

Computer Law Association

Munich • 13/14 November 2003



IT meets Telecom

Mobile business

- Technologies & applications
- Business models and cooperation, partnering
- Content in mobile business and digital rights management
- Legal framework for mobile business
- Telematics: latest applications and their legal challenges

State of the art of computer law

- Evolving issues in computer contracting
- Protection of business operations – Security
- Evolving issues in the Internet
- Patent and trademark protection of know-how and technology



Co-chairs: **Stuart Meyer**
Enrique J. Batalla

Executive Committee: **Oliver M. Habel**
Peter Bräutigam
Wolfgang Büchner
Christian Frank
Hans-Werner Moritz
Matthias Nordmann
Stefan Schicker
Jochen Schneider

Convention Centre

House of Bavarian Industry
Max-Joseph-Strasse 5 • 80333 • Munich • Germany

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www.clamunich2003.com



Who should attend?

Lawyers, corporate counsel, entrepreneurs in IT business, consultants, legal advisers.

Munich in short

A dynamic economic region in the heartland of Europe: Germany's third biggest city with the second biggest number of working people, Germany's leading centre of high-tech and media industry. Ten universities with 80.228 students, 130 public libraries, 45 museums and collections, two opera houses, 58 theatres, 84 cinemas, tree large orchestras.

Location

Right in the heart of Munich and surrounded by interesting sights, at the immediate vicinity of a pedestrian zone with attractive shops and walking distance to the National Theatre and museums. The Haus der Bayerischen Wirtschaft is at a walking distance of subways and central railway station; the town is "à vos pieds"

Language

English is the official language of the conference.

Gala dinner

Of particular note will be the traditional CLA gala dinner on Thursday evening 13th. It will be held in the Künstlerhaus in the center of Munich. As usual the gala dinner is on registration: 100 €, please confirm before November 1st.

Itinerary for companions

Please contact Rita Ising: +49 89 323 04 256 mail: r.ising@autobusoberbayern.de

Saturday 15th program

From Munich Center, transfer to Aying, nice little Bavarian town, 30 min away from Munich: be guided through the back door of a private working brewery in the heart of Bavaria. Learn about the brewing process, from the raw material to the end product by viewing both the working brewery and exciting graphic displays. Taste delicious Ayinger beer and beer bread, made with the spent grain. Afterwards, a snack (Brotzeit) will be served. Return transfer to Munich. This activity is on registration: 70 € , please confirm before November 1st.

Internet access offered to attendees

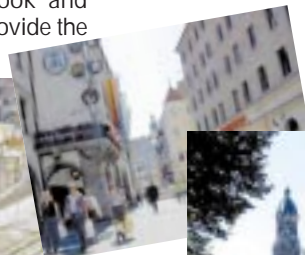
In the conference center, W-Spot offers you the possibility of staying in line with your office and the Internet by WirelessLAN access. Your Notebook and telego! GmbH will provide the connection!

Transportation from airport

Munich Airport: 28 km north-east of the city centre, average 548 starts and landings each day. We suggest train: fastest, simple at low cost (8€) S-Bahn Line 8 "Munich Airport Line" every 20 minutes to the city centre (40 min.). Or Airport bus (9 €): every 20 mintes to the central station of Munich (45 min.). Taxis 60 € to the centre of Munich (time according to traffic). For limousine contact: Rita Ising +49 89 323 04 256

Travel

The following travel specialist can provide you with customized assistance and quality service:
www.planet-tour.com
Visit online or mail Carole at: carole@planet-tour.com
Call: 00 33 4 42 91 37 01



You are invited to the Computer Law Association's 2003 annual conference, to be held in Munich



The Computer Law Association (CLA) is delighted to invite you to attend its 2003 annual European conference in Munich (Germany), on November 13-14, 2003.

The conference will showcase two days of presentations, featuring over 70 speakers from around the world, each of whom is a leader in his or her IT or Telecom field. Comprehensive materials in the form of presentations, lecture notes and articles will be provided to registered delegates.

The subjects to be covered include on the first track: mobile business, mobility, technologies & applications, business models and cooperations, partnering, content in mobile business and digital rights management, legal framework for mobile business and the latest applications and their legal challenges in telematics. A second track is dedicated to the legal aspects of evolving issues in computer contracting (including electronic signatures and the regulation of encryption technology), protection of business operations, security, evolving issues in the Internet, patent and trademark protection of intellectual property.

Recent developments in Europe and the United States in computer law and telecommunications will be covered by leading experts, regulators and judges. The agenda is available online: www.clamunich2003.com

Attendees (from 31 countries last year) will include attorneys, EU and American regulators, and general counsel of high-tech companies, as well as software and hardware suppliers who constantly face the legal issues that arise in IT sales and distribution, e-commerce and the protection of intellectual property.

The CLA is proud to partner in the organization of this event with leading professional and bar associations in Germany and Europe; we thank these organizations for their support, which in itself is testimony to the importance of this annual event and the central role of the CLA in our international IT legal community.

Of course there will be frequent opportunities for meeting informally with other delegates. At night and during the weekend, the wonderful resources of Munich will be at your disposal (theater, music, opera, Bavarian tavern...). Of particular note will be the traditional CLA gala dinner on Thursday evening, November 13.

One caveat: there is only a limited number of spots available for certain events, so we encourage you to register early so that you can be sure to enjoy all the benefits of this extraordinary conference.



Thursday, November 13

8.00 am Registration

9.00 am

Presentation by Stuart Meyer, CLA President • Welcome by Otto Wiesheu, Minister of State for Economy, Transport and Technology, Bavarian State Government (requested, to be confirmed)
Welcome by Prof. Alfred Büllesbach, Chairman of Committee DGRI (German IT-Law-Association)

IT MEETS TELECOM: MOBILE BUSINESS (room A)

9.30 am

Opening speech by the President of the day:
Oliver M. Habel, teclegal Habel Rechtanwälte, Germany

9.40 am

THE FUTURE OF "MOBILE BUSINESS":
GSM, GPRS, UMTS, CDMA, WIRELESS LAN
Moderator: Stefan C. Schicker, 24 IP Sonnenberg-Fortmann, Germany
The future of Mobile Business is based on solid technologies that provide a basis for the development of new services. Must-know issues of the different technologies.
Ralph Griewing, Siemens AG, Germany
Nitin Shah, *Consultant*, USA

10.30 am Break

10.40 am

TECHNOLOGY AND BASIC APPLICATIONS:
billing processes, security, operating software
Moderator: Oliver M. Habel, teclegal Habel Rechtanwälte, Germany

Each mobile business needs to have basic applications like operating and billing software as well as methods for data safety. Technical requirements as well as business needs will be explained and addressed to legal requirements for basic applications in the mobile business.
Richard Billson, Microsoft EMEA, France
Jeremy Newton, Nabarro Nathanson, UK
Jan-Peter Ohrtmann, Bird & Bird, Germany

11.40 am

BUSINESS MODELS: B2C, B2B
Moderator: Christian Frank, Taylor Wessing, Germany
"B2C and B2B models: killer applications and business solutions. The legal framework for the mobile future".
Snapshots from four different countries presenting current trends on the mobile market.
Esther D. B. Nunes, Pinheiro Neto Advogados, Brazil
Uwe Krüger, Siemens AG, Germany
William Teulery, Mobile Way, France
Glenn Nash, Cooley Godward, USA

1.00 pm Lunch

Speech addressed by Prof. Alfred Büllesbach, *Chief Officer Corporate Data Protection*, Daimler Chrysler AG, introduced by Stuart Meyer, *CLA President*

2.30 pm

COOPERATIONS, PARTNERING
Moderator: Peter Bräutigam, Nörr Stiefenhofer Lutz, Germany

Which type of cooperations take place between the players on the mobile market? Models will be demonstrated and explained.

• Cooperations: joint venture agreements • B2B service agreements for mobile commerce • National roaming agreements
Thomas Heymann, Willkie Farr & Gallagher, Germany
Stefanie Lucchetti, Studio Galgano, Italy
Markus Haas, O2, Germany

EVOLVING ISSUES IN IT LAW (room B)

9.30 am

Opening speech by the President of the day:
Enrique J. Batalla, Batalla Abogados, Spain

9.40 am

EVOLVING ISSUES IN COMPUTER CONTRACTING
Moderator: Laurie Heizler, Wright Hassall, UK
Cutting edge issues on international complex IT-contracting. Recent developments regarding agreements for the outsourcing of IT infrastructure and software development.
Ole Horsfeldt, Bird & Bird, UK
Jost Kotthoff, Shearman & Sterling, Germany

10.30 am Break

10.40 am

SOFTWARE LICENSING AGREEMENTS
The licence • Limitations on the grant • Access to source code • Escrow
Steve Davidson, Leonard Street and Deinard, USA

11.10 am

PERFORMANCE REGIMES IN TECHNOLOGY AGREEMENTS
Paul Barton, Field Fisher Waterhouse, UK

11.30 am

PRIVATE FINANCE INITIATIVE OR PUBLIC PRIVATE PARTNERSHIP CONTRACTS
Amanda Lewis, Berwin Leighton Paisner, UK

11.50 am

WEB SITES REFERENCING AND TRADEMARK LAW IN EUROPE
Fabrice Perbost, Kahn & Associés, France

12.10 pm

FINANCIAL SERVICES IN THE INTERNET AND ELECTRONIC BANKING ISSUES
Richard Owens, Centre for Innovation Law and Policy, Canada

12.30 pm

THE EFFECTS OF JURISDICTION AND APPLICABLE LAW UNCERTAINTIES ON INTERNET BUSINESSES
Michael Hancock, Salans, France
Bertrand Alexis, Cable & Wireless, UK

1.00 pm Lunch

PROTECTION OF BUSINESS OPERATIONS (PART 1)
Moderator: Amy-Lynne Williams, Deeth Williams Wall LLP, Canada

2.30 pm

COPYRIGHT ON THE INTERNET
Ian Ballon, Manatt, Phelps & Phillips, LLP, USA

2.50 pm

LEGAL ISSUES IN MARKET FOR INTELLECTUAL PROPERTY TRADING, LEGAL ISSUES IN UBIQUITOUS SOCIETY
Jun Ha, Alps Europe, Germany

3.10 pm

THE LEGAL PROTECTION OF KNOW-HOW AND THE CONTRACTUAL PROTECTION OF KNOW-HOW
David Bender, White & Case, USA
Jon Lang, White & Case, UK

3.30 pm

CONTRACT MATTERS, DRAFTING TIPPS

Moderator: Tomas Rudenstam, Bird & Bird, Sweden
Which type of contract will be used between e.g., providers and customers, what needs to be part of such contracts, how to draft them?

Jan Geert Meents, CMS Hasche Sigle, Germany
Behnam Dayanim, Paul, Hastings, Janofsky & Walker LLP

4.30 pm Break

4.40 pm

FREEDOM OF COMPETITION IN MOBILE BUSINESS Vs. REGULATION OF MOBILE COMMUNICATION

Moderator: Wolfgang Büchner, Lovells, Germany
The panel discusses selected regulatory issues of mobile communication and their effects on the development of a functioning global mobile business market.

Zbynek Loebl, CEAG, Czech Republic
Anne La France, MCI, Belgium
Chris Watson, Allan & Overy, UK

6.00 pm

CONTENT IN MOBILE BUSINESS

Moderator: Matthias Nordmann, Schwarz Kelwing Wicke Westphal, Germany

Media content will be one of the dominant applications in mobile business – examples for sale and marketing and involved legal issues

Marc Owen, Harbottle and Lewis, UK
Jürgen Schmidt, CAP Gemini Ernst & Young, VP Telecom Media Networks, Germany
Jürgen Goelder, CEO, Mobile Scope AG, Germany

3.50 pm

INTERNET PATENT ENFORCEMENT TECHNIQUES AND PROTECTION AGAINST OFFSHORE SERVERS; EUROPEAN AND US APPROACHES

John Carson, Knobbe, Martens, Olson & Bear LLP, USA
4.10 pm

EPO'S CASE LAW RELATING TO SOFTWARE PATENTS
Johannes Lang, Bardehle Pagenberg, Germany

4.30 pm Break

4.40 pm

DOMAIN NAME SYSTEM AND TRADEMARK LITIGATION

Susan Barty, Cameron Mckenna, UK
Neil A. Smith, Howard Rice Nemerovski, USA

5.20 pm

SOFTWARE PATENT IN THE USA

Rory J. Radding, Pennie & Edmonds LLP, USA

PROTECTION OF BUSINESS OPERATIONS (PART 2)

Moderator: Daniel P. Kahn, Kahn & Associés, France

5.40 pm

THE TECHNICAL MEANS ISSUE IN THE DIGITAL MILLENNIUM COPYRIGHT ACT

Richard Allan Horning, Tomlinson Zisko LLP, USA

6.05 pm

THE ARBITRATION OF IT DISPUTES.

Use of experts, discovery, cross-examination of fact witnesses, appointment of arbitrators who know IT contracts and the availability of international enforcement under the NY Convention

Alexander Blumrosen, Bernard-Hertz-Béjot, France

6.30 pm

COPYRIGHT AND AUTHOR'S RIGHT

Do they converge or diverge in the cyberspace?

Christian Czychowski, Boehmert & Boehmert, Germany

6.50 pm

UCITA AND ANTI-UCITA LAWMAKING AND ITS IMPACT IN EUROPE

Alan Ragueneau, Lausanne University, Switzerland

8.00 pm at Künstlerhaus

Gala Dinner (on registration)

Addressed by Klaus-Dieter Scheurle, Managing Director in Credit Suisse First Boston Investment Banking Division with concentration on the European telecommunication market (former president of the German Regulation Authorities for Telecommunications and Post), introduced by Stuart Meyer, CLA President

Friday, November 14

8.45 am Registration

IT MEETS TELECOM: MOBILE BUSINESS (room A)

9.00 am

Opening speech by the President of the day:
Denis Rice, Howard, Rice, Nemerovski, Canady, Falk & Rabkin, USA

9.10 am

LEGAL FRAMEWORK FOR MOBILE BUSINESS (PART 1)

Moderator: Prof. Jochen Schneider, Schneider Schiffer Waltl, Germany

Active in mobile business: what IT firms should know about the European legal framework and its differences compared to other jurisdictions

Ursula Widmer, Dr. Widmer and Partners, Switzerland
Frank J. Geffers, Puopolo Sistilli Geffers & Luise, Italy
Prof. Olujoke Akindemowo, Centre for Law in the Digital Economy, Monash University, Australia
Prof. Thomas Hoeren, University of Muenster, Germany
Pietro Tamburrini, Tamburrini Savi, Italy

EVOLVING ISSUES IN IT LAW (room B)

9.00 am

Opening speech by the President of the day:
Robert Holleyman, Business Software Alliance, USA

SECURITY

Moderator: Naomi Assia, Israel

9.10 am

SPAM: THE DO'S AND DON'TS FROM A EU AND USA PERSPECTIVE

Elisabeth P.M. Thole, Van Doorne, Holland
Burt Braverman, Cole, Raywid & Braverman, USA

9.50 am

TECHNOLOGY EVOLUTION: SECURITY, DATA PRIVACY, DIGITAL RIGHTS MANAGEMENT AND DIGITAL INTEGRITY

Andreas Krumpholz, Microsoft, Germany

10.10 am

LEGAL FRAMEWORK FOR MOBILE BUSINESS (PART 2)

see above, Part I program

11.20 am Break

11.30 am

KEY ENVIRONMENTAL ISSUES FOR MOBILE OPERATORS
Moderator: Karlyn Stanley, Cole Raywid & Braverman, USA

• Priority access (override in mobile systems for emergency personnel) • Tower building/sighting issues – a friendly alternative to large cellular towers • Health issues – the latest developments in the USA on tower sighting and mobile phone use • Avian issues

Laura Altschult, T-Mobile, USA

Ernst Groschner, Crown Castle International, USA

Axel Freiherr v. dem Bussche, Taylor Wessing, Germany

Ed Donohue, Cole, Raywid & Braverman, USA

Winston Maxwell, Hogan and Hartson, France

1.00 pm Lunch

Speech addressed by Benno Heussen, *Board Member of DAV (German bar association)*, introduced by Stuart Meyer, *CLA President*

2.30 pm

DIGITAL RIGHTS MANAGEMENT (“DRM”)

Moderator: Hans-Werner Moritz, Jones Day, Munich
The potential of DRM in mobile business and its legal implications

Susanna Friis-Hansen, Sony Ericsson, Sweden

Don McAleese, Matheson Ormsby Prentice, Ireland

Prof. Thomas Dreier, Karlsruhe University, Germany

Antonio Millé, Estudio Millé, Argentina

3.40 pm

TELEMATIC: PRESENTATION, TECHNOLOGY AND COMMERCIAL USE

Moderator: Michael Alger, Senior Technology Manager, Vodafone Pilotentwicklung GmbH, Germany

The technology which will change the transport systems

4.40 pm Break

4.50 pm

SPECIFIC LEGAL ISSUES FOR OFFERING TELEMATIC SERVICES

Moderator: Beate Orllepp, Munich Chamber of Commerce, Germany

Regulatory: are telematic services telecommunications or broadcast? • Does a right of free access exist? • Are pure data services telecommunication or IT-Services? • Who owns data, collected on the occasion of toll systems?

Does a right to access for these data exist? • Two specifics about liability in telematics.

Roland Boemer Sun Microsystems, Germany

Michael Alger, Senior Technology Manager, Vodafone Pilotentwicklung GmbH, Germany

Heather Rowe, Lovells, UK

6.30 pm

Common Closing Speech

6.40 pm

Closing Speech by Stuart Meyer, *CLA President*

7.00 pm At Chamber of Commerce (opposit the conference center)

Reception of the participants and guests by the Munich Organizers: Oliver M. Habel, Peter Bräutigam, Wolfgang Büchner, Christian Frank, Hans-Werner Moritz, Matthias Nordmann, Stefan Schicker, Jochen Schneider

10.10 am

SHARING SOURCE CODE: PRACTICAL, LEGAL AND POLICY IMPLICATIONS

Hilary Pearson, Bird & Bird, UK

10.30 am

THE E-COMMERCE DIRECTIVE

Bradley Joslove, Franklin, France

Stephane Marcovitch, Wanadoo, France

11.20 am Break

EVOLVING ISSUES IN THE INTERNET (PART 1)

Moderator: Michel Béjot, Bernard-Hertz-Béjot, France

11.30 am

ADVERTISING ON THE INTERNET

Lokke Moerel, De Brauw Blackstone Westbroek, Holland

11.55 am

GAMES OF CHANCE IN USA AND EU

Alfred Meijboom, Kennedy van der Laan, Holland

12.20 pm

PEER TO PEER FILES EXCHANGES AND THE NAPSTER EXPERIENCE

Konrad Hilbers, Home Shopping Europe AG, Germany

12.40 pm

LIABILITY OF ISPs, PROTECTION OF PERSONAL DATA OF FREE SPEECH IN AN EVOLVING INTERNET ENVIRONMENT

Felix Hofer, Hofer-Lösch-Torricelli, Italy

1.00 pm Lunch

2.30 pm

CRITICAL INTERNET LITIGATION. TRENDS IN THE EU AND USA.

Moderator: Peter Brown, Brown Raysman, USA

• Jurisdiction in Cyberspace • Protection of Internet Domain Names • Internet Distribution of Copyrighted Works • Linking, Framing and Crawling • Political Speech and Hate Speech in Cyberspace • Censorship of Internet Pornography • Trademark Infringement in Cyberspace

• Protection of Databases • Privacy of Internet Communications • Enforcement of Electronic Contracts

Denis Rice, Howard Rice Nemerovski, USA

Margaret Tofalides, Addleshaw Booth, UK

Grégoire Goussu, Gide Loyrette Nouel, France

4.40 pm Break

EVOLVING ISSUES IN THE INTERNET (PART 2)

Moderator: Jonathan Spencer, USA

4.50 pm

MANAGING THE LEGAL RISKS IN E-COMMERCE: BEST PRACTICES AND STRATEGIES

Jay T. Westermeier, Piper Rudnick LLP, USA

5.20 pm

WEB HOST DEVELOPMENT AGREEMENTS

Responsibilities of the parties • Price and payment considerations • Service level issues • Warranties, indemnities and limitations of liability

Diana J. McKenzie, Gordon & Glickson LLC, USA

5.50 pm

IP ISSUES IN SOFTWARE/MULTIMEDIA DEVELOPMENT AGREEMENT

Stephane Gilker, Fasken Martineau Dumoulin LLP, Canada



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Information

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Tel + 33 1 41 31 62 61
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t.chevalier@fftgroup.com

Registration

(13/14 November 2003)

Last Name

First Name

Company

N° VAT intra-com

Job Title

Business Activity

Phone

Mobile

Fax

E-mail

Address

.....

Post Code

City

Country

Terms of payment

Registration fees include 2 days participation at the conference, coffee breaks, lunches and CLA Munich 2003 documentation.

For more information, contact the general office of CLA Munich 2003: 33 1 41 31 62 61

Confirmation

Upon payment, you will receive a receipt and some useful information for attending the event.

Cancellation

If a participant wishes to cancel his/her registration, he/she must give written notification of such cancellation 30 days before the event. In this case, 75% of registration fee will be returned.

After this date, the organiser will retain the totality of such fees. For all cancellations, written confirmation must be obtained from the organiser.

You may select a substitute anytime before 20 October 2003. Please notify us of any name changes.

Transportation

Fastest, simple at low cost (8€) S-Bahn Line 8 "Munich Airport Line": every 20 minutes to the city centre (trip 40 minutes). Airport bus (9€): every 20 minutes to the central station of Munich (trip 45 minutes). Taxis: 60 € to the centre of Munich time according to traffic.

Payment

You can sign up online, by fax, by mail or by contacting us over the telephone +33 1 41 31 62 62

Delegate

- Independent **1.150 € + 16% VAT**
 CLA & DAV IT members, sponsors **960 € + 16% VAT**

Early bird (register before the 13th September 2003)

- Independent **980 € + 16% VAT**
 CLA & DAV IT members, sponsors **800 € + 16% VAT**

- Gala dinner** **100 €** per person

- Saturday 15th activity** **70 €** per person

Visit of a private working brewery in the heart of Bavaria

Payment

Payment must be completed in advance to guarantee registration; participants should bring proof of payment, otherwise a credit card guarantee will be requested at the registration desk.

- Cheque** payable to FF&T Events,
Centre nautique Paris-Boulogne, face au 36 quai Alphonse Le Gallo 92100 - Boulogne Billancourt - France.

Bank transfer

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103, avenue des Champs Elysees - 75008 - Paris - France
IBAN: FR76 3005 6001 4801 4821 2685 506
BIC: CCF RF RPP

On the bank transfer slip, please also indicate company and delegate names.

Credit card

- Visa Master Card Eurocard American Express

Total amount to be charged: _____ , _____ €

Card Number _____ / _____ / _____ / _____

Expiration date: _____ / _____

Holder :

Date:

Signature

Company stamp

Accommodation

Autobus Oberbayern have negotiated a quota of bedrooms:

Hotel	Single	Double Room
Bayerischer Hof	232 €	315 €
Le Meridien	268 €	288,5 €
Maritim	232 €	278 €
Kings Center	190,5 €	201 €
Regent	175 €	237 €

Price per night, include service charge, taxes and buffet breakfast.

Please download the hotel reservation form on our web site or contact Rita Ising +49 89 323 04 256, fax : +49 89 323 2594. r.ising@autobusoberbayern.de