



Doing business abroad: Protecting your IP

Intellectual property (IP), including patents, trademarks, copyright and industrial designs, is a valuable asset that can support your business expansion abroad.

Many countries extend copyright protection automatically to original literary, artistic, dramatic or musical works created in Canada. However, a Canadian patent, or a Canadian trademark or industrial design registration, does not provide protection abroad.

You should consider obtaining IP protection abroad if you plan on doing business in other countries, including selling products over the Internet and/or manufacturing products overseas.

Start by asking yourself the following questions:

- Will I be operating my business in other countries besides Canada? If so, which ones?
- Do I think I will ever export or manufacture my product outside of Canada?
- Do I have the financial resources to obtain IP protection in other countries?



Apply

You should consider acquiring IP rights in each country where protection is justified. Conduct some research and take advantage of online IP databases available on the websites of foreign IP offices to help you identify:

- 1 if your IP conflicts with or infringes on someone's prior rights,
- 2 potential partners, and/or
- 3 any competitors.

To seek IP protection outside of Canada, you may:

- Apply directly with a national or regional intellectual property office.
- Take advantage of international systems which provide applicants with useful tools to apply for IP protection in many countries through one application.

You may wish to get advice from a qualified IP professional who can assist in determining the best options for your business and ensure that IP protection is properly secured abroad.



Agreements

It's important to ensure that your legal agreements with distributors, licensees and/or manufacturers protect your IP rights and cover relevant countries.



Evaluate

Have you thought of the costs and risks associated with protecting or not protecting your IP?

Start with an IP strategy. Identify business goals, protectable IP, regional requirements, potential partners and capacity to expand into your target markets.



Enforce

IP rights themselves do not stop others from using, copying, selling and/or manufacturing products and/or services that encompass your IP—this is why you may need to enforce your rights. Enforcement can help maintain the value of your IP and keep your competitive edge.

Many countries have mechanisms where IP owners can contact customs officials to have products which infringe their IP rights seized at the border.

For more information on going global with your IP, visit the *Intellectual Property for Exporting Businesses* web page on the CIPO website (cipo.ic.gc.ca/exporting) or contact our Client Service Centre at 1-866-997-1936.