



MASTER CLASS

WIPO/IP/JU/DEL/24/1
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Master Class on Intellectual Property Adjudication

– Judicial Perspectives

organized by
the World Intellectual Property Organization (WIPO)

and
the High Court of Delhi

New Delhi, March 7 to 9, 2024

PROGRAM

prepared by the International Bureau of WIPO

DAY – 1 : THURSDAY, MARCH 7, 2024

- 9.00 – 9.50 **Opening**
- 9.00 – 9.05 Lighting of the Lamp
- 9.05 – 9.10 Opening Address by
Justice Prathiba M. Singh, High Court of Delhi, India
- 9.10 – 9.15 Welcome Address by
Hon'ble Mr. Justice Manmohan, Chief Justice, High Court of Delhi, India
- 9.15 – 9.20 Introduction of the WIPO Master Class
Eun-Joo Min, Director, WIPO Judicial Institute
- 9.20 – 9.30 Address by Guest of Honor [video]
Dr. S. Jaishankar, Hon'ble Minister, Ministry of External Affairs
- 9.30 – 9.40 Address by the Chief Guest
Hon'ble Mr. Justice Sanjiv Khanna, Justice, Supreme Court of India
- 9.40 – 9.45 Vote of Thanks
- 9.45 – 10.30 **High Tea**
- 10.30 – 12.00 **Session 1. Interplay of IP proceedings in Different Fora**
- Administrative proceedings v judicial proceedings
 - National courts v regional courts
 - Arbitration and mediation
 - Engagement with foreign approaches and experiences
- Overview (45 minutes)*
- Judge Rian Kalden, Presiding Judge, Second Panel of the Court of Appeal,
Unified Patent Court
- Justice Prathiba M. Singh, High Court of Delhi, India
- Eun-Joo Min, Director, WIPO Judicial Institute
- Discussion (45 minutes)*
- 12.00 – 13.00 **Tour of the High Court of Delhi**
- 13.00 – 14.30 **Lunch Break**
- 14.30 – 16.00 **Session 2. Current Issues in Patents (1): Standard Essential Patents**
- Role of the court in SEP/FRAND disputes
 - Contract law v competition law
 - Patent validity, patent infringement, SEP, FRAND defense
 - How to determine FRAND rate
 - Jurisdiction and remedies
 - Dealing with confidentiality
- Overview (30 minutes)*

Lord Justice Colin Birss, Court of Appeal of England and Wales
Justice Klaus Grabinski, President, Court of Appeal, Unified Patent Court
Break-out discussion in groups (45 minutes)
Summarizing analysis (15 minutes)

16.00 – 16.20 **Tea Break**

16.20 – 17.30 **Session 3. Current Issues in Patents (2): Pharmaceutical Patents**

- Interplay of the public health/drug regulation and patent law
- Biosimilars
- Distinctive patent case management elements
- Compulsory licensing

Overview (30 minutes)

Justice Annabelle Bennett (ret.), Federal Court of Australia

Judge Rian Kalden, Presiding Judge, Second Panel of the Court of Appeal,
Unified Patent Court

Discussion (40 minutes)

19.00 **Evening Reception**

DAY – 2 : FRIDAY, MARCH 8, 2024

9.30 – 11.00 **Session 4. Territoriality of IP Rights (1): Exhaustion**

- Copyright, patents and trademark
- Parallel imports
- Repackaging and relabeling of products

Overview (30 minutes)

Circuit Judge Jimmie V. Reyna, Court of Appeals for the Federal Circuit,
United States of America

Justice Prathiba M. Singh, High Court of Delhi, India

Break-out discussion in groups (45 minutes)

Summarizing analysis (15 minutes)

11.00 – 11.15 **Tea Break**

11.15 – 12.15 **Session 5. Territoriality of IP Rights (2): Adjudicating Extraterritorial Infringement**

Overview (30 minutes)

Justice Annabelle Bennett (ret.), Federal Court of Australia

Justice Klaus Grabinski, President, Court of Appeal, Unified Patent Court

Discussion (30 minutes)

12.15 – 13.45 **Lunch Break**

- 13.45 – 14.15 **Address by Dr. Unnat P. Pandit, Controller General of Patents, Designs and Trade Marks, Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry**
- 14.15 – 15.45 **Session 6. Frontier Technologies and Intellectual Property**
- Authorship and inventorship in AI-generated works and inventions
 - Unauthorized use of copyright and trademarks in the metaverse
 - Intellectual property infringement by AI systems
- Overview (30 minutes)*
- Eun-Joo Min, Director, WIPO Judicial Institute
- Circuit Judge Jimmie V. Reyna, Court of Appeals for the Federal Circuit, United States of America
- Break-out discussion in groups (45 minutes)*
- Summarizing analysis (15 minutes)*
- 15.45 – 16.00 **Tea Break**
- 16.00 – 17.00 **Session 7. Dealing with Scientific Evidence in Emerging Areas of Technology**
- Overview (30 minutes)*
- Lord Justice Colin Birss, Court of Appeal of England and Wales
- Discussion (30 minutes)*
- 19.00 **Evening reception**

DAY – 3 : SATURDAY, MARCH 9, 2024

- 9.30 – 10.30 **Session 8. Specialized Rules of Procedure for IP Disputes**
- Claim construction
 - Summary proceedings
 - Evidence collection and preservation
- Overview (30 minutes)*
- Judge Rian Kalden, Presiding Judge, Second Panel of the Court of Appeal, Unified Patent Court
- Justice Prathiba M. Singh, High Court of Delhi
- Discussion (30 minutes)*
- 10.30 – 12.00 **Session 9. Injunctive Relief: Content Blocking, Search Engine De-Indexing and Geo-Blocking**
- Overview (30 minutes)*
- Lord Justice Colin Birss, Court of Appeal of England and Wales
- Circuit Judge Jimmie V. Reyna, Court of Appeals for the Federal Circuit, United States of America

Break-out discussion in groups (45 minutes)

Summarizing analysis (15 minutes)

12.00 – 12.30 **Concluding Roundtable: Comparative Insights and Perspectives**

12.30 **Closing followed by Lunch**

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