

CREATING A TOOL BOX OF SUPPORT SERVICES

SUNITA K SREEDHARAN

SKS LAW ASSOCIATES, N.DELHI, India

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(some slides : courtesy WIPO)

IPR

APPLICABLE SUBJECT

- **PATENTS**

INVENTIONS THAT IS NEW, INVENTIVE STEP,
INDUSTRIALLY APPLICABLE

- **TRADEMARKS**

MARKS, LOGOS REPRESENTING GOODS OR
SERVICES

- **COPYRIGHT**

ART, MUSIC, LITERATURE, FILM (INCLUDES
PAMPHLETS ON PRODUCTS)

- **DESIGNS**

FEATURES OF OBJECTS, PRODUCTS VISIBLE TO
THE EYE

- **PLANT VARIETY**

NEW VARIETIES THAT ARE NOVEL, DISTINCT,
UNIFORM & STABLE

- **TRADE SECRET**

INFORMATION & KNOW-HOW THAT GIVE EDGE
OVER COMPETITION

- **GEOGRAPHICAL
INDICATION**

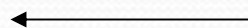
GOODS PRODUCED OR MFGD, EVOCATIVE OF A
REGION

Trademarks can be...

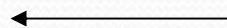


WORDS
& LABELS

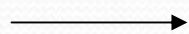
SYMBOLS



TRADE DRESS



.. OR NON-TRADITIONAL SUBJECT MATTER



SMELL

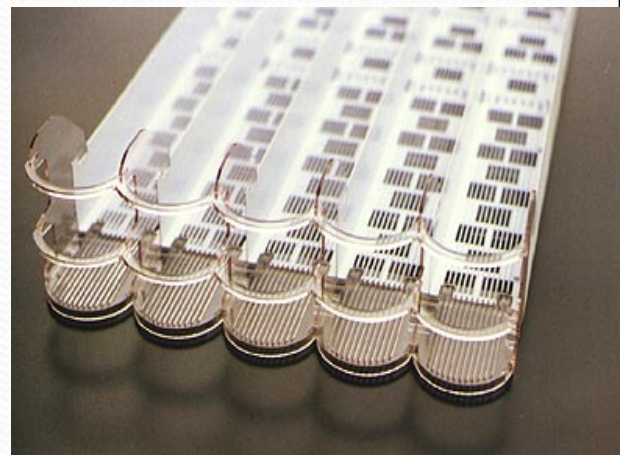
SOUNDS

SHAPE



COLOR SCHEMES





COPYRIGHT

Protect the rights of the following:

- authors and creators of literary and artistic works
- performing artists in their performances
- producers of sound recordings in their recordings
- TV and radio broadcasting organizations
- creators of software
- persons who compiled data (original databases: that is, provided that the selection or arrangement constitutes an original intellectual creation)

COPYRIGHT

- Right of make or reproduction
- Right to issue copies – sell, rent or give for hire
- Right of public performance – communicate to the public
- Right of public display
- Right of public distribution
- Right of importation
- Derivative rights – adaptation, translation, inclusion
- Right to assign or license
- Moral rights / right of paternity

Artistic



Films



Literary

Musical



Dramatic

- JK Rowlings' Harry Potter series with its bundle of copyrights has garnered a market of USD 15 billion making JK Rowlings the the all-time highest paid author
- With royalties from books
- Movie rights
- Merchandize etc

TRADE SECRETS

- Trade secret includes information such as formula, compilation, program, device, method etc., which
 - is sufficiently valuable and secret to afford an actual or potential economic advantage over others
 - Is the subject of reasonable efforts to keep the information secret
- Trade secret protection can be perpetual & is lost only if:
 - there is independent discovery (does not prohibit reverse engineering)
 - the secret information becomes public knowledge
- Trade secrets are preserved via contracts

GEOGRAPHICAL INDICATIONS

- A GI is granted for goods that have a specific geographical origin and possess qualities or a reputation that are due to that place of origin.
- Who can apply –
 - Any association of persons or producers or any organization or authority
 - established by or under any law for the time being in force
 - representing the interest of the producers of the concerned goods



Basmati

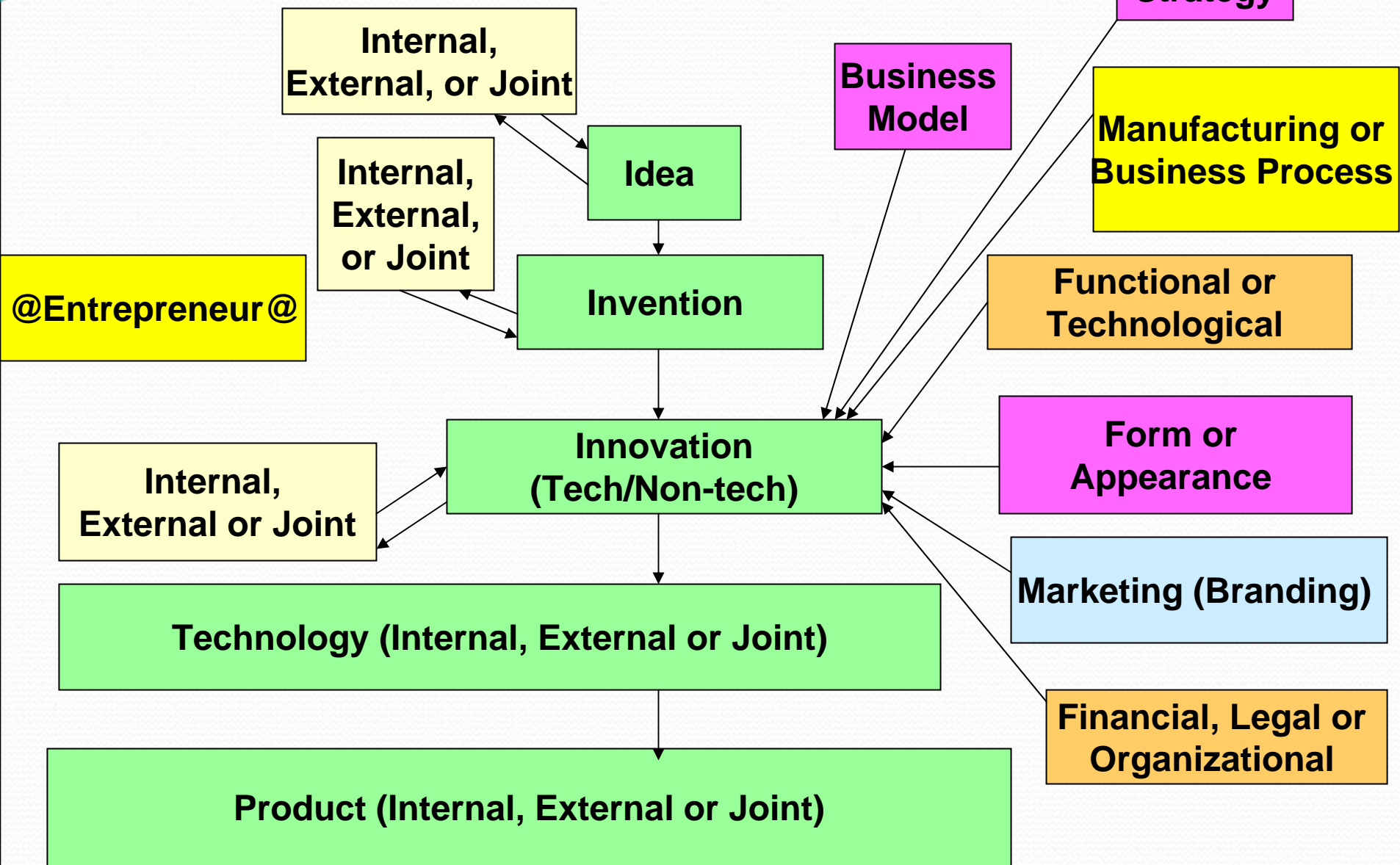


Scotch

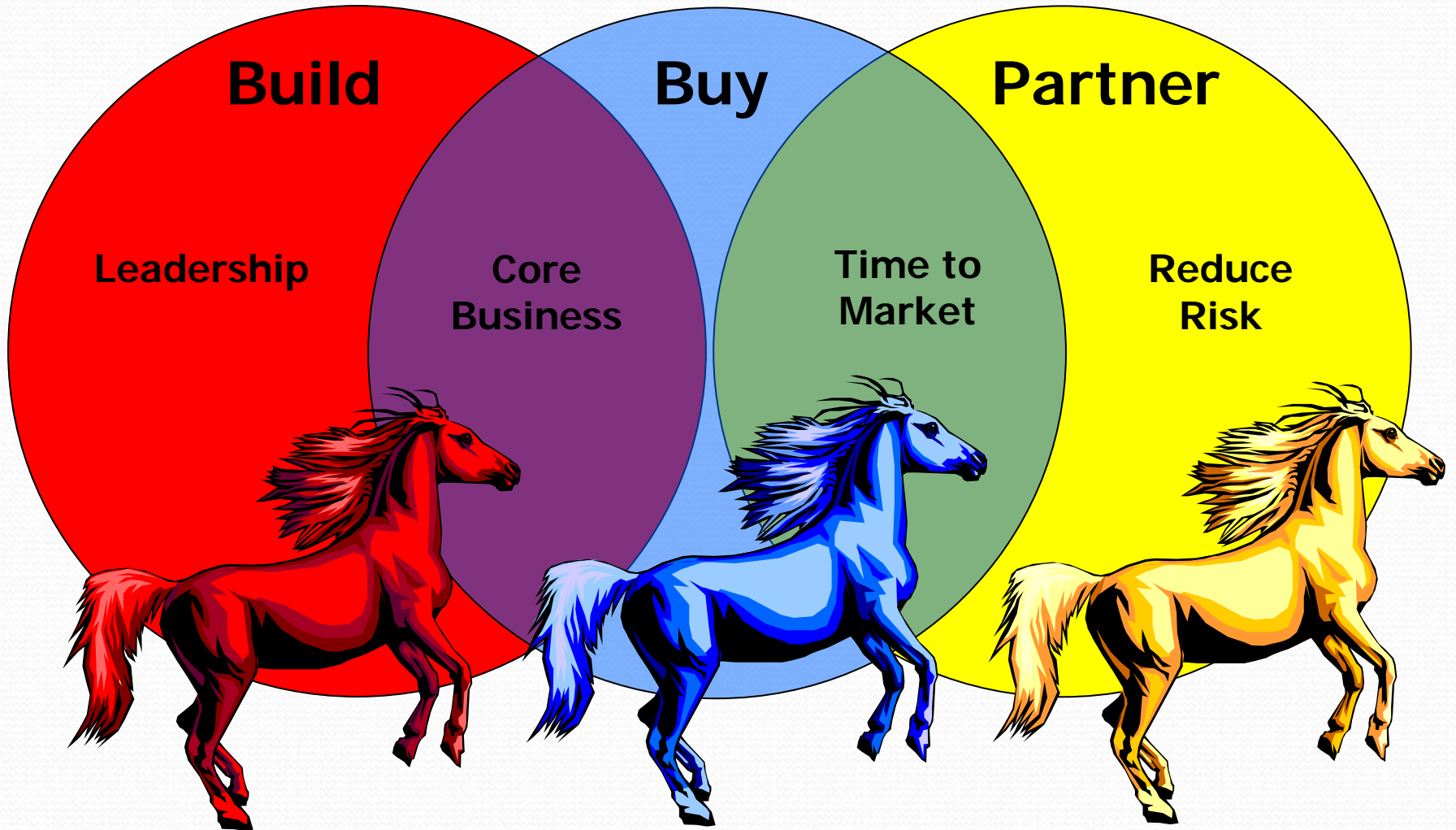


Champagne

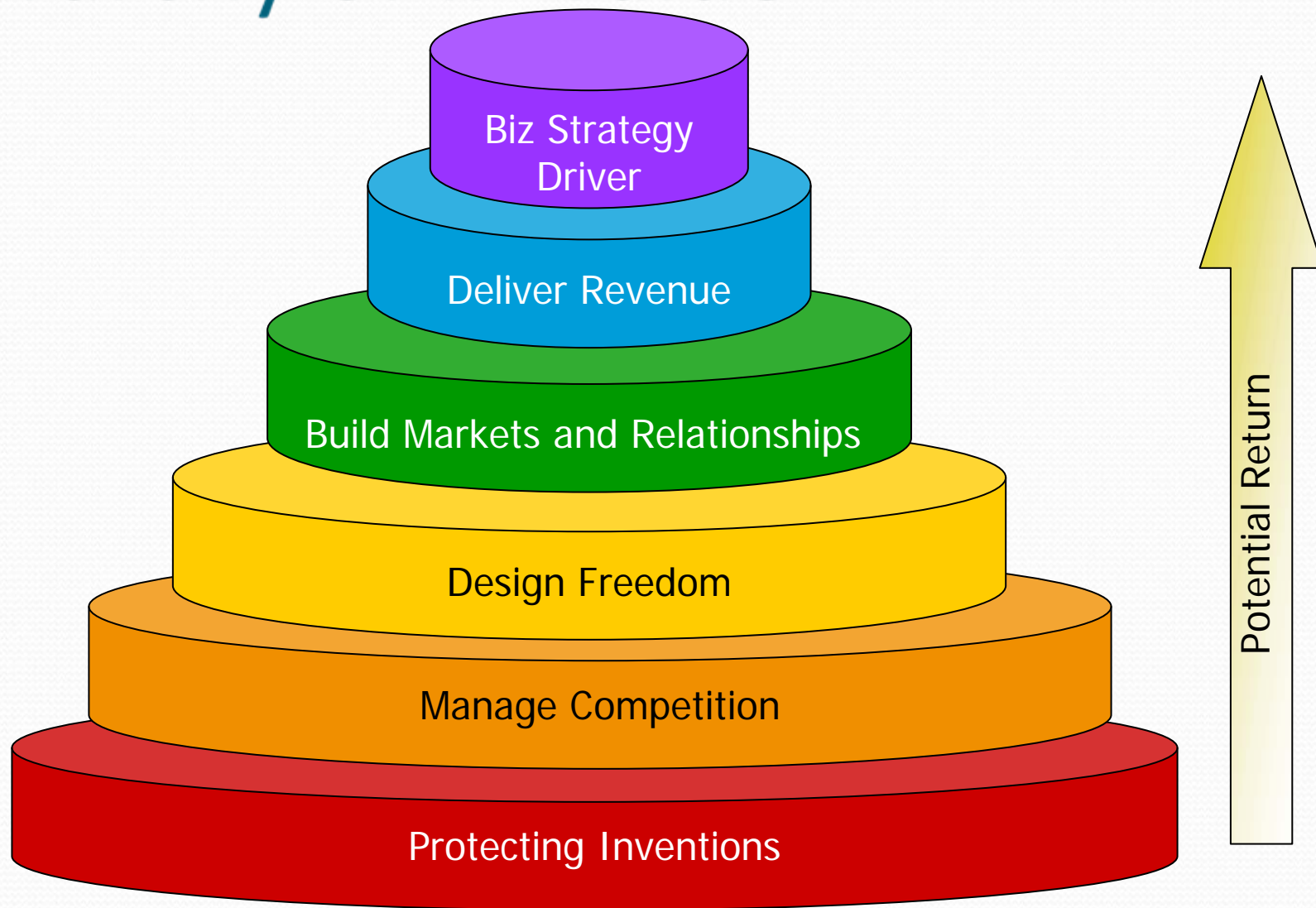
IDEA to PRODUCT



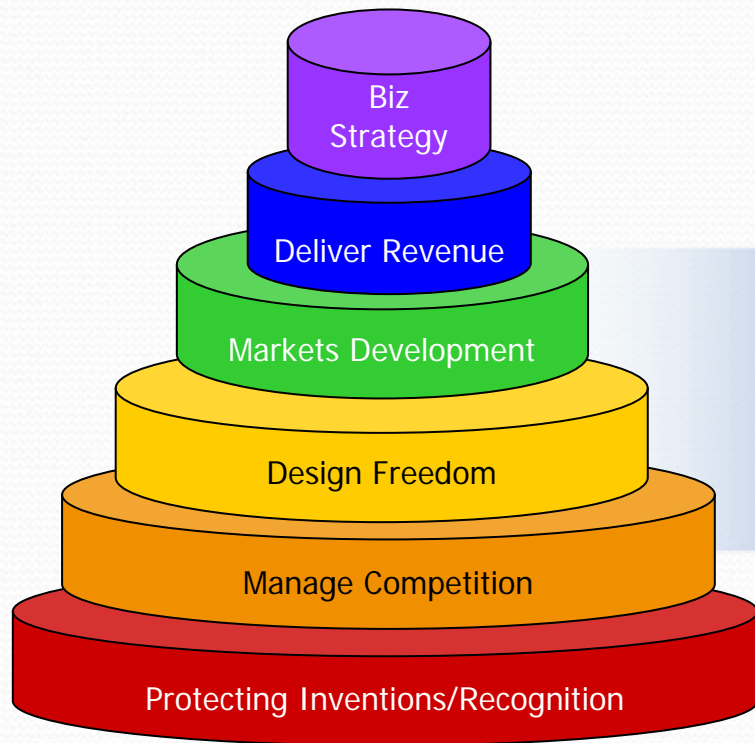
Which horse to pick?



Hierarchy of IP Value



Building an IP Strategy



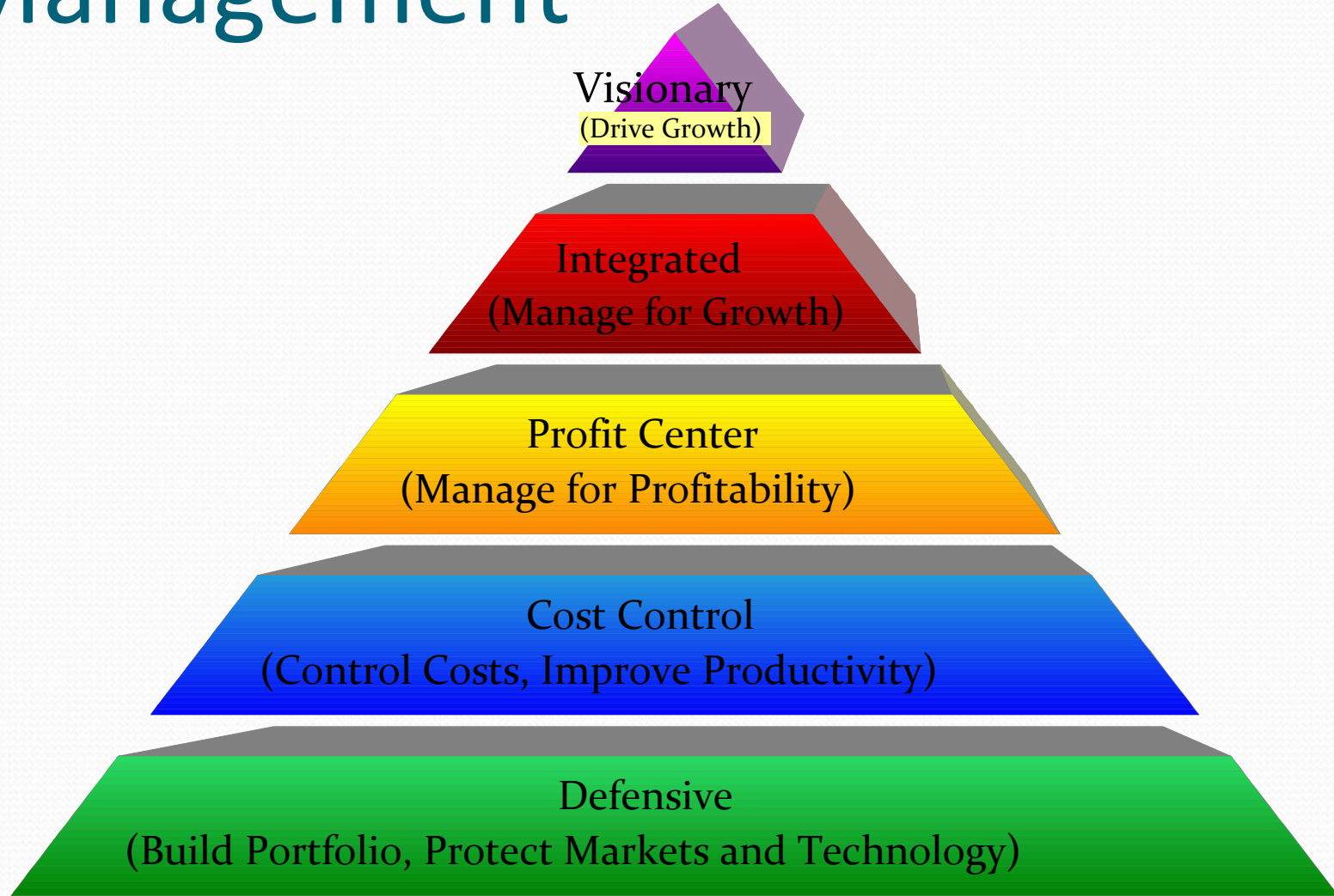
Build Your Portfolio

- Strategic Patenting
- Purchase Patents

Deploy Your Portfolio

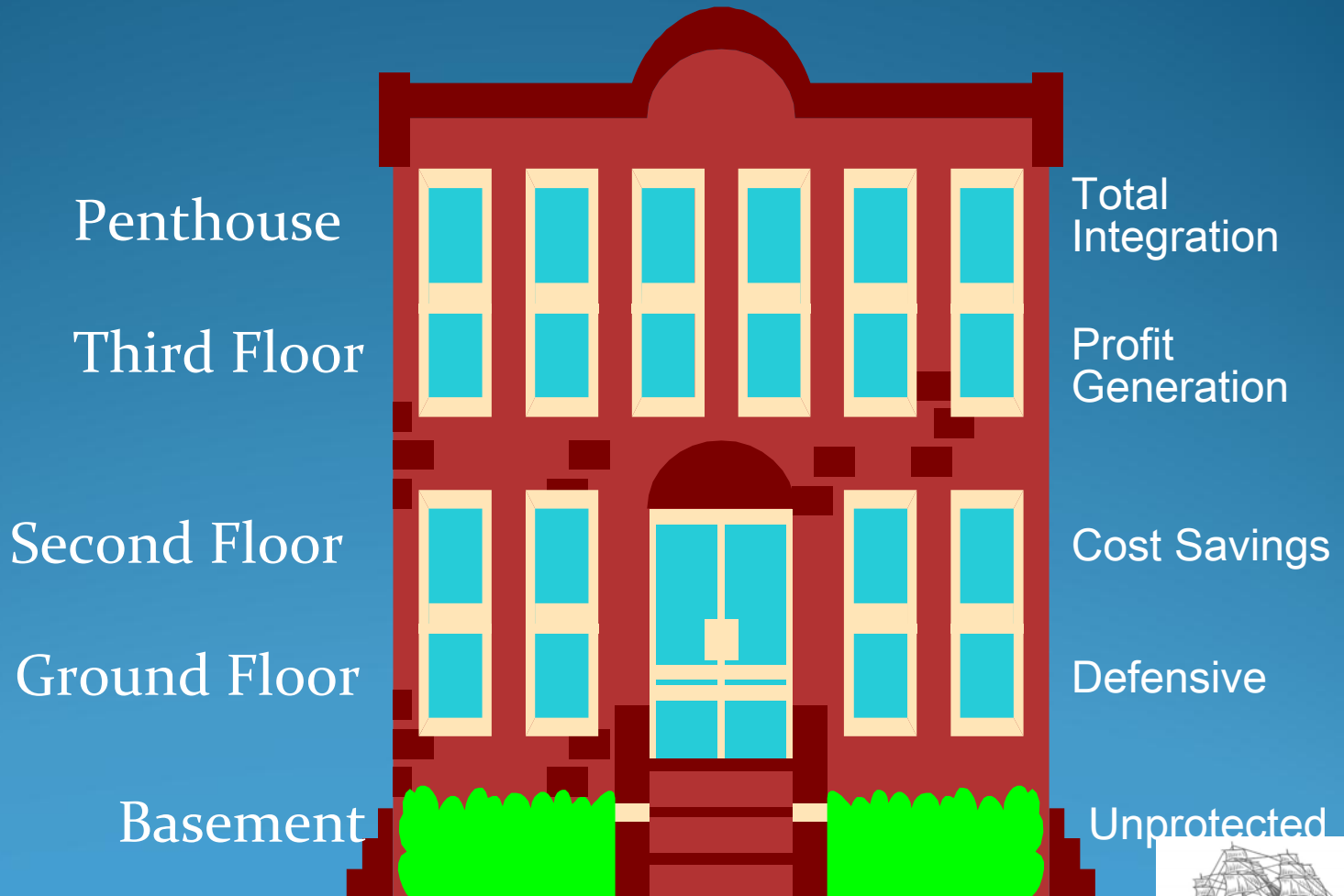
- Design Freedom
- Manage Competition
- Enter new Markets
- Deliver Revenue

A Hierarchy of IP/IC Management



IP culture - Levels of companies

Penthouse
Integration
Third floor
Profit
Second floor
Savings
Ground floor
Defensive
Basement
Unprotected



o - Unprotected level

How businesses behave at the various levels ?

They use confidentiality and carry out non-trade secret intellectual property protection where appropriate

Penthouse
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Defensive

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1 - Defensive level

Company activities:

- Awareness of intellectual property
- Obtaining intellectual property
- Maintaining patents
- Respecting intellectual property rights of others (freedom to operate)
- Willingness to enforce patents when necessary

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2 - Cost savings level

Company activities:

- Focuses on how to reduce costs of filing/maintaining intellectual property portfolio

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3 - Profit generation level

Company activities:

- Makes intellectual property a profit center
- Utilizes the intellectual property portfolio as a corporate asset
- Extracts value directly from intellectual property portfolio
- Focus on non-core, non-strategic intellectual property having tactical value

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3 - IP for profit level

Company activities:

- Considers intellectual property at all levels of organization
- Organises high profile campaign against infringers
- Develops active patent/trademark licensing program
- Makes more good sense oriented R&D efforts
- begins/improves active screening/watches for patent infringement

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3 - IP for profit level

- Establishes an enforcement program, it ensures that no one infringes your patents
- Requires constant policing and monitoring of the market in order to challenge infringing products
- Enforcement function includes method of negotiation so company can suppress infringement without having to engage in litigation
- In tough cases, is prepared to litigate against infringers

Penthouse
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3 - IP for profit level

Licensing

- Starts/increases proactive licensing program
- Finds opportunities to generate revenue without sacrificing competitive advantage
- Begins by licensing non-core technologies or technologies outside current field of products
- Finds appropriate licensees (potential infringers)

Penthouse
Integration

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4 - IP Integration level

Company activities:

- Sets long term patent strategy
- Aligns IP strategy with its corporate strategy
- Makes competitive assessment
- Focuses on strategic value extraction
- Develops a performance measurement and reporting system
- Ensures that patent strategy drives research

*Penthouse
Integration*

*Third
Profit*

*Second
Savings*

*Ground
Defensive*

*Basement
Unprotected*

The Business Model

- Identifies a **market segment**
- Articulates **the value of the proposed offering**
- Focuses on **the key attributes of the offering**
- Defines **the value chain** to deliver that offering
- Creates **a way for getting paid**
- Establishes **the value network** needed to sustain the model

Sample Business Model Revenue Mechanisms

- Razor and razor blade; printers and consumables
- “all you can eat”
- Free, with paid advertising (bus shelters; online content)
- Cell phones and long subscription models
- Free trial, follow on subscription (esp. for experience goods)
- Turn cost centers into profit centers
 - Airport landing fees (Ryanair)
 - Hotel room: TV, phone, robes

An open mind is hard to find ...



Polaroid as a telling example:

Its powerful business model was based on on the concept of razors and blades.

The cameras (the razors) were viewed as a necessary evil; The real money came from sales of film (the blades).

Digital cameras looked like razors. Senior management kept asking, “where’s the film?” “There’s no film.....”

Sadly, it took five years of fight with senior executive management in Polaroid to sell the new business model concept. Polaroid’s instant photography franchise was decimated by digital cameras ...

Which would you rather have:

A Better Technology

Or

A Better Business Model?

THANK YOU

SUNITA K SREEDHARAN

sunita@skslaw.org