



LES Benelux

E-Newsletter

Fifth Issue – September 2005

Dear Members,

In this newsletter you will find details of our remaining meetings this year, in Brussels and Rotterdam, as well as the Licensing Course in Eindhoven in November. The two meetings will feature practical themes which are always topical--licensing in Asia and the follow up and concerns after a license agreement has been concluded.

The licensing course is held every two years and is open to all with an interest. There are signs that we may in future hold the course more frequently, and a completely new development is the interest from the Dutch Platform for Innovation and Industrial Property, of which LES Benelux is a member. This will result in a pilot course targeting people starting up small techno-companies or facilitating country innovation policy. We will select relevant material from the full course. The pilot will take place in January 2006 in the Hague, and we hope to learn from the evaluation how large the scope is for this particular audience which would not normally come to our courses but can benefit enormously from a practical introduction to IP and licensing. Our experiences will be shared with you, our members, and also with LES International.

I would like to thank those of you who attended the May topic meeting and AGM for your support. We struggled a little beforehand to get the numbers, perhaps through a combination of busy schedules and a rather specialized topic, but in the end all business could be transacted, we had an excellent meeting and a new slate of board members could be voted in. This holds promise for dynamic years ahead and further growth of the society. I am delighted with the slate of members for the board and the supporting committees (meetings, audit, ethics, special secondees).

On a sad note, Aldert Baarslag, an active member who contributed much to the society in its formative years and served as its President in 1983-1984, passed away on 26th July. He will be sadly missed by many in LES and in other IP circles in the Benelux and beyond.

LES Benelux was well represented at the LES Annual International Conference in Munich last June. I confess that I did not manage to speak at length to everyone from the Benelux, but it was good to see so many familiar names among the 650 conference attendees. Developments on the European scene and locally in Germany featured strongly, of course, but a number of workshops compared US, EU and Asian practices and approaches, and this is extremely valuable and on this scale unique to LES. Attendance at LES international meetings takes more time and expense than local topic meetings, but it can be time and money well spent.

I trust you will have been refreshed by holidays and I hope to see you in Rotterdam and Brussels.

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

New members for LES Benelux

- Mr. Gerben Burgers, KPMG, Amstelveen - The Netherlands
- Mr. Luc De Bry, G.C.T.A. bvba, Sint-Katelijne-Waver - Belgium
- Mrs. Elise Destryker, Surface Specialities S.A., Drogenbos - Belgium
- Mr. Erik Jongedijk, Devgen nv, Zijnaarde - Belgium
- Mr. Gunther Meyer, Janson Bagniet, Brussels - Belgium
- Mr. Michiel Rijdsijk, Van der Steenhoven Advocaten, Amsterdam - The Netherlands

- Mrs. Ann Viaene, Devgen nv, Zwijnaarde - Belgium

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 for 2006 is Euro 135,00 per year; the entrance fee for new members is Euro 45,00.

For your diary

- Wednesday 28 September 2005 – Brussels, UNICE Conference Center; topic "Exploitation of technology in Asia". For this meeting members have received an invitation with programme. The programme is also published on <http://www.benelux.les-europe.org/>. For additional information, please e-mail to meetings@benelux.les-europe.org.
- Wednesday 30 November 2005 – Rotterdam, Hilton Hotel; "Licensing agreements : when the honeymoon is over". You will receive an invitation in due time.

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.

Other Meetings

- *LES Britain and Ireland* - 13t September, 2005 - Annual Conference, Cafe Royal, London. Contact Sheena Hunter; e-mail les@glasconf.demon.co.uk.
- *LES USA and Canada* - October 16-20, 2005 - **2005 Annual Meeting: Tools for Licensing in the 21st Century**, Phoenix, AZ; Contact e-mail info@les.org.
- *ASTP* (The Association of European Science and Technology Transfer Professionals) organises its annual seminar on 'Commercialising Science Based Intellectual Property Management' on 12-14 October in Hotel Divani Caravel, Athens, Greece. Detailed information (including registration form and the program) can be found on www.astp.net. Subscriptions for the conference brochure can be sent to secretary@astp.net.
- *Proton* - Training Schools for the Knowledge Transfer Profession, Training School 6 : Cadiz (Spain) 3rd-4th October 2005, New entrants to the TO profession. This training school is a development of the Training Schools ProTon Europe held in Brno, Warsaw and Barcelona, revised to include new tools and good practices plus the recently compiled Transfer Office Guide. It is designed to address the needs of those who are in the early stages of their career as KT professionals, and for more experienced people who are developing new Transfer Offices. For more information see <http://www.proton-europe.org/>.

Slate of board members for 2006

Lex van Wijk – president
 Nigel Wagstaff – secretary
 Frans van Voorst – treasurer
 Allen Norris – chair programme committee
 Dirk Groenewegen – programme committee
 George Pickering – programme committee
 Geoffrey Clarke – board member
 Nicole Antheunis – board member
 Emmy van Oosterom – board member

Meeting Report by Bruno Vandermeulen

LES Benelux Topic Meeting « Current Topics on Co-Branding Issues », Rotterdam, 25 May 2005

This full-day meeting, organized at the Hilton hotel in Rotterdam, staged speakers from The Netherlands (*Hans Bottema*, Nederlandsch Octrooibureau, *Tobias Cohen Jehoram*, De Brauw Blackstone Westbroek), Belgium (*Herman De Bauw*, Altius), the United Kingdom (*John Wilkinson*, Bird & Bird, *Ian Blackshaw*) and also proposed a live-feed video presentation from the United States (*Lucy Nichols*, Nokia Corporation). Bruno Vandermeulen (Bird & Bird) chaired the day and introduced each of the speakers. The term "co-branding" at first glance recalls a product bearing two brands to promote

the sale and the reputation of both brand owners. During this full day meeting, LES members received the opportunity to learn a lot more about this complex legal and commercial phenomenon.

The day started with a typical Belgian topic presented by Herman De Bauw (Altius) : he introduced the members to the case law of the prohibition on "koppelverkoop", which makes co-branding at first sight very difficult in Belgium. A parallel was made with some other legal systems in Europe, and the presentation was concluded by explaining a recent decision from the European Court of Justice that explained and endorsed the decision of the Belgian legislator not to give up these restrictions despite the difficulties it sometimes caused.

The next speaker, Hans Bottema (Nederlandsch Octrooibureau) explained how a co-branding strategy can be efficiently supported by patent protection, giving each brand owner exclusivity on his part of the deal. The now classic co-branding examples of the "Senseo" coffee machine (co-branding between Douwe Egberts and Phillips) and the "Perfect Draft" beer tap (co-branding between Heineken and Phillips) were highlighted from a patent perspective.

As we learned from John Wilkinson (Bird & Bird) co-branding in the pharmaceutical and biotechnology sector needs very detailed and well considered contract drafting, influenced by conflicting product regulations and evolving business interests of the respective partners involved.

After a delicious lunch, the Annual General Meeting was held during which new board members were welcomed and Lex Van Wijk (Vereenigde) was elected to lead the Benelux society as of 2006. In the afternoon session, the current president, *Nigel Wagstaff* gave a very interesting lecture about the goals of the LESI society, the internal functioning of its committees and the organization of the international conferences. Another call was made for Benelux members to become active at the international level by becoming a delegate and getting involved in the working of the various LESI committees.

The presentation of the next speaker, Lucy Nichols (Nokia) was eagerly awaited. Unfortunately, the presentation was interrupted because of problems with the video link, illustrating how co-branding between a communications company and a hotel chain can lead to sub optimal results.

Ian Blackshaw (UK) made the audience jumping on their feet when he unveiled some secrets of co-branding in the sports industry. More in particular he explained how sportsmen and sport event organizers manage (or at least try) to avoid conflicts between showing competing brands on the sportsfield, or at the television screen.

And Tobias Cohen Jehoram (De Brauw Blackstone) closed the day with a very detailed and rich presentation about the various disputes conducted by Gilette against competitors trying to use its trademark for unauthorized purposes. The audience learned how the European Court of Justice had just given guidance about the borderline between authorized use of a brand and illegal trademark use.

The day was closed with a good networking cocktail.

Links of interest

- LES Benelux Meetings: www.benelux.les-europe.org/level1/meetings.htm
- Licensing Course 2005 in Eindhoven: <http://www.benelux.les-europe.org/level1/courses.htm>
- LES Britain and Ireland: <http://www.les-bi.org/>
- LES USA and Canada: <http://www.usa-canada.les.org/>
- ASTP www.astp.net
- ProTon Europe <http://www.proton-europe.org/>

Next E-newsletter will be issued in January 2006.

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