

AIPPI-US Division of AIPLA



October 5, 2015

AIPPI 2015 Rio de Janeiro World IP Congress October 11 - 14

So far at least 1,530 participants from 80 countries, including over 110 from the US, have registered to attend the Rio Congress. Our US Group will be actively involved, with 13 official delegates involved, and many US representatives participating as leaders and speakers in the workshops and plenary sessions on the working questions.

The US speakers and discussion leaders will include:

Pharma Workshops:

Session 1 - "Don't Miss the (Right) Mark": Mark Halligan, chair of the Trade Secret Study Question Q247, and Dennis Prah, co-chair of the Trademark Study Question Q245; Matthew Asbell,
Session 2 - "Personalized Medicine": Adrian Looney
Session 3 - "Technology Transfer, Public v. Private Interests": Manisha Desai,
Session 4 - "Double Jeopardy: Policy-based Examination of Patent Validity": John Todaro

Panels

Session 1 - Focus on FRAND: Double Session: Latonia Gordon, Monica Barone, and US District Court Judge James Robart (W.D. Wash.)
Session 2 - Plant Variety Protection: Jorge-Uwe Szpil
Session 4 - Industrial Designs: Chris Carani
Session 5 - Collective Marks and GIs: Patrick Kole
Session 6 - Bad Faith Registrations: Danny Adweh
Session 7 - Non-traditional Marks: Maria Scungio
Session 8 - Inventor Remuneration: Larry Welch
Session 9 - ISP Liability: Caleb Donaldson
Session 10 - Post-Grant Oppositions: Peter Schechter
Session 11 - Mediation in IP Cases: Tony Piazza

Monday Luncheon Speaker - Russell Slifer, Deputy Under Secretary of Commerce for IP and Deputy Director of the USPTO

Tuesday Luncheon Speaker - Dean Harts, of 3M

Other US Group members who will be meeting during the include officers and members of many AIPPI Committees. They include John Osha, a member of the AIPPI Bureau (Deputy Reporter General); members of AIPPI Statutory Committees (Larry Welch, Chair, Programme Committee); Mark Halligan (Nominating Committee); Alan Kasper (Membership Committee); Bob Sacoff (Communications Committee); John Carson (Venue Selection Committee); Rich Beem (Amicus Brief Committee); and members of the AIPPI Standing Committees Q248 on the Commercialization of IP (Michael Connor, Chair, and Victor Siber); Q243 on the Unitary Patent/Unified Patent Court (Jacqueline Daspit, Lori-Ann Johnson, and John Pegram); Q242 on Pharma and Biotechnology (John Todaro, Chair, Peter Ludwig, Secretary, Biotech Sub-Committee,

and Li Feng); Q228 on Patents (Andrew Meunier, Secretary, and Robert O'Connell and Marc Richards); Q227 on Designs (Chris Carani, Chair, and Pina Campagna); Q226 on Copyright (John Carson, Dale Nelson, and Kevin Tottis); Q225 on ADR (Steve Bauer, Co-Chair, and Cheryl Agris); Q224 on Enforcement (Ken Adamo, Chair, and Tina Chappell and Kristin Whidby); Q223 on Piracy and Counterfeiting (Damian Wasserbauer, Secretary, and Naresh Kilaru); Q222 on Standards and Patents (Monica Barone, Jeffrey Gluck, and Chris Scherer); Q220 on Geographical Indications (Rudy Hoffman and Patrick Kole); Q212 on Trademarks (Sheldon Klein and Dennis Prah); Q207 on Development and Intellectual Property (Michael Martinex de Andino, Secretary, and Theresa Stadheim); Q199 on Attorney Client Privilege (Jeff Lewis and Dave Hill); Q198 on IP and Green Technology (Cynthia Cannady and Margaret Welsh McInerney); Q184 on Free Trade Agreements (Mark Guetlich, Secretary, and Al Trampsoch); Q166 on IP and Genetic Resources/Traditional knowledge (David Moore and DeAnn Smith); Q132 on Information Technology and Internet (Rich Beem, JoAnna Luna, and Nandu Talwalkar); Q109 on the PCT (Andrew Simpson, Chair, and Loren Hulse); and Q94 on TRIPS (Michael Stewart).

AIPPI-Brazil is planning an excellent program of substantive meetings and social events. For those who have already registered, we look forward to seeing you there. **On-line registration is still available at www.aippi.net.** The Brazil hosts have reminded us that the Brazil real is currently low compared to the US dollar, so perhaps now is a good time to plan a trip to Brazil.

For all AIPPI-US Division members who will be attending, we will be having a US delegation reception (cash bar), at a location to be determined, on Sunday evening, October 11, from 6:30 p.m. - 7:30 p.m., immediately preceding the Opening Ceremony.

And for anyone who will be attending, you should know that Brazil requires a visa for US citizens. You can apply through the Brazilian embassy or your nearest Brazilian consulate. Visas cannot be obtained at the airport, and immigration authorities will refuse entry into Brazil to anyone not possessing a valid visa.

A tourist visa should be sufficient for this trip. But to obtain a tourist visa, you will still need a letter of invitation. AIPPI-US Division attendees can contact the Brazil Group's meeting planner, Claudia Antonaccio (claudiaantonaccio@regencyeventos.com.br), to receive a letter of invitation that can be used with the Brazilian embassy or consulate to obtain a visa.

AIPPI-US Division Elections

Our Steering Committee has recommended some changes to our Operating Procedures governing elections of Officers and Steering Committee members. The text of the proposed changes has been posted on our web site www.aippi-us.org. The changes are intended to make the AIPPI-US Division nominating procedures more consistent with the AIPLA nominating and election procedures. We plan to vote on these proposed changes at our annual meeting on October 23, 2015. If you have any questions or comments about these proposed changes, please let me know.

AIPPI-US Division Annual Meeting and International Reception, Friday, October 23, 2015

We will have our Annual Meeting in Washington during the AIPLA Annual Meeting on Friday afternoon, October 23, 2015. Among other things, the meeting will include elections and a brief update on our past year's activities.

In addition to the meeting, we will continue with an expanded version of what is now becoming a tradition - a reception following our meeting. This reception, which we are calling the "International Reception," will be open to all persons attending the AIPLA who are interested in the AIPLA's international activities, with a special emphasis and invitation to international attendees at the AIPLA meeting. Many thanks to our current sponsors, Kim & Chang; Osha Liang; Smart & Biggar; and, Schwegman, Lundberg & Woessner. We are still seeking additional sponsors if anyone is interested and we hope to make this event an annual tradition.

Report of the AIPPI-US Division 2015 Nominating Committee

In accordance with the Operating Procedures of the AIPPI-US Division, the Division Chair, Phil Swain, with the concurrence of the President-Elect of the Division, Denise DeFranco, appointed the following members to serve on the Nominating Committee of the AIPPI-US Division for 2015:

David W. Hill, Chair

Monica Barone

Wayne Sobon

Robert Sacoff

Kevin Tottis

The committee was tasked with identifying candidates to serve as Officers and Steering Committee members of the Division for the coming year, to be presented to the AIPLA President-Elect for nomination at the Annual Meeting of the Division in Washington, D.C. on October 23, 2015. The Committee has met on several occasions, and has agreed on the nominations set forth below. All nominees have been contacted and all have agreed to serve if nominated and elected.

Officers: Under the terms of the Division Operating Procedures, the Division President-Elect, Denise DeFranco, shall automatically succeed the President in office at the conclusion of the term of the President. The Committee nominates the following members to serve as officers for one year terms, as noted:

President-Elect - Mark Whitaker

Chair - Phil Swain

Vice-Chair - Peter Schechter

Secretary - Joshua Goldberg

Treasurer - Marc Richards

Steering Committee Members: Seven members of the current Steering Committee are completing their terms this year. Those are:

Monica Barone

John Carson

Andrea Kamage

Kelly Hyndman

Marc Richards

Uwe Szipl

Chris Carani

The Division Operating Procedures allow for Steering Committee members to be reelected to a second consecutive two-year term, for a maximum term of four years. In the case of the current members whose terms are expiring, all have served one two-year term, except Chris Carani, who was elected to fill out a term and has only served for one year, and Jorge-Uwe Szipl, who has served a one-year term, followed by a two-year term. The Operating Procedures state that the Steering Committee may have a maximum of 15 members.

After careful consideration, the Committee decided to nominate the following five members to serve another two-year term on the Steering Committee. The Committee notes that the Operating Procedures specifically provide for the possibility of two successive terms on the

Steering Committee, and it is believed that there is benefit to a certain amount of longevity such as that contemplated by these Procedures, particularly during these early years of operation of the Division as a part of AIPLA.

Monica Barone

John Carson

Andrea Kamage

Kelly Hyndman

Chris Carani

In addition, the Committee decided to nominate Maria Scungio, the current Treasurer, to a two-year term on the Steering Committee. All of the above members have demonstrated that they are valuable members of the Division and have served on the Steering Committee or as Officers in an exemplary manner.

The Committee noted the outstanding service of Uwe Szpl on the Steering Committee for the past three years, but opted to nominate another individual for a two-year term, rather than asking Uwe to serve only the one-year additional term that was allowed under the Operating Procedures. The Committee decided to nominate Bea Koempel-Thomas to a two-year term on the Steering Committee. Bea has demonstrated a strong commitment to the AIPPI-US Division over a number of years, and her service on the Steering Committee is well-deserved.

The Steering Committee members who still have one year remaining on their terms are:

Chris Scherer

Ray Farrell

Sunhee Lee

Larry Welch

Dale Nelson

Bing Ai

David Hill

In addition, John Osha, who is a member of the AIPPI Bureau, automatically is entitled to a position on the Steering Committee as a result of his status on the AIPPI Bureau.

This completes our nominations for 2015.

AIPPI San Francisco 2021 World IP Congress Planning Committee

As I mentioned in previous newsletters, the US Group was honored to be selected to host the AIPPI World Congress in 2021 in San Francisco. We have begun putting together a Planning Committee to begin planning the event, which is a little more than six years away! Several people have already stepped forward, but we still need many more volunteers, including people from outside California. If you are interested in being part of the Planning Committee, or have any other thoughts or suggestions about the 2021 AIPPI World IP Congress, please let me know as soon as possible.

New AIPPI-US Division Corporate Sub-Committee

One of the interesting things about the growth in our membership is the fact that many of our newest members are corporate attorneys. To address the interests and goals of our corporate members, and to give corporate attorneys a "home" within the AIPPI-US Division, we have decided to form an informal (for now) Corporate Sub-Committee. The co-chairs of that Sub-Committee

will include Andrea Kamage of Johnson & Johnson and at least one other corporate members of the Division. They will soon be contacting all of the 70+ corporate members to solicit their thoughts and ideas about projects and goals for this new sub-committee. If you are a corporate attorney and a member of AIPPI-US Division, be on the lookout for an email soon about this.

For those corporate attorneys attending the Rio Congress, there will be a meeting for corporate/in-house attorneys only, on Tuesday, October 13, 5:45 - 7 p.m., at a location to be announced in Rio.

If you have any questions, comments, or ideas about this, please let feel free to let me know.

AIPPI-US Division International Trips

Our AIPPI-US Division has been working hard to improve the coordination of our activities with the various international practice committees of AIPLA. In addition, over the past several years, our group has also undertaken at least one trip on our own to meet with AIPPI groups in other countries.

This year, we participated in the in the AIPLA IP Practice in Japan Committee trip, including meeting with AIPPI-Japan, the AIPLA IP Practice in China Committee trip to Beijing and Guangzhou, including meeting with AIPPI-China, and the AIPLA IP Practice in Europe Committee trip to London, Paris, and Munich, including meeting with AIPPI-UK and AIPPI-France. And we will be participating in the AIPLA IP Practice in Latin America Committee's trip to Brazil in October, immediately prior to the AIPPI congress in Brazil. For those AIPPI-US-Division members who are interested in joining the delegation for the IP Practice in Latin America Committee trip to Brazil, there is still some (very limited) space. Please contact the co-chair of that committee, Rob Wells, as soon as possible if you are interested. The meetings will be on Friday, October 9, in Rio De Janeiro. And there are still opportunities to sponsor the delegation's reception that evening.

In addition, our AIPPI-US Division has been invited by the AIPPI Japan and AIPPI Korea groups to meet with them at the end of this year, in the first week of December. The itinerary includes a meeting with AIPPI Japan in Tokyo on Wednesday, December 2, and a meeting with AIPPI Korea in Seoul on Thursday, December 3. If you are interested in being a part of that trip, please contact one of the co-chairs of that committee, John Carson, Sunhee Lee, or Uwe Szipl.

Or if you are interested in becoming involved in any of these international activities, please let me know.

Upcoming International Events and News

USPTO "Global Dossier" -- The Global Dossier will provide services for monitoring and managing related patent cases filed in multiple international offices through a single portal. The USPTO user interface will be launched in November 2015 and will provide access to the full file history in a patent application family filed in the US, European, Chinese, Japanese, and Korean patent offices. The UPSTO held focus sessions at the USPTO headquarters in Alexandria, Virginia in September.

ABA ILS Cooperative Event with Chinese IP Society on Copyright Protection for Sports Programs

ABA's International Law Society, the China Task Force, has a cooperative event with the Chinese IP Society. The editorial board meeting for this event is on Nov.3-4 in Shenzhen, China. The topic is on copyright protection for sports programs.

The event is open to anyone in the AIPPI-US Division who is interested in participating. Please contact Elizabeth Chien-Hale at chienhale@gmail.com for more information.

In Memoriam: Heinz Bardehle

Several members have passed on the sad news of the passing of Heinz Bardehle of Munich, a fixture at AIPPI meetings and a mentor to many, earlier in September.

Conclusion

The AIPPI-US Division could always use your help and active support. Please take advantage of some of the many opportunities to get more involved in the work of our Division. We are looking forward to the AIPPI Rio Congress this October, continued growth in our numbers, and further expansion in our activities. Please let me know if you have any ideas or thoughts in this regard.

"AIPPI-US Division - become an international IP lawyer."

With best regards,

Philip C. Swain
Chair, AIPPI-US Division



Upcoming Activities of AIPPI . . .

- AIPPI World Congress, October 10-15, 2015, Rio de Janeiro, Brazil
- AIPPI-US Division Annual Meeting, October 23, 2015
- AIPPI-US Division Asia Pacific Sub-Committee Trip to AIPP Japan and AIPPI Korea, December 2-3, 2015
- See the complete list of upcoming AIPPI programs at the following: <https://www.aippi.org/?sel=meetings>

