

THE IMPORTANCE OF LOCAL IP AWARENESS

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An awareness of the importance of intellectual property (IP) rights as assets to Iberian companies may not be common, but there are essential issues common to any company embarking on an IP enforcement program, says Alejandro Angulo, partner at Grau & Angulo.

Las empresas deben reconocer el valor inherente de su activo en forma de propiedad intelectual y considerar las estrategias que

ofrecen la capacidad no sólo de proteger sino también de aplicar sus derechos, afirma Alejandro Angulo, socio de Grau & Angulo.

Lo que esto supone es poder disponer de profesionales especializados capaces de proteger estos activos en todas partes del mundo.

'The first need is to be able to act locally, to maintain close relations and a permanent flow of communication with the relevant government agencies – customs, police and courts – and to work with a team that has extensive experience and contacts at these levels.'

But such an approach he emphasises does not require a focus on a specific commercial centre because what is relevant is where the infringers are located and where the infringement takes place.

When it comes to enforcement, it is usual that the strategy and decision making is centralised; but, at the same time it is vital to have someone 'on the field' to deal with issues as they arise, he says.

'There is a prevailing trend among multinationals towards the centralisation of IP portfolio management and enforcement decision-making, but at the same time to have a local presence able to manage day-to-day issues, and that may be either in-house or through a local adviser.'

Where local counsel is instructed, clients need to ensure that firms have the necessary expertise, experience, number of actual IP specialists and commercial awareness.

'Firms need of course to be specialist, but also to have enough critical mass and to offer the necessary level of organisation. The important thing is not only the IP knowledge and know-how, but also the client care and

any specific way of rendering services required by the client, including being capable of dealing with the central legal function,' says Angulo.

Iberian companies particularly, he suggests, need to recognise the importance of their IP and to recognise the lack of competitiveness that can result from an insufficient enforcement strategy.

'There is value in creating a protection and enforcement strategy specific to the company's problems, and in having a specialised in-house IP team,' he says.