

10 IP TIPS TO SUCCEED IN INDIA

1 Identify your IP assets

Doing so allows you to **optimise** the protection of your **intellectual property** in the Indian market. All sorts of information can be protected, not only rocket-science inventions, but also brands, logos, pictures, software, etc.

2 Plan in advance when it comes to IP!

Improvising is not the way to go! Think about the steps to take and the corresponding budget to protect your IP rights in India before entering this new market. You must also ensure that you will not infringe any IP rights of third parties.

3 Adapt your IP strategy to the Indian market

India and Europe vary, and the **same rules may not apply** to IP protection. E.g. utility models can be protected in some European countries, but they are not available in India.

4 Carry out preliminary searches

Search whether a patent, design or trade mark has already been registered to maximise the probability of success of your own IP registrations and avoid infringing third parties' rights. You can do this on India's public trade mark, patent and design databases.

5 Protect your IP Rights

Once you have identified the IP which you wish to protect and determined that it could indeed be registered, **file your application!** Make use of the international routes to patent and trade mark registration if you can.

6 Maintain your IP Right

Patents and design rights are subject to **annuity payments**, and trade marks must be **renewed** every 10 years to remain valid. In the case of patents you must submit a yearly Declaration of Work describing how you are using or commercialising your patented invention in India.

7 Monitor the market for infringements

Set up a **surveillance system** with the help of your patent attorney to detect infringements. It will also allow you to detect Indian IP applications by third parties which you may oppose (e.g. trade mark applications too similar to your brand).

8 Be ready to enforce your IP Rights

In case infringements are detected, **take action**. Going to court is not the only option: **pre-emptive actions** such as cease and desist letters may suffice to stop the infringement.

9 Work with Indian Customs

You can **register** your trade marks, designs, copyright and geographical indications **with the Indian Customs Authority (CBIC)**, who will act in case a third party tries to import infringing goods.

10 Last but not least... Seek advice from IP Experts

Seeking advice from IP professional experts allows you to make **informed decisions and avoid mistakes** which can prove costly.