

Intellectual Property Law and Technology Transfer

Semester: Spring Semester- FS 2023

Root Number: 481935

ECTS: 3

Lecturer: Professor Thomas Cottier, Dr. Zaker Ahmad, Professor Andreas Heinemann, Jayashree Watal, IPI, Dr. Kamran Housangpour

Dates: **July 24 to July 28, 2023**

Room: This is a hybrid course. The course will be held on-site at the World Trade Institute and online on Zoom.

Audience:

- Government officials; Embassy staff; people working for international organizations and NGOs, industry and in legal practice
- Master of Advanced Studies of International Law and Economics (MILE) Students
- Joint LL.M. / Diploma of Advanced Studies Trade and Investment Law (TRAIL+) Students - World Trade Institute / Faculty of Law, Unibe
- Certificate of Advanced Studies / Diploma of Advanced Studies in International Law and Economics (CAS ILE & DAS ILE) Students - World Trade Institute, Unibe
- Master students from different universities across Switzerland

Course Description

Transfer and dissemination of low-carbon technology are essential to achieve mitigation goals agreed upon at COP 26 and 27 of the UNFCCC and the Paris Accord. It is equally essential to address climate change adaptation technologies, particularly in agriculture. Many of these technologies are protected by intellectual property rights. The course discusses the state of play in the transfer of technology, existing obligations and challenges. To this effect, it offers introductory lectures on international intellectual property law and the economics of IP. It discusses commercial and concessionary licencing of technology. It offers an introduction to patent information and patent landscaping in cooperation with the Swiss Intellectual Property Institute (IPI). It develops a number of ideas under the principle of common concern of humankind as to how the transfer of technology can be strengthened and implemented in the context of emission trading, CBAM, investment promotion, export credits and tax reductions. Successful

transfer of technology is absolutely essential to decarbonisation, the reduction of dependence on coal and gas also in the global South, and for reaching global goals of limiting warming to 1.50 or 20 C. The fact that it is of global benefit irrespective of the location and country of investment is a game changer which calls for new thinking and approaches in international law.

Lecturers

Professor Thomas Cottier

Prof.em. 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. Watal is Adjunct Professor at Georgetown Law and Honorary Professor at the National Law University, Delhi. She was Counsellor in the Intellectual Property Division of the World Trade Organization from February 2001 to July 2019, where she has dealt with negotiations on TRIPs and public health. She has more than twenty two years of experience in government in India, of which ten years was devoted to policy, diplomacy, research and administration on intellectual property rights, including representing India in the TRIPs negotiations. She has researched and published on issues related to 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 Institute for International Economics, Washington DC (Oct. 1998-August 2000) and at the George Washington University Law School, Washington, D.C. (1997- 2000). She worked in the Government of India, Ministry of Commerce as Director, Trade Policy Division, New Delhi (1995-1998). She has a post-master's degree in trade law (DESS) from the University of Paris-V; M.A. in Economics from Gokhale Institute for Politics and Economics, Pune, India; and a B.A. from Fergusson College, Pune, India.

Andreas Heinemann

Andreas Heinemann, Diplom-Ökonom, DIAP (ENA, Paris), is Professor of Commercial, Economic and European Law at the University of Zurich and permanent visiting professor at the University of Lausanne. After studies in economics and law he was awarded the Diplôme Supérieur de Droit Comparé from the Faculté Internationale de Droit Comparé in Strasbourg, and the Diplôme International d'Administration Publique (DIAP) from the Ecole Nationale d'Administration (ENA), then in Paris. He passed his bar exam in Berlin and completed his PhD and Habilitation at the University of Munich's faculty of law. His research focuses on Swiss, European and International Economic Law with a special emphasis on competition and intellectual property law. He is a member of the board of the Europa Institute at the University of Zurich and a member of the Bureau of the OECD Competition Committee. He is a member of the Swiss Competition Commission since 2011, and its president since 2018. More information is available at:

www.ius.uzh.ch/de/staff/professorships/alphabetical/heinemann.html

Kamran Houshang Pour

Dr. Kamran Houshang Pour is patent expert and IP trainer at Swiss Institute of Intellectual Property (IPI) in Bern. After obtaining a PhD in physics at the EPF Lausanne he worked as product manager at Nortel Networks in Zurich, where he conducted yield improvement projects for the existing products, qualified new products and introduced them into the market. He later cofounded a consulting entity providing technical supports specially for young start-ups with the quality management as well as with the technical questions. After a master in statistics at the Université de Neuchâtel, he returned as Post Doc to EPFL (TRANSP-OR) conducting an externally financed project on modelling customer behaviour. Since 2008, he is working at IPI, where as patent expert he conducts different type of patent searches, such as validity or freedom-to-operate searches, and examines patent applications in his field of knowledge. As IP trainer, he gives lectures on diverse intellectual property subjects at the universities and in the companies. Kamran also obtained his Master in IP Law and Management at CEIPI, Strasbourg in 2019.

Zaker Ahmed

Zaker, a graduate of the MILE 13 class, obtained his Dr. iur. degree from the WTI in 2020. He also holds LLB and LLM degrees from the University of Chittagong in Bangladesh.

Zaker's doctoral research, financed by a Swiss National Science Foundation (SNF) grant to the project 'Towards a Principle of Common Concern in Global Law', dealt with the issue of WTO law and trade policy reform for low-carbon technology diffusion. Its particular focus was on the crucial importance of dismantling market barriers and offering incentives to improve clean technology access and uptake across borders. It also showcased the role of the emerging doctrine and principle of Common Concern of Humankind in that context.

Currently, Zaker is a Postdoctoral researcher at the Georg-August University in Göttingen, financed by the Alexander von Humboldt Foundation. He also works as an Associate Professor of Law in the University of Chittagong. He took up short-term research and consultancy assignments in the past, including work for the EU funded Bangladesh Trade Policy Support Program

Assessment

- Students' knowledge will be assessed on the basis of a take home exam which needs to be completed on an individual basis.
- Take-home assignment made available on 28 July 2023, 13:00 and to be submitted before 29 July 2023, 20:00 to masters@wti.org

Course Overview

Date	Day	Time	Topic / lecturer
24 July	Monday	10:00 12:00	Intellectual Property: Sources and Principles / Thomas Cottier
		13:00 15:00	The Scope of Rights / Thomas Cottier
25 July	Tuesday	10:00 12:00	IP Scope of Rights, Enforcement of Rights / Thomas Cottier
		13:00 15:00	The Economics of IPR / Jayashree Watal
26 July	Wednesday	10:00 12:00	Intellectual Property and Competition Law The Commercial Licensing of Intellectual Property Rights / Andreas Heinemann
		13:00 15:00	Patent Search and landscaping in sustainable technologies / IPI, Kamran Housang Pour
27 July	Thursday	10:00 12:00	Transfer of Sustainable Technology in Climate policy / Zaker Ahmad
		13:00 15:00	New Foundations: The Principle of Common Concern of Humankind and International Cooperation Obligations under UNFCCC and PA / Zaker Ahmad
28 July	Friday	9:00 13:00	Transfer of Sustainable Technology in climate Policy / Thomas Cottier, Zaker Ahmad
29 July	Saturday	20:00	Case study/exa, (take-home assessment)

MONDAY, JULY 24, 2023

Lecturer: Thomas Cottier

Subject

- Intellectual Property: Sources and Principles

Topics

- Introduction
- Agreements
- MFN/NT
- IP Principles
- Forms of Rights

Reading material to be completed

TUESDAY, JULY 25, 2023

Lecturer: : Thomas Cottier

Subject

- Intellectual Property: Scope of Rights

Topics

- Fair Use
- Compulsory Licensing
- Enforcement of Rights
- International
- Domestic

Reading material to be completed

Lecturer: Jayashree Watal

Subject

- The Economics of IPR

Topics

- Market Failures
- Incentives to creation of information and technology

WEDNESDAY, JULY 26, 2023

Lecturer: Andreas Heinemann

Subject

- Intellectual Property and Competition law

Topics

- The commercial licensing of Intellectual Property Rights
- US
- EU/CH

Reading material to be completed

Lecturer: Kamran Housang Pour

Subject

- Patent Search and landscaping in sustainable technologies

Topics

- Mitigation
- Adaptation
- Case Study

THURSDAY, JULY 27, 2023

Lecturer: Zaker Ahmad

Subject

- Transfer of Sustainable Technology in Climate Policy

Topics

- Assessment of Needs
- UNFCCC/PA Regulatory Foundations
- Existent Funds and Programs
- Challenges

Reading material to be completed

Lecturer: Zaker Ahmad / Thomas Cottier

Subject

- New Foundations: the principle of common concern of humankind and international cooperation
- Obligations under UNFCCC and PA



FRIDAY, JULY 28, 2023

Lecturer: Zaker Ahmad

Subject

- Transfer of Sustainable Technology in Climate Policy

Topics

- Public finance
- CBAM and Emission Trading
- TRIPS Obligations

Reading material to be completed

Lecturer: Zaker Ahmad / Thomas Cottier

Topics

- Investment Promotion
- Export promotion and export subsidies
- Tax incentives

SATURDAY, JULY 29, 2023

Take-home assessment due 20:00