

**The Intellectual Property Committee  
of the American Bar Association's  
Section of Antitrust Law**

**Presents  
A Brown Bag Lunch**

**June 22, 2007  
11:30 noon to 1:00 p.m. EST**

**EC competition law and IP licensing in a standard-setting context:  
Are hold-up, royalty stacking and patent ambush serious concerns and, if so, what are possible responses?**

Over the past couple of years, the compatibility with antitrust law of certain licensing practices of patents reading on one or several standards has raised a significant interest on both sides of the Atlantic. The *Rambus* case in the United States illustrates that certain behaviors linked to standardization of technologies and subsequent licensing schemes could hold anti-competitive features. More recently, in Europe, some firms active in the mobile technology and equipment fields complained that a leading US mobile technology developer had abused its alleged dominant position through alleged improper licensing practices. These disputes have triggered a debate as to whether hold-up and royalty stacking represented serious challenges to the implementation of technology standards. They have also opened a debate as to whether antitrust law should be used to redress possible abuses resulting from the exercise of patents essential to the implementation of a given standard. While some argue that FRAND commitments are sufficient to prevent possible abuses of market power by essential IP holders, others suggest that such commitments are not sufficient and that antitrust intervention is needed.

In this program, the panel will debate whether the implementation of technical standards is currently imperiled by some licensing practices of essential patent holders or whether the current FRAND regime is sufficient to prevent possible abuses. It will also debate whether antitrust rules and authorities have a role to play on such issues and if so what it is.

**MODERATOR:** Frank Fine, EC Competition Law Advocates, Brussels

**SPEAKERS:** Lauren Albert, Partner, Axinn, Veltrop & Harkrider, New York City  
Nicholas Banasevic, Deputy Head of Unit, DG Competition, Brussels  
Maurits Dolmans, Partner, Cleary Gottlieb, Brussels  
Trevor Soames, Partner, Howrey LLP, Brussels

**LOCATION:** Host site at Howrey LLP, Avenue des Nerviens, 1040 Brussels, Belgium Call-in numbers will be available as set forth below.

If you would like to participate either by phone or in-person, please RSVP with Arnd de Wit (+32 2 741 10 11 or [dewita@howrey.com](mailto:dewita@howrey.com)). Capacity on-site is limited and, therefore, on-site participation will be available on a first-come, first-served basis. For those participating by phone, the dial-in number will be e-mailed to you three days before the program. Also, a recording of the program will be available in MP3 format and accessible at <http://www.abanet.org/antitrust/at-bb/bb-audio.shtml>. If you have any questions, please contact Diane Odom at (312) 988-5702 ([odomd@staff.abanet.org](mailto:odomd@staff.abanet.org)).