Standards and Patents - Friends or Foes for your business?

Add on
Italy: a special IP country?

Special Interest Group on Intellectual Asset Management (SIG IAM)
3-4 December 2015, Padova, Italy
Hotel NH Mantegna

Summary

Standards Essential Patents (SEP) are becoming more and more important for multiple industrial sectors and enable or restrict business opportunities.
In this context, FRAND (Fair, Reasonable and Non-Discriminatory) licensing conditions are key to find a compromise between the monopoly character of SEP and business development.

We will explore the details of FRAND, what are the practices in the industry and the limitations partly set by court decisions.
Which are the trends for other sectors: can we see an impact on technology driven companies? What are the advantages/disadvantages?

The second part of this Special Interest Group will focus on the peculiarities of IP in Italy.

This meeting will be held in Padova, in the heart of a dynamic area where many highly specialized medium sized Italian companies are headquartered and have established themselves as world leaders. Some examples will show how these companies used IP to their benefit.

Issues addressed

- Standards Essential Patents: practice and case law
- FRAND (Fair, Reasonable and Non-Discriminatory) licensing conditions
- Impact of SEP and FRAND on industry and business
- EU Consultation on Patents & Standards
- Individual licensing versus pool licensing
- Peculiarities of IP in Italy
- How Italian companies are addressing those peculiarities
- How did IP contribute to their success

Target Audience

R&D, innovation & intellectual asset managers and experts, IP and licensing managers, patent attorneys as well as business strategy, business development managers

Chairman

Werner Fröhling, Managing Director, Flooring Technologies Ltd. and Chief IP Counsel for the Swiss Krono Group
<table>
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<tr>
<th>Time</th>
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<tr>
<td>17:00</td>
<td><strong>Social programme</strong>&lt;br&gt;Get-together at Hotel Lobby, leaving for a dedicated guided walking tour</td>
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<tr>
<td>19:30</td>
<td>Get-together dinner at a local Restaurant</td>
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PROGRAMME

Friday, 4 December 2015

8:15  Registration

8:30 – 8:40  Welcome and latest news about EIRMA
Ms Camille Roy, Programme & Members Relations Manager, EIRMA

8:40 – 8:50  Introduction by the Chairman
Werner Fröhling, Managing Director, Flooring Technologies Ltd,
Chief IP Counsel for the Swiss Krono Group

8:50 – 9:30  Access to patents: Licensing as defense or as offense
This presentation will explain the legal possibilities around FRAND (Fair,
Reasonable and Non-Discriminatory) licensing conditions.
  § EU Case Law: access to Technology
  § Market domination
  § Various IP decisions since 1988
  § Abuse of IP right under European law

Peter Chrocziel, Partner, law company Freshfields Bruckhaus Deringer,
Head of Patent Litigation Group in Germany

9:30 - 10:15  Standards and SEP (Standards Essential Patents) licencing economic perspective

- FRAND licensing principles aim to set a balance between the need to
  reward the owners of so-called essential patents that may cover
  standard specifications and the need to make standards available to
  all for public use. As such, they have played a key role in the
tremendous development of ICT in the past decades, and have
spread in a large array of other industries at the same time.
- However, deep changes in ICT industries have raised controversy in
  this particular field regarding the interpretation of FRAND principles,
  their ability to sustain an efficient licensing process for standard
  essential patents, and their ability to preserve the balance of interest
  between those who develop and standards and those who implement
  them.
- The presentation aims to characterize and discuss these economic
  issues and the solutions that are available to address them.
- Information on EU Consultation on Patents & Standards

Yann Meniere, Professor of economics at MINES ParisTech, Head of the
Mines-Telecom Chair on “IP and Markets for Technology”

10:15 – 10:45  Coffee Break
European Framework for Patents and Standards: the route to the Huawei Decision

- Case law in Germany: Federal Court of Justice decision on compulsory license defence
- Orange Book and the German District Courts
- European Commission and Standards Essential Patents (SEP)
- Cases of Samsung, Motorola
- The Huawei Decision and its impact on for SEP holders
- Open issues

Peter Chrocziel, Partner, law company Freshfields Bruckhaus Deringer, Head of Patent Litigation Group in Germany

Practical application/Case studies in the industry and R&D center

Trends in the IP world as experienced by an R&D center

- IMEC – IP model with “trends”
- A (neg) experience in Standardisation
- Standardisation and Patents – a good example
- SEP and the impact of patent monetisation value
- FRAND and the ordinary IP valuation schemes used by us
- FRAND in other context (H2020), state aid issue
- Competition law issues
- Global picture balance IP/no IP – and other laws
- Belgium perspective (SMEs and tax benefits for IP)

Vincent Ryckaert, European Patent Attorney, IP Business and Intelligence Director, IMEC (Interuniversity Micro Electronics Center)

Case of Alcatel-Lucent Bell NV (to be confirmed)

Open microphone: experience sharing with the audience

Lunch break

Peculiarities of IP in Italy

The presentation will cover the whole IP landscape (patents, designs, trademarks) and describe what is different in Italy compared with other European countries.

Emma Montevecchi, European Patent Attorney, Porta, Checcacci & Associati S.p.A.
14:00 – 15:00  Intellectual Property in Italy: case studies of companies and CNR

14:00 – 14:20  The Pirelli experience

Sergio Lasca, Head of IP Department, Pirelli

14:20 – 14:40  A MNC lookout: the case of LyondellBasell

The experience of the Italian branch of a multinational company will be illustrated.

Giuseppe Colucci, Lead Attorney - Legal, IP & Technology, LyondellBasell

14:40 – 15:00  Intellectual Property at the Italian National Research Council (CNR)

- The Italian Industrial Property Code: art.65
- Italian Professor’s Privilege
- Commissioned Research at CNR
- Ownership of IPRs
  - Technology Transfer of CNR’s IPRs to Companies
  - Assignment of IPRs: licensing or transferring the Patent Application/Patent
  - CNR Know-How: an added value
- Short overview of the Patent Box and Tax Credit:
  Measures of tax incentives IP related for companies, recently promoted by the Italian Government (DL Investment Compact 2015)

Giulio Bollino, IP Manager, Department of Physical Sciences and Technologies of Matter (DSFTM), Italian National Research Council (CNR)

15:00 – 15:45  Open discussion

15:45 – 16:00  Wrapping-up and conclusions by the Chairman

Next meeting:
- Topics proposals
- Date: 16-17 June 2016 (place TBD)

16:00  End of the meeting
**PRACTICAL ARRANGEMENTS**

**Venue & Accommodation**

Hotel NH Mantegna  
Via Tommaseo 61,  
35131 Padova, Italy  
Phone: +39 049-8494111  
Email: nhmantegna@nh-hotels.com  
http://www.nh-hotels.com/hotel/nh-mantegna

A block booking with special rates has been secured in the Hotel NH Mantegna. Rate for a single room is 90€, breakfast and service included. *To book your room please complete the attached room registration form and send it directly to the hotel before 30 October 2015.*  
*For eventual additional nights please take directly contact with the hotel.*

**Visit - Dinner**

Thursday 3 December 2015 - Departure at 17:00 from the hotel lobby for a dedicated city tour (by bus and walking) to a local restaurant

**Transportation**

From Venezia Airport:
- You can reach the NH Mantegna via taxi (it costs more than €120),  
- By a "BUSITALIA" direct bus direction "Padova". The stop for the hotel is "Padova Fiera". The ride takes about 1.10 minutes. Departure each hour from the airport. The time table is available here: http://www.fsbusitaliavenezia.it/images/pdf/inverno2015/extraurbanipadova/S015_Z%20S015_V.pdf  
- By *specific shuttle*

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**A specific shuttle** from the airport to the hotel will be organised. The shuttle can also be booked for your return. If you choose this option, please indicate us the following information below as soon as possible and certainly *before 30 November 2015* at the latest:

- number of your flights (arrival and return),  
- foreseen hours of arrival in Venice / departure from Venice,  
- date of your return,  
- city (airport name) of departure / arrival.

From the train station:  
The NH Mantegna is just 15 minutes walking distance from the Padova train station. Simply exit the station and follow signs for Fiera. Taxi cabs are readily available in the area as well.

**Registration**

Please register *as soon as possible* but certainly *before 25 November 2015*  
The online registration form is available on the EIRMA Website

The meeting registration fee of 650€ covers the cost of meeting facilities, visit, get-together dinner and lunch.

**Payments**

We prefer payment by bank transfers but can also accept credit card (Visa, MasterCard or American Express)  
All participants will receive confirmation letter and an invoice or receipt as appropriate.

**Cancellations**

Cancellation policy: we will refund 100% of the registration fee for cancellations received 2 weeks before the meeting, 50% of the registration fee for cancellations received 1 week before the meeting, 25% of the registration fee for cancellations received 3 days before the meeting. Names may be substituted at any time without charge.
Online registration available on EIRMA Website: http://www.eirma.org

Please register on-line or return by e-mail before 25 November 2015 to cternest@eirma.org

Title: (Prof./ Dr./ Mr./ Mrs.): ………………………………………………...
First Name: ……………………………………………………………………….
Last Name: ……………………………………………………………………….
Position: ………………………………………………………………………….
Company: ……………………………………………………………………….
VAT number of paying entity (MANDATORY)…………………………………….
Address: …………………………………………………………………………
Zip Code: ……………………… City: ………………… Country: …………………
Tel: ……………………………………… Cell: ………………………………………
E-mail: …………………………………………………………………………
Assistant’s e-mail: …………………………………………………………………

I will q / will not q attend the meeting on 4 December 2015
I will q / will not q attend the visit on 3 December 2015
I will q / will not q attend the dinner 3 December 2015
I will q / will not q need the shuttle at my arrival in Venice airport and will provide EIRMA with the needed information (see practical arrangements) for 30 November 2015 at the latest
I will q / will not q need the shuttle at my departure from Venice airport and will provide EIRMA with the needed information (see practical arrangements) for 30 November 2015 at the latest

Dietary requirements: …………………………………………………………………

Event’s fee: 650€ (VAT excluded) for members excluded Belgium
Event’s fee: 786,50€ (VAT included) for Belgian members

The meeting registration fee covers the cost of meeting facilities, refreshments, visit, lunch and dinner.
To be paid preferably by Bank Transfer or Credit Cards.

Mode of Payment
q Bank Transfer
Account N° 363-1073576-20
ING – Rond Point Robert Schuman 8 – 1040 Brussels - Belgium
IBAN: BE28 3631 0735 7620 - BIC: BBRUBEBB

q Credit Card (Eurocard, Master, Visa, Amex)
Card Number: ____________
Exp. Date: ___/____
Security Code: __________

EIRMA, as an international association of Belgian law, is subject to VAT (nr: BE 0847 677 159)

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