

## IS YOUR FORMAT A PAPER CONCEPT OR PROMO?

If you are concerned about infringement of an idea that you have pitched, but have not yet produced then follow these steps:

1. Create a chronological paper-trail of all written and digital correspondence with the infringing party, along with the times, dates, locations and attendees of any meetings that have been held to discuss your concept. This is an essential step in proving that the alleged infringer had access to your idea, so should be as detailed as possible.

Include in your evidence any proof of the date your concept was created. Depositing your format with the FRAPA Registration System (FRS) is currently the most credible proof of format ownership. The FRS is not in itself a guarantee of copyright protection, but it will provide you with a dated receipt of registration. In addition, the FRS can supply you with an overview of any modifications that have been made to your concept, including the dates of those revisions. FRS registration also entitles you to use FRAPA's name and logo on your evidence, signalling that you have the support of a powerful industry organisation.

2. Contact the company you believe has infringed your format rights to propose a meeting. Adopt a polite but firm manner, letting them know why you are contacting them and listing your arguments.

Please note that FRAPA members can ask for our help in drafting a preliminary format infringement-claim letter. For more information, please email: [info@frapa.org](mailto:info@frapa.org).

No response. Re-issue a meeting invitation.

Yes, agrees to a meeting.

Still no response.

Yes, agrees to a meeting.

Take all the relevant documents to the meeting, as well as a third-party witness. This does not need to be your lawyer: the first meeting is not a formal legal discussion, but an opportunity for both parties to put their cases forward and explore potential solutions.

The meeting does not produce an acceptable outcome.

Yes, the meeting is successful.

3. If the alleged infringer rejects your arguments, declines to meet or fails to respond to your second invitation to a meeting, contact FRAPA for help. Consider requesting a one-on-one session with a FRAPA board member to receive expert business advice.

4. Consider mediation. FRAPA's dispute-resolution service will first conduct a 'reality check' to ascertain whether there is a case to be answered and sufficient evidence to support it. This will include checking that the original format is, indeed, a format and not a generic idea. If this proves to be the case, FRAPA will do its best to bring both parties to the negotiating table.

5. If mediation fails — or fails to materialise — FRAPA will recommend a specialist lawyer (see list of recommended law firms [here](#)). Please note that FRAPA will only recommend going to law if it is convinced there is the evidence to support litigation and that the format in contention is indeed a format.

THE ISSUE HAS BEEN RESOLVED