

MANAGING & PROTECTING

— Intellectual Property Through M&A

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● PLEASE GIVE A BRIEF SYNOPSIS OF YOUR PERSONAL, AND YOUR FIRMS, EXPERIENCE ADVISING ON IP LAW.

ČAKMAKOVA Advocates is a Macedonian advocates partnership, which provides a full range of legal services to international and domestic corporate clients. ČAKMAKOVA Advocates is founded and registered under the Macedonian Law on Advocacy, within the Macedonian Bar Association, as well as a Representative for protection of industrial rights in the State Office for Industrial Property under the Law on Intellectual Property. ČAKMAKOVA Advocates is composed of highly trained and experienced professional advocates, with licenses to practice law, each dedicated specifically to an area of the Law, to give the best legal assessment and assistance possible. The team of nine advocates, five associates and one administrative assistant is committed to excellence and providing the best service to the clients legal needs. Three of the attorneys at law, namely Mrs. Biljana Cakmakova, Ms. Maja Jakimovska and Mr. Ilija Nedelkoski are also registered as Representatives for protection of industrial rights in the State Office for Industrial Property, as well. Mrs. Cakmakova is amongst the first certified Representatives for protection of industrial property rights to be registered in 1995. ČAKMAKOVA Advocates is a member of the Intellectual Property Rights Committee within the American Chamber of Commerce in the Republic of Macedonia and cooperates closely with the International Development Law Organization (IDLO). Mrs. Cakmakova is one of the co-founders of the International Development Law Organization (IDLO) Alumni Association in the Republic of Macedonia.”

WHO IS A TYPICAL CLIENT FOR ČAKMAKOVA ADVOCATES?

“ČAKMAKOVA ADVOCATES is dedicated to providing professional legal services to varieties of the clients, both domestic and international and is an authorized representative of Mc Donald’s Corporation USA, Viagra, Company for production, trade and services VIVAKS Risto and others LLC export-import Skopje, Teknoxgroup Macedonia export-import LLC, Galijano MG Macedonia, Trakparts Gevgelija, Masonite International Corporation Ontario Canada, Special Protectors Taiwan, Sidenor Steel Products Manufacturing Greece, Stomana Industy Bulgaria, Synavant Gorgija, Peek and Clopenburg Germany, Ansons Germany, ICN Pharmaceuticals, INC USA.”

WHAT AREAS OF INTELLECTUAL PROPERTY LAW DO ČAKMAKOVA YOU SPECIALISE IN; AND WHAT INDUSTRY SECTORS DO YOU FOCUS ON?

“The main legal activities which ČAKMAKOVA Advocates undertakes in the intellectual property area are, amongst other, registration of new Intellectual Property Rights (IPR), such as trademarks, industrial designs, patent registration or extension of the already registered IPR, as well providing legal assistance in the protection against infringement of IPR before the State Office for Industrial Property, the Customs Administration and the relevant Macedonian courts.”

HOW DOES ČAKMAKOVA STAND OUT FROM COMPETITORS?

“Acting in the whole legal areas through the 15 years working experience, the members of ČAKMAKOVA Advocates’ team have undoubtedly concluded that IPR can be considered as one of the most valuable assets one company can have and when used strategically and properly the IPR can substantially increase the competitiveness of the company in the market, as well as its overall value.

ČAKMAKOVA Advocates is involved and contributes to the continuous training of relevant authorities in the Republic of Macedonia and the private sector by organizing seminars, workshops and other similar trainings together with cooperation of the International Development Law Organization (IDLO), Property Rights Committee within the American Chamber of Commerce in the Republic of Macedonia and the Coordinative Body for Protection of Intellectual Property of the Government of the Republic of Macedonia.”

WHAT DOES AN IP ADVISER BRING TO THE DEAL TABLE AND HOW IMPORTANT IS THEIR ROLE?

“The role of IPR and their protection seems to be very important especially at the time of rapid development of information technology and technology transfer. Namely, in some cases we noted that the term brand and the term high price are synonyms. Namely, sometimes the value of the IPR can be higher than the value of the other assets the company owns and that is the one of the many reasons why ČAKMAKOVA Advocates strongly advises to its clients to properly register their IPR.

For the owners of certain companies it is very crucial to understand what IPR really means and to engage qualified legal Representatives for protection of industrial property registered in State Industrial Property Office.”

WHY IS A COMPANY’S INTELLECTUAL PROPERTY SUCH A VALUABLE ASSET? WHAT STEPS SHOULD A COMPANY TAKE IN PROTECTING THEIR IP?

“Sometimes the value of the registered IPR may be

significantly higher than the capital of the firm. The registered brands may be used as security for a certain monetary claim by a way of pledging the registered IPR. The use of IPR may be licensed to third parties in exchange for payment of royalty, thereby creating a valuable income stream for the brand holder. IPR, and the goodwill attaching to them, contribute substantially to the value of a company. A company owner is well advised to register its IPR, such as trademarks and to conduct a valuation of its brands.”

COMPANIES INVOLVED IN M&A OFTEN OVERLOOK THE INTRINSIC VALUE OF THEIR OWN IP... WHY IS THIS? HOW IS ČAKMAKOVA ABLE TO ASSIST PROSPECTIVE CLIENTS IN THIS WAY?

“It is true that the companies involved in M&A often overlook the fundamental value of their own IP due to their lack of knowledge for the fact how much the value of the IP could impact the price of the company. Exactly in these cases the participation of the legal counsel is of big significance to lead the client in right direction of protection of IPR and their evaluation. Thus, with the clients involved in M&A shall increase the value of the companies and establish the IPR even more.”

WHAT ARE YOUR PREDICTIONS FOR IP LAW IN YOUR JURISDICTION OVER THE COMING 12 MONTHS?

“The Republic of Macedonia is continuously harmonizing its IP legislation with the acquisition of the EU, ratification of international conventions or treaties, thus providing the state organs and authorities and the IPR bearers to more efficiently protect the infringement of IPR, prevention of such infringement and to be more actively involved in these procedures.”



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