Let’s Innovate—Springing For Action!

By Audrey Yap, President, LES International

“Spring drew on…and a greenness grew over those brown beds, which freshening daily, suggested the thought that hope traversed them at night and left each morning brighter traces of her step.” —Charlotte Bronte

The seasons change and spring is at our doorstep, ushering in brighter days, for no matter how long the winter, spring always comes. Springtime is like the land awakening and even in the tropics, we look forward to what it means.

LEYI-WIPO Memorandum of Understanding

We are proud to announce that we signed our renewed and updated LESI-WIPO memorandum of understanding (MOU) on March 26, 2021, on the 11th anniversary of our initial MOU in 2010.

Shared Vision

This marks another important milestone for LESI, given the alignment of our missions to continue to bring life to our shared vision for the development and growth of IP Ecosystems that value IP and allow for greater commercialization of the same globally. (Visit [https://www.lesi.org/about/lesi-and-wipo-sign-updated-mou-to-support-education-and-assistance-on-ip-commercialization](https://www.lesi.org/about/lesi-and-wipo-sign-updated-mou-to-support-education-and-assistance-on-ip-commercialization)). Both our great organi-
President, continued from Page 1

tions recognize that technology and innovation and IP will hold the keys to enabling enterprises around the world to achieve economic recovery.

Working Together on Policy and Emerging IP Issues

The MOU sets out that we will work together to focus on areas that include policy and emerging IP issues, building and facilitating strong local IP ecosystems and the training of licensing professionals. This is very much in alignment with creating value for WIPO’s stakeholders and our LES membership base of our national and regional chapters covering 90 countries.

COVID-19 and Digitalization of the Global Economy

In a recent survey conducted by Ocean Tomo, published in our LESI publication les Nouvelles December 2020 edition, COVID-19 has accelerated the digitization of the global economy, allowing telemedicine, telework and online education during the lockdown of many countries. Online shopping grew exponentially and work from home (WFH) is now the new normal rather than the exception with escalating demand for Zoom, Skype, WebEx, WeChat, DingTalk and Microsoft Teams to name a few. All this underscores the importance of IP in the post-Covid world as IP remains resilient given that business will need to prioritize investment in the above-described models. The article concludes that all this will accelerate the economic inversion for countries to move from tangible to intangible economies.

The Young Are Our Future

An exciting eight-week program we launched in Association of Southeast Asian Nations (ASEAN), which was successfully completed on February 21, 2021, was the Pioneering IP Program for Young Researchers (PIP). For more information, see ad on page 2.

Working with Young Researchers

In keeping with LESI’s mission to advance the business of IP, we recognize that research plays a key role in sustaining economic growth and societal well-being for any region. ASEAN in its under-stated way had pulled off a significant economic collaboration with the Regional Comprehensive Economic Partnership (RCEP) in 2019, the world’s largest free trade area with its 15 member states making up 30 percent of the world’s population and 29 percent of its GDP.

ASEAN is currently the fifth-largest economy with a combined gross domestic product of USD $3 trillion. Set to be the fourth-largest economy in the world by 2030, ASEAN has made significant investment to enhance its innovation landscape through support of science and technology. Young researchers play an important role here and represent the future to influence policies and implement changes that correlate Science, Technology and Innovation (STI) with IP. Recognizing this, this flagship program of LESI together with the ASEAN Scientists Network was established through the efforts of the IUGT committee.

Fifty-one participants from nine countries (Cambodia, Brunei, Indonesia, Malaysia, the Philippines, Myanmar, Singapore, Thailand, and Vietnam) attended the program. Thirty-eight participants who accomplished the 80 percent attendance criteria attended an online graduation ceremony on February 10, 2021. I had the pleasure of giving the keynote address where I touched on the importance of continuing to incorporate IP in their thinking, their R&D plans and IP monetization, and of course joining LES!

I wish to record my thanks in particular to Dr. Oraikanole, LES Thailand and Co-Chair LESI IUGT committee, for leading this effort and for the great support of Duncan Ferguson LES ANZ and Karin Hoffman LES Austria, both fellow Co-Chairs of IUGT in speaking and coordinating with the international experts who served as trainers. Thanks also go to the LES Asia Pacific Committee led by Vilram Durangmanee, LES Thailand, and Chiew Yu Sams, LES Singapore, for collaborating, brainstorming and publicizing the activities in the region. It was great to see the joining of hands in this innovative program.

Kid’s IP Day

We recognize that children today will impact our future, and if we believe IP is integral in their education, LESI is perfectly placed to play a role. As announced in Global News, January 2021 and at the sixth National Presidents Council Meeting, we launched LES Kids’ IP Day to fulfill the above objective and, importantly, as a tribute in memory of the late Patrick Teroir, who had championed this cause and had wanted very much to organize himself for the global LESI family.

We had a deck of materials for kids prepared by Madeleine Kleyng translated into nine languages and shared on the LESI website for easy dissemination. The Kid’s IP Day celebration was kicked off on St Patrick’s Day, March 17, 2021, around the world and the activities will continue until April. Some highlights include:

- LES South Africa—sharing a YouTube video and a flyer sent to around 5,000 students at schools around the country.
- LES Spain & Portugal—highlighting collaboration with City Council of Getafe, including a 20-minute online talk with five-to-seven-year-old children from a bilingual school.
- An LESI Clubhouse event hosted by Executive Director Dana Colarulli about Kid’s IP Day and the value and importance of innovation.
- LES Philippines—two mini workshops led by LESP Past President Leslie Anne Cruz were held. The workshops were attended by children ranging from five to seven years old. Aside from presenting the slide deck, props were used to bring life to the discussion, including ROBLOX, MINECRAFT, LEGO, rubbing alcohol spray bottles, protective goggles, face shields, PRESTON, AirPods, Chanel ballet flats and a UV light bag, among others. There was great interest when the business of licensing was discussed particularly, the potential to engage in a start-up and to cash in on their intellectual property.
Remembering Yvonne, continued from Page 1

The current and past presidents and president-elect of LES share the essence of Yvonne:

**“Great Leader. Mentor. Sister. Friend.”**

—Audrey Yap, President, Licensing Executive Society International

**“The soft rain falls and blankets the world as we know it. In a time where millions have died from the pandemic, this one loss matters, and our hearts break because she was one of our own.”**

—John Paul, President-Elect LESI 2020-2021

**“We are stunned by this very sad news. Yvonne was such a strong, positive influence in LES and our lives. She was such a great leader, who led with great effectiveness by wit, charm and gentle persuasion. She was such a kind, thoughtful, and generous person. She was a friend to everyone and respected by all. Yvonne will always be the star of our friendship circle, and will miss her dearly. Leo and Yvonne’s family are in our thoughts and prayers.”**

—Jim Sohieraj, Past President LES 2015-2016

**“What a combination of temper and charm was Yvonne. We will look at our watches that she had so carefully designed for her LESI family and think that Yvonne has now started a new era forever where she will still be taking care of all of us. No doubt that, for Yvonne, Joining Hands started here with us and continued even when we can no longer see each other.”**

—Heinz Goddar, Past President LESI 1999-2000

**“Elisabeth and I had a deep friendship for her, we will miss her. We hope that she could go peacefully surrounded by her family, which is not always easy in these difficult times. We think in particular of Les and their son, kindly convey this message to them.”**

—Fiona Nicolson, Past President LESI 2019-2020

**“It has been my privilege to be a part of Yvonne’s IP path, especially her years with LESI. She was my immediate predecessor in the role of Past President LESI Asia Pacific.”**

—Fiona Nicolson, Past President LESI 2019-2020

**“Yvonne inspired me and everyone in the LESI family with her grace, charm, and ability to bring us together and get things done—setting examples and celebrating her life and friendship for many years by remembering what she brought us and carrying it forward with her spirit.”**

—John Paul, President Elect LESI 2020-2021

**“Yvonne has been one of the greatest ambassadors of LES and what LES stands for. She had ‘open arms’ way before her presidency at LESI, but she made her ‘Joining Hands’ trademark a hallmark of her presidency. Her initiative still resonates throughout LESI Societies to this day.”**

—Elisabeth Viguerie, Past President LESI 2019-2020

**“It’s been a privilege to be a part of Yvonne’s IP path, especially her years with LESI. She was my immediate predecessor in the role of Past President LESI Asia Pacific.”**

—Fiona Nicolson, Past President LESI 2019-2020

**“Yvonne, as the first leader of LES International from Greater China, has become an idol of the growing number of the young generation of licensing executives in South East Asia, and equally by the rest of the world, not the least European, Germanymand and myself. Yvonne has fulfilled a tremendously constructive and important role in establishing a solid framework for giving women of all ages a highly respected voice in LESI, as well as in national and international organizations that cooperate with LES.”**

—Hein Godes, Past President LESI 1999-2000

**“What tragic news about Yvonne—so very sad and un- timely. Yvonne gave so much of herself to LES and was a wonderful example and was inspirational in so many ways. Yvonne was also a great friend and colleague to so many of us around the world—over a long number of years. We will miss her terribly and never forget. For sure we will cherish and treasure Yvonne’s memory in the years to come.”**

—Fiona Nicolson, Past President LESI 2019-2020

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—Elisabeth Viguerie, Past President LESI 2019-2020

**“I truly believe that she was one of the most important building blocks that have, by the influence of her, brought so many of our Societies through her impeccable smile.”**

—Hein Godes, Past President LESI 1999-2000

**“Certainly, she has blazed a trail that Audrey and I, and many other women in our Asia Pacific family are benefitting from. Yvonne always made me feel welcome and cared for. Whenever we dined together—she hardly ate (perhaps the secret of her youthful figure and incredible style)—she was always serving others and regaling us with her stories. I will truly miss her and the special relationship that we shared, particularly in LESI Asia Pacific.”**

—Patricia Bunye, Past President LESI 2016-2017

**“Yvonne inspired me and everyone in the LESI family with her grace, charm, and ability to bring us together and get things done—setting examples and celebrating her life and friendship for many years by remembering what she brought us and carrying it forward with her spirit.”**

—John Paul, President Elect LESI 2020-2021

**“Having known her for years as one of the most impres- sive and influential property lawyers in Asia, and I intro- duced Yvonne into the LESI family in the late 1990s, I had the expectation, which never has been disappointed, that Yvonne would be one of the greatest leaders of LES inter- national. During her path through the leadership of the LES family, both nationally and, particularly, on the international level, I have been full of pride to see her star rising.”**

—John Paul, President Elect LESI 2020-2021

**“Ironic in a time where millions have died from the pandemic, this one loss matters, and our hearts break because she was one of our own.”**

—John Paul, President-Elect LESI 2020-2021

**“Remembering Yvonne, continued on Page 6**
I would like to conclude with words she would have said: “My flesh and my heart may fail, but God is the strength of my heart and my portion forever.”—Psalm 73:26

Beloved Yvonne, may God bless and keep you and may you rest in peace in the Lord’s arms in Heaven. You will be greatly missed.

Audrey Yap, President LESI 2020-2021

More Photo Memories—Yvonne Chua

Highlighting Yvonne, continued from Page 5 and her ‘force tranquille’ as we would say in French.

“I will miss her every day, I will miss seeing her at LESI meetings, I will miss her words, I will miss her wisdom. "As Yvonne would write: “Warmest regards to everyone.”” —François Painchaud, Past President LESI 2018-2019

Our loss is palpable and there are many more stories to share, and we will. For in this death, makes the living pause, allowing us to reflect on the little things which give us joy through the pathways of life as it winds up and down.

So, we too want to celebrate Yvonne and all the many facets of this beautiful jewel we had the privilege to share and behold. She loved her LESI family, and it makes us want to do the same. As the rain subsides and nourishes the earth, we see the rainbow in the sky as we look up.

In one of her final speeches, in appreciating LESI for giving her the Gold Medal at the Yokohama LESI Annual Meeting, she concluded by giving thanks to God. This meant a lot to her and was what made us sisters in the faith. In tribute to this memory,

More Photo Memories—Yvonne Chua

LESI International leaders and colleagues from Chinese University with Yvonne Chua.

Ang Chung (left) Yvonne Chua and Rossita Li pictured at the LESI International Management Delegates’ Meeting (IMDM) and LESI 2019 Annual Conference at Yokohama.

The LESI Board of Directors 2013-2014

The EPO, together with Licensing Executive Society International (LESI), held its high-growth technology business forum on February 25, 2021, aimed at helping business decision makers create value with intellectual assets through effective business-relevant IP management.

More than 400 people from 58 countries registered for the online event, including CEOs, entrepreneurs, investors, IP professionals and other stakeholders. The event was divided into three expert panels: “Licensing,” “Build-to-sell” and “Growth-financing.” It was fully booked well in advance, demonstrating a high level of interest in the topics.

During each panel, prominent C-suite executives shared their success stories and provided practical tips and comments on topics raised by experts and participants. The experts were representatives from Europe, Asia, and North America—CEOs, founders, entrepreneurs, investors, patent professionals and IP lawyers— with a wealth of highly valuable practical experience and knowledge of how to create value with intellectual assets. This created a very dynamic discussion that explored the live case studies of IP strategies in three selected European SMEs.

This forum is part of the high-growth technology business initiative that help encourage business decision makers in the high-tech field to engage with IP and to offer IP professionals the opportunity to study how business-relevant IP management can be implemented to create value. The forum takes place three times a year, and its geographic focus rotates between Europe, Asia, and North America. The most recent forum focused on Europe and falls under the EPO-LESI joint work plan to strengthen co-operation. Read here: https://www.lesi.org/docs/default-source/education-committee/mou-no-2018-0454-between-lesi-and-eppo-on-bilateral-co-operation.pdf


News from the Dispute Resolution Committee

Despite the pandemic, the Dispute Resolution Committee remained fairly active in 2020 and 2021 and is now looking forward to the (virtual) annual meeting in May. This contribution shall give a quick summary on our recent activities and encourage members to join the Dispute Resolution Committee and participate in future activities.

We are grateful to have the privilege of organizing two sessions for the virtual annual meeting, namely:

• “Mock Mediation of IP Licensing Dispute Using WIPO” by committee member Pamela Cox, and
• “Dispute Resolution and Global Patent Enforcement” by Committee Chair Professor Dr. Tilman Müller-Stoy. Further, we contributed five articles to les Nouvelles and LESI Global News, namely:

• “Comparative analysis of the impact of force majeure on license agreements and of related contractual remedies in different jurisdictions, namely U.S., CA, DE, FR, IT, Poland, Russia” by committee member Leonardo Serti.
• “The German Act on the Ratification of the UPCA null and void—just an operational accident or an incurable disease” by Committee Chair Professor Dr. Tilman Müller-Stoy.

• “The ministerial draft bill ratifying the Unitary Patent Convention—is the convention ready to enter into force?” by Committee Chair Professor Dr. Tilman Müller-Stoy.
• “FRAND objective: German Federal Court of Justice—judgment dated May 5, 2020—docket no. KZR 36/17” by Committee Chair Professor Dr. Tilman Müller-Stoy.
• “Performing Licensees: The Meaning Of ‘Endeavour Clauses’” by committee member Mark Brown Also, we organized some webinars, namely:

• International Patent Enforcement covering DE, UK, FR, IT and the U.S. (based on the study that was published in les Nouvelles December 2018).
• International Design Law, covering several jurisdictions (based on the study that was published in les Nouvelles March 2020).

We also participated in a webinar organized by LES Italy on contributory patent infringement (committee members Jean-Hyacinthe de Mitry, Prof. Dr. Tilman Müller-Stoy).

Finally, we are working on a Comparative Study on International Trademark Enforcement & Protection covering many jurisdictions led by committee member Eriko Egan.

High-Growth Technology Business Forum

EPO-LESI Online Event For Business Decision-Makers

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Kid’s IP Day

As a society that advocates quality educational content, and facilitating the sharing of educational content among LES Societies, LESI launched the Young Member Congress (the “YMC”) not so long ago. The mission of the YMC, among others, is to increase the number of active members under the age of 40 within LES Member Societies and to encourage participation and networking by young members at LESI events through the organization of unique educational and social programs.

True to its nature, the reach of education has now been expanded to an even younger audience: the adventurous world of children.

Today’s kids are born into a world rich in Intellectual Property (IP), filled with digital media, the Internet, smart phones and tablets. Access to information is quick and effortless. The social playgrounds are no more just a physical place but a world of virtual reality. Children will tell you how to set up your own YouTube Channel, how to create and manage online access to social media, how to work your Smart TV...and disappear into a world of imaginary characters and socialize with their friends in a world of artificial intelligence. In this world filleting is a matter of fact, how many of our children know what intellectual property really is and appreciate the value and the importance of protecting IP?

As children’s playgrounds, entertainment and social lives become digitized, it has never been more important to teach them the meaning and significance of IP. Not only is it important to understand the world of protecting unique creations and inspire entrepreneurship but the essence in appreciating the delicate balance between inspiration and IP rights infringement.

LESI created an informative series of slides and made translations available in nine languages to member societies throughout the organization of unique educational and social programs.

The organization of unique educational and social programs.

LESI wishes to promote the understanding that, although legislation, regulations and efficient enforcement mechanisms are all necessary, there are concrete benefits that can flow from effective use of these rights. This can be done effectively if we instill in the leaders of the future respect for IP: to create it, to protect it and to on innovating and respecting the rights of others.

Our young people, who are the innovators and creators and business leaders of tomorrow, had the opportunity to share in this global event made possible by the LES member societies.

For more information please visit: https://lesi.org/events/lesi-kids-ip-day-2021

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LESI’s IPvillage—highlighting a wonderful picture of kids learning from the LESI slide deck.

LESI’s South Africa—highlighting a YouTube video and a flyer sent to 5,000 students at schools around the country.

LESI’s Spain & Portugal—highlighting collaboration with the City Council of Getafe. A 40-minute online talk and kahoot quiz with 170 kids aged five to seven years old from a bilingual school.

An LESI Clubhouse event hosted by Executive Director Dana Colarulli about kid’s IP Day and the value and importance of IP (There was a small, dedicated LES crowd in the room!)

Upcoming Events:

- LESI Russia—plans to have a webinar with an audience from several secondary schools on the main principles and fundamentals of IP.
- LESI France—has scheduled events via webinar for April 7 and 14 at 6pm CET dedicated to children to explain the basics of IP in simple words and illustrated by a selection of our LESI slide deck—very interactive and fun!
- For more information please visit: https://lesi.org/events/lesi-kids-IP-day/ where we share some of these events with you.

Elevate Yourself And Your Profession—Earn The Certified Licensing Professional (CLP)

Achieving CLP certification establishes credibility and fulfills professional and personal goals. Take the first step and request the CLP practice test to learn more.

What do I need to know about the exam? The exam consists of 150 multiple-choice questions covering five content areas or “domains” of knowledge related to the licensing field. A candidate handbook with sample questions is available at www.licensingcertification.org. The CLP practice test, available by request, can help familiarize candidates with the format of questions that may appear on the certification exam. Visit the CLP web site to learn more and request a copy.

CLP, Inc. invites you to join the growing international community of Certified Licensing Professionals, currently representing 30 countries. Visit the CLP web site for additional information, download the Candidate Handbook, and view what others have shared about their CLP Journey. You will be on your way towards earning the CLP certification this spring.

Reach out to CLP, Inc. with questions at info@licensingcertification.org

LES Nouvelles LIVE!

There have been two les Nouvelles LIVE events over the last quarter, one associated with the December 2020 issue of les Nouvelles and one associated with the March 2021 issue. The December issue event, held on January 26, 2021, featured enlightening presentations by Robert Vigil on his article “Appointed Value in Patent Portfolio License and Sale Agreements,” Madeleine Krey on her article “Patents and the Opportunities of Commercializing and Managing Co-created Intellectual Property,” and Yuliana Sameromy at her article “Accelerating Economic Inversion in the Post COVID-19 Economy.”

The March event was held on March 16, 2021, and featured presentations from Christian Hackl on his article “IP for Investors: From Spin-off to Stock Exchange” and Gitea Hezamne and Koenraad Debaere on their article “As Open As Possible, As Closed As Needed: Challenges of the EU Strategy for Data.” The March event also featured a special guest speaker, Georgina Buska, chair of the Young Members Congress, who discussed the conclusion of the YMC Tournament and the upcoming awards ceremony to be held at the LESI 2021 Annual Conference.

Both events started off with a spirited welcome message from LESI President Audrey Yap and both allowed for questions from the audience and the moderators, Dana Colarulli, executive director of LESI, and David Drews, editor of les Nouvelles.

Please plan on attending the next les Nouvelles LIVE event, which will discuss selected articles from the June 2021 issue of les Nouvelles and is slated to take place sometime in mid-June. Keep an eye out for the next announcement!
Remembering Gerald J. Mossinghoff—The Great American “IP Man”

By Yoshitaka Kihara

The Honorable Gerald J. Mossinghoff, a great American intellectual property specialist, passed away on March 20, 2020. Mr. Mossinghoff was Commissioner of the United States Patent and Trademark Office (USPTO) (1981-1985) in the first term of the Reagan administration and laid the foundation for the current U.S. pro-patent era by reforming the USPTO and playing a pivotal role in establishing the Court of Appeals for the Federal Circuit (CAFC). He then served as president of the Pharmaceutical Research and Manufacturers of America (PhRMA) (1985-1996), and thereafter taught law school courses on intellectual property at George Washington University and George Mason University, among others, while serving as a practicing senior counsel at Oblon, McClelland, Maier & Neustadt, L.L.P. in Washington, D.C. until his passing.

I first met Mr. Mossinghoff while I was assigned as director of the Washington Office of the Institute of Intellectual Property (1996-1999). He already had established a reputation as the USPTO commissioner who started an annual trilateral conference with European and Japanese counterparts, who called for automation of the office’s operations, and who prompted the Japanese Patent Office (JPO) to introduce the world’s first electronic filing system. I really wanted to meet and talk to him in person during my assignment in Washington, D.C. Mr. Mossinghoff was kind and friendly to a young fellow like me, and we had a number of dinners together where he taught me trends in U.S. patent law reform and major decisions by the CAFC in plain language. One of the most memorable talks is an interview with him on the morning of February 9, 1999.

At that time, I was on a mission from the JPO to review the shift in the U.S. to a pro-patent policy. The shift took place in the early 1980s, almost 20 years prior to my staying in Washington, D.C. Frankly, at first I did not know what to do. After much deliberation, I decided to interview in person the individuals who were instrumental in the formation of the U.S. pro-patent policy. I picked 12 people from former staff members of the USPTO, CAFC judges, professors, patent attorneys, etc., that I had become acquainted with during my two-and-a-half-year tenure there. Mr. Mossinghoff was one of them. He was the one I had the highest expectations for, and he did not disappoint me. On the contrary, I remember vividly leaving the interview highly impressed by the knowledge and information he gave me, which was far more than I had hoped for.

When you look at articles about the USPTO before Mr. Mossinghoff became Commissioner, it is quite obvious how lowly regarded the USPTO was, and how bad the situation was at the USPTO. Adjectives such as “hard-pressed,” “beleaguered,” “underfunded,” “understaffed,” and “broken-down” were being used to describe the USPTO. The USPTO suffered from an extreme lack of staff, resulting in filed application documents being unopened and simply stacked in unused rooms, morale among USPTO staff was extremely low, there were delays in examination, and it took over three years to examine each case.

In this environment, Mr. Mossinghoff was appointed USPTO Commissioner, although it was unusual at that time for a career civil servant to be considered for a political appointment. During his career at the USPTO, Mr. Mossinghoff was responsible for reasserting the importance of patents and elevating the status of the USPTO within the Department of Commerce. He was also instrumental in establishing the CAFC.

Before the CAFC was set up, systems of patent enforcement were uneven. As a result, the patent system itself had lost its credibility among top corporate executives. For example, the various Federal Appellate Courts interpreted the patents in their own ways. One prominent business executive at the time called the system of Appellate Courts a “geographical dependent system.” Against this backdrop, the Department of Commerce and the industry led the formation of the Domestic Policy Review of Industrial Innovation conducted under the Carter Administration, the so-called Carter’s message. Proposals to reform the patent system and establish the CAFC then emerged from Carter’s message. The CAFC bill was passed in Congress with the strong support of many people.

The last time I met Mr. Mossinghoff was February 23, 2017. I invited those in the United States that I had come to know during my JPO years to a dinner party at a sushi restaurant in Washington, D.C. He was one of my guests, and he rushed over to the party after teaching law school classes. I did not feel at all that more than 15 years had passed since we had last met. Being 80-plus years old, he still stood out. We had such a good time talking about the aforementioned interview, and we promised to see each other again. It deeply saddened me that I no longer have that opportunity.

After hearing of his passing on March 20, I read the interview again and was newly struck by the spirit and passion he brought to make his great contribution to IP development over the years. He truly was a great and respectable “IP man.”

I offer my sincerest condolences to his family, friends, and colleagues.
Mind IC: Notes on Intellectual Capital Management

By Bill Elkington

Publisher: Outskirts Press (January 15, 2021)
ISBN-10: 1977238386

Longtime LES USA & Canada member Bill Elkington has penned a new book titled “Mind IC: Notes on Intellectual Capital Management.” An edited excerpt from the book’s preface is presented below.

This book is ambitious: it means to say some consequential things about what one can do to manage companies’ most valuable asset class significantly better. It’s more practical than theoretical.

The intent is to introduce a variety of people from a great diversity of academic and experiential backgrounds—people who may now regard themselves first and foremost as businesspeople—to a different way of thinking about what most of us businesspeople do most of the time in companies—at least in most companies, in most industries.

This essay should be relevant to any enterprise that is collaborative and must—of necessity—share (either under a non-disclosure agreement, full-blown license, or assignment or joint ownership agreement) a significant amount of intellectual capital across enterprise boundaries with customers, suppliers, consortium partners, joint ventures, joint venture partners, standards-setting work groups, and codelvelopment partners.

A significant threat that many companies face is from competitive businesses most of which have recognized the rapid reconfiguration of enterprises from being hardware and engineering services-centric to being software and information/data services-centric. Many medium and large enterprises today have billions of dollars of investment in business processes—whether instantiated in software or not—that enable them to compete effectively. Many such enterprises find themselves going to market increasingly with software-and-information/data-based products and services. But they often do not have a systematic way of understanding how to manage the value of the rapidly evolving business processes and intangible products and services.

Their key metrics are often geared to a hardware-and-engineering-services business model, and this means that when transactions of various kinds come along in the intangibles realm—whether for business processes (e.g., joint ventures) or technology or intangible products and services, whether intellectual or creative, or some hybrid of the two. Again, its concern is with conventional operating companies and the strategic intellectual capital risks and opportunities they have.

This book is not about patent licensing. Patent licensing is just as much a part of intellectual capital management as is quantitative analysis and decision-making based on quantitative analysis. This book is about patent licensing. Patent licensing is mentioned, but only in passing. And it is not specifically about licensing of other kinds of intellectual capital, although licensing of intellectual capital rights is one of the important areas of intellectual capital management that is considered.

In other words, it is not focused on licensing technology or patents or trademarks as a business. It is focused on companies pursuing conventional business models: selling products and services, whether tangible, intangible, or some hybrid of the two. Again, its concern is with conventional operating companies and the strategic intellectual capital risks and opportunities they have.

This book is also not about early-stage technology licensing, although early-stage technology licensing is not excluded.

In any event, I truly believe that there are ideas in here that you can put to work to make your company significantly better and more valuable.
The COVID-19 emergency deeply changed our lives in the first months of 2020, and of course impacted our professional activities as well, changing the ways and means of connection with clients and colleagues. Also, the activities carried out by our association deeply changed since in-person events (meetings, seminars, courses, etc.) were no longer possible. Despite this, LES Italy found a way to upscale its associates during the COVID-19 emergency with a cycle of webinars on hot topics on IP law and litigation.

On June 11 the first webinar took place; it was dedicated “License Agreements and the Force Majeure Clauses, in Light of the COVID-19 Emergency.” The speakers were as follows: Prof. Giovanni Guglielmetti (Partner of Studio Bonei II Errede) and Avv. Sara Citterio (Head of the Corporate Affairs, Legal and Compliance Department at Trussardi). The second webinar took place on June 18 and was dedicated to the contributory infringement—“Contributory Infringement: An Update on the Application of Art. 66 Comma 2 Bis, Ter and Quater CPI.” The speaker of this webinar was Prof. Avv. Mario Franzoni (Franzoni e Associati).

The third webinar took place on June 23, “Distinctive Character of the Tridimensional Trademarks. When the Shape is Not Distinctive Per Se.” The speakers were Prof. Avv. Marco Spoldi (Studio Marco Spoldiero) and Dott. Giovanna Del Bene (Thinks S.r.l.).

On June 30, the annual roundtable “Recent Trends on IP Case Law” took place via the web. During this event, the judges of the specialized IP sections of the Courts of Milan, Turin and Naples discussed the most recent case law concerning several topics: selective distribution, tri-dimensional trademark and parallel markets, and contributory infringement. We were particularly glad of the interest that this webinar generated among our associates: more than 120 persons participated.

The fifth webinar took place on July 8 and was titled “The Protection of the Concept Store Between Copyright and Unfair Competition.” The speakers were Avv. Benedetta Cartella (Cartella e Mannioni Studio legale) and Architect Gianni Amadio, who commented on a recent judgment issued by the Italian Supreme Court in the case Kico vs Wycon.

Last July 16 Russell Levine shared both with LES Italy and LES International’s associates his panel “Top 10 Mistakes Commonly Made When Drafting and Negotiating Patent License Agreements.” This webinar also had a great success, being followed by more than 80 participants.

On July 23, Ing. Valentina Piola (Sisvel SpA) and Prof. Avv. Cesare Galli (Studio Galli IP) held the webinar titled “Patents in the License Agreements: New Perspective in Licensing;” last July 30, Sivona Cartabianco (Scandicavia) and Ing. Antonio Di Bernardo held a mock trial in order to discuss the main aspects of the damage compensation arising from the infringement of IP rights.

After the summer holidays, in autumn the webinars organized by LES Italy continued with the event dedicated to the “Use of the Third Party’s Trademark in the Internet Market-place.” The webinar took place on September 23. By examining the judgment “L’Oréal” (C-324/09) and the judgment “Amazon” (C-567/18) of the European Court of Justice, Avv. Anna Maria Stein (Partner, Avvocati Associati Franzoni Dal Negro Setti) and Avv. Paolina Testa (Partner, Studio Legale Associato FTCC) analyzed the concept of use of a third party’s trademark, of offer for sale, and of placing on the market in the Internet marketplace, evaluating also which type of activity, and with which degree of awareness, is demanded from the European and Italian case law in order to ascertain the responsibility of the manager of the marketplace of the Internet.

On October 8 the webinar dedicated to “Technology Transfer and Cooperation Between Industry and University” took place. Dr. Shiva Loccisano (Head of Technology Transfer and Industrial Liaison, Department of Politecnico di Torino) and Dr. Paolo Markovina (Patent Manager Electrolox) discussed how research and development agreements and technology transfers between universities and industry are evolving with respect to the regulation of IP rights (mainly patents and trade secrets) and whether these contractual models allow an efficient exploitation of the knowledge generated in the collaborations.

The “Distribution Agreements and Limitations to Online Sales” were the object of the webinar that took place on November 11. Starting from the decisions of the European Commission and rulings of the EU Court of Justice, Prof. Fabio Bortolotti (Partner, BBM Studi Legali Associato) and Dario Pochetta (Partner, Frigimani Vinovo e Associati Studio Legale) addressed the issue of the regulation of online sales restrictions in distribution contracts by analyzing some of the most important clauses.

On November 23 the last webinar of 2020 took place under the title: “License Agreements, Big Data and Open Innovation: Where’s the Meeting Point?” Avv. Gianluca De Cristofaro (LCA Studio Legale) and Ing. Emilia Gario (CEO of Quantum Leap IP) discussed the theme of big data and open innovation, analyzing the benefits and risks of technological innovation, the exploitation of company assets and the protection of trade secrets and individual property rights.

The webinars organized by LES Italy are continuing also in 2021 with events both on national and on cross-border topics involving speakers from other LESI Chapters and co-organized with LESI. The first event of 2021, “5G & Patents,” which took place last January 27 and analyzed the main features of 5G, mainly focusing on why 5G is considered a disruptive technology and how it is possible to promote a 5G licensing market for promoting innovation. In this webinar hosted by LESI & LES Italy, the speakers Sonja Lonkia (Nokia), Matteo Sabattini (Ericsson) and John Carney (LES USA & Automotive Sector), with the moderation of Luis Ignacio Vicente del Olmo (ASTI Mobile Robotics & Pons IP) discussed the following topics: Why 5G is so different from 4G? What is the impact in a key field such as the automotive sector (impact in sales, V2X—communications…)? Which are the different scenarios for 5G patents licensing? What will be the impact of COVID-19 on 5G deployment? The webinar had more than 120 attendees, as a confirmation of the power of the synergy between the LESI Chapters and associates.

Following this webinar, an event dedicated to the LES Italy associates followed. On February 12 a webinar on “Recent Trends of the Jurisprudence in the Field of Intellectual Property” took place with the participation as speakers of the Presidents and Judges of the specialized IP Sections of the main Italian Courts: Milan, Turin, Genoa, Rome and Naples. The judges discussed the most recent case law concerning several topics: contributory infringement, protection of trade secrets and databases, copyright and claim for ascertaining authenticity of works, software protection and compliance report. The webinar generated great interest among our associates as more than 120 persons participated.

International and cross-border topics were once again the focus in the webinar co-organized by LES Italy and LESI on February 24 titled “Contributory Infringement: an Overview Under German, French, English and Italian Law.” The speakers were Prof. Dr. Tilman Muller-Stoy (Bardehle Pagenberg), Jean-Francois de Meunere (Gide Loyrette Nouel A.A.R.P.I) and Richard Pinkney (Brstows LLP), with the moderation of Ing. Rinaldo Piemani (former member of LES Italy Board and co-chair of IP Maintenance Committee of LES International). They discussed some cases and decisions involving contributory infringement and discussed the approach of the respective case law on the matter.

LES Italy is organizing other webinars and virtual events, both on national and on cross-border topics. The next cross-border event will concern pharmaceutical patents and COVID-19, with a focus on licensing or experimentation agreements and compulsory licenses involving Italian, French and German jurisdictions. Another webinar on interim remedies will follow, with a compared analysis of this important IP defensive tool in the Italian, English, French and German jurisdictions.
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Maximizing the Value of Innovation in an Era of Convergence

Why should I attend?

If you have not attended an LESI Annual Conference before – this is the year to join us!

This year’s event will look a little different, but will deliver the same value professionals expect from LESI annual events. The lack of travel and cost burden this year creates a uniquely risk-free opportunity to get a taste of LESI’s rich international community. We expect a much larger attendance than normal this year, drawing from LES members around the globe who previously were unable to attend in-person meetings. And, we’ve developed a format that will be engaging no matter when you join – with speakers addressing timely issues of technology convergence in the time of COVID and how the models of and practice of licensing have been impacted and with opportunities to engage, network and catch up with colleagues.

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- **24-hours of Rich Content.** For the first time ever, attendees will get all the professional content and fun of the regular 3-day conference but now packed into 24 hours – no need for leaving the office for long days and you can log in from wherever your desk is.
- **Exposure to a Global Community of Licensing Professionals.** You can meet a diverse and exciting global community of licensing professionals without traveling.
- **Great Content.** Sessions feature top-notch professionals discussing the impacts of 2020 to license dealmaking, IP policies and technological convergence– it’s an opportunity to enrich your professional knowledge in a more concentrated way than ever before.
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- **Networking Opportunities.** Our 24-hour lounge area never runs out of virtual coffee while you maintain and grow your professional network in either structured small-group discussions or informal networking.
- **An Event that Reflects our Global Membership.** Throughout the 24-hours we also have asked LESI member societies to help us reflect the global nature of LES - with Masters of Ceremony throughout the world kicking off various plenaries and regional focused discussions in the 24-hour cafe.
- **Affordable Registration.** The registration (and sponsorship) fees are much lower than for physical meetings, making the meeting more accessible for attendees from around the world.

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