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一訪中國專利代理(香港)有限公司法律部副經理熊延峰先生

2014 年 10 月 13 日,由世界著名商務和專業信息提供商湯森路透公司 (Thomson Reuters) 旗下的《亞洲法律雜誌》(Asian Legal Business-ALB)主辦的 2014 年度“客戶之選:最受青睞的 20 位中國頂級律師”評選活動揭曉,中國專利代理(香港)有限公司法律部副經理熊延峰先生榮膺“最受青睞的 20 位中國頂級律師”稱號¹。

在 ALB 對數百位頂尖的公司內部法律顧問和商務專業人士進行的“關於律師服務質量和滿意度”的網絡調查中,根據客戶的服務反饋排出了前 20 名律師。這 20 位律師分布在各個專業領域,其中熊延峰先生成為獲此殊榮的唯一一位中國專利代理人。

《亞洲法律雜誌》是亞太地區面向法律從業人員的專業媒體,素有法律界“福布斯”之稱。

近日,我刊編輯對熊延峰先生進行了專訪。

鄒莉:延峰,你好!首先祝賀你斬獲殊榮!在評選出的 20 位律師中,幾乎所有的律師都是投資、併購、商業等領域的,鮮有知識產權領域的,而你從眾多知識產權律師中脫穎而出,你覺得為什麼會是你?

熊延峰:鄒莉,你好!首先非常感謝 ALB 舉辦本次評選活動,給我們一個機會可以獲得客戶的客觀反饋,激勵我們不斷提高服務水準。

知識產權領域對於中國而言是比較新的,在過去的 30 年中,中國的專利行業逐步從初期翻譯型轉變到法律服務型,近幾年來更是從非訴逐漸轉向訴訟業務。比如三星對蘋果等訴訟案件,將專利申請和訴訟業務引入公眾的眼球。專利代理人也在傳統法律行業里獲得了越來越多的重視。

無論是專利還是其他法律類型,服務質量都是獲得客戶認可的關鍵。服務質量是一個難以定義的概念,有時候會依據客戶的要求不同而改變。但通常不變的標準是勝訴率,或者即使無法勝訴也可以為客戶提供最全面的分析以確定最合適的

解決方案。就我的經驗而言,客戶往往更欣賞和信任代理人專業的業務水準。優秀的代理人不會去刻意取悅客戶,而是會把精力更多放在案件本身上。這樣簡單的思維方式,看來也為我贏得了很多客戶的寶貴信任吧。

鄒莉:我們注意到,ALB 評委會的調查結果認為你的專利行政勝訴率高是客戶投票的一個重要考慮因素,你覺得你獲得高勝訴率的原因是什麼?

熊延峰:我覺得這個問題要分幾個方面來說吧,勝訴率較高主要得益於公司提供了這麼好的平台,國家大的法制環境全面向好,當然也有個人和團隊的努力。

鄒莉:那我們先從你自身因素開始談吧。

熊延峰:好吧,聽你的。首先代理人得想贏。這個說起來簡單,但實際中往往並非如此。專利行政訴訟的難度很大,業內普遍認為翻盤率只有 10%,對很多代理人而言,都經歷了很多敗訴,最後認為無論如何努力也不可能贏行政訴訟。抱着這樣的心態去做行政訴訟,往往就是把之前的意見重複一遍,這樣保證是一個都贏不了的,最後自然變成分母。

而我在接到專利行政訴訟案的時候,一般不會去考慮這些,而是拋開其他因素,靜心只看案子。在全心投入的時候,並不會受到任何其他因素的影響。在很多案子中,其實都存在一些可翻盤的點,但首先要充分理解技術,然後剝開技術層面,把其中的關鍵法律問題找出來,再把這個問題放大。我最終會把一個案件聚焦成一句話,比如一個簡單的問句,這就是把核心問題放大到最大呈現給法官看,就有翻盤的可能。在這個過程中,需要極度集中的精神和必勝的信心,需要非常投入到案件當中。

鄒莉:看來,有必勝的信念非常重要。

熊延峰:是啊,代理人必須有“要打贏”的信念,也可能跟我底下就比較好勝有關,比如我平時喜歡打籃球,這也培養出了較強的好勝心和團隊精神。

鄒莉:也談談你在美國的學習、工作經歷吧,這份經歷一定也對你有所幫助吧?你當年為什麼會考慮辭職去美國讀書呢?

熊延峰:我職業生涯中有過幾次重要的選擇,一次是辭職去美國讀書,一次是回國,還有一次是在港專內部轉到法律部工作。

第一個決定是在2005年底,我當時已在港專電學部工作了3年,對於新申請和OA的處理已經駕輕就熟。當時的月收入已經較為穩定,比絕大多數同學都要高。對於一個工作3年的年輕人而言,其實這樣的工作已經很理想了。但也是一次偶然的機會,我有幸觀看了美國一家大型IP律所與CAFC法官在北京舉辦的模擬法庭,庭上各位大律師與法官的精彩表現使我大開眼界。我當時就突然感覺,原來專利領域遠遠不止自己當時所做的工作,外邊還有太多精彩世界需要探索。

可是,如果去美國唸書,就必須辭去現在的好工作,而在美國最終能學到什麼東西,畢業之後是否還能找到像現在一樣好的工作,都是未知數。當時多數人都無法理解我辭去這份“金飯碗”的決定。

最後我還是選擇了去讀書,我相信在美國能夠看到IP的將來,看到我在當前崗位無法看到的“金礦”,就像我在模擬法庭上看到的一樣。在學到這樣的技術之後,回國一定會有我發光的舞臺。到了美國以後,通過一年的努力,我在自己最重視的專利法課和法律技巧課上拿到了A+,也就是第一名吧。畢業2個禮拜後,我又在紐約通過了美國專利代理人考試。隨後在美國最大的一家IP律所,也就是當年辦模擬法庭的那家律所實習了幾個月。這些都為我回國後能夠成功轉型訴訟打下了堅實的基礎。

鄒莉:所以當時就注定會轉入法律部吧,但為什麼沒有一回國就加入法律部呢?

熊延峰:雖然在美國學到了很多知識,但相比其他代理人還差很多實戰經驗。簡單說,光有夢想和理論,而缺少實踐經驗的積累也是不行的,如果當時被直接推向訴訟前線,也很可能會失敗的。

我回國以後,先是在港專的物理部做了3年,除了積累平時的新申請和OA經驗,我在8小時之外更多關注國內國際上最新出現的IP動向,研究最新案例發展,同時也與法律部的吳

玉和老師一起做一些訴訟案件和學術研究工作。通過這3年着重訴訟方向的積累,逐步提高自己的實力,為將來加入法律部做好了一切準備。

到了2010年,我正式從物理部轉入法律部。當時,不但要放棄物理部豐厚穩定的收入,還要立即接手重大客戶的無效訴訟任務。這是以我的職業生涯為賭注的又一次巨大冒險。

鄒莉:現在看來,這些努力和“冒險”都得到了回報。今年你已經是客戶投票最認可的律師之一,你覺得最主要的原因是什麼呢?

熊延峰:作為代理人而言,最重要的就是溝通技巧,一個是與客戶的溝通技巧;一個是與裁判者的溝通技巧。

與客戶溝通,除了應有的語言技巧以外,就是語言上的無障礙,更重要的是思維上無障礙的交流。

我覺得在美國學習、工作的一年半里,學到的專利授權程序並不是最重要的,更重要的是學到了律師的思考方式。那一段時間我讀了大量的經典判例,尤其是判決書的推理部分,這些推理部分中體現了法院在處理專利案件時的思路,這些才是精華所在。同樣,國外律師的思維方式也是以在先判例為基準。通過對這些訴訟判例的學習,可以很容易地與國外律師在思路上同步起來。這對於提高客戶溝通效率和迅速提高客戶信任度都很有幫助。

當然,我的意思也不是要在中國訴訟中照搬美國的判決決定,而是去看美國重要判例的推理思路,取其精華部分以作參考。簡而言之,美國判決結果並不重要,重要的是為什麼要這麼判。當你在思路上與客戶的內部律師達到同步以後,可以更為有效地幫助他們挑選出在中國最優選的訴訟策略。

和法官的溝通,無論是書面還是口審,都應該避免簡單地填鴨式灌輸技術內容,而是應該儘量具體化技術方案,比如把權項語言帶入生活,通過生活中的實際例子,來解釋現有技術哪兒不好,我們的方案怎麼解決了問題。在解釋清楚技術方案之後,就可以剝開技術表層,聚焦到法律的突破口上。比如前一陣有一個在基體摻入熒光材料的案子,技術術語很多,如在樹脂中加入摻有稀土的正硅酸鹽,光這些術語就足以讓人頭暈,但其實這些術語在最終的法律問題理解上並不是重要的,那麼我就通過一個果凍的簡單例子,幫法官很快地理解發明技

術方案,比如硅樹脂就好比果凍外層的凝膠,里面的熒光材料就像果凍里的水果粒。這樣法官很快就對這個案子有了感性認識,然後我再進入到法律層面聚焦到爭議點,法官可以很快地抓住爭議的核心所在。這樣就避免讓裁判者迷失在技術理解上,勝算自然也就提高了。

鄒莉:謝謝延峰,關於個人素質方面介紹了這麼多的經驗,那剛剛還提到公司的平台,能否具體說一說。

熊延峰:提到公司平台,我覺得自己非常幸運,畢業後能進入到中國頂尖的專利代理機構開始自己的職業生涯,這種高起點對於年輕人來說,也是很重要的開端。

我能在專利訴訟的道路上,一直做到現在的水平,很大程度上也取決於港專提供了一個這麼好的平台。今年是港專建司30週年。這30年來,公司積累了大量優質客戶,承辦了大量專利申請業務。現在很多公司之前辦理的專利都進入到行使專利權的階段,因此訴訟案量也較大。

公司還吸納了方方面面的人才,為每個案子都會成立專門的小組,各個領域的同事協同配合,團隊作戰,為打贏案子共同努力。近年來,通過實施先進的質量控制體系和管理制度,港專全面提昇了服務質量,代理人的水平也進一步提高。由於長期從事涉外專利代理業務,港專的同事在服務意識、質量控制、專業水平以及眼界上都是國內一流,與國際先進事務所的水平接軌。

最後,關於最近勝訴率高的原因,不得不提中國大的司法環境全面向好。中國新一屆政府非常重視推進依法治國、司法獨立。習近平總書記在多次講話中深入闡釋黨的十八大報告中關於全面推進依法治國、加快建設社會主義法治國家的目標要求,提出司法改革要“確保依法獨立公正行使審判權、檢察權”,“探索與行政區劃適當分離的司法管轄制度”等。黨的十八屆三中全會對司法體制改革作出重大部署,“依法治國”首次成為正在召開的黨的十八屆四中全會的會議主題,這些都表明了中央對司法體制改革的高度重視。作為影響中國司法公信力的兩大“頑疾”,司法地方化以及司法行政化,有望在本輪司法體制改革中得到去除。

這些都說明,中國法院將逐步去除行政化,法官本人對案件將會有更大的自主權。中國更加公正的法治環境將對中國整

個知識產權保護事業的長足發展產生重大的推動作用。

鄒莉:你的經歷真的讓我們很佩服,也鼓舞着每個年輕人要勇於接受挑戰。一位世界一流製造公司的法律顧問在反饋中提到:“熊延峰是我所見過的最好的中國專利律師之一”。你覺得做一個好的知識產權律師,必備的素質是什麼?你想對年輕的知識產權律師說些什麼?

熊延峰:(笑)我也不一定有資格來做這樣的總結,我想我真的是希望分享我的一些心路歷程和真實體會吧。

我覺得作為一名專利代理人,要專業、敬業、認真、細緻、踏實,要有好的職業道德,以客戶利益為先,踏踏實實做事,不圖虛名,不計較眼前得失,放眼於長遠。如剛才我介紹的自己的經歷,幾次放棄安逸、穩定的生活,選擇了更艱辛、充滿未知的道路。但是,這個過程讓我很充實,很開心,開闊了眼界。

另外,認真做好本職工作,打好基礎,是為下一步做特別好的積累。我特別懷念在公司電學部和物理部的工作,這些工作夯實了我的基本功,為現在的訴訟工作打下了堅實的基礎。我深信,成功不是偶然的,機會永遠給有準備的人。

鄒莉:好的,謝謝延峰為我們介紹了這麼多寶貴的經驗,分享了自己的心路歷程!也祝你在未來的職業道路上取得更大的成績!

熊延峰:謝謝! 圖

(本刊編輯)

¹ <http://www.legalbusinessonline.com/news/alb-unveils-2014-china-client-choice-20/67141>.

Excellent Performance from Erudity and Readiness:

Interview of Xiong Yanfeng, Deputy Manager of the CPA Legal Affairs Department

On 13 October 2014, the Asian Legal Business (ALB) under the Thomson Reuters, a world renowned business and professional information provider, unveiled the final results of the 2014 ALB China Client Choice 20, with the top lawyers across practice areas who are the most popular with clients in mainland China identified, and Mr. Xiong Yanfeng, Deputy Manager of the Legal Affairs Department of China Patent Agent (H. K.) Ltd. was awarded the title, as one of the top lawyers most popular with clients in mainland China¹.

The ALB ran an online survey, and collected hundreds of responses on the quality of and satisfaction with lawyers' legal services from leading in-house legal counsel and business professionals, coming up with a list of 20 most sought-after private practice lawyers across practice areas in the country, and Mr. Xiong Yanfeng is the only patent attorney from China who has been put on the list and awarded the title.

The Asian Legal Business, a professional magazine for legal professionals in the Asian-Pacific region, is also known as "Forbes" in the legal community.

Recently, Julia Zhou, an editor of this Journal has interviewed Mr. Xiong Yanfeng.

Julia Zou: Hi, Yanfeng. Congratulations on your being awarded the special title! Almost all the lawyers who have awarded the title are from the practice areas of investment, acquisition & merger, and commerce, and it is extraordinarily rare for one from the IP field. You have emerged with the honour from so many IP attorneys. What are the reasons you think you have been chosen?

Xiong Yanfeng: Hi, Julia. First of all, I would like to express my great gratitude to ALB for the survey which has provided an opportunity for us to receive our clients' objective feedback on our professional legal services provision, and it will inspire us to constantly improve our services.

The IP profession is relatively new in China. The past thirty years saw the patent-related profession in China change from the early translation service provision to legal service provision, and the ongoing change in recent years

from non-litigation-oriented to litigation-oriented service provision. For example, Samsung v. Apple has attracted great public attention to patent application prosecution and litigation, and patent attorneys have been receiving more and more attention as well in the traditional legal service provision industry.

Whether in the patent-related and other legal service provisions, quality of service is the key for clients' recognition and acceptance. The quality of service provision is a concept difficult to define, and it varies according to clients' varied demands. However, what remains unchanged is the rate of winning cases, or provision of our clients with optimal solutions based on the most comprehensive analysis even in cases impossible for us to win. As my own experience shows, what clients often more appreciate and trust in an attorney is his or her fine professionalism. A good attorney would not try to please a client, rather he or she would more concentrate on a case a client entrusts. It seems exactly with this simple thinking that I have won much-desired trust or confidence from many clients.

Julia Zou: We know that the ALB survey findings show that your high rate of winning patent-related administrative cases is one of the important factors for clients to have voted for you. How can you manage, you think, to have achieved this high win rate?

Xiong Yanfeng: I think the reasons are quite varied. I would attribute the high win rate primarily to the excellent platform CPA has created for us, to the change, for the better, of the overall legal environment in China, and, of course, to my personal and my team's persevering diligence.

Julia Zou: Let's start from your personal factors.

Xiong Yanfeng: OK, as you wish. An attorney must have a strong desire to win a lawsuit. This is easy to say, but hard to achieve in practice. A patent-related administrative case is very difficult to deal with. It is widely believed in the community that there are only 10% of the cases where administrative actions are reversed. Many attorneys experience losses in so

many cases of the kind that they think it is impossible to win in such a case whatever efforts they make. If you go about an administrative lawsuit with this mentality, what you'd do is no more than repeat your view as you did in the previous cases. Then, you're sure to lose.

When I take up a patent-related administrative case, rather than considering these factors, I would concentrate on the case attentively and not be affected by any other factors or concerns. In many cases of the nature, there do exist points to make reversed administrative action possible. We should first thoroughly understand the involved technology, cut into the technical layers of it, identify the key issue(s) of law, magnify them, and, finally, condense the case into just one sentence, say, a simple question. This is to magnify the core issue(s) to the maximum before the judge. Then reversal is possible. In this process, what are needed are extreme concentration and firm confidence.

Julia Zou: It seems that confidence in winning a case is extremely important.

Xiong Yanfeng: Absolutely. An attorney must have a confidence to win. This has something to do with my constant desire to do well in everything I do. For example, I like playing basketball, and the sport has brought me strong desire to win and team-work spirit.

Julia Zou: Would you please talk about your graduate study and internship or work experience in the United States. This experience is of some help to you, isn't it? Why did you consider quitting your job and pursuing education in the United States?

Xiong Yanfeng: I have made several important decisions or choices in my career: quit my job to study in the States; return home; and transfer from another department to the Legal Affairs Department of CPA.

I made the first decision in late 2005. At that time, I had worked for three years in the Electric and Electronic Department of CPA. By then I had been very much proficient in dealing with new applications and OA communications, and my monthly income was good and stable, and more than most of my former university classmates made. It is true, the job was ideal to any young people who had just worked for three years. On a rather unexpected occasion, I was fortunate to have attended a moot court hearing jointly held by a large U.S. law firm and some CAFC judges, at which the wonderful performance of the lawyers and the judges present thrilled me and opened my professional vision. It suddenly occurred to me that the patent-related field held or

covered much more than what I was doing at the time, and it was such an exciting world for us to explore.

But, if I went to study in the United States, I had to quit my job. What I would eventually learn? Was it possible to find a good job like the one I had? Everything was unknown. Then, many people around me could not understand why I had decided to quit this "gold-rice-bowl" job of mine.

I finally decided to take up my graduate studies, fully believing that in the States, I could see my IP-related future and find the "gold mine" I could not possibly see at my present job just as I did at the moot court hearing. With the knowledge I would acquire, I would for sure to have a role to play on my return. Through a year of hard studies in the States, I got A+, or won the first place, for the Patent Law and Legal Skills courses to which I attached most importance. Two weeks after my graduation, I passed the U.S. Patent Attorney Examination in New York, and got an internship in the largest IP law firm in the United States, which had jointly held the moot court hearing in Beijing several years before. All this had laid a solid foundation for my success in entering the litigation-related profession when I returned to work again for CPA.

Julia Zou: At the time, you had a strong intention to work in the Legal Affairs Department, but why didn't you join it right after your return home?

Xiong Yanfeng: Although I learned a great deal, I was not as practically experienced as my attorney colleagues. Dream and book knowledge alone were not enough, and accumulated practical experience was very much needed. I would possibly have failed had I directly taken up the litigation-related job.

So after I returned home, I had worked three years in the Physics Department. Besides accumulating experience in dealing with new applications and OA counseling, I, in my spare time, tried to keep abreast with the latest IP trends and developments of IP cases and study the latest cases in China and in foreign countries. Meanwhile, I worked closely with Mr. Wu Yuhe, then Manager of the Legal Affairs Department, involving myself in some lawsuits and academic researches. My three-year involvement with my work in lawsuits allowed me to accumulate experience and gradually improved my capability along the line, and made myself ready to join the Legal Affairs Department as a patent attorney.

In 2010, I was formally transferred to the Legal Affairs Department. By doing so, I gave up my stable, handsome income working as a patent attorney in the Physics Depart-

ment, and right off took up invalidation litigations brought by our important clients. This is again a tremendous risk I took then in my career.

Julia Zou: Now it seems that all the efforts and “risks” are rewarding. This year you have been chosen by clients to be a most-sought-after or popular attorney. What are the most important reasons for this?

Xiong Yanfeng: For a patent attorney, the most important thing is his or her skills of communication, with clients and with examiners and judges.

Besides the necessary language skills, communication with clients involves obstacle-free language communication, and the more important is the ability to communicate ideas smoothly with our clients.

For me, what I learnt about the patent grant procedure, in my one-year-and-half graduate study and internship in the United States, is not the most important. What is more important is that I have learnt how to think as an attorney or lawyer. In that period, I read a lot of classical cases or precedents, focusing especially on the reasoning parts of court decisions made in these cases. This is the very best part as the reasoning partially shows a courts’ thinking in adjudicating a particular patent case. Likewise, the way of thinking of a foreign attorney or lawyer is also based on the precedents as the benchmarks. Close study of these judicial precedents made it easy to think in the way a foreign lawyer would do, which is of great help for me to have efficient communication with my clients and win more trust from them.

By saying so, of course, I do not mean that we have to copy U.S. court decisions in litigation in China. We should look into the way of reasoning in important U.S. precedents, and refer to the best part of them. To be brief, the outcome of a U.S. court’s decision made in a case is not important; what is important is why a particular decision is made this way. When your view matches that of an in-house counsel of your client, you can more effectively help them choose the most preferred strategy to litigate in China.

To communicate with a judge, in writing or at an oral hearing, you should avoid, as much as possible, cramming him with too much technical information. Rather, you should present a technical solution in terms as specific as possible, say, to associate the terms of a claim with your daily life, explain to him or her why the prior art is flawed or problematic by using example from our real life, and how the claimed technical solution has solved the problem. After you clarify the technical solution you then peel off its layers around it,

and focus on the legal point to get to the issue. Take for example, in a recent case involving adding fluorescent material to the matrix, quite a lot of technical terms were used, say, to silicone resin was added orthosilicate blended with rare earth. All these technical terms made people crazy. In fact, they were not that important for final understanding the issues of law. So I explained the matter by using a simple example of jelly to help the judge understand the technical solution of the invention, elaborating that the silicone resin was like the gel of the external layer of jelly and the fluorescent material the sliced fruit inside the jelly. The judge immediately got the idea and came to conceptually understand the case. Then I proceeded with what was at issue in law in the case to enable the judge to see the core of the issue. By doing so, I managed to prevent the judge from getting lost in the technology, and make it more likely for us to win the case.

Julia Zou: Thank you for talking a great deal about yourself and your experience. You have just mentioned CPA as your career platform. Could you elaborate on this?

Xiong Yanfeng: About the corporate platform, I feel extraordinarily fortunate to have started my career in the leading patent agency in China after I graduated from college. For any young people, starting from such a high point is crucial.

That I have been able to make such progress or achievement in my patent litigation career should be attributed, to a large extent, to the wonderful platform CPA has made available to us. This year marks the thirtieth anniversary of CPA. Over the past thirty years, CPA has got hold of lots of important clients, and prosecuted tremendous number of patent applications. As many patent applications we prosecuted in the past are now entering the phase of patent enforcement, we now have quite a large number of litigation at hand.

CPA has employees specialized in all technical fields. As a regular practice of CPA, we usually set up a special team for each case. The colleagues from various technical fields make concerted efforts to win a case. In recent years, the implementation of the advanced quality control system and management system has made it possible for us to have comprehensively improved the quality of our corporate service provision and further enhanced the attorney’s professional proficiency. Long practice of representing foreign clients in patent prosecution and enforcement enables my colleagues and myself to have a high service awareness; our quality control system, professionalism and vision are compatible with those of other large multinational law firms.

Finally, we should say, our high win rate is an indication of the overall betterment of the macro-judicial environment in China. The present Government of China attaches great importance to governance by law and independent judiciary. Xi Jinping, the Party General Secretary, expounds, in depth on many occasions, on the goal set forth in his Address at the 18th National Congress of the Communist Party of China to comprehensively promote governance by law and to speed up the construction of a socialist country ruled by law, requiring that the judicial reform should ensure independent and just exercise of the adjudicative and prosecutory authorities, and seek to create a system of jurisdiction duly separately from the regions of administrative divisions. At the Third Plenary Session of the 18th National Congress of the Communist Party of China, the important plan for reform of the judicial system was made, and governance by law was, for the first time, set as a main theme or topic on the agenda of the Fourth Plenary Session of the 18th National Congress of the Communist Party of China, indicating the great importance the Party Central Committee has attached to the judicial system reform. The two long-standing flaws, judicial localisation and administrativisation, that have been affecting the public trust in the judiciary in China, are expected to be eliminated in the ongoing judicial reform.

All these show that the court are gradually de-administrativized in China and that judges will have more discretion. A better law-abiding environment in China will greatly spur great development of the cause of IP protection in China.

Julia Zou: Your experience will inspire young people to bravely face challenges. An in-house counsel to a world top manufacturer mentioned in his response: "Xiong Yanfeng is one of the best patent attorneys I have ever seen in China". By the way, what, you think, are the necessary quality of a good IP attorney? What would you like to say to them?

Xiong Yanfeng: (Laughing) I'm not quite qualified to do so, I'm afraid. Anyway, I'd like to share with them my own view and experience.

For me, a patent attorney should be dedicated, conscientious, careful and diligent. He should have professional morals, take clients' interests as the priority, work in a down-to-earth manner, not seek underserved reputation, should not be concerned with personal gains or losses, and should be far-sighted. As I just talked about my own experiences to give up, several times, my former easy, stable life, and choose to take a more arduous, unknown road. The entire process is life-enriching, delightful and vision broadening to me.

Besides, to conscientiously work and lay sound foundation in one's position or profession is to accumulate knowledge and experience for even further achievements. I especially miss the days when I worked in the Electric and Electronic Departments and the Physics Department of CPA as my work experience there helped me lay a solid foundations for my present litigation practice. I'm fully convinced that any success is by no means accidental, and opportunity awaits those who are ready to take it.

Julia Zou: Fine. Thank you very much for your account on your good professional growth and experience, and wish you even greater success in your future career.

Xiong Yanfeng: My pleasure and thank you. 謝

(Editor of the China Patents & Trademarks)

¹ <http://www.legalbusinessonline.com/news/alb-unveils-2014-china-client-choice-20/67141>.

歐洲統一專利法院最新進展

2014 年 11 月 26 日,歐洲統一專利法院(UPC)籌備委員會舉行《UPC 議事規程》第 17 稿的聽證會。預計 2015 年上半年將完成《UPC 議事規程》終稿。

相較於《UPC 議事規程》第 16 稿,第 17 稿的修改並不多,聽證會主要針對這些修改進行討論。UPC 的工作語言仍是一個熱點問題,根據 UPC 協定,庭審語言可以是主審案件的法院所在國的官方指定語言,也可以是歐洲專利局指定的一種語言。很多國家希望實現“可選語言機制”,比如口頭審理以英文進行,而以德文出具法院判決,等等。

據稱,UPC 於 2015 年年末成立的時間,還將取決於 UPC 協定在各國批准的時間,尤其是在英國和德國批准的時間。即使在 2015 年年底前有足夠數量的國家批准該協定,UPC 成立的準備工作還是需要到 2015 年年末才能就緒。

根據 UPC 籌備委員會,英國、愛爾蘭、德國、法國、比利時、荷蘭、丹麥、芬蘭、意大利、奧地利都將設立一審地方法院,而瑞典、拉脫維亞、立陶宛和愛沙尼亞的一審專利案件將會歸入相應的一審地區法院。其他國家法院的具體安排尚未明確。