



REGISTRATION FORM

MUNICH - February 23, 2018
German Patent and Trade Mark Office
Zweibrückenstrasse 12, 80331 Munich
DPMAforum

UNION-IP ROUND TABLE

**Claim your indirect rights directly right -
Cross border patent issues with essential elements**

→ **Yes**, register me for the Round Table:

Name	
Surname	
Title	
Office / Company	
Street	
ZIP	City
Country	
Tel.	Fax
E-Mail	
Date	Signature

→ **Fee:** € 90 for **union-IP** members and
 € 140 for non-members.

Please indicate payment info: **union-IP** RT 2018
+ name of participant

The fee includes a buffet lunch and coffee breaks.

→ **Bank:** Bank transfer (free of charge for the recipient)
to UNION-IP | IBAN: BE08 7360 4195 7113
on or before: **February 23, 2018**.

Accommodation is not provided.

Please send the completed form to the
Secretariat of the Round Table c/o:

Nils T.F. Schmid (union@boehmert.de)
BOEHMERT & BOEHMERT
Pettenkofenstr. 22, 80336 München, Germany
Tel.: +49-89-559680 | Fax: +49-89-559685090
E-Mail: n.schmid@boehmert.de

Please present this invitation upon arrival at the DPMA!

I wish to receive a certificate for proof of participation
(at a training session acc. to § 15 FAO).



WHAT IS "UNION-IP"

union-IP is an association of practitioners in the field of Intellectual Property, that is, of individuals whose principal professional occupation is concerned with Patents, Trade Marks or Designs and related subjects and who carry on their profession independently or as employees. **union-IP** is a private, free, international association that is not dependent on any national or international authority; it approves its own members, in accordance with its statutes, in total independence, and likewise decides on its own activities and its own budget.

It aims on the one hand to work continuously on current developments in Intellectual Property in Europe, especially by making early submissions during the preparation of proposed laws and treaties with the intention of influencing them; and on the other hand to devote itself to the improvement of professional and personal understanding between European practitioners in the Intellectual Property field in different countries and different branches of the profession.

WHAT IS A "UNION-IP ROUND TABLE"

This Round Table is organized by **union-IP** in cooperation with the German Patent and Trade Mark Office. The **union-IP** Round Table offers the opportunity for practitioners to hear from authoritative speakers on topics of interest in the European IP field, and just as importantly to interact with and influence them by feeding back their own practical experience. The integral Question and Answer sessions and friendly discursive nature of the event, with the opportunity to chat during breaks, lead to real exchange and development of views on both sides.

Participants tend to find these practitioner-lead events a real and useful antidote to the more commercial seminars familiar to all.

If you are not yet a member of **union-IP** and would like to join this friendly, active and interesting organization please go to our website where you can join online. Membership also entitles you to reduced prices for this, and other, **union-IP** events.

For more information:
<http://www.union-ip.com>

German Patent
and Trade Mark Office



OF EUROPEAN PRACTITIONERS IN INTELLECTUAL PROPERTY
EUROPÄISCHER BERATER FÜR GEISTIGES EIGENTUM
DES PRATICIENS EUROPEENS EN PROPRIÉTÉ INTELLECTUELLE

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Organized by the Patents Commission of UNION-IP
and the German Patent and Trade Mark Office

Union-IP

UNION-IP Round Table Program, February 23, 2018

Program Claim your indirect rights directly right – Cross border patent issues with essential elements

08:15 - 08:45 Registration

08:45 - 09:00 Welcome words

Jean-Yves Plaçais, President of UNION-IP
Cornelia Rudloff-Schäffer, President of DPMA

Chair: **Dr. Gisbert Hohagen**, Partner at Taylor Wessing, **DE**

09:00 - 10:40 Lessons from European Case Law

Indirect infringement in Germany

Dr. Klaus Bacher, Judge at the Federal Court of Justice (BGH), **DE**

Indirect infringement in Italy

Judge **Silvia Vitro**, President of the IP Specialized Court of Turin, **IT**

O&A

10:40 - 11:00 Coffee break

11:00 - 11:45 Lessons from European Case Law (continued)

Indirect infringement in England

Mr. Justice Sir Henry Carr, Chancery Division of the English High Court of Justice, **UK**

11:45 - 13:25 Putting indirect infringement into practice

Litigating indirect infringement in France and across Europe

Florence Jacquand, Partner at Véron & Associés, **FR**

Managing patent applications that are infringed either way

Gabriele Mohsler, VP Patent Development at Ericsson Licensing & Patent Development, **DE**

O&A

13:25 - 13:30 Closing remarks

Reinier Wijnstra, Director of WijnstraWise Patents, President Patents Commission UNION-IP, **NL**

13:30 - 15:00 Get together & lunch

It is a challenge to provide patent protection for parts, components, and consumables, such as those used in coffee machines, printers, cars, and as ingredients for pharmaceuticals. Indirect infringement might be the solution for the patentee. However, this is subject to conditions, which prove to be complex, and interpreted differently across Europe. When drafting or litigating a patent, the following questions might arise:

What is an essential element of the invention? Any element of the patent claim, an element important for the realization of the invention (Nespresso 2013, Audiosignalcodierung 2015), or a distinguishing feature (Sara Lee v Integro)?

Must the element be delivered in the same country as where the patent is infringed directly? German case law shows that this is not necessary (Funkuhr 2007, Abdrucksystem 2017), while judges in other countries rule differently.

Does the supplier of the element need to know that delivery will result in a direct infringement, is it sufficient that such infringement is obvious (Grimme v Scott), or is it required that the infringing use is promoted (Swiss case law)?

When is a Swiss type claim infringed? Court cases involving this issue for the product Pemetrexed are ongoing in different countries.

Will there be more cases of indirect infringement if the UP and UPC come into force?

UNION-IP's 2018 Munich Roundtable will be an outstanding opportunity to hear from judges and experienced professionals about indirect infringement in Europe and to exchange views on the subject with colleagues from all over Europe.