

The 7th international seminar for judges on the protection of intellectual property rights has been held in Daugavpils

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At the beginning of September, a seminar for judges on current issues in the field of protection of intellectual property (IP) took place in Daugavpils. It was held for the 7th year by the Patent Office in cooperation with the World Intellectual Property Organization (WIPO) and the European Union Intellectual Property Office (EUIPO).

More than 60 participants took part in the seminar. They were Latvian judges and their colleagues from Estonia, Lithuania, Poland, Great Britain, as well as representatives of the Industrial Property Board of Appeal, Patent Office, Ministry of Justice, Ministry of Culture, WIPO, and EUIPO.

☞ Opening the seminar, Agris Batalauskis, Director of the Patent Office, noted: "This seminar is a great opportunity to listen to presentations of internationally recognized experts in the field of IP law, share experiences, and participate in discussions. We are very pleased with the judges' responsiveness and willingness to dive deep into these complicated issues. In order to face new challenges with confidence, we need knowledge. We are witnessing how new technologies are changing the economic environment. The interaction between the real and virtual worlds is becoming closer. The ability to respond to rapid changes is a serious challenge for judges and IP professionals."

Eun-Joo Min, Director of the WIPO's Judicial Institute, thanked the Patent Office for organizing the seminar, stressing that the management of IP cases by courts differs in European countries. She pointed out that such a seminar provides an invaluable opportunity to learn about different experiences, approaches, and find the best solutions for IP enforcement.

Normunds Lamsters, a legal officer of the EUIPO's Boards of Appeal and former expert of the Patent Office, gave an overview of the latest decision-making practice of the Boards of Appeal.

Prof. Dr. Alexander von Mühlendahl, Attorney-at-Law from BARDEHLE PAGENBERG, Munich, gave two presentations. First, he provided a review of the recent IP case law of the Court of Justice of the European Union, pointing out that these lawsuits are quite long-lasting and also expensive. In his second presentation on peaceful coexistence of trademarks and their unitary character, Dr. Mühlendahl analyzed the possibilities of finding a reasonable compromise to use similar trademarks taking into account the fact that there are over 3.5 million registered trademarks worldwide.

Lord Justice Colin Birss, Deputy Head of Civil Justice of the Court of Appeal of England and Wales, gave a detailed assessment of the cases when supplementary protection certificates are required. In pharmacy, medicine, veterinary medicine, the development of new patentable products is time-consuming and expensive, so supplementary protection is a useful tool for extending the term of a patent.

IP is very important in sports and especially in the industries that have developed around sports. Erling Vestergaard, IP Enforcement Expert at the European Observatory on Infringements of IP Rights, gave a talk about IP issues concerning global sports events - Olympic Games, World Championships that reach huge audiences. In turn, Michele Woods, Director of the Copyright Law Division of the WIPO's Copyright and Creative Industries Sector, outlined the path for sustainable sports development from the point of view of IP rights.

Dace Liberte, Chairperson of the Patent Office's Industrial Property Board of Appeal, gave an insight into key recent decisions on trademarks and designs of the Board. The speaker also actively involved the participants in the discussion about these decisions. In most cases, the assessments of the Board of Appeal and the judges coincided.

The fact that the rapid growth of digital technologies and opportunities often creates legal uncertainty in the protection of IP was highlighted by the EUIPO's expert Erling Vestergaard in his second presentation on non-fungible tokens (blockchain) and IP. Ilona Pētersone, Head of the Copyright Division of the Ministry of Culture, covered copyright cases where the author is AI.

The fragile line between free use and illegal copying was marked with German precision by Prof. Dr. iur. Thomas Dreier from Karlsruhe Institute of Technology. Dr. iur. Rihards Gulbis, Scientific Adviser of the Department of Civil Cases of the Supreme Court of the Republic of Latvia, gave an overview of the cases when it is necessary to block access to copyright-protected content illegally available on websites.

The participants of the seminar also took part in two round table discussions on the management of IP cases in court and compared the practices of different countries dealing with illegal copying or use of protected content.

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