



## European IPR Helpdesk

### Case Study

# *International market selection and IP as a differentiation value*

July 2017

**ATARÉS**  
Marble Mosaic Art

#### Company details

ATARÉS Mosaics

Start-up

Design – Construction – Art

[www.ataresmosaics.com](http://www.ataresmosaics.com)

## 1. Background

ATARÉS Mosaics is a company that creates award-winning mosaics for interiors using an innovative concept: the tones in the marble itself create designs as "*natural stone collages*". Applications vary from coverings, framed pieces and framed mosaic art as collections and customisable options. The company and its products have been featured in international design media.

The core of the business is the patented technology to make the mosaics, combining optical vision analysis system, in-house developed mosaic design software, and robotics to make the mosaics. Currently the method is patented in Spain, the United States, Mexico and Russia.

The company was created to exploit the patents, so intellectual property has been part of the whole company strategy from the very start of the company.

## 2. Problem faced

Launching a new product into international markets is a big challenge.

The company, through such a unique product, is targeting a high-end market in several key territories such as the Middle East or the United States. These markets have been always known for being very competitive for design and construction companies.

Within these highly competitive markets, differentiation, innovation and quality are essential to be successful in the commercialisation of a product. Having a patent in the target market is a key way to protect an innovation and show the consumer with no experience of the product that it is one-of-a-kind compared with the competitors' products.

Once ATARÉS Mosaics agreed on the need of having intellectual property protection, it was a challenge to decide the countries where protection should be sought, due to the costs of applying for and maintaining patents. The company asked itself which countries were its key markets and whether it would be possible to patent its method in them.

Additionally, once the company filed for patent protection, first in Spain and then in other countries, through the Patent Cooperation Treaty (PCT), it faced initial objections to the granting of the patent that the company had to address.

## 3. Possible actions to be undertaken in this situation

The first step was to develop a strategy in selecting the territorial markets with the highest potential for the developed product. Several countries were selected, including Spain, the United States, Mexico, and Russia.

The next step was to apply for a Spanish patent. After this, the company applied for an international patent in order to obtain protection in different PCT contracting states.

To deal with the objections of the different national patent offices, ATARÉS Mosaics received support from a consultancy firm specialised in patent applications and addressed the issues combining its knowledge of the method and technology with its advisors' experience in filing patent applications with national offices around the world. Jointly, the company adapted details and changed some descriptions to meet the requirements and address all the objections.

## 4. Outcome

Thanks to combining this market-selection strategy and addressing all the objections of the different national patent offices, ATARÉS Mosaics has obtained patents in Spain, the United States, Russia and Mexico. The company undoubtedly believes that IP has been a great help in accessing these markets and has furthermore given it other competitive advantages such as:

- support to be able to get government grants and funds for innovation;
- a guarantee that its product is innovative and has a remarkable differentiation within the market, thanks to its method of manufacture;
- obtaining design awards in New York City, which is an important step to access not only the US market, but also other markets, as NYC is a reference on design worldwide.

## **5. Lessons learned and suggestions**

Potential markets for your protected product have to be the guide for choosing where to file for patent protection. If you are an SME, probably you have limited resources to invest in this and the world is a big place. A well-organised commercial strategy has to be the basis for selecting the territories where patent protection through PCT is worth being applied for.

It is very important to work with specialised IP advisors. Submitting a patent is a very complex exercise if you do not have experience, and even more so if you are thinking about doing it in foreign countries. Additionally, professional advice on how to tackle the objections is essential in order to obtain a patent.

## GET IN TOUCH

**For comments, suggestions or further information, please contact**

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