



QUESTIONS & ANSWERS



CarIPI Webinars on the Benefits of Intellectual Property for Regional SMEs:

Benefits of using the IP System

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Zoom



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Benefits of using the IP System Questions and Answers

1. Is this like a certification mark?

It is not a certification mark. It is a mark that allows our partners to say that the cocoa is locally sourced, it is traceable and can be verified by us. It provides a connection between the two products without imposing our brand on their product.

A certification mark is a mark that is issued by an independent body, with no ties to the product being certified. Meaning, a producer cannot issue his own certification mark as it would be a conflict of interest.

However, anyone with a trademark can allow someone else to use their mark, by notifying the IP office that they are adding an authorized user of the mark.

2. In the relationship with third party and the use of the mark, what are some of the contractual dos and don'ts?

The contract will stipulate the terms and conditions for the use of the trademark including how it will appear on products and in promotions. It will also address: how rights will be enforced and by whom, the extent and territoriality of such rights and obligations. The contract will essentially determine what a licensee can and cannot do in relation to the use of the trademark and will be dependent on the specifics of the partnership.

3. Are there any geographical indications in Trinidad for cocoa or fine cocoa?

Yes, there is one for Montserrat Hills cocoa. That is in the Gran Couva region, Trinidad Montserrat Hills. They have a local GI and are in the process of applying for one in Europe.

4. Can you give us a profile of the typical client who comes to your office (TTIPO) for assistance?

There isn't really a typical profile. Our clients range from fortune 500 companies to individuals with micro enterprises. Some of them have already been doing business and are looking at why they should protect their intellectual property. While others are now preparing to launch their business. What they have in common is that they all have a product or service to sell and they are seeking to put a face or value on the intellectual assets behind the venture. In doing a business, there is a reputation that sometimes gets attached to it and so they try to leverage that to improve competitiveness.

5. Can you tell us what are the services you offer to your clients as IP Office?

We are the ones who examine applications for trademarks, patents, designs. The main part of that service is figuring out what they have and what are the next best steps. It sometimes takes the form of IP clinics. We provide information and guidance on what can be registered and the process involved as well as advice on how to move forward based on their individual situation.

6. Do you seek out your co-branding experience or do the persons/companies come to you?

In 90% of cases, it is seeking out. Once we had the product, we had to find market for it. It comes down to telling our story and finding persons who are interested in that story to partner with.

7. What is the grey area regarding product story-telling by a third party and the third party profiting from the story?

It is an area that we need to look into further. We have to determine how genuinely committed they are to what our mission is. If they are using our materials and platforms simply to leverage profit then we have to refuse. You can't allow your brand to be devalued.

8. How can you put a value to your IP assets and license them to other entities as another type of arrangement? How do you put a value on that and present it as a product which is not necessarily focused on the company?

Most of the companies we have gotten a response from are clearly interested in our story telling. Then they ask if they can use our imagery or flavour map, etc. That then brings the question of monetizing the brand. There is no formula for that. Considering that each of these things cost money to produce, you have to then attach a monetary value to their use of your promotional material and negotiate a higher percentage of the profit.

9. Does each of your products have a separate trademark, e.g. The nibs, cocoa mass, cocoa powder etc?

No separate/specific trademarks but we do have codex for the different products for ensuring that they are standard compliant and traceable.

10. How do you use the term bespoke in the context of fine cocoa, when it is commonly known in fashion?

What it means is that partners can ask for the product to be tailored to their needs. For example, someone may request 72% dark chocolate when our standard production is 70% dark chocolate. It is a more personalized experience.

11. How do you assess the level of awareness of IP in T&T among the business community?

It can be considered low but rising. This can be attributed to outreach activities.

12. What other IP rights, beside trademarks, does TTFCC have as an SME?

We are looking at IP as a web and needs a comprehensive strategy or Trademark and Design. We hope to eventually obtain a GI for cocoa in the area and there are things we are still working on with regards to the tools to protect it. The important thing is to have systems in place before hand because it is harder to protect after the fact.

13. Tell us more about the trade dress protection, in terms of layout of your shop/shops in the future. Would you change your concept of shop layout? Is it a collaborative approach? Explain the Hilton Hotel concept. Are you a co-owner of the trade dress?

We approached the Hilton in an effort to solve our distribution problems. We thought that it would help to have our own shop. Hilton not only accepted but allowed us to make modifications to the space.

In terms of the trade dress, it had to do with what sort of brand value we wanted to convey and what design language we wanted to use. Getting the trade dress right is a process, you may have to experiment until you come up with something that works.

The new TM act allow for protection of trade dress.

14. How were you able to encourage various producers to work with your brand, both raw material producers and those who incorporated your product into theirs?

We have worked with farmers directly but it is difficult because of the various levels of expertise among farmers. So, we decided to simplify it by working with the cocoa board. The board has its own standards of how they train the farmers and the criteria they are looking for. They also have their own accreditation and associated logo which has been trademarked under the IP office. Working through the cocoa board ensures that farmers get the expertise they need and the raw materials we receive are compliant with the relevant standards and tests. That was important for getting producers on board.

In terms of getting the products incorporated into other people's product lines, it was mostly about sharing ideas, addressing issues like supply chain, foreign exchange, food security, etc. We encouraged them by highlighting the availability and quality of the cocoa as a raw material and offering ideas on how it can be used.