



LEOGRIFF

Intellectual Property Managers and Developers

Intellectual Property Rights

Haakon Thue Lie, UiO, January 2012

Our advisors have
more than 60 years
of industrial experience with
intellectual property.

We live for
business development
and R&D.



ESPEN CHRISTENSEN, MANAGING PARTNER

- 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.

More information and CV on request.

mobile: +47 98 22 81 02 e-mail: ec@leogriff.com



AXEL MOULIN, PARTNER

- 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.

More information and CV on request.

mobile: +47 41 47 41 10 e-mail: am@leogriff.com



HAAKON THUE LIE, PARTNER

- 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.

More information and CV on request.

mobile: +47 913 500 43 e-mail: hli@leogriff.com



KATARINA LUNDBLAD PINNEKAMP, PARTNER

- 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.

More information and CV on request.

mobile: +41 797 450 74443 e-mail: kjp@leogriff.com



JEANETTE GJESTVANG, OFFICE MANAGER

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

More information and CV on request.

mobile: +47 959 85 256 e-mail: jg@leogriff.com

Some of our clients

- **Corporate**

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

- **Universities and Research Institutes**

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), Kongsberg Innovasjon, Inven2 (the TTO of University of Oslo, and Oslo University Hospital.)

- **SMEs and upstarts**

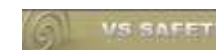
Badger Explorer (wireline drilling), Energreen (hydraulic energy productions), Seaproof solutions (subsea equipment), enCap (secure transactions). VS Safety (alarm systems), Kikora (math education)



NORSK TIPPING

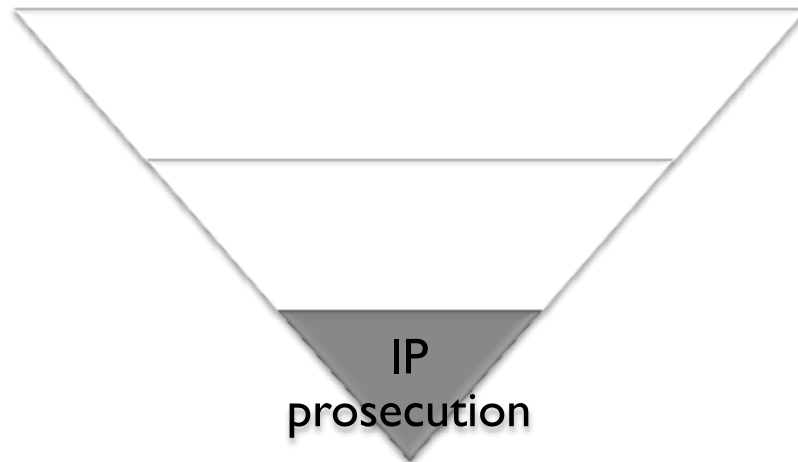


Norwegian Defence Research Establishment



IP management by Leogriff includes business and organization development

IP law firms, «patent bureaus»



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



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.

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



Bambino



Tripp Trapp

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: thien.blogg.no ,
Aftenposten

Merkekategori/transliterasjon: **SEIGMENN**

Nøkkelinformasjon

Status:	Registrert: 2003.10.09 Databasen er sist oppdatert 2011.01.01
Søknadsnummer:	200302112
Inngitt:	2003.03.06
Privat:	Ingen
Registreringsnr:	221537
Registrert:	2003.10.09
Registrerings utløper:	2013.10.09
Søkrtype:	Nasjonalt merke
Merkekategori:	Varemerke
Type merke:	Merket er et ordmerke i standard font
Merket er i farger:	Ikke angitt
Må-klassifisering:	30
Søker:	Nidar AS (NO)
Innehaver:	Nidar AS (NO)
Fulnmektig:	Zacco Norway AS

Grafisk presentasjon

Varer og tjenester

Støttelister og tjenester

30 Kaffe, te, kakao, sukker, sø, tapioca, søge, koffeinestoff, mel og næringsmidler av korn, brød, bakverk og konditrvare, korektyer, spissis, honning, surg, gær, baktepulver, sølt, ternep, eddik, sauser, kryddere, is, sjokolade og sukkelovner



Champagne becomes Chimpanzee

Pressure from French interests have convinced little Mack in Trondheim, 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 «Fruktsjimpansé» – Fruit Chimpanzee



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

Nettby vs. Dagbladet

Dagbladet påstår tap på 400 mill.

- 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 inngående 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 avisen, et krav på 15 millioner kroner i kompensasjon for en tjeneste han hadde gjort. Kravet ble kontant avvist av daværende sjef i DB Medialab, Rune Røsten og utviklingssjef Ann Bækken. «Det var et slaget på Kristiansens millionkrav ble tatt ille opp», fremgår det av avisen. 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 avisen 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 et økonomisk tapet beløper seg til 14-13 millioner kroner – basert på tapte fremtidige annonsinntekter.

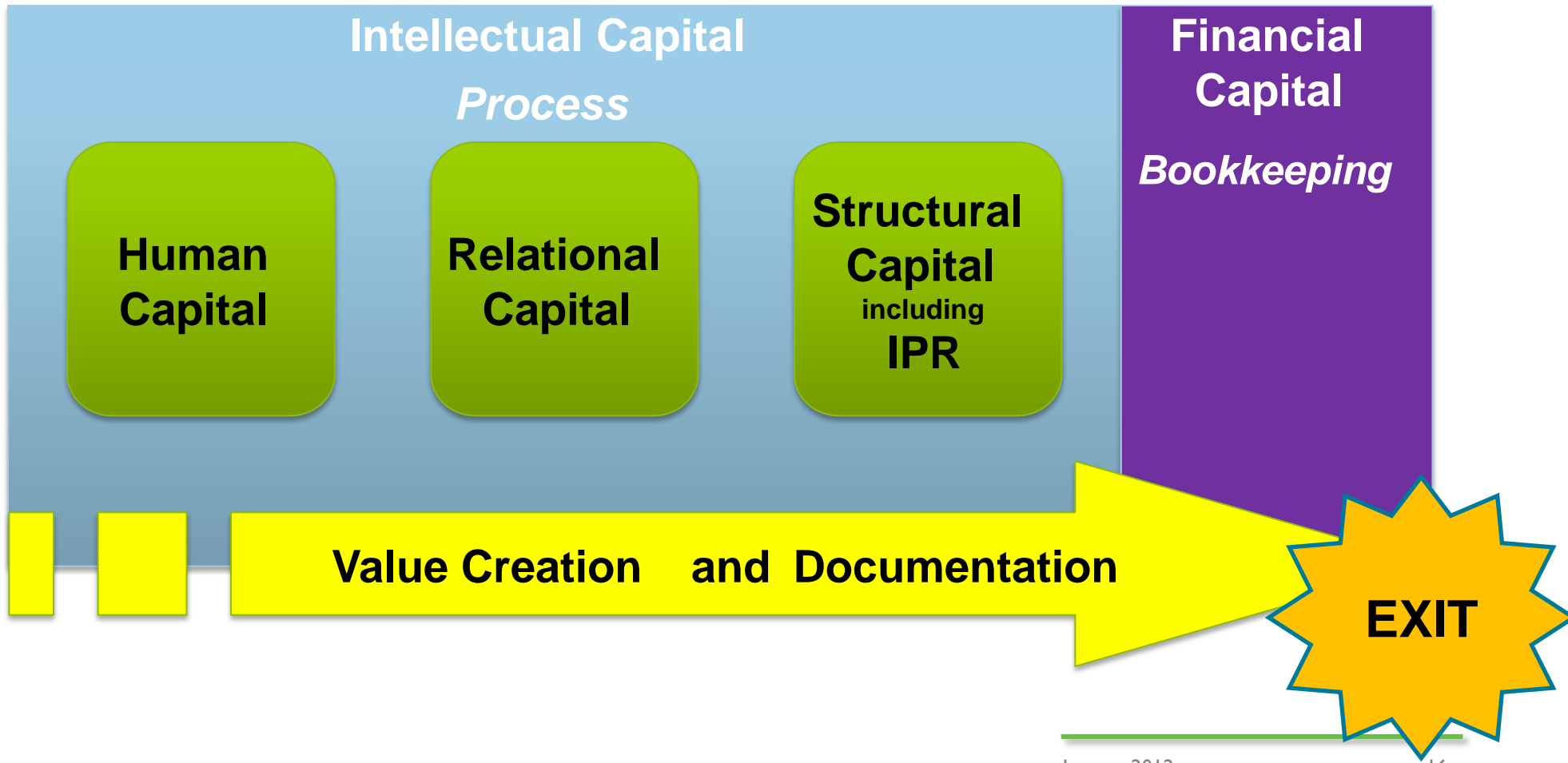
■ Nettsamfunnersamlingssteder på internett hvor brukerne kan kommunisere med andre mennesker. De store norske nettsamfunnene er blant annet, Nettby, Blink og Bliip.

Kilde; DN



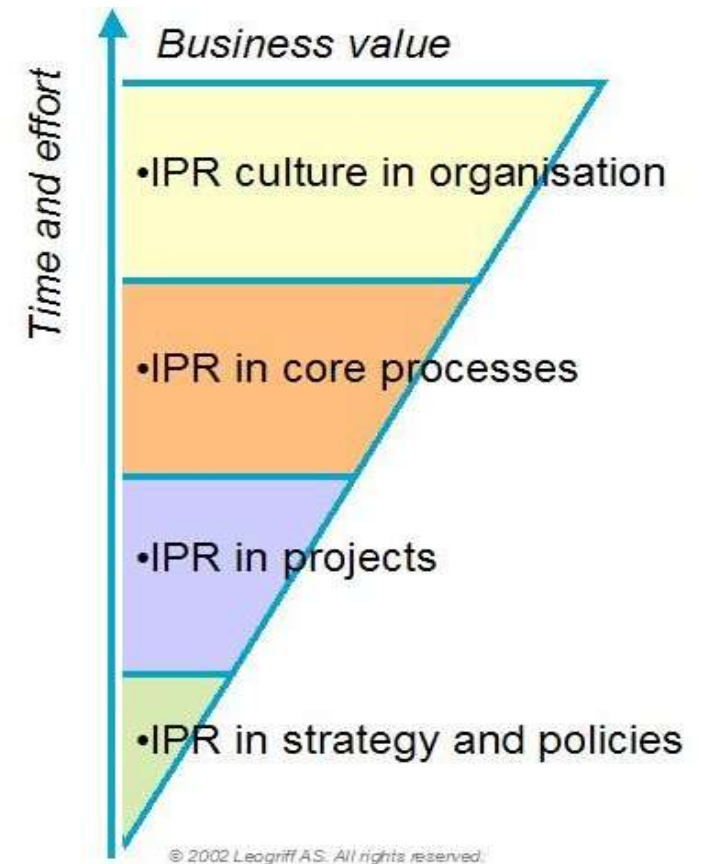
VERDISKAPING OG IPR

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 .



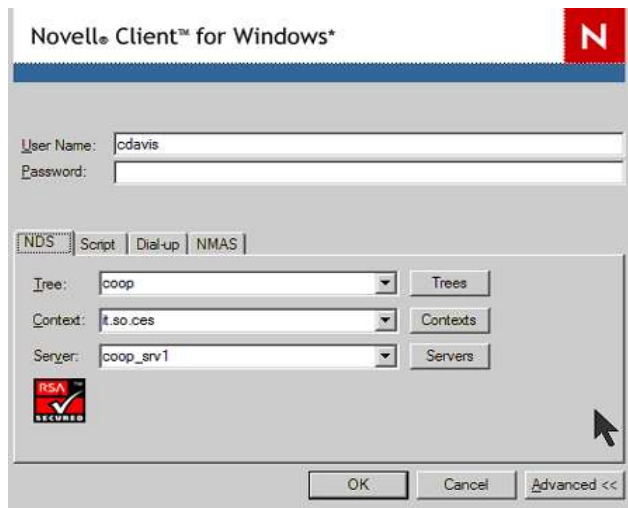
VERKTØYENE – IMMATERIELLE RETTIGHETER

	Field	Requirements – Validity period	Examination
Patent	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
Petty patent , utility model, Innovation patent	Technology Product (mainly)	Lower requirements than for patents No harmonisation of rules between countries Validity 6-12 years	Registration directly No examination
Design registration	Visual appearance, not functionality	Novelty, Individual character - classes Validity < 25y – grace period : 12 m.	Grant after examination. Unregistered designs under certain conditions.
Trademark registration	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
Copyright	Artistic works Computer programs	Originality (low requirement) Prevents against copying and adaptations Validity < Life + 70y	Automatic © 2005, Acme AS
Trade secrets, Know-how	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
Domain names	Related to trademarks	Validity unlimited, fee payment	Registered by special authority
Scientific Publications	Publication	Novelty bar to later patent applications Content of patent applications can be published in Scientific Publications	Peer review
Geographical indications	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)



YAST



The screenshot shows the YAST website homepage. 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 login section with an email input field, a password input field, and a 'Login' button. Below the login field is a link for 'Forgot Password? Use Google login'. The main content area features a large blue play button icon with 'Watch Video' text inside. To the right of the icon is the heading 'Simple online time tracker'. Below this heading is a paragraph: 'Use Yast to time stuff. A project, a task, a boiling egg... whatever.' Below that is another paragraph: 'It's simple - You do something, you time it, you see how long it took. That's it. Even if you're timing lots of different stuff, or lots of different people, it works the same. Do it, time it, see how long it took.' To the right of this text is a green button that says 'Sign up for free' with the subtext 'Takes 20 seconds!'. Below the button are links for 'or See Pricing' and 'Learn More'. At the bottom of the page are social media icons for Twitter, Facebook, and a plus sign for more options.

[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/.../gokleigpmoameleoajncmkajedgfgb.../](#) - [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](#)



KSI changes name to Signicat

Kantega Secure Identity changes name and secure financing to continue expansion of its online identity services

Signicat is the leading Identity Provider in the Nordic region, with identity services embracing a total of 12 million potential users in Norway, Sweden, Denmark and Finland. The identity services let Service Providers (web sites) accept users with digital certificates from all issuers of public eId in the Nordic countries, with a single point of integration. Both authentication and digital signing of documents and text are supported.

Kantega Secure Identity was established February 2006 as a spin-off from Kantega AS, a leading Norwegian software consultancy specializing in Identity Management and Information Security. The spin-off was done to focus on developing the identity service Id.kantega, which was established by Kantega in 2005. As part of the name change, Id.kantega will change name to Id.signicat.

The name change to Signicat reflects a further ambition to develop the identity service to a leading European Identity Provider. The name is chosen to reflect that Signicat is the only Identity Provider to offer digital signing for non-repudiation as well as strong authentication, as part of its managed identity services.

During the coming months, Signicat will expand Id.signicat to cover new markets, as well as new identity based services. This will further strengthen Signicat's position as the one of the most innovative and ambitious Identity Providers in Europe.



Name process

Domain acquisition

Trademark registration

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

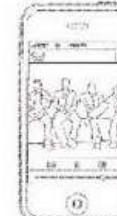
0003.1



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

Hvals fargeplett



Minde fargeplett



Først: Brynild krenket designregistrering med rund.

Så: Firkantet krenket markedsføringsloven og god forretningsskikk

January 2012

Open Source is not “Public Domain”

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



This file is in the **public domain** because it was created by [NASA](#). NASA copyright policy states that “NASA material is not protected by copyright **unless noted**”. (See [Template:PD-USGov](#), [NASA copyright policy page](#) or [JPL Image Use Policy](#).)

Boarisch | Български (български) | Català | Deutsch | Ελληνικά | English | Esperanto | Español | Eesti | 𐤀𐤃𐤍 | Suomi | Français | Gaeilge | Galego | עברית | Հայերեն | Italiano | 日本語 | 한국어 | Lietuvių | Македонски | მთავრობა |
Plattdüütsch | Nederlands | Polski | Português | Română | Русский | עברית | 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
 - [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



Text is available under the [Creative Commons Attribution-ShareAlike License](#); additional terms may apply. See [Terms of use](#) for details. Wikipedia® is a registered trademark of the [Wikimedia Foundation, Inc.](#), a non-profit organization.

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)

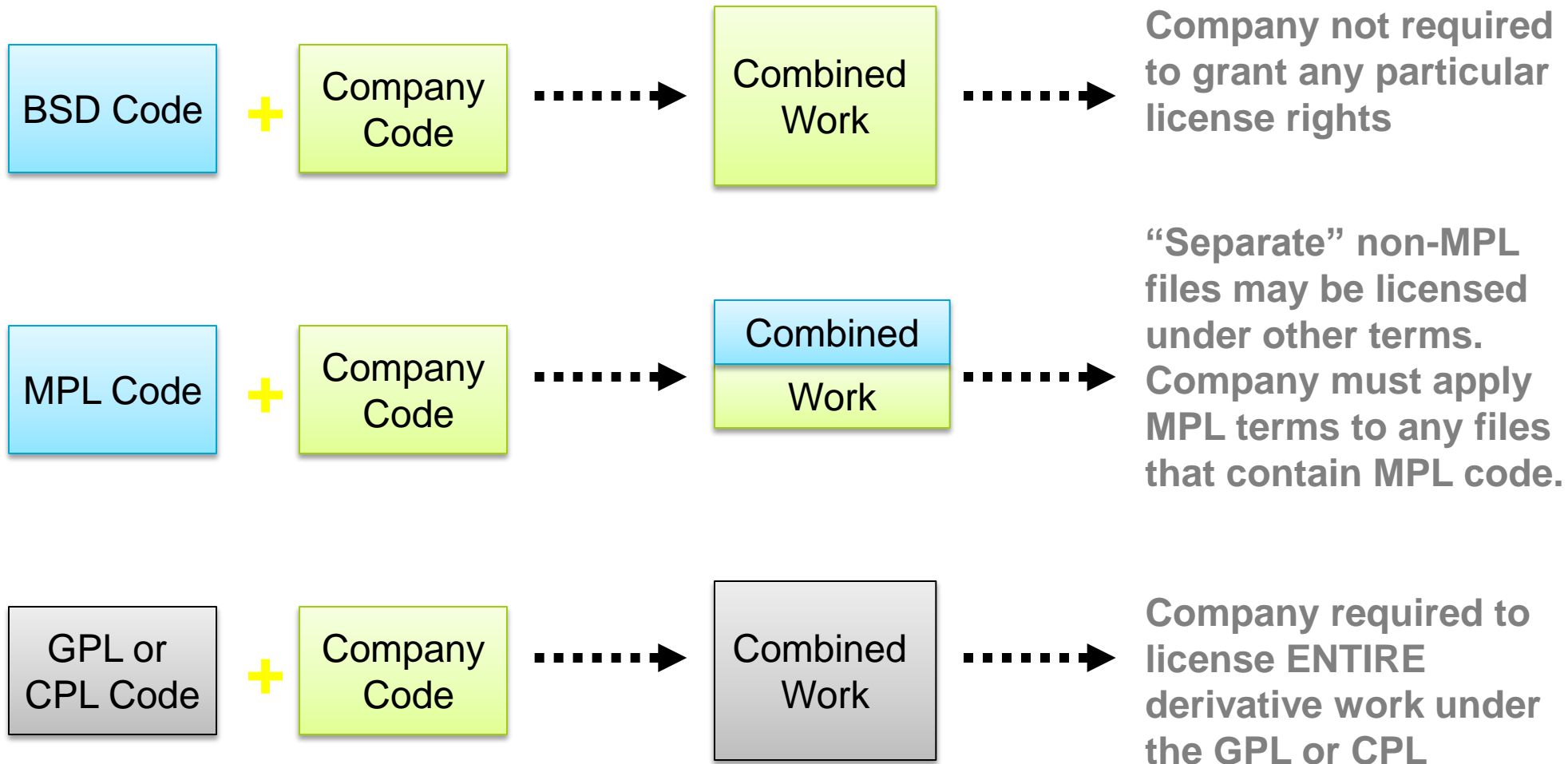
Trademark

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:

Full copies of the licenses and warranty statements are located on the product CD in the the license files directory.

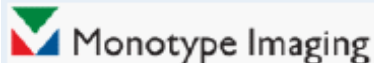
The non-commercial third party code is distributed in binary form under the terms of non-copyleft style open source licenses such as BSD, Artistic or MIT/X Consortium.

The product also has some binary code distributed under the terms of the GNU public license with an exemption which allows static links to non-copyleft commercial code.

In accordance with section (3) of the GNU General Public License, copies of such code will be provided upon request by contacting TANDBERG. Please contact us by using the Online Support section at www.tandberg.net or the "contact us" section of this manual. Please provide USD 10.00 for media and shipping.

Agfa

Contains iType™ from Monotype Imaging Corporation.



CMU-SNMP

Copyright 1988, 1989, 1991, 1992 by Carnegie Mellon University All Rights Reserved

CMU-SNMP is distributed under the terms of the CMU SNMP license, which is an open source license similar to a BSD or X Consortium License.

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.

Copyright (C) 2002, 2003 John Dallaway

Copyright (C) 2002, 2003 Nick Garnett

Copyright (C) 2002, 2003 Jonathan Larmour Copyright (C) 2002, 2003 Andrew Lunn Copyright (C) 2002, 2003 Gary Thomas Copyright (C) 2002, 2003 Bart Veer

Copyright (c) 1982, 1986, 1991, 1993 The Regents of the University of California. All rights reserved.

(c) UNIX System Laboratories, Inc.

All or some portions of this file are derived from material licensed to the University of California by American Telephone and Telegraph Co. or Unix System Laboratories, Inc. and are reproduced herein with the permission of UNIX System Laboratories, Inc.

Copyright (C) 1995, 1996, 1997, and 1998 WIDE Project. * All rights reserved.

Copyright (c) 2000 Brian Somers <brian@Awfulhak.org>

Copyright (c) 1998 The NetBSD Foundation, Inc. * All rights reserved.

Copyright (c) 1997 Niklas Hallqvist. All rights reserved.

Copyright (c) 1988 Stephen Deering.

Copyright (c) 1992, 1993 The Regents of the University of California. All rights reserved.

This code is derived from software contributed to Berkeley by Stephen Deering of Stanford University.

Portions of eCos code are distributed under several BSD style licenses. Other portions of eCos code are distributed under the terms of the GNU General Public License with a non-copyleft exception which allows static links to non-copyleft programs.

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



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

Scanmar vs. Simrad

domsslutning:

1. Tingrettens dom, domsslutningens punkt 1, stadfestes, dog slik at Simrad AS endres til Simrad Horten AS.
2. Scanmar AS dømmes til å betale saksomkostninger til Kjell Ramberg, Kjell Gjestad og Simrad Horten AS for tingretten og lagmannsretten med til sammen 16.603.997 – sekstenmillionersekshundreogtretusennihundreognittisju – kroner med forfall 2 – to – uker etter dommens forkynnelse og med tillegg av lovens forsinkelsesrente fra forfall til betaling skjer.

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
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.**

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*



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 Sythagrum, 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 Classification⁷: 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
- (26) Publication Language: English
- (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
(75) Inventors/Applicants (for US only): BÖRSHEIM, Knut, Yngve [NO/NO]; Ladehammerveien 38a, N-7040 Trondheim (NO). BALLANCE, Simon [GB/NO]; Institutt for bioteknologi, NTNU, N-7491 Trondheim (NO). CHRISTENSEN, Björn, Erik [NO/NO]; Institutt for bioteknologi, NTNU, N-7491 Trondheim (NO). SMID-SRÓD, Olav [NO/NO]; Institutt for bioteknologi, NTNU, N-7491 Trondheim (NO).
- (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**

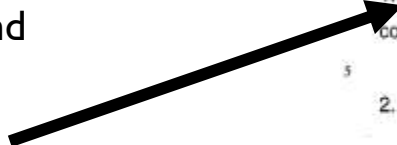
WO05041912A1	Oral hygiene product, e.g. toothpaste, for controlling undesirable bacterial flora on teeth and in oral cavity, contains plant Sphagnum or extract [Derwent Record]
	ORAL HYGIENE PRODUCT

- **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.**



PatentPro® 2004 Write Your Own Patent Application

Write your own utility patent. Easy to use patent writing software. PatentPro Patent Writing Software helps you write the patent claims for you. MSRP: \$399 - At PatentCafe **You Save \$100**

Only **\$299.00** [Buy Now!](#)

[Reviews](#) [System Requirements](#) [FAQ's](#)

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



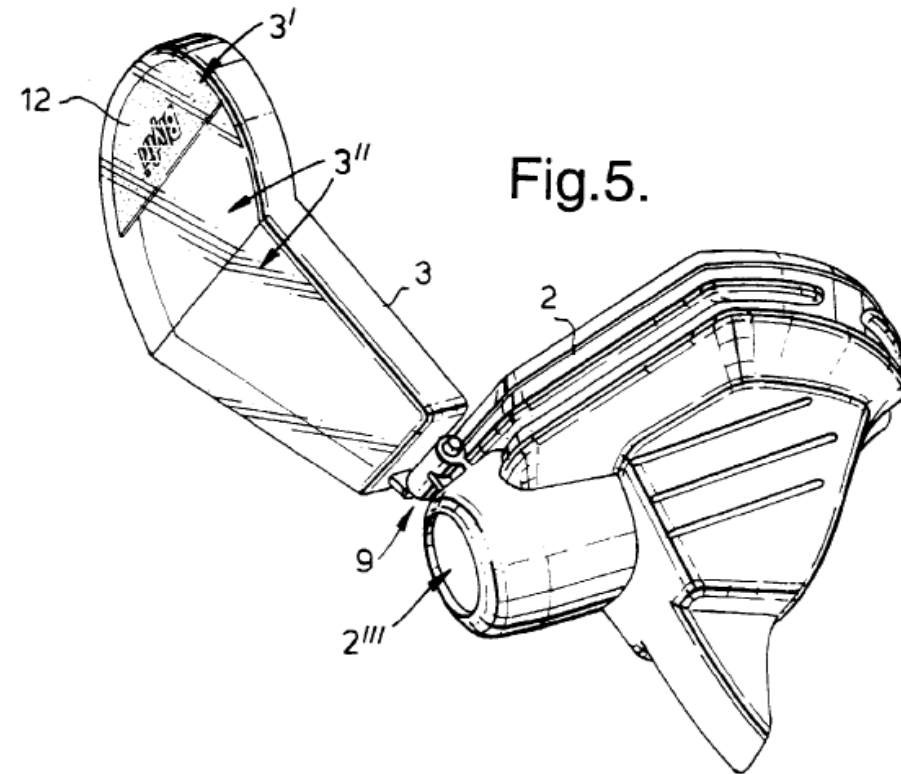
The claimed invention (EP0836733)

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.

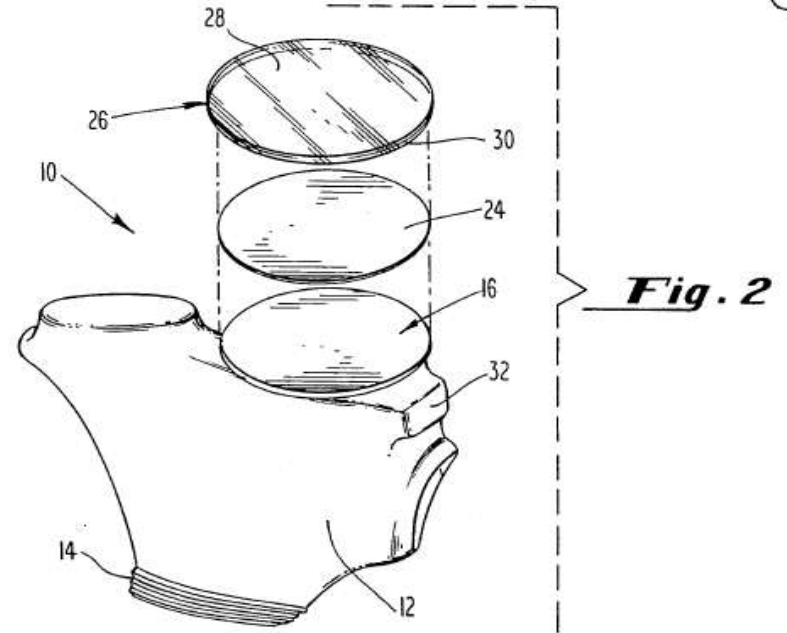
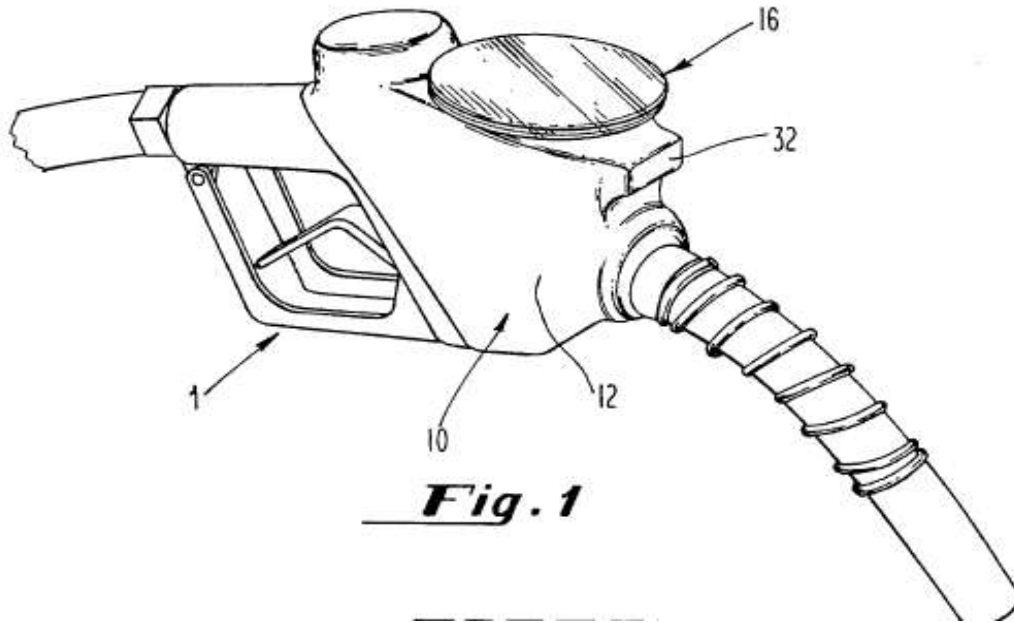
Prior art

U.S. Patent

Oct. 22, 1991

Sheet 1 of 3

5,058,637



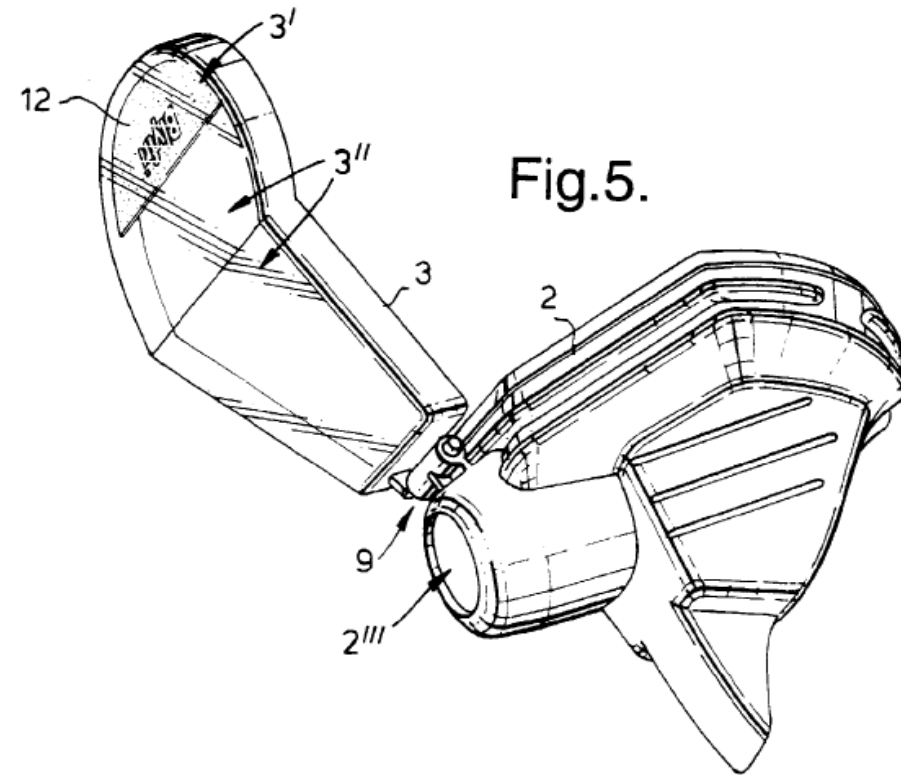
The claimed invention (EP0836733)

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**

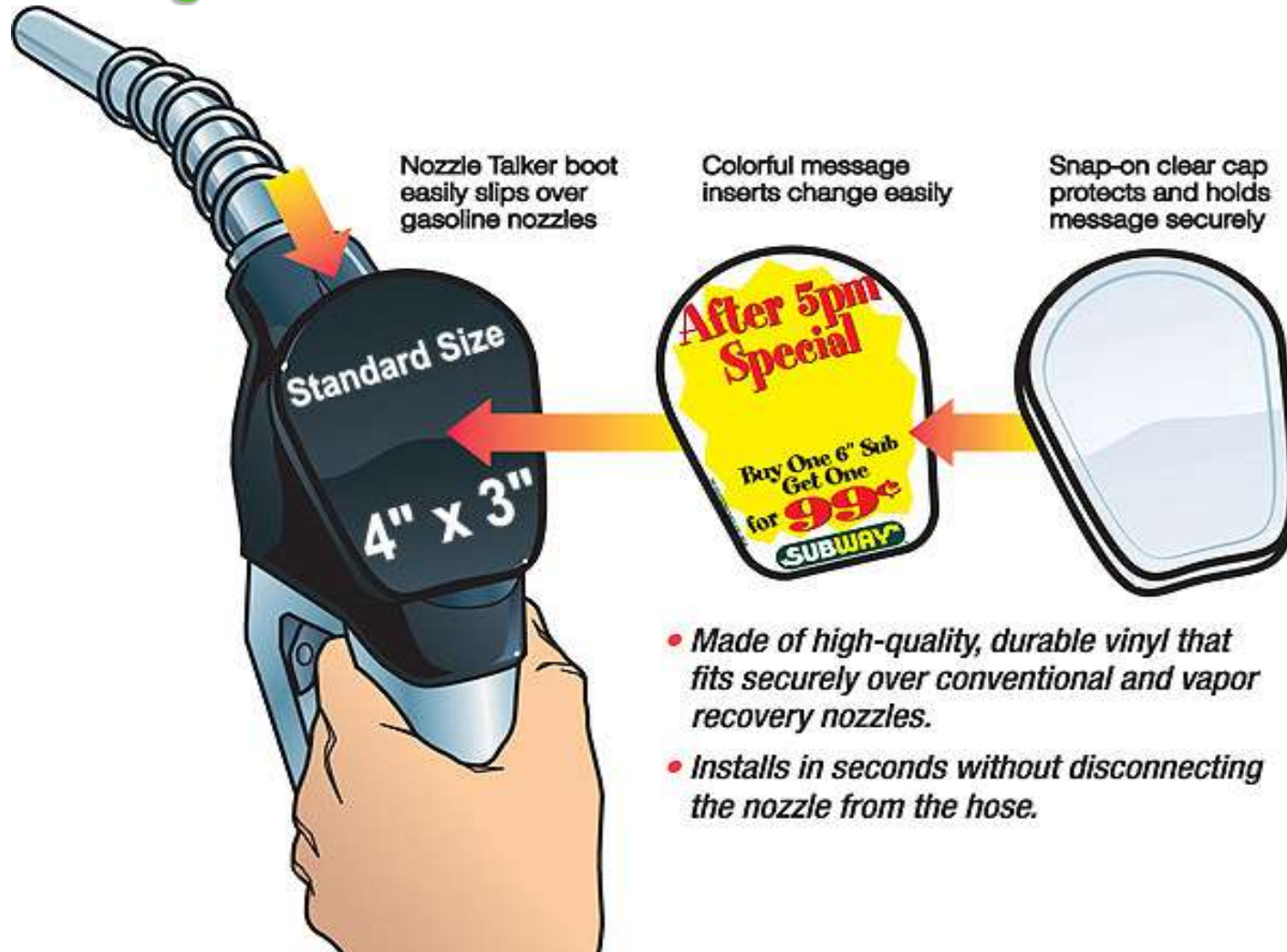
that the top member (3) is a cover (3) of a **transparent plastic material** which is **pivotally connected** to the supporting member (2), and

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”.



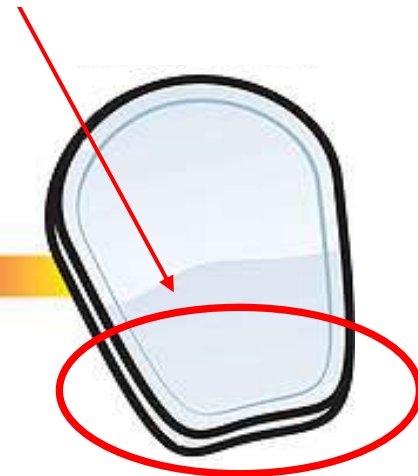
How to “get around it”.



How to “get around it”.

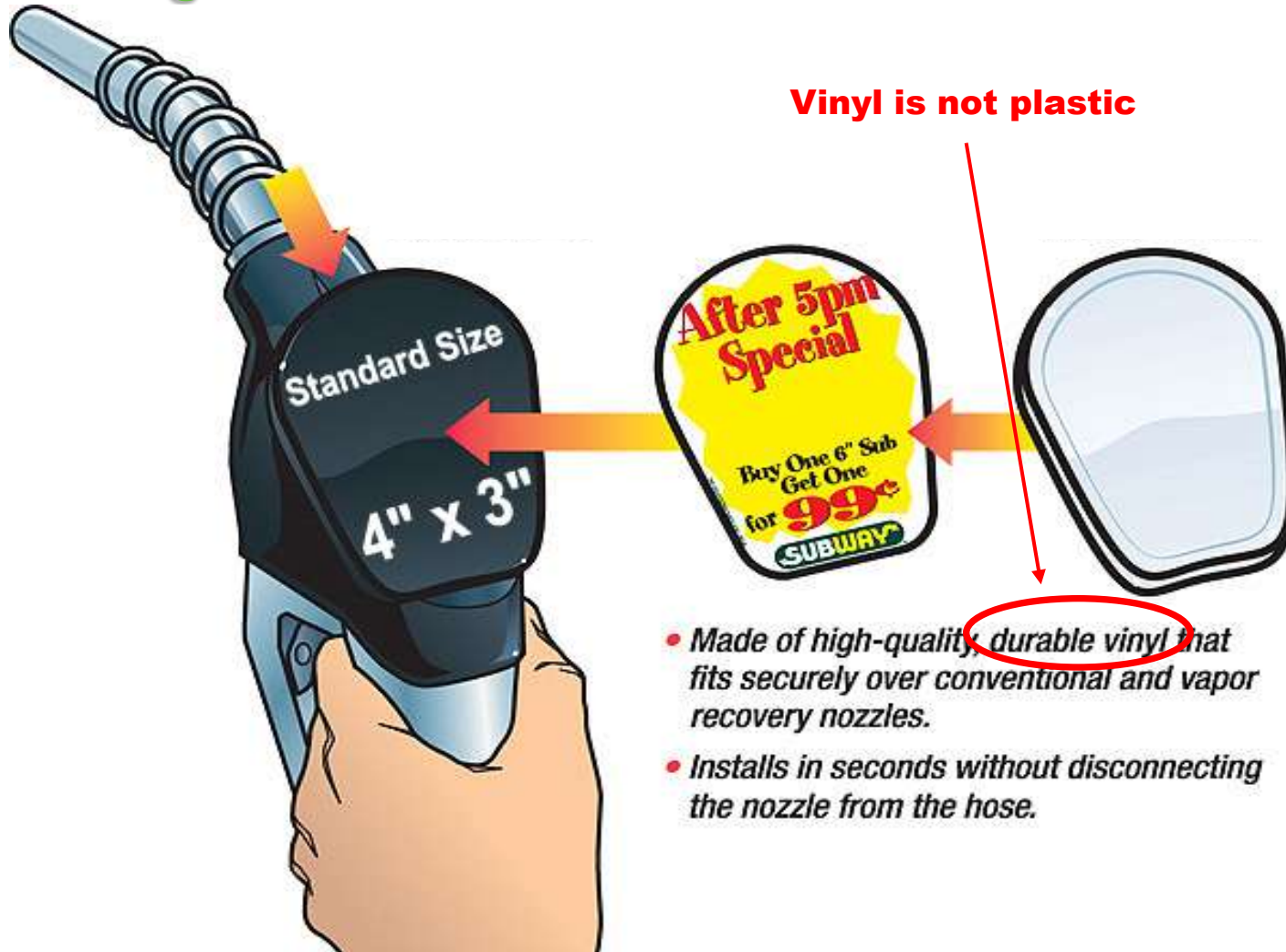


No “first area ... with non-detachable information”, hence no “second area...”



- *Made of high-quality, durable vinyl that fits securely over conventional and vapor recovery nozzles.*
- *Installs in seconds without disconnecting the nozzle from the hose.*

How to “get around it”.





Institutt for energiteknikk - IFE



IMONERT: 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.

[Skriv ut](#) [Tips en venn](#) [Motta nyheter på e-post](#) [Tips redaksjonen](#) [Facebook](#) [Twitter](#)

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

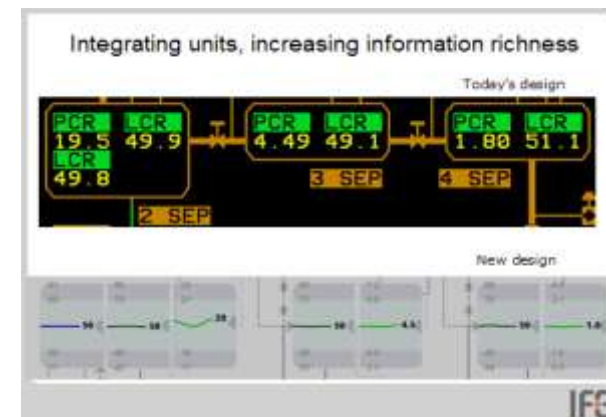
- **Unique user interface developed by IFE as part of control system software**
- **Publication in conference paper**
 - Only patent application in USA
 - Difficult area to patent
- **Before one year grace period, applications for design registration**
 - Screen display is new and difficult area
 - Rapid 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 Bravetti, Robin Welch and Øystein Veland
IFE Halden
Email: alfob@ifp.no

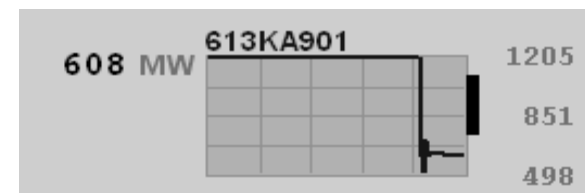
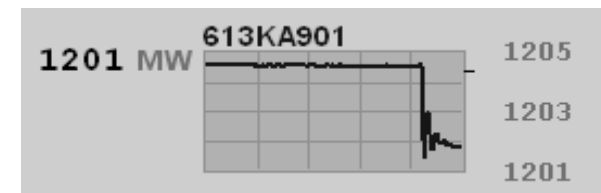
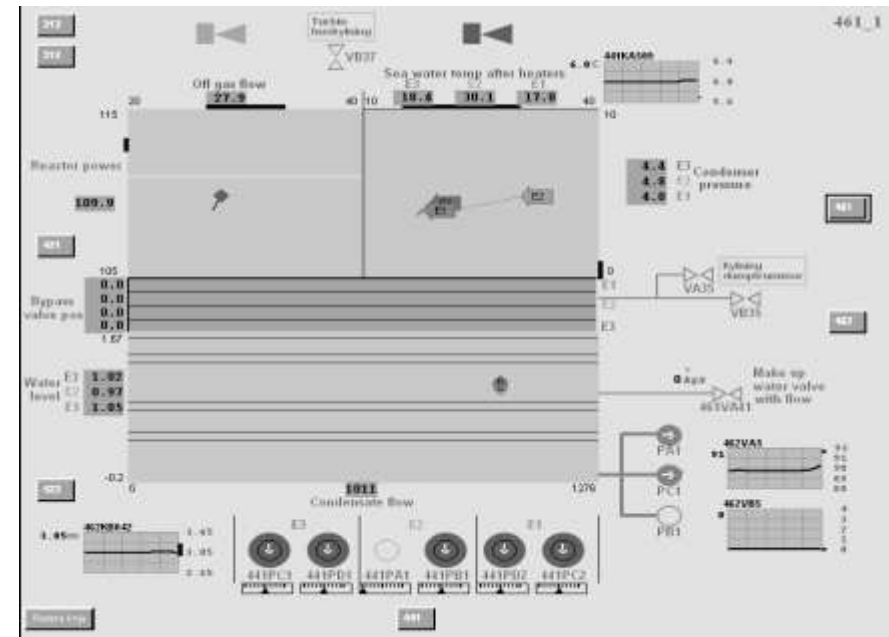
Abstract

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 density 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.



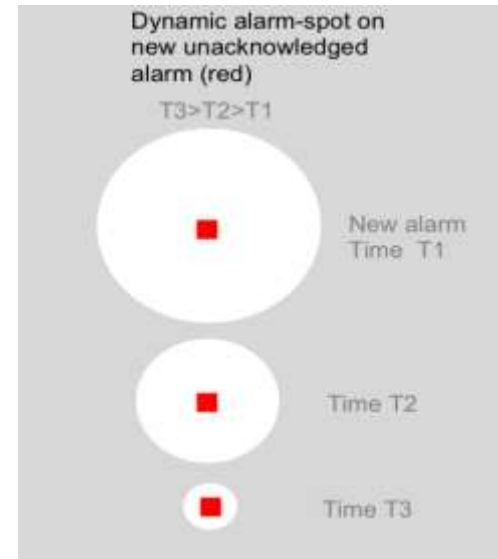
Design vs patent

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.

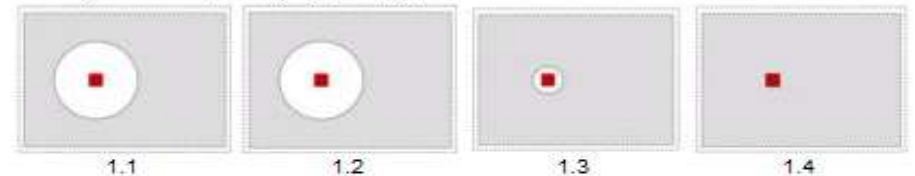


Beveglig design 08255 I

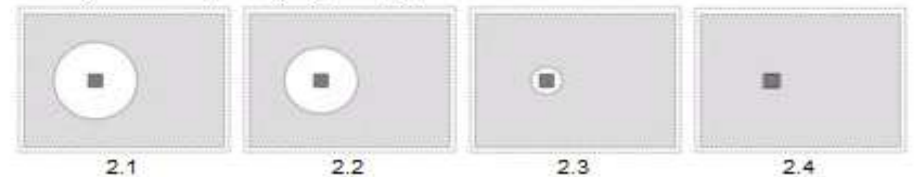
- Hvis en animasjon ikke kan registreres som design, men enkeltbildene kan – så gir det ikke god nok beskyttelse.
 - Det trenger ikke å være opphavsrett på en slik industriell løsning
 - Enkeltpilder trenger ikke være nye selv om animasjonen er det
 - I eksempel er ikke runding med firkant nytt
 - Animasjonen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



1. Skjerm bilde (beveglig design)



2. Skjerm bilde (beveglig design)

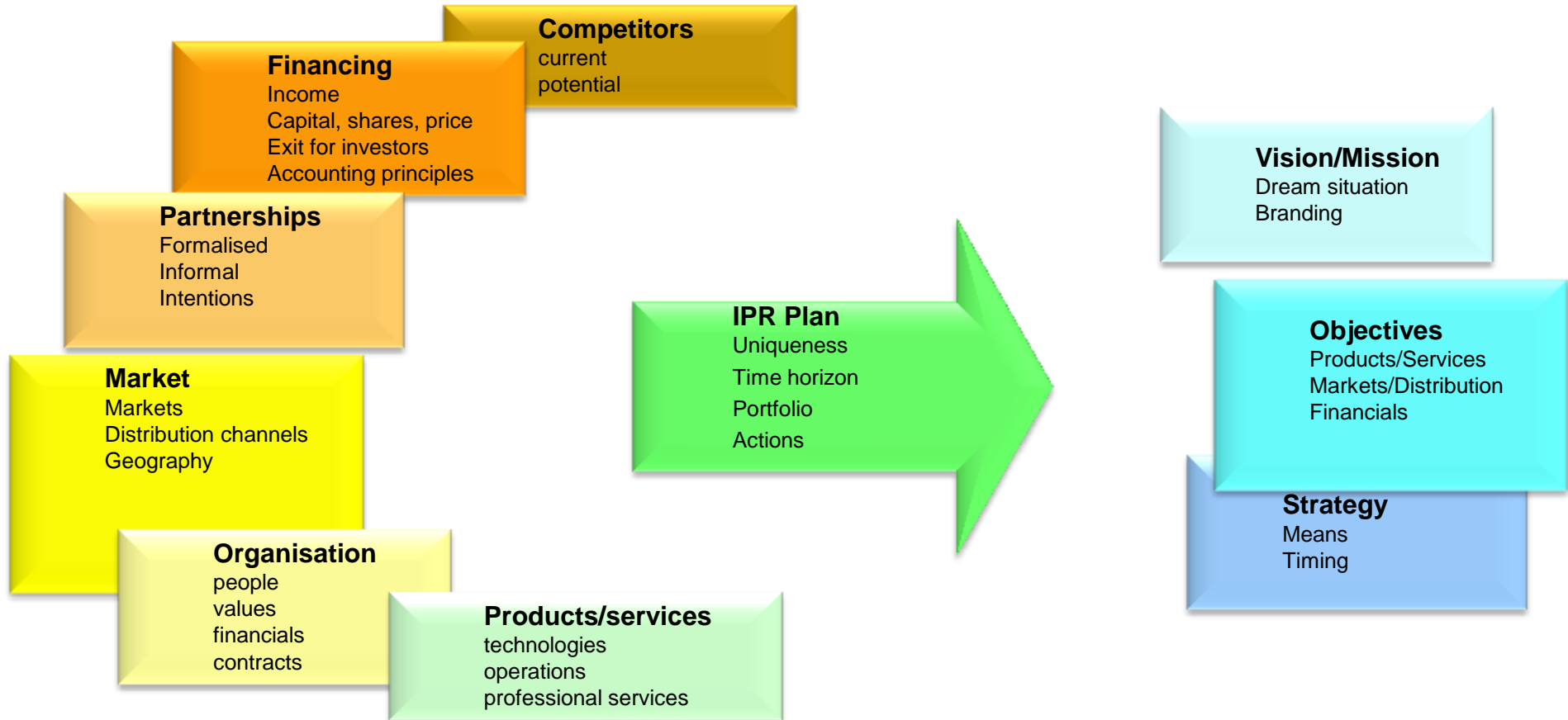


	Field	Requirements – Validity period	Examination
Patent	Technology Product, Process, Use of a product	Novelty, Inventive step, Industrial application Validity < 20 y (+ 5 years possible)	Grant 2-5 years Publication after 18 months
Petty patent , utility model, Innovation patent	Technology Product (mainly)	Lower requirements than for patents No harmonisation of rules between countries Validity 6-12 years	Registration directly No examination
Design registration	Visual appearance, not functionality	Novelty, Individual character - classes Validity < 25y – grace period : 12 m.	Grant after examination. Unregistered designs under certain conditions.
Trademark registration	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
Copyright	Artistic works Computer programs	Originality (low requirement) Prevents against copying and adaptations Validity < Life + 70y	Automatic © 2005, Acme AS
Trade secrets, Know-how	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
Domain names	Related to trademarks	Validity unlimited, fee payment	Registered by special authority
Scientific Publications	Publication	Novelty bar to later patent applications Content of patent applications can be published in Scientific Publications	Peer review
Geographical indications	Agricultural	Special legislation and marking	Political process

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

BUSINESS PLAN, DUE DIL

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

GEOGRAFISK INDIKASJON

Opprinnelsesbetegnelse

FOR 2004-02-10 nr 581: Forskrift om beskyttelse av produktbetegnelsen Økologisk Tjukkmjøl 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 Tjukkmjøl fra Røros

INNHold

Forskrift om beskyttelse av produktbetegnelsen Økologisk Tjukkmjøl 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 Tjukkmjøl 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 særpreget på landbruksbaserte næringsmidler, fisk og fiskevarer § 15.

§ 1. Beskyttet produktbetegnelse



Beskyttet opprinnelsesbetegnelse

[Gulløye fra Nord-Norge - Produsentorganisasjonen Ottar,](#)
[Ringerikserter - Røyse Ringeriks-erterdyrkerlag,](#)
[Skjenning - Skjenningbakeran,](#)

Beskyttet geografisk betegnelse

[Eplejuice fra Hardanger - FellesJuice AS,](#)
[Fjellmandel fra Oppdal - Fjellmandel Oppdal BA,](#)
[Gamalost fra Vik - TINE Meieriet Vest BA,](#)
[Hardangereple - Hardanger Fruktprodukt,](#)
[Hardangermoreller - Hardanger Fruktprodukt,](#)
[Hardangerpærer - Hardanger Fruktprodukt,](#)
[Hardangerplommer - Hardanger Fruktprodukt,](#)
[Ishavsørøye Vesterålen - Sjøblink Blokken AS og Sigerfjord Fisk AS,](#)
[Rakfisk fra Valdres - Valdres Rakfisk BA,](#)
[Ringerikspotet fra Ringerike - Ringerikspotet BA,](#)
[Sider fra Hardanger - Hardanger Siderprodusentlag](#)
[Økologisk Tjukkmjøl fra Røros - Rørosmeieriet AS,](#)
[Tørrfisk fra Lofoten - Bedriftssammenslutningen for Tørrfisk fra Lofoten](#)

1 GOATS DO ROAM

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



- Halv pris på champagne i kveld!

Den norske restauranten Champagneria i jubelrus.

Marit Riber Sparre
Publisert 27.05.2006 - 10:29 Oppdateret 27.05.2006 - 10:40

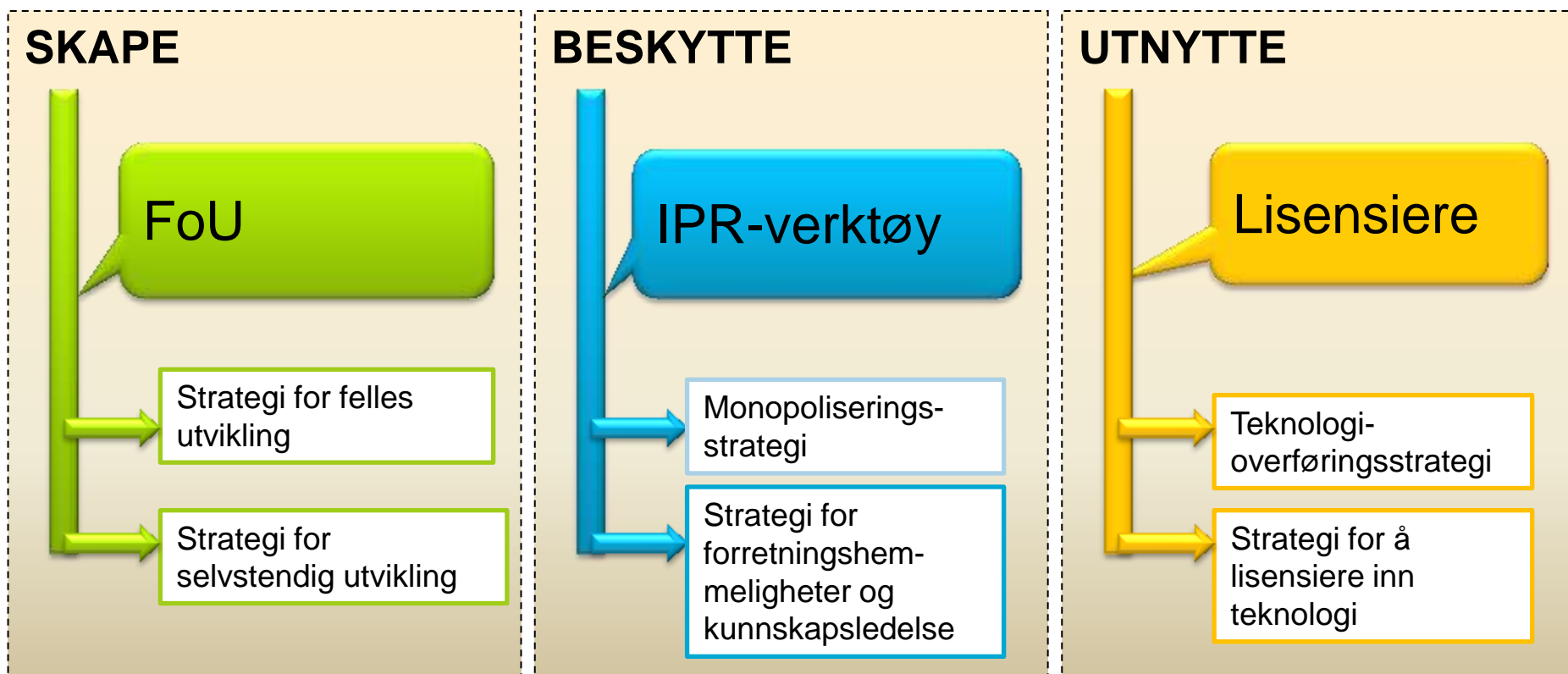
Norske Champagneria fikk rettens medhold til å beholde navnet, men franske vinbønder vige.



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.

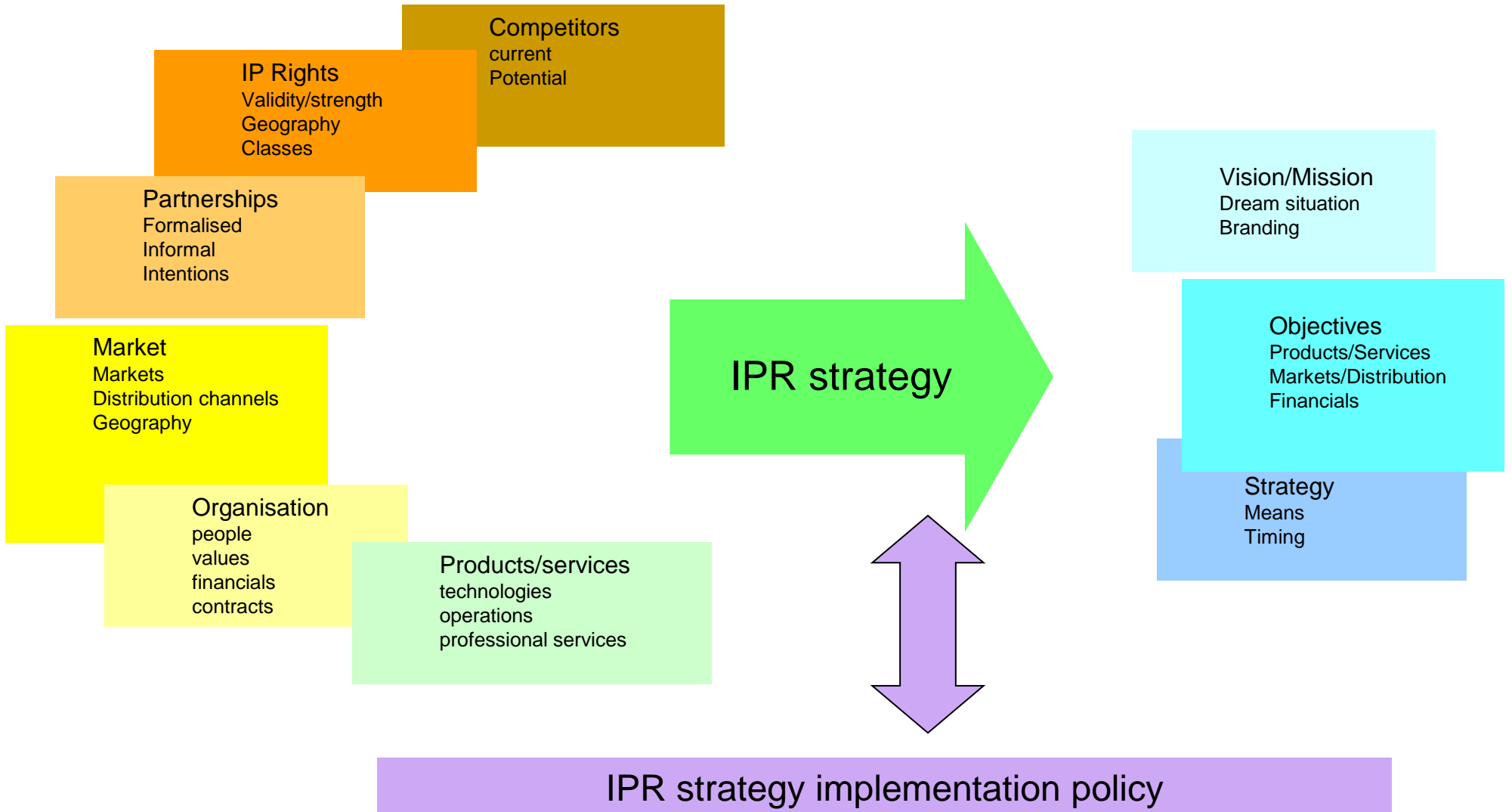
FOU I KONSORTIER PROSJEKTLEDELSE OG IPR

Tre sentrale områder for IPR-strategi



Basert på: JPO /Kazuo Hattori

IPR strategy workshop model



Preparation to the workshop

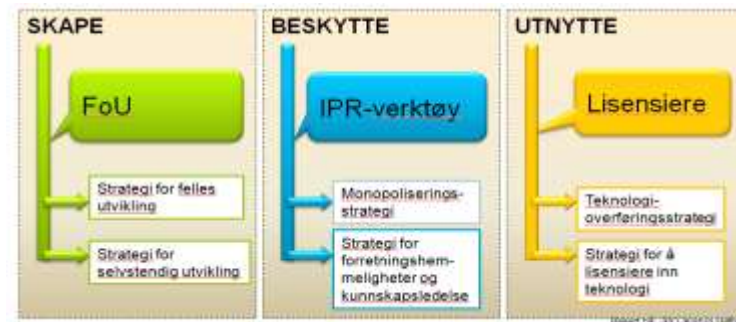
- **Analysis of documents (non limitative list):**
 - Project description, including objectives and manning
 - Report on strategy and/or IPR strategy of the company
 - Agreements with clients, partners and sub-contractors to the project
 - Typical employment contract or company handbook
 - Relevant in-house 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

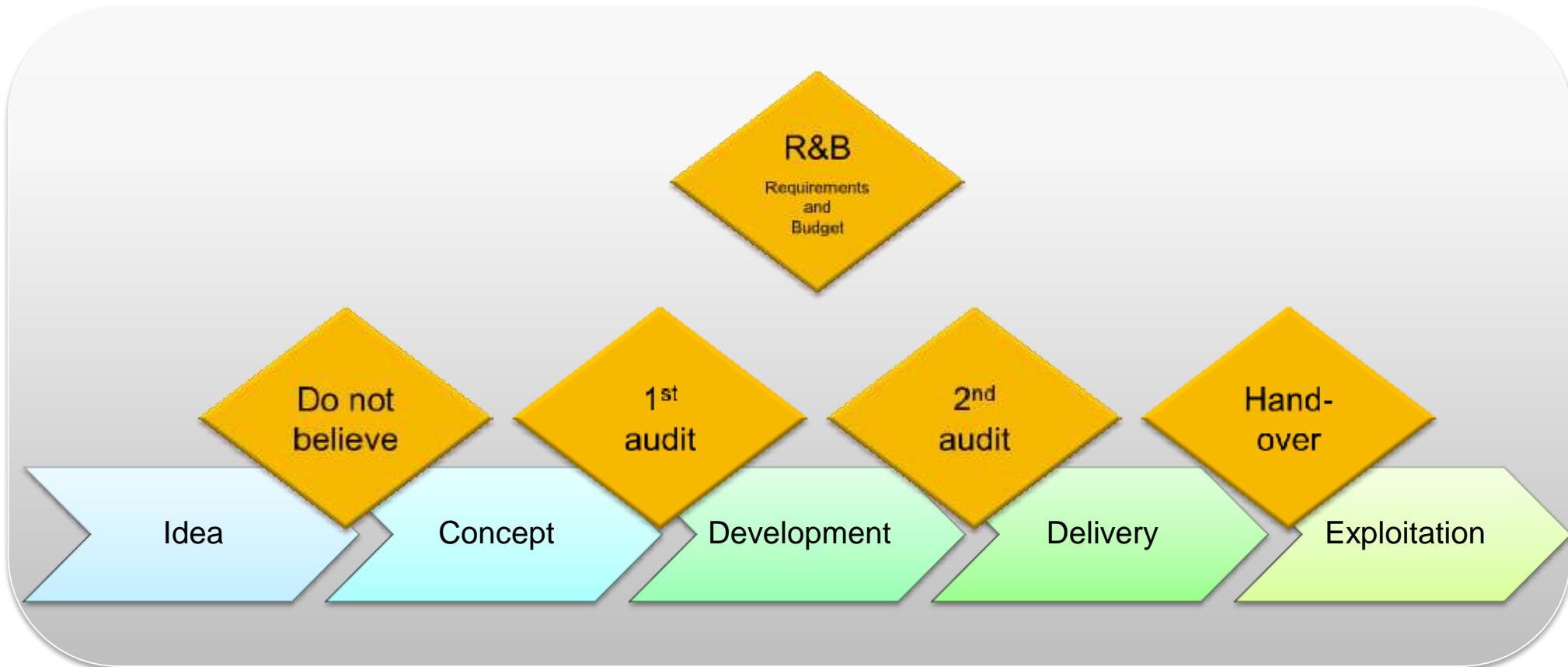
- **More research on former and/or new issues**
- **Production of a report**
 - Recap on basic hypothesis, such as the company IPR strategy
 - Analysis of the project situation
 - Analysis of the relevant IPR issues and processes at the company
 - Results of the competitive IPR landscape analysis
 - 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**



External R&D issues – 5 check points



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

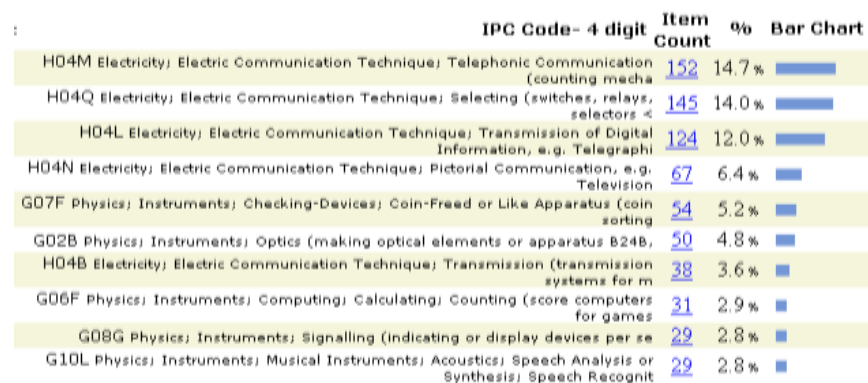
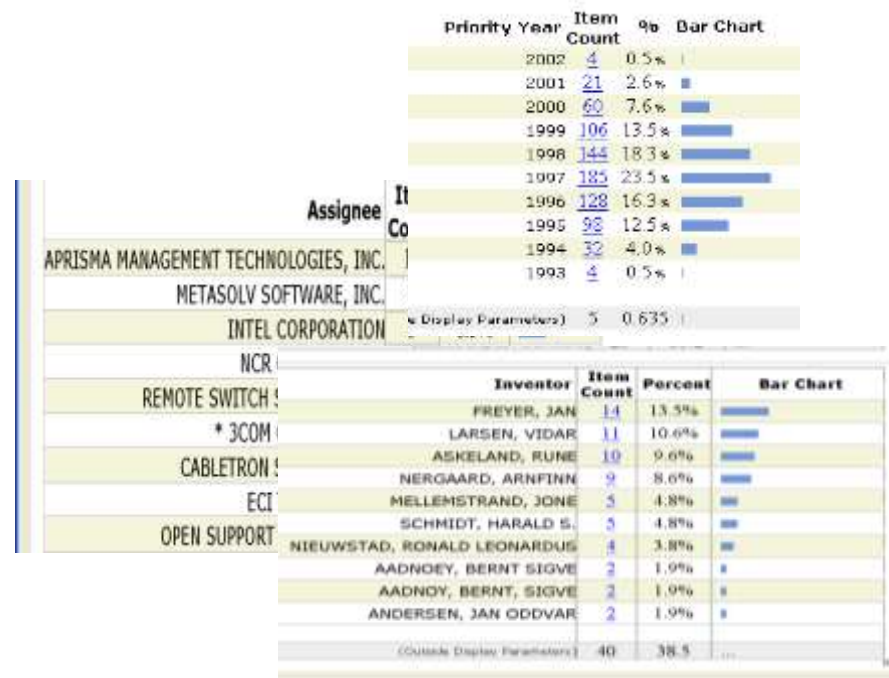
- ✓ **Plan serious formalising work (application/contract)**
 - ✓ time and persons
 - ✓ professional advice
 - ✓ alignment with business strategy – internal value proposal
- ✓ **Be involved early in the writing of applications**
- ✓ **Double-check initial (one year old?) assumptions from application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

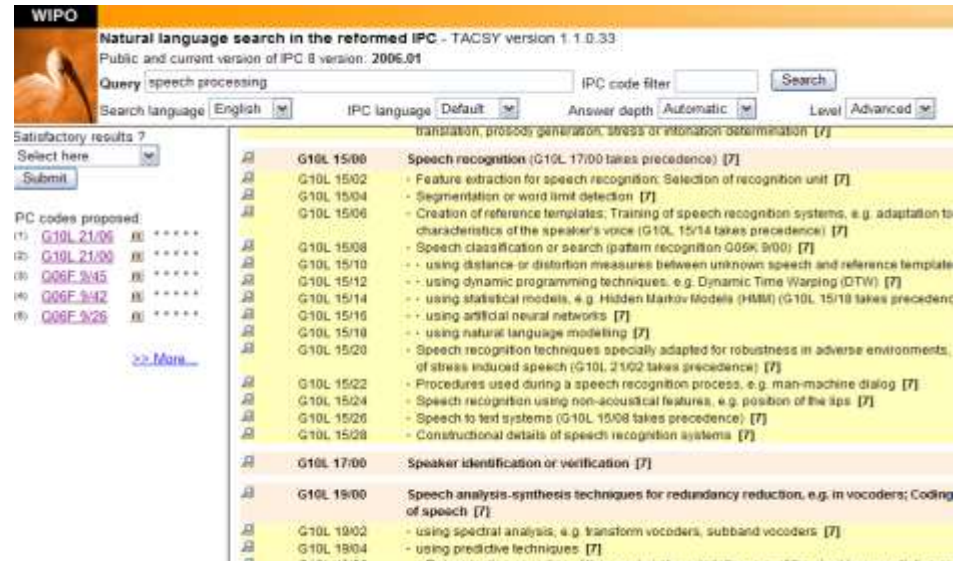


Finding patents – and applications

- **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: speech processing
IPC code filter: [] Search

Search language: English | IPC language: Default | Answer depth: Automatic | Level: Advanced

Satisfactory results? 7
Select here [v] Submit

PC codes proposed:

(1)	G10L 21/06	****
(2)	G10L 21/00	****
(3)	G06F 3/45	****
(4)	G06F 3/42	****
(5)	G06F 3/26	****

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 (patfam recognition G06F 3/00) [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 modeling [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	Constitutional 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 : [2,300,000] : c
G10 MUSICAL INSTRUMENTS; ACOUSTICS : [3,000,000] : 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 01728; reacting or communicating with the blind, deaf or mute G09B 02100; telephonic communication H04M) : [3,000,000] : c
G10L 15/00 Speech recognition (G10L 01700 takes precedence) : [2,251,000] - [3,200,000] : c
G10L 15/22 Procedures used during a speech recognition process, e.g. man-machine dialog : [4,270,000] : c

4,900 matches found
Displaying results 1 - 20 of 4,900

Pub. No.	Title	Pub. Date
EP1239460B1	Providing help information in a speech dialogue system	2006-11-02
DE102005019092A1	Verfahren zur Inbetriebnahme, Justierung, Wartung oder Steuerung einer optoelektronischen Schutzzeitschaltung	2006-11-02
DE102005018174A1	Verfahren zur gezielten Ermittlung eines vollständigen Eingabedatensatzes in einem Sprachdialog	2006-11-02
DE60123133C0	Sprachgesteuertes Betriebssystem	2006-11-02
WO003111230A1	METHOD FOR THE TARGETED DETERMINATION OF A COMPLETE INPUT DATA SET IN A VOICE DIALOGUE SYSTEM	2006-10-20
US71227395	Method and system for predicting understanding errors in a task classification system	2006-10-24
US2006023889A1	Network based interactive speech recognition system	2006-10-19
DE602004002230C0	Spracherkennungssystem für ein Mobilgerät	2006-10-19
DE102005016853A1	Verfahren zur Kontrolle von sprachgesteuerten Applikationen und zugehöriges Kontrollsystem	2006-10-19
DE60835792C0	Verfahren und Apparat zum Erzeugen semantisch konsistenter Eingaben für einen Dialog-Manager	2006-10-19
EP1485773A4	VOICE-CONTROLLED USER INTERFACES	2006-10-18
CN1892872A		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 __	751	15.0 %	
	INTERNATIONAL BUSINESS MACHINES CORPORATION	179	3.5 %	
	KONINKLIJKE PHILIPS ELECTRONICS N.V.	158	3.1 %	
	MICROSOFT CORPORATION	79	1.5 %	
	NEC CORP	66	1.3 %	
	MATSUSHITA ELECTRIC IND CO LTD	64	1.2 %	
	CANON INC	63	1.2 %	
	SIEMENS AKTIENGESELLSCHAFT	61	1.2 %	
	SONY CORP	60	1.2 %	
	MITSUBISHI ELECTRIC CORP	58	1.1 %	
	(Below cutoff)	3,476	69.3	...

Priority Year	Items	%	Bar Chart	Inventor	Items	%	Bar Chart
2005	61	1.2 %		__ No inventor __	488	4.5 %	
2004	252	5.1 %		DOBLER, STEFAN	26	0.2 %	
2003	456	9.3 %		ONO TAKESHI	22	0.2 %	
2002	529	10.9 %		LEWIS; JAMES R.	21	0.2 %	
2001	780	16.0 %		GSCHWENDTNER, WOLFGANG	19	0.1 %	
2000	630	12.9 %		LEWIS, JAMES R.	19	0.1 %	
1999	601	12.3 %		SQUIBBS, ROBERT FRANCIS	18	0.1 %	
1998	396	8.1 %		GOULD; JOEL M.	17	0.1 %	
1997	285	5.8 %		KATSUKURA YUTAKA	17	0.1 %	
1996	202	4.1 %		KO SEIYO	17	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)[†]
- German (Applications)[†]
- 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

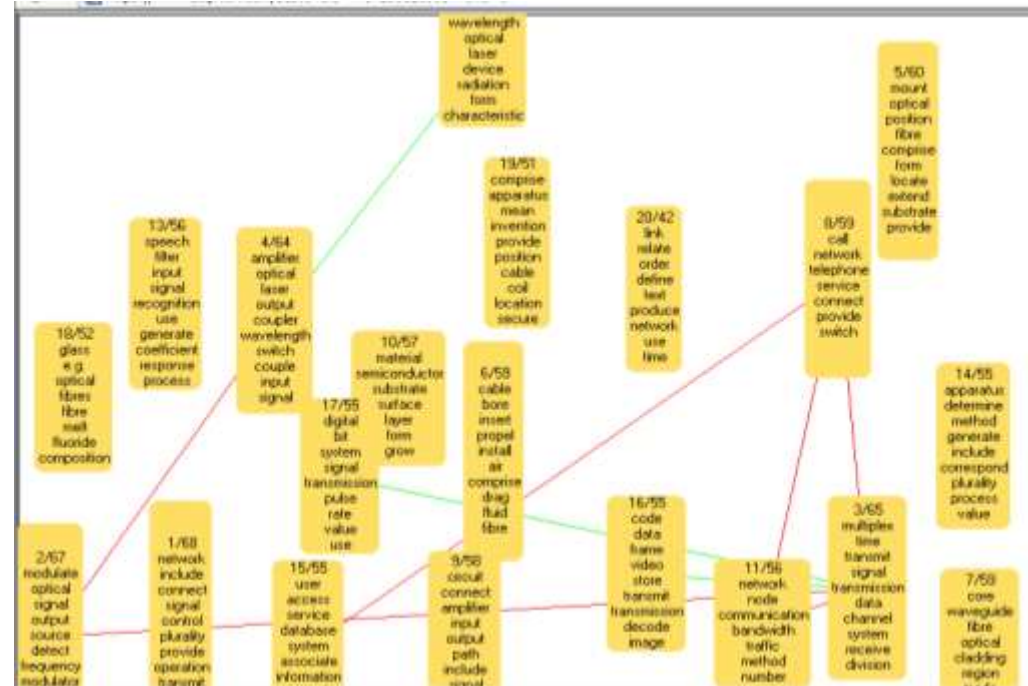
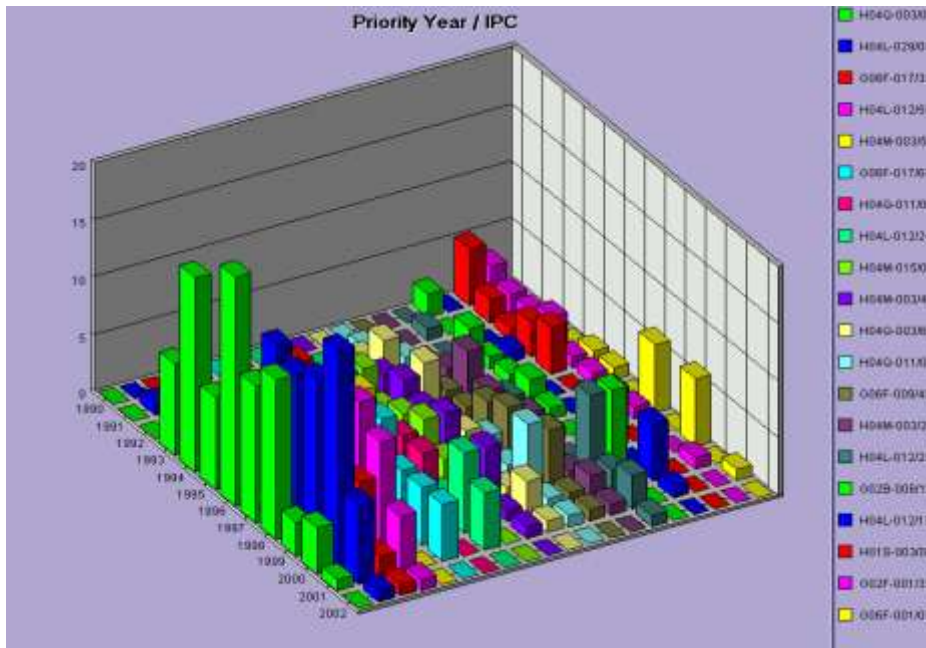
To: year month day

[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)

Pub #	Publication	Derwent Title	Assignee	Priority	Score
<input type="checkbox"/>	W006113924A1	PROGRAMMING FOR A GRAPHICAL USER INTERFACE	THE MATHWORKS, INC.	2005-04-19	100%
<input type="checkbox"/>	W006113518A2	APPARATUS AND PROCESS FOR A UNIVERSAL DIAGNOSTIC MONITOR MODULE ON A WIRELESS DEVICE	QUALCOMM Incorporated	2005-04-14	100%
<input type="checkbox"/>	W006112795A1	IMPROVEMENTS IN AND RELATING TO SEARCHING ON A USER INTERFACE	CREATIVE TECHNOLOGY LTD.	2005-04-22	100%
<input type="checkbox"/>	W006118879A1	POWER CONTROLLER USER INTERFACE ASSEMBLY AND METHOD	WATLOW ELECTRIC MANUFACTURING COMPANY	2005-04-11	100%
<input type="checkbox"/>	W006107557A2	METHOD AND SYSTEM OF PROVIDING USER INTERFACE	COMCAST CABLE HOLDINGS, LLC	2005-03-30	100%
<input type="checkbox"/>	W006107335A1	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

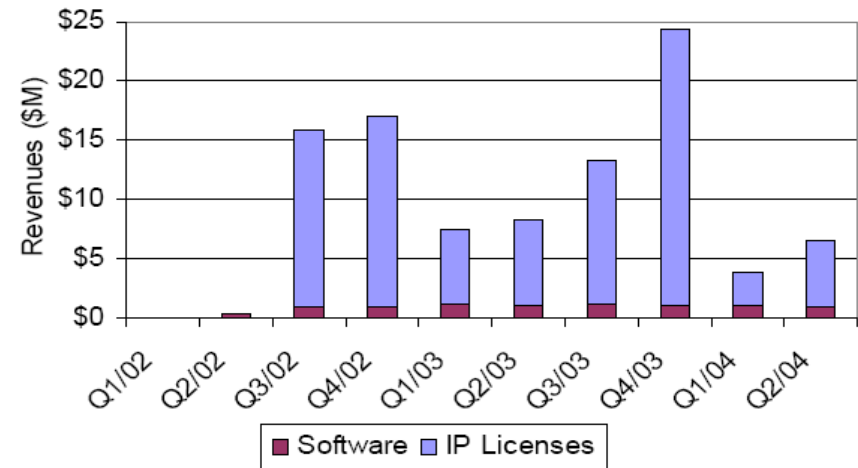
- **Edital, Compumark...**
- **WIPO, OHIM...**
- **Patentstyret – Varemerketidende, Designtidende**

- **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**



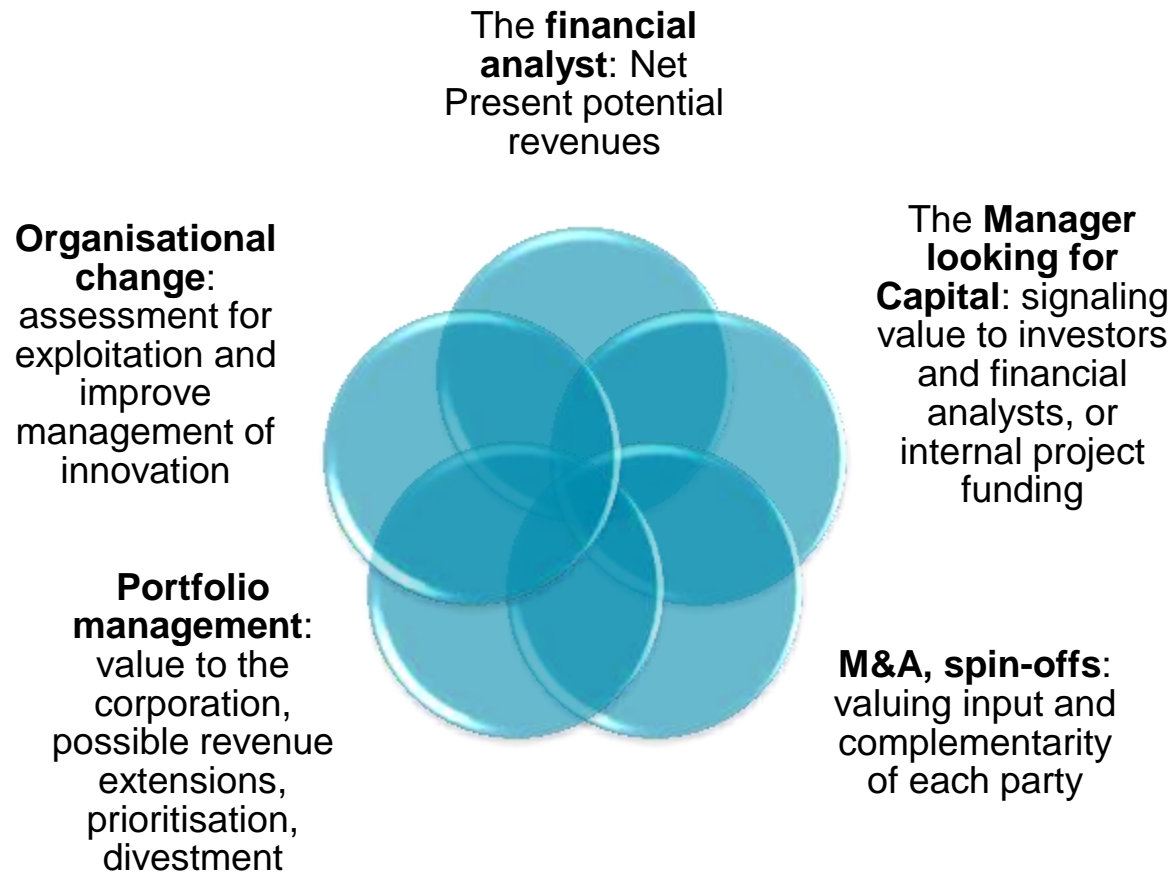
Valuation Implications

- **“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**

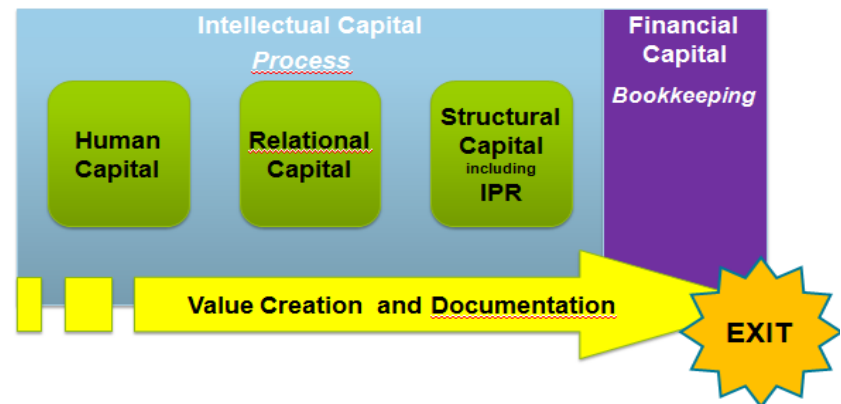
IP assets valuation classic light

- **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