

Corporate Intellectual Property in China 2009

Stay success & competitiveness

-Leveraging winning IP strategies with better protection & strategic portfolio management

23rd & 24th April, 2009

Crowne Plaza Sun Palace
Beijing

PROGRAM OVERVIEW

From made-in-China to invented-in-China

Intellectual property, as a key by-product of innovation, is increasingly being regarded as the most important economic assets of any organization to stay success and competitiveness. In 2008, China announced a bold intellectual property rights (IPR) plan that aims to make the nation to be a leader in the arena in 20 years. On December 27, 2008, China passed the Third Amendment to the Chinese Patent Law. All the regulatory efforts and governmental endeavor is to lead China into a nation from Made-in-China to Invented-in-China with the strengthened IPR policies.

From battling against to demanding

Recently, we have witnessed that Chinese companies is making progress in the battle against intellectual property violations in the global stage. According to the statistics, criminal prosecutions of IP violations increased 23% in 2008, and it was Chinese companies, not foreign companies, standing up and demanding their rights with an estimated 95% or more of patent disputes occurred to Chinese companies. The increased activity in IP enforcement from Chinese companies is a good thing for the future of IP protection in China.

From assets to profits

As the current economic downturn forces companies to tighten their collective belts, one strategy they cannot afford to abandon is strategic management of intellectual property through patents - one of the most powerful methods of protecting competitive advantages. What is the new challenge of IP assets management under the current climate? How to design a structured framework to extract commercial value of its intellectual property rights? What are the new strategies, tools and techniques evolved to allow intellectual assets to be exploited optimally for revenue generation?

WHAT YOU CAN EXPECT FROM 2009 CONGRESS?

- First-hand update on China's regulatory development on IP
 - Gain insight on the latest regulatory efforts of patent in China
- Case studies from your leading peers on IPR management
 - Formulate a winning IP protection and enforcement strategy
 - Identify the emerging challenges for IP assets management under current economic turmoil
 - Design a structured framework for IP management at the organizational level to extract commercial value
 - Access to the new tools and techniques evolved for optimal intellectual assets exploitation to build value for the organization
- Tailor-made breakout sessions targeting different destinations
 - Updated with the latest regulatory development on IP in US and in Europe
- More networking opportunities
 - More social networking opportunities facilitated by congress for speed & interactive communication
 - One-on-one meetings arranged

WHO SHOULD ATTEND

- VP of Legal Affairs, VP of Intellectual Property, IP Director/Manager
- General Manager of IP & Standards, Patent Counsel
- Licensing Director/Manager, General Counsel
- IP Attorney, IP Agent
- R&D Director, Marketing Director, Business Development Director

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8.00 Registration

8.40 Welcome address from LexisNexis

Aley Chang, Managing Director, LexisNexis China

8.50 Opening remarks from the chair

Dr. Xiaochun ZHU, Ph.D., Partner, Scully, Scott, Murphy & Presser, P.C.

9.00 State of the play --- Sensing the pulse of latest regulatory development of patent & IP legal environment in China

On December 27, 2008, China passed the Third Amendment to the Chinese Patent Law (the "New Patent Law"). The New Patent Law will come into effect on October 1, 2009.

- Analysis of the New Patent Law --- What are the key changes?
- What is the impact of the new law on corporations?
- How to strengthen the protection of patent in China under current legal climate?
- The way ahead ---- Taking a look at the Draft Amendment to Implementing Regulations of the PRC Patent Law

Senior Official, State Intellectual Property Office of P.R.C (SIPO)

9.45 Managing IP litigation to protect and defend your IP rights

When Chinese companies become more successful and start doing business with the U.S. market, they will inevitably face an increasing number of patent-infringement lawsuits in the United States. This presentation will discuss how Chinese companies may develop risk-management strategies for U.S. patent-infringement lawsuits.

- Identifying Potential Risks: Risk management starts with identifying potential for both direct risks and indirect risks.
- Minimizing Potential Risks: After identifying potential risks, minimizing potential risks of patent-infringement lawsuits by adopting several recommended approaches.
- Managing Actual Risks: When potential risks are difficult to avoid, prepare for and manage actual risks of patent litigation. Two areas particularly relevant to Chinese companies are personal jurisdiction and electronic discovery.

Esther Lim, Partner, Finnegan Henderson Farabow Garrett & Dunner LLP



10.30 Refreshment and networking break

11.00 Enforcement of IP rights in Europe: How to enforce your rights? - How to respond if you are being sued?

- Litigating patents □ what are the choices?
- Basic principles of IP litigation in Europe
 - Obtaining and analyzing the infringing product
 - Purchase of sample products
 - Discovery or disclosure proceedings □ not available in all EU member states
 - Claim for inspection, section 809 German Civil Code (GCC)
 - Saisie
 - Border seizure measures in the European Union
- Choosing where to bring proceedings (jurisdiction)
 - What are the possibilities?
 - Where is the patentee most likely to win?
 - Litigating in one or more countries?
- Commencing proceedings
 - Some of the differences in Europe
 - Assessing infringement and validity
- Defence arguments
 - No infringement
 - Invalidity of the patent
 - Exhaustion of patent right
 - Prior use right
- Remedies
 - Injunctive relief
 - Rendering of account and information
 - Damages
- Time frame and costs

Dr. Leo Polz, Partner

Dr. Holger Stratmann, Partner

Hoffmann Eitle

11.45 Suggestions for Improving the Chinese Innovation Environment

- How to interpretate the Indigenous Innovation: Capability build up or simple patent counting?
- What are the available tools: Standardization, Patent System, other legal/enforcement perspectives?
- Role of MNC in China's transforming to Innovative Country and economy.

Tiande GONG, Senior IPR Manager, Technology and Standard IPR, Nokia

12.30 Luncheon Sponsored by



Dr. Xiaochun ZHU, Ph.D., Partner, Scully, Scott, Murphy & Presser, P.C.

2.00 Out of Alignment --- Getting IP and business strategies back in synch

- Aligning IP management and exploitation strategies with the overall business vision to maximize the performance from IP assets
- Identifying the issues while spotting the opportunities under current changing IP and business environment
- Learning from the practical experiences

Arian Duijvestijn, Senior Vice President, BG Lighting, Philips Intellectual Property & Standards

2.45 The changing face of Europe's patent and IP landscape

- Quality patents vs. quantity □ current trends in EPO policy
- Understanding the evolution of procedural practice at the EPO and its effect on prosecution approaches
- Coming up with effective corporate patent protection strategies in Europe
- Taking a close look into the European patent court system □ is the hope of facilitating a single European patent jurisdiction fading away?

Bertrand Loisel, Senior Partner, Cabinet Plasseraud, Paris, France



3.30 Refreshment and networking break

4.00 Technology transfer in the wake of China's national IP strategy

- The Challenge: Technology Transfer
- The Background: National IP Strategy
- Ways to Deal with Challenge

Sven Wehser, Head of Corporate Intellectual Property, Standardization and Environmental Affairs, Siemens Ltd, China

4.45 Globalizing a China IP Strategy □ what can China teach you about IP management?

- Aligning China IP management with global business strategy □ fitting the square peg in the round hole?
- No need to reinvent the wheel □ sharing your IP management/strategy ideas across markets in order to (i) streamline and (ii) save costs
- Getting stakeholder buy-in □ who is your □ IP team?

Rebecca Ordish, Senior IP Counsel □ Asia & Pacific, Cadbury

5.30 Cocktail party



6.30 Remarks from the chair and the end of day one

8.30 Registration

8.50 Opening remarks from the chair

Bertrand Loisel, Senior Partner, Cabinet Plasseraud, Paris, France

9.00 Innovation & competition: Maximizing incentives to innovate under China's Anti-Monopoly legal environment

- In-depth analysis of IPR-related rules of China anti-monopoly law
- The existing problems under current landscape
- A study on US experiences and lessons learned
- Preserving innovation incentives for antitrust analysis of Intellectual Property Rights

Senior Official, State Anti-monopoly Bureau Minister of Commerce of PRC

9.45 Offensive and Defensive Strategies for Chinese Companies in U.S. IP Litigation

- Forum shopping vs. forum nonconveniens
- Strategic uses of summary judgment
- Reexamination strategy
- Strategies for dealing with patent trolls
- Offensive patent acquisition
- Strategic counterclaims

Michael Vella, Partner, Litigation Department & Head of China Litigation and Intellectual Property Partner

Harris Gao, Associate, Shanghai

Morrison & Foerster LLP



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10.30 Refreshment and networking break

11.00 International IP litigation and dispute resolution: Strategies to streamline cases and maximize results

- Strategic decisions made early in a case determines not only the overall expense but also strongly influences the results
 - Identify core issues & simplify your case
 - Focus and limit discovery
 - Leveraging knowledge
 - Creative staffing to maximize the use of the right team members
 - How your legal department can add value to the company?
- The use of ADR for effective dispute resolution
 - Assessing the advantages of ADR v. litigation
 - When ADR is preferred, what form of ADR should be pursued?
 - Assessing the advantages and disadvantages of arbitration and mediation
 - Understanding the function and role of WIPO's Arbitration and Mediation Center
 - Common pitfalls when preparing for ADR and how to avoid them
- Alternative fee structures

Kimberley Chen Nobles, Partner

Crowell & Moring LLP



11.45 Huawei's story: Driving business competitiveness by comprehensive intellectual property management strategies

- Global market development and impulse for continuous business success
- Huawei's practical experiences in implementing the corporate IP strategy

Liuping SONG, VP & IP Director, Huawei Corporation

12.30 Luncheon

2.00 US International Trade Commission ("ITC") Section 337 investigations: A comprehensive overview and case study of a biotechnology-related investigation before the ITC

For the past six years, filings before the United States International Trade Commission (ITC) have been on the rise. In 2008, the ITC agreed to conduct investigations of 42 cases, up from 35 in 2007. While ITC investigations are not limited to the biotechnology industry, this segment has been particularly targeted. As China's biotechnology industry grows, and the importation of biotechnology-related products into the United States increases, it is likely that more complaints will be filed in the ITC against Chinese companies. As a result, it is increasingly important for Chinese companies to understand the nature of ITC proceedings and to be prepared to defend themselves. In this session, experienced 337 litigation counsel from both the U.S. and China will offer several lessons for any Chinese company making products that are imported into the United States. Topics will include a comprehensive overview of fast-paced 337 proceedings before the ITC and effective strategies, including:

- ITC versus district court
- Commission determination of whether an investigation should be commenced
- Filing a complaint
- Temporary relief

- Accelerated discovery
- The role of expert witnesses
- Design-around strategies, and
- Post-determination proceedings.

A case study will walk session participants through a biotechnology-related proceeding, from the filing of the complaint to final adjudication, wherein the Chinese Respondents successfully invalidate Japanese Complainants' patents.

Ruixue RAN, Partner, Beijing, DeAnn F. Smith, Partner, Foley Hoag LLP



2.45 How to protect Chinese brands in the European Union market in times of crisis? ---Optimizing the use of the different trade mark registration systems available in the EU and managing your European TM portfolio in the most cost effective way

- The transformation of China from a nation Made-in-China into a nation Invented-in-China leads inevitably to the transformation of China from a nation that imports and exports foreign brand into a nation that also generates its own brands and exports them. Recent trade mark filing trends illustrate well this business phenomenon.
- Protecting brands in the EU market has become a strategic issue for many Chinese companies. The coexistence in the EU of alternative registration routes for protecting trade marks combined with today's unprecedented global financial crisis forces Chinese companies to assess carefully the advantages and the disadvantages of different filing strategies and to weight thoroughly the costs and benefits of each of the four alternative routes of protection currently available.
- Understanding those routes and the current landscape of the trade mark protection systems that coexist within the European Union is therefore a must for Chinese entrepreneurs. How to get the best protection for your brands in the EU and minimize the costs? ---That's the question

João Miranda de Sousa, Partner, Garrigues



3.30 Refreshment and networking break

4.00 Balancing proprietary and open innovation - IPR strategies under current economic and business environment

Current economic and business environment may give more stress on the IP cost, so how to maintain a balanced patent system which encourages innovation is much more important than before.

- Meritless patents will tax innovation and diminish the integrity of the patent system. How to improve the patent quality has become much critical.
- Patent applications should be available for public examination and comments for the purpose of improving the patent quality.
- Patent applicants are responsible for the quality and clarity of their patent applications. A clear and practical tools for evaluate the patent quality may be useful.
- During patent enforcement, the interests of the patentee, the infringer and the public should be balanced. Specially, the application of equitable principles may be considered in the determination of injunction relief.

Xiaoyu LIU, Patent Attorney, IBM China

4.45 2009: Keeping up with the new trends in China's judicial protection of intellectual property

As 2009 begins while the global economic crisis starting from 2008 has had great impact onto most major markets, the Supreme People's Court of PRC is right now studying how to adjust China's judicial policy on intellectual property rights. The new policies will outline developing trends in the legal protection of IPR in China

- Government perspective - The stand of China to strengthen the protection of intellectual property rights
- The scenario - The implementation of new Chinese patent law and other regulations
- The new development trend of brand protection - The legislative landscape of trade mark protection
- The regulatory climate and jurisdiction to better facilitate a free and fair trade and investment environment
- The way ahead - Improvement of China's existing system for better protection and enforcement of IPR rights in China

Senior Official, The Supreme Court of PRC

5.45 Lucky Draw

6.00 Remarks from the chair and close of the conference

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Crowell & Moring LLP

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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Finnegan integrates business, science, and law to help companies protect their intellectual property, extract maximum value from IP assets, and reduce the risk of infringing the rights of others. Our diverse experience allows us to provide a full range of U.S. intellectual property legal services to businesses around the world. With more than 375 lawyers and nearly 90 IP professionals, we have the capacity and depth of experience to hit the ground running with virtually any technology or legal issue. This knowledge base enables us to identify opportunities, anticipate problems, and provide practical solutions.

Garrigues

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Hoffmann·Eitle

Hoffmann·Eitle founded in 1892 by Emil Hoffmann, is one of the oldest and largest European intellectual property firms, with offices both in Munich and London. With 52 patent attorneys, 12 specialist attorneys-at-law and about 300 paralegal staff, the firm covers all legal aspects and technological areas of intellectual property law, ranging from patent, utility model, design patent and trademark matters to areas of copyright law, unfair competition, and domestic and European antitrust law as well as licensing.

Morrison & Foerster LLP

With more than 1,000 lawyers in 18 offices around the world, Morrison & Foerster offers clients a world-class litigation practice focusing on IP. The firm has won high-stakes cases involving disputes over key patents and other intellectual property for clients. As lead international counsel to the Beijing Organizing Committee for the XXIX Olympiad 2008 Summer Games, the firm's acclaimed patent litigation practice has the distinguishing ability to handle issues of any complexity, in any venue, involving any technology.

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Founded in 1973, Scully, Scott, Murphy & Presser P.C. has a global practice exclusively dedicated to intellectual property and is widely recognized as one of the leading IP law firms in America. We represent some of the most innovative Fortune 100's and start-ups as well as prestigious research institutes and universities in America and around the world. We are proud to have obtained patent protection for and defended through litigation some of the most important modern technological breakthroughs in biotechnology, electronics, chemistry, materials, physics and mechanics.

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Rouse & Co. International

Rouse & Co. International is a leading specialist international IP consultancy, providing a holistic approach to IP management; a full range of services relating to market entry and local establishment of IP-driven clients in overseas markets; backed up by specially-trained trans-national IP investigation team, Rouse also provides a full service in advising clients on how their IP strategy aligned with their business strategy, and their IP portfolio delivering maximum value.

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