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Practitioner's Perspective

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Asia IP (AIP): What drew you personally to IP work? Why did you choose IP over other practice areas?

Ashwin Julka (AJ): My association with IP – my career in law – was rather fortuitous. In fact, I wanted to emulate my father who was a bureaucrat, but I could not make it despite three attempts at the civil services exam. The fall back option was law, and I saw myself applying everywhere including Remfry & Sagar through, believe it or not, the Yellow Pages. When I reflect, I guess it was written in the stars. I joined the firm in 1994 and soon found that I tremendously enjoyed my work as an IP lawyer.

AIP: What excites you about getting up in the morning and coming to work?

AJ: Each work day brings new tasks and challenges. Fulfilling the needs of clients and associates, adding value to businesses, meeting the challenges that arise, together with the wonderful, dynamic team at the firm, brings a sense of achievement and satisfaction. This is something I look forward to everyday.

AIP: The IP scene in India must be almost unrecognizable to when you began working as a lawyer. How has what you do on a daily basis changed?

AJ: Absolutely true... There were only a handful of IP firms and professionals as opposed to the situation now where there is a big explosion in the number of IP firms and professionals – nearly 300 IP firms exist today – and a lot of this is in direct response to the demand of IP services that is coming from businesses and individuals. IP awareness has grown sharply, and nowadays one often sees IP make newspaper headlines.

The quantum, the quality and the subject itself has evolved over the years with many new facets being enveloped in the gamut of IP. Technology has been a big game changer now to ensuring transparency, accuracy and efficiency.

AIP: How has technology changed the way you and your colleagues work? Has the government of India embraced technology fully?

AJ: Technology inherently brings with it efficiencies of time and resources. It improves transparency and reduces margins of error. Remfry & Sagar has been an early adopter of technology, from being the first commercial buyer of a microprocessor-based Indian computer in the late 1970s. Today, it has a state-of-the-art infrastructure that ensures every member of the firm can securely access the large reservoir of in-house data as well as external resources to provide our clients with the most efficient handling of their matters. Firm records are fully digitized and we recently designed, developed and implemented a proprietary (and award winning) Case Management Solution that will enable end-to-end case docketing, tracking, completion and delivery resulting in reduced turn-around time, improved governance and best-in-class service to our clients. In addition, a proprietary database comprises records of all trademark, patent and design details published by the IP offices. This database is continuously updated and data is filtered appropriately through use of sophisticated algorithms.

Also, all attorneys can log on to office systems remotely. This facility was introduced recently and has further enhanced work efficiencies.

Over the last few years, one has also seen technology bring about a transformative change at the Indian IP office. The government has made a dedicated effort to harness technological tools to improve efficiencies and transparency and the difference in the time taken in the prosecution of IP matters and the quality of examination and processing is very perceptible. Hardware at the IP offices has been upgraded and, simultaneously, personnel have been trained to work on the technological platforms that have been put in place. The result has been dramatic – for trademarks, in a straightforward case, it is now possible to obtain a trademark registration within six months from the date of filing the application and the pendency of examination of applications has been reduced from 14 months to less than one month; for patents, the aim is to bring down pendency in examination from the present 5-7 years to less than 18 months. Other examples include the recent introduction of video conferencing facilities that enable attorneys to attend hearings at the IP office whilst sitting in their offices, as well as a mobile app that can provide users status on IP filings and enable the management of deadlines. The IP office has also created a Twitter account, making it even easier for the IP community to keep up with changes at the office and any change in law and policy.

AIP: What are some of the changes in your practice that make you say to your colleagues, "Do you remember when we had to _____?"

AJ: Well, one of the primary changes has been the impact of technological advancement. When I joined the practice, we would communicate with clients through telex and fax machines. Filings at the IP office were all paper filings – and often multiple copies had to be submitted. Also, searching for records at the IP

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office meant looking through racks of physical files – a timeconsuming process that was not the most efficient as physical files could sometimes be in places other than the record room. Today, communications are dominated by email and video calls and the photocopying function is fast being eclipsed by one of scanning. The IP offices, too, have been upgraded – they are housed in modern buildings with all the facilities of contemporary, comfortable offices. Locating documents is simplicity itself as official records have been migrated online.

The fact that information is at everyone's fingertips, has meant that turnaround times at the firm are now lightning quick. That is perhaps the case everywhere. So, sometimes, under pressure to address a challenge in the quickest time possible, one does look back to the days of yore which afforded the luxury of a far greater reaction time.

Of course, there is no turning the clock back, and being connected 24/7 certainly has its advantages. But as anyone will attest, this comes with its own challenges – and as an aspect of work, it was non-existent in the mid 1990s.

AIP: You're noted for your litigation work. What do you think is the best strategy for approaching litigation?

AJ: Being the managing partner, my role now entails more strategizing, forecasting and managing the firm and its assets. However, I am a strong believer that in-depth analysis and outlining clear strategy coupled with quick action is the key to success when it comes to litigation.

AIP: What do you find is the most challenging aspect of litigation?

AJ: In India, adjudication of disputes in the courts is till, for the most part, a rather long drawn out affair in terms of time. So, I would have to say that the most challenging aspect of litigation is setting out for clients a predictable time frame for conclusion within reasonable costs.

AIP: What's the most rewarding aspect of litigation?

AJ: Achieving success in the courtroom which translates to fulfilment of a client's objectives – that feeling is parallel to none. Also, the field of intellectual property has grown tremendously in the last two decades, particularly in the case of patent litigation. The firm has played an instrumental part in several cases that have set important IP precedent – influencing jurisprudence in this manner is another very rewarding aspect.

AIP: As managing partner, you have the opportunity to shape and guide the careers of many young lawyers. What sort of skills and traits do you look for to help ensure that you've find someone who will fit in well at your firm?

AJ: To start with, I look for superior communication skills – both oral and written. Intelligence, a clear-headed approach, a legal instinct and the ability to find creative solutions – these are some other traits that stand out for me. Honesty, hard work and the ability to integrate with, and work on, a team are also a *sine qua non*.

AIP: How well prepared are young lawyers when they come out of law school? Has this changed much over your career? Putting it another way, are fresh graduates better prepared now than they were 10 or 20 years ago?

AJ: Outside of IP circles, not many knew about the field, and this line of law was more often than not, not a career of first choice. Today, IP is a buzzword and young lawyers are actively seeking opportunities to become IP experts.

The education system has also evolved over the years. There is a lot of emphasis on practical training and internships form an important part of the curriculum. As a result, young lawyers are very aware of the various possibilities before them and I find that graduates have strong preferences vis-à-vis the field of law in which they want to specialize right from the moment they graduate.

AIP: What challenges do law firms like yours face that keep you awake at night? Do you ever get together with managing partners from firms in other countries and compare notes? If so, how does your job compare?

AJ: Remfry & Sagar has a very long history and a tremendous legacy – it has been a pioneer in the development of IP law in India and always maintained a leadership position. A primary challenge is to ensure that the position and prestige of the firm is not tarnished in any way but only enhances over time. For this, it is essential to recruit the best talent supported by state-of-the-art infrastructure that is able to consistently provide clients with top notch service despite the ever-increasing competition and cost pressures.

Of course, this is not a challenge unique to Remfry & Sagar, and one does discuss and exchange notes with similarly-placed people. Yet, the conditions in each location are different, so there are no 'one size fits all' solutions to such issues.

AIP: You've been in this business a long time and have had many successes, but can you share with me a couple of things you've worked on over the years that make you proud of the work you do?

AJ: Indeed, over the years the firm has seen many successes – a lot of recognition, praise from clients, and several awards have come its way. It is a nearly 200-year-old law firm and in all the time that I have been here, it has reinforced its position at the forefront of IP law. In fact, its goodwill and reputation have only strengthened. The firm's operations have grown tremendously – from 14 lawyers in 1994, we crossed the 100 lawyer figure this year.

That we have been able to carry forward the firm's legacy and ethos of excellence in this manner and to



this extent makes me very proud. This is no mean feat – there is a conscious effort we make every day to stay true to the firm's core values of innovation, integrity, efficiency and undisputed quality. This has served the institution well and the individuals, too. So many of those who left have started their own successful ventures, and Remfry & Sagar is a mother firm to several IP firms that dot the IP landscape today.

Special pride comes from the broader impact that the firm has on changing the lives of all those who work to make it the institution it is. Higher living standards of employees have translated into better education for their children which, in turn, has opened up a plethora of opportunities that perhaps were never available to the parents. Being witness to such transformative change brings a lot of meaning to each day's work.

About the Author

Ashwin Julka leads Remfry & Sagar, India's oldest, and one of its largest, IP firms. He is a recognized IP thought leader, and clients benefit from his experience of more than two decades in resolving complex issues, especially in matters of trademark law and patent policy.

He attends IP events and conferences around the world and speaks frequently – sharing the Indian IP perspective and contextualizing it *vis-à-vis* global trends. He has written many articles on diverse themes and is often asked to comment on topical issues, making him a well-known name on the international circuit. He is active on several committees and contributes to many intellectual property initiatives and business organizations, including INTA (where he is on the publications committee), the Asian Patent Attorneys Association, AIPPI, FICPI and PTMG (the Pharmaceutical Trade Marks Group). He also leads from the front at the BRICS IP Forum – a forum set up in 2008 by Remfry & Sagar in partnership with Daniel Advogados (Brazil), Gorodissky & Partners (Russia) and CCPIT Patent and Trademark Law Office (China).

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