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How to be strategic when protecting your brand globally?

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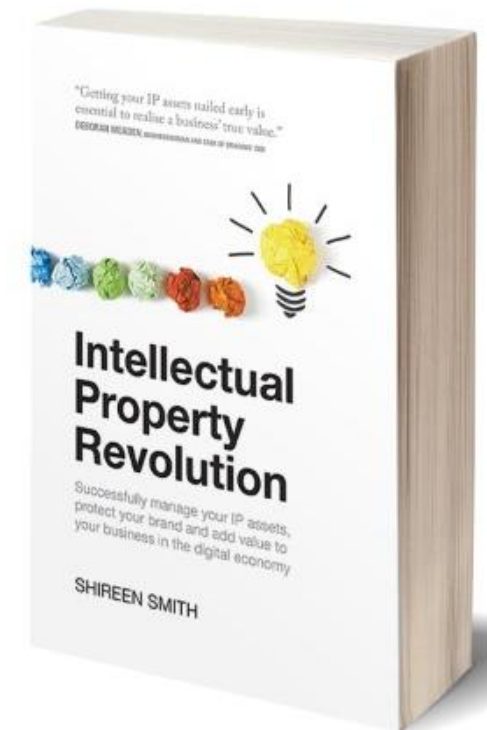
Introduction

- We are undergoing a quiet revolution
- Internet dominates our lives
- Intellectual Property is an umbrella term:
 - Trade marks
 - Copyright
 - Patents
 - Designs



Introduction

- The most valuable assets of your business are intangible
- Early IP input is essential
- Many IP and contractual issues to consider when doing business online
- Start up Chapter



Trade marks

- Business model determines trade mark strategy.
- Wrong name is like “a hole in your bucket”
- Name is an IP issue.
- Be strategic and plan well in advance
- Territorial



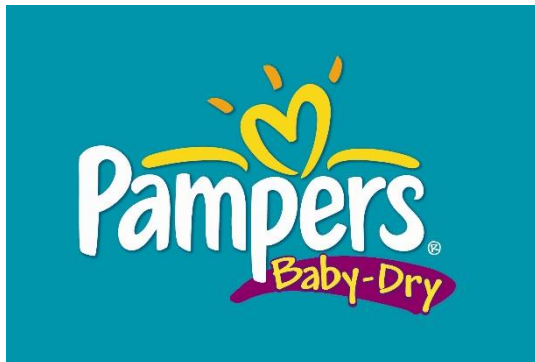
Names and Trade mark registration

- Trade marks are territorial
- Names are registered by reference to business categories, also known as classes
- The POLO example – would the consumer be confused?
- Scrabulous vs Scrabble



Names and Trade mark registration

- Descriptive names should be left out for the tagline
- Distinctive names help you stand out
- Bear in mind language variations – names should work in your target market
- Use of initials



International Schemes of Protection

- There are international agreements in place
- Costly to protect your intangible assets globally



International Schemes of Protection

- The Madrid System
 - International instrument for trade mark registration
 - 92 countries
 - Ease of administration
 - Cost saving
 - Flexibility
- Professionally drafted base application is key
- Initial name searches are of great importance



International Schemes of Protection

- CASE STUDY: **Plenty of Fish v. Plenty More Fish**

- No early IP input
- Carry out registry checks in each country of operation
- Make sure your name is “legally effective”
- Adwords campaigns prove costly



PlentyOfFish



'First to file' or 'First to use'

- First-to-file trade mark countries include China, France, Germany, Japan and Spain
- An example of a first-to-adopt-and-use country is the USA

CASE STUDY: LEXIA

- Ecommerce site vs Brick and mortar shop in a legal dispute
- Your base trade mark application is of extreme importance

The logo for Lexia, featuring the word "Lexia" in a blue, italicized sans-serif font with a registered trademark symbol (®) to the upper right.

Cybersquatting

- What if someone in another country steals your name and registers your domain with the local country code top level domain?
- Microsoft vs Apple



- Combine your domain name strategy with your trade mark registration strategy

Domain names

- Register CCTLD in countries of operation
- Use professional help to save on costs later
- Get domain name management help
- Combine domain name strategy with trade mark strategy

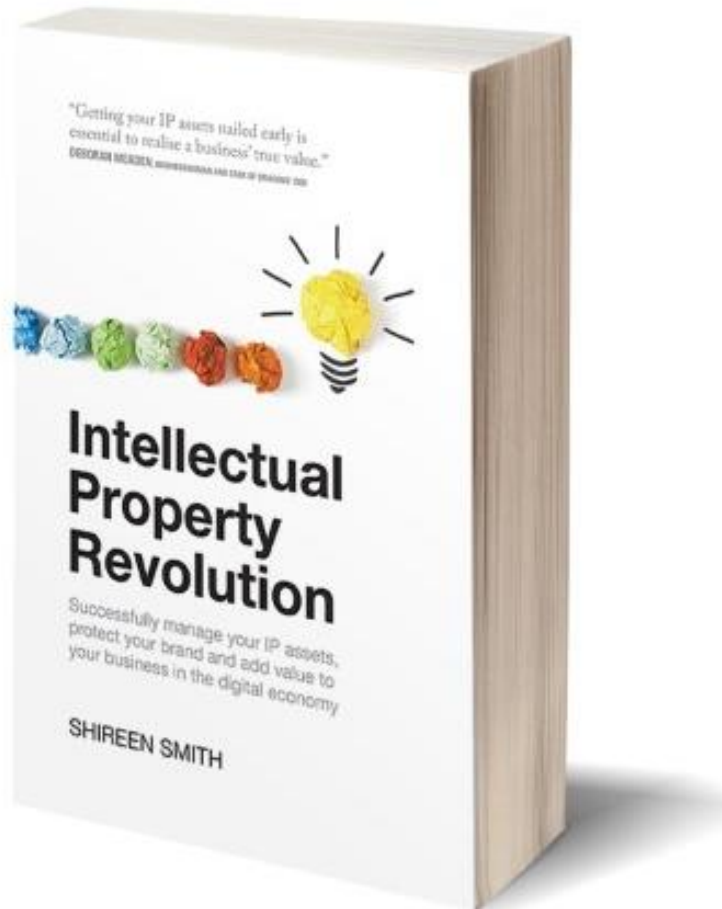


Conclusion

- Be strategic when developing your business internationally
- Set a budget for intellectual property
- Avoid foreseeable problems
- The right strategy will ensure your business growth



Intellectual Property Revolution



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