

wip INFLUENTIAL  
women in ip 2020

# Influential Women

Celebrating the best and brightest

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worst-kept secret

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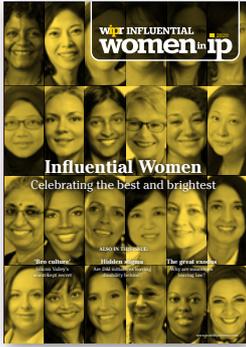
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## The good work must go on



I began this project in the hope of doing my part to celebrate the work women have done, and will continue to do, in the IP sector.

We published the inaugural issue in early 2019, a landmark year for women in law. It marked the centenary since women were allowed to become barristers and solicitors in the UK. Calls for gender diversity echoed across the industry, carried along by the #MeToo movement.

But diversity comes in many different forms, and some are less visible than others, so it's time we shone a spotlight on these too. That's why, in our second edition, we're focusing on more than just gender diversity.

That's not to say gender equality in IP has been 'achieved'—we still need to fight for it. Alongside our features, we highlight 100 Influential Women in IP, who are all playing a significant role in championing diversity and changing the IP system.

The people we've spoken to within these pages have stories to tell, both good and bad, and all have been open with us. It is only by making voices heard can we, as an industry, change for the better.

We put together this publication amid the COVID-19 pandemic, during which black, Asian and minority ethnic people have topped the list of those dying from the virus.

Without forgetting the amazing work done by frontline workers and volunteers, it's important to focus on how this global healthcare crisis has upended our working lives. The lines between work and life have become increasingly blurred, and caring responsibilities and mental health are being talked about more than ever before.

But what worries me is whether diversity and inclusion (D&I) issues are being placed on the back burner as budgets tighten and focus turns solely to immediate needs, at the expense of long-term objectives. There's precedent—diversity in law firms took a huge hit after the financial collapse of 2008. It's crucial that this isn't allowed to happen again.

I'm not the only one with these concerns—law firms and organisations committed to promoting D&I are raising the alarm, through partnerships and open letters.

The current healthcare crisis could truly be the ultimate test for D&I in the legal profession, and it's incumbent on everyone in the industry to play their role.

**Sarah Morgan, editor**



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# The pressing need for equality

**As the world deals with the COVID-19 pandemic, increasing diversity and achieving gender equality is even more important, says Francis Gurry, director general of the World Intellectual Property Organization.**

It is my great pleasure to contribute a few words of introduction to *World Intellectual Property Review's* "Influential Women in IP" publication.

IP exists to encourage innovation and creativity, which stimulate improvements in our quality of life and provide opportunities to confront and overcome systemic challenges. Without gender equality, however, humanity is sadly missing out on realising its full innovative and creative potential.

With the emergence of the COVID-19 pandemic, increasing diversity and achieving gender equality is even more important: humankind needs all hands on deck in the fight against this pathogen. New treatments, therapeutics and, hopefully, a vaccine are anxiously awaited by the global public.

### Numbers matter

It is estimated that, globally, women make up approximately two-thirds of all the essential health and care workers who are risking their lives to fight this pandemic, but they are still severely underrepresented in the science, technology, engineering and math (STEM) fields that fuel medical research.

This underrepresentation is confirmed by new World Intellectual Property Organization (WIPO) figures on applications filed under the Patent Cooperation Treaty (PCT). In 1995, women represented only 9.5% of the 82,000 inventors listed in PCT applications published by WIPO. By 2019, that figure had risen to almost 19% of 656,000 PCT-listed inventors.

Anything in our PCT filings that shows less than 50 percent participation by women points to potentially



“  
**Humankind needs all hands on deck in the fight against this pathogen.**  
 ”

missed innovation opportunities, which is particularly worrisome now when the need for innovation is so acute, although a growing presence of women inventors in the life sciences is encouraging.

While numbers are moving in the right direction, the rate of progress has stagnated for most of the previous decade and, as of today, parity among PCT-listed inventors will be reached only in 2044—24 years from now!

I am also concerned by the fact that the economic crisis may impose new additional barriers on women inventors, further reducing the pace of change. While ensuring that the current gains are maintained, we must speed up progress towards the day when we may all benefit from the entirety of human ingenuity.

This year, International Women's Day on March 8 took on a particular significance as it coincided with the 25th anniversary of the Beijing Declaration, the roadmap for the empowerment of women and girls adopted by United Nations member states in 1995. So 2020 represents a key opportunity to reflect on gaps and gains over the past 25 years, while turning towards the future with renewed commitment and determination.

Sustainable Development Goal (SDG) number five—gender equality—is a key, cross-cutting target and a precondition for sustainable progress toward the goals to be achieved by 2030. WIPO is pleased to be leading the drive to boost innovation among women and girls across the globe for a worldwide benefit and the success of the SDGs.

Please join us in this important effort, while celebrating the model Women in IP we see featured in this publication. ●



# Positive strides

**WIPR's latest survey on diversity and inclusion provides another sombre snapshot of an industry that's behind the times but trying hard to catch up through a variety of initiatives. Sarah Morgan reports.**

**E**arlier this year, WIPR undertook a global survey to learn more about your thoughts and experiences of diversity in the legal profession. While our inaugural survey in 2019 mainly focused on gender diversity, this year we broadened the focus to include all kinds of diversity and inclusion (D&I) issues for a fuller picture. The results were, once again, sobering.

As in our first survey, the majority of our respondents were women, with men and 'other' making up 20% and 5%, respectively. The majority (70%) of respondents came from private practice, while in-house, service providers, IP offices and others made up the rest of the cohort, and a third of respondents consider themselves to be part of a minority.

### Personal stories and accountable leaders

Approximately three-quarters of respondents believe that D&I is a stated value for their organisation. D&I seems to be more of a priority for those in private practice, with 82% believing it's a priority for their organisation, compared with 70% of those in other organisations.

These percentages are slightly lower than the amount of people who believe that D&I is either extremely important or very important to improving a company's success (89%). And, given the sheer number of studies which show that diversity improves innovation and financial performance, it's no surprise that only 3% of respondents feel that D&I is not very or not at all important.

The bad news is that the percentage of firms with a D&I policy did not change year on year, with 65% of respondents stating that their companies had such a



“It's important for an organisation to have diversity champions who strongly believe in making changes.”

”  
*Véronique Durand-Rettally,  
Baker McKenzie*

policy in both this year's survey and last year's. Private practice respondents pushed up the results, with 67% stating that their firm has a policy.

But there's worse news: our survey found that only three-quarters believe their senior management team was committed to D&I.

Brian Winterfeldt, principal of Winterfeldt IP Group, says: “It is very unfortunate that although we are in the year 2020, a quarter of survey respondents believe their senior management team is not demonstrably committed to D&I.”

It's crucial for a diverse and inclusive culture to come from the top and be reinforced at every step of the way. Otherwise, staff can end up feeling like one respondent, who warns: “The initiatives feel like public-facing statements not internal goals.”

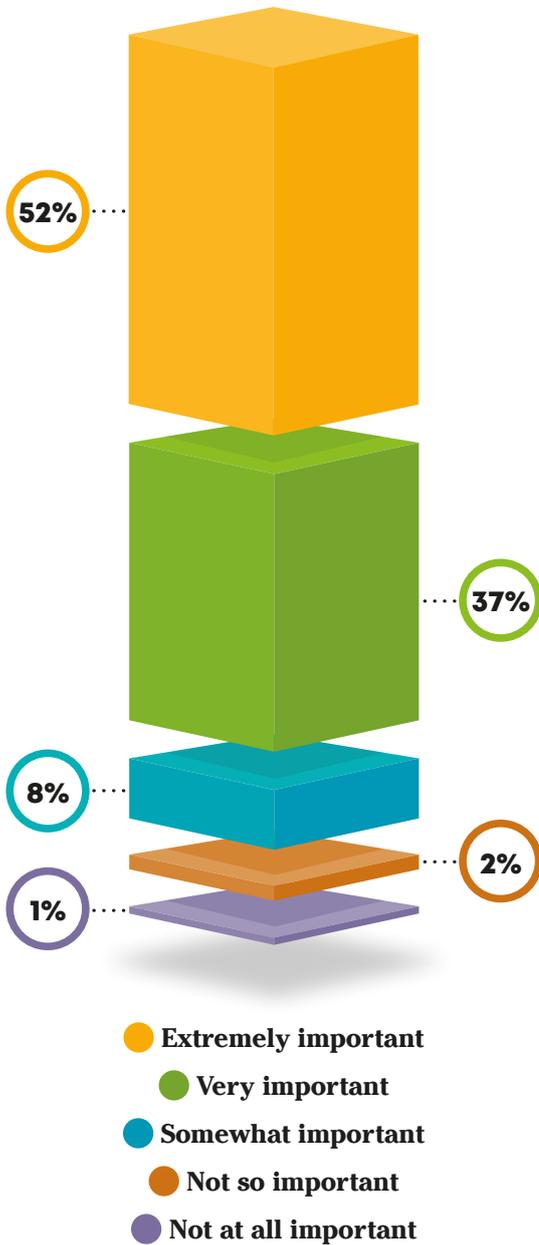
Véronique Durand-Rettally, counsel at Baker McKenzie in Mexico, adds that having accountable leaders is of the utmost importance when you're looking to develop better D&I programmes.

“It's important for an organisation to have diversity champions who strongly believe in making changes and involve leadership to create a diverse and inclusive workplace,” she says. “But for any policy and initiative to be successful, the commitment of everyone, especially those at a decision-making level, is crucial.”

To get more members of senior management engaged with these important efforts, Winterfeldt suggests some effective approaches.

First, client pressure and peer pressure can be very useful, he says, adding that “even those who are not committed to D&I because it is the right thing to do, ethically speaking, can be persuaded that

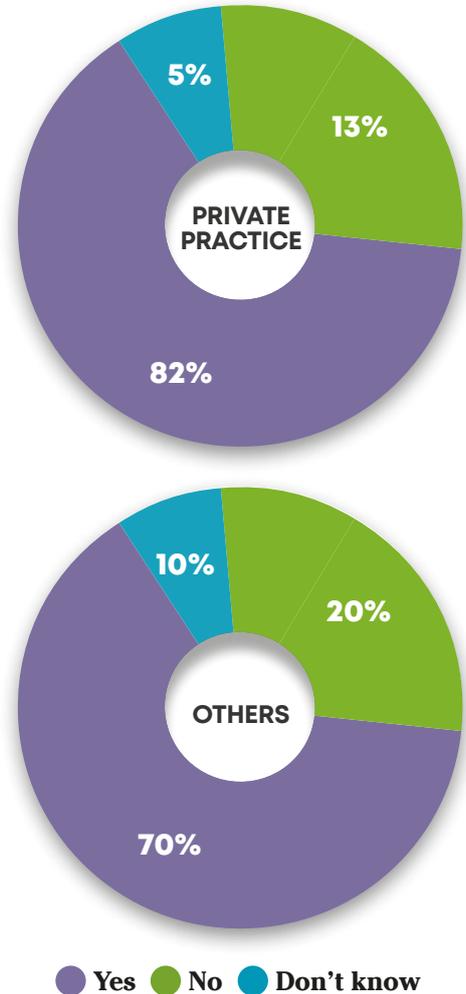
**How important do you think diversity and inclusion is to improving your organisation's success?**



“We need to discuss our own programming as to how we view and judge others based on societal norms, going to the root causes of a lack of diversity.”

”  
Mercedes Meyer,  
Faegre Drinker Biddle & Reath

**Is diversity and inclusion a stated value or priority for your organisation?**



He believes that leadership team members who are not diverse may simply not be thinking about D&I if it hasn't been relevant to their own career path and advancement trajectory.

According to our survey, 96% of respondents were aware of women in senior positions in their organisations. But, those with other diverse characteristics were less visible. Only 50% of respondents were aware of senior people from an ethnic minority, and approximately 42% of respondents knew of an LGBTQ+ person on the senior team.

The numbers are much lower when you look at people with a disability and those from a lower socioeconomic background, with approximately 15% and 26%, respectively.

“I have found that personal stories resonate with senior professionals whose own life experiences have not been impacted by D&I,” adds Winterfeldt.

“Once these professionals hear from diverse personnel who have either been helped by D&I efforts,

there is a significant business case for an investment in D&I”.

In recent years, a series of corporates have introduced diversity demands on outside counsel, with Intel announcing that it would “not retain or use outside law firms in the US that are average or below average on diversity”.

“Law firms whose clients require a demonstration of a D&I commitment are more likely to offer diverse client service teams, and corporate organisations may also be accountable to their own customers and shareholders who expect progress in this area,” adds Winterfeldt.

**All respondents: does your organisation have a diversity and inclusion policy?**



or hindered by a lack of them, they may be open to developing more inclusive practices and policies.”

**Root causes**

Mercedes Meyer, partner at Faegre Drinker Biddle & Reath in the US, warns that accountability is currently failing. She believes that firms and in-house teams need to hold groups accountable for putting people on their teams and ensure they are not using a team of people of only one gender or one ethnic group.

While Meyer believes that many people are committed to improving D&I, she cautions that some are not looking at and addressing the underlying root causes of a lack of diversity.

“We need to discuss our own programming as to how we view and judge others based on societal norms, going to the root causes of a lack of diversity,” she says. Unconscious bias training is just one of many options that IP firms are undertaking to push D&I efforts.

“You can be committed, but if you don’t undertake actions, then the commitment is without impact,” Meyer adds.

Nearly two-thirds of respondents say their company has mentoring and leadership development programmes, while more than half have set up a diversity and/or inclusion committee. But other initiatives such as diversity training and affinity networks lag behind, with 42% and 40%, respectively.

A variety of initiatives can be successful, says Winterfeldt, but it’s vital for the senior personnel who are developing and promoting these initiatives



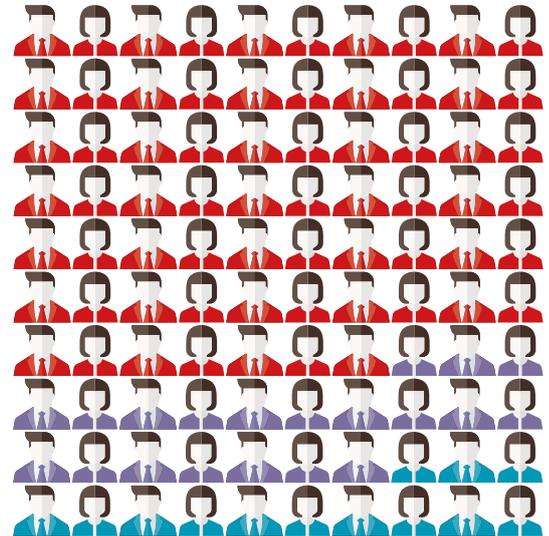
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Law firms whose clients require a demonstration of a D&I commitment are more likely to offer diverse client service teams.

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Brian Winterfeldt, Winterfeldt IP Group

**Private practice: does your organisation have a diversity and inclusion policy?**



to be responsive to feedback from members of the organisation at all levels.

“For example, D&I training can be very well done and create a true sense of inclusion and community among an organisation’s workforce,” he explains.

“However, if training is mandatory but comes across as perfunctory, it can have the opposite impact and make employees feel as if management is ‘phoning it in’, so to speak, especially if the employees continue to observe overt discrimination or a perceived lack of opportunities for diverse personnel.”

**Fighting the system**

Even though some IP organisations are undertaking exemplary D&I work, it’s a sad picture for the legal profession as a whole—only half of our respondents believe that the profession is doing well in this respect.

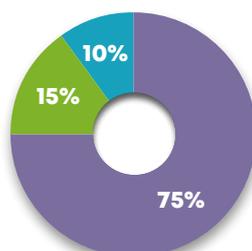
“The legal profession talks a good talk but fails on the evidence,” claims one respondent.

In the UK, women make up 49% of lawyers in law firms, but only 34% of partners are women, according to the Solicitors Regulation Authority. In large firms, with more than 50 partners, only 29% of women are partners.

Black and Asian lawyers are significantly underrepresented in mid to large-size firms of six or more partners. Firms with more than 50 partners have the lowest proportion of black, Asian, and minority ethnic partners (8%)—no change since 2017.

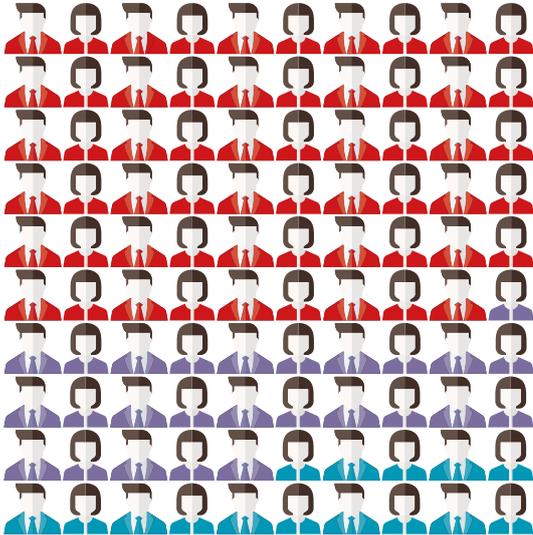
It’s much the same in the US where only one in five equity partners in law firms are women and less than 8% are people of colour, according to a report from the National Association for Law Placement (NALP).

**Do you believe your senior management team/managing partner is committed to diversity and inclusion?**



● Yes ● No ● Don't know

**Others: does your organisation have a diversity and inclusion policy?**

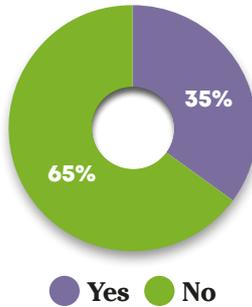


But there is hope, and Durand-Rettally is optimistic. She believes that it's hard to change such an ingrained business model, but the legal profession is attempting to fight against this.

"The legal profession is fighting against its own system in order to be part of this inevitable change," she says.

In the more than 20 years that Winterfeldt has been practising law, there have been some notable improvements, he says. Much earlier in his career, LGBTQ+ professionals were often excluded from

**Would you say that you are part of a minority at your company?**



diversity committees and external diversity-related organisations, but this has changed in the past decade, with a movement towards greater inclusivity.

Progress is much slower in private practice than in-house, says Winterfeldt, with "incredible" attrition across all diversity categories as attorneys progress from summer/junior associates to the partner level.

"I am hoping there may be a time in the not-too-distant future when junior practitioners can readily see paths to wherever their goals may take them, whether the goal is to make partner or go in-house and become the general counsel.

"We do have a very long way to go until that vision can be realised, however," he adds.

The biggest problem in the legal profession, says Meyer, is the billable hour. This structure makes managers select the easiest team to work with, and makes people reluctant to train new people to do the job as this takes up precious time.

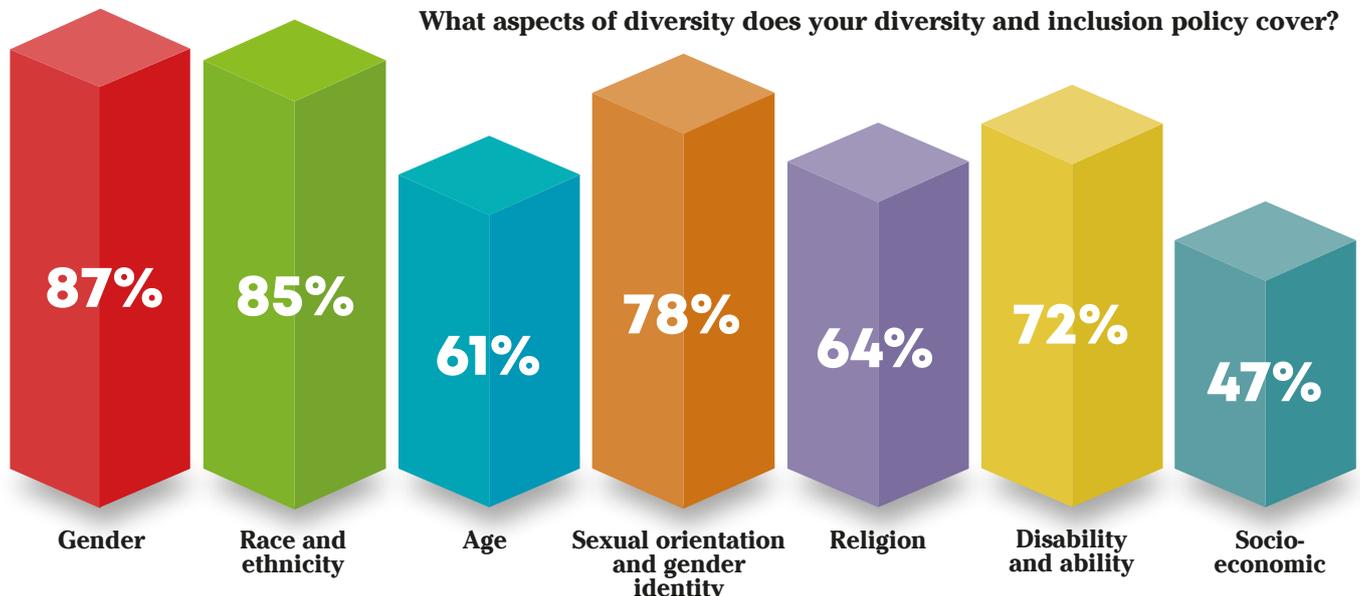
Meyer explains: "If you have a requirement of 2,400 hours per year, that works out to 6.57 hours every day of the year or 9.1 hours if you take weekends off. Those numbers work against time available for education for diversity, teaching, affinity groups and solving the problem.

"They work against people with disabilities. They work against socialising and getting to know your colleagues."

While it's unlikely that the idea of billable hours will change any time soon, other practices, such as mentoring and training to ensure retention and flexible working can go a long way towards ensuring a pipeline of diverse professionals.

Winterfeldt concludes: "We are, at the core, an industry of creative solutions, and we won't find those solutions for our clients—whether internal or external—through a narrow lens." ●

**What aspects of diversity does your diversity and inclusion policy cover?**



# Protecting the entrepreneurial spirit

**Becoming an entrepreneur is not an easy route to take. But when you're an indigenous woman, it can be even tougher. Sarah Morgan interviews bold women about their experiences and the role IP can play in empowerment.**

**T**he Native American story is one of land loss and the extreme suffering that came with colonisation. It's important to acknowledge the truth of these events, but also not to forget other stories—those of economic self-sufficiency and creative entrepreneurship.

An important part of the Native American story is how they have fought to protect their cultural expressions and traditions from exploitation. Penobscot woman Theresa Secord is just one of many examples of indigenous women who have led these efforts.

In the mid-1800s, indigenous women began taking their woven baskets to coastal Maine resort towns in the summer to sell to tourists, but learning how to weave subsequently waned in popularity. Now, Secord is playing a vital role in the resurrection of one of what is one of the oldest known Native American crafts.

Speaking to me before heading out to a major art market in the US, Secord describes basket weaving as a family tradition, beginning with her great grandmother. Secord is a member of the Penobscot nation, a federally recognised tribe in Maine.

After founding the Maine Indian Basketmakers Alliance 25 years ago, she helped bring forward a new generation of basket makers. The average age of those involved in basket weaving fell from 63 to 43, while the overall number of participants grew.

She's spent a long time advocating for the art form, and feels that "too often, we undervalue ourselves".

"Looking back, I think it's safe to say that women of my generation and earlier are very undervalued when it comes to their rights to IP," she says.

Hers is a similar story to that of Sámi woman Solveig Ballo, who I speak to while she's on a four-and-a-half-hour drive, travelling between her offices in northern Scandinavia where she supports nearly 50 Sámi businesses and entrepreneurs with advice and counselling.

Hailing from a region that stretches across the northern part of Scandinavia and Russia's Kola



“**Laws and regulations need to be in place where the IP for innovations and creations of indigenous women is respected and valued.**”

*Rebecka Forsgren,  
WIPO 2019 Indigenous Fellow*



Peninsula, the indigenous Sámi people are perhaps best known for their reindeer herding. But the community has a rich culture of arts and handmade crafts, such as Joik—the folk music of the Sámi.

But young people are moving to bigger cities and abandoning traditional ways of life.

For the women who stay the biggest challenge, according to Ballo, is daring to take the bold step to become a full-time entrepreneur.

"This applies to everyone, but it's especially true in small communities. It takes a lot of courage to say: 'I've made this and I want to sell it for the right price'," she adds.

## Building a new culture

All the women I speak to offer the same story: IP can play a crucial role in developing the businesses of indigenous entrepreneurs, but there's a lack of understanding in their communities.

Indigenous women are often the protectors and carriers of their cultures, and their traditional knowledge and cultural expressions are invaluable, says Rebecka Forsgren, a Sámi and the World Intellectual Property Organization's (WIPO) 2019 Indigenous Fellow.

"They may not wish to commercialise their culture and knowledge. However, if they do, they should have access to the IP system and be able to protect the IP of their innovations and creations," she explains.

Secord and Ballo both took part in WIPO's training and mentoring programme for women entrepreneurs from indigenous peoples and local communities.

"Learning more about IP is important for entrepreneurs here as we don't have a culture of protecting our services and goods and creative expressions," explains Ballo, who says she's seen a lack of understanding in how the system works and how the Sámi people perceive the system in the community.

Forsgren adds that through WIPO's programme, indigenous peoples, and especially indigenous



women, can “feel that their culture is an asset, with a great cultural as well as economic value”.

But cultural appropriation is rife, as the Native American and Sámi communities have both experienced to their cost.

“IP gives us the knowledge and tools to address this and ensures we’re able to define what is ours and what makes us unique,” says Secord. “But we have to be invited as collaborators and not be invited as exploitation.”

There have been some positive instances of collaboration, but they’ve usually stemmed from earlier controversies. The Walt Disney Company worked with the transnational Saami Council, and Sámi parliaments of Norway, Sweden, and Finland on “Frozen 2”, but only after it was contacted by the indigenous community about “Frozen” and its use of indigenous elements.

Emboldened by the WIPO programme, Secord is planning to register her own logo and is developing



**Above: Theresa Secord, a member of the Penobscot nation, a federally recognised tribe in Maine, US. Top: Secord’s great grandmother, in 1940. Above left: Solveig Ballo, a member of the Sámi people, from a region that spans northern Scandinavia and Russia’s Kola Peninsula.**

an IP webinar to share with the Native American artist community who, she says, are hungry for information.

What most dismays Secord is the cost of protecting IP and filing lawsuits. “Unless you can get *pro bono* help, it’s going to be impossible for indigenous communities to hire a lawyer,” she laments.

Forsgren concludes: “Laws and regulations need to be in place where the IP for innovations and creations of indigenous women is respected and valued. Possibilities to protect their IP should be available to indigenous women on all levels, local, national and international.”

While traditional knowledge doesn’t fit squarely into the existing IP system, there’s a growing awareness that this needs to change. In the meantime, skills that have existed for centuries will be passed on and their importance to the creators will endure—as will the sad fact that indigenous women have only the charity of lawyers and moral fortitude of lawmakers to fall back on. ●

# Silicon Valley's 'bro culture': faulty pipeline, or old fashioned misogyny?

**The tech industry has started to acknowledge its problem with sexism and diversity, and is publishing more data than ever on its workforce. But is any real progress being made? Rory O'Neill reports.**

It's well known that the tech industry has a diversity problem. For many, the words 'Silicon Valley' conjure up an image of the quintessential 'tech bro'. The term, alongside Silicon Valley's 'bro culture', has become a byword for the tech industry's sexism.

The industry knows this as well. The past decade has seen an increased focus from industry leaders on changing the narrative around diversity and equality in Silicon Valley. One step, adopted by several big companies, has been to start publishing diversity and inclusion reports.

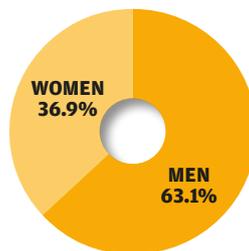
Each company has its own stated aims for publishing these reports, but in general, we can assume they're intended to communicate to the public an awareness of the problem, demonstrate greater transparency, and highlight companies' efforts to make a difference.

Has heightened awareness of the problem led to tangible progress? The best place to start is to look at what the numbers in tech companies' own reports tell us. According to Google's 2019 diversity and inclusion report, published last April, the company's global workforce is made up of 68.4% men and 31.6% women.

In terms of racial diversity, Google's US staff comprises predominantly two ethnic groups—White (54.5%) and 'Asian+' (39.7%). Just 3.3% of Google's US staff are 'Black+'. The document doesn't specify exactly which groups are included under the term Black+, but according to the US Census Bureau's (USCB) estimates, Black or African-American people make up 13.4% of the total population in the US.

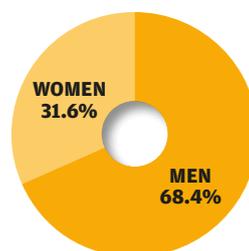
The report also records 'Latinx+' (this term is not universally accepted, but is used by Google) as being the ethnicity of 5.7% of the company's US staff. The USCB estimates Latino and Hispanic people, the closest comparable category, to be 18.3% of the total US population.

**FACEBOOK GLOBAL WORKFORCE**

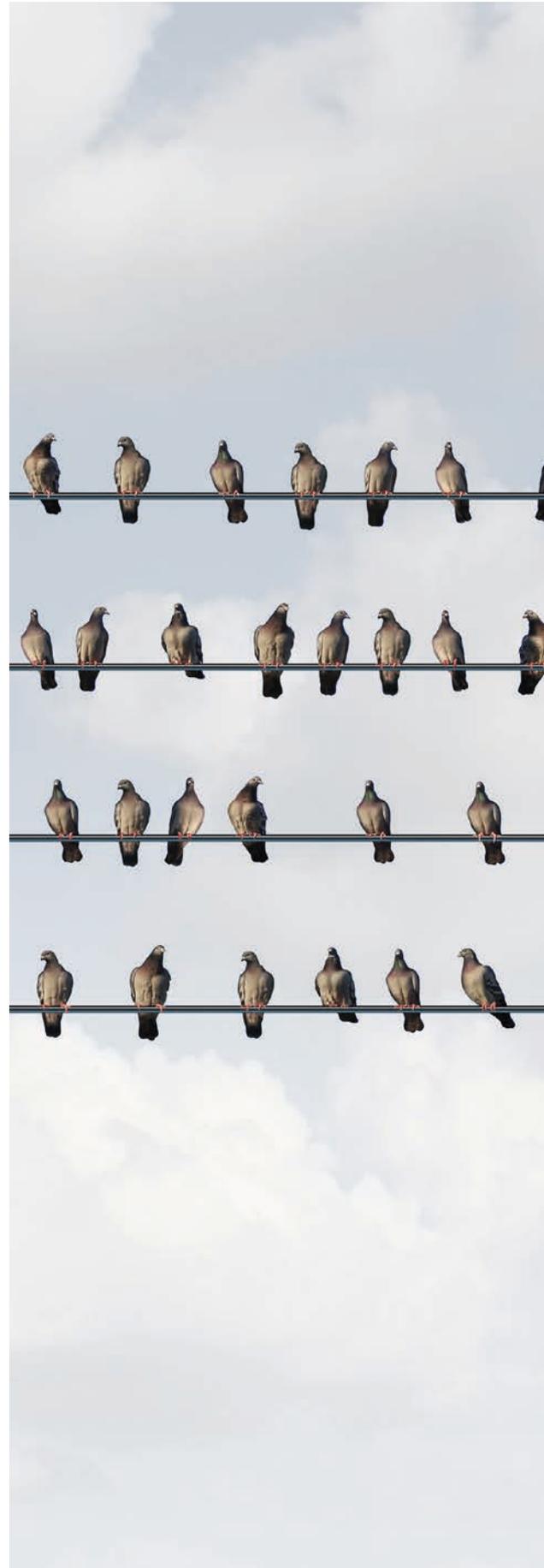


Source: Facebook 2019 Diversity Report

**GOOGLE GLOBAL WORKFORCE**



Source: Google 2019 diversity and inclusion report





“

The lower numbers of women studying STEM undoubtedly impacts the number of women who are recruited to tech companies.

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Google's lack of racial diversity is skewed primarily against two groups: Latino and Black people. This is particularly glaring when compared to the US population as a total. You could perhaps get a truer picture by looking at the geographic spread of Google's employees.

Google's national headquarters is located in Mountain View, California, where it employs more than 20,000 people (a significant chunk of parent company Alphabet's global 100,000+ workforce). The demographics of California could possibly go some way towards explaining the proportion of Black+ employees at Google—the 3.3% figure compares slightly more favourably to the 6.5% of California residents who are Black or African-American, than to the total US figure of 13.4%.

But this still doesn't explain how underrepresented 'Latinx+' people are—the USCB says that Latino and Hispanic people make up 39.3% of California's population. It would be unfair to focus exclusively on Google (which could not provide a spokesperson for comment), especially as these figures are only intended to demonstrate a trend that is common across the tech sector. Look at similar players in the industry, and you will find the same dynamics.

Facebook's latest diversity report, published last July, indicates that 36.9% of its global workforce are women. When looking at technical jobs, that drops to just 23%. Its US staff consists of 5.2% Hispanic people, and 3.8% Black people. In technical roles, this is 3.5% and 1.5%, respectively.

### What is being done

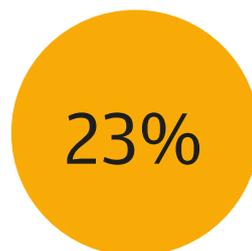
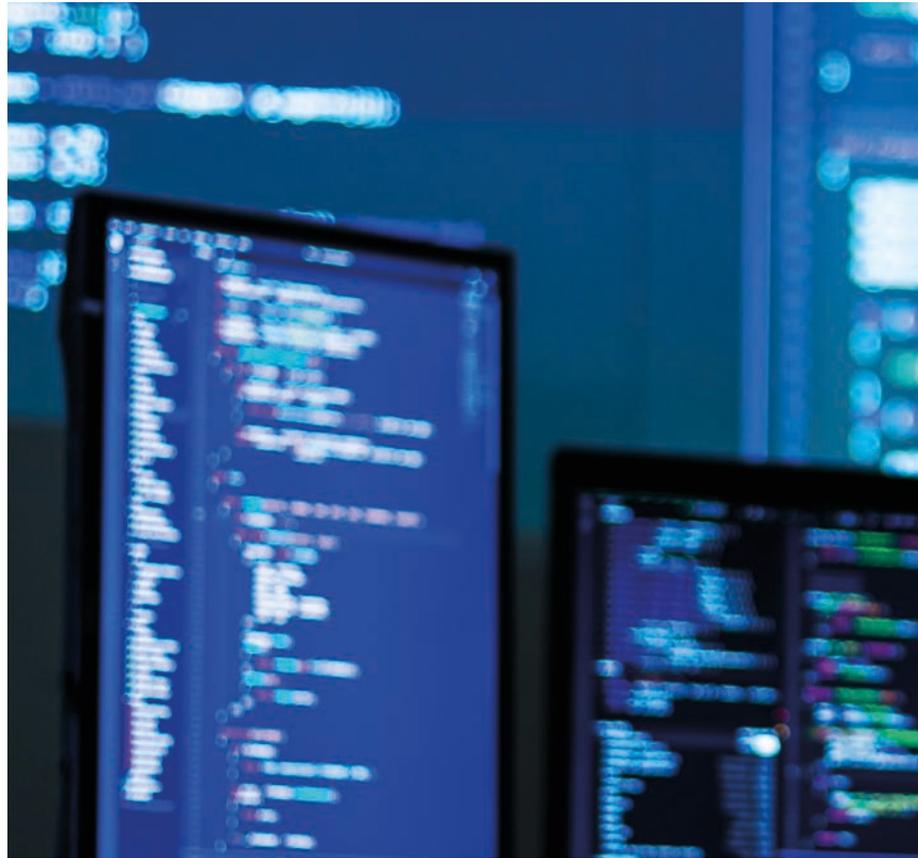
If we know, and the tech sector knows, that the industry has a grave diversity problem, then perhaps we should look at how things have changed over the past few years. If tech is serious about solving the problem, what has it been able to do to help balance these figures out?

In 2014, 31% of Facebook's staff were women, but just 15% of its technical staff. Over five years, that's a percentage increase of 5.9 and 8, respectively. Looking at a different metric, Google's 2019 report states that the company increased its hiring of women globally by just 1.9% from 2018, while its proportion of Latinx+ and Black+ hires increased by 0.7% and 0.5%, respectively. For many people, this rate of progress is not enough.

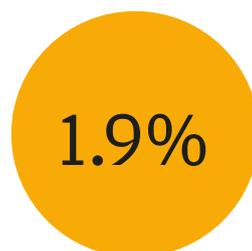
Alaina Percival, board chair of Women Who Code, has seen first-hand how damaging this lack of diversity can be on underrepresented employees at tech companies. Her organisation focuses specifically on gender equality, and she has observed how women can often internalise a lack of professional advancement and blame themselves.

"If you're the only woman in a team of 20, you might start to get the feeling that you don't deserve to be there," Percival says.

"People might mistake you for the secretary or the recruiter for the company, or you might be overlooked



of Facebook's technical staff were women, as published in the company's latest diversity report in 2019



increase from 2018 in Google's hiring of women globally, according to the company's 2019 diversity and inclusion report

for promotion because of preconceptions about what makes a good leader."

What makes a good leader, she says, often just means 'being male'.

"You start to think that maybe you're not good enough when you keep hitting barriers over and over," Percival adds.

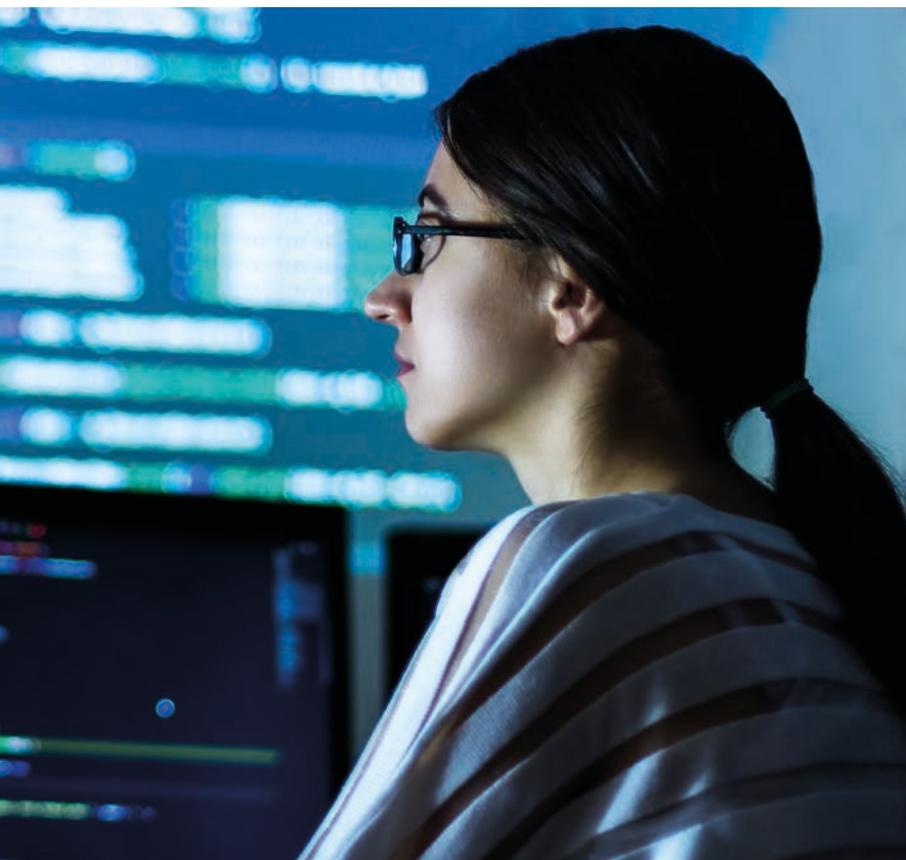
The diversity reports are useful insofar as they illustrate starkly the shape of tech's diversity problem. Women are underrepresented, and a lack of racial diversity skews heavily against Latin and Black people.

All of these problems are exacerbated when looking at technical roles. The numbers are clear, and demonstrate a rate of progress that is out of step with the tech industry's stated commitment to greater diversity.

Looking at the numbers alone, you can lose something of the dynamic on the ground. Why are the numbers this way, what are the real obstacles to equality, and what are the potential solutions? It's difficult to prescribe a list of quick fixes, but these are the questions that should accompany any diversity report.

### Fixing the bias

Tech companies will often point to a lower proportion of the industry's underrepresented demographics studying subjects related to science, technology, engineering, and mathematics (STEM) at universities. In this way, it can be argued that tech's diversity problem mirrors the 'pipeline' of graduates coming through with the required technical expertise.



SHUTTERSTOCK / MONSTAR STUDIO

Others say tech should not get off so easily.

“It’s not just that the pipeline is broken,” says Percival’s colleague and Women Who Code interim CEO Joey Rosenberg, who points instead to factors such as tech companies’ “unconscious bias” in the hiring and treatment of women.

Her organisation focuses on providing career support to women working in the tech sector. “We deal mostly with women who are already there at the tech companies—and they’re not staying,” Rosenberg says, adding that “most don’t hit the ten-year mark”.

While it may be convenient for tech companies to point towards a more generalised inequality in STEM, this surely doesn’t exonerate them from responsibility for the negative experiences reported by women who have made it through the pipeline.

This is a good juncture to stop and acknowledge that sexism is not just tech’s problem—undoubtedly many women working in law, IP, and virtually any industry for that matter, will recognise their own experiences in what Percival and Rosenberg say about the obstacles facing women in tech.

Diane Gabl Kratz, senior IP counsel at a tech company, has been practising IP law in Silicon Valley for more than a decade. She has worked in private practice, representing clients including global tech companies, and now holds a senior in-house position.

Gabl Kratz is herself a product of the STEM pipeline.

“As a woman studying physics at Cornell University, I had only good experiences there—but there were very few of us,” she recalls.

“

**We deal mostly with women who are already there at the tech companies—and they’re not staying.**

”

*Joey Rosenberg,  
Women Who Code*

The lower numbers of women studying STEM undoubtedly impacts the number of women who are recruited to tech companies, but it doesn’t absolve employers of the responsibility to “treat the women they do have fairly”, Gabl Kratz says.

The same goes for law where, she believes, women face many of the same challenges, including unequal pay. This is particularly true of patent law, which draws from a similar talent pool as the tech companies.

When applying for in-house jobs at various tech companies, Gabl Kratz says she has had internal recruiters offer her a position at a below market salary, and then “refuse to take my reasonable counter-offer back to the hiring manager because it would be ‘too much trouble’ to go through the negotiation process”.

In another instance, a company posted for a full-time, in-house attorney position. After the final round of interviews, the company offered Gabl Kratz the job, but there was a catch—“instead of honouring the formal requisition, the company changed the job from permanent to a ‘temp-to-perm’ role”. This allows the company to pay a much lower hourly wage for three months and then decide whether to extend the employment contract.

In addition to economic inequality, throughout her career as a lawyer she has sometimes found the culture to be unwelcoming. She cites the example of a partner in a senior leadership position at a firm she worked for, who was supposed to be her mentor.

“He was profoundly uncomfortable around women,” Gabl Kratz recalls. “He would barely speak to me, which of course harmed my ability to work effectively with him. He treated me so differently from how he treated the male associates that others at the firm commented on it.”

After many quarters of strong positive reviews, Gabl Kratz says the partner suddenly started to give her poor ratings in every single category.

“I asked for specific examples of my supposedly ‘poor’ performance, and he could not provide a single one,” she says.

Gabl Kratz’s account is important, because amid talk of leadership initiatives and pipelines, it’s important to remember that among the biggest obstacles to diversity is barefaced sexism.

It’s vital to address the lower numbers of women studying STEM subjects, as well as other disciplines. But the ‘pipeline’ doesn’t give employers the right to wash their hands of responsibility for what happens in their own organisations. It’s clear that Silicon Valley’s diversity problem can’t be explained away by external factors. The problem in tech, law, and anything else for that matter, is not merely a statistical imbalance, but also a culture of exclusion and sexism. ●

*Gabl Kratz emphasised that she is not authorised to speak on behalf of any of her employers, but is speaking in a personal capacity about her experiences.*

# In the spotlight

Welcome to the second edition of *WIPR's Influential Women*, featuring 80 of the best and brightest women in the IP industry.

**A**s part of our online diversity and inclusion survey which ran earlier this year, we asked our readers to nominate outstanding women in their organisations and beyond.

In our inaugural edition, we were inundated with nominations from across the globe. This year was no different—clear and compelling evidence that women play a vital role in advancing the IP industry and challenging the existing status quo.

Unlike our first edition, which highlighted only private practice lawyers, this year we've cast our net more widely. We received many nominations for female lawyers practising in-house and in private practice, and for women working at IP institutions across the globe.

Below, you'll find a selection of women who are outstanding in their chosen field. Each of these 80 women deserves her place on our 100 Influential Women in IP list—and we've saved 20 places for our Trailblazers (lawyers with ten or fewer years of experience in the IP field).

We know that there are so many more women who are deserving of this nomination and this publication looks to celebrate them as well. ●

“Women play a vital role in advancing the IP industry and challenging the existing status quo.”

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SHUTTERSTOCK / MEDIA WHALESTOCK



## Mette Andersen

**SENIOR CORPORATE COUNSEL, THE LEGO GROUP, DENMARK**

Mette Andersen has been with the LEGO Group since March 2007, serving as senior corporate counsel and director. She focuses on trademarks and domain names. Andersen, who has worked on IP-related matters for more than 20 years, has experience from private practice, the Court of Justice of the European Union and in-house. She was one of the members of the implementation recommendation team established by ICANN to try to solve the overarching trademark issues under the new gTLDs. She is also the business representative in the Complaint Board for Domain Names under .dk and chairman of the European Brands Association's trademark committee.



## Lesley Babb

**HEAD OF PAY, REWARD, DIVERSITY & INCLUSION, UK INTELLECTUAL PROPERTY OFFICE, UK**

A career civil servant and HR professional, Lesley Babb's roles within the UK Intellectual Property Office (IPO) span 20 years. In her current role, Babb leads on the development and implementation of two multi-year people strategies on inclusion and reward that support making the IPO a 'Brilliant Place to Work' so it can 'Create a World-leading IP Environment'. Babb is a Stonewall workplace ally and a champion for mental health awareness. In four of the past five years, she has led the reform on the IPO's pay system, negotiating changes to make the pay system fairer for everyone.



## Bharati Bakshani

### PARTNER, LADAS & PARRY, US

Bharati Bakshani is a partner in the New York office of Ladas & Parry. Qualified to practise in India, the UK and New York, her practice has a global flavour, focusing on international trademark prosecution and enforcement. She manages US trademark prosecution work for the New York office and has filed, cleared, prosecuted and enforced marks in approximately 200 countries. Bakshani represents clients in the fashion, apparel, jewellery, food and beverage, military products, electrical products, and media sectors. She also trains and mentors young attorneys.



## Shilpi Banerjee

### CHIEF IP COUNSEL, MEMORIAL SLOAN KETTERING CANCER CENTER, US

As chief IP counsel and associate general counsel at Memorial Sloan Kettering Cancer Center (MSK), Shilpi Banerjee's practice includes oversight of patent matters and agreements related to the research enterprise at MSK. She is also responsible for transactional, licensing, and litigation matters related to the research institute's IP. Before joining MSK in 2013, Banerjee served as counsel and chair of the research and education practice group at the Cleveland Clinic. She spent several years in private practice at Ropes and Gray and at Sidley Austin, where she focused on patent prosecution and patent litigation.



## Sharon Barner

### VICE-PRESIDENT AND GENERAL COUNSEL, CUMMINS INC, US

Sharon Barner is vice-president and general counsel for Cummins, responsible for global legal matters, including support of strategic corporate initiatives, mergers and acquisitions, regulatory, compliance and other risk management activities. Prior to joining Cummins, she served as deputy director of the US Patent and Trademark Office where she was responsible for patent and trademark operations. Barner also enjoyed a distinguished career at Foley & Lardner, a global law firm, where she was a partner (1996–2009, 2011), a member of the firm's executive management Committee (2003–2009), and chair of the IP department (2006–2009).



## Karima Bawa

### SENIOR FELLOW, CENTRE FOR INTERNATIONAL GOVERNANCE INNOVATION, CANADA

As a senior fellow at the Centre for International Governance Innovation (CIGI), Karima Bawa focuses her research on issues surrounding the commercialisation of university research and development and capacity building in IP strategy for Canadian innovators. Through CIGI, she developed an online IP course. Bawa also serves on a number of boards and advises and supports technology startups and scaleups. Prior to her role at CIGI, Bawa was the chief legal officer and general counsel at Research In Motion (now BlackBerry).



## Flor Bermúdez

### PARTNER, BGAL ASOCIADOS, MEXICO

With more than 20 years of experience in IP matters, Flor Bermúdez leads BGAL Asociados's national and foreign trademarks department. She focuses on national and international trademark prosecution, including worldwide trademark protection strategy, legal advice and contentious proceedings in other territories. Bermúdez is the organiser of the "Women's IP Lunch" event, initiated in 2013 to gather women lawyers from Latin America every year to share experiences and promote networking. She is an active member of the Mexican Association for the Protection of Intellectual Property, INTA and ASIPI.



## Nola Bond

### DIRECTOR, KISCH IP GROUP, SOUTH AFRICA

Nola Bond is a partner and director in the trademark department of the Kisch IP Group. With more than 28 years of experience in IP, her practice covers trademark protection, copyright and licensing including rights transfers, trademark portfolio management and strategic brand management. In recent years, Bond has turned her attention to brand protection and management, including advice on brand protection in Africa and globally. She is a member of INTA, and a senior domain name adjudicator in South Africa.



## Andrea Brewster

### FOUNDER AND LEAD EXECUTIVE OFFICER, IP INCLUSIVE, UK

Andrea Brewster founded IP Inclusive, an initiative dedicated to improving diversity and inclusion in the IP professions, in 2015. She now manages the development of the initiative as its lead executive officer. Between May 2015 and 2016, Brewster served as president of the Chartered Institute of Patent Attorneys (CIPA) and now sits on its governing council. She practised since the early 1990s as a UK chartered patent attorney and co-founded the IP practice Greaves Brewster in 2000, before retiring in 2015 to concentrate on CIPA and IP Inclusive work.



## Mariana Bullrich

### HEAD OF PATENT AND DESIGN DEPARTMENT, NOETINGER & ARMANDO, ARGENTINA

Mariana Bullrich has practised at Noetinger & Armando for more than 20 years, focusing on the pharmaceutical and biotech fields. Before joining the firm, Bullrich worked in the National Academy of Medicine as a researcher. She has handled the prosecution of thousands of patent applications in Argentina and other countries in Latin America and Central America. Bullrich also carries out freedom-to-operate searches for local companies, contributing to the development of businesses throughout Argentina.



## Yael Cabilly

### FOUNDING PARTNER, CABILLY & CO, ISRAEL

Yael Cabilly is the founder of Cabilly & Co and has more than 15 years of experience in IP. She is licensed to practise law in Israel and New York, and holds a master's degree in law from Columbia University. Her firm has a unique expertise in e-commerce laws: it represents more than 4,000 Amazon sellers worldwide and assists them with various legal issues, including trademark, copyright and design patent registration, and legal disputes on e-commerce platforms. The firm also specialises in non-traditional trademarks, and has successfully obtained colour trademarks in the US.



## Eleonora Carrillo

### MANAGING PARTNER, JACOBACCI & PARTNERS, SPAIN

Eleonora Carrillo is the managing partner of Jacobacci & Partners' Madrid office. She represents domestic and international clients in connection with the management, prosecution and enforcement of global trademark portfolios. Her clients include world-famous brands and market leaders from industries including fashion, sports, luxury, finance, food, wine and automobile. In 2017, she formally launched Jacobacci's Latin American practice, which provides the centralised management of IP in the region. Carrillo is a member of INTA's famous and well-known marks committee and ASIP's management of firms committee.



## Virginia Cervieri

### SENIOR PARTNER, CERVIERI MONSUÁREZ, URUGUAY

Virginia Cervieri is a co-founder of Cervieri Monsuárez and has nearly 20 years' experience in IP law. She often represents clients in the fashion, retail, food, beverages, toys, electronic, and entertainment industries. Cervieri heads the firm's anti-counterfeiting team and was chair of INTA's anticounterfeiting committee. She is member of the anticounterfeiting committee at Marques, chair of the Latin America chapter of Luxury Law and president of the Chamber Against Smuggling and Piracy. Cervieri has represented large companies in trade dress, damages, and signal piracy cases, and represents Cipriani Group across the world.



## Vivien Chan

### FOUNDING AND MANAGING PARTNER, VIVIEN CHAN & CO, HONG KONG

Vivien Chan is the founding and managing partner of Vivien Chan & Co, a Greater China law firm in Hong Kong and Beijing. She has more than 40 years' experience in mergers and acquisitions, China direct investment, technology transfers, information technology, IP and related tax issues. She has been admitted as a solicitor in England and Wales, Hong Kong, New South Wales (Australia), and Singapore. She is fluent in Mandarin, Cantonese, French, and English.



## Ella Cheong

**SENIOR PARTNER, ELLA CHEONG & ALAN CHIU, SOLICITOR & NOTARIES, HONG KONG**

Ella Cheong is the senior partner of Ella Cheong & Alan Chiu, Solicitors & Notaries, where she focuses on all issues related to IP rights. Aside from founding the firm, Cheong has established agency firm Ella Cheong (Hong Kong and Beijing), which was recently sold with proceeds given to charity, and the Singapore firm of Ella Cheong. She works with small and medium-sized enterprises, social enterprises and charitable organisations. Cheong formerly served as chair of the Law Society of Hong Kong's IP committee and is now its member of honour. She is an INTA President's Award winner.



## Jennifer Chung

**GENERAL COUNSEL, ACCUWEATHER, US**

Jennifer Chung is the general counsel for weather media company AccuWeather, providing legal support across all lines of business and functions, including labour and employment, corporate governance, mergers and acquisitions and IP. As an associate general counsel at AccuWeather, Chung focused on brand protection, patent portfolio monetisation and management, and trademark management and enforcement. Chung previously served as an assistant general counsel at Time Inc and as an assistant counsel at the New York State Department of Economic Development, providing counsel on statewide agency matters concerning IP issues, including the 'I Love NY' family of service marks and trademarks.



## Her Honour Judge Melissa Clarke

**SENIOR CIRCUIT JUDGE, JUDICIARY OF ENGLAND & WALES, UK**

HHJ Melissa Clarke became a circuit judge and deputy High Court judge in 2015, and a senior circuit judge in 2017. She regularly sits in the Intellectual Property Enterprise Court and the Patents Court, covering IP cases of all types. Her recent cases include *Excel-Eucan v Source Vagabond Systems* and *Shnuggle v Munchkin*. HHJ Clarke qualified as a solicitor in 1994 into the IP department of Linklaters and subsequently became co-head of the firm's internet and e-commerce practice before moving in-house. In practice she focused on copyright, trademarks, media/entertainment, software, and data protection.



## Joana de Mattos Siqueira

**PARTNER, MONTAURY PIMENTA, MACHADO & VIEIRA DE MELLO ADVOGADOS, BRAZIL**

Joana de Mattos Siqueira has been a partner at Montauray Pimenta, Machado & Vieira de Mello since 2012 and has been working in IP since 1998. For the past ten years, de Mattos Siqueira has been leading the firm's foreign department, focusing on trademark law. Her practice includes domestic trademark clearance, prosecution and registration and opposition proceedings. In addition to serving as president of ASIPI's trademark committee, de Mattos Siqueira is a member of INTA's brands for better society committee. She leads the firm's diversity and inclusion's committee and is a member of the Women's Intellectual Property Lawyers Association.



## Ayala Deutsch

**EXECUTIVE VICE PRESIDENT AND DEPUTY GENERAL COUNSEL, NATIONAL BASKETBALL ASSOCIATION PROPERTIES, US**

Ayala Deutsch is executive vice president and deputy general counsel of NBA Properties, the marketing and licensing arm of the National Basketball Association (NBA). Deutsch manages commercial legal affairs and IP matters for the NBA and its affiliated leagues, including the global acquisition, protection and enforcement of IP rights belonging to the NBA, the Women's National Basketball Association, the NBA G League, the NBA 2K League and their respective teams. She is INTA's 2020 president. Before joining NBA Properties in 1998, she was an associate at Cleary, Gottlieb, Steen & Hamilton in New York, specialising in IP litigation and arbitration.



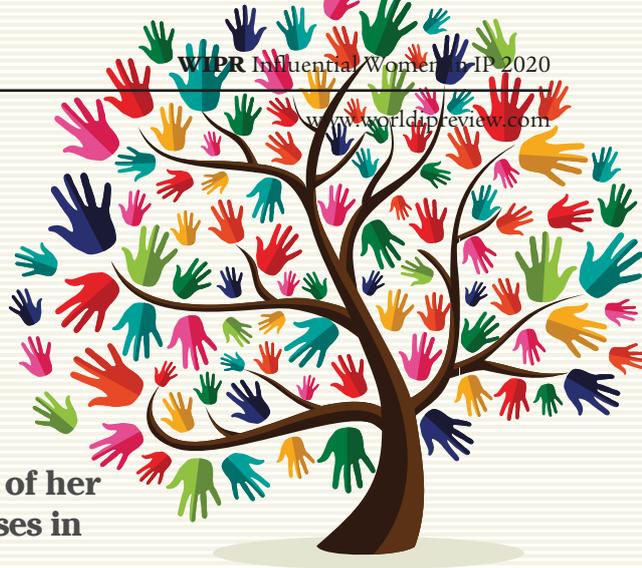
## Frances Drummond

**PARTNER, HEAD OF IP, NORTON ROSE FULBRIGHT, AUSTRALIA**

Frances Drummond has been a partner at Norton Rose Fulbright since 2011 and currently serves as head of IP in Australia. She practises across all aspects of IP law including portfolio management, enforcement and exploitation, with a primary interest in trademarks. Drummond advises clients in the pharmaceutical, technology, retail and brands, transport, and energy fields. In addition to being an accredited mediator and a qualified board director, Drummond has served as an in-house trademarks advisor to a major pharmaceutical in the UK.

# Class of 2019: Spring Chang, Chang Tsi & Partners

Spring Chang has played a central role in the growth of her firm, Chang Tsi & Partners, and is proud of its successes in promoting diversity, as she tells *WIPR*.



## Why did you become a lawyer?

As a child, becoming a lawyer was my dream—I thought it was a very noble career. Law is the cornerstone of a free, democratic and just country. As an important part of a country's legal system, the lawyer is the promoter of freedom, democracy and justice. Even to this day, I maintain my conviction that I can contribute to the legal system. I am proud to be a lawyer.

## How did you become founding partner of Chang Tsi & Partners?

After I obtained my LLM degree from China University of Political Science and Law, I worked for the State Planning Committee (currently the National Development and Reform Commission of China) for a period of two years and then worked at law firm CCPIT, which was the only IP agency in China.

In the late 1990s, with the implementation of China's reform and opening-up policy, the domestic market opened rapidly, which resulted in China's IP sector undergoing tremendous changes. China's state-owned agency ended its monopoly on the domestic IP market, setting up the country's first batch of privately-owned IP agencies.

My partner and I saw the huge potential and business opportunities in the development of Chinese IP market, and seized the opportunity to set up Chang Tsi & Partners in 2002.

## What's your biggest achievement?

Playing a crucial role in the growth of the firm is my greatest achievement. In 2002, Chang Tsi & Partners had five lawyers and was an unknown law firm. All the work needed to be done manually and the number of clients was very small.

Now, Chang Tsi & Partners is a well-known law firm in the field of Chinese IP, with 350 employees (200 lawyers and agents) and thousands of clients.

## What's the best part about your job?

In my more than 25 years of professional experience, I have witnessed the development of many young people who have graduated and then entered our firm.

It is my great pleasure to see them practising as partners and key lawyers in our firm, and I maintain a good relationship with those who have left the firm. The best part of my job is that I can influence and train young IP practitioners and contribute to training personnel for the Chinese IP industry.



“The best part of my job is that I can influence and train young IP practitioners and contribute to training personnel for the Chinese IP industry.”

## What's the most difficult part of your job?

As a lawyer, victory in a lawsuit is the most desired result, satisfying me and my clients.

However, we have encountered many cunning infringement cases. We have to coordinate the client's objectives, the merits of the case and evidence collected, and resources of our litigation team to achieve our goal.

## Have you faced any barriers or challenges in your career?

As a busy female lawyer, balancing work and life is a big challenge. I spend most of my time at work, which consumes a lot of energy and physical strength.

I've taken up some hobbies to relieve the pressure at work, such as swimming which keeps me mentally and physically strong. I also love painting so I seize any opportunity to paint—I hope painting will become my second career after I retire as a lawyer.

## What advice would you give to those looking to enter the IP profession?

People who want to join the industry need to fully prepare themselves physically and mentally. It's not an easy job. You face many deadlines every day and you always need to keep learning as the IP industry changes rapidly. It requires a lawyer to have a strong learning ability.

## How are you involved in promoting diversity?

We promote diversity in many ways. We never exclude female practitioners—generally female lawyers are more resilient, careful and patient in handling business. We provide them with strong support and have policies to allow women to work from home during pregnancy.

Our firm has also recruited some disabled employees to the law firm to do some work within their abilities.

We have many minority employees, including those from the Zhuang and Manchu ethnic minorities, and Korean lawyers, and we respect all different religious beliefs. I am Manchu myself. Having employees from a range of countries is definitely conducive to business. ●

*Spring Chang is a founding partner at Chang Tsi & Partners and is based in the firm's Beijing office. She has more than two decades of experience as an attorney and focuses her practice on patents, trademarks, copyright, and domain names. She can be contacted at: spring@changtsi.com*



### **Izabella Dudek-Urbanowicz** MANAGING DIRECTOR, PATPOL, POLAND

Izabella Dudek-Urbanowicz focuses her practice on trademarks, industrial designs and domain names, and represents Polish and international clients before the Polish Patent Office, Polish courts and the European Union Intellectual Property Office. She became managing director of the company in 2016 and now leads a team of more than 80 people. As head of the trademarks and designs department, Dudek-Urbanowicz focuses on trademark and design searches conducted to check potential registrations. She also drafts agreements and conducts negotiations between parties, with a particular focus on the fast-moving consumer goods, pharmaceutical and retail sectors.



### **Véronique Durand-Rettally** COUNSEL, BAKER MCKENZIE, MEXICO

Véronique Durand-Rettally is a counsel and chair of Baker McKenzie Mexico's diversity and inclusion committee. She has been working on IP matters since 2001, focusing her practice on the fashion, luxury and consumer product sectors. Durand-Rettally is experienced in brand management and trademark protection strategies, IP transactions, trademark searches, prosecution and trademark portfolio management. She led the team that set precedent by obtaining the first non-traditional scent trademark registration in Mexico. She is working on a mentoring programme for younger generations of attorneys and works *pro bono* with the disabled community in Mexico.



### **Cecilia Emanuelson** IP COUNSEL, INTER IKEA SYSTEMS BV, NETHERLANDS

Cecilia Emanuelson has held the role of IP counsel at Inter IKEA Systems BV for three years. Prior to this, she served as IKEA's trademark manager for 22 years. Emanuelson's job is to ensure all trademarks and branding associated with the IKEA business are legitimate and reflective of IKEA's vision, and she is involved in all aspects of trademark work for the franchisor of the IKEA Concept for the home furnishings organisation. Emanuelson is a member of INTA's board and a member of the association's in-house practitioners' committee.



### **Borghildur Erlingsdóttir** DIRECTOR GENERAL, ICELANDIC INTELLECTUAL PROPERTY OFFICE, ICELAND

Borghildur Erlingsdóttir has served as director general of the Icelandic Intellectual Property Office since 2010. During her time at the office, Erlingsdóttir has focused on international cooperation and promoting IP in Iceland. She also serves as the vice-chair of the Administrative Council of the European Patent Office (EPO) and is the chairman of the board of the Nordic Patent Institute. She has previously served as a member of the EPO's Board of the Administrative Council and chaired EFTA's Working Group on IPR. Erlingsdóttir has a law degree from the University of Iceland and an LLM from Stanford University.



### **Valérie Feray** CEO AND FOUNDING PARTNER, IPSILOIN, FRANCE

French and European patent attorney Valérie Feray founded IPSILON in 2001. Prior to the launch of her firm, Feray served as head of the French IP department at Groupe Alcatel (today Alcatel-Lucent). She has experience in patent prosecution, licensing and litigation, due diligence in mergers and acquisitions, and freedom to operate opinions. She focuses her practice on telecoms, mechanical engineering, physics and optics and is a member of many associations, including LES and AIPPI.



### **Julia Florence** IMMEDIATE PAST PRESIDENT, CIPA, UK

Julia Florence is the immediate past president of the UK Chartered Institute of Patent Attorneys. Until 2018, she worked as a senior patent attorney at GSK, before retiring. In her 40-year career, Florence gained extensive experience in building, managing and defending IP portfolios for pharmaceutical products at all stages of development and commercialisation. She has been involved in litigation in Europe, Turkey and South East Asia, as well as oppositions and appeals at the European Patent Office. Previously, Florence was an Examiner for the European Qualifying Exams. Florence currently serves as secretary to the IP Inclusive management board.

Continued on page 26 >>>

## The hidden stigma

**Diversity initiatives are gaining traction across the legal profession, but one characteristic has been left behind: disability. Disabilities of all kinds are rarely talked about in legal circles, and much less seen. Sarah Morgan investigates what can be done.**

**W**ould your clients feel awkward if you turned up for a meeting in a wheelchair? That's the question Husnara Begum was asked when applying for a training contract at a UK law firm.

For Begum, owner of Husnara Begum Consulting and a former lawyer, it was an opportunity to turn the question on its head, and ask the recruiters if they felt awkward with her being in one (the answer was no).

But it's certainly not the only time someone with a disability—either visible or invisible—has had to deal with uncomfortable questions.

It may come as no surprise then that nearly 40% of lawyers never, or only sometimes, tell their employer or a prospective employer they are disabled.

That's the conclusion of "Legally Disabled? The career experiences of disabled people working in the legal profession", a report published in January by Cardiff Business School, which surveyed 288 lawyers (241 solicitors or paralegals and 47 barristers) in the UK.

The data suggests that disability as a characteristic has been severely neglected in diversity and inclusion (D&I) initiatives within the legal profession, says Debbie Foster, the professor at Cardiff University who co-led the research.

"What struck me was the sheer number of diversity initiatives in the legal sector and the significant investment in initiatives, reports, awards, and celebrations. On closer inspection, however, it became apparent that disability was rarely mentioned in these initiatives, even when attention was paid to intersectional inequalities," says Foster.

She warns that a "hierarchy of diversity priorities"



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**You're in the right profession if you're an excellent lawyer and—unless you're a long-distance runner—excellence is not measured in endurance.**

”

*Francesca Rivers,  
co-chair of IP Ability*



appeared to exist, with gender at the top and disability very much at the bottom.

WIPR's own survey concluded that 72% of companies with D&I policies covered disability, but just over half of respondents believed their workplaces were disability-friendly.

Foster adds: "It appeared that disabled people were rarely catered for, mentioned or expected. Where they were it was often assumed they would be the



SHUTTERSTOCK / SAJEE ROD

client, litigant or defendant—not the advocate or professional advisor.”

The Solicitors Regulation Authority (SRA) of England and Wales has followed suit with its own report, also concluding that there’s a reluctance among disabled legal professionals to inform their employers of their disability.

In the UK, just 3% of solicitors declare they have a disability, a figure almost unchanged in the last

ten years. Nearly one-fifth of the UK’s working-age population has a disability, using the Equality Act (2010) definition.

While these statistics focus on the UK, it’s a worldwide issue. Daniel Onwe, lead partner at Daniel & Sophina and president of the Association of Lawyers with Disabilities in Nigeria, believes that the legal profession is still too relaxed when it comes to disability awareness.

“There is just no consideration for people with disabilities,” he says. But the association is helping to challenge the status quo, albeit very gradually, through its advocacy efforts for an accessible and inclusive justice system.

Onwe adds: “Ignorance and wrong assumptions still underline the treatment given to those with disabilities in the legal profession.”

### Bordering on bravado

For those in law, it’s not common to encounter colleagues with visible disabilities or to talk openly about invisible disabilities, says Francesca Rivers, solicitor at Cancer Research Technology and co-chair of IP Ability, IP Inclusive’s community for disabled people, carers and their allies.

“Perhaps this is true to some extent of all professions, due to the barriers posed by being disabled or a carer. I suspect it is particularly a problem in the legal profession as a result of the demanding—often unreasonably so—nature of the profession,” she adds.

IP lawyers, particularly litigators, can expect frequently to work gruelling hours with few breaks and some physically demanding tasks.

“In my view, there is a pervading attitude of ‘toughness’—bordering on bravado—within the legal profession generally,” says Rivers.

“A lot of solicitors believe you should simply be robust enough to withstand those working conditions, and if you can’t then you’re in the wrong profession—which is of course utter nonsense. You’re in the right profession if you’re an excellent lawyer and—unless you’re a long-distance runner—excellence is not measured in endurance.”

It’s precisely this attitude to robustness that can stop people feeling enabled to speak up.

“Many employers and colleagues just assume that people with disabilities cannot cope,” Onwe adds.

And, a culture of ‘presenteeism’, which isn’t reserved for law firms, means that being physically present is equated with commitment. This can be very onerous.

“Because of this cultural mindset, firms focus on hours worked rather than productivity, which can disadvantage those with disabilities,” warns Begum.

Perhaps the COVID-19 pandemic will put this in perspective, providing some hope that productivity can win out over presence and normalise flexible working.

### Alien territory

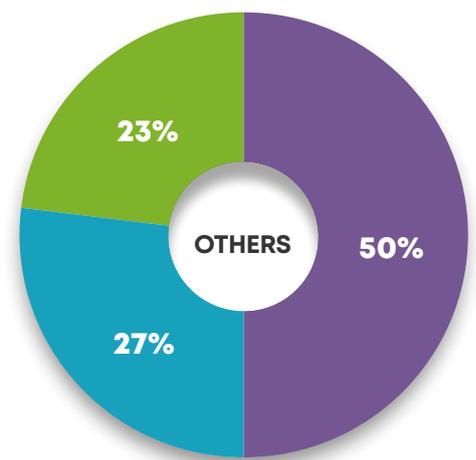
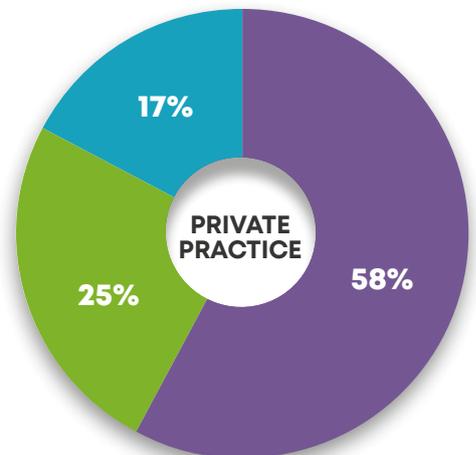
Those with disabilities are disadvantaged as soon as they set foot on the path to becoming a lawyer. Disabled people’s experiences of entry into the profession was “particularly shocking” says Foster, with only 8.5% surveyed reporting a positive experience of recruitment agencies.

While firms have made massive inroads in terms of diversifying where they attract trainee solicitors from, adds Begum, individuals with a disability are effectively “alien territory”.



of solicitors and paralegals experience ill-treatment in the workplace, of whom 80% believe it relates to their disability, according to a 2020 report by Cardiff Business School

### Do you consider your workplace to be disability-friendly?



● Yes ● No ● Don't know

“Employers need to think long and hard about how they’re going to enable people to reach their potential,” she says.

For those in the UK, securing a training contract to become a solicitor involves attending workshops and summer vacation schemes, which typically have fixed dates. From the outset, this poses a challenge for anyone with caring duties, or a condition or treatment regimen that makes certain dates harder than others, adds Rivers.

“For many it feels as though the door is shut from the outset,” she says.

She suggests that candidates should be recruited through a more traditional interview process, providing alternative routes into the profession. This would also help attract candidates from poorer socioeconomic backgrounds, who might not be able to afford a place to stay or train fares for that period of time, she adds.

It’s not just those beginning their careers who face obstacles—even talented disabled partners, judges and Queen’s Counsels experience basic day-to-day barriers and prejudice, according to Cardiff University’s study.

In other words, seniority and achievements don't necessarily protect disabled people from discrimination or exclusion.

"There are also more subtle indicators of success in the profession that some disabled people can find are difficult to achieve. These include subjective factors such as looking right, behaving in a certain way, or simply being able to sustain certain types of working or networking activities," Foster adds.

This is further evidenced by the finding that more than half of the solicitors and paralegals believe their career and promotion prospects are inferior to those of non-disabled colleagues.

These obstacles don't exist only within the four walls of law firms—according to Onwe, architectural barriers are still prevalent in Nigeria.

"Most courtrooms and workplaces in Nigeria are inaccessible. Our court procedures are blind to the requirements of people with disabilities," he says.

### Zero tolerance

The finding that Foster found most difficult to accept from her study was that disabled people's career experiences were highly dependent on one or two individuals they met in the workplace, rather than robust and fair policies and practices.

"If they were lucky enough to meet a line manager, supervisor or senior person who was supportive and understood reasonable adjustments, they were 'fortunate'.

"However, the majority did not, and they commonly experienced bullying, harassment, a failure to make appropriate adjustments and inevitably, further ill-health," she adds.

Particularly for lawyers, Foster had expected a better understanding of employment law around basic rights to request workplace adjustments, but the findings suggested this wasn't the case.

"This was very apparent in interviews where we found individuals had been prevented from progressing. We came across cases where previously successful talented lawyers were driven out of the profession or into self-employment," Foster says.

It gets worse. Cardiff University's report found that a significant proportion of disabled people have experienced forms of disability-related ill-treatment, bullying, or discrimination, with 60% of solicitors and paralegals experiencing ill-treatment in the workplace.

Of these, 80% believe the ill-treatment was related to their disability. Among barristers, the figures were 45% and 71%, respectively, with examples of ill-treatment including ridiculing or demeaning language, exclusion or victimisation.

"Although IP firms, and other employers of disabled IP professionals, can't change society as a whole, they can help. For example, employers need to make it clear that this form of bullying and discrimination is just as unacceptable as other forms," adds Marianne Privett, partner at AA Thornton and co-chair of IP Ability.



“  
Because of this cultural mindset, firms focus on hours worked rather than productivity.”

”

*Husnara Begum, Husnara Begum Consulting*

The report calls for a zero tolerance policy on ill-treatment and bullying of disabled people in the profession, but this can be done only if there is a better understanding of what constitutes ill-treatment.

Foster believes that opening up workplace conversations is required to educate people—as was the case with mental health—but it's not enough to rely on people's goodwill.

"Clear disciplinary and reporting procedures need to be established on what constitutes ill-treatment in relation to disability and how it can be logged and investigated," she says, adding that professional associations and regulators need to establish a working party to develop further guidelines for employers and disabled people.

### Negotiating ableism

How can this culture and its associated barriers be overcome? First of all, the profession needs to acknowledge it's missing out on a pool of talent.

"There's some resistance within the profession from those who don't see the value of increased diversity, but I hope we can win them over by explaining the barriers some people face and demonstrating the value they can bring to roles in IP," says Privett.

Many disabled people bring skills to their role which are developed as a consequence of their impairment or illness, says Foster. This can include good interpersonal skills, empathy, dealing with difficult people and situations, multitasking and multitasking, prioritising, and time management.

"These skills have been developed from years of negotiating an 'ableist' society and situations that do not include them," she adds.

Begum, who offhandedly calls herself the 'poster girl for diversity'—she's a black and minority ethnic (BAME) woman with rheumatoid arthritis—turned her disability into one of her unique selling points.

"It made me more resilient, more resourceful in the way I approach challenges," she recalls.

The other priority must be to educate, inform and train personnel on how the law facilitates reasonable workplace adjustments.

Foster warns that a basic understanding of what 'reasonable adjustments' are was lacking. "Put simply, lawyers need to understand disability employment law. Not only do they need to comply with it, they need to think of how its creative use would benefit their organisation," she says.

Most important of all is communication.

"Employees understand the difficulties they face better than anyone else so it helps when employers listen to their employees and trust them to understand what adjustments need to be made without challenging them," adds Privett.

Open communication can not only help individuals get the support they need, but can begin to normalise reasonable adjustments, encouraging more diverse candidates to join the profession. Without it, we're at a standstill. ●

&lt;&lt;&lt; Continued from page 21



## Annabelle Gauberti

**FOUNDING PARTNER, CREFOVI,  
FRANCE**

Annabelle Gauberti is a solicitor of England and Wales, as well as a French qualified lawyer with the Paris bar, with more than 17 years of experience. She focuses her practice on providing legal services for both contentious and non-contentious IP matters to companies and individuals working in the creative industries, including luxury goods, fashion, music, film, television and the internet. In addition to being the founding and managing partner of Crefovi, she is a founding member, as well as the president and treasurer, of the international association of lawyers for the creative industries (ialci).



## Micheline Gravelle

**MANAGING PARTNER, BERESKIN &  
PARR, CANADA**

Micheline Gravelle is head of the life sciences group that consists of 16 professionals including patent agents and lawyers. Gravelle's practice focuses on assessing new technologies, preparing and prosecuting patent applications worldwide; and conducting due diligence analysis on patent portfolios. Gravelle has academic and legal experience in the chemistry, microbiology, immunology and molecular biology fields. Her clients include universities, research institutes, startup companies and multinational companies.



## Dinisa Hardley Folmar

**ASSISTANT GENERAL COUNSEL, IP,  
THE HERSHEY COMPANY, US**

Dinisa Hardley Folmar is the assistant general counsel, IP, at The Hershey Company, where she is responsible for all IP matters globally. She manages four direct reports and provides guidance to the leadership teams of Hershey's core and emerging brands. Before joining Hershey in 2018, Folmar worked as the assistant general counsel for trademarks and copyright at Nike. She also spent nearly a decade at The Coca-Cola Company. Folmar began her career as a trademark examiner at the US Patent and Trademark Office (USPTO) and currently serves as a member of the trademark public advisory committee to the USPTO.



## Sidsel Hauge

**CEO AWA DENMARK, AWA, DENMARK**

Sidsel Hauge is a European patent attorney, CEO of AWA Denmark and vice president of the AWA Group. She manages AWA's Copenhagen office, advising clients engaged in the chemical and chemical engineering fields. Hauge assists clients with patent procurement including drafting and prosecution, and regularly provides litigation support in complex infringement cases. Sidsel is an active participator in the IP community and is co-chair of AIPLA's women in IP international sub-committee. Hauge is also part of AWA's trainee programme for future IP leaders, holding seminars for the trainees and regularly acting as a mentor.



## Editha Hechanova

**PRESIDENT AND CEO, HECHANOVA  
& CO, PHILIPPINES**

Editha Hechanova is the president and CEO of Hechanova & Co and focuses her practice on trademark, copyright, and patent prosecution cases. She also has experience in due diligence, auditing, licensing, and franchising. Hechanova is a certified trainer at LESI. She graduated with a degree in business administration, majoring in accounting from the University of the East. She is a certified public accountant. She earned her law degree from the Ateneo de Manila University.



## Mami Hino

**PARTNER, ABE, IKUBO & KATAYAMA,  
JAPAN**

Mami Hino is a partner at Abe, Ikubo & Katayama and focuses her practice on patents and competition, particularly in international matters. In 1984, she graduated from Kyoto University with a bachelor of pharmacy, and the same year she qualified as a pharmacist. In 1992, she became a registered patent attorney in Japan and in 1999 became registered to practise before the US Patent and Trademark Office. In 2000, she was admitted to the New York Bar.



## Sara Holder

**MANAGING PARTNER, MEA, ROUSE, UAE**

Sara Holder co-heads Rouse's global patent and technology practice. She has degrees in law and biochemistry, and qualified and practised in New Zealand before joining Rouse in 1998. Since then, she has worked in China, Indonesia, and the Middle East, and is now a specialist in understanding the issues faced by, and encountered in, developing IP jurisdictions. Alongside her technology clients, Holder works with those in industries such as pharmaceutical, food and beverage, and education. She was involved in the first patent case to come before the Indonesian Commercial Courts.



## Sharon Hwang

**SHAREHOLDER AND EXECUTIVE COMMITTEE MEMBER, MCANDREWS, HELD & MALLOY, US**

With more than 26 years of experience, Sharon Hwang is a member of the executive committee and a shareholder at McAndrews. She practises in all areas of IP with a particular emphasis on patent litigation. She has extensive experience in a range of technologies, including medical devices, electronics, and cellular telephony. Hwang is president of the board of directors at the Chicago Legal Clinic, vice-chair of the Chicago Committee on Minorities in Large Law Firms, and past-president of the Asian American Bar Association of Greater Chicago.



## Alpha Indraccolo

**VP AND GENERAL COUNSEL, TEVA, UK**

Alpha Indraccolo is a vice president and general counsel, European IP and regulatory litigation, for Teva where she coordinates litigation throughout Europe. She has served at the company since 2013 and specialises in pharmaceutical patent litigation. Indraccolo has overseen a number of high profile cases for Teva recently, including the Tadalafil litigation, which went to the UK Supreme Court and the *Teva v Gilead* case on supplementary protection certificates before the Court of Justice of the European Union. Prior to joining Teva, she served as an associate solicitor at Bird & Bird.



## Tomoko Iwai

**EXECUTIVE VICE PRESIDENT, SAEGUSA & PARTNERS, JAPAN**

Tomoko Iwai, executive vice president at Saegusa & Partners, advises clients on domestic and international trademark matters, as well as other IP rights issues such as copyright infringement and unfair competition. She is a member of the Japan Trademark Association and the International Association for the Protection of IP of Japan.



## Azlina Khalid

**SENIOR LEGAL COUNSEL, HENRY GOH & CO, MALAYSIA**

Azlina Khalid is senior legal counsel at Henry Goh Malaysia and heads the prosecution unit of the trademarks department. She is experienced in providing clients with pre-litigation advisory work on trademark, copyright and industrial design infringement, passing off issues and corporate IP due diligence. Khalid is the editor of the firm's in-house publication and often speaks at seminars organised by the firm for clients and the public. She is also a member of various IP organisations, including the Malaysian Intellectual Property Association and the Asian Patent Attorneys Association.



## Guylène Kiesel Le Cosquer

**MANAGING PARTNER, PLASSERAUD IP, FRANCE**

Guylène Kiesel Le Cosquer is a managing partner at Plasseraud IP, where she leads the trademarks and designs practice. She became the first woman trademark attorney to be made partner in one of France's top IP firms. She has extensive experience in trademark and design portfolio management, copyright, and IP strategy and clearance. She is president of CNCPI, the national institution for patent and trademark attorneys, and has been particularly active in reforming French IP legislation. She was named Chevalier de l'Ordre National du Mérite by the Minister of Economy and Finance in May 2019.



## Class of 2019: Laura Collada, Dumont

**Laura Collada, managing partner of Dumont, outlines her path to modernising the Mexican law firm and her diversity efforts.**

### Why did you become a lawyer?

I decided to become a lawyer when I was nine years old. I admired a friend of my parents very much. He was one of the great criminal lawyers in Mexico and I loved hearing him talk about his cases and about justice.

I started law school having a very idealistic concept of law. Obviously studies and work changed that, but I could never have been anything else.

### How did you become managing partner of Dumont?

When I was still at law school, I became an intern at the Mexican Patent and Trademark Office (IMPI) and fell in love with the field. When I finished school, I began work at an IP firm for a time. Later, and because it came with the territory, I worked on international trade but missed IP dearly.

I returned to work at IMPI, a job which I loved and helped me learn so much. After that, I was hired by Dumont to establish the IP litigation department and, ten years later, I became the managing partner. It has been an amazing journey.

### What's your biggest achievement?

Dumont has been in the market for 80 years but it used to be a family firm. I was able to change that and today we are a corporate firm in which the Dumont family serves as an influence and an inspiration. I was able to modernise the firm in many aspects, from creating a digital environment to certifying the firm under international standards.

### What's the best part about your job?

IP is fun! I love that in this field you deal with so many areas of knowledge and innovation, as well as with trademarks across many fields, including luxury, entertainment, sports, and food.

Every single day you're able to learn something different and you're able to help people and corporations protect their rights and create strategies to enforce these rights. You're able to see the inner workings of companies and understand that creating value with legal services is very important.

It's also great to meet a range of people—from the inventor you help obtain a patent for, to colleagues from all parts of the world. You gain a small peek



“ I love that in this field you deal with so many areas of knowledge and innovation, as well as with trademarks across many fields. ”

into different cultures, traditions, languages, and religions, and you understand that we have more in common than we have differences.

### What's the most difficult part of your job?

Trying to ensure that the office works as a well-oiled machine. Lawyers and engineers interpret things differently and work quite differently too. I am very proud of the team we have built, but it was a bumpy road at times.

### Have you faced any barriers or challenges in your career?

When I started working in the legal field, it was a man's world. In many ways, it still is. I remember a teacher telling me that he wouldn't invest time in female lawyers because they would hang their licence near their baby crib. You must prove them wrong.

### What advice would you give to those looking to enter the IP profession?

Study, learn, and always ask clients what they want to achieve.

### How are you involved in promoting diversity?

Women have been a constant presence in Dumont (one of the founding partners was a woman) and I have been able to empower them at the office.

I'm very proud to say that we are working towards being certified on diversity and inclusion. There is no salary gap between men and women at the office, and we are an inclusive office.

Many things are still a work in process, but we are on the right path. Empowerment is about confidence. Diversity and inclusion is about finding common ground and acknowledging that differences are not a problem but an opportunity to make a better society.

As inclusion strategist Vernā Myers once said: "Diversity is being invited to the party; inclusion is being asked to dance." ●

*Laura Collada is a managing partner at Dumont. She has more than 30 years of experience across the complete lifecycle of IP rights. She has acted on several milestone cases and leads most of the firm's large and complex cases. She can be contacted at: lcollada@dumont.com.mx*



## Susan Kirsch

**PARTNER, CARPMAELS & RANSFORD, UK**

Susan Kirsch is a partner in Carpmaels & Ransford's chemistry team. She operates an opposition and appeal practice, with a significant number of cases before the Opposition Divisions and Boards of Appeal in hearings at the European Patent Office. Kirsch has experience in consumer products, nutrition, formulation chemistry and medical devices. She is a tutor for the European Qualifying Examinations and is a committee member of the AIPLA European committee. Kirsch previously worked for ten years in the patent department at Unilever.



## Liane Lage

**DIRECTOR OF PATENTS, COMPUTER PROGRAMS AND TOPOGRAPHIES OF INTEGRATED CIRCUITS, NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY, BRAZIL**

As director of patents, computer programs and topographies of integrated circuits at Brazil's National Institute of Industrial Property (INPI), Liane Lage has coordinated the office's programme to combat its patent backlog. The plan aims to reduce the number of backlog requests by 80% by 2021 and to reduce the average term of the patent grant to approximately two years from the request for examination. Lage has worked at INPI since 1998, also serving as head of the organic chemistry division and general patent coordinator of chemistry and deputy director of patents during this time.



## Anna Maria Lagerqvist Gahm

**IP/IT EXPERT, VINGE, SWEDEN**

Anna Maria Lagerqvist Gahm is an IP/IT law expert and head of Vinge's IP/IT team in Gothenburg, Sweden. She has more than 20 years' experience working with IP/IT law. Her practice covers contentious and non-contentious matters focusing on commercial agreements, licensing, commercialisation of IP, open source, technology transfer and litigation. She has a solid business background, strong technical acumen and has developed and led several successful IP teams. Prior to Vinge, she was senior IP counsel/deputy chief IP counsel at Volvo Cars, leading a team with global responsibility for all IP.



## Monique Liburd

**TRADEMARK COUNSEL, GOOGLE, US**

Monique Liburd has served as trademark counsel at Google since 2012. She focuses her practice on international IP issues involving all aspects of the protection, acquisition, and enforcement of trademark rights, general advocacy and education. Liburd takes an active role in several in-house specific programmes, initiatives, and conferences. She also participates in informal in-house attorney groups, where she focuses on benchmarking with peer companies on diversity initiatives as well as process improvement and approach to trademark departments. Liburd is a board member on the Council on Legal Education Opportunity.



## Melisa Litvin

**FOUNDING PARTNER, LITVIN MARZORATI LEGALES, ARGENTINA**

Having practised IP law for more than 17 years, Melisa Litvin has gained experience in all areas of IP including patents, trademarks, trade secrets, e-commerce, copyright, unfair competition, franchising, and domain names. She advises clients and litigates on behalf of them in Argentina and further afield, and she also prepares licence and technology transfer agreements. Litvin focuses her practice in the fields of chemistry, pharmaceuticals and biotechnology. She is responsible for filing and prosecuting national and international trademark applications, and has handled national and international patent litigation.



## Shanaaz Mahomed

**PARTNER, SPOOR & FISHER, SOUTH AFRICA**

Shanaaz Mahomed is the head of Spoor & Fisher's patent department. She is the first black female patent attorney in South Africa, focusing her practice on patent matters in the pharmaceutical, chemical and biochemical fields. Mahomed specialises in the prosecution of South African patent applications. She was appointed to chair the South Africa's Patent Examination Board (PEB) between 2015 and 2017 and continues to serve on the PEB. Mahomed is also vice-president of the South African Institute of Intellectual Property Law.



## Shwetashree Majumder

**MANAGING PARTNER, FIDUS LAW CHAMBERS, INDIA**

Shwetashree Majumder is the managing partner at Fidus Law Chambers and her practice focuses on IP litigation, filing and prosecution strategy, domain name issues and licensing. Majumder was the first woman from India to be elected to INTA's board of directors, for the period 2013 to 2015. Before co-founding Fidus Law Chambers in 2008, she worked at law firm Anand & Anand from 2002 to 2008. Majumder is a World Intellectual Property Organization domain name panellist and has been appointed to evolve practice guidelines in IP matters at the Delhi High Court.



## Lorna Mbatia

**HEAD OF IP, CFL ADVOCATES, KENYA**

Lorna Mbatia is a trademark and patent agent and works as head of the commercial and corporate law and IP law departments at CFL Advocates. Her practice focuses on both contentious and non-contentious aspects of IP including anti-counterfeiting, audits, risk management, clearance searches, contract drafting and review. She is a regular speaker and trainer in various legal forums including the Council of Legal Education seminars. Mbatia is currently the chairperson of the INTA Middle East and Africa sub-committee of the anti-counterfeiting committee and is co-chairperson of the INTA Africa Global Advisory Council.



## Jayne McClelland

**TRADEMARK ATTORNEY, SYNGENTA INTERNATIONAL AG, SWITZERLAND**

Jayne McClelland has been a trademark attorney at Syngenta since 2013, where she has global responsibility for new and existing trademark projects in the areas of digital solutions, fungicides, insecticides, lawn and garden and speciality crops. She also has regional responsibility for the company's North America trademark business strategy. Outside of Syngenta, McClelland leads Basel In-House Trademark meetings with a focus on the discussion of hot topics and creating networking opportunities for local in-house attorneys and paralegals. McClelland previously worked at Abbott and AstraZeneca.



## Ana Isabel Messina

**PARTNER, PELLERANO & MESSINA, DOMINICAN REPUBLIC**

Ana Isabel Messina is a partner at Pellerano Messina and has more than 35 years of experience in all areas of IP law. She is former president of the Dominican Association of Intellectual Property, and is a member of numerous international associations including the American Chamber of Commerce, AIPPI, PTMG, ASIPI and INTA. Messina is fluent in Spanish, French, Italian and English.



## Amanda Michaels

**BARRISTER, HOGARTH CHAMBERS, UK**

Amanda Michaels is a barrister at Hogarth Chambers, with a wealth of experience in trademarks and passing off, copyright and designs, breach of confidence and related commercial disputes in the media and entertainment field. She has acted for brand and copyright owners, from multinationals to SMEs, authors and artists, fashion, film, TV and record companies, and collecting societies. While remaining in full-time practice at the Bar, Michaels is a recorder and sits part-time as a Deputy Enterprise Judge of the Intellectual Property Enterprise Court. She is also an appointed person, hearing appeals from the UKIPO in trademark matters.



## Wiramrudee (Pink) Mokkhavesa

**PARTNER, TILLEKE & GIBBONS, THAILAND**

Wiramrudee Mokkhavesa, a partner at Tilleke & Gibbons, specialises in brand protection, IP enforcement, and anti-counterfeiting. Her practice focuses on IP portfolio strategy and management and she represents multinationals in the luxury goods, automotives, consumer products and software industries. In addition to training both government officials and private-sector personnel on IP, Mokkhavesa is a frequent guest lecturer at Thai universities. Mokkhavesa is also a member of INTA's enforcement committee.



### Ann Nam-Yeon Kwon

**SENIOR TRADEMARK ATTORNEY, KIM & CHANG, SOUTH KOREA**

Ann Nam-Yeon Kwon is a senior trademark attorney in the firm's IP practice. For over 25 years, she has advised on and managed a large number of trademark portfolios for numerous companies in various industries. In addition to domestic matters, she has extensive knowledge and experience in representing international clients, in particular, European clients, across a broad range of industries in complex trademark and design matters. She is active in various IP organisations, including AIPPI and the Korean Trademark and Design Association (KOTA). She currently serves as a vice president of AIPPI and as a director of KOTA.



### Uwa Ohiku

**PARTNER AND HEAD OF IP PRACTICE, JACKSON ETTI & EDU, NIGERIA**

Uwa Ohiku is a partner and head of the IP practice at Jackson Etti & Edu. She has experience in all aspects of IP law and practice, managing the IP portfolios of numerous blue-chip international corporations. For many years, Ohiku was the only panellist from Nigeria at the World Intellectual Property Organization's Domain Names Dispute Resolution Center and was a member of the three-person panel that sat on one of the largest domain name disputes, involving a well-known cable news network. She is the South West co-ordinator of African Women Lawyers' Association of Nigeria and advises the government on various IP-related issues.



### Ruth Olivares

**PARTNER, LATINALLIANCE—  
ABOGADOS CENTROAMERICA,  
GUATEMALA**

Ruth Olivares is in charge of office administration and coordinates the IP and product regulation team for LatinAlliance Guatemala. With more than 25 years of experience, Olivares represents clients in the pharmaceutical, hygiene products, medical devices, and food and drink sectors. Olivares focuses her practice on the trademark registration process in Central America, as well as in South America, North America and the Caribbean. She has participated in several administration processes for IP, including revocation and objection to trademarks and opposition to appeals.



### Charmayne Ong

**PARTNER, HEAD OF IP, SKRINE,  
MALAYSIA**

Charmayne Ong is a partner and head of IP at Skrine. She is registered as a patent agent, design agent and trademark agent in Malaysia. Ong oversees the patent, design, trademark and copyright registration practice groups, as well as the IT and e-commerce practice group. She focuses on managing trademark registrations and general IP advisory work as part of her role. Ong also provides advice on and drafts contracts in areas including licensing, franchising and technology transfer. She advised one of Malaysia's first subscription-based music, podcast and video-on-demand operators in respect of its entry into the Malaysian market.



### Rodger Outten

**PRINCIPAL, OUTTENIP, COUNSEL &  
ATTORNEYS, BAHAMAS**

Rodger Outten is the founding principal and IP chair of OuttenIP's trademark practice. She serves as lead counsel in the firm's patent and trademark litigation practices, providing clients with advice on strategic enforcement of IP rights, patent and trademark prosecution, protection, asset transfer, and commercialisation. Outten advises clients in various industries, including the financial services, food and beverage, healthcare, life sciences and media industries. In addition to being the co-chair of the Bahamas Bar Association's IP committee, Outten also undertakes pro bono work for select artists and artisans.



### Laura Peter

**DEPUTY DIRECTOR, US PATENT AND  
TRADEMARK OFFICE, US**

Laura Peter is the deputy under secretary of commerce for IP and deputy director of the US Patent and Trademark Office (USPTO). She is the principal advisor to the director of USPTO, and responsible for all agency operations including oversight for the four USPTO regional offices and managing 13,000 employees. She is playing a key role in the USPTO's efforts to push the envelope on artificial intelligence. Prior to joining the USPTO, Peter was the deputy general counsel of IT company A10 Networks.

*Continued on page 40 >>>*

## Reclaiming language: are IP offices behind the times?

**Last year the UK Intellectual Property Office ran into the same problem that its US counterpart faced three years ago: what happens when the meaning of traditionally offensive or abusive terms changes, and how should IP offices react? Rory O'Neill reports.**

**A** lot of thought has been given to offensive trademarks over the past few years, with several cases taking the spotlight.

Since 2017, the US Supreme Court has issued two landmark rulings which have rendered obstacles to registering “offensive” marks increasingly obsolete.

In the EU, meanwhile, the focus has turned to the role of the European Union Intellectual Property Office (EUIPO) in guarding against the registration of marks which violate “accepted morality”.

The Court of Justice of the European Union ruled in February that the EUIPO couldn't block the registration of a mark for 'Fack Ju Göhte' (F\*ck You, Goethe) on the grounds that it was likely to cause offence.

International practice seems to be turning towards IP offices adopting more of a *laissez-faire* approach when it comes to making moral judgements.

### Behind the times?

It was curious, then, when last October a controversy arose over the UK Intellectual Property Office's (IPO) refusal to register a mark for 'Queers & Co'. The application was filed by LGBTQ+ activist Gem Kennedy for her company of the same name.

Queers & Co publishes a magazine which explores issues around body positivity for a LGBTQ+ audience. According to the letter of refusal Kennedy received from the IPO, the term “queer” could be used in a way that was “contrary to acceptable moral values”.



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The examiner initially felt that the reference to 'queers', and the derogatory message that might potentially be taken from it, justified the raising of an objection.

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Natasha Chick, UK IPO



“I honestly had no idea that it was likely to come up, because there are other trademarks for that term,” Kennedy says. The IPO’s letter cited a report by Ofcom, the UK’s communications regulator, which classified the term as offensive.

But according to Kennedy, the same report also acknowledges “queer” as a reclaimed word which is used by LGBTQ+ people in a non-derogatory manner.

The case touches on a uniquely modern challenge for IP offices—that of reclaimed words, historically derogatory terms that have been repurposed by the targeted communities themselves.

In many ways, the area of the law and institutions dealing with trademarks should be better equipped than most to navigate this problem. Trademark law is, after all, mostly to do with subjective determinations of how a term or mark is likely to be perceived by the public.

Trademark examiners are trained to contextualise language, images, and symbols, and make a holistic assessment rather than stick too rigidly to a predetermined formula.

And yet, Kennedy says, the IPO is lagging behind the times. For example, she had no such problem registering her business name at Companies House, which had already adapted its policies after a controversy involving a company called Rebel Dykes.

In that case, which bears resemblance to Kennedy’s, Rebel Dykes started an online petition after they were blocked from registering a community interest company under the name. Their campaign was successful, with Companies House’s decision being reversed last March.

Kennedy took a similar course of action, urging the IPO in an online petition to recognise that the LGBTQ+ community “should have the power to name ourselves as we choose”.

Like Rebel Dykes, Kennedy was successful and, after replying to the IPO’s letter of refusal, was able to register her trademark for ‘Queers & Co’ in January.

But why was it refused in the first place, when there are other trademarks on the register featuring the word, such as ‘Queer Spirit’ and ‘Queer Prom’? And what does the controversy tell us about how IP offices should deal with the wider issue of reclaimed words?

### Political consciousness

As anyone who has followed US trademark law over the past few years will remember, this is not the first time this issue has arisen. In 2017, the US Patent and Trademark Office’s (USPTO’s) refusal to register the name of Asian-American band The Slants was challenged all the way to the Supreme Court, producing the landmark ruling in *Matal v Tam*.

Part of the reason that case caught the public attention was because it seems so straightforward that the use of the term “slants” by a group of politically conscious Asian-American musicians was not offensive. Its net effect was to challenge discrimination, not to worsen the marginalisation

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The burden placed on applicants for something that should be rightfully theirs makes the process inequitable.

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*Simon Tam, The Slants*



suffered by Asian people and people of Asian descent.

According to Simon Tam, one of the band’s founders, their case demonstrates why no IP office is “adequately prepared to deal with contextual judgements in terms of offensiveness”.

“Context can be problematic when it is judged through the eyes of an examiner, one who may not have the same life experiences as the referenced communities in question,” Tam says.

The Slants’ case, together with last year’s *Iancu v Brunetti* ruling, culminated in the Supreme Court striking down the bans on “disparaging”, “scandalous”, and “immoral” marks as unconstitutional. That’s because, the court ruled, they discriminated based on viewpoint, and therefore violated the First Amendment.

### Moral determinations

Does the UK Trade Marks Act of 1994 place any comparable obligations on the IPO?

“The IPO has a responsibility to refuse trademark applications which are contrary to public policy or to accepted principles of morality,” says Natasha Chick,



divisional director of the office's Trade Marks and Designs tribunal.

The obvious problem is that, as with the "scandalous" and "immoral" marks ban in the US, the IPO is then forced to wade into moral determinations. Given ever-evolving moral norms, it's not surprising that IP offices tasked with making a moral judgement on individual trademark applications can find themselves embroiled in controversy.

How does the IPO face up to these challenges? "We are guided by case law in terms of interpreting the offensiveness provisions," Chick says.

"This includes recognising the difference between marks which are merely distasteful from those which may justifiably cause outrage," she adds, noting that there is also the need to balance the potential to cause offence with rights to free expression.

If there is any category of supposedly "offensive" marks that are likely to expose the risks of relying on case law, it is that of reclaimed words. No-one is arguing that "queer" has never been an offensive term, nor that it no longer can be offensive in certain usage or contexts.

However, IP offices must now adapt to the reality that oppressed communities are inverting the abusive language that has traditionally been weaponised against them.

Chick points out that decisions are not always clear-cut.

"This is a very subjective matter of law," she says. "In the case of 'Queers & Co' the examiner initially felt that the reference to 'queers', and the derogatory message that might potentially be taken from it, justified the raising of an objection."

After Kennedy availed herself of the opportunity to respond with evidence contextualising the mark, it was approved for registration. The IPO could therefore argue that the system worked.

Here, as in the case of *The Slants*, the burden of proof was on the applicant to prove why their use of a reclaimed term wasn't offensive. There is no guarantee that this will work.

As Tam says, his band's trademark filing identified 'slant' as a term that had been re-appropriated by the Asian-American community. In support of that argument, he produced evidence including letters from Asian-Americans, an independent survey, documentation from Asian-American media outlets, and an expert report from the president of the American Dialect Society.

"That overwhelming evidence wasn't enough," Tam says. "Instead, the USPTO fell back to relying on UrbanDictionary.com, other joke websites (including Asian-jokes.com), and dictionaries from the early 1900s, to support its claim."

In his view, these processes are not fit for dealing with the problem. "The burden placed on applicants for something that should be rightfully theirs makes the process inequitable," he says.

### Policy change

In the UK, Kennedy wants to use her success in registering her brand as a springboard for a change in policy.

"It shouldn't be that the next person will have to get 16,000 signatures in order to register their brand," she says, adding that she has written to the IPO seeking a meeting to discuss how their internal policies might evolve in light of her case.

"It's not enough just to grant my trademark, we would like to see the policy changed," Kennedy adds.

Whether the IPO's examination guidelines are adapted remains to be seen, but 'Queers & Co' provides a useful case study of a problem that is likely to crop up again. IP offices could do worse than to give some thought to adopting a formal policy around reclaimed words.

As Kennedy says, it's "exhausting" for minority groups to convince government institutions to acknowledge a social shift that has been underway for years. But, if it's left purely to the discretion of individual examiners, it is hard to see how consistency can be achieved across the board. ●

# A culture of growth and equality

**Borghildur Erlingsdóttir, director general of the Icelandic Intellectual Property Office, sees massive opportunities at a time when Iceland's economy is at a turning point, drawing on its old industries to drive innovation, as she tells Sarah Morgan.**



**A**s the pinnacle of gender equality, Iceland paints a pretty picture. The Nordic nation has been the frontrunner in the World Economic Forum's Global Gender Gap Index, which benchmarks countries according to how close they are to reaching gender equality, for 11 consecutive years.

This hasn't just happened in Iceland. In October 1975, International Women's Year, Iceland's women

refused to show up for work, to look after children, cook or clean. It was a defining moment in the gender equality struggle.

Every year, to mark the strike, women leave their workplaces and homes and gather in the capital Reykjavik's central square demanding further change.

Five years after the first strike, Vigdís Finnbogadóttir became Iceland's president, becoming one of the first



women in the world to be democratically elected as a head of state, and Europe's first female president. She held the position for 16 years.

Continuing the trend of women holding influential positions in Iceland is Borghildur Erlingsdóttir, director general of the Icelandic Intellectual Property Office (ISIPO).

"You could say that I have benefited from a culture of equality here in Iceland, where barriers

IMAGES: SHUTTERSTOCK / IRINA BG

are perhaps not as high as they are in other countries.

"There certainly is a mentality here that a woman should not be forced to choose between family on one hand and education and a career on the other," says Erlingsdóttir.

She adds that when she took over as director general, there were still people in the IP community who thought it was curious that a woman with four children could take on a position as demanding as

this one, but Iceland's history, legal framework and culture make this possible.

In 2018, the country's Equal Pay Certification law took effect, making Iceland the first country in the world to require companies to prove they pay all their employees equally, no matter what their gender, sexuality, or ethnicity.

"Efforts to increase parental leave have marked further steps towards gender equality," says Erlingsdóttir.

That's not to say that Iceland is a gender-equal paradise. While the gender pay gap has closed by 88%, the gap still exists (although it's better than a global gender parity of 68.6%). On the world stage, none of us will see gender parity in our lifetime—the World Economic Forum's index reveals that gender parity will not be attained for 99.5 years.

Erlingsdóttir adds: "I am proud of the progress we have made, but I see that there is advancement still to be made. We can always do more to bridge the gap, and we will."

### A fundamental human right

It's no secret that the IP community has traditionally been male-dominated, says Erlingsdóttir.

But there are signs that things are changing—she cites the increase in the number of female director generals of national IP offices, as well as some higher management positions in the international IP organisations.

There are positive signs in the innovation industry, with "a new generation of female innovators coming through with some potentially world-changing solutions", she says, adding that high-profile Icelandic companies are taking measures to increase the number of women in the boardroom.

"Things could, and should, be moving faster," she says. "Gender equality is a fundamental human right and it goes without saying that we should all be doing more to address this issue.

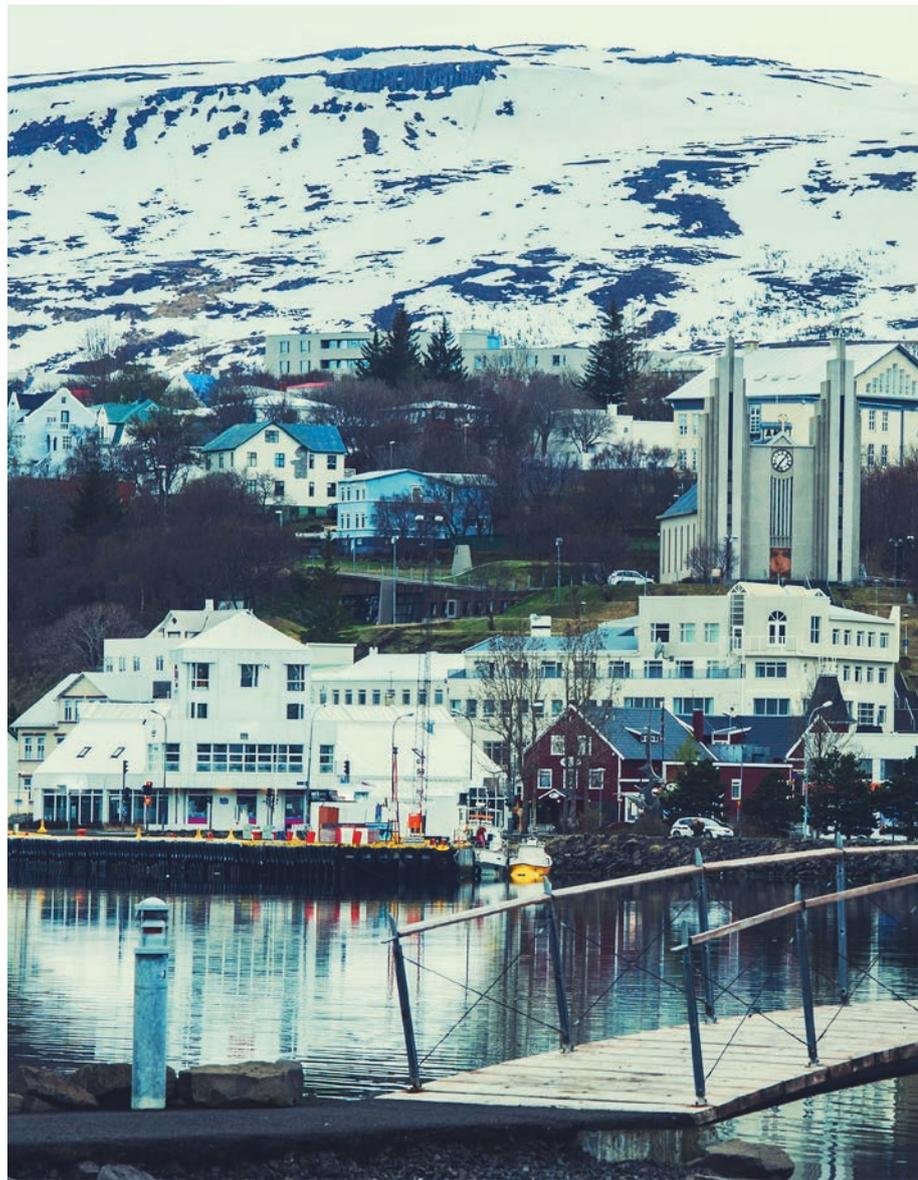
"It goes beyond the basic issue of fairness and whether a person in power is a man or a woman. Gender equality is also about getting the best results. It's simply good business," she concludes.

Numerous studies espouse the benefits of greater diversity and gender equality for business innovation and increased profitability in the private sector. For Erlingsdóttir, there's no reason to think that the same shouldn't apply to how national and international IP offices work and do business.

"Increasing diversity and gender equality will equip us better to find innovative solutions to overcome the challenges we are facing in a fast-changing IP world. These efforts just make sense, we cannot afford to ignore that," she says.

The ISIPO has always considered gender balance when it comes to speakers at conferences and seminars to make sure that a diverse set of voices are heard on IP issues.

"When it comes to our staff, the ISIPO has generally had more female employees so we have sometimes



years until global gender parity is attained, according to the World Economic Forum's Global Gender Gap Index.

had to think of ways to increase the gender balance from the other side and hire more men. I believe that diversity, in terms of both gender and age, is simply good business," she says.

She adds that there are many issues today that require innovative solutions, and that these will not be found in a homogenous workplace.

This rings true for those working in the science, technology, engineering, and mathematics (STEM) fields.

"Encouraging women to take on traditionally male-dominated fields is necessary to break the barriers that remain," says Erlingsdóttir, adding that more women are entering into science and research and development, particularly in the geothermal energy sector in Iceland.

Ensuring women's voices are heard in innovation and creativity is absolutely vital.

To quote the words of one of Iceland's most innovative and creative women, Hildur Guðnadóttir, who became the first woman to win an Oscar (for best original score in the film "Joker"): "To the girls, to the women, to the mothers, to the daughters, who hear the music bubbling within, please speak up. We need to hear your voices."



Erlingsdóttir believes this quotation should resonate with all girls and women, whether in art or technology.

### The journey

Erlingsdóttir's own journey didn't begin in IP—she started out studying architecture but soon her interest gravitated toward law, in particular IP law which fascinated her right away.

"I knew exactly which side of the table I wanted to be on. I wanted to be involved in the fast-changing world of IP and affect it on a policy level," she says.

"There were opportunities in the private and public sectors but I knew where my journey would lead."

When a job opened at the Icelandic Patent Office (as it was then known), Erlingsdóttir was determined. "There were a lot of applications, but I showed up with my thesis thinking to myself: 'I will get this job.' And I did."

Erlingsdóttir took a year off to study an LLM in law, science and technology at Stanford University and, when she was returning to Iceland, the position of director general was available.

"I am always open to new challenges and ways to make my, and Iceland's, voice heard in IP matters. As



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**Increasing diversity and gender equality will equip us better to find innovative solutions to overcome the challenges we are facing in a fast-changing IP world.**

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director general I have always put a lot of emphasis on international cooperation," she says.

In addition to serving as the vice-chair of the European Patent Office's administrative council, Erlingsdóttir is the chairman of the board of the Nordic Patent Institute.

### Fundamental questions

Erlingsdóttir sees massive opportunities for ISIPO at a time when Iceland's economy is at a turning point, drawing on its old industries to drive innovation.

"Traditionally, the Icelandic economy was almost entirely dependent on natural resources, but we are starting to see the massive potential for sustainable growth through innovation and IP," she says.

The transformation of the country's fisheries sector into an IP industry is a perfect example. Alongside creating innovative solutions to create more value from each fish caught, the sector has created a side industry in pharmaceuticals, cosmetics and biotech, which creates value from what was previously considered waste. The IP industries and sustainability are growing hand-in-hand, says Erlingsdóttir.

She is aware of the challenges facing the ISIPO, challenges that mirror those facing larger IP offices as well.

Rapid technological and sociological changes such as those currently seen are posing some fundamental questions about the nature of IP and IP ownership, she explains.

At the same time, these changes are affecting the way IP offices examine, provide services and communicate. Although the developments provide tools to increase efficiency in examination, increased demands and customer needs mean IP offices need to change their approach.

"We need to be faster. We need to keep the process simple. We need to keep up and continuously improve quality. We need to provide services that are in line with the needs of innovators today. We also need to find new ways to reach and engage with our stakeholders.

"We cannot just sit and wait for companies to come to us. We need to be proactive and maintain a close connection to our stakeholders to help them protect their IP," warns Erlingsdóttir.

These are exciting challenges for all IP offices, national and international, and very interesting times for the IP community, she says.

In some ways, IP offices are being forced to rethink their roles. Erlingsdóttir adds that we must all consider the whole innovation process and how it creates value for companies and society.

After all, the reason IP offices do what they do is to help companies create value for society, she explains, adding: "We need to see ourselves as an important chain in the innovation link." ●

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**Zane Pētersone****JUDGE, SUPREME COURT, RIGA, LATVIA**

Zane Pētersone has been a judge at the civil cases department of the Supreme Court of Latvia since 2015, with a specialisation in IP cases. Pētersone regularly lectures on different subjects of law, including IP, and participates in national and international task groups drafting law. She worked on the new Latvian Trade Mark Law and the Law on Trade Secrets and is Latvia's representative in the Association of European Judges for Mediation and the Circle of European Trade Mark Judges. Pētersone has authored several publications, including her monograph "Civil Remedies for Infringements of Intellectual Property Rights" (2013).

**Christina Petersson****CHIEF IP OFFICER, ERICSSON, SWEDEN**

Christina Petersson was appointed chief IP officer and head of IP rights and licensing at Ericsson in April 2019 and is responsible for Ericsson's patent development and patent licensing worldwide. Previously, Petersson served as vice president and head of IP rights legal affairs at Ericsson. Since 2003, Petersson has had an active role in licensing negotiations and has been responsible for concluding licence agreements with the vast majority of Ericsson's currently more than 100 licensees. She has also been instrumental in patent divestments and acquisitions, including the setting up of patent platforms and pools.

**Arty Rajendra****PARTNER AND HEAD OF IP DISPUTES, OSBORNE CLARKE, UK**

Arty Rajendra became a qualified lawyer in 1997 and was promoted to partner at Rouse in 2004 where she later headed the firm's UK litigation practice. In 2017, she joined Osborne Clarke as a partner and UK head of IP disputes. She is the secretary of the Intellectual Property Lawyers' Association (IPLA) and has represented the IPLA at meetings of the Intellectual Property Enterprise Court users committee.

**Renata Righetti Pelosi****PRESIDENT, BUGNION, ITALY**

Renata Righetti Pelosi joined Bugnion in 1982 and practised with national and international clients as head of the firm's foreign department. Between 1995 and 2012, she served as director general of the firm, and has served as president of Bugnion since 2004. Righetti Pelosi focuses her practice on trademarks and is a frequent speaker at seminars and conferences with a special focus on geographical indications and non-traditional trademarks. She is a member of many IP associations and has served as president of AIPPI since 2018.

**Lisa Ritchie****SENIOR COUNSEL, PHILIP MORRIS INTERNATIONAL, SWITZERLAND**

As senior counsel for trademarks, copyright and designs, Lisa Ritchie leads a team responsible for Philip Morris International's global IP litigation strategy for its reduced risk product portfolio. Her practice spans the full spectrum of trademarks, copyright, designs, unfair competition and domain names, from global portfolio management through to extensive litigation experience. Ritchie has driven the creation and implementation of a global enforcement programme to protect against unauthorised and infringing use of Philip Morris International's brands on online marketplaces, social media, domain names and apps. She currently serves as the co-chair of INTA's Leadership Meeting 2020.

**Sabine Rojahn****OF COUNSEL, TAYLOR WESSING, GERMANY**

Sabine Rojahn is of counsel at Taylor Wessing and has been working in IP law for more than 30 years, acting in many cases in Germany. Rojahn established the firm's IP group. She is fluent in German and English. She has often represented clients in the IT and pharmaceutical industries and is part of the firm's China group.



## Eleonora Rosati

### OF COUNSEL, BIRD & BIRD, ITALY

Eleonora Rosati is of counsel in Bird & Bird's IP team, working between Milan and London on copyright and trademark issues. She regularly advises clients in the creative and technological sectors and is a tenured associate professor in IP law at Stockholm University in Sweden. Over the past few years, Rosati has authored more than 1,000 blog posts for The IPKat and The 1709 Blog, alongside more than 100 academic articles and commentaries. She has also been asked by *inter alia* the European Parliament and the European Intellectual Property Office to produce technical briefings.



## Angela Shi

### SENIOR BRAND PROTECTION MANAGER, NEW BALANCE, CHINA

Angela Shi has been a senior brand protection manager at New Balance since 2015, working in close collaboration with global senior IP counsel to design and implement effective anti-counterfeiting and brand protection strategies. Shi has helped the footwear company implement an anti-counterfeiting strategy in greater China, aimed at stopping the exportation, importation, distribution and sales of counterfeit products. She also manages IP criminal prosecutions, investigations and enforcement actions, while delivering training to law enforcement agencies.



## Sally Shorthose

### PARTNER AND CO-HEAD OF LIFE SCIENCES REGULATORY PRACTICE, BIRD & BIRD, UK

As part of her practice, Sally Shorthose provides a full range of IP commercial advice and support such as licensing, partnering and exploitation agreements, research, development and marketing collaborations. She is a transactional IP lawyer and provides advice in relation to the protection and exploitation of a full range of IP rights, both in standalone transactions and as part of acquisition, divestment and investment activity. Shorthose joined the firm in 2006 from Eversheds. She currently leads Bird & Bird's Brexit initiatives and has spoken and written extensively on all implications of Brexit.



## Tatiana Shpakovich

### SENIOR PARTNER, DOUBINSKY & OSHAROVA, UKRAINE

Tatiana Shpakovich is a senior partner at Doubinsky & Osharova and serves as the head of the patent and trademark department. She has more than 20 years of experience in the field of IP rights protection and specialises in acquiring IP rights and further protection, licensing and transfer of rights. Shpakovich has authored a number of articles and commentaries for leading Ukrainian legal publications. She was also actively involved in the national discussion of the draft Intellectual Property Strategy for 2020-2025.



## Ingrid Slangen

### HEAD OF IP AND LEGAL AFFAIRS, SELECTA ONE, GERMANY

Ingrid Slangen is head of IP and legal affairs at plant breeder and producer Selecta One. Slangen has focused on IP matters for the company since 2005, and was put in charge of legal affairs in 2015. She is chair of the cut flowers crop section at the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOPORA) and representative of the non-profit at the EU's Community Plant Variety Office.



## Regan Smith

### GENERAL COUNSEL AND ASSOCIATE REGISTER OF COPYRIGHTS, US COPYRIGHT OFFICE, US

Regan Smith was appointed general counsel and associate register of copyrights for the US Copyright Office in 2018. As general counsel, Smith provides legal guidance to the various divisions and programmes of the office. Smith has spearheaded the office's efforts on the Music Modernization Act, the first major update to the Copyright Act in two decades, including advising congressional offices during the legislative process, and the subsequent regulatory process. Her group also advises on litigation matters, helping shape the US position in the ten most recent copyright briefs submitted to the US Supreme Court and in multiple circuits.

## Class of 2020: Vivien Chan, Vivien Chan & Co

**Vivien Chan helps major multinational corporations and listed companies to do business in Greater China, as she tells WIPR.**

### Why did you become a lawyer?

I became a lawyer to bring positive changes and solutions to my clients' businesses.

### How did you become founding partner of Vivien Chan & Co?

After I obtained a law degree from the University of London, I undertook a traineeship with a major city firm in London. In the early 1980s, I returned to Hong Kong and joined an international law firm as a corporate mergers and acquisitions lawyer.

I founded Vivien Chan & Co in 1985. In 1992, our firm became one of the first to be awarded a licence for a Beijing law office. We celebrate our 35 years as a Greater China premier firm this year.

Our Hong Kong and China teams have an in-depth understanding and knowledge of Chinese legal culture and market dynamics. We help major multinational corporations and listed companies to do business in Greater China and the Asian region. The key is we know China (which is a civil law country) and we understand our clients, as we grew up in Hong Kong, a common law market economy.



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**We promote on talent, irrespective of age, gender or background.**

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### What's your biggest achievement?

I am proud that I have founded and built a Greater China stellar legal practice over 35 years. It has been a rewarding experience and we pride ourselves on having established and maintained a loyal and long-standing client portfolio of multinationals and Fortune 500 companies.

### What's the best part about your job?

Providing solution-orientated advice and obtaining success for our clients' business needs.

### What's the most difficult part of your job?

Dealing with misguided competition.

### Have you faced any barriers or challenges in your career?

Things do not always work out as we expect. You must have a good sense of humour and try not to take yourself too seriously. Events will always happen, but how we respond to them can make all the difference. You have to love what you are doing, so that you will be happy when you successfully tackle the problem.

### What advice would you give to those looking to enter the IP profession?

Be very good at what you do and, most of all, enjoy the journey. God will take care of the rest.

### How are you involved in promoting diversity?

Our firm has a non-discrimination mechanism in place, to ensure we employ staff of all ages, genders and backgrounds. We promote on talent, irrespective of age, gender or background.

Our female lawyers outnumber their male counterparts in the firm—this is not limited to those in junior positions, but is true also for the senior roles. ●

*Vivien Chan is the founding and managing partner of Vivien Chan & Co, a Greater China law firm in Hong Kong and Beijing. She has more than 40 years' experience in mergers and acquisitions, China direct investment, technology transfers, information technology, IP and related tax issues. She can be contacted at: [vivchan@vcclawservices.com](mailto:vivchan@vcclawservices.com)*





## Justice Prabha Sridevan

**RETIRED, INDIA**

Justice Prabha Sridevan served as a judge of the Madras High Court between 2000 to 2010. As a judge, Sridevan issued decisions in a range of cases, including *Novartis v Union of India* in 2007, where she ruled against Novartis and held that India's section 3(d) of the Patents Act was constitutionally valid. After her retirement, Sridevan was appointed as the chairperson of the Intellectual Property Appellate Tribunal (IPAB) between 2011 and 2013. At the IPAB, Sridevan upheld India's first compulsory licence order in favour of generic manufacturer Natco against Bayer.



## Kristin Stammer

**PARTNER, HERBERT SMITH FREEHILLS, AUSTRALIA**

A partner at Herbert Smith Freehills in Sydney, Kristin Stammer specialises in commercial transactions including acquisitions, sales and joint ventures involving IP, technology and media. She has more than 20 years of experience and her practice covers a range of industries including fast-moving consumer goods, media, publishing, pharmaceutical, life sciences, advertising, technology, financial institutions, sport, fashion, projects and construction. Working with clients on commercialisation and IP agreements, she helps them manage, identify and exploit revenue opportunities.



## Eva-Maria Strobel

**PARTNER, BAKER MCKENZIE ZURICH, SWITZERLAND**

Eva-Maria Strobel is a partner in the Baker McKenzie's European IP practice group. She is admitted to the bars in Switzerland and Germany, and worked in the firm's Frankfurt office prior to relocating to Zurich. Strobel specialises in consumer goods, particularly luxury products such as jewellery and watches, though she also has experience in sectors such as agriculture and pharmaceuticals. Strobel manages Swarovski's global trademark and design portfolio, and has also represented companies such as Estée Lauder and The Body Shop.



## Gretchen Stroud

**SENIOR ASSOCIATE GENERAL COUNSEL, IP, GILEAD SCIENCES, US**

Gretchen Stroud has served as senior associate general counsel, IP, at Gilead Sciences since 2008. She manages Gilead's trademark and brand protection department, with responsibilities for the company's non-proprietary naming process and global trademark portfolio, including trademark clearance, prosecution and maintenance. Stroud advises on domain name issues, including a generic top-level domain (gTLD) defensive strategy and handles copyright matters and anti-counterfeiting. Stroud is active with the Intellectual Property Owners Association. For the past two years, Stroud has facilitated a circles group through the Women@Gilead Employee Resource Group. Stroud previously worked at Cooley for 19 years.



## Krystyna Szczepanowska-Kozłowska

**PARTNER, ALLEN & OVERY, POLAND**

Krystyna Szczepanowska-Kozłowska heads Allen & Overy's IP practice in Poland, advising on patents, trademarks and copyrights, both contentious and non-contentious. She is also a renowned academic and member of the faculty of law at the University of Warsaw where she led the department of IP and intangible assets, and is also an arbitrator at the Court of Arbitration of the Polish Chamber of Commerce. Szczepanowska-Kozłowska has participated in research projects financed by the European Commission.



## Lynell Tuffery Huria

**PRINCIPAL, AJ PARK, NEW ZEALAND**

Lynell Tuffery Huria joined AJ Park in 1990, aged just 16, and this year she celebrates 30 years with the firm. She was the first Māori patent attorney in New Zealand and, in 2018, she became a principal of AJ Park. She specialises in all aspects of trademark protection, management and enforcement. She acts for a diverse range of clients, from Māori organisations in New Zealand to multinational companies in North America, South America and Asia. As a leading expert on indigenous IP rights and Māori IP, she is the current chairperson of INTA's committee on Indigenous Rights.



### Elena Utkina

#### PATENT ATTORNEY, VAKHNINA AND PARTNERS, RUSSIA

Elena Utkina is a patent attorney at Vakhnina & Partners, where she leads the patent department. She has more than 35 years' experience in IP and is the former deputy director of Rospatent. Utkina specialises in chemistry, biochemistry, pharmacology, and pharmaceuticals. In addition, she is one of the developers of the Patent Prosecution Highway between Rospatent and the Japan Patent Office.



### Sarah Wright

#### PARTNER, HEAD OF IP, CMS, UK

Sarah Wright is head of IP at CMS, advising clients in the technology, media and communications, life sciences, fashion and retail sectors. She handles a broad range of IP from devising filing strategies, conducting clearances searches and managing international portfolios, through to advising on all types of contentious matters before the UK and EU IP offices and UK courts. Wright also has experience of non-contentious matters and advises agencies and brands on advertising issues. As co-founder of CMS equiP, the firm's tech startup programme, Wright advises more than 100 UK startups within the tech and life sciences sectors.



### Sharmaine Wu

#### DIRECTOR OF PATENTS, DESIGNS AND PLANT VARIETIES, INTELLECTUAL PROPERTY OFFICE OF SINGAPORE, SINGAPORE

Sharmaine Wu is director of patents, designs and plant varieties at the Intellectual Property Office of Singapore (IPOS). She led the launch of SG Patent Fast Track, a pilot programme to accelerate grants of patent applications in all technology fields in as fast as six months. Prior to this, she served as director of IP management and markets at IPOS, where she created a new department to lead the development of IP monetisation at the office. In this role, she helped to launch programmes including an IP-centric private equity fund and a partnership with Lloyd's Asia on IP insurance.



### Alissa Zeller

#### SENIOR VICE PRESIDENT GLOBAL IP, BASF, GERMANY

Alissa Zeller has held the role of senior vice president global IP at BASF since January 2019. She has worked in IP for the chemical company since 2001, spanning a wide range of responsibilities including patenting, global IP litigation, IP contracts, mergers and acquisitions and digital IP. In her current role, she also focuses on organisational transformation, IP advocacy and global people development. She is an active member of the D&I League of BASF and a strong advocate for the advancement of women.



### Dilek Zeybel

#### MANAGING PARTNER, ORBIS IP & LAW, TURKEY

Dilek Zeybel is one of the managing partners at Orbis IP & Law responsible for all areas of obtaining and enforcing IP rights for international clients. She specialises in managing large portfolios for companies including Evonik, Alibaba Group, Asics Corporation, Gianfranco Ferré and Jacobs Douwe Egberts. Zeybel is a native German speaker and graduated in Germany at the University of Siegen.

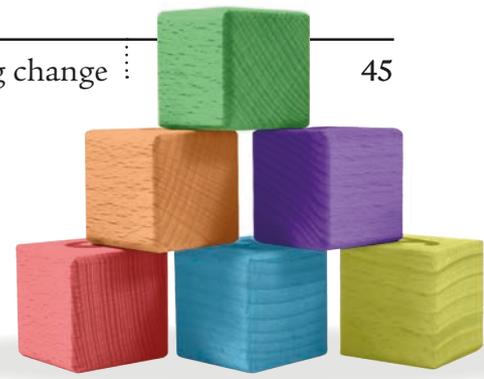


### Ashley Zhao

#### PARTNER, AWA ASIA, CHINA

Ashley Zhao has been practising Chinese IP law since 2005 and was admitted to the Chinese Bar in 2008. At AWA Asia, she is regularly involved in both contentious and non-contentious IP matters, specialising in trademark, copyright, domain name, internet law and anti-unfair competition matters. Zhao has extensive experience before the Trademark Office of the National Intellectual Property Administration of China, and represents clients in the food and beverage, software and IT, and media and entertainment sectors. ●

# Evolving inclusivity— designing a modern platform for success for all



**The categorisation of individuals due to gender, race, ethnicity or sexual orientation doesn't encourage equality and we should be working harder to inspire both men and women to drive real change, says Karen Fraser of UDL Intellectual Property.**

I have been a patent attorney for more than 15 years, specialising in technology, media and telecoms. My career started in Chennai, India, before I relocated to the UK in 2006. As an Indian woman, I've experienced my fair share of barriers to overcome in my career. I've had a number of mentors during this time who have played central roles in helping me progress to where I am today.

I'm proud to be part of this publication, surrounded by others who are driving inclusivity. Yet, I want to be recognised not for my gender, or where I'm from, but for my achievements, held up to the same standards as anyone else.

Bold ideas are now required to continue progressing and my hope is that by evolving further we can inspire great change, and this means continuing to push for diversity in traditionally male-dominated industries, making it normal for a mix of genders, ethnicities and more to be present in all groups and at all events.

I couldn't agree more with what Andrea Brewster, lead executive officer of the IP Inclusive initiative, said in the Chartered Institute of Trade Mark Attorneys (CITMA) review February 2020 edition: "More diverse and inclusive teams are not just happier, they perform better."

Our profession needs leadership and management teams with the skills and knowledge to effectively encourage and develop all people, irrespective of gender or background. The action required by those of us in current or future leadership positions to achieve this doesn't seem specific to female leaders, so we should be working harder to engage and inspire both men and women to drive real change.

## More harm than good?

New research from the University of Edinburgh ("Breaking Glass: Toward a Gendered Analysis of Entrepreneurial Leadership" by Harrison, Leitch and McAdam, 2020) suggests that a key barrier to female success is women-only networking groups or events, which might do us more harm than good.

While such women-only business networks aim to connect and empower us to achieve our goals, are they now outdated, inadvertently reinforcing the age-old divisions that we seek to change?

I accept that, outside the business world, segregated support groups relating to issues such as health may well be relevant and are to be encouraged. Events targeting girls and young women to consider careers in previously male-dominated sectors are also hugely important.



“Our profession needs leadership and management teams with the skills and knowledge to effectively encourage and develop all people, irrespective of gender or background.”

In our profession, I believe that it's up to us "influential people" to lead boldly from the front, to ensure that the most deserving people are always able to reach the top. I know many women who feel the same way—some even refuse to attend women-only business events out of principle.

Our focus should be on breaking down traditional business structures and environments. This means ensuring a strong female presence at historically male-dominated industry events and starting to pervade exclusive networking groups. We also need to spot instances of cultural bias and move towards eradicating them. This could well start with moving away from the women-only networks which serve to sideline us.

In addition, such networks don't support other minority groups. No matter their gender, ethnicity, sexuality or disability, everyone should be able to achieve their goals. Since the legal sector is currently dominated by men—the very people we're unlikely to reach with women-only networks and at "women in..." events—we need to evolve towards a more inclusive mindset. (I accept that "women in..." events are, in theory, open to men, but the name suggests otherwise.)

There are some simple steps we can take, right now, to inspire change and encourage inclusivity:

- Join inclusive business networks and attend inclusive events. A true mix of people should become the new normal.
- Use our positions of influence to have a positive effect on our younger colleagues by supporting and championing those hardest-working, irrespective of who they are, and teaching leadership qualities.
- Have a voice: make bold statements and continue to drive change and strive for inclusivity, breaking down traditional structures and calling out segregation.

It's time for women's contributions to be recognised and celebrated alongside everyone else's. The categorisation of individuals because of gender, race, ethnicity or sexual orientation doesn't encourage equality. In 2020, being a "woman in..." isn't the unique selling point that will help us to truly make our mark in this industry. ●

WIPR's Influential Women in IP events are open to all.

*Karen Fraser is a partner at UDL Intellectual Property and is a European and chartered (UK) patent attorney. She specialises in patent matters relating to computer software and hardware, media streaming, and telecoms. She can be contacted at: kgf@udl.co.uk*

# The great exodus

**Bullying, a dearth of opportunities and lower pay are just some of the reasons why the legal profession is bleeding its minority groups. Sarah Morgan investigates.**

When I started writing this feature, I thought it would be like any other. Without getting emotionally involved, I'd briefly introduce the problems, discuss them a little using quotes and statistics, and provide the possible solutions, before tying it up with a neat little conclusory bow.

That's not what happened. I got caught up in the stories and the figures. There's no single answer to why women and minorities are leaving the legal profession in droves and there's no simple way to halt it.

We think of the legal profession as traditional, but still forward-looking and willing to adapt. Why then have one in three women been sexually harassed in a workplace context? Why is the legal profession in the UK plagued by a "culture of fear" around reporting sexual harassment and bullying? And why does the pay gap still exist? These are questions I want answers to.

So, instead of a "normal" feature where I set out the options to solve the problem, I've decided instead to provide the stories of women, both named and unnamed, who have experienced discrimination, harassment and bullying. Backed up with statistics, this should hopefully highlight the issues at the heart of this dilemma and show this is not a problem for a select few.

## An insidious issue

"When I first graduated, it was common for my firm to have Friday night drinks with the partners. This was basically a way to socialise with the partners and be seen—because this was largely how work was allocated.

"Combine that with a lot of alcohol and ... nothing good happened," says Jayne Durden, founder of Acutis Consulting.

That's not her only story, but it's one that sadly rings true for many.

She adds: "At the same firm I was once asked to come to a client meeting (I was so flattered) and told to 'wear that red skirt of yours because the client will like it' (I was crushed).

"Later, when I came into a client meeting, I was asked to take the coffee order, completely



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Women I know who are leaving the law are doing so because they don't feel that they can be themselves within the legal industry.

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Jayne Durden,  
Acutis Consulting



undermining the role I thought I had in leading one aspect of work for this client."

Two in five of the respondents to WIPR's survey said they've felt discriminated against during their time in the legal profession. Only 14% of those who felt discriminated against reported the discrimination. For those who do report, the consequences can be grim.

"I reported it, but not officially. I spoke about it with a department head but I refused to file a formal report as those involved in the discrimination were involved in decisions affecting whether I would be promoted," says one respondent.

Another adds that even though she did report the discrimination, nothing was done. She says: "I was told they would do an investigation, but all the investigation included was talking to the person the complaint was made against and it turned into a 'he said, she said' situation.

"With the other person being senior, the firm took their side."

Jean Lee, president and CEO of Minority Corporate Counsel Association (MCCA) in the US, believes this is almost par for the course for the majority of minority lawyers. "No-one will ever talk about it openly, because it's detrimental to your career," she says.



She's echoed by a lawyer from South Africa, who knows of people who believe they've been discriminated against but didn't report because they felt they wouldn't be taken seriously, were likely to be victimised, or that reporting would be detrimental to their careers.

"The way forward for them was to leave the profession," she adds.

And, while the #MeToo movement against sexual harassment and assault has made impressive strides to raise awareness and empower women, it's not enough.

The UK's legal profession is plagued by a "culture of fear" around reporting sexual harassment and bullying, according to the Association of Women Barristers in a 2019 report.

Co-authored by Lynne Townley, lecturer at the City Law School, University of London and circuit judge Katy Kaul, "Moving towards a zero-tolerance attitude to harassment and bullying at the Bar" followed a roundtable during which participants said they'd observed several practices which "created an atmosphere that permitted harassment and bullying to thrive".

Townley knows of many cases of discrimination. "One student was quizzed about her ethnic background

to such an extent during a scholarship interview that she is considering leaving the profession," she recalls.

She adds that bullying and harassment play a part in the retention of women and black, Asian, and minority ethnic (BAME) people at the Bar.

"Women and ethnic minorities are under-represented in relation to the proportion they are in society and will remain so for many years to come. For instance, there are fewer than 35 BAME women in silk—out of around 1,700 in silk at the present time," she adds.

This type of situation is certainly not limited to the UK—in a wider study, encompassing nearly 7,000 individuals across the spectrum of legal workplaces from 135 countries, the International Bar Association reported bleak findings.

Approximately one in two female respondents and one in three male respondents had been bullied in connection with their employment, while one in three female respondents had been sexually harassed in a workplace context, as had one in 14 male respondents.

One-third of those who had been sexually harassed and 65% of those who had been bullied had left, or were considering leaving, their workplaces.

**Double standards**

Women are paid less than men for the same work. I'm not going to cite all the figures here, but since 2018, companies with more than 250 employees have been required to publish figures on their gender pay gap. Little progress has been made since then.

In-house teams are certainly not exempt from this. US-based male counsels' average base salary was \$19,000 more per year than that of their female counterparts, according to an April report from legal research firm Major, Lindsey & Africa. The gap widens when taking into account total cash compensation, including bonuses, with male counsels' annual cash compensation 11.4% higher than their women peers'.

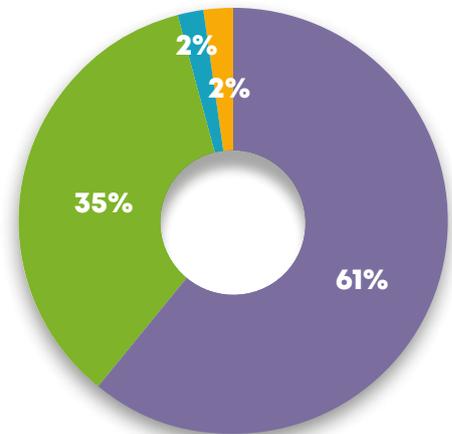
It's more difficult to source figures on the ethnicity, sexuality, socioeconomic and disability pay gaps in the legal profession but a few firms in the UK have voluntarily published their pay gaps. Again, you can see the divide.

Not only are women and minorities generally paid less than their white male counterparts, but they're offered fewer opportunities to advance.

"You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession", a report from the MCCA and the American Bar Association's Commission on Women

“There's no single answer to why women and minorities are leaving the legal profession in droves and there's no simple way to halt it.”

**Since you joined the company, do you feel that the environment for minority groups in your workplace has:**



● Improved ● Stayed the same  
● Worsened ● No answer

in the Profession in 2018, found that gender and racial bias existed in all seven basic workplace processes, including promotion, fair performance evaluations and access to networking opportunities.

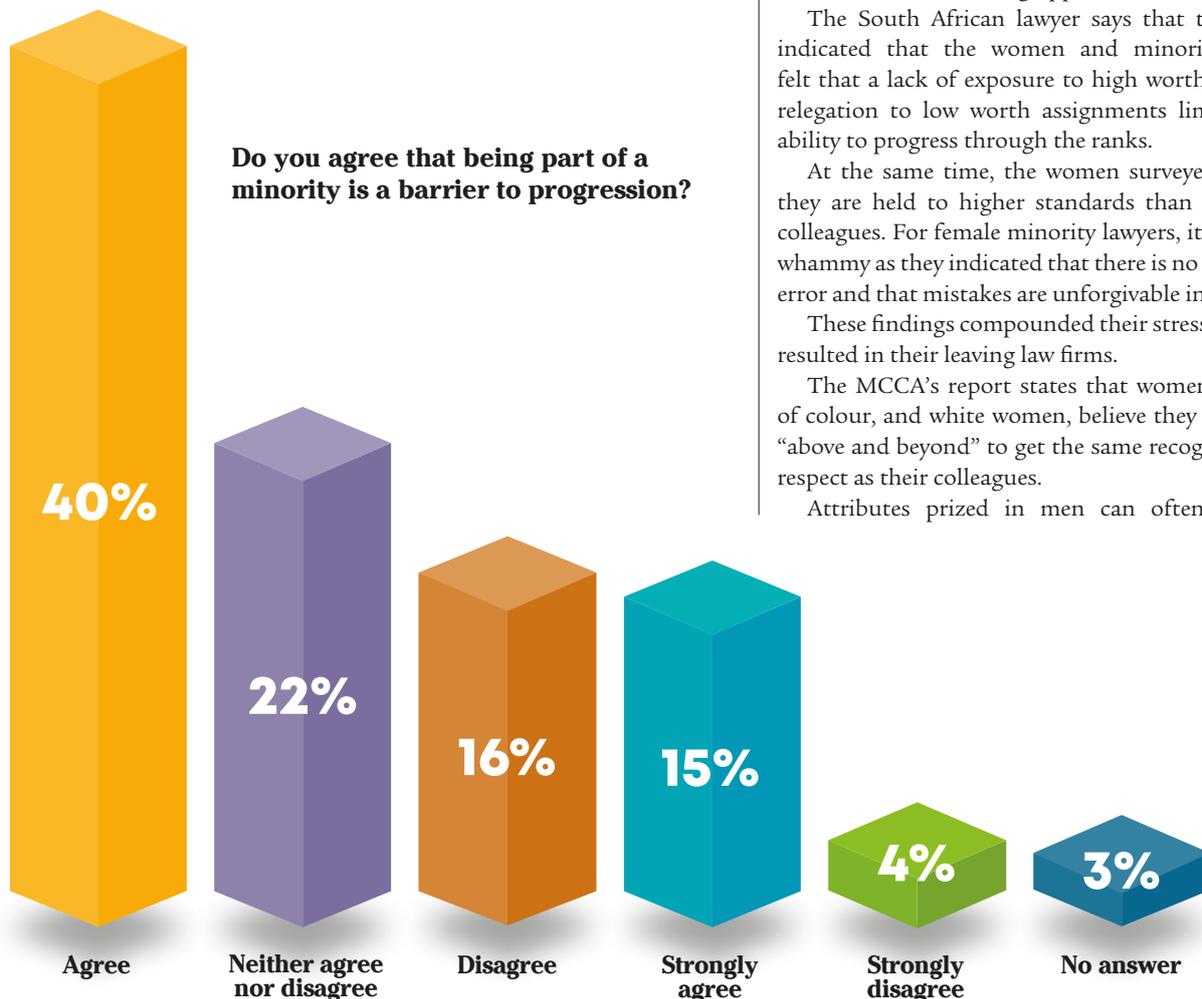
The South African lawyer says that the studies indicated that the women and minority lawyers felt that a lack of exposure to high worth cases and relegation to low worth assignments limited their ability to progress through the ranks.

At the same time, the women surveyed felt that they are held to higher standards than their male colleagues. For female minority lawyers, it's a double whammy as they indicated that there is no margin for error and that mistakes are unforgivable in their case.

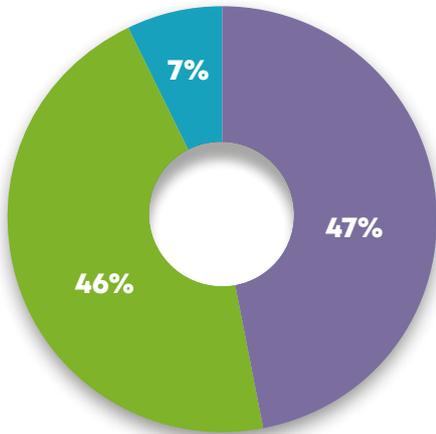
These findings compounded their stress levels and resulted in their leaving law firms.

The MCCA's report states that women and men of colour, and white women, believe they have to go "above and beyond" to get the same recognition and respect as their colleagues.

Attributes prized in men can often be quite



**Have you ever felt disadvantaged during your time in the legal profession on account of being part of a minority?**



● Yes ● No ● Prefer not to say

dangerous for women—as a woman, have you ever been called bossy, too sensitive, or bitchy? Probably, and you’re not alone.

Former First Lady Michelle Obama, in her book “Becoming”, writes: “I was female, black, and strong, which to certain people, maintaining a certain mindset, translated only to ‘angry’ ... I was now starting to actually feel a bit angry.”

For Durden, in one place she worked, men were often outspoken and quite aggressive in the meeting room but when women did similar, they were criticised as being “shrill and emotional” and one woman was told she needed to “calm down”.

“Women I know who are leaving the law are doing so because they don’t feel that they can be themselves within the legal industry. They perceive that to be successful they need to speak and act differently, rather than being able to be successful by being themselves,” she adds.

There’s a tightrope to walk—the MCCA’s study found that women of all races reported pressure to behave in feminine ways, which included higher loads of non-career-enhancing “office housework” and a backlash for “masculine” behaviours.

If you do progress (and that’s a big if), another bias rears its ugly head.

“When men get older and more experienced, they’re at the pinnacle of the profession. Why are women in their 50s leaving the profession? They’re being pushed out, they’re made to feel not as welcome or important. Why else would they be leaving at the time when most men’s careers are at their height?” asks Lee.

After Durden was admitted to practise, she worked at a large law firm with one female partner.

“She had her own ways of coping and keeping up. I was shocked when she returned to work several days after giving birth to her second child,” she says.

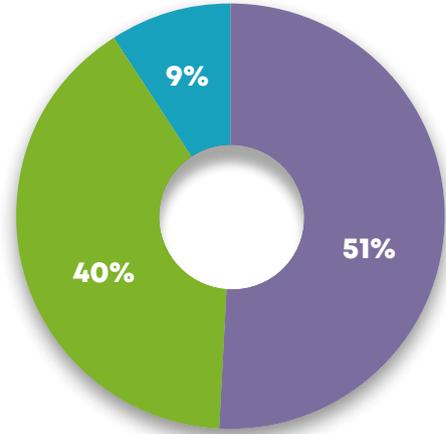


Law firms are looking for ways to improve because clients are demanding it. If clients don’t demand it, why change what doesn’t appear to be broken?



Jean Lee, MCCA

**Have you ever felt discriminated against during your time in the legal profession?**



● No ● Yes ● Prefer not to say

At the time Durden questioned this, and was quite critical of her, she admits. “Now I see her having to potentially make choices and not wanting to be seen as being ‘weak’ or unable to compete with the (male) standards for partnership.”

**Slivers of light?**

Well, there has been some progress, but it’s certainly not enough. Plenty of firms have modified their requirements for achieving partnership, says Durden, adding that parental leave has helped to partially level the playing field

Lee agrees that the situation is a little bit better than it was 20 years ago.

“Law firms are looking for ways to improve because clients are demanding it. If clients don’t demand it, why change what doesn’t appear to be broken? It’s a busy world and why would you spend the energy to provide something if no-one is demanding it?”

Recent moves by corporates to introduce tough diversity standards “should have law firms scrambling”, adds Durden, but this hasn’t necessarily happened.

“I’ve had partnerships say things such as ‘our work speaks for itself, we won’t have to worry about diversity requirements’,” she reports.

Lee gives credit to the handful of firms that treat diversity and inclusion as part of the everyday routine, making it part of billable hours and giving credit for doing diversity work. But when you look at the top 200 law firms in the US, Lee says, in 2007 versus 2019 you went from 93% Caucasian in the top law firm partnership ranks, to 90% now.

With the massive amount of time and money surely being spent on diversity initiatives, small gains are just not good enough. The profession must take a hard look at what’s going wrong, particularly if it wants to keep the people it’s trying to attract. ●

# Doing it for herself—and others

**After a career beginning with a dramatic trial and two decades of experience, Stacy Grossman decided to strike out on her own and start a law firm. Here, she talks to *Influential Women in IP* about the steep learning curve and figuring out how to attract and retain clients.**

**S**tacy Grossman has always been passionate about brands, content and entrepreneurship. After graduating from law school, she worked at a boutique entertainment firm and practised at a large IP firm, and then went in-house at a global media company. In 2014, ready for a new challenge, Grossman decided to launch her own practice.

“With nearly 20 years of experience as a lawyer, I had solid skills and a powerful network. I was ready,” she says about her decision.

Armed with just one client and a great deal of determination and excitement, Grossman ventured into the unknown.

“From the first day, I was fully charged, excited not only to offer my services to clients, but also to learn how to build and manage my own business. Starting a law firm from scratch is not for the faint of heart, it’s been a lot of work. But it’s absolutely been worth it,” she adds.

Since then Grossman, who is based in New York, has grown an enviable practice, serving hundreds of clients ranging from individuals and startups to private and public companies, across many industries.

*Influential Women in IP* sat down with Grossman to discuss her experience, the growth of her firm, and her thoughts on influential women in IP.

## What is your professional history, and how did you come to specialise in IP?

I’ve always loved the arts and began my career in New York as an associate for an entertainment lawyer named Ken Burrows. I spent my first months as a lawyer preparing for trial—we were representing the actor Joan Collins in a breach of publishing contract lawsuit against Random House.

Less than a year after I graduated from law school, I was on Court TV (a television channel), sitting at



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I discovered that the best way to grow is simply to provide great service and build lasting relationships with clients.

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counsel’s table with Ken and Ms Collins, waiting for a jury verdict. We won, and everyone told me to retire—that was in February 1996, almost 25 years ago.

We also worked on trademark and copyright cases, and it was my interest in IP that led me to Fish & Richardson, where I became a principal of the firm and focused on litigation.

I left Fish in 2005 for an in-house counsel position at News Corporation. Working at a media company with clients such as the *New York Post* and HarperCollins taught me how to be a business-minded lawyer. I sharpened my trademark prosecution, global portfolio management, licensing, negotiation and litigation avoidance skills. I also learned how to be a smart client.

## What prompted you to start your own firm?

I’ve always been interested in owning a business, and when I left News Corporation, I decided that the time had come to test my entrepreneurial skills.

A wise person told me: “All it takes is a little business card and a lot of guts and drive.” I rolled up my sleeves and gave myself two years to build a practice. The two-year mark passed, and I was doing well, so I kept going.

## What were the biggest challenges during your firm’s first few years?

Having spent the past eight years as an in-house lawyer, I wasn’t in the practice of getting clients—I was used to being the client.

The first challenge was learning how to attract clients and build my firm’s reputation. Fortunately, I have amazing professional and personal networks and tapped into them for support.

I spent time learning about different ways that lawyers market their services and I discovered that the best way to grow is simply to provide great service and build lasting relationships with clients.

Another challenge was figuring out how to balance billable work with all the time needed to manage a business. I’m still amazed by the volume of administrative work: payroll, insurance, book-keeping, conflicts, and so much more.

There was a very steep learning curve at the start, and I continue to learn each year. On the bright side, navigating complex business issues myself allows me to relate to my clients in a meaningful way—I feel their pain.

## What makes you excited about your work?

I’m truly passionate about helping clients of every size build, grow and monetise their brands and businesses. I also take great pride in owning my own business, and in all that I’ve accomplished in a relatively short time.

I love the substance of my work, especially when I encounter novel issues. For example, in 2019, the US Patent and Trademark Office (USPTO) implemented a controversial rule requiring the publication of domicile addresses on trademark applications.



I filed a petition to protect the privacy of a client who did not want to disclose a home address. As a result of my and similar petitions, the USPTO has amended the rule.

Also in 2019, I won a trial before the Trademark Trial and Appeal Board. The board ruled that using a brand in connection with a pop-up restaurant constituted “use in commerce”, allowing my client to keep its trademark registration.

#### What does Influential Women in IP mean to you?

To me, an influential woman in IP is someone who is helping to improve our IP laws, to elevate the IP bar, and to train the next generation of IP lawyers.

I have the great privilege of knowing and working with many women who are true leaders in the IP world. One colleague recently argued her second case before the US Supreme Court.

SHUTTERSTOCK / MICHAL KALASEK

I know and admire women who develop IP legislation, lead in-house IP departments, and work to create balanced environments for women at big firms and companies.

Many of my clients are also influential women in IP. Although not lawyers, they are intrepid businesswomen building brands, and partnering with us to navigate complex IP issues in a digital and global world. It’s a true joy to collaborate with inspiring, talented people in connection with the legal issues that are my passion. ●

*Stacy Grossman founded The Law Office of Stacy J. Grossman in 2014. She serves hundreds of clients, including startups and public companies, across a range of industries. Before establishing her firm, Grossman was vice president and associate general counsel at News Corporation, where she provided counsel to the New York Post, HarperCollins, BSKyB, Sky Italia and others. She can be contacted at: [stacy@stacygrossmanlaw.com](mailto:stacy@stacygrossmanlaw.com)*

## Friends in D&I places

**Creating a diversity culture at work needs allies who aren't afraid to get a little uncomfortable, as WIPR's Tom Phillips discovers.**

**B**eth Marshall, a patent attorney at Murgitroyd in Aberdeen, Scotland, has no trouble recalling what happened early in her career: while attending one of her first conferences, someone made a comment that was intended to be flattering but it crossed a line. On this occasion, an ally stepped in.

"I wasn't in a position of authority, I didn't have power in the situation when the comment was made. Someone standing up for me was huge," Marshall remembers. On other such occasions, no-one had stepped in, she adds gravely.

From a diversity and inclusion (D&I) perspective, allies can be defined as people, most likely colleagues, who support a minority community that exists within a workplace.

An ally may be a member of a different D&I group, or someone for whom the concept of D&I itself was previously alien.

What they provide to under-represented communities, as Marshall discovered, can be profound. If a law firm or in-house legal team has any chance of achieving its diversity aims, allies can be vital, bringing with them the added incentives of positively affecting not only workplace culture but a firm's image—and even revenue.

### Leading by example

David Stone, global head of IP at Allen & Overy (A&O), is a proud advocate of D&I issues. He is very involved in the firm's LGBT network, A&Out, which has more than 100 members and 700 allies worldwide.



“Whether you do it because it's the right thing, or because it's a profitable thing to do, everyone benefits from increased diversity.”

*Rachael Rodman, Ulmer & Berne*



A&O operates a 'women in IP' workstream in its global IP group. It is also looking at how the firm uses barristers and is working with chambers on practical improvements to D&I.

The firm has been on what Stone calls a journey to reach its variety of schemes, helped by senior management making D&I one of the firm's strategic priorities.

"Allies are not just important—they're essential. It boils down to an individual's or community's agency within an organisation," he says.

"Comparatively, not many people are in these diverse populations. It should never be up to those people to ensure that the larger cohort becomes more diverse.

"It's not just a management responsibility, it's the responsibility of all of us. And allies help with that."



Rachael Rodman, partner at Ulmer & Berne in Ohio, is a self-confessed “passionate member of D&I groups” inside her firm and outside in the legal community.

Prominent is her activity in the Intellectual Property Owners Association (IPO), where she is vice-chair of the group’s women in IP law committee.

“Only through allies can you really advance the causes of increasing the representation of women and minorities,” Rodman says. She’s driven partly by her own experience as a young litigation attorney.

“I looked around and I didn’t see a lot of examples of where I wanted to be. I didn’t know any women in their 40s, doing big litigation, who had families and outside interests.

“Now I’m in my 40s, I think it’s very important to provide a path for younger women and minority attorneys so that they’re not in the same position

of feeling like we’re fighting for a few positions at the top.”

Marshall, who is the carer for a child with disabilities, believes IP suffers from many of the same prejudices found in any other business areas.

“The more people there are who understand the challenges these communities face, the more respectful the workplace becomes,” she says.

#### What makes a good ally?

At A&O, allies are encouraged to be useful in four carefully defined ways. The first is to “be aware”, which means “educating yourself about the issues that are involved with that particular strand of diversity”, Stone explains.

Stone himself has a reverse mentor—a trainee at the firm who identifies as BAME (black, Asian or minority

ethnic), who he meets regularly to learn more about an experience he has not personally lived. “No-one expects you to be an expert,” Stone adds.

The second thing the firm asks of its allies is to be open to talking about D&I issues and sharing their own experiences with others, perhaps through mentoring or a more hands-on sponsorship of a colleague.

“Third is ‘be visible’, be that on an email signature, a marker on an office security pass or a flag on a desk that says: ‘I am someone you can talk to without fear of judgement’,” Stone continues.

Last, and sometimes the “most challenging” Stone says, is to speak out.

“It’s the person who is aware and has the self-confidence, the language and the knowledge to stand up for D&I in all its forms, when it matters,” he adds.

To perform this aspect of ally support requires skill.

“It does not mean challenging the general counsel of a major client in front of her or his staff,” Stone explains, “but it may mean having a quiet word afterwards.”

James Skelton, senior associate at Swaab in Sydney, believes being a good ally can simply mean creating a safe and supportive environment for D&I issues to be discussed.

Skelton, who leads the wellbeing and diversity working group at NSW Young Lawyers, part of the Law Society of New South Wales in Australia, stresses the importance of engaging with policies created during the course of a D&I strategy, so they remain relevant.

“Too often firms adopt an internal policy or sign up to a programme, only for it to be listed on a website and never engaged with again. It’s important to keep the momentum going on these initiatives,” Skelton says.

The loss to a firm that doesn’t deliver can mean missing out on the best talent. The law students Skelton speaks to tell him these initiatives can be the difference between a student’s accepting or rejecting a firm.

“To be a good ally, even the simple act of using your influence in the workplace to provide a voice for those knowledgeable on a D&I issue is so important,” he adds.

It can mean something as straightforward as listening. Marshall believes that too often, people find it hard to believe that things can be as bad as a person says.

“Listen and believe that what you’re being told is the truth,” she adds.

She encourages everyone to seek out training or learn about unconscious bias. “We all have blind spots, we naturally gravitate towards people who are like ourselves.

“But if we become aware of it, we can start to challenge our own assumptions and work against our prejudices,” she explains.

### Benefits all around

Whether they are driven by personal fulfilment, a moral desire to do what’s right, or non-altruistic



“The more people there are who understand the challenges these communities face, the more respectful the workplace becomes.”

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*Beth Marshall, Murgitroyd*



“It’s important to keep the momentum going on these initiatives.”

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*James Skelton, Swaab*

business reasons, allies can also benefit from the experience. In fact, the cold economics of operating a business with a more diverse workforce are not something to be shy about, says Rodman.

“If you’re promoting diversity as an ally, you’re going to benefit the bottom line in your organisation. You’re going to have better teams, better results, and better outcomes.

“Whether you do it because it’s the right thing, or because it’s a profitable thing to do, everyone benefits from increased diversity,” she says.

“There’s a lot to be said for creating a business case for a particular issue,” Skelton agrees.

Meanwhile, Marshall admits, she embarked on her involvement in D&I groups thinking she had a good understanding of the issues. What she found was the opposite.

“I have learned so much. It has very been eye-opening learning about the experiences people have had both in and out of work,” she says.

### Overcoming ally nerves

Despite the benefits to allies, minority groups and businesses, many lawyers may be reticent about offering their support. The merits of ally programmes are clear, but many people have painful memories of saying the wrong thing to a person and for some, not being part of a diverse group can be a barrier to participating.

Rodman identifies the need to bring men, especially white men, to the table. “You can’t change the status quo without buy-in from everyone,” she says.

Lawyers tend not to enjoy being outside their comfort zone. What’s the message for those who are worried about making a misstep, getting the terms wrong, or simply offending someone through ignorance?

Marshall highlights a barrier that she calls the “feeling of gatecrashing”.

“Because they are not a member of a community, people can feel they cannot be a mouthpiece for that community. But that’s not what being an ally is about—these groups can do that themselves,” she says.

“It’s okay to be uncomfortable,” Rodman says, admitting that she has found herself in conversations reaching to find the right word. “No-one is going to fault you for trying and getting it wrong.”

“You know more than you think,” says Skelton, who points out that his own experience of legal training and early roles will be different from those in the generation before him. This, he says, gives him a pass to contribute meaningfully to the discussion and support others.

Rodman puts it plainly: “The worst that’s going to happen is somebody’s going to tell you you’ve done something wrong—and that’s good, because you’ve learned something.”

It seems the trick to being an ally is the same as with D&I in general: leave your assumptions at the door. ●

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## The best advice

For people starting out in any field, it's important to learn from the ones who are already making their mark. *WIPR* spoke to some of the 2019 Class of Trailblazers about their advice for those entering the IP profession and the challenges they've overcome.

### What advice would you give those entering the IP profession?

It's great to have a broad legal foundation before becoming too specialist. A good grounding in contract law and commercial litigation is extremely useful. However, it is important to bear in mind that you need to have your IP goal from the start.

Lots of firms do not have significant IP practices and it may be hard to move into IP later in your career if you do not get some basic grounding in your training contract.

*Rosie Burbidge, partner, gunnercooke*

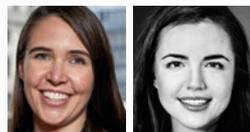
Try to find a good mentor who will invest time and energy in providing guidance allowing you to learn, grow professionally and feel included. Don't hide behind inexperience but seek projects with a fair level of autonomy and responsibility. By stepping out of our comfort zone, we learn better and faster.

Keep your eyes and ears wide open, don't be afraid of change and be humble, but not silent. Most of all, do what you love and do it with passion.

*Alena Fischerova, associate, BomhardIP*

IP is an interesting and rewarding field of practice. The trio of important virtues to succeed in this field and the legal profession generally are honesty, patience and diligence.

*Regina Onwumere, associate, Aluko & Oyebo*



**Rosie Burbidge**

**Emelie Svensson**



**Alena Fischerova**

**Anna Toh**



**Regina Onwumere**

**Adraea Brown**



**Abhilasha Niroota**

**Katie Goulding**



**Annsley Ward**

**Paramee Keratitvityanan**

Networking is an extremely important aspect of the IP profession so start networking right from the beginning. Giving back to society teaches you a lot—get involved in pro bono activities, legal aid centres, and legal awareness campaigns. These activities will provide you with enriching experiences and help shape you into being a better professional.

*Abhilasha Niroota, principal attorney, Mehta & Mehta Associates (MehtaIP)*

Be authentic. Sometimes there can be pressure to act and think like others around you for the sake of “fitting in” to a firm or company. This pressure can dull what makes you and your contributions unique and valuable to clients. So be yourself—embrace what drives you, what motivates you and what you are passionate about.

It may not always be easy, but ultimately, it will be these things that will fuel your career.

*Annsley Ward, counsel, WilmerHale*

Don't be afraid to take on a bigger role than you believe you are able to handle. Many young lawyers entering the IP field see each and every matter as big and unmanageable challenges, but with a good strategy, mentoring and planning you can make one big task into smaller steps that are easily accomplished.

*Emelie Svensson, attorney, Njord Law Firm*



**What's the biggest challenge you've faced during your career, and how have you overcome it?**

As a young female lawyer, dealing with condescension has been the biggest challenge. I've learned to take a step back and focus on communicating clear legal reasoning—most people will abandon their initial assumptions when faced with logic and case law.

*Anna Tob, associate director, Amica Law*

One of the challenges in my career is simply not seeing enough people who look like me and earning a level of approval simply because I don't fit the "traditional" mould of an attorney. On a fairly consistent basis, I encounter surprised looks when I enter a room and introduce myself. While this can be disheartening, most women of colour are familiar with this feeling.

To overcome this challenge, I simply continue to show up and be unapologetically me. I know that my work is impeccable. At the same time, I actively work to increase the diversity within the IP and legal space by working to shift mindsets.

*Adraea Brown, director, legal-trademarks and brand protection, Harley-Davidson*

“

**I simply continue to show up and be unapologetically me.**

”

*Adraea Brown, Harley-Davidson*

I'm a crier. Happy, sad or frustrated—tears! But apparently, it's a no-go in the workplace. Here's how I've overcome it: if I'm going into something that I have strong feelings about, I take tissues (or I try to remember to).

I have overcome the challenge by realising that it's not my challenge to overcome; it belongs to the person sitting across from me looking at their feet.

Crying has nothing to do with emotional intelligence, professional capabilities or strength of character. It's just science. Deal with it.

*Katie Goulding, senior trademark attorney, HGF*

The biggest challenge during the first year in this field of practice is the fact that we are required to give legal advice on a range of issues from commercial viability and marketing, to vesting ownership and infringement. Our work is not relevant only to filing applications or prosecution work.

To overcome this difficulty I tried hard to discuss with experienced people in the same field. Always remember that real practice might be different from what you think you understand by reading books. ●

*Paramee Keratitayanan, IP lawyer, Chavalit & Associates*

## Finding your own voice

**More women must take leading positions—it will help companies become more flexible and marketable in a global environment. Gender equality should continue to be a driving force in law firms across the world, says Melisa Litvin, founder of Litvin Marzorati Legales.**

**W**orking independently has always been my personal goal. I studied at Universidad Torcuato Di Tella in Buenos Aires, a university of international prestige. It was there I met Osvaldo Marzorati, a professor who would later become my partner in Litvin Marzorati Legales.

Many years ago, after obtaining my degree in law, I started working in one of the major law firms in Argentina. To be my own boss, follow my own path and work the way I dreamed, I knew it was necessary to learn everything.

I worked for more than seven years in a place that not only nurtured me professionally, but also created my professional destiny. I worked overtime. I had sleepless nights because of due diligence and legal due dates. I travelled and attended meeting and congresses representing that firm across the globe.

Over the years, I got married and had children, and my priorities changed. I needed to be with my children and, at the same time, fulfil my responsibilities at

work. As a mother, I needed to be present at every school event. At the same time, I had to represent my clients in court.

Although sometimes it seemed impossible, and it was most definitely exhausting, I was able to do it.

We can achieve whatever we set our minds to. But we have to be honest with ourselves, study, and listen to our clients and family. Set a goal. Study. Work hard.

When you fall down, rise again. And again. We all make mistakes. Start again. Do not quit but take short steps. Bill Gates got it right when he said: “It’s fine to celebrate success but it is more important to heed the lessons of failure.”

The road is not easy but it’s worth it. Build your project, create your empire. But above all, during my personal journey, I have always tried to set an example for my daughters.

### A new direction

Fulfilling my dream of being able to feel accomplished in both aspects of my life, Litvin Legales was born.



“  
We should encourage women to strongly believe in themselves, to take advantage of their roles and make the most of it.  
”

SHUTTERSTOCK / ZEISSN

The clients soon arrived, and the international acknowledgement of the firm marked a new direction.

Marzorati, who was also my boss at the law firm where I worked as a young woman, became my partner, building what today is Litvin Marzorati Legales.

Since our law firm is managed by a woman, and most of the employees are women, we have a different view of market research. We add our touch, adding customisation, flexibility and efficiency. We adapt to the needs of each of our clients and provide personal relationships.

As a team, we strive for excellence in every area of practice. We have to do more than our male counterparts to prove we are worth it.

In February, American actor Cynthia Nixon fronted a profound and brilliant video for girls, produced for *Girls. Girls. Girls.* magazine, outlining the immense pressures women face in society. It went viral.

Nixon was reciting an essay from blogger Camille Rainville called “Be a lady, they said”. Much like this

video, we must encourage women to be confident and believe in themselves.

Clients trust us. They value efficiency, quality, and transparency, and our firm has prioritised listening to their needs and ensuring that the client’s success and happiness is the foremost priority.

Litvin Marzorati Legales was created by a woman, in the male-dominated legal industry in Argentina. We believe that remaining true to yourself and finding your own voice is the key to rising above preconceived expectations.

In Argentina, and Latin America in general, women-owned firms are still a minority. We strongly believe that we should recognise the inherent difficulties in being a woman in a man’s world. In my experience, being a mother and having such an important leading position has not been easy.

We should encourage women to strongly believe in themselves, to take advantage of their roles and make the most of it. While improving gender equality in the workplace has been a goal in most countries, we have not yet reached parity.

In Latin American, as well as in other parts of the world, women are still discriminated against. This is why it is so important for women to be in leading roles and to communicate the difficulties faced in getting there.

We do not say that women should have any benefits different from those of men.

Now, our firm is competing with the major law firms in Argentina. You can be your boss. You can make a difference—and you should!

We must help each other. We must acknowledge one another and become an example to the rest of the women around the world.

More women must take leading positions—it will help companies become more flexible and marketable in a global environment. Gender equality should continue to be a driving force in law firms across the world.

We have personally committed to this goal. Short steps will lead us where we want to be.

I am proud of each of the members of our team and, of course, we are thankful to all our clients and colleagues.

In my opinion, the key to our success lies in effective and efficient communication. The firm always attempts to make sure that our clients and all of our employees feel supported. We try to be as responsive as possible to the needs of the client.

At the end of the day, our most important goal stands strong and unwavering: “Business is personal, and relationships do matter.” ●

*Melisa Litvin is a founding partner at Litvin Marzorati Legales. She has experience in IP, focusing primarily on trademarks, unfair competition and litigation. Litvin obtained her law degree from the Torcuato di Tella University. She can be contacted at: ml@lmlegales.com.ar*

# A bright future

**WIPR profiles 20 talented women who are paving the way for great achievements in the IP sector.**

**O**ur panel of judges had to make some incredibly tough decisions this year when selecting 20 Trailblazers from a much larger list. While each of the nominees is already achieving great things, the chosen Trailblazers stand out from the crowd with their contributions to the IP industry.

In addition to working with the world's biggest brands, these talented women are playing significant roles in ground-breaking judgments, overhauling systems and championing diversity.

The selection from the UK is, arguably, overrepresented—this largely reflects the amount of submissions from UK-based survey respondents. However, we're looking forward to even greater global engagement next year.

We wish our Trailblazers and the nominees the best of luck in their future careers which, we're sure, will be bright and full of exciting work.

## The judging panel

### Wendy Choi, vice president and associate general counsel IP at Avery Dennison

As vice president and associate general counsel IP for materials science and manufacturing company Avery Dennison Corporation, Choi leads a global team of attorneys, agents, and paralegals who handle the IP matters for the company. She also serves on the company's North American diversity and inclusion council.



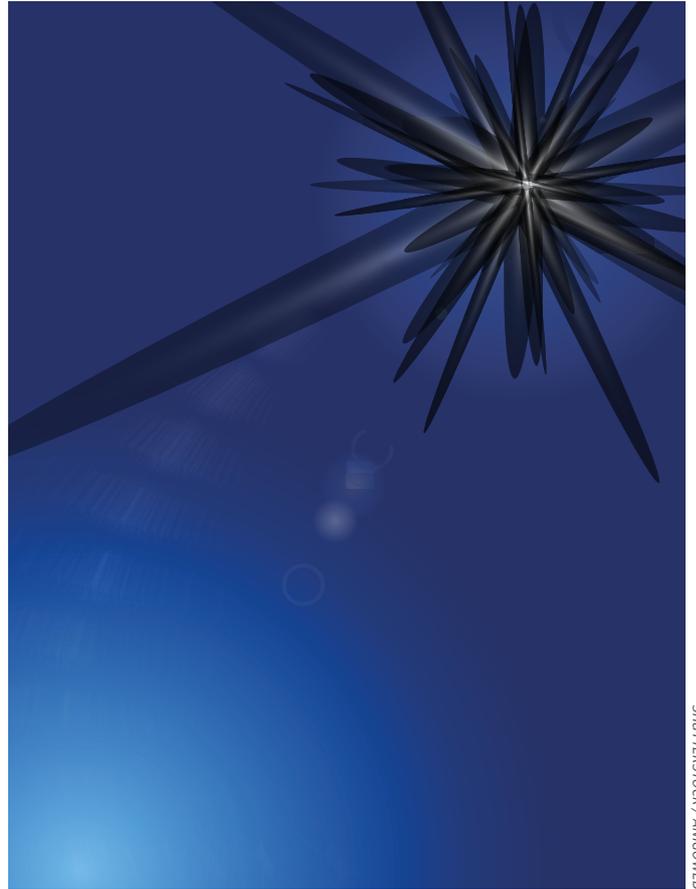
### Laura Collada, managing partner at Dumont

Collada has more than 30 years of experience across the complete lifecycle of IP rights. She has acted on several milestone cases and leads most of the firm's large and complex cases. Collada focuses her practice in the areas of fashion, media and telecommunications.



### Adraea Brown, director, legal-trademarks and brand protection at Harley-Davidson

Brown, who herself was selected as a Trailblazer last year, leads Harley-Davidson's in-house trademark team and serves as vice president of H-D USA, the owner of all of the Harley-Davidson trademarks. She oversees the company's more than 5,000 trademarks, brand protection and enforcement, and trademark litigation.



SHUTTERSTOCK / ANIGOMER

### Elaine Drager, head of IP and asset strategy at Nokia

Drager is part of the Nokia Technologies business group, joining Nokia following the acquisition of Alcatel-Lucent. During her career, she has been responsible for nearly every aspect of IP and antitrust matters in a wide variety of corporate transactions. Drager is a registered patent attorney, who started out at Fish & Neave in New York City.



### Sarah Morgan, senior writer at World IP Review

A journalist with six-and-a-half years of experience and a law degree from King's College London, Morgan covers all aspects of IP around the world. She has spearheaded the *WIPR Women in IP* project. ●



“

These talented women are playing significant roles in ground-breaking judgments.

”



## Isobel Barry

**SENIOR ASSOCIATE, CARPMAELS & RANSFORD, UK**

Isobel Barry began her IP career at Carpmaels & Ransford and, in 2014, qualified as a UK patent attorney and European patent attorney. She was promoted to senior associate in 2017.

Barry specialises in the pharmaceutical field, predominantly focusing on small molecule drugs. She advises clients on the full range of patent matters, but the majority of her practice is contentious, primarily involving defending oppositions and appeals at the European Patent Office and supporting parallel national litigation.

Barry has been a contributor to IP Inclusive since its initial stages and is currently a committee member for IP Out (a network for LGBTQ+ people). Barry helps with the direction and development of IP Out and IP Inclusive's Women in IP network and their activities.

Over the past several years, Barry has been a key contributor to the direction and implementation of Carpmaels & Ransford's CSR initiatives, and has organised events supporting LGBTQ+ inclusion within her workplace.



## Arpita Bhattacharyya

**ASSOCIATE, FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, USA**

Arpita Bhattacharyya focuses her practice on all aspects of patent law, including litigation in district courts and before the US International Trade Commission (ITC), post-grant proceedings before the US Patent and Trademark Office, and client counselling. With a background in electrical engineering and biomedical engineering, Bhattacharyya advises clients across industries such as biotech, digital health, nanotechnology and robotics.

Bhattacharyya was a member of the team that represented Chinese respondent Hangzhou Chic Intelligent Design in two ITC cases, one brought by Razor and the other brought by Segway. The team achieved administrative law judge findings of no infringement and no domestic industry after trial in each case; both results were affirmed by the commission.

She is a member of ChIPs, the Asian Pacific American Bar Association of Silicon Valley, San Francisco Bay Area Intellectual Property Inn of Court, and the Patent Trial and Appeal Board Bar Association.



## Alexis Black

**IP ADVISOR, CANADIAN INTELLECTUAL PROPERTY OFFICE, CANADA**

Alexis Black is deeply passionate about her role as an IP advisor and educator with the Canadian government at the Canadian Intellectual Property Office and, in 2018, her contributions earned her team a Deputy Ministers' Award of Merit for the programming developed specifically for IP education in Canada.

For almost five years as a public servant, Black has worked with hundreds of innovators from across the country. She works directly with several incubators and accelerators to develop and deliver IP programming for their memberships. For the Accelerator Centre in Waterloo, Canada, Black acts as a formal mentor and specialist, and assists in creating and delivering customised IP education content.

Black isn't a lawyer or patent agent, but has been studying the subject of IP business strategy for about half a decade. She has attended McGill University's summer IP educational courses, and has taken online courses through the World Intellectual Property Organization's online educational programme.



## Ana Paula Campusano

**JUNIOR PARTNER/IP PRACTICE GROUP DIRECTOR, ROCA, DOMINICAN REPUBLIC**

As junior partner and director of the IP practice group of Roca, Ana Campusano focuses her practice on all aspects of IP in the Dominican Republic and throughout the Caribbean. With her experience in handling large IP portfolios, Campusano assists clients in the preparation of strategies, the defence and imposition of administrative and judicial actions, and brand protection.

She also advises on the negotiation and execution of licensing agreements, franchises and all other IP-related agreements. Campusano represents clients in the pharmaceutical, life sciences, retail, and food and beverage industries.

In addition to managing the Caribbean IP portfolio of a multinational beverage company, Campusano has represented a renowned watch and jewellery manufacturer in administrative and judicial actions filed against a confusingly similar trademark owned by a multinational technology company.



## Tine Carmeliet

**ASSOCIATE, ALLEN & OVERY,  
BELGIUM AND FRANCE**

Splitting her time between Belgium and France, Tine Carmeliet focuses her practice on the life sciences industry. She began her career as a lawyer at Allen & Overy Belgium and has been a member of the Brussels Bar since September 2015. In addition to also working at Allen & Overy France, Carmeliet has also been seconded to the legal team of the European Federation of Pharmaceutical Industries and Associations.

Recent highlights of her practice include multi-jurisdictional patent litigations on key and blockbuster pharmaceuticals in France and Belgium. She has also been involved in the Court of Justice of the European Union's preliminary rulings on new plant breeding techniques and genetically modified organism legislation, and the legality of wellbeing cannabis products in France.

Carmeliet is an active member of ChIPs and helped to organise the launch of the international non-profit in continental Europe in Paris in May 2019. She's also taken the initiative internally (on a global level) to establish a working group to advance women in IP.



## Rita Anwiri Chindah

**IP SPECIALIST, PARDOO PRIME  
LEGAL ADVISORY, NIGERIA**

Before running a private solo practice, Rita Chindah served as head of the dispute resolution practice group at Infusion Lawyers, a fully virtual online law firm. Chindah was called to the Nigerian Bar in 2016 and previously led Infusion's IP and information technology advocacy group.

As an associate at Infusion Lawyers, and also in her solo practice, Chindah has provided advisory, advocacy and transactional legal services to a broad spectrum of local and foreign clients in projects concerning data protection and privacy, media law, copyright, trademarks and patents.

She is an associate of the Chartered Institute of Arbitrators (UK) Nigerian Branch, and a member of both the Young International Council for Commercial Arbitration and the Singapore International Arbitration Centre. Chindah also dissects famous IP cases through her #IPSERIES on Twitter.



## Sher Hann Chua

**CONSULTANT, TILLEKE & GIBBINS,  
MYANMAR AND THAILAND**

Sher Hann Chua handles contentious and non-contentious IP matters for clients across various industries, including life sciences, technology, media and entertainment, and sports and gaming.

Now a consultant at Tilleke & Gibbins, Chua splits her time between the firm's Thailand and Myanmar offices. After qualifying in August 2014 in Malaysia, Chua began working at Rahmat Lim & Partners before joining Tilleke & Gibbins in 2016.

In November 2019, the International Trademark Association (INTA) selected Chua as a recipient of the association's Tomorrow's Leader Award. Chua is a regular contributor to INTA's Unreal Campaign, which teaches young consumers about the dangers of counterfeits, and as part of a CSR initiative by Tilleke & Gibbins, she volunteers as a speaker and guide at the Museum of Counterfeit Goods in Bangkok.

Chua has advised a French football club on the expansion of its football academy schooling services into Thailand and an entertainment conglomerate on various matters related to its entry into the Myanmar market.



## Becky Crawford

**SENIOR ASSOCIATE, OSBORNE  
CLARKE, UK**

Becky Crawford, senior associate at Osborne Clarke, works on a variety of IP matters, including trade secrets disputes and protection, trademark infringement, passing off, copyright, design infringement and domain name disputes.

She manages trademark portfolios for high-profile and multinational clients, including Eurostar, and performs clearance searches. Before joining Osborne Clarke as a trainee in 2014, Crawford worked as a legal intern for a New York Stock Exchange company in the transport and automotive sector.

Crawford has gained a reputation for expertise in trade secret protection and breach of confidence claims. She acted as the lead associate in *Kerry Ingredients v Bakkavor Group*, which was widely reported as clarifying the law in relation to breach of confidence and the application of springboard injunctions.

In addition, Crawford has created a series of practical guides to the changes introduced by the EU Trade Secrets Directive of 2016.



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## Charisma Cubillo

### LAWYER, TERRI JANKE AND COMPANY, AUSTRALIA

Charisma Cubillo has been employed by Terri Janke and Company, an indigenous-owned and managed law firm in Australia, since 2018.

As a Larrakia (an Aboriginal Australian people in Darwin) woman, Cubillo has always been interested in indigenous-related issues. Her study of indigenous people in international law as part of her law degree acted as a catalyst for her interest in pursuing a career in IP.

At Terri Janke and Company, Cubillo assists various indigenous clients with their legal enquiries. She presented “IP Food for Thought: Intellectual Property and Protecting Indigenous Bushfoods” at the Merinj Kaatdijin Aboriginal Food Knowledge Forum in Albany, Western Australia, in November 2019 and has conducted workshops for the law firm.

Cubillo is a member of the New South Wales Aboriginal Law Council and the Torres Strait Regional Authority, an Australian government body established to strengthen the economic, social and cultural development of the peoples of the Torres Strait area.



## Caitlin Heard

### PARTNER, CMS CAMERON MCKENNA NABARRO OLSWANG, UK

As a partner at CMS Cameron McKenna Nabarro Olswang, Caitlin Heard specialises in technology-related disputes. She has acted on a number of ground-breaking cases, including one of the earliest cases in the UK dealing with infringement of standard essential patents and fair, reasonable and non-discriminatory (FRAND) licensing.

Heard has represented clients in front of the EU General Court, the English Court of Appeal, and the UK Intellectual Property Office. She has particular expertise in multi-jurisdictional litigation and also advises clients in the life sciences sector on product launch strategy, regulatory exclusivity, and the decisions of regulatory bodies.

On design and brand protection, Heard has acted for a number of household names, including technology company Nvidia and telecoms company ZTE.

Heard is a member of the firm’s women’s network and is involved in ChIPs and IP Inclusive. She makes a conscious effort to appoint female barristers to her cases.



## Parminder Lally

### ASSOCIATE, APPEYARD LEES, UK

Parminder Lally joined the patent profession as a trainee in 2011, qualified as a patent attorney in 2015 and joined the Cambridge, UK, office of Appleyard Lees in February 2019. She previously worked as an in-house patent attorney at Cambridge Mechatronics, a research and development and IP licensing company, and was the company’s first in-house IP specialist.

Lally’s clients include startups based in Cambridge and London, as well as global companies, and she specialises in computer-implemented inventions (such as software and artificial intelligence) or those inventions which are more mathematical. She has also represented clients, including Samsung Electronics, before the European Patent Office.

In addition to tutoring trainees from other firms for the European Qualifying Examinations, Lally is a council member of the Chartered Institute of Patent Attorneys. Lally has been involved with IP Inclusive since it was formed in 2015, and was co-leader of the project that led to the creation of Careers in Ideas, which raises awareness of the IP profession.



## Barbara Angela Leitao

### ASSOCIATE, DI BLASI & PARENTS ASSOCIADOS, BRAZIL

Barbara Leitao joined Di Blasi’s trademark team in 2011 as an intern, before undertaking further study and working at other law firms. She rejoined the Brazil-based firm in 2017, focusing her practice on litigation matters involving the fashion, food and beverage, and pharmaceutical industries, as well as complex licensing matters and regulatory affairs.

Leitao is currently on academic leave from the office after being awarded a full tuition scholarship to pursue an LLM degree at The George Washington University in Washington, DC.

She is an active member of the IP Steering Committee at the DC Bar (where she co-chairs the international IP subcommittee) and works as a policy and advocacy intern at the American Intellectual Property Law Association.

Her clients include brands such as Coca-Cola and medical equipment company ResMed. Leitao has written several articles on issues such as the use of medicinal cannabis, and has participated in events as a speaker (mostly related to fashion law).



## Maureen Makoko

**ASSOCIATE, ADAMS & ADAMS,  
SOUTH AFRICA**

Maureen Makoko is an associate at Adams & Adams, and focuses her practice on trademark prosecution and litigation. She manages clients' portfolios across Africa, while also advising clients on potential opposition and infringement matters.

Makoko drafts various IP-related agreements such as confidentiality agreements and licensing agreements. She also advises on copyright and passing off-related matters.

Makoko has presented at the annual Womanomics Africa Conference on trademarks, copyright and trade secrets, advising women on how to better protect themselves and their ideas, at the African Women in Dialogue Conference on traditional knowledge and South Africa's Traditional Knowledge Bill.

Makoko has been nominated to participate in the International Visitor Leadership Program, which affords professionals who are leaders in their respective fields the opportunity to travel on a professional exchange programme in the US.



## Mayya Pak

**ASSOCIATE, PETOŠEVIĆ, RUSSIA**

Mayya Pak has held the position of associate and attorney at law at Petošević Russia since 2017. Before joining the firm, Pak worked for four years as legal counsel in the litigation and dispute resolution department of a finance and real estate company in Moscow.

At Petošević, she handles trademark enforcement, contentious matters, domain name disputes and online infringements, as well as copyright matters and anti-competition cases.

She has worked on several large-scale counterfeit seizures in Russia and the region for a global manufacturer of confectionery and pet food. In 2018, more than eight tonnes of infringing product was seized in Moscow. Pak and her team participated in the criminal proceedings against the infringer and criminal liability was subsequently imposed.

In addition to being a member of INTA's enforcement committee, Pak is a member of the IP experts group recently formed by US Homeland Security Investigations (HSI) and the International AntiCounterfeiting Coalition.



## Nellie Simon

**VICE PRESIDENT, EUROPEAN  
PATENT OFFICE, NETHERLANDS**

As vice president of the European Patent Office's (EPO) directorate-general corporate services, Nellie Simon leads the digital transformation of the office. She is also responsible for delivering support services including human resources, information management, finance, general administration, and central procurement.

Prior to joining the EPO in 2019, she was head of cabinet and acting director of the academy at the European Union Intellectual Property Office (EUIPO). Between 2012 and 2018 she was the director of EUIPO's digital transformation department.

Under her leadership, the EPO launched a "Women in the Lead" mentoring programme designed to support talented women in developing their careers and personal development opportunities. Initially set up as a pilot, the programme was successful in encouraging women to take the next step in their careers: 40% of mentees applied for a new role and 20% moved on to management roles.

Based on this success, the programme will be upscaled to give more talented employees the opportunity to reach their full potential.



## Xiao Qing Tan

**PRINCIPAL, RAHMAT LIM &  
PARTNERS, MALAYSIA**

Xiao Qing Tan serves as principal at Rahmat Lim & Partners in Malaysia. She has been with the firm since July 2012 and is involved in the management of a team of more than ten young lawyers and IP administrators and executives.

After specialising in non-contentious IP practice for the past seven years, she has expanded her portfolio to include contentious IP matters. Tan has also contributed to the implementation and improvement of internal work systems.

Tan has represented a Malaysian oil and gas government-linked company in the successful acquisition of the IP rights of nanotechnology inventions from a financially distressed company before it liquidated. She has also conducted successful anti-counterfeiting raid actions with the Ministry of Domestic Trade and Consumer Affairs, with the most recent raid action yielding more than 10,000 units of counterfeit products.



## Luiza Tângari Coelho

### SENIOR ASSOCIATE, FIALHO SALLES ADVOGADOS, BRAZIL

Luiza Tângari Coelho joined Fialho Salles Advogados in Brazil in 2012 and focuses her practice on trademarks, patents, industrial designs, geographical indications and copyright.

She advises clients on a range of commercial transactions, including technology transfer, franchising, licensing, assignments, and research and development, as well as on litigation. Coelho handles most of the firm's matters involving the protection of Brazilian IP assets abroad and is also experienced in the resolution of judicial, administrative and arbitration disputes.

She played a key role in a project with the National Confederation of Industry, the main representative body of the Brazilian industry, which involved the drafting and publication of a booklet with an analysis of the IP chapter of the EU-Mercosur agreement.

Coelho has worked as a guest lecturer in graduate programmes in IP, international law and contract law. She is frequently involved in IP events in Brazil and last year participated as a speaker in the International Bar Association's annual conference on the panel "Mirror, Mirror on the wall: a reflective view of IP and other issues in the cosmetics, perfumes and make-up industries".



## Fabiola Torres

### REGIONAL IP DIRECTOR, LATINALLIANCE, EL SALVADOR

Fabiola Torres joined LatinAlliance as a junior associate in the corporate/commercial department in 2012. After a few years, Torres took over the services of trademark registration, copyright, patents and licences and created the IP practice area in the firm. The team is composed entirely of women with offices in Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica.

As head of the IP department, Torres has negotiated several deals with clients in the life sciences sector, including Stein Laboratories, Medikem, and Grupo Carval.

She is part of the IP committee in the American Chamber of Commerce, which evaluates and discusses new reforms and legislations that affect the IP practice in the region. Torres is also a member of INTA and ASIPI, and is approved by the Latin American Corporate Counsel Association.

Between 2017 and 2018, Torres completed a master's degree in business administration at the Adolfo Ibáñez University in Chile.



## Adeena Wells

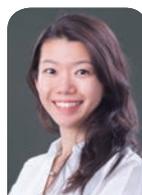
### ASSOCIATE, BIRD & BIRD, UK

As an associate within Bird & Bird's UK brand management team, Adeena Wells advises on the various stages within the lifecycle of a brand. Wells manages the international trademark portfolio of a global jewellery company, and works in a team managing Monster Energy's trademark work across Europe.

She also deals with UK and EU opposition proceedings and runs settlement negotiations for one of the UK's largest media and editorial companies.

Wells co-chairs the firm's Embrace network, which promotes and celebrates racial and cultural diversity at the firm through events, mentorship programmes and partnerships with organisations in the local community.

As part of her work at Embrace, Wells has presented a podcast with the first black female deputy vice president of the Law Society of England and Wales. She is currently studying for a postgraduate diploma in IP at the University of Oxford, and is a member of CITMA.



## Jessica Zhang

### ASSOCIATE CORPORATE COUNSEL, AMAZON WEB SERVICES, CHINA

Jessica Zhang has served as an associate corporate counsel with Amazon Web Services since December 2019.

She has successfully represented retail and technology companies in trademark litigation matters against the Chinese IP authority and has also represented a Chinese conglomerate acquiring a US brand.

After finishing her law degree and being admitted as a New York attorney, Zhang stayed in the US and worked in a small fashion company as a legal counsel. She then moved to DLA Piper in Beijing, where she was an associate for three years.

In her spare time, she does pro bono work. In the US, she helped immigrants who were victims of violent crimes to obtain legal status. At DLA Piper, she worked as a pro bono attorney for various United Nations human rights offices on legal searches and advice focusing on improving situations for vulnerable groups. ●



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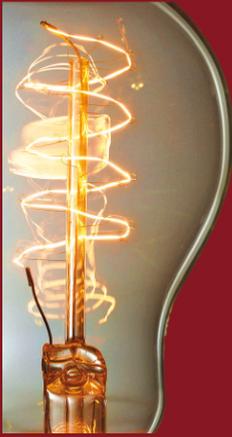
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