

Types & Nature of Intellectual Property Rights (IPRs)

Stane Antolin

Types of intellectual property rights (IPRs) include patents, copyrights, and trade secrets. One characteristic of these IPRs is their territoriality. Other characteristics include that the commercialization and enforcement of these IPRs is by their owner. Patents can provide time limited exclusivity to their owners for new, inventive, and useful technologies, designs, & asexually propagated plants. However, because patents are exclusionary, a patent owner can be prevented from using the technologies, designs, and/or asexually propagated plants that is the subject of their patent. Territoriality impacts patents as different patent issuing authorities (e.g., US versus EU, JP, and CN) have different approaches to examining a patent application and, when new and inventive, granting a patent. This seminar introduces IPRs while exploring patents and their characteristics in further detail.



Stane Antolin, BS, MS, JD

300 North Greene Street
Suite 1400

Greensboro, NC, USA 27401

T +1 336 378 5516

F +1 336 378 5400

stan.antolin@smithmoorelaw.com



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After training and working as a metallurgical engineer/materials scientist in the United States and Europe, Mr. Antolin appreciated that the study and practice of law would be a natural compliment to his skill set in a global, technology driven economy. Today, Mr. Antolin uses both his technical and legal training and experience in his Intellectual Property (IP) law practice at Smith Moore Leatherwood, a seven office law firm with more than 170 attorneys in the southeastern United States.

From his office in North Carolina, Mr. Antolin and his IP attorney colleagues work with clients from throughout the world (e.g., Australia, Austria, Canada, France, Germany, India, Ireland, Italy, Japan, Korea, Slovenia, Switzerland, and the US) to establish intellectual property rights in the US. Patents, trademarks, copyrights, and trade secrets are among the intellectual property rights that Mr. Antolin and his IP attorney colleagues work to establish, sell or license, and enforce. For international clients with an existing US presence, these efforts support participation in the North American industrial and commercial markets; while for clients looking to establish a future US presence, these efforts can, in time, allow for participation in the North American market.

In further support of clients transitioning into North American markets, Mr. Antolin and his IP attorney colleagues frequently draw upon the skills of their Smith Moore Leatherwood colleagues practicing in other areas of international law (e.g., Corporate, Business Transactional, Labor and Employment, Immigration, and Real Estate, to name a few). The firm has an established international practice focused on handling various legal issues which clients may encounter in the course of international business transactions, including the creation and modification of cross-border business entity structures, asset transfers, economic and local tax incentive planning, immigration, customs, international tax considerations, commercial agreements and disputes, and compliance with the Foreign Corrupt Practices Act. The firm's attorneys and staff integrate a thorough understanding of foreign cultures, high quality legal skills, and the ability to work effectively in such languages as Bosnian, Croatian, Czech, German, Italian, French, Polish, Russian, Spanish, Slovak, and Slovene. Many of our attorneys have lived in the countries where the firm represents international clients. The firm has extensive international experience with both foreign and domestic companies and the legal issues that concern them.