

RÉSUMÉ

MARK ALLEN COHEN

PROFESSIONAL EXPERIENCE

- 11/17 – Present** **Lecturer in Law, Director and Distinguished Senior Fellow, Berkeley Center for Law and Technology**
Responsibilities: I teach Chinese Intellectual Property Law, and International Trade Law, and lead a new initiative on intellectual property in Asia that focus on China.
- 4/12- 4/18** **Senior Advisor to the Undersecretary and Director, USPTO**
Responsibilities: Advised USPTO on China IPR-related strategies and legal matters, led 21-member team in Washington, DC and three cities in China.
- 8/11- 5/17** **Visiting Professor and Adjunct Professor, Fordham Law School**
Responsibilities: Taught first Chinese IP class at an American law school and Chinese commercial law, supported Fordham International IP Conference.
- 5/10-8/11** **Director, International IP Policy Microsoft (China) and Microsoft Corporation (USA)**
Responsibilities: Support Microsoft’s global IPR policies, with particular focus on China, including corporate IP strategies (licensing, standards, patent prosecution, piracy).
- 2008 – 2010** **Of Counsel, Jones Day (Beijing)**
Responsibilities: Advised on antitrust, standards, intellectual property.
- 2004 -- 2008** **Senior Intellectual Property Attaché, U.S. Embassy-Beijing.**
Responsibilities: Supervised staff of 12, coordinated U.S. Mission team of over 50 officers and local staff, represented US government at the WTO, WIPO and other fora. Spokesperson for U.S. Embassy on IPR issues. First USPTO representative appointed to a foreign country.
- 2001 - 2004** **Attorney-Advisor, Office of Legislative and International Affairs, U.S. Patent and Trademark Office.** Led China team, assisted on Asian copyright and enforcement issues.

1986 – 1997, 1999 – 2001 **Of Counsel**, More & Bruce, Washington, DC. International commercial practice. Successor firm to Windels, Marx, Davies & Ives (6/86-6/93). Represented Jerome H. Lemelson on licensing matters and in China (portfolio estimated in excess of \$1.5 billion), licensor of GSM technology in license with Siemens, seconded to work as general counsel/chief IP counsel for a mid-sized pharmaceutical company.

11/97 – 1/99 **Partner**, Mezzullo & McCandlish, P.C., responsible for Guangzhou and Washington, DC offices, led IP practice (staff of 8).

ACADEMIC POSITIONS

1989 - 2001 Lecturer on Chinese Law, **Barcelona College of Lawyers** and **Esade** - Barcelona, Spain.

6/93 – 12/94 **Fulbright Professor** of Commercial Law, Maribor, Slovenia. Research project on Yugoslav influence on Chinese commercial law.

AWARDS :

2021: *IAM Top 300 Global IP Strategist*
 2018: *Meritorious Honor Award for Distinguished Civil Service* (awarded by the President of the United States)
 2017: *IP Trailblazer*, (National Law Journal)
 2014: *IP Champion* (US Chamber of Commerce),
 2004: *Gold Medal Award* (US Department of Commerce)
 Numerous other awards.

EDUCATION

J.D., 6/84 **Columbia University Law School.**
 Executive Editor of Columbia Journal of Transnational Law,
 Certificate in International and Comparative Law.

M.A., 6/79 **University of Wisconsin - Madison.** Major: Chinese literature.
 University Fellow, 1977-79.

B.A., 1/77 **SUNY - Albany.** Major: Chinese Studies.
 Summa cum laude, Junior Year Phi Beta Kappa.

Certificate, '75-'76 **Nanyang University, Republic of Singapore** (exchange student in Chinese language).

OTHER

Founder and Member, US-China IP Dialogue (2012 -) (Track 2 Bilateral Dialogue)

Advisory Board Member, Asia Society of Northern California

Guest Professor, Renmin University, Beijing

Fluent Mandarin Chinese : tested by U.S. State Department to serve as ad hoc interpréter/translator

I am currently a non-resident research fellow at: University of California at San Diego; Hinrich Foundation; National Bureau for Asian Research; and the Sunwater Institute.

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MARK ALLEN COHEN

Testimony, Books, Articles, University Lectures, and Interviews

I. CONGRESSIONAL AND OTHER PUBLIC TESTIMONY

Congressional Testimony

Mark A. Cohen, Senate Judiciary Committee, “Foreign Competitive Threats to American Innovation and Economic Leadership” (April 18, 2023), <https://www.judiciary.senate.gov/committee-activity/hearings/foreign-competitive-threats-to-american-innovation-and-economic-leadership>.

Mark A. Cohen, House of Representatives, Judiciary Committee, “Intellectual Property and Strategic Competition with China: Part I” (March 8, 2023), <https://judiciary.house.gov/committee-activity/hearings/subcommittee-courts-intellectual-property-and-internet-intellectual>.

Mark A. Cohen, U.S.-China Economic and Security Review Commission, “Rule by Law: China’s Increasingly Global Reach” (May 4, 2023), <https://www.uscc.gov/hearings/rule-law-chinas-increasingly-global-legal-reach>;

Mark A. Cohen, U.S.-China Economic and Security Review Commission, “U.S. Responses to China’s Changing IP Regime” (April 14, 2022). https://www.uscc.gov/sites/default/files/2022-04/Mark_Cohen_Testimony.pdf.

Mark A. Cohen, testimony on Chinese Intellectual Property Issues (June 8, 2018), <https://www.uscc.gov/sites/default/files/Mark%20Cohen%20uscc%20testimony.pdf>.

Mark A. Cohen, “Assessing the Interface Between China’s Competition and Technology Licensing Policies”, hearing before the US-China Economic and Security Review Commission (Jan. 28, 2015). http://www.uscc.gov/sites/default/files/Mark%20Cohen_testimony.pdf

Mark A. Cohen, “Intellectual Property Ownership with Chinese Characteristics,” Roundtable Before the Congressional Executive Commission on China, (Located on-line at: www.cecc.gov/pages/roundtables/020303/cohen.pdf). (February 3, 2003).

Mark A. Cohen, “Impact of Cold War Trade Legislation on Emerging Eastern European Democracies”, testimony before Trade Subcommittee, Committee on Ways and Means, U.S. House of Representatives (June 15, 1993).

Mark A. Cohen, "China's Treatment Under Our Trade Laws and an Appropriate U.S. Response," Testimony and Written Submission to the Trade Subcommittee, House Ways and Means Committee, June 21, 1990, *reprinted in* 100th Cong., 2nd Sess., Serial 101-107, United States - People's Republic of China (PRC) Trade Relations, Including Most-Favored-Nation Trade Status for the PRC, at 320.

Other Public Testimony

Mark A. Cohen, Written Submission in USITC Inv. No. 3329596, Covid-19 Diagnostics and Therapeutics (May 3, 2023), file number 795373 (available through: <https://edis.usitc.gov/>)

Mark A. Cohen, "Comments on USDOJ, USPTO and NIST Draft Policy Statement on Licensing Negotiations and Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments" (February 4, 2022). Available at SSRN: <https://ssrn.com/abstract=4028258> or <http://dx.doi.org/10.2139/ssrn.4028258>.

Mark A. Cohen, "The Federal Trade Commission's Notice of Proposed Rulemaking on A Non-Compete Clause Rule and Its International Impact" (March 6, 2023). Available at SSRN: <https://ssrn.com/abstract=4378931> or <http://dx.doi.org/10.2139/ssrn.4378931>.

2. BOOKS

Mark A. Cohen, Sebastien Evrard, H. Stephen Harris, Jr, Peter Wang, and Yizhe Zhang, *Antimonopoly Law and Practice in China* (my contribution is the IPR-related content) (Oxford University Press, April 2011, approx. 250 pp).

Mark A. Cohen, Stephanie J. Mitchell and Elisabeth A. Bang, eds., *Chinese Intellectual Property Law and Practice* (Kluwer Law International, 1999) (500 pp.).

Mark A. Cohen, Stephanie J. Mitchell and George Angelov, *Legal Aspects of Doing Business With Economies in Transition - for EC-Member Countries*, (in Spanish), published by the Barcelona Development Agency (1992).

John R. Oldham and Mark A. Cohen, eds., *China's Legal Development*, (M.E. Sharpe 1986), republished from 22 Columbia Journal of Transnational Law at 61, 1983, including authorship of "Translator's Note to China's Legal Development", translation of "Building New China's Legal System" by Wu Jianfan and "Developments in China's Economic Legislation" by Rui Mu, and an annotated bibliography of Chinese legal resources.

3. ARTICLES

Editor/Webmaster, www.chinaiprlaw.com, (1998 – 2001, 2011-). Over 1,000 subscribers/55,000 page views per year.

Editor/Webmaster, Chinese Law, Counsel Connect (1995 – 1998) (website now merged into www.law.com).

Mark A. Cohen, “Parallel Play: The Simultaneous Professional Responsibility Campaigns Against Unethical IP Practitioners by the United States and China”, forthcoming in University of Akron Law Review (2024).

Mark A. Cohen, “China's Practice of Anti-Suit Injunctions in SEP Litigation: Transplant or False Friend?” (May 31, 2022), forthcoming in Jonathan Barnett (ed), 5G and Beyond: Intellectual Property and Competition Policy in the Internet of Things., Available at SSRN: <https://ssrn.com/abstract=4124618> or <http://dx.doi.org/10.2139/ssrn.4124618>.

Mark A. Cohen, “The Criminal Bias in U.S. Intellectual Property Diplomacy” (July 22, 2021), <https://www.nbr.org/publication/the-criminal-bias-in-u-s-intellectual-property-diplomacy/>.

Mark A. Cohen, “When Sino-American Struggle Disrupts the Supply Chain: Licensing Intellectual Property in a Changing Trade Environment” (July 15, 2020), in 20 World Trade Review, Special Issue 2: Economic Statecraft and Global Trade in the 21st Century pp. 238 – 257 (May 2021) DOI: <https://doi.org/10.1017/S1474745620000531>.

Mark A. Cohen and Philip C. Rogers, “A Techno-Globalist Approach to IP and Supply Chain Disruption” (Oct. 13, 2020), <https://www.hinrichfoundation.com/research/wp/tech/ip-strategy-techno-nationalism/>.

Mark A. Cohen, “A New Era of Licensing with China”, Competition Policy International, Antitrust Chronicle (September 2019), pp. 1-7., Available at SSRN: <https://ssrn.com/abstract=3651943> or <http://dx.doi.org/10.2139/ssrn.3651943>

Mark A. Cohen, International Antitrust Law & Policy, Competition Law Institute, session on “Antitrust and Intellectual Property in Asia: Convergence?”, at pp. 133-152 (edited transcript), James Keyte, Ed., (2017).

Mark A. Cohen, “International Law Firms in China: Market Access and Ethical Risks”, 80 FORDHAM L. REV. 2569 (2012), [HTTP://IR.LAWNET.FORDHAM.EDU/FLR/VOL80/ISS6/9](http://IR.LAWNET.FORDHAM.EDU/FLR/VOL80/ISS6/9).

Mark A. Cohen, “Intellectual Property in China,” SMU Science and Technology Law Review (2011).

Mark A. Cohen, “How an IP Lawyer Sees China's Progress in Competition Law - Chapter 19 - International Antitrust Law & Policy”, Juris Publishing/Fordham Competition Law 2011 (http://www.jurispub.com/cart.php?m=product_detail&p=12667)

Tony Chen and Mark A. Cohen, “Real and Present Danger, Patent Litigation in China” (June 2009), Jones Day Occasional Papers, republished by IP 360.

Mark A. Cohen, “Mark Cohen on Intellectual Property”, China Business Review (March 2009), reprinted in <http://www.britannica.com/bps/additionalcontent/18/36834849/Mark-Cohen-on->

Intellectual-Property, at <http://www.britannica.com/bps/additionalcontent/18/36834849/Mark-Cohen-on-Intellectual-Property>.

Mark A. Cohen, et al., “What Does the Third Amendment to China’s Patent Law Mean to You?”, Jones Day occasional papers (January 2009),

Mark A. Cohen, “Innovative Pharma Companies Concerned About Proposed Chinese Patent Genetic Resource Disclosures” in Pharmasia News (Dec. 1, 2008).

“Politics and IP in China Explained”, Managing Intellectual Property (October 2008) at 24. “中国政治与知识产权阐述”，知识产权管理（2008年10月），第24页。

Mark A. Cohen, “Domain Name Game”, in China Daily, IPR Special (September 1, 2008) (Located on-line at: http://www.chinadaily.com.cn/bw/2008-09/01/content_6985113.htm)

Mark A. Cohen, “Intellectual Property Protection for Semiconductors in China: Current and Future Challenges” in Semiconductor Industry Forum (Summer 2005), at 8 – 9 (Located on-line at: http://www.sia-online.org/downloads/05_Summer.pdf).

Letter to Editor, “Ethics of International Multijurisdictional Practice,” Washington Lawyer (May 2002).

Book Review, *Bird in a Cage, Legal Reform in China After Mao*, by Stanley B. Lubman, Washington Journal of Modern Chinese, Vol. 6, No. 2, Fall 2000.

Mark A. Cohen, “Protection of Company Names in China,” East Asian Executive Reports, 1998.

Mark A. Cohen, “Slovene Commercial Law in Transition: An Overview”, in Law in Transition, published by the European Bank for Reconstruction and Development, at 8 (Spring 1996), republished from Columbia University/Parker School Journal of Central and Eastern European Law, (June 1995) and Legal Framework for Business in Slovenia (1995) Gospodarski Vestnik, Ljubljana, publishers.

Mark A. Cohen, “Translating Across Legal Cultures,” Business Communication (January 1995).

Mark A. Cohen, “Slovene-U.S. Trade Relations: Developments Since Independence and Prospects for the Future”, Theory and Practice (Teorija in Praksa), March 1994 (In English, published by Faculty of Social Sciences, University of Ljubljana); Gospodarski Vestnik (July 14, 1994) (in Slovene).

Mark A. Cohen, “Investing in China,” in Mergers & Acquisitions Yearbook 1992/93 (1992), Edward E. Shea, Esq., Ed.

Mark A. Cohen and Stephanie J. Mitchell, “Strategies for Reducing Political Risk in International Investment,” in Mergers & Acquisitions Yearbook 1992/93 (5/92), Edward E. Shea, Esq., Ed.

Mark A. Cohen, "Playing Clinton's China Card", Journal of Commerce, December 10, 1992 at 10A.

Mark A. Cohen and Stephanie J. Mitchell, "Legal Aspects of Doing Business With Economies in Transition," in Korean Journal of Comparative Law (December 1991).

Mark A. Cohen, "Legal Aspects of Investing in China" (in Spanish) in Invertir En China (1989), published by the Barcelona Development Agency.

Mark A. Cohen, "Omnibus Trade Bill: Potential Effects on U.S.-China Trade," East Asian Executive Reports, February 1988, p. 7.

Mark A. Cohen, Book Review of *Technology Transfer to China*, by Richard S. Goossen, China Law Reporter (1988).

Mark A. Cohen, "Recent Developments in U.S.-China Trade," Nanjing University Economic Journal, December 1987 (in Chinese).

Mark A. Cohen, "美中贸易关系的近期发展", 南京大学经济学报, 1987年12月(中文)

Mark A. Cohen, "Moving into Taiwan's Open Wine, Beer and Cigarette Market," East Asian Executive Reports, May 1987, at 7.

Mark A. Cohen, Book Review of "Foreign Trade, Investment and the Law in the People's Republic of China," by Michael J. Moser, China Law Reporter, Summer, 1985.

Book Review of *The Standard of "Civilization" in International Society*, by Gerrit W. Gong, Brooklyn Journal of Comparative Law (1985).

Mark A. Cohen, Book Notes on Recent International/Transnational Law Publications, including reviews of *Essays on International Law and Organization* by Leo Gross; *The People's Republic of China: A Bibliography of Selected English Language Legal Materials* by Jeanette L. Pinard; and *The International Law of Human Rights*, by Paul Sieghart; in 22 Columbia Journal of Transnational Law at 613-616, 1984.

UNIVERSITY LECTURES (REPRESENTATIVE)

Universities Lectured at: Akron University, American University, University of Basel/Europa Institut, Beijing University of Science and Technology, University of California/Berkeley, University of California/San Diego, Cardozo Law School/Yeshiva University, Chengdu University, Chinese University of Politics and Law, Cambridge University, Chongqing University, Columbia University, Erasmus School of Law (Rotterdam), Esade University (Barcelona), Fordham University, Fudan University, Fukuoka University, George Mason University, Georgetown University, George Washington University, University

of Georgia, Henan University, Hohai University (Nanjing), Hong Kong City University, University of International Business and Economics, Jiaotong University (Shanghai), Jinan University (Guangzhou), John Marshall Law School, University of Ljubljana, Loyola University of Los Angeles, University of Maryland, University of Maribor, Minzu (Minorities) University (Beijing), Nanjing University, National Chengchi University (Taiwan), National Taiwan University (Taipei), New York University, Northwestern University, University of Oregon, Peking University, Penn State University, People's University, Qinghua University, University of International Business & Economics (Beijing), University of San Francisco, Santa Clara University, Savannah State University, Shanghai Institute of Foreign Trade, Sichuan Normal University, Solvay Business School (Belgium), South Central University of Finance (Wuhan), Southwestern University of Politics and Law (Chongqing), Temple University, Tsinghua Law School (Beijing), Tsinghua University (Taiwan), University of Washington, Washington University (St. Louis), Wayne State University, Wharton Business School, University of Wisconsin.

Other programs:

Mark A. Cohen “Patent Litigation in China: Navigating a Changing Environment”, Hudson Institute (Feb. 26, 2021), <https://cip2.gmu.edu/2021/02/26/hudson-institute-panel-focuses-on-patent-litigation-in-china/>

MofCOM-USPTO Intellectual Property Licensing Program. Beijing China (March 28, 2017)

ChinaUS Joint Seminar on Patent Licensing and Technology Transfer (April 15, 2015).

Renmin University, Joint Judicial Conference with CAFC and Supreme People's Court (May 28-30, 2012), Keynote Speech on Intellectual Property and Private Property.

Fordham Law School “China's New Environment for Intellectual Property” (April 11, 2012).

Fordham Law School and George Washington University Law School, “Patents, Trade and Innovation in China” (Dec. 13, 2011).

University of California, Berkeley, “Beyond Piracy: Managing Patent Risks in the New China”, presentation on patent strategies for multinational companies (March 10, 2011) (<http://www.law.berkeley.edu/10460.htm>) (contains audio files and powerpoints).

Lecturer, “Private and Public Rights and Intellectual Property in China”, and “Chinese Approaches to Intellectual Property”, Columbia University Law School and Columbia University/Weatherhead Institute (April 2008) (http://www.law.columbia.edu/media_inquiries/news_events/2008/april2008/china_symposium, www.law.columbia.edu/center_program/chinese/Events, <http://www.columbia.edu/cu/weai/china-symposium-2008.html#one>)

Organizer and Lecturer, U.S. Ambassador's Roundtable on Intellectual Property Protection in China (2002 – 2007) (200+ participants per year, most recent program October 24, 2007, my presentation was on legislative developments, certain materials available at: <http://www.signup4.net/public/ap.aspx?EID=AMBA16E&OID=110>).

Judicial Association of China, lectures on “Preliminary Injunction Practice in China and the United States”, “Laches and Estoppel in U.S. Patent Litigation and Their Implications for China's Patent Reform”, and “A Comparison of IPR Enforcement in the United States and China”) (see e.g., article from Ministry of Commerce website in Chinese: http://news.ipr.gov.cn/ipr/news/info/Article.jsp?a_no=134972&col_no=1016&dir=200710) (Beijing, Guangzhou and Qingdao, 2007-2008).

中国法律协会，相关讲座（“中美初步禁令实践”、“美国专利诉讼中的懈怠和禁止反言规则，及其对中国专利改革的意义与影响”、“中美知识产权执法之比较研究”）（有关中文文章，请登陆中国商务部网站，相关链接：http://news.ipr.gov.cn/ipr/news/info/Article.jsp?a_no=134972&col_no=1016&dir=200710）（北京、广州和青岛，2007 年 --- 2008 年）

2005 U.S. – China ICT Standards, Conformity Assessment and Regulations Seminar, “Intellectual Property in Standards and IP Core” (Chengdu, August 23 – 24, 2005).

2005 年美中 ICT 标准、达标评估与监管研讨会，“标准中涉及的知识产权问题以及知识产权核心”（成都，2005 年 8 月 23 日-24 日）

Semiconductor Industry Association and Ministry of Information Industries, “IP Protection – Encouraging Investment in Semiconductor R&D” (Beijing, Nov. 16, 2004).

U.S. Department of Commerce, “Global Trends in Anticounterfeiting of Pharma Products” (Beijing, Sept. 24, 2004).

Fordham Law School, Symposium – “Patent Law Developments in China” (New York, May 2002)

World Intellectual Property Organization Seminar on Technology Transfer for Small and Medium Enterprises, “Technology Transfer in China”, (Washington, DC 2001).

Washington International Trade Association, “United States Policy Towards China's Intellectual Property Trade Practices” (Washington, DC 2001).

EU/National Bureau of Asian Research - Beijing University joint seminar on Intellectual Property Law in China, “Foreign Misperceptions of China's IP Laws,” (Beijing, May 6 - 8, 2000).

INTERVIEWS (CHINESE AND ENGLISH) (REPRESENTATIVE ONLY)

National Bureau of Asian Research, “US-China Intellectual Property Issues in a Post Phase One Era” (January 29, 2022), <https://www.nbr.org/publication/u-s-china-intellectual-property-issues-in-a-post-phase-one-era/> .

National Public Radio, Market Place, ‘The Stolen Company’, March 15, 2019, <https://www.npr.org/transcripts/702642262>.

CCTV, Dialogue, “IP Protection in a Globalized World”, with Prof. Guo Shoukang, (April 26, 2009) http://www.cctv.com/program/e_dialogue/20090428/108788.shtml .

Experiences of Chinese Companies in protecting their rights overseas - interview with Mr. Mark Cohen, an internationally renowned lawyer (in Chinese) / Legal Weekly, September 12, 2008, Issue 75, 2008

“中国企业海外维权经验谈——与国际著名律师可恒先生对话” (中文版) /法制周报 2008 年 9 月 12 日, 2008 年第 75 期。 (<http://www.efaw.cn/html/fzzb/2008912/II7423235.html>)

June 2007, “China and U.S. Cross Swords on IPR,” China Intellectual Property at 45.

May 2007, Phoenix TV, “U.S. – China Intellectual Property Dispute” (two part interview with Qiu Zhenhai, in Chinese), (On-line summary in Chinese at: http://phtv.phoenixtv.com/phinfo/200705/0503_45_113124_5.shtml)

2007 年 5 月, 凤凰卫视, “美中知识产权纷争” (主持人张乃根的两期访谈节目, 中文) (访谈中文内容参见 http://phtv.phoenixtv.com/phinfo/200705/0503_45_113124_5.shtml)

Harney, “Washington’s Attorney vs. Beijing Pirates,” Jan. 25, 2006, Financial Times (<http://search.ft.com/ftArticle?queryText=%22MARK+COHEN%22&y=7&aje=false&x=19&id=060125009122&ct=0>).

National Public Radio, “U.S. Attaché: Piracy in China Hurts Growth” (Morning Edition, November 10, 2005) (<http://www.npr.org/templates/story/story.php?storyId=5006911>).

Neil King, “Sisyphus in China, U.S. Lawyers Antipiracy Task is Endless,” July 25, 2005 Wall Street Journal, <http://online.wsj.com/article/SB112233268872895459.html>. In Chinese: <http://gb.cri.cn/7212/2005/07/29/1166@640545.htm>.

Grace Pei, “Fang mei zhu hua zhishichanquan zhuan yuan Ke Heng” (An Interview with U.S. Embassy Attaché Mark Cohen) (in Chinese) Zhishichanquan Bao (Intellectual Property News)

(April 18, 2005). “访美驻华知识产权专员可恒”，知识产权报（2005 年 4 月 18 日），相关链接：http://www.sipo.gov.cn/sipo/xwdt/mtjj/2005/200504/t20050418_72297.htm.

Additional Information

Numerous Programs including continuing legal education programs 2017-2023 through the the Berkeley Center for Law and Technology and the Asia Society of Northern California, including programs on standards essential patent litigation, changes in China’s civil procedure law. revisions to China’s patent and copyright laws; plant variety protection, antitrust and intellectual property law in China, etc.

Many interviews, articles, press reports, and blogs can be found by doing searches in Chinese, using the following key words: “柯恒 知识产权.” (Mark Cohen, intellectual property rights).

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