

IP RANKINGS 2019

As Asia becomes a major innovation hub, and the filing of patents and trademarks continues at pace, law firms specialising in intellectual property are finding themselves increasingly in demand. In the 2019 edition of its annual list, ALB once again picks the top firms for IP work across the region.

BY ASIAN LEGAL BUSINESS

Asia's rise as an innovation hub has been building up in recent years, but it was in 2018 when the region became officially the world's biggest source of next-generation innovations, producing more international patent filings than Europe and North America combined.

The United Nations (UN) specialized agency for intellectual property (IP), the World Intellectual Property Organization (WIPO), reported that more than half of the record-breaking quarter-million international patent applications last year were filed by innovators from Asia.

"Asia is now the majority filer of international patent applications via WIPO, which is an important milestone for that economically dynamic region and underscores the historical geographical shift of innovative activity from West to East," said WIPO Director General Francis Gurry.

Of the total 253,000 patent applications filed in 2018 with WIPO's Patent Cooperation Treaty (PCT), the system used by individuals and organizations to file simultaneous patent applications in multiple foreign jurisdictions, Asia cornered 50.50 percent share of the total. Europe had 24.5 percent of the total while North America had 23.1 percent of the total. Total PCT filings in 2018 increased by 3.9 percent from the previous year.

Among Asian jurisdictions, China, while posting its slowest growth in PCT applications since 2002, was seen by WIPO as set to

surpass the current PCT country leader, the U.S., within the next two years. In 2018, the U.S. filed 56,142 PCT applications and China trailed close with 53,345 PCT applications. They were followed by Japan which ended the year with 49,702 PCT applications.

India, despite its still relatively smaller number of PCT applications with 2,013 PCT applications in 2018, was one of the two countries, along with Finland, which achieved double-digit growth at 27.2 percent among the top 15 origins of PCT applications. Asia's top three industrial leaders all grew by a single digit in their PCT filings in 2018 with China growing by 9.1 percent, South Korea by 8 percent and Japan by 3.1 percent.

Six companies from Asia were in the top ten list of top company applicants for PCT filings in 2018. These were Huawei Technologies, Mitsubishi Electric, ZTE, Samsung Electronics, BOE Technology Group and LG Electronics. China's telecoms giant Huawei Technologies was the top corporate filer last year with 5,405 PCT applications. On the other hand, the other Chinese corporate giant ZTE, which was the top applicant in 2016, saw a 29.8 percent drop in the number of PCT filings in 2018, marking the second straight year of declines in PCT filings for the company.

A new first for China last year was that for the first time in WIPO's PCT history, Chinese universities started to appear in the top 10 list of universities with the greatest

CHINA INTERNATIONAL*

PATENTS

TIER 1

- Allen & Overy
- Baker McKenzie/Baker McKenzie FenXun (FTZ) Joint Operation Office
- Bird & Bird
- CMS
- Deacons
- Finnegan, Henderson, Farabow, Garrett & Dunner
- Hogan Lovells
- Jones Day
- Mayer Brown
- Morgan, Lewis & Bockius
- Morrison & Foerster
- Norton Rose Fulbright
- Orrick, Herrington & Sutcliffe
- Perkins Coie†
- Ropes & Gray
- Rouse

TIER 2

- DLA Piper
- Freshfields Bruckhaus Deringer
- MMLC Group
- Stephenson Harwood
- Skadden, Arps, Slate, Meagher & Flom
- Spruson & Ferguson
- Quinn Emanuel Urquhart & Sullivan
- Vivien Chan & Co

TIER 3

- Clifford Chance
- Dechert
- Marks & Clerk
- Oldham, Li & Nie
- Simmons & Simmons
- Squire Patton Boggs
- Wilkinson & Grist

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- Bird & Bird
- CMS
- Deacons
- DLA Piper†
- Finnegan, Henderson, Farabow, Garrett & Dunner
- Freshfields Bruckhaus Deringer
- Hogan Lovells
- Mayer Brown
- Morgan, Lewis & Bockius†
- Orrick, Herrington & Sutcliffe
- Perkins Coie
- Rouse
- Stephenson Harwood
- Wilkinson & Grist
- Vivien Chan & Co†

TIER 2

- Allen & Overy
- Eiger
- Jones Day
- MMLC Group
- Norton Rose Fulbright
- Ropes & Gray
- Spruson & Ferguson

*For the China domestic rankings, see the May 2019 edition of *Asian Legal Business China*

- Quinn Emanuel Urquhart & Sullivan
- Skadden, Arps, Slate, Meagher & Flom
- Simmons & Simmons
- Squire Patton Boggs

TIER 3

- Clifford Chance
- Dechert
- Marks & Clerk
- Oldham, Li & Nie

HONG KONG

PATENTS

TIER 1

- Baker McKenzie
- Bird & Bird
- Deacons
- Hogan Lovells
- Orrick, Herrington & Sutcliffe

TIER 2

- AWA Asia
- Barron & Young
- DLA Piper
- ELLALAN†
- Freshfields Bruckhaus Deringer†
- Jones Day
- Mayer Brown
- Morrison & Foerster
- Nixon Peabody
- Oldham, Li & Nie
- Quinn Emanuel Urquhart & Sullivan
- Stephenson Harwood
- Wilkinson & Grist
- Winston & Strawn+
- Vivien Chan & Co

TIER 3

- Dechert
- Eagle IP
- Morgan, Lewis & Bockius
- Norton Rose Fulbright
- Oldham, Li & Nie
- Robin Bridge & John Liu
- Squire Patton Boggs

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- Deacons
- DLA Piper†
- ELLALAN†
- Hogan Lovells
- Mayer Brown
- Orrick, Herrington & Sutcliffe
- SIPS
- Stephenson Harwood†
- Wilkinson & Grist
- Vivien Chan & Co†

TIER 2

- Dechert
- Freshfields Bruckhaus Deringer
- Nixon Peabody
- Norton Rose Fulbright
- Oldham, Li & Nie
- Quinn Emanuel Urquhart & Sullivan

- Robin Bridge & John Liu
- Simmons & Simmons

TIER 3

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

INDIA

PATENTS

TIER 1

- Anand and Anand
- Chadha & Chadha
- Khaitan & Co†
- K&S Partners
- Lakshmikumaran & Sridharan
- L&L Partners
- Remfry & Sagar

TIER 2

- Ajay Sahni & Associates
- Beruar & Beruar
- Cyril Amarchand Mangaldas
- Fox Mandal & Associates
- IndusLaw
- Khaitan & Co
- Khurana & Khurana
- Rahul Chaudhry & Partners (formerly Lall Lahiri & Salhotra)
- Majmudar & Partners
- Mason & Associates
- R.K. Dewan & Co
- Singh & Singh Lall & Sethi
- Subramaniam, Nataraj & Associates

TIER 3

- ALMT Legal
- AZB & Partners
- DePenning & DePenning
- Fidus Law Chambers
- Perfexio Legal
- RNA IP Attorneys
- Samvād: Partners
- Saikrishna & Associates
- ZeusIP

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- Anand and Anand
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- Beruar & Beruar
- Chadha & Chadha
- Cyril Amarchand Mangaldas
- Fox Mandal & Associates
- IndusLaw
- Khaitan & Co†
- K Law/Krishnamurthy & Co
- Rahul Chaudhry & Partners (formerly Lall Lahiri & Salhotra)
- L&L Partners†
- Remfry & Sagar
- Saikrishna & Associates

TIER 2

- Fidus Law Chambers
- Khurana & Khurana
- Lakshmikumaran & Sridharan
- Majmudar & Partners
- Mason & Associates

- 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
- Phoenix Legal
- Samvād: Partners, Advocates

INDONESIA

PATENTS

TIER 1

- Am Badar & Partners
- Dwipo Lubis Baskoro & Partners
- HHP Law Firm
- Rouse -Suryomurcito & Co
- SKC Law
- Tilleke & Gibbins

TIER 2

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

TIER 3

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

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- Dwipo Lubis Baskoro & Partners
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- Hadromi Adnan IP Group
- Pacific Patent Multiglobal

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- Citius Intellectual Property
- HeruLukito & Partners
- Lumenta, Sitorus & Partners
- Makarim & Taira S.
- Pulungan, Wiston & Partners
- Prawiranegara
- Stephenson Harwood

JAPAN DOMESTIC

PATENTS

TIER 1

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

TIER 2

- Abe & Partners
- Atsumi & Sakai
- Fukami Patent Office
- Itoh International Patent Office
- Nishimura & Asahi
- Ohno & Partners
- Onda Techno Intl. Patent Attys.
- RYUKA IP Law Firm
- Seiwa Patent & Law
- Shiga International Patent Office
- Soei Intellectual Property Law
- Sugimura & Partners (formerly Sugimura International Patent & Trademark Attorneys)
- TMI Associates

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

TIER 2

- Anderson Mori & Tomotsune
- Fukami Patent Office
- Nishimura & Asahi
- Oh-Ebashi LPC & Partners
- Seiwa Patent & Law
- Shiga International Patent Office
- Sugimura International Patent & Trademark Attorneys
- Abe, Ikubo & Katayama
- Itoh International Patent Office
- Oh-Ebashi LPC & Partners
- Ohno & Partners
- Onda Techno Int. Patent Attys.
- Ryuka IP Law Firm
- Soei Intellectual Property Law

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- Finnegan, Henderson, Farabow, Garrett & Dunner
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- Morgan, Lewis & Bockius
- Morrison & Foerster
- Orrick, Herrington & Sutcliffe
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- Ropes & Gray

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- Foley & Lardner
- Mayer Brown
- Morgan, Lewis & Bockius
- Squire Patton Boggs

MALAYSIA

PATENTS

TIER 1

- Marks & Clerk
- Shearn Delamore & Co
- Skrine
- Tay & Partners†
- Wong & Partners
- ZICO IP

TIER 2

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

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- Wong Jin Nee & Teo

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- Wong & Partners
- ZICO IP

TIER 2

- Christopher & Lee Ong
- Raja Darryl & Loh
- Wong Jin Nee & Teo

PHILIPPINES

PATENTS

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
- Amica Law
- Baker McKenzie Wong & Leow
- Bird & Bird ATMD
- Dentons Rodyk
- Drew & Napier
- Donaldson & Burkinshaw
- JurisAsia+
- Lee & Lee
- Marks & Clerk
- Rajah & Tann†

TIER 2

- Davies Collison Cave
- Eversheds Harry Elias
- Joyce A. Tan & Partners
- Mayer Brown
- Morgan Lewis
- OC Queen Street
- Ravindran Associates
- RHTLaw Taylor Wessing
- Spruson & Ferguson
- Viering, Jentschura & Partner

TIER 3

- Cantab IP
- CNP Law (formerly Colin Ng & Partners)
- Gateway Law Corporation
- Mirandah Asia
- Samuel Seow Law
- Stephenson Harwood
- WongPartnership

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- JurisAsia LLC+
- Gateway Law Corporation†

- Lee & Lee
- OC Queen Street†
- Rajah & Tann†
- WongPartnership

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- CNP Law (formerly Colin Ng & Partners)
- Eversheds Harry Elias
- Joyce A. Tan & Partners
- Ravindran Associates
- RHTLaw Taylor Wessing
- Samuel Seow Law

TIER 3

- Davies Collison Cave
- Mayer Brown
- Mirandah Asia
- Morgan Lewis
- Robinson LLC
- Stephenson Harwood
- Spruson & Ferguson

SOUTH KOREA

PATENTS

TIER 1

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

TIER 2

- C&S Patent and Law Office
- Dr. Ahn International Patent Law Office
- Finnegan, Henderson, Farabow, Garrett & Dunner
- Royal Patent & Law Firm
- Lee International IP & Law Group

TIER 3

- AIP Patent & Law Firm
- AJU Kim Chang & Lee
- Barun IP & Law
- CENTRAL Intellectual Property & Law
- Cho & Partners
- Kasan IP & Law Firm
- Kim, Choi & Lim
- Koreana Patent Firm
- Muhann Patent & Law Firm
- Stephenson Harwood
- Yangjae Law Firm
- YOU ME Patent & Law Firm
- Y.P. Lee Mock & Partners
- 5T International Patent Law Firm

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- Kim & Chang
- Lee & Ko
- Yoon & Yang
- Yulchon

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- AJU Kim Chang & Lee
- Finnegan, Henderson, Farabow, Garrett & Dunner
- KBK Patent Law Office
- Lee International IP & Law Group

- Ropes & Gray

TIER 3

- Barun IP & Law
- CENTRAL International Law Firm
- Cho & Partners
- Jipyong
- Kim, Choi & Lim
- Muhann Patent & Law Firm
- Stephenson Harwood
- YOU ME Patent & Law Firm
- YP Lee Mock & Partners

TAIWAN

PATENTS

TIER 1

- Baker McKenzie
- Finnegan, Henderson, Farabow, Garrett & Dunner
- Jones Day
- Lee and Li
- Saint Island International Patent & Law Offices
- 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

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- Lee and Li
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- Tsar & Tsai
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- Winkler Partners

TIER 2

- Deep & Far
- Finnegan, Henderson, Farabow, Garrett & Dunner
- Formosa Transnational
- Formosan Brothers
- Jones Day
- Tsai, Lee & Chen

THAILAND

PATENTS

TIER 1

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

TIER 2

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

TIER 3

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

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- 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
- Mayer Brown

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
- Mayer Brown

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- Bross & Partners[†]
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- IPMAX Law
- Tilleke & Gibbins
- Vision & Associates

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

number of PCT applications. Joining the U.S.-dominated list that was led by the University of California were the four Chinese universities: Shenzhen University, South China University of Technology, Tsinghua University, and China University of Mining and Technology.

ASIA AS CENTRE OF GLOBAL IP PROTECTION

WIPO's "IP Indicators 2018", using IP filing numbers in 2017, showed that Asia has become the centre of IP protection for global technologies, brands and designs. This illustrates the growing investments of global companies to protect their businesses and IP's in the world's fastest-growing region.

Commenting on the report, WIPO's Gurry has noted: "Demand for IP protection is rising faster than the rate of global economic growth, illustrating that IP-backed innovation is an increasingly critical component of competition and commercial activity."

From patents and trademarks to industrial designs, China received the biggest number of applications filed worldwide. China's IP office received the highest number of patent applications in 2017 at 1.38 million, the highest volume of trademark filings at 5.7 million, and the highest number of design applications at 628,658 or about 50.6 percent of the world total.

Combined, Asian IP offices received 65.1 percent of all applications filed worldwide in 2017; 66 percent of all international trademark filing activity; and 67.9 percent of all designs in applications filed worldwide.

With Asian companies expanding at full speed outside the region, global and local law firms alike have been tapped to register their IP rights abroad, negotiate and close licensing agreements, and work on infringement cases and enforcement initiatives, among others.

Acting for Alibaba, Tier 1 firm Mayer Brown worked on several trademark and domain name disputes for the Chinese e-commerce giant in China and in a number of jurisdictions in Asia and also in Europe.

Outside China, Hong Kong and Singapore have been increasingly used as strategic launch pads for IP prosecution and enforcement to the rest of jurisdictions in the Asia Pacific.

Hong Kong is strengthening its position as a preferred location for IP arbitration for

global companies. The latest amendment to the city's IP arbitration law, which clarifies that all disputes over IPs could be resolved by arbitration, took effect at the start of last year.

THE FUTURE OF ASIAN IP

Now considered as the biggest source of global innovations and the priority market for IP protection by foreign companies, Asia is set to continue to stretch the boundaries of IP development and protection. New developments led by the now ubiquitous buzzwords of AI (artificial intelligence), fintech and blockchains, to name a few, are seen to continue to shape the future of IP prosecution, enforcement and litigation in the region.


Some IP offices in the region are getting ready.

For one, Taiwan's IP Office released last year an analysis report on fintech-related patent applications made in the last decade to be able to "find out the direction of technology development and application for the fintech industry in the future." "The fintech industry has boomed in many countries and the number of fintech patents has been on the increase over the years. In contrast, the number of fintech-related patents in Taiwan is relatively low and the island lacks many of the core technologies to develop the industry," read part of the report.

In Japan, its IP office published last year its "Guide to Licensing Negotiations Involving Standard Essential Patents." With the aim of being used to facilitate SEP (standard essential patents) licensing negotiations, the report analysed case laws and guidelines relevant to SEP in major countries to identify those elements requiring consideration in negotiations.

The rise of biosimilars and the aggressiveness of generic pharmaceutical companies are also seen to shape the future of patent litigation in Asia's most technology-heavy jurisdictions.

In China, one development that is seen to drive the increase in the number of patent disputes is the clinical trials being conducted by local generic pharmaceutical companies.

Along with the rapid migration of trade activities from the physical stores to the online and digital environments, these are to make Asia an even exciting region for IP in the coming years. 

Q&A with Pravin Anand, managing partner, Anand and Anand



What do you feel sets your firm apart from your peers?

- The ability to collaborate with persons from different disciplines, for example, lawyers and engineers or departments such litigation, trademarks and patents department or to form teams with competing firms on big matters
- A multi-disciplinary approach. Apart from knowledge of law, our ability to have an additional skill (e.g. law and engineering/science or law and finance for valuation and commercialization or law and business management etc.).
- A third skill is what we seem to have inculcated -namely a curious mind. Our firm members are keen in learning and acquiring skills in diverse fields creating a right atmosphere for innovation.

What is the key to being a successful firm in the IP space in your market?

The firm has consciously developed deeper understanding of both structural and cultural barriers towards innovation. This understanding helps in taking full advantage of the modern



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Managing Partner

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mind set of judges in the back drop of the Commercial Courts Act and other changes that have added huge speed in the dispute resolution process; the hunger for high technology and its smart use; and behavioural understanding in an increasingly intolerant and competitive environment.

What are some notable example of work that your firm has done in the past year?

In the last two years alone 3 of the top finally decreed cases namely, Merck v. Glenmark, Roche v. Cipla and Philips first SEP Judgment,

the top damages orders on compensatory, punitive and aggravative damages, contempt jurisprudence and the development of unique remedies (the tree planting order, providing the sanitary towels to adolescent girls in government schools, providing sports equipment's such as footballs to underprivileged schools and installation of water purifiers) which go beyond the standard statutory reliefs, have created a strong intellectual property enforcement wave. This is a step towards promoting public interest giving full advantage to the IP owner for their corporate social responsibilities. Perhaps it is for the first time that public interest has been a focal attention through IP enforcement. The firm's involvement in assisting in policy and legislative work along with its efforts to create love for IP is unsurpassed.

Anand and Anand

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HONG KONG

An important amendment to Hong Kong's IP arbitration law took effect at the beginning of 2018. This is seen to further strengthen the bid of the former British colony as a global arbitration hub for IP disputes. Passed by the city's Legislative Council in June 2017, the arbitration ordinance clarifies that all disputes over IPs, whether these IPs are registered or subsisting within or outside Hong Kong, may be resolved by arbitration.

Already, the strategic geographic location of Hong Kong as a gateway to China and to the rest of Asia makes it an ideal launch pad for IP prosecution and licensing and enforcement strategies to the mainland and to rest of the region, especially to the Chinese-speaking neighbours of Macau and Taiwan.

As an example, Tier 1 firm in copyright and trademarks DLA Piper is working with McDonald's on the restructuring of its IP licensing and franchising

structuring in China. The American fast-food giant is preparing to divest its Hong Kong, China, and Macau businesses to CITIC and Carlyle.

Like anywhere else these days, the protection of copyright on the Internet is also one of the biggest challenges for businesses in Hong Kong. Last year, Tier 1 firm ELLALAN won an injunction for jewellery maker Pandora in what is described as the first trademark infringement case in the city involving the unauthorised use of the protected mark as Google Adword. "The injunction has a worldwide impact, covering more than 33 websites and social media sites and 70 plus jewellery items," according to the firm.

In patents, the Tier 1 firms were Baker McKenzie; Bird & Bird; Deacons; Hogan Lovells; and Orrick, Herrington & Sutcliffe.

In copyright and trademarks, DLA Piper; ELLALAN; and Vivien Chan & Co joined the Tier 1 firms of AWA Asia; Baker McKenzie; Bird & Bird;

Deacons; Hogan Lovells; Mayer Brown; Orrick, Herrington & Sutcliffe; SIPS; Stephenson Harwood; and Wilkinson & Grist.

INDIA

Asia's third-largest economy remains a bustling market for a variety of IP-related activities.

In 2018, India broke two new records in international patent filings. In PCT applications, India joined China as the only two middle-income countries among the top 15 origins of international patent applications. Of the top 15 origins, India, with a growth of 27.2%, was one of the two countries to record double-digital annual growth last year.

The total number of PCT applications from India last year was at 2,013. On the other hand, the total Madrid applications for the year was not close at 308, but an increase from 234 in 2017. This proves that India, with



Artificial Intelligence and Intellectual Property Rights

Artificial intelligence (AI) is growing at a fast pace, and across industries. The creative and intellectual potential offered by AI is endless.

An important aspect surrounding AI is the evolving Intellectual Property jurisprudence. The existing statutes do not exhaustively cover the legal issues surrounding newer technologies which leaves room for ambiguity in their interpretation.

Copyright and AI:

The Indian Copyright Act protects only those works that involve some degree of creativity. Further, as per the Act, an author for computer generated works is the person who causes the work to be created.

While creation of work through AI may require some degree of human intervention, what needs to be determined is whether the same is sufficient to term him/ her as the author of the work. Needless to say, the position becomes even more complex if the work created through AI is completely autonomous.

As the jurisprudence on copyrights will take some time to evolve, the ambiguity surrounding the ownership may have severe consequences for a party seeking to monetize the works created through AI.



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Shivarpita Nailwal

Partner

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Patents and AI:

According to the WIPO Technology trend report of 2019, *"India is emerging as a new target for patent filing in the field of AI and was ranked eighth for first filings in 2015"*.

AI involving software are difficult to patent. The Indian Patent Office follows Computer-related Inventions (CRIs) guidelines that prohibit computer programmes or algorithms from being patented. The same guidelines apply to technologies based on AI. Thus to obtain protection in an AI based software in India, it may be advisable to describe the hardware components along with the AI algorithms and

claim working method of the device that used the AI.

Liability:

As AI is able to create independently, there are certain liabilities associated with such creation. AI that analyses a company's investment strategies, numbers or personalizes customer data for advertisement, might be subject to claims of infringement of copyright, trade secrets, or even data privacy.

Conclusion:

IP protection of AI brings with it several issues which need immediate attention. Therefore, it is important to create an innovation friendly framework for AI inventions and at the same time determine that such hi-tech inventions do not impact future human innovation and lead to atrophy of human intelligence.

Chadha & Chadha

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its thriving pharmaceutical industry, among others, remains a patent-heavy jurisdiction.

In 2017, India was one of the top 10 IP offices receiving the highest number of patent applications filed worldwide at 46,582, according to WIPO's World IP Indicators 2018.

In terms of IP transactions, IP law firms in India took on a variety of deals, from the rudimentary IP prosecution, to opposition, and to complex IP infringement and enforcement cases.

Interestingly, fintech has started to appear in the deals handled by IP law firms in India. Fintech companies, domestic and foreign, have begun to look into protecting their IPs related to technology-enabled financial services and cryptocurrency.

Acknowledging the improvement in India's innovation ecosystem, the U.S. Chamber of Commerce has moved India up eight places in its international intellectual property index by ranking it 36th amongst 50 countries in 2019.

"The improvement reflects important reforms implemented by Indian policy makers toward building and sustaining an innovation ecosystem for domestic entrepreneurs and foreign investors alike," the report card, released by the U.S. Chamber of Commerce's Global Innovation Policy Center (GIPC) in February, pointed out.

"The reforms that helped improve India's ranking include its accession to the WIPO Internet Treaties, the agreement to initiate a Patent Prosecution Highway with international offices, a dedicated set of IP incentives for small business and administrative reforms," said Patrick Kilbride, senior vice-president of GIPC.

The report also focuses on thorny issues. According to the report, the key problems in India include barriers to licensing and technology transfer, strict registration requirements, limited framework for the protection of biopharmaceutical IP rights, patentability requirements outside international standards, lengthy pre-grant

opposition proceedings and previously used compulsory licensing for commercial and non-emergency situations.

"If India can surmount the serious challenges that remain, including with regard to patent eligibility and enforcement, it can build a robust innovation-led growth model for other countries to emulate," Kilbride said.

For the second year in a row, India's score represented the largest gain of any country measured on the index, which covers over 90 per cent of global gross domestic product, the report said. Last year, India had ranked 44th of 50 economies in the index.

Among law firms, Tier 1 firm in copyright and trademarks Ajay Sahni & Associates has entered into a strategic partnership with Swedish blockchain pioneer iDefendo, said to be the first law firm in the country to offer blockchain enabled IP protection services.

In industrial design, Kohler, a global leader in the kitchen and bath design, has initiated a design infringement case

over unauthorized copying of one of its oldest registered designs.

Its law firm, Beruar & Beruar, believes that this is a case law in the making: "This matter will perhaps also lay down the application of the law related to the conundrum of functionality in designs."

In patents, Khaitan & Co. moved up to Tier 1, joining Anand and Anand; Chadha & Chadha; K&S Partners; Lakshmikumaran & Sridharan; L&L Partners; and Remfry & Sagar.

In copyright and trademarks, Khaitan & Co. and L&L Partners joined the Tier 1 firms of Ajay Sahni & Associates; Anand and Anand; AZB & Partners; Beruar & Beruar; Chadha & Chadha; Cyril Amarchand Mangaldas; Fox Mandal & Associates; IndusLaw; K Law/Krishnamurthy & Co; Remfry & Sagar; and Saikrishna & Associates.

INDONESIA

Southeast Asia's largest economy continued to be an attractive destination for international brands. In 2018, the country's economy expanded by 5.17% year-on-year.

In trademarks, prosecution, monitoring and opposition to applications dominated last year's transactions for law firms. Tier 1 firm in copyright and trademarks Assegaf Hamzah & Partners said companies in Indonesia usually tapped law firms to monitor and oppose applications which could infringe their trademarks. In one case, the law firm has been asked to establish evidence supporting the argument that the client's trademark is a well-known trademark which has been used for a long time prior to an application and that it was filed in bad faith.

Based on the latest data from WIPO, there were 47 Madrid applications from Indonesia last year, an increase from only one application filed in 2017, a testament to an increasing number of local companies seeking protection for their trademarks abroad.

Acting for one of the country's largest pharmaceuticals Dexa Medica Group, Tier 1 firm in copyright and

trademarks Inter Patent Office managed the company's trademark portfolio not only in Indonesia, but in the rest of South East Asia, African and European countries, Canada and the U.S.

Increasingly as well, law firms in Indonesia have started to handle emerging technologies such as fintech and insurtech. Working for China's Ping An Technology, the tech incubator and AI research and development arm of the insurance giant, Tier 1 firm Tilleke & Gibbins handled fintech-related patent applications. "Our work for this client involves preparing and submitting abnormally complex patent applications for emerging software developments as they arise, which requires in-depth understanding and a high level of technical expertise," shared the firm.

In patents, the Tier 1 firms were Am Badar & Partners; Dwipo Lubis Baskoro & Partners; HHP Law Firm; Rouse/Suryomurcito & Co; SKC Law; and Tilleke & Gibbins.

In copyright and trademarks, the Tier 1 firms were Assegaf Hamzah & Partners; HHP Law Firm; Inter Patent Office; Januar Jahja & Partners; K&K Advocates; Roosdiono & Partners; Rouse/Suryomurcito & Co; SKC Law; and Tilleke & Gibbins.

JAPAN

In domestic IP prosecution, Japan's filing and registration numbers suffered slight declines in almost all categories last year.

Based on the latest annual status report of the Japan Patent Office (JPO), patent applications in 2018 reached 313,567, a drop from the previous year's total of 318,418. Patent registrations also slightly dropped to 194,525 from the previous year's 199,577.

The number of utility model applications declined to 5,388 in 2018 from the total 6,106 in 2017 while the number of utility model registrations totalled 5,303 from the previous year's 6,024. The number of design applications was at 31,406 in 2018, lower than 2017's 31,961 while registrations slightly increased to 27,618 in 2018 from 27,335 in 2017.

The number of trademark applications last year also fell to 184,483 from 190,939 in 2017 while the number of registered trademarks grew to 116,547 from 111,180 in 2017.

In IP laws, Japan is pushing to amend its Patent Act to further strengthen its IP litigation system, improving evidence collection procedures and changing damages collection methods. A bill to amend the Design Act has also been submitted to extend protection to graphic image designs, protection of spatial designs and expansion of related design systems.

"With not only functionality but also aesthetics now considered to play a key role, there is also a growing need to protect store designs and designs based on a consistent concept," wrote JPO Commissioner Naoko Munakata in JPO's report for 2019.

In IP litigation, law firms in Japan worked on a wide range of cases from patent infringement, some of which extend to new areas such as biosimilar drugs, software-related infringement and trademark and trade secret disputes.

From Japan, Tier 1 international firm Baker McKenzie handled one of the big transactions last year as the exclusive legal counsel to Yildiz Holding and Godiva on the sale of its retail and distribution operations in Japan, South Korea, Australia and New Zealand which includes the sale of the Godiva production facility in Brussels. The deal is expected to close in the middle of this year.

Among domestic firms, the Tier 1 firms were Abe, Ikubo & Katayama; Anderson Mori & Tomotsune; Mori Hamada & Matsumoto; Nagashima Ohno & Tsunematsu; Nakamura & Partners; and Oh-Ebashi LPC & Partners. In copyright and trademarks, the leading firms were Anderson Mori & Tomotsune; Atsumi & Sakai; Mori Hamada & Matsumoto; Nagashima Ohno & Tsunematsu; Nakamura & Partners; and TMI Associates.

Among international firms, the Tier 1 firms in patents were Baker McKenzie; Finnegan, Henderson, Farabow, Garrett & Dunner; Hogan Lovells; Morgan, Lewis & Bockius; Morrison & Foerster; Orrick,

Herrington & Sutcliffe; Quinn Emanuel Urquhart & Sullivan; and Ropes & Gray. In copyright and trademarks, the Tier 1 firms were Baker McKenzie; Hogan Lovells; Morrison & Foerster; and Orrick, Herrington & Sutcliffe.

MALAYSIA

Despite being hit by domestic issues, IP prosecution continued to thrive in Southeast Asia's third-largest economy. Last year saw Malaysia surprising the world with the election of then 92-year old former prime minister Mahatir Mohamad who promised to crack down on corruption and to restore order in one of the region's most successful economies. The halt in the rollout of some government projects by the new administration pulled down economic growth to 4.7% in 2018 from previous year's 5.9%.

Still, domestic IP filings increased

in 2018. Patent applications received by the Malaysian IP Office last year grew to 7,493 from the previous year's 7,278 applications. Foreign applications accounted for the bulk of the filings at 6,245. The total number of patents granted last year was at 4,382. In trademarks, the number of applications grew to 43,656 in 2018 from 41,093 in 2017. More than half came from foreign applications at 23,793. The total number of registered trademarks was at 34,566.

Unlike patents and trademarks, industrial design applications barely changed at 1,845 from the previous year's 1,814, of which 1,317 of the applications last year were foreign applications. The number of registered industrial designs was at 1,475.

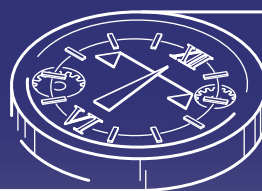
In international IP filings, the numbers were almost unchanged in 2018. PCT applications from Malaysia increased to 143 last year from 141 the previous year while Madrid applications fell to nine from 13 in 2017.

Enforcement was front and centre of the work of most IP law firms in Malaysia. Acting for two of the world's top designer brands, another Tier 1 firm Rahmat Lim & Partners conducted nationwide blitz raid actions, from night markets to shops in the country's small rural towns.

In litigation, Tier 1 firm LAW Partnership handled a trademark dispute for the Sri Paandi group of restaurants which has dragged on to become one of the country's longest IP trials. It won the case in the high court, but the defendant has filed an appeal. "This is easily one of the longest IP trials in the country where the trial took 26 days to complete and the parties had called 20 witnesses to testify in court. It involves a series of complex issues and novel points of law that had not been determined before in Malaysia," said the law firm.

In patents, Tay & Partners moved up to Tier 1, joining Marks & Clerk; Shearn Delamore & Co; Skrine; Wong & Partners; and ZICO IP.

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In copyright and trademarks, the Tier 1 firms were LAW Partnership; Lee Hishammuddin Allen & Gledhill; Marks & Clerk; Rahmat Lim & Partners; Shearn Delamore & Co; Skrine; Shook Lin & Bok; Tay & Partners; Wong & Partners; and ZICO IP.

PHILIPPINES

With a largely consumption-driven economy, IP prosecution, licensing and enforcement were the top activities of law firms involved in IP-related transactions in the Philippines.

In 2018, total IP filings from Filipino and foreign nationals increased by 15% year-on-year to 44,461, putting the five-year growth rate of IP filings, to include patents, utility models, industrial designs, trademarks and copyright deposits, at 7%, based on the data from the Philippine IP Office.

By type of IP, utility model filings

reached 2,124; trademark filings were at 35,602; patent filings at 3,946; industrial design filings at 1,521; and copyright deposit recordation filings were at 1,268.

As for international applications from the Philippines, the numbers remained low, based on the latest WIPO data. In 2018, PCT applications from the Philippines were unchanged at 18 while Madrid applications fell to 49 from 54 in 2017.

In patents, the top field for patent applications last year remained in pharmaceuticals. Last year saw an interesting trend of generic pharmaceutical companies getting aggressive in challenging the patents of originator drug firms.

Tier 1 firm Villaraza & Angangco has worked on at least two of such cases. In one case, it is pursuing the invalidation for its client Innogen of the compounds Etoricoxib, a COX-2 inhibitor for pain relief used by patients

suffering from arthritis, and Sitagliptin, a DPP IV enzyme inhibitor for the management and treatment of diabetes. "The successful invalidation of these patents will open the doors for Innogen's commercialization of generic alternatives in the Philippines and ensures access to affordable drugs by millions of less privileged Filipinos suffering from arthritis or diabetes. These cases will also further enrich Philippine patent jurisprudence especially on pharmaceuticals, which regrettably remains relatively undeveloped as of date," said the firm.

The Tier 1 firms were the big law firms of ACCRALAW; Castillo Laman Tan Pantaleon & San Jose; Cruz Marcelo and Tenefrancia; Quisumbing Torres; Romulo Mabanta Buenaventura Sayoc & De Los Angeles; SyCip Salazar, Hernandez & Gatmaitan; and Villaraza & Angangco.

Susan D. Villanueva, senior partner at Cruz Marcelo & Tenefrancia, says that

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- Protection of business models, trade secrets and undisclosed information
- IP Litigation (Infringement, Unfair Competition, Opposition and Cancellation, and Intellectual Property Violation cases)
- IP Enforcement
- IP Valuation

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unlike its peers, her firm's IP department can provide the full spectrum of value-added IP services since it makes a conscious effort to further expand its practice to new specializations.

"Our IP department does not only handle the filing and prosecution of patent and trademark applications or copyright deposit but also IP litigation, patent drafting, patent valuation and commercialization," she says.

She adds that Cruz Marcelo's IP department handles all IP litigation, whereas the other firms parcel it out to their general litigation department.

"This gives us a key litigation advantage over other firms because we are intellectual property lawyers who fully understand the substantive aspect of the case unlike general litigators," notes Villanueva. "Our solid track record proves this. Our lawyers are responsible for key landmark IP cases in the Philippines. Our lawyers successfully represented In-N-Out Burger,

Inc. in an unfair competition case that led to "In-N-Out" being declared as the first internationally well-known trademark by the Philippine Supreme Court [Sehwani, Inc. and Benita's Frites, Inc. vs. In-N-Out Burger, Inc., G.R. No. 171053, 15 October 2007]. The Supreme Court also upheld the jurisdiction of the Philippine Intellectual Property Office over administrative cases for unfair competition and infringement in a related case we handled for In-N-Out Burger, Inc. [In-N-Out Burger, Inc. vs. Sehwani, Inc. and/or Benita's Frites, Inc., G.R. No. 179127, 24 December 2008]. We successfully defended before the Supreme Court search warrants issued against suspected infringers in an enforcement action for the liquefied petroleum gasoline industry. [William C. Yao, Sr. vs. The People of the Philippines, G.R. No. 168306, June 19, 2007]. We also successfully argued before the Supreme Court to affirm the abandonment of a patent on the ground of public

interest [E.I. Dupont vs. Director Emma C. Francisco, G.R. No. 17437931 August 2016]."

Villanueva further notes that her firm's IP department is also the rare Philippine practice that has the capability to draft patents for our clients. "We have recently been chosen, after a stringent selection process, by the Department of Science and Technology (DOST) to draft and file patent applications for DOST funded innovations. We have also done patent valuation studies for DOST funded technologies," she adds.

SINGAPORE

Supportive of Singapore's ambition to become a regional IP hub bid is its investment in fintech. Last year, the IP Office of Singapore (IPOS) granted the first accelerated patent to Philippine-based Voyager Innovations under its

SyCip Salazar Hernandez & Gatmaitan

Intellectual Property

The intellectual property law practice of SyCip is one of the largest in the country in terms of client base and range of services offered. These include basic rights protection such as trademark, copyright, patent and product registration and the enforcement of these rights. SyCip assists in the administration and maintenance of intellectual property rights through established systems and the support of highly-trained staff. SyCip has expertise in licensing, technology transfer and similarly focused business transactions and assists clients in navigating the legal issues and concerns that have arisen with developments in science and technology, e-commerce and Internet-based transactions.

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SCAN ME

“FinTech Fast Track” initiative cutting the time of waiting from application to grant which normally takes at least two to four years. Voyager got its patent after seven months from application.

“The community of over 1,200 FinTech enterprises in Singapore and the region can tap on IPOS’ FinTech Fast Track accelerated process to bring their FinTech ideas to the market in a much shorter time,” according to IPOS.

Already, Singapore is the biggest source of international patent filings in Southeast Asia. Last year, PCT applications from Singapore increased to 930 from 867 in 2017. Madrid applications also increased to 667 in 2018 from 517 the previous year.

The IP financing scheme program of the government has also started to bring in new types of transactions for law firms in the city-state. Launched in 2014, the scheme gives IP right owners access to financing. Last year, Tier 1 firm Rajah & Tann handled for United Overseas Bank

one of the pioneering transactions from the scheme, advising the bank on taking ownership of the patents, valuation of the patents, and the sale of the patents.

Singapore also saw law firms working on new types of IP cases, stretching the boundaries of IP litigation.

In trademarks, Tier 1 firm Drew and Napier was involved in trademark dispute case that could decide on whether a trademark that is an inverted image of another trademark could be considered an infringement.

In copyright, Tier 1 firm Allen & Gledhill took on a pioneering case involving a software program when it represented payroll outsourcing company Nice Payroll. Tier 1 firm in copyright and trademarks OC Queen Street acted for 99.co against PropertyGuru in a landmark copyright infringement case that has clarified the law on watermarked photographs.

In patents, Rajah & Tann joined the Tier 1 list of Allen & Gledhill; Amica Law;

Baker McKenzie Wong & Leow; Bird & Bird ATMD; Dentons Rodyk; Drew & Napier; Donaldson & Burkinshaw; JurisAsia; Lee & Lee; and Marks & Clerk.

In copyright and trademarks, four new firms made it to the Tier 1 list. These were JurisAsia; Gateway Law Corporation; OC Queen Street; and Rajah & Tann. They joined Allen & Gledhill; Amica Law; Baker McKenzie Wong & Leow; Bird & Bird ATMD; Dentons Rodyk; Drew & Napier; Donaldson & Burkinshaw; Lee & Lee; and WongPartnership.

Tony Yeo, managing director and head of intellectual property at Drew & Napier, says that the firm has the largest and most established IP practice in Singapore. “We have always maintained a dominant position in IP,” he says. “Drew is a market leader in trademark, patent and design filings, thanks to the long-time support from our clients who come from a wide spectrum of industries. Besides Singapore, we are also able to assist our clients with IP filings

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throughout Southeast Asia through our Drewmarks offices in the region. We have also been singled-out for our in-depth experience in contentious IP matters and our lawyers are regularly instructed in high profile matters. As Drew is a full-practice law firm, we are also able to tap on the expertise of our colleagues from the other areas of specialisation, if required."

As for the keys to the firm's success, Yeo cites three: "Continuing to strive to be the best at everything that we do; committing to delivering prompt, practical and sound advice to clients; and expanding the IP practice beyond Singapore and in the Southeast Asia region." Notable examples of patent work that the firm has done in the past year include acting for Ila Technologies against De Beers in a patent infringement matter involving the patents for the growth of diamonds; and acting for Becton Dickinson against Braun in a patent infringement matter involving

medical devices. Meanwhile, in the trademark space, Drew has acted for the statutory board Sentosa Development Corporation in a trademark infringement matter involving the iconic Sentosa trademark; acted for Apple Inc in a matter involving the iWatch trademark against Swatch; acted for Isetan Mitsukoshi Ltd in defending a trademark opposition brought by The Scotch Whisky Association against its application for the mark ISETAN TARTAN; and acted for Adidas International Marketing B.V. in a trademark opposition suit against Lutong Enterprise Corp.

Meanwhile, Sheena Jacob, partner at JurisAsia, says that the firm is dedicated to providing high-value IP services to companies. "Whilst we can handle IP registration and litigation, it is our unique strategy for IP portfolio management that is geared towards realizing a higher valuation for the client's IP that makes us a trusted partner for companies building an IP portfolio that they can extract

maximum value from. We see IP as a driver for business growth," notes Jacob.

According to Jacob, having a global outlook with a local perspective is the key to be a successful firm in the IP space in your market. "Our IP service philosophy is not Singapore or Asian-based but is a truly global one yet importantly understanding the differences that exist in local markets. Being part of an international law firm, and with our network of trusted advisers, we deliver results for clients across the globe," she notes.

She says that in the past year, the firm has worked with clients to put together deals to protect and commercialize their IP in a number of markets including creating complex IP trust structures. "We have also helped our international clients deal with a broad range of challenging IP issues in developing markets such as China and Russia, and have represented AI Singapore in creating its licensing model for AI technology," Jacob adds.

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Another firm in Singapore's Tier 1 is Dentons Rodyk & Davidson. Gilbert Leong, a senior partner at the firm says that what distinguishes the firm is its "ability to fathom the client's needs at that moment coupled with professionals who would deliver the unvarnished truth to clients in a forthright but empathetic manner."

In 2018, Dentons Rodyk successfully represented TOWA Corporation at the Singapore Court of Appeal, where the decision of the High Court (also in favour of TOWA Corporation) was upheld. "What sets this case apart is the CA's affirmation of the purposive construction of patent specifications, and how that approach was applied in the niche area of semi-conductor moulding machine technology. Damages are currently being assessed for the case, which is also expected to be a landmark decision given the relative dearth of cases on assessment of damages (in patent cases) in Singapore.

SOUTH KOREA

Since the implementation of the patent-market approval linkage system in 2015, invalidation actions have multiplied in South Korea. Last year was no different. Tier 1 firms found themselves at opposing ends again in some of the biggest generic versus originator drug cases heard by the Supreme Court.

"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 their generic versions of brand name drugs," observed Tier 1 firm Lee & Ko which took on a case for Novartis. It is now waiting for the Supreme Court decision on a patent invalidation case filed by a local generic drug company over the blockbuster drug Myfortic.

In another case, Tier 1 firm Kim & Chang successfully represented Novartis

in an invalidation case for a patent for a sustained release formulation containing octreotide that was filed by South Korean pharmaceutical company Dongkook. The Supreme Court reversed the decision of the Patent Court and declared the patent as valid. "This decision is significant because the Supreme Court clarified what kind of data in the patent specification would be sufficient to satisfy the description requirements for a sustained release formulation invention by applying legal principles regarding description requirements for a product invention," said the law firm.

Some local generic drug manufacturers also scored big wins last year.

In one case, Tier 1 firm Yulchon won a favourable decision from the Korean Supreme Court for its client Celltrion, a biosimilar company whose manufacturing plant is located in South Korea. The battle involved two separate cases of patent infringement and invalidation against Roche's breast cancer

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drug Herceptin. In the end, the Korean Supreme Court ruled last year that the amended Herceptin patent was invalid, vacating a lower court decision.

The lists of Tier 1 firms were unchanged from last year. In patents, the top firms were Bae, Kim & Lee; Kim & Chang; Lee & Ko; Ropes & Gray; Shin & Kim; Yoon & Yang; and Yulchon.

In copyright and trademarks, the top firms were Bae, Kim & Lee; Kim & Chang; Lee & Ko; Yoon & Yang; and Yulchon.

TAIWAN

Last year, Taiwan implemented a new system in hearing patent invalidity cases, a testament to the importance of settling patent disputes in Taiwan, a tiny island but a global technology powerhouse, especially for semiconductor and electronics. Major changes include the introduction of the public hearing and a panel made up of three examiners.

“By introducing practices such as panel and public hearing, it is hoped that the accuracy of examination results on patent invalidity cases will improve and that people will develop a greater trust in the decisions,” according to the Taiwan IP Office. The first public hearing on a patent invalidity case happened in July.

Patent prosecution, patent infringement and trade secret cases still accounted for the bulk of the work of top IP law firms in Taiwan last year.

For the second year in a row, filings for invention patents grew by 3 percent year-on-year to 47,429 applications in 2018.

For domestic companies with global reach such as TSMC, cross-border litigation cases are common.

In patents, the Tier 1 firms were Baker McKenzie; Finnegan, Henderson, Farabow, Garrett & Dunner; Jones Day; Lee and Li; Saint Island International Patent & Law; Tai E International Patent & Law; and TIPLo.

In copyright and trademarks, the Tier 1 firms were Baker McKenzie; Chen & Lin; Eiger; Lee and Li; Saint Island International Patent & Law Offices; Tai E International Patent & Law; Tsar & Tsai; TIPLo; and Winkler Partners.

THAILAND

As one of Southeast Asia’s bigger economies, Thailand is almost always part of the pan-regional IP prosecution and management strategies of global companies.

Tier 1 firm ZICO IP handled one such case for Chubb Limited, the world’s largest property and casualty insurer, in which Thailand was part of the six Southeast Asian countries for trademark portfolio management. The deal covers the filing of new trademark applications, assignment of trademarks, renewal, opposition and cancellation.

Also like most jurisdictions in the Southeast Asian region, Thai companies are exporting more brands than innovations. In 2018, Madrid applications from Thailand grew by 460 percent to 140 from 25 in 2017. On the other hand, PCT applications fell to 105 in 2018 from 156 the previous year.

In addition to IP prosecution, raid actions, trademark opposition and going after counterfeits on the Internet consumed most of the work last year of the top law firms in Thailand and with some firms taking on landmark cases.

In a landmark decision, Tier 1 firm Tilleke & Gibbins won a high court case for Panasonic against an “infringer for passing off that was based on trade dress used in bad faith.” The firm believes that this could “serve as a landmark trademark case in Thailand.” “Although the Thai Trademark Act provides protection for passing off, filing a lawsuit to defend an IP owner’s unregistered rights can still pose certain challenges. This is especially true where two registered trademarks are different, but the product packaging designs of both marks are confusingly similar,” it said.

Seizures of transshipment of infringing goods also occupied authorities and law firms last year which were made possible by the recent amendment in the customs law which permitted transshipment seizures. This is seen to shape IP enforcement in an increasingly connected Southeast Asian market.

In patents, ZICO IP moved up to join the Tier 1 firms of Baker McKenzie; Domnern Somgiat & Boonma; Rouse;

and Tilleke & Gibbins. In copyright and trademarks, last year’s list was unchanged with Baker McKenzie; Domnern Somgiat & Boonma; Tilleke & Gibbins; and ZICO IP as the leading firms.

VIETNAM

Vietnam’s economy grew by 7.08% in 2018, surpassing the government’s year-on-year target of 6.7% and posting its fastest rate of growth in 11 years.

With an economy that is now valued at \$238 billion, Vietnam has become a lucrative market for global brands. In 2018, the country’s GDP per capita increased by \$198 to \$2,587.

More domestic companies are also expanding their markets abroad. Madrid applications from Vietnam increased to 159 in 2018 from 91 the previous year. The rate of growth was not the same for international patent filings from the country as the number of PCT applications was almost unchanged to 22 last year from 23 in 2017.

Some of the works done by IP law firms included trademark filing and opposition, IP licensing, trademark and copyright infringement, patent filing and infringement and raid actions.

There were more IP disputes seen online. In one domain name dispute case for BMW against an individual who had registered domain names with “bmw and motorrad” in them, a Vietnamese court awarded its most severe punishment yet, said BMW’s law firm Tier 1 firm Tilleke & Gibbins. “The VND 200 million (about \$8,600) in legal fees is quite significant to an individual in Vietnam. Also, to the best of our knowledge, this is the first time a Vietnamese court has formally recognized a well-known trademark,” it said.

In patents, the Tier 1 firms were Baker McKenzie; Pham & Associates; Tilleke & Gibbins; and Vision & Associates. In copyright and trademarks, the Bross & Partners was the latest addition to the Tier 1 group of firms that included Baker McKenzie; Hogan Lovells; IPMAX Law; Tilleke & Gibbins; and Vision & Associates. 