

The Trademark

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GLOBAL REACH, LOCAL KNOWLEDGE

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Lawyer

Echoes of ethics: protecting voices and likeness in the era of AI



Ian DiBernardo, Partner and Chair of the Intellectual Property Litigation Practice Group, and Marcus Strong, Associate, of Brown Rudnick evaluate the infringement of voice and likeness in AI-generated works by reflecting on the recent case between Scarlett Johansson and OpenAI and the *Lovo* case.

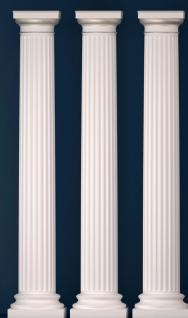
An interview with Tencent

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UKIPO: 3-year strategy 2024 -2027

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AI-generated copyright guidelines

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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.

Laetitia d'Hanens: Partner, Gusmão & Labrunie

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

Senior Partner of Gusmão & Labrunie, Laetitia joined the firm in 1996 working as a Litigation, Consultancy, and Trademark Lawyer. After heading the Trademark team, she became the leading partner of the Contracts and Consultancy team in 2012, providing risk assessment, strategy building, advice, and negotiation support for clients in the most diversified industries.

What inspired your career?

That's a big question! I fell in love with IP progressively; I was pretty much an idealist law student and, in the beginning, very revolutionary. I started working at the firm in IP just by chance – I had a friend working in my current firm who said that the firm needed a French speaker, because we have a lot of French clients, and she asked, "have you ever wanted to try IP?"

So, I started my career in IP and found so much alignment with my personal values. Our Founding Partners were inspiring tutors to me, both academic teachers but with very different profiles and skills that transformed me.

I was in an environment and a firm where I felt that I wouldn't need to break any of my values nor defend parties or companies that, ethically speaking, would not align with my personal values. That's why IP, amongst other law fields, is where I could find space for my ideas and ideals. When you defend people who innovate and create, and are trying to develop authorship and inventorship and bring new solutions to the market, you feel that you are supporting something important. I could identify myself and my values more broadly and that was inspiring for me.

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

I finished my law studies and started working at the firm for two years before deciding to leave to pursue a Master's degree in Brussels. I studied Comparative Law at the Université Libre de Bruxelles (ULB).

Then I came back to Brazil, and I was invited to come back to the

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firm where I have been for my whole career. I've been at the firm for 28 years, and even though I've been in the same place for a long period, I feel that the challenges as a professional evolved and changed all the time.

My personal relationship with the work has changed as well. When you are starting your career, you want to develop, improve, learn, be trained, and be guided; it is a period for absorbing IP knowledge. From the beginning, the partners were really generous; I was with them in



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meetings listening to clients, working on important cases, and being exposed to all situations. I was given a lot of opportunities to learn and, as part of the culture of our firm, they were not afraid to put me on the frontline, for example, inviting me to be a speaker at conferences to represent the firm. That was really inspiring! After that, I was invited to lead a team, to learn leadership skills, to learn how to train other people with the knowledge I absorbed.

I've been a partner since 2007. Before becoming a partner, the founding partners invited the people that they think would become partners to attend the administrative and managing meetings of the firm to introduce the problems we have to solve relating to the management of the firm: human resources, finances, investments, etc. So first, I learned the technical work and then became part of management, then a partner and got more responsibilities in terms of client hunting, representing the firm, and also leading the firm.

In that perspective, my relationship with my work also changed. I am now 50, and my role at the firm has evolved. My work also became a personal purpose as building my small legacy. I have a lot of pleasure in training people and watching their development, having a great team, and thinking about the firm as an institution that will continue to exist after my time there.

I will summarise by saying that I've been at the firm for 28 years, but my role has completely changed in that time, my challenges have changed, and I've been constantly asked to step outside of my comfort zone.

My advice for a young practitioner is do not be afraid to test yourself and go out of your comfort zone. You will not change from water to wine, but if you want to become a partner you must experience all skills and challenges, even those a little bit out of your comfort zone. Be more flexible, and be open, sometimes it's hard but try – it's possible!

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

Each time I was asked to assume a new responsibility for a new role, like representing the firm, writing articles, teaching at IP associations and law schools, managing people, and being responsible for a team, I face new challenges. We learn law at law school, but we do not learn how to be a leader. Sometimes it was really hard as I was in a new function and I had to transform myself – especially when I became a partner and the responsibilities were much broader. I had to deal with these challenges by myself and invest in learning to perform a new role and overcome my personal limits. I was initially very shy, and it was hard to teach and be a speaker at, for example, INTA meetings in English for a large audience.

The firm has given us many tools to become a leader and manage a team. The partners invested in coaching and management training, so when I would assume new responsibilities, I was taught new skills and trained. But of course, the learning process must include the personal will to overcome limits. You have different types of lawyers, and each one has a strength and particular features that will contribute to the whole. If you are a shy person, you may not become the biggest client hunter, and be more comfortable in performing the technical work. But you have to be open to try. The natural evolution at a law firm is different from an in-house counsel; you have to evolve at some point to acquire all different skills that becoming a partner demands and and part of that is working on yourself and your limitations. You cannot transform someone who was born an academic into the biggest hunter, but you can combine and balance a bit of both. Also, time and age contribute a lot because you become more self-confident. Now when I go to the conferences and represent the firm in different associations it feels much more natural because of the experience acquired and of the relationships I built with peers and colleagues.

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

I am very proud to have been part of important businesses and be considered relevant for clients to get them efficient solutions. I started my career as a Trademark Lawyer, then became the Head of the Trademark Group, and then I trained one of my lawyers to become the Head of the Trademark Group when I became a Partner. Even as a Trademark Lawyer, I would work with contracts, litigation, IP advice in general, counseling, etc. Now I give some technical support to the Trademark Prosecution Group, but I'm more focused on dealing with IP transactions, licensing, strategy building of the IP aspects of the client's businesses, and IP advice and counseling. I have had the opportunity to be involved in important IP transactions that were really pleasing, and I was very grateful to see the results, overcome obstacles, and give a good solution for my clients.

Right now, my biggest achievement is how I can inspire, train, and develop the people working with me. Many of them are still at the firm and I'm pleased to see them shine, see their evolution and adoption of new responsibilities. They are evolving brilliantly. When people who worked with me or clients say that I made a difference, that they are grateful I worked on a particular case, or that I was important for someone's development and evolution in their career, that's my biggest achievement.

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

That's the easiest question! IP is evolving, and our careers are evolving in parallel with technological evolution - we will no longer be needed for many things we previously performed. Work which is now provided by an intermediate person won't be necessary soon. AI tools can perform translations, it can build contracts, etc., and it provides good-quality work for simple tasks. So, we must transform ourselves and continue to provide intelligent solutions beyond the outputs of machines.

Our firm growth was not based on bureaucratic work and those simple tasks. It's much more about the intelligent work that we can provide to clients; strategic thinking, building new strategies for clients, creative solutions, and interpreting law. Brazil's IP legal system aligns with the Continental European Law culture, not with the Common Law culture, but we must continue to interpret statutes and bring a new way of thinking in terms of what law provides when it comes to these new challenges that the evolution of technology brings to society.

Being in IP at this moment is a privilege, and I see the evolution of my career as learning to deal with the new challenges of technology but also learning to build a law firm differently. We cannot deny generative AI tools. A junior lawyer in the past would start researching precedents and looking up facts of other cases to see if they apply to the new case. This will not be the case with the inevitable adoption of new technologies. The sooner law schools and universities learn how to absorb AI and develop students to prepare them for a new reality, and a critical approach on how to build creative solutions beyond AI contents, the better.

In a law firm, we need to absorb new technologies and transform the way we ask our people to work. If AI can give a brief summary of frontier discussions on topics of law, how can you train your junior lawyer to process the information critically or creatively? To apply this information or use it favorably to the client's problem you're dealing with? Creativity comes from man, so being stimulated to work in this field, doing what machines cannot do, and being able to train people to do the same is the biggest challenge.

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

Unfortunately, Brazil is still a very conservative country and we have much to learn when it comes to diversity and inclusion. At our firm, we have a diversity and inclusion committee,

and we've been working on our culture and recruitment processes, and there is so much to do.

Being a country that used to be a Portuguese colony, Brazil has a lot of Afro-Brazilian people and it is our social responsibility to integrate them. Black people in particular in Brazil still have less access to education and opportunities; we are trying to build up the firm for how we can integrate them better and also be a good place to work for all genders, the LGBTQ+ communities and other diversity groups

In the last few years, law schools, mainly the public ones, have begun to implement policies for positive inclusion, and there are many initiatives to reserve places for these less integrated communities. However, the problem is not just getting them into the schools, it's also what can be offered to support their need to fill in the blanks that they had in their basic education in order to respond to the law school requests and tests. So we are trying to build that at the firm as well.

We encourage diversity in our recruitment process, and we are aligned with some institutions to do so. It is an ongoing process, but Brazil is far, far behind the US with positive actions and policies. In the US there is a huge amount of case law, precedents, ensuring that these communities and groups are protected. Those cases have long ago been submitted to the superior courts and transformed case law, then were absorbed into society. When I visit US law firms, I see that diversity and inclusion is part of reality; Brazil is far behind. It's a country that's still in an ongoing development process. We have a very fragile democracy and had a military coup that lasted 21 years. Like everywhere else in the world, we have been watching polarization in terms of politics between far right and far left - and this also affects diversity and inclusion for sure.

I think all law firms should adopt positive action measures and do more in terms of diversity, to have diverse people integrated into teams with support to respond to the challenges in the IP world. It's not just about hiring, it's about making the environment receptive, making them feel comfortable, and giving them the support they need to respond to career challenges.

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

I will be kind of controversial here, Brazil is still a very sexist country. I felt that I could overcome sexist prejudice with age. As a younger female professional, I felt that my voice had less relevance, not within the firm but in the market

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As a younger female professional, I felt that my voice had less relevance, not within the firm but in the market and also from the client's perspective.



and also from the client's perspective. That was long ago, in the late 90's and society has also evolved. Now, with age, people have to respect you more, so I think my voice has been heard much more.

I still believe that there is so much to evolve. I was a nerd at school, very good in math, physics, and chemistry as well. Yet, when dealing with clients in the science-based fields, when wanting to understand the nature of the technology and asking pertinent questions that would show some scientific knowledge, I've received looks and reactions of surprise from male technicians because I am a woman. They were often shocked and said 'oh... you know that?' as if women could not be great scientists or mathematicians! So Brazil is still very far behind. Women are still objectified in mass culture and advertisements in Brazil and this continues to have an impact on the perception of women when working.

When I participate in debates in the IP associations in Brazil and we discuss sexism and gender inclusion they say, 'Oh well now many men are our allies.' It is true but the problem has not been solved. I'm always the contesting voice to remind of a still existing sexist reality.

In public careers there is a bit of a difference. I see brilliant women who became judges, public prosecutors, and public lawyers. There is a huge increase in women occupying public positions in legal careers. In the private sector and in corporate culture, Brazil is still behind. In a general manner, we still do not see it as a requirement that 'X' corporate positions shall be occupied by women, Black people, or other diversity groups. Now we see that society is claiming a different corporate approach not only for the goods offered to the market but also for how companies behave internally, so this reality is also changing.

IP, in particular, attracts a lot of women. In our firm, we are 65%+ women, and a lot in leading positions such as partners.



Aurélia Marie: Of Counsel, Beau de Loménie

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

Aurélia is a European and French Trademark and Design Attorney.

Aurélia started her career in IP in 1986 at the Régie nationale des usines Renault. She then became an Attorney-at-law at the Paris Bar in 1987, a profession she practiced in an IP law firm. In 1993, she joined Beau de Loménie where she qualified as a European and French Trademark and Design Attorney. In 2003, she became a partner in the firm and led the Trademarks and Designs department. She held this position until 2021.

Aurélia Marie has been Of Counsel since January 2022. She now focuses on her long-time passion for IP law, which she has made her career, and devotes herself to Beau de Loménie's clients. She handles their cases, thus continuing to give them the benefit of her know-how and experience.

With a career of more than 30 years, Aurélia is a specialist in the law of distinctive signs (trademarks, company names, trade names, domain names), designs, and copyright. Her expertise includes obtaining rights, as well as their exploitation and protection. She has also

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developed a recognized know-how in the field of audits of trademark portfolios, designs, contracts, advertising law, and unfair competition. Also, she works in the fields of mediation and arbitration.

Aurélia is a member of FICPI, ACPI, APRAM, INTA, ECTA, AIPPI and PTMG. Very involved in professional associations in the IP sector, she has been secretary and then president of the AIPPI French group for several years and remains very active in various committees (Trademarks, Alternative Dispute Resolution, Office Practices and Procedures). She frequently intervenes as a speaker at annual international congresses.

What inspired your career?

I always liked IP. I've been involved in IP since the very beginning. I wanted to work internationally. I started as an attorney at law, as a barrister, and then I chose to become a trademark attorney because I'm very interested in the international part of the business.

Is there any advice you'd offer from your experiences?

It's a question of meeting people, chance, and working hard. Always be involved in your plans and with your colleagues and make sure you enjoy what you do!

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

When I started working I was 23 and I looked very young, so the first challenge I had to face was to create trust. I started as a barrister and I had to appear in court to represent my clients with people older than me – mostly men – so the first challenge was to be able to create this trust so that clients would have confidence in me.

This is also partly why I chose to do IP because of the link to creation, designs, and passion – which I like very much. Being very technical, IP requires one to be an expert in a specific area of the law which enabled me to feel confident in myself. I had to make people see that I knew what I was talking about and that they could trust me.



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I would like women to trust in themselves and their capacity. Don't limit your possibilities because if you think you can do it, you can do it.
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The second challenge was to be a woman in a world dominated by men, to be a lawyer amongst engineers, and to find a balance between my family life and my career – they were all a challenge!

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

I'm very happy to say that I've been working with some of my clients from the very beginning when I joined the firm. That's very important.

Secondly, I managed the trademark team for almost 20 years which was a big challenge. You never know whether you have the right answers to the problems you face, but I tried to build up this team the best I could and I think people are happy with me.

Also, my best clients were always people who retained their working relationship with me across job roles or came via recommendation. It's very nice when you've been working with people for years and they go elsewhere but contact you again as a 'new' client or they recommend you to others. These are the best clients you can have!

What future career aspirations do you have and how will you work to achieve them?

Today, I'm Of Counsel so I've left the managing part of the business and I'm focusing only on my files. I'm not going to be retiring just yet but a major part of my career is now behind me and so I think my aspiration now is to make sure the transition with people who will take the files after me is smooth. I also have to make sure the junior I work with is a good professional.

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

In terms of IP, we are working on harmonization at the EU level and I think this is a very important issue. I've seen the IP world changing a lot and I think we have to continue harmonizing IP. It's good to have differences, and we need to understand the different systems. Of course, they can be interpreted differently depending on the country and the system but it's good to have similar reasoning so that brands understand why they need to develop for harmonization. I think this is the most important thing.

In terms of equality and diversity, we can say that many firms could have more women. This has improved but not so quickly. Especially powerful women in the management teams and so on.

How can we continue to empower women in the IP sector?

The issue we have most often is the balance we have to make with our family and work. I can talk only for France but here I have seen many changes and I can see that today men are more active and involved with the family and children.

Secondly, sometimes, particularly in big firms, women are considered less reliable than men which is completely wrong. When women get responsibilities like I had in the firm, I think they work more than men because we have to prove more and this is very difficult because, again, this question of balance is very difficult to solve. As far as I'm concerned I've spent years working very, very hard, and maybe in another world, I could have had more time for my children, for instance, and I wouldn't have felt guilty because I could take care of my children when not at work. But I was conscious that I had responsibilities so I spent the majority of my time working, but maybe this could have been done differently. I hope that in the future it will be different for women.

I would like women to trust in themselves and their capacity. Don't limit your possibilities because if you think you can do it, you can do it. The first point is to go and try!

