

Intellectual Property Glossary

Glossaire de propriété intellectuelle

French-English Intellectual Property Glossary

250 essential terms — French to English

contact@madisonlegalenglish.com · madisonlegalenglish.com

Ce glossaire bilingue recense 250 termes clés de la propriété intellectuelle, organisés en dix sections thématiques, à l'usage des avocats et juristes francophones travaillant en anglais. Chaque entrée présente le terme français, son équivalent standard en anglais américain, et une brève note contextuelle. La couverture inclut les marques, les brevets, le droit d'auteur, les dessins et modèles, les secrets d'affaires, la titularité et l'acquisition des droits, les contrats et licences de PI, le contentieux, la PI et la technologie (IA, logiciels, données), ainsi que le cadre institutionnel international (OMPI, OEB, EUIPO, USPTO, PCT, Madrid, La Haye). L'anglais américain est donné en priorité ; les termes britanniques et européens sont indiqués le cas échéant.

1. Les marques — Trademarks

Terms relating to the protection, registration, and enforcement of trademarks under French, EU, and US law.

Terme français	English equivalent	Note
marque	trademark	A sign capable of distinguishing the goods or services of one undertaking from those of another; may consist of words, designs, letters, numerals, colors, shapes, or sounds.
marque de produits	trademark for goods	A trademark registered in connection with goods rather than services.
marque de services	service mark	A mark used to identify and distinguish services rather than goods. Note: US law historically distinguishes 'service mark' from 'trademark,' though both are now commonly grouped under 'trademark.'
marque verbale	word mark	A trademark consisting solely of words, letters, or numerals, without design elements or stylization.
marque figurative	figurative mark / design mark	A trademark consisting of a graphic or pictorial element, with or without accompanying text.
marque tridimensionnelle	three-dimensional mark / shape mark	A trademark consisting of the three-dimensional shape of a product or its packaging.
marque sonore	sound mark	A trademark consisting of a sound or sequence of sounds capable of being represented graphically.
marque de certification	certification mark	A mark indicating that goods or services meet a defined standard set by the certification owner.

Terme français	English equivalent	Note
marque collective	collective mark	A mark used by members of an association to indicate membership and compliance with the association's rules.
marque notoire	well-known mark	A mark widely recognized by the relevant public, benefiting from enhanced protection even without registration under the Paris Convention.
marque de renommée	mark with a reputation	A registered mark enjoying a reputation in the EU, protected against use on dissimilar goods that would take unfair advantage of or be detrimental to its distinctive character.
dépôt de marque	trademark application / trademark filing	The act of submitting a trademark application to the competent intellectual property office.
enregistrement de marque	trademark registration	The official recording of a trademark, conferring exclusive rights on the proprietor within the registered territory and for the registered goods and services.
classe de Nice	Nice Classification class	One of the 45 classes of goods and services under the Nice Classification system, used to define the scope of trademark protection.
recherche d'antériorité	clearance search / trademark search	A search conducted prior to filing to identify earlier conflicting marks.
disponibilité de la marque	trademark availability	The status of a proposed trademark as free for use and registration in a given territory and for given goods or services. Availability is established by a clearance search (recherche d'antériorité); the two concepts are distinct.
opposition à l'enregistrement	opposition proceeding	A procedure allowing third parties to challenge a trademark application before registration is granted.
motif absolu de refus	absolute ground for refusal	A ground for refusing trademark registration based on the inherent characteristics of the sign, such as lack of distinctiveness or descriptiveness.
motif relatif de refus	relative ground for refusal	A ground for refusing trademark registration based on conflict with an earlier right held by a third party.
caractère distinctif	distinctiveness	The capacity of a sign to identify the commercial origin of goods or services; a fundamental requirement for registrability.
dégénérescence de la marque	genericide	The process by which a trademark loses protection because it has become the common name for the relevant goods or services in the eyes of the public.
usage sérieux de la marque	genuine use of the trademark	Actual, good-faith commercial use of a registered trademark in the relevant territory; required to avoid revocation for non-use.

Terme français	English equivalent	Note
déchéance pour non-usage	revocation for non-use	Cancellation of a trademark registration where the mark has not been put to genuine use for an uninterrupted period of five years.
renouvellement de marque	trademark renewal	The periodic process of maintaining a trademark registration in force, requiring payment of renewal fees.
cession de marque	trademark assignment	The transfer of ownership of a trademark from one party to another, recordable with the relevant office.
licence de marque	trademark license	An authorization by the trademark owner permitting another party to use the mark in connection with specified goods or services. The licensor must maintain effective quality control over the licensee's use; failure to do so may jeopardize the validity and distinctiveness of the mark.

2. Les brevets — Patents

Terms relating to the protection, prosecution, and enforcement of patents for inventions.

Terme français	English equivalent	Note
brevet d'invention	patent	An exclusive right granted for an invention, allowing the holder to prevent others from making, using, selling, or importing the patented invention for a limited term.
invention	invention	A new solution to a technical problem, potentially patentable if it meets the requirements of novelty, inventive step, and industrial applicability.
demande de brevet	patent application	A filing seeking the grant of a patent, comprising a description, claims, abstract, and drawings where applicable.
revendication	claim	The part of a patent application or granted patent defining the scope of protection sought or conferred.
revendication indépendante	independent claim	A claim that stands alone and does not refer back to any other claim.
revendication dépendante	dependent claim	A claim that incorporates all the features of one or more earlier claims and adds further limitations.
description (brevet)	description / specification	The part of a patent application disclosing the invention in sufficient detail to enable a person skilled in the art to carry it out.
nouveauté	novelty	A requirement for patentability: the invention must not have been disclosed to the public in any form before the filing date.

Terme français	English equivalent	Note
activité inventive	inventive step / non-obviousness	A requirement for patentability: the invention must not be obvious to a person skilled in the art in light of the prior art. Note: the EPC term is 'inventive step'; the US term is 'non-obviousness' under 35 USC §103. The standards are similar but not identical in application.
application industrielle	industrial applicability / utility	A requirement for patentability: the invention must be capable of being made or used in industry. Note: US term is 'utility'; the EPC term is 'industrial applicability.'
état de la technique	prior art	The body of knowledge publicly available before the filing date, against which novelty and inventive step are assessed.
personne du métier	person skilled in the art	The hypothetical reference person possessing ordinary skill in the relevant technical field, used to assess inventive step and sufficiency of disclosure.
rapport de recherche	search report	A document issued by a patent office identifying prior art relevant to the patentability of the invention.
examen de fond	substantive examination	The examination of a patent application on its merits against the requirements of patentability.
délivrance du brevet	patent grant	The decision by a patent office to grant a patent following successful examination.
durée de protection du brevet	patent term	The period during which a patent confers exclusive rights; generally 20 years from the filing date.
annuités de brevet	patent renewal fees / annuities	Periodic fees payable to maintain a patent application or granted patent in force.
certificat complémentaire de protection (CCP)	supplementary protection certificate (SPC)	A sui generis right extending the effective term of protection for certain pharmaceutical and agrochemical patents to compensate for regulatory approval delays.
priorité de dépôt	priority right	The right, derived from the Paris Convention, to rely on the filing date of an earlier national application when filing subsequent applications for the same invention in other contracting states within 12 months of the first filing (6 months for designs and trademarks).
brevet européen	European patent	A patent granted by the European Patent Office under the European Patent Convention, taking effect as a bundle of national patents in designated states.
brevet unitaire	unitary patent	A European patent with unitary effect across participating EU member states, without the need for separate national validation.

Terme français	English equivalent	Note
opposition (brevet)	patent opposition	A procedure before the EPO allowing third parties to challenge a granted European patent within nine months of grant.
action en nullité de brevet	patent invalidity action	A legal action seeking to have a patent declared invalid on the ground that it fails to meet patentability requirements.
action en contrefaçon de brevet	patent infringement action	A legal action brought by a patent holder against a party making, using, or selling the patented invention without authorization.
licence obligatoire	compulsory license	A license granted without the patent holder's consent by a competent authority, typically in circumstances of public health emergency or anticompetitive conduct.

3. Le droit d'auteur — Copyright

Terms relating to the protection of literary, artistic, and other original works.

Terme français	English equivalent	Note
droit d'auteur	copyright	The body of exclusive rights granted to the author of an original literary, artistic, musical, or other creative work.
œuvre de l'esprit	work	A creation of the mind protectable by copyright, provided it is original; the broad French term encompassing all categories of copyrightable subject matter.
originalité	originality	The requirement that a work reflect the author's own intellectual creation to qualify for copyright protection; the standard under both French law and EU harmonized law.
droit moral	moral rights	The inalienable, perpetual personal rights of an author, including the rights of attribution and integrity, recognized under French law but far more limited under US copyright law.
droit de paternité	right of attribution / paternity right	The author's moral right to be identified as the creator of their work.
droit au respect de l'œuvre	right of integrity	The author's moral right to object to any distortion, mutilation, or other modification of their work that would be prejudicial to their honor or reputation.
droit de divulgation	right of disclosure	The author's moral right to decide when and how their work is first communicated to the public.
droit de retrait et de repentir	right of withdrawal	The author's moral right to withdraw a published work from circulation or to modify it, subject to compensating the assignee for resulting loss.

Terme français	English equivalent	Note
droits patrimoniaux	economic rights / patrimonial rights	The exploitation rights of an author, including the rights of reproduction and communication to the public, which may be assigned or licensed.
droit de reproduction	right of reproduction	The exclusive right to authorize or prohibit the fixation of a work in any material form.
droit de représentation	right of communication to the public / right of performance	The exclusive right to authorize or prohibit the communication of a work to the public by any means.
droit de suite	resale right / artist's resale royalty	The right of visual artists to receive a percentage of the proceeds from subsequent commercial resales of their original artworks through professional art market participants. Note: recognized under French law and the EU Resale Right Directive; US federal law does not recognize a general resale right, though California has enacted a limited state-level right.
durée de protection (droit d'auteur)	term of copyright protection	The period during which copyright subsists; generally the life of the author plus 70 years under both French/EU and US law.
œuvre collective	collective work	A work created at the initiative of a natural or legal person who edits, publishes, and discloses it under their direction, with contributions from various authors.
œuvre de collaboration	work of joint authorship	A work created by two or more natural persons, with copyright owned jointly by all contributors.
œuvre composite	composite work	The specifically French statutory term (Article L113-2 CPI) for a new work incorporating a pre-existing work without the collaboration of its author, and in which the pre-existing work remains identifiable. Copyright in the composite work belongs to its creator, without prejudice to the rights in the pre-existing work. The US and international equivalent is 'derivative work.'
œuvre dérivée	derivative work	The general comparative law and EU concept of a work based on or derived from a pre-existing work; requires authorization from the original rightsholder. In French domestic law, the specific statutory term is 'œuvre composite' (Article L113-2 CPI). 'Œuvre dérivée' is used in French in comparative, EU, and international IP discussions.
logiciel (protection)	computer program (copyright protection)	Software protected by copyright as a literary work under French, EU, and US law, subject to a specific statutory regime for certain economic rights.
base de données (droit sui generis)	database (sui generis right)	A specifically EU right protecting substantial investment in the obtaining, verification, or presentation of database contents, independent of any copyright in the contents.

Terme français	English equivalent	Note
exception de copie privée	private copying exception	An exception permitting reproduction of a protected work for the copier's strictly personal use; subject in France to compensation through a levy on recording media.
exception de courte citation	quotation exception	An exception permitting short quotations from a work, provided the source and author are identified.
domaine public	public domain	The status of works whose copyright term has expired or that were never subject to copyright; freely usable by anyone.
gestion collective des droits	collective rights management	The administration of copyright and related rights on behalf of multiple rightsholders by collective management organizations.
société de gestion collective	collective management organization (CMO)	An organization collecting and distributing royalties on behalf of authors and other rightsholders; e.g., SACEM for musical works in France.
mesure technique de protection (MTP)	technological protection measure (TPM)	Technology used by rightsholders to control access to or use of a copyrighted work; protected against circumvention under the EU Copyright Directive and the US DMCA.
information sur le régime des droits	rights management information (RMI)	Information attached to a copyrighted work identifying the work, its author, and the terms of authorized use; protected against removal or alteration under the EU Copyright Directive and the US DMCA.

4. Les dessins et modèles — Designs

Terms relating to the protection of the visual appearance of products.

Terme français	English equivalent	Note
dessin ou modèle	design	The appearance of the whole or a part of a product resulting from features such as lines, contours, colors, shape, texture, or materials.
dessin ou modèle communautaire	EU design / Community design	A unitary design right registered with the EUIPO and effective across all EU member states simultaneously.
dessin ou modèle enregistré	registered design	A design right obtained through formal registration with a competent intellectual property office.
dessin ou modèle non enregistré	unregistered Community design	An EU design right arising automatically without registration, providing three years of protection against deliberate copying.
nouveauté (dessins et modèles)	novelty (designs)	A requirement for design protection: no identical design must have been made available to the public before the relevant date.

Terme français	English equivalent	Note
caractère propre	individual character	A requirement for design protection: the overall impression produced on the informed user must differ from that of any design previously available to the public.
utilisateur averti	informed user	The notional reference person used to assess individual character in design law; more discriminating than a general consumer but less expert than the person skilled in the art.
période de grâce (dessins et modèles)	grace period (designs)	A 12-month period before filing during which disclosure by the designer does not destroy novelty for registration purposes.
durée de protection (dessins et modèles)	term of design protection	Maximum 25 years from filing for a registered Community design, renewable in five-year periods; three years for an unregistered design.
représentation graphique du dessin	graphical representation of the design	Drawings, photographs, or other visual representations submitted with a design application to depict the product's appearance.
produit complexe	complex product	A product composed of multiple replaceable components; relevant to the scope of spare parts protection.
clause de réparation	repair clause	A provision limiting design protection for spare parts used to restore the original appearance of a complex product.
dessin ou modèle international	international design registration	A design registered under the Hague System administered by WIPO, providing protection in multiple designated jurisdictions.
classification de Locarno	Locarno Classification	The international classification system for industrial designs, used to identify the type of product to which a design is applied.
contrefaçon de dessin ou modèle	design infringement	The unauthorized making, offering, marketing, importing, exporting, or using of a product incorporating a protected design.
action en nullité (dessins et modèles)	invalidity action (designs)	A legal action seeking to have a registered design declared invalid for lack of novelty or individual character.
cumul de protections (dessins et modèles)	cumulative protection	The coexistence of design protection and copyright protection for the same product under French and EU law, where the conditions for each are independently met.
habillage commercial	trade dress / get-up	The total visual image and overall appearance of a product or its packaging, including features such as shape, color combinations, and graphic elements. Protected in France under unfair competition law; protected in the US as trade dress under Section 43(a) of the Lanham Act, provided it is distinctive and non-functional. The English term 'get-up' is used as-is in French legal practice as a synonym.

Terme français	English equivalent	Note
get-up (habillage commercial)	trade dress	The English term used as-is in French legal practice to designate the overall commercial appearance of a product, equivalent to the French 'habillage commercial.' In the US, trade dress is protectable under Section 43(a) of the Lanham Act provided it is distinctive and non-functional. Note: see also 'habillage commercial.'
agents de brevets et de marques	patent and trademark attorneys / IP agents	Qualified professionals authorized to represent applicants before intellectual property offices.
EUIPO	European Union Intellectual Property Office (EUIPO)	The EU agency responsible for registering EU trademarks and Community designs.
INPI	French National Institute of Industrial Property (INPI)	The French national office responsible for registering trademarks, patents, and designs in France.
USPTO	United States Patent and Trademark Office (USPTO)	The US federal agency responsible for granting patents and registering trademarks.
OMPI / WIPO	World Intellectual Property Organization (WIPO)	The UN specialized agency administering international IP treaties and registration systems including the PCT, Madrid, and Hague systems.
recherche d'antériorité (dessins et modèles)	design clearance search	A search conducted prior to filing or product launch to identify earlier conflicting designs.

5. Les secrets d'affaires — Trade Secrets

Terms relating to the protection of confidential business information.

Terme français	English equivalent	Note
secret des affaires	trade secret	Information that is secret, has commercial value by reason of its secrecy, and is subject to reasonable steps to keep it secret; protected against unlawful acquisition, use, and disclosure.
information confidentielle	confidential information	Information subject to a duty of confidentiality, whether by contract or by operation of law; broader than the legal category of trade secret.
savoir-faire	know-how	Practical technical or commercial knowledge that is not generally known and provides a competitive advantage; typically protected as a trade secret.
mesures de protection raisonnables	reasonable steps to maintain secrecy	The measures a trade secret holder must implement to maintain secrecy; a condition for legal protection.
obtention illicite	unlawful acquisition	Acquisition of a trade secret by unauthorized access, theft, bribery, deception, or breach of a confidentiality agreement.

Terme français	English equivalent	Note
utilisation illicite	unlawful use	Use of a trade secret by a person who acquired it unlawfully or in breach of a confidentiality obligation.
divulgateion illicite	unlawful disclosure	Disclosure of a trade secret without the holder's consent by a person who obtained it unlawfully or in breach of confidence.
accord de confidentialité (NDA)	non-disclosure agreement (NDA)	A contract under which a party agrees to keep specified information confidential and not to disclose it without authorization.
clause de confidentialité	confidentiality clause	A contractual provision imposing confidentiality obligations on one or more parties in respect of specified information.
ingénierie inverse	reverse engineering	The examination of a product to determine how it was designed or how it functions; generally a lawful means of acquiring a trade secret absent a specific contractual prohibition.
lanceur d'alerte	whistleblower	A person disclosing information about unlawful conduct, including trade secrets, where disclosure is necessary to reveal wrongdoing in the public interest; benefits from statutory exemptions under trade secret law.
clause de non-concurrence	non-compete clause	A contractual clause restricting an employee or business partner from competing with the other party for a specified period and within a defined territory.
clause de non-débauchage	non-solicitation clause	A contractual clause prohibiting a party from soliciting the employees or clients of the other party.
obligation de discrétion	duty of discretion	An employee's general implied obligation not to disclose confidential information obtained in the course of employment.
data room	data room	A secure physical or virtual repository in which confidential documents are made available for review, typically during transactional due diligence.
salle blanche	clean room	A controlled environment in which engineers develop a product without access to a competitor's confidential information, used to demonstrate independent creation.
directive sur les secrets d'affaires	EU Trade Secrets Directive	The EU directive harmonizing the legal protection of undisclosed know-how and business information against unlawful acquisition, use, and disclosure.
Defend Trade Secrets Act (DTSA)	Defend Trade Secrets Act (DTSA)	US federal legislation creating a federal civil cause of action for trade secret misappropriation, supplementing state-level trade secret laws.

Terme français	English equivalent	Note
appropriation illicite de secret	misappropriation (of trade secrets)	The US legal term for the unlawful acquisition, use, or disclosure of a trade secret; the central concept in US trade secret law. Note: the EU Directive uses 'unlawful acquisition, use, or disclosure'; 'misappropriation' is the standard US term.
protection en accès restreint	restricted access protection	Organizational measures limiting access to confidential information to authorized personnel on a need-to-know basis.
ordonnance de protection (litige)	protective order (litigation)	A court order restricting access to and use of confidential information produced in discovery or litigation, preventing wider disclosure.
astreinte (secret des affaires)	periodic penalty payment (trade secrets)	A daily financial penalty imposed for non-compliance with a court order prohibiting use or disclosure of a trade secret.
expertise indépendante (secret des affaires)	independent expert (trade secret disputes)	A court-appointed technical expert who may review confidential information and report to the court without disclosing it to the opposing party.
action en concurrence déloyale	unfair competition action	A legal action based on conduct contrary to honest commercial practices, used in trade secret cases where the specific statutory action is unavailable.
parasitisme économique	free-riding / economic parasitism	A French tort concept covering the unauthorized exploitation of the economic value created by another's efforts or investment.
concurrence déloyale	unfair competition	Conduct that is contrary to honest commercial practices and causes harm to a competitor; encompasses imitation, denigration, disorganization, and parasitism under French law.

6. La titularité et l'acquisition des droits — Ownership and Acquisition of IP

Terms relating to the creation, ownership, and transfer of intellectual property rights.

Terme français	English equivalent	Note
titulaire des droits	rightsholder / IP owner	The natural or legal person in whom intellectual property rights are vested, whether as creator, employer, assignee, or successor in title.
auteur	author	The natural person who creates an original work; under French law, only a natural person can be an author, even where a legal entity owns the resulting rights.
inventeur	inventor	The natural person who conceives an invention and is entitled to be named as such regardless of who owns the resulting patent rights.

Terme français	English equivalent	Note
invention de mission	service invention / employee invention (assigned)	An invention made by an employee in the performance of duties involving an inventive mission entrusted to them; belongs to the employer under French law, subject to additional remuneration.
invention hors mission attribuable	attributable off-duty invention	An invention made by an employee outside assigned duties but within the employer's field of activity; the employer may claim ownership against fair compensation.
invention hors mission non attribuable	non-attributable invention	An invention made entirely outside the scope of employment and the employer's field of activity; remains the sole property of the employee.
rémunération supplémentaire	additional remuneration (employee invention)	Compensation owed to an employee inventor under French law for a service invention, in addition to their salary.
œuvre de commande	commissioned work	A work created pursuant to a commission; under French copyright law, rights remain with the individual creator absent an express assignment clause.
work made for hire	work made for hire	A US copyright doctrine under which an employer is treated as the author and initial owner of a work created by an employee within the scope of employment, or of certain commissioned works where the parties so agree in writing.
cession de droits	assignment of IP rights	The transfer of ownership of an intellectual property right from one party to another.
cession partielle	partial assignment	The transfer of some but not all of a rightsholder's rights in a work or invention, e.g., limited to a specific territory or field of use.
apport en société (PI)	IP contribution to a company	The transfer of an intellectual property right to a company in exchange for shares, as a contribution to its capital.
copropriété de brevet	patent co-ownership	A situation in which a patent is jointly owned by two or more parties; relations governed by agreement or, absent one, by statutory default rules.
indivision (droits de PI)	co-ownership (IP rights)	The joint undivided ownership of an intellectual property right by two or more persons.
nantissement de droits de PI	pledge of IP rights	A security interest created over intellectual property rights as collateral for a debt obligation.
opposabilité aux tiers (PI)	enforceability against third parties (IP)	The ability to rely on a transfer or license of IP rights against persons who were not parties to the transaction; generally requires recording with the relevant office.

Terme français	English equivalent	Note
publicité des actes (PI)	recordal / registration of IP transfers	The recording of assignments, licenses, and other IP transactions with the relevant intellectual property office, required for enforceability against third parties.
droits voisins du droit d'auteur	related rights / neighboring rights	Rights granted to performers, phonogram producers, and broadcasting organizations, distinct from but related to authors' copyright.
droit sui generis (base de données)	database sui generis right	The EU right protecting substantial investment in a database, vesting in the maker who took the initiative and bore the risk of the investment.
premier déposant (brevet)	first-to-file (patent)	The principle that patent rights are awarded to the first person to file an application, regardless of who first conceived the invention; applies in France and most jurisdictions.
premier utilisateur (marque)	first-to-use (trademark)	The principle, central to US trademark law, under which rights in a mark arise from actual use in commerce rather than registration alone.
domaine public volontaire	voluntary dedication to the public domain	A rights holder's decision to waive all copyright claims, allowing free use by anyone; formalized through instruments such as Creative Commons CC0.
licence Creative Commons	Creative Commons license	A standardized copyright license allowing creators to grant the public specific permissions to use their work under specified conditions.
accord de licence croisée	cross-license agreement	An agreement under which two parties each license their respective IP rights to the other, often used to resolve patent disputes or facilitate technology collaboration.

7. Les contrats de propriété intellectuelle — IP Contracts and Licensing

Terms relating to agreements for the exploitation, transfer, and licensing of IP rights.

Terme français	English equivalent	Note
contrat de licence	license agreement	An agreement under which a rightsholder authorizes another party to exploit an intellectual property right under specified conditions, without transferring ownership.
licence exclusive	exclusive license	A license under which the licensor agrees not to grant further licenses to any other party and may also agree not to exploit the right itself within the scope of the license.
licence non exclusive	non-exclusive license	A license that does not prevent the licensor from granting similar licenses to other parties or exploiting the right itself.

Terme français	English equivalent	Note
licence de plein droit	license of right	An arrangement under which a patent holder offers a license to any interested party, reducing renewal fees in exchange.
contrat de licence de marque	trademark license agreement	An agreement authorizing a licensee to use a trademark in connection with specified goods or services, subject to quality control by the licensor.
contrat de licence de brevet	patent license agreement	An agreement authorizing a licensee to make, use, or sell a patented invention within a defined scope.
contrat de licence de logiciel	software license agreement	An agreement granting rights to use software, defining the permitted scope of use, and imposing restrictions.
contrat de cession de droits d'auteur	copyright assignment agreement	An agreement transferring ownership of economic rights in a copyrighted work.
contrat de franchise	franchise agreement	An agreement granting a franchisee the right to operate under the franchisor's trademarks and business methods in exchange for fees and quality compliance.
redevance	royalty	A payment made by a licensee to a licensor, typically calculated as a percentage of sales revenue or on a per-unit basis.
redevance minimale garantie	minimum guaranteed royalty	A contractually fixed minimum royalty payable by a licensee regardless of actual sales or use.
paiement forfaitaire	lump sum payment	A single, fixed payment made in consideration for the grant of a license or assignment, as opposed to ongoing royalties.
accord de recherche et développement	research and development (R&D) agreement	An agreement governing collaborative research activities, including provisions on ownership and licensing of resulting IP.
propriété intellectuelle de fond	background IP	IP owned or controlled by a party prior to entering into a collaboration or R&D agreement.
propriété intellectuelle issue du projet	foreground IP	IP generated in the course of and as a result of a collaboration or R&D agreement.
clause d'amélioration	improvements clause	A contractual provision addressing ownership and licensing rights in improvements made to licensed technology during the license term.
clause de sous-licence	sublicensing clause	A provision specifying whether and under what conditions a licensee may grant sublicenses to third parties.
clause de most favored licensee	most favored licensee clause	A provision entitling a licensee to benefit from any more favorable license terms subsequently granted by the licensor to another licensee.

Terme français	English equivalent	Note
clause de garantie de propriété	IP warranty clause	A provision under which a licensor or assignor warrants that they own the rights being licensed or assigned and that they do not infringe third-party rights.
contrat de coexistence	coexistence agreement	An agreement between owners of similar or identical marks defining the scope within which each may use their respective mark to avoid conflict.
accord de non-divulgaration	non-disclosure agreement (NDA)	A contract imposing obligations of confidentiality on the receiving party with respect to disclosed IP or trade secrets.
contrat de transfert de technologie	technology transfer agreement	An agreement by which the owner of a technology, patent, or know-how authorizes another party to use or commercialize it.
dépôt en séquestre du code source	source code escrow	An arrangement under which source code is held by a neutral third party and released to a licensee under specified conditions, such as the licensor's insolvency.
audit de portefeuille de PI	IP portfolio audit	A systematic review of an organization's IP assets, their status, ownership, and value, typically conducted in connection with a transaction.
territoire (licence)	territory (license)	The geographic area within which a licensee is authorized to exploit the licensed IP right.

8. Le contentieux — IP Litigation and Enforcement

Terms relating to the enforcement of intellectual property rights.

Terme français	English equivalent	Note
contrefaçon	infringement	The unauthorized exploitation of an intellectual property right; constitutes both a civil wrong and, under French law, a criminal offense for trademark and copyright infringement.
acte de contrefaçon	act of infringement	A specific act, such as manufacturing, importing, selling, or distributing, that constitutes infringement of an IP right.
contrefacteur	infringer	A person or entity committing an act of infringement.
saisie-contrefaçon	infringement seizure	A French procedural mechanism allowing a rightsholder to obtain a court order for a bailiff to seize and record evidence of infringement at the infringer's premises, prior to filing suit on the merits. Note: the closest US equivalent is a seizure order under §34 of the Lanham Act for trademark cases, or an ex parte seizure order in copyright cases; the UK equivalent is an 'Anton Piller order' (now called a 'search order').

Terme français	English equivalent	Note
action en contrefaçon	infringement action	A legal action brought by a rightsholder against a party alleged to have infringed their IP right.
mise en demeure (PI)	cease-and-desist letter	A formal letter demanding that infringing activity cease, typically a precursor to litigation.
mesure provisoire (PI)	interim injunction / preliminary injunction	A provisional court order prohibiting continuation of an infringing activity pending the outcome of the main proceedings.
astreinte (PI)	periodic penalty payment (IP)	A financial penalty accruing for each period of continued non-compliance with a court order in IP proceedings.
dommages-intérêts (contrefaçon)	damages (infringement)	Monetary compensation awarded to a rightsholder for harm caused by infringement, which under French and EU law may include the infringer's profits.
restitution des bénéfices	account of profits / disgorgement of profits	A remedy requiring an infringer to surrender profits made from the infringing activity.
publication judiciaire	publication of the judgment	A remedy ordering publication of all or part of a court decision, typically to repair reputational harm and deter future infringement.
destruction des produits contrefaisants	destruction of infringing goods	A court-ordered remedy requiring the destruction or removal from commerce of goods found to infringe an IP right.
rappel des circuits commerciaux	recall from channels of commerce	A court-ordered remedy requiring an infringer to withdraw infringing products already placed on the market.
nullité (action en) — PI	invalidity action (IP)	A legal action seeking to have an IP right declared invalid; commonly raised as a defense or counterclaim in infringement proceedings.
déchéance (action en) — PI	revocation action (IP)	A legal action seeking to revoke a registered right on grounds arising after registration, such as non-use of a trademark.
épuisement des droits	exhaustion of rights	The principle that a rightsholder's exclusive rights are exhausted with respect to a specific item once it has been placed on the market with their consent, preventing control over further distribution within the relevant territory.
importation parallèle	parallel import	The importation of genuine goods bearing an IP right, placed on the market in one country with the rightsholder's consent, into another country without additional authorization.
blocage de site internet	website blocking order	A court order requiring internet service providers to block access to a website facilitating or hosting infringing content.

Terme français	English equivalent	Note
notification et retrait	notice and takedown	A procedure under which a rightsholder notifies an online platform of infringing content, triggering an obligation for the platform to remove or disable access to it.
responsabilité des intermédiaires	online intermediary liability	The legal framework governing the extent to which online platforms may be liable for IP-infringing content uploaded by their users.
mesures aux frontières / douanes	customs enforcement / border measures	Procedures enabling customs authorities to detain suspected counterfeit or pirated goods at the border, at the rightsholder's request.
délit de contrefaçon (pénal)	criminal counterfeiting offense	The criminal offense of infringing certain IP rights, punishable under French law by fines and imprisonment in addition to civil remedies.
expertise judiciaire (PI)	court-appointed expert opinion (IP)	A technical evaluation conducted by an expert appointed by the court to assist in resolving issues requiring specialized knowledge, commonly used in patent litigation.
conciliation et médiation (PI)	conciliation and mediation (IP)	Alternative dispute resolution methods available in IP disputes, encouraged by EU and French law as alternatives to costly litigation.
licence négociée sous contrainte judiciaire	court-brokered license	A license negotiated between the parties under judicial supervision, sometimes preferred by courts over injunctive relief where the public interest so requires.

9. La PI et la technologie — IP and Technology

Terms relating to the interaction of IP law with digital technology, software, data, and AI.

Terme français	English equivalent	Note
brevetabilité des logiciels	software patentability	The question of whether and to what extent computer programs are patentable; under the EPC, patents are available for computer-implemented inventions making a technical contribution.
invention mise en œuvre par ordinateur	computer-implemented invention	An invention involving a computer, network, or programmable apparatus that makes a technical contribution beyond the program itself; potentially patentable under the EPC.
logiciel libre	open-source software / free software	Software whose source code is made available under a license permitting use, modification, and redistribution. Note: in French, 'logiciel libre' can refer to 'free software' in the FSF/GNU sense (freedom to use, study, share, modify — not price) or 'open-source software' more broadly; the two are used interchangeably in most French legal and commercial contexts.

Terme français	English equivalent	Note
licence open source	open-source license	A license governing the use, modification, and distribution of open-source software, ranging from permissive (MIT, Apache) to copyleft (GPL) licenses.
copyleft	copyleft	A licensing condition requiring that derivative works of open-source software be licensed under the same or a compatible license.
fouille de textes et de données (TDM)	text and data mining (TDM)	The automated computational analysis of text and data to identify patterns; subject to specific copyright exceptions in the EU, with an opt-out for rightsholders other than for scientific research.
opt-out (TDM)	opt-out (text and data mining)	A mechanism under EU copyright law allowing rightsholders to expressly reserve their rights and exclude their works from commercial TDM.
base de données d'entraînement	training dataset	A collection of data, potentially including copyrighted works, used to train a machine learning or AI model.
œuvre générée par l'IA	AI-generated work	Creative output produced by an AI system; its copyright status is uncertain under laws conditioning protection on human authorship.
invention générée par l'IA	AI-generated invention	An invention created autonomously by AI without a human inventor; raises unresolved questions about patent eligibility and inventorship.
nom de domaine	domain name	A unique internet address potentially conflicting with trademark rights and subject to specific dispute resolution procedures.
cybersquatting	cybersquatting	The bad-faith registration of a domain name identical or confusingly similar to a trademark, with intent to profit from the mark's goodwill.
procédure UDRP	UDRP proceeding	The Uniform Domain-Name Dispute-Resolution Policy proceeding administered by WIPO and other providers for resolving domain name disputes.
NFT (jeton non fongible)	non-fungible token (NFT)	A unique blockchain-recorded digital identifier potentially representing rights in a digital or physical asset; raises questions about the IP rights transferred with the token.
watermarking numérique	digital watermarking	A technique embedding information into a digital file to identify its source or assert rights, often imperceptible to the end user.
gestion numérique des droits (DRM)	digital rights management (DRM)	Technological controls used by rightsholders to manage access to and use of digital content.

Terme français	English equivalent	Note
interface de programmation (API)	application programming interface (API)	A software interface enabling different programs to communicate; the copyright status of API specifications has been the subject of major litigation (Google v. Oracle in the US).
interopérabilité (logiciel)	software interoperability	The ability of different software systems to work together; EU law provides a specific copyright exception permitting decompilation to achieve interoperability.
décompilation	decompilation	The process of converting compiled software into a human-readable form to study its functioning; permitted under specific conditions for interoperability purposes under EU law.
contrat SaaS et PI	SaaS agreement and IP	The IP considerations specific to software-as-a-service agreements, including licensing of the underlying software and ownership of customer data and outputs.
marque en ligne	online trademark use	The use of a trademark in internet contexts, including metatags, keyword advertising, and social media, raising specific infringement questions.
droit à l'image	right of publicity / image rights	The right of a person, particularly a public figure, to control the commercial use of their name, image, or likeness; recognized in French law as an aspect of privacy rights, and as 'right of publicity' in US law.
protection des variétés végétales	plant variety protection	An IP right protecting new plant varieties, administered in the EU by the Community Plant Variety Office (CPVO) and in France by the GEVES.

10. Les institutions et procédures internationales — International IP Institutions and Procedures

Terms relating to the international framework for IP protection.

Terme français	English equivalent	Note
Convention de Paris	Paris Convention	The 1883 treaty establishing fundamental principles of industrial property protection, including national treatment, the right of priority, and protection of well-known marks; administered by WIPO.
Convention de Berne	Berne Convention	The 1886 treaty establishing minimum standards for copyright protection, including automatic protection without formalities and a minimum term of life plus 50 years; administered by WIPO.
Accord ADPIC (TRIPS)	TRIPS Agreement	The Agreement on Trade-Related Aspects of Intellectual Property Rights, administered by the WTO; sets minimum IP protection standards binding on all WTO members.

Terme français	English equivalent	Note
Office européen des brevets (OEB)	European Patent Office (EPO)	The executive body of the European Patent Organisation responsible for granting European patents under the EPC. Note: 'Organisation' in 'European Patent Organisation' is the official spelling (Article 1 EPC), not a UK spelling variant.
Convention sur le brevet européen (CBE)	European Patent Convention (EPC)	The multilateral treaty establishing the EPO and providing a unified patent grant procedure for contracting states.
Patent Cooperation Treaty (PCT)	Patent Cooperation Treaty (PCT)	A WIPO-administered treaty enabling a single international patent application with effect in up to 150+ designated countries.
phase nationale (PCT)	national phase (PCT)	The stage of the PCT procedure at which an international application is pursued separately before the national or regional offices of designated countries.
Système de Madrid	Madrid System	The WIPO-administered system enabling registration of trademarks in multiple jurisdictions through a single international application.
Protocole de Madrid	Madrid Protocol	The treaty forming the primary legal basis of the Madrid System; superseded the original Madrid Agreement for most contracting parties.
Système de La Haye	Hague System	The WIPO-administered system enabling registration of industrial designs in multiple jurisdictions through a single international application.
Accord de Nice (classification)	Nice Agreement (classification)	The international agreement establishing the Nice Classification system for trademarks, administered by WIPO.
Accord de Locarno (classification)	Locarno Agreement (classification)	The international agreement establishing the Locarno Classification system for industrial designs.
Accord de Vienne (classification)	Vienna Agreement (classification)	The international agreement establishing a classification system for the figurative elements of trademarks.
traité OMPI sur le droit d'auteur (WCT)	WIPO Copyright Treaty (WCT)	A 1996 treaty supplementing the Berne Convention to address challenges posed by digital technology to copyright protection.
traité OMPI sur les interprétations et phonogrammes (WPPT)	WIPO Performances and Phonograms Treaty (WPPT)	A 1996 treaty extending protection to performers and phonogram producers in the digital environment.
traité de Marrakech	Marrakesh Treaty	A 2013 WIPO treaty facilitating access to published works for persons who are blind or visually impaired, through copyright exceptions.
accord de libre-échange (PI)	free trade agreement (IP provisions)	A bilateral or multilateral trade agreement including IP provisions that may go beyond TRIPS minimum standards (TRIPS-plus provisions).

Terme français	English equivalent	Note
EUIPO	European Union Intellectual Property Office (EUIPO)	The EU agency registering EU trademarks and Community designs, based in Alicante, Spain.
grande chambre de recours (OEB)	Enlarged Board of Appeal (EPO)	The highest authority within the EPO responsible for ensuring uniform application of the EPC and deciding important questions of law.
tribunal unifié des brevets (TUB)	Unified Patent Court (UPC)	The specialized supranational court competent for actions relating to European patents and European patents with unitary effect, operational since 2023.
accord relatif à une juridiction unifiée du brevet	UPC Agreement	The international agreement establishing the Unified Patent Court, signed by participating EU member states.
règlement alternatif des litiges (PI)	alternative dispute resolution (IP)	Out-of-court dispute resolution mechanisms for IP disputes, including mediation and arbitration, administered for example by WIPO's Arbitration and Mediation Center.
WIPO Arbitration and Mediation Center	WIPO Arbitration and Mediation Center	The WIPO center providing international dispute resolution services for IP and technology disputes, including the UDRP procedure for domain name disputes.
licence FRAND	FRAND license	A license for standard-essential patents on fair, reasonable, and non-discriminatory terms; required from holders of patents essential to an industry standard.
brevet essentiel à une norme (BEN)	standard-essential patent (SEP)	A patent that must be used to implement an industry standard; the holder is required to license it on FRAND terms.

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