

ZIRNGIBL LANGWIESER

Rechtsanwälte und Notare

**Legal Aspects of Non-Technical Intellectual
Property Rights for Young Businesses**

alpha summit europe 2006

30.11.2006

Kempinski Airport Hotel, Munich

Introduction / Basic Thoughts on IP:

Company sells goods / provides services.

Usually replacements or substitutes are possible.

Unless: product or services cannot be provided by competitor
for legal or factual reason.

Goal: obtain a legal or factual obstacle to keep your competitors
in an adequate distance.





Intellectual Property?

Legal Obstacle:

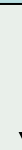
IP Rights



Protection by Law

Factual Obstacle:

Secrets



Protection by discretion
Protection by contractual
obligations





Advantage for Young Businesses:

Finding and preserving a market niche

Organization and Management of IP in the company from the scratch.

Intangible assets evolve in Start-Up Companies without innovation management or a science and development department.





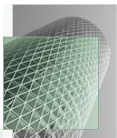
Topics:

What are IP-Rights / non-technical IP-Rights?

Meaning and value of IP-Rights?

How are IP-Rights obtained?

How are IP-Rights protected?



IP = Intangible assets with unpredictable value
= exclusive use given by a government as a privilege
= not bound to a special venue



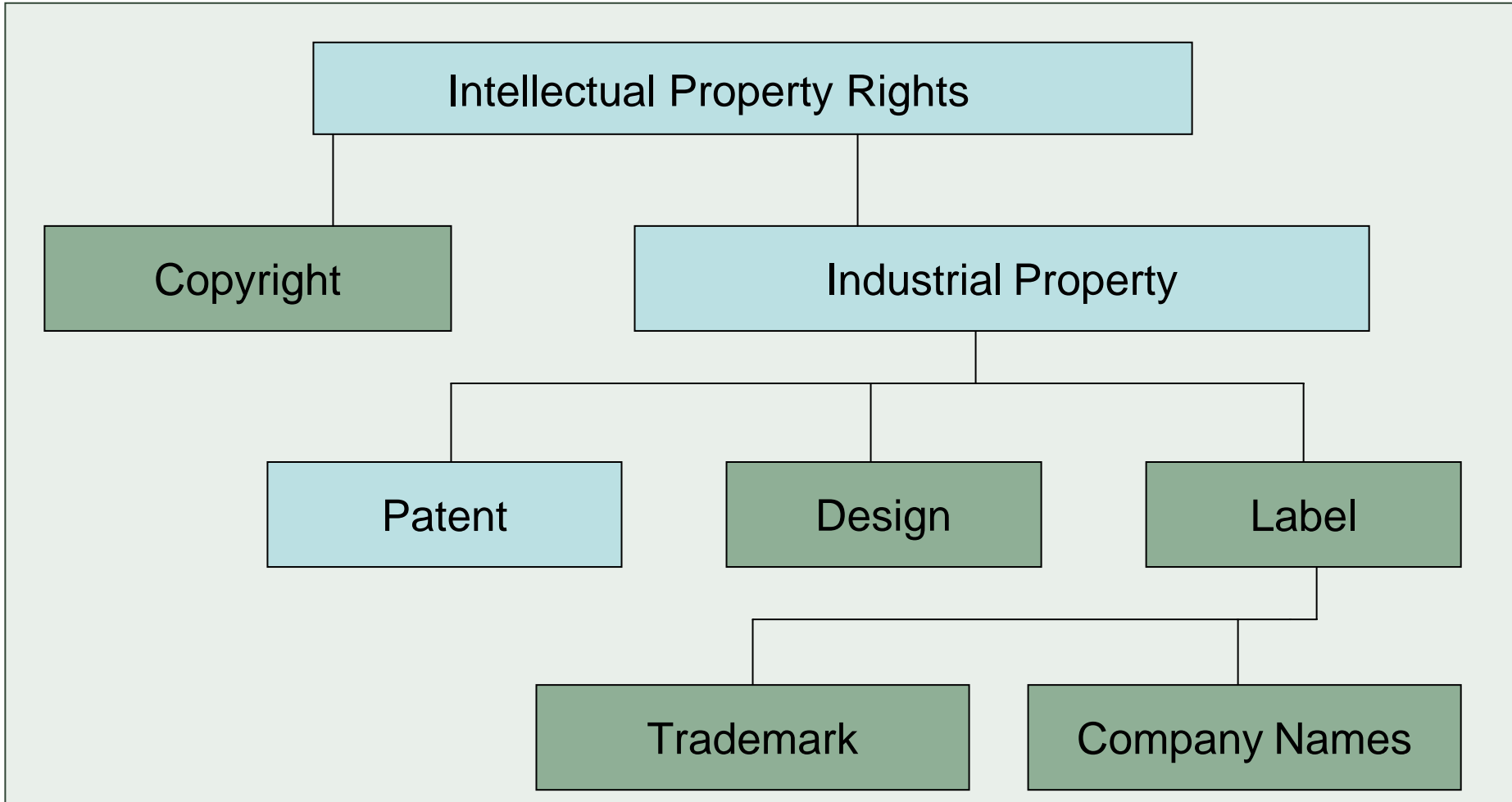
Protection by Law:

- ▶ Copyright
- ▶ Trademark
- ▶ Company Name
- ▶ Design
- ▶ Patent / Utility Patent (technical IP-Rights)

No Protection by Law:

- ▶ Ideas
- ▶ Know-How
- ▶ Information





Copyright

Granted for works of personal intellectual creation such as literature, music, visual arts etc.

In Germany: also copyrights for software and databases possible

Copyrights provide an exclusive right to use, change and exploit the protected work.





Trademark

- ▶ possible Trademarks:
 - Word
 - Picture (Logo / Brand)
 - Form (3-dimensional)
 - Sound
 - Color
 - Odour

- ▶ the only potentially everlasting IP-Right





Design

Applicable for every item that is new and characteristic.

Grants exclusive right in regard to every item that does not give a different overall impression.



Meaning and Value of IP-Rights:

- Owner as monopolist
- Reserving effect
- Defensive or offensive market strategies
- Creation of value



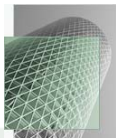
How are IP-Rights obtained :

- by creation
- by registration
- by purchase



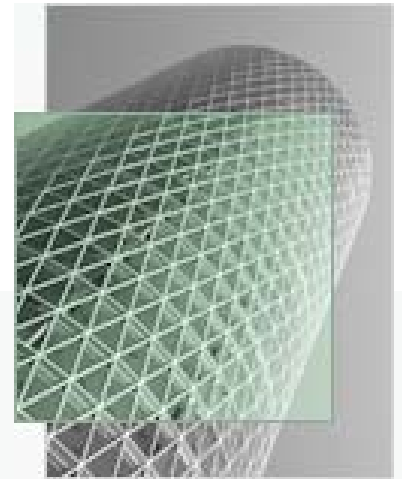
How are IP-Rights protected:

- Permanent monitoring of the relevant markets
- Professional surveillance of IP-Rights
- Enforcement of claims when infringements occur
- Planning and persuing adequate international strategies
- Development of IP-Portfolios



Thank you for your attention!

Law Firm with offices in Munich, Berlin, Frankfurt and Vienna.



Contact:

ZIRNGIBL LANGWIESER - München.

Rechtsanwalt Martin Gebhardt

Brienner Straße 9,
D-80333 München

Tel.: +49-89-29050-243

Fax: +49-89-29050-290

m.gebhardt@zl-legal.de

