



**LEOGRIFF**

*Intellectual Property Managers and Developers*

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## Intellectual Property Rights

Haakon Thue Lie, UiO, 2. mars 2013

# More than 75 years of experience in IP management

Past positions in  
IP management include  
Telenor, Statoil, Schlumberger,  
Cisco and ABB.



## **Espen Christensen, IP Manager and Managing Director**

- IP strategy and management for IT, telecom and media, IPR corporate support, innovation processes, patent prosecution, litigation support.
- Espen holds an M.Sc. Electronics/Telecommunication, NTNU (Norway). He is a European Patent Attorney.



## **Axel Moulin, IP Manager, Director and co-founder**

- Focus: IP management for O&G, process, energy, biotech and environment – contracts.
- Axel holds a M.Sc in Geology-Geophysics, ENSG (France) and an MBA from BI-Norwegian School of Management.



## **Haakon Thue Lie, IP Manager, Chairman and co-founder**

- Focus: IP strategy and management for IT, telecom and media, Open Source Software, innovation processes, branding, trademarks, design, IP in project management, litigation support.
- Haakon holds an M.Sc. Telematics, NTNU (Norway) and an M.Management from BI-Norwegian School of Management. He is a European Patent Attorney.



## **Katarina Lundblad Pinnekamp, IP Manager and Director**

- Focus: IP management, strategy and implementation, IPR analysis, energy and material technology, litigation support, arbitration.
- Katarina holds an M.Sc. Material Sciences, KTH (Sweden). She is a European Patent Attorney with the Qualifying Exam



## **Duncan Magnus Park, IP Manager**

- Focus: IP management for O&G, energy, environment, pharmaceuticals; .
- Duncan holds an B.Sc (Hon) in Mechanical Engineering, University of Warwick(UK). He is a European Patent Attorney with the Qualifying Exam and a Chartered Patent Attorney in UK.



## **Jeanette Gjestvang, Office Manager**

- Focus: Office management, IP management, product management.
- Jeanette holds an MBA from from OHH/BI - the Norwegian School of Management.

## Noen kunder

- **Konsern**

Roxar Flow Measurements, Norsk Tipping , NLI, Prox Dynamics, OceanSaver, iSurvey, Wilfa, Nokas  
Former long term IPR management assignments include Statkraft, Tomra, Tandberg, Laerdal, Aker Biomarine

- **Universitet og forskningsinstitutt**

Institute for Energy Research (IFE), Norwegian Defence Research Establishment (FFI), Norwegian Institute for Air Research (NILU), Campus Kjeller (TTO for several Research Institutes and Norwegian University of Life Sciences), Norwegian Veterinary Institute, Norwegian School of Veterinary Science

- **SMB og oppstartsbedrifter**

Energreen (hydraulic energy productions), Seaproof solutions (subsea equipment), enCap (secure transactions). VS Safety (alarm systems), Kikora (math education)



NORSK TIPPING



Norges veterinærhøgskole



Veterinærinstituttet  
Norwegian Veterinary Institute



Leogriff arbeider med organisasjons- og forretningsutvikling – og IPR-ledelse.

Vi kjøper patentbyråttjenester på vegne av kundene våre.

Vi tjener ikke noe på patentering, så vi gir uavhengige råd.



## Innhold

- **i dag:**
  - Introduksjon – kopiering – god forretningskikk
  - Sammenheng mellom IPR og verdiskaping.
  - IPR-verktøy: Varemerke, Opphavsrett (inkludert Åpen kildekode), Design, Domenenavn, Geografisk Indikasjon, Forretningshemmeligheter, Patent
  - Forretningplan.– hva må være på plass i en liten bedrift.
- **Vi kommer ikke til å rekke alt.**
- **Mål:**
  - Kjenne IPR-verktøy (patent, opphavsrett, varemerke....)
  - Forstå sammenheng med forretningsplan

# Felt for designkopi



**Hennig-Olsen har kopiert design fra konkurrenten Diplom-Is, mener Næringslivets Konkurransutvalg.**

03.01.2011

Etter at Hennig-Olsen Is lanserte sin yoghurtis i sommer, mente Diplom-Is at designen på isboksene lignet for mye på Dream-isen de selv hadde lansert i 2008.

Saken ble meldt inn til Næringslivets Konkurransutvalg, som har konkludert med at Hennig-Olsens design er i strid med god forretningskikk.

– Vi tar dette til etterretning, og har allerede satt i gang designerne våre, sier adm. direktør Paal Hennig-Olsen til Aftenposten. Men han er overrasket over avgjørelsen. – Det er jo lettere å ta feil brunost i butikken enn det er å ta feil av disse iskrepakningene, sier han og peker blant annet på at lokkene er svært ulike på de to isene.

Også utvalget trekker frem at lokkene er svært ulike. Samtidig peker de på at formspråket heller ikke er sammenfallende.

– Diplom-Is har et ungdommelig og vilt uttrykk, mens Hennig-Olsen har et mer klassisk og voksent uttrykk. På tross av forskjellene er likevel helhetsinntrykket, etter flertallets oppfatning, påfallende likt skriver utvalget i sin konklusjon.

# Dømt for Kvikk Lunsj-kopi



Forlegger Arve Juritzen tapte saken mot Kraft Foods, og er dømt til å betale 10 000 kroner i erstatning, melder E24.

29.10.2010

## Må betale erstatning for stol-kopi

*Court of Appeal of The Hague, 30 June 2009, Stokke/Fikszo*



Bambino



Tripp Trapp



Trumf må betale erstatning til Stokke for det lagmannsretten mener er en stol-kopi. (Tripp trapp til venstre, Oliver-stolen til høyre)

**Tripp Trapp-stol-produzenten Stokke har vunnet frem mot Norgesgruppen/Trumf og barnestolen Oliver i Borgarting lagmannsrett. Trumf må ut med 451 268 kroner i erstatning til Stokke.**

15.09.2011

Retten finner at den Kina-produserte Oliver-stolen er en klar etterligning av Tripp Trapp-stolen, som de mener er et åndsverk som ikke kan kopieres, skriver VG.

Striden mot Trumf startet da Trumf-kortbrukerne i 2007 kunne kjøpe en rimelig, Kina-produsert Oliver-stol. Da Stokke krevde salget stanset i september 2008 hadde Trumf solgt 974 stoler til en pris som ligger langt under det som er vanlig for en original Tripp Trapp-stol.

Follo tingrett frifant Trumf, men Stokke anket saken. Lagmannsretten finner at Trumf AS har krenket opphavsretten ved uaktsomhet.

– Vi er lei oss og forundret over utfallet fra lagmannsretten, spesielt siden de mener at vi har opptrådt uaktsomt, sier markedsdirektør Truls Fjeldstad i Norgesgruppen.

y 2012



## Stokke - Tripp -Trapp

- **Patent**
- **Trademark**
- **Copyright!**



# Tør ikke stoppe kjedekopier



**Nidar godtar Norgesgruppens seigmenn-kopier fra First Price, fordi butikkjeden er blant Nidars største kunder. Men seigmenn-kopiene fra Brynild fikk de stoppet umiddelbart. - Har kjedene for mye makt? spør patentstyret.**

09.11.2010

Patentstyret mener mange av matkjedenes produktkopier er ulovlige. Men produsentene vil nødig hisse opp de store makthaverne i bransjen og lar det passere, skriver Aftenposten.

De to gigantene Coop og Norgesgruppen kontrollerer tilsammen 64 prosent av det norske dagligvaremarkedet. Begge har laget egne kopier av Nidars Seigmenn, og patentstyret er helt klare på at varemerkeregulene ble brutt. Nidar kunne stoppet produktet om de ville.

– Norgesgruppens og Coops seigmenn er ulovlige kopier, sier avdelingsleder Bernt Boldvik i Patentstyret til avisen. Patentstyret reagerer på at Nidar ikke tar vare på varemerket sitt. Boldvik presiserer at Patentstyret er en nøytral instans og at det vanligvis ikke uttaler seg om slike ting.

– Matkjedenes bruk av Seigmenn er et klart inngrep i Nidars registrerte varemerke i henhold til Varemerkeloven så lenge samtykke til bruk ikke er gitt, slår Boldvik fast.

Da konkurrenten Brynild lanserte kopien Myke Seigmenn for taxfreebutikker i 2005, reagerte derimot Nidar umiddelbart. De klaget Brynild inn for Næringslivets konkurranseutvalg, og fikk medhold, slik at Brynild måtte trekke produktet. Nå lurer Patentstyret på årsaken til forskjellsbehandlingen.

– Man kan stille spørsmål ved om kjedene har for mye makt, sier Boldvik.

Både lederen for Matkjedeutvalget, Einar Steensnæs, og Helge Hasselgård, administrerende direktør i Dagligvareleverandørenes forening (DLF), forteller at leverandører generelt har en høyere terskel for å angripe kjedene enn andre produsenter.



Originalen fra Nidar og en ny variant fra Coop. Kjødene mener det gir mangfold at de lager sine egne varianter av populære varer. FOTO: JON HAUGE

Kilder: [tien.blogg.no](http://tien.blogg.no),  
Aftenposten

January 2012

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Merketekst/translitterasjon: **SEIGMENN**

Nøkkelinformasjon

Status: Registrert: 2003.10.09  
Databasen er sist oppdatert 2011.01.01

Søknadsnummer: 200302112

Inngitt: 2003.03.06

Prioritet: Ingen

Registreringsnr: 221137

Registrert: 2003.10.09

Registreringen utløper: 2013.10.09

Sakstype: Nasjonalt merke

Merketkategori: Varemerke

Type merke: Merket er et ordmerke i standard font

Merket er i farger: Ikke angitt

Nice-klassifikasjon: 30

Søker: Nidar AS (NO)

Innehaver: Nidar AS (NO)

Fullmektig: Zacco Norway AS

Grafisk presentasjon

Varer og tjenester

Klasser Varer og tjenester

30 Kaffe, te, kakao, sukker, ris, tapioka, sago, kaffeerstatning; mel og næringsmidler av korn, brød, bakverk og konditorvarer, konfekttyr, spiseis; honning, sirup; gjær, bakepulver; salt, sennep, eddik, sauser; krydderier; is; sjokolade og sukkervarer.



## Champagne becomes Chimpanzee

Pressure from French interests have convinced little Mack in Tromsø, in northern Norway, to change the name of one of their favorite fizzy drinks.

Kilde: Aftenposten

- 1895: Mack breweries introduces «Fruktchampagne», a fruit-based softdrink
- 2003: After discussions with the Champagne producers name is changed to «Fruktsjamp»
- 2007: After trial name is changed to «Fruktsjimpanse» – Fruit Chimpanzee





Head & shoulders shampo  
Mild care, 250 ml  
143,87 pr Ltr  
35 99  
Stk

Head & shoulders balsam  
Mild care, 250 ml  
143,87 pr Ltr  
35 99  
Stk

Head & shoulders shampo  
Natural, 250 ml  
143,87 pr Ltr  
35 99  
Stk

Head & shoulders balsam  
Natural, 250 ml  
143,87 pr Ltr  
35 99  
Stk



Shampo 400 ml  
Fabulous fruit  
24,98 pr Ltr  
9 99  
Stk

Balsam 400 ml  
Fabulous fruit  
24,98 pr Ltr  
9 99  
Stk

Fructis shampo  
400 ml normal  
34,98 pr Ltr  
29 99  
Stk

# Får erstatning etter kopistrid

**Vant i retten:** Jøtul vinner over konkurrenten Nordpeis i rettsstrid om ovnskopiering. Nordpeis er dømt til å betale Jøtul åtte millioner.

## DESIGN

ØYVIND FINSTAD  
OSLO

— Dette er en viktig sak for hele den norske designbransjen. Skal vi klare å produsere i Norge, er det viktig at vi har formgivere som gjør produktene så interessante og gode at folk er villig til å kjøpe dem til tross for en høyere pris, sier Erik Moe (57), administrerende direktør i Jøtul.

Han kommer med uttalelsen etter å ha vunnet en kopistrid mot konkurrenten Nordpeis.

For fem år siden lanserte Jøtul produktserien F370 som fort ble en salgssuksess. Ovns-serien som er produsert i støpejern, ble utviklet i samarbeid med designbyrået Hareide Designmill.

To år senere lanserte Nord-

peis Trio-serien. Jøtul mente konkurrentens produktserie var en kopi av sin serie.

### «Snyttet på selskapet»

Jøtul prøvde å stoppe Nordpeis i Drammen tingrett gjennom en midlertidig forføyning, men tapte.

Jøtul, som i rettsapparatet har argumentert at Nordpeis har «snyttet på selskapet», har senere vunnet alle slag.

Nå har Jøtul gått seirende ut av lagmannsretten hvor Nordpeis er dømt til å betale Jøtul 6,5 millioner kroner i erstatning samt 1,7 millioner kroner i saksomkostninger for lagmannsretten. I tillegg må Nordpeis dekke Jøtuls utgifter for arbeidet i saken i tidligere instanser.

«Sakens kjerne er at det gjennom Jøtuls suksess med F 370 ble skapt et marked for høyreiste trekantovner med



DØMT. Nordpeis Trio-serie (til venstre) er for lik konkurrenten Jøtuls ovnsserie F 370, mener lagmannsretten, som damper Nordpeis til å betale erstatning til Jøtul.

godt innsyn til flammebildet. Lagmannsretten finner det mest sannsynlig at dette skapte Nordpeis' interesse for utvikling av en ny ovn raskest mulig og til minst mulig kostnader, basert

på Jøtuls F 370s form og designuttrykk», heter det i dommen.

### «Viktig med beskyttelse»

Jøtuls ledelse er meget glad for

dommen og at lagmannsretten har økt erstatningsbeløpet med over 60 prosent.

— Vi satser mye ressurser på produktutvikling. Derfor er det veldig viktig med en rettslig beskyttelse. Det er helt sentralt for oss og vår evne til å fortsette produktutvikling og produksjon i Norge, sier Jøtul-sjef Erik Moe.

Advokat Anne Marie Sjersted i Haavind, som representerer Jøtul sammen med kollega Håkon Bleken, mener dommen er av stor betydning for designere som får rettslig anerkjennelse for sitt arbeid.

— Det er en viktig dom. Den markerer at det er i strid med god forretningsskikk å legge seg så tett opp til et annet produkt som det Nordpeis har gjort med denne serien. Samtidig viser dommen at markedsføringsloven er et sentralt regelverk for beskyttelse av investeringer i industridesign, sier Sejersted.

— Vi er også svært fornøyd med den høye, men likevel riktige erstatningsutmålingen. Som lagmannsretten selv påpeker er preventive hensyn viktige. Det skal koste dyrt å etterligne ulovlig. Rettspraksis har på dette området ofte ikke vært tilfredsstillende, sier Sjersted.

oyvind.finstad@dn.no

## Lakseluspatent hindrer oppdrettskollaps



Kombinasjons-metoden mot lakselus som Baard Johannessen i Ecolice nå har fått patent på, kan spare en halv million kroner per laksemerd.

Redaksjonen // 16.04.2011



- Jeg har nettopp fått innvilget patent på en metode mot resistente lakselus som er i full bruk i Norge allerede, og sikkert i mange andre land også, forteller Johannessen til InnoDesign.

Flere har tatt i bruk kombinasjonsmetoden, før patentet ble gitt.

Metoden skal være både effektiv og den så langt billigste og enkleste måten å behandle fisken på. Medisinbruken mer enn halveres. Samtidig sparer man miljøet og forlenger følsomheten til lakselusa.

### Patentbeskrivelsen

«Oppfinnelsen tilveiebringer en fremgangsmåte for behandling av oppdrettet fisk for å bekjempe infisering ved multicellulære ektoparasitter med eksoskjeletter, der fremgangsmåten omfatter å topisk eksponere oppdrettet fisk, spesielt laks i sjøbur, overfor et første og et andre fiskelusbehandlingsmiddel, der nevnte første fiskelusbehandlingsmiddel er et karbamat eller organofosfat og der nevnte andre fiskelusbehandlingsmiddel er et pyretroid eller pyretrin.»

### Redder oppdrettsnæringen

- Metoden redder muligens den norske lakseoppdrettsnæringen fra et "chilensk kollaps", hevder Johannessen. Chile fikk som kjent redusert oppdrettet sitt med 80% pga lakselus i 2007.

- Det samme kunne ha skjedd i Norge, mener han. - Men den nye metoden, som jeg nå har fått patentert, får tilbake effekten av uvirksomme lusemidler.

De store oppdrettsfirmaene er nå i ferd med å etterbetale Johannessen for bruken av metoden, samt å inngå lisensavtale for framtidig bruk.

### Lukrativ oppfinnerfremtid

Dagens Næringsliv har regnet seg frem til at bare lisensinntektene for bruk av behandlingen beløper seg til minst 20 millioner kroner per år.

Jeg vet at de bruker metoden min, som jeg har søkt patent på. De har rett og slett stjålet den, sier Johannessen til Dagens Næringsliv

- Jeg vil ikke si hva vi bruker. Jeg vet heller ikke om han har noen patent på den aktuelle metoden. Det er jo bare snakk om å blande to stoffer, svarer Sinkaberg på spørsmål fra Dagens Næringsliv

## Innsigelser

Innsigelsesnummer:	2011/00002
Innsigelsesdato:	2011.09.28
Gjeldende status:	2013.02.05, Under behandling
Innsiger:	Fiskeri- og havbruksnæringens landsforening Postboks 5471 Majorstuen 0305 OSLO NO (OSLO kommune, OSLO fylke)
Innsigers fullmektig:	Bjørn Sørgård c/o Kyllingstad Kleveland Advokatfirma DA, Postboks 1298 Vika 0111 OSLO NO (OSLO kommune, OSLO fylke)
Innsigelsesnummer:	2011/00003
Innsigelsesdato:	2011.12.09
Gjeldende status:	2013.02.05, Under behandling
Innsiger:	Fish Vet Group FVG 22 Carsegate Rd IV38EX INVERNESS GB
Innsigers fullmektig:	Zacco Norway AS Postboks 2003 Vika 0125 OSLO NO (OSLO kommune, OSLO fylke)

### 5. Manglende nyhet

#### 5A)

I meddelet krav 1 er det klart og entydig angitt at oppdrettsfisken eksponeres topisk overfor et første og et andre fiskelusbehandlingsmiddel sekvensielt i denne rekkefølge. Som det fremgår av endret hovedkravsett, krav 1; er det nå innført et trekk hvor det fremgår at eksponering overfor det første fiskelusbehandlingsmiddelet blir utført opp til 12 timer før eksponering overfor det andre fiskelusbehandlingsmiddelet. Begrepet "opp til 12 timer" må her forstås å bety 0-12 timer.

Patenthaver og innsiger synes å være enige om at sekvensiell administrering som involverer forbehandling med et pyretroid etterfulgt av behandling med et organofosfat er del av teknikkens stilling, jf. skriv fra patenthaver datert 15. august 2012, side 4, avsnitt 6 og 7.

I det tilfellet hvor tidsperiode mellom administrering er 0 timer, vil følgelig det patenterte administreringsregime være identisk med hva som er beskrevet i tidligere kjent teknikk. Tilsvarende argumentasjon er gjeldende for endret hovedkravsett, krav 8. Innsiger er således av den oppfatning at endret hovedkravsett, krav 1 og 8 omfatter utførelsesformer som er beskrevet i kjent teknikk, og således at kravene ikke tilfredsstiller kravet til nyhet i lys av D4-D6.

### 6. Manglende oppfinnelsesheide

#### 6A)

D12 definerer hvilke forbindelser som tilhører gruppebetegnelsen organofosfater. En undergruppe av organofosfater er forbindelser som inhiberer serin proteaser, inkludert acetylkolinesterase som er essensiell for nerve transmisjon, ved å blokkere en viktig serinrest. Det er velkjent at disse forbindelsene er effektive insektisider.

D13 definerer hvilke forbindelser som tilhører gruppebetegnelsen pyretroider. Disse forbindelsene er kjent å paralisere organismer ved å virke på natriumkanaler i nervemembranen. Det er velkjent at disse forbindelsene er effektive insektisider.

Definisjonen av organofosfater og pyretroider bør etter innsigers syn anses å utgjøre



## Nettby vs. Dagbladet

- **Den bitre striden oppsto sommeren 2006. Da ledelsen i DB Medialab at deres programmere all hemmelighet hadde gjennomført flere møt Nett. Kristiansen begynte i DB Medialab i 2001 oppbyggingen av nettsamfunnet Blink og hadde inngaende kjennskap til selve programmet og kjernebrukerne. Blink-tjenesten ble utviklet gjennom flere år, og i løpet av 2005 hadde tjenesten mer enn 350.000 medlemmer. Brukerne genererte over ti millioner sidehenvisninger i dag, og med god drahjelp fra Blink klarte Dagbladet å passere VG Nett som det største norske nettstedet. Under et møte med ledelsen i DB Medialab 29. november 2005, fremsatte Kristiansen, ifølge en han hadde gjort. Kravet ble kontant avvist av daværende sjef i DB Medialab, Rune Røsten og utviklingssjef Ann Bækken. slaget på Kristiansens millionkrav ble tatt ille opp», fremgår det av en avtale med Dagbladet. Samme dag som Kristiansen fikk avslag på sitt krav, hadde han kontakt med sjefen for VG Nett, Torry Pedersen.**

**Milliontap:** Dagbladet går til søksmål mot utvikleren av VGs Nettby. Programmerer Fredrik Kristiansen (26) har ifølge stevningen påført Dagbladet et tap på over 400 millioner kroner.

### DETTE ER SAKEN

■ 6. februar gikk Dagbladet til søksmål mot programmerer Fredrik Kristiansen (26) i Nettby Community. Kristiansen hadde vært sentral i oppbyggingen av Dagbladets nettsamfunn Blink, før han gikk over til VG Nett i april 2006.

■ VGs Nettby ble lansert få måneder senere. Trafikken på Dagbladets Blink-tjeneste falt dramatisk.

■ Dagbladet mener det økonomiske tapet beløper seg til 413 millioner kroner – basert på tapte fremtidige annonsinntekter.

■ Nettsamfunnersamlingssteder på internett hvor brukerne kan kommunisere med andre mennesker. De store norske nettsamfunnene er blant annet, Nettby, Blink og Biip.

Kilde; DN



LIKE: Eltek mener sentrale komponenter i denne likeretteren fra ZTE (t.v.) er rippet fra deres egen løsning (t.h.). Foto: Eltek



KREVER KOMPENSASJON: Det drammensbaserte teknologiselskapet Eltek saksøker et kinesisk selskap for produktkopiering. Foto: Eltek

## Eltek saksøker kinesisk bedrift

På grunn av piratkopiering av telekomprodukter.

Av Peder Qvale

Publisert: 9. januar 2012 kl. 13:02

Innense:

PROFILERTE STILLINGER

Statoil Fuel & Retail

ELTEK

## Er dette en ulovlig k

Eltek anklager telegiganten ZTE for patentyveri.

Av Espen Zachariassen (@ezach)

Publisert: 25. januar 2013 kl. 10:59 - Oppdatert: 25. januar 2013 kl. 13:00



Eltek mener konkurrenten kun har endret logoen. Morten Schøyen er markedsdirektør i Eltek AS (t.h.) mens Pål Skistad er finansdirektør. Bildet er tatt i Drammen i 2011. Foto: Gorm K. Gaare / © GORM K. GAARE / EUP-Berlin.com

## Norsk teknologi kopiert i Kina: - Kun logoen er endret

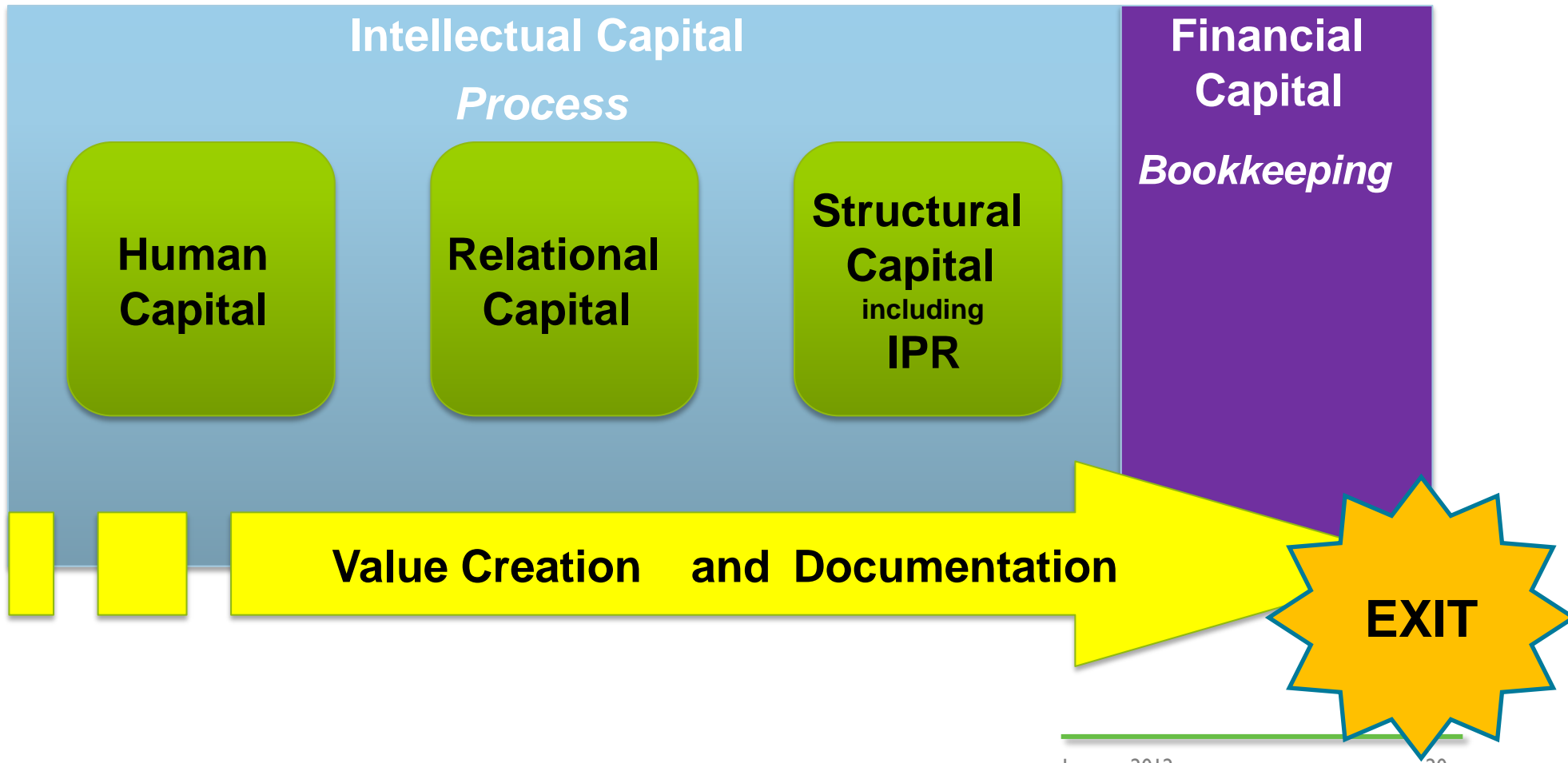
Norsk selskap mener tidligere ansatte har vært med på å stjele deres teknologi, og vil prøve lykken i det kinesiske rettssystemet.

Jonas Blich Bakken

Publisert: 06.11.2012 - 10:43 Oppdatert: 06.11.2012 - 10:43

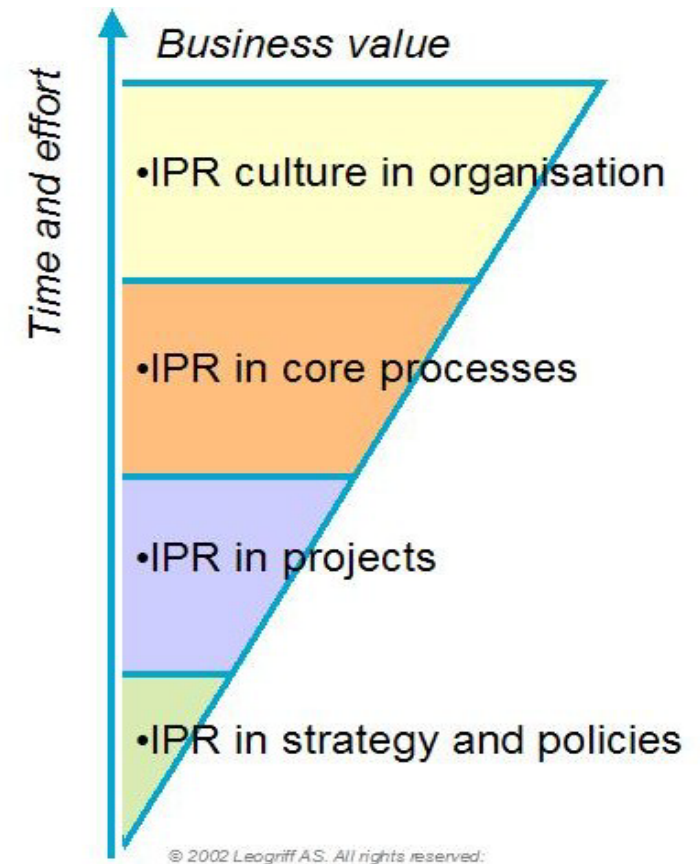
# VERDISKAPING OG IPR

## Exit value depends on documented value



## More value

- **4. Culture in organisation:**
  - IPR integrated
  - focus: business development
- **3. Core processes:**
  - IPR value in/of the company
  - focus: IPR as routine concern.
- **2. Projects:**
  - Faster and better development
  - focus: uniqueness of the product.
- **1. Strategy and policies:**
  - Board and management anchoring
  - focus: market, investors, budget .



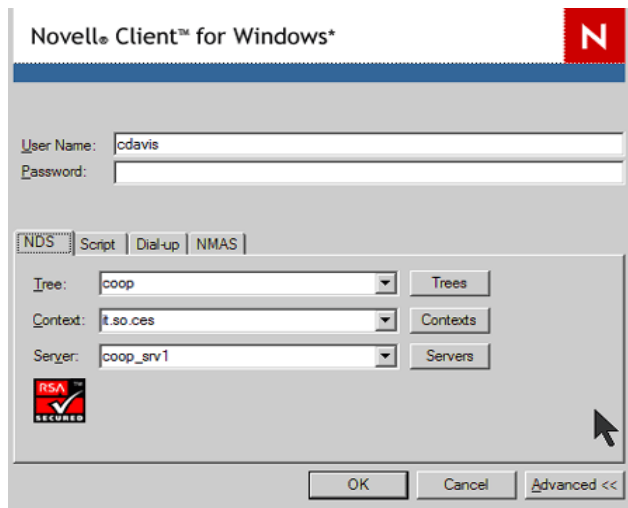
# **VERKTØYENE – IMMATERIELLE RETTIGHETER**

	Field	Requirements – Validity period	Examination
<b>Patent</b>	Technology Product, Process, Use of a product	Novelty, Inventive step, Industrial application Validity < 20 y (+ 5 years possible)	Grant 2-5 years Publication after 18 months
<b>Petty patent , utility model, Innovation patent</b>	Technology Product (mainly)	Lower requirements than for patents No harmonisation of rules between countries Validity 6-12 years	Registration directly No examination
<b>Design registration</b>	Visual appearance, not functionality	Novelty, Individual character - classes Validity < 25y – grace period : 12 m.	Grant after examination. Unregistered designs under certain conditions.
<b>Trademark registration</b>	Name, logo, sound and odour	Distinguishable over other marks - classes Validity < no limit if trademark is used and fees paid	Registration or Shown to be known within the field
<b>Copyright</b>	Artistic works Computer programs	Originality (low requirement) Prevents against copying and adaptations Validity < Life + 70y	Automatic © 2005, Acme AS
<b>Trade secrets, Know-how</b>	Anything that will give a company a competitive advantage by not being generally known	Positive measures to keep secret must be applied. Valid as long as secret. Note confusion on know-how vs trade secret	Protected by secrecy agreements
<b>Domain names</b>	Related to trademarks	Validity unlimited, fee payment	Registered by special authority
<b>Scientific Publications</b>	Publication	Novelty bar to later patent applications Content of patent applications can be published in Scientific Publications	Peer review
<b>Geographical indications</b>	Agricultural	Special legislation and marking	Political process

Also: plant varieties rights, Integrated Circuit Topologies, Databases, Indigenous Peoples' Rights and others

## Trademarks are designed to protect the buyer

- Særpreg, klasser
- In 2003 Novell sued TVNorge at The Court of Enforcement (Namsretten) and asked for a temporary injunction against TVNorge as they found the logo too similar to their own. Novell did not seem to proceed to a full court case after losing their case there. (Source: Wikipedia)





## 1 + GOATS DO ROAM

<b>Trade mark No:</b>	004286852	<b>Type of mark:</b>	Word
<b>Filing date:</b>	06/12/2004	<b>Date of registration:</b>	28/03/2006
<b>Nice Classification:</b>	29, 33	<b>Status:</b>	CTM registered
<b>Name of the owner:</b>	FAIRVIEW TRUST	CTM registration published (B1)	<input checked="" type="checkbox"/>
<b>Applicant's reference:</b>	FD/LMA		
<b>Trade mark basis:</b>	CTM		



## - Halv pris på champagne i kveld!

Den norske restauranten Champagneria i jubelrus.

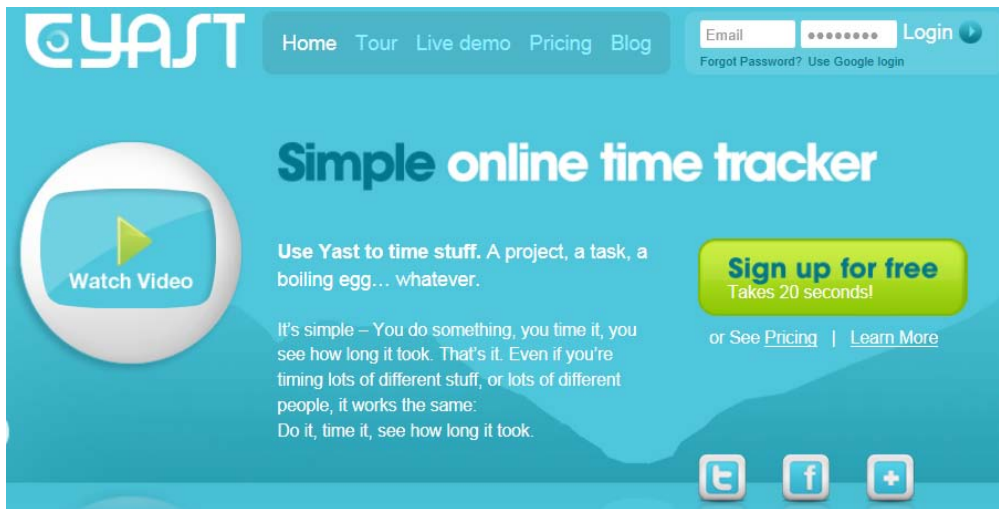
Martin Riber Sparre  
Publisert: 27.05.2008 - 16:29 Oppdatert: 27.05.2008 - 16:48

Norske Champagneria fikk rettens medhold til å beholde navnet, mot franske vinbønders vilje.



Bruk av varemerke "mozell" for et norsk mineralvann var etter Høyesteretts oppfatning verken i strid med varemerkeloven §§ 13, 14, eller villedende eller i strid med god forretningskikk, jf. markedsføringsloven §§ 1 og 2. Dommen er inntatt i Rt. 1995, s. 1908. Saksøker og representanten for vinprodusentene i Moseldistriktet i Tyskland, Deutscher Weinfonds, hevdet blant annet at navnet Mosel, som et stedsnavn og en opprinnelsesbetegnelse, hadde krav på særlig beskyttelse, og at varemerket "mozell" var villedende og innebar en uberettiget utnyttelse av Mosel-distriktets goodwill. For øvrig uttalte Høyesterett på prinsipielt grunnlag at selv om generalklausulen i markedsføringslovens § 1 supplerer lovens spesialbestemmelser, må det vises forsiktighet med å anvende markedsføringsloven § 1 på forhold av lignende karakter som omhandlet i spesialbestemmelsene når vilkårene etter disse ikke er oppfylt.

# YAST



The screenshot shows the YAST website homepage with a blue background. At the top left is the YAST logo. To its right are navigation links: Home, Tour, Live demo, Pricing, and Blog. Further right is a search bar with 'Email' and a password field, and a 'Login' button. Below the navigation is a large white play button icon with 'Watch Video' text. The main heading is 'Simple online time tracker'. Below it is a paragraph: 'Use Yast to time stuff. A project, a task, a boiling egg... whatever.' To the right is a green 'Sign up for free' button with 'Takes 20 seconds!' below it. Below the sign up button are links for 'See Pricing' and 'Learn More'. At the bottom are social media icons for Twitter, Facebook, and a plus sign.

## [Yast: A simple online time tracker for individuals & teams](#)

[www.yast.com/](#) - Cached

Use **Yast** time tracker for online time tracking and invoicing. 1-click timers, team or individual, shared projects & tasks, configurable reports, mobile app, ...

[Live demo](#) - [Pricing](#) - [Tour](#) - [Blog](#)

## [Portal: YaST - openSUSE](#)

[en.opensuse.org/Portal:YaST](#) - Cached

11 Feb 2011 – **YaST** is the installation and configuration tool for openSUSE and the SUSE Linux Enterprise distributions. It is popular for its easy use and ...

## [YaST Software Management - openSUSE](#)

[en.opensuse.org/YaST\\_Software\\_Management](#) - Cached

23 Feb 2011 – **YaST** Software Management. tagline: From openSUSE ...

[+](#) Show more results from opensuse.org

## [YaST - Wikipedia, the free encyclopedia](#)

[en.wikipedia.org/wiki/YaST](#) - Cached

**YaST (Yet another Setup Tool)** is an RPM-based operating system setup and configuration tool that is featured in the openSUSE Linux distribution, ...

## [Project: Yast - oss.oracle.com](#)

[oss.oracle.com/projects/yast/](#) - Cached

This is the home of Oracle's Linux Projects development group. We host a number of Open Source projects here - including source and binary downloads, ...

## [Chapter 2. YaST — Configuration](#)

[www-uxsup.csx.cam.ac.uk/pub/doc/suse/sles9/...sles9/ch02.html](#) - Cached

In SUSE LINUX Enterprise Server, **YaST** handles both the installation and the configuration of your system. This chapter describes the configuration of system ...

## [YaST's sounds on SoundCloud - Create, record and share your sounds ...](#)

[soundcloud.com/yast](#) - Cached

25 Jul 2011 – Create, record and share the sounds you create anywhere to friends, family and the world with SoundCloud, the world's largest community of ...

## [Yast - The World's Easiest Time Tracker - Chrome Web Store](#)

[https://chrome.google.com/.../gokleigpmoameleoajncmkmajedgfgb...](#) - Cached

27 Apr 2011 – Try **Yast** and discover how easy time management can be. Do something, time it, see how long it took.

## [Explanation of Terms & SUSE Features: YaST](#)

[suseroot.com/terms.php?term=YaST](#) - Cached

Resource for new SUSE Linux users: Explanation of Terms & SUSE Features: **YaST**. Find installation help, tutorials, guides, and links to other resources.

## [Linux Headquarters: Network Configuration Using SuSE YaST](#)

## When choosing a company or product name

- **Creative work needs to be supported by trademark quality control**
  - Trademark databases
  - Company name databases
  - Family names
    - E.g. Norway – limit at 200 bearers of a surname
  - Internet domains searches
    - No .com - another name?
  - Internet searches
- **Names we created:**
  - SIGNICAT
  - ALLFINN
  - JUNIJULI
  - ...

## Design examples



# Animated user interfaces can be design registered

0003.1



0003.2



0003.3



0003.4



0003.5



0003.6



0003.7



Microsoft

0003.1



0003.2



0003.3



0003.4



0003.5



0003.6



0003.7



Apple

# 3D trademarks vs design registration

- **Harder to get**
  - Examined
- **May last forever**
- **Comparable cost**



# Designregistrering - Markedsføringsloven

- Borgarting lagmannsrett 19. juni 2008 *Hval Sjokoladefabrikk mot Brynild Gruppen*

Designreg.



Minde fargeplett

Minde fargeplett

Hvals fargeplett



Først: Brynild krenket designregistrering med rund.

Så: Firkantet krenket markedsføringsloven og god forretningsskikk

January 2012

# Opprinnelsesbetegnelse

**FOR 2004-02-10 nr 581: Forskrift om beskyttelse av produktbetegnelsen Økologisk Tjukkmjølke fra Røros som Beskyttet geografisk betegnelse.**

**DATO:** FOR-2004-02-10-581  
**DEPARTEMENT:** LMD (Landbruks- og matdepartementet)  
**AVD/DIR:** Mattilsynet  
**PUBLISERT:** I 2004 hefte 5  
**IKRAFTTREDELSE:** 2004-03-17  
**SIST-ENDRET:**  
**ENDRER:**  
**GJELDER FOR:** Norge  
**HJEMMEL:** FOR-2002-07-05-698-§15 , jf LOV-2003-12-19-124-§30  
**SYS-KODE:** BG09f, BG14a, BG14b, BG14d, BG14i, BG14j, D02  
**NÆRINGSKODE:** 11, 13, 9124  
**KUNNGJORT:** 02.04.2004  
**RETTET:**  
**KORTTITTEL:** Forskrift om Økologisk Tjukkmjølke fra Røros

## INNHold

Forskrift om beskyttelse av produktbetegnelsen Økologisk Tjukkmjølke fra Røros som Beskyttet geografisk betegnelse.

- § 1. Beskyttet produktbetegnelse
- § 2. Rettmessig bruker
- § 3. Villkår for bruk av produktbetegnelsen
- § 4. Ikrafttredelse

Vedlegg: Beskrivelse av produktets opprinnelse og tilknytning til det geografiske området

## Forskrift om beskyttelse av produktbetegnelsen Økologisk Tjukkmjølke fra Røros som Beskyttet geografisk betegnelse.

Fastsatt av Mattilsynet - Hovedkontoret 10. februar 2004 med hjemmel i forskrift 5. juli 2002 nr. 698 om beskyttelse av opprinnelsesbetegnelser, geografiske betegnelser og betegnelser for tradisjonelt særpreg på landbruksbaserte næringsmidler, fisk og fiskevarer § 15.

### § 1. Beskyttet produktbetegnelse



Badsturøkt kjøtt på namdalsk vis  
Eplejuice frå Hardanger  
Fenalår fra Norge  
Festsodd fra Trøndelag  
Fjellmandel fra Oppdal  
Gamalost frå Vik  
Gulløye fra Nord-Norge  
Hardangereple  
Hardangermoreller  
Hardangerplommer  
Hardangerpærer  
Høgfjellslam fra Nord-Gudbrandsdal  
Ishavsrøye Vesterålen  
Kurv frå Valdres  
Lofotlam  
Rakfisk fra Valdres  
Ringerikserter  
Ringerikspotet fra Ringerike  
Sider frå Hardanger  
Skjenning  
Tørrfisk fra Lofoten  
Villsau frå Norskekysten  
Økologisk Tjukkmjølke fra Røros

*Prosciutto di Parma:  
Parmigiano Reggiano*



## Plantesortsnemnda - Plant breeder's rights

- **UPOV-konvensjonen fra 1961**
- **71 medlemstater**
  - I Norge  
Plantesortsnemnda fra 1993
- **20-25 års beskyttelse**
  - Grace period 4-6 år
- **Mattilsynet administrerer ordningen**
  - Publisere lister tre ganger i året
- **DUS-tester**, (Distinctness, Uniformity, Stability)



Foto: Timbo81 - Creative Commons Attribution-Share Alike 3.0

# Open Source is not “Public Domain”

Common misconception and error among engineers is that Open Source means “Public Domain”



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Boarisch | Български (български) | Català | Deutsch | Ελληνικά | English | Esperanto | Español | Eesti | 𐤀𐤃𐤍𐤏 | Suomi | Français | Gaeilge | Galego | עברית | 𐌆𐌿𐌽𐌿𐌸 | Italiano | 日本語 | 한국어 | Lietuvių | Македонски | 𐌌𐌿𐌽𐌿𐌸 |  
Plattdüütsch | Nederlands | Polski | Português | Română | Русский | 𐌇𐌹𐌶 | Vèneto | 中文 | 中文(简体) | 中文(繁體) | +/-



# Open Source is based on copyright and IPR

- Creative Commons
- Wikipedia
- Software
  - [OpenOffice.org](http://OpenOffice.org)
  - [7-Zip](#) — [file archiver](#)
  - [Mozilla Firefox](#) — web browser
  - [Apache](#) — HTTP web server
  - [MediaWiki](#) — [wiki](#) server software, the software that runs Wikipedia
  - [WordPress](#) — [blog software](#)
  - [Linux](#) — family of Unix-like [operating systems](#)
  - [Symbian](#) — [real-time](#) mobile [operating system](#)
  - [PHP](#) — scripting language suited for the web
  - [Python](#) and [Perl](#) — general purpose programming language
- Hardware
  - [OpenRISC](#): an open-source microprocessor family, with architecture specification licensed under [GNU GPL](#) and implementation under [LGPL](#).
  - [OpenCola](#) — Free Beer.
  - [Tropical Disease Initiative](#) – drug discovery



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## Proprietary Licensing vs. OSS Licensing



### Trade Secret

Released in compiled form only. Structure, architecture, sequence, etc. of source code is hidden and therefore may be protected by trade secret law

Release of code in source form results in loss of trade secret protection

### Copyright

Narrow licenses to run software and make backup copies. No rights to create derivative works or make additional reproductions and distributions

Allows others to make unlimited reproductions and create derivative works (often conditional)

### Patent

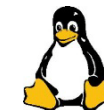
Narrow licenses to run software. No license to use patents in other works.

Allows others to make broad use of patented technologies (often conditional)

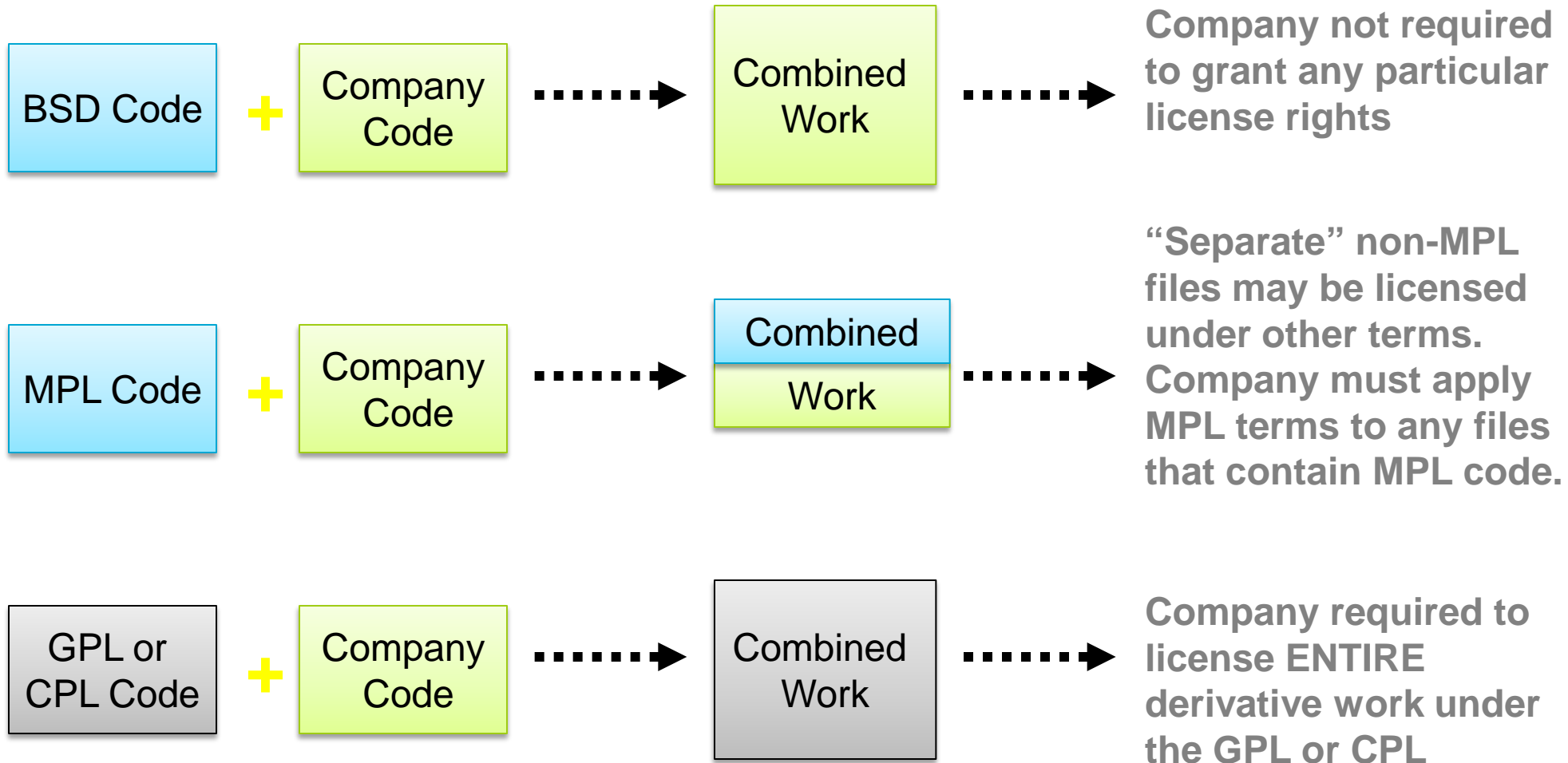
### Trademark

Strategic, use of company trademarks by others is typically restricted.

Many OSS licenses are silent on trademarks, some have like LINUX – but not



## R&D & Licensing Issues



# Examples from Tandberg User Manuals

## Third Party Software

Amended / Expanded Copyright notices for third-party software on the TANDBERG MXP systems are listed below:

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Contains iType™ from Monotype Imaging Corporation.



### CMU-SNMP

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### Dropbear - an SSH2 server

Copyright (c) 2002,2003 Matt Johnston All rights reserved.

The Dropbear SSH2 server is distributed under the terms of the Dropbear License, which is a MIT/X Consortium style open source license.

### eCos

eCos, the Embedded Configurable Operating System.

Copyright (C) 1998, 1999, 2000, 2001, 2002, 2003 Red Hat, Inc.

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a) md5crypt.c, md5crypt.h

"THE BEER-WARE LICENSE" (Revision 42):

<phk@login.dknet.dk> wrote this file. As long as you retain this notice you can do whatever you want with this stuff. If we meet some day, and you think this stuff is worth it, you can buy me a beer in return.  
Poul-Henning Kamp

b) snprintf replacement

Copyright Patrick Powell 1995

This code is based on code written by Patrick Powell (papowell@astart.com) It may be used for any purpose as long as this notice remains intact on all source code distributions

# Kopiering – bare den er stygg

- **Swedish Market Court, MD 2006:3**
  - No danger of confusion
  - MD 2004:23 found that the design of the LEGO bricks essentially are functional. No legal obstacles within market law to market bricks that are compatible with LEGO.
  - the design of the COBI models differed, e.g. COBI, but not LEGO, had bricks in silver.
  - the COBI packages differed from LEGO's: they were “messier” 😊

## COBI Byggeklosser - populær gave til barn

Multicom [no-reply@multicom.no]

Sent: fr 2009-11-06 14:59

To: Haakon Thue Lie



- Mye innhold i pakkene
- God kvalitet
- Rimelig
- Kan brukes med andre merker

Endelig finnes det et rimelig alternativ! COBI er en stor aktør på det europeiske markedet og nå fås de endelig også i Norge - hos Multicom. Brikkene går om hverandre med andre byggeklosser.



**COBI ACTION TOWN: Crane & Forklift - kran og truck, 330 brikker**

Alder: 5+

Varenummer: C1642

**245,-**

[Mer info](#)

(196,- ekskl. mva)



**COBI ACTION TOWN: Digger & Dumper, gravemaskin og dumper, 500 brikker**

Alder: 6+

Varenummer: C1651

**450,-**

[Mer info](#)

(360,- ekskl. mva)



**COBI ACTION TOWN: Fire Squad brannbil, 115 brikker**

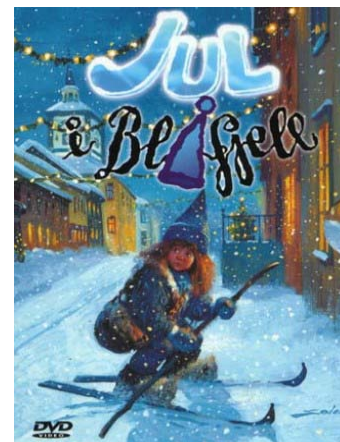
Alder: 5+

**95,-**

[Mer info](#)

## Hvem eier hva og når og hvor?

- **Lov om arbeidstakeroppfinnelser**
  - ”her i riket”
    - Norsk patentsøknad til USA – oppfinner eier
      - Assignement
    - ”Oppfinnelse” – hva er det, når er det det
  - **Opphavsrett**
    - Ideelle rettigheter
      - (HR-2006-01045-A) Om NRK selger programstoff til reklame for produkter som ikke har sammenheng med NRKs virksomhet, må opphavsmannens samtykke innhentes.
      - **NRK**-logoen ble til NRK I. Opphavsmann Ingolf Holme lagde opprinnelige logoen var før han ble ansatt. Forlik
  - **Arbeidsresultater**
  - **Ulovfestet lojalitetsplikt**
    - Domener
    - Varemerker





## Trade secrets – knowhow - NDA

- **Know-how is non-patented information that is kept secret**
  - Must be possible to identify
  - Need for effort to keep secret
  - Must be business critical
- **Documentation is needed for**
  - the secret
  - how kept secret
  - how employees and partners who knew could distinguish it from general knowledge
- **Non Disclosure Agreement -NDA**
  - Could just repeat what law says in Norway
  - Could make you liable in US for 20 million USD or more
  - Read it carefully – consult legal advice before signing

## NDA and patents

- **A joint development consortium, you have the right to commercialize and file patents.**
- **Before you start Disclosure the projects, Non Disclosure Agreements are signed with partners.**
- **The project evolves...one year, two... your organisation files for a patent**
  - After 18 months get public
- **The most spectacular way to violate an NDA is filing for a patent**

# Patent law has been harmonized since 1883 but is still *national*

- **The Paris convention in 1883**
  - Rules for priority and deadlines and tools.
  - Reviewed appr every 20th year since the
  - 169 member states.
    - Do check: e.g. Angola, Ethiopia is not.
  - Patent Law Treaty – from 2000, still few members
- **PCT – Patent Cooperation Treaty**
  - Simultaneous filing in 126 states.
    - Do check: e.g. not Argentina, Angola, Thailand, Venezuela..
  - Handled by WIPO World Intellectual Property Organisation in Geneva
- **Regional Patent Cooperation, e.g. European Patent Organisation EPO**
  - Russia/CIS one, African one etc etc.
  - Singapore and Japan, Dutch solution
- **TRIPS – The Agreement on Trade-related Aspects of Intellectual Property**
  - since 1995 regulating trade with IPR
  - All WTO members
    - Case: China joins WTO



[www.wto.org/english/tratop\\_e/trips\\_e/trips\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/trips_e.htm)  
[www.wipo.int](http://www.wipo.int)

## Fundamental:

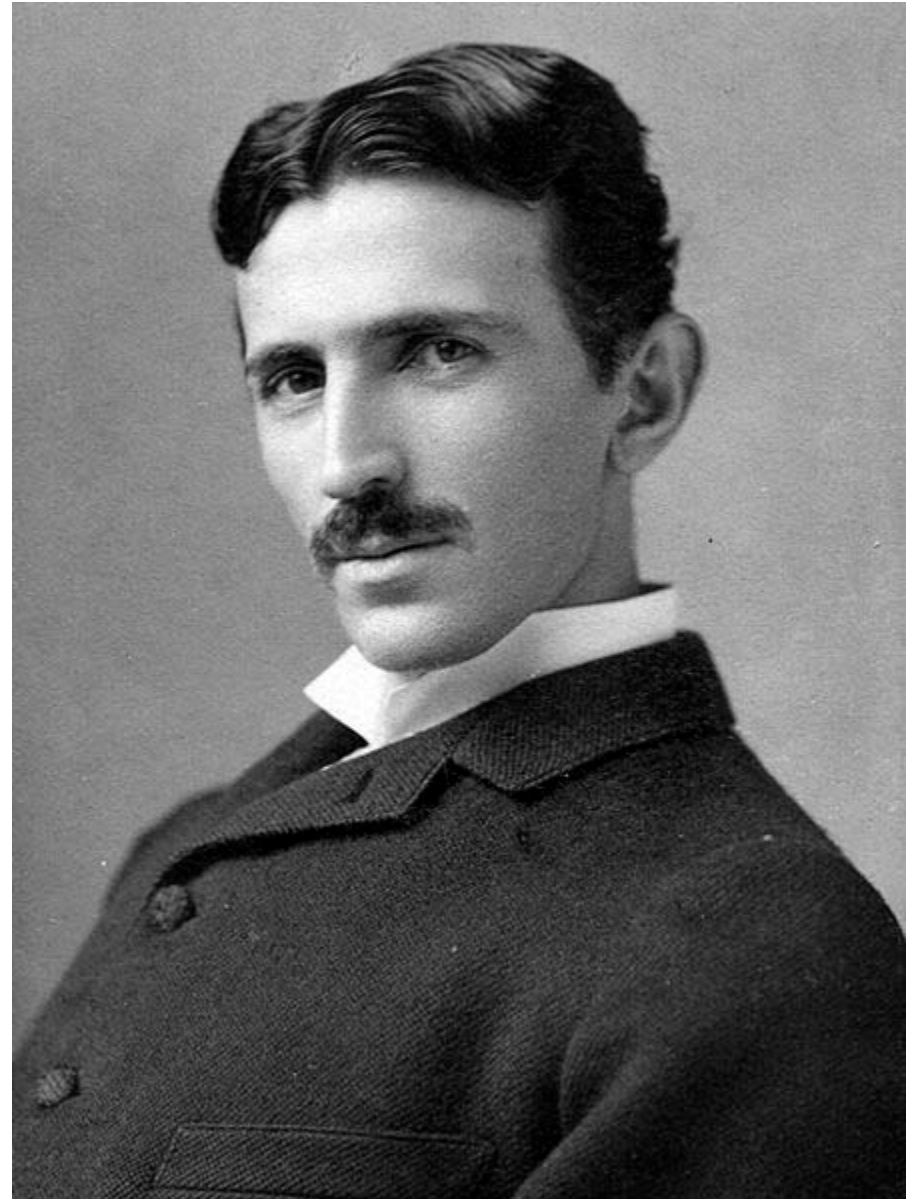
### A patent is a bet between a state and an inventor

- **The aim of the patent system is innovation and industrial progress**
- **An inventor disclose completely the inner works of the invention that solves a known problem.**
- **Provided that the invention is**
  - New
  - Inventive
  - Industrial useful

the inventor is granted a 20 year monopoly in that state, and has to pay fees for that monopoly. (No other way to get a monopoly!)
- **There is no police looking after your rights, you must defend them in court.**
  - You may infringe another patent, when using your own. Thus, patent is the right to exclude others.
- **There are agreements among most nations (Paris convention, PCT) that respect priority and other rights for foreign citizens.**
- **If a better way to solve the problem is found by others, the inventor has lost the bet and spent ten thousands of euros enlightening competitors.**

## Oppfinnere - hvem

- **Patent**
  - Nytt
  - Oppfinneshøyde
- **Oppfinner**
  - Udefinert i store deler av verden
  - Veldig definert i USA
    - Sameie
    - Feil oppfinner - konsekvenser
- **System bla. ved universitetene**
  - Fordelingsnøkkel for inntekter



## Patents are for inventions

- **An invention solves a technical problem**
  - Thus in Europe: Software patents must show a technical effect
  - In US and in line with TRIPS: “patents shall be available for any inventions, whether products or processes, in all fields of technology”
- **Games, algorithms, plants, discoveries like natural processes, bacteria, animals, genes, surgical or diagnostic or therapeutic treatment – or indecent proposals – cannot be patented.**
  - Subject to national law – and moral
    - Methods for cloning of humans, applications of embryos etc. etc.
  - The military can grab your invention and the patent become secret
    - Foreign filing license
- ***If you have an invention – and a good patent attorney, you can***
  - *The artificial Diamond case – ASEA and GE 1950ies*
    - *Lesson: Something can always be patented*



## Turning a discovery into an invention

- **A new microorganism is a discovery**
  - A chemical compound isolated from that organism may be possible to patent.
  - Application of a known organism to something industrial outside its natural environment may be possible to patent.
  - Deposit organism, if cannot be described
- **The workings of a gene is a discovery**
  - Genetically modifications for plants may be possible to patent
    - i.e. not the plant by itself, but an effect of that gene applicable to more than one sort of plants.



## Process

- **Writing the application – e.g. 100 hours from the researcher, unless based on good documentation – and 20 hours from business developer.**
- **The patent prosecution process typically involves:**
  1. Filing a patent application by inventor or **applicant**.
  2. Formalizing of application (**signatures** by inventors or applicant), often filed at the same time as the application.
  3. Establishing of a **prior art search report** by the patent office.
  4. **Publication** at 18 months from earliest claimed filing date. US applicants can **request non-publication** if the application is not filed outside the United States.
  5. **Review** by the examiner or the **Examining** Division, including **communication** with applicant to modify the claim language, if needed.
  6. **Grant** of the patent (if it the patentability criteria are met) and publication of the issued patent.
  7. **Opposition** period, during which anybody (e.g., other companies) can challenge the patent grant. This is not applicable for the US where other procedures are available, namely the reissue **and re-examination** procedure. In several countries, oppositions can be filed before the grant of the patent.

Source: Wikipedia  
(Wikipedia is very good at Intellectual Property Rights)



# Examination procedure

- **The specifics of the examination process include:**
  1. Verifying that **claims** are for a patentable subject matter.
  2. Ensuring **unity of invention**, since each patent application can only be for one invention (called "restriction" practice in the United States).
  3. **Formalities**. Ensure that the drawings, description, and claims meet all formal requirements.
  4. **Utility or industrial applicability**.
  5. **Novelty (newness)**
  6. **Non-obviousness or inventive step**.
- **Different patent systems use different terms and different standards for these concepts, of which the most important probably are: patentable subject matter, novelty, non-obviousness and sufficient disclosure.**

Source: Wikipedia

## Structure of a patent and patent application

- **Bibliographic data**
  - IPC- Int. Patent Class, Priority date, Assignee/Inventor, Designated Country
- **Abstract**

WO 2005/041912

(54) Title: ORAL HYGIENE PRODUCT

(57) Abstract: An oral hygiene product, such as tooth paste, is described. A method for controlling undesirable bacterial flora in the oral cavity, as well as the use of the plant Sphagnum, are also described.

- **Description**
- **Preferred embodiment**
- **Claims**

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property  
Organization  
International Bureau



(43) International Publication Date  
12 May 2005 (12.05.2005)

PCT

(10) International Publication Number  
**WO 2005/041912 A1**

- (51) International Patent Classification<sup>7</sup>: A61K 7/26, A61P 31/04
- (21) International Application Number: PCT/NO2004/000326
- (22) International Filing Date: 27 October 2004 (27.10.2004)
- (25) Filing Language: Norwegian
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- (30) Priority Data: 20034847 30 October 2003 (30.10.2003) NO
- (71) Applicant (for all designated States except US): NTNU TECHNOLOGY TRANSFER AS [NO/NO]; S.P. Andersensvei 5, N-7491 Trondheim (NO).
- (72) Inventors; and  
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- (74) Agent: BRYN AARFLOT AS; P.O.Box 449 Sentrum, N-0104 Oslo (NO).
- (81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
- (84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).
- Published:**  
— with international search report
- For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.*

# How to read a patent/application

- **Abstracts**
- **Derwent titles available from e.g Delphion**

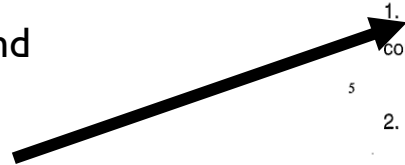
<a href="#">WO05041912A1</a>	Oral hygiene product, e.g. toothpaste, for controlling undesirable bacterial flora on teeth and in oral cavity, contains plant Sphagnum or extract [ <a href="#">Derwent Record</a> ]
	ORAL HYGIENE PRODUCT

- **Read start of description, look at drawings, read claims.**
- **Check dates, assignee, legal status**
- **When searching:**
  - Need for speedreading 200 patents

# Device, Product, Method, System, Arrangement, Software, Signal, Use.....Dependent, Independent

## Claims

- Two main types: “device”/”product” and “use” /“method”
  - Use claims e.g.
  - Important with regard to infringement – e.g. if only the end-user will infringe a device claim, and you wish to hit the manufacturer.
  - US business method patents is what often is referred to as “software patents”
- Dependant claims refer to others, and detail them



1. The use of the plant Sphagnum, or extract thereof, together with conventional fillers for the production of tooth paste having antibacterial effect.
2. The use of the plant Sphagnum, or extract thereof, in tooth paste.
3. The use of the plant Sphagnum, or an extract thereof, in a composition for reducing the amount of bacterial flora on teeth and in the oral cavity.
4. An oral hygiene product, characterised in that it contains the plant Sphagnum, or extract thereof, together with conventional fillers.
5. The oral hygiene product of claim 4, characterised in that it is a tooth paste.
6. A method for controlling undesirable bacterial flora on teeth and in the oral cavity by means of an oral hygiene product, preferably a tooth paste, containing the plant Sphagnum, or extract thereof.

# Claims

- **Ist claim**
- **Preamble**
  - Different in US and Europe
- **Dependant claims**
- **Previously US claims were very different from European Claims**
- **Claim is not an exact science – national legislations that change over time**



## [Patenters beskyttelsesomfang](#) [Are Stenvik](#)

Innbundet, 2001, 1. utg.  
[Innholdsfortegnelse](#)  
Cappelen akademisk, 864 sider  
Norsk Bokmål  
ISBN: 8202212618

Leveringstid: 3-10 dager

Pris: 898,00

BESTILL

## Unity – one invention – The right inventors

- **One patent per invention**
  - Unity exists when there are one or more technical features in common.
  - Divisions and continuations
  - In particular in the US a base patent applications can have many, many continuations: new applications or variations of the same inventions or divisions – different inventions originally gathered in one application
    - The PTO may demand that you divide or choose what is the invention
  - If US patenting (and not PCT) – you do not need publications – and the forest of continuations and divisions may surface like a submarine.
- **Inventor is the one who made the inventive step – not someone who contributed or made it possible.**
  - Make a map of the claims and inventors. Have the inventors sign it. Use US rules as an excuse.
  - In the US: wrong inventor could make the patent invalid and a forgotten inventor could claim co-ownership.

# Do not write the patent yourself

- i.e. do not write the claims
- **Do write the rest - have a team with inventor, patent attorney/agent/engineer and someone from marketing.**
- **Do not let the inventor and a patent engineer write and file without review**
  - Always involve someone who understand the value chain/configuration for the product/service
- **Understand the difference between US patent agents and attorneys – and European Patent Attorneys with exam and agents. Is there a certified Norwegian European Patent Attorney ?**
- **Understand the correspondence system used by many patent agents – they do not always know the quality of the local agent. For important countries, make up your own mind, check who is the agent. Call them.**



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## The Patent agent/attorney/engineer

- **Expert on claim drafting**
  - Not on your business
- **Improves your invention 😊**
- **Knows a lot of national details – where are the borderlines for patent claims**
- **New matter cannot be introduced – invalidation by the PTO or later in court.**
- **Knows the national and international procedures**
- **Handles opinions and oppositions**
- **Keeps track of all deadlines – docketing system**
- **Pays fees**
  - Note: for a portfolio you could save a lot from using firms specialising in fee payments.



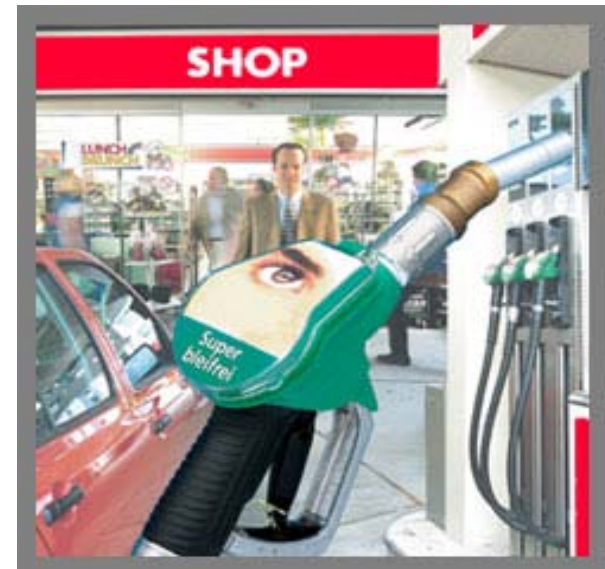
# CASES

## Patent – but is it relevant ?

Patent myth - The Alvern patent  
from Cato Nyberg, Cisco

**“Stein Alvern har fått patent på reklame  
på bensinpumpestoler”**

**- Dagens Næringsliv**



## The claimed invention (EP0836733)

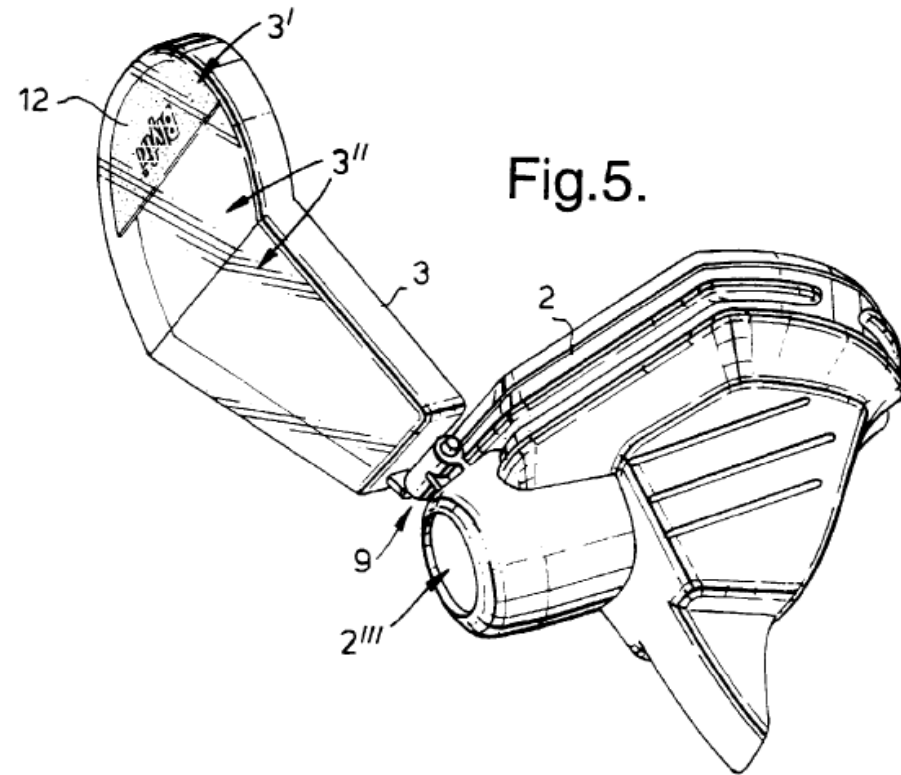
1. An information supporting device for the display of information and/or advertising, the device being adapted to be placed on a fuel pump filler gun, whereby the device comprises a supporting member having an upper surface portion for the support of an information and/or advertisement card, and where a top member can be placed on the supporting member at the surface portion thereof and through which information and/or advertising provided on the card are visible,

**characterised in**

that the top member (3) is a cover (3) of a transparent plastic material which is pivotally connected to the supporting member (2), and

that a first, minor portion of the cover (3), seen in the axial direction of said cover, has a surface area (3') provided with non-detachable information (12) with regard to the fuel type delivered from the filler gun, and

that the cover (3) has a second, major portion (3''), seen in the axial direction of said cover, through which the information and/or advertisement (7) provided on said card (6) is visible.



## The claimed invention (EP0836733)

1. An information supporting device for the display of information and/or advertising, the device being adapted to be placed on a fuel pump filler gun, whereby the device comprises a supporting member having an upper surface portion for the support of an information and/or advertisement card, and where a top member can be placed on the supporting member at the surface portion thereof and through which information and/or advertising provided on the card are visible,

characterised in

that the top member (3) is a cover (3) of a transparent plastic material which is pivotally connected to the supporting member (2), and

that a first, minor portion of the cover (3), seen in the axial direction of said cover, has a surface area (3') provided with non-detachable information (12) with regard to the fuel type delivered from the filler gun, and

that the cover (3) has a second, major portion (3"), seen in the axial direction of said cover, through which the information and/or advertisement (7) provided on said card (6) is visible.

EPO Rule 29 (1)(a): A statement indicating the designation of the subject-matter of the invention and those technical features which are necessary for the definition of the claimed subject-matter but which, in combination, are part of the prior art

## The claimed invention (EP0836733)

1. An information supporting device for the display of information and/or advertising, the device being adapted to be placed on a fuel pump filler gun, whereby the device comprises a supporting member having an upper surface portion for the support of an information and/or advertisement card, and where a top member can be placed on the supporting member at the surface portion thereof and through which information and/or advertising provided on the card are visible,

**characterised in**

that the top member (3) is a cover (3) of a transparent plastic material which is pivotally connected to the supporting member (2), and

that a first, minor portion of the cover (3), seen in the axial direction of said cover, has a surface area (3') provided with non-detachable information (12) with regard to the fuel type delivered from the filler gun, and

that the cover (3) has a second, major portion (3''), seen in the axial direction of said cover, through which the information and/or advertisement (7) provided on said card (6) is visible.

EPO Rule 29 (1)(b): The second part or "characterising portion" should state the features which the invention adds to the prior art, i.e. the technical features for which, in combination with the features stated in sub-paragraph (a) (the first part), protection is sought.

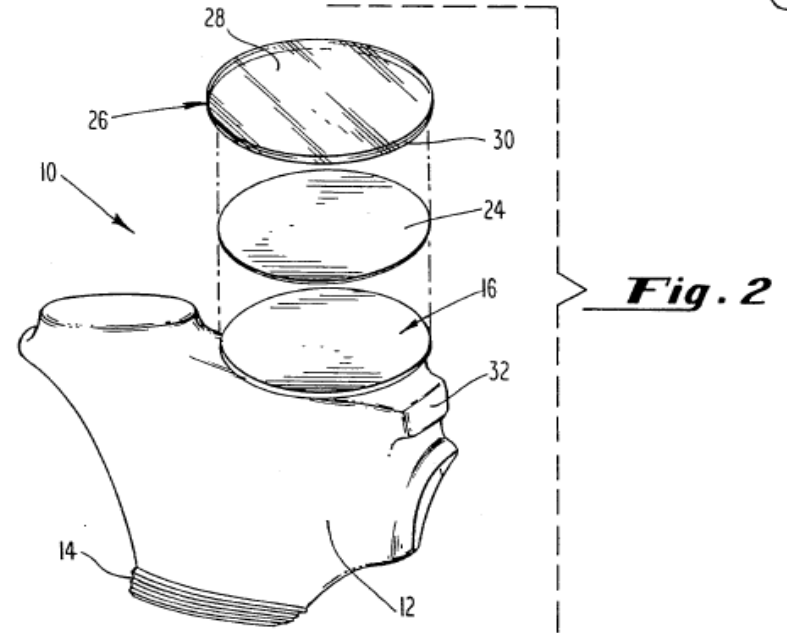
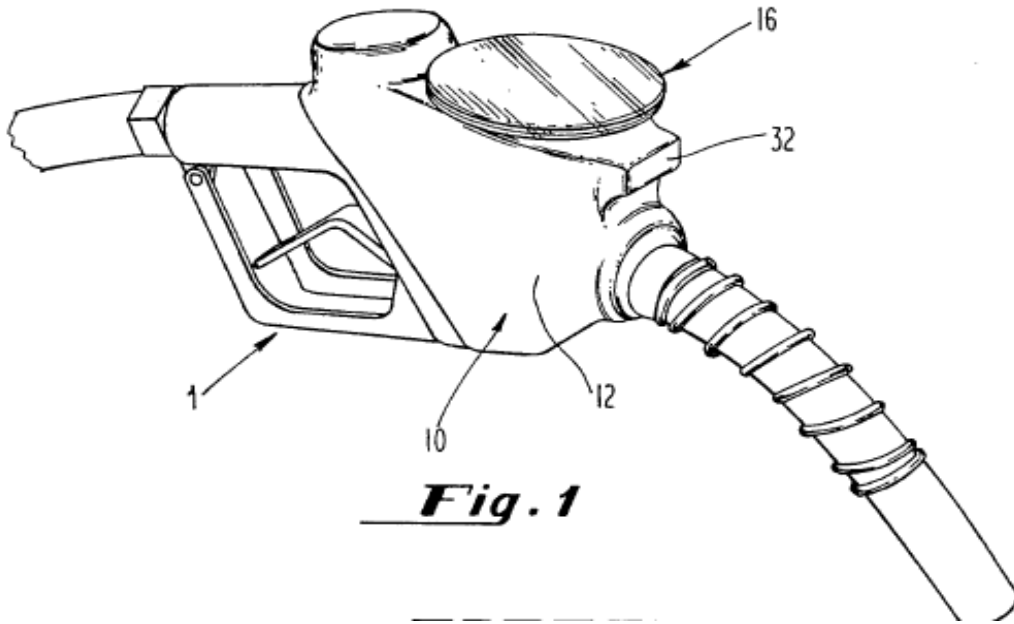
# Prior art

U.S. Patent

Oct. 22, 1991

Sheet 1 of 3

5,058,637



## The claimed invention (EP0836733)

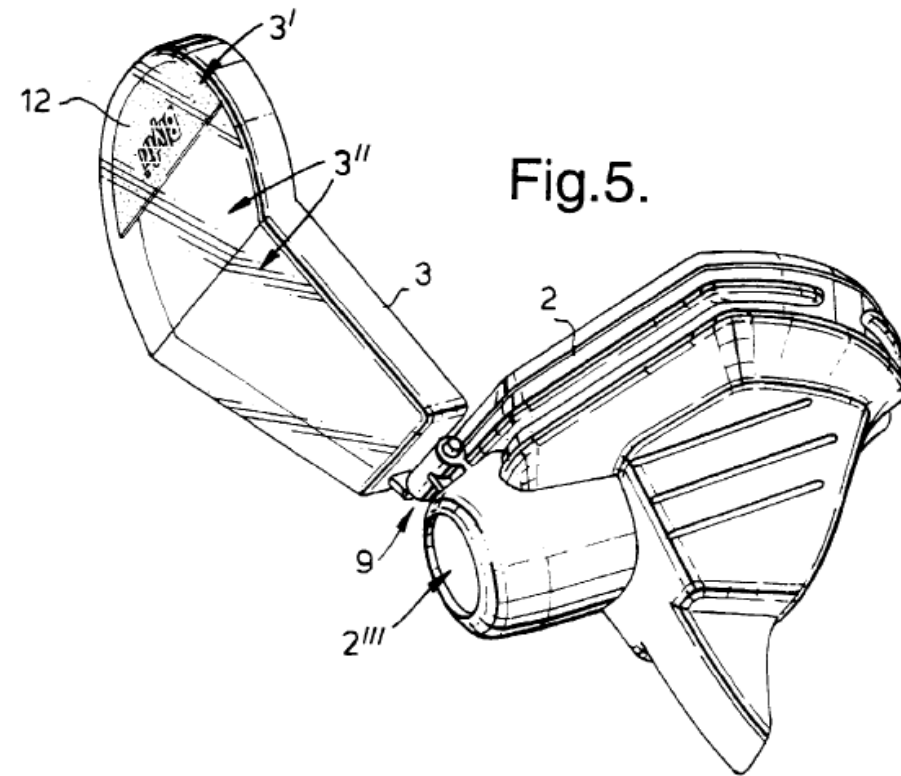
1. An information supporting device for the display of information and/or advertising, the device being adapted to be placed on a fuel pump filler gun, whereby the device comprises a supporting member having an upper surface portion for the support of an information and/or advertisement card, and where a top member can be placed on the supporting member at the surface portion thereof and through which information and/or advertising provided on the card are visible,

**characterised in**

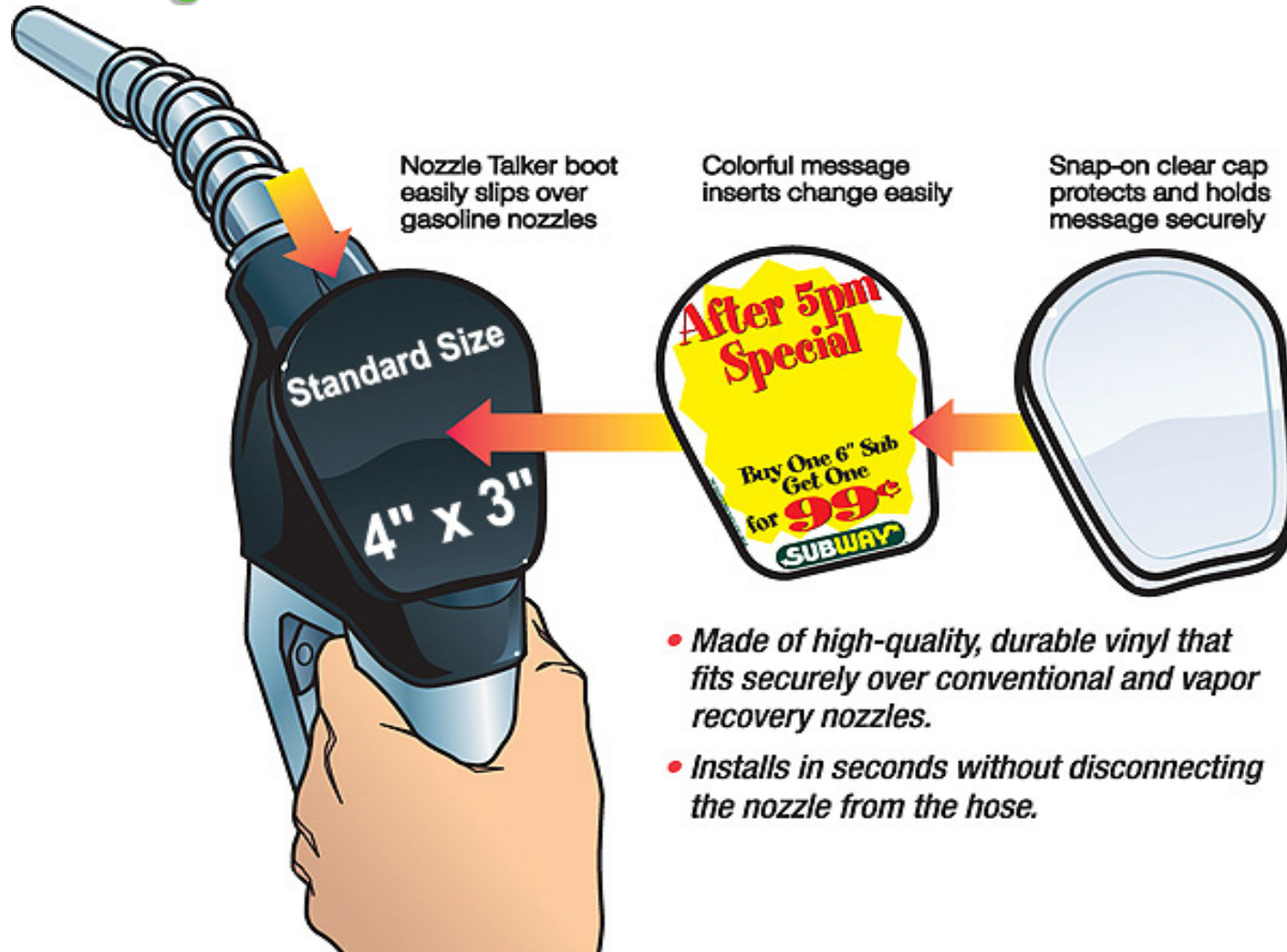
that the top member (3) is a cover (3) of a **transparent plastic material** which is **pivotally connected** to the supporting member (2), and

that a **first**, minor portion of the cover (3), seen in the axial direction of said cover, has a **surface area** (3') provided **with non-detachable information** (12) with regard to the fuel type delivered from the filler gun, and

that the cover (3) has a **second, major portion** (3''), seen in the axial direction of said cover, **through which the information** and/or advertisement (7) provided on said card (6) **is visible**.

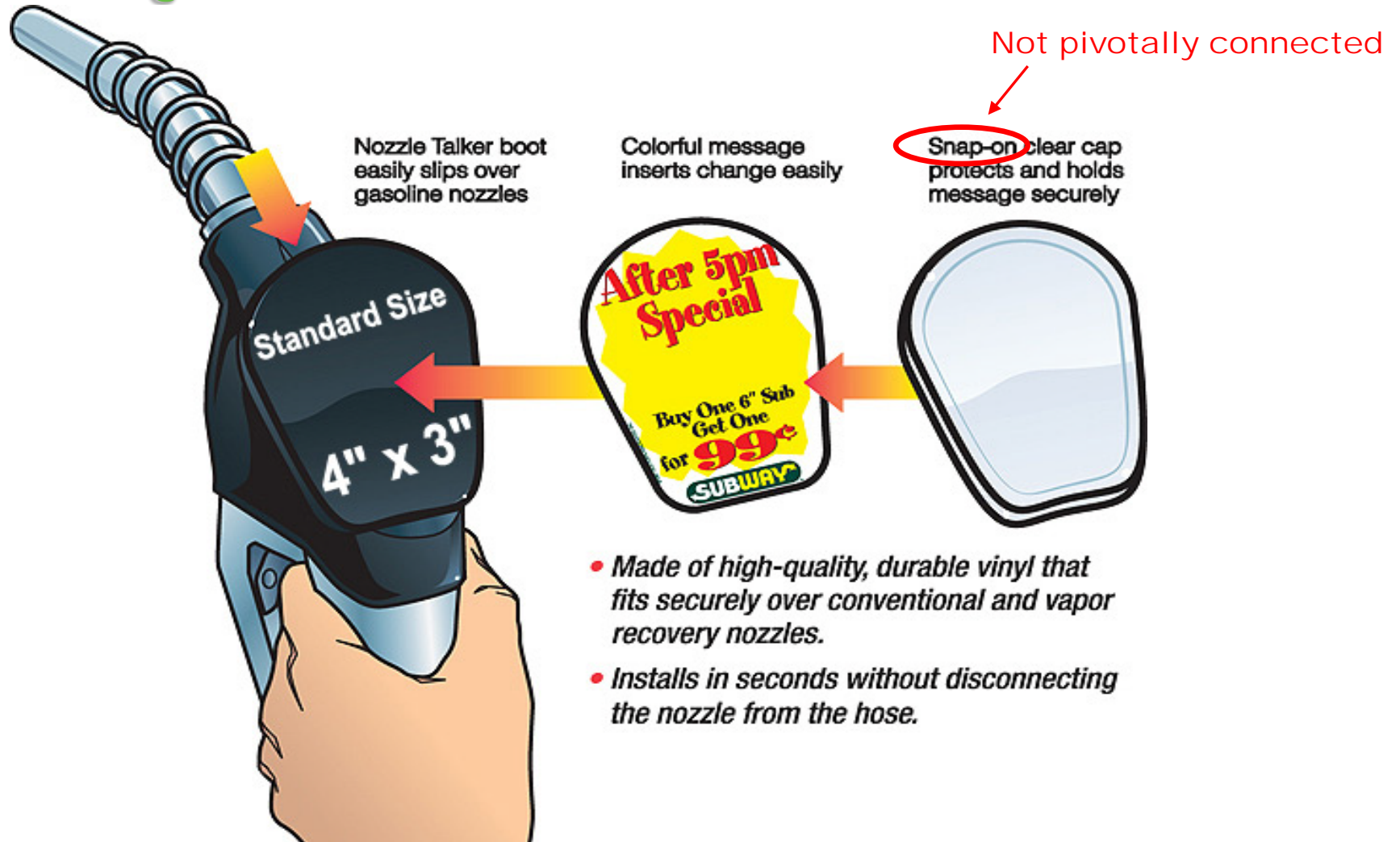


## How to “get around it”.

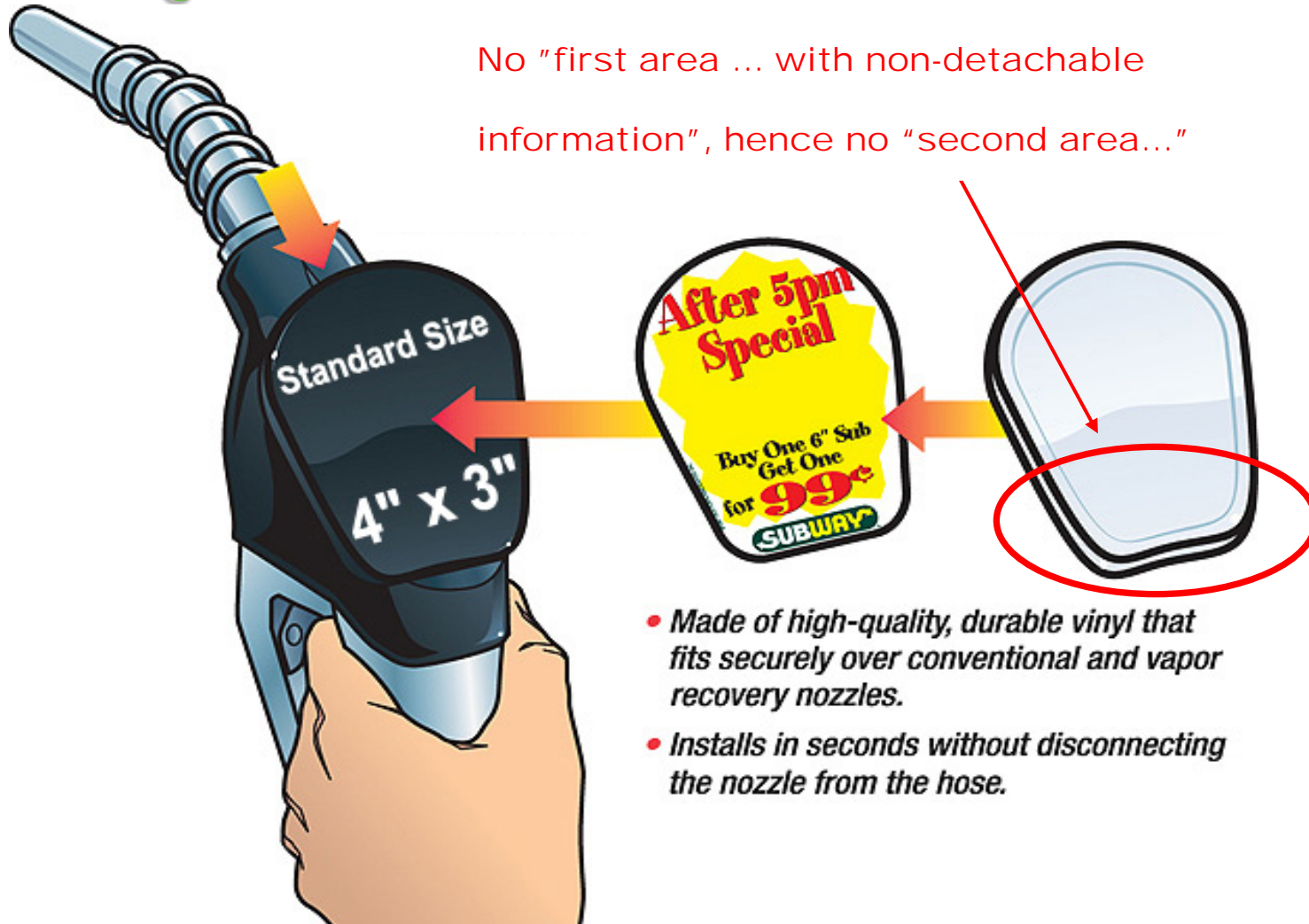




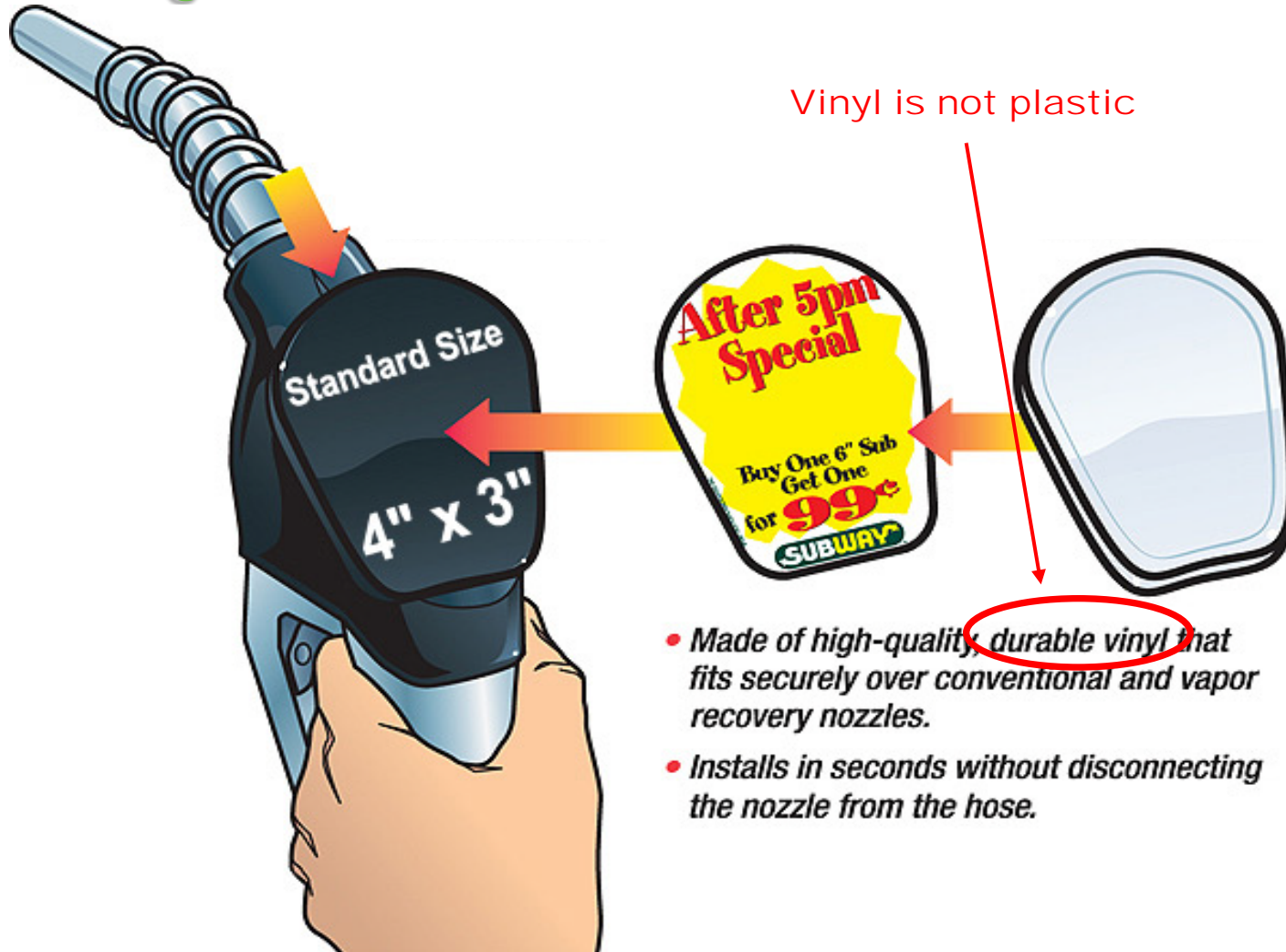
## How to “get around it”.



## How to “get around it”.



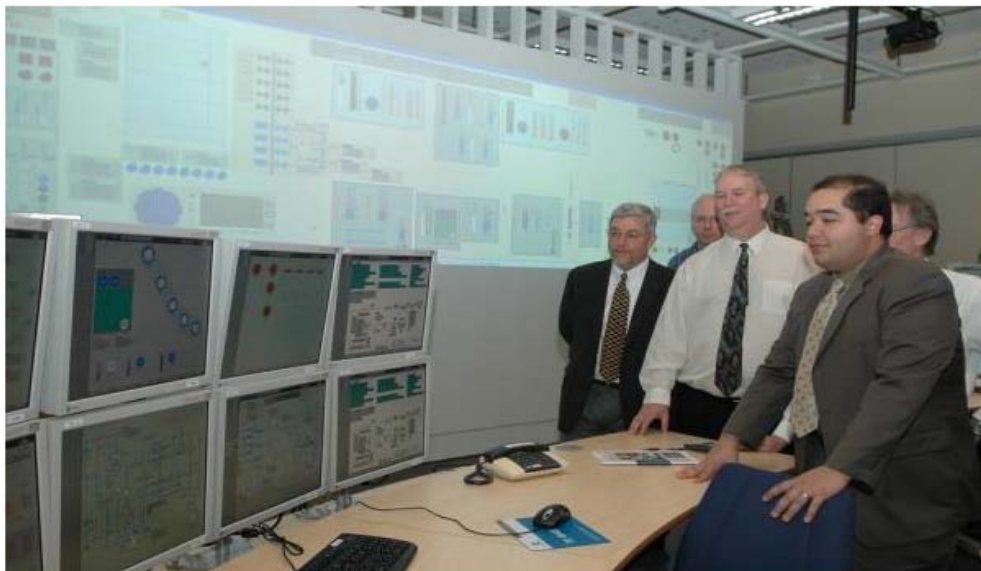
## How to “get around it”.





January 2012

# Institutt for energiteknikk - IFE



IMPONERT: Delegasjonen fra Unites States Nucear Regulatory Commision er imponert over systemene utvikle ved IFE MTO i Halden. Fra venstre Mark S. Miller, Micheal A. Junge. Rådgiver Daniel Santos står ved operatørpulten. Foto: Anders J. Steensen



Rosenergo atom, St. Petersburg

## USA lærer om kjernekraft i Norge

En delegasjon fra USAs tilsynsmyndigheter for kjernekraft, US Nuclear Regulatory Commision, har vært på Institutt for Energiteknikk (IFE) for å lære om hvordan styre kjernekraftverk.

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Av Anders J. Steensen Publisert: 28.05.2008 kl. 07:00



January 2012

storskjermer på Ekofisk, Snorre, Staffjord A, B, C, Snøhvit, Ormen Lange, Troll A, Gjøa og Visund

## Case of using multiple rights

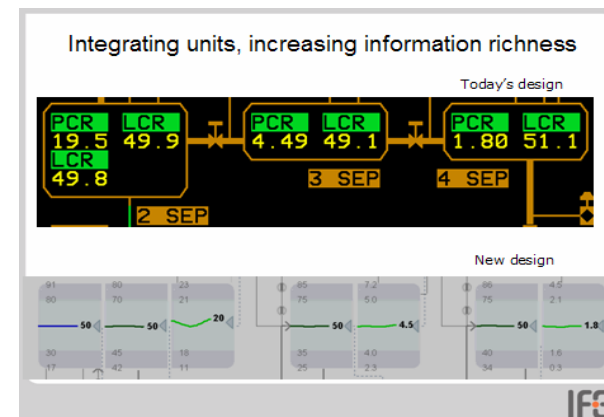
- **Unique user interface developed by IFE as part of control system software**
- **Publication in conference paper**
  - Only patent application in USA
  - Difficult area to patent
- **Before one year grace period, applications for design registration**
  - Screen display is new and difficult area
  - Rapid registration in EU and Norway, design patent application in US
- **Evaluation of extent of copyright**
- **Describe package that can be licensed**
  - concept, rights, know-how
- **Successful licensing to major industrial actors.**

### A Building Block for Information Rich Displays

Alf Ove Braseth, Robin Welch and Øystein Veland  
IFE Halden  
Email: alfob@hrp.no

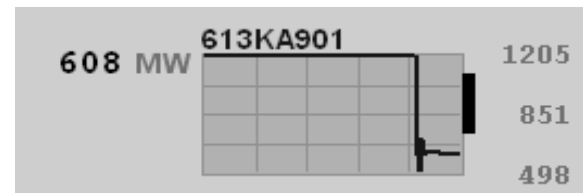
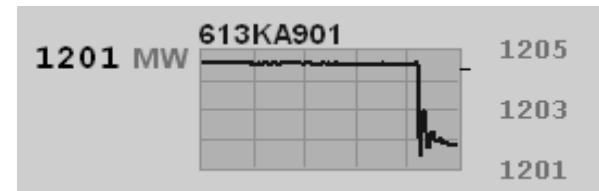
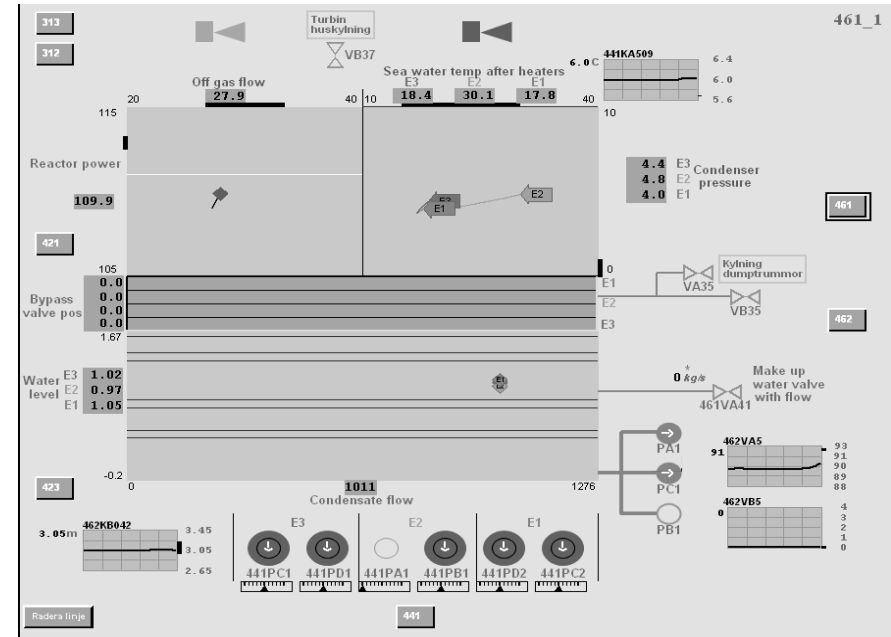
#### Abstract

This paper presents a feature called "the building block" developed for use in design of *Information Rich Displays*. The purpose of *Information Rich Displays (IRDs)* is to condense prevailing information in process displays in such a way that each display format (picture) contains more relevant information for the user. The need for a new approach to offshore display design is in particular based on shortcomings in today's designs related to the *key-hole effect*, where the display format only reveals a fraction of the whole process. Furthermore, the upcoming introduction of larger off-shore operation centres will increase the control room operators' *work domain* and workload due to the need of operating several processes in parallel. The proposed *IRDs* aim to meet this increasing workload by providing more relevant information to the operator.



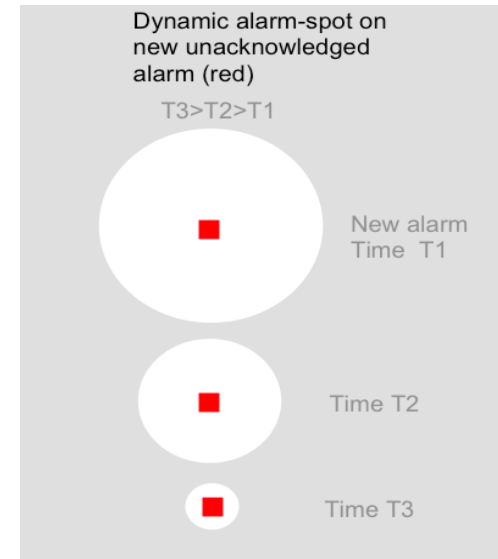
# Design vs patent

1. A computer supported display screen system comprising process monitoring displays (MON) showing information in condensed form; the process monitoring displays comprises part-plant displays showing an overview covering selected areas of a process plant, said part-plant displays comprising diagrams with graphs, which ordinates represent measured parameters and where the diagram's scale may be changed in order to let an operator more easily observe trends in values of the measured parameters characterised by that combined with the diagrams are one or more visual representation showing whether one or more area of the graph has been scaled, and said visual representation of scaling indicates range and place of the displayed ordinates relative to a larger range.

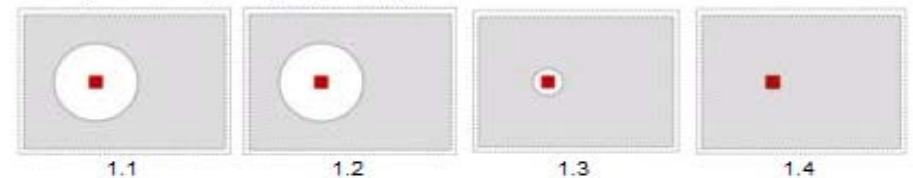


## Beveglig design 08255 I

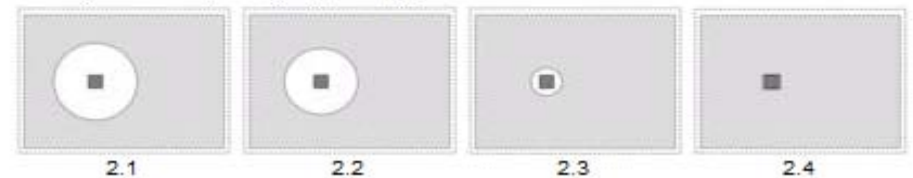
- **Hvis en animasjon ikke kan registreres som design, men enkeltbildene kan – så gir det ikke god nok beskyttelse.**
  - Det trenger ikke å være opphavsrett på en slik industriell løsning
  - Enkeltbilder trenger ikke være nye selv om animasjonen er det
    - I eksempel er ikke runding med firkant nytt
    - Animasjonen er ny



1. Skjerm bilde (beveglig design)



2. Skjerm bilde (beveglig design)

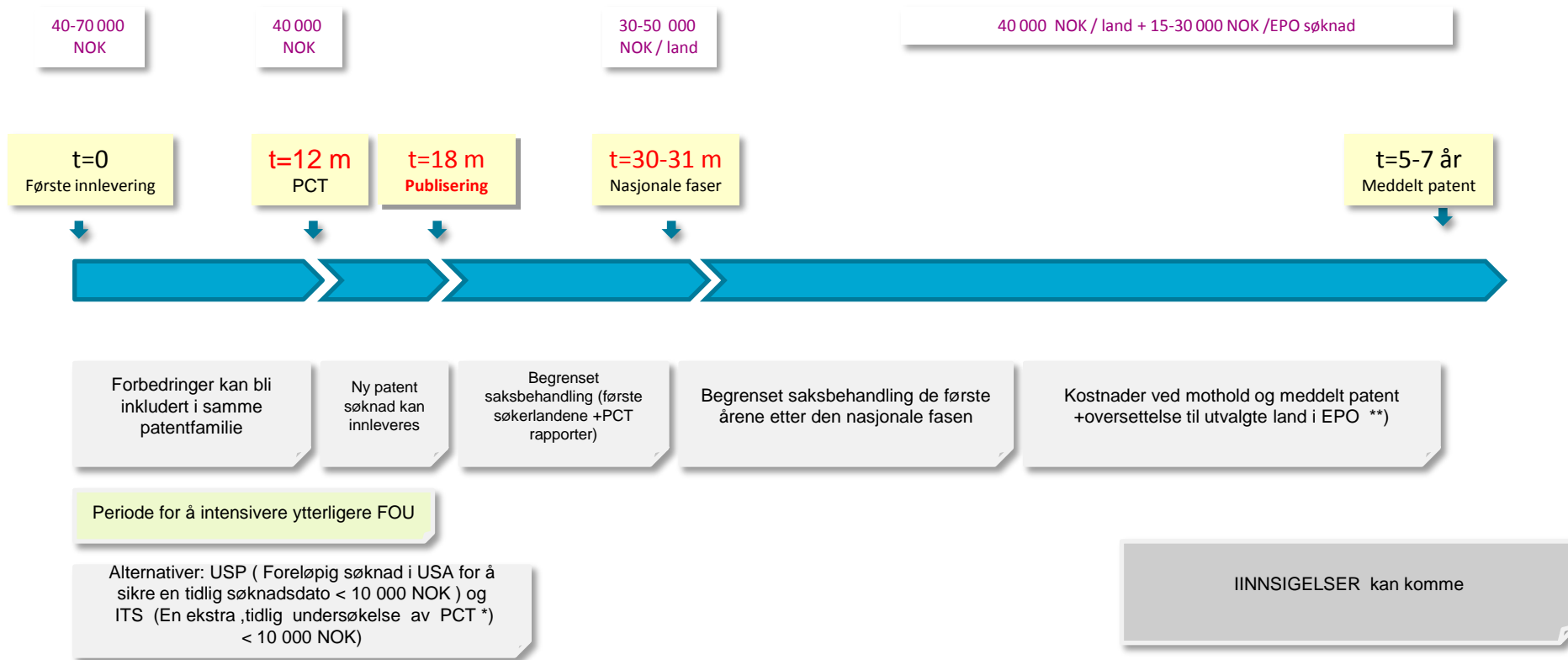




	Field	Requirements – Validity period	Examination
<b>Patent</b>	Technology Product, Process, Use of a product	Novelty, Inventive step, Industrial application Validity < 20 y (+ 5 years possible)	Grant 2-5 years Publication after 18 months
<b>Petty patent , utility model, Innovation patent</b>	Technology Product (mainly)	Lower requirements than for patents No harmonisation of rules between countries Validity 6-12 years	Registration directly No examination
<b>Design registration</b>	Visual appearance, not functionality	Novelty, Individual character - classes Validity < 25y – grace period : 12 m.	Grant after examination. Unregistered designs under certain conditions.
<b>Trademark registration</b>	Name, logo, sound and odour	Distinguishable over other marks - classes Validity < no limit if trademark is used and fees paid	Registration or Shown to be known within the field
<b>Copyright</b>	Artistic works Computer programs	Originality (low requirement) Prevents against copying and adaptations Validity < Life + 70y	Automatic © 2005, Acme AS
<b>Trade secrets, Know-how</b>	Anything that will give a company a competitive advantage by not being generally known	Positive measures to keep secret must be applied. Valid as long as secret. Note confusion on know-how vs trade secret	Protected by secrecy agreements
<b>Domain names</b>	Related to trademarks	Validity unlimited, fee payment	Registered by special authority
<b>Scientific Publications</b>	Publication	Novelty bar to later patent applications Content of patent applications can be published in Scientific Publications	Peer review
<b>Geographical indications</b>	Agricultural	Special legislation and marking	Political process

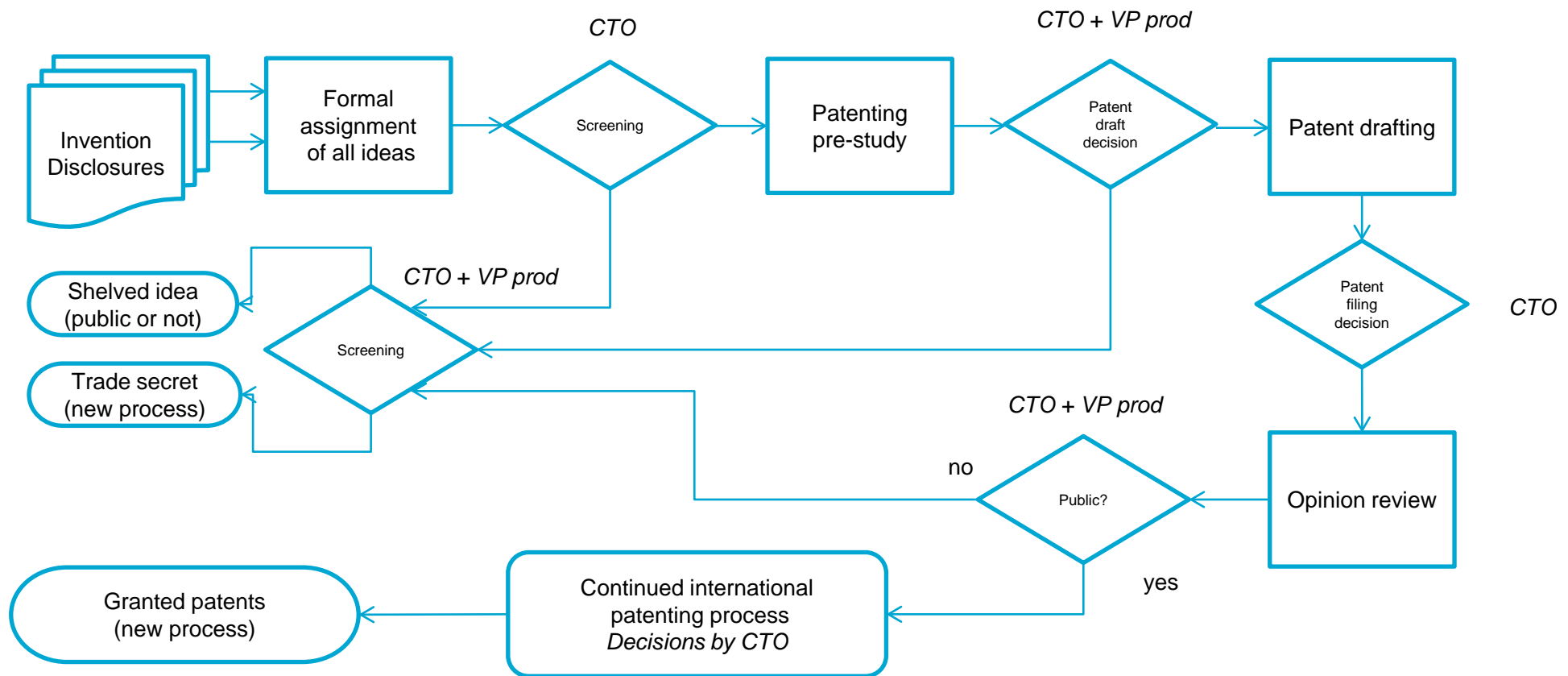
Also: plant varieties rights, Integrated Circuit Topologies, Databases, Indigenous Peoples' Rights and others

# **BUSINESS PLAN, DUE DIL**



\*) PCT\_En verdensomfattende ordning for forenklet innlevering – foretar forberedende behandling, men beslutter ikke om søknaden fører til patent

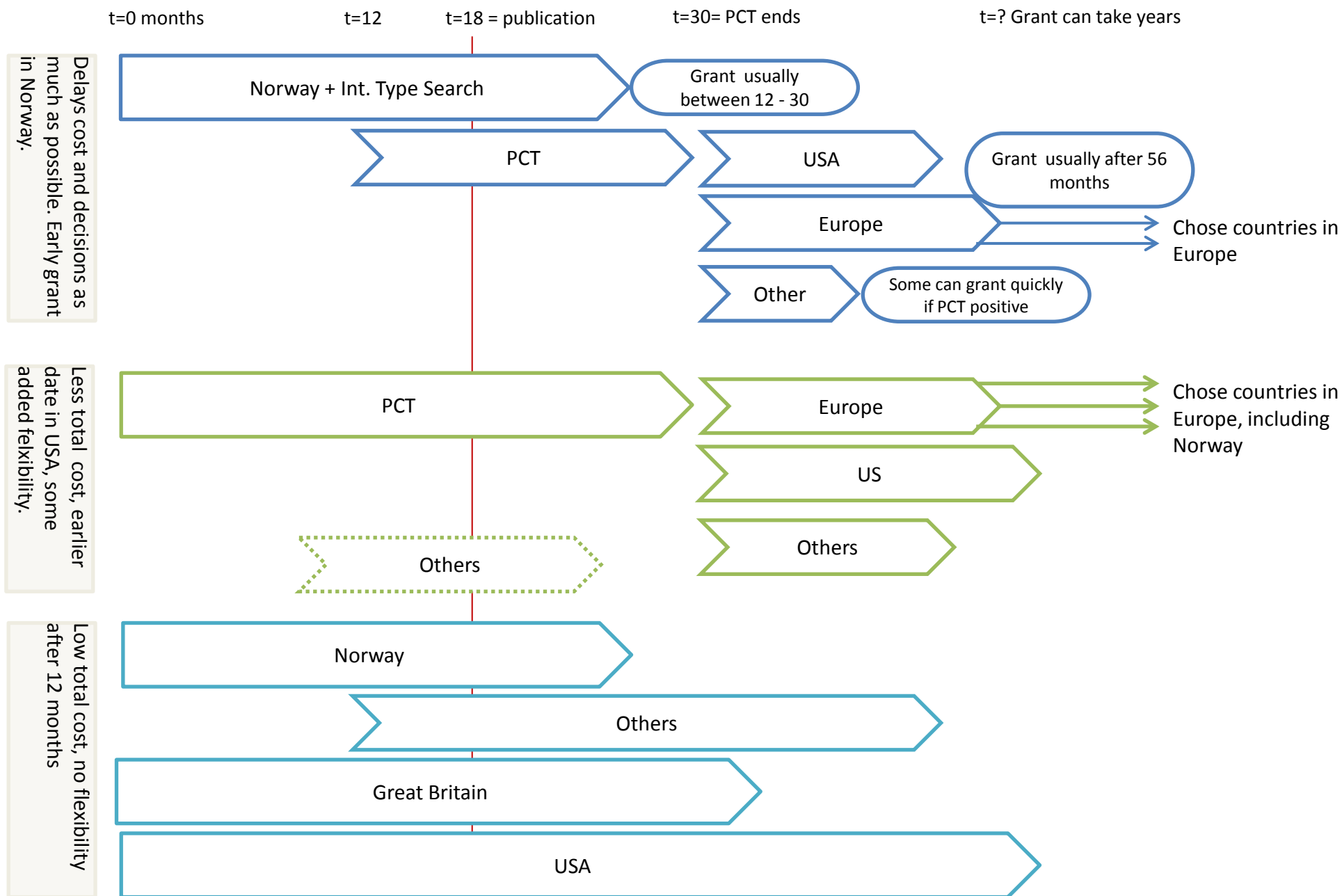
\*\*\*) EPO – Europeiske PatentOrganisasjon – innvilger patent for medlemslandene – men så må oversettelse og avgifter betales i hvert land («validering»)



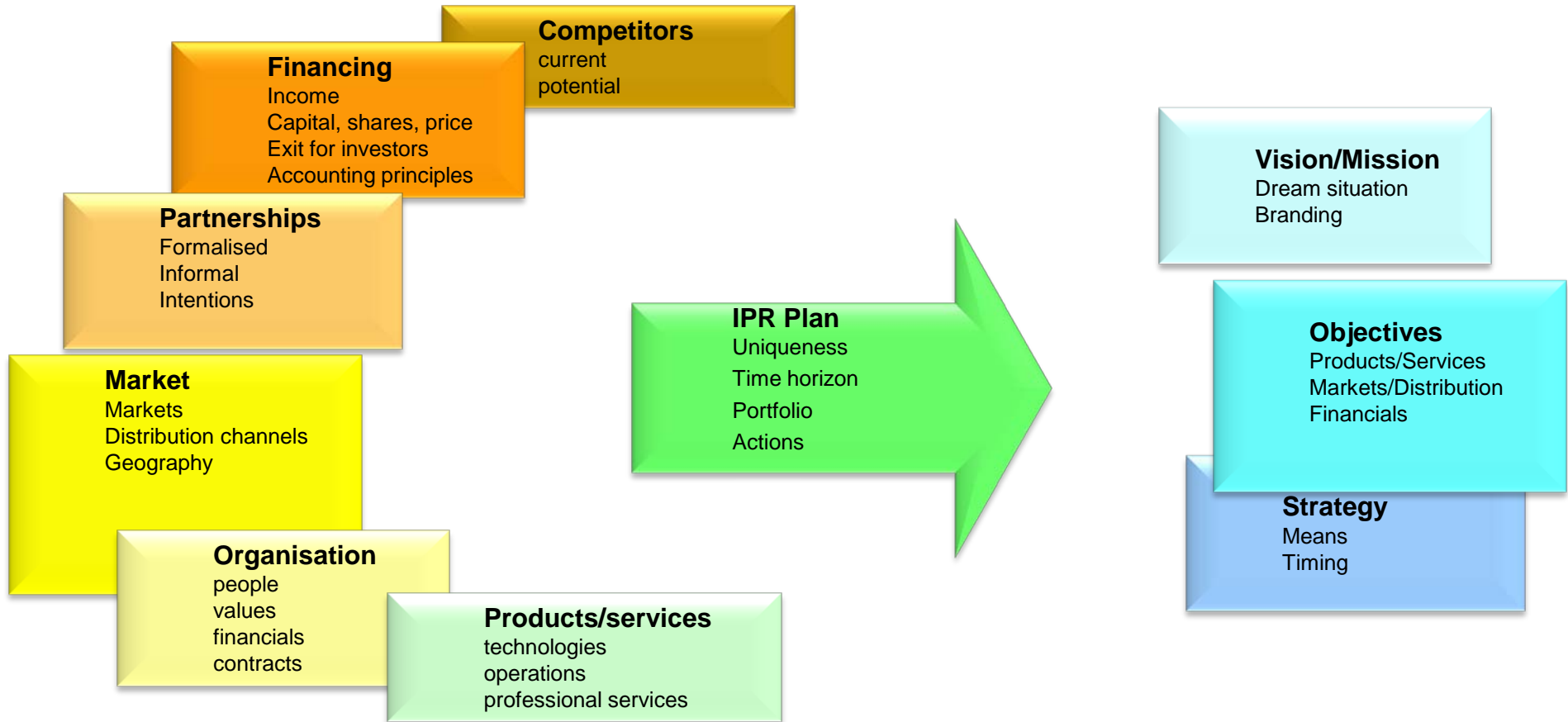
Notes:

- Invention Disclosures are also used for documenting “Background information” in cooperative R&D
- Assignments are the legal transfer of ownership to company
- For decision points, Vice President Products are included when decision concerns man-hours or product risk
- “Patent filing decision” is both decision to apply, and where, based on outcome of pre-study and drafting. There will be two classes of applications: “core” – to be filed widely, and “feature” – to be filed in US and Europe (or NO/GB) only.
- Opinion review evaluates the chances for actually getting a patent granted, based on Patent Office search report and opinion.
- “Public?” is the last chance to stop the publication of the patent application 18 months after filing
- There are many decisions to be taken during the international patenting process: CTO will be responsible for IP management.
- There are separate processes for IP management of granted patents and trade secrets. Trade secrets are handled similar to NDAs.

# Three patent filing options – there are many more options



## The Business plan should state how IPR contributes to mission and objectives



# The business plan must discuss how relevant IPRs are to the business idea

- **Financing**
  - Biotech vs ICT
    - Biotech is absolutely dependant on getting patents early
  - Upfront investment of IPR,
    - Few short term benefits from a patent application
    - Hard to spend time documenting trade secrets, when resources are needed for sales and deliveries
- **Strategic control and Freedom to Operate**
  - Most companies end up doing something different
    - First IPR may be of less value
  - Empty threat
    - Cannot afford litigation – and bigco knows
  - How do you secure Freedom to Operate

## ONLY write things that you would like your competitor to use against you in court

- Do not discuss specific infringement risk
- BUT discuss what you will do to have Freedom to Operate
  - Own IPR
  - Activities to create more IPR
  - Activities to search for competitors IPR and relate to that
- Do not discuss weaknesses in the prosecution,
- BUT state how IPR management will be done
- AND be honest about the scope of the IPR – e.g. covers a field or only a particular implementation



## EXTRAS

- **Markedsføringsloven, god forretningskikk og IPR**
- **Geografisk indikasjon - Beskyttet opprinnelsesbetegnelse i Norge, EU og øvrige verden.**
- **IPR i FoU-prosjekter og konsortier, samarbeid med Universitet og Høgskoler. Hva må mindre bedrifter passe spesielt på.**
  - De ti IPR-sjekkpunktene i løpet av et prosjekt.
- **Diskusjon i forhold til samarbeidsprosjekter.**
- **IPR-søk og overvåking**
- **Verdifastsettelse og lisensiering.**

# MARKEDSFØRINGSLOVEN, GOD FORRETNINGSKIKK OG IPR

## Roxar/Fluenta vs. FlowSys

Forøvrig ber innsiger om at patentet overføres til Roxar Flow Measurement i henhold til Lov om arbeidstakeroppfinnelser § 8. Innsiger støtter seg på publikasjon D4 og D5 i argumentasjonen.

Utvalget bemerker at det foreligger en på dette punktet rettskraftig dom av 19. mai 2003 i Stavanger Tingrett der dommen konkluderte med at Fluenta AS (nå Roxar Flow Measurement) ikke hadde krav på å få overført patentet til seg.

Utvalget tar dommen til etterretning, og spørsmålet om rettighetene til oppfinnelsen er det dermed ikke tatt stilling til under behandlingen av innsigelsen.

### DOMSSLUTNING I ANKESAKEN:

1. FlowSys AS forbys, alene eller i samarbeid med andre, direkte eller indirekte, enhver produksjon, salg og markedsføring av FlowSys AS' flerfasemålere TopFlow og SubFlow innenfor et tidsrom av 3 – tre – år.
2. FlowSys AS betaler erstatning til Roxar Flow Measurement AS med kr. 8.000.000 – åttemillioner – innen 2 – to – uker fra dommen er forkynt.
3. I saksomkostninger for lagmannsretten betaler FlowSys AS kr. 2.311.981,70 – tomillionertrehundreogellevetusennihundreogåttien 70/100 – innen 2 – to – uker fra dommen er forkynt. I tillegg kommer utgiftene til de sakkyndige, slik disse blir fastsatt av lagmannsretten, samt alminnelig forsinkelsesrente av saksomkostningene, herunder utgiftene til de sakkyndige, etter forsinkelsesrenteloven § 3 første ledd første punktum fra utgangen av oppfyllelsesfristen og til betaling skjer.

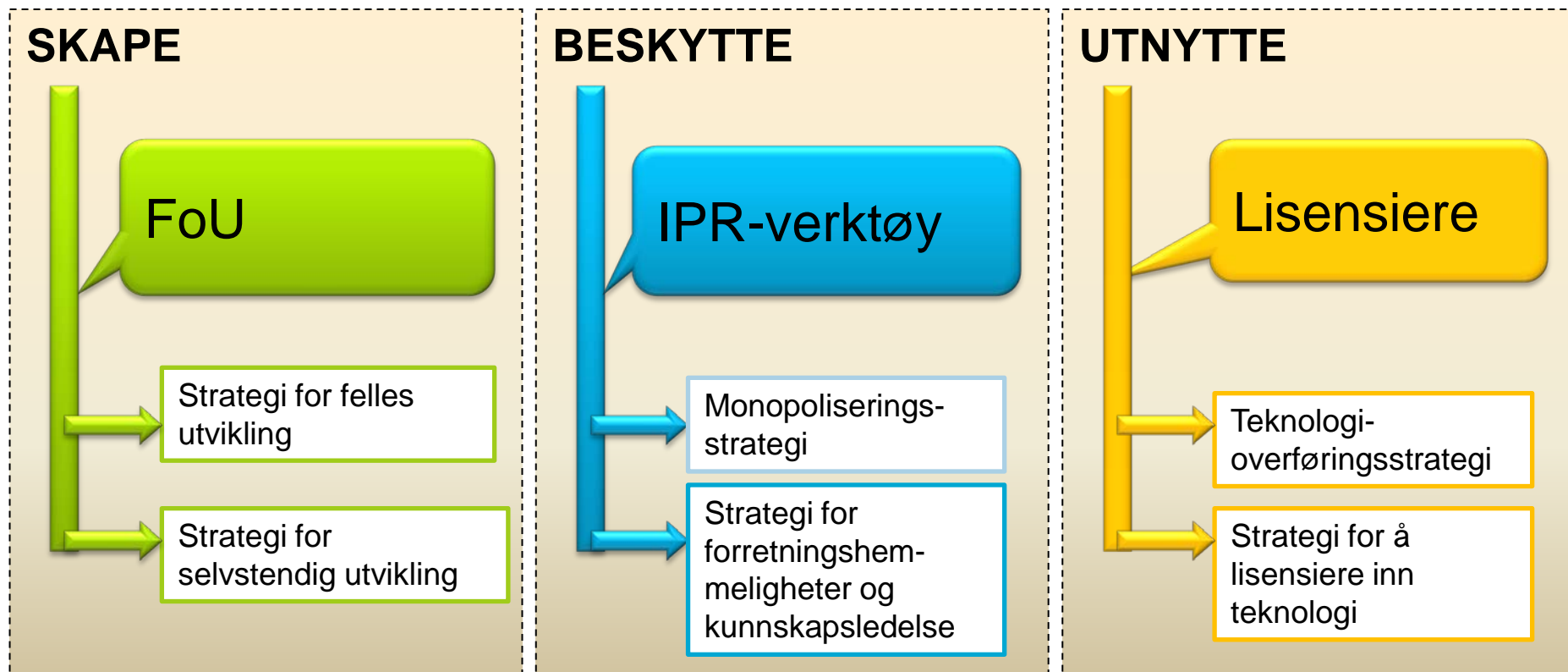
### Dette er saken

- Gründerne Audun Aspelund og Tor Widerøe etablerte FlowSys sammen med Martin Halvorsen i 1999 etter å ha jobbet med flerfaseteknologi utviklet av Fluenta, som senere ble oppkjøpt og innfusjonert i Roxar Flow Measurement as.
- Fluenta ble etablert av Christian Michelsens Institutt og Christian Michelsens Research i Bergen, hvor Aspelund jobbet. De to andre gründerne hadde også bakgrunn fra Fluenta.
- Da FlowSys etterhvert fikk patent på en flerfasemåler, mente Roxar denne representerte en etterligning av Fluentas teknologi.
- Roxar gikk til sak mot FlowSys, men tapte i Stavanger tingrett. Saken ble anket videre til Gulating lagmannsrett, hvor Roxar fikk medhold. FlowSys anket dommen fra lagmannsretten inn for Høyesterett.
- Etter at kjæremålsutvalget avviste anken, er det Roxar i Stavanger som har vunnet frem i den flerårige rettsfeiden.

Kilde; DN

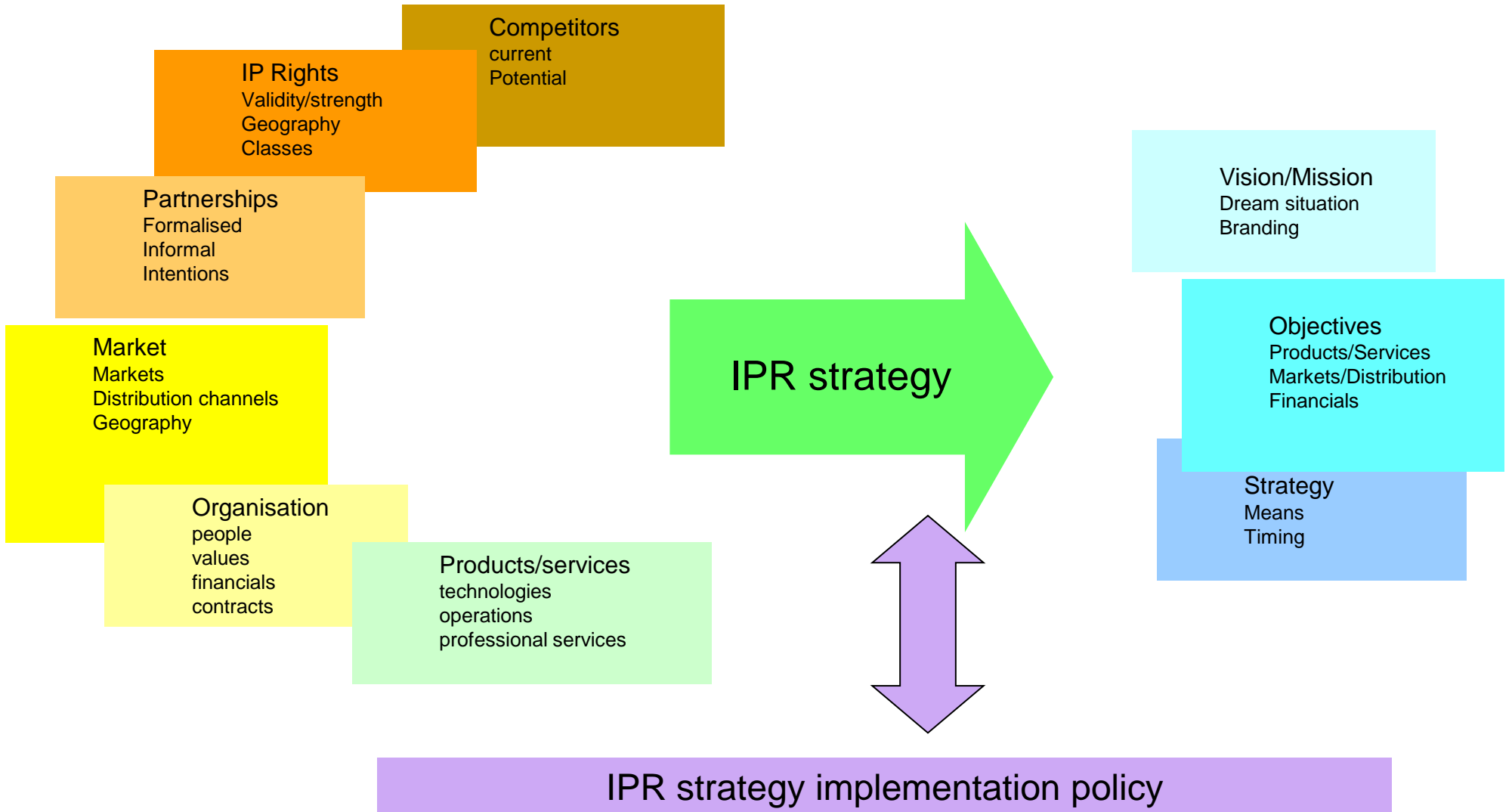
# FOU I KONSORTIER PROSJEKTLEDELSE OG IPR

## Tre sentrale områder for IPR-strategi



Basert på: JPO /Kazuo Hattori

# IPR strategy workshop model



## Preparation to the workshop

- **Analysis of documents (non limitative list):**
  - Project description, including objectives and manning
  - Report on strategy and/or IPR strategy of the company
  - Agreements with clients, partners and sub-contractors to the project
  - Typical employment contract or company handbook
  - Relevant in-house technology portfolio, owned or licensed
  - The competition landscape, in terms of patents, technologies, companies
  - Brands, trademarks
- **Interviews with selected personnel for key issues detected in document analysis**
- **Patent landscape analysis**
  - Freedom To Operate
  - Potential for patenting
  - Competitors/Potential Partners

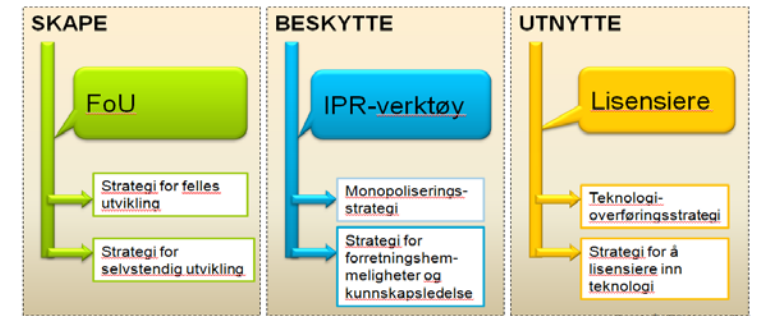
## The workshop session

- **Objectives**
  - Validate understanding
  - Identify key issues
  - Discuss possible strategy(-ies)
  - Discuss implementation of the possible strategy(-ies)
- **Profile of persons to attend (non limitative list, 5 persons is perfect):**
  - Salesman, which may be responsible for the product(s) developed
  - Project owner, a project steering committee member
  - Project Manager
  - Production Manager
  - IPR Manager
  - HR Manager
  - Facilitator



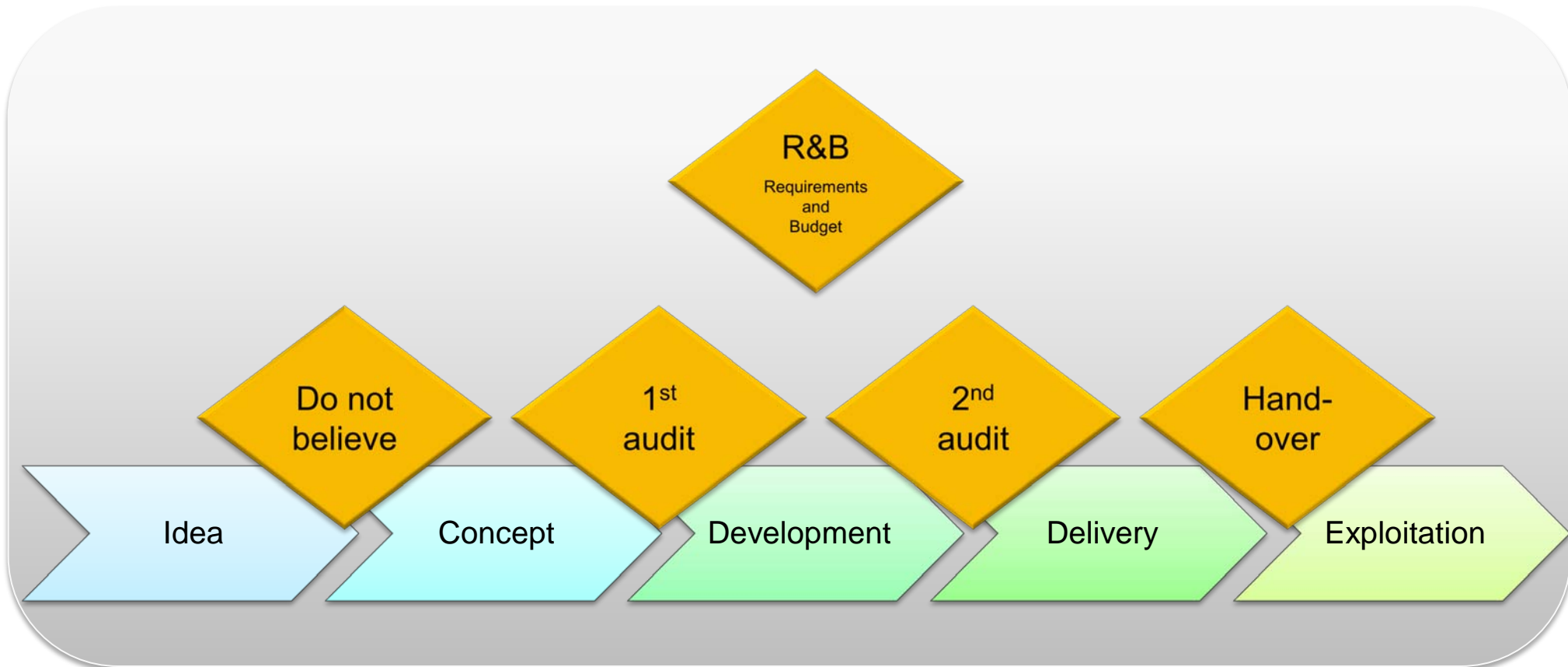
## After the workshop

- **More research on former and/or new issues**
- **Production of a report**
  - Recap on basic hypothesis, such as the company IPR strategy
  - Analysis of the project situation
  - Analysis of the relevant IPR issues and processes at the company
  - Results of the competitive IPR landscape analysis
  - Recommendations for IPR management for the project
    - CREATE
    - IPR-TOOLS
    - LICENCING
  - Suggestions in terms of IPR management processes at the company
- **Meeting to discuss the report**





## R&D process issues – 5 check points



## Internal work before joining a collaboration

- ✓ **Clarify all current organisation IPR issues (documenting pre-existing know-how)**
  - ✓ apply for patents, finalise licensing contracts, formalise agreements etc...
- ✓ **Clearly define the dissemination strategy, its opportunities and threats**
  - ✓ Commercial potentials must be supported by a *formalised IPR strategy*
  - ✓ Competition risks must analyse formal (access-rights) and informal (collaboration) know-how leakage
- ✓ **Statutory constraints must be evaluated**
- ✓ **Check employment/subcontracting contracts for company ownership of IPRs**
- ✓ **Remember that information object of an NDA cannot be made public**

## When joining a collaboration

- ✓ **Plan serious formalising work (application/contract)**
  - ✓ time and persons
  - ✓ professional advice
  - ✓ alignment with business strategy – internal value proposal
- ✓ **Be involved early in the writing of applications**
- ✓ **Double-check initial (one year old?) assumptions from application before drafting contracts**

# **IPR-SØK OG OVERVÅKING**

## Using patent databases

- Commercial like Delphion offer improved user interface and better query language.
  - Includes public databases
- Espacenet (EPO) is free and very good – or just Google
  - EPOLINE – alerts when something happens
- You can find partners, competitors, industry analysis...
  - 80% of this info is not published anywhere else
  - 60% of all research has been done before

Figures above are "thumb of rules", not based on research

Priority Year	Item Count	%	Bar Chart
2002	4	0.5%	
2001	21	2.6%	
2000	60	7.6%	
1999	106	13.5%	
1998	144	18.3%	
1997	185	23.5%	
1996	128	16.3%	
1995	98	12.5%	
1994	32	4.0%	
1993	4	0.5%	

Assignee	Item Count	%	Bar Chart
APRISMA MANAGEMENT TECHNOLOGIES, INC.	5	0.635%	
METASOLV SOFTWARE, INC.	5	0.635%	
INTEL CORPORATION	5	0.635%	
NCR	5	0.635%	
REMOTE SWITCH	5	0.635%	
*3COM	5	0.635%	
CABLETRON	5	0.635%	
ECI	5	0.635%	
OPEN SUPPORT	5	0.635%	
(Outside Display Parameters)	40	38.5%	...

Inventor	Item Count	Percent	Bar Chart
FREYER, JAN	14	13.5%	
LARSEN, VIDAR	11	10.6%	
ASKELAND, RUNE	10	9.6%	
NERGAARD, ARNFINN	9	8.6%	
MELLEMSTRAND, JONE	5	4.8%	
SCHMIDT, HARALD S.	5	4.8%	
NIEUWSTAD, RONALD LEONARDUS	4	3.8%	
AADNOEY, BERNT SIGVE	2	1.9%	
AADNOY, BERNT, SIGVE	2	1.9%	
ANDERSEN, JAN ODDVAR	2	1.9%	
(Outside Display Parameters)	40	38.5%	...

IPC Code- 4 digit	Item Count	%	Bar Chart
H04M Electricity; Electric Communication Technique; Telephonic Communication (counting mecha	152	14.7%	
H04Q Electricity; Electric Communication Technique; Selecting (switches, relays, selectors <	145	14.0%	
H04L Electricity; Electric Communication Technique; Transmission of Digital Information, e.g. Telegraphi	124	12.0%	
H04N Electricity; Electric Communication Technique; Pictorial Communication, e.g. Television	67	6.4%	
G07F Physics; Instruments; Checking-Devices; Coin-Freed or Like Apparatus (coin sorting	54	5.2%	
G02B Physics; Instruments; Optics (making optical elements or apparatus B24B,	50	4.8%	
H04B Electricity; Electric Communication Technique; Transmission (transmission systems for m	38	3.6%	
G06F Physics; Instruments; Computing; Calculating; Counting (score computers for games	31	2.9%	
G08G Physics; Instruments; Signalling (indicating or display devices per se	29	2.8%	
G10L Physics; Instruments; Musical Instruments; Acoustics; Speech Analysis or Synthesis; Speech Recognit	29	2.8%	

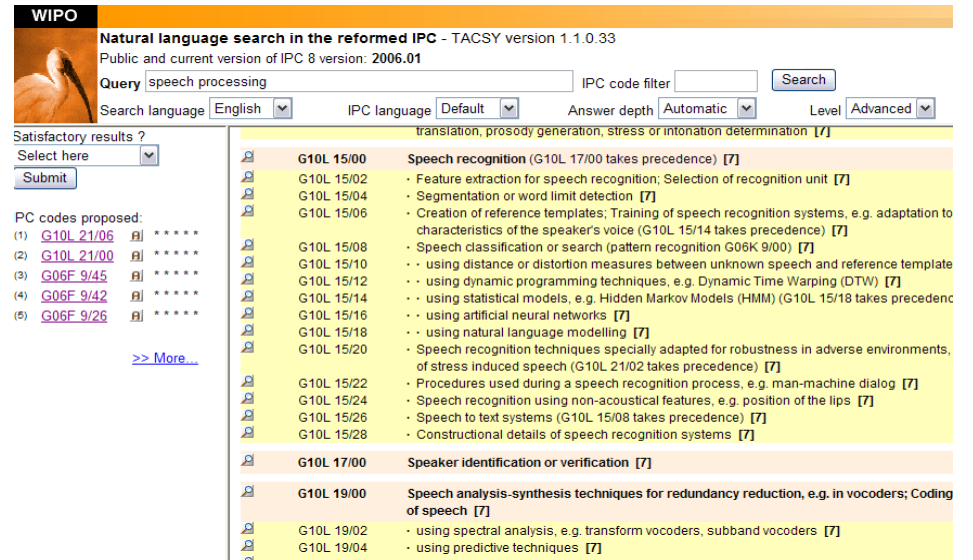
## Finding patents – and applications

- **Finding a patent if you know the number or inventor or assignee or title or a claim or dates is more or less straightforward.**
  - If you do not find it, remember
    - æøå and other characters
    - Not all databases are full text, some are OCRed
    - Number formats are different – leading or inserted zeroes, difference between application and patent numbers, suffixes like AI, Japanese dates ....
  -



## Searching for "patenting in my field"

- **IPC-classes**
  - <http://www.wipo.int/tacsy/>
- **Speech processing**
  - G10L 15/22 Procedures used during a speech recognition process, e.g. man-machine dialog
- **G10L 15/22 into Delphion**
  - 4900 patents and apps to look at...



**WIPO**  
Natural language search in the reformed IPC - TACSy version 1.1.0.33  
Public and current version of IPC 8 version: 2006.01

Query:  IPC code filter:   
Search language:  IPC language:  Answer depth:  Level:

Satisfactory results?  Submit

PC codes proposed:  
(1) [G10L 21/06](#) [7] \*\*\*\*\*  
(2) [G10L 21/00](#) [7] \*\*\*\*\*  
(3) [G06F 9/45](#) [7] \*\*\*\*\*  
(4) [G06F 9/42](#) [7] \*\*\*\*\*  
(5) [G06F 9/26](#) [7] \*\*\*\*\*  
[>> More...](#)

translation, prosody generation, stress or intonation determination [7]  
G10L 15/00 **Speech recognition** (G10L 17/00 takes precedence) [7]  
G10L 15/02 • Feature extraction for speech recognition; Selection of recognition unit [7]  
G10L 15/04 • Segmentation or word limit detection [7]  
G10L 15/06 • Creation of reference templates; Training of speech recognition systems, e.g. adaptation to characteristics of the speaker's voice (G10L 15/14 takes precedence) [7]  
G10L 15/08 • Speech classification or search (pattern recognition G06K 9/00) [7]  
G10L 15/10 • using distance or distortion measures between unknown speech and reference template  
G10L 15/12 • using dynamic programming techniques, e.g. Dynamic Time Warping (DTW) [7]  
G10L 15/14 • using statistical models, e.g. Hidden Markov Models (HMM) (G10L 15/18 takes precedence)  
G10L 15/16 • using artificial neural networks [7]  
G10L 15/18 • using natural language modelling [7]  
G10L 15/20 • Speech recognition techniques specially adapted for robustness in adverse environments, of stress induced speech (G10L 21/02 takes precedence) [7]  
G10L 15/22 • Procedures used during a speech recognition process, e.g. man-machine dialog [7]  
G10L 15/24 • Speech recognition using non-acoustical features, e.g. position of the lips [7]  
G10L 15/26 • Speech to text systems (G10L 15/08 takes precedence) [7]  
G10L 15/28 • Constructional details of speech recognition systems [7]  
G10L 17/00 **Speaker identification or verification** [7]  
G10L 19/00 **Speech analysis-synthesis techniques for redundancy reduction, e.g. in vocoders; Coding of speech** [7]  
G10L 19/02 • using spectral analysis, e.g. transform vocoders, subband vocoders [7]  
G10L 19/04 • using predictive techniques [7]

SECTION G — PHYSICS ( 28 child classes ) c  
G10 MUSICAL INSTRUMENTS; ACOUSTICS ( 15 child classes ) c  
G10L SPEECH ANALYSIS OR SYNTHESIS; SPEECH RECOGNITION (sound input/output for computers G06F 00316; digital data processing methods or equipment specially adapted for handling natural language data G06F 01720; teaching or communicating with the blind, deaf or mute G09B 02100; telephonic communication H04M) ( 12 child classes ) c  
G10L 15/00 Speech recognition (G10L 01700 takes precedence) ( 23,945 patents , 18 child classes ) c  
G10L 15/22 Procedures used during a speech recognition process, e.g. man-machine dialog ( 4,870 patents )

appear below  
3. To search class titles, enter phrase and click "Search IPC-R"

1,900 matches found      << First Page < Previous Page    Next Page > Last Page >>      Displaying results 1 - 20 of 4,900

DF	Publication	Title (To sort a column, click label at top)	Pub. Date
3	EP1239450B1	Providing help information in a speech dialogue system	2006-11-02
2	DE102005019097A1	Verfahren zur Inbetriebnahme, Justierung, Wartung oder Steuerung einer optoelektronischen Schutzeinrichtung	2006-11-02
2	DE102005018174A1	Verfahren zur gezielten Ermittlung eines vollständigen Eingabedatensatzes in einem Sprachdialog	2006-11-02
	DE60123153C0	Sprachgesteuertes Browsersystem	2006-11-02
3	WO06111230A1	METHOD FOR THE TARGETED DETERMINATION OF A COMPLETE INPUT DATA SET IN A VOICE DIALOGUE SYSTEM	2006-10-26
3	US7127395	Method and system for predicting understanding errors in a task classification system	2006-10-24
3	US20060235696A1	Network based interactive speech recognition system	2006-10-19
	DE602004002230C0	Spracherkennungssystem für ein Mobilgerät	2006-10-19
2	DE102005016853A1	Verfahren zur Kontrolle von sprachgesteuerten Applikationen und zugehöriges Kontrollsystem	2006-10-19
	DE69835792C0	Verfahren und Apparat zum Erzeugen semantisch konsistenter Eingaben für einen Dialog-Manager	2006-10-19
3	EP1485773A4	VOICE-CONTROLLED USER INTERFACES	2006-10-18
2	CN1849579A		2006-10-18

## Looking at 4900 patents

- **Ways of filtering**
- **Not all info is present**
  - US – Inventor vs Assignee
  - Some do not file inventor before late
  - Families of patents
    - here three to five hits per technology

	Assignee	Items	%	Bar Chart
	__ No assignee __	<a href="#">751</a>	15.0 %	
	INTERNATIONAL BUSINESS MACHINES CORPORATION	<a href="#">179</a>	3.5 %	
	KONINKLIJKE PHILIPS ELECTRONICS N.V.	<a href="#">158</a>	3.1 %	
	MICROSOFT CORPORATION	<a href="#">79</a>	1.5 %	
	NEC CORP	<a href="#">66</a>	1.3 %	
	MATSUSHITA ELECTRIC IND CO LTD	<a href="#">64</a>	1.2 %	
	CANON INC	<a href="#">63</a>	1.2 %	
	SIEMENS AKTIENGESELLSCHAFT	<a href="#">61</a>	1.2 %	
	SONY CORP	<a href="#">60</a>	1.2 %	
	MITSUBISHI ELECTRIC CORP	<a href="#">58</a>	1.1 %	
	(Below cutoff)	3,476	69.3	...

Priority Year	Items	%	Bar Chart	Inventor	Items	%	Bar Chart
2005	<a href="#">61</a>	1.2 %		__ No inventor __	<a href="#">488</a>	4.5 %	
2004	<a href="#">252</a>	5.1 %		DOBLER, STEFAN	<a href="#">26</a>	0.2 %	
2003	<a href="#">456</a>	9.3 %		ONO TAKESHI	<a href="#">22</a>	0.2 %	
2002	<a href="#">529</a>	10.9 %		LEWIS; JAMES R.	<a href="#">21</a>	0.2 %	
2001	<a href="#">780</a>	16.0 %		GSCHWENDTNER, WOLFGANG	<a href="#">19</a>	0.1 %	
2000	<a href="#">630</a>	12.9 %		LEWIS, JAMES R.	<a href="#">19</a>	0.1 %	
1999	<a href="#">601</a>	12.3 %		SQUIBBS, ROBERT FRANCIS	<a href="#">18</a>	0.1 %	
1998	<a href="#">396</a>	8.1 %		GOULD; JOEL M.	<a href="#">17</a>	0.1 %	
1997	<a href="#">285</a>	5.8 %		KATSUKURA YUTAKA	<a href="#">17</a>	0.1 %	
1996	<a href="#">202</a>	4.1 %		KO SEIYO	<a href="#">17</a>	0.1 %	
(Below cutoff)	679	13.9		(Below cutoff)	10,014	93.8	...

## Searching in patent text databases

- **Abstract always available**
  - Are abstracts written to hide or show ?
- **Language**
  - May file in German, French, Chinese, Russian...
- **Bibliographic data always searchable**
- **Claims**
  - Describe invention
  - OCR
- **Text – remember describes prior art too**
  - Many irrelevant hits
- **Oops – 75 247 hits.....**

**Search Fields**

	Title, Abstract or Claims	▼	speech recognition
and	Title, Abstract or Claims	▼	man-machine dialog
or	Title, Abstract or Claims	▼	user interface
and	All Fields	▼	

**Select collection(s):**

- US (Granted)
- US (Applications)
- European (Granted)
- European (Applications)
- WIPO PCT Publications
- Abstracts of Japan
- German (Granted)<sup>†</sup>
- German (Applications)<sup>†</sup>
- INPADOC

[Collection details](#)

**For US, EP, German and PCT:**

Front pages

Full text including claims

**For INPADOC:**

All countries (or choose one) ▼

**Set range for:** Publication Date ▼

**From:** year ▼ month ▼ day ▼

**To:** year ▼ month ▼ day ▼

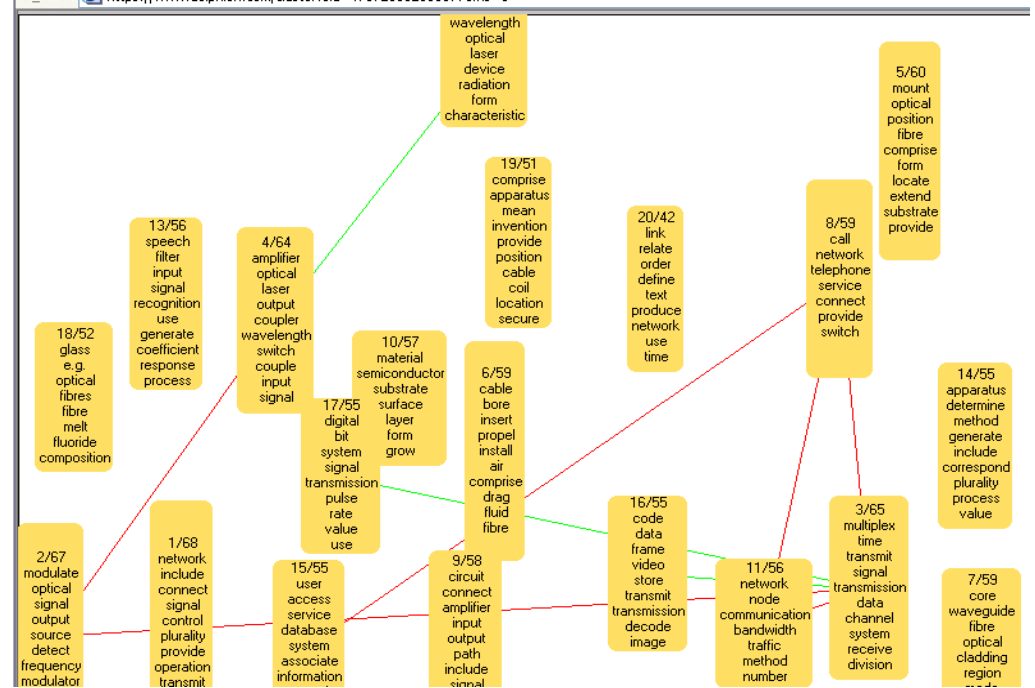
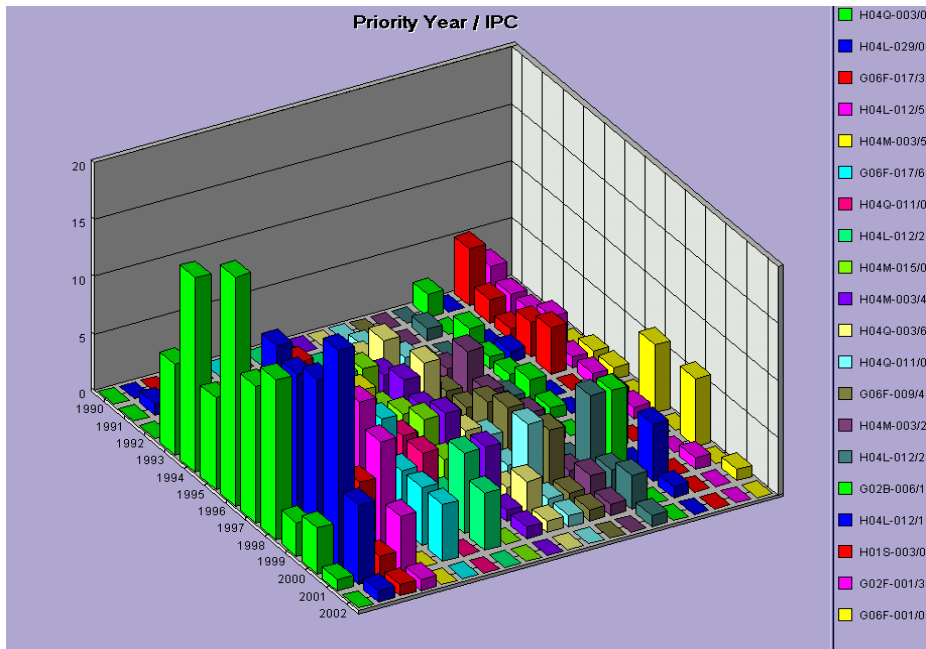
[Dates of coverage](#)

Collections searched: European (Applications - Full text), European (Granted - Full text), INPADOC, Abstracts of Japan, US (Granted - Full text), WIPO PCT Publications (Full text), US (Applications - Full text)  
 75,247 matches found of 40,642,375 patents searched      Displaying results 1 - 100 of 75,247      (Display Limit 500)

<< First Page   < Previous Page   Next Page   > Last Page   >>

PDF	Add	Publication	Derwent Title Title (To sort a column, click label at top)	Assignee	Priority	Score ▼
<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">WO06113934A1</a>	PROGRAMMING FOR A GRAPHICAL USER INTERFACE	THE MATHWORKS, INC.	2005-04-19	100%
<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">WO06113418A2</a>	APPARATUS AND PROCESS FOR A UNIVERSAL DIAGNOSTIC MONITOR MODULE ON A WIRELESS DEVICE	QUALCOMM Incorporated	2005-04-14	100%
<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">WO06112795A1</a>	IMPROVEMENTS IN AND RELATING TO SEARCHING ON A USER INTERFACE	CREATIVE TECHNOLOGY LTD.	2005-04-22	100%
<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">WO06110879A1</a>	POWER CONTROLLER USER INTERFACE ASSEMBLY AND METHOD	WATLOW ELECTRIC MANUFACTURING COMPANY	2005-04-11	100%
<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">WO06107457A2</a>	METHOD AND SYSTEM OF PROVIDING USER INTERFACE	COMCAST CABLE HOLDINGS, LLC	2005-03-30	100%
<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">WO06107335A1</a>	METHODS AND SYSTEMS TO PROCESS A SELECTION OF A BROWSER BACK BUTTON	EBAY, INC.	2005-03-30	100%

# More complex searches for trend analysis



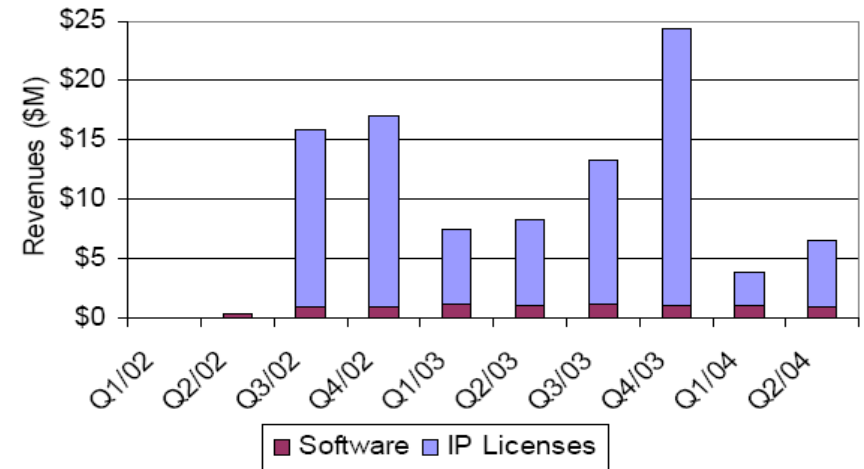
## Varemerker, Design

- **Edital, Compumark...**
- **WIPO, OHIM...**
- **Patentstyret – Varemerketidende, Designtidende**
  
- **Overvåking er vanskelig**
  - Vanligste produktet å kjøpe er ”bruke noen andre mitt varemerke”
  - Overvåking av varer fra Leogriff
  - Google og andre søketjenester
    - ”inurl”

# VERDIFASTSETTELSE

## Extreme case: software is worthless, IPR is everything

- **Publicly traded software vendor with patents meets heavy competition.**
- **Start licensing patents to competitors in 2002.**
- **Industry magazine says:**  
You have to ask yourself why this company doesn't exit its small, shrinking, and unprofitable software business altogether and just sit on the IP licensing business – probably with half a dozen employees to count the money, talk to the law firms, and make shuttle trips to the bank.
- **2005: Software sold to competitor, including some patents, and license to others.**
- **Only licensing of IP**



## Valuation Implications

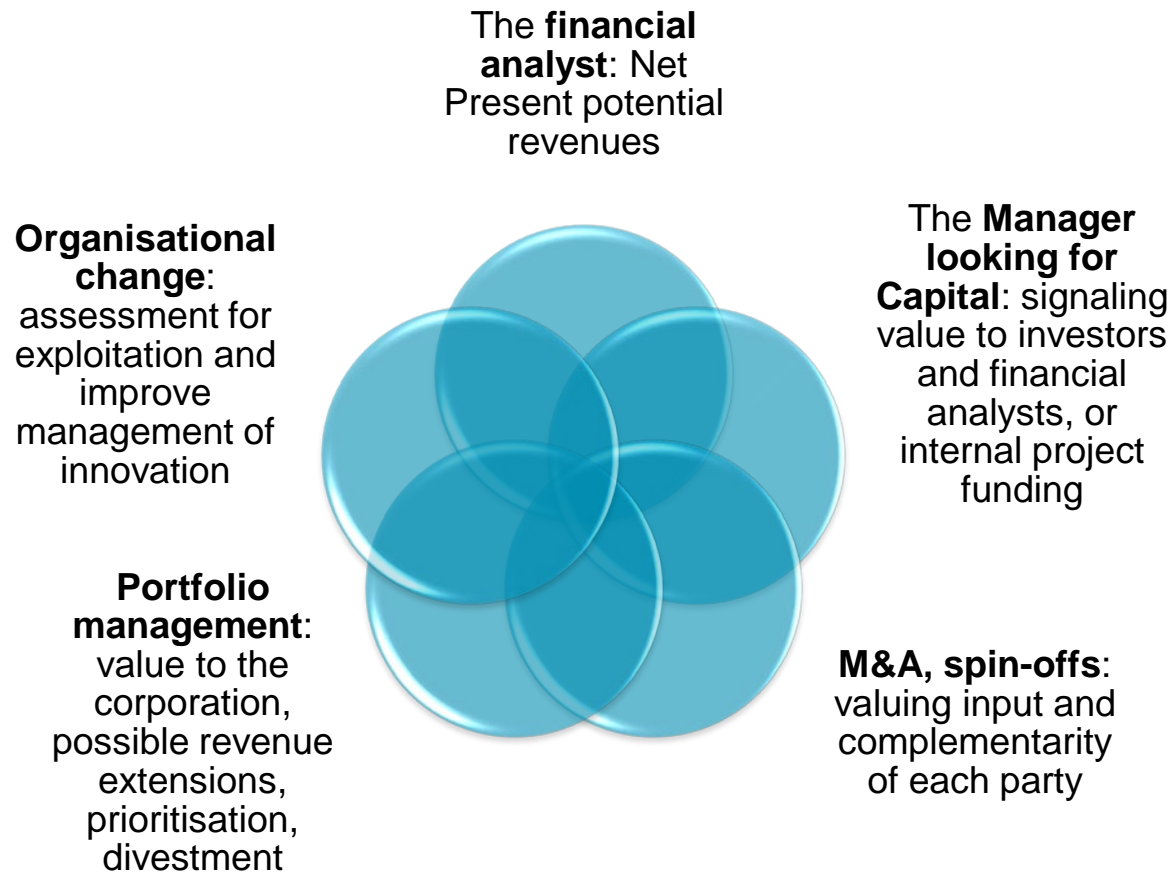
- **“When IBM acquired Think Dynamics, a painstaking manual examination of its code revealed 80 to 100 examples of open source code that Think Dynamics programmers had passed off as their own. As a result, the price of that company went down from 67 million dollars to 46 million--not a happy moment for its owners and shareholders, I'm sure.”**  
<http://www.oreilynet.com/pub/wlg/4291#infringers>



## The business plan must discuss how relevant patents are to the business idea

- **Also applies for other IPR**
- **ONLY** write things that you would like your competitor to use against you in court
  - Do not discuss specific infringement risk
  - BUT discuss what you will do to have Freedom to Operate
    - Own IPR
    - Activities to create more IPR
    - Activities to search for competitors IPR and relate to that
  - Do not discuss weaknesses in the prosecution,
  - BUT state how IPR management will be done
  - AND be honest about the scope of the IPR – e.g. covers a field or only a particular implementation

# Valuation – the different views all mix



## Object for valuation

- **A single object, e.g. a patent**
- **A combined object, e.g. a product protected by several patents and licensing agreements**
- **A portfolio**
- **A company with all IPR**

## Purpose of valuation

- **External trigger: sell, M&A, licence, spin-off...**
  1. Exit **Value**
  2. Capacity to exploit
  3. Capacity to enrich portfolio
- **Internal trigger: benchmark, portfolio management, finance/risk reduction, incentive, capital growth...**
  1. Capacity to exploit
  2. Capacity to enrich portfolio
  3. **Value** creation
- **Accounting**
  - Any **Value**

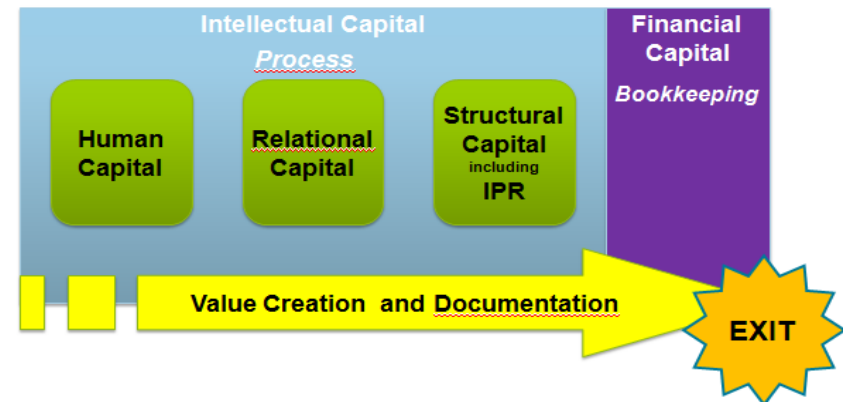
## IP assets valuation classic light

- **Do one or more of these:**
  - Market value of company and subtract net tangible and goodwill (10% of market value)
  - Historical Cost, Replacement Cost of technology
  - Market value based on comparable M&A, licenses or valuations
  - Macro-economics
  - Economic Benefit – Income
    - IP Score model from DKPTO / EPO
- 1. Look at the purpose of the valuation (company, technology, project) (external, internal, accounting),**
- 2. compare results of several methods,**
- 3. make an educated opinion**

## Uten IPR-management blir verdien ofte satt feil

- Ved investering godtas ofte garantier fra ledelsen om at IPR er i orden som eneste vurdering i due dill..
  - Advokatfirma har sjelden teknologisk kompetanse til å vurdere risikoen.
- Hverken regnskapsføring eller revisjon følger normalt opp IFRS38-prinsipper om årlig verdifastsettelse..
  - Verdi blir sjelden satt systematisk på en armlengdes avstand.
  - Oftest brukes kostnader som verdi
  - Lite kunnskap i ledelse og styre

### Exit value depends on documented value



## Growing companies: some IPR concerns

- **Financing**
  - Biotech vs ICT
    - Biotech is absolutely dependant on getting patents early
  - Upfront investment of IPR,
    - e.g. few short term benefits from a patent application
    - Hard to spend time documenting trade secrets, when resources are needed for sales and deliveries
- **Strategic control**
  - Most companies end up doing something different
    - First IPR may be of less value
  - Empty threat
    - Cannot afford litigation – and bigco knows

## Nordic IPR study – 10 good rules that you could discuss in the business plan

- **Understand the power of IPR : evaluate risks and opportunities**
- **Make IPR a board issue: designate and train an IPR Manager**
- **Put in place basic IPR quality control: review contracts etc.**
- **Map and rank internal intellectual assets**
- **Know the IPR and technology landscape**
- **Formalise an IPR strategy, start with most critical assets**
- **Train all employees in IPR**
- **Put in place IPR processes**
- **Use systematic selection to choose partner IP firm**
- **Question IPR strategy and portfolio regularly**

see [www.leogriff.no/NordicIPR](http://www.leogriff.no/NordicIPR)