



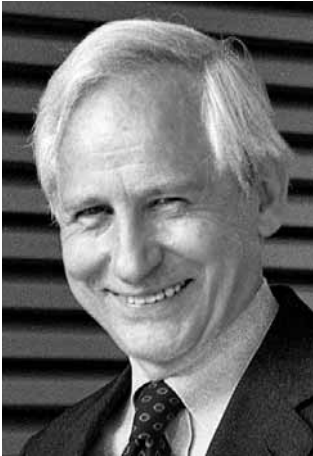
Annual Report Academic Year

0607





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Prof. Dr. Dres. h.c.
Joseph Straus,
Director at the
Max Planck Institute
for Intellectual
Property, Competition
and Tax Law

Four years ago I contributed the first Foreword to the first Annual Report of the MIPLC. As I emphasized then the year 2003 will always be remembered as the year of the Center's birth. Five years later and after two mandates as Chair of the Managing Board, I am delivering my second and last foreword to an Annual Report.

Thanks to Thomas Möllers, Robert Brauneis and Christoph Ann, who have authored the last three forewords, the Center's achievements over the last years have already been adequately presented. The present Annual Report will complement them and the preceding reports. Therefore, I may concentrate on a few issues only.

The most important first, our students: Since its launch in 2003, up to and including the class of 2007/08, 119 students from 43 countries and all continents have enrolled in our LL.M. Program. 85 of these have entered the Program as lawyers, 15 have come from engineering, 11 have come from the natural sciences, 6 have had economics backgrounds, 2 have come

from the field of informatics and one entered with a degree in literature. Our initial concern that the non-lawyers (accounting for almost one-third of the students) might encounter difficulties in coping with the program, have, fortunately, proven to be unfounded. In fact, to our surprise, non-lawyers have performed slightly better than lawyers. We have been most fortunate to have attracted an interested, skillful, diligent, interdisciplinary and multicultural body of students, who have performed extremely well and who have demonstrated a remarkable sense for collaboration and harmony. In 2006 our graduates established their own Alumni Association, now having some 55 members. The Association is very active, not only in networking but also in organizing successful and widely visible conferences.

The primary concentration on the LL.M. Program which characterized the first two years of the Center has been successfully augmented by a rich and stimulating research program during the next three years. Nine graduates are preparing Ph.D. theses on topical issues of intellectual property at the Center. Cooperative research projects with the Technische Universität München, the Stanford Law School and the Technische Universität Aachen have been successfully completed, with their results either already published or close to publication. The MIPLC has co-organized international conferences at Stanford, Hyderabad, Shanghai and Munich. The last, in February of 2008, together with the Office of the Bavarian Minister President, on "The Protection of Intellectual Property in a Globalized World." In November 2007 the Center's research performance was evaluated by the Scientific Advisory Board (Fachbeirat) under the rules of the Max Planck Society and has earned an "outstanding," i.e. the highest possible grade.

All that could not have happened without an idea, which Professor Gerhard Schricker aired and which subsequently

gained support by the Secretary General and the President of the Max Planck Society, Dr. Barbara Bludau and Professor Hubert Markl; the President of the Technische Universität München, Professor Wolfgang Herrmann; the Rector, now President, of the University of Augsburg, Professor Wilfried Bottke; and Professor Michael K. Young, the then Dean of the George Washington University Law School, now President of the University of Utah.

As the retiring Chair of the Managing Board I should actually name and thank all who have contributed to the achievements of the Center. Since this is not feasible I shall direct my thanks groupwise: First, to our faculty members, who have joined us from all over the world. Altogether 85 professors and lecturers have been involved in MIPLC's teaching and mentoring activities since its establishment. Some 63 form our faculty at present. Without their skills and continuous devotion the Center could never be where it stands. Then, thanks are due to all members of our Advisory Bodies and the Board of Trustees and their Chairs. In particular to Professor Ralf Reichwald, present Chair of the Fachbeirat, then Dean of the newly established Business School of the Technische Universität München, who was instrumental in the establishment of the Center. Whatever has been achieved in the meantime would not have been possible without the devotion and highest engagement of the Center's Administrative Directors Margit Hinkel (who has been with the Center from the very beginning) and Sabine Müller, who was later succeeded by, first, Dr. Matthias Kober and then Tina Höfinghoff. I am also grateful to the Program Directors who so formidably executed the Program: Dr. Ralph Nack, who greatly contributed to the design of the LL.M. Program, and his successors Wolrad Prinz zu Waldeck, and, temporarily, Dr. Peter Ganea. I should not forget Dagmar Klein, the Administrative Assistant, who from the very beginning with skill and enthusiasm has made the Center a real year-

The MIPLC Managing Board

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



Prof. Christoph Ann
Managing Board,
Study and
Examination Board



Prof. Robert Brauneis
Managing Board,
Study and
Examination Board



Prof. Thomas M.J.
Möllers
Managing Board



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



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



long home for each group of our students; and all the tutors for navigating our students through the secrets of intellectual property. My thanks go further to the Administration of the University of Augsburg with Chancellor Alois Zimmermann, who always with sympathy and skills has helped the Center. Recognition is due to the Head of Administration of the Max Planck Institute, Ewald Brückl, whose inventive administrative approaches helped solve many unique problems generated by the establishment and development of the MIPLC; and to his successor Bernd Höller whose organizational prowess has enabled us to navigate the complexities of a cooperation between the four partners. Last, but by no means least, I owe my most sincere thanks to my friends and colleagues, members of the Managing Board. It is no exaggeration that the work of the Board and the cooperation between its members has been unique and exemplary. During the last five years we have been able to guide the Center in full agreement and harmony.

Nothing is perfect, however, and there is nothing which cannot be improved. The Center is no exception. Finances are still an area in need of improvement: we have been able to convince a number of donors, such as Siemens and Bayer Schering, GRUR, the Hertie Foundation, BASF, the Licensing Executives Society (LES), Robert Bosch GmbH, Papst Licensing GmbH & Co. KG, a Chinese law firm, the Supreme Court of Japan, the Deutsche Gesellschaft für technische Zusammenarbeit (GTZ), the Jean Monnet and the AlBan programs of the EU, the DAAD and the Schlossmann Foundation, and such generous individuals as Professor Marty J. Adelman and Mrs. Gertrud Oehm, that the work of the Center is worth being supported – and we therefore owe all of them our very special gratitude for their support, whether continuous or on single occasions. This has helped the Center enormously in coming close to its goal of becoming self-sustaining. While as yet we are still only “close,” there

are prospects that this goal may soon be reached. For example, the Japanese Patent Office and the State Intellectual Property Office of the People’s Republic of China have now committed to send students to our LL.M. Program in the future. However, attracting full paying students, on the one hand, by promoting the MIPLC’s excellent program and quite unique working conditions and, on the other hand, skillfully engaging in fundraising for talented students who are unable to pay their own way (especially those from developing countries) remain at the top of the Center’s agenda. Thanks to the fresh firm commitments of the four partners, however, the activities of the Center are secured for the years to come.

I complete my mandate in the belief that we have by and large achieved what the four partners have expected of us. Fully achieving all of our goals, including maintaining and improving the performance of the Center, remains the task of my colleagues on the Managing Board – including my successor on the Board, Josef Drexl – the faculty and the entire staff of MIPLC. I wish all of them every success. May the Center prosper and embrace the exciting opportunities in front of us with even more vigor than before!

Joseph Straus
Outgoing Chair of the Managing Board

1. Organizational and Personal Developments

1.1. Awards and Nominations

MIPLC

On April 21, 2007, on the occasion of the Courts of Justice Day of the Kingdom of Thailand the Honorable Chief Justice Panya Thanomrod, President of the Supreme Court, awarded the MIPLC and the Max Planck Institute for Intellectual Property, Competition and Tax Law a Certificate of Appreciation for significant contributions to legal education and training of legal personnel and the general enhancement of academic expertise within the Thai judiciary.

Managing Board

In September 2007, *Professor Joseph Straus* was inducted into the IP Hall of Fame of the Intellectual Asset Management Magazine. In the IAM edition of September 20, Prof. Straus was described as “a leading academic figure in European patent law and one of the most renowned and influential patent scholars worldwide. He shaped many of the current IP doctrines and his opinion is most respected by national governments and non-governmental institutions.” Launched in 2005, the IP Hall of Fame is designed to honor those who have made an important contribution to the development of IP law and practice.

On November 23, during a ceremony in Venice, *Professor Straus* received the International Venice Award for Intellectual Property 2007. The award acknowledges the “outstanding work in the promotion of Intellectual Property” of Professor Straus and the Max Planck Institute for Intellectual Property, Competition and Tax Law. The award is an annual prize of the Venice Centre for Intellectual Property and the City of Venice, commemorating the anniversary of the first patent law ever promulgated by the Republic of Venice on March 19, 1474.

Since October 2007, *Professor Thomas M. J. Möllers*, in addition to being the Managing Director of the Center for European Legal Studies (CELOS) and

holder of the Jean Monnet Chair for Corporate, Capital Market & Competition Law, has been serving as a member of the Extended University Governing Board of the University of Augsburg.

Advisory Boards

Professor Michael Kort, member of the MIPLC’s Scientific Advisory Board, the Study and Examination Board, and the faculty, also served as Dean of the Law School of the University of Augsburg from 2005 through 2007.

On January 15, 2007, *Professor Kenneth W. Dam*, member of the MIPLC Board of Trustees, was awarded the Thyssen-Humboldt Prize. This prize is awarded to a highly reputed scholar who, through his academic work, has been instrumental in shaping the scientific and cultural relations between Germany and the scholar’s home country – in Professor Dam’s case the USA.

In September 2007, the Managing Board of the MIPLC appointed *Professor Christoph Kaserer*, Dean of the TUM Business School from 2005 through 2007, as member of its Scientific Advisory Board. Professor Kaserer (cf. “Faculty Portrait” on page 33), who has been a faculty member of the MIPLC from the very beginning, succeeded Professor Ann-Kristin Achleitner, who resigned for personal reasons. The Managing Board expresses its sincere thanks to Professor Achleitner for all the good services she rendered to the MIPLC, in particular by also supervising a very successful research project on the valuation and management of IP-based companies (cf. Annual Report 2005/06).

Faculty

In July 2007, *Professor Kenneth D. Crews*, member of the MIPLC faculty since the Center’s founding in 2003, was appointed the Director of the new Copyright Advisory Office of the Columbia University, New York (see also “Faculty Portrait”, page 20).



Prof. Ann-Kristin Achleitner, retiring Board member



Prof. Christoph Kaserer, new Board member

The MIPLC Administrative Team

Dr. Peter Ganea
Program Director



Margit Hinkel
Administrative Director



Tina Höfinghoff
Administrative Director



Dagmar Klein
Administrative Assistant



Professor Heinz Goddar, a patent attorney who is highly regarded internationally, and an MIPLC faculty member from the very first day, was awarded an honorary professorship at the University of Bremen as of October 2006 (cf. “Faculty portrait” on page 32).

Alumni

Katy E. Halmen (formerly Holmes), MIPLC student of the class of 2004/05, won an award for her MIPLC thesis, “The Effects of the Corporate Diversification Trend on Trademarks.” It was published in the *Marquette Intellectual Property Law Review* and subsequently selected by Thomson West as one of the best IP articles of 2006. Thomas West republished the thesis in their 2007 annual “*Intellectual Property Law Review*” along with 14 other articles.

1.2. Staff

During the academic year 2006/07 *Dr. Peter Ganea*, Head of the Asia Department at the Max Planck Institute, held the position of the Program Director, substituting for *Wolrad Prinz zu Waldeck und Pyrmont* who was on sabbatical. In September 2007 Prinz zu Waldeck returned to the MIPLC, dedicating himself again to directing the program and guiding the students academically through the academic year. The Managing Board and staff wish to express their sincere thanks to Dr. Ganea who, besides his numerous tasks in the Asia Department, did an admirable job of taking on the responsibilities of the Program Director.

As of November 2006, *Tina Höfinghoff* was active as Administrative Director, succeeding *Dr. Matthias Kober* who moved on from the MIPLC in September.

1.3. Obituaries

The MIPLC is mourning the passing of its faculty member *Lord Justice Sir Nicholas Pumfrey* who died of a stroke on Christmas Eve of 2007. Justice Pumfrey joined the MIPLC faculty upon its foundation in 2003 and was an active member of the Center’s IP community, teaching European Patent Law in the LL.M. program. He is remembered on page 9.

Dr. Manfred Scholz, a valued member of the MIPLC Board of Trustees, passed away on January 12, 2008. Dr. Scholz’s support was instrumental in the founding of the Center and expressions of appreciation for his work may be found elsewhere in this report (page 9).

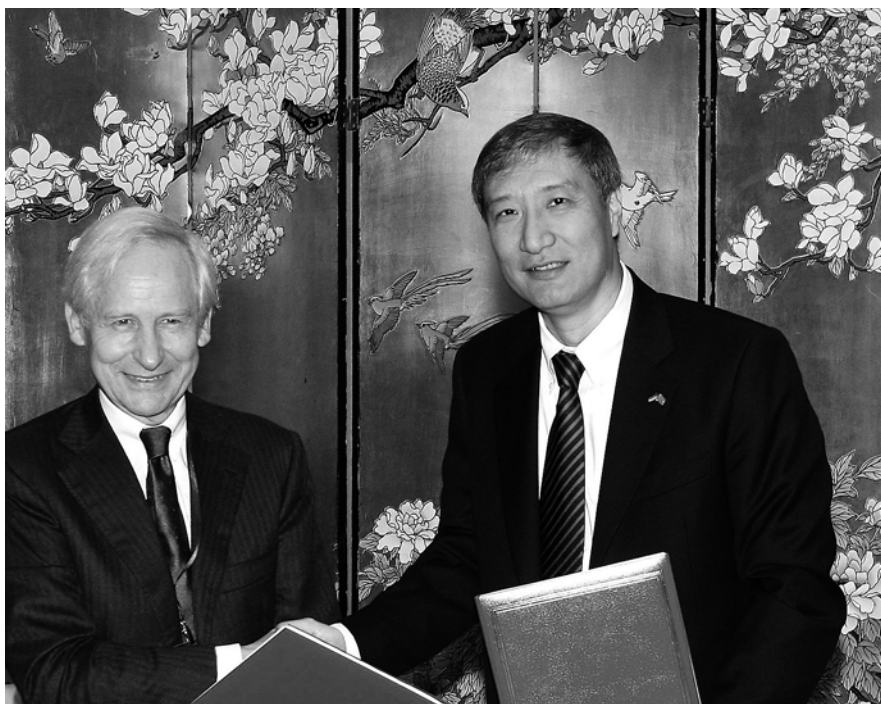


Dr. Matthias Kober,
departing
Administrative
Director



Wolrad Prinz zu
Waldeck und Pyrmont,
returning Program
Director

2. Cooperation with Other IP Institutions



Prof. Straus and Prof. Tian Lipu signing the Memorandum of Understanding during the Shanghai conference.

The MIPLC was created on the basis of international cooperation between its four founding partners and has vigorously pursued cooperation with other IP institutions, in its own right, since its foundation in 2003. This commitment is rooted in the Center's hallmark emphasis on international IP law and has continued apace during the period covered by this report. In the same spirit of international learning and exchange, the MIPLC has entered during the preceding year into a number of new partnerships and cooperative relationships with interesting and influential IP organizations around the world. These new collaborations, originating in 2006/07, are described below and a complete list of MIPLC's cooperative arrangements may be found at the end of this chapter.

2.1. European Patent Academy

The European Patent Academy co-hosted the EIPIN event of December 2006 (cf. page 16) which was held in the premises of the MIPLC. The Academy's contribu-

tion to the logistical and organizational dimensions of the event was highly valued by the more than 60 students and supervisors from other IP teaching institutions in Europe, as well as by the invited lectures.

2.2. European Intellectual Property Institutes Network (EIPIN)

The continuing close relationship between the MIPLC and the four other European IP teaching institutions in EIPIN was demonstrated by the high number of events organized during the course of the 8th EIPIN Congress 2006/07 (see pages 16, 28 and 35.)

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

During the academic year 2004/05, under the auspices of the ECAP II program, seven scholars from Southeast Asia participated for one semester in the MIPLC LL.M. program. One of the results was a proposal for a common postgraduate IP curriculum, which was partly implemented in the launch of the ASEAN University Network Program on Intellectual Property (AUNIP) on May 30, 2007 in Bangkok (www.ecap-project.org/ip_education_and_networking/aunip.html).

The ECAP II program officially ended on December 31, 2007, but the chances for a continuation of the European engagement in supporting IP education in the ASEAN region are quite high, opening up the potential for further participation by the MIPLC.

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

In October 2007, the State Intellectual Property Office of the People's Republic of China (SIPO) and the MIPLC finalized a Memorandum of Understanding for their future cooperation. Apart from basic items such as the exchange of documen-

tation and publications, as well as the exchange of experts, the agreement includes cooperation on IP research projects and the joint organization of conferences, seminars and workshops. Last, but not least, the agreement also emphasizes SIPO annually dispatching Chinese students to participate in the MIPLC LL.M. program.

The Memorandum was signed by Professor Tian Lipu, SIPO Commissioner, and Professor Joseph Straus, Chair of the MIPLC Managing Board, on the occasion of the 5th Shanghai Intellectual Property Forum, which was devoted to the topic of “The Impact of the WTO TRIPS Agreement on Economic Development of Asian Countries.” More information on the symposium is available in section 3.1.

2.5. Chungnam National University, Daejeon (Republic of Korea)

In October 2006, the MIPLC and the Chungnam National University signed a Memorandum of Understanding for future cooperation in the furtherance of research as well as teaching and training in the field of Intellectual Property Law.

The memorandum immediately generated results, one of which came to fruition already in 2007: Dr. Peter Ganea was invited to the CNU and to the Korean Intellectual Property Office (KIPO) in November to report about recent IP developments in East, Southeast and South Asia’s emerging markets.

2.6. NALSAR University of Law, Hyderabad (India)

The Memorandum of Understanding regarding further scientific cooperation, concluded between the MIPLC and the NALSAR University of Law in November 2006, has also already produced a tangible result: to mark the cooperation between the collaborating organizations, Dr. V.K. Unni, a young professor from NALSAR, was invited to the MIPLC to conduct research under the Max Planck Society’s India Fellow scholarship program.

2.7. Korea Institute for Intellectual Property (KIIP), Seoul (Republic of Korea)

Founded in 2005, the KIIP is a young organization which was spun out of the Korean Patent Agent Association (Korea Invention Promotion Association – KIPA) as a research institution intended to deal systematically with needs and issues arising in the knowledge-based society.

While in the phase of setting up the management and operating systems of the new Institute and, in particular, a well-established library, KIIP’s Director, Professor Ahn Kwang-Koo, and some staff members visited the MIPLC and the Max Planck Institute in January 2007. Their purpose was to study these two organizations as model institutions for designing the future scope of KIIP. During this visit, a cooperation agreement was signed which includes, inter alia, the exchange of materials and the organization of joint symposia or seminars.

2.8. Dottorato di Ricerca in Diritto Commerciale, Università degli Studi di Catania (Italy)

The Dottorato di Ricerca in Diritto Commerciale, established in 1982, is a cooperative activity of the Universities of Bari, Catania, Messina, Salerno and Sassari. It sponsors a doctoral program with a duration of three years which enables high quality law graduates to acquire a specialization in commercial law, preparing them for a career in legal research or practice.

The MIPLC has entered into an Agreement with the University of Catania to enable collaboration in the Dottorato. The Agreement was signed on behalf of the University of Catania by Prof. Roberto Pennisi, coordinator of the Dottorato, and was brought to Munich by Prof. Vincenzo Di Cataldo, who is a member of the MIPLC Scientific Advisory Board – which convened in Munich on November 8, 2007 (cf. page 36). During this meeting the Agreement was signed by Professor

Straus, opening the way for the exchange of members of the faculties and research communities of both institutions.

2.9. Institute of Intellectual Property of Japan (IIP)

On November 26, 2007 Professor Straus and Professor Nobuhiro Nakayama, Chairman of the Institute of Intellectual Property (IIP) of Japan, signed an Agreement on Research Exchange and Cooperation.

The IIP is dedicated to research in the field of intellectual property. Its activities have resulted, inter alia, in a number of amendments to the industrial property system of Japan. Intensified collaboration with this internationally renowned institution will substantially contribute to the MIPLC’s East Asia research work.

The following table provides a synopsis of all cooperations the MIPLC participated in since its foundation in 2003.



Prof. Straus (left) signing the Cooperation Agreement with the Dottorato di Ricerca in Diritto Commerciale. Prof. Vincenzo Di Cataldo (right).

2. Cooperation with Other IP Institutions

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

Obituary

The Honourable Lord Justice Sir Nicholas Pumfrey



Nicholas Pumfrey, after having graduated in physics and having received a second degree in law, was called to the bar in 1975, and took silk in 1990. He served as Junior Counsel to her Majesty's Treasury in patent matters from 1987 to 1990, and became a High Court Judge in the Chancery Division in 1997 at the mere age of 46. On November 4, 2007, less than two months before his death, he was appointed to the Court of Appeal upon the retirement of Lord Justice Chadwick.

Given his profound interest in science, he felt at home in virtually all areas of IP law and impressed with the mastery of different technologies, ranging from telecommunications over microchip design to biotechnology. His merits and achievements as a judge were considerable and are reflected in his career. But he also knew that there was more to life than law and courts. Being a cyclist, a carpenter, a beekeeper, a lover of good food and wine, and, last but not least, the godfather of a number of children, amply testifies to this. In the obituary published in *The Times* on January 3, 2008, Nicholas Pumfrey is described as "having retained many of the engaging aspects of his schoolboy character" which made him enjoy sharing his experience with the MIPLC students and which made his presence at the Center a great pleasure for everybody who met him. To quote again from the above-mentioned article, "Whatever their technical skills, men are remembered by their friends and colleagues for their personal attributes. Nicholas Pumfrey was, quite simply, a very nice man." In addition to being most grateful for his valuable contribution to the LL.M. program, this is the essence of how the MIPLC Board and staff feel about him and will remember him.

Obituary

Dr. Manfred Scholz



Dr. Manfred Scholz, former managing director of the Haindl Papier GmbH & Co. KG and, subsequently, of Augsburg Airways GmbH & Co. KG, through his own life and work, set a persuasive and credible example of successful bridge-building between enterprise and scholarship. He also played an invaluable role in the foundation and development of the MIPLC, a role for which he will always be remembered and honored.

In 1990, Dr. Scholz, who held a doctorate in law, became the Chair of the Society of the Friends of the University of Augsburg e.V., an honorary office he held for 13 years. In 1995, for his valuable work in this position, the University bestowed on him the title of Honorary Senator. In 1999, he was elected Chairman of the first University Counsel, which he successfully and with great involvement led through its difficult beginnings in a dialogue with the University. Upon his retirement from these posts, Dr. Scholz became the first and as yet only recipient of the University of Augsburg's Ring of Honor.

In his position as Chairman of the Society of the Friends of the University of Augsburg he sparked Society members' enthusiasm for the cause of the University and was able to increase significantly the Society's funds, not least through innovative fundraising ideas. Under his direction the Society was able to provide important funding for two large-scale projects, one of which was the launch of the MIPLC. Convinced of the Center's ideas and concept, Dr. Scholz willingly accepted the nomination as member of its Board of Trustees, on which he served from 2004 until his death. The MIPLC is most grateful for his invaluable support which was instrumental in creating the Center in its current form. Dr. Manfred Scholz will always be remembered as the man who personified the responsibility of the civil society for promoting research and scholarship.

3. Conferences and Training Activities

Following the Center's successful pioneering initiatives in 2006, the MIPLC continued engaging in the promotion of IP awareness through professional meetings and workshops during the period covered by this report, by facilitating two conferences and one training event.

3.1. 5th Shanghai Intellectual Property Forum "The Impact of the WTO TRIPS Agreement on Economic Development of Asian Countries"

The 5th Shanghai Intellectual Property Forum, October 26–27, 2007, was organized and carried out by the MIPLC, the Stanford Law School, the State Intellectual Property Office of the People's Republic of China (SIPO), Tongji University and the Shanghai Intellectual Property Administration (SIPA). Apart from the contributors to the research project which culminated in the Forum, about 100 participants were invited, one half from China and the other from renowned IP institutions the world over. Among the participants were Professor Tian Lipu, Presi-

dent of the Chinese State IP Office, Jon Dudas, Director of the USPTO, and Dr. Jürgen Schade, President of the German Patent and Trademark Office.

The subject of the Forum, which featured several well-known speakers and was visited by numerous scholars and IP professionals, was the significance of the TRIPS Agreement for the economic development of the developing countries of eastern, southeastern, and southern Asia. China, which has been a member of the WTO since 2001 and is currently working towards an effective implementation of its by and large TRIPS-compliant regulations, assumed a central role in this respect.

In the course of the Forum, the results of a study by the MIPLC and the Stanford Law School on "Intellectual Property Infrastructures in Asia's Emerging Markets" were presented by the project leaders Professor Paul Goldstein (Stanford) and Professor Joseph Straus (MIPLC), as well as by authors of country reports for the project, who came from China, India, the Philippines, Malaysia, Indonesia, Vietnam, Laos and Cambodia. The project examined the socio-economic, historical and cultural conditions of the respective countries, not only as expressed in the implementation of intellectual property law but also from the perspective of how they affect the function of intellectual property institutions in practice. The reports and the discussions covered also the question as to what extent the experiences of Japan and the developed "tiger states" of eastern and southeastern Asia with intellectual property, in the course of their economic development, are applicable to today's developing and emerging market countries in Asia. The debate also focused on the possibility of strengthening the cooperation between the national patent and trademark offices of the region so as to meet the challenges of their rapidly increasing numbers of applications with improved efficiency.



Prof. Straus (top) and Prof. Ann engaging the participants at the Shanghai Forum.



3.2. Conference on “Tailoring Rights to Industries in Intellectual Property”

On July 20, 2007 the conference “Tailoring Rights to Industries in Intellectual Property” took place at the University of Augsburg, organized by the University of Augsburg and the George Washington University Law School, along with the MIPLC and the Center for Continuing Education and Knowledge Development (ZWW).

At the center of discussions in the conference were the pharmaceutical and software industries, both of which have used intellectual property rights extensively but in differing ways and with differing results. Each speaker touched on the relevance of IP to these industries, particularly the pharmaceutical industry, from both a policy standpoint and a practical standpoint. Most importantly, the speakers suggested ways in which the IP system could be changed to remedy deficiencies inherent in the current IP industry regimes in Europe and the United States. Indeed, as Professor Carroll from Villanova pointed out, a one-size-fits-all approach to IP might not be the most useful way of designing an IP system. Keynote speakers were Professor Laura Bradford (then at The George Washington University Law School), Professor Michael W. Carroll (Villanova University School of Law), Professor Ulrich Gassner (University of Augsburg), Professor Michael Kort (University of Augsburg), and Professor Michael S. Mireles (University of Denver).

During the afternoon session of the daylong conference, the key issues were heavily debated by the panel which included top academics and practitioners from the IP community, such as Professor Christoph Ann (Technische Universität München), Dr. Jürgen Kroher (attorney-at-law, Kroher & Strobl, Munich), and Wolfgang von Meibom (attorney-at-law, Düsseldorf, Chairman of Bird & Bird’s offices in Germany and Joint Head of the firm’s International Intellectual Property Group.)

To conclude the day’s deliberations, an open discussion took place between the speakers, the panelists and the participants at large about the core themes and issues of the conference. There were a great variety of opinions as to whether and to what extent the structure of the IP system needed altering. However, all participants agreed that no matter whether it remained uniform or variegated across industries the current IP system would remain important and would increase in significance for industry in the future.

3.3. Workshop on Intellectual Property for Judges from Europe and the Middle East

The MIPLC was pleased once again to co-organize this workshop, held in Munich on September 4–6, 2007 at the European Patent Office. By working alongside the GWU’s Creative and Innovative Economy Center (CIEC), the USPTO and the EPO, the MIPLC continued its tradition of international cooperation in furtherance of promoting better understanding of intellectual property principles and practice.

The workshop, whose participating judges originated from the Middle East, Europe and the United States, focused on examining the implementation of basic IP principles in the Middle East region. The MIPLC’s own Professor Christoph Ann and Dr. Peter Ganea gave presentations on patent law and copyright law, respectively. The presentations and Q&A sessions provided excellent fora for the judges to recount past and current intellectual property issues challenging them in their respective countries. In response, the officiators and presenters were able to provide valuable suggestions for strategies to address the IP issues in many of the countries under discussion.



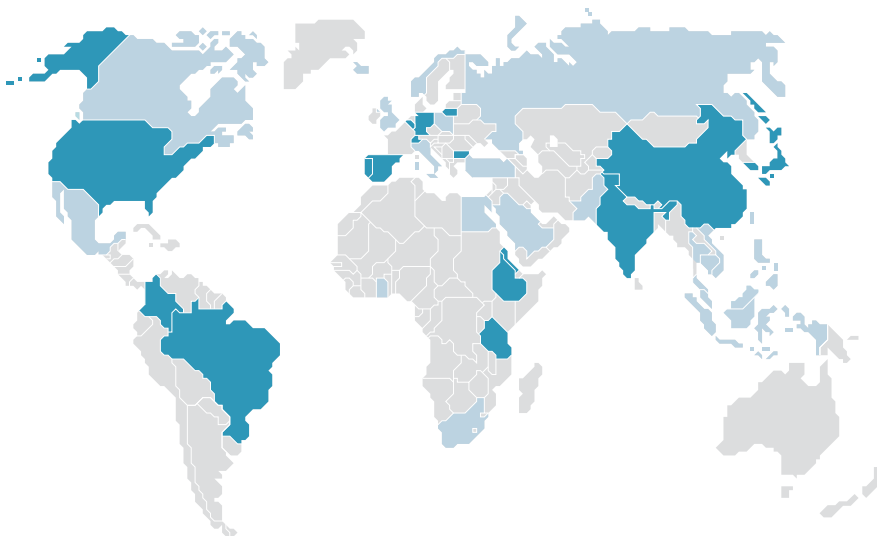
Prof. Shammad Basheer addressing the audience at the conference “Tailoring Rights to Industries in Intellectual Properties.”

4. The LL.M. Program Academic Year 2006/07

4.1. Students

The class of 2006/07 was comprised of 24 students from 17 countries: Belgium, Brazil, Bulgaria, China (2), Colombia, Eritrea, Ethiopia, Germany (4), India, Japan, Korea, Lithuania, Portugal, Spain, Switzerland, Tanzania, USA (4).

Not only did the students' geographical provenance display a wide spectrum, but their academic backgrounds were also diverse: 16 had a prior law degree, 6 had technical backgrounds, 1 held a degree in economics and 1 held a degree in literature.



Map showing MIPLC students' countries of origin. Dark blue: students from 2006/07; light blue: students from previous years.

4.2. Summary of Events

October

- 10 Welcome Day
- Start of winter term

November

- 22 City tour
- 28 Autumn party at the MPI

December

- 1-3 EIPIN Conference in Munich (4.7.)
- 7 Study visit to the EPO
- 14 Oral proceeding before EPO Boards of Appeal
- 19 Christmas Reception at the MPI

February

- 16-18 EIPIN Conference in Gerzensee (4.7.)

March

- 5 Start of Spring Break
- Internships (4.6.)

April

- 9 Start of summer term

May

- 4-6 EIPIN Conference in Alicante (4.7.)
- 14 Alumni Reunion (4.16.)

June

- 1-12 Study Visit to Washington D.C. (4.8.)
- 19 Summer party at the MPI

July

- 2-28 The George Washington University IP Summer Program (4.9.)

August

- 2 End of summer term
- 3 End-of-year excursion (4.12.)

November

- 9 Graduation Ceremony (4.15.)

4.3. Curriculum

The list of courses offered in the academic year 2006/07 is available in Appendix 1.

Two new courses were added to the curriculum:

- Unfair Competition II, strengthening the field of competition law, and
- TRIPS, Patents and Public Health (offered by the GW Summer Program), explicitly addressing IP issues in developing countries.

and Comparative Copyright Law)

- Erik Wilbers, World Intellectual Property Organisation (Arbitration)
- Professor Shamnad Basheer, then at The George Washington University Law School (TRIPS, Patents and Public Health)
- Professor Michael S. Mireles, University of Denver Sturm College of Law (Cross-Border Trade in IP).

The MIPLC would like to take this opportunity to sincerely thank all faculty members for their invaluable contributions – which is one of the core factors in the program’s success.



4.4. Faculty

The MIPLC faculty members who actively taught in the academic year 2006/07 are listed in Appendix 2.

Professor Josef Drexl and Dr. Francis Gurry were unfortunately not available in that year due to other commitments, and were therefore replaced by Dr. Silke von Lewinski and Erik Wilbers, respectively.

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

- Professor Eiji Katayama, University of Tokyo and attorney-at-law (Abe, Ikubo & Katayama, Tokyo) (International and Comparative Patent Law)
- Dr. Peter Ganea, Max Planck Institute for Intellectual Property (International

and Comparative Copyright Law) to pay tribute to the dedication of the faculty, a new feature – “Faculty Portrait” – has been included in this report, presenting for the reader the profiles of selected faculty members in more detail than is possible in the faculty list in the annex. The selection of teachers covered in this and future reports is motivated by events which took place during the academic year and obviously does not imply less academic or personal esteem for the lecturers not covered. With a faculty body including more than 60 active members, the latter group inevitably forms the majority.

This year, the professors presented are Kenneth D. Crews (p. 14), Heinz Goddar (p. 26), and Christoph Kaserer (p. 27).

The class of 2006/07 and the MIPLC administrative team. From left: Tina Höfinghoff, Dagmar Klein (both MIPLC), Ruth Unterreithmaier, Bai Jie, Anna Jaenicke, José Andrés Rincón Uscátegui, Abeba Tadesse Gebreselassie, Ana Bárbara Quintela Ribeiro Neves Ramalho, Julia Stenkamp, Vithika Sharma, Anna-Marion Bieri, Jutta

Koser (MIPLC), Elena Dimitrova, Samuel Adams, Carlota Viola Zendrera, Eliamani Isaya Laltaika, Sun Lei, Dr. Isabelle Huys, Neftalem Teklay Habtemariam, Amelie Aust, Paul F. Wiegel, Judge Shogo Nishida, Rita Matulionytė, Ana Carolina da Motta Perin, Seung-Yong Lee, Dawn Piimanu. (Missing: Dr. Sabine Keim)

4. The LL.M. Program Academic Year 2006/07

Faculty Portrait

**Professor
Kenneth D. Crews**



Kenneth Crews earned his Ph.D. and an M.L.S. from the Graduate School of Library & Information Science at the University of California, Los Angeles, a JD from Washington University, and his undergraduate degree in history from Northwestern University. From 1994 through 2007 he served as Director of the Copyright Management Center at Indiana University Purdue University Indianapolis (IUPUI). Since 1996, he also held a professorship in the IU School of Law-Indianapolis, and taught at the IU School of Library and Information Science. As of 2008, Professor Crews is serving as Director of the new Copyright Advisory Office at Columbia University.

Professor Crews' professional work, which has straddled both legal practice and academia, in the United States and around the world, has brought him wide acclaim. Before becoming an academic Crews practiced business and entertainment law in Los Angeles, subsequently drawing upon that experience to generate practical wisdom which has enriched his scholarship and contributed to his prowess as an educator. The profound impact and remarkable scope of his publications and teaching – spanning copyright, constitutional law, political history and library science – has led him to receiving numerous awards, including the prestigious L. Ray Patterson

Copyright Award, conferred in 2005 by the American Library Association.

Professor Crews' connection with the MIPLC family started in 2001 when he was a visiting scholar at the Max Planck Institute for Intellectual Property. When the Center was in its founding phase in 2002, Prof. Crews, due to his wide range of teaching experience and his excellent social skills, was one of the first names on the list of the future MIPLC faculty. To the benefit of now five generations of students he happily accepted the offer and has been teaching at the MIPLC from the first academic year. Teaching classes like Introduction to IP, Legal Tradition, and Legal Research and Writing, Crews is the professor who is most involved with the students during their first weeks when they are still busy settling down, getting used to living in Germany, and – for a significant part of the class – becoming familiar with studying law. In this important initial phase of the program, Professor Crews' teaching, but particularly his personality and his skills in “getting the students going,” showing them the way and making them feel at home, is an invaluable contribution to the program. Not only are the students grateful for his presence in the program, so are the staff members who always enjoy having Professor Crews around.

4.5. Tutorials

Given the high level of satisfaction with the tutorials expressed by the 2005/06 students (having graded the tutorial support in the range of 1.8 on a scale of 1 to 5, 1 being the best), the system was basically carried on unchanged. However, driven by the spirit of constant improvement, a new model – the so-called “super tutorials” – were tested as a potential alternative for the established system. The super tutorials were offered in the form of review sessions open to all students of the particular course and held by one tutor specialized in the field. Although these super tutorials were widely appreciated by the students, they were eventually not considered superior to the one-on-one system which additionally offers the benefit of the personal relationship.

The 2006/07 tutors are listed in Appendix 3. The MIPLC greatly appreciated the tutors' work and would like to express its sincere thanks for their efforts and dedication.

4.6. Internships

Each year the Intellectual Property LL.M. students are required to spend four weeks during the Spring Break with a law firm, company, court, government agency, or other organization that concerns itself with some aspect of intellectual property law.

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

The disposition in the academic year 2006/07 of the students to internship sponsors was the following:

Company	Location	Number of Students	Student's Nationality
African Agricultural Technology Foundation (AATF)*	Nairobi (Kenya)	1	Ethiopian
African Regional Intellectual Property Organisation (ARIPO)*	Nairobi (Kenya)	1	Tanzanian
Ashurst	Munich	1	German
Bardehle Pagenberg Dost Altenburg Geissler	Munich	1	U.S.
BASF Aktiengesellschaft	Ludwigshafen (Germany)	1	Chinese
Bird & Bird	Munich	1	Chinese
European Patent Academy*	Munich	2	Belgian, Spanish
Frohwitter	Munich	1	Eritrean
GEMA (Society for Musical Performing and Mechanical Reproduction Rights)	Munich	1	Swiss
Hammonds	Munich	1	Bulgarian
Lovells	Munich	1	German
Lovells	Alicante (Spain)	1	Colombian
Preu, Bohlig & Partner	Munich	1	German
Sant Jordi Asociados*	Barcelona (Spain)	1	Brazilian
Siemens AG	Munich	1	U.S.
Vossius & Partner	Munich	3	German, South Korean, U.S.
World Intellectual Property Organization (Copyright Law Division)*	Geneva (Switzerland)	1	Lithuanian
World Intellectual Property Organization (Enforcement Division)*	Geneva (Switzerland)	1	Japanese
World Intellectual Property Organization (SMEs Division)*	Geneva (Switzerland)	1	Portuguese
Wuesthoff & Wuesthoff	Munich	2	Indian, U.S.

* New internship sponsor

4. The LL.M. Program

Academic Year 2006/07

Besides the feedback from the internship sponsors who were very satisfied with the knowledge and attitude of the students, the interns' own voices convey the story of their experiences:

"The friendliness, generosity and smiles of the AATF staff coupled with the beautiful surroundings of the office, blue sky and warm weather tempted me to increase the duration of my stay but I couldn't!! The AATF was just the RIGHT place for me and I feel very honored to announce my satisfaction. I recommend anyone wishing to know more about the African struggle for agricultural development amid challenges posed by intellectual property rights to intern with the AATF."

"The work with Ashurst Munich requires the ability to work and think independently on a sophisticated legal level, to use sources like legal database, libraries and inquiries by e-mail or telephone, to draft documents like contracts, settlements, schedules, and memos, and to present and communicate the found results to the attorneys in a clipped, precise and self-confident way. What makes this task easy is the very friendly and cooperative attitude of all attorneys, paralegals and secretaries I worked with and the possibility to ask questions and discuss problems and results at any time."

"I was very curious to work for GEMA, as I have never worked for a collecting society or a similar entity before. I was particularly surprised and pleased by the openness, in particular of my supervisor, who took great efforts to get me to meet the right people. I'm also very pleased that the contact will continue after the time of my internship. I definitely recommend the internship to other people, if they are truly interested in the subject matter and if they are able and willing to work independently."

"I received more cases than I expected in advance and which were bigger than I could imagine before, but it was worth dealing with them very intensively, because I could learn a lot for practical work."

The MIPLC's great appreciation and thanks go to all internship sponsors and administrative staff that helped coordinating and setting up this period of practical experience.

Each year the Center receives new internship offers from companies and institutions that are interested in our Intellectual Property LL.M. students. This is also an excellent means of marketing for both the students and the program.

4.7. EIPIN Congress

The 8th Congress comprised three conferences at different locations in Europe. The first symposium (December 1–3, 2006) took place on the premises of the Max Planck Institute in Munich and was dedicated to "Information Flows, Software Protection and Standardization." The event was jointly organized by the MIPLC and the European Patent Academy. The second conference (February 16–18, 2007) on "New Business Models, DRMs, Collective Societies and Open Source" was held in Gerzensee (Switzerland) under the auspices of the MAS IP of the ETH Zurich. The third symposium (May 4–6, 2007), addressing "Domain Names, Trademarks and Licensing," was hosted by the Magister Lucentinus at the University of Alicante. The programs of the three conferences are available on the EIPIN website www.eipin.org.

In spite of their tight class and exam schedule, eleven MIPLC students participated in the Congress, preparing in mixed teams composed of students from all EIPIN members a research report and taking part in the traditional moot court competition.

4.8. Study Visit to Washington D.C.

Seven students participated in the study visit to Washington D.C., which took place from June 1 to 12, 2007. On June 2, they were welcomed by the members of the U.S. Regional Chapter of the MIPLC Alumni Association, having scheduled

their meeting in a way that the visiting students could join them.

The first week of the study visit was jointly organized with the two EIPIN partners MAS IP (Zurich) and the QMIPRI (London) and started on June 4 with the ITC mock proceedings hosted by Paul Hastings LLP. The proceedings were followed by the presentations on expert opinions in U.S. patent and trademark matters at the George Washington University. Furthermore, the participants attended the court hearings scheduled for two days at the Court of Appeals for the Federal Circuit after a lively *en banc* case introduction given by the Honorable Judge Randall R. Rader. The joint program ended with the lecture given at Baker & Hostetler LLP by Robert T. Braun (Discovision Company) and chaired by Professor Gary Rinkerman. Afterwards, the MIPLC students attended the first part of the elective course Enforcement of Copyright held by Michael Schlesinger at GWU.

Besides the intensive 10-day schedule, the students also attended a reception organized by GWU and took a tour of the USPTO guided by the MIPLC alumna Katy Halmen, who has been working there as a lawyer since 2005. On the whole, they very much enjoyed their stay on the GWU campus in the city center of Washington D.C.



4.9. The George Washington University IP Summer Program

In July, the George Washington University Law School brought its Intellectual Property Summer Program to the MIPLC for a fourth straight year. Thirty-five students came to Munich for the program, including eleven from GW Law, eighteen from other law schools in the United States, and six from other countries. The program offered eight different courses from which students could choose four; six of the eight courses were also open to enrollment by MIPLC IP LL.M. students. Summer Program students had the opportunity to attend the international conference on “Tailoring Rights to Industries in Intellectual Property,” which is covered in more detail elsewhere in this report. Other highlights of the month included study visits to the European Patent Office, the German Patent and Trademark Office, and Siemens.

The Summer School students visiting the German Patent and Trademark Office.

4. The LL.M. Program

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4.10. Master's Thesis

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

The students of the 2006/07 class produced theses on the topics listed in the table on page 19. The average grade on the theses was 12 points, on a scale from 0 to 18, demonstrating the high academic standard of the papers.

In 2006 a contract was signed with Nomos publishers, initiating the MIPLC Book Series in which outstanding Master's and Ph.D. theses are to be published. In 2007, this project advanced as to the design of the books and the selection of the first theses. These are:

- Patents in the Food Sector – A Retrospective with Special Emphasis on the TRIPS Agreement (Eva Willnegger, Ph.D. student of Prof. Straus)
- Patents and Public Health – Legalising the Policy Thoughts in the Doha TRIPS Declaration of 14 November 2001 (Andrew Law, Ph.D. student of Prof. Straus)
- Patenting Traditional Medicine (Dr. Murray Lee Eiland, USA, class of 2005/06).

4.11. Overall Results and Oehm Prize

The student's overall final grade is computed from the result of the Master's Thesis (a little less than one-third) and the grades attained in the examinations of the classes (a little more than two-thirds).

The average student final grade for the class of 2006/07 was 12 points, which is to be considered highly satisfactory. Furthermore, no student dropped out during the program, with the result that all 24 students graduated in November.

The highest overall grade was achieved by Amelie Aust from the USA who was therefore awarded the Oehm Prize. Among the winners of this prize, Ms. Aust is the first without a background in law, holding a prior degree in literature and biology. The Oehm Prize had been created from a generous donation made to MIPLC by Siegfried and Gertrud Oehm to reward the student with the best overall final grade.

4.12. End-of-Year Excursion

For their end-of-year excursion the students were once again attracted by the mixture of thunderous water and romantic scenery including horse carriages on the foot of the Alps at the Partnachklamm, close to Garmisch-Partenkirchen. The Partnachklamm with its 702 m long creek is famous for its deep canyons, spooky cavernous pathways and the treat of cold fresh-drawn beer served at the Partnach-Alm after a long walk up the mountain.

On August 3, the very next day after the last exam, the MIPLC students took off to enjoy an exciting hiking day. Besides exploring the flume and hiking up to the Alm the group most actively used the spare time to hang out together, to catch up on each others' lives and to enjoy a day finally without books and out in the nature. They were supported by the strength and will of Kaleo, the four-year old son of Dawn Piimanu, being the first to crest the Alm. The sunny day ended on the way back with closed eyelids on the train and, for Kaleo, exhausted sleeping in his mother's arms.



Dr. Sabine Keim, Andrés Rincón Uscátegui, Ana Carolina da Motta Perin, Samuel Adams, Julia Stenkamp, Dawn Piimanu and her son Kaleo enjoy the Partnachklamm during the summer excursion.

Student	Country of Origin	Topic of Master's Thesis
Samuel Adams	USA	Law and Economics of Software Patent Disclosure
Amelie Aust	USA	Trademarks in the Produce Section: Four Fruit and Vegetable Branding Strategies and Their Legal Strengths and Weaknesses
Bai Jie	China	Utility Model Patents for Chemical Invention-Creations in China
Anna-Marion Bieri	Switzerland	Digital Rights Management Versus Private Copying Levies: A Critical Analysis of the Two Schemes in a Digital Environment
Ana Carolina da Motta Perin	Brazil	Technological Measures for Protection of Copyright in the European Union, the United States of America and Japan
Elena Dimitrova	Bulgaria	The Protection of „Well-Known“ Marks in the Republic of Bulgaria Under the Bulgarian Trademark Law
Abeba Tadesse Gebreselassie	Ethiopia	Plant Variety Protection Law of Ethiopia vis-à-vis International Laws for the Protection of New Plant Varieties
Neftalem Teklay Habtemariam	Eritrea	Compulsory License under the 30 August 2003 WTO Decision and African Countries
Dr. Isabelle Huys	Belgium	Ownership and Joint Ownership: Pitfalls and Recommendations in Collaborative Stem Cell Research
Anna Jaenicke	Germany	Private Use in Europe and the United States: A Comparative Analysis
Dr. Sabine Keim	Germany	Invalidation Proceedings for Patents – A Comparison Between Proceedings Taking Place in China and India
Eliamani Isaya Laltaika	Tanzania	Plant Variety Protection for Food Security in Tanzania: The Case of Plant Breeders' Rights
Seung-Yong Lee	Korea	A Comparative Study of the Trademark Systems of South and North Korea, the European Community and Germany for the Design of an Integration Model of South and North Korea's Trademark Systems
Rita Matulionytė	Lithuania	Principle of Territoriality and Collective Management of Copyrights: Problems and Current Trends in the EU
Judge Shogo Nishida	Japan	Comparison of Cases Regarding Refurbishment of a Patented Product in Japan, the United States and Germany
Dawn Piimanu	USA	Who Owns an Avatar in Second Life?
Ana Bárbara Quintela Ribeiro Neves Ramalho	Portugal	Common Standards of Admissible Parody in Trademarks and Copyright in the Continental European System
José Andrés Rincón Uscátegui	Colombia	Intellectual Property in the Colombia – United States Trade Promotion Agreement of 2006
Vithika Sharma	India	Patent Term Extension Strategies in the U.S. and the EU, and the Impact on the Pharmaceutical Industry
Julia Stenkamp	Germany	Enforcement of Intellectual Property and Competition Law after Implementation of the Directive 2004/48/EC – Double and Treble Damages as a German Perspective in the Future?
Sun Lei	China	Interaction Between Intellectual Property Rights and Competition Law in China
Marie Ruth Unterreithmaier	Germany	The Relationship Between European and German Trademark Law and European and German Unfair Competition Law According to the Jurisdiction of the European Court of Justice and the German Federal Supreme Court
Carlota Viola Zendera	Spain	The Legal Protection of Fashion: Assessing the Adequacy of the Community Design Regime
Paul F. Wiegel	USA	Prosecuting Therapeutic Antibodies in the United States

4. The LL.M. Program Academic Year 2006/07



Prof. Kort opens the graduation ceremony in Augsburg's Mozart Hall.

Prof. Werner Wiater, Vice-President, University of Augsburg



Prof. Kenneth W. Dam, MIPLC Board Member and Keynote Speaker

4.13. Graduation Ceremony

The wonderful Mozart Hall in Augsburg is not only a symbol of Augsburg's illustrious history of commerce, culture and civic pride, it has become the "traditional" location for the annual graduation ceremony of the MIPLC LL.M. Program. The extraordinary international role of the City of Augsburg in Europe, during the City's heyday, makes the use of the Mozart Hall especially appropriate for the ceremony, given MIPLC's own remarkable international provenance.

In keeping with the magnificent setting, and accompanied by a celebratory musical performance by an Augsburg brass ensemble, the 2007 graduation ceremony commenced with a formal entrance by the students in their academic robes. Professor Michael Kort, who cordially welcomed the students and guests, also expressed thanks to all those who had supported the LL.M. program during the year, especially the Society of the Friends of the University of Augsburg for providing financial support for the University's participation in the MIPLC.



Prof. Christian Becker,
Dean, Faculty of Law,
University of Augsburg

Professor Werner Wiater, Vice-President of the University of Augsburg, expressed congratulations to the graduates on behalf of President Bottke, who was unfortunately not able to attend. Professor Wiater also communicated the University's satisfaction and pride at the development of the MIPLC and stressed that the Center's success augured well not only for the University of Augsburg and its partners, but also for Bavaria as a milieu for internationally influential research and scholarly activity.

Professor Joseph Straus, Chair of the MIPLC Managing Board, praised the graduates for their devotion to work and their excellent performance. He thanked them for having been a wonderful class of students and wished them the very best in the new stage of life for which their year at MIPLC had prepared them. Professor Straus also welcomed the 2007/08 class of students and encouraged all present to rise to the challenge of maintaining the high academic and professional standards upon which MIPLC's continuing international reputation depended.



From left: Prof. Kort,
Prof. Becker, Prof.
Dam, Prof. Wiater,
Prof. Straus, Carlota
Viola Zendrera, Sa-
muel Adams, Vithika
Sharma, Ana Carolina
da Motta Perin, Elia-

mani Isaya Laltaika,
Amelie Aust, Ana Bár-
bara Quintela Ribeiro
Neves Ramalho, Julia
Stenkamp, José Andrés
Rincón Uscátegui,
Dr. Sabine Keim, Rita
Matulionytė.



4. The LL.M. Program Academic Year 2006/07

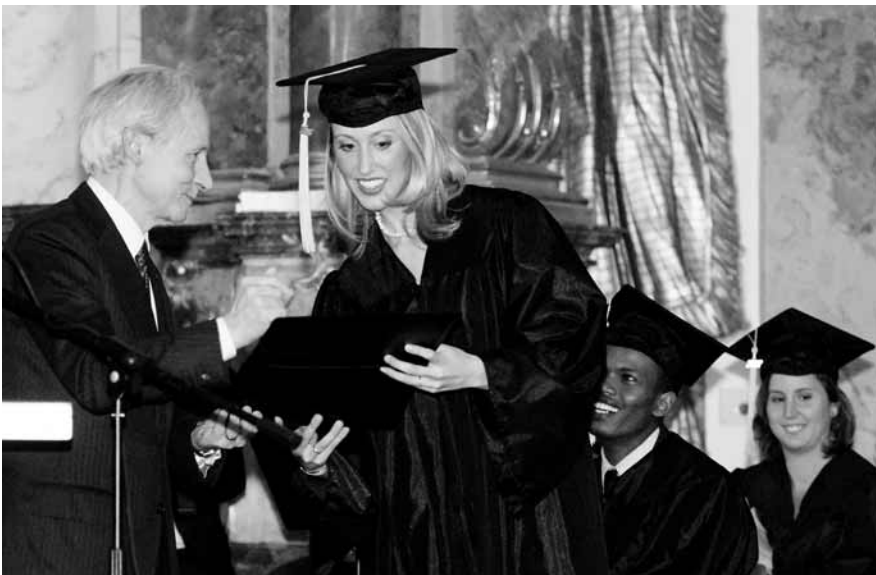


Christoph Laub,
MIPLC Alumni
Association

Proud and happy graduates: Ana Bárbara Quintela Ribeiro Neves Ramalho, Ana Carolina da Motta Perin, Vithika Sharma, Rita Matulionytė, Eliamani Isaya Laltaika, José Andrés Rincón Uscátegui, Carlota Viola Zendrer and Amelie Aust (from left).



Prof. Straus presenting Amelie Aust with the Oehm Prize.



The MIPLC felt particularly honored to have Professor Kenneth W. Dam, Member of the MIPLC Board of Trustees and former Deputy Secretary in the US State Department and Deputy Secretary in the Department of the Treasury, as the keynote speaker for the most important event of its academic year.

Then it was the students' turn to give a review of the past year: Amelie Aust from the USA shared with the audience not only her personal impressions about the program, but she summarized and cited wittily from the statements made by students in reply to the survey she had conducted, asking her colleagues for their best and worst memories, respectively, and the top three things they did in their out-of-class time. The fact that the ans-

wer to the latter question was “reading” and “studying” in the majority of cases, might have created the impression that the students were deprived of any kind of leisure and social life during their year at the MIPLC. This impression, however, contrasted strongly with images from the video clip which followed Ms. Aust’s speech. The clip had been put together from the pictures shot during the past twelve months, and it clearly expressed the joy and the wonderful time students had shared together.

After the looking back over the past year, Christoph Laub, treasurer of the



During the reception that followed, glasses were raised to the graduates’ success, to the more than satisfactory development of the LL.M. program, and to the next generation of students, who utterly enjoyed the event and were filled with additional motivation for their own studies.

Specials thanks are due to the City of Augsburg for hosting the Center’s ceremony in one of the City’s most wonderful places, and to the excellent musicians for their contribution to the ceremony’s success: Johann Geirhos (trumpet), Josef Geirhos (trumpet), Robert Kraus (trombone), and Johannes Weihmayer (tuba).

Members of the new class of students celebrating with Eliamani Laltaika (center): Judge Shintaro Takami, Siddharth Karkhanis, Aziza Tulyaganova (standing from left), Zecharias Fassil Berhe, Mario Cisneros (front row from left).

MIPLC Alumni Association, gave an overview of the association’s activities and invited the graduates to join in order to continue to expand the international network they had started building during their year in the program. This encouragement was apparently fruitful as most of the new alumni became members of the Association immediately after the ceremony.

As the central part of the ceremony, Professor Christoph Becker, Dean of the Faculty of Law of the University of Augsburg, congratulated the graduates on their achievements and presented them with their diplomas. This ceremony also included the presentation of the Oehm Prize to Amelie Aust by Professor Straus.



Two generations of Indian MIPLC students: Siddharth Karkhanis (left) of the new class of 2007/08 and Vithika Sharma, one of the graduates.



4. The LL.M. Program Academic Year 2006/07

4.14. Quality Management: Evaluation of the Academic Year 2006/07

4.14.1. Lecturer Evaluation

As in previous years, each lecturer's performance was evaluated by the students regarding the professor's preparation and presentation of the materials, his or her motivation and teaching style, and the benefit the student received from attending the course. The detailed questions which comprise each section are answered on a scale from 1 to 5, with 1 being the best. In addition, there is a section in which students may write down their personal remarks as to what they especially liked or disliked about the lecturer and the course.

With a faculty average of 1.52, the 2006/07 students were as satisfied with their teachers as were the students of 2005/06 (1.49).

4.14.2. Program Evaluation

At the end of each academic year the students are asked for their evaluation of the program regarding the structure of the program as a whole, the course content, the mentoring and support received, the Center's equipment, the professional perspectives the program opens up to the graduates, and their overall impression.

In the following the results of the past three academic years, 2004/05 through 2006/07, are presented.

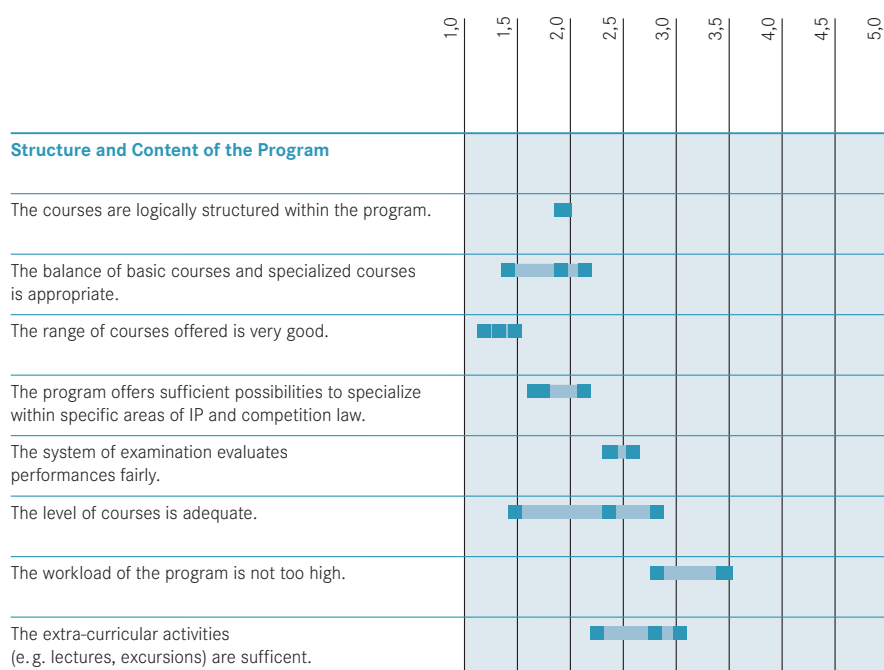
From the data shown in figures 1 to 3, it becomes apparent that, as a general rule, the judgment of the three different classes is highly consistent and their opinions do not exhibit dramatic discrepancies. As a second rule, with only one average and three single values below 3.0 the grades the students assigned to each question or statement are generally quite good, corresponding to a high level of satisfaction. The following detailed observations may also be made.

Regarding the structure of the program and the content of the courses (fig. 1), the best result is obtained for the range of courses, which is not surprising given the high number of elective classes and the broad spectrum of topics covered. One of the program's aims is to offer the students a very broad array of courses from various IP specializations, and the evaluation results indicate that this goal has been fully achieved.

The lowest rating was given for the workload, reflecting the fact that the program is indeed a highly demanding one. Still, with the lowest average remaining above 3.5, this is not considered a severe problem. All the more as many students usually choose more courses than they need to comply with the degree requirements.

The scale for the evaluation of the content of the courses is slightly different from the other questions: a value of 3 means "keep it as it is," smaller values suggest a need for an increase of the content, and higher values suggest a need

Figure 1: Student evaluations of the structure and the content of the LL.M. program, on a scale from 1 (I totally agree) to 5 (I completely disagree). The three dots represent the weighted averages of the classes from 2004/05, 2005/06 and 2006/07, respectively.



for a decrease. Figure 2 shows that virtually all answers are within the range between 2.50 and 3.50 which means that the students are satisfied with the quantity of the course content. The only exceptions are Introduction to Economics (weighted average of 3.5) which was consequently replaced, and Protection of Databases, Plant Varieties and Semi-Conductors (below 3.5 in two of three years) which was changed as well (see 4.14.3).

The average values assigned to the mentoring and support the students received (fig. 3) are between 1.64 for the MIPLC team and 2.31 for the supervision during the preparation of the Master's Thesis. The difference is no wonder, as the team is always present on-site with the main task of taking care of the program and the students, whereas the professors may be at the other end of the world and supervising a Master's Thesis is only one of their duties. Nevertheless, 2.3 is quite a good result showing that, despite of the professors' physical absence, high quality mentoring of the students' work is possible.

With results between 1.33 (Max Planck main library) and 1.56 (MIPLC library), the equipment and therefore the working conditions students find at the MIPLC are highly appreciated.

In addition, with regard to the perspectives of what the program offers them after graduation, students are apparently highly satisfied: 1.39 for having gained excellent knowledge of IP and competition law, 1.52 for the good preparation for a demanding position, and 1.73 for the attractive career perspectives opened up by the LL.M. degree.

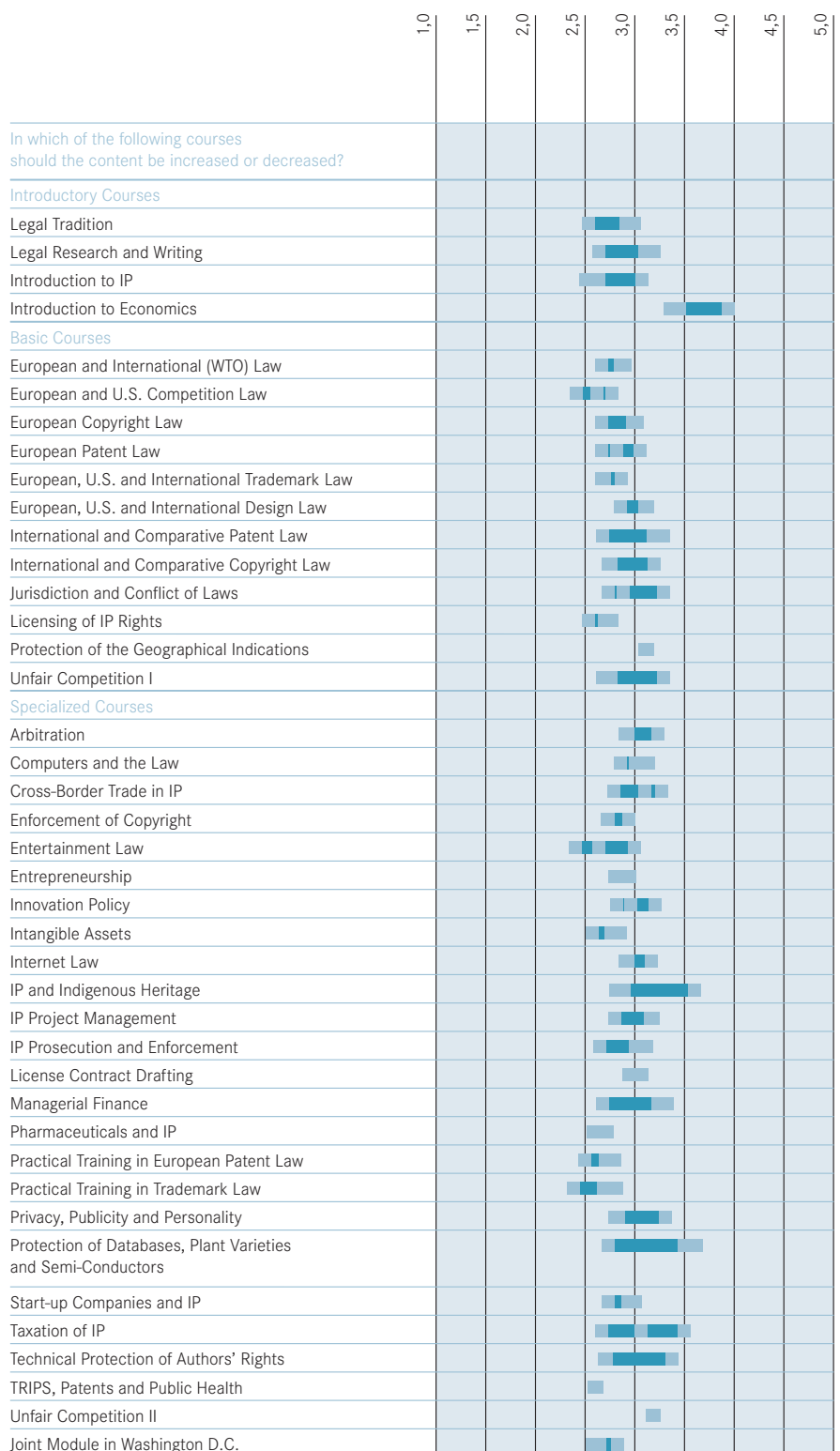
4.14.3. Improvements for the Academic Year 2007/08

Improvements for the next academic year focused on a partial reorganization of the Introductory and Specialized Courses, putting into practice suggestions made by the students as well as the lessons learned from past experience.

In the area of the Introductory Courses, Legal Research & Writing was transferred from the beginning to the end of the winter term. Many students start with the substantial writing of their thesis during the spring break, and conveying them with the necessary academic writing skills closer to the time when they commence their actual writing was deemed more effective than having this course at the very beginning of the program.

Introduction to Economics was replaced by a more IP-related course on Theoretical and Economic Foundations of IP for which Professor John F. Duffy from

Figure 2:
Student evaluations of the content of each course on a scale from 1 (increase strongly) to 5 (decrease strongly), with a value of 3 corresponding to "leave it as it is." The three dots represent the weighted averages of the classes from 2004/05, 2005/06 and 2006/07, respectively.



4. The LL.M. Program Academic Year 2006/07

Faculty Portrait

Professor Heinz Goddar

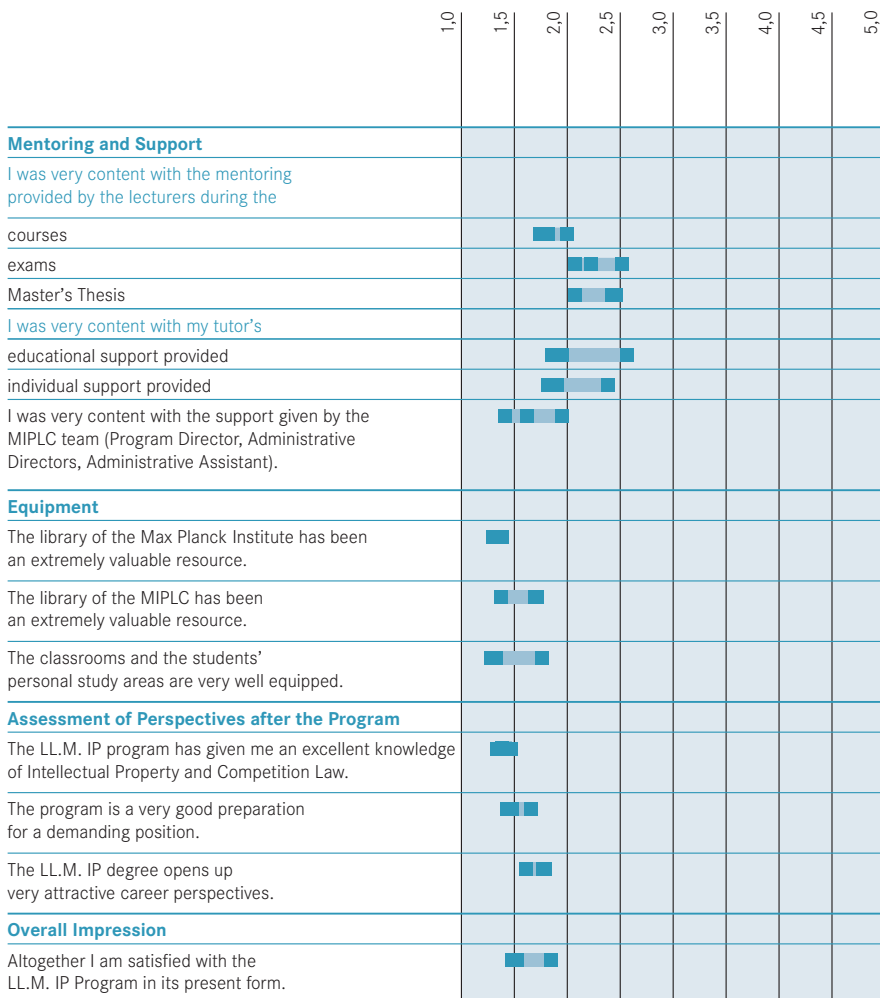


Figure 3: Student satisfaction with the support offered during the program, the infrastructure, the career perspectives, and the program as a whole, on a scale from 1 (I totally agree) to 5 (I completely disagree). The three dots represent the weighted averages of the classes from 2004/05, 2005/06 and 2006/07, respectively.

Professor Goddar is a German Patent Attorney and European Patent and Trademark Attorney with a technical background, including a Ph.D. in physics and physical chemistry. He is one of the senior partners of his firm, Boehmert & Boehmert and Forrester & Boehmert, and is particularly involved in international patent and licensing matters, including litigation and arbitration. Furthermore, he is an Associate Judge at the Senate for Patent Attorneys Matters at the German Federal Court of Justice and a Senior Advisor to the German Industrial Investment Council (IIC), Berlin, with a specific responsibility for IIC Life Sciences and Chemicals, as well as a Past President of LES International and of LES Germany.

He is also widely active in the field of teaching IP, as a Honorary Professor for Patent and Licensing Law at the University of Bremen, Germany, and as a Visiting Professor at the University of Santa Clara, CA, the University of Washington, Seattle, WA, the National Chengchi University, Taipei, and the Tokai University, Tokyo.

Professor Goddar joined the MIPLC faculty in the winter term 2003. Teaching a part of the Licensing of IP class, he shares with the students his ample experience as a senior practitioner taking the students for a one-day "licensing game" during which – assuming the different roles of the inventor, the licensee etc. – they conduct negotiations, draft licensing contracts and learn about possible pitfalls and how to avoid them.

Apart from his teaching involvement, Professor Goddar has been instrumental in spreading the news about the Center and its LL.M. program and bringing new students to the MIPLC, particularly from the Middle East and Asia. Furthermore, his law firm has been offering internship places from the very first academic year and has so far hosted six students.

the George Washington University Law School was won as teacher. Being a Specialized Course, this new class represents another opportunity to acquire credits in the interesting field of economic aspects of IP.

Protection of Databases, Plant Varieties and Semi-Conductors was dropped as an integral course, comprising three areas of IP that do not have much in common. The topic of databases protection was merged into the new course Protection of Databases and Other Forms of Investment Protection (Professor Leistner), while the protection of plant varieties was integrated into the new class on Protection of Biotechnological Inventions. The main focus of this course, taught by Professor Straus and Professor Kieff, is European and US statutory law and practice, including special aspects of plant variety protection, as they are embedded in the TRIPS Agreement and the UPOV Convention. Due to the low practical relevance of semi-conductor protection, this part of the previous course was dropped altogether.

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

4.14.4. Accreditation

On the background of the Bologna Process aiming at the harmonization of the European university education system, all German university-level teaching institutions are required to undergo accreditation by the year of 2010. Since this is also viewed as a quality check of the program in the first place and a valuable marketing label, the MIPLC started preparing for accreditation in the summer of 2007. In November, the self-documentation package of 1,500 pages, providing insight in the Center's structure, development and goals, was turned in at the accreditation agency ACQUIN e.V. and was reviewed by a committee consisting of five evaluators (three professors, one practitioner, one student). On June 13, 2008 the committee visited the MIPLC to get firsthand impressions, talk to students and faculty members and to discuss structural and conceptual issues with the Managing Board members and the administration team. The committee's report was received at the end of July, including both valuable suggestions for further improvements and a highly positive rating of the LL.M. program. So, the Center expects that the program will be accredited by the end of 2008.

Faculty Portrait

Professor Christoph Kaserer



After having completed his studies in economics at the University of Vienna (Austria) Professor Kaserer received his Ph.D. from the Department of Business Administration at the University of Würzburg (Germany). The primary areas of his research are Private Equity, Corporate Finance, Corporate Governance, and Asset Management. Before accepting the Chair of International Financial Management and Capital Markets at the TUM Business School he held professorships at the University of Würzburg, the Free University of Bozen (Italy), and the University of Fribourg (Switzerland). In addition to being a visiting professor at the Università LUISS Guido Carli in Rome, Professor Kaserer is furthermore involved in several executive education programs, for instance at the Swiss Banking Association, the University of St. Gallen, the University of Fribourg, the Unicredit Group, and the University of Mainz. Since 2003 Professor Kaserer has also served as Scientific Director of the Center for Entrepreneurial and Financial

Studies (CEFS) at the TUM which, under the auspices of Professor Achleitner, conducted a research project in cooperation with the MIPLC in 2006/07 (cf. http://www.miplc.de/research/general_projects/completed_projects/tum_woodwelding/).

In cooperation with the Deutsche Börse AG the CEFS was instrumental in developing the German Entrepreneurial Index (GEX©) for which Professor Kaserer was awarded the „Initiativpreis der Stiftung Industrieforschung“ in 2005. As consultant, Professor Kaserer has been working for the German Government, the European Commission and the European Venture Capital and Private Equity Association (EVCA). As of 2008 he has been appointed Chairman of the Governing Body of the Private Equity Research Exchange Platform (PEREP).

Given the special focus of the LL.M. program on the economic aspects of IP, Professor Kaserer was among the first teachers asked to take over one of these courses, and he has been part of the MIPLC faculty since the very beginning in 2003, teaching the elective Managerial Finance.

4. The LL.M. Program Academic Year 2006/07

José Andrés Rincón
Uscátegui (Colombia),
Lawyer at José
Lloreda Camacho &
Co, Bogotá, Colombia



Dr. Sabine Keim
(Germany), Patent
Attorney at Maiwald
Patentanwalts GmbH,
Munich



4.15. Professional Perspectives – Career Steps Taken by the 2006/07 Graduates

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

Each year MIPLC alumni have found excellent jobs, providing great opportunities for utilizing their knowledge and skills, in law firms, corporate legal departments, IP institutions, and government-run facilities. Assistance from MIPLC faculty and staff often plays a key role in these attractive placements. As was the case for previous graduates, the 2006/07 graduates received various forms of placement support, ranging from letters of recommendation given by members of the Managing Board or the faculty to direct introductions at law firms and companies. The MIPLC approach is, wherever possible, to provide personalized assistance catering to each individual's distinctive needs and strengths, rather than to follow a standardized formula for getting a job. The general result, it is hoped, is a good match between a graduate and an employer and, thereafter, a robust and productive long-term career prospect in IP.

In addition to catering to students' individualized needs, the MIPLC also provides more structured employment-search opportunities, such as participation in the EIPIN Job Fair. On May 11, 2007 the second EIPIN Job Fair was held in London, bringing together the students of the five EIPIN partner institutions with representatives of potential employers.

As a result, the graduates were able to find desirable positions in the field of IP in all parts of the world. These included:

- GEMA Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte (Society for Musical Performing and Mechanical Re-

- production Rights), Munich (Lawyer)
- S.U.P. Societät für Unternehmensplanung GmbH, Frankfurt/Main (Project Manager)
- Primera AG, Aschheim/Munich (Manager Trademark and Design Protection)
- Fall Creek Farm & Nursery Inc., Eugene, OR, USA (IP Portfolio Manager)
- Müller-Boré & Partner (PA & RA), Munich (Patent Attorney candidate)
- Maiwald Patentanwalts GmbH (Patent Attorney)
- Y.P. Lee, Mock & Partners, Seoul, Korea (Patent Attorney)
- Jose Lloreda Camacho & Co, Columbia (Lawyer, patent department)
- Grau & Angulo Abogados, Barcelona, Spain (Lawyer)
- Wharton, Aldhizer & Weaver, Harrisonburg, VA, USA (IP Lawyer)
- University of Leuven, Belgium (Innovation Manager)
- University of Alicante, Spain (Research Fellow)
- University of Bayreuth, Germany (Ph.D. student, MPI scholarship)
- University of Karlsruhe, Germany (Ph.D. student, MPI scholarship)
- University of Aarhus, Denmark (Ph.D. student)

Looking at career steps taken by the students of the first four MIPLC classes immediately after graduation yields the following picture (fig. 4):

While information is not available for the career paths of 6 alumni, 20 of the 83 graduates decided to continue their legal/IP education, either by doing a Ph.D. (15) or by going to law school (5). The majority, i.e. 49 graduates, are practicing IP in law firms, patent and trademark offices, government institutions, the industry or at universities as researchers or lecturers.



Rita Matulionytė (Lithuania), Ph.D. student at the University of Karlsruhe, supported by a scholarship from the Max Planck Institute.

Further employers of MIPLC graduates include:

- the European Patent Office, Munich
- the Icelandic Patent Office, Reykjavik
- the Turkish Patent Office, Ankara
- the US Patent and Trademark Office, Washington D.C.
- the Office for Harmonization of the Internal Market, Alicante (Spain)
- the Ministry of Justice, Oslo (Norway)
- the Ministry of Justice, National Law Commission, Cairo (Egypt)
- the Ministry of Trade, Accra (Ghana)
- the Supreme Court of Japan, Tokyo
- Allen & Overy, A. Pedzich Sp.k., Warsaw (Poland)
- Bird & Bird, Düsseldorf (Germany)
- Doerries, Frank-Molnia, and Pohlman, Munich
- Ibrachy and Dermarkar, Cairo
- Intel, Shanghai (China)
- Kenyon & Kenyon, New York (USA)
- Mehmet Gün & Co, Istanbul (Turkey)
- Momsen Leonardos, Rio de Janeiro (Brazil)
- Vossius & Partner, Munich
- Pepper Hamilton, Philadelphia (USA)
- Soltysiński Kawecki & Szlęzak, Warsaw
- BASF, Ludwigshafen (Germany)
- General Electric, Shanghai
- Gennova Biopharmaceuticals Ltd.; Pune (India)
- Mitsui & Co. Deutschland GmbH, Düsseldorf
- National Chemical Laboratory, Pune (India)
- Saudi Arabian Oil Company, Dhahran
- Siemens, Munich
- Siemens, Beijing (China)
- the University of Neuchâtel, (Switzerland)
- the University of Vilnius (Lithuania)
- the University of Addis Ababa (Ethiopia)



Dr. Isabelle Huys (Belgium, left), Innovation Manager at the University of Leuven, Belgium.
Amelie Aust (USA, right), IP Portfolio Manager at Fall Creek Farm & Nursery Inc., Eugene, OR, USA

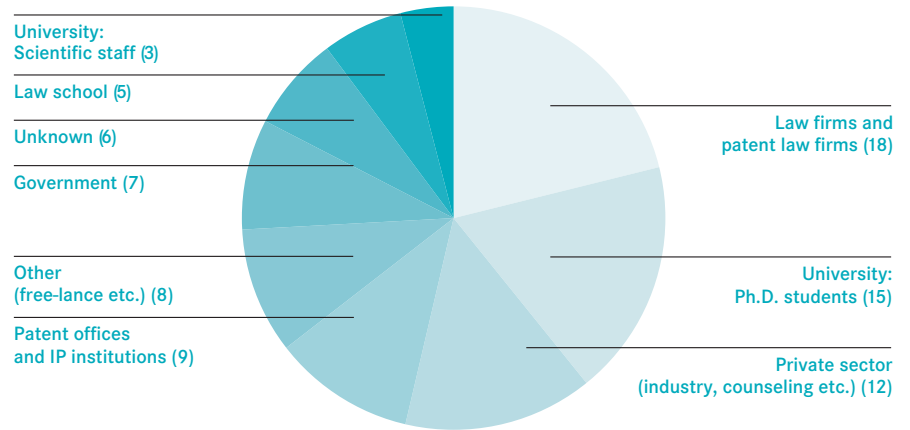


Figure 4: First career steps taken by MIPLC graduates after graduation (classes 2003/04 through 2006/07, totaling 83 graduates). Of the 94 students, seven attended the program in the framework of the ECAP II Program, staying for one semester only, while four students did not graduate.

Samuel Adams (USA), Patent Attorney candidate at Müller-Boré & Partner, Munich



4. The LL.M. Program Academic Year 2006/07

4.16. The MIPLC Alumni Association

Since November 2006 the MIPLC Alumni Association has organized and enjoyed numerous interesting events and activities.

All alumni had a further chance to meet each other at the traditional Annual Reunion which took place on May 14, 2007 in Munich. For the first time, the Reunion was fully organized by the Association and included several events. It started with the first meeting of the General Assembly of the Association in which the members discussed the Association's activities in the previous year, its future objectives, and upcoming projects and plans. Furthermore, the newly launched Alumni website was introduced to the audience. The General Assembly meeting was followed by a speech of Judge Randall R. Rader (the U.S. Court of Appeals for the Federal Circuit, Washington D.C.) on "The Establishment of IP Rights



The 2007 Board of Directors of the MIPLC Alumni Association (from left): Claudia Hiebsch (Germany), Christoph Laub (Germany), Anna Bacchin (Italy), Agnieszka Ignaczak (Poland), Kristina Janušauskaitė (Lithuania).

in South American, Eastern European and Asian Countries in the TRIPS Context." The Reunion ended with festivities at the Franziskaner near the Munich Opera House. About 60 members and friends of the MIPLC Alumni Association enjoyed the gala dinner, full of unforgettable moments.

The Association was happy to announce the establishment of its first regional chapter: on June 2, 2007 the U.S. Regio-

nal Alumni Chapter was established during a meeting of the former MIPLC students currently living and working in the United States, the U.S.-based faculty members and friends of the MIPLC in Washington D.C. During this meeting, Katy Halmen, chair and contact person of the U.S. Regional Alumni Chapter, introduced the main future plans, social and academic events to be organized, and possible periodicals to be published by the Chapter.

Among the social events organized by the MIPLC Alumni Association and the U.S. Regional Chapter, the members especially enjoyed the Oktoberfest meetings with Bavarian music and traditions on September 26 and 30, 2007 in the world-famous Hofbräuhaus and at the Theresienwiese, respectively. The students of the new class of 2007/08 also attended these meetings and thereby had the great chance to meet with former MIPLC students.

In October 2007, the first edition of the MIPLC Alumni Newsletter was launched. The Newsletter is edited by Agnieszka

Ignaczak (Poland) and provides information about all alumni events; highlights in the IP field; portraits of former MIPLC students who successfully started or further developed their professional careers; and alumni “postcards” sent by the members and friends to inform about their lives, professional and personal achievements. The Newsletter is available on the Alumni website:

www.alumni-miplc.de/newsletter.html.

The first conference organized by the MIPLC Alumni Association was dedicated to the “Enforcement of Intellectual Property Rights” and took place on Novem-



MIPLC Alumni Conference on Enforcement of IP Rights

Katy E. Halmen,
Chair of the U.S.
Regional Alumni
Chapter



ber 7, 2007 in Munich. The Association was honored to welcome prominent speakers such as Thomas Bouvet from Véron & Associés, Avocats, Paris; Francesco Casucci from Studio Legale Casucci, Milan; Doz. Dr. Klemen Podobnik from the Ljubljana University, Slovenia; Dr. Christopher Heath from the Board of Appeal, European Patent Office, Munich; Dr. Johann Pitz from Vossius & Partner, Munich; and Professor Thomas Dreier from the University of Karlsruhe. The speakers mainly focused on the most highlighted enforcement issues in view of the implementation of the EU Enforcement Directive in various European jurisdictions. After the conference the positive feedback from its participants created an excellent foundation for further academic activities to be organized by the MIPLC alumni in the future.

For more information about the MIPLC Alumni Association e.V. please visit the Association’s website at www.alumni-miplc.de.



Alumni Meeting at the Hofbräuhaus (from left): Agnieszka Ignaczak (Poland, 2005/06), Kristina Janušauskaitė (Lithuania, 2004/05), Marius Jakutavičius (Lithuania, 2005/06), Özge Eşan (Turkey, student of 2007/08).

5. Research

5.1. Collaborative Projects

5.1.1. Intellectual Property Infrastructures in Asia's Emerging Markets

Professor Paul Goldstein

(Stanford University)

Professor Joseph Straus (MIPLC)

Dr. Peter Ganea (MIPLC)

Tanuja Garde (MIPLC/USTR,
Washington D.C.)

The project "Intellectual Property Infrastructures in Asia's Emerging Markets," a collaboration between the MIPLC and

Whereas first drafts of the country reports were discussed with a distinguished circle of experts from international organizations and national offices such as the USTR in the course of a symposium organized at the Stanford Law School in October 2006, the finalized reports were presented to a broader public in the course of the 5th Intellectual Property Forum on "The Impact of the WTO TRIPS Agreement on Economic Development of Asian Countries" (see 3.1., p. 10).

The book "Intellectual Property Infrastructures in Asia's Emerging Markets," including the comprehensive results of



East-West dialogue points the way to a vibrant international IP environment. Key contributors at the Shanghai IP Forum (from left): Dr. Peter Ganea (MIPLC), Dr. Albrecht von der Heyden (German Consul General in Shanghai),

Prof. Ann, Prof. Möllers, Prof. Straus, Prof. Tian, Dr. Jürgen Schade (President of the German Patent and Trademark Office), Chen Zhixing (Director General of the Shanghai IP Administration, SIPA), Wang Wei (SIPO), Hong Yongqing (SIPA), Yan Rui-Ray (SIPA).

the Stanford Law School, looked at the socio-economic conditions which have an impact on the exercise and enforcement of IP rights in the economically important developing countries of East, Southeast and South Asia (China, India, Malaysia, Indonesia, the Philippines, Vietnam, Laos, Cambodia, Thailand). Moreover, retrospective observations of the already industrialized countries, Japan, Taiwan, South Korea and Singapore, provided valuable hints as to the remaining possibilities of designing domestic IP protection in a manner that fosters industrialization.

the project will be published at the Springer Verlag Berlin-Heidelberg and is scheduled to appear in the late fall of 2008.

The contributors to the different parts of the project were:

Cambodia: Dr. Peter Ganea

India: Tanuja Garde

Indonesia, Malaysia: Prof. Christoph Antons, Wollongong University, Australia

Japan: Dr. Peter Ganea; Prof. Sadao Nagaoka, Institute of Innovation Research, Hitotsubashi University, Tokyo

Korea: Ji-Hyun Park, attorney-at-law, San Francisco

Laos: Dr. Peter Ganea

People's Republic of China: Dr. Peter Ganea; Prof. Jin Haijun, Renmin University of China

Philippines: Ferdinand M. Negre, Jonathan Q. Perez, attorneys-at-law, Makati City, Philippines

Singapore: Prof. Loy Wee Loon, National University of Singapore

Taiwan: Prof. Paul Liu, National Chengchi University, Taipei

Thailand: Julia Sorg, Max Planck Institute for Intellectual Property, Munich

Vietnam: Dr. Viet D. Phan, attorney-at-law, Hanoi, Vietnam.

5.1.2. The Treatment of Know-How in International R&D Cooperation

Nina Klunker (MIPLC)

Dr. Peter Ganea (MIPLC)

The project, which was led by the Machine Tool Laboratory ("Werkzeugmaschinenlabor" WZL) at the Technical University of Aachen and to which the MIPLC and the Fraunhofer Institute for Manufacturing Technology contributed as subcontractors, emerged out of a competition at the German Federal Ministry for Education and Research. It was focused on international R & D cooperation between German public research institutes and partners from eight selected countries (Brazil, China, India, Korea, Russia, South Africa, Turkey, and the United States). Contentwise, the MIPLC was in charge of elaborating the legal aspects that have to be observed in the course of technology cooperation with foreign partners, whereas the WZL's and the Fraunhofer Institute's contributions consisted in providing an empirical survey of German research institutes and a few leading firms, that inter alia investigated their experience with international cooperative ventures and their expectations for the future. The project's main result, a set of detailed guidelines with respect to the legal and practical issues that have to be observed in the course of negotiating, contracting and carrying out joint R & D with foreign

partners, were finalized in spring 2008. The guidelines will be published on the website of the Federal Ministry for Education and Research (www.bmbf.de/publikationen/index.php), while the eight country reports on the details of R&D cooperations with partners from these countries will be available on the "Kooperation international" website (www.kooperation-international.de). The guidelines aim at sensitizing researchers for national differences with respect to negotiation, contracting law and legal practice. They highlight, inter alia, the danger that under certain circumstances national law may assign R & D results to the state if the immediate R & D partner is a public institute, or the necessity of risk minimization in countries with poor enforcement resources, e.g. by a strategy which allows termination of the contractual relationship at different stages of cooperation. It should be noted that this project did not understand "Know-how" in the narrow legal sense as technological secrets only, but that it also covered patents and other forms of protected technological information.

The contributors to the MIPLC's legal part of the study were recruited from the international faculty of the MIPLC and from partner institutions around the world. They are:

Brazil: Prof. Claudia Chamas (Oswaldo Cruz Institute, Fiocruz, Ministry of Health, Rio de Janeiro)

China: Prof. Jin Haijun (Renmin University of China, Beijing)

India: Assist. Prof. V. K. Unni (NALSAR University of Law, Hyderabad)

Korea: Kim Byung-Il, (Hanyang University, Seoul)

Russia: Dr. Rainer Wedde, Ksenia Fedotova (attorneys-at-law, Moscow)

South Africa: Prof. Tana Pistorius (University of South Africa, Pretoria)

Turkey: Rana Ortan (attorney-at-law, Istanbul; MIPLC graduate 2006)

USA: Prof. F. Scott Kieff (Washington University, St. Louis; MIPLC faculty member).

Apart from the guidelines and country reports, the project also gave rise to a number of conferences and presentations. On November 12, 2007 the project's findings with regard to South Korea were presented by Dr. Peter Ganea to a larger audience in the course of a "Strategic Workshop on South Korea," organized in Bonn by the German Federal Ministry for Education and Research.

On November 29, 2007 a workshop on the project organized by Ms. Klunker and Dr. Ganea was held on the premises of the MIPLC. In the course of this workshop the participants, mainly representatives of German research institutes, were invited to solve problems in a practical case study.

On January 22, 2008 in the course of the "Special Promotion Day of the German Capital Goods Industry – Innovation against Product Piracy" Ms. Klunker presented the research results to a large audience comprised of academics and representatives of the industry and public research institutes in Berlin.

5. Research



Kristina Janušauskaitė

5.2. Individual Projects

During the period covered by this Report, a number of researchers were granted an MIPLC scholarship and came to Munich to work on the projects listed below.

Intellectual Property Rights, Modern Biotechnology and the Pharmaceutical Industry in the New EU Central European Member States During the Accession Period

Dr. Aleksandra Twardowska
Poland

China's New Regulations on the Right of Communication Through the Information Network

Prof. Wan Yong
China

Abuse of Intellectual Property Rights and the Prevention Measures

Prof. Zhang Weijun
China

Protection Against Unfair Competition in Cases of Product Imitation

Marius Jakutavičius
Lithuania

Copyright in the Light of Community Law and Lithuanian Law

Dr. Vyautas Mizaras
Lithuania

5.3. Ph.D. Students

In 2007, the aggregate number of MIPLC Ph.D. students remained almost the same as in the year before, with two students leaving at the end of 2006 and three new ones joining in the course of 2007.

Contextual Brand Valuation – Analysis of the Current Brand Valuation Landscape and Introduction of a Systematic Integrated Approach to Intellectual Property Valuation

Eva Riemann (née Mosel)
Germany (class of 2003/04)

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

Monica Armillotta
Italy (class of 2004/05)

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

Kristina Janušauskaitė
Lithuania (class of 2004/05)

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

Iana Krassimirova Roueva
Bulgaria (class of 2004/05)

License Agreements on Technology Standards and Their Implications for Contemporary Intellectual Property Law

Paola Graciela Karam Valdés
Mexico (class of 2005/06)

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

Diana Carolina Leguizamón Morales
Colombia (class of 2005/06)

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

Viviane Yumi Mitsuuchi Kunisawa
Brazil (class of 2005/06)

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

Nina Sophie Klunker
Germany



Paola Karam Valdés

Monica Armillotta



Diana Leguizamón Morales



Eva Riemann



Iana Roueva

During the period covered by the present Report, the following five lectures were given.

The Law Growth Nexus – The Implications of a Rule of Law Approach to Economic Development – China as a Test Case

Professor Kenneth W. Dam
(University of Chicago Law School),
November 6, 2006

Indian Patent Law and Patent Policy Facing New Challenges

Professor Martin J. Adelman
(The George Washington University Law School), May 10, 2007

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

Claudia Tapia Garcia
Spain

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

Wu Yixing
China

The Quiet Revolution in American Copyright Law

Professor Paul Goldstein
(Stella W. and Ira S. Lillick Professor of Law, Stanford University), May 24, 2007

Japan's Patent Policy and Recent Developments in Japanese Patent Law

Professor Eiji Katayama
(University of Tokyo and Partner at Abe, Ikubo & Katayama, Tokyo), May 29, 2007

Valuation and Management of IP-Based Companies – Findings from a Research Project

Dr. Eva Nathusius
(Managing Director at the Center for Entrepreneurial and Financial Studies (CEFS), Technische Universität München),

Stephanie C. Schraml
(CEFS)

Sevenja Jarchov
(CEFS)

Pernilla Kvist
(Managing Director at WoodWelding Technology AG), July 5, 2007

5.4. EIPIN Doctoral Meeting in Zurich

During the 3rd Doctoral Meeting held on April 13–14, 2007 at the ETH Zurich, three Max Planck and MIPLC doctorate students presented interim results of their research work. Clara Sattler de Sousa e Brito (MPI) gave a presentation on “Synthetic Biology and IP,” Diana Leguizamón Morales (MIPLC) presented an overview of “Modern Plant Breeding and Plant Variety Protection in Latin American Countries,” and Kristina Janušauskaitė (MIPLC) presented her findings with respect to the “Implementation of the EU Enforcement Directive in the Social and Economic Context of the Baltic Countries.”

5.5. The MIPLC Lecture Series

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

Therefore, in 2007, the MIPLC Lecture Series, which had been started two years before, was continued, inviting renowned scholars and practitioners from all over the world to give presentations on current issues of intellectual property law.

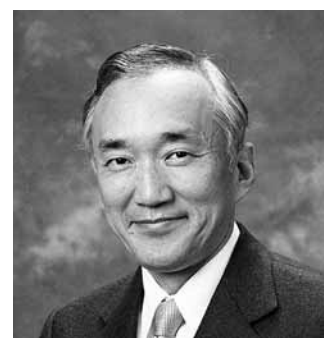
The lectures are organized with the kind support of the Max Planck Institute for Intellectual Property, Competition and Tax Law. They are hosted at the facilities of the Institute and they are aimed at informing interested members of the IP community based in and visiting Munich.



Prof. Kenneth W. Dam
(left)
Prof. Martin J. Adelman



Prof. Paul Goldstein
(left)
Prof. Eiji Katayama



6. Advisory Boards



The members of the Managing Board and the Scientific Advisory Board engaged in discussion. Top, from left: Prof. Möllers and Prof. Brauneis; bottom, from left: Prof. Di Cataldo, Prof. Bercovitz, Prof. Adelman.

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

The **Scientific Advisory Board** advises the Managing Board on the MIPLC's research program and on the development of the LL.M. program, as well as on financial issues. For the Max Planck Research Unit, the Regulations of the Max Planck Society require two further Boards: a **Board of Trustees** to promote the relationship between the Center and the general public interested in education and research in intellectual property and adjacent areas, and another Scientific Advisory Board (**Fachbeirat** in German; this term will be used in order to avoid confusion between the two advisory boards) evaluating the research carried out at MIPLC. The members of all three boards are listed in Appendix 3.

In 2007, arrangements were made for only the Scientific Advisory Board and the Fachbeirat to meet, as during the 2006 meeting of the Board of Trustees the meeting schedule for this Board was changed to a two-year cycle.

6.1. Scientific Advisory Board

The Scientific Advisory Board met on November 8, from 10 a.m. to 5 p.m.

After the opening of the meeting by Professor Straus, Professor Brauneis and Prinz zu Waldeck und Pyrmont gave a summary of the academic year 2006/07. They were followed by Tina Höfinghoff reporting on the Center's activities in the field of marketing, PR and fundraising as well as on the MIPLC's application for national accreditation. Ms. Hinkel then presented the developments of the financial situation.

The subsequent discussion focused on such topics as possible new developments in the curriculum (e.g., a stronger focus on Asian IP law and its enforcement); the pros and cons of the envisaged two-year scheme for students who don't want or can't give up their job while studying at the MIPLC; and especially how to cope with the challenges associated with the need to advertise the program on a worldwide scale to a clientele with most diverse backgrounds.

At the end of the morning session, Professor Straus signed the Partnership Agreement – brought to the meeting by Professor Di Cataldo – between the MIPLC and the Dottorato di Ricerca in Diritto Commerciale of the Università degli Studi di Catania (see 2.8.).

The afternoon session started with Professor Straus summarizing the completed and ongoing research projects, which were then addressed in more detail by three MIPLC researchers. As an example for the cooperative research work undertaken by the MIPLC, Nina Klunker presented the status and preliminary findings of the project "Protection of Know-How in International R & D Cooperations." She was followed by Kristina Janušauskaitė, LL.M. graduate of the 2004/05 class and now Ph.D. student at the MIPLC, who introduced her thesis topic "Creating an Effective IPRs Enforcement Model in Europe: Challenges Faced by the Baltic Countries While Implementing the EU Enforcement Directive." Last

Prof. Brauneis (right) discussing with the new students during the coffee break (from left): José Roberto Herrera Diaz (Colombia), Burkhard Luhmer (Germany), Ramin Amirsehhi (USA); in the background Chloe Tai (Malaysia).





Fachbeirat members Prof. Edmund W. Kitch (left) and Prof. Charles Gielen (right, with his spouse).

Prof. Kort engaged in conversation with Prof. Kelvin Willoughby, one of MIPLC's new students.



but not least, Amelie Aust, graduate of 2007 and winner of the Oehm Prize for the best overall grade of her class, presented her Master's thesis which investigated "Trademarks in the Produce Section: Four Fruit and Vegetable Branding Strategies and Their Legal Strengths and Weaknesses."

In the discussion that followed, the Scientific Advisory Board approved the remarkable development of the research department and especially the large number of Ph.D. students the LL.M. program has produced.

During the coffee break, the Board members were joined by the students of the 2007/08 class, providing them with firsthand information about the LL.M. program. In addition, the Board members had the opportunity to inspect the 2006/07 Master's theses.

After the end of the meeting, the members of both Advisory Boards were invited to a guided tour of the Munich Residence and a dinner.

6.2. Fachbeirat

The Fachbeirat met on November 9, from 9:30 a.m. to 4:00 p.m., the meeting being chaired by Professor Ralf Reichwald.

While during the first part of the meeting the Fachbeirat was duly informed about the developments of the LL.M. program and the Center's financial situation, the focus of the day was on the MIPLC research activities, as the Board's task is to evaluate the latter rather than the educational part.

To cover the full scope of the different types of research conducted at the MIPLC, at least one project in each category – collaborative projects, single projects, Ph.D.

theses, Master's theses, scientific conferences & lecture series – was addressed during the presentations, either in summary by Professor Straus in his key-note report, or by the researchers themselves, namely Dr. Peter Ganea, Nina Klunker, Kristina Janušauskaitė, and Amelie Aust. In addition, prior to the meeting the Fachbeirat had been provided with detailed information on all projects as contained in the Annual Report 2005/06 and the Research Report 2006/07.

As a result, in the subsequent report, the Fachbeirat evaluated the MIPLC's research performance as outstanding, based on

- the fact that the impressive research was not based on a standing faculty and/or a significant number of senior scientific staff, both of which do not exist at the Center, but on the efforts of young and aspiring scholars;
- the international diversity of its researchers which was regarded as an important feature setting the MIPLC apart from similar institutions;
- the Center's activities in co-organizing conferences as the one in Shanghai (cf. 3.1.) and Hyderabad (cf. Report 2005/06) which were taken as clear evidence of the international standing the MIPLC has achieved after only four years of operation (during which the main focus was on the setting up and refining of the LL.M. program);
- the Center's engagement in spreading research results, e.g. by co-organizing conferences and workshops or the creation of the MIPLC Lecture Series;
- the widespread use of innovative methodologies, not only by comparative legal analysis but also linking IP law to other fields of law and other disciplines, such as economics or biotechnology.

Amelie Aust presenting the results of her Master's thesis to the Fachbeirat. From left: Prof. Brauneis, Prof. Straus, Prof. Ralf Reichwald, Chair of the Fachbeirat.



Appendix 1: Curriculum

Introductory Courses

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

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

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

Introduction to Economics
(von Weizsäcker, Süßmuth) (1 CH, 0 cp)

Basic Courses

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

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

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

European Patent Law
(Straus, Moufang, Pumfrey) (2 CH, 3 cp)

European, U.S. and
International Design Law
(Kur, Garde) (1 CH, 1.5 cp)

European, U.S. and
International Trademark Law
(Brauneis, Kur, von Bomhard)
(2 CH, 3 cp)

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

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

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

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

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

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



Ines Saler, Deputy Head of Library, who tutors the LL.M. students on how to make best use of the Library's immense resources.



Sabine Schmotz, ever friendly and helpful librarian.

In addition to the truly comprehensive curriculum and the international body of faculty, MIPLC's LL.M. students have access to the library of the Max Planck Institute, which houses the most extensive collection of IP literature in the world.

Specialized Courses

Arbitration

(Barceló, Wilbers) (1 CH, 1.5 cp)

Computer Crime

(Kerr) (1 CH, 1.5 cp)

Computers and the Law

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

Cross-Border Trade in IP

(Mireles) (1 CH, 1.5 cp)

Enforcement of Copyright

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

Entertainment Law

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

Entrepreneurship

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

Innovation Policy

(von Graevenitz) (1 CH, 1.5 cp)

Intangible Assets Valuation

(Harhoff) (1 CH, 1.5 cp)

Internet Law

(Carroll) (1 CH, 1.5 cp)

IP and Indigenous Heritage

(von Lewinski) (1 CH, 1.5 cp)

IP Project Management

(Kolisch) (1 CH, 1.5 cp)

IP Prosecution and Enforcement

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

License Contract Drafting

(Soltysiński) (1 CH, 1.5 cp)

Managerial Finance

(Kaserer) (1 CH, 1.5 cp)

Pharmaceuticals and IP

(Thomas, Gassner) (1 CH, 1.5 cp)

Practical Training in European Patent Law

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

Practical Training in Trademark Law

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

Privacy, Publicity and Personality

(Ohly) (1 CH, 1.5 cp)

Protection of Databases, Plant Varieties and Semi-Conductors

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

Start-up Companies and IP

(Hertel) (1 CH, 1.5 cp)

Taxation of IP

(Schön) (1 CH, 1.5 cp)

Technical Protection of Authors' Rights

(Burk) (1 CH, 1.5 cp)

TRIPS, Patents and Public Health

(Basheer) (1 CH, 1.5 cp)

Unfair Competition II

(Möllers) (1 CH, 1.5 cp)

Petra Golombek, li-
brarian, who provides
cheerful day-to-day
support to library
users.



Peter Weber, Head of
Library, whose exper-
tise ensures that the
Library's collection
and services remain
world class.

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

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Technische Universität München

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MPI = Max Planck Institute for Intellectual
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TUM = Technische Universität München
EPO = European Patent Office

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