

## Multidisciplinary Research Workshop

# FRONTIERS IN INTELLECTUAL PROPERTY LAW

**10th October 2012, 11.00 – 13.00, Conference Room, Villa La Fonte**

The workshop aims to discuss the ethical, legal and economic boundaries of IP protection and to expose conflicting views on the granting of property rights for inventions and innovation.

The first session of the workshop revolves around patentability, with a focus on the well-known *Brüstle* case as decided in October 2011 by the Court of Justice of the European Union (Case C-34/10 *Oliver Brüstle v Greenpeace e.V.*). In adopting a broad view on the notion of ‘human embryo’, the Court negated the patentability of a particular type of cells, developed in vitro from human embryonic stem cells and used for scientific research. The controversial judgment has been discussed both in academia and industry circles: it was argued that it has the potential of hampering the development of potentially life-saving medical treatment.

The second part of the workshop adopts an economic perspective on the interrelationship between IP protection and innovation. Particular emphasis will be put on weak IP rights, research spill-overs and the incentive to innovate. Building upon the *Brüstle* case, the session investigates the conditions for the desirability of exclusive IP rights for innovators, as opposed to weak rights allowing for some degree of imitation and ex-post competition.

The conclusions will focus on the economics dimension of the interrelationship between IP protection and innovation.

Ultimately, the workshop aims to discuss the far-reaching ethical, economic and societal implications of the design of IP protection.

## WORKSHOP PROGRAMME

### **Session I – Patentability: legal and ethical perspectives**

Chair: MICHALIS ROUSAKIS, Max Weber Fellow, EUI

- 11:00      *CJEU Decision C-34/10, Brüstle v Greenpeace e.V.*  
SOFIA MORATTI, Max Weber Fellow, EUI
- 11:10      *European determinants of patentability in biotechnological inventions after Brüstle*  
AGNIESZKA KUPZOK, IMRS-CI, Munich
- 11:35      Comment by YANE SVETIEV, Max Weber Fellow, EUI
- 11:45      Discussion

### **Session II – IPRs and innovation: legal and economic perspectives**

Chair: DAVID PRETEL, Max Weber Fellow, EUI

- 12:00      *On the economics of trade secrets law*  
LUIGI A. FRANZONI, Faculty of Economics, University of Bologna
- 12:25      Comment by LUANA SWENSSON, Max Weber Fellow, EUI

### **Conclusions**

- 12:35      DAVID K. LEVINE, Washington University in St. Louis & EUI
- 12:45      Discussion