

Standards and Patents: Law and Litigation

Monday 7th – Wednesday 9th September 2020

Digital Week

Day 1

14:00 Chair's Welcome and Introduction

Regulation & Case Update

14:10 **FRAND and RAND: comparing case law and other developments at national level – EUROPEAN JURISDICTIONS**

- Advantages and disadvantages of a universal definition for FRAND
- Strategic approaches to IP Licensing
- Competition law and its relationship to standardisation and SEP licensing
- Should SDOs aim to mitigate law infringement?
- Access to All v License to All: the non-discriminatory element of FRAND

Participants

Brice Allibert, Deputy Head of Unit - DG COMP, **European Commission**

Professor Renato Nazzini, Professor of Law & Director of Research in Construction Law,
Kings College London

15:00 *Break*

FRAND and RAND

15:05 **Roundtable: European Aspects of FRAND Licencing**

- Different stages and views across Europe

16:05 *Networking Break*

Internet of Things

16:35 **Which role for patent pools in the IoT era?**

- Creation and functioning of pools;
- pros and cons of pools;
- adjusting pools to needs and perspectives of different stakeholders (licensors, licensees and pool administrators)
- Pools in the IoT

Participants

Mattia Fogliacco, CEO, **Sisvel Group**

Lyle Ellis, Senior IPR Manager, **Vodafone Group Services**

John Sideris, Principal Licencing Counsel, **Philips**

17:15 *Break*

Regulation & Case Update

17:20 **Unwired Planet vs Huawei***Participants*Moderator: **Ken Adamo**, Owner, **Law Office of KRAdamo****Dr Roya Ghafele**, Executive Director, **OxFirst****Dirk Weiler**, Head of Standards Policy, **Nokia**

18:00 END OF DAY 1

Day 2

14:00 Chair's welcome address

FRAND and RAND

14:05 **FRAND and RAND: comparing case law and other developments at national level – UNITED STATES AND OTHERS**

- Advantages and disadvantages of a universal definition for FRAND
- Strategic approaches to IP Licensing
- Competition law and its relationship to standardisation and SEP licensing
- Should SDOs aim to mitigate law infringement?
- Access to All v License to All: the non-discriminatory element of FRAND

*Participants***Ken Adamo**, Owner, **Law Office of KRAdamo**14:50 *Break*

Internet of Things

14:55 **Mediation and arbitration to settle IoT disputes**

- Effective dispute resolution systems in Europe
- Strategising ways to settle disputes involving high-level cross-border deals
- Mediation and/or Arbitration as an alternative to litigation

*Participants***Ignacio de Castro**, Director – IP Disputes and External Relations Division, **WIPO****Christopher Stothers**, Partner, **Freshfields Bruckhaus Deringer LLP**15:25 *Break*

Regulation & Case Update

15:30 **Open source**

- Assessing means of cooperation with open source communities for the testing and implementation of standards.
- Ensuring that there is no ‘contamination’ of the rights of IP owners who contribute their technology to the development of standards.
- What are good licensing practices for using different types of IP to develop and implement standards?

Participants

Adrian Howes, Head of IP and Standards, IP Regulatory Affairs, **Nokia**

Jimmy Ahlberg, IPR and Open Source Policy, **Ericsson**

Jim Harlan, Senior Director, Standards & Competition Policy, **InterDigital**

16:10 *Networking Break*16:30 **SEP Licensing: Willing Licensor, Willing Licensee**

- Potential threats to FRAND negotiations
- Enforcement of essential patents: case-law

Participants

Dr Spyros Makris, IPR Policy Manager, **Ericsson**

Elisabeth Opie, Principal Solicitor, **Office of Elisabeth Opie**

Clemens-August Heusch, Global Head of Dispute Resolution, **Nokia**

17:10 *Break*17:15 **Governance in SDOs**

- Leading SDO (ETSI, IEEE, etc.) approaches to SEP governance
- Alternative standard bodies
- Changes in function framework
- How to approach different bodies

Participants

Christian Loyau, Legal Affairs and Governance Director, **ETSI**

Carter Eltzroth, Legal Director, **DVB Project c/o European Broadcasting Union**

17:55 **END OF DAY 2**

Day 3

14:00 Chair's welcome address

Internet of Things

14:05 **Standard Essential Patents and the IoT**

- Increasing impact of SEP licensing on “new” verticals past telecom
- Developing a comprehensive licensing strategy

Participants

Bowman Heiden, Co-Director of the Centre for Intellectual Property, **University of Gothenburg**

14:35 *Break*

14:40 **At which point in the value chain should SEPs be licences in the IoT space?**

- Why this a key issue in the IoT space
- Is there a direct or indirect obligation on FRAND-pledged standard-essential patents to license at all levels of the value chain, including at component level?
- A use case: the automotive industry

Participants

Marco Lo Bue, Senior Associate, **Office of Elisabeth Opie**
Axel Ferrazzini, Managing Director, **4iP Council EU**
Matthias Schneider, Chief Licensing Officer, **AUDI AG**

15:25 *Break*

15:30 **Unpacking the legal impact of Cloud Service**

- Review of the cloud from legal perspective – definitions, implications and rules
- Exploration of impacts to IP servers – copy right; patents
- Case law update

Participants

Gianluca Campus, Senior Legal Counsel - Technology and IP, **Sky Italia**

16:00 *Networking Break*

Regulation & Case Update

16:20 **Transparency v Efficiency**

- Outcome of the pilot project for essentiality checks of SEPs performed by the European Commission's Joint Research Centre
- FRAND commitments and timely disclosure of SEPs
- Transfer of SEPs

Participants

Dr Lea Tochtermann, Professor of Private Law and European Patent Law, **University of Mannheim**
Steve Faraji, Chief IPR Policy Manager, **AUDI AG**

16:50 *Break*

FRAND and RAND

16:55 **FRAND Valuation & Pricing**

- Assessment of available funding options for IP strategy
- Transfer pricing valuation
- How to calculate FRAND RATES
- Liability and IP infringement

Participants

Brian Scarpelli, Senior Global Policy Counsel, **ACT | The App Association**

Dr Roya Ghafele, Executive Director, **OxFirst**

17:25 Chair's Closing Remarks & Close of Conference