

MEET THE EXPERTS

The contributors of the month



VICTOR SIRIANI

MANAGING PARTNER
AT A/I INTELLECTUAL
PROPERTY

Victor has over 15 years of experience in intellectual property and legal industry. Victor has been instrumental in raising awareness on the importance of IP in the Middle East and has been vocal on the steps that organizations should take to build a sound long term IP strategy. Victor has a Bachelor's degree in Commerce from the University of Windsor, Canada and a Master in Law from the University of Liverpool, UK with a focus on IP and technology.



NATHALIE HADDAD

FOUNDER AND
MANAGING DIRECTOR
AT RIGHT BITE
NUTRITION

Nathalie completed her undergraduate studies at the American University of Beirut, Lebanon with a Bachelor of Science in Nutrition and Dietetics and then continued her training at McGill University in Canada, and obtained a Master's of Science in Nutrition.

In December of 2004, Nathalie founded Right Bite Nutrition and Catering Services LLC, an initiative to help achieve optimum dietary habits and overall health by delivering personalized meals to meet development based on individual requirements a service that complements the nutrition education provided in the consultations.



LAMA ATAYA

CHIEF IN MARKETING
OFFICER AT BAYT.COM

Lama heads the Marketing Department at Bayt.com and within that role is also responsible for content, community experience, CSR and corporate communications across the MENA region.

Lama has held varied roles in leading global financial services institutions in London, New York and Kuwait and just prior to Bayt.com was a VP Marketing at a leading global asset management institution in London.

Lama has a B.A/M.A from Stanford University.

WHAT DOES IT TAKE TO CREATE A COMPANY?

Value the value of intellectual property, and learn all about trademarks, copyright, patents and your design rights.

By Victor Siriani
Managing Partner at A/I Intellectual Property

The Importance of Intellectual Property (IP) to the success of any business cannot be overestimated and this is true for small as well as large businesses. Unfortunately, appreciation and knowledge of IP is still lacking in our region. In addition, many companies around the world view IP as a cost center or expense. However, the reality is that IP is one of the most important assets a company owns and by having the proper knowledge and strategy this will not only ensure that the company is using this asset properly, but also help it to avoid infringing on others' IP, thus avoiding costly legal costs that detract from the company's core business.



WHAT IS INTELLECTUAL PROPERTY?

IP is a term that covers creations of the mind and cover a number of properties such as trademarks, copyrights, patents (new inventions), industrial designs and geographical indications.

YOUR TRADEMARKS

A trademark can be almost anything that identifies your company's goods or services from those of a competitor. Examples include a color, name, phrase, number, sounds (think of Dell computers), shape (Coca-Cola bottle shape) or even aspects of packaging (color, style, ribbon). The famous Tiffany box. At its basic, a trademark is an indicator of your company or products/services and it is how your clients and customers come to know you, by and attach certain characteristics to your trademark.

CHOOSING THE RIGHT TRADEMARK

When choosing a trademark keep in mind the following different categories: Functional, arbitrary, arbitrary, suggestive, descriptive and generic. These categories indicate the trademark's ability to stand out on their own.

Generic words are not protected as they are simply the common name of the product or service that is in question as are descriptive trademarks. However, descriptive trademarks can be protected if they have been used for over 5 years and the company shows it has invested heavily in promoting the trademark and has been largely associated with that company's products. For that, this would not prevent a good idea since it requires a heavy investment and effort, which most cannot afford. Therefore, it is best to go for a trademark that is a suggestive trademark, not even then you must have a clear idea of your business plan and objective. If you are launching a new product that has a life cycle around 3-5 years, then a brand trademark may not make sense since it takes time to build the trademark's value and may take more than the product's life. A suggestive trademark may be more appropriate in this situation.

PATENTS AND INDUSTRIAL DESIGNS

Patents and industrial designs are somewhat similar in that they both need to be new and novel, however a patent is an invention of a new and useful product or method, while an industrial design is merely an aesthetic feature of a product that has no real usefulness to the product except to make it look more appealing or distinctive. Industrial designs also incorporate industrial drawings, which can also specify a design or pattern on a fabric used for clothing. The threshold for receiving a patent is much higher and more cumbersome than that for an industrial design.

copyrights. A work gains protection as soon as it is fixed, meaning it was expressed in an appropriate medium, which for a novel may mean writing it and for a painting it means drawing it on a canvas. Remember that an idea is not protected; only the expression of the idea, the finalise, is protected.

WHO OWNS THE COPYRIGHT?

Copyright law states that the creator of the work is the copyright owner, unless there is a clear agreement that the creator assigns, or gives up, the economic right to another. As an employee, if the employment contract does not clearly stipulate that the company is the owner of any copyright work created by an employee, then the employee may be able to claim right to it and use it in other employment. The same principle applies if you hire an agency to develop a marketing campaign or designs. Make sure that the contract clearly indicates that any paid work they perform belongs to your company.

Also, be careful not to infringe on others' copyrights. People sometimes use a photo which they found on the internet assuming that it is free to use and place it on their company websites or brochures and that could spell legal issues for you.

As a precaution, always assume that any picture or piece of music you find is copyright protected (because most probably it is) and then investigate to verify if the work is in the public domain or free to use or if a license to use is required. This will help you avoid getting involved in legal troubles.

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WHAT TO DO (AND NOT TO DO)

Except for copyrights, IP protection is jurisdictional, which means that you have to register your IP in the country where you want to be protected. By filing your trademark in the UAE, it does not provide protection in Saudi, so you have to file in each country separately to protect and that requires a clear understanding of your respective laws and markets. In addition, trademark ownership rights mainly belong to the one who files it first, that means if you have been using your unregistered trademark for the past 2 years, and someone else files it before you today, you could be in deep trouble.

You also need to indicate to everyone that your trademark is not just another word, but that it is your trademark and you will take action against any infringement. This is done by using indicators such as TM or ®. Also, when you make use of trademarks such as XYZ, a registered trademark of XYZ Corporation on your website and on the selling markets and do not use your trademark as a stand alone word or a word or even in a phrase alone.