

# Annual Report

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<b>Foreword</b>	<b>5</b>		
<b>1. Organizational Developments</b>	<b>7</b>		
Staff	7		
Facilities	7		
Library	7		
<b>2. Cooperation with Other IP Institutions</b>	<b>8</b>		
2.1. European Patent Office	8		
2.2. European Intellectual Property Institutes Network (EIPIN)	8		
2.3. EC-ASEAN Intellectual Property Rights Cooperation Program (ECAP II)	8		
2.4. Supreme Court of Japan	9		
<b>3. Marketing &amp; Fundraising</b>	<b>10</b>		
3.1. Overall Strategy	10		
3.2. Marketing Measures	11		
3.2.1. <i>Internet Promotion</i>	11		
3.2.2. <i>Cooperation with Scholarship Organizations</i>	11		
3.2.3. <i>Press</i>	11		
3.2.4. <i>Partner Universities</i>	12		
3.2.5. <i>Friends</i>	12		
3.2.6. <i>Conferences</i>	12		
3.2.7. <i>MIPLC Materials – Second Edition of the Brochure</i>	12		
3.3. Fundraising	12		
3.3.1. <i>Funding for the Academic Year 2004/05</i>	12		
3.3.2. <i>Fundraising Activities for the Academic Year 2005/06</i>	13		
3.3.3. <i>Student Loans</i>	14		
3.4. Results	14		
<b>4. The Academic Year 2004/05</b>	<b>15</b>		
4.1. Academic Calendar	15		
4.2. Curriculum	15		
4.3. Faculty & Tutors	15		
4.4. Applicants & Students	15		
4.5. Chronicle of Events	15		
4.5.1. <i>Welcome Day</i>	15		
4.5.2. <i>Autumn Party</i>	15		
4.5.3. <i>Visit of Judge Michel</i>	16		
4.5.4. <i>Study Visit at the European Patent Office</i>	16		
4.5.5. <i>EIPIN Conference in Zurich</i>	16		
4.5.6. <i>Munich City Tour</i>	17		
4.5.7. <i>Christmas Reception</i>	17		
4.5.8. <i>ECAP Students' Farewell</i>	17		
4.5.9. <i>Internships</i>	17		
4.5.10. <i>EIPIN Conference in Windsor</i>	18		
4.5.11. <i>Alumni Reunion</i>	18		
4.5.12. <i>Study Visit in Washington, D.C.</i>	19		
4.5.13. <i>The George Washington University Summer Program</i>	19		
4.5.14. <i>Excursion to the Countryside</i>	20		
4.5.15. <i>Master's Theses and Overall Results</i>	20		
4.5.16. <i>Graduation Ceremony</i>	21		
4.6. Professional Perspectives – Career Steps Taken by the 2004/05 Graduates	23		
4.7. Evaluation of the Academic Year 2004/05	24		
4.7.1. <i>Evaluation of Lecturers</i>	24		
4.7.2. <i>Program Evaluation by the Students</i>	24		
4.7.3. <i>Improvements for the Academic Year 2005/06</i>	25		
<b>5. MIPLC Research</b>	<b>26</b>		
5.1. Collaborative Projects: Intellectual Property Infrastructure in Asia's Developing Markets	26		
5.2. Short-Term Projects	28		
5.2.1. <i>Abeyesekere: A System to Protect Folklore in Sri Lanka</i>	28		
5.2.2. <i>Ganea: Exhaustion of IP rights: Reflections from Economic Theory</i>	28		
5.2.3. <i>Jin: The Reemergence and Development of the Intellectual Property System in China (1978-2001): A Comparative View</i>	29		
5.2.4. <i>Madhavan: Copyright and Copyleft in Bioinformatics. Challenges and Implications</i>	29		
5.2.5. <i>Midtbø: Disclosure of Origin of Biological Material in Patent Applications under Sec 8 b) of the Norwegian Patents Act</i>	30		
5.3. PhD Students	30		
5.3.1. <i>Riemann: Valuation of Trademarks and Strategic Innovation Management – A Global Approach to Trademark and Brand Valuation</i>	30		
5.3.2. <i>Fairhurst: Building a Comprehensive Multivariate Valuation Model for Intellectual Property Which Allows for Full Securitization and Tradability of IP as a Commercial Asset</i>	31		
5.3.3. <i>Janušauskaitė: Creating an Effective Intellectual Property Rights Enforcement Model in Europe: Challenges Faced by the Baltic Countries While Implementing the EU Enforcement Directive</i>	31		
5.3.4. <i>EIPIN Doctoral Meeting in Zurich</i>	31		

5.4. Master's Theses	32	<b>7. Financial Report</b>	<b>38</b>
5.5. The MIPLC Lecture Series	33	Appendix 1: Curriculum	40
5.5.1. <i>Rader: Kirin-Amgen vs. TKT – An American Perspective tot eh UK House of Lords Decision</i>	33	Appendix 2: Class Schedule	44
5.5.2. <i>Goldstein: Secondary Liability in Copyright</i>	33	Appendix 3: Faculty Members	50
5.5.3. <i>Kerr: Criminal Law of Intellectual Property in the United States</i>	33	Appendix 4: Tutors	52
<b>6. MIPLC Managing and Advisory Boards</b>	<b>34</b>	Appendix 5: Program of the EIPIN Conference Zurich	53
6.1. Managing Board – Awards and Nominations	34	Appendix 6: Program of the EIPIN Conference Windsor	55
6.2. Advisory Boards	35	Appendix 7: Program of the Study Visit in Washington, D.C.	57
6.2.1. <i>Meeting of the Scientific Advisory Board and the Fachbeirat</i>	35	Appendix 8: Results of Program Evaluation	58
6.2.2. <i>Meeting of the Board of Trustees</i>	37	Appendix 9: Members of the MIPLC Boards	60

## Foreword



*Prof. Robert Brauneis,  
The George Washington  
University Law School  
(Washington, D.C.)*

As the representative of The George Washington University Law School to the MIPLC Managing Board, I have the honor of writing the Foreword to this third Annual Report produced by the MIPLC. Because this is the first time a GW Law School representative has had the chance to write the Foreword, I want to begin by expressing the gratitude of the Law School, and my own personal gratitude, for the opportunity the school has had to be a founding partner in this tremendous venture. It is to the great

credit of the three German partners that they were willing to welcome the participation of a foreign institution, located over 4000 miles from Bavaria, in the development of a Munich-based center. Just a decade ago, full participation from such a distance would have been impossible. But the development of new technologies and services, such as Internet-based e-mail and videoconferencing, internationally standardized software, and direct flights between Washington and Munich, has enabled GW Law to take its place beside three other partners that are all within a short drive of each other.

At GW, we have been running an Intellectual Property LL.M. Program for over a hundred years, and we would like to think that we have been able to contribute some of the experience we have gained in that endeavor to MIPLC. If anything is certain, however, it is that we have received more from participating in MIPLC than we have given. Eight of our faculty members have come to Munich to teach, and have been able to become better acquainted with the faculty of the other partners and with important European IP institutions. Both Deans we have had during MIPLC's existence – Michael K. Young and Frederick M. Lawrence – have visited and spoken at the Center. And dozens of GW Law students, as well as dozens of students from other law schools in the U.S. and around the world, have been able to study in Munich through the GW Munich IP Summer Program, which for the last three years has been held at MIPLC in July, and which benefits from partial integration with the MIPLC IP LL.M. Program.

Thus, on behalf of GW Law School, I would like to thank the other MIPLC partners and their representatives for three years of successful cooperation. The Max Planck Institute for Intellectual Property, Competition and Tax Law, and its parent the Max Planck Society, have been the prime movers behind the project, and extremely supportive hosts. As the Chair of our Managing Board and much more, Prof. Joseph Straus has led us skillfully and tirelessly. The University of Augsburg confers

the LL.M. degree and has provided invaluable support; its representatives and successive Deans of the Law Faculty, Prof. Thomas M.J. Möllers and Prof. Michael Kort, have been industrious and congenial colleagues. The Technische Universität München has also been an essential partner, and its representative Prof. Christoph Ann has generously contributed to the venture. The result has been an outstanding LL.M. program and an emerging center for cutting-edge research.

Having spoken on behalf of GW Law School, I would like now to shift and speak on behalf of the MIPLC Managing Board, and acknowledge some of the debts that all four MIPLC partners owe to many other institutions and individuals. The European Patent Office has been extremely supportive in many different ways, from sponsoring internships for six students to administering the EC-ASEAN Intellectual Property Rights Cooperation Program (ECAP), which sent seven Asian scholars to MIPLC for the 2004/05 Winter Semester. The Supreme Court of Japan has begun to send young Japanese judges to MIPLC for training. The European Intellectual Property Institutes Network has sponsored important conferences for both LL.M. and doctoral students, and one of its members, the MAS IP Program at the ETH Zurich, has taken the lead in organizing the annual U.S. Joint Module that has also included students from MIPLC and from the Queen Mary IPRI at the University of London.

For scholarship support of MIPLC students, we must in addition thank two EU programs – the Jean Monnet Program for Turkey, and Program Alþan, which focuses on Latin America – as well as the Hertie Foundation, the Deutsche Vereinigung für Gewerblichen Rechtsschutz und Urheberrecht e.V., GRUR, and Siemens AG and Schering AG. Other important financial support has come from the Society of the Friends of the University of Augsburg; Professor Martin J. Adelman; and Gertrude Oehm and her late husband Siegfried. We also would like to express our gratitude to all of those companies, organizations and law firms which sponsored internships for our LL.M. students in the 2004/05 academic year. These include the EPO, as mentioned above; Siemens AG; the German Patent and Trademark Office; and a large number of Munich law and patent law firms, including Frohwitter; Taylor Wessing; Wuesthoff & Wuesthoff; Ashurst; Bardehle Pagenburg Dost Altenburg Geissler; Meissner Bolte & Partner; and Bird & Bird.

An institution that borrows faculty not only from its four partners but from over 25 other institutions and organizations, and which welcomes students from around the world, poses unique managerial challenges. Without the superb support we get from our devoted staff – Ms. Margit Hinkel, Dr. Matthias Kober, Mr. Wolrad Prinz zu Waldeck und Pyrmont, and Ms. Dagmar Klein – we would never be able to meet these challenges. We owe them all an enormous debt of

gratitude. As I write this, we know that Dr. Kober and Mr. Prinz zu Waldeck und Pyrmont will be leaving their positions to pursue other opportunities; we want to thank them for their loyal and dedicated service, and to welcome the new Program Director, Dr. Peter Ganea.

The external members of our three advisory boards – the Scientific Advisory Board, the Fachbeirat, and the Board of Trustees – have selflessly contributed their time and energy to provide us with advice, evaluation, support, and connections, and we thank each and every one of them for their ongoing support. Lastly, we wish to thank our current and former LL.M. students, who make it a delight to teach at the Center, and who go out into the world and make us proud to have been involved in their education.

This year, our Annual Report is switching from coverage of the calendar year to coverage of the academic year, and for that reason the reader will perceive some overlap between this Report and that of 2004. That is not the reason for repeating our expressions of gratitude, however. We thank many of the same institutions and individuals because their support continues, and because the MIPLC continues to benefit enormously from their past contributions. As you read this Report, we hope you will see how far all of that help has gotten the Center. We look forward to building even higher on the solid foundation of our first three years.

Robert Brauneis

Member, MIPLC Managing Board

# 1. Organizational Developments

In its third year of operation, MIPLC could rely on the solid infrastructure created in the previous years, so no major changes were necessary.

## 1.1. Staff

Due to maternal leave, Sabine Müller, the Administrative Director based at the University of Augsburg, left MIPLC in February 2005. She was succeeded by Dr. Matthias Kober who joined in April. Dr. Kober had already been involved in the project during its foundational phase in 2002, and therefore had the benefit of already having a certain familiarity with the LL.M. program.

The MIPLC Managing Board and staff wish to express their sincere thanks to Ms. Müller for her most valuable contribution to the establishment of the LL.M. program in its first years, in particular for her skillful and efficient handling of the internship program, the marketing activities, and all the legal and formal issues that arise when a new program is started.

Apart from providing support in the above mentioned fields, the focus of Dr. Kober's work lies in finding new media for public relations and on fundraising, which is an important issue for the next few years.

## 1.2. Facilities

In 2005, the previously installed videoconferencing facilities proved in two instances to be an invaluable tool.

First, during the study visit to the George Washington University Law School (see 4.5.12.) a portion of the elective course "Enforcement of Copyright Issues" was taught in the U.S. By videoconferencing the lectures to Munich, those students who did not participate in the study visit were also able to choose and attend this course.

In the second case, one student unfortunately had a severe accident and broke two of her vertebrae, precluding her from coming to class for two months. Normally, due to the intensity of the program, the student would not have been able to make up the missed lectures and therefore would not have completed her degree. With the aid of the videoconferencing system, all classes she had chosen were recorded and sent to her on CD-ROM so that she could follow them at home on her computer. As a result she was able to successfully complete all of her classes, demonstrating not only the usefulness of the MIPLC's advanced technical equipment but also the student's enterprising spirit and academic excellence.

Last but not least, wireless access nodes were installed in the MIPLC facilities in Marstallstraße 8, providing wireless internet access and printing in both of the two halls on the fourth floor.

## 1.3. Library

The stock of the MIPLC textbook library was increased by 161 volumes, 6 of which were given to the Center as a donation. At the end of 2005, the library held 774 books.



*The textbook library for MIPLC students.*

## 2. Cooperation with Other IP Institutions

### 2.1. European Patent Office

In 2003, the MIPLC had signed a cooperation agreement with the European Patent Office (EPO), calling for the parties to pursue opportunities for cooperation in the field of IP education. Since the EPO International Academy (now European Patent Academy) is the body in charge of promoting the EPO's objectives with regard to IP training, the cooperation was established between the Academy and MIPLC.

The agreement foresees, *inter alia*, the following joint activities:

- Exchange of IP documentation and IP publications
- Organization of a jointly designed and implemented annual training event
- Exchange of experts
- “In-house traineeships” for a number of MIPLC students, subject to a preliminary approval of the relevant Directorates.

In all these fields MIPLC and the EPO Academy have been actively and successfully cooperating in the academic year 2004/05:

- the EPO made available to the MIPLC library an EPO documentation and information set, and regularly provides MIPLC students with the “EPO information starter’s kit”
- the annual “EPO Study Visit” took place in November (see 4.5.4)
- Dr. Moufang and Dr. Heath from the EPO Board of Appeal are members of the MIPLC faculty
- six MIPLC students completed their internships at the EPO in 2005.

Based on this successful start, the cooperation will be intensified and extended to the other items stipulated in the agreement, such as having the MIPLC students attend public opposition and appeal procedures, and cooperating on IP research projects of common interest. In addition, an annual coordination meeting will be held to assess the cooperation, review its progress and sketch out future cooperation activities.

### 2.2. European Intellectual Property Institutes Network (EIPIN)

Because MIPLC joined the European Intellectual Property Institutes Network (EIPIN) in 2004, two groups of MIPLC students had the opportunity to participate in two of the three conferences organized during the academic year 2004/05 (in Zürich and London, see 4.5.5 and 4.5.10). In 2005, the cooperation within EIPIN was further intensified with the establish-

ment of “EIPIN (+)”, which is aimed at facilitating and strengthening the interaction between doctoral researchers of the participating institutions. As one means to further this aim, EIPIN organizes meetings at which PhD students in different stages of research present their preliminary findings. The presentations are followed by discussion of the theses not only with fellow doctoral researchers from the different institutes but also with external experts in the respective fields of research, who are invited to participate as commentators in order to provide maximum benefit and stimulation for the doctoral researchers. The first such meeting took place in Zürich in September 2005 (see 5.3).

Becoming a member of EIPIN has proven quite valuable for MIPLC, as it has allowed MIPLC students to participate in the EIPIN Conferences as well as in the EIPIN Doctoral Researchers’ Meetings, both of which are valuable complements to MIPLC’s educational and academic research program. The LL.M. students’ response to the participation in the conferences was enthusiastic. In addition to the opportunity to attend high-level presentations dedicated to specific IP topics, the exchange with students of other European IP institutions was highly valued and led to inter-institutional friendships in numerous cases. The EIPIN doctoral meeting provided PhD students from different IP institutions with an excellent opportunity not only to hone their research projects through intense discussion, but also to practice their presentation skills in front of a small but sharp audience.

MIPLC will continue to participate in the EIPIN endeavors, and will, together with CEIPI and the European Patent Academy, jointly organize EIPIN conferences in Munich in the upcoming years.

### 2.3. EC-ASEAN Intellectual Property Rights Cooperation Program (ECAP II)

Within the framework of the EC-ASEAN Intellectual Property Rights Cooperation Program (ECAP II) administered by the European Patent Office, seven ECAP scholars joined the LL.M. IP program for the 2004/05 winter semester. Prof. Juriah Abd Jalil (Malaysia), Ms. Rahmi Jened (Indonesia), Mr. Ferdinand Negre (Philippines), Ms. Lukana Pobromyen (Thailand), Prof. Anilkumar Samtani (Singapore), Mr. San Sorphorn (Cambodia) and Dr. Tran Le Hong (Vietnam), who are all teaching IP in their home countries, came to Europe for a six-month period, taking part in the courses at MIPLC for the first semester, and then continuing their visit to Europe with two months at the Queen Mary Intellectual Property Research Institute in London.

Besides deepening their own knowledge of IP, learning about the European and U.S. conception of intellectual property



*The seven ECAP scholars: (above, from left) San Sorphorn (Cambodia), Dr. Tran Le Hong (Vietnam), Prof. Juriah Abd Jalil (Malaysia), Rahmi Jened (Indonesia), Ferdinand Negre (Philippines); (below, from left) Prof. Anilkumar Samtani (Singapore), Lukana Pobromyen (Thailand).*



rights, and being exposed to a variety of teaching styles, the ECAP II students had two collective tasks. The first task was to draft reports on the status of IP teaching in their respective home countries, which would be consolidated into a comprehensive survey. The second was to prepare a plan for an IP curriculum, which is intended to serve as a template for post-graduate IP programs in the ASEAN countries.

As a follow-up on the ECAP scholars' study visit to MIPLC and Queen Mary and to discuss the results of their work, the two-day "EU-ASEAN Colloquium on a Common Postgraduate IP Curriculum and Syllabi Template for ASEAN Countries" was held on August 17 and 18, 2005 in Singapore. The colloquium was organized by the EPO as one of the implementing agencies of the ECAP II program. In addition to representatives of the organizers, participants included six of the seven ECAP scholars, academics and representatives of the Intellectual Property Offices or responsible ministries of the ASEAN countries, as well as a number of European academics. After the opening of the colloquium by Mr. Johan Amand (EPO), Wolrad Prinz zu Waldeck und Pyrmont (MIPLC), spoke on the importance of IP education and on contents and methods of teaching. He was followed by Professor Michael Blakeney of Queen Mary, who gave a presentation on accessible sources for IP information and teaching materials.

In the main part of the conference, the ECAP scholars presented the current status of IP teaching in their countries as well as the common postgraduate curriculum template which they had developed during and after their study visit to MIPLC and Queen Mary. A lively discussion of their proposal was followed by presentations from the representatives of the Intellectual Property Offices and the responsible ministries, respectively, who spoke on their possible input on the national adaptation of the curriculum template. The colloquium closed with two presentations on networks of IP institutions in Europe (EIPIN) and Asia (AUNP), given by Professor Dieter Stauder (Centre for International Industrial Property Studies, CEIPI) and Professor Nantana Gajaseni (ASEAN Co-Director of the ASEAN-EU University Network Program), respectively.

A link to the ECAP II website and to the colloquium can be found on the MIPLC website at <http://miplc.de/about/cooperations/ecap>.



*Reunion at the Singapore Colloquium: the ECAP students San Sorphorn, Prof. Juriah Abd Jalil, Ferdinand Negre, Lukana Pobromyen, Prof. Anilkumar Samtani, Rahmi Jened (from left); the MIPLC Program Director Wolrad Prinz zu Waldeck und Pyrmont (right) and Dr. Peter Ganea, Head of the Asia Unit, Max Planck Institute for Intellectual Property (second from left).*

#### 2.4. Supreme Court of Japan

The 2004 Annual Report introduced the cooperation agreement between the Supreme Court of Japan and the MIPLC, which foresaw that, for an initial period of three years, the Supreme Court would send one or two young Japanese judges to participate in the MIPLC LL.M. program. This training program was scheduled to start with the academic year 2005/06. Although that year is not the subject of this Annual Report, we are happy to note that the training program did indeed begin with the arrival of Judge Tomohiro Hioki, who joined the LL.M. program in October 2005.



## 3. Marketing & Fundraising

### 3.1. Overall Strategy

Already in 2004, the number of requests for information addressed to MIPLC and the diversity of their proveniences had demonstrated that the Center and its LL.M. program have become known virtually all over the world. As a consequence, the marketing strategy pursued in 2005 was no longer focused on general distribution of information, but on reaching and engaging the desired target group to increase the numbers of highly qualified applicants and full-paying students for the academic year 2005/06.

While the evaluation of the effectiveness of the 2004 marketing measures had been based on the total number of contacts, the 2005 evaluation focused on the number who actually became MIPLC students (including all three academic years).

Looking at the numbers of studentes enrolled (figure 1), it becomes apparent that almost one half of them learned about the LL.M. program from the internet. Information received from friends was the second most important source, followed by IP institutions (in particular the European Patent Office), scholarship organizations, the partner universities and the press.

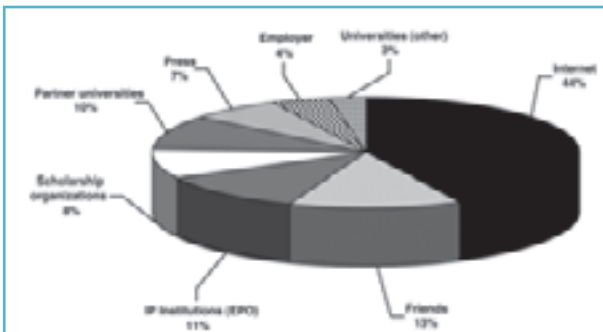


Fig. 1: How students learned about the MIPLC LL.M. program (classes of 2003/04, 2004/05 and 2005/06, totaling 70 students).

The picture is similar for the income received from tuition fees including third-party funding (figure 2): almost one half of the income resulted from students who learned about MIPLC in the internet; information passed on by friends is again ranked second, followed by scholarship organizations, the press, and IP institutions (with the EPO again receiving prominent mention).

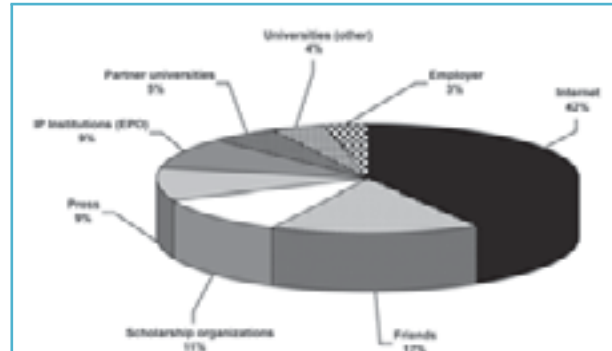


Fig. 2: Tuition fees paid by students who learned about the LL.M. program from the listed sources (classes of 2003/04, 2004/05 and 2005/06, totaling 70 students).

Due to the importance of the internet as source of information, both with regard to the number of students and the income they bring, a more detailed analysis of the MIPLC internet marketing activities was made (figures 3 and 4). While the MIPLC website as an explicitly named source of information turned out to be the number one source, there is ample evidence that many students who named “the internet” as the source of their initial contact with the MIPLC were referring to a search engine or internet directory that led to the MIPLC website. In that regard, the advertisement on the “llm-guide.com” website was revealed to be the second most important source both with regard to student numbers and income received. Furthermore, the websites of the MIPLC partners and those of scholarship organizations like DAAD and the Jean Monnet Program made significant contributions.

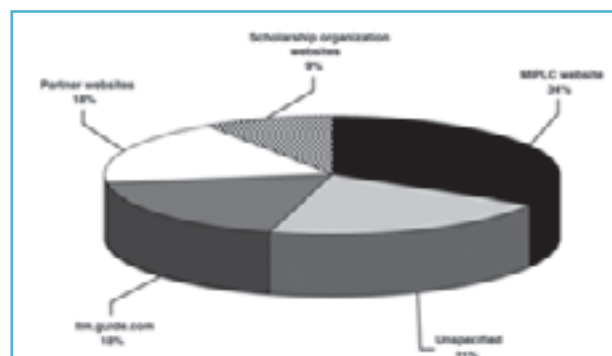
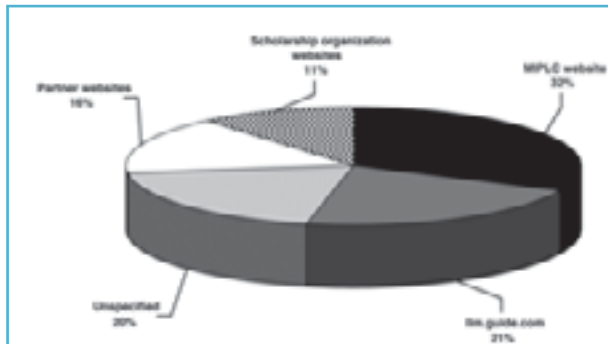


Fig. 3: Focusing on the internet: The most important online source from which students learned about the LL.M. program (classes of 2003/04, 2004/05 and 2005/06, totaling 70 students).



*Fig. 4: Focusing on the internet as source of information: Tuition fees paid by students who learned about the LL.M. program from the listed online sources (classes of 2003/04, 2004/05 and 2005/06, totaling 70 students).*

## 3.2. Marketing Measures

Based on these results, the 2005 marketing campaign focused on the following media and activities:

### 3.2.1. Internet Promotion

Due to the importance of the MIPLC website as source of information for future students, considerable effort was invested in a relaunch of that site. To facilitate its updating and maintenance, the University of Augsburg provided MIPLC access to its Content Management System (CMS). From the Augsburg side, Dr. Mathias Ihn-Danner, IT Manager of the Faculty of Law, took care of the technical requirements and created the MIPLC templates. While the MIPLC staff worked on the re-structuring of the site and on creating new content, Ms. Barbara Volland, PhD student at the Max Planck Institute, enthusiastically and most skillfully took over the task of setting up the major part of the new website. Thanks to her dedication and hard work, the new site went on-line on December 21, 2005.

At this point, sincere thanks are also due to Prof. Robert Brauneis who not only created the MIPLC's first website in 2003, but also took care of its maintenance and updating during all that time.

MIPLC presence on the internet education guide "llm-guide.com" was continued, as it has proven to be an important tool for guiding persons in search of an LL.M. program to the MIPLC IP course.

In addition to this, an advertisement was placed on the website of the European Law Students' Association (ELSA), and the program was included in the list of LL.M. programs offered on the website of azur-online, a career magazine for German law students.

With a special focus on highly qualified German graduates, MIPLC has entered into a cooperation with e-fellows.net, a career network founded by Deutsche Telekom, McKinsey & Company, and the Georg von Holtzbrink group to support excellent German students by providing them with necessary infrastructure (e.g. free access to internet and data bases), mentoring programs etc. The MIPLC page on the e-fellows website (<http://www.e-fellows.net/show/detail.php/8182>) includes comprehensive information on the LL.M. program as well as reports from three MIPLC alumni. In addition, information about MIPLC is included in the newsletter which is regularly sent to the scholars of e-fellows.net.

### 3.2.2. Cooperation with Scholarship Organizations

During the application period for the academic year 2005/06, the work previously invested in establishing cooperations with German and European scholarship organizations (e.g. the German Academic Exchange Service (DAAD), the Jean Monnet Program and the Program Alþan of the European Union) started to bear fruit: five Turkish students and two from South America were enrolled for the LL.M. program, supported by substantial scholarships from the above mentioned EU programs.

As a consequence, activities in this sector were increased. On a first level, contacts to the named organizations were intensified to convince them of the quality of the LL.M. program. This endeavor was strongly supported by the students themselves who were not only highly satisfied with the program but also performed very well. On a second level, research for further scholarship programs was started.

In addition, general advertising measures, such as mentioning the MIPLC on the websites of these organizations and having the DAAD send MIPLC flyers and posters to various locations around the world were continued.

### 3.2.3. Press

Several new press outlets were tested in 2004/05. As a complement to the placement of MIPLC in the LL.M. list on the azur-online website, an advertisement was also placed in the print issues of azur in April and November.

The same ad was published in the first two issues of a newly founded magazine for Scandinavian law students called Legally prepared. As a follow-up, an article about MIPLC is envisaged for 2006, including an interview with an MIPLC alumni from that region.

### 3.2.4. Partner Universities

Obviously, the partner universities continued to advertise the LL.M. program in their premises, on their websites, and also by mailings of MIPLC brochures and flyers.

### 3.2.5. Friends

Much to the MIPLC's satisfaction, the evaluation of marketing measures had revealed "friends" to be an important factor for attracting new students. On the one hand, this shows that the program has already gained a high reputation and is widely recommended by alumni and persons affiliated with MIPLC. On the other hand, spreading the news and attracting students in this way is most efficient, as it is cheap and does not require extra work apart from what is already done: making all efforts to run MIPLC and the LL.M. program in an excellent way.

### 3.2.6. Conferences

As in the past years, MIPLC was represented – personally and/or by advertising materials – in several international conferences in the IP sector.

In Germany, these events included the International Conference of the Licensing Executives Society (LES) in Munich (June) and the AIPPI Forum and Executive Committee Meeting in Berlin (September).

Furthermore, the MIPLC participated at the XXV. National Seminar on Intellectual Property of ABPI (the Brazilian Association for the Intellectual Property). This Seminar took place in São Paulo, Brazil, from August 28 to 30, 2005 and was attended by more than 600 practitioners, academics and policy makers, predominantly from Central and Southern America. At the end of his presentation in Panel X (Biosecurity), the MIPLC Program Director Wolrad Prinz zu Waldeck und Pyrmont was invited to introduce the MIPLC to the approximately 250 attendees of the session. In addition, MIPLC was named as a collaborator on the back cover of the conference program as well as on billboards at the conference venue, and the MIPLC flyer was distributed with the conference materials to all participants.

### 3.2.7. MIPLC Advertising Materials: Second Edition of the Brochure

The main purpose of the MIPLC brochure is not to act as the very first source of information about the LL.M. program, but to give a lively impression of the program with all its characteristics – from the unique library to the international student community – and thereby help convince future students of the advantages they would find at MIPLC.

With this goal in mind, a new edition of the brochure was prepared in 2005 to share with all those interested in the LL.M. program the developments and achievements of the past two years. While the basic concept of the first issue was maintained, the contents were updated and amended. In particular a section about career perspectives was added, showing the attractiveness of MIPLC graduates to employers in the IP field, and thus the excellent perspectives awaiting the students after graduation.

## 3.3. Fundraising

As it is the MIPLC's declared policy to have a truly international student body, in the first two years of the program a substantial number of highly qualified students in need of financial assistance were granted a scholarship. On the other hand, with regard to the Center's long-term financial health, it is one of the MIPLC's major tasks to increase both the number of students who can afford to pay full tuition and funding from third parties.

In this regard, a comparison of the academic years 2003/04 and 2004/05 reveals a satisfactory development. While the number of full-paying student equivalents was 10.5 in the first year, it was 13.2 in the second year, which is an increase of 26%. (The number is calculated by adding together all tuition fees received in an academic year from either the students own funds or from sponsoring by third parties, and dividing that sum by 23,000 €, the amount of one tuition fee).

### 3.3.1. Funding for the Academic Year 2004/05

Tuition fees for the academic year 2004/05 were sponsored by

- The **ECAP Project** (see 2.3)
- The **Siemens/Schering Scholarship**, which had already been initiated in the academic year 2003/04 and covers one-half of the tuition fee for one student.

In addition, the LL.M. program was supported from

- The **Martin J. Adelman MIPLC Enrichment Fund**  
In 2004, Professor Martin J. Adelman, a member of the MIPLC faculty and the MIPLC Advisory Board, donated a substantial sum to initiating this fund. Its purpose is to enable MIPLC to sponsor additional activities that enhance its status as a leading academic center.
- The **Siegfried and Gertrud Oehm Fund**  
Also in 2004, Mr. and Mrs. Siegfried and Gertrud Oehm made a generous contribution to MIPLC to fund the **Oehm Prize**, which is given annually to the student who graduates with the highest cumulative grade point average and which includes a cash award of 500 €. The prize enables MIPLC to

amply inspire and recognize academic excellence in the Intellectual Property LL.M. program. MIPLC thankfully acknowledges the continuation of this support in 2005.

### 3.3.2. Fundraising Activities for the Academic Year 2005/06

With regard to securing the MIPLC's long-term financial health, fundraising for the academic year 2005/06 was an important task during the period covered by the present Report. As a result, MIPLC secured support for MIPLC students from five new sources, while the existing sources continued their support (except for the ECAP project, which terminated in 2005):

- The cooperations established with the two **EU Programs “Jean Monnet” and “Alban”**

#### *Jean Monnet Scholarship Program for Turkey*

The Jean Monnet Project, which carries the name of the “father of European Integration,” was founded in 1990 by the European Union. The Project supports programs of exceptional quality that spread knowledge and understanding of the European Union at universities worldwide.

Within this framework, the European Commission and the Government of the Republic of Turkey signed a Financing Agreement for the program of Jean Monnet Scholarships for postgraduate students. Both parties are committed in encouraging young Turkish people to study in the member states. Approximately 400 young Turkish people benefit from this program, which offers scholarships lasting between 3 and 12 months, funded by the European Commission Representation to Turkey. The scholarship program is administered by the Placement Agency consisting of the British Council and four partner organizations in France (EGIDE), Belgium (ACA), the Netherlands (NUFFIC), and Germany (DAAD).

Successful candidates are awarded financial support for tuition and living expenses, including allowances for books and study visits.

Detailed information about the program is available at [http://europa.eu.int/comm/education/programmes/ajm/index\\_en.html](http://europa.eu.int/comm/education/programmes/ajm/index_en.html) and <http://www.deltur.cec.eu.int/english/e-mali-sheets1-1.html>.

The initial contacts established in 2004 between MIPLC, DAAD and the Jean Monnet Placement Agency in Istanbul led to the enrollment of five highly qualified Jean Monnet scholars for the academic year 2005/06, with a significant part of their tuition fees being covered by the scholarship.

#### *Program Alban*

In 2002 the European Commission adopted Program Alban, a high level scholarship program specifically addressed to Latin America. It is expected that about 3,900 Latin American students and professionals will benefit from these scholarships in the European Union until 2010.

Program Alban enables Latin American students and professionals, future academics and decision-makers in their own countries to benefit from the excellence of higher education in the European Union.

As well as providing Latin Americans with access to European higher education, Alban scholarships provide marketable skills and career opportunities for Latin American postgraduates and professionals in their own countries.

To consolidate the experiences and benefits that Latin Americans receive from education and training in the European Union, an Alumni Network will be set up to create a network of grant recipients. This Alumni Network will also be open to other Latin American students or professionals that may have benefited from co-operation programs between the two regions.

Detailed information about the program is available at <http://www.programalban.org/>.

At the end of 2004, the MIPLC received the applications from two candidates from Mexico and Columbia, respectively, who were not only seeking admission to the MIPLC LL.M. program, but also applying for an Alban scholarship. Since both applicants were considered highly qualified candidates, they were granted early admission to the program. They later received Alban scholarships and enrolled for the 2005/06 LL.M. course.

- The cooperation with the **Supreme Court of Japan** (see 2.4)
- The **GRUR Scholarship**  
The Deutsche Vereinigung für Gewerblichen Rechtsschutz und Urheberrecht e.V., GRUR (German Association for Industrial Property and Copyright Law), has generously funded a scholarship to pay for the tuition of one LL.M. student each year, beginning in the academic year 2005/06.
- The **Hertie Scholarship**  
MIPLC is proud to be among the projects supported by the Hertie Foundation, one of the largest foundations in Germany. The Hertie Foundation gives particular assistance to integrating the countries from Central and Eastern Europe and places specific priority on helping to reform existing state structures. The major focus of its work lies in overcoming national and disciplinary boundaries. It sponsors projects that initiate necessary reforms in step with the pro-

cess of change at the heart of Europe. The Foundation's projects take explicit account of the special role and responsibility of Germany in uniting Europe. More information is available at <http://www.ghst.de>.

The Foundation's generous contribution allows MIPLC to play an active role in the process of European integration by admitting highly qualified applicants from Central and Eastern Europe who otherwise would not have been able to study in the IP LL.M. program.

MIPLC would like to express its gratitude to all of its sponsors. Their engagement, particularly in the initial phase of the LL.M. program, is a very important contribution to the development of the program.

The sponsors' support has made, and continues to make, a tremendous difference. It certainly makes a difference to the students, who directly benefit from scholarships, the Oehm Prize, or events like the annual excursion (4.5.14). On a more general level, however, it also makes a difference to the program's reputation, which is enhanced by association with its highly renowned sponsors.

Still, in spite of the success already achieved, considerable effort is necessary in this area. To this end, Ronald E. Myrick, the Chairman of the MIPLC Board of Trustees, initiated the 2006 MIPLC Scholarship Campaign, inviting all Board members to solicit scholarships for LL.M. students (see 6.2.2).

### 3.3.3. Student Loans

With regard to the significant number of students from the U.S. interested in the LL.M. program each year, MIPLC approached organizations and companies that provide educational loans to U.S. students.

At the time MIPLC first approached these lenders, it did not meet their requirements. These include (a) a minimum of three years of operation; (b) accreditation; and (c) a balanced budget. MIPLC will, however, be able to fulfill these requirements in the near future. The third year of operation will be completed in September 2006; accreditation will be sought in 2006; and MIPLC is striving to approach the break-even point by the end of 2007. Therefore, MIPLC plans to approach the lenders again with regard to the the academic year 2007/08.

## 3.4. Results

Although the academic year 2005/06 is not covered by the present Report, it was the target of the above described marketing measures and fundraising efforts, and therefore the results will be mentioned here:

- The number of students increased by 61%, from 18 full-time students in 2004/05 to 29 in 2005/06.
- The full-paying student equivalents increased by 62%, from 13.2 in 2004/05 to 21.4 in 2005/06.

## 4. The Academic Year 2004/05

The new reporting period, which starts in October rather than January, allows coverage of an entire academic year, from the Welcome Day to the Graduation Ceremony. Because this is the first report using the new period, it partially overlaps with the previous report, which covered through the end of December 2004.

### 4.1. Academic Calendar

	Start	End
Winter Semester	October 12, 2004	March 1, 2005
Christmas Break	December 22, 2004	January 2, 2005
Spring Break	March 2, 2005	April 10, 2005
Summer Semester	April 11, 2005	August 5, 2005
Deadline for Master's Thesis	September 16, 2005	

### 4.2. Curriculum

The list of all courses offered, including brief descriptions of the subject matters addressed, is available as Appendix 1; the class schedule is available as Appendix 2.

### 4.3. Faculty & Tutors

Faculty members and tutors are listed in Appendices 3 and 4, respectively.

### 4.4. Applicants & Students

For the 2004/05 LL.M. course, 62 candidates from 33 countries applied, and the Center admitted 42 applicants, of which 25 eventually enrolled (including the seven ECAP scholars, cf. 2.2). Those 25 students came from 19 countries: Bulgaria, Cambodia, China, Ethiopia, Philippines, Germany, Iceland, India, Indonesia, Italy, Lithuania, Malaysia, Norway, Poland, Singapore, Tanzania, Thailand, USA, Vietnam. 20 students had a legal background, one held a degree in economics, two in natural sciences, and two in engineering.

### 4.5. Chronicle of Events

#### 4.5.1. Welcome Day

Based on the experience gained in the first year, the program started with a Welcome Day. After an introductory session, during which the students and the MIPLC staff were intro-



*The Class of 2004/05: Front row from left: Iana Roueva (Bulgaria), Claudia Hiebsch (Germany), San Sorphorn (Cambodia), Prof. Juriiah Abd Jalil (Malaysia), Kristina Janušauskaitė (Lithuania), Monica Armillotta (Italy), Niteleka Jacob Nichaenzi Jaconiah (Tanzania); second row from left: Zhou Jian (China), Anna Bacchin (Italy), Katy Holmes (USA), Nicholas Stabinsky (USA), Ayan Roy Chowdhury (India), Christoph Laub (Germany), Grétar Ingi Grétarsson (Iceland); back row from left: Michael J. Leonard (USA), Dr. Christoph Rudolph (Germany), Kaja Veel Midtbø (Norway), Dr. Parag Kinge (India), Ferdinand Negre (Philippines), Aman Assefa Adhana (Ethiopia), Wojciech Ptak (Poland); missing: Rahmi Jened (Indonesia), Lukana Pobromyen (Thailand), Prof. Anilkumar Samtani (Singapore), Dr. Tran Le Hong (Vietnam).*



*Map showing the students' countries of origin.*

duced to each other, the students received comprehensive information about and assistance with the initial administrative procedures. The day included a joint lunch and ended with a welcome party, to which the tutors were also invited. After that day, the students were well acquainted with the facilities and had already completed many of the administrative procedures and could thus concentrate on starting their studies.

#### 4.5.2. Autumn Party

On October 26, 2004, the Max Planck Institute celebrated the annual Autumn Party ("Herbstfest") to which all members of the Institute (staff, PhD students, scholars, scientists, guests) and the MIPLC students were invited. As in the past, many

participants brought some typical food from their home countries, resulting in a vast international buffet. The students made lively use of this excellent chance to meet their colleagues at the Institute.

#### 4.5.3. Visit of Judge Michel

On October 28, 2004, the Honorable Judge Paul R. Michel, now the Chief Judge of the United States Court of Appeals for the Federal Circuit, gave a guest lecture for the MIPLC students on “Trial Advocacy in the U.S.” After a general introduction to the art of advocacy in U.S. courts, he explained the Federal Circuit’s special role within the U.S. judicial system and depicted the peculiarities of arguing in that court by means of many lively and sometimes even hilarious examples. A spirited discussion on various issues of the U.S. judicial system and substantive patent law continued for more than an hour after the lecture.



*The Honorable Judge Paul R. Michel giving a special lecture at MIPLC.*

#### 4.5.4. Study Visit at the European Patent Office

As foreseen by the cooperation agreement with the European Patent Academy (see 2.1.), on November 11, the students were invited to a study visit at the EPO to get acquainted with the EPO’s organizational structures and work and to learn about the life cycle of a patent application. Since the visit took place immediately after the first part of the “European Patent Law” class, the EPO lectures dealing with the practical aspects were an excellent supplement to the theoretical knowledge the students had just gained.

#### 4.5.5. EIPIN Conference in Zurich

Ten full-time MIPLC students as well as the seven ECAP II scholars participated in the first conference of the 6th EIPIN Congress which took place in Zurich on December 2 to 4, 2004, and was devoted to patent litigation. It offered a full

program with fourteen presentations on different aspects of patent litigation, including: pre-litigation strategies, cross-border litigation in different countries, valuation of patents, and landmark patent cases (program attached as Appendix 5). The presentations reinforced and complemented the knowledge the MIPLC students had gained in previous classes and were followed by questions and comments from the students. Speakers included Justice Hugh Laddie, from the Royal Courts of Justice, London; Judge Alfred Keukenschrijver from the German Federal Supreme Court, Karlsruhe; and Mr. Peter Messerli, Vice-President of the EPO.

More importantly, however, the conference facilitated an interchange of ideas between the students from the participating institutions, both by means of the virtual classroom during team preparation and by means of personal interaction during the conference in Zurich. Indeed, the students mingled and conversed through the entire conference, and in spite of the tight schedule of presentations, discussions and team actions, enough time remained for the MIPLC students to get to know



*EIPIN Conference, Zurich: Katy Holmes from MIPLC (left) and Charlotte Nights from Queen Mary enjoying the traditional cheese fondue.*



*EIPIN Conference, Zurich: MIPLC students Claudia Hiebsch and Zhou Jian intervening in the discussion.*

students from the other institutions and their respective programs.

#### 4.5.6. Munich City Tour

On December 12, the students were invited to a guided city tour. By tram, they were taken to several areas of the city where they got off to see famous and less famous buildings and monuments and to learn about the history of these places.

#### 4.5.7. Christmas Reception

The year 2005 was closed with the traditional Christmas reception at the Max Planck Institute.

#### 4.5.8. ECAP Students' Farewell

In a small but moving ceremony on February 17, 2005, the departure of the ECAP scholars was officially celebrated at the European Patent Office. The outgoing ECAP II Director Mr. Valentín Mir and his successor, Mr. Halldan Hörnell, commented on the productive first part of the European study experience which had created a bond among the scholars surpassing the mere study aspects of their visit. They stressed the importance of the ECAP II scholarship program as well as their expectations of a visible impact on IP training after the scholars' return to their home countries. The MIPLC Program Director Wolrad Prinz zu Waldeck und Pyrmont pointed out that the ECAP scholars had immediately become an integral part of the LL.M. class of 2005 and would be missed despite their having enjoyed a somewhat different status in the class, caused by their additional tasks. After he had presented the scholars with the Certificates for their successful participation in the winter term, the scholars took turns and gave a moving account of what the experience at MIPLC meant for them.



*ECAP students' farewell reception at the EPO:  
(from left) Ferdinand Negre, Halldan Hörnell, Dr. Tran Le Hong,  
Prof. Juriah Abd Jalil, Valentín Mir, Wolrad Prinz zu Waldeck,  
Sybille Skelly, Lukana Pobromylen.*

Beyond the "mere" possibility of studying numerous aspects of European and International IP law, they valued the experience of forging close ties among themselves, but also with MIPLC students and faculty, therefore having become not only an ECAP family, but also an important part of the MIPLC family.



*ECAP farewell party in the ice rink: (from left) Erla Björk Atladóttir,  
Grétar Ingi Grétarsson, Ferdinand Negre, Juriah Abd Jalil,  
Rahmi Jened, Anilkumar Samtani, Lukana Pobromylen, Kristina  
Janušauskaitė, Anna Bacchin, Claudia Hiebsch, San Sorphorn.*

#### 4.5.9. Internships

During the Spring Break, in the month of March, the students left the classroom and their offices to join the professional world of IP protection for four weeks.

The placement process ran smoothly and in the majority of cases the students were accepted at their first-choice placements. The largest group of nine students spent the month at one of the following Munich law firms or patent law firms: Frohwitter; Taylor Wessing; Wuesthoff & Wuesthoff (2); Ashurst; Bardehle Pagenberg Dost Altenburg Geissler (2); Meissner Bolte & Partner; and Bird & Bird. A total of six students were offered a place at the European Patent Office, while another one interned at the German Patent and Trade Mark Office. Last but not least, two students went to explore IP practice in the Siemens IP department, supervised by an MIPLC alumnus of the 2003/04 class who had interned there while a student and had subsequently accepted the permanent position offered to him.

The MIPLC internship guidelines request that both internship sponsors and interns provide feedback about their experience. In their reports, the students stated that they were fully integrated into the working environment and, as a rule, had their own offices and computers. The interns participated in consultations and meetings and prepared comparative studies with regard to the law of their home countries. They also had the opportunity to tackle on their own specific issues arising





*Internship at Siemens: (from left) Peter Berg (Siemens IP Department), Monica Armillotta (MIPLC student 2004/05), Erhard Pankensteiner (MIPLC graduate 2003/04 and former intern at the same department, now a staff member), Hans-Jörg Müller (Siemens IP Department), Zhou Jian (MIPLC student 2004/05).*

from complex cases. The students' overall judgment was generally very positive, and they pointed out that the supervisors often acted as personal mentors and demonstrated a level of involvement beyond all expectations.

The internship sponsors, on the other hand, emphasized in their feedback the students' high qualification, dependability and working ethics.

In the end, despite of the duration of only four weeks, the internships had provided all students with valuable insight into the practical reality of an IP profession as well as with the opportunity to establish new personal contacts and to extend existing networks.

MIPLC would like to express its appreciation and gratitude for the internship sponsors' collaboration and commitment, enabling the program to offer its students this important opportunity.

#### 4.5.10. EIPIN Conference in Windsor

Six MIPLC students participated in the last conference of the 6th EIPIN Congress which was entitled "Technology Transfer and the Enforcement of Intellectual Property Rights" and took place in Windsor from April 30 to May 1, 2005. The twelve presentations were mostly devoted to technology transfer issues, covering the different forms of transfer (licensing, collaboration) and their strategic advantages and disadvantages, as well as specific competition, contract, and IP law issues of technology transfer agreements, and the peculiarities of technology transfer in publicly funded research environments and in developing countries. In addition, two presentations covered administrative aspects of the enforcement of intellectual property rights, presenting the possibilities of border control

as well as providing an insight into national strategies of IP enforcement (program attached as Appendix 6).

Because the Windsor conference was the last part of the EIPIN Congress, it hosted the Moot Court Competition among the EIPIN teams. For the Moot Court, the teams had to submit written briefs both for the plaintiff and for the defendant in the Moot Case, which involved a series of licensing agreements that had "gone sour". The best four teams were selected on the basis of their written submissions and argued for both sides in the semi-final, succeeded by the best two teams each arguing for one party before the full audience.

After the awarding of the Diplôme d'Honneur and the selection of the winning moot court team, the Windsor conference ended with a closing dinner and a closing party. The 6th EIPIN Congress was judged a success by all participants and the MIPLC committed itself to full participation in the conferences for the upcoming academic year 2005/06.



*EIPIN Conference, Windsor: MIPLC student Niteleka Jacob Nicheenzi Jaconiah at the conference venue.*

#### 4.5.11. Alumni Reunion

On May 12, 2005, MIPLC celebrated its first Alumni Reunion. Prof. Martin J. Adelman and Judge Randall Rader, who were in Munich during this period for teaching the International and Comparative Patent Law class, took the 2003/04 alumni (those who were either still based in Munich or who were able to come), the 2004/05 students and the MIPLC staff to dinner at a Bavarian restaurant.

In a welcome address, the two lecturers expressed their joy at seeing their former students again, and their satisfaction about the development of the program. Three of the alumni reported on the career steps they had taken after graduation, the value of their IP education in professional life, and the public reception of the MIPLC degree.

The current students made full use of the opportunity to get to know their predecessors, who in turn were happy to share their experience gained during and after the LL.M. program. The reunion was highly appreciated by everyone and it is anticipated to become an annual event, particularly as the second reunion in 2006 is the envisaged date for the foundation of the MIPLC Alumni Association.

Many thanks are due to Martin J. Adelman who not only was one of the initiators of the Alumni Reunion, but its sponsor by means of the Martin J. Adelman Enrichment Fund, generously created in 2004.



*Raising the glasses at the MIPLC Alumni Reunion: (from left) Monica Armillotta, Anna Bacchin (class of 2004/05), Beatrice Stirner, Paul Fairhurst (class of 2003/04), Dagmar Klein (MIPLC Administrative Assistant), Christoph Laub (class of 2004/05), Margit Hinkel (MIPLC Administrative Director), Claudia Hiebsch (class of 2004/05).*

#### 4.5.12. Study Visit in Washington D.C.

As a part of the close cooperation within the EIPIN network, students of the MAS IP ETH Zürich, the Queen Mary Intellectual Property Research Institute, and four MIPLC students participated in a joint study visit to Washington, D.C.

MIPLC students joined the students of the other two institutes for a week of lectures from June 6 to 10, 2005 (program attached as Appendix 7). The week comprised lectures on Expert Opinions on Patent Matters; Antitrust and IP; IP Management – Licensing Strategies; and Current Issues of U.S. Copyright. In addition, students participated in a one-day Patent Reform Town Meeting, where representatives from academia, small and big enterprises, and user groups discussed the merits and perspectives of the current patent reform bill. The highlight, however, was the visit to the Court of Appeals for the Federal Circuit (CAFC) where the Honorable Paul R. Michel, Chief Judge, welcomed the students, and the Honorable Randall R. Rader, Circuit Judge, gave an introduction to CAFC's role in the U.S. judicial system. After attending an oral

appeal proceeding, the students had lunch with Judge Rader, Chief Judge Michel, and Judge Richard Lynn, who sat on the panel in the oral proceeding. At lunch, students had an opportunity to discuss the court with all three judges.

In the following week, the MIPLC Specialized Course "Enforcement of Copyright" was taught partly in Washington, D.C. and partly in Munich. The first two days of the class were taught in Washington on Monday and Tuesday and the lectures were transmitted to Munich by videoconferencing for students who did not participate in the study visit. The class continued with the remaining two lectures taking place after the return to Munich on Thursday and Friday.

The Washington study visit proved to be a valuable addition to the LL.M. IP program. Although the costs had to be borne by the students themselves, and no credits were awarded for the participation in the events of its first week, the participants were very enthusiastic about this special module.

Due to the positive experience with this new feature – including the first use of the videoconferencing equipment for "distance teaching" – the Washington study visit will be offered again in the academic year 2005/06.



*The student group in front of the U.S. Court of Appeals for the Federal Circuit.*

#### 4.5.13. The Munich Intellectual Property Law Summer Program

In July, the George Washington University Law School brought the Intellectual Property Summer Program to the MIPLC for a second successful year. Twenty-seven students from the United States and several other countries came to take eight courses, six of which were also open to MIPLC students. Highlights of the month also included visits to the European Patent Office, the German Patent and Trademark Office, BMW, and the law firm of Dörries, Frank-Molnia & Pohlman.

In addition, the following professors and academics gave speeches on IP topics to the Summer Program and LL.M. students:

- Prof. Annette Kur (July 7): Transborder IP Conflicts: Jurisdiction and Applicable Law
- Prof. Robert P. Merges (July 14): A Transactional View of Property Rights: What Patent Licensing Teaches About Legal Theory
- Prof. Margo Bagley (July 21): Academic Discourse and Proprietary Rights: Putting Patents in Their Proper Place
- Dr. Alexander Peukert (July 28): A Bipolar Copyright System for the Digital Network Environment



*The GW Summer Program students on the roof of the German Patent and Trademark Office.*

#### 4.5.14. Excursion to the Countryside

Once a year, MIPLC invites its students on an excursion to the Bavarian countryside. In 2005, the outing was scheduled for



*Landscape near Garmisch.*

August 7, the first Sunday after the end of the summer term exam week. Due to the rainy weather, the original plan – a mountain hike to the Jochberg – had to be changed, and so students and staff set out for the Partnachklamm, a spectacular gorge near Garmisch-Partenkirchen which is accessible by a breathtaking trail. After that visit, the group climbed to up to the Partnachalm to rest and have a warm meal in compensation for wet feet and the cold. Later on, it was down again to Partenkirchen to spend the evening in a Bavarian beer hall, where a traditional band greeted the international group as guests of honor.

The excursion was generously supported by the Martin J. Adelman Fund for which MIPLC wishes to express its sincere thanks.



*Christoph Laub enjoying the Bavarian culture.*

#### 4.5.15. Master's Theses & Overall Results

During the remaining weeks of the program after the end of the summer semester the students worked hard on the completion of their Master's Theses. By September 16, the deadline for handing in the final papers, MIPLC had received all 18 theses, uniformly bound in claret red paper board. The high academic standard of the papers is demonstrated by the grade point average of 13 on a scale from 0 to 18.

The student's overall final grade is computed from the result of the Master's Thesis (one third) and the grades achieved in the examinations of the classes (two thirds). If a student acquired more credits than the minimum required (which was true for all students during the first two years), only the best grades are taken into account for this calculation.

The results of the 2004/05 class of students can only be called excellent. No student dropped out during the program; no student failed; and the average student final grade for the class, 12 points, is more than satisfactory.

#### 4.5.16. Graduation Ceremony

In 2005, MIPLC had the good fortune to be able to hold the graduation ceremony in one of the most beautiful locations in Bavaria: the Golden Hall of the Augsburg Town Hall.

Apart from the graduates and their relatives and friends, the list of invitees included the current students, the MIPLC faculty, the internship sponsors, the members of the Society of the Friends of the University of Augsburg, and a number of honored guests. MIPLC was pleased to welcome among the guests: Prof. Manuel Desantes (Vice-President of the European Patent Office), Dr. Michael Loschelder (Secretary General of the German Association for Industrial Property and Copyright Law, GRUR), Mr. Werner Lauterbach (Managing Director of the Stadtparkasse Augsburg and Chairman of the Society of Friends of the University of Augsburg), Prof. Karin Aschenbrücker (former Vice-Rector of the University of Augsburg), Mr. Jürgen Großkreutz (former Ministerial Dirigent at the Bavarian State Ministry of Sciences, Research and the Arts).

The ceremony began with the entrance of the students dressed in robes, accompanied by the celebratory music of a brass ensemble.

In her opening address on behalf of the city of Augsburg, Deputy Mayor Eva Leipprand welcomed the students and the guests to the Golden Hall. She pointed out that this magnificent historical location still contained the spirit of the Free Imperial City of Augsburg which had so often been the scene of conflicts about law and justice, but where solutions to these conflicts had also often been found – 2005, for example, was the year of the 450th anniversary of the Religious Peace of Augsburg – and therefore served as the perfect setting for



Deputy Mayor Eva Leipprand welcoming the graduates.

graduating a class of law students. Ms. Leipprand stressed that because Augsburg had always been a multicultural town, welcoming students from all parts of the world was a particular pleasure, and she hoped that the spirit of cooperation and open exchange would become a part of the students' memories of their graduation ceremony. Finally, Ms. Leipprand expressed

the pride of the city of Augsburg with regard to the University's law school, which had tapped into international research by becoming a partner of MIPLC.



Prof. Werner Wiater speaking on behalf of the University of Augsburg.

As representatives of the University of Augsburg, Vice-Rector Prof. Werner Wiater (substituting for Rector Bottke who unfortunately was not able to participate) and Prof. Michael Kort, Dean of the Faculty of Law, expressed the university's satisfaction and pride about the development of the MIPLC. They pointed out that the high level of its operation was an asset not only for the University of

Augsburg and the other partners, but also for Bavaria as a center of research and scholarly activity. They also used the opportunity to thank the Society of the Friends of the University of Augsburg for having provided substantial start-up funding, enabling the university's participation in the MIPLC cooperation, and in particular Mr. Werner Lauterbach in his capacity as Managing Director of the Stadtparkasse Augsburg for having generously provided for the reception which followed the ceremony.

The MIPLC felt particularly honored to have Prof. Alain Pompidou, the President of the European Patent Office, as the key-note speaker for the most important event of its academic year. Prof. Pompidou, in turn, expressed his pleasure to be able to celebrate the students' graduation in the marvelous Golden Hall. The ceremony's location gave Prof. Pompidou the occasion to refer to the famous Augsburg Fugger family and their innovative attitude: Jakob Fugger had created the first business newsletter, collecting information about new business developments from his enterprises all over Europe and distributing this information accordingly. Jakob Fugger's belief in the power of sharing knowledge and information, Prof. Pompidou explained, was at the very heart of the modern patent system.

With regard to the current demand for qualified IP training, Prof. Pompidou pointed out that the EPO considered the MIPLC LL.M. program as an important institution, and that it therefore offered its support on various levels and would con-

tinue to invest substantial effort in this partnership in the future.

Addressing the graduating class, he expressed his warmest wishes for their professional and personal success.



*Prof. Alain Pompidou voicing his appreciation for the cooperation between the European Patent Academy and MIPLC.*

Prof. Joseph Straus, Chair of the Managing Board of the MIPLC, praised the graduates for their devotion to work, their competitive but always fair spirit, their intellectual integrity and their excellent performance. He thanked them for having been a wonderful class of students and wished them the very best for their new period of life, well-prepared after their year at MIPLC. Prof. Straus also welcomed the 2005/06 class of students who had taken up their studies in the previous month. He expressed the MIPLC's appreciation that this new group included students sent by the Supreme Court of Japan and supported by the Jean Monnet and Alþan Programs of the European Union, but also pointed out the MIPLC's obligation to strive for continuous improvement.



*Prof. Joseph Straus expressing his satisfaction about the students' performance.*

Before the students were presented with their diplomas, it was their turn to give a review of the past year and share their impressions of the program and beyond. Claudia Hiebsch and Christoph Laub, the student speakers, summed up the highlights of the academic year in a most entertaining way: the extraordinary and inspiring faculty; the unique curriculum with its numerous exams, leading to a unique workload; the internship period, allowing to take a short breath before the start into the summer semester and the work on the Master's Thesis; the rainy excursion after the last exam; the day when the Thesis was finally handed in. Apart from this general retrospective, the speakers addressed the individual students, praised them for their personal virtues and merits, and presented each of them with a framed world map with the pictures of the whole class.



*Claudia Hiebsch and Christoph Laub handing over the world map to Iana Roueva.*

Afterwards, Prof. Straus, Prof. Kort and Prof. Wiater congratulated the graduates on their achievements and presented them with their diplomas.



*Dr. Parag Kinge (left) receiving his diploma. Prof. Wiater, Prof. Straus, Dr. Kober, Prof. Kort (from left).*

The final highlight was the awarding of the Oehm Prize to Ms. Kaja Veel Midtbø from Norway. The Oehm Prize had been created in 2004 from a generous donation made to MIPLC by Siegfried and Gertrud Oehm to reward the student with the best overall final grade and includes a cash prize of 500 €.



*Kaja Veel Midtbø, the winner of the Oehm Prize, receiving congratulations.*

During the following reception, toasts were made to the graduates' success, to the more than satisfactory development of the LL.M. program, and to the next generation of students, who were not only deeply impressed by the ceremony and newly motivated with regard to their own studies, but also learned that in spite of the heavy workload to be faced for an entire year, fun and social life are by no means excluded, but form an important part of the program.



*Happy graduates: Katy Holmes (USA) and Grétar Ingi Grétarsson (Iceland).*

Specials thanks are due to the excellent musicians: Johann Geirhos (trombone), Josef Geirhos (trumpet), Robert Kraus



*Happy graduates: Kristina Janušauskaitė (Lithuania) and Dr. Parag Kinge (India).*

(trombone), and Johannes Weihmayer (tuba), who made an important contribution to the ceremony's success.



*The brass ensemble: Johannes Weihmayer, Robert Kraus, Johann Geirhos, Josef Geirhos (from left).*

#### 4.6. Professional Perspectives – Career Steps Taken by the 2004/05 Graduates

An issue of highest importance for the Center, its current students, and prospective future students, is the career opportunities available to MIPLC graduates.

Already in the past year, with the active support from MIPLC, a number of students had found attractive positions in law firms and corporate legal departments. In the same way, the 2004/05 graduates were offered many forms of placement support, from providing letters of recommendation from mem-

bers of the Managing Board or the faculty to establishing direct contacts to the desired law firms or companies. As a result, virtually all graduates have been successfully placed in desirable positions around the world. These include:

- the European Patent Office (lawyer and patent examiner, respectively)
- the Icelandic Patent Office (lawyer)
- the US Patent and Trademark Office (lawyer)
- Ministry of Justice, Norway (lawyer; the same graduate has recently been appointed member of the Board of Appeals of the Norwegian Patent Office – the youngest member in the history of the Board)
- Pepper Hamilton, USA (attorney at law)
- Sołtysiński Kawecki & Szlęzak, Poland (attorney at law)
- BASF (patent counsel and European patent attorney candidate)
- Alcan Technology & Management AG (lawyer)
- National Chemical Laboratory, India (IP expert)
- ipIQ (company specialized in patent asset management and IP based product development support), USA (IP asset consultant)
- the University of Addis Ababa, Faculty of Law, Ethiopia (lecturer)
- the Queen Mary Intellectual Property Research Institute (PhD student awarded a Queen Mary scholarship)
- the University of Augsburg, Faculty of Law (PhD student awarded a DAAD scholarship)
- MIPLC (3 PhD students, one of whom awarded a GRUR scholarship)
- the Northwestern Law School, Chicago, USA (JD student)

## 4.7. Evaluation of the Academic Year 2004/05

With the experience gained during the first year having been implemented into practice, the second year of the LL.M. program ran smoothly. Students were happy and most satisfied with the program, as revealed by the results of the final evaluation.

### 4.7.1. Evaluation of Lecturers

As one means to ensure the high quality of the MIPLC LL.M. IP program, each lecturer is evaluated by the students for each

course he or she teaches. The evaluation form includes several questions where the students rate the performance on a numeric scale of one to five (one being the best grade), and a section where the students provide written comments. Both the grades for the different categories as well as the specific comments of the students give valuable directions for improvement of the lectures. Furthermore, they aid the lecturers and the program director in optimizing the cooperation between multiple lecturers within a course and in integrating different courses in the curriculum.

The overall faculty average for the academic year 2004/05 was 1.96, and is based on the students' evaluations of 70 different courses and course parts.

### 4.7.2. Program Evaluation by the Students

Before leaving MIPLC in September, the students were asked to evaluate the program as a whole by filling in a detailed questionnaire. 17 of the 18 full-time students provided their feedback which was altogether very positive.

While the full results are included in Appendix 8, the statements can be summarized as follows:

- Regarding the structure and content of the program, the wide range of courses offered was most appreciated (score of 1.41 on a scale from 1 to 6, 1 being the best).
- The lowest result was obtained for the sufficiency of extra-curricular activities, i.e. 3.24, which, however, is still better than the mean value of 3.5.
- When judging the quantity of the course content on a scale from 1 to 5, answering 3 meant "leave it as it is". In fact, the majority of the courses received a vote close to this number. The content of "Practical Training in Trademark Law" (2.38) was the one most requested to be increased, while the scope of the "Introduction to Economics" class (3.81) was considered a bit too wide to serve as an introduction for a legal program.
- Students were apparently very satisfied with the mentoring provided by the professors (2.24-2.88, again on a scale from 1 to 6) and the tutors (2.12-2.18) and with the support given by the MIPLC staff (1.76). Also the equipment (libraries, offices) was judged as excellent (1.35-1.88).
- Most important, the career perspectives offered by the MIPLC LL.M. degree were considered excellent as well: 1.47 for the level of knowledge gained, 1.53 for the preparation obtained for a demanding position, and 1.76 for the career perspectives.
- The score for the overall satisfaction with the program was 1.59.

The above results are also reflected in the comments students made in reply to questions about what they particularly liked about the program and what they considered in need of improvement. On the positive side, the comments focused on the wide variety of courses offered, the top quality teachers, the emphasis given to both legal systems (i.e. Civil Law and Common Law), the tutorials, the facilities, and the inspiring and friendly atmosphere. Among the improvements proposed were the increase of the practical aspects of the program, a stronger focus on trademark law, the inclusion of more teamwork and possibilities for oral presentations. While some students complained about the workload and the density of the program – which are both undoubtedly true – the high score of the question regarding preparation for a demanding position shows that the tough year at MIPLC was generally appreciated and considered beneficial for future professional standing.

#### 4.7.3. Improvements for the Academic Year 2005/06

In order to implement the students' suggestions as far as possible and thus to further optimize the program, the following changes were envisaged for the academic Year 2005/06.

##### Course Materials and the MIPLC Statute Book

The experience of the second academic year has shown that the course materials supplied to the students – which include, *inter alia*, a syllabus with an introduction to the course content and structure, prior reading assignments, lecture notes or slides – in nearly all cases met or exceeded the students' expectations. Nevertheless, the materials in some courses were readjusted to improve the relationship between individual courses. Except for such fine-tuning and for the ordinary updating of the course materials, however, no substantial change is warranted.

The MIPLC Statute Book, which comprises relevant statutes in intellectual property and competition law, including most of the legal statutes needed in the LL.M. program, has been revised by Professor F. Scott Kieff and Dr. Ralph Nack, members of the MIPLC faculty. The new (second) edition, now titled *International, United States, and European Intellectual Property* (F. Scott Kieff & Ralph Nack, eds) will be published by Aspen (an imprint of Wolters Kluwer) in time for the academic year 2006/07.

##### Curriculum

Several new courses were included for the next academic year, while others were revised or restructured.

- New courses offered to meet the desire to intensify the practical aspects of the program:
  - *License Contract Drafting*

- *Arbitration Simulation*
- New course offered by the GW IP Summer Program:
  - *Computer Crime*
- Courses revised and/or restructured:
  - *Introduction to Economics* was adapted to better fit the needs of LL.M. students
  - *European and U.S. Competition Law* was shifted to the winter semester to better prepare the students for the Licensing class.
  - *Pharmaceuticals and IP* was expanded to include coverage of U.S. and European (patent) law in this field, and the class was shifted to the summer semester.
  - *Enforcement of Copyright* was split up into two parts, while *Border Enforcement Measures* is now offered as a separate lecture.

##### Faculty

The following changes occurred in the faculty list for the Academic Year 2005/06:

- Much to the Center's pleasure, Professor Hugenholtz, who unfortunately had not been able to teach European Copyright Law in 2004/05, confirmed his availability for 2005/06.
- In addition to this, MIPLC was happy and honored to welcome among its faculty the following excellent new teachers from academia and practice:
  - Prof. Stanisław Sołtysiński, University of Poznań and Attorney at Law, Warsaw (License Contract Drafting)
  - Prof. Susan L. Karamanian, The George Washington University Law School (Arbitration Simulation)
  - Prof. Orin Kerr, The George Washington University Law School (Computer Crime)
  - Prof. Michael Madison, University of Pittsburgh School of Law (Theoretical Foundations of IP)
  - Prof. John R. Thomas, Georgetown University Law Center (Pharmaceuticals and IP)
  - Prof. Alain Strowel, University of Brussels and Liège and Attorney at Law, Brussels (Enforcement of Copyright)

##### Tutors

No changes in the concept of the tutorials were necessary, as they have proven to be an excellent tool to support the students in their studies.



## 5. MIPLC Research

While during 2003 and 2004 MIPLC's first priority had been the establishment and refinement of the LL.M. program, the development of the research department has been given increasing importance during 2005.

As set forth in the Cooperation Agreement, research sponsored by MIPLC should, on the one hand, concentrate on short-term projects with more immediate practical impact, and, on the other hand, provide an opportunity to produce detailed collaborative research on large projects that would not be manageable for one scholar from a single discipline.

With this in mind, MIPLC research features the following types of projects:

1. Collaborative projects, involving several scholars from different countries, institutions, and/or disciplines;
2. Short term general projects, usually involving only one scholar;
3. PhD theses, mainly involving graduates from the MIPLC LL.M. program;
4. Master's Theses of some of the LL.M. students, which, though primarily part of the LL.M. education program, are also considered among the short-term research products;
5. the MIPLC Lecture Series.

In the coming years, the research undertaken or supported by MIPLC is expected to expand, comprising more long-term, collaborative projects carried out in cooperation with other academic institutions. In addition, since the LL.M. program is now almost fully developed, more emphasis will be placed on interdisciplinary cooperation of the four partners in the area of research.

### 5.1. Collaborative Projects

#### Intellectual Property Infrastructures in Asia's Emerging Markets

##### Introduction

The aim of this project, started in 2004, is to investigate the IP infrastructure in Asia's emerging markets, specifically China, India, Indonesia, Malaysia, the Philippines, Thailand and Vietnam.

In the context of this project, "IP infrastructure" means not only the present IP legislation and practice in each observed country, but also the role that IP plays in light of the present economic situation of each observed country, and socio-economic factors such as politics, education and legal thought

that have an impact on the development of IP in the long term. This approach allows inclusion of future prospects in the notion of "IP infrastructure": a country may hold little current value in a proposed IP system, but an examination of its general socio-economic conditions may give rise to the expectation that IP protection will, at some point in the near future, be in its own interest.

The project started with a retrospective evaluation of the experiences of the developed Asian countries, which include Japan and the Asian "Tigers" South Korea, Taiwan and Singapore. The next step was to examine the IP infrastructure in each of the mentioned emerging markets. In the final step, the findings regarding the emerging markets are summarized in view of the retrospective observations to provide a workable insight into the further development of the IP infrastructure of each observed country. It would also be interesting to use the comparative analysis to build categories of countries which have certain characteristics in common that may impact on the formation of an IP infrastructure in a positive or negative way and which can, consequently, allow for speculation as to whether any regional harmonization is feasible.

##### Contributors & Contributing Institutions

The major partners in the project are the Munich Intellectual Property Law Center, under the direction of Prof. Joseph Straus, and the Stanford University Law School, under the direction of Prof. Paul Goldstein. The contributors are renowned academics and practitioners from world-renowned institutions. To start with the retrospective observations on the already developed Asian countries, MIPLC and Stanford have brought Prof. Paul Liu from the National Chengchi University in Taiwan, Prof. Loy Wee-Loon from the National University of Singapore, Prof. Sadao Nagaoka from the Institute of Innovation Research at Hitotsubashi University in Japan and Ms. Park Ji-Hyun from the U.S. law firm Morrison & Foerster LLP in San Francisco.

The contributors on the emerging markets are Prof. Christoph Antons (Wollongong University, Australia), contributing on Indonesia and Malaysia; Mr. Ferdinand Negre (Benzon Negre Untalan Intellectual Property Attorneys; Makati, Philippines); Dr. Viet D. Phan (Attorney at Law, Tran H. N. & Associates; Hanoi, Vietnam); Prof. Kittisak Prokati (Thammasat University; Bangkok, Thailand); Ms. Tanuja Garde (MIPLC and Queen Mary IP Research Institute, London), contributing on India; Dr. Jin Haijun (People's University; Beijing, China); and Dr. Peter Ganea (MIPLC), contributing on China.

##### Progress

Thus far, the retrospective contributions on Japan, South Korea, Taiwan and the contributions on the emerging markets

China, India, Philippines, Malaysia and Indonesia have been delivered. The contributions on Vietnam, Singapore and Thailand will be completed in the summer of 2006.

## Results

### 1. Retrospective observations

#### a) The “tigers” South Korea and Taiwan

With respect to the already developed Asian countries, the contributions on South Korea and Taiwan reveal that copying and imitating are not integral to the far Eastern or “Confucian” mentality. In the course of a few decades of rapid development, both countries have shown the often-observed shift from skepticism towards IP as a means to safeguard foreign interests, to an increased domestic need for IP as result of enhanced industrialization levels. Admittedly, in case of Taiwan, pressure from abroad, especially from the U.S. until the mid-nineties, also played an important role in improving IP protection.

#### b) Japan

Japan is a very special case. Its first encounter of western IP rules occurred in the second half of the nineteenth century, when international protection obligations did not yet exist. The country, which had just opened up after two and a half centuries under complete isolation, perceived IP as a means of nation building and had the unique chance to test IP within a purely domestic context. In the following decades, even after the country was forced to join the international IP protection, IP was continuously held in high regard. In spite of the importance attached to IP, it rarely became a matter of court litigation until the mid-nineties. This has changed, however, due to an enhanced combativeness of domestic right owners. The legislature and judiciary timely reacted to the new socio-economic realities, by improving the remedies to the IP owner in infringement proceedings and by reorganizing the court system so as to render court procedures more efficient. Today, IP is still perceived as a tool of nation building and is intended to play an important role in overcoming the ongoing economic stagnation.

### 2. Asia’s Emerging Markets

#### a) South East Asia

South East Asia is comprised of various countries with very different cultural and socio-economic backgrounds. Indonesia and Malaysia, for example, share basically the same language but look back on very different history.

A closer look at Malaysia reveals that the country has arrived at relative stability after severe conflicts between the Malayan majority and the large Chinese minority in the end of the 1960s. This and the half-way functioning legal infrastructure

inherited from Malaysia’s former colonial power, the United Kingdom, have a positive effect on IP protection, even though there still remains much to improve. The country has not yet managed to become an independent producer of content but at least it offers foreign investors a relatively secure environment for technology-intensive investment.

The situation in neighboring Indonesia is different, mainly due to the volatile political situation. Especially recent history shows that minority upheavals or situations of political insecurity entail higher piracy levels, as the authorities are preoccupied with matters other than IP protection. In spite of the remaining problems, however, Indonesia today seems to have arrived at relative stability especially on the enforcement field, in that the thresholds to obtain adequate protection have been lowered and at least the higher courts have accumulated some experience in IP-related cases. Domestic interest in protection of innovation and creativity is still low, however, as the country’s economy still relies on the abundance of its natural resources, rather than on exploiting skills and creativity of the people.

Even more difficult is the situation in the Philippines. In spite of democratic structures, the volatile political situation results in short-sightedness of political decision making and the role of IP as a possible long-term development tool is widely neglected. Correspondingly, so far improvements on the IP field are the result of foreign pressure rather than of domestic demands for such protection.

#### b) China

China is the largest of the observed countries and it provides for a very unique IP infrastructure. On the one hand, the political establishment is quite stable. Unlike the situation under Mao and his successor Deng Xiaoping between 1978 and 1992, the present government is no more in need of single charismatic leaders; rather, the political staff is completely exchangeable within a given political infrastructure. Nevertheless and despite such political stability, the central government’s power of control is relatively weak. Not least due to its geographic extension and the huge population, China traditionally tends to localism, specifically that local leaders do not care much about the central guidance, including the laws on intellectual property. Moreover, China’s smooth transformation is still going on and the demarcation between “private” and “public” is not yet clear. In other words, state officials tend to behave like entrepreneurs and enterprise managers are not able to resist political influence. Therefore, especially foreign investors and right owners face an impenetrable thicket of relationships between authorities and enterprises when they enter the Chinese market, and they cannot count on impartial treatment in case of a dispute, because local authorities tend to protect economic players established within their area of responsibility, and even

exert pressure on courts to decide in favor of the local party. The fact that courts often show obedience to such political influence can be traced back to the millennia in which China lacked a “rule of law” in the western sense. All of this contributes to enormous infringement levels, which render preoccupation with the laws and their remaining shortcomings rather a matter of academic interest. As the mentioned infrastructural factors are so deeply rooted in China’s socio-economic and cultural environment, the situation can certainly not be changed overnight. That is, the international community will have to live with rampant piracy and other infringements for the near future, because IP improvement can only be reactive, following the general reorientation towards a civil society.

#### c) India

Unlike the Chinese, the Indians are accustomed to law as a means of enforcing rights and interests, not least due to the legal tradition developed during British rule. Due to its history, India has to some degree equated intellectual property protection with protection of foreign interests, a juxtaposition illustrated by the history of their patent laws. This protectionist stance extended to its closure of the investment market to foreign companies and only recently, due to an economic crisis, was the market opened in some areas to 100% foreign direct investment. The laws governing protection of intellectual property also changed, due to India’s accession to GATT-TRIPS, and last year saw the arguable compliance of India to the provisions of the international agreement, including, for example, providing patent protection for pharmaceutical products, a provision which will likely adversely affect the significant presence of the generics industry. Nevertheless, India, taking the advice of several NGOs and academics, attempted to exploit several flexibilities provided for in TRIPS. One example can be seen in the recently added research exemption available for generic companies using patented pharmaceutical technology. Moreover, while on one hand, there is a sometimes blatant disregard for intellectual property rights evidenced by rampant piracy and counterfeiting, on the other hand, India has difficulty in enforcing its IP laws, in large part due to inefficiencies in the court systems, insufficiently equipped enforcement authorities and a defective physical infrastructure, which is exacerbated by an ever-increasing population and contrastingly lower literacy rate and weaker education system than in other developing countries, including China.

## 5.2. Short-Term Projects

During the period covered by this Report, several researchers were granted an MIPLC scholarship and came to Munich to work on the short-term projects listed below.

### 5.2.1. Prof. Indunit N. Abeysekere, Sri Lanka (September 1, 2005 to July 31, 2006):

#### A System to Protect Folklore in Sri Lanka

Sri Lanka having a diversified culture with many different kinds of people, has a history of folklore which goes back to more than 2000 years.

At present, the Sri Lankan Law contains very limited provisions aiming at the protection of folklore, which is an important heritage. These provisions are quite inadequate. Therefore, the purpose of this research is to examine in depth the mechanisms which are applied in other countries and those which exist at the international level, and to recommend a system that would be suitable for Sri Lanka.

In the process of defining a comprehensive protection model for Sri Lanka, the following aspects will be examined with respect to the expressions of folklore of indigenous peoples: financial interests, interests in the integrity of the folklore, specifically the control of certain uses of sacred or secret objects, and the interest in authenticity.

With regard to financial interests, fundamental questions related to public domain goods versus goods, covered by exclusive property rights, will be analyzed, and another way to protect the financial interests of the indigenous peoples through statutory remuneration right will be examined.

With regard to the interest in the integrity and protection of sacred and secret objects, or uses thereof, the aspect of moral rights will be taken into consideration.

Eventually, the interest in authenticity will be examined by going through special rules.

All the above elements will be examined extensively by reviewing the legislation of other countries which have provided for the protection of folklore, as well as all the international model provisions which presently exist in this area.

Finally, due consideration being given to the existing national and international provisions, Model Provisions to Protect Folklore in Sri Lanka will be defined.

### 5.2.2. Dr. Peter Ganea, MIPLC research fellow (April 1 to June 30, 2005):

#### Exhaustion of IP Rights: Reflections from Economic Theory

The doctrine of exhaustion denies IPR owners the right to control subsequent sales of patented, copyrighted or trademarked products after they have been placed on the market with the consent of the right owner. Exhaustion rules therefore inevitably interfere with the right owner’s exclusive mar-

ket position, as they reduce his leeway for price differentiation and expose him to intensified price competition. The study analyzed to which extent such interference can be justified in the light of the different economic natures of patents and design rights, copyrights and trademark rights. Results will be published as a Working Paper of the Institute of Innovation Research (IIR) of the Hitotsubashi University in Tokyo/Japan in 2006. As a first result of the broad study, which covered all areas of intellectual property, an article with special focus on the economic aspects of copyright exhaustion has already been published in 2005 in German in GRUR Int. 2005, 102-107, "Ökonomische Aspekte der urheberrechtlichen Erschöpfung".

The project was concluded with an "International Workshop on the Exhaustion of Intellectual Property Rights", jointly organized and held in Tokyo by Prof. Sadao Nagaoka (IIR) and Peter Ganeva (MIPLC) on June 26, 2005.

It covered the following topics:

- *Peter Ganeva* (MIPLC): "Economic Analysis of IP Exhaustion"; discussant: *Eiichi Tomiura* (Yokohama National University)
- *Sadao Nagaoka* (IIR): "Efficient Appropriation of R&D Investments and the Exhaustion Principle"; discussant: *Yoshio Ohara* (Emeritus at Kôbe University)
- *Yu Xiang* (Huazhong University of Science and Technology, China): "Exhaustion and Trade between Developed and Developing Countries"; discussant: *Hiroko Yamane* (National Graduate Institute for Policy Studies)
- *Yoshiyuki Tamura* (Hokkaidô University): "Exhaustion Theory in Japanese Case Law"; discussant: *Ryôichi Mimura* (Judge, Intellectual Property High Court)
- *Hisao Shiomi* (Tsukuba University): "Exhaustion Subject to Freedom of Contract? Some Thoughts on the "Implied License" Doctrine"; discussant: *Yoshiyuki Tamura* (Hokkaidô University)
- *Peter Ganeva* (MIPLC): "Effects of New Technologies on Copyright Exhaustion – on the Feasibility of the So-called Online Exhaustion"; discussants: *Hiroshi Saitô* (Senshû University), *Fumihiko Moriya* (Sony Corp.)

The workshop was of pioneer character as it brought together renowned academics from the fields of law and economics, prominent Japanese IP judges and practitioners, therefore facilitating a spirited exchange of ideas between academia, jurisprudence and practice.

### 5.2.3. Dr. Jin Haijun, Renmin University of China, Beijing (September 1 to December 31, 2005):

#### The Reemergence and Development of the Intellectual Property System in China (1978-2001): A Comparative View

The intellectual property system was not indigenous to China, and it is an exogenous element during the process of the social structural change in China. Although the intellectual property system was introduced to China from the beginning to the middle of the 19th century, it did not play an important role in China, and thus the Chinese experience differed from those of western countries such as the UK, the U.S. and Germany. What is more, the intellectual property system was even abolished in the 1950s, and did not reemerge until the 1980s. This unique experience should be examined when dealing with the current problems of intellectual property in the new era.

With the above mentioned background, the project included the following parts: IP legislation; IP enforcement; the public awareness of IP; and IP – China and the world.

Dr. Jin's research was carried out in the framework of the "Intellectual Property Infrastructures in Asia's Emerging Markets" project (see 5.1).

### 5.2.4. Mr. Mahesh Madhavan, India (January 1 to December 31, 2005):

#### Copyright and Copyleft in Bioinformatics: Challenges and Implications

Any discussion on bioinformatics should begin with genomics for the reason that the two are interdependent. Genomics is based on experimental and engineering aspects of molecular biology and produces high-throughput and high-quality sequential data. Bioinformatics provides the computational tools to effectively store, analyze, sequence and combine this data. This illustrates the convergence of the biotechnology and software industries. Bioinformatics is thus the glue that integrates information flows in molecular biology and information technology.

One of the omnipresent factors in bioinformatics is the databases, which are indispensable tools of high commercial value in storing and manipulating genomic information. They evolve not only in terms of their sheer number, but also in terms of the stored data and their tools for access. When the ever-changing legal environment interacts with the results created from these databases, it puts the scientists who create, access and use the databases on the horns of a dilemma. These problems mainly concern the scope of a range of intellectual property rights in the assembly, accessing and processing of the data in these databases.

The intellectual property tools influencing the field of bioinformatics are mainly the laws of patent, trade secret, copyright and database protection. The mode and scope of protection available under each of these intangible rights however vary. Copyright and database laws of protection are notable and significant methods of exploiting innovations in bioinformatics. The subtle distinction of database law from copyright law raises a plethora of questions on the scope and utility of these two instruments in protecting bioinformatics databases. It is these issues that this project will investigate.

At the outset, the project will explore the world of bioinformatics to provide introductory information. This will facilitate a detailed investigation and analysis of the scope of copyright and database law in bioinformatics. It will be followed by a study of the legal position in Europe and the United States in the area of copyright and bioinformatics in the light of database protection. Hand-in-hand, the rules of competition law and the doctrine of essential facilities will also be analyzed. Subsequently, a review and analysis of the international level of copyright protection prescribed by various conventions and treaties and the status of the third-world will be undertaken. An analysis of the public and private interest issues of copyright in bioinformatics and an examination of the concerns in copyright ownership will also be explored. Finally, it will be investigated how the open source software movement has shadowed the bioinformatics projects.

The results emanating from this inter-disciplinary research project would be of importance and interest to the academic community, the bioinformatics corporate, intellectual property and competition lawyers, policy makers and the society at large. The output of findings would be disseminated in the form of publication of articles in peer reviewed international journals at various points of time.

A first article titled „Copyright versus Database Right of Protection in the UK: The Bioinformatics Bone of Contention“ has been published in the Journal of World Intellectual Property (2006), Vol. 9, no.1, 61-99.

#### 5.2.5. Ms. Kaja Veel Midtbø, MIPLC LL.M. Student 2004/05 (September 1, 2004 to August 31, 2005):

##### Disclosure of Origin of Biological Material in Patent Applications under Sec. 8 b) of the Norwegian Patents Act

This research project, which was part of a joint research project between the Max Planck Institute and the Department of Private Law at the University of Oslo, was related to the implementation of Directive 98/44/EC on the legal protection of biotechnological inventions in Norway. More precisely, the project analyzed recent amendments to the Norwegian Patents

Act, requiring disclosure in patent applications of geographical origin of plant or animal material forming part of an invention. These amendments are intended to enforce the UN Convention on Biological Diversity. The framework regulations of this convention recognize the sovereign rights of states to exploit plant and animal resources within their jurisdiction, and provide them with the opportunity of setting conditions for access to this material by making such access subject to a requirement of prior consent. The disclosure requirement of the Norwegian provision is to be enforced by penal sanctions only, meaning that non-compliance will not have effects as to the processing of applications or the validity of granted patents. The aim of this project was to interpret and examine the regulations more closely, with a view to evaluating to which extent they represent an efficient approach to the enforcement of obligations derived from the Convention on Biological Diversity, compared to other possible ways in which such enforcement could be accomplished. The analysis includes comparisons with similar provisions induced by EU member states, and with other solutions discussed on the international level. The Norwegian development was compared with trends on the European and international level in a broader economic and political perspective.

The results were the basis for Ms. Midtbø's Master's Thesis, and they have also been published in IIC 5/2005, 542-549, "Amendments to the Norwegian Patents Act – Implementation of Directive 98/44/EC".

### 5.3. PhD Students

In 2005, the two MIPLC PhD students – and former LL.M. students – continued work on their theses:

#### 5.3.1. Ms. Eva Riemann (née Mosel) (class of 2003/04)

##### Valuation of Trademarks and Strategic Innovation Management – A Global Approach to Trademark and Brand Valuation

This research project seeks to point out that there is much more to value than a merely financial dimension. Legal, technical and business strategic factors also play an important role. Intangible assets, especially brands, need a contextual framework to show all dimensions of value. For example, a brand for milk products may be worth very little in the hands of a pharmaceutical company, whereas it is likely to be worth considerably more if the proprietor is a food company and even more so if the brand is in the hands of a dairy company. The latter company will be able to use the brand for profit generation much more successfully than the former companies.

As an introduction, an overview is given of the nature of brands, important aspects of valuation of intangible assets in general and of brand valuation in particular. In the next part, current brand valuation methods are introduced and analyzed. This is followed by a survey of several hundred companies, which are asked to give information about their brand management strategy and about their view on brand valuation issues. After an analysis of these data, part four of the dissertation will be used to develop a new, systematic integrated model for intellectual property valuation. This model takes into account the above-mentioned factors of value of an intangible asset and uses a unique methodology to arrive at a specific range of value.

Herewith, a brand can be evaluated and managed as an asset. For example, companies can use this method as a tool for even better resource allocation and strategic decision making.

### 5.3.2. Mr. Paul Fairhurst (class of 2003/04)

#### Building a Comprehensive Multivariate Valuation Model for Intellectual Property Which Allows for Full Securitization and Tradability of IP as a Commercial Asset

The stricter and more specific demand for accounting transparency and fiduciary responsibility of modern directors requires that IP owners fully understand the value and risks associated with acquiring, building and retaining IP assets in their companies.

With a much vaunted 70-80% of corporate value being made up of intangible assets, managers can no longer pretend to have any knowledge or control over their organizations without understanding the vagaries of the IP assets in their portfolio.

The potential value of IP assets, which today may determine the success or failure of strategically critical projects, needs to be assessed and measured against their inherent cost, weakness and competitive advantage in order to maximize resource allocation and long term profitability.

Yet, out of the more than eighty different recorded valuation methods available in the marketplace, few if any address the full scope of the asset's value. The IP asset, be it a patent, a trademark or other IP, is distinguished by its contextual value, that is, who owns it, when it is valued and where its potential lies.

Traditional valuation methodologies, a few of the proprietary models and some generally accepted underlying requirements of valuation have to be considered in order to propose a hybrid or businesslike alternative which takes into account the various dimensions of value that lead to a workable IP valuation tool.

The aim is the creation of a multivariate evaluation platform built of four dimensions of IP value and ranking a defined list of fact statements under each dimension, to arrive at a contextual score. Subsequently, a given DCF/decision-tree financial value is weighted to produce a workable evaluation tool for the asset.

On October 1, another LL.M. graduate joined the MIPLC research department as the third PhD student:

### 5.3.3. Ms. Kristina Janušauskaitė (class of 2004/05)

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

The main objective of the doctoral thesis is to analyze the various outcomes of the implementation of the Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the Enforcement of Intellectual Property Rights, with the goal of framing the (relatively) best model of a harmonized enforcement system of intellectual property rights in Eastern Europe, by focusing on how this implementation could influence on the substantive intellectual property laws and procedural laws in the new EU Member States such as Estonia, Latvia and Lithuania.

The current research covers, first, the collection of the relevant national legislation in the Baltic countries on intellectual property rights before and after the adoption of the Directive with the aim of analyzing legal, political and cultural context in the Baltic countries, which is extremely relevant to the analysis of intellectual property rights enforcement therein; second, the collection of any relevant empirical information in such areas as geopolitics, specificity of the region, development of intellectual property market; third, the notable national court practice, analysis of the enforcement-relevant infrastructure such as the system of the national courts and other enforcement-related administrative institutions; and fourth, genuine intellectual property projects in the region which could reflect the market particularities and possible enforcement issues in view of the provisions of the Enforcement Directive.

### 5.3.4. First EIPIN Doctoral Meeting in Zurich

On September 29, 2005, researchers of three of the five EIPIN institutes convened for the first Doctoral Researchers' Meeting of EIPIN at the ETH in Zurich. Prof. Gérard Hertig (ETH) led the workshop in which PhD students in different stages of research presented and discussed their respective topics. Alan Cunningham (Queen Mary Intellectual Property Research

Institute, QMIPRI) started with “Summum Jus, Summa Injuria: Rights Management Systems and the Need for Equity” with a critical appraisal of the way digital rights management systems are applied, often marginalizing UK’s mandatory exemptions from copyright in practice. Wolrad Prinz zu Waldeck und Pyrmont (MIPLC) followed with a critical view of the German implementation of the Biotechnology Directive’s provisions on the scope of gene patents. Lucas Rizzo Arrivillaga (QMIPRI) presented his research on “IP and Trade” with a focus on Regulatory Test Data Protection. Florian Lerverve (QMIPRI) spoke on “Appropriating Biomedical Research Pathways”, followed by Paul Fairhurst’s (MIPLC) presentation of his work on the “Systematic Valuation of IP, with particular Focus on Patents”. Daphne Zougrafos (QMIPRI) concluded the workshop with her presentation on “Origin-related IP Rights as Best Policy Option for the Protection of Traditional Cultural Expressions”. Each of the presentations was followed by spirited and critical discussion which all participants considered very helpful for the future work on their topics.

## 5.4. Master’s Theses

The preparation of the Master’s Thesis is one of the most important features of the MIPLC LL.M. program and is 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. Because a considerable number of theses prepared during the first two academic years were of very high quality and made substantial contributions to their fields, MIPLC has entered into negotiations with a renowned publisher to establish a new publication series for outstanding Master’s Theses.

The students of the 2004/05 class elaborated on the following topics:

Name	Country of Origin	Topic of Master’s Thesis
Mr. Aman Assefa Adhana	Ethiopia	Copyright Implications of the EU Design Law
Ms. Monica Armillotta	Italy	A European Perspective on Patent Pools – Promoting Innovation at the Crossroad between Intellectual Property Licensing & Antitrust Law
Ms. Anna Bacchin	Italy	Competition Laws as a Legal Basis for a Duty to License after the Decision of the European Court of Justice in IMS Health
Mr. Grétar Ingi Grétarsson	Iceland	A Comparative Study of Post-allowance Review Procedures for Patents
Ms. Claudia Hiebsch	Germany	Genericness of Trademarks in German and US Law: A Comparative Study
Ms. Katherine Holmes	USA	The Effects of the Corporate Diversification Trend on Trademarks
Mr. Niteleka Jacob Nichaenzi Jaconiah	Tanzania	The European Community and East African Community: Comparison and Analysis of Selected Aspects
Ms. Kristina Janušauskaitė	Lithuania	Implementation of Article 5(2) (b) of the EU Copyright Directive in the New EU Member States
Dr. Parag Kinge	India	International Technology Transfer System and Technology Transfer to India
Mr. Christoph Laub	Germany	International Software Patent Filing: The Problem of Statutory Subject Matter, Legal Standards at the EPO - USPTO and Economic Implications
Mr. Michael J. Leonard	USA	An Overview of Terms, Issues and Legal Considerations Relevant in the Negotiation of Trademark License Agreements
Ms. Kaja Veel Midtbø	Norway	Disclosure of Origin of Biological Material in Patent Applications under Sec. 8 b) of the Norwegian Patents Act
Mr. Wojciech Ptak	Poland	The Requirement of the ‘Genuine Use’ in the Evolving Jurisprudence of the OHIM and the European’s Court



Ms. Iana Krassimirova Roueva	Bulgaria	Bulgarian Trademark Law and the Community Trademark System – A Comparative Study with a View to Bulgaria’s Accession to the EU
Mr. Ayan Roy Chowdhury	India	Dispute in Cyberspace Metatagging, Framing, and Linking – An International Perspective
Dr. Christoph Rudolph	Germany	Claim Scope under European and United States Patent Law. Recent Developments and Implications for Biotech Industry
Mr. Nicholas Stabinsky	USA	An Analysis of the Limits of Business Method Patents in the EU and in the U.S.: A Comparison of Subject Matter and Obviousness
Ms. Zhou Jian	China	Technical Standard Setting and Intellectual Property Rights Policy

## 5.5. The MIPLC Lecture Series

MIPLC not only contributes to the creation of knowledge, but is also actively involved in spreading it.

In 2005, therefore, the MIPLC Lecture Series was initiated, inviting 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 and hosted at the Max Planck Institute for Intellectual Property, Competition and Tax Law and are aimed at the interested IP community.

During the period covered by the present Report, three lectures were given, while three more followed before the end of 2005:

### 5.5.1. The Honorable Randall R. Rader, Circuit Judge, U.S. Court of Appeals for the Federal Circuit, May 11, 2005:

#### *Kirin-Amgen v. TKT – An American Perspective to the U.K. House of Lords Decision*

On October 21, 2004, the House of Lords, the highest appellate court in the U.K., delivered its opinion in the biotechnology case *Kirin Amgen v. Hoechst & TKT*, concerning a patent for Erythropoietin. After a careful assessment of the approach to infringement analysis in the U.K., the Court ultimately invalidated the patent. Judge Rader commented on this decision and compared the approach of the House of Lords to that of the CAFC generally and to the January 6, 2003 CAFC decision in the parallel case *Amgen v. Hoechst Marion Roussel*.

### 5.5.2. Professor Paul Goldstein, Stella W. and Ira S. Lillick Professor of Law, Stanford University, June 1, 2005:

#### *Secondary Liability in Copyright*

The U.S. Supreme Court’s decision to review the Ninth Circuit Court of Appeals decision in *MGM v. Grokster* generated huge interest in the question of secondary liability in copyright, both among the legal community and the public. More than fifty amicus curiae briefs were filed prior to the oral arguments on March 29, 2005, which were accompanied by intensive media coverage and demonstrations in front of the Supreme Court.

### 5.5.3. Professor Orin S. Kerr, Associate Professor at the George Washington University Law School, June 23, 2005

#### *Criminal Law of Intellectual Property in the United States*

Intellectual property law is generally considered a field of civil law, not criminal law. Criminal intellectual property laws exist, however, and can be quite broad and carry severe sanctions. In his lecture, Professor Orin Kerr discussed strategies in the United States for enforcing intellectual property laws through criminal sanctions. He discussed the role of criminal law in the enforcement of intellectual property law, the scope of criminal law provisions relating to intellectual property, and the question of enforcement strategies. His presentation addressed copyright law, trademark law, trade secrets law, and patent law.

All lectures were met with great interest. They were attended, on average, by more than fifty participants and spurred lively discussions. The series will be continued during the upcoming academic years.



## 6. MIPLC Managing and Advisory Boards

### 6.1. Managing Board – Awards and Nominations

In 2005, at a ceremony held on July 21 in Berlin, MIPLC Managing Board Chair Prof. Joseph Straus was awarded the “Großes Verdienstkreuz des Verdienstordens der Bundesrepublik Deutschland,” (the Commander’s Cross of the Order of Merit of the Federal Republic of Germany). In presenting Prof. Straus with the Commander’s Cross, Federal Minister of Justice Brigitte Zypries praised his great contributions to intellectual property law. Zypries emphasized Straus’s commitment to innovation and internationality in his work as researcher, teacher and policy advisor and called him one of “the best German and European academics in the area of intellectual property.” Zypries commended Straus for his understanding “that law must always adjust to and keep pace with new technological and social challenges,” as well as his recognition of the importance of legal protection to an innovative economy, especially in times of globalization.

In addition, Prof. Straus was nominated Honorary Professor of the Huazhong University of Science and Technology, Wuhan, China, and he was appointed Honorary Director of the Chinese-German Institute for Intellectual Property of the same university.



*Awarding Ceremony for Prof. Straus at the Huazhong University for Science and Technology (HUST), Wuhan, May, 2005.*



*Prof. Yu Xiang, Director, and Prof. Straus, Honorary Director, of the Chinese-German Institute for Intellectual Property.*

Last but not least, he was nominated Distinguished Visiting Professor of the Faculty of Law, University of Toronto.

In October, the MIPLC congratulated its Managing Board member Professor Thomas M.J. Möllers on his receipt of a Jean Monnet Chair, awarded him by the European Union. In 2005, the Jean Monnet Project (see 3.3.2) chose 32 new Jean Monnet Chairs from 488 applications submitted from around the world. The holders of Jean Monnet Chairs have the duty to focus their teaching and research efforts on questions and issues of European integration, and thereby to contribute to knowledge and understanding of the European Union.

Professor Möllers has worked for many years in the area of European Union law. He is the Managing Director of the Institute for European Legal Systems at the Faculty of Law at the University of Augsburg. He specializes in German and European economic law. He has published numerous articles on these subjects in both German- and English-language professional journals and has given numerous lectures both in Germany and abroad. In his courses at the University of Augsburg and as Visiting Professor at several U.S. law schools, Prof. Möllers has introduced students to the law of the European Union through presentation of primary and secondary legal sources as well as the decisions of the European Court of Justice.

### 6.2. Advisory Boards

As stipulated by the 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 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 intellectual property 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) to evaluate the research carried out at MIPLC. The Members of all three Boards are listed in Appendix 9.

While the Scientific Advisory Board and the Board of Trustees had already met in 2004, the Fachbeirat, which is scheduled to convene only once every two years, met for the first time in 2005.

### 6.2.1. Meeting of the Scientific Advisory Board and the Fachbeirat

Due to the common nature of the two Advisory Boards, their meetings were scheduled for the same day – October 27, 2005 – but divided into two parts. In the morning session, the Scientific Advisory Board met with the MIPLC Managing Board and staff to discuss the development of the LL.M. program and further measures to be taken. At 1 p.m., the members of the Fachbeirat joined for lunch and for the afternoon session.

After the opening of the meeting and a welcome address by Professor Straus, Prof. Brauneis and Prinz zu Waldeck und Pyrmont gave a synoptic update on the 2005 events which were not covered by the 2004 Report. Ms. Hinkel then presented the financial situation for the years 2003 through 2007.



*The MIPLC Managing Board (Prof. Thomas M.J. Möllers, Prof. Joseph Straus, Prof. Robert Brauneis, from left) presenting the developments of the past year to the Scientific Advisory Board.*



*Board Members Prof. Russell K. Osgood, Prof. Alberto Bercovitz, Prof. Martin J. Adelman, Prof. Vincenzo Di Catalado (from left), Prof. Brauneis and Wolrad Prinz zu Waldeck und Pyrmont.*



*A lot of information for the Board Members. Prof. Ann-Kristin Achleitner, Prof. Osgood, Prof. Adelman (from left).*

In the discussion that followed, the Scientific Advisory Board approved the positive development of the LL.M. program and the hopeful financial situation. In order to foster this trend, the Board recommended that the LL.M. program be accredited as soon as possible; that marketing activities be strengthened in Russia, the United Arab Emirates, and Saudi Arabia; and that the tuition fee

be increased to 26,000 €. Last, but not least, the Board stressed the importance of an alumni network.

After lunch, the joint afternoon session of the two Advisory Boards was opened by Prof. Rüdiger Wolfrum, Vice-President of the Max Planck Society, who welcomed the members of the Fachbeirat and gave an introduction on the nature of this Board and its tasks.

His speech was followed by the election of Prof. Ralf Reichwald as Chairman and Prof. Edmund W. Kitch as Vice-Chairman of the Fachbeirat.



*Prof. Rüdiger Wolfrum, Vice-President of the Max Planck Society (second from right), opening the Meeting. From left: Prof. Adelman, Dr. Matthias Kober, Prof. Möllers, Prof. Straus, Prof. Brauneis.*



*The MIPLC Fachbeirat: Prof. Edmund W. Kitch, Prof. Charles Gielen, Prof. Andreas Heinemann, Prof. Rainer Oesch, Prof. Franz Hacker, Prof. Josef Drexl, Prof. Martin J. Adelman (from left).*

The first topic was Prof. Brauneis' presentation of the LL.M. program and its recent developments.

However, because the Fachbeirat's mission is to evaluate MIPLC research rather than the LL.M. program, the main focus of this session was the presentation of research projects. After an introduction by Prof. Straus, explaining the nature of MIPLC research and summing up the completed projects, the first speaker was Ms. Tanuja Garde, presenting the development and findings of the MIPLC's largest project titled "Intellectual Property Infrastructures in Asia's Emerging Markets" (see 5.1). She was followed by Ms. Eva Riemann and Mr. Paul Fairhurst, who introduced the outlines of their PhD theses in the area of economic valuation of IP rights. By these three presentations the broad scope of MIPLC research was well represented, with the "Asian Markets" project addressing the development of the legal IP infrastructure in a certain geographical region – a classical IP topic –, and the other two being located in the cutting-edge field of IP valuation.

During the coffee break, the Board members were joined by the students of the 2005/06 class, providing them with first-hand information about the LL.M. program. In addition, the Board members had the opportunity to inspect the LL.M. students' Master's Theses.

As the last topic, Ms. Hinkel reported on the MIPLC's financial development.

At the end of the meeting, the members of the Fachbeirat were deeply impressed by the activities and achievements of the still young Center, and they also expressed this view in their Evaluating Report to Prof. Gruss, the President of the Max Planck Society.

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



*Prof. Gielen and Prof. Brauneis in discussion with MIPLC students Yoichi Yoshizawa and Huang Jen-Hao (from right).*



*Prof. Straus, Prof. Wolfrum and Prof. Osgood (from left).*



*Prof. Adelman in discussion with MIPLC student Julia Seile Kingham.*

### 6.2.2. Meeting of the Board of Trustees

The Board of Trustees met on October 28, from 10 a.m. to 1 p.m.

The meeting was opened by Prof. Straus with a welcome address and thanks to the Board Members.

In their presentations, Prof. Brauneis summarized the developments of the LL.M. program during the first two academic years, and Prof. Straus reported on the progress the MIPLC achieved during the past year.

In the discussion that followed, the Board of Trustees expressed appreciation for the uniqueness of the program, emphasizing that no other program offered such an international orientation, and that the four partners had been able to engage in an excellent collaborative effort. The Board observed that the LL.M. program was moving ahead of other European and US programs and underscored the importance to keep this unique concept and place. As the Scientific Advisory Board had the day before, the Board of Trustees also encouraged the Managing Board to set up an alumni association. Last, but not least, the Board expressed its appreciation of the EPO's support of the MIPLC, namely by providing a four week internship for a group of students and by its announcement of increased flexibility for internships at the EPO, especially the possibility of having a second round of internships in autumn.



*Meeting of the Board of Trustees: Prof. Straus, Chairman Ronald E. Myrick, Prof. Brauneis and Prof. Ann (from left).*



*Board Members Prof. Joachim Bornkamm and Prof. D.W. Feer Verkade in lively discussion with Dr. Bernd Ebersold from the Max Planck Society (from left).*

Following Ms. Hinkel's report on MIPLC finances, the Board of Trustees and the Managing Board agreed that MIPLC would be able to reach the aim of becoming financially self-sustaining if the number of full-paying students could steadily be increased up to a level of 26 by 2007. They confirmed, however, that admissions decisions should continue to be based on the quality and excellent performance of the applicants, with their financial conditions playing a role only in the decision about whether or not to award scholarships.

To further support the MIPLC's financial development, Chairman Ron Myrick proposed a campaign to raise additional scholarships for MIPLC. This idea was approved by the Board, resulting in an action plan under which each Board Member would compile a list of potential sponsors, and contact them to pursue scholarship support. To help convince potential sponsors, a scholarship brochure was to be created, synoptically illustrating the MIPLC's merits on the one side and its need for scholarships on the other hand. The action plan was adopted, and all participants convened for lunch.



*Board Members Dr. Manfred Scholz, Shira Perlmutter, Prof. Thomas D. Morgan and Prof. Manuel Desantes (from left).*



*Prof. Desantes and Dr. Bertram Huber (right).*

## 7. Financial Report

While the MIPLC academic year runs from October to September, the fiscal year is identical to the calendar year. Financial reporting has to be done on a cash-flow basis.

2005 was the second year in which the LL.M. program ran for the full year, after the start in October 2003.

The table below summarizes the figures of 2005 and, for purposes of comparison, also includes those of 2004 and 2003.

In the income section of the table, the income received is shown, not only on a cash-flow basis, but also in a second line on an accrual basis, presenting the income corrected for payments which were due in the year under consideration but were made outside of this period. Since these late and early payments were substantial both in 2004 and 2005, giving a potentially distorted picture of income, an accrual perspective was considered essential in order to show a complete picture of the income situation. On the expenses side, this effect was of little importance and therefore no corrections were made.

	2005	2004	2003
<b>Expenses</b>	<b>549,927.23 €</b>	<b>466,710.55 €</b>	<b>286,148.19 €</b>
Personnel	177,787.15 €	161,611.16 €	110,937.05 €
Lecturers	93,857.15 €	76,728.20 €	19,792.86 €
Tutors	17,750.00 €	10,037.50 €	3,150.00 €
Travel expenses	17,471.21 €	17,565.06 €	2,714.89 €
Rent	180,000.00 €	130,000.00 €	97,500.00 €
Library	11,949.46 €	17,384.30 €	16,872.46 €
PR & Marketing	25,044.26 €	38,396.27 €	13,757.49 €
IT	856.00 €	256.00 €	12,373.99 €
Conferences	6,575.04 €	5,939.93 €	0.00 €
Other material expenses	18,636.96 €	8,792.13 €	9,049.45 €
<b>Income</b>	<b>432,428.98 €</b>	<b>221,208.63 €</b>	<b>108,133.22 €</b>
<b>Income on accrual basis</b>	<b>374,823.98 €</b>	<b>318,783.63 €</b>	
<b>Balance</b>	<b>-117,498.25 €</b>	<b>-245,501.93 €</b>	<b>-178,014.97 €</b>
<b>Balance on accrual basis</b>	<b>-175,103.25 €</b>	<b>-147,926.92 €</b>	
<b>Per partner balance</b>	<b>-29,374.56 €</b>	<b>61,375.48 €</b>	<b>-44,503.74 €</b>
<b>Per partner balance on accrual basis</b>	<b>-43,775.81 €</b>	<b>-36,981.73 €</b>	

The expenses of 2005 were predominantly determined by the number of students of the 2004/05 class (active from January through mid September), which were 25 in the first semester and 18 in second, compared to 16 and 13 in 2003/04, respectively. An increased number of students leads to an increase in expenses, explaining the difference of 83,000 € observed between 2004 and 2005. This effect was further enhanced by the class of 2005/06 which started in mid October with 29 students.

On the other hand, more students also lead to an increase of income, with the additional amount received in 2005 compared to 2004 totalling 56,000 €. At first glance, this increase might appear somewhat small compared to the increase of expenses. However, the cause is a formal one and is again due to the discrepancy between the MIPLC fiscal year and the academic year. First, the seven ECAP students attended the program only in the winter semester 2004/05 and therefore paid their complete tuition (80,500 €) in 2004, while the tuition of regular students is usually split up equally between the years. Had this been the case with the ECAP students, the difference between 2004 and 2005 would have been as high as 136,500 €, largely compensating for the increase in expenses. Secondly, the positive development of student numbers achieved for the academic year 2005/06 (see below and 3.4) became effective only in part, as these students paid only half of their tuition in 2005.

A much clearer picture of the income development during the MIPLC's first three years becomes obvious from the table below in which the Full-paying Student Equivalents (FSE) for each academic year are listed. "Equivalent" because in this context, "full-paying students" does not refer to real students paying the whole tuition from their own funds, but is the calculated number of full tuition payments received or expected in the academic year under consideration (i.e. the total income divided by 23,000 €). The purpose of FSE is to allow for a direct comparison of the different years in which there is always a mix of full-paying students and those who have been granted full or partial tuition waivers.

Academic Year	2003/04	2004/05	2005/06
FSE	10.3	13.2	21.4

These figures – which are independent of any distortions caused by the "wrong" point of time the payments were made – clearly show the strong upward trend of the income development.

# Appendix 1: Curriculum, Academic Year 2004/05

## Introductory Courses

### Legal Tradition (Civil Law & Common Law)

(Ann, Cornish, Crews) (1 Credit Hour, 0 credit points)

Introduction to the structure, historical development, and legal thought of civil law and common law systems; constitutional aspects of the legal system in the U.S., including federal and state legislation and jurisdiction.

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

Training in the general skills required in scholarship and the conduct of research, with special emphasis on the differences in legal argumentation between common and civil law systems. Topics include: presentation of written work; citation and referencing; conducting a literature search; essay writing; examination writing; doing a dissertation/research project; preparing seminar/conference papers; and preparing work for publication.

### Introduction to IP (Crews) (0.3 CH, 0 cp)

### Introduction to Economics (Adamek) (1 CH, 0 cp)

The course is designed to teach the fundamentals of economics, mainly concerning the field of microeconomics. The intention is to prepare the students for more specialized courses with economic aspects.

## Basic Courses

### European and International (WTO) Law

(Möllers) (1 CH, 1.5 cp)

The legal structure of the EU and the EEA, including the legal constitution and tasks of main EU institutions; impact of principles set out in the EC treaty (such as the subsidiary principle, non discrimination and the "four freedoms," in particular free movement of goods and services); instruments for harmonization and their legal foundation in the EC treaty. History and background of the WTO treaty; institutions established under the treaty; central principles such as the MFN clause; and legal impacts and ongoing developments.

### European and U.S. Competition Law (Kort) (1 CH, 1.5 cp)

Survey of the statutory basis, policy aims, and mechanisms of German, European and U.S. competition (antitrust) law, in particular with regard to the IP/competition law interface; includes a detailed survey of the relevant practice of competent authorities and courts under European and U.S. law.

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

The theoretical foundation and historical development of copyright in selected EU countries (France/Germany/UK) and differences resulting therefrom (author's right vs. copyright systems, monism and dualism); prerequisites and scope of copyright protection and protection for neighboring rights according to German copyright law, with a comparative view

to other EU countries; harmonization of copyright in the EU, including an overview on the existing directives, the state of implementation of the most recent directives, further harmonization projects, and ECJ case law in the field of copyright.

### European Patent Law

(Straus, Moufang, Pumfrey) (2 CH, 3 cp)

The present state and future prospects of the European Patent system, including patentable subject matter, patentability requirements, and scope of protection under the European Patent Convention; patent prosecution before the European Patent Office; litigation of European patents, including jurisdictional questions; and an introduction to the proposed Community Patent Regulation and other proposed legislation in the patent field.

### European, U.S. and International Design Law

(Kur, Garde) (1 CH, 1.5 cp)

Protection requirements, scope of protection, and enforcement of design rights on the basis of harmonized national law in EU Member States; the Community design system, including the unregistered Community design; comparison of EU law with important divergent features in U.S. and Japanese design law; international design law, including the Hague system for international deposit of industrial designs, and provisions of relevance for design protection in TRIPS.

### European, U.S. and International Trademark Law

(Brauneis, Kur, von Bomhard) (2 CH, 3 cp)

Acquisition, scope of protection, and enforcement of trademark rights on the basis of harmonized national law in EU Member States as well as under the Community Trademark system, including a survey of ECJ case law and OHIM practice; comparison of EU law with important features of U.S. and Japanese trademark law; international trademark law, including the Madrid system of international registration; provisions of relevance for trademark law in the Paris Convention and TRIPS.

### International and Comparative Copyright Law

(Goldstein, Heath) (2 CH, 3 cp)

Introduction to special features of U.S. and Japanese copyright law, as well as copyright law in other selected countries or regions; a detailed study of the international Conventions in the field of copyright and neighboring rights; prospects for further international harmonization, including specific matters of jurisdiction and conflict of laws.

### International and Comparative Patent Law

(Rader, Adelman, Heath) (2 CH, 3 cp)

Study of differences between systems for acquiring patents, including patentability requirements, scope of protection and remedies for patent infringement under U.S. and Japanese law; detailed study of the respective international conventions

(TRIPS, PCT, etc.); present state of discussion and prospects for further developments on the international level, e.g. in the context of the Doha round.

**Jurisdiction and Conflict of Laws** (Dinwoodie) (1 CH, 1.5 cp)  
Principles applied to determine the competence of courts and the applicable law under EU and U.S. law, with a focus on IP conflicts; problems arising in the EU under the Brussels Regulation; the specific relevance of jurisdiction matters and conflict of laws in the digital environment; and harmonization prospects.

#### **Licensing of IP Rights**

(Ann, Hilty, Enchelmaier, Goddar) (1 CH, 1.5 cp)  
The legal context of licensing situations; appropriate terms and conditions in contracts; antitrust and misuse constraints; choice of law; jurisdiction.

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

EU directives concerning unfair competition, especially misleading and deceptive marketing measures, including e-commerce and commercial communication; Legal underpinnings and jurisprudence of the ECJ.

#### **Unfair Competition II** (Loschelder) (1 CH, 1.5 cp)

Further analysis of legal problems in the area of unfair competition and trade practices with a comparative view to the United States, including a survey on protection of geographical indications under EU and TRIPS.

## Specialized Courses

#### **Arbitration** (Barceló, Gurry) (1 CH, 1.5 cp)

Arbitration law and strategy, including international conventions controlling recognition and enforcement of arbitration awards; mediation and other forms of ADR, including online dispute resolution in domain name conflicts (UDRP).

#### **Computers and the Law**

(Dreier, Lehmann, Nack) (2 CH, 3 cp)  
Intellectual property rights in software: comparative analysis of copyright protection for computer programs and patent protection for computer implemented inventions under U.S. and European law, including discussion of public policy issues such as open source code vs. proprietary systems; specific problems in software contracts; acquisition of rights in programs developed in an employer/employee relationship or in larger teams; regulation of e-commerce in the EU.

#### **Cross-Border Trade in Intellectual Property**

(Brauneis) (1 CH, 1.5 cp)  
International trade in goods protected by copyright, patent or trademark law has become a matter of enormous economic significance. This course will address a number of the specialized issues raised by such transactions. Consideration will be

given to various doctrines that regulate or prevent unauthorized importation of goods protected by intellectual property rights, such as those forbidding parallel importation or regulating trade in so-called "grey goods" and those dealing with the first sale doctrine and exhaustion of intellectual property rights. We will focus as well on the economic and social policy considerations underlying those doctrines. The course will address issues that arise under all three major categories of intellectual property and review the response of the U.S., the E.U., and other legal systems to those issues.

#### **Enforcement of Copyright**

(Schlesinger, Feder, Kuhn, Hoffmeister) (1 CH, 1.5 cp)  
The course is structured as a series of four workshops, two of which are held in Washington at GWU and transmitted via videoconference to the MIPLC, the other two being held in Munich at the MIPLC.

The first workshop (Schlesinger) is aimed at providing an overview about the enforcement of copyright, addressing general issues and highlighting the most pressing problems. The second and the third workshop address the enforcement of copyright in two specific industries with extensive experience in copyright enforcement, i.e. the software industry (Feder), and the phonograph industry (Kuhn). The fourth workshop is focused on the practical and legal problems of copyright enforcement at international borders (Hoffmeister).

#### **Entertainment Law** (Dougherty, Loewenheim) (1 CH, 1.5 cp)

Particular problems related to the rights of performing artists and producers in the entertainment industry, including a comparison between the situation in the U.S. and the EU, inter alia with respect to the relative strength of the parties involved, as reflected e.g. in collective agreements and the role of trade unions, branch organizations etc.; problems of international contractual law in the entertainment industry; protection of merchandising property.

#### **Entrepreneurship** (Bassen, Poech) (1 CH, 1.5 cp)

The course gives a broad coverage of entrepreneurial issues in privately held companies, focusing on fast-growing high-tech ventures where firm value is highly dependent on intellectual property, with particular attention to start-up financing. The aim is to learn how private equity works in practice. The course starts with an overview of the Private Equity and Venture Capital market in Europe and then focuses on the relationship between entrepreneurs and venture capital funds, the way in which private equity funds are structured and how investment performance is measured. It gives insight at the financial structure of a private equity investment, shows ways of adding value to it and deals with the question, which exit routes are best to choose. As a good business concept will only find backers if the concept is well articulated, a look at the business plan is part of the course. It will be explained why a



business plan is necessary, how investors look at it, what they expect to find and the broad criteria on which the investment decision will be made.

### **Industrial Organization and IP**

(von Weizsäcker, Süßmuth) (1 CH, 1.5 cp)

This course will focus on the conflict between the protection of Intellectual Property (IP) and Competition Policy. This conflict is particularly important for industries at the centre of the emerging knowledge economy. The course will provide an introduction to the economic rationale for both types of policy and clarify how they conflict. The conflict will be illustrated on the basis of recent examples. Possible approaches to reconciling the two kinds of policy will be discussed. In this context the economic analysis of standards, patent pools, licensing and other forms of cooperation between firms will be introduced. This course seeks to introduce participants to a specific area of economics as well as the methods of economic analysis applied there. Economic analysis is becoming increasingly important in the field of competition policy, and this course seeks to provide a foundation for non-economists who will regularly deal with economists and their methods.

### **Innovation Policy** (Harhoff, von Graevenitz) (1 CH, 1.5 cp)

Analysis of the theoretical rationales underlying innovation policies and the institutional implementations of those policies in various nations and supranational organizations, including consideration both of the crucial roles of intellectual property rights systems and of the problems they create. Consideration of intellectual property systems in conjunction with other elements of innovation policies, such as subsidization of R&D, tax incentives for innovation activities, and preferential treatment of particular sources of finance (e.g., private equity, small business loans for innovation projects); quantification of the economic effects of these policies.

### **Intangible Assets Valuation** (Harhoff) (1 CH, 1.5 cp)

Consideration of approaches to the valuation of various types of intangible assets, such as patent rights, copyrights and brand names, in the course of licensing negotiations, valuation of start-ups, mergers, acquisitions, and general strategic planning. Emphasis is placed on a detailed understanding of theoretical underpinnings as well as the actual execution of IA valuation tasks. Practitioners from the IP community will be involved to provide hands-on experience in asset valuation.

### **Internet Law I** (Heymann) (1 CH, 1.5 cp)

### **Internet Law II** (Carroll) (1 CH, 1.5 cp)

While the debate still continues in the academy over whether a "law of cyberspace" is truly needed, courts and legislatures are forging ahead in defining this ever-changing space. This two-part course will provide a roadmap in navigating this terrain by offering a survey of theoretical and practical aspects of legal issues concerning cyberspace, including free speech, e-com-

merce, computer crime, copyright, trademark, and privacy, with special attention given to international and comparative aspects of these topics. Computer background is not a prerequisite, and students need not register for both courses, although they are welcome to do so.

**Internet Law I** will focus primarily on e-commerce issues, including exploration of copyright and trademark issues (such as framing, linking, and metatags); privacy rights and the database debates; trespass and related theories of property rights; and contracting on the Internet. Consideration will also be given to computer crimes and to governmental attempts to regulate cyberspace like other "places," such as through zoning and accessibility laws.

**Internet Law II** will focus primarily on issues concerning speech on the Internet, including governmental attempts to control or filter speech; intermediary liability for third-party speech; digital rights management and other copyright issues; and domain names as speech; as well as a consideration of the rules and institutions that permit or disallow governance of these issues.

### **IP and Indigenous Heritage** (von Lewinski) (1 CH, 1.5 cp)

In recent years, tensions have increased between indigenous peoples and western industries about the use of genetic resources belonging to their land, their traditional knowledge and folklore. Under intellectual property systems, these achievements are regularly not protected, but indigenous peoples consider them under their own (customary) laws as belonging to them. Since industries often make benefits from using genetic resources, traditional knowledge and folklore either as such or as a basis for further (patentable) inventions and derived works protected by copyright, indigenous peoples have claimed that protection be established so as to be able to control the use of these achievements, to share in the benefits, to be able to prevent offensive or other uses damaging their spiritual interests, and to have their origin acknowledged. This course will consider these issues in the framework both of examples of national and regional legislation and of efforts to develop international norms and standards, in particular in WIPO.

### **IP Project Management** (Kolisch) (1 CH, 1.5 cp)

An introduction to appropriate techniques for managing, valuing, selecting and processing intellectual property projects, based on the premise that intellectual property is in fact created through projects, such as research projects that lead to patents. The course will combine lectures, discussions and case studies.

### **IP Prosecution and Enforcement**

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

Sanctions and enforcement in IP law, with a special view to patent prosecution under German, European and U.S. law;

policy and practice considerations in the enforcement of patents and other IP rights; survey of EU legislation on customs control and seizure, as compared to the situation in the U.S., and on pending EU legislation with respect to sanctions for IP infringement.

**Managerial Finance** (Kaserer) (1 CH, 1.5 cp)

Introduction to financial management issues in companies, most importantly financial statement analysis, financial planning and corporate control, with special emphasis on management issues of intellectual property companies. The course combines lectures, discussions and case studies.

**Pharmaceuticals and IP** (Gassner) (1 CH, 1.5 cp)

Specific issues related to the off-patent protection of pharmaceuticals under U.S., European and Japanese law, including namely patent term extensions (or Supplementary Protection Certificates in the case of the EU), regulatory data protection and market exclusivity rules (e.g. orphan drug exclusivity); relationship between patent and off-patent protection; comparative aspects.

**Practical Training in Patent Law**

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

Application of the theory of European and international patent law, especially biotech patent law, to practical cases, including discussion and analysis of recent decisions; training on practice cases; patent granting procedure before the EPO; claim drafting practice; and discussion of special problems, such as those deriving from the nature of subject matter to be patented.

**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 privacy, including protection of private data; personality merchandising under U.S. law with a comparative view to relevant EU legislation as well as national law in selected EU countries, particularly in Germany and in the United Kingdom.

**Protection of Databases, Plant Varieties and Semi-**

**Conductors** (Straus, Leistner, Schubert) (0.5 CH, 0.75 cp)

Comparison of the different regimes of sui generis protection for databases, plant varieties and semiconductors, including EU law, American law, and relevant international conventions. Particular focus on database protection, including the emerging case law in EU countries; problems with respect to competition aspects; and the debate about the appropriateness and feasibility of database protection.

**Start-up Companies and IP** (Hertel) (1 CH, 1.5 cp)

During this course problems of IP in start-ups will be discussed. Real examples of different complexity will be analyzed.

Solutions for licensing as well as cost and valuation problems are presented.

**Taxation of IP** (Schön) (1 CH, 1.5 cp)

Domestic and international aspects of intellectual property taxation; tax treatment of royalties and artistic or scientific services; EC developments.

**Technical Protection of Authors' Rights**

(Burk) (1 CH, 1.5 cp)

In the age of the digital computer and the internet, authors' rights are increasingly protected by technical measures such as encryption, flags, degradation schemes, watermarking, and so on. In this course, we will study those technologies and the law that protects and regulates them, including the U.S. Digital Millennium Copyright Act, the European Copyright Directive and national implementations of that Directive, the WIPO Copyright Treaty, and the WIPO Performance and Phonograms Treaty. We will also consider the impact of these technologies on traditional limitations on author's rights such as fair use.

**Theoretical Foundations of IP** (Merges) (1 CH, 1.5 cp)

This course will provide an introduction to selected themes in the history and theory of intellectual property, concentrating on classic and contemporary academic literature, primarily from the U.S. Major themes will include (1) economic rationales for intellectual property rights; (2) debate over the limits to IP protection, from the eighteenth through the twentieth centuries; and (3) historical accounts of the rise of various features of the IP system. Readings will be drawn from the recently-published book "Foundations of Intellectual Property," edited by Prof. Merges and Prof. Jane Ginsburg (NY: Foundation Press, 2004)

## Appendix 2: Class schedule, Academic Year 2004/05

Week	Day	Course	Lecturer	9:30 - 10:40	10:50 - 12:00	12:10 - 12:45	14:10 - 15:00	15:10 - 16:00	16:10 - 17:00
42	Tue 12.10.2004	<b>Welcome Day</b>							
	Wed 13.10.2004	Legal Tradition	Ann						
	Thu 14.10.2004	Legal Tradition	Cornish						
	Fri 15.10.2004	Legal Tradition	Crews						until 16:35
43	Mon 18.10.2004	Introduction to IP	Crews						
	Tue 19.10.2004	Legal Research & Writing	Crews						
	Wed 20.10.2004	Legal Research & Writing	Crews						
	Thu 21.10.2004	Legal Research & Writing	Crews						
44	Fri 22.10.2004	Legal Research & Writing	Crews						
	Mon 25.10.2004	Introduction to Economics	Adamek						
	Tue 26.10.2004	Introduction to Economics	Adamek						
	Wed 27.10.2004	Introduction to Economics	Adamek						
	Thu 28.10.2004	Introduction to Economics	Adamek						
		<b>Guest lecture by the Honorable Judge Paul R. Michel (CAFC), Washington, D.C.</b>							
	Fri 29.10.2004	European Patent Law	Moufang						
45	Mon 01.11.2004	<b>HOLIDAY</b>							
	Tue 02.11.2004	European Patent Law	Moufang						
	Wed 03.11.2004	European Patent Law	Straus						
	Thu 04.11.2004	European Patent Law	Straus						
	Fri 05.11.2004	<b>Study Visit to EPO</b>							
46	Mon 08.11.0224	Jurisdiction & Conflict of Laws	Dinwoodie					until 15:10	
	Tue 09.11.2004	Jurisdiction & Conflict of Laws	Dinwoodie					until 15:10	
	Wed 10.11.2004	Jurisdiction & Conflict of Laws	Dinwoodie					until 15:10	
	Thu 11.11.2004	European & Internat. (WTO) Law	Möllers	at University of Augsburg	10:30-11:30	11:40-12:30	13:45-14:50		
	Fri 12.11.2004	European & Internat. (WTO) Law	Möllers		10:30-11:30	11:40-12:30	13:45-14:50		
47	Mon 15.11.2004	European Patent Law	Pumfrey						
	Tue 16.11.2004	European Patent Law	Pumfrey						
	Wed 17.11.2004	European Patent Law	Pumfrey						
	Thu 18.11.2004	European & Internat. (WTO) Law	Möllers	at University of Augsburg	10:30-11:30	11:40-12:30	13:45-14:50		
	Fri 19.11.2004	European & Internat. (WTO) Law	Möllers		10:30-11:30	11:40-12:30	13:45-14:50		
48	Mon 22.11.2004	European Copyright Law	von Lewinski						
	Tue 23.11.2004	European Copyright Law	von Lewinski						
	Wed 24.11.2004	European Copyright Law	von Lewinski						
	Thu 25.11.2004	European Copyright Law	Drexl						
	Fri 26.11.2004	European Copyright Law	Drexl						
49	Mon 29.11.2004	European Copyright Law	von Lewinski						
	Tue 30.11.2004	Managerial Finance	Kaserer						
	Wed 01.12.2004	<b>No class</b>							
	Wed 01.12.2004	<b>European Patent Law</b>	<b>Exam (oral)</b>						
	Thu 02.12.2004								
	Fri 03.12.2004	<b>EIPIN CONGRESS ZURICH</b>							
	Sat 04.12.2004	<b>EIPIN CONGRESS ZURICH</b>							
50	Mon 06.12.2004	<b>Introduction to Economics</b>	<b>Exam (written)</b>						
		Trademark Law	Brauneis						
		Managerial Finance	Kaserer						
	Tue 07.12.3004	Trademark Law	Brauneis						
	Wed 08.12.2004	Trademark Law	Brauneis						
	Thu 09.12.2004	Trademark Law	Kur						
	Fri 10.12.2004	Trademark Law	von Bomhard						

Week	Day	Course	Lecturer	9:30 - 10:40	10:50 - 12:00	12:10 - 12:45	14:10 - 15:00	15:10 - 16:00	16:10 - 17:00
51	Mon 13.12.2004	Trademark Law	von Bomhard						
		Managerial Finance	Kaserer						until 16:30
	Tue 14.12.2004	Trademark Law	von Bomhard						
		<b>Jurisdiction &amp; Conflict of Laws</b>	<b>Exam (take home)</b>						
	Wed 15.12.2004	<b>Jurisdiction &amp; Conflict of Laws</b>	<b>Exam (take home)</b>						
Thu 16.12.2004	IP Prosecution & Enforcement	Kieff							
		<b>Guided City Tour</b>						15:00 - 17:30	
Fri 17.12.2004	IP Prosecution & Enforcement	Kieff							
52	Mon 20.12.2004	IP Prosecution & Enforcement	Kieff						
	Tue 21.12.2004	IP Prosecution & Enforcement	Kieff						
		<b>Christmas Reception at MPI</b>						starting 15:00	
53	<b>CHRISTMAS BREAK</b>								
1	Mon 03.01.2005	<b>European Copyright Law</b>	<b>Exam (oral)</b>						
	Tue 04.01.2005	<b>Trademark Law</b>	<b>Exam (written)</b>						
		Design Law	Kur						until 17:25
	Wed 05.01.2005	Design Law	Kur						
	Thu 06.01.2005	<b>HOLIDAY</b>							
Fri 07.01.2005	Design Law	Garde							
2	Mon 10.01.2005	Design Law	Garde						
		Managerial Finance	Kaserer						until 16:30
	Tue 11.01.2005	IP Prosecution & Enforcement	Pagenberg						
		Taxation of IP	Schön						
	Wed 12.01.2005	IP Prosecution & Enforcement	Pagenberg						
Thu 13.01.2005	IP Prosecution & Enforcement	Kroher							
	IP Project Management	Kolisch							
Fri 14.01.2005	IP Prosecution & Enforcement	Kroher							
	IP Project Management	Kolisch							
3	Mon 17.01.2005	<b>Design Law</b>	<b>Exam (oral)</b>						
		Managerial Finance	Kaserer						until 16:30
	Tue 18.01.2005	Innovation Policy	von Graevenitz						
		Taxation of IP	Schön						
	Wed 19.01.2005	Protection of Databases etc.	Leistner			Databases			
Computers and the Law		Nack							
Thu 20.01.2005	Licensing	Ann							
Fri 21.01.2005	Innovation Policy	von Graevenitz							
	Computers and the Law	Nack							
4	Mon 24.01.2005	<b>IP Prosecution &amp; Enforcement</b>	<b>Exam (written)</b>						
		Managerial Finance	Kaserer						until 16:30
	Tue 25.01.2005	Innovation Policy	Harhoff						
		Taxation of IP	Schön						
	Wed 26.01.2005	Computers and the Law	Dreier						
Tutorial Economics		Adamek						until 18:00	
Thu 27.01.2005	Computers and the Law	Dreier							
Fri 28.01.2005	Computers and the Law	Dreier			until 12:10				
	Innovation Policy	Harhoff						until 17:25	

## Appendix 2

Week	Day	Course	Lecturer	9:30 - 10:40	10:50 - 12:00	12:10 - 12:45	14:10 - 15:00	15:10 - 16:00	16:10 - 17:00
5	Mon 31.01.2005	Unfair Competition I	Ohly						
		<b>Managerial Finance</b>	<b>Exam (written)</b>						
	Tue 01.02.2005	Unfair Competition I	Ohly						
		Taxation of IP	Schön						
	Wed 02.02.2005	Protection of Databases etc.	Schubert		Semi-Conductors				
	Computers and the Law	Lehmann							
Thu 03.02.2005	IP Project Management	Kolisch							
	Computers and the Law	Lehmann							
Fri 04.02.2005	IP Project Management	Kolisch							
6	Mon 07.02.2005	Unfair Competition I	Ohly						
		<b>Innovation Policy</b>	<b>Exam (written)</b>						
	Tue 08.02.2005	Unfair Competition I	Ohly						
		Licensing	Hilty						
	Wed 09.02.2005	<b>No Class</b>							
Thu 10.02.2005	<b>European &amp; Internat. (WTO) Law</b>	<b>Exam (written)</b>							
	Pharmaceuticals and IP	Gassner						until 16:35	
Fri 11.02.2005	Pharmaceuticals and IP	Gassner							
7	Mon 14.02.2005	<b>IP Project Management</b>	<b>Exam (written)</b>						
		Licensing	Hilty						
	Tue 15.02.2005	Pharmaceuticals and IP	Gassner			until 13:10			
		Taxation of IP	Schön						
	Wed 16.02.2005	Pharmaceuticals and IP	Gassner			until 13:10			
	Computers and the Law	Lehmann							
Thu 17.02.2005	<b>No Class</b>								
Fri 18.02.2005	Protection of Databases etc.	Straus					Plant Varieties		
8	Mon 21.02.2005	<b>Unfair Competition I</b>	<b>Exam (written)</b>						
		Computers and the Law	Lehmann						
	Tue 22.02.2005	Entrepreneurship	Bassen						
		Taxation of IP	Schön						
	Wed 23.02.2005	Entrepreneurship	Bassen						
		Licensing	Enchelmaier						
	Thu 24.02.2005	Entrepreneurship	Poech						
	Computers and the Law	Lehmann							
Fri 25.02.2005	Entrepreneurship	Poech							
	Licensing	Enchelmaier							
Sat 26.02.2005	<b>Taxation of IP</b>	<b>Exam (written)</b>							
9	Mon 28.02.2005	<b>Protection of Databases etc.</b>	<b>Exam (written)</b>						
		<b>Pharmaceuticals and IP</b>	<b>Exam (written)</b>						
	Tue 01.03.2005	<b>Computers and the Law</b>	<b>Exam (written)</b>						
	Wed 02.03.2005								
	Thu 03.03.2005								
Fri 04.03.2005									
10-14									
15	Mon 11.04.2005	<b>Entrepreneurship</b>	<b>Exam (written)</b>		11:00-12:00				
		Intangible Assets Valuation	Harhoff						
	Tue 12.04.2005	Intangible Assets Valuation	Harhoff			until 13:10			
	Wed 13.04.2005	Unfair Competition II	Loschelder					until 15:35	
	Thu 14.04.2005	Unfair Competition II	Loschelder						
Fri 15.04.2005	Unfair Competition II	Loschelder							

Week	Day	Course	Lecturer	9:30 - 10:40	10:50 - 12:00	12:10 - 12:45	14:10 - 15:00	15:10 - 16:00	16:10 - 17:00	
16	Mon 18.04.2005	<b>Licensing</b>	<b>Exam (written)</b>		until 11:00					
		Intangible Assets Valuation	Harhoff							
	Tue 19.04.2005	Intangible Assets Valuation	Harhoff			until 13:10				
	Wed 20.04.2005	Practical Training in TM Law	Hines					until 15:35		
	Thu 21.04.2005	Practical Training in TM Law	Hines/von Bomhard							
	Fri 22.04.2005	Practical Training in TM Law	von Bomhard							
Sat 23.04.2005	Licensing Game	Goddar		from 10:00	until 13:00			until 17:30		
17	Mon 25.04.2005	Privacy, Publicity & Personality	Ohly							
	Tue 26.04.2005	Privacy, Publicity & Personality	Ohly							
		European & US Competition Law	Kort							
	Wed 27.04.2005	European & US Competition Law	Kort					until 15:35		
	Thu 28.04.2005	European & US Competition Law	Kort							
		Intangible Assets Val. (Tutorial)	Harhoff							
	Fri 29.04.2005	European & US Competition Law	Kort	from 8:10	until 11:25					
Sat 30.04.2005	<b>EIPIN CONGRESS LONDON</b>									
Sun 01.05.2005										
18	Mon 02.05.2005	Privacy, Publicity & Personality	Ohly							
	Tue 03.05.2005	Privacy, Publicity & Personality	Ohly							
	Wed 04.05.2005	<b>Europ. &amp; US Competition Law</b>	<b>Exam (oral)</b>		9:00-12:30					
	Thu 05.05.2005	<b>HOLIDAY</b>								
	Fri 06.05.2005	<b>Intangible Assets Valuation</b>	<b>Exam (written)</b>		10:00-11:00					
19	Mon 09.05.2005	<b>Unfair Competition II</b>	<b>Exam (written)</b>		until 11:30					
		Pract. Training in Eur. Patent Law	Geissler							
	Tue 10.05.2005	Intl. & Comp. Patent Law	Adelman/Rader							
	Wed 11.05.2005	Intl. & Comp. Patent Law	Adelman/Rader						18:30	
		<b>Speech by Judge Rader on "Kirin-Amgen v. TKT"</b>								
	Thu 12.05.2005	Intl. & Comp. Patent Law	Adelman/Rader						19:00	
Fri 13.05.2005	Intl. & Comp. Patent Law	Adelman/Rader								
Mon 16.05.2005	<b>HOLIDAY</b>									
20	Tue 17.05.2005	Intl. & Comp. Patent Law	Adelman/Rader							
	Wed 18.05.2005	Intl. & Comp. Patent Law	Adelman/Rader							
	Thu 19.05.2005	Intl. & Comp. Patent Law	Heath			until 12:30				
		Pract. Training in Eur. Patent Law	Geissler							
	Fri 20.05.2005	Intl. & Comp. Patent Law	Heath							
21	Mon 23.05.2005	<b>Privacy, Publicity &amp; Personality</b>	<b>Exam (written)</b>		until 11:30					
		Arbitration	Barceló							
	Tue 24.05.2005	Intl. & Comp. Copyright Law	Heath			until 12:30				
		Arbitration	Barceló							
	Wed 25.05.2005	Intl. & Comp. Copyright Law	Heath							
		Arbitration	Barceló							
Thu 26.05.2005	<b>HOLIDAY</b>									
Fri 27.05.2005	Intl. & Comp. Patent Law	Goldstein								
22	Mon 30.05.2005	Intl. & Comp. Copyright Law	Goldstein							
		Pract. Training in Eur. Patent Law	Geissler							
	Tue 31.05.2005	Intl. & Comp. Copyright Law	Goldstein							
	Wed 01.06.2005	Intl. & Comp. Copyright Law	Goldstein						18:30	
		<b>Speech by Prof. Goldstein on "Second Copyright Liability"</b>								
Thu 02.06.2005	Intl. & Comp. Copyright Law	Goldstein								
Fri 03.06.2005	Intl. & Comp. Copyright Law	Goldstein								

## Appendix 2

Week	Day	Course	Lecturer	9:30 - 10:40	10:50 - 12:00	12:10 - 12:45	14:10 - 15:00	15:10 - 16:00	16:10 - 17:00
23	Mon 06.06.2005	Joint Module Washington							
	Tue 07.06.2005	Joint Module Washington							
	Wed 08.06.2005	Joint Module Washington							
	Thu 09.06.2006	Joint Module Washington							
	Fri 10.06.2005	Joint Module Washington							
24	Mon 13.06.2005	Enforcement of Copyright Issues	Schlesinger				from 13:00		
	Tue 14.06.2005	Enforcement of Copyright Issues	Feder				from 13:00		
	Wed 15.06.2005	<b>No Class</b>							
	Thu 16.06.2005	Arbitration	Gurry						
	Fri 17.06.2005	Enforcement of Copyright Issues	Kuhn						until 17:40
25	Mon 20.06.2005	<b>Intl. &amp; Comp. Patent Law</b>	<b>Exam (written)</b>		until 11:30				
	Tue 21.06.2005	Start-up Companies & IP	Hertel						until 16:50
	Wed 22.06.2005	Start-up Companies & IP	Hertel						
	Thu 23.06.2005	Start-up Companies & IP	Hertel						
	Fri 24.06.2005	<b>Speech by Prof. Kerr on "Criminal Law of IP"</b>							18:30
26	Mon 27.06.2005	<b>Intl. &amp; Comp. Copyright Law</b>	<b>Exam (written)</b>		until 11:30				
	Tue 28.06.2005	Entertainment Law	Dougherty						
	Wed 29.06.2005	Entertainment Law	Dougherty						
	Thu 30.06.2005	Pract. Training in Eur. Patent Law	von Meibom						
	Fri 01.07.2005	Entertainment Law	Loewenheim						
Sat 02.07.2005	<b>Practical Training in TM Law</b>	<b>Exam (written)</b>							
27	Mon 04.07.2005	Technical Protection of Author's Rights	Burk	9:00-10:30					
	Tue 05.07.2005	Internet Law I	Heymann		11:30-13:00				
		Theoretical Foundations of IP	Merges				14:15-15:45		
	Wed 06.07.2005	Technical Protection of Author's Rights	Burk	9:00-10:30					
		Internet Law I	Heymann		10:45-12:15				
	Thu 07.07.2005	Theoretical Foundations of IP	Merges				14:15-15:45		
		Technical Protection of Author's Rights	Burk	9:00-10:30					
	Fri 08.07.2005	Internet Law I	Heymann		10:45-12:15				
Theoretical Foundations of IP		Merges				14:15-15:45			
28	Mon 11.07.2005	<b>Enforcement of Copyright</b>	<b>Exam (written)</b>		until 11:30				
	Tue 12.07.2005	Technical Protection of Author's Rights	Burk	9:00-10:30					
		Internet Law I	Heymann		10:45-12:15				
		Industrial Organization	von Weizsäcker				14:15-15:45		
	Wed 13.07.2005	Theoretical Foundations of IP	Merges				14:15-15:45		
Technical Protection of Author's Rights		Burk	9:00-10:30						

JOINT MODULE

THE GEORGE WASHINGTON UNIVERSITY SUMMER PROGRAM

Week	Day	Course	Lecturer	9:30 - 10:40	10:50 - 12:00	12:10 - 12:45	14:10 - 15:00	15:10 - 16:00	16:10 - 17:00
28	Wed 13.07.2005	Technical Protection of Author's Rights	Burk	9:00-10:30					
		Internet Law I	Heymann		10:45-12:15				
		Industrial Organization	von Weizsäcker						
		Theoretical Foundations of IP	Merges				14:15-15:45		
	Thu 14.07.2005	Technical Protection of Author's Rights	Burk	9:00-10:30					
		Internet Law I	Heymann		10:45-12:15				
		Industrial Organization	Süßmuth						
Fri 15.07.2005	Theoretical Foundations of IP	Merges				14:15-15:45			
Fri 15.07.2005	Industrial Organization	Süßmuth							
Sat 16.07.2005	<b>Internet Law I</b>	<b>Exam (written)</b>		9:00-11:00					
29	Mon 18.07.2005	Internet Law II	Carroll	9:00-10:30					
		Cross-Border Trade in IP	Brauneis		10:45-12:15				
		IP and Indigenous Heritage	von Lewinski						16:00-17:30
	Tue 19.07.2005	Internet Law II	Carroll	9:00-10:30					
		Cross-Border Trade in IP	Brauneis		10:45-12:15				
	Wed 20.07.2005	IP and Indigenous Heritage	von Lewinski						16:00-17:30
		Internet Law II	Carroll	9:00-10:30					
	Thu 21.07.2005	Cross-Border Trade in IP	Brauneis		10:45-12:15				
		IP and Indigenous Heritage	von Lewinski						16:00-17:30
	Fri 22.07.2005	<b>Start-up Companies &amp; IP</b>	<b>Exam (written)</b>		10:00-11:00				
30	Mon 25.07.2005	Internet Law II	Carroll	9:00-10:30					
		Cross-Border Trade in IP	Brauneis		10:45-12:15				
		IP and Indigenous Heritage	von Lewinski						16:00-17:30
	Tue 26.07.2005	Internet Law II	Carroll	9:00-10:30					
		Cross-Border Trade in IP	Brauneis		10:45-12:15				
	Wed 27.07.2005	IP and Indigenous Heritage	von Lewinski						16:00-17:30
		Internet Law II	Carroll	9:00-10:30					
	Thu 28.07.2005	Cross-Border Trade in IP	Brauneis		10:45-12:15				
		IP and Indigenous Heritage	von Lewinski						16:00-17:30
	Fri 29.07.2005	<b>No class</b>							
	Sat 30.07.2005	<b>Internet Law II</b>	<b>Exam (written)</b>		9:00-11:00				
		<b>Cross-Border Trade in IP</b>	<b>Exam (written)</b>				13:00-15:00		
		<b>IP and Indigenous Heritage</b>	<b>Exam (written)</b>						17:00-19:00
	Mon 01.08.2005	<b>Free</b>							
Tue 02.08.2005	<b>Arbitration</b>	<b>Exam (written)</b>		10:00-14:00					
Wed 03.08.2005	<b>Industrial Organization</b>	<b>Exam (written)</b>		9:30-11:30					
Thu 04.08.2005	<b>Entertainment Law</b>	<b>Exam (written)</b>		9:30-11:30					
Fri 05.08.2005	<b>Pract. Training Eur. Patent Law</b>	<b>Exam (written)</b>		9:00-12:00					
Sun 07.08.2005	<b>EXCURSION TO THE COUNTRYSIDE</b>								
Mon 08.08.2005	<b>Free</b>								
Tue 09.08.2005	<b>Techn. Protection of Author's Rights</b>	<b>Hand in essay</b>							



## Appendix 3: Faculty Members, Academic Year 2004/05

**Ms. Carmen Adamek,**

Technische Universität München, GERMANY

**Professor Martin J. Adelman,**

The George Washington University Law School,  
Washington, DC, USA

**Professor Christoph Ann,**

Technische Universität München, GERMANY

**Professor John J. Barceló,**

Cornell University, Ithaca, USA

**Professor Alexander Bassen,**

Hamburger Universität für Wirtschaft und Politik,  
GERMANY

**Dr. Verena von Bomhard,**

Attorney at Law, Alicante, SPAIN

**Professor Robert Brauneis,**

The George Washington University Law School,  
Washington, DC, USA

**Professor Dan L. Burk,**

University of Minnesota, Saint Paul, USA

**Professor Michael W. Carroll,**

Villanova University, Villanova, USA

**Professor William R. Cornish,**

Cambridge University, Cambridge, UK

**Professor Kenneth D. Crews,**

Indiana University, Indianapolis, USA

**Professor Graeme Dinwoodie,**

Chicago-Kent College of Law, Chicago, USA

**Professor F. Jay Dougherty,**

Loyola Law School, Los Angeles, USA

**Professor Thomas Dreier,**

University of Karlsruhe (TH), GERMANY

**Professor Josef Drexler,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law, Munich, GERMANY

**Dr. Stefan Enchelmaier,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law, Munich, GERMANY

**Mr. Jesse M. Feder,**

Business Software Alliance, Washington, DC, USA

**Ms. Tanuja Garde,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law, Munich, GERMANY

**Professor Ulrich M. Gassner,**

University of Augsburg, GERMANY

**Dr. Bernhard Geissler,**

Patent Attorney and Attorney at Law, Munich, GERMANY

**Dr. Heinz Goddar,**

Patent Attorney, Munich, GERMANY

**Professor Paul Goldstein,**

Stanford Law School, Stanford, USA

**Dr. Georg von Graevenitz,**

Ludwig Maximilian University, Munich, GERMANY

**Dr. Francis Gurry,**

World Intellectual Property Organization, Geneva,  
SWITZERLAND

**Professor Dietmar Harhoff,**

Ludwig Maximilian University, Munich, GERMANY

**Dr. Christopher Heath,**

European Patent Office, Munich, GERMANY

**Dr. Bernhard Hertel,**

Garching Innovation GmbH, Munich, GERMANY

**Prof. Laura Heymann,**

The George Washington University Law School,  
Washington, DC, USA

**Professor Reto M. Hilty,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law, Munich, GERMANY

**Mr. P. Jay Hines,**

Attorney at Law, Washington, DC, USA

**Mr. Klaus Hoffmeister,**

Central Industrial Property Bureau of the Customs  
Administration, Munich, GERMANY

**Professor Christoph Kaserer,**

Technische Universität München, GERMANY

**Professor F. Scott Kieff,**

Washington University in St. Louis School of Law, USA

**Professor Rainer Kolisch,**

Technische Universität München, GERMANY

**Professor Michael Kort,**

University of Augsburg, GERMANY

**Dr. Jürgen Kroher,**

Attorney at Law, Munich, GERMANY

**Mr. Ekkehard Kuhn,**

International Federation of Phonographic Industry, Berlin,  
GERMANY

**Professor Annette Kur,**

Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich, GERMANY

**Professor Michael Lehmann,**

Ludwig Maximilian University, Munich, GERMANY

**Dr. Matthias Leistner,**

Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich, GERMANY

**Dr. Silke von Lewinski,**

Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich, GERMANY

**Professor Ulrich Loewenheim,**

Johann Wolfgang Goethe University, Frankfurt am Main, GERMANY

**Dr. Michael Loschelder,**

Secretary General, German Association for Industrial Property and Copyright Law, Köln, GERMANY

**Mr. Wolfgang von Meibom,**

Attorney at Law, Düsseldorf, GERMANY

**Professor Robert P. Merges,**

University of California, Berkeley, USA

**Professor Thomas M.J. Möllers,**

University of Augsburg, GERMANY

**Dr. Rainer Moufang,**

European Patent Office, Munich, GERMANY

**Dr. Ralph Nack,**

Attorney at Law, Munich, GERMANY

**Professor Ansgar Ohly,**

University of Bayreuth, GERMANY

**Dr. Jochen Pagenberg,**

Attorney at Law, Munich, GERMANY

**Dr. Angela Poech,**

Technische Universität München, GERMANY

**The Honourable Justice Nicholas Pumfrey,**

Royal Courts of Justice, London, UK

**The Honorable Judge Randall R. Rader,**

US Court of Appeals for the Federal Circuit, Washington, DC, USA

**Mr. Michael Schlesinger,**

International Intellectual Property Alliance, Washington, DC, USA

**Professor Wolfgang Schön,**

Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich, GERMANY

**Dr. Helmut Schubert,**

Fraunhofer Patent Center, Munich, GERMANY

**Professor Joseph Straus,**

Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich, GERMANY

**Dr. Bernd Süßmuth,**

Technische Universität München, GERMANY

**Professor Robert K. Freiherr von Weizsäcker,**

Technische Universität München, GERMANY

## Appendix 4: Tutors, Academic Year 2004/05

**Mr. Haris Apostopoulos,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Ms. Patricia Bohn,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Dr. Eva-Irina von Gamm,**

Attorney at Law, Munich

**Ms. Karolina Herrlinger,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Mr. Alexander Klicznik,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Ms. Birgit Kramer,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Ms. Tatjana Levina,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Ms. Marianna Moglia,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Ms. Eva Mosel,**

MIPLC

**Ms. Stefanie Nabrotzki,**

Technische Universität München

**Mr. Julius Neuberger,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Mr. Dimitrios Riziotis,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Mr. Roberto Romandini,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Ms. Martina Schuster,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Ms. Radadiana Taric,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Ms. Barbara Volland,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Mr. Wolrad Prinz zu Waldeck und Pyrmont,**

Max Planck Institute for Intellectual Property, Competition and Tax Law / MIPLC

**Ms. Eva Willnegger,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

**Ms. Katya Zakharov,**

Max Planck Institute for Intellectual Property, Competition and Tax Law

## Appendix 5: Program EIPIN Conference Zurich

### 6th European Intellectual Property Institutes Network Congress ETH Zurich, December 2-4, 2004

#### Thursday, December 2, 2004

Venue: Auditorium Maximum (F 30), ETH Main Building, Rämistrasse 101, 8092 Zürich

12.00-13.30	Registration and Buffet Lunch (in front of Auditorium Maximum)	
14.00-16.00	Introductory Workshops for Teams	
16.15-16.30	Opening of Symposium	
<b>TOPIC 1:</b>	<b>PATENTING STRATEGIES: EMERGING EUROPEAN ISSUES (16.30-19.00)</b>	
16.30-17.00	The Biotechnology Directive	Penny Gilbert, BioPharma Group Bristows, London
17.00-17.30	Questions by Team 1 and Discussion	
17.30-18.00	Coffee Break (in front of Auditorium Maximum)	
18.00-18.30	Patents versus Utility Models	Matthias Brandi-Dohrn, Attorney at Law, Munich
18.30-19.00	Questions by Team 2 and Discussion	
19.15-22.00	Drinks & Dinner (ETH Main Building, "Dozentenfoyer", J-Floor)	

#### Friday, December 3, 2004

Venue: Auditorium Maximum (F 30), ETH Main Building, Rämistrasse 101, 8092 Zürich

<b>TOPIC 2:</b>	<b>LITIGATION STRATEGIES (09.00-10.30)</b>	
09.00-09.20	Pre-Litigation Strategies	Werner Stieger, Homburger RA, Zurich
09.20-09.45	Questions by Team 3 and Discussion	
09.45-10.05	Arbitral Tribunal & Courts	Andrea Mondini, Schellenberg, Wittwer, Zurich
10.05-10.30	Questions by Team 4 and Discussion	
10.30-11.00	Coffee Break (in front of Auditorium Maximum)	
<b>TOPIC 3:</b>	<b>BIOTECHNOLOGY LITIGATION IN EUROPE (11.00-13.00)</b>	
11.00-11.20	Harvard Oncomouse' in Europe	Andrew Sharples McDermott, Will & Emery, London
11.20-11.40	Questions by Team 5 and Discussion:	
11.40-12.00	Stem Cell Patenting – The University of Edinburgh Case	George W. Schlich, Schlich & Co., London
12.00-12.20	Questions by Team 6 and Discussion	
12.20-12.40	Offensive and Defensive Strategies: The Erythropoietin (EPO) case	Franz-Josef Zimmer, Grünecker, Kinkeldey, Stockmair & Schwanhäusser, Munich
12.40-13.00	Questions by Team 7 and Discussion	
13.00-14.00	Buffet Lunch (in front of Auditorium Maximum)	

**TOPIC 4: CROSS-BORDER LITIGATION AND EVIDENCE GATHERING (14.00-16.30)**

14.00-14.20	Cross-Border Litigation in Italy	Olga Capasso, De Simone & Partners SPA, Rome
14.20-14.40	Cross-Border Litigation in the Netherlands	Richard Ebbink, NautaDutihl N.V., Amsterdam
14.40-15.20	Questions by Team 8 and Discussion	
15.20-15.40	Evidence Gathering in France	Axel Casalonga, Bureau D.A. Casalonga-Josse, Paris
15.40-16.00	Questions by Team 9 and Discussion	
16.00-18.00	Teams Prepare Reports and Moot Court	
19.00-22.00	Tramway Tour and Fondue Dinner in the Old Town	
	Meeting Point: Central Plaza	

### Saturday, December 4, 2004

Venue: Auditorium Maximum (F 30), ETH Main Building, Rämistrasse 101, 8092 Zürich

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**TOPIC 5: EMERGING LITIGATION ISSUES (09.00-10.30)**

09.00-09.20	Valuation of Patents: Select Issues	Markus Reitzig, Copenhagen Business School
09.20-09.45	Questions by Team 10 and Discussion	
09.45-10.05	Insuring Patent Litigation	Frank Cuypers, Swiss Re, Zurich
10.05-10.30	Questions by Team 11 and Discussion	
10.30-11.00	Coffee Break (in front of Auditorium Maximum)	

**TOPIC 6: KODAK MOOT COURT (11.00-12.15)**

11.00-12.15	Presentations by Teams 12 & 13 Comments	Dieter Brändle, Handelsgericht Zürich
12.15-13.15	Buffet Lunch (in front of Auditorium Maximum)	

**TOPIC 7: CIVIL LAW & COMMON LAW COURTS (13.15-15.30)**

13.15-13.45	English & German Court: Landmark Patent Cases	Hugh Laddie, The Royal Court of Justice, London Alfred Keukenschrijver, Bundesgerichtshof, Karlsruhe
13.45-14.10	Discussion	
14.10-14.30	EU Influence and Implementation of EU Law	Hugh Laddie Alfred Keukenschrijver
14.30-14.55	Discussion	
14.55-15.25	European Patent Law: Foreseeable Developments	Peter Messerli, European Patent Office, Munich
15.25-15.30	Closing of Congress	

## Appendix 6: Program EIPIN Conference Windsor

### 6th EIPIN Congress 2004-2005

#### TECHNOLOGY TRANSFER AND THE ENFORCEMENT OF IPR

Queen Mary Intellectual Property Research Institute, Cumberland Lodge, Windsor 2005

### SATURDAY, APRIL 30, 2005

08.30-08.45 Registration  
08.45-09.00 **Introduction and Welcome by Prof. M. Blakeney**

#### TT, IP & DEVELOPMENT

Chairperson: M. Blakeney

09.00-09.30	<b>Technology Transfer, IP and Development</b>	Mr. Douglas Lippoldt, OECD, Paris
09.30-09.40	Questions and Discussion (Team1)	
09.40-10.10	<b>TT in Emerging Markets</b>	Dr. Paul-B. Schönborn, Bosch
10.10-10.20	Questions and Discussion (Team 2)	
10.20-10.50	<b>TT in Collaborative Environments</b>	Dr. Sheetal Handa, BP
10.50-11.00	Questions and Discussion (Team 13)	
11.00-11.30	Coffee Break	

#### TT & COMPETITION

Chairperson: D. Stauder

11.30-12.00	<b>Competition Law Issues</b>	Prof. Evelyne Clerc, Université de Neuchâtel
12.00-12.10	Questions and Discussion (Team 3)	
12.10-12.40	<b>Practical Aspects of the Block Exemption</b>	Dr. Duncan Curley, McDermott Will & Emery
12.40-12.50	Questions and Discussion (Team 4)	
12.50-14.15	Lunch	

#### DRAFTING TT CONTRACT

Chairperson: G. Hertig

14.15-14.45	<b>TT Negotiations</b>	Mr. Jean-Claude Détrait, Atofina
14.45-14.55	Questions and Discussion (Team 5)	
14.55-15.25	<b>Contract and IP Law Issues</b>	Mr. Stefan Naumann, Denton Wilde Sapte, Paris
15.25-15.35	Questions and Discussion (Team 6)	
15.35-16.00	Coffee Break	
16.00-16.30	<b>Fiscal Aspects of TT</b>	Mr. Anthony Bryant, Vice President, Pepsico, Inc, Richmond, UK.
16.30-16.40	Questions and Discussion (Team 7)	
16.40-17.00	Preparation for the Moot Competition	

#### MOOT COMPETITION

Panel of Judges

17.00-19.00	<b>Semi-final Rounds of the Moot Competition</b>
19.00-19.30	<b>Court Deliberation</b>
20.30-22.00	Dinner at Cumberland Lodge

## SUNDAY, MAY 1, 2005

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### TT & MARKET STRUCTURE

Chairperson: W. Prinz zu Waldeck

09.30-10.00	<b>RTD Contracts and the Lisbon Agenda</b>	Dr. Gail Evans, QMIPRI
10.15-10.15	Questions and Discussions (Team 8)	
10.15-10.45	Coffee Break	

### TT & PUBLIC RESEARCH

Chairperson: M. Riccheri

10.45-11.15	<b>University TT</b>	Mr. Manyi Cristofoli, QMUL
11.15-11.30	Questions and Discussions (Team 9)	
11.30-12.00	<b>TT &amp; International Public Research Institutes</b>	Dr. Victoria Henson-Apollonio, IPGRI
12.00-12.15	Questions and Discussions (Team 10)	
12.15-14.00	Lunch	

### ENFORCEMENT ISSUES

Chairperson: H. Laederach

14.00-14.30	<b>Border Control of IP Rights</b>	Prof. Michael Blakeney, QMIPRI
14.30-14.45	Questions and Discussion (Team 11)	
14.45-15.15	<b>National IP Enforcement Strategies</b>	Mr. Phil Lewis, IP Enforcement Task Force, UK Patent Office
15.15-15.30	Questions and Discussion (Team 12)	
15.30-16.00	Tea Break	

### MOOT COMPETITION

Panel of Judges

16.00-17.20	<b>Final Round of the Moot Competition</b>	
17.20-18.00	Award of Diplôme d'Honneur	
19.00-21.00	Dinner at Cumberland Lodge	
Evening	Party at Cumberland Lodge	

## Appendix 7: Program Joint Module Washington, D.C.

<b>June 6-June 10</b>	<b>Joint Program MAS (Zurich), QMIPRI (London) and MIPLC (Munich)</b>	<b>Presenter(s) (Firm / Institution)</b>	<b>Venue</b>
Mon / June 6 10.00 -16.00	<b>231: Expert Opinions on U.S. Patent Matters</b> (With exercises)	<b>Robert Mattson and Robert Pous</b> (Oblon, Spivak, McClelland, Maier & Neustadt)	Oblon, Spivak, McClelland, Maier & Neustadt (Alexandria VA)
Tue / June 7 9.15 – 10.00	<b>232: Introduction to Litigation before the Court of Appeals for the Federal Circuit</b>	<b>Judge Randall R. Rader</b> (Court of Appeals for the Federal Circuit)	
10.00 – 12.00	<b>Oral arguments</b>	<b>Parties to the cases</b>	
12.30 – 13.30	<b>Landmark Patent Cases</b>	<b>Judge Paul R. Michel</b> (Chief Judge Court of Appeals for the Federal Circuit)	Court of Appeals for the Federal Circuit
14.00 – 16.00	<b>Discussing the Oral Arguments And further Patent Issues</b>	<b>Panel Judges and/or Judge Pauline Newman and Judge Richard Linn</b> (Court of Appeals for the Federal Circuit)	
Wed / June 8 10.00 – 12.00	<b>233: Antitrust and Patents: Policy Issues</b>	<b>Susan De Santi</b> Deputy General Counsel for Policy Studies, Federal Trade Commission	George Washington University (Burns Building)
14.00 – 16.00	<b>234: Current Copyright Issues</b> (Discussing pending Cases)	<b>Robert Brauneis</b> (GWU)	
Thurs / June 9 7.30 – 17.30	<b>Patent Reform Town Meeting</b>	<b>Speakers see draft program</b>	National Academy of Sciences
Friday / June 10 8.00 – 13.00	<b>235: E-Commerce Negotiation</b> (IP ownership, privacy, liability, price)	<b>Clint Smith</b> (Macromedia)	
14.00 – 16.00	<b>236: IP Management</b> (Licensing strategies)	<b>Robert T. Braun and Gary Rinkerman</b> (Discovision) / (Baker &Hostetler LLP)	Baker & Hostetler LLP
16.00 – 17.00	MC Test	Participants	



## Appendix 8: Program Evaluation by the Class of 2004/05

	Student 1	Student 2	Student 3	Student 4	Student 5	Student 6	Student 7	Student 8	Student 9	Student 10	Student 11	Student 12	Student 13	Student 14	Student 15	Student 16	Student 17	Average	
<b>I. Structure and Content of the Program</b>																			
The courses are logically structured within the program.	1	2	2	3	2	3	2	2	3	3	2	1	1	3	3	2	2	2,18	
The balance of basic courses and specialized courses is appropriate.	2	2	3	3	2	3	3	2	4	1	2	1	1	4	2	3	3	2,41	
The range of courses offered is very good.	1	1	1	2	2	1	2	1	1	1	2	1	1	2	2	2	1	1,41	
The program offers sufficient possibilities to specialize within specific areas of IP and Competition law (e.g. Entertainment Law, Biotech Patent Law etc.).	1	3	1	3	3	2	4	1	3	3	2	3	1	4	1	3	3	2,41	
The system of examination evaluates performances fairly.	4	2	1	4	2	3	3	2	4	3	3	2	2	3	2	2	4	2,71	
The level of courses is too high.	4	2	1	5	5	4	2	3	2	6	6	5	6	5	6	5	6	4,29	
The workload of the program is too heavy.	1	2	1	5	5	2	1	2	1	4	3	5	6	3	4	3	2	2,94	
The extra-curricular activities (e.g. lectures, excursions) are sufficient.	1	3	4	4	4	4	2	5	6	1	3	2	1	3	3	5	4	3,24	
In which of the following courses should the content be increased or decreased?																			
Legal Tradition	3	3	3	3	3	3	5	3	3	4	2	3	3	3	1	3	3	3,00	
Legal Research and Writing	3	3	3	3	3	5	5	3	2	2	2	4	3	5	2	3	3	3,18	
Introduction to IP	1	3	2	2	3	5	1	3	3	n	2	2	4	3	1	2	3	2,50	
Introduction to Economics	3	5	5	4	n	1	5	5	2	4	4	5	4	5	1	4	4	3,81	
European and Intl. (WTO) Law	1	3	5	2	2	2	2	3	4	3	3	2	3	2	2	3	3	2,65	
European and US Competition Law	2	3	4	3	3	3	2	3	2	3	3	3	3	3	2	3	2	2,76	
European Copyright Law	3	2	3	3	3	3	3	3	4	2	3	3	3	3	3	3	3	2,94	
European Patent Law	3	2	3	3	3	3	3	3	2	2	3	3	3	3	3	3	3	2,82	
European, US and Intl. Trademark Law	3	3	3	2	3	3	3	3	n	3	3	3	3	2	2	2	2	2,69	
European, US and Intl. Design Law	3	3	3	4	2	5	3	3	1	4	3	3	3	3	3	4	3	3,12	
Intl. and Comparative Patent Law	3	3	4	4	3	3	3	3	3	3	3	3	3	4	4	2	3	3,18	
Intl. and Comparative Copyright Law	3	3	3	3	3	3	3	3	1	3	3	3	2	3	3	2	3	2,76	
Jurisdiction and Conflict of Laws	3	3	3	3	3	2	3	3	1	3	3	3	4	4	4	2	2	2,88	
Licensing of IP Rights	3	3	3	2	1	2	3	3	4	4	2	2	4	2	1	2	2	2,53	
Unfair Competition I	3	3	3	3	3	2	3	3	1	3	3	3	3	3	2	3	3	2,76	
Unfair Competition II	3	3	4	3	3	3	3	3	4	4	3	3	3	3	1	4	3	3,12	
Arbitration	3	3	3	3	2	5	4	n	1	n	3	3	3	4	3	2	2	2,93	
Computers and the Law	2	4	3	3	n	3	3	5	1	4	3	3	2	4	4	4	2	3,13	
Cross-Border Trade in IP	3	3	4	3	2	3	3	3	n	4	3	n	n	n	n	n	n	3,10	
Enforcement of Copyright Issues	2	n	3	3	n	3	2	n	3	n	2	n	n	4	2	2	4	2,73	
Entertainment Law	2	3	3	3	n	5	3	n	3	n	3	n	2	3	3	3	3	3,00	
Entrepreneurship	n	n	n	3	3	2	n	3	3	3	n	3	3	n	n	n	n	2,88	
Industrial Organization	n	n	n	n	3	2	n	5	3	2	n	n	n	n	n	n	n	3,00	
Innovation Policy	n	3	4	n	3	2	n	3	3	3	n	3	n	5	n	3	n	3,20	
Intangible Assets	n	n	n	n	3	1	n	3	n	3	n	n	3	4	n	n	3	2,86	
Internet Law I	3	3	3	3	n	2	3	n	4	3	4	3	3	n	4	n	n	3,17	
Internet Law II	3	3	3	3	n	3	3	n	3	3	n	n	n	n	4	n	n	3,11	
IP and Indigenous Heritage	3	3	4	n	3	5	n	n	4	n	n	n	n	4	4	3	3	3,60	
IP Project Management	4	5	n	n	3	2	n	3	4	2	3	n	n	3	3	n	3	3,18	
IP Prosecution and Enforcement	3	3	3	3	3	3	3	3	1	n	n	3	3	4	4	3	3	3,00	
Managerial Finance	n	n	n	4	3	2	n	3	3	3	n	n	4	n	4	4	n	3,33	
Practical Training in European Patent Law	n	n	3	n	n	2	2	3	4	2	3	n	2	n	n	3	3	2,70	
Practical Training in Trademark Law	3	n	2	2	3	3	2	3	1	3	3	2	2	2	2	3	2	2,38	
Privacy, Publicity and Personality	3	3	3	3	n	5	3	n	5	n	3	3	n	3	3	3	3	3,31	
Protection of Databases, Plant Varieties and Semi-Conductors	n	n	n	4	3	3	3	5	5	3	3	n	n	n	n	n	n	3,63	
Start-up Companies and IP	2	n	n	n	n	2	n	3	5	2	3	3	4	n	n	n	n	3,00	
Taxation of IP	3	n	n	3	4	5	3	n	5	3	4	3	4	3	3	3	3	3,50	

I agree (1) - I disagree (6)

Increase (1) - Decrease (5)

	Student 1	Student 2	Student 3	Student 4	Student 5	Student 6	Student 7	Student 8	Student 9	Student 10	Student 11	Student 12	Student 13	Student 14	Student 15	Student 16	Student 17	Average
Technical Protection of Author's Rights	2	n	3	n	n	3	n	5	5	n	n	3	n	3	3	n	n	3,38
Theoretical Foundations of IP Rights	3	3	n	n	3	3	n	n	5	n	n	n	n	4	n	n	n	3,50
Study Visit Washington, D.C.	2	n	n	n	3	5	n	n	1	n	3	n	n	n	3	n	n	2,83

n: no participation

**II. Mentoring and Support**

1. I was very content with the mentoring provided by the lecturers during the																		
a) courses	2	2	1	4	2	3	3	2	5	1	2	1	1	2	3	2	2	2,24
b) exams	5	2	1	4	2	5	3	2	4	1	4	1	2	2	4	5	2	2,88
c) Master's Thesis	1	2	1	4	3	3	4	4	6	3	1	1	3	4	1	6	1	2,82
2. I was very content with the tutors'																		
a) educational support provided	3	3	1	3	2	5	3	2	1	1	2	3	2	2	1	1	2	2,18
b) individual support provided	4	3	1	3	2	3	1	2	3	1	3	1	2	3	1	1	2	2,12
3. I was very content with the support given by the MIPLC team (Program Director, Administrative Directors, Administrative Assistant).																		
	2	1	1	3	2	3	1	2	4	1	2	1	1	2	1	2	1	1,76

**III. Equipment**

1. The library of the Max Planck Institute has been an extremely valuable resource.	1	1	1	1	3	1	1	1	1	3	2	2	2	1	1	2	1	1,47
2. The library of the MIPLC has been an extremely valuable resource.	1	1	1	2	3	1	1	1	1	3	4	3	2	3	1	2	2	1,88
3. The classrooms and the students' personal study areas are very well equipped.	1	1	1	1	2	2	1	1	1	1	2	1	1	2	1	3	1	1,35

**IV. Assessment of Perspectives after the Program**

1. The LL.M. IP program has given me an excellent knowledge of Intellectual Property and Competition Law.	1	1	1	2	2	1	1	1	3	2	2	1	1	2	1	2	1	1,47
2. The program is a very good preparation for a demanding position.	1	1	1	3	2	2	1	1	1	3	2	1	1	2	1	2	1	1,53
3. The LL.M. IP degree opens up very attractive career perspectives.	1	1	2	3	2	3	2	1	1	2	2	1	2	3	1	2	1	1,76

**V. Overall Impression**

Altogether I am satisfied with the LL.M. IP Program in its present form.	1	1	2	3	2	2	2	1	2	1	2	1	1	2	1	2	1	1,59
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I agree (1) - I disagree (6)

## Appendix 9: Members of the MIPLC Boards

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Competition and Tax Law

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**From left:** Prof. Christoph Ann (TUM), Prof. Thomas M.J. Möllers (UA), Prof. Joseph Straus (MPI), Prof. Robert Brauneis (GWU), Members of the Managing Board; Prof. Michael Kort (UA), Member of the Study and Examination Board and the Scientific Advisory Board.

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