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Licensing in the Consumer Healthcare Industry

AGGRESSIVE LICENSING ACTIVITIES ARE the norm in the healthcare industry. However, pharmaceuticals companies are the assumed hub of licensing activities. The consumer healthcare segment of the industry seldom receives more than a fleeting thought. Whenever I meet people at LES functions, and say that I work for GlaxoSmithKline, the automatic assumption is that I work for GSK Pharmaceuticals. I often have to spend several minutes explaining that I am, in fact, representing the Consumer Healthcare division of GSK. The consumer healthcare sector really does offer a viable alternative to pharmaceuticals, and many technology companies overlook this important segment of the healthcare market in leveraging their technologies. In this article, I make a case for technology companies to include consumer healthcare opportunities in their strategic approach to marketing their technologies.

The rapid speed to market, larger volume of sales and strong brands offer enormous potential to leverage for any technology. Though lesser known, many of the consumer healthcare organizations are larger than mid-size pharmaceutical companies. GlaxoSmithKline Consumer Healthcare (GSKCH) is a thriving part of the business of GSK, bringing in over £3 billion in sales in 2003. GSKCH operates in a different business environment than that of GSK Pharmaceuticals and could be termed as "medicine that you buy mass market". Products are sold in every non-Rx category, from pharmacy only to General Sale, in 130 countries around the world. The vision of GSKCH is to be the fastest growing healthcare company, through innovation centred on consumers and delivered by science. In its efforts to meet this vision GSKCH has selected "New Business" as one of its key business drivers. As part of this key driver, Technical Licensing (TL) and Worldwide Business Development (WWBD) seek external technologies and products with aim of licensing or acquiring, to enhance the R&D pipeline and deliver growth for GSKCH.

Most of this activity is in support of the top 10 Brands that make up the bulk of the business. These are Aquafresh, Panadol, Nicorette/Niquitin, Nicoderm, Sensodyne, Poligrip/Polident, Tums, Lucozade, Ribena and Horlicks. Each of these Brands has a team comprising of R&D and Commercial to develop future new products and line extensions. In order to create, and deliver, a strong pipeline, and to maximise its product portfolio, GSKCH firmly believes that it has to form strong business alliances with the outside world. TL and WWBD identify and establish such alliances working in close coordination with the brand

teams. GSKCH also has a number of non-global brands, which make up a large part of the business. These brands are supported by local markets while WWBD and TL supplement the efforts in seeking external opportunities.

GSKCH has a history of successfully integrating assets, through acquisition and licensing, and building them into new businesses. Of the top 10 brands mentioned above, only Aquafresh was developed totally in house. More recently, GSKCH has concentrated on building strategic, long-term alliances. A recent example of this is the alliance between GSKCH and Alza Corporation in the area of nicotine replacement therapy. GSKCH built a new category for the business when it launched its first nicotine patch. This patch was based exclusively on Alza's Nicotine Replacement Therapy technology and was manufactured by Alza. GSKCH's strengths in consumer research and marketing, combined with Alza's ideas and manufacturing capabilities have brought an impressive set of line extensions to the market. GSKCH's NRT franchise is strengthened further by a long-term alliance with Pfizer to market Nicorette gum in the US.

GSKCH offers significant advantages to third party partners through its core capabilities. There is the choice of numerous brands through which to develop external opportunities. An obvious advantage is the geographic scope GSKCH has to in create new consumer markets, and expanding existing markets. Compared to the Pharmaceutical industry, the Consumer Healthcare brands offer more Regulatory options for third party opportunities e.g. OTC for Panadol, cosmetic and medical device routes for Oral Care, and food status for the drinks brands. Other potential benefits to external partners may include funding for research, help with patent filing costs, funding of clinical studies and the commercial evaluation of technologies. This includes concept validation, marketing planning, consumer testing and market research. GSKCH is flexible in its licensing and alliance approach to create win-win solutions that address the needs of the technology company while meeting GSKCH requirements for growth and profitability.

The time it takes to launch products in GSKCH is much shorter than that of pharmaceuticals. Yes, the payback from licensing to a pharmaceutical company can be huge but you could also find yourself waiting 10-15 years for your idea to become reality. With GSKCH, launches would take from 2-5 years, depending on the status of the technology/product and its regulatory route to market. Therefore, the financial returns can be realised by the external party relatively quickly.

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President's Diary



January

Writing this column as I do half way through the previous month it is impossible to be completely up-to-date. The LES meetings in Brussels at the end of January are covered elsewhere in this

Newsletter. I simply note here that it is feasible (just) for London-based members to attend a full-day Brussels meeting by catching the first and last respective Eurostar trains (as Hayley French demonstrated). These meetings form an excellent opportunity to ascertain and influence the policies of the various European institutions.

February

Our Annual lunch at The Savoy combined all the benefits of LES membership namely education and enlightenment in the morning, followed by networking over drinks and a Savoy lunch, and a fascinating talk by Deborah Jaffe on Ingenious Women. A definite flutter passed around several tables during the section on innovative undergarments. I am grateful to everyone who assisted in the organising of this successful day.

It Shouldn't Happen to a Licensing Executive

Why has no-one ever written a book with the above title? James Herriot had a very successful career writing about his experiences as a vet in the area around Thirsk in Yorkshire. Why has not a member of our profession emerged with a similar account? Admittedly, he had the advantage of working with animals, which will always attract wide interest, but Richard Gordon had success with his "Doctor" series of books and, after all, we have clients just as medics have patients.

Perhaps our field is too arcane; mention the words "intellectual property" or "arbitration clause" and you have probably lost 90% of the general population. Perhaps it is the background to the action; how can indistinguishable offices and wet city streets compare with lyrical descriptions of outstanding Yorkshire countryside? I can hardly believe that the film rights would be worth much.

I should be delighted to be proved wrong. Is there anyone willing to contribute an essay to News Exchange in the style of a James Herriot story?

Stephen Powell

President LES B&I

IPR in Business

1. The Government has announced (17/03/05) seven new grants under its flagship Sciencewise programme. The grants will cover key areas set out in the Science and Innovation Framework 2004-2014 to enable the UK to take full advantage of the opportunities offered by scientific discovery and technological development.

2. A US appeals court has overturned and remanded a district court judgement against Microsoft regarding the Eolas patent (03/03/05). Both sides will now have to meet in a fresh court battle as a result of the case being remanded and sent back to the district court.

3. IPC Media Ltd v News Group Newspapers Ltd (24/02/05). The defence of fair dealing under the Copyright, Designs and Patents Act 1988 was not available to a newspaper who had copied the claimant newspaper's material in order to reduce the sales of the claimant while advancing their own.

4. Experience Hendrix LLC v Purple Haze Records Ltd & Lawrence Miller (24/02/05). Performances given in a member foreign country before commencement of the Copyright Designs and Patent Act 1988 qualified retrospectively as qualifying performances.

5. The Government through the DTI has unveiled a set of model agreements (21/02/05) to help business-university collaborations and speed up negotiations for intellectual property. The web-based toolkit was one of the recommendations to come out of the Lambert review.

6. R Griggs & ONR v Ross Evans & Raben footwear PTY Ltd, Ronny Leopold Lewy and Garry Lewy (25/01/05). Appeal was dismissed. There was an implied term as to title to copyright in the contract.

7. IBM has been ordered to hand over source code of its operating systems to SCO (21/01/05) in the latest instalment of the Linux intellectual property dispute saga. SCO want to examine it to see if any of its code was used in IBM products.

8. Cambridge Display Technology Ltd v El Dupont de Nemours & Co (17/01/05) Environmental Technologies Inc & Or v Symphony Plastic & Or (21/12/04). The trial judge had approached the construction of the licence agreement correctly.

Monitored by Dr Hayley French, Bird & Bird
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For further details on all of the above please visit:
<http://www.les-bi.org/>

Licensing in the Consumer Healthcare Industry

GSKCH involves the technology owner through all steps of the technical and commercial assessment of a technology or product.

This process begins with the assessment of data, which leads into an evaluation period in which GSK works with the partner company to ascertain the technical feasibility of, and the consumer interest in, the technology. In developing external technologies, GSKCH leverages the data generated by the technology source to expedite development, regulatory approvals and product launch. When evaluating external opportunities, GSKCH TL and WWBD cooperate closely with technology companies in order to facilitate quick decisions and turn-around time.

In conclusion, healthcare technology companies have conventionally focused on pharmaceuticals as the target for leveraging their inventions. It is important for such companies to identify and leverage all possible avenues to commercialise their technology. Consumer healthcare segment offers a significant mechanism to commercialise novel technologies rapidly and broadly.

Paula Walsh

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India introduces Product Patents

ON 1 JANUARY 2005 INDIA INTRODUCED product patents for all fields of technology, bringing it more into line with the western world in its recognition of intellectual property rights.

Since the introduction of the Patents Act 1970, India had not recognised product patents for food, chemicals and pharmaceuticals, but only process patents for the techniques used to create them. Indian manufacturers had thus been free to manufacture and sell inventions patented abroad, provided that the manufacturing process used differed from that of the patentee. This led to a huge growth in India's pharmaceutical industry, which was able to produce and sell generic drugs at as little as 10% of their cost in the western world. India became the world's fourth largest drug market in volume and its leading supplier of generic medicines.

Reform was necessary to comply with India's obligations under the World Trade Organisation's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). TRIPS required all members that are not "least developed countries" to afford patent protection to all essential medicines by 1 January 2005. Further changes include the introduction of a post-grant opposition procedure, a facility for appeals and the ability to patent both software which is embedded in hardware and the technical applications of software to industry. The changes, introduced by Presidential Ordinance, will require Parliamentary ratification by 1 July 2005.

Patentable inventions will fall into two categories. The first are those invented after 1 January 2005, which upon a successful application will give the patent holder a 20-year monopoly right from the date of the application. The second are inventions patented outside India between 1995 and 2005. Article 70.8 of TRIPS required India to establish a "mailbox" where patent applications could be filed during this period. On 1 January 2005 the mailbox was opened and its 4,000 patent applications are now being considered by the Indian Patent Office. Should patents be granted for these applications, the new section 11A(7) of the Patents Act provides that the rights of the patentee shall only accrue from the date of grant, not the date of the application or the date that it was filed in the mailbox. This gives generic producers of likely-to-be-patented drugs protection from infringement suits for their actions between the date of the application and the date of grant. This contrasts with the position for applications made after 1 January 2005, in respect of which a patentee's rights will accrue from the date of publication of the application (although infringement proceedings may only be commenced from the date of grant).

The effective term of patents granted under the "mailbox system" is likely to be considerably less than 20 years, as the term will run from the date of the application, even though rights in respect of the patent will only accrue from the date of grant. With applications filed in the mailbox as long ago as 1995, some inventions will have an effective term of, at best, 10 years. This looks likely to be compounded by the fact that the Indian Patent Office at present lacks the resources to process the backlog of applications quickly, with the first product patent not expected to be granted before the end of the year. There are also concerns that India lacks the legal infrastructure to handle the expected rise in intellectual property actions.

The reforms may open the way to the practice known as "evergreening", or "Swiss-type claims", whereby a patent's term can in effect be extended by making minor changes to produce a second use for the patented substance. While Section 3 of the Patents Act previously stipulated that "new use for a known substance" was not patentable, the wording has now been changed to provide only that "mere new use" is not patentable. This may mean that a new pharmaceutical use for a known substance to produce a non-obvious result will be patentable.

Given the potential implications for India's poor of a large increase in drug prices, its Government has taken advantage of some of the concessions afforded in the Doha Declaration on the TRIPS Agreement and Public Health. The Government can either revoke a patent or issue a compulsory licence if a patented invention is not worked in India three years after its grant, is not available to the public at a "reasonably affordable price", and if the "reasonable requirements of the public" are not satisfied. Compulsory licences may also be issued in circumstances of national emergency, such as disease epidemics, and can be invoked to enable the export of patented drugs to countries which lack the capacity to themselves manufacture those drugs.

Whether the dawn of Indian product patents will result in drugs becoming unaffordable to the Indian poor remains to be seen. Many commentators argue that the fear is unfounded as 97% of all drugs manufactured in India are off-patent, and informed projections estimate that, ten years after their introduction, patented products would reach a maximum of 22% of all medicines. What is certain is that Indian pharmaceutical companies will no longer be able to ride freely on the back of the inventions of their western counterparts: a new emphasis on research and development and establishing licensing arrangements with US and European pharmaceutical companies will be required.

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LES B&I Asks its Members.....

In this edition of News Exchange we have enclosed a questionnaire for members. We would be very grateful if you could take the time to respond. We are always aiming to improve our service to members and value your comments and suggestions.

We will put all the named responses into a hat and draw one, the author of which will receive a prize bottle of champagne.

Combating Phishing:

What can brand owners do?

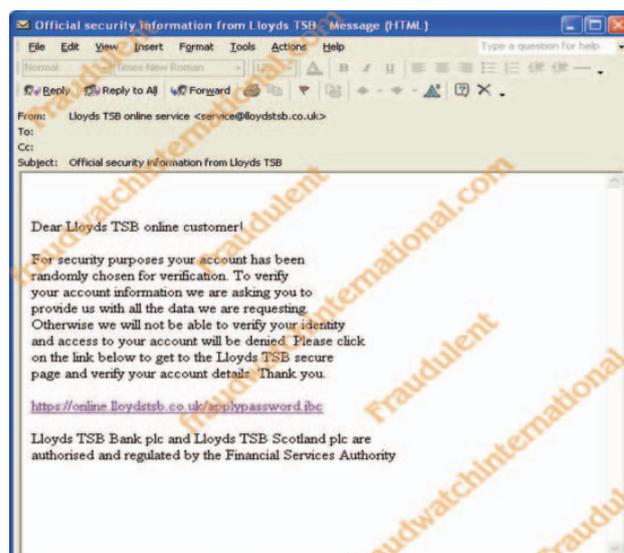
PHISHING IS ONE OF THE BIGGEST SPAM PROBLEMS ON the Internet. It is generally being tackled by (i) government institutions such as the US Federal Trade Commission (FTC) or the UK Trading Standards, and (ii) use of protective software by brand owners. However, for target companies and the public, it presents a major problem and figures show that it is on the increase. To date target companies have had little success combatting the phenomenon. Most state that difficulties relating to detection, jurisdiction and speed of occurrence mean that the law in general is ill-equipped to deal with the problem. Nevertheless, phishing is a fraud which needs to be dealt with quickly and failure has repercussions for the brand owner. The act of phishing is also, by its very nature, brand theft. Consequently, traditional methods of protecting brands, including a well thought out registration strategy, should not be ignored.

What is phishing?

Phishing typically involves sending an email to customers of established legitimate enterprises attempting to deceive them into providing personal information that is then used for identity theft and fraud. Businesses most likely to be hit are banks, credit card companies e-tailers. The email normally directs the recipient to a mock website where he or she is asked to update personal information such as credit card details, birth date, address, user name and password. Phishing is also referred to as 'brand spoofing' or 'carding'. According to the **Anti-Phishing Working Group (APWG)**, up to 5% of recipients respond to phishing emails, leading to major potential for online fraud.

Illustration of the problem

It is no surprise that financial institutions are the most common victims of phishing attacks. The email message below is an example published by **FraudWatch International** where **Lloyds TSB Bank** was the target of phishing. These mock messages link to websites that are often hosted under domain names that incorporate the trademark of the target company (eg, 'https://online.lloydstsb.co.uk/applypassword.ibc') or a misspelling of that mark.



Source: Fraudwatch International

Other frequent victims of phishing attacks include **Amazon.com, AOL, Bank of America, eBay, NatWest** and **Paypal**.

The severity of the problem



Source: Anti-Phishing Working Group

According to APWG statistics published at the end of October, the number of active phishing sites reported for October 2004 was 1,142 with an average growth rate in located phishing sites between July 2004 and October 2004 of 25%. The statistics reveal that the number of brands hijacked by phishing campaigns in October numbered 44. Some 73% of these were banking institutions, 14% net service forms, 7% retailers and 7% miscellaneous.

Trademark misuse and remedies

Phishing is a deceptive practice using another party's trademark and overall get-up to fool the public into believing that they are doing business with the mark proprietor. Phishers generally use the trademarks in the following way:

- as part of the domain name of the mock website;
- in text displayed on the unlawful site;
- in soliciting emails sent to online customers;
- in the source code of the mock website; and
- on trademark notices attached to emails and/or the mock website.

The mark may be any one of a number of distinctive features of the brand owner including: names, letters, logos, layouts, colours, patterns, numbers and any combination of these. In order to constitute trademark infringement, the mark must be registered. The main remedies available for trade mark infringement include an injunction, seizure of goods, damages awards and costs.

However, whilst trade mark law is in theory adapted to bringing a phishing attack to a halt, the reality is that it provides a secondary form of relief to the criminal sanctions associated with fraud. Phishing is not the sort of white collar crime that can be hushed up whilst the business seeks a private law remedy like an action for trade mark infringement, against the phisher. Once a business becomes aware of a phishing attack it needs to act quickly with the police or other enforcement agency and the fraudster's ISP to shut down the phishing site. If the business doesn't act quickly, the customer victims may take legal action against the business as well as the phisher.

Whilst it is insufficient to rely solely on trade mark law to close down a phishing site, businesses can work with their IT and trade mark professionals to reduce the risk of a phishing attack

In order to combat effectively the crime of phishing, it is crucial that information is collated at speed, trademarks are registered and a legal team is primed and on hand to take action quickly. Further, brand owners should collaborate and share information with other rights holders and official bodies such as the **UK Trading Standards**, much like what happens when a shipment of counterfeit branded goods is seized at customs. There is also a strong argument for using a Community trademark to obtain EU-wide remedies.

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Employee Compensation

THE PATENTS ACT 1977 PROVIDES A SELF-CONTAINED code governing ownership of inventions made in the course of employment. In certain circumstances, it provides for compensation to be paid to an employed inventor if the patented invention is of outstanding benefit to the employer, having taken into account the size and nature of the employer's business.

A recent amendment to the Patents Act has changed the conditions under which an employee may be able to claim compensation from an employer who has gained a benefit from the employee's patented invention. Under the previous statute, the patent had to have been of outstanding benefit to the employer but under the new Act, the invention and/or the patent has to provide the outstanding benefit.

The Minister for Science and Innovation at the Department of Trade and Industry, Lord Sainsbury, said during the Committee Stage of the bill's passage through the House of Lords, that the purpose of the change was "... simply to expand in a limited way what an employee can propose as evidence of outstanding benefit. The employee bears the onus to prove that his invention, which is being successfully exploited by his employer, has been of outstanding benefit and that he is entitled to fair compensation." He added that when determining the level of benefit enjoyed by the employer, "... all the circumstances must be taken into account so that, for example, the contribution of others, such as those responsible for marketing and sales or product development, can be taken into account before deciding the contribution made by, and appropriate compensation for, the employee."

In other words, previously, the benefit to the employer had to derive from the fact that the invention had been patented, rather than from any inherent advantages of the invention itself. What effect will the distinction, introduced in the new Act, have in practice?

The intention behind the change was, in part, to remove the problem of attempting to determine how much of the benefit was due to the patent and how much was due to the invention itself.

Under the previous form of the Act, there had, famously, not been a single successful claim for compensation by an employee. In some cases, this was because the benefit enjoyed by the employer, and attributed to the patent, was not deemed to be 'outstanding', as required. In other cases, it was not shown that the benefit sprang not from the patent exclusively, but rather, derived from surrounding factors, such as the marketing of the patented product.

In the former type of case, the change in scope of the new Act is unlikely to assist the employee greatly, as the hurdle of demonstrating an outstanding benefit remains. The level of benefit required to qualify as outstanding has not been quantified in the Act and the courts have taken the position that they'll know an outstanding benefit when they see one.

However, in the latter example, the overall success of the patented invention may be taken into account in order to assess the level of benefit enjoyed by the employer. It is in this type of situation where the employed inventor is more likely to qualify for compensation under the new Act, as all the surrounding issues which have contributed to the success of the patented invention will be taken into account.

It is important to note that in order to qualify for compensation, the invention still has to lead to a granted patent, thereby removing good, but non-patentable, ideas from the remit of the Act.

It remains to be seen how much difference this new regime will make in practice, as the biggest obstacle often facing the employed inventor is demonstrating an outstanding benefit. However, if such a benefit can be demonstrated, it will now be possible to rely on the many contributing factors leading to the success of the patented invention.

Paul Brandon
Appleyard Lees

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Combating Phishing

What should brand owners do?

Mark owners should take the following course of action:

- register all distinctive signs including logos as trademarks in appropriate classes;
- get organized so that action can be taken quickly when required;
- consult a lawyer;
- continually monitor the Internet for domain names, brands and company names using one of the commercially-available monitoring systems;
- use investigator services to get a better feel for the scope of the problem;
- warn and educate customers;
- share knowledge;
- report the crime; and
- persuade authorities to take action.

Darren Olivier (Field Fisher Waterhouse) and
Kevin Mutch (RHM Limited)

Technology Transfer Block Exemption Regulation. (TTBER)

Has your business had problems? TELL LES.

A first draft of the TTBER was published by the European Commission at the end of 2003 and a revised draft early in 2004.

A number of companies, particularly high tech. companies, were worried that the Regulation as drafted would damage or cause difficulties for their businesses. LES, with many others, asked the Commission to make changes. Some changes were adopted; many were not.

The TTBER came into force on 1st May 2004. Many were still worried about the problems it would cause to business. Various reports of problems have surfaced.

One year on, LES, through the Laws Committee, wants to find out what problems have arisen in practice, so that it can comment to the Commission.

If your business has not been able to do what it wanted because of the restrictions laid down in the Regulation, or has had problems in complying with it, or anticipates problems after 31 March 2006 when the new Regulation will apply to Agreements entered into before 1st May 2004, let the Laws Committee of LES Britain and Ireland Laws Committee know to that LES can try to get the Regulation improved.

Comments should be sent to:

Robin Nott, e-mail: robin@nott.fsbusiness.co.uk, 'phone: 020 88748 6399 who will be happy to talk through problems on the 'phone.

Vanquishing The Patent Trolls:

Technology Companies Doing Business In U.S. Face Increased Demands For Tribute From Dubious Patentholders

OF LATE, THERE HAS BEEN A GROUNDSWELL OF CONCERN among patent practitioners and technology-related companies in the United States regarding the phenomenon of “junk patents” or the assertion of such patents by so-called “patent trolls,” who demand tribute from all who wish to cross the barrier they claim is erected by their patents.

As the visibility (and often-lucrative nature) of litigation over patent infringement has grown in the U.S. — especially with regard to patents on software and business methods — a cottage industry has sprung up wherein opportunistic individuals form holding companies for the principal purpose of acquiring, and asserting, broadly (if vaguely) worded patents against entire industries, with the goal of extracting license fees from multiple defendants.

This is the first of two articles that will describe, and then suggest solutions for dealing with, the perceived junk patent/patent troll problem that threatens to continue its recent increase in the United States. Of course, there is no uniform definition of junk patents or patent trolls — which probably has something to do with the difficulty in choosing tools with which to combat them.

The use of a pejorative term such as “junk” or “troll” will always be a matter of subjective opinion and interpretation, and will depend much upon whose ox is being gored. Despite the difficulties in reaching an agreed definition of junk patents, several general themes can be identified by looking at some of the more common circumstances that may (especially when found in combination) lead to a prevailing perception that particular patents were illegitimately procured and/or are being used by a “troll” as “holdup” devices.

- The “inventor” is not a technologist and is perceived as unlikely to have been capable of truly inventing a device or method as sophisticated as those systems to which he seeks to apply the patent.
- The patent is a “paper” patent and does not correspond to any device or system actually built, sold, or shown to have commercial value (outside of litigation) by the patentee.
- The patent’s disclosure and claims are vaguely or generically worded, thus allowing the patentee to stretch the terminology to cover a large number of technologies, including even later-arising technologies that the inventor could not have envisioned at the time he drafted the disclosure.
- The disclosure is drafted in “prophetic” fashion to cover technologies that would clearly be valuable but that the inventor does not know, or disclose, how to make (e.g., “a rocket belt for personal flight”).
- The patentee files infringement actions in a jurisdiction known for its pro-plaintiff jury verdicts, its judicial hesitancy to invalidate patents, or its procedural rules which will allow plaintiffs to impose significant discovery and other costs on defendants in a short amount of time.
- The patentee’s settlement demands focus largely or entirely on the premise that defendant should pay patentee some significant proportion of the defendant’s anticipated (and non-recoupable) litigation costs, and patentee refuses (or is unable) to discuss intelligently the substantive defenses interposed by defendant.

- The inventor asserts broad claim coverage in a technical area rife with prior art, or conceals the non-novel nature of his claimed invention by using obfuscatory language.
- The patentee has embarked upon an industry-wide licensing or litigation campaign, writing dozens or hundreds of non-specific demand letters indiscriminately claiming that all companies in a given (usually lucrative) industry must pay him royalties.
- The inventor has “submerged” his patent by filing a broad but vague or obscure disclosure and keeping it (or its continuations) pending for multiple years while inserting claim language purportedly entitled to the benefit of the original filing date, but actually reflecting technical and marketplace developments that have pointed the way toward how to draft the most valuable claims while still asserting that such claims were supported by the original disclosure.

Of course, each of these supposed “hallmarks” of junk patents could be said to apply to certain patents that most would agree do not deserve the “junk” appellation. For instance, much of the undoubtedly significant work of technical think tanks or research institutions may result in patents that are technically “mere paper,” at least at first, because the researchers are not in the business of commercializing their concepts. Similarly, multiple overlapping continuations or divisions may ensue from the sheer complexity of multi-faceted technical innovations or systems.

Nonetheless, the above list of “junk patent” warning signs (especially if a given patent or portfolio fits evinces than one or two of the factors) may provide a useful starting point for determination of whether a patentee is asserting non-meritorious claims and has engaged in Patent Office and judicial system gamesmanship.

Underlying all of the factors possibly indicative of “junk patents” or a “patent troll” are at least three meta-concerns. First, the statutory presumption in U.S. law that issued patents are valid and can be invalidated only by clear and convincing evidence poses a fairly heavy burden to defendants challenging the novelty or non-obviousness of a patent, and even more so, a large group of patents and claims. Second, the game of wits between overburdened patent Examiners and persistent, tactically-minded would-be patent trolls is viewed as a grossly uneven one, in which the Patent Office is perceived as likely eventually to cave in and issue at least some claims on even the most dubious of “inventions.” Finally, the inherent imprecision of all verbiage, and the availability of triple damages for willful infringement of patent claims, poses a potentially-overwhelming threat that may prove an impossible-to-overcome incentive coercing defendants to settle with a “troll” rather than face the risk of an unpredictable claim construction (and infringement trial) process.

Part Two of this discussion will be published in the next issue of NewsExchange, and will discuss some possible solutions that companies targeted by “patent trolls” may take to address their demands, as well as possible legislative and judicial strategies for discouraging assertion of “junk patents.”

Jeffrey D. Sullivan
Baker Botts, L.L.P. New York
jeffrey.sullivan@bakerbotts.com

AND FROM EUROPE...

New Anti-Counterfeiting Rules Target Buyers of Fakes

NEW MEASURES AGAINST COUNTERFEITING IN FORCE AS from 17 March 2005 have introduced a fine up to 10,000 euro for whoever buys or accepts, or induces others to buy or accept, counterfeit goods. The maximum fine provided for by the Criminal Code for whoever sells goods bearing indications such as to mislead the buyer as to the origin or source of the goods has also been raised to 2,000 euro.

Law Decree No. 35 of 14 March 2005, published on 16 March 2005 and in force from the day following publication, has introduced new measures against counterfeiting.

A sanction has been introduced for buyers of goods that infringe laws on intellectual property.

Article 1(7) of Law Decree No. 35 provides that "Unless the act amounts to an offence, the purchase or acceptance, without previously ascertaining their legitimate origin, for any reason of objects which, because of their quality or because of the condition of the person offering them or because of the price, lead to believe that laws on the origin and

Scotland the Brand?

Scotland is increasingly being recognised by brand owners as a very attractive place for litigating and setting their trade mark, copyright and IP disputes. This article considers some of the reasons why brand owners are choosing to protect and enforce the investments they have made in the Scottish Courts.

Specialist judges, dynamic decisions and experienced Counsel

IP disputes are usually brought in the Court of Session, Edinburgh (although the Sheriff Courts – roughly equivalent to the English Magistrates Courts – are entitled to hear certain IP cases). In particular, the Court has concurrent jurisdiction with the English High Court in relation to hearing applications for revocation of registered UK and Community trade marks whether there is any geographical connection with Scotland or not. It can also hear infringement cases where either party has a place of business in Scotland or the alleged infringement takes place in Scotland. The Court has a specialised set of rules governing intellectual property actions which are designed to allow an element of case management and to streamline the Court procedure as much as possible.

There are two highly experienced Intellectual Property judges available to hear IP disputes in the Court of Session, Edinburgh. These enthusiastic judges are open-minded and apply common sense in increasingly complex areas of law. They deliver commercially focused practical decisions that recognise the considerable investments made by brand owners and the importance of protecting the integrity and value of brands. These judges are not afraid to take an independent view at variance with English rulings. They have ruled in favour of brand owners when the English Courts had indicated it would rule against them. Both rulings were made in similar factual circumstances. It is worth noting that the Scottish ruling was made while a ruling from the European Court of Justice was pending. The Scottish Judge's position was then ultimately upheld by the European Court of Justice.

There is an increasing focus on IP within the Scottish Bar – a trend leading to a number of specialist IP Counsel/Barristers who are building up substantial expertise in this area. The Law Society of Scotland has introduced a system whereby practitioners with more than five years experience in intellectual property matters can apply for specialist accreditation and it maintains a register of those solicitors.

Brand friendly

In a global climate where there is a growing suspicion about major brand owners motives, the Scottish Court has a refreshing attitude and starts from the strong presumption that registered trade marks are valid. On the whole it is more likely to protect and uphold brand rights rather than invalidate them.

source of the goods and on intellectual property have been infringed, is punished with a fine up to 10,000 euro (over 13,000 US\$). The sanction provided by this paragraph applies also to those who induce others to buy or receive for any reason any of the above mentioned goods, without previously ascertaining their legitimate origin."

Paragraph 8 of the same article provides that the fines paid pursuant to paragraph 7 shall be employed in the fight against counterfeiting.

The same paragraph also amends article 517 of the Italian Criminal Code (Sale of industrial products bearing untruthful signs) raising from 1,000 (about 1,300 US\$) to 20,000 euro (over 26,000 US\$) the fine for the sale or circulation of goods bearing trademarks or signs able to mislead the buyer as to the origin, source or quality of the goods.

Laura Fiona Ercoli

Società Italiana Brevetti, Italy

laura.ercoli@sib.it

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Interim Interdicts/Injunctions

In Scotland it is possible in some circumstances to obtain interim interdict orders in the absence of the infringer and with no prior notice from the Court. The English procedural rules which make it almost obligatory to engage in pre-litigation correspondence do not apply in Scotland. There are circumstances where an exchange of correspondence is the recommended course of action, this is not always the case. The Scottish system leaves open the possibility of going straight to court. Interim interdicts can be relatively easy and quick to obtain in Scotland. An application can, in cases of urgency, be made in a matter of days and possibly even hours. These are a very strong deterrent against infringement, stopping the infringer in their tracks at the very outset of a case and are also highly effective negotiating tool often leading to swift resolution avoiding protracted and costly litigation. A brand owner negotiating with an interim interdict is in a much stronger position than one trying to strike a deal in circumstances where the party he is negotiating with has little incentive to come to the table.

UK wide reach of Scottish orders

If action is taken against a company which is registered in Scotland but trades throughout the whole of the UK, an order from the Scottish Court will have automatic UK wide effect. It is also possible to obtain an order for recovery of evidence which is in Scotland and then to use that evidence in relation to Court proceedings that are brought in England, or indeed elsewhere in Europe.

Costs and publicity

Solicitors' and advocates' (the Scottish equivalent of barristers) costs compare favourably with, for example, England making the cost involved in litigating in Scotland good value. The Scottish Courts' website, where decisions of the Court are published, is less likely to be monitored up by the national press. The fact that such decisions are less likely to be picked up and reported is a feature that can allow parties to make litigation lower profile where desired.

These are just a few examples of why Scotland offers a highly attractive and commercial forum to protect intellectual property and in particular brand rights.

For further information please contact:

[Gill Grassie](mailto:Gill.Grassie@mms.co.uk) or [Claire Urquhart](mailto:Claire.Urquhart@mms.co.uk)

IP & Technology Department, Maclay Murray & Spens

Email: Gill.Grassie@mms.co.uk

or Claire.Urquhart@mms.co.uk

News

from the

Regions



LES Irish Section

LES Scottish Branch

Designs on a stylish Christmas

A Georgian townhouse on one of Dublin's most beautiful squares was the venue for this year's Christmas drinks on December 16th. 90 Merrion Square is owned by the Friends of the National Gallery of Ireland and so it was an entirely appropriate venue for the talk on the legal and creative aspects of designs.

Nicholas Cloak, partner and creative director of Baseline spoke by the roaring log fire of the challenges facing the design industry. Gerard Kinsella managing partner of FR Kelly & Co then spoke most engagingly from the legal side.

Committee member and organiser, **Noise Gordon** deserves our thanks for a well attended and enjoyable evening.

LES/Forfas Lecture Series – Minister for Trade and Commerce officially launches the series

The first in a series of joint talks hosted by LES and Forfas (the Irish State Development Board) was held in Forfas's head office in Dublin on Friday 14th January. **Yvonne McNamara**, partner at McCann Fitzgerald and LES Chair in Ireland gave a very comprehensive talk on technology licensing.

The talk was well received and attendance was high which was impressive given that it was held early morning. Attendees came from not only the legal profession but also from indigenous Irish companies involved in research and licensing to state organisations such as Forfas (which means "growth" or "development" in Irish).

Mr Michael Ahern T.D., Minister for Trade and Commerce was present at the second in the LES/Forfas IP lecture series to officially launch the series. He gave a brief introduction on the importance of the knowledge economy to Ireland.

He was joined by **Helena Acheson**, Manager of Competitiveness and Innovation at Forfas and **Seamus Bannon**, Manager of Trade and Innovation at Forfas (all pictured bottom left with Yvonne MacNamara Chair of LES Irish Section.)

The IP Lecture series, which continues until June 2005, has resulted in an increase in applications for membership which is testament to its continued success.



Yvonne McNamara



LES and Forfas Launch



Michael Ahern T.D.



Yvonne and the Lecturers

Piping Hot Burns

Over 60 guests from throughout Scotland braved arctic conditions to attend the LES Scottish Branch Burns Supper at the National Piping Centre, Glasgow in February.

After a glass of mulled wine, delegates were treated to **Alastair Cameron** piping in the haggis followed by a polished address to the haggis from **Scott Johnstone**. Before the main course **Neil Fitzgerald** entrained us with 'Intellectual Property in the Media' complete with song. After the main course, **Bob Stembridge** disclosed how patents can enhance business strategies and identified some that prove a problem. The final presentation of the evening was an interactive session lead by **Andrew Shanks** from Marks and Clark, the challenge being to draft a patent claim for the first haggis.

The largely non-patent agent audience was given only ten minutes to draft a claim for the first haggis; split into 8 teams, the competition was evident, as was the hilarity! Remember the efforts superseded a wee dram and the entries ranged from:

*"disarmed wild beastie of unknown provenance,
for cooking"
to
"an encased consumerable substance" .*

The winning entry (with apologies to Burns) was :-

*"Whilst at hame ein taks yer besties trails
Thet nae ither budy wid sup
Pit in yer poke
Wee leeft ower breky, pile
An mak trade wi'
The fist daft bugger yae meet."*

A rough translation being :

*Take the parts of sheep that no one would consider
suitable to eat, mix them with oatmeal and sell to first
gullible soul that comes along.*

A thoroughly enjoyable evening was had by everyone at a superb venue with good food and entertaining and informative speakers...and we'll never underestimate the difficulty in drafting patent claims ever again!

The next LES Scotland Branch meeting is on 7 April 2005. Please see p. 8 for further details.

Caroline Sincock & Cathy Rooney
LES Scottish Branch

LES London Meeting

Our next London meeting is on Wednesday, 11 May 2005 at Apothecaries' Hall.

Entitled, "Brand Licensing - Exploiting opportunities in the Sports and Leisure Sectors" Richard Slater of International Brand Management Ltd., formerly Global Licensing Director for Dunlop Slazenger, will explain how the Capabilities and know-how of his company can exploit opportunities and release greater value from brands, successfully exploiting new markets and creating new revenue streams. International Brand Management's clients include Dunlop, Slazenger, Donnay, Karrimor, LA Gear and Lonsdale.

Sports Business recently wrote "The Licensing and Merchandising of Sports Brands is now a highly sophisticated \$17 billion business....So why is there little reliable intelligence on how best to do it?" Come along on 11 May and judge if this is changing!

This is the first major initiative of the newly-formed LES Brands Committee. If you would like to participate in the work of the committee or have suggestions for future events or speakers, please contact the Committee Chair, **Darren Olivier of Field Fisher Waterhouse: Darren.Olivier@ffw.com**

LES North East Region

Our next NE regional meeting will be on 26 April 2005 at The Leeds Club, Albion Street, Leeds.

Paul Smith, Principal Officer of West Yorks Trading Standards will discuss the problem of counterfeit goods and the illegal drugs trade in West Yorkshire. Please contact **Liz Ward** for further details: elizabethward@foxhayes.co.uk

The AGM and the Annual Conference 2005

Normally, the company Annual General Meeting of LES Britain & Ireland is held during the Annual Conference. This year, however, we decided to move the Annual Conference away from the normal dates in June to avoid proximity to the LESI meeting in Munich and BIO in Philadelphia. The Annual Conference will be held on 13 September 2005 at the Café Royal in London. The AGM has to be held before the end of July. Accordingly, we are holding the AGM on Thursday 30 June 2005; you will receive the correct formal notification of the AGM nearer the time. We polled members by email to gauge the level of support for combining the formal AGM with a social event, with positive results. So here are the details for both events:

The AGM will be held on Thursday 30 June 2005 at the Cabinet War Rooms, Whitehall, London, starting at 6pm. Once the formal business of the AGM is complete, the party will start. The charge for the party will be £50 per head to cover the hire of the Cabinet War Rooms, canapés and drinks (wine, water and soft drinks); we have the venue up until 11pm. Though the AGM and the party will be at the same venue, there will, obviously, be no charge to attend the AGM. It should be an excellent evening, and the suite of rooms that Churchill used as the 'nerve centre' of Government during for the Second World War are fascinating, so please do come along.

The Annual Conference will be held at the Café Royal, Regent Street, London on Tuesday 13 September. There will be four half-day sessions on different themes during the day and a gala dinner in the evening; accommodation will also be available. The detailed programme and booking form should be available by early May.

BOOK YOUR PLACE NOW! LES INTERNATIONAL CONFERENCE 2005

**12 – 15 June 2005
ArabellaSheraton Grand Hotel
Munich, Germany**

Munich is ideally situated geographically and thematically as the location for this year's LESI Conference. Germany is at the centre of technology transfer between Western and Eastern Europe and being the home of the European and German Patent Office it is not surprising that the theme of technology transfer between East and West plays a central role in the scientific programme.

The conference has attracted influential Plenary Speakers including:

- Professor Dr Winfried Büttner – Head of IP and Functions, Siemens AG
- Professor Dr Ninon Colneric – Judge at the European Court of Justice
- Professor Dr Alain Pompidou – President of the European Patent Office
- Dr Klaus Dieter Langfinger – Chairman of the Working Group on Patents of UNICE
- Dr Manfred Stolpe – Federal Minister of Transport, Building & Housing
- Professor Dr Joseph Straus – Managing Director of the Max-Planck-Institute for IP, Competition Law and Tax Law, Munich
- Dr Alexander von Mülendahl – Vice President of the Office of Harmonization in the Internal Market (Trademarks and Design), Alicante (OHIM)
- Dr Dr Andreas Barner – Vice Chairman of Boehringer Ingelheim
- Rolf W Einsele – Head of IP Management DaimlerChrysler

The conference also offers a wide range of workshops and opportunities for networking. It promises to be an excellent event and is highly recommended to ALL LES members and all those with interests in IP and licencing.

The conference committee have organised a selection of pre and post conference tours, excursions and sporting events.

EARLY booking is recommended.

For further details please see: www.lesi-2006.de

Or contact **Susanne Huber**: Email: LES@zibert.com;

Tel: +49(0)89 13 98 82 -52

Pan-European Conference 2006

Another set of dates for your diary is 21-23 June 2006.

These are the dates for the Pan-European meeting that we are organising in Glasgow. The conference venue will be the SAS Radisson Hotel and the social event will on the evening of Friday 23 June at Stirling Castle. The core programme of the conference will be on Thursday 22 and Friday 23 June, with add-on and education sessions planned for Wednesday 21 June.

Martin Sandford
LES B&I Vice President

Elliot Papageorgiou

LES Council would like to thank Elliot for his contribution to the Society over the past few years. His work and expertise has been much appreciated.

We wish him well in his new position in Germany.

Rock band fails on appeal to obtain protection for poster mark

THE APPOINTED PERSON HAS RECENTLY UPHELD A UK Registry Decision to refuse registration of LINKIN PARK (the well known rock band) for printed matter, posters and poster books. This judgement will interest those who wish to protect revenues from licensed goods bearing famous names.



source: www.linkinpark.com 2005 calendar

Linkin Park LLC, the company that represents the band, applied to register LINKIN PARK to protect its merchandising business. However, whilst the application was accepted for most of the goods and services it attracted an objection that it was descriptive under S3 of the Trade Marks Act 1994 for "printed matter, posters and poster books".

It is common cause that LINKIN PARK was a name coined by the rock group in 1996 and that the rock group was well known in the UK at the date of application for the mark.

On appeal Linkin Park argued that:

- the Mark was coined by the Group and therefore an invented word;
- the Mark was not descriptive as the subject matter was not a "characteristic" of the goods in question;
- the Registry makes an arbitrary distinction between goods for which the Mark was accepted and those for which it was denied registration;
- the Hearing Officer decision was inconsistent with certain other registrations, most notably a Community Trade Mark registration for LINKIN PARK.

The appointed person dismissed the appeal. His reasoning included the following points:

- Although the word LINKIN and the phrase LINKIN PARK were invented by the group and were meaningless at the point at which they were coined by the group, it is the meaning of the mark at the application date that is decisive. At the application date, this mark was no longer meaningless. Instead it denoted the group. Even though this did not make LINKIN PARK a dictionary term, it is clear from a previous decision of the European Court of Justice that signs need not be dictionary terms in order to be considered descriptive.
- It was not the case that, in order to be a characteristic of the goods, the thing denoted by the sign has to be a measurable property of goods rather than information content of the goods. In fact, the information content is a critical characteristic of many goods, eg computer programs. In order to fall within s.3(1)(c), the sign does not

have to fall within one of the types described in that section. The fact that there was no better way of describing a poster of the group than as "a LINKIN PARK" poster meant that the application of s.3(1)(c) could not be avoided. The band could not be denoted in any other way.

- The name of a performer, like the name of an author, undoubtedly indicates the origin of the performance or work. However, it does not follow that the name of the performer or author acts as an indication of trade origin of a product (a CD, book or even an MP3 file) which embodies the performance or work. Further, that fans of Linkin Park would not ordinarily expect merchandise relating to the Group, including posters, to be licensed by the Group.
- The corresponding Community trade mark for LINKIN PARK, which had been accepted for registration, was not even of persuasive value.

The decision seems to indicate that unregistered rights in passing off, may be the only real recourse for enforcing rights in famous names for certain merchandised goods in the UK. Owners of such marks are also advised to apply for trade mark protection early and be vigilant on the marking of products to ensure, as far as possible, that the mark communicates trade origin.

In addition, in order to capitalise on the deterrent value of having a trade mark registered, relevant brand owners may prefer to use the Community trade mark registration system to obtain a registration, even if that registration may ultimately be unenforceable in the UK, as this decision would seem to suggest.

Darren Olivier
(Field Fisher Waterhouse)

Retired Licensing Executive? Full-time Student? Taking a Career Break?

If you fall into any of the above categories and still would like to be a member of LES please contact Sheena Hunter to get a copy of the special membership terms for these three groups.

Email: LES@glasconf.demon.co.uk

People News

Maureen Daly is moving to Beauchamps on 24 March 2005. She will taking leave until June. Her new contact details are:

c/o Beauchamps
Dollard House, Wellington Quay, Dublin 2
Email: m.daly@beauchamps.ie
Tel: + 353 1 649 2457
Fax: +353 1 649 2649

LESI Winter Meeting 2005

The LESI Winter Meeting is the annual event formally known as the Expanded Board Meeting. This year's meeting was held in Brussels at the end of January. It is a streamlined version of the

International Delegates meetings and offers the LESI board the opportunity to discuss selected strategic issues with committee chairs and national presidents. One current initiative is to increase activity in the chemical sector. Although there is a flourishing Chemicals, Energy and Environmental committee at international level, there are few national societies with sufficient members to form a viable group. Accordingly, special events will be organised at future International and Pan-European meetings to encourage regional activity in this field.

A separate project is also under way to make the Licensing Executives Society more attractive to SMEs.



It isn't all beer and skittles at the LESI Winter Meeting.... Barry Quest and Chris Goodman enjoying the Belgian hospitality.....

Our quarterly international journal "Les Nouvelles" is to be re-vamped with a view to bringing individual members much closer to the global organisation. You will shortly have the chance to contribute to a readers' survey, but the editor would welcome the submission of any relevant articles or letters. A "Licensing Opportunities and Licence Requests" section is also envisaged which will be free to advertisers, so if you have an entry for the first batch, submit it now.

Stephen Powell
President LES B&I

DAVID BRAUNSTEIN

The treasurer of LES International, Dr. David Braunstein (LES USA/Canada) died suddenly last month whilst on holiday with his wife Diana in Peru celebrating their 40th Wedding Anniversary.

After 30 years in the Chemical Industry David had moved on to International Asset Management yet found time, often whilst travelling round the world on business, to organise LES conferences, run the financial side of LESI, and contribute actively to LESI board meetings. If this was not enough, he was also in his 'spare time' a voluntary fireman involving duties which seemed often to call him away in the middle of board conference calls.

Anyone who came in contact with David in International Meetings was instantly impressed by his energy and enthusiasm, as well as his friendly outgoing personality and robust humour. He was a special person and will be much missed. All untimely death is a tragedy but the loss of one of life's motivators reminds us how rare such people are and how much we depend on them.

Barry Quest

Welcome!

Council has been pleased to welcome the following new members to the Society:

Philip Allery, Putsman.WLC Solicitors; **Philip Atkinson**, Kent, Jones & Done; **Mark Bailey**, Speechly Bircham Solicitors; **Niall Bolger**, Enterprise Ireland; **Peter Bolgere**, Mason, Hayes & Connor; **Martyn Buxton-Hoare**, University of Surrey; **John Cahir**, Matheson, Ormsby, Prentice; **Simon Cosgrove**, Maclay, Murray & Spens; **Denise Goode**, Astra Zeneca; **Lynsey Grievson**, University of Bradford; **Ken Macleod**, Paul Capital Partners; **Tara MacMahon**, Matheson, Ormsby, Prentice; **Helen Mill**, The Robert Gordon University; **Takefumi Miyamoto**, Tanabe Seiyaku Co; **Liz Moran**, Enterprise Ireland; **Gerard O'Regan**, Enterprise Ireland; **Richie Paul**, Dublin City University; **Alistair Payne**, Matheson, Ormsby, Prentice; **Angus Phang**, Mintz Levin Cohn Ferris, Glovsky and Popeo; **Carla Pont**, Charles Russell; **Colin Pope**, Enterprise Ireland; **Robert Stoker**, Ricksons; **Giovanni Visintini**, International Brand Management



LESI International Officers 2004/2005

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Willy Manfroy
USA/Canada

Past President:
Jonas Gulliksson
Scandinavia

President Elect:
Peter Chrocziel
Germany

Vice President:
Elisabeth Logeais
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Vice President:
Chikao Fukuda
Japan

Vice President:
Ron Grudziecki
USA/Canada

Honorary Treasurer:
David Braunstein
USA/Canada

Honorary Secretary:
Adam Liberman
Australia/NZ



Licensing Managers

Competitive package – Southeast England & Beijing, PRC

Headquartered in Finland, Nokia is the world leader in mobile communications, connecting people through the provision of equipment, solutions and services for network operators and corporations.

The Licensing Business team, part of Nokia's Corporate IPR Department, has global responsibility for negotiating patent licences and related legal agreements in order to maximise Nokia's commercial and financial advantage. As technological developments gather pace internationally, the role of the Licensing function has become increasingly high profile and is now expanding rapidly to meet these new challenges.

This gives rise to two exceptional new opportunities, one based in Farnborough, UK and the other in Beijing, for experienced, business-oriented professionals who can successfully combine negotiation and project management skills with knowledge and experience of IP licensing activities.

Working as a team with other IPR professionals and technical specialists, you will be involved in a variety of projects, ranging from evaluating and proactively planning commercial licensing initiatives through to the negotiation and conclusion of licences and related legal agreements.

You will ideally be a professionally qualified and experienced Lawyer or Patent Attorney with relevant international patent licensing experience, and preferably possess a technical background appropriate to the telecoms industry.

You must combine a commercial appreciation of business and IPR issues with an international outlook and cultural awareness and diplomacy. First-class communication skills and a good command of the English language are important, together with the ability to work under pressure and the willingness to undertake regular travel.

For an initial discussion in the strictest confidence, please contact Marion Grant or Ann Jones at Johnson Millar IP Limited, 52 Upper Brook Street, London W1K 2BU. Tel: +44 (0) 20 7468 2110. Fax: +44 (0) 20 7468 7401. Email: m-grant@dircon.co.uk; asjones@dircon.co.uk

Johnson millar IP



Events Diary 2005-2007

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For further information please contact regional officers for LES events in Britain and Ireland (see panel on the left of this page or visit the LES B&I website www.les-bi.org) and the officers of national societies for overseas events (see LES directory or the LESI website www.lesi.org)

8 April 2005 LES Irish Section

Wilton Room Forfás, Wilton Park House Dublin 2

Speaker: Martin Phelan of William Fry
"Tax efficient corporate structures for exploiting IP"
8:30 – 10:00
For further information please contact:
yvonne.mcnamara@mccannfitzgerald.ie

11 May 2005 LES London Region

**The Apothecaries Hall
"Brands, Brands and more Brands"**
Speaker: TBA
For further information please contact: Sheena Hunter
les@glasconf.demon.co.uk

12 May 2005

**Cranfield R&D Management Centre
"Drafting Licensing Agreements"**
For further details please see:
www.cranfield.ac.uk/sme/rdman/courses/webleafs/dia

13 May 2005 LES Irish Section

**Wilton Room Forfás, Wilton Park House
Dublin 2**
Speaker: Róisín McNally of Murgitroyd
"The Impact on the Life Sciences Sector of the Biotech Directive"
8:30 – 10:00
For further information please contact:
yvonne.mcnamara@mccannfitzgerald.ie

10 June 2005 LES Irish Section

**Wilton Room Forfás, Wilton Park House
Dublin 2**
Speaker: Barry Moore of Hanna Moore & Curley
"Patenting Software – the current state of play"
8:30 – 10:00
For further information please contact:
yvonne.mcnamara@mccannfitzgerald.ie

7 June 2005 LES Scottish Branch

Edinburgh Marriott
Speakers from: MJJ Associates, SAGA and SHIL
"Effective exploitation of Intellectual Assets"
For further information please contact:
cathy.rooney@snbts.csa.scot.nhs.uk

12-15 June 2005 LESI Conference

**ArabellaSheraton Grand Hotel
Munich, Germany**
For further details please see:
www.LESI-2005.de
For travel information please contact: **LES @Zibert.com**

30 June 2005 LES B&I AGM and Party

**The War Cabinet Rooms
Whitehall, London**
18:00
For further information please contact:
Sheena Hunter:
les@glasconf.demon.co.uk

13 September 2005 LES B&I

The Café Royal, London
Full Day Meeting
For further information please contact:Sheena Hunter
les@glasconf.demon.co.uk

16-19 October 2005 LES USA & Canada

**Annual Meeting
Marriott Desert Ridge Hotel
Phoenix, Arizona, USA**
For further details please see:
222.usa-canada.les.org/meetings/2005annual/

A Dates for your Diary...



**21-23 June 2006
LES European Conference
Glasgow**

2007 LES B&I Conference and AGM Dublin Further details TBA

Membership

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A membership application form may also be found on the LES B&I website: www.les-bi.org



newsxchange

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