

International markets supported more than \$86 billion in export value for U.S. building product manufacturers in 2015. These same markets pose potential challenges to the protection and enforcement of valuable intellectual property (IP). Intellectual property is a key foundation of the highly innovative U.S. building product export base, yet establishing IP protection in the United States does not trigger automatic global protection.

RESOURCES

- Learn more about the following topics by visiting www.STOPfakes.gov

- Madrid Protocol
- Patent Cooperation Treaty
- Hague – The International Design System
- Trade Secrets

- The Foreign Commercial Service can help you find a local attorney knowledgeable about IP issues in your export market. Visit: <http://www.trade.gov/cs/>

- Exporters can find additional resources online. Visit: www.export.gov

- Learn about leading export markets. Visit: www.trade.gov/topmarkets/

- Find the electronic version of this brochure at: www.STOPfakes.gov

If you found this information useful please let us know!

Comments can be sent to the Department of Commerce's Office of Intellectual Property Rights at IndustryIP@trade.gov



INTERNATIONAL
TRADE
ADMINISTRATION

Protecting Intellectual Property in Export Markets

Tools for Building Product Manufacturers



THE INTERNATIONAL TRADE ADMINISTRATION (ITA)

seeks to help U.S. building product exporters identify their IP assets and proactively take steps to protect them. U.S. building product exporters enjoy a competitive advantage through brand recognition, innovative products, and state-of-the-art manufacturing techniques. The very core of these advantages is built around intangible assets known as intellectual property; in this case namely, trademarks, patents, designs, and trade secrets.



BRAND RECOGNITION – U.S. building products companies are recognized global leaders in quality, reliability, and innovation. The power of U.S. brands gives Made-in-America products an edge, 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, and is essential for an exporter.

TRADEMARKS – The Madrid Protocol provides a mechanism for trademark owners to file one application with United States Patent & 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).

INNOVATIVE PRODUCTS – Continuous innovation is at the heart of global competitiveness for U.S. building products, from nanotechnologies that boost a material's

performance to smart systems that optimize air quality, energy, and water use throughout entire buildings. As nations around the world seek increasingly resilient and sustainable structures, opportunity grows for innovative approaches to higher building performance.

PATENTS – For many small companies, patent protection prevents competitors from simply copying their innovations and aids in attracting investor capital. 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 144 countries with one international patent application.

PRODUCT DESIGNS – Building product designs reflect the technical expertise and creativity of U.S. manufacturers. Design supports the diversity of high quality, innovative, and practical products that are the hallmark of U.S. building products 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 over 65 territories through filing one single international 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. building product manufacturers. These



TAKE AWAY

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

secrets might underpin technologies and processes that increase building performance or support customer retention, advertising, or sales channel development strategies.

Protection for trade secrets varies by country, but most 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.