



Intellectual property

as information source

What is IP

◆ two categories:

- Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source
- Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs.

Patent

- ◆ is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem. In order to be patentable, the invention must fulfill conditions.
- ◆ Granted nationally (USA, Brasil, France...) or regionally (Europe, world)
- ◆ To be effective a patent must respect conditions.
 - Annual fee per country
 - Legal representant
 - Limited in time...

Publically freely accessible

- ◆ As any exclusive ownership rights, patents must be accessible to the public if the owner wants to exert his right. Today, patents are usually published and accessible through electronic means.

Patents: most efficient source in several technical fields

1. **Accessibility**: universal format for the bibliographic data.
More than 50 different bibliographic fields (technical or strategic information).
2. Patents are classified according to internationally agreed systems (IPC), divides technical domains into more than 100,000 subdivisions.
3. Front page in english, whatever the country of deposit

Patents: most efficient source in several technical fields

Accessibility: universal format for the bibliographic data.

Content: to be valid, should enable a person skilled in that particular area to reproduce the invention.

This strict requirement explains why 70% of the information contained in Patents is not available elsewhere. When a catalogue or an article describes a product in a few lines, the corresponding Patent often consists of 20 pages. About 350 million of A4 pages containing very relevant technical information.

Patents: most efficient source in several technical fields

Accessibility: universal format for the bibliographic data.

Content: to be valid, should enable a person skilled in that particular area to reproduce the invention.

Concentration: Full patent collections are often present in national Patent Office archives.

From a relevant list of patent documents you will need one or two hours in a patent library to collect all the data. When you need several weeks to order and receive the references quoted in a thesis.

Patents: most efficient source in several technical fields

Accessibility: universal format for the bibliographic data.

Content: to be valid, should enable a person skilled in that particular area to reproduce the invention.

Concentration: Full patent collections are often present in national Patent Office archives.

Up to date: A company is not inclined to make its inventions public. To get a legal protection for the invention, the company generally files the Patent Application at the earliest possible stage, normally published 18 months after their first filing date and therefore very often represent the first published information available. Newly published Patents are the most up-to-date information available in a specific field.

Business with patents without deposit any

Patent and public domain

Technology disclosed in a patent document may be in the public domain if:

1. The patent application has not been filed in a given country
2. The patent has not been granted
3. The patent term has expired, or the patent has not been renewed
4. The disclosed information is not covered by the claims

Business with patents without deposit any

Patent and public domain

Technology disclosed in a patent document may be in the public domain if:

1. The patent application has not been filed in a country
2. The patent has not been granted
3. The patent term has expired, or
4. The disclosed information

Only with condition 2 and 3, 30% to 40% of the Brazilian patent database are public domain patents.

Any country of the world patent with no extension to Brasil.

Transfer of technology!!

Business with patents without deposit any

Patent and public domain

1 case

Assignment of rights occurs when IP is sold.

For example, you may choose to sell your mousetrap patent to a company that specialises in pest extermination devices instead of going to the expense of setting up a manufacturing plant yourself.

Only with condition 2 are public
Any country of the world patent with in
Brasil.

Business with patents without deposit any

Patent and public domain

case

Assignment of rights occurs when IP is sold.

F

Licensing of rights is a fairly common method of exploiting IP. Licensed rights can be exclusive or non-exclusive. They give the licensee the right to use (but not own) the copyright, patent, trade mark or design.

For example, a photographer may license a magazine publisher to use one of his photographs, but may limit the use to one issue, place conditions on how the photograph is to be displayed, and demand a higher fee if the photo is to be used on the cover. The owner of the rights will usually get payments in return for their use. Payment often takes the form of royalties, although in some cases (such as the example of the photographer above) a one-off payment may be more appropriate.

Business with patents without deposit any

Patent and public domain

lease

Assignment of rights occurs when IP is sold.

Licensing of rights is a fairly common method of exploiting IP.

They can be exclusive or non-exclusive. They give the licensee (who does not own) the copyright, patent, trade mark, etc. For example, a photographer may license one of his photographs, but may limit the licensee on how the photograph is to be used or on the price if the photo is to be used on the internet. Artists usually get payments in return for their work in the form of royalties, although in some cases (like the photographer above) a one-off payment may be made.

The value of these rights is a commercial agreement based largely on the intellectual property of the creation or invention.

Business with patents without deposit any

Patent and public domain

case

Assignment of rights occurs when IP is sold

Licensing of rights is a fairly common method of exploiting IP. Licensed rights

Patent invalidation : If a granted patent is blocking any product ready to be commercialized, then it is the strategy of the company whose product is ready to be commercialized to invalidate the patent. Invalidation of the granted patent is prosecuted in judicial courts. According to certain patent office rules, patent invalidation cases can be initiated by "Any person interested". "Any person interested" can be defined as a person engaged in, or in promoting research in the same field as to which the invention relates. Patent can be invalidated on various grounds.

Business with patents without deposit any

Patent and public domain

case

Assignment of rights occurs when IP is sold

Licensing of rights is a fairly common method of exploiting IP. Licensed rights

Patent invalidation : If a granted patent is blocking any product ready to be

- 1) Invention claimed in the patent is not novel.
- 2) Subject of the claim of the patent is not an invention.
- 3) Patent was wrongfully obtained by a person other than the person entitled.
- 4) Insufficient disclosure of the invention
- 5) Obviousness
- 6) The claims included in the patent are not fully substantiated by the description provided.
- 7) Failure to disclose information relating to foreign applications.
- 8) First to file / First to invent
- 9) Patent holder did not exercise diligence in pursuing the patent application process (Patent grace period)

Business with patents without deposit any

Patent and public domain

case

Assignment of rights occurs when IP is sold

Licensing of rights is a fairly common method of exploiting IP. Licensed rights

Patent invalidation : If a granted patent is blocking any product, it may be

- 1) Invention claimed in the patent is not novel.
- 2) Subject of the claim of the patent is not an invention
- 3) Patent was wrongfully obtained by a person other than the inventor
- 4) Insufficient disclosure of the invention
- 5) Obviousness
- 6) The claims included in the patent are not supported by the description provided.
- 7) Failure to disclose prior art references.
- 8) First to file
- 9) Prior art reference in pursuing the patent application process (Patent grace period)

Tenofovir case : consequence for Brasil over half billion US\$

Business with patents without deposit any

Patent and public domain

case

Assignment of rights occurs when IP is sold

Licensing of rights is a fairly common method of exploiting IP. Licensed rights

Patent invalidation: If a granted patent is blocking any product to be

Patent trolling

1. Purchases a patent, often from a bankrupt firm, and then sues another company by claiming that one of its products infringes on the purchased patent
2. Enforces patents against purported infringers without itself intending to manufacture the patented product or supply the patented service
3. Enforces patents but has no manufacturing or research base
4. Focuses its efforts solely on enforcing patent rights or
5. Asserts patent infringement claims against non-copiers or against a large industry that is composed of non-copiers.

Business with patents without deposit any

Patent and public domain

Assignment of rights occurs when IP is sold

Licensing of rights is a fairly common method of exploiting IP. Licensed rights

Patent invalidation: If a granted patent is blocking any product

Patent trolling

1. Purchases a patent, often from a bankrupt firm that one of its products infringes on the
 2. Enforces patents against purchasers of the patented product
 3. Enforces patents against manufacturers of the patented product
 4. Enforces patents against copiers.
- On March 3, 2006, RIM and NTP announced that they had settled their dispute. Under the terms of the settlement, RIM has agreed to pay NTP \$612.5 million (USD) in a "full and final settlement of all claims."

IP Culture: First steps

- ◆ Learn their language!!
 - Thesaurus to overcome language differences
 - Automatic translation available for full text
- ◆ Seek information
- ◆ Build indicators

IP Classifications to understand or describe

◆ IPC International Patent Classification

◆ NIVILO

- International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)
- International Classification of the Figurative Elements of Marks (Vienna Classification)
- International Classification for Industrial Designs (Locarno Classification)

◆ Strategic use

- Describe whatever industrial stuffs using this classifications
 - ◆ Example IPC Green Inventory

Categorization assistant

- ◆ IPCCAT find IPC after text analysis
- ◆ TACSY Natural language query for IPC
- ◆ Catchwords Dictionnary entry for IPC class

Practice! Group level

- ◆ Choose a product
- ◆ Divide the class in 4 groups
- ◆ Describe the product (process of fabrication, compost material, marketing position...) using the 4 previous classifications.
- ◆ Make a group level presentation of the results.

Patent databases

- ◆ Solicitation for patent (granted or not) are freely available on the web... in patent databases
- ◆ One for each country with a national patent office... and two regional ones (European and World patent)
- ◆ Espacenet offers free access to more than 70 million patent documents worldwide, containing information about inventions and technical developments from 1836 to today.
 - Mainly 3 databases
 - ◆ Worldwide (mix of over 90 countries)
 - ◆ European
 - ◆ WIPO PCT

Practice!! Group level

- ◆ Identify a natural product of your geographical area.
 - Search new technological ideas for transforming, valorising the product in patent databases with commercial impact. (i.e. coconut, pimento, passion fruit, ...)

Or

- ◆ Identify an industrial technical product (simple one) of your geographical area
 - Search technological improvements in patent databases that could have productivity or commercial impact. (i.e. bicycle, forgery, tiles...)
- ◆ Concrete solutions must be provided with mindmaps of possibilities

Patent as indicator for R&D

- ◆ Possible to count information in bibliographic fields:
 - Bibliometry, Technometry, text and datamining
- ◆ Patent is one of the R&D indicator
 - Macro level: directly available statistical data (WIPO site)
 - Micro level: specialized search engine that let you do your own stats
 - ◆ PatenScope, Prior IP , Patsnap, Patent integration
 - ◆ Download the set of data and treat with local offline softwares

Practice!!! Group level

- ◆ Within the previous options, after choosing one, use statistical views to provide indicators.