



香港中文大學
The Chinese University of Hong Kong

Centre for Financial Regulation and Economic Development

金融規管與經濟發展研究中心



FACULTY OF LAW

A CFRED Seminar:

COMPETITION, FLUIDITY & SECURITIZATION ON IP

12 May 2014, Monday, 10am – 12nn

The CUHK Graduate Law Centre, 2/F Bank of America Tower, 12 Harcourt Road, Central, Hong Kong

The revised Technology Transfer Block Exemption Regulation (TTBER) exempts certain licensing agreements from European competition prohibitions on anticompetitive agreements, provided certain conditions are met. The related Guidelines provide further guidance on the application of EU competition law and the TTBER to technology transfer agreements. Both entered into force on 1 May 2014. Companies contemplating engaging in a technology rights transfer / licensing agreement within the European Economic Area, or having already engaged in licensing within the EEA, will thus be well advised to assess and adapt, as the case may be, their (contemplated) agreements. While keeping in mind the previous '2004 regime', we will highlight the main changes of the new '2014' technology transfer exemption regime and assess their possible impact on the desired strengthening of future incentives for research and innovation in the European Economic Area.

Trade Mark protection has aroused enormous debates, in particular vigorous in great China. Fluid Mark kicks off a new battle, such as the Google's fluid marks on website which are changed from time to time but un-registered, though still maintaining distinguishable Google spirits. How can we balance the protection for these non-registered but characteristically significant marks? Shall the amendment of trademark act be needed or how can we apply the existed trade mark act appropriately without bending the law?

How to retrieve cash flow earlier and bigger before products on the market without tax, patent securitization certainly serves the purposes well including extract the gold from future opportunities. Patent securitization can also be an early marketing and advertisement towards general public. There are various models and purposes to run patent securitization, such as raising funding for litigation, clinical trial, filing FDA, building the factory or marketing the products. However, in Asia, we observed different scenario, such as low securitization capital and loose monitoring on securitization in China, statutory requirements in Taiwan. There are issues to be reviewed and discussed as it is a hot topic supported by China government.

Speakers:

☞ **Prof. Yves Van Couter**, *Loyens & Loeff, National Yunlin University of Science & Technology, National Law University Delhi*
Topic: The Revised European Competition Law Approach to Technology Transfers: Innovation Friendly?

☞ **Prof. Frank Hammel**, *German and China Institute in Nanjing Normal University, National Law University Delhi*
Topic: Fluid Marks: Modern Marketing versus Statutory Trademark Protection

☞ **Prof. Mei-Hsin Wang**, *Royal Society of Chemistry, National Yunlin University of Science & Technology, National Law University Delhi*
Topic: Current Progress on Patent Securitization

Chaired by:

Prof. Bryan Mercurio, Professor of Law and Associate Dean (Research), CUHK

About the Speakers

Prof. Yves Van Couter

Loyens & Loeff, National Yunlin University of Science & Technology, National Law University Delhi

Prof. Van Couter is a partner with Loyens & Loeff and a member of the Loyens & Loeff Litigation and Risk Management Practice Group in Belgium. He is also in charge of the *Benelux Food & Beverages Team*, the *Technologies Team* and the *Automotive Team* of the Brussels office.

Prof. Van Couter has expertise in (international) commercial law, and intellectual property and IT law (including technology transfers and copyright and trade mark licensing), distribution law (including franchising law) and market practices (including advertising, labeling and packaging). He both advises his clients in these fields and represents them in court and in arbitration proceedings relating to these topics.

Yves has also taught intellectual property law at the Brussels Institute for Contemporary China Studies (BICCS) in the framework of Investing in Europe – the Benelux as a gateway, a program of studies organized by the *Vrije Universiteit Brussel*. He also holds an Honorary International Chair at the National Taipei University of Technology in Taiwan (2014-2016) and is a Guest Professor at the Graduate School of Materials Science – College of Humanities and Applied Science of the National Yunlin University of Science & Technology (Taiwan) (2012).

Yves is an arbitrator with the World Intellectual Property Organization in Geneva and with the CEPANI (Belgian Center for Arbitration and Mediation) in Belgium. He has authored several publications on commercial contracts and intellectual property law. Yves has been a member of the Brussels Bar since 1991.

Yves holds an LL.M. in Intellectual Property Law from a joint program between the *Katholieke Universiteit Brussel* and the *KU Leuven* (Belgium, 2000), an LL.M. in Common Law Studies from the *Georgetown University* (Washington D.C., U.S.A., 1994 – Fulbright Scholar), a LL.M. in International and European Law from the *Université catholique de Louvain* (Louvain-la-Neuve, Belgium, 1991), and a Law degree from *Université Gent* (Belgium, 1990).

Prof. Frank Hammel

German and China Institute in Nanjing Normal University, National Law University Delhi

Prof (NNU) Dr. Frank A. Hammel holds a Professorship at the Nanjing Normal University (NNU) and is Head of the Chinese-German IP Law Institute of the Law Faculty at NNU. Besides teaching at the Law Faculty at NNU, he lectures on IP Law at the TFH Wildau/Germany in the Telematics Faculty and gives as an expert training courses on IP issues for IP officials and IP lawyers in China.

Furthermore, Frank A. Hammel practices as a qualified IP Lawyer with Knauth Attorneys, Notaries and Tax Consultants in Berlin/Germany and works as an arbitrator in Chinese-German IP matters. As head of the practice group IP he advises internationally in the area of competition and antitrust law, intellectual property and copyright law as well as media.

Frank A. Hammel publishes widely on various legal issues in the IP area and has recently published a Guideline on IP issues on Trade Fairs for German and Chinese Exhibitors.

Last but not least, he works as expert for the Judicature Appraisal Center for Intellectual Property in Beijing and as a researcher for the IP Law Center of the China University of Political Science and Law in Beijing.

Prof. Mei-Hsin Wang

Royal Society of Chemistry, National Yunlin University of Science & Technology, National Law University Delhi

Prof. Mei-Hsin Wang received her PhD in Chemistry from Imperial College, University of London under the supervision of Sir./Prof. CW Rees, FRS CBE, she is a Chartered Scientist certified by British Science Council, Fellow of Royal Society of Chemistry (UK) and Chartered Chemist certified by Royal Society of Chemistry (UK), later on she studied law and received LL.M. from Soochow University. Currently, she teaches Chemistry, Biotech, Intellectual property, and Licensing at National Yunlin University of Science and Technology, also as adjunct professor at Overseas Chinese University, National Taipei University of Technology, and as visiting professor at National Law University Jodhpur and National Law University Delhi (India), Intellectual College of Xiangtan University and law school of Central China Normal University (China). In addition, she is the researcher at Researching Center of Jiangsu IP Development (Nanjing University of Science and Technology), adjunct researcher at Center for Studies of Intellectual Property Rights in Zhongnan University of Economics & Law, visiting researcher of Hunan Provincial Intellectual Information service Center and Wuhan Intellectual Property Research expert in China. She is the founder and CEO for BioMedical Technology Application Association, an honorable member of the Professional Technical Committee in Shanghai Executive Licensing Agents Association, a CChem MRSC in Royal Society of Chemistry UK and a research member of Cosmetic Society of Chemists UK, other memberships including American Chemical Society, Licensing Executive Society New Zealand, Korean Commercial Cases Association, International Trademark Association, Intellectual Property Association of Japan and The Indian Society of Criminology. She was a visiting scholar at Chief Judge Randall R. Rader's Chamber in United States Court of Appeals for the Federal Circuit (CAFC), Max Planck Institute for Intellectual Property, Competition and Tax Law in Munich (MPI), Center of International Intellectual Property (CEIPI) in University of Strasbourg, Institute of Law in Chinese Academy of Social Sciences, St Petersburg State University in Russia, N D Zelinsky Institute of Organic Chemistry in Russian Academy of Sciences, North Western University in US, and University of Calgary in Canada. Before her full-time teaching at university, she worked for JC IP Group LLC as patent analyst, MSD as new product planning manager, Takeda Taiwan as department manager both in Medical Regulatory Dept and Medical Affairs Dept, and MicroLife as Health Care Business Unit Director.

All are welcome! Admission is free of charge!

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by 11 May 2014.