

COLLOQUIUM ON – INTELLECTUAL PROPERTY RIGHTS

(for the Judges of Madhya Pradesh)

	<u>Day 1</u> (Saturday 28.09.2024)	
2:00 pm – 3:30 pm	<i>Inaugural Function</i>	
3:30 pm – 4:00 pm	<i>High Tea</i>	
4:00 pm – 05.30 pm	<u>Technical Session 1</u>	
	<p style="text-align: center;">Chair: Mr. Justice Vijay Kumar Shukla</p> <p style="text-align: center;">Co Chair: Mr. Justice Anil Verma Mr. Justice Milind Ramesh Phadke Mr. Justice Roopesh Chandra Varshney Mr. Justice Rajendra Kumar Vani Mr. Justice Pramod Kumar Agarwal</p> <p><u>Introduction to Intellectual Property: Conceptual and Legal Foundations</u></p> <p>In this session, we propose to lay down the foundation by discussing:</p> <ul style="list-style-type: none"> • Different types of IP Rights – trademarks, copyrights and designs, requirements for protection, overlap • International treaties (including Paris Convention) and their relevance for IP systems including India (briefly touching on unfair competition Article 10 <i>BIS</i> and common law right of passing-off) • Brief overview of examination process including questions of distinctiveness, confusion analysis, similarity, priority etc • Brief overview of administrative proceedings such as oppositions and cancellations • Special types of trademarks - non-traditional marks, including sound marks, color marks, and scent marks and the challenges in prosecution and enforcement; case studies i.e. <i>Christian Louboutin's</i> red sole trademark. • Well-known marks – protection, scope, enforcement • Bad faith registrations – identification and enforcement options, worldwide issues, INTA best practices 	<p style="text-align: center;"><u>RESOURCE PERSONS</u></p> <p>Yogesh Pai/ National Law University of Delhi (IP foundations and process) (<i>in person</i>)</p> <p>Sarah Roberts- Favell/UK-IPO (International Treaties) (<i>in person</i>)</p> <p>Gillian Arend/ UKIPO (<i>in person</i>)</p>

	<u>Day 2</u> <i>(Sunday 29.09.2024)</i>	
10.00 am – 11:30 am	<u>Technical Session 2</u>	
	<p style="text-align: center;">Chair: Mr. Justice Subodh Abhyankar</p> <p style="text-align: center;">Co Chair: Mr. Justice Pranay Verma Mr. Justice Prakash Chandra Gupta Mr. Justice Sanjeev Sudhakar Kalgaonkar Mr. Justice Avanindra Kumar Singh Mr. Justice Binod Kumar Dwivedi</p> <p style="text-align: center;"><u>Enforcement Mechanisms: Challenges & Best Practices:</u></p> <p>In this session, we propose to talk about different enforcement mechanisms available such as:</p> <ul style="list-style-type: none"> • Jurisdictional Issues including after abolition of Intellectual Property Appellate Board for cancellations, process, legal and jurisdictional issues • Judicial enforcement mechanisms and civil remedies– infringement proceedings, remedies in common law, • Injunctions overview and INTA best practices, search and seizure orders, including process respectively. • Brief overview of criminal remedies in Copyright and Trademark matters and process including challenges such as Section 115(4) • Arbitrability of IP Disputes – including scope of jurisdiction i.e. decisions affecting statutory rights 	<p style="text-align: center;"><u>RESOURCE PERSONS</u> Mr. Justice Sanjeev Sachdeva</p> <p style="text-align: center;">Gaurav Miglani/ Worldwide Intellec <i>(in person)</i></p>
11.30 am – 12:00 noon	Tea Break	

	<u>Day 2</u> <i>(Sunday 29.09.2024)</i>	
12:00 noon – 1:30 pm	<u>Technical Session 3</u>	
	<p style="text-align: center;">Chair: Mr. Justice Sanjay Dwivedi</p> <p style="text-align: center;">Co Chair: Mr. Justice Maninder Singh Bhatti Mr. Justice Dinesh Kumar Paliwal Mr. Justice Prem Narayan Singh Mr. Justice Vinay Saraf Mr. Justice Devnarayan Mishra</p> <p style="text-align: center;"><u>Evolving landscape of Injunctions, Damages and Enforcement of Awards</u></p> <p>In this session we propose to delve deeper into the evolving law on</p> <ul style="list-style-type: none"> • Dynamic Blocking Injunctions – Indian and international comparison and cases • Anti-suit injunctions and Anti-arbitration injunctions • Anti-enforcement injunctions granted by courts • Monetary relief – damage awards, fines and costs – challenges and tools (data analytics) in quantification of damage awards, cross-border enforcement of same and case discussion; • Examine the challenges posed by cross-border infringement regarding jurisdiction, applicable laws, enforcement across borders; • Comparison with international systems – Korea and others 	<p style="text-align: center;"><u>RESOURCE PERSONS</u></p> <p>Iris Gunther/INTA (INTA positions/best practices injunctions, monetary relief, Hague) <i>(in person)</i></p> <p>M S Bharath/KRIA Law (Dynamic Blocking Injunctions, Indian cases and perspective) <i>(in person)</i></p> <p>Judge Young Kim/IP High Court Korea (Korean/international cases and perspective) <i>(virtual)</i></p>
1:30 pm – 2:15 pm	Lunch Break	

	<u>Day 2</u> (Sunday 29.09.2024)	
2:15 pm – 3:45 pm	<u>Technical Session 4</u> Panel discussion	
	<p>Chair: Mr. Justice Vishal Mishra</p> <p>Co Chair:</p> <p>Mr. Justice Dwarka Dhish Bansal Mr. Justice Duppala Venkata Ramana Mr. Justice Achal Kumar Paliwal Mr. Justice Vivek Jain Mr. Justice Gajendra Singh</p> <p><u>Intellectual Property & Technology: What lies ahead</u></p> <p>In this session we propose to talk about some of the challenges that lie ahead for Intellectual Property law and how the law is evolving rapidly in other jurisdictions on aspects of:</p> <ul style="list-style-type: none"> • Adwords and Keywords advertising – Indian vs. international case law • Infringement in the digital world, Liability of intermediaries, e-commerce portals, Domain Name Registrars. • Jurisdictional issues in disputes in the digital age • Emerging technologies such as Artificial Intelligence (AI), Blockchain, Non-Fungible Tokens (NFTs); • Electronic evidence and case management, issues for IP protection and enforcement. 	<p><u>Moderator:</u> Mr. Justice Vishal Dhagat</p> <p><u>Panellists:</u></p> <p>Mr. Justice Sanjeev Sachdeva</p> <p>Viji Malkani/ Hindustan Unilever (<i>in person</i>)</p> <p>Megan Carpenter/ Franklin Pierce School of Law, UNH (<i>virtual</i>)</p> <p>Lord Justice Colin Birss /Court of Appeal England and Wales (<i>virtual</i>)</p>
4:00 – 5:30 pm	Valedictory Function	
5:30 pm	High Tea	