

# The Patent Lawyer

GLOBAL REACH, LOCAL KNOWLEDGE

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## Approaches to patenting alloys before the Russian and the Eurasian patent offices



Anatoly Nistuk and Mikhail Samsonov, of Gorodissky & Partners, examine the patenting of alloys through history and give an evaluation of both the RUPTO and the EAPO approach to patenting.

**Pharmaceutical patent litigation**

Page 15



**Ben Hoopes, HP**

Page 20



**Women in IP Leadership**

Page 35



# Women in IP Leadership

Celebrating achievements and continuing  
the empowerment of women



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We give special thanks to Dumont for their dedication and support in continuing  
the empowerment of women in IP by facilitating this opportunity.

# Rachael Lodge: Associate, Foga Daley

An interview: inspirations, experiences, and ideas for equality.

**R**achael obtained her Bachelor's Degree in Law from the University of the West Indies before attending the Norman Manley Law School. During her studies, Rachael interned in a few positions including at the Jamaican Intellectual Property Office and Foga Daley where she now is an Associate. Rachael is involved with many associations, including INTA, and is being recognized by many as a rising star in the field.

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I appreciate that they take that step back to enable me to move forward.”

## What inspired your career?

Unlike some of my friends, I didn't want to be a lawyer from a young age but with some encouragement from some mentors, I decided to pursue a law degree with no idea where it would take me. One year I did an internship at a firm where, for the entire time I was there, my supervising attorney gave me nothing but IP work. IP was an optional course at school and I initially had no interest in taking the course, so during my internship I had to go to the library every day to learn the material and then apply it to the work. I just fell in love with the area while I was learning and by the end of that internship I thought I might as well take the course, now knowing the law inside out. Having done the IP module I found that I loved it even more.

I love sports and music, and I like the touch that IP has on everything, IP touches all aspect of life. I think because IP law is such a versatile area of law it always keeps me engaged and entertained, I never get bored with it.

## How have you found the pathway to your current position? And can you offer advice from your experience?

It was a strong sense of determination that got me to this position. We don't have many IP centred firms in Jamaica, but I was determined and certain that this area of law was what I wanted to pursue. I would offer to volunteer my time for the experience. I started at the law firm Foga Daley as a summer intern, went on to work part-time while I was still in law school, and now I am a full-time Associate.

My advice is don't be afraid to put yourself out there and volunteer your time. Before I worked at Foga Daley, I did an unpaid internship at the Jamaican Intellectual Property Office. I would go out of my way to find courses and resources online, and many of them are free, to increase my knowledge base to make myself more attractive for when I would start practising. I believe in applying yourself 100% to everything you do, if you're going to do something



do it to the very best of your ability, not halfheartedly.

Here in Jamaica, like many places, the law market is getting very saturated. This is more of a reason to be open to doing different things. I was initially very close-minded to IP and thought I wouldn't practise it. Even when I had an interest, people would tell me there's no market for that area of law – not knowing how important it is in Jamaica. But I was so convinced that this was what I wanted to do, so I stuck with it – it has worked out well for me.

#### What challenges have you faced? And how have you overcome them?

I think one of the biggest challenges so far is just being a young woman.

I've had experiences where potential clients ask if there is a male lawyer they can talk to – some would just prefer to deal with a male lawyer. I've also had experiences where clients see me and think I'm just too young to be handling their matters. That said, I've learned not to let those types of comments make me doubt my own capabilities and it is great to prove this perception wrong.

A very personal challenge is that I like to be good at anything I try as soon as I try it and don't like failing or falling short of a mark I've set for myself. It's a challenge that I think is constantly ongoing but I've learned, and am still learning, that it's ok not to be great at everything I try and there are lessons in failure.

#### What would you consider to be your greatest achievement in your career so far?

That's a tough one. I would say how far I have come in the four years I've been practicing. I think I have progressed quite a bit in the field in a short space of time and I do feel very proud of that. Being featured in this issue is also a major highlight for me!

The more I volunteered and got involved in various committees, the more I'd be invited or encouraged to make presentations, teach courses or join other committees and my name gets put out there. A lot of these types of positions and opportunities came from volunteering to be involved and it opened doors I wouldn't have even imagined for myself.

The two partners at my firm are very willing to pass opportunities to me – and push me to do things I wouldn't otherwise, in the long run I am grateful for this. I'm a part of a non-profit group called *Women's IP Today* and that opportunity only came about thanks to one of the partners who introduced me to the group. I appreciate that they take that step back to enable me to move forward.

In the *Women's IP Today* group I've met so many wonderful women in that group who are

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**I was raised to never believe that anything was out of my reach because of my gender or the color of my skin.**

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generally interested in the cause of equality and so often promote others ahead of themselves with the aim of opening doors for everyone involved.

#### What are your future career aspirations?

I ask myself that every day! I don't know that I can say right now, I have so many thoughts about what I want to do. But I know that I love this field and I want to continue in this field and be recognized for my work in it.

#### What changes would you like to see in the IP industry regarding equality and diversity in the next five years?

I was raised to never believe that anything was out of my reach because of my gender or the color of my skin. Growing up I had so many female role models to look up to, and in a country where our motto is "Out of many, one people", these women were of various races, religions, classes, background, but all were women that understood my experiences and women that I could relate to.

Friends would joke that based on my diverse family I could point to any person of any race or ethnicity and say "That's my cousin" and they would believe me. As I got older and stepped outside of the familiar background I was raised in, I started to realize not everyone was raised the same way or held the same views and the more my circle expanded, the more jarring it became. Even as the circle expands one thing that remains common globally is that there are so many different types of issues that women face, particularly in the workplace, even if every country has its own unique set of issues. Issues range from sexism, racism, colourism, classism, sexual harassment, balancing personal and professional life and career advancement, and, unfortunately, sometimes opposition from other women.

People might be tired of the phrase "representation matters" but it can't be said enough; representation does matter and the more my circle expands the more I understand that.

I would love to see more representation for women and women of color in particular. In Jamaica, what I have found is that the IP community is generally female dominated, but when I look on a global scale I realise that it's not the same. And this is not to say there are not women in the field, but that the level of representation is not what it should be.

Sometimes during IP related group meetings I've found myself looking around and thinking... for a group that is supposed to be globally inclusive, how is it that I'm the only black person here? It's something that has struck me more

“Out of many, one people”.

since we've started spending more time on online platforms like Zoom.

I do want to see better representation across the board, and not as handouts because it should not be putting someone forward for the sake of putting somebody forward. There are so many qualified women and women of colour in the field and I think this needs to be properly represented.

**How do you think the empowerment of women can be continued and expanded in the IP sector?**

I think that we have roles to play individually in speaking out and putting forward our colleagues whenever we can.

I also think the more female role models we have, the better. Within my firm, there are five attorneys, two female partners, two female associates and one male associate – he is definitely outnumbered! Within our environment I have had interns that have told me that they decided to intern with our firm based on how many women work at this firm. Some of them had bad experiences with sexual advances and different obstacles based on their gender at other places. There are some people that will take advantage of their senior position, when they see a young woman coming into the profession, and incorrectly use their position under the guise of mentorship. Speaking openly about these issues is a start and genuine change can only come if everyone is involved in advocating for equality and speaking out against any form of inequality when it appears.

In terms of what can be done to continue to advance women's equality, I think groups like *Women's IP Today* and other similar organisations will play big role. These groups are all about empowering and pursuing the interests of professional women in the workplace. I've been a part of *Women's IP Today* for only a few months and already I've met so many women who have encouraged, mentored, and selflessly pushed me forward giving me a platform to be seen and heard and giving me a chance to keep paying it forward to others. Every month we've had the opportunity to meet, share difficulties we've faced in the workplace, triumphs, and overall experiences. These sessions have been particularly amazing for me as it has given me the opportunity to see that we are not alone in some of these struggles and bounce ideas off each other on how we can continue to advocate for the cause. I think the group is a perfect example of how we can reach these goals for female equality.



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