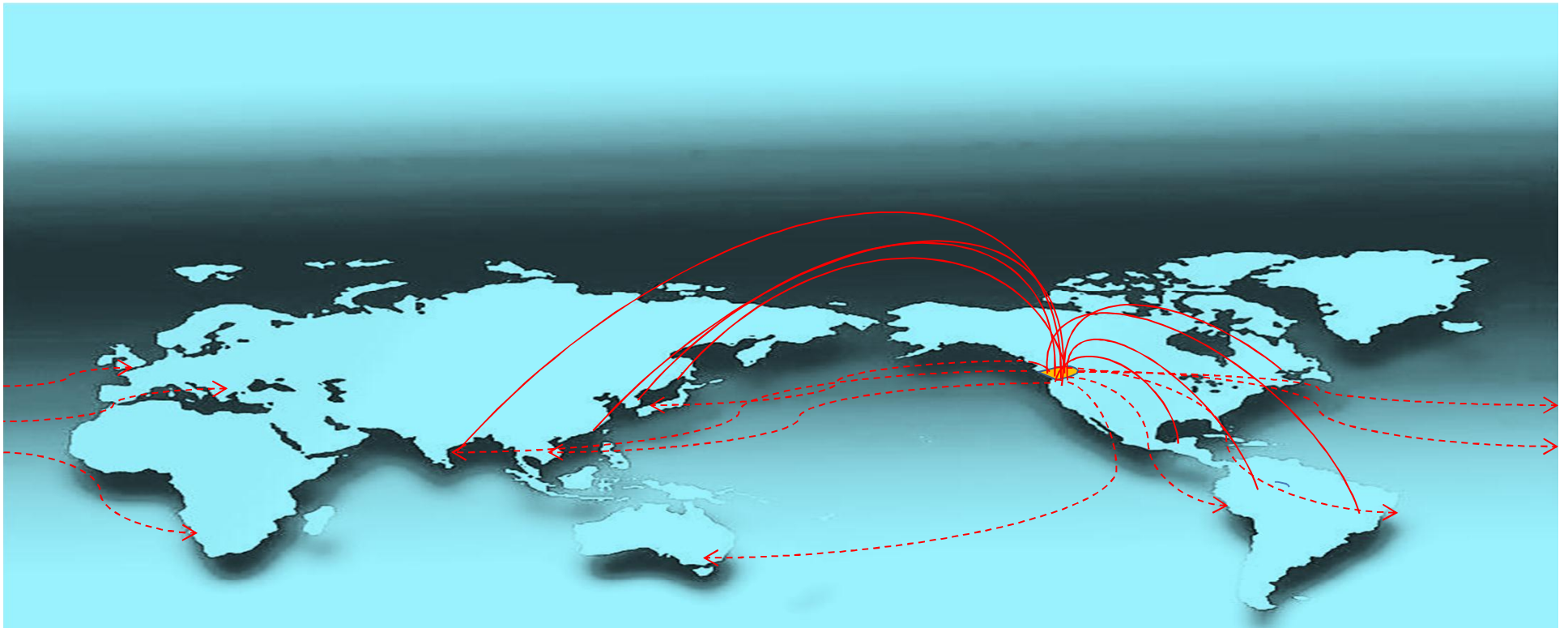




WASHINGTON STATE SBDC EXPORT READINESS CENTERS

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WSBDC International Trade Specialists Provide Your Business with Export Advising Expertise, Market Research and Market Entry Planning



Legal Considerations for Sourcing and Selling Internationally

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What is Intellectual Property?

Types of Rights

Patents

Trademarks

Copyrights

Trade Secrets

Scope of Coverage

**Products, Devices,
New and Useful
Inventions**

**Identification of Source of
Product or Service**

Unique Expressions of Ideas

Secret Information

Examples

**Processes,
Improvements, Designs,**

Xbox[®]

Books, manuals

**Any Secret that Benefits
Business:**

How can Intellectual Property influence your export plan?

- “ Affect product pricing through reduced competition or brand recognition
- “ Stimulate investment
- “ Enable licensing or other contractual agreements to enter new markets
- “ Risks if your product infringes IP rights of others
- “ Agreements should provide for ownership of IP rights, both existing and improvements
- “ Participation in trade shows should be timed to avoid compromising IP rights

Is your trademark appropriate for the export market?

- Differing cultural usage of terms
- Differing standards for registration
- Differing requirements for classifying the goods

Be Wary of Pitfalls in Protecting your Intellectual Property

Pitfall # 1 – IP Protection is not “universal”

Pitfall # 2 – Applying too late for IP Protection

Pitfall # 3 – Failure to define IP Ownership

Timely apply for patent rights

- “ **Delay may compromise your patent rights**
- “ **Must apply within a particular period of time from the date of application in your domestic market**
 - 1 year for patents**
 - 6 months for industrial designs**
- “ **Many activities may “bar” your patent rights**
 - No “grace period”**
 - Sales, publications, presentations**

Be cognizant of IP rights

- “ When licensing, ensure IP rights have been adequately protected in target country
- “ Consider whether your activity may infringe on the rights of others
 - In-licensed technology – does your
 - company have the right to export?

Other Legal Considerations?

- “ U.S. **immigration laws** may restrict travel of foreign personnel to United States for training, meetings
- “ U.S. **export control laws** may restrict exports of U.S.-origin technology, products to different national markets
- “ U.S. **Foreign Corrupt Practices Act** limits payments to any government, party officials or their family members
- “ International **taxation** rules under Internal Revenue Code
- “ Protection of intellectual property (**IP**)
- “ **Local law** issues for income taxes, labor and employment, health and safety, distributors, importers, product testing or marking (e.g., CE mark), “localized” language materials



WSBDC Export Readiness Centers Contact Information

Trade Specialist Contacts

<https://export.wsbdc.org/cms/contact-and-bios>

Export Web Portal

<https://export.wsbdc.org/>