



Topic Meeting is IP and Tax - Quo Vadis! – 21 April 2016 – Parc Hotel Alvisse in Luxembourg

PROGRAM

- 9.15 - 9.45** Registration and welcome coffee
- 9.45 – 10.00** Welcome and overview of the day
Achim Krebs, HGF, The Hague
Patrice Vanderbeeken, Pierstone, Brussels
Vincent Wellens, NautaDutilh, Luxembourg
- 10.00 – 10.45** Tax/Transfer Pricing considerations for IP structuring
- General considerations (capital gains taxation, withholding tax, state aid risks, corporate reputation/morality of tax optimisation)
 - Post-BEPS area (what is BEPS? What are the key BEPS action points to consider for IP planning?)
- Brent Springael, Partner, Head of Tax, Bird & Bird, Brussels- Luxembourg*
- 10.45 – 11.15** Diving into the transfer pricing considerations for IP structuring
- BEPS Action Point 8: new OECD transfer pricing guidelines for intangibles
 - How implemented in the various jurisdictions (hard law, soft law)?
- Yves De Groote, Director, KPMG Tax Advisers, Global Transfer Pricing Services, Kontich*
- 11.15 – 11.45** **Coffee break**
- 11.45 – 12.15** Alchemy - the science of apportioning IP value to daughter companies of a multinational
- Bill Bird, patent attorney, IPLodge, Heverlee*
- 12.15 – 14.00** **Lunch at the Veranda**
- 14.00 – 15.00** Diving into the tax considerations for IP structuring
- BEPS Action Point 5: substantial activity test for patent box regimes
 - Overview/comparison of some key patent box regimes and, to the extent still outstanding, the likely changes in view of BEPS (countries covered: Belgium, Netherlands, Luxembourg, UK, Ireland (first BEPS compliant), Switzerland (CTR III Reform))
- Brent Springael, Head of Tax, Bird & Bird, Brussels*
Geoffrey Clarke, Founder Bridge IP, UK
Rick van der Velden, tax lawyer, Loyens Loeff, Rotterdam
Bart Adams, International Tax Expert, Belgian Federal Public Service Finance, Brussels
- 15.00 – 15.30** IP & Tax: how to create a fit? How it's done? A case illustrated by real figures!
- François Gevers and Jan Pattyn, Directors, Deloitte, Brussels*
- 15.30 – 16.00** **Coffee and tea break**
- 16.00 – 16.30** Contractual framework
- Properly covering all rights relating to IP transfers and only the necessary right relating to IP licenses
 - Tax clauses often overlooked
- Winston Green, Managing Associate, Dentons, London*
- 16.30** **Closing remarks and networking drinks**



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SPECIFIC LEARNING OBJECTIVES

- An overview of the recent legislative developments with respect to Base Erosion and Profit Shifting of European IP income tax regimes;
- Identifying the main hurdles when restructuring IP for tax optimisation purposes;
- Main differences between the different regimes, taking into consideration the IP rights involved, i.e. patents, trademarks, copyright, domain names and the kind of income generated;
- Selected tax beneficial structures and the incoming anti-abuse-legislation;
- Case Study: company with affiliates and different types of assets in various member states

EDUCATIONAL POINTS

Please contact the Registration Desk at the day of the meeting for the necessary lists to sign. A certificate of attendance will be sent by email after the meeting.

PROGRAM AND PRESENTATIONS

The speakers at this meeting will be kindly requested to make their presentations available for publication at level 2 (registration required) of www.les-benelux.org. The presentations will be available approximately one week after the meeting. All participants will receive instructions by email how to access these presentations.

SPEAKERS

Bart Adams is the responsible for the Fiscal Department for Foreign Investments. This department is a small team of experts in international taxation under the direct authority of the President of the Executive Committee of the Belgian Ministry of Finance. Their task is, among others, to promote attractive tax incentives for foreign investments and to provide assistance to foreign investor applicants in their relations with the various departments within the Ministry.

In this context, the Prime Minister and the Minister of Finance of the Belgian government often call on their expertise on official assignments, both abroad and within the country. Before joining the Fiscal Department for Foreign Investments Mr. Adams occupied positions as tax auditor in the Belgian bank and insurance sector as well as Special Tax Inspector (i.e. the anti-fraud service of the Ministry of Finance). Mr. Adams is a Master in Law and a Bachelor of Economics from the Catholic University of Louvain.

William Bird is British and graduated (MA) from Cambridge University UK with an honours degree in natural sciences, majoring in physics and is a chartered electrical and electronics engineer. He has worked as an engineer and manager in process and product development, project management and marketing in multinational companies from which he has obtained a wide experience of the requirements and functioning of an industrial company. During the last thirty years he has worked as both a corporate and private-practice patent and trademark attorney in Germany and Belgium. He has expertise in both Common Law and codified legal systems, in technology transfer licensing and in the setting up of spin-off companies. He is a European, British and German patent and trademark attorney and is a tutor at CEIPI, has lectured for Pharmed, VUB Brussels ICAB Photonics, Vlerick School of Management, University of Leuven among others. He is an accredited tutor of the Licensing Executives Society. William is partner at the IP law firm IPLodge in Belgium.

Geoffrey Clarke, is a British and European Patent Attorney with many years of in house experience across a wide range of industries, including defence, telecoms, electrical, mechanical and aerospace engineering and medical devices. In those roles he has worked as a patent attorney and on the whole range of other IP issues arising, including technology transfer, M&A and tax matters. He is currently working as a consultant to a number of private practice firms. He is a Past President of LES Benelux. He has an Honours Degree in Pure and Applied Physics from the University of Manchester Institute of Science and Technology.



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Yves de Groote is Director, KPMG Global Transfer Pricing Services and holds a MSc in Tax Law at the HUB Brussels and a LL.M. Tax Law of King's College London. Yves has experience of working on multinational transfer pricing projects in various industries. Yves has a vast experience in setting up principal structures and defining transfer pricing policies for central service, logistic distribution, treasury or factoring companies. He is specialized in business restructuring and transfer pricing planning for intangible property. He also is experienced in valuations of intangibles and is assisting clients on a regular basis towards the central Belgian tax authorities for concluding transfer pricing rulings. His experience in the financial services sector includes setting up of asset management transfer pricing policies, determination of arm's length interest rates and implementing cash-pooling systems, interest rate swaps, foreign exchange hedging, provision of intercompany guarantees, etc.

François Gevers is a R&D Tax Incentive Services Director based in the Brussels office of Deloitte. François has over twenty years of experience in advising clients in Intellectual Property matters and joined Deloitte in August 2010 as IP expert after years of experience in private practice IP firm in Belgium and IP software service provider in Chicago. François has built up experience in IP related matters in a variety of sectors. François assists clients in obtaining the R&D Tax incentives, determines the scope of R&D projects of his clients and provides strategic advice on intellectual property. He has assisted many companies in obtaining the R&D tax incentives available in Belgium. This led him to build a strong technical experience in the Belgian R&D Tax Incentives field together with strong project management skills. François has an engineering degree, an MBA and is a professional representative before the Belgian and European Patent Offices.

Winston Green, managing associate at Dentons in London, *has been practising IP and Technology law for the past 16 years both in the UK and in Australia. He has an honours degree in Law and also a BSc majoring in computing sciences and information technology.*

Before becoming a lawyer he worked in the telecommunications and electronic-publishing industries. He has separately spent time on secondments with Virgin Management Limited (the shareholder/management company for the Virgin Group) and Virgin Atlantic Airways. As well as virtual secondments to RBS, Applied Materials Inc (semiconductors) and KCI (medical devices).

Achim Krebs (Dr.) joined HGF as a Partner in 2015 to establish the firm's first "continental" office at The Hague, Netherlands, from a position in private practice. Achim has accumulated a vast experience in his previous occupations in private practice and industry, including a position as Patent Portfolio Manager at a multinational oil corporation; and has considerable experience in the creation and management of cost-effective and tax optimized IP portfolios to suit various business strategies, as well as in contentious matters such as oppositions and litigation. Achim presently co-chairs the Chemicals, Energy, Environmental and Materials Committee of the Licensing Executive Society International, and serves on the Board of LES Benelux. Achim is a qualified Dutch, Belgian and European patent attorney and a registered European Trademark and Design Attorney, and holds a master degree and doctorate in synthetic chemistry from the University of Heidelberg.

Jan Pattyn is a director in the R&D Government Incentives department in Belgium. Jan joined Deloitte in 2000 as an international personal income tax advisor. Jan has become an advisor of many Belgium based and international clients, serving mostly large or multinational companies. He is specialized in tax matters for companies with R&D activities and has assisted many companies in obtaining the R&D tax incentives available in Belgium. This led him to build a strong technical experience in the Belgian R&D Tax Incentives field together with strong project management skills. In addition, he has a specific specialization in alternative remuneration methods such as equity compensation, pensions, termination payments. Jan has a University degree in Law as well as Tax Law and is a certified Belgian Tax Consultant.

Brent Springael is a tax partner of Bird & Bird's Brussels and Luxembourg office. His practice covers the full range of business-related tax matters, domestically and internationally. However, his main areas of expertise are intellectual property related tax matters in a wide variety of sectors, as well as aviation related advisory work. Brent's international tax experience (including in the private equity sector) is strengthened through his secondment roles with the Luxembourg office of NautaDutilh and the New York office of Sidley Austin LLP. Brent was admitted to the Brussels Bar in 1999 and the Luxembourg Bar in 2015. Backed by his experience, Brent has written and spoken extensively on the practical implications of, amongst others, the Belgian and other European patent box regimes, the taxation of copyright income, royalty taxation, aircraft financing, holding company regimes, and non-profit association's tax rules in leading Belgian and international tax reviews. He holds membership of the Tax and Legal Committee of the American Chamber of Commerce in Belgium and chairs its R&D subcommittee.



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Rick van der Velden, tax adviser, is a member of Loyens & Loeff's tax practice group in Rotterdam. He specializes in the advising of Dutch and family-owned businesses, including their shareholders, on Dutch corporate income tax and personal income tax matters. He has broad experience in advising on tax aspects of intellectual property, related party loans and business reorganizations. Rick is a member of the Dutch Association for Tax Advisers.

Patrice Vanderbeeken, partner at Pierstone in Brussels, enjoys a reputation as a prominent technology lawyer. He has practised IT and IP law, with a focus on contracts, e-commerce, distribution, standardization, copyright and patents, for 13 years with NautaDutilh, a top tier Benelux firm, and before that at the European Court of Justice. As a former external advisor to the technology transfer office of a leading university and a global vaccine manufacturer Patrice has gained an excellent understanding of both the industry's and the academics' perspective with regard to technology contracting. He has developed extensive knowledge in EU and regional Research Framework Programmes. His practice further includes regulatory work and litigation. Patrice has been recommended for TMT and for Life Sciences in all the Chambers Europe editions since 2009 as well as in the Legal 500. He is a Board Member of the Licensing Executives Society Benelux and an Active Member of the Europe India Chamber of Commerce, a Liaison officer for the Licensing Executives Society International's IT and e-commerce committee, and a member of the Belgian Copyright Law Association and the Britcham ICT committee.

Vincent Wellens is a partner of Nauta Dutilh at Intellectual Property (IP), Information & Communication Technology (ICT) and competition practice. He represents major international clients on IP, trade practices, e-commerce, e-archiving and data protection issues in the consumer goods and ICT sectors. Vincent also actively supports our other practice areas, such as our banking & finance department with advice on IT outsourcing and archiving related issues for financial institutions and our tax practice with respect to IP portfolio structuring under the Luxembourg tax scheme for IP revenues.