



QUESTIONS & ANSWERS



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

Opportunities to Grow Your Business Using the IP System

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Zoom



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Opportunities to Grow Your Business Using the IP System Questions and Answers

1. What do you do when you are starting your business and you already have an idea of, or have already created, your business name and logo, but have not yet gotten to the step of protecting your IP and you need to speak to a potential partner, bank, etc.? How can you go about seeking to build a layer of protection or how do you let people know that these are your ideas and they are not to be copied?

What you can do if you're talking to people and you are concerned about being copied, is have them sign a simple non-disclosure agreement. However, ideas are not worth anything unless they are executed.

The important thing is executing them and getting them registered as quickly as possible.

When developing your ideas, it is important to consult with an IP specialist in the very early stages.

2. Generally, you develop a brand based on a product you have. In the case where you develop a brand without the product and then license it to someone who has the product, how do you go about doing that to leverage advantage from a commercial perspective?

You can't really disassociate intellectual property or a brand from a product. In the case of the chilis in Zimbabwe, we identified the chilis and created recipes for the chili sauce with very clear criteria. So, it was licensing not only intellectual property but also the product recipe and the product packaging design at the same time. We have a licensing contract which requires the manufacturer to manufacture to certain specification to ensure quality and consumer safety to protect our brand.

3. What do you do in a case where you have a product and you are approached by a manufacturer who wants to manufacture your product? Often, persons are protective of what they have created and so want to do everything themselves, not considering that there is licensing potential.

If you can't do it yourself or don't have the resources to do it yourself, you can get someone else to do it for you. That can be packaging a product, manufacturing it, or creating the technology for a service under your instruction. However, you have to be very clear of what you have, what you bring to the party.

It is also important to find the right partner, especially finding one who shares your vision.

4. There seems to be a pattern of presenting (on packaging) including the 'blended' origin on packaging these days. What are the IP implications for that and what is the safest IP approach to this, for example “70% Belize”?

It is important to be clear and transparent, informing the consumer of what you are doing. Sometimes you need to blend products to achieve a particular experience and serve a specific market.

5. If I give my manufacturer my recipe to manufacture my product, is it protected? Recipes cannot be trademarked. So, what would I trademark in this case to protect my product?
The idea itself?

You can't protect a recipe with a trademark, but you can protect it legally with a contract. However, if someone changes one ingredient or quantity, it is technically not the same recipe. In most cases it is about finding the right partner who is not going to steal your recipe by making slight modifications.

There can also be some protection in the form of copyright and trade secret protection.

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