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HOW DO YOU DEFEND YOUR IP?

Safeguarding your business' intellectual property (IP) has never been so essential. As technology makes the world smaller, it becomes more difficult to look after your IP.

Last month, Insider focused on the strategies used to defend your kingdom, with the 'Game of Brands' feature. Now it's over to you to reveal how you keep the bandits at bay.

Our survey asked business leaders how their companies protected their IP, and we found 59.4 per cent used trade mark registration. Ticking all the answers that applied, businesses also used copyright (46.9 per cent of them) and confidentiality agreements between suppliers (43.8 per cent). We found 15.6 per cent did not protect their IP at all.

When asked if they monitored possible misuse of their brand, our survey found that 30.8 per cent monitored the situation globally, while 26.9 per cent monitored only in the UK. We found 19.2 per cent of people had never even considered monitoring misuse of their brand.

Our study found 42.3 per cent had taken professional advice from a specialist IP firm, 23.1 per cent had taken it from a law firm with an IP team and 11.5 per cent from their usual law firm. Respondents were asked to tick all that applied in this question. The survey found that 30.8 per cent had taken no professional advice about IP.

We found 53.8 per cent had never taken action in respect to the infringement of their IP rights, while 30.8 per cent had instructed an attorney to take action, 26.9 per cent had simply contacted the other party themselves and 26.9 per cent had used an online takedown request.

A majority (53.8 per cent) had rights to their brand only in the UK, while 26.9 per cent protected their IP across the EU. A staggering 23.1 per cent did not know where they had IP protection.



HOW DOES YOUR BUSINESS PROTECT ITS IP?

59%

TRADE MARK REGISTRATION

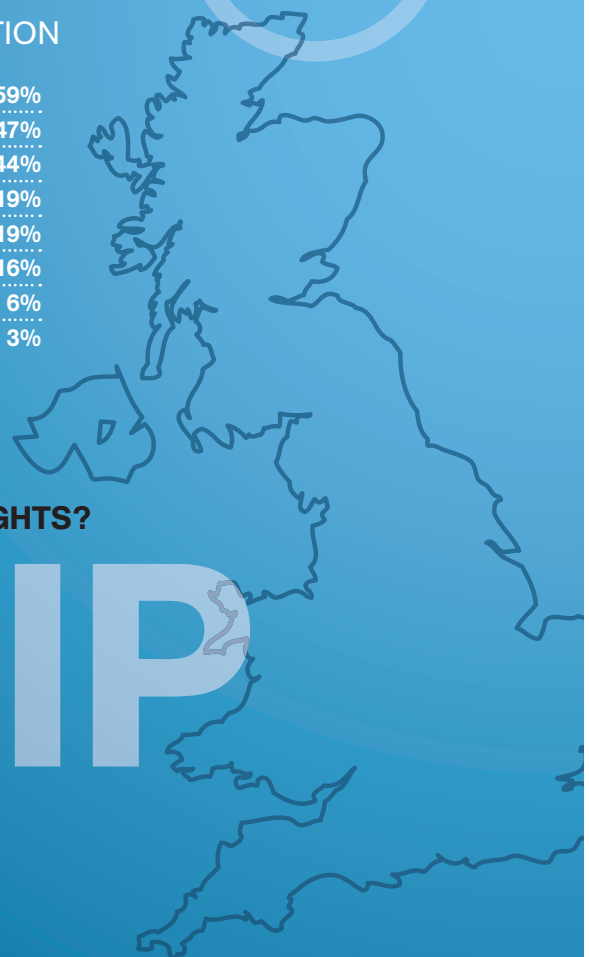
Trade mark registration	59%
Copyright	47%
Confidentiality agreements	44%
Patent registration	19%
Design registration	19%
We don't protect our IP	16%
Trade secrets	6%
Other	3%

WHERE DO YOU HAVE IP RIGHTS?

54%

UK ONLY

UK only	54%
EU-wide	27%
Don't know	23%
Worldwide	15%
USA	12%
Other countries	4%
Asia	0%



DO YOU MONITOR FOR POSSIBLE MISUSE OF YOUR BRAND?



31%

YES, IN THE UK AND ABROAD

Yes, in the UK and abroad	31%
Yes, UK only	27%
No, never considered it	19%
No, low risk of someone else using or copying	12%
No, too complicated / expensive	8%
Don't know	4%

HAVE YOU EVER TAKEN ACTION IN RESPECT OF THE INFRINGEMENT OF YOUR IP RIGHTS?

NO 54%

No	54%
Instructed lawyer/IP attorney to take action	31%
Personally sent correspondence to infringing party	27%
Online take down request	27%
Engaged in mediation	8%
Court proceedings	8%
Action by Trading Standards office	4%
Through HM Revenue and Customs	4%

HAVE YOU TAKEN PROFESSIONAL ADVICE ABOUT YOUR IP?

Yes, from a specialist IP firm	42%
No	31%
Yes, from a law firm with an IP team	23%
Yes, from my usual law firm	12%

EXPERT ADVICE



Does your business have an IP strategy?

We teamed up with Insider Media as we were keen to understand the value that businesses in the North West place on their Intellectual Property (IP), and the role that it plays in protecting their brand.

The results have revealed that many businesses regularly create new brands, and recognise that they possess IP.

However we found it surprising that very little actively protect, enforce or commercialise their IP, and more worryingly, less than 20% of respondents have a comprehensive IP policy in place.

After reviewing the findings, our key recommendations for businesses are:

1 Ensure you have an IP strategy in place

- although more than 40% of respondents have sought advice from a specialist IP firm, over half have never taken action to address the misuse of their IP rights.

It is essential to implement an IP management strategy, to ensure that your business is protected against the misuse of IP rights by competitors, and to ensure commercial advantage.

Don't leave your business vulnerable!

2 Commercialise your IP – almost 2/3

of respondents have registered trade marks, however only 10% licence them. Many brand owners are missing lucrative opportunities to increase revenue streams by licensing and franchising their IP.

3 Check whether your business is eligible for tax credits – surprisingly, only 25%

of respondents have secured tax credits through their patent registrations.



If your business doesn't have an IP strategy in place and you would like to know more, please contact Rob Hawley (RjHawley@mathys-squire.com)