



NATIONAL SEMINAR

WIPO/IP/JU/BAK/19/INF 1
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DATE: DECEMBER 3, 2019

National Seminar on Recent Developments in IP Law and Practice for Members of the Judiciary

organized by
the World Intellectual Property Organization (WIPO)

in cooperation with
the Intellectual Property Agency of Azerbaijan (IPA)

Baku, December 5 and 6, 2019

PROGRAM

prepared by the International Bureau of WIPO

Thursday, December 5, 2019

9.30 – 10.00 Registration and coffee

10.00 – 10.45 **Welcome and Opening Addresses**

Mr. Kamran Imanov, Chairman of the Board, Intellectual Property Agency of the Republic of Azerbaijan (IPA)

Ms. Nahal Zebarjadi, Legal Officer, WIPO Judicial Institute, Office of the Legal Counsel, World Intellectual Property Organization (WIPO)

10.45 – 11.15 **Topic 1: Introduction to WIPO and WIPO's work with Judiciaries**

Speaker: Ms. Nahal Zebarjadi

11.15 – 11.45 **Topic 2: Overview of Intellectual Property Adjudication and Decisions of the Board of Appeals of the Intellectual Property Agency of Azerbaijan**

- Overview of national legal framework
- National judicial practice in the field of IP
- Overview of IP adjudication: numbers, types of disputes
- Challenges of IP adjudication

Speaker: Ms. Gunel Sevdimaliyeva, Advisor to the Chairman of the Board, IPA; Chair of the Board of Appeal

11.45 – 12.00 Coffee Break

12.00 – 13.00 **Topic 3: Copyright in the Digital Environment: Recent Developments in Azerbaijan and in the European Union**

- Protectable subject matter in the digital environment: compilations of data, software
- Issues in online infringement: e.g. location of communication to the public
- Liability of internet intermediaries
- Limitations and exceptions
- Interface of copyright with privacy rights

Speakers: Mr. Nacaf Guliyev, Director, Center for Enforcement of Intellectual Property Rights, Intellectual Property Agency

Ms. Nahal Zebarjadi

13.00 – 14.00 Lunch

- 14.00 – 14.45 **Topic 4: Emerging Forms of Specialized Judiciaries for IP Disputes**
- Different forms of specialization: courts, judges, experts
 - Potential advantages/disadvantages
 - Examples of national experiences of specialization
 - Factors that may affect specialization
 - Implications for judicial education
- Speaker: The Hon. Edger F. Brinkman, Senior Judge, Court of The Hague, Netherlands
- 14.45 – 15.15 **Topic 5: Interface of IP Disputes with Private International Law**
- Legal frameworks
 - Jurisdiction
 - Choice of laws
 - Recognition and enforcement of foreign judgments
- Speaker: Ms. Nahal Zebarjadi
- 15.15 – 15.30 Coffee Break
- 15.30 – 16.30 **Topic 6: Remedies for IP Infringement**
- Evidence gathering
 - Injunctions, including interim relief criteria
 - Determining damages
 - Tools for tailoring remedies in the online environment: site blocking orders; filtering; destruction of webpage contents; suspension or seizure of domain names
 - Proportionality
- Speakers: The Hon. Edger F. Brinkman
- Mr. Iqbal Asgarov, Head, Legal, Appeal and Internal Control Department, Intellectual Property Agency

Friday, December 6, 2019

- 9.30 – 10.00 Coffee
- 10.00 – 10.45 **Topic 7: Issues in Patents**
- Scope of protection
 - Validity
 - Supplemental protection
- Speaker: The Hon. Edger F. Brinkman

- 10.45 – 11.30 **Topic 8: Conditions of Trademark Protection and Validity of Registration**
- Registrability of a trademark
 - Non-traditional marks
 - How to deal with (semi-)descriptive marks
 - Grounds for refusal: public policy
- Speaker: Mr. Khudayat Hasanli, Director, Patent and Trademarks Examination Office, IPA
- 11.30 – 12.15 **Topic 9: Scope of Trademark Protection and Infringement**
- Loss of registration: non-use
 - Transfer and licensing
 - Parallel imports and national exhaustion
 - Burden of proof
- Speakers: Mr. Ramin Hajiyev , Head, Trademark, Industrial Design and Geographical Indications Examination Department, Patent and Trademarks Examination Office, IPA
- 12.15 – 12.30 Coffee break
- 12.30 – 13.15 **Roundtable: Outlook and Opportunities for Judicial Administration of IP in Azerbaijan**
- What elements of IP adjudication in Azerbaijan may be relevant in considering special rules of procedure, or a form of specialization of the judiciary for IP?
 - Which form/s of specialization would be best suited to the Azerbaijani context?
- Moderator: Ms. Nahal Zebarjadi, Legal Officer, WIPO Judicial Institute
- Speakers: All speakers, intervention welcome from all participating judges
- 13.15 **Closing**

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