

STANDARDS, IPRs and COMPETITION

EU-China Symposium in Beijing, China, 31 October 2007

An opportunity to discuss the relationship between Standards and IPRs

Supported by the *Ministry of Commerce of the People's Republic of China*

Organized by *ETSI*

In partnership with the *EU-China Trade Project*

AGENDA

8.00 – 8.30	REGISTRATION
8.30 – 8.45	WELCOME AND OPENING ADDRESS <u>Moderator:</u> <i>An Baisheng, Deputy Division Chief, WTO Department, Ministry of Commerce of the People's Republic of China</i> <ul style="list-style-type: none">• <i>Dr. Zhang Xiangchen, Director-General of Department for WTO Affairs, Ministry of Commerce of the People's Republic of China</i>• <i>Michael Pulch, Deputy Head of Delegation (Minister Counselor), Delegation of the European Commission</i>• <i>Karsten Meinhold, Chairman ETSI IPR SC</i>
8.45 – 10.00	KEYNOTE PRESENTATIONS <u>Moderator:</u> <i>Dr. Wang Bing, Professor, Director of Research Center for Intellectual Property Laws, Tsinghua University Law School</i> <ul style="list-style-type: none">• Standards and Patents - The ETSI IPR Policy <i>Dr. Michael Fröhlich, Legal Affairs Director, European Telecommunications Standards Institute (ETSI)</i>• IPR issues in Standards (t.b.c.) <i>Wu Xiaoming, Deputy Secretary-General, National IP Strategy Formulation Leading Group Office (NIPSO), Deputy Director General, Development and Research Center, State Intellectual Property Office of the People's Republic of China (SIPO)</i>• Whose game? Standards and their patents at 21st Century crossroads <i>Dr. Konstantinos Karachalios, European and International Affairs, European Patent Office</i>

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10.00 – 10.30	COFFEE BREAK
10.30 – 12.30	<p><u>SESSION 1: VALUE AND INCENTIVES TO INNOVATE</u></p> <p>This panel explores the dense relationship between the aims of technical Standards and those of Patents. Panelists will examine the incentives to innovate as well as the value of innovation. The importance of standardisation, the need for interoperability as well as the economic background of technological standards will also be discussed.</p> <p><u>Moderator:</u> <i>Dr. Zhang Ping, Professor at the Intellectual Property Institute, Beijing University Law School</i></p> <ul style="list-style-type: none"> • Interoperability and Standards, the economic and legal framework <i>Jack E. Haken, Vice President, Intellectual Property & Standards Visiting Professor Fudan University Law School (2006 - 2007), Koninklijke Philips Electronics N.V.</i> • IP business models, innovation and standardisation <i>Kent Baker, Vice President, Director of Global IPR Policy and Compliance Division, Qualcomm Inc.</i> • Competition law constraints <i>William A. Davies, General Manager and President, Research In Motion (Barbados) Ltd.</i> • Standards and IPRs from the perspective of an innovative company <i>Dr. Kai Brandt, Head of Corporate Intellectual Property and Functions (CTI), Siemens (China) Ltd.</i> • The IPR policy of the TD-SCDMA Industry Alliance <i>Yue Ya, Legal Counsel, TD-SCDMA Alliance (TDIA)</i>
12.30 – 13.30	LUNCH
13.30 – 15.30	<p><u>SESSION 2: CONFLICT RESOLUTION BY SELF-REGULATION</u></p> <p>Officially recognized Standards Developing Organizations with a broad range of membership have to face the challenge to strike the proper balance between all the interests involved. The public interest, the interests of IPR owners, those of third parties as well as the interests of the Standards Developing Organization themselves require to be fairly weighted and balanced. This panel will investigate how Self-regulation mechanisms through IPR Policies in Standards Developing Organizing can be a suitable way to solve the biggest part of the problems already at the onset.</p> <p><u>Moderator:</u> <i>Karsten Meinhold, Chairman ETSI IPR Committee, ETSI</i></p> <ul style="list-style-type: none"> • Conflict resolution and self-regulation by Chinese industry <i>Yang Lincun, Ministry of Science and Technology of People's Republic of China</i> • Necessity of early disclosures of IPRs in Standardisation Process <i>Heinz Polsterer, Executive Vice President, International Standardization and IPR Management, T-Mobile International</i> • CCSA's Consideration on IPR Policy <i>Feng Pan, Director of Technical Coordination Department of Telecommunication Standard of the Ministry of Information Industry of the People's Republic of China (MII), Assistant Secretary-General, China Communications Standards Association (CCSA)</i> • Trends on licensing practices in Standard Developing Organizations <i>Earl Nied, Program Director of SIGs and Standards for Intel Legal Department, Intel Corp.</i>

	<ul style="list-style-type: none"> • Introduction of the CESI IPR Policy Template <i>Shi Shaohua, Engineer, Standardization Development Research Centre, China Electronics Standardization Institute (CESI)</i>
15.30 – 16.00	COFFEE BREAK
16.00 – 18.00	<p><u>SESSION 3: EFFECTIVE EXTERNAL CHECKS & BALANCES</u></p> <p>Panelists will examine how legislative measures can provide effective checks and balances to the relationship between Standards and Patents, either externally by Competition Law or by safeguards that would fall under the Patent Law domain itself. With this regard, the panel will look at possible hold-up situations (patent ambush) as well as exclusionary abuses in the context of standard setting.</p> <p><u>Moderator:</u> <i>Karsten Meinhold, Chairman ETSI IPR Committee, ETSI</i></p> <ul style="list-style-type: none"> • The third revision of the Chinese Patent Law - Compulsory licensing for Standards <i>Dr. Yinliang Liu, Associate Professor, Vice Director of the Institute of Intellectual Property Law, Director of the Bio-Law Research Center, China University of Political Science and Law</i> • Competition law in China - Technical standards and intellectual property <i>Dr. Ping Lin, Professor at the Department of Economics, Lingnan University Hong Kong</i> • Intersection of Competition law, Intellectual Property, and Standard-Setting <i>Amy A. Marasco, General Manager, Standards Strategy, Microsoft Corp.</i> • Towards an Open Document Format Standard <i>Dr. Ni Guangnan, Professor at the Institute of Computing Technology, Chinese Academy of Sciences</i> • Social Requirements as The Balancing Function: Standardization as a Governmental Policy Tool <i>Carl Cargill, Director of Standards, Sun Microsystems Inc.</i>
18.00	CLOSING REMARKS