



LES Benelux

eNewsletter - Seventh Issue – May 2006

Dear Members,

I was happy to meet some of our members in Seoul where the LES Annual International Conference took place in April. Those who missed this excellent networking opportunity may wish to attend the LES Pan-European conference that will be held on 21-23 June in Glasgow. The programme of this Pan-European conference looks very interesting, and I therefore encourage you to attend it, and to meet many international LES members on that occasion.

Our most recent topic meeting was held at Brussels in March and covered patent pools and standards. It was a great success because of the in-depth presentations on the subject and the large number of people that attended the meeting.

Our next topic meeting on “Valuation of IP, royalties and maximizing that value” will take place in Rotterdam on 13 June. Also, our Annual General Meeting (AGM) will then take place, just after lunch. This year’s AGM will include voting on three new board members, and in relation therewith we look forward to having as large an attendance as possible.

In January, LES Benelux organised, together with the Platform on Innovation and Industrial Property in the Netherlands, a successful course on intellectual property rights and licensing considerations for start-up companies and small and medium-sized enterprises. A repeat of this course is intended later this year. In this way, we hope to extend our role for this type of companies.

I am pleased to inform you that – due to the success of our Licensing Course that was held in December last year – a repeat of our Licensing Course is intended to take place in October in Belgium. Having considered feedback from our previous licensing courses, the contents of the course will be slightly adjusted so as to put a bit more emphasis on case studies and practical advice regarding the actual drafting of license agreements. The intended programme of this course promises to be most interesting, and we hope that many members as well as non-members will attend this course. Details of this course will follow in due course.

I look forward to seeing you in person on 13 June in Rotterdam, and as always any comments and suggestions from you are welcomed.

Yours sincerely,
Lex van Wijk
President LES Benelux
E-mail l.vanwijk@vereenigde.nl

New members for LES Benelux

- Mr. Ronald Ekkel, Stork Patent Department, De Meern - The Netherlands
- Mr. Armand Schmitt, Office Freylinger S.A., Strassen - Luxembourg
- Mr. Joep Muijers, BioMedbooster, Maastricht - The Netherlands
- Mr. Job Rietkerk, Simmons & Simmons, Rotterdam - The Netherlands
- Mr. Joris Willems, Simmons & Simmons, Rotterdam - The Netherlands
- Mr. Stephane Wilmes, Devgen NV, Gent (Zwijnaarde) - Belgium
- Mr. Joost Roelens, University of Ghent, Ghent - Belgium
- Mr. Timothy James May, Finnegan Henderson Farabow Garrett & Dunner, Brussels - Belgium
- Mr. Christophe Ronse, Altius, Brussels - Belgium
- Mrs. Ineke Rijnhout, PharmaNet, Leusden - The Netherlands
- Mr. Jan-Kees Govers, Govers van Zoest Advocaten, Amsterdam - The Netherlands
- Mr. Achim Krebs, Shell International BV, The Hague - 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 for 2006 is Euro 135,00 per year; the entrance fee for new members is Euro 45,00.

Meetings - For your diary

LES Benelux

Tuesday, 13 June 2006 – Hilton Hotel Rotterdam, The Netherlands; all-day Topic Meeting on "Valuation of IP, royalties and maximizing that value" combined with the AGM.

Tuesday, 3 October 2006 – Brussels, Belgium; all-day Topic Meeting on "Copy right, copy wrong".

October 2006, Two-day Licensing Course, Belgium

Tuesday 28 November 2006 - Rotterdam; half-day topic meeting on Joint Ownership of IP.

For these meetings members will receive an invitation with programme. The programme will also be published on <http://www.benelux.les-europe.org>.

For additional information, please e-mail to meetings@benelux.les-europe.org

LES Europe

21-23 June 2006; LES Pan-European Conference - Glasgow, Scotland. Programme and information at <http://www.les-bi.org/june06.pdf>.

Conference brochure available. Send an e-mail with your name and mailing address to saskia.dijk@planet.nl

Other LES meetings

3 – 5 September 2006; LES Scandinavia - Annual Conference - Copenhagen 3-5 September 2006. Programme and information at <http://www.les-scandinavia.org/>

10 – 14 September 2006; LES USA and Canada Annual Meeting, New York. Programme and information at <http://www.usa-canada.les.org/meetings/2006annual/>.

17 - 20 June 2007; LESI Annual Conference and International Delegates Meeting, Zurich, Switzerland. Programme and information at <http://www.lesi2007.org/>.

Non-LES meetings

18 May 2006; BioBusiness Event 2006, Utrecht. See <http://www.biobusinessevent.nl>.

Meeting Reports

Patent Pools and Other Technology Pooling - Brussels, 21 March 2006; Report by George Pickering

LES Benelux's first topic meeting of 2006 was a full day session on Patent Pooling and Other Technology Pooling held at the Hilton Hotel in Brussels. The meeting was well-attended and the programme committee was pleased to see that almost 100 delegates registered from Germany, France, the UK as well as the home countries of Belgium, Luxembourg and the Netherlands. The meeting was chaired by LES Benelux programme committee co-chairman, George Pickering (Reed Smith) and aimed to give an overview of patent pooling, investigate the main legal issues affecting pools, competition law, as well as examine recent examples in two specific areas.

The day started with an overview of the subject given appropriately enough by *Bill Bird* (Bird Goen & Co), who looked at the history of patent pooling, some of the motivations to form a pool as well as introducing the factors that can make technology pools a concern for anti-trust and competition lawyers.

Delegates then received a comprehensive discussion of the competition law issues on both sides of the Atlantic. For EU, we were treated to both poacher and gamekeeper, with perspectives on the European rules from both *Yves Botteman* (Linklaters), a private practice lawyer specialised in the field, and *Bruno Julien-Malvy* (DG Competition), a European Commission official who has been involved in investigating several patent pools. The speakers gave practical guidance on how the Commission Guidelines on Technology Licensing deal with the conditions of entry to patent pools and the terms upon patent pools grant licences to third parties. *Jeff Blumenfeld* (Crowell & Moring, Washington DC) then made a highly entertaining presentation on the comparatively similar US anti-trust rules affecting technology pools

holding several "mock trials" to get delegates thinking about the permissibility of several pooling scenarios that he described. All three presentations revealed a clear convergence between the US and European approaches which both concern themselves with the central question of whether a patent is "essential" to a particular standard forming the basis of the pool.

The afternoon session turned attention to some practical examples of patent pooling. First of all, *Richard Buttrick* (Philips) introduced delegates to the use of patent pooling in the electronics field and highlighted how the adoption of standards for products in the sector, as well as the need to extract additional value from intellectual property, has made the creation of pools of electronics patents a straightforward process. The discussion provided some valuable lessons given the fairly advanced stage that technology pooling has reached in electronics. To round off proceedings, *Carmen Correa* (Vironovative) described the attempts made by her company and others to establish a biotech patent pool in an effort to speed development of medicines to treat the virus that causes SARS. This presentation gave rise to an interesting discussion of how patent pooling may assist the biotech and pharma sector given the reliance by companies on market exclusivity to make a return on investment and the relative lack of product standardisation in the sector. It became apparent that patent pooling is comparatively novel to the life sciences field, but does show some promise as one means by which to make drug discovery and development, for example, more efficient from an economic perspective.

The day ended with a drink reception giving delegates the opportunity to admire the view over Brussels from the 26th floor of the Hilton Hotel. We would like to thank those who attended for their contributions to the success of this event and encourage you all to attend our next meeting in Rotterdam on 13 June 2006 on maximising the value of intellectual property, which will include valuation, tax issues and off-shoring. Please visit our website at www.benelux.les-europe.org for more information.

LESI

- All news messages of the present LESI President – Peter Chrocziel – can be found at the home page of www.lesi.org
- The upcoming LESI President-elect will be Mr. Chikao Fukuda of LES Japan. Mr. Fukuda is at present vice-president of LES International.

LESI Education Committee

The LESI Education Committee is looking for active members in the Benelux. Those who want to become involved in this committee should take into account that such involvement will take some of your time and that your presence will be expected at meetings (in and outside Europe). If you are interested please contact saskia.dijk@wxs.nl.

LESI Life Sciences Committee

The LESI Life Sciences Committee (LSC) welcomes members of LES Benelux who would desire to become involved in the LSC's activities. The LSC seeks someone to serve as its Liaison to (the equivalent industry committee of) LES Benelux. Participation in meetings and activities of both LESI and LES Benelux is required in order to effectively serve as a bridge between them. The LSC also welcomes as members individuals who wish to either actively participate in its activities, or who merely wish to be kept informed of its activities and participate in them on an à la carte basis. Interested persons may contact Kevin Nachtrab, Co-Chair, LESI Life Sciences Committee by e-mail at kevin.nachtrab@skynet.be

Links of interest

- LES Britain and Ireland: <http://www.les-bi.org/>
- LES Scandinavia: <http://www.les-scandinavia.org/>
- LES USA and Canada: <http://www.usa-canada.les.org/>
- LES International <http://www.lesi.org>

Next E-newsletter will be issued in October 2006.

This electronic newsletter is written specifically for LES Benelux members and others with a professional or business interest in all aspects of technology transfer and the licensing of intellectual property. Unless indicated as author's copyright and subject to acknowledgement of the Society, all material may be used freely in other publications. Unless otherwise agreed, acceptance of any submission for publication in this Newsletter is on the understanding that the author also consents to publication in the same or edited form on the LES Europe site at www.les-europe.org. Editorial inserts, advertising enquiries and contributions should be addressed to Saskia van Dijk-Struyk, Administrative Consultant LES Benelux, Lodewijk de Vromestraat 25, NL-3962 VG Wijk bij Duurstede, phone +31 343 575 397; fax +31 343 594 566; e-mail info@benelux.les-europe.org.