

Intellectual IP Licensing Asia

15:30 Afternoon Networking Refreshments

16:00 **Masterclass II**

Carrying Out an Efficient IP Due Diligence & Valuation

- Importance of conducting effective due diligence before concluding IP license
- Effective identification of involved IP when conducting due diligence
- Importance of conducting due diligence both locally and externally, due to clustered patent field and potential overlaps with a 3rd party IP
- Effective assessment of strength of IP
- Overview of IP valuation techniques
- Case study – sample walkthrough case on IP due diligence and valuation

Andy Leck, *Principal – Intellectual Property, Baker & McKenzie, Wong & Leow, Singapore*

Andy is a Partner with the Intellectual Property and Disputes Practice of Baker & McKenzie, Wong & Leow. Andy joined Baker & McKenzie and its associated Singapore law firm of Wong & Leow in 1997.

He advises on all aspects of intellectual property rights (*trade marks; copyrights; patents; domain names; industrial designs; passing-off; confidential information and trade secrets*) including the enforcement and commercial exploitation of such rights in Singapore and Hong Kong.

He also advises on the registration of pharmaceutical, health supplement and cosmetic products with the Health Sciences Authority, and the Department of Health in Singapore and Hong Kong respectively. He plans, advises and manages the anti-counterfeiting and anti-cyber squatting operations for various famous multi-national corporations in Asia Pacific. Such work experience includes the *application and execution of interlocutory injunctions, police-raid actions, customs border enforcement measures, advising on lobbying strategies with the government and criminal prosecution of counterfeiters*. He has acted as counsel in trials and arbitration involving criminal and civil enforcement of intellectual property rights as well as commercial litigation matters.

Andy is a member of the International Trade Marks Association, International Anti-counterfeiting Coalition and the Asian Patent Attorney Association.

17:30 Close of Day One

DAY TWO: Tuesday, 24th November 2009

08:30 Registration

09:00 Chairperson Welcoming Remarks

Alan Adcock, *Deputy Director – Intellectual Property, Tilleke & Gibbins International, Thailand*

09:05 **Top 10 Pitfalls in Asian Pharma IP Acquisition Deals**

Acquisitions, divestitures, establishments, joint ventures and licensing deals are including increasingly significant IP components in Asia. Asian companies have become more technologically innovative and brand savvy which is a testament to the growth of knowledge based economies in the Region. The traditional agricultural and manufacturing economies of Asia may not have in the past been prolific creators of IP, but this is changing rapidly.

Today, these are often key territories for global or regional IP-intensive deals, particularly in the pharmaceutical and medical device sector. In many cases, acquiring companies are looking to fast-track the design/invention/branding process and acquire IP as future assets. But for a foreign company interested in an Asian pharmaceutical target, are there any particularly tricky steps which deserve closer attention? This brief insight session identifies some major issues companies may encounter in Asian IP acquisition deals and practical ways to avoid them.

Alan Adcock, *Deputy Director – Intellectual Property, Tilleke & Gibbins International, Thailand*

09:50 **Removing Barriers to Growth of Pharmaceutical Promotional Alliances**

- Business and legal ownership considerations for strategic pharmaceutical marketing alliances in emerging markets
- Identifying the strategic Co-marketing vs Co-promotion risks and rewards
- How does this impact IP licensing discussions/considerations at the legal contractual stage?
- Case examples of recent promotional alliances

Benoît Strowel, *Head of Intellectual Property, Europe, Howrey LLP, Belgium*

10:35 Morning Networking Refreshments

11:05 **Revenue and Tax Considerations in International Pharmaceutical Patent Licensing Transactions**

- The government tax collectors as stakeholders and game-changers in pharmaceutical patent licensing
- Government response to taxpayer structuring alternatives → what does this mean for the life science IP legal practitioner?
- Substantiating contractual aspects of licensing structures to government stakeholders

Robert Feinschreiber & Margaret Kent, *Attorneys, Feinschreiber & Associates, USA*

11:35 **Masterclass III
Negotiating Contentious Issues in IP Licensing Contracts for Fair Value**

- Types of licensing contracts commonly seen in the pharmaceutical industries and the IP rights covered in such licenses
- Assessing the contentious clauses in IP licensing contracts and avoiding its pitfalls:-
 - > Representation and warranties i.e. liability clauses
 - > Control of IP by parties involved
 - > Remuneration / Royalty / Revenue schedule and sharing involved
 - > Branding issues
- How to help in the patent licensing business negotiation i.e. what in house counsels and external legal practitioners should identify
- Case Study – sample walkthrough group work of licensing contract negotiation

Peggy Chung, *Partner – Intellectual Property, Jones Day, Hong Kong*

Peggy's practice focuses on IP portfolio creation and management; conducting IP audits; advising on enforcement and exploitation of IP rights, licensing, and technology transfer matters; and providing IP support on M&A and other commercial transactions.

Peggy has more than 20 years experience in managing worldwide trademark portfolios and has successfully protected and defended numerous well-known brands for companies based in the U.S., Europe, and Greater China. She has represented numerous Fortune 500 companies in a diverse

Pharmaceutical IP Licensing *Asia*

Protecting IP & Maximising Commercial
Value in Patent Licensing Transactions

23rd & 24th November 2009, Hilton, Singapore

Hear Up-to-the Minute Insights from Leading Life Sciences Legal Practitioners, including:

Pharmaceutical Representatives:



Richard Gane,
Assistant General Counsel – North
Asia, Pfizer Inc, Hong Kong



Dr Oliver Lutze,
Head of Intellectual Property Rights,
Bayer (China) Ltd, China



Peter Dolan, Head of China, India,
Japan & Asia – Pacific Region Patents,
Sanofi-Aventis, Singapore

Legal Practitioner Representatives:



John A. Tessensohn,
Board Member, Intellectual Property
Attorney, Shusaku Yamamoto, Japan



Krishna Sarma,
Managing Partner,
Corporate Law Group, India



Jin Ling, Partner & Head of China
Technology Group,
Rouse & Co International, China



Benoît Strowel,
Head of Intellectual Property, Europe,
Howrey LLP, Belgium



Gianfranco Matteucci, Partner – Biotech/
Pharma/Chem/Nanotech, Marks & Clerk
Singapore LLP, Singapore



Duncan Bucknell, CEO, IP Strategist,
Lawyer & Patent Attorney, Duncan
Bucknell Company, Australia



Hwa-Soo Chung,
Chair of Health Practice Group,
Kim & Chang, South Korea



Geoffrey Lin,
Counsel – Intellectual Property,
Lovells Shanghai, China



Kristian John Robinson, Director, Head
of Chemical & Life Sciences, Patent
Department, Ella Cheong Spruson &
Ferguson, Singapore

The First & Only Dedicated Pharmaceutical Intellectual Property (IP) Licensing Event in Asia!

Critical Issues being highlighted include:

- Roundup of Regulatory Environment for Pharma IP in key Asian markets
- IP Commercialisation Challenges & Enforcement from both In-house Counsel and Private Legal Practitioner viewpoints
- Structuring the Pharma IP Commercialisation Contract
- Enforcement of IP Licensing Rights
- Effective IP Due Diligence and Valuations
- Pharmaceutical Promotional Alliances
- Negotiating in the IP Licensing Contract
- Contentious Patent Strategies

Event Highlights:

- Expert panel of speakers from both In-house Counsels & Legal Practitioners for all-round perspectives
- Conference style plenary sessions for sharing of experiences and strategies
- Candid panel discussions to make your views heard on current Pharma IP collaborations & commercialisation practices
- 4 industry expert-led masterclasses
- Effective networking hours

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Open Innovation in the life sciences



DAY ONE: Monday, 23rd November 2009

08:30 Registration

08:55 Chairperson Opening Remarks

Duncan Bucknell, *CEO, IP Strategist, Lawyer & Patent Attorney, Duncan Bucknell Company, Australia*

09:00 **Regulatory and Legal Framework for Intellectual Property Licensing and Commercialisation – A Regional Update**

- What are the legal frameworks supporting IP commercialisation?
- Legal redress for IP enforcement in these jurisdictions
- Any other related legal matter relating to pharmaceutical IP

09:00 **China:** Geoffrey Lin, *Counsel – Intellectual Property, Lovells Shanghai, China*

09:25 **India:** Krishna Sarma, *Managing Partner, Corporate Law Group, India*

09:50 **Korea:** Hwa-Soo Chung, *Chair of Health Practice Group, Kim & Chang, South Korea*

10:15 **Singapore:** Kristian John Robinson, *Director, Head of Chemical & Life Sciences, Patent Department, Ella Cheong Spruson & Ferguson, Singapore*

10:40 Morning Networking Refreshments

11:00 **Panel Discussion: Managing IP Ownership and Rights in Pharmaceutical and Biotechnology Collaborations**

- Why is IP licensing growing in Asia?
- What are active focus markets for IP commercialisation?
- Challenges in terms & conditions, differing business cultures, anti trust issues, health regulators, registering IP in different countries i.e multi country licensing
- Working with different divisions in organisation and external firms
- Commercial viability decision making for IP licensing
- 'Evergreening of patents' and impact on value added IP licensing transactions
- Protecting leakage & ownership of IP

Panel Moderator

Gianfranco Matteucci, *Partner – Biotech/Pharma/Chem/Nanotech, Marks & Clerk Singapore LLP, Singapore*

Commentary & Panel Discussion

Peter Dolan, *Head of China, India, Japan & Asia-Pacific Region Patents, Sanofi-Aventis, Singapore*

Richard Gane, *Assistant General Counsel – North Asia, Pfizer Inc, Hong Kong*

Dr Oliver Lutze, *Head of Intellectual Property Rights, Bayer (China) Ltd, China*

11:45 **Masterclass I**

Structuring a Comprehensive IP Commercialisation Transaction [Scenario Based]

- Reviewing structuring of IP Licensing contract in:-
 - > Scenario A: When licensing with or from a R&D collaborator
 - > Scenario B: When licensing a complete molecule, product or technology
 - > Scenario C: When licensing a combination usage i.e. multiple drugs or drug and device
- Key ingredients involved in collaboration agreements, including differences from standard business contracts
- How the licensing process 'actually' works

- Ensuring parties involved are fully aware of rights and obligations under terms of licensing contract
- Balancing financial aspects of the full licensing deal, including possible additional related in-licenses and external legal fees
- Group work: Putting together a hypothetical licensing contract

Hwa-Soo Chung, *Chair of Health Practice Group, Kim & Chang, South Korea*

Hwa-Soo Chung is a foreign attorney who serves as the chair of the firm's Health Practice Group and is a member of the Mergers & Acquisitions Practice Group and Corporate Governance Practice Group.

She represents a broad range of companies in the pharmaceutical/food/cosmetic sectors, specialising in pharmaceutical regulation, pricing and reimbursement, compliance, bribery and competition law issues relating to promotional and marketing practices in the industry, anti-counterfeiting strategies, M&A, and restructuring of business operations.

She also has extensive experience in a wide range of cross-border transactions, including share and asset purchases and joint ventures, corporate governance, competition law, and general corporate and commercial law matters. She has advised many companies in setting up their Korean operations as well as assisted numerous multinational pharmaceutical companies to put in place or strengthen their codes of conduct and compliance programs.

13.00 Networking Luncheon

14:00 **Case Study: Setting up Licensing Collaborations in China**

- Evaluating commercial value and viability of IP licensing contracts
- How to protect licensing know-how
- What steps can you take to convince licensee to take license (and avoid possible infringement) i.e. encouraging licensing
- Monitoring the licensing agreement once signed
- Learning points from a licensing agreement

Geoffrey Lin, *Counsel – Intellectual Property, Lovells Shanghai, China*

14:45 **Panel Discussion: In-licensing, Out-licensing and Cross-licensing – Dealing with Involved Risks and Ownership Enforcement Issues**

- Different licensing collaborations and rights in Asia i.e. in-licensing, out-licensing and cross-licensing
- IP ownership issues when
 - > IP generated by own employees
 - > IP licensed to a researcher or collaborator
 - > IP generated by a researcher or collaborator
- Dealing with the risks of infringement [and your rights to sue or settle]
- Addressing potential of third party claims infringement
- Who should bear costs for prosecution and/or maintenance of involved patent?
- Utilising risk management strategies in your IP licensing transaction to minimise need for future patent prosecution

Panellists

Gianfranco Matteucci, *Partner – Biotech/Pharma/Chem/Nanotech, Marks & Clerk Singapore LLP, Singapore*

Benjamin Gaw, *Associate Director, Member – Biomedical Sciences Business Group, Drew & Napier LLC, Singapore*

Jin Ling, *Partner & Head of China Technology Group, Rouse & Co International, China*

John A. Tessensohn, *Board Member, Intellectual Property Attorney, Shusaku Yamamoto, Japan*



range of industry sectors including many pharmaceuticals and life sciences companies.

In addition to being a solicitor, Peggy is a registered trade mark attorney before the European Trade Mark Office, the U.K. and Canada. She holds a number of professional and honorary appointments, including being the past president and current council member of the Hong Kong Institute of Trade Mark Practitioners (HKITMP); councilor of the Asian Patent Attorneys Association, Hong Kong Chapter (APAA); chairman of the organizing committee of the 2009 APAA General Assembly & Annual Meeting; member of the pharmaceuticals subcommittee of the International Trademark Association (INTA); and honorary legal advisor of the Institute of Cardiovascular Science and Medicine, the Sun Chieh Yeh Foundation, the Hong Kong College of Cardiology, and the International Chinese Heart Health Network.

13.00 Networking Luncheon

14.00 **Masterclass IV**

Effective Approaches to A Contentious Patent Strategy in the Modern, Global World

- How to get the most out of contentious strategy in the pharmaceutical space
- Building multi-country enforcement and freedom to operate programs
- Effective patent filing strategy
- The increasing role of competition (anti-trust) law in light of the European sector enquiry
- Increasing your chances of strategically valuable settlement of litigation
- Update on the latest key pharmaceutical decisions around the world
- Case Study – walkthrough from patent filing and freedom to operate to full blown litigation and forced settlement. Participants will participate in building and testing patent filing and freedom to operate programs.

Duncan Bucknell, CEO, IP Strategist, Lawyer & Patent Attorney, Duncan Bucknell Company, Australia

Duncan is a well-known thought leader in global IP strategy, with a focus on the pharmaceuticals and bio technology sector. In June 2009, he was named amongst IAM Magazine's list of the world's top IP Strategists.

He is chief executive officer of Duncan Bucknell Company, an IP strategy firm with clients based all over the world. The firm takes a strategic and global perspective and has assisted clients in about 50 countries since 2005 with issues ranging from commercialisation strategy and IP license management to pharmaceutical launches. Clients range from some of the largest corporate entities in the world to new and exciting start-up entities.

Duncan is a principal fellow at the Melbourne Business School, Australia's leading business school, where he teaches Strategic Management of Intellectual Property, a globally focused course designed to provide executives with insights and some basic tools to practically identify and handle IP issues.

15.30 Close of Event

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As more blockbuster drugs go off-patent with few innovative options in the pipelines, the role of licensing has been brought to the forefront. A plethora of options exists of methods by which companies can work together with potential partners and collaborators, in order to achieve their strategic corporate objectives in different key markets.

This growth in activity and complexity of licensing makes it imperative for pharmaceutical industry stakeholders, especially in-house counsels and business leaders, to scrutinise and fully understand rights and obligations under such licensing contracts.

Pharmaceutical IP Licensing Asia adopts a unique focus on legal and business critical concerns for IP commercialisation within the life sciences and pharmaceutical industry.

Bringing together in-house counsels, patent counsels, patent attorneys, legal advisors, IP directors and more from around Asia, Pharmaceutical IP Licensing Asia is the event for all those keen in gaining an up-to-the-minute comprehensive understanding on licensing practices and how to protect relevant IP rights in today's global business environment.

Who Should Attend?

- In House Counsels
- General Counsels
- Patent Attorneys
- Patent Counsels
- IP Lawyers
- IP Directors / Managers
- Legal Directors / Advisors
- Heads of Licensing
- Heads of Business Development

From these Sectors:

- Pharmaceutical
- Biotechnology
- Legal
- Generics/Biosimilars
- Medical Devices

Raise your industry visibility in Asia, the future centre of the world's pharmaceutical market!

- Do you find difficulties in reaching pharma decision makers and successfully stimulating interest for your services?
- Or is it that they may not be aware of the value of your services and what these could do for them?
- Or are they not able to differentiate your company from your competition?

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