

Algorithmic Legal Metrics & Competition Enforcement and Policy in the Pharmaceutical Sector

Life Science Law DK and the **Centre for Advanced Studies in Biomedical Innovation Law (CeBIL)** invite you to this event where we will experience an in-depth discussion with **Dan L. Burk, Chancellor's Professor of Law at the University of California, Irvine** on the topic of Algorithmic Legal Metrics which among other areas have been used to determine provision of health care and social services. Moreover, CeBIL scholars **Timo Minssen** and **Olga Kokoulina** will provide us with an understanding of the findings of two new competition reports from European Commission (2019) which analyze and discuss (1) "Competition Enforcement in the Pharmaceutical Sector (2009-2017)", and (2) "Competition Policy for the Digital Era" - What are the implications for the health and life science sector and what are the challenges to both enforcers and market players?

All presentations will be in English. Participation is free.

Join the discussions and subsequent networking reception where **Friday drinks** will be served by great bartenders.

BACKGROUND

Predictive algorithms are increasingly being deployed in a variety of settings to determine legal status. Algorithmic predictions have been used to determine provision of health care and social services, to allocate state resources, and to anticipate criminal behavior or activity. Further applications have been proposed to determine civil and criminal liability or to "personalize" legal default rules. Deployment of such artificial intelligence systems has properly raised questions of algorithmic bias, fairness, transparency, and due process. But little attention has been paid to the known sociological costs of using predictive algorithms to determine social status. A large and growing social science literature teaches the effects of "algorithmic living," documenting how humans interact with machine generated assessments. In this presentation Dan L. Burk link the sociological and legal analysis of artificial intelligence (AI) to cast new light on the inherent effects of algorithmic legal metrics.

Following the **European Commission's inquiry** into the pharmaceutical sector in 2009, competition law enforcement in this area has been a high priority across the EU. In 2009-2017, European competition authorities investigated more than 100 cases, while over 20 cases of possible antitrust infringements are currently being examined. This relentless focus on combating anticompetitive practices underscores the importance of ensuring access to affordable medicine and innovation in the field as a matter of the EU policy. Setting precedents, competition enforcement not only clarifies the application of EU competition law to contentious issues but also promotes companies' compliance and pro-active approach. Against this background, the ongoing digitalization poses new challenges to both enforcers and market players. This presentation will depict these challenges and explain the outcomes of two March 2019 reports by the EU Commission that have analyzed these recent developments.

AGENDA

- 13:45-14:15 Registration, networking and coffee
- 14:15-14:20 Welcome, Uffe Mark Hansen, Chairman of the Board for Life Science Law DK, Head of Legal, Novartis Healthcare A/S
- 14:20-15:10 **Algorithmic Legal Metrics: Predictive algorithms** deployed to determine legal status, Dan L. Burk, Chancellor's Professor of Law at the University of California, Irvine
- 15:10-15:55 **Competition Enforcement and Policy in the Pharmaceutical Sector**: Tour d'horizon of enforcement actions, recent reports and new digital challenges ahead, Timo Minssen, CeBIL Director, Professor of Law at the University of Copenhagen (UCPH) & Olga Kokoulina, Carlsberg PostDoc fellow, CeBIL

15.55-16:00 Closing
16.00-18.00 Networking and Friday drinks served by bartenders

PARTICIPANTS

This event is open for persons who are working with or is otherwise engaged in topics that are within the scope of the Life Science Law DK. Please feel free to share this invitation with colleagues or persons in your network with an interest in the life science industry.

TIME AND VENUE

Friday 10th May 2019, kl. 14.00 – 16.00 CET (networking drinks reception from 16.00-18.00).

Bech-Bruun Law Firm
Langelinie Allé 35
DK-2100 Copenhagen

HOW TO SIGN UP

Please sign up for the event by sending an email to **Mette Borresen Haugaard** (meh@widex.com) at the latest on Thursday 9th May 2019 at noon. Participation is free, including for participants that are not (yet) members of Life Science Law DK.

COURSE CERTIFICATE

None, as the event is less than three times 45 minutes.

SPEAKER PANEL

Dan L. Burk is Chancellor's Professor of Law at the University of California, Irvine, where he is a founding member of the law faculty. An internationally prominent authority on issues related to high technology, he lectures, teaches, and writes in the areas of patent, copyright, electronic commerce, and biotechnology law. He is the author of numerous papers on the legal and societal impact of new technologies, including articles on Internet regulation, on the structure of the patent system, and on the economic analysis of intellectual property law. Professor Burk holds a B.S. in Microbiology (1985) from Brigham Young University, an M.S. in Molecular Biology and Biochemistry (1987) from Northwestern University, a J.D. (1990) from Arizona State University, and a J.S.M. (1994) from Stanford University. Prior to joining the faculty at UC Irvine, he taught at the University of Minnesota. He has served as a legal advisor to a variety of private, governmental, and intergovernmental organizations, including the American Civil Liberties Union Committee on Patent Policy and the OECD Committee on Consumer Protection.

Timo Minssen is Professor of Law at the University of Copenhagen (UCPH) and the Founding Director of UCPH's Center for Advanced Studies in Biomedical Innovation Law (CeBIL). His research in IP, Competition and Regulatory Law has been published widely in more than 100 international publications in both legal and science journals, such as Nature Biotech, Science and PLoS Computational Biology. At present, he is the head and principal investigator of a large international research program in biomedical innovation law funded by the Novo Nordisk Foundation. The program examines legal and ethical challenges of new technologies in the health & life sciences, such as AI and big data-driven precision medicine. It is anchored in Copenhagen, but involves international core partners, such as Harvard Law School, Harvard Medical School/MIT, as well as the Universities of Cambridge and Michigan. Timo has also been a legal expert advisory board member of EU Commission studies in the pharmaceutical sector. Timo holds a German law degree from the University of Göttingen, as well as biotech & IP -related LL.M. M.I.C.L., LL.Lic. and LL.D. degrees from Lund & Uppsala University. He has been Visiting Research Fellow at the Universities of Cambridge & Oxford, Harvard Law School, and Chicago-Kent

College of Law, as well as a Max Planck stipendiate at the Max Planck Institute for Innovation & Competition in Munich. Moreover, he was trained in the German Court system and at the European Patent Office.

Olga Kokoulina is a Carlsberg Foundation Postdoctoral Fellow. Her primary research interests lie at the intersection of Law and Technology. Olga holds a PhD degree in Law from the University of Copenhagen, MSc and LLM degrees from the University of Oxford (Oxford Internet Institute) and Lund University. Her PhD thesis focused on the issue of patents and standards in the EU and approached the topic from an interdisciplinary perspective. The findings of her research were presented in various venues, including at the International Standardisation Conference held by the Institute of Electrical and Electronics Engineers (IEEE, USA) and the Economic and Social Research Council (ESRC) Workshop held at the House of Commons (UK). Her postdoctoral research, conducted at the Centre for Information and Innovation Law (CIIR) and Center for Advanced Studies in Biomedical Innovation Law (CeBIL), addresses the topic of algorithmic decision-making. Examining the limits of algorithmic accountability, the project focuses on issues of intellectual property rights, competition, and data governance.

ABOUT CEBIL

The Centre for Advanced Studies in Biomedical Innovation Law (CeBIL) at the University of Copenhagen's Faculty of Law, is an international research center that explores the legal challenges and the rapid developments in the biotechnological area in Denmark and around the Globe. The Centre brings together scholars from the worlds leading research institutions in interdisciplinary collaboration also engaging stakeholders from industry, government and civil society. The overall aim and ambition of CeBIL is to contribute to the translation of groundbreaking biomedical research into safe, effective, affordable and accessible therapies by analyzing the most significant legal challenges to pharmaceutical innovation and public health from a cross-disciplinary perspective.

ABOUT LIFE SCIENCE LAW DK

Life Science Law DK is an independent society that aims to further the development of the legal conditions for the life science industries in Denmark. The society does not represent any special interests and is not associated with any companies, interest groups, professional organizations or other institutions. Life Science Law DK was founded in September 2016 and membership is open for persons who are working with or is otherwise engaged in topics that are within the scope of the society. Via different activities Life Science Law DK seek to heighten the knowledge of the strategic and commercial considerations and the special contracts that are characteristic for the life science industry. The activities includes mainly organizing of events, debates, networking initiatives and sharing of knowledge. Life Science Law DK is managed by a board elected by the members and the composition of the board is well balanced and representative of the different stakeholders in the life science industry in Denmark. If you want to support the future work of Life Science Law DK we encourage you to become a member. Read how to join on lifesciencelaw.dk.

ACKNOWLEDGEMENTS

This work is co-organized by Life Science Law DK and the Center for Advance Studies of Biomedical Innovation Law (CeBIL), which is supported by a Novo Nordisk Foundation-grant for a Collaborative Research Programme (grant agreement number NNF17SA027784).

We are looking forward to meeting you!