WIPO ToT Programme – Trinidad and Tobago IPO

Dr. Wendy Hollingsworth | Virtual | August 20, 2020
SESSION 5:

IP AND EXPORTS
Purpose

• In this session trainers will be exposed to the key IP-related factors which must be considered when placing products and services on the market
• Both national and international markets will be considered
Outcomes

• Understand how businesses can leverage their IP assets in export markets
• How products can be differentiated in the marketplace and how IP tools can be used to accomplish this
• Explain the importance of using IP search tools
Topic 1: Preparing for Export: Managing Supply Chains
Why MSMEs Export

• SMEs represent close to 90% of the companies in the Caribbean and Latin America

• Create new jobs – although some fail, there is a net positive effect

Why MSMEs Export

• When companies export they learn and innovate

• Export is a crucial part of SME business development

Business Exporting

Key considerations

• Where will the product/service be most competitive - In which country
• Is there a niche?
• Are there any potential business partners in the target market?
• Is your product/service ready for the potential export market? – name, packaging etc.
• What are the supply chains?
• Who are the customers?
Business Exporting: Role of IP

• IP can be a business’ most valuable asset – sometimes more than 80% of its overall value

• It is necessary for a business to have an IP strategy in line with its business strategy

• Begin to connect the dots with regard to IP and exporting
Business Exporting: Role of IP

The 10 Most Valuable Brands of 2020

1. Amazon - $220B
2. Google - $160B
3. Apple - $140B
4. Microsoft - $117B
5. Samsung - $94B
6. ICBC - $80B
7. Facebook - $79B
8. Walmart - $77B
9. Ping An - $69B
10. Huawei - $65B

Source: https://www.visualcapitalist.com/ranked-the-most-valuable-brands-in-the-world/
Business Exporting: Role of IP

Where will the business be exporting – target market

• Can your IP be protected in the country?
• Are there similar IP (trademarks, patents, designs etc.) protected in the country?
• Explain the importance of conducting IP searches in target markets (to be discussed later)
• What are the enforcement procedures in the country with regard to infringement proceedings if required
• How much will it cost?
Business Exporting: Role of IP

Market research/Customer discovery

• Is there demand for your product/service?
• Does your product/service have a reputation in the market?
• Are TM, Designs, GIs, recognized by consumers?
• How will IP tools be used to sell your value proposition?
• How will your story be presented? – packaging other industrial design elements
• What are the protection and enforcement strategies?
Business Exporting: Role of IP

Business partnerships

• IP will play a significant role in any strategic alliances to facilitate the business exporting.

• Of significance will be:
  • Licenses – of IP
  • Agreements – confidentiality, non-disclosure
  • Contracts – supply and distribution must address IP and IP ownership. Recall Marie Sharpe case
Product/Service Readiness

• Can your key IP marketing tools be protected in the country? TM, Designs, Patent, GIs, etc.

• Do all relevant searches

• Use of national and international systems where possible – Madrid, Hague, PCT etc.
Business Exporting: Role of IP

Product/Service Readiness

• Labels – should comply with product/service requirements

• How is value proposition linked to your business and brand story

• How will attention to key IP aspects facilitate higher price premiums and niche marketing?
Marketing

• IP tools are essential to distinguish goods/services on the market

• TM/SM, Collective and Certification marks, GIs, Industrial Designs, Patents, PVP, etc.
Supply Chain management

• Business must protect their IP, as well as the IP of their business partners
• It is important to establish who has responsibility for IP in the supply and distribution chains
• Managing supply chains can help in monitoring the business’ IP assets
• First it is important to ensure the business IP assets are secured within the supply chain
Business Exporting: Role of IP

Supply Chain management

• The value of knowing your supply chain is that you can incentivize entities within the chain to help protect IP assets and promote the brand

• Issues of IP ownership and enforcement were discussed in previous sessions
Topic 1: Case Studies: Innovation and Protecting IP Assets
Global IP protection

- Family-owned business
- Construction/Manufacturing – Concrete Louvre Blocks
- Patented concrete ventilation louvre block process
- Licensed to local and regional manufacturers
- Registered patents and trademarks
- No industrial design registration
Global IP protection

- Registered another company the “Innovent Block Company Ltd” with the intention of vesting all IP assets in the company
- Registered the trademark INNovent™ in Trinidad and Tobago and has the slogan “let the wind in……keep the rain out”
Global IP protection - Patents

- Applied for patents for both the block process and for the automated mould
- Patents have been granted in Trinidad and Tobago, Australia, the USA and Canada,
- Patents pending in Brazil, Germany, the UK and South Africa (at the time the case study was developed).
- These early patents filed initially in each country then subsequent patent filed using the PCT system
Global IP protection - Patents

• Patents have been approved in South Africa and Australia and are pending in the USA, Canada, Germany, UK, Japan and Brazil

• Contracts with licensees include provisions related to IP ownership and use of IP assets.
Global IP protection - Patents

- The selection of countries for filing patent protection is based on their business strategy to have their blocks manufactured in major international markets.

- Recognises that key competitors will be in these countries.
Global IP protection - Patents

• While the company is not exporting, this is a good case study to show that they have a good understanding of their competitors and have sought to protect the IP rights in key jurisdictions

• Potential to license manufacturing and distribution in these countries
Plantation Reserve Sugar

Product differentiation based on different market segments and on price differentials

A similar concept is being developed for MHR

Source: Windward Commodities [www.windwardcommodities.com]
## Plantation Reserve Sugar

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<th>Plantation Reserve</th>
<th>Plantation Traditional</th>
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<tr>
<td></td>
<td>Tin</td>
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<tr>
<td>RETAIL PRICE</td>
<td>US$9.57 per kg ($2.99 per unit)</td>
<td>US$3.96 per kg ($0.99 per unit)</td>
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<tr>
<td>PRICE PREMIUM vs. regular sugar</td>
<td>797% (vs. white sugar @US$1.2 per kg)</td>
<td>329% (vs. white sugar @US$1.2 per kg)</td>
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Source: Windward Commodities [www.windwardcommodities.com](http://www.windwardcommodities.com)
THANK YOU

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Bibliography & Resources

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