Delegates will receive practical analysis and advice on:

- AstraZeneca and the Commission’s pharma policy
- Market definition and dominance in the pharma sector following AstraZeneca – what does it mean for your company?
- Unilateral conduct – when does it risk infringing antitrust rules? A view from the EU and the US
- EU and US approach to settlement agreements
- Roundtable: a follow up on the EU inquiry at national level

Speakers from the European Commission, law firms, economic consultancies and industry include:

Dominik Schnichels  
Head of Pharma Task Force  
DG Competition, European Commission

Cameron Firth  
Partner  
SJ Berwin LLP

Gavin Robert  
Partner  
Linklaters LLP

Jeffrey Schmidt  
Partner  
Linklaters LLP

Mélanie Thill-Tayara  
Partner  
Norton Rose

Jordi Faus  
Partner  
Faus & Moliner Abogados

Thomas Wessely  
Partner  
Freshfields Bruckhaus Deringer LLP

Mike Walker  
Vice President  
Charles River Associates

Marleen van Kerckhove  
Partner  
Arnold & Porter LLP

Asim Varma  
Partner  
Arnold & Porter LLP

James S. Venit  
Partner  
Skadden Arps Slate Meagher & Flom LLP

David Rosenberg  
Vice President, Corporate IP Policy  
GlaxoSmithKline

The pharmaceutical sector continues to be one of the main focus areas for competition authorities throughout the world. This conference provides an update on the major developments affecting the sector including the General Court’s recent judgment in the AstraZeneca case – the first judgment on dominance and abusive practices in the pharmaceutical sector.

On 1 July 2010, the General Court handed down its long-awaited judgment upholding a 2005 decision from the European Commission that found that AstraZeneca had abused its dominant position, in breach of Article 102. The judgment sets an important precedent that will be taken into account by the Commission in its ongoing investigations and is likely to be used as the basis for increased focus on practices adopted by originator pharmaceutical companies with a view to fending off generic competition.

This is the first judgment relating to the application of Article 102 in the pharmaceutical sector and also where misuse of a regulatory procedure has been found to constitute abusive conduct. The use or misuse of regulatory procedures is one of the areas identified by the Commission in its recent Sector Inquiry as requiring increased scrutiny.

Our panel of expert speakers will provide important guidance on key issues emerging from the judgment and the Commission’s Sector Inquiry including:

- Market definition and assessment of dominance or market power taking into account the specificities of the pharmaceutical sector; and
- Abusive conduct taking into account various life cycle management practices used in the industry and, in particular, the relationship between the competition rules and intellectual property rights and also between the competition rules and regulatory procedures.

The Commission also identified the need to monitor patent settlement agreements between originator companies and generic producers. The Commission recently published the first results of its monitoring exercise of patent settlements between originator companies and generics producers showing a decline in those agreements that the Commission considers problematic. The report provides little guidance to companies on how best to structure settlement agreements to ensure compliance with the competition rules, although it is anticipated that ongoing investigations by the Commission may provide some guidance in this area.

Settlement agreements have been under focus in the US for some time with the House of Representatives recently passing a package of amendments intended to curb pharmaceutical patent settlement agreements – the ‘pay-for-delay’ deals between research based pharmaceutical companies and generic drug makers. It is anticipated that the EU will draw upon the US experience when determining whether to challenge patent settlement agreements and our panel of EU and US speakers will be providing crucial guidance on these issues.

Speakers at this conference include senior lawyers and economists from both the EU and US, the European Commission and industry who will address these issues, the recent rulings and current investigations and their implications for the pharmaceutical sector in years to come.

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Chairman: Stephen Kon
Partner, SJ Berwin LLP

09.00 Chairman’s Introduction

09.10 Keynote address
AstraZeneca and the Commission’s pharma policy
Dominik Schnichels, Head of the Pharma Task Force,
DG Competition, European Commission

09.35 Market definition and dominance in the pharma sector following AstraZeneca – What does it mean for your company?
- Market definition in the presence of innovation, patents and price regulation
- Dominance: power over price vs. power to exclude
Mike Walker, Vice President, Charles River Associates

10.10 Coffee

10.30 Unilateral conduct – When does it risk infringing antitrust rules?
A view from the EU and the US
- Use and misuse of regulatory procedures
- Patent filing and patent enforcement
- Product switching
Marleen van Kerckhove, Partner, Arnold & Porter LLP
Asim Varma, Partner, Arnold & Porter LLP (Washington DC)

11.50 Roundtable discussion and Q&A session
The speakers will be joined by
James S. Venit, Partner, Skadden Arps Slate Meagher & Flom LLP
Cameron Firth, Partner, SJ Berwin LLP
David Rosenberg, Vice President, Corporate IP Policy
GlaxoSmithKline

12.40 Lunch

EU and US approach to settlement agreements
- Recent legal developments
- FTC investigations and US court case law
- US legislative initiatives
- The EU Pharma inquiry, and follow-up monitoring
- EU cases and investigations
- Distinguishing the good from the bad
Gavin Robert, Partner, Linklaters LLP
Jeffrey Schmidt, Partner, Linklaters LLP (New York)

15.00 EU and US approach to settlement agreements

15.10 Tea

15.30 Roundtable : A follow-up on the EU Inquiry at National Level
A series of short presentations on specific Member States
France: Mélanie Thill-Tayara, Partner, Norton Rose
Spain: Jordi Faus, Partner, Faus & Moliner Abogados
Germany: Thomas Wessely, Partner, Freshfields Bruckhaus Deringer LLP

15.50 Roundtable : A follow-up on the EU Inquiry at National Level

16.50 Summing up and closing

17.00 Close

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