

**GENERAL ASSEMBLY
MINUTES
HAMBURG, SEPTEMBER 29TH 2008**

Germany	J. Beal, J. Kaestner, R. Münker, G. Olbert, W. Rehmann, H. Reppelmund, P. Tavanti,
Austria	M Meyenburg, M. Mosing, P. Pöch, R. Schultes, H. Seidelberger
Belgium	L. Depuydt, J. Dubois, D. Smeets, G. Sorreaux, C. Verdonck
Spain	S. Baches, I. Igartua,
Estonia	I. Kurvits
United States	D Baker,
France	JL Fourgoux, N. Lajnet, E. Mingam, MC Mitchell, C. Momège, P. de Montalembert, J. Sigrist, C. Vilmart
Great-Britain	HP Roth,
Hungary	G. Bacher, V. Bacher, C. Grimm, A. Papp, M. Zoltan, K. Szamosi, A. Vida,
Italy	M Francetti,
Luxemburg	G. Bleser, M. Decker, N Decker,
The Netherlands	M. Bolhuis,
Scandinavia	G Gozzo, E. Legnerhält
Czech Republic	Y. Hak, Z. Korejzova, V. Kusak, Y. Traplova
Switzerland	A. Kasser, P. Kobel, C. Rapin, J. Xoudis,

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

1. Report on the 2007/2008 accounting year

The Secretary General, Guztav Bacher, started by thanking the German group, on behalf of the LIDC members that had come to Hamburg, for its excellent organisation of the congress and quality of the entertainment programme.

- a – Hamburg congress

A total of 137 participants registered for the Hamburg event, including 17 speakers and 23 support people.

Although the accounts had not yet been finalised, the German group had already announced that the Congress would post a financial loss.

In spite of an interesting programme and high quality speakers, it was regrettable that the number of people taking part was not higher than Catania.

- Future Congresses

- The 2009 Congress will be taking place between October 22nd and 25th in Vienna. The Austrian group had already reserved the hotel and had made progress in terms of the scientific organisation of the programme.
- Unfortunately, the English group had been forced to postpone the Oxford Congress from 2010 to 2011. The chosen dates coincided with other local events which meant that most infrastructures would be unavailable. The British group wished to keep Oxford as a congress venue as the city was not far from Heathrow and would attract numerous members of the British group and requested that the date be postponed. Christ Church had already been pre-booked for 2011.
- The French group offered to look into whether it would be able to organise the 2010 Congress. The French group was warmly thanked and would keep the Council informed of its decision and potential venue.

The Secretary General stipulated that the members of the Bureau should remain attentive and support the organisers of the Congresses in their selection of speakers in order to make the programme as attractive as possible. In future, it would be possible to envisage programmes that were more flexible. The Bureau would reflect on this aspect.

b- Meetings

Following the Catania Congress, the Bureau met in Munich on December 15th 2007 and April 25th 2008. It examined LIDC business in progress and reflected on the means of promoting the LIDC and attracting more members to take part in the congresses.

c – LIDC Future strategy

In order to publicise the activities of the LIDC, it would be appropriate to foster links with national or international organisations.

- The German Intellectual Property association responded favourably to invitations from the German group and would be interested in fostering links with the LIDC. Wolfgang Rehmann who had been in contact with the Secretary General of the GRUR, Prof. Loschelder, confirmed that the latter was very open to promoting the activities of the LIDC and the Vienna Congress.
- The LIDC will be participating in and supporting a seminar organised by the Hungarian group in conjunction with the UIA-AIJA. This seminar will be taking place in Brussels on April 24th and 25th 2009 on the theme: "*Antitrust & Unfair Competition Developments Forum*". The forum would address competition law and intellectual property law topics. The LIDC would propose the names of speakers and subject titles for said seminar.
The League's logo would be featured on the invitation which would be sent out to members by e-mail. The LIDC would not outlay any financial expenses for this event.

d – Website

The LIDC website was up and running but needed to be improved. The Bureau would give the matter some thought. In this respect, the Secretary General would encourage the presidents of the national groups to refer legal articles, as regularly as possible, to Alex Tallon, in charge of ERIC publications.

The Secretary General thanked Magda Meurant on behalf of the members of the LIDC for her work on updating the website.

e - ERIC

Unfortunately, there have still not been any publications on the website during the course of this year.

Once again, the Secretary General launched an appeal to members requesting their support and their contribution in the form of submitting articles to ERIC for publication.

f – Ad hoc committees

Don Baker has produced an excellent report on the white paper on damages actions. His report has been sent to the European Commission and the feedback has been very positive. This report is available on the website. The Secretary General thanked Don Baker and all those who had worked on this report.

g- New groups

The LIDC was delighted to welcome two new groups: a Luxemburg group and a Baltic group. The Council officially recognised the membership of said two groups.

h – Presentation of questions for the 2008 cycle

The scientific committee that met in Paris has selected the following two questions:

QUESTION 1

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

International Reporter: Nicolas Petit

QUESTION 2

What are the criteria that determine the unfairness of so-called “look-alikes”. What are the appropriate prohibitions and sanctions?

The international reporter has not yet been appointed.

PANEL

Problems raised by online selling:

- Imposed prices
- Parallel imports and intellectual property
- Internet access provider intellectual property and liability
- Consumer viewpoint.

KEYNOTE

Anti-competition practices and abuse of patent settlements: can the creation of private norms incur the liability of the parties in question?

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The Presidents of the national groups would shortly be receiving directives and the related schedule. They would be asked to appoint their national reporters as promptly as possible. The Secretary General has lobbied the presidents for the latter to be replaced regularly. The international reporter must enjoy sufficient lead time to write his report. Any delays can result in late translations and uploading of documents onto the website.

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The meeting unanimously approved the Secretary General's annual report.

2. Treasurer's report

Julia Xoudis indicated that the 2007 balance sheet would post a profit of 17,160 Swiss francs. This profit was mainly explained by the fact that the website had not been the object of any major expenditure in 2007.

Julia Xoudis indicated that the LIDC had major reserves of 241,328 Swiss francs.

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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 2007 management.

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It was unanimously voted to discharge the Council on its 2007 management.

4. Election of the president, a first vice-president, two vice-presidents, two individual members and an assistant treasurer

Wolfgang Rehmann pointed out that the mandates of the first vice-president, Marco Francetti, the two vice-presidents, Peter Roth and Mary-Claude Mitchell, the two individual members, Daniel Fasquelle and Louis Linteau, will be coming to an end this year.

The President proposed the following appointments:

President	Marco Francetti
First Vice-President	Mary-Claude Mitchell
Vice-presidents	Jan Kabel & Jenny Block
Assistant Treasurer	Elisabeth Legnefält
Individual member	Gabriel Bleser

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The General Assembly voted unanimously for the following mandates:

President	Marco Francetti (Italy)
First Vice-President	Mary-Claude Mitchell (France)
Vice-presidents	Jan Kabel (NL) & Jenny Block (GB)
Assistant treasurer	Elisabeth Legnefält (Sweden)
Individual member	Gabriel Bleser (Luxemburg)

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

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5. Amendment of articles 26 and 28bis of the statutes

Wolfgang Rehmann pointed out that the Council had decided to change the statutes to enable the Council to take resolutions quickly without being obliged to call a meeting. Members were able to consult the changes on the website.

Wolfgang Rehmann thanked Julia Xoudis for her work in proposing amendments to the statutes.

Articles 26, 27 and 28 would now read as follows:

MEETINGS

Article 26

The Council is convened by the President who shall summon it every time he is requested to do so by a third of the Council Members acting jointly or by the Secretary General.

It shall meet at least once a year.

Council meetings may be held by telephone conference or video-conference call.

The President presides over the meetings of the Council. If he is prevented from attending, he is replaced by the First Vice-President or in his absence one of the Vice Presidents.

SUBSTITUTES RESOLUTIONS

Article 27

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

Without prejudice to Article 23 with regard to the Presidents of Groups, a Council Member who is prevented from attending a meeting can give a proxy by letter or by telecopy to another Council Member to act and vote on his behalf, but in each case for one meeting only. No Council Member can represent more than one other Council Member. The power may include the right of delegation to another Council Member. The Council cannot validly deliberate on the items on the agenda unless half of the Council Members are present or represented.

Failing attendance or representation of at least half of the Council Members, the Council can immediately be summoned again to attend another meeting which shall take place within one month. On that occasion it can validly make resolutions however many Council Members are present or represented.

Each Council Member has one vote. Resolutions are passed by a simple majority of the votes of Council Members present or represented. In case of an equality of votes, the President has a casting vote. The Council Members that abstain from voting are considered in the calculation of majorities as not being present.

MINUTES
OF MEETINGS

Article 28

Minutes of the meetings of the Council are to be prepared.
They are to be signed by the President and the Secretary General.

RESOLUTIONS BY Article 28bis
CORRESPONDENCE

At the President's proposal, the Council can take resolutions by correspondence, unless a Council member opposes it and calls for a meeting to be held. Any opposition must be voiced within 7 days of the president's proposal at the latest.

In the event that there is no opposition, the secretary shall send a voting form to each council member and shall set a reasonable voting deadline. Council members shall participate in the vote by returning their completed, signed voting form by letter or fax, by e-mail with signature within the set deadline. A resolution may only be taken if half of the council members have participated in the vote.

Each Council Member has one vote. Resolutions are passed by a simple majority of the votes of Council Members present or represented. In case of an equality of votes, the President has a casting vote.

The minutes shall state the object and result of the vote. They shall be signed by the president and the secretary.

Voting by correspondence is excluded for resolutions on the striking off of members (art. 20).

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The General Assembly voted unanimously to amend articles 26, 27 and 28bis of the Association's Statutes.

6. Any other business

The President wished to thank the international reporters and the session chairs for the remarkable quality of their work.

Peter Roth announced to the Meeting that, on February 2nd 2009, the English group would be organising a John Burell Lecture with the participation of W. E. Kovacic.

7. Voting on conclusions

Question A: Fidelity discounts and rebates not justified by the costs: in which cases should such practices by a dominant undertaking be forbidden?

The conclusions were unanimously adopted.

Question B: Under which circumstances and to what extent should the positive obligation of providing information be imposed by regulation on advertisers?

The conclusions were unanimously adopted.

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

President