

E-Newsletter

Fourth Issue – May 2005

Wednesday 25 May 2005 – Full-day Topic Meeting – Hilton Rotterdam

'Working Together: Co-Branding in Different Industrial Sectors'

Information and registration www.benelux.les-europe.org/level1/meetings.htm

Dear Members,

You should have already received invitations to the coming topic meeting on 25th May and the annual general meeting (AGM) of the society on the same day. The AGM this year will include voting on a number of changes to membership of the board of the society and we would like to have as large an attendance as possible to see in the new candidates and to plan the coming year. The reports by board officers will highlight events and trends and ways in which the society is constantly changing to adapt to changing realities and developments in IP and licensing. I do hope you can make it to Rotterdam for this important meeting.

I shall also be giving a talk during the topic meeting about the role of LES International. As Benelux chapter we are part of a global network of twelve thousand LES members from various disciplines and spread over more than 30 local and regional societies. It comes as no surprise that the organisation of such an international network and its added value for all the members worldwide are hot topics within the society. How can we get the greatest value from this unique group of licensing professionals and what is changing in their expectations for the role of LES International? Which themes are most important from an international perspective? In which areas can we get the greatest value from the global and regional expertise available within the society? How should the society cooperate with other societies and organisations in the IP, tech transfer and licensing fields? I hope on the 25th May to give some insights and point to some directions the society is heading in and how they might enhance the value of YOUR membership.

We are planning a repeat of the Licensing Course later this year and I commend it to you and your contacts. In the past this course has been an important point of contact with interested non-members (some of whom have later signed up), and we wish to reach out to many who have an interest in learning about licensing. Details will appear in this and forthcoming e-newsletters.

We are also exploring with the Platform on Innovation and Industrial Property in the Netherlands how we might extend our role for start up technology ventures, innovation and small and medium sized enterprises in general. Your suggestions would be most welcome, for all three Benelux countries.

I look forward to seeing you soon and to hearing form you on these and any other matters you would like to bring to the attention of the board.

With best wishes
Nigel Wagstaff
President LES Benelux
E-mail wagstaff@wanadoo.nl

New members for LES Benelux

Mr. Filip Beernaert, Toyota Motor Europe, Brussels - Belgium
Mr. Hans Herman de Groot, Corus Technology B.V., IJmuiden - The Netherlands
Mr. William Johnson, Brussels - Belgium
Dr. Marck Koolen, Intervet International BV, Boxmeer - The Netherlands
Mr. Koen Limperg, De Brauw Blackstone Westbroek, The Hague - The Netherlands

Mr. Leo Melchers, Syngenta Seeds B.V., Enkhuizen - The Netherlands
Mrs. Chantal Morel, Klos Morel Vos & Schaap, Amsterdam - The Netherlands
Mr. Nicholas Pecher, Pecher Consultants SPRL, Louvain-la-Neuve - Belgium
Ms. Pascale Redig, University of Ghent, Ghent - Belgium
Ms. Rosane Stas de Richelle, Bird & Bird, Brussels - Belgium
Mrs. Ester Stevers, RWS Group Benelux, Versailles - France
Mr. Jan van der Valk, Sabic Europe, Sittard - The Netherlands
Ms. Karen Van Den Langenbergh, Toyota Motor Europe, Brussels - Belgium
Mr. Zeeger Vink, Amsterdam - The Netherlands

Membership

For more information about membership, please e-mail to membership@benelux.les-europe.org and an information package will arrive within a few days. Information on membership and activities of LES Benelux can also be found www.les-europe.org/benelux. Membership is Euro 125,00 per year; the entrance fee for new members is Euro 40,00.

For your diary

- Wednesday 25 May 2005 – Rotterdam; topic "Working Together: Co-Branding in Different Industrial Sectors", including Annual General Meeting
- Wednesday 28 September 2005 – Brussels; topic "Exploitation of technology in Asia"
- Wednesday 30 November 2005 – Rotterdam; "Licensing agreements : when the honeymoon is over"

On 10 and 11 November 2005 the biannual LES Benelux Licensing Course will be organised in Eindhoven. For programme, information and registration go to <http://www.benelux.les-europe.org/> or send an e-mail to licensingcourse@benelux.les-europe.org.

For the above mentioned meetings, invitations with registration forms has been or will be distributed in due time. For additional information, please e-mail to meetings@benelux.les-europe.org. Programmes can also be viewed at the LES Benelux website, www.benelux.les-europe.org, as can the presentations from earlier meetings.

Other Meetings

LES International Conference 2005; 10 – 15 June 2005; ArabellaSheraton Grand Hotel in Munich: Licensing in a changing World. For further information and registration www.lesi-2005.de or e-mail LES@Zibert.com.

LES Russia - St. Petersburg; 17 – 19 June 2005;

LES Russia will co-sponsor an International Conference "Effective management of intellectual property – a means of successful business in Russia and its integration in international community" on. A program and general conditions of the conference can be found at <http://www.les-russia.org/>.

Centre for Intellectual Property Rights / Katholieke Universiteit Leuven – International Conference: Gene Patents and Public Health - Leuven, 27 May 2005;

Additional information can be obtained from the Centre for Intellectual Property Rights (CIR); Ms. Linda Mees; phone +32 16 32 37 32; fax +32 16 32 37 30; e-mail linda.mees@law.kuleuven.ac.be or <http://www.law.kuleuven.ac.be/cir>.

Meeting Reports

LES Benelux Meeting – "LES Meets the European Institutions" by George Pickering

For its first meeting of 2005, LES Benelux took advantage of the fact that the LES International Winter Meeting took place in Brussels this year and so scheduled the meeting take place immediately prior to the weekend's event. Given the aptness of the location, it was decided that the theme of the meeting should be "LES meets the European Institutions".

This was the fourth time such a meeting had been organised, as usual in conjunction with the LESI European Committee, since the formula has proved to be a popular one giving delegates the chance

to hear about developments in intellectual property in Europe straight from those involved in the development and implementation of policy. Expectations proved to be correct with a total of 92 delegates present. In addition, it was felt to be a good opportunity for delegates from outside of Europe to learn more about the influence of the European institutions on intellectual property at a European level.

Proceedings started with the keynote address by LES International President, **Willy Manfroy**, who gave a comprehensive introduction to LES International and the background against which it functions before introducing and highlighting the ways in which LES has worked with the European institutions in the past and hopes to continue in the future.

The morning continued with high level representatives of the two main European intellectual property offices, namely the Office for Harmonisation in the Internal Market (Trade Marks and Designs) or OHIM for short, and the European Patent Office. OHIM was represented by no less than its President, **Wubbo de Boer**, who reflected on the first 10 years of OHIM's operation and gave some thoughts on what may lie in the future. Among the fascinating statistics quoted by Mr de Boer included the facts that more than 400,000 applications have been made to date, 63% of applicants are based in the EU and more than 50% of proprietors only own one trade mark registration. He highlighted the accession of the EU to the Madrid Protocol system and the forthcoming abolition of mandatory national searching as part of the grant process. Matters currently under discussion included the establishment of a specialised chamber within the European Court of First Instance since around a third of all CFI cases concern appeals from OHIM and a reduction in official fees since OHIM, which is completely self-financing, earns 30% more in fee revenue than actually needed to sustain the office.

Wolfram Förster, who is Head of the Controlling Office of the EPO, then gave a presentation on various interesting topics currently under debate at the EPO. These included steps taken to master the offices workload and meet the target of three years from filing to grant, the alternatives to the proposed Community patent and recent steps to address the challenges of nanotechnology, in which LESI has been closely involved. Mr Förster concluded with some highlights from a forthcoming study to be published by the EPO on the average cost of obtaining a European patent. For such a patent obtained directly without going via PCT, designating six countries and maintained in force for a period of 10 years, the cost including professional fees was Euro 30,000. Going via PCT and designating eight countries on average was found to cost Euro 45,000.

Having heard from two institutions at the heart of intellectual property in Europe, the meeting turned to a more detailed examination of three specific areas of intellectual property policy by the European Commission officials responsible. The first of these was the funding of collaborative research and development by the EU. Unfortunately, Denis Dambois from DG Research, who is well-known to LES Benelux was unable to attend, but was ably replaced by his colleague **Maria-Francisca Brunet-Company**, who discussed the current rules governing intellectual property ownership in sixth framework programme-supported projects and put forward some ideas for improvement in the forthcoming seventh framework programme.

One of the hottest topics in Europe at the moment is the proposed directive on computer-implemented inventions, the future of which is currently rather uncertain following the Polish refusal to endorse the political agreement reached by the Council of Ministers last year in response to controversial amendments proposed by the European Parliament. On this subject, we heard three presentations from **David Ellard** of DG Internal Market, **Tim Frain** of Nokia and **Greg Gramenopoulos** of Finnegan, Henderson, Farabow, Garrett & Dunner. Mr Ellard began by re-stating the Commission's comparatively modest aim of clarifying and re-stating the current position within European patent law (rather than introducing new standards) and was then followed Mr Frain who was invited to reflect the views of larger industrial undertakings on the debate. These views tended to be supportive of the Commission's initiative, whereas the Parliament's amendment favoured a rather different approach to the issue. By way of contrast, Mr Gramenopoulos outlined the patentability of computer-implemented inventions under US patent law.

To finish the day, **Harrie Temmink** also of DG Internal Market explained the various measures that are being implemented in respect of enforcement of intellectual property, focusing particularly on Directive 2004/48. This aims to harmonise within the EU the civil remedies available to intellectual

property owners and their licensees for infringement as well as steps that can be taken to obtain evidence of infringement.

The presentations from the meeting, which include reference to further information on the topics mentioned above, are available on the LES Benelux website (www.les-benelux.org – registration required for level 2 for non-members, while LES members with a password can go straight to level 3).

LES International

It is possible to add your website link in the Members Links Database accessible from www.lesi.org, for a modest fee of US\$ 150 for one year. For more information read the Terms & Conditions at that page or contact links@lesi.org.

Links of interest

- LES Benelux full day topic meeting on 25 May 2005: www.benelux.les-europe.org/level1/meetings.htm
- Licensing Course 2005 in Eindhoven: <http://www.benelux.les-europe.org/level1/courses.htm>
- LESI Annual Report 2004: <http://www.lesi.org/files/annrep2004.pdf>
- Conference on Gene and Patents: http://www.law.kuleuven.ac.be/cir/conference_27may.htm
- Platform on Innovation and Industrial Property: www.innovatiewijzer.nl

Next E-newsletter will be issued in September 2005.

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