

**INTELLECTUAL PROPERTY ASSETS
MANAGEMENT AND
COMPETITIVENESS OF ENTERPRISES**

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Cagayan de Oro, 3rd August 2010

SESSION 1

INTRODUCTION TO IPR

ONCE UPON A TIME....

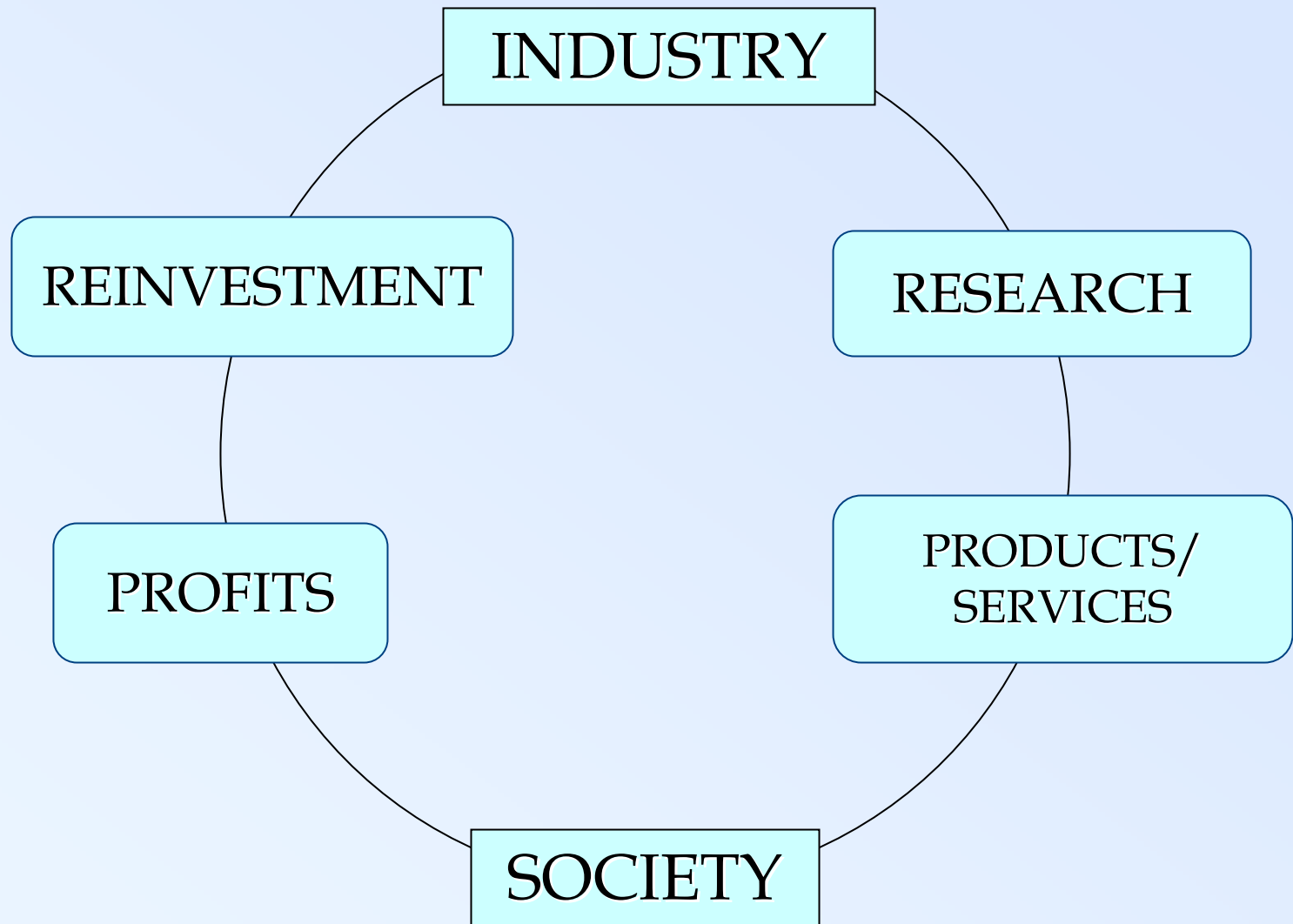
- In 1969, Thomas Brock and Hudson Freeze of Indiana University discover new species of thermophilic bacterium - *Thermus aquaticus*.
- DNA polymerase was first isolated from *Thermus aquaticus* in 1976 – Taq polymerase.
- Dr. Kary Mullis of Cetus - worked on PCR using Taq polymerase - received the 1993 Nobel Prize for Chemistry
- Hoffman LaRoche bought Taq polymerase patents from Cetus for USD 330 mn
- Estimated that LaRoche has received USD 2 billion in royalties

THE CHALLENGE

IT IS NOT ENOUGH TO MAKE OR DO THINGS
THAT YOU CAN PUBLISH / PATENT

YOU NEED TO STRATEGIZE ON OPTIMIZATION
OF YOUR PATENTS FOR USE BY THE SOCIETY

WHY DO WE NEED PATENTS?



Intellectual Property Rights (IPR)

- A creation of the intellect / mind
 - Provides incentives to create
- An intangible property – asset
 - Source of revenue;
- Backbone of R&D
 - Venture capital
- Fuels economy and culture
 - Level playing field, competitive weapon
- Requires international harmonization (WTO, CBD, WIPO, international conventions)

RECENT GLOBAL TRENDS

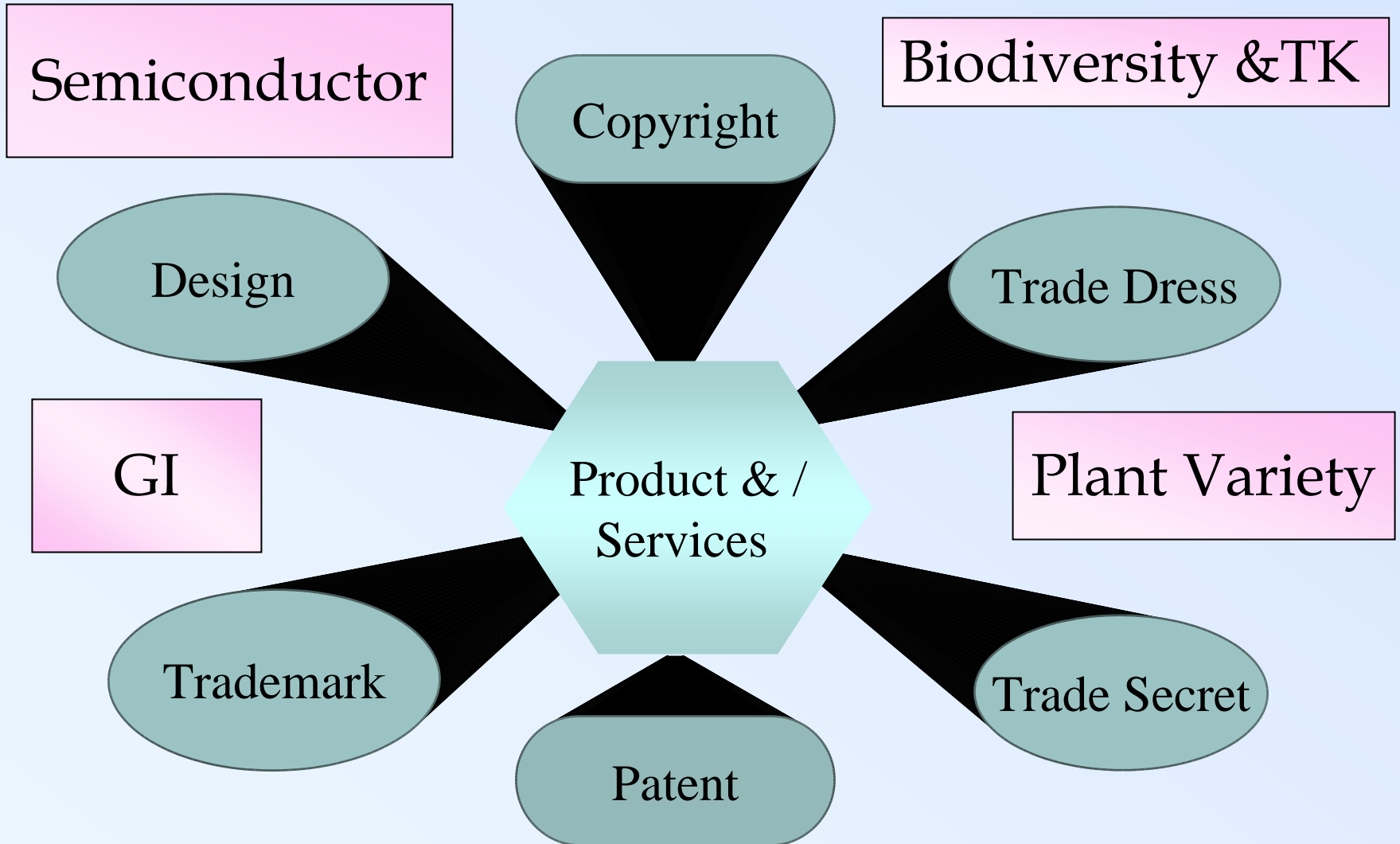
- Globalization
- Level playing field
- Stiff competition
- Survival of the fittest
- Emergence of IAM
- Trimming of flab

The Spring 2008 Auction Catalogue and Supplement, containing 86 lots of IP assets, are available for immediate viewing at www.OceanTomoAuctions.com. IP assets are offered for sale in the following categories:

<ul style="list-style-type: none"> • Computer Systems & Software • Online & Mobile Advertising • Entertainment & Gaming • Information Management & Data Systems • Digital Media Systems & Management • Aerospace & Automotive • Messaging • Solar Technology • Display Technology & Digital Imaging 		<ul style="list-style-type: none"> • Business Methods & Financial Services • Security Applications & Systems • Location Based Systems & Logistics • Telecommunications • Electronics & Handheld Devices • Barcode Technology • Integrated Circuits & Semiconductors • User Interface Technology • Web Based Systems & e-Commerce

For more information regarding any of the lots, or to register to attend or bid at the event, please email auctions@oceantomo.com or call +1.312.377.4851.

INTELLECTUAL PROPERTY RIGHTS



IPR

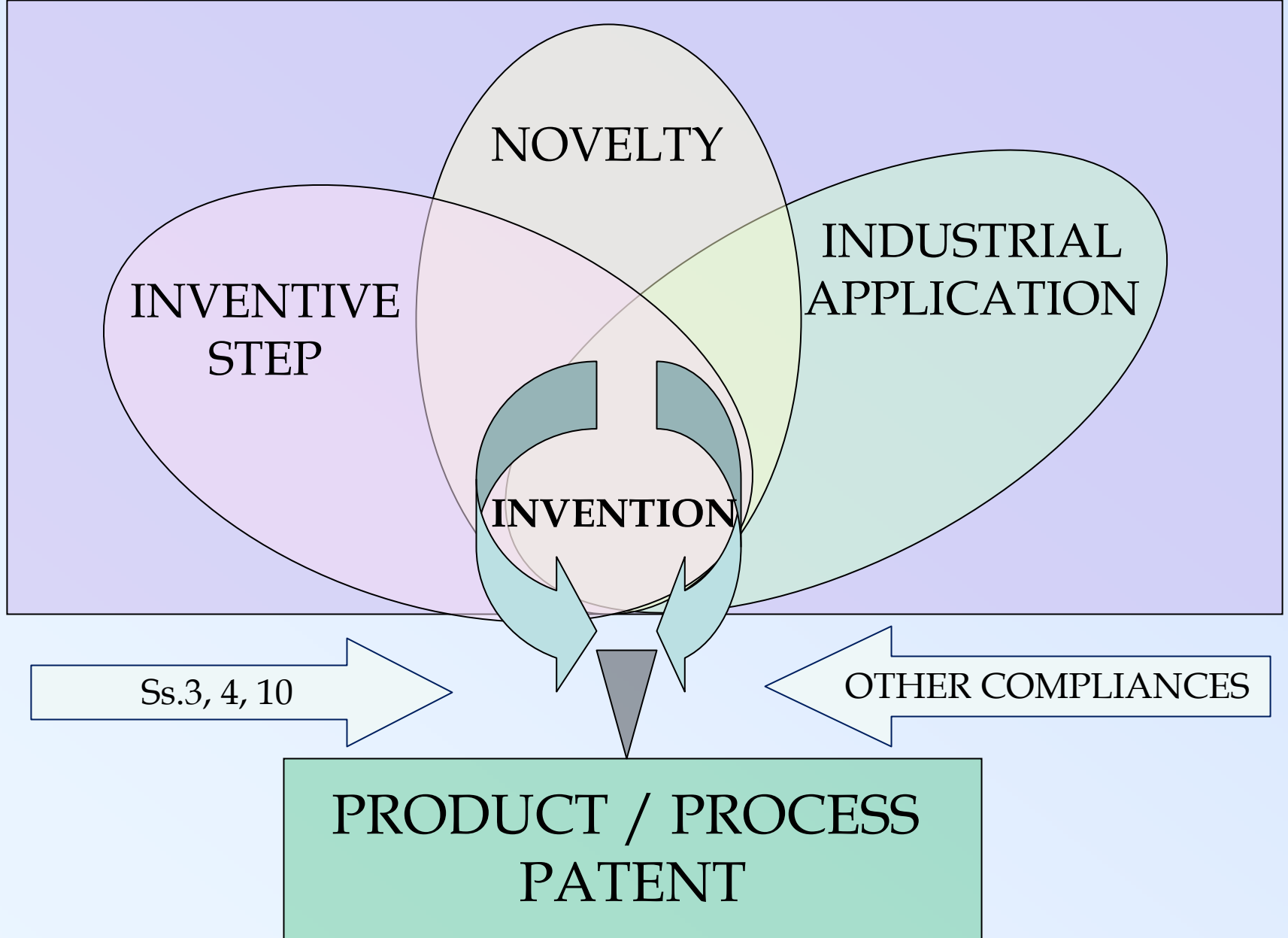
APPLICABLE SUBJECT

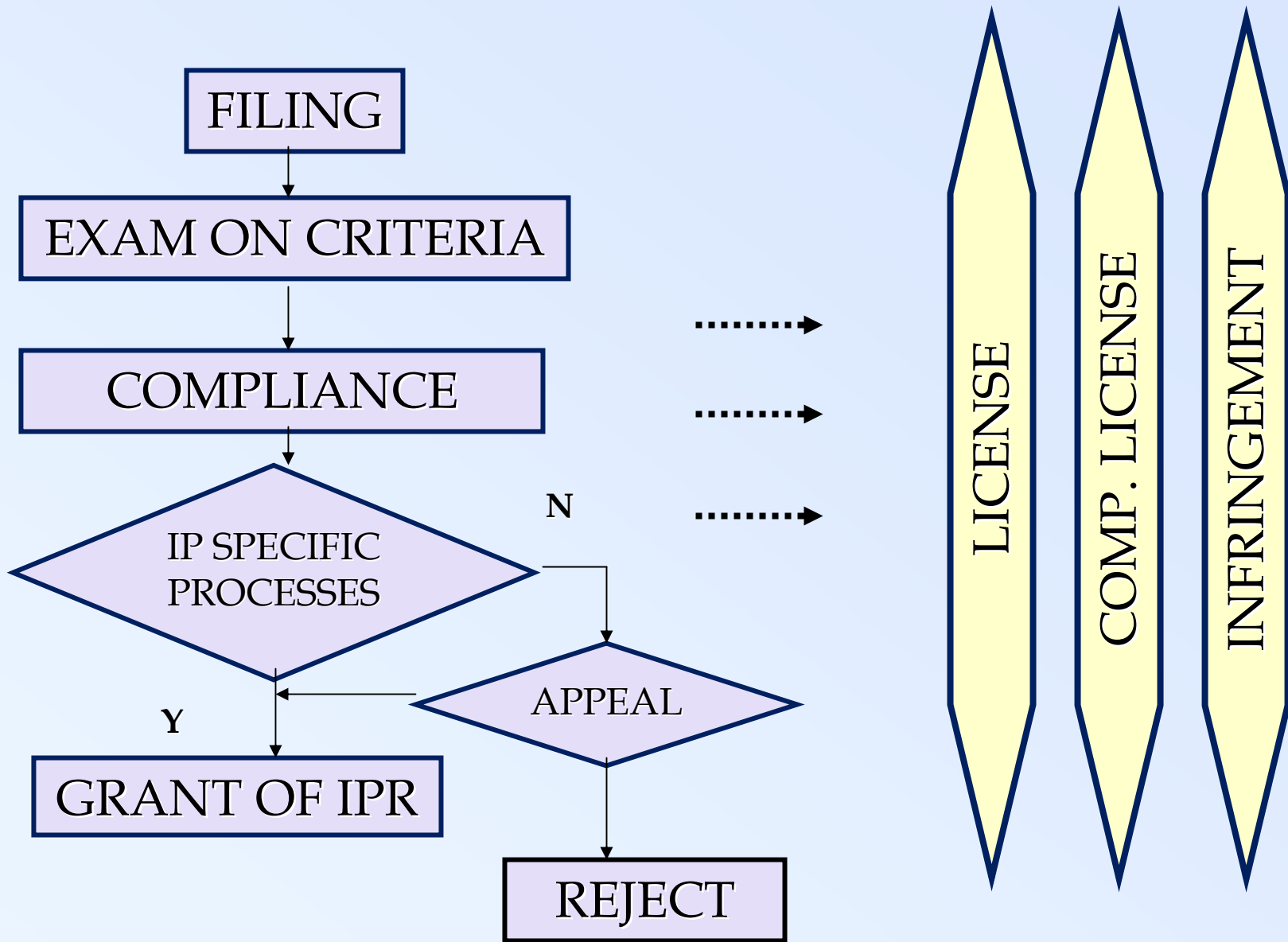
- **PATENTS** INVENTIONS THAT IS NEW, INVENTIVE STEP, INDUSTRIALLY APPLICABLE
- **TRADEMARKS** MARKS, LOGOS REPRESENTING GOODS OR SERVICES
- **COPYRIGHT** ART, MUSIC, LITERATURE, FILM (INCLUDES PAMPHLETS ON PRODUCTS)
- **DESIGNS** FEATURES OF OBJECTS, PRODUCTS VISIBLE TO THE EYE
- **PLANT VARIETY** NEW 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

PATENT

What is a patent?

- An exclusive right granted to persons,
- who have developed
 - a new,
 - non-obvious and
 - useful invention which,
- allows them to exclude others from
 - making, selling or using the invention
- Is protection to the idea itself, where expressed in the form of an invention





some figures - significance

- **Biobrás:** A Brazilian **Biotech** Company obtained a patent on human recombinant insulin. The value of shares has gone up six-fold over the past 5 years.
- **IBM** – USD 1.8 billion in royalties
- **Microsoft** - 1990 – 5 patents; 2000 – 1,500 patents; 2006 – 5000 patents
- **Gillette** had a wall of 22 patents on its product including blade, the handle, the packaging
- **Amati Communications (US):** Texas Instrument paid US\$395 million to acquire Amati Comm. a small computer company. The high price were for 25 key patents.

TRADEMARK

Mark – includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combinations of colors or any combination thereof.

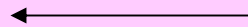
Trademark – means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others.

Trademarks can be...



WORDS
& LABELS

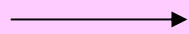
SYMBOLS



TRADE DRESS



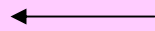
.. OR NON-TRADITIONAL SUBJECT MATTER



SMELL

SOUNDS

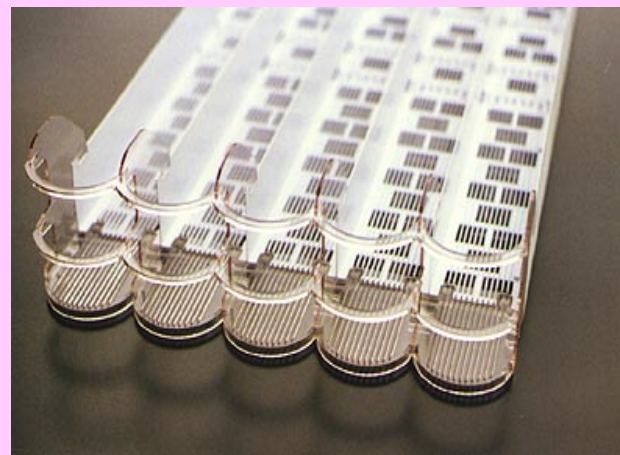
SHAPE



COLOR SCHEMES

DESIGN

- DESIGN - “features of shape, configuration, pattern, ornament or composition of lines and colors applied to any article whether in two dimensions or three dimensions or in both forms by any industrial process or means, whether manually made, or mechanical or chemical, separate or combined, which in the finished article, appears to and are judged solely by the eye”
- ARTICLE - “any article of manufacture and any substance, artificial or partially artificial and partially natural and includes any part of an article capable of being made or sold separately”



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

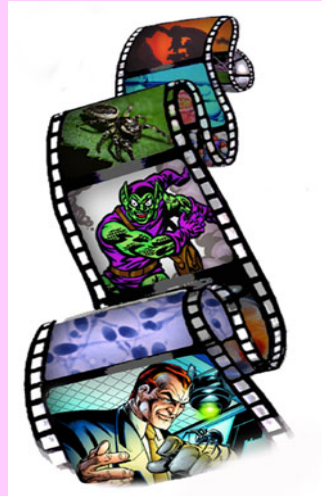
Artistic



Musical



Literary



Films



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

BEST GLOBAL BRANDS 2006

COURTESY - BUSINESS WEEK

Rank	Brand	Country of Origin	Brand Value (\$bn)
1	Coca-Cola	US	67,000
2	Microsoft	US	56,927
3	IBM	US	56,201
4	GE	US	48,907
5	Intel	US	32,319
6	Nokia	Finland	30,131
7	Toyota	Japan	27,941
8	Disney	US	27,848
9	McDonald's	US	27,501
10	Mercedes	Germany	21,795

RESEARCH

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graph TD; RESEARCH[RESEARCH] <--> NBPS[NEED BASED / PROBLEM SOLUTION]; RESEARCH <--> BR[BREAKTHROUGH RESEARCH]; NBPS <--> NBPS_LIST["• MAY BE PATENTABLE<br>• IMPROVEMENT PATENTS<br>• INCREMENTAL INNOVATIONS"]; BR <--> BR_LIST["• PATENTABLE INVENTIONS<br>• PLATFORM TECHNOLOGY<br>• DIVERSE APPLICATIONS"];
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NEED BASED / PROBLEM
SOLUTION

BREAKTHROUGH RESEARCH

- MAY BE PATENTABLE
- IMPROVEMENT PATENTS
- INCREMENTAL INNOVATIONS

- PATENTABLE INVENTIONS
- PLATFORM TECHNOLOGY
- DIVERSE APPLICATIONS

BREAKTHROUGH RESEARCH / PATENTS

HOW TO IDENTIFY THESE ?

- TECHNOLOGY LANDSCAPE
- DISCUSSIONS WITH PREMIERE COLLEGES
/ INVENTORS / INDUSTRY EXPERTS
- WATCH ON COMPETITOR'S IP

LANDSCAPE

- A PICTURE OF PUBLISHED LITERATURE IN A TECHNOLOGY DOMAIN
- DISTRIBUTION OF TOPIC-WISE RESEARCH
- IDENTIFICATION OF WHITE SPOTS