

JIPLP / GRUR Seminar, 6 March 2013
Welcome address by Dr. H. P. Kunz-Hallstein, GRUR President

Ladies and Gentlemen,

Welcome to Munich! It is my great pleasure to open this Celebratory Seminar at the venerable German Patent- and Trademark Office. Under the name *Kaiserliches Patentamt* – Imperial Patent Office – it started on 1 July 1877 in Berlin to receive and examine patent applications and reopened after the war in Munich on 1 October 1949. Here it continues – since 1 January 2009 under the presidency of our host, Mrs *Rudloff-Schäffer* – to live up to its traditional standards which caused the legendary *Josef Kohler* to call the Patent Office “*Die Hauptkulturstätte dieses großartigen Rechtsgebiets*” – “The principal cultural site of this great field of law”.

Dear Mrs *Rudloff-Schäffer*, we are very grateful for your hospitality. Our personal acquaintance goes back to the time when we both were working at today’s Max-Planck Institute for Intellectual Property and Competition Law. The good and trusting relations between our Association and you grew up when you decided to work for the Ministry of Justice in Bonn and later in Berlin where you held important responsibilities in the field of intellectual property law. Thank you also for honouring us with your presence and for addressing us. You share the interest and support to the development of European patent law with your predecessors amongst which, to name but one, the unforgotten *Kurt Haertel*, who went into history as a father of the European Patent Convention.

We are also very honoured to have with us a high representative of the European Patent Office which has become – if I may say so – another “principal cultural site of patent law” in this country and which acts just next door; the EPO that examines and grants with great success since 1 June 1978 the European Patents and which will also issue the future *European Patents with unitary effect* that we will discuss today. This new task has been attributed to the EPO at the end of a long and difficult discussion which was, as you all know, particularly controversial in this country. I welcome Mr. *Guillaume Minnoye*, Vice-President of the European Patent Office. Mr *Minnoye*, you head the EPO’s largest Directorate, the one that will examine the future unitary patents and you joined the EPO as a member of the famous *Institut International des Brevets*. You have, thus, been with the Office since its very early days. Nobody could better introduce the new activities of the EPO to us than you. Thank you for giving us your insight and time.

Ladies and Gentlemen, the actual reason for this seminar is to celebrate the collaboration between our Association and the Journal of Intellectual Property Law & Practice of Oxford University Press which started this year. This collaboration is the fruit of an initiative taken by *Prof. Loschelder*, our Secretary General, and pursues a genuine European aim: to exchange intellectual property jurisprudence and doctrine between our respective legal reviews, the JIPLP and GRUR Int., and what could be a better subject for this celebratory seminar than the new system of unitary patent protection in Europe.

I welcome and greet Mr *Rhodri Jackson* , Senior Publisher of Oxford University Press, and my old friend Prof. *Jeremy Phillips*, Editor-in-Chief of the JIPLP. Gentlemen, this is also your seminar.

Jeremy, it has been a while. It seems to me that the first time we met was when we both were younger and attended with *Bill Cornish* and *Friedrich-Karl Beier* meetings of ATRIP, the International Association for Teaching and Research in Intellectual Property Law. You made a splendid career since becoming one of the leading intellectual property specialists in the UK. It's good to see you again and I am eager to hear you telling us what hides in the *greek gift* and may pop out of *Pandora's box*.

We also see with great pleasure that the subject has attracted a very large audience and distinctive guests.

Let me express a special welcome to Consul *Yuki Shimizu* of the Consulate-General of Japan in Munich.

I am pleased to see amongst our guests the actual and the past Presidents of the German Federal Patent Court, the distinguished *Bundespatentgericht*, Mrs *Beate Schmidt* and Dr. *Landfermann*. Mrs *Schmidt*, if *Josef Kohler* would write his book today he would pay a similar compliment to your court, and there may be many to regret that under the new regime the *Bundespatentgericht* will eventually lose its competence to decide on the nullity of European patents enjoying protection in Germany.

We are glad to welcome Dr. *Brigitte Böhm*, President of the German Chamber of Patent Attorneys and member of GRUR's Executive Board, and, Professor *Josef Drexl*, Direktor of the Max-Planck-Institute for Intellectual Property and Competition Law. *Prof Drexl* is an editor of GRUR Int. and member of the GRUR Executive Board as well.

I will not stop without welcoming you all in the person of one of you: Professor *Alexander von Mühlendahl*, practicing attorney having been in the past with the Max-Planck Institute, the Ministry of Justice and, as its Vice-President, the Office for Harmonization in the Internal Market which is, as the European Trade Mark and Design Office the younger sister of the EPO.

Ladies and Gentlemen, before I pass the floor to Mrs *Rudloff-Schäffer* and Mr. *Minnoye*, I want to present to you finally the Chairman of this Seminar, *Professor Winfried Tilman*. Mr *Tilmann* holds an impressive broad legal background having been a judge, a collaborator of the German Ministry of Justice, a law professor, a successful practicing attorney and the author of many learned books and publications in our field of law. He has been following the discussion on a community patent in its different forms throughout the years and has kindly agreed to chair this meeting. He will introduce to you the speakers and the participants in the Panel discussion.

That's it. Together with you I am looking forward to interesting lectures and a lively panel discussion and give now the floor to the President of the German Patent and Trademark Office.

Thank you. Mrs *Rudloff-Schaeffer*, the floor is yours.