

Managing Intellectual Property

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Multi-functional: What Europe's IP offices can do for you

National IP offices in Europe no longer simply examine patents and grant trade marks. Many are offering a range of add-on services. So what can they offer you? Emma Barraclough and Simon Crompton report

What are IP offices for? The answer might seem simple to IP owners: they should grant rights over intellectual property. But that is far from the whole picture. IP offices are under pressure from a range of so-called stakeholders: governments that want them to produce revenue for the nation's treasury, civil society that wants them to set policy on contentious IP issues, and members of the public who want Offices to stand up to big business and protect their rights to use intellectual property. But there is another, internal pressure. Many IP offices in Europe are deeply worried about their long-term ability to provide core IP services to applicants, as regional rights such as the Community trade mark grow in popularity and decline in price. For them, the goal is to stay viable, and that means generating income and maintaining expertise.



These are not new concerns. In 2006 *Managing IP* ran a cover story entitled "Back from the brink of extinction", in which we asked whether Europe's national IP offices were "old, tired and desperate for cash, struggling to find a future in a globalised world used to the efficiencies of one-stop shops? Or streamlined, nimble, consumer-focused operations, providing locally relevant advice at the IP coalface, rather than in far away Munich and Alicante?" We concluded that national offices may have to redefine their role beyond work-sharing and revenue-splitting with the European Patent Office and OHIM. That could involve offering users more commercial services to develop new revenue streams, we said.

Four years on, in this cover story we profile some of the more unusual and innovative services that IP offices have begun offering IP owners and the wider public. Some have been forced to up their game because OHIM "which was able to design its systems from scratch when it opened for applications in 1996" set new standards for user-friendliness. All have had to consider what they could do to make their offices more popular with trade mark and patent applicants. For some the answer has been to provide IP intelligence on a commercial basis, additional information on patent validity and acting as a go-between by matching would-be litigants with mediators.

Delicate balance

IP owners and their legal advisers have mixed feelings about some of these add-on services. They welcome the growing professionalism and business-savvy of national offices, but wonder whether it is the job of IP offices to provide consultancy work and validity opinions. "There is a delicate balance between issuing rights and giving advice," says Tove Graulund, former chair of brand owners' association MARQUES. "There is a potential conflict of interest and you need very secure Chinese walls. Sometimes you just have to keep things separate."

There is particular unease about IP offices that offer consultancy services such as monitoring the patent activities of competitors and market analyses (such as those provided by the Swedish Patent and Registration Office "p66). Even if IP offices keep tight control of confidentiality issues, some lawyers worry that these are services that it is more appropriate for the private sector to provide. Although there may be an element of self-interest in these concerns (given that many law firms offer similar products), they were voiced by a number of practitioners. As one German private practice lawyer told *Managing IP*: "They distort competition because national governments have an unfair advantage in the breadth of information they have access to."

Although some offices contend that their add-on services are aimed at small- and medium-sized companies who might otherwise lack access to information about IP, others make it clear that they are competing for work from big corporations. There is also some disquiet about whether it is the role of IP officials to take part in enforcement work. IP is, after all, primarily a civil right that is generally asserted by the IP owner. But Bulgaria (p70) is just one office where the staff have moved beyond educating consumers and businesses about the value of IP and the need to protect it and begun to track down infringers themselves. This raises tricky questions about the Office acting as both granter and protector of rights, and about whether those who apply for IP rights are effectively subsidising those whose rights are being upheld. Although enforcement activities are welcomed by some brand owners, others are less convinced. "It is Customs' or the police's job to do this," one in-house counsel told *Managing IP*. "It would be good if IP offices provided them with more information about evidence of counterfeiting and generally had better communication with Customs officers, but enforcement is not really their job."

Looking for a role - and income

Questions about the services that offices in Europe should provide is also a hot topic politically. Many national offices want to get hold of some of the €400 million reserve that OHIM has built up and have a number of suggestions. In April, for example, Hungary called on the European Commission to propose changes to the trade mark regulation and directive that would involve OHIM in combating counterfeiting, "in particular through fostering its cooperation with the national offices and the European Observatory on Counterfeiting and Piracy".

That is a plan that is unlikely to win the backing of IP owners. Last year the five trade mark user groups that sit as observers on OHIM's Administrative Board warned the Commission that if IP offices moved into anti-counterfeiting work it would be a "significant departure" from their activities.

"Anti-counterfeiting work in Europe is a mess. The Commission needs to simplify its own anti-counterfeiting responsibilities – at the moment it is divided between a number of directorates. They don't want to add another player in the field before they do that," Graulund said at the time. And she added that she suspected Hungary's proposal to give national offices a role in anti-counterfeiting was designed to allow it to apply for OHIM subsidies.

The row is set to continue. Last month outgoing OHIM president Wubbo de Boer told the MARQUES conference that 50% of trade mark renewal fees received by his office should be divided among national offices and that they should be "obliged to cooperate on projects to harmonise seniority". Beyond this, there should be no further payments from OHIM to member states, he said.

If the bulk of OHIM's surplus is handed back to applicants rather than split with national offices, and the EPO resists requests for increased work sharing with its member states, then officials from Stockholm to Lisbon will be under even more pressure to find new revenue streams.

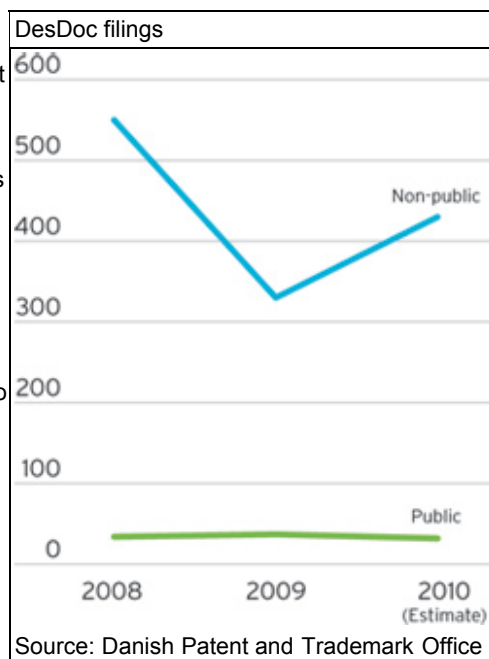
Denmark: Protecting designs

There is a persistent myth, particularly among writers of novels and TV scripts, that by sending yourself your creative work you establish copyright over it. Just seal the envelope, get it stamped by the post office and keep it safe to protect against unscrupulous rivals. In the US it is known as poor man's copyright.

Unfortunately this rarely confers any rights on the author, perhaps because it is relatively easy to seal the envelope at a later date. Better would be to send a full copy of the work to a bank or solicitor to date it, something suggested by the UK Intellectual Property Office. But the Office makes clear that "this does not prove that a work is original or created by you", merely that you had it in your possession at the time.

Designs are different. Several European IP offices have long had more formal versions for protecting unregistered designs, which involve sending the plans to them in an envelope and having them stamped and stored centrally. France and Denmark are two such offices.

In 2008, the Danish Patent and Trademark Office went one step further, automating the service and putting it online so designers could simply email a copy of their design and receive instant confirmation of receipt. Database DesDoc, as it is called, is an extension of the Office's design registration system and has two sections, public and non-public. Only the designer can access the non-public section, while the public section is accessible to anyone through the Office's website. The fees for using either system are the same.



Independent designers such as Henrik Anderson (see box) find the latter useful for protecting their designs when meeting potential clients, supplementing any confidentiality agreements they might have with a company. The public section of DesDoc is useful for protecting against the attempted registration of similar designs, blocking them on grounds of novelty.

The non-public section has clearly been the most popular, as the graph illustrates. There were 550 applications for non-public designs in 2008, when the service launched, and the number has remained high ever since. (The figure for 2010, 430, is an estimate based on the year to date.) Applications to use the public design system, by contrast, have never risen above 40 in any year.

"DesDoc is less for brand owners and more for small companies that either cannot afford to patent something or cannot because it is more akin to a business method. It gives them a little bit of protection," says Kristine RiskÅr at the Danish office. "Like a trade secret, it can also help in the relationship between a designer and the company he works for."

The Office checks every application made to DesDoc to make sure a designer doesn't publish something that later makes it impossible for him to obtain a patent on grounds of novelty.

While not all designers in Denmark have heard of DesDoc, says Henrik Anderson, a number of other offices have followed the Danish office's lead. The Benelux Office for Intellectual Property, for example, has recently introduced its own system.

For RiskÅr, the key to DesDoc is that it fulfils the Office's mission to support innovation and smaller Danish companies: "A lot of small companies either don't understand their IP rights or can't afford the kind of filing and registration a larger company would do automatically. The same is true of our search services – there is rarely any overlap with the commercial providers because we are targeting different types of company. Small enterprises come to us for advice. Although sometimes the best advice is to contact a lawyer."

Henrik Anderson, Reformo Industrial Design

Can you describe your company and what you do?

We are two designers, myself and Nikolaj Maj Bentsen, who used to work for big design companies in Denmark. I was at Designnord and Nikolaj was at CPD (Christian BjÅrn Design). In 2008 we set up our own company, Reformo, in Kolding. We focus on industrial design and product development that has some technical aspect to the product – such as a toaster, for example. One of our biggest clients produces devices that are used to test hearing, so we are involved in both the design of the product and how people use it.



How useful have you found the DesDoc service?

It's proved very useful for us. We've filed about 10 times in the past two years, usually before we go to a meeting with a potential client – we quickly file the idea online so we can prove if we need to that we came up with the design first. The service is easy, quick and cheap at only Kr500 (å,-67) so we use it whenever we think it might be useful.

You can also go down to City Hall and file the design there, which is even cheaper at Kr300. But you have to print out all the documents and put them into an envelope. This is much easier. Previously you could also send your lawyer the design in a sealed envelope, but the legal costs that incurred meant that it was something you would only do occasionally.

Have you ever had to use DesDoc in a dispute?

No, not yet, but there's a chance we may have to with a current case. It's the kind of evidence that might prove very useful in this instance.

Have you encountered any problems with it?

Initially there was an issue where we didn't get an email asking us to register the designs. That's supposed to happen after a year – if you don't register the design then DesDoc stops keeping track of it, though of course you always have the PDF it has produced to date your idea. The email issue has now been solved I believe.

The only improvement I would suggest is that the Patent and Trademark Office should tell more people about DesDoc. I've mentioned it to a few people after the Office asked me to speak to you about the service, and no one had heard about it. So the Office is sending someone down to discuss it with us all.

UK: Getting people talking

There's no shortage of institutions that claim to support alternative dispute resolution (ADR) procedures such as mediation. But few are quite as specific about it as the UK Intellectual Property Office. You can choose between attending mediation hosted in its offices in Bloomsbury Street, London or in Newport, Wales and pay between Å£750 and Å£1,000 (å,-895 to å,-1,200) for the services of a mediator for the day.

The Office can select a mediator from its accredited list, or the parties can choose an alternative – there is a list on its website. It arranges written notices and handles the fees, and provides a mediation agreement for the parties to sign promising to try and resolve the dispute. If all the parties choose their own moderator, they can simply pay for the accommodation at Å£100 for half a day.

Since it was launched in April 2006 the service has handled some 20 cases. Most of these come through references made by patent or trade mark attorneys. Although all mediation is confidential, reports are that the numbers that have been successful is high.

Still, 20 cases in four years is not a lot. The service's relative lack of popularity surprises most UK practitioners, particularly since litigating in the UK is widely regarded as prohibitively expensive compared with many other jurisdictions in Europe. The additional risk of having to pay your opponent's court costs might be expected to encourage more trade mark and patent owners to seek out alternative ways to solve disputes.

One reason for the lack of take-up might be that the kinds of cases that particularly suit mediation – disputes where the parties have a complex commercial relationship that means they have more to lose from litigation than just their IP rights – are less common. "I fully support mediation, I'm a mediator and I think it's a great option for parties to have," says Isabel Davies of CMS Cameron McKenna. "But it is best for disputes between parties with a relationship to lose, and where the number of issues at stake means it would be hard to get them all solved satisfactorily in court."

The Office agrees, saying in its promotional material that mediation offers the parties an opportunity to discuss a wide range of commercial issues, which can lead to "a so-called win-win result such as licensing or a supply contract". It also highlights cases where it considers that mediation would not be appropriate. These include trade mark disputes over the distinctiveness of a mark; trade mark opposition and invalidation proceedings on absolute grounds; *ex parte* disputes; and disputes over requests for extensions of time.

Although the UK Office has had requests for information about its service from several other offices around Europe, it believes that none of them yet offer similar services. WIPO does, however, have its own mediation programme.

The UK service was borne out of the government's desire to bring down the cost of owning and managing intellectual property that goes back to the establishment of the Patents County Court in 1993. The Civil Procedure Rules introduced in April 1999 encouraged ADR and the Department for Constitutional Affairs subsequently set up initiatives to try and help parties avoid court. Encouraging mediation became the explicit policy aim of the IP Office after a seminar in June 2005.

An important part of that is Section 13 of the Patents Act, which allows anyone to ask the Comptroller for a non-binding opinion on an issue of validity or infringement. For trade marks, a new streamlined opposition procedure includes a longer cooling off period, to allow parties to negotiate a settlement. Officials hope that if that fails, mediation will be the next step.

Sweden: Providing competitive intelligence

Susanne As Sivborg (right) is fond of the Swedish Patent and Registration Office's consultancy services. One reason is that before she took up the role of chair of the Office, she was an in-house counsel at AstraZeneca. Just two years ago she was on the other end of the telephone, requesting the Office to provide technical surveys and novelty searches. "I was impressed by the quality of the results and the commitment of the people in particular," she says. "We were contacted directly by the examiners and their experience proved very useful."



The only criticism she had as a client was that the Office did not offer enough of these kinds of services. So at her request they introduced a freedom-to-operate search, which investigates the risk that a potential product would infringe existing patents. All recent additions to the Office's range of consultancy services have begun like this, as requests from potential clients. Now officials in the consultancy team provide 17 different services in the area of patents alone, with another eight "relating to monitoring, pre-file searches and freedom to operate" in the area of trade marks and designs.

The Swedish Office's biggest advantage over other, commercial, search providers is longevity. It has been offering searches for over 60 years. After the Second World War it was one of the few offices in Europe with undamaged archives, so other companies and countries began asking to search its (of course, entirely paper-based) archives. "We had the most complete store of patent documentation in the world, so patent searches, particularly for novelty, began then," says Sivborg.

Those records are now all digital and freely available. Although the Swedish Office does not have more access to information than a commercial provider just because it is a state authority, the experience its employees have gained from that long history is its key selling point. The Office has more than 140 patent examiners, the big majority of whom have been involved in consultancy services over the years in their various specialist fields. And it certainly offers the greatest range of service among IP offices in Europe, although the UK, Germany and Denmark all offer good commercial searches as well. It helps that the Swedish Office is legally required to do all its own patent prosecution and trade mark searches. With the latter, it is one of few offices that search both identical and similar marks.

To a potential client, however, it is the number of patent services that makes Sweden stand out. (It is perhaps also revealing that staff refer to users of the services as "clients".) At the most commercial end of this range of services is World Market Analysis, whereby staff create specific reports on what competitors are patenting and IP trends in particular industries.

This is the point at which some IP practitioners feel the Office is going too far. "It is just not the business of IP Offices to offer these commercial, strategic services," one German lawyer told *Managing IP*. "There are obvious conflicts of interest when this kind of advice is being given by the examiners that approve the patent applications and are privy to non-public information about competitors."

However, the Swedish Office insists that it does not offer any opinion on validity, infringement or anything else during these patent services, and maintains strict Chinese walls to protect confidentiality. Instead, it says it merely accumulates facts on previously granted patents and presents them in a more accessible way. The biggest advantage of World Market Analysis, according to Susanne Hellman, director of the Office's research and advisory services, is that the data is presented in graphs and tables that can be understood by non-IP specialists.

"There's a lot of information on patents out there " over 1,000 are granted every working day," she says. "For business people it's hard to see a clear picture from that volume of information. That's what we provide. Unlike more technical searches, the World Market Analysis produces diagrams instead of piles of patents." She makes it clear that the freedom to operate service should be thought of in the same way, "as an assembling of facts rather than an opinion" that's what the courts are for".

Since World Market Analysis was launched 10 years ago, again as a result of a request from a client, the Office has produced between 15 and 20 reports each year. Clients are given two options: competitor analysis and branch analysis (which concentrates on a particular industry sector). Time and cost vary greatly depending on the scope of the analysis, which can be

done by industry and geography, but Hellman estimates that most take between 10 and 25 hours, and the Office charges Kr1,260 (€136) an hour.

The patent consultancy services

- Freedom to operate search
- Novelty search
- Novelty search with preliminary patentability report
- Preliminary patentability report
- Sequence searches
- PCT commission
- Validity search
- Technical surveys
- Technical searches
- World market analyses
- Patent monitoring services
- Technologies and competitors
- International patent monitoring
- Citation searches
- Medical patents
- Name search
- Patent family search

UK: Offering opinions

Back in 2004, the UK Intellectual Property Office took the unusual step of offering opinions on the validity and possible infringement of patents. Like the mediation service also profiled in this article, the aim of the project was to increase access to justice by facilitating cheaper, quicker forms of dispute resolution.

The service is certainly cheap at £200 (€240) and also quick: all opinions have been issued within 12 weeks. But there are questions as to how useful it is to obtain an opinion from the Office given that they are written by patent examiners, not lawyers. Indeed, should IP offices even be offering such services?

The scheme started slowly. Although it launched in October 2005, by March 2006 only six opinions had been issued. But by the end of the year a further 28 opinions were requested, and last year there were 36 (see table).

The type of IP owners who use the service ranges widely, from vacuum cleaner maker Dyson to individual inventors questioning the design of manhole covers. Indeed, although Dyson withdrew one of its requests in August, the company has been the largest single user with five different applications for an opinion. Among its requests have been concerns over a Panasonic patent covering the internal monitor on a vacuum cleaner's agitator and a Samsung patent on a cyclonic apparatus.

However, the biggest users of the service have been smaller businesses and individual inventors. Respondents to a survey by the IP Office in March said that the opinions had been particularly useful where the parties could not afford to litigate. In almost half of cases the opinion resolved a dispute. In almost half of the rest the request was intended to give the applicant confidence that it had freedom to operate, rather than as a dry run for litigation or to deter infringers (the other options given).

The results of the survey suggest that the service is achieving its aim of extending access to justice. Most users, 67%, also wanted to see it extended to other areas of patent law and even those that had not used the service thought it should be extended. (Most respondents were patent attorneys, with a few in-house and patent holders.) The most popular would-be addition was an opinion on patentability, with added matter and sufficiency following closely behind.

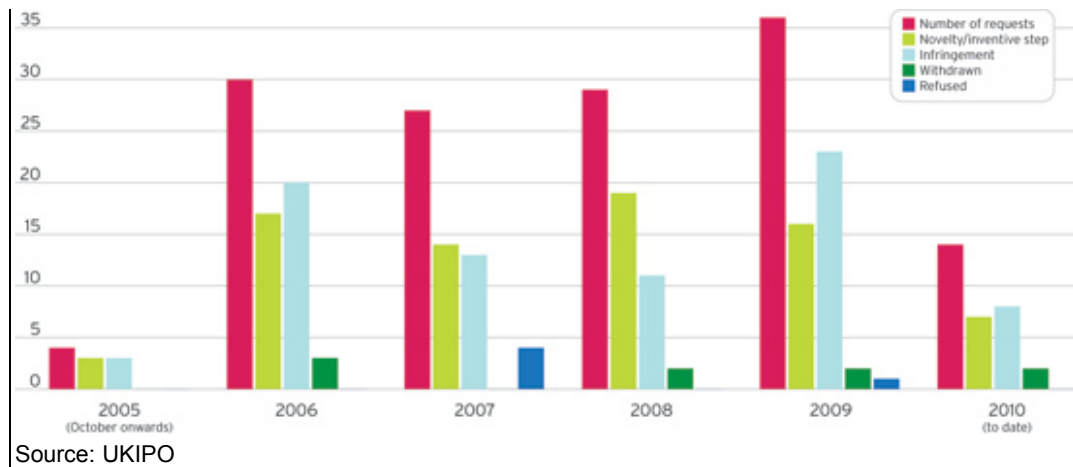
Early predictions of the service's popularity have been proved right. Robert Lind, partner at Marks & Clerk in Oxford, was the first to file an opinion in October 2005. He described it as a good opportunity to test out a case and suggested it would prove popular as a way to get around tightened rules on making threats to alleged infringers.

However, for all the positive numbers there is anecdotal evidence of users misunderstanding the role of opinions. They are non-binding after all, something to which survey respondents expressed surprise and regret in their comments. One lawyer says he has only been involved with the service once, when a lone inventor received a positive reply from the Office on infringement and took the patent holder to court. He lost.

Others are even more critical. Back when the service launched John Mitchell, CEO of AllVoice Computing and chair of the Patent Reform Group, called the opinions "superficial", asking: "What do they tell you? In high-tech industries you won't be able to get the level of evidence you require for a cast-iron opinion." That reaction, among both in-house and practitioners, has not been softened by four years of experience.

As with the mixed success of Finland's list of trade marks with a reputation, communication is key. "In theory it is a good idea, as long as the opinion is carefully considered, thoroughly examined and wrong ones don't encourage users to go to court, where they could face cost awards if they lose," says Isabel Davies of CMS Cameron McKenna.

Requests for opinions from the UKIPO



Finland: Protecting trade marks with a reputation

Well-known trade marks, unlike normal marks, enjoy protection outside the class of goods to which they belong. Coca-Cola doesn't make trousers, but if you launched a company producing Coca-Cola branded trousers, chances are you would be deemed to be infringing. Whether a trade mark qualifies as well known is usually not decided until a case is brought to court to defend it. That is not the case in Finland.

There the National Board of Patents and Registration created a List of Trademarks with a Reputation in June 2007. Separate from the Trademark Register and within existing legislation, the list was established so that brand owners could apply for well-known status in advance of any dispute. This warns potential infringers that the trade mark is protected across classes and helps the Board when conducting preliminary examination of other marks. One of the aims of the project is to prevent trade mark disputes in the first place.

If an examiner believes he may have found a confusingly similar mark on the list while processing an application to register a trade mark, he notifies both parties. It is up to the owner of the trade mark with a reputation to file an opposition within two months.

The protection is also limited to certain sectors of consumers. Brand owners have to indicate in their application to be declared well known which section of Finnish society they believe they have a reputation within. If protection is offered by the Board, it is limited to that group. The trade mark owner then supplies evidence demonstrating the reputation, such as statistics about market share, marketing costs, how intensively and how long the mark has been used, and the geographical extension of the use.

The list proved very popular from its launch, with the owners of more than 40 brands applying for the status in the first two years. That has declined slightly since, with 10 so far in 2010 (although the Board reports that the owners of three more marks are waiting for confirmation of the status of their rights). Nokia was an early applicant in August 2007 and its mark was added to the list in September 2008. It also submitted its slogan "connecting people" at the same time. There are few other multinational companies whose marks make the list, the standouts being Red Bull (May 2009) and the World Wildlife Fund (October 2009).

Mikael Kolehmainen of Benjon, who represented Nokia during its application, believes that there has been a fall in the number of brands applying to have their marks added to the list because the benefits were not well communicated: "I'm not sure that brand owners really knew what they were getting. They expected a one-stop shop, a panacea that would mean they never had to fight infringement or opposition actions again. But of course they still have to prove detriment in court. It saves them the first step, which is to prove the reputation of the brand, but then there's detriment, which in Europe has been shown to be a difficult thing to prove. It's very abstract."

Since most lawyers who represent companies that want to apply to have their marks added to the list already do work for the IP owner, providing the evidence necessary to demonstrate a reputation is not very difficult, says Kolehmainen. Nor does the fee of €1,713 (plus a €2,520 for renewals every five years) deter big brand owners.

What does concern lawyers is that the list has little effect in judicial proceedings, says Kolehmainen. It has been referred to in two opposition cases so far, but neither proved to be a real test. As a result there is no guarantee that having a mark on the list prevents disputes.

But despite the uncertain as to the list's efficacy, brand owners are still applying to add their marks. One reason is reputation abroad. Having a trade mark with a reputation offers real benefits in certain markets, particularly in Asia. In terms of marketing, registering and opposing trade marks, the costs involved in being on the list are a good investment. "Clients weight the pros and cons and still decide to join. At the margin it still has value," says Kolehmainen. "But the decision will remain marginal until either the Board stops *ex officio* examinations or detriment becomes easier to prove."

Some well-known marks



Bulgaria: Anti-counterfeiting crusader

During the summer months, there are four very busy people in the Sofia offices of the Bulgarian Patent Office. These officers make up the anti-counterfeiting taskforce, set up in 2008 to conduct *ex officio* searches of markets selling counterfeited goods. They attempt to enforce registered trade marks, designs and geographical indications.

Every week the four set out for known hotspots among Bulgaria's stores and markets, in particular targeting the Black Sea holiday resorts. They seize goods deemed to be counterfeit and submit to the chairman of the Office that the goods be destroyed and the sellers fined. If the haul is large enough, the chairman can instigate criminal proceedings, but since most seizures relate to individual sellers then the amount of goods seized tends to be relatively small. In these cases the chairman can issue a penalty notice for up to Lv3000 (€1,500), and Lv5000 for a repeat offence within the year.

Those accused of making or selling fakes can appeal to the courts and almost one third of them do, says the Bulgarian Patent Office, although it says the vast majority fail. Appeal procedures usually take between 12 and 18 months. "The Office is very good and knows the official importers and distributors, so it's rare they pick up a seller of genuine goods," says attorney Vasil Pavlov of MS Partners.

This administrative procedure – sitting between civil and criminal actions – has existed in Bulgaria since 1998. But it was only when the Office started conducting *ex officio* searches in 2008 that its potential was realised. The speed and flexibility of the system enables effective enforcement that many lawyers believe has deterred some counterfeiters. Although many countries grant officials administrative powers to crack down on counterfeiters, what makes Bulgaria different – and perhaps more successful – is that the people carrying out the checks are experienced, specialist IP office staff rather than generalist officials.

Pavlov has represented Lacoste in Bulgaria since 2003 – one of the biggest beneficiaries of the searches along with fellow sportswear brand adidas. "Anecdotally I've certainly seen less counterfeiting of Lacoste and other brands, which the client is very grateful for," he says. "It can be hard because as soon as the team goes into one store, all the others down the road close their doors. But gradually all the operators have been targeted and it has made a real difference."

Upsurge in seizures

In 2007, before the searches started, 25,000 pieces were seized by the authorities and Lv22,275 imposed in fines. By 2009 that had jumped to almost 2 million seizures and Lv65,000 (see graph).

Requests from brand owners for the team to target particular markets are also important to the success of the Office's work – there were 195 such requests last year. The Office denies that the procedure unfairly benefits brand owners by bypassing the courts, saying that it has received no complaints to that effect. It is an argument supported by the low number of cases backed by judges on appeal.

The scheme costs around €25,000 year to run, which is funded by the central government rather than revenue from fines.

"The service is far easier and quicker than having to go through the courts, and we've been very pleased with how effective it has proved," says Mariana Tsvyatkova, director of legal and international activities and disputes at the Bulgarian Office. "It's a very small unit and has to cover the whole of Bulgaria, but for a minimal cost we've had a noticeable effect on counterfeiting."

In recent years, June, July and August have seen Lacoste involved in a raid at least once a month. Other big beneficiaries have been Armani and Ralph Lauren. Although there are actions during the rest of the year, they are usually confined to Bulgaria's mountain resorts and tend to bring in smaller hauls, due to the distance from the country's ports. This summer, Pavlov notes that the number of seizures has remained consistent, despite the fall in the number of seaside markets due to the economic recession.

The administrative procedure's record

Year	Requests by brand owners	Penal injunction	Seized goods	Sanctions paid by infringers
2005	51	32	No information	None
2006	39	86	39,039	7,500 lv. (about €3,800)
2007	79	78	25,000	22,275 lv. (about €11,000)
2008	117	138	93,150	54 854 lv. (about €27,000)
2009	195	222	1,906,607	65 000 lv. (about €32,000)

It costs about €25,000 euro every year for Bulgarian Patent Office to run the administrative-penal protection.
Source: Bulgaria Patent Office

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