

LES Benelux

Complex Clauses Topic Day

15 November 2017 – Leuven (BE)

PROGRAM

9.00 - 9.30	Registration and welcome coffee
	Set the scene
9.30 – 9.35	Welcome and introduction, Guillemette Vital-Durand
9.35 – 10.35	Presentation on M&A, change of control and insolvency, Robert van Galen and Stan Brijs, NautaDutilh (NL / BE]
10.35 – 11.35	Competition Law / TTBER / Block Exemption, Nicolas Petit, Professor of Law at the University of Liege (BE)
11.35 – 12.15	A presentation on FRAND, Alexander Haertel, Kather Augenstein, Düsseldorf (DE)
12.15 -13.15	Lunch
	Life is full of surprise
13.15 – 14.15	Impact of audits and patent validity challenges on royalty obligations, Bart van Oosterhout, Deloitte Extended Enterprise Risk Management, Brussels (BE) and Dean Gordon, ASML Netherlands BV
14.15 – 15.00	Exclusivity, Reini van Leeuwen, IP consultant, The Hague (NL)
15.00 – 15.30	Coffee break
15.30 – 16.15	Dispute resolution and ADR, Carmen Correa Martin, Erasmus MC, Rotterdam (NL)
16.15– 17.15	Trade Secrets and Confidentiality, Kevin Nachtrab, Johnson & Johnson, Brussels (BE)
17.15	Closing remarks and networking drinks



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SPEAKERS

Stan Brijs is partner at NautaDutilh in Brussels (BE) and focuses on domestic and international litigation. His broad practice and expertise cover insolvency and corporate litigation, (cross-border) enforcement of judgments and arbitral awards, injunctive relief, and liability and insurance disputes. As a member of NautaDutilh's class actions team, Stan has developed specialised expertise in the rapidly growing area of mass tort claims. His clients include Belgian and international financial institutions and listed companies. Stan graduated from the University of Leuven (KUL) in 1993 and received an LL.M from the University of Chicago in 1995. From 1996 to 1999, he served as an advisor in the cabinet of the Belgian minister of justice.

Robert van Galen is partner at NautaDutilh in Amsterdam (NL) and specialised in insolvency law with an emphasis on cross-border issues and is heading NautaDutilh's Insolvency and restructuring Group. He has been involved in virtually all major cases in the Netherlands over the past 25 years, such as Barings, Fokker, GTS, KPNQwest, Lehman, Yukos and OSX. He is furthermore admitted to the bar of the Dutch Supreme Court and has been involved in a number of important cases decided by the Dutch Supreme Court. Robert is president of the Dutch association of insolvency lawyers, INSOLAD. He has been a member of the Dutch State Committee on the implementation of the European Insolvency Regulation, he is a member of the stakeholders group advising the Dutch government on insolvency legislation and of the expert group advising UNCITRAL Working Group V. He is a fellow of the American College of Bankruptcy. He is president of the Amsterdam lawyers society (Praktizijnsociëteit). He is past president of the European association of Insolvency Practitioners, INSOL Europe.

Dean Gordon is a US and European patent attorney and a member of the State Bar of California. He currently is a Director for Contracts and Licensing with ASML Netherlands BV, a company developing advanced technology for high-tech lithography, metrology and software solutions for the semiconductor industry. His area of expertise covers all range of IP agreements, including strategic transactions, licensing, R&D agreements, as well as patent procurement and prosecution. He has formerly practiced Intellectual Property law with Blakely, Sokoloff, Taylor & Zafman in Los Angeles, California and held various IP counseling positions with Schlumberger in Paris. Dean is a board member of LES Benelux.

Alexander Haertel is founding partner at Kather Augenstein Rechtsanwälte PartGmbH in Düsseldorf (DE) IP Litigation, especially in regard to patents. I have experience with all major German courts and also experience with invalidation proceedings like opposition or nullity proceedings before the Federal Patent Court/Federal Court of Justice. He advises and represents national and international companies of all sizes. The focus of his work is in litigation for technical intellectual property rights (patents, utility models). He is also active in the field of soft IP, and particularly advises his clients in matters of trademarks, design, and unfair competition law. Alexander Haertel has also experience in the management of cross-border proceedings, in particular in the field of mobile phone companies. Alexander is a member of the Licensing Executives Society International (LESI) and is in charge of external relations as Vice Chair. He is tasked with the management of the Committee on Patent Law in the Working Group on Intellectual Property and Media (AGEM) of the German Association of Lawyers.

Reini van Leeuwen holds a MSc Law and a Msc Naval Architecture. After having worked for 4 years in shipbuilding industry as technical expert, Reini joined Shell's intellectual property department to become a qualified Dutch and European patent attorney and legal counsel. She worked in Shell's intellectual property department for over 39 years, the last 15 years as Associate General Counsel. She currently is an IP consultant with significant international experience in the creation, management, exploitation and commercialisation of IP assets, through including through private partnerships, private public partnerships, licensing and technology servicing arrangements.

Carmen Correa Martin LL.M.-RTTP. Carmen



has over 25 years of international

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professional experience. She has Latin-American roots and has working experience in South America, the USA as well as in Europe. Carmen has dedicated more than 15 years of her career to technology transfer between the USA and The Netherlands. She obtained her law degree in Venezuela and LLM degrees in USA and the Netherlands, and is a Registered Tech Transfer Professional, which combined with her vast international experience and her knowledge of business cultural differences gives a versatile and practical approach to legal and negotiation issues. She currently serves as Senior legal counsel at the Technology Transfer Office of Erasmus MC in Rotterdam (NL) and is co-founder of Legal DNA, lawyers specialized in Technology Transfer and Valorisation in the field of Information Technology, Pharma and Biotechnology.

Kevin Nachtrab is a Senior IP Attorney for Johnson & Johnson and a member of the Expert Group of the World Intellectual Property Organization (WIPO) Center for Arbitration and Mediation. Kevin is a Past President of the Licensing Executives Society International (LESI), a former member of the Board of Governors of the Certified Licensing Professionals, Inc. and of the Board of Trustees for the African Agricultural Technology Foundation (AATF). Kevin is also an Adjunct Professor of Law at Hunan University (P.R. China), a Visiting Professor at Zhongnan University and Xiangtang University (both P.R. China), the National Taipei University of Technology (Rep of China) and the National Law University of Delhi (India), as well as an International Research Expert for the Wuhan Intellectual Property Office and the Hunan Intellectual Property Office (both P.R. China). A registered Patent Attorney and a Certified Licensing Professional (CLP), Kevin is also a member of the Bars of the State of Maryland (U.S.A.), the United States District Court for the State of Maryland, the United States Court of Appeals for the 4th Circuit, the United States Tax Court and the United States Bankruptcy Court. Based in Brussels, where he specializes in licensing and litigation in the pharmaceutical and biotech sectors, Kevin has extensive experience in practice before both the European and United States Patent Offices, as well as in technology transactional matters and litigation on an international level. Kevin is a graduate of Western Maryland University where he studied Chemistry, Biology and Political Science and the School of Law of the University of Baltimore.

Bart van Oosterhout is a director in the Deloitte Risk Advisory department. Since he started with Deloitte 13 years ago, he has helped clients with managing third party risks. As part of the Extended Enterprise Risk Management team, he is leading third-party contract reviews throughout the value chain covering contractual terms and conditions of software license agreements, licensing deals, shared development contracts, profit sharing contracts, supplier agreements and distributor agreements. Bart has extensive experience in executing and coordinating royalty reviews in EMEA and Asia, validating the accuracy and completeness of royalties reported by licensees.

Nicolas Petit, Professor of Law at the University of Liege (BE) and Visiting Professor at the EDHEC Business School, Lille, France. He is the Director of the ULg LL.M. in European Competition and Intellectual Property Law, co-Director of the Institute for European Legal Studies and Director of the Global Competition Law Centre of the College of Europe. He was formerly an Associate at Howrey LLP, Brussels and served as a Clerk at the Commercial Chamber of the French Supreme Court. He advised on a range of cases, in particular in cases involving high-tech industries and ICT companies. He holds a PhD in law (2007) which was prized both by the review *Concurrences* and by the *International League of Competition Law*. In 2009, he was appointed International Reporter of the LIDC. In 2005 he was selected to become a member of Harvard Law School's Visiting Researchers Programme. In addition to this, he is a member of the editorial board of the law review *e-Competitions*, senior editor of the online magazine *Antitrust Chronicles*.

Guillemette Vital Durand is a business and IP lawyer by education. Guillemette is addicted to develop legal and regulatory strategies for innovation. Since joining Danone more than 10 years ago, Guillemette had various positions centered on discovery and new products. She is based in the Netherlands currently in charge of the regulatory team dedicated to adult medical nutrition portfolio. Before joining Danone, she spent 7 years in a biotech entity (NASDAQ listed IDMI). She started her career at INSERM (Academic Institute for Health and Medical Research) technology transfer department as legal manager. Guillemette



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has extensive experience in licensing through her diverse positions providing legal and regulatory support from all points of view (academic / SME / multinational corporation). She developed a business sensitivity and understanding of stakeholder point of view, having interest in negotiation and Alternative Dispute Resolution (she is certified NLP Practitioner). For many years, she has been directly involved with the LESI and other professional associations finding inspiration and interest in understanding licensing trends and gaps.

