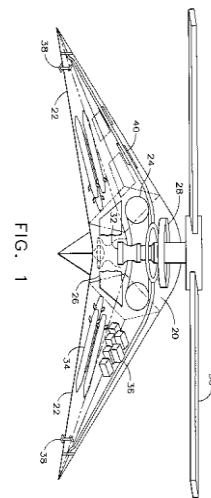
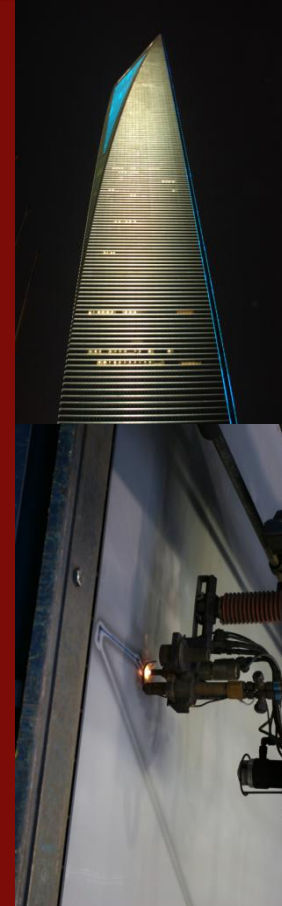


# Intellectual Property: From History to Policy and Entrepreneurial Concerns

Manolis S Samuelides

European Patent Attorney

Prof. National Technical University of Athens





# *University* patents

- Strategy vis-à-vis IP protection in your organization.
- Is IP an important element of your organization's strategy?
- Major difficulties.
- Recommendations on how to overcome these issues.
- Protection of IP for strengthening the strategic position or for increasing the revenues



# University patents

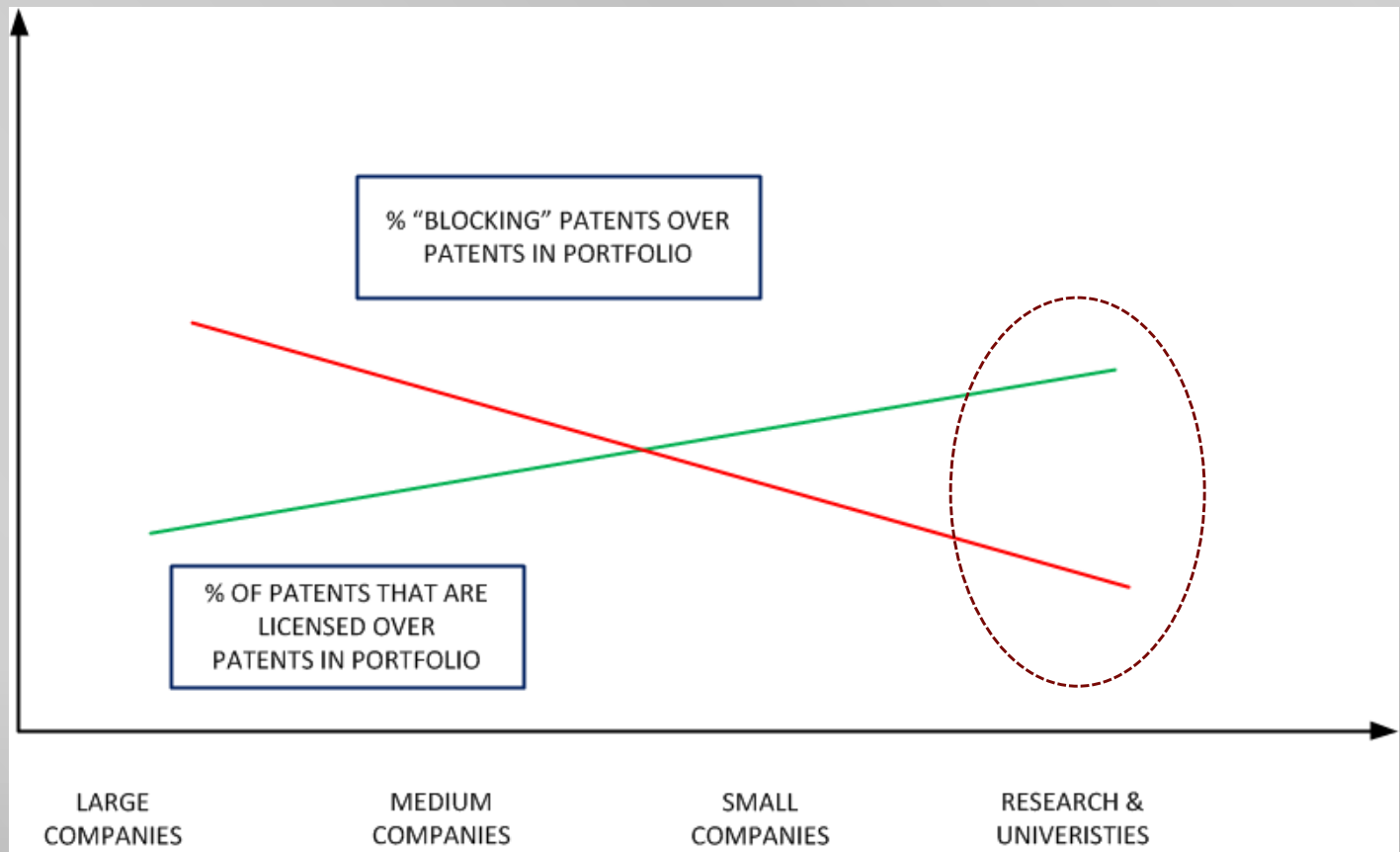
- Is IP an important element of your organization's strategy?
- **Protection of IP** for strengthening the strategic position **or** for increasing the revenues ?
- Which are the major difficulties ?
- **Recommendations** on how to overcome problems **and** on patent related strategy your organization.



# Why patents?

- Reasoning of management: general
- Reasoning from researchers: specific
  
- How to use the patents
- **Licensing**
- **Advantage in negotiations**
- Cross – licensing
- Block competitors
- Use of invention

# Why patents?





# Issues for consideration

- Ownership
- Negotiate (joint invention)
- Drafting
- Filing and prosecution
- Bear of cost
- Negotiate agreements (licensing, transfer)
- Attending payments



# Ownership

- If research is funded by a party that has a contract with the University
- If research is not “contract research “
- What about if the research is partially funded?
  
- Researchers work under contract



# Negotiations – Attending the procedure

- Inventors
- Unit within the administration



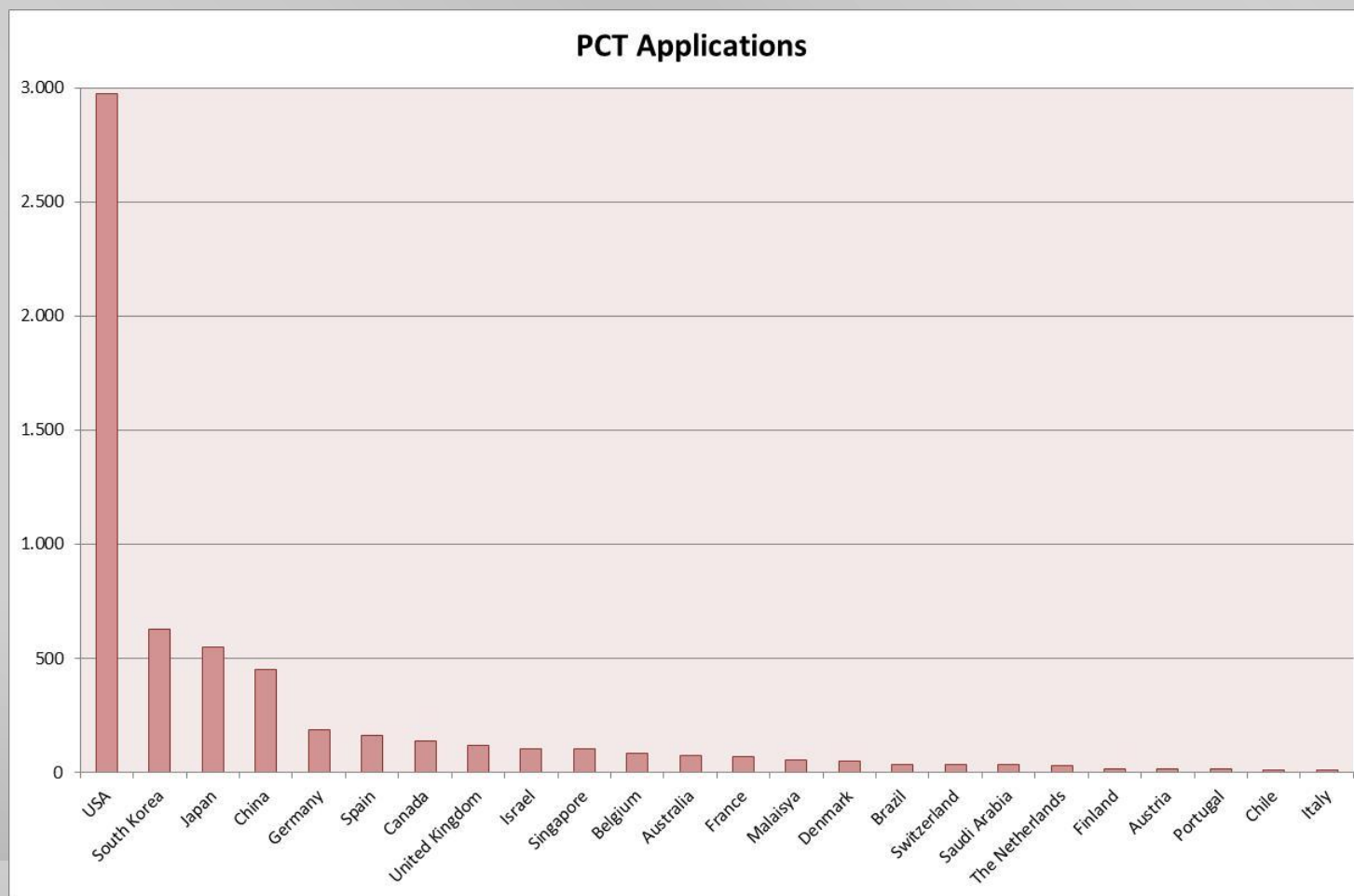


# Proposal

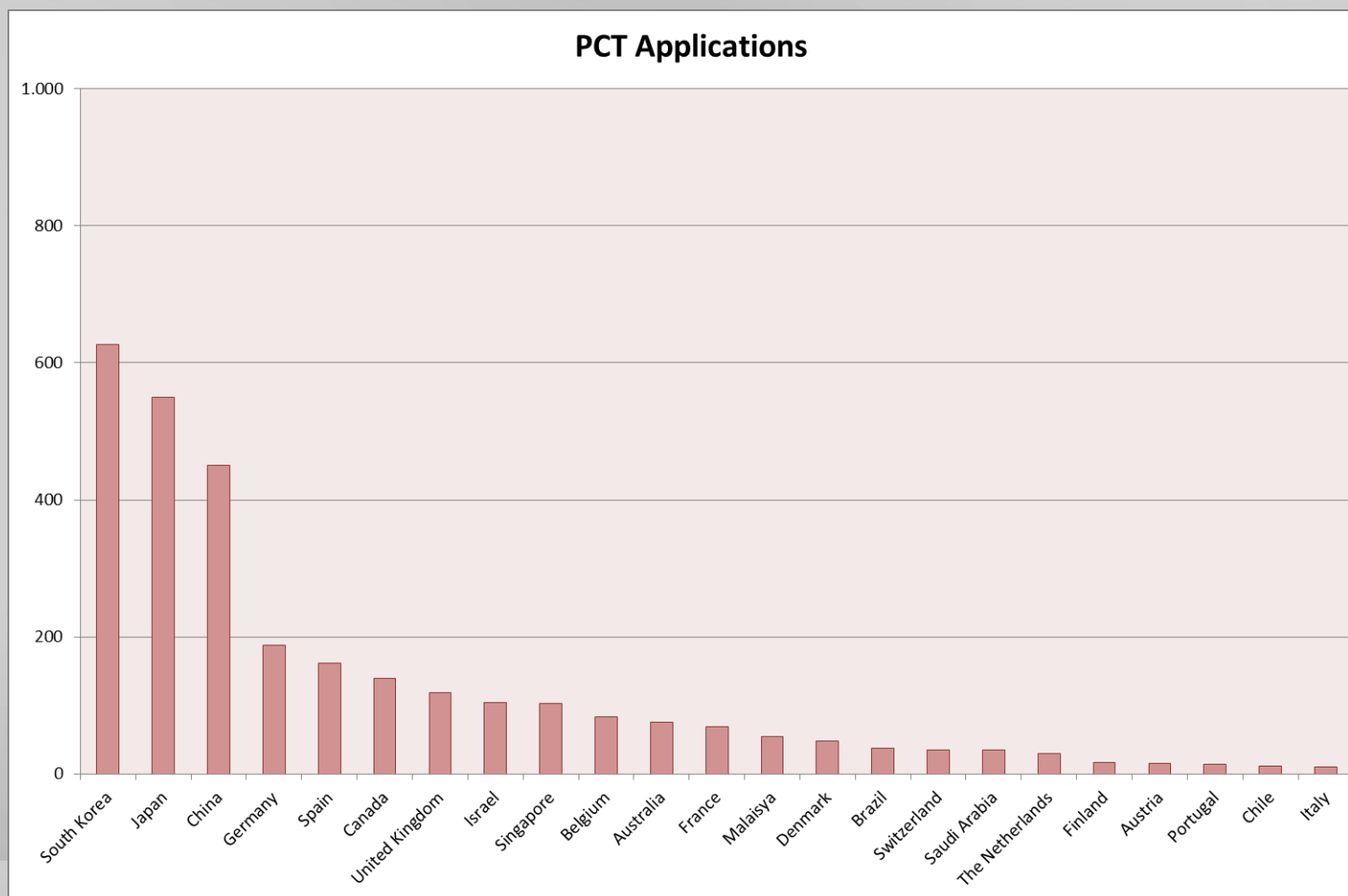
- Make it as simple as possible
- It should be a win-win situation
- Further advantages than royalties
- Establish a committee and decide on a budget dedicated to patents
- Involve the high level management

Interest is not enough –commitment is needed

# PCT Applications from Universities with >9 applications - 2012



# PCT Applications from Universities with >9 applications - 2012





# International Patent Framework

Would you say that the international Intellectual Property framework (at the national and international level) is in favor of specific types of organizations/ companies (in terms of size, type of activity or geographic scope)?



# Which is the task of a patent granting authority?

- Grant monopolies
- Balances interests
  - Applicants / patentees
  - Parties that have the right to know if they have the freedom to operate
  - Society, that wishes to have a patent system stimulating growth



# General requirements

- Accessible
- Patent is an international business
- Legal certainty
- Fair to inventors and third parties



# Needs of HEI

- Obtain protection in many countries.
- Secrecy – low level.
- Filing at early stage of development.
- Joint inventions.
- Fast a high quality search report.
- Useful patents for licensing, attracting investors for spin-off.



# Filing at early stage

Claiming too broadly vs. Claiming too narrow

No Protection at all vs. non-effective protection

Claiming just right

Claiming useful vs. claiming non-useful

Filing more than one application



A photograph of an aircraft hangar with a red horizontal bar overlaid at the top. The hangar floor is light-colored, and various aircraft parts and equipment are visible in the background.

Does the patent framework meet the needs ?

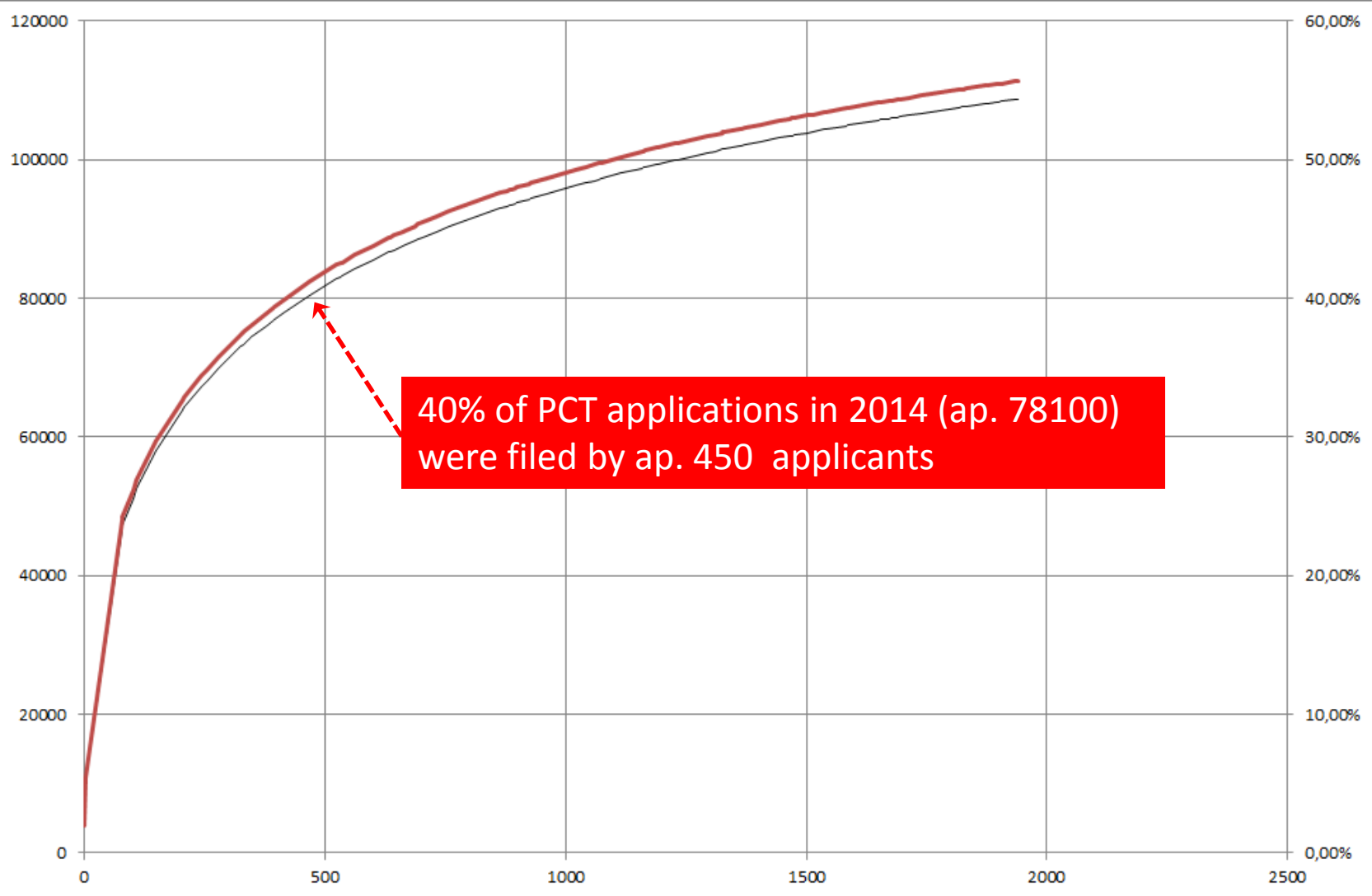


# Conclusion

- Good system,
  - some are able to exploit the opportunity that it offers better than others,
  - so it may become better
- 
- We should not forget that it also provides useful codified information to researchers, investors and policy makers

Gives the opportunity to transform ideas into assets

# PCT Applications and applicants 2012





# European Patent with Unitary Effect

- The Unitary Patent may only be limited, transferred or revoked, or lapse, in respect of all the participating Member States.
- It may be licensed in respect of the whole or part of the territories of the participating Member States.



# Unitary patent

- One patent for 25 EU member states
- Unitary patent court
- English
- One annual fee for all countries
  
- National prior rights
- One jurisdiction
- Still some unclear points in legislation



# National prior rights

- National prior right
- A patent application relevant to a European Patent
  - an earlier date of filing than the EP patent,
  - published later than the filing date of EP patent.
  
- European Patent validated in
- CH - DE – FI - FR – GR – LV - MT – TR - SE
- and a UK prior right is discovered.
  
- Unitary patent with effect in
- 25 EU member states
- and a MT prior right is discovered.



# Unified Patent Court

- The Court shall have exclusive competence in respect
- of actions for infringements of patents;
- actions for provisional and protective measures and injunctions;
- actions for revocation of patents;
- counterclaims for revocation of patents.