

## Intellectual Property

### Agenda:

- **Intellectual Property Law: the basics**
- **Eight components in the protective shield:**
  1. *The Patent*
  2. *The Utility Model*
  3. *Design*
  4. *Trademark/Brand*
  5. *Secrecy*
  6. *Niche Protection*
  7. *Speed Protection*
  8. *Brain drain plumbing*
- **Valuation of IPR**
- **Buying and selling IPR**
- **The Capital Conflict**
- **Protection Strategies**

## IP By Definition:

Intellectual Property **is the ownership = the exclusive right to commercially exploit intellectual achievements = a specific monopoly**

**Monopoly is society's incentive to encourage you to pursue innovations in the interest of mankind**

**You need to specify your claims to allow others to object against or to stay away from your monopoly**

**Protection against other parties' exploitation is governed by national law and international conventions**

## Protecting your IP (The Protective Shield)

### PATENT

Global, efficient, expensive, resource consuming

### UTILITY MODEL (Poor Man's Patent)

National - local, cheaper, risky (no novelty search)

### DESIGN PROTECTION

National, mandatory in certain business areas

### TRADEMARKS, BRANDS

National, mandatory when leaving your niche

### SECRECY

Can be cost-efficient, is risky, requires secrecy agreements with employees => extra payments

### NICHE PROTECTION

Patent not worthwhile

### SPEED PROTECTION

Patent useless

### KEEP the BRAINS!

They contain your knowledge

## THE PATENT

A geographically and time limited **monopoly on sales and production** of products, whose function rely on processes, procedures or constructional embodiments, which are described in the patent claims.

### To obtain a patent requires

#### Novelty

*Unknown to Mankind*

#### Usefulness

*In a commercial-industrial context!*

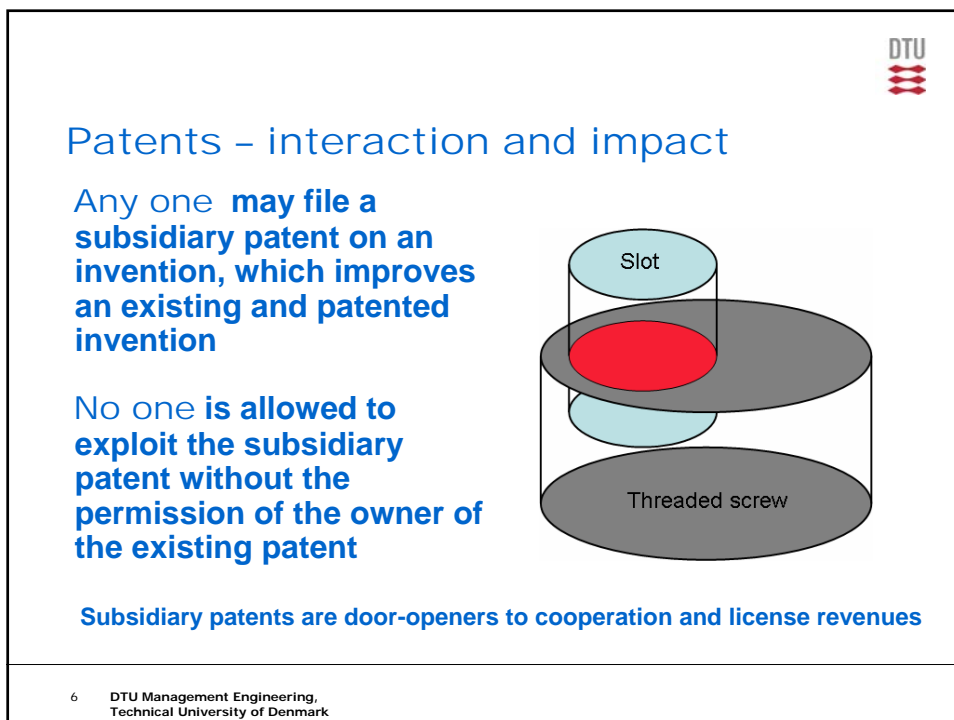
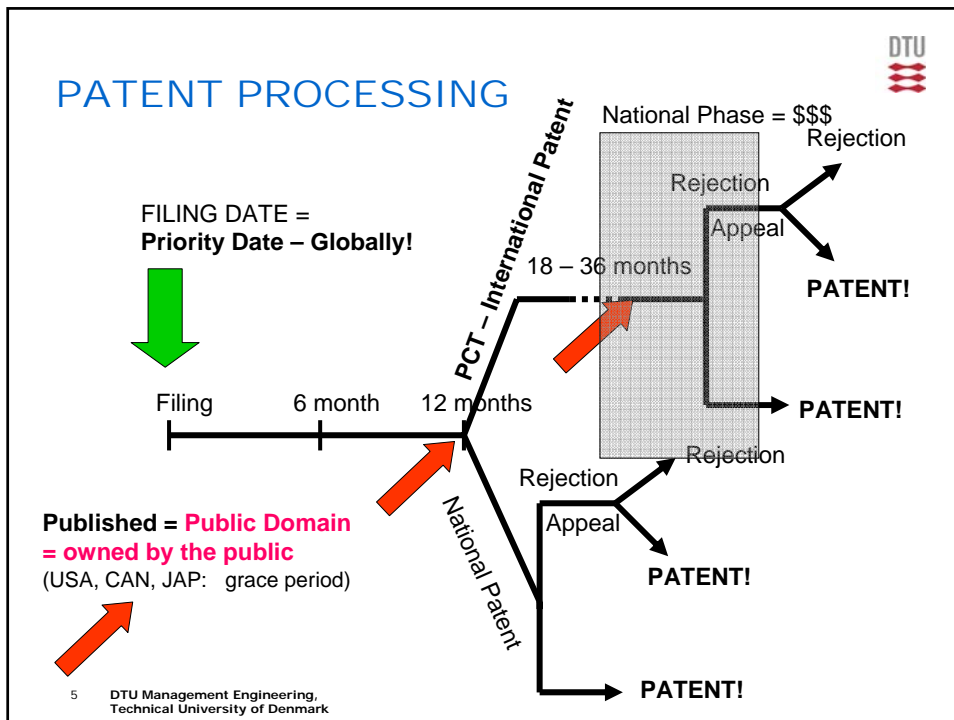
#### Inventiveness

*Not obvious to the skilled but unimaginitive specialist*

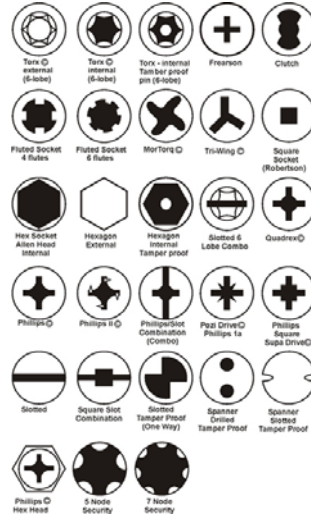
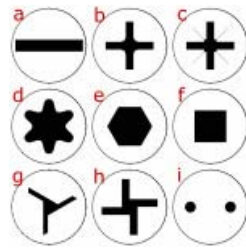
Not offensive to public moral

Not diagnostic methods

National differences within software & biotech



Subsidiary patents are door-openers to cooperation and license revenues - and only Man's fantasy sets the limits



### The Novelty Search:

- Identify your Freedom-to-Operate
- Look your competitors over their shoulders
- Find yourself a domain: make your claim

**The Google:**

<http://www.google.com/patents>

**European Free Search Facility:**

<http://www.espacenet.com/index.en.htm>

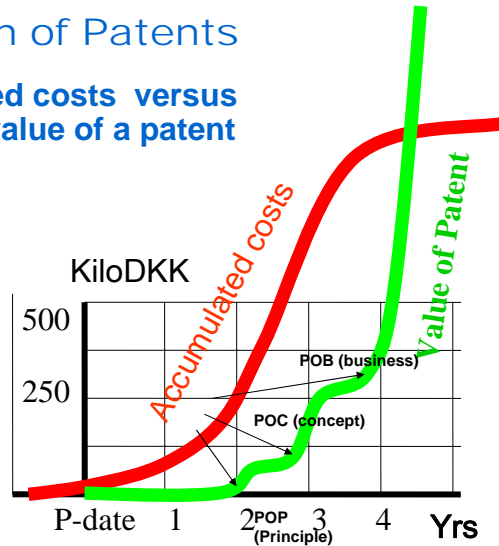
**Free patent search online:**

<http://www.freepatentsonline.com>

Real good recipe for novelty search: [click here](#)

## Valuation of Patents

### Accumulated costs versus perceived value of a patent



## Selling Patents (Tech-trans)

### 1. Valuation

Commercial verification increases valuation

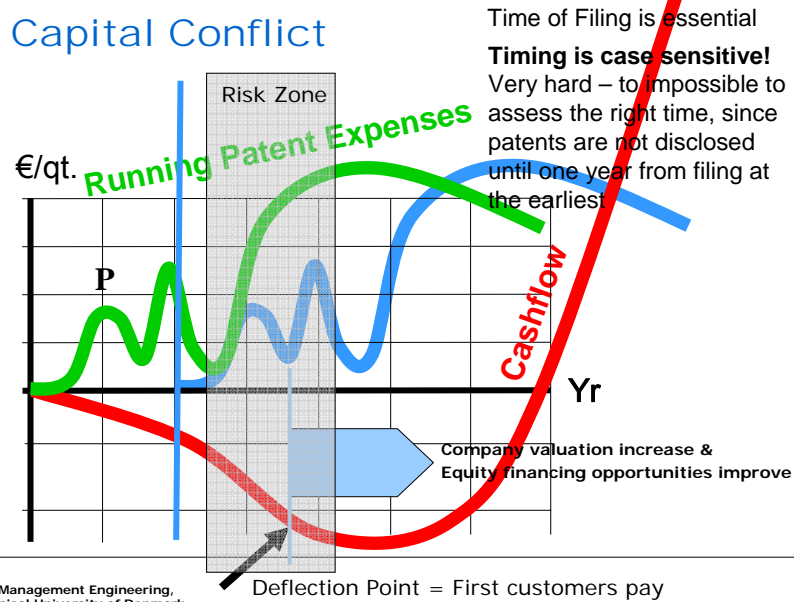
### 2. Tactics of Negotiation

- Hire professionals – the process is complex
- Non-disclosure agreements before hand outs.  
Include response deadlines, and non-attack obligations
- Keep a distance to major expenses
- Beef up your staying power

### 3. Sales procedure

- Serial or parallel contacts to potential buyers?
- Exclusive or non-exclusive licensing agreements?
- Hybrids? (Regional exclusive licensing agreements)?

## The Capital Conflict



## Protection Strategies, IP

### 1. Production

Secrecy agreements, niching, stock options, Non-compete obligations, patents, design, trademarks

### 2. Consultancy

Non-compete obligations, stock options, niching

### 3. ICT

Speed protection, niching, stock options, secrecy agreements, non-compete obligations – and patents

### 4. Biotech

Patents, stock options