



## European IPR Helpdesk

### Case Study

# *Celegon Srl: Making use of confidentiality and IP transfer agreements in business partnerships*

November 2018

#### Company details

Celegon Srl

Small and medium-sized enterprise (SME)

Hardware systems for doors and furniture

[www.celegon.it](http://www.celegon.it)



#### 1. Background

Celegon is a small enterprise dedicated to the production of special fittings for furniture industries. After decades in the business, Celegon created a new type of opening for interior doors in response to accessibility issues for people with disabilities.

The initial idea of creating doors with particular handles developed into an innovative mechanical system consisting of a rototranslating opening technology.

The company filed a patent application in Italy to protect the invention and received the regional innovation award assigned by the Veneto Regional Government agency, Veneto Innovazione.

Following the grant of the patent, Celegon thought of commercialising its finished doors incorporating the patented technology, and filed the trade mark application “Ergon” in Italy and in other international markets.

## 2. Problem faced

Not having a real commercial structure dedicated to B2C, Celegon began to make contacts with potential distributors and retailers in the windows and doors sector around Europe to develop collaborative innovation partnerships.

In exchange for showing them prototypes of Ergon, Celegon could know what would be the response of potential customers in those markets. Therefore, the company was able to test the feasibility of Ergon prior to its commercialisation, which proved to be crucial to improve the final products.

However, no material transfer agreements (MTA) or non-disclosure agreements (NDA) were signed with the distributors/retailers. This led to the situation where one of the distributors filed a patent application in France addressing Celegon’s invention with some improved elements. Furthermore, the intention of the distributor was to extend the French patent application into a European patent application in order to commercialise the products in other countries, including Italy<sup>1</sup>.

## 3. Possible actions to be undertaken in this situation

Once aware of this situation, Celegon contacted Veneto Innovazione, the Veneto Regional Government agency for applied research, innovation and technology transfer (member of the Enterprise Europe Network<sup>2</sup>) to obtain information on how to proceed.

Marco Gorini, Head of Innovation and Technology Advisory Services at Veneto Innovazione and one of the Ambassadors of the European IPR Helpdesk<sup>3</sup>, advised the company to collect evidence showing that the object of the French patent application had already been disclosed. With the assistance of the European IPR Helpdesk Ambassador, Celegon successfully gathered testimonies and evidence of the disclosure of the invention during public events.

However, as evidence needs to be in conformity with the applicable legislation and its interpretation by the competent courts, subsequent advice was provided with

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<sup>1</sup> In order to obtain a European patent (EP), it is possible to first file a national patent (in one of the contracting states to the EP Convention) and within the 12 months after the filing, file the EP for the same invention. For further information on how to file a European patent consult the European IPR Helpdesk Chart “[IPR Chart: European Patent](#)”.

<sup>2</sup> For more information about Enterprise Europe Network and to find your local contact point please click [here](#).

<sup>3</sup> Click [here](#) to see the team of the European IPR Helpdesk Ambassadors to find the contact in your country.

regard to connections to suitable IP attorneys who were able to assist with the submission of the relevant documents.

As a result, Celegon was able to file an action for invalidation of the patent before the competent French court.

#### **4. Outcome**

The invalidation action was successful and Celegon was able to commercialise its products without being blocked. The company has developed an effective IPR exploitation and internationalisation strategy working with the Enterprise Europe Network to effectively promote its business.

Today Celegon manufactures and commercialises the rototranslating hardware in many markets, as well as a hardware system for folding doors with 180° opening and the traditional 90° opening. The diversification of the offer arose from the need to meet the various production constraints of door industries and the different rototranslating door construction techniques.

Celegon still continues to base its business strategy on IP by patenting its inventions through making use of the international PCT system and has obtained patent protection in several countries, in line with its market strategy. As a result, the technology is now protected in the USA, Brazil, Canada, China, India and in major European countries.

#### **5. Lessons learnt and suggestions**

Many ideas and technologies that generate innovations emerge from the collaboration of different actors along the value chains. Collaborating with other companies, researchers, customers, suppliers or resellers with an open innovation approach is a key factor for the innovation management capacity of SMEs.

However, it should also be kept in mind that the passage of information or new ideas between the various players in the supply chain (manufacturer, distributor, retailer) must always be "managed" through the signing of confidentiality agreements, NDAs or MTAs, to prevent possible unfair behaviour of the partners. Keeping the invention secret before the necessary steps to protect the invention are taken is of utmost importance.

Furthermore, awareness of the functioning of the different IP protection systems is crucial in defining an effective internationalisation strategy.

## GET IN TOUCH

**For comments, suggestions or further information, please contact**

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## ABOUT THE EUROPEAN IPR HELPDESK

The European IPR Helpdesk aims at raising awareness of Intellectual Property (IP) and Intellectual Property Rights (IPR) by providing information, direct advice and training on IP and IPR matters to current and potential participants of EU funded projects. In addition, the European IPR Helpdesk provides IP support to EU SMEs negotiating or concluding transnational partnership agreements, especially through the Enterprise Europe Network. All services provided are free of charge.

**Helpline:** The Helpline service answers your IP queries within three working days. Please contact us via registration on our website – [www.iprhelppdesk.eu](http://www.iprhelppdesk.eu) – or by phone or fax.

**Website:** On our website you can find extensive information and helpful documents on different aspects of IPR and IP management, especially with regard to specific IP questions in the context of EU-funded programmes.

**Newsletter and Bulletin:** Keep track of the latest news on IP and read expert articles and case studies by subscribing to our email newsletter and Bulletin.

**Training:** We have designed a training catalogue consisting of nine different modules. If you are interested in planning a session with us, simply send us an email at [training@iprhelppdesk.eu](mailto:training@iprhelppdesk.eu).

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