

Immaterielle rettigheter

fra **A t i l A** [©]

En serie webinarer,
fra grunnleggende innsikt
til IP-strategi

Del 2

28. april 2021

14:00-15:00

**Grunnleggende IP 2
- fra beskyttelse til
kommersialisering**

Arrangør:



Norwegian Centres of Expertise
NCE Blue Legasea



Biotech North°

I samarbeid med:

BRYN AARFLOT

EST. 1947

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En serie webinarer, fra grunnleggende innsikt til IP-strategi

Arrangert:



Biotech North^o

Isamarbeid med:

BRYN AARFLOT

1947



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BRYN AARFLOT

EST. 1947

Norway's leading full-service IP firm

IPR | Commercialization | Dispute Resolution

Our legal and technical services cover all aspects of trademarks, patents, designs, copyrights, domain names and unfair competition



Overview

Introduction

What to protect

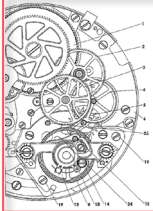
When to protect

Where to protect

Third party rights

Conclusions

From webinar 1: IP rights



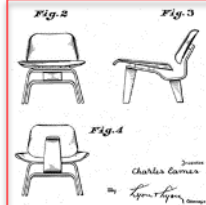
Patents

- Technical inventions
- Solutions to technical problems



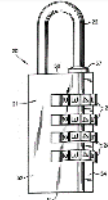
Trademarks

- Company names, product names, logos, etc.



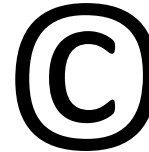
Designs

- Aesthetic, non-technical looks/shapes/forms



Trade secrets

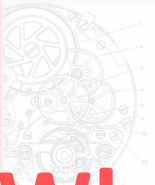
- Information that is and should be kept secret



Copyright


- Original creative works

From webinar 1: IP rights




Patents

- Technical inventions
- Solutions to technical problems



Trademarks

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Designs

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Trade secrets

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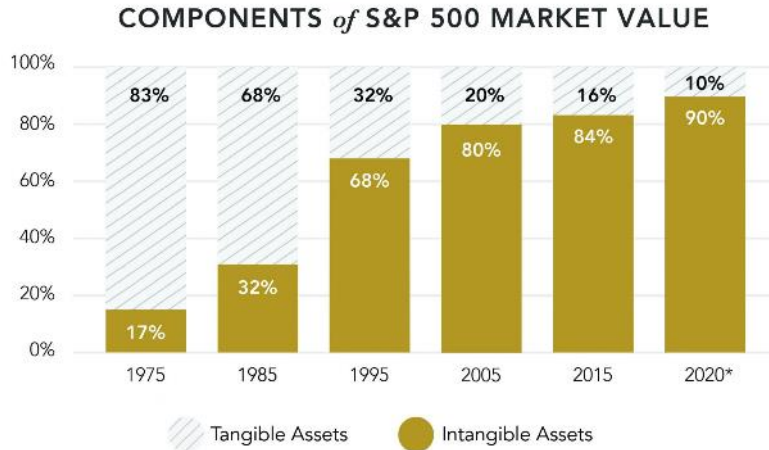


Copyright

- Original creative works

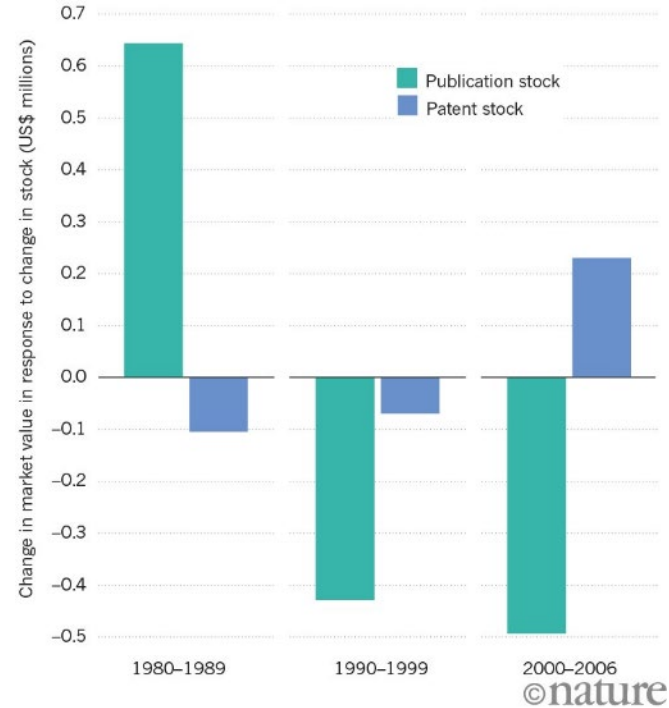
What can your IP portfolio do for you?

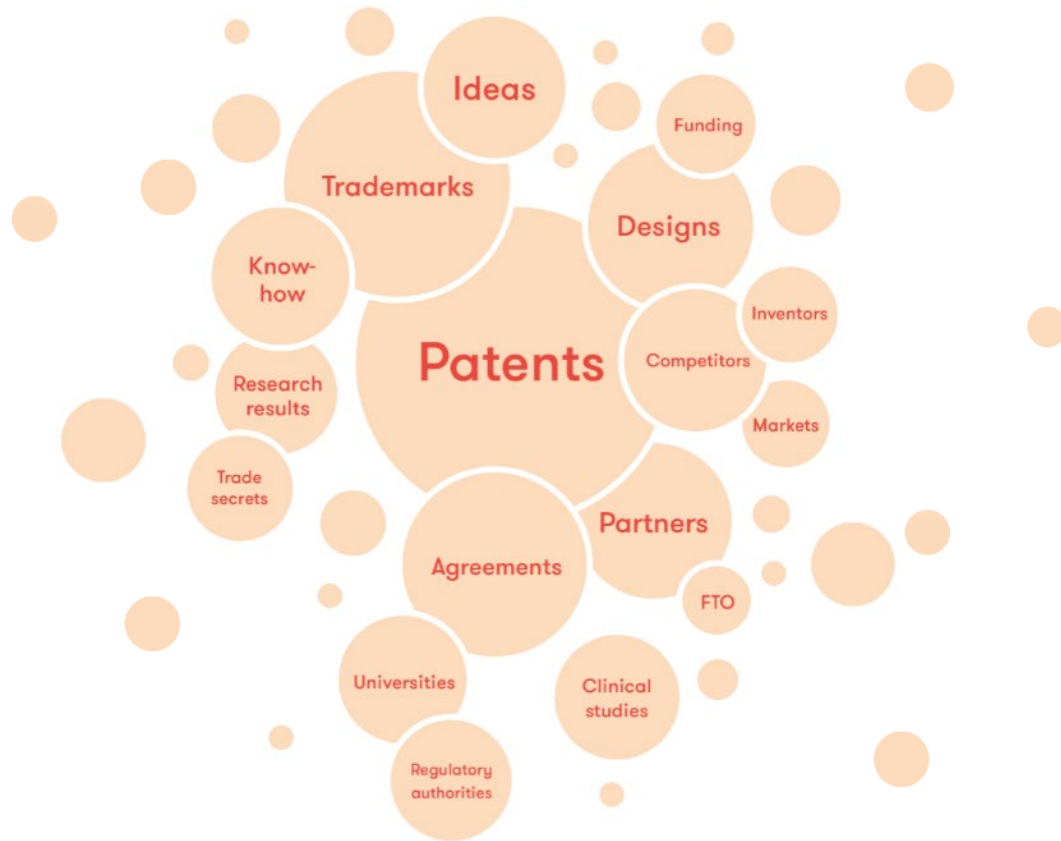
Value of intangible assets



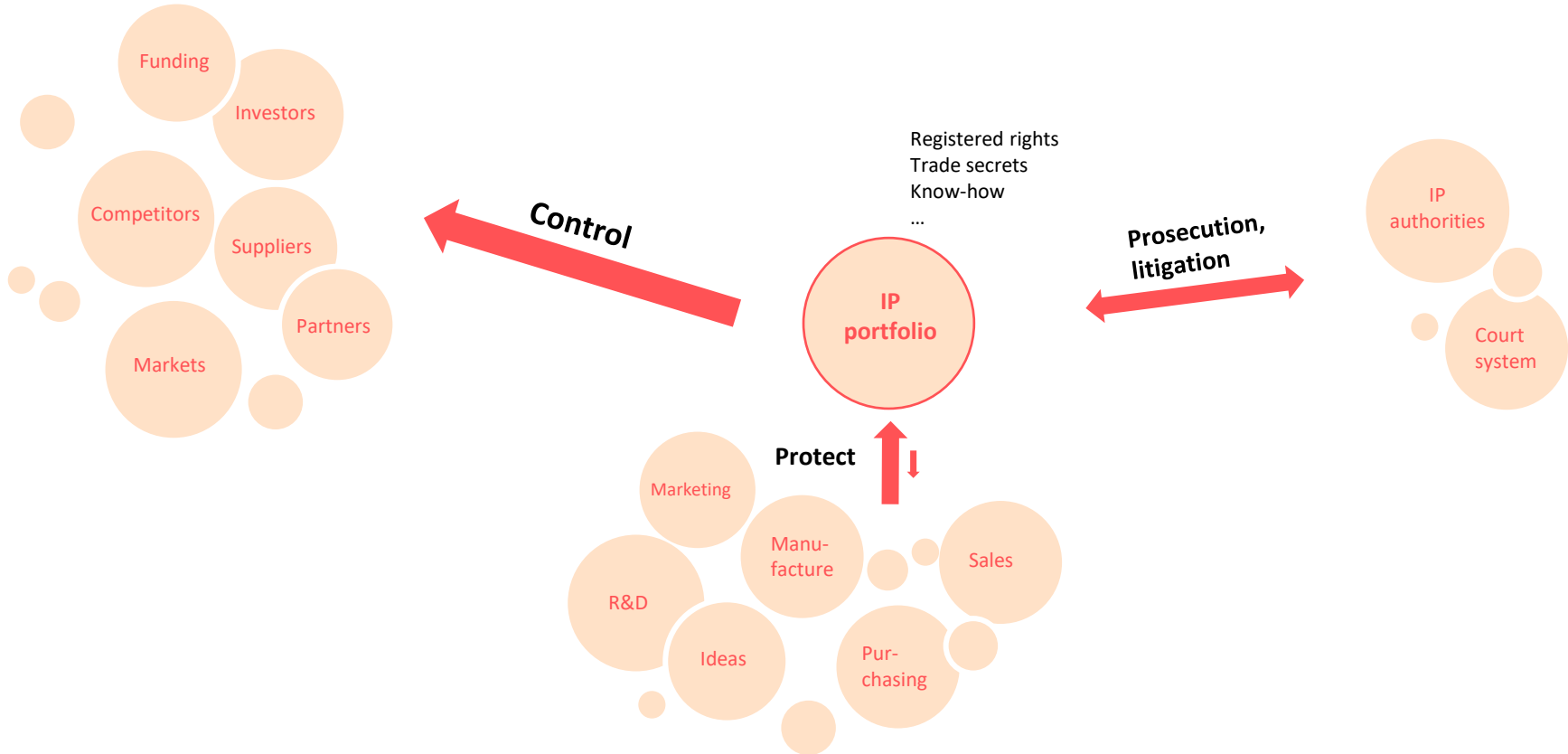
SOURCE: OCEAN TOMO, LLC INTANGIBLE ASSET MARKET VALUE STUDY, 2020
 *INTERIM STUDY UPDATE AS OF 7/1/2020

Effect of patenting on market value





Using your IP portfolio



Controlling your environment

- Protecting a market
- Increasing profit margins
- Initiating a collaboration
- Attracting investors
- Controlling others' interactions
- Preventing (or even encouraging) others' R&D
- Etc., etc., etc.

- *Value is created in the interaction with stakeholders*
- *A strategy is needed to fully realise the potential of your IP*

What to protect?



B

Where do you want to go?

Where will your company be in 3/5/10 years?

Consider:

- Company: Ambitions, turnover, R&D, type of product/service, ***business model***
- Business environment: Market, collaborators, competition, 3rd party IPR

Business model influencing IP strategy and portfolio



Exclusive sales of product: Portfolio used to obtain and maintain exclusivity. Internal focus; smaller portfolio centered around own product, in own markets/production sites



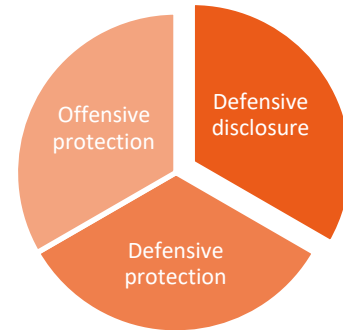
Licence out/sell IP: Portfolio used to attract licences. External focus; larger portfolio centered around potential licencees' interests



Collaborations: Portfolio used both to protect and attract. Internal and external focus; often medium-sized portfolio relating to own products as well as partners' interests



Blocking competition: Obtaining IP-rights to block (potential) competitors in certain markets or with regards to certain inventions. Use as insurance and to control market



Patents: Important considerations



Usefulness



Scope and strength



Market size



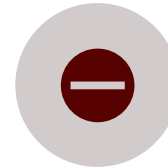
Market interest



Competition



Costs



Remember:
Not right to sell

Trademarks: Important considerations



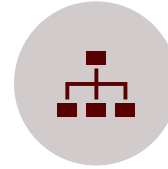
Intended customers



Market size



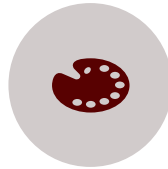
Jurisdictions



Main brand vs.
product names



Descriptiveness



Design registration
may be an option



Searches are
very important

Protect your important inventions

Think ahead and think holistically

Consider costs vs expected value

Protection beyond IPR



When to protect?



B

Choose your timing wisely

Trademarks: Protect as soon as you can afford it

Patents: More factors to consider

- «As late as possible, but not too late»
- Sooner:
 - Upcoming launch date or disclosure
 - Rapidly developing field
- Later:
 - Invention should be fairly developed
 - Financial aspects

Further aspects



Financial importance of patents in early phase

- Financing
- Increasing value of company/technology



Protection when interacting with 3rd parties

- Collaborators, investors, licencees, buyers, ...



Other business milestones

Where to protect?

Business model important



Exclusive sales of product: Own markets, production sites



Licence out/sell IP: Potential licencees' markets, known production sites, important transport hubs



Collaborations: Own markets, production sites; partners' markets, production sites



Blocking competition: Large or important markets, competitor's production sites, important transport hubs



Third party rights



Pay attention to 3rd party IPR

- You are (probably) not alone
- Protection \neq right to sell/produce
- You need freedom to operate – product, process, use
- *Make sure to perform regular searches*
- If 3rd party IPR is identified:
 - Ignore?
 - Licence?
 - Change own product/process?
 - Oppose/invalidate?
 - Remove barriers, create problems, negotiation tool
- Being aware of the barriers allows you to take the necessary steps

Conclusions

Conclusions and final advice

- Your IP portfolio is a tool to reach your business goals
- Develop IP and implement strategy based on business model and goals; review and update regularly; make sure to follow it
- Tailor IP portfolio to suit your needs; do not be afraid to downsize
- Approach IP holistically

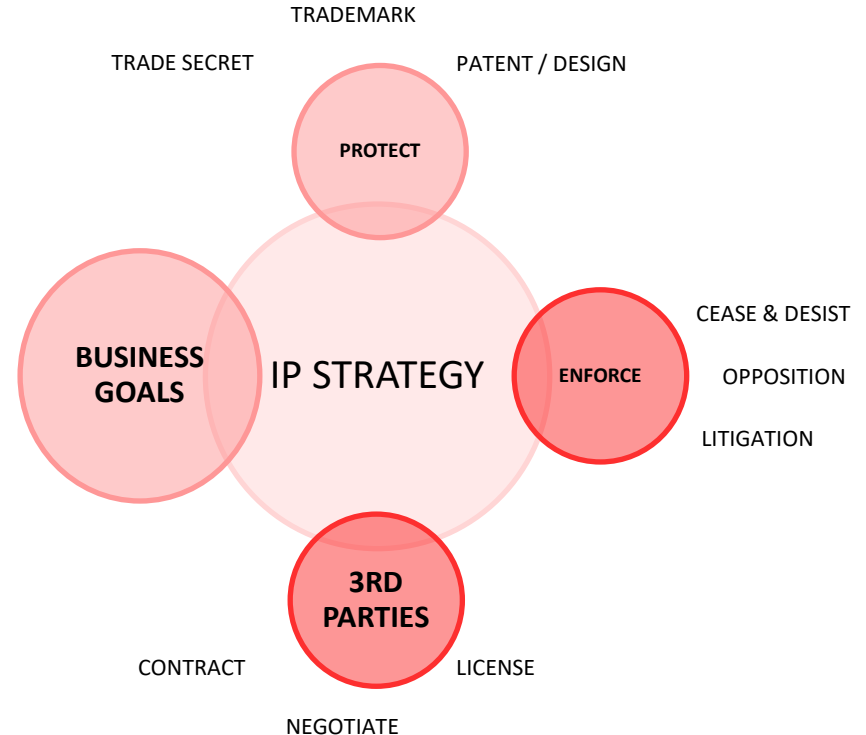




Photo: Fleur Ian Schneider/Unsplash

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To be continued...



Del 3

12. mai 2021, kl. 14.00-15.00

Freedom to operate – kjenne konkurrenter og eget handlingsrom

Marianne Weiby Wulff, MSc



Del 4

26. mai 2021, kl. 14.00-15.00

Er bedriften sikret med gode kommersialiseringsavtaler?

Håkon Tysnes Kaasin, advokat