



Intellectual Property, Branding & Enhancing Business Competitiveness

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انواع حقوق فکری

IPR Types

- Copyright and Related Rights مالکیت ادبی و هنری
- Trademarks علائم تجاری
- Domain Names(Internet Corporation for Assigned Names and Numbers (ICANN) نام دامنه
- Geographical Indications نشانه‌های جغرافیایی
- Industrial Designs طرح های صنعتی
- Patents and Utility Models(Innovation patents) اختراعات و مدل‌های مصرفی
- Trade Secrets اسرار تجاری
- New Varieties of Plants ارقام گیاهی

IP Components of Branding

مالکیت فکری و برندینگ

- ▶ Trademarks: word marks, figurative marks, certification marks, collective marks

علائم تجاری (علائم تاییدی، جمعی و ...)

- ▶ Geographical Indication

نشانهای جغرافیایی

- ▶ Industrial Designs

طرح های صنعتی

- ▶ Domain Names

نام دامنه

اهمیت IP Management

مدیریت مالکیت فکری

- IP/Branding Strategy should be an **integral part** of the overall **business/export strategy**

مالکیت فکری و برندینگ جز لاینفک استراتژی تجاری
شرکتها بالاخص در کشورهای توسعه یافته

Effective IP/Brand Management



**Brands: Key assets for creating
value for businesses**

**Only acquiring IPR not sufficient:
Maintaining+ Monitoring+
Enforcement**

تنها ثبت حقوق فکری و برند برای توسعه فروش
و صادرات کافی نیست.

فواید مدیریت مالکیت فکری و برند

- ▶ افزایش نوآوری و خلاقیت در شرکتها
- ▶ افزایش کیفیت کالاها و خدمات
- ▶ افزایش سطح اعتماد مصرف کنندة مخصوصا در بازارهای بین المللی
- ▶ افزایش قیمت و در نتیجه درآمد
- ▶ توسعه بازار و تضمین حضور مستمر در بازار و بازگشت سرمایه
- ▶ افزایش انگیزه و سطح بهره وری کارکنان



► Brand

The central nexus of communication between an enterprise and its consumers.

should be developed in parallel to the business, and a branding strategy should constitute an integral part of any business plan.

What is a Brand

“Brand” sometimes used as a synonym for a “trademark”

But

- ▶ in commercial circles the term “brand” is frequently used in a much wider sense
- ▶ refers to a combination of trademark, design, logo and trade dress, and the concept, image and reputation which those elements transmit with respect to specified products and/or services.

What Makes a brand successful

To be successful, a brand must be

- ▶ clear, specific and credible in terms of its message, its differentiation power, and the quality it symbolizes.
- ▶ It should also be attractive and appropriate in relation to the goods and services which the brand embodies.
- ▶ properly communicated (in terms of how the message is formulated and to whom it is targeted)

A successful branding strategy anticipate consumers' needs and desires.

Knowing your consumer is therefore a key to a brand's success.

Role of IP system in non oil sectors

► اهمیت مالکیت فکری در اقتصاد غیرنفتی

► توسعه بهره‌وری سایر صنایع اعم از کشاورزی، غذا، صنایع دستی، دارویی و غیره



مالکیت فکری، برندینگ و توسعه بازار



- ▶ Where to be active بازار و محل فعالیت
- ▶ Is there a demand تقاضای بازار
- ▶ Partners, what kind شرکای تجاری
- ▶ Price قیمت گذاری
- ▶ Packaging بسته بندی کالا
- ▶ Channels of distribution and obtaining funds توزیع کالا و تامین مالی
- ▶ Advertising and marketing تبلیغات و بازاریابی

The Relevance of IP in the Markets

نقش مالکیت فکری و برندینگ در بازار

- ▶ تعیین بازار هدف و پتانسیل صادرات براساس دارایی های فکری
- ▶ افزایش تقاضای مصرف کننده برای کالاهای دارای برند
- ▶ جذب سرمایه گذاری و شرکای تجاری
- ▶ افزایش سهم بازار
- ▶ افزایش قیمت کالا
- ▶ مالکیت فکری و اهمیت شکل ظاهری و بسته بندی کالا
- ▶ ارتباط برند و بازاریابی
- ▶ تبلیغات و شرکت در نمایشگاه های بین المللی

Businesses often realize the importance of IP once it is too late

کسب و کارها در اکثر موارد زمانی به اهمیت مالکیت فکری در حفظ و توسعه تجارت پی می برند که خیلی دیر است:

- ▶ Once their product or brand has been copied.

▶ در صورت نقض حقوق فکری توسط اشخاص ثالث

- ▶ Once they have been found to infringe another's IP right in foreign market

▶ در صورت نقض حقوق اشخاص دیگر در بازار هدف



Trademarks

Allows a company to differentiate its products and services from the competition by creating a bond with its customers.

It aims to take a position in the marketplace and create customer loyalty.

What is a Trademark?

“A sign distinguishing goods or services produced or sold by one enterprise (from those of other enterprises)”.

MADE OF :

Any Distinctive Words, Letters, Numerals, Pictures, Shapes, Colors, Labels



National Iranian Oil Company



Types of Trademarks

- ▶ Trade marks: to distinguish goods
- ▶ Service marks: to distinguish services
- ▶ Collective marks: to distinguish goods or services by members of an association
- ▶ Certification marks



Trademark protection



- ▶ Exclusive rights prevent others from marketing products under same or confusingly similar mark
- ▶ Duration of protection in Iran 10 years, renewable
- ▶ Secures investment in marketing efforts
- ▶ Promotes customer loyalty/ reputation / image of company
- ▶ Registered marks permit license or basis franchising agreements

Protection Routes

حمایت ملی، منطقه ای و بین المللی از حقوق فکری و
برند

- ▶ ثبت ملی در کلیه بازارهای هدف به طور جداگانه
- ▶ ثبت منطقه ای
- ▶ ثبت بین المللی از طریق سازمان جهانی مالکیت فکری

Regional Route

ثبت منطقه ای



- ▶ Benelux Office for IP (TM and Designs)
- ▶ African Regional Industrial Property Office (ARIPO)
- ▶ European Patent Office



International Route

ثبت بین المللی از طریق سازمان جهانی مالکیت فکری
(وایپو)

► WIPO Madrid System



Suitability of Trademarks

تطابق علامت تجاری با قوانین و زبان محلی

قبل از ثبت هرگونه علامت تجاری جستجوی سابقه ثبت قبلی
در بازار هدف و همچنین تطبیق ظاهر و مفهوم علامت با قواعد
محلی الزامی است.



Industrial Designs


- ▶ Just as trademark distinguish a company corporate image ,goods and services
- ▶ shapes the form of new products to differentiate them from current products in the market.
- ▶ Industrial design and trademarks are a part of company branding strategy

AN INDUSTRIAL DESIGN IS THE FORM OF A PRODUCT”

Only the aesthetic/visual form of a product can be
filed and protected as an
INDUSTRIAL DESIGN

not the Technical (Patents) nor Distinguishing
Features (Trademarks)





Duration of national protection 5
years, renewable for another
consecutive 5 years

- ▶ The design must be **NEW**
- ▶ The design must be **ORIGINAL**
- ▶ The design can also be protected as
copyright

NB: Keep design secret prior registration

Iran still not member of Hague agreement

What is a GI (Geographical Indications) ?

PRODUCTION AREA

(indigenous varieties, influence of the environment/climate on the product development)



PRODUCERS' KNOW-HOW

(selection techniques, traditional production methods , a connection to the local wisdom and heritage).



An origin-linked product with a name and reputation associated to its place of origin

Geographical Indications: Innovation of Local/Indigenous Communities

- ▶ Link a product to a particular region
- ▶ Indicate qualities, attributes, reputation associated with geographic origin
- ▶ Suggest connection to region's inherent characteristics (e.g., soil, climate, *people*)
- ▶ May also imply production skills/processes/traditional knowledge associated with region (GI relation with traditional knowledge)
- ▶ Permanently Protectable
- ▶ Major component of product branding, quality management and access to niche markets

World-Renowned GIs

Café de Colombia



Ceylon tea (Sri Lanka)



Oku white honey (Cameroon)



Darjeeling Tea (India)



Not only agrifood products

Kashmir Pashmina (India)



Bohemia Crystal and Glassware
(Czech Republic)



Handmade Carpet
(Iran)



Ohrid Pearls (FYR Macedonia)



Examples of Geographical Indications(Agri and non-agri products)

India

Basmati (rice)

France

Roquefort (cheese)

Switzerland

Gruyere (cheese)

Iran

Saffron ,Caviar, Date,
Pistachio, Carpet , handicrafts

GI : a flagship for the promotion of national products

National labels for GI

Cambodia



Lao PDR



China



European Union





Why are GI's valuable?



- GIs as marketing/ advertising tool ,of particular interest to developing countries
- Important instrument for origin linked products in food and agriculture sector (Esp Organic Food)
- Reputation for quality associated with place name used on labels
- GI-identified products command higher prices
- Preventing from unauthorized use ,improves market access (EU,CH)
- Benefits for farmers and local producers
- Boost the rural development , tourism, environment effects
- Preserving local culture and resources ,reputation of GI product
- Provides complete information to consumers
- Protectable with TM and Collective Mark at the same time

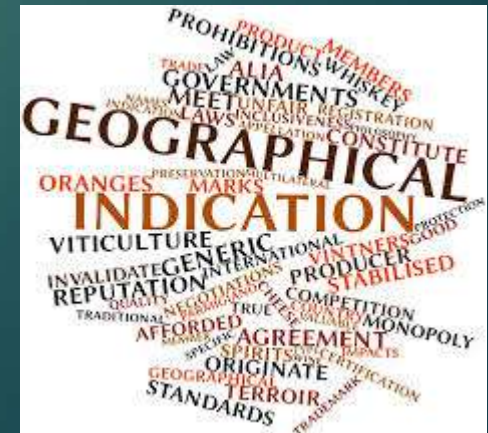
GI & Promotion of Export

- **GI system a differentiator, often a key to higher and more stable export market**
- **Alignment of GI system with emerging trade demands since they tend to have standards for quality, traceability and food safety.**

Components for GI success

Government/Private Sector Role

- Strong organizational and institutional structures
- Training /awareness of local producers
- Active participation among the producers and enterprises in GI region
- Effective legal protection(Government role)

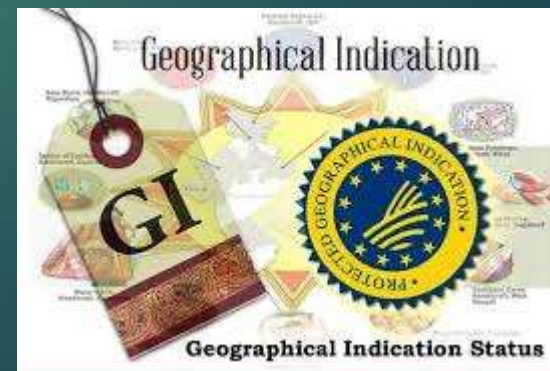


Geographical Indications and Trademarks

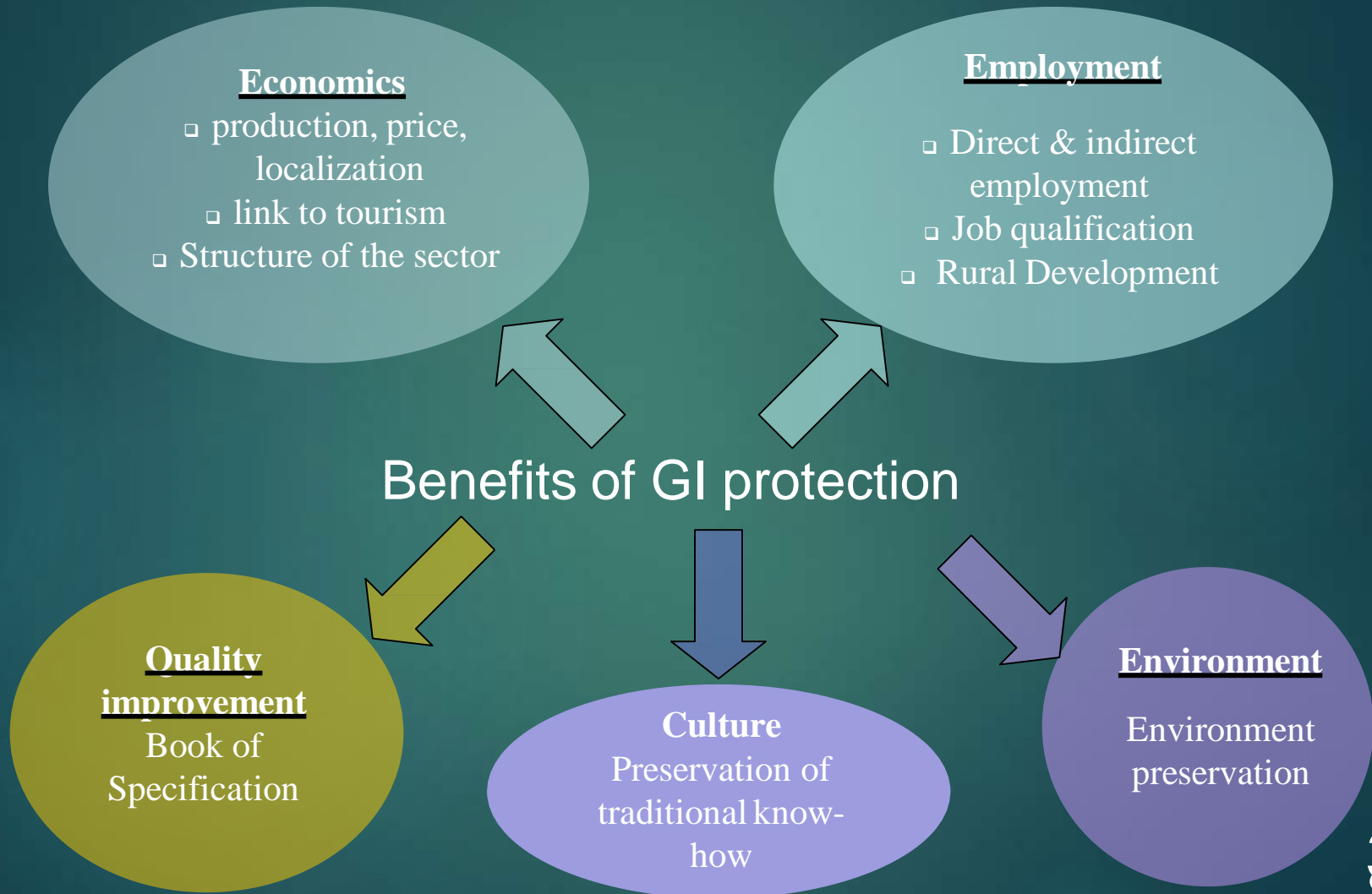
- **GIs are closely related to trademarks; both indicate product origin**
- **GIs and trademarks differ in two ways:**
 1. **A trademark belongs to a particular company; it distinguishes that company's products. GIs are shared by all producers in the region identified by the GI.**
 2. **GIs attach to a location; trademarks don't.**

Territorial nature of GIs

- GI protection is territorial
- International measures:
 - ▶ Bilateral Agreements
 - ▶ Multilateral Agreements (Paris, Madrid ,Lisbon)
 - ▶ National laws (GI Protection Act of Iran ,1383),Scattered Provisions
 - ▶ Regional Application Mechanism, EU,ARIPO



Benefits of GI protection



Café de Colombia: Protecting and promoting a well-known origin



- Today Colombia is one of the most well-known origins for coffee. It wasn't always this way...
- During the late 50's the price of Colombian coffee was so low to an excessive supply of coffee in the world market.
- Only 4% of consumers recognized Colombia as a coffee origin.
- Roasters dominated the market and they tended to hide origin in order to gain more flexibility in blends.



National Federation of Coffee Growers of Colombia (FNC)

- Started registration of certification marks which was difficult and expensive.

Needed an alternative that would help us
defend
and protect the Colombian origin



- In December 2004, the FNC presented the Colombian government with an application for the recognition of “Café de Colombia” as a Geographical Indication.
- In February 2005, the Colombian government ratified Café de Colombia as a “G.I.”
- In June 2005, “Café de Colombia” became the first product from a non-EU nation to apply for the Protected Geographical Indication recognition to the EU.

GIs are not a magic tool ..



... they require a collective effort at several levels

Case of Kampot Pepper, Cambodia GI

- GI product “Kampot pepper” registered by the Ministry of Commerce since 02nd April 2010 as GI product in Cambodia
- Registered in Vietnam and Thailand
- Kampot pepper registered as GI product in Europe (2016)



Why are geographical indications an interesting alternative to pursue for Iran?

- Iranian products origin: an important differentiation tool.
- GI system compatible with traditional knowledge of local communities in Iran
- Rural development/prevention of
- New generations have greater access and interest for more information about the products they consume in global market place.
- Globalization has generated a niche of more conscious and demanding consumers.

Deficiencies in Iran GI system

- Lack of awareness on GI system among stakeholders
- Ambiguity of ownership rights in GI law
- No GI organization in place, no comprehensive GI enforcement mechanism
- High operational, organizational ,enforcement costs
- Unwillingness of local producers to resort to community rights
- Necessity of WTO and TRIPS Agreement membership for enforcement of GI





Nation Branding

TO BRAND A COUNTRY BY USING MARKETING TOOLS TO CREATE A **DISTINCTIVE PUBLIC IMAGE** OF THE COUNTRY, **DISTINGUISH** IT FROM OTHERS AND CONTRIBUTE TO THE **PROMOTION** OF ITS PRODUCTS, SERVICES, NATURAL/HISTORICAL HERITAGE, CULTURE, PEOPLE, LEGAL & INSTITUTIONAL SYSTEM ..., ESPECIALLY OUTSIDE THE COUNTRY.

Nation Branding

- MAY ALREADY HAVE A DISTINCTIVE NATIONAL EMBLEM: SWITZERLAND: SWISSNESS LAW
- CREATE A SPECIFIC TRADEMARK:
E.G., MALAYSIA, SPAIN



« MALAYSIA: TRULY ASIA »



مضرات فروش کالا بدون برند و حقوق فکری ثبت شده


- ▶ درآمد کمتر و عدم اطمینان مصرف کننده به کالا
- ▶ عدم تمایز کالا در بازار در مقایسه با کالاهای مشابه یا رقیب
- ▶ عدم امکان بازاریابی و تبلیغ کالای بدون برند
- ▶ کپی کالا توسط رقبای و ثبت به نام خود

Early disclosure of your product without protection is risky

***Example:** Disclosure to trade partners (e.g., export sales representatives) without a non-disclosure agreement or publishing new product in a catalogue, brochure, participation in exhibitions prior to applying for protection you may lose your TM or design to others or find you may no longer protect it.*

Clearly define issues pertaining to IP ownership with partners

Example: If you are developing a new product with another enterprise, establishing a joint venture, or modifying the design, package or trademark of a product, ensure that it is clear (preferably in the written contract) who will be the owner of any IP generated.



To license IP in a foreign market, the IP needs to be first protected in that market

Companies seeking to license the manufacturing of their product in a number of markets, should ensure that their IP is protected and is not in the public domain in those markets (e.g. protection has been obtained and has not expired)

Few Points to Remember!

- ▶ IP protection is territorial
- ▶ IP laws and procedures are not identical world-wide
- ▶ Ensure that your product does not infringe IP rights of others:

Example 1: the same trademark may already exist in the export market

Effective IP Management

Only acquiring IPR not sufficient:
Maintaining+ Monitoring+ Enforcement

لزوم ثبت در داخل و بازارهای
هدف، نگهداری، مانیتور و اجرا

NB!



No One Size Fit all IP Policy

استراتژی منطبق با نیازها و الزامات
بازار هدف

نتیجه گیری

- ▶ ارتباط مستقیم مالکیت فکری با توسعه فروش و سهم بازار
- ▶ لزوم تدوین استراتژی حمایت و توسعه برند در کنار استراتژی بازاریابی و فروش
- ▶ لزوم حمایت ملی و بین المللی و مدیریت پیوسته برند
- ▶ لزوم تطبیق بسته بندی کالا با استانداردهای بازار

Some Recommendations to Keep Your IP Safe:

- ▶ Identify what intellectual property you've got
- ▶ Know where your intellectual property is
- ▶ Prioritize your intellectual property
- ▶ Label valuable intellectual property(confidentiality)
- ▶ Secure your intellectual property both physically and digitally
- ▶ Educate employees about intellectual property
- ▶ Know your tools to protect intellectual property(protection ,contracts , access)



Thank you

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