



UCL Institute of Brand and Innovation Law

Current Research in IP Law

PhD Conference
22 June 2022





IBIL PhD Conference UCL Laws, Bentham House, WC1H 0EG 22 June 2022	
Venue: Hong Kong Room	
Registration	9:30 to 10:00
Welcome: Professor Sir Robin Jacob , Sir Hugh Laddie Professor of IP Law, UCL and Director of the UCL Institute of Brand & Innovation Law Keynote: Professor David Vaver , Osgoode Hall Law School & University of Oxford (Emeritus): 'Reflections on Doctoral Work'	10:00 to 10:45
Panel 1 - Copyright Law Chair: Felipe Osorio Umana , UCL Discussant: Professor Tanya Aplin , Kings College London (joining online) Sevra Güler Güzel , Hertfordshire Law School: The Good or The Bad? and The Ugly: German Implementation of Article 17 and Self-Regulation of OCSSPs Aline Iramina , University of Glasgow: Copyright Governance by Algorithms: rules and standards on algorithmic transparency. Oprah Nwobike , Brunel University: Contemporary Legal Challenges in the Meaning of 'Author' Within the Context of AI-Generated Works and Copyright Law	10:45 to 11:55
Break	11:55 to 12:10
Panel 2 - Trade Mark Law Chair: Alina Shchetinina , UCL Discussant: Dr Marc Mimler , The City Law School Scarlett Swain , Durham Law School: Oat With the Old, In With the New: Oatly's Creative Trade Marks, Branding and Controversial Advertising Campaigns Marie White , University of Oxford Recognising the Importance of Horizontal Social Distinction	12:10 to 13:00

Lunch	13:00 to 13:45
Panel 3 - Patents and Trade Secrets 1 Chair: Joshua Bradley , UCL Discussant: Professor Phillip Johnson , University of Cardiff Wissam Aoun , University of Windsor: The Hypothetical Infringer? Implications of the Synthesis of Professional Patent Agency and the Anglo-American Hypothetical Person Skilled in the Art Barasha Borthakur , QMUL: Who Owns What? Patent Landscape of Environmentally Sound Technologies Li Liu , University of Oxford: Patent Quality: A Rabbit Hole	13:45 to 14:55
Break	14:55 to 15:10
Panel 4 - Patents and Trade Secrets 2 Chair: Luminița Olteanu , UCL Discussant: Dr Luke McDonagh , LSE Law School Ashleigh Hamidzadeh , Kings College London Direct Infringement of Second Medical Indication Patents and Pharmaceutical Regulation: Is an Integrated Approach Attainable? Rebecca Owens , University of Liverpool (joining online) Dissecting Biotechnological Research: A Microscopic Look at the Experimental Use Exception Matt Malone , University of Ottawa: A Framework for Public Interest Limiting Principles in Trade Secret and Confidential Information Decisions	15:10 to 16:20
Luke Adams , Head of Law Publishing at Edward Elgar Publishing 'When, Where and How to Publish your PhD thesis'	16:20 to 16:50
Conference Closing	16:50 to 17:00
Sir Hugh Laddie Lecture UCL Cruciform Lecture Theatre, Gower Street, WC1E 6BT	18:00 to 19:15
Reception North Cloisters	19:15 to 20:00
Sir Hugh Laddie Dinner (Speakers, Discussants and Chairs only)	19:45 to 21:30

The Papers

Panel 1 – Copyright Law

Sevra G. Güzel: The Good or The Bad? and The Ugly: German Implementation of Article 17 and Self-Regulation of OCSSPs

As a part of the Digital Single Market Strategy actions to make EU copyright rules fit the digital age, The Directive on Copyright in the Digital Single Market was published in the official journal in 2019. However, Article 17 of this Directive, with its ‘best efforts’ obligations, faced heavy criticism, as in order to realistically fulfil the Article’s requirements, platforms should use automated content recognition tools, namely ‘upload filters’. These technologies have a significant negative impact on users’ freedom of expression which is an important problem that the Member States need to consider for their implementations of the Article. With the aim of delivering recommendations for a fundamental rights compliant implementation of Article 17, this article provides different perspectives on Article 17 by examining the German implementation together with the current self-regulation of the online content-sharing service providers (OCSSPs) to provide an insight into the recent picture with Article 17. This implementation has a great significance since it gives the Member States a one-of-a-kind chance to tackle the long-standing issues with striking the fair balance between fundamental rights in the online enforcement of IP rights.

Aline Iramina, University of Glasgow: Copyright Governance by Algorithms: rules and standards on algorithmic transparency?

This paper has the objective of examining what are the rules and standards on algorithmic transparency that currently apply in the context of copyright governance in the UK and the EU. Following debates on online platforms’ regulation, competition law, data protection and artificial intelligence, more transparency from online platforms, particularly in the use of algorithms, has become a demand of copyright users and creators. Drawing on the concepts of public and social transparency developed by Amitai Etzioni and on his idea that transparency as an alternative to regulation is overvalued, we explore the key legal developments in the EU and the UK that provide for algorithmic transparency rules in order to present a general overview of algorithmic transparency frameworks in the EU and the UK and identify potential legal gaps within copyright law. Overall, it was possible to verify in this study that the focus of most of these regulations is still on intermediary service providers. Moreover, within copyright law, both EU and UK policymakers still focus more on regulating content moderation systems than recommender systems, even though in recent years there are signs that this might be changing.

Oprah Nwobike, Brunel University: Contemporary Legal Challenges in the Meaning of ‘Author’ Within the Context of AI-Generated Works and Copyright Law

Machines creating art, writing poems, composing music, and performing other tasks originally deemed limited to human creativity and intelligence is still a relatively a modern phenomenon that legal systems have struggled to adequately contain. The central inquiry of this paper is how to exactly interpret the meaning and effect of ‘authorship’ in copyright, where AI is used to fully or partly create copyrightable works? A corollary question is predicated on the established notion of law that benefits and burdens go hand in hand: thus, if a human actor is able to claim

the creative benefits of AI, will they also be liable in the event the AI activities result to breaches of rights? In that case, who would be sued, and who will pay for damages in the event of liability? This paper re-examines the meanings of copyright and authorship of AI-generated works in light of the current English (and European) legal frameworks with the aim of ascertaining the theoretical legal implications and justifications of deeming AI either as an autonomous or semi-autonomous system, and how all these redefinitions will likely affect the primary rationale behind the copyright protection.

Panel 2 – Trade Mark Law

Scarlett Swain, Durham Law School: Oat With the Old, In With the New: Oatly's Creative Trade Marks, Branding and Controversial Advertising Campaigns

In modern times brands matter, and understandably so, as they have become a staple of business theory and practice and are a defining feature of the modern economy. Big names are all well aware of the power and value that their brands hold. Oatly, the Swedish plant-based company, is now one of the biggest names in the plant-based industry, but their road to success has been a somewhat unconventional one. There is a significant amount that can be learnt from Oatly's rise to success, especially in relation to their utilisation of trade marks, branding, and controversial advertising campaigns. This paper will provide an overview of Oatly's growth as a business and brand, and critically examine Oatly's controversial battles with the Swedish dairy lobby, and how ultimately, through a creative use of both trade marks and advertising campaigns, Oatly were able to pro-actively defend against the powerful and influential dairy lobby. From here, this paper will argue that one the key reasons for Oatly's success was through creating a fundamental, emotional connection between the consumer and the company by successfully implementing a form of brand activism. This paper will contend the fact that trade marks are a means of source identification for a specific brand can be used to protect the consumer while advancing the causes of environmentalism and sustainability.

Marie White: Recognising the Importance of Horizontal Social Distinction

Trade mark law has expanded from being solely concerned with the origin function of marks to incorporating far wider functions such as advertising and investment; it appears to be becoming the law of brands. Within the discourse of other disciplines, such as the sociology of consumption and consumer culture theory, brands are implicated in sustaining forms of social distinction. My doctoral thesis seeks to identify differences in the conception of branding as a social practice in these disciplines and the conception of consumer behaviour used by courts and registries in trade mark decisions through both discourse and content analysis of trade mark decisions where Article 8(5) or 9(2)(c) EUTMR are invoked. Differences between the accounts of consumer behaviours may result in trade mark law inadvertently enforcing a consumption-based system of social distinction by providing only a thin or incomplete account of branding practices. This paper forms part of the first chapter of my doctoral thesis and builds on the work of Veblen and Bourdieu on the topic of social distinction and consumption to demonstrate that there are normative codes which determine that certain goods, or indeed brands, are used predominately by individuals belonging to a particular group in a consumption-based system of social distinction. I seek to define this system in both its horizontal and vertical forms, demonstrating that whilst social distinction is multifaceted, it always presents a hierarchy of some form due to snobbery between groups. Despite the flaws present in both Veblen and Bourdieu's theories, I argue that the two are complementary and

when reworked and combined the two can be helpful in understanding modern consumption practices and consumer attitudes to brands. It appears that some of this understanding of consumer behaviour is currently missing from trade mark law theory and doctrine but the extent to which this is the case is not yet clear. My project seeks to address this gap in the literature.

Panel 3 – Patents and Trade Secrets 1

Wissam Aoun: The Hypothetical Infringer? Implications of the Synthesis of Professional Patent Agency and the Anglo-American Hypothetical Person Skilled in the Art

Historical patent jurisprudence abounds with statements that the hypothetical person skilled in the art is not a lawyer. However, recent case law suggests the opposite, going so far as to state that the hypothetical person skilled in the art is expected to consult with a professional patent agent during claim construction. Beginning from the principle that the hypothetical skilled person takes her place among law's other 'reasonable people', this article conducts an analysis of Anglo-American law's other 'reasonable people' to determine what this might tell us about the hypothetical skilled person's expanding patent law knowledge base. This analysis concludes that in other areas of law, the reasonable person often consults with external legal professionals when her own legal rights and liabilities are at stake. Consulting with external legal experts is meant to guide the reasonable person's *conduct* to ensure that her rights are protected or to ensure that she avoids potential legal liability. Correspondingly, if patent jurisprudence posits that the hypothetical person skilled in the art is expected to consult with legal experts when reading and interpreting a patent, then the law treads close to implicitly transforming the hypothetical skilled person into a potential infringer who is reading a patent predominantly as an exercise in avoiding infringement rather than an exercise in knowledge acquisition. This article suggests that the objectives often posited in support of this transformation may be misguided.

Barasha Borthakur: Who Owns What? Patent Landscaping of Environmentally Sound Technologies

Climate change is the common concern of humankind which should be dealt efficiently through international cooperation. Innovations and transfer of environmentally sound technologies (ESTs) are one of the most effective ways to mitigate climate change which have been the prime focus of multiple multilateral agreements and negotiations. The access to such technologies is vital for all the countries, irrespective of their developmental needs, so as to build a legal regime surrounding technology transfer (TT) of ESTs. However, the current claim is that such access is difficult for two reasons: firstly, there is a negligible and inefficient TT of ESTs due to the dearth of international legal instruments; and secondly, the concentration of ESTs lies in the hands of a few countries and/or corporations. In this paper, I argue why it is vital to understand who generates and possesses ESTs, as well as who are the primary technology recipients, in order to properly evaluate the influence of the global IPR regime on development and transfer of ESTs. The overall consensus in the literature tends to be that EST innovation is centered mostly in developed nations. When it comes to TT of these ESTs, the benefits of the transfers are not equally distributed as the key recipients of the same are only a few developing nations. The article contributes to the existing literature in at least three ways. First, in contrast to previous literature done in this field, the current study uses more recent data (using OECD Stats database and INNOGRAPHY (Derwent) database) and time series to investigate the

concentration of ESTs; second, the involved ESTs covered by this study reach beyond specific clean energy technologies, covering almost all climate-related ESTs; and third, it uses market mapping to analyse the position of owners of ESTs in the relevant market in question.

Li Liu, University of Oxford: Patent Quality: A Rabbit Hole

Complaints regarding the surging volume of low-quality patents have gained momentum in the recent decades across the Atlantic. This phenomenon is accused of being harmful in many ways, such as encouraging abuse, sabotaging the patent system, blocking innovation, and raising social and private costs. This paper intends to offer a comprehensive understanding of the patent quality issue. To achieve this goal, it investigates five aspects: the history, the definition, the measurement, the proposals, and the examination. It unveils a vexing situation: the definition is kaleidoscopic, the measurement is problematic, the proposals are precarious, and the approach of intensifying examination is frustrating. This disappointing situation reveals a rabbit hole named patent quality, into which institutions, practitioners, and scholars fall and have been struggling to find a way out.

Panel 4 - Patents and Trade Secrets 2

Ashleigh Hamidzadeh: Direct Infringement of Second Medical Indication Patents and Pharmaceutical Regulation: Is an Integrated Approach Attainable?

The paper examines the compatibility of the direct patent infringement provisions in section 60(1) Patents Act 1977 with pharmaceutical regulations and practice in the United Kingdom. It assesses whether these two legal frameworks are aligned and considers how greater convergence could provide second medical indication patents with appropriate protection. The regulations and practices governing a medicaments journey from creation to use can be divided into two streams. Pre-marketing approval regulation controls a medicaments entrance into the market; including the requirements of clinical trials and market authorisation. Upon entry into the market, post-marketing approval procedures oversee the prescribing practices of practitioners and the dispensing praxis of pharmacists. The outward presentation approach to direct patent infringement adopted by the majority of the Supreme Court in Warner-Lambert Company LLC v Generics [2018] UKSC 56 establishes that liability will be found if the packaging and labelling of a medicament includes patented indications. The paper examines the relationship between the approaches taken to determining direct patent infringement in the Warner Lambert litigation and the regulations over a medicament's entry into the market, the regulatory exclusivities available to novel medicaments, as well as the practices followed by actors downstream. In so doing, it proposes a more integrated approach to direct patent infringement and pharmaceutical regulation.

Rebecca Owens: Dissecting Biotechnological Research: A Microscopic Look at the Experimental Use Exception

Foundational biotechnological research tools such as CRISPR are frequently removed from open science to be patented and 'monopolised' by their inventor. However, due to the nature of biotechnological research, access becomes necessary for innovation to occur and is privately leveraged through licensing. A growing body of evidence suggests that broad biotechnological patent claims, thickets around crucial technology and the associated transaction costs with negotiating licenses can affect scientific researchers and slow innovation. To mitigate this, the

UK has a long tradition of providing an experimental use exception to patentee rights for the purposes of experimentation. The exception has attracted considerable scholarly attention in the US, but the UK's provisions have received significantly less interest. This paper addresses this by systematically evaluating the applicability of the exemption to biotechnological research tools and considering its efficacy in preventing the paralysation of scientific progress. Recently, there has been renewed scholarly and public interest in facilitating access to scientific research in light of the COVID-19 crisis. Therefore, this research provides a timely and necessary evaluation of the research exemption and offers pragmatic suggestions for further research.

Matt Malone: A Framework for Public Interest Limiting Principles in Trade Secret and Confidential Information Decisions

This paper proposes a framework for the consideration of competing public interests in decisions to grant legal protections to trade secrets and confidential information. It argues that there is a meaningful role for public interest analysis in the adjudication of such decisions. Although this consideration has primarily arisen in the past as a defense in cases of publication, a competition of public interests has always been imminent to the law. After exposing this key aspect of the law, the paper reviews the two normative accounts for trade secret and confidential information law: deontological justifications, which maintain the law is necessary to enforce and deter certain conduct; and utilitarian justifications, which claim the law incentivizes innovation. The paper argues the utilitarian account is superior in the modern context and should be privileged to better consider and reflect public interests. Following this argument, the paper takes a prescriptive approach and proposes a balancing test to recognize the competition of public interests imminent to the law in an overt and intentional manner. It argues this balancing test is consistent with the foundations of the law and can redress procedural flaws that weaken consideration of certain public interests.

About Our Speakers

Welcome Address



Professor Sir Robin Jacob is the Sir Hugh Laddie Professor of Intellectual Property Law and Director of the UCL Institute of Brand and Innovation Law. Having read Natural Sciences at Trinity College Cambridge, Sir Robin both read for the Bar and took an LLB at the LSE. He was called to the Bar by Grays Inn in 1965, and practiced at the IP Bar between 1967 and 1993, before being appointed to the Bench in 1993. Sir Robin became a Lord Justice of Appeal in October 2003, and although he formally retired as a judge in 2011, he continued to sit from time to time in Court of Appeal until 2016. Aside from his academic work at UCL, Sir Robin continues to act as an arbitrator, mediator and expert witness. He is President of the Intellectual Property Judges' Association (the association of European IP judges), and was Chair of the Advisory Panel on the Selection and Training of Judges for the forthcoming Unitary Patent Court until the UK withdrew from the project.

Our Keynote Speaker



Professor David Vaver obtained an LL.B. from University of Auckland, a J.D. from the University of Chicago and an M.A. from the University of Oxford. He was the first holder of the chair in Intellectual Property & Information Technology Law at the University of Oxford, where he also directed the Oxford IP Research Centre between 1998-2007. He is currently Professor of Intellectual Property Law at Osgoode Hall Law School in Toronto, and a Fellow of the Royal Society of Canada and member of the Order of Canada in recognition of his IP work. He founded the *Intellectual Property Journal* in 1984, from which he retired as editor-in-chief in 2016 but remains on the advisory board. He is a Fellow of the Royal Society of Canada and was appointed in 2016 to the Order of Canada, one of Canada's highest civilian honours, for his 'leadership in intellectual property law as a scholar and mentor.'

Our Guest Speaker

Luke Adams is Senior Publisher in Law at Edward Elgar Publishing, where he leads a team of editors and curates the Law publishing programme. Luke began his publishing career in 1997 at Pearson as a Higher-Ed publishing sales rep, before moving into a commissioning role at Elgar, where he first began to develop the Elgar law list. He then spent several years as Senior Commissioning Editor at OUP, before moving back to Elgar in 2011. A particular focus of his commissioning across that time has been in the field of Intellectual Property, and he is passionate about working with and supporting the academic IP community.

Our Panellists



Wissam Aoun holds a JD and LLM from the University of Windsor where now works in the Faculty of Law as an Assistant Professor. He is also completing a PhD at Osgoode Hall Law School. Wissam's PhD research project - 'International Patent Agency & Patent Discourse' - is investigating the relationship that patent agents/attorneys have with the patent system. He is an experienced intellectual property clinician, has collaborated on research, education and training projects with IP institutions around the world, and has been a visiting researcher at places including the University of Oxford and Max Planck Institute for Innovation and Competition.



Barasha Borthakur is Herchel Smith Doctoral Scholar at Centre for Commercial and Legal Studies, QMUL where she is researching whether climate mitigation technologies can be considered as 'public good' and climate change as 'national emergency' to construe under intellectual property law and non-intellectual property flexibilities in a way to include such technologies. She is a graduate teaching associate of Global IP law at QMUL, and she has also mentored in the area of Climate Change Laws at the School of Climate Change, University of Oxford. She has completed her BA LLB (Hons) from National Law University, Assam and LLM from National Law University, Jodhpur where she was the recipient of 'Late Smt. Vandana Devendra Mehta Memorial' gold medal for securing the first position in merit.



Sevr G. Güzel is a PhD Student at the Hertfordshire Law School. Her project, Challenge of Balancing the Conflicting Fundamental Rights in Online Enforcement of IP Rights, investigates the online enforcement of copyright and the effects of this enforcement on the fundamental rights. This project has been awarded with Hertfordshire Law School PhD Scholarship Award and been presented in various reputable international conferences.



Ashleigh Hamidzadeh holds a Law LLB Honours, a LLM in International Business Law and a MA in International Politics (Globalisation, Poverty and Development) from the University of Newcastle. She is currently pursuing her PhD in Intellectual Property Law at King's College London. She is also a Visiting Lecturer in Tort Law at King's College London.



Aline Iramina is a PhD candidate and researcher at University of Glasgow School of Law and UK Copyright and Creative Economy Centre (CREATE), with research interests in copyright, AI and platform regulation. Her PhD thesis is entitled 'Copyright Governance by Algorithms: Towards a more transparent regime.' Aline holds an LLM in Intellectual Property Law from UCL and she is a Brazilian lawyer and civil servant in Brazil's federal government, with previous professional experience in copyright regulation (currently on study leave).

Li Liu is a DPhil Candidate in Law at St Catherine's College, University of Oxford and she is a member of the Oxford Intellectual Property Research Centre. She is undertaking her research in the field of patent law under the supervision of Dr Justine Pila.



Matt Malone is a PhD student at the University of Ottawa Faculty of Law and an incoming Assistant Professor at the Thompson Rivers University Faculty of Law. Prior to re-entering academia, Matt worked as a lawyer in Silicon Valley where he practiced employment and labor law. Before that, he studied and worked in various places around the world, including Toronto, Berlin, Jerusalem, Tokyo, Riyadh, and Montreal.



Oprah Nwobike is a PhD candidate in Copyright Law and Artificial Intelligence at Brunel University, London. She holds an LLB (Hons) from the University of Sussex and an LLM degree in International Commercial Law from the University of East Anglia. Oprah also has legal practice experience in civil litigation, commercial and IP law.



Rebecca Owens is a PhD candidate in law at the University of Liverpool. She holds an LLM degree (Distinction) and an LLB (Hons) from the University of Liverpool. The University of Liverpool has recognised her exceptional research with a Certificate of Excellence in 2019. She is also the recipient of the John Lennon Memorial Scholarship for her master's project and the Sir Joseph Rotblat Alumni Scholarship for her PhD research.



Scarlett Swain is a PhD Candidate and tutor at Durham Law School. She completed the University of London International LLB Programme at the New College of Humanities. Prior to commencing her LLB, she travelled the world and worked as an entrepreneur. Her current research plans to challenge the current prohibition on 'patenting nature' and then explore the developing industry of cellular agriculture, specifically regarding the patenting of meat.



Marie White is a DPhil Candidate in Law at St John's College, University of Oxford. She obtained her LLB and LLM degrees from the London School of Economics and Political Science and previously worked as a Research Assistant at QMUL and in practice at a leading intellectual property firm. Marie is particularly interested in socio-legal debates in intellectual property law, her doctoral research focusing on the implications of approaches to branding as a practice in sociology, cultural and marketing studies for the doctrinal approach to branding adopted by courts and registries in trade mark disputes.

Our Discussants



Professor Tanya Aplin joined the Dickson Poon School of Law at Kings in 2002 as a Lecturer, having previously at Robinson College, Cambridge and Murdoch University, Western Australia. She holds LLB and BA degrees from Murdoch and a BCL and D Phil from the University of Oxford.

Professor Aplin has published widely on a range of IP subjects. In the copyright field her research has included work on how digital technologies including AI are regulated by copyright law at an international, European and UK level, and her latest book is a co-authored monograph (with Prof. Bently) *Global Mandatory Fair Use: The Nature and Scope of the Right to Quote Copyright Works* (CUP, 2020). Her research also focuses on the protection of trade secrets and confidential information in the UK, Commonwealth jurisdictions and the EU. She has co-authored one of the leading texts in this field - *Gurry on Confidence: The Protection of Confidential Information* (OUP, 2012) and has also published extensively on how fundamental rights may affect trade secrets and privacy protection. Professor Aplin is co-author of two leading IP textbooks: *Intellectual Property Law: Text, Cases and Materials* 4th ed (OUP, 2021) and *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* 9th ed (Sweet & Maxwell, 2019).



Professor Phillip Johnson is the Professor of Commercial Law at Cardiff University. He researches legal history, intellectual property, and public law with particular interest in the history of policy development and the legislative process. He remains a practising barrister at the IP Bar and is a Fellow of the Chartered Institute of Arbitrators, the Royal Historical Society and the European Law Institute. Professor Johnson studied law at the University of Durham before being called to the Bar of England and Wales, where he originally practised criminal law. Subsequently, he studied for an LLM and then for a PhD at QMUL. Between 2002-2007, he worked as a government lawyer, for much of that time advising the UK Patent Office on the implementation of various IP Directives and Treaties, as well as on the modernisation of the designs and patents rules and references to the Court of Justice.

Professor Johnson is an Appointed Person, hearing appeals from the UKIPO on trade mark and design disputes. He is the Editor of *Intellectual Property Quarterly* and is also on the editorial board of the *Queen Mary Journal of Intellectual Property*. He is an author of leading texts on patent law (Roughton, Johnson and Cook: *The Law of Patents*), confidential information (*Gurry on Breach of Confidence*), internet issues (*Gringras: The Laws of the Internet*) and ambush marketing and sponsorship (*Ambush Marketing and Brand Protection*).



Dr Marc Mimler is a Senior Lecturer at City Law School, which he joined in 2021. He has taught on all fields of intellectual property at various higher education institutions, including Bournemouth, QMUL, King's College London, UCL, LSE, Warwick and CEIPI. Dr Mimler is a fully qualified German lawyer, having obtained his undergraduate degree in law from the Ludwig-Maximilians-University Munich and then completed bar school (Referendariat) at the Higher District Court of Munich. He then obtained a Master's degree in intellectual property law and a PhD in patent law from QMUL.

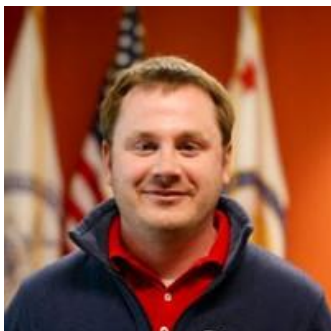
Dr Mimler's research interests cover intellectual property law in general with its interfaces with human rights and international trade law, information technology law and competition law. He has a particular interest in exceptions to intellectual property rights from a doctrinal and practical perspective and is currently developing a monograph on this issue with Edward Elgar. He has also been General Editor of the Queen Mary Journal of Intellectual Property and is currently one of the editors of the Interactive Entertainment Law Review (IELR). In 2021, he took on the position of Editorial Advisor for the bi-monthly Japanese IP journal Patents & Licensing.



Dr Luke McDonagh joined LSE Law School in 2020, having previously held positions at City, Cardiff and LSE. Luke holds a PhD from QMUL, an LLM from the LSE and a BCL from NUI, Galway.

Dr McDonagh's IP law research primarily involves using empirical and theoretical insights to shed light on interesting (and sometimes controversial) aspects of intellectual property, such as the interplay between property owners and users in free-sharing creative environments, as exemplified in his latest monograph, *Performing Copyright: Law, Theatre and Authorship* (Hart, 2021). His work in the field of patents has included a study of patent litigation (cited in 2014 in the UK Parliament), work on patent assertion entities (cited in a US Federal Trade Commission report in 2016) and standard essential patents and the Internet of Things (presented before the JURI Committee of the European Parliament). He has also written on the potential consequences of Brexit on patent law and the Unified Patent Court/Unitary Patent. More recently he has been investigating how intellectual property law interacts with artificial intelligence and interactive robotics as well as Covid waivers under TRIPS. He is author of the text book *Intellectual Property Law* (OUP, 2019) (with S. Karapapa).

About Our Panel Chairs



Joshua Bradley is a licensed US attorney and former USPTO patent examiner and engineer, who holds a BS in engineering from the Missouri University of Science and Technology, a JD/MBA from Saint Louis University and an LLM in intellectual property law from the University of Turin/WIPO. Josh was awarded an IBIL Scholarship in 2020, and he is now in the 2nd year of his PhD. He is researching patent subject matter eligibility, and hopes that his research will advance an effort to reform the current ambiguous standard of determining eligibility with a more harmonized, certain, and predictable version of this complex area.



Luminița Olteanu joined UCL in 2018 having been awarded an IBIL Scholarship to conduct her research. She holds an LLM from Kent Law School (Distinction) where she was awarded the Oxford University Press Prize for Academic Excellence in the LLM, and a LLB from the University of Bucharest. Lumi is currently working part-time as a Lecturer at the University of Kent. Lumi qualified as a lawyer in Romania in 2011 and practiced across a variety of legal areas including but not limited to intellectual property law, data privacy, arbitration, commercial law, corporate law and competition law. Lumi's PhD research seeks to critically analyse the concept of 'reputation' as a requirement for anti-dilution protection and to challenge its relevance and justifications in parallel with how reputation is created through consumers' labour.



Felipe Osorio-Umaña joined UCL in 2019 having been awarded a UCL Faculty scholarship to conduct his research. He holds an LLM from Kent Law School (Distinction), and an LLB (2017) from the Universidad de Chile (Distinction). Felipe qualified as a lawyer in Chile in 2018 and worked across a variety of legal areas in the private sector including copyright, trademark law, data privacy, and corporate law. He has also worked for NGOs focusing on access to public information and citizen participation. Felipe's PhD research critically analyses how fundamental rights can limit copyright expansion, focusing on their influence on copyright exceptions and limitations.



Alina Shchetinina joined UCL in 2021 having been awarded an IBIL Scholarship to conduct her research. She holds an LLM from the University of Vienna (Distinction) where she obtained a grant from the Higher Education Scholarship Foundation for Law Students. Alina obtained both her Bachelor (Distinction) and first Master (Distinction) Degrees at the Yaroslav the Wise National Law University of Ukraine. Prior to joining UCL, she worked as the Senior Legal Counsel at a German-based tech company. Her research explores the impact of the dilution doctrine on the right to free speech.



About the UCL Institute of Brand and Innovation Law

Professor Sir Hugh Laddie was a leading English judge and academic in the field of intellectual property law. He had a formidable international reputation and did much to shape IP law, both here and overseas. When Sir Hugh retired from the bench in 2005, he was appointed Professor of Intellectual Property Law at UCL and went on to found the Institute of Brand and Innovation Law (IBIL) in 2007.



The Institute was established with a distinctive objective: not only to undertake first class academic research, but also to pay attention to the practical application of intellectual property law and to the interests of IP practitioners in this field. Following his untimely death in November 2008, UCL created an academic Chair in his memory. The inaugural holder of the Sir Hugh Laddie Chair in Intellectual Property Law is **Professor Sir Robin Jacob** who is also Director of the UCL Institute of Brand and Innovation Law.

Since its foundation, IBIL has provided a unique forum for academics, the judiciary, policy-makers, the professions and users of the IP system to come together and exchange ideas on cutting-edge IP issues. IBIL runs a serious program of events at the highest level, including seminars, public lectures, conferences, workshops on all aspects of IP. It also operates an acclaimed CPD programme and UCL Laws has become home to a vibrant IP PhD community, supported by IBIL-funded PhD scholarships.

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8 NEW SQUARE
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