

A Book Review

by Norman A. Jacobs



The LESI Guide to Licensing Best Practices

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The recently published *LESI Guide to Licensing Best Practices* provides valuable insights into a broad range of current issues in the licensing of patents, trademarks, and technology. The editor has assembled an outstanding roster of LES experts to present their unique perspectives on the most relevant and topical issues in licensing today.

Part One of the book, "The Changing Landscape of Licensing," includes two of the most informative and useful contributions. After a well-written overview of recent trends in licensing by Willy Manfroy, Richard Razgaitis provides a comprehensive description of the principles and practical tools of IP valuation during license negotiation. John Ramsay then provides a dozen highly informative yet entertaining case studies of the "Dreadful Drafter," illustrating the many practical problems caused by inarticulate drafting of license agreements.

Part Two contains excellent summaries of the current law and practice in the licensing of patents, trademarks, copyrights, and trade secrets. Most of the focus is on U.S. issues, but there is also excellent coverage of European patents and Canadian trademarks. Particularly noteworthy are the chapters on patents by Heinz Goddar and Alan Gordon, and on trademarks by Tom Small and Ken

McKay, as well as the in-depth review of trade secret law by Mel Jager. Michael Lechter has contributed a focused review of copyright issues in the Internet era. Each of the four chapters in this section of the book provides an in-depth analysis of current issues that should prove valuable both to newcomers and experienced practitioners, including business executives without formal legal training.

Part Three provides a very useful discussion of some current issues unique to biotechnology licensing, as well as overviews of university licensing in the U.S. and recent alliance and merger activity in the pharmaceutical industry.

Later sections include a discussion of Intellectual Capital - a topic that was fueled by the increasing gap between market value and book value of major corporations in the late 1990's, but may be of lesser interest today after the recent sharp decline in stock prices. Jim Malackowski describes the opportunity for major corporations to "carve out" IP-based businesses to increase shareholder value. There are also reviews - necessarily brief, but still valuable for non-lawyers - of current litigation practice in the U.S. and France, and of a variety of Alternate Dispute Resolution (ADR) techniques.

Finally, the book concludes with excellent reviews of current IP licensing practice in the key global economies - Europe, Japan, China, Russia, Australia and Latin America, as well as in the developing areas of the Arab States and South Africa.

As with any anthology, where each chapter is contributed by a different author, the content and style of the chapters are somewhat uneven. However, every LES member will learn from this volume, both by initially reviewing chapters of immediate interest, and then by having the volume available for future instant reference.