

Aleksandra Górska-Jankowska

University of Gdańsk, Poland

aleksandra.gorska-jankowska@phdstud.ug.edu.pl

ORCID: 0000-0002-6326-4703

The EIPIN Doctoral Seminar and International Conference: “Coordination of Intellectual Property Law and the New European Data Law”, Munich, 1–2 June 2023 (Report)

On 1–2 June 2023 the Doctoral Seminar and International Conference entitled “Coordination of Intellectual Property Law and the New European Data Law” was held at the Max Planck Institute for Innovation and Competition in Munich. This was the subsequent edition of the regular academic meeting organized by the EIPIN-Innovation Society in cooperation with associated universities and research institutions.

The European Intellectual Property Institutes Network (EIPIN) is a network of European institutions established in 1999 to facilitate and increase cooperation among intellectual property (IP) institutions and students in Europe. Its activity mainly focuses on conducting research in the field of IP law and organizing seminars and conferences. Among its members are the University of Alicante, Spain, the University of Strasbourg, France, Maastricht University, Netherlands, and the Max Planck Institute for Innovation and Competition, Germany. As part of EIPIN’s activities, affiliated institutions organize annually a doctoral seminar, during which doctoral candidates at different stages of their research have the opportunity to report on their research and to receive feedback from professors and other doctoral candidates.

The 2023 edition of the EIPIN Doctoral Seminar took place on 1 June 2023 at the Max Planck Institute for Innovation and Competition in Munich. This year’s edition was attended by seven doctoral students. The seminar began with a warm welcome from Prof. Dr. Josef Drexler, LL.M. (UC Berkeley), a Director and Scientific Member at the Max Planck Institute for Innovation and Competition. The seminar’s inaugural presentation was by Filipe de Andrade from Maastricht University entitled “Technology Transfer, Intellectual Property, Trade Law and Sustainability.” Prof. Manuel Desantes Real from the University of Alicante provided insightful commentary on de Andrade’s research. Next, Aleksandra Górska-Jankowska, from the University of Gdańsk, on behalf of the University of Alicante, explored the topic entitled “The Bestseller Clause as a Realization of the Principle of Appropriate and Proportionate Remuneration of Authors and Performers.” Prof. Guido Westkamp from Queen Mary University of London offered his detailed expert critique on the matter presented by Górska-Jankowska. Next, Abhijeet Kumar of Queen Mary University of London presented the topic entitled “Protecting

Intangible Cultural Heritages of Adivasis.” Kumar’s presentation was subsequently commented on by Anke Moerland from the University of Maastricht, who shared her perspective on this research topic. The seminar also featured Li Aolan of Queen Mary University of London with a presentation entitled “Contextualizing Legitimate Interests of Data Controllers in Private Sector: A Comparative Perspective,” which Klaus Wiedemann of the Max Planck Institute commented on; Chen Yiqiong of the Max Planck Institute presented “Access to and (Re-)Use of Data for Developing AI Systems,” with Prof. Julián López Richart of the University of Alicante offering commentary, and Korbinian Schrom of Munich University, analyzed “Data access obligations to enable horizontal competition. A sector-specific analysis of Art. 6(11) Digital Markets Act with special consideration of trade secret protection,” with complementary insights from Beatriz Conde Gallego of the Max Planck Institute. The seminar closed with doctoral student Liza Herrmann of the Max Planck Institute, who presented a topic entitled “Cyber Bots as a Competitive Threat – A Competition Policy Risk Assessment and Regulatory Approaches,” with Anselm Kamperman Sanders of Maastricht University providing the closing remarks.

In reviewing the seminar, it is important to highlight the high quality of the presentations. All speakers delivered engaging, in-depth presentations. Additionally, the feedback and insights from the professors added great value. Their guidance was insightful, encouraging deeper thought and further exploration of the topics.

On 2 June, the Max Planck Institute hosted the EIPIN International Conference, which was structured into several insightful panels, each addressing pivotal issues at the intersection of intellectual property, technology and competition. Prof. Dr. Josef Drexler began by welcoming all attendees giving the floor to the speakers.

The first panel, “Data Interoperability and IP,” was led by Prof. Anselm Kamperman Sanders from Maastricht University. This panel featured two speakers: Giuseppe Colangelo from the University of Basilicata, who discussed “The Need to Promote Access to (Potentially IP or Trade Secrets Protected) Application Programming Interfaces (APIs),” and Valentina Moscon from the Max Planck Institute (MPI), Munich, who presented her research on “Coordination of Data Access Rules with Protection of Technical Protection Measures (TPMs) against Circumvention.” Following this, the second panel delved into “IP and Trade Secrets Protection as a Potential Impediment to AI Development.” Luke McDonagh from the London School of Economics, examined the topic of “Potential IP and Trade Secrets Protection for Data Used for AI Development,” while Jean-Marc Deltorn from Center for International Intellectual Property Studies, Strasbourg, addressed “IP and Trade Secrets Protection for Software Elements of AI Systems.” The second panel was moderated by Prof. Julián López Richart of the University of Alicante. The third panel, entitled “Competition Policy-Inspired Data Access,” was chaired by Hanns Ullrich from MPI Munich. It began with a presentation by Björn Lundqvist from the University of Stockholm on “The DMA and the German GWB: Coordination of IP and Trade Secrets Protection under Specific Competition Policy-Inspired Data Access Rules.” Peter Picht from the University of Zurich then discussed his research “On the Need for a Uniform Approach of Competition Law to the Duty to License IP and the

Sharing of Data.” The fourth panel focused on the topic “Prohibitions of International Data Transfers for Protecting IP and Trade Secrets.” The panel was chaired by Prof. Manuel Desantes Real from the University of Alicante and featured three researchers: Tobias Naef from the Office of the Data Commissioner of the Canton Zurich (“The GDPR: Governing International Data Transfers at the Intersection of Privacy and Trade”), Heiko Richter from MPI Munich (“The Data Governance Act: Controlling International Data Transfers of Public Sector Data”), and Josef Drexl, also from MPI Munich (“The Data Act: Prohibition of International Data Transfers as an Obligation of Cloud Service Providers”). The conference concluded with a comprehensive panel discussion entitled “What Comes Next? New Challenges at the Interface of IP, Competition, and Data Law,” where experts deliberated on the future trajectory of these intertwined domains.

The EIPIN International Conference, held at the Max Planck Institute for Innovation and Competition in Munich, served as a key platform for European professionals and academics in the realm of intellectual property, technology and competition. The structured panels and expert-led discussions not only deepened the understanding of current challenges but also highlighted potential avenues for future research and collaboration. The presentations were met with interest, leading to active panel discussions that often extended beyond the formal sessions into less formal collegial discussions. The inclusion of legal scholars from various research centers further enriched the dialogue, allowing for a comprehensive exchange of views and experiences on the topics discussed.