

The Trademark

Issue 2 2021

GLOBAL REACH, LOCAL KNOWLEDGE

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Lawyer

New features of legal issues on live streaming e-commerce in China



Lili Qin, Partner at Unitalen Attorneys at Law, discusses the increased rise in the sale of counterfeit goods via live stream in the past year, the legal implications live streamers could face for these actions, and how best to protect your brand.

Tiki Dare

Page 22



Generic.com

terms

Page 26

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Accommodations

Flights

**Digitalization
of filing**

Page 66



Women in IP Leadership

Celebrating achievements and continuing
the empowerment of women



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We give special thanks to Anaqua 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 Anaqua, who, like *The Trademark Lawyer*, are passionate to continue the empowerment of women. Anaqua's 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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It is our privilege to support this issue's Women in IP segment for *The Trademark Lawyer Magazine*. We look forward to reading and learning more from other women in the industry and value their perspectives. At Anaqua, we expect and encourage different viewpoints and experiences to enable our team to see the world more clearly and embrace the opportunities around us. Diversity and inclusion foster an enriched, innovative, collaborative, and supportive work environment – a key component to a successful future.

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Nancy Hegarty, Vice President of Marketing, Anaqua

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.

I would not
go back to
any other
patent
management
software.

NINA HILL
CORPORATE IP ADMINISTRATOR
EMERSON ELECTRIC CO.



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Laura Collada: Managing Partner, Dumont

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

Laura obtained her Bachelor's Degree in Law granted with honors from the Instituto Tecnológico Autónomo de México (ITAM) then worked as Deputy Director of Unfair Competition Prevention at the Mexican Institute of Industrial Property before obtaining her LLM from Universidad Panamericana, in which she specialized in Law of Intellectual Property, Corporate, Civil, Constitutional and Environmental

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The crucial thing was to believe in myself.
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Law. In 2000, Laura joined Dumont to launch the firm's litigation department. In 2008 she was named Managing Partner and has since helped to fully digitize the firm's systems and improve efficiencies and capabilities to better meet clients' needs. In addition, Laura has taught Copyright and Intellectual Property Law at various universities in Mexico City and the Mexican Republic. She is a member of many associations including Marques, APIIP, AIPLA, and ECTA.

What inspired your career?

In a very naïve way... the idea of justice.... My parents had a very close friend that was one of the best criminal lawyers in the country... I loved to hear him talking about his cases But when I went to Law school, I decided I would never become a criminal law lawyer.

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

There is no other way than working very hard, take the opportunities life shows you, be resilient, think out of the box and be responsible.

My advice is to set goals for short and midterm.... planning your whole life is something we all do but it rarely goes as you thought it would... instead if you set goals in shorter periods you can achieve them.... be willing to learn and listen.... and also, be patient.

Go back to basics... study and study hard and be open to see things from a different perspective

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

As many women of my generation, I faced the challenge that the legal world was a men's world. We were not given the same opportunities; you have to work harder and deliver better and sooner. However, I was lucky enough to work with male lawyers that empowered women and a couple of them took me under their wings. And I grabbed those opportunities and made the most of them. Discipline, hard work, studying, etc. was very important but the crucial thing was to believe in myself.



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

Becoming the Managing Partner of my firm and building the team that I have now. Success in the law field can be measured in many ways but if you have good cases, good clients, a good revenue you believe in you achieved it all. But for me the most rewarding achievement was to building my team, having colleagues that have turned into family, helping to empower women and be satisfied with it.

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

I want more time to do things that I love and that I've had to stop pursuing because day to day events have gotten in the way. I would love to write a book about IP, I would love to return to teaching. I have to manage my time better and am sure I'll achieve it. Today is more about finishing what I have been building the last 30 years and pursuing these different interests in the legal field.

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

I love quoting Verna Myers "Diversity is being invited to the party, inclusion is being asked to dance." I see many women invited to the party, not so many dancing. For younger generations I think it will be easier to be equity partners, have greater and better responsibilities, etc., because their mindset is different. They have broken the ceiling with their attitude, they dare to do things and they deliver. So, I truly believe that we will be watching many more rising stars and many women consolidating strong positions both in the corporate world and in law firms.

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

The most important thing that I would like to see is more women empowering other women. Also, I would say to analyze who you are working for, you must see that they show inclusion and diversity. If more women work with firms that have women as senior or junior partners it becomes like a sorority, we are taking care of us.

Also, I believe in training people about diversity and inclusion. Everything in life is perception and interpretation, we have to teach people to see things from different perspectives.

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Claudia Tapia: Director of IPR Policy & Legal Academic Research, IPR & Licensing, Ericsson

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

Claudia obtained the PhD in Technical Standards and Licensing Agreements in the Telecommunications Industry and a LL.M in German law (with specialization in patent law) before joining BlackBerry as IPR counsel, later becoming Director of IPR policy.



Since 2014, Claudia has worked as Director of IPR Policy & Legal Academic Research, IPR & Licensing.

How have you found the pathway to your current position?

A few years ago, during the break at a conference, I had a chat with a manager from Ericsson. I was explaining passionately that, in my opinion, academics (even those highly qualified and hard-working) often provide solutions that cannot be applied in practice. On the other hand, industry representatives frequently have a 'tunnel vision' and are unable to think out of the box. My dream job, I explained to him, would be to strengthen the dialogue with researchers around the globe, so that both industry and academia benefit from each other's know-how; a win-win scenario. He listened carefully, then offered me a big smile and informed me that Ericsson had just opened a position and I was literally describing it. I already knew and liked the company. I did not think twice. I applied on the very next day.

Then, I started to contact universities, give lectures, participate in academic events, and become increasingly active in 4iPCouncil, a not-for-profit council focused on the link between IP and innovation that I have been chairing for a couple of years. One could say 'I am living the dream' (at least 'my' dream).

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

When I first joined BlackBerry, I had just finished my thesis. I had plenty of theoretical but zero practical experience in the telecoms field. I spent the first months of my job suffering from what I now know is called the 'imposter syndrome'. Every now and then I called my mum to tell her that the company was going to fire me "for sure" any time soon, as they would eventually realise

that I do not deserve the position. The imposter syndrome is, by the way, quite common amongst women. A recent study from KPMG that surveyed 750 executive women found that 75% of them had experienced it at various points during their careers.

It took me some time to realise that the company had hired me for the potential they saw in me, not for the experience they anyway knew I lacked. It helped me to have friends and family supporting me, and to remind myself from time to time about my strengths. Also, even in the worst-case scenario, I realised, I could use the time I was 'still' in the company to learn about the telecoms field and the job, in order to do it better next time. I received very good feedback in the first performance review, and this confirmed I was on the right track.

The second big challenge I faced was to make my voice heard in a room full of men, the majority of them older than me. I recall one event where one gentleman asked me to bring him a coffee. I was relatively young at that time, and maybe he assumed that a young woman at that event could only belong to the service staff. Or maybe it was because my body language was showing how insecure I was feeling with all these 'knowledgeable people' around me, while my imposter syndrome was sending me all kinds of negative messages.

In any case, I do not believe there is a perfect recipe for how to react to these situations, or in general for how to make your voice heard. Mostly it is about being self-confident. If you do not believe that you have something valuable to say, it will be hard to convince others of you and your message.

Other times it is about taking things with a pinch of humor. At that time, for instance, I actually brought that gentleman the coffee and said "By the way, in addition to occasionally serving coffee I also work for BlackBerry as IP adviser. Please allow me to introduce myself. My name is Claudia Tapia. I enjoyed your speech very much and wanted to ask you..."

Well, some of the men in the circle laughed loudly. I recall one of them stared at him with a judging look. He was clearly embarrassed at the beginning, but I think he appreciated very much that I did not give him a long speech on how to treat women or accuse him of discrimination. We enjoyed a nice chat afterwards and I made a good work connection.

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

This year we received 31 applications for the internship, 29 of them from women. In my team (interns and researchers) we have a high rate

“By the way, in addition to occasionally serving coffee I also work for BlackBerry as IP adviser.”

of women (7 out of 9), who were chosen purely because of their outstanding performance. This gives me hope that young women are nowadays better placed than previous generations. Still, we have, at least in the telecoms field, some room for improvement.

Let me start with the hiring of talented women. Research has shown that women often do not apply for positions despite being sufficiently qualified because they feel they are not good enough for the role. The way my company has dealt with this issue is by requesting that, out of all interviewed candidates for any open position, at least one be a woman. In technical fields and related ones, like patent law, this can be a challenging task. For cases where no woman is found, HR must keep records on the attempts to find the woman candidate (including the names of the women invited to the interview). Last year one of our head-hunters had to convince a woman to apply for a position in the patent development department. The potential candidate was very interested but did not feel she was ready for the position. She turned out to be the best candidate in the interview without any doubt and her performance since starting to work for us has been excellent. The head-hunter would not have been so persistent if he had not needed at least one woman in the candidates' list. We need to actively look for talented women, as sometimes they will not have the confidence to apply by themselves.

Another very relevant topic is women supporting women. There are currently great networking opportunities where we can share our experiences, give each other advice, and make the path for young women easier than it was for us. Some good examples are Women in ip e.V.¹ and ChiPs².

More flexibility at work is also extremely important. Women can better combine family and work if they are able to work (at least partially) from home and enjoy flexible working hours. Equally important is flexibility regarding moving amongst the different levels within the company. For example, a woman that wishes to leave a management position – to spend more time with her family – should be able to become manager again at a later stage if there is an open position matching her profile. In some companies those who leave a managerial position do not ever get a chance to become managers again, as they are not perceived as 'committed' to the company. Another example of flexibility at work is co-management. A friend of mine and mother of three has successfully been sharing her managerial position with another woman, a mother of two, for over a couple of years. They both wanted to work part-time, but they also wished to become managers. She tells me they need constant communication

¹ <https://www.women-in-ip.com/en/>

² <https://chipsnetwork.org/>

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and a willingness to find compromises, but that co-management works very well.

I also think it's not just about empowering women, but about empowering those who may need it. For instance, millennials require, in my opinion, a different approach to previous generations. I'm currently in charge of nine millennials; this is the fourth year of the internship master program in our IP department and I have indeed changed my interaction with the students a great deal compared to when I started. The first year of the program I gave my two millennial students a topic to research and asked a few times during that six-month period if they needed any help. Shortly before the end of the internship I asked the students to share their research with me. One of them had produced a high-quality paper that was published in a very well-known academic magazine. The other student presented something that he later on admitted was the product of a few days' research. The second student's internship was a clear waste of his time and my company's financial resources.

After that experience, I realised I had to change the way I interact with the students completely. I started a distance master course at the Psychology University of Madrid where I received the certificate of 'coaching expert', so that I could become a better manager. I now make use of the time the students are with us to prepare them for their future careers. They go through mock interviews and workshops on self-confidence, conflict management, how to make presentations and actively participate in debates, how to amplify their voice, improve their business English, acquire or develop negotiation skills, leadership, etc., and I occasionally invite external professionals to share their experience and expertise with them. I chat with each of them (in person or over the phone) once a week and do a follow-up and, when needed, some brainstorming regarding their topics. We talk about their career plans and how to overcome possible challenges.

Since the moment I learnt to 'invest' in them, the students have become highly motivated and their performance outstanding. It is a very gratifying experience to see, for example, a young lady that enters the office on the first day blushing and staring at the floor becoming a confident woman able to defend her position in a very polite but assertive manner. Or a young man who calls me to thank me for what he learnt in the internship and tells me this was essential to be given (and retain) the managerial position he now enjoys.

I am well aware that not everybody can spend the same amount of time with their employees that I invest with my interns, and that it is not the same to keep young people in a company for a few months rather than years. However, particularly at

the beginning of their careers, I feel that millennials require more attention than my generation did at the end of our twenties. Or maybe we also needed it but didn't realise it or felt we weren't entitled to it (remember my impostor syndrome?). Millennials expect (or even require) much more from a company than a decent salary. On a positive note, if millennials receive the necessary support, they will perform much better than we did at their age. I am a big believer that it is worth investing the time. Moreover, it is much more fun to be surrounded by motivated young people. It is an amazing energy that comes out of it.

Finally, another important aspect is leading by example. In Ericsson, men in management positions (e.g. VP level) often take several months' parental leave. This encourages other men in lower positions who wish to take parental leave to do so without feeling that this may have a negative impact on how they are perceived, and consequently on their career perspectives. With increasing paternal leaves, working mothers who wish to do so can start their jobs sooner.

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Beata Matusiewicz-Kulig: Partner, Traple Konarski Podrecki & Partners

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

Beata graduated from the Faculty of Law and Administration of the Jagiellonian University before joining Traple Konarski Podrecki & Partners where she specializes in court proceedings and legal advice in the fields of unfair competition law, including unfair advertising, industrial property law, copyright law and civil law. She has experience in managing disputes before courts of arbitration, including the Court of Arbitration for Internet Domains, and proceedings before the Polish Patent Office and EUIPO. At the law firm, she supervises the work of the Dispute Resolution and Arbitration team, and is a member of the Intellectual Property Law Practice. Beata is also an INTA member.

What inspired your career?

I was always meant to be a lawyer and it was no surprise to anybody around me that I did a law degree. I did not become involved in IP when I was at university, that came later when I started working in the law firm, where I am now a partner. This is because initially IP seemed to be an abstract field. It was not until I began my career as a lawyer that I realized the direct impact IP can have on business and its development, on art, or the development of various fields in general. There are so many diverse problems, dilemmas, and interests that have to be reconciled. I was also able to see that IP is everywhere; there are IP-related issues in every area and sector.

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

I have now been at the same law firm for almost twenty years, as I came to work here straight from university, as an associate. This was my first real job, and it was here that I truly experienced work in the legal profession. A few years later, I became a partner in the firm. Now I am one of the partners responsible for managing the firm. I am not denying that the bar was set high, and it was difficult at first.

However, I expected and still expect a lot of myself in terms of my performance and a responsible approach to how I do the job. I think that this was the key to gaining my current position in the firm.



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The most important thing is to try to find solutions that give everyone a sense that a proper compromise has been reached.

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I can say that I was quite lucky to encounter people from the outset who saw the value of my work, commitment, and organizational skills. I can say, that I managed to find a place in a team, among people whose experiences, infectious enthusiasm, (not only for IP), and positive energy is something I enjoy to this day.

I am one of those people who values the environment in which they work and the people around them above all. Taken with the fact that I am able to find a balance in life, this is crucial for me and was the determining factor in most of the choices I made, career-related and otherwise. In any organization, including ours, we encounter people with various views, temperaments, and attitudes to professional life, and sometimes we do not agree with them. The most important thing is to try to find solutions that give everyone a sense that a proper compromise has been reached, and thus give them satisfaction. Years of experience in this single organization have taught me that a good team, a good organization, cannot be built if there is no mutual respect, tolerance, and trust, regardless of gender, views, or position in the firm. These are things that we have to work towards constantly, and continually improve. I include myself in this.

To summarize, my advice would be first of all to find and get to know your strengths and develop them. Secondly, you have to know your weak points and try to overcome them, but not at any cost. Sometimes, it is enough to be aware of them, and be able to place yourself among people who help you to manage those weak points. Thirdly, it is important to find your place in the profession, organization, and perhaps your own firm, where you feel good and have the possibility to fulfil your potential. After all, it is important to function among people who respect and trust each other. I know that this is not easy and is not always possible. In such situations, the main thing is to be able to reach a sensible and safe compromise with the people around us and with whom we work. I mean a compromise whereby we can live according to our value system and be at peace with ourselves. All the time we can do that, I think that we have a recipe for functioning well within an organization, and for the organization itself to function well.

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

Like most women I had to reconcile having a career and being a mum. I am still not able to say if I managed that, but nonetheless I remember that at the time the crucial thing was to organize my time well and make sure that there was a clear distinction between time for my family and time for work-related duties. That time coincided with my bar examination, which made it even

harder to combine those two roles. I think that there also comes a time in one's career when you have to give something up in order to avoid losing other things that may be of greater value and importance to us. There are times when you can't be everywhere and become involved in every initiative (and we know how many opportunities there are around us). In those situations we need to be prepared to decide to do the thing we think we will do the best, or to which we can make the greatest contribution. One project that is handled properly from beginning to end will be appreciated much more than a presence in a number of initiatives, when we don't have time to be truly committed to any of them.

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

A few years ago, a long-term client told me that they could sleep soundly knowing that we were taking care of their affairs. Another client, following a discussion to update them on a case, said they felt their legal affairs were in good hands and were grateful that their firm had been saved. I think that it is client satisfaction and being appreciated, and even being treated as a partner in business, that is the greatest achievement for any lawyer, including myself. When an adverse party against whom you won a litigation case comes to you some time later and asks you to represent them in a different matter, that is a feeling of even greater satisfaction. I think that this is one of the highest levels of appreciation for a lawyer and their skills that I have ever experienced. That is motivating and gives you the energy to carry on.

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

I have always wanted to work in a team of people who are content working together, for whom an element of work that they can share with me is an interesting, important, and perhaps sometimes inspiring task. IP law projects, especially litigation and disputes before the courts and government authorities, which I mainly deal with, are often projects that require several people in a team, with various ideas, strategies, and suggestions for achieving them. In such cases, it is essential to formulate a joint plan of action, and for a team to work together well, with faith in the adopted strategy. Sometimes it is not easy to combine all of this, when on one side there is a great deal of ambition and expectation, and on the other feasibility and experience. It is important to realize one's mistakes and be aware of one's weaknesses and work on them. I know from experience that this is not easy, especially among people who are as ambitious as lawyers, including myself. It requires constant work and personal development.

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

I have always operated and functioned in a community in which the role of a woman lawyer was considered equally as valuable as that of a man. On the other hand, change is definitely needed where women's credentials are not duly appreciated. The findings in the report *The Women's LeadershIP Initiative Report & Best Practices* show that there is still much to do in many areas regarding equality and pluralism. I think that we have to work to develop the right tools to make work more flexible and more suited to people's personal lives, which is something that will often mainly affect women. This last year, with the pandemic, has shown us how important human relationships are in our teams, and equally how many options there are for working together with flexibility. This is not compromised in any way by the fact that work is done outside of the rigid business hours, or in locations other than the office. In this regard as well, a lot of lawyers, including women, probably need to change their way of thinking.

There is also a lot to be done with regard to women's access to training or coaching on leadership or managerial skills. Training programs like this should be readily available.

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

In the circles in which I move, I have never had the impression that I have to work harder as a woman to earn a position in the IP legal business. Moreover, for twenty years I have functioned in a firm co-founded by a woman with outstanding academic and professional achievements, and who at the same time is highly valued and respected, and not only in the legal community, Professor Elżbieta Traple. I also know a lot of excellent and valued women IP lawyers in Poland and abroad. I would even go as far as saying that I know more women than men who work in this field! I realize of course that there are situations in which women have a different position in this field, while in any case there are more obstacles to achieving, to becoming a partner or getting to other high-level posts in organizations. I think however that the essential issue here is attitude and how women see themselves and their role in the IP world. Firstly, it is important for women to trust in their knowledge and experience, and realize their value. This is something fundamental for gaining and reinforcing a position in any community. Secondly, it is crucial to have an approach that supports and promotes the strengths of expert knowledge, which is seen as having value

regardless of gender or personal life. Empowerment of women in the IP world must be based primarily on their expertise, tolerance, and a flexible approach to organizing work. Of course in many situations it is more difficult for a woman to combine work and obligations towards the family, but nonetheless the two are merging more and more, and this is the direction we need to pursue. To summarize, above all women need to make sure that their skills and abilities are a guarantee that they perform well in managerial posts. The same criteria should also be the deciding factor in the case of men. Also, in all of this, it is important to introduce and keep in effect flexible working rules, or a style of work that makes it possible to achieve both professional and personal fulfilment.

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