



**LICENSING EXECUTIVES SOCIETY**  
SOUTH AFRICA

**L.E.S. 101**

**INTRODUCTION**  
TO  
**LICENSING**

**BASIC ONE-DAY COURSE**

**20 AUGUST 2015**

STELLENBOSCH INSTITUTE FOR ADVANCED STUDY

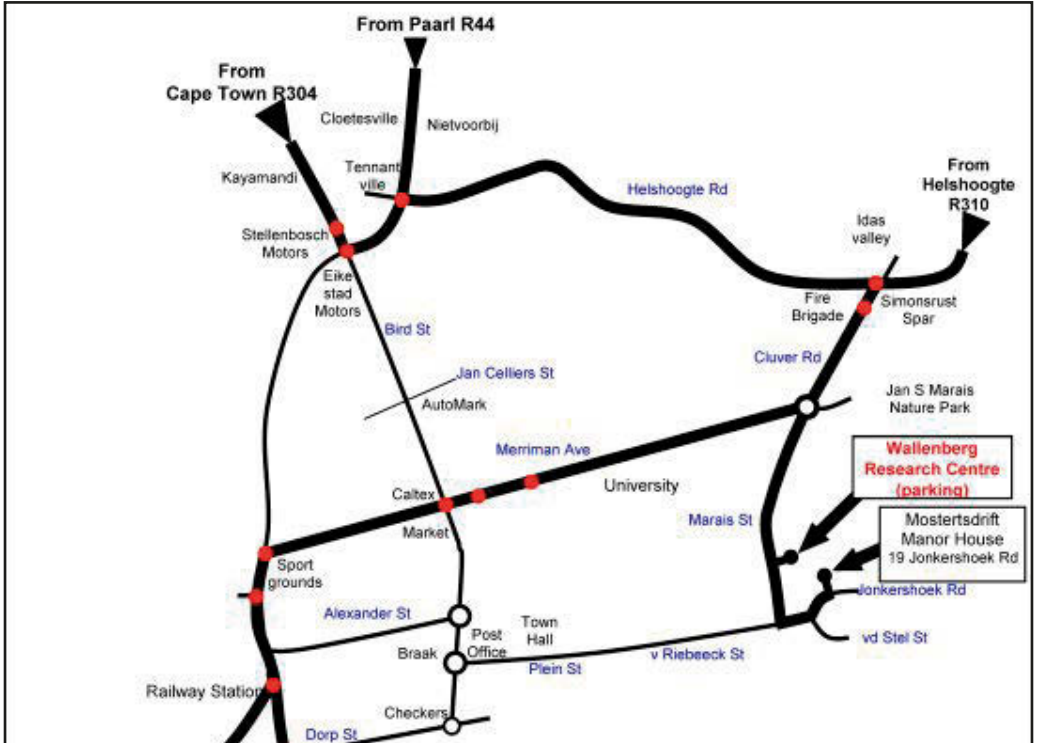
[www.stias.ac.za](http://www.stias.ac.za)

**VENUE**

**Stellenbosch Institute for Advanced Study**

☎ 021 808 2650

10 Marais Street • Stellenbosch • 7600





## Dr. Madelein **KLEYN**

**PATENT ATTORNEY AND MANAGER, LEGAL &  
INTELLECTUAL PROPERTY**

Oro Agri (Pty) Ltd

Madelein Kleyn is a Chemical Engineer, an admitted attorney and a registered Patent Attorney in South Africa. She holds a PhD in Intellectual Property on the subject of IP Strategy for Western Business When Investing in Asia.

She started her career as Chemical Engineer in 1991 whilst completing her law studies part time to qualify as a patent attorney in 1999. She

established the Intellectual Property (IP) Services department at Sasol Group Services Ltd in 1995 and served as in-house corporate Patent Counsel for the corporation for 16 years. Madelein was offered the Group IP Management position at the International ORO AGRI Group of Companies in 2010, where her specific focus is to maximise the value of the company's patents, copyrights, trademarks and other proprietary rights.

Keeping in touch with academics, she tutors part time for the World Intellectual Property Organisation (WIPO) e-learning program on IP Management; she lectures Patent Attorney's practise to candidate patent attorneys and she has recently been appointed as honorary Research Associate at the Law Faculty and Fellow of the Anton Mostert Chair of Intellectual Property, Faculty of Law, University of Stellenbosch where she teaches the Patent and Design LLM (IP) module. She is the co-author the international publication *International Pharmaceutical Law and Practice*, published by Matthew Bender and available through Lexis Nexis.

Madelein was recently elected for inclusion in the *IAM Strategy 300 – The World's Leading IP Strategists 2015*.

Madelein's main areas of expertise include: IP strategy development and implementation, Merger and Acquisition transactions, IP portfolio management including prosecution of patents and trademarks, IP litigation (US, Europe and South Africa) and patent and trademark opposition matters. She is knowledgeable and regularly advises on corporate governance and IP risk management, she specialises in drafting of, and advising on, IP related business transactions including technology transfer.



## Pieter **VENTER**

**DIRECTOR**

Hahn & Hahn Inc.

Pieter Venter holds B.Sc., B.Sc.(Hons), M.Sc. degrees in chemistry and an LLB degree.

He is a qualified attorney and patent attorney since 2002.

As a director of Hahn & Hahn Inc., Pieter is involved in various aspects of intellectual property law - including licensing of technology, management of intellectual property, patent litigation and the drafting

and prosecution of local and foreign patent applications.

Pieter served on the board of directors for LES South Africa since 2006 and regularly presents at LES workshops on management of IP.



## André van der **MERWE**

**SENIOR DIRECTOR**

**D.M. Kisch Incorporated**

André was born in Cape Town and studied at Pretoria University, where he obtained firstly a BSc degree in Chemistry and Mathematics, and then in Chemical Engineering.

After working in industry for a number of years, he decided to study law to become a patent attorney. He entered the patent profession in 1972

and then obtained the degrees B Proc and LL B from the University of South Africa. He was admitted as an attorney in 1975 and qualified as a patent attorney in 1977. André is a Senior Director of the oldest Patent & Trade Mark Law firm in South Africa, D M Kisch Incorporated. He practices in all aspects of IP law.

He is a past-President of the South Africa Institute of Intellectual Property Law and still serves on some of its committees. He is also a past-President and present Board member of the Licensing Executives Society of South Africa.

André serves on the IP Law Committee of the Law Society of South Africa and he is an accredited domain name ADR adjudicator (in terms of the ECT Act and Regulations). He has issued judgments in a number of such domain name disputes.



## Bastiaan **KOSTER**

**PARTNER**

**Von Seidels Intellectual Property Attorneys**

Bastiaan Koster is an accomplished patent attorney and trademark practitioner and holds B.Eng Electronic Engineering and B.Proc degrees.

As past president of the South African Institute of Intellectual Property Law (SAIIPL) and past president of the International Federation of Intellectual Property Attorneys (FICPI), he brings significant experience to the table.

Bastiaan is the partner responsible for the day-to-day management of Von Seidels.

Bastiaan Koster's formal training in electronic engineering (pre-law), coupled with extensive experience in matters relating to Plant Breeders' Rights, has stood him in good stead when it comes to understanding and working with matters of a broad technical nature and their integration with commercial issues.

Taken together with his natural acumen for the law and his noteworthy experience in IP registration, administration, enforcement and litigation, Bastiaan's approach makes him a highly qualified member and much-valued partner in the Von Seidels team.

Due to Bastiaan's comprehensive experience in intellectual property matters, he consults with a wide range of clients on the strategic management of their intellectual property portfolios. In his long-standing involvement in FICPI, he has acquired a deep understanding of current global IP issues.

8:00 - 8:40

REGISTRATION &amp; COFFEE

WELCOMING &amp; INTRODUCTION

SESSION 01

8:40 - 9:20

**INTELLECTUAL PROPERTY BASICS**

Madelein Kleyn • André van der Merwe

8:40 - 9:00

- Intellectual Capital, Intellectual Property, Know-how, knowledge and main classes of Intellectual Property

9:00 - 9:20

- Enforceable IP rights linked to patents, trademarks, confidential know-how or the like

SESSION 02

9:20 - 10:15

**INTRODUCTION TO LICENSING**

Madelein Kleyn

- What is Technology?
- Intellectual Property Management and Technology Transfer
- The business case for licensing as a means of leveraging your IP Portfolio

SESSION 03

10:15 - 10:45

**BASICS ON BRAND LICENSING**

André van der Merwe

- Incorporating Branding and Trademarks into your licensing strategy

10:45 - 11:00

TEA BREAK

SESSION 04

11:00 - 11:45

**BASIS OF LICENSING AGREEMENTS**

Madelein Kleyn

- Licensor's aspirations
- Licensee's aspirations
- License types
- Basic competition law considerations

SESSION 05

11:45 - 12:45

**DETERMINING REASONABLE LICENSE FEES AND ROYALTY RATES**

Bastiaan Koster

- Running royalties
- Lump-sum license fees
- Hybrid royalty/licence fees structures
- 25% rule
- Indirect remuneration
- Risk versus Reward

SESSION 06

12:45 - 13:45

**MANAGING LICENSING RISKS**

Pieter Venter

- 3rd-party patent infringement
- Collection of royalties / license fees
- Product liability
- Unlicensed competition
- Force majeure

13:45 - 14:15

LUNCH

SESSION 07

14:15 - 17:00

**LICENSING GAME**

Pieter Venter • Madelein Kleyn • André van der Merwel

- **A simulated exercise on negotiating a successful licensing transaction.**  
Pertinent facts will be supplied to delegates before the seminar date\*.

\* Please provide the required contact details on the attached registration form to enable us to send these facts to you prior to the workshop.

17:00 - 17:30

**WRAP-UP, CERTIFICATES AND CLOSURE**

**INTRODUCTION TO LICENSING**

Please return your completed registration **via fax or email** to Madelein Kleyn no later than

**Friday, 14 August 2015**

**email** mkleyn@oroagri.com

**fax** +27 865 702 482

Please make payments out to the account indicated at the bottom of this form.

**PERSONAL DETAILS • CONTACT INFORMATION**

|              |          |
|--------------|----------|
| NAME         | LANDLINE |
| SURNAME      | MOBILE   |
| ORGANISATION | FAX      |
| OCCUPATION   | EMAIL    |

**INVOICE DETAILS**

|                  |                          |             |             |             |
|------------------|--------------------------|-------------|-------------|-------------|
| REGISTRATION FEE | L.E.S. MEMBERS           | <b>R700</b> | NON-MEMBERS | <b>R850</b> |
| PARTY TO INVOICE | L.E.S. MEMBER?           |             | YES         | NO          |
| ATTENTION        | AMOUNT PAID              |             |             |             |
| INVOICE ADDRESS  | V.A.T. NUMBER            |             |             |             |
|                  | SPECIAL MEAL REQUIREMENT |             |             |             |

**REGISTRATION FEES TO BE PAID BY BANK OR EFT TO THE ACCOUNT BELOW**

|                |  |
|----------------|--|
| BANK           | Standard Bank - Hyde Park                        |
| BRANCH CODE    | 006 605  |
| ACCOUNT NAME   | The Licensing Executives Society of South Africa |
| ACCOUNT NUMBER | 200 863 142                                      |

**DEPOSIT SLIP REFERENCE CODE**

20 AUGUST 2015  
**STELLENBOSCH**

**101-STE**  
+

[NAME / ORGANISATION / INVOICE NO.]

**CANCELLATION POLICY**

- **No cancellations** will be entertained after **11 August 2015**.



**ONE-DAY COURSE**

# INTRODUCTION TO LICENSING

|                                      |                        |      |            |           |
|--------------------------------------|------------------------|------|------------|-----------|
| <b>SESSION 01</b>                    | <b>SPEAKER</b>         | POOR | ACCEPTABLE | EXCELLENT |
| <b>INTELLECTUAL PROPERTY BASICS</b>  | <b>SESSION CONTENT</b> | POOR | ACCEPTABLE | EXCELLENT |
| Madelein Kleyn • André van der Merwe |                        |      |            |           |
| <b>COMMENTS</b>                      |                        |      |            |           |

|                                  |                        |      |            |           |
|----------------------------------|------------------------|------|------------|-----------|
| <b>SESSION 02</b>                | <b>SPEAKER</b>         | POOR | ACCEPTABLE | EXCELLENT |
| <b>INTRODUCTION TO LICENSING</b> | <b>SESSION CONTENT</b> | POOR | ACCEPTABLE | EXCELLENT |
| Madelein Kleyn                   |                        |      |            |           |
| <b>COMMENTS</b>                  |                        |      |            |           |

|                               |                        |      |            |           |
|-------------------------------|------------------------|------|------------|-----------|
| <b>SESSION 03</b>             | <b>SPEAKER</b>         | POOR | ACCEPTABLE | EXCELLENT |
| <b>BRAND LICENSING BASICS</b> | <b>SESSION CONTENT</b> | POOR | ACCEPTABLE | EXCELLENT |
| André van der Merwe           |                        |      |            |           |
| <b>COMMENTS</b>               |                        |      |            |           |

|                                      |                        |      |            |           |
|--------------------------------------|------------------------|------|------------|-----------|
| <b>SESSION 04</b>                    | <b>SPEAKER</b>         | POOR | ACCEPTABLE | EXCELLENT |
| <b>BASIS OF LICENSING AGREEMENTS</b> | <b>SESSION CONTENT</b> | POOR | ACCEPTABLE | EXCELLENT |
| Madelein Kleyn                       |                        |      |            |           |
| <b>COMMENTS</b>                      |                        |      |            |           |

|  |                        |      |            |           |
|--|------------------------|------|------------|-----------|
| <b>SESSION 05</b>  | <b>SPEAKER</b>         | POOR | ACCEPTABLE | EXCELLENT |
| <b>DETERMINING REASONABLE LICENSE FEES &amp; ROYALTY RATES</b> | <b>SESSION CONTENT</b> | POOR | ACCEPTABLE | EXCELLENT |
| Bastiaan Koster  |                        |      |            |           |
| <b>COMMENTS</b>  |                        |      |            |           |

|                                 |                        |      |            |           |
|---------------------------------|------------------------|------|------------|-----------|
| <b>SESSION 06</b>               | <b>SPEAKER</b>         | POOR | ACCEPTABLE | EXCELLENT |
| <b>MANAGING LICENSING RISKS</b> | <b>SESSION CONTENT</b> | POOR | ACCEPTABLE | EXCELLENT |
| Pieter Venter                   |                        |      |            |           |
| <b>COMMENTS</b>                 |                        |      |            |           |

|  |                        |      |            |           |
|--|------------------------|------|------------|-----------|
| <b>SESSION 07</b>                                    | <b>SPEAKER</b>         | POOR | ACCEPTABLE | EXCELLENT |
| <b>LICENSING GAME</b>                                | <b>SESSION CONTENT</b> | POOR | ACCEPTABLE | EXCELLENT |
| Pieter Venter • Madelein Kleyn • André van der Merwe |                        |      |            |           |
| <b>COMMENTS</b>                                      |                        |      |            |           |

**ARE YOU AN EXISTING L.E.S. MEMBER?**

YES NO

**IF NOT, WOULD YOU LIKE TO JOIN L.E.S.?**

YES NO

**WOULD YOU RECOMMEND THIS COURSE TO OTHERS?**

YES NO

WHY? .....

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**WHAT OTHER TRAINING YOU WOULD BE INTERESTED IN?**

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**GENERAL COMMENTS**

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