

IP and Patents: Do's & Don'ts

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CHAPMAN • IP

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Rule #1 – Keep it secret

Disclose only after filing the application

If available to public before, patent is endangered

Many countries have no grace period → no patent

NDA's, Agreements for joint ventures

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Litigation ↔ Prosecution

For patent drafting, keep litigation in mind.

Have a litigator who has experience in prosecution.

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Make use of all types of protection

Copyright does not cover inventions.

Trademarks, Patents, Utility models, Designs,
Copyright, Trade Secrets – they all play together for a
good IP strategy.

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Mind your timeline

Allocate time when learning about future dates

Priority right decision → 12 months

PCT decision → 30 months

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Consider secondary impact of your strategy

Walkman: Sony did not take actions against „infringers“, the trade mark was deleted

Siemens: New strategy was to focus on less but better patent applications → stock price value dropped after publication of application numbers

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Counterfeiting

Talk to the national Custom Offices

Regularly if possible

Monitor online activities, determine jurisdictions

Mark your products

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Know your enemy (and your friends)

Monitor patent and trademark databases

Monitor competitor business (website, trade fairs, catalogues, published articles)

FTO, prior art

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Bonus

Know the case law(s)

Review your IPR regularly