



INTERNATIONAL
TRADE
ADMINISTRATION

Protecting Intellectual Property In Export Markets

Smart Mobility



While export markets offer U.S. companies tremendous opportunities, these same markets pose potential challenges to the protection and enforcement of valuable intellectual property (IP). Intellectual property is a key pillar of the highly innovative U.S. export base in the smart mobility sector and establishing IP protection in the United States does not trigger automatic global protection.

THE INTERNATIONAL TRADE ADMINISTRATION

helps U.S. exporters in the smart mobility sector identify their IP assets and proactively

take steps to protect them. U.S. companies in these



sectors enjoy a competitive advantage through innovative products and services, state-of-the-art manufacturing techniques, software analytics, and brand recognition. The very core of these advantages is built around intangible assets known as intellectual property; in this case, patents, trade secrets, trademarks, designs, and copyright.

PATENTS |

Continuous innovation is at the heart of global competitiveness for U.S. companies,

from game-changing new vehicles, connectivity, data analytics, and break-through manufacturing techniques, to ever constant improvement of existing products and services. As nations seek to meet the mobility and transportation requirements of their citizens, the need for companies to provide smart mobility products and services will expand. For many small companies, patent protection prevents competitors from simply copying their innovations, and aids in attracting investor capital needed to grow, build market share, and create jobs. For U.S. small businesses trying to compete in global markets, securing patent protection overseas can be a critical precondition to successfully internationalizing and developing into the productivity powerhouses of tomorrow. The Patent Cooperation Treaty (PCT) allows U.S. businesses to file for a patent in 153 countries with one international patent application.

TRADE SECRETS |

Proprietary information with commercial value can help U.S. companies win sales in highly competitive global markets. Trade secrets are valuable intangible assets for U.S. companies. These secrets might underpin technologies in the manufacturing process



or support customer retention, advertising, data analytics, or sales channel development strategies. Protection for trade secrets varies by country, but most countries have some form of protection (e.g., breach of contract, unfair competition, violation of fiduciary duty, criminal code). Where there is protection, three things are generally required of the owner. The information must be secret, have commercial value, and reasonable steps must be taken to protect it.

TRADEMARKS |

U.S. companies gain a significant edge with their made-in-America brands, allowing them to seize buyers' attention in highly competitive international markets. Protection for this asset through trademark registration should be a priority for all companies – particularly exporters. The Madrid Protocol provides a mechanism for trademark owners to file one application with the United States Patent and Trademark Office (USPTO) and designate other countries where they wish to register

their mark. A major benefit of using the Madrid System is that once registered in the designated countries, the trademark owner can maintain all those registrations via a central filing mechanism at the World Intellectual Property Organization (WIPO).

PRODUCT DESIGNS |

The designs of products within the smart mobility sector support the diversity of high quality, innovative, and practical products



that are the hallmark of these U.S. companies.

A product's design requires registration in the country where protection is sought. The Hague System for the International Registration of Industrial Designs provides a practical business solution for registering up to 100 designs in more than 65 territories by filing a single international application.

COPYRIGHT |

Additional IP is likely to be found in the tools used to support some of the more complex smart mobility products and services. Manuals describing the products or services, videos

illustrating proper use, and any software contained within the products or services are examples of works protectable by copyright. While there is no such thing as an “international copyright” that will protect a work throughout the world, most countries have joined copyright treaties and conventions that require the protection of foreign works under certain conditions. Notably, protection for these creative works is automatic and includes prohibiting the reproduction and distribution of the work.

TAKE AWAY |

- A U.S. patent or trademark does not provide protection outside of the United States
- Companies wishing to protect their patents in foreign markets should consider applying for patents using the Patent Cooperation Treaty
- Companies wishing to protect their trade secret should take reasonable steps to protect it
- Companies wishing to protect their trademarks in foreign markets should consider registering their trademarks utilizing the Madrid Protocol
- Companies wishing to protect their designs in foreign markets should consider registering their designs using the Hague System for the International Registration of Industrial Designs

RESOURCES |

- Learn more about the following topics at www.STOPfakes.gov
 - ▢ Patent Cooperation Treaty
 - ▢ Madrid Protocol
 - ▢ Trade Secrets
 - ▢ Hague International Design System
- The Foreign Commercial Service can help you find a local attorney knowledgeable about IP issues in your export market Visit: www.trade.gov/cs/
- Exporters can find additional resources online. Visit: www.export.gov
- [IP Snapshots](#) are one-page documents that provide an overview of IP information about a foreign country, including contact information for local IP offices, country membership in important IP treaties, [Special 301](#) rankings for the last 3 years, and contact information for the U.S. IP attaché in the region

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