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The Centre for Business Law at Lund University (ACLU)
invite you to the seminar

The European Court of Human Rights – What impact on intellectual property?

In the discussions on intellectual property (IP) law in Europe, it is more common to think of the Court of Justice of the European Union (CJEU) and not of the European Court of Human Rights (ECtHR). Indeed, quite a substantial amount – almost one tenth – from the total number of cases resolved by the CJEU in 2021 concerned IP, whereas, in the ECtHR, hardly half of a per cent of all 2021 judgments dealt with intellectual property. The question hence arises of whether the ECtHR is virtually insignificant for European IP?

This presentation answers this question in the negative by showing that, despite the rareness of the ECtHR (explicit) pronouncements on IP, the influence of the Strasbourg Court jurisprudence upon European IP is substantial. In doing so, it examines:

- the legal weight of the ECtHR case-law and its influence on the IP-related jurisprudence of the CJEU;
- evolution of the ECtHR IP-related case-law over the years and expected effects from the EU's envisaged accession to the European Convention on Human Rights;
- recent trends in the ECtHR IP-related jurisprudence and, notably, a rapidly growing tendency to establish – quite groundbreakingly – violations of IP holders' (human) right to property, even when those originate from private IP disputes on the national level.

Reflecting on this latter point, the presentation invites for a discussion on whether the European Human Rights Court is preparing to join the forces ensuring more rigorous IP enforcement, including in the digital sphere.

Speaker

Dr. Elena Izyumenko, Center for International Intellectual Property Studies (CEIPI), University of Strasbourg (France)

Date: Wednesday 3 May 2023 at 4.30 PM

Location: Telaris, Juridicum & Online (Zoom)

Registration: www.aclu.lu.se

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