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## ASIA SEEMS TO BE ON A HOT STREAK WHEN IT COMES TO INTELLECTUAL PROPERTY (IP) FILINGS AND DISPUTE SETTLEMENTS, AS 2016 PROVED TO BE YET ANOTHER RECORD YEAR IN MOST OF THE REGION. DESPITE ITS RELATIVELY SLOWER ECONOMIC GROWTH, CHINA MAINTAINED ITS FAST-PACED GROWTH IN IP FILINGS AND CASES, OUTPACING OTHER COUNTRIES IN NORTH AND SOUTHEAST ASIA IN SETTING NEW GLOBAL IP RECORDS.

For 2016, United Nations agency World Intellectual Property Organization (WIPO) reported new record highs in international applications for patents, trademarks, and industrial designs as well as cybersquatting cases. According to WIPO, last year marked the seventh consecutive year of continuous growth for its managed systems for patent, trademark, and industrial design.

WIPO's Patent Cooperation Treaty (PCT), which entities use to file simultaneous patent applications in multiple foreign jurisdictions, logged 233,000 applications in 2016. This was a record 7.3 percent year-on-year increase. Most of the patent applications filed during this period were in the areas of digital communications and computer technology.

Japan and China came second and third, respectively, after frontrunner U.S. in terms of the number of PCT applications filed. However, WIPO noted that it was China that drove the overall growth in global demand. Chinese telecommunications and equipment giant ZTE Corp was the biggest filer of international patent applications via the PCT in 2016, overtaking another Chinese technology brand, Huawei Technologies.

"In an interlinked, knowledge-based global economy, creators and innovators are increasingly relying on intellectual property to promote and protect their competitive edge around the world," said Francis Gurry, WIPO's director general, in a statement.

### CHINA DOMESTIC

#### PATENTS

##### TIER 1

- CCPIT Patent & Trademark Law Office
- China Patent Agent (H.K.) Ltd.
- Fangda Partners
- JunHe LLP
- King & Wood Mallesons

##### TIER 2

- AnJie Law Firm
- Chang Tsi & Partners
- Co-effort Law Firm
- DeHeng Law Offices
- Lifang & Partners
- Zhong Lun Law Firm

##### TIER 3

- AllBright Law Offices
- An, Tian, Zhang & Partners
- Beijing Dentons Law Offices
- Global Law Office
- Hiways Law Firm
- Wan Hui Da - Peksung Intellectual Property Group
- Watson & Band Law Offices

##### TIER 4

- Beijing East IP Ltd. & Beijing East IP Law Firm
- Han Kun Law Offices
- Hengdu Law Firm
- Long An Law Firm
- Tahota Law Firm
- Tian Yuan Law Firm

#### COPYRIGHT/TRADEMARK

##### TIER 1

- CCPIT Patent & Trademark Law Office
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- Fangda Partners
- King & Wood Mallesons

##### TIER 2

- AnJie Law Firm
- Chang Tsi & Partners
- Co-effort Law Firm
- Global Law Office
- Hylands Law Firm
- Jincheng Tongda & Neal
- JunHe LLP
- Lifang & Partners
- Wan Hui Da - Peksung Intellectual Property Group
- Watson & Band Law Offices
- Zhong Lun Law Firm

##### TIER 3

- AllBright Law Offices
- Beijing Dentons Law Offices
- Beijing Tiantai Law Firm
- Boss & Young Patent and Trademark Law Office
- DeHeng Law Offices
- Guantao Law Firm
- Han Kun Law Offices
- Hengdu Law Firm
- Jingtian & Gongcheng
- Tahota Law Firm
- Tian Yuan Law Firm

### CHINA INTERNATIONAL

#### PATENTS

##### TIER 1

- Allen & Overy
- Baker McKenzie/Baker McKenzie FenXun (FTZ) Joint Operation Office
- Bird & Bird
- Deacons
- Jones Day
- Hogan Lovells
- Mayer Brown JSM
- Morrison & Foerster
- Norton Rose Fulbright
- Orrick, Herrington & Sutcliffe
- Ropes & Gray
- Rouse

##### TIER 2

- CMS
- DLA Piper
- Finnegan, Henderson, Farabow, Garrett & Dunner
- Morgan, Lewis & Bockius
- Quinn Emanuel Urquhart & Sullivan
- Skadden, Arps, Slate, Meagher & Flom
- Spruson & Ferguson
- Vivien Chan & Co

##### TIER 3

- Clifford Chance
- Dechert
- Freshfields Bruckhaus Deringer
- Marks & Clerk
- Oldham, Lie & Nie
- Perkins Coie
- Simmons & Simmons
- Squire Patton Boggs
- Wilkinson & Grist

#### COPYRIGHT/TRADEMARK

##### TIER 1

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- Deacons
- Hogan Lovells
- Mayer Brown JSM
- Orrick, Herrington & Sutcliffe
- Rouse
- Wilkinson & Grist

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- DLA Piper
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- Jones Day
- Norton Rose Fulbright
- Spruson & Ferguson
- Quinn Emanuel Urquhart & Sullivan
- Skadden, Arps, Slate, Meagher & Flom
- Simmons & Simmons
- Squire Patton Boggs
- Vivien Chan & Co

##### TIER 3

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- Dechert
- Freshfields Bruckhaus Deringer
- Marks & Clerk
- Morgan, Lewis & Bockius
- Oldham, Lie & Nie
- Ropes & Gray

“China-based filers are behind much of the growth in international patent and trademark filings, making great strides in internationalizing their businesses as the country continues its journey from ‘Made in China’ to ‘Created in China,’” he added.

In 2016, U.S.-based applicants filed 56,595 PCT applications, followed by Japan with 45,239 and China with 43,168. South Korea, another Asian giant in patents, ranked fifth with 15,560 applications.

As a whole, Asia accounted for 47.4 percent of the total PCT applications last year – almost matching the combined shares of Europe at 25.6 percent and North America at 25.3 percent.

China PCT applications grew by 44.7 percent in 2016. Still considered as a middle-income economy, China had been posting double-digit growth each year in PCT applications since 2002. “If this current trend continues, China will overtake the U.S. within two years as the largest user of the PCT system,” according to WIPO.

China and India, with its 1,529 PCT applications in 2016, were the only two middle-income countries among the top 15 origins of PCT applications for this period.

The establishment of the Shanghai Free Trade Zone (FTZ) is likely to further boost IP activities in China and consequently, the workload of China-based IP law firms in the near term. The Shanghai FTZ is touted as the first Hong Kong-like free trade area in mainland China, and it is expected to encompass the city’s entire Pudong district. To support the anticipated increase in trade and IP activities, Chinese authorities have allowed local and foreign law firms to set up associations in the Shanghai FTZ.

Tier 1 international law firm Hogan Lovells was among the first to seize this opportunity. “This new association with Fujian Fidelity allows us – in contrast to most other international law firms – to offer direct domestic Chinese legal advice and litigation services in the Chinese courts on top of our integrated international legal services,” the firm said.

IP litigation in China has never been busier and rewarding for the litigation winners, at least in terms of the amount of damages awarded by the courts. In 2016, courts nationwide concluded 147,000 IPR cases in the first instance alone, based on the latest figures from the Supreme People’s Court (SPC), China’s top court.

Last year, the Beijing IP Court – one of China’s newly established IP Courts – ordered a USB keys manufacturer to pay a total of 50 million yuan or about \$7.2 million in damages to another manufacturer. According to the SPC, this was the highest amount awarded since the court was founded in November 2014. To add to the IP Courts of Beijing, Shanghai, and Guangzhou, the SPC has announced that Nanjing, Suzhou, Wuhan and Chengdu have set up their own IPR adjudication divisions. The latest additions could help speed up litigation in China amid growing IP activities.

## HONG KONG

### PATENTS

#### TIER 1

- Baker McKenzie
- Bird & Bird
- Deacons
- Hogan Lovells

#### TIER 2

- Barron & Young
- DLA Piper
- Jones Day
- Marks & Clerk
- Mayer Brown JSM
- Morrison & Foerster
- Oldham, Lie & Nie
- Quinn Emanuel Urquhart & Sullivan
- Spruson & Ferguson
- Wilkinson & Grist
- Vivien Chan & Co

#### TIER 3

- Dechert
- Eagle IP
- Freshfields Bruckhaus Deringer
- Norton Rose Fulbright
- Oldham, Lie & Nie
- Robin Bridge & John Liu
- Stephenson Harwood
- Squire Patton Boggs

### COPYRIGHT/TRADEMARK

#### TIER 1

- Baker McKenzie
- Bird & Bird
- Deacons
- Hogan Lovells
- Mayer Brown JSM
- Wilkinson & Grist

#### TIER 2

- AWA Asia
- Dechert
- DLA Piper
- Norton Rose Fulbright
- Oldham, Lie & Nie
- Quinn Emanuel Urquhart & Sullivan
- Robin Bridge & John Liu
- Stephenson Harwood
- Simmons & Simmons
- Vivien Chan & Co

#### TIER 3

- Barron & Young
- Clifford Chance
- Freshfields Bruckhaus Deringer
- Jones Day
- Morrison & Foerster
- Spruson & Ferguson
- Squire Patton Boggs

## INDIA

### PATENTS

#### TIER 1

- Anand and Anand
- Chadha & Chadha
- K&S Partners
- Lakshmikumaran & Sridharan
- Luthra & Luthra
- Remfry & Sagar

#### TIER 2

- Cyril Amarchand Mangaldas
- Fox Mandal & Associates
- IndusLaw
- Khaitan & Co
- Khurana & Khurana
- Lall Lahiri & Salhotra
- Majmudar & Partners
- R.K. Dewan & Co
- Singh & Singh Lall & Sethi
- Subramaniam, Nataraj & Associates

#### TIER 3

- ALMT Legal
- AZB & Partners
- DePenning & DePenning
- Fidus Law Chambers
- Mason & Associates
- Perflexio Legal
- RNA IP Attorneys
- Samvād: Partners, Advocates
- Saikrishna & Associates
- ZeusiP

### COPYRIGHT/TRADEMARK

#### TIER 1

- Anand and Anand
- Chadha & Chadha
- IndusLaw
- K Law/Krishnamurthy & Co
- Lall Lahiri & Salhotra
- Remfry & Sagar
- Saikrishna & Associates

#### TIER 2

- AZB & Partners
- Cyril Amarchand Mangaldas
- Fidus Law Chambers
- Fox Mandal & Associates
- Khaitan & Co
- Khurana & Khurana
- Lakshmikumaran & Sridharan
- Luthra & Luthra
- Majmudar & Partners
- R.K. Dewan & Co
- RNA IP Attorneys
- Singh & Singh Lall & Sethi
- Subramaniam, Nataraj & Associates
- ZeusiP

#### TIER 3

- DePenning & DePenning
- K&S Partners
- Krishna & Saurastri Associates
- Mason & Associates
- Phoenix Legal
- Samvād: Partners, Advocates

## INDONESIA

## PATENTS

## TIER 1

- Am Badar & Partners
- Hadiputranto, Hadinoto & Partners
- Rouse/Suryomurcito & Co
- SKC Law
- Tilleke & Gibbins

## TIER 2

- Acemark IP
- AMR Partnership
- Barumun International Patent
- Biro Oktroi Roosseno
- George Widjojo & Partners
- Hadromi Adnan IP Group
- Inter Patent Office
- Januar Jahja & Partners
- K&K Advocates
- Pacific Patent Multiglobal
- Roosdiono & Partners

## TIER 3

- Assegaf Hamzah & Partners
- Budidjaja & Associates Lawyers
- Citius Intellectual Property
- Lumenta, Sitorus & Partners
- Makarim & Taira S.
- Pulangan, Wiston & Partners
- Prawiranegara International Patent & Trademark
- SS&R Legal Consultants

## COPYRIGHT/TRADEMARK

## TIER 1

- Hadiputranto, Hadinoto & Partners
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- Prawiranegara International Patent & Trademark
- SS&R Legal Consultants

## JAPAN DOMESTIC

## PATENTS

## TIER 1

- Abe, Ikubo & Katayama
- Anderson Mori & Tomotsune
- Mori Hamada & Matsumoto
- Nagashima Ohno & Tsunematsu
- Oh-Ebashi LPC & Partners

## TIER 2

- Abe & Partners
- Atsumi & Sakai
- Fukami Patent Office
- Itoh International Patent Office
- Nakamura & Partners
- Nishimura & Asahi
- Ohno & Partners
- Onda Techno Int. Patent Attys.
- Ryuka IP Law Firm
- Seiwa Patent & Law
- Shiga International Patent Office
- Soei Intellectual Property Law
- Sugimura International Patent & Trademark Attorneys
- TMI Associates

## COPYRIGHT/TRADEMARK

## TIER 1

- Mori Hamada & Matsumoto
- Nagashima Ohno & Tsunematsu
- Nakamura & Partners
- TMI Associates

## TIER 2

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- Nishimura & Asahi
- Oh-Ebashi LPC & Partners
- Seiwa Patent & Law
- Shiga International Patent Office
- Sugimura International Patent & Trademark Attorneys

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- Ryuka IP Law Firm
- Soei Intellectual Property Law

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- Hogan Lovells
- Morgan, Lewis & Bockius
- Morrison & Foerster
- Orrick, Herrington & Sutcliffe
- Quinn Emanuel Urquhart & Sullivan
- Ropes & Gray

## TIER 2

- Baker McKenzie
- Foley & Lardner
- Squire Patton Boggs

## COPYRIGHT/TRADEMARK

## TIER 1

- Baker McKenzie
- Hogan Lovells
- Morrison & Foerster

## TIER 2

- Finnegan, Henderson, Farabow, Garrett & Dunner
- Foley & Lardner
- Morgan, Lewis & Bockius
- Orrick, Herrington & Sutcliffe
- Squire Patton Boggs

## MALAYSIA

## PATENTS

## TIER 1

- Marks & Clerk
- Shearn Delamore & Co
- Skrine
- Wong & Partners

## TIER 2

- Christopher & Lee Ong
- Rahmat Lim & Partners
- Raja Darryl & Loh
- Shook Lin & Bok
- Tay & Partners

## TIER 3

- Lee Hishammuddin Allen & Gledhill
- Wong Jin Nee & Teo
- Zaid Ibrahim & Co

## COPYRIGHT/TRADEMARK

## TIER 1

- Lee Hishammuddin Allen & Gledhill
- Marks & Clerk
- Shearn Delamore & Co
- Skrine
- Tay & Partners
- Wong & Partners

## TIER 2

- Christopher & Lee Ong
- Wong Jin Nee & Teo
- Zaid Ibrahim & Co

## TIER 3

- Rahmat Lim & Partners
- Raja Darryl & Loh

## PHILIPPINES

PATENTS/COPYRIGHT/  
TRADEMARK

## TIER 1

- ACCRALAW
- Castillo Laman Tan Pantaleon & San Jose
- Cruz Marcelo and Tenefrancia
- Quisumbing Torres
- Romulo Mabanta Buenaventura Sayoc & De Los Angeles
- SyCip Salazar, Hernandez & Gatmaitan
- Villaraza & Angangco

## TIER 2

- Baranda & Associates
- Bengzon Negre Untalan
- Betita Cabilao Casuela Sarmiento
- Carag Caballes Jamora & Somera
- MarksPro
- Puyat Jacinto & Santos

## SINGAPORE

## PATENTS

## TIER 1

- Allen & Gledhill
- Bird & Bird ATMD
- Dentons Rodyk & Davidson
- Drew & Napier
- Lee & Lee
- Marks & Clerk Singapore

## TIER 2

- Amica Law
- Baker & McKenzie Wong & Leow
- Davies Collison Cave
- Donaldson & Burkinshaw
- Joyce A. Tan & Partners
- Rajah & Tann
- Ravindran Associates
- RHTLaw Taylor Wessing
- Spruson & Ferguson
- Viering, Jentschura & Partner

## TIER 3

- Cantab IP
- Colin Ng & Partners
- Gateway Law Corporation
- Mirandah Asia
- Morgan Lewis
- Samuel Seow Law
- WongPartnership

## COPYRIGHT/TRADEMARK

## TIER 1

- Allen & Gledhill
- Amica Law
- Baker & McKenzie Wong & Leow
- Bird & Bird ATMD
- Dentons Rodyk & Davidson
- Donaldson & Burkinshaw
- Drew & Napier
- Lee & Lee
- WongPartnership

## TIER 2

- Colin Ng & Partners
- Gateway Law Corporation
- Joyce A. Tan & Partners
- Rajah & Tann
- Ravindran Associates
- RHTLaw Taylor Wessing
- Samuel Seow Law

## TIER 3

- Davies Collison Cave
- Ella Cheong
- Robinson LLC
- Mirandah Asia
- Morgan Lewis
- Spruson & Ferguson

## SOUTH KOREA

## PATENTS

## TIER 1

- Bae, Kim & Lee
- Kim & Chang
- Lee & Ko
- Shin & Kim
- Yoon & Yang
- Yulchon

## TIER 2

- Dr. Ahn International Patent Law Office
- Finnegan, Henderson, Farabow, Garrett & Dunner
- Lee International IP & Law Group
- Ropes & Gray

## TIER 3

- AIP Patent & Law Firm
- AJU Kim Chang & Lee
- Central Intellectual Property & Law
- Cho & Partners
- Kasan IP & Law Firm
- Kim, Choi & Lim
- Koreana Patent Firm

## TIER 4

- 5T International Patent Law Firm
- Barun IP & Law
- Muhann Patent & Law Firm
- Yangjae Law Firm
- You Me Patent & Law Firm
- Y.P. Lee Mock & Partners

## COPYRIGHT/TRADEMARK

## TIER 1

- Bae, Kim & Lee
- Kim & Chang
- Lee & Ko
- Shin & Kim
- Yulchon

## TIER 2

- AJU Kim Chang & Lee
- Finnegan, Henderson, Farabow, Garrett & Dunner
- Lee International IP & Law Group
- Ropes & Gray
- Yoon & Yang

## TIER 3

- Barun IP & Law
- Central International Law Firm
- Cho & Partners
- Jipyong
- Kim, Choi & Lim
- Muhann Patent & Law Firm
- You Me Patent & Law Firm
- YP Lee Mock & Partners

## TAIWAN

## PATENTS

## TIER 1

- Baker McKenzie
- Finnegan, Henderson, Farabow, Garrett & Dunner; Fei Han Foreign Legal Affairs Law Firm
- Jones Day
- Lee and Li
- Saint Island International Patent & Law
- Tai E International Patent & Law
- TIPLo

## TIER 2

- Chen & Lin
- Formosan Brothers
- Formosa Transnational
- Tsar & Tsai

## TIER 3

- Deep & Far
- Eiger
- Tsai, Lee & Chen
- Winkler Partners

## COPYRIGHT/TRADEMARK

## TIER 1

- Baker McKenzie
- Chen & Lin
- Lee and Li
- Saint Island International Patent & Law Offices
- Tai E International Patent & Law
- Tsar & Tsai
- TIPLo

## TIER 2

- Deep & Far
- Eiger
- Formosa Transnational
- Formosan Brothers
- Finnegan, Henderson, Farabow, Garrett & Dunner, LLP; Fei Han Foreign Legal Affairs Law Firm
- Jones Day
- Tsai, Lee & Chen
- Winkler Partners

In South Korea, another patent-heavy jurisdiction in the region, one law firm has observed an increasing number of local pharmaceutical companies developing new drugs – an alternative to producing generic versions of originator drugs. “Recently, more Korean pharmaceutical companies are investing in the development of new drugs, moving away from their previous focus on generic drugs. As a result, the number of patent applications for newly invented drugs has been continuously increasing.”

Interestingly, this observation came two years after the full implementation of amendments to South Korea’s Pharmaceutical Affairs Act. Among these changes is the patent-product approval linkage system, which is similar to the Hatch-Waxman Act of the U.S. This system allows originator drug companies to obtain sales stay of generic drugs, pending the resolution of an infringement case between two drug companies.

This delays the entry of generic drugs into the market, pushing some generic-drug manufacturers to raise the ante. “With the implementation of the patent-approval linkage system in March 2015 in Korea, many global innovator pharmaceutical companies have been subject to countless invalidation and scope confirmation challenges by domestic generic pharmaceutical companies seeking to market and sell generic versions of brand name drugs,” commented another law firm.

In 2016, most of the big patent cases handled by the top law firms in South Korea were related to pharmaceuticals, based on the submissions received by ALB.

The same holds true in Japan, which also counts pharmaceuticals as an important component in its patent portfolio, along with technology. In 2016, two of the top 10 PCT filers were Japanese companies – Mitsubishi Electric and Sony.

## TRADEMARK AND INDUSTRIAL DESIGN

The Madrid System, WIPO’s international trademark filing service, works like the PCT and similarly posted a year-on-year growth of 7.2 percent, translating to 52,550 applications.

In particular, China recorded the fastest growth at 68.6 percent and was the most designated jurisdiction for international trademark applications in 2016. This reflects the common strategy of global brands to prioritise securing trademark protection within China. Computer and electronics was the top class for the Madrid applications in 2016.

One of the most followed trademark disputes in China last year involved the name of American basketball star Michael Jordan. China’s SPC reported that it concluded 2016 with several IPR cases with social impact, the Jordan trademark dispute among them.

“The closure of the cases have shown that China is determined to protect IPR and fight against infringement,” the top court said in a release. In its decision, SPC ruled that Jordan has rights extending to the Chinese translation of his surname, and ordered the cancellation of several trademarks that a local sports company had registered

under the sports star's name for a variety of products, including swimsuits and soy milk.

Meanwhile, the Hague System, WIPO's system for international industrial design application, also posted a year-on-year growth of 13.9 percent or 18,716 in design applications.

## CYBERSQUATTING DISPUTES

One platform in IP that has received more attention and shown increased activity, particularly in the areas of IP settlement and litigation, is the internet.

According to WIPO, the number of cybersquatting disputes forwarded by trademark owners for settlement to its Uniform Domain Name Dispute Resolution Policy (UDRP) in 2016 also hit an all-time high of 3,036 cases. This was 10 percent higher than the number of cases lodged the previous year. Another popular venue for the resolution of IP disputes is the International Court of Arbitration of the International Chamber of Commerce (ICC). Founded in 1923, The ICC's International Court of Arbitration is still widely regarded as a leading forum for resolving international commercial disputes.

The growing number of cybersquatting cases forwarded to the WIPO Center was especially driven by disputes stemming from the introduction of new generic Top-Level Domains (gTLDs). Said to be one of the biggest changes to the internet since its inception, gTLDs expand the list of domain extensions available for use by businesses.

According to WIPO, cybersquatting disputes tied to new gTLDs accounted for 16 percent of the 2016 caseload of 5,374 domain names. Topping the common new gTLDs in dispute were the domain names of .XYZ, .TOP and .CLUB.

"The continuing growth in cybersquatting cases worldwide shows the need for continued vigilance by trademark owners and consumers alike. This is even more important as a considerable number of these disputes involve incidents of online counterfeiting," said WIPO's Gurry. Most of the cases were from the banking and finance, fashion, heavy industry and machinery, internet and IT, biotechnology and pharmaceuticals, and retail.

One of the biggest domain cases forwarded to UDRP for resolution in China last year involved weixin.com. Weixin is the Mandarin translation of WeChat, the messaging app of Tencent, China's largest internet service portal.

Apart from the IP heavyweight trio of China, South Korea, and China, Singapore and Hong Kong have also worked extra hard to make a name in the global IP scene. Singapore is positioning itself to become an Asian IP hub, starting off with its IP commercialisation programme.

Law firms in India and Taiwan as well as in Southeast Asia also witnessed another record year in IP filings, registrations, and dispute settlement – a testament to growing trade in the region. As a result, the number and the complexity of IP cases have also increased, to the delight of IP law firms and practitioners. Talk about biosimilar, three-dimensional mark, parallel importation, and plain packaging, to name a few, are among the emerging issues from this region. <sup>ALB</sup>

## THAILAND

### PATENTS

#### TIER 1

- Baker McKenzie
- Domnern Somgiat & Boonma
- Rouse
- Tilleke & Gibbins

#### TIER 2

- Apisith & Alliance
- Chavalit & Associates
- Satyapon & Partners
- Siam Premier International
- Vidon & Partners
- ZICO IP

#### TIER 3

- Ananda IP
- Dej – Udom & Associates
- Dharmniti Law Office

### COPYRIGHT/TRADEMARK

#### TIER 1

- Baker McKenzie
- Domnern Somgiat & Boonma
- Tilleke & Gibbins
- ZICO IP

#### TIER 2

- Apisith & Alliance
- Chavalit & Associates
- Rouse
- Satyapon & Partners
- Siam Premier International
- Vidon & Partners

#### TIER 3

- Ananda IP
- Dej – Udom & Associates
- Dharmniti Law Office

## VIETNAM

### PATENTS

#### TIER 1

- Baker McKenzie
- Pham & Associates
- Tilleke & Gibbins
- Vision & Associates

#### TIER 2

- Hogan Lovells
- Indochine Counsel
- InvestConsult Group
- Rouse
- SB Law
- ZICO Law

#### TIER 3

- Bross & Partners
- IPMAX Law
- Phuoc & Partners

### COPYRIGHT/TRADEMARK

#### TIER 1

- Baker McKenzie
- Hogan Lovells
- IPMAX Law
- Tilleke & Gibbins
- Vision & Associates

#### TIER 2

- Bross & Partners
- Indochine Counsel
- InvestConsult Group
- Pham & Associates
- Rouse
- SB Law
- ZICO Law

#### TIER 3

- LNT & Partners
- Phuoc & Partners

## OUR METHODOLOGY

- ALB drew information from firm submissions, interviews, editorial resources and market suggestions to identify and rank the top firms for intellectual property in Asia.
- The research covered the period spanning from January 2016 to February 2017. This includes both ongoing work (contentious and non-contentious) and matters that were closed during this timeframe.
- The IP rankings are separated into two tables: Patent and Trademark/Copyright. The rankings are also divided into tiers, with the first tier identifying the strongest IP firms in each jurisdiction.
- The rankings cover the following jurisdictions: China, Hong Kong, India, Indonesia, Japan, Malaysia, Philippines, Singapore, South Korea, Taiwan, Thailand and Vietnam.
- The rankings feature both domestic and international firms. The following jurisdictions have separate tables for domestic firms and international firms: China, Japan and South Korea.
- Our research did not cover Australia and New Zealand.

## OUR METRICS:

- The volume, complexity and size of work undertaken
- Presence across Asia and in individual jurisdictions
- Key personnel hires and growth of the practice group
- Key clients and new client wins
- Firm's visibility and profile in the region
- Year-on-Year development and momentum

CHINA

From battling trolls and imitators of full product lines, mitigating trade-secret exposure, and dealing with multi-jurisdictional IP disputes, China almost saw it all in 2016. In particular, most of the cross-border disputes stemmed from the aggressive expansion of Chinese companies to Europe, the U.S., and elsewhere.

In one patent troll-related case, Tier 1 international firm Hogan Lovells represented Daimler's Chinese subsidiary and joint venture in a patent infringement and invalidation dispute with an alleged non-practicing entity. "We successfully defended Daimler against infringement lawsuits in the Beijing court, causing the cases to be dismissed after trial. This is significant because it's the first real abusive patent case involving a patent troll in China," said Hogan Lovells.

Fellow Tier 1 firm Orrick, Herrington & Sutcliffe worked on a design enforcement action for Hamilton Beach Brands against copycats of its breakfast sandwich makers. It sought custom seizure and followed through with a civil action. "This precedent-setting case has become a model that domestic companies and other foreign companies doing business in China can follow," explained Orrick.

For one client, Baker McKenzie FenXun (FTZ) Joint Operation Office turned to Article 149 in the PRC Criminal Law, on manufacturing and selling inferior and shoddy goods, to get a "heavier punishment than normal crime of trademark infringement," said the firm.

The Tier 1 firms for international patent are Allen & Overy, Baker McKenzie/Baker McKenzie FenXun (FTZ) Joint Operation Office, Bird & Bird, Jones Day, Hogan Lovells, Mayer Brown JSM, and Rouse. Joining them at the top this year are Deacons, Morrison & Foerster, Norton Rose Fulbright, Orrick, Herrington & Sutcliffe, and Ropes & Gray.

In international trademark and

copyright, the Tier 1 firms are Baker McKenzie/Baker McKenzie FenXun (FTZ) Joint Operation Office, Bird & Bird, Deacons, Hogan Lovells, Mayer Brown JSM, Orrick, Herrington & Sutcliffe, Rouse, and Wilkinson & Grist.

HONG KONG

Hong Kong is poised to become a regional IP trading centre in Asia, and it is counting on its closer ties with mainland China to make this happen, among others.

In an IP forum last December, former Hong Kong Chief Executive Leung Chun-ying noted that the city has "great opportunities as the Chinese mainland is a growing IP market." He added, "The Chinese mainland has surpassed the U.S. to top the world in many categories of IP, with rapid growth."

Under the "One Country, Two Systems" policy, Leung noted that Hong Kong can "become a bridge that links the IP markets of the Chinese mainland and the rest of

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## 主要业务领域 KEY PRACTICE AREA

- 资本市场/证券  
Capital Markets/Securities
- 银行与金融  
Banking and Finance
- 知识产权  
Intellectual Property
- 公司法与法律顾问  
Corporate & Legal Consulting
- 劳动法  
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Taxation
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# COVER STORY

the Asia and the world.” The MIT Hong Kong Innovation Node is one programme that supports this direction. Launched in 2016, it aims to connect the Massachusetts Institute of Technology community in the U.S. to resources and opportunities in Hong Kong and China.

Already, Hong Kong’s IP trading agenda has involved some law firms. Tier 1 trademark and copyright firm Wilkinson & Grist was appointed by the Intellectual Property Department of Hong Kong’s Special Administrative Region (SAR) government to provide training to SMEs participating in its IP Managers Scheme. The said programme was launched to build the city’s IP manpower capacity and to support the IP trading agenda.

With the government’s proposal to increase the warning size on cigarette packs for a health warning cover from the current 50 percent to 85 percent, Robin Bridge & John Liu (RBJL) was tapped by the tobacco

industry to prepare a counterposition. “It is our contention that the policy would nullify the effect of trademarks, and consumers would be left with no means to readily distinguish different cigar products,” said RBJL.

## INDIA

In 2016, the Indian government released the long-awaited National Intellectual Property Rights Policy. It has been described by the government as compliant with the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). TRIPS is the World Trade Organization’s (WTO) agreement on IP.

The new IRP Policy tackled the controversial issues of IP flexibilities and compulsory licensing, which is a tool provided to governments to allow the manufacture of a patented product without consent of the patent owner in the name of public interest. However, some observers commented that the policy

does not sufficiently clarify some issues, particularly those concerning patents on drugs. In particular, the U.S. takes note of Section 3(d) in the Indian Patent Act which requires patents to be granted only for true innovations, denying patents for modified, improved medicines.

The newly released policy did not open the particular controversial section in the Indian Patent Act. Jurisprudence, along with new developments such as the rise of biosimilars, is likely to still be the predominant factor in shaping the direction of India in this area.

Tier 1 firm Remfry and Sagar was among those tapped to draft the National IP Policy. In 2016, most leading law firms in India worked on drug-related patent prosecution and infringement cases.

In patent, Chadha & Chadha and Luthra & Luthra join the cluster of Tier 1 firms. The other firms are Anand and Anand, K&S Partners, Lakshmikumaran & Sridharan, and Remfry & Sagar.

In copyright and trademark, Chadha & Chadha, IndusLaw, and K Law/ Krishnamurthy & Co move up to Tier 1. The



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### PRACTICE AREAS

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| Patents                           | Copyrights                      |
| Litigation and Dispute Resolution | IT law and Domain name disputes |
| Trademarks                        | Sports law                      |
| Designs                           | Fashion and Luxury law          |
| Art and Antiquities               | Media and Entertainment law     |
| Competition / Antitrust           | Licensing and Franchising       |
| Compliance / Regulatory           | Advertising law                 |
| Plant Variety                     | Anti-Counterfeiting             |
| Biodiversity                      | Criminal law                    |
| Contractual and Commercial IP     | Customs and Border Enforcement  |

### AWARDS AND ACCOLADES



Chambers Asia Pacific Band 1 Firm (India) 2017  
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Life Sciences



MIP - Firm of the Year 2015, 2016 & 2017  
India - Contentious



WTR 1000 - Gold Band 2015, 2016 & 2017



IAM Patent 1000 - Gold band 2015 & 2016



Asia IP - Firm of the Year  
Patents 2016



IBLJ - Law Firm of the Year  
Intellectual Property 2015 & 2016

other leading firms are Anand and Anand, Lall Lahiri & Salhotra, Remfry & Sagar, and Saikrishna & Associates.

## INDONESIA

Indonesia's parliament passed a new Patent law in July 2016.

Among other key changes, it introduced the patentability of computer programmes with technical effects, employee-invention ownership, simple patents for processes, and post-grant amendment. It also includes provisions on compulsory license and calls for the actual use of the patent in Indonesia. It also sets higher criminal sanctions for patent infringements..

In addition to routine IP searches, prosecutions, and oppositions for domestic and foreign clients, enforcement remained big in Indonesia.

Tier 1 firm SKC Law, as an example, assisted sports brand Nike in going after the source of the counterfeit products. "In the three years of running this campaign, we have successfully targeted domestic

production facilities. This has involved using intelligence gathered through investigation and surveillance to coordinate criminal raids on footwear and garment factories. We also targeted retail facilities with the aim of disrupting the market for counterfeit product," noted SKC Law.

In patent, SKC Law moved up to join the Tier 1 firms of Am Badar & Partners, Hadiputranto, Hadinoto & Partners, Rouse/Suryomurcito & Co, and Tilleke & Gibbins.

In trademark and copyright, Inter Patent Office, Roosdiono & Partners, and SKC Law are the newest additions to the Tier 1 list. Others include Hadiputranto, Hadinoto & Partners, K&K Advocates, and Rouse /Suryomurcito & Co.

## JAPAN

In Japan, most of the disputes handled by law firms involved patents, specifically in the areas of pharmaceuticals, technology devices, and gaming. This was expected as Japan remains a technology and manufacturing-driven economy.

Patent accounted for the bulk of total filings and registrations last year. According to the Japan Patent Office (JPO), there were 324,861 patent and utility model applications in 2016 – down by 0.2 percent from the previous year; 30,879 design applications – higher by 3.3 percent; and 161,859 trademark applications – up by 9.9 percent. National applications for design went down by 2.2 percent to 28,796, but national applications for trademark shot up by 12.7 percent to 148,024.

The total number of registered patents in 2016 soared by 7.3 percent to 203,087; utility models dropped by 5.9 percent to 6,297; design was fell by 3.6 percent to 25,344; and trademarks grew by 7.3 percent to 105,207.

Anderson Mori & Tomotsune and Oh-Ebashi LPC & Partners moved up to join Tier 1 domestic patent firms Abe, Ikubo & Katayama, Mori Hamada & Matsumoto, and Nagashima Ohno & Tsunematsu. In domestic trademark and copyright, the

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## COVER STORY

Tier 1 firms are Mori Hamada & Matsumoto, Nagashima Ohno & Tsunematsu, Nakamura & Partners, and TMI Associates.

Morgan, Lewis & Bockius and Orrick, Herrington & Sutcliffe join this year's list of Tier 1 firms in international patent.

### MALAYSIA

Similar to its next-door neighbour Singapore, Malaysia is also looking at IP financing to allow IP right owners get more value from their intangible assets. This may come in the form of enabling an IP to be used as a collateral for a loan or for other types of financing.

Already, the government has the IPR Marketplace initiative which seeks to bring in one forum IP owners, investors, and businesses to facilitate the commercialisation of IP rights. It also recently established a funding programme to assist local creators and innovators.

However, IP infringement, and in particular piracy, continued to be a nagging problem in the country – a situation that most of its Southeast Asian neighbours also face. "Online content piracy remains a growing concern in Malaysia," noted one law firm in its submission.

According to a recent report from digital platform security provider Irdeto, Malaysia recorded the second largest share of content piracy in Southeast Asia, next to the Philippines, in the first quarter of 2016. Pirated content comes in DVD (digital video disc) format and uses VPN networks (virtual private networks) and P2P (peer-to-peer) networks.

In 2016, some law firms in Malaysia experienced first hand the further expansion of the breadth of the IP practice, with the emergence of new cases.

Tier 1 firms in patent are Marks & Clerk, Shearn Delamore & Co, Skrine and Wong & Partners. In copyright and trademark, Marks & Clerk and Tay & Partners move up to Tier 1, joining Lee Hishammuddin Allen & Gledhill and others.

### PHILIPPINES

According to government figures, the Philippine economy grew by 6.9 percent in Q1 of 2016, the highest quarterly growth in almost three years, and among the fastest in the whole of Asia.

It is expected that the booming economy could further increase the volume of IP filings and related activities of both local and foreign IP rightholders.

In 2016, the Intellectual Property Office of the Philippines recorded a total of 27,120 trademark applications, almost doubling

the 14,496 total trademark applications in 2006, exactly a decade ago.

The Philippines' IP numbers are still relatively small compared to filings in other jurisdictions in the region. But law firms engaged in IP have never been busier, particularly in the areas of IP prosecution as well as enforcement and litigation.

Tier 1 firms include ACCRALAW; Castillo Laman Tan Pantaleon & San Jose; Cruz Marcelo and Tenefrancia; Romulo Mabanta Buenaventura Sayoc & De Los Angeles; SyCip Salazar, Hernandez & Gatmaitan; and Villaraza & Angangco.

### SINGAPORE

In Singapore, the government's regional IP hub and IP commercialisation plan is starting to take shape, with some law firms starting to work on related cases and assignments.

The city-state's rapidly evolving IP scene also saw unconventional cases and breakthrough court decisions.

Morgan, Lewis & Bockius was involved in *Singsung vs. LS Electronics*, a case which resulted in landmark ruling from Singapore's Court of Appeal. The decision established two novel points: first, in an action for passing-off, the defendant's intention to copy may be used as a basis for the court to establish goodwill and deception; and second, a court may choose to award no

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## COVER STORY

damages in a claim for groundless threats of copyright infringement, even if such threats are proven. "This was a landmark decision in Singapore intellectual property law," said Morgan Lewis.

Tier 1 firm Drew & Napier represented Singapore-listed Petra Foods – which has since been renamed as Delfi Limited – in a closely followed and much-publicised case against Nestlé that evoked the biblical tale of David and Goliath. In a judgment delivered by the Singapore's Court of Appeal in November, it junked Nestlé's appeal against Delfi's rectangular-shaped chocolate wafer product.

Bird & Bird represented Allergan in a successful trademark infringement and passing-off claim against a local company before the Singapore High Court. The decision was important on two grounds, said the firm. As it explained, "It is the first local decision on the comparative advertising defence to trademark infringement and

also marks the first time that the High Court considered the question of whether end-users should be included as part of the relevant public in the likelihood of confusion analysis for trademark infringement where the subject mark is used in respect of a pharmaceutical product."

Baker McKenzie.Wong & Leow began work on a case for Sanrio involving intermediary liability for the transshipment of infringing products through Singapore. As the firm said, "This case is ongoing before the High Court of Singapore. In the meantime, we have expanded the relationship with the client and are now actively assisting the client to coordinate anti-counterfeiting actions in Singapore, Malaysia and Indonesia."

In patent, the Tier 1 firms are Allen & Gledhill, Bird & Bird ATMD, Dentons Rodyk & Davidson, Drew & Napier, Lee & Lee, and Marks & Clerk Singapore. In trademark and copyright, the Tier 1 firms are Allen & Gledhill, Amica Law, Baker McKenzie.Wong & Leow, Bird & Bird ATMD, Dentons Rodyk & Davidson, Drew & Napier, Lee & Lee, and WongPartnership.

## SOUTH KOREA

The patent-heavy IP scene of South Korea witnessed many firsts in 2016.

Among them was a case handled by Tier 1 firm Kim & Chang, in which it successfully blocked the launch of a generic drug by obtaining a sales stay under the patent linkage system. It was also able to obtain favourable decisions for its client in both patent infringement and invalidation actions. "In the course of these proceedings, various important issues concerning patent linkage litigations in Korea have been clarified, such as by establishing that initiating a patent infringement action without direct evidence of infringement is not frivolous, and that injunctive relief can be granted for infringement even if the generic product has not yet been launched in the market," explained Kim & Chang.

Shin & Kim, another Tier 1 firm, took on a case for Hanmi Pharmaceutical against Eli Lilly, which posed the question of whether the price reduction of an original drug resulting from the entry of a generic drug



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into the market could constitute damages caused by patent infringement. In October last year, Eli Lilly's appeal was dismissed, thus rejecting the notion it raised.

The Tier 1 patent firms are Bae, Kim & Lee, Kim & Chang, Lee & Ko, Shin & Kim, Yoon & Yang, and Yulchon. In trademark and copyright, Bae, Kim & Lee and Shin & Kim, join the Tier 1 firms of Kim & Chang, Lee & Ko, and Yulchon.

## TAIWAN

In 2016, the Taiwans Intellectual Property Office (TIPO) received 72,442 patent applications, marking a drop of 1.61 percent from the previous year. The number of patents granted in 2016 was 76,406 – 2.16 percent lower than in 2015. Some 16,317 applications were rejected and 548 patents were invalidated.

Of the total patent applications in 2016, 40,433 were resident applications while 31,999 were non-resident applications. The number of invention patents was 43,836.

For utility models, it was 20,161 while for design applications it was 8,445. The top countries of origin for foreign applications were Japan, the U.S., China, South Korea and Germany.


In trademark, TIPO received 79,300 applications – a 99 percent increase from the previous year – and registered a total of 68,177 trademarks. Of the total applications, 57,548 were resident applications and 21,752 were non-resident applications. Of the total number of registered trademarks, 48,828 were resident applications and 19,349 were non-resident applications. It received a total number of 658 applications for opposition and 157 applications for invalidation. The top sources of foreign applications were China, Japan, the U.S., Hong Kong, and South Korea.

The IP workload of law firms in Taiwan last year consisted mostly of trade-secret disputes involving former employees, patent prosecution and litigation, especially involving drugs, trademark filing, opposition, invalidation, and also seizure of counterfeit replicas and fighting against trademark squatting.

In *Vertex Pharmaceuticals Inc. vs. TIPO*, Tier 1 firm Saint Island International Patent & Law Offices represented U.S. pharma company Vertex in challenging the procedure of not allowing the electronic copy of priority document. "After months of negotiation and appeal, we were happy to see that TIPO eventually adopted our suggestion and amended the Enforcement Rules of Patent Act in July 2016, adding to it a new clause that permits patent applicant to submit a photocopy of priority document followed by an electronic version downloaded from the foreign patent office's website," it said.

Joining the list of Tier 1 firms in patent are Finnegan, Henderson, Farabow, Garrett & Dunner; Fei Han Foreign Legal Affairs Law Firm; and Saint Island International Patent & Law. The other Tier 1 firms in patent are Baker McKenzie, Jones Day, Lee and Li, Tai E International Patent & Law, and Taiwan International Patent & Law Office.

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In trademark and copyright, Chen & Lin, Saint Island International Patent & Law Offices and Tai E International Patent & Law move up to Tier 1. The other Tier 1 firms are Baker McKenzie, Lee and Li, Tsar & Tsai, and Taiwan International Patent & Law Office.

### THAILAND

The closely integrating economies of Southeast Asia, boosted by the 10-nation regional grouping of Association of Southeast Asian Nations (ASEAN), present new opportunities as well as challenges for Thai-based IP firms.

Regional patent and trademark portfolio management assignments were on the rise, and so were the IP cross-border disputes within the region.

For example, ZICO IP, a Tier 1 firm in copyright and trademark, worked on a

cross-border trademark dispute for Safe-T-Cut Thailand and Safe-T-Cut Manufacturing Co., a manufacturer and distributor of automatic circuit breakers, against a Lao company over the the company's "SAFE-T-CUT" house mark.

Baker McKenzie introduced what it described as a new approach to IP protection in the ASEAN. Called the "ASEAN Trademark Package", the initiative allows for the coordinated search and prosecution of trademarks across ASEAN.

In patent, the Tier 1 firms were Baker McKenzie, Domnern Somgiat & Boonma, Rouse, and Tilleke & Gibbins. In copyright and trademark, ZICO IP moved up to join the Tier 1 firms of Baker McKenzie, Domnern Somgiat & Boonma, and Tilleke & Gibbins.

### VIETNAM

In addition to routine proceedings such as filing, opposition, and seizures, law firms in Vietnam also found themselves tackling new areas in IP.

Bross & Partners, a Tier 2 firm in trademark and copyright, worked with Germany's confectionary giant Haribo Group and its subsidiary Rigo Trading in securing exclusive rights for certain non-traditional marks. "These are currently deemed too difficult to succeed in Vietnam on behalf of the client. In early 2017, non-traditional marks are almost not accepted for protection by NOIP (National Office of Intellectual Property of Vietnam)," said the firm.

Tier 1 firm Tilleke and Gibbins was able to register a 3D mark for Cartier's iconic "red box."

Tilleke also noted that this development may pave the way for more 3D trademarks to secure registration in Vietnam, and raise further the government's understanding of 3D marks.

In patent, the Tier 1 firms are Baker McKenzie, Pham & Associates, Tilleke & Gibbins, and Vision & Associates. In trademark and copyright, IPMAX Law moved up to join the Tier 1 group of Baker McKenzie, Hogan Lovells, Tilleke & Gibbins, and Vision & Associates.

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