

What Brands Want

➔ page 4



Blockchain Solutions

➔ page 6



New Model Lawyers

➔ page 10



141st Annual Meeting, Boston



# daily news

Tuesday May 21, 2019

## Be Your Own Superhero: Building a Personal Brand

Building brands is a central task for many Annual Meeting registrants, but how many consider the need to build their own, individual brands? Sarah Morgan reports.

Kaplan Mobray may be the liveliest speaker you'll ever encounter. Yesterday, he entertained registrants at the **Lunch and Learn** session by playing the saxophone, wearing a Spider-Man mask, and taking numerous selfies with the audience.

But it was more than entertainment. Mr. Mobray's sole goal was for registrants to leave the room "better," through an interactive session on "The 10Ks of Personal Branding."

"Today, as we think about the amazing things you're doing in your

career, the most important piece of intellectual property you can protect is *your* brand. We focus on protecting brands from trademark infringement and counterfeiting, but what about your brand?" he said.

As part of his presentation, he asked registrants to take out blank name tags and write down something that defines who they are, rather than their name. "Investigator," "valuable," and "slayer of infringers" came the answers.

"The reality is that when people need you, they need that thing that



Kaplan Mobray is the "Inspire Man."

defines you, well before they need your name," said Mr. Mobray. "People are going to make a split-second decision about you, based on something they can quickly identify."

"Knowing yourself" is the first K of Personal Branding. "We should always know what we do that makes us indispensable. When you try to grow your career or leverage an opportunity,

there's something you have to be known for," he said.

The second K—"know what you want to be known for"—is when the Spider-Man mask came into play. Mr. Mobray put the superhero mask on and roved around the room, asking the audience what their superhero names would be. This time, responses ranged from "strategy man" to ➔ 3

## 162 Exhibitors!



Come visit the Exhibition Hall, open today from 10:00 am to 4:00 pm.

## Making Connections: IP and the IoT

Connected devices are transforming the way we live our lives, but from an intellectual property (IP) perspective, they add complexity to an already complicated landscape, as Peter Scott finds out.

The numbers are clear: There are currently approximately 25 billion devices in the world connected to the Internet. Intel Corporation (USA) forecasts that number will rise to as much as 200 billion by the end of 2020. Each second, 127 devices connect for the first time.

This growth has profound implications for intellectual property (IP) owners, especially because today, devices increasingly connect not just to the Internet, but through the Internet, to each other.

During yesterday's Session **IM01 Industry Breakout: How Connected**

**Goods Are Transforming Our IP Assets Management**, panelists offered a range of perspectives on this brave new world.

In discussions about the legal challenges associated with the Internet of Things (IoT), trademarks are often overlooked in ➔ 2

ip centrum



Launch sequence initiated

Follow the launch: @ipcentrum

Sign up for early access: [www.ipcentrum.com/renewals](http://www.ipcentrum.com/renewals)

Published by: **wipr**



[www.facebook.com/gointa](http://www.facebook.com/gointa)



#INTA2019



@intaglobal



[www.inta.org](http://www.inta.org)

1

## Making Connections: IP and the IoT (continued)

← 1 favor of issues around data, privacy, liability, and patents. However, as Alexandre Nappey, Founding Partner at SCAN AVOCATS (France), observed, IoT presents particular challenges for those in the trademark industry.

For example, Mr. Nappey said that the list of goods and services for which protection is claimed is determined at the time of filing under the Nice Class headings, but these do not take account of connected devices.

Emmanuelle Ragon, Associate Vice President, Trade Mark at SANOFI (France), agreed, citing the hypothetical example of a “smart T-shirt,” which could monitor biological information from the individual wearing the shirt and report that data to a medical practitioner or other source.

The main thing for us is to file for protection as a medical device, Ms. Ragon said, “but if we have a smart T-shirt, are we going to have to file for T-shirts?” Similarly with services, she said, it would be important to cover the provision of medical services, but it may also be necessary to cover communications services to accurately reflect the connected nature of the device.



(L. to R.) Patrick Hauss, Emmanuelle Ragon, and Alexandre Nappey

Further complicating the picture is the fact that, when dealing with newly developed connected devices, brands may expose themselves to the risk of genericide in the act of obtaining trademark protection.

Mr. Nappey said that a trademark for a successful new product “could easily lead to genericide” because as new products enter the same marketplace, they are likely to be referred to in relation to the original product. He suggested brands should plan a robust defense strategy to defend their rights in this situation.

Ms. Ragon suggested that one sensible approach with novel products would be to simultaneously develop both a generic name and a brand name, which will help to make the trademark right more secure by distinguishing it from the generic name.

### Communication Is Key

One of the biggest challenges associated with connected devices is that they are, by definition, connected to the Internet—and therefore subject to all the risks associated with operating in the online space.

Patrick Hauss, Regional Director at CSC Digital Brand Services (USA), observed that while domain names

are “often at the bottom of the list of IP rights,” they are “probably going to be more and more important” as our devices become more connected.

In simple terms, the IoT is also just “things on the Internet,” and “domain names are already used to run connected device platforms,” he said.

“We need to learn as IP lawyers from recent developments in the domain space,” especially domain name system (DNS) attacks, Mr. Hauss explained. These attacks involve hackers exploiting vulnerabilities in the domain name system to take control of particular domain names. This is bad at any time, but with domain names related to connected devices, such attacks could have grave implications for data security and even for the control of the devices involved.

Mr. Hauss suggested businesses need to ask themselves two questions: The first is, “Which are our business-critical domains?” The second is, “Have we put the right security measures in place to protect them?”

In order to accurately identify business-critical domains, companies need to ensure optimal internal communication. “You can’t answer that question unless you have excellent

cooperation and discussion between teams,” he said.

Indeed, the panel agreed that internal communication is vital to operating in the connected devices space, partly because of the sheer number of IP considerations in play. Any connected device is likely to raise issues regarding freedom to operate assessments, patents (and potential defense against patent trolls), open source licenses, exclusivity, and especially the question of who owns what rights related to the product.

“Teams need to work hand in hand to do a 360-degree assessment” of the IP landscape surrounding a given product, Ms. Ragon said. In addition, she noted, the team also must collaborate externally since “you may have different owners [of relevant technology] around the table who you need to negotiate with.” ●

Published by: World IP Review  
(Newton Media Limited)

©Newton Media Limited 2019

### DISCLAIMER

Although every effort has been made to verify the accuracy of items in the INTA Daily News, readers are urged to check independently on matters of specific concern or interest. The views and opinions expressed in articles are those of the bylined author and/or interviewee and do not necessarily represent those of INTA or its membership. Non-INTA advertisements in the INTA Daily News in no way connote INTA’s endorsement of the products, services, or messages depicted therein.

### SINGAPORE 2020

Asia’s IP hub

Within a 5-hour flight for 60% of the world’s population

Recognized for trade freedom and ease of doing business

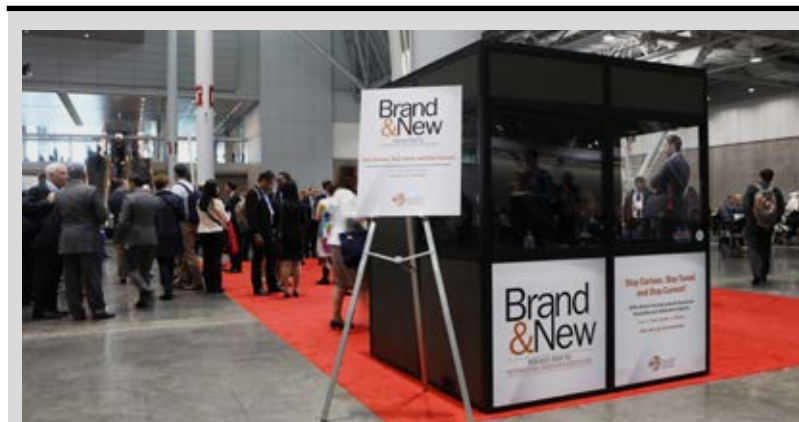
80 of the world’s top 100 technology companies have offices here

Home to approximately 180,000 SMEs

One of the world’s most innovative IP offices

Location of INTA’s Asia-Pacific Representative Office

Pre-register for the 2020 Annual Meeting by 2:00 pm tomorrow to receive a discounted rate.



INTA’s Brand & New podcast—focusing on innovation and intellectual property—has been celebrating the 2019 Annual Meeting by airing a new episode each day of the Meeting (rather than a new episode every two weeks). In

addition, Audrey Dauvet, the host of the podcast, has been conducting interviews for some of these and future episodes from a soundproof booth located in the Exhibition Hall. Listen to Brand & New on iTunes, Spotify, and Stitcher. ●

**BELONGING TO INTA MEANS...**

## Be Your Own Superhero: Building a Personal Brand (continued)

← 1 “the blaster master,” who destroys the opposition.

“If you don’t tell people what to look for in your work, your effort, your expertise, and the outcome, how will they see it?” he asked.

Your personal brand is everything, said Mr. Mobray, but it’s something that needs to be managed and protected, just like your cases. “The reality is you will be known by your impact, not just your role,” he added.

Know your superpowers, know what you bring to the table, and know how you save the day, he told registrants.

“If people don’t have a narrative associated with you, you just become [another] trademark lawyer,” Mr. Mobray warned.

This was swiftly followed by the speaker’s request for the audience to take a picture of themselves and show the photo to others.

“Would you hire that face? How you show up and interact with someone creates a snapshot in their mind. There’s an impression that will be formulated based on your face at rest. It will create an impression in your life that shapes your brand,” he told registrants, referencing the third K: “know how to be consistent.”

“We should always know the

narrative that is swirling around us,” he said, before asking audience members what would be “the most consistent thing said about you when you’re not in the room.” (This reporter responded with “When is she coming back?”)

If someone doesn’t have a narrative to associate with you, they’re likely to move on to someone else, warned Mr. Mobray.

Fourth, you need to know how to accept failure. Don’t just tell people what you’re good at, tell them what you’ve learned, he said.

“If you don’t know how to talk about yourself, you could be dismissed,” according to Mr. Mobray, citing the fifth K—“know how to communicate your brand attributes.”

“You can communicate that you’re fun, but someone needs to know that you’re a fierce attorney.”

### Creating Your Opportunities

“What is something that people don’t expect to get from you, but because they get it from you, they trust you more?” asked Mr. Mobray.

“When you’re on vacation, you come back [to your hotel room] and there are roses on your bed and your towels are folded like a swan. It’s an unexpected benefit. But the point is, when you get an unexpected benefit you look for more value in the experience—the towels are fluffier and the pillows are softer,” he said.

Previously a banker and musician, Mr. Mobray works across the world. He wanted to bring his saxophone with him to speeches, and now he’s known as “that guy.”

The seventh K is to “know and master the art of connection.” Leading the audience in a word association game matching products with brands, Mr. Mobray said: “The products you mentioned are the ones you know are good. If you don’t manage your brand, you can be the brand of no recall.”

And “know silence is not an option” (the eighth K)—if someone can’t recall you because you’re silent, you won’t get invited back to the meeting.



Inspirational speaker Kaplan Mobray told registrants to “know your superpowers.”

“Whether you’re an introvert or not, your presence should be known,” he said. You should ask yourself three questions before a meeting: Why am I here? What will I contribute? What will they say when I leave the room?

The final Ks of personal branding are “know your expectations not your limitations,” and “know your why.”

“You have to tell people what to expect from you,” Mr. Mobray said. “Why do you do what you do? This shapes how you show up.”

He concluded: “My personal brand is the Inspire Man. I want to inspire you to be better and give you something to do that makes you better when you leave.” ●



Kaplan Mobray



Post a note about what “Belonging to INTA Means ...” to you! Visit the message wall on the Exhibit Hall level.

PROVIDING SOLUTIONS  
SETTING BENCHMARKS

CELEBRATING  
**50**  
CREDIBLE  
YEARS

Patent Litigation | Patent Drafting  
Filing and Prosecution | Trademark Practice | Copyright  
IP Management & Strategic Counseling  
IP Licensing | Due Diligence | IP Audit and Valuation



**Y.J. Trivedi & Co.**  
PATENT & TRADE MARK ATTORNEYS & ADVOCATES

INDIA | USA | CANADA

www.yjtrivedi.com

# What Brands Want in a Shifting Legal Services Landscape

Legal service models are fast evolving, and trademark and brand lawyers must adapt. Understanding the changes and how best to add value are key. Saman Javed reports.



As company needs continue to evolve, the role of outside legal counsel is changing. Budget models have shifted drastically over time, particularly since the 2008 recession; service providers are becoming more sophisticated; new players—including the Big 4 accounting firms, Deloitte, Ernst & Young, PwC, and KPMG—are entering the legal market; and companies are demanding more flexible, strategic, and business-oriented approaches to legal advice than that offered by the traditional models.

More recently, technologies such as artificial intelligence (AI) have made the stakes even higher. On February 18, Ernst & Young announced that it will partner with Luminance, an AI platform founded in 2016 that “uses pattern recognition and machine learning algorithms to read legal documents, making contract review processes more efficient.” Such tools are helping external providers to provide cheaper work than previously possible.

All of the Big 4 are now in the legal business, many with larger legal teams than most law firms. They focus on practice areas as diverse as corporate; labor and employment; transactional; digital; merger and acquisitions; governance and compliance; and immigration. So what does all of this mean for intellectual property (IP) and brand lawyers?

Clearly, the game is changing across the board. But as IP and innovation increasingly form the bedrock of the global economy, IP specialists still have a critical role to play, if they are willing to adapt.

## Change Is Here

The Thomson Reuters Legal Executive Institute, in partnership with the Georgetown Law Center on Ethics and the Legal Profession, Acritas, and the University of Oxford Saïd Business School, published a report earlier this year that cites the rapid growth of alternative legal service providers (ALSPs). The report, which was based on responses in 2018 from 517 decision makers representing 335 law firms and 182 corporations in Australia, Canada, the United States, and the United

Kingdom, finds that ALSPs are now broadly used for tasks traditionally done by law firms, including:

- Litigation and investigation support;
- Legal research;
- Document review;
- e-discovery; and
- Regulatory risk and compliance.

In comparison to an earlier version of the report (which was released in 2017 and based on surveys conducted in 2016 with U.S. respondents) corporations have embraced ALSPs at levels that have “already exceeded or approached the usage levels earlier predicted for 2021, and expectations for future use remain high,” says the latest study.

In 2018, 25 percent of corporations said they planned to increase their spending on ALSPs, compared to only 5 percent that expected spending to decrease, and the global ALSP market was worth an estimated US \$10.7 billion in 2017, an increase of US \$2.3 billion from the 2015 global estimate. Driving usage is access to specialized expertise, more efficient and strategic use of existing resources, and cost.

Among U.S. law firms of all sizes, the percentage using ALSPs “is up significantly from just two years ago, and in a few cases, they have doubled,” says the report. For example, around 65 percent are using ALSPs for e-discovery purposes, compared to 42 percent; and half are using them for legal research, up from 21 percent.

The threat to law firms from ALSPs is evident, with, according to the report, 23 percent of large law firms and 21 percent of mid-size firms noting that they have lost business to one of the

Big Four. Also of note, about one-third of law firms say they plan to establish their own ALSP affiliate within the next five years.

Another survey, “2018 Law Firms in Transition, An Altman Weil Flash Survey,” came to similar conclusions. The survey polled managing partners and chairs at 801 U.S. law firms with 50 or more lawyers and received 398 firm responses. Among other findings, the survey showed that law firms see themselves losing business most rapidly to three main sources: (1) corporate legal departments insourcing more legal work (69%); (2) client use of technology (25.6%); and (3) ALSPs (16.4%).

Further, a global survey of senior in-house legal practitioners conducted in late 2018 by Ernst & Young, indicated that 82 percent of businesses planned to reduce legal function costs during the next 24 months—primarily businesses in North America. It also found that most in-house counsel see a greater need to capitalize on technology, which they felt other departments, such as finance and human resources, had done more effectively.

These results should put law firms on alert: as technological solutions emerge to make traditional law firm services more easily deliverable, at much lower cost, firms must reimagine their approach.

“It’s safe to say that ALSPs have gone from a new and somewhat unknown phenomenon a few years ago to a well-established segment that is an integral part of the legal services industry today,” concluded the Thomson Reuters’ 2019 report.



Daniel Zohny

“For FIFA, a large percentage of our revenue is generated by brand assets. You do not interfere with that just to cut costs for the sake of it.”

“Clearly, law firms are intrigued and perhaps a little alarmed by the growth and prominence of ALSPs. As the traditional law firm business model continues to come under pressure from a variety of forces, law firms will continue to investigate new ways to partner with, imitate, and leverage these legal service innovators.”

**Meeting the Challenge**

Daniel Zohny, Head of Intellectual Property at FIFA (Switzerland), admits that, as some service providers have “evolved dramatically and expanded their services,” he has shifted some work—such as trademark searching, renewals, and at times Uniform Domain-Name Dispute-Resolution Policy (UDRP) proceedings, for example—away from more expensive outside lawyers to ALSPs.

“UDRP work can be done a lot cheaper by service providers than a law firm, and service providers are well-versed. Also, for searching, the service providers are sometimes better at processing and presenting the data to us,” Mr. Zohny adds.

But overall, Mr. Zohny says, IP work is too important for FIFA to compromise on. “I’m still in the very comfortable position of being able to choose our IP counsel as I deem fit,” he says. “For FIFA, a large percentage of our revenue is generated by brand assets. You do not interfere with that just to cut costs for the sake of it.”

While lower pricing can be an attractive lure of service providers for certain kinds of work, Mr. Zohny says that he worries about transparency issues. Many service providers are trying to offer a one-stop shop model and prices can be attractive.

“However, you often don’t know who else they’re working with, and sometimes the providers try to limit their liability concerning negligence of their subcontractors, which is too big of a risk for the client, in my opinion. So, I still see the value in paying more for outside counsel,” he says.

Another advantage of outside counsel can be institutional knowledge, he adds: “Firms often will have worked with us for years and years and have insights I may not even have because it was before my time with FIFA.”

Yet, he acknowledges that firms do need to evolve in order to keep up with the growing sophistication of other providers. The key is adaptation, Mr. Zohny says, noting: “Listen to what your client really wants, even if it’s not how you normally do things.” This can be especially problematic for larger firms, where rigid protocols meant to minimize risk can sometimes make it difficult to adapt.

Julia Talke, Global Lead Counsel, Trademarks and Branding, at Lumileds Holding, B.V. (Germany), a spinoff of Philips, notes that large law firms have



Ranjan Narula

**“ You have to look at things from a media and advertising perspective too; you need to become more of a brand lawyer. ”**

their advantages, too, however. For Ms. Talke, a global view is crucial when it comes to hiring outside counsel. Lumileds’ legal department comprises just 16 staff in total, including legal, IP, paralegals, and assistants, so “it really helps if I have outside counsel who can anticipate the issues and think globally,” she says. For this reason, Ms. Talke works with Baker McKenzie, which has 78 offices worldwide.

“I rely on outside counsel to take an ever more global approach to anything and everything they do,” she adds. “I really want them to give me the big picture.”

As far as outsourcing to service providers, however, Ms. Talke says that, except for a few specific tasks, such as renewal work and screening and monitoring of counterfeits, she relies on her outside counsel—or better yet, herself. “Strategic decisions need to be led by someone in-house,” she suggests.

Ranjan Narula, Founder of RNA Technology and IP Attorneys (India), says that the pressure placed on in-house counsel by upper management to do more for less has been shifted to firms for some time, so firms have had to find ways to be cost-effective.

“Then, you add technology to the mix, and the demands are completely different now,” he says. “People expect that the run-of-the-mill services can be managed with technology, so you shouldn’t be charging for it. You have to focus instead on ways that you add value.”

The shift from hourly to flat fees is a global change that began many years ago, but the push for firms to add value in emerging areas is more recent—and poses a big challenge.

“Technology is bringing new

issues to the table, such as privacy, how to manage data, confidential information, trade secrets, use of social media platforms, and even how to keep employment agreements in tune with the time,” Mr. Narula says. “You have to think more broadly and be more aware of what’s going on—all of those issues are being raised by clients now.”

Becoming a client’s go-to source on issues like these is one key to remaining relevant, says Mr. Narula—and based on past experience, it’s possible, he says:

“When the UDRP came along, everyone had to learn the rules on how to do enforcement online. It’s a steep learning curve on both sides, and there are no real surefire answers because new technology is always emerging. It’s a challenge, but it makes it more interesting.”

In Mr. Narula’s view, service providers fill a gap for companies that firms have not been able to, and maybe never will. “They have their own edge on how they manage the problems and they have broader capabilities as far as tech knowledge goes. The legal industry isn’t geared up to take this on,” he says.

But Mr. Narula still sees ALSPs as being largely “project management oriented” and less able to deliver on substantive work. “When we’re doing trade secrets work, for example, the Big 4 firms or service providers can do the forensic analysis, but someone has to then lay down a short- and long-term legal strategy for what’s next. That’s where there’s still scope for the legal industry,” he says.

“They are rapidly trying to fill that gap, and perhaps eventually they will have the legal teams in place, but it will take some time.”

Alan Adcock, Partner and Deputy Director, Intellectual Property at Tilleke & Gibbins (Thailand), agrees. He believes service providers are still not sophisticated enough for some kinds of work such as translation services.

Overall, Mr. Adcock has noticed the biggest change in the type of client seeking help, rather than the IP work per se: “There is large growth in more entrepreneurial and tech-heavy startup clients,” he says. “Disruption of more traditional businesses by entrepreneurs with new technologies and business models means more need for realistic and focused IP protection and commercialization plans.”

**Responsiveness, Transparency, Moving Beyond Trademarks**

At the end of the day, says Mr. Zohny, clients are chiefly looking for outside counsel who are “responsive and transparent.” Developing a reputation for such qualities is vital, particularly since many in-house counsel hire outside firms based on peer recommendations.

“I may look at legal directory lists, but mostly I’ll go for direct

recommendations via networking. Then the next most important factor is the pricing scheme, and finally, I’ll do a test run of their work,” he says. Once hired, the responsiveness and transparency qualities that won the job must be maintained. “If you realize you can’t do something for the price you promised, say something,” he says.

For her part, Ms. Talke says that taking a global view, effective communication, and learning about clients’ products are the main factors she weighs when judging outside counsel—the latter being particularly important for a tech-heavy company like hers.

“Even if I hire you only to do trademark work, you need to understand the technologies and products, because each product has its own unique issues and challenges. I don’t want to get an office action on a list of goods and services we don’t even use,” she says.

In Mr. Narula’s experience, firms need to up their game even more than that. “Every IP counsel is looking for someone who understands their business and particular challenges,” he says. This means that, if a company’s bottom line is changing to encompass new platforms and strategies, firms must move beyond protocols to deliver.

“The traditional model is gone,” he adds. “Even for a small thing like clearing a brand, you can’t stop at the trademark register any more; you have to think about domains, company names, e-commerce, and social media portals and products. You have to look at things from a media and advertising perspective too; you need to become more of a brand lawyer.” ●



**Lunch and Learn Tuesday, May 21 1:15 pm–3:15 pm**

**Learn the basics of business development with Mark Beese, President of Leadership for Lawyers, LLC (USA)**

**His presentation will include understanding your niche and value proposition, developing a “verbal business card,” and much more.**

**Don’t forget to pre-register**

# Blockchain: A Viable Solution to Fight Counterfeits?

While initially associated with online currencies, blockchain technology could provide a boon to brands looking to protect their intellectual property. Saman Javed investigates the potential.

It has been more than a decade since the creation of blockchain. While the technology was first intended to act as a ledger of Bitcoin transactions, its uses have multiplied in the years since.

Blockchain is seen as one of the most secure forms of verifying, preserving, and tracking information, so it's no surprise that industries from banks to big pharma are experimenting with it.

One aspect of intellectual property protection in which blockchain has huge potential—but is yet to be widely implemented—is the protection of brands against counterfeits.

## What Is Blockchain?

In the simplest terms, a blockchain is a decentralized, distributed ledger for maintaining a permanent record of transactions. It is said to be virtually tamperproof as one “block” of information cannot be altered without simultaneously altering all subsequent blocks in the chain.

A series of transactions is bundled together to form the first “block.” Crucially, when the second block of transactions is created, it will contain all the information from the first block, as well as the new information. When a third block is added to the chain, this

will contain the information from the previous block, and so on.

This adds to the immutable nature of the blockchain; you can't pull out the block in the middle without disrupting the chain because every block is linked to the one that comes after it.

It is this secure means of tracking origin that makes blockchain, on paper at least, an ideal solution to challenges faced by trademark owners.

## Blockchain Tags

When a brand uses blockchain to protect itself against counterfeiting, it must develop a means of verification.

Birgit Clark, Lead Knowledge Lawyer of the IP Practice at Baker & McKenzie (United Kingdom), says adding blockchain-connected tags to products “is one of the most convincing use cases of distributed ledger technology and could play an important role in fighting counterfeits.”

In practice, a brand can implement blockchain technology in its protection strategies by adding a QR code or near-field communication chip (NFC) to its products; for example, it can be added on the care label of an item of clothing.

NFCs work similarly to contactless payment cards and can be scanned by a consumer through a mobile phone app. The app will then determine whether the item is registered on the brand's blockchain. If it is, it is a genuine product. Similarly, QR codes can be scanned in this way.

One company, Everledger (United Kingdom), has developed a blockchain solution for verifying diamonds.

Each diamond is assigned an electronic identity, comprising its physical attributes as well as a laser-inscribed serial number. This identity is added to the blockchain and a digital passport is created for the diamond, which tracks its travel, transaction history, and origin in the ledger.

Therefore, when the ownership of the diamond changes, the new owner can

check the diamond against its digital passport to verify its starting point.

## The Supply Chain

In the fight against counterfeiting, a blockchain-connected QR code or NFC is not the only way a brand can protect itself.

Jeff Greene, Partner at Fenwick & West (USA), says blockchain can be used as a way of tracking every step in a fashion supply chain, from the source of the raw materials all the way to the finished product.

At the very beginning of a product's life, information about the correct materials, the factories, and the manufacturers authorized to make a product can be added to the blockchain.

Once the manufacture of a product is complete, information about the date and time the product was made can be added to the blockchain.

Mr. Greene says this is an example of how blockchain can provide traceability and better transparency.

“This allows brand owners to verify the quality and source of materials used in their products and ultimately reduce loss. It also allows the retailer and ultimate consumer to be able to verify the same information,” he says.

Rosie Burbidge, Partner at Gunnercooke (United Kingdom), says one very common problem for some luxury brands is the unauthorized production of goods.

“Say you have a factory in China that is authorized by a brand to produce handbags; they will have a daytime shift that produces genuine products,” she explains.

But there may also be a nighttime shift making unauthorized bags that are identical to the genuine products without the brand knowing.

“If this product is tagged and added to the blockchain, the blockchain will show the date and time it was added,” so it would be easy to tell it's an unauthorized product,” says Ms. Burbidge.

Mr. Greene says this nature of the technology, which prevents records from being altered or destroyed, will also help build consumer trust.

“If a supplier tries to change an order or switch the source of the product, the retailer or customer will have a record of the original information. Such a level of transparency and security increases brand loyalty,” he adds.

Another aspect of the supply chain that blockchain can protect is in the distribution of products.

By looking at data entered on the blockchain, brands can track where

## Lifecycle of Blockchain-protected Products

### Step 1: Company enters product/manufacturing/distributing information on blockchain

Brands should ensure that the information entered on to the blockchain about materials, approved manufacturers, distributors, and retailers is trustworthy. If it isn't, the subsequent blocks of information in the chain will also be inaccurate.

### Step 2: Product is created and NFC chip/QR code added

NFC chips can be quite expensive, so there is less incentive for brands to use them.

At around US 65 cents per chip, it can eat into a brand's margin, especially if it is selling low-value goods.

### Step 3: Product is shipped and distributed

Step 4: Distribution is tracked  
Although blockchain by nature

is relatively secure, the smaller the blockchain network, the less secure it is.

For small brands with a relatively low number of computers, their blockchain could be vulnerable, as smaller groups of computers are easier to hack.

### Step 5: Product reaches consumer

QR codes allow users to verify a genuine item when they first buy it. But the codes can fade after multiple washes.

The brand can upload information about how to care for and recycle the product on its database, but once the QR code is faded, it is no longer accessible.

### Step 6: Consumer resells genuine product

Because QR codes may fade after washes, consumers trying to resell their genuine products could find it difficult to prove a product is genuine. ●



Jeff Greene

“ Such a level of transparency and security increases brand loyalty. ”



Rosie Burbidge

“ At the moment with all these smaller players it is hard to know who to trust. ”

their goods are being sold. So, if the handbag maker has two distribution agreements, one in Russia and one in Georgia, USA, and the products meant for Georgia end up in Russia, it is easy to track.

Additionally, blockchain could aid customs authorities.

Ms. Clark says if customs authorities are made aware of the security features on genuine products, “then the absence of such features is an easy way for border officials to check whether a product is counterfeit.”

**Online Marketplaces**

Amazon (USA) and Alibaba (China) have previously put out statements that they are experimenting with the technology.

In 2017, Alibaba announced it would be piloting blockchain to track and verify food items being imported from Australia and New Zealand to tackle the problem of fake food being sold on its platforms.

The idea was that shoppers on Alibaba’s Taobao marketplace would be able to verify whether the product they had bought was genuine by scanning the code on a product on their mobile phones.

More recently, Alibaba subsidiary Tmall Group (China) said in a press release that it has begun testing the

technology to trace imported goods.

In a statement published last year, Amazon Web Services, a subsidiary of Amazon, said it had created two new blockchain solutions to enhance the transparency of corporate transactions.

It described one of the solutions, the Amazon Quantum Ledger Database as a “transparent, immutable and cryptographically verifiable ledger” for applications that need a secure record of transactions. It said one potential use of the tool is the ability to trace items as they move through a supply chain.

Amazon’s statement said Managed Blockchain, the second solution, will enable companies to develop their own blockchain networks, allowing multiple parties to carry out transaction without the need of a third-party authority.

**The Future**

While industry leaders such as Amazon and Alibaba are experimenting with blockchain, Ms. Burbidge says one of the biggest factors currently holding brands back is the cost of the blockchain technology and the NFCs. In addition, overhauling the supply chain can be a very expensive process.

“If you’re selling one type of goods it is relatively straightforward, but if you’re selling lots of types of products—for example, a supermarket—working out the whole supply chain is very cumbersome and quite challenging,” she says.

But, she adds: “When you factor in the brand protection savings, in theory it should cancel out this cost.”

However, with long-term future savings versus the short-term costs of a solution that hasn’t been tried and tested, she says, “it’s hard to convince people to take the risk.”

As to what the future holds for blockchain in brand protection, Ms. Burbidge believes it could greatly reduce the presence of counterfeits on online marketplaces.

Let’s take the example of a user selling a genuine branded handbag on an online marketplace.

Theoretically, in a blockchain-using world, in order to list that item for sale the user will have to complete certain information that brands have provided to the marketplace.

If this information is verified against that on the brand’s blockchain, the item is genuine and may be listed.

“I see this as the ultimate solution for the online problem,” Ms. Burbidge says. This theory could also apply to secondhand goods.

**Big Is Better**

Another drawback to utilizing blockchain is the absence of a single blockchain that can be used by brands across the world. This is because the bigger the blockchain, the more secure it is. For example, if a blockchain has only 100 computers in its network it is easier to hack a majority of them. But with more computers, the blockchain becomes more secure.

“Unfortunately, we do need to have a single big company that dominates, because at the moment with all these smaller players it is hard to know

who to trust and to have complete confidence from a security point of view,” Ms. Burbidge says.

One of the biggest challenges for blockchain is that it remains largely untested and unregulated.

As brands start to experiment with the technology, Ms. Clark says standards and interoperability protocols will need to be developed.

“It appears to be only a question of time before the law addresses the potential hurdles in the large-scale legal application of the technology and it permeates IP law and practice,” she says.

While the conversation surrounding blockchain suggests myriad possibilities for its use in brand protection, the lack of a dominant player and the cost of overhauling supply chains means few brands have yet taken the risk of implementing the technology.

As Ms. Burbidge says: “It could be a real win-win, but it needs someone to take an initiative.” In other words, the potential is there, the world just needs to catch up. ●

**Crowd Wisdom**

One brand protection company, BrandShield (Israel), hopes to counter the problem of verification by using crowd wisdom (a collective opinion of individuals).

Currently, BrandShield’s system uses machine learning technology to analyze data across different platforms, including websites, marketplaces, social media, and mobile apps, so that it can detect potential counterfeits.

The company is also in the process of developing MyShield, a blockchain-based solution.

The solution will be in the form of an online application which consumers can install on their computer. While the application will warn consumers when they reach a product or website online that is potentially fraudulent, it will also allow users to report listings they suspect as counterfeit.

CEO Yoav Keren says this is where blockchain technology will come into play.

When a user reports a suspected counterfeit, this will be checked against other user reports (wisdom of the crowd) and the BrandShield software.

If the product passes the checks and a consensus is reached, the counterfeit threat will be listed on the MyShield blockchain ledger, and future users who come across that listing will be warned that it is potentially fraudulent.

“It is a joint effort between artificial intelligence and crowd wisdom to collect information, which is then stored on a blockchain,” Mr. Keren says. “The transparency of the solution is what makes it so trustworthy.” ●



★ ★ ★ **CALL FOR NOMINATIONS** ★ ★ ★  
 Help us identify INTA’s 2020 Leaders

- ✓ INTA Officers
- ✓ INTA Counsel
- ✓ INTA Board of Directors
- ✓ INTA Committee Chairs and Vice Chairs

★ **Nominations are due by June 3, 2019** ★

Visit [www.inta.org/2020Nominations](http://www.inta.org/2020Nominations) to cast your ballot  
 Your input is crucial to INTA’s continued success

# Making the Most of Your Resources

Targeting your investment when tackling counterfeits is the key to an effective enforcement program, as Rory O'Neill reports.



(L. to R.) Jennifer Dirks, Angela Lynnette Wilson, Paola Piccoli, and Michelle Brownlee

As counterfeiting increases globally and corporate in-house budgets become more and more stretched, a collaborative approach and data-driven strategy are essential to getting ahead of the problem. This, according to a panel of in-house counsel at **CM01 The Cost of Combating Counterfeits: How to Maximize Your Return on a Limited Budget.**

Determining where and how to allocate anticounterfeiting resources can often be among the most challenging tasks for brands, said Paola Piccoli, Head of Brand Enforcement EMEA/APAC at Maus Frères (France). As the in-house counsel responsible for tackling counterfeits for brands such as Lacoste S.A. (France), Ms. Piccoli said that the smart use of data is crucial to spending a limited budget wisely.

For the brands she represents, Ms. Piccoli employs a budget allocation system which weights different countries according to certain criteria. The criteria includes determining which countries are the most significant transit points for counterfeits, and which have had the most instances of seizures of fake goods.

This approach has helped Ms. Piccoli to identify jurisdictions which may have been overlooked as priorities for investment in anticounterfeiting strategies.

Angela Lynnette Wilson, Assistant General Counsel at Hallmark Cards, Incorporated (USA), agreed. "Once you rely on the data, it's easy to get the business to buy in to your enforcement program," she said.

There are also more "subjective criteria" at play when determining how to allocate resources, Ms. Piccoli said, especially in locations where strong relationships with local partners are key to understanding the situation on the ground.

Ms. Wilson noted that, once countries in need of greater attention as part of a wider enforcement strategy have been identified, local partnerships and intelligence are key to optimizing the investment.

It's worthwhile for brands to work with private investigators on the ground to gather intelligence to supply to local authorities, she said.

Jennifer Dirks, Brand and IP Protection Manager at Epson America, Inc. (USA), agreed that brand owners

faced with a constricted budget should take a targeted approach.

"There's a time and a place for whack-a-mole," she said, but to get value for money it's important to "focus on the egregious offenders."

“Once you rely on the data, it's easy to get the business to buy in to your enforcement program.”

Angela Lynnette Wilson

According to moderator Michelle Brownlee, Trademark Counsel at Bose Corporation (USA), there are often "tough choices" to be made for brands tackling counterfeits.

Often, enforcement actions by local customs authorities may result in relatively small seizures of counterfeit products, Ms. Brownlee explained. In such cases it "may not always make sense to pay those costs to go after small amounts of product," she said.

According to Ms. Piccoli, when faced with budget constraints in South Africa, she approached local customs authorities and explained that "we are willing to cooperate but we cannot take action [on the basis of the seizure of] two or three products." She then established a temporary minimum threshold for seized goods beyond which her company would be able to take action.

With the rapid growth of counterfeits online, tackling the problem in a cost-effective manner can be challenging. The panel pointed to tools offered by e-commerce platforms, such as the Amazon Brand Registry (United States), and the Alibaba Group IP Platform (China), which allow brand owners to easily submit notice and takedown requests.

When faced with budgetary restrictions, Ms. Wilson noted that it's important to remember that in-house counsel at competing brands are often struggling with precisely the same changes.

Ms. Piccoli agreed, noting, "It's about fighting against the same enemies with your competitors." ●

GOODRICH RIQUELME ASOCIADOS | 85 AÑOS Since 1934

- Industrial and Intellectual Property
- Litigation
- Licensing Enforcement
- Entertainment and Sport Law
- Copyrights

MEXICO

Enrique A. Diaz	ediaz@goodrichriquelme.com	(5255) 5525 1422
Guillermo Sosa	gsosa@goodrichriquelme.com	(5255) 5207 7561
Juan Carlos Suarez	jcsuarez@goodrichriquelme.com	(5255) 5207 9261
Julio Cesar Prieto	jcprieto@goodrichriquelme.com	(5255) 5207 8183

e-mail: [mailcentral@goodrichriquelme.com](mailto:mailcentral@goodrichriquelme.com) website: [www.goodrichriquelme.com](http://www.goodrichriquelme.com)

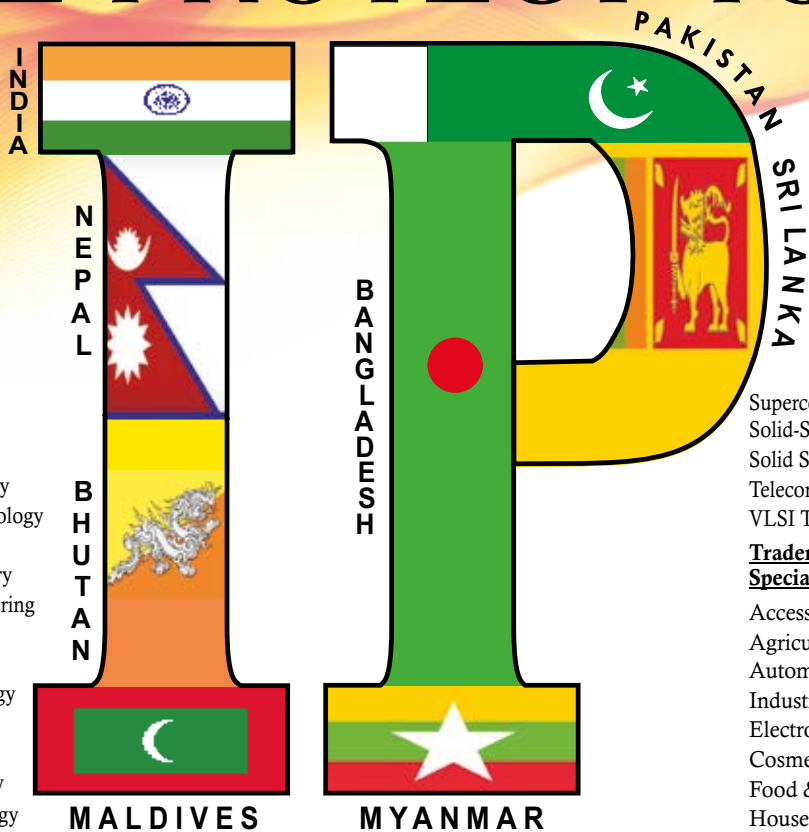
Paseo de la Reforma 265, M2 Col. y Del. Cuauhtemoc 06500. Ciudad de México. Tel. (5255) 5533 0040 Fax. (5255) 5207 3150



# WE PROTECT YOUR

## Patent Specializations:

- Aircraft Construction
- Apparatus & Installations
- Automation Tech.
- Automotive Electronics
- Automotive Eng.
- Biotechnology
- Ceramics
- Computer Related
- Inventions
- Data Processing Tech.
- Display Technology
- Embedded System
- Electrical Engineering
- Energy Generation
- Fluorine Chemistry
- Genetic Engineering
- Heat Pumps
- Hydraulics
- Hybrid Technology
- Immunology
- Inorganic Chemistry
- Laser Technology
- Liposomal Technology
- Material Sciences
- Mechanical Engineering
- Molecular Biology
- Nanotechnology
- Opto Electronics
- Organic Chemistry
- Pharma Biotechnology
- Power Electronics
- Polymer Chemistry
- Precision Engineering
- Photochemistry
- Pharmaceuticals
- Process Technology
- Purification Tech.
- Robotics
- Radar Technology
- Satellite Technology



## Trademark Specializations:

- Interior Designing Goods
- Leather Products
- Metals & Alloys Goods
- Paper Industry
- Petro Industry
- Real Estate Industry
- Rubber Industry
- Sports Goods
- Textiles
- Plastics
- Pharmaceutical Products
- Machines & Tools
- Scientific & Surgical Apparatus & Instruments
- Musical Instruments
- Advertising & Business Management Services
- Education & Entertainment Services
- Hotel & Restaurant Services
- Insurance & Financial Affairs Services
- Legal Services
- Medical Services
- Telecommunication Services
- Transport & Packaging Services
- Superconductors
- Solid-State Chemistry
- Solid State Device
- Telecommunications
- VLSI Technology

## Trademark Specializations:

- Accessories
- Agricultural Products
- Automobiles
- Industrial Chemicals
- Electronics & IT
- Cosmetics & Jewellery
- Food & Beverages
- Household Goods



## IN THE INDIAN SUBCONTINENT

SINGLE WINDOW FOR IPR PROTECTION IN INDIAN SUBCONTINENT...INDIA, MALDIVES, BANGLADESH, PAKISTAN, SRI LANKA, NEPAL, BHUTAN and MYANMAR.

We give shape to your ideas and protect them too.....®

since we believe that ideas are your greatest resource and we make sure it stays that way.....

Litigation, Intellectual Property Law, Prosecution- Patents, Trademarks, Designs, Copyright, Media & Entertainment Law, Licensing, Search and Watch

## YOUR INDIAN CONNECTION®

# KAN AND KRISHME®

Advocates, Patent and Trademark Attorneys



Member's: FICPI, GALA, INTA, APAA, AIPPI, AIPLA

## Visiting Address and Postal Address:

A-11, Shubham Enclave (Opp. Hotel Radisson Blu), Paschim Vihar, New Delhi-110 063, INDIA

## Registered Address:

B-483, KNK House, Meera Bagh, Paschim Vihar, New Delhi-110 063 (India)

Phones: +91-11-4377 6666 (100 Lines)

Facsimile: +91-11-4377 6676, 4377 6677

Representative offices also in:



Mail us : [knk@kankrishme.com](mailto:knk@kankrishme.com)

Visit us : [www.kankrishme.com](http://www.kankrishme.com)

# The IP Firm of the Future:

## Adapting to New Dynamics



The intellectual property (IP) industry has innovation at its heart, yet IP firms have sometimes been slow to innovate.

*Peter Scott* considers how to do things differently.

**I**f it ain't broke, don't fix it," goes the adage. Intellectual property (IP) lawyers—and law firms more generally—have done extremely well for decades by focusing their innovative yen on the work they're doing, rather on the way they work or on offering new types of services. Innovation in the actual model of provision has been at the margins.

Some firms are now trying to do things differently—and they're getting positive results. This is not necessarily by taking business away from more traditional law firm competitors, but by becoming more holistic and finding new ways to support and service clients.

The reasons for this change are complex, but the increasing

prominence of alternative legal service providers and the move into the legal market of professional services firms in recent years have certainly increased the pressure on law firms by adding competition across the board.

### The Value Chain

Not all IP work is created equal, even if it's all vital to a given client. Traditionally, IP service providers, whether law firms or technology companies or consultants, have concentrated on specific links in the chain (and perhaps those immediately adjacent as well).

Consultants provide consultancy; law firms provide legal counsel; trademark attorneys advise on filing, application, registration, use, and so on; and IP management companies, often with a large software element, generally focus on tasks in the IP value chain that can be done in large volume and at lower cost, and where technological innovation can increase efficiency.

Various factors impact the industry's dynamics. As Jeremy Newman, Principal at Rouse Consultancy (United Kingdom), observes, "There is a lot of disruption going on at almost every point."

Advances in technology, consolidation between companies in parts of the value chain, new competitors stepping outside their traditional niche—all these help create conditions that are ripe for disruption. In the context of a market in which the central truth is one of greater pressure on fees because of cost pressures on in-house IP departments, it becomes almost inevitable.

At Rouse, Mr. Newman says, the response to these conditions has been to

try and find a sweet spot between scale and position on the value chain—being large enough to compete in volume terms but also able to do the high-value work at the top end of the chain.

"The opportunity is to build a business that has scale and services all elements of the value chain—growing both horizontally and vertically," Mr. Newman says. For Rouse, that has meant several significant changes in recent years, not least among them ceasing to be a regulated law firm in the UK in order to focus on consultancy services.

While the global Rouse brand still offers legal advice through its networked firms (which are closely aligned, but independent), especially

in Asia, it has added a consultancy function for high-value work, and has invested in technology solutions in order to offer higher-volume, lower-value services, such as portfolio management, at the other end.

The firm operates in three distinct areas: portfolio and enforcement, legal, and consultancy, says Mr. Newman. "We have those three different strands," he adds, "but when clients want them to be integrated we have the structure and client focus to ensure that they are seamlessly integrated."

For Mr. Newman, this approach responds to a "real need" in the market, while also enabling the firm to adapt to competitive pressures all across the value chain. Indeed, recent hires into the consultancy business include management consultants, analysts, and technology specialists rather than lawyers—"people who aren't constrained by a legal background," as he puts it.

Karin Broman, Head of Team Legal at IPQ (Sweden), agrees that being able to offer a more holistic service is key. Her firm provides commercial consultancy alongside IP and legal advice, offering a "one-stop-shop for clients".

Ms. Broman notes that "as speed of technology change is moving rapidly and as the challenges our clients are facing are complex—while facing fierce competition on a global scale and from any line of industry—firstly, they don't have time to shop around, and secondly, they need consultation that offers solutions to their complex needs from the multi-disciplinary perspectives that we offer."

## Legal Project Management

**A**s part of the push to control costs and add value for clients, a business process known as legal project management (LPM) has become popular over the last five years, particularly among U.S. firms. According to the American Bar Association, there are three key factors driving this trend: 1) as a means to control the cost of outside counsel, corporate legal departments are relying more heavily on requests for proposals, many of which demand LPM; 2) for firms, a structured LPM process can mitigate the risk of alternative fee structures, such as fixed fee and budget caps; and 3) LPM can increase profitability, as it helps to control internal costs.

So successful is the LPM approach that some firms have made LPM a stand-alone service. Barnes & Thornburg (USA), for example, has

created its own branded suite of LPM services, BT ValueWorks. Julia Gard, Partner in Barnes & Thornburg's Indianapolis, Indiana, office, says that the suite of pricing, process, and technology solutions "brings greater value, efficiency, and predictability to the delivery of legal services" and was created "in response to client demand for budget predictability and increased accountability."

Another sign that LPM is on the rise is the popularity of the Legal Project Management Institute's (USA) two-day LPM certification course, which was conducted for the first time in June, 2010, in conjunction with Pace University's project management faculty from PM Centers USA. Since then, more than 2,000 lawyers in the U.S., Canada, and the U.K. have completed one of the institute's courses. ●



Karin Broman

“

We are determined to make sure our services meet the intended purpose. An intelligent policy will not get the job fully done.

”

In addition to multi-disciplinary perspectives, that means providing services on “strategic, tactical and operational levels.” For example, Ms. Broman says, “when we’re talking about a license agreement we may provide consulting on the strategic approach for the company’s licensing activities; and on a tactical level policies may be issued to secure implementation of the strategy: and then on the operational level we provide the license agreement.”

She adds: “We are determined to make sure our services meet the intended purpose. An intelligent policy will not get the job fully done. We offer implementation services for our consultancy, because we want to make sure that the intended purpose is fulfilled.”

**Brain Work**

It’s almost a truism to say that technology is transforming the IP market, and that it’s removing functions that used to be fulfilled by people.

According to Reinhold Nowak, CEO at Dennemeyer Group (Luxembourg), the law firms that do well in the future will be the ones who “focus on their professional work, which means ‘brain work’. They cannot survive by



Peter Kits

“ If law firms are not encouraged to innovate, while we are focusing on the technology-enabled solutions and better service, they will lose business to us. ”

just making payments and managing renewals. This doesn’t have the high impact of the top-notch lawyer.”

Dennemeyer, like some of the other firms mentioned here, has three strands to its work: the IP solutions element, a law firm function and a consultancy business,

which Dr. Nowak underlines, operates separately to the other two elements.

“The law firm is not a typical law firm, and not designed to compete with local firms,” he says, focusing instead on handling the horizontal part of the solutions business such as European Patent Validation or Patent Cooperation Treaty filing and trademarks. “We do some drafting ourselves, but we are more interested in helping law firms work better and faster, but with their knowledge and impact.”

On the consultancy side, Dr. Nowak observes that “in the past, IP consulting was more about checking the structure of the IP departments to make structures and processes more efficient and innovative.”

But that has changed. “Today we realize that with pre-defined products like portfolio checks and standardized IP audits, consultancy in the IP area is more about the overall strategic portfolio management and how to maximize the strategic business advantage,” he says. “In the past IP has often been seen as a waste of money, especially by management in Europe, but this has changed. The U.S. started earlier to see IP as a strategic and economic differentiator.”

**Different Models**

In many cases across the world, new types of IP firms are developing within existing structures. In Australia, changes to legislation have encouraged some companies to explore new business models. The Intellectual Property Laws Amendment (*Raising the Bar*) Act 2012, which took effect in 2013, allowed IP firms to be incorporated for the first time in Australia.

Andrew Blattman, Managing Director and CEO of IPH Ltd. (Australia), explains that the change in the law encouraged the creation of IPH Ltd. as a corporate vehicle for, initially, Spruson & Ferguson (Australia). Among multiple drivers behind the change, the “highly fragmented nature” of the patent and trademark market prompted the firm to consider consolidation and expansion, he says.

In a typical partnership structure, however, accessing capital is challenging. “We knew that to consolidate we needed to access capital and grow our footprint further,” Dr. Blattman says.

IPH Ltd. has since made seven acquisitions, while Spruson & Ferguson has opened new offices in Thailand, Indonesia, China, and Hong Kong SAR and has expanded its presence in Australia. ➔ 12

In an uncertain legal environment, we are one law firm that is not content simply to accept the status quo. We work constantly to influence the evolving body of Mexico’s intellectual property laws, with the goal of ultimately bringing them in line with international standards. While we continue to make great strides in this regard, clients from all over the world rely on us to prosecute, manage, and defend their IP portfolios under the laws that exist today. In other words, we work effectively within the system, even as we seek to change it.



www.olivares.mx | Tel: +52 55 5322 3000 | olivlaw@olivares.mx

## The IP Firm of the Future: Adapting to New Dynamics (continued)

← 11 IPH Ltd. now also owns AJ Park (New Zealand), Pizzey's (Australia), and service provider Practice Insight (Australia),

This rapid increase in scale has enabled the corporation to grow its footprint quickly while finding efficiencies in back office and technology functions across the portfolio.

Tracey Berger, Director of Trademarks Asia-Pacific at Spruson & Ferguson, underlines that the firms within IPH Ltd. continue to operate separately, and, indeed, in competition with each other. She doesn't think that the client experience has changed significantly as a result of the structural changes in the firm, but says that "the listing has enabled us to have a closer look at our processes and make efficiencies in them."

### The Elephant in the Room

One aim that many of these firms share is to be able to provide a one-stop-shop for clients when it comes to IP work. That is, to consult on strategy and brand development, provide legal advice and support, to manage their portfolios, and in some cases to provide deep analysis of the marketplace. Ultimately, this requires scale.



Tracey Berger

“  
We are determined to make sure our services meet the intended purpose.  
An intelligent policy will not get the job fully done.”

That's where other players come in. One of the more significant developments in recent years has been the entry of the Big 4 professional services firms—Deloitte, PwC, Ernst & Young, and KPMG—into the legal market. If law firms can add consultancy functions, why shouldn't

consultancy firms do the same in reverse?

As Peter Kits, Partner at Deloitte Legal (Netherlands), says, "When you're not innovating you should be concerned." With more than 250,000 employees globally, including 2,400 lawyers across the company, Deloitte has made a calculated move into legal services to disrupt the market.

Mr. Kits notes that "IP has and will become more and more a strategic asset for all kinds of businesses," and that because of its size and reach, Deloitte is able to deliver a "360-degree service" for clients, including consultancy, legal advice, data analytics, and management.

He doesn't expect the Big 4 to change the IP legal market overnight, but does "see that the need for IP specialists and technology-enabled services in the field of IP is becoming more and more important."

"If the law firms are not encouraged to innovate because of the scarcity of skilled IP lawyers already, and while we are focusing on the technology-enabled solutions and better service, they will lose business to us," he suggests. "In the short term they will continue getting their work, but in the

longer term we will take some business from them, specifically regarding complex, cross-border projects on IP and tax, licensing structures, and platformification [the building together of multiple services into a single online platform]."

Mr. Kits acknowledges that there is pressure coming from the other side as big law firms look to add consultancy and analytics to their services, but feels that where clients are facing particularly complex problems, the Big 4 are likely to provide a good alternative.

"It's not that the law firms will lose a lot, but that the extra will be done by the Big 4," he says.

Of course, many IP firms are doing just fine with their current business model, and Ms. Broman acknowledges that there will "always be room for excellent firms who provide good services in their niche."

Difference for the sake of it is unlikely to provide much benefit to any firm. However, IP is perhaps more susceptible to change as an industry than most, and as the pace of change continues to increase, firms will need to respond actively—even if that response is to assertively maintain the status quo. ●

**2019 AIPPI World Congress – London**  
September 15 - 18, 2019  
**VISIT BOOTH 820-822**

The 2019 AIPPI World Congress will take place in London and will bring together IP professionals from all around the world and provides an excellent opportunity to meet and build personal and professional relationships, through discussion of issues in small groups and plenary sessions. In addition, the various social events will allow you to experience some of London's historical and cultural sites.

London has progressed to be a global leader in arts, commerce, entertainment, tourism and development. Whether you are visiting for the first time or returning once more, you will discover a city full of unforgettable landmarks, exciting things to do and extraordinary cuisine around every corner.

**Register today to take advantage of the Early Bird rate by June 12 to secure a reduced registration rate.**

We look forward to joining you in this grand historic city!

For **Registration** and **Programme** information about the **2019 AIPPI World Congress** please go to [aippi.org](http://aippi.org) or email us at [registration@aippi.org](mailto:registration@aippi.org)



Your reliable partners for intellectual property matters in Pakistan, South East Asia, Arabian Gulf, Middle East & Africa



# UNITED TRADEMARK & PATENT SERVICES

International Intellectual Property Attorneys

Trademark, Patent, Design, Copyright, Domain name  
registration, litigation & enforcement services

## Pakistan Office

85 -The Mall Road, Lahore 54000 Pakistan (Opposite Ferozesons books store / adjacent rado time center)

**TEL:** +92-42-36285588-90, +92-42-36285581-84 **FAX:** +92-42-36285585, 36285586, 36285587

**Email:** [UnitedTrademark@UnitedTm.com](mailto:UnitedTrademark@UnitedTm.com) **Websites:** [www.utmps.com](http://www.utmps.com) and [www.unitedip.com](http://www.unitedip.com)

## Gulf, Middle East, South & East Asia and African Offices



### DUBAI (UAE)

Suites 401-402, Al-Hawai Tower  
Sheikh Zayed Road, Dubai  
Tel : +971-4-3437 544  
Fax: +971-4-3437 546  
Email: [Dubai@UnitedTm.com](mailto:Dubai@UnitedTm.com)



### JORDAN (Amman)

Suite 7, 2nd Floor  
Chicago Building, Al Abdali  
Tel : +962-6-5683088  
Fax : +962-6-5683089  
Email: [Jordan@UnitedTm.com](mailto:Jordan@UnitedTm.com)



### LEBANON

6th Floor, Burj Al-Ghazal Bldg.,  
Tabaris, Beirut, Lebanon  
Tel : +961-1-21 5373  
Fax: +961-1-21 5374  
Email: [Lebanon@UnitedTm.com](mailto:Lebanon@UnitedTm.com)



### MOROCCO

58, Rue Ibn Batouta,  
PPT. No. 4, 1 er Estage,  
Casablanca, Morocco  
Tel : +212-522206096  
Email: [Morocco@UnitedTm.com](mailto:Morocco@UnitedTm.com)



### OMAN

Suite No. 702, 7th Floor  
Oman Commercial Centre, Ruwi  
Tel : +968-24-787555, 704788  
Fax: +968-24-794447  
Email: [Oman@UnitedTm.com](mailto:Oman@UnitedTm.com)



### QATAR

Villa # 40, Al Amir Street  
Al Mirgap Area, Doha, Qatar  
Tel : +974-444 3083, 444 3093  
Fax : +974-444 7311  
Email: [Qatar@UnitedTm.com](mailto:Qatar@UnitedTm.com)



### SAUDI ARABIA

Behind Maktaba Al Shawwaf  
30th Street-Olaya, Riyadh 11444  
Tel : +966 -11- 4616157, 4655477  
Fax: +966 -11- 4616156, 4622134  
Email: [SaudiArabia@UnitedTm.com](mailto:SaudiArabia@UnitedTm.com)



### SHARJAH (UAE)

Suite 203, Al Buhairah Building  
Buhairah Corniche, Sharjah  
Tel : +971-6-5722742  
Fax : +971-6-5722741  
Email: [UAE@UnitedTm.com](mailto:UAE@UnitedTm.com)



### SRI LANKA

105, Hunupitiya Lake Road,  
Colombo 02,  
Sri Lanka.  
Tel : +94 11 4322790-1  
Email: [srilanka@UnitedTm.com](mailto:srilanka@UnitedTm.com)



### SUDAN (Khartoum)

Flat No.1, 3rd Floor, Al Hurriya St.  
Shaik Al Deen Brothers Bldg.  
Tel : +249-183-740634  
Fax : +249-183-796031  
Email: [sudan@UnitedTm.com](mailto:sudan@UnitedTm.com)



### TANZANIA

Shauri Moyo Area,  
Pugu Road  
Dar-Es-Salaam  
Tel : +255-222862900  
Email: [Tanzania@UnitedTm.com](mailto:Tanzania@UnitedTm.com)



### YEMEN

6th Floor  
Ideal Clinic Building  
Hadda Street, Sana'a, Yemen.  
Tel: +967 181 9642  
Email: [yemen@UnitedTm.com](mailto:yemen@UnitedTm.com)

# China's Top 10 Trademark Developments

Anna Mae Koo and Ann Xu of Vivien Chan & Co. (China) discuss the top 10 updates from China this year.

## 1. IP Institutional Reform

Marking the 10th anniversary of the implementation of the national IP strategy, the Chinese government took a step further to restructure the offices administering various IP rights. The China National Intellectual Property Administration (CNIPA), which was renamed from the former State Intellectual Property Office (SIPO) in August 2018, is now the unified IP office responsible for:

- Registration of patents, utility models, and designs—previously administered by the SIPO;
- Registration of trademarks—previously handled by the State Administration of Industry and Commerce; and
- Registration of geographical indications—previously administered by the Administration of Quality Supervision, Inspection and Quarantine.

## 2. Faster Examination Timeframe

According to the 2018–2020 Trademark Reform Plan, measures have been adopted to further improve the efficiency of trademark examination. The current timeframes are shown in Table 1.

## 3. Proposed Provisions to Curb Bad-Faith Filings

The CNIPA released the draft “Provisions on Regulating Applications for Registration of Trademark” for public consultation in February 2019.

In addition to existing provisions on bad faith in the Trademark Law, the draft provisions specify that the following “abnormal” behaviors may serve as basis for refusal, opposition, and invalidation:

- Repeated trademark filing with obvious bad faith;
- Filing numerous applications within a short period of time, exceeding reasonable limits;
- Filing applications without actual intention to use the marks or actual need to obtain trademark exclusive right for the applied-for goods/services; and
- Other acts which violate the *bona*



Anna Mae Koo

*fide* principle, infringing rights of others or disturbing market order.

## 4. E-Commerce Law to Assist With Online Platform Infringement Complaints

The first E-Commerce Law in China came into force in 2019. The Law requires that after rights owners lodge complaints accompanied by *prima facie* evidence of infringement with platform operators, operators must immediately take necessary measures, including deleting or blocking links to infringing goods, and informing infringers of the same. Failure to do so may attract liability.

Further, the law is applicable to all e-commerce activities, regardless of the platform type. This effectively assists rights holders to clear up the online marketplace, especially on small e-commerce platforms or social media

“

The position of whether original equipment manufacturing constitutes trademark use in the context of trademark infringement is now widely regarded as settled.

”

sites where an effective complaint system was not available prior to enactment.

## 5. Whether OEM Use Constitutes Trademark Use

The position of whether original equipment manufacturing (OEM) constitutes trademark use in the context of trademark infringement is now widely regarded as settled after the Supreme People's Court's (SPC) *Dongfeng* decision, by which the SPC reaffirmed its landmark ruling in the *Pretul* case holding that OEM products generally do not constitute infringement.

While the decision reopens the debate over the same issue in the context of non-use cancellation, e.g., the *Mango* case (*Daya International Co. Ltd. v. Trademark Review and Adjudication Board [TRAB]*) applying the same principle and holding that OEM was not trademark use, a recent SPC case (*Montfort Services Sdn. Bhd. & USA Pro IP Ltd v. TRAB*) confirms that OEM use is trademark use.

## 6. Active Fighting Against Trademark Squatting

The SPC recently confirmed that squatting trademarks without the intention to put them into genuine commercial use is a valid ground for invalidation, which falls within the scope of the catch-all provision “other illegitimate means” under Article 44 of the Trademark Law.

## 7. First Sound Mark Court Case

Sound marks have become registrable as *per* the 2014 amendment to the Trademark Law. While successful registrations have been seen since then, it was not until 2018 that the Beijing High Court handed down its first judgment.

In that case, the court accepted that while the instant messaging software QQ's notification sound—“Di-Di-Di-Di-Di-Di”—was a common and simple repetition, through long-term use by Tencent, it had established a stable correspondence relationship with QQ and was therefore registrable on the products it was used on.

## 8. The Punitive Damages System

The head of the SPC recently stated that the court will use the punitive damages system to resolve the problem that rights violation incurs low costs, while defending IP rights brings about high legal costs. It is expected that such punitive damages with compensation exceeding the



Ann Xu

plaintiff's actual loss will better protect against rights violations.

## 9. Registering Company Names as Trademarks No Longer Allowed?

The TRAB issued notices stating that registration of full company names was not encouraged since they were generally not recognized as trademarks.

Further, any change in the company name and/or transfer of trademarks may lead to confusing situations where the trademarks would not tally with the owner/assignee's name. More rejections of trademark application for company names have been seen.

## 10. Establishment of New Cyberspace Courts

Following the establishment of China's first cyberspace court in Hangzhou in 2017, two new cyberspace courts were opened in Beijing and Guangzhou in 2018. The cyberspace courts act as Basic People's Courts and have cross-regional jurisdiction over all cyberspace cases with genuine connection with Beijing, Hangzhou, and Guangzhou, respectively. ●

*Anna Mae Koo is a partner at Vivien Chan & Co. and leads all areas of IP practice including non-contentious, contentious, and transactional IP law in the Hong Kong and China offices. She regularly advises on all areas of IP including licensing, franchising, IP due diligence, prosecution and unfair competition law in China and Hong Kong. She can be contacted at: [vivchan@vclawservices.com](mailto:vivchan@vclawservices.com)*

*Ann Xu is a trademark attorney and heads the Beijing office at Vivien Chan & Co. She has more than 20 years of experience in IP cases in mainland China. She has trademark, copyright, and designs expertise and regularly advises on prosecution and portfolio management. She can be contacted at: [vivchan@vclawservices.com](mailto:vivchan@vclawservices.com)*

Table 1: Current timeframes for trademark examination

Item	Timeframe
Issue of filing receipt	1 to 2 months
Examination of application	4 to 6 months
Review on refusal	7 to 9 months
Opposition/invalidation	11 to 14 months
Non-use cancellation	6 to 8 months
Renewal	2 to 4 months
Change of name or address	1 to 3 months
Assignment	6 to 8 months

**You can't always compare apples to apples.**

Phishers & scammers use look-alike characters to abuse your brand online.

SAFEBRANDS  
Protecting brands in the digital era

IN PARTNERSHIP WITH UNIREGISTRY

Welcome to a new standard in domain name blocking and trademark protection.

Built on Uniregistry's advanced platform, Uni EPS lets brand owners easily block the registration of their trademarked terms. Look-alike domain names are also blocked automatically thanks to our proprietary variant generation technology.

Learn more at Booth #312

**北京聿宏知识产权代理有限公司**  
YUHONG Intellectual Property Law Firm

*More Valuable, More Stable,  
More Enforceable Patent and Trademark Rights*

**Mr. Dajian Wu**

- President and Chief Partner of YUHONG IP Law Firm
- Patent & Trademark Attorney
- SPC-Authorized Patent Litigator
- China National Outstanding Patent Attorney
- VP., All-China Patent Attorneys Association

Welcome to Visit Our Booth No.508, 510

Web: [www.yuhongip.com](http://www.yuhongip.com) / Email: [office@yuhongip.com](mailto:office@yuhongip.com)  
Tel: (86-10)6641 6668 / Fax: (86-10)6641 2482

**LexOrbis** INTELLECTUAL PROPERTY ATTORNEYS

NEW DELHI • MUMBAI • BENGALURU

[www.lexorbis.com](http://www.lexorbis.com) / [mail@lexorbis.com](mailto:mail@lexorbis.com)

T: +91 11 2371 6565

**O'C & P** ARGENTINA

**O'CONOR & POWER**  
ABOGADOS | PROPIEDAD INDUSTRIAL

San Martín 663, Buenos Aires, Argentina  
(+5411) 4311-2740 / (+5411) 5368-7192/3  
[ocp@oconorpower.com.ar](mailto:ocp@oconorpower.com.ar)  
[www.oconorpower.com.ar](http://www.oconorpower.com.ar)

For all your IP needs in Argentina and LatAm

**POLSERVICE**  
PATENT AND TRADEMARK ATTORNEYS OFFICE

73 Bluszczańska Street  
00-712 Warsaw, Poland  
Phone: (+48) 22 44 74 600  
Fax: (+48) 22 44 74 646  
Postal Address:  
P.O. Box 335  
00-950 Warsaw, Poland  
e-mail: [ip@polservice.com.pl](mailto:ip@polservice.com.pl)  
[www.polservice.com.pl](http://www.polservice.com.pl)

**POLAND**

**ESTUDIO CHALOUPKA**  
INDUSTRIAL CH PROPERTY

Founded in 1962 | Intellectual Property Lawyers | Technicians  
This year our firm is represented at INTA's 141st Annual Meeting by Claudia Serritelli, Esq.

Maipú 757, 5th floor | C1006ACI | Buenos Aires | ARGENTINA  
(5411) 4322-4176 (5411) 4322-4157/4145 [marks@chaloupka.com.ar](mailto:marks@chaloupka.com.ar) | [legal@chaloupka.com.ar](mailto:legal@chaloupka.com.ar)

LML  
LITVIN MARZORATI LEGALES

**INTELLECTUAL PROPERTY & TECHNOLOGY LAW IN ARGENTINA**

WE KNOW HOW TO PROTECT, DEFEND AND ACTIVELY TAKE CARE OF THE IP PORTFOLIO OF OUR CLIENTS.

011 4782-9952 | 011 4783-7149 | [info@lmlegales.com.ar](mailto:info@lmlegales.com.ar)  
Av. del Libertador 5990 3-308, Buenos Aires, Argentina | CP 1428  
WWW.LMLEGALES.COM.AR

**GINTASSET** PATENT & TRADEMARK LAW FIRM VIETNAM

SPECIALIZING IN ALL ASPECTS OF INTELLECTUAL PROPERTY MATTERS IN VIETNAM, LAOS, CAMBODIA, MYANMAR & MANY OTHER COUNTRIES

Address: No. 20, Alley 1/48, Lane 1, Pham Tuan Tai Street, Dich Vong Hau Ward, Cau Giay District, Hanoi, Vietnam  
Tel: (84-24) 3 775 5989  
Fax: (84-24) 3 775 4852  
E-mail: [info@gintasset.com.vn](mailto:info@gintasset.com.vn)  
Website: [www.gintasset.com.vn](http://www.gintasset.com.vn)  
Contact Name: Mr. Le Dong Bo, Ms. Nguyen Thi Thuy Hang

**S.S. RANA & CO.** ADVOCATES  
ISO 9001 : 2015 & ISO 27001 : 2013

INTELLECTUAL PROPERTY LAW - FRANCHISING LAW  
ENFORCEMENT - LITIGATION - CORPORATE LAW

NEW DELHI - NOIDA - KOLKATA - MUMBAI - CHENNAI - BANGALORE - CHANDIGARH

Established 1989  
Corporate Office:  
81/2, 2nd & 3rd Floor,  
Aurobindo Square,  
Aurobindo Marg, Adhchini,  
New Delhi 110017, India  
t : +91-11-4012 3000  
f : +91-11-4012 3010  
e : [info@ssrana.com](mailto:info@ssrana.com)  
w : [www.ssrana.in](http://www.ssrana.in)

**WINCO** VIETNAM  
VIETNAM - INTERNATIONAL PATENT, TRADEMARK & COPYRIGHT LAW FIRM

Specializing in all aspects of intellectual property matters in Vietnam, Thailand, Laos, Cambodia, Myanmar & other countries

Address: 54 Tran Quoc Vuong Street, Cau Giay District, Hanoi, Vietnam  
Tel: (84-24) 37628119 / 37628185 \* Fax: (84-24) 37628120 / 37628526  
E-mail: [wincos@ip.vn](mailto:wincos@ip.vn) \* Website: [www.wincoslaw.com.vn](http://www.wincoslaw.com.vn)  
Contact persons: Mr. Le Xuan Hoang, Mr. Le Huu Da & Mr. Le Nguyen Ngu

**道法法律事務所**  
DEEP & FAR Attorneys-at-Law

台北市中山北路三段 27 號 13 樓 業務涵括知識產權之申請、侵權及訴訟  
13th Fl., 27 Sec. 3, Chung San N. Rd., Taipei 104, Taiwan, R.O.C.  
☎: 886-2-25856688 ☎: 886-2-25989900/25978989  
Email: [email@deepfar.com.tw](mailto:email@deepfar.com.tw) [www.deepfar.com.tw](http://www.deepfar.com.tw)

IP Prosecution Infringement Litigation

**CHINA IPWELL INTERNATIONAL LAW FIRM**  
申新律師事務所

HEAD OFFICE: SUITE J, 15TH FLOOR, HUAMIN EMPIRE PLAZA, 726, WEST YAN AN ROAD, SHANGHAI 200050, P.R.C.  
TELEPHONE: +86-21-82125577 FACSIMILE: +86-21-50895618 E-mail: [info@ipwell.com](mailto:info@ipwell.com)

● BEIJING ● HONGKONG ● SHENZHEN ● SUZHOU ● WUHAN ● NINGBO

2019 TMAP Meeting  
TRADEMARK ADMINISTRATORS AND PRACTITIONERS MEETING  
15-17 September • Berlin, Germany

Register Today!  
[www.inta.org/2019TMAP](http://www.inta.org/2019TMAP)

# Big Promises, Big Data

Using machine learning to analyze big data will ultimately transform the world around us, and it's already having an impact on intellectual property (IP) professionals, as Sarah Morgan reports.



(L. to R.) Thomas Messerer, Benoit Fallenius, Ricardo Fisher, Michael Kelly, and Jayne Durden

Big data and artificial intelligence technologies are here to stay, and law firms need to understand this, according to panelists who spoke yesterday at **CM21 The Big Promise of Big Data: Perspectives on Possibilities and Risks, Today and Tomorrow**.

So-called "big data" has been around since the 1950s, but it's only really in the last decade that we've obtained cloud computing capabilities that are able to process this data, said Thomas Messerer, Junior Partner at Moeller IP Advisors (Argentina).

"[The quantity of data in the world] is doubling every two years. It's a rate that's not changing any time soon," he added. "But data is not worth anything if you're unable to process it in the right way."

For companies that make good use of data, it can provide insights into business operations, facilitate better reporting and decision making, and provide an edge over the competition, Mr. Messerer noted.

Ricardo Fisher, Trademark Practice Leader at Arent Fox LLP (USA), offered this advice: "If this means that some areas of law are going to become more automated and reliant on technology, that's fine. You don't have to fear that,

but be strategic, [and think] 'where is my future value-added practice?'"

## Big Opportunities

One company that has embraced big data wholeheartedly is Amazon.com Inc. (USA).



In the trademark enforcement space, Michael Kelly, Senior Corporate Counsel at Amazon.com, predicted data technology will develop further to facilitate a more sophisticated analysis to aid in the fight against counterfeiting.

Mr. Kelly explained that the company uses machine learning and other data processing tools to address the issue on the platform—with automated processes scanning 6 million images per hour. In 2018, using

this technology, Amazon was able to remove 3 billion abusive listings before any customers even saw them.

"Without [these] tools, we have no way of operating at this scale," Mr. Kelly said.

But tools alone are not enough—and machine learning technology still requires human intervention to function effectively. In fact, too much reliance on machine learning can lead to problems, even with the best intentions, he added.

For example, Amazon ran into a problem as it was tweaking its algorithms in an effort to uncover the sale of counterfeit products by monitoring customer reviews for suspicious language. As an unintended consequence, the automated system removed legitimate listings for artificial Christmas trees for sale on a merchant's website.

"People were writing in reviews [for the product] that this was a 'great fake Christmas tree,' and that was triggering our algorithm to remove those listings," he added.

Ultimately, trademark professionals should not view new technology as their replacement.

"It just becomes a tool in your toolbox, and changes the nature of

the work rather than eliminating it," Mr. Kelly said. "You can't uninvent technology. You need to be open-minded and see how this can help you."

## Applications for Law Firms

Big data and artificial intelligence have implications for the legal profession too, not just in how the technology can improve lawyers' ability to serve clients, but also in the way the profession itself operates.

Moderator Jayne Durden, Senior Vice President, Strategy - Law Firms at CPA Global (USA), said that the "proliferation of providers and the tools available out there" to help lawyers across the trademark spectrum actually demonstrates that the legal profession has a significant level of interest in new technologies.

Benoit Fallenius, Founder and CEO at Markify (Finland), suggested that law firms themselves will ultimately have to change in order to accommodate new technologies.

"The legal profession will always be there, but the businesses running them will be completely different and technology will be at the heart of it."

He added: "If you have a culture of change and embrace new technology, you will be in the driver's seat." ●



The finest Intellectual Property Law Practice in India, with over 125 highly qualified and experienced Professional Members, Managers and Paralegals representing over 1500 global companies and corporations for the last 48 years ■

  
**dp ahuja & co.**  
 Intellectual Property Services Since 1971

Website: [www.dpahuja.com](http://www.dpahuja.com)  
 eMail: [trademarks@dpahuja.com](mailto:trademarks@dpahuja.com)  
[patents@dpahuja.com](mailto:patents@dpahuja.com)

#### OFFICES

14/2 Palm Avenue, **CALCUTTA** 700019  
 DLF Star Tower, Gurgaon 122001 (**DELHI NCR**)  
 769, Anna Salai, **CHENNAI** 600002  
 Novel Business Park, Baldwins Road, **BANGALORE** 560030  
 Town Square, Viman Nagar, **PUNE** 411014





# Fair Trade Principles in the IP World

The fair trade philosophy is more often associated with chocolate or coffee than intellectual property (IP), but fair trade principles have applications for lawyers too. Saman Javed reports.

According to the World Fair Trade Organization (WFTO), “fair trade” is a trading partnership based on transparency, respect, and dialogue which seeks to establish greater equality in international trade.

In Session **CM22 Fair Trade in IP Relations**, moderated by Eva-Maria Strobel, Partner at Baker & McKenzie (Zurich), panelists discussed how law firms can apply the principles of fair trade to avoid malpractice, and foster a positive workplace environment.

One aspect of WFTO’s definition of fair trade is “dialogue.” Rachna Bakhru, Partner at RNA, IP Attorneys (India), explained that in India, law firms and their clients need better communication to establish truly value-driven policies.

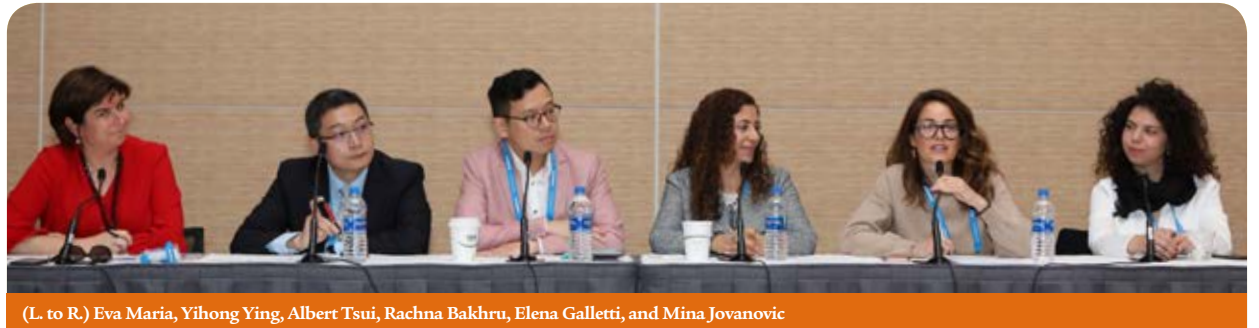
“When it comes to law firms and fair trade, the first things that come to mind are: Is the firm anti-competitive and does it have ethical trade practices? Is the firm abiding by anti-bribery and anti-corruption rules?” Ms. Bakhru said.

She noted that while India has its Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, the country’s law firms are not legally required to maintain policies in some other areas of ethical concern, including environmental protection.

In China, according to Albert Tsui, Attorney-at-Law at Dentons (China), environmental issues, such as a firm’s use of paper products, are important to many clients.

He added that many clients in China are now looking for gender equality in law firm teams that will potentially represent them. “For example, they will ask: what is your proportion of females in the partnership?” he said.

Mina Jovanovic, Associate at ZMP Zivko Mijatovic and Partners (Serbia), said that both clients and law firms



(L. to R.) Eva Maria, Yihong Ying, Albert Tsui, Rachna Bakhru, Elena Galletti, and Mina Jovanovic

“have a responsibility to increase awareness” about fair practices.

Ms. Bakhru agreed, noting that when clients question law firms on their policies, it pushes the firms to “identify the gaps” and motivates them to put guidelines in place.

It’s one thing to preach fairness, but putting fairness into practice requires transparency; this is the second aspect of the WFTO’s definition of “fair trade.” Yihong Ying, Director, Corporate Counsel at Starbucks (USA), said this principle is an important part of the company’s internal policies, as well as a quality it seeks when contracting work to outside counsel.

“We want to work with people who share our values, Mr. Ying said. “Starbucks operates in more than 70 countries and to maintain that we need to be able to work with counsels from different backgrounds. Therefore, diversity is key.”

Starbucks also maintains an in-house policy within its legal department that promotes inclusion, diversity, equality, and accessibility, he said. As part of Starbucks efforts to ensure transparency, it commissions third-party consultancies to carry out audits of the company, and also of its outside counsel.

### Better Outcomes

One IP service provider that has benefited from a renewed focus on

fairness is Brandstock (Germany), which provides trademark portfolio management services. As part of its work for corporate clients, it finds local agent law firms on their behalf to conduct legal tasks related to the portfolio in a particular country. Elena Galletti, Vice President of Marketing at Brandstock, said the company is “really focused on transparency.”

“When we think about fair trade in IP, which is not as [simple an idea] as with chocolate or coffee,” she said, “we usually think about what we need to get the best price.”

While Brandstock used to focus on the price of the law firms it works with,

it now follows a “different policy,” and has begun to shift its focus.

“We opened up communication. We started to talk to the law firms and established a service level agreement with them,” Ms. Galletti said. This led to agreements between Brandstock and the law firms on a fair price for all parties involved: the service provider, the law firms, and the clients.

“Law firms feel more secure, as they know they will get work from us and will not have to compete with other law firms. We also have a certain quality standard, so if we provide work to the law firm we expect to receive a high standard of work,” she said. ●

DEQI Intellectual Property Law Corporation

**DEQI 德琦**

170 staff members  
84 patent attorneys  
13 attorneys at law  
7 trademark attorneys

• Patent • Trademark • Copyright • Industrial Design • Prosecution  
• Counseling • Enforcement • Search and Analysis

7/F, Xueyuan International Tower, No.1 Zhichun Road, Haidian District, Beijing 100083, P.R. China  
Tel: +86 10 82339088-299 (English) /285 (Japanese) /280 (Korean)  
Fax: +86 10 82331881 E-mail: mail@deqi-ip.com Website: www.deqi-ip.com

## Puppies and Ice Cream



Stop by the exhibition hall today between 2:00 pm and 4:00 pm for puppies and between 3:00 pm and 4:00 pm for ice cream.

# Reserve Your Spot in Singapore

**142<sup>nd</sup>**

**ANNUAL MEETING**

Singapore | April 25–29, 2020



**INTA**  
**Member Special**  
**SAVE 10%**  
Pre-register by  
May 22, 2019

## Pre-registration Open for INTA Members

Immerse yourself in the issues, people, and solutions that define the fast-moving global IP industry in the center of Asia's IP hub.

Pre-register online at [www.inta.org/2020AM](http://www.inta.org/2020AM) or on site in Boston through May 22, 2019

START	END	NAME	LOCATION*
7:30AM	5:00PM	Registration	Hall B1
7:30AM	5:00PM	Hospitality	Hall A
8:00AM	10:00AM	Continental Breakfast	Hall A
8:00AM	10:00AM	BREAKFAST TABLE TOPICS	253 BC
		COMMITTEE MEETINGS	
8:00AM	9:00AM	Famous and Well-Know Marks Committee - Full Committee	258 A
8:00AM	9:00AM	Parallel Imports Committee - Full Committee	258 B
8:00AM	10:00AM	Academic Committee	152
8:00AM	10:00AM	Anticounterfeiting Committee - Middle East and Africa Subcommittee	154
8:00AM	10:00AM	Anticounterfeiting Committee - Western Europe Subcommittee	151 B
8:00AM	10:00AM	Trademark Office Practice - TM5 Subcommittee	151 A
8:00AM	10:00AM	Trademark Office Practices Committee - EUIPO Subcommittee	153 B
9:00AM	10:00AM	Anticounterfeiting Project Team ( <i>Legal Resources</i> )	150
9:00AM	10:00AM	Data Protection Committee - <i>Leadership Only</i>	256
9:00AM	10:00AM	Parallel Imports Committee - Asia-Pacific and Africa Subcommittee, Europe & Central Asia Subcommittee, Latin America Subcommittee, North America Subcommittee	258 B
9:00AM	11:00AM	Famous and Well-Known Marks Committee - Canada Subcommittee, East Asia & Pacific Subcommittee, Europe & Central Asia Subcommittee, Latin America and Caribbean Subcommittee, Middle East, Africa and South Asia Subcommittee, United States Subcommittee	258 A
		SESSIONS	
8:00AM	4:30PM	Working Towards the 21st Century IP Office Workshop	257 AB
9:30AM	12:00PM	Offsite Volunteer Service Day – Greater Boston Food Bank (Advance registration required)	The Greater Boston Food Bank
10:00AM	4:00PM	Exhibition Hall	Hall A
		COMMITTEE MEETINGS	
10:15AM	10:45AM	Copyright Committee – Full Committee	260
10:15AM	11:15AM	Geographical Indications Committee - Full Committee	251
10:15AM	11:15AM	Unfair Competition Committee - <i>Leadership Only</i>	153 B
		SESSIONS	
10:15AM	11:30AM	Trademark Scholarship Symposium - Session I ( <i>Academic Series</i> )	211 & 212
		CONCURRENT SESSIONS	
10:15AM	11:30AM	CT01 Annual Review of Leading Case Law in the European Union	Ballroom East - West
10:15AM	11:30AM	CT02 Reality Check: Adapting Brand Strategies for AR and VR	210 AB
10:15AM	11:30AM	CT03 Brand Protection and the Intersection of Trademarks, Advertising, and Corporate Social Responsibility	210 C
10:15AM	11:30AM	IT01 Industry Breakout: Blockchain Explained: How Can Blockchain and Distributed Ledger Technology Benefit Brand Owners?	205 AB
		SESSIONS	
10:15AM	12:15PM	Anticounterfeiting Committee - Policy Project Team	151 B
10:15AM	12:15PM	Anticounterfeiting Committee - Online Counterfeiting Project Team	152
10:15AM	12:15PM	Building Bridges Committee	259 A
10:15AM	12:15PM	LATAM/Caribbean IP Associations and INTA Meeting	153 C
10:15AM	12:15PM	Planning Committee	154
10:15AM	12:15PM	Public Information Committee - Full Committee	209
10:15AM	12:15PM	Trademark Office Practices Committee - USPTO Subcommittee	258 C
10:30AM	11:30AM	SPEED NETWORKING	Hall A
		COMMITTEE MEETINGS	
10:30AM	12:00PM	2020 March Conference Project Team	213
10:45AM	12:15PM	Copyright Committee – Copyright Policy of INTA Subcommittee, Database and Publication Subcommittee, Enforcement Subcommittee, International and Legislative Subcommittee, Overlapping Issues Between Copyright and Trademark Law Subcommittee	260
11:15AM	12:15PM	Designs Committee - International Design Harmonization Subcommittee	252 B
11:15AM	12:15PM	Geographical Indications Committee - Existing Rights/Enforcement Subcommittee, Expansion Subcommittee, GI Resolution Task Force	251
11:15AM	12:15PM	Non-Traditional Marks Committee – <i>Leadership Only</i>	151 A
11:30AM	1:00PM	Presidential Task Force	261
		SESSIONS	
11:45AM	1:00PM	Trademark Scholarship Symposium - Session II ( <i>Academic Series</i> )	211 & 212
		CONCURRENT SESSIONS	
11:45AM	1:00PM	CT20 The Experience Around Geographical Indications and Appellations of Origin for Champagne, Darjeeling Tea, and Colombian Coffee	205 AB
11:45AM	1:00PM	CT21 A Year of the EU General Data Protection Regulation (GDPR) and Access to WHOIS Data: Impact and Outlook for Brand Enforcement	Ballroom East - West
11:45AM	1:00PM	CT22 Surveys in the Brave New World: Designing and Using Survey Evidence in the Age of Online Shopping, Influencers, and Hashtags	210 AB
11:45AM	1:00PM	RT20 Regional Update: Middle East, India, and Pakistan: A Legal Perspective on Opportunities and Challenges in the Online Environment	210 C

Continued overleaf

**DANNEMANN  
SIEMSEN**

Rio de Janeiro  
55 21 2237 - 8700

São Paulo  
55 11 2155 - 9500

Brasília  
55 61 3433 - 6694

[dannemann.com.br](http://dannemann.com.br)

## SOLUTIONS FOR A WORLD WHERE IDEAS ARE VALUABLE

Leaders in Intellectual Property in Latin America, we are experts dedicated to protect Industrial and Intellectual Property since 1900. From Patents to Trademarks and beyond, we provide the support for our clients to achieve the best protection and enforcement in prosecution and litigation, in all fields of Intellectual Property. Our team is formed by lawyers, IP agents and attorneys with technical background ready to provide multidisciplinary advice and innovative solutions.

**WE ARE DANNEMANN SIEMSEN**



START	END	NAME	LOCATION*
12:00PM	1:00PM	<b>SPEED NETWORKING</b>	Hall A
		<b>COMMITTEE MEETINGS</b>	
12:15PM	1:15PM	Right of Publicity Committee – Leadership Only	153 B
12:15PM	1:30PM	Working Towards the 21st Century IP Office Workshop Agenda Lunch	256
12:15PM	2:15PM	Association Leaders Business Meeting- NGO Coordination Meeting <i>(By invitation only)</i>	253 A
1:15PM	2:15PM	Nominating Committee	151 B
1:15PM	2:15PM	Non-Traditional Marks Committee – Full Committee Meeting	258 A
1:15PM	2:15PM	Right of Publicity Committee - Full Committee Meeting	251
1:15PM	3:15PM	Young Practitioners Committee	207
1:15PM	3:15PM	2019 Leadership Meeting Project Team	153 C
1:15PM	3:15PM	Anticounterfeiting Committee - Full Committee Meeting	258 C
1:15PM	3:15PM	Enforcement Committee - General Trademark Enforcement Matters Subcommittee	209
1:15PM	3:15PM	Impact Studies Committee	259 A
1:15AM	3:15PM	In-House Practitioners Full Committee	208
1:15PM	3:15PM	Law Firm Committee - Full Committee Meeting	260
1:15PM	3:15PM	Publications Committee	151 A
		<b>SESSIONS</b>	
1:15PM	3:15PM	Lunch and Learn: Business Development Skills for Lawyers – Mark Beese	205 C
1:15PM	3:15PM	LUNCHEON TABLE TOPICS	253 BC
1:30PM	2:30PM	<b>SPEED NETWORKING</b>	Hall A
		<b>COMMITTEE MEETINGS</b>	
2:15PM	3:15PM	Non-Traditional Marks Committee - Canada Subcommittee, Europe and Central Asia Subcommittee, Middle East, Africa and South Asia Subcommittee, Latin America & Caribbean Subcommittee	258 A
2:15PM	3:15PM	Non-Traditional Marks Committee - United States Subcommittee	258 B
2:15PM	3:15PM	Right of Publicity Committee - Education & Awareness Subcommittee, Outreach/Collaboration Subcommittee, State of the Law/Fact Finding Subcommittee	251
		<b>SESSIONS</b>	
2:15PM	3:30PM	Trademark Scholarship Symposium - Session III <i>(Academic Series)</i>	211 & 212
2:45PM	4:00PM	Non-Traditional Marks Committee - East Asia & Pacific Subcommittee	258 A
3:00PM	4:00PM	<b>SPEED NETWORKING</b>	Hall A
		<b>COMMITTEE MEETINGS</b>	
3:30PM	4:00PM	Data Protection Committee - Full Committee	208
3:30PM	4:30PM	Emerging Issues Committee - Full Committee	258 B
		<b>CONCURRENT SESSIONS</b>	
3:30PM	4:45PM	CT50 Ethics and Best Practices for Trademark Investigations Around the World	Ballroom East - West
3:30PM	4:45PM	CT51 Patent Portfolios' Challenges in International Trade	210 AB
3:30PM	4:45PM	CT52 Advances in E-Commerce and Advertising: How Platforms Address Cyberfraud	205 AB
3:30PM	4:45PM	IT50 Industry Breakout: IP "Care Programs:" When For-Profit and Non-Profit Organizations Join Forces	210 C
3:30PM	4:45PM	CT53 Update on Trademark Law in China	206 AB
		<b>COMMITTEE MEETINGS</b>	
3:30PM	5:30PM	2020 Annual Meeting Project Team	152
3:30PM	5:30PM	Anticounterfeiting Committee-Customs Training	205 C
3:30PM	5:30PM	Brexit Task Force Meeting	151 B
3:30PM	5:30PM	Enforcement Committee - Judicial Administration Trademark Litigation Subcommittee	151 A
3:30PM	5:30PM	Global Advisory Committee - Latin America and the Caribbean	153 B
3:30PM	5:30PM	INTA PAC Board of Governors	153 C
3:30PM	5:30PM	Leadership Development Committee	259 A
3:30PM	5:30PM	TMAP Project Team Meeting	150
4:00PM	5:30PM	Data Protection Committee - Best Practices Subcommittee, Education and Awareness Subcommittee, Enforcement Subcommittee	208
4:30PM	5:30PM	Emerging Issues Committee - Artificial Intelligence Subcommittee, Brand Restrictions Subcommittee, Country Marks Subcommittee, Embargoes and Sanctions Subcommittee, New Emerging Issues Identification Subcommittee, Territoriality Limitations and Fair Uses of Trademarks Subcommittee	258 B
5:00PM	6:00PM	China Reception <i>(By invitation only)</i>	256
5:00PM	6:00PM	Latin America and Caribbean Reception <i>(By invitation only)</i>	255
5:00PM	6:00PM	Middle East Reception <i>(By invitation only)</i>	258 C
5:00PM	6:00PM	Patent Professionals Networking Reception	261
5:00PM	7:00PM	Legal Resources Contributor Reception <i>(By invitation only)</i>	254 B
5:30PM	6:30PM	Government Officials Reception	259 B
5:30PM	7:00PM	Political Action Committee (PAC) Reception	Westin Boston Waterfront - Presidential Suite

**ipcrenew**

The launch sequence of IPC Renew, by IP Centrum, marks the final few weeks of the renewals industry as we've all known it to date.

After five years of development, we are proud to finally introduce to the world's greatest IP formalities professionals, the future of renewals.

Follow the launch: [@ipcentrum](https://twitter.com/ipcentrum)

Sign up for early access: [www.ipcentrum.com/renewals](http://www.ipcentrum.com/renewals)

**ipcrenew LAUNCH SEQUENCE**

START UP → PROD ENV → MIGRATION TEST OK → PI PARTNER ONBOARDING → PAUTO 1 → PINST 1 → P2 PARTNER ONBOARDING → G2 PR SEPARATION → CINST 1 → CAUTO 1 → P2 CLIENT ONBOARDING → G2 CR SEPARATION → EPV MIGRATION → G2 SHUT DOWN

**ipcentrum**

