

**GENERAL ASSEMBLY
MINUTES
VIENNA, OCTOBER 24, 2009**

Austria	S. Bauer, M Meyenburg, P. Pöch, G. Schönherr,
Belgium	L. de Brouwer, L. Depuydt, J. Dubois, M. Favart, E. Mattioli, D. Smeets, G. Sorreaux, C. Verdonck
United States	D Baker,
France	D. Brault, N. Charbit, JL Fourgoux, L. Idot, N. Lajnef, JP de La Laurencie, E. Mingam, MC Mitchell, M. Ponsard, G. Tallandier,
Great-Britain	J. Block, C. Morcom, P. Hofer, B. Kilpatrick, P Roth,
Hungary	G. Bacher, V. Bacher, T. Ersek, G. Fejes, T. Gödöle, M. Kocsis, A. Liben, A. Papp,
Italy	M Francetti, E. Ortaglio,
Luxemburg	G. Bleser, M. Decker,
Scandinavia	G Gozzo, E. Legnerhält
Czech Republic	Y. Hak, Y. Traplova, Yana. Traplova
Switzerland	P. Kobel, J. Xoudis,

The President handed over to the Secretary General to present his report on the accounting year.

First of all, on behalf of all of LIDC members, the General Secretary would like to thank the Austrian group, in particular Michael Meyerburg and Hannes Seidelberger, for the excellent organisation of the congress, the choice of the programs and the outstanding evening festivities. Further, he would like to thank the sponsors, Austrian law firms and professional organizations, their support for organizing such a high quality event which we remember for a long time.

1. Congresses

1.1 Vienna Congress

For the Congress more than 140 participants and 20 accompanying persons registered.

The accounts are not yet closed, but it can be expected that the financial results are positive.

1.2 Future events

The 2010 Congress will be held in Bordeaux from 30 September to 3 October. The French group has already reserved the venues and is finalizing the scientific program. The first program brochure has been circulated among the congress participants. It is the aim to achieve favourable registration fees.

The British Group will host the 2011 Congress in Oxford. Oxford would also make an excellent location for the congress (it is easily accessible from Heathrow airport and can also attract a considerable number of participants from London). The British group has a reservation in Christ Church College, in one of the most reputable colleges, to hold the congress. It will be possible to have accommodation not only in hotels but in the college as well.

For the next congresses, the Bureau and the Scientific Committee continue to pay particular attention to assist the organizers by the choice of speakers and questions in order to ensure that the scientific program will be as interesting as the program in Hamburg and Vienna.

2. Bureau Meetings

After the Hamburg Congress, the Bureau had three meetings: last December (in Milan), in April (in Brussels) and in September (in Paris). The Bureau examined LIDC's current affairs, in particular the reasons and consequences of the leaving of the Dutch and the Spanish national groups. Further main topic was to find ways to promote the LIDC and to increase awareness of its existence.

3. Leaving of the Dutch and the Spanish national groups, individual member status

The Dutch group announced almost 2 years ago that it would leave the League. The Spanish group made a sudden and unexpected decision this spring. The reasoning of the Dutch group was that its members focus exclusively on antitrust matters, they do not deal with IP or unfair competition matters, therefore, due to the different topics and interest, there is no reason to continue their participation. The Spanish group claimed that the fees paid to LIDC were too high in comparison with the services received from LIDC, very few Spanish lawyers attended the annual congresses.

Although the national groups decided to leave, the Bureau do hope that Dutch and Spanish colleagues will attend our events. In the Netherlands, the members of the advertising association are ready to participate in the work of LIDC. However their contribution (preparation of national reports) does not mean that this association will become a new national group.

As the LIDC Statutes govern the status of "*individual members*", the members of the former Dutch and Spanish groups will be invited to become individual members.

4. Survey among members on the expectations vis-à-vis the operation of LIDC

In order to explore the members' expectations vis-à-vis the operation of LIDC and the congresses, the general rapporteur, Inigo Igartua carried out a comprehensive on-line survey, and received responses from approx. 150 members. According to the result of the survey:

- Issues to be interested at the congress: Antitrust 98, IP 45 and unfair competition law 18 (number of responses).
- Main field of practice: antitrust 101, IP 61 and unfair competition 62 (number of responses).

It can be concluded that among the members there is a significant interest for all three fields of law (antitrust, IP and unfair competition). It is the specificity of LIDC to combine these three topics. However LIDC shall be careful in choosing the subjects to be examined at the congresses, keeping the balance.

5. Development of LIDC, new member, new national groups

5.1 LIDC young lawyers' group

The Bureau decided - upon the initiative of the French group - on establishing the "LIDC YOUNG LAWYERS' GROUP". This group will comprise of lawyers below 35/40 years and the purpose is to integrate such young lawyers who will come regularly to LIDC events. Such committee can assist in organising Young Lawyers' Forum (similarly to the successful forum in Amsterdam). The main organizers are the members of the French young lawyers' group, and the group had an informal meeting during the Vienna Congress.

5.2 Establishing new national groups

The Bureau's members are making great efforts to attract new members, which would be likely to form a group, but the task is proving to be difficult.

In order to establish new national groups, the General Secretary kindly request you when contacting colleagues from countries where there is no national group to ask whether similar professional organisation exists in their respective countries. The Bureau thinks that the LIDC might attract participants from the so-called emerging markets.

6. Strategy for the positioning of the LIDC

It appears that to make the LIDC more known before professionals, the strategy of the LIDC shall involve the following elements:

- the development of the website,
- participation in consultation proceedings with legislative bodies, by ad hoc committees,
- creating an attractive slogan for LIDC, and
- supporting organization of professional events.

Thus, the Bureau encourages national groups to organize events during the year so that the operation of the LIDC become visible and continuous for the members. It is advisable that the national group shall be active, in particular by organising yearly at least 1 or 2 events, on antitrust and IP related matters.

In terms of promotion, LIDC participated in organizing a joint UIA-AIJA workshop in spring 2009 (Brussels, April 24-25, 2009) under the title "*Antitrust and Unfair Competition Developments Forum*". The LIDC logo was included in the marketing brochures of the seminar to attract potential new members. The topics for the discussion were:

- The evolution of leniency and private enforcement (legislation and practices) in the EU and individual Member states;
- Enforcement rights versus rights of defense - how to balance the interests;
- Assessment of economics behind unilateral conduct, such as exclusionary abuse, predatory pricing, margin squeeze;
- The evolution of vertical relationships and the conflict of exclusive rights and competition claims;
- Unfair competition law in light of the implementation of the UCP Directive.

LIDC's organizational support enabled to put forward names of speakers who participated in the seminar on behalf of the LIDC.

- Peter Roth QC, Monckton Chambers, London, United Kingdom
- Dr. Gusztáv Bacher, Szecskay Attorneys at Law, Budapest, Hungary
- Astrid Ablasser-Neuhuber, bpv Hügel, Vienna/Brussels
- Elisabeth Legnerfält & Helene Andersson, Advokatfirman Delphi, Stockholm, Sweden

- Tony Woodgate, Simmons&Simmons, London, United Kingdom
- Paul Maeyaert, Altius, Brussels, Belgium
- Jules Stuyck, Liedekerke, Brussels, Belgium

7. Website

Although the LIDC's website is now up and running, some improvements and updates need to be made. It is our aim that the website shall contain the up-to-date presentation of the activities of LIDC (future events, questions, national reports, international reports, consultation papers, etc.). Further, the General Secretary encourages the National groups to submit articles to be published on the website, or in a potential LIDC Newsletter.

The General Secretary thanks Magda Meurant on behalf of the LIDC for administering the website.

In the future, the editing of the website will be the task of Ms. Pranvera Kellezi, member of the Swiss group. The General Secretary thanks to Ms. Pranvera Kellezi for accepting this responsibility.

8. Slogan

The LIDC needs a slogan for LIDC. The slogan will be used in the course of active promotion of LIDC, based on its specificity. The Bureau considers LIDC as an interface between various branches of the law (IP, Competition Law and Unfair Competition Law) and also as a place for networking. These characteristics should also be indicated in the slogan. (For example: "*LIDC - a global view on fair competition*")

The Bureau and the Council are looking for proposals for the slogan and offer a prize for the best proposal, a bottle of Bordeaux wine.

It would be wonderful if the slogan could be in rhyme, like a real advertising slogan: *LIDC, the place to be !*

9. Ad hoc committees

The Bureau believes that it is very important that LIDC, as reputable professional organization, participates in the consultations. Such participation is coordinated by the Scientific Committee.

In connection with the consultation on Brussels I Regulation, LIDC prepared detailed comments (chaired by Rhodri Thompson QC)¹. The report, which was sent to the European Commission, will be soon on the website. The feed back was positive. The General SecretaryI

¹ Members of Working Group: Rhodri Thompson QC, Matrix, London; Christopher Stothers, Milbank, Tweed, Hadley & McCloy LLP; Elisa Teti, Rucellai & Raffaelli; Dr. Marco Hartmann-Rueppel, Taylor Wessing; Christopher Brown, barrister, Matrix, London; Alex Tallon, DCH (De Caluwé & Horsmans); Aurélie Livemont, DCH (De Caluwé & Horsmans); Donald I. Baker, Baker & Miller PLLC; Allan Hirsch, Arnall Golden & Gregory.

expresses his thanks to Mr. Rhodri Thompson QC and the members of the ad hoc committee for their work.

Further, an ad hoc committee was set up on the topic on the application of Article 81(3) of the Treaty (block exemptions) to categories of vertical agreements.

10. Scientific work, presentation of the new questions

The Scientific Committee at its meeting reviewed several proposals, and suggests that the following two new questions shall be studied in Bordeaux:

QUESTION A

“What, if any, agreements on information exchanges about prices should be prohibited in vertical relationships?”

Chairman: Prof. Christian Bovet
International Rapporteur: Elizabeth Legnerfeld

QUESTION B

“To what extent should IP Rights (Trademark, Copyright, Design Rights, and Appellation d’Origine) restrict comparative advertising?”

Chairman: Ebba Roogenraad
International Rapporteur: Prof. Jochen Glöckner

In addition to these questions, the panel will discuss the interplay between leniency, criminalization and private enforcement in the field of competition law. Participants will be Wouter Wils from the Commission, Frédérique Jenny from France.

Further topic on the program: *"Cross-border advertisement for alcohol: competition and free movement of goods and services."*

11. Personal matters

Finally, the General Secretary would like to inform the members of the LIDC on personal matters:

This summer, Ms. Jacqueline Henriot-Mergin passed away. She was an enthusiastic member of the League, and she kept contact with us even after her retirement. Her family requested us to thank you who knew her for your support and the condolence letters sent to the family.

Further, Peter Roth, former Vice-President of the League, was appointed as a judge. The General Secretary wishes to congratulate Peter for this highly remarkable recognition of his professional practice and for having reached what I think is the highest step in the career of a UK lawyer.

2. Treasurer's report

Julia Xoudis indicated that the 2008 balance sheet would post a loss of 15,673 Swiss francs. This loss was mainly explained by the fact that German group has requested for a refund of the cost of the speakers at the Hamburg Congress. The Bureau has decided to refund the German group of two third of the loss of the Congress.

Julia Xoudis indicated that the 2009 balance sheet should post a balance.

o
o o

The General Assembly unanimously approved the Treasurer's report.

3. Discharge of the Council

The President proposed moving to a vote on discharging the Council for its 2008 management.

o
o o

It was unanimously voted to discharge the Council on its 2008 management.

4. Election of the General Rapporteur and his Assistant

Marco Francetti pointed out that the mandates of the General Rapporteur, Inigo Igartua, and his Assistant, Jean-Louis Fourgoux will be coming to an end this year.

The President proposed Jean-Louis Fourgoux as General Rapporteur and Pierre Kobel as Assistant General Rapporteur.

o
o o

The General Assembly voted unanimously for the following mandates:

General Rapporteur	Jean-Louis Fourgoux (France)
Assistant General Rapporteur	Pierre Kobel (Switzerland)

The President thanked the outgoing members for their support and valuable work.

5. Voting on conclusions

Question A: Should a competition authority have a complete discretion as regards investigating cases of infringement or on what criteria should that discretion be exercised?"

The conclusions were unanimously adopted.

Question B: What are the criteria that determine the unfairness of so called “look alike”; what are the prohibitions and the appropriate sanctions?"

The conclusions were unanimously adopted.

o o

As there was no further business on the General Assembly agenda, the meeting adjourned at 1.30pm.

President