

IP protection in the Latin American ICT sector

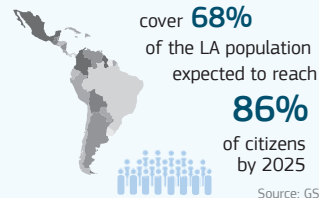
Market overview

4G broadband connections in Latin America (LA)



Source: GSMA

4G networks



Source: GSMA

Latin America is now one of the fastest-growing regions for e-commerce, behind Asia-Pacific.

Largest markets in the region



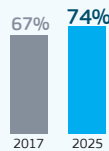
Source: Business Insider

5G is expected to arrive in Latin America by mid-2020

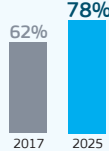
It is expected that 8% of the total connections will be using 5G by 2025

Source: GSMA

Subscriber penetration



Smartphone adoption



Source: GSMA

Online retail sales are expected to grow up to

€ 83.5 billion

at the end of 2022

Source: Boacompra

Potential market for EU SMEs

Top LATAM countries in the ICT Development Index 2017

E-health



Media streaming



Consumer internet (social networks & apps...)



Enterprise software as a service



Financial and e-payment solutions



LATAM COUNTRY

GLOBAL RANK

2017 rank out of 176 economies

URUGUAY	42
ARGENTINA	51
CHILE	56
COSTA RICA	60
BRAZIL	66
COLOMBIA	84
VENEZUELA	86
MEXICO	87

Source: ITU

What should I consider when protecting my ICT products in LATAM?

Whenever computer programs or software are not patent eligible (e.g. Brazil, Colombia, Chile or Mexico), you may protect your software by means of “**Computer-implemented inventions**”.

Utility Models are suitable for products with short life cycle, since their registration is faster and cheaper than patents. However, this IPR is not available in all LA countries.

It is advisable to register under **Copyright** your **creative works** (i.e. websites and social media content, videogames...), since registration provides you with a presumption of authorship, which can be very useful in case of disputes.

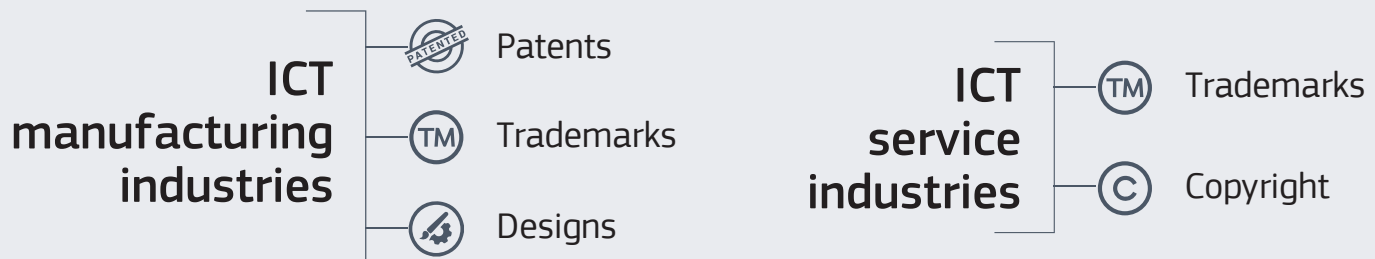
Trademarks and Domain Names allow customers to link the quality and reputation of your products to your company.

Do not forget that valuable information (e.g. prototypes, client's list) and key technologies (i.e. manufacturing processes, software source code or algorithms) may be protected through **Trade Secrets**.

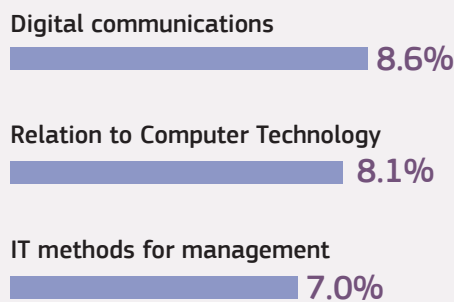
By engaging in unilateral licenses, patent pools, cross licenses or acquiring Standard Essential Patents you could increase your freedom to operate and secure the latest technology available.

IP protection in the Latin American ICT sector

Most used IPRs



In 2018, the three biggest sectors in global patent filings were:



Source: WIPO



Global investment into the Internet of Things

will grow by **15.4%** in 2019

Source: IDC

Security measures



Before entering into negotiations, sign Confidential agreements and make sure that the IPR you want to import has not already been registered or commercialized in the target market.



Always identify the ownership of the data and information exchanged to avoid potential conflicts.



Register your inventions, creations and trademark in the relevant country.



Whenever possible, use additional protective measures, such as Technological Protection Measures (TPM) and Digital Rights Management (DRM) to avoid piracy, as well as apply physical security measures to protect Trade Secrets.



Consult with a local IP expert on your IP strategy in order to avoid unnecessary risks.

Check out our Factsheet on ICT for more detailed information

<https://www.gsma.com/r/mobileeconomy/latam/>

©European Union, 2019

Reuse is authorised provided the source is acknowledged.

The reuse policy of European Commission documents is regulated by Decision 2011/833/EU (OJ L 330, 14.12.2011, p.39).

The Latin America IPR SME Helpdesk is a free service for SMEs which provides practical, objective and factual information about Intellectual Property Rights in Latin America. The services are not of a legal or advisory nature and no responsibility is accepted for the results of any actions made on the basis of its services. The content and opinions expressed are those of the authors and do not necessarily represent the views of the European Commission and/or the Executive Agency for Small and Medium-sized Enterprises or any other body of the European Union.

Before taking specific actions in relation to IPR protection or enforcement all customers are advised to seek independent advice. Neither the European Commission nor the Agency may be held responsible for the use which may be made of the information contained herein.

EA-01-19-455-EN-C — ISBN 978-92-9202-484-0 — doi:10.2826/15162
EA-01-19-455-EN-N — ISBN 978-92-9202-485-7 — doi:10.2826/28228

helpline@latinamerica-ipr-helpdesk.eu

@latinamericaipr

www.latinamerica-ipr-helpdesk.eu

