

# THE PATENT SYSTEM AND ITS USE BY BUSINESS INDUSTRIES R&D INSTITUTIONS AND INDIVIDUALS - PRIVATE SECTOR PERSPECTIVES

**WIPO workshop on access to technical  
and scientific information for  
technological capacity building.**

Harare, October 23, 2014

Marina Sauzet



# OUTLINE



- **SOME CHALLENGES FACED BY SMEs IN AFRICA**
- **IMPORTANCE OF THE IP SYSTEM FOR BUSINESS**
- **PATENT SYSTEM AND BUSINESS STRATEGIES.**
- **LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE**
- **SOME EXAMPLES**

# SOME CHALLENGES FACED BY SMEs IN AFRICA



**What is the reality about our SME's products :**

- **LACK OF COMPETITIVENESS**
- Are still sold as commodities
- Poor value addition
- Low quality
- Less attractive in appearance
- Lack technological innovation
- Products that are not protected and have no trademarks

# SOME CHALLENGES FACED BY SMEs IN AFRICA



## **DIFFICULTIES TO ACCESS REGIONAL AND INTERNATIONAL MARKET**

New obstacles to trade: norms, laws, certification.

SMEs are often subcontractors.

SMEs are working on government Procurement

## **LACK OF TECHNOLOGICAL INNOVATION**

Need for new product

Need for new or alternative process

Need for alternative raw material



## **LOW ACCESS TO FINANCE SERVICES**

Access to finance is difficult

Business environment is not attracting investors and private sector.

## **ABILITY AND CAPACITY TO MEET MARKET DEMANDS AND NEEDS**

- Low efficiency and effectiveness
- Inability to produce big quantities
- Lack of standardization of products

# IMPORTANCE OF THE IP SYSTEM IN BUSINESS



**Everything business starts with an IDEA ....** Every product or **service** is a result of innovation and creativity.



**IP System protect and reward the creativity and inventiveness of entrepreneurs**



# IMPORTANCE OF THE IP SYSTEM IN BUSINESS

**Intangible assets are key ingredients of a competitive product or service.**



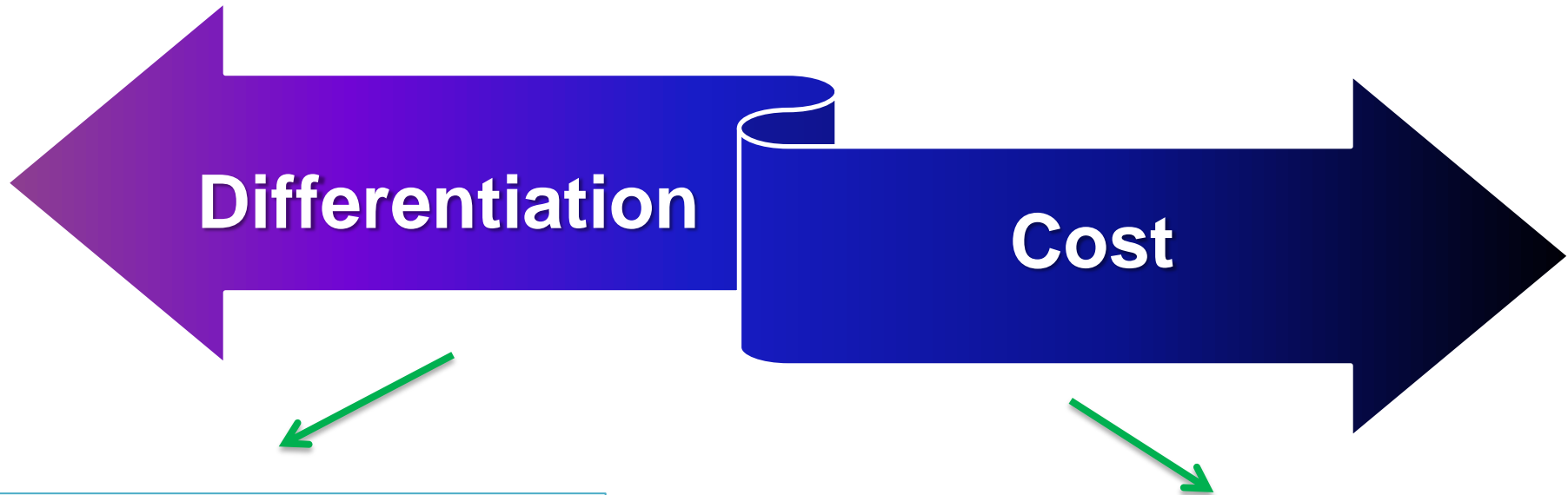
Technical  
Innovation or  
improvement

Strong brand  
and design  
Partnerships

# IMPORTANCE OF THE IP SYSTEM IN BUSINESS



IP rights are key ingredients of competitive strategies



- In house specific technology; Licensed technology; (**Patents**); Quality; Design (ID); **Trademark, Certification mark, Collective mark, Geographical indication-Brand- reputation**

- In house specific technology; Licensed technology; (**Patents**); Strategic partnerships, Economies of Scale
- Technological Advances, Learning/Experience Effects (**all IPR**)



# PATENT SYSTEM AND BUSINESS STRATEGIES



## **THIS IS A PROPERTY: Use it, rent it or sell it**

**Use of Patent as a protection tool and barrier to entry to new competitors.**

- The exclusive right and the territorial nature of a patent allows its owner to have a strong market position and advantage.

**Use of patent to earn additional income from licensing or assigning a patent.**

- SMEs technologies with no immediate use can be licensed.



# PATENT SYSTEM AND BUSINESS STRATEGIES



**THIS IS A PROPERTY: Use it, rent it or sell it**

## AN ARMOR

### Protection

- Prevent others from making, using, offering for sale, selling or importing infringing products in the country where the patent was granted.

## ECONOMIC TOOL

Competitive edge, market power and earning more money

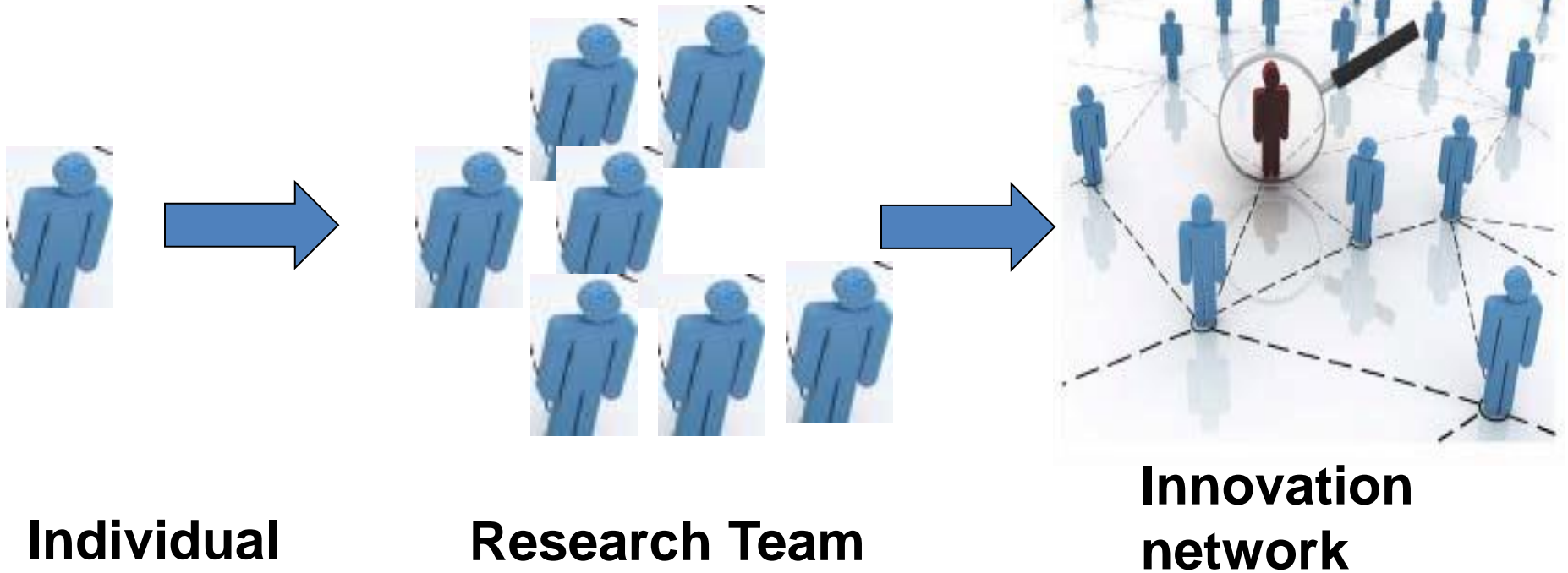
- Provides the exclusive right to commercialize the innovative product in the selected markets
- Facilitates the licensing or sale of an invention to foreign firms
- Increases the negotiating power of a firm vis-à-vis competitors (particularly good for cross-licensing)
- May enhance the image of the company (in the eyes of investors, partners, consumers) as being technologically developed
- Facilitates the establishment of partnerships and joint ventures in domestic and foreign markets

# PATENT SYSTEM AND BUSINESS STRATEGIES



**Globalization = collaboration and CO-OPETITION**

**Helps in accessing technology through cross-licensing**



# LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE



## Key issues to increase competitiveness in Africa

Need to move from export of raw products to value added products

Value addition, value chain development

Access to regional and international markets

Meet customer needs and preferences

Attract investment

**VALUE ADDITION is KEY: It is related to innovation and creativity: technology, processes, products, marketing and new organizations/partnerships**

# LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE



## Importance of Patent information

### Technology

- IPC symbols: **fields of expertise, R&D focus**
- Priority data (dates): **evolution/origin of a technology**

### Market

- Country codes (national patents)
- Designated PCT or EPC states: **(foreign) markets of interest**

### Partners

- Applicants – proprietors: **market leaders, competitors, cooperating companies**
- inventors: **important experts**

# LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE



## **Access to technological innovation: SMEs should not reinvent the wheel.**

- Some SMEs spend time trying to develop a new product that is already existing and protected and are disappointed when they can not use their products.
- Technology scanning and reverse engineering ( dismantling an existing technology with a view to learn and copy in order to produce similar technology) are possible with patent information.

## **Access to market and business partners information.**

- Market information on technology trends, potential customers, potential business partners, licensing opportunities and key resources persons in the field, technology trends, competitors technological evolution and market targets.

# LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE



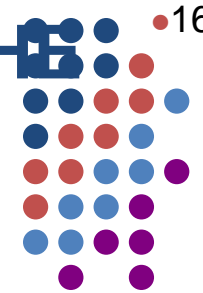
## Move from Patent information to Patent intelligence.

- Patent intelligence=Strategic use of patent information that can support decision making for strategic options.
- Intelligence means ACTION: information without action is useless.

**Intelligence is: forward-looking, being predictive, and actionable**

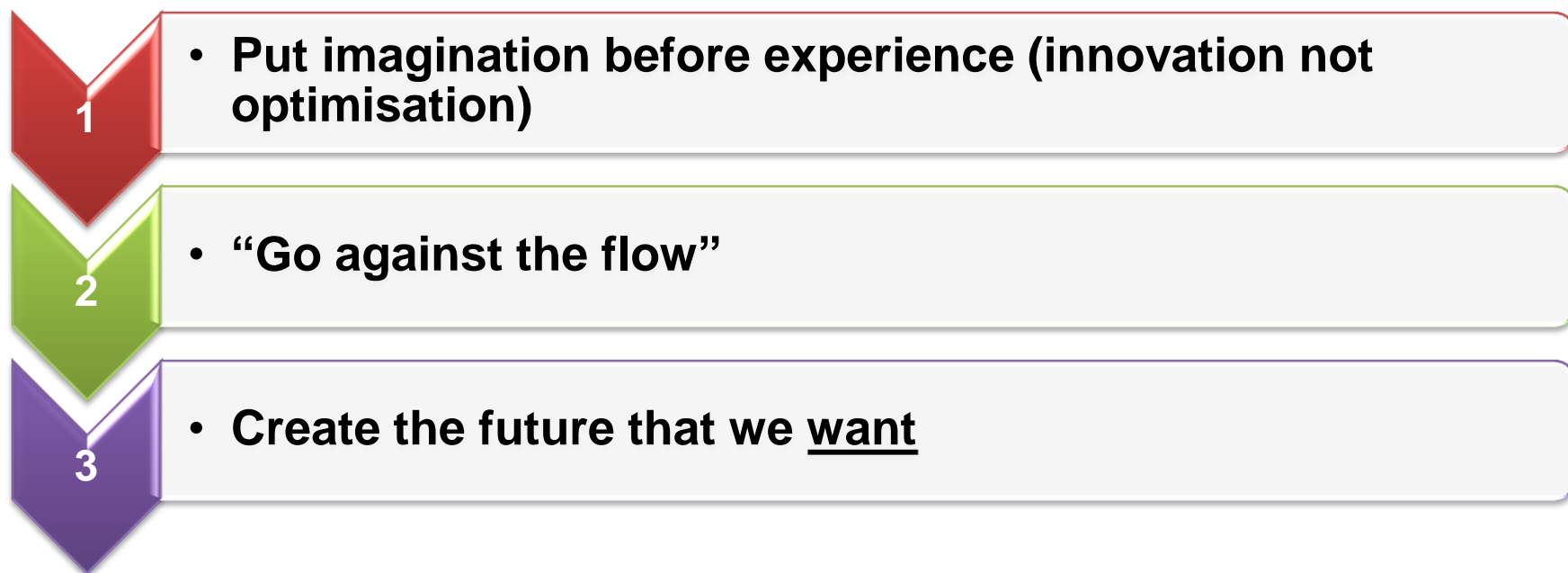
DATA Facts...	INFORMATION: What does it tells me?	INTELLIGENCE So what factor?
IPC + applicants / proprietors	market leaders, competitors Cooperating companies/ competitors for a market development perspectives	Differentiation strategy or cost leadership strategy through partnerships. Product expansion and Market expansion strategies.
IPC + inventors	experts in a field of technology Inventor teams, networks Experts to monitor and ideally to hire, cooperative teams to form. Competitors moves.	Partnerships strategy for business development
IPC + designated EPC states or PCT	EU markets targeted - importance of foreign markets for the selected technology.	Market development strategy. Strategic licensing in or out or market development options/ Strategic options against competitors' market development strategies

# LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE



**Move from traditional mind-set to innovative and entrepreneurial mind-set.**

- Technology innovation is not a MARKET
- Capacity building needs to inject entrepreneurial culture to researchers and innovation culture to entrepreneurs





# LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE



## The Way Forward...

To Create Our Future We Must Be Prepared to...

- Challenge industry conventions
- Challenge our own assumptions about the nature of the business we are in.
- Learn from others
- Create alternative pictures of the future
- Create new customer needs rather than merely satisfying existing ones



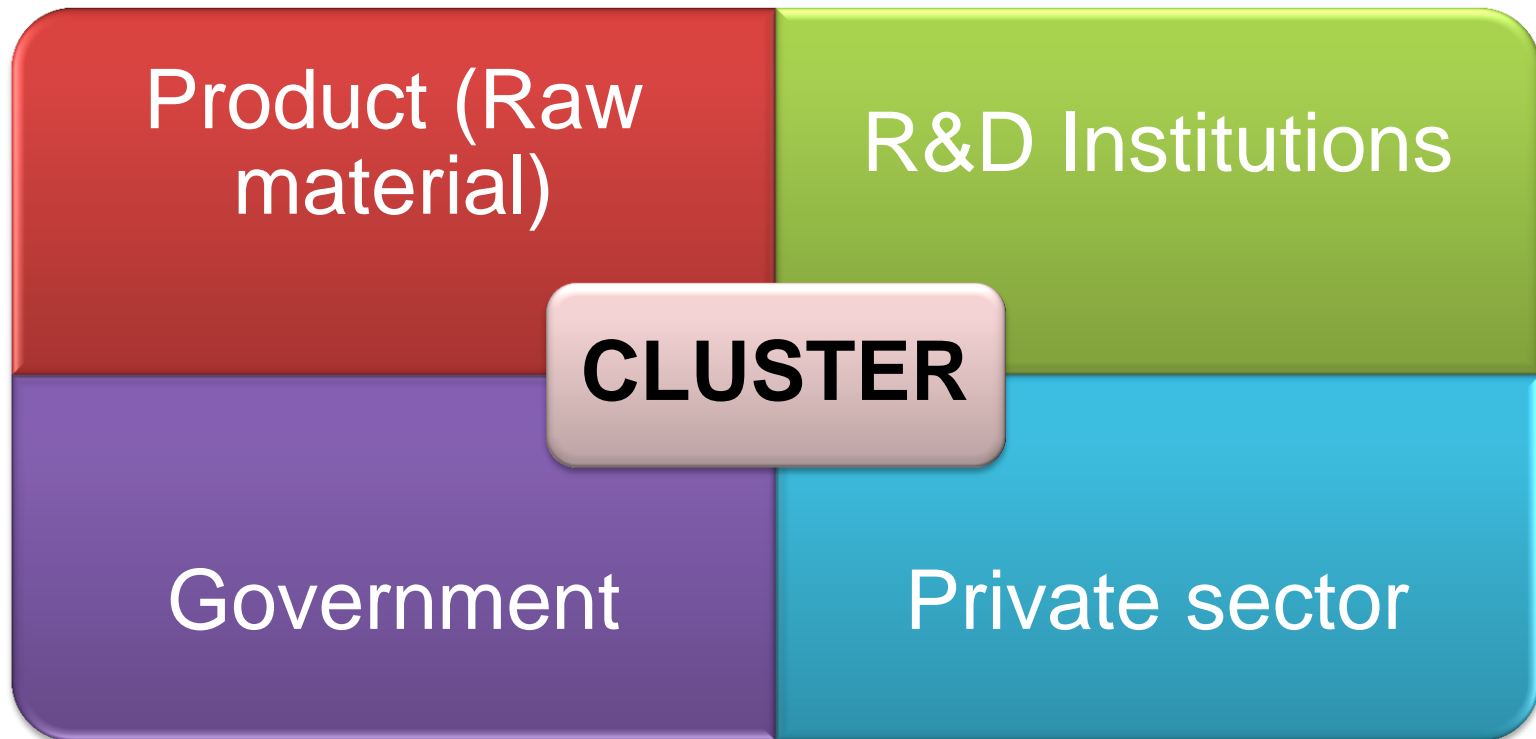
# LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE



## A Public and Private sectors collaboration

Create mechanisms to strengthen collaboration between research institution, researchers and private sectors to meets customers needs

It's a group dynamic. It requires : vision, competencies, finance



# LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE LEVERAGING



## The Way Forward... Recommended measures at the national level:

- Developing a national IP policy and integrating IP in to national science, technology and economic development plans
- Revising existing laws to incorporate schemes such as utility models to promote local innovative activities
- exploiting the existing policy spaces and flexibilities provided under existing international patent treaties to which they are a party
- Reorganize, reorient and strengthen capacity of IP offices

# LEVERAGING TECHNICAL INNOVATION IN THE MARKET PLACE



## Recommended measures at the Regional & International levels:

- Supporting national efforts by making available the necessary technical and financial assistance
- Initiating and supporting national studies on the use and impact of the patent system in enhancing S&T progress and contributing to socio-economic development
- Documenting and disseminating success stories in using patents in African countries including establishment of database on the use of the patent system by Africans
- Developing policy proposals, coordinating and promoting common regional positions during multilateral negotiations involving patents
- Creating awareness of policy makers on the potential role of the patent system and Promoting the importance and wider use of technological information contained in patent documents

# SOME EXAMPLES

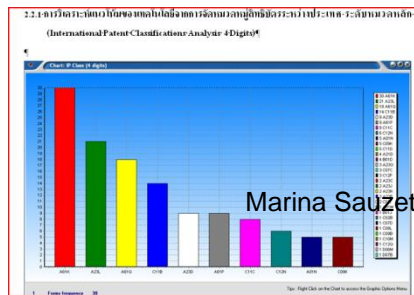
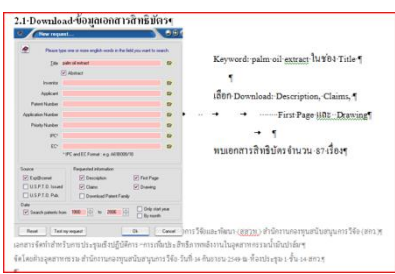


## Why not a cluster approach... Case of Toryod in Thailand

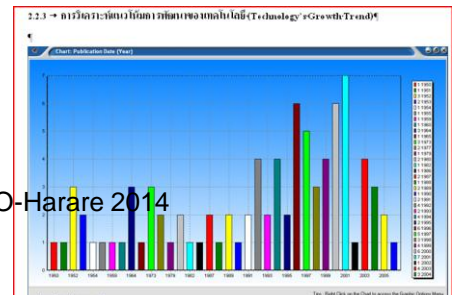
### วิเคราะห์ข้อมูลเทคโนโลยีและทำแผนที่สิทธิบัตร

- แผนที่สิทธิบัตร เรื่อง พอลิเมอร์ของกรดแลคติก (Polylactic acid) **NEW!**
- แผนที่สิทธิบัตร เรื่อง พอลิไฮดรอกซีแอลคาโนเอต (Polyhydroxyalkanoate) **NEW!**
- แผนที่สิทธิบัตร เรื่อง การสกัดน้ำมันปาล์ม (Patent Map of Palm oil extraction)
- แผนที่สิทธิบัตร เรื่อง น้ำมันปาล์มสกัด (Patent Map of Palm oil extract)
- แผนที่สิทธิบัตร เรื่อง นาโน (Patent Map of Nano)
- แผนที่สิทธิบัตร เรื่อง ชาเขียว (Patent Map of Green Tea)
- แผนที่สิทธิบัตรผลิตภัณฑ์ข้าว และกรรมวิธี (Patent Map of Rice Product and Process)
- การวิเคราะห์แนวโน้มเทคโนโลยีเกี่ยวกับมะพร้าวจากเอกสารสิทธิบัตร (Patent Map of Coconut)
- แผนที่สิทธิบัตรแลคติกแบคทีเรีย (Patent Map of Lactic Bacteria)
- แผนที่สิทธิบัตรโปรไบโอติก (Patent Map of Probiotic)
- แผนที่สิทธิบัตรการบำบัดด้วยน้ำ (Patent Map of Water Massage)
- แผนที่สิทธิบัตรเครื่องมือ เครื่องจักรและอุปกรณ์อาหาร (Food Machine)
- อุปกรณ์ เครื่องมือหรือวิธีการที่เกี่ยวกับสัตวแพทยศาสตร์ (VETERINARY INSTRUMENTS, IMPLEMENTS, TOOLS, OR METHODS)

Patent Map used to analyze, select and comment the most relevant data relevant to the cluster policy developed by the country.



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2.4 การวิเคราะห์ข้อมูลของตาราง ตาม Field ต่างๆ เกี่ยวกับ น้ำมันปาล์ม สกัด ในประเทศไทย ASEAN

IPC Class	Count	IPC Class	Count
A01C	15	A01D	10
A01G	8	A01H	5
A01J	3	A01K	2
A01L	1	A01M	1
A01N	1	A01P	1
A01Q	1	A01R	1
A01S	1	A01T	1
A01V	1	A01W	1
A01X	1	A01Y	1
A01Z	1	A01	1

# SOME EXAMPLES



Case of Philippines: **decision to find technologies related to the use of coconut husk.**



Geotextile net utilizing coconut shell fibers  
(Philippine Pavilion)

The "whole nut" approach involves the processing of what used to be called "coconut waste products" into high value added coconut products, with environment applications like geotextile, coco peat and coco water, as sources of additional revenue for farmers long used to depend on copra alone for coconut oil exports.

...The Philippines exported **US\$176m worth of geotextile made from coconut husks to China**, one of its largest markets for coconut products.

• *From: <http://www.usp.ac.fj/ireta/Span%20February%202005.htm>*

# SOME EXAMPLES



My own experience ... ELONA COSMETICS by the SAUZET - [www.elona.ch](http://www.elona.ch)

ELONA COSMETICS PRODUCTS OUR PHILOSOPHY POINT OF SALES THE PRESS CONTACT

PURIFYING AND BALANCING CARE  
NOURISHING AND REGENERATING CARE  
ANTI-WRINKLE, ANTI-AGING, NATURAL LIFTING EFFECT  
CELLULAR REPAIR CARE  
WHITENING, LIGHTENING CARE FOR DARK SPOTS & SKIN DISCOLORATIONS

ELONA ESCARGOT CREAM  
Soin Nourissant et Régénérant  
Appliquer matin et soir  
Nourishing and Regenerating Care  
Apply every morning and evening

UK | DE | FR | IT

## Elona

### The Natural Source of Beauty

There are new solutions to be found in nature, so let us observe it and respect it. It offers some unexpected alternatives to synthetic ingredients.

Just imagine.

# SOME EXAMPLES



## My own experience ... ELONA COSMETICS by the SAUZET - [www.elona.ch](http://www.elona.ch)

**BEAUTÉ I.I.E. SUISSE**

**DE L'ÉLIXIR D'ESCARGOT POUR LE VISAGE**

La start-up suisse Elona Cosmetics, basée à Rolle, lance sur le marché une nouvelle gamme de cosmétiques à base d'éluxir d'escargot. Grâce à une longue collaboration avec le Laboratoire de Dermatologie de l'Université de Lausanne, le laboratoire international de pharmacodermatologie, a démontré les bienfaits pour l'épiderme humain. Les chercheurs ont indiqué que cet actif accélère la régénération cellulaire et favorise le renouvellement de la peau. Pour l'instant, ce sont des éluxirs d'escargots du Chili qui ont été les premiers à découvrir les vertus de l'Helix Aspersa. Au quotidien, ils ont remarqué que leur peau devenait particulièrement douce au toucher. Les recherches scientifiques ont confirmé ces observations positives. Combiné à d'autres ingrédients naturels tels que l'huile d'avocat, le jojoba et l'hibiscus, cet actif particulier contribue à stimuler la production naturelle de collagène et d'élastine. Il contient également de l'acide glycolique, des antioxydants ainsi que de l'oléfine naturelle.

La ligne Elona Cosmetics se décline en quatre types de soins pour équilibrer, nourrir et régénérer, anti-âge, hydratant, régulateur et illuminant. Méthodiquement testé en laboratoire, l'éluxir d'Helix Aspersa s'obtient sans préjudice pour l'animal. De plus, agrémentées de fragrances subtiles de verveine et de théa diacétylé après application.

**Molecular Basis for the Regenerative Properties of a Secretion of the Mollusk *Cryptomphalus aspersa***

A. Briteva<sup>a</sup>, N. Phillips<sup>c</sup>, R. Tejedo<sup>b</sup>, J.L. Alonso-Lebrero<sup>a</sup>, S. Gonzalez<sup>a</sup>, A. Guerrero<sup>a</sup>, J.P. Pivel<sup>a</sup>

<sup>a</sup>IBD Department, IFC-54 and Hospital Universitario de la Princesa, Universidad Autónoma Madrid, Spain; <sup>b</sup>Department of Biological Sciences, School of Natural Sciences, Fairleigh Dickinson University, Raritan, NJ, and <sup>c</sup>Dermatology Service, Memorial Sloan-Kettering Cancer Center, New York, NY, USA

Original Paper  
Skin Pharmacol Physiol 2009;21:115-22  
DOI:10.1159/000109841

Received: March 9, 2007  
Accepted after revision: June 20, 2007  
Published online: October 2, 2007

- The "whole product" approach to snail and use the processing of what used to be called "snails' secretion " into high value-added cosmetic products.
- Design of a full range of cosmetic products based on snails secretions based on research information.
- Now presence in Switzerland in more than 60 pharmacies and beauty spas and business strategies for international markets...



# NATURAL SKINCARE



Regenerating cream  
with active  
escargot extract



# CONCLUSION



## IP DAY 2012

“Creativity is common to the v  
of humanity. **Whoever we are, wherever we live, whatever our circumstances, we all have the capacity to create.** And it is this human creativity and inventiveness that is **responsible for improving our quality of life in every sphere:** our medical care, our transport, our communication, our entertainment. The aim of intellectual property is to promote conditions that help this creativity and innovative capacity flourish across the world.”



**WIPO Director , Francis Gurry**

# THANK YOU!



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