### VISCHER



Capacity Building Activities relating to negotiating Licensing Agreements.

Experiences of the Licensing Executives Society International (LESI)

Monday, June 24, 2019 WIPO, Geneva Dr. Stefan Kohler, Partner, VISCHER AG



### ABOUT LESI

(1/2)

- Licensing Executives Society International (LESI)
- Non-profit professional organization, founded in 1972
- Umbrella organization of national and regional associations for licensing executives (in-house professionals, lawyers, advisors, patent attorneys)
- Mission:
  - Creating and maintaining national LES Societies and supranational Committees
  - Setting and promoting consistent, high professional standards for licensing on a global basis
  - Facilitating professional networking between licensing professionals
  - Providing quality educational content to, and facilitating the sharing of educational content
  - Informing and interacting with global organizations and policy forums concerning the economic significance and importance of licensing, technology transfer and intellectual property rights.



**ABOUT LESI** 

(2/2)

**LESI** 

#### **LES Societies**

Andean Community, Arab Countries, Argentina, Australia & New Zealand Austria, Benelux, Brazil, Britain & Ireland, Chile, China, Chinese Taipei, Czech Republic & Slovakia, France, Germany, Hungary, India, Israel, Italy, Japan, Korea, Malaysia, Mexico, Philippines, Poland, Russia, Scandinavia, Singapore, South Africa, Spain & Portugal, Switzerland, Thailand, Turkey, USA & Canada

#### **Regional Groups**

Americas, Asia Pacific, Europe



### CAPACITY BUILDING ACTIVITIES

- Conferences
- Licensing Training Courses
- Publications
- Surveys



### CAPACITY BUILDING BY CONFERENCES

- LESI Annual International Conferences
- Regional Groups Conferences
- LES national Societies Conferences
- LES Global Technology Impact Forum (GTIF)



# CAPACITY BUILDING BY TRAINING COURSES (1/2) **LES100 Training Course**

- LES100 Training Course: 1-day introductory course for those who are relatively new to licensing
- LES100 is specifically aimed at:
  - Those who are considering a career in licensing and technology transfer
  - Lawyers and Patent and Trade Mark Attorneys looking for greater familiarity with the business of IP licensing
  - SMEs who require an introduction to licensing
  - Students interested in learning the basics of Intellectual Property (IP) and how to commercialise IP through licensing
- LES100 is divided into 5 Modules:
  - Module 1: Introduction & IP Basics
  - Module 2: Basics of IP Commercialisation & Licensing
  - Module 3: Determining Reasonable Licence Fees & Royalty Rates
  - Module 4: Managing Risks
  - Module 5: Mock negotiation workshops replicate real world situations



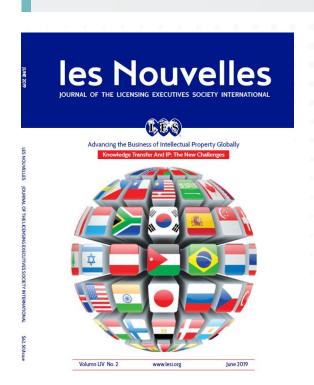
# CAPACITY BUILDING BY TRAINING COURSES LESI | EPO Training Course

(2/2)

- Jointly developed by LESI and the European Patent Office
- 2-day training course for those with advanced knowledge
- Target groups: top level, coming from SMEs, start-ups, spin-outs, emerging enterprises, MNCs, technology transfer and research organizations
- The course gives a comprehensive, professional set of tools and techniques to implement and profit from IP in the business strategy
- The course provides a platform for networking among licensing and technology commercialisation professionals from Europe and overseas



## CAPACITY BUILDING BY PUBLICATIONS les Nouvelles



- Published quarterly
- Targets over 10,000 members of LESI
- International authors
- Designed to improve the knowledge in improving their skills, techniques and knowledge in licensing and protecting IP



# CAPACITY BUILDING BY SURVEYS Global Life Sciences Royalty Survey

Licensing Executives Society (U.S.A. and Canada), Inc.

Global "Life Sciences" Royalty Rates
& Deal Terms Survey
- 2016 -

LES USA/Canada
-In coordination with Licensing Executives Society
International (LESI)

February 2017

- The 2016 survey builds on surveys completed in 2008, 2010, 2012 and 2014
- Conducted globally by the LES (USA & Canada) Life
   Sciences Sector in coordination with LESI
- 117 completed surveys were incorporated
- 19% of the deals from pharmaceutical companies, 12% from biotech companies, 22% from academic institutions, 11% from government, and 36% from other organizations
- Approximately 64% of the deals were "global"
- Covering assets at all stages of development (preclinical, clinical, marketing)



#### CHALLENGES AND EXPERIENCES

- Complexity of the subject and scope
  - to understand the underlying facts requires profound scientific knowledge
  - to identify economic opportunities and risks requires profound experience regarding target markets, administrative rules (regulation) and IP-related issues
- Complexity of the legal questions/issues
  - Cross-border situation
  - Long-term arrangements
  - Many legal topics need to be addressed (regulatory, IP etc.)
- Different legal systems and cultures involved
  - Countries with different levels of legal certainty
  - Reliability of the courts and authorities not always given
  - Experience and professionalism of the the courts and authorities not always given
  - Choice of applicable law and jurisdiction usually in favor of countries with developed legal systems



# CAPACITY BUILDING ACTIVITIES Combination of Elements is Indispensable

- 1. Profound legal education
- 2. Professional experience/training in
  - legal/IP departments of multinational corporations
  - technology transfer organizations
  - international law firms
- Ongoing further education/training (e.g. by participating in LES events)

## **VISCHER**



## Thank you.

#### Zürich

Schützengasse 1 8021 Zürich, Switzerland Tel +41 58 211 34 00

#### **Basel**

Aeschenvorstadt 4 4010 Basel, Switzerland Tel +41 58 211 33 00