



# Brochure Monitoring

Vriesendorp & Gaade offers monitoring services for obtaining information about filings, registrations and/or rights of third parties.

## **The purpose of monitoring, watches and searches**

With respect to some intellectual property rights, such as patents, trademarks and designs, several databases are available containing information about the contents and/or the current position in relation to the validity of these rights.

A search in these databases may provide answers to questions that are relevant with respect to business management such as:

- What are the new developments within a certain discipline?
- What intellectual property rights do my competitors own? What did they file recently?

- What is the state of the art regarding a specific subject? This may for instance be of importance prior to a research or development project so that the “wheel” is not invented over and over again.
- What is the state of the art for your invention? Is your invention patentable in view of the state of the art found?

We are regularly asked to conduct searches in databases in order to try finding an answer to one or several of the above-mentioned questions.

## Patent monitoring

### **Classification search**

In a classification search a database is searched every month on the basis of a query agreed to with the client in order to obtain an overview of all patent texts published within that month. In the query a selection can for instance be made for patent publications within a certain technical discipline, using one or several specific keywords, in one or several countries selected by the client and/or regarding one or several potential competitors selected by the client. The publications found are compiled on a CD that is sent to the client, and provide an overview of recent developments within a certain discipline and/or regarding a particular competitor.

### **Patent application number monitoring**

This regards monitoring the progress of particularly a European patent application of a potential competitor that relates to a subject that is relevant to the client and/or which after grant of the patent may possibly cause problems for the unrestricted business management of the client. Every three months a search is conducted in the patent registers in question and the progress of the granting procedure is reported back to the client, when necessary with an advice to the client. In particular after the grant of a European patent, opposition can be lodged against the grant of the patent

within 9 months. If the opposition is successful the patent can be revoked entirely or in part.

### **Patent literature search**

This usually regards a request for a search into the state of the art for a specific invention of the client or a competitor. Often such a search can result in an advice about the novelty/inventiveness of the invention, and therefore regarding the chances of the client obtaining a valid patent for their invention or regarding their chances in nullity proceedings against a patent of a competitor.

## **Trademark watch**

After registration of your trademark it is important to have your trademark watched. By means of a permanent watch in the relevant jurisdictions, you will be timely informed of new applications/registrations of potentially conflicting trademarks filed/registered by others.

### **Advice**

Our specialists are able to advise you whether it is worthwhile to take action against corresponding trademarks and what your options are in that respect. If necessary our attorneys at law will be able to conduct legal proceedings on your behalf to end the infringement of your trademark rights and ban the conflicting trademark from the register.

### **Importance of a trademark watch**

Not acting in time against infringement may result in the loss of your trademark rights. A trademark watch therefore is of utmost importance.

Further information about the possibilities and costs are available on request.

## Customs watch

In addition to trademark watches and patent monitoring, we also take care of specific watches by the Customs Authorities on all EU outer borders. Owners of IP rights such as patents, trademarks or design rights may request the Customs Authorities to look out for a consignment of goods that infringes their rights.

However the Customs Authorities do not only act on the basis of requests from IP owners. They also act autonomously by regularly checking consignments of goods.

### **Anti Piracy Regulation**

The power and possibilities the Customs Authorities have to help an owner of IP rights in the detection of infringement have been laid down in the European Anti Piracy Regulation.

The specialists of Vriesendorp & Gaade regularly act on behalf of right owners in actions against illegal import, after having been notified thereof by the Customs Authorities.

Would you like to know more about watching your property on the borders and how we can help you in case of probable infringement, please contact us.