

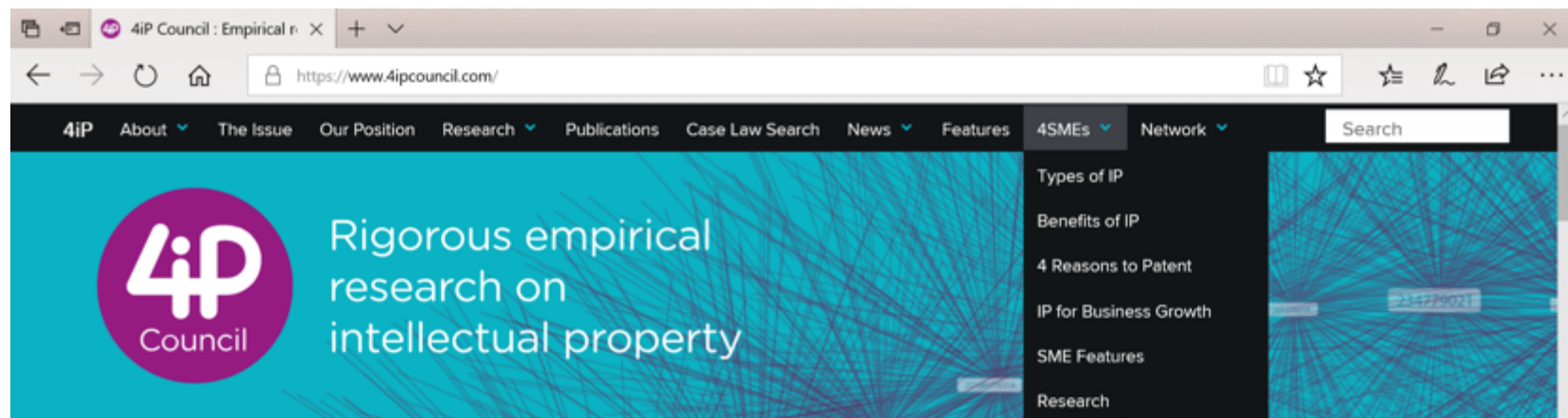


Rigorous empirical
research on
intellectual property

From idea to profit: How to leverage your IP

17. October 2019





The screenshot shows the 4iP Council website. The header includes navigation links: 4iP, About, The Issue, Our Position, Research, Publications, Case Law Search, News, Features, 4SMEs, and Network. A search bar is located on the right. The main banner features the 4iP Council logo and the text "Rigorous empirical research on intellectual property". A sidebar on the right lists topics: Types of IP, Benefits of IP, 4 Reasons to Patent, IP for Business Growth, SME Features, and Research.



4 REASONS TO PATENT

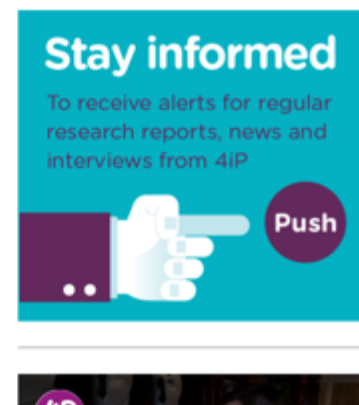
- 1 - MARKET ACCESS
- 2 - NEGOTIATING
- 3 - FUNDING
- 4 - STRATEGIC VALUE

Explore how patents add value with our **interactive guide**.

4iP Council Rigorous empirical research on intellectual property

Logos of partner organizations: European Union, UK Intellectual Property Office, GRUR, IPAN, and others.

<https://www.4ipcouncil.com/4smes>



Stay informed

To receive alerts for regular research reports, news and interviews from 4iP

Push

<https://www.4ipcouncil.com/4smes#what-is-ip>

How do I use intellectual property to grow my business?



Intellectual property from the perspective of a venture capitalist

Presented by Dr. Christian Schneider



Thursday, 21 November
From 16.00-17.00 CET
(including Q&A)

This 4iP Council webinar will address the following:

- The range of attributes investors look for
- The role of IP in investment decision-making
- Pitfalls and challenges in relation to IP
- Real world examples – good and bad



Presenter

Dr. Christian Schneider has been a venture capital executive for the past 20 years. He has extensive hands-on work and investment experience in life sciences and as shareholder and board member he actively supports and advises start-up companies.



Dr. Begoña G. Otero
Senior Researcher,
Max Planck Institute for Innovation &
Competition





"I invented fire, but now everyone is using it for free. In hindsight, maybe my first invention should have been intellectual property law."

Intellectual P...what?

- *Outline:*
 - Brief and practical overview of the main intellectual property rights (IPRs).
 - Some common mistakes and how to fix them.
 - A few best practice tips.

IPRs in practice

www.domainname.com/.de



Trademark

- Logo
- Car model name
- Sound of the engine

Copyrights

- Software
- Model design

Patent

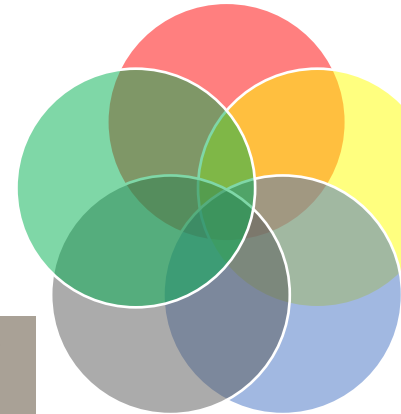
- Engine structure
- Features of breaks
- Design of the car frame (low air resistance)* UM

Design

- Model design
- Keys
- Frontal
- Wheels Groove

Trade secret

- Some tech systems
- Know-How



What can IP do for your business?



Exclusivity

Develop your own business
idea

Exclude competitors

Be first to market



Attract investment

Access to grants and
subsidiaries

Attract venture capital



Reputation enhancer

Uniqueness and reputation
Enhance your market position



Trade

Be free to operate, license and
from others

Strength in negotiations

Business partnering
opportunities

Copyrights

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?	HOW LONG?
<p>A work: an original intellectual creation.</p> <p>Music, movies, databases, software, architecture, etc.</p>	<p>Control the reproduction, publishing, distribution, modification, performance and display, plus integrity and attribution of the work.</p>	<p>Lifetime of the author +50/70 years after death (depending on the country)</p>	<p>Not a must</p> <p>But it might be a good proof in case of infringement!</p> <p>Also, use of ©</p>	<p>If registered: low</p>	<p>Since creation</p>

Office



Excel



OneNote



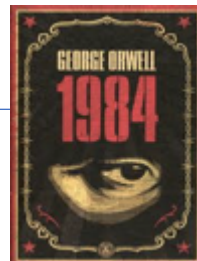
Outlook







Word



PowerPoint

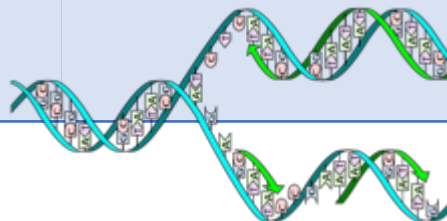


Trademarks

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?	HOW LONG?
<p>A distinctive sign that identifies products and/or services</p> <p>Words, personal names, designs, letters, numerals, colors, shapes, the packaging of goods, sounds</p>	<p>Preventing unauthorized use of the sign for the same or related products/services</p>	<p>Indefinitely, subject to use in commerce and renewals</p>	<p>Yes*</p> <p>3 routes:</p> <ul style="list-style-type: none"> National EUTM International <p>After the registration the TM should be used</p> <p>Not mandatory use of the following symbols:</p> <p>® (registered)</p> <p>TM (trademark)</p>	<p>If registered: medium</p>	<p>3 to 24 months approx. depending on the country</p>
					

Patents

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?	HOW LONG?
An invention : a new and innovative way of doing something or solving a technical problem	Preventing the unauthorized making, using and selling of the patented invention	Up to 20 years	YES 3 Routes: <ul style="list-style-type: none"> National EPO PCT 	If registered: medium to high	3 to 5 years



DNA copying process

Designs

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?	HOW LONG?
<p>A new and original visual appearance of a product</p> <p>Packages, containers, GUIs, computer icons, etc.</p>	<p>Preventing the unauthorized use of and identical or similar visual appearance for the same kind of products and/or services</p>	<p>Up to 25 years for registered designs</p>	<p>Not a must but advisable. Unregistered EU designs are protected only from unauthorized copying and only protected for 3 years</p>	<p>If registered: low to medium</p>	<p>3 to 12 months</p>



Trade Secrets

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?
<p>Any type of useful information for business that is secret and kept confidential.</p> <p>Business methods, know-how, financial information, algorithms, etc.</p> <p>Products / Processes when reverse engineering is difficult</p>	<p>Preventing others from using it as long as it remains secret.</p> <p>Allows to claim monetary compensation in case of unlawful disclosure of the trade secret.</p>	<p>Indefinitely as long as it is not revealed.</p>	<p>No</p>	<p>Nothing</p>

Former Google self-driving car engineer charged with theft of trade secrets

Anthony Levandowski worked on autonomous vehicles at Google for nearly a decade before going to work for Uber



▲ Anthony Levandowski, then head of Uber's self-driving program, speaks about their driverless car in San Francisco, in December 2016. Photograph: Eric Risberg/AP

Bloomberg | Updated: Feb 25, 2017, 08:30 AM IST



A+



SAN FRANCISCO: It took Alphabet Inc's Waymo seven years to design and build a laser-scanning system to guide its self-driving cars. Uber Technologies allegedly did it in nine months.

Waymo claims in a lawsuit filed on Thursday that was possible because a former employee stole the designs and technology and started a new company.

Trade Secrets

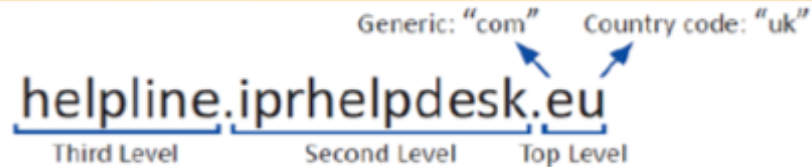
Domain Names

- What is it? **NOT an IPR!!**
- A **human-friendly form of internet addresses** =>
www.epo.org; www.wipo.int;
- Converting an internet protocol address (e.g. 192.0.34.65) into something more simple (i.e. a domain name)

Generic: "com" Country code: "uk"

helpline.iprhelpdesk.eu

Third Level Second Level Top Level



The diagram shows the domain name 'helpline.iprhelpdesk.eu' with brackets underneath identifying its levels: 'helpline' is the Third Level, 'iprhelphdesk' is the Second Level, and 'eu' is the Top Level. Above the domain, two arrows point to the 'eu' part: one from 'Generic: "com"' and one from 'Country code: "uk"'. The entire diagram is enclosed in an orange rectangular border.

Human-friendly form of internet address

Protection of the identifier of a good or service

First come, first served

Priority application date

World wide

Territorial scope

Not relevant

Division into classes of goods and services

In principle no examination

Examination and opposition

Domain Names v. Trademarks

Some common approach mistakes

1. TERRITORIALITY:

“I have one patent over this product”

- Where have you applied for the patent? In which country?
- Is it a patent? Is it an utility model?
- Intellectual Property Laws are national (even in Europe, although there are EU trademarks and EU designs)

Some common approach mistakes



Requirements for registration
are similar worldwide



But each country has its own
particularities



Source: <https://www.hongkiat.com>

Example: Using the works of others

- Parody exceptions exist in a number of EU Member States, like France or Spain but no in the UK or Ireland.
- In France, a parody is defined in the law (must have been intended to be humorous in nature and there must be no risk of confusion with the original work)
- In Germany or Sweden, parody exceptions have been defined by Courts

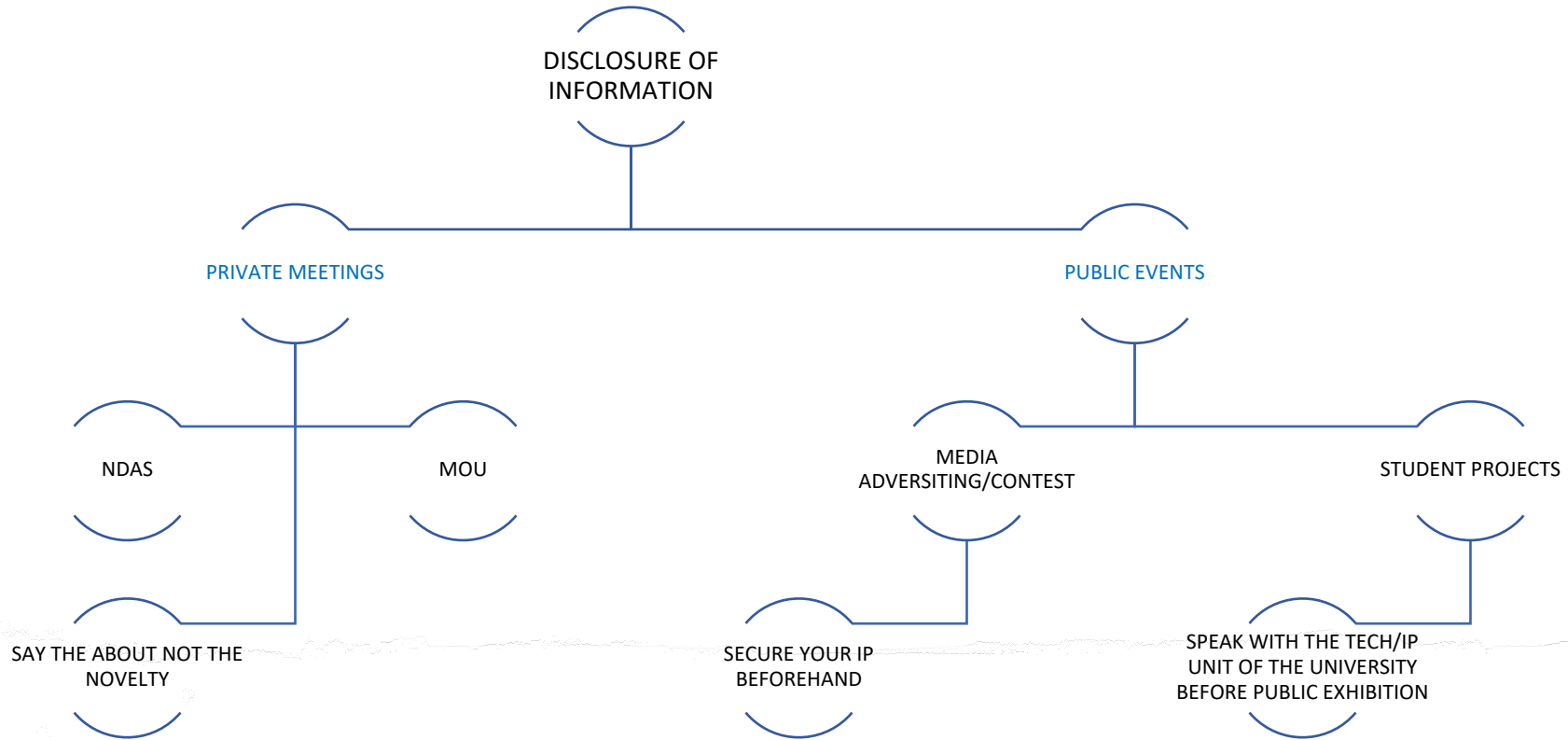


Some common approach mistakes

2. DISCLOSING INFORMATION WITHOUT PRECAUTION

- **Protecting your idea against disclosure** ☒ **protecting your idea against infringement.**
- Disclosing ideas without legal precaution:
 - Someone can use the knowledge of your idea for their own benefit, which usually translates into **loss for you.**
 - Disclosing now may prevent you from obtaining a **valid patent** later.
- BUT:
 - Don't become obsessively secretive.
 - Don't require payments to reveal any detail of your idea.

Some common approach mistakes



Some common approach mistakes

3. FORGET ABOUT IP IN FOUNDERS AGREEMENT & BUSINESS PLAN

- Start ups founders commonly work on the business as individuals with no formal business structure in place.
- However...when preparing founders / pre-incorporation agreement:
 - Founders are likely to own any IP they created before registering their Company **X**
 - Transfer all individual IP to the company with an IP Assignment Agreement 💡
- Careful with:
 - **Employees:** *Employment agreement or contractors agreement* which includes an IP Assignment clause
 - **Third Party Contributors:** Make sure they transfer the IP that your business intends to use to your Company

IP in your Business Plan

Strategy

- **Creation**
- **Exploitation**
- **Risks**
- **Enforcement**

Portfolio

- **Mapping**
- **Ownership**
- **Agreements**
- **Registration + Status**

A few best practice tips

Look for expert advice

Evaluate your product/process/idea before choosing the type of protection you need:

- Your asset
- Your market
- Your commercialization plan

If expanding international:

- Develop a global strategy
- Protect in all markets/countries before entering
- Consider alternative dispute resolution methods (ADRs) – mediation, arbitration in case of disputes



KEEP
CALM
AND
SEEK
ADVICE



Tools at your disposal

- 4IP Council: www.4ipcouncil.com
- IPR Helpdesk: www.iprhelphdesk.eu
- EUIPO: www.euipo.europa.eu
- EPO: www.epo.org
- WIPO: www.wipo.int
- EC supported professional IP service:
<https://ipbooster.meta-group.com/>
- National IP offices: e.g.
 - UK IPO
www.gov.uk/government/organisations/intellectual-property-office
 - DMPA
<http://www.dpma.de/english/index.html>

Interested in more? High-growth technology business conference 2019

4-5 November, Dublin

- Efficient one-day conference
- One-day training add-ons
- Business and IP tracks
- "Meet-the-speakers" sessions
- IP clinics: receive expert advice
- Practical lectures focusing on key messages
- Condensed summary videos to "take home"

To register <https://www.epo.org/learning-events/events/conferences/boosting-your-strategy-with-ip/registration-and-payment.html>

Registration fee

EUR 150	Conference plus full day training
EUR 125	Conference plus half day training
EUR 100	Conference only



High-growth technology business conference 2019

Boosting your strategy with intellectual property

4-5 November 2019
Dublin
[epo.org/business-success](https://www.epo.org/business-success)

