

# FICPI VIRTUAL 20<sup>TH</sup> OPEN FORUM

FICPI is a global community, built on trusted relationships which strengthens the practice of the independent IP attorney.



3 - 5 NOVEMBER 2021

[www.ficpi.org](http://www.ficpi.org)

#Vienna

# Contents

- Registration
- Programme highlights
- Social highlights
- CPD/CLE accreditation
- FICPI connect
- Working programme
- Social programme
- The Organisers



Register now!

# Registration

*“FICPI’s 20<sup>th</sup> Open Forum offers a comprehensive technical programme for independent IP attorneys based around the world, whether specialising in patents or trade marks.*

*“We’ve devised a fun and engaging social programme to complement the technical agenda, with a sporting challenge, an IP-themed cocktail evening, quiz, and cheese-based cooking fun!*

*“The Forum is open to all and we are pleased to offer a special rate to members of other IP organisations. Please visit [www.ficpi.org](http://www.ficpi.org) to register.”*



**Elia Sugrañes**  
Deputy Secretary General  
FICPI Bureau

Membership Status	Registration Fees
FICPI Members	CHF 55
AIPLA // ABA-IPL // ASIPI // ABPI // EACCNY	CHF 82
Non-Members	CHF 109



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# Programme highlights

## Day 1 // Wednesday 3 November

Plenary 1 // Which IP firm should you hire? A discussion from different perspectives: In-house attorneys & IP firm attorneys  
Session 2.1 // Obtaining and defending preliminary or interlocutory injunctions  
Session 2.2 // Trade mark joint custody: tips and trends for co-branding

## Day 2 // Thursday 4 November

Session 3.1 // Best practice for drafting quality patents  
Session 3.2 // Trade marks off world: new frontier or lost in space?  
  
Session 4.1 // Happy not to be a partner: career planning outside the partner track  
Session 4.2 // Infringement without borders in the digital age

## Day 3 // Friday 5 November

Session 5.1 // Legal tech: big data for the profession — the transparent profession  
Session 5.2 // Expediting or delaying patent prosecution  
  
Plenary 2 // The post-Covid IP firm, remote working and wellbeing



# Social highlights

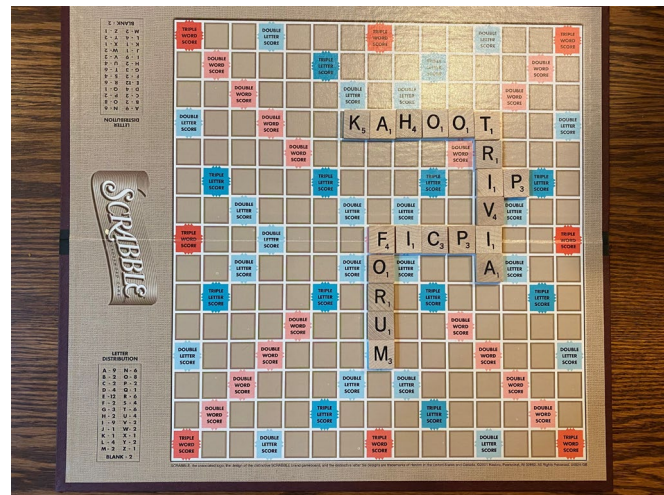
## Day 1 // Wednesday 3 November

Shaken, not stirred...



## Day 2 // Thursday 4 November

Kahoot // the FICPI quiz



## Day 3 // Friday 5 November

Say cheese!



# CPD/CLE accreditation

Attending FICPI's Virtual Open Forum will provide at least 10 hours of CPD/CLE credit.

For attendees who may self certify, a certificate confirming the number of hours attended, will be distributed by end of November 2021. Please email [events@ficpi.org](mailto:events@ficpi.org) to request a certificate.

**Italian Attendees:** FICPI will obtain prior accreditation for CPD from the Italian Association of IP Attorneys (Ordine dei Consulenti in Proprietà Industriale).



Register now!

# FICPI connect

Discover how competitive you are with our virtual Gamification challenge!



Plus, excellent networking opportunities via FICPI's social wall and face-to-face on Wonder.





# Working programme

*Timezone: Central European Time*

## Day 1 // Wednesday 3 November

- 11:45-12:00 Welcome Address
- 12:00-13:45 Plenary 1 // Which IP firm should you hire? A discussion from different perspectives: In-house attorneys & IP firm attorneys
- 14:00-15:00 Session 2.1 // Obtaining and defending preliminary or interlocutory injunctions  
Session 2.2 // Trade mark joint custody: tips and trends for co-branding

## Day 2 // Thursday 4 November

- 12:00-13:20 Session 3.1 // Best practice for drafting quality patents  
Session 3.2 // Trade marks off world: new frontier or lost in space?
- 13:35-15:00 Session 4.1 // Happy not to be a partner: career planning outside the partner track  
Session 4.2 // Infringement without borders in the digital age

## Day 3 // Friday 5 November

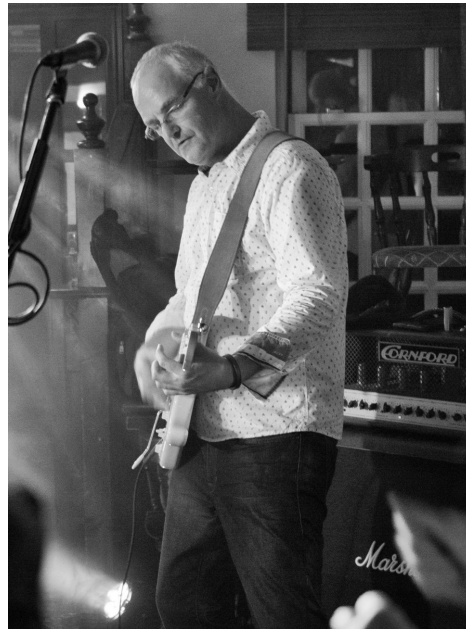
- 12:00-13:20 Session 5.1 // Legal tech: big data for the profession — the transparent profession  
Session 5.2 // Expediting or delaying patent prosecution
- 13:35-15:00 Plenary 2 // The post-Covid IP firm, remote working and wellbeing





Wednesday 3 November 2021  
11:45-12:00 Central European Time

# Welcome address



## FICPI President

Julian Crump (GB)  
[julian.crump@ficpi.org](mailto:julian.crump@ficpi.org)



## FICPI Secretary General

Roberto Pistolesi (IT)  
[roberto.pistolesi@ficpi.org](mailto:roberto.pistolesi@ficpi.org)



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# Which IP firm should you hire?

## A discussion from different perspectives

In this session a panel including IP managers from companies, and representatives from IP firms, will discuss processes and criteria for selecting an IP firm to work with, and to evaluate its performance.

- How is a firm selected?
- How is its performance reviewed?
- What are the main criteria and how are they appreciated?
- Who is in charge of this process within the firm and how is it organised?

### In-house attorneys

Industry representatives will share their perspective and expose what they are looking for when they select an IP firm.

### IP firm attorneys

Representatives from IP firms will do the same, explaining the main criteria and priorities for selecting a (foreign) IP firm to work with.

#### **Moderator:**

Dr. Alexander WYRWOLL, Winter Brandl (DE)

#### **Speakers // In-house:**

- Marylauren ILAGAN, Mary Kay Inc. (US)
- Eric SATERMO, Boeing (US)
- Yuka SATO, Canon Inc. (JP)

#### **Speakers // IP firms:**

- Jérôme COLLIN, REGIMBEAU (FR)
- Sterling FILLMORE, Workman Nydegger (US)
- Yoshinori SHIMIZU, SOEI (JP)



# Obtaining and Defending Preliminary or Interlocutory Injunctions

Sometimes the action of an unauthorised third party prompts a patentee to take urgent action to enjoin potential infringement.

If there is insufficient time for the courts to fully assess validity of the claims of the patent, to maintain the status quo until such time as the substantive issues can be resolved the patentee may be able to obtain a preliminary injunction.

Under what circumstances will courts be prepared to grant such preliminary injunctions, and what are the consequences for the patentee should the claims of the patent be ultimately found to be invalid or not infringed?

This will be discussed from the perspective of the patentee and the potential infringer.



## Moderator:

Andrew MEIKLE, BSKB (US)

## Speakers:

- Richard EBBINK, Brinkhoff (NL)
- Nicole JADEJA, Pinsent Masons (GB)
- P. Branko PEJIC, Greenblum & Bernstein (US)



# Trade mark joint custody: Tips and trends for co-branding

Many companies are joining forces in the marketplace with creative product and service offerings. While these marketing marriages are great for expanding brand scope, they create unique business and IP risks.

This panel will explore the different types of co-brands, risks inherent in such joint ventures, strategies for enforcement, dealing with party disputes, essential terms for co-brand agreements, and important factors to consider in different jurisdictions.

## Moderator:

John PICKERILL, Fredrikson & Byron (US)

## Speakers:

- Uğur AKTEKIN, Gün + Partner (TR)
- Maria GERAeva, Gowling WLG (RU)
- Tingxi HUO, Chofn (CN)
- Eduardo MIRAVETE, MCOY Abogados (MX)



Register now!



# Best practice for drafting quality patents

This session shall address issues faced by applicants wishing to obtain protection in several jurisdictions, when drafting the priority patent application and when refiling under priority. These issues include:

- Ensuring support for the desired scope.
- Ensuring support for justifying the claims are inventive (the possible link between sufficiency of disclosure / enablement and inventive step / obviousness shall be discussed).
- Anticipating as much as possible future amendments.

The speakers will expose the requirements (illustrated by some examples) in their respective jurisdictions, specifically for patents in the fields of information technology and electronics.

## **Moderator:**

Takeshi AOKI, Primeworks IP (JP)

## **Speakers:**

- Dr. Doug EALEY, D. Young (GB)
- Ken MUNCY, Muncy, Geissler, Olds & Lowe (US)
- Hiroyuki SUDA, Nakamura & Partners (JP)





# Trade marks off world: new frontier or lost in space?

This cutting-edge “Space Programme” will look at trademark law in outer space from 2020 to 2120.

Representatives from current space exploring countries will give their predictions and viewpoints on what a legal infrastructure for trademarks off-world (Earth Orbit, Moon and Mars) may be.

Current UN treaties, the Law of the Sea, national statutes, contractual clauses, and possible new international agreements will all be examined.

Join this exciting panel as we blast off into the unknown together!

## **Moderator:**

Clark W. LACKERT, Carlton Fields (US)

## **Speakers:**

- Eugene ARIEVICH, Baker & McKenzie (RU)
- Sheja EHTESHAME, ALG India Law Offices (IN)
- Jonathan GOODWILL, Carlton Fields (US)
- Zhongcheng ZHAO, Patmark Attorneys (CN)



# Happy not to be a partner: career planning outside the partner track

In the past, successful associates wanted to become partners. Now that the millennials are progressing to senior ranks it is becoming apparent that the traditional partner track - a device created by the baby boomers - is not always attractive to them.

Firms are now required to develop career plans that keep valuable and experienced staff happy without becoming a partner. At the same time, the digitisation of the firms requires a high level of IT readiness and experience of the office staff, i.e., skills that are in high demand and hard to find in a thinning job market.

This session will discuss careers for professionals and for office staff that may be pursued in a law firm outside the partner track.

## **Moderator:**

Ximena CASTELLANOS, Castellanos & Co (CO)

## **Speakers:**

- Julie BARRETT, Purposive Step(GB)
- Justin CASSELL, Workman Nydegger (US)





# Infringement without Borders in the Digital Age

This session shall examine the status of unauthorised use and infringement of IP rights, under the growing borderless internet commerce.

Strategies, options and difficulties for IP right holders to 'take down' infringements on e-marketplaces - e.g., Amazon, Alibaba – will be discussed.

## **Moderator:**

Dr. Sharon E. CRANE, Rothwell Figg (US)

## **Speakers:**

- Jill BROWNING, Greenblum & Bernstein (US)
- Dr. Alexander ESSLINGER, Betten & Resch (DE)
- Swarup KUMAR, Remfry & Sagar (IN)
- Benoît STROWEL, Hoyng Rokh Monegier (FR)



# Legal tech: big data for the profession - the transparent profession

This session will shed a light on what Big Data may offer to the profession.

How can Big Data be used in business development and in your daily work practice?

But there may be also a risky side of Big Data; IP firms and IP professionals may need to consider its impact on their communications strategies and on their clients.

We look at what is possible today and what will be possible tomorrow.

**Moderator:**

Georg PUCHBERGER, Puchberger (AT)

**Speakers:**

- Tony AFRAM, Founder, IP Quants AG (CH)
- Volker RÜRUP, Founder, Patent-Pilot GmbH (DE)





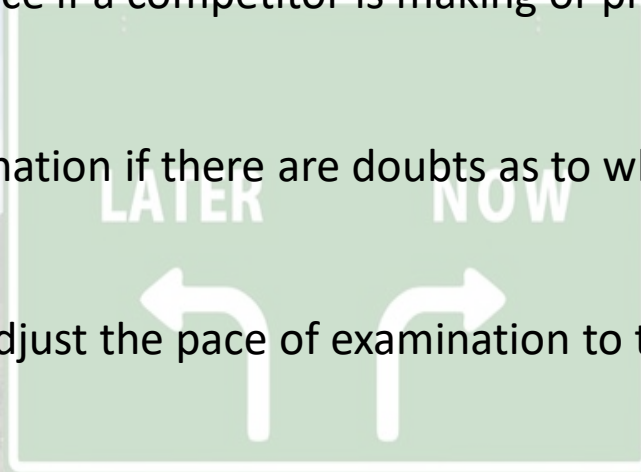
# Expediting or delaying patent prosecution

The best pace for patent examination is often not the average pace of the patent office.

There may be reasons to expedite allowance if a competitor is making or preparing to make unauthorised use of the invention.

There may also be reasons to delay examination if there are doubts as to whether divisionals should be filed or new claims be added.

Our speakers will explore alternatives to adjust the pace of examination to the applicant's actual needs.



## **Moderator:**

Dr. MaryAnne ARMSTRONG, BSKB (US)

## **Speakers:**

- Emily DODGSON, Abel+Imray (GB)
- Jennifer MAISEL, Rothwell Figg (US)
- Dr. Deepa TIKU, KNS Partners (IN)





# The post-Covid IP firm, remote working and wellbeing

Covid-19 has undoubtedly transformed the operation of IP firms, starting with work from home and paperless environments.

Clients have also changed and so have their requirements. The need for expert advice and immediacy has increased.

As we head towards exiting this pandemic episode, how will IP firms operate, communicate and grow?

- Have there been lasting modifications?
- What will we need to improve upon?
- What are the challenges ahead?
- What service lines will be required?
- How will the working from home options be applied in different countries?
- How to improve the sense of wellbeing in a post-Covid environment

## **Moderator:**

Alain LECLERC, Fasken (CA)

## **Speakers:**

- R. Danny HUNTINGTON, Rothwell Figg (US)
- Bastiaan KOSTER, Von Seidels (ZA)
- Anne LÉVY, Brandon IP (FR)
- Lena SHEN, SanYou IP Group (CN)





# FICPI's Calorie Challenge

3/4/5 November  
@yourtime

Planning on participating in our “Say Cheese” event? Now it is the time to burn away those calories together with your friends and win a 50% discount against registration at our next in-person event. This is what you need to do:

1. Call two of your FICPI friends.
2. Form a group of three.
3. Name the group.
4. Send us ([patrick.erk@ficpi.org](mailto:patrick.erk@ficpi.org) and [rebecca.sandland@ficpi.org](mailto:rebecca.sandland@ficpi.org)) an email to enter your group as a contestant.
5. Make sure every group member has a **STRAVA** account and is a member of the [FICPI Strava Club](#).
6. Make sure every group member has a fitness tracker or smartwatch.
7. On 3, 4 and 5 November 2021, do whatever sporting activity you wish. Record the activity with your fitness tracker or smartwatch. Make sure your fitness platform is able to calculate calories for this activity.
8. Upload your activity on Strava indicating your group's name. Show us a picture taken during this activity.
9. Make sure all your group members do the same.



On 6 November 2021, we will collate the calories from the participating groups. The group which has burnt the most calories wins. Simple, isn't it? But wait when those calories start burning!



# Shaken, not stirred...

3 November 2021  
19:00

Join Nicole DeAbrantes, a prospective FICPI member, current patent attorney and former professional bartender, for a lesson on concocting some very inventive cocktails!

- “The 101”*** The metes and bounds of this recipe are a bit fuzzy, but our cocktail expert will help you navigate to cocktail eligibility!
- “The TRIPS”*** There is multilateral agreement that this one will be a perpetual favourite!
- “The CAP”*** Keep this recipe close to the vest – only you and your cocktail guide will share the secrets of this cocktail!
- “The TM5”*** No bad faith with this harmonised recipe!
- “The Hague”*** Protect the design of this recipe – no counterfeits here!

After a brief grace period, details of the ingredients will follow!



Register now!

# Kahoot! The FICPI Quiz

4 November 2021  
19:00



We will be using a fun online quiz platform called Kahoot which makes the session more interactive and features images as well as written questions, and a fun leaderboard podium!

We will supply you with a link to join the quiz and see the questions on your computer, plus a code to use on your smartphone where you will enter your answer choices.

The emphasis is on fun but there will be a prize of a 50% discount off the price of FICPI's next in-person event for the winner!



Register now!



# Say Cheese!

5 November 2021  
11:00-12:00



To meet the challenge of a group dining experience across time zones, we will have a recipe/cooking challenge based on cheese – because cheese can be incorporated into any meal or snack during the day!

Participants should not feel required to cook dishes from any particular region, to cook dishes from this list, or even to use these recipes!



## Breakfast

Africa: [Shakshuka](#)

Asia: [Kimchi grilled cheese](#)

Australia: [Aussie breakfast egg mess](#)

Europe: [Baked eggs with tomatoes and feta cheese](#)

North America: [Amish breakfast casserole](#)

South America: [Brazilian cheesebread](#)

## Dinner

Africa: [Tombi's cheese tart](#)

Asia: [Paneer Tikka Masala](#)

Australia: [Creamy tuna mornay](#)

Europe: [Swiss cheese fondue](#)

North America: [Apple and cheddar stuffed pork chops](#)

South America: [Uruguayan Steak Sandwich \(Chivito\)](#)

## Lunch

Africa: [Chakalaka and Cheddar Braaibroodjies](#)

Asia: [Asian chicken and cheddar lettuce wraps](#)

Australia: [Australian busters](#)

Europe: [Quiche Lorraine](#)

North America: [Cheese pizza](#)

South America: [Grilled arepas with farmer's cheese](#)

## Dessert

Africa: [Amarula cheesecake](#)

Asia: [Hokkaido cheese tart](#)

Australia: [Tim Tam cheesecake balls](#)

Europe: [Basque cheesecake](#)

North America: [Peach tarts with goat cheese and honey](#)

South America: [Fried plantains with cheese](#)

*Photos of the finished products will be judged by our returning judge from FICPI's 2020 Virtual Forum "Eggercise", Russell Wardrop from the rainmaking firm [Kissing With Confidence](#).*

*The winner will receive a 50% discount against their registration for the next in-person FICPI event.*

***Bon Appetit!***



# The Organisers

FICPI's 20<sup>th</sup> Open Forum was brought to you with the wonderful assistance of:

Ivan Ahlert, Toni Ashton, Michael Caine, Jerome Collin, Sharon Crane, Julian Crump, Catherine Dhanjal, Patrick Erk, Mike Hatcliffe, Danny Huntington, Swarup Kumar, Anne Levy, Coleen Morrison, Roberto Pistolesi, Georg Puchberger, Rebecca Sandland, Lena Shen, Elia Sugranes, Robert Watson, Christian Wende, Alexander Wyrwoll, and many more!



Register now!

