

# SESSIONS

## COMPETITION LAW IN THE PHARMACEUTICAL SECTOR AGENDA - 02/12/2021

## Competition Law in the Pharmaceutical Sector Conference

2 December 2021, Virtual Conference  
Delivered Live (CET) & On Demand Afterwards

### Registration & Networking

08:30 - 09:00

### Chair's Welcome and Introduction

09:00 - 09:10

### Participants

**Brian Sher** - Partner, CMS

### Competition Law in the Pharmaceutical Sector: A View from the Commission

09:10 - 09:55  
Enforcement

### Participants

**Paul Csiszár** - Director "Basic Industries, Manufacturing and Agriculture", DG Competition, European Commission

### Update on CMA's Recent Cases

09:55 - 10:40  
Enforcement

- Review of 2021 CMA and CAT cases including Nortriptyline CAT judgment; Hydrocortisone and Liothyronine CMA decisions; and Phenytoin remittal
- Lessons learnt from recent cases for information exchange
- Implications for off-patent sector

### Participants

**George Peretz QC** - Barrister, Monckton Chambers & Law Library of Ireland

**Sophie Lawrance** - Partner, Bristows

**Bruce Kilpatrick** - Partner, Head of Competition, Addleshaw Goddard

### Networking Coffee Break

10:40 - 11:05  
Enforcement

### Merger Control in the Pharma Sector

11:05 - 12:00  
Mergers & Market Definition

- Jurisdiction issues including Article 22 and Illumina-Grail, and UK's approach post-Brexit
- New theories of harm in merger cases including the new working group established between the US FTC, EC, CMA and Canadian Bureau
- Killer acquisitions and pipeline products
- Vertical mergers in the pharma sector
- EU's Market Definition Notice Evaluation: defining relevant markets in the pharma cases

### Participants

**Ingrid Vandendorre** - Partner, Skadden, Arps, Slate, Meagher & Flom LLP

**Norbert Maier** - Managing Economist, Copenhagen Economics

**Noel Watson-Doig** - Senior Counsel Global Pharma Competition Law and Legal Operations, UK & Ireland Pharma, GSK

**Nicolas Pourbaix** - Senior Counsel, Amgen

### Networking Lunch Break

12:00 - 13:00  
Mergers & Market Definition

### Distribution: Update on VBER, Online Sales & Parallel Trade

13:00 - 13:45  
Vertical & Horizontal Developments

- Update on Vertical Block Exemption Regulation (VBER) and Guidelines proposed revisions and implications for the pharma sector
- UK's review of the retained VBER post-Brexit
- Allocation of territories
- Parallel trade
- When is dual pricing permissible?
- Latest RPM developments including Pfizer case in Switzerland

### Participants

**Kyriakos Fountoukakos** - Brussels Managing Partner, EMEA Regional Head of Competition, Herbert Smith Freehills LLP

**Alexandru Potlog** - Legal Director, UK & Ireland, AbbVie

### Horizontal: Review of the Horizontal Guidelines, Cooperation & Collaboration Agreements

13:45 - 14:30  
Vertical & Horizontal Developments

- Review of the horizontal guidelines: Impact on the pharmaceutical sector
- Practical issues in pharma collaboration agreements: non-compete provisions, pricing etc.
- Unwinding cooperation agreements post-COVID

### Participants

**Laetitia Szaller** - General Counsel and Vice President Business Development, AM Pharma

**Andrea Bazzotti** - European Legal Counsel, Ultragenyx Europe GmbH

**Héctor Armengod** - Partner, Latham & Watkins

### Pricing in Practice: Exclusionary & Excessive Pricing Cases, and Other Hot Topics

14:30 - 15:25  
Pricing

- Exclusionary Pricing: Three recent cases concerning biosimilars (UK/ES/ NL): What are the implications?
- Excessive pricing: Trends and questions following the *Aspen* and *Leadiant* decisions

### Participants

**Michael Clancy** - Partner, Van Bael & Bellis

**Julia Sabine Wahl** - Managing Economist, Copenhagen Economics

**Rainer Becker** - Head of Unit in Antitrust for Pharma and Health Services, DG Competition, European Commission

**Jacob Westin** - Head of Legal, Nordics & EUCAN Competition Law Specialist, Takeda Pharmaceuticals

**Angela Staunton** - VP Antitrust, Bayer Pharmaceuticals

### Networking Coffee Break

15:25 - 15:45  
Pricing

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### Recent Developments in Patents including Patent Pooling, Copaxone Investigation & Reverse Patent Settlements

15:45 - 16:35

Patents

- Patent prosecution and enforcement under Article 102 including Copaxone investigation
- What does the 'special responsibility' under Article 102 mean for exercising patent rights?
- Implications for patent filing strategies
- Patent pooling in the pharma sector
- Patent waivers: implications for competition law
- Practical lessons learnt from reverse patent settlements

#### Participants

**James Killick** - Partner, White & Case

**Chris Verleye** - Senior Legal Director, Johnson & Johnson

**Giovanni Napolitano** - Director, Intellectual Property and Competition Policy, World Intellectual Property Organization (WIPO)

**Gabriella Muscolo** - Partner; Head of Antitrust Department, Avvocati Associati Franzosi Dal Negro Setti (Rome) & Former Commissioner, Italian Competition Authority

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### Litigation in the Pharma Sector: Standalone and Follow-on Damages

16:35 - 17:15

Litigation

- Standalone litigation
- Review of follow-on damages in the pharma sector
- What are the opportunities and risks? Best strategies for claimants and defendants
- Calculating damages in the pharma sector
- Developments for the future

#### Participants

**Mario Siragusa** - Senior Partner, Cleary Gottlieb Steen and Hamilton

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### Chair's Closing Remarks & Close of Conference

17:15 - 17:20

# SCHEDULE

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11:00			11:05 - Merger Control in the Pharma Sector			
12:00			12:00 - Networking Lunch Break			
13:00						13:00 - Distribution: Update on VBER, Online Sales & Parallel Trade 13:45 - Horizontals: Review of the Horizontal Guidelines, Cooperation & Collaboration Agreements
14:00					14:30 - Pricing in Practice: Exclusionary & Excessive Pricing Cases, and Other Hot Topics	

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