

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) RESOURCES

WIPO is a specialized agency of the United Nations, located in Geneva, Switzerland. WIPO's objectives are to promote intellectual property protection throughout the world through cooperation among states and, where appropriate, in collaboration with any other international organization. Established by the WIPO Convention in 1967, WIPO currently has 193 member states and provides a global policy forum, where governments, intergovernmental organizations, industry groups and civil society can come together to address evolving IP issues. WIPO's duties include administration of the WIPO registration treaties (PCT, Madrid Protocol, Hague Agreement) as noted above. Additionally, WIPO is active in discussions that involve the nexus of IP and clean technology. One key WIPO initiative in this sector is WIPO GREEN—an interactive marketplace that connects technology and service providers with those seeking innovative solutions in varying fields including agriculture, education and energy.

RESOURCES

- The WIPO GREEN marketplace supports global efforts to address climate change by connecting providers and seekers of environmentally friendly technologies. Visit [WIPO GREEN—The Marketplace for Sustainable Technology](#) to learn more.
- In June 2022, the U.S. Patent and Trademark Office (USPTO) announced a new climate change mitigation pilot program to further support innovation. Visit [Climate Change Mitigation Pilot Program | USPTO](#) to learn more.
- Learn more about protecting and enforcing your intellectual property rights on the [STOPfakes](#) website.
- The Foreign Commercial Service can help you find a local attorney knowledgeable about IP issues in your export market. Visit [their website](#) to learn more.
- U.S. exporters can find additional resources online. Visit: [ITA's page on export solutions](#).



For comments, inquiries, or requests for business consultations please email STOPfakes@trade.gov



Protecting Intellectual Property in Export Markets Clean Technology



INTERNATIONAL MARKETS support increasing exports for the U.S. clean tech sector. Clean Tech encompasses a broad range of products and services which make use of technologies that are recently developed and are subject to continual refinement. While this makes intellectual property (IP) protections potentially available for the successful commercialization of these products, services and technologies, it also makes likely that countries will vary in their application of IP protections, rules and norms to emerging technologies—at least before more settled international practices emerge. While export markets offer U.S. companies tremendous opportunities, these same markets pose potential challenges to the protection and enforcement of valuable IP. IP is a key pillar of the highly innovative U.S. export base in the clean tech sector, however establishing IP protection in the United States does not trigger automatic global protection.

THE INTERNATIONAL TRADE ADMINISTRATION (ITA) helps U.S. exporters in the clean tech sector identify their IP assets and proactively take steps to protect them. U.S. companies in these sectors enjoy a competitive advantage through innovative products and services, research, state-of-the-art manufacturing techniques, software analytics and brand recognition. The very core of these advantages is built around intangible assets known as IP, in this case, patents, trade secrets, trademarks, designs, and copyright. U.S. exporters should 1) develop deep familiarity with the IP protections potentially available for their business offerings and other protectible intellectual property; 2) apply for available U.S. protections; and 3) plan to obtain available intellectual property protections in critical export markets, including those in which they plan to sell, manufacture or distribute products or components, and countries that pose infringement risks. Taking into account the sufficiency of IP protections available internationally can also help exporters determine the most logical locales for marketing, distribution and manufacturing operations.

PATENTS - Continuous innovation is at the heart of global competitiveness for U.S. companies, from game-changing technologies, connectivity, data analytics, and breakthrough manufacturing techniques, to ever constant improvement of existing products and services.

TRADE SECRETS - Trade secrets—proprietary information with commercial value—are valuable intangible assets that 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, data analytics, 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. companies gain a significant edge with their brands, allowing them to seize buyers' attention in highly competitive international markets. Protection for brand assets through trademark registration should be a priority for all companies—particularly exporters. 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 designs of products within the clean tech sector help to associate those products with their originators. 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 by filing a single international application.

COPYRIGHT - Additional IP is likely to be found in the tools used to support some of the more complex clean tech products and services. Manuals describing the products or services, videos illustrating proper use, and any software contained within the products or services are examples of works protectable by copyright. While there is no such thing as an "international copyright" that will protect a work throughout the world, most countries have joined copyright treaties and conventions that require the protection of foreign works under certain conditions. 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 secret should take reasonable steps to keep them confidential.
- 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.
- Companies should consider consulting the WIPO GREEN resource for clean technology industry insight and collaboration.
- Companies in the climate sector should explore whether they can utilize the USPTO's Climate Change Mitigation Pilot program.