

COPYRIGHT - Additional IP is likely to be found in the tools used to support some of the more sophisticated marine technologies. Manuals describing the marine technology, videos illustrating proper use, and any software contained within the marine technology are all examples of materials protectable by copyright. Although there is no international copyright per se, most countries have agreed to protect creative works through various international agreements. Notably, protection for these creative works is automatic and includes prohibiting the reproduction and distribution of the work.



RESOURCES

- Learn more about the following topics by visiting www.STOPfakes.gov
 - Patent Cooperation Treaty
 - Madrid Protocol
 - Trade Secrets
 - Hague – the International Design System
- Follow us on Twitter @STOPfakesGov
- The Foreign Commercial Service can help you find a local attorney knowledgeable about IP issues in your export market.
Visit: www.trade.gov/cs
- Exporters can find additional resources online.
Visit: <http://www.export.gov>
- Learn about leading export markets.
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Intellectual Property Rights at
IndustryIP@trade.gov



INTERNATIONAL
TRADE
ADMINISTRATION

Protecting Intellectual Property in Export Markets Marine Technology



International markets support a broad range of exports in the marine technology sector. While export markets offer U.S. companies tremendous opportunities, these same markets pose potential challenges to the protection and enforcement of valuable intellectual property (IP). IP is a key foundation of the U.S. marine technology export base, yet establishing IP protection in the United States does not trigger automatic global protection.



THE INTERNATIONAL TRADE ADMINISTRATION (ITA) helps U.S. marine technology exporters identify their IP assets and proactively take steps to protect them. U.S. marine technology exporters enjoy a competitive advantage through innovative products, state-of-the-art manufacturing techniques, and brand recognition. The very core of these advantages is built around intangible assets known as intellectual property; including patents, trade secrets, trademarks, and designs.

PATENTS - Continuous innovation is at the heart of global competitiveness for the U.S. marine technology sector – from nanotechnologies that boost a material's performance to smart systems that optimize performance in a harsh, salty ocean environment and under extreme temperatures. As nations around the world seek to promote their ocean economy and manage ocean resources, opportunity grows for innovative approaches to explore, maintain, build, and monitor maritime structures and all manners of coastline as well as off-shore activities. For many small companies, patent protection prevents competitors from simply copying their innovations, and aids in attracting investor capital needed to grow, build market share, and create jobs. For U.S. small businesses trying to compete in global markets, securing patent protection overseas can be a critical precondition

to successfully internationalizing and developing into the productivity powerhouses of tomorrow. The Patent Cooperation Treaty (PCT) allows U.S. businesses to file for a patent in 151 countries with one international patent application.

TRADE SECRETS - Proprietary information with commercial value can help U.S. companies win sales in highly competitive global markets. Trade secrets are valuable intangible assets for the U.S. marine technology sector. Company secrets might underpin technologies in the manufacturing process or support customer retention, advertising, or sales channel development strategies. Protection for trade secrets varies by country, but most have some form of protection (e.g., breach of contract, unfair competition, violation of fiduciary duty, criminal code). Where there is protection, three things are generally required of the owner. The information must be secret, have commercial value, and reasonable steps must be taken to protect it.

TRADEMARKS - U.S. marine technology companies are recognized global leaders in quality, reliability, and innovation. The power of the Made-in-America brand provides a significant edge, allowing them to seize buyers' attention in highly competitive international markets. Protection for these assets through trademark registration should be a priority for all companies – particularly exporters. The Madrid Protocol provides a mechanism for trademark owners to file one application with the United States Patent and Trademark Office (USPTO) and designate other countries where they wish to register their mark. A major benefit of using the Madrid System is that once registered in the designated countries, the trademark owner can maintain all those registrations via a central filing mechanism at the World Intellectual Property Organization (WIPO).



TAKE AWAYS

- A U.S. patent or trademark does not provide protection outside of the United States.
- Companies wishing to protect their patents in foreign markets should consider applying for patents using the Patent Cooperation Treaty.
- Companies wishing to protect their trade secrets should take reasonable steps to protect them.
- Companies wishing to protect their trademarks in foreign markets should consider registering their trademarks utilizing the Madrid Protocol.
- Companies wishing to protect their designs in foreign markets should consider registering their designs using the Hague System for the International Registration of Industrial Designs.

PRODUCT DESIGNS - Marine technology designs support the diversity of high quality, innovative, and practical products that are the hallmark of the U.S. marine technology sector. A product's design requires registration in the country where protection is sought. The Hague System for the International Registration of Industrial Designs provides a practical business solution for registering up to 100 designs in more than 65 territories through the filing of a single international application.

