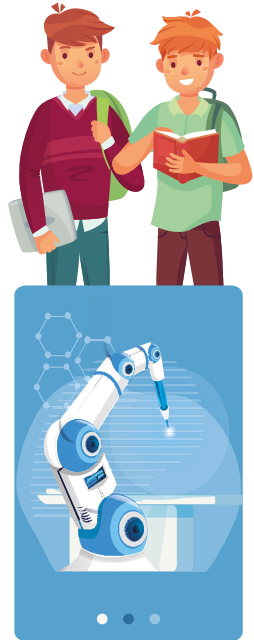




BACKGROUND



Arnau and Joan studied together at the Robles school. Since childhood, they were always interested in science and technology. They even won several prizes at the science fair and competed internationally with their MT/01, a robot they built with their parents' help during their senior year.

A few years later, Arnau and Joan met again at a technology company in Barcelona. One day, on their way home, they briefly talked about the idea of rebuilding the school robot, not just for fun, but to look for ways in which this robot could help the world.

With this in mind, the two friends created several prototypes of a robot that could minimise the risks incurred by surgeries. After years of research and development, finding investors and performing a proof of concept, Arnau and Joan launched MT/02, a robot designed for human surgery. This robot helps doctors perform surgeries that require a lot of precision and control, such as heart surgeries.

The technology of MT/02 was patented in all European countries and in other parts of the world. However, it was not patented in China, where some of the robot's components were manufactured.

Arnau and Joan later found out that several clinics were using a very similar robot named Miracle/06H, produced in China and imported by a third-party company based in Europe.

The competition of the foreign version of the robot led the two friends' bosses to warn them. Sales would need to improve or the project could be closed and the MT/02 would be discontinued.

Apart from being Arnau and Joan's project, the robot had become the company's most important product. If the technology could not be adequately protected and sold, the company would go bankrupt, resulting in the dismissal of its more than 600 workers and the shutdown of facilities, which contributed to the economic development of the city.

Concerned about the situation, Joan told his wife about it. Patricia, who is a lawyer, recalled the Industrial Property lessons she had received at University. Thus, she advised them to file a lawsuit for patent infringement against the company that sold the Miracle/06H in Spain with the aim of stopping them from selling their robot. On the grounds of their Spanish patent, they would be able to request compensation for the damages caused and for the profits they failed to obtain.

ACTIONS
TAKEN

The company that Arnau and Joan worked for hired a renowned industrial property law firm and filed a patent infringement claim, seeking to repair the damages caused.

Although the technology of the MT/02 robot was not protected in China (i.e. the patent was not registered), this did in fact not allow the Chinese imitation to be imported into a country where the patent was registered, such as Spain.



OUTCOME

Finally, Arnau and Joan's company managed to reach an agreement with the importing company, which was unaware of the existence of an exclusive right and immediately withdrew the robot from the European market. In fact, these two companies managed to sign a partnership agreement which then allowed them to develop an improved version of the robot that was sold worldwide.

LESSONS
LEARNED

Patent rights are territorial, so it is necessary to apply for protection in all the countries where you wish to manufacture and sell the product.

When you import and export products to other countries, you must do so with caution and you must be informed, always paying attention to the prior rights of third parties.

In general, infringing industrial property rights not only entails economic losses, but can also affect the work, economy and development of a region.