



FÉDÉRATION INTERNATIONALE DES CONSEILS  
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF  
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION  
VON PATENTANWÄLTEN

**Covid-19 Resources**

## **FICPI WEBINAR 22 APRIL 2020** **'Life under lockdown in Italy, South Korea, China and the US'**

### **Session notes**

This is FICPI's first webinar in its series tackling issues relevant to changing personal and work lives due to the restrictions necessary to tackle coronavirus.

We have chosen our speakers as China and South Korea seem to be coming down the other side of the curve and life is starting to return to pre-Covid days, and Italy seems to be in the flattening period of the curve.

#### **Sharon Crane, US: How did you initially react to the crisis?**

**Lena Shen, China** – the news broke during the Chinese New Year holiday at the end of January. We were due to come back to the office on February 1<sup>st</sup> but Wuhan city was locked completely, no trains, flights etc. Many flights and trains in other areas were also cancelled shortly after, the New Year holiday was extended, schools were closed, so we knew we needed to do some preparation for remote working. The firm signed a new NDA electronically with staff in view of working from home and ensured they had the right IT set up ready. We only had around 10% of staff from docketing and admin departments coming to work at the start. This situation lasted for around two months.

**Mi-Chung Ahn, South Korea** – In Korea the major outbreak began in mid-February and things were not so serious in Seoul til mid-March. At the end of February, our firm set up guidelines to prepare for the worst-case scenario. We started wearing masks in the office, using video conferencing avoiding inter-city travel and from mid-March we gave staff the choice to work from home. In South Korea we have never adopted a lockdown strategy, it's not mandatory, we encourage social distancing. We checked our personnel if they feel safe or not but most of the time they say they feel it's safe. Two thirds of our people are working in the office with masks and it feels ok for us.

**Roberto Pistolesi, Italy** – the first lockdown started on Feb 24<sup>th</sup> in the Lombardy region. We were informed about it on the Sunday that the whole area would have been closed. You couldn't get out or in. We were invited to work from home if possible. 1/3 of people came to office and 2/3 worked from home at that point. Later the whole of Italy was closed and people could not move from one area to another. Even if staff were able to travel to work we told them to stay at home. Since then it's only been me in the office, doing a whole variety of tasks I wouldn't normally do.

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which strengthens the practice of the independent IP attorney.**



### **Sharon: How does the situation look now?**

**Lena** – as of April 13<sup>th</sup> we changed the rules so that every day less than 50% of staff can come into the office. The attorneys must be in the office for one day per week and managers two days per week. There should be no more than 50% of staff in the office per department in order to create enough distance between each other. We also wear masks in the firm and the lobby of the office, hand sanitiser is available at the entry point to the building and for the first two months we forbade colleagues to take buses or subway, only taxis or driving, and we were forbidden to eat out for the first two months.

**Mi-Chung** – from 16<sup>th</sup> March until 10<sup>th</sup> April we had adopted home-working but now we are just required to fill out a questionnaire each week relating to travel, symptoms of the disease etc. We still recommend not visiting other cities. All visitors to the office are still subject to temperature checks and we encourage video conferencing to keep in touch with clients and each other and we still wear masks all the time.

**Roberto** – the Italian government is discussing right now when the lockdown will end. The first changes should in principle start from May 4<sup>th</sup>; we should be informed of new working processes soon.

### **Q: How well prepared did you think your firms were for this type of challenge?**

**Lena** – we have not experienced so many people working from home remotely in the past so we needed to do extra work and preparations. We needed each person to have a VPN installed and our internal management system – there weren't many additional tools required, more that we built enhancements to existing tools.

**Mi Chung** – we already had some staff working at home for special cases so we had some experience of remote working but we had to install a new software program to monitor working of users and working tools. Otherwise not much extra preparation was required.

**Roberto** – my firm has 36 staff so is not too large. We were well prepared. We had all the technological infrastructures to work from home. Only three people needed additional laptops. This was because with children off school they had to attend lessons online so some families who only had one laptop needed an additional one. People could connect to our server and/or to their PCs located in our offices ; we are essentially a no. paper office, most of our files are electronic.

### **Q: How are you monitoring people's time and productivity outside the office and have you seen an increase or decrease in productivity during this time?**

**Roberto** – I have asked all the attorneys from the firm that whenever they add something to the server that they cc the paralegals and myself so I can see how much they are working; we can monitor the deadlines remotely and we are checking the billed hours for each attorney. I am happy to report that during the month of March our people billed 54% more than in February when they were working from the office. I am waiting to see how April looks. March



was the most billable month of the past 29 months as far as professional hours are concerned – I don't feel I need to control people, they are much more productive than they were previously!

**Q – have you seen an impact on your clients in terms of numbers of new cases, payment of bills?**

**Lena** - I have noticed a certain decrease in the number of cases in March especially. With the situation outside China still in the early days of the crisis, we may see a change as time goes on. The domestic clients are recovering although in the short term we will be affected by companies saving money.

**Q: Are you giving your clients any special advice or services during this time?**

**Mi-Chung** – not really but our firm has about 100 people, focusing on domestic clients and we have very diverse clients like research institutes and universities. I noticed that there's not much difference in terms of work coming from clients such as universities and research institutes, and big companies during this time. SMEs seem to be struggling a bit more in the pandemic situation. We are trying to reach more of our SME clients by frequently asking them if they need help and our government has specific measures to help SMEs too. We are communicating more frequently than usual with all our clients and reaching out to help them as much as we can.

**Q: For those of us still self-isolating and using distancing measures, how can we succeed in a successful transition back to work?**

**Mi-Chung** – in South Korea now almost everyone is back at work. Home working wasn't mandatory at all for us, it was a choice. The country controlled things very well through government monitoring of patients etc., we feel safe here and as long as we follow the government recommendations, we think all will be ok. After a month of social distancing we feel it's ok now to get back to normal working practices.

**Q: Communication and maintaining communication about deadlines, reminders, getting instructions from clients. Any difficulties associated with that?**

**Roberto** – that is running smoothly. Sometimes we have some delays but the response from our clients is pretty good. It seems that we can do our job almost as if nothing happened.

**Lena** – for the daily work side we have 400 staff so it's not always easy or possible to have all of them online in one meeting. So each department has an online meeting each day to encourage people to share information, discover any challenges, get into work mode in the morning...

Some departments have chosen to have members do a short presentation to share an aspect of their life – not necessarily legal or IP experiences but could be a book they've read or something they've cooked.



Each day staff are required to submit a summary of what they have done that day. We also have different Wechat groups where people can communicate.

At start of February the brand department worked with 20 staff to do the same movements and sing the same song to make into a home video which is very encouraging and touching. We shared it with people inside and outside the firm.

**Sharon** – we had a Zoom happy hour one day when everyone brought a glass of wine or a cocktail and people brought their pets or children and we chatted about people’s personal lives. It really helps connectivity to do activities like that while we are all isolated as we are.

**Mi-Chung** – we haven’t done exactly that kind of bonding activity but we have team leaders who are partners and they frequently talked to people working from home each day to ask how their work is going, how they are, how their health is. And we report this back to the law firm at the partner meeting to check everyone is ok and that’s working well for us.

**Roberto** – my firm is smaller so it’s easy for me to call or have Google Hangouts or use our What’s App Group to contact people each day. In fact, I feel I’m speaking to people more than I did before!

**Q: Do you have any concerns about security over email and What’s App communications?**

**Roberto** – we don’t have concerns as we are doing pretty much what we were before. WhatsApp is new for us and we just use it for short communications. We still use email and save to our server using our existing security instruments.

**Q – Finances – any requests to delay or provide relief to clients in terms of bills sending out or finding any delays in payments to clients?**

**Roberto** – in March we received all payments on time. At the start of April we started receiving requests to delay payments but not as many as we expected. For the time being the situation is not as bad as we had expected but the problem may hit us a month or two down the line.

**Mi-Chung** – we suffered with the pandemic situation during March and April but the payments haven’t changed much during that time so I don’t expect too much to have changed.

**Lena** – I don’t believe that the billings and payments are too far from normal. If there are any problems they might come at a later stage.

**Q: Have you had to make any changes in terms of hiring or temporary salary cuts or holding back on bonuses since the pandemic?**

**Lena** – in China the bonuses and salary adjustments were done before the Chinese New Year and we don’t have any plans to make any further adjustments in the near future but we will



be more careful about hiring for a few months. We will try our best to keep the jobs for our 400 staff and their families who depend on them.

**Mi-Chung** – we had also calculated our salary adjustments and bonuses in February and finished recruitment activities before the pandemic. Fortunately, our firm does not have any plans to consider any financial adjustments at the moment. If the crisis is prolonged globally, we may need to consider it gradually.

**Roberto** – for the time being we are also not planning any financial adjustments. Normally each March we do our staff evaluations and bonuses. This year we have assigned the bonuses but not yet paid the money as we do not want to run any risks. I hope I will be able to give my staff the bonuses as soon as possible as they really deserve it.

### **Q: What are your patent and trademark offices doing to address the pandemic?**

**Note: You can find a frequently updated spreadsheet of key changes to IP Office procedures and dates on the FICPI website, please [click here](#):**

**Lena** – the CNIPA announced relief measures for the deadline and the rights to restoration based on Covid-19. They are not charging extra fees for rights to restoration. Regarding the new extension to the deadline they have set out flexible and reasonable rules that say 2 months from when the reason affecting the applicants disappeared as long as you can provide supporting documents to explain that the pandemic was the reason for the delay. For the trademark side I met with the Trademark Officers in early February – it was a very memorable meeting! Everyone was wearing masks and sitting far from each other – and the officers expressed that they would try their best to protect the rights of the applicant due to the pandemic.

**Mi-Chung** – the South Korea patent office announced that they will grant an extension for cases with a deadline ends on between March 31 to April 29 to May 4 . Also, if an application is invalidated or a right is extinguished due to coronavirus, the official fee will be waived when applying for post-right relief. Some fees such as filing fees for applicants in dangerous areas in Korea have also been reduced.

**Roberto** – all hearings before the opposition and examining divisions are suspended til April 30 or before boards of appeal to May 15<sup>th</sup> for the EPO. The Italian patent office has all deadlines extended til May 15<sup>th</sup>. The duration of Italian IP rights expiring between 31<sup>st</sup> January and 15<sup>th</sup> April 2020 have been dates extended til June 15<sup>th</sup> 2020.

### **Q: how much support from the government is available in your jurisdictions?**

**Lena** – I heard that Japan and Sweden government is very generous in paying salaries of the enterprises during closing time. In China there is not that support but they are doing everything to overcome economic crises, especially for SME business – eg if your premises are rented from a state landlord, you can apply for reduced rent or to pay it later, and the enterprises are allowed to pay taxes later and less. Loans from banks are also being given to



businesses to help them through this difficult time. Restaurant, tourism and other service industries need support to help them get back to normal. Both local and central governments are taking various measures to help industries to return to business.

**Roberto** – not much support currently from the Italian government but we are at an earlier stage than China. The government here is working on financial support packages for businesses that are hardest hit. I think that, given the type of work, we are in a privileged position compared to some sectors.

**Mi-Chung** – a law firm like us doesn't receive much direct support from the government but SMEs in bad situation such as travel industry can ask for very low interest rate loans or people who are laid off and part time workers are receiving direct cash help. Also, the government is discussing whether to give basic disaster allowance to all Korean citizens.

### **Q: what are your views on the long-term impact of the pandemic on your practice?**

**Lena** – a tough question. Some people are worrying that there will be less globalisation than now and more of a focus on domestic output and trade. If that is the trend, businesses will be affected and IP protection will also be affected. On the other hand, some other technologies will be needed and developed more than before so there will be more innovation than before. In the US there is also a drive for more domestic companies but that has not been too successful so how the 'homegrown' approach will be successful is still a question. Overall, I'm optimistic about future developments.

**Mi-Chung** – I think 'after corona' there are predictions that a lot will change. Some technologies are very focused and there is more investment and money from governments for certain sectors like biotech – vaccine developments, testing kits, which are critical for the whole world. The Korean government will invest a lot of money in these areas and in some areas like IT too, where there will be a lot of innovation, we can expect a lot of activities around patents. The pandemic may hurt manufacturing companies, travel industries etc, in a certain period of time but it could provide a boost for high tech sectors.

### **Q: isolation and stress working from home**

**Roberto** – I'm dealing with inability to get out to the golf course and interact with people. In 2011 I had a health crisis and I learnt how to handle stress during that period and to keep life as close as I could to what it was before. I tried to be physically and mentally engaged and not to keep my mind empty - and I'm using the same strategies now. I also do gym each morning before I come to the office and then mini golf (which I set up in the car park of my office after the virus struck) for a lunchtime break. I think we need to focus on the positives, and I recommend not spending too much time on TV or Netflix – you must do something positive and physical each day.



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