

International IP protection is the single most time-sensitive decision in your IP strategy. Miss one deadline and you lose rights in that market permanently. This guide walks you through every step, from identifying your IP to building a global portfolio.

THE GOLDEN RULE

In most countries -- China, Europe, Japan, Brazil, South Korea -- a single public disclosure BEFORE filing destroys patent novelty permanently. File first. Disclose second. Contact IP counsel at least 3 months before any international deadline falls due.

Why International IP Protection Matters

- Stop competitors from copying your product, brand, or technology in export markets
- Enter foreign markets with legally enforceable rights and customs recordals
- Attract foreign investors, licensees, and strategic partners
- Generate royalty income from overseas licensees and technology transfer
- Block counterfeit goods at borders using registered IP rights
- Build enterprise value and IP portfolio for international sale or joint venture

STEP 1 IDENTIFY WHAT YOU ARE PROTECTING

Before filing internationally, confirm which IP right applies to each asset you own.

Your Asset	Type of International Protection
Brand Name / Slogan	Trade Mark
Logo / Visual Identity	Trade Mark
New Product or Technology	Patent
Manufacturing Process	Patent or Trade Secret
Product Shape or Appearance	Registered Design
Software / Application Code	Copyright and Patent in select countries
Creative Content / Manuals	Copyright
Confidential Formula / Data	Trade Secret plus NDA
Plant Variety	Plant Variety Protection

STEP 2 IP IDENTIFICATION CHECKLIST

Tick every item that applies. Every tick is a potential international filing.

Brand and Trade Mark Assets

- ☐ Brand name, product name, or company name used in foreign commerce
- ☐ Logo, emblem, visual identity mark, or certification mark
- ☐ Tagline, slogan, or advertising phrase with distinctiveness
- ☐ Packaging shape, colour, or trade dress distinguishing your goods
- ☐ Domain names and social media handles requiring protection in target markets

Patents and Technical Innovations

- ☐ Novel product, device, or article of manufacture not yet publicly disclosed
- ☐ Novel process, method, or manufacturing technique
- ☐ Software with a technical effect (patentable in USA, EPO, China, Japan)
- ☐ Improvement to an existing product or process not in the prior art

Designs

- ☐ Unique visual appearance, shape, or ornamentation of a product
- ☐ Packaging or label design with distinctive aesthetic features
- ☐ User interface or icon design with commercial significance

Copyright and Confidential Information

- ☐ Software code -- automatic copyright in 181 Berne countries on creation
- ☐ Research data, publications, manuals, or marketing content
- ☐ Proprietary formula or know-how to be protected by trade secret and NDA

STEP 3 INTERNATIONAL IP HEALTH CHECK

Answer these questions honestly. Every 'No' requires immediate action.

Deadlines and Priority

- Have you identified your Indian home filing date and calculated all international deadlines?

- Are you within 12 months of your Indian patent filing date?
- Are you within 6 months of your Indian trade mark or design filing date?
- Have you obtained Section 39 clearance before filing any patent outside India?

Freedom to Operate and Clearance

- Has a clearance or availability search been conducted in each target country?
- Has a freedom-to-operate analysis been completed for each target market?
- Are you confident your product does not infringe third-party patents abroad?

Ownership and Documentation

- Have all inventors signed an assignment deed in favour of the applicant?
- Is the applicant entity confirmed for all target jurisdictions?
- Have contractor and employee IP assignment agreements been executed?

Budget and Agent Readiness

- Have you identified and instructed IP filing agents in each target country?
- Has the budget for filing fees, translation, and agent costs been approved?
- Is a deadline tracking system in place for all prosecution and renewals?

STEP 4 THE "STOP AND CHECK" TOOL -- BEFORE ANY DISCLOSURE

Before sharing your innovation or brand with any external party, run this check. Any item you cannot confirm means: STOP -- consult your IP counsel first.

Are you about to share with any of the following?

- ☐ Investors, venture capital firms, or angel investors
- ☐ Foreign distributors, agents, or export customers
- ☐ Manufacturers, contract manufacturers, or OEM partners abroad
- ☐ Consultants, advisors, or technical collaborators

- ☐ Trade fairs, exhibitions, conferences, or press events
- ☐ Potential joint venture or licensing partners

Before sharing, confirm the following

- ☐ A patent application has been filed in India establishing a priority date
- ☐ An NDA has been signed by the recipient before any disclosure
- ☐ The disclosure will not affect patent rights in any target country
- ☐ A trade mark application has been filed before the mark is used publicly abroad

CRITICAL -- NOVELTY RULES BY COUNTRY

China, Japan, Germany, France, Brazil, South Korea: ABSOLUTE NOVELTY -- any disclosure before filing permanently destroys patent rights. No exceptions. USA and Canada: 12-month grace period for inventor's own disclosures only. India: 12-month grace period for exhibitions or government publications only.

STEP 5 YOUR INTERNATIONAL DEADLINE CALENDAR

All deadlines run from your earliest Indian (home country) filing date. Highlighted cells show your critical filing windows.

IP Right	Route / Office	Deadline from Priority Date
Patent	PCT Route	12 months from Indian filing
Patent	PCT National Phase	30 months from Indian filing
Patent	Paris -- Direct Filing	12 months from Indian filing
Patent	USA (USPTO)	12m Paris or 30m PCT
Patent	Europe (EPO)	12m Paris or 31m PCT
Patent	China (CNIPA)	30 months from Indian filing
Patent	Japan (JPO)	30 months from Indian filing
Patent	South Korea (KIPO)	30 months from Indian filing
Patent	Australia	12m Paris or 31m PCT
Trade Mark	Madrid System	6 months from Indian TM filing
Trade Mark	EUIPO (EU, 27 states)	6 months from Indian TM filing
Trade Mark	UK (UKIPO)	6 months from Indian TM filing
Trade Mark	Direct -- Any Country	6 months priority or any time
Design	Hague System (WIPO)	6 months from Indian design filing
Design	EU Design (EUIPO)	6 months from Indian design filing
Design	USA Design Patent	6 months from Indian design filing
Copyright	All Berne Countries	Automatic -- no deadline

IMPORTANT

Deadlines are non-extendable. Missing the 12-month Paris or PCT deadline for patents permanently forecloses international rights in most countries. Missing the 6-month trade mark priority period means filing without priority, which may allow intervening third-party registrations to block your mark.

STEP 6 CHOOSE YOUR INTERNATIONAL FILING ROUTE

Select the route that matches your budget, timeline, and number of target countries.

Route	Coverage	Key Condition
PCT (Patent Cooperation Treaty)	150+ countries via one application	File within 12 months of Indian filing
Paris Convention -- Direct	File in each country individually	File within 12 months of Indian filing
European Patent (EPO)	Up to 44 European states	Single application; validate nationally after grant
USPTO -- USA Patent	USA only	Via Paris (12m) or PCT national phase (30m)
CNIPA -- China Patent	China only	PCT national phase; Chinese translation required
GCC Patent Office	6 Gulf states in one filing	Single application covering GCC member states
ARIPO	African regional patent	Covers English-speaking African member states
OAPI	African regional patent	Covers French-speaking African member states

For Trade Marks

Route	Coverage	Key Condition
Madrid System (WIPO)	130+ countries in one application	File within 6 months of Indian TM filing for priority (if claiming priority)
EUIPO Trade Mark	All 27 EU member states	Single application; unitary right across all EU states (if claiming priority)
UK Trade Mark (UKIPO)	United Kingdom only	Separate post-Brexit filing required (if claiming priority)
GCC Trade Mark	6 Gulf Cooperation Council states	Single regional application
Paris Convention -- Direct	Any individual country	File within 6 months or at any time without priority

For Designs

Route	Coverage	Key Condition
Hague System (WIPO)	95+ countries via one application	File within 6 months of Indian design filing for priority
EU Registered Community Design	All 27 EU member states	Single application via EUIPO
USA Design Patent (USPTO)	United States only	File within 6 months of Indian design filing
Paris Convention -- Direct	Any individual country	File within 6 months of Indian design filing

STEP 7 SELECT YOUR TARGET COUNTRIES

Prioritise countries where you currently operate, export, or plan to expand.

Americas

☐ USA (USPTO)

☐ Canada (CIPO)

☐ Brazil (INPI)

☐ Mexico (IMPI)

☐ Argentina (INPI-AR)

Europe

☐ EPO -- up to 44 states☐ Germany

Asia Pacific

☐ China (CNIPA)☐ Australia☐ New Zealand

Middle East and Africa

☐ UAE☐ GCC Patent Office☐ South Africa

South and South East Asia

☐ Bangladesh☐ Vietnam☐ Philippines☐ EUIPO -- 27 EU states☐ France☐ Japan (JPO)☐ Singapore☐ Saudi Arabia (SAIP)☐ ARIPO☐ Sri Lanka☐ Thailand☐ UK (UKIPO)☐ Switzerland☐ South Korea (KIPO)☐ Hong Kong☐ Israel☐ OAPI☐ Nepal☐ Malaysia

STEP 8 INTERNATIONAL IP PROTECTION ROADMAP

Follow these four stages in sequence. Each stage builds on the previous one.

1 Stage 1 -- Preparation -- Before Filing

- ☐ Document your invention, brand, or design with dated internal records
- ☐ Execute NDAs before sharing with any external party in any country
- ☐ Conduct prior art search and FTO analysis in all target countries
- ☐ Confirm Section 39 clearance before filing any patent outside India
- ☐ Identify and instruct foreign IP agents; execute Powers of Attorney

2 Stage 2 -- File and Establish Priority

- ☐ File Indian application to establish the priority date
- ☐ File PCT application within 12 months (multi-country patent strategy)
- ☐ File Madrid System application within 6 months (trade marks)
- ☐ File Hague application within 6 months (designs)
- ☐ Obtain certified copy of Indian priority application

3 Stage 3 -- National Phase and Prosecution

- ☐ Enter national phase in each target country within the applicable deadline
- ☐ Commission certified translations for all required jurisdictions
- ☐ Respond to office actions and examination reports in each country
- ☐ Pay all national phase entry fees and local agent fees
- ☐ Monitor application status across all jurisdictions

4 Stage 4 -- Post-Grant and Portfolio Management

- ☐ Pay annual renewal and maintenance fees in every registered country
- ☐ Monitor for infringement; file oppositions or cancellations where needed
- ☐ Expand filings to new markets as the business grows
- ☐ Negotiate licensing and royalty arrangements with foreign partners
- ☐ Conduct IP valuation for investment, acquisition, or balance sheet purposes

STEP 9 DOCUMENTS YOU MUST HAVE READY

Gather these before your first international filing. Missing any one can delay or invalidate.

For All International Filings

- ☐ Certified copy of Indian priority application (required for Paris Convention and PCT)
- ☐ Power of Attorney in favour of foreign filing agent -- notarised or apostilled
- ☐ Signed assignment deed from all inventors to the applicant
- ☐ Proof of entity type -- certificate of incorporation, MSME or startup certificate
- ☐ Priority document with certified English translation if application is in Hindi

For Patents

- ☐ Complete specification with all claims, drawings, and abstract in English
- ☐ Declaration of inventorship (required by USPTO, JPO, KIPO, and others)
- ☐ Sequence listing in WIPO ST.26 format (biotech and pharma only)
- ☐ Certified translations into Chinese, Japanese, Korean, Arabic as required
- ☐ Information Disclosure Statement for USPTO -- list all known prior art

For Trade Marks

- ☐ Mark representation in the required format and resolution for each office
- ☐ List of goods and services in International Nice Classification format
- ☐ Proof of first use in commerce where required (e.g. USPTO)
- ☐ Specimen of the mark in actual use for USPTO filings

For Designs

- ☐ High-quality drawings or photographs from all required angles
- ☐ Brief description of the article to which the design is applied
- ☐ Statement of novelty identifying the features that are new

STEP 10 COMMON MISTAKES TO AVOID

Filing internationally only after the product launch -- priority is then lost in most countries

Disclosing the invention at a trade fair or in a publication before filing a patent application

Missing the 12-month PCT or Paris deadline -- rights in those countries are permanently forfeited

Filing in the wrong entity name -- causing ownership disputes across jurisdictions

Ignoring translation requirements until after the filing deadline has passed

Assuming US copyright or trade mark protection extends to all other countries

Not obtaining Section 39 clearance before filing an Indian resident's patent abroad

Filing a Madrid trade mark application without checking availability in all designated countries

Failing to pay annual renewal fees -- rights lapse silently, often without any reminder

Sharing innovations with foreign manufacturers without an NDA or IP assignment agreement

STEP 11 INTERNATIONAL IP ACTION PLAN

Next 30 Days	Next 60 Days	Next 90 Days
☐ Identify all IP for international filing	☐ File PCT or Madrid application	☐ Enter national phase in each country
☐ Calculate every deadline from Indian filing date	☐ Commission all translations	☐ Build licensing strategy for target markets
☐ Obtain Section 39 clearance	☐ Conduct FTO and clearance searches	☐ Monitor competitor IP in key jurisdictions
☐ Instruct foreign IP agents	☐ Confirm and approve full budget	☐ Review and expand international portfolio
☐ Execute all assignment deeds	☐ Obtain certified priority document	☐ Conduct IP portfolio valuation
☐ Confirm entity status for fee reductions	☐ Set up docketing for all deadlines	☐ Assess renewal obligations and costs

STEP 12 INTERNATIONAL IP READINESS SCORECARD

Count how many of these you have completed. One point for each.

Score Your Position

- ☐ Indian home filing complete and certified copy obtained
- ☐ All international deadlines calculated and calendared
- ☐ Section 39 clearance confirmed for all patent filings outside India
- ☐ FTO analysis completed in all target markets
- ☐ Trade mark clearance search done in all target jurisdictions
- ☐ All inventor assignment deeds signed and notarised
- ☐ Powers of Attorney executed for all foreign agents
- ☐ PCT or Madrid application filed covering target countries
- ☐ Translations commissioned for all required jurisdictions
- ☐ Budget approved for all filing, agent, and translation fees
- ☐ Docketing system tracking all prosecution and renewal deadlines
- ☐ Licensing or commercialisation strategy for international markets confirmed

0 to 4	5 to 8	9 to 12
Early Stage Immediate action required. Contact your IP counsel today.	In Progress Good foundations. Prioritise the remaining steps without delay.	Well Prepared Strong international IP position. Proceed with your counsel.

Quick Reference | International IP at a Glance

PATENT	TRADE MARK	DESIGN
Protects inventions and processes. PCT: 150+ countries, 1 application. File within 12 months of Indian filing. PCT national phase: 30 months.	Protects brands, logos, and slogans. Madrid System: 130+ countries. File within 6 months for priority (if claiming priority). EUIPO covers all 27 EU states.	Protects product appearance. Hague: 95+ countries, 1 application. File within 6 months for priority. EUIPO RCD covers all 27 EU states.
COPYRIGHT	SECTION 39	DEADLINES
Automatic in 181 Berne countries. No international filing required. Exists from moment of creation. US registration aids enforcement.	Indian residents must wait 6 weeks after Indian patent filing before filing abroad -- or obtain prior permission. Criminal offence if not.	Patent (PCT / Paris): 12 months. PCT National Phase: 30 months. Trade Mark (Madrid): 6 months. Design (Hague): 6 months.

Your IP is an Investment, Not an Expense

File early. File in the right markets. Protect globally.

DISCLAIMER: This guide is for general informational purposes only and does not constitute legal advice. IP laws, fees and deadlines vary by jurisdiction and change frequently. Always consult qualified IP counsel before making filing decisions.