



ESSENTIALS OF AN IP STRATEGY

ACID guidelines to key points to consider within an effective IP Strategy:

RULE NO. 1 - CREATE ONE!

POSITIVE COMMUNICATION – of your IP strategy! This is essential - internally and externally and throughout the whole supply chain. Basically, if you don't want to be copied say so! There is no better place than on a website, within terms & conditions, marketing material and product labelling. IP Communication sends a clear message that original design and design integrity = value, not only for the purchaser but for the originator!

CREATE A PRO-ACTIVE IP STRATEGY - not reactive, only dealing with IP issues when it becomes fire fighting. Identify IP issues and put a plan in place. Ask what are the risk factors? What is our plan of action if we discover copies?

EDUCATION - Become "IP Savvy" - create an informed understanding within your team. IP knowledge is important to all organisations, regardless of size

CHOOSE BATTLES CAREFULLY – never sue on principal, only if there is a quantifiable loss and a clear IP case to pursue. Publicise any settlements in the trade press to communicate a zero tolerance of IP infringement. The trade press is a small world and word soon gets out.

TERRITORIES – identify where are you trading, what are the risk factors? If your designs are infringed in another country where is your IP support? Have you registered your designs in that country? For example, to take legal action in China you need to have registered your designs.

REGISTRATIONS – Create an IP Portfolio of your design and trade mark registrations also including any patents you may have. This is also essential for raising funding/investment or exit strategies

TRADE SECRETS/EMPLOYEES – ensure there are restrictions in contracts of employment. There is nothing worse than finding out that an ex employee has run off with all your valuable trade secrets to arm a competitor with a fast track to your know-how. A company's individual "trade secrets" refers to confidential business information to which only a limited amount of people within a business have access to such as your customer list, the methods you use to make your product specific to design, manufacturing or industrial processes. In short, anything that gives you a competitive advantage.

CONFIDENTIALITY – guard your trade secrets carefully. Ensure that there is a confidentiality protocol in place to ensure that the confidentiality of your business is not compromised. Create confidentiality agreements for sensitive information between you and employees privy to this information.

AGREEMENTS – clarity of IP ownership is essential. Agreement underpin most commercial relationships, it's good to know you have the small print to rely on if things go wrong. ACID has various generic industry standard agreements which can be drafted with bespoke clauses

INSURANCE – expensive but worth considering if continuing infringement is a significant issue

ADR/MEDIATION? - It's good to talk! Consider Alternative Dispute Resolution/Mediation as an alternative to litigations

PATENTS COUNTY COURT – In the last two years there has been a significant improvement in the process and costs element of enforcing your rights at Court. There is also a Small Claims Track for low value IP claims under £5000.

GOT A GOOD IDEA? – keep it safe! Never underestimate the risks of sharing a good idea unless you know there are safeguards. If the safeguards are in place then the idea can turn into positive design collaboration for mutual advantage and joint success.

REGISTER FOR PROTECTION – Register new designs wherever possible and budget for enforcement. ACID has a Design Data Bank for unregistered designs and it's FREE to members. This does not add to IPRs but nevertheless serves as compelling evidence of third party confirmation of when new designs are received by ACID. www.ipo.gov.uk www.oami.europa.eu

INVEST IN THE RIGHT IP ADVICE – with IP professionals and business advisors who know and understand your business and your marketplace. Those with demonstrable experience within the furniture sector will serve you well.

ARM YOURSELF WITH IP KNOWLEDGE - Be IP aware! Watch competitors closely, watch the marketplace

RESPECT THE RIGHTS OF OTHERS – essential within your own CSR.

KNOW THE RISK FACTORS – who is copying you? Keep watch!

A DEDICATED IP MEMBER OF STAFF – in a small company this can be added to one particular person's role as a key result area of expertise and management. In larger companies, investment in an IP Officer to learn how to manage brand protection, document/registration protocols and the management of licensing and royalties.