

MIPLC

Munich
Intellectual
Property
Law Center

Augsburg
München
Washington DC



Annual Report
Academic Year

11 12





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The MIPLC Managing Board

Prof. Josef Drexl
Chair Managing Board,
Chair Study and
Examination Board



Prof. Christoph Ann
Managing Board, Study
and Examination Board



As the University of Augsburg's representative on the MIPLC Managing Board, it gives me immense pleasure to see the MIPLC, one of the University of Augsburg's most successful cooperation projects, continue to thrive.

The academic year 2011/12, which is covered by the present report, was unique in its own right. The class was smaller than in previous years, holding 25 students from 17 countries, but no less academically ambitious than its predecessors. In fact, it continued the tradition of academic excellence and achieved the same high grade-point average for Master's theses as the previous class – which had been the highest to date. This is a testament to the high level of motivation among the students the MIPLC continues to attract.

In February 2012, we hosted an EIPIN conference for the second time after 2010. This time, we secured the kind cooperation of the European Patent Office and were thus able to welcome the 40 participants, plus doctoral candidates, team supervisors, and speakers, to the EPO's newly-renovated main campus close to the river Isar. As outside temperatures dropped to -14 °C (7 °F), the indoor discussions heated up over "Imitation as Innovation." They were continued in London in April 2012 where the conference topic was "Intellectual Property and Imitation." With the other EIPIN partners, we were also

very glad to welcome the University of Maastricht's Intellectual Property Law and Knowledge Management program as the fifth EIPIN member. We look forward to travelling to the Netherlands in early 2013 to attend the first EIPIN conference in Maastricht.

2012 also saw the launch of the MIPLC Alumni Network, which is managed by the MIPLC administration. With the support of the Alumni Advisory Board, a new body securing the continuing communication between MIPLC and its growing body of alumni, we have implemented a variety of activities, such as dedicated intranet space, a contacts database to facilitate networking across classes, and social get-togethers in Munich and abroad on the occasion of IP conferences. The first Alumni Conference – certainly a highlight as well as an experience to be continued in future years – successfully took place in November 2012 and will be discussed in detail in the Annual Report 2012/13.

Outside of the LL.M. program, MIPLC was recruited by the US Federal Circuit Bar Association to help organize the first Global IP Fellows program, a transatlantic training and exchange scheme for US and German patent professionals. The first part took place in Washington, DC, in September 2012. MIPLC is looking forward to welcoming the participants to Munich for the German session in March 2013.

Prof. Robert Brauneis
Managing Board, Study
and Examination Board



Prof. Michael Kort
Managing Board, Study
and Examination Board

Also in 2011/12, the MIPLC for the first time welcomed two students from Kenya and the Philippines supported by the DAAD's scholarship program "Postgraduate Courses for Professionals with Relevance to Developing Countries."

The novelty should not obscure the continuity. In 2011/12, MIPLC graduated its ninth class of IP experts, produced excellent research, and implemented the SIPO IP Training Program for the fifth time. By the time this report is published, our tenth class will be well on its way towards graduation, completing the first decade of postgraduate IP education at MIPLC.

Personally as well as academically, I look forward to working with my colleagues on the Managing Board to guide the MIPLC along a path of success.

*Professor Michael Kort
Member of the
MIPLC Managing Board*



Prof. Thomas M.J. Möllers
Study and Examination
Board, Scientific
Advisory Board

1

Organizational and Personal Developments



Seth I. Ericsson
Program Director



Dr. Gintarė Surblytė
Program Director

Margit Hinkel
Administrative Director



1.1. Awards and Nominations

Faculty

Professor Ulrich M. Gassner was appointed a member of Working Group 3 of the German Federal Government's National Strategy Process "Innovations in Medical Technology."

Dr. Henning Große Ruse – Khan was nominated as an Associate Fellow at the Centre for International Sustainable Development Law (CISDL).

Professor Annette Kur was awarded a 'doctor philosophiae honoris causa' by the University of Stockholm in September 2012.

Professor Thomas M.J. Möllers was appointed a permanent visiting professor at the China University of Political Sciences and Law (CUPL) in Beijing, China, in October 2011. In September 2012 he was appointed a member of the Academia Europaea, section law.

Dr. Rupprecht Podszun successfully completed his "Habilitation" at LMU Munich, thus achieving his official German lecturer qualification for civil law, Ger-



Julia Pracht
Administrative Director



Dagmar Klein
Administrative Assistant



Anne Reichenberger
Outgoing Secretary



Ulrike Stubenvoll
Secretary as of
08/2012

man and European commercial law, law of civil procedure, intellectual property and copyright law, as well as legal theory. He was appointed to substitute the chair previously held by Professor Ohly at the University of Bayreuth.

Professor Arti Rai won the World Technology Award in the Law category in October 2011. Professor Dan Burk was a finalist in the same category.

Staff

Dr. Gintarė Surblytė's Ph.D. thesis graded "summa cum laude" was awarded the "Fakultätspreis" by the Faculty of Law of Ludwig Maximilians University, Munich. Her thesis was also nominated for the Concurrences 2012 Ph.D. award.

1.2. Staff

In August 2012, Ulrike Stubenvoll joined the MIPLC as secretary, replacing Anne Reichenberger.

The MIPLC thanks Ms. Reichenberger for her valuable support.

2. Cooperation with Other IP Institutions

Ever since its foundation, the MIPLC has worked to establish close cooperation with a variety of partners from all over the world. In the period covered by this report, the MIPLC continued to work with existing partners. Synoptic summaries of events during the academic year are presented below. A list of all partner institutions is available on the opposite page.

2.2. Supreme Court of Japan

Judge Junko Ohkawa participated in the MIPLC's LL.M. program in the year 2011/12.

2.3. State Intellectual Property Office of the People's Republic of China (SIPO)

For the fifth time, SIPO sent a group of IP officials to Munich for a two-week training program. A detailed account of this program is provided in section 3.2.

2.4. Hongik University

Program Director Seth Ericsson participated in Hongik University's Intellectual Property Human Capital Development Conference, speaking on "Educating IP Specialists: An International Approach." In addition, he held a lecture at Hongik University Graduate School on "Global Battle over Intellectual Property Rights, Current Status of Apple v. Samsung Litigation in Germany."

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

2.1. European Intellectual Property Institutes Network (EIPIN)

As in previous years, the members of the European Intellectual Property Institutes Network (EIPIN) cooperated closely in the framework of the 13th EIPIN Congress (see sections 3.1. and 4.7.). The EIPIN Congress also included an EIPIN Doctoral Meeting (see section 5.2.). During the second session, the partners were glad to finalize negotiations with the University of Maastricht, which will join EIPIN as of the coming academic year 2012/13.

In January 2012, the EIPIN website was relaunched with a new design and updated content (www.eipin.org).



Judge Mazakazu Kamakura, Chief of the Liaison Office of the Supreme Court of Japan, with Judge Junko Ohkawa, MIPLC student, and MIPLC Program Director Dr. Gintarė Surblytė during his visit to Munich

Cooperating Partner(s)	Objective(s)	Established in
European Patent Office/ European Patent Academy www.miplc.de/cooperations/european-patent-office/; www.epo.org/about-us/office/academy.html	Research, education	2003
German Federal Patent Court www.miplc.de/cooperations/bpatg/; www.bpatg.de/index.html	Education (internship)	2003
European Intellectual Property Institutes Network (EIPIN) www.miplc.de/cooperations/eipin/; www.eipin.org/; <ul style="list-style-type: none"> ■ Queen Mary Intellectual Property Research Institute (QMIPRI, University of London) ■ Magister Lucentinus (Universidad Alicante) ■ Centre d'Etudes Internationales de la Propriété Industrielle (CEIPI, Université Robert Schuman, Strasbourg) ■ Intellectual Property and Knowledge Management (IPKM, University of Maastricht) 	Education (EIPIN Congress), research (EIPIN Doctoral Meetings), career development, networking	2004
EC-ASEAN Intellectual Property Rights Cooperation Program (ECAP II) www.miplc.de/cooperations/ecap-ii/; www.ecap-project.org/	Education, networking, research	2004
Supreme Court of Japan www.miplc.de/cooperations/supreme-court-japan/; www.courts.go.jp/english/	Education	2004
University of South Africa, Department of Mercantile Law www.miplc.de/cooperations/unisa/; www.unisa.ac.za/default.asp?Cmd=ViewContent&ContentID=211	Research	2004
WIPO Worldwide Academy www.miplc.de/cooperations/wipo-academy/; www.wipo.int/academy/en/	Research, education (internship)	2006
Chungnam National University of Korea www.miplc.de/cooperations/chungnam/; plus.cnu.ac.kr/eng/sub0407.jsp	Research, education	2006
NALSAR University of Law www.miplc.de/cooperations/nalsar/; www.nalsarlawuniv.ac.in/	Research, education	2006
State Intellectual Property Office of the People's Republic of China (SIPO) www.miplc.de/cooperations/sipo/; www.sipo.gov.cn/sipo_English/	Research, education	2007
Korea Institute for Intellectual Property (KIIP) www.miplc.de/cooperations/kiip/; www.kiip.re.kr/eng/	Research	2007
Dottorato di Ricerca in Diritto Commerciale, Università degli Studi di Catania www.miplc.de/cooperations/uni-catania/; www.lex.unict.it/dottorato/dirittocommerciale/	Research, education	2007
Institute of Intellectual Property (IIP) of Japan www.miplc.de/cooperations/iip-japan/; www.iip.or.jp/e/	Research	2007
Center for Studies of IPR of Zhongnan University of Economics and Law, China www.iprcn.com/en/AboutUs_Center.aspx	Research, education	2008
International Max Planck Research School Competition and Innovation (IMPRS-CI) www.miplc.de/cooperations/imprs-ci/; www.ip.mpg.de/go/imprs-ci/	Education	2009
Chungnam National University Law School, Korea plus.cnu.ac.kr/english/M02/sub_0226.jsp	Research, education	2009
National Institute of Industrial Property, Brazil www.inpi.gov.br/	Research, education	2010
Hongik University, Korea www.hongik.ac.kr/english_neo/	Research, education	2010

3

Conferences and Training Activities

Professor Drexl opens
the conference



The Munich session of the 13th EIPIN Congress was held in the European Patent Office

3.1. EIPIN Conference “Imitation as Innovation”

The first of two conferences comprising the 13th EIPIN Congress was held in Munich at the central headquarters of the European Patent Office from January 31 through February 2, 2012. This year, as in years past, the EIPIN Congress hosts, MIPLC and QMIPRI, did their best to organize the individual conferences around a central theme. At a preliminary meeting in the spring of 2011 the topic of Imitation as Innovation was suggested by Professor Guido Westkamp of QMIPRI, readily agreed to by MIPLC and collaboratively developed by both institutions. The title of the conference was not intended as an “anti-IP” statement. Rather, the organizers viewed it as asking an unconventional question which would hopefully promote a more sophisticated and differentiated debate, cause those in attendance to revisit their way of thinking about IP and improve policy making.

As hosts of the first conference, MIPLC thought it prudent to introduce the EIPIN conference participants to the concept of imitation in the field of economics before moving on to a more specific discussion of the role of imitation within the respective fields of intellectual



property. As such, the conference was divided into three modules: Module I: Economic and Legal Framework of Imitation and Innovation; Module II: Imitation as Innovation within Individual IP Systems; and Module III: International Perspectives on Imitation as Innovation.

As the title for Module I suggests, the Munich conference did not begin with a presentation from a legal scholar. Instead, it kicked off with Thoughts on Imitation from the Field of Innovation Economics, a fascinating talk by Professor Joachim Henkel (TUM), an expert in technology and innovation management. In his presentation Professor Henkel posited a series of questions all concerned with “what drives innovation” and whether “imitation is ‘good’ or ‘bad’ for innovation.” His thought-provoking discourse succeeded in familiarizing the participants with the overall topic of the conference while reminding everyone in attendance that imitation is not necessarily bad for innovation.

As the second speaker in Module I, MIPLC’s own Professor Josef Drexl continued in the vein of Professor Henkel by asking two very general questions. First, does exclusivity always promote innovation? And, second, does imitation always reduce incentives to innovate? He analyzed these questions through the use of three paradigms: (1) The Innovation Paradigm; (2) The Incentive Paradigm; and (3) The Imitation v. Innovation Paradigm. His in-depth analysis led participants to the conclusion that “Imitators are innovators and imitation is part of the innovation process.”

Words of welcome from Wim Van der Eijk, Vice President Appeals, DG 3, EPO





EPO's impressive conference venue

Professor Drexl and Professor Desantes, speaker and chair respectively, for the talk on "Do We Always Favor Dynamic Competition over Static Price Competition When Excluding Imitation?"



The task of transitioning the conference discussion from innovation economics and competition law analysis to the more confined world of intellectual property law fell into the very capable hands of Professor Annette Kur (MPI), whose knack for insightful research spanning all areas of intellectual property made her the perfect person for the task. Professor Kur's Comparative Look at the Treatment of Imitation Across IP examined the underlying rationale of protection and the differing treatment of imitation within the fields of Trademark Law, Copyright Law and Patent Law.

The second day of the conference was dedicated to analyzing the role of imitation within the various fields of intellectual property. The day began with a presentation by Professor Katherine Strandberg (NYU) on Alternative Innovation Paradigms: Implications for Patent Doctrine. Professor Strandberg focused her talk on User Innovation as just one example of an alternative innovation paradigm. She also highlighted the fact that there are alternative means of regulating innovation in addition to IP by calling attention to the fact that innovation often takes place within groups governed by social norms or other institutions capable of governance, e.g. the software programmer community. As a thought-experiment, Professor Strandberg proposed discussion/ development of a "patent fair use" to allow for increased user innovation within or as a compliment to the patent system.

MIPLC Managing Board member Professor Christoph Ann (TUM) then gave a talk entitled Rushing to the Shadows: How Imitators are Chasing Bavarian SMEs from Patents to Trade Secret Protection. As the title suggests, Professor Ann employed a regional example to demonstrate how the patent system's inability to provide adequate protection from imitation has led small and medium-sized enterprises within Bavaria to choose trade secrecy over patent protection in order to avoid the disclosure requirements and high costs of the patent system.

Professor P. Bernd Hugenholtz (University of Amsterdam) transitioned the discussion from Patents and Trade Secrecy to the realm of Copyright with his

Team Advisor Magdalena Kolasa (class of 2010/11) engaging in the discussion



3.

Conferences and Training Activities

presentation *Plagiarism v. Copyright: The Rise of Rights in Reputation*. In his talk Professor Hugenholtz analyzed the diverging moral attitude with regard to plagiarism as opposed to copyright concluding that society is beginning to respect reputational interests more than proprietary ones. In this context, an exclusive copyright may become less relevant and a moral right of attribution may become more important.

limited social purpose upon which their scope of protection must be based.

As the last speaker in Module II, Professor Barton Beebe (NYU) presented on *Luxury, Imitation and Innovation*. He questioned: (1) whether apparel fashion design protection promotes innovation in fashion design; (2) whether fashion design is characterized by innovation; and, (3) whether the stability of the fashion system is something we should seek to



The participants of the Munich EIPIN conference

Professor Ansgar Ohly (University of Bayreuth) followed with a talk on *Trademarks and Innovation: Two Different Worlds?* After first explaining that the underlying rationale of trademark protection is not incentive-based, but rather market transparency-oriented, he convincingly argued that trademarks are nonetheless essential to innovation. He explained that without protected channels of communication the marketing of innovative products and services would not function properly. At the same time, he cautioned that trademark protection is not absolute and that trademarks serve a

promote. Professor Beebe's talk, one of many highlights, served as the perfect book-end to an intellectually challenging day. The third and final day of the conference was dedicated to *International Perspectives on Imitation as Innovation*. Former MIPLC Program Director Professor Nari Lee (Hanken School of Economics) started the day with a talk on *Imitation and Innovation in Patent Law in the Context of International Trade*. Within the framework of her presentation she discussed imitation as innovation in the patent system as well as innovative imitation in international trade.

The EIPIN Conferences are a unique opportunity to meet our peers from other IP LL.M. programs throughout Europe. They are student-driven, and definitely focus on providing a meaningful experience to participating students. There is a real network being forged through EIPIN, one that will prove to be quite valuable. Meeting bright and ambitious young professionals from diverse cultural and educational backgrounds was very rewarding.

While the team report was a challenging exercise in collaboration, it proved to be a valuable experience that also provides a good opportunity for publication. In addition, the authors of the report deemed to be the best were invited to the first round of the 2013 EIPIN Congress. What a privilege it will be for me to present our findings with my peers, and get to meet a new year of EIPIN delegates!

Of course, the conferences also give ample time for socializing and seeing the sights of the host city. While we played host in Munich (with Professor Drexl, Seth, Caspar and me wearing our Lederhosen!), our time in London was really amazing, with a beautiful venue and great activities planned around the conference.

*Paul Gagnon,
Canada*



Dr. Henning Große Ruse – Khan (MPI) was the last speaker of the conference. In his talk Innovation and Imitation in International IP Law: Between Harmonization and Flexibility he described how, prior to the multilateral IP treaties, countries used the domestic IP system to boost local industries – even if this entailed discrimination and/ or weak IP protection.

However, the international IP system has established a system of national treatment and minimum standards with which countries must comply; thereby diminishing the policy space to allow for imitation and copying. The question remains whether the welfare gains for IP exporting countries outweigh the welfare losses in countries which are now prevented from imitation.

The 13th EIPIN Congress proceedings will be published as one volume with Edward Elgar Publishing, UK. The book will be the third volume for the EIPIN Series of Edward Elgar.

Seth Ericsson

*Dear Professor Drexl,
All the Queen Mary law students would like to thank you very much for your warm welcome in Munich. We sincerely want to extend our gratitude to all the MIPLC members for organising such constructive conferences and giving us the opportunity to link up.*

We very much look forward to seeing all of the EIPIN members at QMIPRI in April, when the sun is shining.



3

Conferences and Training Activities

Professor Drexl hands the Certificate of Participation to Mr. Liao

3.2. MIPLC-SIPO IP Training Program

The fifth annual training programs organized for the State Intellectual Property Office of the People's Republic of China (SIPO) took place from September 3 to 13, 2012. This fifth group of 23 participants from all over China was led by Mr. Liao Bin, Director-General of the Intellectual Property Office of Ningxia Hui Autonomous Region. For Mr. Liao, it was the second visit to MIPLC, as he had already led the training group in 2009.



Dr. Spieker in conversation with Mr. Liao and Mr. Li Tianchuan

As in previous years, the specialized training program focused on “IP Strategy and Enforcement,” but with a stronger focus on practitioners than academics. Lecturers included Professor Christoph Ann, Dr. Richard Dissmann, Dr. Bernhard Hertel, Dr. Bertram Huber, Dr. Alexander Klett, Claudia Naimi, Wolrad Prinz zu Waldeck, Dr. Claudia Tapia Garcia, Dr. Boris Uphoff, and Dr. Axel Walz. They covered a wide variety of topics including licensing, patenting strategies, technology transfer, border enforcement, or IP protection at trade fairs, among others.

The classroom sessions were complemented by an external full-day visit to BMW AG. In the morning, the group enjoyed a visit of the BMW Welt and a guided tour of the production facilities. In the afternoon, Dr. Torsten Dilly, Legal Counsel, and Stefanie Jenauth, design paralegal, brought design enforcement to life in a highly interesting and practice-focused presentation on BMW's perspective of design enforcement.

At the German Patent and Trademark Office, the group was welcomed by Herbert Krüger, Head of Legal Division, International Relations. Britta Georgian, the Deputy Head of the International Industrial Property Section, gave an overview of the duties and organization of the Office. Afterwards, patent examiner Dr. Reiner Spieker discussed the patent examination process at the DPMA with



On the rooftop terrace of the German Patent and Trademark Office

many useful hints for potential filers. Having survived the ride in the paternoster elevator to the rooftop terrace, the group enjoyed the views of Munich, followed by lunch in the DPMA cafeteria.

During the visit to the German Patent Attorneys' Chamber, Holger Geitz, a member of the Chamber's Board, and deputy managing director Susanne Wagner discussed the duties and training of a German patent attorney. Lively discussions ensued concerning the details of patent attorney training and organizational requirements for patent law firms.

As every year, the group visited the European Patent Office, where Marianna Moglia, Project Administrator China and Korea in the Directorate for International Cooperation, gave a detailed and insightful presentation about the EPO and the European Patent System. Carlo Pandolfi, Director, D503 Application Management DG5, focused on the China cooperation by discussing activities and achievements of the EU China IPR2 Project in the Chinese provinces, followed by a presentation on the European patent examination and granting procedure by Michel Goudelis, Director D2412 Joint Cluster Telecommunications.

Both the delegation members and the MIPLC staff were very pleased with the success of the training program. Both sides were happy to express a strong interest in a continuation of this cooperation with additional training programs envisaged for the coming years.



Consul-General Wang with Professor Drexl and Seth Ericsson

The SIPO participants with Consul-General Wang, Professor Drexl and Seth Ericsson



3. Conferences and Training Activities



In his chambers, Chief Judge Randall R. Rader explained the CAFC's role in the patent system

Discussing strengths and weaknesses of the US patent system from the standpoint of sophisticated users



3.3. Global IP Fellows Program

The Global IP Fellows Program (GIPF) is a transatlantic initiative launched by the Federal Circuit Bar Association. By bringing together a select group of US and German practitioners, it aims to help bridge the gap of understanding between the US and Germany when it comes to different approaches and perspectives in patent litigation. The program comprises two sessions at which the participants meet in Washington and Munich.

In September 2012, the participants convened in Washington, DC, to complete a busy four-day schedule structured to cover the executive, judicial, and legislative branches of the US government and their relation to the patent system, as well as the users' perspective. A variety of meetings at the USPTO, the Court of Appeals for the Federal Circuit, the US Supreme Court, and the House of Representatives provided insights into the administrative structure and processes of these bodies as they relate to IP. In addition, the participants discussed a fictitious case study to explore the variations in their respective approaches.

MIPLC looks forward to helping organize the German session of this program in March 2013.



Dana Colarulli, Director of the Office of Government Affairs, discussed the role of the USPTO in the legislative process

The program participants at the US Supreme Court, with the US Capitol in the background



4

The LL.M. Program Academic Year 2011/12

MIPLC has provided me the best opportunities, bar none. I knew I wanted to learn more about IP, and explore all of its relevant fields. Adding competition law is a natural extension of this. I applied and was accepted to many prestigious LLM programs in the United States, offers that I considered seriously. But in the end, for return on investment, you cannot compare sitting in a small group with top professors to sitting in auditoriums with hundreds of students. The networking opportunities are second to none, and I fully took advantage of all the particular programs and conferences offered. In turn, I met many dedicated professionals, both as colleagues and as professors with whom I know I will keep in touch.

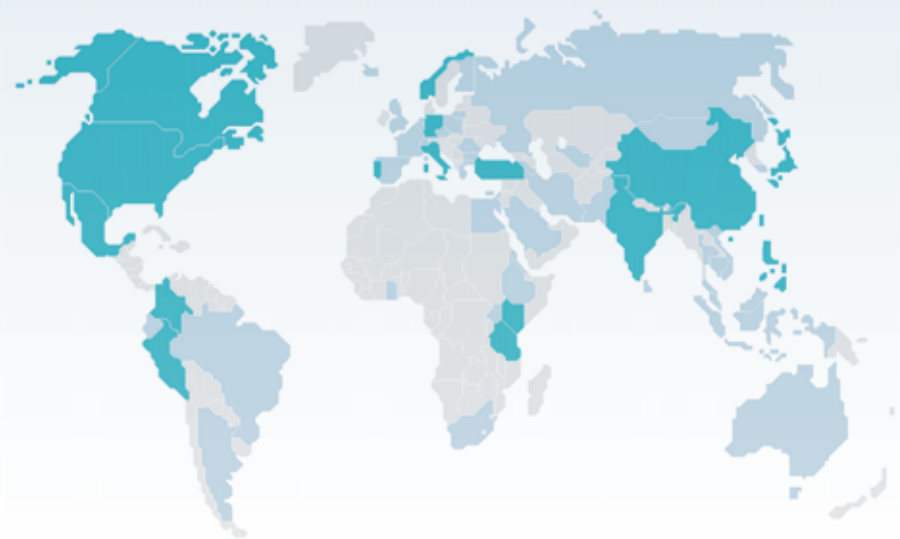
*Paul Gagnon,
Canada*



4.1. Students

The MIPLC Class of 2011/12 comprised 25 students from 17 countries: Canada, China (3), Colombia, Germany, India (3), Italy, Japan (4), Kenya, Mexico, Norway, Peru, Philippines, Portugal, Taiwan, Tanzania, Turkey, USA.

Of these 25 students, 17 held a prior law degree. Six of the remaining students came from an engineering or scientific background, one had a journalism degree, and one had graduated in Political Sciences and International Relations.



The map shows, in dark blue, the countries of origin of the 2011/12 class. Countries from which past students hailed are highlighted in light blue.

4.2. Summary of Events

October
2011

04	Welcome Day
05	Start of winter term
26	Study visit to the EPO
27	City tour

December

09	Oral proceeding before EPO Board of Appeals
15	MIPLC Christmas Get-Together
20	Christmas reception at MPI

February
2012

02	EIPIN Doctoral Meeting in Munich (5.4.)
03–05	EIPIN Conference in Munich (3.1; 4.7.)
27	Start of spring break, optional internships (4.6.)

April

02	Start of summer term
20–22	EIPIN Conference in London (4.7.)

May

07	Alumni Get-Together and GW Law Reception in the context of the INTA Annual Meeting in Washington, DC (4.15.)
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July

02–27	The George Washington University IP Summer Program (4.9.)
27	End of summer term
30	End-of-Year Excursion (4.11.)

November

16	Graduation Ceremony (4.12.)
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Students' Voices:

*Excellent LL.M. program.
It is clear that this is a unique program
and it has no competition at all.
I end the program being very proud
of becoming part of the MIPLC alumni.*

(From the Program Evaluation)

Faculty Portrait

Dr. Dev Gangjee



Dr. Dev Gangjee is a graduate of the National Law School of India (BA, LLB) and the University of Oxford (BCL, DPhil), where he was a Rhodes Scholar. He joined the London School of Economics in 2005, with a primary research interest in Intellectual Property (IP). He is a qualified advocate and Member of the Calcutta High Court Bar. Dr. Gangjee has previously

been an Invited Researcher at the Institute of IP, Tokyo (2005) and continues as a Research Fellow of the Oxford IP Research Centre as well as being a Research Affiliate with IP Osgoode. He has consulted as an expert for the European Commission on Geographical Indications (GIs) and presented his research at the WTO, while also consulting for WIPO on trade mark law research.

Dr. Gangjee's research focuses broadly on Intellectual Property, but with a special emphasis on property interests in signs and the legal regulation of communication. This includes Trade Marks, Geographical Indications, Publicity Rights and Domain Names. He's presented research on GIs in Japan, the UK, the US, Italy and India and has published a monograph (Relocating the Law of Geographical Indications, Cambridge University Press 2012), while also editing a volume on this subject. Additional research interests include the political economy of IP, collective innovation, IP and development and the protection of Traditional Knowledge.

Dr. Gangjee first taught at MIPLC in 2010. His course "Protection of Geographical Indications" consistently receives top ratings from students and even inspired one student to change the topic of her Master's thesis.

4

The LL.M. Program Academic Year 2011/12

Faculty Portrait

Professor Margo A. Bagley



Professor Margo A. Bagley has been a professor of law at the University of Virginia since 2006, where she teaches courses on patent law, international and comparative patent law, intellectual property, and property. After receiving a Bachelor of Science degree in chemical engineering from the University of Wisconsin-Madison, she worked in products research

and development with the Procter & Gamble Company, where she was named Product Development Excellence “Rookie of the Year” and was co-inventor on a US patent for improved peanut butter. Later, she worked as a senior research analyst for the Coca-Cola Company. Through her corporate experience, Professor Bagley developed an interest in the law of intellectual property.

Professor Bagley received her J.D. in 1996 from Emory, where she was a Robert W. Woodruff Fellow, an editor of the Emory Law Journal and was elected to Order of the Coif. She is a member of the Georgia bar and is licensed to practice before the US Patent and Trademark Office. Bagley worked as an associate with Smith, Gambrell & Russell and Finnegan, Henderson, Farabow, Garrett & Dunner before becoming an assistant professor of law at Emory University in 1999. She was a visiting professor of law at Washington & Lee University School of Law in fall 2001 and at the University of Virginia School of Law in fall 2005. She has also taught international patent law and policy courses in Germany, China and Singapore.

Professor Bagley is a member of the board of directors of the Public Patent Foundation and also served on the National Academy of Sciences Committee on University Management of Intellectual Property: Lessons from a Generation of Experience, Research, and Dialogue.

Professor Bagley has taught patent law during the GW IP Summer Program in Munich and was a speaker at the MIPLC’s 2009 conference on “Patent Exhaustion, Repair and Reconstruction.” She joined the MIPLC faculty in the academic year 2011/12 to teach “Pharmaceuticals and IP” (with Professor Gassner and Dr. Hammann) and “Protection of Biotechnological Inventions” (with Professor Straus).

4.3. Curriculum

The list of courses offered in the academic year 2011/12 is available in Appendix 1.

There were no changes to the curriculum from the previous year.

4.4. Faculty

A list of all active MIPLC faculty members is available in Appendix 2.

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

Professor Margo A. Bagley, University of Virginia (Pharmaceuticals and IP; Protection of Biotechnological Inventions)

Bernard P. Codd, McDermott, Will & Emery LLP (IP Prosecution and Enforcement)

Dr. Christof Karl, Bardehle Pagenberg (Practical Training in European Patent Law)

Professor Marshall Leaffer, Indiana University (European, U.S. and International Design Law)

I had the remarkable opportunity of completing my internship with the IPT Group of DLA Piper’s Munich office, a highly intelligent, deeply compassionate, and profoundly committed team of lawyers. This gave me the chance to work with the DLA-specific tools and methodologies, enabling me to actively participate in the work and to play a (at least small) role in helping the team. I also felt entirely integrated with my colleagues, all of whom were extremely friendly and welcoming, making me feel part of the team. Even after the end of my internship, I was invited

to join a meeting, which also gave me the chance to meet colleagues from London. In sum, it was a very rewarding and, above all, very pleasant experience.

*Lígia Setúbal
Portugal*



What I especially liked about the program:

I liked the course content, and the freedom to choose the electives. The Basic Module is quite strong, such that the electives are really a way to further knowledge in specific areas.

(From the Program Evaluation)

4.5. Tutorials

The tutorial system used at the MIPLC is one of the core components of the LL.M. program and keeps receiving excellent ratings from students in the annual program evaluations.

In the academic year 2011/12, the system was modified to better reflect the realities of tutoring. As before, each student is assigned a tutor for the duration of their stay at MIPLC. Tutors generally look after two or three students per year and provide the tutorials for all the basic courses to their respective tutees. These basic-course tutorials can be taken individually or in group sessions with the tutor's other tutees.

Experience shows that students generally opt for group tutorials and greatly appreciate the synergies that develop when discussing course materials with colleagues from different countries and disciplines. Therefore, for elective-course tutorials, students are now "untied" from their regular tutor and co-tutees and are instead placed in groups of around six with fellow students who have chosen the same course. Tutors can sign up to teach tutorials for whose subject matter they are particularly qualified, e.g. because their Ph.D. topic is on a related issue.

Tutors 2011/12

Hyewon Ahn, MIPLC
 Marisa Aranda Sales, MIPLC
 Kan He, MIPLC
 Eugenio Hoss, MIPLC
 Andrea Hüllmandel*
 Daria Kim*
 Magdalena Kolasa, MIPLC
 Nishanta Sampath Punchi Hewage, MIPLC
 Markku Räsänen*
 Owais Hassan Shaikh, MPI
 Teresa Trallero Ocaña, MIPLC
 Tuire Väisänen*

MPI: Max Planck Institute for Intellectual Property and Competition Law

* MIPLC graduates, now working in Munich

4.6. Internships

The internship program, offered during the spring break, provides students with an opportunity to apply their newly-acquired skills and knowledge in a practical setting.

In the academic year 2011/12, students spent four weeks with the following internship sponsors:

Sponsor	Location	Student's Nationality(ies)
Allianz SE	Munich, Germany	Peruvian
Baker & McKenzie	Munich, Germany	Japanese
Bardehle Pagenberg	Munich, Germany	Chinese
Bird & Bird LLP (3 students)	Munich, Germany	Chinese, Kenyan, Mexican
Boehmert & Boehmert	Munich, Germany	US-American
DLA Piper UK LLP	Munich, Germany	Portuguese
Drinker Biddle Reath LLP	Washington, DC, USA	Indian
Freshfields Bruckhaus Deringer LLP	Munich, Germany	Indian
Hoffmann Eitle	Munich, Germany	Japanese
Intel GmbH	Dornach, Germany	Canadian
IP Watch	Geneva, Switzerland	Filipino
Müller Schupfner & Partner	Munich, Germany	Colombian
Sandoz International GmbH	Holzkirchen, Germany	Indian
Siemens AG	Munich, Germany	Taiwanese
Vossius & Partner	Munich, Germany	Chinese

4

The LL.M. Program Academic Year 2011/12

Faculty Portrait

P. Jay Hines



P. Jay Hines, a partner in the Washington, DC, office of Cantor Colburn LLP, joined the MIPLC faculty in the summer of 2005 during its second year of operations. This means he has been around longer than most MIPLC staff members!

Mr. Hines gained bar admission in the District of Columbia and the Federal Court of Appeals in 1981 (to which

he later added the U.S. Court of International Trade, the Commonwealth of Virginia, and the U.S. District Court, Eastern District of Virginia) and has been practicing in the IP field ever since. His MIPLC course “Practical Training in Trademark Law” (with Dr. Verena von Bomhard) allows students to benefit from his extensive experience in the area.

Mr. Hines served as Senior Attorney at the US Patent and Trademark Office from 1987 to 1992, after which he joined private practice. His practice emphases are trademark trial and appeal board proceedings, trademark and copyright portfolio management, trademark due diligence, and domain name arbitration. His expertise is widely recognized and he has been awarded the Bronze Medal Award for Special Work Project on Implementation of the Trademark Law Revision Act of 1988. Moreover, he was selected to serve as Private Sector Advisor to the US Delegation to the Diplomatic Conference on the conclusion of the Trademark Law Treaty (1996).

Outside the MIPLC classroom, Mr. Hines has been spotted at the MIPLC Alumni Get-Together at the INTA Annual Meeting and other events, where he is a welcome guest.



4.7. EIPIN Congress

Having just arrived at MIPLC from the furthest corners of the globe back in October 2011, our class received our first lecture, informing us on administrative matters as well as on EIPIN. After going through a tough application process to get into MIPLC in the first place, we were told that we could now apply again to attend the EIPIN congress. This congress would allow us to enter the world of IP networking in the form of two conferences, one in Munich and one in London. London for free, of course, so we all eagerly applied, once again, and ten of us were selected.

Luckily, the first conference was in Munich so all of us could attend the coldest event in the history of IP conferences. In fact, it was the coldest weekend in Munich of that already very cold winter 2012. On the Saturday everybody settled into the UN-format surroundings of the main room at the European Patent Office. Clearly, we needed the caretaker to crank up the heating! Especially our new friends from Strasbourg, Alicante and London were not used to these extreme temperatures although the Friday night excursion to the Hofbräuhaus had left most of us indifferent to the cold, thanks to the effects of Bavarian beer. One of our friends from London, obviously of English nature, was completely unmoved by the fact that he had lost his jacket in one of the many bars we had visited and that he would spend the weekend unprotected from the cold.



Once the “real” conference started I was quite impressed by how much information our lecturers had been able to convey to us in the previous three months. Clearly, we were not just able to follow the speakers with merely a basic level of understanding copyright, patent, trademark and competition law issues, but rather we grasped the complex questions many of the speakers posed, and the various approaches to answering these questions. Everybody was taken in by the down-to-earth approach of Professor Barton Beebe (New York University School of Law) on the topic of Luxury, Imitation and Innovation highlighting on trademark law, current consumer culture and social implications. Many speakers such as Professor Josef Drexler (MPI), Professor Bernt Hugenholtz (University of Amsterdam), Professor Ansgar Ohly (University of Bayreuth) and Dr. Henning Große Ruse – Khan (MPI) not only enabled listeners to

join discussions on their different solutions through their clear and succinct presentations but instigated a genuine interest in these IP topics because of the immediate and current implications these questions had on culture and economics. Saturday night was a feast of duck at the Wirtshaus in der Au after which our new friends from Spain, France and England enjoyed a good night out at the Muffathalle into the early morning hours.

Two months later, it was time to reconvene in London. Seth and Gintare managed to safely guide us through the London tube jungle to our surprisingly more than generous accommodation in the heart of London at Covent Garden. The first evening included a talented and funny magician during a quite formal dinner at the Law Society near the Inns of Court with the friends we had made in Munich. It was the perfect setting for any IP lawyer. During this second conference,

The second conference
took place at the Law
Society in London

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The LL.M. Program Academic Year 2011/12

Program Director Seth Ericsson announces the evening entertainment at the Hofbräuhaus in appropriate dress



steeply raised the bar in their line of questioning. Obviously, MIPLC had molded us into learned members of the IP community within half a year and it was time to celebrate this on a boat trip on the Thames along the scenery of the Houses of Parliament on Saturday evening. Poor Moses had to endure my alcohol-induced snoring and babbling most of Sunday early morning as a result of disco dancing at the Walkabout on the Embankment.

Presentations by Professor Jerome Reichman (Duke) on The US Fair Use Doctrine and Scientific Uses and by Professor K. N. Peifer (University of Cologne)

Welcoming Maastricht University, represented by Professor Kamperman Sanders, to EIPIN



it showed that we were much more settled in IP law. Many of us already had embarked on our LL.M. thesis, and thus questions and the discussions on the presentations became more informed and sometimes critical. There was a very funny incident after Professor Thomas Hoeren's (University of Muenster) philosophical elaborations on Imitation of Software Functionalities, where by his own admittance, he became very excited by one of my female fellow MIPLC student's critical question (sorry, no names!). We were all experts now and to mention just a few, Yuko, Moses, Paul and Patricia

on Mash Ups, Copyright and Personality Rights once again underlined the various challenges for an inherent development of intellectual property law's ideas and principles in balance to cultural, social and economic demands and current realities.

Meeting new friends and enjoying their company in an extraordinary environment was a large part of the EIPIN experience. In the end, it was the exceptional speakers and the joint discussion which allowed for an understanding of patent, copyright, trademark and competition rules far beyond the legal sphere.

Jan-Caspar Rebling

*What I consider
my most valuable experience at MIPLC:*

*Living, working and going to school
in a foreign country with classmates
from all over the world.*

(From the Program Evaluation)

It was interesting to see how many different angles and perspectives this year's congress theme "Imitation as Innovation" has. I learned so much thanks to the diversity of the EIPIN participants, whose views of the same legal issue usually vary by their home country. This was certainly a very good experience. In addition I got to meet many new people and to travel to London!

*Patricia Hernández Paredes
Colombia*



Thames river cruise



4

The LL.M. Program Academic Year 2011/12



The thesis was a challenging feat, to say the least. However, with my colleagues' emotional support (thanks guys!) and with my supervisor's guidance, it was completed within the deadlines, and is a final product I am extremely proud of!

*Paul Gagnon,
Canada*

Student's Perspective

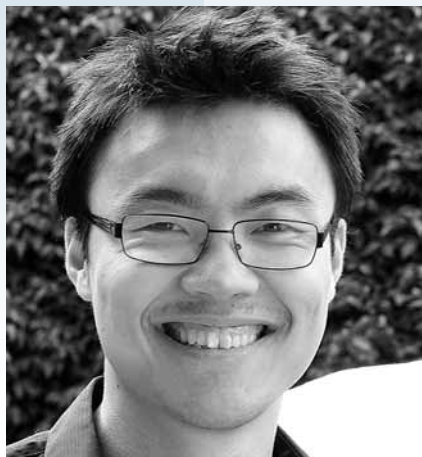
My thesis topic was "Traditional Herbal Medicine & IP: Status Quo of THM Protection and Future Possibilities with Emphasis on China." As tedious and exhausting as it might sound, the journey of writing this thesis was nothing less than remarkable, a highly precious memory of my academic experiences.

Writing a comprehensive and analytical thesis requires extensive amounts of reading, comparing, analyzing as well as critical thinking about relevant materials. Through this challenging process I was able to develop myself academically all-around, from simply accumulating knowledge to starting to criticize literature with my own conceptions. MIPLC has provided an excellent stage of communication for the students to efficiently exchange ideas with their corresponding thesis supervisors. This particular stage is not only beneficial in regard of writing a better thesis, but also crucial to the students in terms of learning more from their supervisors. Upon providing my thesis statement early during the program, I was quickly assigned to Dr. Hammann, a prestigious professor as well as a patent lawyer in the pharmaceutical industry (and one of the professors teaching 'Pharmaceuticals and IP'). The communication channel was soon established between us, thanks to the MIPLC administration. Through our conversations, I

learned one of the most important pieces of advice from Dr. Hammann regarding academic writing, that is, never simply depend on the superficial ideas shown by graphs and others' points of view, always have faith in your own beliefs, and dig deeper into those sources of information for discoveries of essential problems. Think big instead of "elaborating" quotes and citation texts.

I am truly thankful for receiving the help and education from both the MIPLC program and my supervisor. They have taught me something that is beyond the task of accomplishing a thesis: think confidently, and be academically as independent as possible.

*CAI Yuanzhen
China*



4.8. Master's Theses

Following the completion of their course work, all MIPLC students are required to submit a Master's thesis of about 55 to 75 pages. The preparation of this work of in-depth research is a central component of the LL.M. program that requires independent thinking and strong analytical and writing skills.

The students of the class of 2011/12 chose the topics indicated on the opposite page, which dealt with current issues in the fields of IP and/or competition law.

The average grade earned for the theses was 13 points on a scale from 0 to 18. Two theses even received top marks at 18 points. This highly satisfactory result (achieved for the second consecutive year) demonstrates once more the high academic standard of the theses submitted.

As in previous years, the MIPLC took part in the OHIM University Network. In this context, Jan-Caspar Rebling wrote his LL.M. thesis on a topic proposed by and with additional supervision provided by an OHIM staff member. Mr. Rebling also participated in the Network's Research Session in Alicante where he presented his thesis.

Name	Country of Origin	Topic of Master's Thesis
Anthony, Doreen	Tanzania	Challenges in the Administration and Enforcement of Copyright in Tanzania: A Comparative Analysis of Tanzania Mainland and Germany Copyright Laws
Berwal, Paramjeet Singh	India	An Analysis of Standards of Investment Protection for Intellectual Property in Case of the Australian Plain Packaging Legislation
Braaten Thoresen, Dag	Norway	Patent Claim Interpretation and Scope of Protection – A Norwegian Perspective with a Comparative View to Germany and the UK
Cai, Yuanzhen	China	Traditional Herbal Medicine and IP: Status Quo of THM Protection and Future Possibilities with Emphasis on China
Donghi, Monica	Italy	Patent Strategy in Pharmaceutical Industry: Are Additional Patents Valuable?
Estavillo, Maricel	Philippines	News Is Free, But How Free Should News Be Online?
Fei, Charleen	USA	Justice Delayed is Justice Denied? The Principle of Bifurcation in the German Patent Litigation System
Fernbach, Terrence	USA	“What is in a Name?” A Comparative Look at the ICANN Uniform Domain Name Dispute Resolution Policy and the United States Anti-Cybersquatting Consumer Protection Act
Gagnon, Paul	Canada	The Business Model of Patent Assertion Entities in IT: Unilateral Restraints of Competition or Business as Usual?
Goto, Miki	Japan	Aspects of Technological Problems and Related Issues in the Assessment of the Inventive Step Requirement in Japanese Jurisdiction
Han, Weiwei	China	Comparative Analysis of Patenting Biotechnology Inventions in the U.S., Europe, Japan and China
Hernández, Patricia	Colombia	A Coffee Strategy: Is There a Best Method for Protecting Developing Countries' Single-Origin Coffee? An Analysis in the Light of “Café de Colombia”
Huang, Ruowei	China	Market Definition of Search Engine
Irinoda, Yasuhiko	Japan	Protection of Licensees to Licensor's Insolvency – The Latest Amendment of the Japanese Patent Act, Especially Concerning the Amended Article 99
Joshi, Anupama	India	India as a Potential Generic Medicines Production Site
Lin, Yu-Jung	Taiwan	Channels for International Technology Transfer in the TRIPS Age: For the Least Developed Countries
Matsuya, Yuko	Japan	Legal Protection of Software – Copyright, Patent and Open Source – Challenges for Business in a Mixed Environment
Muchiri, Moses	Kenya	Business Method Patents Revisited: Recent Developments in the Protection of Computer Implemented Business Methods in the U.S. – Between the Promotion of Innovation and Protection of Investments?
Ohkawa, Junko	Japan	Comparative Analysis of the Patent Litigation System of Each Country
Rebling, Caspar	Germany	What Is the Evidential Standard for Proving Detriment and/or Unfair Advantage Within the Meaning of Art. 8 (5) CTMR in the Light of Intel and L'Oréal?
Rivera Rodríguez, Jacaranda	Mexico	Is Graduated Response the Answer Towards a Better Enforcement of Copyright in Mexico? A Critical Analysis on the Döring Bill
Setúbal, Lígia	Portugal	Stirring Up “Communication to the Public” – An Analysis of the (In)Consistencies of the CJEU's Criteria Mirroring International and European Law
Sharma, Divya	India	Google Books Settlement: An Antitrust Evaluation
Susano, Rosalina	Peru	Parodies in Trademark Law. Is a Trademark Parody Exception Necessary?
Uğurlu, Seyhan	Turkey	Bioethics and the Patent Eligibility of Human Embryonic Stem Cells-Related Inventions in Europe

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The LL.M. Program Academic Year 2011/12

It was definitely worth coming to Munich, even though it meant being away from my home city for one whole year. The academic level of the program was absolutely what I expected and even more! I specialize in copyright and entertainment law, and all the classes that I took met my expectations and taught me so much! I would certainly repeat it all over again!

*Patricia Hernández Paredes
Colombia*



4.9. The George Washington University IP Summer Program

As every year, the MIPLC was glad to welcome the George Washington University IP Summer Program to Munich in the period from July 2 to 27, 2012. In the context of two consecutive two-week sessions, the program offered eight classes to its 31 participants. All classes were open to registration by MIPLC students as well.

The 2012 courses on offer were Cross-Border Trade in IP; IP and Indigenous Heritage; Internet Law; Technical Protection of Authors' Rights; The Federal Circuit; Law of Software Contracts; Philosophical Foundations of IP; and TRIPS, Patents and Public Health. In addition to classroom instruction, participants visited BMW, the European Patent Office and the German Patent and Trademark Office.

Students furthermore had the opportunity to attend lectures and other activities and to enjoy the sights of Munich.



professional and cultural backgrounds creates in my view a unique environment for academic learning. Not only did we gain deep knowledge of the structural basis and most recent developments within various IP and Competition Law subjects. We also managed to learn from each other by comparing the different legal systems of our respective countries. Moreover, due to the limited number of students participating in the program each year, we all got to know each other really well at a personal level, and I'm sure that many of us will keep in touch for the years to come.

*Dag Braaten Thoresen
Norway*

Looking back on a most hectic and interesting year at the MIPLC, I am glad to confirm that the LL.M. program lived up to, if not exceeded my expectations. The combination of excellent teaching staff, professional administrative support, as well as highly motivated students from diverse



Oehm Prize

4.10. Overall Results and Oehm Prize

To calculate the final grade a student has achieved, the grade earned for the Master's Thesis counts just under one-third, while the grades attained in the courses contribute a little more than two thirds.

The average student grade for the academic year 2011/12 was 13 points, which is the same as in 2010/11 and again highly satisfactory.

The Oehm Prize went to Dr. Monica Donghi from Italy, who finished with an excellent average of 16 points. The Oehm Prize, awarded annually to the student with the best overall grade, was created from the generous endowment Siegfried and Gertrud Oehm made to the MIPLC.

4

The LL.M. Program Academic Year 2011/12



Cutting the birthday cake



Seth Ericsson discovers a passion for rock sculpture

Before the gorge ...



4.11. End-of-Year Excursion

On July 30, 2012, 17 students, friends and staff embarked on the annual summer excursion. This day trip, organized directly at the end of the classroom program, is the last “official” occasion for the students to spend a day together as a group before finalizing their Master’s theses and scattering across the globe. An early bout of thesis panic had reduced the number of participating students quite severely, which was all the more regrettable as one student celebrated his birthday on that particular date. To the alarm of fellow passengers on the train, the MIPLC promptly broke into an ear-splitting rendition of “Happy Birthday” to accompany the cake duly produced (and consumed) for the occasion.

Thus nourished, our aspiring mountaineers arrived in Garmisch for a walk through the Partnach gorge, which, incidentally, had just celebrated its 100th anniversary as a tourist attraction. The easy (and rather wet) walk produced shrieks of delight and brought out unexpected athletic ambitions in some participants,



Caspar takes a short-cut

Halfway up to Partnach-Alm



...and after

4

The LL.M. Program Academic Year 2011/12



Coping with the Bavarian menu

Time to share funny stories of the year



leading them to ask whether, as part of the trip, we were going to the source of the Partnach river. Alas, given that this detour would have added at least seven hours of walking time to the itinerary, the suggestion regrettably could not be taken up.

Instead, the south end of the gorge provided an outlet for artistic (rock sculpture) and physical (umbrella-and-rock baseball) energies, before the group tackled the steep walk to Partnach-Alm, where lunch was waiting. An attempt to boost morale during the ascent by singing traditional German hiking songs failed due to the lack of lyrics, not to mention singing skills!

While the normally stunning views of the mountains were somewhat spoiled by low-hanging clouds, the schnitzels and other food and drink were thoroughly enjoyed. Following the quick descent to the Olympic ski stadium and the survivors' photo taken there, the group explored the town of Garmisch and neatly split into two factions according to main interest – beer or ice-cream.



At Partnach-Alm

Next project:
ski-jumping



4

The LL.M. Program Academic Year 2011/12

4.12. Graduation Ceremony



The scramble for gowns is on...



...as is the struggle with the caps

Ready to go!



"It's that time of year again..." was the opening line of the graduating class's video. 17 of the 25 graduates had travelled to Augsburg to reconvene as a class for the last time and receive their diplomas. One of the students even took the long trip from Japan to attend the event.

Following words of welcome from Professor Tuma, Vice-President of the University of Augsburg, and speeches by Professor Drexler and Professor Di Cataldo of the University of Catania, Daria Kim of the Alumni Advisory Board welcomed the Class of 2011/12 into the MIPLC alumni community.

Yuko Matsuya and Terrence Fernbach delivered the traditional class representatives' own review of the academic year, which moved several of their fellow graduates to tears – tears of joy rather than pain, we hope! The aforementioned graduation video got the audience similarly agitated, albeit with sustained laughter.

Following the awarding of the diplomas and Oehm Prize, graduates and guests enjoyed a reception, before returning to Munich where the party continued in various bars.



Professor Di Cataldo delivers the commencement address



Yuko Matsuya and Terrence Fernbach review the academic year



They say that the end is the beginning. The year of being MIPLC students is over. Some graduates start working immediately; others need more time to search and find their niche. But, sooner or later, all efforts will be rewarded. The meaning and the value of this difficult and special year will reveal itself over time. And as we go along our career paths, the MIPLC year remains a great source of professional development and support.

There are now 223 MIPLC alumni all over the world. This is an enormous resource! We all possess unique talents and expertise in special fields, and it is a great advantage to be able to reach out to credible sources when we need advice, or when we search for professional and partnership opportunities.

I would like to encourage all MIPLC alumni to stay in touch with classmates, as well as to explore networking opportunities within the Alumni Network.

On behalf of the Alumni Advisory Board, I would like to cordially congratulate the Class 2012 and wish them all the best, success and happiness in their lives!

*Daria Kim, Russia
(Class of 2010/11,
Member of the MIPLC
Alumni Advisory Board)*



From "A" (for Anthony)...
...to "U" (for Uğurlu),
17 graduates personally
received their diplomas



Caps – check.
Gowns – check.
Smiles – check!!

Dean Hellwege and
Vice-President Tuma



4.

The LL.M. Program Academic Year 2011/12



Charleen Fei with her thesis supervisor Professor Goddar and Professor and Mrs. Adelman



2011 graduates celebrate with Monica



The Class of 2011/12...

Practising for Graduation 2013





...lose their hats



Relatives from all over the world celebrate with the graduates



Reminiscing...



Recent and less recent graduates: Eliamani Laltaika, class of 2006/07, celebrates with Yuko Matsuya and Moses Muchiri.



Living Norwegian and Bavarian traditional dress

4

The LL.M. Program Academic Year 2011/12

4.13. Quality Management – Evaluation of the Academic Year 2011/12

4.13.1. Lecturer Evaluation

To collect direct feedback from the class about the courses offered, all students are encouraged to participate in the lecturer evaluations. In the academic year 2011/12, a new evaluation form was introduced with significant changes. First of all, the rating scale was expanded by one point; students may now rate from 1 (excellent) to 6 (unacceptable). Second of all, the questionnaire was shortened from 18 to just six questions, covering the professor's

- Ability to present the subject matter in a clear and organized manner,
- Choice of course materials,
- Relationship with students,
- Ability to stimulate student's interest in the subject,

- Ability to develop student's analytical skills, and
 - The student's overall rating of the course.
- Moreover, students may submit additional written comments.

For the academic year 2011/12, the faculty average was 2.14. While at first glance this seems to be a significant drop compared to previous years, it must be remembered that on the new grading scale, 2 is still "very good," for which reason the result does not compare directly with previous years.

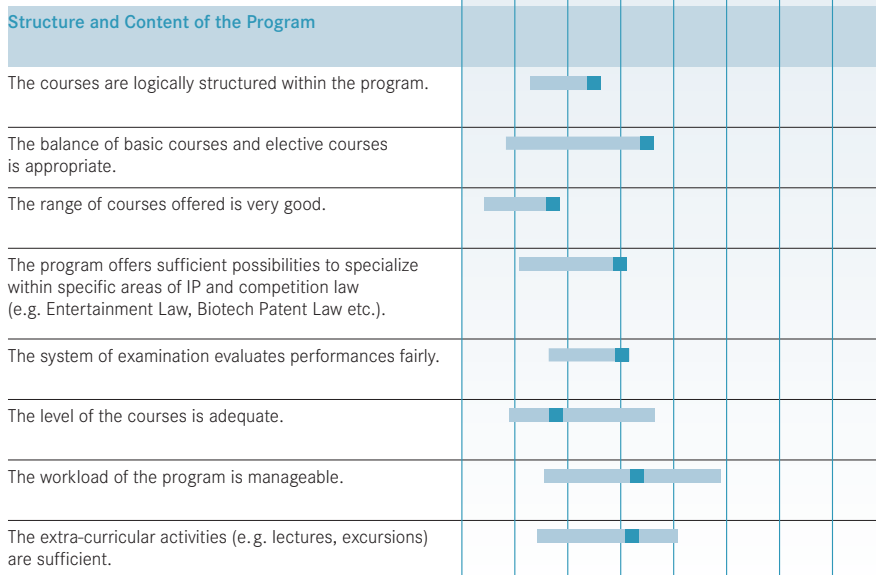
4.13.2. Program Evaluation

At the end of the academic year, all students are asked to participate in a program evaluation exercise that covers the program's structure, the course content, the mentoring and support they have received, the MIPLC's equipment, their professional perspectives, and their overall level of satisfaction.

The following charts present the evaluation results of the past eight academic years including 2011/12. Figures 1 to 3 reflect the breadth of assessments given by all classes, and highlight the 2011/12 results. As they clearly indicate, the students generally have consistent opinions over the past academic years. In addition, their assessments are usually in the range of "very good" to "good." The class's satisfaction with the program in its current form is 2.04. The range of courses on offer was rated 1.91, and the level of courses 1.96, both of which are a testament to the high quality of instruction offered at the MIPLC.

A different scale is used to evaluate the content of individual courses. On this scale, 3.0 means that the content level should be maintained; anything above 3.0 indicates that students feel content should be decreased, and anything below 3.0 indicates that it should be increased. All responses of the current year, as demonstrated in Figure 2, are within the

Figure 1:
Students' evaluation of the structure and the content of the LL.M. program, on a scale from 1 (I completely agree) to 5 (I completely disagree). The light blue line demonstrates the spectrum of weighted average ratings for the classes 2004/05 through 2011/12. The dark blue dot indicates the average rating of the 2011/12 class.



What I especially liked about the program:

MIPLC staff are brilliant in helping out and approachable. Family atmosphere with students and staff. Approachable lecturers. World-class lectures!

(From the Program Evaluation)

range of 2.38 to 3.50, showing that students are satisfied with the content.

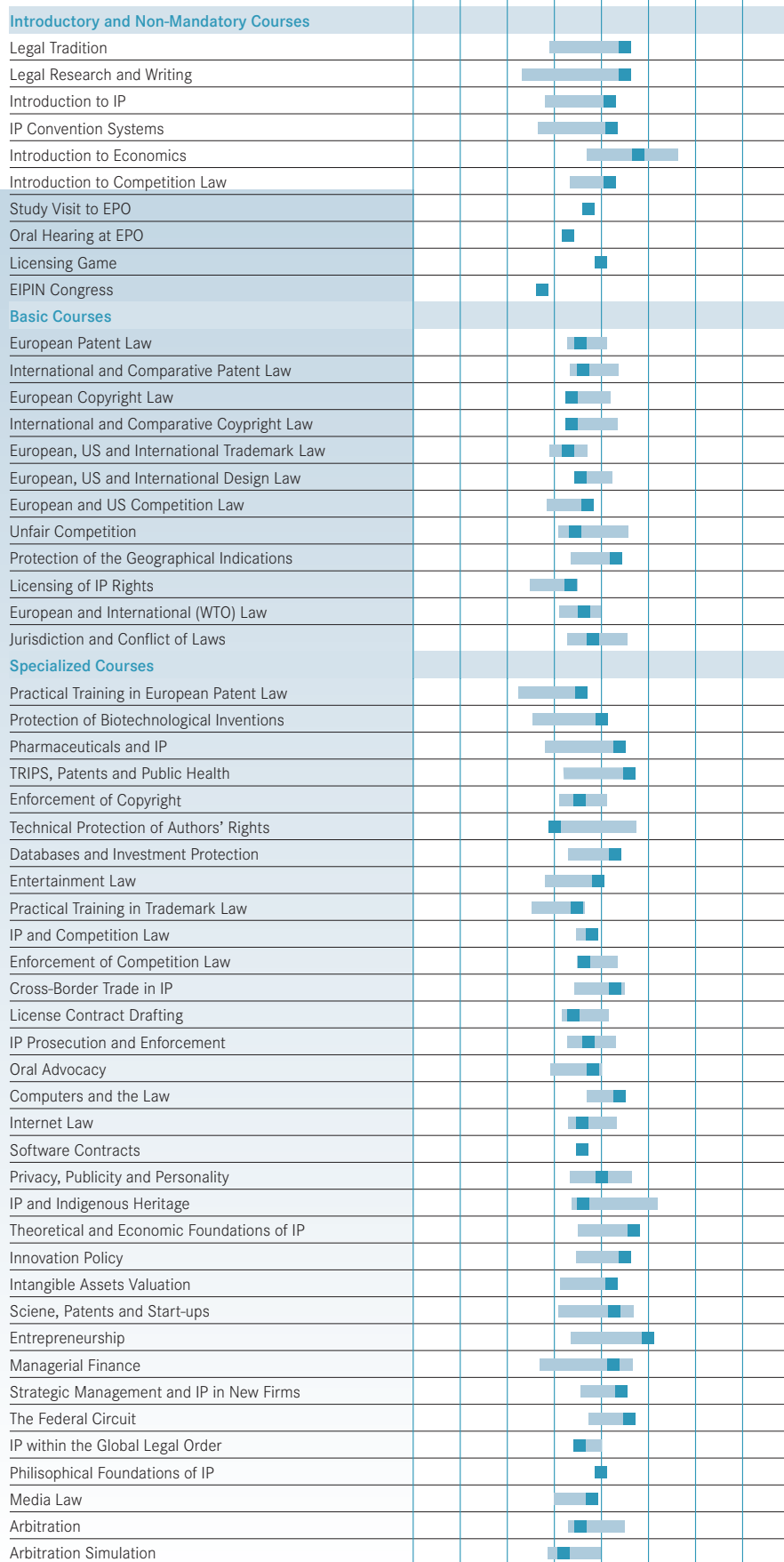
The support provided by professors, tutors, and the MIPLC team again received high ratings, ranging from 1.96 for mentoring during lectures to 2.43 for the support provided by the MIPLC team. The tutorials were rated 1.61 for educational and individual support provided – the highest rating ever for the tutorial system –, demonstrating that the tutors take up an important position in their tutees’ lives and provide support beyond the strictly academic.

Confirming the experience of the past years, the MIPLC equipment was again rated very highly. At the top of the list was the importance of having an office, which scored 1.57, confirming the – costly – policy of providing fully-equipped office space for each student. The Max Planck Institute’s library came in second at 1.70. Even the lowest rating (2.00 for the equipment of the MIPLC classroom) is still very satisfying and shows that the students appreciate the facilities and working conditions at the MIPLC.

Students had very positive views of their post-MIPLC perspectives, rating 1.65 for excellent knowledge of IP and competition law gained; 2.04 for the preparation received for a demanding career; and 2.22 for attractive career perspectives.

Figure 2: Students’ evaluation of the content of each course on a scale from 1 (increase strongly) to 5 (decrease strongly), with a value of 3 corresponding to “leave it as it is.” The light blue line demonstrates the spectrum of weighted average ratings for the classes 2004/05 through 2011/12. The dark blue dot indicates the average rating of the 2011/12 class.

How do you feel about the course length?



4

The LL.M. Program Academic Year 2011/12

Figure 3: Students' satisfaction with the support received during the program, the infrastructure, the career perspectives, and the program as a whole, on a scale from 1 (I completely agree) to 5 (I completely disagree). The light blue line demonstrates the spectrum of weighted average ratings for the classes 2004/05 through 2011/12. The dark blue dot indicates the average rating of the 2011/12 class.

Mentoring and Support

I was very content with the mentoring provided by the lecturers during the

courses
exams
Master's thesis

I was very content with my tutor's

educational support provided
individual support provided

I was very content with the support given by and the communication with the MIPLC team (Program Director, Administrative Directors, Administrative Assistant, Secretary).

I have actively used the career advice available (on the intranet and/or in person) and found the advise/information useful.

I was content with the IT support.

Equipment

The library of the Max Planck Institute has been a valuable resource.

The library of the MIPLC has been a valuable resource.

Having an office was important.

The classroom is well equipped.

Assessment of Perspectives after the Program

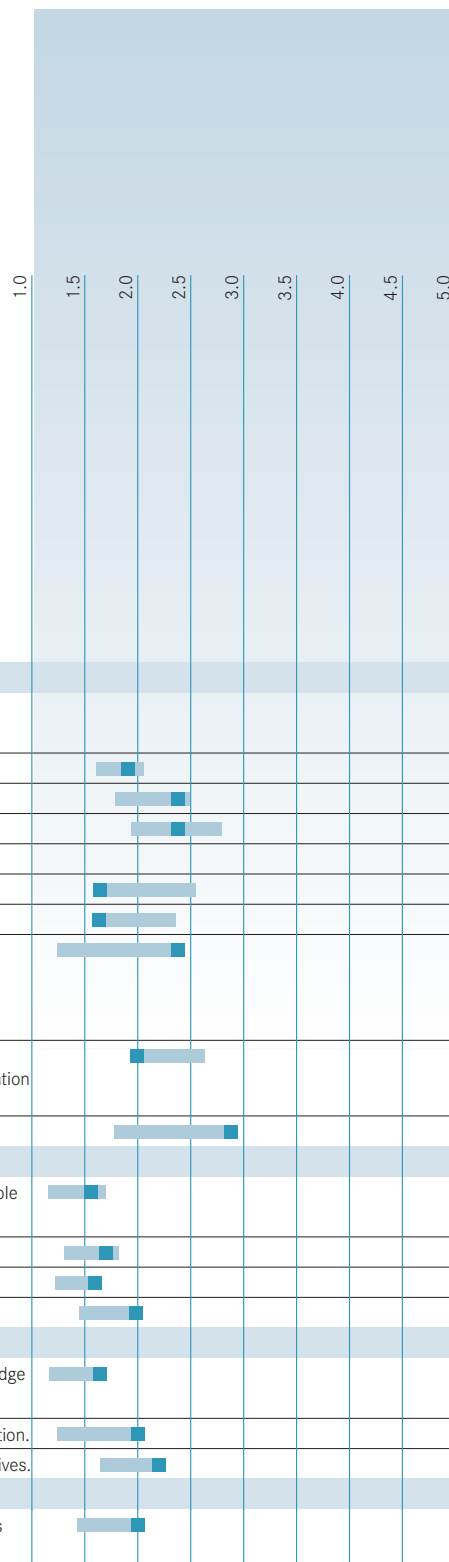
The LL.M. IP program has given me an excellent knowledge of Intellectual Property and Competition Law.

The program is a good preparation for a demanding position.

The LL.M. IP degree opens up attractive career perspectives.

Overall Impression

Altogether I am satisfied with the LL.M. IP Program in its present form.



4.14. Professional Perspectives – Career Steps Taken by the 2011/12 Graduates

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

Each year MIPLC alumni have found excellent jobs, providing great opportunities for utilizing their knowledge and skills, in law firms, corporate legal departments, IP institutions, and government-run facilities. As was the case for previous graduates, the 2011/12 graduates received various forms of placement support, ranging from letters of recommendation given by members of the Managing Board or the faculty to direct introductions at law firms and companies. The MIPLC approach is, wherever possible, to provide personalized assistance catering to each individual's distinctive needs and strengths, rather than to follow a standardized formula for getting a job. The general result, it is hoped, is a good match between a graduate and an employer and, thereafter, a robust and productive long-term career prospect in IP.

The 2011/12 graduates were able to find desirable positions in the field of IP in all parts of the world. Employers included:

- European Patent Office, Munich
- Institute for International Intellectual Property of Peking University (IIPP), Beijing China
- Intel GmbH, Dornach
- Intel Mobile Communications GmbH, Dornach
- Lazo, De Romaña & Gagliuffi Abogados, Lima, Peru
- Lloreda Camacho & Co, Bogotá, Colombia
- Maiwald Patentanwalts GmbH, Munich
- Max Planck Institute for Intellectual Property and Competition Law, Munich
- Meissner Bolte & Partner, Munich

In the last couple of weeks I have approached some prospective employers. And although nothing has materialized yet, the feedback has been positive, so to me – at least for now – there seems to be an MIPLC effect in the search for relevant and interesting job opportunities!

(From the Program Evaluation)

- Müller-Boré & Partner, Munich
- Procter & Gamble, Beijing, China
- Vieira de Almeida & Associados, Lisbon, Portugal

An overview of the career steps taken by the students of the first nine MIPLC classes immediately after graduation is provided in Figure 4. Of the 223 graduates from nine classes, 60% went to work for (patent) law firms; patent and trademark offices; government bodies; corporate IP or legal departments; or universities. A further 17% chose to continue their education by pursuing Ph.D.s (13%) or other graduate degrees. 2% of all graduates took leave, and for 11% no initial information was available. It should be noted that this comparatively large chunk includes those recent graduates who have decided to take a break after graduation and are job-hunting.

A somewhat different picture emerges when looking at the current employment situation of all MIPLC graduates, as shown in Figure 5. A full 83% are employed with (patent) law firms; patent and trademark offices; government bodies; corporate IP or legal departments; or universities. This increase reflects the fact that the majority of early graduates who continued their education, moved into Ph.D. studies or started out with an internship have successfully entered the job market. Law firms (the biggest segment at 36%) and industry seem to be preferred employers for such graduates. The section "Unknown" has shrunk by almost one-half as also the most recent graduates have found a job in the meantime.

Figure 4: Career Steps Taken by MIPLC Graduates Immediately After Graduation (Classes 2003/04 to 2011/12, totalling 223 graduates)

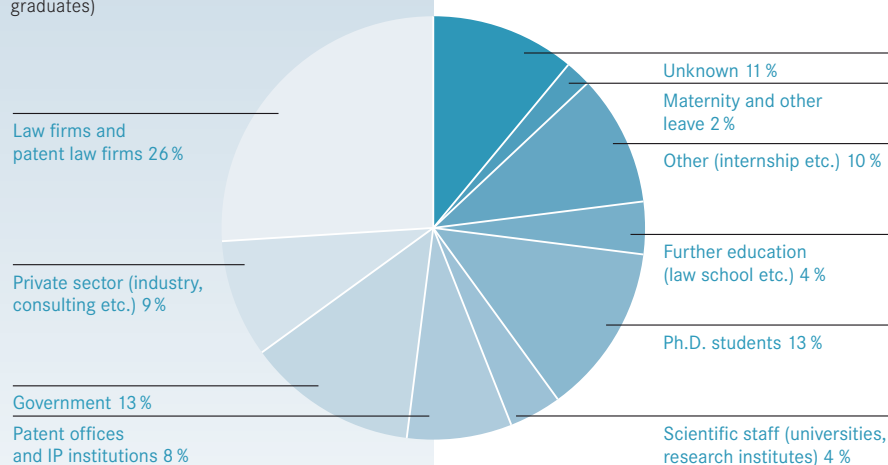
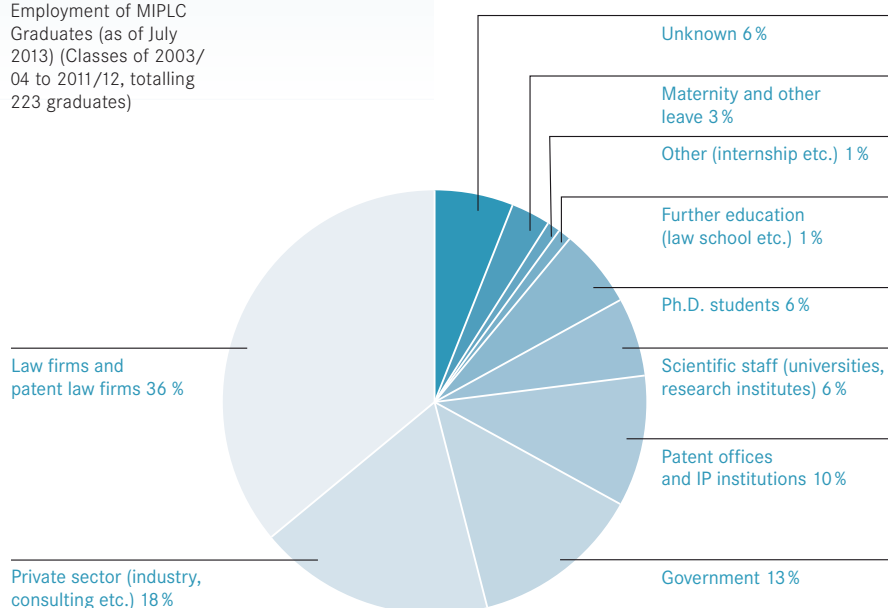


Figure 5: Employment of MIPLC Graduates (as of July 2013) (Classes of 2003/04 to 2011/12, totalling 223 graduates)



4.15. Alumni Activities

In 2012, MIPLC launched its Alumni Network. All MIPLC graduates automatically become members of this network, which is managed by the MIPLC administration. In setting up the Network, the MIPLC desires to create a worldwide community among the alumni body and facilitate opportunities for lifelong engagement in pursuit of its three goals:

- Recruitment of suitable students for the LL.M. program
- Continuous optimization and development of the LL.M. program
- Creation of a culture of philanthropy among the alumni body to ensure the funding of scholarships for needy applicants

In order to foster a spirit of supportive engagement between MIPLC and its graduates and to facilitate alumni-driven initiatives on a professional and social level, an Alumni Advisory Board (AAB) was set up to serve as a go-between for communication between the MIPLC alumni community and the MIPLC. The board comprises one elected representative from each MIPLC class. Regular meetings aim to increase networking across classes.

All alumni have access to a dedicated intranet. The Alumni Intranet hosts a Contacts and Expertise database in which all alumni will be entered upon request to allow for better networking across classes. It also maintains a calendar of events keeping track of alumni movement across the globe to international conferences



and to facilitate meet-ups. In November 2012, the MIPLC hosted its first Alumni Conference, bringing alumni from all nine classes to Munich as speakers and participants. A full report on this conference will be published in the Annual Report 2012/13.

In addition, social events are organized on a regular basis to give alumni a chance to meet one another as well as current students. Such events include the annual Christmas Dinner in December and a regular “Stammtisch”. While currently confined to Munich, it is hoped that similar initiatives will develop in other cities that are home to a larger number of alumni, e.g. Washington, Tokyo, or Beijing.

The INTA Annual Meeting in Washington, DC, again provided an occasion for a small-scale alumni reunion that brought together 13 MIPLC alumni from six classes. Many thanks to Oliver Galindo and Michael Leonhard who organized this event!

Later the same day, GW Law hosted a reception for the greater IP community that welcomed MIPLC alumni as well as professors such as Dr. von Bomhard, Dr. Pagenberg, or Chief Judge Rader.



First MIPLC Alumni Conference 2012 – See Report 2012/13 for details



Alumni Get-Together in Washington, DC

5

Research

5.1. Ph.D. Students

The following students worked on their Ph.D. theses with the support of an MIPLC scholarship in 2011/12.

Improvement Patenting in the Field of Pharmaceutical Industry

Hyewon Ahn

Korea (MIPLC graduate of 2009/10)

Liberalization of the Telecommunications Sector in Sub-Saharan Africa: Customizing the Legal and Regulatory Framework to Promote Competitive Telecommunications Markets. A Case Study of Uganda

Rachel Alemu

Uganda (MIPLC graduate of 2008/09)

Intellectual Property and Clean Technology in the Context of the European Legal Framework

Maria Luisa Aranda Sales

Spain (MIPLC graduate of 2009/10)

Shaping Copyright Policy for the Online Music Sector in China

Kan He

China (MIPLC graduate of 2009/10)

Improper Procurement of Patents in the EU and in the US and Possible Implications under Competition Law

Eugenio Hoss

Argentina (MIPLC graduate of 2010/11)

Trade Secrets Protection and Employee Mobility: in Search of an Equilibrium

Magdalena Kolasa

Poland (MIPLC graduate of 2010/11)

The Structuring of a Second-Tier Patent Regime to Promote Innovations of SMEs in Developing Economies in the South Asian Region: Exploring a Model for Sri Lanka

Nishanta Sampath Punchi Hewage

Sri Lanka (MIPLC graduate of 2008/09)

Harmonization of Trade Secrets: Requirements for Protection in the European Union

Teresa Trallero Ocaña

Spain (MIPLC graduate of 2010/11)

The Use of Trade Marks in Keyword Advertising

Nicole van der Laan

The Netherlands (MIPLC graduate of 2008/09)



Rachel Alemu
Uganda



Hyewon Ahn
Korea



Maria Luisa Aranda
Sales
Spain



Eugenio Hoss
Argentina



Kan He
China



Magdalena Kolasa
Poland



Teresa Trallero Ocaña
Spain



Nishanta Sampath
Punchi Hewage
Sri Lanka



Nicole van der Laan
The Netherlands



Marisa Aranda, MIPLC Class of 2009/10, presents her Ph.D. research

5.2. Ph.D. Presentations

Doctoral candidates Marisa Aranda, Hye-won Ahn, He Kan and Owais Shaikh, all graduates of the MIPLC Class of 2009/10, presented their Ph.D. research at the Sixth Advanced Intellectual Property Research Seminar: Selected Topics on Cultural and Legal Pluralism in IP Law, organized by the World Intellectual Property Organization (WIPO) and the Faculty of Law, Hebrew University in Jerusalem (May 29–31, 2012).

Doctoral candidates Hyewon Ahn, Rachel Alemu, Nishantha Sampath Punchi Hewage and Nicole van der Laan presented their Ph.D. topics in the Poster Session held in the context of the meeting of the MPI's Fachbeirat (July 13, 2012).

of doctoral theses. On such an occasion, Professor Manuel Desantes explained the origin of the concept of *disputatio* (defense) in medieval universities, describing vividly how these events would take place. I am very grateful to MIPLC for giving me such an opportunity to present my thesis at this doctoral conference. I have no hesitation whatsoever in recommending participation to all future and current doctoral candidates.

Nishantha Sampath Punchi Hewage

5.3. EIPIN Doctoral Conference

On February 2, 2012, the MIPLC hosted the annual EIPIN doctoral conference, which brought together Ph.D. students from the EIPIN partner institutions (Strasbourg, Alicante, London and Munich). Among the 10 participants who presented their doctoral research were three from the MIPLC and one from IMPRS. It was a great platform for the other participants and me to share our research experience with an audience of diverse backgrounds who viewed our theses from different angles, and commented accordingly.

As a participant of the conference, I had the opportunity to present my thesis on “The Structuring of a Second-Tier Patent Regime to Promote Innovations of SMEs in Developing Economies in the South Asian Region: Exploring a Model for Sri Lanka.” I received very helpful comments and suggestions not only from the specific commentator who was assigned to comment on my thesis but also from other professors as well as my peers.

Apart from that, we also had a chance to speak to professors during the breaks. In such side discussions, we further explored ideas relating to the wider theme



The participants of the 2012 EIPIN Doctoral Meeting in Munich

5.4. The MIPLC Lecture Series

In 2011/12, the MIPLC continued its successful lecture series in which international IP experts give talks. During the period covered by this report, the following lectures were given:

Contextualizing Patent Linkages in the Indian Pharmaceutical Sector: Lessons from the Bayer Corporation Case

Dr. V.K. Unni

(Indian Institute of Management, Kolkata)

October 26, 2011

The FRAND Defense in European Litigation Involving Standard-Essential Patents

Dr. Christof Karl

(Bardehle Pagenberg)

February 13, 2012

Experimental Tests of Creativity and Innovation in Intellectual Property

Professor Christopher Buccafusco

(IIT Chicago-Kent)

April 12, 2012

The Misappropriation of Trade Secrets in Germany and US Discovery Aid

Dr. Friedrich Klinkert

(Klinkert Zindel Partner)

April 26, 2012

The Rise and (Possible) Fall of ACTA. Or Why Legitimate Ends Cannot Justify All Means

Dr. Christophe Geiger

(CEIPI)

June 13, 2012

Who Owns e-Sports Performances?

Professor Dan L. Burk

(University of California, Irvine)

July 11, 2012

5.5. Asia Roundtable

The Asia Roundtable, organized together with the MPI, serves as a forum to discuss IP issues related to Asia.

Protection of Geographical Indications in China

Professor Wang Xiaobing

(Shandong University Law School)

November 2, 2011

New Development and Its Impact of Trademark Law in China

Professor Lin Xiuqin

(Law School of Xiamen University)

December 12, 2011

Structural Regulation of the Telecommunications Industry in Japan

Professor Shuya Hayashi

(Nagoya University Graduate School of Law)

April 2, 2012

Policy Options for Utility Model Protection in Developing Countries

Dr. Henning Große Ruse – Khan,

Nishantha Sampath Punci Hewage

(Max Planck Institute for Intellectual Property and Competition Law)

June 27, 2012

5.6. The MIPLC Book Series

The MIPLC Book Series, published by Nomos Verlagsgesellschaft, continued to publish outstanding Ph.D. and Master's theses:

Volume 14:

On Peers and Copyright: Why the EU Should Consider Collective Management of P2P

João Pedro Quintais (Class of 2010/11)

Volume 15:

Contextual Brand Valuation. From Fundamental Issues and Analysis of the State of the Art to a Systematic Integrated Approach to Brand and Intellectual Property (E)Valuation

Dr. Eva Riemann (Class of 2003/04)



MIPLC Lecture Series with Professor Dan L. Burk

Volume 16:

The Effects of Trademark Rights on the East African Common Market. Concocting an Appropriate East African Community Trade Mark Model based on the European Trade Mark System

Niteleka Jacob Nichaenzi Jaconiah
(Class of 2004/05)

Volume 17:

The Scope and Limits of Protection for Distinctive Signs Against the Community Design. The Application and Implications of Art. 25 (1) (e) of the Community Designs Regulation

Magdalena Kolasa (Class of 2010/11)

Of the class of 2011/12, three Master's theses were chosen for publication:

Patent Strategy in Pharmaceutical Industry: Are Additional Patents Valuable?

Monica Donghi

Justice Delayed is Justice Denied? The Principle of Bifurcation in the German Patent Litigation System

Charleen Fei

Bioethics and the Patent Eligibility of Human Stem Cells-Related Inventions in Europe

Seyhan Uğurlu

5.7. The MIPLC Master's Thesis Series on SSRN

The MIPLC Master's Thesis Series on SSRN was set up to publish selected LL.M. theses that were recommended for publication by the supervisor but whose thematic or geographic focus is too narrow to attract a sufficiently large readership for the Nomos series. The theses are available for free download. Of the academic year 2011/12, the following theses were chosen for publication as part of the series:

Patent Claim Interpretation and Scope of Protection – A Norwegian Perspective with a Comparative View to Germany and the UK
Dag Braaten Thoresen

Traditional Herbal Medicine and IP: Status Quo of THM Protection and Future Possibilities with Emphasis on China
Yuanzhen Cai

“What is in a Name?” A Comparative Look at the ICANN Uniform Domain Name Dispute Resolution Policy and the United States Anti-Cybersquatting Consumer Protection Act

Terrence Fernbach

Stirring Up “Communication to the Public” – An Analysis of the (In)Consistencies of the CJEU's Criteria Mirroring International and European Law

Lígia Gutiérrez Setúbal

Comparative Analysis of Patenting Biotechnology Inventions in the US, Europe, Japan and China

Weiwei Han

A Coffee Strategy: Is There a Best Method for Protecting Developing Countries' Single-Origin Coffee? An Analysis in the Light of “Café de Colombia”

Patricia Hernández Paredes

Google Books Settlement: An Antitrust Evaluation

Divya Khurana

Legal Protection of Software – Copyright, Patent and Open Source – Challenges for Business in a Mixed Environment

Yuko Matsuya

What is the Evidential Standard for Proving Detriment and/ or Unfair Advantage Within the Meaning of Art. 8 (5) CTMR in the Light of Intel and L'Oréal?

Jan-Caspar Rebling

5.8 Other Publications

The Business Model of Patent Assertion Entities in IT: Unilateral Restraints of Competition or Business as Usual?, *Journal of Antitrust Enforcement*, (2013), pp. 1-43

Paul Gagnon

6.

MIPLC Advisory Boards

Professor Adelman
with students from the
MIPLC Class of
2012/13



The Scientific Advisory Board in session (not pictured: Professor Welpe and Professor Hilty)

As stipulated by the founding Cooperation Agreement between the partners, the MIPLC has two advisory boards.

The Scientific Advisory Board advises the Managing Board on the MIPLC's LL.M. program as well as on financial issues. In 2012 the Board was enlarged to nine members, five of whom are external, i.e. not representatives of the MIPLC partners. The MIPLC was pleased and honored to welcome new members Professor Antonina Bakardjieva-Engelbrekt (University of Stockholm), Professor Charles Gielen (University of Groningen), and Professor Andreas Heinemann (University of Zurich).

Furthermore, the Regulations of the Max Planck Society require a Board of Trustees to promote the relationship between the MIPLC and the general public interested in education and research in IP and adjacent areas. The MIPLC was pleased and honored to welcome new member Consul Yuki Shimizu.

Both boards met in November 2012.

6.1. Meeting of the Scientific Advisory Board

The Scientific Advisory Board met on November 15, 2012, from 10 a.m. to 5:30 p.m.

Following the welcome by Professor Drexl, Professor Brauneis and Dr. Surblytė presented an overview of the academic year 2011/12 and the developments of the LL.M. program. Moreover, Ms. Hinkel reported on the program's financial development. The subsequent discussion revolved around details of applications, graduates' career paths, scholarships, and possible curriculum modifications.

Oliver Galindo, the Class of 2009's representative on the Alumni Advisory Board, reported on Alumni activities, such as informal get-togethers organized during the INTA Annual Meetings that have already created material benefit for participating alumni.

In the afternoon, the research activities of the past year were presented. In



this context, Professor Drexl outlined the MIPLC's research objectives: 1) financing Ph.D. studies; 2) using the LL.M. program as a source of Ph.D. students; 3) EIPIN. He explained that the MIPLC series on Nomos recently published the Ph.D. theses by Eva Riemann (Class of 2004) and by Niteleka Jacob Nicheenzi Jaconiah (Class of 2005), and reported on the current status of the other ongoing studies. Last but not least, he also discussed the EIPIN Conference of 2012, held at MIPLC, and gave information about the 2013 Congress, to be held in Maastricht and Strasbourg.

As every year, three students were invited to introduce their LL.M. and Ph.D. theses. Hyewon Ahn, MIPLC Class of 2010, presented her doctoral research on "Improvement Patenting in Pharmaceuticals." Paul Gagnon (Class of 2012) discussed his Master's thesis "The Business Model of Patent Assertion Entities in IT: Unilateral Restraints of Competition or Business as Usual?", followed by his classmate Seyhan Uğurlu, whose Master's thesis topic was "Bioethics and the Patent Eligibility of Human Embryonic Stem Cell-Related Inventions in Europe."

6.2. Meeting of the Board of Trustees

The MIPLC Board of Trustees met on November 16, 2012, from 10 a.m. to 2:45 p.m., presided over by Chair Dr. Huber.

The meeting commenced with a presentation by Deputy Secretary-General Rüdiger Willems that gave an overview of the current developments in the Max Planck Society. Afterwards Professor Brauneis and Dr. Surblytė summarized the academic year 2011/12 and the developments of the LL.M. program. Ms. Hinkel presented the program's financial development, followed by Oliver Galindo who reported on Alumni activities.



Seyhan Uğurlu discusses his Master's thesis research

The MIPLC was very pleased to receive, via Counsellor Yuki Shimizu of the Japanese Consulate-General, very positive feedback from the IPO staff members who studied at MIPLC. Among the features of the LL.M. program these students especially appreciated were the internship; the broad scope of the classes; the student diversity; and the location in Munich, in particular the numerous IP institutions and the Japanese community.

The discussion revolved around third-party funding for scholarships; aspects of the curriculum; partnerships with organizations in China and Japan; and issues of academic integrity.

Professor Drexl moreover updated the Board of Trustees regarding the MIPLC's research activities, putting particular emphasis on Ph.D. students, cooperative research with the partner universities, and conferences, in particular the annual EIPIN Congress. In addition, he discussed the research topics at MPI involving MIPLC, namely a conference on "Competition on the Internet" and a WIPO study on the current practice of competition jurisdictions in copyright-related markets, and explained that the transfer of Professor Dietmar Harhoff to the MPI as Director in March 2013 will create a new platform for interdisciplinary work at the Institute.

In the afternoon, Hyewon Ahn presented her Ph.D. thesis "Improvement Patenting in Pharmaceuticals." Afterwards, Paul Gagnon introduced his Master's thesis "The Business Model of Patent Assertion Entities in IT: Unilateral Restraints of Competition or Business as Usual?"

After the meeting, the Board members proceeded to Augsburg to attend the Graduation ceremony of the Class of 2012.

Board Portrait

Antonina Bakardjieva Engelbrekt



Antonina Bakardjieva Engelbrekt is Professor of European Law and Director of the Institute of European Law at the Faculty of Law, Stockholm University. She was appointed to the MIPLC Scientific Advisory Board in 2012. She holds a law degree from Sofia University St. Kliment Ohridski, an LL.M. from European University Institute (EUI), Florence, and a doctorate in private law from Stockholm University.

Earlier appointments include the position of Deputy Secretary of the Committee of Legal Affairs and Human Rights at the Parliamentary Assembly of the Council of Europe, Strasbourg (1994–1995), and Senior Lecturer at Örebro University (2005–2007). Antonina Bakardjieva Engelbrekt has been Research Fellow at the Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich (1994, 1999, 2002), Jean Monnet and STINT Fellow at the EUI, Florence (2005/2006) and Global Research Fellow at the NYU School of Law (2010/2011). Since 2010 she has been chairing the Swedish Network for European Legal Research.

Antonina Bakardjieva has numerous publications in the area of European and comparative consumer law, competition law and intellectual property law. Her main research interests are directed towards processes of Europeanization and globalization and their influence on national law and legal institutions, as well as towards different legal systems' influence on each other ("legal transplants"). Her Ph.D. thesis "Fair Trading Law in Flux? National Legacies, Institutional Choice and the Process of Europeanisation" analyzed the institutional legacies of Swedish and German unfair competition law and the differential impact of European integration on this area of law and regulation. Subsequent publications were devoted to the Eastward Enlargement of the European Union and its role for market and institutional reform in the accession countries from Central and Eastern Europe. More recent research projects and publications have addressed, inter alia, issues of European and global governance of intellectual property rights, with contributions to Kur and Levin (eds.) *Intellectual Property Rights in a Fair World Trade System*, Edward Elgar, 2011; Plomer and Torremans (eds.) *Embryonic Stem Cell Patents: European Patent Law and Ethics*, Oxford University Press, 2009; and *Swedish Studies in European Law*, Volume 1 and 3, Hart Publishing, 2006 and 2011.



Hyewon Ahn presents her Ph.D. research to the Board of Trustees



Rüdiger Willems, Deputy Secretary-General of the Max Planck Society, reports on developments within the Society

Appendix 1: Curriculum

Introductory Courses

Legal Tradition (Civil Law & Common Law)

(Ann, Cornish, Crews) (1 CH, 0 cp)

Legal Research and Writing

(Crews) (1 CH, 0 cp)

Introduction to IP

(Crews) (0.5 CH, 0 cp)

International IP Convention Systems

(Kur) (0.25 CH, 0 cp)

Introduction to Economics

(Reinshagen) (1 CH, 0 cp)

Introduction to Competition Law

(Podszun) (0.25 CH, 0 cp)

Basic Courses

European Patent Law

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

International and Comparative Patent Law

(Adelman, Jacob, Katayama, Lee, Rader)
(2 CH, 3 cp)

European Copyright Law

(Hugenholtz, von Lewinski)
(2 CH, 3 cp)

International and Comparative Copyright Law

(Brauneis, Ganea, Große Ruse – Khan)
(2 CH, 3 cp)

European, US and International Trademark Law

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

European, US and International Design Law

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

European and US Competition Law

(Kort) (1 CH, 1.5 cp)

Unfair Competition

(Ohly) (1 CH, 1.5 cp)

Protection of Geographical Indications

(Gangjee) (1 CH, 1.5 cp)

Licensing of IP Rights

(Ann, Hilty, Goddar) (1 CH, 1.5 cp)

European and International (WTO) Law

(Möllers) (1 CH, 1.5 cp)

Jurisdiction and Conflict of Laws

(Torremans) (1 CH, 1.5 cp)

*What I consider my most valuable
experience at MIPLC:
The opportunity
to learn from the top experts
in their respective fields in IP.*

(From the Program Evaluation)

Elective Courses	Internet Law (Heverly) (1 CH, 1.5 cp)
Practical Training in European Patent Law (Karl, von Meibom) (1 CH, 1.5 cp)	Law of Software Contracts (Maggs) (1 CH, 1.5 cp)
Protection of Biotechnological Inventions (Bagley, Straus) (1 CH, 1.5 cp)	Privacy, Publicity and Personality (Ohly) (1 CH, 1.5 cp)
Pharmaceuticals and IP (Bagley, Gassner, Hammann) (1 CH, 1.5 cp)	IP and Indigenous Heritage (von Lewinski) (1 CH, 1.5 cp)
TRIPS, Patents and Public Health (Rajec) (1 CH, 1.5 cp)	Theoretical and Economic Foundations of IP (Duffy) (1 CH, 1.5 cp)
Enforcement of Copyright (Schlesinger, Strowel) (1 CH, 1.5 cp)	Innovation Policy (Harhoff) (1 CH, 1.5 cp)
Technical Protection of Authors' Rights (Damich) (1 CH, 1.5 cp)	Intangible Assets Valuation (Hoisl) (1 CH, 1.5 cp)
Databases and Investment Protection (Leistner) (0.5 CH, 0.75 cp)	Science, Patents and Start-ups (Hertel) (1 CH, 1.5 cp)
Entertainment Law (Dougherty, Loewenheim) (1 CH, 1.5 cp)	Entrepreneurship (Bassen, Poech) (1 CH, 1.5 cp)
Practical Training in Trademark Law (von Bomhard, Hines) (1 CH, 1.5 cp)	Managerial Finance (Kaserer) (1 CH, 1.5 cp)
IP and Competition Law (Drexler) (2 CH, 3 cp)	Strategic Management and IP in New Firms (Patzelt) (1 CH, 1.5 cp)
Enforcement of Competition Law (Möllers) (1 CH, 1.5 cp)	Federal Circuit (Rader, Whealan) (1 CH, 1.5 cp)
Cross-Border Trade in IP (Burk) (1 CH, 1.5 cp)	IP Within the Global Legal Order (Große Ruse – Khan) (1 CH, 1.5 cp)
License Contract Drafting (Soltysiński) (1 CH, 1.5 cp)	Philosophical Foundations of IP (Madison) (1 CH, 1.5 cp)
IP Prosecution and Enforcement (Codd, Heselberger, Kroher, McMahon) (2 CH, 3 cp)	Media Law (Ericsson) (1 CH, 1.5 cp)
Oral Advocacy (Ann, Nack) (1 CH, 1.5 cp)	Arbitration (Karamanian, Wilbers) (1 CH, 1.5 cp)
Computers and the Law (Dreier, Lehmann, Nack) (2 CH, 3 cp)	Arbitration Simulation (Karamanian) (0.5 CH, 0.75 cp)

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

Appendix 2: Faculty

A

Professor Martin J. Adelman
The George Washington University
Law School

Professor Christoph Ann
Technische Universität München

B

Professor Margo A. Bagley
University of Virginia, Charlottesville, USA

Professor Alexander Bassen
University of Hamburg, Germany

Dr. Verena von Bomhard
Hogan Lovells, Alicante, Spain

Professor Robert Brauneis
The George Washington University
Law School

Professor Dan L. Burk
University of California, Irvine, USA

C

Bernard Codd
McDermott Will & Emery,
Washington, USA

Professor William R. Cornish
Cambridge University, UK

Professor Kenneth D. Crews
Columbia University, New York City, USA

D

Professor Edward Damich
US Court of Federal Claims, Wash-
ington, D.C., USA

Professor Graeme B. Dinwoodie
University of Oxford, UK

Professor F. Jay Dougherty
Loyola Law School, Los Angeles, USA

Professor Thomas Dreier
Karlsruhe Institute of Technology,
Germany

Professor Josef Drexl
Max Planck Institute for Intellectual
Property and Competition Law

Professor John F. Duffy
University of Virginia, Charlottesville, USA

E

Seth Ericsson
MIPLC/Max Planck Institute for Intellectual
Property and Competition Law

G

Dr. Peter Ganea
Goethe University,
Frankfurt am Main, Germany

Dr. Dev Gangjee
London School of Economics, UK

Professor Ulrich M. Gassner
University of Augsburg

Professor Heinz Goddar
Boehmert & Boehmert, Munich

Dr. Henning Große Ruse – Khan
Max Planck Institute for Intellectual
Property and Competition Law

H

Dr. Heinz Hammann
Boehringer Ingelheim GmbH,
Ingelheim, Germany

Professor Dietmar Harhoff
Ludwig Maximilians University, Munich

Dr. Bernhard Hertel
formerly Max Planck Innovation GmbH,
Munich

Johannes Heselberger
Bardehle Pagenberg, Munich

Professor Robert Heverly
Albany Law School, USA

Professor Reto M. Hilty
Max Planck Institute for Intellectual
Property and Competition Law

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