

ROADMAP FOR PATENT CREATION

IP AND FUTURE AREAS TO EXPLORE

LECTURE 04

A very warm welcome in the fourth module of week 1 of the Course, roadmap for patent creation, titled “IP and future areas to explore” In this module we will be discussing the future /advanced areas in the IP domain. So, let’s begin!! The future journey in IP domain.... Please meet “John Doe” Today he will be with us After going through the last module titled “what is IPR?” you might have appreciated various types of IP and related laws...probably you might have perceived the vast nature of IP field.... Going further in this module we will see the future upcoming areas and the complexity related to it The question in your mind will be why we should know about future areas of IP when we are now still understanding the basics of IPR

There are two main reasons The first reason behind introducing this topic, an overview of the future areas in IP, is that as a country we are still struggling with IP awareness ...and the world is embracing future technologies with very fast pace which will be predominantly IP protected Understanding this future growth and upcoming developments in the IP domain may help you to think differently about the current technology field in which you are working. you can explore your current technology field about which you are passionate. You can explore your areas of interest very differently and efficiently using various IP tools provided or made available due to advances in the IP field...

The second reason to introduce this module is as technology is growing, complexity of law especially IP law is increasing with the upcoming developments in areas like artificial intelligence, blockchain and their applications in various sectors this complexity of IP law is becoming challenging So, it is becoming important now rather indispensable to understand IP law which will give you competitive advantage ... To explain it with a technology domain...we will take an example suppose you are working in the area of artificial intelligence ...now You will say how AI that is artificial intelligence and IP is

connected... Just a simple example.... suppose by using AI if new creative thing is developed then who is the owner of that creativity?.....think...a machine which created it? Or a person or group or person who developed machine or who?

The other example... recent case of car accident by a driverless car. ...no driver ...so against whom the case should be filed? The car maker, or the machine that is car or the group of people who developed this technology which helped the car to be driverless or whom....Think over.....Sobecause of these two reasons that is,

1. Fast pace technology and competitive advantage and second
2. Complexity of law

We have introduced this overview of future developments in IP domain. With limitation of time we will just touch base upon these new areas of IP just like in earlier module we have got the glimpses of various types of IP other than patent. Similarly, here we will see the glimpses of future areas ... and then from the next module we will focus on patent ...ok.... So here we go.... which are these future IP areas organizations are exploring First IP audit Second IP portfolio and its management Third Pat informatics which is also called as patent Informatics or patent Analytics Fourth IP valuation Fifth IP and bank loan Sixth IP insurance Seventh Technology transfer Eighth IP strategy Ninth IP management And the tenth Patent trolls

There are a few more, however, we will just take a look of these 10 areas... probably you might have heard a few of these words and may be aware about it Let us start with a first one IP audit...a most important topic through which you can easily identify potential IP... You have heard about the word audit ...immediately you have started thinking about finance, right? So same meaning here or it is different? audit will be perceived differently by account person or finance person and under management of IP this will be perceived differently Off course we will not go in much details of it Just for our understanding we will take an example and with this we will try to understand what it is exactly

So, take an example of your college or school in which you are working or in which you are studying or you can take an example of an organisation in which you are working or take example of your MSME anything so, what will be IP audit of your college or school or organisation or MSME. it will be a process by which you will examine the various activities carried out within the organisation or college or school with IP perspective... so

what is that examination is? When we say IP audit, we check the processes related to IP management and we will check if they are in a right place, we will check the performance level of each and every process. you will say what are these processes are? there are almost 100 + processes related to IP management ... we check these individual processes. we will check whether you are following these processes and if you are following then what is the performance level of that process for example, if it is an academic institute that is college or school then we will check which are the processes related IP management that organization is following then we will check the performance level of that process then we will create audit report we will assess the performance level of that organization with respect to IP management ... as per IP management of an organizations, there are five different levels of organisations .so we will check at what level your organization is...

we will help you to identify potential IP say patent which you can immediately consider for patent filing. My experience is generally although you are not aware about your potential IP, with IP audit we find at least one potential patent or we can guide you how you can plan your activity to generate a patent... Many times, you own or you possess IP like patent but due to unawareness you cannot understand if this is patentable or not so in audit report, we dig out all such potential IP Thus, in short, this activity helps you to identify potential IP, performance level of IP management processes, and setting up of imp system in your organisation ...in academic institute we call IP system as IPR cell

so, this activity of IP audit assists you in setting up. IPR cell

In the reading material we have included research paper related to IP audit titled “Develop your own IP management system and self-assess” probably this may be of your interest. also, we have included a small 5-7 min video on this in one of the upcoming modules so you will get more information about this Moving further second area is IP portfolio So, first question is what is IP portfolio This is nothing but a total number of IP owned by any organisation do you have any idea that how many patents probably an organisation can have? Say for example take an example of organisation – Siemens.... do you know how many patents Siemens have guess? there are almost 55000 + patents filed by this organisation such a huge number of patents would you like to compare this number with our Indian Organisation in the same sector say Crompton Greaves what about this

organisation how many patents Crompton Greaves own.....almost 1000 + and this is increasing

so same sector electrical engineering but there is a difference in IP portfolio ...this difference is due to many reasons including the timespan of organizations. but purpose of mentioning this is that ...this helps us to understand the competition in the field ... also the other reason to mention this example is by studying the examples like siemens and Crompton greaves

we can learn from these organizations as how they have created such a huge IP portfolio and how they are maintaining it Maintaining IP portfolio is like maintaining propertyso how to manage IP portfolio to get best out of it, how to manage cost of maintenance fees of patent and so on.... and if patent is filed in many countries, how to maintain it in all those countries where it is filed. Generally big organizations like siemens, file their patent in many countries ...these organisations file one patent in 20-25 countries or so and then in such scenario how they are managing it, what about revenue how they are generating revenue things like this and many more other aspects are taken care under IP portfolio management The next area is patent informatics or patent analytics Now this we should know in little more detailit is very important area

When we will be dealing with research project planning in week 6, 7 and 8 we will see this pat informatics in more detail this is first step for any research planning and hence we have dedicated one module for this in the week 2 of the course. This is again a very vast domain.... however just to give your idea what it is we will take example... Suppose you are working in mechanical engineering domain. Within mechanical engineering say you are working on a particular machine which is say related to waste management... so here if you know pat informatics how you can use it... you can use this pat informatics to check the other patents already filed in this domain then after analysing these domains, you get the idea about what exactly is going on in this domain then you can further analyse it and there is possibility to understand the technology trend in the domain so with this you can anticipate where the technology is moving

Once you know this basic information you can plan your research in this domain so definitely you will not do the same thing which others have already done and second you will think ahead of time so novelty aspect is taken care. What this technology trend is? What this novelty aspect is? how this can be used in research/project planning? All

these things we will learn in module 6,7 and 8. So this pat informatics is an indispensable activity when you are doing any research or project...Next fourth area is IP valuation You know property valuation? Am I right? Suppose you want to buy a property and for that you want a loan from the bank then what bank asks you...they say please show or bring property valuation report? Then bank will give you contact details of experts/property consultants who are expert in property valuation. He /she will visit your flat/bungalow or the property you own or you want to purchase and then they will do market research and provide you valuation report.

Correct?

Now based on that property valuation you get the bank loan Sometimes you do this activity to sell your property... this activity helps you to calculate appropriate cost of your property.So same thing here In this IP valuation, valuation is done of your intellectual property that is patent or copyright or trademark Please check these examples

Google

Trademark value: \$44.3 billion

Microsoft

Trademark value: \$42.8 billion

Walmart

Trademark value: \$36.2 billion

Vodafone

Trademark value: \$30.7 billion

Apple

Trademark value: \$29.5 billion

Fifth IP and bank loan The other area to be explored is imp and bank loan. Probably, you might have surprised how imp is related to bank loan Generally, we think bank can give loan on property like home, gold etc. How Ip is related to loan? However, with previous sessions and the concept of IP valuation which we have just touch based upon you have understood that IP holds some financial value to itself as it is intellectual property..Now banks have started recognizing it by accepting IP as collateral to give loans to the company or organization. This is useful specially to start ups and MSMEs to raise funds...

Sixth IP insurance The next domain is "IP Insurance". Generally, we have understanding that insurance is life insurance, property insurance. why insurance is required for IP.... Again, please note IP is a type of property so, there are also chances of theft...which we call infringement ... to prove this we have to approach court.... or sometimes by ignorance you infringe some other person's IP.... And this attracts litigation... As you know litigation is very costly ...so under IP insurance you receive coverage to intellectual property. it is secured thus it can cover legal costs of enforcement of claims and legal costs in defending.

Seventh Technology transfer The next domain is Technology Transfer where technologies owned by one person, organization or groups are licensed or transferred to another person, organization or groups. Such transfers are made in the anticipation of further development to the technology. Another term which could have more value in future is IP licensing. It is an agreement made between two parties to license a specific technology to another person in lieu of monetary gain. The one who transfer his/her rights is called licensor and who receives the right is called licensee. License may be exclusive or nonexclusive...what is the meaning of exclusive and nonexclusive? please google... this technology transfer helps to gain monetary value

Eighth IP strategy Ip strategy is very importance domain where you need visionary outlook to gain benefit from the IP Most of the organizations use imp strategy very effectively there are many or different types of IP strategies here we will see only two examples. very briefly. One ...patent ticketing and second Cross licensing The term "Patent Thicket" means "a dense web of overlapping intellectual properties." It is also called as Patent Floods or Patent Clusters. It basically means that in a specific field of technology so many patents potentially held by different owners so that they may overlap in their protective scope. That is a single technology which is owned by an organization is densely covered up with many related patents. this strategy helps organization to secure their core technology.... Another strategy example is "Cross Licensing" where a part of a particular IP is transferred to another party in lieu of license to another part of an IP. Cross licensing can happen between two or more person/entities.

Ninth IP management. Next, we have IP management which is a continuous and an ever going task in any corporation. The process mainly includes generation of IP, identification of potential IP Protection decisions Maintenance of imp Ip

commercialization Identifying- the IP is first challenging task. As shared earlier IP audit helps in identification of potential imp. In the next step decision on the protection of IP is taken like registration of patent, Trademark etc. The next step involves taking decision on the commercialization of IP by the organization. This involves internal usage that is in house use of the IP to develop a product or technology transfer that is licensing out. Management also involves various other activities such as evaluation of IP, enforcement related decisions, decisions related to acquisition and merging with Ip perspective, IP maintenance related decisions and so on.

Now coming to the last that is tenth ... Patent trolls you are aware about the word "troll" ...right? Trolling is generally a derogatory term ... We generally hear this term in the news that somebody has been trolled. so, what do you understand by patent troll?

We mentioned this here to make you aware about such entities which may take undue advantage of if you have limited knowledge about the IP and if you are unaware about imp trollMany times, trolls take benefit of ignorance of the individual....patent trolls are those company or entity or individuals that obtains the rights to one or more patents or withholds certain claims in a specific field of technology this holding right is not for positive activity of producing products or services however, this activity is for profit by means of licensing or litigation Often such infringement suits tend to demand more damages than the actual worth of the patent

With this we come to the end of this session. In the next session, an introduction to patent, we will see an interesting case where a single patent helped inventor to build a giant organization.... that is from single patent a company is incubated by an inventor and the competitive advantage due to patent helped him to build a giant organization worth of billion dollar...See you in the next session

thank you!