

How to make sure that your intellectual property assets are protected?

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Why do you need to protect your Intellectual Property?

- Protection of investments, such as investments in marketing.
- Protection of innovations from unauthorized use.
- Protection of reputation.
- Partnerships – partners are more willing to engage in partnerships where IP rights are respected and protected.



TYPES OF INTELLECTUAL PROPERTY



COPYRIGHTS
RELATED
RIGHTS



Industrial property:

TRADEMARKS

DESIGNS

PATENTS

GEOGRAPHICAL
INDICATIONS

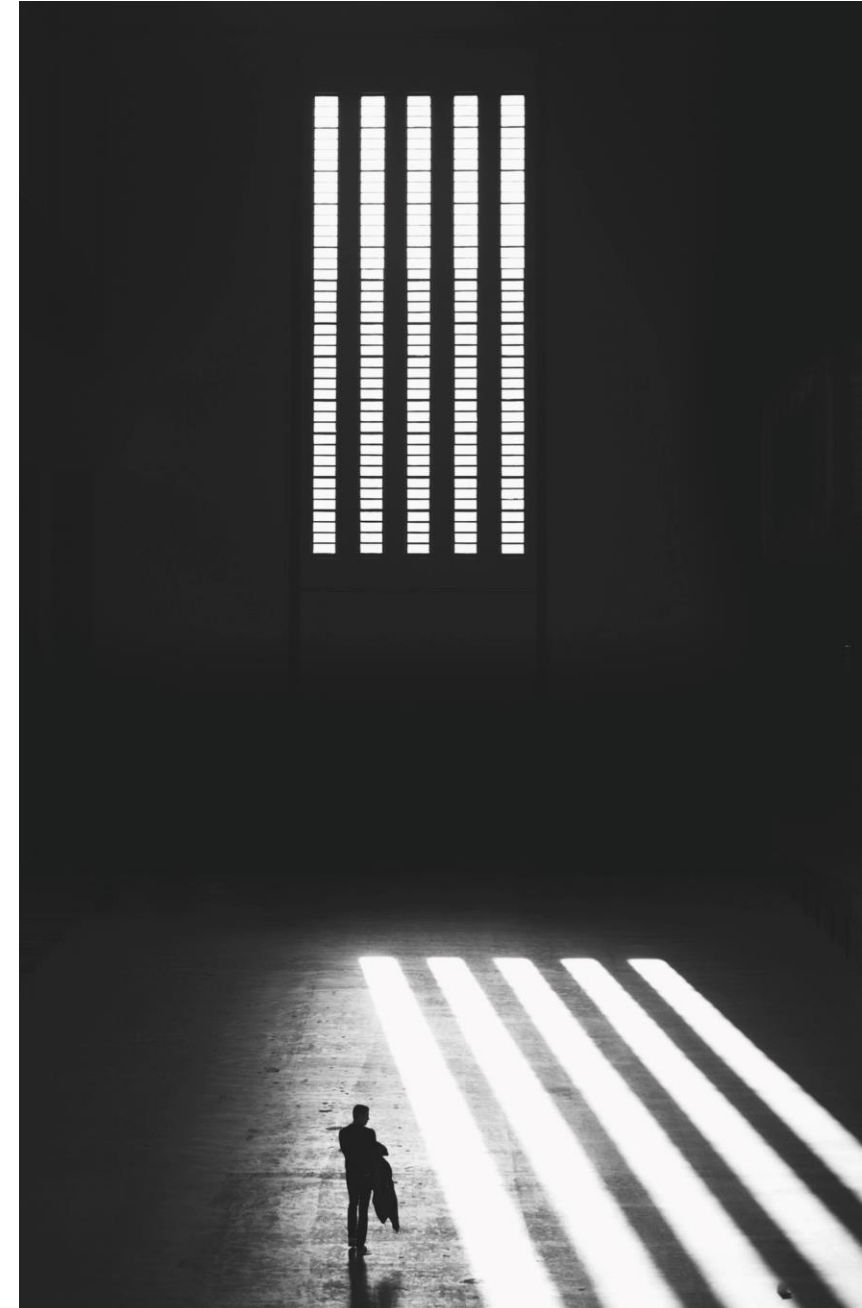
Other:

TRADE SECRETS

DOMAIN NAMES

Protection of industrial property

- IP rights are protected separately from material objects.
- Protection is harmonised worldwide due to different Treaties.
- Industrial property is protected through registration while copyrights are protected automatically.
- Some objects can be also protected without registration, however, the protection is narrower.



Protection of industrial property

- Registration grants exclusive rights to use the IP object and prohibit any other person from using it (in case of trademarks only for specific goods and services unless the trademark is well known). In other words, monopoly rights over specific IP object.
- Trademarks are protected for specific goods and services in accordance with Nice Classification.
- Classification for patents and designs serves administrative purpose.



Principle of territoriality

Protection in one country:

- Registration in national office.

Protection in the European Union:

- EU trademark registration in the EUIPO;
- Community design registration in the EUIPO;
- European patent/Unitary effect registration in the EPO.

International protection:

- International trademark designation through WIPO (Madrid system).
- International design registration through WIPO (Hague system).
- International patent application (there is no international patent, international patent application only provides unified procedure for application in multiple countries)



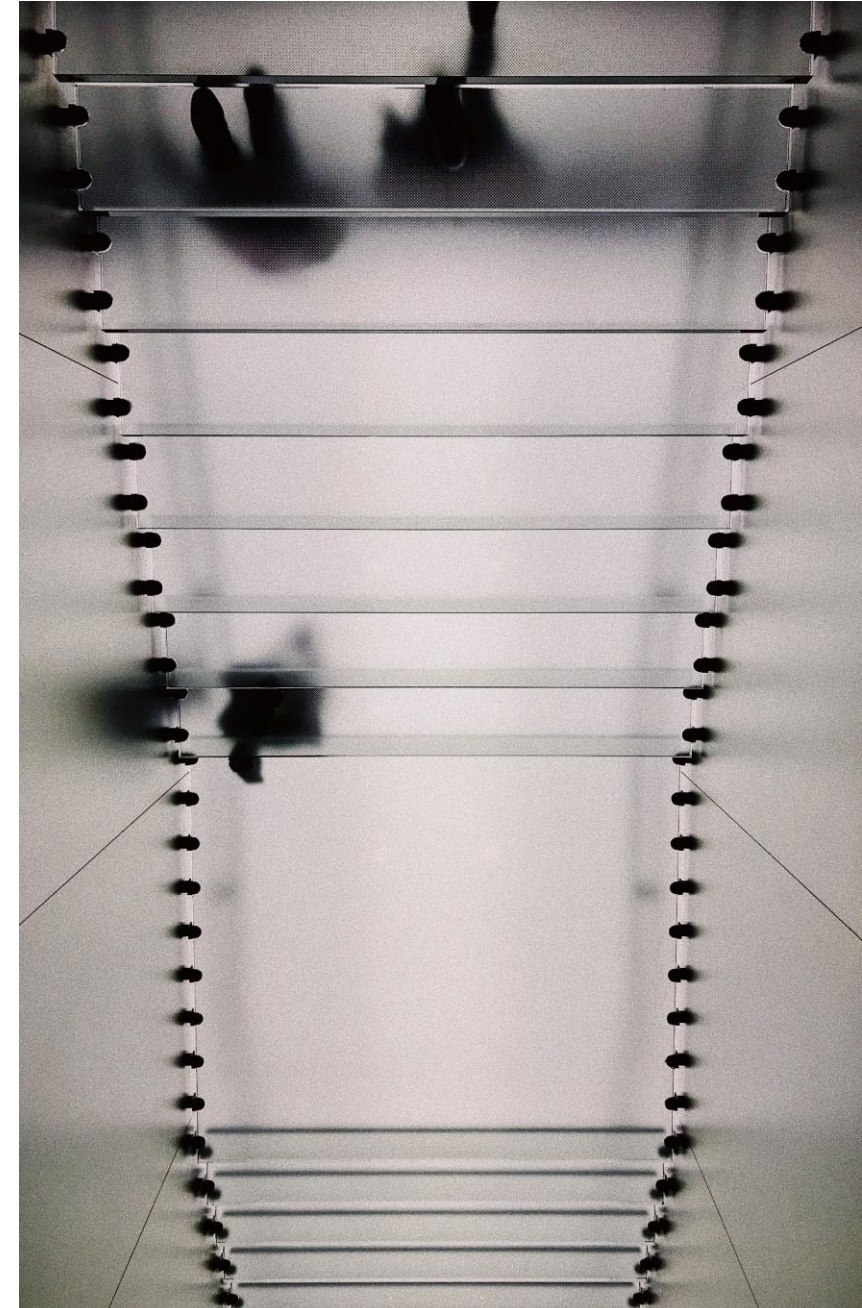


TRADEMARKS

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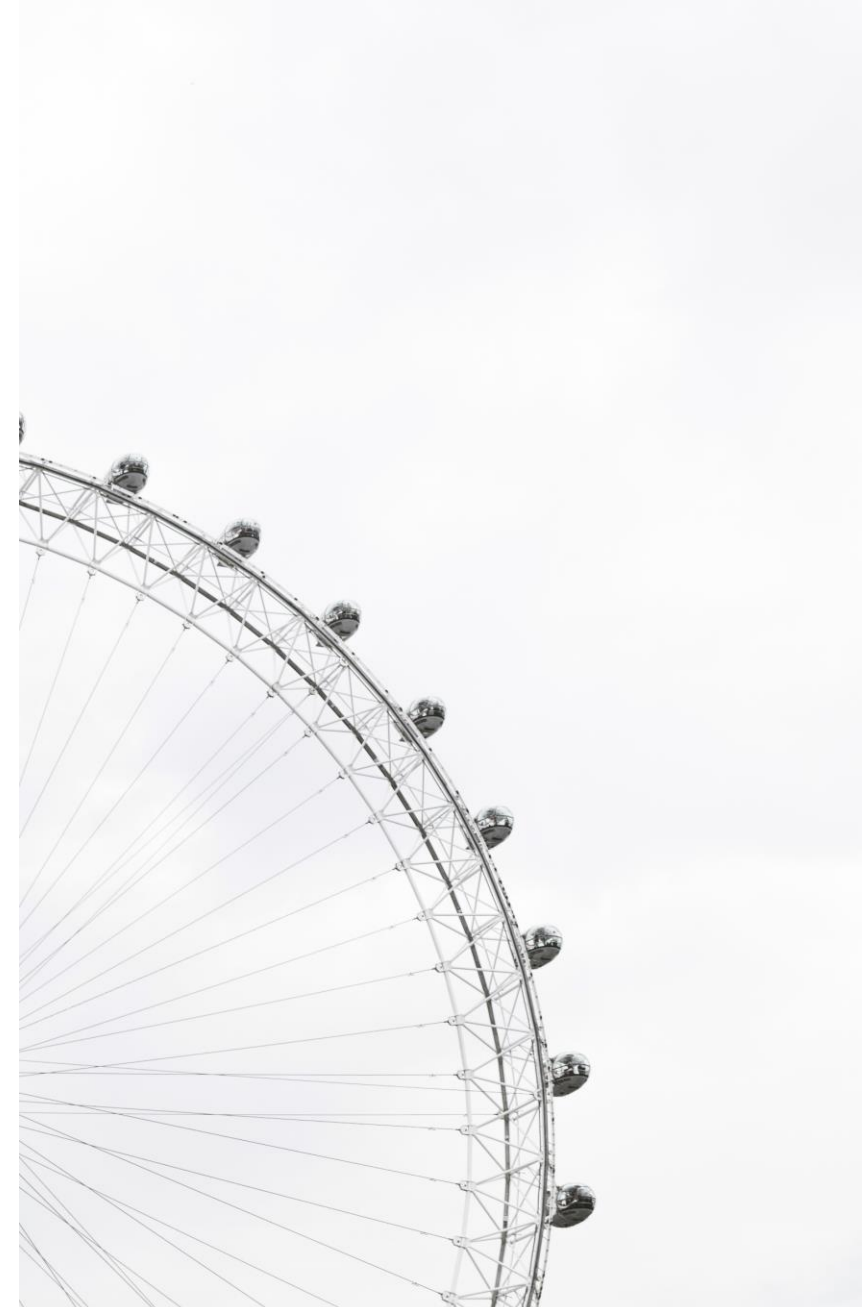
Absolute grounds for trademark registration refusal:

- Descriptive trademarks – merely consist of information about the characteristics of the goods and services.
- Consists of general designations which have become customary in the everyday language, everyday use in respect of the goods or services applied for.
- Is in contradiction to public order or generally accepted principles of morality.



Relative grounds for trademark registration refusal:

- The proposed mark is identical or confusingly similar to earlier trademark registered for identical or similar goods/services.
- The proposed trademark confusingly represents, imitates, translates, or transliterates a well-known trademark, regardless of whether the well-known trademark is used for the same goods/services that the proposed mark's registration is sought for.



How to check whether there are any prior trademark rights?

- Need to check trademark databases, internet search, company registers.

The screenshot shows the Patent Office of Latvia website. The main search area is titled "Trade marks" and includes a search bar with the text "SORAINEN" entered. Below the search bar is a table of search results. The table has columns for Registration No., Application No., Filing date, Registration end date, Trade mark image, and Verb. Three results are shown, all for the name "SORAINEN".

Registration No.	Application No.	Filing date	Registration end date	Trade mark image	Verb
M 59 741	M-07-1376	27.09.2007			SORAINEN
M 59 742	M-07-1377	27.09.2007			SORAINEN
M 46 231	M-99-500	17.03.1999			SORAINEN

The screenshot shows the TMview website. The search bar is titled "Contains" and has a placeholder "Type trade mark name". Below the search bar is a table of search filters. The filters include Application number, Registration number, Territories, Offices, Goods and Services, Vienna code, Trade mark status, Trade mark type, Applicant name, Application date, Registration date, and Other. The "Vienna code" filter is set to "WIPO USPTO".

The screenshot shows the EUIPO eSearch plus website. The search bar is titled "eSearch plus" and has the text "SORAINEN" entered. Below the search bar is a table of search results. The table has columns for Trade mark information, Owner information, and Representative information. Two results are shown, both for the name "SORAINEN".

Trade mark information	Owner information	Representative information
005076815 - SORAINEN LAW OFFICES	Owner ID number: 361488 Owner name: Advokaadibüroo SORAINEN AS	Representative ID num... Representative name
014999932 - SORAINEN	Owner ID number: 361488 Owner name: Advokaadibüroo SORAINEN AS	Representative ID num... Representative name

Comparison of the proposed trademark with prior trademarks

- The similarity between trademarks must be assessed from visual, phonetic and conceptual perspective as well as the similarity between goods/services.
- The risk of consumer confusion then needs to be analysed by taking into account all relevant factors.





DOMAINS

SORAINEN



- There are over 1500 top-level domains.
- Top level domains are granted for countries, organizations, institutions etc., for example, .lv;.lt;.ee.
- Need to check domain database (who.is) to find out whether domain is free for registration.
- There is no right to specific domain but right to use domain for a specific time period.
- The right to use can be acquired by purchasing it from domain registrars.



- It is recommended to register additional top-level domains in jurisdictions where operations are planned: .lv,.lt,.ee,.eu,.com etc.
- Trademarks also protect domain names, however, it is recommended to register domain before the trademark to avoid Cybersquatting.



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Thank you!

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