

The Trademark

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GLOBAL REACH, LOCAL KNOWLEDGE

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Lawyer

Trademark enforcement outside the courtroom: four underrated tools your clients may be overlooking



Michelle Ciotola and Ali Caless of Cantor Colburn LLP, explain how the United States Customs and Border Protection, trademark watch services, online infringement and modern trademark clearance can be utilized to amplify the strength of a brand and protect against infringement.

Immoral trademarks

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Publicity rights posthumously

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Mauritius for holding IPR

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Women in IP Leadership

Celebrating achievements and continuing
the empowerment of women



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We give special thanks to Traple Konarski Podrecki and Partners for their dedication and support in continuing the empowerment of women in IP by facilitating this opportunity.

This segment is dedicated to women working in the IP industry, providing a platform to share real accounts from rising women around the globe. In these interviews we will be discussing experiences, celebrating milestones and achievements, and putting forward ideas for advancing equality and diversity.

By providing a platform to share personal experiences we aim to continue the empowerment of women in the world of IP.

This segment is sponsored by Traple Konarski Podrecki and Partners, who, like *The Trademark Lawyer*, are passionate to continue the empowerment of women. Anaquas' sponsorship enables us to remove the boundaries and offer this opportunity to all women in the sector. We give special thanks to Anaqua for supporting this project and creating the opportunity for women to share their experiences, allowing us to learn from each other, to take inspiration, and for continuing the liberation of women in IP.

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For Traple Konarski Podrecki and Partners promoting female entrepreneurship, developing their talents, supporting their professional aspirations and independence was a natural path to build our strenght and position on the market. The involvement of the five female Partners we have on board helped us bring diverse business experiences to a common idea. This is the most powerful example for younger female lawyers to prove that their skills are highly sought in law firms and contribute to achieving a lot in a professional career.

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Traple Konarski Podrecki and Partners

If you would like the opportunity to share your experiences with *Women in IP Leadership*, would like to nominate an individual to be involved, or would like to learn more about sponsorship, please contact our Editor.



Aileen Buchanan: VP of Client Success, Anaqua

An interview: inspirations, experiences, and ideas for equality.

As VP of Client Success, Aileen oversees Anaqua's Client Success team and plays a major role in shaping the company's Client Success model that best supports clients' unique short and long-term goals. Aileen is a qualified U.S. Patent Agent with a background in genetics and molecular biology. Prior to joining Anaqua, Aileen ran a large patent department, held leadership positions at CPA Global and ran a consulting operation with a focus in IP processes optimization, off/near shore consultancy, IP software implementations and patent analytics and landscaping.

What inspired your career?

My freshman year at university was my first experience with IP. My roommate and I were at freshman orientation, and both of us were biology majors. At the time, I had no idea where I wanted

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to go with my degree, and I remember asking my roommate what she was going to do with hers. She went on to share how she was going to be a patent attorney and as she mapped it all out, I distinctly remember thinking how in the heck did she find out about this career path? It sounded really interesting, and though it wasn't something I gravitated towards at the time, it stayed in the back of my mind.

During university, I was in the Air Force Reserve Officer Training Corps (ROTC) with plans to join the US Air Force after completing my degree. Halfway through ROTC, I had qualified as a navigator and was thinking about using my science degree to go into aerospace physiology. I was also very motivated by the ability to travel around the world, having grown up in the military most of my childhood. Unfortunately, due to ongoing military budget cuts, bases were being shut down and the ability to travel became limited, so I decided that ultimately, I needed to pivot.

After graduating, I started working in a research lab in Bethesda, MD, but I knew after two months of counting colonies on petri dishes, that academia was not for me. At that point, I started thinking back to what my roommate said during orientation. I wasn't necessarily patent qualified, but the IP industry was something I'd heard about. I began exploring the sector and looking for jobs in Washington, D.C. My search led me to a law firm hiring patent paralegals, so that is where I started my career.

How have you found the pathway to your current position? And can you offer advice from your experience?

Once I was a paralegal, I started to learn about the available opportunities in the industry from a law firm standpoint. Several years after I joined the firm, an attorney let me know that due to my technical background, I qualified to sit for the patent bar. Though I was not sure if I would practice, I was interested in the qualification, so I studied for and passed the US Patent Bar in 2002.

At the time, I had been promoted at the law firm into a position where I managed the IP administration side of the house, and my first



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project in the role was to implement an IP management software package. During the implementation, I was able to work closely with our software provider, which is where I was introduced to a whole other facet of the IP industry. I was immediately drawn to how our provider engaged with their clients and the opportunities the company provided, so I started to explore job prospects with our software provider.

In 2002, I joined CPA (now Clarivate), and began implementing software in law firms and then moved to launching an IP analytics function. From there I helped to productize IP docketing and paralegal services because it fit squarely into my paralegal and operations background. What was great about these roles was that on top of being able to innovate some of the positions, I was also able to fulfill my desire to travel. Within my first year of joining, I went to train in Sydney, AU and Wellington, NZ for a month, and then went to live and work in Munich. Since then, it has been an ongoing evolution that led me down this career path and in 2011, to Anaqua. By no way was it designed; it was really an organic process but, I believe the aggregated experience in these different roles over the past 25 years has empowered me in my role as VP of Client Success. If I think about how that path evolved along the way, I remember I would always start looking for different opportunities once I felt I was stagnating in a particular role.

The IP industry is such a massive ecosystem with so many opportunities that it requires ongoing self-discovery to find what really motivates you and the ability to overcome personal trepidation about taking on new roles. I have been in where I felt I was truly stretched, but this is where my biggest growth occurred both personally and professionally.

What challenges have you faced? And how have you overcome them?

I have had three significant promotions in my career, and all of them were internal promotions amongst my professional peers. On all of those occasions, I have had to navigate the complexities of converting my peer relationships as I took over different leadership positions. As you can imagine, this can really create friction and impact your ability to lead a team, and it never gets easier. My advice here is to focus on goals and be clear about execution and how it will be measured. This will give focus and visibility to what you expect the team to do and empower you to lead.

Another challenge I've navigated is continuing to grow in my career despite not having formal mentorship. When I think back to some of my key

roles, I really wished I had a sounding board and guidance on how to handle key situations. Even as leaders, we all need inspiration and this is particularly true when things get tough. Because of this, I try to be a mentor to others in my career with similar backgrounds, both inside and outside my organization. I would urge anyone in a new and challenging role to seek mentorship rather than figure things out on their own.

What would you consider to be your greatest achievement in your career so far?

I have to be honest about something. Six years ago, I would never have thought that I would be sitting here on the Anaqua leadership team. At that time, I was seriously considering stepping down from my career to focus on family. My husband and I had just adopted two school age children and I felt I had hit the apex of my career – and I was okay with that! But then here is the thing about IP – something new like Customer Success comes along and opens up yet another door of possibility. My background is quite humble. I don't have a law degree or an MBA, but I've spent time in the space taking advantage of what the industry has to offer to strengthen my capabilities and skill sets to build my credibility. This is what makes me (and many others) perfect for Customer Success.

What are your future career aspirations? And how will you work to achieve them?

I'm excited about our Client Success team at Anaqua. We're growing our business and there is so much more that we can do to help our customers solve their most pressing IP challenges. I want to build out our capabilities to be stronger than in the past, and I feel there is a lot I can do in this position.

What changes would you like to see in the IP industry regarding equality and diversity in the next five years?

This is something I'm passionate about and have spoken about in the past. In looking at some of the challenges I've come across previously in my career, where I've been up for jobs or roles, overcoming the preconceived notions of other people is a challenge. The persona of what you used to do shapes a perspective that maybe someone isn't qualified for a role because of their background. With the Customer Success movement particularly and looking at the skill sets needed to do a job, there is really no clear background required as to who could be qualified for the role. It is about skill set and experience. I'd like to see the industry better look at job and role fit and take into consideration a wider variety of skills and experiences, versus making assumptions of someone's background.



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Some of the most successful people on my team, for example, don’t come from traditional IP but from other backgrounds. I call them my “creative whack pack,” which is a theory coined by Roger von Oech on using different suits to stimulate creativity. I look at my team as being a great example of the theory and an amalgamation of talent and skills. There is no one person that can do everything perfectly but they’re all really great at something specific and it works.

For me, the industry needs to overcome preconceptions. Employers especially need to focus on understanding what skill sets are required and less about certain pedigree ideas - especially in this new day and age with new roles.

How do you think the empowerment of women can be continued and expanded in the IP sector?

At the core, I think education and mentorship need to be at the forefront of conversations in empowering and supporting women in the field. For a lot of women coming into the industry and these positions, they need to understand what roles and career paths are available.

In my own path, there are women that have been beacons for me in terms of options to consider and education of what’s available. Partly, what’s necessary here is awareness. I’ve seen a bigger focus and spotlight on getting more women into STEM and the technical side of IP, like engineering. Getting more women into the industry and offering mentoring is quite important.

I’ve received growth, guidance, and learning opportunities, but I didn’t have a formal mentor. To me, that is why it’s important for someone entering the industry, or being promoted to a new role, to have strong mentorship opportunities to grow and succeed.

My advice to women in the field: don’t suffer in silence! Ask for feedback, ask for mentorship and get guidance! There are so many opportunities to learn from other people, and if there is someone you admire who exemplifies where you should be in your career, reach out to that person and ask for advice. That is something I wish I had done rather than gutting it out and trying to make my own way.

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Gifty Gakpetor: Owner and Director, IPTogether

An interview: inspirations, experiences, and ideas for equality.

Gifty obtained her LLB, then her Postgraduate certificate in Trade Mark Law & Practice. Having worked in many private practice roles and in-house counsel roles, including at Unilever, PepsiCo and The Coca-Cola Company, Gifty went on to founder her own company IPTogether, in 2016. She has a wealth of expertise gained over 20 years in Global Trade Mark advisory, prosecution and enforcement matters, and its related commercial matters in Intellectual Property practice.

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What inspired your career?

I came into Intellectual Property (IP) law practice purely by accident. I have never looked back since. The wide-ranging exposure this area of industry offers is in itself an inspiration. To be able to partner with a client in its IP related needs and be a part of the solution that brings value and satisfaction to the clients I support, is the core of my inspiration in my career.

How have you found the pathway to your current position? And can you offer advice from your experience?

I've found the pathway challenging, rewarding and enjoyable. My advice would be find what is right for you and just pursue it. It will require hard work, but hard work does not kill. With a clearly defined goal and matrix in place, what then is required is focus and to keep going.

What challenges have you faced? And how have you overcome them?

Starting your own business in IP law Practice is not for the faint hearted, particularly if you do not have a big client following - which was the position I was in. I had to find the clients from scratch. So, I found business is people. Knowing how to form good relations, your persona, proving and showing growth in your expertise, showing gratitude to those around you, and treating people well have all constituted to my ability to keep the clients that I find and have clients recommended to me.

What would you consider to be your greatest achievement in your career so far?

To hear clients say, "you are right", "that is a sound advice", "that is a great strategy", "beating so and so situation was no small beef". My greatest achievement always is when the client finds value in what I bring to the table.

What are your future career aspirations? And how will you work to achieve them?

History will tell this part of my journey in years to come. In the meantime, I will keep doing what works and the things I do well. Learn from mistakes made along the journey so far, and implement



strategies identified from my learnings. And keep smiling on.

What changes would you like to see in the IP industry regarding equality and diversity in the next five years?

The COVID-19 pandemic brought to the fore how we are all human and need one another. We need to hold each other's hand to bring in a diverse flavor of talents, ideas and solutions. On our part, IPTogether has formed a collaboration with Briffa Solicitors, for example, with the aim to deliver the best solutions to clients. These are Briffa's quote: "Our collaboration with Gifty means both we and our clients can access unrivalled expertise in areas which complement our own work. Together, we share our knowledge and experience to benefit business as they find new and innovative routes to market."

For some corporations, equality and diversity would mean reviewing their criteria for selection of their "External Trade Mark Lawyer/Attorney". Being a small practice like my own, for example, and being a "Woman of Color" does not mean I lack the ability to enrich a big Corporate's IP strategies to bring solutions and efficient IP Portfolio management to the table. In particular, those corporates looking at ways to bring in new suppliers to their businesses, we are ready to come in. I may be that "breath of fresh air ideas" that a corporate need, for such a time like this.

I would encourage any big corporates out there reading this interview to give IPTogether a try, even if on an ad-hoc basis. I can guarantee this would be one of the best decisions they would have made. We have creative solutions that we bring to the clients we support, and our background training and experience would tick all the relevant boxes for them.

Race, color, gender, religion, and all kinds of groupings that we humans have manufactured, do matter. If we are to solve the world's problems, whether in business or in our own private lives in a way to maximise benefit for all, we must learn to consciously bring in people who are different to ourselves.

How do you think the empowerment of women can be continued and expanded in the IP sector?

The IP Industry, in my view, has adapted really well in this area in embracing women in IP. This just needs to continue until there is a good balance in terms of the women themselves not being white only, but from a diverse background of ethnicity, geographies, business exposures, and having intellectual acumen for this area of Industry.



“We must learn to consciously bring in people who are different to ourselves.”

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