

# 2021 WIPO Intellectual Property Judges Forum

Promoting transnational dialogue among judiciaries

November 10–12, 2021

Program



## Forum Rules

In order to promote open judge-to-judge dialogue, the WIPO Intellectual Property Judges Forum will apply the Chatham House Rule. Participants will be free to use information shared during discussions at the Forum, but neither the identity nor the affiliation of the speakers, nor that of any other participant, may be revealed.

The speakers will speak in their personal capacity, expressing their own opinions and views and not necessarily those of the Secretariat or of the Member States of WIPO.

There will be no public webcasting of the Forum.

## Acknowledgments

The work of the WIPO Judicial Institute is guided by the WIPO Advisory Board of Judges comprising:

Annabelle BENNETT, Former Judge, Federal Court of Australia, Sydney, Australia (Chair); Colin BIRSS, Lord Justice, Court of Appeal of England and Wales, London, United Kingdom; Souad El FARHAOUI, Judge and Counsellor, Court of Cassation and Director of Education, Higher Institute of Magistracy, Rabat, Morocco; Klaus GRABINSKI, Judge, Federal Court of Justice, Karlsruhe, Germany; LI Jian, Deputy Chief Judge, IPR Division, Supreme People's Court of China, Beijing, China; Tati MAKGOKA, Justice, Supreme Court of Appeal, Bloemfontein, South Africa; Max Lambert NDÉMA ELONGUÉ, Magistrate, Deputy Director in charge of Administrative, Financial and Accounts Litigation, Ministry of Justice, Yaoundé, Cameroon; Lyudmila NOVOSELOVA, President, Intellectual Property Court, Moscow, Russian Federation; Kathleen M. O'MALLEY, Judge, Court of Appeals for the Federal Circuit, Washington D.C., United States of America; SHITARA Ryuichi, Former Chief Judge, Intellectual Property High Court, Tokyo, Japan; Maitree SUTAPAKUL, President, Court of Appeal for Specialized Cases, Bangkok, Thailand; and Ricardo Guillermo VINATEA MEDINA, Judge, Seventh Chamber Specialized in Administrative Proceedings, High Court of Justice of Lima, Peru.

# Wednesday November 10

13.00 – 13.15 **Opening**

Daren TANG, Director General, World Intellectual Property Organization (WIPO)

Annabelle BENNETT, Former Judge, Federal Court of Australia, Sydney, Australia; Chair of the WIPO Advisory Board of Judges

*Master of Ceremonies*

Nahal ZEBARJADI, Legal Officer, WIPO Judicial Institute

13.15 – 13.40 **Session 1: Judicial Patent Case Management**

- Overview of judicial structures, decision-makers and processes for patent disputes
- Judicial education for patent disputes:
  - How judges can be proactive in managing their cases
  - Value of formal and informal education

*Speakers*

Jeremy FOGEL, Executive Director, Berkeley Judicial Institute; Former Director, Federal Judicial Center, United States of America

Peter S. MENELL, Professor, Berkeley School of Law; Faculty Director, Berkeley Judicial Institute, United States of America

MIN Eun-Joo, Director, WIPO Judicial Institute

13.40 – 14.30 **Session 2: Distinctive Judicial Case Management Challenges for Patent Disputes**

- What are the common challenges faced by judges in managing patent disputes? (e.g. scope of discovery, scope of dispute, separation of issues going to trial, technical fact finding)

- What are some of the practices aimed at achieving greater speed, efficiency and consistency in the judicial adjudication of patent disputes, during the pre-trial, trial and post-trial phases?
- Benefits of specific case management tools implemented, and impediments to their use

*Moderator*

Kent JORDAN, Judge, U.S. Court of Appeals for the Third Circuit, Philadelphia, United States of America

*Speakers*

Stephen BURLEY, Justice, Federal Court of Australia, Sydney, Australia

HE Juan, Senior Judge, IP Court of the Supreme People's Court, Beijing, China

Eduardo Azuma NISHI, Judge, São Paulo Court of Justice, São Paulo, Brazil

David UNTERHALTER, Acting Justice, Supreme Court of Appeal, Bloemfontein, South Africa

14.30 – 15.25

**Session 3: Decision Makers and the Role of Experts in Patent Disputes**

- How do judges use experts in patent cases?
- How does the judge become familiar with patent law and with the specific technology being litigated?
- How does the judge make a finding between disagreeing experts, and then explain the finding when delivering her or his reasons?
- Is patent claim interpretation a question of law or a question of fact? Is inventive step/obviousness a question of law or a question of fact? What is the role of the judge/jury, what is the role of experts in the decision-making with regard to these questions?

*Moderator*

Klaus GRABINSKI, Judge, Federal Court of Justice, Karlsruhe, Germany

*Speakers*

LEE Kyuhong, Presiding Judge, Patent Court, Daejeon, Republic of Korea

Kathleen M. O'MALLEY, Judge, U.S. Court of Appeals for the Federal Circuit, Washington, D.C., United States of America

Valerie THEAN, Justice, High Court, Supreme Court, Singapore

15.25 – 15.30

**Closing Day 1**

# Thursday November 11

13.00 – 13.20 **Reflections on Day 1: Lead Discussants in Conversation with Session Moderators**

*Lead discussant for Session 2*

Tamar AVRAHAMI, Judge, District Court, Tel Aviv, Israel

*Lead discussant for Session 3*

Angela FURLANETTO, Justice, Federal Court, Ottawa, Canada

*In conversation with the moderators*

Kent JORDAN  
Klaus GRABINSKI

13.20 – 13.35 **WIPO's Work in the area of the Judicial Administration of IP**

*Speaker*

MIN Eun-Joo, Director, WIPO Judicial Institute

13.35 – 14.30 **Session 4: Patent Invalidity / Nullification Proceedings**

- When and where in the process does the question of patent invalidity get addressed?
- Time limit to invalidity challenges
- Claim construction (administrative and judicial review)
- Consideration of unpredictable results of an invention
- Evidentiary weight of technical reports in nullification proceedings

*Moderator*

Jeremy FOGEL

*Speakers*

ASAI Ken, Judge, Intellectual Property High Court, Tokyo, Japan

Hugo R. GÓMEZ APAC, Judge, Court of Justice of the Andean Community, Quito, Ecuador

Charlotte MAY, Deputy Judge, High Court of England of Wales, London, United Kingdom

14.30 – 15.25 **Session 5: Patent Infringement Proceedings**

- Patent infringement by equivalent means
- Direct and indirect patent infringement
- Establishing the facts of the alleged infringement

*Moderator*

Colin BIRSS, Lord Justice of Appeal, Court of Appeal of England and Wales, London, United Kingdom

*Speakers*

Lyudmila NOVOSELOVA, President, Intellectual Property Court, Moscow, Russian Federation

Prathiba SINGH, Justice, Delhi High Court, New Delhi, India

Peter TOCHTERMANN, Presiding Judge, Patent Chamber, Regional Court, Mannheim, Germany

15.25 – 15.30 **Closing Day 2**

# Friday November 12

13.00 – 13.20 **Reflections on Day 2: Lead Discussants in Conversation with Session Moderators**

*Lead discussant for Session 4*

Rian KALDEN, Senior Judge, Court of Appeal, The Hague, Netherlands

*Lead discussant for Session 5*

Carine GILLET, First Vice President, Judicial Tribunal, Lille, France

*In conversation with the moderators*

Jeremy FOGEL

Colin BIRSS

13.20 – 14.00 **Session 6: Unique Issues in Biologic and Pharmaceutical Patent Disputes**

- How are modern biologic and pharmaceutical patents being treated in today's world?
  - How does a second medical use work within the confines of patentability and infringement?
  - What is the role of post-publication data and plausibility arguments?

*Moderator*

Annabelle BENNETT

*Speakers*

DU Weike, Senior Judge, IPR Division, Supreme People's Court, Beijing, China

Roberto ROMANDINI, Legal Member, Boards of Appeal of the European Patent Office, European Patent Organization, Munich, Germany

14.00 – 14.40 **Session 7: Damages**

- Principles and challenges of damage calculation
- Compensation or punishment?
- Evidentiary basis for establishing damages

*Moderator*

Prathiba SINGH

*Speakers*

Samuel GRANATA, Judge, Court of Appeal, Antwerp, Belgium; Benelux Court of Justice, Luxembourg

KIM Kwangnam, Judge, District Court, Daegu, Republic of Korea

14.40 – 15.20 **Roundtable: Future of Judicial Patent Case Management**

- Technology and case management (remote case management)
- Alternative dispute resolution (ADR): How actively may a judge push parties to mediate?
- How can case management help to make patent litigation more cost-effective, in particular for SMEs?

*Moderator*

Kathleen M. O'MALLEY

*Speakers*

Annabelle BENNETT

Colin BIRSS

Jeremy FOGEL

Klaus GRABINSKI

Kent JORDAN

Prathiba SINGH

15.20 – 15.30 **Closing**

Annabelle BENNETT

Marco ALEMÁN, Assistant Director General, IP and Innovation Ecosystems Sector, WIPO



## Speakers



**Tamar AVRAHAMI**

**Judge, District Court,  
Tel Aviv Israel**

Judge Avrahami was appointed to the Tel Aviv District Court in 2012. In this capacity, she sits on the bench in many of the intellectual property, and specifically patent law, cases that appear before the Court, which is one of only two courts in Israel empowered to hear appeals from decisions of the Registrar of Patents. Judge Avrahami served as a judge of the Tel Aviv Magistrates Court between 2003 and 2012.

Judge Avrahami began her career as an intern for Justice Dr. S. Levin at Israel's Supreme Court and was accepted to the Israeli Bar Association in 1993. She has experience working at a prominent law firm in Tel Aviv and also served as Legal Counsel for the IBM Corporation in Israel, Greece and Cyprus.

Judge Avrahami regularly lectures on IP and other legal subjects at judicial training courses and in other fora.

Judge Avrahami graduated from the Hebrew University of Jerusalem School of Law with distinction, and also holds a Master of Laws from the University of Chicago.



**Annabelle BENNETT**

**Former Judge, Federal  
Court of Australia,  
Sydney, Australia**

Until March 2016, Justice Annabelle Bennett AC SC served as a judge of the Federal Court of Australia, sitting in many intellectual property cases at first instance and on appeal, and as an additional judge of the Supreme Court of the Australian Capital Territory. Prior to her appointment to the Federal Court of Australia, she practiced as a Senior Counsel specializing in intellectual property.

Justice Bennett has also served as President of the Copyright Tribunal of Australia, Chair of the National Health and Medical Research Council and a Presidential Member of the Administrative Appeals Tribunal. Her current appointments include: Chancellor of Bond University; President of the New South Wales Anti-Discrimination Board; Arbitrator of the Court of Arbitration for Sport; Chair of Land Services SA; Chair of the Australian Nuclear Science and Technology Organisation; member of the Garvan Institute for Medical Research; member of Chief Executive Women; and member of the Advisory Board of the Faculty of Law at the Chinese University of Hong Kong.

Justice Bennett has a PhD in Biochemistry as well as a degree in Law, and Honorary Doctorates from the University of New South Wales and the Australian National University.



**Colin BIRSS**

**Lord Justice of Appeal,  
Court of Appeal of  
England and Wales,  
London, United  
Kingdom**

Justice Colin Birss was appointed as a judge of the Court of Appeal of England and Wales and as Deputy Head of Civil Justice in 2021.

Justice Birss was called to the English Bar in 1990 and practiced in intellectual property law. He took silk in 2008. In 2010, he became the judge of what is now the Intellectual Property Enterprise Court (IPEC), and Chairman of the United Kingdom Copyright Tribunal. In 2013, Justice Birss was appointed to the High Court (Chancery Division) where he sat in the Business and Property Courts, and in 2019 became Judge in Charge of the Patents Court.

Justice Birss earned a degree in metallurgy and materials sciences from Downing College, Cambridge, and was legally trained at City University London.



**Stephen BURLEY**

**Justice, Federal Court of Australia, Sydney, Australia**

Justice Burley has served as a judge of the Federal Court of Australia since 2016. As a judge in the Intellectual Property National Practice Area, he hears many intellectual property cases at first instance and on appeal. He is also often a facilitator, researcher and speaker at conferences and seminars in the intellectual property space.

Prior to his appointment to the Court, Justice Burley practiced at the Bar from 5 Wentworth Chambers, Sydney, from 1993 until 2016. He was appointed Senior Counsel in 2007. Whilst at the Bar, Justice Burley practiced in intellectual property, specializing in patent, copyright, trademark, designs and confidential information cases. He also appeared in cases involving trade practices, competition and consumer law, and administrative law. Many of his patent cases involved pharmaceutical, telecommunications or other high technology subject matter.

Justice Burley graduated from the University of Sydney in Arts and Law in 1987, and was subsequently awarded a Master of Laws from the London School of Economics and Political Science. He was awarded an Associate in Music, Australia (AMusA) by the Australian Music Examinations Board in 1982.



**DU Weike**

**Senior Judge, IPR Division, Supreme People's Court, Beijing, China**

Judge Du has served on the Intellectual Property Rights Division of the Supreme People's Court in Beijing, China since 2010. Prior to this appointment, he worked as a patent examiner at the Board of Reexamination of the State Intellectual Property Office of China from 2004 to 2009, handling over 150 patent administrative cases.

Judge Du has rendered a number of landmark intellectual property cases in China, and has published more than 20 articles on intellectual property law.

Judge Du holds a B.A. in Electric Engineering and Law from HuaZhong University of Science and Technology, a Juris Master Degree from Xiamen University, and a Master's Degree from Temple University, which he attended as a DuPont Scholar.



**Jeremy FOGEL**

**Executive Director, Berkeley Judicial Institute; Former Director, Federal Judicial Center, United States of America**

Judge Fogel is the first Executive Director of the Berkeley Judicial Institute. Prior to this appointment, he served as Director of the Federal Judicial Center in Washington, DC (2011-2018), as a United States District Judge for the Northern District of California (1998-2011), and as a judge of the Santa Clara County Superior (1986-1998) and Municipal (1981-1986) Courts.

Judge Fogel has served as a faculty member for the Federal Judicial Center; as a lecturer at Stanford Law School; taught for the California Continuing Judicial Studies Program and California Judicial College; and has served as a faculty member for legal exchanges in more than a dozen foreign countries. He received his B.A. from Stanford University in 1971 and his Juris Doctor from Harvard Law School in 1974.

Judge Fogel has received numerous accolades, including the President's Award for Outstanding Service to the California Judiciary from the California Judges Association and the Vanguard Award for notable contributions to intellectual property law from the State Bar of California. In 2002, he received special recognition from the Santa Clara County Bar Association for exemplifying the highest standards of professionalism in the judiciary.



### **Angela FURLANETTO**

**Justice, Federal Court,  
Ottawa, Canada**

Justice Furlanetto was appointed to the Federal Court of Canada on February 26, 2021. She previously served as Prothonotary and Case Management Judge of the Federal Court for two years before her appointment.

Prior to joining the Court, Justice Furlanetto practiced in all areas of intellectual property litigation as Partner with Dimock Stratton LLP and later DLA Piper (Canada) LLP. She appeared regularly before the Federal Courts and was recognized by many peer-reviewed directories as a leading lawyer in Canada for intellectual property litigation, and in particular for her work in the area of patent litigation. She was called to the Ontario Bar in 1998 and was both a registered patent and trademark agent.

She is a former Chair of the Canadian Bar Association's National IP Section, member of the Federal Court IP User's Committee and IP Section representative of the Federal Courts Bench and Bar Committee. She was a Fellow of the Intellectual Property Institute of Canada and a former Chair of their Litigation Committee. Justice Furlanetto is one of the founders of the Harold G. Fox Moot, Canada's only intellectual property moot, for which she served as Chair for ten years.

Justice Furlanetto was educated at McMaster University (B.Sc., biochemistry, summa cum laude, 1991), and Western University (M.Sc., biochemistry, 1993; LL.B., 1996).



### **Carine GILLET**

**First Vice President,  
Judicial Tribunal, Lille,  
France**

Justice Gillet is a Judge in the ordinary courts (ordre judiciaire) in France. She recently joined the Judicial Tribunal of Lille to handle summary proceedings.

Justice Gillet trained as a civil law specialist and has worked in various courts since 1993, mainly in civil law matters. From September 2014 to

August 2021, she was a member of the Third Chamber of the Paris Court of First Instance (now known as the Judicial Court), specializing in intellectual property matters. The Court has exclusive national jurisdiction over patents (French and European), European Union trademarks and Community designs, and has shared jurisdiction with ten other French courts over other intellectual property rights (French trademarks and designs, copyright).

Justice Gillet has been collaborating for several years with the "Ecole Nationale de la Magistrature" and WIPO to deliver training on intellectual property.



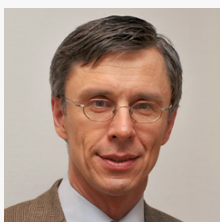
### **Hugo Ramiro GÓMEZ APAC**

**Judge, Court of Justice  
of the Andean  
Community, Quito,  
Ecuador**

Judge Gómez is currently serving as a Judge of the Court of Justice of the Andean Community (CJAC). He served as President of the CJAC from 2016 to 2019. Previously, he served in a number of roles in his native country, Peru, including as a Technical Secretary of the Free Competition Commission and of the Competition Defense Tribunal, as well as Vice-President of the Consumer Protection Commission of the National Institute for the Defense of Competition and Protection of Intellectual Property of Peru.

Judge Gómez also has experience as the Director of Legal Affairs in the Ministry of Justice and Human Rights of Peru, as well as the President of the Board of Directors of the Agency for Environmental Assessment and Enforcement of Peru. He has been a Professor of Administrative Law and Competition Law at the National University of San Marcos, the Peruvian University of Applied Sciences, and the Pontifical Catholic University of Peru.

Judge Gómez studied law at the National University of San Marcos, and holds a Master's Degree in Law from the Peruvian University of Applied Sciences.

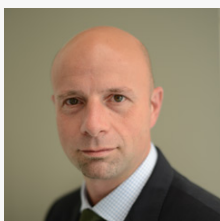


**Klaus GRABINSKI**

**Judge, Federal Court of Justice, Karlsruhe, Germany**

Judge Grabinski has served as a judge of the German Federal Court of Justice (Bundesgerichtshof) since 2009. He is a member of the 10th Civil Division (X. Zivilsenat), which has, *inter alia*, jurisdiction on patent dispute matters. Prior to this appointment, he was Presiding Judge at the District Court in Duesseldorf from 2001 to 2009, where he chaired a Civil Division that dealt mainly with patent disputes. Judge Grabinski served as a judge at the Court of Appeal in Duesseldorf from 2000 to 2001 and as a legal researcher at the Federal Court of Justice in Bundesgerichtshof from 1997 to 2000. From 1992 to 1997, he was a judge at the District Court in Duesseldorf.

Judge Grabinski studied law at the Universities of Trier, Geneva and Cologne and was university assistant at the University of Trier. He is co-author of a commentary on the European Patent Convention (Benkard, Europäisches Patentübereinkommen) and a commentary on the German Patent Law (Benkard, Patentgesetz, 10th ed.). He is author of a multitude of articles concerning patent law, civil procedure and international private law and is a frequent speaker at national and international conferences on intellectual property law.



**Samuel GRANATA**

**Judge, Court of Appeal, Antwerp, Belgium, and Benelux Court of Justice, Luxembourg**

Judge Granata sits on the Court of Appeal of Antwerp (Belgium) and at the Benelux Court of Justice (Luxembourg). He is an external member of the Enlarged Board of Appeal of the European Patent Office (EPO). Before his appointment as a judge, he was an intellectual property lawyer, mediator, and university assistant at the Catholic University of Law (Louvain, Belgium).

Judge Granata is a member of the Conseil Benelux de la Propriété Intellectuelle and a permanent member of the Belgian Federal Advisory Board for Intellectual Property

(industrial property section). He was a member of the Legal Framework Group of the Unified Patent Court (Subgroup 1: Rules of Procedures of the Court and Subgroup 6: Rules on Mediation and Arbitration) and is currently a member of the EU Commission Expert Group on Licensing and Valuation of Standard Essential Patents



**Kent JORDAN**

**Judge, U.S. Court of Appeals for the Third Circuit, Philadelphia, United States of America**

Judge Kent A. Jordan was appointed to serve as a United States Circuit Judge for the Third Circuit in 2006. Judge Jordan was a United States District Judge for the District of Delaware from 2002 to 2006. Prior to his judicial roles, Judge Jordan was an Assistant United States Attorney and head of the Civil Division in the U.S. Attorney's Office for the District of Delaware. Later, he served on the boards of directors of privately held businesses and as a partner in a Wilmington, Delaware law firm.

Judge Jordan is an Adjunct Professor of Law at the University of Pennsylvania and Vanderbilt University, and currently serves as President of the Board of Trustees of the American Inns of Court Foundation, as well as on the boards of other non-profit organizations.

Judge Jordan received a B.A. in Economics in 1981 from Brigham Young University and a J.D. in 1984 from Georgetown University.



**HE Juan**

**Senior Judge, IP Court of the Supreme People's Court, Beijing, China**

Judge He was appointed as a Senior Judge of the Intellectual Property Court of the Supreme People's Court (SPC) of China in 2020. Prior to this appointment, she served in the following roles at Tsinghua University: lecturer, associate Professor, and Deputy Director of Social Science and Management at the Shenzhen International Graduate School, and Deputy Director of the Office of Technology Licensing.



She has also led a number of research projects in the area of IP, and authored numerous publications on IP topics including monographs, books (as editor-in-chief or co-translator), and journal articles.

Since joining the IP Court of the SPC, Judge He has handled nearly 100 cases and participated in the trial of more than 200 cases, including civil patent cases, administrative patent cases, new plant variety cases, unfair competition cases and monopoly cases.

Judge He holds a Bachelor of Engineering degree from the Hefei University of Technology, and degrees in law from Tsinghua University (Bachelor's and Master's of Law) and from Peking University (PhD focusing on IP law).



**Rian KALDEN**

**Senior Judge, Court of Appeal, The Hague, Netherlands**

Judge Kalden was appointed to the Court of

Appeal of The Hague in September 2013, and for five years headed the Division that, among other areas, covers all IP cases, including patent cases. As a Senior Judge, she now primarily deals with patent cases. In July 2018 she was appointed Judge at the Benelux Court of Justice, where appeals from decisions of the Benelux trademark offices are heard.

Judge Kalden first joined the Bench in 2002, when she became a judge at the District Court of The Hague, where she joined the Patent Chamber. From 2005 to mid 2008, she was a judge (and in 2007, appointed vice president) of the District Court of Haarlem, in the Criminal Division. She then returned to the Intellectual Property Division of the District Court of The Hague (and, from 2009, headed that Division), where she dealt with all kinds of IP cases, but mostly patent cases.

Prior to her judicial appointments, Judge Kalden practiced at the Amsterdam Bar with the law firm Stibbe, where she first joined the intellectual property department and also practiced in company law.

Judge Kalden graduated from Leiden University in 1989 and received a Master's degree from the

University of London in 1990. She regularly speaks at national and international conferences on patent law and related issues.



**ASAI Ken**

**Judge, Intellectual Property High Court, Tokyo, Japan**

Judge Asai has served as a judge since 1991 (except during the period 1995-1998). He was appointed to the Intellectual Property High Court in 2007 (until 2010) and reappointed to the Court in 2021. He also served as a judge of the Tokyo High Court, the Tokyo District Court as well as other Japanese courts, specialized in civil cases.

From 1995 to 1997, Judge Asai worked for the Treaty Bureau of the Ministry of Foreign Affairs of Japan and was in charge of international agreements with regard to intellectual property rights. He played an important role in Japan's accession to the Trademark Law Treaty. He also handled many international trade disputes including US-Japan/EU-Japan neighboring rights cases filed to the WTO.

Judge Asai graduated from the University of Tokyo in 1989 and received a Master of Laws degree from Columbia University in 1994.



**KIM Kwangnam**

**Judge, District Court, Daegu, Republic of Korea**

Judge Kim currently sits on the Intellectual Property Division of the Daegu District Court. Previously, he sat on the Patent Court for three years, until 2021. During his years at the Patent Court, he also served as Director of the Patent Court International IP Law Research Center.

Judge Kim first joined the judiciary in 2010 at the Daegu District Court and then the Suwon District Court. He was named as one of the best judges in 2013 by the Daegu Bar Association.



Judge Kim has also worked as one of the expert members of the IP Hub Court Preparation Committee, a task force team representing the industry, academia, judicial and legislative branches to renew the IP court system in South Korea. He is an advisory member of the Korean Intellectual Property Office (KIPO). He has participated in numerous international IP meetings, including the WIPO Standing Committee on Patents and Standing Committee on Copyright and Related Rights, and delivered training on trademark and patent law through programs organized by WIPO.

Judge Kim holds a B.A. degree in Law from Yonsei University, and an LL.M. Certificate in Law and Technology from Berkeley Law School. He also held fellowships as a visiting judge in the California Superior Courts and the U.S. District Court for the Northern District of California in 2017. He is certified as a Chartered Financial Analyst.



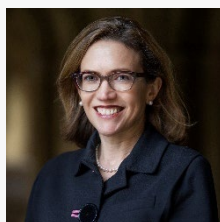
### **LEE Kyuhong**

**Presiding Judge, Patent Court of Korea, Daejeon, Republic of Korea**

Judge Lee is Presiding Judge of the Patent Court of Korea. He was first appointed as a judge in 1995 and, since then, has served on a number of courts, including the Seoul High Court, and the IP Division of the Seoul Central District Court. He has also been dispatched as a constitutional officer to the Constitutional Court of Korea.

Judge Lee has served as Commissioner of the Korean Copyright Commission since 2012, and is Executive Secretary of the IP judges' community. He is a Professor of civil law and IP law at the Judicial Research and Training Institute (JRTI) and at law schools, and was invited as a visiting scholar at Franklin Pierce Law Center in 2005–2006. He has published many articles, and authored the IP chapter of *Korean Business Law: The Legal Landscape and Beyond* (Carolina Academic Press, 2009).

Judge Lee earned a Ph.D. in Law from Yonsei University, a Master's degree in engineering from KAIST (Korea Advanced Institute of Science and Technology), and also holds a double Bachelor's degree in Economics and Law.



### **Charlotte MAY**

**Deputy Judge, High Court of England and Wales, London, United Kingdom**

Charlotte May QC is a newly appointed deputy judge of the High Court of England and Wales. She will sit in the Business and Property Courts and is also nominated to sit in the Patents Court. The role is part time, to combined with her practice at the English Bar in intellectual property law.

Deputy Judge May was called to the Bar in 1995. She was the first female to be appointed as the Comptroller's counsel in 2008, representing the UK Intellectual Property Office in national courts and the UK government in international courts in matters relating to IP. She took silk in 2014 and was the first female QC to lead a patents trial in the Patents Court.

Deputy Judge May is a scholar of Brasenose College, Oxford, where she undertook her undergraduate degree in Biochemistry. She was legally trained at City University London.



### **Peter S. MENELL**

**Professor, Berkeley School of Law; Faculty Director, Berkeley Judicial Institute, United States of America**

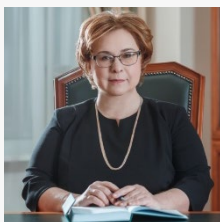
Peter S. Menell is the Koret Professor of Law at UC Berkeley School of Law, co-founder, former Executive Director, and Director of the Berkeley Center for Law & Technology, and co-founder and Faculty Director of the Berkeley Judicial Institute.

Following a clerkship with the Hon. Jon O. Newman in the U.S. Court of Appeals for the Second Circuit, Professor Menell joined the law faculty at the University of California at Berkeley in 1990, where his research and teaching have focused on intellectual property law. During 2012-13, he served as one of the inaugural Thomas Alva Edison Visiting Professionals at the U.S. Patent and Trademark Office.

Professor Menell has authored more than 100 articles and 15 books, including leading

casebooks and intellectual property treatises. He is the lead author of the Patent Case Management Judicial Guide, now in its third edition. He has also organized more than 60 intellectual property education programs for the Federal Judicial Center since 1998.

Professor Menell earned his S.B. from MIT, his Ph.D. (economics) from Stanford University, and J.D. from Harvard Law School.



**Lyudmila  
NOVOSELOVA**

**President, Intellectual  
Property Court,  
Moscow, Russian  
Federation**

Judge Novoselova has served as President of the Intellectual Property Court, the first specialized court in the Russian Federation, since 2013.

She began her judicial career as a judge of the Supreme Court of Arbitration of Russia, to which she was appointed in 1992. Prior to that role, she worked in the State Arbitration of the then-Russian Soviet Federative Socialist Republic (RSFSR).

Judge Novoselova also actively conducts scientific and teaching activities. She is a Professor and Head of the Intellectual Property Department at the Kutafin Moscow State Law University (MSAL).

Judge Novoselova graduated from the Faculty of Law of Moscow State University in 1984, and also holds a Doctor of Juridical Science. She has been recognized as Honored Lawyer of the Russian Federation.



**Kathleen M.  
O'MALLEY**

**Judge, Court of  
Appeals for the Federal  
Circuit, Washington  
D.C., United States of  
America**

Judge O'Malley was appointed to the United States Court of Appeals for the Federal Circuit

in 2010. Prior to this appointment, she served as a judge for the United States District Court for the Northern District of Ohio. Judge O'Malley served as First Assistant Attorney General and Chief of Staff for Ohio Attorney General Lee Fisher from 1992 to 1994, and as Chief Counsel to Attorney General Fisher from 1991 to 1992. From 1982 to 1991, she was a trial lawyer practicing in complex litigation matters. In 2019, Judge O'Malley was inducted into the IP Hall of Fame.

During her sixteen years on the district court bench, Judge O'Malley presided over in excess of 100 patent and trademark cases and sat by designation on the United States Circuit Court for the Federal Circuit. As an educator, Judge O'Malley has regularly taught a course on Patent Litigation at Case Western Reserve University Law School. She is a member of the faculty of the Berkeley Center for Law & Technology's program designed to educate Federal Judges regarding the handling of intellectual property cases. Judge O'Malley serves as a board member of the Sedona Conference, as the judicial liaison to the Local Patent Rules Committee for the Northern District of Ohio, and as an advisor to national organizations publishing treatises on patent litigation.

Judge O'Malley received her J.D. degree from Case Western Reserve University School of Law, Order of the Coif, where she served on Law Review.



**Prathiba M. SINGH**

**Justice, Delhi High  
Court, New Delhi, India**

Justice Singh was elevated as a Permanent Judge of the High Court of Delhi in 2017. Before being appointed to the Bench, she was one of India's leading intellectual property lawyers. She was designated as 'Senior Advocate' by the High Court of Delhi in 2013.

Justice Singh joined the Bar in 1991. During her legal career, she handled landmark matters in all areas of IP, and was Managing Partner of Singh & Singh. She regularly appeared before the Supreme Court of India, the High Court of Delhi, the Telecom Disputes Settlement and Appellate Tribunal (TDSAT), the IP Appellate Board (IPAB), and at the Indian Patent Office. She was

appointed to a number of further roles, including Amicus Curiae by the High Court of Delhi to streamline the working of the Copyright Office, and to a High Level Committee for streamlining of patent examinations. She also advised several Parliamentary Committees on legislative amendments in the area of IP, including in relation to legislation governing patents, copyright and geographical indications.

Justice Singh's legal career was recognized with numerous awards, including several annual awards for best IP lawyer, Managing IP's Asia Women in Business Law Award, and the 30 Most Powerful Business Women in India in 2018. Her articles have been published in leading international and national publications.

She was actively involved in various professional bodies, including: President of the Asian Patent Attorneys Association (APAA) Indian Group; member of the Confederation of Indian Industry (CII) National Steering Committee on IPRs; and member of the IPR Think Tank responsible for drafting India's first National IPR Policy in 2015.

Justice Singh holds a Bachelor of Laws from the University Law College, Bangalore, where she graduated at the top of her class. She also holds a Master of Laws (ODASSS scholarship) from the University of Cambridge, where the Prathiba M. Singh Scholarship for Master of Laws students was created in 2013, and where she is part of a Circle of Advisors for India.



**Eduardo Azuma NISHI**

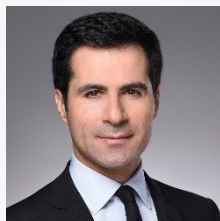
**Judge, São Paulo Court of Justice, São Paulo, Brazil**

Judge Nishi serves on the São Paulo Court of Justice,

integrating the First Reserved Chamber of Business Law, which deals with intellectual property, judicial recoveries and bankruptcies, corporate matters related to public and limited liability companies, and pre- and post-arbitration conflicts and franchises.

Previously, Judge Nishi worked for 30 years as a lawyer in the corporate area at law firms, as a business executive and as a consultant in the tax area.

He holds a law degree from the Faculty of Law of the University of São Paulo, with a specialization in Business Law, as well as a Bachelor's degree in Business Administration from the Getúlio Vargas Foundation (EAESP / FGV) and a Master's degree in Commercial Law from the Pontifical Catholic University of São Paulo.



**Roberto ROMANDINI**

**Legal Member, Boards of Appeal of the European Patent Office, European Patent Organization, Munich, Germany**

Roberto Romandini is a Legal Member of the Boards of Appeal of the European Patent Office (EPO). Prior to this role, from December 2012 until May 2018, he worked as Senior Research Fellow at the Max Planck Institute for Innovation and Competition in Munich. Since 2013, he has been teaching a seminar in patent law at the Munich Intellectual Property Law Center. He also practiced IP law at an IP law firm in Milan for four years.

Dr. Romandini obtained his law degree from the University of Pisa and his LL.M. degree from the University of Munich, where he specialized in patent law. He completed his Ph.D. thesis on the patentability of human stem cells at the Max Planck Institute for Intellectual Property and Competition Law in Munich.



**Valerie THEAN**

**Justice, High Court, Supreme Court, Singapore**

Justice Valerie Thean has been a High Court Judge of the Supreme Court since 2017, where she hears intellectual property cases. She was first appointed Judicial Commissioner in 2014. She also served concurrently as Presiding Judge of the Family Justice Courts from 2014 until 2017.

Justice Thean has enjoyed a varied career. She joined the Singapore Legal Service in 1992. After her first posting as a Justices' Law Clerk, she held various appointments within the public service, including Assistant Registrar at

the Supreme Court, District Judge at the then Subordinate Courts, Senior State Counsel at the Attorney General's Chambers, Director-General (Legal) and Deputy Secretary of the Ministry of Law and Senior District Judge of the Family and Juvenile Justice Division of the State Courts. She was also previously an Adjunct Associate Professor at the National University of Singapore Law Faculty.

Justice Thean holds a Bachelor of Arts degree (First Class Honours) from Downing College, Cambridge University, where she studied as recipient of a President's Scholarship, and a Master of Laws from Harvard Law School.



**Peter  
TOCHTERMANN**

**Presiding Judge, Patent  
Chamber, Regional  
Court Mannheim,  
Germany**

Judge Tochtermann has served on the Regional Court of Mannheim as a judge in IP law since 2010, including as Presiding Judge of the Patent Chamber, and as a Mediator Judge in IP disputes. Prior to this role, he also sat as a member of the Patent Senate of the Higher Regional Court of Karlsruhe, served as a clerk of the Federal Supreme Court of Germany in its Patent Senate, and as a judge of the Local Court of Rastatt.

Judge Tochtermann's career has also encompassed a broad range of legal and research roles. He has worked as a Research Fellow and Visiting Scholar at a number of institutions including the University of Heidelberg, the Program on Negotiation at Harvard Law School, and the ICC International Court of Arbitration; and as a criminal prosecutor at the Criminal Prosecutor's Office of Mannheim.

Judge Tochtermann holds a PhD in law from the University of Heidelberg, where he serves as a Lecturer for IP law and is the recipient of a number of academic achievement awards.



**David UNTERHALTER**

**Acting Justice, Supreme  
Court of Appeal,  
Bloemfontein, South  
Africa**

Justice David Unterhalter was appointed to the High Court in 2018. Since then, he has been appointed as an acting judge of the Competition Appeal Court (from June 2020) and of the Supreme Court of Appeal.

Prior to his judicial appointment, Justice Unterhalter practiced at the Johannesburg Bar from 1990 to 2017, specializing in competition law (and other areas of regulatory law), trade law, commercial and constitutional law. He took silk in 2002. In 2009, he was called to the Bar in London and was a tenant at Monckton Chambers. As an advocate, he has appeared in Courts and Tribunals in South Africa, Southern Africa and the UK.

Justice Unterhalter has served on a number of World Trade Organisation panels and was appointed to the WTO Appellate Body and served as its Chairman. He has held appointments on international and domestic arbitration tribunals.

Justice Unterhalter is a Professor of Law in the Faculty of Law at the University of the Cape Town, and was previously a Professor of Law at the University of the Witwatersrand, and the Director of the Mandela Institute.

Justice Unterhalter holds degrees from Trinity College, Cambridge, the University of the Witwatersrand and University College Oxford.





World Intellectual Property Organization  
34, chemin des Colombettes  
P.O. Box 18  
CH-1211 Geneva 20  
Switzerland

Tel: +41 22 338 91 11  
Fax: +41 22 733 54 28

For contact details of WIPO's  
External Offices visit:  
[www.wipo.int/about-wipo/en/offices](http://www.wipo.int/about-wipo/en/offices)