



i n g r e s Institut für
gewerblichen
Rechtsschutz

ETH zürich

Zurich IP Retreat 2018 – Injunctions at a junction?

Friday, 2nd / Saturday, 3rd November 2018

Zunfthaus zur Waag, Zurich

The overwhelming success of last year's retreat on "the hindsight bias" encourages us to invite again academics, judges and practitioners from all over the world to discuss another fundamental topic of intellectual property law:

Is there or should there be room for a balance of interest analysis before the issuance of an injunction, or are injunctions to be granted unless the requirements for compulsory licensing are met? What are the alternatives?

For a long time the general opinion in Europe had been that an infringement of an IP right automatically entails the right to injunctive relief. Only recently did the principle of proportionality ("Verhältnismässigkeit") emerge in black letter law (EU Enforcement Directive) and case law (German Federal Court of Justice: *Wärmetauscher* [X ZR 114/13]). The specter of pan-European injunctions granted by the Unified Patent Court in every case of infringement haunts some.

The Common Law principle of equity makes the grant of a permanent injunction conditional on the showing of irreparable harm, the inadequacy of other remedies, a balance of hardships and the consideration of public interest (U.S. Supreme Court: *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388 (2006)).

We will be focusing on the remedies not only in patent law but also discuss injunctive relief based on other intellectual property rights. We will consider (permanent and temporary) injunctions in a doctrinal framework, learn about the economic implications, discover how various national legal systems are handling injunctive relief, look at specific industries and finish with a case-study, while giving sufficient time for discussion.

Friday

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| 12:00 | Lunch |
| 13:30 | Welcome and Introduction Tobias Bremi and Michael Ritscher |
| 13:45 | Injunctions and Balance of Interests Stefan Bechtold |
| 14.45 | Balance of Interests by Means of Remedies <ul style="list-style-type: none">- the Anglo-American law perspective: Rochelle Dreyfuss- the civil law perspective: Franz Hofmann |
| 16:00 | Coffee Break |
| 16:30 | National views <ul style="list-style-type: none">- Japan: Christoph Rademacher- United Kingdom: Daniel Alexander- Germany: Jörn Feddersen and Andreas von Falck- Switzerland: Cyrill P. Rigamonti and Mark Schweizer- Netherlands: Peter Blok |
| 18:30 | Aperitif and Dinner |

Saturday

- 9:00 **Injunctions and Essential Medicines**
Herman Deichfuss, Daniel Alexander
- 10:00 **Injunctions and Essential Telecom Devices**
Beat Weibel, Christoph Rademacher, Gabriele Mohsler
- 11:00 Coffee Break
- 11:30 **Case Study**
Thierry Calame
- 13:00 **Closing Remarks**
Stefan Bechtold, Jörn Feddersen, Daniel Alexander
- 13:30 **Lunch**

Registration Form

You may please send this registration form to the INGRES office by Thursday, 14th September 2018. The registration can be made online (www.ingres.ch), by e-mail (info@ingres.ch), by fax (+41 (0) 58 220 37 01) or by mail (INGRES, P.O. Box 1162, CH-8021 Zurich).

Last Name:

First Name:

Academic Title:

Postal Address:

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E-mail:

- I will attend the conference Zurich IP Retreat 2018.
- I will participate at the aperitif and the following dinner on Friday, 2nd November 2018.

- I am a member of INGRES (CHF 950).
- I am not a member of INGRES (CHF 1250).
- I am a full-time court member (CHF 700).
- I am a student (CHF 400).

- I would like to book a room (Hotel Glockenhof Zürich, approximately CHF 240 per night) for:
 - 1st / 2nd November 2018
 - 2nd / 3rd November 2018

You may please note that the number of participants is limited.