

The Patent Lawyer

GLOBAL REACH, LOCAL KNOWLEDGE

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Conflicting applications: what you need to know when filing in China



IP TrendMonitor

Annual Survey 2020: IP Management
in a changing work environment

Zongjie Liu, Partner and Patent Attorney at Corner Stone and Partners, details the conflictions a foreign applicant may face when filing related patents in China and suggests remedial measures.



**Laura Donnelly,
Johnson & Johnson**

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**Facebook's
creepiest patents**

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Patenting video games
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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 Anaqua for their dedication and support in continuing
the empowerment of women in IP by facilitating this opportunity.

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

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

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



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

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Nancy Hegarty, Vice President of Marketing, Anaqua

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

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

NINA HILL
CORPORATE IP ADMINISTRATOR
EMERSON ELECTRIC CO.



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Manisha Singh: Founder and Managing Partner, LexOrbis

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

Manisha Singh is the founder and Managing Partner of LexOrbis. She overviews and supervises all practice groups at the firm. Manisha is known and respected for her deep expertise on prosecution and enforcement of all forms of IP rights and for strategizing and managing global patents, trademarks and designs portfolios

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of large global and domestic companies. Her keen interest in using and deploying the latest technology tools and processes has immensely helped the firm to develop efficient IP service delivery models and to provide best-in-class services.

She is also known for her sharp litigation and negotiation skills. She has been involved and successfully resolved various trademarks, copyright and design infringement and passing off cases in short timeframes and the most cost-efficient manner, applying out-of-box strategies and thinking. She is a member of several international IP associations, such as AIPLA, AIPPI, APAA, ECTA, FICPI, INTA, LESI, MARQUES and actively participates in the committee works of these organizations.

What inspired your career?

I started my career as a lawyer and the main motivation behind setting up an Intellectual Property (IP) law firm was the love for innovation and passion to protect intellectual property, matching the international standards. The general practice firm in which I was working was not open to the idea of having a specialised IP practice, complete with technical experts and was ignoring the transitions that were happening in the Indian IP realm. Therefore, I decided to start a boutique firm, specialising in IP, with my partners.

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

My deliberate career choices led me to where I am today. I always honoured the opportunities that came my way and tried to make the most of it. I explored all the possibilities, weighed in the pros and cons, and zeroed in on starting my own IP focused law firm with my partners. I wanted to tap the potential of



the creativity and innovation offered by the Indian market in the international IP realm. Hence, LexOrbis came to fruition and I dedicated the last 24 years building a name for myself and my firm. So, I'd say that it was my passion for IP law that led me to my current position.

With experience, I learnt the strength of networking in the legal profession. In this profession, you must exchange ideas with like-minded people. The more you engage, the larger your acquaintance base. Not only will it be enriching, but it will also help in creating a larger pool of clientele. Participate in legal events, attend workshops and seminars, communicate, go out of your comfort zone – you never know when you may come across the biggest opportunity of your career.

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

When I started the firm around 20 years back, the economic spectrum of the country was undergoing a paradigm shift particularly with the introduction of New Economic Policy of 1991, and the consequent opening of the economy for multinational corporations. We faced several challenges in our initial days due to the complexities which were there in the administrative and legislative structure at that time.

Though, we were abreast with the international standards and applied that in our firm, but the ecosystem in which we were operating was not geared to such a service model. Back then, it was also very difficult for us to motivate and inspire young engineers and scientists to take up and pursue a career in law. The only way to overcome these difficulties was consistency and perseverance.

Eventually, efforts started paying off, client sign-ups happened and now we have a diverse client base of 1500+ clients that include many Fortune 500 companies, multinational corporations, public sector organisations, government-funded research institutes, small and medium-sized enterprises and technology start-ups from a wide range of industries.

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

I started LexOrbis in 1997 with five personnel. Today the firm has a strength of more than 180 members. I believe that reflects positively on my achievements as I am proud to have built a firm that provides jobs and opportunities to so many people, many of them young and up-and-coming.

But as a lawyer my achievements go beyond the four walls of an office. My work in IP has enabled me to act on some complex cases. I represent some prominent clients including

I hope to see an industry which is inclusive, appreciative, and welcoming of new talent.

Frontline PCB Solutions, 5G Technology, Lundbeck, and Procter & Gamble. I also represent India's central banking institution, the Reserve Bank of India before the High Court of Delhi and the Supreme Court of India in cases related to banking and non-banking financial companies. In one of the trademark and copyright infringement proceedings, while representing H. Lundbeck, an infringement suit was filed against HAB Pharmaceuticals & Research for manufacturing and exporting the pharmaceutical product under a mark CIDRALEX which was deceptively similar to Lundbeck's well-known and registered trademark "CIPRALEX".

I have received several honours and accolades from my peers in the legal industry, the latest was for being recognized as one of the Top Dispute Lawyers of 2020 by Asian Legal Business India. As 2020 came to a close, a leading IP business media platform, iAM Strategy 300 recognized me as one of the world's leading IP strategists. Recently, the firm won in Asia IP's inaugural India IP Awards for IP Prosecution Firms of 2020. It is always gratifying to see that your hard work is valued in the industry.

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

I have come far from the day I started the firm with my partners. Recently, we celebrated 24 glorious years of LexOrbis. I can only say that it took sheer determination to build a company from scratch and for that reason, I see myself actively involved in LexOrbis in the coming times. The legal industry is dynamic, and it is wrong to contain oneself to a particular role or skill set without evolving with the changing times. My position at the firm has allowed me to witness the nitty-gritty of a legal business. I aspire to learn, grow and to lead by example while continuously working towards a better future.

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

A major chunk of talented individuals are going unnoticed due to the lack of equality and diversity in the IP sector. Moreover, the legal profession has been male-dominated for ages. With the changing times, I hope to see an industry which is inclusive, appreciative, and welcoming of new talent. Organisations should make conscious efforts to build greater gender parity at all levels and the unconscious biases should be done away with. Gender sensitisation should become a regular practice and equal pay and equal opportunity should become the rule, not only in theory but in practice. Competency of a candidate should be adjudged based on their

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skills, qualification, and talent instead of their gender, race, or personal choices.

LexOrbis is a fine example of diversity itself. The firm, which was founded in 1997 with five personnel, today has a people's strength of 180 members (spread across three offices within India), all from diverse backgrounds of India. I strongly believe in 'unity in diversity' and I have successfully established an organization, where people from diverse religions, race, ethnicity, cultural backgrounds all work together in complete harmony.

I believe that we are developing a future pool of leaders that is representative of the diverse cultures. An inclusive culture is the force which drives morale, engagement, and performance and hence diversity has a strong influence in sculpting culture. If you take age in count, we have members as young as 21 and as senior as 60 years!

To create an understanding of each other's cultural set-ups, we organize events which range from celebration of all Indian festivals, annual outings and trips. At least once every year all 180 members meet at one place and unwind together in informal surroundings away from the busy office life. 2020 restricted such movements for all, so we conducted online unwinding sessions, where we played music, sang, played games and laughed together. Such events help people in understanding each other, respecting cross cultural beliefs and systems and building a strong organization.

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

When I started the law firm in the late 90s, India was new to the world of intellectual property. It took determination to build an inclusive culture where women were equally represented. There was a dearth of progressive opportunities for women in IP which enabled me to create such policies where everyone gets to explore their full potential, irrespective of their gender. Almost 70% of LexOrbis's workforce comprises of women, and the policies at the firm are all aimed to provide them with equal work opportunities and a well-balanced life. In fact, the firm's office in Mumbai is run by an all-female workforce.

The IP sector can contribute to the empowerment of women by providing more opportunities, without attaching social stigmas. Companies should be accommodative of the many roles women get to play in their lives and therefore should make such policies which help women maintain a work-life balance. We all must work collectively in eradicating gender-based prejudices by seeing more women in leadership

roles and creating an environment which promotes zero tolerance towards gender bias.



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Elisa Volpi: IP Legal Officer, IP Centrum

An interview: inspirations, experiences, and ideas for equality

Elisa obtained her Master's in Law from the Università degli Studi di Milano and began her career as an IP Case Manager & Paralegal in Australia for LegalVision. From here, she has developed her skillset and her knowledge of IP and has recently joined IP Centrum, as an IP Legal Officer, where she is driven to grow her career further.

What inspired your career?

When I was in law school, I enjoyed a lot of the courses I was following, but I never really had a course that made me decide what I wanted to do after my degree.

During my studies I have always travelled a lot: I studied for one year in the USA when I was in high school, as well as six months in Spain and eight months in Belgium while at university. Also for after my graduation I had a trip organized. I had planned to go to Australia for one year, as my sister was living there and was having a great time. It was a perfect moment to leave everything, fly to the other side of the world and look for my next challenge.

I went to Sydney and I got in touch with a few law firms. One law firm in particular, LegalVision, contacted me back informing me that they were looking for someone to help out in the IP Department. I had completed one course at university on IP, which I found fun, so I thought I could give it a try and see where that could take me. My adventure at LegalVision began and, from then, my interest and knowledge in IP started growing and growing. I was having a great time and loving what I was doing. As a consequence, from halfway through my training, I was already working on my own and handling my own cases. Everything was going great and it didn't take me long before I realized that IP could have been the area where I wanted to develop my professional future in.

I was working with the team of IP lawyers, however there was one of them, a fantastic woman, who helped me the most and was sort of a mentor for me. She was my go-to person every time I had a specific question, an issue or a doubt. She inspired me both as a professional and as a person because not only she was great at what she was doing but she was also so



Elisa Volpi

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passionate and enthusiastic. She really was able to transfer her passion for IP to me. Today, I feel confident saying that she is the person who inspired my career and taught me how to always work with passion and enthusiasm.

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

I had a really great time working in Australia however, unfortunately, it came time for me to leave the country, therefore the company I was working for, and move on. I came back to Europe, Belgium specifically, and, after having such a positive experience in IP, I immediately started looking for my next challenge in the IP area.

I got in contact with a few companies and I was offered a job with a company as an IP Project Leader, in the records Department. There I was able to deepen my knowledge in IP and develop my professional skills to a further level, however I wasn't really feeling right in the working environment. I wasn't as enthusiastic, as passionate and as proud as I was in my previous job. I loved the job, but I wasn't completely happy, so I started looking around and that's when I came into contact with my current employer, IP Centrum.

I had a few interviews with some people of IP Centrum and I immediately felt the click. So, now I'm working with them and I can say that I am really happy. First of all, I'm loving the job that I'm doing and I'm again feeling very enthusiastic and happy to do my job. I know as well that my happiness comes from the fact that I am surrounded by people who support me and make me feel valued. Also, our Director, Simon de Banke, is very involved in everyone's daily life at IP Centrum. He is a true leader who is always there to support us, advise us and push us to our limits, allowing us to grow both personally and professionally.

It's been a bit of a weird pathway how I've got here, but it's very interesting and inspiring to find what I've been looking for. So, my advice would be to focus on two things; the first thing should be finding the area that you love and want to develop yourself in and the second should be finding the right working environment for you - one that has your same mindset, goals and

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values. I believe it's essential to find a company that matches and appreciates you.

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

I'm still quite new, I haven't worked for many years, but one main challenge that I had to face was having to leave my very first company. As I said I was so involved, I was being given more and more responsibilities and, at the same time, I was having such a great time as well. I liked the job, the people and the mindset of the firm, and I truly felt like I belonged there.

But my visa expired. I talked to our immigration lawyer at the firm and we went through options to perhaps extend my stay, however we came to the conclusion that, for that specific moment in my life, it wasn't feasible to stay. I was very young with limited experience. It was very hard to break into realizing that I couldn't continue working with them. It was very challenging, and I tried to find my way around it but there was no option.

So, I said, "alright, this is going to happen, there is no way for me to avoid it. So, let's try and make the best out of the situation." And that's what I did. I tried to enjoy every moment, learnt as much as I could and developed fantastic relationships with incredible people. What was important for me was to make sure I could go back home with an even bigger luggage (of experiences) - that's what we say in Italy.

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

I've definitely had some great achievements while working on different cases, however at this stage in my life, I like to view my achievements as how much I'm growing every year.

Every year I look back and I think about how much I learnt, how much my knowledge evolved and how much my skills improved. I also love to look back and see what relationships I built with amazing people. I consider a great achievement having the possibility to work on myself and grow in every way possible. I believe it's amazing to be able to just look back and think "That's where I started. And this is where I am now. I am proud of my progresses and I look forward to seeing my next ones".

So, at the moment, I think that my greatest achievement is simply looking back and making sure that I'm always a step further from where I started. Keeping on learning and improving yourself is a great way to grow as a person.

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

I always find it hard to answer questions about my future. I love making plans and visualizing

how I would like my future to be like, however, up to now, I never ended up where a few years before I thought I would be.

There are certainly a few things that I surely want in my future. First of all, I want to keep on working in an area that I love. I think this is essential in order to live happy. At the moment I feel very confident that I will keep working in Intellectual Property. However, I am very curious to see what the future holds.

My career aspiration is to continue working in a company where I can try and make a difference. I would love to be able to have an impact on the progresses and successes of my company and all of our clients.

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

This is a very delicate topic, but I believe that we are living in a moment where things are happening; many changes are occurring, and we are moving towards equality and diversity.

I do believe that we're doing very well but I don't believe that we are there yet. Many companies are doing really great, however I know way too many others that are not. I'm quite positive about this topic. However, of course there's still a lot that needs to be done, particularly in regards to the position of women in the working environment. Women are becoming much more integrated and recognized than they used to be, but there are still many companies that don't trust that, for example, women can give the same type of work performance that a man could. Or that women would be able to cover certain positions, instead of a man.

For example, I know that there is still a mindset in certain companies that think that a woman shouldn't be getting a certain position just because one day she may want a family and therefore won't be able to provide the type of commitment required for such position. I think that's still a very present thought. Actually, not long ago, before I started working for my current company, I was doing a lot of interviews, I'm talking about 2020, and one interviewer asked me a lot of personal questions, including "do you have children and, if not, are you planning on having some soon?" and I was shocked. How was that relevant to the job I was applying for, or to the experience and skills I actually had for that job. But especially, how were they even allowed to ask that question?! For what I know, that's one of the questions that should definitely never be asked during an interview. Anyways, that was the moment I realized I did not want to work for that company as their mindset and values didn't seem to be aligned to what I was looking for.

Again, I definitely don't believe that we're there, but I'm very confident that we are on a good path to move towards providing equal opportunities. Hopefully that's something that's going to happen more over the next few years. I can't predict what it's going to be like, but I hope that all women will begin to get more and more equal opportunities across the board.

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

Something that I personally feel is that now, with the power of social media, the more I see news about successful women, the more I feel empowered to do more and achieve more. So, something that I do believe could be very important is sharing more news about women; share more of women's successes, women's promotions, women's achievements, share all the news - because the more women you see succeeding, the more you feel that you can do it as well! I think that sharing more news about women can be very empowering for all those young women getting ready to take on their future.

Something else that can be very important, in my opinion, is trying to reach out to those who inspire you. If there's someone you look up to, I think it would be very empowering to reach out to them, to let them know and to ask them how their story went, how they did it and achieved what they have achieved. I think reaching out can also be a very empowering type of relationship because you have the very person telling you how they got where they are, which is much more personal than just seeing something on social media. I think this too could be a great way to achieve continued empowerment.



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