

BUSINESSEUROPE



**A GUIDE TO INTELLECTUAL PROPERTY  
RIGHTS FOR SMALL AND MEDIUM-SIZED  
ENTERPRISES IN EUROPE**



<b>1</b>	<b>PREFACE</b>	<b>5</b>
<b>2</b>	<b>SOME GENERAL ADVICE</b>	<b>5</b>
<b>2.1</b>	<b>PROTECT YOUR INTELLECTUAL PROPERTY RIGHTS!</b>	<b>5</b>
<b>2.2</b>	<b>ENHANCE YOUR COMPETITIVENESS THROUGH IPR PROTECTION</b>	<b>6</b>
<b>2.3</b>	<b>EFFECTIVE INTELLECTUAL PROPERTY MANAGEMENT</b>	<b>6</b>
<b>3</b>	<b>INTELLECTUAL PROPERTY RIGHTS</b>	<b>7</b>
<b>3.1</b>	<b>PATENTS</b>	<b>7</b>
	WHAT KINDS OF INVENTIONS CAN BE PROTECTED?	7
	HOW IS A PATENT GRANTED?	8
	IS IT IMPORTANT FOR ME TO APPLY FOR A PATENT?	8
	WHO GRANTS MY PATENT?	8
	AND HOW ABOUT PATENTING AT AN INTERNATIONAL LEVEL?	9
	HOW MUCH DOES SUCH A PATENT COST?	9
	WHY IS IT WORTH SPENDING MONEY ON A PATENT, ESPECIALLY FOR SMEs ?	10
	AM I OBLIGED TO PUBLISH THE DETAILS OF MY INVENTION FOR A PATENT	10
	HOW CAN I ENFORCE MY PATENT?	10
	DO I NEED A PATENT ATTORNEY?	11
<b>3.2</b>	<b>TRADEMARKS</b>	<b>12</b>
	WHY DO YOU NEED A TRADEMARK?	12
	WHY SHOULD I INVEST MONEY ON REGISTERING MY TRADEMARKS?	12
	CAN I REGISTER ANYTHING AS A TRADEMARK?	12
	WHERE WILL I BE PROTECTED IF I REGISTER MY TRADEMARK	13
	HOW LONG WILL MY PROTECTION LAST?	14
	HOW MUCH DOES A REGISTRATION OF A TRADEMARK COST?	14
	ONCE I HAVE A TRADEMARK, IS THAT MARK MINE ALONE?	14
	HOW CAN I ENFORCE MY TRADEMARK?	15
	DO I NEED A LAWYER?	15



<b>3.3 COPYRIGHT AND RELATED RIGHTS</b>	<b>16</b>
WHY DO I NEED A COPYRIGHT?	16
WHAT RIGHTS DO COPYRIGHT AND RELATED RIGHTS PROVIDE?	16
HOW CAN I ENFORCE MY COPYRIGHTS?	16
HOW LONG DOES COPYRIGHT PROTECTION LAST?	17
HOW IS COPYRIGHT PROTECTED WITHIN THE EUROPEAN MARKET?	17
HOW DO I OBTAIN A COPYRIGHT?	18
WHAT ARE THE COSTS?	18
HOW CAN MY COMPANY BENEFIT FROM OTHER PEOPLES COPYRIGHTS?	19
DO I NEED A LAWYER?	19
<b>3.4 GEOGRAPHICAL INDICATIONS</b>	<b>20</b>
WHY MY PRODUCTS NEED TO PROTECT THEIR GEOGRAPHICAL INDICATIONS?	20
HOW ARE GEOGRAPHICAL INDICATIONS PROTECTED AT NATIONAL, EUROPEAN AND INTERNATIONAL LEVEL?	20
HOW DO I GO ABOUT REGISTERING MY PRODUCT NAME IN THE EU?	21
HOW CAN I ENFORCE MY GEOGRAPHICAL INDICATION?	22
HOW DO I PROTECT WINES AND SPIRITS IN THE EU?	23
HOW CAN I PROTECT MY GEOGRAPHICAL INDICATION OUTSIDE OF THE EU?	23
I AM NOT A FARMER. CAN I STILL APPLY FOR THESE GEOGRAPHICAL INDICATIONS?	23
WHAT IS AN APPELLATION OF ORIGIN?	24
WHAT IS THE DIFFERENCE BETWEEN A GEOGRAPHICAL INDICATION AND A TRADEMARK?	24
WHAT IS A “GENERIC” GEOGRAPHICAL INDICATION?	24
DO I NEED A LAWYER?	24
<b>3.5 INDUSTRIAL DESIGNS</b>	<b>25</b>
WHY SHOULD I PROTECT MY PRODUCTS’ DESIGNS?	25
UNDER WHICH CONDITIONS CAN MY DESIGNS BE PROTECTED?	25
HOW CAN I OBTAIN INDUSTRIAL DESIGN PROTECTION IN EUROPE?	26
HOW LONG WILL MY DESIGN BE PROTECTED?	26
WHAT ARE THE FEES FOR A REGISTERED COMMUNITY DESIGN?	26
HOW CAN I PROTECT MY DESIGNS AT INTERNATIONAL LEVEL?	27
HOW CAN I ENFORCE MY DESIGNS?	27
DO I NEED A LAWYER?	28



<b>3.6 PROTECTION OF TRADE SECRETS AND DATA SUBMITTED FOR REGISTRATION PURPOSES</b>	<b>29</b>
WHAT IS A TRADE SECRET?	29
HOW ARE TRADE SECRETS AND DATA SUBMITTED FOR REGISTRATION PURPOSES PROTECTED AT NATIONAL, EUROPEAN AND INTERNATIONAL LEVEL?	29
HOW LONG WILL MY DATA BE PROTECTED?	30
HOW IS A TRADE SECRET RELATED TO A PATENT?	30
<b>4 ANNEX: ASSISTANCE AND INFORMATION RESOURCES</b>	<b>31</b>
<b>4.1 GENERAL INFORMATION ON IPR</b>	<b>31</b>
<b>4.2 PATENTS</b>	<b>31</b>
GENERAL INFORMATION ON PATENTS	31
PATENT OFFICE OF THE EPO MEMBER STATES	32
PATENT OFFICES OUTSIDE THE EUROPEAN PATENT ORGANISATION	33
<b>4.3 TRADEMARKS</b>	<b>33</b>
TRADEMARK OFFICES	33
TRADEMARK ORGANISATIONS	34
<b>4.4 COPYRIGHTS</b>	<b>34</b>
<b>4.5 GEOGRAPHICAL INDICATIONS</b>	<b>34</b>
<b>4.6 INDUSTRIAL DESIGNS</b>	<b>35</b>

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## 1. PREFACE

In an increasingly knowledge-driven economy, protection of intellectual property rights (IPR) is an important consideration in day-to-day business decisions and in a company's business strategy. It is a key step in turning ideas into business assets with real market value and deterring potential infringement. Companies come up with new products, brands and creative designs almost daily. These are the result of continuous innovation and creativity. More than in any other region in the world, small and medium-sized enterprises (SMEs) are the driving force behind such innovations in Europe.

However, IPR protection is often considered too complex and costly for SMEs. Indeed SMEs face many barriers in using the IP system effectively, such as:

- deficient awareness of the system which leads to a lack of knowledge about the relevance of IP for business development;
- limited access to appropriate legal advice;
- high costs associated with obtaining and enforcing IP rights.

This guide will seek to promote a better understanding of the importance and the benefits of IP protection for SMEs. It offers companies general advice on how to approach IPR issues. It provides practical information on patents, trademarks, designs, copyrights and geographical indications. Moreover the guide refers you to additional information sources and provides you with links to the main contact points.

## 2 SOME GENERAL ADVICE

### 2.1 PROTECT YOUR INTELLECTUAL PROPERTY RIGHTS!

There are basic definitions of intellectual property rights (IPR) in international treaties. The World Intellectual Property Organization (WIPO) defines intellectual property as "creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce".

IPRs give your company the right to exclude others from commercial exploration to or use of your ideas, inventions and creative expression for a certain period of time. IPRs, however, are territorial, implying that they are usually only effective in the country or region where protection has been obtained. Protecting your IP in export markets is therefore crucial in order to enjoy the same benefits of protection abroad as in the domestic market.

The European Union (EU) and its Member States provide a wide range of IP protection possibilities. However, in times of increasing internationalisation, SMEs are selling their products or services or licensing/franchising their know-how beyond the EU's borders.



To secure your rights outside the EU, you must apply for IP protection in those countries.

## ***2.2 ENHANCE YOUR COMPETITIVENESS THROUGH IPR PROTECTION***

Many new products or services embody different types of intellectual property. Like big companies, SMEs face the challenge of extracting the latent value of their IP and using it effectively in their business strategy. By dedicating time and resources to protecting your intellectual property, you can increase your competitiveness in a variety of ways such as:

- preventing competitors from copying your products or services;
- avoiding inefficient investment in research and development (R&D) and marketing;
- creating a corporate identity through a trademark and branding strategy;
- negotiating licensing, franchising or other IP-based contractual agreements;
- increasing the market value of the company;
- acquiring venture capital and enhancing access to finance;
- obtaining access to new markets.

In addition, if you search systematically for conflicting IP rights of other companies before seeking IPR protection you can avoid unnecessary litigation, thereby saving time and resources.

## ***2.3 EFFECTIVE INTELLECTUAL PROPERTY MANAGEMENT***

The management of your IP involves your company's ability to commercialise inventions, market your brands, license your know-how, conclude joint ventures and other contractual agreements involving IP, and effectively monitor your IPR. Indeed, your IP portfolio must be viewed as a collection of key assets that add significant value to the enterprise.

In addition, SMEs can benefit from the wealth of technological and commercial information available in patent and trademark databases to learn about recent technological breakthroughs, identify future partners, and find out about the innovation activities of competitors.

Managing IP effectively and using it to devise business strategies is an increasingly critical task for entrepreneurs worldwide. You should carefully consider applying for IP protection in good time in all countries where you are likely to export or license your product or service in the foreseeable future. Moreover it is important to seek proper legal advice on any issues related to IPR enforcement. Its enforcement ultimately depends on local law, your resources, the attitude of local officials, and many other factors.



### **3 INTELLECTUAL PROPERTY RIGHTS**

The following sections describe a broad collection of rights relating to intellectual property protection, such as:

- inventions, which are protected under patent law,
- marks, which are protected by trademark law,
- works of authorship, which are protected under copyright law,
- as well as geographical indications, and
- industrial designs.

It is important to note that these forms of IPRs are very different and the protection afforded under them serves different purposes.

#### **3.1 PATENTS**

A patent gives the owner the right, during a fixed period (20 years), to prevent or exclude others from making, using, offering for sale, selling or importing the invention claimed by the patent for, a product or a process that provides a new way of doing something or offers a new technical solution to a problem.

You may sell your patent to someone else, who will then become the invention's new owner. You can also make a licensing agreement, meaning that you agree, in return for a royalty payment, to let the other party use your patented invention without fear of you suing him for IP infringement.

#### **What kinds of inventions can be protected?**

An invention must, in general, fulfil the following conditions to be protected by a patent:

- Its subject matter must be accepted as "patentable" by law. In many countries, scientific theories, mathematical methods, plant or animal varieties, discoveries of natural substances, commercial methods or methods for medical treatment are generally not patentable. In Europe, basically everything that is technical and non-obvious because of new technical features can be patented.
- It must show some new characteristic that is not known in the body of existing knowledge in its technical field.
- It must show an inventive step that could not be deduced by a person with average knowledge of the technical field.
- It must be of practical use.

A patent right is granted in return for the inventor's willingness to make his/her invention available to the public, but it has a limited lifetime. An alternative could be for the inventor to keep his/her invention a trade secret, which has an unlimited lifetime, as long as the invention is kept secret. It should be noted however, that this triggers a



whole different dynamic, which includes measures by the owner to keep the invention secret, such as non-disclosure agreements with employees, limitation of access to information, etc. A well known example of a trade secret is the Coca Cola formula.

### **How is a patent granted?**

The first step in securing a patent is the filing of a patent application. The current average European patent application has about 20 pages. This contains:

- title of the invention;
- indication of its technical field;
- background and a description of the invention in clear language;
- enough detail so that an individual with an average understanding of the field could use or reproduce the invention;
- visual materials such as drawings, plans or diagrams to describe the invention;
- claims which determine the extent of protection granted by the patent.

### **Is it important for me to apply for a patent?**

It is important to strive for a high-quality patent. As a general recommendation, your SME should make sure to obtain adequate protection in all relevant export markets as early as possible. With regard to patents for inventions, most countries allow a 12-month priority period from the date of filing of the first application. Once this period has elapsed you may no longer be able to obtain patent protection in other countries. This may signify an important profit loss from your export operations.

### **Who grants my patent?**

This depends on which route you choose. Your patent can be granted either through a national patent office (NPTO) in each European country (see annex) or through the European Patent Office (EPO, see <http://www.european-patent-office.org>) that does the work for over 30 European countries.

The European Patent Convention (EPC) has established a centralised unitary procedure to grant European patents managed by the EPO covering those European countries that have joined the EPC. With one application you can obtain patent protection in as many of the EPC contracting states as you want. This European Patent can be understood as a bundle of national patents covering those countries the applicant has requested. The average European patent designates eight countries.

The so-called “Community Patent”, currently blocked in political discussions, would provide a single and unitary protection title valid throughout the EU.

Choosing the national route will ensure patent protection only in the selected country. However, in these days of global competition, fewer and fewer companies file patents covering only their own domestic markets. In high-tech sectors in particular, many companies seek protection in many European countries through the EPC system as described above, as well as in key international markets such as the United States.





### **And how about patenting at an international level?**

Especially before moving into emerging markets such as China, India, Brazil or Russia, you should consider protecting your inventions. Under the WIPO-administered Patent Cooperation Treaty (PCT, see <http://www.wipo.int/pct/en/>) you may file a single international patent application for those countries that are parties to this Treaty. The single application has the same effect as national patent applications filed in the designated countries. It significantly simplifies the procedure for seeking IP protection simultaneously in a large number of countries.

Rather than filing national applications in many languages, the PCT system enables you to file a single application, in one language, and to pay one application fee. This not only facilitates the process but also helps your company gain time to assess the commercial value of your invention before national fees are to be paid. Only at 30 months from the date you first filed a patent application for your invention, i.e. after you have got a search/examination report for your invention showing whether your invention is patentable, will you need to hire foreign patent attorneys to continue the procedure with the patent offices of the jurisdictions where you want to obtain patents. Under the PCT system, in order to obtain patent protection in the designated states, a patent must be granted by each designated state for the claimed invention contained in the international application.

### **How much does such a patent cost?**

Generally, the larger the number of countries in which you seek patent protection, the higher the cost.

When you seek patent protection in one country by applying directly to the national patent office, you will be required to pay the national fees laid down by the national patent office.

If you are still in the phase of assessing the commercial viability of your invention, the national procedure could appear to be particularly expensive and cumbersome, especially where protection is being sought in a large number of countries. In such cases, the possibility offered by WIPO may offer a simpler and generally less expensive alternative.

A European patent makes sense if protection in several European countries is desired. While in such cases a European patent is more cost-effective than multiple national patents, the translation and other costs associated with validation in all Member States are high.

According to a 2003 inquiry carried out by the European Commission the average overall costs of a European patent were estimated to be € 23,145 (€ 4,845 translation costs, € 4,300 procedure fees, € 5,500 agent fees and € 8,500 maintenance fees). Maintenance fees are paid annually to maintain your patent in force.



### **Why is it worth spending money on a patent, especially for SMEs?**

First of all, patents will protect your invention, whether through prohibiting its use by others or through a licence which allows others to use it under certain conditions in return for royalty payments. Patents are a competitive advantage for SMEs, sometimes even to a greater extent than for larger companies with a wide range of operations.

Moreover, raising investment capital is one of the many hurdles SMEs face and patents are often an essential asset for obtaining funding.

### **Am I obliged to publish the details of my invention for a patent?**

Yes, as a patent applicant you are required to disclose details of your invention in your patent application. The data will be transferred by the patent office where you applied for patent protection and added to EPO's database. Moreover, the worldwide database managed by WIPO enables you to search for published patent applications from over 72 different countries and regions. Eventually, your patent information will be accessible at [esp@cenet](mailto:esp@cenet) ([www.european-patent-office.org/espacenet/](http://www.european-patent-office.org/espacenet/)), a database jointly developed by the EPO and the European Commission.

Your patent application is published 18 months after the application is filed. Publication can be avoided if the application is withdrawn within the 18 months.

This facilitates the dissemination of new knowledge, enabling others to build on the current state of the art. Patent databases are an essential tool for monitoring technical progress in your own industrial sector ('technology watch'). Databases can also be used to conduct a patent search prior to a research project, to establish whether the planned new product or process already exists.

### **How can I enforce my patent?**

Enforcing your patent in Europe is possible through use of civil and administrative remedies.

Multilateral instruments such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) have set minimum standards for effective IP enforcement procedures, including elements of civil and administrative remedies, such as injunctions, damages, evidence, right of information, and provisional measures. In addition, TRIPs establishes special requirements related to border measures and criminal procedures.

In the EU, adoption of the enforcement directive in 2004 has brought national provisions on civil sanctions and remedies more closely into line with 'best practices'. It includes procedures covering evidence and protection of evidence, and provisional measures such as injunctions and seizure. Remedies available to right holders include the destruction, recall or permanent removal from the market of illegal goods, as well as financial compensation, injunctions and damages. There will be a right of information allowing judges to order certain persons to reveal the names and



addresses of those involved in distributing the illegal goods or services, along with details of the quantities and prices involved. This directive is currently being implemented by EU Member States and transposed into national law. However, criminal enforcement is excluded from the scope of this directive.

There are currently discussions in the EU on a proposal for a directive to harmonise the penal framework in EU Member States in order to combat IP offences against all IP rights including copyright.

Customs authorities also play an important role in enforcing IP rights and combating counterfeiting and piracy. In 2003, the EU adopted a comprehensive 'Regulation concerning customs action against goods suspected of infringing certain IP rights and the measures to be taken against goods found to have infringed such rights'. Since 2004 the new instrument has extended the scope to include further intellectual property rights, which makes the rules more accessible for companies, and provides a more effective legal instrument against IP fraud.

### **Do I need a patent attorney?**

Particularly in the case of patents, due to the complexity of the matter, you may need a patent attorney to assist you in making sure the application meets the necessary legal requirements (see <http://www.european-patent-office.org/reps/search.html>).

## **3.2 TRADEMARKS**

A trademark or brand name is a distinctive sign which identifies your products or services as those produced or supplied by your enterprise. It is more than just a legal right: it is a badge of origin and your protection against copiers and free-riders. Thanks to your innovation and creation, the product exists. Thanks to your marketing and distribution strategies, the product sells. If the consumer likes the product, how will he recognise it to buy it again? By recognising its distinctive name, shape, label or even its sound.

### **Why do you need a trademark?**

If anyone were free to use identical names and packaging, there would be no way for a customer to differentiate your product from any other, and no way to prevent competitors from free-riding on your work and reputation. So that name or label needs to be registered: hence, a trademark.

Your trademark provides a consumer with confidence to reorder your product. It is your assurance to him that the product is of the same quality, the same composition and the same fitness of purpose as the first time that he bought it. It is his way of recognising you. As a general recommendation, your company should make sure to obtain adequate protection in all relevant export markets as early as possible. With regard to trademarks, most countries allow a six-month priority period from the date of filing of the first application.



### **Why should I invest money in registering my trademarks?**

If you have a product that customers want to buy, expect another company to copy your brand. Expect poor quality counterfeits, turning away your client base and destroying your brand value. Expect someone else to register your mark in their name and prevent you from using it. If you believe in your product, you cannot afford not to register your trademark.

### **Can I register anything as a trademark?**

You can register within reason. You cannot register something generic – like “bread” (for bread or pastry) or the name of a country, as that should be available for everyone. Likewise you cannot register something that would offend public decency. Also, you cannot register anything too similar to an existing mark for the same sort of product or service as this would be confusing. Your National Patent and Trademark Office (NPTO) or trademark attorney will be able to provide you with a list of prohibitions on potential trademarks.

See <http://oami.europa.eu/en/mark/marque/faq/faq01.htm#1700>

### **Where will I be protected if I register my trademark?**

That depends on whether you want a national, European or international trademark.

- One option is to seek protection in individual countries. A national registration will give you the legal protection for your trademark in that one country and you must apply to the relevant NPTO (see Annex). Each application may have to be translated into the national language. You will be required to pay the national application fees. If you want protection in several countries, you can apply to each NPTO in the country concerned (you may need the assistance of local counsel in some countries).
- Alternatively, if you decide that you want protection throughout the EU, you can apply for a Community Trademark (CTM). This is a unitary right meaning that you are afforded the same protection in all EU Member States even if you do not actually market your brand in every one. You can apply for a CTM via your NPTO or, alternatively, directly to the Community’s Office (OHIM) in Alicante, Spain (Office for Harmonization in the Internal Market for European Community trademarks <http://oami.eu.int>).
- International protection of trademarks is provided under the WIPO-administered “Madrid system”. It greatly simplifies the procedures for registering a trademark in multiple countries that are party to the system (Member States of the Madrid System, see [http://www.wipo.int/treaties/en/documents/pdf/madrid\\_marks.pdf](http://www.wipo.int/treaties/en/documents/pdf/madrid_marks.pdf)). A registration under the Madrid system produces the same effects as an application for registration of the mark filed in each of the countries designated by the applicant and, unless rejected by the office of a designated country within a certain period, has the same effect in that country as a registration in



the trademark register of that country. (<http://www.wipo.int/madrid/en/>). You can either apply via your NPTO or via OHIM which will forward your request to WIPO in Geneva ([http://www.wipo.int/sme/en/ip\\_business/ip\\_protection/protection.htm](http://www.wipo.int/sme/en/ip_business/ip_protection/protection.htm)).

If you are still exploring potential export markets or licensing partners, the national process would appear to be particularly expensive and cumbersome, especially where protection is being sought in a large number of countries. Both, the CTM and an international trademark enable you to file a single application, in one language, and to pay one application fee. This is far more economical as well as easier to manage as there is only one application and renewal procedure to deal with.

### **How long will my protection last?**

The period of protection for a trademark varies, but can generally be renewed indefinitely. Its registration is valid for at least ten years (in some countries for longer). You can renew that registration as long as certain obvious criteria have been fulfilled.

### **How much does registration of a trademark cost?**

Usually you need an agent to help you with the registration of your trademark. Including both official fees and agents' fees the average costs of CTM registrations of individual marks for three classes are around € 2,650 and under similar conditions for collective marks they can be estimated at € 3,000. In some cases further costs have to be considered if another party opposes your CTM registration. By filing your application electronically you can reduce official costs by € 150. The renewal costs for a CTM (every 10 years) are € 1,500 for an individual mark and for a collective mark € 1,700. These renewal costs can also be reduced by € 150 by filing electronically.

The classes of goods and services mean what goods and services offered are covered by a specific trademark. Goods and services are divided into different classes according to the NICE international classification system. There are presently 34 classes of goods and 11 classes of services. When applying to register a trademark, you need to decide the class(es) in which you wish to protect it.

The basic fee for an international application for an international trademark at WIPO ranges between € 409 and € 565 plus € 46 supplementary fees. The subsequent registration costs start at € 188. The basic fee for renewing an international trademark is € 409 for (for more details, see <http://www.wipo.int/madrid/en/fees>).

### **Once I have a trademark, is that mark mine alone?**

Yes – but only for the territory for which you have the registration and only for the classes of goods and services that you have specified. For example, you may have a mark for detergents but this does not mean that someone else is not free to use the same name for an advertising agency as there would be no risk of confusion. In addition, you can license third parties to use it if you so choose.



There are special rules for “well-known” marks, marks that are so famous that whatever the product or service they are associated with, everyone would think they were connected to the same right holder.

## **How can I enforce my trademark?**

Enforcing your trademark in Europe is possible through use of civil and administrative remedies.

Multilateral instruments such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) have set minimum standards for effective IP enforcement procedures, including elements of civil and administrative remedies, such as injunctions, damages, evidence, right of information, and provisional measures. In addition, TRIPs establishes special requirements related to border measures and criminal procedures.

In the EU, adoption of the enforcement directive in 2004 has brought national provisions on civil sanctions and remedies closer into line with 'best practices'. It includes procedures covering evidence and the protection of evidence and provisional measures such as injunctions and seizure. Remedies available to right holders include the destruction, recall or permanent removal from the market of illegal goods, as well as financial compensation, injunctions and damages. There will be a right of information allowing judges to order certain persons to reveal the names and addresses of those involved in distributing the illegal goods or services, along with details of the quantities and prices involved. This directive is currently being implemented by the EU Member States and transposed into national law. However, criminal enforcement is excluded from the scope of this directive.

There are currently discussions in the EU on a proposal for a directive to harmonise the penal framework in the EU Member States in order to combat IP offences against all IP rights including copyright.

Customs authorities also play an important role in enforcing IP rights and combating counterfeiting and piracy. In 2003, the EU adopted a comprehensive 'Regulation concerning customs action against goods suspected of infringing certain IP rights and the measures to be taken against goods found to have infringed such rights'. Since 2004 the new instrument has extended the scope of application to further intellectual property rights, which makes the rules more accessible for companies, and provides a more effective legal instrument against IP fraud.

## **Do I need a lawyer?**

As with any aspect of your business, you need an expert if you are going to succeed. Either your own legal advisers or your NPTO will be able to suggest expert trademark lawyers who can help.

See [http://oami.europa.eu/search/agent/la/en\\_Agents\\_Search.cfm](http://oami.europa.eu/search/agent/la/en_Agents_Search.cfm)





### **3.3 COPYRIGHT AND RELATED RIGHTS**

#### **Why do I need a copyright?**

Copyright offers an opportunity to protect your literary or artistic work from imitation and piracy. Works covered by copyright include: novels, poems, plays, films, music, photographs, newspapers, software, etc. A closely associated field of rights related to copyright can be given to artists for their performances, producers of sound recordings and broadcasting organisations for their radio and television programmes. These rights are sometimes more limited and of shorter duration than copyright. Both provide an incentive for creating and investing in new works.

#### **What rights do copyright and related rights provide?**

If you uphold a copyright you can prohibit use of your work or authorise others to use it on agreed terms. Hence you can regulate your work's reproduction, its publishing, its broadcasting, its translation into other languages and its adaptation, such as a novel into a screenplay for a film. Similar rights of, among others, fixation and reproduction are granted under related rights.

Many types of work require mass distribution, communication, and financial investment for their successful dissemination (publications, sound recordings and films). Hence, creators often transfer copyrights to other companies that are able to develop and market the works, in return for compensation in the form of payments and/or royalties (compensation based on a percentage of revenues generated by the work).

#### **How can I enforce my copyrights?**

Enforcing your copyright in Europe is possible through use of civil and administrative remedies.

Multilateral instruments such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) have set minimum standards for effective IP enforcement procedures, including elements of civil and administrative remedies, such as injunctions, damages, evidence, right of information, and provisional measures. In addition, TRIPs establishes special requirements related to border measures and criminal procedures.

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### **How long does copyright protection last?**

The term of protection for copyright and neighbouring rights in the EU has been harmonised to 70 years of protection after the death of the author for copyright and 50 years for neighbouring rights. This allows you and your successors to benefit financially from your copyright and related rights for a reasonable period of time.

Copyright and the protection of performers also include moral rights, which are the right to claim authorship of a work, and the right to oppose changes to the work which could harm the creator's reputation.

### **How is copyright protected within the European market?**

There has been significant harmonisation of substantive copyright law in the EU to reduce barriers to trade, foster the functioning of the Internal Market and to adjust the legal framework to new forms of exploitation. Harmonisation of copyright laws of EU Member States has covered the legal protection of computer programs, rental rights, lending rights and the main neighbouring rights, satellite broadcasting and cable retransmission, the duration of protection of authors' rights and neighbouring rights as already mentioned, and the legal protection of databases.

In addition, the directive on copyright and related rights in the information society, has sought to respond to the challenges of the new digital environment for right holders by harmonising several essential rights of authors and four groups of neighbouring right holders, limitations and exceptions, and protection of technological measures and of rights management information.

There has been also a considerable effort to harmonise enforcement rules to address the growing problem of counterfeiting and piracy with the adoption of the enforcement directive. Under European law all Member States are required to apply effective, dissuasive and proportionate remedies and penalties against those engaged in counterfeiting and piracy and so create a level playing field for right holders in the EU.





### **How do I obtain a copyright?**

By virtue of the Berne Convention for the Protection of Literary and Artistic Works, works are protected without any formality in all countries party to that Convention. This means that international copyright protection is automatic; it exists as soon as a work is created, and this principle applies in all the countries party to the Berne Convention. WIPO does not offer any kind of copyright registration system.

However, many countries have a national copyright office (see EU Member States included in that list <http://www.wipo.int/directory/en/urls.jsp>) and some national laws allow for registration of works for the purposes of, for example, identifying and distinguishing titles of works. In certain countries, registration can also serve as evidence in a court of law in disputes relating to copyright.

Typically, your work must meet minimum standards of originality in order to qualify for copyright. Different countries impose different tests, although generally the requirements are low. But it is important to understand that absence of the copyright symbol © does not mean that the work is not covered by copyright. The work once created from originality through 'mental labor' is immediately considered copyrighted to that person.

To enjoy copyright protection no formality is required. You do not need to register, deposit, or attach the copyright notice to your work. Copyright protection is automatic and is granted as soon as a work is expressed in a certain form.

However, in the case of a dispute and due to the absence of formalities, it might be useful to include a copyright notice (e.g. © BE 2007) on your work, to provide proof against third parties. This mention constitutes a presumption of right ownership. Therefore, if a person contests your ownership in court, you no longer have to prove your ownership. Since your right is presumed, the person who contests your copyright has to provide the proof that the creation does not belong to you.

### **What are the costs?**

As copyright is automatically acquired upon creation of a work, no administrative or other costs arise to obtain a copyright, although there might be some fees if you consult an attorney or a notary for providing evidence about your copyright.

### **How can my company benefit from other peoples copyrights?**

SMEs can legitimately use or exploit the works or creations of others with the authorisation of the author or right holder on fair and reasonable terms. In addition, your company can protect its own works or creations and obtain fair economic reward from any use made of your creation



### **Do I need a lawyer?**

In the case of copyrights you do not necessarily need to consult a lawyer or a legal adviser.

### **3.4 GEOGRAPHICAL INDICATIONS**

A geographical indication (GI) is a sign used on goods that have a specific geographical origin and often possess qualities or a reputation due to that place of origin. Most commonly, a geographical indication consists of the name of the place of origin of the goods. Agricultural products typically have qualities that derive from their place and method of production and are influenced by specific local geographical factors, such as climate and soil. Whether a sign functions as a geographical indication is a matter of national law and consumer perception.

#### **Why do my products need to protect their geographical indications?**

Geographical indications help your clients to recognise the origin and the quality of your products. Your products have acquired a valuable reputation which, if not adequately protected, may be misrepresented by others. False use of geographical indications by unauthorised parties, for example “Roquefort” for cheese that has not been produced in the community of Roquefort, is detrimental to consumers and legitimate producers. The former are deceived and led into believing that they are buying a genuine product with specific qualities and characteristics, while they in fact obtain a valueless imitation. The latter suffer damage because valuable business is taken away from them and the established reputation of their products is hurt.

#### **How are geographical indications protected at national, European and international level?**

Geographical indications may be protected at national level in accordance with national laws and under a wide range of concepts, such as laws against unfair competition, consumer protection laws, laws for the protection of certification marks or special laws for the protection of geographical indications or appellations of origin. In essence, another company may not use your geographical indications if such use is likely to mislead the public as to the true origin of the product. Applicable sanctions may range from court injunctions preventing the unauthorised use to the payment of damages and fines or, in serious cases, imprisonment.

A number of treaties administered by WIPO provide for the international protection of geographical indications, most notably the 1883 Paris Convention for the Protection of Industrial Property and the Lisbon Agreement for the Protection for Appellations of Origin and Their International Registration.

Geographical indications are particularly important in Europe, where there has been a long tradition of associating certain food products with particular regions. They may be used for a wide variety of agricultural products, such as, for example, “Tuscany” for



olive oil produced in a specific area of Italy or “Roquefort” for cheese produced in that region of France.

This is why, in 1992, the EU adopted a system of protection with the PDO (Protected Designation of Origin), PGI (Protected Geographical Indication) and TSG (Traditional Speciality Guaranteed) to promote and protect certain foods, drinks and other agricultural products (see [http://ec.europa.eu/agriculture/foodqual/quali1\\_en.htm](http://ec.europa.eu/agriculture/foodqual/quali1_en.htm)).

- A PDO "designation of origin" means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff: originating in that region, specific place or country, the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and the production, processing and preparation of which take place in the defined geographical area.
- A PGI “geographical indication” means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff: originating in that region, specific place or country, and which possesses a specific quality, reputation or other characteristics attributable to that geographical origin, and the production and/or processing and/or preparation of which take place in the defined geographical area.
- A TSG does not refer to the origin but highlights traditional character, either in the composition or means of production.

The purpose of this system is to encourage diverse agricultural production and ensure that only products genuinely originating in that region are allowed in commerce as such. It protects the names of wines, cheeses, hams, sausages, olives, beers, and even regional breads, fruits, and vegetables.

### **How do I go about registering my product name in the EU?**

A group of producers must define the product according to precise specifications. The application, including the specifications, must be sent to the relevant national authority (list of responsible authorities in Member States:

<http://ec.europa.eu/agriculture/foodqual/protect/national/authorities.pdf>) where it will be studied first and then transmitted to the Commission. If it meets the requirements, the European Commission publishes the protected product name in the Official Journal of the European Communities.

Designations of origin and geographical indications can be protected if they have been entered in the register of protected designations of origin and protected geographical indications. The register is maintained by the European Commission.

There are usually two stages in the registration procedure, namely:

- procedure before an authorised national body/bodies of an EU Member State (which is used when the application concerns a geographical area located in the specific Member State), and
- procedure before the European Commission.



If the application concerns a geographical area located in a country which is not an EU Member State, it is forwarded to the Commission directly or through competent authorities.

If the application is admissible, protection is granted for a geographical indication or a designation of origin. A refusal to register by the European Commission can be appealed before the European Court of Justice.

Where a designation of origin or geographical indication has been entered into the Register of Protected Designations of Origin and Protected Geographical Indications (Community protection), the designation or geographical indication cannot be simultaneously protected by national law.

### **How can I enforce my geographical indication?**

Enforcing your geographical indications in Europe is possible through use of civil and administrative remedies.

Multilateral instruments such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) that have set minimum standards for effective IP enforcement procedures, including elements of civil and administrative remedies, such as injunctions, damages, evidence, right of information, and provisional measures. In addition, TRIPs establishes special requirements related to border measures and criminal procedures.

In the EU, adoption of the enforcement directive in 2004 has brought national provisions on civil sanctions and remedies closer into line with 'best practices'. It includes procedures covering evidence and the protection of evidence and provisional measures such as injunctions and seizure. Remedies available to right holders include the destruction, recall or permanent removal from the market of illegal goods, as well as financial compensation, injunctions and damages. There will be a right of information allowing judges to order certain persons to reveal the names and addresses of those involved in distributing the illegal goods or services, along with details of the quantities and prices involved. This directive is currently being implemented by EU Member States and transposed into national law. However, criminal enforcement is excluded from the scope of this directive.

There are currently discussions in the EU on a proposal for a directive to harmonise the penal framework in the EU Member States in order to combat IP offences against all IP rights including copyright.

Customs authorities also play an important role in enforcing IP rights and combating counterfeiting and piracy. In 2003, the EU adopted a comprehensive 'Regulation concerning customs action against goods suspected of infringing certain IP rights and the measures to be taken against goods found to have infringed such rights'. Since 2004 the new instrument has extended the scope of application to further intellectual property rights, which makes the rules more accessible for companies, and provides a more effective legal instrument against IP fraud.



### **How do I protect wines and spirits in the EU?**

Special regulations apply to geographical indication and designation of origin of wines and spirits. The law for the method of marking and protecting quality wines, table wines with geographical indications and wines marked with the v.q.p.r.d. (Vin de Qualité Produit Dans Une Région Déterminée) acronym is laid down in Council Regulation (EC) 1493/1999 of 17 May 1999 on the common organisation of the market in wine.

Members of the TRIPS Agreement (including the EU) must guarantee legal measures to prevent the use of geographical indications for wines and spirits that do not originate from places to which the respective geographical indications pertain. This obligation exists - as a rule - even if the true origin of the goods is indicated or the geographical indication is used in translation, or is accompanied by an expression like "a kind of", "a type of", "quality of", etc. However, the TRIPS Agreement provides numerous exceptions to this rule.

### **How can I protect my geographical indication outside of the EU?**

The TRIPs Agreement sets basic standards for the protection of GIs in all WTO countries.

There are, in effect, two basic obligations of WTO members relating to GIs in the TRIPS agreement:

All WTO Member States must provide legal opportunities in their own laws for the owner of a GI registered in that country to prevent the use of marks that mislead the public as to the geographical origin of the good. This includes prevention of use of a geographical name which, although literally true, "falsely represents" that the product comes from somewhere else.

In addition, all governments must provide the owners of GI the right, under their laws, to prevent the use of a geographical indication identifying wines not originating in the place indicated by the geographical indication. This applies even where the public is not being misled, where there is no unfair competition and where the true origin of the good is indicated or the geographical indication is accompanied by expressions such as "kind", "type", "style", "imitation" or the like. Similar protection must be given to geographical indications identifying spirits.

### **I am not a farmer. Can I still apply for these geographical indications?**

Yes you can. The use of geographical indications is not limited to agricultural products. They may also highlight specific qualities of a product which are due to human factors that can be found in the place of origin of the products, such as specific manufacturing skills and traditions. That place of origin may be a village or town, a region or a country. An example is "Limoges Porcelain" from France.



### **What is an appellation of origin?**

'Appellation of origin' refers to a sign that indicates that a product originates in a specific geographic region only when the characteristic qualities of the product are due to the geographical environment, including natural and human factors. The concept of geographical indications encompasses appellations of origin. Examples for the protection of appellations of origin and their international registration are "Bordeaux" for wine produced in the Bordeaux region of France, "Habana" for tobacco grown in the Havana region of Cuba or "Tequila" for spirits produced in particular areas of Mexico.

### **What is the difference between a geographical indication and a trademark?**

A trademark is a sign used by an enterprise to distinguish its goods and services from those of other enterprises. It gives its owner the right to exclude others from using the trademark. A geographical indication tells consumers that a product is produced in a certain place and has certain characteristics that are due to that place of production. It may be used by all producers who make their products in the place designated by a geographical indication and whose products share typical qualities.

### **What is a "generic" geographical indication?**

If the name of a place is used as the designation of a particular style of product, rather than an indication of the place of origin of that product, the term no longer functions as a geographical indication. For example, "Dijon mustard", is a style of mustard that originated many years ago in the French town of Dijon. However, over time it has come to indicate a certain style of mustard that is made in many places. Hence, "Dijon mustard" is now a generic indication and refers to a type of product rather than a place.

### **Do I need a lawyer?**

As with any aspect of your business, you need an expert if you are going to succeed. Either your own legal advisers or your NPTO will be able to suggest expert lawyers who can help.

## **3.5 INDUSTRIAL DESIGNS**

A design is the ornamental or aesthetic aspect of an article produced by industry or handicraft. It is the outward appearance of your product or part of it resulting from the lines, contours, colours, shape, texture, materials and/or its ornamentation. Designs can apply to a wide variety of products ranging from technical and medical instruments to watches, jewellery, and other luxury items, household products, toys, furniture and electrical appliances to cars and architectural structures. Industrial designs are what make an article attractive and appealing. Therefore, they add to the commercial value of your product.





### **Why should I protect my products' designs?**

By registering your designs, your company is able to prevent others from the unauthorised copying or imitation of your products. This helps to ensure a fair return on investment and will strengthen your business position vis-à-vis your competitors. Licensing agreements can facilitate access to new markets for SMEs.

An effective system of protection also benefits your clients, by promoting fair competition and honest trade practices, encouraging creativity, and promoting more aesthetically attractive products. This contributes to the expansion of your commercial activities and the export of your products.

### **Under which conditions can my designs be protected?**

Industrial designs are relatively simple and inexpensive to protect. Their protection is basically accessible for SMEs as well as for individual artists and craftsmen.

In most countries, an industrial design must be registered in order to be protected under industrial design law. As a general rule, to be eligible for registration, the design must be “new” or “original”. Different countries have varying definitions of these terms, as well as variations in the registration process itself. Generally, “new” means that no similar design is known to have existed before. Once a design is registered, a registration certificate is issued.

Depending on the specific national law and the kind of design, an industrial design may also be protected as a work of applied art under copyright law. In some countries, industrial design and copyright protection can exist concurrently. In other countries, they are mutually exclusive: once you choose one kind of protection, you can no longer invoke the other. Under certain circumstances an industrial design may also be eligible for protection under unfair competition law, although the conditions of protection and the rights and remedies can be significantly different.

### **How can I obtain industrial design protection in Europe?**

In the EU, it is also possible to have protection of the unregistered Community design (UCD). This protection has been possible since 6 March 2002 via regulation EC 6/2002 of 12 December 2001. This type of protection is very useful for enterprises which create numerous designs per season with a short shelf life. Some of the advantages of UCD protection are the following:

- Automatic protection without examination as to the merits, provided the design is new and possesses an individual character, which reduces costs for companies.
- An extension of the duration of the protection of the unregistered design beyond three years provided the filing is done within a period of six months from the date of first disclosure to the public.
- Possibility to cumulate the UCD protection with the system, of protection on unfair competition and copyright.



### **How can I obtain industrial design protection in Europe?**

In Europe, designs are protected either at national level for a national market or through the EU Community Design system.

Thus, one option is to seek protection in individual countries separately by applying directly to the national patent offices (see annex). Each application may have to be translated into the national language. You will be required to pay the national application fees.

The Community Design is a unitary system, where with one application unitary design protection will be available throughout the EU. Community Designs are registered by the Office for the Harmonisation in the Internal Market (OHIM, see <http://oami.eu.int>) in Alicante. The creation of the Community Design has made it easier for SMEs to enforce the fruits of their creativity throughout the Internal Market with a single application.

### **How long will my design be protected?**

Your design is generally protected for five years, with the possibility of further periods of renewal up to, in most cases, 25 years.

### **What are the fees for a registered Community design?**

There are three types of fees related to an application for a registered Community design (RCD): registration, publication and renewal fees. The initial fee for a registration of a Community design are € 230 and its publication cost € 120 (for further information in relation to fees, see <http://oami.europa.eu/en/design/pdf/tfeesen.pdf>).  
How can I protect my designs at international level?

If you are still in the phase of exploring potential export markets or licensing partners, the national process would appear to be particularly expensive and cumbersome, especially where protection is being sought in a large number of countries.

In such cases, international protection of industrial designs is provided by the Hague Agreement. It is a WIPO-administered treaty with a single procedure for an international registration. Your company can file a single international application either with WIPO or the national office of a country which is party to the treaty. Your design can be protected in several countries by simply filing one application with WIPO, in one language, with one set of fees in one currency (see <http://www.wipo.int/hague/en/>). This significantly simplifies the process for simultaneously seeking design protection in a large number of countries. It considerably reduces your costs for obtaining international protection (see [http://www.wipo.int/sme/en/ip\\_business/ip\\_protection/protection.htm](http://www.wipo.int/sme/en/ip_business/ip_protection/protection.htm)).

### **How can I enforce my designs?**





Enforcing your designs in Europe is possible through use of civil and administrative remedies. Multilateral instruments such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) have set minimum standards for effective IP enforcement procedures, including elements of civil and administrative remedies, such as injunctions, damages, evidence, right of information, and provisional measures. In addition, TRIPs establishes special requirements related to border measures and criminal procedures.

In the EU, the adoption of the enforcement directive in 2004 has brought national provisions on civil sanctions and remedies closer into line with 'best practices'. It includes procedures covering evidence and the protection of evidence and provisional measures such as injunctions and seizure. Remedies available to right holders include the destruction, recall or permanent removal from the market of illegal goods, as well as financial compensation, injunctions and damages. There will be a right of information allowing judges to order certain persons to reveal the names and addresses of those involved in distributing the illegal goods or services, along with details of the quantities and prices involved. This directive is currently being implemented by EU Member States and transposed into national law. However, criminal enforcement is excluded from the scope of this directive.

There are currently discussions in the EU on a proposal for a directive to harmonise the penal framework in EU Member States in order to combat IP offences against all IP rights including copyright.

Customs authorities also play an important role in enforcing IP rights and combating counterfeiting and piracy. In 2003, the EU adopted a comprehensive 'Regulation concerning customs action against goods suspected of infringing certain IP rights and the measures to be taken against goods found to have infringed such rights'. Since 2004 the new instrument has extended the scope of application to further intellectual property rights, which makes the rules more accessible for companies, and provides a more effective legal instrument against IP fraud.

### **Do I need a lawyer?**

As with any aspect of your business, you need an expert if you are going to succeed. Either your own legal advisers or your NPTO will be able to suggest expert lawyers who can help.

See [http://oami.europa.eu/search/agent/la/en\\_Agents\\_Search.cfm](http://oami.europa.eu/search/agent/la/en_Agents_Search.cfm)



### **3.6 PROTECTION OF TRADE SECRETS AND DATA SUBMITTED FOR REGISTRATION PURPOSES**

#### **What is a trade secret?**

There is no universal definition for trade secrets. Generally speaking, a trade secret consists of information that provides a business with a competitive advantage, i.e. information about formula, processes, know-how etc. In order to be eligible for legal protection, national laws may require that this information is known to only a limited number of persons and that it is kept secret.

How are trade secrets and data submitted for registration purposes protected at national, European and international level?

Trade secrets may be protected at national level against misappropriation under competition law, tort law, data protection and confidentiality provisions, criminal law or special laws for the protection of trade secrets. Furthermore, contractual agreements can provide for sanctions for breach of obligations of confidentiality or non-use.

At European level, there are no general provisions dealing with the protection of trade secrets. The TRIPs Agreement however sets minimum standards in Art. 39 that all Member States of the World Trade Organization (WTO) (and therefore all Member States of the European Union) have to respect.

Some data, however, have to be submitted in the course of registration procedures. Once published, these data mostly will no longer be considered trade secrets.

There are a number of European directives and regulations that protect data submitted for registration purposes in different ways.

In general, these directives and regulations restrict the access of third parties (= competitors) so that competitors cannot refer to these data for their own registrations. Such a restriction can be absolute or may depend on a compensation payment to the registrant who earlier submitted the data. This form of protection exists with view to the registration of plant protection products, chemicals, biocides, genetically modified organisms or feed additives.

In addition, in the field of medicinal products for human use and veterinary products, exclusive use of the registered products may follow for a limited period of time. Exclusive use means that a competitor cannot sell a product until a certain period of time has elapsed after the initial authorisation of the original product.

#### **How long will my data be protected?**

The duration of protection varies, depending on what piece of legislation is applicable. Data protection and exclusive use for data submitted for registration purposes usually last ten years, but in particular cases other terms of protection may apply.



### **How is a trade secret related to a patent?**

The scope of protection for trade secrets is broader than the scope of protection under patent law. As long as the innovation is of a technical nature, new and inventive - these are the requirements for patent protection - either form can be chosen.

When deciding between the two options, the differences must be borne in mind: while patent protection expires after 20 years from filing, the protection for a trade secret may last forever, as long as the innovation is kept secret. The decision for non-disclosure thus entails technical and organisational safeguards of considerable extent. Nevertheless, a heavy fluctuation of employees imperils all efforts to maintain secrecy.

On the other side, patent protection provides for a somehow stronger protection during its term of protection: a patent holder can enjoin someone else from using the invention even if he or she developed the same invention independently. Furthermore, patent applications automatically will be published and thus become part of the "prior art"; as a consequence, nobody else will be able to obtain a patent for the same invention.

The holder of a trade secret cannot prohibit the use of the innovation by someone else who developed it independently nor can he prevent this person from filing a patent application – but national legislation may protect the holder of the trade secret against lawsuits from the future patent holder by giving him the right to continue the use of the invention in the same extent as he did before. Such a right for continued use does not exist in the US; here a person who keeps his invention secret has to acquire a licence or refrain from using the invention if a relevant patent is granted to a third party at a later stage.

Therefore, it should be carefully assessed whether patent protection and disclosure or confidentiality should be sought.

### **Do I need a lawyer?**

As with any aspect of your business, you need an expert if you are going to succeed. A patent attorney or specialised lawyers should be consulted on this at an early stage.

## **4 Annex: assistance and information resources**

### **4.1 GENERAL INFORMATION ON IPR**

- The IPR-Helpdesk ([www.ipr-helpdesk.org/index.htm](http://www.ipr-helpdesk.org/index.htm)) is a free service supported by the European Commission's Directorate-General for Enterprise. The IPR-Helpdesk website provides an excellent portal to a very wide range of IP-related information and services.



- The Quick Scan service (<http://sme.cordis.lu/other/QuickScan.cfm>) offers patent and technical database searches. This makes it possible to avoid duplication of R&D efforts and infringement of existing patents, and is often useful for the preparation and evaluation of research and technology development projects.
- The Commission's Dialogue with Business service offers a single point of access to European and national offices and databases dealing with industrial property ([europa.eu.int/business/en/topics/ipr/ipr.html](http://europa.eu.int/business/en/topics/ipr/ipr.html)) and copyright ([europa.eu.int/business/en/topics/ipr/copyright.html](http://europa.eu.int/business/en/topics/ipr/copyright.html)).
- The Commission's Europa server provides an overview ([europa.eu.int/scadplus/leg/en/s06020.htm](http://europa.eu.int/scadplus/leg/en/s06020.htm)) of intellectual property protection in the European Union, its current status and likely future changes.
- The [esp@cenet](mailto:esp@cenet) ([www.european-patent-office.org/espacenet/](http://www.european-patent-office.org/espacenet/)) service, jointly developed by the EPO and the European Commission, provides free public access to national and European patent databases.
- The gateway to the TRIPS agreement of the World Trade Organization ([http://www.wto.org/english/tratop\\_e/trips\\_e/trips\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/trips_e.htm))
- The World Intellectual Property Organization ([www.wipo.int](http://www.wipo.int)) administers international IP treaties, and offers services for international applications for industrial property rights. For more information on enforcement and dispute resolution, visit the WIPO SMEs division website, [www.wipo.int/sme/en](http://www.wipo.int/sme/en)

## 4.2 PATENTS

### General information on patents

- The European Patent Office (EPO: <http://www.european-patent-office.org>)
- <http://www.espacenet.com/> European network of patent databases.
- The Delphion Intellectual Property Network (IPN – [www.delphion.com](http://www.delphion.com)) is a website for searching, exploring, analysing and tracking patents and related information. It covers European and US patents, and abstracts from Japan. For EP patents it offers the valuable option of retrieving the full text version of granted patents.
- Ancillary Regulations to the European Patent Convention, [http://www.european-patent-office.org/legal/anc\\_reg/pdf/ancreg2005\\_en.pdf](http://www.european-patent-office.org/legal/anc_reg/pdf/ancreg2005_en.pdf)
- Official Journal of the EPO, [http://www.european-patent-office.org/epo/pubs/oj\\_index\\_e.htm](http://www.european-patent-office.org/epo/pubs/oj_index_e.htm)
- Introduction to the Guide for applicants for a European patent application <http://www.european-patent-office.org/legal/quiapp1/index.htm>
- The Chartered Institute of Patent Attorneys (CIPA), <http://www.cipa.org.uk>
- International Patent Classification (IPC), <http://www.wipo.int/classifications/ipc/en>
- The WIPO Patent Cooperation Treaty (PCT, see <http://www.wipo.int/pct/en>)

### Patent Offices of the EPO member states

- Austria: Austrian Patent Office, <http://www.patentamt.at>, [info@patentamt.at](mailto:info@patentamt.at)
- Bulgaria: Bulgarian Patent Office, <http://www.bpo.bg>, [kmanev@bpo.bg](mailto:kmanev@bpo.bg)
- Belgium: Belgian Patent Office, <http://mineco.fgov.be>, [opri\\_die@mineco.fgov.be](mailto:opri_die@mineco.fgov.be)
- Czech Republic: Industrial Property Office, <http://isdvapl.upv.cz>, [posta@upv.cz](mailto:posta@upv.cz)



- Cyprus: Department of the Registrar of Companies and Official Receiver of the Republic of Cyprus, <http://www.mcit.gov.cy>, [deptcomp@drcor.mcit.gov.cy](mailto:deptcomp@drcor.mcit.gov.cy)
- Denmark: Danish Patent Office, <http://www.dkpto.dk>, [pvs@dkpto.dk](mailto:pvs@dkpto.dk)
- Estonia: Estonian Patent Office, <http://www.epa.ee>, [Vastuvoett@epa.ee](mailto:Vastuvoett@epa.ee)
- Spain: Oficina Española de Patentes y Marcas, <http://www.oepm.es>, [informacion@oepm.es](mailto:informacion@oepm.es)
- Finland: National Board of Patents and Registration of Finland, <http://www.prh.fi>, [registry@prh.fi](mailto:registry@prh.fi)
- France: Institut National de la Propriété Industrielle, <http://www.inpi.fr>, [contrefacon@inpi.fr](mailto:contrefacon@inpi.fr), [sponsart@inpi.fr](mailto:sponsart@inpi.fr)
- Germany: Deutsches Patent- und Markenamt, <http://www.dpma.de>, [info@dpma.de](mailto:info@dpma.de)
- Greece: Greek Industrial Property Organisation, <http://www.obi.gr>, [info@obi.gr](mailto:info@obi.gr)
- Hungary: Hungarian Patent Office, <http://www.hpo.hu>, [mszh@hpo.hu](mailto:mszh@hpo.hu)
- Iceland: Icelandic Patent Office, <http://www.patent.is>, [mail@els.is](mailto:mail@els.is)
- Ireland: Irish Patents Office, <http://www.patentoffice.ie>, [patlib@entemp.ie](mailto:patlib@entemp.ie)
- Italy: Italian Patent and Trademark Office, <http://www.uibm.gov.it>, [info@uibm.gov.it](mailto:info@uibm.gov.it)
- Latvia: Patent Office of the Republic of Latvia, <http://www.lrpv.lv>, [valde@lrpv.lv](mailto:valde@lrpv.lv)
- Lithuania: State Patent Bureau of the Republic of Lithuania, [www.vpb.lt](http://www.vpb.lt), [spb@vpb.gov.lt](mailto:spb@vpb.gov.lt)
- Luxembourg: Service de la Propriété Intellectuelle, <http://www.eco.public.lu>, [info@eco.public.lu](mailto:info@eco.public.lu)
- Malta: Malta Patent Design Trademark Office, <http://www.mfin.gov.mt>, [info.mfin@gov.mt](mailto:info.mfin@gov.mt)
- Monaco: Direction de l'Expansion Économique - Division de la Propriété Intellectuelle, <http://www.gouv.mc>, [mcpi@gouv.mc](mailto:mcpi@gouv.mc)
- Netherlands: Octrooiencentrum Nederland (The Netherlands Patents Office), <http://www.octrooiencentrum.nl>, [info@octrooiencentrum.nl](mailto:info@octrooiencentrum.nl)
- Poland: Patent Office of the Republic of Poland, <http://www.uprp.pl>, [informacja@uprp.pl](mailto:informacja@uprp.pl)
- Portugal: Portuguese Patent Office, <http://www.inpi.pt>, [atm@inpi.pt](mailto:atm@inpi.pt)
- Romania: Romanian State Office for Inventions and Trademarks, <http://www.osim.ro/>, [office@osim.ro](mailto:office@osim.ro)
- Slovak Republic: Industrial Property Office, <http://www.indprop.gov.sk>, [urad@indprop.gov.sk](mailto:urad@indprop.gov.sk)
- Slovenia: Slovenian IP Office, <http://www.uil-sipo.si>, [mailto:info@uil-sipo.si](mailto:mailto:info@uil-sipo.si)
- Sweden: Swedish Patent and Registration Office, <http://www.prv.se>, [prv@prv.se](mailto:prv@prv.se)
- Switzerland: Swiss Federal Institute of IP, <http://www.ige.ch>, [info@ipi.ch](mailto:info@ipi.ch)
- Turkey: Turkish Patent Institute, <http://www.turkpatent.gov.tr>, [info@turkpatent.gov.tr](mailto:info@turkpatent.gov.tr)
- UK: United Kingdom Patent Office, <http://www.patent.gov.uk>, [enquiries@patent.gov.uk](mailto:enquiries@patent.gov.uk)



### Patent Offices outside the European Patent Organisation

- US Patent and Trademark Office ([www.uspto.gov/web/menu/search.html](http://www.uspto.gov/web/menu/search.html), [ebc@uspto.gov](mailto:ebc@uspto.gov)) offers an interesting full text search option that can yield good results. Coverage is limited to US patents, however.
- Russia: Russian Patent Office (ROSPATENT) <http://www.fips.ru/> [fips@rupto.ru](mailto:fips@rupto.ru)
- Norway: Norwegian Patent Office <http://www.patentstyret.no/>  
[mail@patentstyret.no](mailto:mail@patentstyret.no)
- Japan: Japan Patent Office <http://www.ipa.go.jp/> [PA0842@ipo.go.jp](mailto:PA0842@ipo.go.jp)
- Korea: Korean Patent Office <http://www.kipo.go.kr>
- China: The Patent Office of the People's Republic of China  
<http://www.sipo.gov.cn> <mailto:sipoffice@sipo.gov.cn>
- Brazil: Brazilian Institute of Industrial Property <http://www.inpi.gov.br>

### 4.3 TRADEMARKS

#### Trademark Offices

- See patent offices of the EPO member states
- The Office for Harmonisation in the Internal Market for European Community trademarks, Alicante (OHIM: <http://oami.eu.int/>)
- European legislation on trademarks,  
[http://ec.europa.eu/internal\\_market/indprop/tm/index\\_en.htm](http://ec.europa.eu/internal_market/indprop/tm/index_en.htm)
- Benelux Office for trademark and industrial design protection in Belgium, the Netherlands and Luxembourg: <http://www.boip.int>
- Australia IP Australia, <http://www.ipaustralia.gov.au/>
- Brazil Patent and Trademark Office, <http://www.inpi.gov.br>
- Canada Canadian Intellectual Property Office,  
[http://strategis.ic.gc.ca/sc\\_mrksv/cipo](http://strategis.ic.gc.ca/sc_mrksv/cipo)
- China Trademark office SAIC:  
<http://sbj.saic.gov.cn/english/organization/introduction.asp>
- Hong Kong HK Intellectual Property Department <http://www.ipd.gov.hk>
- Norway Patentstyret, <http://www.patentstyret.no/no>
- United States US Patent and Trademark Office, <http://www.uspto.gov>

#### Trademark Organizations

- IACC The International AntiCounterfeiting Coalition, <http://www.iacc.org>
- INTA The International Trademark Association, <http://www.inta.org>
- WIPO trademarks homepage, <http://www.wipo.int/about-ip/en/trademarks.html>
- WIPO "Madrid system" <http://www.wipo.int/madrid/en>
- WIPO Madrid system Madrid Express Structured Search:  
<http://www.wipo.int/ipdl/en/search/madrid/search-struct.jsp>



#### 4.4 COPYRIGHTS

- See patent offices of the EPO member states
- Directory of national copyright offices (see EU Member States included in that list <http://www.wipo.int/directory/en/urls.jsp>)
- United States copyright office <http://www.copyright.gov>
- Federation Against Software Theft (FAST), <http://www.fast.org.uk>
- FAST corporate services website, <http://www.fastcorporateservices.com>
- Business Software Alliance (BSA), <http://www.bsa.org>
- Contracting parties to the Berne Convention, <http://www.wipo.int/treaties/en/documents/pdf/berne.pdf>
- Overview of the Directive in Member States, <http://www.euro-copyrights.org>
- Design and Artists Copyright Society (DACS), <http://www.dacs.org.uk>
- UK Copyright Aid - Copyright information and advice site, <http://www.copyrightaid.co.uk>

#### 4.5 GEOGRAPHICAL INDICATIONS

- See patent offices of the EPO member states
- The EU created systems known as PDO (Protected Designation of Origin), PGI (Protected Geographical Indication) and TSG (Traditional Speciality Guaranteed) to promote and protect certain foods, drinks and other agricultural products (see [http://ec.europa.eu/agriculture/foodqual/quali1\\_en.htm](http://ec.europa.eu/agriculture/foodqual/quali1_en.htm)).
- List of national authority for geographical indications ([http://ec.europa.eu/agriculture/foodqual/protect/national/index\\_en.htm](http://ec.europa.eu/agriculture/foodqual/protect/national/index_en.htm))
- Official Journal of the European Communities for geographical indications ([http://ec.europa.eu/agriculture/foodqual/protect/firstpub/index\\_en.htm](http://ec.europa.eu/agriculture/foodqual/protect/firstpub/index_en.htm))
- WIPO gate for GIs, [http://www.wipo.int/about-ip/en/geographical\\_ind.html](http://www.wipo.int/about-ip/en/geographical_ind.html)

#### 4.6 INDUSTRIAL DESIGNS

- See patent offices of the EPO member states
- European legislation on industrial designs, [http://ec.europa.eu/internal\\_market/indprop/design/index\\_en.htm](http://ec.europa.eu/internal_market/indprop/design/index_en.htm)
- Table on community design fees, see <http://oami.europa.eu/en/design/pdf/tfeesen.pdf>
- Benelux Office for trademark and industrial design protection in Belgium, the Netherlands and Luxembourg: <http://www.boip.int>
- International Designs on the WIPO web site, <http://www.wipo.int/hague/en>
- International Council of Societies of Industrial Design, <http://www.icsid.org>
- Hague Agreement on industrial designs (see <http://www.wipo.int/hague/en>)
- Design Council on Product Design, <http://www.designcouncil.org.uk>
- Centre for Sustainable Design, <http://www.cfsd.org.uk>