

## Services | Generation of IP Rights

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The legal system provides numerous possibilities to protect products and services. Apart from the application of competition law, there are property rights which, in part, are generated directly by an action, as is the case under copyright law. Other property rights need to be formally registered and granted in the course of a registration process. This is, for instance, characteristic for patents, utility models, designs, and trademarks. We assist our clients in all processes that are required to generate and to maintain property rights. Patents and utility models, as technical intellectual property rights, are used to protect solutions for technological issues, whereas designs take into account aesthetic aspects by protecting the appearance of a product. Trademarks protect the designation of goods and services.

### Patents and Designs

Generating patent, utility model and design rights begins with identifying an invention or a product's appearance meeting the eligibility criteria for protection by the before mentioned property rights. These criteria are, for instance, novelty and an inventive step for patents and utility models, or originality for designs. We provide assistance in the identification process of such aspects, their further development, the preparation of documents that are required for the application, and filing the application with one of the relevant offices. If required, we also carry out clearance searches. After application, we manage granting or registration procedures in many countries by using our international network.

### Trademarks

Trademarks neither require novelty nor any criterion that is comparable to inventiveness or originality. The challenge is rather to choose a sign that is neither in conflict with any other registered trademark, company designation or name, nor be prevented from being registered on legal absolute grounds for refusal. For example, the latter could be the case for a mere descriptive term or a term that needs to be kept free. Accordingly, we advise companies of all sizes at the time they are choosing a sign in considering eligibility for registration at a later point in time and in developing a marketing strategy. Of course, we also undertake necessary steps of national or international application processes and co-ordinate registration procedures worldwide.

### Copyright, in particular Protection of Software and Databases

Not only freelance creators and companies engaged in the art world, music or film industry have to deal with copyright issues. When creating software, companies engaged in technical research and development also face copyright issues that go well beyond the software's mere technological aspects. Some basic challenges they have to deal with are: How to document the codes in order to prove that the relevant copyright has indeed been established? What can they do to prevent an infringement of any third party copyrights, which may, for instance, occur by using third-party code segments?

Database protection plays an important role as well. Creating a database by procuring, verifying and presenting data often requires enormous efforts, which can justify special protection. Equally, an extraordinarily creative effort when arranging a collection of data in a systematic and methodological manner can result in protection as well. Copyright may provide protection against copying and electronic reading; however, there are exclusions to be taken in mind.

We also regularly advise our clients on matters relating to the preparation of marketing concepts, designs, fonts and templates for combined marks.

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