



# High-Level Reflections on Standard-Essential Patents: In pursuit of a balanced system

## Opening Remarks

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**Iban Garcia Del Blanco**, Vice-Chair of the Legal Affairs Committee, European Parliament

Ibán García del Blanco was born in León, Spain, where he started his political career. He has served in local and national positions including León City Councillor (2003-2011), member of the León Provincial Council (2011-2012), and member of the Spanish Senate (2012-2015). In the Senate, he served as the second Vice President of the Health and Social Affairs Committee. Within his political party, the Spanish Socialist Workers' Party (PSOE), Mr. García del Blanco is a member of the Federal Executive Commission in charge of culture and sports. In 2018, Mr. García del Blanco was appointed President of Acción Cultural Española (AC/E), an agency providing public support to the promotion of culture in Spain and overseas. He held this position until 2019 when he was elected as a member of the European Parliament for the group of Socialists and Democrats (S&D). In the European Parliament, he serves as Vice President of the Legal Affairs Committee. Mr. García del Blanco is also the rapporteur for the European Parliament report on the ethical aspects of artificial intelligence, robotics, and related technologies. He was recently appointed as the S&D coordinator to the Special Committee on Artificial Intelligence in the Digital Age, and he is a member of the committees on culture and education and petitions. Mr. García del Blanco holds a law degree. As a lawyer, he has specialized in cultural management.

## Keynote Address

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**Slawomir Tokarski**, Director of Industrial Policy and Innovation, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, European Commission

Slawomir Tokarski obtained a Ph.D. at the European University Institute in Florence. He then joined the Polish administration and headed a team coordinating the preparations for the EU accession negotiations and preparing policy analysis for the Chief Negotiator. In 2004, he joined the European Commission as a cabinet member of the European Commissioner responsible for regional policy. In 2009, he became the head of the unit dealing with economic policy and coordination of EU funding in Directorate-General for Maritime Affairs and Fisheries (DG MARE). In March 2012, he became the Head of Defence, Aeronautics, and Maritime Industries in DG Enterprise. Since 2016, Mr. Tokarski has served as the Director of the Directorate for Industrial Policy and Innovation (DG GROW).

## Panel Discussion 1 - User-based licensing: a hindrance to innovation?

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**Dr. Rebekka Porath**, Policy Director, Intel

Dr. Rebekka Porath is the Director for Standards & IP Policy of Intel's governments, markets, and trade organization. She has long-standing experience with standards and IP matters, both from the policy angle and from her direct involvement in leading industry consortia and formal standards organizations. Before joining Intel in 2009, Dr. Porath was a staff member of the Chief Technology Officer's office of the consumer electronics division of Philips. In this position, she was responsible for coordinating the division's portfolio of standards engagements. Dr. Porath holds a Ph.D. in Theoretical Physics from Bonn University.



**Dr. Roya Ghafele**, Director, OxFirst

Dr. Roya Ghafele has been the Director of OxFirst, an award-winning intellectual property (IP) law and economics consultancy, since 2011. Additionally, she has held academic positions in the fields of international political economy and business with Oxford University since 2008. She was also a tenured lecturer (assistant professor) in IP Law with Edinburgh University. Prior to that, she completed her post-doctoral assignments at Harvard and U.C. Berkeley. From 2002 to 2007, she worked as an economist with the U.N.'s World Intellectual Property Organization (WIPO) and the OECD. She started her career at McKinsey in corporate finance. Dr. Ghafele's Ph.D. was awarded the Theodor Koerner Research Prize by the President of the Republic of Austria. She was also trained at Johns Hopkins University's School of Advanced International Studies, the Sorbonne, and Vienna University. She is native in German and fluent in English, French, and Italian. Dr. Ghafele specialises in IP valuation, IP driven growth, IP audits, IP and open innovation.



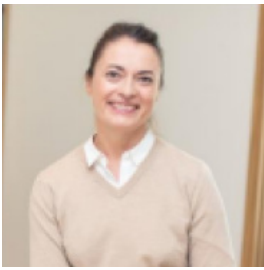
**Prof. Dr. Joachim Henkel**, Schöller Chair in Technology and Innovation Management, Technical University of Munich (TUM) School of Management

Joachim Henkel is a Professor of Technology and Innovation Management and the Vice Dean of Research at the Technical University of Munich (TUM) School of Management. He received his Habilitation (assistant professor) in management from the Ludwig Maximilian University of Munich, a doctorate in economics from the University of Mannheim, and a Diplom (masters' degree) in theoretical physics from the University of Bonn. After receiving his Ph.D., he worked for the consulting firm Bain & Company. Now his research focuses on patent management, standards, digitalization, technology acquisitions, open innovation, and value capture. His work has been published in *Academy of Management Discoveries*, *Harvard Business Review*, *Journal of Economics and Management Strategy*, *RAND Journal of Economics*, *Research Policy*, and *Strategic Management Journal* among others. Dr. Henkel is an associate editor with *Academy of Management Discoveries* and serves on the editorial review boards of *Industrial and Corporate Change*, *Innovation: Organization & Management*, and *Research Policy*. He was a visiting scholar at University College London, the Massachusetts Institute of Technology (MIT) Sloan School of Management, Harvard Business School, and Singapore Management University. He regularly advised firms in the information and communications technology (ICT) industries.



**Sylvie Vollet**, General Counsel, AirTies

Sylvie Vollet serves as General Counsel at AirTies, a technology company headquartered in Istanbul (Turkey) with a worldwide presence. AirTies has been producing Wi-Fi technologies for more than 15 years and holds more than 30 Wi-Fi-related patents. Before joining AirTies, Ms. Vollet served in different international legal roles as an in-house legal counsel or attorney. She is an expert in complex international deals and has been working for various small and medium-sized enterprises (SMEs) within the digital sector. For several years now, Ms. Vollet has been deeply involved in cloud, data privacy, and standard-essential patent (SEP) licensing issues. Ms. Vollet also has expertise in mergers and acquisitions (M&A), international technology contracts, and intellectual property. She currently negotiates with telecom operators on a worldwide basis. For AirTies it has become an increasing challenge to find a balance between the responsibilities and liabilities to and from customers, partners, and the manufacturing chain surrounding SEP claims.



**Sabine Agé**, Partner, Hoyng Rokh Monegier

Sabine Agé has dedicated herself to patent litigation for the last 20 years. She is particularly involved in matters with cross-border aspects that may face multiple parallel foreign litigations. Ms. Agé has developed particular expertise in issues related to standard-essential patents (SEPs) in the areas of electronics and telecommunications. She is also active in the fields of biotech, pharmacy, chemistry, and medical devices, as well as domestic appliances and convenience goods. She is a prominent member of many professional national and international associations, a regular speaker at conferences, and a lecturer on patent litigation for various university courses. Ms. Agé is a managing partner of the French offices of Hoyng Rokh Monegier.



**Koen Van Oost**, Systems Architect, AirTies

Koen Van Oost is the staff systems architect at AirTies Wireless Networks. He works in AirTies' research department with the Chief Technology Officer advancing their smart managed Wi-Fi vision. Mr. Van Oost's role is key to developing new technologies that spearhead AirTies' future product line. He helps define the product strategy by advising his team on the evolution of standards, emerging technologies, and how they impact Wi-Fi quality and experience. Mr. Van Oost holds a Master of Science degree in Electronics and has occupied various positions in the telecom industry over the past 20 years. He started his professional career at Alcatel Bell in Antwerp, working at the forefront of DSL technology. With Wi-Fi emerging as a new technology, Mr. Van Oost evolved into a systems architect, guiding Thomson/Technicolor to their first 802.11b/g integrated access point in a broadband gateway. After 15+ years in Wi-Fi systems architecture, Technicolor's Wireless doctor technology, co-created by Mr. Van Oost, was acquired and integrated by AirTies Wireless Networks. With his extensive experience in the telecommunications industry and several patent applications filed, Mr. Van Oost is very passionate about various aspects of the trade ranging from hardware/software design, and standards to topics like artificial intelligence, data analytics, and quality of experience (QoE).

## Panel Discussion 2 -The antitrust implications in the refusal to license standard-essential patents

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**Jim Beveridge**, Innovator's Network Fellow

Jim Beveridge has been working in the field of international technology standards and policy issues for the past 20 years. A graduate of Glasgow University, Mr. Beveridge started his career in ICT working for Motorola Semiconductors as an engineer on communication microprocessors and microcontrollers. His passion for technology led him up the IT stack from semiconductors to the software cloud where he was the Director for EMEA in Microsoft's Corporate Standards and Technology Policy Group. Mr. Beveridge continues to contribute to and monitor cloud policy development with his membership of ISO IST/038, Cloud Computing and Distributed Platforms. Mr. Beveridge has a wide range of international experience in technology standardisation and policy issues. He has chaired the Brussels based Digital Interoperability Forum, was a Steering Board member of the Geneva-based, Digital Video Broadcasting Project, and participated in the OECD Going Digital initiative. Mr. Beveridge was recently invited to contribute to the OECD/ITF workshop on Algorithmic Governance in Transport. This workshop explored how a new framework of public governance in an algorithmic age might take shape. It considered the opportunities and practical challenges associated with the implementation of artificial intelligence and algorithmic governance in the transportation sector. Mr. Beveridge has a passion for bringing internet connectivity to the poorer regions of the world by using smart regulation to lower the cost of deploying broadband and encouraging its uptake to spur innovation.



**Brian Wyld, Former-CTO, Wyres**

Brian Wyld is originally from Scotland but has lived and worked in France for over 20 years. Since graduating with a Master's in Engineering from Heriot-Watt University in Edinburgh, Mr. Wyld has worked in the networking and telecom industry, working on projects ranging from hardware to end-user applications. After working in HP's telecom business unit for 8 years in senior technical and project management positions, Mr. Wyld left to create Eloquent SA, a telecom SaaS application where he was CTO for 15 years. Following the sale of Eloquent in 2015, Mr. Wyld created Wyres SAS (now part of Kerlink SA). Wyres is an internet of things (IoT) geolocation technology provider using Long Range (LoRa) and Bluetooth networking to produce physical devices and backend cloud applications for asset and people tracking. Mr. Wyld's extensive experience has been useful in Wyres's networking business, which provides technical, business, and legal challenges at every level. Mr. Wyld has also had the occasion to obtain multiple patents during his career at HP, Eloquent, and Wyres, both at the European and global level.



**Dr. Frank-Erich Hufnagel, Partner, Freshfields Bruckhaus Deringer**

Over the past 20 years, Frank-Erich Hufnagel has built a remarkable patent litigation record for many large corporations in various fields of technology, with a particular focus on the pharmaceutical and telecom sectors. Additionally, his extensive track record of patent litigation and enforcement includes biotech, automotive, primarily mechanical medical devices, and complex optical and semi-conductor patents. Most of his cases have been multijurisdictional. This wealth of experience is the basis for his highly strategic and commercial approach to patent disputes and for his ability to concentrate on key issues during litigation. Although he is primarily engaged in litigation, on the non-contentious side he advises corporations on patent transfers and technology-driven corporate transactions. Dr. Hufnagel holds a Ph.D. in law from the University of Bonn and teaches intellectual property and patent law at the University of Marburg, Germany. Dr. Hufnagel speaks German, English, and French.



**Hans Joachim Gerstein, Partner, Gramm Lins & Partner**

Mr. Joachim Gerstein, LL.M. is a patent attorney and managing partner of the intellectual property (IP) law firm Gramm, Lins & Partner located in Hannover and Braunschweig, Germany. Dr. Gerstein is a registered representative before the European Patent Office (EPO) and the EU-IPO. Besides prosecuting patent applications in the field of electronics, electro-mechanics, and design and trademark applications, he is very active in patent litigation. He has extensive experience in defending suppliers against claims from standard-essential patent (SEP) holders. Another strong focus of his is design litigation. Mr. Gerstein has extensive experience with cross-border cases and enforcement of IP rights with partner firms abroad, in particular in China, South-Korea, and the United States. Mr. Gerstein has also extensive experience in patent opposition procedures and nullity actions. He is a lecturer at the University of Applied Science in Hannover where he teaches intellectual property rights courses to students of electronics. Joachim is fluent in German and English and conversant in French.





**Marianne Frydenlund**, Legal Director, Nordic Semiconductor

Marianne Frydenlund is the legal director and acting secretary to the board of directors at Nordic Semiconductor. Throughout her career, Ms. Frydenlund has gained a unique in-house perspective on intellectual property-related business practices within the wireless ecosystem. She has shared her insights with peers by giving presentations at legal conferences, including addressing the commercial ramifications associated with the refusal to license standard-essential patents (SEPs). In 2019, Ms. Frydenlund was elected to the Board of the Fair Standards Alliance in Brussels. Ms. Frydenlund was on the “GC Powerlist” of the Legal 500 in 2019 and was also elected chair of the Norwegian Company Lawyers Association (NCLA) in August 2020. She is a mentor to women seeking to advance in their business and technology-related careers and is a member of Tech-Forum, appointed by the Norwegian Lawyers Association. Ms. Frydenlund graduated from the University of Oslo School of Law and the University of North Dakota. Prior to joining Nordic Semiconductor, Ms. Frydenlund worked for Huawei Technologies and Nexans Norway AS where she focused on legal issues associated with technology-related commercial transactions.



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