Standards, FRAND, NPEs & Injunctions

6th & 7th November 2012
UCL Faculty of Laws, London, UK

A conference jointly organised by

ibil TaylorWessing
Hosted jointly by UCL Laws IBIL and Taylor Wessing LLP and chaired by The Rt Hon Professor Sir Robin Jacob (the Sir Hugh Laddie Chair of Intellectual Property at UCL Laws), this 2 day conference combines commentary from key industry and legal experts including experts from the UK, Germany, the Netherlands, Sweden and the US on:

- Injunctions and jurisdictions
- Standards, FRAND and its use in Europe
- Patent portfolios
- Unified Patents Court
- Dispute resolution on licensing terms
- Competition considerations

Through a combination of panel discussions, presentations and keynote addresses, the aim of this flagship event is to inform and update on the very latest developments with the benefit of the views and insights of leading authorities including from industry, the judiciary and private practice in this complex and very topical field. This 2 day conference will be accredited with 13 CPD points by the Bar Standards Board and the Solicitor’s Regulation Authority.

This programme is subject to change and this version is correct as at 1 October 2012. For the most up-to-date version, please check the conference website: http://www.ucl.ac.uk/laws/ibil/docs/standards-2012.pdf

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**DAY 1: Tuesday 6th November**

8.45am Registration

9.15am Chairman’s Introduction
*The Rt Hon Professor Sir Robin Jacob*
Sir Hugh Laddie Chair of Intellectual Property, IBIL, UCL Laws

9.30am Keynote Address
*The Hon Mr Justice Floyd, High Court Judge of the Patents Court, UK*

10.00am Comparison of the law as to injunctions across jurisdictions

- Reminder of the principles e.g. Shevill (in the UK)
- Should the approach differ if the patentee is a NPE; should Europe apply EBay?
- The legal effect of impact of FRAND declarations to standards bodies; are they relevant to the grant of an injunction?; willingness of defendant to take a FRAND licence;
- Do interim injunctions have any place in litigation over essential patents?
- Orange Book offers; reminder of principles, practical issues and unresolved questions

**Panellists will include:**

UK: Nicholas Saunders, Brick Court Chambers
NL: Gertjan Kuipers, Partner, De Brauw Blackstone Westbroek
FR: Sabine Agé, Partner, Véron & Associés
DE: Dieter Kamlah, Partner, Taylor Wessing
UK: James Marshall, Partner, Taylor Wessing LLP (Moderator)
12.45pm  Lunch

2.00pm  Industry Panel Discussion: Determining FRAND – What is FRAND?

- How to work out what is the FRAND royalty rate
- Royalty stacking

Panellists will include:
Monica Magnusson, Director Patent Strategy & Portfolio Management, Ericsson AB
Dan Hermele, Senior Director & Legal Counsel, Qualcomm Europe
John Sideris, Principal IP Counsel, Philips
Brian Napper, Senior Managing Partner, FTI Consulting
Shelly Irvine, Senior Managing Partner, FTI Consulting
Jason Albert, Assistant General Counsel, Policy & Strategy, Microsoft
Kathleen Fox Murphy, Senior Counsel, Taylor Wessing LLP (Moderator)

3.30pm  Can and Should the Courts in Europe Determine FRAND?

- Can/will the Court determine FRAND for a global portfolio or just for patent(s) in suit?
- when should FRAND be determined, before or after patentability issues?
- case management issues
- what disclosure (discovery) is required?
- what evidence is required?
- what question will the judge decide?
- what is the relevant date for determining what is FRAND?

Panellists include:
UK: Daniel Alexander QC
DE: Dieter Kamlah, Partner, Taylor Wessing
NL: Bart van den Broek, Partner, Hoyng Monegier LLP
UK: Professor Sir Robin Jacob, IBIL, UCL Laws (Moderator)

4.30pm  Coffee

4.45pm  The Market for Patent Portfolios – Can we Expect More NPE’s and More litigation?

US: Will Plut, Principal, Patent Profit International LLC

5.30pm  Chairman’s Closing Remarks

5.45pm  Close of Day 1
DAY 2: Wednesday 7th November

9.00am Tea and coffee

9.30am Chairman’s Opening Remarks

9.45am Present Pan-European Position & Manoeuvres

- Timescales in L G Düsseldorf, Mannheim and Munich vs. Federal Patents Court
- Stays of infringement actions
- Expedition of UK revocation proceedings; HTC v Apple, HTC v Nokia, Ericsson v ZTE
- Is there life in the torpedo?
- Are pan-European interim injunctions available?

Panellists include: Taylor Wessing UK and DE

10.30am Keynote Speech – Formation of Unified Patent Court
Klaus-Heiner Lehne MEP, Chairman of the Committee on Legal Affairs (which has responsibility for Unitary Patent legislation)

Chaired by Professor Sir Robin Jacob, IBIL, UCL Laws

11.00am Coffee

11.30am How will all this work with Unified Patents Court and Strategies to be Adopted?

Richard Vary, Head of Litigation, Nokia
Catriona Hammer, Senior IP Counsel, GE Healthcare
Claudia Tapia Garcia, Director IP Policy, Patent & Standards Strategy, RIM
Professor Sir Robin Jacob, IBIL, UCL Laws (Moderator)

12.45pm LUNCH

2.00pm Competition Law and Standard Setting

Steven Preece, Deputy Director, OFT
Robert Vidal, Head of Competition, Taylor Wessing
Michael Fröhlich, Senior Director, EU Intellectual Property Strategy, Licensing & Standards, RIM
Mathew Heim, Senior Director, Government Affairs & Counsel, Qualcomm Inc.
Stephen C. Tupper, Antitrust & Trade Litigation, Greenberg Traurig Maher LLP
Dr Lorenzo Coppi, Senior Vice President, Compass Lexecon

3.30pm Operators Session

Heinz Polsterer, T-Mobile International Austria/Deutsche Telekom
SVP International Standardisation
Olivier Thirard, Directeur Juridique Adjoint Propriété Intellectuelle
Simon Harries, Head of IPR Patents, Vodafone Group
Michael Loch, Senior Legal Director, GSM Association (Moderator)

4.30pm Chairman’s closing and questions
5.00pm REFRESHMENT BREAK

6.00pm Judge’s Panel – How do the Courts best Assist in Resolving Disputes over (essentially) Licensing Terms and what Reforms to Procedure are Needed?

- More or less discovery (disclosure) on infringement/validity?
- Court (technical) expert vs party expert; what can be learnt from other jurisdictions?
- More or less cross-examination?
- Does the PCC have a role - more shorter trials? How would the damages cap apply?

Panellists include:

The Hon Mr Justice Arnold, High Court Judge of the Patent Court, UK
Klaus Grabinski, Judge of the Federal Supreme Court, Germany
Robert van Peursem, Justice, Court of Appeal, The Hague
Samuel Granata, Judge of the Commercial Court, Antwerp

7.30pm Drinks Reception

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REGISTRATION FEES

2 day ticket (Solicitors, Barristers, Patent Attorneys Industry Employees/Representatives) (includes all refreshments and evening session on day 2) £900

2 day ticket (Academic, NGOs, Government Depts) (includes all refreshments and evening session on day 2) £450

This programme is subject to change. To register your place at this event, please visit the website: ibil-tw-conference.eventbrite.co.uk

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