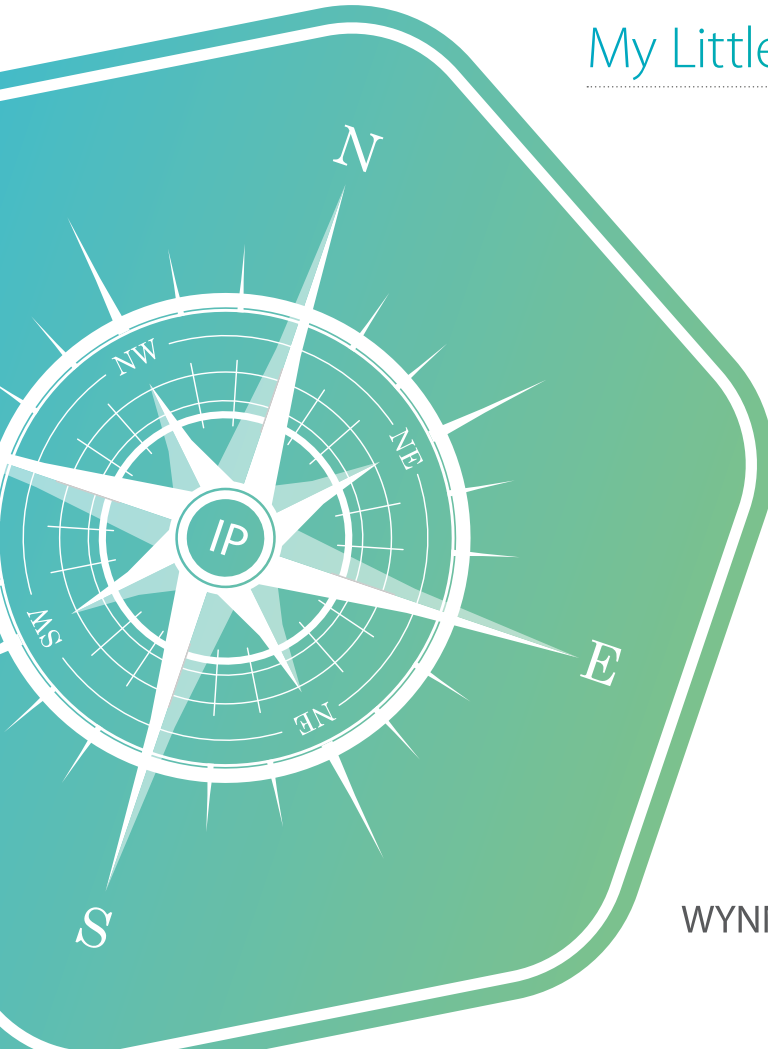


My Little Book of IP

Definition of IP:

intellectual property; *noun*

Intangible property that is the result of creativity, such as patents, trade marks, designs, copyright, trade secrets etc.



WYNNE-JONES
own thinking



Where to begin

There are three sections covering different information, one of which will be useful to you depending on your existing knowledge and understanding of intellectual property.

You want to cover the basics of IP as you are a complete IP novice.



You are aware of IP but not sure how it relates to you.



You understand the basics of IP, you just want to know how to use it for commercial advantage.



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About Wynne-Jones IP

Wynne-Jones IP will provide you with the best possible service and give you peace of mind when it comes to protecting your IP assets. We aren't just any ordinary IP firm; our no-nonsense approach to IP ensures you get the winning solutions tailored to your IP needs. All without the legal jargon. With our second to none knowledge spanning many areas including brands, products, inventions, technology, software, IT and process know how, we provide stellar strategic and commercial advice and consultancy on designs, patents, trade marks, trade secrets, copyright, licensing and renewals.

Want to win at intellectual property?
We are here to help

T: 020 3146 7888
www.wynne-jones.com

What we do

- Help you to protect your (current and future) concepts, products and brand names
- Investigate potential infringement risks
- Help you with licensing and other commercial negotiations involving IP

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Our Platform for Pioneer's

At Wynne-Jones IP, we are passionate about supporting entrepreneurs, start-ups and small business get their foot on the IP ladder.

We're sure you would agree that the entrepreneur's journey to success is a challenging one, but we don't think anyone should have to embark on that journey unaided. So much so, we created the Pioneer's Platform – a bespoke service for idea rich, cash poor innovators.

With so much experience, expertise and knowledge available to us, we would like to share the journey with you by sharing what and who we know, to help you on your way.

[Contact us for more information.](#)



We can also help you with information on:



BRANDING + MARKETING



CROWD FUNDING



PRODUCT DEVELOPMENT



RESEARCH + DEVELOPMENT



FINANCE & TAX CREDITS



INTELLECTUAL PROPERTY



FUNDING UPDATES



BUSINESS MENTORING



LEGAL ADVICE

...and more
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5 Common Mistakes in IP

1 HAVING NO IP BUDGET

Did you know?

- > IP spend can be a top 5 spend for small companies
- > Hiding IP spend in Legal or R&D budgets leads to conflicts
- > IP spend can and should be budgeted
- > Having an IP budget is first step to managing costs effectively
- > Appropriate IP budget is the goal.

2 NOT ALIGNING IP & BUSINESS

Have you considered that?

- > IPRs are business tools to support business strategy
- > Identify where IPR adds value
- > Focus on most appropriate IPR for business
- > Focus on future value vs. current value
- > Helps manage IP spend
- > Prioritise what is important vs. nice to have.

3 INAPPROPRIATE SPENDING ON IP

Could this be you?

- > Wrong type of IP
- > Too little is as bad as too much
- > Manage increase as much as decrease
- > Maintaining IP beyond contribution to value
- > Prioritising acquisition of IPR over advice & internal structure.

4 HAVING THE WRONG ADVISERS

Do you need to revisit?

- > Not aligned with business objectives
- > Inherited with business/technology
- > Selected for location, low cost
- > Alternatives not considered
- > Can advisers easily explain how they add value?
- > How do advisers look to investors?
- > Reluctance to change.

5 HAVING NO MANAGEMENT RESPONSIBILITY

Are there changes you need to make?

- > IP manager not one of the main business managers
- > IP not managed as part of job, but something extra
- > IP ownership by management
- > IP data not presented to allow management to manage.



What is a trade mark?

A trade mark is simply the legally protectable part of a brand. The legal system tries to keep up with modern perceptions of brand, and so as well as names and logos, it is possible to protect 3D shapes, sounds, smells, colour combinations, slogans – even the layout of a shop.

Do I have to own a trade mark registration for my brand?

Registration of a trade mark is not compulsory to use your brand in the marketplace, but it is strongly advisable. What would you do if a competitor copied your brand and as a result took business from you? What would you do if your brand and products were targeted by counterfeiters? A registration provides a deterrent, as the details of your ownership appear on a public searchable record. Should there be an issue in the future a registration provides you with a strong right upon which to base any legal action.

If I register my trade mark in the UK do I get any protection overseas?

Trade mark rights are territorial in nature, so if you register your trade mark in the UK this only gives you protection in the UK. If you wish to protect your trade mark in other countries you need to seek separate protection. There are a few multi-territorial trade mark registration systems – including a very useful one for securing protection throughout the whole of the EU with a single application (which simplifies the process and is very cost effective. There is also an international trade mark registration which is a means of securing a bundle of national registrations in a cost effective manner. However, not all countries are members of this system. If you are interested in countries that are not included in a multi-territorial system and are not a member of the international system, you have to seek trade mar registration nationally, on a country by country basis.

DID YOU KNOW? 

Intellectual Property (IP) rights, such as patents, trade marks, designs and copyright are assets, which can be licensed and sold.

Do trade mark rights last forever?

A trade mark registration has the potential to last forever. In the UK trade mark number 1, obtained on 1 January 1876, is still in force. However it is necessary to pay renewal fees every 10 years, and if you don't use your trade mark for a period of 5 years or more, it is possible for someone to cancel your registration. After all, why should you have an exclusive monopoly and not take advantage of it?

Can I register anything I want?

Needless to say there are restrictions as it would not be just for someone to obtain an exclusive monopoly unfairly. For this reason, if your trade mark is descriptive of your product or service, or is a generic term, you cannot simply register it. Similarly, if your trade mark is potentially deceptive, it cannot be registered.



ASK YOURSELF:

- > Could current inventions benefit from some further IP thinking?
- > Do I have the 'right' levels of protection for my inventions?
- > Am I reviewing my inventions regularly for possible IP?

If I want to launch a new brand, should I look before I leap?

The simple answer to this is yes. Research your brand. Use your industry knowledge. Have register searches undertaken. If you do this early enough in the brand development process, you have sufficient time to change your plans without incurring too much cost, and you could save yourself the embarrassment, and cost, of having to withdraw a product following launch.

What is a Patent?

A patent is a right to the invention that entitles you to prevent, amongst other things, unauthorised manufacture, sale and import of the invention. If you have a granted patent you can secure a market niche for the invention and enforce your rights to stop others from making or commercialising your invention, or license the right to enable another party to validly exploit the invention. For your invention to be eligible for a patent, it must be unique, useful and non-obvious.

If I obtain a granted patent in the UK do I get any protection overseas?

All IP rights, including patents, are territorial in nature, so if you obtain a granted patent in the UK this gives you exclusive rights in the UK only. If you wish to protect your invention in other territories, then you need to seek separate protection in these territories. Fortunately, if you are interested in protecting your rights in several countries in Europe there is a single system for processing the application, whereby at the end of the process you 'validate' the granted patent in your chosen countries enabling you to enforce your rights in those European countries. There is also an international patent application (also known as a PCT application) procedure which enables you to protect the invention in a number of territories worldwide. The PCT application is a holding application which defers the time for deciding upon those territories in which you may wish to pursue patent protection.

Presently, the PCT application covers 151 countries and at the end of the holding period, namely the international phase, you can then decide to pursue national/ regional patent applications in any of the countries covered by the PCT application. The procedure relating to the national/regional patent applications will then continue in these selected countries according to the respective national / regional laws.

DID YOU KNOW?



Strong IP rights can be used to stop others from using your IP, thereby protecting your market position.

IP rights may also be used to leverage grants and financial assistance.

How long does it take to get a granted patent in the UK?

Usually the application process must be completed within 4 ½ years from filing. Normally prosecution of the application through to grant takes 2 ½ -4 years and is dependent upon any objections being raised at the Examination stage. Accelerated prosecution is available upon request in certain circumstances whereby the patent may be granted within a year. Accelerated prosecution is also available for inventions which have an environmentally friendly benefit. How long do rights last in the UK? The duration of a patent is 20 years from filing the patent application. Renewal fees must be paid for years 5 to 20 to keep the patent in force. A supplementary protection certificate can extend the protection of Medicinal products or plant protection by a further 5 years.

Can I register anything I want?

Needless to say there are restrictions as it would not be fair to obtain a monopoly in some circumstances. A patent is intended to protect the technical features of your invention and there are certain exemptions that exist, for example business methods, aesthetic creations and mathematic algorithms are all excluded from being patentable. A software patent may only be patentable if the software creates a real world technical effect, e.g. makes a production line work more efficiently. In this case it is usually the process carried out by the software that is protected.



ASK YOURSELF:

Am I recording my ideas?

Don't let your ideas evaporate or dismiss them as 'obvious' without seeking advice first.

Shhh...

One of the criteria for patentability is that the invention is novel and therefore there can be no evidence that the invention is in the public domain prior to the filing date of your application. Unfortunately, this includes you talking to friends and family about the invention. Therefore, it is important that you do not discuss your invention, and in particular the technical information associated with your invention, in a social setting as you may jeopardise the ability to obtain a patent for the invention. If you are required to discuss your invention with a potential manufacturer or distributor you must do so under a non-disclosure agreement. However it is always advised that, if possible, you ensure a patent application is filed with the UKIPO prior to any commercial negotiations relating to the product taking place.

What do we mean by design?

In intellectual property (IP) terms a design is any product design - commercial, industrial, technical - that has new features of visual appearance, whether they are from shape, contours, lines, colours, ornamentation or texture. Protection is given to the way the product, or a part of the product, looks.

Do I have to register my product design? There is no compulsory requirement to register your product design, and both UK and EU law recognise certain unregistered design rights. However, by obtaining a registration the existence of your design is placed on a public register, thereby providing a searchable record for third parties. Having a registration will also enable you to identify the existence of your rights on your product. Both of these can provide a useful deterrent against copying. Furthermore, the UK has just introduced criminal sanctions against the copying of designs, providing further teeth to this useful right.

If I register my design in the UK do I get any protection overseas?

All IP rights, including designs, are territorial in nature, so if you register your design in the UK this gives you exclusive rights in the UK only. If you wish to protect your design in other countries you need to seek separate protection. Fortunately, if it is the EU you are interested in there is a single system for obtaining protection to cover the whole of the EU, which makes the process simpler and more cost efficient.

DID YOU KNOW?



Getting your IP in place is important, but it's just the start. Managing and maintaining intellectual property rights is a vital on-going task once patent protection, trade mark protection or registered design protection is in place.

Can I see how sales go before I register my design?

In the UK and EU there are provisions for a 12 month "grace period" to allow you time to see how sales go before incurring the cost of obtaining registered protection. However this does not generally apply outside of the EU. So if you launch your product ahead of starting the registration process here, you will not generally be eligible for protection outside of the EU, and only in the EU if you act quickly in the first 12 months.

How long do rights last?

In the UK and EU registered design rights will last for a maximum of 25 years, with renewal fees payable every 5 years. The duration of rights vary in other countries around the world.

Can I register anything I want?

Needless to say there are restrictions as it would not be fair to obtain a monopoly in some circumstances. Excluded are designs that are not new or don't really differ from existing designs, material that is offensive or contains certain protected flags and international emblems, designs dictated solely by the product function, or features that have to have a specific design to fit an existing product, such as spare parts. Isn't my product design covered by copyright? Whilst the design drawings themselves will be subject to copyright, producing articles to design drawings is not an infringement of copyright (there are special rules relating to "artistic works"). There may be unregistered rights which exist in the design, but it is necessary to demonstrate copying and overall the rights are generally more limited than with registered designs.

What is copyright?

Copyright is an automatic right that exists at the point of creation, and can apply to original literary, dramatic, musical and artistic works, sound recordings, films, broadcasts, software and the typographical arrangement of published editions.

Do I register my copyright?

There is no official system to register copyright in the UK as this is an automatic right. It is however important to keep clear documentary evidence to demonstrate when the work was created and who by as this will be needed if you ever need to enforce your rights.

Why is copyright relevant to my business?

Every business uses material in which copyright exists. Your logo, website and marketing material for example will all have copyright associated with them, as will many other documents produced within your business.

If they are for my business do I own them?

Not necessarily, and this is a common issue. If you commission a third party to produce material or designs for you then unless a written agreement states otherwise they will own the copyright. This is commonplace with items such as photographs, website and marketing material layout and content, brand design, etc. Whilst this may not present an immediate issue, it can cause problems later if your commercial relationship with the provider breaks down, or you need to take action against someone who has copied material. It is therefore advisable to ensure that you have written agreements with such third parties to ensure that the copyright belongs to your business.

How long do rights last?

Copyright has a potentially very long life as the standard duration is the life of the author / creator plus 70 years.

Can I use material that others put on the internet?

No. Just because something has been placed in the public domain it does not mean that it is free for use. If you use such material without the consent of the owner they may be able to sue you for copyright infringement.

Is my product design covered by copyright?

Whilst the design drawings themselves will be subject to copyright, producing articles to design drawings is not an infringement of copyright (although there are special rules relating to “artistic works”). It is recommended that product designs are protected by way of registered design.

Is my copyright protected overseas in the same way?

The UK belongs to a number of international conventions that mean in many overseas countries your copyright will be given the same automatic protection as it is entitled to in the UK. The main international convention governing copyright protection is called the Berne Convention.

What do we mean by renewals/annuities?

Once you have your IP legally protected, you will need to pay trade mark/design renewals or patent annuity fees periodically. It is important that you pay these fees if you do not want your IP right to lapse.

How long does a renewal last?

This depends on the type of IP and the geographic region in which the IP is active.

How much does a renewal cost?

The cost of your renewal depends on the type of IP and the geographic region in which the IP is active. As budgeting for your IP can be difficult due to the uncertainty of the expense involved, requesting a cost estimate for the life cycle of your particular IP is always recommended.

How will I know when a renewal is due?

We operate an auto-renewal service, which means that we will send you a monthly reminder of your renewals that are coming up in the following four months of the year and when you receive this information you have the option of identifying any renewals that you do not wish to renew and marking them as “no renewal”.

When will I need to pay for a renewal?

We invoice renewals on a monthly basis in arrears unless we require payment up front. For the monthly payment arrears scenario we require immediate payment on your receipt of invoice.

Can I pay for a renewal after the IP right has lapsed?

Reinstating the IP right after it has lapsed can be at best difficult, sometimes impossible and incur significant additional costs.

How can I avoid missing a renewal due date?

Monitoring deadlines to avoid missing renewals is very important. Whatever the size of your portfolio we can give you complete peace of mind that all your deadlines are monitored and that all renewals instructed by you will be renewed within their respective deadlines only if we are responsible for your renewals.

Can Wynne-Jones IP monitor deadlines on my behalf?

Yes, we have been providing a reliable and efficient renewals service for patents, trade marks and registered designs ever since the firm was founded over fifty years ago.

DID YOU KNOW?



Wynne-Jones IP offer free, structured consultations for start-up ventures. Whether you're already up and running, or still at the drawing board stage, we will give full consideration to the forms of IP protection that are right for you and how you can use them to maximise your chances of commercial success.

DID YOU KNOW?



It's not an overstatement to say that getting the right IP advice in the early days of a business venture can mean the difference between success and failure. If your core idea or product is not properly protected then it's unlikely that you'll be able to stop another company copying it. You could lose your market position, regardless of whether you were the first to create or commercialise. Similar problems can arise with company or product names.

How can using a provider like Wynne-Jones IP for both IP management and renewals be beneficial to me and my business?

Sometimes clients renew their own IP rights or get a third party specialist renewal company to manage their renewals whilst still retaining our firm to file and prosecute their IP. However, having all your renewals and IP managed by us significantly reduces the risks of missed deadlines, requires you to input less of your own resource to manage your IP and makes it easier to strategically manage your IP because the information is easily accessible in one place.

Can an IP attorney advise me on what I should or shouldn't renew in my IP portfolio?

Yes, as part of our IP strategy service, your attorney can work with you to identify the core brands, services, products, technologies or inventions that are critical to the successful execution of your business strategy and can therefore give you advice on the renewal of your IP rights.

What is Intellectual Property (IP) strategy?

In our view, IP strategy, in its simplest form, is the plan that outlines what IP in your company

- > needs protecting
- > why it needs protecting
- > where it needs to be protected globally

The intellectual property in question can be brands, products, inventions, technology, software, IT, processes, know-how, copyright, designs, key skills that exist in certain employees, and so on.

A company's IP strategy therefore is a more detailed expansion of the information contained in the business plan about the proprietary assets that a company possesses, plus where they are going to be utilised and why. It follows then, that IP tactics is about the 'how to protect and when'.

Ask yourself...

- > Can your assets be protected by trade marks? Patents? Registered designs? Or are they trade secrets that require a different mechanism of protection? What about copyright?
- > What restrictions do you have in the marketplace that would prevent you from gaining full protection?
- > How can you protect your new IP in the context of IP that you already have that is already legally protected?
- > What are your competitors up to?
- > How are you going to develop criteria for prioritising what should be protected legally so that you can make best use of the budget you have?
- > What about timings?
- > Is a phased protection of an asset appropriate in the context of budget constraints?

These are all questions that must be answered and which govern the tactics you take to protect your IP assets.

Why do I need an IP strategy in my business?

There are so many reasons why you need an IP strategy in your business. Here are a few of the most important ones:

- > Having an IP strategy educates your senior decision makers about the importance of IP as a commercial tool for creating profit
- > It may be easier to get funding for your IP from your decision makers if they understand more clearly how it links to the business goals
- > IP has an equivalent monetary value in your business and can increase the value of your company, which may be important if you are looking at investment or looking to be acquired by another company. Having a well thought through IP strategy gives investors the message that this company is well run and deserving of funding

- > If you do not have an IP strategy and your IP protection plans are scattergun or disjointed, you run the risk of scuppering the protection of your pipeline IP assets by ill thought through legal protection of your current IP that is in the marketplace now
- > A scattergun approach is likely to be more expensive
- > You risk not establishing criteria for priority for protection and thus fail to protect assets that are critical to the business plan whilst protecting less important assets.



ASK YOURSELF:

Am I being vigilant? If you become aware of a competitor copying or using your invention, seek advice on how best to proceed. Never make statements to third parties indicating that they are infringing without seeking advice first.

What is a trade secret?

A trade secret is commercial know-how which forms part of a company's Intellectual Property Rights. A trade secret is valuable, confidential information which gives a competitive advantage.

Examples of trade secrets:

- > A secret recipe
- > Key customer lists
- > Bespoke production methodology.

To qualify as a trade secret it must meet all the following requirements:

- > it is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question;
- > it has commercial value because it is secret;
- > it has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.

What steps should I take to protect a trade secret in my business?

A combination of legal and practical steps, for example:

- > Identify what needs protection
- > Quantify the information
- > Monitor the information
- > Secure access to the information
- > Maintain secrecy with any external parties
- > Limit any public access
- > Use caution internationally
- > Set up information security training and policies.

How long does a trade secret last?

A trade secret has no time limit. Protection will last as long as it is maintained as a secret. i.e. your agreements remain in place and that there are no breaches.

Inventions and trade secrets

In the early stages of any new invention it is important to decide how you will protect your invention. There are two main options available:

- > apply to register a patent or
- > maintain it as a trade secret.

The most suitable method will depend on both the product and the business strategy.

Both methods have their advantages and disadvantages.

Registering a patent is a lengthy and costly process and part of this process involves publishing details of your invention. A patent lasts for a maximum of 20 years.

After it expires, a competitor can legally use this information to produce a similar product using the invention designs.

The initial cost of a trade secret is minimal. A trade secret can be protected by confidentiality agreements. A trade secret has no time limit. For products which have a longer lifespan and cannot be reverse engineered, a guarded trade secret will provide protection without competition after 20 years at a minimal cost.

Not all types of invention are capable of being patented, and so for some inventions, a trade secret will be the only option.

A trade secret will only give you protection to the extent that employees or third parties to whom the invention is disclosed can be trusted. Once breached, there is no way to prevent further infringement. The enforcement of a trade secret may be more difficult and costly than enforcing a registered patent. A trade secret will not give protection against improvements in technology, particularly from reverse engineering.

Alternatives to trade secrets

Open Innovation is the development of innovative solutions made on the basis of collaboration between a number of parties. It has the advantages of shortening the time to innovate, sharing risks, and reducing costs.

Open Innovation offers a different model to the historical closed model where the entire innovative process is carried out internally by companies, often in secret.

Defensive publishing is the intentional and purposeful publication of innovation into the public domain. It is a cost-effective intellectual property strategy consisting of disclosing aspects of your invention so it becomes prior art, precluding others from obtaining exclusive rights on your ideas.

What should you do if you rely on trade secrets in your business?

If you have or rely upon one or more trade secrets, or are unsure of your position, you will need to assess the impact of these changes.

You should at the very least:

- > Identify your trade secrets and where they are created
- > Identify how you are protecting your trade secrets currently
- > Educate your business on trade secrets and what they mean
- > Put a plan in place to properly protect your trade secrets in the future.

DID YOU KNOW?

Having a company name registered at Companies House and/or as a domain name won't necessarily enable you to stop a competitor from using the same, or very similar, brand name and take advantage of the reputation you're building up.

There's also the question of whether you infringe another company's IP rights. Even if you came up with your idea, product or brand name completely independently, this doesn't mean you can avoid being sued for infringement of many types of IP rights if you fall within their scope.

What is trade mark watching?

A watch service is a method of identifying trade mark applications that are either the same as, or confusingly similar to your own rights, and which have been advertised for opposition purposes, providing an opportunity for you to raise objection to registration.

A watch can as a result of identifying such applications also highlight commercial issues, such as a distributor applying for your trade marks, or a potential infringement.

Why do I need trade mark watching?

Whilst some trade mark offices will prevent registration of applications due to existing rights on their registers, many offices are moving away from doing this and placing more emphasis on owners being responsible for monitoring their rights, and so applications can register despite the existence of earlier rights. In addition, as it is possible sometimes to argue around the issue if an objection is raised based on an earlier right, the practice of particular trade mark offices cannot be guaranteed to prevent conflicting applications.

What is a NDA?

A Non-Disclosure Agreement (or NDA) is used to keep your invention a secret when talking to others. This can be potential investors, manufacturers, stockists, creditors, clients, suppliers etc. They are sometimes called Confidentiality Agreements (CA). They should be specific to the needs of the party providing the NDA. Your IP attorney can assist you in drafting a NDA specific to your needs.

NDAs are advisable if:

- > You are an inventor wanting to discuss your invention with someone else
- > You are thinking about sharing your ideas about a new product or process with someone else
- > You are developing a new product or process with someone else
- > You want to discuss a new concept with a potential collaborator
- > You want to seek advice on your idea.

Types of NDAs

- > One Way - This is where one party is disclosing information
- > Mutual - This is where both parties are disclosing information.

Top tips:

- > Before disclosing your ideas or confidential information, ensure that the recipient of the NDA has signed and returned the NDA to you
- > If you are given an NDA to sign, always read and check it before signing. You can always seek professional advice from an IP attorney to check it over for you
- > Make a record of what you disclose to who and when. If you are presenting technical drawings or giving a presentation, ask those within the meeting to sign paper copies to provide you with proof that they have seen them.



Starting your own venture? Top reasons why start-ups should ensure they are protected with IP

1. Protecting your business from the start is vital. Even if it is still being developed, and you feel it doesn't warrant protection, always seek advice. Starting early limits any competitor's ability to steal your idea and market it before you have the opportunity to. Attorneys are well placed to offer tailored advice which will protect your business and allow it to grow without being hindered.
2. Intellectual property can be an essential tool when planning ahead for business growth. If, further down the line, you feel your business would be strengthened through a merger, then IP is an attractive feature for a potential business partner. Obtaining IP demonstrates that a business is of a quality which is worth protecting and that you are invested in the progression of the brand.
3. Investing in IP at an early stage could be considered too costly by many businesses. While this is understandable in a start up, it could also prove to be a mistake down the line. Failing to invest in protecting your brand in the beginning could see you lose significantly if the product or brand is copied without IP protection later on.
4. Early on in business, a start up is more vulnerable to claims of infringement from other brands. Ensuring that you and your patent attorney have done your research ahead of filing an application will provide that peace of mind if the business is subject to an infringement claim.

Should I register/file IP myself or use an IP attorney?

Sometimes it can seem daunting to seek out IP attorneys to register and file your IP on your behalf, but you may be surprised to learn that actually, there are advantages to using IP attorneys over DIY.

Below outlines just a few of the advantages of what working with an IP attorney can do for you and your business.

- > IP attorneys can manage the process on your behalf from start to finish saving you time to focus on other tasks
- > IP attorneys have the connections to register and file applications on your behalf around the world saving you time and additional costs and resource of dealing with multiple IP offices around the world

- > Alongside getting to know you and your business combined with expertise, IP attorneys can provide strategic advice based on your commercial plans ensuring you get the best and most importantly, the correct protection possible
- > IP attorneys speak the IP lingo so can deal with any challenges faced from the IP offices, so can effortlessly respond on your behalf
- > In the long term, using IP attorneys is a much more cost-effective solution and you'll get the added bonus of additional value services such as searching, watching, audits, renewals and on-going advice to ensure your IP protection is worth every penny especially as your business grows.

Do's and Don'ts

Do think carefully about what intellectual property expenditure is essential at the very early stages, and what can (or should) wait. The spend on intellectual property protection at the outset needs consideration and budgeting. Full protection may not be necessary until you are closer to generating a revenue stream or you are, at least, further on in an investment process. A common mistake is to apply for patent or design protection too early in the development process, necessitating further (or expanded) applications later if significant changes are made. A good IP attorney should be able to assist in developing a strategic plan that will ensure you are adequately protected at each stage of a commercial process, without unnecessary expenditure.

Do determine whether you have IP in your company and whether or not you wish to protect it legally. Make sure your decision makers know why they are investing in IP because if they do not then the investment may be deemed a waste of money.

Do publicise that you have rights and mark your products/website/packaging/brand name with the relevant mark to indicate your IP rights. This informs the public of your claim to the respective IP.

Do use non-disclosure agreements wherever possible, particularly in the early stages of setting up your business and finalising your product/service. NDAs will provide you with added security, but are only really useful where the risk is containable.

Do keep a written record of the development of your product/service. Where you have overcome technical problems, there will have been innovation, and where there is innovation there is likely to be intellectual property to protect.

Do liaise with your marketing team to make sure they are not disclosing anything which might jeopardise your ability to obtain registered intellectual property rights.

Don't choose a new company name or create a brand name without first checking whether it has been registered as a trade mark by another company. If it has and you use it, you may face a very costly rebrand!

Don't copy someone else's design or technology without searching to see if it is protected first by patents or registered designs. If you do, you could face a lawsuit or destruction of a vital technology/product development for your company.

Don't publish or advertise your unique products or services without first discussing with an IP attorney to see what intellectual property rights you might have, and how you can best protect them.

Don't falsely mark goods/website/packaging to indicate you have registered IP when you don't. This is considered to be misleading and you could be fined and in worst case scenarios even imprisoned.

DID YOU KNOW?



Wynne-Jones IP offers a suite of business planning services such as:

- > IP auditing
- > IP valuation
- > IP insurance
- > IP risk management
- > IP watching and searching
- > Strategic portfolio planning
- > Competitor Analysis
- > Setting royalty rates
- > Preparation of IP for sale, mergers and acquisitions
- > Preparation of IP for licensing

Spotting fake invoices relating to IP rights

What are the tell tale warning signs of a fake invoice relating to IP rights? What should IP owners be mindful of?

Warning sign 1: If you have an official and recorded representative, you should not receive any invoices other than those from that appointed party.

Warning sign 2: Often the fake invoices will use names, personal information, acronyms and/or logos which are very similar to the official organisations. These invoices will often request payment for a service such as:

- > Renewal of your IP rights
- > Publication/Registration of your IP rights
- > Expansion of your IP rights
- > Other IP related services.

Warning sign 3: Fake invoices will often request payment for publication in an independent database or journal. These databases have no legal effect - only the responsible Intellectual Property Offices around the world can publish and register IP rights with legal effect. These are the UKIPO, EPO, WIPO, EUIPO. There is no separate fee for publication of an IP right, as this is an automatic process.

DID YOU KNOW?



Strategic management of your intellectual property assets really matters! Identifying your Crown Jewels® is vital. They're the core brands, services, products, technologies or inventions critical to successful execution of your business strategy.

Making your IP strategy robust is very important if you want to get maximum protection and commercial benefit from your IP assets.

What sorts of invoices relating to IP rights are IP owners likely to receive directly that are legitimate?

If you have an official, recorded representative, you should only receive invoices directly from that party. Please note, the UK and EP/EU Offices do not issue any invoices directly to applicants. Instead the IP Offices will send a notification which will direct the applicant to the official web pages, where a secure payment can be made. If in doubt on any invoices you receive, check with your IP professional. It's always better to check an unsolicited or suspicious invoice, before any payment is made.

What should IP owners do after receiving a suspicious looking invoice?

If you receive an invoice which at all seems suspicious, you should immediately contact your IP professional. In the event you do not have a recorded representative, you can contact the relevant Intellectual Property Office, the Chartered Institute of Trade Mark Attorneys (CITMA) or the Chartered Institute of Patent Attorneys (CIPA). Do not use the contact details provided on the invoice.

Examples of misleading invoices and a list of sources can be found on the WIPO website.

Do not make payment of any suspicious invoice without first validating its authenticity. If you receive a fraudulent invoice you should report this to Action Fraud. Action Fraud is an online portal, operated by the City of London police, for reporting all types of fraud.

Spotting fakes

How big a problem is the counterfeit goods market?

Counterfeit goods is an ever increasing problem. It is estimated over £1.3 billion is lost in profits and taxes through counterfeiting every year. However, there have been great strides to try and combat counterfeiting in UK. The Police Intellectual Property Crime Unit (PIPCU funded by the UK Intellectual Property Office) was established in 2013 and specialises in IP related law enforcement. NCA (National Crime Agency) has a dedicated department dealing with IP crime. CITMA and CIPA are the bodies that represent UK Trade Mark and Patent Attorneys and constantly support the efforts of the crime fighters. The UK Customs and Excise offer the opportunity of recording registered trade marks with them to help distinguish potential counterfeits. Trading Standards are also active in removing fakes from the marketplace.

To what extent do fraudsters use marketplaces like eBay & Amazon etc.?

These online sites are a huge source of counterfeit goods entering the UK marketplace. Many of the counterfeits originate from China and are exported to UK where one of the easiest ways to sell is online. The ability to remain anonymous and reach a global custom base make these markets places very attractive indeed for criminals.

DID YOU KNOW?



As the number of counterfeit goods rises and international shipments become cheaper and cheaper, businesses like yours are at risk of having infringing goods being released into the EU without your knowledge. Use of the Wynne-Jones IP Customs registration service will give you peace of mind that any counterfeit goods potentially entering the EU are seized and destroyed. However hands off you want to be, we do the hard work for you.



How do the scams work?

Sales online don't allow the customer to actually physically touch the product. The pictures on these sites often don't represent the product being sold. Often 'genuine product receipts' are provided with the product delivered but these are in themselves fake. Even a seller who has imported counterfeit goods may not be aware that they are infringing third party rights or that their activity is a criminal offence. Some online sites may sell both original products as well as counterfeits in an attempt to look more legitimate.

What is the impact on the brands involved?

Often the quality of the goods is poor. This will have a detrimental effect on the brand reputation with purchasers refraining from buying the product again. Often the purchase price is much cheaper which affects purchasers' perception of the value of a brand.

What is the impact on the reputation of the retailer?

The sale of counterfeit goods leads to a loss of sales and damage to a business. Even if the quality is OK the counterfeits takes unfair advantage of the brand riding on the hard earned reputation built up by the owner. The Counterfeit products dilute the owner's goodwill in its brand. Such goods in the health and safety industries can have devastating consequences leading to an immediate reduction in reputation even if subsequently the goods are shown to be fake.

Who is accountable?

Everyone involved from the manufacturer of the counterfeit product to the importer and/or exporter, anyone storing such goods, the distributor and finally the seller. Unfortunately often the purchaser knows they are buying a fake product so finally the purchaser may be accountable as well.

What is the law covering this area and is it sufficient or employed correctly?

Trade Mark law (Trade Marks Act 1994). This allows owners to register trade marks. Such registered rights help PIPCU and the NCA, as well as the courts, to take quicker and more cost effective action against infringers. Copyright, Designs and Patents law (Copyright, Designs and Patents Act 1988). Patent and design rights are enforced in the same way as trade marks. Copyright is an automatic right in original works and is useful in combating fake DVDs and CDs in the film and music industry and copying of computer software.

What measures are in place to combat this kind of fraud?

Owning Intellectual Property rights is essential, whether that is a patent, a trade mark or a design. Wynne-Jones has a long tradition of helping companies protect their IP rights. These rights all help the courts allow enforcement by the owners against infringers. The rights are also essential when requesting Amazon and eBay to close sites selling infringing products. Often without such registered rights Amazon and eBay will refuse to take any action. Rights are also used by Customs and Excise in controlling the borders.

DID YOU KNOW?

R&D Tax Credits and the Patent Box are both the modern-day additional and commercial benefits of investing in research and development and protecting commercial innovation that emerges as a result.



DID YOU KNOW?

The Intellectual Property Office has a free online tool called the 'IP Health Check' which can provide you with guidance on what steps you need to take to protect your IP assets and grow your business. Check it out here: <https://www.ipo.gov.uk/iphealthcheck>



Are the sites doing enough to protect consumers and brands?

If one is able to produce documentation of registered intellectual property most online marketplaces will act to prevent infringement. Without registered rights the sites are reluctant to act and often refuse to as they claim not to have the resource to check all products being sold. It is up to the rights holder to advise of fake goods being sold.

What more, if anything, can be done?

UK authorities can continue to liaise with foreign law enforcement agencies to try and prevent fake goods being manufactured and/or exported. Wynne-Jones IP offers a registration service allowing recordal of registered IP rights with UK Customs and Excise to help them identify potential counterfeits.

This service extends to EU and China Customs bodies helping prevent exports to UK Trading Standards are also active in removing fakes from the marketplace. However, they are very busy and it is often difficult to obtain their help without obvious and serious offence being established. The onus is still with rights holders to inform the relevant agencies and or website owners of details of its rights for the necessary actions to be taken.

What should consumers who want to avoid fake products look out for?

Price, packaging, quality and where the goods are on sale. Unofficial sites are always a good indication. As are online auction sites. But eBay and Amazon are still main targets for counterfeiters as if one site gets closed down another can be set up shortly after.

What should brands do if they spot fakes online?

There are a number of actions that can be taken. Apply to bring down the site. Contact CITMA or CIPA for advice on how best to proceed. Advise PIPUC or NCA who may be able to help. Contact the site owner advising them of the rights owned & the infringement and requesting goods be destroyed.

As the number of counterfeit goods rises and international shipments become cheaper and cheaper, businesses like yours are at risk of having infringing goods being released into the EU without your knowledge. At Wynne-Jones IP, we offer a customs registration service in line with the new EU customs regulation known as the Customs Application for Action (AFA).

Use of our Customs registration service will give you peace of mind that any counterfeit goods potentially entering the EU are seized and destroyed. However hands off you want to be, we do the hard work for you, including:

- > Filing an application for actions with Customs

- > Becoming your point of contact for Customs, handling the whole process on your behalf
- > Liaising with you to keep you updated on any infringement cases that arise
- > Hassle-free administration
- > Sending warning letters to obtain undertakings.

The steps to identify invention ideas

This is the part of the development process which involves identifying potential invention ideas and what inventions are worth pursuing IP protection. The buzzword for this is 'invention harvesting'. Keeping on top of the inventive activity going on in the business, and educating your designers to go through this process whilst they are solving problems and proposing solutions is really important. Especially as it can be sometimes difficult to identify what aspects of the invention can be protected by IP.



PRO



What role does IP play in your business plan?

Are you aware that 100% of businesses have their own IP?

It's a common mistake to think that IP is for big brands, tech and pharmaceutical companies, famous straplines & logo's, or simply those who have deep pockets and a large budget to 'throw at protection'.

In reality it really doesn't matter if you're a start-up or inventor, a listed company or cash-rich, at design stage or have a finished product; IP protection is for everyone and is integral to any, and every, business plan and strategy. Each element of your business from your product name, its branding and customer databases, through to brand extensions such as mascots and differing trading names, are all considered to have a value and are an asset. Therefore, the most important elements need IP protection and should form part of an ongoing business plan.

Working with an expert IP firm, who understands all areas of protection, as a partner to support you and ensure you are continually protected as your business evolves, grows, changes or restructures is key to success. And this partnership should start as early as possible

so your brand or product is protected from the outset, and not when an issue arises which could be costly and detrimental.

IP protection also helps prevent any other companies or individuals copying and using what you've wisely safeguarded as 'your own'. If you've invested in your product or brand and there are any infringements or disputes, you are already at an advantage because of the protection you've already put in place.

Companies who fail to recognise IP as a strategic asset put their competitive advantage and profit margins at serious risk. By prioritising these assets and protecting them organisations (including sole traders & SME's) have more opportunity to drive greater growth and financial success.

When it comes to business having an IP strategy in place alongside a business plan, investors see this as a competitive advantage against any competition and know that protection adds brand value regardless of success or failure. Investors love low risk businesses, and this comes with having IP protection in place, which means the probability of financial investment is increased.

DID YOU KNOW?

Speaking with an IP attorney in the early stages can help you determine what parts of a creation you can and cannot protect.

I've received a nastygram – what do I do?

Sometimes things don't go according to plan;

Regardless of whether you've actually been smart and protected your IP, or if you've not got around to it yet, occasionally that nasty letter can land through the letterbox and set in a fear of panic.

Perhaps you may have infringed upon someone else's design or patent?

Or your brand name is too similar to one already registered and they want you to cease and desist?

What about your logo too closely resembling one already in use?

If you get one of those nasty letters here's our top tips for the next steps:

- > Don't panic or react in haste; there's always time allowed enabling you to respond properly
- > Don't ignore the letter and think the issue will go away. It won't. There are timescales involved for responding and the matter will be escalated if you don't

- > Contact an IP professional who can help. Of course, this comes at a cost but can be managed, and potentially less expensive, if handled professionally rather than trying to tackle it yourself. IP attorneys are specialists who are used to defending trade mark, patent and design registrations in order to get you the best possible outcome
- > Ensure you have all your relevant paperwork together which will help your case. Your IP professional will need as much evidence as possible
- > Learn from any mistakes and remember to keep on top of your trade mark, patent and design filings and discuss any changes to your business with your IP professional. They can ensure your IP decisions are strategic and in line with your business objectives.

Cyber security and IP - What should your business be doing to protect itself?

What is Cyber Security?

Although the name suggests a highly technical topic, cyber security is no longer only an IT issue. Wider digitisation brings exposure to an increased number of threats if not managed properly. Poor management means that business-interrupting cyber security breaches happen more often than ever before. According to a recent report it took organisations an average of 99 days to detect cyber attacks within their network.

Threats to businesses are data theft, extortion, vandalism, and more sophisticated threats include espionage, disinformation, market manipulation and disruption of infrastructure. Considering the complicated nature of each threat, it is important to understand possible outcomes for businesses as a whole, as well as for the customers/clients who are benefiting from the products/services provided by those businesses.

Examples of headline making Cyber Security issues include the WannaCry attack which hit organisations worldwide, such as the NHS, with severe results and recently the Dark Caracal attacks which compromised accounts of military personnel, journalists, and lawyers, stealing data including personal data and intellectual property.

Cyber Security and Intellectual Property

The increasing number of threats made a set of regulations necessary to strengthen and unify data protection for all individuals within the UK. The new-General Data Protection Regulation (GDPR) primarily aims to let the individuals have full control over their own personal data and simplify data transactions for business environment within the UK and European Union.

Although many business owners are aware of cyber attack threats, the extent and likelihood of those threats are likely to be underestimated.

In addition to the obvious effects of a cyber attack, such as theft of customer data, regulatory issues and reputational damage, it is important to consider less obvious implications such as the theft of intellectual property (IP).

IP allows businesses to have a commercial advantage over competitors. If IP is stolen, it is important to detect the theft quickly and react accordingly.

In case of IP or trade secret theft (subject to new legislation), forensic investigation is important from several aspects such as how the attack happened and what are the sources as well as root cause of attacks.

When it comes to IP, the means to secure does not necessarily mean just having a secure database, but also means having a secured information protection strategy within your company. For example, a piece of information that every employee has access to may not be secure even with the most up-to-date data protection software as they themselves are a point of vulnerability.

Open innovation and your intellectual property rights

Recently, growing attention has been devoted to the concept of “Open Innovation”, both in academia as well as in industry. We cover what Open Innovation is and what it means for you and your intellectual property rights.

What is Open Innovation?

Open Innovation is the development of innovative solutions made on the basis of collaboration between a number of parties. It has the advantages of shortening the time to innovate, sharing risks, and reducing costs. Open Innovation offers a different model to the historical closed model where the entire innovative process is carried out internally by companies, often in secret.

There have been misconceptions that Open Innovation and owning Intellectual Property Rights are mutually exclusive, when in reality they positively complement each other. Open Innovation is a term used to promote innovating with collaborators by “sharing risk and sharing reward” - the problem is caused by what the term “sharing” means.

An example of headline “Open Innovation” initiatives is when Tesla™ decided to open up their patent portfolio to the world - the move has been subject of much debate. It can be argued that they have given away their greatest competitive advantage or alternatively, it can be argued that they have shortened their innovation cycle by removing the disclosure stage of discussions with potential collaborators; the truth probably lies somewhere in between.

Comparison of Open and Closed innovation principles

Open Innovation Principles

- > Building a better business model is better than being first to market
- > Having the ability to use the best of internal and external ideas
- > Knowledge and expertise in an area is dispersed and must be brought together to succeed
- > External R&D has significant value: internal cooperative R&D can claim a share of that value
- > Unburdened from requirement to originate the research in order to profit from it
- > Everyone should benefit from all innovations whenever it advances in a business model.

Closed Innovation Principles

- > First to market an innovation is a commercial advantage
- > Can keep the best ideas internally and secret
- > Consolidating knowledge in one place is strategically important
- > Control of the complete R&D from discovery, development, to commercialisation
- > Originating discoveries allows control of the market
- > Control of intellectual property (IP) so that competitors can not profit from ideas.

IP and Open Innovation

In the context of Open Innovation, intellectual property plays a new role which no longer reflects the historical defensive mechanism adopted by companies.

For example, to-date companies have been using their patents to block competitors and to operate on the market based on the notion of a patent as a negative right to exclude others rather than to enable innovation. Yet, on the contrary, patent protection assists companies to commercialise their solutions and safely enter into Open Innovation agreements, with limited risks of seeing their assets appropriated by their collaborators. Indeed, patents are extremely important for the innovative process since they protect and disclose at the same time.

Open Innovation is facilitated by effective intellectual property protection. Clear ownership helps in sharing of knowledge, as collaborators are more willing to enter into transactions and agreements to exchange their inventions.

Strong intellectual property strategies are of utmost importance for small entities with very specific R&D capabilities and which require larger entities to commercialize their products. They would fail to attract collaborators and investors if lacking a robust intellectual property strategy.

Because of the nature of Open Innovation, efficient intellectual property management is essential for the success of the project. Sharing knowledge, technology and expertise between collaborators is an enormous benefit that could nevertheless entail a risk of loss of such assets and free-riding, if not managed effectively. Accordingly, a co-development of activities carried out in an Open Innovation environment requires a clear agreement on ownership of any resultant IP, particularly where parties to the development have no previously registered IP in the relevant activity.

Are you considering entering into Open Innovation?

Questions you should ask yourself:

- > What will happen to my concept?
- > How can I protect my products if I do not fully own the IP rights?
- > How can I protect my trade secrets and know-how from being lost within such a process?
- > What is happening to my position in the long run by sharing or licensing my IP rights?

If you are considering engaging in Open Innovation, you will need to assess the impact of your decisions now and in the future. Such arrangements can be very rewarding, but, you should also remember to protect yourself.

How to identify potential invention ideas?

One option is to introduce the idea of invention disclosure forms. You may have already implemented this in your business or use yourself. If so great stuff! If this is the first time you've heard of doing this then do not panic.

Encourage employees to fill them out and upload them to a central repository so you can view them periodically and keep an eye on the inventive activity that may be going on behind the scenes. Remind designers that subject matter that could be protected may arise during the design process (before a finished product or process has been finalised) and also in respect of just a small part of the overall product or process.

What information is needed in an invention disclosure form?

- > The inventors names
- > The title of the invention
- > Provide a description of the invention:- what problem does the invention solve? Are there existing products that address the same problem that the inventions solves? Name and describe them. How to make and use the invention?
- > Detail how it is intended to be used
- > List all relevant publications, patents, designs etc. that you are aware of
- > List all the features that distinguish the invention over the related technologies
- > Include any drawings or pictures of the invention.

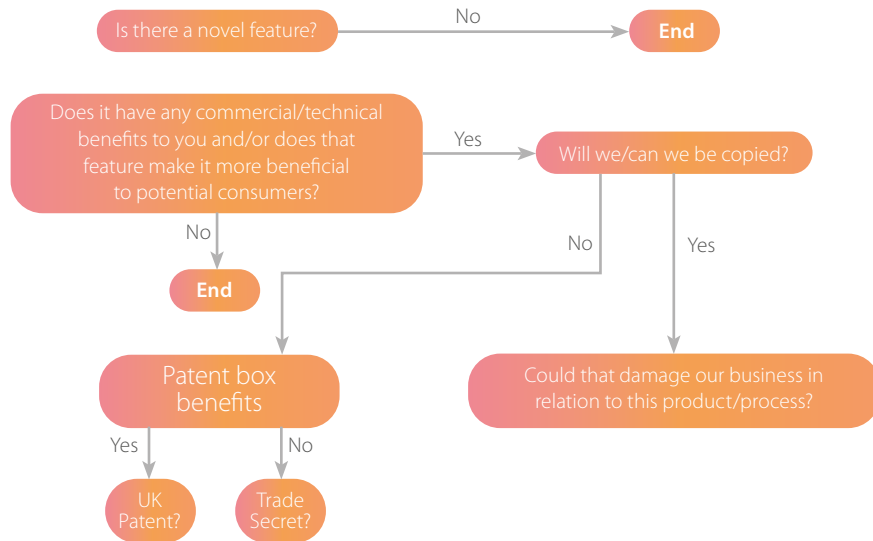
DID YOU KNOW?

If you go to market, or to a trade show or toy fair, without any protection and your product is a success you can expect there will be knock-offs enter the market. Without any protection in place, there is little you can do about it.

If a knock-off product is being displayed at a trade show and you have valid intellectual property protection it is possible to quickly get a Temporary Restraining Order and even a seizure.

That is exactly what happened in January 2016 when a hover board knock-off was being offered at the 2016 Consumer Electronics Show.

Flow chart to identify potential patentable matter



Another effective way to identify potentially patentable subject matter (and other protectable intellectual property) already owned by a business is to undertake an IP audit.

These are usually performed by a patent attorney or similar IP professional, and involve an in-depth look at the business to identify all intellectual property it owns, including copyright, trade secrets, trade marks, designs and inventions, and also gives advice on the best way to protect that intellectual property and maximise the benefits of it to the business going forward.

Remember to keep all new developments confidential unless and until a patent application has been filed.

Your IP checklist

- Ensure employment and consultancy contracts clearly state your ownership of IP developed for you.
- Keep a log of evidence recording the development of intellectual property.
- Obtain a commercial intellectual property audit – funding is available for this purpose in some areas.
- Keep your inventions secret until you have decided whether or not their commercial importance justifies patent protection. Consider filing an initial patent application for conceptual ideas to “plant your flag” and give some protection whilst developing ideas. Contact a patent attorney for further advice.
- Contact a trade mark attorney for advice on using and protecting the name(s) of your business, products and services, or any logos or other trade or brand names you are using or planning to use.
- Make sure you also consider whether or not international protection is required for your intellectual property.
- Identify any designs (i.e. shape and appearance of part or all of a product) that are worth protecting.
- Identify materials that are automatically protected by copyright, add the © symbol with your name and the date of creation to emphasise it.
- Consider enforcing your rights by identifying breaches, but always take legal advice before initiating any action.

DID YOU KNOW?



Searching can be used as a useful tool to solving your own problems, to try and avoid “re-inventing the wheel” but also seeing what competitors are doing/have been doing to see where you can and can’t tread.

Tips to Searching

It is important to understand that, in general, a patent search focuses only on whether or not you are likely to obtain a patent, and that type of search cannot ever be relied upon to determine whether you are able to move forward without fear of being sued for infringement. If what you need to know is whether you are at risk of being sued for infringement, what you are asking for is either called a ‘freedom to operate’ opinion, or sometimes referred to as a ‘clearance’ searches.

Online patent searching:

www.espacenet.com

- > If searching for key words in the abstract or title, use lower case. If searching for cases in a company (or individual) name, use capital letters at the start
- > Ideal if you want to narrow the search by two or more fields, e.g key word (or classification) and company name.

Patents are territorial, so they can only provide protection in the countries in which they are valid. The country code is given at the beginning of the patent number.

Your Useful Guide to Country Codes

| | | | | | | | |
|----|---|----|--------------------------|----|--|----|---|
| AL | Albania | EC | Ecuador | LT | Lithuania | PT | Portugal |
| AP | African Regional Industrial Property Organization | EE | Estonia | LU | Luxembourg | RO | Romania |
| AR | Argentina | EG | Egypt | LV | Latvia | RS | Serbia |
| AT | Austria | EP | European Patent Office | MA | Morocco | RU | Russian Federation |
| AU | Australia | ES | Spain | MC | Monaco | SE | Sweden |
| BA | Bosnia and Herzegovina | FI | Finland | MD | Republic of Moldova | SG | Singapore |
| BE | Belgium | FR | France | ME | Montenegro | SI | Slovenia |
| BG | Bulgaria | GB | United Kingdom | MK | Former Yugoslav Republic of Macedonia | SK | Slovakia |
| BR | Brazil | GC | Gulf Cooperation Council | MN | Mongolia | SM | San Marino |
| CA | Canada | GE | Georgia | MT | Malta | SU | Soviet Union (USSR) |
| CH | Switzerland | GR | Greece | MW | Malawi | SV | El Salvador |
| CL | Chile | GT | Guatemala | MX | Mexico | TJ | Tajikistan |
| CN | China | HK | Hong Kong (S.A.R.) | MY | Malaysia | TR | Turkey |
| CO | Colombia | HR | Croatia | NC | New Caledonia | TT | Trinidad and Tobago |
| CR | Costa Rica | HU | Hungary | NI | Nicaragua | TW | Taiwan |
| CS | Czechoslovakia (up to 1993) | ID | Indonesia | NL | Netherlands | UA | Ukraine |
| CU | Cuba | IE | Ireland | NO | Norway | US | United States of America |
| CY | Cyprus | IL | Israel | NZ | New Zealand | UY | Uruguay |
| CZ | Czech Republic | IN | India | OA | African Intellectual Property Organization | VN | Viet Nam |
| DD | German Democratic Republic | IS | Iceland | PA | Panama | WO | World Intellectual Property Organization (WIPO) |
| DE | Germany | IT | Italy | PE | Peru | YU | Yugoslavia/Serbia and Montenegro |
| DK | Denmark | JP | Japan | PH | Philippines | ZA | South Africa |
| DZ | Algeria | KE | Kenya | PL | Poland | ZM | Zambia |
| EA | Eurasian Patent Organization | KR | Korea (South) | | | ZW | Zimbabwe |
| | | LI | Liechtenstein | | | | |

Checking the status of a Patent

Patents only last 20 years from the filing date, and renewal fees are payable to maintain a patent in force for that full period. So, just because **you have found something relevant, it does not mean that it is still live and enforceable.**

You can check the status of a patent or application at the following websites:

UK: [UKIPO Ipsum](#)

Europe (pending European applications only): [EPOLine Register](#)

USA: [USPTO Public Pair](#)

BUT the status of an application or patent is irrelevant for the purposes of assessing patentability or infringement– if it is published; it is relevant and can be cited against your own patent application. However, if it is no longer live, you are free to use the technology. Always check with an attorney to be certain.

Online Design Searching

Check the register to see if there are any existing registered designs that could potentially reveal infringement issues

[DesignView](#)

Online Trade Mark Searching

Check the registers to see if there are any existing registered rights for the same or similar trade marks, covering identical or similar goods or services that could potentially reveal infringement issues:

[UK](#)

[European Union Trade Mark \(EUTM\)](#)

[World Intellectual Property Organization](#)

[TMview](#)

DID YOU KNOW?



Standing your ground doesn't have to cost big bucks. There are several ways you can look to settle IP disputes before issuing court proceedings to a High Court which can be costly and resource intensive.

- > Offer undertaking- this means a promise you make to do something where two parties come to an agreement without having to go to the High Court for a hearing. It is a legally binding promise and there are consequences in the event of the promise being broken
- > Mediation – Centre for Effective Dispute Resolution (CEDR) statistics show that just over 70% of cases settle on the day (of mediation) with 20% settling shortly afterwards.

Your case can be reviewed by the Intellectual Property Enterprise Court, otherwise known as IPEC and they handle IP disputes. For guidance on this route [Click here.](#)

Your IP attorney in conjunction with your solicitor will be able to provide you with the best route to take.

Talk to us

We're on hand to answer your questions and point you in the right direction.

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