Intellectual Property:
From History to Policy and Entrepreneurial Concerns

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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
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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
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
40% of PCT applications in 2014 (ap. 78100) were filed by ap. 450 applicants.
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
  - 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.