



WIPO ToT Programme – Trinidad and Tobago IPO

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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

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



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

Business Exporting: Role of IP

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?

Business Exporting: Role of IP

Marketing

- IP tools are essential to distinguish goods/services on the market
- TM/SM, Collective and Certification marks, GIs, Industrial Designs, Patents, PVP, etc.

Business Exporting: Role of IP

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



Plantation Reserve Sugar

BRAND	Plantation Reserve		Plantation Traditional	
	in Bag		Bag	Sack
POSITIONING	ULTRA-PREMIUM	PREMIUM	MASS-MARKET	MANUFACTURING
PACKAGING				
RETAIL PRICE	US\$9.57 per kg (£2.99 per unit)	US\$3.96 per kg (£0.99 per unit)	US\$2.70 per kg (£0.69 per unit)	US\$1.50 per kg (£56.00 per unit)
PRICE PREMIUM vs. Regular Sugar	797% (vs. White Sugar) @US\$1.2 per kg	329% (vs. White Sugar) @US\$1.2 per kg	225% (vs. White Sugar) @US\$1.2 per kg	176% (vs. White Sugar) @US\$850 per MT



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