

Intellectual Property and SMEs in the Baltic Sea Region: A Comparative Study on the Use of the Utility Model Protection

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Abstract : Several of the countries in the Baltic Sea region are ranked high in international innovations rankings, such as the Global Innovation Index and European Innovation Scoreboard. There are however some concerns in the performance of different countries. For example, there is a widely spread notion about "The Swedish Paradox". Sweden is ranked high due to investments in R&D and patent activity, but the outcome is not as high as could be expected. SMEs in Sweden are also below EU average when it comes to registering intellectual property rights such as patents and trademarks. This study is concentrating on the protection of utility model. This intellectual property right does not exist in Sweden, but in for example Finland and Germany. The utility model protection is sometimes referred to as a "patent light" since it is easier to obtain than the patent protection but at the same time does cover technical solutions. In examining statistics on patent activities and activities in registering utility models it is clear that utility model protection is scarcely used in the countries that have the protection. In Germany 10 577 applications were made in 2021. In Finland there were 259 applications made in 2021. This can be compared with patent applications that were 58 568 in Germany in 2021 and 1 662 in Finland in 2021. In Sweden there has never been a protection for utility models. The only protection for technical solutions is patents and business secrets. The threshold for obtaining a patent is high, due to the legal requirements and the costs. The patent protection is there for often not chosen by SMEs in Sweden. This study examines whether the protection of utility models in other countries in the Baltic region provide SMEs in these countries with better options to protect their innovations. The legal methodology is comparative law. In order to study the effects of the legal differences statistics are examined and interviews done with SMEs from different industries.

Keywords : baltic sea region, comparative law, SME, utility model

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