

The Trademark

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www.trademarklawyer magazine.com

Lawyer Annual 2022

Brand protection in the age of social media



Sara Suleiman, IP Attorney at Dinsmore & Shohl LLP, provides five crucial actions required to overcome the new challenges born of this era for protecting against counterfeits on platforms such as Instagram, Facebook and Pinterest.

An interview with 3M

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Punitive damages

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Trademark Modernization Act

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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 Vera Abogados Asociados 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 Vera Abogados Asociados, from Colombia, who, like *The Trademark Lawyer*, are passionate to continue the empowerment of women. Vera Abogados Asociados' sponsorship enables us to remove the boundaries and offer this opportunity to all women in the sector. We give special thanks to Vera Abogados Asociados 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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Intellectual property has a dual function: on the one hand, to stimulate creativity and on the other, to foment access to culture and knowledge. In this dual dimension, the participation of all social actors is crucial and even more so, with those who possess such a creative capacity to produce works and inventions susceptible to protection by this specific area of law.

Nevertheless, in accordance with WIPO figures, in the case of international patents, the participation of women and other groups described as diverse is scarce, largely because in many countries only the men have access to and receive sufficient education to prepare them for it, as well as them being the ones who are most easily able to raise capital, as for chauvinist reasons, they are perceived to generate more credibility.

It is therefore the duty of all concerned to bridge the gap and generate equal opportunity for men, women and diverse groups so that IP can rightly comply with its dual function.

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Natalia Vera Matiz, Partner at Vera Abogados Asociados

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.

Agnieszka Schoen: Partner, Traple Konarski Podrecki and Partners

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

Agnieszka specializes in copyright law, with particular emphasis on issues related to collective management organizations, as well as in unfair competition law and civil law. She has more than ten years of experience in handling legal cases and assisting in alternative resolution of disputes related to application of copyright law. At the Law Firm, she is in charge of the Team for Copyright and other Rights related to Intangible Assets, which is part of the Intellectual Property Law Practice.

What inspired your career?

I come from an artistic family, nonetheless I myself, regrettably have never evinced such talents. The area of study I chose at secondary school was mathematics, but I grew up in an environment in which the ties between the artist and his work were an inextricable element of my everyday reality. Even at a very young age I remember the excitement accompanying my mum, as she designed haute couture dresses at the time and would work on displays or fashion shows featuring her work, and I also remember the problems she faced when her designs or brands were copied by followers on the market. As a person with quite a practical outlook on life, when I went to university I was interested in learning how creative work could be protected, what instruments could be used to do so, and how the law protects rightholders against unfair market practices and provides ways for creativity to flourish.

When I was at the Jagiellonian University, I attended lectures, and then the master's seminar conducted by Professor Elżbieta Traple, an outstanding, truly remarkable person with a huge amount of knowledge and passion, who was committed to people in the cultural community and who always found time and patience for her students no matter how much work she had. Being mentored by Professor Elżbieta Traple not only convinced me that I was taking the right



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path, but also made me more keen on exploring this area of law and giving it a deeper dive.

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

Once I had submitted and presented my master's thesis, I passed the entrance exam to the Bar training course and was first an intern, later employed at Traple Konarski Podrecki i Wspólnicy, where I am till this day. The aforementioned path I took to become a partner at TKP may seem to be lacking variety, but it was the opposite. The numerous and diverse range of cases I have dealt with, the countless projects that large and smaller clients have confided to us, which are often not run-of-the-mill assignments, kept me constantly challenged. The support and the possibility of cooperation for several years with Professor Elżbieta Traple was really invaluable as well – she was a distinguished specialist in copyright law.

Bearing on the merits of the matter and, let's face it, very hard work, are definitely the factors that lead to becoming a partner. It is vital, however, to possess an ability to forge good interpersonal relations founded on trust. It is not possible to work very well with clients without working equally as well with the entire team of excellent lawyers who perform particular tasks on substantive issues in the firm's daily work.

I remember, being at a particular stage of my career development, when I was a young and ambitious lawyer, learning to delegate tasks and taking over responsibility for other people's work, faced me with a challenge – the switch from “I will do it best myself” to an attitude that “others will complete the task as well as I would have or even better”. I think that the sooner we learn to work as a team in which we are responsible not only for our own work product but the work product of colleagues as well, the greater the likelihood of rapid development and success in this profession.

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

Finding a balance between my professional life and private life is a constant challenge. Pursuing this profession, one may expect to encounter and deal with urgent projects, sudden turn of events that require an urgent response, new clients with cases of urgency “due yesterday”, and many other situations that occupy a lot of our time. This is a profession that requires continuous development, and being up to date both with respect to changes in the law, which have been exceptionally frequent in recent years, and the evermore up-to-date business models in artistic industries and many more. On the other hand, life goes on and unfortunately the amount of

time we can devote to our passions is limited. I think it is very important not to forget about ourselves in the overwhelming mass of current tasks, about our aspirations others than the professional, about spending time with family and friends, about pursuing a hobby, and simply not putting off living for some other time. I am glad that this is possible at TKP. We enable our employees and lawyers associated with the firm to take holiday leave, even as long as several weeks. In practice, this is often an opportunity to do some travelling or involve in other interests maintaining the right life balance. For some time, I have been taking longer holiday leave of such kind once a year to enjoy my passion for travel and scuba diving. This gives me loads of simple pleasure, but also enables me to reflect upon my life and obtain the right sense of perspective.

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

I truly enjoy winning in court, especially in the less clear-cut cases where the outcome is difficult to predict at the time the case was accepted, or also witnessing signed contracts negotiated with our help. It is a pleasant experience when a binding judgment is delivered after a several years long court battle, and when in the statement of reasons the Supreme Court invokes our standpoint.

It also makes me extremely tall in the saddle when we are able to help particular people who have almost lost hope for justice. It gives me great joy and satisfaction when clients, whose cases I was involved in, are happy and continue their cooperation with us for many years. Nevertheless, I perceive the greatest success as having the opportunity to work with a team of great lawyers whose proficiency on the merit goes hand-in-hand with very interesting and friendly personalities. I value very much an open and frank approach to building interpersonal rapport also indulged in professional life. From my perspective, this supports creating a good work atmosphere. Without our common and swift cooperation, it would not be possible to achieve as much as we did nor would it be possible to maintain so much good energy and our inspiring team spirit.

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

I would like to continue working in the profession I am in at the moment. The implementation of the 2019 directive on copyright and related rights in the digital single market into the Polish legal system, and also other projects ongoing on the EU level, will definitely affect clients in the IP sector. It is exciting to be able to be a part of

these changes. It would be wonderful to be able to continue the long-term business relations we have with our clients, such as CMOs, who are affected by a range of new regulations being introduced.

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

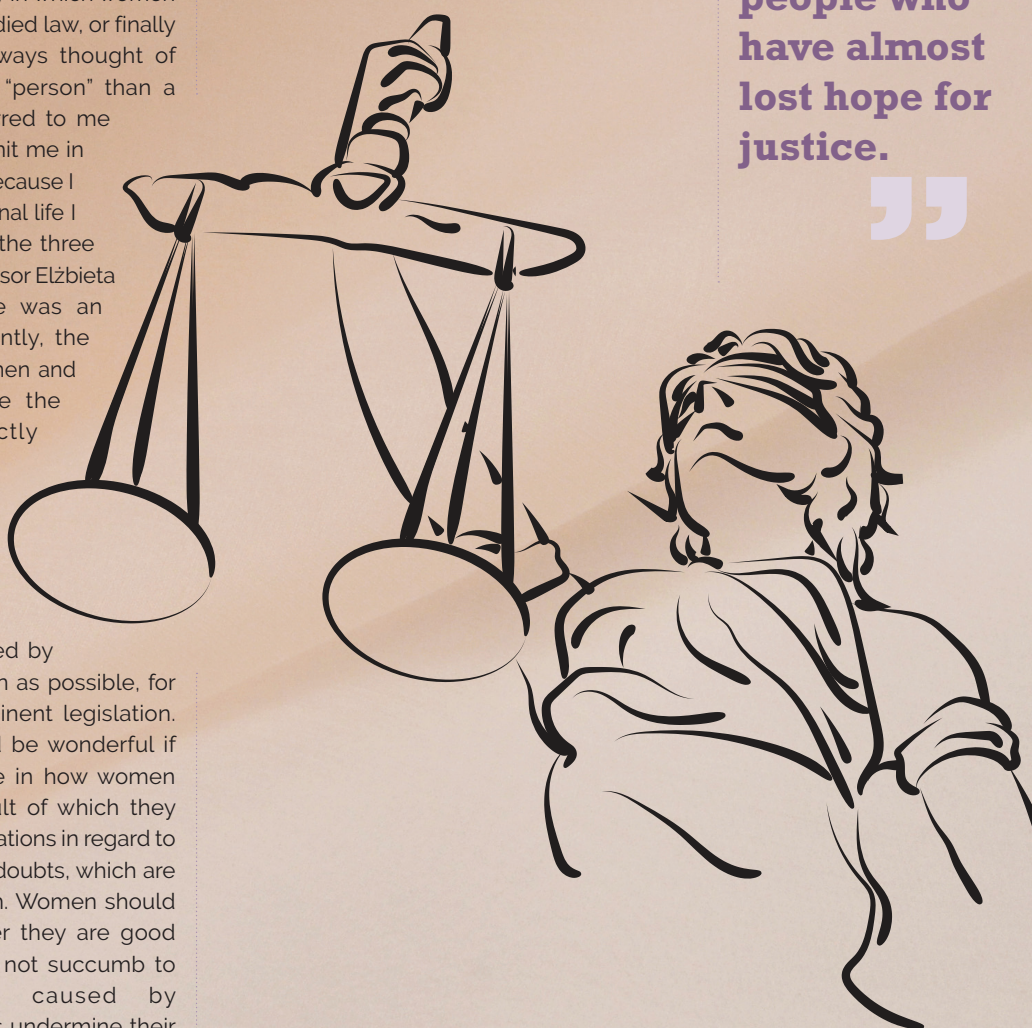
I admit that my personal experiences differ from those we so often hear about, when women have to deal with unequal treatment in the workplace and need to fight the "glass ceiling". I have probably been very fortunate in my life because I do not recall any manifestations of discrimination. Whether it was at high school, where I chose an area of study in which women were a minority, or when I studied law, or finally in my professional life, I always thought of myself more in terms of a "person" than a "woman", and it never occurred to me that someone might try to limit me in any of my undertakings only because I was a woman. In my professional life I joined a firm in which one of the three founders was a woman (Professor Elżbieta Traple) and at which there was an ambience of equality. Currently, the managing partners are two men and two women, so as you see the gender parity is perfectly perpetuated.

From the perspective of equality policy, the IP industry is not substantially different from the other sectors of the economy. I would like to see all obstacles encountered by women broken down as soon as possible, for example in the form of pertinent legislation. Above all, however, it would be wonderful if there were a certain change in how women perceive themselves in result of which they would not abandon their aspirations in regard to their career and get rid of all doubts, which are undermining their self worth. Women should stop being afraid of whether they are good enough in their professions, not succumb to self-suppression, which caused by perfectionism can sometimes undermine their self-esteem, so mothers do not feel that they aren't good enough as their professional work is timeconsuming, and finally so that they persist in pursuit of their own career goals while finding time for their personal life and their passions.

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Luna Bianchi: Trademark Attorney & In-house IP Counsel in fashion

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

What inspired your career?

I've always been passionate about arts and about any form of creativity, in fact during law university I took one year off to attend a European Course of Art. IP gave me the chances to match my passion with my studies: intellectual property is mentioned among the European Fundamental Rights and has to do with the freedom to express yourself and being able to protect your ideas. Today more than yesterday, IP is strictly connected with the whole digital innovation we are going through, touching AI, data, and new forms to interpret the world.

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

I'm brave. This is something I'm very proud of, but this is really a big secret in achieving results. I landed in the big fashion company I'm working with thanks to *post-lauream* master in Intellectual Property which admission was under public concourse. I had just started the master's degree in law but this opportunity in IP cannot be missed and I passed three exams to be among the 12 students admitted. This is just an example, but I think especially girls and women are less likely to try something difficult for fear of the risk of being rejected, but then this is the sole way to touch the peaks!

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

Working in-house is exciting but it is hard, people around you are obviously not specialized in IP and passing the messages and advice you have been hired for can be challenging: you have to adapt to their tone and language because being able to compromise without running big risks is far more important than proving you know the law or that you are right



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We still have to discover how a gender-balanced world will be!

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

Last year we successfully revolutionized the whole IP flow and structure, internalizing most of the activities, and this was arduous but very satisfying.

In general, I would say that as an IP Department we can be proud of ourselves for many results achieved in the years, because we have been able to establish a clear and trustworthy communication with the management. And this is priceless.

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

I'm trying very much to deep dive into what the new technologies can offer to our society, which risk and implications we must consider to build a human-centric ecological future (we probably have to start from the human then). This is actually very connected with IP because, as I said before, IP is very much all around us and for jurists working on and for a contaminated mind is extremely important. In fact, I'm now studying Digital Philosophy at the Udine University to widen my view of the future.

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

IP is probably one of the most diverse legal industries, especially as in-house I knew many women directors and managers. We all know very well that in the legal sector, generally speaking for the other fields, men lead the world occupying the most powerful positions. That's why I'm part of ChIPs, an association with the mission of advancing and connecting women in technology, law and policy.

We need women supporting and enhancing women, we have to pretend to see women in top positions in law firms and in companies, to fight for having women in the public space as speakers at events and webinars (for example, generally I don't participate in events with an all-men-panellists-table). The more we involve women the greater the legal sector will become, and not only in terms of performance (which is something already proven in several studies and published i.e., by McKinsey) but also in terms of life quality and wellbeing.

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

To me women empowerment is central. It is something that the whole of society thinks it has already achieved but in reality, we are quite far from equality. And again, I think confidence and a brave attitude, which is something usually

discouraged in girls and pushed in boys, should be boosted, populating every industry with women at the top levels. We still have to discover how a gender-balanced world will be!



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