

3rd Advanced

CHINA IP Counsel Forum

Re-Assessing Corporate IP Strategies in an Evolving Litigation and Enforcement Environment

February 13 and 14, 2012 | Le Royal Meridien Hotel, Shanghai, China

HEAR FROM AN EXCLUSIVE FACULTY OF INDUSTRY LEADERS:

Conference Co-Chairs:



Elizabeth Chien Hale Director, Asia Pacific, IP Legal Affairs Eaton



Oliver Lutze Head of IPR Bayer China

Senior In-house IP Attorneys:



Jack Chang Senior IP Counsel, Asia General Electric



Alp Bayramoglu GTO TPK Touch Solutions

Kenneth Chan Regional IP Counsel, Asia Region Corning



Matthew Cheetham Regional Legal Counsel, Asia Pacific Motion Picture Association Marcello Dini Managing Director Sisvel



Azir Haque Managing IP Attorney - China Region 3M

Ye Hua Senior Corporate Counsel, IP Pfizer



James Kellerman Senior Patent Counsel GlaxoSmithKline

Dr. Jun Ma
Director of Overseas R&D Management Office
Tsinghua University



Ben Wang Head of Patents, China Unilever



David Shen Regional Legal Counsel AstraZeneca



Claudia Xu
Director of Technology Transfer Center
Hong Kong University of Science
and Technology

Dr. Edward Haijiang Yang Senior Manager, Brand Protection Greater China Office, Nokia

Ronald Xie Litigation Director - Greater China Region Microsoft



Michael Yu IP Office Manager Johnson & Johnson

Shuai Zhang IP Specialist TaoBao



Fei Zeng Senior Counsel Intel



This acclaimed IP program will provide the latest insights on:

- Ensuring your employment remuneration policy can withstand potential employee lawsuits challenges
- Aligning tax planning with IP investment in China to maximize tax incentives and R&D funding
- Beijing High People's Court Patent infringement establishment and their impact on multinational patent litigation practice
- Resolving IP ownership challenges in collaborative research with Chinese universities
- Effective strategies to prevent trade secret leakage and maximize damage claims
- Building up evidence for criminal threshold to initiate anti-counterfeiting raids by Police Department
- Meeting new requirements on filing patent infringement lawsuits between trade fairs
- Adjusting copyright protection and business strategies to prepare for 3rd China copyright amendment
- Impact of proposed amendment to the PRC Trademark Law on registry and enforcement strategies

Exclusive Working Groups - February 15, 2012

- A How to Bullet Proof your Technology Contracts in China: A Practical Checklist for Intellectual Property Attorneys
- B A Deep Dive into China Patent Litigation: Litigation Tactics from Both Plaintiff and Defendant Perspectives

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Asia IP
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保护企业核心技术,组建国际化知识产权部门

2012年2月13日(星期一): 大会第一天

8:00 签到和早餐

9:00 大会主席致辞

Oliver Lutze, Bayer China Elizabeth Chien Hale, Eaton

9:15 更新员工发明补偿政策,应对潜在诉讼威胁

Ye Hua, Pfizer K. Lesli Ligorner, Paul Hastings LLP

10:15 咖啡/茶点休息

10:30 权衡、协调税务规划与知识产权,以获得政府经费和税务优惠 Kenneth Chan, Corning

DingFa "David" Liu, Jun He Law Offices

11:30 北京高院专利侵权认定指南、重点变化以及对跨国公司诉讼的影响

David Shen, AstraZeneca Hong Ai, ZY & Partners Ronald Xie, Microsoft

主持人: Hao Ma, CCPIT Patent and Trademark Law Office

12:45 演讲嘉宾和参会代表共进午餐

14:00 在与中国大学研发合作中确认知识产权所有权,建立双赢关系

Oliver Lutze, Bayer China

Ben Wang, Unilever

Claudia Xu, Hong Kong University of Science and Technology

主持人: Connie Carnabuci, Freshfields Bruckhaus Deringer LLP

15:15 咖啡/茶点休息

15:30 保护商业秘密: 有效控制泄露, 扩大损害赔偿金

Xiang Wang, Orrick, Herrington & Sutcliffe LLP Alp Bayramoglu, TPK Touch Solutions

16:15 说服政府机构对于企业侵权产品进行打假行动

Dr. Edward Haijiang Yang, Nokia Bradley Yu, Unitalen

17:15 大会第一天结束

2012年2月14日(星期二):大会第二天

9:00 大会主席致辞

9:05 有中国特色的知识产权保护

Jack Chang, General Electric Shuai Zhang, TaoBao 主持人: Elizabeth Chien Hale, Eaton

10:00 如何在交易会上进行专利打假

Marcello Dini, Sisvel Elliot Papageorgiou, Rouse

11:00 咖啡/茶点休息

11:15 调整公司著作权保护以及经营战略,适应第三次著作权法修 改案

Matthew Cheetham, Motion Picture Association George Fu, Watson & Band Law Offices 12:00 中国知识产权许可的合规以及许可费问题

Azir Haque, 3M Benjamin Bai, Allen & Overy

13:00 演讲嘉宾和参会代表共进午餐

14:15 提高保密审查的批准率

James Kellerman, GlaxoSmithKline Tina Tai, China Patent Agent

15:00 咖啡/茶点休息

15:15 中国商标法的更改对于注册和商标保护执行的影响

Michael Yu, Johnson & Johnson Joseph (Joe) Simone, Baker & McKenzie

16:00 认识"相似商标"和"易混淆商标"的区别,防止商标侵权

Paul Ranjard, Wan Hui Da IP Agency

16:30 演讲嘉宾与听众互动问答

17:00 大会结束

2012年2月15日: 专题研讨会 (星期三)

专题研讨会 A: (9:00-12:00) 8:30签到 如何撰写有效的与知识产权相关的合同

Dr. Jun Ma, Tsinghua University

Fei Zeng, Intel

Nongfan Zhu, King & Wood

专题研讨会 B (13:30-17:00) 13:00签到 跨国企业专利诉讼完全手册: 原告和被告的策略

Sam Li, JinCheng Tongda & Neal

David Tian, An, Tian, Zhang & Partners

Do Not Miss What has Become the Premier IP Conference in China No other IP Conference Will Provide as Much Strategic Insights

Back by popular demand, and with a completely updated 2012 agenda and speaker faculty, ACI's 3rd Advanced China IP Counsel Forum will once again provide you with a practical analysis of notable China IP law developments and best practices for IP protection and enforcement in China. Here are the new features for the 2012 Conference:

Upgraded Networking and Q&A Discussion

This one of a kind conference has been increasingly attracting the participation of senior IP attorneys from China, Europe and the USA. Chief IP Counsel, Head of China IP, Head of R&D in China attend this forum every year to discuss emerging IP challenges and latest solutions for multinational companies.

The exclusive panel "Meeting of the China IP Minds" will feature senior members of the China IP Bar, including Jack Chang, Senior IP Counsel Asia for General Electric, who co-chaired this conference these past 2 years. You will have the chance to learn directly from the industry on China's IP landscape, opportunities and challenges.

By popular demand, more panel discussion and open Q&A sessions are featured in this year's program. Come prepared with your questions and get the best solution for your company by discussing with real China IP experts.

A Completely Updated Agenda Based on Research with In-House Counsel in China

The 2012 conference will include the following new topics:

- Patent litigation strategies from both plaintiff and defendant perspectives
- Understanding new Beijing High People's Court's Patent Infringement Establishment's impact on your litigation strategy
- Obtaining R&D related tax incentives in high and new technology enterprises status, advanced technology service enterprises status and China's new five-year plan
- IP Ownership in Government Funding Research Projects
- Preventing trade secret theft and gathering evidence for maximum claims
- Successfully convincing Chinese police department to initiative anti-counterfeiting raids
- Compliance and royalties issues when conducting IP licensing deals in China

Do not Miss Highly-Rated Post-Conference Working Groups

The workshops are designed for IP counsel who want to deep dive into complex China IP issues and benchmark with both speakers and attendees. Through real-life case studies, workshop leaders will provide a complete guide for you to walk away with and share with your entire team.

Workshop A: How to Bullet Proof Technology Contracts in China: A Practical Checklist for Intellectual Property Attorneys Workshop B: A Deep Dive into China Patent Litigation: Litigation Tactics from Both Plaintiff and Defendant Perspectives

Plus! Participants will also receive a complimentary CD including all the presentation materials prepared by the speakers especially for this conference. These materials are an invaluable reference you will be able to use again and again long after the conference is over.

Register now! Call 1-416-926-8200 in the US, or 44 7878 6888 in Europe, or register online at www.C5-Online.com/ChinaIP

What Attendees Are Saying About This Conference

"It was a very good overview of current developments and directions of IP policy."

Vice President and Chief Counsel, Eaton Corporation

"Very high level and very useful."

Senior Director IPR, Philips

"Well selected topics and speakers, forum size good for Q&A"

Senior IP Counsel, IBM China

"Good approaches to law and regulations in China, good mix of speakers, practitioners and corporate counsel"

Group Counsel, Tom Group

"I like the smaller venue and the ability to interaction with attendees."

Managing IP Attorney APAC, 3M

如需中文帮助,请联系:

沈楠, 中国项目主管

电话: (001)212-352-3220 x5239

电子邮件:

n. shen@americanconference.com

Day One - Monday, February 13, 2012

8:00 Registration Begins and Morning Refreshments

9:00 Conference Co-Chairs Opening Remarks



Oliver Lutze Head of IPR Bayer China (Shanghai)



Elizabeth Chien Hale Director, Asia Pacific IP Legal Affairs Eaton (Shanghai)

9:15 Ensuring Your Employment Remuneration Policy Can Withstand Potential Employee Lawsuit Challenges

Ye Hua Senior Corporate Counsel, Intellectual Property Pfizer (Shanghai)

K. Lesli Ligorner Partner Paul Hastings LLP (Shanghai)

- What can be learned from recent employees lawsuits on remuneration disputes
- Discussing SIPO and judicial system's position on multinationals' internal corporate remuneration policy
- What standards for "reasonable compensation for employees" will be accepted by Chinese courts
- Budgeting employment invention remuneration in your R&D plan
- Strategies to persuade the employee to buy-in the internal policy
- Mitigating potential risks when the employee files the lawsuit in labor court

10:15 **Coffee Break**

10:30 R&D Centers in China: Tax Incentives, Tax Planning and Related Considerations

Kenneth Chan Regional IP Counsel, Asia Corning (Shanghai)



DingFa "David" Liu Corporate and Tax Partner Jun He Law Offices (Shanghai)

- Qualification requirements: Avoid pitfalls in applications
 - Tax incentives—Central Government Policies & Local Government Practices
 - Incentives made available under national policies
 - Local government practices
- Corporate Tax Planning Issues for R&D Centers
- Related Considerations
 - China's innovation-focused policies & encouraged industries
- How may these policies impact investment decisions
- What might be on the horizon
 - IP Ownership of R&D results
 - IP Protection & Procurement for R&D results

- High & New Technology Enterprises and Advance Technical Services Enterprises
- Qualifications, incentives and observations form 1st HNTE renewal cycle

Patent Infringement Establishment: Beijing High People's Court's Guideline, Key Changes and Impact on Multinational Patent Litigation Practice



David Shen Regional Legal Counsel AstraZeneca (Shanghai)

Ronald Xie Litigation Director- Greater China Region Microsoft (Beijing)



Hong Ai Partner ZY & Partners (Beijing)



Hao Ma – Panel Moderator
President
CCPIT Patent and Trademark Law Office (Beijing)

- Using independent claims to expand the scope of protection and existence of infringement
- Understanding the importance of technical features in the claims from the accused product
- Establishing application of doctrine of equivalent for infringement claims
- Balancing on the claims and interpretation of the specifications for claim construction
- Trade secret information is no defense for disclosure of evidence

12:45 Industry Networking Luncheon for Speakers and Attendees

During lunch, attendees and speakers will have the opportunity to sit at the "industry table" of their choice (manufacturing, life sciences, chemical, high technology). This exclusive luncheon format will offer unique networking with other IP attorneys and R&D executives from China, North America, Europe and Asia.

14:00 Resolving IP Ownership Challenges in Collaborative Research with Chinese Universities: How to Create a Win-Win Working Relationship



Claudia Xu
Director of Technology Transfer Center
Hong Kong University of Science and Technology
(Hong Kong)



Oliver Lutze Head of IPR Bayer China (Shanghai)



Ben Wang Head of Patents, China Unilever (Shanghai)



Connie Carnabuci – Panel Moderator Partner Freshfields Bruckhaus Deringer LLP (Hong Kong)

- Examining the legal framework governing IP ownership in China
- Discussing the pros and cons of various IP ownership agreements in the collaborative research context
- · Understanding universities' mindset regarding IP ownership
- Indigenous innovation research projects: assessing the indigenous innovation policy's impact on contract negotiation
- Discussing government's role in IP ownership in government-funded research projects
- How to deal with inventor remuneration and publication issues
- Resolving IP ownership of "improvement" and "third party materials"

15:15 Refreshment Break

15:30 Protecting Trade Secrets: Effective Strategies to Prevent Leakage and Maximize Damage Claims



Alp Bayramoglu GTO TPK Touch Solutions (USA)



Xiang Wang
Partner
Orrick, Herrington & Sutcliffe LLP (Beijing)

- Examining the relevant law governing trade secret protection and enforcement environment in China
- Discussing effective physical security actions to prevent IP leakage
- Taking proactive IT security measures to restrict information flow in the open R&D environment
- Preventing employees and suppliers trade secret theft: what works, and what doesn't
- Conducting investigation and gathering evidence once the trade secret is stolen
- Making a realistic assessment on what and how you can achieve through litigation
- Strategies on building up legal basis and damages claims
- Lessons learned from recent litigation cases

16:15 Effectively Working with China Government Authorities to Initiate Anti-Counterfeiting Raids

Dr. Edward Haijiang Yang Senior Manager, Brand Protection Greater China Office Nokia (Hong Kong)



Bradley Yu Partner Unitalen (Beijing)

- Choosing the right timing to present your case in front of government authorities
- Understanding the pros and cons of raids from police department and administration for industry and commerce
- Building up initial evidence on the criminal threshold to get police department interested
- Practical tips for organizing the criminal raids: Do's and don'ts
- Following up with prosecutors after the criminal raids

17:15 Co-chairs' Recap and Conference Adjourns for the Day

Day Two - Tuesday, February 14, 2012

9:00 Co-Chairs Opening Remarks

9:05 Exclusive Panel - Meeting of the China IP Minds



| *Jack Chang* | Senior IP Counsel, Asia | General Electric (Shanghai)

Shuai Zhang IP Specialist TaoBao (Hang Zhou)



Elizabeth Chien Hale – Panel Moderator Director, Asia Pacific IP Legal Affairs Eaton (Shanghai)

This exclusive panel session will bring together senior members of the China IP Bar, and will be an open and interactive forum on China's IP landscape, opportunities and challenges. Attendees will have an opportunity to ask questions to the panel of experts.

10:00 Enforcing Patent Rights Against Infringement at Trade Fairs in China

Marcello Dini Managing Director Sisvel (Hong Kong)



Elliot Papageorgiou Executive Partner Rouse (Shanghai)

- Critical steps to take before participating in the trade fair
 - Identifying the IP assets that need protection and setting up a concrete goal to achieve in advance of the trade fair
 - Preparing the required documents for the raids
- Proactive measures to implement during the trade fair
- Setting up the follow up plan after trade fairs
 - Evidence gathered or actions taken at the trade fair
 - Following up with authorities and conducting investigations into whether the infringer halted infringing activities
 - Meeting new requirements from government authority on filing patent infringement lawsuits between trade fairs
 - Initiating further enforcement action if necessary
- · Lessons learned from recent successful enforcement cases

11:00 Coffee/Tea Break

11:15 Preparing for 3rd China Copyright Amendment: How to Adjust Copyright Protection and Business Strategies



Matthew Cheetham Regional Legal Counsel, Asia-Pacific Motion Picture Association (Singapore)



George Fu
Partner
Watson & Band Law Offices (Shanghai)

- Highlighting key Amendment revisions which would affect those doing business in China
 - The amount of statutory damages will possibly be raised
 - Doctrine of "Safe Harbor" is likely to be changed
 - Doctrine of "fair use" will be restricted or explicitly provided
 - The attribution of copyright ownership will possibly be changed
 - Revisions on determination of infringement will be done in adaptation to the Tort Law
- Influences of the Amendment on enforcement
 - How requirement for right holders' burden of proof against ISPs will be lowered
 - Which current business models in China will be discouraged

12:00 Resolving Complex IP Licensing Challenges in China: Compliance & Royalties



Azir Haque Managing IP Attorney, China Region 3M (Shanghai)



Benjamin Bai Partner Allen & Overy LLP (Shanghai)

- Examining legal and regulatory framework for licensing in China
- · Preventing non-compliance with mandatory Chinese laws
- How to conduct effective pre-licensing due diligence
- Ensuring the contract terms are valid and enforceable
- Contract safeguards terms to include in your licensing agreement
- Discussing ownership of improvement on licensing technology
- Enforcing royalty fees in China

13:00 Networking Luncheon for Speakers and Attendees

14:15 Secrecy Examination: Developing and refining your filing strategy for China



James Kellerman Senior Patent Counsel GlaxoSmithKline (USA)



Assistant General Manager, Patent Attorney China Patent Agent (Hong Kong)

- Filing requirements for invention made in China and cross-border collaboration research
- · Statistics of FFL requests filed with SIPO
- Pros and Cons Threes routes to obtain FFL
- Time frame of FFL

15:00 Impact of Proposed Amendment to the PRC Trademark Law on Registry and Enforcement Strategies



Michael Yu IP Office Manager Johnson & Johnson (Shanghai)



Joseph (Joe) Simone Partner Baker & McKenzie (Hong Kong)

- Main challenges posed by current legislation and policies with respect to registration, protection and licensing of trademarks in China
- Overview of latest draft amendment to the Trademark Law and industry views thereon
- Industry proposals for changes in the IP provisions of China's Criminal Code
- Latest court decisions and government initiatives in intermediary liability, including with respect to landlords of retail and wholesale markets and internet trading platforms
- Best practices under current law in addressing bad faith trademark piracy, online counterfeiting and generating positive results from enforcement programs

15:45 Refreshment Break

16:00 Distinguishing "Similarity" with "Likelihood of Confusion" to Prevent Trademarks Infringement



Paul Ranjard Of Counsel Wan Hui Da IP Agency (Beijing)

- Legal basis for potential trademark infringement in TRIPS and Chinese trademark law
- Discussing the supreme court of PRC's position on the connection between "similarity" and "likelihood of confusion"
- When does a trademark determined similar to another may be determined as not infringing because of no likelihood of confusion
 - The time factor
 - The use of another name or sign
 - Impact of use, or non-use, of the prior registered trademark
 - Export
 - Luxury goods
- How to enforce your trademark rights in case of potential infringer claims no likelihood of confusion despite of similarity

16:30 Interactive Q&A Session with Speakers

Take this opportunity to ask your most pressing questions and concerns to the live panel of IP experts during this open format, interactive practical Q&A session. A great opportunity to gain best practices on how to protect and litigate your IP in China, and get the answers you need from a senior-level group of your peers experienced in dealing with these issues on a day-to-day basis.

17:00 End of the Conference

A Must-Attend Event for:

In-house Counsel:

- Intellectual Property
- R&D Management
- IP Licensing
- Technology Transfer
- IP Litigation

Technology Managers, R&D Managers Outside Counsel specializing in:

- IP Prosecution
- IP Litigation
- IP Transaction and Commercialization
- IP Licensing
- Technology Transfer

Tactics from Both Plaintiff and Defendant Perspectives

How to Bullet Proof your Technology Contracts in China: A Practical Checklist for Intellectual Property Attorneys

Dr. Jun Ma Director of Overseas R&D Management Office Tsinghua University (Beijing)



Nongfan Zhu Partner King & Wood (Beijing)



Fei Zeng Senior Counsel Intel (Beijing)

China in-house IP attorney's daily job is to draft and review technology contracts. It requires not only a good grasp of China intellectual property and contract laws but also a realistic assessment on the current contract enforcement environment in China walk you through key points in the technology contracts as follows:

- Joint ownership
- Patent rights
- Uniqueness of Technology licensing agreement terms in China
- Supplier agreement
- Government or universities partnership
- Negotiating precise licensing terms with Chinese partners
- Technology contract enforcement: arbitration vs. litigation

Whether you are new to the field of China IP and technology contracts, or a seasoned veteran with substantial experience needing a comprehensive refresher, this workshop will provide you a complete guide to use in your daily IP work.

Post-Conference Working Groups - Wednesday, February 15, 2012

Sam Li – for the plaintiff
Senior Partner
JinCheng Tongda & Neal (Beijing)



David Tian – for the defendant Partner An, Tian, Zhang & Partners (Beijing)

Designed specifically for multinational companies who are engaged in patent litigation in China, this intense, deep dive, workshop session will provide attendees with a comprehensive overview of litigation strategies for both plaintiffs and defendants.

Learn how to effectively engage in litigation on both sides as private practice attorneys experienced in representing clients on both sides provide you with proven strategies for obtaining success on behalf of your client. You will find this session invaluable for benchmarking litigation strategies with your peers while posing your most pressing questions to the workshop leaders. Topics of discussion during this session will include:

Strategies for Multinationals as Plaintiff

- Weighing the pros and cons of filing the lawsuits: Aligning business objectives with legal actions
- Managing expectation: what realistic results you can achieve through litigation
- Maximizing internal resources for a successful litigation
- Evaluating merits of legal actions: injunction and damages
- Navigating the complex Chinese litigation procedures
- Key pre-suit actions to win the lawsuits
- Conducting effective investigation to find the evidence to be recognized by Chinese courts

Strategies for Multinationals as Defendant

- How to deal with the delivery of court documents to the representative office
- Strategies on responding to the court's investigation
- 5 steps to take immediately after receiving notice of impending litigation
- How to produce and preserve evidence
- Defendant's jurisdiction opposition
- Strategies on replying to plaintiff's claims

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ACI certifies that this activity has been approved for CLE credit by the State Bar of California in the amount of 11.75 hours. An additional 3.5 credit hours will apply to workshop participation.

You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE

CHINA IP Counsel Forum (





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WORKSHOP B

ADMINISTRATIVE DETAILS

CONFERENCE

Date: February 13 - 14, 2012 Time: 8:00 - 17:15

WORKSHOP A

Date: February 15, 2012 Date: February 15, 2012 Time: 9:00 - 12:30 Time: 13:30 - 17:00

VENUE: Le Royal Meridien Hotel

ADDRESS: 789 Nanjing Road East, Shanghai 200001 China

TELEPHONE: +86 21 33189999

PAYMENT POLICY

Event Code: 977L12-SHA

Payment policy is due in full upon registering. Your entry to the event will not be quaranteed until payment has been received. All discounts will be applied to the Main Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organisation.

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