

# Standard Essential Patents Litigation in the UPC & Protection of Competition in AI Innovation

Conference of the Max Planck Institute for Innovation and Competition  
in collaboration with the MPI Alumni Association

11<sup>th</sup> October 2024, 14:00–17:15 (CET)

Max Planck Institute, Munich (Room E10)

## Conference Programme

**14:00**

### **Welcome Address**

**Prof. Dr. Josef Drexl**, Max Planck Institute for Innovation and Competition

**Dr. Moritz Sutterer**, MPI Alumni Association

**14:15 – 15:30**

### **Panel I – Standard Essential Patents Litigation in the Unified Patent Court**

When the UPC Agreement was drafted, FRAND and Standard Essential Patents were not as important topics as they are today in patent litigation. The UPC Agreement therefore does not explicitly address what should be the legal framework for such proceedings. In one of the first cases dealing with SEP litigation, the Mannheim Local Division considered the negotiation framework established by the European Court of Justice in the 2015 case of Huawei Technologies Co. Ltd. v ZTE Corp. as relevant for FRAND licensing negotiations and shed some light on important issues of confidentiality in FRAND litigation.

The panel will discuss on what legal basis SEP cases should be litigated in the UPC and to what extent the UPC courts will not only grant or dismiss injunctions, but also define the conditions of FRAND licenses. In general, the question arises as to whether the UPC changes the way SEP litigation is conducted in the UPC member states.

#### **Panelists:**

- **Prof. Dr. Peter Picht**, University Zurich
- **Dr. Matthias Zigann**, Judge at the UPC
- **Markus Kicia**, Legal Officer, DG GROW, European Commission
- **Clemens Heusch**, Vice President, Head of Global Litigation and Disputes at Nokia

#### **Moderation:**

- **Dr. Beatriz Conde Gallego**, Senior Research Fellow MPI for Innovation and Competition

**15:30 – 16:00**

**Coffee Break**

**16:00 – 17:15**

**Protection of Competition in AI Innovation**

Given the significant economical and societal implications of AI technology, it is vital to ensure that competition in the field of AI, as well in the sectors where AI finds applications, remains fair, open, and ultimately serves societal values. Are competition law and policy well-equipped to address the specifics and challenges of competition in AI innovation?

The panelists are invited to share perspectives on this multi-dimensional topic, as well as to explore the interactions between competition law with other legal frameworks - particularly intellectual property rights, trade secrets, and recently adopted instruments for regulating the data economy - in the context of AI innovation.

**Panelists:**

- **Jörg Bienert**, Chairman of the KI Bundesverband (Federal Association on AI)
- **Prof. Dr. Rupprecht Podszun**, University of Dusseldorf
- **Krishna Sood**, Microsoft

**Moderation:**

- **Dr. Begoña Gonzalez Otero**, Senior Research Fellow MPI for Innovation and Competition

**17:30**

**Get Together at the Institute**

**20:00**

**Dinner Together**