
Focusing on Intellectual Property in China at Beijing IP Institute Seminar

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On December 14, Boston-based Senior Counsel [Arthur Gajarsa](#), a former US Federal Circuit judge, attended the Beijing Intellectual Property Institute's (BIPI) Seminar on Functional Claiming. The trip was an opportunity for the firm to weigh in on an important discussion about the expansion and enforcement of IP rights under Chinese law, and to assess how to build recognition of the firm's IP litigation capabilities in Asia.

Established by the Chinese government and led by a former chief justice of the Chinese Supreme Court, BIPI has been commissioned to create a better understanding of intellectual property law in China.

"The Chinese government is interested in sending a message to foreign investors and owners of intellectual property that they're willing to participate in a structured system for IP," explains Judge Gajarsa.

The specific intent of the seminar was to discuss different types of claim construction—specifically functional claiming—and to understand how China can make its functional claiming law parallel to that of the United States. But for his part as one of the seminar's speakers, Judge Gajarsa wanted to emphasize that with the expansion of IP rights under Chinese law, China also needs to focus on the enforcement of patents.

"Without enforcement, IP is not really a valuable asset," he says. "And if you structure a strong enforcement system, then you also need to recognize the property rights owned by foreign entities in addition to domestic entities, and protect those rights under the patent laws of China. This awareness will provide an important vehicle for the development of new technologies, which will promote more domestic innovation and entrepreneurship, and allow for a more accelerated development of new technologies in China."

The seminar drew 65 judges from various Chinese courts and was the first BIPI conference to include foreign participants, including Judge Gajarsa and Michael Fysh, a senior circuit judge for the Patents County Court in England and Wales.

The event is of interest to the firm, as its IP Litigation Group continues focus on expanding its global

reach. Recently welcoming [Trevor Cook](#)—who brings 35 years of experience in global patent litigation, particularly in Europe and Asia—the firm has its sights set on bolstering its knowledge of the complex international landscape.

"As the IP matters we are handling for our clients have become increasingly global in nature, we have focused on building our resources and experience in this area," says IP Litigation Group Co-Chair [Lisa Pirozzolo](#). "Judge Gajarsa's trip to China provided valuable insights into discussions about enforcement of IP rights there."

