

The Trademark

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Lawyer

Unauthorized use of trademarks in Russia – is there anything that can be done?



Riikka Palmos, Senior Partner and Director of the Trademark Department at Papula-Nevinpat, provides an update on trademark use and registration in Russia's changing IP landscape.

Jack Daniel's consumer survey

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Women in IP Leadership

Celebrating achievements and continuing
the empowerment of women



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.



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.

Charmayne Ong: Partner, Skrine

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

Charmayne heads both the Intellectual Property (IP) practice and the Technology, Media and Telecommunications (TMT) practice. As a leading figure in IP and TMT legal advisory and compliance, Charmayne has extensive experience in both spaces and has worked with regulators, public institutions, and companies of all sizes in shaping the future of IP and TMT.

Charmayne's expertise includes managing the registration of and general advisory and drafting work relating to the classic forms of IP rights (trademark, copyright, industrial design rights, and patents). She also regularly deals with regulators and advises clients who provide technology and telecommunications services such as satellite, internet, and on-demand content services on complex and novel regulatory compliance and licensing matters.

She is also the Malaysian member of the Global Leaders Forum (TMT practice) and a member of the Federation of Malaysian Manufacturers (FMM) (for IP and TMT).

What inspired your career?

It may seem cliché but there wasn't a single factor or defining moment that inspired me to pursue a career in law and in fact, the law wasn't even on my radar during my formative years – I wasn't one of those fortunate people who had a clear vision of practicing law from a young age. Back then, and perhaps even now, social and cultural norms dictated three main careers for young people: medicine, law, and accountancy. But with God's guidance, family support and some career counseling from my school, I ultimately chose law for its flexibility and alignment with my temperament, a decision I have never regretted.

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

My legal journey began in dispute resolution, where I worked first as a pupil, then an associate, under the guidance of one of the senior partners in Skrine, Dato' Anantham Kasinather (retired judge). I had the privilege of assisting him with many



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litigation matters covering a wide range of practice areas. I feel that this initial start in my career as a general practitioner was crucial in laying a solid foundation in law and giving me insights into the workings of the courts and the judiciary.

A few years into my career, I was introduced to IP when the senior IP practitioner in Skrine, Mr Lee Tatt Boon, offered me a place in his team. I was then a young newly minted lawyer practising in the general litigation department of Skrine with no intention of specializing, especially not in an area that wasn't seen as crucial to businesses at the time. Despite my initial hesitation, my curiosity led me to explore this new field. I was intrigued by how an individual's intellect and creative ideas could be transformed into tangible inventions that benefited the world. To be part of that process of protecting such intellectual output was remarkable, satisfying and just good fun! As I delved into this practice area, the realisation of how the intellect forms, changes and disrupts the world was nothing short of incredible and I was hooked!

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

One of the primary challenges I faced early in my career was practicing in an area of law that was then new and not widely recognized as a critical aspect of doing business. This perception, unfortunately, persists today in Malaysia, with many businesses often underestimating the importance of IP protection until they face issues like counterfeiting and copying.

Gender bias was another hurdle because during that time, a number of companies and clients, both local and international, had pre-conceived notions about women in the legal profession. The demands of the job, including long working hours with very little leisure time, were also challenging. These challenges continue to this day but I've seen significant improvements in gender bias since my early days in practice.

In today's legal landscape, it is not just about knowing the law. The expectation to know the industry as well as the law is an important

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aspect of client satisfaction and building trust. The extent of a lawyer's research is not only to ensure that they are updated on the laws but also to understand how the client runs the business and how the industry works. Social and cultural norms and sensitivities in the industry and the jurisdiction are also considerations that lawyers need to factor into their advice and work.

On the gender equation, I feel unqualified to give tips on overcoming challenges for women because I think many women have faced and overcome greater adversities than I have since I have been blessed with superiors who were blind to color and gender.

It is unrealistic to expect complete eradication of any form of discrimination but I would like to think that something could be done about it, to keep the effects of gender discrimination at bay. For me, nothing beats going back to the basics – doing a piece of work well and understanding the client's needs and how the industry works. We cannot control or force a change in others, especially with discrimination and bias, but hopefully, when the results show and the client begins to trust you, that is when you have prevailed. Take personal satisfaction in a job well-done and do not compare yourself with others all the time.

For those with family pressures, practicing self-care and understanding that we all cannot be superwomen 100% of the time is a good start. If you face discrimination, don't hesitate to ask for support – it is always there in some form or another.

Your mindset is also a powerful tool. Don't let bias in any form (gender, race, etc.) color your professional life. If you encounter discrimination, it is essential to acknowledge your feelings and experiences, and not let them negatively affect your mental well-being. Remember, you're not alone in facing such bias. Most people face some kind of bias or unfair treatment in their lives, and there is no shame in asking for help from others who can help you navigate these situations. If you can learn how to manage such challenges, you have not allowed it to taint your career path and you may even have developed certain skills to deal with difficult situations that would stand in good stead throughout your professional life.

I have found the following to be helpful in general. For young lawyers, I'd advise against rushing into a specialization. My initial years in general practice were invaluable, serving as 'trials by fire' that helped me develop critical skills in dealing with clients and appearing before judges. Many focus on intellect but cultivating emotional intelligence abilities such as prudent speech, logical thought processes, and developing confidence, are integral to a successful/fulfilling legal career. I would encourage young lawyers starting

out to embrace a general practice, covering all aspects of the law and doing a variety of work, no matter how menial it may seem – a bit like a Karate Kid initiation!

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

A high point that I hold dear would be the evolution of my career in IP, expanding from traditional forms of IP, and developing this practice to include other areas, particularly technology media and telecommunications (TMT). The TMT practice started around 1996 and the 1990s were an exciting time to embrace the tech world and integrate it with law, especially with the surge in work in light of the dot-com boom.

As a relatively young woman lawyer in a predominantly male industry, it wasn't easy during the early years as I faced skepticism about my abilities. However, these challenges merely fueled my determination to persevere.

Today, I am delighted to witness how the IP and tech practices (as well as the product law and privacy practices) have flourished from seeds planted from the IP practice, with each thriving as separate and independent practices.

Moreover, I'm proud to say that our IP department, and possibly our firm, is composed of more than 50% women. It is particularly gratifying to note that our TMT practice, despite tech traditionally being male dominated, is composed of 80% women and highly regarded in the industry. This is a testament to the progress the team has made in promoting gender equality and I hope that our example will inspire other women and young lawyers to break barriers and make their own mark.

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

As an employer, I advocate for a change in mindset regarding recruitment and promotion. My firm is committed to equality but I do know of many establishments or businesses that are not as committed, especially if the client-base is dominated by a particular gender or if there are societal and cultural biases that are hard to dispel. Women face dual pressures from work and home. I may be generalizing, but as more women enter the workforce, our socio-economic mores and norms can amplify these pressures, creating an unrealistic "superwoman" ideal of a woman's role being that of a wife, mother, caretaker, educator as well as professional. The "superwoman" label, while seemingly empowering, isn't always positive. In fact, it creates unnecessary added pressure on women to perform and compete in being the best at every aspect of work, home and hearth. Instead of striving to

achieve this unrealistic idea, we should encourage each other to be the best versions of ourselves, balancing our personal and professional lives in a way that's healthy and sustainable. I am heartened to see a more understanding and balanced approach towards women in the workplace and I hope this trend continues to grow.

The other challenge would be the deep-seated stereo types that women face in male-dominated industries or client organizations. Vocal, assertive women are often mislabeled as aggressive and hard to deal with, thereby creating invisible and often unnecessary barriers that hinder their performance. Further, there is still a comfort level of dealing 'man-to-man'. I trust these mindsets are no longer so prevalent.

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

In this era, I've witnessed women in the IP sector and beyond making great strides toward independence, equality, and empowerment.

While many may feel that bigotry and inequality are inevitable, I firmly believe in our capacity to effect change. Yes, the truth is that diversity can divide if not embraced, and issues of color and gender can result in differential treatment. The arguments for justice and fair play are known to most but whether it is practiced is a different matter altogether.

However, I wholeheartedly disagree that we cannot make a difference. If I practice what is just and right, I have already made a difference to at least a few people. By upholding these principles in our own actions, we can influence those around us. In my team, I will not tolerate gender discrimination, and I strongly believe neither does the firm I work in.

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Minh Hoang Merchant: General Counsel & Secretary, Aspira Women's Health

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



If there was something I could do to help move the needle in patient care, then that's where I wanted to focus my career.

Minh is a seasoned executive with deep healthcare experience, which includes companies spanning the market cap spectrum. From her contributions at a Fortune 5 public healthcare company, where she provided steady guidance on complex issues, to her strategic counsel at a nimble pre-IPO start up where she oversaw several transactions and financings just prior to its \$375 million merger with a public company, Minh has provided legal counsel and regulatory oversight on all aspects of corporate matters.

She is the General Counsel, Corporate Secretary, and Corporate Compliance Officer at Aspira Women's Health Inc., (Nasdaq: AWH), a bioanalytical-based women's health company. Prior to joining Aspira, Minh served as General Counsel, Corporate Secretary and Corporate Compliance Officer at Genome Medical Inc., a private telegenomics company. Prior to that, she served as Associate General Counsel, Global Director of Litigation & Human Resources at Myriad Genetics where she provided legal and strategic guidance on all matters of healthcare regulations, compliance, privacy commercial relationships, federal and state regulations and clinical trials. Minh began her corporate career at McKesson Corporation, a Fortune 5 company and the largest pharmaceutical distributor in the nation, where she served as Chief Counsel after one decade in private legal practice. Minh began her career in law after graduating from UCLA School of Law where she was the Joseph Drown Fellow. She has served as President of the Vietnamese American Bar Association of Northern California, and was the inaugural co-chair of the National Conference of Vietnamese American Attorneys in 2008.

What inspired your career?

When I was young, I wanted to follow in my parent's footsteps but in college I quickly realized that I did not want to be a civil engineer! I looked at my skill sets: I enjoy reading and writing and linear thinking, and that seemed most suited for pursuing the law.

I specifically pivoted inhouse into healthcare because of my personal experience with a deeply impactful health situation in our family; I had a front-row seat to view how healthcare - in America at least - was failing. If there was something I could do to help move the needle in patient care, then that's where I wanted to focus my career. I became very mission-driven in my professional choices as I continued to move through the ranks.

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

What's incredibly interesting to me is there's no linear pathway as far as I can tell from my own experiences and those of others who have shared theirs with me - mine was certainly more circuitous than I had ultimately planned it to be right out of law school. I went from law school into private practice, and I was there for almost nine years. I thought that I was going to be a partner but for a number of reasons, I decided that that was not the path for me. But I was still really invested in anchoring my career in the law and so pivoted inhouse.

From private practice as a litigator, I transitioned into an inhouse litigation role. Then, in order to actualize my dream of becoming general counsel, I felt I had to gain a deeper bench and breadth in subject matter experience. At McKesson,

I focused almost exclusively on litigation and government investigations - it was fantastic but I needed to "move out to move up."

Thus, my next move was to embrace a healthcare regulatory role at a smaller organization where, due to size and resources, there was a forcing function to wear all of the hats - and I loved that breadth of experience! There, I really was able to develop those muscles in areas that I hadn't had a chance to flex before.

My advice would be to move forward with intentionality. I did not want to rely on serendipity to get to the next step, and I encourage others to move forward on a path with an intended outcome or a plan to effectuate. Of course, a key to this is to be flexible and nimble, so that if you decide on a direction, you can be ready to pivot to a new direction or course correct as needed.

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

I think it's important to know what your strengths are and to know what gaps you have and how you can address them; you can address them organically by trying to gain experience in those areas, you can try to learn on the fly, or you can partner with people who have expertise. Or do a combination of all these.

Being able to assess your toolkit and see what you need to learn to progress to the next role is really important and knowing that you can stretch into a role will help you move forward even when you don't have 100% of that skill set yet.

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

So far, I am incredibly grateful to be where I am - I put myself on a path to be a public company general counsel of a healthcare organization where I am impacting the lives of patients in a really meaningful and significant way. I'm incredibly proud of that. I stand behind the products that we have in the ovarian cancer risk assessment space. Women who are on this ovarian cancer journey can benefit greatly from our tests and knowing that I have helped to significantly move the needle on their medical management is incredible and is what anchors me on a regular basis, especially on challenging days.

I'm at a company where the leadership and the board are primarily composed of women - those two things are extremely rare in corporate America and to an even greater extent in the public company space. I love that we are a women's healthcare company and we are run by mainly women; there's something there that really resonates with me to the depths of my DNA.

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

I have no intentions of leaving the healthcare space; I think that this is really my North Star - to be impactful in closing health inequities and providing meaningful improvements in health outcomes in any way I can. I would love to continue to progress in the healthcare public domain space from a small-cap to a mid-cap to a large-cap company. That's next on my list of goals!

I would also love, at some point, to explore board opportunities as well. I think that, for better or for worse, lawyers are not as sought after for board services, but I believe that there's a valuable lens that we can bring to those roles, especially with respect to risk assessments for companies, and oversight and guidance to management. More and more, general counsel today are relied upon, not just for legal advice and counsel, but more broadly for strategic thought leadership that would be an asset for board services. And, in healthcare, which is highly regulated, there are potentially very grave consequences for foot faults, so it's imperative to have that be a guiding principle in board governance.

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

It's no secret that women make up a large population of the students at law schools. Then, for private practice, the statistics start to trend downward, and as a result, there are very few women who become partners. Slice that further for diversity of those women partners and the data points are extremely disappointing.

If you look at the in-house side, you'll similarly find there are not many women GCs or CLOs, and among those few, even fewer are minorities.

We have to ask ourselves what the root cause of this decline is. What is prohibiting these women from rising to the leadership ranks? Is it that they don't look like the people who are across the table from them? Is it because they have other pressures that somehow others believe should hold them back? (Whether it's family pressures or other responsibilities.) Is it because they are not putting themselves forward because of imposter syndrome? Or, do they lack the right allies?

I think what we can try to do - women who are leaders and in particular those who are also ethnic minorities - is to help move people along with us. There are lots of organizations that are focused on that: a lot of mentorship opportunities are available to those people who are thinking of putting themselves on that track. But it's still incredibly challenging and the numbers are dismal.

I've benefitted from having female CEOs in my current and previous role, which is very rare.

I think what we can try to do - women who are leaders and in particular those who are also ethnic minorities - is to help move people along with us.

When you look at industries in terms of a pyramid structure with the C-Suite at the top, the numbers get even smaller in healthcare so the fact that both my past and present CEO have been women tells you a lot about what my experiences have been, which is, unfortunately, probably not reflective of other people's experiences.

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

I think there are a number of ways to tackle this, and fortunately, there are many ways towards a solution. It may well come down to death by a thousand cuts: what is going to work? And it may well be a multitude of factors, including organizations that support women, giving them the right toolkits for success, key partnerships with mentors, the right network - professional network is invaluable to professional success - there's a correlative relationship, so committing to building those relationships will rebound in benefits. We need to make sure that organizations help foster connectedness so that women have the right relationships and networks to advance.

In looking at the root cause for the lack of women in these key roles, I suggest we assess the point at which women drop off after law school, and what is it that we can do to challenge this model? Can we also look at empirical data from organizations that have a larger percentage of women and analyze their successes, or conversely their failures and, with a growth mindset, adapt and grow based on those learnings? Is it a concerted effort to reduce implicit bias for women who may choose to take family or maternity leave and come back at something less than full time?

I think that nowadays as women, and especially minority women, we are always faced with breaking all manner of ceilings - the glass ceiling, the bamboo ceiling, the ceilings are multitudinous in number! - and shining a light on that is really powerful but so too is having a positive role model that looks like you: they did it, so I can, too! Aspiring young lawyers and people in the middle of their careers currently look out into this field and may see no one who resembles them. So to those who have achieved great things, we should make sure to repeat: "I did it! You can do it, too! And, what can I do to help bring you along?"

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