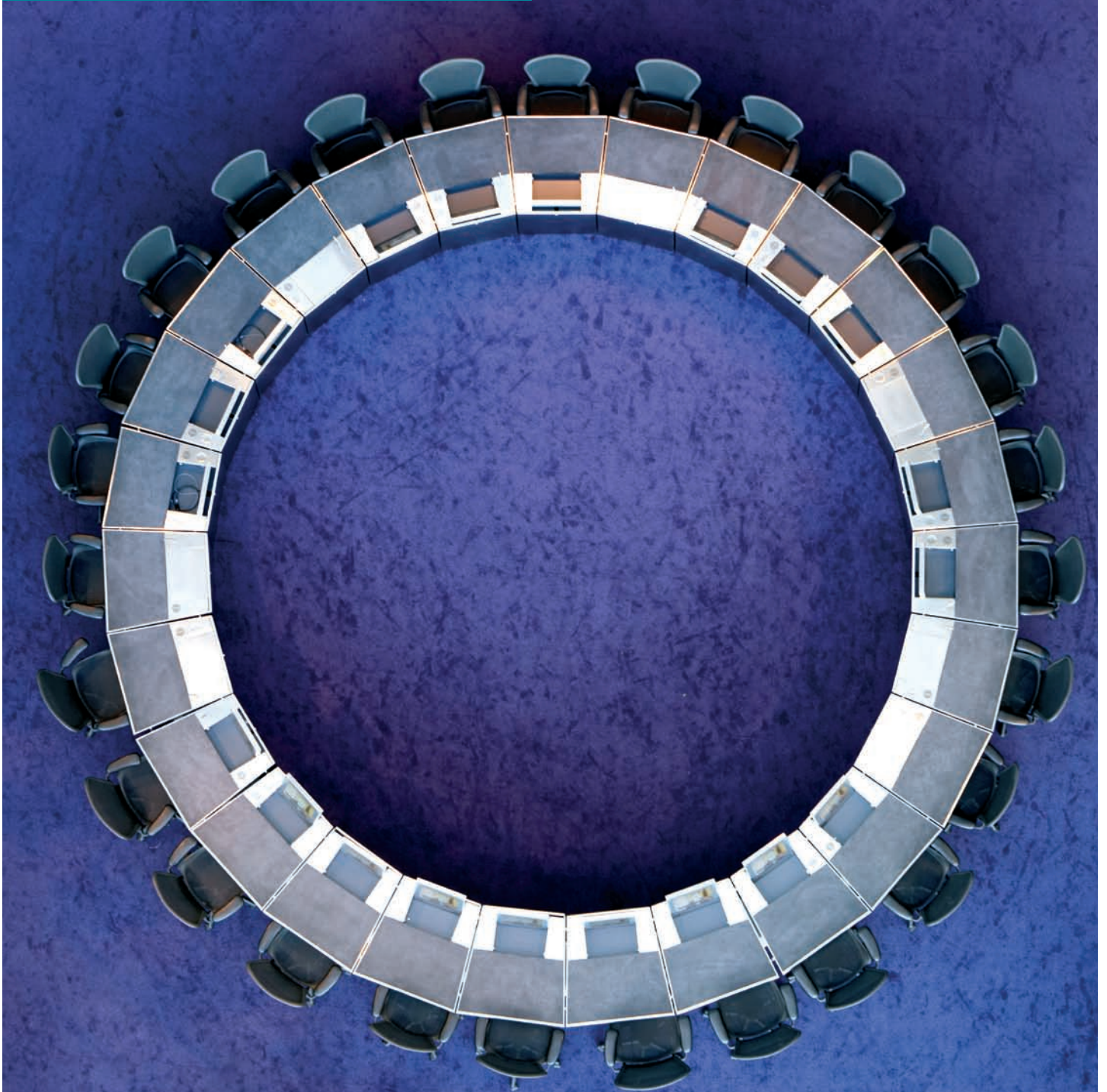




OFFICE FREYLINGER
PATENT AND TRADEMARK ATTORNEYS



INTELLECTUAL PROPERTY

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Creations of the mind are the engines of today's economy. Intellectual property rights protect these creations, and the value they represent.

WHAT IS COVERED BY INTELLECTUAL PROPERTY?

Intellectual property has two aspects: Industrial property, on the one hand, includes inventions (patents), trademarks and industrial designs. Literary and artistic property, on the other hand, is composed of copyright and related rights. Each of these rights follows a different regime, and covers different types of creations.

PATENTS, TRADEMARKS AND DESIGNS

Patents protect technical innovations, whether they are products or processes, and allow prohibiting the commercialisation of the same innovation by third parties. Trademarks protect distinctive signs, such as names or logos, against the identical or similar signs for identical or similar goods or services. Designs protect the appearance of products.

All of these rights may be combined to offer an optimal protection for products, processes or services. An effective protection strategy must take into account the different aspects of a creation so as to protect the company from third parties who may attempt to copy this creation.

COPYRIGHT AND RELATED RIGHTS

Copyright law protects a creator's work of original spirit. It has several elements, including the right of reproduction, representation and communication to the public, enabling the creator to control the use of his work. The related rights include the rights of performers and producers.

These rights do not require filing or registration; they simply arise from the creation of the work or the performance of the service. The main difficulty however lies in providing proof of existence of these rights and their extent.

SOFTWARE AND DATABASES

Software is protected by copyright and therefore receives, as from its creation, protection against reproduction, in whole or in part, in other software.

Databases are protected by a specific right, a so-called *sui generis* right. This right protects the contents of a database and allows prohibiting reproduction in whole or in part.

For software and databases, it is recommended to pre-establish proof of copyright.

DOMAIN NAMES

A domain name allows the identification of a website and is the parallel to a trademark on the Internet. Its legal statute and rights are different however, because the domain name does not confer any right to prevent others from using an identical or similar term.

CONFLICTS

Two types of conflicts may occur in IP matters. On the one hand, third parties may oppose the registration of an innovation, name or appearance or the granting of a patent. These may be fast and efficient administrative procedures. On the other hand, the proprietor of the rights can take action against third parties infringing these rights. Intellectual property rights (patents, trademarks and designs) can, after filing, be used to obtain injunctions to stop infringement, to obtain seizure of goods or other sanctions, such as damages.

EXPLOITATION OF INTELLECTUAL PROPERTY

In a knowledge economy, the exchange of information, ideas, know-how or names has become a daily occurrence. Intellectual property contracts allow controlling the use of the creations and provide remuneration to their owners. Licensing (renting) or transfer (assignment) contracts must be adapted to the client's situation. Such contracts contain specific formulations to ensure their validity and provide security to the parties. They should include a definition of the rights granted, and also the territory and the duration of the contract.

EVALUATION

Intellectual property rights represent a value, which is often considerable. The use of accounting standards, company management or exploitation of the rights may require an evaluation of this value based on the most objective criteria possible. This evaluation, usually giving a value range, can also be used to obtain financing or to attract investors.

OFFICE FREYLINGER PROPOSES TO:

- assist you in determining a protection strategy;
- manage filing procedures to obtain rights;
- provide advice in case of conflicts;
- assist you in exploiting your rights, e.g. by drafting your contracts (in English, German or French);
- assess all or part of your portfolio of intellectual property rights;
- answer your questions on intellectual property.

Please contact us for additional information or documentation.