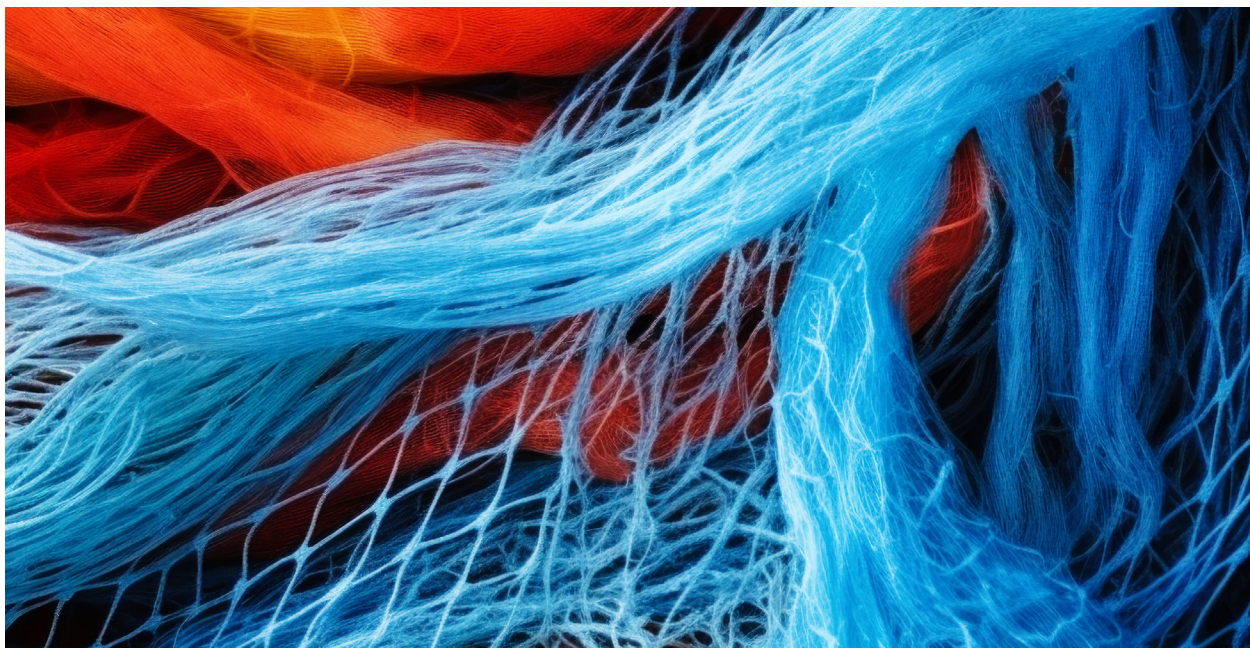


THE ELEMENTS OF INTELLECTUAL PROPERTY

Safeguarding innovation in a dynamic era

New ideas, methods and inventions emerge constantly, making IP rights critical

FOREWORD



Breaking free from convention

We find ourselves in an era where advancements are accelerating at an unparalleled rate, outpacing the last three decades and setting the stage for even more rapid developments in the years to come. The breadth and depth of innovation across industries, from groundbreaking strides in information technology to revolutionary discoveries in life sciences, are nothing short of extraordinary.

While this rapid pace of change is exhilarating, it also presents challenges, particularly for those striving to protect their Intellectual Property (IP). In an environment where new ideas, methods and inventions emerge constantly, understanding and securing IP rights has never been more critical.

Inventors, whether solo creators or part of larger organizations, must navigate a complex landscape of IP protection. Mastery of the available protective measures and a strategic approach to portfolio management are essential. This involves being aware of the different forms of IP protection and grasping the intricacies of legislation and the myriad factors that influence them. Successfully safeguarding innovation in this dynamic era demands vigilance and a deep understanding of IP.

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The IP landscape, in a nutshell

From handbag clasps to clean energy systems, today's creators have an incredible range of legal avenues to secure their innovations. Discover how IP law empowers inventors around the globe like never before.

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IP law must match innovation

It could be reasonably argued that inventors are not "demanding" flawlessness, and many of those who have encountered roadblocks in their attempts to protect IP anticipate seeing improvements to the issues that have caused complications.

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Advancing IP protection

It seems natural to propose that regulators, lawyers, IP experts and innovators will need to work together going forward – or, at the very least, honestly listen to one another – to ensure that there are truly comprehensive systems for IP regulation.

THE IP LANDSCAPE, IN A NUTSHELL

Understanding the terrain

There are more ways today for creators to assert their IP rights than there were just a few decades ago. Whether you aim to cement intellectual ownership over a physical snap-lock mechanism for handbag clasps, the design for an interactive heads-up display or the methodology behind a radical system for channeling clean energy, legal protections are available to you. Additionally, more than 150 countries are parties to the Patent Cooperation Treaty (PCT) overseen by the World Intellectual Property Organization (WIPO), and nearly as many nations uphold the WIPO's similar agreements for trademarks and designs (131 and 96 for the Madrid and Hague Systems, respectively, and counting).

Furthermore, beyond the traditional IP quartet of patents, trademarks, copyrights and designs, there are plenty of subcategories in the regulatory codes of various governments to cover individual pieces of IP more specifically. Examples of this include, but are not limited to:

- Provisional IP rights for inventors to hold temporary provenance over an idea while they complete research and development
- Protections for original databases, trade secrets, domain names and other types of IP that are increasingly important to such a tech-driven world

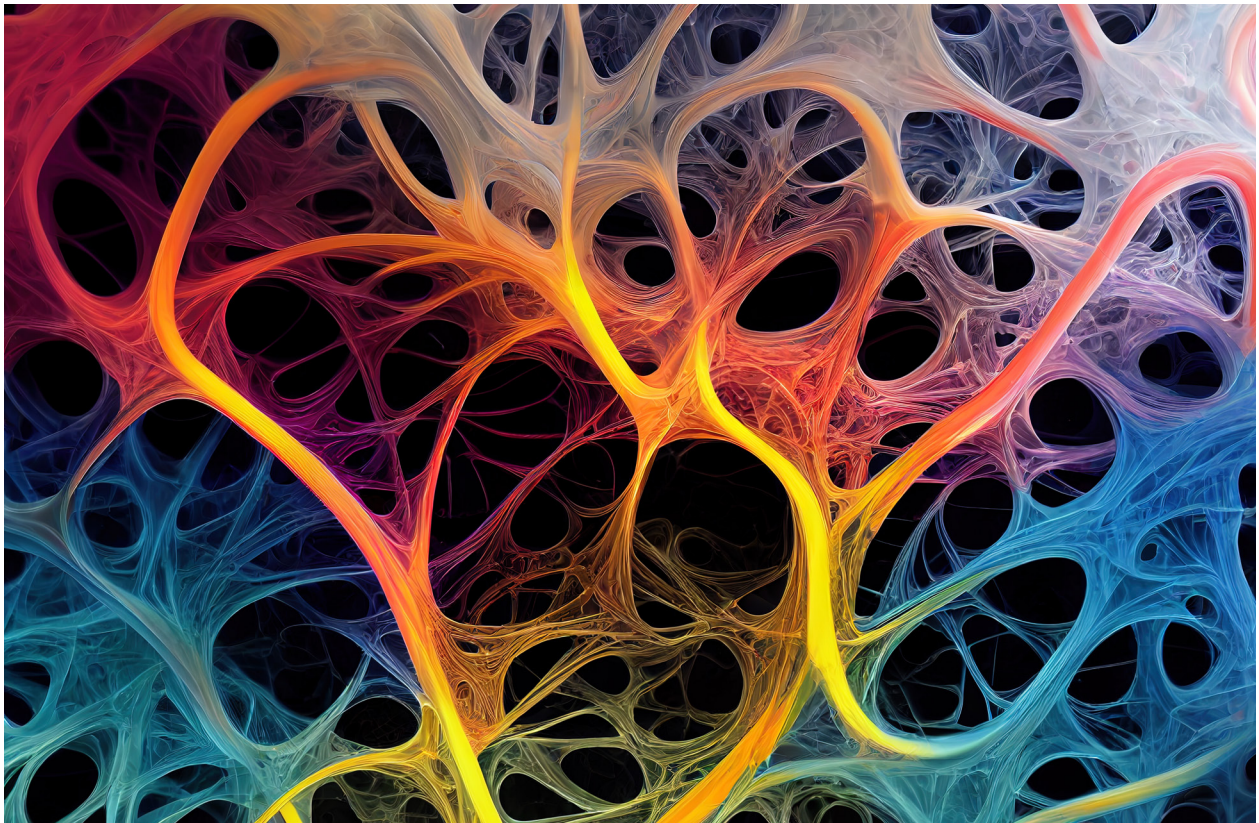
It is hard to view the broadening range of IP protection possibilities described above as anything other than positive. The added opportunities arguably contributed to specific upticks in IP filings across the globe to an undeniably intriguing degree. According to the WIPO's report on "[IP Facts and Figures 2023](#)," worldwide application submissions for trademarks, patents and industrial designs continue to perform strongly, often pushing boundaries. In 2022, approximately 15.5, 3.5 and 1.5 million trademark, patent and industrial design applications were filed globally. Chinese innovators are responsible for 46.8% of those patent filings, while the U.S. holds second place with 17.2% and Japan, South Korea and the European Union round out the top five (8.4%, 6.9% and 5.6%).

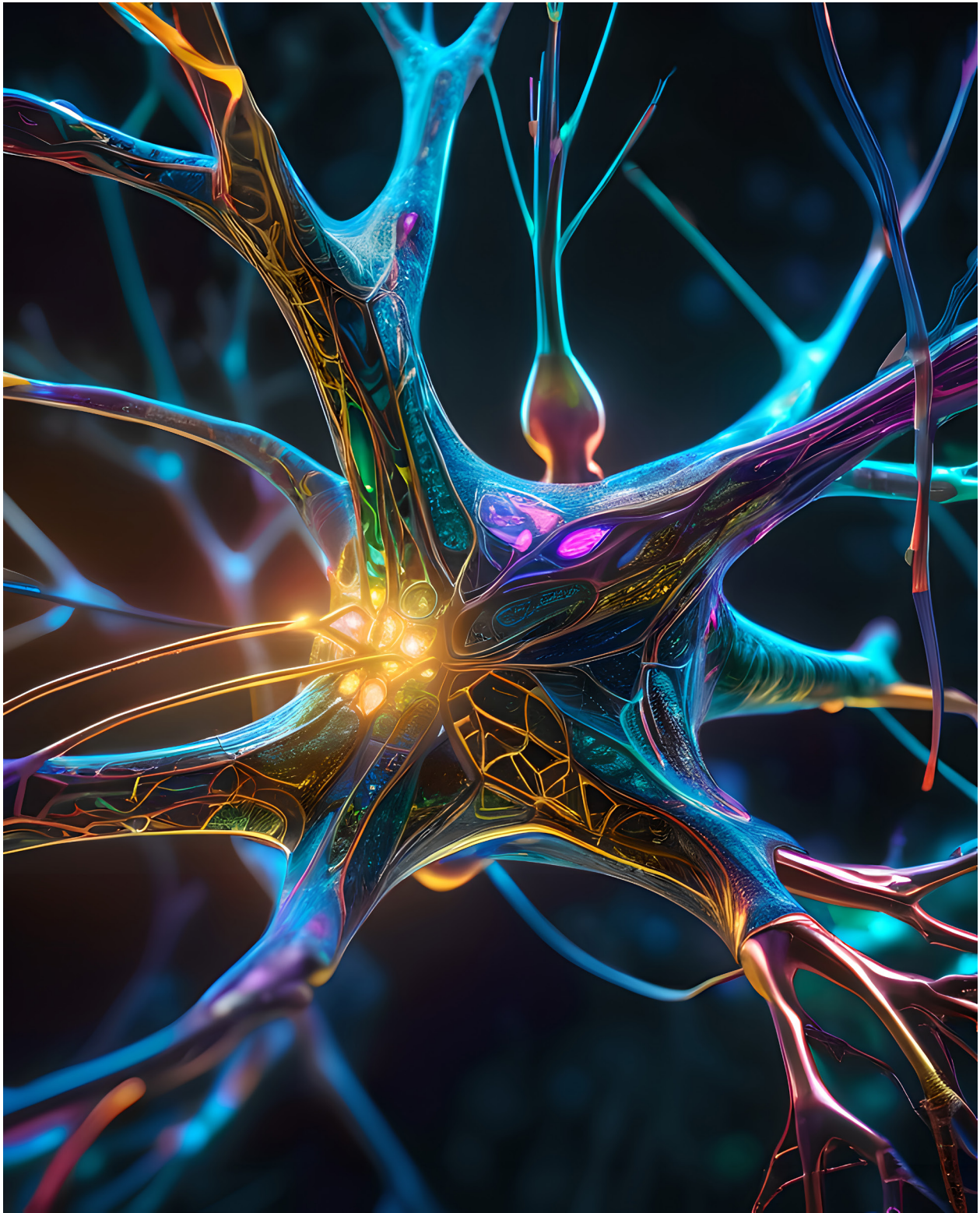


IP LAW MUST MATCH INNOVATION

Aligning legal frameworks with tech progress

Few legal frameworks, if any, are perfect, and IP law all over the world is not without its challenges. No one who practices in this field expects perfection. One could even reasonably argue that inventors are not “demanding” flawlessness, and many of those who have encountered roadblocks in their attempts to protect IP anticipate seeing improvements to the issues that have caused complications.





Several prominent areas of controversy in the IP universe center on advanced technologies and particularly complex industries, not to mention cases in which those two categories overlap:

- Recognizing the difficulties these new technologies pose, the European Union is introducing a raft of legislation to regulate technology companies, including the [Digital Services Act](#) (DSA) and, lately, the [Artificial Intelligence Act](#) (AI Act), which passed its final vote on 21st May 2024. These laws relate broadly to the use of digital technologies, and both include IP-

relevant provisions that affect businesses, consumers and online platforms.

- Advanced methods of medical diagnosis are also creating complicated debates. For example, between 2020 and 2023, a [patent infringement case](#) brought up a provocative dilemma in the United States regarding the implicit role of the user in upholding IP protections. Plaintiff Colibri Heart Valve alleged that certain uses of Medtronic's devices infringed on one of its patents covering an [artificial heart valve deployment method](#). Though some of the patent claims in the original complaint were found to be invalid, Medtronic was ultimately ordered to pay Colibri \$106.5 million USD for inducing infringement on the part of doctors.
- The ability of programmers to patent software remains limited, generally, to the copyright of the exact source code. Perhaps more than any other, this shortcoming of tech-related IP regulations could reach a choke point of a chaotic legal dispute in the not-too-distant future.

These cutting-edge technologies and complex methods will only become more commonplace in the next few years. More than 190,000 AI-related patents were granted worldwide between 2000 and 2022. We could soon be counting AI patents by the millions!

What all of these issues illustrate is that IP strategy and law must be adjusted to match the speed of innovation and technological development. Right now, tech has a significant lead on the contemporaneousness of IP law. If it persists, inventors and businesses may find themselves without protective recourse and at substantial commercial risk.



ADVANCING IP PROTECTION

Enhancing IP defense strategies

It seems natural to propose that regulators, lawyers, IP experts and innovators will need to work together going forward – or, at the very least, honestly listen to one another – to ensure that there are truly comprehensive systems for IP regulation. Only in this manner will we ultimately encourage competition and ever-greater innovation of the kind that can benefit the world at large.

But while governing bodies and lawmakers write IP law and legal professionals practice it, only creators can take the most pivotal steps to protect their IP by applying for and obtaining patents, trademarks, copyrights and all other appropriate protections. Applicants cannot merely follow the filing procedure steps and think their application is guaranteed to be approved. There is a fine line between detailing the novelty and function of a given invention in a manner that is exhaustive but also does not overreach. Robust supporting documentation and prior art imagery is also a requirement, as is the establishment and maintenance of close communication between inventor and patent examiner. For all innovators and organizations seeking to put a definitive stamp on their particular industry, this work should be considered nothing short of mandatory.





All of the burden associated with ensuring proper protection for your valuable IP is a great deal to take on alone – so let Dennemeyer handle it by your side! From our 1962 debut as a Luxembourg patent law firm to our industry leading, globe-spanning presence today, Dennemeyer has been a first-choice partner in IP alongside countless creators and organizations.

Our range of services includes:

- Managing a global network – Our unified platform offers centralized access to a world of administrative and substantive expertise
- Finding support in various jurisdictions – With our extensive network of offices and agents, we streamline the process of receiving trusted, first-rate service globally
- Administrative burden of having multiple contacts – Our integrated approach removes the hassle of dealing with several contacts, ensuring smooth coordination across time zones
- Keeping track of critical deadlines – Dennemeyer's advanced monitoring systems ensure no deadline is missed, providing peace of mind and consistency
- Continuity of service – Our global presence and robust infrastructure guarantee reliable, uninterrupted service regardless of external fluctuations

This only represents a sample of what Dennemeyer can bring to the table as your IP service provider. In an unpredictably evolving society and economy, the assurance of protection for your inventive labor is a precious commodity – one that our teams are strongly positioned to secure on your behalf. [Let us talk soon about how we can work together.](#)



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