



Cater to the Continent

When setting up shop in the EU, remember to protect your intellectual property

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By Fran Grigsby

Most firms that begin doing business in EU countries are surprised by the impact on their company as a whole. Marketing, HR, sales and finance all need to create new practices, policies and documents. One of the most critical factors in moving into these countries is ensuring intellectual property (IP) and patent protection.

Advice to consider:

- **Trademark and protect everything you can in each country.**

U.S.-based IP and patent protections for your company name, product names, technology and processes do not apply in EU countries. You need to secure your brand, business ideas and trade secrets in each country where you do business. As in the U.S., proper IP and patent protection allow you to create visibility and build a market. Otherwise you might find yourself competing with local companies that uncovered the recipe to your secret sauce.

The Madrid Protocol, enacted in 2003 by the World Intellectual Property Organization (www.wipo.com) enables companies to file for trademark protection in most EU countries, as well as China and India. The U.S. Chamber of Commerce International Trade Programs & Research Web site (www.uschamber.com/international) also offers information on IP and patents.

- **Don't go it alone.**

Small to midsize companies especially need three resources to protect trademarks and confidentiality: a lawyer, a market development consultant and a business partner in the new country.

Your attorney or local legal association can help you find legal expertise to guide you through your country-specific legal plan. The American Bar Association (www.abanet.org) also offers information on corporate lawyers who specialize in countries overseas.

Your market development consultant can help build your market strategy, budget and processes. Find the consultant for your needs by networking with colleagues and local business associations.

A business partner in the new country can find personnel, office space, vendors and suppliers. Find reputable partners through the U.S. Chamber of Commerce International Trade Programs & Research Web site and your professional associations.

- **Create a culture of confidentiality.**

Each country has unique IP rules and laws. Your attorney and business partner can tell you how much control you will have over your information. They can help you take reasonable care in ensuring confidentiality.

- **Guarantee physical and virtual security.**

Work with your business partner to inspect your physical premises and set ground rules for basic check-in procedures. In addition to managing physical access, make sure that you establish clear policies for managing access to your networks and data.

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