

# Horizon Results Platform & European IP Helpdesk

*04/12/2024 Thinking international - International business Opportunities*

# Horizon Results Platform (HRP)

European Commission's platform promoting Key Exploitable Results (KERs)



Promoting  
EU-funded technology  
and research results



Matchmaking:  
innovators  
+  
investors, corporates,  
policymakers, partners...



Connecting innovators  
to Commission  
business services  
(Booster, IP Helpdesk)

# HRP 'Empowering Start-ups & SMEs' Initiative



Enabling SMEs and Start-Ups on HRP to attend brokerage and pitch events



Connect companies with corporate challenges, customers, investors



Budget available through June 2025 to sponsor start-ups and SMEs participating in investor and matchmaking events

In 2024, HRP Startups are participating in:

- **Space Industry Days** – Nordjik NL
- **European Cluster Conference** – Brussels BE
- **SLUSH** – Helsinki FI
- **EBAN Tallinn Congress** – Tallinn EE
- **Advanced Factories World Expo** – Barcelona ES

*... more to come in 2024-2025!*

# HRP TV Inspirational Interviews, Expert Insights

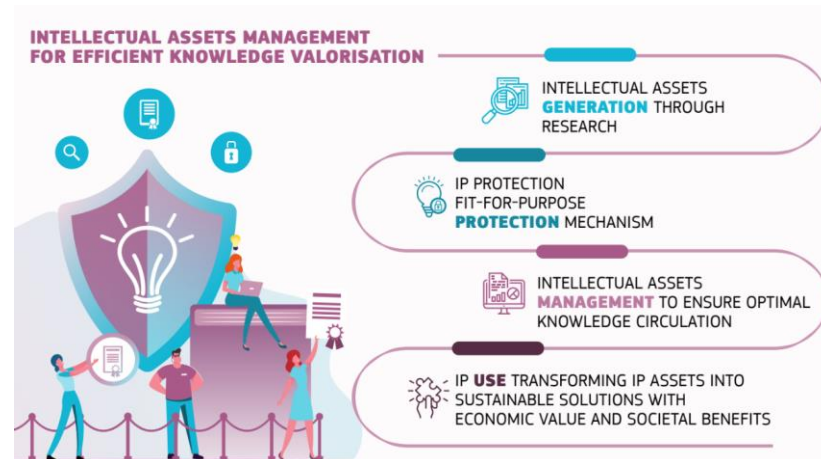
## SUPERNOVAS Investment Forums



# Training: IP Commercialisation/Valorisation

The training series addresses IP-related aspects in four areas, introducing the main aspects of IP management with a view to commercialising/valorising intellectual assets:

- I. IP and Artificial Intelligence
- II. IPR and Software
- III. Technology Transfer
- IV. Thinking international - International business Opportunities – 04/12/2024**





*Make sure to stay tuned for next year's session!*

Horizon Results Platform Team

Email: [EC-HORIZON-RESULTS-PLATFORM@ec.europa.eu](mailto:EC-HORIZON-RESULTS-PLATFORM@ec.europa.eu)

Thank you,  
we look forward to hearing from you!

# International IP SME Helpdesks



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

# International IP SME Helpdesks



## Training

free online and on-site sessions



## Website

frequent updates from the world of IP and innovation



## Ambassadors

local IP support throughout Europe



## Helpline

confidential treatment of individual IP questions



## Publications

practical IP knowledge through high-level publications



## Events

info point at key networking events and conferences





# Patent Cooperation Treaty (PCT)

- The PCT is a multilateral treaty administered by WIPO which makes it possible to obtain simultaneous patent protection for an invention in each PCT Contracting State by filing an international patent application.
- An application may be filed by a national citizen or a resident of a PCT Contracting State.
- Filing one international patent application for seeking simultaneously protection for an invention among 158 Contracting States.
- Applicants have up to 18 months to reflect on the benefits of seeking protection in foreign countries, appoint local patent agents in each foreign country, prepare the necessary translations and pay national fees.
- Using the international search report and the written opinion, applicants can gauge a reasonable idea of the chances of their invention being patented.

# Patent Registration in the European Union

## EUROPEAN PATENT APPLICATION

One single application, in one official language may be filed:

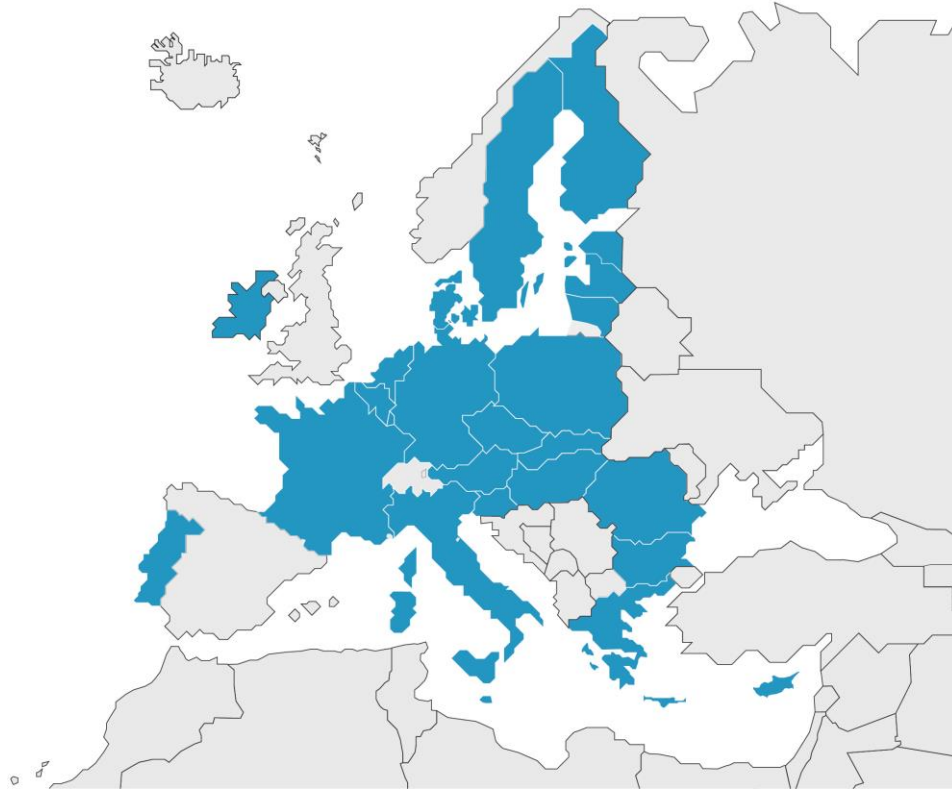
- through your NPO, or
- before the EPO

The EPO grants patents having the effect of a national patent in designated countries (currently max. 38). You may decide to maintain it in force in some or all of them.

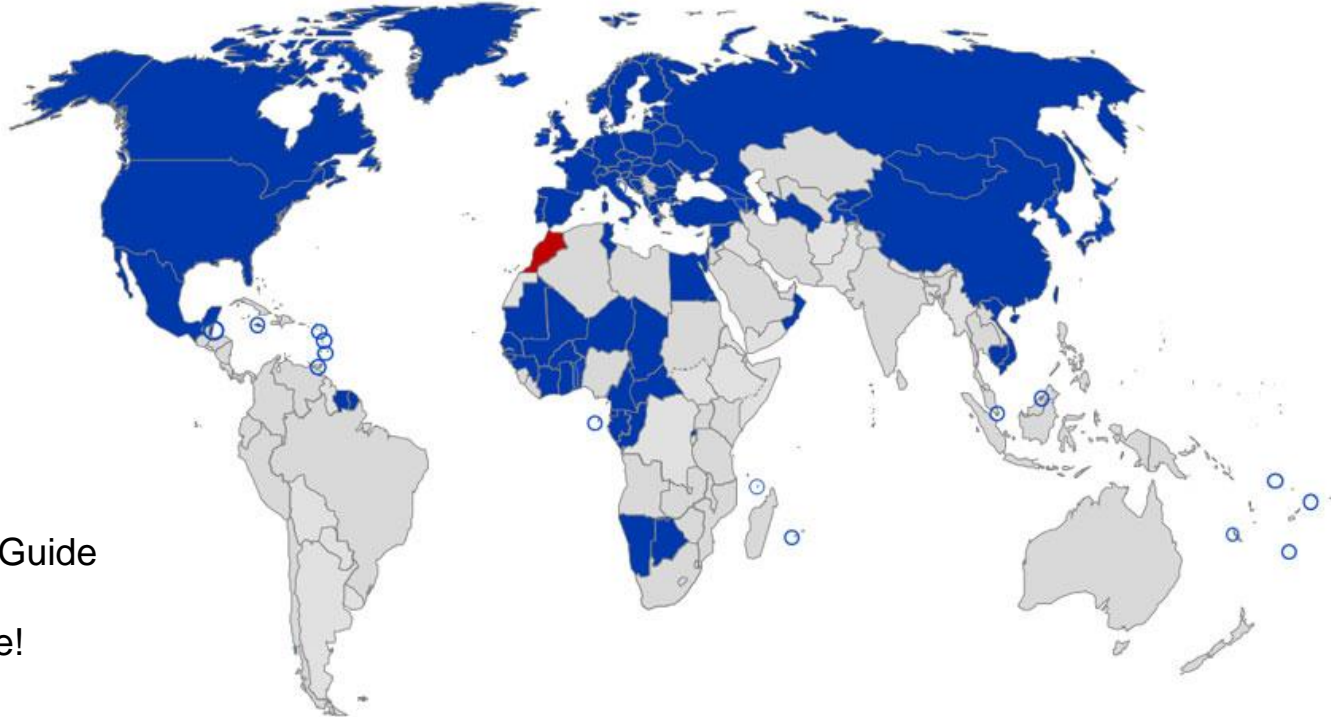
## Unitary Patent

- **European patent with unitary effect**
- The Unitary Patent and the Unified Patent Court are the building blocks which supplement and strengthen the existing centralised European patent granting system.
- They offer users of the patent system a cost-effective option for patent protection and dispute settlement across Europe.

# European Patent with Unitary effect



# The Hague System



New IP Guide  
soon  
available!

# The Hague System

Practical business solution for **registering up to 100 designs in 77 contracting parties** covering 94 countries, through the filing of a single international application.

**Very practical and user friendly system** (1 application / 1 language / 1 set of fees)

**No pre-requirement to file a national or regional design application.**

You can **include up to 100 designs per application** (possible if all designs belong to the same class of the International Classification for Industrial Designs - the Locarno Classification).

**The laws of some contracting parties provide for a duration of protection of more than 15 years** (more than that established under the Hague System). Example : the European Union with maximum protection of 25 years

# Design Registration in the European Union

## **NATIONAL DESIGN**

An application must be filed before your National Intellectual Property Office (NIPO), accompanied by any representation of the design suitable for reproduction.

## **COMMUNITY DESIGN**

One single application, in one official language may be filed at the EUIPO in Alicante – Spain.

# The Madrid System



New IP Guide  
available!



# The Madrid System

- Convenient and cost-effective solution for registering and managing trademarks worldwide.
- 1 single application + pay 1 set of fees to apply for protection in up to 131 countries (112 members).
- Modify, renew or expand your global trademark portfolio through one centralized system.
- Conditions to use the Madrid System: be domiciled, have an industrial or commercial establishment in, or be a citizen of one of the contracting Parties.
- Need of a basic trademark (registered or pending registration) from one of the members ('Office of Origin').
- Image of a tree (trunk = International appl. / each branch is a designation).

# Trademark Registration in the European Union

## NATIONAL TM

**Applications must be filed before your National TM Office accompanied by: a clear reproduction of the mark; and list of goods or services to which the mark would apply (Nice Classification)**

**Registrations can be cancelled in case of non-use (5 years).**

## EU TM

**One single application (that will grant you a single trademark valid in all Member States), in one official language may be filed before the EUIPO in Alicante – Spain.**



# Exploring the IP landscape of different geographical areas

*South-East Asia*

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# South-East Asia I

## A. PATENTS

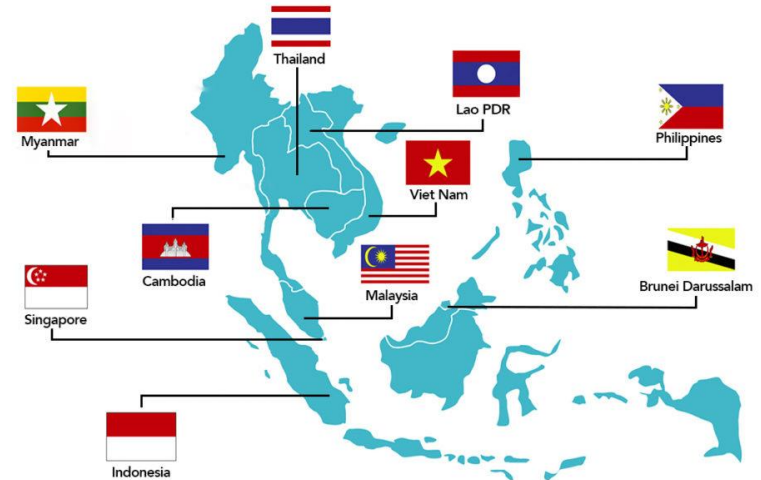
- ✓ Principles of **absolute novelty** and **first-to-file system**.
- ✓ **No regional patent system yet** (register for each country).
- ✓ **National application vs. PCT** (∅ Myanmar).
- ✓ **Acceleration programmes available** (ASPEC & PPH + SG).
- ✓ Patents vs. **utility models** (∅ BN & SG).

## B. TRADEMARKS

- ✓ **No regional TM system yet** (register for each country).
- ✓ **Madrid system** (∅ Myanmar).
- ✓ ASEAN TmView + ASEAN IP Register (free databases).
- ✓ **First-to-file vs. mixed first-to-use** (BN, MAL & SG).
- ✓ **Use requirements via affidavits** (PH & KH).

## C. COPYRIGHT

- ✓ **Berne convention** (∅ Myanmar)  
\*AND/OR\*
- ✓ **Optional local copyright registration system** (∅ BN, MYA & SG).



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# South-East Asia II

## D. INDUSTRIAL DESIGNS

- ✓ **Protected through registration in SEA** (∅ unregistered designs like in the EU).
- ✓ **No regional design system yet** (register for each country).
- ✓ **Hague Agreement** (only for BN, KH, VN & SG).

## E. TRADE SECRETS

- ✓ Trade Secrets definition is in line with the TRIPS Agreement.
- ✓ **Country-based approach** = specific laws, IP law or common law.
- ✓ **Use of NDAs and confidentiality measures** (in-house + third parties).
- ✓ Be reasonable, use your **common sense** and protect any valuable business info!

Country	Rules/Law
Singapore	Common law -Confidential Information
Malaysia	Common law -Confidential Information
Indonesia	Law on Trade Secrets No 30/2002
Philippines	IP Code
Vietnam	IP Code
Thailand	Trade Secret Act (No. 2) B.E. 2558
Cambodia	Common law -Confidential Information
Myanmar	Common law -Confidential Information
Brunei Darussalam	Common law -Confidential Information
Laos	IP Code

# South-East Asia – snapshot of our publications



**SOUTH-EAST ASIA IP SME HELPDESK**


**Guide to Patent Protection in South-East Asia**

For free, confidential, business focused IP advice within three working days. Email: [ipadvice@ipshelpdesks.com](mailto:ipadvice@ipshelpdesks.com)

**1. Introduction - What is a patent and how is it relevant to my business?**

- 1. What is a patent and how is it relevant to my business?
- 2. Types of patents
- 3. Patentable inventions, getting protection and IP strategies
- 4. Application process check-list and checklist
- 5. Patent prosecution and priority data
- 6. Coordinating the process with the PCT, PPH and AIPPI
- 7. What makes up a patent?
- 8. Enforcement
- 9. SMC case studies
- 10. Take-away messages
- 11. Useful links
- 12. Glossary

**KEY MESSAGE**

**SOUTH-EAST ASIA IP SME HELPDESK**

**Guide to Trade Mark protection in South-East Asia**

For free, confidential, business focused IP advice within three working days. Email: [ipadvice@ipshelpdesks.com](mailto:ipadvice@ipshelpdesks.com)

**1. Your Trade Mark and its Importance in South-East Asia**

- 1. Your Trade Mark and its Importance in South-East Asia
- 2. To be able and distinguished in Regional Trade Mark Registration Systems within the South-East Asia Region
- 3. What you Need to Know about the Madrid Protocol
- 4. Trade Mark Applications – The Process
- 5. Trade Mark Searches Prior to Filing
- 6. Goods and Services Classification
- 7. Registering your Trade Marks in Local Languages
- 8. What Should I Register First – The Trademark Name or the Logo?
- 9. Trade Mark Infringement and Enforcement
- 10. Take-Home Messages
- 11. SMC Trade Mark Case Studies

**1. Your Trade Mark and its Importance in South-East Asia**

Given the increasing prominence and attractiveness of the South-East Asian market, trade mark owners should give these countries serious consideration, even if they do not have immediate plans to expand into the region. A trade mark is a distinctive image that identifies a good or service. In South-East Asia, it is now steadily increasing their product mix in order to meet the growing demands of a rising middle class. It is increasingly common for local businesses to look outside South-East Asia for inspiration – a brand that could easily lead to products translated and marketed in other markets being introduced. Many trade mark owners are confused with the fact that they can use any mark when that branding has been already used by or registered to third parties.

Generally, securing a trade mark is a sign to distinguish goods and services of one undertaking from others in the market. One way which the owner has an exclusive right. Trade marks are words, names, designs, symbols, devices, images, designs, distinctive letters or a combination of these elements that can be represented graphically. In the form of writing, trade marks covering the shape of goods or their packaging or three-dimensional form can be registered in all South-East Asia countries, except Singapore which restrict changes and amendments to individual property rights only. Other non-traditional marks, such as sound and colour, were admitted for registration in Singapore under the Intellectual Property Act 2017. The new law will take effect by the end of 2019, while Singapore and Thailand have already trade mark laws for registration.

Trade marks are an essential part of our identity of goods and services. They help define brand recognition, as they distinguish your company from the competition. They also help identify and protect your company's reputation, as well as playing an important role in marketing and advertising. A trade mark can be an important asset with significant monetary value for your company.



**SOUTH-EAST ASIA IP SME HELPDESK**

**Guide to Copyright Protection in South-East Asia**

For free, confidential, business focused IP advice within three working days. Email: [ipadvice@ipshelpdesks.com](mailto:ipadvice@ipshelpdesks.com)

**1. What is copyright and how is it relevant to my business?**

- 1. What is copyright and how is it relevant to my business?
- 2. Works protectable by copyright
- 3. What rights does copyright provide for?
- 4. Length of copyright protection
- 5. Multiple protection and other types of IP
- 6. Copyright ownership in South-East Asia
- 7. Copyright registration in South-East Asia
- 8. Computer software
- 9. Case study
- 10. Copyright strategy
- 11. Summary
- 12. Related links

**1. What is copyright and how is it relevant to my business?**

Copyright is an intellectual property right (IPR), which entitles the owners of literary and artistic works to a set of exclusive rights over their works. These rights include copying, borrowing, adapting and allowing communication and performing in the public, distributing, selling and lending copies of the copyrighted work.

Copyright protects intellectual creations expressed in an original form and which are a result of a creative effort on the part of the author. These IP creations must be different or new to be eligible for copyright.

As an exception to a particular theme, it is not that the work be original or an original medium in order to enjoy protection and that it is not merely embodied writing. Copyright entitles original creative expressions that exist in a fixed medium such as on a paper, a pen, an audio cassette, an internet site, or magnetic recorded media.

**3. Originality.** The works must be original and are considered to only if they are the result of independent creative efforts and:

1. Creative effort of the author. The work must be created by the personality of its creator; any works created by a computer, even through original, cannot be copyrighted.

Copyright is relevant to almost every business across all sectors, not just those in the creative industries. Businesses of all industries should use appropriate steps to identify existing copyright and consider registering the most valuable to them. However, copyright protection should form an integral part of a solid overall business strategy.



**SOUTH-EAST ASIA IP SME HELPDESK**

**Protecting Your Trade Secrets in South-East Asia**

For free, confidential, business focused IP advice within three working days. Email: [ipadvice@ipshelpdesks.com](mailto:ipadvice@ipshelpdesks.com)

**1. What is a Trade Secret?**

- 1. What is a Trade Secret?
- 2. Know it Secret?
- 3. If it is a Secret, Why do We Need a Law?
- 4. Duration of Trade Secret Protection
- 5. Managing your Trade Secrets: Physical, Technical and Contractual Barriers
- 6. Employee Management
- 7. Trade Secrets and Other Forms of IP
- 8. Trade Secrets in Different South-East Asia Member Countries Including but not limited to Singapore
- 9. Case Studies
- 10. Take-Home Messages
- 11. Your Trade Secret Checklist

**1. What is a Trade Secret?**

Nearly all businesses in all industries and sectors possess trade secrets. Trade secrets are a highly valuable and careful form of intellectual property right (IPR). According to the World Intellectual Property Organization (WIPO), any confidential business information (the example sales methods, distribution methods, customer profiles, advertising strategies, lists of suppliers and clients, manufacturing processes, etc.) which can be of considerable commercial value to businesses and which provides an enterprise with a competitive edge, may be considered a trade secret. Trade secrets encompass manufacturing and industrial secrets as well as commercial secrets, and may include technical know-how, new products or business models, business operation manuals, recipes and formulas, customer and supplier information or special techniques, unique and confidentially employed by a business in the development of a product or service, all of which are closely guarded by the companies in question.

Trade secrets are general standards well defined as Article 39 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), and a trade secret is usually defined as information that:

1. is not generally known to the public (kept as confidential);
2. carries some sort of economic benefit as its holder retains this benefit must derive specifically from the information not being generally known, and not just from the value of the information itself – in other words, it must have commercial value because it is a secret; and
3. is the subject of reasonable efforts by the rightful holder of the information to maintain its secrecy (e.g., through confidentiality agreements).

Full list of publications available under PDF format and in English on our website  
(Country Factsheets, IP Guides, Infographics and Case Studies)

# South-East Asia – key takeaway messages

## General considerations for the region:

- 1) **First-to-file vs. first-to-use systems.**
- 2) **IP knowledge/expertise level of local Courts varies** (important differences between each SEA country).
- 3) **Special local requirements for IPR registration** (translation, notarized copies, PoA, etc.).
- 4) **General IP awareness is usually quite low** (more and more campaigns + trainings).
- 5) **Counterfeiting issues and bad faith registration are quite common. Be IP aware !**
- 6) **Ask support from local IP lawyers and experts** (official list available on our [website](#)) !
- 7) **Contact the SEA IP SME Helpdesk using our helpline < [expert@sea-iphelpdesk.eu](mailto:expert@sea-iphelpdesk.eu) >**





# International IP SME Helpdesk

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

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# Exploring the IP landscape of different geographical areas

*Latin America*

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# Latin America

## A very diverse and heterogeneous region

- MERCOSUR
- Andean Community
- **Non-harmonized** IP systems
  - Asymmetric ratification of WIPO treaties
  - Not all Latin American countries are members to the most relevant international Agreements
  
- Registration proceedings vary and tend to be **long**
- Foreign applicants need to have **local representatives!**
- Proceedings in **Spanish** (except for Brazil)
- All countries part of the Berne Convention, but registration of copyright advisable
- Costs

# Latin America

## PROTECTION IS A PROCESS

### A) SEARCH

### B) REGISTRATION

### C) USE

### D) ENFORCEMENT

- Novelty vs Availability
- First-to-file vs. first-to-use systems
- Acceleration programs
- Contracts – from non-disclosure to licenses, potential need to register IPRs related contracts with relevant authority
- Customs Registration, Proof of infringement, C&D, Injunctions, Civil and Criminal Remedies

# Latin America



PCT (PT)	Madrid (TM)	Hague (DS)
Brazil BR	Brazil BR	Brazil BR
Chile CL	Chile CL	Mexico MX
Colombia CO	Colombia CO	
Costa Rica CR	Cuba CU	
Cuba CU	Mexico MX	
Dominican Republic DO		
Ecuador EC		
Guatemala GT		
Nicaragua NI		
Peru PE		

## Latin America – key takeaway messages

- 1) Lack of harmonization in the region
- 2) Real management of the protection process is of essence (identification, registration, use and enforcement)

Importance of observing filing deadlines, availability and other local legal requirements

Length of registration procedures

Contracts – including IPRs clauses, or control mechanisms

Maintenance of IPRs

Defence of business interests

- 3) Ask support from local IP lawyers and experts

Contact the LATIN AMERICA IP SME Helpdesk using our helpline [info@latinamerica-ipr-helpdesk.eu](mailto:info@latinamerica-ipr-helpdesk.eu)



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# Exploring the IP landscape of different geographical areas

*India*

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# India

## A. PATENTS

- **First-to-file system**
- **PCT Route** and National route available
- E-filing of patents is available
- Principles of **absolute novelty, non-obviousness, industrial applicability**
- **20 years protection**
- **CRI/CII patentable**
- **Filing particulars and examination** reports of the same family application filed at other patent offices
- **Statement of working – Within 3 years ex-post grant of the patent**

## B. TRADEMARKS

- **Madrid system and National Route**
- **First-to-use system**
- **Non-conventional trademarks granted ( except smell marks)**
- **Maximum 6-8 months for the grant of the trademark**
- **10 years from the date of filing**

## C. COPYRIGHT

- **Berne convention**
- **Registration not mandated but recommended**
- **Software protection ( First 10 pages and last 10 pages of the source code)**
- **Covers Algorithms / codes**
- **60 years** in addition to the author's lifespan



# India

## D. INDUSTRIAL DESIGNS

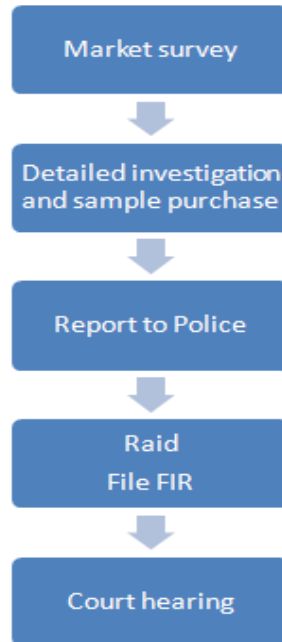
- Non signatory to Hague Agreement
- International covenant applicable is the Paris Convention
- Local registration mandates a local agent or local office of communication
- **Duration** of protection **10+5**
- **Registration is recommended** as it helps in customs seizures of counterfeit goods and also in trade dress suits
- Design Protection and Copyright protection cannot overlap. (Artistic goods manufactured over 50 in number cannot be copyright protected)

## E. TRADE SECRETS

- Not under IPR regime
- Courts interpretation of Trade secret definition in line with TRIPS Agreement
- No single regulation dealing with Trade secrets
- Legal bases lies in Indian Contract Act, Indian Penal Code , Specific Relief Act
- **Use of NDAs and confidentiality measures** (in-house + third parties)

# India

## Criminal Enforcement



## Civil Enforcement



## India– Key takeaway messages

- **Strategize and conduct IP landscaping**
- **Timely Registration is of the essence for the protection**
- **Patents – Make sure to file all the details and the statement of working. Not filing can be a reason for opposition and revocation or cancelation of the patent.**
- **Contracts – not including IPRs clauses, or control mechanisms**
- **Criminal and Civil measures available – Strategies when choosing a measure**
- **Get local support/ representation**
- **Contact the India IP SME Helpdesk using our helpline**  
[india@iprhelphdesk.eu](mailto:india@iprhelphdesk.eu)



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# Exploring the IP landscape of different geographical areas

Africa

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# Africa and Intellectual Property

## Note:

- Brief reference to slides on types of IPRs - previous speakers have covered this topic.
- Brief reference to “new age” IPRs, as these are seldom of interest to most EU SMEs.
- Focal areas will be on Africa’s evolving IP narrative for EU SMEs regarding its:
  - nuances
  - strategies
  - case studies
  - 10 Practical IP tips for EU SMEs in Africa

# Africa and Intellectual Property

## 0 Intro: From the theme of exploring the IP landscape of different geographical areas

- **PETRICHOR** – earthy, warm, comforting and nostalgic smell produced when rain falls on dry soil, like a unique work of art.
- It comes from plant oils and a powerful soil bacteria compound called **GEOSMIN**, which humans can smell at very low concentrations.
- **PERTRICHOR** - a rare sensory experience deriving from the freshness of rain - **IP** - comparable - the uniqueness of ideas embodying ingenuity and innovations, fully deserving praise and protection.

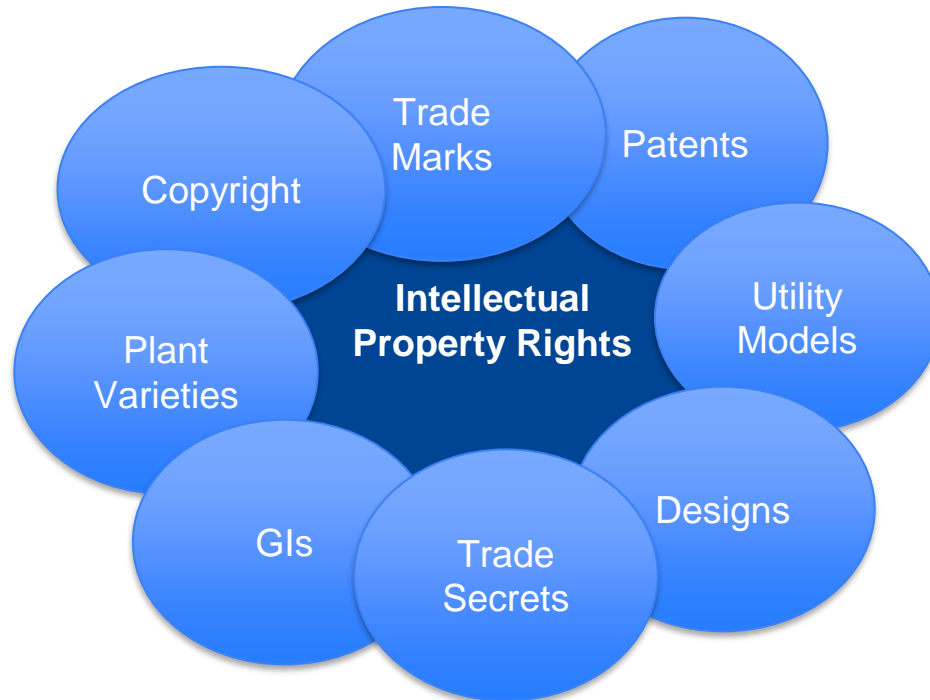
# Africa

1

**Which main IPRs are protected in Africa?**



# Africa



# Africa

Trade Secrets:

Requirements for protection:

- **commercially valuable**
- **limited knowledge**
- **Reasonable protection steps taken**



**Trade Secrets**

# Africa

## “New” IPRs

- **Traditional Knowledge (TK)**
- **Genetic Resources (GRs)**
- **Traditional Cultural Expressions (TCEs)**

### **N.B.**

- **General position of biodiversity-rich countries, WIPO and the WTO = evolution from the “public domain” argument.**

# Africa : Nuances

## 2

## Nuances

- Understanding the nuances in how different continents approach IP is key.
- Africa – rich cultural biodiversity and youthful population (65% +) = distinctive approach to IP compared to older, more established markets in other continents.
- Africa - main challenge and opportunity for IP policymakers - not just protecting existing IPRs but how to effectively harness its young, dynamic demographic to create new, globally competitive innovations and creative works.
- EU SMEs need to understand the nuances of this vibrant and opportunity-rich market not only to protect their innovations but also to engage with a market eager for collaboration and growth - converting cultural richness into a shared success story.

# Africa: Strategies

## 3

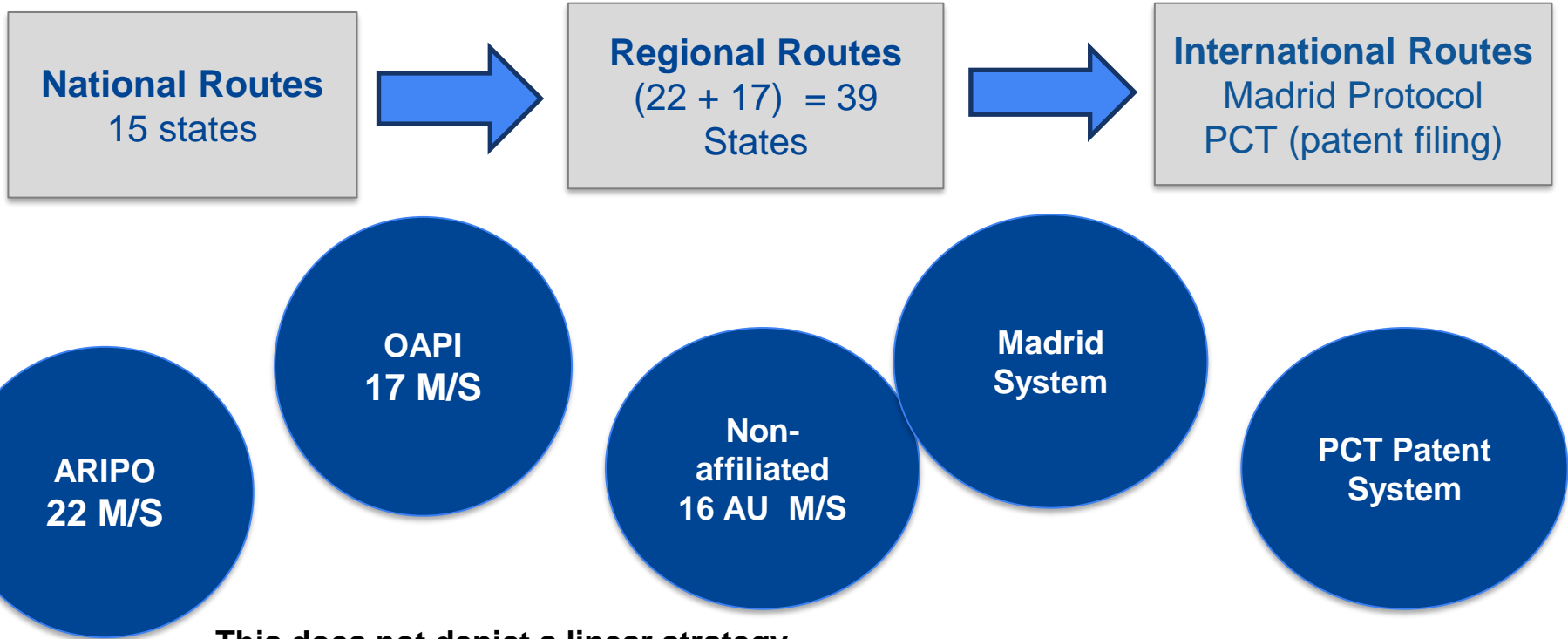
### For Sustainable IP Protection in Africa

How SMEs and other businesses conduct and account for their operations, opportunities, profits, and risks has changed over the years and continues to evolve, creating the need for sustainable IP strategies. SMEs are increasingly embedded into:

- **Supply chains. Value chains. ESG reporting frameworks** ( not just for public companies):
  - Environment
  - Sustainability
  - Governance

EU SMEs growing or manufacturing in Africa for the EU market must also consider other legislation – e.g. the Ecodesign for Sustainable Products Regulation (ESPR). These regulations aim to enhance the sustainability, circularity, and recyclability of products placed on the EU market.

## Africa: Strategies – IP Protection - 55 countries according to the African Union



This does not depict a linear strategy.

# Africa : Strategies for IP Protection

## ARIPO

- Harare
- Complementary,
- Lusaka Agreement
- Flexible State and class designations
- Harare Protocol
- Banjul Protocol
- 22- 20-13

## OAPI

- Yaoundé
- Unitary – 17 States,
- Bangui Agreement –
- Centralised filing
- Automatic protection in all M/S
- Simplified management of IPRs

With the assistance of your IP advisors – think outside the box, leverage what works best for your business

# Africa



- **International registration of TMs**
- **Use exclusively or with regional + national systems**
- **Check the level of integration into national laws**
- **Check enforceability issues**
- **Where it works:**
- **Cost-effective, quick and simplified processing and management**



# Africa: Strategies

## 4

### Case Studies: IP Protection and Enforcement

#### **NIGERIA: MTN GROUP**

**MTN Nigeria named WTR's Europe, Middle East and Africa Team of the Year - WORLD Trade Mark Review (WTR) 2021** - See Notes for link. Then:

- More than 280 million subscribers
- Present in 20 African countries
- Nigeria – one-third of Group income – 35% telecoms market share

Substantial number of trade marks – typical of telecoms businesses

- Counterfeiting of MTN-branded SIM cards and accessories
- Threat to brand reputation, customer trust, income generation

# Africa: Strategies

## 4

## Case Studies: IP Protection and Enforcement

### NIGERIA: MTN GROUP

#### WINNING ACTIONS

- Conducted IP audit – **Know what you have**
- Registration of trade marks across Africa – priority given to house marks
- Defensive registrations in some territories where this was possible
- Developed IP Guidelines and Commercialisation Strategy
- Increased in-house and external (customer s) IPRs training to create awareness and build respect for IP
- Increased market monitoring to identify counterfeit goods and hotspots
- Partnered with public authorities such as Customs, Police and Nigeria’s National Communications Commission in anti-counterfeiting actions
- Took action by enforcing IP rights against infringers and counterfeiters

# Africa: Strategies

## 4

### Case Studies: IP Protection and Enforcement

#### SOUTH AFRICA: **VODACOM v NKOSANA MAKATE**

- Long-standing IP and employment contract dispute – 18 years old, from 2006
- Makate was a trainee Accountant when he pitched Vodacom the idea of “Please Call Me,” a phone credit system enabling users to send a message to a recipient asking for a call back.
- Nothing in his contract of employment covered this.
- **Note:** The patent for this invention belongs to MTN, which has never sued for patent infringement.
- Currently, in the Constitution of South Africa – Vodacom is appealing against a payment order by the Supreme Court of Appeal that Vodacom should pay Malate:
  - a) between 5% and 7.5% of the total **voice revenue** generated by the Please Call Me service, derived from prepaid or contract offerings from March 2001 to March 2021 (18 years), including interest and
  - a) 27% of the Please Call Me **messages** sent daily as being revenue generated by the return calls.

# Africa: Strategies

## 4

### Case Studies: IP Protection and Enforcement

#### SOUTH AFRICA: **VODACOM v NKOSANA MAKATE**

- Award amounts to approximately 50 billion Rands (2.6 million EUR), Vodacom recently issued a cautionary statement to its shareholders that the business would not be able to meet some of its employee and statutory obligations if ordered to pay the award.
- One of the main issues - Vodacom agreed to pay and then reneged on the agreement.
- It also did not have to offer payment for an employee-created invention, which, under South African law, belongs to the employee if invented during the course and scope of employment.
- **Main lessons** – policies and procedures on employee inventions, contracts of employment, need for sound IP laws knowledge in businesses,

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### 5 10 IP Tips for EU SMEs in Africa

1. Collaborate with local experts to navigate IP laws - tap into regional insights and formulate effective IP strategies
2. Search to clear prior rights before filing applications
3. Secure IP rights early to protect your brand and innovations – first to file applies in most jurisdictions
4. Understand cultural issues and connotations when branding and marketing to resonate with local customers
5. Draft clear contracts defining IP ownership and usage rights to avoid disputes

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### 5

## 10 IP Tips for EU SMEs in Africa - Continued

6. Leverage locally available opportunities – re-registrations, defensive registrations, customs recordals, Registered User recordals, and licensing agreements.
7. Regularly monitor the market for potential IP infringements and be prepared to enforce your rights.
8. Train your team and local partners about IPRs and the importance of protecting your IP assets.
9. Prioritise building relationships with local stakeholders and communities to establish trust and networks as these can serve you well.
10. Learn from your failures- embrace the learning curve. Adapt, refine, and reinvent—it's all part of dynamism and growth. Fall forward.

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# Exploring the IP landscape of different geographical areas

*China*

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# I. IP types in China

## IPR Invention patents

- National patent & PCT
- Principles: First-to-file, registration, absolute novelty

## IPR Utility models

- Being overlooked
- National patent & PCT
- Parallel filing of invention patent and utility models

## IPR Design patents

- Patent system
- National patent & Hague system
- Graphical User Interface (GUI)

## IPR Trademarks

- National trademark & Madrid system
- Principles: First-to-file, registration
- Subclass system
- Clearance search is important!
- Consider a Chinese trademark

## IPR Copyright

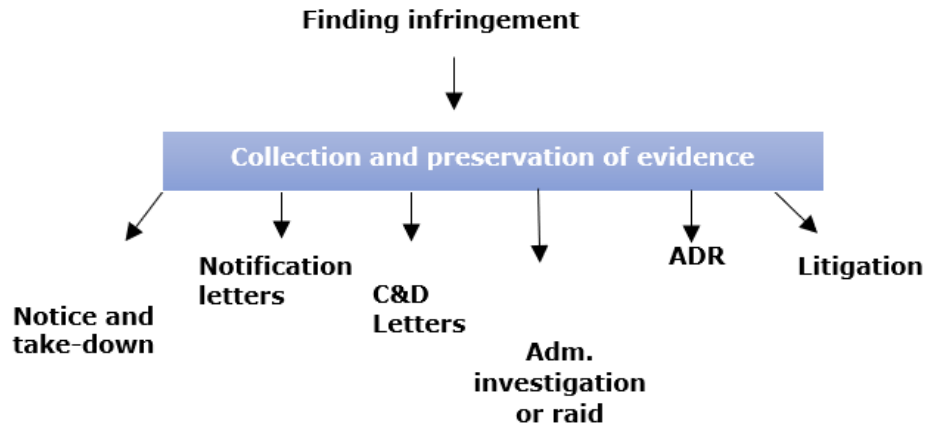
- Berne convention
- Voluntary registration and blockchain

## IPR Trade secret

- Combination of measure
- Anti-unfair Competition Law

## II. Enforcement actions in China

### Roadmap of enforcement actions



- Use notarisation and blockchain to preserve the evidence.
- E-commerce platforms: notice and take-down procedures.
- Administrative actions are relatively fast and cost-effective.
- Consider Internet courts for online IP disputes.
- PoA and business license: Apostille instead of legalization from 07 Nov. 2023.

## III. Take-away messages in China



- ✓ Audit your IP asset and obtain IP protection. For trademark and patent, no registration means no protection in China.
- ✓ Choose your Chinese trademarks carefully.



- ✓ E-commerce platforms: regularly monitor, use the notice and take down system.
- ✓ Collect and preserve the evidence before taking any enforcement actions.
- ✓ Study the laws and regulations involved in your sector.
- ✓ Consult the IP lawyers and experts in China.



- ✓ Contact the China IP SME Helpdesk ***question@china-iprhelpdesk.eu***



# International IP SME Helpdesk

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

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