

# The Trademark

Issue 1 2021

GLOBAL REACH, LOCAL KNOWLEDGE

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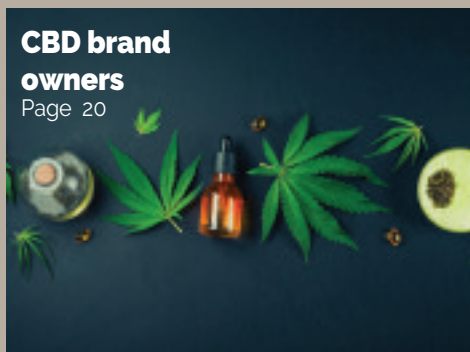
## Lawyer



## Goliath defeated once again: *Bentley Motors v Bentley Clothing*

Chris Lees, Director and Co-Owner of Bentley Clothing, highlights quotes from Bentley Motors' IPO cancellation actions: non-use, invalidity and appeal to the appointed person; High Court; and Court of Appeal.

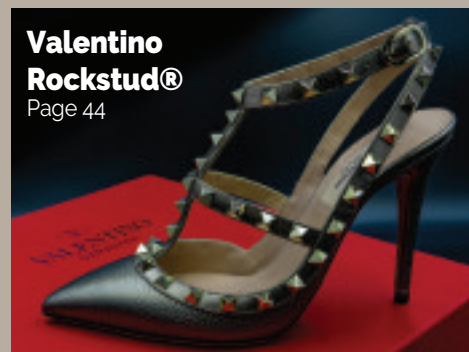
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# Women in IP Leadership

Celebrating achievements and continuing  
the empowerment of women



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We give special thanks to Dumont 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 Dumont, who, like *The Trademark Lawyer*, are passionate to continue the empowerment of women. Dumont's sponsorship enables us to remove the boundaries and offer this opportunity to all women in the sector. We give special thanks to Dumont 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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**Diversity and inclusion enriches a work environment. Dumont works daily on these principles in our workplace and tries to set an example. We believe that our differences can make us stronger and more efficient. We believe that by giving all our team opportunities we create a safe and prosperous environment.**

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**Laura Collada, Managing Partner, Dumont**

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.



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# Theresa Conduah: Partner, Haynes & Boone

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

**T**heresa received her Bachelor of Arts in Psychology from Georgetown University before obtaining her Masters in Public Health, and her Juris Doctor. Her experiences in the IP field have spanned many positions including in-house positions at United Airlines and Toyota, as well as private practice including her current position as Partner at Haynes & Boone.

## What inspired your career?

I think for me it was actually my background growing up. I grew up in West Africa in Ghana and I think it's that background that gives me the curiosity and drive to be innovative. I would say that I was curious, but my mom would say that I was nosy! For me, my curiosity is what directed me towards a career in technology and innovation.

At first, my career ideas were more towards pharmaceuticals, biotech, and the health field

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**I think it's important for attorneys to mentor now more than ever.**

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as most of my family is in the healthcare field so I thought that seemed to be a natural fit. But as I was practicing in the health policy field it kind of sparked my interest in going towards a law career as an opportunity to apply both sides of the work that I do.

## How have you found the pathway to your current position?

Before going to law school, I worked with a clinical research organization, working on their pharmaceutical products and getting new products out to market. While there I met a former colleague of mine who was on the law side of the health policy and the marketing of new drugs and biotech innovations, so that made me think that I would try law school, with the intention of still focusing on healthcare and FDA law, and those kinds of things.

While at law school, one of my professors was an IP attorney at a law firm and I joined the firm during that summer and was exposed to a huge IP case involving a new drug. I thought to myself this might be a good way to marry both sides of my career and so I joined that firm after law school, and worked on patent litigation and patent prosecution, as well as on the trademark side. I appreciated the fact that the firm encouraged their attorneys to do both sides of the coin, if you will, and I really enjoyed that. Eventually I moved on to my second firm, due to some family circumstances, but while there I continued to grow both sides of the practice and, as I grew more experience, I gravitated more towards the trademark side of things, but I still kept my patent practice especially on the design pattern side as it really complements the work you do on the trademark side.

After a number of years in private practice, I transitioned in-house. I think I've always had a more business minded, practical approach to providing legal advice so I thought in-house would be a great fit for me to learn the business and provide more holistic, comprehensive advice. I joined United Airlines shortly after its merger with Continental Airlines as its first in-house IP counsel and worked on establishing its global IP portfolio and licensing program. After United, I joined Toyota as it was rebranding itself to be more of a mobility company and coming up with





new exciting technologies – it was an exciting time to join Toyota.

And then fast forward to now. 2020 was full of challenges and opportunities to reflect. I took the opportunity to take a step back and consider what's next for me in my career. I decided to go back to private practice to be able to apply my broad in-house and private practice experiences to support clients from a holistic perspective. This approach to client service is why, when reviewing law firms, I chose Haynes & Boone because they have that comprehensive approach to providing client advice and also encourage team collaboration.

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

I think for me as a woman, and a woman of color especially, early on in my career I didn't see a lot of people that looked like me and so it was difficult to envision what my path would be. I saw more people that look like me on the in-house side of things, and I think that's another reason why I wanted to go in-house because I thought it might provide more opportunities to grow my career. Yet, this was a reason why I needed to come back to private practice at this point in my career.

I think there's a misperception that, for attorneys of color, going in-house is the best path and that it will be hard for you to grow to leadership levels in a law firm. I'm hoping that if other folks see somebody like them, like me, in private practice that they will see that there will be opportunities to stay and grow into leadership levels, if private practice is what they prefer. Of course, in-house positions provide amazing opportunities, but I want every attorney to have a choice as to whether they want to move in-house or stay in private practice.

I think there are some challenges on the law firm side, especially when looking at representation. As I said, for me it was difficult not seeing many folks that looked like me at the leadership levels. Representation matters and it's important to see somebody there to have that idea of what a career might look like for you in a law firm.

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

I've had the opportunity to join in-house programs and start from scratch. So, for example, when I was at United Airlines I was the first IP council so I was able to create an IP program. At the time we were merging with Continental Airlines, so to be able to integrate the portfolios and also start an IP patent for portfolio on their patent side was incredible. When you think of an airline, you typically don't think that you're going to be a patent house but we had a lot of technology in-house that we were able to harvest and seek

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**I think we need to address the implicit biases that folks may have with respect to women in science, women in IP, and women in law.**  
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protection so - I think that was a great achievement, and also one of the greatest challenges.

**What are your future career aspirations?**

I think continuing to leverage my private practice and in-house experience to support clients. I really enjoy taking a comprehensive and business minded approach. I like being able to work with clients right from the start on the R&D side all the way to the marketing side and that's where I hope to continue to see my career progress.

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

Quite a bit. I think that it is important for us to put a focus on women and women of color, especially, in IP. There have been a number of studies that show there are gender imbalances, including for women inventors, in the industry so I think there needs to be a new focus on mentoring and growing the pipeline of women attorneys and professionals in the IP field.

I think there are a lot of ways this can be done. Personally, I was brought into this field and exposed to this field through my network, so I think it's important for attorneys to mentor now more than ever - whether it's college students or law students, to expose them to the field. A colleague of mine has started an initiative where we are reaching out and talking to women and women of color from the undergrad field to expose them to different options that they can pursue with a law degree, and exposing them through networking and mentoring.

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

Within the field I think we need to address the implicit biases that folks may have with respect to women in science, women in IP, and women in law. Unfortunately, I think there are a lot of misperceptions about the ability for women to focus on a more technical field, so I think that we need to work on awareness, education, and taking concrete actions to further women in this industry.

I think we're in a time and space that is lending itself to education and awareness, but the action in a lot of corporations and law firms is to rely only on passive training sessions to deal with these issues. I think it's time to move beyond education and training and take a look at some of the systemic issues that lead to the unfair treatment of women and minorities in the law sector. And I think that now, given the awareness that folks have, is a great time for us to move forward and take additional action by having those honest conversations and creating opportunities to improve in this area.

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# Tiffany Valeriano, Chief Commercial Officer at Rightly

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

Tiffany obtained her BA in Political Science from the University of Virginia before joining Brandstock Services AG as a project assistant in the IP sector, where she worked her way up to become Chief Commercial Officer for IP services. From there, Tiffany moved to TrademarkNow as Business Development Executive and focused on technology developments in the IP sector. Then to Corsearch, as Director of Global Go-to-Market Planning, before joining Rightly as Chief Commercial Officer in October 2020. In parallel to her work, Tiffany is completing her EMBA at the Technical University of Munich.

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**Don't be  
afraid to  
fail.**  
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She is a Committee Member for INTA, serving on the Brands for a Better Society committee and is a cohort lead for Thrive with Mentoring, a global non-profit initiative where women mentor each other.

## **What inspired your career?**

I work IP but I am not a lawyer. I always wanted to become a lawyer and worked in a law firm in Washington, DC after my undergraduate programme. During that time I decided not to go to law school which was a bit of a shock to the system – I called it my quarter-life-crisis!

I decided I wanted an adventure, and to live abroad in a country where English was not the native language. So I looked for the cheapest plane ticket I could find to a country in western Europe and moved there. My first job in Munich was a tour guide and after about 10 months I decided I wanted to stay. I found a company looking for a native English-speaking paralegal for one of their projects and I thought, “oh brilliant, that's me!” It was for a large IP services provider in Munich, so I fell into IP and back into the legal supporting role based on my qualifications, and I loved it.

Trademarks and brands are such a fun, niche area of the law and I realised that working on the commercial side enabled me to use my skills and talents in a way more aligned with my interests. I worked my way up within the organization, with a strong focus on my team, our platform, clients and law firms around the world. I found that I really liked working in IP, anticipating the needs of my clients and finding creative solutions for their sometimes complex problems. With time and experience, I realized that, in my view, technology was not playing enough of a role, that something was missing in the solutions offered by classic IP services providers. I thought there must be a better way to leverage technology to support, enable, and empower legal professionals. So, this has become my





focus and mission ever since – how to innovate, apply technology-driven solutions and how to create tools to empower legal professionals.

#### **How have you found the pathway to your current position?**

My first job in IP was with Brandstock Services. When I joined, we were about 30 people in the company (compared to 125 when I left). I joined a team of 3 in the IP department (compared to 18 when I left). That time in a growing company was about seizing the moment, doing good work and creating new opportunities with new responsibilities and the chance to grow. I had a manager and mentor early in my time there who really helped me with my journey. She recognized the potential in me and helped guide me to become a project leader. Within a year I became head of department, which was the largest in the company at the time. She guided and nurtured me, invested in a coach to work with me, and she focused on bringing me forward. I was very fortunate to work at the beginning of my career with an inspiring and strong leader who saw potential in me and helped me to lay the foundation to achieve my goals.

Within Brandstock I grew quickly, I seized every opportunity I could. Fast forward to 2015, when I was promoted to my first 'C' level position, my first top management position, the first Chief Commercial Officer for the company. As I started working more closely with our services in other areas, I started recognizing more and more that there were problems that were not scalable in the way they were addressed traditionally.

A new area of focus for me was trademark searching and watching. As trademark offices and the volume of records grew, there actually wasn't a way to more efficiently conduct clearance or full searches with the tools available. It was a matter of volume, time, expertise, and manual tools. I learned you couldn't charge more simply because it takes longer. While the work we were doing was high value, clients weren't willing or able to pay for it. It took too much time. Budgets were being squeezed. Something had to give.

Around the same time, I was introduced to TrademarkNow and their AI-driven search. I didn't view it as a full search replacement at the time, I viewed it as this automated tool that could help perform some of the literal hours of human work into seconds. And I thought "Wow, okay, there is something to this", as a service provider my traditional way to solve a problem was to build a team of people – but when I was introduced to TrademarkNow it was my first glimpse into what could be possible, using new technology to provide a solution.

Around the same time, I read a book by Richard Susskind, *Tomorrow's Lawyer*, which changed

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**What is courage?  
When you face the fear  
and do it anyway!**  
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my professional life. He focused on what it would be like working as a lawyer in the future: what are the problems that lawyers are facing? Why? And how? And he broke it into phases: here's what's happening now; what's going to happen; how we deal with it. And as I read, I found myself nodding, "Yes! First comes budget pressure, then comes staff cuts, they start outsourcing, then offshoring." I just saw all these things happening in IP. His last step came to drawing upon technologies to create solutions, and I thought "that's it," I need to get to that point now. I need to see how using data and AI can be used to empower legal professionals now. I didn't want to wait 5 years.

So, I left my position at Brandstock to join a legal tech start-up. That was an entirely different journey. I joined TrademarkNow because I wanted to experience working in a start-up: to work in a legal technology company to understand more about how technology, specifically AI, can be used in the field. I learned quickly that one of the biggest challenges about new technology, when speaking to legal professionals, is that you have to find a way to explain it. It needs to be relatable, understandable, and reliable – if you can't explain it, they won't use it. It became my mission to learn as much as possible so I could find the words to explain how these technologies can support work.

Then taking my services background and my newly found legal tech experience, I joined Corsearch as their Director of Global Go-to-Market-Planning to bring these two together. I recently joined a start-up called Rightly. I've found that I belong in a tech-based company, I want to use technology to disrupt in a good way, to empower and enable. The best way for me to do that is at a start-up where it is energetic, you can move quickly. You can run with ideas and bring things to market quickly. I feel really fortunate to have found Rightly. I wasn't looking for this type of job but sometimes it's a matter of going with the flow and seizing the moment. Rightly found me and presented their vision and I wanted to be involved. I feel it is where I belong and where I can make a difference.

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

Speaking about new tools and technology can be scary, right? Trying to describe new tools and technology is always a challenge; to get people engaged, understanding, and to not be fearful i.e. of losing one's job. Helping people understand has become a mission of mine. Between 2016 and 2019, I spoke at a lot of events about new legal tech and AI and what it is, how it can help, and making it more relatable – which was certainly one challenge.



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moments  
where I’ve  
seen my  
colleagues  
succeed are  
the moments  
where I felt  
happiness.”

Another challenge was finding the right company, fit, and role for me where I could focus on my passions and feel comfortable doing it. Timing too – when I think back to my first executive position, I wasn’t ready for it – I thought I was, but if my boss had asked me to cut off my arm I would have. In fact, I would have proactively just said, “Here you go, this will solve your problem!” I didn’t have a clear picture of my own priorities; I was young and developing – a work in progress. I needed to work out what I needed to do for and by myself so I could be the best version of me personally and professionally.

I don’t want to say I’ve cracked it, but I have definitely improved. I make time for the things that matter most – and it’s okay not to get everything done in one day! This was also capped off for me by my Executive MBA education, I really struggled to find the time to start this. I am so glad I did it. I’ve found in my career that I grew really quickly but didn’t have all the tools in my tool box to do the job – so pursuing my MBA helped me with those gaps and gave me more confidence which has helped everything come together.

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

That’s tough! I think the most rewarding moments in my career have been when my team does well. Working on a development programme for someone, helping them to set goals and work with them to bring them into action, then seeing it happen and offering a promotion is an incredible feeling.

When I think back, the moments where I’ve seen my colleagues succeed are the moments where I felt happiness and the greatest sense of achievement. Of course, I wouldn’t be a true sales business professional if I didn’t reflect on some of the deals I have closed! Some of the projects on the non-legal side of IP are huge and complex. If you gave it to a lawyer to figure out they’d be drowning for weeks, but what we knew as subject matter experts allowed us to solve these complex problems, and when we did, it made the clients look like rock stars. So those moments, where you came to a client with a creative solution and they were like, “That’s awesome, great job!” – those are great. It’s nice to sit with your team and think, “We can do all of this amazing stuff, and they don’t even know it!” – a secret weapon in IP! There are tremendous moments of pride in both helping team members succeed and satisfying clients’ needs.

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

WORLD DOMINATION.... I work for a start-up so that’s what we say. We laugh about it and it is

tongue in cheek but also a bit serious. My dream for the world, for the IP world, and certainly my future is to see this company through and be part of building something for the industry that can help, that can empower, that can bring people together and help professionals do their jobs.

Something that makes IP more accessible for people, not just having trademark lawyers for the top 1% of the world, but also for the ‘Mom & Pop’ shop that wants to file a trademark to protect the logo that their grandchild drew. To protect IP and open these services, whether in a legal or non-legal environment, to a wider base of people. To make the knowledge that it exists accessible and reducing the costs by making these technologies available to those in the legal profession.

Stopping things like product counterfeiting and infringement is high on my wish list. Helping to bring that awareness and level of social responsibility that there is serious consequence to product counterfeiting and that we can all be part of the solution to stop and prevent it. It has negative consequences on society and brand owners alike, we need to all align to defeat it. That would be a pretty noble mission to achieve but for now I am focused on being Rightly’s Chief Commercial Officer and on helping us to build our organization and make it global. And to remain focused on technology and build the dream team along the way. I also hope to give back through mentoring opportunities.

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

I have been fortunate in that I have worked with a lot of women. At Brandstock, we had a male CEO but it happened that he surrounded himself with incredibly intelligent, driven, hard working women who were excellent at what they did.

In moving ahead, it can come down to specific countries. There are some countries where you still see the predominance of male attorneys, I would like to see more female attorneys in these areas. And more women in leadership roles.

I think you still see a higher proportion of men in executive and technology teams – there are a lot of reasons for this and I am not suggesting that companies are discriminatory, that is not at all my message. But I think this is a really interesting and empowering time that, where women are being promoted into new levels of management, companies are promoting this – sharing that women are making their way up the ladder in their company is just as important as having them there in the first place. I think a key component of this is mentoring – whether it be advice on finding a work/life balance, or

working for promotion, whatever the goal there is a lot of room for women to mentor women.

I say that as someone who has benefited tremendously from mentoring, even in the last year it has helped me find my feet and rediscover where my key strengths are, what brings me joy in my profession, and how to take that into finding the dream job for me. This came from an outstanding mentor who understood me and supported me with a structure in my life at a time when I didn't even know I needed it. Surely there is a space in the IP industry where women can work together, in mentoring and empowering each other and to provide that support in a multi-cultural environment and international setting to create a global powerhouse of women.

Don't be afraid to fail, and when something doesn't work that's okay – just put it behind you and move forward. Don't dwell on it, just take your learning and move on. Don't say yes to everything, it's okay to say no sometimes. Finding the right balance and understanding what you need as a person means that you can give the best to your profession and your team.

Going with the flow is not an absence of decision, it still takes decision! It still takes courage. What is courage? When you face the fear and do it anyway!

I think this is a lesson for women, it's statistically proven that women second guess themselves more than men - so stop asking ourselves these questions and stop doubting ourselves but face the fear and do it anyway. That opens, for us, the potential to be great. So many of us already are high performing, capable, competent women but haven't realised it because we are comparing ourselves to metrics that aren't even applicable. We are looking in the wrong place when we should be focusing on what is in front of us, what we can be doing and what we can control rather than the things we can't.



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**Going with the flow is not an absence of decision.**

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