

IP best practices

a sound approach to the Latin American market

Owning IP assets is of little value unless an adequate IP strategy is put into place for their protection and exploitation. In addition, it is likely that some of the valuable IP assets do not require official register but other protection measures (for example, confidentiality agreements).

01

Identify your IP assets in advance



What aspects of your business constitute IP assets?

Make sure
you assign the right IP right to each asset

- Patents >>> New invention
- Trademark >>> Logo
- Design >>> Shape product
- Database >>> Client list

02

Prepare an IP Protection strategy adequate to your case



The absence of a clear short/medium term IP strategy is a serious handicap to the business project's success or even survival. It's impossible to identify the needed tools to achieve the objectives if they are not well defined.

Basically, **you have to invest in IP** and avoid relying upon improvisation.

03

Conduct Prior IPR searches at worldwide level (trademarks, patents, etc.)



Avoid spending your resources, time and possible infringements

where there is no prospect of success.

04

Protect your IP assets before disclosing (IPR application) and make sure to protect Trade Secrets



A strong application combined with the use of Non-Disclosure Agreements and physical security measures will make a difference in the protection of your IP assets

05

Start protecting your IPR before entering the market



An early stage of your entry has a deterrent effect, makes enforcement more effective.

It also helps avoid other problems, such as bad faith applications.

Watch out!

Usually, the first to apply for registration gets the exclusive right (first-to-file principle). But some Latin-American countries have a different regulation. Hence, it is recommended to be assisted by specialized professionals from the beginning and have a case-by-case approach.

06

Monitor markets and competitors' behaviors



This will allow you to avoid bad surprises and stay ahead of your competitors

07

After the infringement, consider other alternatives before going to court



«Cease-and-Desist Letter» might be sufficient to stop the infringement

08

But be ready to enforce your rights



Remember at this stage border enforcement measures.

Customs authorities can be your best ally in the fight against infringement.

09

Seek IP assistance from professionals with experience in the countries involved (i.e. Latin America IPR SME Helpdesk)



IP is a very complex matter, that varies a lot from country to country, therefore trusting a lawyer from the beginning, will save you time and money



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Activate, through your IP attorney, a worldwide surveillance system and monitor repeated offenders



A good IP strategy and proactive attitude is the best ally for your business!