



Licensing Executives Society International Inc.

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2nd March 2009

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www.lesi.org

Dear LES Member,

Communication is important for all organisations, and none the less so for LES, with its worldwide reach.

It has therefore been a priority for me, in taking up my position as President of LES International, to continue the modernisation of LESI communications.

New LES International Website

In line with this, there is now a new-look web site at www.lesi.org, crafted by Steve Poile working with our web service provider. The site is being updated and improved continually, so please make sure you check it out regularly.

The home page continues to have an emphasis on news and is kept up to date with the assistance of Larry Plonsker. We are moving towards new, enhanced functionality for many sections. The Communications Committee is currently looking at improvements to the Industry, Professional and Regional Committee and Management Committee pages to facilitate upload of reports and information, and to enable easy communication between members. Also, other interactive areas, including forums (message boards), and on-line submission of working paper information will be introduced and enhanced.

To keep up with modern usage and trends, there is already a President's blog, at www.lesinews.blogspot.com, Communication Committee tweets can be followed at www.twitter.com/lesi_comms, Google Documents is in use for interchange of LESI papers, and YouTube video is coming. All these facilities will be accessible from the home page of the LESI web site.

LES International Membership Directory

The web site contains the membership directory which is regularly updated by the Societies, and this is the modern way of providing easy access to current information. As a result the CD containing membership data is no longer necessary and has been discontinued. This will result in a considerable saving, keeping costs down and releasing funds which can be better spent on other member facilities. The additional benefit of doing away with the CD format is that the CD format always had the inherent difficulty that the data on it was out of date immediately after the CD was published. Now we



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have a system where the membership directory is kept continually up to date and therefore continually relevant for your use.

Kind Regards

Adam Liberman
President
LES International



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Dear National President,

As foreshadowed in my email of 13th February 2009 I seek to deal with a number of matters of importance in this letter.

LES International Website and LES International Membership Directory

Attached is a letter from me which I would appreciate your forwarding on to your members about the LES International website and the LES International membership directory. You will see that it contains some very important messages about both. In particular, so far as the membership database is concerned, it is crucial that your Society keeps its member entries up to date. That being the case could you please ensure that your Society adheres to the updating processes established by Stephanie Silverstein, our Administrative Manager. If you have any queries on this front please let me know.

Possible inclusion of Les Nouvelles on a major legal database

LES International has been approached by major legal database operators seeking to place Les Nouvelles on their databases. Access to Les Nouvelles would be by way of paid subscription to the database and LES International would receive a fee in return. The Board had a concern that if the operators did not agree to a delay in placing Les Nouvelles on their databases that this could impact adversely on the membership of your Society. The Board therefore thought it appropriate to obtain your input on this issue. I would therefore appreciate your views on whether if we agree to place Les Nouvelles on major legal databases, what conditions should be imposed on that placement, including what delay if any should there be between the publication of Les Nouvelles and the placement of Les Nouvelles on such databases. Specifically, if the operators do not agree to any delay would you support Les Nouvelles being placed on such databases. This is a very important issue as an appropriate balance must be struck between increasing the visibility of LES, against the possibility of diluting LES membership as a result of using this method of increasing visibility.

European Commission

On 30th January 2009, the LES International Board was confronted with a very difficult decision. The LES International European Committee had prepared comments in response to the Pharmaceutical Sector Enquiry preliminary report published by the European



Licensing Executives Society International Inc.

Commission (Commission reference 39.514), (this was done after extensive consultation with the LES International Life Sciences Committee), and to the European Commission Review of the current regimes for the assessment of Horizontal Cooperation Agreements (Commission reference HT147). The abovementioned comments of the LES International European Committee may be found on the LES International website.

The Committee's brief from the Board was to provide a balanced and informed view on issues relating to the integrity of the intellectual property system. Those responses became available for Board meeting on 30th January 2009 and had to be submitted by 31st January 2009.

Article VII, Section 3 of the by-laws of LES International provide:

“Whenever a **committee intends**, on behalf and in the name of LES International, to offer its expert opinion and advice on significant development in the area of its responsibility by submission to any public authority, **it shall** first submit the draft of such submission to the members of the Board of Directors and to the Presidents of all Member Societies for their comments and approval, which approval shall be deemed to have been given if the recipient of such draft has not communicated to the committee chairman his dissent within a reasonable period of time, as expressly set in the communication of such draft.”

Subject to a number of minor amendments, the Board received and approved the proposed responses. The European Committee, however omitted to send the proposed responses to the National Presidents, as required by Article VII Section 3. The Board took the view that notwithstanding that the European Committee had not complied with Article VII Section 3 of the By-Laws of LES International, that it would not object to the responses being filed. The rationale for that approach was that the responses were balanced and informed on issues relating to the integrity of the intellectual property system and that it was important for LES International to be contributing to the debate in this area. It was important for LES International to be seen as a credible reference source on such matters. As such the abovementioned procedural lapse needed to be seen in that context.

The European Committee has been advised that in future it must comply with Article VII Section 3.

Enlarged Board of Appeal, European Patent Office: Patentability of Computer Programs

The above Board of Appeal has asked for submissions regarding the patentability of computer programs. The LES International IT& eCommerce Committee together with the European Committee has been asked to provide an amicus brief. This brief will be prepared in a timely manner and will be dealt with in accordance with the procedures set out in Article VII Section 3. Please deal with it promptly.

If you have any questions concerning the above, please either email me or ring me on +61 2 9490 8239.

Kind Regards

Adam Liberman
President
LES International
Enc.