

# Intellectual Property Rights



**Pedro Velasco Martins**  
Deputy Head of Intellectual Property Unit at DG Trade, European Commission



**Jaroslav Slávik**  
Director of Agentura TATA, former executive director of EMI and AOL Time Warner in Eastern Europe



**Zuzana Hečko**  
Associate  
Allen & Overy



**Maroš Kemény**  
Strategic Director  
Creative Department

AmCham celebrated an early World IP Day 2012 on April 19 at a business seminar on Intellectual Property Rights, sponsored by Allen & Overy, Microsoft and Philip Morris Slovakia.

The seminar stressed the importance of intellectual property in fostering innovation and creativity in Europe and the World. As Jake Slegers, the Executive Director of AmCham Slovakia, stated in his opening remarks, "Intellectual property rights are among the key issues affecting global trade and innovation. As IPR protection fosters innovation in the economy, it is a critical tool to the continued success of our businesses in meeting the needs of the market and related challenges. Policies that weaken IPR and in some cases destroy the value of the IP assets that U.S. and European enterprises have built and continue to build, would create significant harm to our competitive positions in fast-growing markets around the world. The mandated elimination or diminishment of trademarks would certainly create a dangerous precedent with far reaching implications."

The seminar was divided into four panels, which were

preceded by a keynote speech of Pedro Velasco-Martins, the Deputy Head of Intellectual Property Unit at DG Trade, European Commission. Mr. Velasco introduced some of the key initiatives of the European Commission in the field of IP, and stressed the needed support for innovation and creativity, both of which are fostered by the protection of intellectual property rights. Intellectual property is the cornerstone of the EU economy and a key pillar of the knowledge-based society. In 2010 alone, the European Patent Office granted over 55,000 patents and the Office for Harmonization in the Internal Market registered over 100,000 Community trademarks. Mr. Velasco pointed out that the recent legislative changes regarding trademarks made them cheaper and easier to obtain. The EU also attempts to protect IP with regards to third countries, such as China, India and Russia. For instance, when the EU drafts free trade agreements with third countries, it offers easier access to the EU market, but only after the party to the agreement accepts measures for protection of intellectual property.

Jaroslav Slávik, the director of the TATA music agency, and a former executive director of



**Gabriel Fedorko**  
Technical Director  
Microsoft



**Andrej Hanus**  
Head of the European and International Affairs Department  
Customs Office Bratislava



**Daniel Bursík**  
Brand Protection Manager Czech Republic and Slovakia  
Nike



**Štefan Gerbóc**  
Custom Department Manager  
Samsung



Photo: Andrej Klížan



# Seminar



**Darina Kyliánová**  
Director  
Industrial Property Office



**Dávid Durbák**  
Head of Legal Department  
Telefónica O2 Slovakia

EMI and AOL Time Warner in Eastern Europe, also expressed his belief that Europe and Slovakia will only move forward if they invest in creativity and innovation. As he illustrated with the recent developments in the traditional book market, which has experienced a boom due to e-readers and tablets, many areas and industry sectors can become interesting for investors if they invest in creativity. From this perspective, it becomes less useful to rely on cheap labor costs.

Intellectual property rights can take the form of patents, trademarks, designs and copyright and are designed to safeguard the creator's inventions, brands and creativity. As Zuzana Hečko of Allen & Overy pointed out during the first panel, which focused on defining IP, various forms of

IP rights can be applied to a single product – for instance trade secrets, domain names or designs. According to Hečko, it is insufficient to simply register assets; it is also necessary to monitor whether other parties haven't registered something very similar. Assets must also be registered for a certain class of goods and services. In most cases, there is a danger of counterfeiting, substitution with a similar class of goods and services or (mis)use of good reputation.

Maroš Kemény, the strategic director of Creative Department, examined the value of intellectual property from the marketing point of view. He emphasized the value of brands for companies, noting that if a company loses everything, the only thing that remains is its brand. To illustrate this point, Kemény pointed to the example of Australia, which adopted a law that requires plain packaging of tobacco products. According to Kemény, this type of packaging simply kills the brand. In general, weakening of intellectual property protection levels would reduce incentives to innovate and invest and have a detrimental effect on jobs and competitiveness in Europe. Such trends should be resisted.

Open innovation was also promoted by Gabriel Fedorko of Microsoft, who spoke about sharing of intellectual property from the perspective of a major software company. Through its creative programs, Microsoft enables other market shareholders to access its intellectual property. This is extremely beneficial especially for start-up companies, which thereby get access to the basic research results, which they can develop further.

ALLEN &amp; OVERY

Microsoft®

PHILIP MORRIS  
SLOVAKIA



The seminar also focused on the protection of IP through customs measures. Over 2,500 detentions of fakes were made in the domestic Slovak market last year, compared to 142 cases on the border. According to Andrej Hanus, the head of the newly-created IP department of the Slovak customs, the cooperation with companies which apply zero tolerance is good. However, it is problematic in such cases when rights holders lack interest in taking action. Practical examples and the business point of view on the issue of customs enforcement were also presented by representatives of NIKE and Samsung.

**Intellectual property rights can take the form of patents, trademarks, designs and copyright and are designed to safeguard the creator's inventions, brands and creativity.**

The final panel was devoted to trade mark protection in

Slovakia. Darina Kyliánová, the director of Industrial Property Office emphasized Ms. Hečko's remarks and also stressed the need for companies to register assets, as this is not a common practice in Slovakia. Daniel Durbák, the head of O2's legal department complemented Ms. Kyliánová's presentation by offering some practical insights from one of the major telecom operators in Slovakia.

The American Chamber of Commerce in the Slovak Republic is committed to helping make Slovakia an innovation hub. This is why we were delighted to celebrate World IP Day at this exceptional event, which took place thanks to the kind support of Allen & Overy, Microsoft and Philip Morris Slovakia.

