ATRIP

International Association for the Advancement of
Teaching and Research in Intellectual Property

ATRIP Annual Congress Report 2025

ATRIP 43rd Annual Congress

Exploring the Interface Between Intellectual Property and Justice: Theory and Practice in a Dynamic Reality

University of Copenhagen, Denmark
June 22-25, 2025

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43rd Annual Congress
June 22-25, 2025

Foreword

The 43rd Annual Congress of ATRIP – the International Association for the Advancement of Teaching and Research in Intellectual Property – was held from 22 to 25 June 2025 at the University of Copenhagen, Denmark. The theme of the Congress was Exploring the Interface Between Intellectual Property and Justice: Theory and Practice in a Dynamic Reality. A call for papers (Annex A), describing the thematic focus, was circulated widely. Following a record number of submissions, a rigorous selection process was conducted, resulting in a program of 34 panels featuring over 200 speakers. The final program (Annex B) reflects the remarkable global reach and the depth of scholarship of the growing ATRIP community.

ATRIP is the only global academic society dedicated exclusively to the field of intellectual property law. It serves as a vibrant community and a platform for genuine academic exchange, grounded in scholarly values and academic integrity. As such, ATRIP fosters new ideas, advances critical debate, and promotes rigorous research on intellectual property law.

In pursuit of deepening ATRIP's contribution to the global scholarly community, we are proud to present a new initiative: the Annual Congress Report. For the first time, a rapporteur—a young IP scholar—was assigned to each panel to summarize the key takeaways from each presentation, with particular attention to the intersection of intellectual property and justice. After review and confirmation by the presenters, these summaries have been compiled into the present Congress Report. By capturing a "snapshot" of global IP scholarship, this report offers both an authentic record of current research and a valuable reference for future studies.

The 43rd Annual Congress opened by posing the question: Do IP laws deliver justice? If so, how — and for whom? The various panels explored different perspectives on intellectual property and justice, ranging from theoretical and economic to geopolitical approaches, and delving into concrete topics such as health, culture, and technology. Participants examined multiple dimensions of justice, including distributive, social, restorative, procedural, and others. This ATRIP Congress Report serves as a valuable and comprehensive resource for an initial exploration of the theme of intellectual property and justice.

In addition to its scientific contribution, the Congress Report serves several strategic purposes: Strengthening ATRIP's identity as the leading global academic association in the field of IP; Enriching ATRIP's publication portfolio, complementing the Annual Congress scientific book with a timely, thematic report; Enhancing the professionalism of the Congress by encouraging focused presentations and a more structured program; and Empowering young IP scholars by promoting active participation, visibility, and a sense of community within ATRIP.

The inaugural ATRIP Congress Report marks a highly successful beginning to this initiative. ATRIP extends its sincere thanks to all Congress participants (see the traditional group photo) and to our rapporteurs (see the rapporteurs' group photo—a new tradition) for their exceptional cooperation. We are also deeply grateful to our hosts at the University of Copenhagen—Prof. Jens Schovsbo, Prof. Timo Minssen, and their staff—for their warm hospitality and outstanding organization.

We hope you will find this first ATRIP Congress Report both inspiring and useful. Please cite it with proper attribution and join us in strengthening the collegial and scholarly spirit that defines ATRIP!

Sincerely,

Prof. Orit Fischman-Afori
ATRIP President, 2025

ATRIP President, ATRIP General Secretary and the Rapporteurs

Monday 23 June

DAY 1

Session 1 (Plenary):

Setting the Scene – IP & Justice

Chair: Jens Schovsbo, University of Copenhagen, Denmark; Past President ATRIP
Rapporteur: Peter R. Slowinski, Adam Mickiewicz University, Poznan, Poland

- Peter Drahos,
  "IP & Justice: Theoretical Perspectives"

  Theories of justice can be divided into theories where property rights are central and where they are not. For justice theories where property rights are not central (for example, John Rawls' theory) the danger is that the theory becomes too abstract, limiting information about sources of injustice, as well as restricting the search for new theories (for example, the development of restorative justice). Theories of justice in which property rights are central can be divided into ontic theories and instrumental theories. Ontic theories restrict redistributive efforts, putting them in tension with goals of IP and development. Instrumental theories operate on the assumption that the Leviathan has the power to use property as an instrument in the name of state security. Intellectual property may become weaponized by the state, serving state security at the expense of freedom and justice. The Leviathan may turn out to be the monster from the deep.

- Reto Hilty,
  "IP & Justice: Distributive Perspectives"

  Achieving distributive justice lies in the global interest. Since just distribution is dissemination and allocation, just distribution creates tension because resources are not evenly distributed. International IP law provides various instruments to achieve distributive

justice but those are hardly being used. However, distributive justice goes beyond IP; misguided regulatory measures, ineffective antitrust laws, and corruption can have an even greater impact.

▶ Ruth Okediji,
"IP & Justice: Social Perspectives"

Empirical evidence confirms that the most intense engagers with, and beneficiaries of, the intellectual property (IP) system remain developed countries and, specifically, dominant firms, institutions, and members of leading demographic groups. Enduring calls for IP reform emphasize the importance of broad participation in the IP system, focusing on barriers to the protection of non-traditional forms of innovation and creative expression. Among the key concerns of ongoing global reform initiatives is the extension of IP rights to innovation and cultural expressions intrinsic to communal identities, such as Traditional Knowledge and Traditional Cultural Expressions. But, accommodating diverse cultures, values, epistemological systems, and innovation patterns within the existing IP system raises tension between utilitarian and consequentialist justifications for IP rights. This is because demands for more IP could affirm the very orthodoxy that fuels maximalist IP claims and undergirds the imbalance between (i) IP's protection of economic returns and (ii) advancing the public welfare. Equality in IP access should include concrete limits on IP scope, such as through human rights obligations or embedding criteria for human flourishing in welfare assessments.

▶ Susy Frankel, Victoria University of Wellington, New Zealand; Past President ATRIP,
"What Do We Mean by Justice?"

Much of the intellectual property-related justice discussion is about having more people being active in creating intellectual property and, simultaneously, improving access to intellectual property's outputs. These goals tend to focus on path-dependent solutions, such as limitations and exceptions, rather than other means to achieve "technology transfer" and the objectives stated in international agreements, particularly Article 7 of TRIPS. However, this approach to justice does not necessarily mean that as a whole, things improve. Path dependent approaches to achieving justice might mean shifting power and involving more actors around the world, but that does not necessarily mean that we end up with a better or more just system overall.

▶ Peter Yu,
"IP & Justice: Transnational Perspectives"

Three concepts illuminate the debate on TRIPS and global justice: just transition, selective adaptation, and enabling environment. TRIPS has not provided LDCs with just transition; a good solution may be a permanent transition period for LDCs. Selective adaptation by large developing countries can be seen as a response to an unjust world or simply non-compliance with TRIPS, depending on one's perspective. Global inclusivity and the development of an enabling innovative environment needs to be part of the global justice debate.

Session 2.1 - IP & Justice:

Perspectives on Cultural Appropriation

Chair: Peter Yu, Texas A&M University School of Law, USA
Rapporteur: Maciej Padamczyk, Queen Mary, University of London, UK

- Aman K. Gebru, University of Houston Law Center, USA
  "Cultural Appropriation as Passing Off"

  The paper considers the possibility of some types of cultural appropriation triggering a legal cause of action. It suggests a novel taxonomy of cultural appropriation, defining cultural appropriation using two spectra: diffused vs. distinct, and non-commercial vs. commercial, and argues that only commercial uses of distinct symbols should justify legal intervention. For such cases, the paper proposes a legal action of 'cultural passing off' as a possible legal tool. Within this framework, the court examines the collective goodwill, commercial use of a distinctive symbol, and deprivation of material advantage as the economic harm to the community to assess if the case of cultural appropriation should be allowed.

- Margo A. Bagley, Emory University School of Law, USA,
  (with Justin Hughes, Loyola Marymount University, USA)
  "Secret Traditions as Trade Secrets"

  The WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge, despite its historic significance, is mainly a transparency document – no new rights were introduced. This is a problem for indigenous communities whose Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs) are at risk of being

misappropriated. The paper suggests that a potential partial solution is the use of trade secrecy law to protect secret TK and TCEs. The project considers legal and practical challenges in applying the basic elements of trade secret law in this area. For instance, independent economic value, an essential element of trade secrecy needs to be judged from the perspective of the misappropriators, rather than that of indigenous communities and should be understood to also encompass potential value. The project proposes how international legal norms can extend trade secret law to protect secret traditional culture, but also recognizes that national laws are already free to extend their own trade secret or breach of confidentiality law to protect the secret TK and TCE of Indigenous peoples and local communities.

▶ Cristiana Sappa, IESEG School of Management, France

"Local V. Supranational Digital Justice: A Cartesian Approach in Digitization Initiatives of Cultural Resources"

The paper deals with improving access and re-use of digital cultural resources. The key tool in this context is the European Data Space on Cultural Heritage, a structure incorporating an open based infrastructure and supposed to be designed as a distributed architecture. The paper considers various legal mechanisms through which national and European legislators aim at controlling the digitisation and avoid distorting of distribution of cultural resources once digitized. Its findings are that the higher is the number of national legal rules that aim at controlling access and re-uses, the lower is the number of re-uses and the lower may be the chance of cultural appropriation. It concluded that a thorough data and rights management can limit any existing bottlenecks.

▶ Christine Haight Farley, American University Washington College of Law, USA

"Design Protection Disparities: Evaluating WIPO's Development Claims for the Design Law Treaty"

The paper discusses protection disparities underlying the Design Law Treaty. While the purpose of the document is to streamline the procedure of registration of designs to support the economically underprivileged designers, in practice some of the suggested solutions may be counterproductive. The treaty will make it easier for foreign designers to obtain protection; however, while it may lead to more international applications for designs, these will be coming mostly from countries that already dominate international filing. At the same time, some solutions to protect designers from other countries are underdeveloped. A more equitable treaty should try to achieve a more thorough balance

between the two groups of interest if it is to achieve its declared objectives, for example, by including the provisions on the disclosure of sources of traditional cultural expressions.

▶ Francesca Rotolo, Ca' Foscari University of Venice, Italy

"Intellectual Property Law and Distributive Justice: A New Path Toward a More Sustainable Copyright Law?"

The paper uses the distributive justice framework to argue for a more sustainable copyright law. It describes the recent transformation of IP law into a form of pseudo-IP law, marked by the expansion of IP rights as part of a broader tendency driven by knowledge capitalism and propertarianism, which prioritise private property to the detriment of the public interest. The constitutionalisation of IP law has so far been valuable in counterbalancing the carve-outs of this framework by requiring a better balance between public and private interests. In the future, it could also serve as a basis for incorporating distributive justice objectives into copyright law. In this context, the distributive justice objectives are threefold: (1) supporting the sharing of knowledge (distribution of information); (2) ensuring fair remuneration (distribution of income); and (3) pursuing fairer risk allocation (for example, in the case of AI-driven creative processes). The use of such a conceptual framework within the field of copyright law may help break the chain of IP rights expansion and parasitic appropriation, dismantle the concentration of power among different stakeholders in the creative field, which characterises knowledge capitalism, and pursue the social function of IP law.

Session 2.2 - IP & Justice: The "Access" Agenda

Chair: Matthias Leistner, Ludwig Maximilian University (LMU), Munich, Germany
Rapporteur: Gabriela Lenarczyk, University of Copenhagen, Denmark

- Caterina Sganga, Scuola Superiore Sant'Anna, Pisa, Italy
(with Thomas Margoni, Martin Senftleben, Kacper Szkalej)
"Towards a European Research Freedom Act: A Proposal for an EU-wide Secondary Publication Rights"

  Drawing on an ERA study for the European Commission, Caterina Sganga showed how today's patchwork of national secondarypublication rules (and their divergent embargoes) frustrates the EU's openscience agenda. They propose a fully harmonised, nonwaivable secondary publication right that would apply to any publiclyfunded research output (ideally the version of record), even where public and private money mix, and would permit immediate or very short, noncommercial reuse. Such a regime would free researchers from the threesteptest's constraints, end forumshopping by international publishers and greatly widen public access to European science. The Commission has reacted positively and is now evaluating the proposal's legislative impact.

- Klaus Beiter, Faculty of Law, North-West University, Potchefstroom, South Africa
"Access Assetisation and AI: Wither the Right to Education in an Age of IP Dominance in the Education Sector?"

  Klaus Beiter warned that ed-tech leads to *assetisation* processes in education: perpetual IP licences now let private EdTech providers extract continuous revenue and exercise long-term control over what and how we teach, transforming education from a public good

into a private marketplace. Yet UNESCO's 2023 Global Education Monitoring report finds little independent evidence that such technology improves learning. Algorithms built by non-pedagogues create "ideal" "digital twins" of pupils, while teachers lose autonomy and are reduced to spectators of opaque, fallible learning systems. This outsourcing or extra-statecraft (Keller Easterling) threatens the human-centred right to education affirmed by UN Special Rapporteurs on the Right to Education. Beiter calls for reconsidering first-sale (exhaustion) principles, enforcing algorithmic transparency and accountability, and promoting open-source, interoperable, community-owned tools—alongside compulsory reinvestment of big-tech profits in public education. Most important perhaps, it needs to be asked whether even an "AI and ethics" approach does not fall short of principally questioning AI's value to education whatsoever.

▶ Guy Rub, Temple University, Beasley School of Law, USA

"Promoting Digital Justice by Recalibrating the Libraries – Publishers Equilibrium"

Guy Rub showed that, unlike print books—where the first-sale doctrine and price regulation let libraries lend cheaply—e-books are bound by short-term licences that can cost libraries fourtimes retail and come loaded with usage caps, straining budgets and public access. Extreme fixes such as full digital exhaustion would gut publisher incentives, while leaving libraries to pure market forces would undermine their social mission. He instead outlined middleground options: a compulsory e-public-lending right with carefully calibrated compensation; recognition of "controlled digital lending" as fair use; and rules that weaken exclusive rights over time or offer preferential terms for low-income readers. Any workable reform, he argued, must restore the traditional incentives-versus-success balance by giving libraries affordable, friction-managed digital copies while preserving a viable revenue stream for authors and publishers.

▶ Mary LaFrance, University of Nevada, Las Vegas, USA

"Libraries and the Digital Divide"

Mary LaFrance showed how e-book licences can cost libraries several times the retail price yet still impose usage caps, leaving patrons, especially those who rely on libraries for affordable or accessible formats, stranded on the wrong side of the digital divide. Traditional exhaustion and public-lending remuneration schemes, she argued, were built for paper and now provide no clear legal basis for digital lending: U.S. courts have rejected controlled digital lending as market-substituting fair use, while Canada and the EU offer only piecemeal or contradictory guidance. Attempts by U.S. states to cap licence terms are

likely pre-empted by federal copyright, and recent EU reforms allow digitisation only for on-site access, not remote lending. LaFrance therefore calls for a technologically-neutral overhaul of copyright that explicitly authorises affordable, privacy-respecting digital lending—balancing author remuneration with the public's escalating need for remote, disability-friendly access to knowledge.

Session 2.3 - IP & Justice:

Balancing Frameworks in Copyright Law

Chair: Ysolde Gendreau, University of Montreal, Canada; Past President ATRIP
Rapporteur: Michalina Kowala, Faculty of Law and Administration Adam Mickiewicz University, Poznań, Poland

▶ Tatsuhiro Ueno, Waseda University, Japan

"Internal Limit to Copyright and Justice"

According to the Japanese copyright law an exploitation of a work that is aimed at neither enjoying nor causing another person to enjoy is allowed (Art.30-4). The Japanese TDM exception belongs to this copyright exception for 'non-enjoyment' use (Art.30-4(ii)). In case of TDM activities, even if you actually copy copyrighted works, nobody enjoys the original expression of works, therefore such use does not need to be covered by copyright, according to the idea behind this copyright exception for 'non-enjoyment' use.

Ueno pointed out that this Japanese copyright exception for 'non-enjoyment' use is based on the 'internal limit' to the scope of copyright, rather than the external limit to copyright as a result of striking the balance with other fundamental rights or the policy to enhance public interest, and emphasized that there are some similar theories that seek to exclude the TDM activities using copyrighted works from the scope of copyright, based on the theory of 'a use as a work', the concepts of 'reasonable exploitation' or 'non-expressive uses of work'. It is meaningful to consider the theory of 'internal limit' that is more likely to be found in recent academic theories and legislations.

▶ Cheryl Foong, Curtin University, Australia

"A Convergence of Rights and Exceptions: The Shift Towards an Effects-Based Copyright Infringement Framework"

There is an increasing overlap between exclusive rights such as the right to communicate to the public and general exceptions like fair use. The overlap coalesces around the consideration of 'effects'. The kinds of effects considered under the communication right are: accessibility by members of the public, effects on licensing markets and normative effect or impact on authorship incentives (progressing from narrow to broad). Effects are considered in different ways in different countries. In contrast to a focus on owners' perspective, consider the Canada perspective: 'user rights' influence what is received, who retains control. US perspective: functional substitution, volition/responsibility for effect (contrasting approaches in Aereo). EU perspective: 'new public' indispensable role with full knowledge of consequences. Australia: copyright owners' public and business model liability. Effects are already being taken into account through the communication right, but mostly from an owner's perspective. In countries without fair use (e.g. Australia), more transparent and balanced consideration of effects is needed.

▶ Konrad Gliściński, Jagiellonian University, Poland

"The Riders of the Copyright Grail: Work, Exclusive Rights, and Exceptions in Civil Law Policy"

We seek to develop the perfect formula for copyright (the Holy Grail) – one that adjusts specific elements to create the most effective system. While exclusive rights are central, their creation is not always the best solution. Our ultimate objective should be to guarantee that creators receive fair remuneration sufficient for a living wage from their work. We must look beyond exclusivity and recognize that, in some cases, intellectual property based on such rights is not the most suitable model. Non-market and centralized systems can be viable alternatives. Intellectual property can foster intellectual monopoly capitalism, and we should not overstate copyright's power. Some problems cannot be solved solely by designing this perfect formula; solutions may lie outside the intellectual property system.

▶ Carys Craig, Osgoode Hall Law School, York University, Canada, Bita Amani, Queen's University, Canada, and Tobias Schonwetter, University of Cape Town, South Africa

"Copyright's Constitution: User Rights and the 'Deprivation of Property' Misdiagnosis"

Current copyright act in South Africa is from the apartheid era: obsolete, not fit for purpose. Its operation has been held to be unconstitutional to the extent that it discriminates against people with disabilities. What is needed: provisions in the Copyright Amendment Bill (CAB) regulating CMOs, concerning fair and equitable remuneration for creators, provisions concerning unenforceable contractual terms to prevent override, new exceptions and limitations for education, GLA institutions, people with disabilities, provisions detailing the functions and powers of the Copyright Tribunal. SA President refused to sign CAB citing constitutional concerns including arbitrary deprivation of property.

We argue that the "property" label exacerbates three fundamental misunderstandings about the object, subject and scope of copyright, culminating in the perception of arbitrary deprivation of property problem that does not in fact exist. The property frame can obscure or distort critical features of copyright law. Lift property label to see copyright's alignment with other constitutional values. Shift focus from property to economic and social relations. Reveal copyright law as balancing exercise – internal to copyright and external (constitutional and international).

▶ Georgia Jenkins, University of Kent, UK

"Building Autonomy Over 'Artistic Data' To Safeguard Authorship and Creativity Online"

GenAI highlights immense levels of distrust and tension both within and of the copyright system. One way to reconcile copyright interests and restore trust is to focus on the communicative value of data related to creativity. Drawing from feminist data studies and critical data studies, when data is viewed as a social practice it exposes infrastructural data inequalities founded on 'the power to datafy' (e.g., who decides when creativity becomes input). If we want sustainable and practical change for authors, performers and creators, we need to consider the relations, process, and practices that underpin this power within genAI infrastructure.

Collective informational determination as a starting point for access as an interest over data that responds to artistic data inequality. It starts with viewing genAI as a site of collective digital cultural exchange and dialogue. When these environments contribute creative communication, a right to collective remuneration emerges. One whose value may better correspond to frameworks outside of copyright law such as cultural heritage.

Session 2.4 - IP & Justice:

The Role of Online Platforms in the Digital Sphere

Chair: Tana Pistorius, University of Auckland Business School, New Zealand; Past President ATRIP
Rapporteur: Marta Sznajder, University SWPS, Warsaw Poland

▶ Benjamin Raue, Trier University, Institute of Digital Law, Germany

"Justice Through Procedure in The Digital Sphere"

Speaker presents the problem of deciding on whether the content published on an online platform is legal and who should take a decision on that and basing on what criteria.

The evolution of the legal framework and judicial approach, starting from the liability exemption from the eCommerce Directive, followed by CJEU rulings which assumed that platforms may perform an own act of communication to the public, and concluding with the Art. 17 CSDM directive have been presented. The author showed with recent real-life examples that even with those measures the tension existed between conflicting interests, such as free speech-based uses versus copyright infringement or personality rights.

Present solution proposed in Digital Services Act provides a combination of measures based on procedure, transparency and due regard to stake holder interests with three components: liability exemption, due diligence obligations and enforcement. Diligence obligations are addressed towards illegal content and content infringing Terms and Conditions of a given platform.

Author emphasized increasing importance of Terms and Conditions breach as the means

of moderation based on TikTok example which predominantly relies on its terms and condition as basis for content moderation and not on the infringement of Union or Member States' law.

▶ Philipp Homar, Vienna University of Economics and Business (WU Vienna), Austria

"Justice through Proceduralisation? The European Approach to Notices, Action and Complaints on Online-Platforms"

The speaker discussed details of the EU's Digital Services Act (DSA) procedural approach to tackling illegal content published on online platforms.

One focus was the interplay between the notice and action mechanism and the hosting provider's liability exemption (Art. 16(3) DSA, Art. 6 DSA). The author addressed questions that arise when infringements of IP rights or personality rights (hate speech) are notified not by the rightholders, but by third-parties, and discussed possible solutions.

Another focus was the internal complaint-handling procedure as provided in Art. 20 DSA. Some experiences in Austria suggest that platforms tend to follow the procedure as mapped in US law (DMCA), which is likely not meeting the requirements of Art. 20 DSA. Further questions were discussed about the DSA's requirements for content moderation and the application of the DSA on services like Uber and generative AI.

▶ Katarzyna Klafkowska-Waśniowska, Adam Mickiewicz University in Poznań, Poland

"Users' Rights in The Hand of Regulators: Where to Look for Procedural Justice?"

The author presented the problem of users' rights in the digital single market with reference to CJEU case law, Art. 17(9) of the CDSM Directive as well as the fundamental rights in the DSA.

The author discussed in detail the role of the DSCs in the enforcement framework of the DSA and the measures available for the users, such as individual complaints to DSA (mostly used by NGOs) and their role in providing systemic protection, the European Commission's role in ensuring safe and enabling environment as well as the role of national courts in considering individual claims in the light of assessment of diligence and proportionality.

The speaker also described the implementation of CDSM in Poland which did not introduce any additional measures for users', following the commission guidance on Article 17 of the

Directive 2019/790. Then, a new mechanism proposed in Poland has been discussed in detail, involving potential orders of the DSCs, imposing or lifting content restrictions, upon application from rightholders or users affected.

▶ Sebastian Schwemer, BI Norwegian Business School, Oslo, Norway
"Platforms, Copyright and a Blindspot? The Freedom to Conduct a Business"

The author addressed the problem of a potential blind spot that relates to the legal position of online platforms in the EU platform regulation framework regulation (DSA, Art. 17 CDSM Directive) and their fundamental right of freedom to conduct a business (Art. 16 EU Charter) vis-à-vis rightsholders IP protection and users' freedom of expression and information.

The author considered whether the right of freedom to conduct a business is underexplored in the academic and judicial discourse and asks whether the freedom to conduct a business can help advance justice (or at least do some lifting) with regards to online platforms.

The author concluded that it remains doubtful whether the freedom to conduct a business would significantly impact the interpretation of the respective provisions. At the same time, however, he notes that it could affect the scope of platforms' duties with respect to the procedures envisaged by the DSA (and thus could undermine user rights).

Session 2.5 - IP & Justice: The Enforcement and Remedies Lens

Chair: Yahong Li, University of Hong Kong Faculty of Law, Hong Kong
Rapporteur: Pedro Henrique D. Batista, Max-Planck-Institute for Innovation and Competition, Germany

- Asako Wechs Hatanaka, Faculty of Law of Ritsumeikan University, Japan
  "Doing Justice Online – Platforms' responsibility and credibility for content moderation"

  This presentation critically examines the capabilities of online platforms to deliver justice, highlighting structural and procedural flaws in their dispute resolution mechanisms. It explores whether Alternative and Online Dispute Resolution (ADR/ODR) should be privately run or state-controlled, comparing national approaches and assessing how mechanisms like Article 21 of the DSA and certification standards shape legitimacy, transparency, and user rights—including IP and fundamental rights. Finally, it maps the role of ADR/ODR within broader normative processes, analyzing how platform governance (*ex ante* vs. *ex post*) interacts with market power and the design of dispute resolution systems.

- Agnieszka Sztoldman, University of Wrocław, Poland
  "Compensating Damage from Wrongful Preliminary Injunctions: Ensuring Procedural Justice, Proportionality and Fairness in Dynamic Law in Action?"

  The presentation critically addresses the question of whether the current strict liability approach applied by the CJEU under Article 9(7) of Directive 2004/48/EC adequately ensures procedural justice, proportionality, and fairness. While the CJEU has favored

an objective, rigid interpretation—particularly in Bayer Pharma and Mylan—this has drawn criticism for neglecting abusive conduct and discouraging balanced enforcement. Through the HealthMed v. PharmaCo fictional case study, the presentation argues for a revised subjective test that considers the parties' behavior and actual harm caused. Such a test would align with the Directive's goals, reinforcing fair, flexible and effective IP enforcement and supporting more harmonized EU practice.

▶ Peter R. Slowinski, Adam Mickiewicz University, Poznan, Poland
"Achieving Justice in Preliminary Injunction Proceedings in Bifurcated Patent Enforcement Systems"

This presentation explores the challenges of ensuring justice in preliminary injunction proceedings within bifurcated patent enforcement systems, especially in light of recent CJEU case law and the aging EU Enforcement Directive. It highlights the structural problem where infringement courts in such systems typically cannot assess patent validity, creating risks of unjust outcomes for both alleged infringers, who may cease their activities even if the patent is not valid, and patent holders, who face the risk of compensation in case of patent invalidity. By comparing the rules in Germany, Poland, and the UPC, the presentation illustrates the legal uncertainty and indicates potential regulatory pathways to be explored. It concludes by advocating for a revision of the Enforcement Directive that reflects the diversity of Member State practices and mandates validity assessments to ensure balanced and fair enforcement across the EU.

▶ Ajay K. Sharma, Indian Institute of Technology Kharagpur, India
"An Analysis of Criminal Enforcement of Trademark Counterfeiting Through the Lens of Global Concept of Justice Principle: An Evidence-Based Study from India"

This presentation examines the criminal enforcement of trademark counterfeiting in India through the lens of global justice principles, following TRIPS' recognition of counterfeiting as a criminal offense. Although Indian law no longer uses the term "counterfeiting" explicitly, related offenses under its Trademark Act target falsification and misuse of marks, with enforcement data showing a rise in cases across sectors, but highly in Fastest Moving Consumer Goods (FMCG) and textile-apparel. The study highlights practical enforcement challenges, particularly for SMEs, including legal complexity, limited access to remedies, and disproportionate penalties for minor infringements. It concludes that while India has a solid legal framework, aligning enforcement strategies with global justice principles could improve deterrence, fairness, and consumer protection.

Session 3.1 - IP & Justice: Equitable Health Perspectives

Chair: Rochelle Dreyfuss, New York University School of Law, USA
Rapporteur: Gabriela Lenarczyk, University of Copenhagen, Denmark

Jorge L. Contreras, University of Utah, USA
"The Evolution of Open-Source Bio: from Liberty to Justice"

Jorge L. Contreras traced how "open source" ideals in biotechnology have migrated from an early emphasis on researchers' *liberty*—unfettered sharing of source code inspired by OSS/FOSS projects and projects like BiOS and CReM—to a newer ethic of *distributive justice* that seeks broad, affordable access to life-saving products. Case-studies such as Open Source Pharma and Open Source Malaria show open frameworks being used not only to accelerate research but to make resulting drugs available in low-income regions. The COVID-19 Texas Children's vaccine further illustrates the pragmatic evolution: although distributed through conventional licences and protected trade secrets, its low-royalty, multi-country roll-out fulfils access goals even if it departs from classic FOSS mechanics. Contreras concluded that open-source bio need not mirror software licences verbatim. What matters is whether the model tangibly advances health equity rather than the purity of its form.

Michael S. Sinha, Saint Louis University School of Law, USA and Timo Minssen, University of Copenhagen, Denmark
"Novel Diagnostics, Vaccines, and Therapeutics for Pandemics: A Call for Proportionality"

Michael Sinha and Timo Minssen argue that pandemic preparedness hinges on

proportionality: IP rules must incentivise innovation yet remain the least-restrictive means of ensuring timely, equitable access to tests, vaccines and treatments. During COVID-19, the EU largely applied this principle, favouring voluntary licensing, research exceptions and balanced advance-purchase agreements, while the US relied more on company-friendly contracts and left tools like march-in rights unused. Looking ahead, they urge routine proportionality reviews of licensing frameworks, judicial scrutiny of IP enforcement and the integration of proportionality into EU legislation so that future health emergencies, intensified by climate change, can be met with flexible, rights-respecting IP responses. Although the model is more politically feasible in Europe than in the US, they contend it offers a vital normative compass for reconciling the right to science and health with sustainable innovation incentives worldwide.

▶ Mikyung Kim, Seoul National University College of Medicine, South Korea and Carla Ji-Eun Kim, Sterne, Kessler, Goldstein & Fox PLLC
"Shepardizing Drug Patents: From R&D to Approval"

Kim and Kim propose "Shepardizing" the drug-patent landscape—creating a single, continuously updated platform that cross-links every patent, FDA filing, clinical-trial result, journal article, licence and court opinion tied to a medicine—so that innovators, regulators and patients can see, e.g., how exclusivities evolve from lead optimisation to post-approval safe and effective drug use. They note that early patent filings tout novelty while later FDA submissions emphasise safety and efficacy, a disconnect that has already rendered patents unenforceable in cases such as *Belcher v*. *Hospira*. While the scheme could both safeguard innovation incentives and flag weak or inconsistent claims, it raises questions about stewardship, data accuracy and how to convey complex technical information in a form lay people can trust.

▶ William Nicholson Price II, University of Michigan Law School, USA
"IP and Regulatory Considerations Shaping the Global Diffusion of Medical AI"

Nicholson Price highlighted medical-AI tools, like autonomous retinal screening or portable TB X-ray systems, that could bring specialist-level care to regions with few clinicians, yet he argued their spread is throttled less by patents than by trade secrecy over the vast datasets needed to train, validate and *localise* algorithms. Because performance varies with local populations, disease profiles and practice patterns, developers must access and retrain on local data, but privacy regimes and pay-to-play data hoarding keep those datasets locked away. Regulatory hurdles compound the problem: many

frameworks insist on physician "humans-in-the-loop" and proof of safety and efficacy that assumes high-resource settings—requirements ill-suited to the very places AI could do the most good. Without legal reforms to ease cross-border data sharing, tailor oversight to low-resource realities and temper trade-secret protection, medical-AI's promise of global health equity could remain unfulfilled.

▶ Leanne Wiseman, Griffith Law School, Griffith University, Australia

"Digital Justice: An Exploration of Digital Rights and Access Challenges in Medtech"

Leanne Wiseman charted the meteoric rise of software-driven medical devices—from smart prosthetics to hospital machines—and showed how manufacturers lock down repair, maintenance and spare-parts data through NDAs, EULAs and copyright, leaving hospitals and patients hostage to expensive service contracts. Existing regulation focuses on safety *at market entry* but ignores product longevity and the user's right to fix or adapt equipment. Surveys of biomedical technicians confirm that more than half have been denied essential technical information, yet procurement teams rarely question licence terms that create these bottlenecks. Wiseman urged regulators to recognise technicians and even patients as copyright users and to embed right-to-repair principles into med-tech governance so that digital health innovations remain functional, affordable and equitable over their full life cycle.

Session 3.2 - IP & Justice:

GenAI Inputs and Copyright Challenges

Chair: Ansgar Ohly, Ludwig Maximilan University Munich, Germany
Rapporteur: Khushbu Kumari, Victoria University of Wellington, New Zealand

This session focused on the need for a structural framework for regulating AI, GenAI, and IP. Presenters from various jurisdictions in the EU and the UK evaluated their respective frameworks. A common theme emerged with the presenters questioning the opt-out option as a viable solution, its applicability, and the necessary regulations.

▶ Martin Senftleben, University of Amsterdam, The Netherlands

"Copyright Metadata for Digital Justice – The Data Hegemony Issue in the Platform and AI Debate"

Martin began by emphasising the importance of copyright metadata while establishing the justice dimension, which includes adequate metadata quality for exercising the rights of authors, attracting and serving the interest of consumers, and achieving the broader societal goals underlying the copyright system. He highlighted current imbalances in the metadata infrastructure across regions worldwide, questioning in particular platform and AI regulations that impose the burden of metadata creation and sharing primarily on the creative industry. Martin's research involves evaluating the redistribution of this burden, for example, by examining regulatory interventions that could ensure that both creative and high-tech industries contribute to a comprehensive metadata repository administered by a public body, such as the EUIPO.

- Alexander Peukert, Goethe University, Germany

"The Copyright-Related Rules in the EU's General-Purpose AI Code of Practice: A Proportionate Step Towards Responsible AI?"

Alexander presented the draft of the EU's General-Purpose AI Code of Practice (COP), "a strange animal of co-regulation" under the European AI Act. The presenter explained the connection between the COP, the AI Act, and copyright. To quote, "copyright and AI law are linked together but remain two separate bodies of law." The COP, which is designed to bridge the AI Act and copyright, aims to provide a framework for entities to comply with Art. 53(1)(c) of the AI Act, necessitating an understanding of both the AI Act and EU copyright law.

- Thomas Margoni, Faculty of Law, KU Leuven, Belgium

"Generative Copyright: Challenges and Opportunities of a New Copyright Governance Model in The Era of AI"

One of the major contributions of Thomas is the recognition of the public law turn in the regulations on Generative AI, rather than the private law nature of copyright law. The presenter highlights at least two aspects - the institutional and substantive public law nature of the GenAI regulations. Thomas emphasises the introduction of public law features such as access to data, portability of data in certain situations, and the growing role of authorities in the regulation of GenAI.

- Dinusha Mendis, Bournemouth University, UK

"Time to Wake Up from UK's Deep AI Slumber? Why An Open Approach Is Better for UK's Creative Industries"

Dinusha brought the UK response to AI and IP and started her talk by comparing the UK to the tortoise and the hare story. UK sped ahead by including computer generated works without a human author in its legislation back in 1988 and was also just the second country in the world (behind Japan) to introduce a text-and-data mining exception in 2014. Cut to 2025, the presenter highlighted the contributions of the Data (Use & Access) Bill 2025 however commented that the current developments have been stagnant. Furthermore, Dinusha highlighted the issues relating to the "reservation right" or opt-out option which the UK Government proposed as its "preferred option".

▶ Alina Trapova, University College London, UK

"Actor-Network Theory, Generative AI And Copyright Law"

Alina questioned the role of theoretical foundations for copyright in the policy-making of GenAI. Alina discussed Actor-Network Theory, which examines the relationships between human actors, the tech industry, and social practices. Alina recommended zooming out and reconsidering our copyright values and societal values when formulating policies on GenAI.

Session 3.3 - IP & Justice: Current Issues, Historical and Theoretical Perspectives

Chair: Frantzeska Papadopoulou Skarp, Stockholm University, Sweden
Rapporteur: Camilla Signoretta, Scuola Superiore Sant'Anna, Pisa, Italy

- Irene Calboli, Texas A&M University School of Law, USA
  "Fashion as a gatekeeper: sumptuary laws, nontraditional marks, and social contract"

  Nontraditional marks are recreating fashion sumptuary laws, sub-dividing purchasers of luxury products into castes according to their socio-economic power in society.

  Thanks to its unfettered expansive trend, trademark law has increased the price of products to such an extent that many people cannot afford them, excluding a big portion of the population from the market and becoming only affordable for a restricted group of people.

  Trademark law should fulfil a more proactive role in democratising the value chain of fashion products.

- Eric E. Johnson, University of Oklahoma College of Law, USA
  "Rawls Versus Locke in a Justice-Based Intellectual Property Regime"

  In the United States, one way of looking at intellectual property is mostly supposed to be utilitarian, but by reading the case law the Lockean labour theory often hides in the background of the judicial analysis.

Rawlsian and Lockean conceptions compels us to think more carefully about the interplay between property and individual liberties as a trade-off kind of relationship.

Rawlsian conception might suggest that individuals in the original position would want copyright because they want to be able to own what they create during their lifetime.

▶ Giulia Priora, NOVA School of Law Lisbon, Portugal

"Distributive justice in the Historical Roots of EU Copyright Law"

Distribution rationale is solidly present in the European copyright law historical roots, as well as in the current legal framework, but distributive justice in copyright is not intended as mere incidental consequence of regulation but rather part of the deliberate intention of the legislator because of the historical roots of copyright itself.

To demonstrate the presence of a rationale inspired by distributive justice in copyright law, the speaker has conducted a comprehensive historical analysis of how the notion of "distribution" has been used in historical and legal sources about copyright, with the aim of sketching the normative intention to ensure distributive allocation in the first embryonal examples of copyright legislation.

Distributive justice can be found in many examples drawn from the history of European copyright, such as within the rationale of the first printing privileges, but, even more prominently, in the Statute of Anne, explicitly enacted for the purpose of guaranteeing wider dissemination of useful books and encouraging education, as well as, again, in the UK Copyright Act and in the French Copyright Committee's works of late 1800s.

Session 3.4 - IP & Justice: Supranational Perspectives

Chair: Marketa Trimble, University of Nevada, Las Vegas, USA
Rapporteur: Marta Sznajder, University SWPS, Warsaw, Poland

Dilan Thampapillai, University of Wollongong, Australia

"The Need for Equity's Intervention in Intellectual Property"

The speaker observed that IP rights are not a finished product; they do undergo an evolution, getting more complicated, so it may be interesting to see if equity – a primary law notion applied in common law countries (in contract law field) – could be useful for resolving IP-related conflicts.

The author discussed detailed concepts existing under the umbrella of equity, playing a role of an intermediary between rights and duties and between weak and strong parties in the system, these concepts including good faith, systematic exploitation or contracts-based regulations.

The speaker also stressed that achieving justice through equity requires applying flexible measures, taking into account existing principles such as property paradigm.

Enrico Bonadio, City St George's University of London, UK

"Standard Essential Patents and Global Digital Justice: Balancing Innovation, Access, and Geopolitical Equity in the 5G/6G Era"

Enrico Bonadio examined the pivotal role of standard essential patents (SEPs) in shaping geopolitical dynamics within the context of technological innovation and global digital

justice.He highlighted the competitive dynamics between Western and Eastern countries, particularly focusing on their respective strategies for advancing in 5G and (in the future) 6G technologies. A key focus was China's expanding role in the SEP landscape. Bonadio highlighted China's increased participation in standard-setting, underlined by the creation of substantial Chinese patent portfolios. Notably, he pointed out that Chinese entities now account for roughly one-third of all 5G-related SEPs, reflecting the nation's ambitious agenda in the technological arena.

▶ Sapna Kumar, University of Minnesota Law School, USA

"Patent Justice in an Age of Conflict"

The speaker discussed how countries can use patents defensively to promote justice.

In the context of achieving health justice, the speaker discussed how compulsory licensing and other legal tools can be used to dismantle barriers that hinder access to medicine. Potential solutions discussed with examples of recent cases included: introducing measures of national legislation aimed at addressing shortages especially for life-saving medicines by high-income countries, regulating Art. 31bis opt-out or normalizing using TRIPS flexibilities for addressing health.

With respect to economic justice, the author mentioned how countries harmed by tariffs often retaliate with their own tariffs, but end up disproportionately harming low-income groups. Discussed were potential other measures that could be more effective, such as reducing patent protection to the TRIPS minimum. This could mean using domestic patent systems as a tool, including relying on working requirements, regulatory exceptions, compulsory licensing etc.

In conclusion, the author stressed that flexibilities are a helpful tool for promoting justice, and that the EU should take lead on using flexibilities and work together to promote justice.

▶ Kshitij Kumar Singh, Faculty of Law, University of Delhi, India

"Deciphering the Traits of Global Justice in Patent Law and Practice with Special Reference To COVID-19 Pandemic"

The speaker discussed the evolving nature of global justice and its unique challenges.

Detailed challenges have been presented, including the increasing interconnectedness of the world, involving the necessity to address inequalities in myriad forms, such as an interplay between incentivizing innovation and ensuring access.

The speaker showed examples of traits of global justice in the global patent regime (e.g.,

using the flexibilities under the TRIPS Agreement and Doha Declaration), with particular focus on the lessons learned from the global pandemic, including positive examples and approaches (such as global solidarity, patent pledges, coordination between WHO, WTO and WIPO, viability of IP Waiver) and negative examples (such as vaccine nationalism, failure/partial success of COVAX and C-TAP).

The speaker believes that global justice is necessary and it would be worth including human rights gaze to effectuate the principles of global justice. Possible measures could include strengthening international organizations, institutionalizing global justice principles or finding mandatory mechanisms for technology and know-how sharing.

▶ Pedro Henrique D. Batista, Max-Planck-Institute for Innovation and Competition, Germany

"Sovereignty and Justice in a Deglobalizing World"

The speaker explored sovereignty as an aspect of global justice.

After defining sovereignty and questioning whether economic coercion violates it, he examined whether regulatory sovereignty in IP rights has been duly observed. He discussed long-standing complaints by developing countries about foreign interference, as well as deglobalization and trade wars — illustrated in the IP sphere by anti-suit injunctions and the paralysis of the WTO appellate body. Examining regulatory developments on digital sequence information and copyright exceptions for AI data use, he also questioned whether other values (such as promoting human creativity or protecting authors) have overridden sovereignty.

In conclusion, he argued that sovereignty lacks adequate protection, calling for concrete, enforceable guarantees and stronger multilateral institutions — while acknowledging that achieving this remains politically challenging.

Session 3.5 - IP & Justice:

Research Methodologies as a Means to Promote Fairness

Chair: Caterina Sganga, Scuola Superiore Sant'Anna, Pisa, Italy
Rapporteur: Ghati Nyehita, University of Cape Town, South Africa

- Anna Tischner, Faculty of Law, Jagiellonian University, Kraków, Poland
  "Fairness in Intellectual Property Law – the Role of Empirical Evidence"

  Anna's presentation explored the role of empirical evidence in promoting fairness within intellectual property (IP) law, questioning whether such evidence genuinely informs decision-making or merely masks underlying normative judgments.

  It highlighted judicial reluctance to acknowledge normative considerations openly, especially in areas like trademark law where empirical-sounding assessments (e.g., distinctiveness, confusion) often conceal value-laden decisions.

  Through examples like non-conventional marks, the presentation underscored the need for greater transparency in distinguishing between empirical facts (how things are) and normative choices (how things should be) in IP adjudication.

- Jakob Wested, University of Copenhagen, Denmark
  "Data Exclusivity on Real-World Evidence: Should IP Be Inverted with the Evidence Pyramid?"

  Jakob's presentation critiqued the traditional model of regulatory data exclusivity in IP law,

particularly in light of the growing use of real-world evidence (RWE) as an alternative to randomized control trials (RCTs).

The main argument was that while RWE and AI integration reduce costs and increase relevance, they challenge the rationale behind current exclusivity protections, especially under frameworks like TRIPS Article 39.3.

The presentation concluded that a one-size-fits-all IP model is inadequate, calling for a more flexible approach that accounts for varying data sources, innovation costs, and healthcare priorities.

▶ Aurelija Lukoseviciene, Lund University, Faculty of Law, Sweden and Ana Nordberg, Lund University, Faculty of Law, Sweden

"Konsertx - Personalised Digital Immersive Concert Experiences V Copyright Law: What Legal Tools for Cultural Sustainability?"

Aurelija's and Ana's presentation explored how personalized, immersive digital concert experiences—developed through the KonsertX project—challenge traditional copyright frameworks while promoting cultural access and democratisation.

Using an empirical study design with serious games, the research maps legal tools for innovation and cultural sustainability, engaging stakeholders like musicians, educators, and collecting management organizations.

Preliminary findings highlight both enthusiasm for innovation and concerns about legal deadlock, emphasizing the need for inclusive, responsive legal frameworks that support justice and responsible innovation in the cultural sector.

▶ Stina Teilmann-Lock, Department of Business Humanities and Law, Copenhagen Business School, Denmark and Isabella Alexander, University of Technology Sydney, Australia

"Technologies for Embodied Research in IP law: Minecraft, Zines and LARPS"

Stina and Isabella's presentation introduced three innovative, technology-mediated formats—Minecraft workshops, zine creation, and live action role-play (LARP)—used to explore and critically engage with copyright law through embodied research.

The Minecraft sessions facilitated creative engagement with digital copyright ethics; zine-making workshops allowed participants to question boundaries of reuse and infringement; and LARPs addressed AI-generated content and social justice issues in a participatory setting.

These formats fostered new research questions, broadened legal perspectives, and demonstrated how embodied, creative methods can enhance holistic problem-solving and support more socially just approaches to IP law.

▶ Svitlana Lebedenko, University of Warwick, UK, European University Institute, Italy

"Intellectual Property through the Lens of Futures Studies"

Exclusion and inclusion are alternative solutions to the innovation dilemma. The intellectual property scholarship, even its critical branches, operates within the exclusion paradigm.

Lebedenko's work aims to explore solutions that are not based on exclusivity. She examines the root causes of the current exclusivity perspective and underlines alternative foundations for the inclusion paradigm, inter alia, by using an analytical framework of future studies.

The value of the futures studies framework is that it allows us to imagine a different future based on inclusion rather than exclusion as an underlying principle of knowledge governance.

Session 4.1 - IP & Justice:

GenAI Outputs and Copyright Challenges

Chair: Gustavo Ghidini, Luiss University, Rome and University of Milan, Milan, Italy;
Past President ATRIP
Rapporteur: Michalina Kowala, Faculty of Law and Administration Adam Mickiewicz University, Poznań, Poland

▶ Yoshiyuki Tamura, The University of Tokyo, Japan

"Is Protection of Painting Style "Justice"? A Study of Creative Culture in the Age of AI"

One of the requirements for the copyright protection in Japan is the similarity. Even if we talk about "style" there is a possibility that the extent to which works are actually similar may vary depending on each commentator. Therefore, it would be wise to form a common understanding based on previous precedents, as to in what cases similarities can be denied because just "style" is common.

When AI is used, there is an argument that the scope of protection should be changed and infringement should be affirmed even if just the idea (e.g., style of painting) is utilized. Some proposed to change the current mainstream interpretations of the substantial similarity or the provisions and introduce the new legislations to protect painting styles. However, the culture of creation is changing from one that relies heavily on a few excellent creators to one in which millions of people. It is dubious to expand the scope of protection more than before to provide incentives to create. Rather keeping the scope of protection as it is now will encourage new creation using AI and contribute to development of culture.

▶ Paulius Jurcys, Vilnius University Law Faculty, Lithuania

"Rethinking Copyright Ownership for AI-Assisted Works: A Bottom-Up Framework"

Current debates on creativity and AI among policymakers, academics, and litigants focus primarily on the legality of training LLMs with copyrighted material; far less attention is given to how creative professionals actually integrate AI into their work. In his presentation, Dr. Paul Jurcys highlighted this disconnect, arguing that the imbalance fosters legal uncertainty and risks market failure. Drawing on empirical findings from a San Francisco workshop, Jurcys emphasized that creativity is not a linear process but iterative, circular, and deeply rooted in social and cultural contexts.

Worship participants reported that creators' sense of ownership depends on how they engage with AI. Works generated from simple prompts often produce weaker perceptions of authorship than those built on detailed inputs, such as sketches or prior work. Experience also matters: skilled users report greater satisfaction, control, and a stronger sense of ownership, while novices often feel overshadowed by AI tools. Notably, reliance on AI tends to diminish perceived ownership yet strengthen the sense of collaboration when the AI performs well. Professionals working collaboratively with AI assimilate their experiences in similar terms used to describe co-creation with other (human) team members. Jurcys concluded that advancing AI literacy is essential to shaping future copyright debates.

▶ Catherine L. Fisk, University of California, Berkeley Law, USA

"AI And Creative Labor in Screen Entertainment"

Writers' unions promote equitable and just use of generative AI in writing. They allow constructive uses of GenAI (generating ideas, making research efficient, eliminating redundancies), but preserve a role for human creativity and labor, both for the sake of film and TV as art and because compensation and reputation depend on screen credit. Art. 72 of the 2023 WGA Minimum Basic Agreement is a first step and a model for other systems to follow but not a comprehensive solution. Under the agreement, use of GenAI does not replace the writer and author with all the contract rights that turn on credit; companies cannot force writers to use AI to generate literary material; writers must get consent from companies before using AI. Other union administrated certification systems, such as that of the Authors Guild, also help by providing transparency to consumers about the process by which screen entertainment is made.

▶ Irina Eidsvold-Tøien, BI Norwegian Business Scholl, Oslo, Norway

"Wakening the Dead" – Legal Questions Concerning Use of AI On an Actor's Personality"

There are two stages in a generative AI-process that concerns an actor's rights. The first is when a recording with an actor is fed into a training robot. If AI copies artists' work in the training process, the artists should be asked before use. The normal way of consenting is through payment. The other concerns what comes out of the robot. If the expression imitates an actor's identity like looks, voice or other characteristics, this is related to some kind of privacy use, more precisely: personality rights. Such use needs consent from the person that is imitated or used. A use of a performer's personality after the death is also illegal without consent from the deceased. Essential questions are: How long after someone's death does such rights last? Are personality rights transferable and similar in all countries in Europe. Do they have similar protection in the USA and is the scope of the rights the same all over the world?

Session 4.2 - IP & Justice:

Balancing Frameworks in Patent Law

Chair: Jorge L. Contreras, University of Utah, USA
Rapporteur: Gabriela Lenarczyk, University of Copenhagen, Denmark

▶ Justyna Ożegalska-Trybalska, Jagiellonian University, Poland

"Ensuring Fairness in Patent Law: Prosecution History Estoppel as an Equitable Balance between Public and Patent Holder's Interests?"

Justyna Ożegalska-Trybalska examined prosecution-history estoppel (PHE)—the rule that bars patentees from recapturing, via the doctrine of equivalents (DoE), patent claim elements they narrowed during examination—as a potential global tool for balancing patentees' interests with legal certainty for third parties. Surveying case law across major jurisdictions, she found PHE applied patchily: some courts build it into their equivalency test, others treat it as a flexible bar, and none provide detailed statutory guidance. She noted the doctrine's virtues (ensuring notice function of claims and deterring opportunistic claim shifts) and its downsides (penalising legitimate amendments, fragmenting standards). Short-term "soft harmonisation" could come from converging judicial practice (treating publicly available prosecution files as part of the skilled person's knowledge) while a long-term fix might adopt a uniform international standard for PHE as a limitation of DoE or recognise bad-faith claim manipulation as grounds for invalidity, updating dormant EPC-2000 and WIPO proposals accordingly.

▶ Jacob S. Sherkow, University of Illinois College of Law, USA

"Patent eligibility, secure computing, and genomic data sharing"

Jacob Sherkow described a smartphone-based "secure enclave" architecture that lets

third-party apps run genomic analyses entirely within a hardware-isolated processor, returning only results and never the raw DNA. He noted a mismatch between such chip-specific innovations and today's patent-eligibility rules: in the U.S., almost all software claims are struck down under *Alice*, while Europe and Japan are more willing to grant patents when code improves a computer's internal functioning. Because secure genomic computing is both conceptually novel (analysis without data transfer) and technically anchored in dedicated hardware, Sherkow argued that eligibility tests should move beyond old assumptions about "abstract" general-purpose software to recognise—and thus encourage—privacy-preserving advances in precision medicine.

▶ Clark Wolf, Iowa State University, USA

"Natural Justice, Ordre Public, and Biotech Innovation: Patent Exclusions and the Regulation of Biotechnology in Europe and the U.S."

Wolf used John Stuart Mill's taxonomy of the harm, paternalism and moralism principles to ask whether denying patents on morality or *ordre public* grounds illegitimately curbs inventors' liberty or instead serves a legitimate public function. In the U.S. the once-robust "moral-utility" doctrine has largely faded—though echoes remain in cases like *Myriad*—whereas Europe's EPC still permits refusals for broadly framed *ordre public* or morality reasons, a vagueness he warned could let parochial values or vocal minorities steer biotech policy. Whether one treats patent rights as natural entitlements (à la Locke or French doctrine) or as state-created incentives (à la Jefferson), he argued, policymakers must articulate clearer standards of justice to ensure that moral exclusions neither stifle beneficial innovation nor cloak unjustified interference in personal liberty.

▶ Padmavati Manchikanti, Rajiv Gandhi School of IP Law, IIT Kharagpur, India

"The Consequences of Non-Disclosure and Remedies in View of GRATK Treaty: 'Reassorting' Patent Systems?"

Padmavati Manchikanti unpacked WIPO's draft treaty on genetic resources and associated traditional knowledge (GR-ATK), concentrating on Article 3's disclosure requirements and Article 5's sanctions: applicants must state a resource's origin, yet mere failure to do so will not automatically void a patent, leaving patent offices to police "fraudulent intent" with little guidance. She warned that patent attorneys, examiners and biodiversity authorities still lack agreed metrics for pinpointing sources, cataloguing traditional knowledge and verifying declarations. Without interlinked databases and harmonised evidentiary standards, enforcement risks procedural logjams that deter applicants or, conversely,

a toothless system that lets misappropriation slide. Padmavati urged a calibrated, sustainability-oriented rollout to achieve a level playing field.

▶ Caroline Joelle Nwabueze, Enugu State University of Science and Technology, Nigeria

"Traditional Knowledge Based Innovations, Information Systems, and Patentability: Principles of Natural Justice as sine qua non for the Attainment of Equity in Defensive Protection Mechanisms"

Caroline Nwabueze asked whether Article 6 of WIPO Treaty on IP, GR and ATK—which merely permits states to build TK information systems so patent offices can treat that knowledge as prior art—delivers true justice to indigenous communities. The clause promises "fair" recognition by preventing patents on pre-existing inventions, yet in practice only well-resourced jurisdictions such as Canada and France conduct substantive searches connected to TK databases, while examination-light offices in Nigeria or OAPI lack standardized TK databases and legal mandates, deepening North–South inequities. Because natural-justice principles alone cannot fill this gap, she argued that binding obligations, interoperable community-led databases and adequate procedural support are essential to transform formal fairness into substantive justice for traditional knowledge holders.

Session 4.3 - IP & Justice: The Cultural Heritage Lens

Chair: Caroline B Ncube, University of Cape Town, South Africa
Rapporteur: Peter R. Slowinski, Adam Mickiewicz University, Poznan, Poland

- Irini Stamatoudi, Faculty of Law, University of Nicosia, Cyprus
  "Quasi copyright law regimes of protection for cultural heritage: Is this an unjust way of shrinking the public domain?"

  According to Art. 14 DSM, works that are already in the public domain cannot fall back into copyright law protection. Allegedly, this clause aims to protect the public domain not just from copyright but from the use of any legal means that may allow a work to fall back into protection. This may also be the case with national provisions resembling copyright with the aim of protecting cultural heritage. The speaker presented a comparison of laws on the protection of cultural heritage in Greece, Italy, Cyprus, and Sweden, as well as disputes that arose based on the use of images or extracts of such heritage. The issue discussed was whether these rules shrink the public domain and propertise culture.

- Naomi Korn and Smita Kheria, University of Edinburgh, Edinburgh, UK
  "Orphan works, Copyright, and Digital Justice: The case of the Spare Rib Archive"

  By collecting and analyzing data on regulatory change, gathered through freedom of information requests, the presenters show the immense impact of the repeal of the orphan works exception in copyright law in the UK following Brexit, and the subsequent removal of the online Spare Rib archive by the British Library. They show the financial but also non-

financial costs of such a change in legal framework and particularly the visibility of socially important topics such as women rights. It is an example of the disruption of the delicate balance between right holders and users.

- Angelia Jia Wang, School of Law, Durham University, UK
  "Who Owns Tradition? Copyright, Justice, and the Future of Intangible Cultural Heritage"

  The presenter shows based on an example from China how narratives have a value in showing who we are, where we come from and what we value. Copyright cannot safeguard the correct interpretation or meaning and there are also gaps in international law on the protection of intangible cultural heritage. She proposes a focus on stewardship instead of ownership so that communities can benefit collectively.

- Chih-Chieh Yang, National Yunlin University of Science & Technology, Taiwan
  "How to Protect Traditional Cultural Expressions to Achieve Procedural, Corrective, and Distributive Justice"

  Indigenous people should be allowed to have ownership over traditional cultural expressions not for commercialization but for control of it. Using the example of a new law in Taiwan the presenter shows how a sui generis framework similar to copyright may be used for the protection of traditional cultural expressions. He demonstrates based on the difference between copyright works and traditional cultural expressions why simply transferring the copyright framework may not be adequate.

- Pinar Oruc, The University of Manchester, UK
  "Copyright And Digital Heritage: Leaving Behind an Unfair and Uneven Picture"

  The presenter argues that copyright is repeating and amplifying past injustices with respect to the treatment of cultural heritage. For example, parties who just record indigenous heritage but are not the original source of it, nevertheless have the power to withhold access to their versions. Likewise, current law on e-lending is negatively affecting the libraries and the public. The use of AI may add additional difficulties when Gen AI is based on incomplete or biased digital heritage found online, or engages in AI assisted restoration or reconstruction.

Session 4.4 - IP & Justice: Revisiting Fundamentals in IP Law

Chair: Ruth Okediji, Harvard University Law School, USA
Rapporteur: Ghati Nyehita, University of Cape Town, South Africa

▶ Christopher Jon Sprigman, New York University School of Law, USA
"The Invention of Authenticity"

Christopher's presentation explored how law and social norms construct and regulate the concept of authenticity across domains like art, money, food, and culture, often reinforcing exclusion and limiting access.

Using examples such as global geographic indication (GI) rules and debates around "authentic" Mexican food, the presentation discussed how authenticity is used to protect market power and cultural authority—sometimes ironically against the very communities that arguments about authenticity claim to represent or champion.

Christopher argued that authenticity should not be understood as a quality of any particular cultural artifact, but as an ideological tool rooted in nostalgia, identity politics, and fear of cultural change, raising critical justice concerns about who gets to define and control cultural value.

▶ Sean Pager, Michigan State University, USA
"The Arc of Copyright is Long, But It Bends Toward Justice"

Sean's presentation examined how popular audiences often fail to recognize and reward groundbreaking or culturally diverse works until long after their creation, resulting in delayed recognition and systemic injustice.

Drawing on examples like foreign-language music, minority cultural expression, and radically innovative art, it highlights how such works are frequently marginalized or appropriated before receiving their due credit and commercial success.

An underappreciated benefit of copyright lasting multiple decades is their ability to allow delayed recognition of value, and if concerns about copyright lasting too long arise, a renewal system can offer a more balanced solution.

▶ Jani McCutcheon, University of Western Australia Law School, Australia

"The Destruction of Legally Problematic Art: Theories of Justice"

Jani's presentation explored the complex justice questions surrounding the destruction of legally problematic art, particularly inventive forgeries that may themselves attract copyright protection.

Jani examines the competing risks and interests—such as legal harm, cultural appropriation, public interest, and moral rights—associated with preserving versus destroying such works.

Arguing against blanket solutions, Jani calls for more nuanced judicial approaches that weigh proportionality and remedial justice, including alternatives like marking, sequestering, or using forgeries as educational tools.

▶ Barbara Lauriat, Texas Tech University School of Law, USA

"Justice and Injustice in Intellectual Property Registration Systems"

Barbara's presentation examined the role of intellectual property (IP) registration systems across different rights and jurisdictions, highlighting how varying practices shape access, enforcement, and incentives.

Barbara discussed the strengths and shortcomings of registration in patents, trademarks, and copyright—pointing to issues like unbalanced frameworks offering protection for registered and unregistered rights, the lack of cancellation procedures for invalid copyrights under the US voluntary copyright registration system, and the problems of turning to arbitration to solve the problems of standard essential patent disputes.

The presentation called for closer examination of IP registration systems, followed by reform to address information asymmetries and ensure registration systems are transparent, accessible, responsive to new challenges, and up-to-date.

Tuesday 24 June

DAY 2

Session 5 (Plenary):
IP & Justice in Turmoil

Chair: Estelle Derclaye, University of Nottingham, UK; President Elect ATRIP
Rapporteur: Khushbu Kumari, Victoria University of Wellington, New Zealand

▶ Matthias Leistner, Ludwig Maximilian University (LMU), Munich, Germany

"Tendencies Towards Direct or Indirect Extraterritorial IP Jurisdiction and Regulation – A Problematic Trend in Times of Globalization Skepticism?"

Matthias started the session by bringing up the point that in certain case groups, extraterritorial effects of national or regional IP regulation or case law may serve as an instrument of justice, even if the respective judgments or regulatory approaches are in tension with international comity. To emphasise this, Matthias discussed the extraterritorial nature of IP laws across case law and the EU AI Act. He covered the FRAND licence case law from the Court of Appeal (England & Wales), an international dispute before the WTO involving the EU and China concerning the Chinese anti-suit injunctions, and lastly, Art 53 of the EU AI Act. Matthias argued that in certain cases the negative impact of extraterritorial effects has to be balanced against the requirements to render a just decision in the individual case; in other cases, judgments with an indirect extraterritorial effect simply cater to certain market needs (akin to arbitration decisions). While overall he mostly greeted the recent developments in case law, in particular the BSH and Electrolux case, he was more critical of the attempt at extraterritorially leveraging the standard of EU Copyright law by way of regulation in Art 53 AI Act.

▶ Masabumi Suzuki, Faculty of Law, Waseda University, Japan

"Global Justice, State Sovereignty, and Patents: Reappraisal of the Territoriality of Patent Rights"

Masabumi's presentation focused on the principle of territoriality of patent rights

from both international and Japanese perspectives. He first pointed out that proper understanding of the principle of territoriality is essential in addressing contemporary issues surrounding patent rights. He then noted that, while many people regard territoriality as a self-evident principle, there are also opinions that question it. In particular, he explained that in recent years, discussions on territoriality have been taking place in Japan, triggered by cases of cross-border patent infringement (Dwango v FC2 I&II), and that some prominent scholars argue that territoriality lacks a legal foundation and that it would be acceptable to abandon it. Nevertheless, he presented his view that territoriality is grounded in international law, citing provisions of several treaties, court decisions, and scholarly opinions. Furthermore, he argued that territoriality can also be justified from the perspective of global justice

▶ Marketa Trimble, University of Nevada, Las Vegas, USA

"Achieving Justice in IP Cases through Conflict of Laws"

Marketa posed the question of the maintenance of the calibration of national IP law in the context of IP remedies awarded in cross-border IP cases. The rules concerning remuneration and damages are based on national laws that differ by country to a varying degree, and therefore the national law chosen in cross-border IP cases to govern remuneration and damages impacts the outcomes in those cases. Choice-of-law rules can lead to a de-coupling of infringement and remedies in individual cases, and if different national laws are applied to the issues of infringement and remedies, the calibration of the national IP systems can be disturbed and potentially even result in the systems' incompliance with international IP law rules, such as the three-step test in copyright law.

▶ Henning Grosse Ruse-Khan, University of Cambridge, UK

"Patents And Justice: Revisiting the Regulatory Goals of Patent Law"

Henning revisited the justifications for IP rights, especially technology-based rights like patents. He questioned the utilitarian justification for innovation - in particular whether innovation necessarily is welfare enhancing and if so, for whom. IP mainly leaves this to regulation of technology, rather than internalising this issue. He pointed out that there is a fair standardisation of IP rights protection internationally, but regulation of innovation remains less consistent and effective, as it often fails to adequately address the consequences of innovation in practice. So as IP scholars, we need to be aware of the limits of regulation when broadly assuming that innovation is welfare enhancing.

▶ Séverine Dusollier, Sciences Po, Paris, France

"The Insufficiency of Fundamental Rights for Copyright Justice"

Séverine delivered a thought-provoking presentation on the role of human rights in intellectual property, and their adequacy as a legal instrument to bring justice in IP. Grounded on critical legal studies and feminist legal theory that challenge the individualistic and procedural nature of human rights claims, her talk underlined how the reliance on human rights in IP regimes does not leave enough room for alternative forms of access to resources or of expression and collective issues and needs and does not question the underlying unequal distribution of wealth and rights. In conclusion, she questioned whether it's time to reimagine the IP system as a more collective and equitable framework for governing our relationship with knowledge resources.

Session 6.1 - IP & Justice:

Standard-Essential Patents and Innovation Governance

Chair: Timo Minssen, University of Copenhagen, Denmark
Rapporteur: Laura Valtere, University of Copenhagen, Denmark

- Hong Xue, Beijing Normal University, China
  "Is There a Level Playing Field for SEP Enforce "Global implementation and Territorial Laws"

  Through scrutinizing the recent WTO DSB Panel Report regarding EU v. China disputes on SEP ASIs and upcoming disputes on setting SEP global licensing rates, it's found that over-reliance on the principle of patent independence while overlooking SEPs' nature of globalized implementation would result in more conflicts of jurisdiction and application of law, particularly in the cutting-edge technologies of ICT industry. Countries/regions pursuing de facto extraterritorial effects for domestic economic interests compromise the principle of justice and coherency of international patent law. A conceivable solution may be developing an international uniform forum and rules for SEP disputes.

- Manveen Singh, Jindal Global Law School, O.P. Jindal Global University, India
  "An Impact Analysis of the European Commission`s Draft SEP Regulation: Lessons from India and China"

  The impact of the Draft SEP Regulation was felt not just in the EU but also outside of it,

especially in India and China. Dr. Singh informed us that similar to the Draft SEP Regulation, China also issued the SAMR Guidelines on licensing of SEPs in 2024. Notable features of the SAMR guidelines include best practices regarding disclosure and licensing of SEPs, and availability of injunction relief. However, the focus is on the word "guidelines" instead of "regulation", with the Chinese approach being less intrusive. India, meanwhile, despite closely following the EU model, seems to have assessed the situation and dropped the earlier mooted plans of a sovereign patent fund. Instead, it is quite likely that, India, being an implementer centric economy, might end up copying the Chinese blueprint.

- Maryam Pourrahim, University of Fribourg, Switzerland
  "Bridging the Gap Between Technology and Law: Ensuring Justice in Standard Essential Patent Frameworks"

  SEPs are not ordinary patents but legally and functionally distinct. Treating them under conventional IP rules risks regulatory imbalance and injustice. Pourrahim proposed viewing SEPs as a sui generis category to enable tailored remedies, particularly for FRAND enforcement, essentiality checks, and cross-sector licensing. Highlighting differences between ICT and IoT contexts, she argued that one-size-fits-all models are unworkable. Drawing on justice theory, she assessed how innovation and competitiveness can serve as guiding values in SEP governance.

- Milton Lucídio Leão Barcellos, Catholic University, Rio Grande do Sul, Brazil
  "Patents, Competition and the Principle of Equality: Lessons Learned in the Pursuit of Justice"

  If we could compare, the patent would be the exception and free competition would be the rule. It's easy to say, but difficult to implement. Different technologies behave differently; how can we treat those different technologies equally with the same patent systems? Articles 7 and 8 of the TRIPS Agreement give us the flexibility to act and react differently in different countries. We are pursuing justice, not global justice, but justice in the social reality. We need to reconsider how to design limitations to patent rights.

- Chung-Lun Shen, National Chengchi University College of Law, Taiwan
  "Refining the Regime of the Liability for Patent Infringement to Adapt AI`s Substantial Attribution: in terms of the Proposal as Nominal Assumption of AI`s Liability"

  Could AI aid infringers in exploiting the inherent limitations of a human-centric PHOSITA in

order to gain an unfair advantage in terms of patent value through infringement? How can this problem be resolved? Claim construction is central to the issue. However, it is currently determined from the perspective of a PHOSITA. AI is not recognised as an infringer. However, we could perhaps qualify AI as a nominal infringer as a potential solution.

Session 6.2 - IP & Justice: Socio-Economic and Gender Gaps

Chair: Anja Møller Pedersen, University of Copenhagen, Denmark
Rapporteur: Gabriele Cifrodelli, University of Glasgow, UK

- Elena Izyumenko, University of Amsterdam, The Netherlands
  "The Female Face of Justice, or Gender Biases in European Copyright Law"

  The talk explores how intellectual property law, often seen as neutral, may reinforce gender biases. By comparing legal treatment of football and fashion—two culturally and economically significant but gender-coded fields—the speaker reveals how public access rights favour male-coded content. Courts assume football has general public interest value, while fashion does not, without clear justification. This disparity might reflect deeper societal assumptions rather than objective legal reasoning. Drawing on feminist legal theory, the talk urges critical reflection on whom IP law — including its public-interest limitations — truly serves, advocating for a more inclusive and equitable approach to defining the public interest in cultural participation.

- Yasser Mohamed Gadallah, National Institute of Intellectual Property, Helwan University, Cairo, Egypt
  "The Impact of Intellectual Property Protection on the Poverty Rate in the Developing Countries with a Special Reference to Egypt"

  The speaker argues that the IP regime should be reframed with the aim of human development, by focusing in reducing poverty in developing countries (such as Egypt),

which is caused by, among other factors, IP. The speaker will conduct a study on estimating the effect of IP protection on the poverty rate in developing countries, by building an econometric model to estimate such relationship. In particular, there will be focus on different determinants that are social, economic and political, including IP.

- Hayyan ul Haq, Law Faculty, Mataram University, Lombok, Indonesia
  "Ethical Enforcement in Optimising Essential Intellectual Property Products for Protecting Human Dignity"

  The speaker suggests the introduction of ethical values into the positive regulation of IP law, based on philosophical, theoretical, normative, and practical reasons. This is required to maintain and ascertain that the exploitation of IP products can be distributed properly, based on the Justice Principle. The above idea is increasingly pivotal, as there are so many interests in a single legal case on IP law (especially from private companies) that we need an ethical framework to orient these different and diametrical interests (based on proprietarianism and instrumentalism) towards the final aim of justice and equality, which are specified as fundamental rights (e.g., the right to health, education, and environment). Ultimately, these ethical values would offer a mediating framework in promoting coherency in proprietarianism and instrumentalism approaches to control the behaviour of corporations that manage IP rights for protecting and fulfilling public interests, particularly human dignity.

- Charlene Tsitsi Musiza, University of Cape Town, South Africa
  "The International Treaty on Plant Genetic Resources for Food and Agriculture: Advancing Sustainability Through the Reconciliation of Farmers' Rights and Plant Breeders' Rights"

  The speaker questions how to reconcile between farmers' and breeders' rights and proposes a few pathways for reconciliation. These broadly include: reform TRIPS to allow national flexibility, introduce exceptions in UPOV for sustainable and collective practices and recognize customary seed systems. The speaker recommends participatory plant breeding to empower farmers as co-creators of innovation and not just recipients of proprietary technology. Ultimately, the speaker advocates for the achievement of legal coherence and the alignment of IP regimes with SDGs and equity.

- Patrick Juvet Lowé Gnintedem, University of Dschang, Cameroon
  "Aristotle's Concept of Justice Applied to the Protection of Traditional Knowledge in Africa"

Despite the fragmented legal framework at international, regional and national levels for the regulation of traditional knowledge, the speaker argues that there is some unicity both in the general principles for the protection of TK and in efforts made to take into account the Aristotle's concept of justice. This concept finally is based on treating similar cases identically both in distributive justice and corrective justice. Based on distributive justice, it is important to strike a balance between economic considerations and the preservation of TK. Based on corrective justice, it is important to identify the breach of an obligation and define the appropriate sanction or remedy. However, corrective justice can lead to some disparities, depending on the implication of different laws.

Session 6.3 - IP & Justice: Asymmetric Power and Fairness

Chair: Annette Kur, Max-Planck-Institute for Innovation and Competition, Germany; Past President ATRIP
Rapporteur: Maciej Padamczyk, Queen Mary, University of London, UK

- Genevieve Wilkinson and Isabella Alexander (with Evana Wright), University of Technology Sydney, Australia
  "Making Copyright Visible: What Role Can Technical Democracy Play in Promoting Access to Justice for Creators?"

  The presentation described ways in which technical democracy can support artists in making a fair living through the copyright system. Copyright may constitute a socio-technical concern because of lack of understanding of copyright by creators and their clients. In this context, technical democracy forums of experts and stakeholders can resolve socio-technical concerns through a set of co-designed digital tools incorporating graphic representations of copyright principles to better enable artists to use copyright to support themselves. Through these co-created digital tools, creators may shape the legal circumstances in which they operate and thus get more out of the system.

- Tomasz Zimny and Żaneta Zemła-Pacud, Institute of Law Studies, Polish Academy of Sciences, Poland
  "New Genomic Techniques and Patents in Europe: Between Protection of Innovation and Equitable Access to Genetic Variability"

  The paper presents two groups of problems connected with a potential relaxation of

regulatory burdens regarding the use of plants obtained through NGTs. NGTs are a set of techniques that allow genome editing in plant breeding in a precise manner. Use of NGT plants in breeding raises problems in the context of their patentability: 1) multiple inventions in one plant, may cause licensing complexity, 2) the lack of proper identification methods may make patent enforcement problematic. These increase legal risks, especially for SMEs, in accessing genetic variation. Legislative solutions proposed so far include: exclusion of NGTs from patentability or transparency-related measures – registries and obligatory reporting . Other problems concern data and market exclusivity, applicable to all GMOs, only to some types of NGTs. The criteria and scope of protection for NGT plants, while incetivising innovation, consider specifics of the living subject-matter, the need for sustainable breeding and the public nutrition interest.

▶ Monica Viken, BI Norwegian Business School, Oslo, Norway
"Consumer Surveys in Trademark Litigation: Reflections on Proportionality, Democracy and Procedural Fairness"

The paper discusses the role of consumer surveys in trade mark law by asking two questions: is it fair to ask consumers what they think and is it fair to rely in their answers. In order to assess what consumer think one might adopt either an empirical approach and conduct a survey, or a normative approach and consider the notional 'average consumer. Each option has its pros and cons. From the proportionality perspective, this is a cost benefit analysis: one needs to weigh the time and effort against chances of success and consider any alternatives. From the democracy standpoint, one faces the question of small vs large entities: it is much easier for the latter to affect consumer opinion through market campaigns. Finally, the paper also discussed the problem of procedural fairness, especially in the international context, as countries have different guidelines on admissibility of evidence.

▶ Alvaro Fernandez-Mora, King's College London, UK
"The Dilution of Competition in The Age of Commodified Brands: Rethinking the Scope of Trade Mark Rights in The Search for Consumer Justice"

The paper looks at the intersection of TM and competition, focusing in particular on trademarks whose meanings have become commodified, and the potential abuses resulting from their commodification. Trade mark scholarship has documented over the past decades the commodification of brand value, whereby some trademarks no longer function as means to an end (i.e., signaling the commercial origin of goods), but rather

have become the products in their own right. This has competition law repercussions. Trade marks can enhance competition through the reduction of consumer search costs or the reduction of barriers to entry of new market players, but can also hinder the competitive process through the grant of excessive market power. In this respect, the paper notes a mismatch between how law regulates commodified marks and the reality of the contemporary marketplace, which might explain why enforcement authorities often miss the market power granted by commodified marks. In response, the paper attempts to identify both the pro-competitive and anti-competitive effects of commodified marks with a view to suggesting proposals for reform that can maximize the former while reining in the latter.

▶ Katrin Toschi, IMT School for Advanced Studies, Lucca, Italy

"Disclosure of Information to Re-Balance Bargaining Power in Digital Ecosystems: Antitrust Law's Response to The Pursuit of Justice in Intellectual Property Matters"

The paper explores the existing competition law framework to address information asymmetries in digital ecosystems, focusing on the abuse of economic dependence and gatekeeper responsibilities under the Digital Markets Act. It begins by highlighting growing union concerns over free consumer access to music and its negative effects on creators. In this context, creators face significant information gaps, as online platforms generate value from user data that remains inaccessible to them. This raises justice concerns at the intersection of IP and competition law. Tensions emerge between efficiency – favouring broader access and lower prices – and justice – requiring fair creator compensation. Transparency is thus not only a matter of contractual fairness but also essential to achieving a more equitable and balanced digital competition landscape.

Session 6.4 - IP & Justice: The Sustainability Agenda

Chair: Anna Tischner, Faculty of Law, Jagiellonian University, Kraków, Poland
Rapporteur: Michalina Kowala, Faculty of Law and Administration Adam Mickiewicz University, Poznań, Poland

▶ Péter Mezei, University of Szeged, Hungary

"Greenifying Copyright Economic Rights and User Flexibilities - The Case of Upcycling"

IP can both facilitate and hinder sustainability. The added value of upcycling is not necessarily commercial – upcycled products value often remains artistic or purely sentimental. Three major conflict zones are to be highlighted: exclusive IP rights versus inclusive upcycling; IP overlaps and spatial conflicts. The choice of legal qualification of upcycled products will heavily affect the balance of various fundamental rights. As a part of that, various rights and principles under the Charter of Fundamental Rights shall be counterbalanced.

It is still unclear which economic rights might be applied for upcycling: reproduction, distribution, or the adaption right. It, however, matters a lot, as distinct exceptions and limitations apply to the distinct economic rights. The combination of the distribution right and its limit, the doctrine of exhaustion, seems to be the far most balanced combination for upcycling activities. Upcycling goods and materials might involve goods covered by various IP rights. Their respective conceptual elements, e.g. rationale, scope of protection exceptions and limitations including the doctrine of exhaustion might significantly differ, and there is still lots of uncertainties as regards the horizontal applications of limitations under various branches of IP law. Finally, upcycling has triggered significant bottom-up movements in the Global North and South alike, but the differences of their IP systems hinder finding any uniform solution to the challenges that upcycling poses.

▶ Simon Geiregat, Ghent IP Law Institute, Ghent University, Belgium; Tilburg University, The Netherlands

"The Exhaustion Doctrine: Still Striking a Fair Balance?"

Instances of repairing, recycling, and upcycling are on the rise. Business models that include these actions lead to inevitable frictions with the established exhaustion doctrine, whereby the trade-mark-law defense for legitimate reasons takes the central stage. Overall, current case law largely favors trade mark holders over independent aftermarket service providers, as the current case-by-case approach brings about legal uncertainty for businesses that may want to engage in novel, sustainable practices, thus deterring them from entering the market. Time will tell whether there is a role for sustainability arguments and for any theory of post-sale confusion in the trade mark exhaustion debate.

Further, a sweep analysis of selected jurisdictions shows that the EU's persistent policy choice in favor of regional, EEA-only, exhaustion (and against worldwide exhaustion) across all different IP rights, is somewhat isolated on the international level. Given the amount of case law produced because of this policy choice, one may wonder whether regional exhaustion is not overcomplicating EU lawyers' lives.

▶ Bassem Awad, University of Western Ontario, Canada

"Climate Justice and Green Patents: A New Social Contract for A Sustainable Development in Africa"

Among the technical, social, and financial barriers to accessing green technologies in Africa, the patent system has been the subject of increased attention in climate change discussions on technology transfer and diffusion. Patents granted over clean innovation are considered one of the main barriers to accessing green technology necessary to reduce green gas emissions.

To address these challenges, three mechanisms have been proposed to improve the patent system within, around, and despite the current regulatory framework: (1) using efficiently the limitations and exceptions within the international patent system to prioritize environmental sustainability and ensure equitable access to green technologies; (2) creating incentives for the rapid dissemination of knowledge while enabling equitable cooperation (fast track, tax incentives, and reward programs) ; (3) adapting alternative models of knowledge sharing such as patent pools, patent pledges, and patent collectives, between governments, private companies, and research institutions to jointly develop and commercialize green technologies.

▶ Shubha Ghosh, Syracuse University College of Law, USA
"Upcycling & Renewal"

Upcycling raises questions related to copyright, trademark, reuse and repurposing. The question is what if a work contains multiple elements protected by intellectual property: boundaries of law do not map onto things, separation does not work for complex products.

Possible solutions are: complex remedies, uniform standards and remedies, sui generis protection. There is a need for new categories. The idea of suitability : we need to think about overlap and different ecosystems.

▶ Joanna Wisniowska, University of Nottingham School of Law, UK
"Fostering Sustainable Consumption and Environmental Justice Through Limitations to IPRs: The New EU Design Repair Clause Under Scrutiny"

With our planet on the brink of climate catastrophe, it is time to assess the impact of local actions and determine whether European rules on the right-to-repair, including those recently introduced by the new EU Design Package, have a global effect in facilitating the reduction of environmental injustice created by overconsumption and overproduction of e-waste.

Despite the long presence of laws addressing transboundary movement of e-waste, the 'Repair/Reuse loophole' still enables sending waste to low-income countries with limited capacity or resources to process it, resulting in hazardous materials polluting their populations and deepening environmental injustice. Countries of the global north must close the loop and develop a circular economy, including by introducing proper limitations to IPRs that would make the repair of used goods possible and legal.

Examining the recent reform of EU Design Law, the repair clause, which applies to both national and pan-European rights, has been narrowed down, with its application becoming more restrictive compared to the previous legislation. Additionally, placing the new rules in the context of the EU sustainable agenda and the problem of IP overlap, it appears that the reform is 'too little too late' to tackle both local and global problems caused by e-waste.

Session 7.1 - IP & justice

Global Health Challenges

Chair: Nari Lee, Hanken School of Economics, Helsinki, Finland
Rapporteur: Laura Valtere, University of Copenhagen, Denmark

▶ Johnathon Liddicoat, Dickson Poon School of Law, King's College London, UK

"The Republic of Translational Medicine"

Commentators often argue that no (or too few) new uses of generic drugs are developed due to cross-label use. But, if this were true, why are so many clinical trials conducted by universities and hospitals after generics enter? In place of patents, this paper proposes that hospitals and universities have the resources and incentives, particularly open science and user innovation, to develop new uses. Indeed, this innovation is already occurring, and society can organize better to capitalize on it.

▶ Omowamiwa Kolawole, University of Toronto, Canada, with Caroline Ncube, University of Cape Town

"IP, Global Health Justice and Vaccine Contracts: Public Interest Litigation as A Pathway to Vaccine Access Equity"

Vaccine manufacturers pressured South Africa into entering into unfair agreements. The question is how to reconcile the right to health, the state's obligation to protect the health of its population, and the asymmetry of negotiating power and pressure to enter into unfair agreements. What role does intellectual property play in these vaccine purchase agreements?

- Pratyush Nath Upreti, Queen's University Belfast, UK
  "Localizing intellectual Property Governance through Subnational Variations"

  Is it possible to make IP governance localised and decentralised below the national system? Subnational variation considers territorial differences in how states distribute public goods. Subnational variation is necessary for an inclusive IP policy.

- Khushbu Kumari, Victoria University of Wellington, New Zealand
  "Why should India retain its clinical trial data protection?"

  India customised its patent law considering the TRIPS flexibilities. The Indian patent law has checks and balances, including subject-matter exclusion, pre- and post-grant opposition mechanisms and compulsory licences. These checks and balances are credited for the growth of the Indian generic industry. Additionally, the drug regulation requirements in India facilitate the early entry of generic drugs in the market. India allows generic companies to refer to originator data and clinical trial data is protected against breach of confidence. Khushbu advocates against the introduction of regulatory data protection because the regulatory data protection would undermine India's patent law checks and balances that currently are greatly adapted to the specifics of India national needs but also to the global demand for affordable generic drugs.

Session 7.2 - IP & Justice in Reality: Evidence-Based Studies

Chair: Jeremy de Beer, University of Ottawa, Canada
Rapporteur: Camilla Signoretta, Scuola Superiore Sant'Anna, Pisa, Italy

▶ Duncan Matthews and Maciej Padamczyk, Queen Mary University of London, UK

"The Patent Governance of Human Germline Genome Editing: The Role of Ordre Public or Morality"

Patents covering genome editing technologies such as CRISPR-Cas9 can be granted where the inventive concept potentially covers both permitted and prohibited uses. The speakers analysed CRISPR-Cas9 patent claims in the IP5 and found that, by limiting claim language and removing the prohibited categories from the scope of the patent claims, patentees might still obtain patent protection, albeit of limited scope. Thus, prohibitions on the patenting of inventions which alter the human germline are not necessarily fatal for CRISPR-Cas9 patent applicants.

However, the prohibition of germline editing is not the only consideration in the prosecution of CRISPR patents. The emerging patent landscape remains complex, and ongoing litigation on issues such as priority and obviousness may complicate the use of CRISPR-Cas9 technologies.

- Thomas Y. Lu, Department of Business Management, National Sun Yat-Sen University, Taiwan

"The Empirical Research of Damages Award for US Copyright Infringement after 1976 Copyright Act"

The objective of the speaker's empirical research is to train a generative AI model to retrieve the correct values on damages awarding methods in the case of infringement, including both actual damages, loss profits and statutory damages, where calculation is particularly burdensome due to the difficulties in measuring "value of use"

The empirical study is three-staged: establish variables/features in the literature; collect cases ended before the Federal Court and retrieve the correct values; apply regression and other types of statistical analysis.

The preliminary task of the speaker's work is to understand whether and to what extent a punitive component is considered while awarding damages for infringement, going beyond compensation.

- Pag-yendu M. Yentcharé, University of Ottawa, Canada

"Beyond Rawls: Amartya Sen's Idea of Justice as a Framework for Protecting IPLCs' Traditional Knowledge"

The Nagoya Protocol's benefit-sharing mechanism and the 2024 WIPO Treaty's requirement as to the disclosure of the origin of TK in patent applications are attempts to build a "just society" from a Rawlsian point of view. The speaker has conducted an empirical analysis with relevant stakeholders through semi-structured interviews, focus groups and workshops, trying to understand which solution for TK protection would be more effective, and the most common response was patenting. The conclusion is that benefit sharing, and disclosure are relevant solutions to make the IP system fairer, but they should be complemented with Amartya Sen's capability-based approach, which helps to better understand the perspective of some indigenous people and local communities.

- Vicki Huang, Deakin Law School, Australia

"An Empirical Analysis of the Market for Racist Trademarks"

The 2017 US Supreme Court case of Matal v Tam invalidated legal proscriptions against racist trademark applications in the United States. The applicant, Simon Tam, sought to "self-appropriate" the slur THE SLANTS, historically used against East Asians, as an act of political activism. In her empirical analysis, the speaker created a lexicon of racial slurs

to identify over 350 racially oriented trademark applications. By identifying the race or intention of the applicant she categorised the applications as either self-appropriating or other-appropriating. The results were subdivided into three 3-year time periods: pre-Tam, post-Tam and post-Black Lives Matter movement. The findings reveal that, although some racist trademarks were de-registered but re-registered by others, self-appropriating applications—particularly by African American applicants—have predominated since Tam. In contrast, Native Americans have continued to be the subject of trademark applications incorporating slurs offensive to them, frequently in connection with vice-related goods. Social, economic and methodological issues were discussed. This paper is an extension of an empirical study published in 2021.

Session 7.3 - IP & Justice: Judicial and Quasi-Judicial Discretion

Chair: Martin Senftleben, University of Amsterdam, The Netherlands
Rapporteur: Peter R. Slowinski, Adam Mickiewicz University, Poznan, Poland

- Christoph Rademacher, Waseda University School of Law, Japan
  "Anti-Suit Injunctions in Patent Enforcement: A Tool for Justice or Jurisdictional Overreach?"

  The presenter demonstrated how jurisdiction preserving instruments such as anti-suit injunctions (ASIs), anti-anti-suit injunctions, global FRAND-rate setting and interim licenses have both, potential to support justice but also may have detrimental effects on justice in global patent proceedings. Hereby ASIs are hard to justify under comity considerations while AASIs are more justifiable as a response and interim licenses are a softer instrument and therefore preferable.

- Rafał Sikorski, Adam Mickiewicz University, Poznań, Poland
  "In Search of The Most Suitable Forum for Determining Rates for Standard Essential Patents"

  The presenter addressed the issue of justice with respect to the resolution of SEP disputes by looking at how principles of justice guide us how to share obligations and benefits. Hereby he highlighted that access to judicial systems and dispute resolution for license rate setting is an important aspect of justice in such disputes. He argued that one often overlooked aspect is that SEPs are often implemented by SMEs and that for them the trend of the courts that started in the UK but seems to be picked up by the UPC may not be the ideal solution.

▶ Łukasz Żelechowski, University of Warsaw, Poland

"Abuse Of Trade Mark Law: Is A General Concept Needed to Ensure a Just Assessment of Registrability?"

The presenter examined the relevance of the concept of abuse of trade mark law to assess trade mark eligibility for registration. He questioned the CJEU's use of this concept when assessing trade mark subject matter criteria, since they are objective and not conduct-oriented. There is room, however, for "abuse" when assessing bad faith filings. The presenter demonstrated how the use of the concept of bad faith has expanded in recent years. Expansion of bad faith is seen as a threat because it can reduce the relevance of existing refusal and invalidation grounds. However, there is no overlap between bad faith and the objective refusal grounds since bad faith is conduct-driven.

▶ Eddie Hurter, School of Law, University of South Africa, South Africa

"The Uniform Dispute Resolution Policy (UDRP) as an Enabler of Justice During Twenty-Five Years of Out-of-Court Enforcement of Trademark Rights Through the Effective Resolution of International Domain Name Disputes"

The presenter outlined the background and history of Uniform Dispute Resolution Policy (UDPR) for the settlement of domain name disputes. This system has been set up at a time when the internet was just taking off and was to some extent a wild west. While it is probably not an exact blue print for new technologies and their legal issues such as AI, the historical look back shows that a novel approach to provide justice in the light of new technological phenomena may be just around a corner. And the UDPR can serve as an reminder how this has been done in the past.

Session 7.4 – IP & Justice: Democratic Values and Processes

Chair: Tatsuhiro Ueno, Waseda University, Tokyo, Japan
Rapporteur: Charlene Tsitsi Musiza, University of Cape Town, South Africa

▶ Axel Metzger, Humboldt-Universität, Berlin, Germany

"Crisis of Journalism: Copyright as Part of The Solution"

The speaker highlighted that journalism in the EU faces crises at economic, structural, and political levels. Copyright offers partial solutions, such as press publishers' rights allowing snippets of text use. However, enforcement is uncertain, and the legal situation is unclear, raising competition law and anti-trust issues. The current press publishers' rights system is dysfunctional. AI training and use further complicate matters since training often takes place outside the EU, and AI output may infringe copyright. The speaker took a skeptical stance on a new business model based on data-driven online advertising. Copyright scholarship should not limit itself to doctrinal and practical difficulties, even though copyright alone will not save journalism.

▶ Deepa Varadarajan, Georgia State University College of Law, USA

"Whistleblowers and Trade Secrecy's Long Shadow"

The speaker explained that employers use trade secret law to deter employee whistleblowers from exposing harmful and illegal activities. In the US, the Defend Trade Secrets Act (DTSA) created a federal private civil cause of action for trade secret misappropriation that included explicit whistleblower protections. However, cases involving these provisions reveal ongoing legal uncertainties that can undermine

protection for whistleblowers, including uncertainty as to whether the protections should be categorized as an affirmative defense or immunity, and whether employers can still pursue related claims against employees, such as breach of contract. The speaker considered potential reforms to address these sources of uncertainty, such as clarifying the statutory language, expanding protections to include certain press disclosures, and strengthening judicial consistency in this area.

▶ Kacper Szkalej, University of Amsterdam, The Netherlands
"Intellectual Property Law and Justice – Mitigating Legal Uncertainty for Knowledge Institutions"

The speaker highlighted that knowledge institutions face legal risks under EU copyright law which is fragmented and envisages narrow freedoms that are coupled with burdensome, unclear, interdependent requirements creating uncertainty. Certain market actors with which knowledge institutions enter into agreements to comply with those requirements exploit their bargaining position by contracting out mandatory copyright exceptions, using broad indemnity clauses, apply governing law clauses designating foreign (non-EU) law or imposing additional terms and conditions on users of such institutions (composite contracting). Breaches of contract result in denial of access to service despite correct compliance with copyright law. Being risk-averse, institutions lean toward contractual compliance and appeasement. The speaker proposed reforms that include best practice guidelines, liability exemptions for staff acting diligently in good faith, regulation of damages, and establishing advisory or dispute settlement bodies. Additional suggestions included introducing a country-of-origin rule for cross-border collaboration research and regulating unfair contract terms using the official mission of the institution as a frame for assessing unfairness of terms.

▶ Anette Alén, University of Helsinki, Finland
"From Battles to Balance and Back – Document Analysis of EU Copyright Law in the Digital Era"

The speaker discussed the pursuit of balance in EU copyright law and policy as a tool to address conflicting interests, especially in the midst of recent technological developments and platformization. An examination of the EU copyright regime, especially Article 17 of the DSM Directive, through Finnish implementation shows challenges in the way the concept of "balance" can accommodate conflicting interests and function as a productive conceptual tool. The national legislative process includes explicit references to "balance", while showing some differing understandings and lack of meaningful use thereof. The

paper highlights the need for alternative approaches to accommodating conflicting interests in copyright law and policy.

▶ Laurent Manderieux, Bocconi University, Italy

"Fashion as a Catalyst of Justice Seeking in IP Law?"

The speaker stated that fashion acts as a catalyst for social, economic, distributive, restorative, cultural, and historical justice in IP law. It interacts with trademark, copyright, patents, crafts, industrial design, and geographical indications. Fashion meets a basic human need, personalisation, and often challenges the justice vision of IP law. The EU offers protection via registered and unregistered community design. Fashion embraces technology, including AI, 3D, and 4D, and connects to women's rights and traditional knowledge. The speaker noted that it tests IP law's boundaries, creating a complex interface between intellectual property and justice. A dynamic, practical approach is needed to reconcile fashion's evolving role with IP frameworks.

Session 8.1 - IP & Justice:

The Impact of AI on IP Frameworks

Chair: Bernd Justin Jütte, University College Dublin, Ireland
Rapporteur: Pedro Henrique D. Batista, Max Planck Institute for Innovation and Competition, Germany

- Célia Matias, Faculty of Law, University of Macau, China
  "Copyright, Social Justice, and Generative AI: Lessons from Brazil's AI Bill"

  This presentation explores the intersection of copyright, social justice, and generative AI through the lens of Brazil's AI Bill, which was approved by the Senate in December 2024 and emphasizes values such as inclusion, labor protection, and reduction of inequalities. A key feature is the restricted text and data mining (TDM) exception, allowed only for specific non-profit purposes and accompanied by a duty to remunerate rightsholders based on factors like AI output competitiveness and the size of the AI agent. The bill raises critical questions about whether it introduces new exclusive rights for AI training and how collective bargaining mechanisms and the focus on rightsholders (rather than authors) will operate in practice. Overall, the presentation highlights Brazil's attempt to craft a socially oriented AI framework, while pointing to ambiguities around commercial use, copyright scope, and enforcement.

- Pierre El Khoury, Université La Sagesse, Lebanon
  "Balancing Exceptions and Limitations in the Age of AI: Towards Fairness in Copyright Law?"

  This presentation questions whether copyright law remains resilient and fair in the age of

generative AI, where human authorship is increasingly challenged by algorithmic creation and cultural expression is reduced toa data. It critiques the risk of copyright becoming invisible or distorted, urging a cautious approach to reform that avoids bending legal principles to fit technological convenience. The speaker proposes reframing exceptions to calibrate tools for fairness, promoting legal, redistributive, and cultural justice amid AI's absorption of creative works. Ultimately, the call is to rearm copyright with a justice-centered purpose and to ensure the law remains a guiding compass rather than a casualty of technological change.

▶ Nadia Naim, Aston University, UK

"Copyright Law and AI: Time for a New International Standard"

This presentation examines the growing impact of artificial intelligence on intellectual property systems, questioning whether it is time to establish new international standards—possibly by extending the TRIPS Agreement to address AI-specific issues, an extended provision titled trade related AI and IP standards, TRAIIPS. It analyzes how AI is reshaping creative sectors, emphasizing the legal distinctions between AI-assisted and AI-generated works and the challenges of defining authorship, foreseeability, and contractual responsibility. The speaker reviews national case law of selected countries and highlights the potential of WIPO to evolve global conversation, while also referencing the European AI Regulation and its implications for copyright and innovation. Ultimately, the presentation calls for a balanced international framework that promotes safety, equity, and legal clarity in the age of AI-driven creativity.

▶ Ciresh Singh, University of South Africa, South Africa

"AI, IP and Justice"

This presentation explores the implications of the Fourth Industrial Revolution and the rapid integration of AI technologies—like ChatGPT and MidJourney—into everyday life and creative processes. It examines how traditional copyright systems, particularly in the UK and USA, define authorship based on moral and economic rights, and evaluates whether AI-generated works fit within this framework. While acknowledging the benefits and risks of granting protection to AI-created content, the speaker concludes that AI does not meet the core requirements of copyright law. Instead, a sui generis system is proposed—with shorter protection terms, registration requirements, and identification marks—to bring legal clarity as AI continues to reshape the creative landscape.

Session 8.2 - IP & Justice:

Market Fairness and The Consumer Lens

Chair: Josef Drexl, Max-Planck-Institute for Innovation and Competition, Germany
Rapporteur: Maciej Padamczyk, Queen Mary, University of London, UK

- Mikhalien du Bois, University of South Africa, South Africa
  "Applying a Theory of Natural Monopoly to Patent Law for a Constitutionally Permissible Balance between Property Rights and Public Interests as Promoted in Competition Law"

  The paper looks at the potential of using competition law to promote public interest within the patent law system. Many disturbing patent practices, like evergreening or excessive market power associated with patents, are problems from the public interest perspective that could be addressed by competition law. While competition law cannot directly intervene within the patent framework, it can identify and address situations where patents grant excessive market power. This paper analyses scenarios where competition law mechanisms can be used to support public interest within patent law.

- Carlo Meo, Universitas Mercatorum, Italy
  "Competition in the Market for Copyright Collective Management: Issues of Cultural Diversity and Distributive Justice"

  This paper builds on the ruling of the Court of Justice of the European Union in case C-10/22 to focus on the issues that the liberalisation of the market for copyright collective management services could bring about for less popular repertoires and, more generally,

for distributive justice in the cultural field. While competition issues have been recognized, the current legal framework falls short, leaving open the risk that some cultural productions may in the long run struggle to find effective management services in the market. The paper explores the possibility of addressing these problems through the approach that EU law followed on similar issues in the context of other liberalisations. This approach would involve adopting solutions such as free market access, universal service obligations and sector-specific regulation on a number of key aspects.

▶ Lavinia Brancusi, Polish Academy of Sciences, Poland

"More Is Not Necessarily Better – Access to Spare Parts at The Intersection of EU 'R2R', Design and Competition Law"

Customers need affordable and timely repairs. EU Directive 2024/1799 on common rules promoting the repair of goods introduces numerous obligations to support this objective (obligation to repair), but these may be of limited application in practice because of the ambiguous and potentially broad IP exclusions. If the mandatory repairs are subject to IP protection, the main purpose of the directive may be affected. The paper draws from the prior experiences of the automotive industry to conclude that mandatory obligations established by the directive may not be operational without a careful consideration of the potential reach of IP rights.

▶ Eleni Tzoulia, Faculty of Law, Aristotle University of Thessaloniki, Greece

"Interoperability for the Green Transition in Electronics: Balancing IP, Competition, and Consumer Protection in the EU"

The paper examines the recent Android Auto judgment by the CJEU, which considered whether Google's refusal to develop interoperability standards for a third-party EV charging app constituted an abuse of dominance. The Court emphasized that digital platforms function as shared facilities, and that even non-essential access requests may give rise to interoperability obligations. Crucially, these duties can extend to the development of new infrastructure, unless such development is technically unfeasible or economically unjustifiable.

While the ruling aligns with Article 6(7) of the Digital Markets Act (DMA), it broadens the underlying rationale beyond designated gatekeepers, potentially applying to any dominant actor in digital, and even physical, markets. The paper highlights the EU's evolving policy framework, which increasingly links interoperability to sustainability objectives such as repairability and product lifecycle extension. It further explores the tension between

competition law and intellectual property, arguing that obliging dominant firms to develop interoperability infrastructure for competitors risks reducing innovation autonomy to a statutory duty of service, effectively creating an ex lege work-for-hire regime.

As a more balanced alternative, the paper proposes relying on harmonized standards under Regulation 1025/2012, which allow interoperability requests to be addressed through Commission-supervised processes and cost-sharing mechanisms. This approach facilitates market access while safeguarding innovation incentives and private autonomy.

▶ Giorgio Spedicato, University of Bologna, Italy

"Sustainability through Information? Risks and Opportunities of the Informational Paradigm Underpinning the New EU Anti-Greenwashing Legislation"

The paper examines the role that IP can play within the informational paradigm underpinning the EU's anti-greenwashing legislation. Accurate and comprehensive product information provided by producers to consumers can serve as a useful tool to promote sustainable consumption. However, if such information—although accurate—is excessive, it risks being ignored by inattentive consumers and may fail to lead to informed purchasing decisions. One possible solution to the overload of information could be the use of green trademarks to signal to consumers that a product is sustainable. Yet, the use of private green trademarks is hindered by Directive 2024/825/EU, which considers them—with few exceptions—to be generic environmental claims and therefore prohibited, even when such trademarks are not misleading. The paper concludes by acknowledging the challenges that market-based tools such as private trademarks face in attempting to address problems created by the market itself.

Session 8.3 – IP & Justice: Innovation – Driving Forces and Distribution

Chair: Reto Hilty, Max-Planck-Institute for Innovation and Competition, Germany
Rapporteur: Camilla Signoretta, Scuola Superiore Sant'Anna, Pisa, Italy

▶ Michael J. Burstein, Cardozo Law School, USA

"The Law of the Direction of Innovation"

Most research about the impact of law on the innovation process focuses on the rate rather than the direction of innovation, usually because changes in the amount of innovation brought on by legal rules are easier to measure. The speaker proposes a framework for evaluating how a number of different laws impact the direction of innovation. Those laws include not only IP but also corporate and contract law, employment, regulation, and others. These laws impact the direction of innovation in four ways: structuring relationships, delineating entitlements, creating or limiting markets, and subsidizing investments. The direction of innovation is the result of a complex interaction among these forces that requires further empirical and conceptual study.

▶ Esther van Zimmeren, University of Antwerp, Belgium

"The European Patent System at the Crossroads: Towards an Adaptive, Resilient and Just Future"

The speaker describes the various dimensions of the adaptive law and governance framework (goals, structure, methods, processes) and explains that this framework was originally developed for US urban planning, environmental law and administrative law. She argues that the framework can also be used as a diagnostic tool for other areas of

the law and in the multilevel context of Europe. According to the speaker, it is particularly interesting to examine IP law through the lens of adaptive law and governance.

She applies the framework to the European Patent System and proposes that the complex governance structure of the European Patent System characterized by fragmentation, high costs and legal uncertainty actually creates a context that is rather adaptive and dynamic and may turn out to be more resilient than many other areas of the law. A systematic analysis of the four above mentioned dimensions shows the space for experimental governance, dialogue, feedback loops etc. The creation of the Unified Patent Court (UPC) adds to the complexity of the system due to its many local, regional and central divisions and other special features, such as the opt-out. However, the UPC will likely also significantly contribute to the adaptive and resilient nature of the system. The paper, thus, provides an optimistic evaluation of the resilient nature of the European Patent System and hopes to contribute to the academic literature on this positive note.

▶ Sharon K. Sandeen, Mitchell Hamline School of Law, USA
"New Theories of Innovation and Creativity"

The speaker revitalises the work of Paul Romer, who, thanks to his theory of New Growth, gave economists the license to broaden their approach to economic analysis by looking at factors other than the standard analytical theories to classify goods into public and private goods and showing the importance of considering how the non-rivalrous character of ideas fosters innovation.

If, as Romer demonstrated, knowledge accumulation and ideation are key for innovation and economic growth, the cognitive steps through which ideas are generated must be further investigated to establish more effective innovation policies.

What is obvious of the learning process is that availability of information also increases the number of ideas in society and, consequently, the amount of creativity, while, what is less obvious is that the influence of social conditions, the work environment, the level of trust in the job place, as well as the nature of representations and the knowledge flows also have a huge impact.

▶ Svitlana Iasechko, Kharkiv University of Internal Affairs, Kharkiv, Ukraine
"Intellectual Property and Genetic Data Protection in AI Driven Drug Development for Rare Diseases"

The goal of the speaker's research project is three-fold: promote legal governance of AI-driven biomedical innovation, identify regulatory gaps in Ukrainian and EU law regarding

authorship and ownership of AI-assisted research results and outputs and define the legal mechanism governing the use of genetic information for algorithm training with due regard for data ownership, consent and control.

Legal uncertainty becomes critical when AI is applied in healthcare and genetic research, where personal data use intersects with public health interests.

AI training increases demand for genetic data, intensifying the debate on how to regulate the issues of data ownership, re-use, access and confidentiality.

▶ Neethu Rajam, National Law University of Delhi, India; Faculty of Law, University of Copenhagen, Denmark

"The Consequences of Distributive Justice for Intellectual Property Rights"

A vision of global commitment to SDGs, must consider an approach for social commitmentbeyond the core-periphery model of distribution of resources to a "social innovation" approachthat can benefit the least advantaged. The paper thus emphasises that a market-orientedapproach to allocation of resources may have greater distributive inequalities which can beaddressed by the concept of social sustainability. The paper therefore examines 'socialinnovation' mechanism as a practice and a tool for social sustainability with relevant casestudies that demonstrate its potential to seek social justice without limiting the integration ofIPRs wherever required. Incentivizing social innovation models within IP framework can alsoenable other actors other than governments to voluntarily evolve contributive justice.

Session 8.4 - IP & Justice: Perspectives from the Young Academy

Chair: Evana Wright, University of Technology Sydney, Australia
Rapporteur: Anja Møller Pedersen, University of Copenhagen, Denmark

▶ Michalina Kowala, Adam Mickiewicz University, Poland

"Copyright as a Tool to render Justice in The Press Sector? The case of The Press Publishers' Rights and Platforms' Dominance"

With a view to ensure the free and pluralist press, the CDSM directive seeks to strengthen the bargaining power of press publishers against press publications by ISSPs by granting press publishers exclusive rights to authorize or prohibit the reproduction or making available of press publications by ISSPs.

Adoption of exclusive rights without considering the dependencies and market power imbalances may lead to counter productive effects, and the said rights are threatened by anti-competitive practices (e.g. reduced visibility of press materials) by ISSPs with detrimental economic effects.

The paper explores whether copyright law may render justice in the press sector, concluding that the answer should instead be based on competition law.

▶ Stav Zeitouni, University of California, Berkely School of Law, USA

"A Theory of Noncommerciality in Fair Use"

The commerciality criterion in US fair use law is incoherent, which is why courts have struggled to find a consistent definition applicable to different uses.

The paper proposes a new theory / integrated model of 'noncommerciality' in fair use which seeks to balance between a semantic conception of commerciality and a normative value-based conception.

▶ Laura Valtere, University of Copenhagen, Denmark
"The Incentive Systems to Support De Novo and Follow-on NGT-Derived Plant Innovation"

New Genomic Techniques (NGTs) are biotechnological methods for altering the genetic material of organisms to improve crop traits.

Achieving justice in NGT plant innovation, particularly regarding the IP protection for plant varieties – is a core objective. The European Commission's legislative proposal on NGT plants introduces relaxation of marketing requirements and redistributes obligations and rights among relevant stakeholders, likely increasing IP rights quantitatively.

However, this regulatory shift prompts a key question: What is justice in governing NGT plant innovation? Drawing on Aristotle's Golden Mean, the challenge lies in establishing equilibrium and fairness, balancing patent protection and plant variety rights within a multifaceted legal and economic framework, involving diverse, and often competing stakeholder interests).

▶ Gabriela Lanarczyk, University of Copenhagen, Denmark
"From Off-label to On-point: Article 48 of the EU Pharmaceutical Regulation as a New Paradigm for Drug Repurposing"

Study of European Medicines Agency approvals reveals that almost half of the drugs show possibilities for new/expanded possibilities under Art 48.

Art 48 represents paradigm shift / power shift in pharmaceutical law: From commercial strategy to public regulator). However, it creates a tension between Arts 16 and 35 EUC.

Drawing on concepts of regulatory paternalism and responsive regulation, the paper proposes specific mechanism for implementation that reaches a fair balance between public health objectives and industry concerns.

▶ Marta Sznajder, University SWPS, Poland
"Navigating the SPC Landscape: Implications of Recent CJEU Rulings on Biological Drug Protection"

The SPC system seeks to recover some of the patent protection for pharmaceutical products, incl. biological drugs, to compensate lengthy regulatory processes.

Existing SPC regulation does not sufficiently address the nuances of biological drugs (and biosimilar products).

Do infringements occur directly or rather through equivalents (biosimilar drugs), and whether the SPC that ex post covers sequences not indicated in the basic patent is valid.

Potential solutions: 1) SPC Regulation recast: Include biological similarity (INN), 2) CJEU case law: A path to include biosimilars.

▶ Ghati Nyehita, University of Cape Town, South Africa

"Intellectual Property as a Tool for Reparative Justice and Economic Empowerment for Refugee Women in Africa"

The research explores how refugee women participate in the IP system

Colonialism and systemic discrimination have limited refugee women's access to economic empowerment in Africa. The paper explores if/how IP can serve as a tool for reparative justice.

Based on an examination of African regional IP frameworks, the paper suggests a reconceptualization of IP into an afrocentric and inclusive IP system as a tool for reparative justice by fostering economic empowerment of refugee women by recognising and protecting refugee women's cultural contributions by enabling them to benefit economically from their creative outputs.

▶ Blessings Pitiry-Deliwe Katuma, Malawi University of Science and Technology, Malawi

"Technology transfer and Intellectual Property Commercialization in Malawi"

The study sought to investigate technology transfer and IP commercialization activities in public universities in Malawi. To address that, the Contingency Effectiveness Theory of Technology Transfer was used. Further, the study employed a Convergent (concurrent) Parallel Mixed-Methods Design.

The study results revealed that there is a lack of strong linkages between the public universities and industries in Malawi; hence, most of the university-generated IP is not exploited.

The study findings also revealed that there is a misalignment between the needs of industries and those of the public universities. Therefore, the study suggests a need to promote university-industry collaboration that focuses on technology transfer and IP commercialization and to align the university's research areas of focus with industry needs.

Wednesday 25 June

DAY 3

Session 9.1 - IP & Justice:

Exploring Geographical Indications

Chair: Irene Calboli, Texas A&M University School of Law, USA
Rapporteur: Ghati Nyehita, University of Cape Town, South Africa

- Justin Hughes, Loyola Marymount University, USA
  "Adieu, Terroir - How Geographical Indications Law Is Becoming More Like Certification Mark law"

  Hughes highlighted a clear shift in Geographical Indications (GIs) law away from the traditional reliance on terroir—the cultural and environmental link between product and place—toward a model resembling certification mark law.

  He argued that terroir is being strategically de-emphasized due to its diminishing utility in marketing, its scientific reproducibility, and its instability under climate change.

  This de-emphasis is reflected in recent legal and political developments, such as the 2023 EU Regulation and the EU-China GI Agreement, which prioritize the protection of GIs even without a strong geographic or environmental connection.

- Vishv Priya Kohli, Copenhagen Business School, Denmark
  "Explicit And Implicit Mechanisms Aimed at Adapting IP Laws To the Evolving Concept of Justice in A Dynamic Reality"

  Kohli examined the new EU Regulation 2023/2411 on Geographical Indications, arguing that it introduces both explicit and implicit legal mechanisms to adapt IP laws to evolving concepts of justice in a dynamic, globalized context.

She highlighted how GIs serve distributive justice by balancing the interests of producers, consumers, and policymakers—offering recognition, trust, and rural development—while also relying on "justice in the shadows," such as local norms and historical values that shape interpretation.

Using case studies like Venetian ceramics and porcelain, she demonstrated how the regulation enhances legal clarity (e.g., in domain name disputes under Article 46) while navigating challenges like digital misappropriation, overregulation, and global enforcement gaps.

▶ Bernardo Calabrese, Università degli studi di Verona, Italy
"Geographical Indications Revisited: 'Ingredients' for a Sui Generis IP Justice?"

Calabrese examined how the EU's recent GI reforms embed justice by imposing democratic governance in producer groups, formalizing cultural preservation goals, encouraging bottom-up sustainability commitments, enhancing transparency for private labels, and ensuring fairness in the treatment of derivative products.

He highlighted that the reforms formalize a new discipline for derivative products, however with normative discrepancy between agricultural and craft regimes, that are not so easy to coordinate.

Framing these reforms as "ingredients" for a sui generis IP justice, Calabrese emphasized principles such as openness, non-discrimination, and market dialogue to support local producers in the global marketplace, as guiding principles in order to give consistency to the system.

▶ Kelly Lisandra Bruch, Federal University of Rio Grande do Sul, Brazil
"How Geographical Indications Could Promote a Sustainability Justice?"

Bruch explored how Geographical Indications (GIs) can move beyond protection to actively promote sustainability justice by preserving traditional knowledge and supporting small producers amid climate and geopolitical pressures.

Drawing on theories of justice from Rawls and Sen, she framed sustainability within four key pillars from FAO/OrIGin, 2024: economic resilience, good governance, social well-being, and environmental integrity.

She argued that even without explicit regulatory mandates, GI systems have the potential to internalize these sustainability principles through their structure and implementation.

▶ Lung-Sheng Chen, College of Law, National Chengchi University, Taiwan

"Trademark and Plant Variety Name Conflicts: Lessons from the EU and Taiwan"

Chen analyzed the legal tensions between trademarks, geographical indications (GIs), and plant variety denominations (PVDs), using the long-running Prosecco case in the EU and parallel developments in Australia and Singapore to illustrate the complexities.

Through a comparative analysis of Taiwan's legal practice and the Prosecco disputes across multiple jurisdictions, he highlighted how both trademarks and PVDs serve as product designations but often conflict, especially when plant names, like Prosecco, function simultaneously as grape varieties and geographic indicators. These overlaps raise critical issues related to distinctiveness, consumer confusion, and legal precedence.

Drawing lessons from EU law and Taiwan law, he emphasized the need for legal frameworks to clearly address conflicts by including provisions that prevent the registration of PVDs when they infringe on prior trademark or GI rights.

Session 9.2 - IP & Justice: Fairness and Music

Chair: Péter Mezei, University of Szeged, Hungary
Rapporteur: Gabriele Cifrodelli, University of Glasgow, UK

▶ Seán O'Connor, George Mason University, USA
"Dilla Time: Copyright and Distributive Justice for Beatmakers"

The speaker builds off recent research in hip hop music research that positions "Dilla Time" – developed by seminal hip hop producer and beatmaker J. Dilla – as a new fundamental time feel in music, to argue that this new type of time feel requires copyright or sui generis protection. In the 20th century, innovative time feels including swing time and machine time were added to conventional European straight time in popular music. Dilla Time is a mix of straight and swing time in the most innovative and unpredictable way. It also provides a capstone to the shift during the second half of the 20th century from the locus of pop music innovation from melody to rhythm. Accordingly, Dilla Time and other highly original rhythmic innovations need protection to incentivize their continued development.

▶ Joseph P. Fishman, Vanderbilt University Law School, USA
"Infringement as Betrayal: How Songwriters Think About Wrongful Similarity"

The speaker questions how songwriters think about wrongful similarity through an empirical study involving 35 semi-structured interviews with songwriters in Nashville. Many of the interviewed songwriters expressed no concern about being sued. In addition, their sense of right and wrong is not based only on the actual similarity between two songs. Instead, they view copying as a relational and intentional act. They care about who is doing it to whom and how, and whether one means to copy something from someone else intentionally. Accidental copying, by contrast, is generally accepted.

▶ Paul Torremans, School of Law, University of Nottingham, UK
"Copyright Buyouts V Mandatory Equitable Remuneration: The Fight for Justice for Authors?"

The speaker argues that copyright buyouts are legal but might not be fair if they become abusive, especially in the case of the fair remuneration principle in the DSM directive which is not indicated as mandatory provision. If we assume that the implementation of the principle is mandatory, we should look at the French implementation according to which when it comes to music exploitation the authors have the right to go before a judge also with regard to the fair remuneration principle. Therefore, there might be the need of private international law (e.g. Brussels I) in order for the author to access a court if they think that the fair remuneration has been infringed.

▶ Maria José Schmidt-Kessen, Central European University, Vienna, Austria, and Gil Dagan, Max Planck Institute for Innovation and Competition, Munich, Germany
"Beyond Copyright Protection: Exploring External Regulation to Reinforce Fairness in Digital Music Exploitation—'Don't Stop 'Til You Get Enough'"

The speakers argue that, although music streaming is booming, artists do not get much in return, especially in terms of financial compensation ('value gap'). In particular, transparency as to the exploitation of works and adequate remuneration is not vested with effective enforcement mechanisms across EU copyright law instruments. There might be an alternative solution to materializing the rights under the CDSM Directive through the fairness principle underlying other regulatory frameworks, such as competition law, DSA and DMA. For instance, in competition law, there is the essential facility doctrine that could be used to ensure data access and thus consider withholding data access as abuse. Recent developments in EU and national competition law may offer ways to overcome earlier obstacles to establishing abuse of dominance in such cases. Alternatively, in EU platform regulation, the DSA can boost transparency and accountability, while the DMA could potentially offer tools for data access and fairer licensing.

▶ Vishwas Hebbidrumetlu Devaiah, BITS Law School, BITS Pilani, Mumbai, India
"Marriages Are Made in Heaven and So is Music! - Is the Indian Approach to Exempt Royalty Claims Over Music Played in Marriages Unfair?"

The wedding industry in India generates more than US $18 billion per year, and music

plays a big part in it. Collecting Societies attempts to seek royalties from marriage ceremonies performed in commercial venues have been negated due to an exemption provided in the Copyright Act that exempts copyright infringement in the guise of religious ceremonies. However, this exemption might not be justified, because modern weddings are not merely religious in India, instead it is likely to involve expenditure on engaging a DJ or playing recorded music in a commercial venue hosting the event. Courts could resolve this scenario by using the reasonable classification approach wherein they can exempt marriages involving smaller gatherings but impose royalty when there are large gatherings in a commercial venue.

Session 9.3 - IP & Justice: The Business Lens

Chair: Christopher Jon Sprigman, New York University School of Law, USA
Rapporteur: Marta Sznajder, University SWPS, Warsaw, Poland

- Dana Beldiman, Bucerius Law School, Hamburg, Germany; University of California Law San Francisco, USA
  "The Implications of Open Source in the Context of Artificial Intelligence: From "Free and Open" to Billions?"

  "The speaker addressed challenges in enforcing generative AI open source (OS) licenses. The talk began with the history of open source, highlighting its ideological roots and role as an innovation tool. Enforceability depends on IP rights, yet it is unclear whether LLMs are copyrightable. Supporters view them as derivative works; opponents cite their functional nature and lack of human authorship. The speaker finds copyright protection unlikely. Both IP and contract theories were explored but deemed inconclusive for enforcing OS licenses. Nonetheless, the speaker argued that OS will remain important in the AI space due to its collaborative strengths. Meta's release of "LLAMA" and the growing adoption of OS AI demonstrate its viability, irrespective of legal uncertainties."

- Janice Denoncourt, Nottingham Law School, Nottingham Trent University, UK
  "From Ideas to Economic Justice: The Role of Lawyers and Accountants in Shaping an Agenda for The Future of IP Rights"

  The speaker discussed the role of lawyers and accountants in shaping an agenda for the future of IP rights, stressing the increasing role of intangibles in corporate reporting (balance sheet).

Intangibles are getting more visibility in financial reports, corresponding to the fact they form the increasing part in the company's revenue. This translates to the need for providing more transparency, narrative reporting and more detailed information on the IP assets in the financial reports. One possible way could be through accounting standards, which are often incorporated in the legal frameworks (although they are not laws or regulations themselves), which makes them effectively mandatory for companies. This can be also seen in International Accounting Standards Board's agenda.

This task could also be achieved through an appropriate training of accountants within interdisciplinary studies, especially given certain key concepts differ, for example the accounting concept of goodwill vs. trademark concept of goodwill.

▶ Lodewijk Van Dycke, University of Leuven, Belgium
"Patents and Pensions: Intergenerational Justice and Technological Change"

The speaker presented the problem of discrepancy between an ever-rising global GDP due to continued waves of innovation and invention, and rising global inequality.

The preliminary research he proposes examines whether it would be possible to use redistribution of ownership of technologies to compensate the rising inequality. This could be built upon military mission-driven innovation model (providing an example of DARPA's works), which has already provided a lot of innovations. Similar models could be used in civilian context.

The speaker discussed the idea of using patents to provide open innovation and repurposing the patent system for more inclusive distribution of the rents flowing from technological inventions.

Patents may allow to appropriate and accumulate the technology and distribute it to other players by ready license contracts. In effect, the income coming from technological invention could be used for redistribution to the group collecting their income from labour.

▶ Suelen Carls, Bournemouth University, UK, University of Marília, Unimar, Brazil; and Jonathan Barros Vita, University of Marília, Unimar, Brazil
"IP Taxation, Geopolitics & Global Justice"

The speaker discussed the problem of IP taxation in territorial context, emphasizing that in the knowledge-based economy the proper design of IP taxation system is necessary.

The speaker presented various issues related to IP taxation, providing examples of i.a. significant distortions in EU tax system between the countries which result in political tensions and uneven development.

The speaker further spoke on global justice in IP taxation on the example of differences between north and south countries and concluded providing some suggestions for challenges remaining before the IP taxation and the assumptions that should be taken into account in designing proper IP taxation system.

▶ Weiyu Zhang, The University of Tokyo, Japan

"Patent Licensing and Justice in Supply Chains: IoT, Dynamic Pricing, and Fair Compensation"

The speaker discussed challenges appearing in licensing strategies across complex and unpredictable IoT supply chains.

The speaker examined who should be licensed, noting case law trends and guidelines favoring OEM-level licensing with economic considerations. Royalty base selection (e.g., ad valorem vs. SSPPU) and mechanisms such as FRAND, non-assertion clauses, and have-made rights were discussed as tools for flexibility.

Regarding justice dimensions, the speaker emphasized that there is no one-size-fits-all solution. Market-driven and sector-specific practices suggest a more dynamic licensing approach, combined with the role of law (not only patent law, but also antitrust, contract law and policy interventions).

The speaker concluded with practical directions and key challenges, including "weak" exhaustion rule or balancing transactional freedom with licensing innovation across industries.

Session 9.4 - IP & Justice: The Ethical Lens

Chair: Duncan Matthews, Queen Mary University of London, UK
Rapporteur: Khushbu Kumari, Victoria University of Wellington, New Zealand

▶ Franziska Bächler and Agnes Kandlbinder, University of Basel, Switzerland
"Normative Negotiation Processes in Technology Regulation: CRISPR/Cas9 as A Touchstone of Negotiated Justice"

Franziska and Agnes highlighted the complex nature of CRISPR and proposed an interdisciplinary approach to regulate the technology. CRISPR is a promising technology in agriculture, animal breeding, and future human applications (somatic and germline). Emphasising the role of patents and licensing schemes in CRISPR, they discussed patent thickets, as the technology is concentrated in the hands of a few corporations, as well as exclusive licensing practices. Regarding distributive justice, they explored the options and limitations within patent law, such as research exceptions and compulsory licences. However, they strongly advocated for an interdisciplinary approach to ensure ethical solutions that take into account the various existing normative positions.

▶ Sara Gerke, University of Illinois Urbana-Champaign, College of Law, USA
"Transparency Through Labeling: Advancing Ethical and Responsible AI Regulation"

Sara's research focuses on the labelling of AI/Machine learning medical devices. In her presentation, she highlighted that approx. 1000 AI/ML medical devices have already been authorised in the US, and some of these devices are directly available to consumers and mostly to medical practitioners. Her research uses the food labelling model that can be used to label AI/ML directly available. Discussing two of the four factors of food labelling:

nutrient fact label and front of package nutrition label that can be used for AI/ML medical device labelling as AI fact label and front of package AI label. In discussing the AI fact label, she highlighted the overlap with trade secret and how that can be avoided.

▶ Viva R. Moffat, University of Denver Sturm College of Law, USA
"So-Called "Artificial" Intelligence: Regulating AI for Humans"

Viva challenged the narrative about humans in the creation of AI. She argued that it is not humans who are in the loop, but the AI itself. She stressed that understanding the nature of AI is crucial to grasp the ethical concerns involved. She emphasises that from the conception of AI, through its training and growth, humans are responsible. AI is used by humans, impacts humans, and even though synthetic data fill the gaps, it is human training that sustains AI's growth. Therefore, humans are at the core of AI, and recognising this is essential for regulation. The current narrative that AI just happens and is uncontrollable obscures the responsibilities involved.

▶ Desmond Oriakhogba, University of the Western Cape, South Africa
"Towards A Just, Fair and Equitable Approach to Intellectual Property in Artificial Intelligence Strategies in Africa"

Desmond analysed the AI-related IP policies of African countries to understand the nature of their frameworks. The analysis is based on recognising the expanding AI innovators community across Africa. It highlights the use of indigenous data sets in AI technology and calls for fair remuneration for the indigenous communities involved. While examining the current AI frameworks across Africa, Desmond pointed out that most policies focus on protecting AI but overlook access to resources for the public. He proposed a fair, just, and equitable policy framework for AI that considers the interests of creators and innovators, including indigenous communities and the public.

Annexes

Annex 1:
Call for Paper Proposals

INTERNATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF TEACHING AND
RESEARCH IN INTELLECTUAL PROPERTY **ATRIP**

43rd Annual Congress, Copenhagen University, Denmark

June 22 – 25, 2025

Call for Paper Proposals

Exploring the Interface Between Intellectual Property and Justice: Theory and Practice in a Dynamic Reality

Click here to see the Call for Papers on the Congress Website

Background

Intellectual property (IP) laws are aimed at promoting the public good in its broadest sense, that is, both individual rights and societal interests. Therefore, the exploration of IP laws is often associated with the notion of *justice*.

Justice is a comprehensive concept that has various meanings, depending on perspective. One may say that because justice is an open-ended concept, it cannot serve as a guiding principle for legal norms, with which it is often synonymous. The concept of justice may also be replaced with other open-ended concepts, such as fairness or equity, but this does not result in greater clarity. Yet, justice is a key concept in legal theory and serves as the underlying rationale of all legal frameworks, including IP.

Exploring the interface between IP and justice requires dividing the concept of justice into subcategories to better understand the function of law. The question whether IP laws function as "enablers" or "barriers" to promoting justice should be framed based on a certain meaning or perspective of the concept of justice. Justice may be examined according to different school of thought, those adhering to utilitarianism or those stressing moral and ethical values; following social, economic, or cultural perspectives; including aspects of distributive or allocative principles or elements of restorative justice, all of which are common notions in legal scholarship. Procedural justice principles are also prominent in legal discourse. Justice can also be historical or global. In the last decade, sustainability has also been elevated to a stand-alone type of justice, focused on concrete goals associated with urgent global challenges. Likewise, the discourse about inclusivity and fair participation of all groups in society is evolving into a distinctive type of justice. All these aspects and types of justice are highly relevant to the IP discipline.

Like many other broad legal notions, justice evolves and reacts to societal transformation. Rapid recent technological developments, the emergence of artificial intelligence systems, the information society, and the digital economy have produced a new

type: digital justice. The old discourse on social, economic, and cultural justice may have particular implications when implementing various principles of justice in the digital sphere. Some say that it is merely "old wine in new bottles" but others disagree, stressing that we are on the eve of a new global social-legal order. Clearly, the digital justice discourse profoundly affects the realm of IP.

Justice is the bedrock of law, and it is being shaped according to the legal framework in which it is embedded. At the 43rd ATRIP Congress, we wish to explore the interface between IP and the concept of justice, with its theoretical and practical implications for our hyper-dynamic reality.

The Theme of the Congress

The interface between IP and justice is the central theme of the Congress. We ask whether, to what extent, and how IP laws promote justice. Because justice is multifaceted and changes in a dynamic reality, IP scholarship should also keep pace with social and technological developments and accommodate transformations in fundamental legal concepts. Next, therefore, we ask whether, to what extent, and how IP laws adapt to new meanings of justice. These questions cover both what is and what ought to be, *i.e.,* both descriptive and critical studies, from theoretical and practical perspectives. Comparative analyses and all research methodologies are welcome. Papers focusing on strictly national developments will be considered only if they illustrate ideas with broader theoretical or practical relevance.

We will consider, among others, topics involving IP in general or particular areas of IP (copyright, patents, trademarks, etc.) and the following aspects of justice:

- Theoretical analysis of the concept of justice, including its sub-notions (fairness, equity, proportionality)
- Types of justice, such as social, economic, distributive/allocative, restorative, cultural, historical, and procedural
- Distinctive types of justice, such as sustainability, inclusivity, and fair participation
- Digital justice, including the exploration of themes such as accessibility of digital resources, digital rights, digital literacy, digital inclusion, ethical and responsible digital technology (including artificial intelligence)
- Explicit and implicit mechanisms aimed at adapting IP laws to the evolving concept of justice in a dynamic reality
- Global justice, including tensions associated with the global *vs.* the local and the global north *vs.* the global south
- Justice and politics, including geopolitical economy
- Justice in reality: evidence-based studies
- Justice (law) in action

*On behalf of the Executive Committee, I invite you to submit a paper proposal on a topic related to the above call, including an abstract not exceeding **350 words**, the author's*

name, title, affiliation, and CV. Please indicate below your abstract if you intend to submit your paper for publication in the edited volume that will be published after the Congress. Care will be taken in the selection process to achieve global diversity.

Proposals received from ATRIP Members with no outstanding membership fee payment will be given priority. Doctoral students are invited to apply for the specific ATRIP call for Doctoral Students presentations. The Congress will be held in a strictly in-person format.

Submission

Proposals should be submitted no later than Friday 21st February 2025 *via the online form at the Congress website: https://jura.ku.dk/english/forms/callforpapers_atrip_2025/. Notification of the outcome of the selection process will be sent by end of March 2025.*

Prof. Orit Fischman-Afori, ATRIP President (2024-2026)

Annex 2:

Scientific Program of the 2025 ATRIP 43rd Annual Congress, University of Copenhagen, Denmark

ATRIP 43rd Congress
Sunday 22 June

Scientific Program

Sunday 22 June

Doctoral Students Workshop and Best Presentation Contest

12:00 - 12:30
23.0.50

Arrival and registration
Light meal will be served

12:30 - 12:45
23.0.50

Gathering

12:45 - 13:00
23.0.50

Opening Addresses
-Orit Fischman-Afori, College of Management, Israel; President ATRIP

-Estelle Derclaye, University of Nottingham, UK; President Elect ATRIP

13:00 - 15:00
23.0.50

Doctoral Students' Presentations

-Ludovico Bossi, Luiss University, Rome, Italy
"Remuneration Rights for Authors and Performers in International and EU Copyright Law. Toward an Integrated System"
Discussant: Bernd Justin Jütte, University College Dublin, Ireland

UNIVERSITY OF COPENHAGEN

ATRIP 43rd Congress
Sunday 22 June

13:00 - 15:00
23.0.50

Doctoral Students' Presentations - Continued

-Seun Lari-Williams, University of Antwerp, Belgium
"Crafting Effective Dispute Systems for the Creative Sector Using Dispute System Design Theory"
Discussant: Caroline B Ncube, University of Cape Town, South Africa

-Gertrud Metsa, CCLS, Queen Mary University of London, UK
"Applying Game Theory to Legal Decision-Making: The Case of Divisional Practice"
Discussant: Nari Lee, Hanken School of Economics, Helsinki, Finland

-Camilla Signoretta, Scuola Superiore Sant'Anna (SSSA), Pisa, Italy
"From Abuses to Limits: Towards an EU Functions Theory for IPRs"
Discussant: Ansgar Ohly, Ludwig Maximilan University (LMU) Munich, Germany

-Miaokun Bao, University of Tokyo, Japan
"Comparative Study on Big Data Protection in Japan and Europe: Legal Frameworks and Cross-Border Challenges"
Discussant: Barbara Lauriat, Texas Tech University School of Law, USA

-Karina Ann-Brazeau Sanchez, University of California, Berkeley, School of Law, USA
"Comparative Perspectives on Third-Party Funding Disclosures in Commonwealth Class Actions and NPE Patent Litigation"
Discussant: Rochelle Dreyfuss, New York University School of Law, USA

ATRIP 43rd Congress
Sunday 22 June

13:00 - 15:00
23.0.50

Doctoral Students' Presentations - Continued

-Yuhan Tang, Shanghai International College of Intellectual Property (SICIP), Tongji University, Shanghai, China
"Litigation by Stages: A Point of Intersection Between Patent Law and Procedural Justice"
Discussant: Yahong Li, University of Hong Kong Faculty of Law, Hong Kong

-Anna-Maria Tuominen-Reini, Hanken School of Economics, Finland
"European Trademark Law – Enabling or Limiting Modern Brand Management in Digital and Circular Economy"
Discussant: Frantzeska Papadopoulou Skarp, Stockholm University, Sweden

-Ngonidzaishe Gotora, University of Cape Town, South Africa
"Leveraging Intellectual Property Protection Frameworks to Address Climate Change-Induced Environmental and Health Challenges in The Four Corners of Africa"
Discussant: Péter Mezei, University of Szeged

-Phalguni Mahapatra, CREATe Centre, University of Glasgow, UK
"Beyond Repair? How Private Ordering Shapes Repair Restrictions, Innovation, and Sustainability in India and the UK"
Discussant: Estelle Derclaye, University of Nottingham, UK

-Blessings Pitiry-Deliwe Katuma, Malawi University of Science and Technology, Malawi
"Technology Transfer and Intellectual Property Commercialization in Malawi"
Discussant: Jeremy de Beer, University of Ottawa, Canada

-Mihail Dishev, University of Edinburgh, UK
"The Patentability Of CRISPR-Cas9-Mediated Gene Editing in Human Embryos: Time To "Edit" The European Patent Law Landscape?"
Discussant: Evana Wright, University of Technology Sydney, Australia

ATRIP 43rd Congress
Sunday 22 June

15:00 - 15:15
23.0.50

ATRIP Committee Voting Break

15:15 - 15:30
23.0.50

Announcement of the WIPO Prize Winners

-**Edward Kwakwa**, Assistant Director General, World Intellectual Property Organization, Geneva, Switzerland

15:30 - 16:00
23.0.50

Doctoral Students Workshop

-**Péter Mezei**, University of Szeged, Hungary

-**Barbara Lauriat**, Texas Tech University School of Law, USA

15:30 - 17:30
Justitia - 7A.2.04

ATRIP Executive Committee Annual Meeting

17:30 - 19:30
7A.0.14

Opening Reception and Registration

Welcome Cocktail and light meal

ATRIP 43rd Congress
Monday 23 June

Scientific Program

Monday 23 June

Exploring the Interface Between Intellectual Property and Justice: Theory and Practice in a Dynamic Reality

08:15 - 09:00
23.0.50

Registration
Light refreshments will be served

09:00 - 09:30
23.0.50

Welcome And Opening Addresses
-Orit Fischman-Afori, College of Management, Israel; President ATRIP
-Jens Schovsbo, University of Copenhagen, Denmark; Past President ATRIP
-Timo Minssen, University of Copenhagen, Denmark
-Jacob Graff Nielsen, Dean, Faculty of Law, University of Copenhagen, Denmark

-Edward Kwakwa, Assistant Director General, World Intellectual Property Organization, Geneva, Switzerland

ATRIP 43rd Congress
Monday 23 June

09:30 - 11:00
23.0.50

Session 1 (Plenary): Setting the Scene – IP & Justice

Chair: Jens Schovsbo, University of Copenhagen, Denmark; Past President ATRIP
Rapporteur: Peter R. Slowinski, Adam Mickiewicz University, Poznan, Poland

-Peter Drahos, Australian National University, Australia
"IP & Justice: Theoretical Perspectives"

-Reto Hilty, Max-Planck-Institute for Innovation and Competition, Germany
"IP & Justice: Distributive Perspectives"

-Ruth Okediji, Harvard University Law School, USA
"IP & Justice: Social Perspectives"

-Niva Elkin-Koren, Tel Aviv University Faculty of Law, Israel
"IP & Justice: Technological Perspectives"

-Peter Yu, Texas A&M University School of Law, USA
"IP & Justice: Transnational Perspectives"

11:00 - 11:30
23.0.50

Morning Coffee Break

11:30 - 13:00

Session 2 (Parallels)
See rooms and content below

ATRIP 43rd Congress
Monday 23 June

11:30 - 13:00
8A.4.17

2.1 IP & Justice: Perspectives on Cultural Appropriation

Chair: Peter Yu, Texas A&M University School of Law, USA
Rapporteur: Maciej Padamczyk, Queen Mary, University of London, UK

-Aman K. Gebru, University of Houston Law Center, USA
"Cultural Appropriation as Passing Off"

-Margo A. Bagley, Emory University School of Law, USA, (with **Justin Hughes**, Loyola Marymount University, USA)
"Secret Traditions as Trade Secrets"

-Cristiana Sappa, IESEG School of Management, France
"Local V. Supranational Digital Justice: A Cartesian Approach in Digitization Initiatives of Cultural Resources"

-Christine Haight Farley, American University Washington College of Law, USA
"Design Protection Disparities: Evaluating WIPO's Development Claims for the Design Law Treaty"

-Francesca Rotolo, Ca' Foscari University of Venice, Italy
"Intellectual Property Law and Distributive Justice: A New Path Toward a More Sustainable Copyright Law?"

ATRIP 43rd Congress
Monday 23 June

11:30 - 13:00
8A.4.35

2.2 IP & Justice: The "Access" Agenda

Chair: Matthias Leistner, Ludwig Maximilian University (LMU), Munich, Germany
Rapporteur: Gabriela Lenarczyk, University of Copenhagen, Denmark

-Caterina Sganga, Scuola Superiore Sant'Anna, Pisa, Italy, (with **Thomas Margoni**, Faculty of Law, KU Leuven, Belgium, **Martin Senftleben**, University of Amsterdam, The Netherlands, **Kacper Szkalej**, University of Amsterdam, The Netherlands)
"Towards a European Research Freedom Act: A Proposal for an EU-wide Secondary Publication Right"

-Sean Flynn, American University Washington College of Law, USA
"Principles for Promoting Information Justice in Digital Copyright at WIPO"

-Klaus D. Beiter, Faculty of Law, North-West University, Potchefstroom, South Africa
"Access, Assetisation, and AI: Wither the Right to Education in an Age of IP Dominance in the Education Sector?"

-Guy Rub, Temple University, Beasley School of Law, USA
"Promoting Digital Justice by Recalibrating the Libraries-Publishers Equilibrium"

-Mary LaFrance, University of Nevada, Las Vegas, USA
"Libraries and the Digital Divide"

ATRIP 43rd Congress
Monday 23 June

11:30 - 13:00
8A.4.47

2.3 IP & Justice: Balancing Frameworks in Copyright Law

Chair: Ysolde Gendreau, University of Montreal, Canada; Past President ATRIP
Rapporteur: Michalina Kowala, Faculty of Law and Administration Adam Mickiewicz University, Poznań, Poland

-Tatsuhiro Ueno, Waseda University, Japan
"Internal Limit to Copyright and Justice"

-Cheryl Foong, Curtin University, Australia
"A Convergence of Rights and Exceptions: The Shift Towards an Effects-Based Copyright Infringement Framework"

-Konrad Gliściński, Jagiellonian University, Poland
"The Riders of the Copyright Grail: Work, Exclusive Rights, and Exceptions in Civil Law Policy"

-Carys Craig, Osgoode Hall Law School, York University, Canada, **Bita Amani**, Queen's University, Canada, and **Tobias Schonwetter**, University of Cape Town, South Africa
"Copyright's Constitution: User Rights and the 'Deprivation of Property' Misdiagnosis"

-Georgia Jenkins, University of Kent, UK
"Building Autonomy Over 'Artistic Data' To Safeguard Authorship and Creativity Online"

ATRIP 43rd Congress
Monday 23 June

11:30 - 13:00
8B.4.03

2.4 IP & Justice: The Role of Online Platforms in the Digital Sphere

Chair: Tana Pistorius, University of Auckland Business School, New Zealand; Past President ATRIP
Rapporteur: Marta Sznajder, University SWPS, Warsaw, Poland

-Benjamin Raue, Trier University, Institute of Digital Law, Germany
"Justice Through Procedure in The Digital Sphere"

-Philipp Homar, Vienne University, Austria
"Justice through Proceduralisation? The European Approach to Notices, Action and Complaints on Online-Platforms"

-Katarzyna Klafkowska-Waśniowska, Adam Mickiewicz University in Poznań, Poland
"Users' Rights in The Hand of Regulators: Where to Look for Procedural Justice?"

-Sharon Bar-Ziv, Sapir Academic College, Israel (with **Niva Elkin-Koren**, Tel Aviv University Faculty of Law, Israel)
"Can Judicial Review Fix the Drawbacks of Digital Enforcement? An Empirical Study of Blocking Injunctions"

-Sebastian Schwemer, BI Norwegian Business School, Oslo, Norway
"Platforms, Copyright and a Blindspot? The Freedom to Conduct a Business"

ATRIP 43rd Congress
Monday 23 June

11:30 - 13:00
8B.4.03

2.5 IP & Justice: The Enforcement and Remedies Lens

Chair: Yahong Li, University of Hong Kong Faculty of Law, Hong Kong
Rapporteur: Pedro Henrique D. Batista, Max-Planck-Institute for Innovation and Competition, Germany

-Asako Wechs Hatanaka, Faculty of Law of Ritsumeikan University, Japan
"Doing Justice Online – Platforms' Responsibility and Credibility in The Framework of IP Disputes"

-Deevanshu Shrivastava, G.L. Bajaj Institute of Law, India
"Protecting Creators, Empowering Consumers: Addressing Digital Piracy to Enhance Intellectual Property Rights and Digital Justice"

-Agnieszka Sztoldman, University of Wrocław, Poland
"Compensating Damage from Wrongful Preliminary Injunctions: Ensuring Procedural Justice, Proportionality and Fairness in Dynamic Law in Action?"

-Peter R. Slowinski, Adam Mickiewicz University, Poznan, Poland
"Achieving Justice in Preliminary Injunction Proceedings in Bifurcated Patent Enforcement Systems"

-Ajay K Sharma, Indian Institute of Technology Kharagpur, India
"An Analysis of Criminal Enforcement of Trademark Counterfeiting Through the Lens of Global Concept of Justice Principle: An Evidence-Based Study from India"

ATRIP 43rd Congress
Monday 23 June

13:00 - 14:30
TBA

Lunch Break

14:30 - 16:00

Session 3 (Parallels)
See rooms and content below

14:30 - 16:00
8A.4.17

3.1 IP & Justice: Equitable Health Perspectives

Chair: Rochelle Dreyfuss, New York University School of Law, USA
Rapporteur: Gabriela Lenarczyk, University of Copenhagen, Denmark

-Jorge L. Contreras, University of Utah, USA
"The Evolution of Open Source Bio: From Liberty to Justice"

-Michael S. Sinha, Saint Louis University, USA and **Timo Minssen**, University of Copenhagen, Denmark
"Novel Diagnostics, Vaccines, and Therapeutics for Pandemics: A Call for Proportionality"

-Mikyung Kim, Seoul National University College of Medicine, South Korea, and **Carla Ji-Eun Kim**, Sterne, Kessler, Goldstein & Fox PLLC
"Shepardizing Drug Patents: From R&D to Approval"

-William Nicholson Price II, University of Michigan Law School, USA
"IP and Regulatory Considerations Shaping the Global Diffusion of Medical AI"

-Leanne Wiseman, Griffith Law School, Griffith University, Australia
"Digital Justice: An Exploration of Digital Rights and Access Challenges in Medtech"

ATRIP 43rd Congress
Monday 23 June

14:30 - 16:00
8A.4.35

3.2 IP & Justice: GenAI Inputs and Copyright Challenges

Chair: Ansgar Ohly, Ludwig Maximilan University Munich, Germany
Rapporteur: Khushbu Kumari, Victoria University of Wellington, New Zealand

-Martin Senftleben, University of Amsterdam, The Netherlands
"Copyright Metadata for Digital Justice – The Data Hegemony Issue in the Platform and AI Debate"

-Alexander Peukert, Goethe University, Germany
"The Copyright-Related Rules in the EU's General-Purpose AI Code of Practice: A Proportionate Step Towards Responsible AI?"

-Thomas Margoni, Faculty of Law, KU Leuven, Belgium
"Generative Copyright: Challenges and Opportunities of a New Copyright Governance Model in The Era of AI"

-Huang-Chih Sung, Chengcih University, Taiwan
"Reframing Fair Use: A Digital Justice Approach to Balance Innovation and Copyrights in AI Training"

-Dinusha Mendis, Bournemouth University, UK
"Time To Wake Up from UK's Deep AI Slumber? Why An Open Approach Is Better for UK's Creative Industries"

-Alina Trapova, University College London, UK
"Actor-Network Theory, Generative AI And Copyright Law"

ATRIP 43rd Congress
Monday 23 June

14:30 - 16:00
8A.4.47

3.3 IP & Justice: Current Issues, Historical and Theoretical Perspectives

Chair: Frantzeska Papadopoulou Skarp, Stockholm University, Sweden
Rapporteur: Camilla Signoretta, Scuola Superiore Sant'Anna, Pisa, Italy

-Irene Calboli, Texas A&M University School of Law, USA
"Fashion as a Gatekeeper: Sumptuary Laws, Nontraditional Marks, and Social Control"

-Michael Birnhack, Faculty of Law, Tel Aviv University, Israel
"Mandatory Inventions: Innovation and the Diffusion of Knowledge in Mandatory Palestine"

-Giulia Priora, NOVA School of Law Lisbon, Portugal
"Distributive Justice in the Historical Roots of EU Copyright Law"

-Eric E. Johnson, University of Oklahoma College of Law, USA
"Rawls Versus Locke in a Justice-Based Intellectual Property Regime"

-Shreya Matilal, Rajiv Gandhi School of Intellectual Property Law, Indian Institute of Technology, Kharagpur, India
"Allocative Efficiency in Distribution of Ideas of Copyrighted Works - A Rawlsian Approach"

ATRIP 43rd Congress
Monday 23 June

14:30 - 16:00
8B.4.03

3.4 IP & Justice: Supranational Perspectives

Chair: Marketa Trimble, University of Nevada, Las Vegas, USA
Rapporteur: Marta Sznajder, University SWPS, Warsaw, Poland

-Dilan Thampapillai, University of Wollongong, Australia
"The Need for Equity's Intervention in Intellectual Property"

-Enrico Bonadio, City St George's University of London, UK
"Standard Essential Patents and Global Digital Justice: Balancing Innovation, Access, and Geopolitical Equity in the 5G/6G Era"

-Sapna Kumar, University of Minnesota Law School, USA
"Patent Justice in an Age of Conflict"

-Kshitij Kumar Singh, Faculty of Law, University of Delhi, India
"Deciphering The Traits of Global Justice in Patent Law and Practice with Special Reference To COVID-19 Pandemic"

-Pedro Henrique D. Batista, Max-Planck-Institute for Innovation and Competition, Germany
"Sovereignty and Justice in a Deglobalizing World"

ATRIP 43rd Congress
Monday 23 June

14:30 - 16:00
8B.4.03

3.5 IP & Justice: Research Methodologies as a Means to Promote Fairness

Chair: Caterina Sganga, Scuola Superiore Sant'Anna, Pisa, Italy
Rapporteur: Ghati Nyehita, University of Cape Town, South Africa

-Anna Tischner, Faculty of Law, Jagiellonian University, Kraków, Poland
"Fairness in Intellectual Property Law – the Role of Empirical Evidence"

-Jakob Wested, University of Copenhagen, Denmark
"Data Exclusivity on Real-World Evidence: Should IP Be Inverted with the Evidence Pyramid?"

-Aurelija Lukoseviciene, Lund University, Faculty of Law, Sweden
"Konsertx - Personalised Digital Immersive Concert Experiences V Copyright Law: What Legal Tools for Cultural Sustainability?"

-Stina Teilmann-Lock, Department of Business Humanities and Law, Copenhagen Business School, Denmark and **Isabella Alexander**, University of Technology Sydney, Australia
"Technologies for Embodied Research in IP law: Minecraft, Zines and LARPS"

-Svitlana Lebedenko, University of Warwick, UK
"Intellectual Property through the Lens of Futures Studies"

16:00 - 16:30
6A.0.53
Wicked Rabbit Canteen

Afternoon Coffee Break

ATRIP 43rd Congress
Monday 23 June

16:30 - 18:00

Session 4 (Parallels)

See rooms and content below

16:30 - 18:00
8A.4.17

4.1 IP & Justice: GenAI Outputs and Copyright Challenges

Chair: Gustavo Ghidini, Luiss University, Rome and University of Milan, Milan, Italy; Past President ATRIP
Rapporteur: Michalina Kowala, Faculty of Law and Administration Adam Mickiewicz University, Poznań, Poland

-Yoshiyuki Tamura, The University of Tokyo, Japan
"Is Protection of Painting Style "Justice"? ～A Study of Creative Culture in the Age of AI"

-Paulius Jurcys, Vilnius University Law Faculty, Lithuania
"Rethinking Copyright Ownership for AI-Assisted Works: A Bottom-Up Framework"

-Haochen Sun, University of Hong Kong Faculty of Law, Hong Kong
"AI Output Transparency: Promoting Justice of Differentiated Creativity Through Copyright Law"

-Catherine L. Fisk, University of California, Berkeley Law, USA
"AI And Creative Labor in Screen Entertainment"

-Irina Eidsvold-Tøien, BI Norwegian Business Scholl, Oslo, Norway
""Wakening The Dead" – Legal Questions Concerning Use of AI On an Actor's Personality"

ATRIP 43rd Congress
Monday 23 June

16:30 - 18:00
8A.4.35

4.2 IP & Justice: Balancing Frameworks in Patent Law

Chair: Jorge L. Contreras, University of Utah, USA
Rapporteur: Gabriela Lenarczyk, University of Copenhagen, Denmark

-Justyna Ożegalska-Trybalska, Jagiellonian University, Poland
"Ensuring Fairness in Patent Law: Prosecution History Estoppel as an Equitable Balance between Public and Patent Holder's Interests? "

-Jacob S. Sherkow, University of Illinois College of Law, USA
"Patenting Genomic Data Sharing Technologies"

-Clark Wolf, Iowa State University, USA
"Natural Justice, Ordre Public, And Biotech Innovation: Patent Exclusions and The Regulation of Biotechnology in Europe and The U.S."

-Padmavati Manchikanti, Rajiv Gandhi School of IP Law, IIT Kharagpur, India
"The Consequences of Non-Disclosure and Remedies in View of GRATK Treaty: 'Reassorting' Patent Systems?"

-Caroline Joelle Nwabueze, Enugu State University of Science and Technology, Nigeria
"Traditional Knowledge Based Innovations, Information Systems, And Patentability: Principles of Natural Justice as Sine Qua Non for The Attainment of Equity in Defensive Protection Mechanisms"

ATRIP 43rd Congress
Monday 23 June

16:30 - 18:00
8A.4.47

4.3 IP & Justice: The Cultural Heritage Lens

Chair: Caroline B Ncube, University of Cape Town, South Africa
Rapporteur: Peter R. Slowinski, Adam Mickiewicz University, Poznan, Poland

-Irini Stamatoudi, Faculty of Law, University of Nicosia, Cyprus
"Quasi copyright law regimes of protection for cultural heritage: Is this an unjust way of shrinking the public domain?"

-Naomi Korn and **Smita Kheria**, University of Edinburgh, Edinburgh, UK
"Orphan works, Copyright, and Digital Justice: The case of the Spare Rib Archive"

-Angelia Jia Wang, School of Law, Durham University, UK
"Who Owns Tradition? Copyright, Justice, and the Future of Intangible Cultural Heritage"

-Chih-Chieh Yang, National Yunlin University of Science & Technology, Taiwan
"How to Protect Traditional Cultural Expressions to Achieve Procedural, Corrective, and Distributive Justice"

-Pinar Oruc, The University of Manchester, UK
"Copyright And Digital Heritage: Leaving Behind an Unfair and Uneven Picture"

ATRIP 43rd Congress
Monday 23 June

16:30 - 18:00
8B.4.03

4.4 IP & Justice: Revisiting Fundamentals in IP Law

Chair: Ruth Okediji, Harvard University Law School, USA
Rapporteur: Pedro Henrique D. Batista, Max-Planck-Institute for Innovation and Competition, Germany

-Christopher Jon Sprigman, New York University School of Law, USA
"The Invention of Authenticity"

-Sean Pager, Michigan State University, USA
"The Arc of Copyright is Long, But It Bends Toward Justice"

-Alan Cunningham, University of Manchester, UK
"Otherworldly (Intellectual) Properties"

-Jani McCutcheon, University of Western Australia Law School, Australia
"The Destruction of Legally Problematic Art: Theories of Justice"

-Barbara Lauriat, Texas Tech University School of Law, USA
"Justice and Injustice in Intellectual Property Registration Systems"

19:00 - 21:30

Dinner at Tivoli & Sankt Hans (Midsummer) Celebrations
Address: TBA
Program:
- Dinner:
- Sankt Hans:

ATRIP 43rd Congress
Tuesday 24 June

Scientific Program
Tuesday 24 June

Exploring the Interface Between Intellectual Property and Justice: Theory and Practice in a Dynamic Reality

08:15 - 09:00
23.0.50

Registration
Light refreshments will be served

09:00 - 10:30
23.0.50

Session 5 (Plenary): IP & Justice in Turmoil

Chair: Estelle Derclaye, University of Nottingham, UK; President Elect ATRIP
Rapporteur: Khushbu Kumari, Victoria University of Wellington, New Zealand

-Matthias Leistner, Ludwig Maximilian University (LMU), Munich, Germany
"Tendencies Towards Direct or Indirect Extraterritorial IP Jurisdiction and Regulation – A Problematic Trend in Times of Globalization Skepticism?"

-Masabumi Suzuki, Faculty of Law, Waseda University, Japan
"Global Justice, State Sovereignty, and Patents: Reappraisal of the Territoriality of Patent Rights"

-Marketa Trimble, University of Nevada, Las Vegas, USA
"Achieving Justice in IP Cases through Conflict of Laws"

-Henning Grosse Ruse-Khan, University of Cambridge, UK
"Patents And Justice: Revisiting the Regulatory Goals of Patent Law "

-Séverine Dusollier, Sciences Po, Paris, France
"The Insufficiency of Fundamental Rights for Copyright Justice "

ATRIP 43rd Congress
Tuesday 24 June

10:30 - 11:00
23.0.50

Morning Coffee Break

11:00 - 12:30

Session 6 (Parallels)
See rooms and content below

11:00 - 12:30
8A.4.17

6.1 IP & Justice: Standard-Essential Patents and Innovation Governance

Chair: Timo Minssen, University of Copenhagen, Denmark
Rapporteur: Laura Valtere, University of Copenhagen, Denmark

-Hong Xue, Beijing Normal University, China
"Is There a Level Playing Field for SEP Enforcement?"

-Manveen Singh, Jindal Global Law School, O.P. Jindal Global University, India
"An Impact Analysis of The European Commission's Draft SEP Regulation: Lessons from India and China"

-Maryam Pourrahim, University of Fribourg, Switzerland,
"Bridging the Gap Between Technology and Law: Ensuring Justice in Standard Essential Patent (SEP) Frameworks"

-Milton Lucídio Leão Barcellos, Catholic University, Rio Grande do Sul, Brazil
"Patents, Competition and the Principle of Equality: Lessons Learned in the Pursuit of Justice"

-Chung-Lun Shen, National Chengchi University College of Law, Taiwan
"Refining the Regime of the Liability for Patent Infringement to Adapt AI's Substantial Attribution: in terms of the Proposal as Nominal Assumption of AI 's Liability"

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Tuesday 24 June

11:00 - 12:30
8A.4.35

6.2 IP & Justice: Socio-Economic and Gender Gaps

Chair: Anja Møller Pedersen, University of Copenhagen, Denmark
Rapporteur: Gabriele Cifrodelli, University of Glasgow, UK

-Elena Izyumenko, University of Amsterdam, The Netherlands
"The Female Face of Justice, or Gender Biases in European Copyright Law"

-Yasser Mohamed Gadallah, National Institute of Intellectual Property, Helwan University, Cairo, Egypt
"The Impact of Intellectual Property Protection on the Poverty Rate in the Developing Countries with a Special Reference to Egypt"

-Samuel Samiái Andrews, Al Yamamah University, College of Law, Saudi Arabia
"African IP Jurisprudence and Restorative Justice: Sub-Saharan Africa's Cultural Creativity in Transitions"

-Charlene Tsitsi Musiza, University of Cape Town, South Africa
"The International Treaty on Plant Genetic Resources for Food and Agriculture: Advancing Sustainability Through the Reconciliation of Farmers' Rights and Plant Breeders' Rights"

-Patrick Juvet Lowé Gnintedem, University of Dschang, Cameroon
"Aristotle's Concept of Justice Applied to the Protection of Traditional Knowledge in Africa"

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11:00 - 12:30
8A.4.47

6.3 IP & Justic: Asymmetric Power and Fairness

Chair: Annette Kur, Max-Planck-Institute for Innovation and Competition, Germany; Past President ATRIP
Rapporteur: Maciej Padamczyk, Queen Mary, University of London, UK

-Genevieve Wilkinson and **Isabella Alexander** (with **Evana Wright**), University of Technology Sydney, Australia
"Making Copyright Visible: What Role Can Technical Democracy Play in Promoting Access to Justice for Creators?"

-Tomasz Zimny and **Żaneta Zemła-Pacud**, Institute of Law Studies, Polish Academy of Sciences, Poland
"New Genomic Techniques and Patents in Europe: Between Protection of Innovation and Equitable Access to Genetic Variability"

-Monica Viken, BI Norwegian Business School, Oslo, Norway
"Consumer Surveys in Trademark Litigation: Reflections on Proportionality, Democracy and Procedural Fairness"

-Alvaro Fernandez-Mora, King's College London, UK
"The Dilution of Competition in The Age of Commodified Brands: Rethinking the Scope of Trade Mark Rights in The Search for Consumer Justice"

-Katrin Toschi, IMT School for Advanced Studies, Lucca, Italy
"Disclosure of Information to Re-Balance Bargaining Power in Digital Ecosystems: Antitrust Law's Response to The Pursuit of Justice in Intellectual Property Matters"

ATRIP 43rd Congress
Tuesday 24 June

11:00 - 12:30
8B.4.03

6.4 IP & Justice: The Sustainability Agenda

Chair: Anna Tischner, Faculty of Law, Jagiellonian University, Kraków, Poland
Rapporteur: Michalina Kowala, Faculty of Law and Administration Adam Mickiewicz University, Poznań, Poland

-Péter Mezei, University of Szeged, Hungary
"Greenifying Copyright Economic Rights and User Flexibilities - The Case of Upcycling"

-Simon Geiregat, Ghent IP Law Institute, Ghent University, Belgium; Tilburg University, The Netherlands
"The Exhaustion Doctrine: Still Striking a Fair Balance?"

-Bassem Awad, University of Western Ontario, Canada
"Climate Justice and Green Patents: A New Social Contract for A Sustainable Development in Africa"

-Shubha Ghosh, Syracuse University College of Law, USA
"Upcycling & Renewal"

-Joanna Wisniowska, University of Nottingham School of Law, UK
"Fostering Sustainable Consumption and Environmental Justice Through Limitations to IPRs: The New EU Design Repair Clause Under Scrutiny"

ATRIP 43rd Congress
Tuesday 24 June

12:30 - 14:00

Group Photo and Lunch Break

Group Photo: Atrium, 7A.0.14, on the staircase
Lunch Break: TBA

14:00 - 15:30

Session 7 (Parallels)

See rooms and content below

14:00 - 15:30
8A.4.17

7.1 IP & Justice: Global Health Challenges

Chair: Nari Lee, Hanken School of Economics, Helsinki, Finland
Rapporteur: Laura Valtere, University of Copenhagen, Denmark

-Johnathon Liddicoat, Dickson Poon School of Law, King's College London, UK
"The Republic of Translational Medicine"

-Omowamiwa Kolawole, University of Toronto, Canada, (with **Caroline B Ncube**, University of Cape Town, South Africa)
"IP, Global Health Justice and Vaccine Contracts: Public Interest Litigation as A Pathway to Vaccine Access Equity"

-Pratyush Nath Upreti, Queen's University Belfast, UK
"Localizing Intellectual Property Governance through Subnational Variations"

-Vinita Krishna, Shiv Nadar University, India
"Profit versus Public Health During Pandemics: An Intellectual Property Social Justice Theory Perspective"

-Khushbu Kumari, Victoria University of Wellington, New Zealand
"Why Should India Retain its Clinical Trial Data Protection Policy?"

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Tuesday 24 June

14:00 - 15:30
8A.4.35

7.2 IP & Justice in Reality: Evidence-Based Studies

Chair: Jeremy de Beer, University of Ottawa, Canada
Rapporteur: Camilla Signoretta, Scuola Superiore Sant'Anna, Pisa, Italy

-Duncan Matthews and **Maciej Padamczyk**, Queen Mary University of London, UK
"The Patent Governance of Human Germline Genome Editing: The Role of 'Ordre Public' or Morality"

-Glynn S. Lunney, Jr. Texas A&M University School of Law, USA
"Incentives and Popular Music Composition"

-Thomas Y. Lu, Department of Business Management, National Sun Yat-Sen University, Taiwan
"The Empirical Research of Damages Award for U.S Copyright Infringement after 1976 Copyright Act"

-Pag-yendu M. Yentcharé, University of Ottawa, Canada
"Beyond Rawls: Amartya Sen's Idea of Justice as a Framework for Protecting IPLCs' Traditional Knowledge"

-Vicki Huang, Deakin Law School, Australia
"An Empirical Analysis of the Market for Racist Trademarks"

ATRIP 43rd Congress
Tuesday 24 June

14:00 - 15:30
8A.4.47

7.3 IP & Justice: Judicial and Quasi-Judicial Discretion

Chair: Martin Senftleben, University of Amsterdam, The Netherlands
Rapporteur: Peter R. Slowinski, Adam Mickiewicz University, Poznan, Poland; Max Planck Institute for Innovation and Competition, Munich

-Christoph Rademacher, Waseda University School of Law, Japan
"Anti-Suit Injunctions in Patent Enforcement: A Tool for Justice or Jurisdictional Overreach?"

-Łukasz Żelechowski, University of Warsaw, Poland
"Abuse Of Trade Mark Law: Is A General Concept Needed to Ensure a Just Assessment of Registrability?"

-Michele Nino, University of Salerno, Italy
"Intellectual Property, Justice And E-Sports"

-Rafal Sikorski, Adam Mickiewicz University, Poznań, Poland
"In Search of The Most Suitable Forum for Determining Rates for Standard Essential Patents"

-Eddie Hurter, School of Law, University of South Africa, South Africa
"The Uniform Dispute Resolution Policy (UDRP) as an Enabler of Justice During Twenty-Five Years of Out-of-Court Enforcement of Trademark Rights Through the Effective Resolution of International Domain Name Disputes"

ATRIP 43rd Congress
Tuesday 24 June

14:00 - 15:30
8B.4.03

7.4 IP & Justice: Democratic Values and Processes

Chair: Tatsuhiro Ueno, Waseda University, Japan
Rapporteur: Charlene Tsitsi Musiza, University of Cape Town, South Africa

-Axel Metzger, Humboldt-Universität, Berlin, Germany
"Crisis of Journalism: Copyright as Part of The Solution"

-Deepa Varadarajan, Georgia State University College of Law, USA
"Whistleblowers And Trade Secrecy's Long Shadow"

-Kacper Szkalej, (with **Martin Senftleben**), University of Amsterdam, The Netherlands
"Intellectual Property Law and Justice – Mitigating Legal Uncertainty for Knowledge Institutions"

-Anette Alén, University of Helsinki, Finland
"From Battles to Balance and Back – Document Analysis of EU Copyright Law in the Digital Era"

-Laurent Manderieux, Bocconi University, Italy
"Fashion As a Catalyst of Justice Seeking in IP Law?"

ATRIP 43rd Congress
Tuesday 24 June

15:30 - 16:00
6A.0.53
Wicked Rabbit Canteen

Afternoon Coffee Break

16:00 - 17:30

Session 8 (Parallels)

See rooms and content below

16:00 - 17:30
8A.4.17

8.1 IP & Justice: The Impact of AI on IP Frameworks

Chair: Bernd Justin Jütte, University College Dublin, Ireland
Rapporteur: Ghati Nyehita, University of Cape Town, South Africa

-V.C. Vivekanandan, Hidayatullah National Law University, Raipur, India
"AI, IP, and the Doppelgänger Conundrum: Balancing Justice for Creators and Consumers"

-Nadia Naim, Aston University, UK
"Copyright Law and AI: Time for a New International Standard "

-Ciresh Singh, University of South Africa, South Africa
"AI, IP and Justice"

-Célia Matias, Faculty of Law, University of Macau, China
"Copyright, Social Justice, and Generative AI: Lessons from Brazil's AI Bill"

-Pierre El Khoury, Université La Sagesse, Lebanon
"Balancing Exceptions and Limitations in the Age of AI: Towards Fairness in Copyright Law?"

ATRIP 43rd Congress
Tuesday 24 June

16:00 - 17:30
8A.4.35

8.2 IP & Justice: Market Fairness and The Consumer Lens

Chair: Josef Drexl, Max-Planck-Institute for Innovation and Competition, Germany
Rapporteur: Maciej Padamczyk, Queen Mary, University of London, UK

-Mikhalien du Bois, University of South Africa, South Africa
"Applying a Theory of Natural Monopoly to Patent Law for a Constitutionally Permissible Balance between Property Rights and Public Interests as Promoted in Competition Law"

-Carlo Meo, Universitas Mercatorum, Italy
"Competition In the Market for Copyright Collective Management: Issues of Cultural Diversity and Distributive Justice"

-Lavinia Brancusi, Polish Academy of Sciences, Poland
"More Is Not Necessarily Better – Access to Spare Parts at The Intersection of EU 'R2R', Design and Competition Law"

-Eleni Tzoulia, Faculty of Law, Aristotle University of Thessaloniki, Greece
"Interoperability for the Green Transition in Electronics: Balancing IP, Competition, and Consumer Protection in the EU"

-Giorgio Spedicato, University of Bologna, Italy
"Sustainability through Information? Risks and Opportunities of the Informational Paradigm Underpinning the New EU Anti-Greenwashing Legislation"

ATRIP 43rd Congress
Tuesday 24 June

16:00 - 17:30
8A.4.47

8.3 IP & Justice: Innovation – Driving Forces and Distribution

Chair: Reto Hilty, Max-Planck-Institute for Innovation and Competition, Germany
Rapporteur: Camilla Signoretta, Scuola Superiore Sant'Anna, Pisa, Italy

-Michael J. Burstein, Cardozo Law School, USA
"The Law of the Direction of Innovation"

-Esther van Zimmeren, University of Antwerp, Belgium
"The European Patent System at the Crossroads: Towards an Adaptive, Resilient and Just Future "

-Sharon K. Sandeen, Mitchell Hamline School of Law, USA
"New Theories of Innovation and Creativity"

-Svitlana Iasechko, Kharkiv University of Internal Affairs, Kharkiv, Ukraine
"Intellectual Property and Genetic Data Protection in AI Driven Drug Development for Rare Diseases"

-Neethu Rajam, National Law University of Delhi, India; Faculty of Law, University of Copenhagen, Denmark
"The Consequences of Distributive Justice for Intellectual Property Rights"

ATRIP 43rd Congress
Tuesday 24 June

16:00 - 17:30
8B.4.03

8.4 IP & Justice: Perspectives from the Young Academy

Chair: Evana Wright, University of Technology Sydney, Australia
Rapporteur: Anja Møller Pedersen, University of Copenhagen, Denmark

-Michalina Kowala, Faculty of Law and Administration Adam Mickiewicz University, Poznań, Poland
"Copyright As a Tool to Render Justice in The Press Sector? The Case of The Press Publishers' Rights and Platforms' Dominance"

-Stav Zeitouni, University of California, Berkeley School of Law, USA
"A Theory of Noncommerciality in Fair Use"

-Laura Valtere, University of Copenhagen, Denmark
"The Incentive Systems to Support De Novo and Follow-On NGT-Derived Plant Innovation"

-Gabriela Lenarczyk, University of Copenhagen, Denmark
"From Off-label to On-point: Article 48 of the EU Pharmaceutical Regulation as a New Paradigm for Drug Repurposing"

-Marta Sznajder, University SWPS, Warsaw, Poland
"Navigating the SPC Landscape: Implications of Recent CJEU Rulings on Biological Drug Protection"

-Ghati Nyehita, University of Cape Town, South Africa
"Intellectual Property as a Tool for Reparative Justice and Economic Empowerment for Refugee Women in Africa"

18:30 - 22:00

Galla Dinner

Address: Frue Plads 4, 1168 Copenhagen K
Program:
-Welcome drink: 18:30-19:30
-Dinner: 19:30-22:00

ATRIP 43rd Congress
Wednesday 25 June

Scientific Program

Wednesday 25 June

Exploring the Interface Between Intellectual Property and Justice: Theory and Practice in a Dynamic Reality

08:15 - 09:00 23.0.50	**Registration** Light refreshments will be served
09:00 - 10:30	**Session 9 (Parallels)** See rooms and content below

ATRIP 43rd Congress
Wednesday 25 June

09:00 - 10:30
8A.4.17

9.1 IP & Justice: Exploring Geographical Indications

Chair: Irene Calboli, Texas A&M University School of Law, USA
Rapporteur: Charlene Tsitsi Musiza, University of Cape Town, South Africa

-Justin Hughes, Loyola Marymount University, USA
"Adieu, Terroir - How Geographical Indications Law Is Becoming More Like Certification Mark law"

-Vishv Priya Kohli, Copenhagen Business School, Denmark
"Explicit And Implicit Mechanisms Aimed at Adapting IP Laws To the Evolving Concept of Justice in A Dynamic Reality"

-Bernardo Calabrese, Università degli studi di Verona, Italy
"Geographical Indications Revisited: 'Ingredients' for a Sui Generis IP Justice?"

-Kelly Lisandra Bruch, Federal University of Rio Grande do Sul, Brazil
"How Geographical Indications Could Promote a Sustainability Justice?"

-Lung-Sheng Chen, College of Law, National Chengchi University, Taiwan
"Trademark and Plant Variety Name Conflicts: Lessons from the EU and Taiwan"

ATRIP 43rd Congress
Wednesday 25 June

09:00 - 10:30
8A.4.35

9.2 IP & Justice: Fairness and Music

Chair: Péter Mezei, University of Szeged, Hungary
Rapporteur: Gabriele Cifrodelli, University of Glasgow, UK

-Seán O'Connor, George Mason University, USA
"Dilla Time: Copyright and Distributive Justice for Beatmakers"

-Joseph P. Fishman, Vanderbilt University Law School, USA
"Infringement as Betrayal: How Songwriters Think About Wrongful Similarity "

-Paul Torremans, School of Law, University of Nottingham, UK
"Copyright Buyouts V Mandatory Equitable Remuneration: The Fight for Justice for Authors?"

-Maria José Schmidt-Kessen, Central European University, Vienna, Austria, and **Gil Dagan**, Max Planck Institute for Innovation and Competition, Munich
"Beyond Copyright Protection: Exploring External Regulation to Reinforce Fairness in Digital Music Exploitation—'Don't Stop 'Til You Get Enough'"

-Vishwas Hebbidrumetlu Devaiah, BITS Law School, BITS Pilani, Mumbai, India
"Marriages Are Made in Heaven and So is Music! - Is the Indian Approach to Exempt Royalty Claims Over Music Played in Marriages Unfair?"

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Wednesday 25 June

09:00 - 10:30
8A.4.47

9.3 IP & Justice: The Business Lens

Chair: Christopher Jon Sprigman, New York University School of Law, USA
Rapporteur: Marta Sznajder, University SWPS, Warsaw, Poland

-Dana Beldiman, Bucerius Law School, Hamburg, Germany; University of California Law San Francisco, USA
"The Implications of Open Source in the Context of Artificial Intelligence: From "Free and Open" to Billions?"

-Janice Denoncourt, Nottingham Law School, Nottingham Trent University, UK
"From Ideas to Economic Justice: The Role of Lawyers and Accountants in Shaping an Agenda for The Future of IP Rights"

-Lodewijk Van Dycke, University of Leuven, Belgium
"Patents And Pensions: Intergenerational Justice and Technological Change"

-Suelen Carls, Bournemouth University, UK, University of Marília, Unimar, Brazil; and **Jonathan Barros Vita**, University of Marília, Unimar, Brazil
"IP Taxation, Geopolitics & Global Justice"

-Weiyu Zhang, The University of Tokyo, Japan
"Patent Licensing and Justice in Supply Chains: IoT, Dynamic Pricing, and Fair Compensation"

ATRIP 43rd Congress
Wednesday 25 June

09:00 - 10:30
8B.4.03

9.4 IP & Justice: The Ethical Lens

Chair: Duncan Matthews, Queen Mary University of London, UK
Rapporteur: Khushbu Kumari, Victoria University of Wellington, New Zealand

-Franziska Bächler and **Agnes Kandlbinder,** University of Basel, Switzerland
"Normative Negotiation Processes in Technology Regulation: CRISPR/Cas9 as A Touchstone of Negotiated Justice"

-Hayyan ul Haq, Law Faculty, Mataram University, Lombok, Indonesia
"Ethical Enforcement in Optimising Essential Intellectual Property Products for Protecting Human Dignity"

-Sara Gerke, University of Illinois Urbana-Champaign, College of Law, USA
"Transparency Through Labeling: Advancing Ethical and Responsible AI Regulation"

-Viva R. Moffat, University of Denver Sturm College of Law, USA
"So-Called "Artificial" Intelligence: Regulating AI for Humans"

-Desmond Oriakhogba, University of the Western Cape, South Africa
"Towards A Just, Fair and Equitable Approach to Intellectual Property in Artificial Intelligence Strategies in Africa"

ATRIP 43rd Congress
Wednesday 25 June

10:30 - 11:00
23.0.50

Morning Coffee Break

11:00 - 12:30

Session 10 (Closing Plenary)

Concluding Perspectives on IP & Justice – ATRIP Executive Committee Members Roundtable

Chair: Susy Frankel, Victoria University of Wellington, New Zealand; Past President ATRIP

-Nari Lee, Hanken School of Economics, Helsinki, Finland
"The Notion of Fairness in IP"

-Rochelle Dreyfuss, New York University School of Law, USA
"A Human Rights Approach to IPRs"

-Caroline B Ncube, University of Cape Town, South Africa
"Socio-Economic Aspects"

-Yahong Li, University of Hong Kong Faculty of Law, Hong Kong
"Technological Aspects"

-Ansgar Ohly, Ludwig Maximilan University Munich, Germany
"Future Directions"

ATRIP 43rd Congress
Wednesday 25 June

12:30 - 13:00

ATRIP Essays Competition – Award of the FICPI Prize

Chair: Christophe Geiger, Luiss Guido Carli University, Rome, Italy; Past President ATRIP

Award Presenter: Michael Caine – FICPI Vice-President

Presentation of the Winning Essay:

Inbar Cohen, New York University, USA; Research fellow at the Chief Justice Meir Shamgar Center for Digital Law & Innovation, Tel Aviv University

"Scientific Muse and Misuse: Reevaluating Authorship Attribution and Liability Allocation in the Generative AI Age"

13:00 - 13:10

Closing Addresses of the Congress

-Orit Fischman-Afori, College of Management, Israel; President ATRIP
-Jens Schovsbo, University of Copenhagen, Denmark; Past President ATRIP

13:10 - 13:45

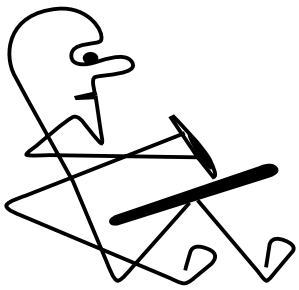
ATRIP General Assembly

13:45 - TBA

Closing Lunch

16:00 - 18:00

Optional Tour - for registered participants



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