

MANAGE CHALLENGES IN THE GLOBAL MARKETPLACE

World Trade Month
Go Global
Webinar Series



Webinar #2: May 16, 2019



Go Global Webinar Series

We are here to help you **Go Global**.

Get answers to your top questions on **Finding and Financing New Buyers, Managing Trade Challenges, Using Online Tools, and Discovering International Opportunities**

Brought to you by your federal trade partners: the U.S. Small Business Administration, the Export-Import Bank of the United States, U.S. Census Bureau, International Trade Administration, U.S. Commercial Service, U.S. Agency for International Development and U.S. Trade & Development Agency.

Access more international trade resources on www.export.gov.



Webinar 2: Manage Challenges in the Global Marketplace

How can I protect my intellectual property?

How can I overcome trade barriers?

How can I win foreign government procurements?



Today's Speakers

Host: Omari Wooden
U.S. Census Bureau



Presenters: International Trade Admin., U.S. Dept of Commerce

Benjamin Hardman, Attorney / Advisor
Office of Intellectual Property Rights



Steven Presing, Executive Director
Enforcement & Compliance



Americo (Mack) Tadeu, Deputy Director
The Advocacy Center

Protect Your Intellectual Property

Office of Intellectual Property Rights

Benjamin Nils Hardman, Attorney / Advisor

STOPfakes.gov



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Protect Your Intellectual Property

What is Intellectual Property?

- Patents
- Trademarks
- Copyright
- Designs
- Trade Secrets



Protect Your Intellectual Property

What Do I Need to Know About Patents?

Property Right

- Granted for any new, useful, and non-obvious process, machine, article of manufacture, or composition of matter.
- Right to exclude others
- Claims define “fence” around the property
- Limited term; 20 years from date of filing

Public/Private Exchange

- Innovator discloses the invention to the public in exchange for the opportunity to be granted a patent.



Protect Your Intellectual Property

The Patent Cooperation Treaty (PCT)

- The Patent Cooperation Treaty allows inventors/applicants to file an international patent application but...
- The Patent Cooperation Treaty functions as a patent application filing system.
- The applicant must still prosecute the international application in each national or regional office where patent protection is desired.



Protect Your Intellectual Property

What Do I Need to Know About Trademarks?

- A trademark is a:
 - Word (Ford, IBM)
 - Phrase (“JUST DO IT.”, “WHERE’S THE BEEF?”)
 - Symbol  
 - Design
- that identifies and distinguishes the source of the goods of one party from those of others.



Protect Your Intellectual Property

International TM Registration

The Madrid Protocol

- provides a mechanism for trademark owners to file one application with The United States Patent and Trademark Office (USPTO) and designate other countries where they wish to register their mark.
- simplifies trademark portfolio management by providing centralized application and maintenance processing.



Protect Your Intellectual Property

What Do I Need to Know About Industrial Designs?

- An industrial design constitutes the ornamental or aesthetic aspect of an article.
- An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or color.
- Design is where function meets form.



Protect Your Intellectual Property

The Hague System – In Short

- System for centralized acquisition & maintenance of design rights
- File a single international application
- For a single international registration
- Having effect in designated Contracting Parties



Protect Your Intellectual Property

What Do I Need to Know About Trade Secrets?

Information that...

- has commercial value,
- not generally known, and;
- reasonable steps are taken to preserve confidentiality.



Protect Your Intellectual Property

Trade Secret vs Patent

Trade Secret

- Indefinite
- Not registered or disclosed
- Can be separately discovered
- Remedies only if the secret is illegally appropriated

Patent

- 20 year term
- Patents are publicly disclosures
- Right to exclude others
- Remedies for infringement



Protect Your Intellectual Property

What Do I Need to Know About Copyrights?

Works of authorship include the following categories:

- Literary works;
- Musical works, including any accompanying words;
- Dramatic works, including any accompanying music;
- Pantomimes and choreographic works;
- Pictorial, graphic, and sculptural works;
- Motion pictures and other audiovisual works;
- Sound recordings; and
- Architectural works.



Protect Your Intellectual Property

Take-Away Tips for Exporters!

- U.S. IP protection only protects you in the United States.
- Exporters should consider obtaining IP protection in markets:
 - Where they wish to export
 - Where they manufacture
 - Where they plan to expand
 - Where IP theft is rampant



Protect Your Intellectual Property

Where Can I Get Help with IP?

- Stopfakes.gov
- Attend a StopFakes Roadshow Event

<https://www.stopfakes.gov/roadshows>

- Industry-Specific IP Toolkits available for 6 Industries
- Country IP Snapshots

<https://www.stopfakes.gov/IPR-Toolkits>

- Twitter

<https://twitter.com/STOPfakesGov>

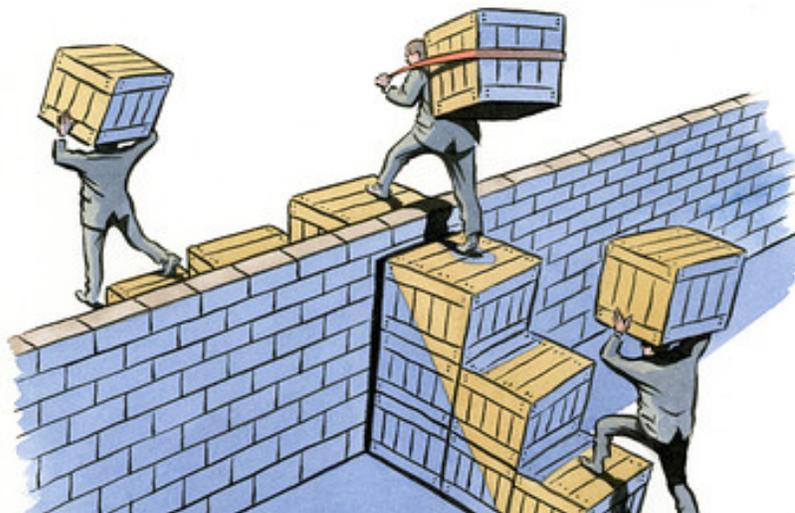


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Overcome Trade Barriers

Enforcement & Compliance Unit

Steven Presing, Executive Director



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Overcome Trade Barriers

How Do I Know If I'm Facing a Trade Barrier?

- Is your ability to export, invest, or compete in foreign markets restricted by foreign government policies, practices, or procedures?
- Are your exports or investment(s) being treated differently by a foreign government from other domestic or foreign competitors?



Overcome Trade Barriers

How Can I Avoid Trade Barriers?

- Gather Information
- Due Diligence
- Trade Barriers – Annual National Trade Estimate (NTE) Report
- Visit [Export.gov](https://www.export.gov)
 - Country Commercial Guides
 - Top Market Reports
- Reach out to local U.S. Commercial Service office



Overcome Trade Barriers

**What If I'm Facing a Trade Barrier?
What If I'm Not Sure?**

Contact Us

- Local U.S. Commercial Service Office
 - <https://www.export.gov/locations>
- Notify ITA's Trade Barrier Teams
 - Report a trade barrier at www.trade.gov/tanc
 - Email tanc@trade.gov
 - Call **(202) 482-1191**



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Overcome Trade Barriers

How Long Does It Take to Get Help?

- Follow-up within 24-48 hours
- Teams provide information, explain the process, provide full transparency, outline clear expectations
- Initial steps taken to better understand problem; you are a key part of the team
- Goal - try to resolve things in a commercially meaningful timeframe



Overcome Trade Barriers

What is My Role?

- Look out for trade barriers
- Let us know what you find - we can help
- Help us educate other businesses about trade barriers and the help available
- Refer colleagues facing trade barriers to us

www.trade.gov/tanc
tanc@trade.gov
(202) 482-1191



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Win Foreign Government Procurements

The Advocacy Center and Multilateral Development Banks

Americo (Mack) Tadeu, Deputy Director



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Compete for Foreign Government Procurement

- Worldwide Government Procurement is estimated at 10-15% of the world's GDP.
- The World Bank estimates that developing countries alone procure \$820 Billion in products and services.



Compete for Foreign Government Procurement

8 Tips for a Competitive Foreign Procurement Bid

1. Focus on 1-2 Markets and commit to them long term;
2. Review CS Market Reports – Country Commercial Guides;
3. Find a Local Partner with Experience;
4. Get in the Market Early and Establish Relationships;
5. Look for Supply Chain Opportunities Others May Bid On;
6. Check if Country is a WTO – GPA Member Country or has a FTA;
7. Subscribe on-line with MDBs to Receive Notices Directly; and,
8. Confirm Government Opportunity is Genuine Funded Project through our Commercial Service Offices Abroad.



Compete for Foreign Government Procurement

How Can I Compete Against Foreign Companies and Ensure My Bid Receives Attention?

- The Advocacy Center exists at the intersection between business and foreign policy, where commercial diplomacy efforts are required to let U.S. business compete fairly.
- We coordinate U.S. Government resources and authority to level the playing field when U.S. business competes for specific international public contracts, both civilian and defense sales.
- Our liaisons to 5 Multilateral Development Banks assist U.S. firms and advocate on their behalf when they compete for Bank tenders.



Compete for Foreign Government Procurement

How Does the Process Work?

- Advocacy Questionnaire
- Anti-Bribery Agreement
- Due Diligence
- National Interest Determination
- Creation of a Customized/Appropriate Advocacy Strategy
- Coordination of the Message and Medium of Advocacy



Compete for Foreign Government Procurement

How Does the Process Work? (Continued)



- Official correspondence
- Focused meeting / in-person advocacy
- Talking point in bi-lateral meeting / dialogue
- Press release or meeting with foreign press



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National Interest Determination - Commercial

- Based on **Material Benefit to the U.S. Economy**
- When the U.S. content is less than 50% of total value, other considerations include:
 - U.S. Materials and Equipment Content;
 - U.S. Labor Content;
 - Contribution to the U.S. Technology Base (including R&D); and,
 - Potential for Follow-On Business Benefiting U.S. Economy.
- All companies that apply for advocacy and whose bids are deemed to be in the U.S. National Interest shall be advocated for equally.



Compete for Foreign Government Procurement

Where Do I Get More Information?

- The Advocacy Center and Guidelines were developed for project-focused, company specific issues.
- Advocacy Center Website – **Export.gov/Advocacy**
 - Staff Listing
 - Advocacy Guidelines
 - Advocacy Questionnaire
 - Anti-Bribery Agreement



EXPORT.GOV Helps You

- How to Export Articles with *NEW* Videos
- Market Data
- Market Intelligence
- Events
- Exporter Services
- Sign up for Email Updates
- Find your local office

The screenshot shows the export.gov website homepage. At the top, the logo "export.gov" is displayed with the tagline "Helping U.S. Companies Export". A search bar and a "Log In" link are in the top right. A navigation menu includes "How to Export", "Customized Services", "Market Intelligence", "Events", "Trade Problems", "FAQs", "Boards", and "About Us". The main banner features the headline "TAKE YOUR BUSINESS GLOBAL" and a sub-headline: "Developed by international trade experts and economists, Export.gov provides trusted market intelligence, practical advice and business tools to help U.S. companies expand in global markets." Below this is a search bar with the placeholder text "search market and export knowledge". Four icons represent key services: "Export Guides" (document icon), "Market Intelligence" (globe icon), "FAQs" (speech bubble icon), and "Events" (calendar icon). The background of the banner is a photograph of a cargo ship's deck with stacks of colorful shipping containers. At the bottom, a grid of links provides further details for each service category.

How to Export	Customized Services	Market Intelligence	Events	Trade Problems	FAQs
eCommerce	Services for U.S. Exporters	Find Market Intelligence	Events and Trade Missions	Get Help with Trade Problems	Boards
Export Education	Plan and Assess	Export Guides	Webinars	Report a Foreign Trade Barrier	About Us
Finding Foreign Markets	Promote and Expand	Industry Information		Foreign Trade Remedies	International Trade Administration
Legal Considerations	Locations	Trade Leads		Foreign Safeguard Activity Involving U.S. Exports	Federal Trade Partners
Logistics		Trade Data & Analysis		U.S. Products Subject to	
Financial Considerations					



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EXPORT.GOV/How-to-Export Helps You

Managing Challenges

Exporting can be rewarding but challenging. Learn how to enhance your chances of success by managing your challenges, navigating any trade barriers, and knowing where to find help. Also, diversify your sales by exploring foreign government procurement opportunities. Start by watching the sixth set in the Exporting Basics video series.

The "Managing Challenges" Video Set:

1. Protecting Your IP Abroad
2. Due Diligence on Markets and Partners
3. Bridging Trade Barriers
4. Foreign Government Procurement

Subscribe to our [email updates and tips](#).

[\[Download Video 24 MB\]](#)



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GO GLOBAL Webinar Series

Upcoming Webinars

For more information on our next webinar go to:

<https://www.census.gov/foreign-trade/outreach/index.html>

- Online Tools for Finding New Markets: May, 23
- Opportunities in International Development: May 30

ALL WEBINARS START AT 2pm ET



Questions?



Export Markets for U.S. Goods

Find Your Schedule B Commodity Code 
(Enter Keywords or a Commodity Code)

Schedule B Code	Description
0101210000	HORSES, PUREBRED BREEDING, LIVE (NO)
0101290000	HORSES, LIVE, EXCEPT PUREBRED BREEDING (NO)
0101300000	ASSES, LIVE (NO)
0101900000	MULES AND HINNIES, LIVE (NO)
0102210010	BOVINES, PUREBRED BREEDING, DAIRY, MALE, LIVE (NO)

Map

Methods of Transportation

Time Series

Unit Price

Total Exports to All Countries

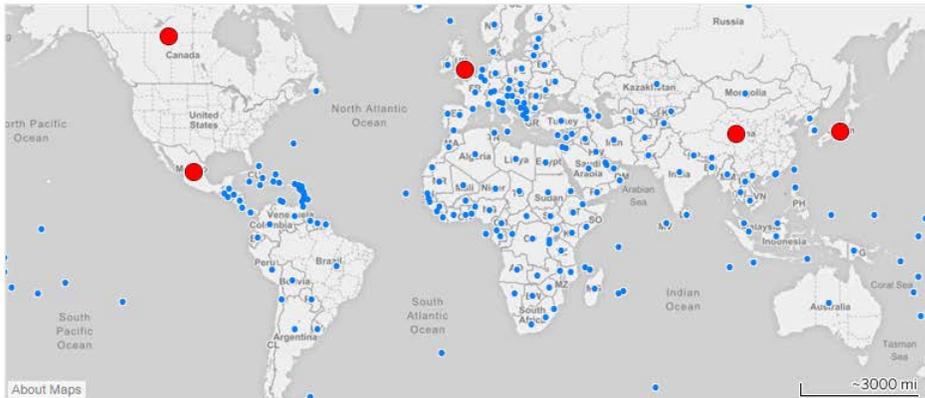
(All)

2017

Graph

• Top Five by Value

• Other



Global Market Finder An Interactive Tool for U.S. Exporters

- Data by 10-digit Schedule B Code
- Search with a Schedule B number or Keywords
- Annual Data by Country 2013-2017 (2018 coming soon)
- Interactive Visualization That Tells a Story in a Glance



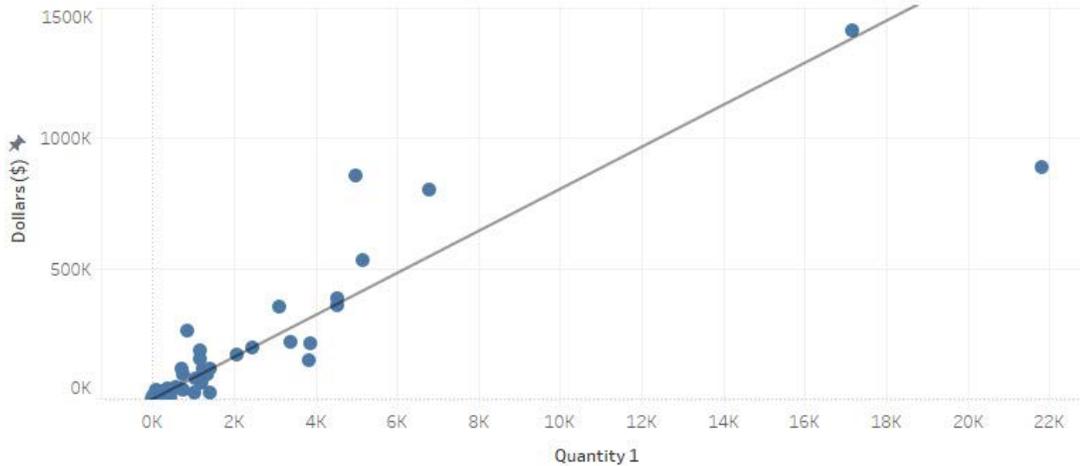
Global Market Finder

Graph and Table View for Each Visualization

Map | Methods of Transportation | Time Series | **Unit Price**

Total Exports of FISHING RODS (NO)

(All) 2017 Graph



B=Billions M=Millions K=Thousands

Map | Methods of Transportation | Time Series | **Unit Price**

Total Exports of FISHING RODS (NO)

(All) 2017 Table

	Value	Quantity 1	Quantity 2	Unit Price
ANDORRA	\$5,010	18	0	\$278.33
ARGENTINA	\$216,699	3,397	0	\$63.79
ARUBA	\$7,264	60	0	\$121.07
AUSTRALIA	\$355,025	3,114	0	\$114.01
AUSTRIA	\$14,580	312	0	\$46.73
BAHAMAS	\$2,835	39	0	\$72.69
BELGIUM	\$23,845	241	0	\$98.94
BELIZE	\$5,565	25	0	\$222.60
BERMUDA	\$6,466	115	0	\$56.23
BRAZIL	\$214,156	3,881	0	\$55.18
BRUNEI	\$3,255	2	0	\$1,627.50
CABO VERDE	\$8,562	103	0	\$83.13
CAYMAN ISLANDS	\$2,886	45	0	\$64.13
CHILE	\$39,432	686	0	\$57.48
CHINA	\$44,364	577	0	\$76.89
COLOMBIA	\$4,401	301	0	\$14.62

R=Billions M=Millions K=Thousands



For More Information

Exporter Challenge	Solution
Access Export Data	U.S. Census Bureau www.census.gov/trade Email: eid.international.trade.data@census.gov (800) 549-0595 Option #4
Intellectual Property Protection	Benjamin Hardman Email: Benjamin.Hardman@trade.gov www.stopfakes.gov Stopfakes Roadshow
Help with Trade Barriers	export.gov – Trade Problems OR www.trade.gov/tanc Email: tanc@trade.gov (202) 482-1191
The Advocacy Center – Foreign Government Procurement	export.gov/advocacy Find Staff Listing and Contact Information (202) 482-3896

