

Effective use of the Madrid System – Case Studies

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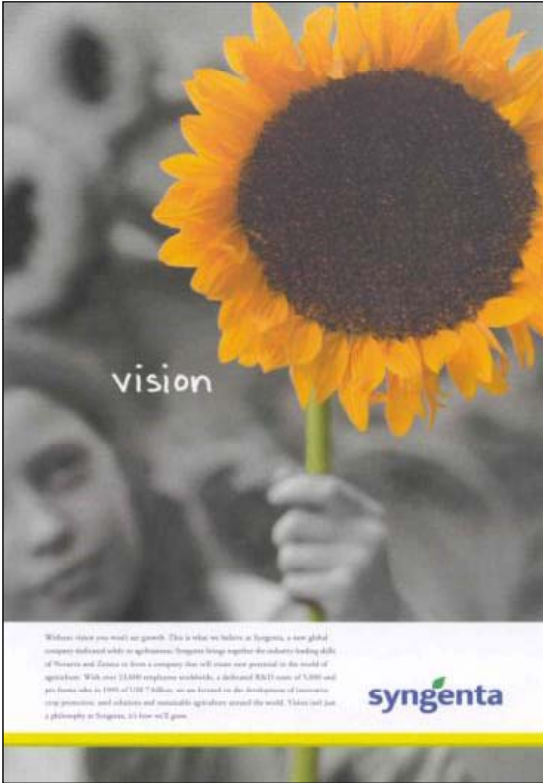


Outline

- Syngenta and its challenges
- Filing case study
- Assignment case study
- Case study where Madrid not used
- Conclusion

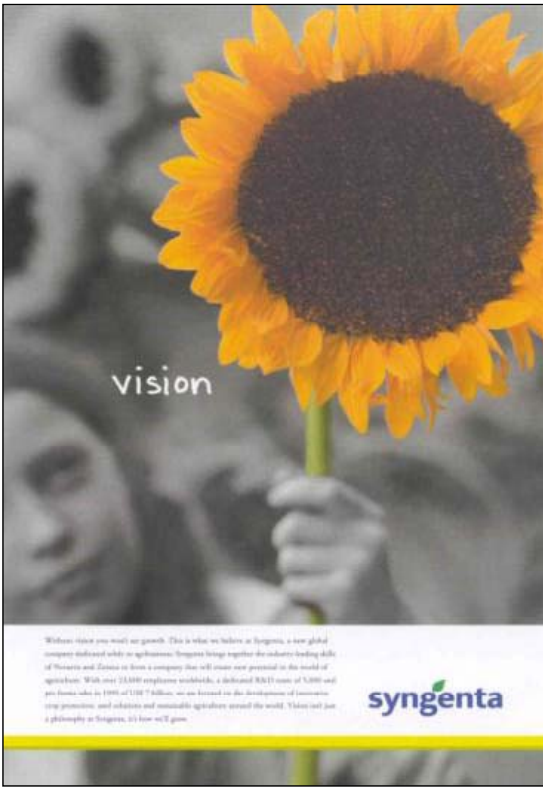
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Syngenta vision

Our goal is to be the leading global provider of innovative solutions and brands to growers and the food and feed chain

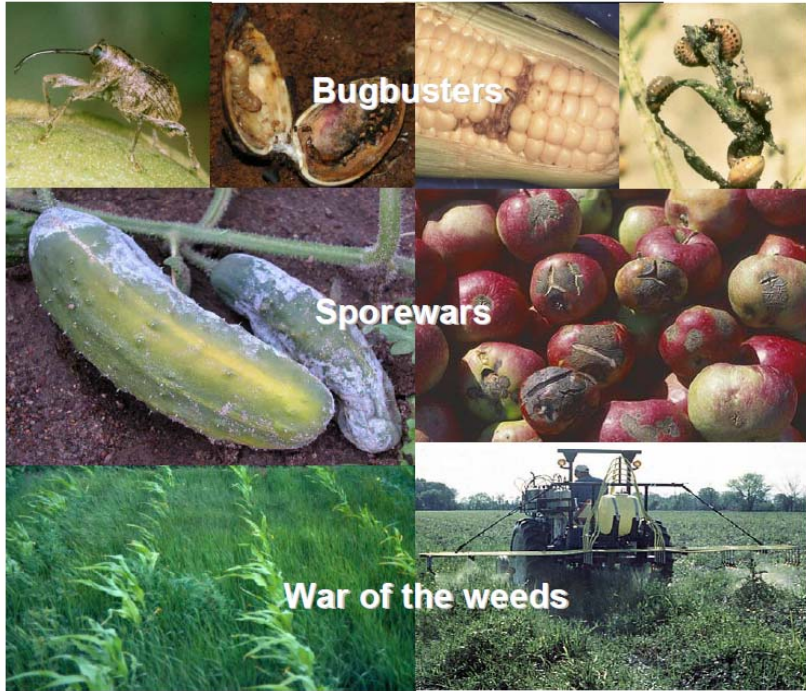


Put another way....

“When you have food, you have many problems. When you have no food, you have only one problem.”

(Ancient Chinese Saying)

What we do



What is Syngenta?

- World No. 1 in agrochemical products
- No. 3 in conventional commercial seeds
- Developing consumer lawn and garden
- Developing biotechnology products to address specific farmer issues



Filing Statistics

- 38,000 marks in 140 countries
 - Less than 30,000 in 2000 but budget and headcount almost the same
- 680 CTM's
- 900 International Registrations
 - Covering 2 – 70 countries
 - Oldest IR still used dates from 1940 and is African

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Challenges

- Over 50% off patent – increase to 80% by 2015
- Widely counterfeited/infringed
- Strictly regulated industry
- External cost back-charged to business

Callisto



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Counterfeiting

- 10% of pharmaceuticals worldwide
- 1 in 10 car parts purchased in France
- 800,000 doses of fake medicine seized at EU borders in 2004 destined for the World's poorest countries
- Many airlines in developing nations ``knowingly and openly" install bogus parts since oversight of the carriers is virtually nonexistent



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Cost Challenges

- Average new drug development $\$ > 1$ bn, pesticides $\$ > 250$ m
- Over double 1980 price and 5 times 1970 price
- New product 10-12 years to develop
- Steep rise in clinical/environmental tests
- Higher risk of failure
- Huge increase in product registration costs
- Risk of resistance

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Challenges

- Aggressive budget cuts
- High cost of outside counsel
- More infringement
- More aggressive enforcement
- More need to search
 - Cheaply and effectively



Filing Case Study

New Fungicide to be launched

- Primary markets: West and East Europe, USA, China, Korea, Russia
- Secondary markets: Caribbean, Malaysia, Thailand, Venezuela, Colombia, India, Sri Lanka, Kenya, Uganda, Tanzania
- Manufacture: Singapore

- BUDGET: Limited

Filing Strategy

- CTM
- All primary markets either by IR or national filing
- For secondary markets extend IR to Cuba, Antigua and Kenya
- Possibly file in India as big potential and now relatively cheap and quick to register.

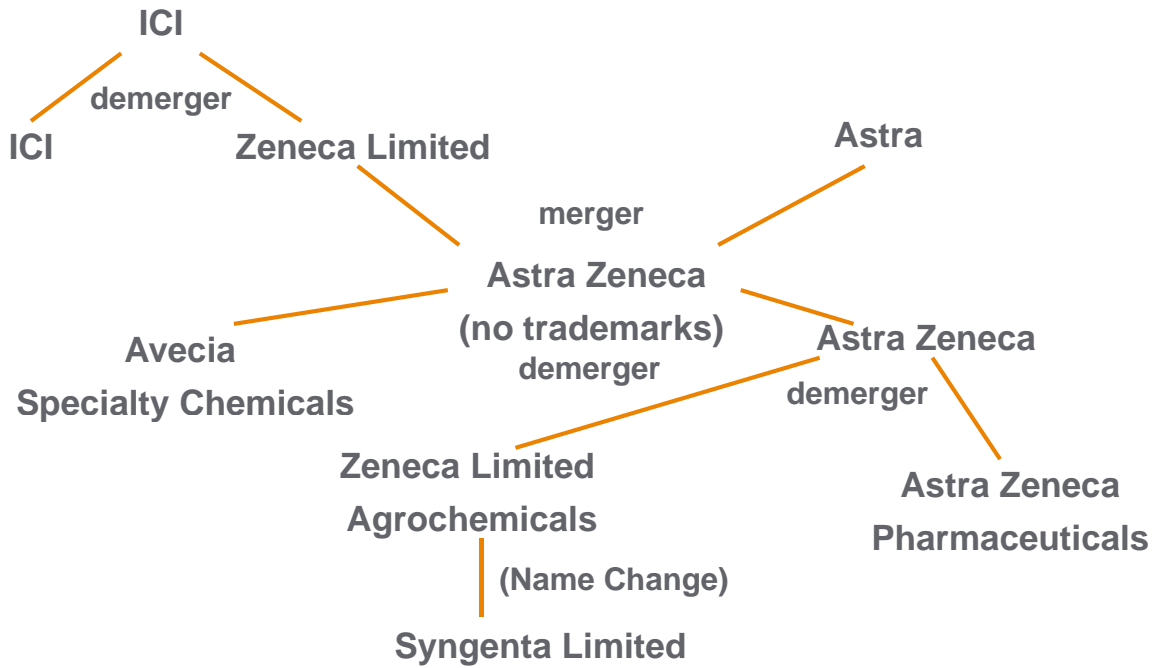
- All other markets too expensive, too slow or too risky.

Filing Strategy

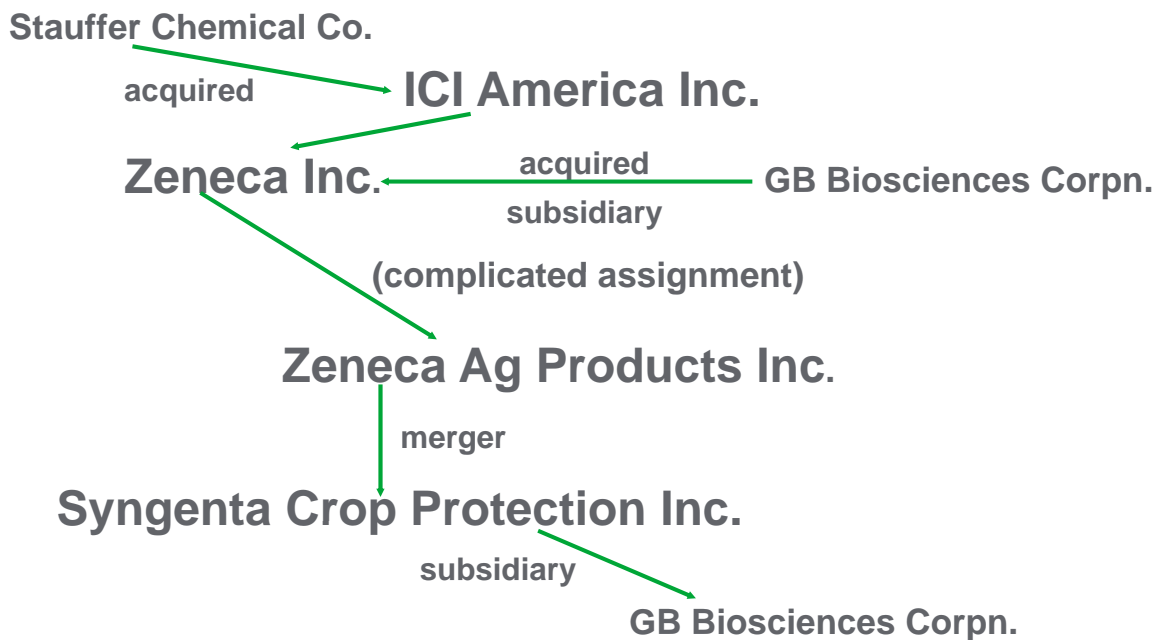
- All other markets not filed – why?
 - Appoint local attorney
 - Local currency – bank charges etc
 - POA's, possibly notarised/legalised
 - Possible translations
 - Extra internal admin
 - Slow
 - Impossible to give realistic computation of cost

Assignment Case Study

SYNGENTA TRADEMARK OWNERSHIP – U.K.



SYNGENTA TRADEMARK OWNERSHIP – U.S.



50% of countries in CTM/Madrid

- One form
- One currency
- No POA's
- No translations
- Minimal internal admin
 - Quick
 - Cost fixed and low

50% are not in CTM/Madrid

- Appoint local attorney
- Local currency – bank charges etc
- POA's, possibly notarised/legalised
- Possible translations
- Extra internal admin
- Slow
- Impossible to give realistic computation of cost but up to \$500 per mark per country
- Cost - \$\$MILLIONS

Case Study – Where we would NOT use Madrid

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Local Marks



Lead mark but with local language



US preferred and market too big to dictate



KARATE not available in UK



More "Spanish" for LATAM Market

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The Syngenta logo is a stylized, light gray graphic consisting of a curved line that starts at the top right, curves down and left, then curves back up and right, ending in a leaf-like shape. It is positioned on the right side of the page, partially overlapping the green bar.

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