

## How to protect your product or service IP

Protecting your product or service Intellectual Property (IP) is important to ensure that your ideas and creations are not used or copied by others without your permission.

According to the World Intellectual Property Organization (WIPO), intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. IP is protected by law granting people the opportunity to benefit financially or gain recognition from what they invent or create. The aim of the IP system is to support an environment where creativity and innovation can be developed by balancing the interests of innovators and the interest of the wider public [1].

A well-developed IP strategy can be useful for your company. It can help maximize the potential of your business. By understanding and applying the IP rights, you can [2]:

- ensure competitive advantages
- generate revenue streams
- reduce tax liability
- serve as a source of competitive intelligence
- facilitate access to financing
- attract partners and investors
- prevent and mitigate relevant risks

IP rights can play an important role in protecting new technologies. In this knowledge unit you can find some of the practical issues that innovators should consider when building a patent portfolio.

## Description

IP is often divided into two main categories [3]:

1. Industrial property
  - trademarks, patents for inventions, industrial designs and geographical indications
2. Copyright and related rights
  - literary, artistic and scientific works, including performances and broadcasts.

### Trademarks

Trademarks can be used to protect the name, logo, or slogan associated with your product or service. This can prevent others from using similar names, logos, or slogans to promote their own products or services.

A trademark is a sign or a unique symbol that differentiates the goods or services of one company from those of other companies. Trademark can consist of word or a combination of words, letters,

and numerals but it can also be composed [4]. Through the trademark, the company can attract and retain customers and create value and growth. Trademark is an indicator of business origin can also be referred to as 'brand' [5].

In the EU, trademark can be any sign, particularly words or designs with letters, colours, numbers, the shape of goods, the packaging of goods, or sounds, while the most common types of trademarks are word marks and figurative marks [6].

A word mark is composed of words, letters or numbers or other standard typographic characters, or a combination of these elements.

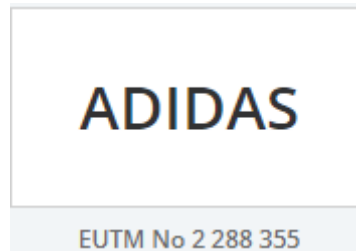


Fig. 1 Example of the word mark [6]

Figurative mark can include marks that consist exclusively of figurative elements or of a combination of verbal and figurative elements while non-standard characters, stylisation or layout, or a graphic feature or a colour are used.



Fig. 2 Example of the figurative mark [6]

Depending on your business requirements, there are three types of trade marks that you can register [6]:

1. individual marks - differentiating the goods and services of a specific business from those of others.
2. certification marks - ensuring that the offered goods and services meet specific standards or characteristics set by the mark owner; differentiating the certified goods and services from those that are not certified.

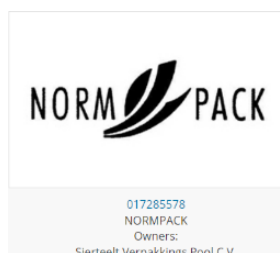


Fig. 3 Example of the certification mark [7]

- collective marks - differentiating the goods and services of association members from the goods and services of companies that are not members of that association.



Fig. 4 Example of the collective mark [7]

### The trademark registration process

Trademarks are generally protected based on their registration, but as trademarks are territorial rights, they are only protected in the countries or regions where they are registered. The trademark can be usually registered via an application filed (and paid for) in a national or regional trademark office. The registration process of a trademark and its steps vary from country to country but generally follow a similar pattern [8]:

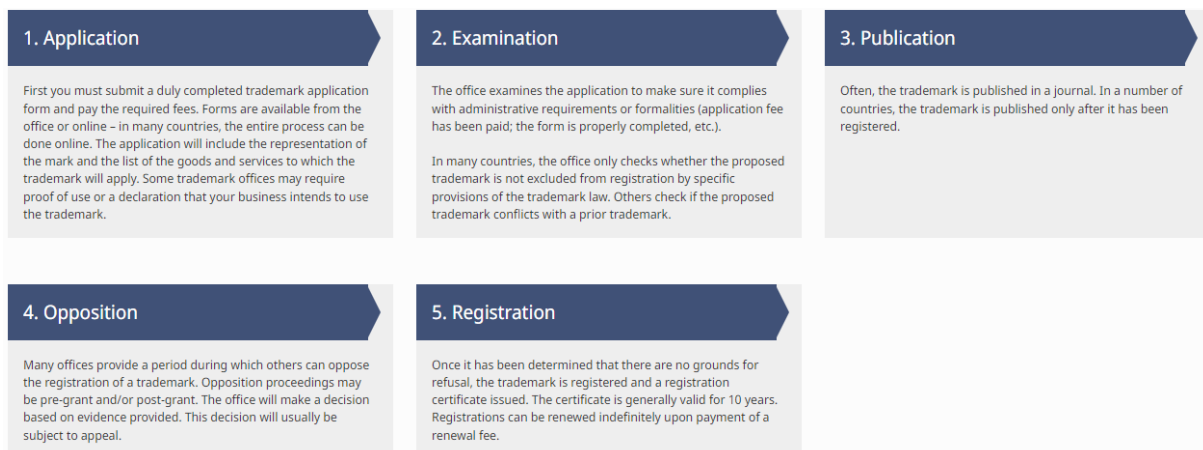


Fig. 5 Example of the collective mark [8]

For the international registration of trademarks, the [Madrid system](#) offers a unified procedure to register a mark in several territories.

In the EU, there are two main ways for registering a trademark [5]:

- registering at national level at the industrial property offices of EU countries,
- registering at EU level as a 'European Union trade mark' (EUTM) at the [European Union Intellectual Property Office \(EUIPO\)](#).

## Patents

A patent is an exclusive right given for an invention (product or a process) introducing new approach of doing something, or providing an innovative technical solution to a problem. It is used to protect the unique features or functions of your product or service aiming to prevent others from copying the design or functionality of your product or service. Patent application must include technical information about the invention when applying for a patent. In general, the patent gives the patent owner the exclusive rights over it. The patent owner can prevent or stop other people from commercial use of the patented invention as the invention cannot be commercially made, used, distributed, imported or sold by others without the patent owner's permission. Patents are rights limited to specific territories., meaning their exclusive rights applies only in the country or region where the patent has been filed and approved, following the laws of that specific country or region. [9].

Registration process:

If you need to protect the technical inventions in European country, you can register a national patent at local patent office. You can also ensure European-wide protection for your invention by registering European patent with the [European Patent Office](#) (EPO). For this type of patent, it is necessary to have it validated [by the national patent office](#) in each country where protection is required [10].

By registering the patent, you gain an exclusive right to your invention for a limited period of time, usually 20 years. You have the option to grant temporary permission to someone else to use your invention via patent license agreement or sell the patent to someone else. However, once a patent has expired, it is not possible to renew it [10].

The criteria for granting patents and requirements for the filing patent applications differ from country to country. The following link provides information about the guidelines and manuals of national/regional patent offices <https://www.wipo.int/patents/en/guidelines.html> available in several languages.

### Interesting finding:

According to the study [Patents for tomorrow's plastics: Global innovation trends in recycling, circular design and alternative sources](#) by the EPO, Europe and the US each accounted for 30% of patenting activity worldwide in these sectors between 2010 and 2019, or 60% combined. Within Europe, Germany posted the highest share of patent activity in both plastic recycling and bioplastic technologies (8% of global total), while France, the UK, Italy, the Netherlands and Belgium stand out for their higher specialisation in these fields [11].

## Copyright

Copyright can be used to protect the creative elements of your product or service, such as the text, images, or videos used in marketing materials. This can prevent others from using your creative elements without your permission.

A legal term copyright (can also be referred to as an author's right) indicates rights granted to the creators over their literary and artistic works from books, music, paintings, sculpture, and films, to computer programs, databases, advertisements, maps, and technical drawings [12].

Copyright covers the creative expression of ideas in many different forms, for example, text, pictures, sound works, reference works and collections of data. However, copyright does not apply to ideas themselves, methods of operation, procedures, or mathematical concepts. [13].

Digital technologies have caused a big change in creative content production, distribution, and access. Copyright ensures author's (creator's) recognition, payment, and protection for their works [14].

Copyright includes two types of rights [12]:

1. Economic rights, which enable the rightsholders to obtain financial remuneration from the use of their works by others.
2. Moral rights protecting the rights owner's non-economic interests.

In most countries, and in accordance with the Berne Convention, an author acquires copyright protection automatically without requiring registration or any additional formalities [12].

Copyright protects intellectual property in EU until 70 years after author's death or 70 years after the death of the last surviving author in the case of a work of joint authorship. Outside of the EU countries, in any country which signed the Berne Convention, the duration of copyright protection can differ but it lasts until at least 50 years after the death of the author [15].

### Trade Secrets

Trade secrets can be used to protect confidential information related to your product or service, such as manufacturing processes or business strategies. This can prevent others from learning about your confidential information and using it to gain an advantage.

Trade secrets refer to confidential information in the context of a business or trade which can be sold or licensed. The information classified as a trade secret must meet the following criteria [16]:

- commercially valuable because it is secret,
- known only to a limited group of people,
- be subject to reasonable steps taken by the rightful holder of the information to keep it secret, including the use of confidentiality agreements for business partners and employees.

Types of trade secrets

Trade secrets refers to [16]:

- technical information, such as information concerning manufacturing processes
- commercial information, such as distribution methods, list of suppliers and clients, and advertising strategies
- combination of elements, each of which by itself is in the public domain, but where the combination, which is kept secret, provides a competitive advantage
- financial information, formulas and or source codes

There is no limited duration of a trade secret. A trade secret will be protected and can be enforced by its holder as long as it is properly kept in confidence. However, the methods of enforcing trade secrets may vary depending on the legal system [17].

### Industrial Design

From a legal perspective, an industrial design represents the ornamental aspect of a product. An industrial design may be composed by three-dimensional elements, such as the shape of the product, or two-dimensional elements, such as patterns, colour or lines [18].

In most countries, to receive protection under industrial design law as a "registered design," an industrial design needs to be registered. In some countries, industrial designs are protected under patent law as "design patents" [18].

The protection of industrial designs in EU countries was harmonised and introduced within the Community design that offers unitary protection in the EU through a single procedure [19].

## Licensing

Licensing can be used to allow others to use your IP in exchange for a fee or other compensation. This can be a way to generate revenue from your IP while also protecting it.

It's important to note that the specific type of IP protection that is most appropriate for your product or service will depend on the jurisdiction your business is taken over. Some parts of the World don't care about IP protection as such. Therefore, it is recommended to carry out at least a brief survey of a region and know this information before your business action or to get used to their mentality and copy-cat ideology as soon as you start doing serious business with a selected partner.

## How you can protect your IP

There are different ways and methods to protect your IP.

To find out how to protect your trademarks, creations and designs, you can also check the EU and international online e-learning tools that will help you understand the IP system and how you can use it to benefit your business:

- European Union Intellectual Property Office (EUIPO):  
**e-Learning for SME's**  
<https://euipo.europa.eu/knowledge/course/view.php?id=1507&lngcdd=true&la=en>
- European Union Intellectual Property Office (EUIPO):  
**The SME learning corner for upgrading your IP skills**  
<https://www.euipo.europa.eu/en/discover-ip/sme-fund/upgrade-your-ip-skills>
- The World Intellectual Property Organization (WIPO) **Academy**  
<https://www.wipo.int/academy/en/>

The Intellectual Property Metro can also help you to explore the ways how you can register your rights:

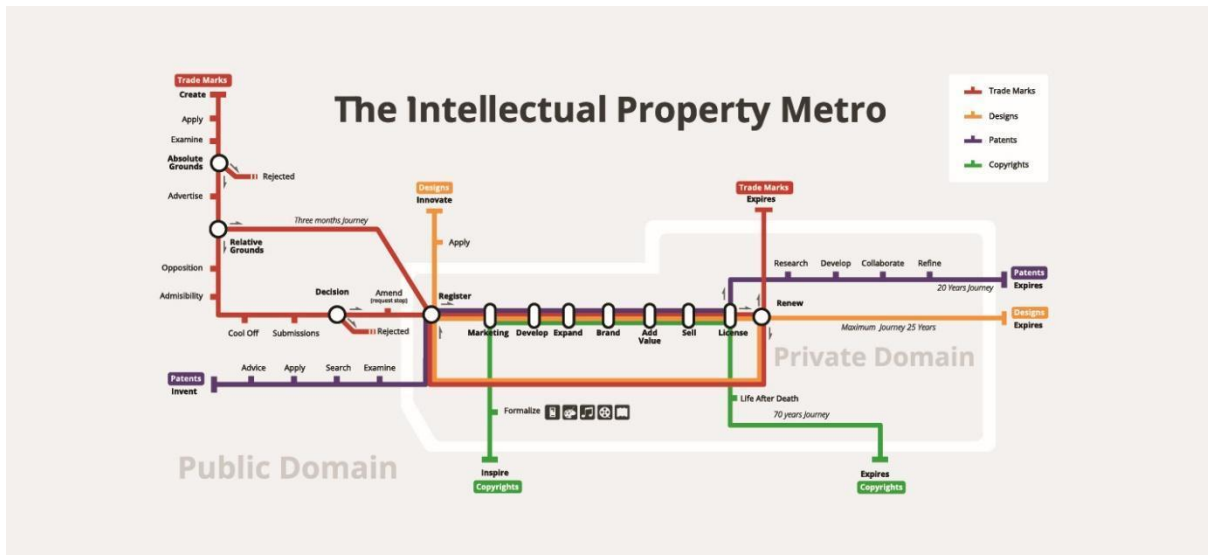


Fig. 6 The Intellectual Property Metro [20]

## Case studies & Examples

How the IP creates a value and attract the investors within the company Chakra Suthra in Sri Lanka that focus on plastic recycling and started with the smart “Trash 2 Cash” plastic reverse vending machine in which people could recycle their plastic bottles and containers for cash is described in the case study published by WIPO:

Most of the packaging in Sri Lanka ends up in landfills, polluting the earth and water. Himesh Fernando, the founder, and CEO of Chakra Suthra is set on reversing the trend and driving homes and businesses in the country towards a zero-waste practice. The name of the company comes from Sanskrit: Chakra (circular), and Suthra (formula); the circular solution.

In 2021 a pilot project was launched, which ran for eight months, focusing on plastic recycling. The company started with the smart “Trash 2 Cash” plastic reverse vending machine in which people could recycle their plastic bottles and containers for cash. “We noticed that customers have recurring shopping habits and mostly go to the same supermarket every couple of weeks. So we wanted to change their behavior from ‘shop’ to ‘recycle and shop’. We selected a location in central Colombo, Union Place, a supermarket called Keells.



Consumers have to identify and sort recyclable material at home. When they go shopping, they take the sorted items with them.

Consumers have to accept the use of their phone numbers for communication. They then deposit all their containers into the reverse vending machine and get credit in the form of points, which they can redeem at Keells Union Place. They have one calendar month to redeem their accumulated credits. For each container, the consumer receives an average of 2 rupees, Himesh explained.

After an initial kick-start to help consumers familiarize themselves with the machine, “there was a fantastic uptake.” The machine became popular, even becoming a feature in social network selfies, Himesh said.

The machine can collect between 10,000 and 20,000 plastic containers per month. The plastic collected is recycled by Chakra Suthra’s partners and is turned into polyester yarn, which will be woven into garments, as Sri Lanka has a large apparel industry, or exported in yarn form.

The pilot served to test the consumer proposition and the financial sustainability of the initiative, help improve the technology, and assess logistics and operations.

At the end of the day, said Himesh, a social enterprise is still an enterprise that needs to be economically sustainable. “The important thing about a social enterprise is that you are creating an impact.” “We want to make a change in Sri Lanka and the region, and this is extremely important.” IP is what makes the initiative unique and exciting. It creates value in the startup that attracts investors. “It is also a collection of learnings and knowledge that creates a unique and profitable business model.” Chakra Suthra’s name and logo are registered trademarks, and the company turned to trade secrets for business models and processes. [21]

For further inspiration see the case studies published on the WIPO [website](#)



## Resources

### Links:

- [1] <https://www.wipo.int/about-ip/en/>
- [2] <https://www.wipo.int/sme/en/>
- [3] [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_450\\_2020.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_450_2020.pdf)
- [4] <https://www.wipo.int/trademarks/en/>
- [5] [https://single-market-economy.ec.europa.eu/industry/strategy/intellectual-property/trade-mark-protection-eu\\_en](https://single-market-economy.ec.europa.eu/industry/strategy/intellectual-property/trade-mark-protection-eu_en)
- [6] <https://www.euipo.europa.eu/en/trade-marks/before-applying/types-of-trade-marks>
- [7] <https://euipo.europa.eu/ohimportal/en/certification-and-collective-marks>
- [8] <https://www.wipo.int/trademarks/en/protection.html>
- [9] <https://www.wipo.int/patents/en/>
- [10] [https://europa.eu/youreurope/business/running-business/intellectual-property/patents/index\\_en.htm](https://europa.eu/youreurope/business/running-business/intellectual-property/patents/index_en.htm)
- [11] <https://www.epo.org/news-events/news/2021/20211019.html>
- [12] <https://www.wipo.int/copyright/en/>
- [13] [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_450\\_2020.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_450_2020.pdf)
- [14] <https://digital-strategy.ec.europa.eu/en/policies/copyright>
- [15] <https://europa.eu/youreurope/business/running-business/intellectual-property/copyright/>
- [16] <https://www.wipo.int/tradesecrets/en/>
- [17] [https://intellectual-property-helpdesk.ec.europa.eu/trade-secrets\\_en](https://intellectual-property-helpdesk.ec.europa.eu/trade-secrets_en)
- [18] <https://www.wipo.int/designs/en/>
- [19] [https://single-market-economy.ec.europa.eu/industry/strategy/intellectual-property/industrial-design-protection\\_en](https://single-market-economy.ec.europa.eu/industry/strategy/intellectual-property/industrial-design-protection_en)
- [20] <https://euipo.europa.eu/ohimportal/en/design-definition>
- [21] <https://www.wipo.int/ipadvantage/en/details.jsp?id=12537>

### Videos:

**Papers** (press articles, guides, reports):  
[Patents for tomorrow's plastics](#)