

Intellectual Property Review

STOCKHOLM



CONTACT US

Do you want to publish in the review?
For ordering, general comments and
questions please contact us at
inquiries@stockholmplawreview.com

CONTENT EDITORS

Frantzeska Papadopoulou
Åsa Hellstadius

BOARD OF DIRECTORS

Associate Professor Frantzeska
Papadopoulou, Department of Law,
Stockholm University

Associate Professor Åsa Hellstadius,
Department of Law, Stockholm
University

Jur. Dr. Richard Wessman,
Partner, Vinge Law Firm

Associate Professor
Marcus Holgersson, Chalmers
University of Technology

Mats Lundberg, Managing Partner
and Managing Director, Groth & Co

WEBPAGE

www.stockholmplawreview.com

TWITTER

twitter.com/siplawreview

GRAPHIC DESIGN AND PRODUCTION

Jojo Form

General note on copyright:
Stockholm IP Law Review has obtained
the consent from the copyright
owners of each work submitted for
and published in this issue.

ISSN 2003-2382

Editorial

While writing these few words and preparing to send the next issue of Stockholm IP Law Review to the print, the world as we know it is not the same. It has been some five months since the first news of the COVID-19 outbreak reached us, and since then the worldwide expansion of the pandemic has gradually but steadily influenced the way we live, the way we work and the way we socialize. It has been a time of cancellations of conferences and meetings, an equally long time since we entered an airplane or travelled anywhere to begin with. Teaching, meetings and seminars have moved from "in real life" to digital platforms, and we have had to familiarize ourselves with communication tools such as Zoom, Teams, Skype etc., experiencing both pros and cons from this transition.

It does not come as a surprise that the IP world was to be influenced as well. By mid-March both the EUIPO and the EPO announced that they would extend the deadlines directed to parties until the beginning of May. Shortly afterwards the same was announced for the Community Plant Variety Office. Starting end of March, IP Courts in the UK moved the proceedings from the analogue world to digital meetings. Reading the guidelines published by the Courts, leaves no doubt about the practical challenges of this change of environment.

Apart from the pure technical issues concerning IP practice, governments have taken steps in order to address the COVID-19 crisis by making use of exceptions to IP rights.

The Israeli Government, acting through its Minister of Health with the authorization of the Attorney General of Israel, issued a precedential permit for the use of three Israeli patents covering the anti retrovirus drug "KALETRA" in order to import quantities of a generic version of the drug for use in the treatment of patients suffering from the COVID-19 virus. Several other countries, such as India, Mexico and Italy to name a few have explored the possibilities to make use of compulsory licensing in order to guarantee access to pharmaceuticals and to necessary equipment to deal with the pandemic. In this process, the role of patent rights, orphan drugs designations and even trademarks have been presented and debated in IP blogs and in webinars.

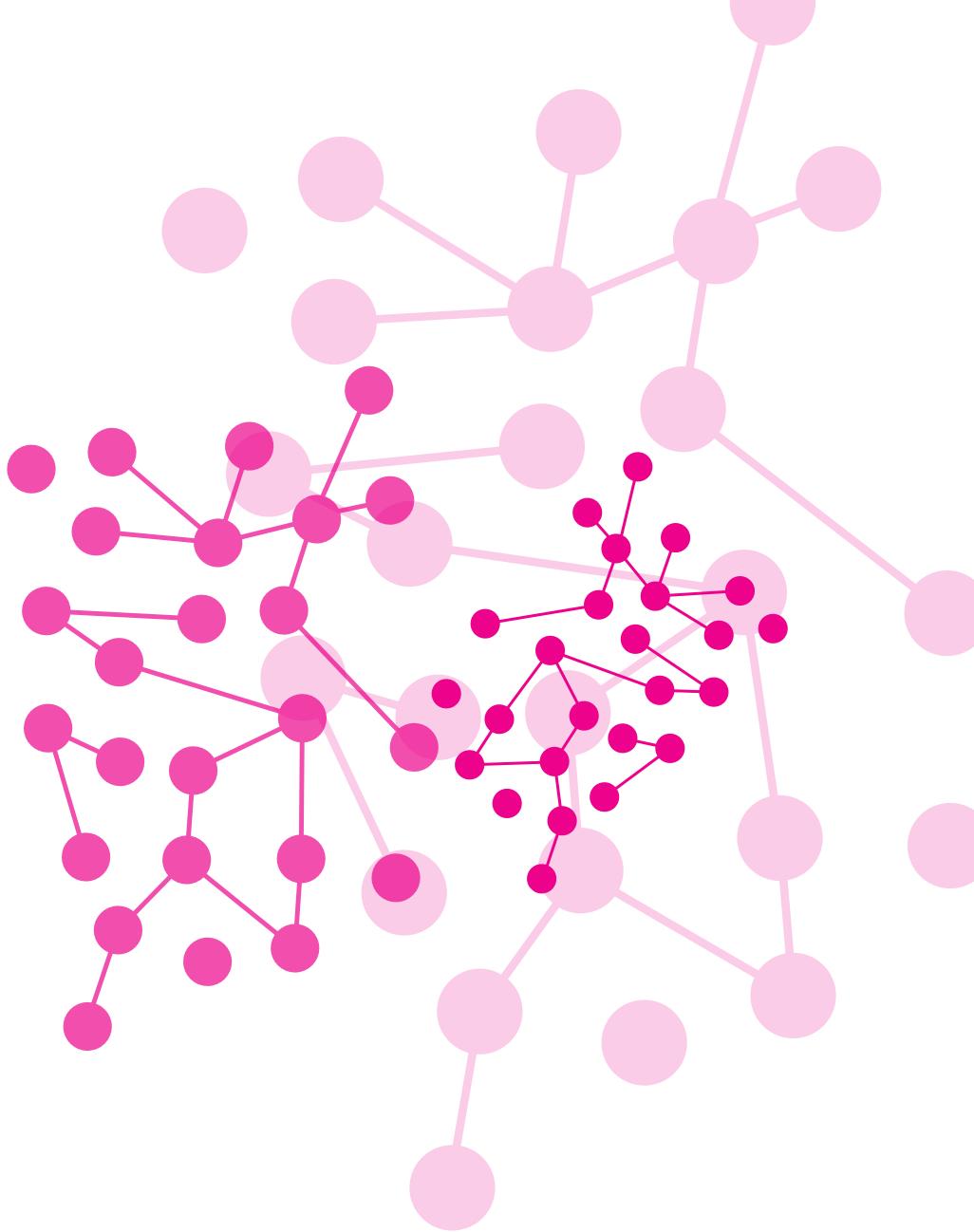
The work of our journal has also been influenced. Several of the members of our editing team had to fly back to their home countries, and we have postponed our yearly seminar from May to December 2020. Despite this, we are pleased that the Stockholm IP Law Review spring issue of 2020 has come together, even though we in the editorial team had to practice social distancing during the work.

Looking back to one year ago, it is of interest to note that several of the articles of the 2019 spring issue, as well as our conference on the 4th of June 2019 concerned public health issues. Reading the articles now, during the COVID-19 pandemic, their relevance and importance is renewed.

This 2020 Spring issue of Stockholm IP Law Review does not focus on COVID-19 issues, but on other important and timely issues, the IP challenges of the digital world. In the article by Holgersson, Granstrand and Opedal we find out what an innovation ecosystem is and how multilayered licensing influences fairness considerations in capturing and sharing value within contributors. Rosati's article on the other hand, analyzes the approach adopted by the CJEU regarding direct liability of online intermediaries in relation to user activities. Hyperlinking on the internet, and how this is classified from a copyright perspective is discussed by Bohle in her article, that includes the most important case law of the CJEU concerning the interpretation of Article 3(1) of the Infosoc Directive. The business opportunities and the legal loopholes of blockchain solutions for the online music industry are discussed by Carretta, while Kempas reflects on IP considerations on AI in Europe and in Sweden.

We hope you enjoy the reading and that the next issue of our journal comes at a time when we may deliver the issues in person.

Åsa Hellstadius & Frantzeska Papadopoulou



**EDITOR-IN-CHIEF
FOUNDER
PROGRAM DIRECTOR**

Frantzeska Papadopoulou



**EDITOR-IN-CHIEF
FOUNDER
PROGRAM DIRECTOR**

Åsa Hellstadius

Denna digitala version är nedladdad från lawpub.se

Den licens som tillämpas för de verk som finns på lawpub.se är Creative Commons CC BY-NC 4.0. Licensvillkoren måste följas i sin helhet och dessa finner du här:

<https://creativecommons.org/licenses/by-nc/4.0/legalcode.sv>

Sammanfattningsvis innebär licensen följande:

Tillstånd för användaren att

- Kopiera och vidaredistribuera materialet oavsett medium eller format
- Bearbeta och bygga vidare på materialet

Villkoren för tillståndet är

- Att användaren ger ett korrekt erkännande, anger en hyperlänk till licensen och anger om bearbetningar är gjorda av verket. Detta ska göras enligt god sed.
- Att användaren inte använder materialet för kommersiella ändamål.
- Att användaren inte tillämpar rättsliga begränsningar eller teknik som begränsar andras rätt att gör något som licensen tillåter.

Se även information på

<https://creativecommons.org/licenses/by-nc/4.0/deed.sv>