

Dealing with the costs of IPR

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Dai Davis

Solicitor and Chartered Engineer

Partner, Brooke North LLP

BROOKE NORTH LLP
SOLICITORS

spinlondon
promoting sustainable excellence

Tel: 0113 297 9000

E-mail: daidavis@iee.org

Overview

- Intellectual Property Rights - The Context
 - Monopolies
 - Relationship with Competition Law
- Main Registered Rights
 - Patents, designs and trade marks
- Unregistered Rights
 - Trade marks, copyright, confidential information
- Intellectual Property Rights on a budget

What is Intellectual Property about?

- Monopolies
- Anti - monopoly
- Competition law
- International nature
- Design Right (Semiconductor Topographies) Regulations 1989

Registered Rights: Patents

- Requirements: New; Inventive step; Capable of industrial application
- Monopoly: duration ; territory
- Validity of grant of a patent
- Keeping the patent secret
- Inventor(s)
- Rights of employees
- Practical value to investors

Other Rights

- Design rights – registered and unregistered
- Trade marks – registered and unregistered (passing off)
- Copyright
- Database rights
- Confidential Information

IP on a budget

How is IP used in Practice

- Volume of intellectual property rights
- Monitoring other's ipr
- Licensing of ipr
- Compulsory licensing of ipr
 - Patents
 - Designs
 - Abuse of monopoly
- Value of a licence

IP on a budget

How is IP abused in Practice

- When is a patent not a patent?
- When it isn't a monopoly!
- Patent litigation in practice
- Woolf : put up or shut up?
- Deep pocket syndrome?
- Patent funds

IP on a budget

How is IP abused in Practice

- Self policing
- Can you afford to play the game?
- Patents in a device
- Typical licensing cost
- Litigation cost
- How do you enforce a valuable patent?

IP on a budget : Some practical tips

- Evaluate the risk
 - Relative size of competitor
 - Industry trends
 - Type of ipr
- Insure
- Form a club!
- Obtain your own ipr
- Have a good litigator
- Bluff

Winning a Litigation Case

- Good case
- Play the game
 - Good lawyer
- Deeper pocket
 - Perception - bluff
 - Insurance
- Ability to trade

IP : Licensing Alternatives

- Joint ventures
- Distribution
- Agency
- Partnership
- European Economic Interest Grouping
- Exclusive, sole and non-exclusive agreements
- Termination issues

Licensing

- Permission
- Time
- Territory
- Application
- Competition law

Licensing - types of deal

- Simple licence
- Distribution
- Agency
- Joint Venture
- Exclusive, sole, non-exclusive
- Exclusive, non-terminable licence

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