

Austria	V. Eder, S. Tresnak, G. Fussenegger, M. Meyenburg, H. Seidelberger,
Belgium	J. Clinck, S. De Cock, S. Depreeuw, D. Dessard, L. Du Jardin, G. Sorreaux, A. Tallon, K. T'Syen, C. Verdonck,
Brésil	JA Faria Correa, P. Parente Mendes,
Bulgaria	A. Petrov,
Czech Republic	O. Cerych, Y. Traplova,
France :	JP. Arroyo, M. Boudou, L. Eskenazi, JL Fourgoux, L. Idot, M. Isola, JP de La Laurencie, MC Mitchell, M. Ponsard
Germany	J. Beal, R. Munker, H. Reppelmund,
Hungary	G. Bacher, H. Horwath, M. Kocsis, A. Kömives, Z. Barakonyi,
Italy	M. Francetti, O. Raffaelli, F. La Rocca, G. Sena,
Luxemburg	G. Bleser, M. Decker,
Netherlands	M. Geilmann,
Poland	A. Wedrychowska-Karpinska
Spain	M. Canadas,
Sweden	E.Eklund, G. Gozzo,
Switzerland	H. Gilliéron, G. Joller, P. Këllezi, P. Kobel, L. Muhlstein, C. Rapin J. Xoudis
UK	M. Browne, S. Gallasch, N. Lobel Lastmann, G. Peretz, J. Woodland
Ukraine	V. Gladka,
US	D. Baker, D. Nemecek,

The President sadly announced the members the passing away of Robert Collin during the Geneva Congress.

Mary-Claude Mitchell pronounced a beautiful speech lecture on his brilliant career and his work and commitment to the Ligue. All the participants to the congress reminded Robert Collin by a warm applause at the end of Mary-Claude Mitchell's .



On behalf of all of LIDC members, the President thanked the Swiss Group, in particular Christophe Rapin, Claire Schaller and Ludmilla de Coulon who were fully involved in the organizing committee, for the excellent organisation of the Congress, the choice of the programme and the outstanding debates and panels. The congress has been successful.

1. Report on the activities 2015-2016 (LIDC congresses, bureau meetings..)

i) Congresses

Geneva Congress

98 participants, including speakers and 14 accompanying persons registered to attend the Geneva Congress and 17 countries were represented.

The Congress also had 12 panellists who contributed to high-quality panel discussions.

The LIDC would like to thank the international reporters and the panelists for the excellent quality of their interventions and the Scientific Committee for its continuous investment in LIDC. The Secretary General would like to thank, in particular, Grégory Sorreaux, the General Rapporteur, and George Peretz, deputy General Rapporteur, who have both worked very hard to guarantee the success of this Congress.

Future Congress

The 2017 Congress will be held in Rio from 5 to 8 October 2017. The Brazilian group is already very actively and enthusiastically preparing the Rio Congress and it promises to be a wonderful Congress.

ii) Bureau Meetings

After the Stockholm Congress, the Bureau held one meeting in February 2016 in Paris and the second during this Congress. The Bureau examined LIDC's current affairs, in particular the scientific work and the continuous promotion of the LIDC among competition and IP experts, lawyers and with the relevant institutions. The Bureau continues to pursue a strategy of promoting the LIDC's visibility.

The Bureau encourages national groups to organise events during the year so that the LIDC continues to be visible and is promoted to its members between the annual congresses. The Bureau invites LIDC members to inform the LIDC Bureau about activities of the national member associations or events about antitrust and IP-related matters. LIDC can advertise these events on its website or also possibly provide some support.

ii) Events

The LIDC has supported several events in the past year, in particular the XII Convengo Antitrust in Treviso on 19-20 May 2016.

The LIDC also organised its first webinar on 3 May 2016 on a particularly current topic: "On-line Practices and Competition Law: an overview of case law in France (open and closed ecosystems), UK (Google/Street Map case) and Germany (Adidas and Asics case)". This event was a great success with more than 100 participants.

The LIDC warmly thanks Ms Nathalie Lobell and Mr Michel Ponsard for the event's organisation and promotion.

Given the success of the first webinar, it was decided to continue organising webinars. The next webinar will be organised at the end of November/start of December around another very hot topic: "Follow-on damages claims in competition cases". In this webinar, one chair (Ms Muriel Chagny) and three speakers from three jurisdictions where many cases have been dealt with so far - probably France, the UK and the Netherlands - will discuss how the Directive will affect the current state of play in these jurisdictions as well as recent case law on damages actions.

v) Individual members

There are about 20 individual members from the Netherlands, Greece, Spain, Croatia, Poland, Estonia, Serbia, Cyprus, Australia, Bulgaria, Romania, Hong Kong and Portugal.

LIDC hopes to constitute national groups in Poland, Spain and Asia.

vi) Publication of the national and international reports

The Bureau has concluded an agreement with the publishing group, Springer, to publish the national and international reports. This publication is offered to all the participants of the Congress, to panel members and to relevant national and international authorities and institutions.

All the participants to the 2014 Torino Congress have received their book in June 2016. The next edition, including the national and international reports drawn up for the Stockholm Congress, should be sent out by the end of the year. The editing work relating to the reports for the Geneva congress has already started and the book relating to the Geneva Congress should be sent out before summer 2017 to all participants of the Congress, as well as some international institutions.

Everyone is reminded that the national and international reports for the Geneva congress will be available on the LIDC website only for a short time after the Congress. The editor, Springer, has asked the League not to publish the international and national reports after the Congress on the publicly available site.

The publication of the national and international reports provides an additional incentive to the national and international rapporteur and also contributes to enhancing the visibility of the League's scientific work. The Bureau therefore wishes to thank very explicitly the three persons who have spent a lot of time over the last few years in editing the reports and ensuring their publication: Ms Pranvera Kellezi, Mr Pierre Kobel and Mr Bruce Kilpatrick.

vii) Scientific committee and presentation of the new questions

Regarding new questions for the 2017 Congress, the Scientific Committee, at its meeting, reviewed several proposals together with the Brazilian group and has suggested the following two new questions:

QUESTION A

What are the major competition/anti-trust issues generated by the growth of online sales platforms and how should they be resolved?

QUESTION B

To what extent do current exclusions and limitations of copyright strike a fair balance between the rights of owners and fair use by private individuals and others?

The Treasurer presented the annual accounts for 2015. The total of the costs and expenses of the association in 2015 amounted to sFr 53'624,36. The income from membership fees amounted to sFr 56'476,70. The LIDC thus made a profit of Sfr 2'852.

3. Election of the General Rapporteur, the Deputy General Rapporteur

The President reminded everyone that in Geneva, the President, the first Vice President, 2 Vice-Presidents, the General Secretary, Deputy General Secretary, Treasurer and Deputy Treasurer will be elected by the general assembly.

He proposed appointing José Antonio Faria Correa President, Carmen Verdonck First Vice-President, Christophe Rapin and Zoltan Barakonyi Vice-Presidents. All accepted taking these positions.

He also proposed appointing Michel Ponsard General Secretary and Natalie Lobel the Deputy General Secretary, Ondrej Cerych Treasurer and Marianne Decker Deputy Treasurer.

The General Assembly unanimously decided to appoint

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|-----------------------------|--------------------------|
| - José Antonio Faria Correa | President |
| - Carmen Verdonck | First Vice-President |
| - Christophe Rapin | Vice-President |
| - Zoltan Barakonyi | Vice-President |
| - Michel Ponsard | General Secretary |
| - Nathalie Lobel | Deputy General Secretary |
| - Ondrej Cerych | Treasurer |
| - Marianne Decker | Deputy Treasurer |

5. Presentation of the conclusions for questions A and B / Adoption of the resolutions

The General Assembly unanimously decided to approve the resolutions for questions A and B, as attached to the present minutes.

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As there was no further business on the General Assembly agenda, the meeting adjourned at 12.30pm.

Geneva on 8 October 2016

International Rapporteur: Stepen Dnes, Dundee University (GB)

In the case of pharmaceuticals, in what way should the application of the competition rules be affected by the specific characteristics of those products and markets (including consumer protection rules, the need to promote innovation, the need to protect public budgets, and other public interest considerations)?

Recommendation 1

No specific legal differentiation of pharmaceutical products is recommended, as there is no widespread and shared practice suggesting that pharmaceutical products should be distinguished as a matter of basic competition law.

Recommendation 2

Market definition should operate with due regard to the specifics of the pharmaceutical market, in particular the role of insurance and the role of medical professionals in prescribing products and the role of patent protection. These factors should inform a context-sensitive market definition survey that does not apply categorisation without further calibration to market context.

Recommendation 3

Sector-specific joint purchasing guidelines could be considered as a means to address monopoly supply issues in some markets.

Recommendation 4

Context-sensitive weighing of intellectual property and competition law concerns should take place, with no starting presumption in favour of competition law or intellectual property law.

Recommendation 5:

Increased attention to harmful patent settlements with potentially anti-competitive effects (e.g. Pay for Delay) might potentially be beneficial to increase the scope to identify and address competition law issues arising from these agreements.

Recommendation 6

International comparisons reveal drug price regulation to be broader than necessary in some instances; regulation could be curtailed in competitive markets while preserving important protections where there is market power.

Reference pricing could be carefully reviewed for potential competition law issues from price interdependency where benchmarks interact.

Recommendation 8:

Retail and wholesale margins, if regulated, should be regulated with reference to costs and not as a percentage of total sales, as a large or fixed retail margin creates a potent disincentive to use generic drugs. Additionally, certain bans on loyalty discounts and other price cuts could be relaxed to enable more retail competition.

Recommendation 9:

Distributor obligations to supply entire retail markets may act as a barrier to entry in distribution markets and should not be adopted without careful balancing of competition issues and other relevant considerations.

Geneva on 8 October 2016

International Rapporteur: Simon Holzer (Switzerland)

What rules should govern claims by suppliers about the national or geographic *ORIGIN OF* their goods?

RESOLUTIONS

Resolution 1

Many jurisdictions have implemented multiple mechanisms and systems that govern the use and protection of indications of origin (including geographical indications (GIs)) for goods and (in rare cases also) for services. The LIDC therefore recommends that those systems should not be played off one against the other. More attention should be paid to how to coordinate the different systems.

Resolution 2

Additional efforts should be undertaken to clarify and harmonize the requirements that have to be met when using indications that do not refer to one single geographical origin of a product or service but rather describe where certain developing or manufacturing steps took place (e.g. ‘Designed in Sweden – Manufactured in Estonia’).

Resolution 3

The LIDC recognises that proportionate mandatory labelling of origin serves certain public interest objectives. We recommend that such labelling should be clearly identified and efforts should be made to avoid conflicts between voluntary indication of origin labels (including GIs) and mandatory labelling of origin.

Resolution 4

It is necessary to ensure that the protection of GIs does not have unlawful anticompetitive effects which would result in undue trade barriers. With respect to GIs that are registered this may be achieved inter alia by paying more attention to the question of the manner in which the group of applicants is organized or ensuring that there is an objective basis for restricting use of those GIs (as opposed to a disguised restriction).

Resolution 5

In an increasingly service orientated world, rules for indications of geographical origin for services may play a more significant role. Therefore we recommend further reflection upon whether criteria ought to be established to validate the accuracy of such indications.

Resolution 6

Bearing in mind that GIs are considered to be intellectual property rights, we recommend that existing best practices and experiences with effective enforcement are more closely studied and more widely considered.