



# SCOPE OF PROTECTION IN A GLOBAL INDUSTRY

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**Rapisardi Intellectual Property**

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# Where to protect?

**ASK YOURSELF:**

**What does IP protection cover?**

- Manufacturing
- Using
- Offering for sale/selling
- Importing/Exporting

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# Territorial protection strategy

- Place of sale and manufacture
- Current and potential markets
- Countries where counterfeit products are made or sold
- Competitors' markets and places of manufacture



**IN ORDER TO ADOPT THE RIGHT STRATEGY,  
BE AWARE OF VARIATIONS  
IN IP RIGHTS  
FROM COUNTRY TO COUNTRY**

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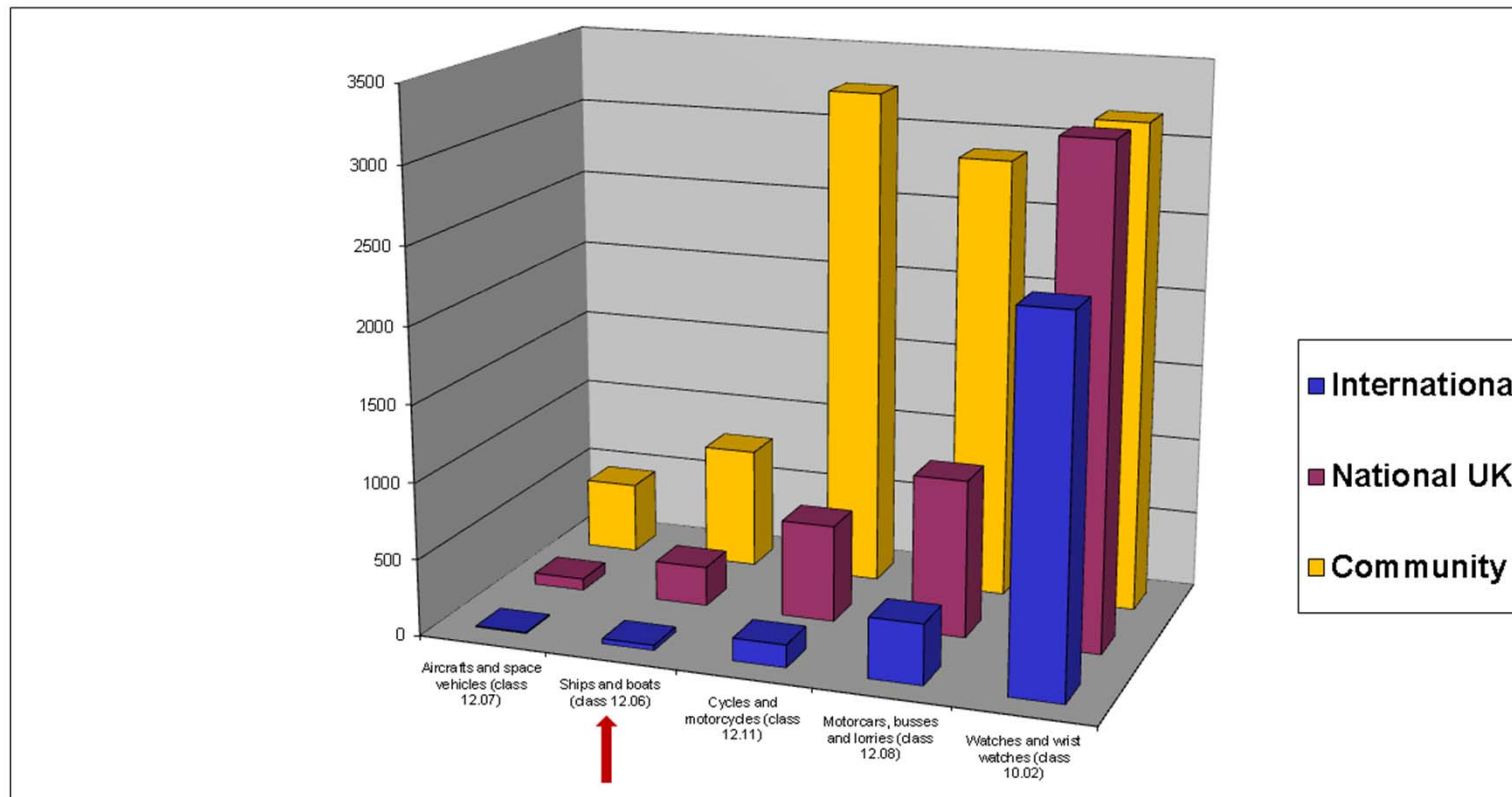
# “Earlier right” – Case studies

1) Grace period in Community Design

2) First to File vs. First to Invent

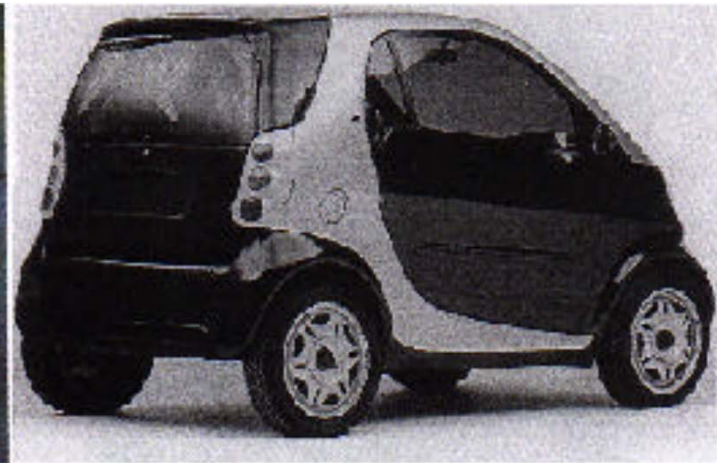
# IP and yacht designers: design registrations

|                      | Aircraft and space vehicles (class 12.07) | Ships and boats (class 12.06) | Cycles and motorcycles (class 12.11) | Motorcars, busses and lorries (class 12.08) | Watches and wrist watches (class 10.02) |
|----------------------|---|-------------------------------|--------------------------------------|---|---|
| <b>International</b> | 7   | 33                            | 148                                  | 393   | 2388                                    |
| <b>National UK</b>   | 76  | 259                           | 634                                  | 1027  | 3218                                    |
| <b>Community</b>     | 465                                       | 791                           | 3260                                 | 2881  | 3177                                    |



## Case study: Complementary use of IP tools gives you full protection

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**SMART vs. NOBLE and BUBLE - *Italy 2008***



## Case study: Complementary use of IP tools gives you full protection

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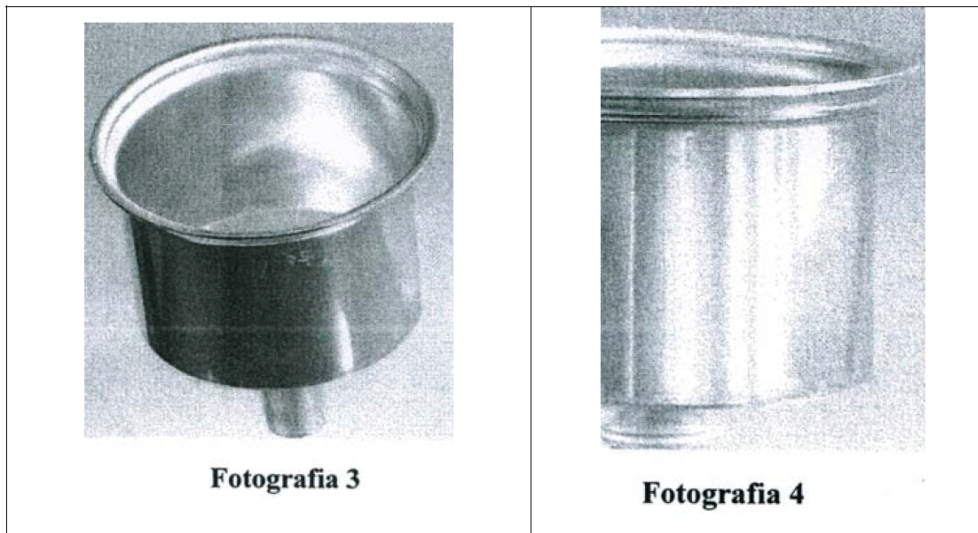
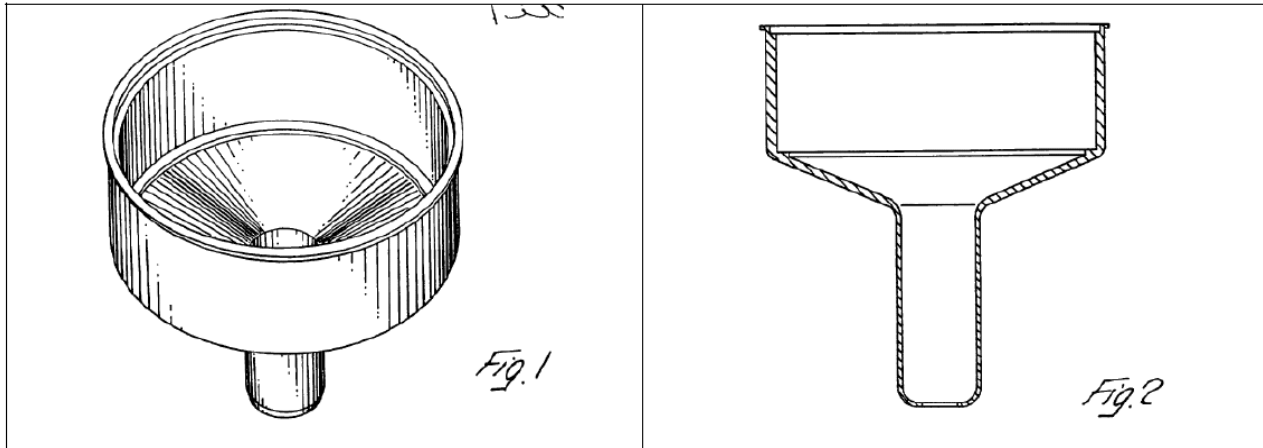


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**SMART vs. NOBLE and BUBBLE - Italy 2008**



## Case study: Selection of the correct IP tool gives you full protection



De' Longhi vs. Bruno  
Bardazzi  
*Italy 2011*

## Case study: What to file in order to obtain the desired protection?



**SWATCH S.A. vs. S.M.R. ITALIA S.r.l. - Italy 2007**

## Case study: How it should have been done



## Case study: How to evaluate the scope of protection



*Lady Ingeborg*

*Pleasant Line*

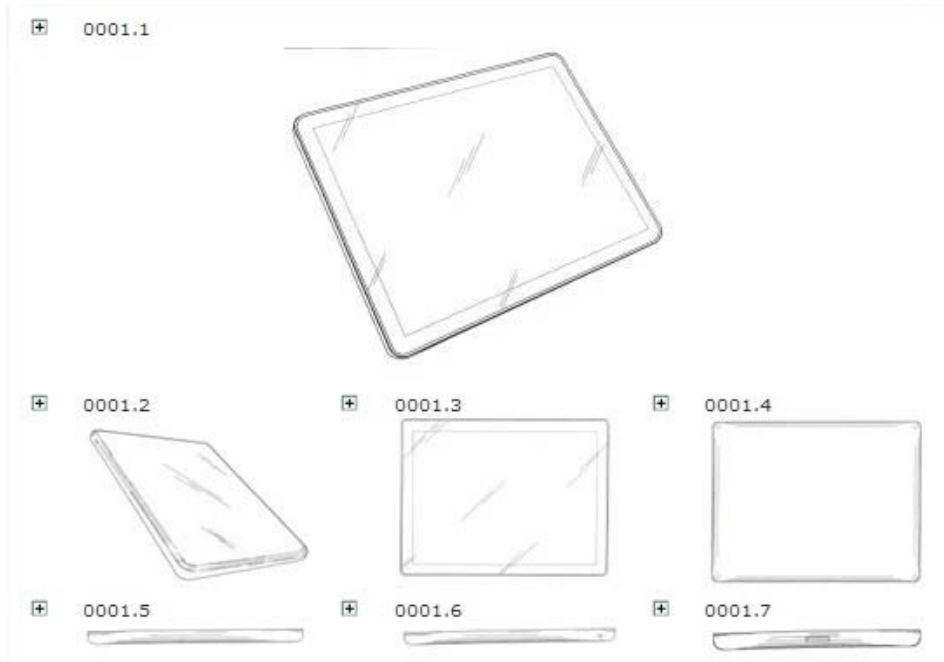


**Mondo Marine S.p.A. vs.  
Kelders - Laupman**

*Italy 2006*



## Case study: David CAN win



iPad

Apple vs. Nuevas Tecnologias y  
Energias Catala  
*Spain 2011*

nt-k



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## Case study: David CAN win

GUCCI

DUCCIO

Guccio Gucci S.p.A. vs Ishtiaq Hussain

*UK 2010*



# Registration gives you real protection against imitations

Registration allows you to:

- Have exclusive rights
- Be protected against competitors and prevent infringing imitations
- Make the most out of your investments and recover R&D costs
- Give added value to your invention
- Maintain and increase market share and profits
- Exploit your invention (licenses, royalties, asset with increasing monetary value, etc...)

Otherwise, others may benefit from your investments...

## ... and it is not expensive at all!

### One Design Registration

|  |          |
|--|----------|
| Overall cost (for the first 5-year period) | € 350,00 |
| Overall cost/member state                  | € 13,00  |
| Overall yearly cost/member state           | € 2,60   |

### Multiple Registration (for each design from 2<sup>nd</sup> to 10<sup>th</sup>)

|  |          |
|--|----------|
| Overall cost (for the first 5-year period) | € 175,00 |
| Overall cost/member state                  | € 6,50   |
| Overall yearly cost/member state           | € 1,30   |

### Multiple Registration (for each additional design from 11<sup>th</sup>)

|  |         |
|--|---------|
| Overall cost (for the first 5-year period) | € 80,00 |
| Overall cost/member state                  | € 3,00  |
| Overall yearly cost/member state           | € 0,60  |

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