



IP practitioners

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Creating IP - a definition

- Innovation - creating **value** through doing *something* in a **novel** way
 - Immediately evident value please!
 - Promotes incremental improvement, not revolutionary
- Pre-innovation
 - Pre-value, pre-“something”, preparing for “being novel”
 - No assessable value yet, but necessary for revolutionary change - the big one!
 - Rarely recognised, not understood, not formalised
 - Essential for a healthy IP portfolio

IP genesis

- Institutions do not innovate - **individuals** do!
 - The institution provides the fostering environment (or not)
- Innovation is an iterative process
 - Not a waterfall model!
- Innovation needs **trans-domain** expertise
 - Need to balance external pre-innovation with domain specific application
- Commercial value comes from solving a pressing problem
 - Must have a **customer**
 - Dangerous to **think** you understand the customers' problem!

Why patent?

- The MD/CEO/Board/investors understand patents, trademark, design, copyright assertions
 - Costs are justifiable
 - Benefits can be quantified
 - There are risks...
- Business grow/exit strategy
 - Crank the value, IP is assessable, quantifiable
 - Decide going in
- Alternatives
 - Know-how, trade secrets
 - Publicly certified documents?

Innovation balancing act

- Corporate - inside - out
 - We know the business, we just need a little help
- Corporate Outside - in
 - “I’m from *whothell* research, I can help you”
 - Imposed by a buyout
- Competitor watch
 - Reactive, not proactive
- Watch your own business!
 - Markets move

A skunkworks is born...

- I see an opportunity based on my “diverse” experience - I just need to try it
 - No, it is not in my duty statement!
 - We are not in/moving to that business
 - Assumes you know what business you are/will be in
 - Do not waste your time, got on with your real job
- All healthy companies have skunkworks
 - Some pretend they do not as it is hard to explain to the board and the investors
 - Interesting insight to cultural values
 - Very hard to formalise

Those young up-starts...

- Everyone has varied/extraneous interests
 - Innovator individuals may be prepared to offer potential IP value.
 - Recognise, capture, formalise, reward?
 - Punitive contacts, “whole of brain” clauses, non-domain caveats or
 - Reality - baseline plus contracts, reviews
- Innovation costs!
 - The innovator hopeful must understand the time/cost
 - What can you afford right now?

So you still want to go ahead?

- Formalising your IP
 - Are they really patents?
 - Restrictions - apparatus, method, abstractions
 - Forced to public domain in 20 (5) years
- Getting and holding a patent
 - How many patents do you think you might have?
 - Application structure, semantics
 - Post-grant enforcement issues
 - Case studies
 - The importance of syntax and semantics