



Industrial Property Course – Patents, 2024 Edition
Corso di Proprietà Industriale – Brevetti, edizione 2024
Politecnico di Milano

Module	Date	Time	Topic	lecturers
			A general introduction into law, including main aspects of European Union law	
1	03 Oct. 23	09:30 - 12:45	<ul style="list-style-type: none">a) General introduction into continental law and common law legal system;b) Hierarchy of sources of law in both of aforesaid legal systems including presentation of bodies authorised to create the law as well as its legal and factual position and role in legislative procedure (among others: separation of powers, the importance of parliament sovereignty rule, role of president/king and judges, existence of written constitution, precedents);c) EU legal system including mainly: sources of Union Law and legislative procedure.d) The place of the EU's sources of law in hierarchy of national law of Member States.	Giulio Sironi Stefania Bergia
			Basic knowledge of private law, including contract law, company law and tort law in both common and continental law and EU law – part A	
2	03 Oct. 23	14:15 - 17:30	<ul style="list-style-type: none">a) General introduction into private law as the branch of the legal system and features distinguishing from others, mainly: the limited intervention of the states into the private law, corporate/natural persons, legal capacity, the range of private law.b) Contract law<ul style="list-style-type: none">i. general introduction into the contract lawii. main differences between the contract law principles in both continental and common law legal systems (mainly: the importance of statutory law in contract law in continental law legal system vs. the concept of contract law in common law legal system, <i>parol evidence rule</i>, privity of contract, basic elements of binding contract, other terms in contract, liability for breaching of the terms of contract);iii. license agreement for IP rights;	Giulio Sironi Stefania Bergia
			Basic knowledge of private law, including contract law, company law and tort law in both common and continental law and EU law – part B	



3	10 Oct. 23	09:30 - 12:45	<p>c) Company law</p> <ul style="list-style-type: none"> i. general introduction into the concept of company and partnership, ii. the difference between the companies incorporated under the continental law vs common law legal system, the internal regulations of companies and the importance of official commercial register as well as annual report. iii. international capital groups (holdings) in connection with the idea of IP rights as the subject to the transaction between related entities (on the international level) as the mechanism of obtaining tax benefits for the owners. <p>d) Tort law</p> <ul style="list-style-type: none"> i. general introduction into the concept tort law ii. basic differences between the concept of tortious liability for negligence in both continental and common law legal system, including the presentation the possible responsibility of person from whom the special knowledge is required (e.g. patent attorneys) <ul style="list-style-type: none"> - The idea of Trusts in common law legal system – short introduction into the concept of equity and trust law under the common law legal system 	Luigi Mansani
			Basic knowledge of international civil and commercial law – part A	
4	10 Oct. 23	14:15 - 17:30	<ul style="list-style-type: none"> a) Sources of international law b) Jurisdiction: Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels Regulation) and its amendments by the Regulation (EU) 542/2014 of the European Parliament and of the Council of 15 May 2014 as regards to the rules to be applied with respect to the Unified Patent Court and the Benelux Court of Justice 	Ivana Kunda
			Basic knowledge of international civil and commercial law – part B	
5	17 Oct. 23	09:30 - 12:45	<p>c) Applicable law</p> <p>Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) and Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on</p>	Ivana Kunda



			<p>the law applicable to non-contractual obligations (Rome II) for international transactions;</p> <p>d) Recognition and enforcement of judgements: Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (Brussels Regulation)</p>	
6	17 Oct. 23	14:15 - 17:30	<p>e) Arbitration: Convention on the Recognition and Enforcement of foreign Arbitral Awards (the New York convention 1958)</p> <p>f) Disputes resolutions procedures under the aforesaid Regulations: arbitration, mediation, transaction.</p>	Joachim Feldges
			Substantive law on Patents as resulting from the substantial rules contained in the Agreement on the Unified Patent Court and the patent-related case law of the Court of Justice of the European Union, including case law on supplementary protection certificates	
7	24 Oct. 23	09:30 - 12:45	<p>a) Patentable inventions</p> <p>b) Requirements of validity</p> <p>c) Scope of Protection and limitations thereof</p> <p>d) Supplementary Protection Certificates</p> <p>Review of the case law of the Court of Justice of the European Union in patent-related and supplementary protection certificates matters;</p>	Micaela Modiano
			General framework of the IP rights	
8	24 Oct. 23	14:15 - 17:30	<p>a) IP rights</p> <ul style="list-style-type: none"> - EU IP rights - The relevance of IP rights regulation in contract, company and tort law (mainly the IP rights as the subject to contract and company law) <p>b) Substantive rules:</p> <ul style="list-style-type: none"> - International conventions, EU regulations and directives <p>c) Enforcement</p> <ul style="list-style-type: none"> - International conventions, EU regulations and directives <p>d) Transfer and licensing</p> <ul style="list-style-type: none"> - vertical agreement regulation - Tech Transfer Regulation (316/2014) and the law/jurisdiction rules 	Giovanni Casucci
			The role and organisation of the Court of Justice of the European Union	
9	25 Oct. 23	09:30 - 12:45	a) The Court of Justice of the European Union in the legal framework of the EU	Jacopo Alberti



			constituent treaties (TEU, TFEU); b) The structure of the Court of Justice of the European Union: the General Court, the Court of Justice and its composition;	Filippo Croci
10	25 Oct. 23	14:15 - 17:30	c) The jurisdiction of the Court of Justice of the European Union: direct actions, preliminary ruling referrals; d) Links between the Court of Justice, the National Courts and the UPC.	Jacopo Alberti Filippo Croci
			A comparative overview on patent infringement proceedings and revocation of patents in Contracting Member States – part A	
11	07 Nov. 23	09:30 - 12:45	The British system	Christopher Stothers
12	07 Nov. 23	14:15 - 17:30	The German system	Carl-Richard Haarmann
			Enforcement of patents, providing knowledge of Directive 2004/48 (EC) on the enforcement of intellectual property rights and relevant case law of the Court of Justice of the European Union	
13	14 Nov. 23	09:30 - 12:45	a) Evidence issues: the evaluation of the evidence, the right of information and the preservation of the evidence b) Provisional and precautionary measures: seizure, injunction and alternative measures	Giovanni Casucci
14	14 Nov. 23	14:15 - 17:30	a) Ordinary proceeding: the trial and the assessment of the validity and the infringement issues b) Measures resulting from a decision on the merit: damage evaluation, legal costs and publication	Giovanni Casucci
			A comparative overview on patent infringement proceedings and revocation of patents in Contracting Member States – part B	
15	21 Nov. 23	09:30 - 12:45	The French system	François Pochart
16	21 Nov. 23	14:15 - 17:30	The Dutch system	<u>Tjibbe Douma</u>



			Unitary patent protection, providing advanced knowledge of Regulations 1157/2012 (EU) implementing enhanced cooperation in the area of the creation of unitary patent protection and 1160/2012 (EU) implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements as well as the Rules relating to unitary patent protection	
17	28 Nov. 23	09:30 - 12:45	a) The birth of the unitary patent protection regulations: the concept of enhanced cooperation in the legal framework of the EU constituent treaties (TEU, TFEU); Art. 118 TFEU: ordinary legislative procedure vs special legislative procedure;	Francis Leyder
18	28 Nov. 23	14:15 - 17:30	b) The Unitary Patent Regulation c) The Translation Regulation	Francis Leyder
			The operation of the Unified Patent Court, providing advanced knowledge of the Agreement on the Unified Patent Court and the Unified Patent Court's Statute	
19	01 Dec. 23	09:30 - 12:45	a) The legal personality of the Unified Patent Court: a court common to contracting EU Member States b) Sources of law	Gualtiero Dragotti
20	01 Dec. 23	14:15 - 17:30	c) The structure of the Unified Patent Court <ul style="list-style-type: none"> - The Court of First Instance: Central Division, Local Divisions, Regional Divisions; - The Court of Appeal; 	Giuseppe Colucci
21	12 Dec. 23	09:30 - 12:45	d) Compositions of the panels of UPC judges: multi-nationalism, pool of judges, technical judges; e) Language regime; f) Jurisdiction, distribution of competence; transitional regime: opt-out, jurisdictions of the national courts;	David Holland
22	12 Dec. 23	14:15 - 17:30	g) Actions before the Unified Patent Court (infringement, revocation, bifurcation); h) First instance proceedings (written proceedings, interim proceedings, oral proceedings) i) Appeal proceedings	Stefan Lieck
			Litigation before the Unified Patent Court, providing advanced knowledge of procedures,	



			litigation and advocacy skills, practice and case management before the Unified Patent Court, with special regard to the Rules of Procedure of the Unified Patent Court.	
23	19 Dec. 23	09:30 - 12:45	Introduction <ul style="list-style-type: none"> - litigation and advocacy skills, code of conduct, practice and case management before the Unified Patent Court - The role of protective letters and non-infringement actions 	Cesare Galli
24	19 Dec. 23	14:15 - 17:30	Coordination of the various procedures <ul style="list-style-type: none"> - Coordination between nullity proceedings and infringement proceedings - Relationship between proceedings pending before Central Division, Local/Regional Divisions and the Court of Appeal - Possible strategies of attack and defence 	Michael Kobler
			PROCEDURES BEFORE THE COURT OF FIRST INSTANCE	
25	15 Jan 24	09:30 - 12:45	a) Written procedure – first part <ul style="list-style-type: none"> - Infringement action - Revocation action - Action for declaration of non-infringement 	Klaus Grabinski
26	15 Jan 24	14:15 - 17:30	Written procedure – second part <ul style="list-style-type: none"> - Action within articles 33(5) and (6) of the agreement - Action for compensation for licences on the bases of Art. 8 of Regulation (EU) No. 1257/2012 - Action against decision of the European Patent Office in carrying out the tasks referred to in Art. 9 of Regulation (EU) No. 1257/2012 	Wouter Pors
27	16 Jan 24	09:30 - 12:45	b) Interim procedure <ul style="list-style-type: none"> - Role of the judge rapporteur - Interim conference - Preparation for the oral hearing c) Oral procedure <ul style="list-style-type: none"> - Role of presiding judge - Conduct of the oral hearing - Absence of one or both parties - Decision on the merits - Interim award of damages 	Matthias Zigann
28	16 Jan 24	14:15 - 17:30	d) Court fees and procedure for the determination of damages and compensation Fees and legal aid	Kay Rupprecht



			<ul style="list-style-type: none"> - Court fees - Legal aid <p>Determination of damages</p> <ul style="list-style-type: none"> - Application for the determination of damages - Request to lay open books <p>Procedure for the cost decision</p> <ul style="list-style-type: none"> - Compensation for representation costs - Compensation for costs of experts - Compensation for costs of witnesses - Compensation for costs of interpreters and translators - Appeal against the cost decision <p>Security for costs</p> <ul style="list-style-type: none"> - Security for costs of a party and for the costs of the Court 	
			EVIDENCE	
29	23 Jan 24	09:30 - 12:45	a) Witnesses and experts of the parties b) Court experts c) Order to produce evidence and to communicate information d) Order to preserve evidence and order for inspection e) Other evidence	Giovanni Casucci
			PROVISIONAL MEASURES	
30	23 Jan 24	14:15 - 17:30	<ul style="list-style-type: none"> - Application for provisional measures - Oral hearing - Order of the Application for provisional measures - Order of provisional measures without hearing the defendant - Revocation of provisional measures 	Jean-Frédéric Gaultier
			PROCEDURE BEFORE THE COURT OF APPEAL	
31	30 Jan 24	09:30 - 12:45	<ul style="list-style-type: none"> - Appealable decisions - Application for suspensive effect a) Written procedure <ul style="list-style-type: none"> - Statement of appeal, statement of grounds of appeal - Statement of response - Reply to a statement of cross appeal - Referral to the full Court 	Ferenc Török
32	30 Jan 24	14:15 - 17:30	a) Interim procedure Role of the Judge- rapporteur	Manolis Samuelides



			b) Oral procedure c) Decisions and effect of decisions d) Procedure for application of rehearing	
			GENERAL PROVISIONS	
33	06 Feb 24	09:30 - 12:45	a) General procedural provisions b) Service <ul style="list-style-type: none"> - Service within the contracting member States - Service outside the contracting member States - Service by an alternative method - Service of orders, decisions and written pleadings c) Rights and obligations of Representatives d) Stay of proceedings e) Time periods	Andrea Piai
34	06 Feb 24	14:15 - 17:30	f) Parties to proceedings <ul style="list-style-type: none"> - Plurality of parties - Change in parties - Death, demise or insolvency of a party - Transfer of patent - Intervention - Re-establishment of rights g) Miscellaneous provisions on languages h) Case management i) Rules relating to the organization of the Court j) Decisions and orders k) Decision by default l) Actions bound to fail or manifestly inadmissible Settlement	Graham Burnett-Hall
35	28 Feb. 24	10:00 – 13:15	Exercises 01 - part A Presentation and discussion of case-studies	Mark Bosshard
36	28 Feb. 24	14:15 - 17:30	Exercises 01 - part B Presentation and discussion of case-studies	Mark Bosshard
			MOCK TRIAL Andrea Marietti, Benedetta Ubertazzi, Giulio Sironi, Stefania Bergia	
37	29 Feb. 24	09:30 - 12:45	Exercises 02 <i>Mock Litigation</i>	Case-study proposed by Andrea Marietti



			<ul style="list-style-type: none">- Presentation of the case- Preliminary proceedings	
38	29 Feb. 24	14:15 - 17:30	<ul style="list-style-type: none">- Proceeding with/without bifurcation- Appeal	Case-study proposed by Andrea Marietti
			MOCK Tech Transfer Negotiation	
39	01 March 24	09:30 – 13:00	Exercises 03 <i>Tech-transfer negotiation</i> <ul style="list-style-type: none">- Introduction of a negotiation case- Formation of two teams and discussion within the teams	Case study proposed by Giovanni Casucci
40	01 March 24	14:15 - 18:30	<ul style="list-style-type: none">- Confrontation discussion and conclusion <p style="text-align: right;">*** Exam</p>	Giovanni Casucci

* the dates of the lectures/exercises may be modified according to organizational needs.

On the third day there will be an exam comprising a written part with multiple-choice questions on each topic of the sections and a written/oral part with an open question.
