EPO and CPVO: supporting innovation in the plant sector

Programme
29 November 2017
Brussels, Belgium
Programme

EPO and CPVO: supporting innovation in the plant sector
Chair: Anselm Kamperman Sanders, Professor of Intellectual Property Law, Maastricht University

09.00 Opening address
Raimund Lutz, Vice-President, European Patent Office (EPO)
Martin Ekvad, President, Community Plant Variety Office (CPVO)

09.45 EPO-CPVO co-operation: scope and results
Margot Fröhlinger, Principal Director, Unitary Patent, European & International Legal Affairs, EPO
Francesco Mattina, Vice-President, CPVO

10.15 Panel I: Views on Commission Notice C/2016/6997
Jean-Luc Gal, Policy Officer, DG Growth, European Commission
Bettina Wanner, Head of IP Advocacy, Bayer Intellectual Property GmbH, on behalf of the European Crop Protection Association (ECPA)
Philippe de Jong, Vice-Chair of the CIOPORA Working Group on Patents
Claudia Hallebach, Head of R&D Legal Affairs and Intellectual Property, KWS SAAT SE
Axel Metzger, Professor of Civil Law and Intellectual Property Law, Humboldt University of Berlin

11.15 Questions and answers

11.30 Coffee break

11.50 Panel II: Benefits of protection
Franck Coutand, Head of Industrial Property, Limagrain
Yann Ménière, Chief Economist, EPO
Niels Louwaars, Director, Plantum
Jan Huitema, Member of the European Parliament
Andreas Popp, Senior Vice-President – Global Intellectual Property, BASF, on behalf of EuropaBio

12.45 Questions and answers

13.00 Lunch

14.15 Patentability of plant-related inventions
Heli Pihlajamäki, Director Patent Law, EPO

14.45 How do the latest developments affect the plant-variety rights system?
Dirk Theobald, Head of Technical Unit, CPVO

15.15 Coffee break

15.35 Panel III: Improving Transparency and Access to Innovation
The Commission perspective: Päivi Mannerkorpi, Team Leader – Plant Reproductive Material, Plant Health Unit G1, DG SANTE
The PINTO database: Szonja Csörgő, Director Intellectual Property & Legal Affairs, European Seed Association
International Licensing Platform: Michael Kock, Head of Intellectual Property, Syngenta
Espacenet: Roland Feinäugle, Head of Awareness, marketing and business use of patent information, EPO
16.30 Questions and answers

16.45 Closing remarks
   Margot Fröhlinger
   Martin Ekvad

17.00 Drinks reception
CVs

Raimund Lutz
Vice-President, European Patent Office

On completion of his law degree, Raimund Lutz worked for three years as a judge and public prosecutor in Munich before joining the German Ministry of Justice, Bonn, in the division for commercial and economic law. In 1989, he joined the German Patent Office as head of its Berlin division, and from 1997 was, in addition, director of its trade mark division in Munich. From 2000-2005 Mr Lutz was Deputy Director-General for Commercial, Economic and Intellectual Property Law at the German Ministry of Justice in Berlin. In 2006, he was appointed President of the German Patent Court in Munich, where he worked until joining the European Patent Office as Vice-President Legal and International Affairs in 2011.

Martin Ekvad
President, Community Plant Variety Office

Martin Ekvad became President of the Community Plant Variety Office (CPVO) in 2011, having been head of its Legal Unit from 2003. From 1996 to 2003 Martin worked as a lawyer (Advokat, member of the Swedish Bar Association) with the law firm Linklaters (Brussels) and Magnusson Wahlin Advokatbyrå (Stockholm). During this time he concentrated on IP and competition law. Before going into private practice, he worked at a civil court in Sweden for two years. He has a law degree from the University of Lund in Sweden (1993) and an LLM from King’s College London, UK (1994).

Anselm Kamperman Sanders
Professor of Intellectual Property Law, Maastricht University

Anselm Kamperman Sanders is Professor of Intellectual Property Law, Director of the Advanced Masters Intellectual Property Law and Knowledge Management, and Academic Director of the Institute for Globalization and International Regulation at Maastricht University, the Netherlands. He acts as Academic Co-director of the Annual Intellectual Property Law School and IP Seminar of the Institute for European Studies of Macau, Macau SAR, China and is Adjunct Professor at Jinan University Law School, Guangzhou, China. Anselm holds a PhD from the Centre for Commercial Law Studies, Queen Mary University of London, where he worked as a Marie Curie Fellow before joining Maastricht University in 1995. He is a member of the European Commission expert group on development and implications of patent law in the field of biotechnology and genetic engineering. He is the co-ordinator of the European IP Institutes Network Innovation Society.
Margot Fröhlinger  
Principal Director, Unitary Patent, European & International Legal Affairs, European Patent Office  

Margot Fröhlinger, former Director at the European Commission in charge of IP, joined the European Patent Office in April 2012 where she is Principal Director for Unitary Patent, European and International Legal Affairs. In this role she deals with issues such as the development of patent law at European and international level, patent law harmonisation, the strengthening and improvement of the PCT system as well as the implementation of the Unitary Patent and the EPO’s interaction with the UPC Preparatory Committee.

Francesco Mattina  
Vice-President, Legal Unit and HR Service at the Community Plant Variety Office  

Francesco Mattina graduated in law and obtained a master’s degree in European Union and IP law from the European College of Parma and a master’s degree in IP from the University of Alicante. He then worked for several years as a lawyer specialising in infringements of IP rights. He also served as a lecturer on IP law in several Italian universities. Nowadays, his professional focus is on plant variety rights.

Jean-Luc Gal  
Policy Officer, DG GROW, European Commission  

Jean-Luc Gal has been seconded to the European Commission – DG Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) – by the European Patent Office since April 2013. Within the Industrial Property Unit, he is in charge of issues such as the Unitary Patent and the patentability of biotechnological inventions. Previously, he was Head of the Liaison Office of the European Patent Office (EPO Brussels Bureau). He also worked for the French Patent and Trademark Office (INPI) and as an attorney at law specialised in business law. Mr Gal has written several articles on European and Unitary Patents, computer-implemented inventions, and the legal protection of biotechnological inventions within the European Union as well as on biodiversity issues related to patents.

Bettina Wanner  
Head of IP Advocacy, Bayer Intellectual Property GmbH  

Dr Bettina Wanner is head of IP advocacy at Bayer Intellectual Property GmbH. She has worked for Bayer in the USA and in Germany in different positions in research and the registration of plant protection products, and in the patent department. She is qualified as a European and German patent attorney and holds a PhD in chemistry from the Swiss Federal Institute of Technology (ETH) in Zurich, Switzerland.
Philippe de Jong  
Vice-Chair of the CIOPORA Working Group on Patents

Philippe de Jong is a lawyer based in Brussels, Belgium. He holds degrees from the University of Antwerp (Belgium) and Lausanne (Switzerland), as well as an LLM in IP law from University College London. He has been a member of the Brussels bar since 2002 and specialises in IP law – with a particular focus on patents, plant variety rights and trademarks – and in the Belgian and EU regulatory framework for agri-food matters. Philippe frequently publishes articles on IP and agri-food law in leading European legal journals. He worked as a consultant for the Community Plant Variety Office, is a regular speaker at seminars and has represented a large number of innovating companies before the Belgian and European courts. He is also a member of CIOPORA, which he is representing today in his capacity as Vice-Chair of the Working Group on Patents.

Claudia Hallebach  
Head of R&D Legal Affairs and Intellectual Property, KWS SAAT SE

Claudia Hallebach is Head of R&D Legal Affairs and Intellectual Property at KWS SAAT SE. She joined the company in 2008 and has been legal and IP lead in major M&A, licence and R&D collaborations. Claudia has extensive expertise in IP strategy and policy matters. She successfully built up a strong IP department in a global innovation and research-driven organisation. Claudia studied law in Frankfurt, Cologne and Leicester and holds a postgraduate LLM in European and International Laws from the University of London. She started her professional career at the German Ministry of Food and Agriculture, and moved from there to a position as Managing Director of the Working Group Agriculture in the leading German Business Association (BDI).

Axel Metzger  
Professor of Intellectual Property Law at the Faculty of Law, Humboldt University, Berlin

Axel Metzger studied at the Universities of Hamburg, Paris, Munich and Harvard. He was professor of law at Leibniz University, Hannover from 2007-2014. He is author and editor of numerous books and articles on IP, information technology and European private law. A special focus of his research is IP in connection with plants. He is a member of the German Association for the Protection of Intellectual Property (GRUR), Special Committee for the Protection of Plant Breeding.

Franck Coutand  
Head of Industrial Property, Limagrain

Franck Coutand currently leads the Industrial Property Department of Limagrain, overseeing the IP aspects of Limagrain’s various activities, from seeds to bakery and ingredients. He has about 20 years' experience of IP in the seed business, mostly relating to patents but also to plant breeders' rights. He is dedicated to the daily management of the IP of the Limagrain Vegetable Seeds and as such is the operational link with the International Licensing Platform Vegetable. He led the Limagrain teams that fought the Broccoli I and Broccoli II cases before the Enlarged Board of Appeal of the European Patent Office. Mr Coutand, a national of France, holds a master of science in biology and a magistere in pharmacology. He graduated from the Center for International Intellectual Property Studies in Strasbourg and is qualified as a French patent attorney.
Yann Ménière
Chief Economist, European Patent Office

Yann Ménière joined the European Patent Office as Chief Economist in February 2016. He was previously a professor of economics at MINES ParisTech, where he held the Chair of IP and Markets for Technology. His research and expertise relate to the economics of innovation, competition and IP. In recent years, he has been focusing more specifically on IP and standards, markets for technology, and IP issues in climate negotiations. Besides his academic publications, he has produced a number of policy studies on patents for the European Commission and other public organisations. He has taught the economics of IP at Imperial College, Université Catholique de Louvain and CEIPI.

Niels Louwaars
Director, Plantum

Niels Louwaars is Director of Plantum, the Dutch organisation of companies active in the breeding, production and trade of seeds, cuttings, tubers, bulbs and young plants. Niels studied plant breeding in Wageningen. During the ten years he spent working on seed projects in Asia and Africa, he developed a keen interest in the policy and legal aspects governing seed systems: seed laws and rights based on IP and biodiversity policies. He went on to get a PhD on this complex of interrelated policies from Wageningen University. There he contributed to international research collaboration and to drawing up seed policies for many developing countries, and in 1997 he initiated an international course on plant variety protection. These experiences were also the basis for his membership of the Plant Breeders' Rights Chamber of the District Court in The Hague. In 2011 he moved to the private sector where he promotes the interests of the seed sector with his team at national, European and global level.

Jan Huitema
Member of the European Parliament – ALDE group / VVD

Full member of the European Parliament's Committee on Agriculture and Rural Development, member of the delegation for relations with Canada, alternate member of the Committee on the Environment, Public Health and Food Safety. Jan Huitema is a Dutch MEP from the VVD party, which is part of the ALDE group. He has a background in dairy farming. He holds degrees in animal sciences and animal production systems from Wageningen University in the Netherlands. In his view, innovation in the agricultural sector is of vital importance, not only to safeguard the competitiveness of our farming sector in the world market, but also to be able to meet the challenge of feeding a growing world population.

Andreas Popp
Senior Vice-President – Global Intellectual Property, BASF

Dr Andreas Popp is a European patent attorney and a board member of the Patentanwaltskammer (German Chamber of Patent Attorneys). Within the BASF group, he serves as Senior Vice-President out of Ludwigshafen, Germany with a focus on biotechnology. In addition, he is active in the evaluation of large patent portfolios and in national and international associations for biotechnology and IP. Inter alia, he chairs the IP working group of the European biotechnology industry association, EuropaBio, and the special committee for biotechnology in GRUR (German association for intellectual property and copyright).
Heli Pihlajamaa  
**Director Patent Law, European Patent Office**

Heli Pihlajamaa studied law at Helsinki University and at the Max Planck Institute in Munich. She acts as a legal member in opposition cases and advises EPO higher management on policy issues and legal amendments. Heli supports EPO policy by developing, strengthening and promoting the EPC, including proposals for legal changes, compliance of operations with patent law-related norms and case law. Before joining the EPO, she worked in both the private and public sectors. She has written books and articles on patent law in Finnish and is fluent in English, Finnish, French, German and Swedish.

Dirk Theobald  
**Head of the Technical Unit at the Community Plant Variety Office**

Dirk Theobald holds a degree in agricultural engineering from the University of Göttingen, Germany. He worked for several years in R&D at the Institute of Plant Breeding at Göttingen University (1988-1992) and then at the Bundessortenamt (German Plant Variety Office) in Hannover, Germany (1992-1995). In 1993-1994 he was seconded as a national expert from the Bundessortenamt to the EU Commission DG AGRI in Brussels. In 1995, he joined the CPVO.

Päivi Mannerkorpi  
**Team Leader – Plant Reproductive Material, Plant Health Unit G1, DG SANTE**

Päivi Mannerkorpi is an agricultural engineer with a PhD in animal nutrition from the University of Kiel, Germany. She joined the European Commission, Directorate-General for Consumers and Health as a policy officer in 2004. Since 2008 she has been the Head of Sector/Team Leader for Plant Reproductive Material/Unit for Plant Health. Earlier in her career, Päivi did research in animal and grassland production at the Agricultural Research Centre of Finland (1991-1994), including a short-term assignment on a development project in Egypt. Following this (1994-2001), she worked as a senior officer and as Head of Animal Nutrition Section at the Ministry for Agriculture and Forestry, Finland, before becoming agricultural counsellor and Head of the Policy and Legislative unit there from 2001-2004. Päivi was also Chair of the Finnish Plant Health Advisory Board from 2001-2004.

Szonja Csörgő  
**Director Intellectual Property & Legal Affairs, European Seed Association**

Szonja Csörgő is Hungarian and holds a law degree from ELTE Budapest University, an MA in French and European Law from Panthéon-Assas University (Paris) and an LLM in IP and competition law from the University of Liège. She has been working with the European Seed Association (ESA) since 2009 as Intellectual Property and Legal Affairs Director. Before that, she worked in the European Commission. At the ESA, Szonja is primarily responsible for issues related to IP protection and plant genetic resources. Besides that, she also handles all seed legislation-related legal questions. She represents the ESA in its dealings with international organisations and European institutions.

Michael A. Kock  
**Head of Intellectual Property, Syngenta**

Dr Michael A. Kock is Head of Intellectual Property for Syngenta Crop Protection AG based in Basel, Switzerland. Michael studied chemistry, biochemistry, and molecular biology in Germany and China and graduated with a degree in chemistry and a PhD in molecular biology. He started
his career in pharmaceutical research before going on to focus on IP, and subsequently qualified as a European and Swiss patent attorney. Michael is a member of several IP advisory committees (International Seed Federation, CropLife, European Seed Association) and the IP association GRUR. He regularly lectures on IP and has published several papers on plant IP issues in peer-reviewed law journals.

Roland Feinäugle
Head of Awareness, marketing and business use of patent information, European Patent Office

Roland Feinäugle manages the department for awareness, marketing and business use of patent information at the European Patent Office. He holds a doctoral degree in physics (space sensor technologies) and a post-graduate degree in law. In 2002 he joined the EPO, where he headed the unit for patent information training and was responsible for training programmes including digital learning technologies. In 2016 he took over the patent information marketing department, which is responsible for promoting, communicating and marketing the EPO's patent information products and services, as well as ensuring that these meet users' needs.