

OLIVIA HOTTAT

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Creative and results-oriented legal practitioner

PROFESSIONAL BIOGRAPHY

STIBBE, Brussels, Belgium

June 2010–To Date

Senior Associate – Intellectual Property (IP) practice group

- Top-tier Benelux commercial law firm
- First Tier IP Legal 500, Second Tier IP Chambers, Belgian legal award-winning IP team in 2010 and 2011
- Qualified as a Belgian lawyer “*Advocaat/Avocat*” at the Brussels Bar in December 2013
- Understanding clients’ needs and assisting them to achieve their business goals within a short deadline
- Providing advice and support to clients in IP law covering both non-contentious and contentious matters, in many complex locally and cross-border transactions, including those regarding patents, know-how, plant breeders’ rights, trademarks, copyright, assignments, licensing, technology transfer, R&D and life sciences concerns
- Managing a team of junior associates
- Expertise in patents, plants, seeds and biotechnology law

DELEGATION OF THE EU TO THE USA, Washington DC, USA

Jan.2010 – June 2010

Intern – Trade and Agriculture practice group

- Drafting reports on any US and/or EU agriculture issues to inform the EU Commission on US politics related thereto

JOURNALISM, PR, Brussels, Belgium

Sept.2008 – Dec.2009

Intern/Freelance/Employee – Media and Communication agency

- Media: La Libre Belgique, RTL-TVI, Cinéma Belge
- Communication : Mostra

PLEASE SEE LIST ATTACHED FOR MY PROFESSIONAL EXPERIENCE

EDUCATION

UNIVERSITY OF LEUVEN AND BRUSSELS (HUB), Brussels, Belgium

2011-2014

LL.M. in Intellectual Property and ICT Law

- Cum Laude (“*With merits*”)
- Dissertation on Breeder’s Exemption in European Patent Law
- Scope: Copyright and Neighboring rights, Patent Law, Trademark Law, Design right, Plant Breeders’ Rights, Competition Law in relation to IPR, Media Law and European Privacy and Data Protection Law
- Language: English, French and Dutch

CITY UNIVERSITY, London, UK

2007-2008

Master of International Journalism

- Cum Laude (“*With merit*”)
- Dissertation: The Common Agricultural Policy and its Reforms
- Focus on Press, Internet, Europe
- Language: English

UCL, Louvain-la-Neuve, Belgium

2004-2007

Master of Laws

- Magna Cum Laude (“*Avec grande distinction*”)
- Dissertation on Effectiveness of the WTO Law within the EU
- Focus on International Economic Law, International Public Law, European Law
- Language: French

UNIVERSITY OF COPENHAGEN, Copenhagen, Denmark

Jan.-May 2007

Erasmus exchange program

- Magna Cum Laude (“*Avec grande distinction*”)

- Focus on World Trade Organisation, Media Law, Danish Law
- Language: English

FACULTÉS UNIVERSITAIRES DE SAINT-LOUIS, Brussels, Belgium

2002-2004

Bilingual Bachelor of Laws

- Magna Cum Laude (“*Avec grande distinction*”)
- Scope: Roman Law, Belgian Law, Common Law
- Language: French and English

ADDITIONAL INFORMATION

Languages French (native), English (fluent), Dutch (basic) and Spanish (beginner)

Publications

- «The International Comparative Legal Guide to: Pharmaceutical Advertising 2016 », Belgian Chapter, with Manuel Campolini, glg 2016; [Belgian Chapter-Pharma Advertising 2016](#)
- « Fin de la saga Tomates et Brocoli devant l’Office européen des brevets. » (translation: The end of the Tomatoes and Broccoli saga before the EPO), IRDI 2015/2; [Fin de la saga Tomates et Brocoli](#)
- « Trade secrets : overlap with restraint of trade, aspects of enforcement », with Kaesmacher D., Lens S., Mottet A., Op De Beeck D., Thoumsin P-Y., Vanbrabant B, AIPPI 2015, Q247; [Trade secrets – Belgian perspective](#)
- « Position de l’ANBPPI [Association Nationale Belge pour la protection de la Propriété Industrielle] sur la proposition de directive du Parlement européen et du Conseil rapprochant les législations des Etats membres sur les marques, présentée par la Commission européenne le 27 mars 2013 et portant les références Com (2013) 162 final 2013/0089 (COD) » (translation : Opinion of the AIPPI Belgian National Group on the proposal for a directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks, presented by the European Commission on March 27, 2013, COM/2013/0162 final - 2013/0089 (COD)), with Ronse C., Kaeshmacher D., Cornu E., De Prella O., Meyer G., Missotten S., ICIP 2013, liv. 3, 491-506 ; copy available on request
- « Protection des obtentions végétales » (translation: Protection of plant varieties), with Vernimme I., Les droits intellectuels, 2nd ed., Kaesmacher D., Larcier, 2012 ; copy available on request
- « Le programme REACH : règlement ou régulation ? » (translation: The program Reach : regulation or control?), with Van Waeyenberge A., Revue de l’Union européenne, n°544, 2011; [Le programme REACH : règlement ou régulation ?](#)
- « EU Pharma & Life Sciences e-bulletin, Advertising / information for prescription medicinal products », with Campolini M., Stibbe IP Newsletter on new pharma regulation on advertising and information, January 2011; copy available on request

Other

- Member of the WILL (training from Jan. - May 2015, business plan)
- Member of the AIPPI, Young EP Law, Ciopora
- Provided pro bono legal assistance to low income individuals in Belgium
- Provided courses to students in Law at Cogito (a mentoring school)

Interests

- Travel and exploration: Biking trip down the Andes (Cuzco, Peru to Isla Navarino, Chile), Sept.2015- Feb.2016
- Yoga, Tennis, Rowing, Art

REFEREE

Available on request

PROFESSIONAL EXPERIENCE SUMMARY (AT STIBBE)

<u>CLIENT</u>	<u>EXPERIENCE</u>
IP NON-CONTENTIOUS – RISK ASSESSMENTS, ASSIGNMENTS, LICENSING	
South Korean biotech company	Assessing the risk of developing labelling and packaging activities on a biosimilar in Belgium before the related patent expires. <u>Outcome</u> : Go ahead if prepared to litigate. Most likely to be considered as infringement acts, but possibility to avoid injunctions as the validity of the patent is questionable.
French breeder company	Advising on a joint venture with an Argentinean company in view of R&D and commercialisation of new varieties of wheat. Drafting and negotiating a service agreement and two license agreements. <u>Outcome</u> : Joint venture set up within the deadline.
French breeder company	Advising on a private-public partnership for R&D in the field of wheat, including negotiating a partnership and service agreement dealing with property and access to R&D results. <u>Outcome</u> : Client allowed to have access to all the results and to use them for commercial purposes under conditions.
Belgian biotech spin-off	Advising on the ownership of R&D results and the scope of a clause allowing the co-contracting party to file a patent (similar to a grant-back clause). <u>Outcome</u> : Deal concluded while limiting the scope of the grant-back clause and the co-contracting party's rights on the client's technology.
Belgian public company	Advising on the ownership and use of an employee's patentable invention, including drafting the assignment agreement. <u>Outcome</u> : Agreement signed and rights transferred (except for the paternity right) without compensation.
Belgian cartoon PME	Advising on the setting up of a database of cartoons to make them available for use by the public. Drafting a bunch of copyright assignment agreements to be concluded with the authors of the cartoons. <u>Outcome</u> : Database set up within the deadline. No litigation so far.
French/Belgian comics publisher	Advising on copyright transfer agreements to be concluded with the writers of comics. <u>Outcome</u> : Comics published without any right infringement.
French/Belgian bank	Drafting agreements with particulars relating to the assignment of personality/image rights. <u>Outcome</u> : Rights transferred. No litigation so far.
IP NON-CONTENTIOUS – CORPORATE/TAX/EU COMPETITION/TMT SUPPORT	
Various clients	Due diligence, review of the intellectual property portfolio and license and R&D agreements, drafting risk assessments in the framework of M&A. Drafting IP licenses/assignments as soon as M&A deal is done.
Belgian famous show maker	Advising on the group internal structure/system of trademark and copyright licences, assignments and service agreements concluded between and/or granted to companies based in fiscal paradises within the group and assisting with the issue of price transfer. Belgian tax department claims penalty fee in excess of €5 million. <u>Outcome</u> : Tax proceedings ongoing.

South Korean multinational company	Advising on Belgian copyright act in relation to mobile TV, in particular rights and proceedings authors of the content used on that device could claim/introduce. <u>Outcome</u> : Detailed memo with pragmatic solutions from IP, Contract and Regulatory perspectives.
American on-demand Internet streaming media provider	Assessing risk regarding Belgian copyright act, in particular moral rights dubbed actors could claim as well as damages and penalty. <u>Outcome</u> : Memo with contractual solutions to minimize the risk of claims from dubbed actors.
IP CONTENTIOUS – PATENT	
EU biotech company	Acting on behalf of the Belgian subsidiary against a French biotech company to oppose and/or limit the scope of, first, an interim injunction and, then, a descriptive seizure order (equivalent to a search order in Common law) relating to a EU patent for vaccine as well as to know-how related thereto. Damages claimed by the counterpart are estimated at €15 million. <u>Outcome</u> : Settlement agreement reached on €6 million after one year proceedings.
International US based company	Acting on behalf of the Belgian and German subsidiaries against the Belgian subsidiaries of an international engineering company to obtain a descriptive seizure order on the basis of a patent for dry cooling system and air cooled condensers, followed by an action on the merits for infringement of know-how related to the patent and unfair competition, as well as by an expertise to assess damages (which have been estimated between €1 and 4 million). <u>Outcome</u> : Case pleaded; damages of €40million claimed; judgement on damages pending.
Swiss cosmetic company	Acting on behalf of the company against a French company and its two Belgian subsidiaries to obtain and execute a descriptive seizure order (ex-parte proceedings) in Belgium on the basis of French patents for processes related to medical devices. <u>Outcome</u> : Order granted; seizure executed; many evidences of IP infringement collected enabling to launch proceedings on the merits in France.
Belgian industrial group	Acting on behalf of two companies of the client against an international US based group to obtain compensation for unauthorised use of know-how related to several EU patents concerning steel scraps and waste recycling systems and for contractual breach. The client claims a €15 million payment. <u>Outcome</u> : Settlement agreement; business relationship not broken, new technology transfer agreements concluded.
IP CONTENTIOUS - TRADEMARK	
Benelux Office for Intellectual Property	Acting on behalf of the Office against any company lodging an appeal before the Court of Appeal in Brussels against a decision of the Office refusing to register a Benelux trademark.
UK cosmetics company	Acting on behalf of the company against a famous Belgian water producer in refuting allegations of Benelux trademark infringement (a cease and desist claim and claim for damages) and in introducing a counterclaim for the revocation of the litigious trademarks. In parallel acting also on behalf on the client against the opponent before OHIM to seek to register its EU trademark. <u>Outcome</u> : Failed but class action is considered.
Italian fashion company	Acting on behalf of the company and its designer before the court in the Grand Duchy of Luxembourg to obtain the annulment of a Benelux trademark owned by a EU fashion group as well as its international registration for bad faith. <u>Outcome</u> : Quick proceedings; Obtained the transfer of the trademarks in favour of our client.

Benelux bank	Acting on behalf of the Belgium, French and Luxembourg subsidiaries before the court in the Grand Duchy of Luxembourg for infringement of their Benelux trademark. Negotiating and drafting the settlement agreement with a financial and business company of Luxembourg.
Belgian football union	Managing any kind of litigation related to the union's trademarks and image/personality rights, mainly negotiation. <u>Outcome</u> : Succeeded in blocking (or at least strictly limiting) any use of similar signs in the Benelux and the EU.
IP CONTENTIOUS - COPYRIGHT	
Belgian State	Acting on behalf of the Ministry of Internal Affairs against a Tunisian particular in refuting allegations of software copyright infringement. Managing simultaneously 5 civil proceedings (on the merits, two descriptive orders and two penalty notices) as well as a criminal legal action (on the basis of a complaint of the expert in charge of the two descriptive seizures). <u>Outcome</u> : Annulment of a €33 million payment claimed by the counterpart.
German toys company	Acting against a media company owning a famous magazine in refuting allegations of copyright and trademarks infringement before the criminal court, following a seizure of the client's goods by Belgian customs. Assisting the Dutch counsels with the negotiation and acting on behalf of the client for the settlement agreement with the Belgian court.
IP CONTENTIOUS – PHARMACEUTICAL RIGHT	
EU pharmaceutical group	Assisting with contractual and marketing authorisation litigation, including drafting written submissions in appeal. <u>Outcome</u> : Succeeded in delaying the commercialisation of the counterpart's product for several months.