



INTELLECTUAL PROPERTY OVERVIEW

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Rapisardi Intellectual Property

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INTELLECTUAL PROPERTY

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IP and the naval world: where's the IP?



Giorgio Armani's Superyacht
'Main'



America's Cup



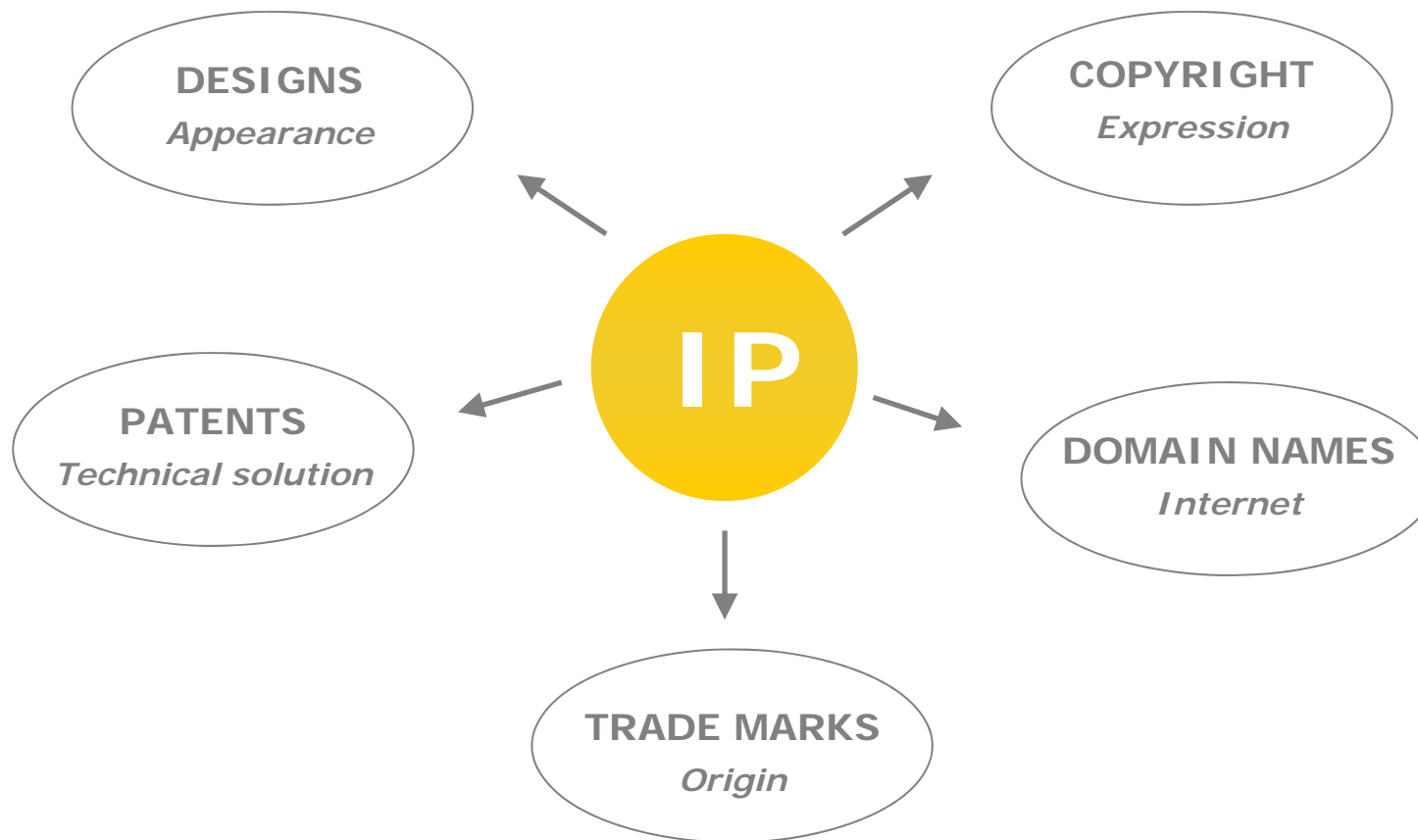
IP – Why?

*"We have among us men of great talent,
able to invent and discover ingenious devices.
And in view of the greatness and virtue of our city
we will try to make always more men of such species
arrive here every day"*

Preamble of the Republic of Venice's Patent Law approved on March 19, 1474

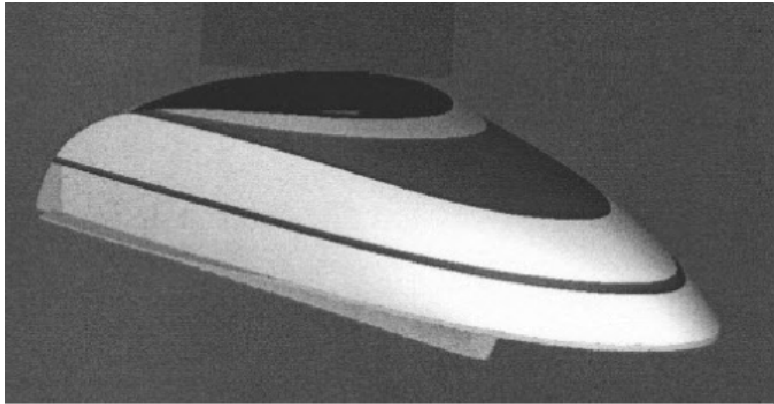
- In 500 BC, in the Greek city of Sybaris (located in Southern Italy), "encouragement was held out to all who should discover any new refinement in luxury, the profits arising from which were secured to the inventor by patent for the space of a year."
- In 1421 Filippo Brunelleschi received a three-year patent for a barge with hoisting gear to carry marble for the construction of the Dom of Florence along the Arno River.
- In 1449 King Henry VI granted the first patent with a license of 20 years to John of Utynam for introducing the making of colored glass to England.

What is IP?



Designs

UK Registered Design No. 4010263 – 'A Boat'!

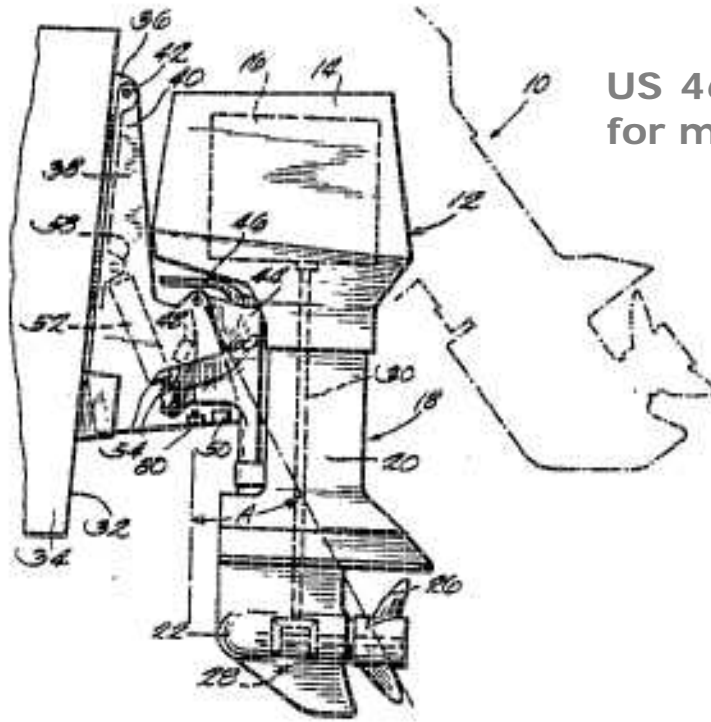


European Community Registered Design
No. 630520-0002 - Boat



UK Registered Design
No. 3019799 – Marine propeller

Patents

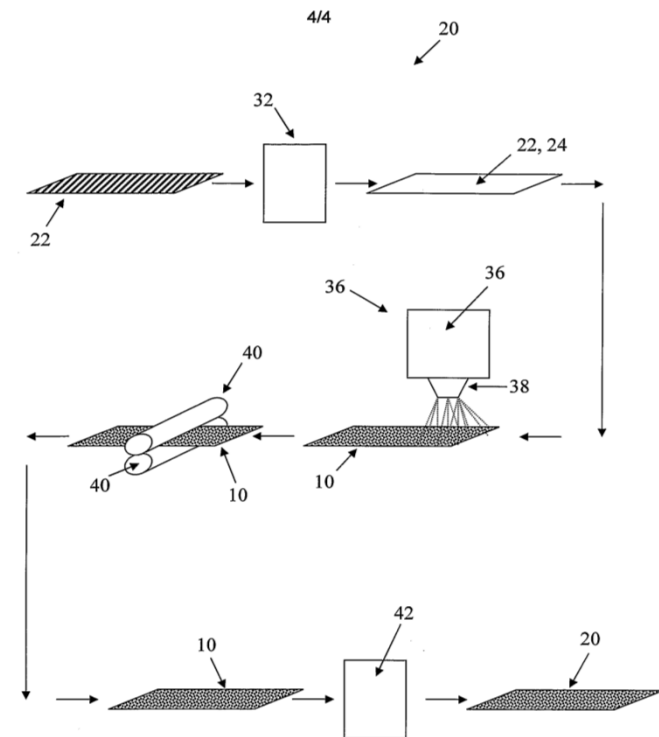


US 4605375 – 'Trim and tilt control for marine propulsion devices'

WO2005056699 - 'A marine anti-bio-fouling coating and a method of applying the coating'

WO 2005/056699

PCT/GB2004/005162



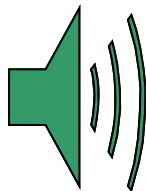
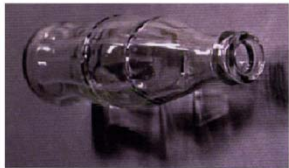
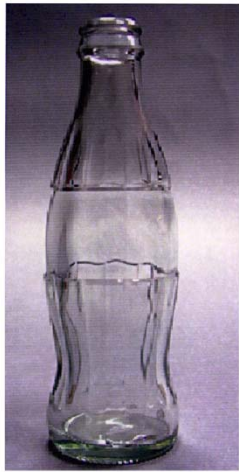
Trade Marks



BENETTI

BENETEAU 

Trade Marks: Some surprises

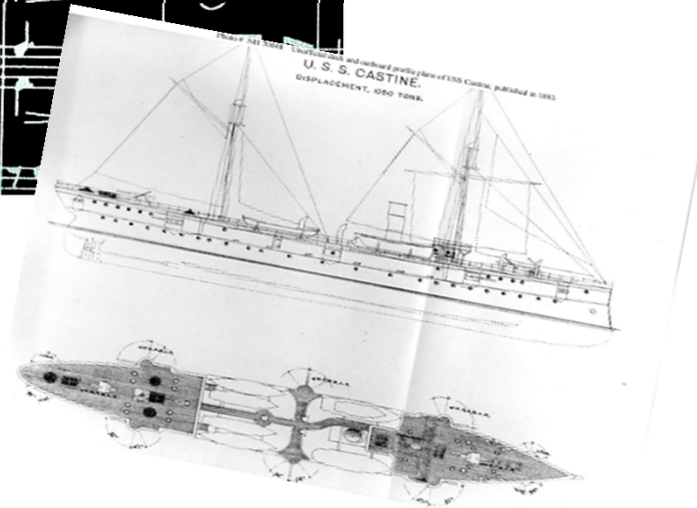
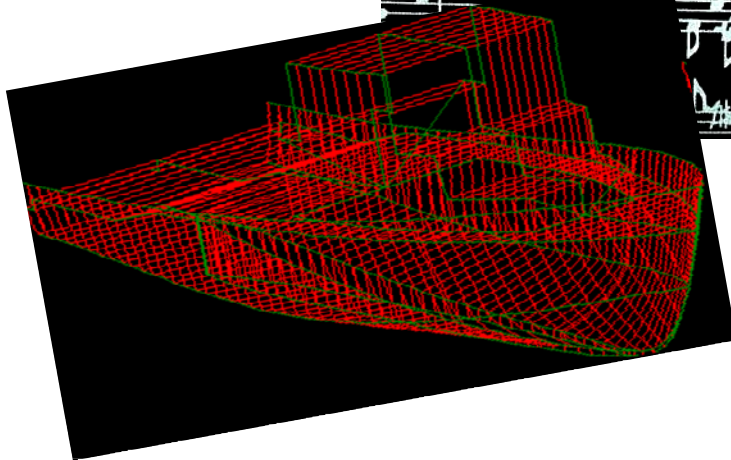
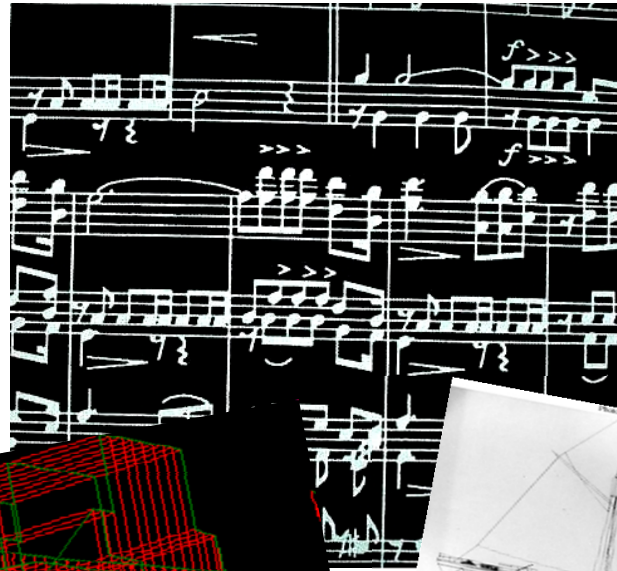
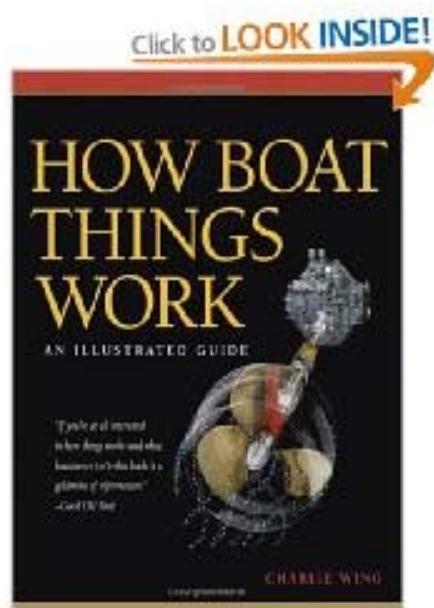


Domain Names

- **rina.org.uk** (Royal Institution of Naval Architects, RINA Ltd)
- **moodyboats.com** (Moody Yachts); also **moodyyachts.com**
- **maersk.com** (A.P. Moller-Maersk Group)

- **rina.com** (accountants)
- **moodyboats.co.uk** (owned by Rightboat Ltd) → **rightboat.com**
- **moodyyachts.co.uk** (owned by Tim Thubron) → **boathook.com**
- **mersk.com** (owned by Patrik Hakansson)

Copyright











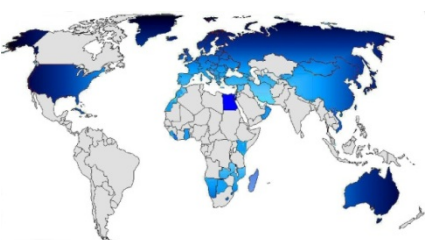
Designs, Patent & Trade Marks: The nitty gritty

	Designs	Patents	Trade Marks
Requirements	Absolute novelty Individual character	Absolute novelty Inventive step	Relative novelty Distinctive character
Duration	5 years + renewable up to 25 years total	20 years only	10 years + indefinitely renewable
Fees	Filing fee + renewal fee	Filing fee + growing annual fees	Filing fee + renewal fee

Unregistered vs. Registered Designs

	Unregistered	Registered
Duration	3 years	5 years + renewable up to 25 years total
Protection	Right against copying only	Monopoly right
Burden of proof	Identical Intentional copying	Same overall appearance

Territorial Protection Possibilities

Designs	Patents	Trade Marks
		
		
		

Why protect IP?

- Protect investment, protect exclusivity, prevent copying



- Prevent others from preventing you

WWW.ARMANI.IT

Why protect IP?

- Revenue from licensing



- Brand extension



"Why are we talking about yachting instead of Prada Trainers? Well, probably the best known Prada Footwear are the Prada Trainers commonly referred to as Prada "Americas Cup Trainers".

(Source: trainerstation.com)

What IP can help to prevent

Infringement and counterfeiting:

Using the IP right (generally in commerce) without the consent of the IP right holder.

“Use” depends on the IP right, but can include:

- reproducing or making
- selling or supplying
- importing
- stocking
- broadcasting or showing
- performing
- renting
- adapting, etc.

How?

- Warning letter, cease-and-desist letter
- Preliminary measures (injunction, seizure)
- Court action (civil, criminal)
 - Damages, account of profits
- ADR for domain names
- Customs, police, trading standards



How?



...and above all...

**A SUITABLE IP PROTECTION AND
ENFORCEMENT STRATEGY!**

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