

ZOOM webinar (free of charge)
Wednesday, 28 October 2020
12:45 – 14:00

CPD Accredited (1 point pending)

Making FRANDS or foes: The UK Supreme Court decision in *Unwired Planet*



To register click here: shorturl.at/clxW9

Alternatively, to RSVP please call or email Aparna Bundro, DVC's Practice Development Director, at 3413 0600 or aparnabundro@dvc.hk

On 26 August 2020, the UK Supreme Court handed down its landmark decision in *Unwired Planet v Huawei* and two related appeals. The Court unanimously upheld the decisions of the lower courts on an important question: does the UK court have power to enjoin the infringement of a UK standard essential patent against an implementer who refuses to enter into a global licence of a multinational mobile technology patent portfolio? Among other things, the Court gave its authoritative blessing to the bold and unprecedented step taken by Birss J at first instance to settle the disputed terms of a fair, reasonable and non-discriminatory (FRAND) licence.

The webinar is hosted by members of the Intellectual Property and Competition groups of Des Voeux Chambers (DVC), in conjunction with the International League of Competition Law, Hong Kong Chapter (LIDC HK). The speakers are seasoned advisers, advocates and speakers in the areas of IP and/or competition law. Starting with an introduction to mobile technology, they will navigate the maze of IP and competition issues thrown up by the decision, with a view to dissecting its important ramifications on the law and the telecom industry.

The target audience includes lawyers, competition regulators, in-house counsel as well as those working in the telecom industry. A quiz will be sent to all participants to be completed after the webinar as proof of attendance.

SPEAKERS:

CW Ling



CW joined DVC in 1999 after obtaining his LLM in Cambridge (First Class). As a barrister his practice has focused on IP cases including trade marks, designs, copyright and patents. He has also acted as counsel in international arbitration cases with IP elements, and as a mediator in many IP disputes. He has recently completed a Postgraduate Diploma in EU Competition Law at King's College London. He is the Immediate Past Chairman of the Hong Kong Mediation Council (a division of HKIAC) and the Vice-Chairman of the IP Committee of the Hong Kong Bar Association.

Catrina Lam



Catrina has been “widely identified as Hong Kong’s front runner for competition matters” (Chambers & Partners 2020). She has advised and appeared in many of the first landmark cases on competition law in Hong Kong including acting on behalf of the Competition Commission in *Competition Commission v Nutanix Hong Kong Ltd & Ors* (CTEA 1/2017), the first enforcement action brought before the Competition Tribunal, and *Competition Commission v Quantr Ltd & Ors* (CTEA 1/2020), the first enforcement case brought following a successful leniency application. She is also acting in *Taching Petroleum Company Limited v Meyer Aluminium Limited* (CTA 1/2018), the first case in which an alleged competition rule infringement is being raised as a defence to a claim. She is the Chairman of the Hong Kong Bar Association’s Special Committee on Competition Law, Vice-Chairman of the International League of Competition Law, Hong Kong Chapter, and a Non-Governmental Advisor to the International Competition Network.

Kelvin Kwok



Kelvin specialises in competition law as a practising barrister in DVC and an academic at the University of Hong Kong, where he continues to teach and research in competition law. He has considerable experience handling competition law matters involving dispute resolution, exemption/exclusion-related applications, and advisory/consultancy work (including pre-IPO opinion). He has advised the Hong Kong Competition Commission and private parties in various sectors of the economy (including the financial, media, professional and retail sectors). He was an ad-hoc consultant to i-Cable in the Communication Authority’s Preliminary Enquiry (OFCA/M/BO2/1-12) leading to the early 2016 decision that i-Cable had no case to answer. He is the co-author of the forthcoming book, *Hong Kong Competition Law: Comparative and Theoretical Perspectives* (Cambridge University Press). He has served as a member of the Hong Kong Bar Association’s Special Committee on Competition Law, and a Non-Governmental Advisor to the International Competition Network.

RUNDOWN:

CW Ling (moderator)
12.45-13.05

- Overview of the international patent system
- Standard Essential Patents (SEP) and the FRAND licensing system explained
- How the UK Supreme Court in *Unwired Planet* broke new ground

Kelvin Kwok
13.05-13.25

- FRAND licensing and abuse of dominant position
- The national court’s jurisdiction to determine the terms of a global licence
- The tricky issue of *forum non conveniens*

Catrina Lam
13.25-13.45

- A critical assessment of the decision in *Unwired Planet*
- Comparative study: response of courts and regulators in other jurisdictions
- Conclusion

13.45-14.00

- Q&A