

世强律师事务所 Steptoe

为中国企业提供未雨绸缪的国际化IP战略

— 专访美国世强律师事务所合伙人、中国专利和诉讼主管Timothy C. Bickham (贝恬慕)

Thinking ahead to help Chinese companies prepare well in international IP competition

- An interview with Timothy C. Bickham, Partner and Managing Director of China Intellectual Property and Litigation at Steptoe & Johnson



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ALB: 近年来，您在联邦法院和国际贸易委员会为中国公司代理重大专利诉讼和商业秘密诉讼时遇到的主要挑战是什么？您和团队是如何应对的？

Timothy C. Bickham: 由于常驻北京办公室，我能够与那些在联邦法院和国际贸易委员会积极提起知识产权诉讼的公司进行直接合作。中国企业在进入美国市场的过程中，现在几乎不可避免地会牵涉到高风险的知识产权诉讼中。对于中国企业来说，主要的挑战在于对这些诉讼进行预判和准备。根据我的经验，做到未雨绸缪的中国企业往往会把握更高胜算，最终付出的法律费用更少、所获取的市场份额也更大。世强拥有与中国公司合作经验丰富的律师，并能够经常性地集中美两地的律师之力为客户解决争议，因此我们即使在疫情的挑战下，也能与客户及时、有效沟通。强有力的沟通和协作是帮助企业取得有利结果的关键。

ALB: 据您观察，这类诉讼案件在未来将呈现怎样的趋势？您和团队做了怎样的准备？

Bickham: 我注意到的一个重要趋势是，美国的知识产权诉讼案件——特别是针对中国公司的诉讼正日益增多。随着中国企业在美国市场各个领域表现出愈加强大的影响力，其竞争对手正试图通过知识产权手段与其抗衡。为应对这种趋势，中国企业必须对法律方面的风险提前做出预测，并积极准备，制定相关法律与业务战略，并尽早与美国法律顾问合作。我们在北京、华盛顿、纽约、芝加哥和加州都有相关的律师团队，能够迅速响应客户的需求，真正提供24小时服务。根据我的经验，也正是受益于此，我们的客户可以在美国市场有着更好的发展前景。

ALB: What are the main challenges you have encountered in recent years when representing Chinese companies in high stakes patent litigation and trade secrets litigation in Federal Courts and the International Trade Commission? How do you and your team cope?

Timothy C. Bickham: Based in Steptoe's Beijing office, I work directly with companies who are actively litigating IP cases in Federal Courts and the International Trade Commission. High-stakes IP litigations have now become essentially a gateway Chinese companies must navigate as they enter the US market. The main challenges for Chinese companies, therefore, are anticipating and preparing for such litigations. In my experience, companies that anticipate and prepare for IP litigation have a substantially better likelihood of success – they end up spending less in legal fees and capturing larger market share. Our lawyers have significant experience working with Chinese companies and we often staff cases with attorneys in both China and the US. This allows us to give clients local attention and communicate effectively, despite additional challenge posed by the pandemic. Strong communication and working in partnership with the companies is critical to success.

ALB: What trend have you observed that such litigation will follow in the future? How do you respond to it?

Bickham: One important recent trend I have noticed is the rising number of IP litigations in the US, especially those targeting Chinese companies. As Chinese companies become more powerful and influential players in the US market across various sectors, their competitors are turning to IP to curb competition. Responding to the trend, it is critical for Chinese companies to anticipate and prepare for legal challenges ahead of time by making strategies that reflect the legal issues and the business realities and working with their US counsel early. Having team members based in Beijing, DC, New York, Chicago, and California, Steptoe provides true round-the-clock service and respond quickly to our clients' needs. In my experience, our clients face much better prospects in the US market and truly benefit from having a full-service and reliable US counsel on their teams.