



## INNOVATION AND IP IN CHINA

China has been the world's factory for decades. Its affordable labor and stable business trade have attracted many multinationals to move manufacturing operations there. But as its labor costs rise and its environmental health deteriorates, China strives toward more innovation than manufacturing. Rigorous protection and dedicated promotion of intellectual property is an important step for China's transition into the world's laboratory. Recently, many life science clusters have developed rapidly in cities such as Tianjin, Suzhou, Wuhan and Guangzhou. Researchers are encouraged to be innovative, with support from government polices including tax plans which incentivize innovative companies to file patents. China's National Patent development strategy also sets a specific goal of reaching a certain number of patent filings. Other policies include financial incentives to promote indigenous innovations for Chinese companies.

The World Intellectual Property Indicators show that in 2013, China scored highest for both the source (filings by China) and the destination (filed in China) for patents, utility models, trademarks and industrial designs. Of the top five IP offices worldwide, China's Patent Office, the State Intellectual Property Office, was the only office recording double-digit growth for all four types of IP. Nevertheless, China's IP ecosystem currently focuses on quantity. But as the stimulus and trend towards higher quality filings continues in China, the potential pool and market for IPs will get more promising. If you have any questions about IP protection in China, please contact Susie Cheng, the Chair of our China Practice Group, at [cheng@leasonellis.com](mailto:cheng@leasonellis.com).

## OUR TRIP TO JAPAN

Members of the Japan Practice Group of Leason Ellis visit Japan at least once a year. This year's trip occurred during the week of December 2, 2013, and included stops in Osaka, Aichi, Tokyo and Saitama. During the week, the team met with 16 clients and potential clients. Each visit with a potential client was an opportunity to introduce them to Leason Ellis, while the meetings with existing clients were an opportunity to bring them up to date on activities at the firm. The offices visited were a mix of corporations for which Leason Ellis does direct work and Japanese patent firms, which engage Leason Ellis to do work for their clients.

During most of the meetings, the team would provide a lecture entitled "Recommendations and Update for U.S. Patent Practice 2013." The lecture covered fee changes, the so-called "patent prosecution highway," third party submission of prior art, the definition of prior art under the new America Invents Act, oaths and declarations for inventors, an After Final Pilot Program continued by the U.S. Patent and Trademark Office, post grant proceedings in the U.S. Patent Office and important court cases. Many of those who received the lecture commented that it provided valuable information that they were previously unaware of concerning intellectual property law in the U.S.

At the end of the week, the team met for dinner in Tokyo with a member of our China Practice Group, who was taking courses at a Japanese law school (see photo below). If you have any questions about IP issues in Japan, we invite you to contact Mel Garner, the Chair of the Japan Practice Group, at [garner@leasonellis.com](mailto:garner@leasonellis.com)

## NEWS, MEDIA, AND UPDATES:

The WTR 1000 for 2014 is out and World Trademark Review had this to say about us: "Leason Ellis continues to stake its claim in New York's competitive IP scene. The rapidly growing team is 'excellent to work with. In addition to being well educated in their specific areas of expertise, the attorneys consistently exhibit common sense and good business strategy.'" See <http://goo.gl/CCv5PI>.

Marty Schwimmer received some press in commenting on the King.com "candy" trademark saga for Gamezebo, an editorial and discovery site for games. See <http://goo.gl/cZE7bw>.

An article by Peter Sloane and Jonathan Thomas about the work for hire doctrine under U.S. copyright law has been published in the Federal Bar Council Quarterly. See <http://goo.gl/Ycc5j0>. Peter and Jonathan discuss the decision of the U.S. Court of Appeals for the Second Circuit in *Marvel Characters, Inc. v. Lisa Kirby*, a case closely watched in the comic book industry and more generally among artists and publishers.

Advertising: Overview, written by Peter Sloane and Rachel Weiss, has just been published by Practical Law. The overview addresses advertising regulation in the U.S., focusing on the key legal issues to consider when planning an advertising campaign. A copy is available at <http://goo.gl/zbc88L>.

Mel Garner spoke on a panel titled "Designing, Creating and Pruning an IP Portfolio" at PLI's IP Issues in Business Transactions 2014 program in New York City on January 13, 2014. See <http://goo.gl/qClzhP>.

Mel Garner provided a legal update on the Federal Circuit as part of the NYIPLA one-day patent CLE seminar at the Princeton Club in New York City on January 16, 2014. See <http://goo.gl/qp1GS4> for details.

Marty Schwimmer spoke on February 7th at ReInvent Law NYC 2014, a free and open public conference devoted to law, technology, innovation, and entrepreneurship in the legal services industry. See <http://bit.ly/1bTaUxb>.



Elizabeth Barnhard is speaking at the ACI's Pharmaceutical and Biotechnology Patent Life Cycles and Portfolio Strategies conference. Elizabeth will speak at the First to File workshop on February 25th. See <http://goo.gl/T39QGT>.

Congratulations to our Associate Deirdre Clarke on making the Chorus of the New York City Bar Association! The Chorus has a web page at <http://www.nycbar.org/special-programs/city-bar-chorus>.

914Inc., a publication of Westchester Magazine, has just published a fantastic profile of our firm. See <http://goo.gl/zeieH9>.



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