

# **AI Sessions**

## **The Intersection of AI and Patents from the Perspective of Previous USPTO Directors**

Hear from a panel of previous USPTO Directors about the intersection of AI and Patents. Moderated by IPO President Krish Gupta (Dell Technologies), the panel includes Andrei Inacu (Sullivan & Cromwell LLP), Michelle Lee (Obsidian Strategies, Inc.), and Kathi Vidal (Winston & Strawn).

## **Trademark and Copyright Enforcement in the AI Era: Litigation Strategies and Challenges**

Organizing Committee: *U.S. Trademark Law & Litigation*

AI has ushered in new complexities for IP enforcement. This panel will address litigation challenges and practical enforcement strategies against IP infringements involving AI and automation, including trademark, copyright, and publicity rights claims. Panelists will explore evidentiary hurdles, liability attribution, jurisdictional issues, and the continued effectiveness of traditional enforcement tools in an AI-driven environment. Topics will also include the risks and ethical considerations surrounding AI-generated legal briefs, enforcement strategies against AI-created logos that closely resemble protected marks, and why the use of AI cannot serve as a standalone defense. The panel will offer concrete guidance for litigators and brand owners navigating a legal landscape where AI increasingly plays a central role in both infringement and enforcement.

## **Navigating the Complexities of AI Trade Secrets and Litigation**

Organizing Committees: *AI, Data & New Emerging Tech and Trade Secrets*

This session will explore the intricacies of AI-generated trade secrets, emphasizing the intricacies of these secrets, the mitigation of system risks, and the implementation of contractual safeguards. In addition, panelists will tackle the unique challenges and strategies involved in litigating AI trade secret cases, including legal frameworks, practical considerations, and dispute strategies for both plaintiffs and defendants. This presentation aims to equip professionals with the expertise needed to effectively manage and safeguard AI-related trade secrets.

## **Quantum Computing: A Technical and Legal Overview**

Organizing Committees: *AI and US Patent Law*

Quantum computing represents a paradigm shift in computational technology, leveraging the principles of quantum mechanics to solve problems that are intractable for classical computers. This panel will provide an overview of the technical foundations of quantum computing, including the concepts of qubits, superposition, entanglement, and quantum algorithms. It explores the current state of quantum hardware, the challenges in achieving fault-tolerant quantum computation, and the potential applications in various fields such as cryptography, drug discovery, and AI. The panel will also explore the patent law implications of quantum computing, particularly with regard to issues such as patent eligibility, enablement, and best practices for drafting and prosecuting patent applications, guided by case laws and patent office guidelines in the US and other jurisdictions.

## **Copyright Cases and Controversies in the AI Litigation Landscape**

Organizing Committee: *Copyright and Related Rights*

Litigation over copyright, trademark and related claims surrounding artificial intelligence ("AI") dominated headlines in 2024. Despite the flurry of litigation, significant questions remain unanswered. 2025 is likely to bring some clarity to the legal status of AI, as courts tackle some of the thorniest unresolved legal questions. Cases are proceeding across many different jurisdictions and may take divergent paths on those issues. Panelists will explore the evolving landscape of litigation involving AI-generated works, fair use considerations, liability issues, and recent case law.

# **Industrial Designs Sessions**

## **Designs Around the World in 60 Minutes**

Organizing Committee: *Industrial Designs*

This session will cover worldwide design law updates. Panelists will discuss the recently approved Design Law Treaty and its potential for harmonization in important areas, like grace periods and streamlining what can otherwise be labyrinthine requirements in some countries. They will also consider so-called “Schedule A” cases in the US: design-patent infringement lawsuits against multiple defendants named under seal. Speakers will cover recent changes to the EU-wide design-protection system. Finally, they will provide an update on China’s implementation of its new design patent laws and examination guidelines, particularly examination of partial designs.

## **Design Protection for Graphical User Interfaces: A Core Part of a Worldwide Design Portfolio Across Industries**

Organizing Committee: *Industrial Designs*

Graphical user interfaces are integral to products and services across industries and are constantly growing more interactive and creative. They are moving beyond traditional screens to virtual and augmented reality. Patent offices around the world are working with stakeholders to keep up with this rapid innovation, and systems of protection are changing fast too. Panelists will provide an update on what’s new in the US, Europe and Asia in protecting graphical user interfaces and animations.

## **My Company Was Ordered to Destroy the Goods... Now What?**

Organizing Committees: *Industrial Designs, ITC, and Green IP*

In the US, an order from the ITC or the courts may require destruction of goods. Outside the US, enforcement may be carried out at the border by customs. What options are available to the recipient of such an order? This panel will explore types of ITC exclusion orders and border enforcement and address recent case law, as appropriate. They will also explore options for destruction, including “green” solutions.

## **So Many Shoes....So Little Time....Design Right Expiration and Next Steps**

Organizing Committee: *Industrial Designs*

Design rights provide protection for up to 25 years in certain jurisdictions. But once those design rights expire, or if they were never filed, is there any other way to continue to protect the design? Recent case law in Germany suggests that copyright cannot be used [see Birkenstocks]. But in France, maybe it can [see Chanel v. Jonak//Jackie O shoes]. In the US, Christian Louboutin has trade dress protection on red soles while Skechers challenged the sole design of a Hermes athletic shoe. Panelists will review trade dress and copyright case law in the US and Europe to help guide ongoing brand protection strategies.

# **Patent and Trade Secret Sessions**

## **The Newly Expanding Domestic Industry Requirement**

Organizing Committees: *U.S. International Trade Commission*

The Federal Circuit's landmark March 2025 opinion in *Lashify v. ITC* upended decades of ITC practice and precedent, expanding the scope of investments and activities that may be utilized to satisfy the ITC's threshold "domestic industry requirement." This decision came shortly after another domestic industry-related Federal Circuit ruling in *Wuhan Healthgen v. ITC*. This session will summarize *Lashify* and *Wuhan Healthgen* and address the impact of these decisions on Section 337 investigations at the ITC, including whether they have led to (or may lead to) an increase in ITC cases and how litigants and practitioners have changed their strategies and tactics in response. And because *Lashify* was the first case where the Federal Circuit applied the Supreme Court's 2024 decision in *Loper Bright Enterprises v. Raimondo* to revisit ITC statutory interpretation, the panel will also address how *Loper Bright* may impact other areas of ITC practice.

## **Recent Developments in Third Party Litigation Funding**

Organizing Committees: *U.S. Patent Litigation*

Third-party litigation funding enables hedge funds and financial firms to invest in lawsuits in exchange for a share of any settlement or judgment. The practice of third-party litigation funding, particularly in patent cases, is experiencing significant growth, with annual estimates reaching up to \$5 billion. This trend has led to increased scrutiny from judges and policymakers, resulting in new rules, sanctions, and proposed legislation aimed at enhancing transparency and conflict identification, and addressing issues such as foreign government involvement in US court proceedings. Panelists will examine how companies, attorneys, and courts are navigating the changing landscape, including an overview of litigation funding, legal developments, and legislative proposals.

## **Evolution of PTAB Practice: Rescission of 2022 Discretionary Denials Memorandum, Interim Guidance, & Other Updates**

Organizing Committee: *U.S. Post-Grant Patent Office Practice*

Over the past several months, the USPTO has seen a significant policy shift with respect to PTAB practice. This panel will discuss the changing landscape of post-grant proceedings and discretionary denials. Speakers will discuss the impact on discretionary denials, the Fintiv factors, compelling merits, Sand/Sotera-type stipulations, ITC proceedings, and trial dates. Under the new framework, facts that were dispositive previously have returned to being mere factors for the Board to consider. They will also discuss the newly instituted bifurcated processes for institution decisions, the three-judge discretionary denials panel, newly allowed briefs for patent owners and petitioners, and how practitioners and clients can navigate these policies.

## **A Discussion of the Current Patent and Trade Secret Landscape in China and India**

Organizing Committees: *Asian Practice and Trade Secrets*

This session will provide a basic overview of the current landscape of patent and trade secret law in China and India.

## **The Role of Patents in Pharmaceutical Innovation, Drug Pricing, and Market Exclusivity**

Organizing Committees: *Pharmaceutical & Biotechnology Issues, Latin American Practice*

This panel will address pharmaceutical patents and their role in innovation, drug pricing, and market exclusivity. Drawing on legal frameworks, economic data, and case studies, the discussion will clarify the nuanced relationship between intellectual property protection and public health outcomes. The panel aims to provide a balanced perspective that underscores the importance of robust patent systems for sustaining pharmaceutical innovation while addressing concerns about accessibility and affordability.

## **Double Trouble! An International Perspective on Divisional Practice and Double Patenting**

Organizing Committee: *International Patent Law & Trade, Canadian Practice, Asian Practice, and US Patent Office Practice*

This session will cover divisional practice, continuation practice and double patenting in jurisdictions that have recent developments in their domestic law on these issues. Panelists will focus on jurisdictions such as Europe, Canada, China, Mexico and the US, specifying the challenges that applicants are facing in each jurisdiction and providing an overview of possible solutions. For a patent owner it is crucial to have a broad protection of their inventions and thus, understanding the double patenting rules and the challenges that divisionals are facing throughout the world allows them to tailor an adequate global filing and prosecution strategy from the beginning.

## **Recent Developments at the USPTO**

Organizing Committees: *U.S. Patent Office Practice*

This session will explore recent changes at the USPTO affecting patent application examination. Speakers will provide an overview of the latest developments and emerging best practices for patent owners and professionals. Panelists will also share insights about the impact of these changes, potential pitfalls, and strategic considerations for efficiently navigating the evolving examination landscape.

## **Legal Ethics During Deal Negotiations**

Organizing Committee: *IP Licensing & Related Issues*

This session will address IP licensing scenarios that present legal ethics issues. Panelists will illustrate situations and issues that could occur during a licensing engagement and discuss the applicable rules of ethics. Issues to be discussed may include unintended receipt of the other party's confidential information, use of AI to draft license agreements, communications with represented parties, use of investigators to gather information from adversaries, and which state's rules apply in multijurisdictional practice. Speakers will also address when an attorney has a duty to report misconduct, duty of honesty, duty to disclose information, and duty of confidentiality.

## **Protecting Innovation in the Global Community**

Organizing Committees: *DEI and US Patent Office Practice*

This session will focus on the importance of cultural awareness in cross-cultural IP engagements, and the role of inclusive practices in building a robust patent portfolio. Speakers will discuss best practices for building an international patent portfolio, as well as the cross-border and cross-cultural best IP business practices when there are language barriers, legal and customs barriers, varying legal norms, and differing territorial requirements and norms among and between parties.

## **Recent Patent and Trademark Case Law Update**

Organizing Committee: *Amicus Brief*

This session will examine the important IP developments of 2025.

**Refer to the AI section for additional information on the following patent sessions:**

- **The Intersection of AI and Patents from the Perspective of Previous USPTO Directors**
- **Navigating the Complexities of AI Trade Secrets and Litigation**
- **Quantum Computing: A Technical and Legal Overview**

# **Trademark and Copyright Sessions**

## **A Leap of (Bad) Faith: Dealing with Trademark Pirates**

Organizing Committee: *International Trademark Law & Practice*

This session will focus on developments in the U.S., the European Union and China relating to bad faith trademark filings. Panelists will address issues such as: best practices for recovering pirated marks, recent developments in pirate practices, registry responses to fraudulent behavior (the use of borrowed attorney credentials), legislative initiatives, innovations in judicial practice (the use of unfair competition law) and other strategies adopted by trademark owners.

## **Counterfeits, Gray Market Goods, and Other Diversions**

Organizing Committees: *U.S. Trademark Law & Litigation and Anti-counterfeiting*

Brand owners continue to be inundated with all manner of problematic products masquerading as genuine goods intended for the US market. Whether outright counterfeits, “gray market” goods diverted from other markets, or products otherwise sold without conforming to brand and safety standards, brand owners are frustrated, and the legal, regulatory, marketplace policy regimes are in many cases insufficient to efficiently tackle the problem. Panelists will explore the current state of the third-party marketplace on various platforms, decisions by US courts and approaches taken by regulatory agencies, and best practices for what brand owners can do to protect both their brands and consumers from unauthorized or unlawful products sales.

## **Navigating the 2025 USPTO Trademark Changes**

Organizing Committee: *U.S. Trademark Office Practice*

This session will focus on navigating the 2025 USPTO trademark changes, including strategic approaches to the new fee structures, Goods & Services ID Manual optimization, and e-filing system mastery. Panelists will deliver actionable tips to help you minimize costs, avoid surcharges, and streamline your trademark filings in the evolving USPTO landscape. Whether you're struggling with describing emerging technology offerings or seeking more predictability in your trademark budget, you'll gain valuable insights to immediately enhance your practice and client service. Don't miss this opportunity to stay ahead of USPTO changes while learning cost-effective strategies.

## **Feel The Beat Of IP: Lessons in Leadership from Taylor Swift**

Organizing Committees: *Leadership Development, Women in IP, and Copyright*

In sync with the theme of World IP Day 2025, “IP and music: Feel the beat of IP,” this program celebrates the music mogul, Taylor Swift, a transformative force in the music industry through her musical genius, but also the Fearless enforcement of her intellectual property rights. This includes the protection of her name, image, and Reputation through trademark enforcement, unique approaches to enforcing her copyrights for Evermore when her label attempted to sell her catalog of songs, which had the artist seeing Red. By enlisting the help of the Swiftie fan base to change the way digital streaming platforms compensate musicians for their creative works, she revealed her leadership style as an authentic leader who values creativity and innovation and encourages women to stand up for their rights.

## **Global Trademark Horizons 2025: Navigating the New Landscape in the US, the European Union, and China**

Organizing Committee: *International Trademark Law & Practice*

Stay ahead of the curve with this essential update on trademark practice developments across three vital jurisdictions. Panelists will decode recent legislative changes, enforcement trends, and strategic opportunities in the US, the European Union, and Chinese trademark systems. Leave equipped with innovative approaches to protect and leverage your trademark assets in these rapidly changing markets.

## **Recent Patent and Trademark Case Law Update**

Organizing Committee: *Amicus Brief*

This session will examine the important IP developments of 2025.

**Refer to the AI section for additional information on the following trademark and copyright sessions:**

- **Trademark and Copyright Enforcement in the AI Era: Litigation Strategies and Challenges**
- **Copyright Cases and Controversies in the AI Litigation Landscape**

## **Workshops**

### **Chief IP Counsel in Box Refresh**

Organizing Committee: *Corporate IP Management & Operations*

The Chief IP Counsel in Box refresh aims to ensure that the tool remains relevant and useful in the rapidly changing landscape of IP management. By incorporating the latest tools, technologies, and best practices, CIPC In a Box will help organizations navigate the rapidly changing landscape of IP management.

### **Bridging Borders: Best Practices in Global Patent Drafting**

Organizing Committees: *Patent Agents, US Patent Office Practice, European Practice*

Drafting patent applications for global protection requires more than just technical precision, it demands a strategic approach tailored to different legal systems. This session will provide best practices for drafting global applications, covering claim strategies, jurisdictional differences, and techniques to avoid common pitfalls that may limit enforceability and scope. Conflicting requirements between EP and US will also be addressed.

### **What Can Outside Counsel Do Better & Differently to Support Large and Small IP Departments**

Organizing Committee: *Small/Micro Company & Law Firm*

This session will explore how outside counsel can tailor their approach to meet the distinct needs of both large and small IP legal departments. Panelists will discuss expectations vs. realities in areas like cost efficiency, strategic guidance, responsiveness, and business alignment. Topics will include how outside counsel can add value beyond legal expertise, such as providing proactive risk assessments, invention generation & harvesting, suggesting patent strategy modifications, streamlining communication, and leveraging technology to enhance efficiency. The discussion will offer practical insights into fostering stronger partnerships, improving collaboration, and ensuring outside counsel delivers targeted, impactful support that aligns with the specific challenges of IP teams, regardless of size.