

**GENERAL ASSEMBLY  
MINUTES  
OXFORD , 24 SEPTEMBER 2011**

<b>Austria</b>	Max Mosing,
<b>Belgium</b>	L. de Brouwer, Ch.Gheur, D. Smeets, G. Sorreaux, C. Verdonck
<b>Brazil</b>	Jose Antonio Faria-Correa
<b>France</b>	Muriel Chagny, Céline Cohen, Jean-Louis Fourgoux, Jean-Patrice de La Laurencie, Mary-Claude Mitchell,
<b>Germany</b>	Beal Jenifer, Reiner Münker,
<b>Greece</b>	Iannis Simplis
<b>Great-Britain</b>	Alison Firth, James Flynn, Sharon Horwitz, Goerge PeretzChristopher Morcom, Gerard Rotschild, James Whitney
<b>Hungary</b>	G. Bacher, , Adam Liber, Katalin Szamosi,
<b>Scandinavia</b>	Antonia Bakardjieva Engelbrekt, G. Gozzo, David Nielsen, Ereik Osterund,
<b>Switzerland</b>	Julia Xoudis,
<b>USA</b>	Katherine Mereand, David Nemecek,

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

## **1. Introduction**

On behalf of all of LIDC members, the General Secretary thanked the British group, in particular Mr James Flynn, the President of the CLA, and Mr Justice Peter Roth who chaired the organizing committee for the excellent organisation of the Congress, the choice of the programme and the outstanding evening festivities in the wonderful Hall of Christ Church College.

### **1. Congresses**

#### **1.1 Oxford Congress**

132 participants and 18 accompanying persons registered to attend the Oxford Congress, and 24 countries were represented (including many from outside Europe). The LIDC was pleased to welcome participants from new countries as Croatia, Romania, Greece, Finland, Ireland.

The LIDC congratulated all those who had worked to attract participants from these new countries and again invited all members of the League to continue their efforts to encourage new members to join our association.

The General Secretary added that, as there are many participants, although the accounts are not yet finalised, it is hoped that the financial results will be positive.

#### **1.2 Future Congress**

The 2012 Congress will be held in Prague from 11 to 14 October.

The Congress will be held in the heart of Prague at the famous Art Deco-style **Alcron Hotel**. There will also be a full programme of social activities including the gala dinner in the baroque **Troja chateau**, and a visit to the medieval city **Kutna Hora**.

The General Secretary asked members to save the dates in their calendar!

The General Secretary thanked the Czech national group for organising this event which will no doubt be exceptional.

On behalf of the organizing committee, Ondrej Cerych of the Czech national group will give more information on the scientific program.

After the Prague Congress, the LIDC plans to have the congress in Luxembourg. Indeed, the Luxemburg group explained it would be able to organize a LIDC Congress for 2014. The Italian group added that it could also organize a Congress for 2014, if other countries are not able to do so.

The Ukraine or a Scandinavian country is also raised as a possible candidate for a future LIDC Congress. The Bureau will also consider whether it would be possible to organize a congress in a

country where there is currently no national group, e.g., in Istanbul, in order to assist in the establishment of a new national group.

The General Secretary recalled that, for the next congresses, the Bureau and the Scientific Committee would continue to assist the organizers in their choice of speakers and questions, in order to ensure that the scientific program will be as interesting as the programmes in Oxford and Bordeaux.

## **2. Bureau Meetings**

After the Bordeaux Congress, the Bureau had 2 meetings: in January 2011 and in May 2011 (in Paris). The Bureau examined LIDC's current affairs, in particular the scientific work and the continuous promotion of the LIDC among the competition and IP experts, lawyers and with the institutions working in this matter.

## **3. Strategy for positioning the LIDC**

The Bureau encourages the national groups to organize events during the year in order to raise the profile of the LIDC's activities and brand for members and non members. National groups are encouraged to be active, in particular by organising yearly at least 1 or 2 events, on antitrust and IP related matters. Don't forget to report to the General Secretary the local events organised by your national group, so that these can be placed on the LIDC website.

## **4. Website**

The new LIDC website was created in February 2010 and we are very satisfied with the role of visibility and interest which it brings to our League and its activities. The LIDC website is managed by our general secretary, Dominique Smeets, who is also our webmaster. Dominique is also very well assisted in this task by Claire Besse.

From January 2011 to mid-September 2011, the site recorded 28,675 visits. That is to say an average of 3,400 visits per month or of 110 visits per day.

The most visited pages are those of the congress and the publications. We note with interest that our website was also visited by residents in countries which are not members of the League, such as China.

Given the wonderful opportunity which this website provides to raise the profile of the LIDC's work, the General Secretary encourages the national groups to submit to their local activities and the articles to be published on the website.

## **5. Scientific committee**

An outstanding body of the Ligue is the Scientific Committee. As of this year, Professor Anselm Kamperman Sanders joined the Scientific committee and with the last year commitments of Nuno Carvalho from WIPO and Etienne PFISTER, economist and Deputy General Rapporteur at the French Autorité de la concurrence. The scientific committee has a

very high level of participant and prepared for more intensive studies. The LIDC thanks all committee members for their work.

## **6. Presentation of the new questions ( à faire remplir par Jean-Louis)**

As regards questions for next year's Congress, the Scientific Committee reviewed several proposals at its meeting, and suggested the following two new questions:

### **QUESTION A**

*“Should small and middle size undertakings be subject to other or specific competition rules?”*

The Chairman and the International Rapporteur will be appointed later.

### **QUESTION B**

*“Should or could an undertaking obtain protection against the usage by non-competing undertakings of their trademark, distinctive signs and other components of their image and identity?”*

The Chairman and the International Rapporteur will be appointed later.

In addition to these questions, in Prague a panel will discuss the ....

## **7. Development of LIDC, new member, new national groups (à faire compléter par Pierre et Muriel)**

### **7.1 Ad hoc committees**

The LIDC believes that it is very important that the LIDC, as a reputable professional organization, participates in consultations with legislative bodies. Such participation will be coordinated by the Scientific Committee which will set up specific ad hoc committee depending on the topic and nature of the consultation.

In order to be able to set up any ad hoc committee to participate in consultations within a short period of time, it is essential that each national group appoints a national correspondent who would be responsible for organising participation in these ad hoc committees.

### **7.2 Cooperation with WIPO**

In order to extend our scientific work, some Bureau members, and in particular Gustav Bacher, continue to maintain contact with the representatives of WIPO to extend the cooperation to cover the issues as unfair competition, IP protection and interplay between IP law and competition law.

## 7.2 Establishing new national groups

The Bureau's members persist successfully in their efforts to attract new members, who may in due course form a new national group. For this Congress, the LIDC is pleased to welcome new individual members coming from: USA, Netherlands, Marokko, Slovakia, Greece, South Africa, Croatia, Hong Kong, and Serbia.

In order to encourage adherence to the constitution of the League as regards the constitution of national groups, the General Secretary reminded members who may be contacting individuals from countries where there is no national group to ask whether any similar professional organisation exists in their respective countries. This should attract participants from emerging markets.

## 8. Treasurer's report

The Treasurer presented the annual accounts 2010. The total of the costs and expenses of the association in 2010 amounted to sFr 46,737.53. The income from membership fees only amounted to sFr 44,136.26, due to the departure of the Spanish group and the request of the British group to postpone the payment of its 2010 membership fee until the 2011 Oxford congress. The French Group made an additional contribution of sFr 7,578.39, an amount equalling 50% of the profits of the successful 2010 Bordeaux congress. Taking into account this additional contribution of the French Group, the total revenues of the League for the financial year 2010 amounted to sFr 51,714.65 and a profit of sFr 4,977.12 was achieved.

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The General Assembly unanimously approved the Treasurer's report.

## 9. Discharge of the Council

The President proposed moving to a vote on discharging the Council for its 2010 management.

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It was unanimously voted to discharge the Council on its 2010 management.

## 10. Election for new mandates in the LIDC organisation

Mary-Claude thanked the General Rapporteur Jean-Louis Fourgoux whose terms has now come to an end. The League thanked Jean-Louis for the time he has devoted to the League's activities during his appointment.

Mary Claude Mitchell proposed the new mandates of the General Rapporteur and Deputy General Rapporteur.

The President proposed to appoint:

- Pierre KOBEL as General Rapporteur,
- Muriel CHAGNY as Deputy General Rapporteur

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The General Assembly voted unanimously for the above mandates.:

## 11. Voting on conclusions

Question A:

*“What are the most important factors that should determine the level of fines imposed for infringements of the competition rules (e.g. cooperation, compliance programmes, impact of the infringement, previous infringements and/or deterrence)? Should there be a binding framework determining the level of fine and who should decide the framework (e.g. judges, competition authorities, ministers and /or some other independent body)?”*

The resolution is adopted unanimously.

Question B:

*“To what extent should online intermediaries (such as ISPs and operators of online marketplaces) be responsible for controlling or forbidding unfair competitive practices (such as sale of infringing products) on their systems ?”*

The resolution is adopted unanimously.

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

**LIDC**

LIGUE INTERNATIONALE DU DROIT DE LA CONCURRENCE  
INTERNATIONAL LEAGUE OF COMPETITION LAW  
INTERNATIONALE LIGA FÜR WETTBEWERBSRECHT