

FRANCE: MARKET OVERVIEW

PATENT PROSECUTION

TIER 1
Bureau D A Casalonga-Josse
Cabinet Beau de Loménie
Cabinet Plasseraud
Cabinet Requinbeau
Lavoix
Santarelli
TIER 2
Ernest Gultmann - Yves Plasseraud
Hirsch & Associés
TIER 3
Bredéma
Brevalex
Cabinet Degret
Germain & Maureau

PATENT CONTENTIOUS

TIER 1
Véron & Associés Avocats
TIER 2
Bird & Bird
Cousin & Moatly
Duclos Thorne Mollet - Vieville & Associés
Gauttier Lakits Szleper
Howrey
TIER 3
Allen & Overy
Armengaud Guerlain Avocats Associés
Hirsch & Associés
Lovells
TIER 4
Casalonga Avocats
Gide Loyrette Nouel
Philippe Combeau
TIER 5
Freshfields Bruckhaus Deringer
Linklaters
Yves Marcellin

France last year took several steps to make it appealing to international and domestic clients, introducing measures to comply with the EU enforcement directive, the EPC 2000 and the London Agreement. One major change is the opportunity for rights owners to consider infringer-profits for the remuneration of damages. "The new infringement law is great," says one practitioner. "It is now being implemented, and it will increase transparency as you can now ask for the infringer's information, making it much easier the fight against them." But interviewees also believe France has more work to do, in particular by

introducing new measures regarding the Patent Law Treaty and the Singapore treaty. Another controversial issue in France is merger of the lawyers and attorneys professions. This discussion has been going on for over a decade, and has clearly divided the French market into two distinct parties: those that support it, and those that do not. One interviewee says: "We had to vote on October 15 on this and most of the professionals voted yes, although there is a lot of opposition from patent attorneys, because there are more barriers than patent attorneys, so (if the merger happens) they will get somehow lost."

TRADE MARK PROSECUTION

TIER 1
Cabinet Beau De Loménie
Germain & Maureau
TIER 2
Bureau D A Casalonga-Josse
Cabinet Plasseraud
Ernest Gultmann Yves Plasseraud
Lavoix
Santarelli
TIER 3
Adsigna
Cabinet Requinbeau
Gilbey Delorey
Hirsch & Associés
Inlex IP Expertise
Novagraat Intellectual Property
Promark
Sodema Conseils

TRADE MARK CONTENTIOUS

TIER 1
Armengaud & Guerlain
Cousin & Moatly
Duclos Thorne Mollet-Vieville & Associés
Gauttier Lakits Szleper
Lovells
TIER 2
Bird & Bird
Escande
Gide Loyrette Nouel
Hirsch & Associés
Howrey
Linklaters
Philippe Combeau
TIER 3
Allen & Overy
Casalonga Avocats
De Gaulle Fleurance & Associés
Gilbey Delorey
Herbert Smith
Latham & Watkins
Natf & Fajgenbaum
TIER 4
Freshfields
Simmons & Simmons

This will also make patent attorneys' careers much longer so practitioners are afraid that this will put off the new generations of patent attorneys. Things are moving faster and it seems that this will happen. The government will have the last word on this. "I think it is healthy for the profession, and I think it will give us an advantage to compete with other European jurisdictions," added one attorney. "The government is looking at this merger and it will probably happen before the end of 2009."

Bureau D A Casalonga-Josse is a boutique firm that concentrates on prosecution. The IP practice has had a good year, and is

recommended particularly for pharmaceutical work. The market singled out senior partner Gérard Dossmann, and attorney Emmanuelle Limouzy, for their patent and trade mark prosecution. Casalonga Advocats and Bureau D A Casalonga-Josse have been cooperating closely for over three years, comprising a unique team of lawyers and patent attorneys. Casalonga Advocats' lawyer Marie-Emmanuelle Haas is consistently praised by the market for her trade marks and domain names work. Haas, together with Arnaud Casalonga, advised Carboamedia in a case against the Hong Kong company Foreign Dimension regarding the transfer of the

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Borowsky & De Baecque Avocats

Freshfields Bruckhaus Deringer

Jones Day

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TIER 2

Gilbey Delorey

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Granul Avocats

Nicolas Boesflflug

TIER 3

Cléry & De la Myre Morly

Dartevielle Benazeret Merlet Dubest

Denton Wide Sapte

Duclos Thorne Mollet Vieville et Associés

Zylinderstein & Associés

domain name centraledesparticuliers.com.

Amand Casalonga also advised the Abrisud Pool Enclosures against the French patent company Gaap in a case regarding a French patent related to the handling system for swimming pools. Other clients include BNP Paribas, SFK, Hashro and France Television.

Leading prosecution firm Cabinet Beau de Loménie has the largest IP practice in France with more than 220 people and is one of the firms that files the largest number of opposition cases. Beau de Loménie has gained several clients this year in catering, home services and sea products and non-domestic clients generate 45% of the firm's turnover. Although the patent department is well recognised, it is the head of the trade mark department, Auréa Marie, who received particular praise this year. "The firm has little contact with other firms in the jurisdiction, so I don't really know that much about them," commented one rival. "But I do know who Auréa Marie is. She is pretty good at trade marks; she has been the head of the trade mark

group for over three years, and is doing great."

Lavoix is another large firm comprising about 200 professionals providing the full range of services, but is particularly good at patent prosecution. Lavoix has had an excellent year consolidating its merger with JP Colas, and this year forged a partnership with IP litigation firm Binn & Associés (a boutique contentious firm with two well-known partners, Serge Binn and Cyrille Amar), which is now called Lavoix Avocats. One client commented: "I have been dealing with Serge Binn, and I am very happy working with him. He is client orientated and when I need advice, his response is quick and very good. In terms of technicality, they are very good. Serge is one of the best, especially in pharmaceuticals. The merger is very positive, because they will be able to provide a wider service." Another client added: "Now, with the merger, we will have the best of the two practices. It is very good news for us, as they will deliver a most effective service and we will only pay once for lawyers and scientists, so we will save money; a very positive move!" Last year also saw the departure of managing partner Richard Metzger after 25 years of work with the firm. Metzger was the head of the trade mark, design and legal department, and joined rival firm Gilbey Delorey. "It is indeed a big loss for the trade mark practice of the firm," commented one rival.

Cabinet Regimbeau works in all technical fields, with a strong reputation in the biotechnology, mechanics and food industries. The firm has had a good year, developing many biotech clients, providing trade marks services for banks, research for public institutions, and increasing its profile in contentious work. This year, it recruited many engineers and some lawyers at entry level and has expressed its desire to recruit professionals that are more experienced in the future.

Another big firm, Santarelli, has seven partners completely dedicated to IP matters. Senior partners Marc and Luc Santarelli receive

particular praise. One rival says: "Marc Santarelli is very active and is one of the lawyers that is simply everywhere." This year, the IP practice increased significantly the number of trade marks registered, and improved its software system, providing clients with greater access to patent, trade mark, designs and domain names information. The firm has a vast range of foreign clients that have been with it since 1980 including Accord, Novotel, MasterCard and Charrenhouse. Germain & Maurice is headquartered in Lyon and is well placed domestically with a vast range of small and medium-size clients. It is particularly known for its trade mark prosecution work.

Cabinet Plasseraud is regarded as an aggressive firm, dynamic, and doing extremely well at prosecuting and filing patents. In trade marks, the market singled out partner Guyblanc Kessel Le Cosquer. One rival commented: "She is pretty well known and has created a great department; she is a very active lawyer and probably one of the best". Partner Didier Boulanger is also highly acclaimed for his patent work. Last year, the firm appointed Albert Hassine as a partner, and recruited 11 patent attorneys: Ernest Guzman-Yves Plasseraud is another reputable firm in patent and trade mark prosecution work. This year, it received consistent positive feedback for its prosecution services. The boutique firm has three partners and nine associates and provides the full range of IP services to a large mainly domestic clientele. It has offices in Paris, Lyon and Alicante. Brevalex is recognised by rivals for developing its chemistry and biochemistry practices, with chairman, general manager and head of the patent department Gérard Poulin standing out. The firm has already installed two partners in China and Japan, and is planning to expand its services in these jurisdictions in the future. Bredema was the name created two years ago when the practices of Brese Detamoure Majerowicz and BDSA merged. This year, the firm experienced another significant merger

At-a-glance

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with the Novagraaf group, a European provider of IP services with offices in the UK, Holland, France, Switzerland and Belgium. Inlex IP is one of the biggest French IP law firms exclusively dedicated to trade marks. The firm has been for 13 years in the market and now comprises four partners and 18 European trade mark attorneys. In the past year, it advised Nestlé on trade mark matters.

When it comes to patent litigation, Véron & Associés is the ultimate firm in France. It comprises four partners and nine other fee earners strictly devoted to patent contentious matters, usually acting in the few patent cases entering the jurisdiction. Rivals and clients also congratulate the firm for its expertise in technical matters, especially at supplying courts with impressive documents and visual aids. Partners Isabelle Romet, Sabine Agé and Pierre Véron are all praised for their patent contentious work. One client commented: "Pierre Véron is an expert, the top of the crop in France. I have attended some of his pleadings and they are very impressive; he is not only there to win the case but he also works on the economic aspects of it, which is very important for us; he is very creative, always trying new things." This year, Pierre Véron helped biomérieux to win a long running battle (14 years) against DBV in the French courts and Romet, who has been with the firm for 20 years, advised Schindler on its case against Otis. The firm is also well known for its international