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Intellectual Property Rights in the EU — File, Protect, or Ignore?



*Mobius Therapeutics
President & Founder, Ed Timm*

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Intellectual Property Rights in the EU — File, Protect, or Ignore?

Defending your intellectual property rights (IPR) in EU countries is one of those unending processes that can drain a company's pocketbook faster than your affordable health care program.

The approach to summoning your defensive legal warlords is as varied as your product array itself.

If you are a Small to Medium-Sized business/Enterprise (SME) with a great number of products slated for export, you may avoid the most troublesome countries and take your chances by not patenting or trademarking your product or service from the outset.

Steve Pope, CEO of R2FACT Product Development, who has experience with small company exporters, said, "Before you decide to patent and validate in specific countries, or not, it helps to have eyes on the ground to see what your competition is doing, particularly at each brick and mortar site where you envision your product to be distributed. If you anticipate widespread sales and you also have strong competition, you should probably file and plan to enforce your patent." He pointed out.



"On the other hand, with broad distribution of a wide range of products throughout, say, the EU, yet with limited sales, you may find the cost of filing and protecting a patent in each country outweighs sales revenue," Mr. Pope said.



Steve Pope, CEO of R2FACT Product Development.
www.R2FACT.com

Another IP consideration, and of lower cost, is to trademark or copywrite the product or service, according to Mr. Pope. He pointed out that in many cases competitors will view these marks as a warning to stay away. In addition, since the recent ruling of Apple versus Samsung over product design, design patents are coming more into focus and may provide further protection.

Mr. Pope worked with a small East coast company for a short time that developed a special kit for eye glass repair. The technology enabled anyone to easily insert a replacement screw into the tiny hole on the frames and then snap off the stud on the end of the screw once it was tightened. "The woman who developed this screw, patented it all over the world and is selling it successfully," he said. "But, she spent hundreds of thousands of dollars up front to file for international patents a long time before sales kicked in." *IP Continued on page 11*

