

Notably, protection for these creative works is automatic and includes prohibiting the reproduction and distribution of the work.

### TAKEAWAYS

- 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 secrets should take reasonable steps to protect them.
- 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](http://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 export markets of interest. Visit: [www.trade.gov/cs/](http://www.trade.gov/cs/)
- Exporters can find additional resources online. Visit: [www.export.gov](http://www.export.gov)
- Learn about leading export markets. Visit: [www.trade.gov/topmarkets/textiles.asp](http://www.trade.gov/topmarkets/textiles.asp), [otexa.trade.gov/exports/fastgrow.htm](http://otexa.trade.gov/exports/fastgrow.htm), or [otexa.trade.gov/IPR\\_Protect.htm](http://otexa.trade.gov/IPR_Protect.htm)



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INTERNATIONAL  
**TRADE**  
ADMINISTRATION

# Protecting Intellectual Property In Export Markets

## ***SPORTING GOODS***



**INTERNATIONAL MARKETS** supported 1.8 billion in exports for the U.S. sporting goods sector in 2018. 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 foundation of the highly innovative U.S. sporting goods export base, yet establishing IP protection in the United States does not trigger automatic global protection.



**THE INTERNATIONAL TRADE ADMINISTRATION (ITA)** helps U.S. sporting goods exporters to identify their IP assets and proactively take steps to protect them. U.S. sporting goods exporters enjoy competitive advantages through innovative products, advanced materials, state-of-the-art manufacturing techniques, and brand recognition. These all involve intangible assets known as intellectual property; primarily patents, trade secrets, trademarks, and designs.



## PATENTS | 📌

Continuous innovation is key to the global competitiveness of U.S. sporting goods manufacturers, from game-changing new devices and breakthrough technological advancements, to continuous improvement of existing products. As companies seek to meet the demands of their consumers for new sporting equipment, the need for innovative gear and revolutionary style is expanding rapidly. For many small companies, patent protection prevents competitors from simply copying their innovations, and aids in attracting investor capital needed to grow, to build market share,

and to create jobs. For U.S. small businesses competing 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 151 countries with one international patent application.

## TRADE SECRETS | 📌

Trade secrets are valuable intangible assets for U.S. sporting goods manufacturers. Proprietary information with commercial value can help U.S. companies win sales in highly competitive global markets. These secrets might underpin technologies in the manufacturing process, or support customer retention, advertising, 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. sporting goods companies are recognized global leaders in quality and technologically-advanced equipment. The power of a U.S. company's brand provides a significant 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 – particularly those who export, as well as those that represent sports teams or have sponsors.



Trademarks must be registered in every country where the company wishes to have protection. 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 ornamental characteristics embodied in, or applied to, an article of manufacture is protectable IP. Designs of sporting goods reflect the high quality, dependability, and ingenuity that are a hallmark of U.S. sporting goods companies. Protecting 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 through the filing of one single international application.

## COPYRIGHT | 📌

Copyright protects original works of authorship fixed in a tangible medium of expression. Manuals describing the sporting goods, videos illustrating proper use, and any software contained within the product are all protectable through copyright. Although there is no international copyright, most countries have agreed to protect creative works through various international agreements.