



## The European IPR Helpdesk

# Bulletin

N°16, January - March 2015

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We are very happy and proud to announce that the former consortium in charge of the European IPR Helpdesk - infeuope s.a. Luxembourg (coordinator), Luxembourg Institute of Science and Technology Luxembourg (formerly the Centre de Recherche Public Henri Tudor) and Eurice GmbH from Germany will continue to provide the service from 2015 until the end of 2018.

An important objective of the former European IPR Helpdesk service was to empower its users to increase their knowledge on Intellectual Property and to develop their capacities to put Intellectual Property into practice. Apart from the diverse training modules,

a library providing many publications has been produced and made available on the European IPR Helpdesk website, as for example 49 factsheets familiarising the users in a jargon-free and pragmatic language on a variety of topics and aspects of Intellectual Property targeting either participants in EU-funded projects or SMEs involved in transnational partnership agreements. During the coming years, the European IPR Helpdesk will continue to develop the existing range of publications, by constantly updating the existing material and by creating new ones.

An important challenge for the European IPR Helpdesk in the years to come will be to bring the services even closer to the end users and to continue to enhance the number of users reached and the geographical coverage. The consortium is very proud of the Ambassador scheme which was developed in recent years. 47 individuals from Enterprise Europe Network institutions in 22 countries are already members of the Ambassador scheme and are successfully multiplying the services of the European IPR Helpdesk in their respective countries. In the future, the European IPR Helpdesk will rely on the further

development of its Ambassador program, in order to enhance the number of users to which its services are available.

Currently several hot topics in the field of Intellectual Property are part of the political agenda in Europe, for example the implementation of the unitary patent in Europe, copyright in the digital age, new legislation about trademark law, and so on. Keeping its users updated about the evolution of these issues and making the changes understandable in order to identify consequent opportunities for researchers and SMEs will be another challenge for the European IPR Helpdesk.

In this first Bulletin issue of the year we have concentrated our efforts on providing you with practical information related to enforcement, IP management and other issues for you to discover.

Wishing you inspiring reading!

Your editorial team

## The Enforcement Database

### Office for Harmonization in the Internal Market (OHIM)

Companies and notably SMEs are struggling to protect their intellectual property rights, whereas enforcement professionals such as customs and police often don't have all the information they need to recognise counterfeited goods.

The Office for Harmonization in the Internal Market (OHIM), through the Observatory on Infringements of Intellectual Property Rights, is therefore developing IT tools to help right holders to protect their intellectual property rights by facilitating the work of enforcement authorities.

One of the tools developed, the Enforcement Database, currently being piloted by more than 100 companies, provides and makes relevant information about IPR protected goods available to enforcement authorities across the EU and helps them to recognise and exchange information on counterfeit goods.

### *The Enforcement Database is a two-way street*

The Enforcement Database has clear advantages for rights holders. It allows businesses, large and small, to safely and securely input into the tool information that they believe to be the most relevant and useful about their products. This could be pictures of products which are protected by trademark or design rights, or any other relevant information about the products in question, like details about the company, contact persons for enforcement matters, logistics, prior cases, identifiers, packaging or any information that the rights holders in question believe would be useful for enforcement authorities to separate the fake from the genuine.

They can upload confidential information to the tool in an EU language of their choice and this will then be automatically translated into the language of the enforcement authorities to whom they decided to grant access to the information.

With relatively little effort, they can help customs and police to protect their products against counterfeiting and piracy, by recording relevant information about the products into the tool. Owners also have the reassurance of knowing that their information is safe and secure, as the Enforcement Database has been developed according to the most stringent safety standards, and independent security audits are being carried out on a regular basis.

On the enforcement side, the tool also has advantages. It is integrated with the EU customs system through the secure network provided by the Customs and Taxation Union Directorate General (DG TAXUD) of the European Commission. Additionally, as a result of a cooperation agreement recently signed between OHIM and Europol, work is under way to grant secure access to the database to police at Member State level.

So far the enforcement and business communities have given a warm welcome to this tool, which should be able to develop an increasing operational cooperation between brands, customs and police for the benefits of consumers and end-users.

Indeed, once you have an account and have uploaded information regarding your products and IP rights, the tool can automatically generate a prefilled Application for Action (AFA) with all the necessary information for customs to take action at the border on your behalf. Although the tool will NOT replace any of the legal customs procedures, it will also create alerts, providing a direct communication channel between right holders and enforcement authorities.



This tool is one of the most eagerly-awaited projects to come out of the EU Observatory on Infringements of Intellectual Property Rights, a network of experts and specialist stakeholders, from the public sector, the private sector and civil society, all of whom come together to contribute to the fight against intellectual property right infringements.

The use of the Enforcement Database is free of charge both for companies and enforcement officers, and any rights holders wanting to apply for an account need only to have a valid registered trademark or design within the EU (a Community Trade Mark, a Registered Community Design or a national level registration).

The Enforcement Database is available through the Common Gateway, the online "home" of the European Trade Mark and Design Network at [www.tmdn.org](http://www.tmdn.org), and of course the Observatory [website](http://www.observatory.eu).

Rights holders who want to participate in the tool should email: [Observatory.edb@oami.europa.eu](mailto:Observatory.edb@oami.europa.eu)



*The Enforcement Database is opening a line of direct communication to protect your products against counterfeits*

## IPR Turnaround: Boost your profit with IPR management

### Danish Patent and Trademark Office

A recent study by Danish researchers concludes that trading IPR (i.e. entering into licence agreements), new knowledge management processes and clear IPR goals adapted to the business strategy generate tangible financial results.

Lars Alkærsig of the Technical University of Denmark, Karin Beukel of the University of Copenhagen, and Toke Reichstein of the Copenhagen Business School have studied questionnaire responses, IP application data and financial data from more than 3,500 Danish companies. From this they have defined four company types, all of which work with IPR in different ways.

### Four ways to manage IP rights

The first type is the IP Rookie. This is defined as a company that neither trades with IPR nor has a strategic IPR approach. This means that IP decisions are made on an ad hoc basis and that decisions about, for example, whether to patent are made without regard to the overall business strategy of the company.

Another type is labelled the IP Dealer. This company type has experience in trading IPR but lacks a strategic IPR approach. Thus trading

IPR is ad hoc and, for many companies, the opportunity presents itself randomly.

The IP Strategist is a company type with a strategic IPR approach, but no experience in trading IPR. This type of company has often decided not to enter into licence agreements for one reason or another.

The fourth type is the IP Strategic Dealer. This is a company type that has experience in trading IPR and sees licensing, buying and selling IP rights as potential business opportunities. This type of company also has a focused IPR strategy and a concerted IPR approach.

### IP Approach and Financial Performance

The researchers have compared the financial performance of the four different IP types. It is usually difficult to distinguish the factors that cause a difference in performance between groups. In this analysis though, the researchers have had access to a data set comprising of both a large number of companies and a lot of information about these companies, for example number of employees, types of employees, number of IP rights and industry affiliation. This has enabled the researchers to determine that the differences in financial performance can be attributed to the

**“Taking out a patent is one thing, but enforcing it is a completely different thing. If you are really going to enforce a patent – go after everyone who tries to infringe it – that is a totally different game which costs a lot of money. So my advice to small companies would be to be very selective in what they patent and consider whether it will stand in court – otherwise you would end up with a large number of patents which you cannot afford to enforce.”**

Claus Hegelund Sørensen, Senior Director, R&D – LINAK – and part of the IPR Turnaround project

differences in IP management practices of the companies.

They have found that the companies in the analysis have a varying number of patents, trademarks, design rights and utility models. The conclusion is that it is not the number of rights that the companies have, but how the companies use these rights, which has an effect on the revenues.

Also, companies that have a strategic approach to IPR and/or engage in trading IPR (Dealers, Strategists and Strategic Dealers) have higher revenues than the companies that do not have any of those behaviours (Rookies).

Strategic Dealers and Dealers perform better than Strategists on all the measured parameters, and Strategic Dealers perform even better than Dealers on some parameters.

### How to make the most of your company's IP rights

Inspired by the research findings, the Danish Patent and Trademark Office, Aalborg University and a group of Danish IP advisors have developed tools for SMEs who want a more strategic approach to IP rights and who consider opportunities to sell, buy or license IP rights.

<http://boostyourprofit.org>

# BOOST YOUR PROFIT with ipr

The tools are four steps to:

1. Assess your company's current IP situation and evaluate if it is aligned with the business strategy.
2. Identify the actions needed to make sure that future IP decisions create value for your company.

3. Design processes and assign responsibility in order to make the best decisions for the business in the future.
4. Execute decisions and follow up. If business strategy changes, IP decision logic should change too.

Instructions for the steps can be found at [Boostyourprofit.org](http://Boostyourprofit.org) – along with a summary of the research and a set of specific tools for IP management.

More information: [www.boostyourprofit.org](http://www.boostyourprofit.org)

## IPR Turnaround in Danish companies (2012-2014)

**Financing:** The Danish Industry Foundation

**Lead Partner:** The Danish Patent and Trademark Office

**Research:** Copenhagen Business School, Technical University of Denmark and University of Copenhagen

**Participating partners:** Aalborg University, Danish patent attorneys and IP lawyers

**Background:** Why work with intellectual property rights in Danish companies? What is the value creation of IPR in Danish companies? And does IPR strengthen the competitive abilities of these companies? In order to create new knowledge on these questions and to help Danish companies use IPR as a lever for growth, the Danish Industry Foundation and the Danish Patent and Trademark Office started the project "IPR Turnaround" in 2012.

## Defending and enforcing IP

### European IPR Helpdesk

In order to clarify aspects related to IP and decrease the risks of enforcement, the European IPR Helpdesk has developed a fact sheet that presents the IP issues to consider in a product development process: from the idea, to the development, the pre-market phase, and the commercialisation stage.

An efficient management of its IP is essential to decrease risks of infringement and possible consequent actions of enforcement. Not only concerning the acquisition of IP titles, IP management must also help in providing all necessary evidence related to IP ownership as well as to avoid any leak of IP related information...

In case of potential infringement and to enforce its IP, it is essential to know what is effectively owned.

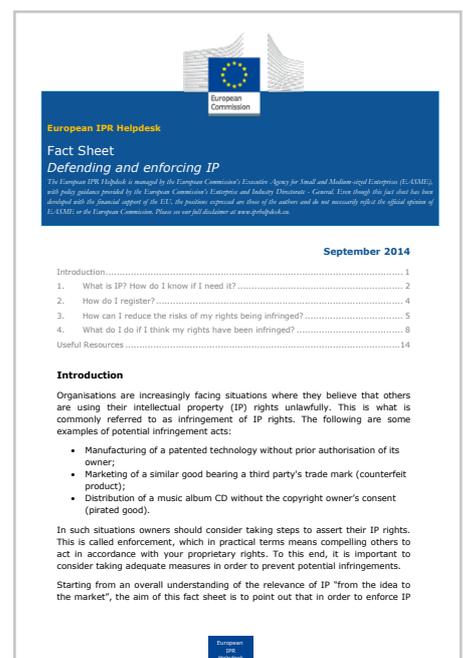
This could be undertaken by performing an IP

due diligence exercise that will provide a state of play concerning the IP, the intangible assets to be secured as well as on all associated legal issues.

When enforcement is observed it is best practice to try solving the issue using an alternative dispute resolution mechanism instead of entering into a legal proceeding. This last means is better reserved for when searching for an agreement through the alternative dispute resolution system has failed.

Do not forget that IP is subject to national legislation and especially as far as enforcement is concerned. So, check it before any action!

These are just a few hints about the enforcement world. We strongly encourage you to continue your reading by consulting our dedicated fact sheet available in our online library.



[www.iprhelpdesk.eu/Defending\\_and\\_enforcing\\_IP](http://www.iprhelpdesk.eu/Defending_and_enforcing_IP)

## The Bullitt Case Study from Denmark

Danish Patent and Trademark Office

»We will not be intimidated anymore«

Even a child can say the word 'Bullitt'. The bicycle manufacturers **Larry vs Harry** knew they had found a good name for their new, trendy cargo bike which could therefore become a potential target for copycats. Today, they can put the registered trademark symbol ® after the name of the popular bike, which is being sold in 50 countries - even Volkswagen is not an obstacle.



Bicycle enthusiasts Lars Henrik Malmberg and Hans Bullitt Fogh, a bike carpenter for 20 years, dreamt of modernising the traditional two-wheeled cargo bike. They wanted to change it from being black and old-fashioned to being a symbol of speed, colour and the future.

But the bike should not only be smart - the name should be exactly right as well. Or rather, the names. First Lars and Hans americanized their names to Larry vs Harry, which then became the company name. They then decided after extended discussions to name their up-and-coming bike model "Bullitt". Bullitt is Hans' middle name, inherited from his grandfather who was a well-known notorious runner from Bullitt in Kentucky.

»Even a two-year-old child can say "Bullitt". It is a damn good name which has been a great advantage from day one as it is easy for both customers and business partners to remember,» says Hans – Harry – Bullitt Fogh.

### *Lots of gaffes in the beginning*

The name was so good and easy to remember that Lars and Hans even before they had sold the first bike were afraid of imitations. Therefore, they started applying

for trademark protection of the name "Bullitt" very early.

»There was no way we could afford a lawyer, so I spent hours finding out how to apply for trademark protection both in Denmark and abroad,» says Hans Bullitt Fogh, and continues:

»Of course I made mistakes. For instance, I applied for trademark protection of Bullitt in Denmark with both one and two t's - like when you want to ensure that nobody buys a domain name, which is similar to your own. However, this is not necessary at all with trademarks.«

After applying for trademark protection in both Denmark and EU, Hans received several letters from companies with similar names. Among others, a Finnish speedboat manufacturer who wanted to make sure that Larry vs Harry would not manufacture boats under the brand name 'Bullitt'.

»Then suddenly I received a very official communication from Volkswagen because they had already registered the name 'Bulli' for one of their popular car models. We corresponded for a while and finally agreed that

we would confine our trademark protection of Bullitt to a two-wheeled land vehicle with a maximum power of 250 watts, which is the threshold value for bikes in the EU. This solution was satisfactory for Volkswagen,« Hans Bullitt Fogh explains.

### *Created and defended the name*

When there were no further objections to the name, Larry vs Harry were granted permission to put the registered trademark symbol ® after Bullitt. It was now clear to everybody that they were the owners of a protected trademark.

»This gave us a feeling of having created something that was truly our own and not just another newly started company,« says Hans Bullitt Fogh.

Since then, Larry vs Harry have found a lawyer who was put to work when Hans discovered a scooter with the name “Bullitt” in a toy store.

»Suddenly, we were on the other side of the fence defending our brand. We wrote to them and quickly made a financial agreement, which gives them a license to our name for a period of time,« Hans Bullitt Fogh explains.

The colourful Bullitt bikes have rapidly become popular and are now sold in more than 50 countries from Germany and USA to Mozambique and Tahiti. At present, Larry vs Harry are applying for a worldwide trademark

protection and furthermore they have filed a patent application for a special frame construction.

»We protect the most important parts of our business. This way, we have the same position as the big companies,« says Hans Bullitt Fogh and also reveals that:

»Today, a letter from Volkswagen would not intimidate us. We know our rights now.«



Sponsored by OHIM



### **Three good trademark protection tips for entrepreneurs from Larry vs Harry:**

If you cannot afford a lawyer, then do it yourself. It gives you more knowledge of the whole process and makes you better at using your counselor when you can afford one.

Do not be intimidated by demurrers. Even if other companies have registered a similar name, you rarely manufacture exactly the same thing.

In most cases, it will not be difficult to find a solution that satisfies everybody.

Go for it. A trademark creates pride and gives security. It can become very valuable in your struggle to defend yourself from cheap imitations.

## Targeting Proof of Concept to High-Growth Spinout Support: Scottish Enterprise redesigns its acclaimed programme

Ian Murray  
Scottish Enterprise

The scale and scope of Scottish Enterprise<sup>1</sup> support for commercialisation of research is considerable, and there is a clear strategic commitment to this activity. The High-Growth Spinout Programme (HGSP) is the agency's new approach to supporting the commercialisation of leading-edge technologies emerging from Scotland's universities, research institutes and National Health Service Boards. It replaces the Proof of Concept Programme, which ran from 1999 - 2014.

Whilst the approach is new, the aim remains the same: to support the creation of new, high-growth<sup>2</sup> companies with the potential to achieve significant growth and which can sustain growth thereafter.

### Background

The Proof of Concept Programme has been a key initiative supporting commercially-focused knowledge transfer from Scotland's outstanding academic research base. The Programme has supported the development of innovative ideas into commercial opportunities by funding teams within an academic setting, whilst providing key additional commercial expertise. This allowed project teams to test and develop technology and to build the commercial proposition, and aided the transition from initial concept to company.

Recent changes to the Proof of Concept Programme have resulted in identifiable improvements in delivery, outcomes and use of resources such as:

- increased focus on early and continuous customer engagement;
- introducing specific commercial milestones;
- more intense project management - early termination where technical and/or commercial milestones have not been met.

This has resulted in:

- 78% of completed projects now resulting in a spinout company (compared to 28% previously);
- 25% of projects having been terminated early due to non-performance issues (compared to 4% previously).

However, there are still significant barriers to successful outcomes being achieved, which prompted Scottish Enterprise to review the operation of the Proof of Concept Programme.

These barriers include:

- a downstream shift in private sector investment, with the investment community seeking companies with more mature assets and established revenue streams prior to taking equity;
- extended due diligence timelines before investment is secured, with 12-15 months from first engagement being typical;
- a sub-optimal company spinout transition process, which can result in a damaging loss of momentum, distracting from funding activity which can impact on growth ambitions.

Extensive consultation with stakeholders (including venture capitalists, business angels, and universities) led to extensive revision of

the service to better reflect the aims of the broader support provided.

### The High Growth Spinout Programme

A High-Growth Spinout Programme Award is focused on commercialising technology through creating a Company of Scale based in Scotland (either through forming a spinout company or licensing IP to an existing Scottish-based business). The Programme is split into three phases with defined outputs from each as shown in the figure on the following page. A priority within the new approach is **to build a strong private sector business perspective** into projects from the outset to ensure that the technology being developed is in response to identified customer requirements and market need.

Entry into the Programme is preceded by an intensive project development and appraisal phase. Applications are invited through scheduled calls, four times a year published on the Scottish Enterprise website. A team of assessors, including investors and Scottish Enterprise market analysts, review the applications individually and then come together as a Panel to select projects which should proceed to due diligence. Scottish Enterprise finances those projects with strong commercialisation potential, although these projects still contain an element of risk – therefore each project is assigned a highly-experienced project manager and commercial advisor. Whilst the High-Growth Spinout Programme provides a high-level of commercialisation support, it is ultimately the responsibility of the host institution to take the lead on planning and delivering the commercial outcome.

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<sup>1</sup> Scotland's innovation and economic development agency

<sup>2</sup> Defined as the achievement of at least £5 million turnover within 5 years of trading, or the attraction of at least £10 million commercial investment within the same period

Project Development and Appraisal	Host Institution	Host Institution	Spinout Company
Assessment Panel Review SE Project Team Appointed Due Diligence – customers, competitive landscape, market size, IP position Agree Milestones Project Approval	<b>Phase 1 Proof of Commercial Opportunity</b>  Early Customer Engagement Early Investor Engagement Technology De-risking Development and Structuring of Commercial Opportunity	<b>Phase 2 Proof of Company</b>  Working Prototype Development Commercial Opportunity Development Customer Engagement Investor Engagement Company Creation	<b>Phase 3 Proof of Investment</b>  Support - Aid for Start-up Powers License to Company Building of Company Advancement of Commercial Product Customer Traction Private Sector Investment
Due Diligence: Phase 1 1.5-3 months Phase 2 3-6 months;	3 – 12 months	12 – 24 months	6 – 15 Months

*Three-phase model to deliver high-growth spinout support*

The project manager and commercial advisor attend regular project management group (PMG) meetings with the host institution project team and provide assistance with activities such as commissioning of market assessments, drawing up of commercialisation plans, meeting with potential end users, and mentoring and facilitating potential management teams. In broad terms, the remit of the PMG is to review:

- the technical progress on the project, as per the milestones and Gantt chart;
- the progress regarding commercialisation plans;
- the costs and financial position, as per the agreed budget;
- ongoing business development activities;
- IP issues and strategies;
- the preparation of marketing reports and their use etc. (i.e. not solely general project management issues, but also those of project or commercial prospect development);
- the commercial revenue potential to be generated from the IP;
- the value proposition to maximise the external awareness and engagement of future customers and investors in the project;
- whether progress to date is on track and whether the project should continue or terminate.

### Phase 1 (Proof of Commercial Opportunity)

The aim in Phase 1 is to take commercially focused (not blue sky) research proposals to a point at which the technology has been partially de-risked and shown to have

commercial potential. Phase 1 provides support for projects that are still in a relatively early stage of technical development and so this phase enables the key early stage testing of technical and commercial aspects of the projects to be undertaken. By introducing Phase 1, we hope to stimulate a greater pipeline of projects and provide the means to develop and test them rigorously before entering into the more commercial-outcome focused phases.

During Phase 1, Scottish Enterprise monitors progress against agreed milestones at six weekly PMG meetings. Projects may be terminated at any time should they fall significantly behind the contracted schedule. However, should the projects be making good progress against the agreed milestones, the project team will be invited to prepare an application for entry into Phases 2 and 3 of the Programme.

### Phase 2 (Proof of Company)

The aim in Phase 2 is to progress the technical activity in response to potential customer feedback and to move towards a working prototype that can be shown to have beneficial effects in a relevant environment. During Phase 2, progress is monitored against agreed milestones at monthly PMG meetings, and projects judged to be incapable of meeting objectives and milestones may be terminated.

### Phase 3 (Proof of Investment)

This phase is aimed at supporting spinout companies to secure significant private

sector equity finance. Key activities include recruitment/retention of key management positions, continuation of R&D/product development in customer-identified formulations, and activities to increase the global awareness of the spinout in order to secure significant investment.

To improve efficiency and speed of transition between Phases 2 and 3, approval is sought for both of these support stages simultaneously, although stringent gating procedures are implemented prior to transition from one Phase to the other. The key step that will initiate the transition from a university or research institute project to a spinout company is the endorsement of a business plan<sup>3</sup> (by an assessment panel) that outlines the journey to becoming a company of scale.

Whereas Scottish Enterprise will provide grant funding for Phases 1 and 2, the funding to any spinout companies that are formed in Phase 3 will be through the issuing of convertible loan notes. These will then either convert to equity or be repaid when investment is secured. This simple form of participation is already extensively used by Scottish Enterprise and is well understood by the investment community.

### Anticipated Benefits of the New Approach

The High-Growth Spinout Programme is in the very early stages of implementation. It will be kept under constant review to ensure that it is delivered as efficiently and effectively as possible. We anticipate that providing support to projects in three distinct phases, with progression based on performance, will ensure that only the strongest prospects progress. This will increase the chances of delivering successful outcomes and improve the utilisation of public sector funding. Finally, we believe that Phase 3 will provide the funding runway, under a fully commercial operating environment, necessary to interact with investors and customers to achieve adequately funded companies, capable of not just surviving but prospering, on completion of the High-Growth Spinout Programme.

<sup>3</sup> For further information on business plans and IP, do not hesitate to consult our dedicated fact sheet available in our [library](#).

## IP for SMEs Forum: a close look at IP services for SMEs

### European IPR Helpdesk

On the 20th November 2014, the European IPR Helpdesk organised, jointly with the INNOVACCESS Network of IP Offices (NIPOs), a one-day event dedicated to discussions on Intellectual Property (IP) support services to SMEs.

Bringing together around 70 professionals from NIPOs, representatives of associations, business intermediaries, the European Commission and other IP stakeholders, this event was very successful regarding both the quality of the speakers' interventions and the exchanges that occurred.

The morning sessions, dedicated to the presentation of the INNOVACCESS network activities, provided many testimonials from NIPOs showing good practice examples and case studies of tools transfer from business intermediaries to NIPOs, from NIPOs to business intermediaries, or between NIPOs. It proved that the transfer of successful IP tools covering a wide range of services, from management to exploitation of IP, is an efficient way for a sustainable implementation of new and innovative IP support services for SMEs in many countries. It indeed allows a fast and cost effective transfer, minimizing the risks associated with new developments and long test periods when integrating new elements into a service portfolio. This was also shown through implementation cases performed by NIPOs or business intermediaries. The added value of such experiences, as clearly stressed by the presenters, definitively paved the way for enhanced transfers of IP tools and competencies in order to provide necessary services to SMEs throughout Europe.

The afternoon session focused on the works undertaken by the European IPR Helpdesk. It started with an introduction to the European IPR Helpdesk services to SMEs and the lessons learned on this issue during the last four years of service. These are based on a sustainable cooperation with experts at national and regional levels, along with the objective of empowering potential users in order that they integrate good IP management practices into their daily activities. This approach already shows encouraging results as more maturity



in the questions received at the Helpline and during training activities has been observed over time.

Then a presentation by Ms Paloma Mallorquin, European IPR Helpdesk Ambassador from Fundación madri+d para el conocimiento, introduced the Ambassador scheme to the audience and presented the impact that it had in her own area. She detailed and exemplified, through a case study of an SME which she advised, what kind of IP support can be provided to help companies to integrate good IP practices from the development to the commercialisation of their innovation, as well as the positive impact that an appropriate management of IP provided to that company, on both the economic and managerial sides.

Ms Mallorquin also stressed the added value of being part of the European IPR Helpdesk Ambassador scheme and especially greater visibility, as a reference contact point and part of an international network of experts, improving IP skills, and leverage of IP services offered to companies.

The experiences of a European IPR Helpdesk user was then presented. Mr Frants Christensen, founder and owner of the company Tisturion, Denmark, shared his experiences through the Ambient Assisted Living project which he coordinates: e-Stockings, whose objective is to develop a new generation of smart ICT-enabled compression stocking solutions that surpass the limitations of current methods/products. In that context, Tisturion could benefit from the European IPR Helpdesk's Helpline services for review and advice regarding contractual matters. It indeed helped in reaching the desired objective of sharing the exploitation rights of potential patent applications equally between the project participants, since some

discussions had taken place on that issue between project partners. The European IPR Helpdesk Helpline confirmed it was possible to do so and advised on the content that such a clause should integrate into the Consortium Agreement of the project. According to Mr Christensen, this helped in reaching a consensus in the project consortium and also to "transform a development consortium into an exploitation consortium".

Participants also had the opportunity to contribute to the final round table, whose objective was to have an outlook on the future of IP support services for SMEs.

The outcome of the productive exchanges that occurred made clear that the first step for assisting SMEs in a better integration of IP into their daily management is to inform and empower them, without impinging on IP lawyer activities. Relevant information and signposting must be provided at several levels: through websites and helplines/helpdesks that are in direct contact with the end users. Furthermore, workshops at national level must be provided in order to train future users.

To ensure sustainability of the already advanced and successful running practices in place for provision of first line support service to SMEs such as those presented during the day, contacts and continuous exchanges of IP tools and good practices between the actors involved is considered as key. The collaboration between the main IP services providers at EU level (NIPOs, business intermediaries, and the European, China, Asean and Mercosur IPR Helpdesks) must indeed be continued and be possibly enhanced if we want to offer adequate support to SMEs for an expected growth and an increase in jobs over the coming years.

## Your IPR queries matter to us: Ask the Helpline

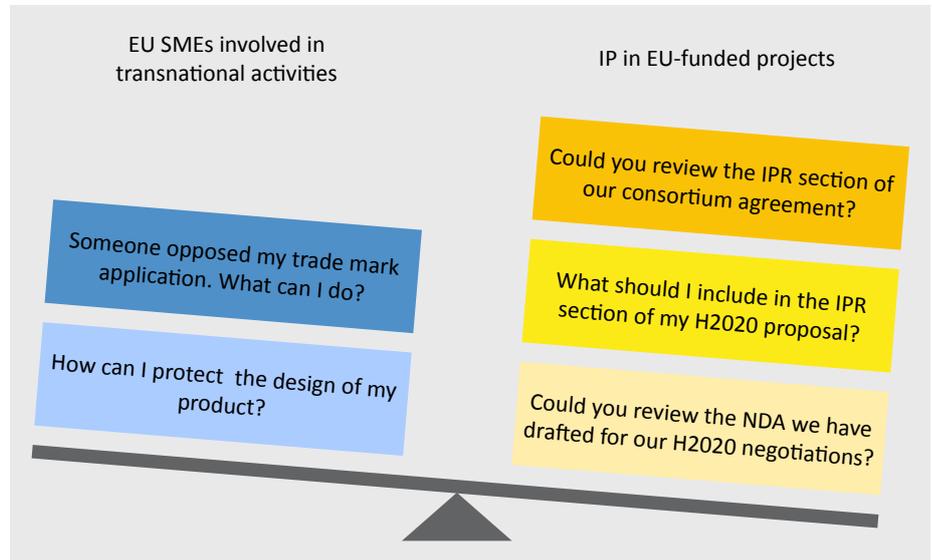
The European IPR Helpdesk Helpline answers your questions concerning intellectual property (IP) within three working days.

You get practical first-line support directly from our IP experts and free-of-charge.

If you are curious about the type of IP queries the Helpline is currently dealing the most, these are shown in the illustration on the right.

**If you would like to talk to one of the IP experts of our helpline, please dial +352 - 25 22 33 – 333**

[www.iprhelphdesk.eu/helpline](http://www.iprhelphdesk.eu/helpline)



## Frequently Asked Questions received at the Helpline

### Does the registration of a domain name automatically create trade mark rights?

No. To qualify for trade mark protection a domain name itself should function as a trade mark. Concretely this signifies that a domain name must not be used simply as an address to direct to a website, but to identify the products and/or services of the business, which provides products and/or services via the Internet. For example this will be the case of a domain name used in connection with a website that offers web-related services.

The registration of a domain name with an accredited registrar does not automatically signify that the same or similar sign will

satisfy the requirements for trade mark registration. You can register as a domain name common or descriptive terms, that usually do not qualify for trade mark protection. Furthermore trade mark protection of a sign is needed only when such a sign will be used to identify and distinguish the commercial origin of the products and/or services of one company from those of another company.

### In Horizon 2020, is there a requirement to disseminate our results if we intend to protect them as trade secrets?

No. In Horizon 2020, disseminating project results is a general obligation imposed upon project beneficiaries. However, no

dissemination can take place until a decision has been made regarding the protection of project results. In other words, dissemination can only occur once the results have been protected, and insofar as it is compatible with this means of protection.

If trade secret protection is the chosen route of protection for one of your project results, dissemination of these results may not take place at all, since it would not be compatible with the protection chosen.

## Open IP Training Sessions 2015

### European IPR Helpdesk

The strategic use and management of Intellectual Property (IP) – in business as well as in international research initiatives – is essential for strengthening the European scientific and technological base, boosting innovation and ensuring growth in the EU. In order to inform innovators in Europe about the potential of their research in terms of economic exploitation, the European IPR Helpdesk organises on-site trainings. Those trainings are open to participants from all of Europe and are completely free of charge, also representing a good opportunity for professionals from different fields to meet and discuss. In addition we try our best to support your individual training events with our IP experts.

We offer you the following training activities, if you are ...

**a) a multiplier or intermediary (e.g. national contact point, Enterprise Europe Network) working in direct contact with researchers and/or SMEs:**

- joint organisation of training events
- participation as speakers in training events that you are planning
- workshops for staff in terms of “train the trainers”

**b) an EU funded research project/network, R&D institution, university or SME cluster:**

- provision of individual on-site training sessions in the form of a webinar
- joining one of the international open IP trainings organised directly by us – the Training Team of the European IPR Helpdesk

**c) an individual researcher or SME:**

- joining one of the international open IP trainings organised directly by us – the Training Team of the European IPR Helpdesk

### Upcoming events:

May 13 -14, 2015 in Bergen, Norway  
 May 8, 2015 in Palermo, Italy  
 June 22, 2015 in Berlin, Germany

### Upcoming webinars:

March 25, 2015: Technology Transfer  
 April 15, 2015: IP Commercialisation  
 May 6, 2015: IP in MSCA  
 May 27, 2015: Impact & Innovation in H2020  
 June 17, 2015: IP in EU funded projects  
 July 8, 2015: Maximising the impact of H2020 projects



Planning of Open IP Training sessions 2015

[Please get in touch with us to check our availabilities.](#)

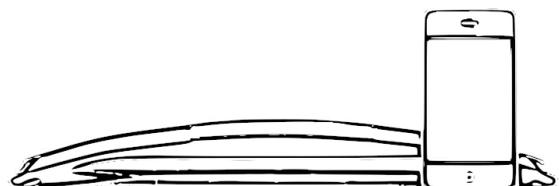
## Fancy a little quiz?

As you know in every issue we include a quiz to help you develop your patent searching skills using Espacenet. Why don't you try using Espacenet today? Here comes our new quiz:

### QUIZ

#### Stand straight!

We sit much of our lives, and most of the time in bad posture. This is one of the main causes of back pain. Posture also impacts appearance, confidence, and fitness. In most cases we are unaware of how bad our posture is. A US company LUMObac found a solution to this problem. You wear a sensor that triggers a gentle vibration emitted by your mobile phone when you slouch or adopt a bad posture and reminds you to sit or stand straight.

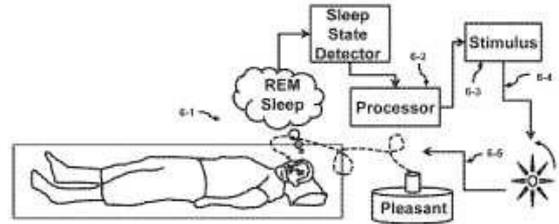


Try finding patents covering this invention using [Espacenet](#).

SOLUTION OF PREVIOUS QUIZ

**This smell wakes me up**

Recently Guillaume Rolland, a 17-year-old French student made the headlines as being one of the finalists of the [Google Science Fair](#) with an interesting invention: the Olfactory Awakening alarm clock. This alarm clock sends out various scents in the morning, prompting the sleeper to get up, and is particularly adapted to hearing impaired people.



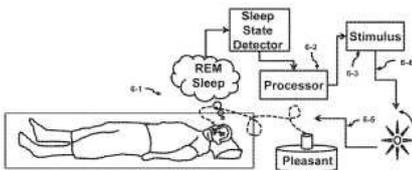
Try finding patents covering such alarm clocks using [Espacenet](#).

**Step one:** To find similar patents, identify the most pertinent aspects of the invention – common technical features that may be found in related patents – and for each aspect, define a comprehensive set of synonyms. To perform the search, the following concepts – groups of synonyms covering the different aspects of the invention – can be defined:

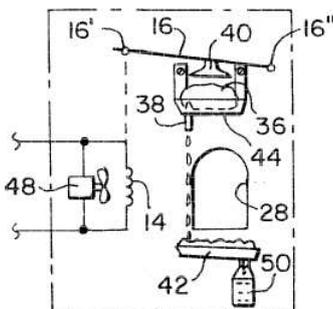
- alarm clock
- wak\*
- scent\* smell\*

The combination *alarm clock scent* yields already a [relevant list of documents](#).

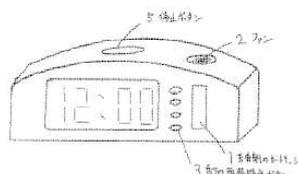
[US2011160619 \(A1\) - METHOD AND APPARATUS FOR A SCENTED ALARM CLOCK BASED ON SLEEP STATE](#)



[US4407585 \(A\) - Scent-awake clock](#)

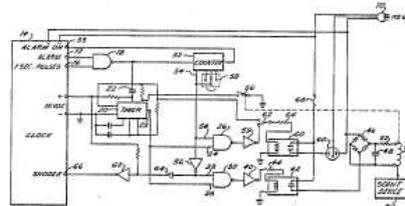


[JP2004279396 \(A\) - ALARM CLOCK FOR WAKING UP USING SCENT](#)

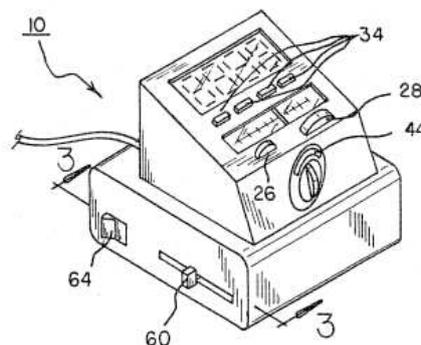


**Step two:** Use the classification assigned to relevant documents to refine and complete the search. One classification symbol - [G04B25/00](#) - looks relevant to use for further refining our search. It relates to “indicating the time by other means or by combined means”, offering a generic description of such time-indicating devices. Combining this symbol and its subdivisions with *scent* or *smell* or *perfume* yields [additional documents](#). Some examples are shown below:

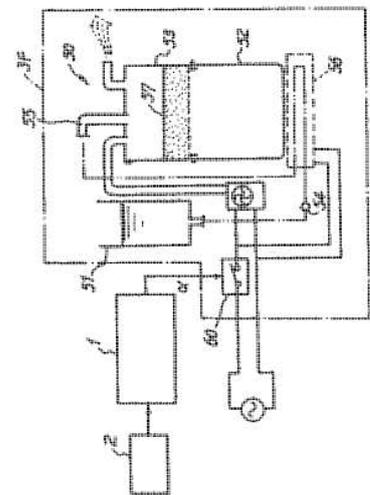
[US4573804 \(A\) - Scent-awake electronic clock](#)



[US5321669 \(A\) - Aromatic alarm clock system](#)



[JPS5786775 \(A\) - TIMEPIECE WITH ALARM](#)



From those results, one can easily conclude that the basic invention is certainly not new. Patents may be obtained for improvements to this basic idea.

## GLOSSARY

**Enforcement** refers to legal actions, remedies, measures and procedures taken against IPR infringement. This includes, among others, stopping unauthorized use, deterring future infringements, and obtaining recovery for damages resulting from the infringing act.

**Trade secret** refers to information which meets the following requirements:

1. it is secret, meaning that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question;
2. it has commercial value because it is secret; and
3. it has been subject to reasonable steps under the circumstances, by the person in control of the information, to keep it secret.

**Exploitation** means, in the context of Horizon 2020, the use of results in further research activities other than those covered by the action concerned, or in developing, creating and marketing a product or process, or in creating and providing a service, or in standardisation activities.

## GET IN TOUCH

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