



Highlights

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ADVANCING THE BUSINESS OF INTELLECTUAL PROPERTY GLOBALLY
CREATING, PROTECTING, AND COMMERCIALIZING INNOVATION | MANAGING AND MONETIZING INTELLECTUAL PROPERTY

President's Message:

The Importance Of New Challenges In Good Traditions

By Ichiro Nakatomi, President, LES International



With Russia's invasion of Ukraine in February 2022, the global economy is in turmoil with high inflation due to energy supply shortages and a significant decline in GDP. The COVID-19 pandemic shifted the focus of trade partners from interregional trade with remote areas, to more limited intraregional trade over only short distances.

Consistent with LESI tradition, I assumed the role of LESI President following John Paul at the LESI International Management and Delegates Meeting (IMDM) and the LESI2023 Annual Conference in Venice in May 2022. In the blink of an eye, three quarters of my one-year tenure has now passed. During this time, I have initiated a number of conversations about LESI's next 50 years and have asked how we can con-

tinue to build the organization as we had done in the past. While we have made progress in establishing the groundwork for these policies, there is still much work to be done.

National Presidents Council (NPC)

Last June, in my first contribution to *Global News*, I emphasized the need for LESI to recover from the sharp decline in global membership and to increase sponsorship in the future. Since LESI's revenues depend on membership, it makes sense that a decline in membership would directly affect LESI's operations. The LESI Board has discussed how to invest in targeted activities that could gradually support an increase in membership in multiple societies. One strategy we believed could support this was introducing group memberships for large companies and law firms. This could attract new members and effectively reduce the costs to individual members for an initial period. We found that there were a variety of responses within LES to this request—including societies that planned to introduce new group memberships as well as those who chose to refrain from introducing new group memberships in order to retain their professionals that are already members.

The second strategy is focusing on increasing young members throughout LES. While many societies are interested in this, we found that it was easier for smaller societies to acquire young members as compared to larger societies in terms of young member ratios. Rather, a major issue remained as to how to enable smaller societies to prosper. I believe that an important aspect of this is to communicate with supportive societies for their mutual interest as described in the Sustainable Collaboration guidelines discussed below.

Key Words For Future LESI



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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

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Another strategy for improving revenue was to increase sponsorships throughout the year through the Thought Leadership Program proposed by Sonja London. This program provided additional ways to recover operating expenses and successfully facilitated programming focused on the critical thematic areas of SEPs, the Automotive Industry and Mediation & Arbitration. In February 2023, under the leadership of Mike Lasinski, the incoming President, Sonja London, who is in charge of finance, and LESI's Executive Director, Dana Colarulli, we conducted a financial analysis and discussed how to shift the budget of the organization from a membership dues and annual conference proceeds-dependent model to a model with multiple revenue sources, such as the Thought Leadership Program, subscriptions to *les Nouvelles*, and sales of videos and materials from LESI hosted webinars. We also decided to add to the budget resources to bring on business development staff to better manage sponsor relationships for annual conferences as well as other opportunities.

Committee Leaders

I met and spoke with many of the committee leaders and had the opportunity to hear many of their important subjects at the beginning of the year, but unfortunately, I could not touch on and follow up with all of their issues. I was able to participate in the Membership Committee, the Meetings Committee, the Education Committee, the Copyright and Licensing Committee, and the Life Sciences Committee, all of which I am happy to report are working hard on issues relevant to LES members. Each is in the process of improving its operation, and I hope to receive all good final reports.

Sustainable Collaboration

The challenge for local societies is to increase the number of members and figure out how to collaborate with mentor societies. It is essential to help each other, but most societies are too busy running their own operations. These societies need to have the space and spirit to help each other. For this purpose, we have encouraged societies to share event notices in LESI's weekly email or on the website and to publicize and share the results of the events and committee meetings here in the *Global News* and elsewhere. Since YMC members are very good at cross-society interaction, they might be helpful to serve as a bridge for those societies. We encourage small interactions between societies that may lead to bigger ongoing bridges that can help grow and maintain important connections within our organization. LESI has also significantly increased its own exchange of information and interaction with other organizations such as AIPPI, AUTM and INTA, in addition to our external collaboration with EPO and WIPO. And I have encouraged each society to likewise build their own collaborations locally.

IP Evaluation for Innovation Trends

We need to evaluate the efforts of all technology-owning companies, financial institutions, and investors in terms of SDG and ESG (Environmental, Social, and Governance) from a CSR perspective. The value of those companies' tangible and intangible assets should be evaluated in con-

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junction with the value of their intellectual property. If we create a new measure of IP value by visualizing how technology-owning, know-how and financial companies are not only addressing carbon emissions through their efforts in renewable energy, digital innovation, etc., but also strengthening governance in areas such as human rights and inequality, we will be a global association unparalleled by other IP associations.

Future Opportunity:

As is customary, in Montreal at LESI2023, I will pass the baton to Mike Lasinski. The LES is truly a core organization of individual volunteers, and this is what makes its history unique and meaningful. We have thrived through good friendships built here. I feel that in the future, if I have the opportunity, I would like to visit local societies that I do not yet know and enjoy their friendships. ■

Photos from the WPM and WIPO Meetings in February 2023



LESI President Ichiro Nakatomi sits at the dias at WIPO.



LESI conducts the 2023 Winter Planning Meeting.



Dinner on Wednesday evening with special guests from WIPO, including: third from right, Lisa Jorgenson, Deputy Director General (Patents and Technology Sector); and Edward Kwakwa, Assistant Director General, (Global Challenges and Partnerships) at right.



LESI Executive Director Dana Colarulli.



A group shot at WIPO overlooking the beautiful mountains in Geneva.



Past LESI President François Painchaud, LESI Treasurer Sonja London, and current LESI President Ichiro Nakatomi.



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LESI Life Sciences Leaders Organise Panel Discussion For LESI Meeting

LESI Life Sciences Committee Co-Chair Joanne van Harmelen of ENSafrica and the LESI Life Sciences Committee have organised an exciting panel discussion for the LESI AGM on Monday May 1, 11:00-12:30 titled “Navigating the Deep Tech Frontier in Life Sciences Innovation.” Deep Tech refers to the intersection between artificial intelligence (AI), advanced materials, and synthetic biology, oftentimes using combinations of these technologies for innovation. Deep Tech in the life sciences is one of the most rapidly developing sectors in this field. This space is highly rich in IP and there are unique considerations relating to the protection, management, freedom-to-operate, open source use, and commercialisation of intellectual property (IP) as well as relating to

regulation that any business operating in this space must navigate. The panel will include professionals who will share their experience covering best practices for IP protection, licensing, and regulation in this rapidly developing sector. The panellists will be Gina Bicknell, a partner at Pinsent Mason in the UK, David McIntosh, a partner at Ropes & Gray in the USA, Jude Sullivan, General Counsel for Evozyne, Inc in Chicago, Madelein Kleyn, who has her own IP consultancy and is Chief Legal Officer of Omnisient (Pty) Ltd, a South African start-up company, and Richa Pandey, a partner at Krishna & Saurastri in India. The panel discussion will be moderated by Danie Dohmen, a partner at the South African law firm of Adams & Adams. ■



LESI 2023 MONTRÉAL
INTERNATIONAL ANNUAL CONFERENCE 30 APRIL-2 MAY

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We are delighted to announce our
KEYNOTE SPEAKERS



DANIEL LAMARRE
Executive Vice-Chairman
of the Board
Cirque du Soleil



FRANÇOIS RAMSAY
General Counsel
Hydro-Québec



MARC ST-HILAIRE
Chief Technology Officer
and Vice President
Technology & Innovation
at CAE



VAISHALI UDUPA
Commissioner for Patents
US Patent and
Trademark Office



Leveraging Intellectual Property to Enable Innovation
and *Créativité* for an Inspired Future

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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 Brazil

LES Brazil Event And Debate Updates

On March 8th, celebrating the International Women’s Day, LES BRAZIL organized a debate on the role of women in the technological development of Brazil (A Evolução Tecnológica no Brasil e o Papel das Mulheres). It was held at the Sympla online platform.

The debate was moderated by Marcela Trigo (LES BRAZIL) between Claudia da Silva Oliveira (Vale Holdings B.V.), Liane Lage (former Director at the BrPTO), and Angelica Ravagnani (Astrazeneca do Brasil).

Marcela started the conversation recalling that LES Brazil has a longstanding tradition in recognizing women’s competences in the field of technology licensing in the country, and cited several highly esteemed past presidents of the association who were female. An optimistic debate occurred about several aspects of women practicing in the technological field; Claudia has brought insights about women dealing with a mix of challenges and pleasures when combining work and family day-by-day activities; Liane has mentioned

that women have been playing an important role in several technological areas in the country, but there remains a need to attract more women to the so-called STEAM areas; while Angelica mentioned her passion about technology, she also mentioned a need for more opportunities for allowing people to know about the importance of the technologies.

On March 16th, LES BRAZIL and ICC BRAZIL (International Chamber of Commerce–Brazil) together hosted a debate about technology transfer in Brazil.

The debate is welcomed since the Brazilian administration, particularly the Ministry of the Economy, is performing several studies to modernize the regulations and propose legislative changes aimed to modernize and promote the commercialization of the intellectual property rights (see page 9 for article on changes at the INPI). ■

LES Brazil

Changes In The Recordation Process Of Tech Transfer Agreements Before The National Institute Of Industrial Property (INPI)

By Paula Mena Barreto, Maria Júlia Andrade, Karina Haidar Müller and Tatiana Campello

The National Institute of Industrial Property (INPI) is, apart from the local autarchy responsible for granting industrial property rights, responsible for stimulating innovation and competitiveness in the service of technological and economic development at the national level through an efficient protection of the assets covered by industrial property that are regulated by Law 9.279/96 (Industrial Property Law). Since its origin back in 1971, the INPI has also been responsible for recording tech transfer agreements (such as IP licenses, assignments, know-how transfer). The recordation is a mandatory legal step to make the agreement valid before third parties in Brazil.

It so happens that, for the past decades, the recordation system and the role of the INPI in this area have been the target of a lot of criticisms about its efficiency due to the excessive bureaucratization of the process and its consequences for the current stage of development in Brazil. The INPI is also playing a role of revision and intervention of the agreements' conditions, such as the non-acceptance of a know-how license but rather its transfer/assignment, and the impossibility to pay royalties for pending patents/trademark applications, and many other limitations not covered by the Brazilian law, but as a longstanding interpretation given by the INPI and which significantly restricted the possibility to negotiate such transactions. This situation put Brazil in a *sui generis* position vis-à-vis other jurisdictions when it comes to tech transfer agreements and made it necessary to adapt global deals to the Brazil-specific scenario and, consequently, created difficulties for Brazil to become a strong player in the tech transfer worldwide market.

It is not possible to disregard that, throughout these years, there has been significant evolutions in the INPI, in terms of greater flexibility in the analysis of these contracts by its examiners. Over the years several advances have been achieved, especially since the 1990s with the economic opening and the sanction of the Industrial Property Law. Since then, the normative changes have modified some procedural aspects, but they were by no means enough to stop the INPI's excess of formalism and interventionism.

However, the analysis of the practical impacts of the excess of bureaucratic obstacles of the INPI that persist today reveals barriers to the internationalization of the economy, as well as to the integration of Brazil in the international circuit of trade and investments, which made it almost inevitable to question this administrative process in the light of the economic factor.

Due to this concern, LES Brazil was always engaged in promoting courses and a direct dialogue with society, companies, universities, researchers and the INPI to contribute to the discussion about the tech transfer scenario and how this can be

improved. LES Brazil, with the support of many of LESI National Societies, prepared an international benchmarking, which was key to the development of further discussions. As a result, in August 2021 LES Brazil issued a paper with several recommendations for the INPI to change its tech transfer practice. The discussions continued throughout 2021 and 2022 and included a joint event between LES Brazil and ICC-Brazil, with the engagement of the INPI. All of these efforts culminated in the publication by the INPI, on December 30, 2022, of the minutes of a meeting held by the INPI Board of Directors on December 28, 2022, which brought several changes in technical and legal understandings on the process of registration and registration of technology transfer contracts in Brazil. This created a bit of a revolution in the tech transfer scenario in Brazil, as it has put an end to the outdated restrictions and interventions by the INPI in the recordation of tech transfer deals.

The following decisions were taken and implemented as normative rules by the INPI:

1) Admission of digital signatures without ICP-Brasil certificate and exemption from the need for “e-notarization” and “e-apostille”:

The INPI only admitted contracts with a digital signature that used a certificate issued by an ICP-Brasil authority and similar organizations in foreign jurisdictions, which made it very difficult to record agreements that were digitally signed, imposing the obligation to print hard copies of deals and obtain handwritten signatures and all the formalities (notarization, apostille). However, there was no legal support for this requirement. In fact, the legislation on the subject (article 10, §2 of Provisional Measure No. 2.200-2/2001) expressly authorizes the use of other forms of digital signature regardless of whether it uses an ICP-Brasil certificate, provided that it is admitted by the parties.

This is a scenario in which statements contained in signed documents are accompanied by a presumption of veracity, and any formality of authenticity or signature recognition is waived. Therefore, the elimination of this condition was essential for the new electronic signature system to fulfill its objective: greater speed and facilitation.

In the case of the foreign party, the INPI admitted the digital signature without an ICP-Brasil certificate, but only as long as they coupled the e-notarization and the e-apostille. Thus, it was decided that, in situations involving the use of digital signature, consular apostille/legalization will no longer be required. In addition, it is noteworthy that the requirement of consular apostille/legalization remains in the case of physical documents signed abroad.

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2) Waiver of initials on all pages of contracts and annexes, petitions, and electronic forms (the declaration of veracity of documents and information will be sufficient):

The INPI used to require the initials of the signatories on all pages for the recordation of tech transfer agreements.

Nevertheless, there is no obligation under Brazilian law to include initials for the validity of contracts between private parties. Eliminating these requirements will be a major enabler. Now, there will be a specific field in which the attorney-in-fact will include a statement taking responsibility for the veracity of the information provided and the documents gathered in the registration process.

3) Elimination of the obligation of two witnesses when the contract provides for a Brazilian city as the place of signature:

Another condition of contractual validity previously required by the INPI was the obligation of including the signature of two witnesses when the contract provided for a Brazilian city as a place of signature. Again, the requirement had no legal basis in this regard since the determination of item III of art. 784 of the Code of Civil Procedure is limited to extrajudicial executive titles.

In this sense, the change refers to the possibility of direct execution of the contract or any of its clauses. The absence of witnesses will not invalidate the contract, only limit the possibility of execution.

4) The presentation of bylaws, articles of incorporation, memorandum of association and last amendment on corporate purpose and consolidated legal representation of a Brazilian legal entity will no longer be required:

The presentation of these documents was previously justified by the purpose of verifying whether those who signed the contract by the Brazilian company in fact had powers to do so. That is, the objective was to avoid possible nullity in cases of illegitimacy of any of the parties.

However, it was another requirement that did not fit the reality of contractual relations, considering that both parties, by autonomy of will, assume, for the moment, the effects of legal acts based on objective good faith.

There was no legal support, or any motivation for the presentation of large documentation. Thus, the elimination of these protectionist regulatory excesses will ensure greater fluidity to the procedure.

5) Admission of know-how and non-patented technology licensing:

The INPI had been adopting a position not to consider know-how and non-patented technology as a licensable right, but rather its transfer/assignment, repeatedly rejecting clauses stipulating the return of the know-how and non-patented technology.

This performance of the INPI did not have any legal basis in Brazil. In fact, it was essential that the INPI makes its rules more flexible, since, by preventing the parties from agreeing to

the terms and conditions of the contract, it translated a manifest violation of the principle of autonomy of the will, in addition to an unequal treatment between the types of technology transfer contract.

The know-how creates to its holder a new industrial production capacity, a factor that makes the information valuable and establishes it as an economic good, and therefore transferable. In this sense, even before the changes, the holder already had the power to authorize or not the disclosure, exploitation, or use of his confidential information. In other words, it already had powers inherent in the ownership of know-how, which made the restriction incoherent.

The change by the INPI, therefore, will bring even greater economic value to know-how and non-patented technology. According to the minutes of the INPI Board meeting, “with the adoption of this type of licensing by the INPI, institutional, legal and safe business environments are created, capable of stimulating the growth of the number of contracts of this nature signed between national and foreign companies holding technology, expanding the opportunities for commercialization of industrial and intellectual property rights, and leveraging the innovation process in the country.”

6) Removal of obstacles to the registration of contracts that involve patent, industrial design and trademark applications that are still pending, in order to enable the payment of royalties agreed between the contracting parties:

Again, without any legal support, the payment of royalties for orders still pending concession was prohibited by the INPI.

Considering the constant and rapid appearance of new technologies and the importance of Brazil’s participation in this international trade and investment circuit, the removal of this obstacle will generate gains for the national economy.

According to the minutes of the meeting of the INPI Board of Directors, the Attorney General’s Office had already positioned itself on this matter, establishing the understanding that, when filing a trademark registration application with the INPI, it incorporates into its equity the ownership of the application and will only cease to integrate its equity if it is cancelled by the INPI. The resolute condition, therefore, is the definitive rejection of the application by the INPI. Once the application is decided and the registration subsequently granted, the integration into the equity, obviously, remains. This conclusion, according to the minutes of the meeting of the INPI Board of Directors, had already been the subject of a legal position regarding trademark applications and it was decided that consultation would be sent, in the short term, to the Attorney General’s Office on the possibility of extending this understanding to patents, industrial designs and other IP assets, as appropriate. Note, however, that although there is already this position of the Attorney General’s Office in the case of trademark applications, in practice, this issue was still an obstacle to registration before the INPI.

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In order to ratify this understanding, on January 23, 2023, the Presidency's order was published with the aforementioned opinion cited in the minutes of the meeting of the INPI Board of Directors on the issue of licensing trademark registration applications in the light of the Industrial Property Law. According to the order, this opinion was published so that its effects can be produced. There is still no position on extending this possibility to other industrial property assets, such as patents and industrial designs.

The fact is that the prior system of registration of technology transfer contracts demonstrated a clear incompatibility with the current needs of the country, leaving no doubt about the need for these changes. After all, to foster the country's development, it is essential to adopt measures that do not repel possible international transactions.

In addition, the fact that the recordation system of contracts by the INPI was inserted in a scenario that demonstrated risks to the basic principles that guide the free initiative and competition indicated the indispensability of adopting a process that

guaranteed greater speed and efficiency in order to achieve more efficient results from a legal-economic point of view. Therefore, the changes brought about in the document represent an important progress by the INPI, considering that the news brought by the minutes of the INPI Board meeting demonstrate a search by the INPI to align itself and Brazil *per se* with international best practices, expanding business opportunities involving intellectual property assets and, consequently, fostering innovation in Brazil.

It is noteworthy that the INPI disclosed, on January 24, 2023, that the minutes of the INPI Board meeting are normative and shall be adopted by the INPI in decisions on technology transfer contracts, according to the opinion of the Attorney General's Office.

Due to the recent changes in these new procedures, it is necessary to verify, in practice, how the guidelines of the Minutes of the INPI Board meeting will be adopted. However, it is possible to confirm that relevant advances are coming. ■

LES Benelux

UPC Preparation Webinar And Going On An IP (Ad)Venture

LES Benelux organised a successful webinar: “Webinar UPC: do we know what we are going to get? And how do we prepare?” on Tuesday, 14 February 2023.

Our panelists Annelies Beckers (KU Leuven), Ceren Pala Okat (IP Business Partner at Philips), and Domien Op de Beeck (Partner at Bird & Bird Brussels) gave their view on a number of UPC-related topics particularly of interest for licensing practices. Claudia Zeri (Partner at Coupry and Board member of LES Benelux) moderated the session.

This webinar offered take-aways for both licensees and licensors and addressed the most recent insights in licensing practices in view of the long-expected and now finally to-be-realized UPC: do we know what we are going to get? And how do we prepare?

Topics that were discussed:

- Licensee participation to opt-in/opt-out (field of use, technology, territory, etc.)
- Enforcement of patents with unitary effect
- Views from academia, private practice and industry: converging or diverging?

Full day event:

“Going on an IP (Ad)Venture: IP/Licensing & Startups” in Luxembourg

On 30 March 2023 the Young Member Committee (YMC) of LES Benelux organised a full day live event in collaboration with the Luxembourg Institute of Science and Technology (LIST).

During this event we were honored to have external speakers that presented, discussed and shared experiences about entrepreneurship, startups, IP & valorisation, spin-offs, universities, venture capital and tax. For each topic we made the link to licensing best practices.

The program and further details can be found on <https://les-benelux.org/event/events/>.

Team LES Benelux & Team YMC, Team LIST Luxembourg

A Well-Earned Retirement

Finally, Saskia van Dijk has started to enjoy a well-earned retirement, and for LES Benelux, an era has ended. An era in which Saskia played an extremely important role in growing our chapter from just seven members to more than 300 members. Since she joined LES Benelux in 1988 she has been a most active member of LES, both within Benelux and in LES International. She has been a board member of both LES Benelux and LESI. Moreover, together with Monique van Schevicoen she formed the secretariat of LES Benelux for more than 24 years and that of LES International for a couple of years. During that period, together with Monique, she organized all topic meetings for LES Benelux, its licensing courses, Pan European Conferences, and some LESI Annual Meetings. Over a long period, Saskia was, for many, the face of LES Benelux. She has been an honorary member of our chapter for many years and our chapter owes very much to Saskia. We wish her an enjoyable retirement. ■

Kathleen De Belder,
LES Benelux President

LES France

General Meeting 2022 + Achievements

LES France’s General Meeting on 8 December 2022 covered the following topics:

- LESI’s objectives and highlights of a career in Life Science by **Ichiro Nakatomi, President of LESI** and entrepreneur
- **Overview of IP in Europe:** Latest news and case law by Frédéric Portal (Bird & Bird) and Jean-Hyacinthe de Mitry (Gide)
- **Is a world without patents possible? Once Upon A Time** by Pascal Attali (Bose)
- **Presentation of the Committees:** LES France Competition for the Best News Article, Voting Results by Sophie Pasquier
- **Intellectual Property & Web3:** Focus on NFTs by Guillaume Ménage (Ledger)
- **Moral and Financial Report:** Sophie Pasquier (President), Sophie Korakis Ménager (Treasurer)

Concerning the voting results: among ten candidates eight board positions were available for the 2022 elections.

Committees. LES France holds eight very active committees:

LES France Committees			
Dispute Resolution	Europe	IP Valuation	IT & Software
Life Sciences	Public/Private	SMEs & Startups	Young Members

LES France has an increasing membership over the past years.

Composition Of The Office

In 2022, the office is composed as follows:

- **President:** Sophie Pasquier
- **Vice-President:** Frédéric Portal
- **General Secretary:** Claire Le Floch
- **Treasurer:** Sophie Korakis Ménager
- **Assistant Treasurer:** Jean-Hyacinthe de Mitry

2022 Achievements. Achievements of LES France in 2022 include the organization of 20 conferences in particular: The annual FRAND and the annual Life Sciences conferences but also conference cycles on the UPC, SME&STARTUP and ADR. Our detailed program was as follows:

2022 Achievements	
5th edition of the annual Paris conference on SEPs and FRAND	FRAND
Conference “LIFE SCIENCES AUTUMN EVENT”	LIFE SCIENCES
Videoconference - Dispute resolution: calculation of damages	DISPUTE RESOLUTION
LESI IP Valuation Committee Webinar “Market approach to valuation of patents & trademarks: horses for courses”	IPV
SME & Startups Committee: roundtable discussion with 4IP Council	SME STARTUP
Access to data, European regulatory framework and case study on the agricultural sector	ITS
“Companies, ready or not ready for UPC? An exceptional panel of experts will help you make the strategic choices!”	DISPUTE RESOLUTION
LIFE SCIENCES – Annual Conference with ASPI and AIPPI (French Group)	LIFE SCIENCES
Outreach efrag IPV committee: meeting of 16 May 2022	IPV
Public/Private committee: 16 May 2022 seminar	PUBLIC PRIVATE
SME & Startups committee: Roundtable discussion with 4IP Council	SME STARTUP
YMC - Networking efficiently in the intellectual property world	YMC
Dispute resolution: Mediation in action and decoding	DISPUTE RESOLUTION
Unified Patent Court Part II: Practical advice about the impact on current and future license agreements	UPC
2022.03.17 Decoding mediation: Practical understanding of mediation for more efficiency in conflict management	DISPUTE RESOLUTION
2022.03.10 Unified Patent Court: a new licensing dynamic will start in 2022 in Europe	UPC
Informative meeting - Launch of a mentoring program	MENTORING
“Export Control principles and software applications”	ITS
Presentation of LES France committees	ALL
4th edition of the Paris conference on Standard Essential Patents (SEPs) and FRAND	FRAND

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Our achievements also include:

- Redesign of the LES France’s intranet
- Improvement of the payment platform (work in progress)
- *les Nouvelles* “concours”
- Mentoring program
- Preparation of the UPC mock trial
- New partnership with the University of Montpellier

2023 Wishes. Finally, the President expressed her wishes for 2023:

- **Sharing** by running numerous conferences
- **Accessibility** by maintaining the webinars or hybrid format for all our conferences
- **Events** with our eight very active committees and encouraging our members to join these specialised groups
- **Visibility** through new partnerships (IP training organisations, universities, etc.)
- **Collaboration** with national chapters within the LESI and other French IP associations (Union on UPC, AIPPI, APEB, ASPI, etc...)
- **International communication** by supporting our members to submit articles in *les Nouvelles*, and to participate in LESI panels

Conferences And Activities Scheduled For The Second Quarter Of 2023		
9 March	<i>les Nouvelles</i> : Contest For The Best Article	Hors Comité
30 March	YMC France Kick Off Evening Event-2023 Program	YMC
31 March	Serious Game: Best Valuation Of Your IP Assets	Hors Comité
11 April	Development Agreements In HealthTech: A 360° Review Of Strategic, Legal And Operational Issues For Innovation	Life Sciences (+France Biotech)
April	IP Arbitration: Myths And Reality	Alternative Dispute Resolution
30 April–2 May	LESI Annual Conference Montréal	LESI
2 June	Annual Conference Of The Public/Private Committee	Public Private
8 June	The Life Sciences Annual Conference (with ASPI/AIPPI)	Life Sciences

The full list of conferences offered by LES France can be found here: <https://www.les-france.org/conferences>.

Additional information on selected events:

30 March: YMC LES France 2023 kick off!

The French YMC committee has a new presidency: Romain Vidal et Nicolas du Tailleul.

Young members (less than age 40) were invited to join the first event on the evening of 30 March.

YMC LES France kicked off the 2023 season and introduced the events program (Street Art IP protection, Web3and NFTs, private equity workshop, etc.) and a proposal for collaboration with other LES chapters’ YMCs around the globe.

31 March: Serious Game: Tech Transfer Game

Location: On-site event at Gide Loirette Nouel: 15 Rue de Laborde, 75008 Paris

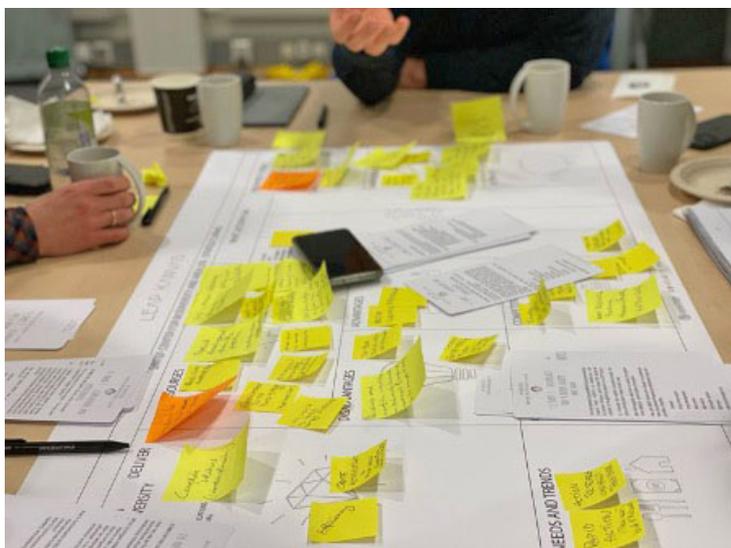
This facilitated game-based exchange of experience and best practice Serious Tech Transfer Game is a collaborative serious game designed for an engaging exchange of experience between individuals working within technology transfer. The game is created as a cooperation between LES France and House of Knowledge(HoK). In this game tailored for LES France, participants grappled with how to plan for and what to deal with during and after a technology transfer while tackling the hurdles encountered when formalizing such an agreement.

The Serious Tech Transfer Game aims to create an engaging facilitated exchange of experience for participants, wherein realistic scenarios create the basis for problem-solving in a scenario that requires shared knowledge and experience.

Play happens in groups of 3-5 around a table where the centerpiece of the game is a technology transfer canvas, which is used to structure and evaluate relevant information (presented on playing cards), reveal interrelations, and support discussion.

FACT: Applied games’ complex topics create tacit knowledge and skills through a real and “live” simulation. The game introduces unpredictability and invites interactions and self-contributions, linking theory to practice. The concept of a serious game is most easily described as games that go beyond fun and into the realm of learning and exchange of experience.

“*Learning is a process where knowledge is created through transformation of experience (Kolb, 1984).*” ■



LES Hungary

LES Hungary Amends Trademark Act

On January 1, 2023, Act LV amending several industrial property laws, including the Trademark Act, entered into force in Hungary. Act LV aims to fine-tune and amend certain aspects of various procedures before the Hungarian Intellectual Property Office (HIPO). The amendments are the result of the HIPO's practical experience and their main goal is to harmonize IP laws with Hungarian procedural legislation, including the Law on Civil Procedure and the Law on General Administrative Procedure. The main amendments to the Hungarian Trademark Act are outlined below.

Deadline Extensions

Deadline extensions that can be obtained during trademark proceedings before the HIPO have been limited to a minimum of one month and a maximum of three months. Multiple extensions lasting between one and three months and a special six-month extension may be requested and granted only in particularly justified cases. The goal of this amendment is to curtail unnecessary delays by restricting the extension period and repeated or longer extensions.

Procedure Suspension

If an adversarial trademark proceeding involves several adverse parties, the proceeding can only be suspended upon a joint request by the parties. The proceeding may only be suspended once, for a maximum period of six months (after which the proceeding is terminated), and may be resumed upon request of any of the parties.

Opposition Proceedings

The amendments allow licensees who are not recorded in the trademark register to file an opposition against a trademark application. The previous text of the law granted this right only to licensees recorded in the trademark register.

The filed oppositions should now include not only the legal grounds on which they are based, but also detailed reasoning and supporting evidence. The goal is to reduce the practice of filing unsubstantiated oppositions within the non-extendable opposition deadline and then subsequently filing detailed reasoning and evidence. However, the wording of the amendment is not clear—on the one hand, it

indicates that detailed reasoning should be filed at the time of filing the opposition, but on the other hand, it suggests that the HIPO will ask the opponent to rectify the irregularities if the opposition does not comply with the requirements. The HIPO's practice in future opposition cases will determine the applicability of the amendment, but for now it is recommended to file oppositions along with detailed reasoning within the opposition deadline.

Under the amendments, if neither party requests the continuation of the suspended opposition proceeding before the expiration of the relevant deadline, the HIPO will consider the opposition withdrawn and will resume the trademark registration procedure.

Cancellation Actions

Under the amendments, not only the holder of an earlier right, but also the licensee of an earlier right and even an unregistered user of an earlier geographical indication can file a cancellation action based on relative grounds for refusal.

The amendments also introduce the possibility of postponing the hearing in cancellation proceedings—the parties can jointly request a postponement subject to certain restrictions (*e.g.*, no later than three days before the hearing; the reasoning or justification should be given) and the HIPO can also postpone the hearing in case of exceptional circumstances.

Under the amendments, an accelerated cancellation action can be requested if the trademark infringement court case has not only been initiated (as was previously required) but if the court action is still ongoing at the time of filing the cancellation action, or if it is proven not only that the preliminary injunction request has been submitted to the court (as previously required) but also that the preliminary injunction has not yet been refused. Basically, an accelerated cancellation action can be requested only if an infringement action or a preliminary injunction is still ongoing at the time of filing the accelerated action. ■

Zita Szilágyi, Associate, PETOŠEVIĆ Hungary
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LES Japan

2023 LES Japan Annual General Meeting

LES Japan held its Annual General Meeting on February 15, 2023, both in-person and online. Kenichi NAGASAWA, President of LES Japan, after giving his opening remarks, reported LES Japan activities in 2022, its 50th anniversary year, including: the Annual Conference as the first in-person Annual Conference in three years; the 50th Anniversary Memorial Symposium; three Round-Table Discussions (1st: Chief Judges of the Intellectual Property High Court, 2nd: Commissioners of the Japan Patent Office, and 3rd: Presidents of LES Japan); and publication of the 50th Anniversary Magazine.



Mr. Kenichi Nagasawa,
President of LES Japan



Cover of LES Japan 50th
Anniversary Magazine

Then Mr. Nagasawa announced the plan of LES Japan activities in 2023 based on the following policies.

1. LES Japan will plan and hold its Annual Conference 2023 to provide its members with the opportunity for sharing the latest IP trends and LES Japan activities, as well as in-person networking.
2. LES Japan will actively join LES International events and interact with other LES societies to kick off the next 50 years of the organization.
3. LES Japan will promote preparation for introducing a new group membership to enhance merits that its members can enjoy.
4. LES Japan will facilitate vigorous activity of committees and working groups, and dissemination of their activity results.
5. LES Japan will continue to hold monthly seminars and licensing practice courses to provide its members opportunities for study and research.



General Meeting was held in-person and online.

Finally, Koji SAITO (ASICS Corporation), a new Vice President of LES Japan, and six new Board members were introduced. Mr. Saito and some new Board members gave short speeches expressing their enthusiasm.

After the meeting, Akihiro SAKO, Chief of the Organizing Committee, announced that the Annual Conference 2023 will be held on July 14th-15th in Hamamatsu city, which is located halfway between Tokyo and Osaka. The LES Japan members are looking forward to gathering in-person at the Annual Conference this year! ■



Koji SAITO, new Vice
President of LES Japan



Venue in Hamamatsu city for 2023 LES Japan Annual Conference.

LES Philippines

LESP Brings André Gorius To The Philippines

World Intellectual Property Organization consultant Dr. André Gorius conducted an IP valuation training seminar from 1 March to 3 March 2023 at the Acacia Hotel, Alabang, Muntinlupa City, Philippines, with 27 IP and licensing professionals from ten higher educational institutions and five law and IP firms finishing the course.

The Philippine attendees practiced on multiple spreadsheets with Dr. Gorius, working to derive the net present value from the free cash flow of hypothetical intangible assets. Dr. Gorius also presented the mathematical principles for obtaining credible royalty and discount rates during the three-day in-person seminar.



All the Philippine participants to the Intellectual Property Valuation Training in an extended family photograph with Dr. André Gorius (in white shirt).



LES Philippines President Bayani Lose directing Dr. André Gorius' attention to the DOST-PCAARRD exhibits during a visit at the DPITC in Los Banos City, Laguna province, Philippines.

The Licensing Executives Society Philippines (LES Philippines), together with the Department of Science and Technology-Philippine Council for Agriculture, Aquatic, and Natural Resources Research and Development (DOST-PCAARRD) and the Association of PAQE Professionals, Inc. (APP), organized the training to enhance further the IP valuation skills of technology business incubators established by DOST-PCAARRD for the country's agri-aqua network. This initiative by LES Philippines aligns with its advocacy to expand the market reach of technologies and startups of local TBIs to other jurisdictions.

In September 2022, LES Philippines invited Dr. Gorius to DOST-PCAARRD's Regional Agri-Aqua Innovation System Enhancement (RAISE) Program for a three-hour international licensing and valuation webinar. DOST-PCAARRD is one of the three research councils in the Philippines mandated by the Technology Transfer Act of 2009 to support the creation, protection, and commercialization of government-funded R&D.

Dr. Gorius works with the Paris-based valuation firm, Winnotek. LES France and LES Italy both count Dr. Gorius as a member.



Dr. André Gorius emphasizes a point during the IP valuation training held from 1 March to 3 March 2023 at the Acacia Hotel, Muntinlupa City, Philippines.



LES Asia-Pacific Co-Chair Bienvenido Marquez III (in white shirt) hosting the post-training dinner in honor of Dr. André Gorius, together with (clockwise) LES International Past President Patricia Bunye, LES Philippines President Bayani Lose, and LES Philippines members Maria Karla Rosita V. Bernardo and Julia Rio Therese M. Negre-de la Paz.

LES France and LES Italy both count Dr. Gorius as a member.

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LES Philippines Hosts First Intangible Asset Valuation Roundtable

Practitioners and government regulators attended the Philippines' first roundtable discussion on intangible asset valuation last 3 March 2023 at the Acacia Hotel, Alabang, Muntinlupa City, Philippines. Organized by the Licensing Executives Society Philippines (LES Philippines) together with the Department of Science and Technology-Philippine Council for Agriculture, Aquatic, and Natural Resources Research and Development (DOST-PCAARRD) and the Association of PAQE Professionals, Inc. (APP), the half-day event focused on determining the standards of IA valuation in the country, the

LES Philippines, continued on Page 17

LES Philippines, continued from Page 16

need for professionalizing of the valuation practice, and the minimum requirements of training and experience that a practitioner must have to prepare a credible report.

Dr. Reynaldo Eborá, Executive Director of DOST-PCAARRD, welcomed the participants and opened the roundtable by reviewing the laws and regulations affecting IA valuation, from the Technology Transfer Act of 2009 to the recently approved House Bill 8453 or the Valuation Reform Act.

Dr. Frederick Romero, Assistant Director at the Intellectual Property Office of the Philippines (IPOPIL) and officer-in-charge of IPOPIL's IP Academy, confirmed that there is a more urgent need to standardize the practice of IA valuation because of the effect that this practice has on the intellectual properties of the various stakeholders in the country. Dr. Romero added that an environment of IA valuation should be created and that a database of valued IPs has to be established to benchmark royalty rates.

Ms. Mary Jade Roxas-Divinagracia, Managing Partner at PwC Isla Lipana & Co., posited that while only one of the three general approaches to valuation is sufficient to provide a credible value for an IA, the first approach must be cross-checked with the other two methods due to the subjectivity of the practice. The use of International Valuation Standards with the International Financial Reporting Standards in Filipino IA valuation, Ms. Divinagracia added, should improve transparency in local valuation reports. She also cautioned that IA valuation should be principles-based and not rule-based to build a momentum of trust and credibility in the valuation practice. Ms. Divinagracia joined Dr. Romero's call on possibly requiring accreditation of IA valuers to protect IP stakeholders.

Atty. Leonides Madrilejo of Sapalo Velez Bundang & Bulilan Law Offices shared that, in valuing IA of government-funded technologies, he found difficulty securing more information from the researchers and scientists. He had to rely more on the Cost Approach to draft credible reports.

On the other hand, Mr. Michael Junsay of IPOPIL's Documentation Information and Technology Transfer Bureau narrated that when he and his team conducted an IA valuation of university technologies, the practice became empowering for the generators of the IP as they saw the commercial potential of their work immediately. Mr. Junsay stressed that it is crucial to delineate the stakeholders' roles in the valuation and use different scenarios from various perspectives to develop a credible report.

Representatives of government councils funding the R&D efforts in the Philippines likewise emphasized the need for credible IA valuation. DOST-PCAARRD's Noel Catibog, Director of the DOST-PCAARRD Innovation and Technology Center, reported that the 68 technology business incubators



Participants in the first Roundtable Discussion on Intellectual Property Valuation held at the Acacia Hotel, Alabang, Muntinlupa City, on 3 March 2023. Seated (L-R): IPOPIL IP Academy Assistant Director, Dr. Frederick Romero; DOST-PCAARRD Executive Director, Dr. Reynaldo Eborá; WIPO Asean consultant, Atty. Editha Hechanova; WIPO international consultant, Dr. André Gorius; PwC Isla Lipana Managing Director, Ms. Jade Roxas-Divinagracia; DOST-PCHRD's Ms. Julie Anne Balangat; and LES Philippines President, Atty. Bayani Loste. Standing (L-R): APP President, Atty. Misael Costes; DPITC Director, Mr. Noel Catibog; SVBB's Atty. Leonides Madrilejo; IPOPIL DITTB's Mr. Michael Junsay; DOST-PCIERRD's Mr. Samuel Cahimat; and DOF's Mr. John Marlowe Badillo.

that DOST-PCAARRD helped establish would require the skillsets of IA valuers. Ms. Julie Anne Balangat of the DOST-Philippine Council for Health Research and Development echoed Mr. Catibog's call for her Council's HeartNovation and IPROTECH initiatives, specifically for the Fairness Opinion Board sessions required by the Technology Transfer Act of 2009. Mr. Samuel Cahimat of DOST-Philippine Council for Industry, Energy, and Emerging Technology Research Development expounded on his Council's work insofar as IA valuation is concerned.

World Intellectual Property Organization (WIPO) international consultant Dr. André Gorius posited that IA valuation is neither a science nor an art but merely an opinion of experts that requires due consideration of the culture and country where the report will be used. Drawing from his more than 30 years of experience in doing valuation work for his previous company, Solvay Group, Dr. Gorius acknowledged the challenges of coming out with a reasonable opinion: the credibility and training of the valuator and the IP awareness of the team involved in crafting the report. Dr. Gorius also focused on the importance of knowing the purpose of IA valuation and the conduct of due diligence to secure a more principled account of the IA.

LES Philippines President Bayani Loste closed the roundtable with a consensus among the participants that there is a need to continue with the conversation to ensure that the burgeoning practice would be accepted by more established private institutions, government agencies, and the public at large.

WIPO Asian consultant and past APP President Editha Hechanova moderated the roundtable. ■

LES India

Attorneys Jointly Organised Interactive Student Workshop On “IP & Start Up Ecosystem In India”

We are thrilled to announce the successful completion of our “IP & Start-up Eco-system in India” live workshop in the Bhartiya Vidyapeeth College of Engineering, Navi Mumbai! This workshop was organised by DuxLegis Attorneys and LES India to celebrate National Science Day on February 28, 2023. The theme of this National Science Day 2023 was “Global Science for Global Wellbeing.”



As we all know, the IPR plays a key role in attaining Global Wellbeing through Science.

DuxLegis Attorneys’ team of experts (Adv. Divyendu Verma [National Chair of TD&M Committee of LES India] & Adv. Sphurti Dalodria) had the opportunity to educate and empower the students about the importance of intellectual property protection and how it can benefit their future entrepreneurial endeavours. Our workshop covered a range of topics, including patents, trademarks, copyrights, trade secrets, and much more. We used simple language and visual aids to ensure that the students could understand the concepts clearly and effectively. We tried to trigger the imagination and creativity of students. We also tried to inculcate confidence among them by explaining to them how they too can be an inventor!



Our workshop was an interactive and engaging learning experience, and we encouraged students to participate by asking questions and sharing their experiences. We believe that by sharing our knowledge and experiences, we can



inspire the students to develop innovative ideas and take the first steps towards creating successful startups.

Moreover, we provided students with follow-up support, such as materials, resources, and contact information, to help them apply what they learned and get further assistance if needed. We believe that this support will enable the students to take their first steps towards creating successful and sustainable startups.



Our workshop was a massive success, and we are proud to have been a part of the students’ entrepreneurial journey. We are confident that our workshop will have a positive impact on their lives, and we hope that they will utilize the knowledge gained to create innovative solutions and contribute to the growth of the economy. ■



LES Italy

LES Italy Conferences 2023

On March 9th, LES Italy organized the 8th edition of its annual roundtable with Italian judges. The conference titled “Recent IP Trends of the Jurisprudence” took place in Milan with the participation as speakers of judges from the specialized IP Sections of the main Italian Courts (Milano, Torino, Venezia, Roma and Napoli) to discuss the most recent case law concerning several topics related to patents, trademarks, design and copyright. More than 200 professionals joined the conference both in person and virtually, confirming the great public success for this format, one of the most popular organized by LES Italy.

The next conference LES Italy is organizing will take place on April 4th and focus on “The 2023 Overhaul of the Italian Arbitration Law.” National and international speakers, including Albert Henke at the University of Milan, Stefano Azzali at the Arbitration Chamber in Milan, Chiara Accornero at the WIPO Arbitration & Mediation Centre, Livia Oglio at Studio Legale Sutti, Emanuela Bianco at Saglietti Bianco, Laurence Shore at Bonelli Erede, Monique Sasson at DR Law and Sara Citterio at Trussardi will discuss the new precautionary powers of the arbitrators presenting the reform and offering an overview of already consolidated international experiences, from institutional, company and/or professional points of view. The event will be held in English and participation—free for LES Members—will be possible both in presence and online. For additional information and to register, please visit: <https://les-italy.org/en/events/the-2023-overhaul-of-the-italian-arbitration-law-2>.

To celebrate the 2023 edition of World IP Day on “Women and IP: Accelerating Innovation and Creativity,” LES Italy is also organizing on May 10th in collaboration with Politecnico di Milano, an event entirely dedicated to female IP professionals. More than 50 Italian IP experts from governmental institutions, universities, industries and private practices have been invited to join the event.

Other events in the pipeline for the first part of the year are “Innovation Class—Start up Edition,” organized together with the Chamber of Commerce of Trento (April 2023) and “New administrative proceedings for trademark invalidity and revocation” that LES Italy is organizing in collaboration with LES France, LES Germany and LES Spain.

The current number of LES Italy members is 496 with 16 new members admitted during the last executive committee meeting held on February 28th. The aim of the association for 2023 is to position itself permanently above 500 members. ■



From left to right: Gianfranco Crespi at Studio Legale Crespi, Marco Venturello at Venturello e Bottarini Avvocati (moderators), Mattia Dalla Costa, past President of LES Italia, Tommaso Martucci at Court of Roma, Silvia Vitrò at Court of Turin, Liliana Guzzo at Court of Venice, Rinaldo Plebani, President of LES Italia, Claudio Marangoni at Court of Milan, Adriano Del Bene at Court of Napoli, and Simona Cazzaniga, Secretary of LES Italy.




LA STATALE

The 2023 Overhaul of the Italian Arbitration Law:

The power of arbitrators to issue interim relief and its impact in IP rights proceedings

Milano/online - April 4, 2023
From 2.30 to 6.30 p.m. CET

Università degli Studi di Milano Statale
Via Conservatorio 7, Milano

14.00 Registration

14.30 Welcome remarks, Rinaldo Plebani, LES Italia

14.45 Part. I

- Simona Cazzaniga, Studio Legale Sutti (moderator)
- Introduction to the reform - Albert Henke, Università degli Studi di Milano
- The new provisions empowering the arbitrators to issue interim measures and the methods of enforcing their orders - Livia Oglio, Studio Legale Sutti
- New perspectives for the use of arbitration, with emphasis on IP arbitration, post-reform - Stefano Azzali, Camera Arbitrale di Milano
- Recourse to arbitration for the resolution of disputes concerning IP rights and the exercise of interim measures by the Arbitral Tribunals - Chiara Accornero, WIPO Arbitration Center

16.00 Part. II - Round table: the national and international speakers offer an overview of already consolidated international experiences, seen from the institutional, company and/or professional viewpoint.

- Dario Paschetta, Studio Frignani Virano e Associati (moderator)
- Emanuela Bianco, Saglietti Bianco
- Laurence Shore, Bonelli Erede
- Monique Sasson, DR Law
- Sara Citterio, Trussardi

17.30 Cocktail reception



LES Spain & Portugal

LES Spain & Portugal's March Activities

15 March 2023

On 15 March 2023, LES Spain & Portugal's IP Networking Committee organized its 11th meeting at the global headquarters of Banco Santander and discussed the following topic: **“Protection, Transfer and Exploitation of Software”** with Jose Carlos Erdozain from the UAM, Of Counsel of PONS IP and Doctor in Civil Law specialising in intellectual property, presenting, with an extraordinary prize. There was also a case study: Wallbox, a startup founded in 2016 and a world leader in electric vehicle charging solutions, and a Spanish unicorn, carried out its IPO in New York in 2021 with great success. We were joined by Jordi Cano Zamora, Co-founder and Head of the Intellectual Property Committee of Wallbox.

LES Spain & Portugal's IP Networking Committee is composed by the Heads of IP of some of the following companies: Iberdrola, Banco Santander, BBVA, Repsol, Siemens-Gamesa, Telefónica, Laboratorios Esteve, Ebro Food y Sacyr. The Committee's current president is Ms. Marta Luengo of Iberdrola.

16 March 2023

On 16 March 2023, LES Spain & Portugal organized a programme of lectures prior to the ordinary general assembly. The event took place in the headquarters of the Spanish Patent and Trademark Office, Madrid, Spain. The opening was given by Ms. Aida Fernández González, Director of the Spanish Patent and Trademark Office and the sessions were moderated by Ms. Maria José Huertas (The Light House, The Investor's Vision).

The first session titled **“Startups. New Legislative Developments for the Promotion of Startups”** was moderated by Ms. Maria José Huertas (The Light House, The Investor's Vision). In this session, Mr. Nicolas Goulet (Founder and Managing Partner of Adara Venture Capital Main developments in the commercial field), Mr. Juan Manuel Garrido Moreno (Director of Operations, ENISA) and Ms. Lourdes Ayala (Bird & Bird) explained the amendments contained in the Law 18/2022 of 28 September on the creation and

growth of companies (“Crea y Crece Law”) and in the Law 28/2022 of 21 December 2022 on the promotion of the startup ecosystem (“Startup Law”). These laws propose a means to boost the growth and development of SMEs and startups, including the elimination or reduction of red tape, tax innovations, the modification of crowdfunding and the so-called “university startup.” The session ends up with Ms. Montserrat Turrado (Bird & Bird) analysing the Crea y Crece Law and the Startup Law with special attention to the tax measures that these regulations entail.

This was followed by a round table discussion in which all the speakers took part.

The second session titled **“Public-Private Partnership Committee Activities During the Last Year”** was led by Mr. Francisco Velasco (ICO), Mr. Luis Ignacio Vicente del Olmo (ABB and Pons IP), and Mr. Benjamin Martinez (ClarkeMode).

The third session titled **“Valuation—Activities of the Committee in the Last Year, Developments in the Field. Importance of Valuation in Technology Transfer”** was led by Ms. Idoia Apraiz (Galbaian), Mr. Agustín Alguacil (Elzaburu), and Mr. Lucas Flores (Ballester IP).

The last session titled **“AI and IP: Train Wreck or Pleasant Journey. A Walk Through the Problems that Artificial Intelligence is Causing or Will Cause to Intellectual Property and an Outline of Possible Solutions in a Changing World”** was led by Mr. Luis Ignacio Vicente del Olmo (ABB and Pons IP) and Mr. Javier Fernández-Lasquetty (Elzaburu).

17 March 2023

On 17 March 2023, LES Spain & Portugal organized the LES100 Course in Madrid. Fifteen attendees from Portugal, the United Kingdom and Spain attended the meeting. Thank you to the Head of LES Spain & Portugal's Education Committee, Vasco Stillwell de Andrade, for the impeccable preparation and thank you as well to our three trainers, Jordi Ilario, Javier Fernández-Lasquetty and Luis Ignacio Vicente del Olmo. ■

LES Germany

LES Germany Past And Future Activities In 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.
- The next spring conference is scheduled for 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”).
- The LES Germany autumn conference is planned for 17 November 2023 in Cologne.

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

Module II is planned for 19 May 2023, Module III for 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 South Africa

LES South Africa Events—December 2022 To March 2023

LES South Africa—Representations on the Copyright Amendment Bill before the NCOP Select Committee

The South African Copyright Amendment Bill B 13D of 2017 is currently making its way through the South African Parliamentary system after the Bill was referred back to Parliament for reconsideration. The Bill is currently before the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour of the National Council of Provinces.

After making written submissions to the select committee supporting the submissions of the South African Institute of Intellectual Property Law (SAIPL) [available at <https://saiipl.co.za/wp-content/uploads/2023/01/SAIPL-submission-Copyright-And-Performers-Protection-Amendment-Bill-January-2023.pdf>], LES SA was invited to make oral representations on 7 March 2023 to the select committee.

Johan du Preez (President LES SA—Co-chair of LESI Copyright Committee) and Danie Dohmen (Immediate Past President LES SA—Co-chair of LESI Education Committee) represented LES SA before the select committee. The hearing was conducted virtually.



Johan du Preez and Danie Dohmen in preparation for the virtual hearing before the select committee.

The LES SA oral representations focused on the provisions of concern in the Bill which may have a negative influence on licensing and IP and technology transfer agreements. In summary the constitutional, international treaty compliance and economic impact concerns which were identified and discussed were:

- The scope and nature of the 25 years limitation to the term of assignment of musical and literary works as well as some of the new exceptions (*e.g.*, fair use);
- Contractual override and compulsory contractual term

provisions which restrict the freedom to contract and Constitutional rights to trade and property; and

- The lack of socio-economic and legal (Constitutional and treaties) impact assessments

A recording of the proceedings of the day before the select committee is available at <https://www.youtube.com/live/kGeJAH1FlyA?feature=share> and the LES SA session starts at 2:27:52 and runs to 3:07:22.

Afternoon Talk—16 March 2023

Public hearings on the copyright and performers' protection bills have been taking place in the NCOP and Provincial legislatures since the end of February and will continue until April. The LES SA Board presented an afternoon talk covering the main aspects presented to the hearing. It was attended by 27 on-line participants and 20 in-person delegates.



Panel with Danie Dohmen, Stephen Hollis and moderator Pieter Visagie.

Upcoming Events

LES South Africa will be presenting its LES100 one day introductory course this year in the Western Cape (August), Gauteng (September) and KwaZulu Natal. Registration is opening soon. The LES100 will also be presented at the LESI Annual Conference in Montréal in May 2023. ■

Trainers for LES SA course.



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Volume LVIII Number 2 (ISSN 0270-174X)

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April 29-30

LES International Management & Delegates’ Meeting (IMDM)
Montréal

April 30-May 2

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June 8

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June 29

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Virtual

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JOURNAL OF THE LICENSING EXECUTIVES SOCIETY INTERNATIONAL



Advancing the Business of Intellectual Property Globally



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March 2023



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