

## Annual Report

INNOVATION  
CREATIVITY  
COMPETITION  
LAW



<b>Foreword</b>	<b>3</b>		
<b>1. Organizational Developments</b>	<b>4</b>		
Staff	4		
Facilities	4		
Library	4		
<b>2. Public Relations &amp; Marketing Measures</b>	<b>5</b>		
Press and TV	5		
MIPLC Website and Internet Promotion	5		
Flyer, Poster, Brochure	5		
Evaluation of Marketing Measures	5		
<b>3. Cooperation with other IP Institutions</b>	<b>6</b>		
European Intellectual Property Institutes Network (EIPIN)	6		
EC-ASEAN Intellectual Property Rights Cooperation Program (ECAP II)	6		
Supreme Court of Japan	7		
University of South Africa	7		
<b>4. Grants &amp; Fundraising</b>	<b>8</b>		
Siemens/Schering Scholarship	8		
GRUR Scholarship	8		
EU Scholarship Programs	8		
<i>ECAP II</i>	8		
<i>Jean Monnet Scholarship Program for Turkey</i>	8		
<i>Program Alþan</i>	8		
Bavarian Elite Network	8		
<b>5. The IP LL.M. Program</b>	<b>9</b>		
Academic Year 2003/04	9		
<i>Academic Calendar</i>	9		
<i>Students</i>	9		
<i>Internships</i>	9		
<i>Summer Semester Highlights</i>	9		
<i>Professional Perspectives – Life after MIPLC</i>	12		
Evaluation of the first Academic Year	12		
<i>Course Materials and MIPLC Reader</i>	13		
<i>Curriculum</i>	13		
<i>Faculty</i>	14		
<i>Tutors</i>	14		
Academic Year 2004/05	14		
<i>Academic Calendar</i>	14		
<i>Applicants &amp; Students</i>	14		
<i>Scholarships</i>	15		
<i>Winter Semester Highlights</i>	15		
<b>6. Research Projects</b>	<b>17</b>		
Projects & Scholars	17		
Ph.D. Students	18		
<b>7. MIPLC Managing and Advisory Boards</b>	<b>19</b>		
Managing Board – Awards and Nominations	19		
Advisory Boards	19		
<i>Meeting of the Scientific Advisory Board</i>	19		
<i>Meeting of the Board of Trustees</i>	21		
<b>8. Financial Report</b>	<b>22</b>		
Appendix 1: MIPLC Internship Guidelines	23		
Appendix 2: Curriculum, Academic Year 2004/05	24		
Appendix 3: Faculty Members, Academic Year 2004/05	28		
Appendix 4: Tutors, Academic Year 2004/05	30		
Appendix 5: Class Schedule, Academic Year 2004/05	31		
Appendix 6: Members of the MIPLC Boards	37		



## Foreword

This year I have the honor of writing the Foreword to the MIPLC Annual Report, and as the representative of the University of Augsburg on the Center's Managing Board, I would like to highlight the Center's achievements from an Augsburg perspective.

Augsburg was founded more than 2000 years ago under the name of Augusta Vindelicum, and was already a cosmopolitan city in the Middle Ages. The two families who influenced the city most were the Fuggers and the Welsers. These families' success came from their daring and skill in building worldwide trade relations. Two years ago the four partners of the MIPLC also had a daring vision; but without the initiative of the Chair of our Managing Board, Joseph Straus, we would not stand where we do today. Therefore, in the name of all four partners, I would like to join President Horst Köhler and Federal Minister of Justice Brigitte Zypries in paying tribute to Prof. Straus. In July of this year, Minister Zypries presented Prof. Straus with the Commander's Cross of the Order of Merit of the Federal Republic of Germany, which President Köhler had awarded him in recognition of his commitment to innovation and internationality, and as one of the best German and European scholars in the field of intellectual property. At the MIPLC we are all proud of this achievement of our Managing Board Chair.

Over the past year, our cooperative venture has flourished. In August, the University of Augsburg awarded diplomas to the very first class of 13 students who had completed the IP LL.M. program. These students had come to us in the fall of 2003 with many uncertainties. They came from five different continents, and many had never before set foot in Germany. They did not know how the new degree would be received by employers. Today we know that this adventure was worthwhile for them and the MIPLC. Some graduates found new jobs in companies like Siemens, law firms like Bird & Bird, and government agencies like the US Patent & Trademark Office; others returned to their old jobs with new perspectives and skills; and still others decided to continue with further academic training. This success became quickly known: for the second class of 2004/05 there were 62 applicants from 33 countries, and we matriculated 25 students from 19 countries.

The Fuggers and Welsers brought cosmopolitanism and tolerance to their home town and thus contributed to the Confessio Augustana and the Peace of Augsburg. We have tried to bring that same cosmopolitan spirit to the MIPLC, and in the past year we have been able to make some important international connections. We became a member of EIPIN, the European Intellectual Property Institutes Network. The EC-ASEAN Intellectual Property Rights Cooperation Program (ECAP II) has sent seven Asian students to us. The Japanese Supreme Court decided to send us some of its judges for training in in-

tellectual property law. We entered into a cooperation agreement with the Department of Mercantile Law of the University of South Africa, Pretoria. And the European Union will promote intercultural communication at the MIPLC with the Jean Monnet Scholarship Program for Turkey for the year 2005. With all of these developments, it is not surprising that a group of experts that surveyed Bavarian universities singled out Augsburg's law school as the only "excellent" one and mentioned the MIPLC as one of the reasons.

Every tourist in Augsburg visits the Fuggerei, the first social housing in the world for deprived citizens, founded in 1516 by the Fugger family. Five centuries later, it still provides subsidized housing, and in return asks the residents to say a daily prayer for their benefactors. If those residents have much to be thankful for, so do we, and I would be remiss if I did not express our deep gratitude to our many benefactors. First of all, pro domo, I would like to thank the Society of the Friends of the University of Augsburg. Without their very generous donation the participation of the University of Augsburg in this project would not have been possible. Many thanks to the companies Siemens and Schering for their scholarship support, and to the Deutsche Vereinigung für Gewerblichen Rechtsschutz und Urheberrecht e.V., which has pledged another scholarship for 2005. Thanks also to the faculty colleague and member of the Advisory Board, Martin J. Adelman, whose establishment of an enrichment fund enables us to pursue all those activities that enhance academic life. And we are grateful for the contribution of Mrs. Gertrud Oehm and her late husband Siegfried for their endowment of the Oehm Prize.

I would also like to seize the opportunity to thank all those whose work often stays in the background, but is nonetheless essential to keeping the program running smoothly. Ms. Margit Hinkel; Ms. Sabine Müller, now succeeded by Dr. Matthias Kober; Mr. Wolrad Prinz zu Waldeck und Pyrmont; Ms. Dagmar Klein; and, not to be forgotten, the staff in the administration of the three universities and the MPI: all have contributed enormously to the success of the Center. Last, but not least, many thanks also to the internship sponsors and the tutors, who have added additional dimensions to the students' learning experiences.

This year, participants in the IP LL.M. graduation ceremony will be able to see for themselves some of the rich history of Augsburg that I have been recounting. On the invitation of the Mayor of Augsburg, the graduation ceremony will take place in the Golden Hall of Augsburg's City Hall. We gladly accept the Mayor's invitation and welcome it as a sign of appreciation and friendship.

Thomas M.J. Möllers,  
Member of the MIPLC Managing Board

# 1. Organizational Developments

In 2004, the MIPLC made a relatively small number of refinements to the basic structure, staffing, and facilities created when the Center was founded in 2003.

## Staff

In August, Dr. Ralph Nack, the Program Coordinator, left the MIPLC and was succeeded by Mr. Wolrad Prinz zu Waldeck und Pyrmont. In addition, the position was renamed Program Director.

The MIPLC Managing Board and staff wish to express their sincere thanks to Dr. Nack for his extremely valuable contributions to the establishment of the curriculum and for his skillful guidance of the program through its first year.

Prinz zu Waldeck has continued this work in a dedicated and skillful manner, focusing on the further development of the program's content and especially on new modules enabling the students to participate in international congresses and workshops in Europe and the United States.

## Facilities

During 2004, technical upgrades to the MIPLC classroom and the adjacent conference room at the Max Planck Institute were completed. Both rooms have been provided with air conditioning and equipped with state-of-the-art videoconferencing facilities. While the former considerably improves the teaching and studying conditions in summer, the latter enables participation in lectures and events held all over world. The video system also enables digital recording of lectures, making them available at any time they are needed. In addition, the system includes a document camera which can capture and store diagrams and notes drawn by a professor during class for later distribution.

Lastly, the conference room was equipped with a wireless access node which is also accessible from the MIPLC classroom, the hall of the Institute and the library. The wireless node enables both access to the internet and printing. These facilities were installed in preparation for the George Washington "Munich Intellectual Property Summer Program".

## Library

The stock of the MIPLC textbook library was increased by 321 volumes, 39 of which were given to the Center as a donation. At the end of 2004, the library held 613 books.



The MIPLC textbook library.

## 2. Public Relations & Marketing Measures

During 2004, the MIPLC received some 560 requests for detailed information on the LL.M. program from 84 countries, demonstrating that after less than two years of existence the news about the MIPLC and its LL.M. program had virtually spread all over the world.

In spite of this dramatic show of interest, promoting the program was an important task in 2004. In addition to the MIPLC's own activities, it was repeatedly approached by newspapers, magazines and television channels that wanted to include the Center in one of their features.

### Press and TV

As an example for the latter, Bavarian Television visited the MIPLC in January to shoot several sequences about the new LL.M. program which appeared on television (BR alpha) in February as part of a feature about the "Bavarian Elite Network".

In September, the magazine "Managing Intellectual Property" published an article covering also the MIPLC on the magazine's initiative and as a result of an interview with Prinz zu Waldeck.

In addition to the above, the MIPLC placed advertisements in the following newspapers and magazines:

- The Economist
- AIPPI Journal Japan
- International Graduate
- Neue Juristische Wochenschrift (NJW)
- Frankfurter Allgemeine Zeitung (FAZ)
- GRUR Int.
- IPL Communicate.

### MIPLC Website and Internet Promotion

Throughout 2004, the MIPLC website ([www.miplc.de](http://www.miplc.de)) was amended and updated, and the MIPLC E-Mail News Service was continued with 380 subscribers on the list.

The LL.M. Program remained listed in the index of international courses of study on the websites of organizations such as the DAAD (German Academic Exchange Service) and the "Hochschulrektorenkonferenz" (Association of Universities and Other Higher Education Institutions in Germany), and on education guides such as "llm-guide.com" and "gradschools.com".

### Flyer, Poster, Brochure

The MIPLC flyer was revised and 10,000 copies were printed. A 24-page brochure was completed in February 2004, and a first edition of 2,000 copies was printed.

Flyer, poster and brochure were sent to and distributed by

- German, European, US universities
- International conferences and seminars (e.g. CIP Symposium, Gothenburg; AIPPI Conference, Geneva; LES conference, Oslo; etc.)
- IP Institutions (e.g. the European Patent Office, the World Intellectual Property Organisation, The Supreme Court of Japan)
- MIPLC Faculty Members
- MIPLC Board Members
- Persons requesting information about the LL.M. program

### Evaluation of Marketing Measures

To determine the most effective means of promoting the MIPLC, the Center asked all people requesting information about the Center and all applicants to the LL.M. program to state how they learned of the MIPLC. Analysis of the 183 statements obtained so far suggests the following:

1. The **internet** in general is the most important source of information. In particular, the MIPLC website, the website of GWU, and the online service "llm-guide.com" appear most successful in attracting students.
2. In all categories (except the number of requests) "**friends**" are the second most important source, not only leading to significant numbers of applicants, but also to paying students. Although the "friend" is usually not named, it can be concluded that the majority of "friends" are to be found among MIPLC students, alumni, and faculty members. In this context, special thanks are due to Dr. Heinz Goddar.
3. The information hosted on the websites or displayed in the offices of **scholarship granting organizations**, like the German Academic Exchange Service (DAAD) or the EU Jean Monnet Program is another important means of advertisement.
4. Ads and articles in the **press**, particularly in the *Süddeutsche Zeitung* and the *Economist*, also convinced people to apply and study at the MIPLC.

Although the MIPLC paper materials (flyer, poster, brochure) do not appear to play as an important role in initially informing students, this should not be interpreted as demonstrating

the ineffectiveness of these items. To the contrary, many persons who stated as their source of information “the University,” “the EPO” and so on, most probably have learned about the MIPLC through the exhibition of our poster or flyer at those venues, rather than through the institution itself. Moreover, the brochure is usually sent to persons after they have learned of the MIPLC and contacted it for further information. Thus, although applicants may not have originally learned of the Center from the brochure, they have likely been

convinced or at least strengthened in their decision to apply by the impression they gained from it.

In light of these results, the Center will generally continue to follow the promotion strategy it has adopted, and will place special emphasis on the partner websites and on cooperation with scholarship granting organizations. In addition, the Center will test new means of internet and press advertising.

### 3. Cooperation with other IP Institutions

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

In 2004 the MIPLC became the fifth member of the European Intellectual Property Institutes Network (EIPIN), joining the Centre d'Etudes Internationales de la Propriété Industrielle (CEIPI) at the Robert Schuman University of Strasbourg; the Magister Lvcentinvs at the University of Alicante; the NDS Geistiges Eigentum at ETH Zurich; and the Queen Mary Intellectual Property Research Institute at the University of London. EIPIN was created in 1999 to facilitate and increase cooperation among IP institutions and students in Europe.

As one means to further this aim, the participating institutions organize a series of conferences to which each institution sends students who are selected at the beginning of each academic year and who participate in all conferences. During the academic year 2004/05, EIPIN scheduled three conferences, devoted to Patent Litigation (Zurich), Trademark and Design Litigation (Alicante), and Technology Transfer (London), with several speakers from academia and practice lecturing on different aspects in the respective fields.

To prepare for the conferences, the students work in teams, ideally consisting of one student from each institution. The teams are given a variety of assignments, such as delivering presentations, participating in moot court competitions, and writing reports on some of the topics addressed at the conferences. The students' preparation prior to the conferences is done mainly by means of a “virtual classroom” website, on which the works-in-progress are posted, and by e-mail. The

teams are advised by Ph.D. students of the participating institutions. Future plans include joint workshops in which Ph.D. students of the EIPIN partners can present their work and receive comments from invited experts in their field, as well as joint research projects.

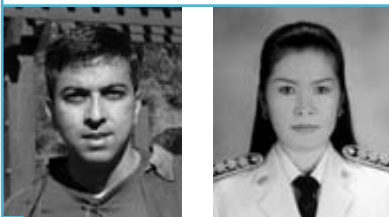
In its first year of membership in EIPIN, the MIPLC did not fully participate in all EIPIN conferences, but sent two groups of students to the conferences in Zurich (December 2004) and London (April 2005).

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

Within the framework of the EC-ASEAN Intellectual Property Rights Cooperation Program (ECAP II), which is administered by the EPO, seven Asian scholars joined the LL.M. IP program for the 2004 Winter Semester. Prof. Juriah Abd Jalil (Malaysia), Ms. Rahmi Jened (Indonesia), Mr. Ferdinand Negre (Philippines), Ms. Lukana Pobromyen (Thailand), Prof. Anilkumar Samtami (Singapore), Mr. San Sorphorn (Cambodia) and Dr. Tran Le Hong (Vietnam), who are all teaching IP in their home countries, came to Europe for a six-month period, taking part in the courses at MIPLC for the Winter Semester, and then continuing their visit to Europe with two months at Queen Mary Intellectual Property Research Institute London. The seven scholars were a valuable and lively addition to the class of 2004/05 and were missed when they left for Queen Mary at the end of February 2005.



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



Besides deepening their own knowledge of IP, learning about the European and U.S. conception of intellectual property rights, and being exposed to a variety of teaching styles, the ECAP II students had two collective tasks. The first task was the drafting of reports on the status of IP teaching in their respective home countries, which will be consolidated into a comprehensive survey. The second was the preparation of a plan for an IP curriculum, which is intended to serve as a template for postgraduate IP programs in the ASEAN countries. The work on the common IP curriculum will continue after the scholars' return to their home countries, and the results will be presented, discussed and disseminated at a regional conference in the second half of 2005.

More information on the ECAP II project is available at <http://www.ecap-project.org>.

## Supreme Court of Japan

Japan's economy is currently undergoing major changes. One main aspect of this development is an orientation towards an economy based on creativity and innovation. Consequently, the importance of intellectual property rights and the awareness of their importance has significantly increased. The Japanese government is undertaking strong and diverse efforts to

improve the functioning of the IP system. One main focus of its efforts is the improvement of the court system in order to facilitate the enforcement of IP rights. A milestone in this development is the formation of a specialized IP High Court in Tokyo in spring 2005.

As part of this process, there is an increasing demand for specialized IP judges. The Supreme Court of Japan (which directs personnel administration for all Japanese Courts) has decided to train future IP Judges at the highest possible level in order to make Japan into one of the most attractive venues for IP litigation and thereby stimulate investment into IP in Japan.

The MIPLC is honored that the Supreme Court of Japan has entrusted it to provide such IP education for future Japanese judges. The Court will send one to two young judges every year to participate in the MIPLC IP LL.M. program. This program will begin in the academic year 2005/2006.

The Supreme Court of Japan became aware of the MIPLC through Judge Ryoichi Mimura of the newly-created Intellectual Property High Court (formerly Presiding Judge at the Tokyo District Court (IP Chamber)), who has spent time as a scholar at the Max Planck Institute. He introduced Dr. Ralph Nack, the first Program Director of the MIPLC, to the Presiding Judge of the Supreme Court, after Dr. Nack had given a presentation about the MIPLC at the Tokyo District Court. Dr. Nack then negotiated the cooperation with the Supreme Court in 2004.

## University of South Africa

Last, but not least, the MIPLC and the Department of Mercantile Law of the University of South Africa, Pretoria, have signed a cooperation agreement in November. The field of cooperation includes activities such as the development of collaborative research projects, the organization of joint academic activities (such as courses, conferences, seminars, symposia or lectures), and the exchange of publications and other material of common interest.

The implementation of the agreement began with the visit of Professor Tana Pistorius, who received an MIPLC research scholarship for a study visit at the Max Planck Institute in the period of October through December 2004 (for details see chapter 6).

## 4. Grants & Fundraising

### Siemens/Schering Scholarship

The Siemens/Schering Scholarship, sponsoring one half of the tuition fee for one student, has been continued for the Academic Year 2004/05, and the MIPLC wishes to express its sincere thanks to the two companies.

### GRUR Scholarship

In addition to the scholarship cooperations concluded in 2004, the MIPLC proudly and gratefully announces that from the Academic Year 2005/06 on, the Deutsche Vereinigung für Gewerblichen Rechtsschutz und Urheberrecht e.V. (German Association for Industrial Property and Copyright Law, GRUR), will fund a scholarship to pay for the tuition of one LL.M. student. The MIPLC is extremely grateful for GRUR's support, as this generous contribution will allow an accomplished student who otherwise would not have been able to study in the IP LL.M. program to do so, and at the same time will support the MIPLC's efforts to provide all of its IP LL.M. students with an unparalleled education in intellectual property law.

### EU Scholarship Programs

During 2004, the Center initiated cooperation with three EU scholarship programs:

#### ECAP II

The ECAP II Program has already been introduced in chapter 3.

#### Jean Monnet Scholarship Program for Turkey

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

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

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

Because of the initial contacts established in 2004 between the MIPLC, the DAAD and the Jean Monnet Placement Agency in Istanbul, five highly qualified Jean Monnet scholars are expected to participate in the LL.M. program in the Academic Year 2005/06, with a significant part of their tuition fees being covered by the scholarship.

#### Program Alβan

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

Program Alβan enables Latin American students and professionals, future academics and decision-makers to benefit from the excellence of higher education in the European Union. The Alβan scholarships are also intended to develop marketable skills and broaden career opportunities for Latin American postgraduates and professionals in their own countries.

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

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

In 2004, the MIPLC received applications from two candidates from Mexico and Columbia who were not only seeking admission to the MIPLC LL.M. program, but also applying for an Alβan scholarship. Since both applicants were considered highly qualified candidates, they were granted early admission to the MIPLC. In the meantime, they have been awarded the Alβan scholarships and have confirmed their participation in the 2005/06 LL.M. program.

#### Bavarian Elite Network

In 2003, the University of Augsburg had submitted the MIPLC LL.M. IP program as a project proposal for the Bavarian Elite Network. Out of more than 100 proposals, the LL.M. program had been chosen as one of 29 prioritized projects, but was unfortunately not among those ultimately selected to receive funding.



## 5. The IP LL.M. Program

### Academic Year 2003/04

#### Academic Calendar

	Start	End
Winter Semester	October 13, 2003	February 27, 2004
Christmas Break	December 22, 2003	January 2, 2004
Spring Break	February 28, 2004	April 18, 2004
Summer Semester	April 19, 2004	August 6, 2004

#### Students

In October 2003, the program had started its first year with 16 students from eight countries and five continents. After the first semester, three students unfortunately had to leave the program, with the result that 13 students ultimately completed the LL.M. program in its first year of operation.

#### Internships

During the Spring Break (March 1 until April 18) the students completed their internships. For their placement as interns, the students can either rely on the MIPLC and choose (within reasonable limits) from a list of internship sponsors cooperating with the Center, or can make their own proposals and arrangements, provided they comply with the MIPLC Internship Guidelines. These Guidelines (Appendix 1) were established in order to ensure the high quality not only of the academic part of the program but also of the practical training.

For the first class of students the Center arranged the following internships: one at the Food and Drugs Board in Ghana; one at the Canadian Intellectual Property Office; two at Siemens; five with IP law firms in Munich and one with an IP law firm in Geneva; and four at the European Patent Office. Unfortunately and quite unexpectedly, the World Intellectual Property Organization (WIPO) was unable to take any students.

In accordance with the Guidelines, all participants were asked to evaluate the internships. The students' feedback was comprehensive, helpful and, in general, very positive. In most cases, interns were provided with individual offices and computers. The interns were directly involved in the working environment, and they were supported by friendly and helpful sponsors who were willing to share their knowledge. The students were treated professionally and were provided with effective supervision and constructive feedback on their work.

During their internships, the students were engaged in challenging work in every area of intellectual property and had the opportunity to attend hearings, participate in seminars and meetings, and draft legal memoranda. Therefore, the aim of the internships – to provide a chance to practically apply the knowledge acquired during the first semester – was clearly met. Nonetheless, the Center will follow up on the students' suggestion to provide the internship sponsors with clearer guidance about their essential role as partners in the education of highly qualified young professionals.

On the whole, it can be concluded that the MIPLC internship program is an important feature of the program, both with regard to practical training itself, and to career development: One student of the 2003/04 class was offered and has accepted a position with his internship sponsor.

#### Summer Semester Highlights

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

The first event in the Summer Semester was the study visit at the European Patent Office on April 21. During that day, the students not only came to know the EPO as such but also learned about the “life of a file” in a patent application, with emphasis placed on practical aspects. The MIPLC wishes to express their sincere thanks to the EPO International Academy (now European Patent Academy) for supporting the LL.M. program with excellent events such as this one.



*Study visit at EPO: Referee Heli Pihlajama (front, third from left), MIPLC students and staff members of the EPO International Academy, headed by Jean-Michel Zilliox (right).*

##### Guest Lecture Dr. Borecki, Baxter

On April 28, the MIPLC had the pleasure to welcome Dr. Thomas Borecki of Baxter Healthcare Corporation, who gave

a most interesting guest lecture for the MIPLC students on “Considerations for Managing Multi-jurisdictional Patent Litigation”.

### GW Law School Munich Intellectual Property Summer Program

In July, the George Washington University Law School successfully ran for the first time a four-week intellectual property summer program at the MIPLC. Four of the six courses offered in the program were also part of the MIPLC IP LL.M. program curriculum. Thirty-one students came to Munich for the program: twenty-seven from law schools across the United States, and four from other countries. The program also featured talks by Max Planck Institute researchers and visits to the German Patent and Trademark Office, the European Patent Office, BMW, and a local IP law firm. GW Law plans to hold the program on an annual basis.



*GW Summer Program and MIPLC students visiting BMW.*



*GW Summer Program students visiting the German Patent and Trademark Office.*

### Master's Theses

Apart from classes, the students' most important task during the summer semester was the completion of their Master's Theses. The preparations for this had started as early as in January when the students had been requested to hand in a first topic statement, and on this basis had been matched with appropriate supervisors from the academia part of the MIPLC faculty. The collaboration between the students and their supervisors worked very well, not only with those based in Munich, but also with the visiting professors who provided their support by e-mail and telephone.

### Graduation Ceremony

The first academic year of the MIPLC LL.M. program was officially closed by the Graduation Ceremony which took place on August 6, immediately after the final examination week. Although at this early point in time not all grades were available and thus only preliminary certificates were handed out, the date ensured that all of the graduates were still in Munich and able to participate in the Ceremony.

The ceremony was held on the beautiful premises of the “Akademischer Gesangverein München” (AGV), a student association of which Max Planck himself had been a member. After the solemn entrance of the students dressed in robes, Professor Straus spoke about the important, exciting and successful first year of the MIPLC LL.M. program. He then read a greeting sent by Professor Brauneis who stressed the special nature of the very first class of students and thanked them for their patience with shortcomings which inevitably occur now and then in the initial phase of operation of a new course of study. Professor Kort from the University of Augsburg pointed out the roles of the different partners in the project and the importance of the project for the partners. Last, but by no means least, Hans Christian Ruschke, as representative of the students, reviewed the past year, not only lauding the program but also commenting on the virtues of each student of the group. His ingenious speech was one of the highlights of the ceremony and was honored by the audience with enthusiastic applause.

After a musical intermezzo, Professor Straus and Professor Aschenbrücker, Vice-Rector of the University of Augsburg, presented the students with their certificates.

The Ceremony concluded with a photo session and a reception for all participants.

Special thanks are due to Carmen Jauch and Andreas Braßat whose excellent four-handed piano playing made an important contribution to the ceremony's success.



*The robes awaiting the students.*



*Prof. Straus giving a resumee of the MIPLC's first Academic Year.*



*Prof. Kort addressing the audience on behalf of the University of Augsburg.*



*Hans Christian Ruschke lauding the program and his fellow students.*



*The graduating class with Prof. Straus and Prof. Aschenbrücker.*



*Presentation of the Certificates. From left: Prof. Aschenbrücker, Prof. Straus, Prof. Kort, Eua Kwansima Amonoo, Prof. Ann.*



*Happy graduates from all parts of the world: Han Haifeng (China), Jennifer Vasquez (USA), Hans Christian Ruschke (Germany), Cristina Niño Biscaia (Brazil) (from left).*

### Oehm Prize

The final highlight of the Academic Year 2003/04 was the awarding of the Oehm Prize to the student with the best overall final grade, which took place during the Max Planck Christmas reception on December 21, 2004.

The Oehm Prize, which includes a cash award of 500 EUR, is sponsored from a donation generously endowed to the MIPLC by Gertrud and Siegfried Oehm in the Spring of 2004. Professor Straus and the Managing Board wish to express their sincere thanks for this support, which not only helps to honor excellent academic performance, but will also honor and preserve the memory of Siegfried Oehm, who passed away in August of that same year.

The 2003/04 Oehm Prize winner was Ms. Eva Mosel, now a Ph.D. student at the MIPLC, who achieved a final grade of 15 points. The MIPLC was honored that Mrs. Oehm participated in the ceremony and personally handed over the award to Ms. Mosel.

### Professional Perspectives – Life after MIPLC

An issue of highest importance for all parties – the Center, its current students, and prospective students – are the career opportunities available to MIPLC graduates.

From the first academic year on, the MIPLC supported its students in finding attractive employment opportunities, offering the following services:

First, the pooled contacts of the four MIPLC partners cover all areas of IP and all parts of the world. This is particularly true for the Max Planck Institute which, on the basis of its visiting scholars from all over the world has established an international IP network for many years. The partners also have numerous contacts with German and international companies. On this basis, the Center can effectively support individual career goals, and the MIPLC Managing Board members and faculty are readily disposed to recommend qualified graduates, whether by issuing letters of recommendation or by establishing direct contacts.

Second, the MIPLC is regularly approached by companies, international IP institutions, and executive search organizations that are looking for IP experts. These job offers are forwarded to suitable candidates and are also published on the MIPLC website.

Third, MIPLC students have full access to the career services of the George Washington University Law School, which is especially helpful for students from the US.

Fourth, the four-week internship that all students have to complete is an excellent opportunity to present themselves to a potential future employer.

As a result of the above measures, three students of the 2003/04 class had found a job before they had finished the program: two with companies (Siemens, Munich and Munich/Beijing, respectively) and one with an international law firm (Bird & Bird, Düsseldorf). A fourth student, after passing the bar exam, joined the US Patent and Trademark Office. Four graduates returned to the jobs from which they had taken leave for the year at the MIPLC; one continued with law school; and two started work on their Ph.D. theses.



*Two generations of MIPLC students united at Siemens during the internship at the Siemens IP Department: Erhard Plankensteiner (center), MIPLC graduate 2003/04 and intern in 2004, now a staff member; Monica Armillotta (second from left) and Zhou Jian (right), MIPLC students 2004/05; supervisors Peter Berg (left) and Hans-Jörg Müller (second from right), Siemens IP Department.*

It therefore appears that the combination of the outstanding education the students receive at the MIPLC with the effort the students put in, the results they achieved, and the support of the Center is highly effective to open up attractive career opportunities to MIPLC graduates.

For the future, with increasing numbers of students, the Center envisages additional career events that will allow both employers and students to present themselves to and establish contacts with each other.

### Evaluation of the first Academic Year

In spite of all of the difficulties that unavoidably arise when starting a new endeavor as complex as an international and interdisciplinary LL.M. program, the first academic year 2003/04 must on balance be considered a success. The program proved to be very intensive and highly demanding, leaving the students with little leisure time to enjoy Munich and its surroundings. Nevertheless, the students managed to cope with the workload and the vast majority performed very well.

The lessons learned from the first year and the resulting changes for the Academic Year 2004/05 are as follows:

On the organizational level, it was decided to start each academic year in the future with a Welcome Day. In addition, minor organizational changes were envisaged for (and also implemented in) the program of 2004/05 to optimize efficiency and student satisfaction.

While the overall structure of the LL.M. program will basically remain the same, the following improvements were made for the Academic Year 2004/05:

### Course Materials and the MIPLC Reader

In the first Academic Year of the MIPLC, the lecturers had to include all relevant legal provisions into their respective course materials. However, it became clear that the materials for different courses frequently contained excerpts of the same legal provisions, for example the TRIPS agreement and the European Patent Convention. These redundancies significantly increased the size of the reading materials, and it became clear that students need to have one single source of all major relevant legal provisions for their studies and research.

In spite of the wealth of excellent literature and textbooks in intellectual property law available, it turned out that none of them met the unique requirements of the MIPLC. To meet those requirements, the first Program Director, Dr. Ralph Nack, developed the idea of creating and editing the MIPLC Reader called “Intellectual Property - Selected Statutes, Regulations & Materials on the Law of Intellectual Property.” The aim of this truly international book is to fulfill the need for a complete and comprehensive textbook covering all areas of IP law from a global, European and U.S. American perspective.

Based on the feedback from the MIPLC faculty and other members of the international IP community, the book has been developed as a unique collection designated for general use in academia and private practice. It aims to meet the needs of both students and professionals interested in intellectual property law as an easy-to-use reference source.

The book is innovative in terms of content and presentation. As regards content, the book is divided in two sections. Part one is devoted to the treaties establishing the major international and regional IP institutions, including the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO) and the European Union, which set the frame for many important national and international provisions. To aid understanding, the difficult contractual networks of the World Trade Organization and the European Union have been outlined in clearly arranged charts. Part two aims to present comprehensively all areas of substantive IP law: patent, plant variety protection, copyright, trademark, design and competition law. Each

chapter starts with the international treaties and conventions, followed by specific European and U.S. American provisions.

A second (amended and revised) edition of the book is already under preparation.

### Curriculum

In order to further optimize the curriculum, the Center has introduced some new courses and revised others in the Academic Year 2004/05, partly to implement the original plan and partly in reaction to student comments in class evaluations.

- Two new Introductory Courses were offered:
  - Introduction to IP, to give the students an overview of what they will be studying in detail during their year at the MIPLC
  - Introduction to Economics, to prepare students who lack basic knowledge in economics for the courses dealing with the economic implications of IP.
- Three new Specialized Courses were included in the curriculum:
  - Practical Training in Trademark Law, to give more weight to this field of IP in comparison to patent and copyright law.
  - Pharmaceuticals and IP, to enrich the biotech/pharma part of the curriculum
  - Enforcement of Copyright, as a part of the Joint Module with the George Washington University (see below).
- Two Specialized Courses were not offered in 2004/05:
  - Practical Training in Media Law
  - Taxation of E-Commerce
- The study visit to the EPO was re-scheduled to November, to benefit from the proximity to the “European Patent Law” course.
- Two new features were offered:
  - Participation in the EIPIN congresses (see chapter 3 and below)
  - A Joint Module with two of the EIPIN partners (the ETH Zurich and Queen Mary in London) hosted by the George Washington University Law School, enabling students to spend one and a half weeks in Washington, DC, attending classes and lectures and visiting some of the numerous IP institutions located there. Since the Module was scheduled for June 2005, details will be presented in the 2005 Report.

- Minor changes in the chronological order of some courses were made to optimize the sequence of their contents.

The complete list of courses offered in the Academic Year 2004/05, including brief descriptions of the subject matters addressed, is available as Appendix 2.

## Faculty

The following changes occurred in the faculty list for the Academic Year 2004/05:

- Due to other commitments, Professor Hugenholtz was unfortunately not available for the European Copyright class. His part was taken over by Professor Drexl and Dr. von Lewinski.
- On the other hand, the MIPLC was happy and honored having attracted an additional nine excellent new teachers from academia and practice. These are:
  - Mr. Jesse M. Feder, Business Software Alliance, Washington DC (Enforcement of Copyright)
  - Professor Ulrich M. Gassner, University of Augsburg (Pharmaceuticals and IP)
  - Mr. P. Jay Hines, Attorney at Law, Washington, DC (Practical Training in Trademark Law)
  - Mr. Klaus Hoffmeister, Central Industrial Property Bureau of the Customs Administration, Munich (Enforcement of Copyright)
  - Mr. Ekkehard Kuhn, International Federation of Phonographic Industry, Berlin (Enforcement of Copyright)
  - Mr. Wolfgang von Meibom, Attorney at Law, Düsseldorf (Practical Training in European Patent Law)
  - Dr. Ralph Nack, Attorney at Law, Munich (Computers and the Law)
  - Mr. Michael Schlesinger, International Intellectual Property Alliance, Washington, DC (Enforcement of Copyright)
  - Dr. Bernd Süßmuth, Technische Universität München (Industrial Organization)

The complete list of faculty members is available as Appendix 3.

## Tutors

With the higher number of students, more tutors had to be engaged and were predominantly recruited among the Ph.D. students at the Max Planck Institute. The group finally comprised 20 tutors, although not all of them were active throughout the whole Academic Year. The list of tutors is included as Appendix 4.

No changes in the concept of the tutorials took place, as the experience gained during the first year had proven them to be an excellent tool to support the students in their studies.

## Academic Year 2004/05

### Academic Calendar

	Start	End
<b>Winter Semester</b>	October 12, 2004	March 1, 2005
<b>Christmas Break</b>	December 22, 2004	January 2, 2005
<b>Spring Break</b>	March 2, 2005	April 10, 2005
<b>Summer Semester</b>	April 11, 2005	August 5, 2005

The complete class schedule of the Academic Year 2004/05 is included as Appendix 5.

### Applicants & Students

For the 2004/05 LL.M. course, 62 candidates from 33 countries applied, and the Center admitted 42 applicants, which finally resulted in a class of 25 students from 19 countries, including the seven ECAP scholars (see chapter 3).



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



Map showing the students' countries of origin.

## Scholarships

As it is the MIPLC's declared policy to have a truly international student body, in the second Academic Year as in the first a substantial number of highly qualified students in need of financial assistance were granted a scholarship.

On the other hand, with regard to the Center's long-term financial health, it is one of the MIPLC's major tasks to increase both the number of students who can afford to pay full tuition or who can find funding from third parties.

Comparing the Academic Years 2003/04 and 2004/05, a satisfactory development can be seen in this regard. In 2003/04, the number of "full-paying student equivalents," calculated by adding together the tuition fees received from students or their sponsors and dividing that sum by 23,000 €, the full tuition for the program, was 10.5. In 2004/05, that number rose to 13.2, an increase of 26%.

As already stated in chapter 4, the Siemens/Schering Scholarship and the ECAP Project provided financial support for tuition fees in the Academic Year 2004/05.

Thanks to the cooperations established with the two EU Programs (Jean Monnet and Alþan) as well as with the Supreme Court of Japan and GRUR, the Center expects support by third parties to increase significantly in the Academic Year 2005/06. Nonetheless, considerable effort is necessary in this field and will form an important task in the coming years.

## Winter Semester Highlights

### Welcome Day

Based on the experience gained in the first year, the program started with a Welcome Day. After an introductory session, during which the students and the MIPLC staff were introduced to each other, the students received comprehensive information about and assistance with the initial administrative

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



Grétar Ingi Grétarsson (left), Anna Bacchin (right), and Michael J. Leonard (front) in their office.

### Visit of Judge Michel

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



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

### Study Visit at the European Patent Office

As in the first year, the students were invited to a study visit at the EPO to get acquainted with the EPO's organizational structures and work and to learn about the life cycle of a patent application. Since the visit took place immediately after the first part of the "European Patent Law" class, the lectures dealing with the practical aspects were an excellent amendment to the theoretical knowledge the students had just gained.

### EIPIN Congress in Zurich

Ten full-time MIPLC students as well as the seven ECAP scholars participated in the first conference of the 6th EIPIN Congress which took place in Zurich on December 2-4 and was devoted to patent litigation. It offered a full program with fourteen interesting and informative presentations on different aspects of patent litigation, including: pre-litigation strategies, cross-border litigation in different countries, valuation of patents, and landmark patent cases. The presentations reinforced and complemented the knowledge the MIPLC students had gained in previous lectures and were followed by questions and comments from the students. Speakers included Justice Hugh Laddie of the Royal Courts of Justice, London; Judge Alfred Keukenschrijver of the German Federal Supreme Court, Karlsruhe; and Mr. Peter Messerli, Vice-President of the EPO.



*EIPIN Congress, Zurich: Katy Holmes from MIPLC (left) and a colleague from UK enjoying the traditional cheese fondue.*

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



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

### Munich City Tour

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

### Christmas Reception

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



## 6. Research Projects

Since the first project listed in the Cooperation Agreement is the preparation and support of papers on research topics, “particularly those which seek to develop innovative practical recommendations,” research is one of the core elements of the MIPLC, although at this juncture most people may know the Center for its IP LL.M. program. Even though the primary focus in 2004 has remained the formation and refinement of the LL.M. program, the first research projects have commenced, and some of them have already been completed.

### Projects & Scholars

As a starting point for international cooperation projects of the MIPLC, Professor Straus initiated the first German-Norwegian Workshop on Intellectual Property Rights, which was organized by the Department of Private Law of the University of Oslo (UiO) and held in Oslo on September 23/24, 2004. The four German speakers – Professor Annette Kur, Dr. Silke von Lewinski, Dr. Matthias Leistner and Wolrad Prinz zu Waldeck – are members of the Max Planck Institute for Intellectual Property as well as members of the MIPLC faculty or staff. The Norwegian speakers were Professor Are Stenvik (UiO), Kaja Veel Midtbø, a doctorate student under his supervision who was conducting the research for her presentation in Munich as an MIPLC scholarship holder, and two Norwegian attorneys, Astrid Lund and Dr. Lisa Vogt Lorentzen.

The workshop was attended by some 20 selected members of the Norwegian IP-community (several research scholars and attorneys, as well as the Director and two Members of the Board of Appeal of the Norwegian Patent Office) and was chaired by Professor Ole-Andreas Rognstad (UiO). The four sessions of the workshop, each consisting of two presentations followed by discussion, were presented under the following titles:

- “The Implementation of the Biotech Patent Directive in Norway and Germany” (Midtbø/Prinz zu Waldeck)
- “Extended Collective Licenses. The Future for International Copyright Management” (Lund/von Lewinski)
- “The Development of the Legal Protection of Databases in Light of German and Norwegian Legal Traditions” (Leistner/Lorentzen)
- “Procedural Aspects of Trademark Cancellation under German, Norwegian and Community Law” (Kur/Stenvik)

In view of the informative presentations and the spirited discussions, the workshop was considered a success by all participants and an inspiring start for the cooperation of the MIPLC/MPI and the Department of Private Law of the University of Oslo.

During 2004, several researchers were granted an MIPLC scholarship and came to Munich to work on their short-term projects as listed below:

#### **Prof. Indunil N. Abeysekere, Sri Lanka**

(October 1 to November 30, 2004):

Topic: “Protection of Undisclosed Information in Certain Common Law Countries and Possible Improvements to the Sri Lankan Legislation in this Respect”

Results unpublished, as the aim of the research was gathering ideas to improve the Sri Lankan legislation in the area of undisclosed information.

#### **Prof. Maristela Basso, University of São Paulo, Brazil**

(October 1 to November 30, 2004):

Topic: “IP and Free Trade Agreements in Latin America”

Published as the book “Propriedade Intelectual na Era pós-OMC” (Intellectual Property in the Post-WTO Era), Livraria do Advogado Editora, Porto Alegre, RS; August 2005

#### **Ms. Carla Meninsky, The George Washington University, Washington, DC**

(September 1 to November 30, 2004):

Topic: “Computer Programs and Copyright: Using Technological Measures to Lock Out Competition”

Comment on decisions „Chamberlain v. Skylink“ and „Lexmark v. Static Control“ published in IIC, 2/2005, p. 263.

#### **Ms. Kaja Veel Midtbø, University of Oslo**

(September 1, 2004 to August 31, 2005):

Topic: “An Analysis of the Penal Sanctions Foreseen for Violation of the Obligation to Indicate in Patent Applications the Geographical Origin of Plant and Animal Material Induced by the New Sec. 8 b) of the Norwegian Patents Act”

First results presented at the German-Norwegian Workshop on Intellectual Property Rights, Oslo, September 23/24, 2004; project still ongoing.

#### **Ms. Mineko Mori, Stanford University**

(June 16 to August 15, 2004):

Topic: “Employees' Inventions in Japan”

Paper accepted for publication in IIC, 6/2005.

### **Prof. Nahoko Ono, University of Tokyo**

(October 1 to December 31, 2004):

Topic: “Inventorship v. Ownership in Patent Law”

Paper “Better than Nothing - Japan's next move on Patentability to Medical Methods” accepted for publication in IIC in 2005.

### **Prof. Tana Pistorius, University of South Africa**

(October 1 to December 31, 2004):

Topic: “The Reform of Copyright Law in the Digital Age: A Proposal for Media Neutrality and Functional Equivalence”

Results published and/or presented as follows:

“Digital Copyright, Exceptions and Technological Measures: Should Digital be Different?, Inaugural Lecture as Professor of Intellectual Property Law, University of South Africa”, February 22, 2005.

An article based on this lecture will be submitted to a law journal for publication.

“Copyright in the Information Age: The Catch-22 of Digital Technology”, accepted for publication as a chapter in a book “Intellectual Property: Global Perspectives from the African South”, to be published 2005 by KwazuluNatal University Press.

“From Snail Mail to E-Mail – A South African Perspective on the Web of Conflicting Rules on the Time of E-Contracting”, article submitted to the Comparative and International Law Journal of Southern Africa (CILSA).

In the coming years, the research undertaken or supported by the MIPLC is expected to grow, and will also include more long-term, comprehensive projects carried out in cooperation with other academic institutions.

The first such project already started in 2004 and is a cooperative project of the MIPLC, namely Prof. Joseph Straus, Dr. Tanuja Garde and Dr. Peter Ganeva, and Prof. Paul Goldstein of Stanford University:

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

The aim of this project is to investigate the IP infrastructure in Asia's emerging markets, which include China, India, Indonesia, Malaysia, the Philippines, Thailand and Vietnam. The concept of “IP infrastructure” includes not only the present IP legislation and practice in each observed country, but also the role that IP plays in light of the present economic situation of each country and the socio-economic factors like politics, education and legal thought that have an impact on the development of IP in the long term.

#### **Ph.D. Students**

In 2004, the MIPLC also initiated its Ph.D. program. The first students accepted were Ms. Eva Mosel and Mr. Paul Fairhurst, two of the 2003/04 LL.M. graduates, working on the topics

“Valuation of Trade Marks and Strategic Innovation Management – A Global Approach to Trade Mark and Brand Valuation” (Mosel), and

“Building a Comprehensive Multivariate Valuation Model for Intellectual Property Which Allows for Full Securitisation and Tradability of IP as a Commercial Asset” (Fairhurst).

## 7. MIPLC Managing and Advisory Boards

### Managing Board – Awards and Nominations

In 2004, the Members of the MIPLC Managing Board received the following awards and nominations:

Prof. Straus (MPI) was appointed an Honorary Professor of the Tongji University, Shanghai, as well as an Honorary Director of the Intellectual Property Institute of the same university.

In May, Prof. Straus visited Japan as Co-Chair of the International Symposium in Commemoration of the 100th Anniversary of the Establishment of the Japan Institute of Invention and Innovation (JIII), and as Chair of the Committee for the preparation of the Tokyo Declaration on IP Culture. In connection with the Symposium, Prof. Straus participated in a commemorative ceremony which was attended by the Emperor, the Empress and Prince Hitachi (brother of the Emperor), as well as Prime-Minister Koizumi and many other high officials of the Japanese Government, Parliament and Judiciary.



*Prof. Straus being introduced at the Ceremony commemorating the 100th Anniversary of the Japan Institute of Invention and Innovation. First row (from left): Prime-Minister Koizumi, next to him President of the Diet, President of the Supreme Court, Minister of Education; second row (from left): The Honorable Tun Dr. Mahathir bin Mohamad (former Prime Minister of Malaysia), Dr. Kamil Idris (Director General of the World Intellectual Property Organization), Prof. Straus (standing).*

Prof. Möllers (University of Augsburg) was awarded a Fulbright Scholarship for one semester of research at Pepperdine University (Malibu, USA), and he was a Visiting Professor at the same university.

He also served as a Visiting Professor at the University of North Carolina Law School, Chapel Hill, USA, where he taught the course “Introduction to European Law”.

Prof. Möllers was appointed referee for the Deutsche Forschungsgemeinschaft (German Research Foundation, DFG) and Senator of the University of Augsburg.

### Advisory Boards

The Cooperation Agreement that created the MIPLC provides that the Center has three Advisory Boards.

The **Scientific Advisory Board** advises the Managing Board on the MIPLC's research program and on the development of the LL.M. program, as well as on financial issues. It is composed of one representative each from the Max Planck Institute, the University of Augsburg, the Technische Universität München and the George Washington University, and of three external members who demonstrate recognized expertise in the research areas of the MIPLC.

For the Max Planck Research Unit the Regulations of the Max Planck Society require two further Boards: a Board of Trustees and another Scientific Advisory Board (“Fachbeirat” in German; this term will from now on be used in order to avoid confusion between the two Advisory Boards).

The **Fachbeirat** evaluates the Center every two years. It is composed of one representative from each cooperating partner, and of four additional IP experts appointed by the President of the Max Planck Society.

The **Board of Trustees** promotes the relationship between the Center and the general public interested in education and research in Intellectual Property and related areas. The Board of Trustees is composed of representatives from political, business, scientific, media and other circles who have special ties to the research concerns of the MIPLC or who can substantially contribute to its support. The members are appointed by the Max Planck Society in consultation with the MIPLC Managing Board.

The Members of all MIPLC Boards are listed in Appendix 6.

While the Cooperation Agreement and the statutes of the MPG provide for yearly meetings of the Scientific Advisory Board and the Board of Trustees, the Fachbeirat meets only once every two years.

Because the MIPLC was founded in 2003, the Scientific Advisory Board and the Board of Trustees met for the first time on October 28 and 29, 2004. The Fachbeirat will meet for the first time in October 2005.

### Meeting of the Scientific Advisory Board

On October 28, 2004 the Scientific Advisory Board met from 10:00 a.m. to 5 p.m.

Professor Straus welcomed the Board Members and thanked them for their commitment to support the MIPLC with their valuable advice. In the morning session, the Managing Board reported on the first year of the LL.M. program: Prof. Brauneis explained the structure and components of the pro-



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



*Board Members Prof. Martin J. Adelman and Prof. Wolfgang Schön.*



*Board Members Prof. Vincenzo Di Cataldo (left), Prof. Michael Kort, and Prof. Alberto Bercovitz (right) listening to Prof. Russell K. Osgood (second from left).*

gram, Prof. Möllers gave an overview of the study and examination regulations, and Prof. Straus presented the key data of

the first year and the prospects for the second year. A discussion of these issues followed.

After lunch, Prof. Straus outlined the research agenda of the MIPLC. Subsequently, completed and current research projects were presented by Dr. Ganea (MPI), Prof. Pistorius (University of South Africa), Prinz zu Waldeck, and Prof. Straus.

During the coffee break, the Board Members had the opportunity to meet the IP LL.M. students, who on this afternoon attended the guest lecture held by Judge Michel.

The next session was dedicated to the MIPLC's financial report and plan, which Ms. Hinkel presented for the years 2003 through 2007. Given the MIPLC's goal to become financially self-sustaining as soon as possible, the subsequent discussion led into the last topic, namely how to attract more full-paying students and financial support from third parties.

In the evening, the Center held a joint dinner with the members of Scientific Advisory Board and the Board of Trustees.



*Prof. Bercovitz in discussion with MIPLC student Claudia Hiebsch during the coffee break.*



*Prof. Osgood in discussion with MIPLC student Michael J. Leonard (left) and ECAP scholar Ferdinand Negre (center).*

## Meeting of the Board of Trustees

The Board of Trustees met on the following day, October 29, 2004, from 10 a.m. to 1 p.m.

Again, the meeting was opened by Prof. Straus with a welcome address and thanks to the Board Members, which was followed by the election of Mr. Ron Myrick as Chairman and Prof. Büttner as Vice-Chairman.

Subsequently, Dr. Ebersold, Deputy Secretary General of the Max Planck Society, introduced to the Board Members the structure and the work of the Society.

This was followed by the reports on the LL.M. program, the research activities and the financial situation, including discussions on each topic.

All participants convened for lunch after the closing of the meeting.



*Board of Trustees Chairman Ron Myrick, Esq., Vice-Chairman Prof. Winfried Büttner, and Prof. Joseph Straus (from left).*



*Prof. Kenneth W. Dam in discussion with Prof. Straus.*



*Shira Perlmutter, Prof. Christoph Ann, Ron Myrick (from left).*



*Plenum.*



*Dr. Bernd Ebersold, Deputy Secretary General of the Max Planck Society, and Board Members Dr. Bertram Huber, Prof. Martin J. Adelman, Dr. Patrick Illinger (from left).*

## 8. Financial Report

After the extraordinary year of 2003, characterized by the MIPLC's foundation, 2004 was the first year in which the LL.M. program ran in full swing. This is reflected in the financial report, both on the expenses side and, with the second academic year having started in October, also on the income side.

The table below summarizes the expenses paid and income received in 2004. For purposes of comparison, the table also reports the figures for 2003.

The 2004 income is composed of the second tuition installment paid by the 2003/04 students plus the first tuition installment

from the 2004/05 students (including the late payments as explained below), whereas the income of 2003 only results from the first tuition installment of the 2003/04 class. The fact that the 2004 income is not twice but three times as high as in 2003 indicates that the income from the 2004/05 students has considerably increased compared to the first class.

Due to the increased expenses in 2004, the balance is not reduced in the same extent as the income has increased. Still, the reduction of the deficit by 30,000 EUR shows that the Center is on the right path.

*The MIPLC fiscal year is identical to the calendar year, while the academic year runs from October to September.*

*The report is on a cash-flow basis which means that only the expenses actually paid and the income actually received in 2004 are accounted for.*

	2004	2003
<b>Expenses</b>	<b>466,710.55 €</b>	<b>286,148.19 €</b>
Personnel	161,611.16 €	110,937.05 €
Lecturers	76,728.20 €	19,792.86 €
Tutors	10,037.50 €	3,150.00 €
Travel expenses	17,565.06 €	2,714.89 €
Rent	130,000.00 €	97,500.00 €
Library	17,384.30 €	16,872.46 €
PR & Marketing	38,396.27 €	13,757.49 €
IT	256.00 €	12,373.99 €
Conferences	5,939.93 €	0.00 €
Other material expenses	8,792.13 €	9,049.45 €
<b>Income</b>	<b>221,208.63 €</b>	<b>108,133.22 €</b>
<b>Income incl. late payments *</b>	<b>318,783.63 €</b>	
<b>Balance</b>	<b>-245,501.93 €</b>	<b>-178,014.97 €</b>
<b>Balance incl. late payments *</b>	<b>-147,926.92 €</b>	
<b>Per partner balance</b>	<b>61,375.48 €</b>	<b>-44,503.74 €</b>
<b>Per partner balance incl. late payments *</b>	<b>-36,981.73 €</b>	

\* The actual income accounted for in 2004 was reduced by the circumstance that a significant part of the tuition fees due had not arrived at the University of Augsburg in time to be accounted for in 2004. Since for a comparison of the income in 2003 and 2004 the relevant figure is the income created and not the income actually received on a cash-flow basis, the late payments have been included in the above table and added to the income of 2004.

# Appendix 1: MIPLC Internship Guidelines

## The Munich Intellectual Property Law Center Internship Program

The MIPLC requires each of its Intellectual Property LL.M. students to complete an internship with a law firm, company, court, government agency, or other organization that concerns itself with some aspect of intellectual property law. Organizations that agree to host student interns are called “internship sponsors.”

**1. Goals.** The goals of the internship are to give the student an opportunity

- To apply substantive knowledge in an actual practical setting;
- To develop additional skills of research and writing, interviewing, counseling, investigation, and working cooperatively with others;
- To understand issues of professional responsibility, including confidentiality and avoiding conflicts of interest.

**2. Duration and Scheduling.** Each internship has two phases: the full-time phase and the introductory phase.

- The **full-time phase** is a period of **four weeks** during which the intern has no other responsibilities and devotes his or her entire energies to the internship, working approximately 40 hours per week. This period ordinarily begins immediately after the end of the winter semester, at the beginning of March.
- The **introductory phase** runs from the beginning of February to the beginning of the full-time phase. During this period, the intern should be introduced to the people with whom he or she will be working, and should attend some events associated with the internship sponsor (depending on the nature of the sponsor, these might include court hearings, seminars, negotiation sessions, legislative hearings and sessions, etc.). The purpose of the introductory phase is to ensure that the student and the internship sponsor personnel are fully acquainted within one another before the beginning of the full-time period, so that the student will receive substantive assignments and be integrated into the working life of the internship sponsor from the very first day of the full-time period.

**3. Prohibition on Compensation.** Interns are prohibited from receiving compensation for work performed during their internship. Internship sponsors also receive no compensation, other than the value of the uncompensated work performed by the intern during the internship.

**4. Qualifications and Responsibilities of the Internship Supervisor.** Each internship must be supervised by an

Internship Supervisor. The Internship Supervisor must be a person working for the internship sponsor who has substantial professional experience and who already has responsibility for supervising the work of others. **The Internship Supervisor has primary responsibility for ensuring that the internship goals are met and for supervising and evaluating the student's work.** This responsibility includes the following specific requirements:

- Enter into an initial internship agreement with the intern that describes the nature of the intern's responsibilities and the method of providing feedback to the intern, and that certifies that the intern and Internship Supervisor will fulfill their internship responsibilities.
- Ensure that the intern is integrated into the work life of the office. This includes the provision of a desk or other work area at the same location as the group within which the intern will be working, and participation in appropriate group meetings and activities.
- Ensure that the intern is assigned substantive rather than clerical work.
- Meet at least once a week with the intern during the full-time period to provide oral or written feedback on the intern's work.
- Understand that the intern is ordinarily required to submit to the MIPLC a substantial memorandum or a series of shorter written works generated during the internship, and that the intern's assignments should, if possible, be directed toward allowing the student to complete such projects. Documents prepared during the internship may be redacted to preserve confidentiality, and an Internship Supervisor may seek an exemption from the requirement on confidentiality grounds.
- Provide to the MIPLC a written final statement that contains an accounting of the number of hours that the intern worked; a description of the intern's work; an evaluation of the student's work; the conclusion of the Internship Supervisor that the internship was successful or unsuccessful; and a verification that the student was not compensated for his/her work. The Supervisor will also be asked to provide comments on the internship program and to inform the MIPLC whether the organization intends to remain an internship sponsor for the following year.

**5. Qualifications and Responsibilities of the Intern.** Each intern will have completed the first semester of the Intellectual Property LL.M. program, which includes intensive instruction in patent, copyright, trademark, and design law, as well as in jurisdiction and conflict of laws, competition law,

European and International (WTO) law, and intellectual property licensing. An internship sponsor may state additional preferences or requirements for interns, including fluency in German, particular engineering or legal experience, or other qualifications that may be either desirable or necessary given the nature of the work that the internship sponsor can offer. Each intern must:

- Enter into an initial internship agreement with the Internship Supervisor that describes the nature of the intern's responsibilities and the method of providing feedback to the intern, and that certifies that the intern and Internship Supervisor will fulfill their internship responsibilities.
- Perform all internship work according to professional standards, including standards of confidentiality and avoidance of conflicts of interest.
- Write a weekly journal describing and reflecting on the internship.
- Write a substantial memorandum or series of smaller memos as assigned by the Internship Supervisor.
- Write a final evaluation of the internship, addressing such matters as how many hours the intern worked, what kind of work the intern did, whether the intern received the work he or she expected, whether the intern received adequate supervision and feedback, whether the intern would recommend the internship to others and whether the intern suggests changes to the program.

## Appendix 2: Curriculum & Course Descriptions

### Introductory Courses

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

(Ann, Cornish, Crews) (1 Credit Hour, 0 credit points)  
Introduction to the structure, historical development, and legal thought of civil law and common law systems; constitutional aspects of the legal system in the U.S., including federal and state legislation and jurisdiction.

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

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

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

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

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

### Basic Courses

#### **European and International (WTO) Law**

(Möllers) (1 CH, 1.5 cp)

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

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

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

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

The theoretical foundation and historical development of copyright in selected EU countries (France/Germany/UK) and differences resulting therefrom (author's right vs. copyright systems, monism and dualism); prerequisites and scope of



copyright protection and protection for neighboring rights according to German copyright law, with a comparative view to other EU countries; harmonization of copyright in the EU, including an overview on the existing directives, the state of implementation of the most recent directives, further harmonization projects, and ECJ case law in the field of copyright.

**European Patent Law** (Straus, Moufang, Pumfrey) (2 CH, 3 cp)  
The present state and future prospects of the European Patent system, including patentable subject matter, patentability requirements, and scope of protection under the European Patent Convention; patent prosecution before the European Patent Office; litigation of European patents, including jurisdictional questions; and an introduction to the proposed Community Patent Regulation and other proposed legislation in the patent field.

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

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

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

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

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

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

#### **International and Comparative Copyright Law**

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

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

#### **International and Comparative Patent Law**

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

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

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

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

Principles applied to determine the competence of courts and the applicable law under EU and U.S. law, with a focus on IP conflicts; problems arising in the EU under the Brussels Regulation; the specific relevance of jurisdiction matters and conflict of laws in the digital environment; and harmonization prospects.

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

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

The legal context of licensing situations; appropriate terms and conditions in contracts; antitrust and misuse constraints; choice of law; jurisdiction.

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

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

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

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

## Specialized Courses

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

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

#### **Computers and the Law** (Dreier, Lehmann, Nack) (2 CH, 3 cp)

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

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

(Brauneis) (1 CH, 1.5 cp)

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

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

#### **Enforcement of Copyright**

(Schlesinger, Feder, Kuhn, Hoffmeister) (1 CH, 1.5 cp)

The course is structured as a series of four workshops, two of which are held in Washington at GWU and transmitted via videoconference to the MIPLC, the other two being held in Munich at the MIPLC.

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

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

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

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

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

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

#### **Industrial Organization and IP**

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

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

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

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

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

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

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

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

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

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

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

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

**IP and Indigenous Heritage** (von Lewinski) (1 CH, 1.5 cp)  
In recent years, tensions have increased between indigenous peoples and western industries about the use of genetic resources belonging to their land, their traditional knowledge and folklore. Under intellectual property systems, these achievements are regularly not protected, but indigenous peoples consider them under their own (customary) laws as belonging to them. Since industries often make benefits from using genetic resources, traditional knowledge and folklore either as such or as a basis for further (patentable) inventions and derived works protected by copyright, indigenous peoples have claimed that protection be established so as to be able to control the use of these achievements, to share in the benefits, to be able to prevent offensive or other uses damaging their spiritual interests, and to have their origin acknowledged. This course will consider these issues in the framework both of examples of national and regional legislation and of efforts to develop international norms and standards, in particular in WIPO.

**IP Project Management** (Kolisch) (1 CH, 1.5 cp)  
An introduction to appropriate techniques for managing, valuing, selecting and processing intellectual property projects, based on the premise that intellectual property is in fact created through projects, such as research projects that lead to patents. The course will combine lectures, discussions and case studies.

**IP Prosecution and Enforcement**  
(Kieff, Kroher, Pagenberg) (2 CH, 3 cp)  
Sanctions and enforcement in IP law, with a special view to patent prosecution under German, European and U.S. law;

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

**Managerial Finance** (Kaserer) (1 CH, 1.5 cp)  
Introduction to financial management issues in companies, most importantly financial statement analysis, financial planning and corporate control, with special emphasis on management issues of intellectual property companies. The course combines lectures, discussions and case studies.

**Pharmaceuticals and IP** (Gassner) (1 CH, 1.5 cp)  
Specific issues related to the off-patent protection of pharmaceuticals under U.S., European and Japanese law, including namely patent term extensions (or Supplementary Protection Certificates in the case of the EU), regulatory data protection and market exclusivity rules (e.g. orphan drug exclusivity); relationship between patent and off-patent protection; comparative aspects.

**Practical Training in Patent Law**  
(Geissler, von Meibom) (1 CH, 1.5 cp)  
Application of the theory of European and international patent law, especially biotech patent law, to practical cases, including discussion and analysis of recent decisions; training on practice cases; patent granting procedure before the EPO; claim drafting practice; and discussion of special problems, such as those deriving from the nature of subject matter to be patented.

**Practical Training in Trademark Law**  
(von Bomhard, Hines) (1 CH, 1.5 cp)

**Privacy, Publicity and Personality** (Ohly) (1 CH, 1.5 cp)  
Protection of privacy, including protection of private data; personality merchandising under U.S. law with a comparative view to relevant EU legislation as well as national law in selected EU countries, particularly in Germany and in the United Kingdom.

**Protection of Databases, Plant Varieties and Semiconductors** (Straus, Leistner, Schubert) (0.5 CH, 0.75 cp)  
Comparison of the different regimes of sui generis protection for databases, plant varieties and semiconductors, including EU law, American law, and relevant international conventions. Particular focus on database protection, including the emerging case law in EU countries; problems with respect to competition aspects; and the debate about the appropriateness and feasibility of database protection.

**Start-up Companies and IP** (Hertel) (1 CH, 1.5 cp)  
During this course problems of IP in start-ups will be discussed. Real examples of different complexity will be analyzed.

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

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

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

**Technical Protection of Authors' Rights**

(Burk) (1 CH, 1.5 cp)

In the age of the digital computer and the internet, authors' rights are increasingly protected by technical measures such as encryption, flags, degradation schemes, watermarking, and so on. In this course, we will study those technologies and the law that protects and regulates them, including the U.S. Digital Millennium Copyright Act, the European Copyright Directive and national implementations of that Directive, the WIPO

Copyright Treaty, and the WIPO Performance and Phonograms Treaty. We will also consider the impact of these technologies on traditional limitations on author's rights such as fair use.

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

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

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

**Ms. Carmen Adamek,**

Technische Universität München, GERMANY

**Professor Martin J. Adelman,**

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

**Professor Christoph Ann,**

Technische Universität München, GERMANY

**Professor John J. Barceló,**

Cornell University, Ithaca, USA

**Professor Alexander Bassen,**

Hamburger Universität für Wirtschaft und Politik,  
GERMANY

**Dr. Verena von Bomhard,**

Attorney at Law, Alicante, SPAIN

**Professor Robert Brauneis,**

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

**Professor Dan L. Burk,**

University of Minnesota, Saint Paul, USA

**Professor Michael W. Carroll,**

Villanova University, Villanova, USA

**Professor William R. Cornish,**

Cambridge University, Cambridge, UK

**Professor Kenneth D. Crews,**

Indiana University, Indianapolis, USA

**Professor Graeme Dinwoodie,**

Chicago-Kent College of Law, Chicago, USA

**Professor F. Jay Dougherty,**

Loyola Law School, Los Angeles, USA

**Professor Thomas Dreier,**

University of Karlsruhe (TH), GERMANY

**Professor Josef Drexler,**

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

**Dr. Stefan Enchelmaier,**

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

**Mr. Jesse M. Feder,**

Business Software Alliance, Washington, DC, USA

**Dr. Tanuja Garde,**

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

**Professor Ulrich M. Gassner,**

University of Augsburg, GERMANY

**Dr. Bernhard Geissler,**

Patent Attorney and Attorney at Law, Munich, GERMANY

**Dr. Heinz Goddar,**

Patent Attorney, Munich, GERMANY

**Professor Paul Goldstein,**

Stanford Law School, Stanford, USA

**Dr. Georg von Graevenitz,**

Ludwig Maximilian University, Munich, GERMANY

**Dr. Francis Gurry,**

World Intellectual Property Organization, Geneva, SWITZERLAND

**Professor Dietmar Harhoff,**

Ludwig Maximilian University, Munich, GERMANY

**Dr. Christopher Heath,**

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

**Dr. Bernhard Hertel,**

Garching Innovation GmbH, Munich, GERMANY

**Prof. Laura Heymann,**

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

**Professor Reto M. Hilty,**

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

**Mr. P. Jay Hines,**

Attorney at Law, Washington, DC, USA

**Mr. Klaus Hoffmeister,**

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

**Professor Christoph Kaserer,**

Technische Universität München, GERMANY

**Professor F. Scott Kieff,**

Washington University in St. Louis School of Law, USA

**Professor Rainer Kolisch,**

Technische Universität München, GERMANY

**Professor Michael Kort,**

University of Augsburg, GERMANY

**Dr. Jürgen Kroher,**

Attorney at Law, Munich, GERMANY

**Mr. Ekkehard Kuhn,**

International Federation of Phonographic Industry, Berlin, GERMANY

**Professor Annette Kur,**

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

**Professor Michael Lehmann,**

Ludwig Maximilian University, Munich, GERMANY

**Dr. Matthias Leistner,**

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

**Dr. Silke von Lewinski,**

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

**Professor Ulrich Loewenheim,**

Johann Wolfgang Goethe University, Frankfurt am Main, GERMANY

**Dr. Michael Loschelder,**

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

**Mr. Wolfgang von Meibom,**

Attorney at Law, Düsseldorf, GERMANY

**Professor Robert P. Merges,**

University of California, Berkeley, USA

**Professor Thomas M.J. Möllers,**

University of Augsburg, GERMANY

**Dr. Rainer Moufang,**

European Patent Office, Munich, GERMANY

**Dr. Ralph Nack,**

Attorney at Law, Munich, GERMANY

**Professor Ansgar Ohly,**

University of Bayreuth, GERMANY

**Dr. Jochen Pagenberg,**

Attorney at Law, Munich, GERMANY

**Dr. Angela Poech,**

Technische Universität München, GERMANY

**The Honourable Justice Nicholas Pumfrey,**

Royal Courts of Justice, London, UK

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

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

**Mr. Michael Schlesinger,**

International Intellectual Property Alliance, Washington,  
DC, USA

**Professor Wolfgang Schön,**

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

**Dr. Helmut Schubert,**

Fraunhofer Patent Center, Munich, GERMANY

**Professor Joseph Straus,**

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

**Dr. Bernd Süßmuth,**

Technische Universität München, GERMANY

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

Technische Universität München, GERMANY

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

**Mr. Haris Apostopoulos,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Ms. Patricia Bohn,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

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

Attorney at Law, Munich

**Ms. Karolina Herrlinger,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Mr. Alexander Klicznik,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Ms. Birgit Kramer,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Ms. Tatjana Levina,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Ms. Marianna Moglia,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Ms. Eva Mosel,**

MIPLC

**Ms. Stefanie Nabrotzki,**

Technische Universität München

**Mr. Julius Neuberger,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Mr. Dimitrios Riziotis,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Mr. Roberto Romandini,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Ms. Martina Schuster,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Ms. Radadiana Taric,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Ms. Barbara Volland,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

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

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

**Ms. Eva Willnegger,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

**Ms. Katya Zakharov,**

Max Planck Institute for Intellectual Property, Competition  
and Tax Law

## Appendix 5: MIPLC Class Schedule for the Academic Year 2004/05

Week	Day	Course	Lecturer	9:30 - 10:40	10:50 - 12:00	12:10 - 12:45	14:10 - 15:00	15:10 - 16:00	16:10 - 17:00	
42	Tue 12.10.2004	<b>Welcome Day</b>								
	Wed 13.10.2004	Legal Tradition	Ann							
	Thu 14.10.2004	Legal Tradition	Cornish							
	Fri 15.10.2004	Legal Tradition	Crews						until 16:35	
43	Mon 18.10.2004	Introduction to IP	Crews							
	Tue 19.10.2004	Legal Research & Writing	Crews							
	Wed 20.10.2004	Legal Research & Writing	Crews							
	Thu 21.10.2004	Legal Research & Writing	Crews							
	Fri 22.10.2004	Legal Research & Writing	Crews							
44	Mon 25.10.2004	Introduction to Economics	Adamek							
	Tue 26.10.2004	Introduction to Economics	Adamek							
	Wed 27.10.2004	Introduction to Economics	Adamek							
	Thu 28.10.2004	Introduction to Economics	Adamek							
			<b>Guest lecture by the Honorable Judge Paul R. Michel (CAFC), Washington, D.C.</b>							
Fri 29.10.2004	European Patent Law	Moufang								
Mon 01.11.2004	<b>HOLIDAY</b>									
45	Tue 02.11.2004	European Patent Law	Moufang							
	Wed 03.11.2004	European Patent Law	Straus							
	Thu 04.11.2004	European Patent Law	Straus							
	Fri 05.11.2004	<b>Study Visit to EPO</b>								
46	Mon 08.11.0224	Jurisdiction & Conflict of Laws	Dinwoodie					until 15:10		
	Tue 09.11.2004	Jurisdiction & Conflict of Laws	Dinwoodie					until 15:10		
	Wed 10.11.2004	Jurisdiction & Conflict of Laws	Dinwoodie					until 15:10		
	Thu 11.11.2004	European & Internat. (WTO) Law	Möllers	at University of Augsburg	10:30-11:30	11:40-12:30	13:45-14:50			
	Fri 12.11.2004	European & Internat. (WTO) Law	Möllers		10:30-11:30	11:40-12:30	13:45-14:50			
47	Mon 15.11.2004	European Patent Law	Pumfrey							
	Tue 16.11.2004	European Patent Law	Pumfrey							
	Wed 17.11.2004	European Patent Law	Pumfrey							
	Thu 18.11.2004	European & Internat. (WTO) Law	Möllers	at University of Augsburg	10:30-11:30	11:40-12:30	13:45-14:50			
	Fri 19.11.2004	European & Internat. (WTO) Law	Möllers		10:30-11:30	11:40-12:30	13:45-14:50			
48	Mon 22.11.2004	European Copyright Law	von Lewinski							
	Tue 23.11.2004	European Copyright Law	von Lewinski							
	Wed 24.11.2004	European Copyright Law	von Lewinski							
	Thu 25.11.2004	European Copyright Law	Drexel							
	Fri 26.11.2004	European Copyright Law	Drexel							
49	Mon 29.11.2004	European Copyright Law	von Lewinski							
	Tue 30.11.2004	Managerial Finance	Kaserer							
	Wed 01.12.2004	<b>European Patent Law</b>	<b>Exam (oral)</b>							
	Thu 02.12.2004	<b>EIPIN CONGRESS ZURICH</b>								
	Fri 03.12.2004									
Sat 04.12.2004										
50	Mon 06.12.2004	<b>Introduction to Economics</b>	<b>Exam (written)</b>							
		Trademark Law	Brauneis							
		Managerial Finance	Kaserer							
	Tue 07.12.3004	Trademark Law	Brauneis							
	Wed 08.12.2004	Trademark Law	Brauneis							
	Thu 09.12.2004	Trademark Law	Kur							
Fri 10.12.2004	Trademark Law	von Bomhard								

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



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

SPRING BREAK

Week	Day	Course	Lecturer	9:30 - 10:40	10:50 - 12:00	12:10 - 12:45	14:10 - 15:00	15:10 - 16:00	16:10 - 17:00	
16	Mon 18.04.2005	<b>Licensing</b>	<b>Exam (written)</b>		until 11:00					
		Intangible Assets Valuation	Harhoff							
	Tue 19.04.2005	Intangible Assets Valuation	Harhoff			until 13:10				
	Wed 20.04.2005	Practical Training in TM Law	Hines					until 15:35		
	Thu 21.04.2005	Practical Training in TM Law	Hines/von Bomhard							
	Fri 22.04.2005	Practical Training in TM Law	von Bomhard							
Sat 23.04.2005	Licensing Game	Goddar		from 10:00	until 13:00			until 17:30		
17	Mon 25.04.2005	Privacy, Publicity & Personality	Ohly							
	Tue 26.04.2005	Privacy, Publicity & Personality	Ohly							
		European & US Competition Law	Kort							
	Wed 27.04.2005	European & US Competition Law	Kort					until 15:35		
	Thu 28.04.2005	European & US Competition Law	Kort							
		Intangible Assets Val. (Tutorial)	Harhoff							
	Fri 29.04.2005	European & US Competition Law	Kort	from 8:10	until 11:25					
Sat 30.04.2005	<b>EIPIN CONGRESS LONDON</b>									
Sun 01.05.2005										
18	Mon 02.05.2005	Privacy, Publicity & Personality	Ohly							
	Tue 03.05.2005	Privacy, Publicity & Personality	Ohly							
	Wed 04.05.2005	<b>Europ. &amp; US Competition Law</b>	<b>Exam (oral)</b>		9:00-12:30					
	Thu 05.05.2005	<b>HOLIDAY</b>								
	Fri 06.05.2005	<b>Intangible Assets Valuation</b>	<b>Exam (written)</b>		10:00-11:00					
19	Mon 09.05.2005	<b>Unfair Competition II</b>	<b>Exam (written)</b>		until 11:30					
		Pract. Training in Eur. Patent Law	Geissler							
	Tue 10.05.2005	Intl. & Comp. Patent Law	Adelman/Rader							
	Wed 11.05.2005	Intl. & Comp. Patent Law	Adelman/Rader							
	Thu 12.05.2005	Intl. & Comp. Patent Law	Adelman/Rader							
		<b>Reunion with Alumni 2003</b>							19:00	
Fri 13.05.2005	Intl. & Comp. Patent Law	Adelman/Rader								
Mon 16.05.2005	<b>HOLIDAY</b>									
20	Tue 17.05.2005	Intl. & Comp. Patent Law	Adelman/Rader							
	Wed 18.05.2005	Intl. & Comp. Patent Law	Adelman/Rader							
	Thu 19.05.2005	Intl. & Comp. Patent Law	Heath			until 12:30				
		Pract. Training in Eur. Patent Law	Geissler							
	Fri 20.05.2005	Intl. & Comp. Patent Law	Heath							
21	Mon 23.05.2005	<b>Privacy, Publicity &amp; Personality</b>	<b>Exam (written)</b>		until 11:30					
		Arbitration	Barceló							
	Tue 24.05.2005	Intl. & Comp. Copyright Law	Heath			until 12:30				
		Arbitration	Barceló							
	Wed 25.05.2005	Intl. & Comp. Copyright Law	Heath							
		Arbitration	Barceló							
Thu 26.05.2005	<b>HOLIDAY</b>									
Fri 27.05.2005	Intl. & Comp. Patent Law	Goldstein								
22	Mon 30.05.2005	Intl. & Comp. Copyright Law	Goldstein							
		Pract. Training in Eur. Patent Law	Geissler							
	Tue 31.05.2005	Intl. & Comp. Copyright Law	Goldstein							
	Wed 01.06.2005	Intl. & Comp. Copyright Law	Goldstein							
		<b>Speech by Prof. Goldstein on "Second Copyright Liability"</b>							18:30	
Thu 02.06.2005	Intl. & Comp. Copyright Law	Goldstein								
Fri 03.06.2005	Intl. & Comp. Copyright Law	Goldstein								

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

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

## Appendix 6: Members of the MIPLC Boards

### Managing Board

Professor Joseph Straus (Chair),  
Max Planck Institute for Intellectual Property,  
Competition and Tax Law

Professor Christoph Ann,  
Technische Universität München

Professor Robert Brauneis,  
The George Washington University Law School

Professor Thomas M.J. Möllers,  
University of Augsburg

### Study and Examination Board

Professor Joseph Straus (Chair),  
Max Planck Institute for Intellectual Property,  
Competition and Tax Law

Professor Christoph Ann,  
Technische Universität München

Professor Robert Brauneis,  
The George Washington University Law School,  
Washington, DC

Professor Michael Kort,  
University of Augsburg

### Scientific Advisory Board

#### Representatives of the partners:

Professor Ann-Kristin Achleitner,  
Technische Universität München

Professor Martin J. Adelman,  
The George Washington University Law School

Professor Michael Kort,  
University of Augsburg

Professor Wolfgang Schön,  
Max Planck Institute for Intellectual Property,  
Competition and Tax Law

#### External Members:

Professor Alberto Bercovitz,  
University of Madrid, Spain

Professor Vincenzo Di Cataldo,  
University of Catania, Italy

Professor Russell K. Osgood,  
President of Grinnell College, Iowa, USA



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

## Fachbeirat

### Representatives of the partners:

Professor Martin J. Adelman,  
The George Washington University Law School

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

Professor Ralf Reichwald,  
Technische Universität München

Professor Franz Hacker,  
University of Augsburg

### Members appointed by the President of the Max Planck Society:

Professor Charles Gielen,  
University of Groningen, The Netherlands

Professor Andreas Heinemann,  
University of Lausanne, Switzerland

Professor Edmund W. Kitch,  
University of Virginia, USA

Professor Rainer Oesch,  
University of Helsinki, Finland

## Board of Trustees

Mr. Ron Myrick, Esq. (Chairman),  
Finnegan, Henderson, Farabow, Garrett & Dunner,  
Cambridge, MA, USA

Professor Winfried Büttner (Vice-Chairman),  
Director Corporate Intellectual Property and Functions,  
Siemens AG, Munich, Germany

Professor Joachim Bornkamm,  
German Federal Supreme Court, Karlsruhe, Germany

Professor Kenneth W. Dam,  
University of Chicago, USA

Professor Manuel Desantes,  
Vice President of the European Patent Office, Munich

Mr. Jürgen Großkreutz,  
former Ministerial Dirigent, Bavarian State Ministry  
of Science, Research, and the Arts, Munich, Germany

Dr. Bertram Huber,  
Head of Patent Department, Robert Bosch GmbH,  
Stuttgart, Germany

Dr. Patrick Illinger,  
Head of Science Department, Süddeutsche Zeitung,  
Munich, Germany

Prof. Thomas Morgan,  
The George Washington University Law School

Ms. Shira Perlmutter,  
Executive Vice-President, Global Legal Policy, IFPI  
Secretariat, London

Dr. Manfred Scholz,  
Chief Executive Officer, Augsburg Airways, Augsburg,  
Germany

Professor D.W. Feer Verkade,  
Attorney General for the Netherlands

Dr. Mark Wössner,  
Chairman of Citigroup Global Markets Deutschland AG &  
Co KGaA, Munich, Germany

**Responsible (V.i.S.d.P):**

*Professor Dr. Dres h.c. Joseph Straus  
Chair, Managing Board  
Munich Intellectual Property Law Center  
Marstallplatz 1  
80539 München  
Germany  
Phone: +49 (89) 24246-410  
Fax: +49 (89) 24246-506  
E-Mail: j.straus@miplc.de*

**Editors:**

*Prof. Dr. Dres h.c. Joseph Straus  
Margit Hinkel*

**Text:**

*Margit Hinkel  
Wolrad Prinz zu Waldeck  
Dr. Ralph Nack  
Dr. Matthias Kober  
Prof. Robert Brauneis*

**Contact:**

*Ms. Margit Hinkel  
Administrative Director  
Munich Intellectual Property Law Center  
Marstallstraße 8  
80539 München  
Germany  
Phone: +49 (89) 24246-5321  
Fax: +49 (89) 24246-522  
E-Mail: m.hinkel@miplc.de*

**Design & Production:**

*vmd  
Verlag + Medien Design, München*

**Photos:**

*Brauneis (S. 10)  
Filser (S. 15 (bottom)/20/21)  
Fischer (S. 1/11)  
Holmes (S. 16)  
Wyszengrad (S. 4/7/14/15 (top)/37)*

