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A D V A N C I N G T H E B U S I N E S S O F I N T E L L E C T U A L P R O P E R T Y G L O B A L L Y CREATING, PROTECTING, AND COMMERCIALIZING INNOVATION | MANAGING AND MONETIZING INTELLECTUAL PROPERTY



President's Message: Defining and Building our Value Proposition for the Next 50 Years

By John Paul, President, LES International

1. Thank you!

n my final president's message for *LES Global News*, I want to start by saying

how much I appreciate the many friends and colleagues who worked so hard and accomplished so much for LES International over the past year and what a privilege it has been to work with you while serving as LESI president.

We have a great group of people who contribute so much in so many ways to our community. LES International has over 100 members in leadership positions, and each of the 33 national and regional organizations have their own teams. This is a significant commitment, especially during the extraordinary circumstances of the pandemic that prevented us from gathering for the last two years.

I would like everyone who contributed to know that I appreciate them and their work. This is a volunteer organization, so I am especially grateful. I want to give a special call out to our executive director, Dana Colarulli, who supported and matched the work of a hundred of us, in addition to leading his own initiatives, and doing it all with amazing energy and cheer.

The pandemic has prevented gatherings. It has challenged us these past two years, and we have risen to the challenge by maintaining teamwork and energy and having LESI provide much more virtual programming for global members to help societies leverage their own programming and build their own membership.

We have made progress in many ways. I saw firsthand the energy of national societies and LESI committees in working together to develop plans, produce many webinars with fascinating speakers, and begin to have great meetings again, like the annual meeting and elegant celebration by LES France of their 50th anniversary at a beautiful museum in Paris.

2. We focused on defining and providing concrete value to LES, its members, and the public, and communicating about that value in an organized way.

This year, we created a North Star to focus our leaders and provide a sense of purpose and mission that keeps us on track and aligned.

We started with the priority areas from long range planning—educating our members, building community, recognizing achievements and awards, providing public service and thought leadership, building membership and sponsorship, and communicating better about what we do. We discussed these areas with the board and board advisors. We determined what members would want in each of these priority areas. And as discussed in more detail below, in each of these priority areas we chose specific goals and concrete deliverables and decided how to deliver them. And we decided what we would want to be able to say about ourselves in each of those priority areas to make us the organization we want to be.

3. We enhanced leadership and governance.

Increasing roles and responsibilities of the LESI board of directors—This year we have aimed to have the board increase its strategic role as well as increase its involvement in the work of the committees in their role of executive officers of LESI to (1) help develop robust leadership teams of the committees, (2) develop and implement plans and concrete projects that accomplish our goals, and (3) collect and coordinate information about the activities of the committees so we can manage work and publicize the opportunities we offer in a clearer and more organized way.

Increasing the board size, diversity, and connection to industry—This year we expanded our board to include

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two representatives from industry that provide leadership on the board in life sciences and high technology to grow those two committees and membership in their communities and to increase the number of women and national societies represented on the board. We considered governance issues and are developing a protocol to address the procedures of adding additional representatives to future boards.

Increasing the number of industry advisors to the LESI board—In addition to consulting with the four existing industry board advisors from Apple, Bose, Sandoz, and TCL, we added industry advisors from Philips and Sisvel, and brought these advisors together to advise with programs, speakers, and the needs of industry.

Arranging meetings with the national presidents and National Presidents' Council—We continued to arrange meetings of the board with the National Presidents' Council. This year we aimed for quarterly meetings and experimented with different arrangements, sometimes gathering the whole group, sometimes a smaller group of regional presidents for more focused and interactive discussions, and sometimes individual presidents to have more detailed discussions.

Arranging meetings with the past presidents of LESI—We convened the past presidents in a video call to update them on developments, ask for their advice, and invite them to attend the kickoff celebration of the LESI 50th anniversary at the opening reception at the annual meeting in Venice. We have also invited them to meet with the current and incoming board prior to the opening reception to further discuss developments and ask for their advice.

Involving national society members in LESI—We communicated with national societies to identify national society leaders and get them involved in related LESI committees.

Bringing defined functions to the board level—This year we started high level continuous board-level initiatives in the life sciences industry (Thank you Hayley), high technology industry (Thank you Sonja) website development (Thank you Dana), membership development (Thank you Mike and Madelein), and sponsorship development (Thank you Sonja and Mike)

Providing integration and succession planning for the meetings committee—This year we added members from upcoming and previous meetings and integrated the meetings committee with the organizing committee. And through the LESI meetings committee, we will continue to help organizing committees in future years prepare for their annual meetings. (Thank you Alex, Gina, Laura, Thomas, Bob, and Sue)

Aligning long range planning—This year the strategic function of longrange planning became a board activity. The line of presidents and presidents-elect—Mike, Ichiro, and me—served as the co-chairs of the longrange planning committee. This arrangement aligns those leading the planning over the long term with those leading the execution and executive function over the long and short term. We regularly conferred about the priorities for the long-term success of the organization and put programs in place to address those priorities.

Providing early succession planning for the board—This year the

board meeting at the annual winter planning meeting and the last two board meetings were expanded to include the incoming board members as well as the current board members to provide continuity.

Smoothly transitioning to the next president and board—After all of this long-range planning and succession planning I look forward to Ichiro's leadership in the coming year as he brings more than 30 years of global experience in the pharmaceutical industry with a wide range of large, medium, and startup companies and his experience in being an active LES member during this career. Having observed the importance of consistent and regular communication during the COVID-19 pandemic, Ichiro is committed to good communication among the 33 LES societies during his term and to continue the work of LESI on various educational programs and committee activities, including a focus on sustainable development as a priority to further advance the value of IP.

4. We created new management tools.

Dashboard and report of committee activities for the LESI Board to manage and discuss activities—This year, we created a tool for the LESI Board to (1) more clearly display information about the activities of the committees, (2) more readily understand and manage those activities, (3) provide more rapid support and direction on those activities, (4) augment committee leadership teams when necessary, and (5) more quickly and easily visualize and publicize our activities and value proposition in a clearer and more organized way.

Dashboard and spreadsheet of goals and deliverables —This year we created a new tool to track and manage deliverables, grouped by goals, and communicate about those new deliverables in connection with our value proposition. We discussed this "Discussion Guide" at our annual LESI winter planning meeting (Discussion Guide for the 2022 Winter Planning Meeting).

One-page value proposition—This year we created a one-page value proposition for use by the LESI Board, society presidents and others by compiling various key deliverables that provide value to our members and organizing them by goal—providing education, developing community, recognizing and awarding achievements, public service, and thought leadership, as well as internal goals of developing membership and sponsorship and communicating better about what we do. As you will see in this report, we are using the value proposition as a management tool, a brainstorming tool, a membership development tool, and a sponsorship tool. *(see: LESI Value Proposition Page)*

5. We better identified and communicated about who we are.

We have better expressed and promoted who we are, our distinct mission, and what characterizes and distinguishes us from other IP associations.

A campfire—LES serves as a "campfire" that brings communities of business and licensing professionals together to learn from each other and build stronger relationships that facilitate deal-making.

A society—We are more than an association. We are a "society"—a living breathing group of people with a history and a future of long-lasting personal and professional relationships.

A community of communities—We are a "community of communities" organized around national and regional geography, industry and technology, professional focus areas, affinities, and jobs, and that is one of our strengths:

- *Thirty-three national and regional organizations* in over 90 countries, with regional groupings in Americas, Europe, and Asia-Pacific, and the LESI international umbrella organization
- *Six industry communities*—automotive; communications; IT and software; consumer products; life sciences; chemicals, energy, environment, and materials
- *Six professional focus communities*—patent and technology licensing; copyright licensing; trademark, designs, and merchandising; industry, university, and government tech transfer; dispute resolution; and IP valuation
- *Eight professional role communities*—business leaders, IP managers, licensing executives, financiers, licensing companies, brokers, valuation experts, and lawyers who protect, transfer, and enforce IP
- *Two affinity communities*—Women In Licensing Alliance (WILA) and Young Members Congress (YMC)
- *Two other communities*—innovation trends and technology impact (GTIF)

Advancing the business of IP globally—By gathering these communities in the licensing ecosystem for education and community building, we "advance the business of IP globally."

Creating, protecting, and commercializing innova-tion, and managing and monetizing IP—We developed a new tagline for LES to more specifically describe and differentiate us from other IP associations, by characterizing the work our communities do, namely to "create, protect, and commercialize innovation, and manage and monetize IP."

6. We framed the LESI annual meeting as world-class: "the Davos of Licensing."

We developed a vision for the content and experience of our annual meeting from the annual gathering of the world's top leaders at the World Economic Forum in Davos to discuss leading economic issues in the world, and we promoted the LESI annual meeting as "the Davos of Licensing." Our meeting really is "the Davos of Licensing," the place where all the business and professional communities come together to hear from the world's top leaders in the licensing ecosystem and discuss leading issues in creating, protecting, and commercializing innovation, and managing and monetizing intellectual property. And we fulfilled that vision by developing a world-class meeting in Venice with top speakers from all over the world and having the following components. (Thank you Mattia, Antonio, Alessia, Gianni, Dario, Rinaldo, Dana, Federica, and team)

"State of the Industry" briefings by plenary panels will discuss important transformations in the technology and business of key industries and how they have changed issues and opportunities in licensing. This year we are highlighting four key industries—Automotive, Healthcare, Telecommunications, and Energy and Green Technologies. The speakers are leaders from leading organizations—ABB, Airbus, Audi, Dolby, Ericsson, Huawei, Interdigital, LG Energy, Marconi, NLS Pharmaceutics, Nordic Semiconductor, Pharmaceutical Licensing Group, Philips, Qualcomm, Rio Tinto, Sasol, SCG, Siemens, Sisvel, Telecom Italia, and more, including business leaders, lawyers, judges, universities, WIPO and more. (Thank you Hayley, John Carney, Dallas, Ningling, Sonja, and team)

Keynotes start the program each day to discuss the impact of innovation, technology, and proprietary rights on business and licensing in various fields that have become big businesses, even some that are not technologically driven. This year we are highlighting Entertainment, Fashion, and Design-including TV, Movies, Streaming, Gaming, Performance, Sports, Automotive, Furniture, and Architecture. The speakers are the very top officers from leading companies—President International of SESAC and Harry Fox Agency, Executive Vice President and Head IP Global of SONY, Chief Legal Counsel of DAZN, President and CEO World Federation Sporting Goods Industry, President of Fondazione Compagnia di San Paolo and Board Member of the European Innovation Council, CEO of Bottega Veneta, and an internationally famous industrial designer and architect. (Thank you Mattia and team)

Concurrent interactive workshops address what is happening in other parts of the licensing ecosystem including business strategy, legal developments and strategy, case

studies in successful technology transfer, public policy, and impact licensing. (Thank you Rinaldo and team)

Focus groups to meet the speakers and plan the future—LESI committee chairs will provide a brief update on projects and plans and moderate interactive discussions of top issues of the day for each focus group and seek input on planning for the coming year in (1) industry areas such as automotive, telecom, healthcare, and energy, (2) professional areas including patent, technology, trademark, and copyright licensing, and (3) affinity areas such as young members and women in licensing. This broad input and involvement, and early planning will cause these focus groups and committees to grow and become more self-driven and self-sustaining. (Thank you Bob Held and all the committee leaders)

7. We framed our international management and delegates meeting (IMDM) to focus on value to members, and to be forward looking and interactive.

We will highlight where we are, where we want to be, and how to get there. The various components of the IMDM will be strategic, practical, and interactive.

The board and committee meetings were arranged this year to include various business meetings and social opportunities for informal exchange to build camaraderie among leadership.

- The current and incoming board will meet to review the year and prepare for the delegates meeting.
- The committees will independently convene individual business meetings with their current and incoming committee leadership.
- The committee leaders will meet together for an informal interchange and get to know each other. They will also discuss having a reception and planning time in the autumn at the LES USA & Canada annual meeting. (Thank you Renzo)
- The current and incoming committee leaders will individually meet with the board to discuss committee business, plans, and strategy and to prepare for the delegates meeting.
- The industry committees and professional committees will discuss in a group with the board and in breakout sessions what is working and what needs improvement, best practices, and what will be done to address those needs for improvement. (Thank you Keith)

The international delegates meeting includes the usual organizational business matters, and this year will also include three new major substantive areas—future of the licensing industry, the LES value proposition, and the LESI

50th anniversary campaign for membership and sponsorship. (Thank you Fiona, Sonja, Mike, and Madelein)

- The usual business matters—budget, awards, and nominations (Thank you Mike, Patricia, Madelein, and Audrey)
- The future of the licensing industry and implications for LES—will be the subject of a panel discussion and open discussion to generate perspectives and strategy. (Thank you Fiona and team)
- The LES value proposition to members and the public—each priority area will be presented and discussed—what deliverables each area now has and what additional deliverables should be added to each of our priority areas: educating our members, building community, recognizing achievements and presenting awards, providing thought leadership and public service, building membership and sponsorship, and communicating better about what we do. (Thank you committee chairs and board members)
- The LESI 50th anniversary campaign for membership and sponsorship—what has worked, how we can scale successful models, what new programs for membership and sponsorship have been put in place and should be put in place, how to run them, and how to finance them. (Thank you Sonja, Mike, and Madelein)

8. We have grown, organized, and promoted our value proposition to include many concrete deliverables and benefits to our members.

We focused our efforts on producing and providing concrete things that are most valuable to (1) our LES organization (things that make LES stronger and more effective), (2) members of LES (things that interest them and help them do their day job better); and (3) the public (things in our expertise that help the general public).

We focused on our long-range planning goals as priority areas: (1) Educating our members, (2) Building community, (3) Identifying accomplishments and presenting awards, (4) Growing and retaining membership, (5) Providing public service and thought leadership, (6) Obtaining additional members and funding, and (7) Communicating better about what we do.

We focused on generating deliverables organized around our priorities and developing an organized and robust value proposition of concrete benefits, described above *http:// www.lesi.org/valueprop2022.*

A. Educating Our Members

We focused this year on what our members want and need: basic training for day jobs, updates on recent developments in industry and law, interactive opportunities for learning and asking questions on hot topics, and to hear from the leaders in the field in master classes and interviews about their work and plans.

In addition, we focused on providing international education to national societies. In the face of having to cancel two annual meetings, we were able to pivot to having LESI provide much more virtual programming for global members, and this was available to help societies leverage their own programming and build their own membership.

As to our focus on what our members want and need:

Job training—Day-long job training courses in licensing and commercialization were revised this year and are being put into place as our centerpiece on job training for more regular and more accessible instruction around the world. (Thank you Martin, Thomas, and Karin)

Updates on recent developments affecting licensing—We have started a new quarterly publication, the LESI Global Licensing Report on recent developments affecting licensing and other transactions around the world—court decisions, regulatory decisions, developments in the law, and how they affect business. (Thank you Larry, David, Dana, Chris, Alex, and the team)

Master classes—We had planned to develop master classes as part of the new educational offerings this year and are now proceeding to develop master classes on the automotive industry, dispute resolution, SEP licensing, and IT and software for the new thought-leader sponsorship program. (Thank you Sonja and John Carney)

Leaders in licensing interviews—We had planned a series of videos of interviews of leaders in licensing—interviews of high-level business and professional people about their work and plans, and we have now done so in connection with the annual meeting in Venice. (Thank you Dana and Federica)

Interactive hot topic discussions—We started monthly interactive pop-up courses on hot topics and led by experts on subjects ranging from COVID IP waiver to trade secret licensing and data protection. (Thank you Natalie)

CEO case studies—The successful joint program with the EPO has continued to build on successful CEO talks about various topics such as licensing strategies, growth financing, and build-to-sell. (Thank you Audrey, Thomas, GJ, and team)

Coordinating educational offerings —The education committee and the innovation trends committee have begun working with other industry and profes-

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sional committees to develop a coordinated education schedule, better communicate about live programs, provide better access to recorded programs, and coordinate issues and offerings on innovation trends. (Thank you Martin, Natalie, Andre, Bay, and Tanja)

B. Building Community

Developing and promoting a simple framework of best practices

This year we focused on identifying and using a very simple framework of best practices for the committees to build and grow self-sustaining communities, namely (1) an international steering committee for providing general leadership and connecting with the national societies, (2) an international industry advisory board for defining topics and connecting with industry, and (3) quarterly industry forums for discussion and to connect the industry members and others. (Thank you Keith, Hemang, and John Carney)

- Steering committee with chairs and members drawn from the national societies around the world to manage the administrative work of the committee and serve as national society coordinators to provide communication with the national societies.
- Industry advisory boards to advise the LESI leadership, to provide communication with industry, to identify and create a list of hot topics and speakers, and to organize, host and attend industry forums, where industry meets and discusses issues in automotive, energy, health care, communications, consumer products, patent and technology licensing, trademark and copyright licensing, university tech transfer, dispute resolution, and other areas.

Our industry advisors to the LESI board provided input on a better way to gather an industry advisory board using cooperation on communications between LESI, an industry champion, and others in their network. (Thank you Don)

• **Industry forums** organized quarterly to gather and immerse these groups in discussion that is interesting and relevant to their day jobs and energize them, to make them feel that they are sitting at the table with leaders in their community, and to provide a report or recording of the forum for educating members.

Developing industry and professional communities

• **Automotive**—This group of the high technology committee has been using the successful framework to identify topics to discuss, grow its membership, have quarterly industry forums with invited guest speakers to discuss topics such as autonomous driving, electric batteries, and smart cities. (Thank you John Carney)

- **IT and software**—This group of the high technology committee has begun to revive this industry advisory board. (Thank you Lakshika and Taruna)
- Chemicals, energy, environmental, and materials—This committee has an industry advisory board that is gaining traction and presenting a plenary panel at the annual conference (Thank you Dallas and Ningling) and considering industry forums for individual industries such as the energy industry (Thank you Jose Miguel)
- Life sciences committee—This committee has begun this year to build an industry advisory board and further reinvigorate the committee. (Thank you Ichiro, Hayley, Pam, Gillian, Richa, and Joanne)

Developing affinity communities

We have successfully recognized and helped organize the gatherings and video calls of various communities that enjoy meeting with each other, sharing experiences relevant to that community, and providing advice and support to LES in strategy, programming, speakers, and mentoring.

- Young Members Congress—brings young members together with regional offerings.
- Women In Licensing Alliance—brings women together with programs and mentoring.
- Past presidents, regional presidents, and National Presidents' Council—meet by video conference during the year and in person at the annual meeting to share experiences and perspectives to guide the national societies and LESI.

Developing committee leadership

The committee leaders started meeting by video conference during the year as well as resuming meeting in person at the winter planning meeting and the annual meeting. We are planning to gather them in person at the annual meeting twice—once for a substantive discussion and a second time socially so they get to know each other better. We also discussed having a third meeting at the LES USA & Canada meeting in the fall and more video conferences to stay in touch.

Building community with tangibles

This year we decided to build community by using the new LESI logo on merchandise. We created full-size flags with the new LESI logo, created challenge coins for the National Presidents' Council with the new LESI logo, and began to make merchandise, starting with sweater vests with the new LESI logo.

C. Recognizing Accomplishments and Presenting Awards

We are continuing our existing LESI awards that focus on service to the organization. This year we developed additional new awards, "innovation awards" to recognize achievements, create case studies for education, and provide outreach opportunities for national societies to their members and potential members.

New innovation awards—We are running a new LES program to highlight successful licensing deals that further technology and innovation. The innovation trends committee has prepared an announcement with criteria for the awards and sought nominations from national societies and all LES members. Two winners were chosen from the resulting nominations, one for a larger company and one for a smaller company. The awards recognize achievements in what LES is about—creating, protecting, and commercializing innovation, and managing and monetizing intellectual property. These case studies will be publicized and used for subsequent education programs. (Thank you Tanja, Andre, and Bay)

D. Providing Public Service and Thought Leadership

This year we focused on expanding the ways in which we use thought leadership to help the public, building relationships with others who help the public, building the stature of LES, communicating about our public service in a more comprehensive and prominent way as part of our value proposition, and attracting sponsorship and other funding to do more increasingly meaningful projects.

Assisting innovators and small businesses—We have continued to collaborate with the European Patent Office on presenting CEO case studies that draw over 400 registrants. Though concentrated on European case studies, the lessons learned and insights gained are applicable throughout the world. (Thank you Audrey, Thomas, and team)

Assisting professionals with licensing certification— This year we signed a memorandum of understanding with Certified Licensing Professional CLP to provide education for CLP candidates and to promote CLP globally. (Thank you Fiona and Jeff)

Assisting with technology transfer collaborations— This year we signed a memorandum of understanding with the Korea Technology Transfer Agent Association and Certified Licensing Professional CLP and have begun putting together an educational program and connecting KTTAA with LES Chile to collaborate on tech transfer discussions. (Thank you Fiona and Martin)

"Ask me anything" sessions—This year we started a series of programs where a panel of experts from a country talk about the IP and licensing system in that country and

field questions from the audience. The first series of three were presented from China, France, and Brazil, and we had nearly 100 registrants in one. (Thank you Chris, Emmanuel, and Paula)

Pro bono referral and legal assistance program in licensing and technology commercialization – This year we started a collaboration with WIPO to provide a pro bono referral service. We prepared a proposal. WIPO prepared a protocol for proceeding based on our proposal. LESI is working with the national societies to establish an international network of consultants from the national societies. And those consultants will provide advice on licensing and commercialization to candidates selected by WIPO. (Thank you Dana and Chris)

Bulletin board for commercialization—We have been planning to establish a bulletin board on our website for innovators and businesses to list projects and attract collaborators for funding, commercialization, and other assistance, and we plan to work with WIPO in doing so once the pro bono referral program is in place.

Impact licensing, impact funding, and technology transfer to the developing world—This year we presented two programs this year on impact licensing and impact funding through the LESI Global Technology Impact Forum. We have begun to look at how we can contribute to the dialog around sustainable innovation and other environmental issues. (Thank you Mark and Omer)

Sustainable development goals for intellectual property—We are making plans to develop sustainable development goals and metrics for intellectual property. (Thank you Ichiro)

Supporting World IP Day and Kid's IP Day—This year we prepared and published a new book, IP for Kids, and continued to support the awareness of IP in the world and by kids. (Thank you Roberto and Federica)

Diversity, inclusion, equity, and mentoring programs—We are continuing to increase awareness of diversity, inclusion, equity, and mentoring in our committees themselves and in the panels they compose for our annual meeting. The expansion of our board this year includes more industry representatives, more representatives from more countries, and a parity of men and women. (Thank you Fiona, Hayley, and Sonja)

E. The 50th Anniversary Campaign for Membership and Sponsorship

Understanding the need to grow membership in an organized way—This year we looked at membership development efforts and concluded that we needed to have a

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focused effort to grow membership, something more than putting on good programs and trusting that "if you build it, they will come." We needed to mount a continuous focused campaign to define our value to different constituents and have a plan for identifying key potential organizations and reaching out to them in a methodical organized way.

Forming a board-level initiative for membership development—We formed a board level initiative to make plans to proceed. We have identified several key industry areas for licensing and commercialization, key organizations in those industry areas, key people in those organizations, and how to approach and engage them as members. (Thank you Mike and Madelein)

Understanding the need to grow sponsorship in an organized way— This year we looked at sponsorship development efforts and concluded that we needed to have a focused effort to grow sponsorship, something more than offering sponsorship opportunities for our annual meeting when that came around. We needed to mount a continuous focused campaign to define our value to different constituents and have a plan for identifying key potential organizations and reaching out to them in a methodical organized way. We recognized the need to expand our funding model because we need to supplement our membership dues revenue to fund the programs we have and want to develop. We have been looking to make our work for members and the public so appealing that organizations will want to support the work we are doing and the work we plan to do and become patrons and sustaining sponsors.

Forming a board-level initiative for sponsorship development—We formed a board level initiative to make plans to proceed. We have identified key thought leadership areas including Automotive Industry, Standard Essential Patent Licensing, and Alternative Dispute Resolution. We are now identifying and engaging thought leaders and sponsors to lead the education, community building, and other aspects of that area while providing financial sponsorship. Part of the education contemplated is master classes in automotive, dispute resolution, and SEPs. (Thank you Sonja and Mike)

Studying other non-profits and creating the 50th anniversary campaign—This year we studied how other non-profits develop membership and sponsorship and we started capitalizing on the 50th anniversary of LESI by creating the "LESI 50th anniversary campaign for membership and sponsorship." We began by capturing and organizing many of those things we do that provide value to our members and the public and prepared a strong value proposition. We also prepared a simple outreach plan to help national societies attract and retain members. **Developing a value proposition for membership and sponsorship**—We used the one-page information sheet we developed—*http://www.lesi.org/valueprop2022*—as a value proposition of talking points—listing the many concrete things LESI does and will be doing that provides value to our members and the public. We provided this value proposition to the national societies for outreach to grow and retain membership.

Developing an outreach plan for using the value proposition—We prepared plans for outreach to potential members, starting with identifying several leading multinational companies to approach. To begin, we circulated to the LESI board a list of 300 leading multinational companies that file the most patent applications and asked them to identify organizations where they knew people or were willing to reach out to people to begin a conversation about the value of LES and the value of membership and sponsorship. We also asked the national society presidents to consider doing the same, talking to their boards and other leaders about compiling a list of the top 10 leading companies for outreach and preparing a plan for outreach.

Providing outreach opportunities to the national societies—We provided LES national societies with opportunities and reasons to reach out to and engage potential members to make them aware of the benefits of membership and the attractions of sponsorship—collecting and publicizing programs organized by LESI and the national societies on a weekly basis, conducting surveys on royalty rates and deal terms, gathering information on cutting edge developments in innovation and licensing and requesting proposals on awards, organizing and coordinating many webinars, organizing an international annual conference on top topics with top speakers, conveying what LESI is doing and plans to do and the value it provides members and the public.

Understanding the membership needs and perspectives of the LES national societies—This year we expanded the scope of the calls with the National Presidents' Council with individual calls with the national presidents to understand their needs, perspectives, strategies, and activities, as well as successes and challenges, on membership growth and retention, and whatever other priorities they have where LESI can help. This was especially important during the pandemic.

Expanding the engagement of the LES Membership Committee—This year we asked the LESI Membership Committee to report on strategies used by the national societies to develop membership, and we reported a number of successful strategies to the national presidents during **President,** continued on Page 9

the National Presidents' Council meetings including LES France using webinars to develop membership in more remote locations, and LES USA & Canada using a group discount strategy where IP owners could register up to fifteen members for the cost of five memberships. (Thank you Yorikatsu, Hector, Alexander, Guillermo, and David)

F. Communicating Better About What We Do

Each of the priority areas have projects and deliverables that provide value to LES, to its members, and to the public. And we are working to communicate better and in a more organized way about what we do in each of those areas through social media campaigns and other ways.

We have increased our efforts to collect and promote national society programs in an organized way to all LES members and the public around the world—through our weekly email blast, social media, and in other ways. We are investing to make our website more clearly and attractively reflect who we are and what we are doing, to allow members to more easily connect and work together, and to provide easier and better access to programs and publications we developed.

This year we have captured what we are doing and communicated it to LES members and the public in a way that more readily shows its value and is easy to understand.

Our new weekly email blast, "Upcoming LESI and LES Society Webinars and Events" compiles and chronologically lists all the programs offered by LESI and national societies. It's useful and impressive to see them all together and it helps members appreciate all the good work that everyone is doing. (Thank you Dana)

Our new value proposition differentiates LES from other IP organizations—a community of communities

- **Geographically** as "a global network of business and professionals for nearly 50 years"
- **Organizationally** as "33 member societies in more than 90 countries"
- **Functionally** as "creating, protecting, and commercializing innovation, and managing and monetizing intellectual property,"
- **Roles** as "business leaders, IP managers, licensing executives, financiers, licensing companies, brokers, experts in law and valuation protection, transfer, and enforcement of IP"
- **Goals** as "advancing the business of intellectual property globally"

Our new community building platform on the website, *connect.lesi.org*, provides committee leaders with the tools to manage, communicate, and share information with members. It provides for more opportunities for interactive communications and building community. We held orientation and training with LESI chairs and vice chairs on the site and encouraged all LES members to visit and join a committee. These committees provide links between members in various LES societies focusing on similar issues. To learn more about the LESI committees visit the LESI website.

Updated content on the website – We are working on updating the content of the website, starting with the description of what the committees are doing, their deliverables, and their plans.

Organizing the contents of the website more intuitively—We have started by organizing the events and committees and links to the events and committees in a way that is easier to understand our offerings.

Modernizing the website homepage—We have begun to modernize the homepage to better reflect who we are and what we are doing. We are organizing the contents and the image according to the priorities of our value proposition—educating our members, building community, recognizing achievements and awards, providing public service and thought leadership, building membership and sponsorship, and communicating better about what we do.

Thank you again! It's been a great year, and we have a great future!

I thank you again for working together on this mission to continue building our organization, serving its members, and serving the public in the best way possible.

Our future is bright. We are a great organization. More than thirty national and regional societies with many activities. We have many talented and devoted people, and a long history.

We are now kicking off our 50th anniversary at our annual meeting in Venice. We are building for the next 50 years. By working together, we will accomplish the great things we need to accomplish, building more camaraderie, and having more fun.

In the coming year, as immediate past president, I will chair the nominations committee and reach out to identify leaders in the national societies and get them involved in LES International, help identify key projects and the leadership teams, and be a good steward of our societies and the programs we put in place.

IP Deadlines Under Martial Law In Ukraine

The issue of IP deadlines is particularly relevant for IP owners in jurisdictions where a martial law regime is introduced.

Until recently it was not quite clear how exactly IP deadlines are affected by the martial law in Ukraine. The martial law, which was first introduced in Ukraine on February 24, 2022, remains effective until April 25, 2022, and is expected to be extended for a further 30 days until May 25, 2022. A draft law implementing the respective Presidential Decree was adopted by Ukraine's parliament on April 19, 2022.

The Ukrainian IPO published several notices back in March, informing the IP community that the IPO continues to operate on a full-time basis to ensure uninterrupted functioning of the intellectual property system and explaining that the earlier published letter of the Ukraine Chamber of Commerce and Industry, certifying the events of force majeure, could be interpreted as applicable only to applicants and right holders residing or domiciled in Ukraine. The IPO did not have the discretion to prescribe the deadline-related procedural issues, which required adoption of a special law.

This uncertainty was finally resolved on April 1, 2022, with the adoption of the Law "On the Protection of Rights of Intellectual Property Subjects during Martial Law in Connection with Military Aggression of the Russian Federation Against Ukraine" No. 2174-IX (the Law). This Law, which entered into force on April 13, 2022, provides for:

- 1. Suspension of deadlines relating to protection and acquisition of IP rights to trademarks, inventions, utility models, industrial designs, semiconductor topography rights, geographical indications, copyright, and plant varieties for the duration of the martial law period, starting on February 24, 2022. Other than the general prosecution and IPR maintenance deadlines provided by relevant IP laws, the suspension also affects the deadlines for:
 - Filing oppositions against national trademark applications and international registrations under the Madrid Agreement and Protocol;
 - Challenging decisions of the Ukrainian IPO before courts;
 - Filing appeals before the IPO Board of Appeals;
 - Filing patent invalidation actions; and,
 - Filing requests for reinstatement of the missed deadlines, etc.

According to the Law, these deadlines will continue as of the day following the date on which the martial law regime stops or is lifted, taking into account the time that passed before February 24, 2022.

- 2. Continuation of validity of IP rights for which the relevant deadlines were suspended. The respective patents and certificates remain valid and fully enforceable.
- 3. Possibility to subsequently pay the renewal and annuity fees, falling due within the martial law period, within 90 days after the martial law regime is lifted.
- 4. Possibility for applicants/IPR holders to take necessary actions, i.e., file relevant applications, requests, objections, and/or responses, not later than 90 days following the day on which the martial law regime is lifted, without paying any extension or reinstatement fees.

In spite of all mentioned provisions of the Law in place, IPR holders and applicants are not explicitly exempt from the duty to perform all required actions aimed at securing and protection of IPRs.

It has to be made clear that the primary purpose of this Law was to establish additional protective mechanisms that can be used as a "safety blanket" by IPR holders and applicants in case they cannot comply with respective deadlines due to unforeseen circumstances caused by the war, or when performing certain actions becomes impossible or complicated.

Obviously, some actions may require extensive research and investigation, collection and securing of evidence, negotiating and/or formalising agreements, etc., which is often significantly jeopardised by the unpredictability of war. Also, there is a number of troublesome circumstances that IPR holders and applicants, particularly those residing or domiciled in Ukraine, or those whose legal representatives are in zones of military conflict, can face under the martial law. For this particular reason, and understanding the importance of IPRs for future economic recovery and growth, the legislature quickly responded with a legislative initiative aimed at preserving IP deadlines and adopting relevant protective mechanisms preventing the possible loss of IPRs and damages from such loss of rights in this difficult time.

Still, given that the Ukrainian IPO operates on a full-time basis, and that the e-filing system is fully functional, IPR holders and applicants, particularly non-residents, are advised to follow the "normal" course of action in Ukraine, relying on the Law only in exceptional cases.

There are several reasons for this:

- As noted, the present Law is a "safety blanket" mechanism for the prevention of possible loss of rights and a formalised ground justifying reinstatement of missed deadlines. In its previous notices, the IPO had sent a clear message that the system is fully operational, hence there are no reasons for not meeting due deadlines, unless there are serious obstacles that prevent the applicant from performing the required actions;
- Given the mentioned provisions of the law, there will be only a relatively "narrow window" during which IPR holders will have to perform all actions that fell due within the period of the martial law. It is not difficult to imagine that this may result in a significant backlog in the IPO once the martial law is lifted and possibly create problematic situations;
- The potential backlog problem is coupled with procedural issues, particularly the need to correctly calculate relevant IP deadlines on a case-by-case basis, depending on whether the respective countdown date fell before the introduction of the martial law or during the martial law period, still complying with the provisions of relevant guidelines regulating the procedures of reinstatement. The IPO has not issued its recommendations yet.

Good planning and portfolio management under these difficult circumstances is key to avoiding possible future complications and delays with resumption of IPR prosecution and maintenance files and founding a solid base for the protection and enforcement of intellectual property rights in the post-war economy that will strive for innovation and growth.

Innovation Trends: Shaping the Next Fifty Years of LES

By André Gorius, Bayani Loste, Tanja Sovic-Co-Chairs of the Innovation Trends Committee

S horizontal task force within the structure of LESI Committees. It is responsible for monitoring the factors of change brought by innovation that significantly impact the current intellectual property framework, identifying any shortcomings, and proposing corresponding solutions.

Innovation is everywhere, and the recent decades have shown that industry and services strongly rely on the latter for their development, if not for their survival. Innovation is also transversal: very seldomly does it impact only one market, sector, or function in the enterprise. Consequently, the pace at which IP and licensing practice must adapt to these changes is more critical. The various LES activities may not always detect them and detect the ones that will impact several committees' roadmaps at once. Consequently, LIT looks at the possible innovation trend (*i.e.*, tries to assess the possible futures) in all areas where LESI is involved and proposes to LESI new, adapted objectives across all disciplines, fostering the necessary communication and cooperation between committees.

Our roadmap is thus straightforward in principle, and complex in execution: we work together with the various committees, act as a support to them and try to be a link between and among them, without in any way duplicating what they do; we are trying to go beyond the present roadmaps, can provide support with professional advisers, speakers, etc. Finally, we identify new segments where LESI may branch out. One example would be recent trends in nutrition, such as alternative proteins and their shaping using 3D printing technologies.

In the last few months, six working groups produced insight into various areas: new technologies (*e.g.*, IoT, AI, Robotics, Blockchain), SMEs and IP, Sustainable Development Goals, New production of innovation (*i.e.*, data, software-based), and trade secrets. We published three papers in *les Nouvelles* (December 2021) and are presently assessing submissions for an award to give in May, rewarding the most integrated and collaborative innovation process, and of course, learning and publicizing in the process new sources of winning innovative practices.

The LIT Task Force has now become the Innovation Trends Committee, and the next few months will be dedicated to working across all entities of LESI to revisit the working streams according to present committee orientations and prioritize our focus. Each member will take charge of one or several of the streams detected, acting as a specific point of contact to all other existing committees and managing themselves directly on existing streams.

Our door is open, so please join us if you wish to contribute to this exciting path forward.



LES International Calendar

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2022		
April 7	les Nouvelles LIVE: Spotlight on the March 2022 Issue	Virtual
April 20	LESI Pop-Up Series: "The Challenges around Licensing IP & Big Data in the AI/ML Context"	Virtual
May 7-8	2022 LES International Management & Delegates' Meeting (IMDM)	Venice
May 8-10	2022 LES International Annual Meeting	Venice
2023		
April 30-May 2	2023 LES International Annual Conference	Montreal

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*.

Sustainable Development Goals (SDG)-IP Index

André Gorius, Rinaldo Plebani - Co-Chairs of the SDG-IP Index Committee

n today's fast development economy, it is impossible not to consider the 17 Sustainable Development Goals the United Nations adopted in 2015, as a *"fil rouge"* in any development. As a reminder, these consist of the following: Dow Jones Sustainability Index (DJSI); World Intangible Capital Initiative (WICI) KPIs; World Economic Forum—International Business Council (WEF-IBC: ESG Metrics), IP is either marginally addressed or not addressed at all.

So, what should be the role of LES in this new economy? The answer lies in the fact that today most of the economy is based on knowledgebased intangible assets. This should not be a surprise: one will invest into any enterprise, providing useful sources of funding for investments and development. based on her/



his perception of the expected benefits, *i.e.*, the trust she/he has in the company, its management, its processes, etc. In a nut-shell, intangible characteristics.

For example, the following chart (source: *https://www.ocean-tomo.com/intangible-asset-market-value-study/*) shows that more than 90% of the market value of S&P 500 companies is based on intangible assets.

It is well known that the recognized intangible assets (from the financial reporting point of view) in the related balance sheets mostly contain:

- Recognized IP (generally capitalized because of M&A transactions, thus largely underestimated).
- Customer relationships and other marketing intangibles.
- Goodwill

The latter, Goodwill, is the sum of all "non-recognized" characteristics, among which

trade secrets are obviously a main component. As a consequence, LES, in dealing with recognized IP and trade secrets, is thus dealing with the most valuable part of companies!

The next question is to know how IP, in the broadest definition, is dealt with in both financial and non-financial reporting schemes and standards.

Alas, the answer is straightforward. Among the most important extra-financial reporting indexes and schemes: GRI (Global Reporting Initiative)—Sustainability Reporting Standards; S&P —

COMPONENTS of S&P 500 MARKET VALUE 100% 10% 32% 20% 16% 83% 68% 80% 60% 40% 20% 0% 1975 1985 1995 2005 2015 2020 Tangible Assets Intangible Assets

an opportunity, which the "SDG-IP Index Committee," newly created by President Elect Ichiro Nakatomi, has decided to pursue.

Our first discussions with the EFRAG (European Financial Reporting Advisory Group) indicate that bringing a concrete contribution within the next few months would be a recognized breakthrough.

The committee consists, for the moment, of:

• Two Co-Chairs: André Gorius (LES France), Rinaldo Plebani (LES Italy.

• Three Vice-Chairs: Suracha Udmosak (LES Thailand), Thierry Van Beckhoven (LES Benelux) and Bruno Vandermeulen (LES Benelux).

Our aim is to determine an "SDG-IP Index," allowing us to evaluate the adequation of the IP strategy and practices of companies, with their tackling of Sustainable Development Goals and the communication that sur-

rounds it. This should enable LES to participate actively in SDG challenges and to be recognized as the leading organization for non-financial SDG-IP reporting. Ranking, selecting the best SDG-IP companies, and recognizing them through awards is also on our roadmap.

Do not hesitate to contact us to participate in this sustainable, exciting, and challenging journey.

LESI IP Valuation Committee—IP Valuation Certificate

By Levente Pethő (Project Director), André Gorius (Chair of the IPV Committee)



Levente Pethő, Project Director



André Gorius, Chair IPV Committee



Véronique Blum, LES France



Sean Moolman, LES South Africa

According to the European Commission's Final Report from the Expert Group on Intellectual Property Valuation (2013), "Having an authoritative or regulatory body that sets standards and provides certifications on a global basis would improve the current limitations with regards to IP valuation work."

A necessary condition for this type of body being able to work properly is to possess the foundations and practical tools to assess and certify-on as challenging of a basis as any university degree-the competencies of the professionals engaged in IP valuation. Most generally, two types of populations are concerned: the financial and accounting profession, who generally lack the basic competencies associated with IP and technology, and the IP and licensing professionals, who are not initially trained in finance and accounting. The convergence of these generally separate worlds is a must.

To fill these gaps, the LESI IP Valuation Committee, in agreement with successive LESI Boards, has been managing since 2020 the "IP Valuation Certificate Project," under the management of Levente Pethő (LES Hungary), with the help of Véronique Blum (LES France), Sean Moolman (LES South

Africa) and André Gorius (LES France). Our main goal is to create an IP Valuation Certificate, which gives a unified identity to IP Valuators, and is widely recognized and accepted by Industry and Authorities. The Certification program will be open to IP specialists and non-IP specialists (R&D, CTO office, TTO, Accounting, Business valuation, etc.), providing both an opportunity and a requirement for applicants to complement their existing knowledge with other domains that are necessary to operate on the frontier of IP Law & IP Management, Finance & Accounting, Economics, and Technology that IP Valuation represents.

A global survey conducted among LESI members to assess needs and attitudes has resulted in the confirmation of the need as well as the clarification of detailed contents of the courses and examination. The team is now engaged in the fine-tuning of the detailed course, which are articulated around:

- Why value IP
- Understanding the key features of IP due diligence
- Analyzing the qualitative features of IP assets
- Mastering the underlying financial aspects
- Mastering the key valuation approaches and methods, including:
 - Managing uncertainty
 - Adapting methods and inputs to purposes of valuation, and
- Managing the overall valuation process

Starting in France in 2022/Q3, we are creating a dedicated entity to start and operate the certificate in pilot mode— 'Association' identified as the ideal legal form. LES France and LESI are strategic partners, and sponsors as institutional members of the Association. Partnering with LES South Africa for the certification of their own present program and with LES Italy to extend the French pilot are part of our short-term roadmap.

In the longer term, the global rollout and operation of the new certificate is to be achieved through partnering with a well-known certification organization having an existing system and a recognized brand.

All LES members are welcome to help us make this project a success, either by participating in the creation and improvement of the material, teaching classes, or publicizing the sessions.

LESI Patent and Technology Licensing Committee– Update March 2022

By Madelein Kleyn, Chair

This report summarizes the recent activities of the LESI PTL Committee. The management team for the committee consists of Madelein Kleyn as Chair and Qinghong Xu and Jenny Pierce as Vice-Chairs. Our purpose is to provide and create a network of professionals across the globe with impacts that go beyond technology and patent licensing. Our target audience consists of LES societies and their members, other associations and affiliations, technology transfer offices, and SMEs.

Among the activities undertaken by the committee and its members are the following:

- Kid's IP Day—Upgraded the booklet and translated it into five languages
- World IP Day—Launched activities at various schools and requested that those activities be shared
- **LESI AGM**—Contributions and speaker panels for Energy and Life Sciences
- *les Nouvelles*—Journal articles
- Grow membership in both LES and the PTL Committee

The PTL Committee undertook some unexpected activities, including the following:

- A *les Nouvelles* special edition: Laws affecting commercialization of IP
- Practical IP guide for entrepreneurs in collaboration with universities and start-ups



- IP licensing templates for SMEs
- Patent Pooling—What it is and how it can help your business

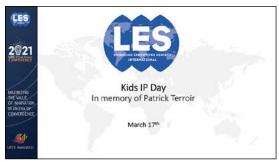
The PTL Committee was involved in numerous collaborations, including the following:

- Continued support for EU-EPO, the Smart Africa Project, ISO Standards, and the Moolman Institute
- New collaborations with ATTP, AIPLA, AUTM, and the Legal Aid Clinic, focusing on participating universities and law firms.

LESI And LES Societies Around The World Celebrate Second Annual Kid's IP Day!

On March 17, LESI and LES Societies around the world celebrated the second annual Kid's IP Day! Our young people will impact and be the creators of our tomorrow. We believe understanding IP will be integral in their education. This special day is organized as a tribute in memory of the late Patrick Terroir who was a long-term, dedicated LES member, a former president of LES France, and a mentor to many.

Various LES members have compiled a common slide deck into numerous language versions, including English, Chinese, French, German, Italian, Japanese, Korean, Portuguese and Spanish. These have been provided to all LES Societies to facilitate language-specific events in countries around the world. Visit *www.lesi.org/events/les-kids-ip-day* for access to language-specific PowerPoint slide decks in English, Chinese, French, Italian, Japanese, Korean and Portugese.





LESI @ 50

Benefits

- Connection and access to a global community of businesses and experienced professionals Leaders in every industry, in every legal speciality throughout the world
- 2. Education on best practices growing revenue, profit, value, cash flow through IP Creating, protecting, and commercializing innovation, and managing and monetizing IP
- **3.** Access to a full spectrum of member activities and perspectives *Education and support for your day job in business and university environments*
- **4.** Access to numerous **resources** Tool kits, industry and professional committees, education, mentoring, royalty rate and deal term surveys
- 5. Part of a community devoted to **thought-leadership**, **public service**, *inclusion, diversity, and equity in the business of IP for nearly 50 years*

LESI ACTIVITIES FOCUS ON:

- Building community
- Educating our members
- Thought-leadership
- Public service
- Recognizing accomplishments

JOIN!

Licensing Executives Society International (LESI)

- A global network of businesses and professionals for nearly 50 years
- 33 member societies in more than 90 countries
- Creating, protecting, and commercializing innovation, and managing and monetizing IP

BUILDING COMMUNITY

- Industry focus groups: life sciences, communications, automotive, software, chemicals, materials, energy, environment and more
- Legal focus groups: focusing on licensing patent and technology, trademarks and branding, copyrights and software
- Affinity groups: Young Members Congress (YMC), Women In Licensing Alliance (WILA), LES Society presidents, other leaders in licensing, and more
- Global industry advisory boards: advising the board and committees

EDUCATING OUR MEMBERS

- Job training: basic licensing and advanced commercialization courses
- Recent developments: court decisions, legislation, regulatory summaries
- Pop-up courses: "hot topics" for licensing professionals
- Scholarly articles: quarterly journal
- Master classes: deep dives taught by the best in the field
- Meet the masters: IP leaders discuss their work, achievements, plans
- Case studies of success: CEOs address business and licensing strategies, growth financing, and how to build-to-sell
- Primers: IP management, IP licensing, IP valuation
- Check lists: key issues to consider in licensing and valuation

licensing executives, financiers, licensing companies, brokers

Business leaders, IP managers,

- Expertise and experience in law, valuation, protection, transfer, and enforcement of IP
- Advancing the business of intellectual property

PROVIDING THOUGHT-LEADERSHIP

- Collaborate with WIPO, EPO, and local patent and IP offices on policy, education, and best practices
- International Standards Organization task force on intellectual property
- Les Nouvelles: A quarterly journal of scholarly articles
- Royalty rate and deal term surveys focused on life sciences, high technology, chemicals, energy, environment, materials

PROVIDING PUBLIC SERVICE

- Mentoring, role models, and cultivating success in others
- Focusing on Inclusion, diversity, and equity initiatives
- Hosting "Ask me anything" sessions and pro bono referrals
- Facilitating tech transfer and educating the developing world
- Sustainable innovation, development, and reduced environmental impacts
- Educating innovators and small enterprises with instruction and case studies
- Educating the community of future scientists and deal makers in our schools

RECOGNIZING ACCOMPLISHMENTS AND PRESENTING AWARDS

- Identifying and publicizing accomplishments in creating, protecting, and commercializing innovation, and managing and monetizing IP
- Presenting awards for outstanding accomplishments



Become a member of this global community! |oin your local society today!

www.lesi.org/societies

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LES Australia & New Zealand

LESANZ Hybrid Conference—Creating The Future



Australia and New Zealand generate high value innovative technologies and commercial opportunities to meet future local and global market demands.

Our 2022 conference theme 'New Horizons–Creating the Future' delves into topics of particular relevance to Australia and New Zealand, with online sessions covering 'Energy,' 'Space,' 'Emerging bio-tech,' 'Health innovation,' 'Agritech and beyond,' and 'Sports technology,' each topic delivered by one of our regions: Western Australia, South Australia, Queensland, New South Wales, Victoria and New Zealand, thereby covering the entire range of LESANZ time zones. The conference is scheduled for 4-6 April 2022. The conference sessions will provide a diverse and engaging insight into evolving technologies, commercialisation opportunities, partnerships and collaborations, and licensing/ use of IP, within the context of market push-pull, and environmental and socio-economic factors, from an Australian and New Zealand perspective for the future.

The LESANZ 2022 conference is expected to attract between 100–150 delegates. The six regional sessions delivered across three days (two sessions per day) will provide an excellent learning environment with the opportunity to gain an update on industry technology and commercial drivers, meet new people, and form new business relationships. The conference is the LESANZ annual flagship event focusing on issues facing technologists, commercialisation officers, IP managers and lawyers, business development personnel, and licensing practitioners wishing to keep abreast of future market direction and demands across a range of industry and business sectors.

Registration has opened.

LESANZ Annual Conference website link: *https://www.lesanz.org.au/LESANZ/Annual-Conference/Web/Annual-Conference/Home.aspx?hkey=dc9493ec-32e5-404b-8157-19709ae39848*

LES Thailand

Webinar Events and Activities From LES Thailand

LES Thailand's Webinar on IP Valuation: With a Focus on Trademarks

The importance of IP valuation cannot be overstated, as the digital economy continues to flourish, year after year, and the growth of IP assets shows no signs of abating. We felt that it was a good time to update our members and others on current IP valuation practices.

LES Thailand held a webinar on IP Valuation on Thursday, December 2, 2021, at 3 p.m. (Bangkok time UTC+7). The webinar was conducted in English.

This webinar provided not only insights on the latest trends in IP valuation, but also focused on trademark valuation matters. Three distinguished speakers shared their knowledge and real-life experiences on IP valuation, from both a financial perspective and a legal perspective. The discussions included the following speakers and topics:

- Mr. André Gorius, the Chair of the IP Valuation Committee of LESI
 - Importance of intangible assets and the fundamentals of IP valuation
 - Approaches to IP valuation
 - Challenges in identifying discounted rates

- Ms. Udomsri Nathikanchanalab, Managing Director at UK Valuations and Agency Co., Ltd
 - Different types of intangible asset valuations
 - Purposes of IP valuation
 - Valuation standards
 - Appropriate approaches for trademark valuation
- Ms. Ploynapa Julagasigorn, Senior Associate at Tilleke & Gibbins International Ltd.
 - Purposes of IP valuation
 - Secured Transaction Act
 - Roles of IP practitioners
 - Trademark valuation

Participants included both LES members and non-members. The Q&A session was lively and the participants were fully engaged.

Next Activity

We plan to co-organize a webinar with the Intellectual Property Association of Thailand (IPAT) in the first quarter of 2022. We will update LES members once we are able to share the details of this upcoming exciting event.

Thank you very much. 🗖

LES Brazil

LES Brazil Hosts Webinars

On February 22, LES Brazil organized a round table to discuss a recently issued legislation in Brazil, (Law n^o 14.286/2021). This legislation is of extreme importance to licensing, and blows "modernization winds" over the Brazilian exchange regulation. It provides changes in international agreements, particularly on the payment of royalties made abroad.

Paula Mena Barreto (LES Brazil President), Candida Ribeiro Caffé and Tatiana Campello (LES Brazil Counselors) invited Roberto Casarini and Fabio Braga (Partners at Demarest Advogados in the area of tax, banking and finance) to discuss the issue.

Although facilitating the payment of royalties before the Brazilian central bank, licensing agreements are still to be notarized before the Brazilian PTO (INPI), as pointed out by Candida Caffé.

The round table was carried on-line at Sympla, a platform for events, and made available free of charge to LES members.

MESA REDONDA O Novo Marco Regulatório do Mercado de Câmbio Brasileiro 22 de fevereiro de 2022 I 10h às 11:30h Paula Mena Barreto I Presidente LES Brasil Cândida Ribeiro Caffé I Conselheira LES Brasil Tatiana Campello I Conselheira LES Brasil Tatiana Campello I Conselheira LES Brasil Roberto Casarini I sócio de Demarest Fabio Braga I sócio de Demarest



LES China

"Ask Me Anything"-LESI & LES China Hosts First Session

ESI and LES China hosted the "Ask Me Anything" 1st Session—China successfully on January 26, 2022. 86 participants registered for this event. LESI President John Paul (from the Finnegan Law Firm) delivered the opening remarks and invited the attendees to ioin in the LESI 2022 Annual Conference in Venice, Italy on May 8-10 and other events celebrating the 50th Anniversary of LESI. LES China Vice President Christopher Shaowei (from NTD Intellectual Property Attorneys) moderated the event and gave the closing remarks.



The speakers at the event were Mr. Justin Zhou, Director, Licensing, Corporate Business Development/Executive for Greater China of General Electronic Company (GE) and Ms. Ying Wang, Partner of Lifang and Partners (Beijing Office).

John Paul

The theme of the presentation given by Mr. Justin Zhou was Doing Licensing Business in China. From the industry perspective, he talked about R&D expenditure by leading countries worldwide in 2021, spending on purchasing or licensing-in IP from foreign countries, China yearly spending on IP purchasing or licensing-in from foreign countries, tips on contracting, invalidity challenges, patent litigation, SEP-related litigation and disputes, etc.

The theme of the presentation offered by Ms. Ying Wang was Patent and Licensing in China. Her presentation covered such issues as patent enforcement and damage calculation, licensing issues under the Chinese laws, open license in China, compulsory license in China, and recording the license agreement with CNIPA (China National Intellectual Property Administration).

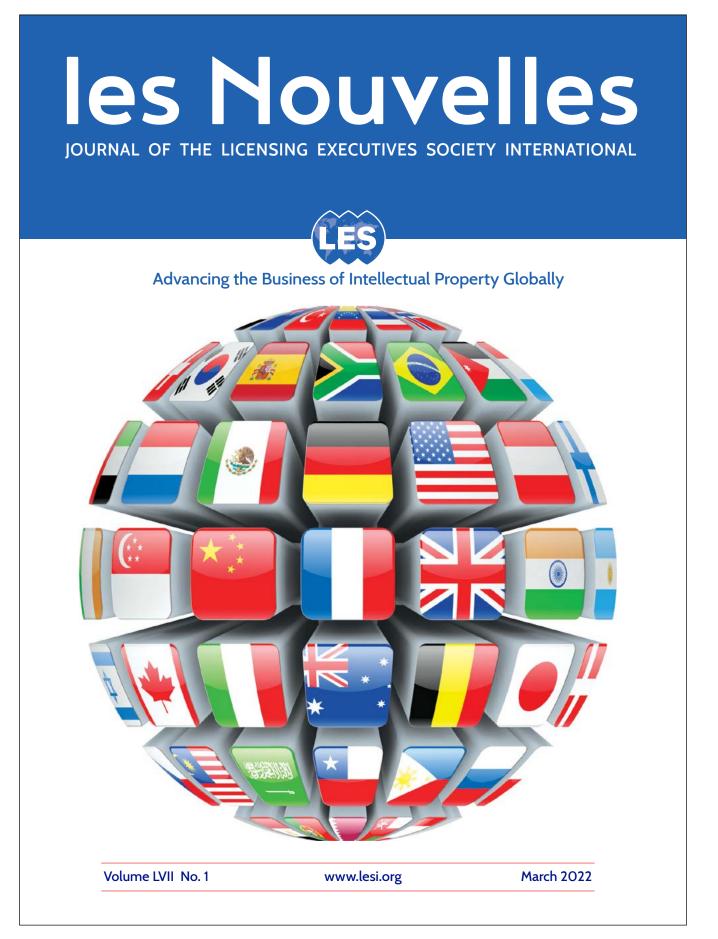
The presentations given by the speakers were very well prepared and highly informative. After the presentations, the speakers answered questions from the audience and had interactive discussions with the audience.

The "Ask Me Anything" 2nd Session: France (LESI & LES France) and the "Ask Me Anything" 3rd Session: Brazil (LESI & LES Brazil) were held on February 22 and March 16, respectively.

Mr. Dana Robert Colarulli, Executive Director of LESI, Ms. Fiona Nicolson, LESI Past President, and other LESI colleagues, offered tremendous support, making the "Ask Me Anything" 1st Session—China possible and successful.

In a time of travel restrictions due to the COVID-19 pandemic, events such as the "Ask Me Anything" sessions will help LES members and licensing professionals stay connected, keep track of what's happening in the IP and licensing world, and benefit from the interactive discussions with the speakers and colleagues across the world.





LES USA & Canada

2022 LES USA & Canada Annual Meeting— Commercializing Innovation

he 2022 LES USA & Canada Annual Meeting will be held at the Marriott Marquis San Francisco from October 16th-19th. Under the theme Commercializing Innovation, the IP community will gather for three action-packed days of education, collaboration, and networking. Meeting content will include keynotes from industry luminaries, interactive roundtable discussions, a startup pitch competition and panel discussions covering cutting edge topics, including: the creative disruption of healthcare, environmental sustainability, innovations in payment technology and blockchain, and IP valuation in the new era of licensing. Evening social activities will include multiple networking events and a special themed reception at a San Francisco landmark. This will be the first in-person LES Annual Meeting in three years.



The 2022 LES Annual Meeting will be held at the Marriott Marquis San Francisco in California.

LES USA & Canada recently launched two new membership programs. The first is a pilot structure that allows IP owners to join LES as a group at a reduced rate to the individual price. Our goal is to provide LES membership to a greater number of IP professionals that would not otherwise have access to LES. In the first four months of the program, we have seen over 20 organizations take advantage of the new program bringing more than 200 IP professionals into our society. This group of new IP owner members consists of organizations from industries including pharmaceuticals, high-tech, materials, universities, and government. The second membership initiative seeks to engage those new to the licensing profession. Our Emerging Leaders program allows those early in the licensing career to join LES at a significant discount. In just the



San Francisco is home to the Golden Gate Bridge landmark.

first month since launch we have seen tremendous uptake in this program, and we are eager to bring these young IP professionals into the LES community.

LES USA & Canada continues to further its mission of facilitating global IP commerce through education, networking, standards development, and certification. As an accredited Standards Developer, LES USA & Canada is developing business process standards in the field of IP management and licensing. These standards are intended to increase IP transaction efficiencies, improve IP management practices, and boost investment in innovation. The first two LES standards covering Management System for IP Protection in the Supply Chain and Intellectual Capital in the Boardroom are expected to be approved soon. Two additional standards on IP Licensing and IP Valuation are expected to enter the approval process this year.

LES USA & Canada has submitted comments to the U.S. Department of Justice in response to proposed guidance on licensing negotiations and remedies for Standard Essential Patents (SEPs). LES urged that innovation and economic growth are best served by agency guidance that balances the interests of both innovator and implementer and provides the business community with continuity and consistency. LES stated that the existing guidance, published in 2019 jointly by the DOJ, the US Patent and Trademark Office (USPTO), and the National Institute for Standards and Technology (NIST), achieves that balance, and should be retained without revocation or substantive revision.

LES Russia

Webinar-Litigation In IP Licensing And Commercialization

ES Russia successfully held the webinar "Litigation in IP Licensing and Commercialization." In opening Sergey Dorofeev, President of LES Russia and Partner at Gorodissky & Partners, congratulated Natalia Karpova, PhD, Professor, Russian Academy of National Economy and Civil Service under the President of the Russian Federation (RANEPA) on her anniversary. Natalia is one of the longest serving members of LES Russia, who stood at the origins of its foundation, is currently its Vice-President, and is an ex-President of LES Russia.



The professional program started with the presentation by Natalia Karpova of "IP licensing in Russia: the Current State and Development Trend," where she spoke about the latest trends in the commercialization of IP objects in Russia.

Natalia Karpova, PhD, Professor, Russian Academy of National Economy and Civil Service

and Civil Service Then Elena Morgunova, PhD, Kutafin Moscow State Law University (MSAL), made a presentation "License Agreements Litigation: Main Problems and Causes" and spoke about court approaches and practice in the field of licensing disputes.

In the joint presentation "Franchising Agreements Litigation" of Yury Mikhailichenko, Director of Russian Franchise Association and member of LES Russia, and Sergey Medvedev, PhD, LLM, member of LES Russia and Partner at Gorodissky & Partners, spoke about business approaches to solving problems and conflicts in the field of franchising, and cited several landmark court cases in this area.



Yury Mikhailichenko and Sergey Medvedev

In continuation Evgeny Oreshin, PhD, Attorney at Law and Head of Litigation Practice at Eversheads Sutherland, made the report "Debates About New Technologies," in which he highlighted Russian and international experience and practice in protecting rights to software, databases, and other IP objects on the Internet.

Anna Voitsekhovich, PhD, Patent Attorney and Director of Legal Risk Management Department MTS ended the webinar with her presentation "Court Position Over Compliance of License Agreements with Antitrust Legislation" and spoke about the latest trends in the development of practice in the field of influence of antitrust law on intellectual property, highlighting the approaches of the courts in this area.

The webinar gathered more than 70 listeners and was highly appreciated by the audience. \blacksquare



Evgeny Oreshin, Sergey Dorofeev (left) and Anna Voitsekhovich

Activities From LES Germany 2021-2022

LES Germany past and future activities in 2021/2022

- On 19 November 2021 LES Germany held its annual spring conference as a Zoom meeting with approximately 77 participants. The subject matter of the conference was "Patentrechtsmodernisierungsgesetz—Und jetzt?" (Revision of German Patent Law—And now?).
- On 4 February 2022 LES Germany held its annual members' meeting as a Zoom meeting with approximately 80 participants.
- The LES Germany spring conference is scheduled for 20 May 2022 and will take place in Mannheim. The subject matter of this conference will be "360 Grad—UP & UPC, Eine Rundumperspektive" (360 degree—UP & UPC, an All-around Perspective).

• The next LES Germany autumn meeting is planned for 18 November 2022 in Berlin.

Further, we are organizing our well-established module seminars on a regular basis during two-year terms. These seminars (modules I to VII) are dealing with several licensing topics. For further information concerning the module seminars, please visit the LES Germany website *www.les-germany.org.*

LES South Africa

News And Events—January To March 2022

The LES SA Board met twice since the November report. The new website was launched in December 2022. Do have a look: *www.licensing.co.za*

LES SA Continues the Popular Afternoon Talk Series in 2022

Professor Danny Myburgh had the delegates mesmerized at the first session (27 January 2022) with the cyber topic: "Protecting your 'digital' intellectual property." Professor Myburgh specializes in digital forensic investigations, data fraud trend analysis, incident response, e-discovery services, and litigation support services.



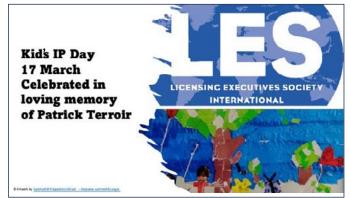
Professor Myburgh provided a general review of current trends in cybercrime in South Africa and highlighted important aspects from the Cybercrimes Act 19 of 2020 and the Electronic Communications and Transactions Act 25 of 2002.

He further discussed the utilisation of blockchain and nonfungible tokens (NFTs) in the safeguarding and transfer of electronic information.

A recording of the talk is available at *https://licensing.co.za/* events/afternoon-talk-protecting-your-digital-intellectual-property/.

The second talk was on 17 March 2022 and covered New Breeding Techniques and Genetically Modified Organism Regulation in South Africa.

The event is hosted by the Life Sciences Sub-Chapter of LES South. The speaker is Dr Hennie Groenewald, the Executive Manager of Biosafety South Africa, a national service platform that facilitates sustainable bio-innovation. A recording of the event will be made available.



Kid's IP Day

LES SA once again celebrated Kid's IP Day on 17 March 2022. The slide deck has been distributed to various schools and organizational bodies.

CERTFED LEESI-CLP Memorandum Of Understanding

The Licensing Executives Society International and Certified Licensing Professionals have entered into a memorandum of understanding.

LESI will provide education on international licensing topics to candidates for the Certified Licensing Professional designation and will work together with CLP to increase international awareness of this designation.

LESI is an international professional association of men and women involved in advancing the business of intellectual property including licensing and technology transfer by gathering and educating businesses and professionals on creating, protecting, and commercializing innovation, and managing and monetizing intellectual property. LESI is the umbrella organization for 33 national and regional professional associations in over 90 countries with 6,500 individual members.

CLP is a U.S. headquartered, not-for-profit organization that focuses on licensing professionals' individual development to internationally applicable standards, ethics and excellence. More specifically CLP provides the opportunity for individuals to be awarded an international certification in the licensing and commercialization of intellectual property. Those who meet the qualifications are awarded the Certified Licensing Professional designation. CLP also recently has introduced an Associate CLP (A-CLP) designation for licensing practitioners at an earlier stage of their career.

LES Scandinavia LES Scandinavia Announces Webinar

Insights to Patenting and Licensing from Ericsson

- By Peter Ericsson Nestler, Director, IPR Defensive Strategies, Ericsson
- Tuesday, 5 April 2022, at 14:00-15:30 FI time (13:00-14:30 CET)
- Webinar over Zoom, moderated by LES Scandinavia President, Dr. Olli Pekonen

LES Italy

Webinar And Event Updates 2021-2022

LES Italy is continuing to organize webinars and events for its associates, with a particular attention to crossborder matters involving members from other LES Chapters as speakers.

On September 14, the webinar "Amendments/limitations of patent claims: procedures and effects in Italy and Germany" took place. The event aimed at deepening the possible procedures to modify claims in patents, in particular during litigation between parties, as well as the effects of such modifications in Italy and Germany. Speakers on the panel were Dr. Daniel Goller, Hoffmann Eitle, and Ing. Paolo E. Crippa, Jacobacci & Partners. The moderator of the meeting was Dr. Sergio Lasca, Head of IP—Patents and Know How of Pirelli and President of AICIPI.

LES Italy also focused on Standard Essential Patents (SEPs) with a webinar that took place on September 29. One of the major debates dominating the current discourse on resolving disputes relating to SEPs is its everincreasing extraterritorial implications. It is becoming common practice for courts to be required to address issues such as global rate setting and the use of Anti-Suit Injunctions (ASIs) within a geopolitical and geo-economic paradigm. The webinar organized by LES Italy presented the impact of cross-border judgments, highlighting why ASIs should be considered in contrast with freedom to enjoy national tribunal decisions and which corrective measures should be introduced to prevent their use.

Speakers at this event were Prof. Mario Franzosi, Studio Legale Franzosi Dal Negro Setti; Cordula Schumacher, Arnold Ruess; Sir Robin Jacob, Retired Judge at the Court of Appeal of England and Wales; Sir Hugh Laddie, Chair of Intellectual Property Law, UCL; Paul R. Michel, Retired Chief Judge at the US Court of Appeals for the Federal Circuit; Valentina Piola, Sisvel. The moderator of the event was Roberto Dini, Metroconsult.

After its General Assembly that took place on October 20, LES Italy organized a webinar on reverse engineering in different industries and under different legislations like Italy, Germany, France, UK, US, Japan, and China. Distinguished international speakers provided an overview of reverse engineering, presenting the limits required by case law for the application of the reverse engineering discipline in their country, the contractual provisions, and its application in different sectors. Speakers at the event were Mattia Dalla Costa, President LES Italy—CBA (Italy); Christian Czychowski, Nordemann (Germany); Dora Hajdu Sauvage, Dassault Systèmes (France); Richard Fawcett, Powell Gilbert (UK); Brian O'Shaughnessy, Dinsmore & Shohl LLP (USA): Christopher Shaowei, NTD Intellectual Property Attorneys (China); Hiroki Saito, Mori Hamada & Matsumoto (Japan).

On November 22, LES Italy organized a webinar dedicated to "Online sales restrictions in the revised EU block exemption regulation." The European Commission plans to update the Vertical Block Exemption Regulation (VBER), which provides a safe harbor for vertical business arrangements from the EU prohibition on anticompetitive agreements. Distinguished international speakers provided an overview of the ongoing revisions to the antitrust rules applicable to vertical restraints (both in the EU and UK) and discussed their possible impact on the current business practice, with a focus on arrangements commonly to be found in the distribution contracts regarding online sales. Speakers at the event were Simon Chalkley, Keystone Law (UK); Sara Citterio, Trussardi Spa (Italy); Livia Oglio, Studio Legale Sutti (Italy); and Anne Servoir, Hoyng Rokh Monegier (France).

Following this webinar, an event dedicated to the LES Italy associates followed. On March 8, the webinar on "Recent trends of the jurisprudence in the field of intellectual property" took place with the speakers being the Presidents and Judges of the specialized IP Sections of the main Italian Courts: Milano, Torino, Genova, Napoli, and, for the first time, Venice. This was a hybrid event: the speakers and the audience were allowed to participate both in person and online. The judges confronted on the most recent case law concerning several topics: contributory infringement, protection of trade secrets and databases, copyright and claim for ascertaining authenticity of works, software protection, and compliance report. This webinar generated a great deal of interest amongst our associates, with 180 participants online and 40/50 attending in person.

Events

LESI's Young Members Congress (YMC) and LES Italy organized the 8th Pan-European LES YMC Conference that was held on Friday, 24 September 2021. The event

LES Italy, continued on Page 27



From left to right, Silvia Giudici, Mattia Dalla Costa, President LES Italy, Claudio Marangoni, Marco Venturello, and Gianfranco Crespi.

LES Benelux

Three Day Licensing Course A Great Success

Last November, LES Benelux organised its annual Licencing Course, which lasted three days. The event was set for Brussels and "live" (*i.e.*, not online), which was highly appreciated by the attendees and made for animated discussions and good dinners afterwards. It was clear that people were happy to mingle and talk again. The LES Benelux Licencing Course is well known for a combination of interesting and exploratory topics presented by engaging and seasoned speakers mixed with more interactive parts, where participants get to discuss self-drafted contract clauses and negotiate a complete, three-party licencing deal in a few hours (if only life were really that fast and efficient...).

The course kicked off on Monday 15 November with presentations on IP in general (Wouter Pors), Due Diligence Before Licencing (Frank Landolt), Valuation of Intellectual Property (Dirk Groenewegen), and Competition Law and IP Licencing (Patricia Cappuyns). After lunch, the participants dove into IP-negotiations on vaccine platforms for COVID. Coaching was provided in "hybrid" form, with Achim Krebs online and Kathleen de Belder and Claudia Zeri on site. Having received the case, together with a brief assignment on the desired outcome for the party assigned to them beforehand, the participants were well prepared to try and get the best out of the negotiations. None of the participants represented the infringing party who could offer all products for cheap (named, tellingly, Generica Dei Pirati Dei Caraibi S.A.), but for the rest the case study proved a good representation of the many facets of a good IP deal, and of what a good IP deal is depending on what kind of player you are. This was not only fun for the participants, but also for the tutors, who were confronted with excellent and creative questions ("I've never thought about it in that way") and enjoyed thinking along with the participants, while refraining from giving away

the clue of the operation. The session was chaired by Jean-Christophe Troussel.

The second day was another highly interactive day. The topic of that day was licence drafting. The participants had also prepared very well for this part and had submitted various contract clauses, which were discussed collectively. Tutoring was provided by Jurriaan Jansen, Pieter Wyckmans, Kathleen De Belder, Achim Krebs (online) and Olivier Van Obberghen, who discussed the clauses submitted with the group and shared tips and experiences from their own day-to-day. Participants showed much creativity, and many real-life situations were discussed. All in all, again a lively and informative course, spiced with concrete experiences and indepth discussion on practical points.

The last day of the course was optional, and relatively new, which focused on "complex clauses." Presented as "add-on topics" under the joint heading "Clauses Concerning Termination Events," a number of presentations were held that addressed specific issues in high detail. Practitioners from four jurisdictions (The Netherlands, Switzerland, Belgium and the United States) spoke on patent expiry/ invalidation (Dirk-Jan Ridderinkhof), force majeure (Markus Kaiser), insolvency (Jean-Christophe Troussel and Auriane Schockaert) and post-termination clauses (Darren Jiron). The whole event was presided over and coordinated by Carmen Correa Martin and was closed off with drinks.

All in all, an event that, again, included everything the LES Benelux Licencing Course is well known for: good, solid content and, by design, a high level of participation by and interaction with the participants. Even in pandemic times, this proved possible. This year the event is scheduled to take place in the Netherlands, hopefully with the full range of possibilities of an "open" world again.

LES Italy, continued from Page 26

was created in order to convey to participants the peculiarities of the Italian culture and "Made in Italy." The topics were based around the "3 Fs" acronym of Furniture, Fashion, and Food, and illustrated Italian excellence that is recognized all over the world, along with the strategies for the protection of their IP rights.

The format used for the event was innovative: the main speakers were not lawyers or IP consultants, but representatives of Italian enterprises, both small and large, belonging to the different sectors of reference. In this way, a direct voice was given to the protagonists of the enterprises and their experiences in the protection and management of IP rights in world markets. The program was divided into three parts, one for each main topic (furniture, fashion, and food) with a main speaker, followed by breakout sessions moderated by some members of LESI or LES Italy, where participants—divided into rooms—had the opportunity to interact with each other, to network, and to discuss the topics of the main speeches. The novelty of the format was that these networking sessions were also attended by external guests—representatives of other Italian enterprises in the sector, who explained their experiences and interacted with the participants.





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les Nouvelles

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Annual Meeting -

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2022

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2022 LES International Management & Delegates' Meeting (IMDM) Venice, Italy

May 8-10 2022 LES International Annual Meeting -Venice, Italy

October 17-19 2022 LES USA & Canada Annual Meeting San Francisco, California USA

Notice: Meetings are a hybrid mix of in-person and online in response to the COVID-19 Global Health Crisis. See the website for webinars and online education courses.

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