



# EC IP Helpdesk

## Global IP Support at Your Fingertips

*2 June 2025 – [EBOWN Annual Conference]  
The IP Helpdesk: Good practices from around the globe*

*Robert Pocklington (Latin America / India IP SME Helpdesk)  
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I agree



809



348



3.6K



250K





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# IP is key for business





## “Patents are for the weak”

**How many patents does the CEO of Tesla have?**

Tesla's CEO holds 23 patents.

**How many patents does Tesla Motors have?**

Tesla has a total of 2551 active patents globally. These patents belong to 1139 unique patent families.



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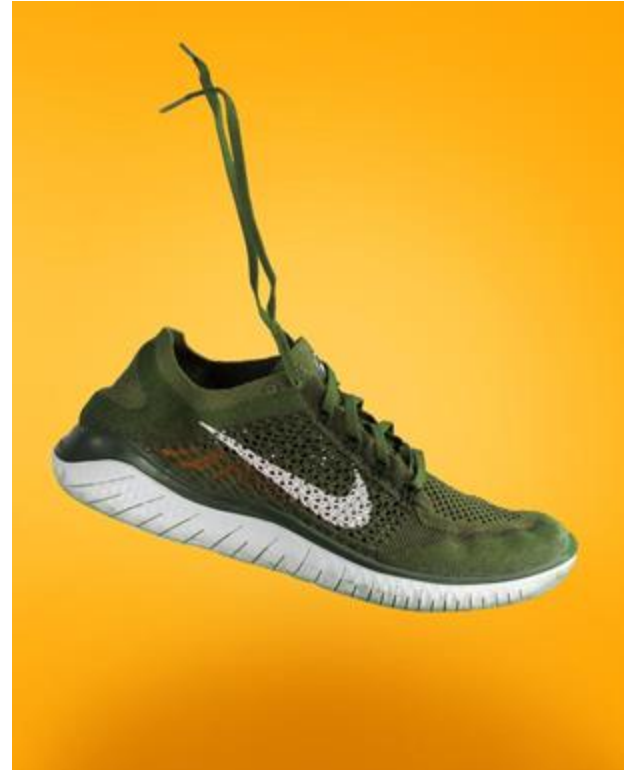
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# Intellectual Property Rights (IPRs)

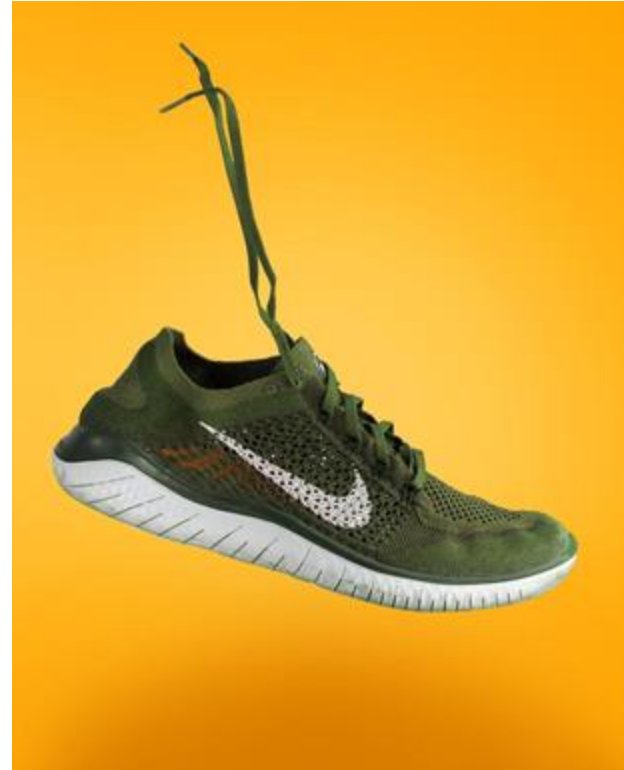
**Can you spot the  
Intellectual  
Property  
Rights?**





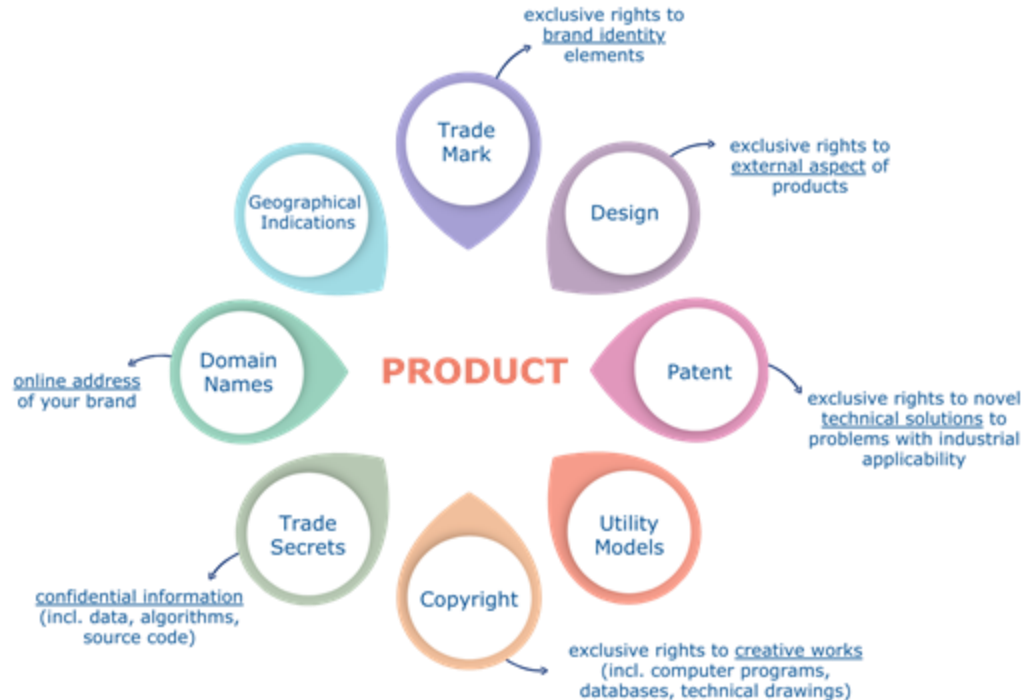
# Intellectual Property Rights (IPRs)

- 1) **Trademark:** Logo or name on the shoe.
- 2) **Industrial Design** of the sneaker, its aesthetic appearance.
- 3) **Patents or utility models**, such as a gel cushioning system or a breathable fabric.
- 4) **Trade secrets** - How the sneaker was created, or the machinery used to create it.
- 5) **Copyright** - song from the ad, images, or video promoting the product





# Intellectual Property Rights (IPRs)





## Intellectual Property Rights support SMES by:

- **Exclusive rights.**
- **A strong IP portfolio** makes their business more attractive to investors, partners, or buyers.
- **IP is their shield** against copycats and helps them stand out in the market.
- Registered IP rights make **entering new markets smoother** and less risky.
- IP is an **asset**. They can sell it, license it, or use it as collateral for loans or funding.
- **Tax breaks.**





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# WHO WE ARE: EC IP HELPDESK





# Beneficiaries

- EU and Single Market Program (SMP) associated countries **SMEs & Start-ups.**
- EU innovation **stakeholders** and **multipliers.**
- current and potential **beneficiaries** of EU-funded projects (researchers and SMEs).





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# Our services

Helpline

Training & Events

Publications

IP Ambassadors





## SMEs have used HDs services for:

- Establishing <sup>TM</sup> availability in their desired destination territory.
- Assessing IPRs registration problems.
- Understanding the potential risks they are running by:
  - o Not having their IPRs registered.
  - o Having weak IPRs.
- Assessing contractual problems in their supply chain.
- Dealing with IPRs infringement.



## Stakeholders' collaboration

- Fostering **synergies** with organisations involved in IP, innovation and internationalisation.
- Liaising with **business & EU funding support organisations**, research stakeholders and EU SME support initiatives to define joint actions via various channels.





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# Stakeholders' collaboration – EEN: IP Ambassador Scheme

- Cooperation scheme with the **Enterprise Europe Network (EEN)** since 2013.
- 43 Ambassadors - 26 countries.
- Building IP capacities **among EU SMEs**.
- Overcoming **language** barriers.
- Making the topic more accessible.
- Exchange and feedback from #IPAmbassadors on **needs of SMEs**.
- Local awareness and training events.



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*ten*

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# BASIC IP TIPS

*TO SUCCEED ABROAD*

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# ONE

**SEEK PROFESSIONAL  
IP EXPERT SUPPORT**

*OUTSOURCING IS ALSO  
A SMART BUSINESS  
STRATEGY.*







# TWO

PREPARE A STRATEGY  
TO DEVELOP YOUR  
IPR PROTECTION  
STRATEGY.

*IMPROVISING IS **NOT**  
THE WAY TO GO.*

# THREE

COLLECT ALL THE  
DOCUMENTS CONCERNING  
THE CREATION AND USE OF  
YOUR IP RIGHTS.

*AND CREATE A DATABASE  
WITH ALL RELEVANT  
MATERIALS.*





# FOUR

## **START PROTECTING YOUR IP RIGHTS BEFORE ENTERING THE MARKET**

*OTHERWISE, YOU MAY BE FORCED  
TO DISCARD THESE MARKETS OR  
FACE COSTLY ADAPTATIONS.*



# FIVE

**CARRY OUT PRELIMINARY  
SEARCHES AT WORLDWIDE  
LEVEL**

*SO YOU CAN AVOID INFRINGING  
OTHERS' RIGHTS AND BE SURE  
THAT YOU CAN HAVE AN  
EXCLUSIVE RIGHT.*

# SIX

## TAKE CARE OF YOUR FIRST FILING

*IT'S YOUR GATEWAY TO  
INTERNATIONAL -AND  
NATIONAL- PROTECTION.*



# SEVEN

**MONITOR MARKETS  
AND COMPETITORS'  
BEHAVIORS**

*TO IDENTIFY OPPORTUNITIES  
AND INFRINGEMENTS.*



# EIGHT

**ACTIVATE A WORLDWIDE  
SURVEILLANCE SYSTEM'  
(THROUGH YOUR IP ATTORNEY)**

*ENFORCEMENT IS AS IMPORTANT AS  
AS PROTECTION AND BEING FAST IS  
KEY.*

# NINE

## GET FAMILIAR WITH LOCAL PARTICULARITIES

*PATENT AND DESIGN GRACE PERIOD, EX-OFFICIO  
RELATIVE GROUNDS EXAMINATION, NO  
UNREGISTERED DESIGN PROTECTION, UNIQUE  
REQUIREMENTS FOR PATENTS OR CURRENCY  
FLUCTUATION.*







# TEN

**VERIFY THE COMPLIANCE OF  
CONTRACTS PROVIDING THE  
LOCAL LEGISLATION AS  
APPLICABLE LAW**

*REMEMBER THAT EACH COUNTRY  
IS UNIQUE.*



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# IP Systems: local, regional and international

## TRADEMARKS, PATENTS, DESIGNS



NATIONAL, REGIONAL OR  
INTERNATIONAL  
ROUTE?

Madrid System, PCT, Hague Agreement



# Registration strategy: IP Systems

## The PCT

- › *Inventions*

## The MADRID SYSTEM

- › *Logos, slogans, company name*
- › *Smell*

## The HAGUE AGREEMENT

- › *Shapes, forms, textures*

## GOOD FOR

- › *Operating in multiple countries in s/m term*
- › *Medium-High budget level*
- › *Start negotiations with several local potential partners*
- › *Franchising, licensing-based business models*
- › *Participation in Trade Fairs*
- › *Marketing-type portfolio*



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## South-East Asia and China





# China & SEA: Registration process

- Titled and untitled rights
- Assessment of legal requirements and inherent protectability
- First to file system
- Protection of unregistered rights
- Importance of proper classification
- Priority period: use and abuse
- Non conventional trademarks
- Translations and transliterations
- Utility models, petty patents, small patents
- Substantive examination of patents
- Duration of IPRs and scope of protection
- Fast Track (PPH)



# China & SEA: Challenges

- Mistakes in filings and poor protection
- Office actions and provisional refusals
- Trademark hijacking & bad faith applications
- Non-registered trademarks: protection according to the common law tort of passing off
- Unregistered design
- Copyright registration
- Notification to the public of the existence/registration of IPRs
- Collection of evidences during trade fairs
- Civil actions, criminal actions, administrative procedures
- Protection and enforcement of trade secrets
- Collection of documents and database with relevant material
- Surveillance system, monitoring registers, and e-commerce platforms



## GOOD PRACTICES : South-East Asia

- **Southeast Asia** includes countries with varying legal frameworks, and the protection and management of intellectual property (IP) can differ from one nation to another.
- Before entering the Southeast Asian market, companies should evaluate the IP landscape in each specific country.
- Some practical IP suggestions for companies investing in high-tech sectors in South-East Asia:



## GOOD PRACTICES: South-East Asia

- 1. Identifying IP Risks and Opportunities**
- 2. File Early for Patents**
- 3. Trademark Protection**
- 4. Trade Secrets and Confidentiality**
- 5. Collaborative Agreements and Licensing**
- 6. Monitoring and Enforcing IP Rights**
- 7. Work with your EU IP Expert that can coordinate Local IP Experts**





## GOOD PRACTICES: China

- **China** has become a **major hub for innovation**, particularly in high-technology sectors. However, protecting and leveraging IP in China can require careful planning due to the country's distinct legal, economic, and cultural landscape.
- Some practical IP suggestions for companies investing in high-tech sectors in China:



## GOOD PRACTICES: China

- 1. Assess Competitor IP**
- 2. Patent Protection and Filing**
- 3. Trademark and Brand Protection**
- 4. Contractual Protection and Confidentiality**
- 5. Monitor the Market for IP Infringement**
- 6. Engage with Government Programs and Incentives**
- 7. Legal Advice and Local Expertise**



## CASE STUDY: Problems in registering the TM in China (I)

- Company X is a French company holder of a trademark in the textile sector, registered in classes 24 and 25, for products such as clothes and textiles; the mark is **registered in China in Latin characters**.
- The company later decided to register the **Chinese transliteration** of the same mark;
- **The application was rejected** by the China Trademark Office because there was already an earlier identical registered mark for the same products;
- So, company X decided to investigate **the company owning the trademark basis of the Office's objection**: it was a company specialized in electronics - not interested in the textile and clothing sector; this company was located in Shenzhen, the same place where another company had its registered office: the distribution company of products made by the **greater competitor of company X**; moreover, both companies had the same General Manager.



## CASE STUDY: Problems in registering the TM in China (II)

- The connection between the two companies was proved, and their conduct aiming **to obstruct Company X** to use its own TM in Chinese characters was shown.
- At this point Company X filed a successful opposition to the registration of the earlier registered mark based on the collected evidences, challenging it for bad faith.
- Finally, Company X thus obtained the right to register its trademark in Chinese characters.





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# India and Latin America





## Particularities: Latin America



### EU VS Latin America

- Think of Latin America as separate islands
- Different barriers, fees, legislation
- Long registration proceedings
- Need for local representatives
- Proceedings in **Spanish** (except for Brazil)
- Andean Community (CO, PE, EC, BO)



## Particularities: India



### EU VS India

- Obligation of use of the TM within 5 years from registration
- Trade marks – First to use principle
- Patents -> Obligation to submit every year a statement of working (commercially exploited)
- Dual protection of copyright and design is not allowed
- No international design registration procedure



# Case Study: Latin America

## BACKGROUND

- **BRAVKA**, a Slovenian SME in agriculture, developed technology to protect crops from frost
- Patents registered in some EU countries and the U.S.
- License agreement with a Peruvian company, *Piscul*, for distribution in Spain







# Case Study: Latin America

## THE CONTRACTUAL RELATIONSHIP

- Licenses transfer usage rights to a third party.
- Essential elements of a license agreement:
  - Type (exclusive or non-exclusive)
  - Territory and terms of usage
  - Compensation
  - Specific circumstances affecting future relationships





# Case Study: Latin America

## THE NIGHTMARE

- Licensee starts selling products in Peru without authorization
- One year before patent expires





# Case Study: Latin America

## THE ISSUE

- BRAVKA **has no patent rights in Peru** = no infringement
- Agreement used an online template without tailored terms
- Licensee also using catalogs + multimedia without authorization
- No specialized legal assistance was sought





## Case Study: Latin America

### ACTIONS TAKEN

- IP lawyer's analysis: no patent infringement in Peru due to lack of patent rights
  - Avoid legal action and renegotiate for the EU
  - Don't terminate the agreement to avoid costs
  - Issue a C&D letter for unauthorized media usage





## Case Study: Latin America

### OUTCOME

- The new agreement was signed for a 5-year exclusive EU distribution (Spain + three other countries).
- The licensee registered the "Bravka" trademark in Peru and continued operating there.





# Case Study: Latin America

## LESSONS LEARNED

- Seek professional advice (Helpdesks, lawyers, etc.)
- Register IP rights where commercial interest may exist
- Avoid generic templates for agreements
- Monitor and enforce rights consistently





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# Website & social media

[www.ec.europa.eu/ip-helpdesk](http://www.ec.europa.eu/ip-helpdesk)



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@Intellectual Property in Africa

@South-East Asia IP SME Helpdesk

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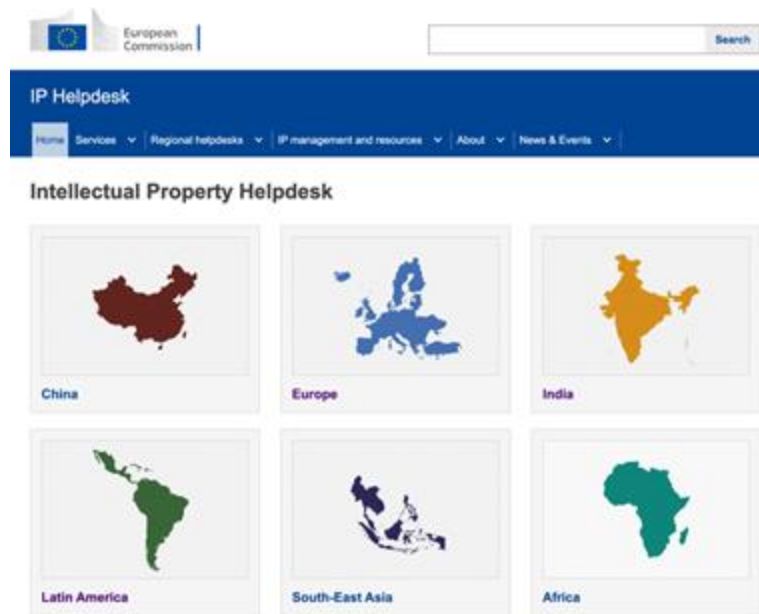
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## Contacts

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## Q&A – Request (1)

Report on global trade in fakes, as requested  
by *Marie Louise Norton-Murray, EBO*  
*Trinidad and Tobago*



Illicit Trade

### Mapping Global Trade in Fakes 2025

Global Trends and Enforcement Challenges

Link: [https://www.oecd.org/en/publications/mapping-global-trade-in-fakes-2025\\_94d3b29f-en.html](https://www.oecd.org/en/publications/mapping-global-trade-in-fakes-2025_94d3b29f-en.html)





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## Q&A – Request (2)

Link to the different newsletters of the IP Helpdesk, per region

[https://intellectual-property-helpdesk.ec.europa.eu/newsletters\\_en](https://intellectual-property-helpdesk.ec.europa.eu/newsletters_en)