardehle Pagenberg Dost Altenburg Geissler for their generous support of the event, and to the excellent musicians for their contribution to the ceremony's success.

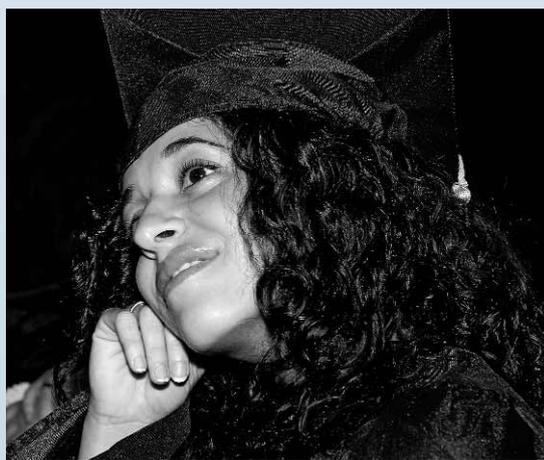
Eduardo Magalhães Machado and Andrea Hüllmandel, the students' speakers, reviewing the past year and providing an introduction to the student video.



Our sincere thanks to our sponsor:



BARDEHLE
PAGENBERG
DOST
ALTENBURG
GEISSLER



Meital Werner nostalgically watching her colleagues' reviews.

Larger than life: Judge Shintaro Takami talks about his year at MIPLC.

Family having come from far away to celebrate their children's success: Siddharth Karkhanis (top) with his parents from Mumbai, India, and José Roberto Herrera Diaz with his parents from Bogotá, Colombia.



4. The LL.M. Program Academic Year 2007/08



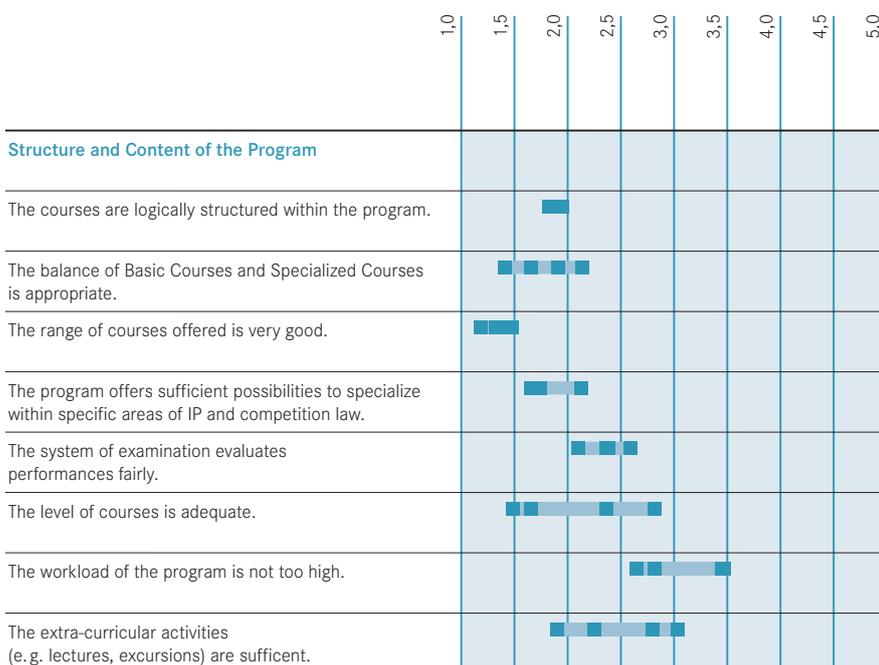
Prof. Kelvin W. Willoughby, USA: »What I most enjoyed about the LL.M. program at MIPLC was the daily anticipation of having my brain challenged by the typically incredible teachers at whose feet I felt so honored and fortunate to sit. Their mastery of their subject, and their ability to bring their material alive, inevitably prompted me to ask questions out of a thirst to learn. What I loved most about MIPLC, however, were the wonderful people who shared my journey and who have become my life-long friends.«

4.15. Quality Management – Evaluation of the Academic Year 2007/08

4.15.1. Lecturer Evaluation

As has been the MIPLC's practice from the beginning of its operation, each lecturer's performance was evaluated by the students with regard to numerous factors. These factors include the pre-class reading materials, the presentation of materials, the professor's motivation and teaching style, his or her ability to clearly convey the relevant concepts and the benefit students received from attending the course. The evaluation form comprises a detailed set of questions which are graded on the scale of 1 to 5, with 1 being the best, as well as a section for individual comments. While slightly lower than the previous year's average, the faculty average of 1.62 for the academic year 2007/08 shows the students' satisfaction with their teachers' performance.

Figure 1: Students' evaluation of the structure and the content of the LL.M. program, on a scale from 1 (I completely agree) to 5 (I completely disagree). The four dots represent the weighted averages of the classes 2004/05 through 2007/08.



4.15.2. Program Evaluation

At the end of each academic year, all students are asked to evaluate the LL.M. program regarding the program structure as a whole, the course content, the mentoring and support received, the Center's equipment, professional perspectives, and their overall impression.

The following charts present the evaluation results of the past four academic years including 2007/08. As is obvious from the data in Fig. 1 to 3, the students' judgment is highly consistent across the different academic years. Furthermore, as in past years, the students' ratings are generally in the range of good to very good. The only exception is the response to the statement "The workload of the program is not too high," which only scores in the satisfactory range (2.64), representing "solely" agreement. This is not surprising given that the workload is admittedly rather high, and given that the students on average took two courses beyond the degree requirements. The overall satisfaction with the program in its current form rated 1.55, slightly better than the four-year average of 1.60.

Following these general comments, some detailed observations may be highlighted. With regard to the comments on the structure and content of the program, the range of courses received an excellent mark of 1.45, reflecting the high appreciation of the diversity of courses of-



Chloe Tai, Malaysia: »If you want to learn as much as possible about European and American IP laws in one year, the MIPLC LL.M. is the program that you are looking for. However, be warned that it might be the most intensive studying year that you will ever experience (depending on your studying style, of course!).

Keep an open mind and see sparks flying when classmates and lecturers from around the world express their views (sometimes on issues that have never crossed your mind before) and debate about IP issues!«



Wang Guan, China: »The MIPLC LL.M program is really great for offering comprehensive knowledge in intellectual property and related fields to the students. Besides, students have the opportunity to focus on specific topics through discussions with lecturers, tutors and other students, or by means of their thesis. Studying with so many other international students and living in beautiful Munich was also a wonderful experience for me. I thoroughly enjoyed the program.«



Adriana Morganti, Italy: »My year at MIPLC was undeniably one of my very best years ever. First of all, I really enjoyed spending time in one of the most peaceful, charming, safest and tidiest cities ever.

Furthermore, the IP LL.M. program was more than interesting. I very much enjoyed studying a large variety of topics and comparing European and US legislations and points of view. Being confronted with my classmates' different points of view on a daily basis was challenging and stimulating at the same time.

With students from all over the world, I soon found myself confident and perfectly comfortable living in this international environment. We soon became friends rather than just classmates and shared unforgettable moments. I personally formed more than one really great friendship which I know will last forever. We all shared difficult and tough moments, stress, fear, but also happiness, friendship, and a high level of learning and education. In addition, we all were able to grow and open our minds in every sense.

I would like also to stress that my stay in Munich at MIPLC was enlightened by the really sweet, caring and nice MIPLC staff. I would like to especially thank Wolrad, Margit and Dagmar for their support and warm welcome.

I sincerely wish I were still in Munich studying at MIPLC and I warmly advise everybody to get the chance to study at MIPLC. «



Ugreson Maistry, South Africa: »The MIPLC program is one of the best run and taught LL.M. IP programs on offer. Students are spoilt with the sheer volume of Basic and Specialized Courses on offer and the opportunity to undertake one's research in the world's most comprehensive IP library is tremendous. The MIPLC staff is always willing to help students, which greatly supports program efficiency. Furthermore, the fact that each student is provided with an office in the heart of this beautiful city encourages one to study and to explore Munich.«

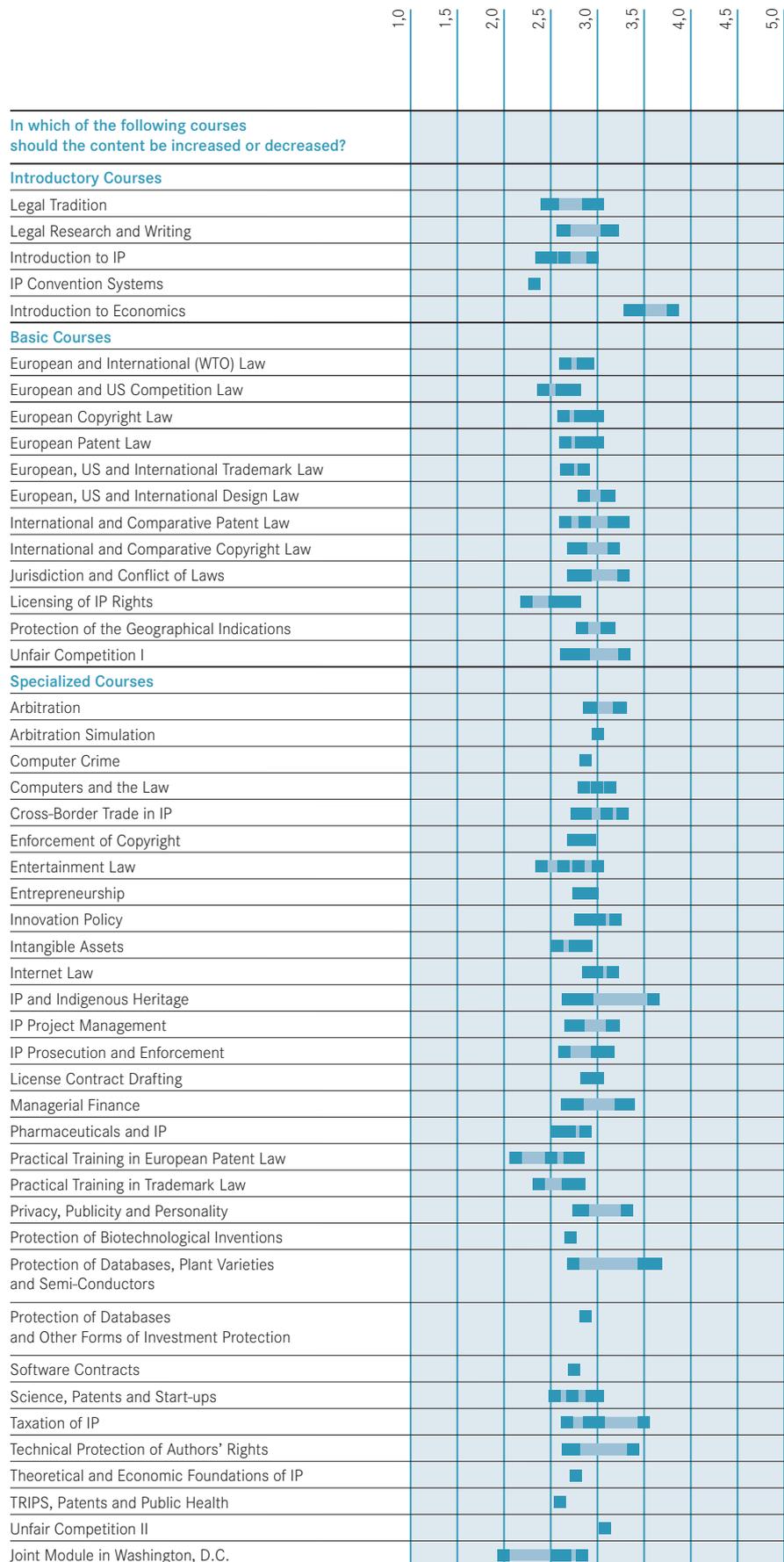
4. The LL.M. Program Academic Year 2007/08



Maria Blagoveshchenskaya, Russia: »The MIPLC program brings together high-level professional knowledge in the IP area, covering not only European laws, but US and Japanese ones as well. Every student can find the area of his or her special interest, which generally leads to the choice of the thesis topic. As a result, graduates have a unique set of knowledge in patent, trademark, and copyright laws.

The MIPLC is very well-located, as Munich, being a city of students, offers many opportunities to spend free time. The city has plenty of history, museums, and parks, and you can generally get around and reach your place of study with a bicycle. The area surrounding Munich, with its many lakes and old castles, allows you to spend many interesting weekends, always seeing something new. «

Figure 2: Students' evaluation of the content of each course on a scale from 1 (increase strongly) to 5 (decrease strongly), with a value of 3 corresponding to "leave it as it is." The four dots represent the weighted averages of the classes 2004/05 through 2007/08.



ferred at the MIPLC, which has been constantly added to during the past years. As one student put it, “The difficulty lies in selecting the courses not to attend.” Therefore, the goal of offering an attractive variety of courses to allow individual specialization can be considered as having been achieved. It is also well worth pointing out that the students’ appreciation of the array of extracurricular activities has increased over the years as the activities on offer have expanded as well, including lectures, roundtable discussions, hiking excursions, soccer tournament, and the MIPLC Triathlon Challenge Cup.

For the evaluation of the course content, a slightly altered scale is applied: a value of 3 means “keep it as it is,” values less than 3 suggest a need for a content increase, and values above 3 suggest a need for a decrease. Fig. 2 shows that virtually all responses are within the range of 2.50 to 3.50, which means that the students are satisfied with the quantity of the course content. This is in particular the case with the courses newly introduced in 2007/08: scores of 2.71 for Protection of Biotechnological Inventions, 2.89 for Protection of Databases and Other Forms of Investment Protection, 2.77 for Theoretical and Economic Foundations, and as high as 2.32 for IP Convention Systems show that these courses were well received by the students and the curriculum was significantly improved by these changes.

The average value for mentoring and support by teachers, tutors and the MIPLC team increased again compared to last year, now ranging from an excellent 1.23 for the support provided by the MIPLC team to 2.19 for mentoring during exams. The grade for the mentoring during the preparation of the Master’s thesis rose to 2.05 which is quite good given that the majority of supervisors live outside of Munich and thus provide mentoring predominantly via e-mail, telephone or video-conference when they are not in residence at the MIPLC during their lectures. The educational support derived from the tutorials was also greatly appreciated by the students, as reflected in the grade of 1.77.

As always, the equipment received very good marks, ranging from 1.27 (Max Planck Institute’s library) to 1.64 (MIPLC’s own library), showing that the students appreciate the excellent facilities and working conditions at the MIPLC.

Last but not least, the students had a very positive view on their perspectives after graduation, rating 1.39 for having gained excellent knowledge of IP and competition law, 1.62 for the preparation for a demanding position, and 1.70 for attractive career perspectives.

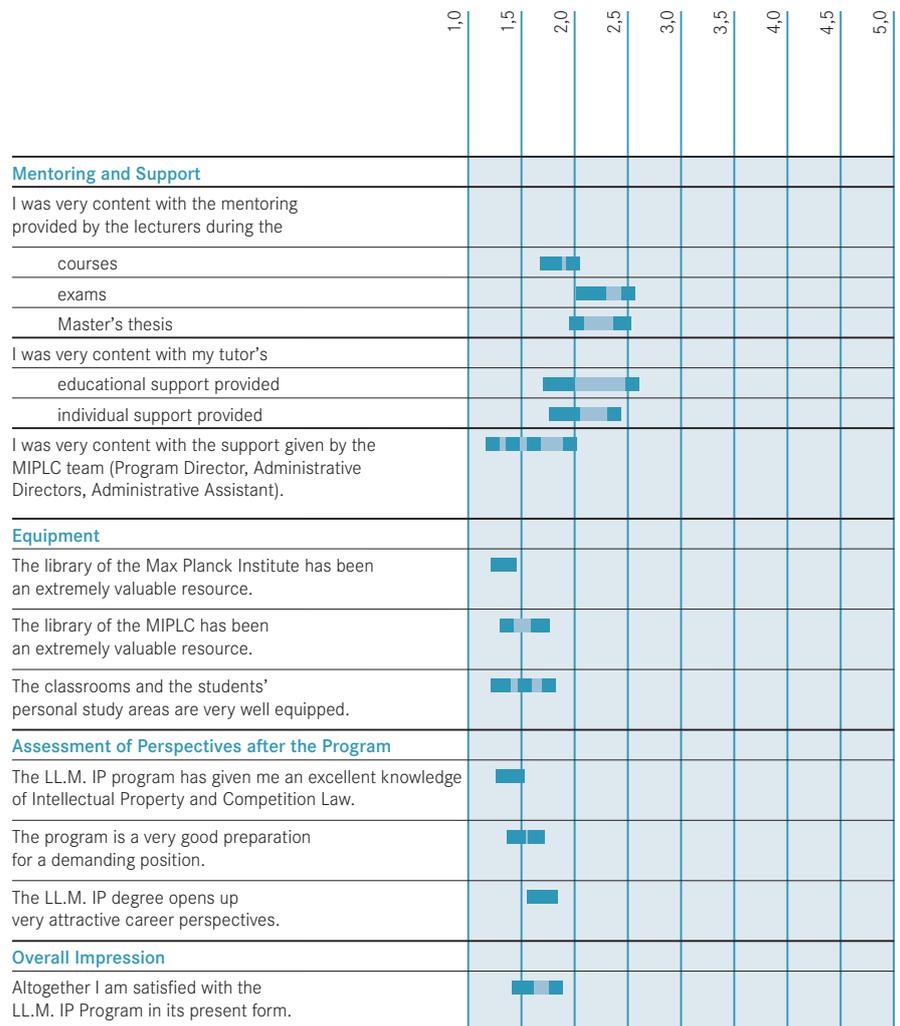


Figure 3: Students’ satisfaction with the support received during the program, the infrastructure, the career perspectives, and the program as a whole, on a scale from 1 (I completely agree) to 5 (I completely disagree). The four dots represent the weighted averages of the classes 2004/05 through 2007/08.

4. The LL.M. Program Academic Year 2007/08



Pallavi Kondapalli, India:

»MIPLC has been one of the best learning experiences for me, more so because it was learning with fun. While the program offers a rigorous study program, the people, that is the staff, the faculty, and the students together make it enjoyable. The strong points of the program are its excellent faculty, its intensive course schedule covering a very wide spectrum of IP, and most of all a multicultural experience, where there is so much to learn from the other students. It is a pleasure to attend classes given by the who's who of IP, who also happen to be excellent teachers, and I guess we students were a lucky lot to have very engaging and enriching discussions, during and after class. I have also very much enjoyed the warm and friendly atmosphere created by the staff at the MIPLC, which naturally helped us bond well with them and also amongst us. In short, it was an experience of a lifetime for me.«



Mario Cisneros, Argentina:

»Attending the MIPLC LL.M. program was one of the most enriching experiences in my professional and personal life. Outstanding faculty, excellent facilities, enriching and challenging intellectual atmosphere make the chance of studying at the MIPLC unique.«



José Roberto Herrera Diaz, Colombia:

»The academic quality of the MIPLC program is excellent in the sense that it not only focuses on European and international IP law, but also on the North American case law and legislation.«



Eduardo Magalhães Machado, Brazil:

»When choosing an LL.M. program, I had several options, each one with a different perspective. What made me opt for the MIPLC was the perfect blend between an excellent academic level of instruction and the possibility of sharing my views with colleagues from all over the world.

To my delight, I found both of these aspects in abundance at the MIPLC. My year in Munich provided me with the most rewarding cross-cultural experiences not only with professors from all corners of the globe but mainly with highly educated and open-minded fellow students who were firmly set on learning from each other.

It must also be mentioned that, apart from the professors and fellow students, the administrative affairs of MIPLC are managed by a select and dedicated group of professionals who greatly contributed to my successful year in the establishment.«



Andrea Hüllmandel, Germany:

»I've been trying to write a short summary about the program, but I found this task to be extremely difficult because so many things happened during this year. Therefore I always came to the same conclusion: What a year!«

4.15.3. Improvements for the Academic Year 2008/09

The courses European Copyright Law and Licensing of IP Rights were restructured and will now be taught by two professors each (Prof. Hugenholtz/von Lewinski and Prof. Ann/Hilty), to allow for an even better integration of the course parts. The competition law aspects that were covered in each course will be addressed in a new Specialized Course: Prof. Drexler will offer a seminar course on Intellectual Property and Competition Law which will be taught in sessions spread over the whole summer term. As the name indicates, the course will focus on the impact of intellectual property rights on competition, with particular emphasis on licensing practices, refusal to deal, and standardization issues.

4.15.4. Accreditation

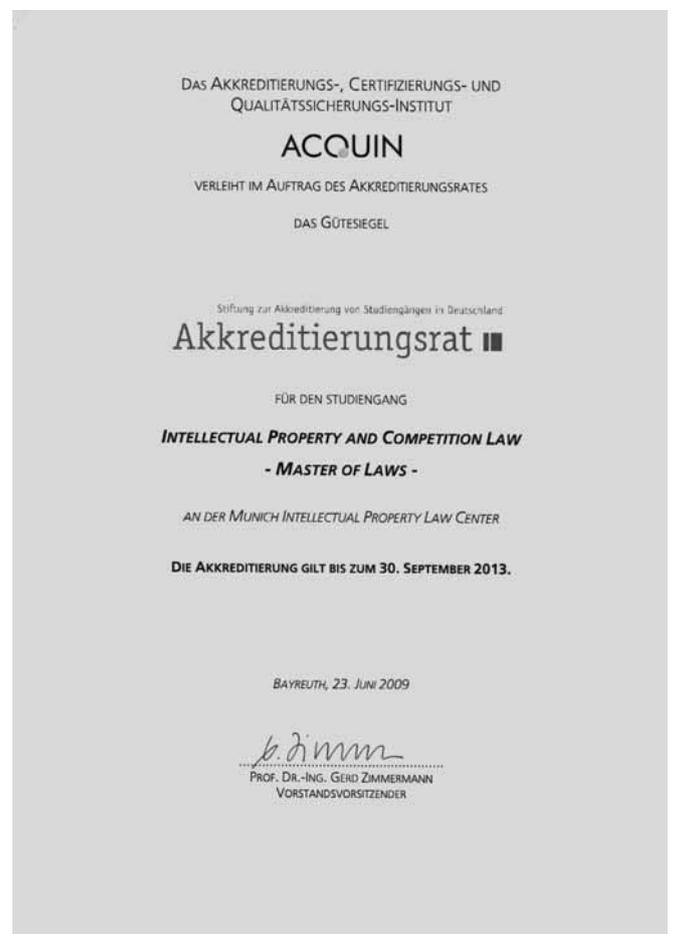
In light of the Bologna Process aiming at the harmonization of the European university education system, all German university-level teaching institutions are required to undergo an accreditation process by the year 2010.

Since receiving official accreditation is also a quality check of the program as well as a valuable marketing label, the MIPLC started preparing for accreditation in the summer of 2007. In November, the self-documentation package of 1,500 pages, providing insight into the Center's structure, development and goals, was submitted to the accreditation agency ACQUIN e.V. The documentation was reviewed by a committee consisting of five evaluators (three professors, one practitioner, one student), who, on June 13, 2008, visited the MIPLC to get firsthand impressions, to talk to students and faculty members, and to discuss structural and conceptual issues with the Managing Board members and the administration team. The committee was highly satisfied with the MIPLC program and its set-up, and in its report came to the conclusion that the program achieved its goals in an excellent manner.

In October, the program was granted conditional accreditation. To obtain full accreditation, three changes were required in order to more closely comply with the Bologna regulations: (1) students must receive credits for their internship; (2) the program's curriculum must be modularized; and (3) students entering with less than 240 ECTS credits must have two years of professional experience.

After these changes had been incorporated into the Study and Examination Regulations during the first half of 2009, the program eventually received full accreditation on June 23, 2009.

The accreditation
certificate issued by
ACQUIN.



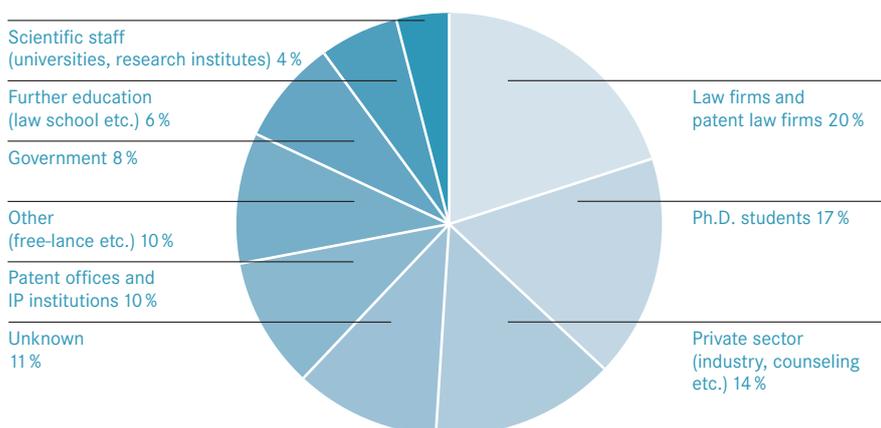
4. The LL.M. Program Academic Year 2007/08

4.16. Professional Perspectives – Career Steps Taken by the 2007/08 Graduates

Helping to build opportunities for successful careers for graduates of the LL.M. program is one of the most important goals of the MIPLC. Enjoying a productive career in intellectual property is understandably also a key motivation of most students who enter the program.

Each year MIPLC graduates have found excellent jobs, providing great opportunities for utilizing their knowledge and skills, in law firms, corporate legal departments, IP institutions, and government-run facilities. As was the case for previous graduates, the 2007/08 students received various forms of placement support, ranging from letters of recommendation given by members of the Managing Board or the faculty to direct introductions at law firms and companies. The MIPLC approach is, wherever possible, to provide personalized assistance catering to each individual's distinctive needs and strengths, rather than to follow a standardized formula for getting a job. The general result, it is hoped, is a good match between a graduate and an employer and, thereafter, a robust and productive long-term career prospect in IP.

Figure 4:
Initial career steps
taken by MIPLC stu-
dents after graduation
(classes 2003/04
through 2007/08, to-
taling 108 graduates).



In addition to catering to students' individualized needs, the MIPLC also provides more structured employment-search opportunities, such as participation in the EIPIN Job Fair. On May 15, 2008, the third EIPIN Job Fair was organized by the MIPLC and held in Munich, bringing together the students of the EIPIN partner institutions with representatives of potential employers.

The 2007/08 graduates were able to find desirable positions in the field of IP in all parts of the world. These included:

- Bird & Bird, Munich, Germany
- Bird & Bird, Milan, Italy
- Tenaris, Buenos Aires, Argentina
- TÜBİTAK (The Scientific and Technological Research Council of Turkey), Ankara, Turkey
- The PQT Consultancy, Sachsenkam, Germany
- Robert Bosch Engineering and Business Solutions Ltd., Bangalore, India
- Montaury Pimenta, Machado & Lioce
- Donald M. Craven P.C., Springfield, USA
- WIPO Arbitration and Mediation Center, Geneva, Switzerland
- Mahidol University, Center for Intellectual Property Management, Bangkok, Thailand.



Looking at career steps taken by the students of the first five MIPLC classes immediately after graduation yields the following picture (Fig. 4): While information is not available for the career paths of 11% of the 108 graduates, 23% decided to continue their legal/IP education, either by completing a Ph.D. (17%) or pursuing another university degree (law school etc., 6%). The majority, i.e. about 65% of the graduates, start (or continue) to practice IP in law firms, patent and trademark offices, government institutions, the industry, at universities as researchers or lecturers, or on a free-lance basis.

Present or past employers of previous MIPLC graduates include:

Government Institutions

- European Patent Office, Munich
- Icelandic Patent Office, Reykjavik
- Turkish Patent Office, Ankara
- US Patent and Trademark Office, Washington, D.C.
- Office for Harmonization in the Internal Market, Alicante, Spain
- Ministry of Justice, Oslo, Norway
- Ministry of Justice, National Law Commission, Cairo, Egypt
- Ministry of Trade, Accra, Ghana
- Supreme Court of Japan, Tokyo

Law Firms and Patent Law Firms

- Allen & Overy, A. Pedzich Sp.k., Warsaw, Poland
- Bird & Bird, Düsseldorf, Germany
- Cleary Gottlieb, Beijing, China
- Doerries, Frank-Molnia, and Pohlman, Munich, Germany
- Grau & Angulo Abogados, Barcelona, Spain
- FoxMandal Little, Bangalore, India
- v. Fünér Ebbinghaus Finck Hano, Munich, Germany
- Ibrachy and Dermarkar, Cairo, Egypt
- Jose Lloreda Camacho & Co, Bogotá, Colombia
- Kenyon & Kenyon, New York, USA
- Maiwald Patentanwalts GmbH, Munich, Germany
- Mehmet Gün & Co, Istanbul, Turkey
- Morsen Leonardos, Rio de Janeiro, Brazil
- Müller-Boré & Partner, Munich, Germany
- OlarteRaisbeck, Bogotá, Colombia
- Pepper Hamilton, Philadelphia, USA
- Soltysiński Kawecki & Szlęzak, Warsaw, Poland
- The Corporate Law Group, San Francisco, USA
- Vossius & Partner, Munich, Germany
- Wharton, Aldhizer & Weaver, Harrisonburg, USA
- Y.P. Lee, Mock & Partners, Seoul, Korea

Private Sector/Industry

- Alcan Inc., Montreal (Canada), Zurich, Switzerland
- BASF SE, Ludwigshafen, Germany
- Fall Creek Farm & Nursery Inc., Eugene, USA
- General Electric, Shanghai, China
- Gennova Biopharmaceuticals Ltd., Pune, India
- Intel, Shanghai, China
- Mitsui & Co. Deutschland GmbH, Düsseldorf, Germany
- MorphoSys AG, Munich, Germany
- National Chemical Laboratory, Pune, India
- Primera AG, Aschheim, Germany
- Saudi Arabian Oil Company, Dhahran
- Siemens, Munich, Germany
- Siemens, Beijing, China
- GEMA Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte (Society for Musical Performing and Mechanical Reproduction Rights), Munich, Germany
- S.U.P. Societät für Unternehmensplanung GmbH, Frankfurt/Main, Germany
- The Patent Board, USA

Universities and Research Institutions

- University of Addis Ababa, Ethiopia
- University of Alicante, Spain
- University of Århus, Denmark
- University of Augsburg, Germany
- University of Bayreuth, Germany
- University of Helsinki, Finland
- University of Karlsruhe, Germany
- University of Leuven, Belgium
- University of London, Queen Mary Intellectual Property Research Institute, UK
- University of Munich, Germany
- University of Neuchâtel, Switzerland
- University of Stockholm, Sweden
- University of Vilnius, Lithuania

EIPIN Job Fair 2008: Dr. Markus Borbach, Procter & Gamble, presenting IP career opportunities in his company.

Students from the EIPIN partners participating in the Job Fair.



Adriana Morganti talking to Wolfgang Grosse, Senior Partner at the patent law firm Grosse – Schumacher – Knauer – von Hirschhausen.

4. The LL.M. Program Academic Year 2007/08



Our two AGGN members Zecharias Fassil Berhe (Ethiopia, left) and Ugreson Maistry (South Africa) are continuing their academic career at the MIPLC as Ph.D. scholars. They are writing their theses at the University of Munich and the University of Augsburg, respectively.



After graduation, Aziza Tulyaganova (Uzbekistan) was offered the position of Case Manager at the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center in Geneva, Switzerland.



Mario Cisneros (Argentina) first returned to his previous employer in Argentina to work as IP Manager. He then applied for and was accepted into the International Max Planck Research School for Competition and Innovation (IMPRS-CI) to do his Ph.D.

As part of his Robert Bosch scholarship agreement, Siddharth Karkhanis (India) joined Robert Bosch Engineering and Business Solutions in India as an IP Specialist.



Sergio Velázquez Vértiz, Mexico: » Currently I have the honor to be assigned, due to my scholarship, to a higher education institution, the National School of Librarianship and Archive Keeping. I function as the Dean's legal adviser and as a professor teaching legal aspects related to the information society and information policies, in particular with regard to digital technology and copyright focused on libraries and archives.

I am moreover an active member of the Copyright and Related Rights Committee of the Mexican Association for the Protection of Intellectual Property, analyzing and commenting on amendment proposals to the Mexican Copyright Law.

Additionally, I work as attorney-at-law counseling SMEs on different trademark and copyright aspects regarding software development and TV formats, including applications, licensing and litigation. «



Andrea Hüllmandel, Germany:

»Before I started the MIPLC LL.M. program I had worked for “The PQT Consultancy” located south of Munich. In the past years, I had worked on acquiring and implementing national and international research projects. In this process, beginning with contract negotiations with the clients and project partners to the completion of the project, IPRs play an important role. Therefore I decided to obtain a deeper knowledge in the area of intellectual property.

My boss agreed to my proposal and permitted me to take a one-year sabbatical to study at the MIPLC. During this year I kept working part-time in my job to keep abreast of our ongoing business activities. Our company participated in several EU calls and had three of its proposals accepted. Each of these proposals has turned into a project that I currently manage. Moreover, our company now also manages all the IPR issues of the projects in which we participate. Thanks to my new qualifications in intellectual property management and the resulting additional projects, our company was able to establish a whole new business division.«



Eduardo Magalhães Machado, Brazil:

»Before attending the MIPLC program, I had already had experience with intellectual property cases as an attorney. My initial intention was to get a different perspective on this matter from both the professors’ viewpoint and the students’ local knowledge of their countries’ laws.

Now, after the completion of the course, I have a much broader view of my clients’ interests, both in the short and long run and I therefore feel I can handle their IP problems in Brazil more professionally.

Moreover, as a result of this truly cross-border experience, I am able now to comprehend and accept the particularities of each different culture and take advantage of them to suggest alternatives to problems that, otherwise, I could not foresee before.

In short, both from an academic as well as from a humanistic viewpoint, the MIPLC program was a great achievement in my life and definitively a leverage in my career.«



Prof. Kelvin W. Wiloughby (USA) turned down several offers for professorships in the US to become the Director of the Center for Intellectual Property Management at the Mahidol University in Bangkok, Thailand.

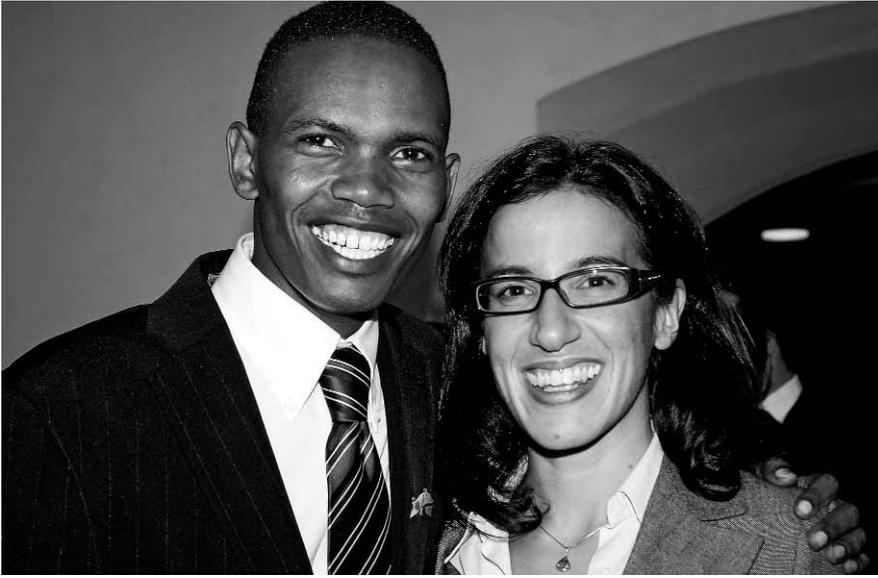


In the follow-up to her scholarship from the Turkish Government, Özge Eşan was offered a position at The Scientific and Technological Research Council of Turkey (TÜBİTAK).



Hee Sob Nam (Korea) is a scholar at the Queen Mary Intellectual Property Research Institute (QMIPRI) pursuing his Ph.D.

4. The LL.M. Program Academic Year 2007/08



Passing the torch: Eliamani Laltaika (Tanzania) and Anna Bacchin (Italy), the current and former Presidents of the MIPLC Alumni Association.

4.17. The MIPLC Alumni Association

In May 2008, the founding president of the MIPLC Alumni Association, Anna Bacchin (Italy) was succeeded by Eliamani Laltaika (Tanzania), following elections conducted in accordance with the Alumni Charter. Agnieszka Ignaczak (Poland) and Christoph Laub (Germany) were elected Vice President and Treasurer, respectively. Kristina Janušauskaitė (Lithuania) was confirmed as the Board's Secretary by a unanimous vote.

Other Board members elected include Diana Leguizamón Morales (Colombia), Katy Halmen (USA), Dr. Sabine Keim (Germany), Paola Karam Valdés (Mexico), and Mario Cisneros (Argentina).

These elections were preceded by two traditional events: the Alumni gala dinner on Friday, May 9, 2008, and the Alumni Association's annual General Assembly on Saturday, May 10, 2008. The gala dinner, which took place at the Augustiner Keller in Munich, brought together not only former and current students of MIPLC but also professors and other IP professionals who are associate members. The event was enriched by an academic presentation by Viviane Mitsuuchi Kuni-sawa on "Second Medical Use."

During the Alumni Association's General Assembly, a resolution was passed to allow current MIPLC students to become associate members of the Association. This has increased interaction and cooperation between the MIPLC Alumni Association and MIPLC students.

Munich-based MIPLC alumni continue to work closely with current students. To help the newly-arrived students settle in quickly, various alumni provided hints on practical issues during informal talks held on the Welcome Day.

The IP Roundtable, a monthly event organized by the Alumni Association in collaboration with the current class, has been the most popular unifying factor. Held every last Wednesday of the month at an actual round table in the "Kutschenstube" at the Spatenhaus restaurant (near the Bavarian State Opera), the IP Roundtable provides a platform for stimulating yet informal discussions on various IP topics.



"On behalf of the Alumni Association ...": Handing over a birthday present to Prof. Straus during the MIPLC 5th Anniversary Symposium.



MIPLC Welcome Day 2007: Paola Karam Valdés (standing, right) and Kristina Janušauskaitė introducing the Alumni Association to the newly arrived students.

“What a difference a year makes:” Former student Mario Cisneros welcoming the new intake during the Welcome Day 2008.



The MIPLC Alumni Association, moreover, played an active role in marking the 5th anniversary of the MIPLC and the official farewell to one of its founders, Prof. Straus. MIPLC Alumni members from different parts of the world sent congratulatory messages to both the MIPLC for its five years of excellence and to Prof. Straus for his vision, tenacity and commitment since the founding of the MIPLC.

A number of other informal gatherings are organized frequently by alumni outside Munich. To take part in such events and for any other information on the MIPLC Alumni Association including membership, visit the Alumni website at <http://www.alumni-miplc.de/news.html>.

Topics discussed included (with conversation leaders in brackets):

- What is the Optimum Term for Copyright and Patents? Arguments from Economics (Zecharias Fassil Berhe)
- Intellectual Property and Culture (Mario Cisneros)
- Traditional Knowledge and Intellectual Property (Pallavi Kondapalli)
- The Case against Intellectual Property (Meital Werner)
- Patents as Monopolies: Problems and Solutions (Hee Sob Nam)
- When Should the Exception Become the Rule? Copyright, Competition and Consumers in the World of Digital Entertainment (Kelvin W. Willoughby)
- The Emergence of TRIPS-Plus Bilateral Agreements (Sergio Velázquez Vértiz)
- The Politics of TRIPS and the Doha Declarations (Hee Sob Nam).

Agnieszka Ignaczak, Vice President of the Alumni Association, welcoming new member Ugreson Maistry.



5. Research



Daniela Mederle (top),
Angeliki Blahopoulou-
Seebeck

5.1. Collaborative Projects

The Efficiency of Unfair Competition Law in Germany: Empirical Data and Comparative Law and Economics

Prof. Thomas M.J. Möllers

Daniela Mederle

Angeliki Blahopoulou-Seebeck

(University of Augsburg)

In times of the increasing use of the internet as a medium to establish transnational commercial relations, new issues continue to arise in the field of unfair competition law in the business-to-consumer (“b2c”) and business-to-business (“b2b”) context. The regularization and harmonization of provisions regarding unfair competition constitute challenges in the European context as well as in cross-border cases. In the past, neither national nor European law has been able to successfully address these questions with an integrated approach. This project aims to show the importance of and the deficits within existing substantive legal provisions of unfair competition law, in particular with regard to enforcement of such provisions. Two topics are of special interest to the project: the regulation of unsolicited commercial e-mails and the enforcement of consumer protection-oriented (b2c) competition law in general.

The first part of the research analyzes the different legal solutions legislators in Germany, the USA and the UK have implemented to address the issue of unsolicited commercial e-mails. These proposed solutions are examined using comparative law and economic theory to determine how the interests of the respective parties are balanced. The project contrasts the legal approach of the law of unfair competition in Germany, which implements the opt-in model, with the opt-out system of the US Can-Spam Act. The ambiguous position of the UK (i.e. being bound to the European opt-in legislation on the one hand, and trying to give more weight to the interests of the direct-marketers on the other hand) is also

examined. The fact that an enforcement deficit hinders efficient sanctioning of misbehaviour is crucial to the problem of unsolicited commercial e-mails. A law and economics analysis reveals self-regulating organizations as a somewhat efficient and promising tool to regulate unsolicited e-mails. The success of internet service providers, mainly in the USA, in legal proceedings against the senders of unsolicited commercial e-mail is examined. Further it is debated whether it would be desirable and efficient to create an incentive for internet service providers to initiate legal recourse against unsolicited commercial e-mails.

The underlying reasons for an existing enforcement deficit with regard to b2c infringement are analyzed at the German as well as the European level. Its consequences, e.g. a distortion of competition for law-abiding sellers and suppliers or a lack of confidence in the internal market on the side of the consumers, are discussed in addition to possible solutions. Recently, the European Commission has recognized the need to strengthen the position of consumers not only by providing them with rights in theory but also by placing consumers in a position to actually benefit from such rights. The “Regulation (EC) No 2004/2006 on Consumer Protection Cooperation” is the first European legal instrument to explicitly establish formal and binding procedural enforcement rules for national authorities and thereby constitutes a striking change of policy. By discussing the establishment of an EU-wide network of national, specifically appointed competent public authorities, the present approach reflects the German angle, to which the concept of public enforcement in the law of unfair competition is unknown. As the legal enforcement systems of the UK and Germany differ considerably, parallel developments in the UK are presented as well. For a prognosis of the Regulation’s practical relevance in the future, empirical data, e.g. resulting from EU Sweeps (coordinated systematic enforcement actions of the Member States) and from reports of the Member States and the competent authorities, are analyzed. A selection of relevant cases dealing with misleading advertising, unfair commercial practices etc. prior to and after the Regulation was passed shows the effects and existing deficits.

The project examines the foregoing issues using a comparative law and economic analysis approach. By identifying the incentives and regulations of respective legal solutions, the research achieves a thorough comparison of their economic efficiency. To provide statistical trends and developments and to underline the

results, the project takes into account vast amounts of empirical data, technical surveys and statistical evaluations.

Daniela Mederle, academic research leader for part one of the project, was awarded her doctorate in the summer semester 2009. The results of her research will be published in the MPI's book series on the protection of industrial property ("Schriftenreihe zum gewerblichen Rechtsschutz", Carl Heymanns Verlag).

5.2. Individual Projects

Protection Against Unfair Competition in Cases of Product Imitation

Marius Jakutavičius

Lithuania (MIPLC graduate of 2005/06)

Copyright in the Light of Community Law and Lithuanian Law

Prof. Vyautas Mizaras

Lithuania

Well-Known Trademarks, Three-Dimensional Trademarks, Bad Faith Applications

Danguole Klimkevičiūtė

Lithuania

5.3. Ph.D. Students

In 2008, the number of MIPLC Ph.D. students remained essentially the same as in the year before, with one student leaving at the end of 2007 and a new one joining in October 2008.

Creating an Effective Intellectual Property Rights Enforcement Model in Europe: Challenges Faced by the Baltic Countries While Implementing the EU Enforcement Directive

Kristina Janušauskaitė

Lithuania (MIPLC graduate of 2004/05)

Technology Pooling Licensing Agreements: Promoting Patents Access Through Collaborative IP Mechanisms

Monica Armillotta

Italy (MIPLC graduate of 2004/05)

The Community Trademark and the Unification of the Legislation of the Balkan States in the End and in the Beginning of the European Accession Process

Iana Krassimirova Roueva

Bulgaria (MIPLC graduate of 2004/05)

Modern Plant Breeding and Legal Protection of New Plant Varieties in Latin American Countries

Diana Leguizamón Morales

Colombia (MIPLC graduate of 2005/06)

The World Trade Organization and the Implementation of the Patent Provisions of the TRIPS Agreement in Brazil

Viviane Mitsuuchi Kunisawa

Brazil (MIPLC graduate of 2005/06)

Standardization Efforts and Collective Licensing Mechanisms in the Genetic Testing Field

Paola Karam Valdés

Mexico (MIPLC graduate of 2005/06)

Harmonization of Substantive Patent Law – Review of the Situation and Development on the Basis of WIPO Harmonization Efforts and the Trilateral Treaties

Nina Klunker

Germany

Dispute Between Intellectual Property Rights and Standards by Analyzing Licence Contracts Under FRAND Conditions and Patent Pools

Claudia Tapia Garcia

Spain

Antitrust Law as a Preventive Measure Against Misuse of Intellectual Property Rights – A Comparative Analysis of Chinese and European Law

Wu Yixing

China

Towards Proper Competition Law and Policy in sub-Saharan African Countries: The Case Studies of South Africa, Zambia, Ethiopia and Nigeria

Zecharias Fassil Berhe

Ethiopia (MIPLC graduate of 2007/08)



Kristina Janušauskaitė



Iana Roueva



Viviane Mitsuuchi Kunisawa



Nina Klunker



Wu Yixing



Monica Armillotta



Diana Leguizamón Morales



Paola Karam Valdés



Claudia Tapia Garcia



Zecharias Fassil Berhe

5. Research



Prof. F. Scott Kieff

5.4. EIPIN Doctoral Meeting

The annual EIPIN Congress is traditionally concluded with a meeting of Ph.D. researchers from all participating institutions. This meeting allows the participants to present their current work on their doctoral theses and to receive comments and suggestions from other IP researchers and professors in the field.

In 2008, this meeting took place in Zurich on May 23–25. From Munich, Paola Karam Valdés and Simon Klopschinski, Ph.D. student at the MPI, presented their theses on “Technical Standards and Patent Pools in the Biotechnology Sector: Trends and Perspectives” and “The Protection of Intellectual Property Rights under International Investment Treaties,” respectively. In addition, another former MIPLC student, Ayan Roy Chowdhury, now a Ph.D. student at QMIPRI, was present. The commentators included three MIPLC faculty members: Prof. F. Scott Kieff, Prof. Bernt Hugenholtz, and Prof. Dan L. Burk.

Kristina Janušauskaitė

Paola Karam Valdés

Diana Leguizamón Morales

5.5. The MIPLC Lecture Series

The MIPLC not only contributes to the creation but also to the dispersion of knowledge. To further this goal, the MIPLC Lecture Series was created.

By 2008, the MIPLC Lecture Series was in its fourth year of successful operation. As in past years, the Center again invited renowned scholars and practitioners from all over the world to give presentations on current issues of intellectual property law.

The lectures are organized with the kind support of the Max Planck Institute for Intellectual Property, Competition and Tax Law. They are hosted at the Institute and are aimed at interested members of the IP community based in and visiting Munich.

During the period covered by the present report, the following seven lectures were given:

The Limits of Trademark Law: Proscriptive Principles and Permissive Principles

Prof. Graeme B. Dinwoodie

(University of Oxford)

November 5, 2007

Copyright and Facts: Two Centuries of Changing Treatment Under US Law

Prof. Robert Brauneis

(The George Washington University Law School), December 6, 2007

Removing Property from Intellectual Property and (Intended?) Pernicious Impacts on Innovation and Competition

Prof. F. Scott Kieff

(The George Washington University Law School), December 20, 2007

Inventing Invention: The Patentability Standard as a Case Study in Legal Innovation

Prof. John F. Duffy

(The George Washington University Law School), January 15, 2008

Prof. John M. Whealan



Prof. John F. Duffy



Of the class of 2007/08 three Master's theses were chosen for publication in this series:

Fact-Gathering in Patent Infringement Cases: Rule 34 Discovery and the Saisie-Contrefaçon

Esther Seitz

Patentability Requirements for Nanotechnological Inventions: An Approach From the European Patent Convention Perspective

Mario Cisneros

Biotechnology Industry in India: Interplay of Incentives and Regulatory Framework

Pallavi Kondapalli

The next Ph.D. thesis to be published will be:

Patent Protection in the Proteomic Era: Patentability Requirements and Scope of Protection of Three-Dimensional Protein Structure Related Claims according to German, European, and US American Law

Martina Schuster

(Ph.D. student at the Max Planck Institute, supervised by Prof. Straus)

Furthermore, the majority of the theses written by MIPLC Ph.D. students will also be published in this series.

IP Organization and IP Strategy in a Globally Active Group of Companies

Dr. Bertram Huber

(Senior Vice President and Head of Corporate Intellectual Property, Robert Bosch GmbH), February 27, 2008

The Federal Circuit and the Supreme Court

The Honorable Randall R. Rader

(Circuit Judge, US Court of Appeals for the Federal Circuit), May 14, 2008

US Patent Reform Legislation

Prof. John M. Whealan

(The George Washington University Law School), July 16, 2008.

5.6. The MIPLC Book Series

The MIPLC Book Series, initiated in 2006 and published by Nomos Verlagsgesellschaft, was set up to publish outstanding Ph.D. and Master's theses as well as conference proceedings. The series published its first three volumes in 2008.

Volume 1:

Patents in the Food Sector – A Retrospective with Special Emphasis on the TRIPS Agreement

Eva Willnegger

(Ph.D. student at the Max Planck Institute, supervised by Prof. Straus)

Volume 2:

Patenting Traditional Medicine

Murray Lee Eiland

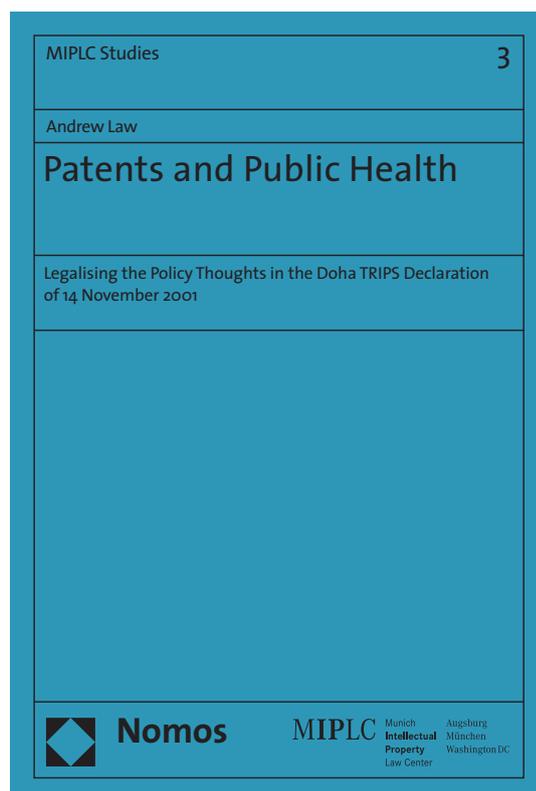
(MIPLC graduate of 2005/06)

Volume 3:

Patents and Public Health: Legalising the Policy Thoughts in the Doha TRIPS Declaration of 14 November 2001

Andrew Law

(Ph.D. student at the Max Planck Institute, supervised by Prof. Straus)



6. MIPLC Advisory Boards

As stipulated by the founding Cooperation Agreement, the MIPLC has three Advisory Boards:

The **Scientific Advisory Board** advises the Managing Board on the MIPLC's research program and on the development of the LL.M. program, as well as on financial issues.

For the Max Planck Research Unit, the Regulations of the Max Planck Society require two further Boards: a **Board of Trustees** to promote the relationship between the Center and the general public interested in education and research in IP and adjacent areas, and another Scientific Advisory Board ("**Fachbeirat**" in German; this term will be used in order to avoid confusion between the two Advisory Boards) evaluating the research carried out at MIPLC. The members of all three boards are listed in Appendix 3.

While the Scientific Advisory Board meets on an annual basis, both Fachbeirat and Board of Trustees follow a two-year cycle. In 2008, it was the Board of Trustees' turn.

6.1. Meeting of the Scientific Advisory Board

The Scientific Advisory Board met on November 6, 2008, from 10 a.m. to 5 p.m.

The meeting was opened by Prof. Straus, who welcomed all participants. He then introduced Prof. Drexler, his successor on the MIPLC Managing Board, and Julia Pracht, the new Administrative Director succeeding Tina Höfinghoff.

Prof. Brauneis and Prinz zu Waldeck und Pyrmont gave a summary of the academic year 2007/08 and Prof. Drexler introduced the newly created International Max Planck Research School for Competition and Innovation (IMPRS-CI, cf. 2.8). Afterwards Margit Hinkel presented the developments of the MIPLC's financial situation.

Topics of the subsequent discussion were, inter alia, the cooperation between the MIPLC and the IMPRS; the development of LL.M. program applications; third-party sponsoring; and the MIPLC website.

The afternoon session started with Prof. Straus summarizing the completed and ongoing MIPLC research projects in the fields of general research (cooperative and individual) and Ph.D. theses. Then, as the first of two examples, Paola Karam Valdés introduced her Ph.D. thesis "Standardization Efforts and Collective Licensing Mechanisms in the Genetic Testing Field." She was followed by



Mario Cisneros presenting his Master's thesis to the Scientific Advisory Board.

Nicole van der Laan (Netherlands, left) and Beatrix Breitinger (Germany), class of 2009/10, enjoying the coffee break with the Board.



Mario Cisneros, LL.M. graduate of 2007/08, who presented the topic of his Master's thesis "Patentability Requirements for Nanotechnological Inventions: An Approach from the European Patent Convention Perspective." Given the current relevance of both topics, these presentations stimulated lively discussions.

During the coffee break, the Board members were joined by the students of the 2008/09 class, providing them with firsthand information about the LL.M. program. In addition, they had the opportunity to inspect the 2007/08 Master's theses.

In the evening, a joint dinner was held with the members of the Board of Trustees, who were to meet the next day.

Prof. Straus and Prof. Di Cataldo talking with the new students Cao Yi (China), Vinita

Radhakrishnan (India), and Svetlana Vorozhbit (Russia).



6.2. Meeting of the Board of Trustees

The Board of Trustees met on November 7, 2008, from 10 a.m. to 1:30 p.m.

Prof. Straus welcomed the participants and thanked the Board members for their contribution to the MIPLC's advancement. Before handing over to Chair Ronald E. Myrick, he called for a minute's silence in memory of the late Board member Dr. Manfred Scholz and the late faculty member The Honorable Lord Justice Sir Nicholas Pumfrey.

Ron Myrick welcomed all participants and opened the meeting which, for organizational reasons, started with Ms. Hinkel's report on MIPLC finances. Then Prof. Brauneis and Prinz zu Waldeck provided the summary of the academic year 2007/08 and the developments of the LL.M. program. Afterwards, Prof. Drexl, introduced by Prof. Straus, presented the IMPRS-CI.

The discussion focused on the Center's increasing activities in the field of training, in particular the SIPO Training Program which was approved by the Board; on the accreditation process and how to fulfill the requirements while maintaining the program's characteristics and most important assets; and the IMPRS.

After the coffee break, Prof. Straus gave a summary of MIPLC research projects. As the day before, the Board of Trustees was offered firsthand information: While Paola Karam Valdés introduced her Ph.D. thesis again, the second presentation was given by Pallavi Kondapalli, LL.M. graduate of 2007/08 and winner of the Oehm Prize for the best overall grade. She presented the topic of her Master's thesis "Biotechnology Industry in India: Interplay of Incentives and Regulatory Framework." At the end of the meeting, Ron Myrick thanked Prof. Straus on behalf of the Board for all his time and energy spent on the MIPLC and the success achieved.



Chair Ron Myrick and the Board of Trustees paying tribute to the work of Prof. Straus.

Appendix 1: Curriculum

Tina Höfinghoff, organizing internships and career events, taking care of MIPLC marketing, and compiling the accreditation documentation – always with a smile on her face.



Wolrad Prinz zu Waldeck and Pyrmont, always ready to provide students with guidance and advice.



Introductory Courses

Legal Tradition (Civil Law & Common Law)
(Ann, Cornish, Crews) (1 CH, 0 cp)

Legal Research and Writing
(Crews) (1 CH, 0 cp)

Introduction to IP
(Crews) (0.5 CH, 0 cp)

**International IP
Convention Systems**
(Kur) (0.25 CH, 0 cp)

Basic Courses

European and International (WTO) Law
(Möllers) (1 CH, 1.5 cp)

European and US Competition Law
(Kort) (1 CH, 1.5 cp)

European Copyright Law
(Leistner, von Lewinski)
(2 CH, 3 cp)

European Patent Law
(Straus, Moufang, Prinz zu Waldeck)
(2 CH, 3 cp)

**European, US and
International Design Law**
(Kur, Janis) (1 CH, 1.5 cp)

**European, US and
International Trademark Law**
(Brauneis, Kur, von Bomhard)
(2 CH, 3 cp)

**International and
Comparative Copyright Law**
(Goldstein, Ganea) (2 CH, 3 cp)

**International and
Comparative Patent Law**
(Rader, Adelman, Katayama) (2 CH, 3 cp)

Jurisdiction and Conflict of Laws
(Dinwoodie) (1 CH, 1.5 cp)

Licensing of IP Rights
(Ann, Hilty, Enchelmaier, Goddar)
(1 CH, 1.5 cp)

Protection of Geographical Indications
(Loschelder) (1 CH, 1.5 cp)

Unfair Competition I
(Ohly) (1 CH, 1.5 cp)

CH: Credit Hour
(700 minutes of teaching)
cp: credit points



Dagmar Klein, the pillar of MIPLC administration, able to answer (almost) any question students may have.

Monika Schönrock, supporting the MIPLC in many ways (here seen as merchandise model) even before her official appointment as secretary.

Specialized Courses

Arbitration

(Barceló, Wilbers) (1 CH, 1.5 cp)

Arbitration Simulation

(Karamanian) (0.5 CH, 0.75 cp)

Computer Crime

(Kerr) (1 CH, 1.5 cp)

Computers and the Law

(Dreier, Lehmann, Nack) (2 CH, 3 cp)

Cross-Border Trade in IP

(Brauneis) (1 CH, 1.5 cp)

Enforcement of Copyright

(Schlesinger, Strowel) (1 CH, 1.5 cp)

Entertainment Law

(Dougherty, Loewenheim) (1 CH, 1.5 cp)

Entrepreneurship

(Bassen, Poech) (1 CH, 1.5 cp)

Innovation Policy

(von Graevenitz) (1 CH, 1.5 cp)

Intangible Assets Valuation

(Harhoff) (1 CH, 1.5 cp)

Internet Law

(Carroll) (1 CH, 1.5 cp)

IP and Indigenous Heritage

(von Lewinski) (1 CH, 1.5 cp)

IP Project Management

(Kolisch) (1 CH, 1.5 cp)

IP Prosecution and Enforcement

(Kieff, Kroher, Pagenberg) (2 CH, 3 cp)

License Contract Drafting

(Soltysiński) (1 CH, 1.5 cp)

Managerial Finance

(Kaserer) (1 CH, 1.5 cp)

Pharmaceuticals and IP

(Kieff, Gassner, Hammann) (1 CH, 1.5 cp)

Practical Training in European Patent Law

(Geissler, von Meibom) (1 CH, 1.5 cp)

Practical Training in Trademark Law

(von Bomhard, Hines) (1 CH, 1.5 cp)

Privacy, Publicity and Personality

(Ohly) (1 CH, 1.5 cp)

Protection of Biotechnological Inventions

(Kieff, Straus) (1 CH, 1.5 cp)

Protection of Databases and Other Forms of Investment Protection

(Leistner) (0.5 CH, 0.75 cp)

Science, Patents and Start-ups

(Hertel) (1 CH, 1.5 cp)

Software Contracts

(Maggs) (1 CH, 1.5 cp)

Taxation of IP

(Schön) (1 CH, 1.5 cp)

Technical Protection of Authors' Rights

(Burk) (1 CH, 1.5 cp)

Theoretical and Economic Foundations of IP

(Duffy) (1 CH, 1.5 cp)



The editor at work... Margit Hinkel, perfectly organized and never puzzled, putting together the Annual Report.



Student assistant Mike Durek, IT genius and full of innovative ideas.

Appendix 2: Faculty and Tutors

[Prof. Martin J. Adelman](#)
The George Washington University
Law School

[Prof. Christoph Ann](#)
Technische Universität München

[Prof. John J. Barceló](#)
Cornell University, Ithaca, USA

[Prof. Alexander Bassen](#)
University of Hamburg, Germany

[Dr. Verena von Bomhard](#)
Lovells, Alicante, Spain

[Prof. Robert Brauneis](#)
The George Washington University
Law School

[Prof. Dan L. Burk](#)
University of California,
Irvine, USA

[Prof. Michael W. Carroll](#)
Villanova University, USA

[Prof. William R. Cornish](#)
Cambridge University, UK

[Prof. Kenneth D. Crews](#)
Columbia University, New York, USA

[Prof. Graeme B. Dinwoodie](#)
University of Oxford, UK

[Prof. F. Jay Dougherty](#)
Loyola Law School, Los Angeles, USA

[Prof. Thomas Dreier](#)
University of Karlsruhe (TH), Germany

[Prof. John F. Duffy](#)
The George Washington University
Law School

[Prof. Stefan Enchelmaier](#)
University of York, UK

[Dr. Peter Ganea](#)
Johann Wolfgang Goethe University
Frankfurt am Main, Germany

[Prof. Ulrich M. Gassner](#)
University of Augsburg

[Dr. Bernhard Geissler](#)
Bardehle Pagenberg Dost Altenburg
Geissler, Munich

[Prof. Heinz Goddar](#)
Boehmert & Boehmert, Munich

[Prof. Paul Goldstein](#)
Stanford Law School, USA

[Dr. Georg von Graevenitz](#)
Ludwig Maximilians University, Munich

[Dr. Heinz Hammann](#)
Boehringer Ingelheim GmbH,
Ingelheim, Germany

[Prof. Dietmar Harhoff](#)
Ludwig Maximilians University, Munich

[Dr. Bernhard Hertel](#)
Max Planck Innovation GmbH, Munich

[Prof. Reto M. Hilty](#)
Max Planck Institute for Intellectual
Property, Competition and Tax Law

[P. Jay Hines](#)
Cantor Colburn LLP, Alexandria, USA

[Prof. Mark D. Janis](#)
Indiana University, Bloomington, USA

[Prof. Susan L. Karamanian](#)
The George Washington University
Law School

[Prof. Christoph Kaserer](#)
Technische Universität München

[Prof. Eiji Katayama](#)
University of Tokyo, Japan

[Prof. Orin S. Kerr](#)
The George Washington University
Law School

[Prof. F. Scott Kieff](#)
The George Washington University
Law School, USA

[Prof. Rainer Kolisch](#)
Technische Universität München

[Prof. Michael Kort](#)
University of Augsburg

[Dr. Jürgen Kroher](#)
Kroher · Strobel, Munich

[Prof. Annette Kur](#)
Max Planck Institute for Intellectual
Property, Competition and Tax Law

[Prof. Michael Lehmann](#)
Ludwig Maximilians University, Munich

[Prof. Matthias Leistner](#)
University of Bonn, Germany

[Dr. Silke von Lewinski](#)
Max Planck Institute for Intellectual
Property, Competition and Tax Law

[Prof. Ulrich Loewenheim](#)
Johann Wolfgang Goethe University,
Frankfurt am Main, Germany

[Dr. Michael Loschelder](#)
German Association for the Protection of
Intellectual Property, Cologne, Germany

[Prof. Gregory E. Maggs](#)
The George Washington University
Law School

[Wolfgang von Meibom](#)
Bird & Bird, Düsseldorf, Germany

[Prof. Thomas M.J. Möllers](#)
University of Augsburg

[Dr. Rainer Moufang](#)
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