

LES Offers More Than Networking

BY ROSEMARY DE BOOS¹



Networking aspect is important, but a global association gives much more to its members and the profession.

Networking is an important aspect of a global association. However, there are two other reasons why LES and similar associations have been so successful and why they continue to grow. Those are the client demand and the professional demand.

In the case of LES, it is primarily concerned with technology transfer. This includes the licensing of industrial and intellectual property rights as well as other forms of commercialization of intangible assets. Increasingly, innovation and the transfer of technology is recognized as being fundamental to economic growth, successful business performance, and improved stability in an uncertain world.

Technology enhances the means by which people use innovations to satisfy their needs and desires. The rate of technological change is proceeding at an exponential rate due principally to the development of the computer.

Technology has enabled man to exercise a degree of control over nature and lead to the development of what we regard as the modern society. Technology provides benefits through increased production, reduced labor, improved labor utilization and higher living standards. However, at the same time, technology has led to environmental pollution, the depletion of natural resources, technological unemployment and ethical and legal problems that have never before been confronted. The impact of these benefits and detriments on the world, in part, drive the need for greater connectivity between various entities and individuals in respect of which

associations such as LES are an important means of facilitation.

It could hardly be disputed that business today competes in a global environment. From this arises the client demand referred to above.

Equally, the rapid advances in technology and knowledge give rise to ethical and legal problems never before encountered. This leads to the professional demand.

CLIENT DEMAND

Competition to reduce costs, increase sales and increase the rate of innovation drives a demand for higher connectivity between people and organizations on the one hand and people and computers on the other. In turn, the demand for higher connectivity facing our clients is reflected into professional advisers and others. Thus, there is an increased demand on those advisers to be able to meet clients through a complex global environment. Global associations concentrate advisers in providing the fastest and most reliable response to a given situation.

PROFESSIONAL DEMAND

The rapid advances in technology and knowledge raise exceedingly complex ethical and legal problems. These problems are not jurisdictional. They are problems to be faced by all mankind.

Typically, in dealing with these problems, it is not sufficient for only one perspective to be brought to bear. For instance, in the case of some legal problems, it is not sufficient to assume that solutions generated by the common law are necessarily preferable to those generated by civil law. Thus, different perspectives are needed in order to achieve the best result.

In addition, the pace of change is so great that delays in information exchange and decision making must be minimized. Again, global associations assist in ensuring that different perspectives are brought to bear on ethical and legal problems, and that delays in information exchange and therefore decision making can be minimized. They also allow for a much greater coordination of effort in dealing with these global issues.

LES and other associations strive to satisfy these demands as well as providing other benefits such as networking.

THE STATISTICS

The LES family is made up of 27 national or regional Societies that comprise more than 3,000 members. These Societies represent some 35 countries.

LES was founded in the United States in 1965, and in 1972 LES International was formed to provide the basis for an international association.

LES International is the umbrella organization to which each of the national or regional Societies belongs. LES International has no individual members.

LES International is governed by a Board of Delegates comprising representatives from each of the national and regional Societies. Representation is proportional, based on the number of members. In addition, there is an Executive Committee made up of officers elected by the Board of Delegates on an annual basis.

There are also some 25 committees, focused with interest and

¹ President, Licensing Executive Society International, 14071 199th Place, Suite 200, Delta Colleen Care Solutions, Bellevue, Victoria, Australia.

and professional matters. Others maintain external links with other organizations or an industry-based.

MEMBERSHIP

The membership of LES is multidisciplinary, and the Society has a policy that the membership of national and regional Societies should be made up of not more than one half legal and intellectual property activists and the remainder corporate, commercial, government people and academics.

OBJECTIVES AND ACHIEVEMENTS OF LES

The objectives of LES International are set out in its Constitution. These are four main objectives. These are to establish intellectual property law as a profession, to educate members, to inform the public, business and government of the importance of technology transfer, and to promote the establishment of new member Societies.

Constitution of Law as a Discipline

"To function as a nonprofit professional and educational society encouraging high standards and ethics among persons engaged in the domestic and international licensing and other transfer of technology and intellectual property rights."

LES has been successful in establishing the licensing of intellectual and industrial property rights and technology transfer as a discipline in its own right. It has done this through the promulgation of rules of conduct, which are incorporated into the bylaws of each member Society. Among other things, these rules of conduct provide for: (i) Compliance with laws; (ii) a duty not to misrepresent subject matter and duties to disclose any conflict of interest or personal interest in the subject matter of a negotiation, and just a duty of confidence and a duty not to bring discredit on a Society.

In one of the leading industry and intellectual property law books in Australia, Rickwood, "Intellectual Property," the author states the emergence of licensing as a disci-

pline by reference to LES in the following terms:

"The law and practice relating to the licensing of intellectual property rights including patents, has now become a very large and sophisticated subject in its own right. Indeed, the increasing number of lawyers, patent attorneys and the like who are principally concerned with the licensing of such rights in industry have adopted the title of "licensing executive" to describe their specialized profession."

The Educational Role

"To assist the individual members of Member Societies in improving their skills and techniques in licensing through self-education, conduct of special studies and seminars, sponsorship of educational meetings, publication of articles, reports, statistics and other materials, and exchange of ideas related to domestic and international licensing and other transfer of technology and intellectual property rights."

Education is at the heart of the business of LES.

There are numerous examples of the educational activities of LES chapters contributing greatly to the education of members and improvements in the general quality of professional work in the licensing area.

Education is provided through conferences, seminars and workshops as well as through publications and the like.

Each member Society is encouraged to hold seminars on topics of interest regularly and to hold a more substantial conference in conjunction with the Society's annual meeting. Sometimes these conferences are sponsored with other organizations such as APTI and APAA.

The largest national Society is LES USA and Canada, and the meetings it holds are by far the largest. The educational nature of the Society is exemplified at these meetings where in excess of 50 topics specific workshops are available for registrants to choose from in four or five selected streams.

In addition, LES International holds an annual conference each

year at which topics of interest are canvassed. Again, these meetings are usually a combination of primary seminars and workshops.

The publications of LES International and some of the member societies are at a uniformly high standard. In particular, the quarterly journal of LES International, *Les Nouvelles*, is the pre-eminent licensing journal in the world today.

Les Nouvelles carries articles from around the world on a variety of subjects and in a veritable gold mine of information on licensing and technology transfer.

LES Australia and New Zealand is a typical example of a regional society that has contributed greatly to an understanding of the licensing process and the education of members in its region.

In the early 1970s when LES Australia and New Zealand was formed, most licensing of industrial and intellectual property was conducted by the employees of corporations. There was something of a void in the legal area, to a lesser extent, patent practitioners in this area. Intellectual property law was not taught at any law school in Australia. Substantially through the efforts of LES Australia and New Zealand stimulated by LES International, a greater awareness of the issues that arise in the licensing area raised through seminars and publications. Today, licensing is taught as a post-graduate subject by the University of Melbourne and as part of a post-graduate course run by Monash University. In each case, most of the lecturers are members of and have been closely involved in the activities of LES Australia and New Zealand.

LES International has a range of publications available on topics relating to licensing. These range from publications dealing with surveys of common problems in license agreements from the point of view of their acceptability under various strands of competition rules to alternative dispute resolution and, in particular, the arbitration of intellectual property disputes. These publications are available to members and non-members alike.

In addition, LES International

and LES USA, and Canada have each donated books on licensing topics to the public libraries of several developing countries. LES International has also donated some of its own publications to libraries and other similar institutions.

Informing the Public, Business and Government

"To inform the public, the business community and governmental bodies concerning the economic significance and importance of licensing and other benefits of technology and intellectual property rights and the high professional standards of those engaged in the profession of licensing."

There are a range of government and international bodies with which LES maintains close contact.

At a national level, the chapters of the LES family are often called upon to advise on matters concerning industrial and intellectual property rights and technology transfer. Examples of this arise in the case of LES Malaysia, LES UK and Ireland, LES Australia and New Zealand and no doubt others. In the case of LES Australia and New Zealand, that society has contributed greatly to an understanding of the interaction between industrial and intellectual property rights on the one hand and competition law on the other. For example, some years ago, the Society commissioned a prominent economist to prepare a paper on the subject and this paper has been made available to various government agencies since. This issue has arisen again recently and LES Australia and New Zealand is contributing to

the debate over which regime is to play the dominant role.

In another example, the European Committee of LES International is in regular contact with DG IV of the European Commission on matters concerning industrial and intellectual property rights. The Committee has been specifically asked, from time to time, to participate in discussions of relevant topics by representatives of the Commission.

Thus, in these and a number of other situations, LES through its members has been influential in moulding government policy.

Establishing New Societies

"To promote new Member Societies in any country or countries not already covered by an existing Member Society."

It is one of the policies of LES that it will not seek growth for growth's sake. However, an interest in the licensing of industrial and intellectual property rights and technology transfer is generated in a particular region, LES International will consider the formation of a new chapter. In order to ensure that a requisite level of activity is in existence and it is in a position to be maintained, the Society now requires groups that wish to form a chapter to form a small society and show, over a two year period, that it will be able to meet the requirements of the Society in this regard. This requirement has been borne out of the disappointment in the past with new societies being admitted and then not being able to meet the required standards of activity and thus not providing to

their members the quality of service to which the LES family aspires.

The benefits of bringing in more societies means that more licensing professionals have the opportunity to benefit from the educational aspects of membership of the organization. In addition, it gives one to greater possibilities for networking. However, it is generally acknowledged within LES that licensing transactions are more likely to be successful when the people involved in the transaction have a deeper knowledge of industrial and intellectual property licensing and technology transfer. Thus, the educational benefits of the Society cannot be underestimated.

CONCLUSION

The objectives of LES facilitate the meeting of the demands discussed earlier in this paper. The Society has developed greatly over the decades and changed as the needs of its members have changed and the transfer of technology has become more sophisticated. This flexibility and the active concern of the office-bearers to ensure that members receive high quality, useful information and that the Association continues to satisfy the demands discussed above suggest well for the LES family in the future.

Surveys of members of the LES family have nominated networking as one of the most important benefits arising from membership. Networking is emphasized at most LES meetings. However, LES is more than networking, as this paper illustrates.