

Advanced In-House Counsel Forum on

CHINA IP LAW

Practical Transaction, Portfolio, Prosecution and Litigation Strategies to Manage and Protect IP Assets

January 26 & 27, 2010 | JW Marriott Hotel, Shanghai, China

FEATURING AN EXCEPTIONAL FACULTY OF INDUSTRY LEADERS



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GlaxoSmithKline

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Sven Webser
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IP and Functions
Siemens Ltd., China



Sam Zhou
Security Director
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This is the brochure from the 2010 program.
Updated agenda and brochure coming soon.

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WHO OF THE IP BAR IN CHINA



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Sam Li
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& Neal



James Luo
Xiang Kun Law Firm

Gain Expert Advice and Strategic Insights on how to:

- Meet "Invention Completed in China" and "First-to-File" requirements from 3rd Patent Amendment
- Incorporate utility model patent and design patent into your IP strategies
- Develop a filing strategy to address new secrecy examination
- Collect evidence to win your case in Chinese Court
- Minimize patent litigation risks post *Schneider*
- Comply with new technology import and export measures
- Protect "know-how" when licensing technology into China
- Obtain recognition of well-known trademark and maximize ROI of your anti-counterfeiting strategy
- Define reasonable remuneration for inventor awards
- Conduct effective in-house Freedom-to-Operate (FTO) research

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2010年1月25日：专题研讨会

专题研讨会 A: (9:30-12:30)

反垄断法基础：知识产权律师需要掌握的反垄断立法、案例以及其对于知识产权法的影响

李森

高级合伙人，金诚同达律师事务所

专题研讨会 B (13:30-17:00)

第三次专利法案：哪些是生物医药行业律师应该知道的？

Ying Wang

高级专利律师，诺维信

陈文平

合伙人，金杜律师事务所

2010年1月26日（星期二）：大会第一天

- | | | | |
|-------|--|-------|--|
| 8:00 | 签到和早餐 | 12:30 | 午餐 |
| 9:00 | 大会主席致辞：2009年知识产权立法、执行和保护回顾
Jack Chang
亚洲知识产权高级律师，通用电气
Doug Clark
合伙人，路伟律师事务所 | 13:45 | 绝对新颖性对专利有效性的影响和挑战
Benjamin Bai
合伙人，众达律师事务所
Elizabeth Chien
高级专利律师-中国区负责人，苹果电脑公司 |
| 9:30 | 针对机密审查规定，制定新的专利申请策略
James C. Kellerman
高级专利律师，葛兰素史克（上海）医药研发有限公司 | 14:45 | 提高知识产权管理，协助法律部、市场部以及研发部工作
Joseph E. Rogers
法律顾问-知识产权，上海贝尔股份有限公司
Sven Wehser
知识产权部门负责人，西门子（中国）
Kelsey Milman
法律顾问-知识产权，卡特比勒（中国） |
| 10:15 | 咖啡/茶点休息 | 15:45 | 咖啡/茶点休息 |
| 10:30 | 利用实用新型提高专利策略
Michael Lin
高级专利律师，宝洁中国
Xiaopeng Ke
知识产权主管，中兴通讯 | 16:00 | 如何在中国技术许可时保护商业秘密
Jerry Xia
知识产权总监-中国和东北亚区，霍尼韦尔
文燕
知识产权负责人，杭州虹软 |
| 11:15 | 如何在中国的专利诉讼案件中收集证据
傅国强
主任律师，华诚律师事务所
安晓地
管理合伙人，安伦律师事务所 | 17:00 | 大会第一天结束 |

2010年1月27日（星期三）：大会第二天

- | | | | |
|-------|---|-------|---|
| 9:00 | 大会主席致辞 | 12:30 | 午餐 |
| 9:15 | 如何在打假中实现最大的投资回报率
Lucy Nichols
全球品牌保护负责人，诺基亚
Doug Clark
合伙人，路伟律师事务所 | 13:45 | 在中国如何得到驰名商标认可和保护
Grégory Baque
高级经理，飞利浦
James Luo
管理合伙人，翔鲲律师事务所 |
| 10:15 | 咖啡/茶点休息 | 14:45 | 咖啡/茶点休息 |
| 10:30 | 在施耐德案件之后如何控制公司专利诉讼的风险
David Shen
亚洲知识产权律师，礼来公司
Yan Zhang
高级知识产权律师，IBM
Sam Zhou
安全总监，赛诺菲-安万特中国 | 15:00 | 职务发明的归属问题和对员工的合理报酬
Oliver Lutze
中国区知识产权负责人，拜耳集团 |
| 11:30 | 技术进出口合同登记管理的合规
李唯实
高级顾问，美迈斯律师事务所
Lewis Ho
律师，西盟斯律师事务所 | 15:45 | 通过Freedom-To-Operate (FTO) 确保研发成果的商业化的权利
Zack Zhao
亚太区知识产权负责人，罗门哈斯
Daniel Biesterveld
亚太区知识产权负责人，3M中国 |
| | | 16:45 | 大会结束 |

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No other IP conference will provide as much advanced, cutting-edge and comprehensive information to upgrade your company's China IP strategy.

Foreign multinational companies operating in China, as well as Chinese companies, are investing heavily in the creation of IP. Corporate IP Counsel and their advisers must keep up with the complex and rapidly evolving legislative and enforcement landscape.

China has been making notable strides to improve the protection of intellectual property rights. Recent developments include a groundbreaking 3rd Patent Amendment, new Judicial Interpretation on Patent Infringement cases, Judicial Interpretation of Well-known Trademarks, new Technology Import and Export Measures. At the same time, increased damages awards have been awarded in landmark *Neoplan*, *Samsung* and *Schneider* cases.

Foreign companies in China as well as Chinese companies with global operations face heightened regulatory compliance requirements, IP litigation risks, broader trademark protection challenges in the increasingly sophisticated China IP framework which also affect their global IP strategies.

After the tremendous success of its IP conferences in Europe and the United States, ACI and C5 Group are proud to announce the inaugural **Advanced In-House Counsel Forum on China IP Law**. This advanced conference was designed to help in-house IP counsel strengthen their corporate intellectual property strategies including patent prosecution, litigation, technology transfer, licensing, IP portfolio management.

A leading faculty comprised of in-house counsel across **electronic, consumer products, life science, telecommunication, manufacturing, high technology** industries as well as **the who's who of IP attorneys in China** will provide comprehensive and practical insights on:

- How 3rd patent amendment will change your daily IP practice
- Managing technology transfer and patent filing on R&D centers in China
- How to avoid being sued in china
- Establishing IP team to support legal, marketing and R&D departments
- Upgrading branding and trademark protection strategies in China
- Preparing for new anti-monopoly law's impact on IP practice

Participants will also receive a comprehensive set of written materials prepared by the speakers particularly for this conference. These are invaluable reference materials which you will use again and again long after the conference is over.

Register now to ensure your place at this **unique advanced IP benchmarking event in China**. Call 1-888-224-2480 in the US, or 44 7878 6888 in Europe, or register online at www.C5-Online.com/ChinaIP.

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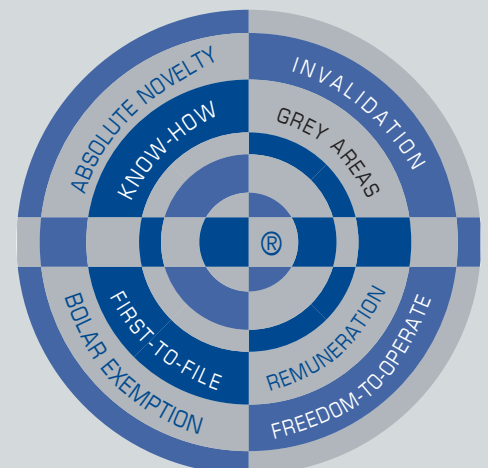
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TUESDAY, JANUARY 26, 2010

8:00 Registration Begins and Morning Refreshments

9:00 **Co-Chairs Opening Remarks and Welcome: Status Report on Recent IP Regulatory and Enforcement Initiatives**



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



Doug Clark
Partner
Lovells LLP (Shanghai)

9:30 **Developing a Filing Strategy to Address China's New Secrecy Examination**



James C. Kellerman
Senior Patent Counsel
GlaxoSmithKline R&D China (Shanghai)

- How the new secrecy examination impacts patent filing
 - What is meant by a “detailed description”
 - What is the scope of the approval to foreign filing
 - Dealing with inventions made in China and another country with similar requirements
- Pros and cons of alternatives for complying
- Practical considerations for deciding which alternative is best

10:15 Coffee/Tea Break

10:30 **Incorporating Utility Model Patents in Your Patent Strategies**



Xiaopeng Ke
IP Director
ZTE (Nanjing)

- Pros and cons of utility model patents in China
- Factors to consider when deciding whether to file a utility model patent
 - Subject matter of the invention
 - Does the invention grow more or less valuable with time
 - Comparing value of 20-year term with 10-year term protection
 - Company patent portfolio management and additional inventions
 - Preparing for potential early infringement action
- Examining the interplay between SIPO and courts on “double-patenting”

11:15 **How to Collect Evidence to Win Patent Case in Chinese Courts**



George Fu
Managing Partner
Watson & Band (Shanghai)



XiaoDi An
Managing Partner
An Tian Zhang & Partners (Beijing)

- What evidence is admissible in a Chinese Court: invoice, advertisement, sales package, licensing contracts
- Preparing effective evidence for the following actions:
 - File the suit to the court directly
 - Obtain an evidence preservation order
 - Obtain the preliminary injunction
 - Obtain permanent injunction
- Maximizing damage claims by effective evidence
- How to shift burden of proof to defendant to overcome evidence collection problem

12:30 Networking Luncheon for Attendees and Speakers

13:45 **How Absolute Novelty Standard Will Challenge Patent Validity**



Elizabeth Chien
Senior Patent Counsel – China Coordinator
Apple (Hong Kong)



Benjamin Bai
Partner
Jones Day (Shanghai & Houston)

- Establishing prior art defense based on absolute novelty standard
 - Understanding “evidence of use or disclosure by other means”
 - Handling patent invalidation conflicting results between Chinese Patent Reexamination Board (CPRB) and the courts
- Absolute novelty standard and design patent
 - How absolute novelty standard can facilitate the invalidation of three-dimensional design patent
 - Discussing how “mainly used as a marker” in Article 25 Clause 6 will apply to two-dimensional design patent
 - How to protect registered trademarks and labels as design patents

14:45 **Positioning IP Department to Support Legal, Marketing and R&D Departments**



Joseph E. Rogers
Corporate Counsel (APAC),
Intellectual Property Law Services
Alcatel Shanghai Bell Co Ltd (Shanghai)



Sven Wehser
Head of Corporate Intellectual Property and Functions
Siemens Ltd., China (Beijing)



Kelsey Milman

Director, Asia-Pacific IP Office
Caterpillar (Beijing)

- Incorporating IP practice into other legal practice: M&A, labor law, litigation readiness, document management
- Combining marketing initiatives with the patent application pipeline to ensure available options when a new product comes to the market or is improved
- Communicating with R&D departments to ensure your application reflects accurate information of R&D results
- Balancing cost of patent protection and a product's life cycle

15:45 Refreshment Break and Networking

16:00 **Mitigating Leakage of "Know-How" While Licensing Technology in China**

May Wen

Head of IP
ArcSoft (HangZhou)



Jerry Xia

Chief IP Counsel – Greater China & Northeast Asia
Honeywell (Shanghai)

- Update on latest Chinese trade secret law legislation, unfair competition law and cases
- Understanding the scope of "know-how" in Chinese legislation and what constitutes infringement
- How to deal with R&D, distribution, and manufacturing partners
- Ensuring appropriate non-disclosure, non-compete and IP provisions are included in the employment contract

17:00 Conference Adjourns to Day 2

WEDNESDAY, JANUARY 27, 2010

9:00 Opening Remarks from the Co-Chairs

9:15 **Maximizing ROI in Anti-Counterfeiting**



Lucy Nichols

Global Director of Brand Protection
Nokia (Beijing)



Doug Clark

Partner
Lovells (Shanghai)

- Establishing a practical enforcement goal before taking actions
 - Macro enforcement strategies vs. individual cases
 - Administrative action vs. civil and criminal actions
- Identifying targets for actions
- How to work with investigators to collect evidence
- Choosing the right enforcement body for your case
- Ensuring compliance with injunctions through ongoing monitoring
- Following up with damages claims

10:15 Coffee/Tea Break and Networking

10:30 **Minimizing Patent Litigation Risks Post Schneider**



David Shen

Asia Regional IP Counsel
Lilly China (Shanghai)



Sam Zhou

Security Director
Sanofi-Aventis China (Shanghai)

Zhang Yan

Senior Counsel, Intellectual Property Law
IBM (Beijing)

- What recent cases tell us about current patent litigation risks in China
- Using proactive measures to minimize the risk of patent litigation in China, such as portfolio management, high quality patents and effective patent protection
- Evaluating your global IP litigation readiness policy in China
- How to evaluate your opponent(s) before initiating litigation
- Utilizing alternative solutions such as warning letter and early settlement

11:30 **Complying With New Technology Import and Export Measures**



Weishi Li

Counsel
O'Melveny & Myers (Shanghai)



Lewis Ho

Consultant
Simmons & Simmons (Hong Kong)

- How new legal framework is affecting technology imports and exports in China
 - Measures on Administration of Technology Prohibited or Restricted from Import
 - Measures on Administration Record of Technology Import and Export Contracts
- Latest classifications of prohibited, restricted and permitted technologies in China
- Procedures for recordation and approval to transfer restricted and permitted technologies
- Ensuring compliance with 60 days registration requirement
- How new measure will impact companies conducting R&D in China
 - Automatic transfer of IP rights in collaboration and outsourcing arrangements
 - Transfer pricing and royalty on record
 - Tax planning and the high and new technology enterprises status

12:30 Networking Luncheon for Attendees and Speakers

13:45 How to Obtain Recognition Of "Well-Known" Trademarks in China



Gregory Baque

Senior Director, Capability Cluster Manager
Philips (Shanghai)



James Luo

Managing Partner
Xiang Kun Law Firm (Beijing)

- How companies can benefit from the greater protection offered to well-known trademarks
- Comparing pros and cons of recognition through Courts or State Administration for Industry and Commerce (SAIC)
 - Legal basis
 - Evidentiary requirements
 - Local SAIC enforcement
- How to prepare evidence by working with sales, marketing and finance departments
- Selecting areas for defensive registration based on business development plan

14:45 Refreshment Break and Networking

15:00 Defining Ownership and Reasonable Remuneration for Inventor Awards



Oliver Lutze

Head of IPR
Bayer Group Companies, Greater China (Shanghai)

- Discussing IP ownership issues with Chinese employees
- Assessing the pros and cons of a company policy on inventors' remuneration vs. compensation otherwise foreseen by the revised Chinese patent law
- Establishing a reasonable company IP policy on inventors' remuneration in China
- Comparing inventor awards in other jurisdiction (US, Germany, Japan)

15:45 Conducting Effective Freedom-To-Operate (FTO) Analysis to Ensure Your Right to Commercialize Products



Zack Zhao

Chief IP Counsel – Asia Pacific Region
Rohm Haas Company (Shanghai)



Daniel Biesterveld

Managing IP Attorney, Asia-Pacific
3M Innovative Properties Company (Shanghai)

- Assessing potential time, cost and resources before conducting an FTO analysis
- Defining the scope of FTO based on risk assessment in post *Schneider* era
- Practical solutions to address "grey areas" in China
- Identifying potential legal roadblocks when reviewing products, processes and IP portfolio
- Adjusting products manufacturing and marketing strategy in view of third party patents

16:45 Conference Ends

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JANUARY 25, 2010: EXCLUSIVE PRE-CONFERENCE WORKSHOPS

WORKSHOP A | 9:00 – 12:30 (registration starts 8:30)

Fundamentals of China Anti-Monopoly Law: What Every IP Attorney Needs to Know



Sam Li

Senior Partner
JinCheng Tongda & Neal (Beijing)

- Overview of Chinese legal framework governing Intellectual property and anti-monopoly legal issue before Anti-Monopoly Law took effective
- Discussing SAIC draft regulations on abuse of dominance and monopoly agreement
- Abuse of Dominant Market Position
 - Defining when Article 17(1) will prohibit royalties obtainable by IP owners
 - Understanding catch-all provisions in Article 17 (5) and Article 17(7)
- Merger and IP rights
 - Discussing whether your technology and IP rights will be viewed as technical barriers in relevant market in merger review
 - Will IP-related mergers trigger compulsory licensing?
- Technology licensing strategies
 - What is reasonable licensing term to avoid be considered as “illegal monopoly of technology”
 - How to seek protection from Article 15 exemption
 - Non competition agreement in technology agreement
 - Does refusal to license IP constitute “abusing intellectual property rights”?
- How multinational companies can set up a customized strategy

WORKSHOP B | 13:30 – 17:00 (registration starts 13:00)

A Deep Dive into the 3rd Patent Amendment Legislation: What Life Science Companies Need to Know about New Patent Law



Ying Wang

Senior Patent Attorney
Novozymes (Beijing)



Wenping Chen

Partner
King & Wood (Beijing)

The 3rd patent amendment has a huge impact on pharmaceutical patent protection in China. This interactive and practical workshop is designed to provide you with a comprehensive overview of critical pharmaceutical patent related issues for an effective compliance and risk control strategy. Benefit from the expertise of two senior IP practitioners with significant experience in the life sciences industry, who will present:

- Disclosure rules for invention relying on “genetic resources” or “traditional knowledge”
 - Definition of “Genetic Resources” and the scope of new requirement
 - Drafting R&D agreement in compliance with the new requirement
- Drafting collaborative research agreements to ensure the commercial use of the patent rights
- Discussing possible circumstances for China to grant a compulsory licensing
- Complying with the Bolar Exemption
 - exemption for “activities related to regulatory review” in 3rd patent amendment
 - 2007 PRC Administration of Pharmaceutical Registration Measures (PRM)
 - Discussing patent term extension in obtaining State Food and Drug Administration approval

CHINA IP LAW



“中文议程”
请见第二页”

Practical Transaction, Portfolio, Prosecution and Litigation Strategies to Manage and Protect IP Assets

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ADMINISTRATIVE DETAILS

CONFERENCE

Date: January 26 & 27, 2010

Time: 9:00 – 17:00 (Registration 8:00 on Day 1)

WORKSHOP A

Date: January 25, 2010

Time: 9:00 – 12:30 (Registration 8:30)

WORKSHOP B

Date: January 25, 2010

Time: 13:30 – 17:00 (Registration 13:00)

VENUE: JW Marriott Hotel Shanghai at Tomorrow Square

ADDRESS: 399 Nanjing West Road, Shanghai, 200003
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