

## Intellectual Property Rights

26 February – 9 March 2018

### Course Description

This course will examine the functions of intellectual property rights in the world trading system. It will explore the general rules of the TRIPS Agreement as well as its negotiating history and interpretation up to the present. It will offer an introduction to the main forms of intellectual property rights, the scope and exceptions of rights and also will explain the basic underlying principles of the international intellectual property system based upon a number of international conventions, including the international registration systems of WIPO. The course will discuss the economic foundations of intellectual property rights and their role in the process of innovation, specialisation and competition in the global economy. It will address the problem of enforcement of intellectual property rights and the challenges this problem entails for future developments in the field. It is of interest to lawyers, economists and government officials working on TRIPS and intellectual property issues.

### Course Details

**Participants:** Open course (MILE, TRAIL+, DAS, CAS and à la Carte)

**Requirement:** Optional

**Price:** CHF 2'400 for the entire course (only for à la Carte participants)

**Format:** Modular, expository-interactive lecture

**ECTS:** 3 (only for MILE, TRAIL+, DAS and CAS)

**Lecturers:** Felix Addor and Experts from the Swiss Federal Institute of Intellectual Property Rights, Mira Burri, Thomas Cottier, Jayashree Watal, Sacha Wunsch-Vincent

### Biographies

**Felix Addor:** Felix Addor serves as the Deputy Director General of the Swiss Federal Institute of Intellectual Property (Swiss Ministry of Justice), the federal agency in charge of all intellectual property matters in Switzerland ([www.ige.ch](http://www.ige.ch)). As the Institute's General Counsel and Director of the Legal and International Affairs Division, he has been responsible for legal and policy matters regarding all fields of

intellectual property at the national and international level since 1999. He leads Swiss negotiating delegations to the relevant international fora, such as the World Trade Organization and the World Intellectual Property Organization, and to bi- and plurilateral trade and IP negotiations. Since 2008, Felix Addor has been a Professor at the Faculty of Law, University of Bern, too. He lectures on intellectual property law, international negotiations and global governance at the University of Bern, the World Trade Institute, and the Graduate Institute of International and Development Studies in Geneva, among others. At the Graduate Institute Geneva, he acts as a Senior Fellow of the Global Health Programme, too. Prof. Addor has authored numerous articles and he is a regular guest lecturer on various issues of intellectual property and negotiation. He received an MLaw (magna cum laude) and a Dr. iur. (summa cum laude, awarded by the Professor Walther Hug Foundation) from the University of Bern, and he was admitted to the Canton Bern State Bar in 1990. Felix Addor will be joined by fellow expert colleagues from the Swiss Federal Institute of Intellectual Property Rights (IPI), namely; Mathias Schöli, Head of International Trade Relations Unit discussing the WTO DS case *Australia-Plain Packaging*; Dr. Kamran Houshang Pour, Patent Expert and IP Trainer discussing the different ways of patent application and in particular, the international patent application due to PCT and the European patent application as a regional example; Erik Thévenod-Mottet, Advisor for National and International Affairs on Geographical Indications and Indications of Source and Julie Poupinet, responsible for relationship and capacity building concerning the Madrid system between WIPO and IPI and for the trademark research unit will discuss the basic notions of the Lisbon Agreement for GIs and the Madrid Agreement for trademarks and political differences about the protection of GIs; Sabrina Konrad, Legal Expert in the Copyright Law Unit will deal with copyright, including issues of digital trade and Emanuel Meyer, Head of Copyright Law Unit, will discuss the WTO DS case *United States-Section 110(5) of US Copyright Act (DS160)*; Martin Girsberger, Head of Sustainable Development & International Cooperation will be discussing genetic resources and traditional knowledge.

**Mira Burri:** Mira Burri is senior lecturer and managing director for internationalisation at the Faculty of Law of the University of Lucerne since April 2016. In this role, she is responsible for advancing the internationalisation strategy of the Faculty, expanding and improving our international academic programme, our network of partner institutions and the mobility opportunities for Lucerne-based and incoming students. She will be also adding a new set of courses to the Faculty's curriculum and teaching International Law of Contemporary Media, Digital Copyright, Internet Law and International Intellectual Property Law. Prior to joining the University of Lucerne, Mira Burri was a senior fellow at the World Trade Institute at the University of Bern, where she led a project on digital technologies and trade governance as part of the Swiss National Centre of Competence in Research (NCCR): Trade Regulation. Mira Burri received her law degree from the University of Sofia and a Master of Advanced European Studies (MAES) from the Europe Institute of the University of Basel. Her

doctoral thesis dealt with EU competition law and was awarded the Professor Walther Hug prize (2006/2007). Mira Burri completed her habilitation in 2015 with *venia docendi* for international economic law, European and international communications and media law, as well as Internet law. Mira Burri is the author of the books *EC Electronic Communications and Competition Law* (Cameron May 2007); *The Classification of Services in the Digital Economy* (Springer 2012; with Weber) and *Public Service Broadcasting 3.0* (Routledge 2015). She is the co-editor of the publications *Free Trade versus Cultural Diversity* (Schulthess 2004); *Digital Rights Management: The End of Collecting Societies?* (Stämpfli et al. 2005); *Intellectual Property and Traditional Cultural Expressions in a Digital Environment* (Edward Elgar 2008); *Governance of Digital Game Environments and Cultural Diversity* (Edward Elgar 2010); *Trade Governance in the Digital Age* (Cambridge University Press 2012) and *The Institutions of Global Internet Governance* (Cambridge University Press, forthcoming 2016). She has published in a number of peer-reviewed outlets, such as the *Journal of International Economic Law*, the *Common Market Law Review*, the *European Law Review*, and the *International Journal of Cultural Property*. Mira Burri is a member of the editorial boards of the *International Journal of Communications Law and Policy*, the *International Journal of Cultural Property* and the *Arts and International Affairs*. She has consulted the European Parliament on cultural diversity matters and is a member of the EU Expert Network for Culture and Audiovisual. Mira Burri consults, amongst others, the International Centre for Trade and Sustainable Development, the World Economic Forum on innovation issues, in particular with regard to digital trade and Internet governance.

**Thomas Cottier:** Thomas Cottier, former Managing Director of the World Trade Institute, is Professor Emeritus of European and International Economic Law at the University of Bern. He published widely in the field of international economic law, with a particular focus on constitutional theory and intellectual property. He directed the national research programme on trade law and policy (NCCR International Trade Regulation: From Fragmentation to Coherence) located at the WTI from 2006-2014. He is an associate editor of several journals. He was a visiting professor at the Graduate Institute, Geneva, the Paris I Sorbonne, University of Barcelona, and regularly teaches at the Europa Institut Saarbrücken, Germany, at Wuhan University, China, at the University of Torino and more recently at the University of Ottawa, Canada. He was a member of the Swiss National Research Council from 1997-2004 and served on the board of the International Plant Genetic Resources Institute (IPGRI) Rome during the same period. He served the Baker & McKenzie law firm as Of Counsel from 1998 to 2005. He held several positions in the Swiss External Economic Affairs Department and was the Deputy-Director General of the Swiss Intellectual Property Office. Prof. Cottier has a long-standing involvement in GATT / WTO activities. He served on the Swiss negotiating team of the Uruguay Round from 1986 to 1993, first as Chief negotiator on dispute settlement and subsidies for Switzerland and subsequently as Chief negotiator on TRIPs. He has served as a member or chair

of several GATT and WTO panels and served on a high-level panel reviewing the International Health Regulations of the World Health Organization.

**Jayashree Watal:** Ms Jayashree Watal has been Counsellor in the Intellectual Property Division of the World Trade Organization since February 2001. She also holds the part-time position of Adjunct Professor of Law at the Georgetown University Law Center (since 2009) and of Senior Fellow at Melbourne Law, University of Melbourne (2011–2012) and teaches intellectual property law and economics on the IELPO programme at the University of Barcelona (since 2011) and at the World Trade Institute, University of Bern (since 2012). Ms Watal holds postgraduate degrees in both law and economics and has more than twenty-two years of experience in government in India, of which ten years were devoted to policy, diplomacy, research and administration on intellectual property rights. She worked in the Ministry of Commerce of the Government of India as Director, Trade Policy Division, New Delhi (1995–1998). She represented India at a crucial stage in the Uruguay Round TRIPS negotiations from 1989–1990. She has researched and published articles on issues related to the law and economics of intellectual property rights, including a book *Intellectual Property Rights in the WTO and Developing Countries* (Oxford University Press, India and Kluwer Law International, 2001). She was a Visiting Scholar at the Center for International Development at Harvard University (2000) and at the Peterson Institute for International Economics, Washington, DC (October 1998–August 2000) and at the George Washington University Law School, Washington, DC (1997–2000).

**Sacha Wunsch-Vincent:** Dr. Sacha Wunsch-Vincent is the Senior Economist under the Chief Economist at the World Intellectual Property Organization (WIPO). He is one of the main authors of the World Intellectual Property Report since 2011, and Editor of the Global Innovation Index. His primary research foci and current area of work are concerned with the interaction of innovation, intellectual property and economic development. Before joining WIPO to contribute to the creation of its economics work, he was co-leader an economist at the OECD Directorate for Science, Technology, and Industry. Before that he was the Swiss National Science Fellow at the Berkeley Center for Law and Technology (University of California, Berkeley) and the Peterson Institute for International Economics. He served as advisor to various governments and organizations such as the World Bank and the World Economic Forum. He also testified to various Parliaments, mostly on copyright and innovation issues. He holds a Master's degree in international economics from the Maastricht Economic Research Institute on Innovation and Technology, University of Maastricht, and a PhD in economics from the University of St. Gallen, Switzerland. Next to his assignment at the WTI, Sacha teaches international economics at Sciences Po Paris and the World Bank Institute.