

## Assisting clients with their IP strategy

For a (developing) business it is important to have an *Intellectual Property Strategy* (IPS) which supports the business plan. As a business plan mutates and develops, the IPS follows along as it is a support vehicle for the business plan. The IPS is a potential resource that could aid the development of intellectual property and could even spur economic growth for Sint Maarten.

Since intellectual property and its different aspects can be overwhelming and complicated at times, a trademark representative could provide valuable guidance in discussing these IP strategies that tie into the entrepreneur's overall business objectives.

## How can a trademark representative assist in establishing an IPS?

An IPS consists of three key elements:

### Legal measures:

- trademark searches are used to prevent infringement on any existing rights held by other parties,
- registration of intellectual property ensures protection and the ability to enforce these intangible rights,
- monitor by checking the markets and pursue infringements by third parties,
- advise if having business partners could be beneficial for the development of the products and services of the business,
- advise on the use of IP related contract such as non- disclosure agreements.

### Technical measures:

- provide advise pertaining to the technical aspects of a product or service. For example, labels for products or packaging that are difficult to counterfeit;

### Organizational measures:

- this could be for example the importance of ensuring that confidential information is protected within the company, by only sharing sensitive/valuable information among a small group of employees, to disseminate risk.

## Register, Monitor & Enforce

Once a business has been trademarked and a third party attempts to use or establish something similar enough to confuse consumers, the business owner has the right to legally stop this third party. This can transpire through a seize and desist letter or via a court order.

## The value of a brand

A trademark can increase in value over time. The more a business (reputation) grows, the more valuable the brand can be. This value becomes the business asset. Trademarks provide value beyond the core business and can lead the way for expansion from one industry to another or can even lead to the acquisition of a business by a larger corporation.



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## Business opportunities

Noting the above, inter alia, it is evident that trademark representatives can both locally and internationally be an important link in assisting (developing) businesses. Foreign IP professionals that do not meet the legal requirements to represent clients on Sint Maarten, could work with a local trademark representative. This could lead to lower or standard fees for the client which in turn can lead to returning clients.

## Disclaimer:

*The Bureau is not a regulatory body and therefore does not have any law enforcing authorities. By law, the Bureau can only carry out tasks pertaining to the registrations of trademarks, provide information to the public regarding intellectual property, and thereto related matters. The Bureau's position is neutral. Given the fact that the Bureau must serve all entrepreneurs, it cannot take the side of one party in a conflict, since this would automatically result in no longer being able to serve all. The Bureau cannot act against any infringement of intellectual property rights or the suspicion thereof. Furthermore, the law does not provide for any instruments for the Bureau to conduct any procedures in relation to infringement or dispute settlement. In the event of any (suspected) infringement, a lawsuit should be filed with the civil court by the owner of the intellectual property rights.*

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📅 IP Events Calendar		📍 Location
21/04	WIPO: FRAND Disputes: Court Jurisdiction vs ADR	Virtual
22/04	WIPO: WIPO-ABPI Mediation Course: The Attorney's Perspective in Times of Crisis	Virtual
26/04	World Intellectual Property Day	Virtual
26/04 - 01/05	Annual World IP Forum conference	Virtual
27/04	World Graphic Design Day	Virtual
29/04	WIPO: How SMEs can use WIPO Mediation and Arbitration to resolve IP and innovation disputes efficiently?	Virtual
03/05	INTA Leadership meeting	Virtual
05/05	ERA: Annual Conference on European Patent Law 2021	Virtual
01/06	WIPO: Online WIPO Mediation and Arbitration Workshop	Virtual
16/06	ERA: Annual Conference on European Media Law 2021	Virtual
21/06	ERA: Summer Course on European Intellectual Property Law	Virtual