



German Patent
and Trade Mark Office



UNION OF EUROPEAN PRACTITIONERS IN INTELLECTUAL PROPERTY
UNION EUROPÄISCHER BERATER FÜR GEISTIGES EIGENTUM
UNION DES PRATICIENS EUROPÉENS EN PROPRIÉTÉ INTELLECTUELLE

UNION-IP Round Table

**Inventive step is not so
obvious – How to deal with
differences across Europe**

**Munich
February 21, 2020**

**German Patent and
Trade Mark Office**

Zweibrückenstrasse 12, 80331 Munich

**Organized by the Patents Commission of UNION-IP
and the German Patent and Trade Mark Office**



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**UNION-IP Round Table Program,
February 21, 2020**

**Program Inventive step is not so obvious –
How to deal with differences across Europe**

08:15 - 08:45 Registration

08:45 - 09:00 Welcome words

Jean-Yves Plaçais, President of UNION-IP

Cornelia Rudloff-Schäffer, President of DPMA

Chair: **Reinier Wijnstra**, President of Patents Commission
of UNION-IP

**09:00 - 10:45 The obvious PSA during
examination**

Establishing inventive step with the Problem Solution Approach

Heli Pihlajamaa, Director Patent Law EPO

The central position for the Person Skilled in the Art during
grant – a UK perspective

Phil Thorpe, Deputy Director, Patent Examination Directorate
UKIPO (UK)

Inventive step in German examination practice

Carsten Winterfeldt, Regierungsdirektor, Patent Department,
DPMA (DE)

Establishing inventive step – evolution of approach in Poland

Paweł Koczorowski, Expert – Patent Examiner,
Patent Department, UPRP (PL)

10:45 - 11:10 Coffee break

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11:10 - 12:50 Inventive strategies and revocation

Nullifying obvious patents the German way

Rainer Engels, Presiding Judge Federal Patent Court (DE)

Nullifying a patent in the UK - the law and procedure

Sir Robin Jacob, Sir Hugh Laddie Chair of Intellectual Property Law, UCL Faculty of Laws, and formerly, Lord Justice Jacob, Court of Appeal of England and Wales (UK)

Litigating obvious patents in Europe – a French perspective

Amandine Métier, partner, Paris office of Hoyng Rokh Monegier Véron (FR)

Objective assessment of inventive step in a divergent world – is there a way out?

Imre Gonda, Head of department, Intellectual Property Department, Gedeon Richter Pharmaceutical Company (HU)

12:50 - 13:30 Round Table discussion with all panelists

13:30 - 15:00 Get-together & lunch

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The requirements of novelty and inventive step are at the core of the patent system. Only inventions which meet these criteria are worthy of being protected by a patent. One might expect that such an important criterion as inventive step would be harmonised across Europe. However, the experience in practice is different.

The European Patent Office (EPO) plays an important role in European patent harmonisation, although there is no formal relationship between the EPO and their boards of appeal on one hand, and the national patent offices and national judges on the other hand. This leaves space for applying different tests, or for different outcomes when applying the same test.

The holy grail for inventive step at the EPO is the problem-solution approach. While this approach is not mandatory, it has become almost impossible to argue inventive step in any other way before the examining division. In contrast, examiners of national patent offices and national judges are open to other tests or even refuse to apply the problem-solution approach. Likewise, the evaluation of technical and non-technical features, and the importance of the plausibility test, differ between offices.

Awareness of the existing differences and their impact on the patentability of an invention may play a role in the filing strategy of companies. It is one of the reasons why the 'national route' remains important for applicants.

UNION-IP's 2020 Munich Roundtable will be an outstanding opportunity to hear from judges and experienced professionals about one of the most basic of requirements of patent law and exchange ideas with colleagues from all over Europe.

REGISTRATION FORM

MUNICH - February 21, 2020

**German Patent and Trade Mark Office
Zweibrückenstrasse 12, 80331 Munich
DPMAforum**

UNION-IP Round Table

Inventive step is not so obvious – How to deal with differences across Europe

→ **Yes**, register me for the Round Table:

Name	
Surname	
Title	
Office / Company	
Street	
ZIP	City
Country	
Tel.	Fax
E-Mail	
Date	Signature

→ **Fee:** € 90 for **UNION-IP** members and
 € 140 for non-members.

Please indicate payment to **UNION-IP** RT 2020
+ name of participant

The fee includes a buffet lunch and coffee breaks.

You can cancel your application free of charge until 31.01.2020.
After that date, the full amount will be charged whether or not
you attend. Thank you for your cooperation.

→ **Bank:** Bank transfer (free of charge for the recipient)
to UNION-IP | IBAN: BE08 7360 4195 7113 | BIC: KREDBEBB
on or before: **February 21, 2020.**

Accommodation is not provided.

Please send the completed form to the
Secretariat of the Round Table c/o:

Nils T. F. Schmid

BOEHMERT & BOEHMERT

Pettenkoferstr. 22, 80336 Munich, Germany

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Please present this invitation upon arrival at the DPMA!

- I wish to receive a certificate for proof of participation
(at a training session acc. to § 15 FAO).
- I agree to receive announcements of future
UNION-IP events via email.



WHAT IS “UNION-IP”

UNION-IP is an association of practitioners in the field of Intellectual Property, that is, of individuals whose principal professional occupation is concerned with Patents, Trade Marks or Designs and related subjects and who carry on their profession independently or as employees.

UNION-IP is a private, free, international association that is not dependent on any national or international authority: it approves its own members, in accordance with its statutes, in total independence, and likewise decides on its own activities and its own budget.

It aims on the one hand to work continuously on current developments in Intellectual Property in Europe, especially by making early submissions during the preparation of proposed laws and treaties with the intention of influencing them; and on the other hand to devote itself to the improvement of professional and personal understanding between European practitioners in the Intellectual Property field in different countries and different branches of the profession.

WHAT IS A “UNION-IP ROUND TABLE”

This Round Table is organized by **UNION-IP** in cooperation with the German Patent and Trade Mark Office. The **UNION-IP** Round Table offers the opportunity for practitioners to hear from authoritative speakers on topics of interest in the European IP field, and just as importantly to interact with and influence them by feeding back their own practical experience. The integral Question and Answer sessions and friendly discursive nature of the event, with the opportunity to chat during breaks, lead to real exchange and development of views on both sides.

Participants tend to find these practitioner-lead events a real and useful antidote to the more commercial seminars familiar to all.

If you are not yet a member of **UNION-IP** and would like to join this friendly, active and interesting organization please go to our website where you can join online. Membership also entitles you to reduced prices for this, and other, **UNION-IP** events.

For more information:

<http://www.union-ip.org>