

i n g r e s Institut für
gewerblichen
Rechtsschutz
ETH zürich

Zurich IP Retreat 2023
The Measure of All Things

Friday 8th and Saturday 9th September 2023
Seehof Küsnacht (Zurich)



The Measure of All Things

The wonderful success of our last IP retreats on „The Hindsight Bias“, „Injunctions at a junction?“ and „Nationalism vs. Globalization in IP“ encourages us to invite again opinion leaders, including judges, academics, officials, litigators, patent attorneys, and in-house counsels, to discuss another central topic of intellectual property law.

The ultimate questions in IP, namely if and to what extent a creation or a designation deserves legal protection under patent, design, trademark and/or copyright law are to be answered by a human, but from the standpoint of fictitious persons. In patent law, this is the person of average skill in the art, in design law the average consumer with an interest in designs, in trademark law the average consumer, and in copyright it seems less clear. What are the underlying policy considerations, and where do they differ between the IP rights? How do practitioners cope with the task of putting themselves into the mind of a fictitious person? To what extent can empirical methods help to make this task a less subjective and more objective one? Is this fictitious person the same for the assessment of persistence of an IP right and for the assessment of the scope of protection?

Schedule

FRIDAY, 8th September

09h00	Introduction <i>Michael Ritscher</i>
09h15	Setting the Scene <i>Stefan Bechtold</i>
09h30	Tools for Making Decision Making in IP More Objective <i>Christopher Sprigman / Mark Schweizer (Moderator: Stefan Bechtold)</i>
10h45	Break
11h00	Question of Law or Question of Fact? <i>Klaus Grabinski / Christopher Floyd / Cyrill Rigamonti (Moderator: Mark Schweizer)</i>
12h30	Light Lunch
13h30	The Measure of All Things in Patent Law <i>Klaus Grabinski / Christopher Floyd / Giovanni Pricolo (Moderator: Tobias Bremi)</i>
15h00	Break
15h15	The Measure of All Things in Design Law <i>Estelle Derclaye / Ivàn Sempere / Alina Waldmann (Moderator: Peter Schramm)</i>
16h45	Break
17h00	The Measure of All Things in Copyright Law <i>Estelle Derclaye / Phillipe Gilliéron / Christian Peukert (Moderator: Michael Ritscher)</i>
18h30	Aperitif on the lake shore
19h15	Dinner

Schedule

SATURDAY, 9th September

09h00	The Measure of All Things in Trademark Law <i>Barton Beebe / Anne Niedermann / Jürg Simon</i> (Moderator: Jürg Simon)
10h30	Break
10h45	Learnings and Final Discussion <i>Stefan Bechtold / Tobias Bremi / Michael Ritscher / Mark Schweizer</i>
12h15	Light Lunch

List of Moderators and Speakers

Stefan Bechtold, ETH Zürich

Barton Beebe, New York University

Tobias Bremi, Swiss Federal Patent Court; Isler Pedrazzini

Estelle Derclaye, University of Nottingham

Christopher Floyd, Court of Appeal of England and Wales

Christoph Gasser, BianchiSchwald

Philippe Gilliéron, University of Lausanne

Klaus Grabinski, Court of Appeal, Unified Patent Court; German Federal Court of Justice

Anne Niedermann, IfD Allensbach

Christian Peukert, University of Lausanne

Giovanni Pricolo, Board of Appeal, European Patent Court

Cyryll Rigamonti, University of Bern

Michael Ritscher, MLL Legal

Peter Schramm, MLL Legal

Mark Schweizer, Swiss Federal Patent Court

Ivan Sempere, University of Alicante; PADIMA

Jürg Simon, University of Sankt Gallen; Lenz & Staehelin

Christopher Sprigman, New York University

Alina Waldmann, District Court of Düsseldorf