

# THE UNIFIED PATENT COURT SYSTEM REMAINING WEAKNESSES AND POSSIBLE ADJUSTMENTS

Friday, 28th of January 2022

9.00-17.30 (CET)

UCLouvain & UNIVERSITÉ SAINT-LOUIS BRUSSELS

[The CRIDES](#) (Research center for business law and society) and the A.I.D.E. ([Association internationale de Droit Économique](#)) are organizing a one-day conference on the **Unified Patent Court** on the 28th of January 2022.

Although the UPC is now moving forward, we consider it is still relevant to discuss some shortcomings of the system and to envisage possible improvements or alternatives

This workshop is part of the process the CRIDES research group has initiated, which led to [the adoption of a motion supported by more than 60 experts, practitioners and academics.](#) ([click to access](#)).

## PROGRAMME (Update 19.01.22)

### CET I. HISTORY AND PROBLEMS RAISED BY THE NEW UPC SYSTEM

#### 9.00 Welcome address

Alain Strowel (UCLouvain, USL-B)

#### 9.10 Historical perspective on the legal developments of the Unitary Patent Package and the Unified Patent Court (20 min)

T. Khuchua, (Post-doctoral researcher, Science Po - Paris)

#### 9.30 General weaknesses of the system

##### a. LEGALITY AND LEGITIMACY FAILURES

The case of Unified Patent Court from a sociological perspective (20 min)

E. Lazega (Professor, Science Po-Paris, CSO)

F. Lachapelle (Post-doctoral researcher, Science Po-Paris, CSO)

The uncertain legality of the Unified Patent Court (20 min)

M. Desantes (Professor, University of Alicante)

Some shortcomings of the UPC system (20 min)

J.C. Galloux (Professor, Université Panthéon Assas, Paris)

**10.30 Questions & Answers - Debates**

**10.45 Break**

**11.00 b. AUTONOMY FAILURE**

Failures in constitutional design and their impact on the economic policy of the European patent system (20 min)

D. Xenos (Lecturer, Cardiff Metropolitan University)

**c. ECONOMIC INTEGRATION AND INNOVATION FAILURE**

The lack of harmonisation and consequently fragmentation in the patent field (20 min)

H. Goddar (Honorary Professor, University of Bremen)

K. Werner (c/o Boehmert & Boehmert, as PhD candidate of Prof. Goddar)

Is the unitary patent a truly harmonized right? (20 min)

R. Sikorski (Professor, Adam Mickiewicz University, Poznań),

**12.00 Questions & Answers - Debates**

**12.20 Lunch break**

**14.00 II. SOLVING THE ISSUES AT THE MACRO LEVEL: RETHINKING THE WHOLE SYSTEM**

**Possible alternatives to the Patent Package and UPCA**

UPC as a EU court?! (10 min)

F. de Visscher (Attorney, Brussels bar; Visiting lecturer, UCLouvain)

A new jurisdictional system for all IP rights (the model of the Code du droit des affaires) (10 min)

V. Cassiers (Professor, UCLouvain)

**A comparative perspective**

What can the EU learn from the U.S. Federal Circuit experience? (20 min)

R. Dreyfuss (Professor, NYU)

**14.40 Questions & Answers - Debates**

**15.00 III. SOLVING THE ISSUES AT THE MICRO LEVEL: POSSIBLE IMPROVEMENTS WITHIN THE UPC SYSTEM**

**Addressing institutional issues:**

The much-needed interaction between competition and patent granting authorities in the EU (20 min)

B. Pretnar (Professor, Ljubljana University)

Specialized patent judges and interactions of patent law with other areas of law (in particular contractual law and fundamental rights) (20 min)

J. Zöchling (University Assistant, University of Vienna)

### **Addressing implementation issues:**

Panorama of the issues for SMEs and possible solutions (20 min)

K. Rantasaari (Post-doctoral researcher, University of Turku)

Proportionality and flexibilities in injunctive relief (20 min)

L. Van Dongen (PhD Candidate, Tilburg University)

### **16.20 Questions & Answers - Debates**

### **16.40 Break**

### **17.00 Practitioners' perspective**

F. Wéry (Chief IP Counsel, AGC Architectural Glass) (10 min)

S. Chabou (European Patent attorney AGC Automotive) (10 min)

M. Abello, (Attorney Paris bar, President of GEIE UPCLA) (20 min)

### **17.40 Questions & Answers - Debates**

### **18.00 End of the conference**

## **PRACTICAL INFORMATION**

### **REGISTRATION**

Participation is free but **online registration** is required before 28<sup>th</sup> January 2022

[click here to access the registration form](#)

### **ADDRESS**

[UCLouvain – Université Saint-Louis Brussels](#)

Room P02

43 Bd du Jardin Botanique

1000 Brussels (Belgium)

Participants have the choice to participate remotely on TEAMS.

The web link and the practical information will be sent by email before the Conference.

### **CONTACT**

[luc.desaunettes@uclouvain.be](mailto:luc.desaunettes@uclouvain.be)