



Effective IP Enforcement Services for SMEs in Europe

Many SMEs in Europe may regard enforcement of their intellectual property rights (IPRs) as expensive, time-consuming and unlikely to succeed. As a result, they may also view registering their IPRs as a waste of time and money. This can encourage counterfeiters who gain confidence that they will not be penalised for their illegal activities.

Counterfeiting and infringement of IPRs is a serious and growing problem throughout Europe. According to police reports, it is often associated with organised crime, particularly drug trafficking. Until now, SMEs have not been well equipped to play their role in tackling it.

The IPeuropAware project has been designed to address this challenge by helping small and medium enterprises (SMEs) throughout Europe to get maximum value out of their intellectual property. The programme aims to deliver good levels of information and advice at all stages, from before IPRs are registered right through to enforcement of those rights.

Some thirty contributors to the IPeuropAware project have collaborated in producing a series of information sets, common standards and guidance material about intellectual property rights and their enforcement. The programme's resources include the report *Creating Effective IPR Enforcement Support for SMEs*, aimed at national Intellectual Property Offices and other official sources of IP information.

The report covers:

- A description of what SMEs actually need to help them enforce their intellectual property rights (IPRs).
- A definition of best practice in IPR-related business support for SMEs in three areas:
 - Strategic services
 - Operational services
 - Professionalism, service quality and evaluation.
- Identification of new areas of IPR enforcement support, with examples of good practice from around Europe's Intellectual Property Offices.

What SMEs need

The IPEuropAware project recommends that, in order to enforce their IPRs more effectively, SMEs need:

- A nationally-coordinated business and innovation support service, delivered locally and supported by appropriate quality assurance systems.
- Better access routes to customs, police and judicial systems – nationally and internationally – including financial and legal support to companies involved in test or representative cases.
- Active involvement in formal and informal networks, including anti-piracy and counterfeiting groups.
- A regular flow of information and publicity, highlighting the effects of infringement, how cases are being dealt with, at what cost and with what results. Channels available include:
 - Websites and online networking sites
 - Newsletters
 - Press and the media.

Strategic services

Strategic services are not generally delivered directly to SME clients but are essential in achieving quality and coherence of operational services.

At a strategic level, Intellectual Property Offices may not be in a position to provide the whole range of operational services relating to enforcement and do not generally have the spread of regional and local offices to deliver services where they are required.

However, Intellectual Property Offices are taking the lead role in coordinating other business support agencies. They are establishing formal or informal arrangements with other providers of services to SMEs, with enforcement agencies and, where relevant, with private sector providers. Partners in establishing strategic services include:

- Other national and local government agencies
- Business associations
- Chambers of commerce
- Innovation centres
- Technology parks and incubators.

A main role of the coordinating organisation is to ensure that the client's experience of the service is seamless, of a consistent quality and supported by appropriate client management systems.

Operational services

The IPEuopAware report on enforcement *Creating Effective IPR Enforcement Support for SMEs* identifies and gives a detailed description of almost 30 types of information and support services that should be provided to SMEs in Europe. In detailing the full range of services that can be offered, the report serves as a comprehensive and practical guide for Intellectual Property Offices and their partners, enabling them to evaluate their own national IPR enforcement support services and make improvements modelled on examples of good practice.

The operational services catalogued are grouped under the following broad headings:

- Helpdesks and initial information
Printed guides and brochures - telephone and email answers - walk-in services - websites - glossaries of IP terminology - initial problem diagnosis - referral to other specialist sources
- Packaged information
Booklets and online information on national, European and international IP - ways of dealing with IP infringement - guidance on accessing other infringement support services
- Self-diagnosis and self-help tools
Online and paper-based questionnaires - analysis of strengths and weaknesses - electronic and printed copies of forms - online links to relevant authorities - checklists, model contracts and planning tools for trade fairs
- Dedicated services
IP diagnostics - intellectual asset audit - IP valuation - IPR risk assessment - prior art searches and technology watch - IP due diligence, checks on partners, infringement monitoring - business intelligence

- Investigations and international liaison
Counterfeit investigations – coordination with police, customs and other authorities supporting court prosecutions –facilitating access to national services abroad, such as the China IPR SME Help Desk – representation of SMEs abroad – mediation and alternative dispute resolution
- SME advisory services
Innovation and product development advice – business planning and intellectual asset management – partnerships and licensing – ‘first aid’ consultations with IP legal experts – litigation risk analysis – legal advice and representation in both civil and criminal cases
- Training for SMEs
Online and structured IPR enforcement training materials – seminars and workshops – training and certification of business advisers – training police, customs, courts, judges and public prosecutors in IP infringement and enforcement.
- Awareness-raising
Promotional campaigns to raise awareness of IPRs and the potential damages and dangers associated with counterfeit and pirated goods – seminars and training – provision of knowledgeable speakers at conferences, seminars and workshops

Professionalism and quality assurance

The effectiveness of the IP enforcement services provided under the IPEuropAware project depends on the skill, knowledge and commitment of the Intellectual Property Office’s staff who are implementing it. The report spells out the characteristics necessary to achieve a high level of professionalism among the staff:

- Corporate culture
Quality as a priority, at all levels – client-driven service – rigorous evaluation
- Qualified staff
High level of technical knowledge - application of best practice principles – continuous training and development
- Seamless organisation
Effective coordination with other agencies – efficient sharing of data – effective client management system – regular quality monitoring and continuous service improvement
- Innovation
Flexible framework – identification and adoption of relevant new ways of working.

New ideas for enforcement services

Interviews with the national Intellectual Property Offices involved in the IPEuropAware project identified several new enforcement services that could be taken up more widely and make the programme more effective:

- **Free business start-up advice for inventors**
In Germany, a free advice service for inventors is jointly provided by the national Intellectual Property Office and the Chamber of Patent Attorneys
- **Synchronised IP enforcement**
The IPEuropAware enforcement group has proposed that enforcement agencies throughout Europe should develop standard templates so that information can be exchanged in a consistent format between national Intellectual Property Office, police, customs and other agencies, in conjunction with the EU Observatory.
- **Internet enforcement**
In France, there is a national anti-counterfeit committee, chaired by a Member of Parliament. One of its initiatives has been to set up a team of 15 specialists, called Cyberdouane, within the French Customs authorities to implement a plan for fighting counterfeiting on the Internet.
- **Delivery through regional support agencies**
The Danish Patent and Trademark Office has made an agreement with a network of regional agencies that support innovative enterprises through 'Growth Houses'. They provide a support package that includes a free consultation with an IP adviser and regular IP training for staff.
- **Supply chain toolkit**
The UK's national IP crime group has launched the Supply Chain Toolkit, a publication that highlights how counterfeit goods can enter the supply chain and points out how SMEs can find allies and practical support in addressing IP enforcement problems.
- **IP academies and masterclasses**
In the Czech Republic and Portugal there are specialised training institutions open to people who work in Intellectual Property Offices and others involved in innovation support. In the UK, the Intellectual Property Office has developed an IP Masterclass programme, in association with Coventry University. The two-and-a-half day course is aimed at experienced business advisers.
- **Open innovation**
The Finnish government has set up a National Steering Group to implement an IP strategy, taking a broad approach to innovation and IP. It involves universities, R&D organisations and funding

bodies. One of its aims is to help business managers to develop competitive advantage through a robust attitude to IP assets and enforcement of IPRs.

IPEuropeAware: improving IP enforcement services

With funding and guidance from the European Commission, almost 30 national Intellectual Property Offices and institutions across Europe are collaborating in the IPEuropeAware project. An important programme aim is to improve the IP protection, IP strategy and enforcement of Europe's Small and Medium Enterprises (SMEs). In addition to the report *Creating Effective IPR Enforcement Support for SMEs*, the project has also introduced an IP Signposting Directory and a new set of minimum performance standards for IP Helpdesks, which are the first point of contact for most SMEs and their advisers when seeking information about IP rights and how best to protect and enforce those rights.

How to access the report

Creating Effective IPR Enforcement Support for SMEs can be downloaded from the IPEuropeAware website:

www.ipeuropaware.eu

For more information, contact us by email:

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