

The Patent Lawyer

GLOBAL REACH, LOCAL KNOWLEDGE

www.patentlawyermagazine.com

January / February 2021

Approaches to patenting alloys before the Russian and the Eurasian patent offices



Anatoly Nistuk and Mikhail Samsonov, of Gorodissky & Partners, examine the patenting of alloys through history and give an evaluation of both the RUPTO and the EAPO approach to patenting.

**Pharmaceutical
patent
litigation**

Page 15



Ben Hoopes, HP

Page 20



**Women
in IP
Leadership**

Page 35



Women in IP Leadership

Celebrating achievements and continuing
the empowerment of women



Sponsored by



We give special thanks to Dumont for their dedication and support in continuing
the empowerment of women in IP by facilitating this opportunity.

This segment is dedicated to women working in the IP industry, providing a platform to share real accounts from rising women around the globe. In these interviews we will be discussing experiences, celebrating milestones and achievements, and putting forward ideas for advancing equality and diversity.

By providing a platform to share personal experiences we aim to continue the empowerment of women in the world of IP.

This segment is sponsored by Dumont, who, like *The Patent Lawyer*, are passionate to continue the empowerment of women. Dumont's sponsorship enables us to remove the boundaries and offer this opportunity to all women in the sector. We give special thanks to Dumont for supporting this project and creating the opportunity for women to share their experiences, allowing us to learn from each other, to take inspiration, and for continuing the liberation of women in IP.

Sponsored by



“

Diversity and inclusion enriches a work environment. Dumont works daily on these principles in our workplace and tries to set an example. We believe that our differences can make us stronger and more efficient. We believe that by giving all our team opportunities we create a safe and prosperous environment.

”

Laura Collada, Managing Partner, Dumont

If you would like the opportunity to share your experiences with *Women in IP Leadership*, would like to nominate an individual to be involved, or would like to learn more about sponsorship, please contact our Editor.



Your trusted IP advisor
in Mexico

**YOUR IDEAS.
OUR BUSINESS.**

dumont.com.mx

Rachael Lodge: Associate, Foga Daley

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

Rachael obtained her Bachelor's Degree in Law from the University of the West Indies before attending the Norman Manley Law School. During her studies, Rachael interned in a few positions including at the Jamaican Intellectual Property Office and Foga Daley where she now is an Associate. Rachael is involved with many associations, including INTA, and is being recognized by many as a rising star in the field.

“
**I appreciate
that they
take that
step back to
enable me
to move
forward.**
”

What inspired your career?

Unlike some of my friends, I didn't want to be a lawyer from a young age but with some encouragement from some mentors, I decided to pursue a law degree with no idea where it would take me. One year I did an internship at a firm where, for the entire time I was there, my supervising attorney gave me nothing but IP work. IP was an optional course at school and I initially had no interest in taking the course, so during my internship I had to go to the library every day to learn the material and then apply it to the work. I just fell in love with the area while I was learning and by the end of that internship I thought I might as well take the course, now knowing the law inside out. Having done the IP module I found that I loved it even more.

I love sports and music, and I like the touch that IP has on everything, IP touches all aspect of life. I think because IP law is such a versatile area of law it always keeps me engaged and entertained, I never get bored with it.

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

It was a strong sense of determination that got me to this position. We don't have many IP centred firms in Jamaica, but I was determined and certain that this area of law was what I wanted to pursue. I would offer to volunteer my time for the experience. I started at the law firm Foga Daley as a summer intern, went on to work part-time while I was still in law school, and now I am a full-time Associate.

My advice is don't be afraid to put yourself out there and volunteer your time. Before I worked at Foga Daley, I did an unpaid internship at the Jamaican Intellectual Property Office. I would go out of my way to find courses and resources online, and many of them are free, to increase my knowledge base to make myself more attractive for when I would start practising. I believe in applying yourself 100% to everything you do, if you're going to do something



do it to the very best of your ability, not halfheartedly.

Here in Jamaica, like many places, the law market is getting very saturated. This is more of a reason to be open to doing different things. I was initially very close-minded to IP and thought I wouldn't practise it. Even when I had an interest, people would tell me there's no market for that area of law – not knowing how important it is in Jamaica. But I was so convinced that this was what I wanted to do, so I stuck with it – it has worked out well for me.

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

I think one of the biggest challenges so far is just being a young woman.

I've had experiences where potential clients ask if there is a male lawyer they can talk to – some would just prefer to deal with a male lawyer. I've also had experiences where clients see me and think I'm just too young to be handling their matters. That said, I've learned not to let those types of comments make me doubt my own capabilities and it is great to prove this perception wrong.

A very personal challenge is that I like to be good at anything I try as soon as I try it and don't like failing or falling short of a mark I've set for myself. It's a challenge that I think is constantly ongoing but I've learned, and am still learning, that it's ok not to be great at everything I try and there are lessons in failure.

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

That's a tough one. I would say how far I have come in the four years I've been practicing. I think I have progressed quite a bit in the field in a short space of time and I do feel very proud of that. Being featured in this issue is also a major highlight for me!

The more I volunteered and got involved in various committees, the more I'd be invited or encouraged to make presentations, teach courses or join other committees and my name gets put out there. A lot of these types of positions and opportunities came from volunteering to be involved and it opened doors I wouldn't have even imagined for myself.

The two partners at my firm are very willing to pass opportunities to me – and push me to do things I wouldn't otherwise, in the long run I am grateful for this. I'm a part of a non-profit group called *Women's IP Today* and that opportunity only came about thanks to one of the partners who introduced me to the group. I appreciate that they take that step back to enable me to move forward.

In the *Women's IP Today* group I've met so many wonderful women in that group who are

“
I was raised to never believe that anything was out of my reach because of my gender or the color of my skin.
”

generally interested in the cause of equality and so often promote others ahead of themselves with the aim of opening doors for everyone involved.

What are your future career aspirations?

I ask myself that every day! I don't know that I can say right now, I have so many thoughts about what I want to do. But I know that I love this field and I want to continue in this field and be recognized for my work in it.

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

I was raised to never believe that anything was out of my reach because of my gender or the color of my skin. Growing up I had so many female role models to look up to, and in a country where our motto is “Out of many, one people”, these women were of various races, religions, classes, background, but all were women that understood my experiences and women that I could relate to.

Friends would joke that based on my diverse family I could point to any person of any race or ethnicity and say “That's my cousin” and they would believe me. As I got older and stepped outside of the familiar background I was raised in, I started to realize not everyone was raised the same way or held the same views and the more my circle expanded, the more jarring it became. Even as the circle expands one thing that remains common globally is that there are so many different types of issues that women face, particularly in the workplace, even if every country has its own unique set of issues. Issues range from sexism, racism, colourism, classism, sexual harassment, balancing personal and professional life and career advancement, and, unfortunately, sometimes opposition from other women.

People might be tired of the phrase “representation matters” but it can't be said enough; representation does matter and the more my circle expands the more I understand that.

I would love to see more representation for women and women of color in particular. In Jamaica, what I have found is that the IP community is generally female dominated, but when I look on a global scale I realise that it's not the same. And this is not to say there are not women in the field, but that the level of representation is not what it should be.

Sometimes during IP related group meetings I've found myself looking around and thinking... for a group that is supposed to be globally inclusive, how is it that I'm the only black person here? It's something that has struck me more

“Out of many, one people”.

since we've started spending more time on online platforms like Zoom.

I do want to see better representation across the board, and not as handouts because it should not be putting someone forward for the sake of putting somebody forward. There are so many qualified women and women of colour in the field and I think this needs to be properly represented.

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

I think that we have roles to play individually in speaking out and putting forward our colleagues whenever we can.

I also think the more female role models we have, the better. Within my firm, there are five attorneys, two female partners, two female associates and one male associate – he is definitely outnumbered! Within our environment I have had interns that have told me that they decided to intern with our firm based on how many women work at this firm. Some of them had bad experiences with sexual advances and different obstacles based on their gender at other places. There are some people that will take advantage of their senior position, when they see a young woman coming into the profession, and incorrectly use their position under the guise of mentorship. Speaking openly about these issues is a start and genuine change can only come if everyone is involved in advocating for equality and speaking out against any form of inequality when it appears.

In terms of what can be done to continue to advance women's equality, I think groups like *Women's IP Today* and other similar organisations will play big role. These groups are all about empowering and pursuing the interests of professional women in the workplace. I've been a part of *Women's IP Today* for only a few months and already I've met so many women who have encouraged, mentored, and selflessly pushed me forward giving me a platform to be seen and heard and giving me a chance to keep paying it forward to others. Every month we've had the opportunity to meet, share difficulties we've faced in the workplace, triumphs, and overall experiences. These sessions have been particularly amazing for me as it has given me the opportunity to see that we are not alone in some of these struggles and bounce ideas off each other on how we can continue to advocate for the cause. I think the group is a perfect example of how we can reach these goals for female equality.



Sponsored by

DBB
DUMONT
Your ideas. Our business.

Karen Taylor: General Manager Asia Pacific, Anaqua

An interview: inspirations, experiences, and ideas for equality

Karen studied Law in Scotland before beginning her career in the legal information and software industry. From there she has developed her career over multiple businesses and regions and is now General Manager Asia Pacific for Anaqua, a world-leading provider of innovation and intellectual property management solutions.

What inspired your career?

A number of factors. My keen interest in law and legal trends, my fascination with innovative, market-changing technology, my international outlook and appreciation of different cultures.

But it all started when I went home to Edinburgh to finish writing up my master's thesis. I heard about an opportunity with a legal

publisher for an editorial role. It was the same publisher who produced most of the Scots law books I read as a student! After freelancing through schooling, I secured a full-time job as Editor and quickly moved into commissioning, advising the publishing house on which titles to produce. As Publisher, I gained fantastic experience in new product development which became my passion, and I soon was immersed in the market, attending conferences and seminars, meeting lawyers and judges and visiting universities.

In this role, it was essential to stay on top of legal trends and emerging sectors (like IP!) and to commission works with commercial potential, filling a need in the market.

Around this time, I got to experience the beginning of digitization for the legal publishing industry. My timing was good! I am still a book lover, but building and launching Scotland's first commercial legal online service was a big moment! It's been fascinating to be part of the industry as it's evolved from print to big data, AI and workflow automation. At the time, I was unaware that my love for technology and innovation were part of my path to the IP industry and would play an important part in my current role as General Manager Asia Pacific at Anaqua – enjoying time with clients and really understanding their needs to work with development teams to build solutions that drive client growth.

I've also always been keen on developing and using my language skills. Soon after starting out in legal publishing, I accepted a role at Thomson Reuters International as they were undertaking a wide globalization program for Westlaw – their flagship online legal research solution. I worked in London, Holland, Germany, Belgium, Switzerland, and Japan. It was a fantastic opportunity for me to work with some incredibly smart people and help establish new products, businesses and teams across the world. I later joined LexisNexis and moved to Hong Kong to work on multiple new business initiatives across Asia.

Having lived in eight countries, I enjoy immersing myself in other cultures and learning new languages. My career has allowed me to relocate numerous times and experience different ways of doing business in many places. I'm always intrigued by how much we

“

So that was a huge lesson for me in humility and trust.

”



“
And it was one of the biggest challenges of my career to serve as the link between two very different cultures.
 ”

have in common across jurisdictions as well as what is different. Understanding those differences is critical to commercial success internationally. It's not just about translation or language, it's about knowing how people think and work. This continues to be a major focus for me within Anaqua, looking at what we need to do differently in the APAC region and why.

Was there one particular country that defined your career?

Japan really was a game changer for me both personally and professionally. Having worked across several European countries and often been a bridge between European offices and US headquarters, I did have some understanding of the differences between various cultures, but there is still a fundamental common underpinning in how people process information, express themselves, and organize themselves.

Japan is philosophically completely different. It's not just about knowing the language (I know a little bit, I'm not fluent) or cultural norms such as business card etiquette. There is a completely different approach to planning, teamwork, sharing thoughts and ideas, expressing concerns or suggestions. There is a Japanese expression 'to read the air' – it's a little bit like reading the room, but it goes much deeper than that. So much is unspoken. There are many nuances and subtleties. Planning and execution of tasks is highly iterative – it's a spiral not a straight line. You will eventually reach the target, but from the outside, without a deep understanding of what is going on, it can feel like you're going in circles. Coming from a very 'Western' project management tradition of milestone plans, start and finish dates, strict resource allocation etc., I had to throw everything I thought I knew out the window and start again. It was really humbling and fascinating to observe a completely different way of working and one which delivers excellent results. The Japanese commitment to quality (I hear the expression 'hayaku pacento' 100% a lot!) is unwavering.

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

I'm not sure I have overcome them all if I'm being honest. We always have challenges and that's what makes life interesting!

As mentioned earlier, Japan was one particular country that defined my career, but, along with the privilege of working there, came some nail-biting moments—and it was one of the biggest challenges of my career to serve as the link between two very different cultures. I had to take what our Japanese team were telling me and then 'translate' that into something that would provide reassurance on our progress for

Senior Executives in Europe and America. One time I do recall having a few sleepless nights was when a deadline to get our Japanese content onto our global platform was looming. Based on any numeric assessment of our progress to date, there was simply no way we were going to make that deadline. I had tried and failed to persuade the Japanese team to send batches as they became ready (because of course that's what we would normally have done 'our way'). They insisted that was impossible. Eventually they said to me 'Karen the deadline is 30th August [yes I still remember the exact date!] - you will have your content on the 30th of August. Please trust us.' I spoke to our CEO and told him that at that point I really did not know what else to do and we would just have to cross our fingers. Needless to say, 100% of the content was delivered in close to perfect format on the dot on 30th August. So that was a huge lesson for me in humility and trust. Sometimes you just need to get out of the way and let people do their thing!

One other challenge that stands out to me is getting too comfortable and not being sufficiently challenged in my role. What I've done at times like that is focus more on personal development and community work. I've signed up to courses, sat on boards, done volunteer work and mentoring. I go to seminars and lectures. Meeting people from different industries gives me a fresh perspective and new ideas. It's important to do that anyway. Exposing yourself to new things can make you more effective in your current role as well as laying the groundwork for the next phase of your career.

One of the many things I enjoy at Anaqua is that we do so much. There's always something going on: new initiatives, new people, new acquisitions. It's really fast paced and things change all the time. My colleagues are all recognized experts in their field. We support each other and challenge ourselves to deliver more. That teamwork and energy inspires me.

Another challenge I've faced throughout my career is being 'remote' from head office. It's important to make the effort to reach out to colleagues and have those 'water cooler' chats. When you're working across time-zones, getting the balance right between flexibility and setting boundaries is tricky. Luckily for me, Anaqua has a truly global mindset and, being a technology focused organization, we make good use of the tools at our disposal to foster remote collaboration. Distributed workforces are more the norm now than when I first started out, so it's definitely much easier to manage than in those early days!

How have you found the pathway to your current position?

In terms of my pathway to my current role, what

benefitted me hugely was doing a lot of 'startups' within Thomson Reuters and LexisNexis, for example moving into new markets via greenfield development or joint ventures. In this way, I gained exposure to many key elements of building a business – strategy, market research, investment proposals, organizational structure, product development and partnerships. This type of 'startup' experience means you have to learn fast and work effectively with diverse functions and people. It's been a natural pathway to a general management role. Of course, I can't be an expert in everything, but I enjoy having that broad view across the whole business and working with clients, partners and colleagues to deliver results.

When my husband got a job offer in Hong Kong, we jumped at the chance to move back to Asia. It's such a diverse and dynamic region. I worked with LexisNexis in Asia in various business development and product development roles. My experience of digital product development and online business models meant that I was able to help many of our businesses across the region with their print to digital transformation. The role gave me exposure to a much broader range of countries, for example India, Malaysia, Singapore, China and Taiwan which laid a good foundation for me in my current role.

After the birth of my third child in Hong Kong, I was once again starting to think about next steps and the Anaqua opportunity popped up! Working at Anaqua has brought together many of the things I'm most passionate about – technology, data and analytics, driving growth in the Asia region, building teams and businesses. My role leverages so many elements of my past experience and I can help our team and clients navigate this next phase in the digitization of legal work and innovation management.

The industry is at an inflection point in terms of technology and working practices. COVID-19 is accelerating those changes. A lot of business in Asia is still done using paper, hankos and chops (physically stamping paper documents), even fax! Enabling teams to work remotely is turbocharging the transition from these working practices to hosted solutions, remote access and collaboration, e-signature tools etc. Having been in the industry since the days of dusty libraries with gold embossed leather-bound tomes until now with data analytics and visualization, AI and RPA, I'm really excited to see what this next phase will bring and how rapidly the industry will adapt and embrace these new ways of working.

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

Building the Anaqua APAC business is hands

down the most rewarding thing I've ever done. There are many other achievements over the years that I'm grateful for, like the excitement of launching a new product, but the chance to be part of such an amazing growth story is a true joy. We opened our Tokyo office in 2016 with a team of four and we've expanded rapidly since then. I'm really proud of our APAC team and the way we've all worked together to develop our Anaqua client community and contribute to growth and innovation across the region.

What are your future career aspirations?

I would like to do more of what I already do. There is so much more to come for Anaqua in Asia Pacific. It's an extremely dynamic region with many of the world's leading IP asset owners and global brands. I definitely still have a lot to do here!

In the longer term, I'm aiming for a 'portfolio' career with a mix of commercial and volunteer work. I enjoy mentoring the next generation of young leaders and want to devote more time to that.

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

I've been pleasantly surprised by how many women there are in senior positions in the IP industry. Within Anaqua, our Executive has a 50/50 gender balance and our teams across the globe are all very diverse in terms of nationalities and backgrounds. Within our Japan office I think we speak at least ten different languages between us and everyone is multi-lingual!

About ten years ago, when I first worked in Japan, I rarely met women in senior positions in the legal industry. There has been a shift since then and the IP industry is one of the drivers of that progress. In terms of changes, I would say do more of whatever is working and keep the focus on building a strong pipeline of future female leaders.

To drive diversity more generally, I think all the same rules that would apply in any industry apply to IP: define 'talent' more broadly, encourage more creativity and imagination in your organization about where you get your talent from. I know a lot of people are wary of targets and quotas, but I think that setting some rules of engagement, for example 50/50 candidate short lists, can be beneficial. It forces people to look more widely in the market and think about candidates in terms of potential not just experience. Some of the best people I've ever hired had no industry experience, but they had the right core skills and values and they've been very successful.

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

The IP sector encompasses so many areas –

“
Think about candidates in terms of potential not just experience.
”

“

I feel that 2021 is the year we really shouldn't be surprised by anything anymore!

”

science, R&D, engineering, law, commercial management, branding. I would say go back to the start. Support STEAM initiatives from early years education onwards and create programs that appeal equally to girls and boys. Champion the study of subjects critical to future innovation like data science and system design where women are generally under-represented and improve access for girls and women via targeted scholarships and internships.

When I was at school, we were generally steered towards traditional subjects like law or medicine. Most of the roles I've had throughout my career didn't even exist then! We should encourage the next generation to think outside the box in terms of the types of skills we will need more of in the future in areas like AI. Companies in the IP sector could be very influential here working hand in hand with educational institutions.

In terms of empowering women currently in the IP sector, the impact of the COVID-19 pandemic has exacerbated the challenges many working women already face. This is not unique to the IP industry of course, however there have been some specific impacts. For example, the number of scientific papers published by female researchers has dropped 20% in the past year. There are many ways private companies, universities and governments could get that number back up again, including being more flexible around when, where and how work gets done. That's a lot of innovation being lost. Necessity is the mother of invention. The constraints imposed by the pandemic can be embraced as an opportunity to find smarter ways of working. This is a chance to reconfigure the work / life continuum and help expand women's participation in the innovation economy.

How has the COVID-19 pandemic affected the way you manage your work life and home life?

I think for everyone, it has brought many new challenges. Logistically, it wasn't too difficult for me to adapt to managing remotely, as you do a lot of that naturally in a regional role. But working from home was dramatically different, with three children and on video calls all day. It requires maximum flexibility to manage what is basically a double schedule. This is a challenge for working parents everywhere and we just have to do the best we can.

In Japan, Anaqua already had a flexi-work policy and everyone was set up for remote access to collaboration tools and systems as a matter of course; so, again, the shift to work from home wasn't too difficult logistically. The real challenges came from finding new ways to deliver results in a work environment and

culture that is still very reliant on face-to-face interactions and paper documentation.

We worked with our clients to adapt to the changes and successfully brought on several major new clients via remote collaboration, where, normally, we would have spent a substantial amount of time onsite. As our business continued to grow, we also had many new team members join us. Recruiting, onboarding, training and supporting new people remotely requires additional planning and communication, but it's definitely worth the investment - and we've had some great results from our efforts.

Another big challenge was marketing! Usually there are numerous events, which the IP industry as a whole relies on for networking and deal-making. We transitioned many 'in-person' activities to online, often at short notice - and the positive response to our digital events showed what is possible with good organization, engaging speakers and great technology.

The urgency of digital transformation is one of the key learnings for me from leading a team during a pandemic. From schooling to healthcare, from business to family life, that shift to digital has been accelerated.

At work, it's been great to see how Anaqua has helped our clients. As a hosted solution with all users and outside counsel working together on a shared, secure platform, we've enabled clients to get their jobs done without needing to go into a physical office. Our local and global support teams help solve issues remotely without going onto client sites. Seeing such innovation and collaboration in action has been really gratifying.

From a personal point of view, the pandemic has taught me about resilience in the face of continuous upheaval! Many of us are working longer hours than ever, while supporting home-schooling or caring for relatives. Dealing with constant change and uncertainty whilst trying to maintain a semblance of normality at work and at home requires enormous amounts of mental and physical energy.

As business leaders, we have to pace ourselves. Getting through this pandemic is definitely a marathon not a sprint. We have to manage for the long haul - driving our businesses forward, while helping our teams to set reasonable parameters for themselves and working with them to ruthlessly prioritise the critical from the 'nice to have'.

I'm a natural born planner, but I'm getting better at 'expecting the unexpected' and making sure I am ready to handle the surprises I know will be thrown our way. I feel that 2021 is the year we really shouldn't be surprised by anything anymore!

Sponsored by

DUMONT
Your ideas. Our business.

DBB