



# Intellectual Property for SME businesses

SMEs that manage their IP effectively are often better placed to identify risks and grow their business through acquisition and access to additional funding.

A report published by the EPO in May 2019, reported that small and medium-sized enterprises (SMEs) that apply for patents, trade marks or designs have a greater probability of experiencing high growth than SMEs that do not.

The [study](#) released by the [European Patent Office](#) (EPO) and the [European Union Intellectual Property Office](#) (EUIPO), shows that SMEs that have filed at least one IP right are 21% more likely to experience growth, and are 10% more likely to become a high growth firm than those without IP rights applications. SMEs that file for IP rights at European level have an even greater likelihood (17%) of becoming an HGF.

IP is often managed by different parts of a business so it is important to understand who owns your IP – for example, what happens if your star inventor wants to leave?

We have set out some of the things you need to know and consider:-

## What is IP?

It's the stuff that sets your business apart from the competition. IP rights fall into one of four categories:

- Patents – Protects what a product does, or how it is made, for example, new technology, or a new manufacturing process.
- Trade Marks – Protects anything that identifies the source of your product or service, such as; the name of your business, your logo, or the colours.
- Designs – Protects the appearance of a product. For example, the design of a chair, a mobile phone, the label of a drinks bottle, or the screenshot of a video game.
- Copyright – Protects creative and aesthetic rights, such as; packaging, photographs and text, or website content or illustrations.

## Protecting your IP vs IP budget

You may have established a budget to protect your IP, but it can be difficult to decide which areas to patent and protect. You may be considering whether to use your budget on new patent applications, or whether it's more effective to spend on protecting trade marks. SMEs often don't have the in-house expertise to manage all of its IP, so seeking the advice of a specialist IP attorney can help you identify your most valuable IP assets, manage any new applications, and highlight any risks and issues. You might want to consider an IP audit.

## Who owns your IP

It's the letter no employer wants to receive – [a key employee is resigning and moving to a rival company](#). Here's what you can do:-

- Review your IP portfolio – check that no assignments for other documents are outstanding.
- Check the employee understands the law – the ownership of IP developed and law in relation to confidentiality.
- Review the contract or employment
- Secure protection to cover what's been developed so far
- Stay on amicable terms you never know what the future holds!

## The right support at the right time

We understand the financial pressures and the competitive market that many SMEs operation within. However, securing the right advice early on in your design and development process means that we can help you future proof your business, protect your innovation or brand reputation, and help you to secure funding and/or investment. We can tailor flexible protection packages to suit any IP budget.

Our experience includes:-

- Working with sports performance company Grenade to provide strategic and tactical advice on filing programmes, advising on the freedom to use and register trade marks as well as the policing and enforcement of rights domestically and internationally. [Read more](#)
- Helping an SME in the lighting sector manage a portfolio of +50 patents.
- Advising a niche UK car company on infringement risks surrounding the design of a new supercar.
- Working with cosmetics company Heaven Health & Beauty Limited to provide international patent and trade mark advice to the business, ensuring continued IP protection which helps to safeguard future growth of the business. [Read more](#)
- Advising an SME business, in the water treatment/management sector, regarding managing existing rights and obtaining new rights.
- Working with an SME in the energy sector to build an IP strategy, and file for protection on a number of new bathroom and underfloor heating products.
- Advising Dry Like Me, the UK's award winning potty training brand, to use a combination of IP rights to protect a new idea that filled a gap in the market, allowing the product to successfully move into an area traditionally full of big name brands. [Read more](#)
- Working with Fortress Boxing in relation to a prototype training glove for boxing. Protecting the unique features of the glove through patent application to protect any implementation of the invention, rather than just the specific look.

For more information please contact [info@barkerbrettell.co.uk](mailto:info@barkerbrettell.co.uk) or speak to an advisor 0121 456 00 00