



## PRACTICE AREA

# IP PROTECTION + ENFORCEMENT

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SILBERSTEIN &  
ASSOCIATES

Our team of IP professionals have expertise and qualifications that span all aspects of intellectual property registration, commercialisation and enforcement throughout Australia and New Zealand. We also have close alliances with foreign associates, enabling our reach to extend seamlessly to jurisdictions worldwide.

Having a robust IP strategy is crucial for any market-leading business. Brand protection, patents and copyright are often the foundation stone of a business and provide it with a competitive advantage in the market place. Our IP lawyers and patent attorneys are experienced specialists who work closely with our clients to formulate an IP strategy which meets their business needs. Our clients include a wide range of Australian and international companies in fields as diverse as mining, food and beverage, pharmaceutical and biotech. Our clients include small inventors, SME and large multinational corporations.

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## OUR EXPERTISE INCLUDE:

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- Brand protection
- Commercialisation advice
- Confidentiality and non-disclosure agreements
- Copyright
- Design registration
- Enforcement strategies
- "Freedom to Operate" (FTO) analysis
- Infringement disputes
- Licensing and assignment agreements
- Packaging clearances
- Passing-off actions
- Patent drafting, filing, prosecution and opposition
- Patentability advice
- Portfolio management
- Searches, watches, and monitoring
- Trade mark applications and oppositions

Our IP capabilities are complemented by the other practice areas offered by the firm, including corporate and commercial law and litigation.

# EXPERTISE

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**S&A has experience across a variety of industries ranging from financial, property, Bio-tech, pharmaceutical, energy and resources, IT and software. We have a comprehensive knowledge of the key issues likely to arise in the management, protection and enforcement of our clients' IP portfolio.**

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S&A assists our clients navigate the 'commercialisation pathway' and maximise the potential inherent in their IP assets. Having a deep knowledge of our clients' industries and the regulatory developments which impact them, means that our team of IP specialists provide timely, targeted advice.

### **Navigating the "commercialisation pathway"**

Commercialising your new product or service is often a journey of many steps – S&A can assist you to get your idea 'to market'. Deciding on the most appropriate pathway requires careful consideration and will depend on the different types of IP involved. Your IP strategy is critical to the success of your business venture. We will work closely with you to:

- Define and document the IP
- Identify potential commercial opportunities
- Evaluate IP and determine whether the risk is worth taking
- Create a corporate structure
- File for IP registration with the necessary regulatory body e.g. IP Australia
- Source funding from investors

### **Industry Expertise**



At S&A we develop and maintain a high level of knowledge about our clients' businesses and the industries in which they operate.

This enables us to quickly understand the unique challenges they face and provide commercial advice that is pragmatic and adds value to them.

- Advertising and Marketing
- Consumer Goods
- Engineering
- FinTech
- Food and Beverage
- Information Technology
- Life Sciences
- Materials and Chemical Engineering
- Media and the Arts
- Medical and Surgical Devices
- Pharmaceuticals
- Renewable Energy and Resources
- Robotics
- Telecommunications, Media and Technology



**Managing your IP is an important factor in reducing some risks of commercialisation - it is a deterrent to competitors and puts them on notice that you take your IP rights seriously.**

**As a member of a global boutique law network, S&A has close relationships with firms in multiple jurisdictions, enabling seamless management of international IP portfolios and ensuring your commercial goals are protected.**

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### **Enforcement strategies and Infringement Disputes**

FTO searches can be a very valuable tool in making sure your R&D resources and IP portfolio are well utilised and move in the right direction in tandem with your commercial objectives.

S&A is experienced in reporting and advising on FTO searches, which has enabled our clients to make informed commercial decisions and keep a step ahead of their competitors.

### **Portfolio management**

A well-managed IP portfolio allows your business to operate smoothly and securely. It can also make your business more attractive to potential investors, business partners or buyers.

S&A uses sophisticated surveillance software to monitor all aspects of your IP portfolio including, monitoring and policing deadlines, preparing and responding to office actions and oppositions. Giving our clients peace of mind that their IP deadlines are being watched and are in safe hands.

### **Trade mark applications and oppositions**

Trade marks are an integral part of any business for branding, commercialising and building rapport within a target market. The team at S&A are experienced in making sure that your trade marks are properly and appropriately applied for so that your trade mark registrations are aligned with your business.

S&A are also part of an exclusive global network of IP specialists that make registering and enforcing your trade marks in foreign jurisdictions seamless.

### **Patent drafting, filing, prosecution and opposition**

S&A are leaders in all facets of the patent process. We work with a close alliance of global patent attorney firms and manage all steps of the patent process, including drafting, filing, prosecution and opposition.

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## OUR SERVICES INCLUDE:

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### Brand Protection

Brand protection is fundamental to every business - it is how customers and potential customers, identify with the company and what differentiates a company from its competitors.

S&A assists clients to protect all aspects of their brand ranging from appearance, content and style.

### Commercialisation Advice

Underscoring a sound IP strategy is sound commercial advice. S&A can assist clients in preparing plans to successfully commercialise their IP.

Whether it be exploiting, licencing or selling your IP, our team is dedicated to assisting you to get your product or service into the market.

### Confidentiality and non-disclosure agreements

Having a well drafted confidentiality or non-disclosure agreement is essential to protecting your business's valuable IP assets, especially in the early stages of R&D or if you're speaking to potential investors.

S&A can draft, review and provide responses to confidentiality or non-disclosure agreements, specific to your business needs.

### Enforcement strategies and Infringement Disputes

In a busy and crowded market-place it is almost inevitable that some issues or disputes will arise with competitors. Knowing how and when to respond to these issues is key to a successful and favourable outcome for your business.



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