



Elevating trademark risk assessment with a unique collection of IP case data

Darts-ip helps Polish IP law firm deliver greater value to its clients in a crowded trademark landscape

Fert Jakubiak Wróblewski is the go-to law firm for large enterprises in Poland seeking to secure and protect their patent and trademark rights.

The firm manages large IP portfolios for some of the best-known Polish brands in the European Union.

When advising clients on trademark clearance and litigation, they rely on Darts-ip from Clarivate for critical IP case law data and analytics

Customer profile

Fert Jakubiak Wróblewski
patent & trademark attorneys

Founded in 2020

Intellectual property law firm based in Poland

Staff of 25 attorneys and paralegals

Challenge

Risk assessment blind spots

When evaluating new trademarks in the past, search results were often sufficient to develop a legal opinion of a mark's availability, according to Bartosz Fert, co-founding partner of the firm. But that has changed.

"Because of the sheer number of trademarks around the world, there is hardly any free mark right now to be used and registered. So, it's no longer just a legal analysis; it is now a risk assessment that involves both legal and business analysis," Fert explains.

Initially, the firm's attorneys turned to web search engines to see if trademarks were active or to assess the scope of a business. But this did not provide insight into non-use, cancellation or other relevant factors.

"We needed information to help us assess the risk that the other party would litigate or file opposition," Fert says.

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Solution

Darts-ip case law data

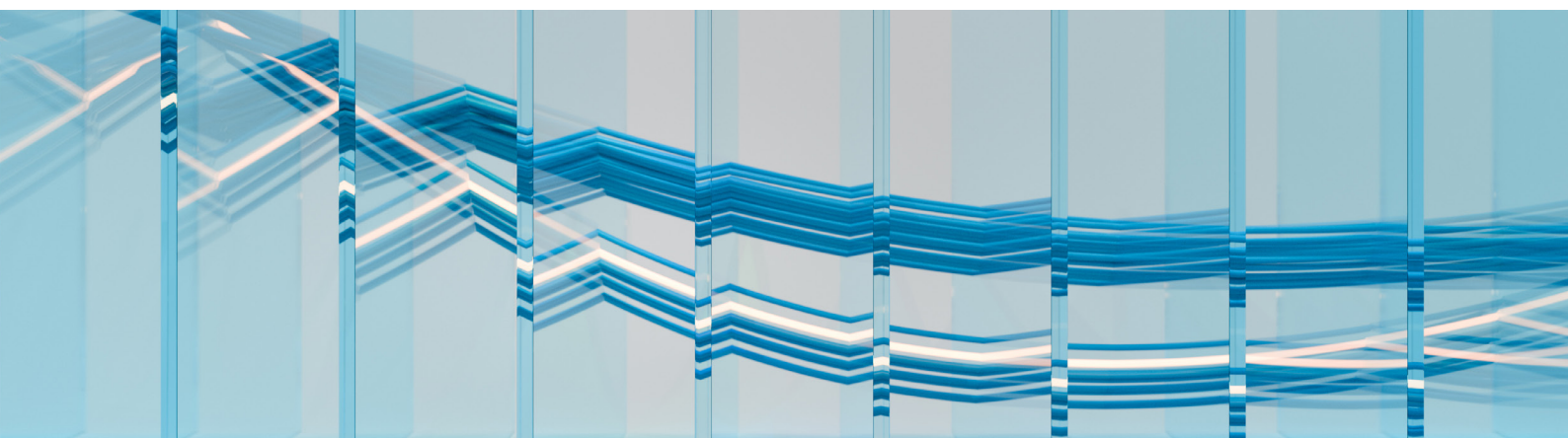
Co-founder Marcin Wróblewski had used Darts-ip for case law research in the past and recommended adopting it when he, Jakubiak vel Wojtczak and Fert founded the firm in 2020.

Darts-ip provides access to a unique collection of IP litigation and office action data. It has information and analysis on more than 10.7 million intellectual property cases, including more than 7.7 million trademark cases from courts and offices in more than 143 countries. Content is continuously updated and upgraded, with professional analysts reading and codifying each document to enable easy searching.

"We use Darts-ip to assess legal and business risk; whether there is a likelihood of opposition or legal action. It supports our trademark screening and it is a great tool for litigation," Fert says.

Attorneys at the firm find the flexible search capabilities a key advantage, enabling them to search for relevant cases by owner, goods and services, law or action, type of dispute and more. "We use the variable comparison module quite often. You can search for trademark pairs with similar construction. I'm not aware of any other tool that offers this functionality. It's awesome," Fert says.

Darts-ip also provides statistical modules showing how many cases the courts had a similar interpretation of trademark similarity or dissimilarity. "This enables us to present our case as the dominant line of reasoning. If the other party has no tools to respond to that, the court will often go our way."



Impact

Better outcomes, greater efficiency

"I believe Darts-ip enables us to achieve better outcomes for our clients," Fert says. "We can quickly zero-in on court rulings or examiner decisions favorable to our client's position. It's also a great tool to compare similarity between goods and services. We can quickly evaluate the danger associated with earlier trademarks."

Darts-ip helps eliminate problematic marks early, saving time and money. "We often do brainstorming workshops with clients where we discuss the potential risks of a mark. If we see a strong obstacle where the other party is litigating and the client does not want to take that risk, we stop the analysis right away and move on to another brand," Fert says.

When the trademark obstacles are not obvious, attorneys at the firm take an analytical approach, creating a matrix that includes a range of factors—including whether or not

there is a direct competitor, whether there is a business conflict or whether the owner has been litigious—using intelligence gained from Darts-ip.

"We put all the brand proposals in that matrix. A client may accept a brand where the legal infringement is obvious but there is no actual business conflict, or where they see that the other party does not historically file opposition or litigate. We can then determine the level of risk a client is willing to accept," he explains. "Of course, we wouldn't get those results so quickly without the Darts-ip database."

Darts-ip also enables attorneys to address client questions rapidly, supported by data. "Senior managers expect answers in a quick email. There's no time for a detailed legal analysis. With Darts-ip, I can quickly provide some examples of similar prior cases," Fert explains. "That's a great advantage. It also boosts my personal brand in the eyes of my client."

A uniquely valuable tool

Darts-ip gives the firm a significant competitive advantage—and a tool for client retention. "Clients expect a good risk assessment and it would be hard to find any other solution for that. Without those capabilities, we could lose a client," Fert explains.

Fert enthusiastically recommends Darts-ip. "I consider it a tool that differentiates our firm. I believe clients should not even consider working with an IP firm that does not have access to dedicated tools like Darts-ip."

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About Clarivate

Clarivate is a leading global information services provider. We help people and organizations think forward by connecting them to intelligence they can trust to transform their perspective, their work and our world. We are the partner law firms and companies rely on to transform the way they create, manage and protect intellectual property. Our comprehensive intellectual property data, software and expertise helps companies drive innovation, law firms achieve practice excellence, and organizations worldwide effectively manage and protect critical IP assets. Clarivate is home to Derwent Innovation, CompuMark, Innography, Darts-ip, IPfolio, FoundationIP and other leading IP solutions.

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