

GEMA TYPE AGENCIES AS A SOLUTION FOR FRAND?



12 November 2019, 6 p.m.

DPMAforum

Deutsches Patent- und Markenamt

Zweibrückenstraße 12

80331 Munich

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In our meeting we will discuss whether and to what extent GEMA type agencies might help to resolve FRAND issues and to avoid SEP related disputes. *Prima facie*, such setting should help to avoid discrimination, in particular regarding SMEs, some of which are confronted with SEPs, while others remain underneath the radar. On the other hand, the question of what is fair and reasonable still needs to be answered.

With the support of



PROGRAMME

18:00-18:05 – Welcoming address – *Cornelia Rudloff-Schäfer*

18:05-18:10 – Welcome – *Peter Picht*

18:10-18:15 – Introduction – *Klaus Haft*

18:15-18:35 – The concept of an agency solution - benefitting from experiences in other legal fields –
Christian Czychowski

18:35-18:55 – The view of ETSI – *Christian Loyau*

18:55 -19:15 – Automated Pooling - *Fabian Hoffmann*

19:15-19:35 – Agency versus Pool – *Luke McLeroy*

19:35-20:00 – Panel-Discussion Moderator: *Klaus Haft*, Panelists: *Matthias Zigann, Clemens Heusch, Kai Brandt, as well as the earlier speakers*

20:00-21.30 – Reception

SPEAKERS AND PANELISTS

Kai Brandt

Dr. Kai Brandt is Head of Patents Digital/Electronic Systems/Mobility, and responsible for Audi AG's patent strategy in the area of electrics and electronics as well as the corresponding patent portfolio.

Christian Czychowski

Prof. Dr. Christian Czychowski is a partner of Boehmert & Boehmert. He focuses on information technology, patent, licensing, contract, copyright, and trade mark law. His clients include worldwide technology companies, software companies, and leading industry associations. Furthermore, he represents small and medium-sized businesses, public authorities, and internationally leading orchestras, musicians, and artists.

Klaus Haft

Klaus Haft is a partner at Hoyng ROKH Monegier. He obtained his physics degree in 1997, became an attorney in 2002, and advises on patent infringement litigation cases, subsequent litigation regarding damages as well as licenses in the entire area of intellectual property law, particularly in the fields of patents. His particular focus is on standards, electronics, software, optics, electrics and general mechanics.

Clemens Heusch

Dr. Clemens-August Heusch is Head of Dispute Resolution EMEA and APAC at Nokia. He is responsible for litigation, arbitration and mediation globally (except Americas) with a focus on multinational IP disputes and FRAND arbitration. Nokia has been involved in more than 200 patent disputes since 2008 both offensively and defensively.

Christian Loyau

Christian Loyau is the current Director for Legal Affairs of the European Telecommunications Standards Institute (ETSI). He has practiced in law firms in Denmark and France and has served as an in-house lawyer for Digital Equipment Corporation and Cap Gemini in France. For 12 years Mr. Loyau held the position of Legal Director for International Affairs for the French telecommunications company Matra Communication and was involved in the IPR group of ETSI from 1993 to 1996. He also served as General Counsel and Secretary of the Board of the French IT company Bull for 14 years. Mr. Loyau graduated from the University of Paris in commercial and IP law.

Fabian Hoffmann

Fabian Hoffmann is a judge of the patent division (X. Zivilsenat) of the Bundesgerichtshof (supreme court of criminal and private law in Germany). He is also a member of the expert group on licensing and valuation of SEPs of the European Commission.

Luke McLeroy

Luke is Senior Vice President of Business Development at Avanci, which is a platform bringing together standard-essential wireless patents from many different patent owners and making them available in a single license to companies making products for the Internet of Things. Luke has more than fifteen years of experience as an intellectual property attorney negotiating technology licensing agreements and resolving intellectual property disputes. Before joining Avanci, Luke was the director of North American patent licensing at Ericsson and a principal at the law firm McKool Smith.

Peter Picht

Prof. Dr. Peter Picht studied law in Munich, did his PhD at Munich University/the Max Planck Institute, and holds a LL.M. degree from Yale Law School. He has been working, i.a., in the EU Commission's DG for Competition and as a Senior Research Fellow with the Max Planck Institute for Innovation and Competition. Prof. Picht now holds a chair for Commercial Law at the University of Zurich and is head of the University's Centre for Intellectual Property and Competition Law (CIPCO). He remains connected to the Max Planck Institute as a Research Fellow and is an Of Counsel with the law firm Schellenberg Wittmer. Prof. Picht's academic teaching and writing, as well as his counseling activity, focus on intellectual property law, competition law, international private and procedural law.

Matthias Zigann

Dr. Matthias Zigann is Presiding Judge at the Regional Court Munich I. He has been the head of the 7th (patent) division since December 2012. After a three-year fellowship at the Max-Planck-Institute for Innovation and Competition in Munich he served as a public prosecutor in Landshut for four years and as a regular member of the 7th division of the Munich Regional Court I for six years. Prior to his appointment as presiding judge he was seconded to serve as a research associate with the Xth civil (patent) division of the German Federal Court of Justice in Karlsruhe for three years. He is co-author of Haedicke/Timmann, *Handbuch des Patentrechts*, 1st ed. 2012, 2nd ed. 2019 (planned), and Ceppl/Voß, *Prozesskommentar zum Gewerblichen Rechtsschutz*, 2nd ed. 2018. Dr. Zigann is a frequent speaker at national and international conferences.