

<http://xellectip.com>





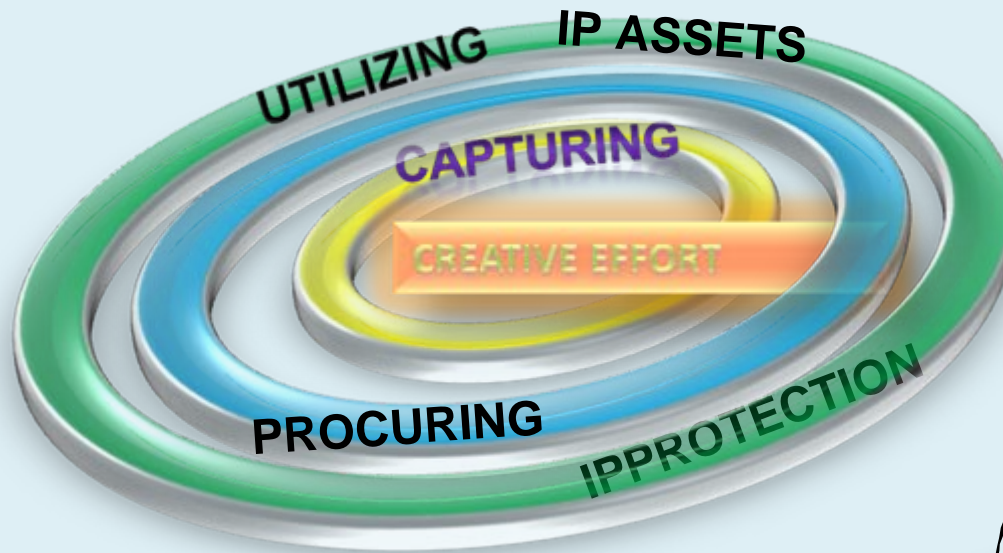
*WIPO TRAINING OF TRAINERS PROGRAM
ON EFFECTIVE INTELLECTUAL PROPERTY
ASSET MANAGEMENT BY SMALL AND
MEDIUM-SIZED ENTERPRISES IN DUBAI*

Dubai, December 19 to 23, 2010

**Shaping Business Strategy Through
Competitive Intelligence**
Strategic Use of Intellectual Property Information

*Rachna Singh Puri
Xellect IP Solutions, India
www.xellectip.com*

The IP Cycle



A synergistic and cyclic process

IP Assets

Trademarks

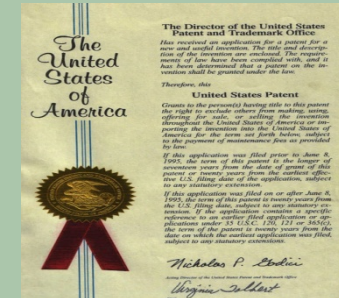


Distinctive signs used to differentiate between identical or similar goods

Trade Secrets



Patents



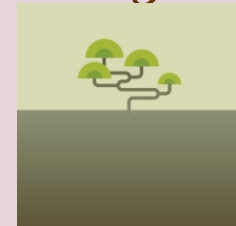
Any new and useful process, machine, article, or compositions

Copyrights



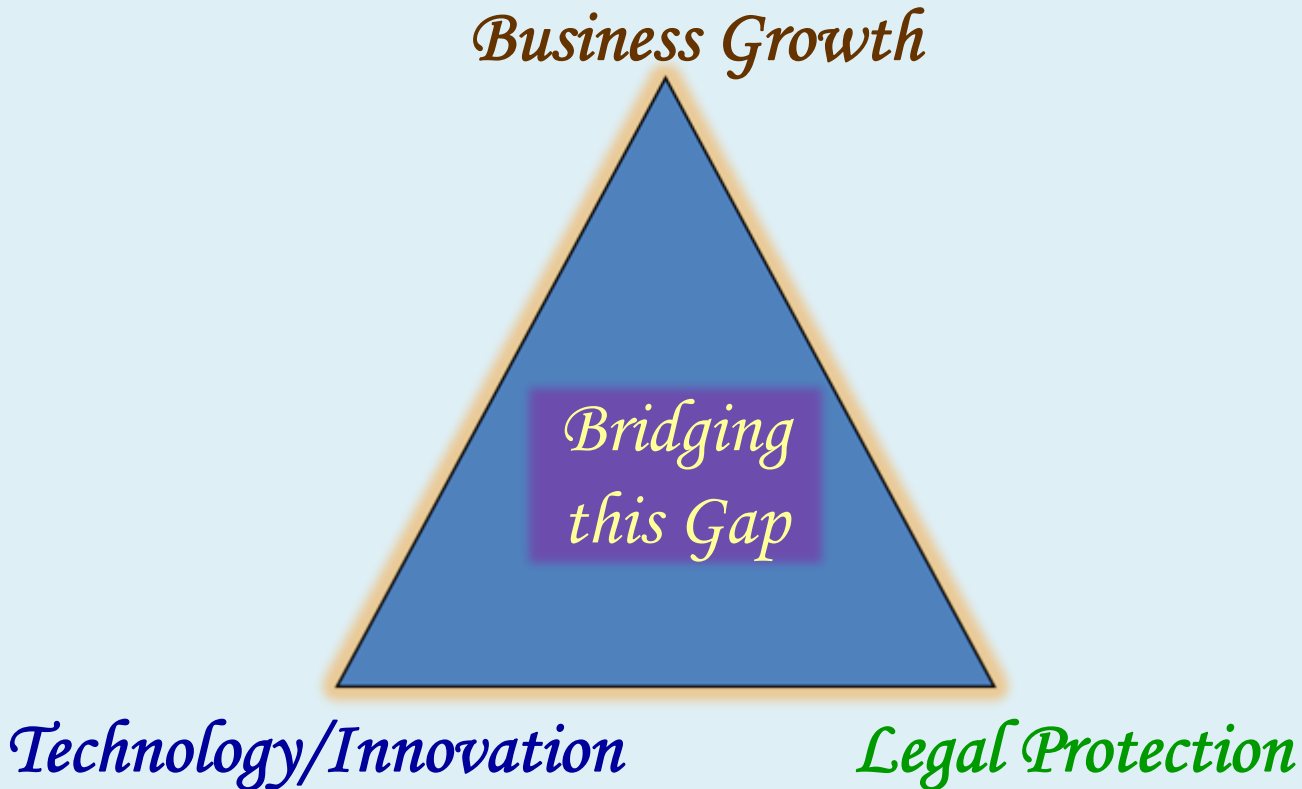
All forms of expression and production in the literary, scientific and artistic domain

Designs



Concern the Ornamental, Aesthetic, Usability, Ergonomic aspects

Role of IP



Time Periods for Different Forms of IP



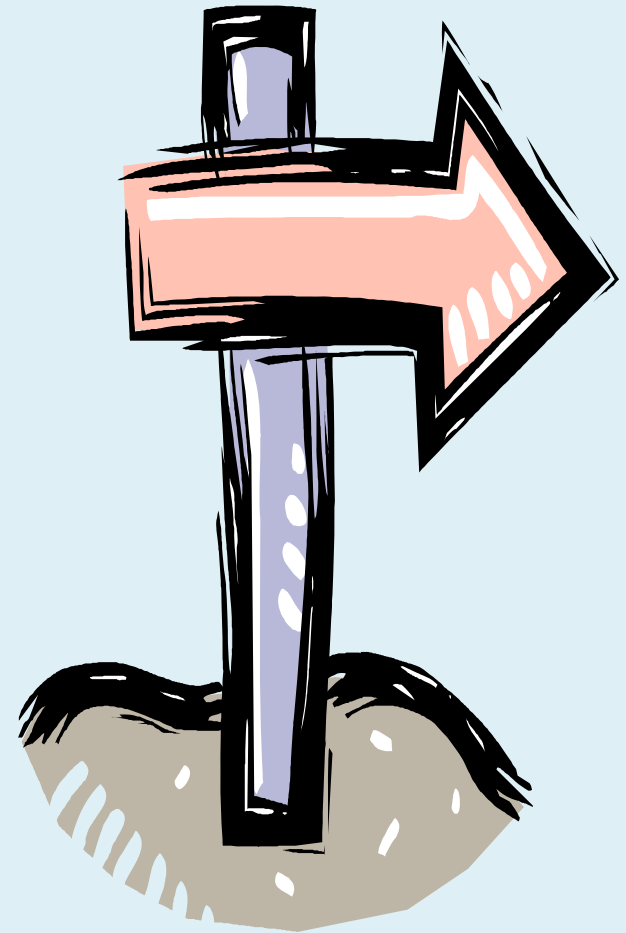
Why Search Patent Databases?

With more than 800,000 patents granted annually around the globe, of which an estimated 70 percent of the information in patent documents is not available elsewhere they offer a wealth of information, such as information on the state-of-the-art, which can help an enterprise to avoid wasting resources

From: www.wipo.int

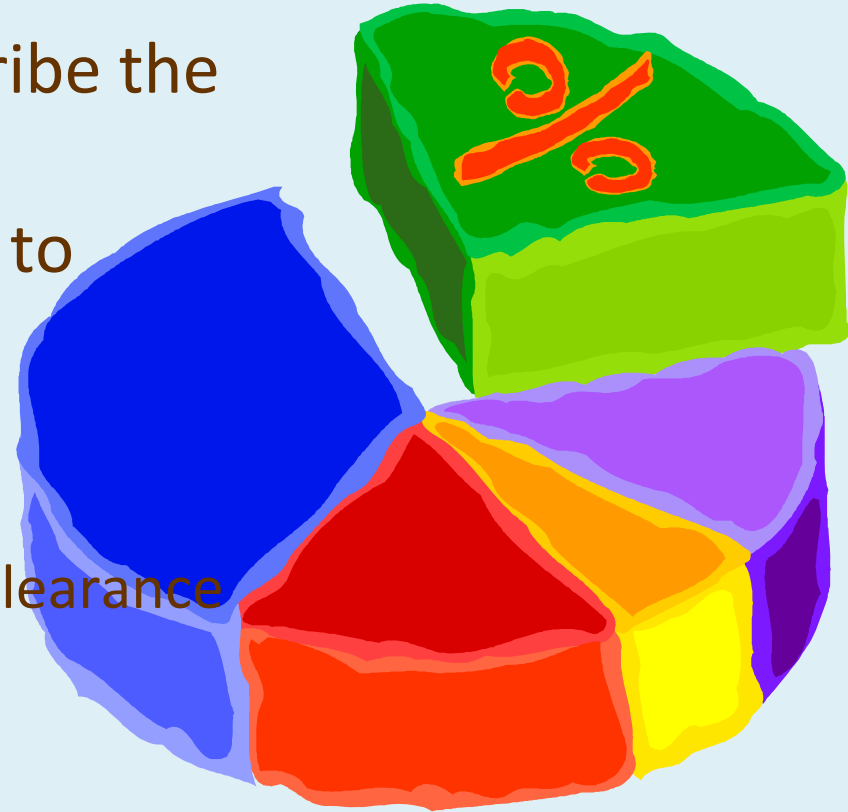
Analyses of Patent Literature

- Search & Analyses geared towards:
 - Research Direction
 - Product Launches and Sales
 - Licensing
 - Litigations
 - Mergers & Acquisitions
 - Other Partnerships
- Patenting Strategy
 - Filings
 - Blocking filings around competitors' patents
 - Fencing filings around core technology
 - Invalidation & Infringement
 - Enforcement



Patent Analyses

- Claims define scope of invention
- Description and Drawings describe the invention
- Patent is analyzed with respect to claims and description
 - Landscape
 - Invalidation
 - Freedom to Operate (Practice) /Clearance
 - Patentability



Types of Landscapes

- **Technology trends**
 - Provides the direction in which technology is moving towards (e.g. Materials used as filaments in light bulbs)
 - Useful for predicting next generation products and processes
 - Also can predict maturation of technology
- **Competitive landscape**
 - Provides a competitors' direction in a technical field
 - Used for predictive purposes as well
 - Enables strategizing of business/research program
- **Chronological trends**
 - Provides direction a technology is headed (e.g. Light bulb over the years)
 - Similar to technology trend

Freedom-to-Operate

- Advantageously done at an early stage- prior to product launch, or even research stage to avoid any legal action
- Product and all its components are adequately covered in claims of one or more patents
- Product and all its components are
 - Not claimed in a patent owned by another
 - The patent is still not active
 - The patent is granted in a territory different from where the product is sold

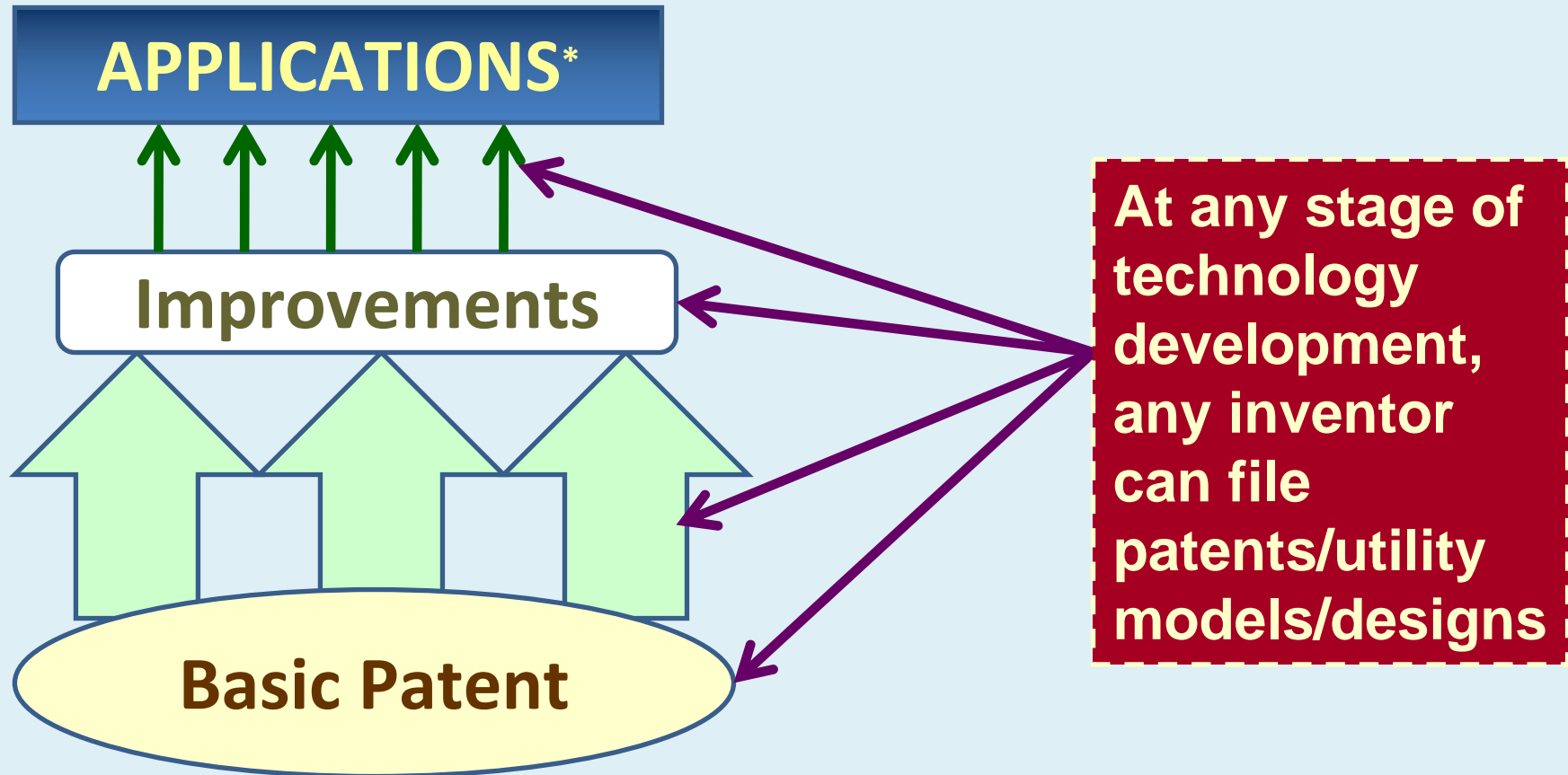


NOTE: Products or its components NOT CLAIMED in a patent are available for practice

Patentability

- Done to assess novelty of claims over all prior art
- Preferably, a set of claims is drafted and all prior art analyzed in light of drafted claims
- Prior art includes printed and non-printed publication
- Both claims and descriptions of patents need to be looked at

Filing Strategies

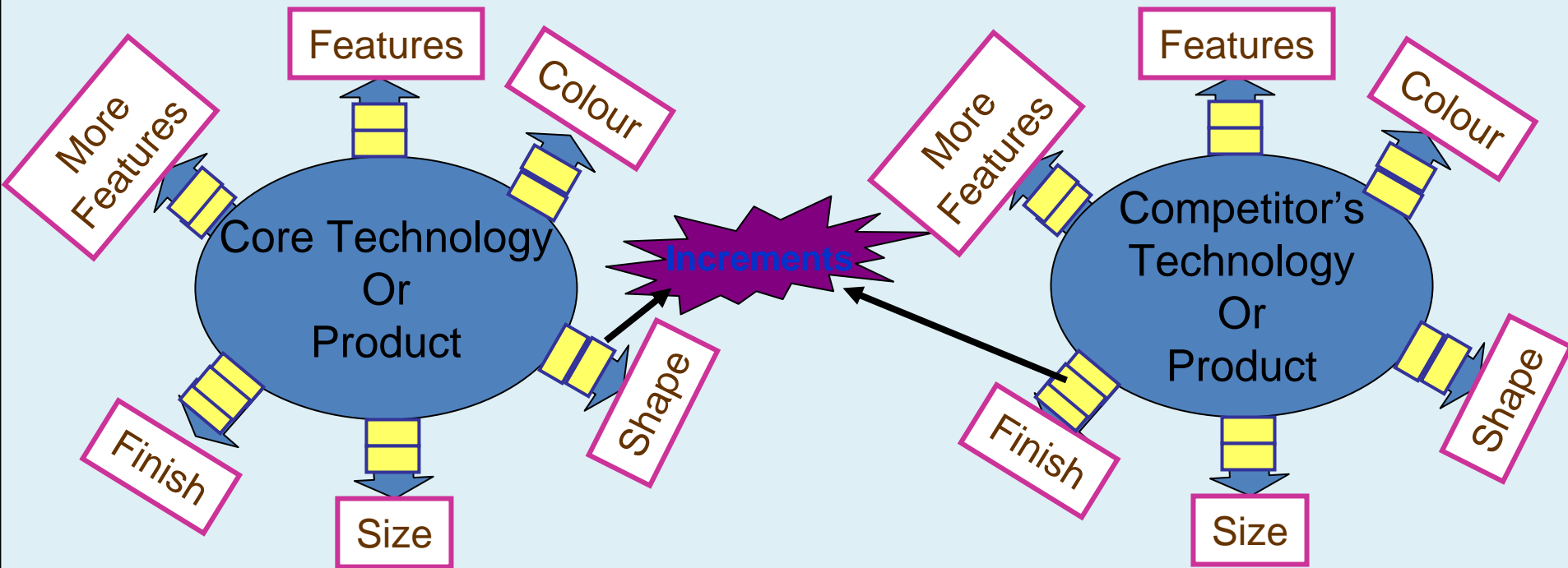


*: Some jurisdictions may not consider only uses/applications of known compositions/methods as patentable subject matter

IP Procurement

Fencing

Blocking



Protects Core Technology
Increases Brand Value
Enhances product portfolio and versatility
Excludes others from practicing
Ensures others cannot prevent YOU from practicing

Prevent Competition from expanding portfolio
Unless YOU are suitably remunerated
Extra Expenditure of Resources
Force a rethink of strategy

Identifying Potential Commercializing Entities

- Conduct Competitive Intelligence
- Find synergistic partners for:
 - Research collaboration
 - Manufacturing
 - Marketing
- Points to consider:
 - Technology
 - Market
 - Customer needs

Value Transference

The premeditated use of multiple intellectual property regimes at specific points across the product lifecycle, in order to realize sustainable differentiation

As defined by James Conley, Clinical Professor at both the Kellogg School of Management and the McCormick School of Engineering at Northwestern University

How to Achieve

- Using patents early in the lifecycle to secure functional differentiations (at or near product launch)
 - such as any new and useful technologies (utility patents)
 - and/or unique ornamental attributes (design patents/industrial designs)
- But focus of the functional differentiation is not sustainable
 - Limited by lifeterm offered by the protection sought
- Thus, building an association between patented aspects & a non-functional cognitive touch point is critical
 - Design elements central to the cognitive touch point are then secured with a registered trademark.
 - E.g. Shape, Color, Sound
- Carefully orchestrated advertising builds the association in the consumer's mind to complete the strategy

REMEMBER

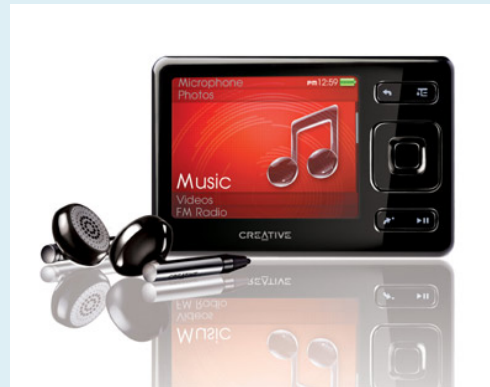
Trademarks can last indefinitely if used properly, and hence sustain the competitive advantage

Value Transference

*Success in a crowded technology and market
area- Digital Music Players*

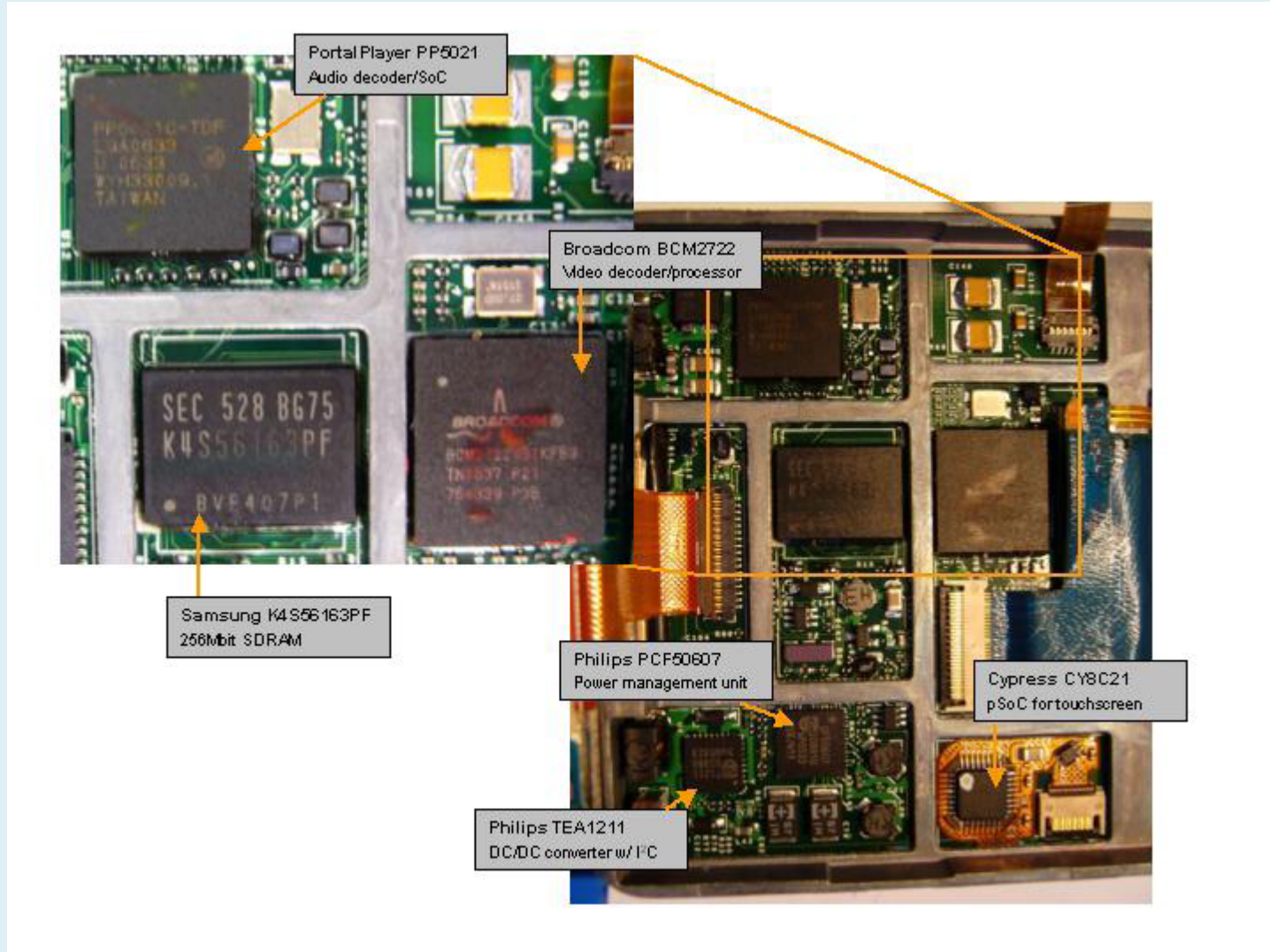
Popular Technology

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Logos and names of products are trademarks and copyrights owned by the corresponding businesses and corporations

Recognize this Product?



Source: Jefferies & Co., Inc.

A Typical MP3 player's Components

Components of a typical product & the corresponding manufacturers

Company	Description
Toshiba	30GB 1.8" HDD
PortalPlayer	Decoder/SoC
Broadcom	Video decoder/processor
Samsung	SDRAM - 256Mbit
Wolfson Microelectronics	Audio Codec
Linear	Power Manager/Li-Ion Battery charger
National	Step Down Switching Regulator
Philips	DC/DC converter with I ² C Interface
Silicon Technology	Parallel Flash - 8Mbit
Philips	Power Management Unit
Cypress	PSoC Mixed Signal Controller - Touch Pad

A Veritable List of Who's Who in High-Tech Hardware Industry

Source: Jefferies & Co., Inc.

Strategy

- Crowded product & technology area
- Several players
- ✓ Sourced in components
- ✓ Focused on look, feel & use aspects



Market Share of iPod®

Year-wise Growth in Market Share in Units Sold

2004	56%
2005	72%
2006	72%
2007	70%

Source: <http://apple20.blogs.fortune.cnn.com/2008/01/29/beyond-the-incredible-shrinking-ipod-market/>

D497,618



D472,245



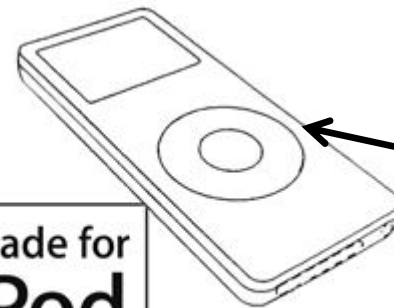
And Others...

Several Utility Patents

Went through the whole process of examination, rejection/granting, invalidation & litigation

Trademarks

In recent years, trademarks have been granted for such things as product shapes, colors and scents



3-D Shape



Apple's capping piece in a multiyear marketing and legal campaign that pushed intellectual property rights to new competitive advantage for the company

Source: <http://online.wsj.com/article/SB121018802603674487.html>

Key Elements to Success

- Great Design
 - clean white-and-chrome "bathtub" look
- Identified Critical Design Elements
- Secured Legal Protection
- Leveraged the monopoly offered
- Built an excellent Brand Identity



Implementing an IP Strategy

- **Are you using IP strategically:**
 - Are you pursuing a systematic strategy to exploit the commercial benefits of your IP?
 - Have you understood how the exploitation of your IP relates to other complementary business assets that may be critically needed?
 - How is your R&D focus aligned to your IP strategy and to your commercial goals?
 - How do the financial plans for managing your IP relate to your overall financial and business goals?
 - How determined are you to extract (further) revenue from your IP?
 - How are you leveraging your IP to develop new relationships and business partnerships?
- **Understand the legal scope of the IP rights :**
 - What level of practical protection does your IP have in a given business environment?
 - Can you operate in the market without infringing the IP rights of other market participants?
 - How likely is it that competitors will legally steal your ideas or creative expression or find legitimate ways to circumvent your IP and thereby effectively free ride on your creativity and innovation?
 - What is the risk of pirates and/or counterfeiting negatively impacting your market share, and to what extent?

Source: www.wipo.int

Small and Medium-Sized Enterprises (SMEs) - Windows Internet Explorer

http://www.wipo.int/sme/en/

Norton Phishing Protection on Identity Safe Log-ins

Google Small and Medium-Sized Enterprises (SMEs)

WORLD INTELLECTUAL PROPERTY ORGANIZATION

PROGRAM ACTIVITIES

Home > Program Activities > Small and Medium-sized Enterprises

Small and Medium-Sized Enterprises (SMEs)

IP RIGHTS	IP FOR BUSINESS	RESOURCES
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