



Highlights	Society News	Meetings	New Members	Reviews
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ADVANCING THE BUSINESS OF INTELLECTUAL PROPERTY GLOBALLY
CREATING, PROTECTING, AND COMMERCIALIZING INNOVATION | MANAGING AND MONETIZING INTELLECTUAL PROPERTY

President's Message:

Focus: Five Areas To Provide Members With Critical Support And New Opportunities



By Michael Lasinski, President, LES International

It is hard to believe that it is already October. The time since we were together in Montréal a few months ago seems to have just flown by. We are only about seven months away from our next annual meeting in the wonderful city of Madrid. Speaking about Madrid, the meeting team is hard at work creating a wonderful program, networking opportunities and beautiful venues. Please take a moment to go to the website at www.LESI2024.org to register, sponsor and share the program with others. It is so important that we get together in person and share our experiences, struggles and accomplishments, because the relationships we build are not just for work but also friendships for life.

Getting back to Montréal for a moment. For those of you that were able to attend, you know that it was a wonderful meeting. It is the roadmap for future meetings and we are taking all that we can from that experience. In addition to all the wonderful programming and events, it was a financial success for the home society of USA and Canada and LESI as well. We are grateful to the committee and especially Bob Held for his (and his team's) efforts. These funds are important for us to be able to do the important work of the society.

As I mentioned in the last message, as a board we are focused on five areas that will provide our members with additional critical support and offer new opportunities.

Those areas are:

- Revamp the Website (and Make it Society Friendly).
- Consider Global Organizational Memberships.
- Create a Partnership Position to Manage Business Development and Consider Alternative Funding Sources.
- Continued Support for the Thought Leadership Program.
- Rethink our Committee Support Systems.

The teams are hard at work on all of these opportunities and I will provide updates to you on all of them in future messages from the president. That said, I would like to focus on just one here today. It is our efforts related to offering companies and firms the option of global membership. We initially formed a small team to study this. It has now been expanded to include people from LES societies in North America, South America, Europe, and Asia. We have representation from small societies, large societies and those in between. I have also personally spoken with

many society presidents and representatives about this concept and have received great feedback. The idea is to offer companies an option to join as a company or firm. The company will then get global employee access to all LESI has to offer at rates at a level as if every (or at least a large group of) employee(s) in the company is a member.



President Ichiro Nakatomi passing the gavel to incoming LESI President Mike Lasinski

President, continued on Page 2

Inside LES Global News

Highlights

–Pages 1-6, 21

Society News, Committee Reports

–Pages 8-16, 18-20

Meetings & Delegates

–Pages 7, 16-17, 21-25

International Calendar

–Page 6

Quick Links:

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Call For Content

We request contributions from all societies and individuals about important events, changes in the law in your country or region, conferences, annual meetings, board changes, and the like. You can submit articles or announcements to the editor or use the form on the website at the following address: www.lesi.org/les-societies/les-global-news/submission-form.

Deadlines: December 1, March 1, June 1 and September 1

Editor: David Drews, 12526 High Bluff Drive, Suite 300, San Diego, CA 92130
Email: editor@LESI.org

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President, continued from Page 1

For this to work, we need to revamp our thinking as regional societies in some cases. We need to act as one global society while maintaining our regional strengths. We need to embrace sharing our membership information with the whole LES community throughout the world. We need to revamp our internal systems, so we have a good handle on our member data. We need to develop databases of all the content, sponsorship opportunities and beneficial interaction we have to offer a global corporate partner. If we do this correctly, we can use this information to tailor our offerings, provide regional societies with more information about individuals interested in our community and strengthen our relationship with our sponsors.

While we hope that this new offering gains traction, it will take time to develop correctly. Therefore, we remain focused on our current membership structure of individuals and smaller groups. We continue to work to make sure that our current structure works well. And critically, we have no intention of transitioning away from the individual memberships or small groups that the various LES societies have been built upon. We are focused on providing, when appropriate, another alternative to grow.

Finally, thank you all for all the work that has happened in the last five months. We have had a great start to the LESI year. Our societies have held wonderful meetings, our committees continue to do great work supporting our members and their missions, and the LES network continues to be a great resource for me and I hope for you as well. ■

Best, Mike



PANEL DISCUSSION ON ARTIFICIAL INTELLIGENCE



Networking at the 2023 LES Montréal Conference.

LESI HTB Committee:

HTB Forum—COVID-Ignited Success Story With A Bright Future

By Juergen Graner (Vice-Chair of the LESI HTB Committee, member of the LESI-EPO HTB Task Force)

The High-growth Technology Business (HTB) forum had its start in February 2021 in the midst of the COVID crisis under the leadership of Audrey Yap as the then-President of LESI and António Campinos as President of the EPO. The idea was to expand on the highly successful HTB Conference 2019 held in Dublin that year and create a virtual format that caters primarily to business decision makers of SMEs, the key target group of the entire LESI-EPO HTB initiative.

What makes the HTB forum unique is that within one hour, a live case study speaker (usually the CEO of a deep tech company) presents his/her case around a special theme. The HTB forum chairs, together with LESI Executive Director Dana Colarulli and the EPO representative Thomas Bereuter, open the discussion with a global panel consisting of one panel expert from Europe, one from Asia, and one from North America. The panelists' views provide a global perspective on the case study, culminating in key takeaways for business decision makers. Themes of HTB forums include “licensing,” “open innovation,” “growth financing” and “build-to-sell,” with a new theme, “IP strategy and management” being added in 2023.

To foster interaction of participants with the CEO and the panelists, an informal and optional one-hour is added so that the virtual audience can pose their questions and engage with the live case study speakers. The majority of participants choose to stay for the optional part as well in order to dig deeper into the subject matter.

The twelve HTB forums that took place to date attracted more than 3,500 people from over 50 countries and the format is considered one of the main pillars of the HTB initiative created jointly by LESI and the EPO. In order to make available the video-based case study library, the recorded first hour of the HTB forums is included in the HTB section of *EPO's Innovation case studies page*.

In 2023, there are three HTB forums scheduled:

The first one, **Growth Financing** held in March, was about the US-based company Ambature, founded in 2007. The company has strategically built a strong patent portfolio in the field of high-temperature superconductivity early and within budget by making use of the patent system. Following the “cost-delaying” strategy, the company is making

use of the priority year and extending this by filing their patent applications under the EPC and/or PCT system. This has the benefit of avoiding the main patent cost until much later in the process and makes the time available to the company for evaluating the invention's commercial potential. This approach has also enabled investors to assess the value of a whole patent portfolio in an emerging technology field. The panelists were growth financing expert Willem Bulthuis as expert panel chair, supported by IP strategist Eugene Shteyn and IP experts Stephan Rauscher, Sungwook Kim and Martin Wilming.

The second forum in June 2023, **Build-To-Sell**, featured case study speaker Dr. Ghassan Kassab, who has 300+ issued and pending patents and 600+ publications/proceedings in his name. He is founder and CEO of 3DT Holdings and the California Medical Innovations Institute in San Diego, USA. During the forum Ghassan elaborated on how he has built an innovation engine in the medical field that has resulted in one technology divestment, several exclusive technology licenses and multiple spin-off ventures to date. The forum's global panel discussed how a high-tech company can serve as a platform for serial exits through spin-off venturing. The discussions also focused on effective strategies for science-driven companies to ensure that their technology not only makes money, but also has a lasting global impact through an exit. The forum, chaired by Juergen Graner, included esteemed IP experts Audrey Yap, Irene Fialka, and Patrick Monroe, making it a valuable gathering for the participants.

Access the recording and key takeaway messages from the forums at <http://www.epo.org/business-forum> for those who couldn't attend.

Finally, don't miss out on the last and upcoming HTB forum in 2023, where you still have the opportunity to attend:

- **IP Strategy and Management:** 30 November, 04:00-05:00 EST (10:00-11:00 CET, main event), plus one hour optional “meet-the-speakers” and discussion with expert panel chair Professor Alexander Wurzer and respected IP experts.

Register for free, but don't wait too long as registration levels and available spaces are filling up rapidly!

HTB Forum, continued on Page 4

HTB Forum, continued from Page 3

The LESI Annual Conference 2023 in Montréal featured a special start-up edition of the HTB forum. Different from the usual format where the global expert panel looks into the past of successful live case study speakers, this forum featured a promising scale-up and the expert panel developed forward-looking recommendations live and on stage. Participants like President-elect Sonja London, who was a panel member, became part of a 90-minute strategy development process for a high growth technology scale-up company.

The HTB forum event series was kicked off during COVID but continues to be the main online format of the HTB initiative. We hope that we will have many of you participating in some of the upcoming HTB forums in the future making use of the interactive meet-the-speaker ses-

sions. For 2024, four HTB forums are planned with one new addition focusing on digital innovations, adding another dimension. Keep in mind that in case you missed one or you want to revisit one, the first hour will eventually be available in an online video version on: www.epo.org/business-forum.

The HTB Committee team Audrey Yap, Thomas Bereuter, Adéla Dvořáková and Juergen Graner, would like to invite you to join the HTB community with nearly 2,500 followers to stay updated on information relevant to decision-makers and IP professionals in high-growth technology businesses, as well as contribute actively in the further development of the corresponding offers by following www.linkedin.com/company/htbcommunity/ and connecting on <https://connect.lesi.org/communities/community-home?communitykey=620c399a-8df5-4eef-9e05-98313d4700dc>.

HTB Summer Camp 2023—Evolution Of The HTB Initiative For Sustainability And Expanding Its Reach

By Adéla Dvořáková (Vice-Chair of the LESI HTB Committee, member of the LESI-EPO HTB Task Force)

On 14-15 July, the LESI HTB Committee organized the HTB Summer Camp 2023 as a hybrid meeting hosted by Bardehle Pagenberg in Munich. With an endorsement by LESI President Mike Lasinski and the organizational support of Patrick Heckeler and Tilman Müller-Stoy from Bardehle Pagenberg, the event was the first in-person meeting organized by the HTB Committee since the beginning of the pandemic and reunited not only the committee members but also a number of its supporters and collaboration partners.

Since the beginning of its existence and following the signature of the MOU with the European Patent Office in 2019, the HTB Task Force (consisting of the LESI HTB Committee and the EPO HTB Committee) has been heavily involved in joint activities aiming mainly at bringing the topic of IP strategy closer to business decision-makers and training IP managers in value creation-focused IP management in high-growth technology businesses. Over the years, the LESI-EPO HTB Initiative resulting from this collaboration has expanded to comprise several regular events (e.g., HTB Conference and HTB Forums), one-on-one training sessions (HTB Clinics), eLearning (HTB Learning) and a broad range of publications on diverse IP and business-related topics. In addition, leveraging on the synergies with the LESI Education Committee has resulted in HTB Committee's support for training events such as Succeeding at Technology Commercialization and Nego-

tiation Master Class (for the next one that will take place on 23-24 November in Vienna, see <http://www.les-ustria.at/category/events/>).

In the course of its activities, the HTB Committee has been investing its efforts not only in creating high quality event formats and training material, but also in strategies for reaching out to business decision-makers and thereby increasing the impact of its activities. One of the results of this endeavor is the establishment of the HTB community on LinkedIn, which has so far attracted over 2,500 followers and 20 supporting organizations committed to support the community by spreading the word on social media and other communication channels. The HTB community has since become a crucial element of the outreach strategy for the LESI-EPO HTB Initiative, as well as a platform for businesses, IP professionals and others in their innovation ecosystem to exchange their views.

Having recognized the importance of reaching business decision-makers as the main target group of the HTB Initiative and the difficulties in achieving this objective, raising awareness on the economic importance of IP among this audience was one of the main topics of the HTB Summer Camp. In the session “Mastering LinkedIn,” Prof. Alexander Wurzer and Tobias Denk from CEIPI's IP Business Academy shared key principles applicable to social media

HTB Summer Camp, continued on Page 5

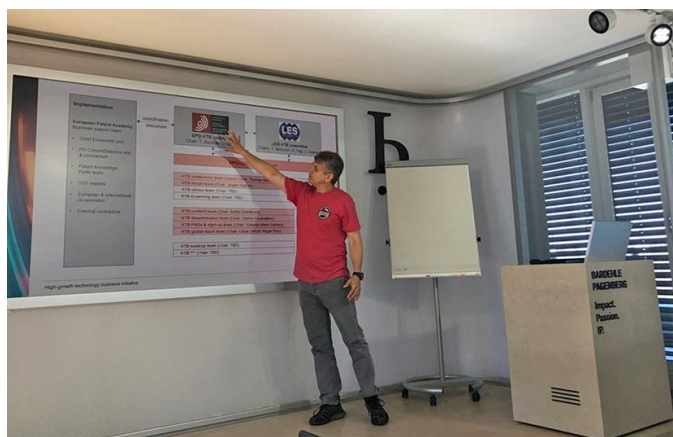
HTB Summer Camp, continued from Page 4

communication, insights into the LinkedIn algorithm and highlighted some of their past successful social media campaigns. Together with other supporters of the HTB Initiative, among others CIP (Bowman Heiden), GoodIP (Bastian July) or the European IP Helpdesk (Cemresu Yücebalkan), best practices for creating an online community were discussed and summarized. It has once again been confirmed during the event that social media success is largely dependent on interaction happening between its users. Therefore, if you want to become part of the HTB community and support its continuous growth, join as a follower and contribute by sharing your views in discussions around the posts on www.linkedin.com/company/htbcommunity.

In other sessions, the expansion of the supporters' base and potential collaborations for creating new content were discussed. In addition, several new members joined the ranks of the LESI-EPO HTB Task Force's core team, which got recently structured into several teams dealing with focused topics. The current substructure of the HTB Task Force after the HTB Summer Camp is as follows:

- HTB conference team: Chair Bowman Heiden
- HTB forums team: Chair Juergen Graner
- HTB clinics team: Chair Christian Stauf (tbc)
- HTB eLearning team: Chair Alexander Wurzer
- HTB content team: Chair Adéla Dvořáková
- HTB dissemination team: Chair Cemresu Yücebalkan
- HTB PROs and start-up team: Chair Yolanda Marín Ventura
- HTB global reach team: Chair Oscar Serrán Pagán Ruiz

The event has been not only a great contribution to securing sustainability of the activities developed by the HTB Committee and its partners. Results of the brainstorming on potential new collaborations and more efficient approaches to content creation will be evaluated and implemented in the coming months to expand on the offer and reach of the HTB Initiative. If you would like to be part of



Vice-Chair of the HTB Committee Juergen Graner presenting the new HTB Task Force substructure

the movement, HTB Committee members Thomas Bereuter, Audrey Yap, Juergen Graner and Adéla Dvořáková invite you to connect on <https://connect.lesi.org/communities/community-home?communitykey=620c399a-8df5-4eef-9e05-98313d4700dc>. ■



HTB Task Force members and supporters, from left to right: Marko Brumnik, Yolanda Marín Ventura, Thomas Bereuter, Anna-Maria Schätzle, Tobias Denk, Jürgen Graner, Willem Bulthuis, Patrick Heckeler, Cemresu Yücebalkan, Adéla Dvořáková, Oscar Serrán Pagán Ruiz and Ilja Rudyk.




10th Pan-European LESI YMC Conference

📅 Friday, 17 November 2023, 10:00-16:00

📍 Roschier Office, Brunkebergstorg 2 Stockholm

LESI YMC, in cooperation with LES Scandinavia, welcomes you to the 10th Pan-European LESI YMC Conference.

The event is free for LESI YMC members. You can find a detailed program, accommodation details and information about the speakers on the website. Please note that there is a limited amount of places, read more and register now via the QR-code.



We encourage everyone to stay for a weekend in Stockholm and also registering for the annual conference of LES Scandinavia. YMC members can register for 50% discounted fee via the QR-code.



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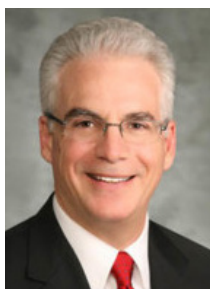




LES Member Receives The Paul Michel Award

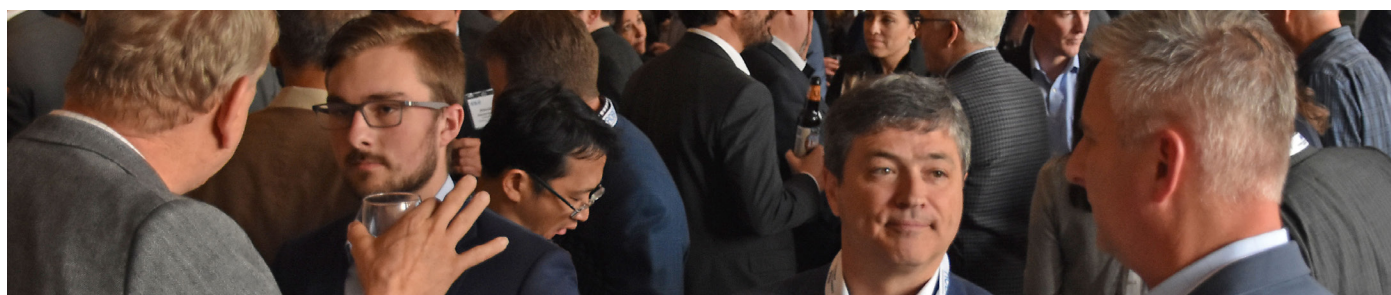
Brian O’Shaughnessy, Partner and Chair of the IP Transactions & Licensing Group at Dinsmore & Shohl LLP, and a prominent member of LES USA & Canada, has been selected as the 2023 recipient of The Paul Michel Award. He was presented with the award on Sunday, September 17, 2023, at IPWatchdog LIVE 2023.

The Paul Michel Award, created with the blessing of Chief Judge Paul Michel (CAFC, ret.), is awarded annually to a member of the IP community who has selflessly served the best interests of the industry and its members as a respected leader, mentor, and advocate on behalf of fairness and for the best interests of the intellectual property sys-



tem. Brian is uniquely deserving of this award, having served LES USA-Canada for two decades in various roles: as President, on the Board of Trustees, and since 2018 as Senior Vice-President for Public Policy. Brian also serves in a volunteer capacity as the Chair of the Board of Directors of the Bayh Dole Coalition, a non-partisan, non-profit corporation dedicated to celebrating and preserving the Bayh Dole Act.

Brian has spent significant time and energy advocating for laws and policies that promote innovation through predictable and reliable intellectual property rights, and for equitable and balanced licensing and tech transfer practices. He has testified before the U.S. Senate Committee on Small Business and Entrepreneurship, and regularly participates in Capitol Hill briefings on IP-related issues. His views on IP legislation and policy have been published in numerous national publications. ■



LES International Calendar

2023

October 5	LESI Thought Leadership Program: SEPs, Year Two (Track 1, Session 1)	Virtual
October 10–11	LESI 2023 Pan-European Conference	Jerusalem
October 15–18	LES USA & Canada 2023 Annual Meeting	Chicago
October 26	LESI Thought Leadership Program: UPC Litigation Strategy (Track 3, Session 1)	Virtual
October 26	LESI 2023 “Ask Me Anything” Session (LES Andean Community)	Virtual
October 31	Deadline for Proposals for Workshops/Roundtable Discussions at LESI2024	Virtual
November 16-18	LESI 2023 Asia Pacific Conference	Shenzhen
November 17	LESI YMC 10th Pan-European Conference	Stockholm
November 17	LES Germany Autumn Conference	Cologne
November 19-21	LES Scandinavia 2023 Annual Conference	Stockholm
November 29	LESI Thought Leadership Program: Life Sciences and Artificial Intelligence (Track 2, Session 1)	Virtual
November 30	LESI 2023 “Ask Me Anything” Session (LES Singapore)	Virtual
November 30	LESI & EPO “High-Growth Technology Business Forum: IP Strategy and Management”	Virtual
December 14	LESI 2023 “Ask Me Anything” Session (LES Britian & Ireland)	Virtual

2024

February 14-16	LESI Winter Planning Meeting	Bangkok
March 6-8	LES ANZ 2024 Annual Conference—50th Anniversary	Sydney
April 26–27	2024 LES International Management & Delegates’ Meeting (IMDM)	Madrid
April 28–30	LESI2024, LESI’s Global Annual Conference	Madrid

Notice: See the website for pertinent information on a particular conference or for webinars and online education courses. For more information on LESI Meetings, go to www.lesi.org.

Committee and Society News

There are numerous items in the following reports, including society news, upcoming events, information on committee activities, and calls to action. There are also numerous reports on national society and committee activities available for review on the LESI website. Please feel free to review the reports that are of interest to you.

<https://www.lesi.org/about/lesi-meeting-documents>.

LES Australia and New Zealand

LESANZ 50th Anniversary Conference— Connecting People And IP



We are thrilled to announce our upcoming conference, celebrating our 50th anniversary. This milestone event will take place from **March 6th to 8th, 2024**, in the vibrant city of Sydney.

Under the theme “Connecting People and IP: Past, Present, and Future,” our conference will be hosted at the Innovation Hub, Fishburners in Sydney. Prepare for an immersive experience filled with insightful workshops, extensive networking opportunities beginning with the traditional cocktail party, and a memorable dinner on Sydney Harbour, concluding with post drinks before departing.

The theme for this fabulous milestone event is “Connecting People in IP: Past, Present, and Future.” Get ready to embark on a journey that celebrates the rich history, current advancements, and the promising future of intellectual property!

As part of our commitment to empowering women in the IP industry, we are proud to feature an International Women’s Day IP session on Friday, March 8th. This panel will bring together influential voices and thought leaders to discuss the challenges, achievements, and future prospects for women in intellectual property.

We can’t contain our excitement as we celebrate this massive milestone of LESANZ’s 50th anniversary! It’s a testament to the incredible work, dedication, and passion of our community over the years, as we reflect on our rich history and celebrate those who have contributed.

Stay tuned for more updates and detailed program information in the coming months.

We look forward to welcoming you to Sydney in 2024 for an unforgettable conference experience. Save the date and be part of this remarkable celebration! ■

LES Germany

LES Germany Past And Future Activities 2022-2023

We would like to inform you about our past and future activities in 2022-2023.

- On 18 November 2022 LES Germany held its annual autumn conference in Berlin, Germany. About 35 participants joined the conference in Berlin (“*Virtuelle Welten und real existierendes Recht*”—“*Virtual Worlds and Real Existing Law*”).
- The LES Germany members’ meeting took place on 10 February 2023 as a virtual meeting with an introductory speech by Presiding Judge Kühnen.
- The spring conference of LES Germany was held on 26 May 2023 in Munich (“*Erschöpfung nach Corona?—Rechtliche Erschöpfungsthemen über alle Schutzrechte hinweg*”—“*Exhaustion After Corona?—Legal Issues Concerning Exhaustion Across All IP Rights*”). About 70 participants joined the conference with talks and dis-

cussions around the latest rulings, *e.g.*, of the German Federal Supreme Court on exhaustion in all IP-right, such as in *COI-Report II* on covenants not to sue and to be sued last in cases relating to chip manufacturing.

- The LES Germany autumn conference is scheduled for 17 November 2023 in Cologne with the topic of Alternative Dispute Resolution in IP Rights.

For registration for the autumn conference please visit the LES Germany website www.les-germany.org.

Further, we are organizing our well-established module seminars on a regular basis featuring two year terms. These seminars (modules I to VII) deal with several licensing topics.

Module III was held on 29 September 2023 and Module IV is scheduled for 3 November 2023. For further information concerning the module seminars please visit the LES Germany website www.les-germany.org. ■

LES Brazil

LES Brazil Awards And Webinars

LES Brasil is pleased to announce that our member Tatiana Campello has been recognized as Best Latin America IP Lawyer of the Year by Women in Business Law Americas 2023.



Tatiana Campello

Webinar Technology Transfer—What’s New? Impacts on Taxation and Registration at BPTO

This webinar, held on March 16, 2023, was a partnership between ICC Brasil and LES Brasil. With the participation of more than 70 people, the online event brought the view of the private sector on the recent legislative changes in the process of registering and annotating technology contracts.

Panel I: News in the Process of Annotation/Registration of Contracts at the INPI

In this panel speakers addressed the changes in the process of annotation and registration of contracts at the INPI, which concern digital signatures, initials, witnesses and documentation.

Speakers: Tatiana Campello, Karina Müller, Cândida Caffé, Paula Mena Barreto and José Mauro Machado

Panel II: New Royalty Taxation and its Impacts on Technology Contracts

This panel addressed the new taxation of royalties on patent applications, trademark registration, industrial designs and other IP assets, and the impacts of this change on technology contracts.

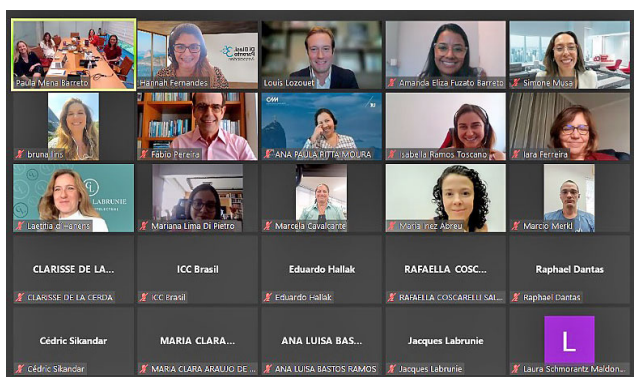
Speakers: Simone Musa, Manoa Ostapenko and Louis Lozouet

Virtual Round Table titled, “Talking with the INPI(BrPTO) and the Specialists—Understanding What Has Changed in the Agreement’s Notarization Procedures”

On August 2nd LES Brasil, ICC Brasil (International Chamber of Commerce—Brazil) and ABPI (Brazilian Association of Intellectual Property) held a virtual round table entitled “Talking with the INPI(BrPTO) and the Specialists —Understanding What Has Changed in the Agreement’s Notarization Procedures.”

The objectives of the table included a debate over the INPI’s recent rulings on agreement notarization procedures (portaria 26 and 27 from July 2023). The INPI’s president Mr. Julio César Castelo Branco Reis Moreira and the INPI’s general coordinator of technology agreements Mr. Bernardo Soares Teixeira Bemvindo were invited to discuss these developments.

The invited specialists to discuss the theme were: Tatiana Campello, 2nd vice-president of the ABPI and counselor of LES Brasil; Karina Müller, Les Brasil Director; Cândida Caffé, coordinator of the commission of studies on technology transfer of the ABPI, counselor of LES Brasil and member of the commission on intellectual property of the ICC Brasil; José Mauro Decousau Machado, coordinator of the commission of studies on competition law of the ABPI and member of the commission on intellectual property of the ICC Brasil; and Luis Lozouet, president of the commission on intellectual property of the ICC Brasil. ■



President of the INPI, Mr. Julio César Moreira, explaining the recent rulings.



LES China

LES China News

LES China visited China Trademark Association

On June 6, 2023, LES China (Mr. Shaohui Yuan—President of LES China, Mr. Christopher Shaowei—Vice President of LES China, Mr. Zhongqi Zhou, Past President of LES China, Mr. Aimin Huo—Secretary General of LES China) paid a visit to China Trademark Association (CTA) and met with Mr. Fu Ma—President of CTA, Mr. Dongping Wu—Secretary General of CTA and Mr. Xiaoyu Zhai, head of International Department of CTA.

LES China and CTA discussed possibilities of future cooperation. LES China invited CTA and its members to attend the events hosted by LESI, LES China and other LES societies.



LES China attended the IP forum “Bridging Horizons of Innovations: Sharing IP, Driving Innovations” hosted by Huawei

On July 13, 2023, Huawei, one of the world’s largest patent holders, hosted the IP forum “Sharing Intellectual Property, Driving Innovation: Bridging Horizons of Innovations” by Huawei in its headquarters in Shenzhen, Guangdong Province.

A panel of business partners, peers and industry experts discussed the opportunities and challenges in innovation and IP licensing in the forum. Huawei unveiled some of its latest innovations in areas like HDR Vivid and Audio Vivid, 5G and its industrial applications as well as automotive solutions and terminal devices and also announced royalty rates for its patent license programs.

Zhongqi Zhou, Past President of LES China, joined in the panel discussions as a panelist on behalf of LES China at the IP forum.

According to statistics released by Huawei at the forum, the R&D investment of Huawei added up to more than CNY 134+ Billion USD in the past 10 years; 114,000+ employees, or 55.4 percent of the Huawei workforce, worked in R&D at the end of 2022; Huawei has submitted a total of 122,800+ stan-



Panel Discussion WORKING TOGETHER: RULES AND REALITIES FOR INNOVATORS AND IMPLEMENTORS

Moderator : **Dr. Yahong Li** Associate Professor and Director, LLM Program in Technology and IP Law, University of Hong Kong

Alan Fan Head of Intellectual Property Rights Department, Huawei

Mattia Fogliacco President, Sisvel

Panelists : **Dr. Kung-Chung Liu** Professor of Law, Singapore Management University

Dr. Zhang Ping Chair Professorship Professor of Law, Peking University

Zhongqi Zhou Former President, Licensing Executives Society China

dards contributions to major international standard organizations in the wireless communication domain; Huawei held a total of 120,000+ active patents by the end of 2022, over 350 companies have obtained licenses to Huawei’s patents through patent pools and the licensing revenue of Huawei in 2022 amounted to 560 Million USD.

LES China submitted comments on Anti-Monopoly Guidelines on Standard Essential Patents (Draft for Comment) (the “Guidelines”)

On June 6, 2023, the State Administration for Market Regulation (SAMR) in China published the draft Anti-Monopoly Guidelines on Standard Essential Patents for public comments. The Guidelines are aimed at preventing abuse of standard essential patents, resulting in excluding and restricting competition, promoting fair competition, advancing development of intellectual property rights and standardization, encouraging innovation and protecting the public interest.

LES China reached out to members, collected comments from LES China members and submitted the comments on the Guidelines to SAMR in July 2023.

The LES China comments suggest, among other things, clarifying the scope of required disclosure for patents to prevent over disclosure, formulating more specific rules for defining licensing fees “significantly higher” than the costs of R&D and extending free reverse licensing.

LES China, continued on Page 11

LES Benelux

Benelux Annual Meeting In Brussels Includes Topic Meeting On Trade Secret Legislation

On 27 June LES Benelux organised its Annual Meeting combined with a Topic Meeting “Is Protection at Risk? Data Act vs Trade Secret Legislation” in Brussels, where 40 members enjoyed the presentations and lively discussions on this theme.

Both the Data Act and the trade secret legislation were touched upon by Francine Cunningham (Regulatory & Public Affairs Director at Bird & Bird in Brussels) in her session “Enabling Fair Industrial Data Sharing in Europe? State of Play of the Data Act” and by Arina Gorbatyuk (Postdoctoral researcher at Centre for IT & IP Law from KU Leuven) on “EU Trade Secrets Directive, What Does it Mean for Data?” The practical side of doing research with data by using advanced technologies in cloud, visualization and machine learning was shown by Noella Pierlet (Head of Data Science, Hospital Oost-Limburg).

How this legislation is impacting industry and academia was addressed by Lien Delvoye, Johnson & Johnson Medtech, Brussels: “Impact of Data Act-the Medtech View: Your Data for my (Trade) Secrets?” and by Laura MacDonald, ASTP-Proton, Leiden.

After the presentation the day was concluded with a panel discussion moderated by Jurriaan Jansen from Norton Rose Fulbright and board member of LES Benelux where the panel tried to give an answer to “Is Protection at Risk?”



Laura MacDonald discusses knowledge transfer.

LES Benelux Organises 26 September Software Licensing Event in Rotterdam

After the summer LES Benelux welcomed a lot of members and non-members on 26 September in Rotterdam (NL) at their Software Licensing Event. At this meeting we touched upon the basics of software, software licensing deals, recent developments on software and other interesting software & intellectual property related topics. It was a great opportunity to gain general and in-depth knowledge about software and how to deal with software in many forms. The exchange of knowledge amongst professionals from academia, industry and law firms participating in the licensing business is the most important part of this event as it is at all LES Benelux events. More information to be found on the LES Benelux website: <https://les-benelux.org/event/events/>. ■

LES China, continued from Page 10

LES China has been closely keeping track of the amendments to IP-related laws and regulations in China, coordinating with LES China members to collect comments and submitting comments on behalf of LES China members to the Chinese legislature and regulators on amendments to the IP-related laws and regulations in China.

SAMR sought comments on Anti-Monopoly Guidelines on Standard Essential Patents (Draft for Comment) (the “Guidelines”) https://www.samr.gov.cn/fldys/tzgg/zqyjgg/art/2023/art_cff5ae7c54ab4853a59a1739c1ba6299.html.

LES China met with the China Council for International Investment Promotion

On August 1, 2023, Shaohui Yuan, President of LES China and Shao Wei, Vice President of LES China met with the delegation of the China Council for International Investment Promotion (CCIIP) headed by Xiaoyan Zhou, Vice President of CCIIP.

CCIIP is a leading non-profit trade association for promoting China’s inward and outward investment in line with the state investment strategies.

LES China briefed CCIIP on its current work and future plan. CCIIP gave an introduction on its mission, structure and latest events organized by CCIIP. Xiaoyan Zhou, Vice President of CCIIP, offered thanks to LES China for supporting CCIIP.

LES China and CCIIP explored and discussed opportunities for future cooperation, using the resources of each other to strengthen collaboration and organize events and activities to the satisfaction of the members of LES China and CCIIP. ■



LES Japan

2023 LES Japan Annual Conference Hosts Over 200!

LES Japan held its Annual Conference on July 14th and 15th, 2023, in Hamamatsu City, Shizuoka Prefecture. The Conference was fully in-person having more than 200 participants and was a great success!

Excursions

Before the Conference started, on the morning of July 14th, two excursions were held in parallel.

The golf competition was held at Katsuragi Golf Club, one of the most famous golf clubs in Japan, where the Yamaha Ladies Open Katsuragi is held. The participants battled the difficult course, along with the blazing temperatures, but a good time was had by all.

A tour of Hamamatsu City was also held. The participants enjoyed visiting (1) a wind instruments factory of Yamaha Corporation and (2) an unagi (meaning “eel” in Japanese) pie factory producing eel-shaped sweets. They also enjoyed “real” eel for lunch.

Opening Ceremony

The Conference under the theme of “Endeavoring to Promote Diversity and Harmonious Collaboration” started with opening remarks by Mr. Akihiro Sako, the chair of the organizing committee. Then Mr. Kenichi Nagasawa, President of LES Japan, declared the Conference open.

In addition, we had the heartfelt video message by Mr. Michael Lasinski, President of LES International, and the greeting by Mr. Yusuke Nakao, Mayor of Hamamatsu City.



Mr. Akihiro Sako delivers opening remarks.



Mr. Kenichi Nagasawa, President of LES Japan.



Mike Lasinski, President of LES International, participates via video feed.

Keynote Speech 1

Mr. Tadashi Maruno, Representative Director and President, Chief Executive Officer, of Hamamatsu Photonics K.K., delivered the keynote speech introducing his company's history of enhancing corporate value through the creation of new photonics industries and social contributions. The participants were impressed by the company's unique corporate culture of constantly challenging the unknown and the unexplored, rather than prioritizing profits.

Keynote Speech 2

Dr. Mari Maeda-Yamamoto, Executive Scientist of the Institute of Food Research, National Agriculture and Food Research Organization, delivered another keynote speech introducing her research results about what kind of food we should eat to maintain our health. The participants learned to select foods based on scientific evidence.



Mr. Tadashi Maruno



Dr. Mari Maeda-Yamamoto

Banquet

After the thought-provoking keynote speeches, the banquet started with an opening address by our President Mr. Kenichi Nagasawa, a congratulatory speech by Mr. Tsutomu Ideno, Vice-Governor of Shizuoka Prefecture, followed by a toast to a drink by Dr. Ichiro Nakatomi, Past President of LES International.

Participants enjoyed stimulating conversations with a dinner course. They also enjoyed a performance by a local Jazz band named K's Jazz Quartet playing very comfortable Jazz.



Dr. Ichiro Nakatomi

After-Party

Following the closing remarks of the banquet by Ms. Chikako Hashimoto, President-Elect of LES Japan, the after-party was held until late in the night, where members further enjoyed friendly face-to-face communication in a casual atmosphere.

Concurrent Workshops

The second day of the Conference started in the morning on July 15th with three concurrent workshops on (1) “Latest Issues in the U.S. and Europe” co-organized by the U.S. Issues Working Group (WG) and the Europe Issues WG; (2) “Problems and Solutions Related to Money for Joint Research Toward Commercialization of Academia Seeds Through Industry-Government-Academia Collaboration” co-organized by the Leverage, a collaboration among Industry-Government-Academia WG and the Healthcare WG; and (3) “Corporate Branding Expected by Revised Corporate Governance Code and Method of Dialogue with Investors” co-organized by the IP Finance WG and Branding WG.

LES Japan, continued on Page 13

LES Japan, continued from Page 12



Workshop at the LES Japan Annual Conference.



Panel discussion at the LES Japan Annual Conference.

Panel Discussion

Following the workshop sessions, the panel discussion was held under the theme of “Diversity of Intellectual Property-Related Business Activities,” with three panelists: Mr. Hiromitsu Takaoka (General Manager, Intellectual Property Dept., Lion Corporation); Ms. Sakae Nakamura (Senior Fellow of IP Intelligence Dept., Asahi Kasei Corporation); and Ms. Yuki Yato (General Manager, Innovation Intelligence Dept., Sony Intellectual Property Services Corporation), and a moderator, Ms. Mami Hino (Partner, Abe Ikubo & Katayama, Patent Attorney in JP and admitted to the bar in NY), where several issues, including how IP departments should adapt and contribute to diversifying intellectual property activities, were discussed.

Closing Ceremony

In the closing ceremony of the Conference, the next year’s LES Japan Annual Conference was introduced by Ms. Rumi Ichikawa, the Chair-elect of the organizing committee. Finally, the Conference was closed with remarks by Mr. Yoshiyuki Iwai, Honorary Advisor of LES Japan and past Commissioner of the Japan Patent Office, celebrating the success of the Conference and encouraging the members to open up the developing future with IP. ■



Mr. Yoshiyuki Iwai

LES Philippines

LES Philippines And LIT Committee Give Award To PHILRICE

Outgoing LES Philippines President Bayani Loste traveled to the Science City of Munoz, Nueva Ecija, on 18 July 2023 to hand over the LES Innovation Award to the Department of Agriculture-Philippine Rice Research Institute (PHILRICE). During the 2023 LESI Annual Conference in Montréal, Canada, on 2 May 2023, LES International Past President Patricia Bunye, who is also a Board Member of LES Philippines, received the Innovation Award on behalf of PHILRICE, given by LES International Immediate Past President Ichiro Nakatomi. During the handover event, Ms. Sophia Borja, Deputy Executive Director of PHILRICE, accepted the Innovation Award for PHILRICE, with Dr. John De Leon, PHILRICE Executive Director, in attendance.



PHILRICE’s Deputy Executive Director Sophia Borja (second from left), receives the Licensing Executive Society’s Innovation Award on behalf of PHILRICE, headed by Executive Director John De Leon (fourth from right). (Photograph courtesy of PHILRICE.)

The Innovation Award was established by LES International Past President John Paul in 2022 to highlight recent case stud-

ies in innovations and licensing and recognize innovative approaches in licensing technology that lead to long-term market innovations and differentiation and can be discussed globally within the LES community. The LESI Innovation Trends (LIT) Committee, currently chaired by Tanja Sovic of

LES Philippines, continued on Page 14

LES Philippines, continued from Page 13

LES Austria, created the criteria for vetting the best licensing transactions. The LES Board approves the winners of the Innovation Award from the short list of vetted innovations submitted by the LIT Committee.



LESI Past President Patricia Bunye (third from right) receives the LES Innovation Award on behalf of PHILRICE during the Montréal Annual Conference last May 2023 while LESI Immediate Past President Ichiro Nakatomi (far left) and LESI Innovation Trends Committee Chair Tanja Sovic (far right) look on. (Photograph courtesy of Patricia Bunye.)

The criteria for short-listing the winners of the Innovation Award include: (i) solid invention value creation process; (ii) collaborative teamwork and partnership strategy; (iii) the identification of roadblocks along the whole value chain; and (iv) alignment with LESI focus innovation trends.

PHILRICE's Multi-Purpose Seeder (MP Seeder), the award-winning innovation for research institutions, is a riding-type or walk-behind machine for dry direct rice, corn, and mungbean seeding. It was developed in 2015 to be adjustable to the depth and distance of planting seeds in rainfed agricultural areas. PHILRICE conducted basic operations and troubleshooting of its MP Seeder among 112 project partners all over the Philippines, which attained an average gain in knowledge (GIK) rating of 24.8 percent. Women farmers made up more than half of the participants in the MP Seeder's roll-out in forums conducted by PHILRICE.

Established in 1985, PHILRICE is a government institution mandated to help develop high-yielding and cost-reducing technologies to attain rice self-sufficiency in the Philippines. Aside from PHILRICE, LES International gave the Innovation Award this year to BASF, a European multinational company (Large Company Category), and CIRC Inc., a textile recycling startup (SME Category).

Previous winners of the Innovation Award include LITHOZ GmbH, a 3D-printing startup from Vienna, Austria (SME Category), and Northrop Grumman, an American multinational aerospace and defense technology company (Large Company Category).



LES Philippines President and former Co-Chair of LESI Innovation Trends Committee Bayani Loste presents tokens of appreciation from the LES community to PHILRICE's Deputy Executive Director Sophia Borja as PHILRICE's Executive Director John De Leon looks on. (Photograph courtesy of PHILRICE.)

After the handover of the Innovation Award, both LESI and PHILRICE explored possible collaborations in promoting the technologies of the research institution in the Asian region by participating in more LESI-related activities. ■



PHILRICE's Executive Director John De Leon (second from right), together with LES Philippines President and former LESI Innovation Trends Co-Chair Bayani Loste, leads the ceremonial toast in celebration of the research institute winning the LES Innovation Award (Photograph courtesy of PHILRICE.)

LES South Africa

Events And Meetings Held In South Africa

LES South Africa Celebrates Women's Month

In South Africa, August is Women's Month, and each year National Women's Day is celebrated on August 9th. This year we admired the strength and resilience of women and their contribution to society and the country. LES South Africa celebrated Women's month with a virtual afternoon talk presented by Margaret Bell, Technology Contracting Legal Advisor at Sasol Technology (Pty) Ltd.

Margaret has over 20 years of experience in technology and IP-related matters at Sasol and generously shared her insights into licensing from an in-house counsel's perspective. The talk provided incredibly insightful practical advice for licensing terms based on experience gained in the management of license agreements throughout their life cycle. This included tips on practically ensuring confidentiality of confidential information, by including communication protocols in license agreements and providing training to employees on confidentiality. She provided insights into ensuring proper communication between licensors and licensees, as well as advice on how to ensure license agreements cater for future longevity of technology and the relationship between parties.

The presentation provided insight that all LES SA members, whether involved in drafting or managing agreements, could practically implement for better licenses!

The event was attended by 39 delegates from all over the world.

LES 100 Introductory Course

LES South Africa presented Its LES100 one day course, covering an introduction to the commercialization of IP in the Western Cape on 22 August with 11 delegates attending. The first workshop was a resounding success, with participants from a number of Cape Town law firms, as well as officers from university technology transfer offices, including from as far afield as the University of Venda. A second course was held in Gauteng on 7 September 2023 with 20 delegates registered to attend.

The Cape Town course trainers were Dr Madelein Kleyn, Danie Dohmen and Joanne van Harmelen and the



LES South Africa presents

Women's Month Virtual Afternoon Talk

Insights into licensing from an in-house counsel's perspective

by Margaret Bell, Sasol

Thursday,
17 August 2023
16h00 – 17h00 (SAST)

MS Teams
[Click here to join the meeting](#)



Margaret began her career as a Scientist at Sasol Technology (Pty) Ltd, having obtained a BSc in Chemistry and Biochemistry and a BSc(Hons) in Chemistry, before joining Sasol's Intellectual Property (IP) department initially as an IP Technical Advisor and IP Practitioner and then later, after obtaining a LLB degree and qualifying as a South African Patent Attorney, as an IP Legal Advisor and, most recently, a Technology Contracting Legal Advisor.

Margaret has more than 20 years of experience in technology and IP related matters, including the drafting and prosecution of patents, patent portfolio management, IP strategy development and implementation, and IP risk management. Margaret, however, specialises in the IP related aspects of both local and international commercial transactions, particularly Due Diligence exercises, IP advice in relation to the structuring of approach to licensing and other technology/IP focused deals, and the drafting and negotiation of technology/IP based contracts and IP related provisions in transactional agreements.

trainers for the Gauteng session were Alan Lewis, Danie Dohmen, Clive Erasmus and Femke van Dyk as of the date this was written. Training covers topics such as IP basics, introduction to licensing, basics of licensing agreements, basics of licensing, determining reasonable license fees and royalty rates, managing licensing risks and ends with a licensing game.



Cape Town delegates attending the LES100 course on 22 August 2023.

Afternoon Talk: Cross Border Transfer Or Licensing Of Registered And/Or Unregistered Intellectual Property—A South African Perspective On August 31st, 2023

The Chemicals, Environment, Energy and Materials (CEEM) Committee of LES South Africa presented “Cross Border Transfer or Licensing of Registered and/or Unregistered Intellectual Property—A South African Perspective” on August 31, 2023.

The panel focused on a selection of matters that involve two key issues: (i) exchange control requirements for cross border IP transactions & (ii) situations involving cross border IP licenses, and addresses issues such as:

- Whether South African Exchange Control approval is required for out-licensing of SA-owned IP under Regulation 10(1)(c)
- Whether a subscription for a software-implemented services (*e.g.*, cloud-based SaaS) would be deemed to be an “IP licence” for which this approval is required
- Related party transactions—the introduction of transfer pricing considerations
- Loop structures; tainted IP; and sale-and-leaseback scenarios
- Lump sum royalties vs recurring royalty payments; which model is “better”?

The panel was moderated by Darren Margo and the panelists were Theo Doubell, Dr Madelein Kleyn, Dina Biagio and Jana van Zyl.

Bios: [LES-Panel-Cross-border-Transfer-of-IP-Brochure-Final-24-July-2023.pdf](#) (licensing.co.za)

LES South Africa, continued on Page 16

LES South Africa, continued from Page 15

LES SA Annual Meeting And Conference—September 14th, 2023

The Annual Meeting was held on 14 September 2023 as a virtual meeting followed by a virtual moderated session arranged by the South African Chapter of the Copyright License Committee presenting: “Licensing Intelligence: Shaping Tomorrow’s AI through Legal Frameworks” with Jannick Thonemann.

Jannick discussed the intricate landscape of AI development and its integration within existing and future legal frameworks. As artificial intelligence gains not only popular recognition but actual market share, questions surrounding the creation, ownership, and dissemination of AI systems become more pressing than ever before. These questions are not only subjects for philosophical debates but are influencing licensing agreements today. Jannick discussed issues ranging from inbound licensing of data for the training of an AI to the eventual outbound licensing of AI systems.

Jannick Thonemann is a Senior Associate in the Commercial and IP practice at Eversheds Sutherland. He focuses on the protection and enforcement of his clients’ rights in the field of information technology and intellectual property law, both in and out of court. His out-of-court work also includes advising clients on contractual aspects related to the creation and exploitation of IP rights (*e.g.*, technology transfer, software licensing, Open Source licensing, SaaS agreements, cooperation, and manufacturing agreements).

The session was moderated by Dr. Christiaan van der Walt, who is currently the Head of Advanced Analytics at Momentum where he is responsible for establishing and leading a data science competency to implement artificial intelligence and machine learning across all aspects of the business and to assist with disruptive innovation.

Realising Value from Intangible Assets: IP Valuation Course 22-24 November 2023 (In-Person—Western Cape, South Africa)

The LES SA annual IP Valuation course in collaboration with the Moolman Institute will be hosted at the foot of the mountain and in the bay of Gordon’s Bay. From start-up technology to university inventions and company brands, IP is integral to building and deriving value. The need to value IP arises whenever it is part of a transaction, whether it is an investment, acquisition, liquidation, auction, infringement suit, transfer or license. It can also be required for taxation, accounting and management purposes. To do IP valuations or damages assessments, you must understand valuation methodologies, and how valuation is impacted by commercial, regulatory and other considerations.

In this hands-on 3-day course, delegates will learn the basics of IP valuation and damages assessments, its regulatory and commercial context, and how to apply your knowledge through case studies and group exercises. Registrations are open please see: Intellectual Property Valuation Course—Licensing Executives Society NPC at <https://licensing.co.za/events/intellectual-property-valuation-course/>. ■

Professional Development Courses at the LES 2023 Annual Meeting



REGISTER NOW



Mechanics of a License

October 14 | 9am-4pm CT

Dissect the various causes of a licensing agreement.

Sponsored by Crowell & Moring.

Due Diligence

October 15 | 8am-5pm CT

Learn how to develop & implement due diligence strategy for a deal involving IP.

IP Valuation in Early-Stage Technology

October 15 | 8am-5pm CT

Understand how valuation approaches are used with early-stage assets vs. later stage assets.

CLP Exam Review

October 18 | 8am-5pm CT

Prepare for the CLP Exam with the help of LES experts.

Learn from top industry experts including:
Matthew McNeill, Frank Amini & Jennifer Gottwald!

2023 ANNUAL MEETING **Winds of Change**
DEALMAKING TRENDS IN THE EVOLVING INNOVATION ECONOMY



LES Italy Comments On Proposed EU Parliament SEPs Regulation

Main take-away points of LES Italy's position paper on the European Commission's proposal for a "Regulation of the European Parliament and of the Council on Standard Essential Patents and Amending Regulation (EU) 2017/1001"

LES Italy has expressed significant concerns and considerations regarding the European Commission's proposal for a "Regulation of the European Parliament and of the Council on Standard Essential Patents and Amending Regulation (EU) 2017/1001" (SEP Proposal). This proposal aims to enhance transparency and reduce information imbalances in the realm of Standard Essential Patents (SEPs), particularly within IoT technology development. However, LES Italy questions the need of this proposal, as it believes that there is no evidence of market failure or substantial evidence to support the need for such intervention. The main points of the document submitted to the EU Commission are the following:

- **Interference with the right to access courts:** The SEP Proposal imposes several requirements and restrictions on SEP holders, including mandatory registration of patents with the EUIPO before pursuing patent infringement proceedings and participation in a conciliation process for FRAND terms. If no agreement is reached, a non-binding report with FRAND rate recommendations is issued and SEP holders will be barred from enforcing their patents in EU courts until completing a process, which may take up to nine months. This overall restriction contradicts international commitments like the WTO's TRIPS agreement and the EU Directive on IP rights enforcement. Consequently, the core principle of patent rights is undermined by depriving SEP holders of court access and the ability to promptly address infringements, thus being in contrast with fundamental rights protected under EU law.
 - **The new role of EUIPO in royalty rate determination:** The SEP Proposal introduces a 'Competence Centre' at EUIPO with various responsibilities such as appointing a conciliator for disputes and determining the aggregate royalty. However, this new role has faced criticism due to concerns about its overall merits and feasibility. The expanded authority of EUIPO in FRAND-related matters is seen as problematic, particularly regarding its direct involvement in determining royalty rates. This approach gives EUIPO an overly
- dominant position, challenging the autonomy and independence of parties involved in SEP disputes. Additionally, the suitability of conciliators appointed by EUIPO for FRAND royalty matters is questioned, as extensive experience in both legal and contractual fields is required.
- **Concerns on FRAND royalty rate determination and aggregate royalty rate:** Determining appropriate aggregate royalties for SEPs poses significant challenges due to the complexity of standards, the diverse patents involved, and the constantly evolving technological landscape. With numerous patents related to various standard configurations and the inclusion of optional SEPs within patent bundles, a case-by-case analysis is required, conflicting with the Commission's one-size-fits-all approach. The impracticality of determining aggregate royalties suggests that the EUIPO's role should be limited to collecting and organizing information to assist in quantifying FRAND royalties, rather than attempting to establish specific rates.
 - **Doubts on essentiality checks and SEPs registration framework:** While essentiality checks and SEP registration could enhance transparency, the Commission's proposed framework of having a Competence Centre for that may be seen as unjustified and cost-ineffective, potentially duplicating existing databases managed by Standards Development Organizations (SDOs) and overlapping with the European Patent Office's (EPO) functions. Additionally, the proposed SEP essentiality-check process raises concerns, particularly regarding the cost burdens primarily imposed on SEP holders, while implementers retain the ability to challenge the Centre's outcomes in court. Given these and other concerns, a voluntary SEP registration and essentiality-check process, rather than a mandatory one, is recommended to encourage SEP holders to strengthen their licensing positions without imposing prerequisites for enforcement or royalty collection.
 - **Lack of relevant technical experts:** Evaluating SEP

LES Italy, continued on Page 19

LES Italy, continued from Page 18

essentiality is a specialized task requiring experienced patent attorneys with expertise in patent claim interpretation, understanding of relevant standards, and the ability to consider equivalents. However, this expertise is limited, as different standards demand specific knowledge, leading to a shortage of qualified evaluators for each standard. Conflicts of interest may also arise due to their involvement with standards stakeholders.

- **A notable underestimation of the patent pools' role:** The Commission has expressed concerns about transparency and inefficiency in SEP licensing. However, the SEP Proposal does not adequately consider the potential benefits of patent pools, which have proven effective in addressing these issues. In fact, patent pools offer a streamlined “one-stop shop” solution for technology licensing, offering access to a portfolio of patents essential for standardized technologies owned by multiple patent holders. Patent pools offer transparency through comprehensive information sharing, essentiality evaluations for each jurisdiction, and cost-effective licensing. They foster innovation by making participation in standards development more accessible, especially for SMEs, R&D centres, and universities, ensuring a fair return on their investments. Additionally, patent pools comply with antitrust regulations, mitigating risks and promoting competition. Despite the Commission’s previous recognition of the advantages of patent pools, the SEP Proposal does not sufficiently encourage their use, missing an opportunity to enhance SEP licensing efficiency and fairness.
- **Small and Medium Enterprises (SMEs) are not incentivized to contribute to EU innovation:** While the effort to provide SMEs with free information about SEPs is commendable, the proposal’s stimulus on SMEs should be refocused. It should aim to protect SMEs that are also SEP holders, particularly against large corporations using holdout tactics. Additionally, the proposal lacks obligations on implementers to adhere to royalty rate determinations, placing financial burdens on SMEs for lengthy legal processes to obtain final and binding decisions.
- **Need to balance stakeholders’ interests:** The current version of the SEP Proposal falls short of its aim to promote innovation and reduce conflicts between innovators and implementers for several reasons. It weakens IP owners, particularly SMEs, by limiting their ability to seek injunctions, which are crucial for

restoring a fair balance when negotiating license agreements with larger corporations, especially in industries like consumer electronics.

Furthermore, according to the SEP Proposal a SEP holder is required to go through a lengthy FRAND royalty determination process before pursuing any infringement claims related to their SEPs. Conversely, an implementer is free, at any time, to challenge the validity of the SEP holder’s patents, commence opposition proceedings, or request declarations of non-infringement or invalidity while the SEP holder can’t start an infringement proceeding until the mandatory FRAND royalty determination process concludes. Additionally, the proposal introduces delays in enforcing patents, potentially leading implementers to become reluctant licensees, waiting for SEP holders to complete the complex FRAND royalty determination process. Furthermore, it does not support the open standardization systems since it lacks adequate incentives to all participants, patent owners and implementers, making it more attractive for companies to switch their investment to other, less inclusive, organizational forms, such as vertical integration or ‘closed’ platforms. It is doubtful whether this approach may offer consumers the same benefits in terms of innovative products as open standardisation systems have done so far.

Finally, the SEP Proposal lacks mechanisms to incentivize implementers to accept determination results, creating an imbalance in responsibilities between SEP holders and implementers. This issue should be addressed by competition authorities and regulators to ensure fairness and competition in the market.

In conclusion, LES Italy recommends a **more balanced and non-mandatory approach** to foster innovation and cooperation among stakeholders. A flexible and balanced legal framework is suggested to support open standardization systems and encourage the development of a European unitary patent system.

The full version of the LES Italy positioning paper is available at the following link: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13109-Intellectual-property-new-framework-for-standard-essential-patents/F3434355_en, and has been collaboratively authored by the following working group members: Francesco Battipede, Mariagrazia Berardo, Simona Cazzaniga, Antonio Di Bernardo, Roberto Dini, Gian Antonio Pancot, Dario Paschetta, Valentina Piola, Claudia Scapicchio, and Andrea Vestita. ■

LES India

Experts Discuss Royalty-Based IP In Webinar

LES India held a webinar on Royalty-Based IP on August 10, 2023. Among those presenting were the following:

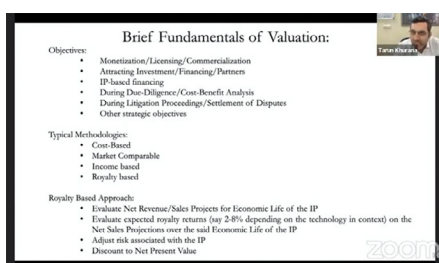
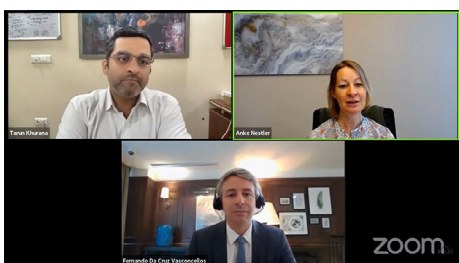
Mr. Tarun Khurana of Khurana & Khurana introduced the objectives of valuation and explained the types of valuation techniques that are available and how royalty-based valuations are usually undertaken, along with supplementing this discussion with some exemplary tables and charts to indicate the work that is undertaken during valuation exercises for royalty-based valuations.

Dr. Fernando Da Cruz Vasconcellos, who specialises in the valuation of portfolio companies, investment portfolios, alternative investments, and ventures. He shared his insights about the same.

Dr. Anke Nestler is a recognized expert based in Germany with many years of experience in complex advisory matters. She advised the audience similar to how she has lent her expertise to various national and international clients in complex valuation projects with a particular focus on the valuation of intangible assets and corporate transactions.

The webinar provided an overview of the various types, fundamentals, and approaches of IP valuation and provided answers to frequently asked questions, focusing on:

- Exemplary scenarios in which a relief-from-royalty or royalty-based valuation makes sense.
- Techniques to undertake royalty-based valuation and typical assumptions made during the process.
- Exemplary case studies showcasing royalty-oriented valuation exercises. ■



Year	01-01	01-02	01-03	01-04	01-05	01-06	01-07
Annual Revenue	1,70,00,000	1,87,00,000	2,05,00,000	2,25,00,000	2,48,00,000	2,75,00,000	3,05,00,000
Annual Expenses	1,30,00,000	1,40,00,000	1,50,00,000	1,60,00,000	1,70,00,000	1,80,00,000	1,90,00,000
Net Revenue	40,00,000	47,00,000	55,00,000	65,00,000	78,00,000	95,00,000	1,15,00,000
Present Value of Post Tax Royalty	18,20,000	18,80,000	19,50,000	20,20,000	21,00,000	21,80,000	22,60,000

Minutes from the Annual General Meeting—September 11, 2023

1. Reports of Events during the Current year:

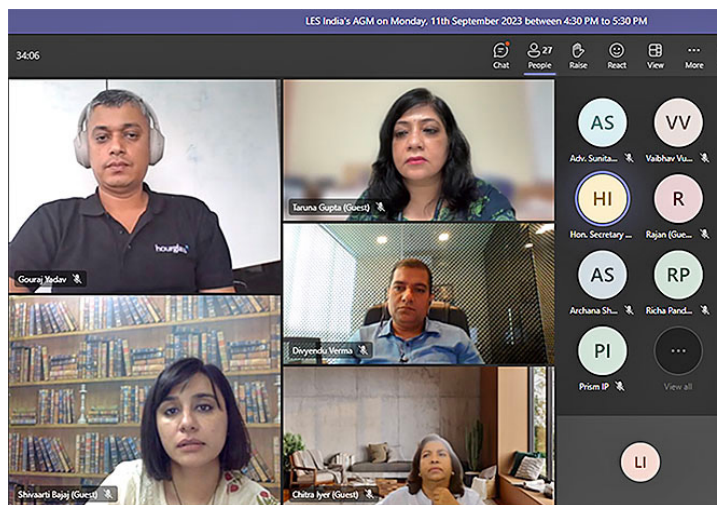
- LES India & DUXLEGIS Attorneys jointly organised an interactive workshop on “IP & the Start Up Ecosystem in India”
- DUXLEGIS Attorneys along with LES India organised the “IP & Start Up Conclave-2023” at Akot, India
- LES India webinar on royalty-based IP on August 10, 2023 (see above)

2. Awards in LESI: the LESI Certificate of Merit that was awarded to LES India was announced by President Richa Pandey

Ms. Lakshika Joshi has been awarded an LESI Certificate of Merit & Ms. Archana Shanker has been awarded the President’s Service Recognition Award for their valuable and diligent service to LESI.

3. Proposals for future activities were declared by Ms. Lakshika Joshi, Secretary:

- “Unleashing the Creative Potential: Generative AI and Copyrights” in September 2023 by the Copyright Licensing Committee
- “Data is the New Oil of Industrial Revolution 4.0” in October 2023 by the Young Members Congress Committee
- “Webinar on the Topic of Compulsory Licenses” in November 2023 by the Life Sciences Committee. ■



LES France 2023 Quarterly Events

First Quarter 2023

- **SME & StartUps Committee:** Seminar “Blockchain/Web3 & IP: What the Heck?”—An Introduction—January 17, 2023
- **Public-Private Committee:** Public/Private Committee Conference “Cross-views on the partnership policy of healthcare establishments in France and the United States”—January 26, 2023
- **IT&S Committee:** AI and DATA, means of protection and new businesses—February 2, 2023
- **Dispute Resolution Committee:** The place of mediation in the prevention and resolution of intellectual property disputes—February 16, 2023
- **Conference launch of tutoring LES France:** March 7, 2023
- **LES France competition webinar for best article—*les Nouvelles 2023*:** March 16, 2023
- **Young Members Committee:** Evening of March 30, 2023
- **Serious Games (excluding committees):** March 31, 2023

Second Quarter 2023

- **LES France—France BIOTECH—Partnership agreements in HealthTech:** 360° review of strategic, legal and operational issues for innovation—April 11, 2023
- **Startups, SMEs and Cocktail Committee:** The patent market for SMEs: where are we today? April 13, 2023
- **Dispute Resolution Committee—Conference Arbitration in Intellectual Property:** Myths and Realities—April 18, 2023
- **LESI International Conference in Montréal** April 30—May 2, 2023
- **Public Private Committee**—June 2, 2023
- **Life Sciences Committee:** The Life Sciences Annual Conference (with ASPI/AIPPI)—June 8, 2023
- **Young Members Committee:** Visit NFT Factory—June 21, 2023
- **SMEs & Startups Committee:** AI Support to IP Operations—June 22, 2023
- **The IP Valuation and SMEs Committees:** The valuation standards of the IVSC (International Valuation Standards Council)—upcoming changes—July 21, 2023

Third Quarter 2023

- **Serious Game Fully Digital:** September 8, 2023
- **Life Sciences Committee:** Group meeting—September 17, 2023
- **YMC:** Afterwork—September 21
- **Dispute Resolution Conference Committee:** Presentation of the EPP Protocol—September 21, 2023
- **IPV Committee:** The European regulation on essential patents faces the real challenges of the granting of licenses—September 27, 2023

Fourth Quarter 2023

- **YMC:** Conference on author rights with another association
- **The Pan-European Conference:** October 10, 2023—Jerusalem
- **IT & Software Committee:** DATA, the new oil? Licensing & Valuation—Example of healthcare—October 17, 2023
- **Dispute Resolution Conference Committee:** Intellectual Property Provisional Measures—October 30, 2023
- **6th Annual Conference:** SEPs and FRAND licenses (with APEB)—November 17, 2023
- **Public/Private Committee:** Conference Chinese IP Law & Partnerships—November 24, 2023
- **LES France 2023 General Assembly:** December 14, 2023

Launch Of Year-Two Of The LESI Thought Leadership Program (2023-2024)!

This month, LESI will officially kick off the second year of its Thought Leadership Program. The year-long program was started in 2022 as a professional learning series—providing a “deep dive” discussion on three timely and topical tracks and facilitated by licensing industry experts. The series has allowed LESI and the program sponsors to lead and inform conversations related to intellectual property policy and the tactical use of IP assets. Each track includes:

- Four online sessions: a primer webinar (open to the public) followed by three substantive webinars (open to LES Members or available to purchase)
- Related articles published in LESI’s Journal, *les Nouvelles*

In-person, summary session at the LESI Annual Conference in the Spring (in 2023 in Montréal Canada and, in 2024, Madrid, Spain).

To learn more about the series, or view videos from the 2022-2023 program, visit: www.lesi.org/thoughtleadership and please plan to join! ■

2023-2024 TLP Launch Events:		
Track 1	Track 2	Track 3
<p>SEPs, Year Two Launch date: October 5, 2023 Register here</p>	<p>Life Sciences and Artificial Intelligence Launch date: November 29, 2023 Register here</p>	<p>UPC Litigation Strategy Launch date: October 26, 2023 Register here</p>

TRACK 1
 LAUNCH DATE: **OCTOBER 5 2023**
SEPs
 STANDARD ESSENTIAL PATENTS

TRACK 2
 LAUNCH DATE: **NOVEMBER 29 2023**
LIFE SCIENCES & ARTIFICIAL INTELLIGENCE

TRACK 3
 LAUNCH DATE: **OCTOBER 26 2023**
UNIFIED PATENT COURT (UPC)
 LITIGATION STRATEGIES

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LESI Awards Committee Seeks Nominees

It's that time of year again!

The LESI Awards Committee has started its deliberations after the summer break. This year Past President Fiona Nicolson chairs the Committee and is joined by committee members Vincent Bergeron, Catherine Lee and Bruna Lins. The Committee will be circulating a request very soon asking for nominations for LESI Awards and Certificates to be presented in Madrid at the LESI Annual Meeting next April. Therefore, as LES Members, please put on your thinking caps and consider nominating those individuals, societies and events that are making a real difference to our organisation.

Just as a reminder, the individual awards comprise (1) the LESI Gold Medal—this is our highest award, awarded rarely and only to those who have made an exceptional contribution to LESI and/or the licensing profession as a whole, (2) the Peter Hess Award of Achievement awarded to individuals who have made a significant contribution to LESI and/or the licensing profession over a number of years, (3) the LESI Certificate of Merit awarded to LES members who

have fulfilled a variety of valuable services to LESI over a number of years, and (4) Service Recognition Certificates awarded to LES Members who have diligently served LESI for at least 15 years or who have provided a valuable service to LESI in a single activity, project or event which has been outstanding.

In addition, as regards societies, we have a number of awards and certificates available, namely (1) the LESI Member Society of the Year Award, (2) the LESI Outstanding Activity or Event of the Year Certificate, (3) the President's Most Progressive Society of the Year Certificate, and (4) the Joining Hands Award for the Most Collaborative Activity of the Year (in memory of our much missed LESI President Yvonne Chua [2013-2014]). Yvonne championed working towards a closer LESI family.

Over the years we have recognised some amazing individuals and remarkable LES Societies, activities, and events, so let's continue that trend and continue to recognise those amongst us who are making a real difference to our LESI world—and deserve to be rewarded! ■

LESI Innovation Trends Committee

Call For Nominations For LESI's Innovation Award Now Open!

In 2022, LESI introduced the LESI Innovation Award to recognize outstanding achievements in innovation and licensing. Administered by the LESI Innovation Trends Committee, the award highlights innovative approaches in licensing that contribute to long-term market advancements. The goal is to celebrate innovation and gain insights from both winners and nominees.

Nominations for the 2023/24 award are now open with a deadline of November 30, 2023. The key criteria include the innovation's value creation, its market value, the assessment of contractual agreements, and alignment with emerging trends. For a more detailed description of these criteria and to submit a nomination, visit: <https://www.lesi.org/about/lesi-awards/lesi-innovation-award>. ■

Past LESI Innovation Award Winners:

2022 (Presented in Venice)	2023 (Presented in Montréal)
Lithoz <i>Small Enterprise</i>	Circ <i>Small Enterprise</i>
Northrup Grumman <i>Large Enterprise</i>	BASF <i>Large Enterprise</i>
	Philippine Rice Research Institute <i>Research Institute</i>

WIPO Convenes Its 35th Session Of The Standing Committee On The Law Of Patents And Discusses SEPs!

From October 16 to 20, WIPO will host the **35th session** of the WIPO *Standing Committee on the Law of Patents* (SCP). As part of the agenda for this session, WIPO has included a sharing session on the topic of Standard Essential Patents (SEPs). A recent *proposal from the Delegation of Canada* submitted at the previous SCP session triggered this discussion seeking to better understand the various approaches of WIPO Members on SEP-related issues. It is expected that a number of speakers representing licensors, implementers and NGOs within the WIPO Member states will provide their views on the various policy discussions currently underway in Europe and the US. The proposal specifically asked for information on current practices and experiences related to SEPs

and FRAND negotiations on the following topics:

- Transparency and predictability in FRAND licensing arrangements;
- Efficiency of FRAND negotiations;
- Balancing the interests of SEP owners and SDO implementers;
- Providing balanced, predictable, and efficient enforcement and dispute resolution frameworks; and
- Encouraging the development of FRAND expertise, including for SMEs and start-ups.

Note that LES is a WIPO Observer and plans to participate in the SCP session. For information on LESI's participation or to share your views, please contact LESI Executive Director, Dana Colarulli. ■



**PAN-EUROPEAN CONFERENCE
JERUSALEM, ISRAEL**

**10-11
OCT
2023**

Registration for LESI 2023 Pan-European Conference is now open.

REGISTER NOW!

<http://les-israel2023.org>





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Licensing And Intellectual Property Organizations Meetings

For more information on LESI Meetings, go to www.lesi.org

2023

October 10-11
LESI 2023 Pan-European Conference
Jerusalem

October 15-18
LES USA & Canada Annual Conference
Chicago, IL

November 17
Young Members Congress (YMC) Pan-European Meeting
Stockholm
<https://ymcpaneurope.lesi.org/>

November 17-18
LES Pan-Asia-Pacific Meeting
Shenzhen, China

November 19-21
LES Scandinavia Annual Conference
Stockholm

2024

February 14-16
2024 LESI Winter Planning Meeting
Bangkok

April 28-30
2024 LES International Annual Conference
Madrid

Notice: See www.lesi.org/events for more webinars and online education courses.

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Tel: +1-858-603-8825 E-mail: editor@lesi.org

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