

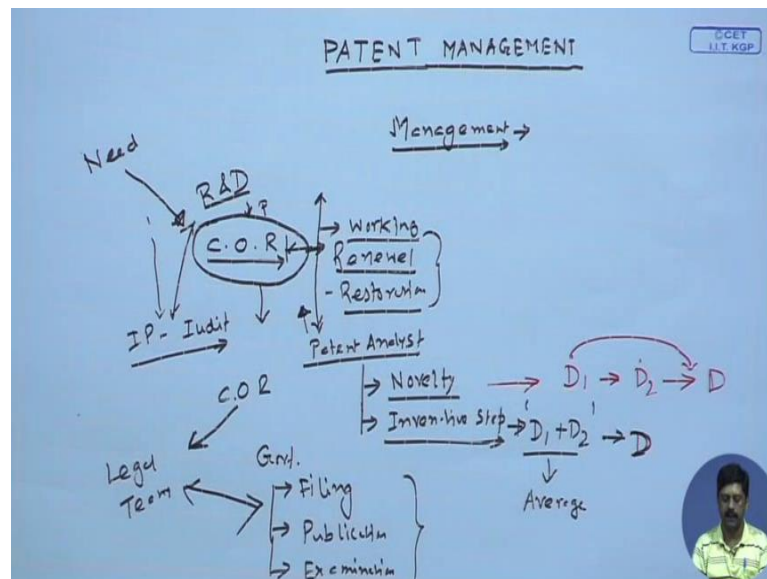
Introduction on Intellectual Property to Engineers and Technologists
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Lecture - 15
Patent Management

So this class will discuss about patent management. So, class one, we have discussed about let us say patent say prosecutions, patent file in procedure we discussed in earlier week. So, patent basics also we have discussed then the criteria for (Refer Time: 00:49) we have discussed, then we have discussed about let us say patent infringement in last class. Now as your technologist or engineers, so you will be treated as managers. So, now, what why you can manage the patent for an organization let us discuss about that. There also definitely I will go back to the discussion all ready we had the discussion we may have to repeat five of those things here to get an idea of the management of the patents and now when we fully discussed about all the forms of IP then I will consider that is a IP management.

Here simply let us say get an idea got get some idea of the patent management.

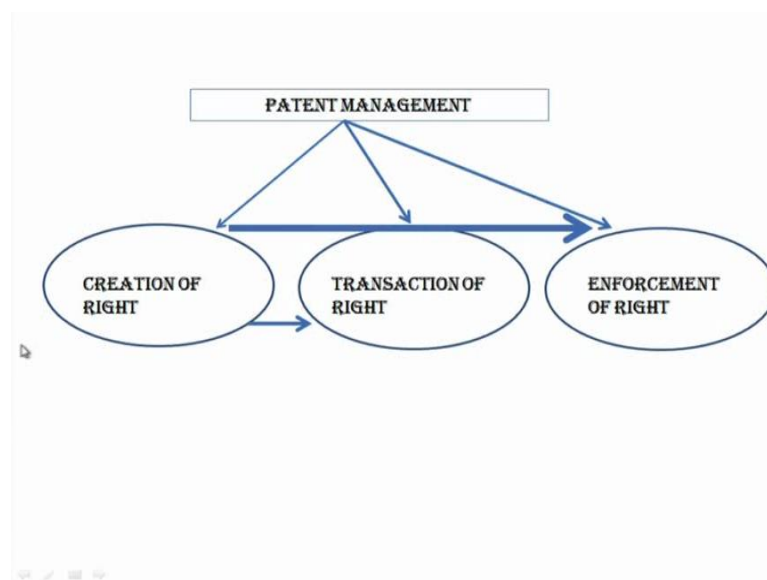
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So, if I ask you what do you mean by management, just like say for managing something for greater goal just like how will you consider economical sales always considered let us say financial concept you can considered that is demand supply gap how will you manage and for marketing manager is you may consider how will you make your product more marketable just through advertisement, through promotion, to increase the sale, then, will human resource management, human resource manager will manage the human resources properly then supply (Refer Time: 02:58) managers will maintain the qualities in (Refer Time: 03:01) quality part. So, different way that it different context you use managers and the work involve call management. Work involved with reference to that he call management. So, let us say here we are creating that you have been recruited let us say because we are try to make it more practical, more useful this kinds of courses. So, let us say you have been hired in a company as patent managers.

So, in what will be your job that part a maybe little bit we can highlights. So, how can you be good managers for as a good manager for the organization? So, here we are discussing that issue. So, now, in respect of patent I have created that management of patents I have created in two three circle here, I have created whatever I my thought was is in respect of that.

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So, there just like say managers job I have created in the how can you make and say integration between creator transaction - creation, transaction and enforcement. So,

although different players involved all those circles, but managers will try to integrate all those circles. So, I have for the design I have created let us say management involve creation as involved integration of creation, transaction and enforcement of rights. He is he is ultimately informing or integrating all those activities. So, let us say analyzed those things a little bit elaborately.

So, one part let us a creation of all right, C O R let us I am putting out creation of rights. So, that let us a company have something. So, situation may arise there need further creation or company had something they do not know whether they have (Refer Time: 05:59) potential IP on that potential patent can be generated out of that. So, maybe then you make say let us different way let us say based on need of the company you are informing your R and D team that we have to create some sorts of patent in that direction for your company to be competitive enough. So, ultimately achieve some market forward. So, now, creation of rights will be done by or a situation arises that by means of you can just involve the audit team. There is another team maybe there audit team, let us (Refer Time: 06:54) audit and IP audit team just find out any potential invention, so invention in that direction. So, you are just communicating that need to IP audit team or R and D team.

So, now they will ultimately audit team try to find out that whatever the potential patents that are need to be protected, R and D team will do further R and D or that what and there will try to generate some source of potential inventions. So, now, how that patent right will be created? You, can you tell how the rights patent rights will be created all the patent right is automatic or patent rights should be created by means of for some procedural aspects. So, there you have to involve then that say other team member in respect of that. So, need R and D teams maybe along with their R and D teams you have that patent search engineers, patent analyst team let us say analyst team analyst team. So, you just involved patent analyst teams.

So, whether whatever the invention you are thinking about, what the invention you are generating, whatever the invention you trying to invent all the things that paternal list you have to involve the paternal list, how can you invent around if somebody is a patent they will find out how can we invent the around that invention or what are the available patent what the patent holder in that field all everything they will ultimately do a search and analyzed. So, patent analyst job will be to further complicate that R and D with

reference to that invention, how that invent around, what will be the way they can do that invention and IP audit patent analyst all those things they are involved in let us a creation of right.

Now, along with that you may involve a legal team, legal team. So, they will ultimately further say because patent rights is five virtue of not simply by virtue of creation registration; required registration not simply registration it is also examination base system, patent right, government give the right to the patent to the inventor, government give the right based on what examination filing, first filing then publication all ready you have got the thing publication then examination are (Refer Time: 10:10) position other part I am not putting (Refer Time: 10:12) the government job they also deals with that. So, now, so (Refer Time: 10:20) rights. So, manager's time to integrate, IP audit team, the analyzed teams are legal teams will try to create that right why (Refer Time: 10:30). So, filing of application, how will you convert how you will draft, that components or if you are taking the service of outside services then you can inform the legal team from the outside of the organization, now, based on that your filing the patent application.

Now, patent analyst also will judge the criteria for patent analyst just like say novelty then inventive steps, inventive step also. So inventive step these two things also they will judge patent as a novelty and inventive steps now based on the search now. Do you have to repeat these two concepts again let us repeating that thing, novelty means no priority in that field no priority exist. So, then it will be consider as novel and inventive steps that say that inventions means let say improvement or say just like say based on the (Refer Time: 11:37) depart that based on the James Watt steam engine invention that improvement also come up with the preview of the invention let us consider on that part.

So, improvement should be sufficiently just like say this should not be say should not call within the preview of the person having the average knowledge in that field that improvements that say improvement should be beyond the average knowledge of the people in that field beyond so, there also I have all ready demand d 1 plus d 2 the that ordinary average people able to club, average people having the average knowledge in that field able to club and generate let us say d invention means d 3, d is the invention then also that can be possible for inventive step in novelty d 1, d 2 means d 1, d 2, d 1 d 2 is the prior art, d 2 is your invention or d 1 d 2 then d is invention d 1 is destroying novelty of the invention d.

So single prior art will destroy the novelty for inventive step you can club the prior art who will can club prior art average person can I able to club the prior art then it will not be considered having the inventive steps. So, inventive steps that patent analyst if will judge novelty (Refer Time: 13:08) I am simply repeating, again inventive step how will you judge again I am repeating problem solution approach or based on TSM method teaching suggestion and motivation method you can able to judge the this apart. So, your job is the manager means you are integrating analyst, analyst is staging the novelty inventive step say then IP audit teams is thinking about let us say what are the potential IP may have there, who can be the just like how you can create that (Refer Time: 13:42) rights whether some employee - now employees permanent employee, employee to employee whether what will be the problem if we treated as inventors whether there other type of a agreement we have to I am say agreement we have to make with that inventors what is the employee employer agreement how (Refer Time: 14:05) the ownership part if proper title part everything they may check IP audit team.

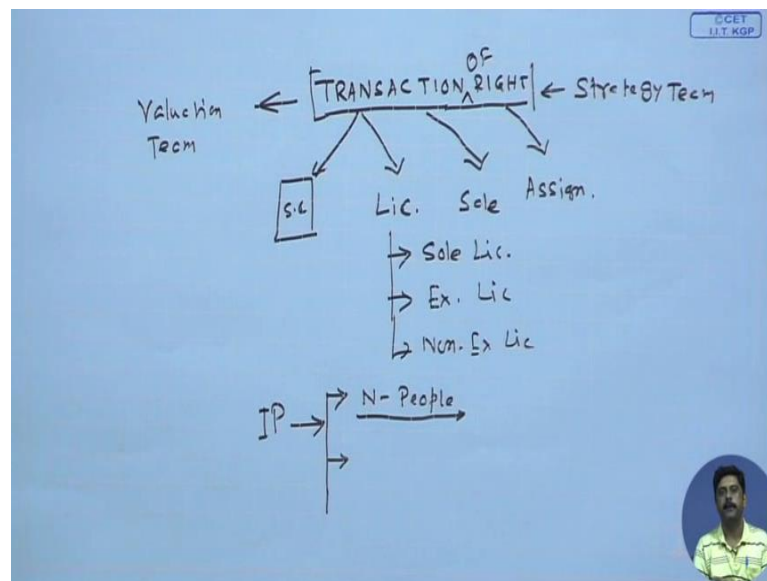
So, now creation of rights is involved by virtue of on that, so your creation of rights for filing publication exemption. So, legal team maybe complicating with that part or say all ready you have a patent, but you have not renewed that patents. So, now, you may refer that now this patent should be renewed or restored. So, by virtue of that renewal and restoration renewal r e n e w e l or restoration also restoration also you are trying to put the rights or of the organization, so renewal restoration, so equation of rights is by virtue of filing the patent, by doing restoration renewal or maybe let us say non working lead to that they say (Refer Time: 15:07) rights try to work maybe in limited way all those things we have discussed now as a how we are integrating those things respect of management of patent I am trying to explain that component.

So, clear about the first circle means creation of rights how integrating the defined people as a managers you are untying to integrate that creation of (Refer Time: 15:29), creation of right how will create R and D teams make creates, but for R and D teams how R and D teams you are just involved the R and D team with the patent analyst teams or you are involving with IP audit teams then along with that legal teams all the things you have to integrate and manage, you understand the creation of rights involved again the different peoples, different peoples. So, let us say researcher he is a researching. So, how what we are research, what way the research can be the asset for the organization have to

think about a multinational company then if you do not do that part then that is a research simply will be consider as the (Refer Time: 16:12) will not be the (Refer Time: 16:14), so creation of rights.

Then another part is coming up, you created patent rights. So, now, if you do not nurture with your rights or means if you do not say licensed or in license or say out license or use it in your product portfolio or your company is product portfolio or company is a business profile then there is no worth of that patent. So, I will put that that will not (Refer Time: 16:56) translated into an asset, you have a patent right it will not be considered into an asset. So, there lies that how can you out license your (Refer Time: 17:12) license or what will be the benefit if you sell your patent, what can be the benefit if you license that patent to company b, so that part will come within the preview of transaction of rights.

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So, there again you have to integrate. So, transaction of right transaction of right here different OMA come up say let us say I am considering with respect of a company consider with respect to (Refer Time: 17:56) institute or in that case you may thought about entrepreneurs to form a start of company. In company perspective also think about whether I can I will create a subsidiary out of that your invention is not directly meeting your product portfolio, present product portfolio then you can think about a subsidiaries

out of that patents. So, they are also you can (Refer Time: 18:22) at use your patent, got the thing.

Let us say transaction of rights means what way the patent rights will be used. So, in that case transaction to that subsidiary company maybe (Refer Time: 18:38) company into subsidiary company or you create a subsidiary company out of that patents subsidiary company, subsidiary company or you take license that patent, license that patent or you can sell that patent or you can assign that patent right. This part also can be done different way just like say like a sole license, we call sometimes license sometime we call its exclusive license, sometime you call non exclusive license different ways can be licensed also. So, what will be the benefit root? So maybe there is a team members who is taking cared of maybe legal team member who is taking care of the transaction. Here also maybe that another team member who is a valuating your patent.

So, patent valuation teams maybe involve there. So, here the different team's maybe valuation team, valuation team is also involved. So, maybe strategy team you make create strategy, strategy team you have created, strategy team they are making strategy with reference to other will go for subsidiary company where license out where the sale, assign valuation team is giving the value of that patents using the different roots. So, just valuation is done by different roots I made (Refer Time: 20:27) later on in the classes just like say cost base method income base method, market base method, this is the traditional methods applicable for valuation of patent and also IPs, just like cost - cost incurred to create that rights then income what can be the potential income out of that patent based on the then market, what is the market situation based on the market situation how can you consider that patents. So, these are the different part you are thinking about with reference to the patent.

Patent just like say what will be the different way the transaction of rights. So, if you do not transact no money will come up no return on investment will come up, investment is also coming in R and D invested is also coming in to filing an maintenance, but no return. So, you have to think about what way the return on investment come up their transaction of rights, transaction of rights, transaction of rights is the important components how can you transact your patent rights. So, there is important component transaction of rights.

So, this is the another part transaction of rights there is a how many patent what way you are transacting what transaction will be beneficial that also a manager may integrate allow in as a coordinate with their that valuation team, strategy team, along with the let us a maybe marketing team and others, so transaction of rights with a important part. So, then one important part in patent and another form of IP just like say that is very beautiful I mean a beauty of the intellectual property, what is the beauty is intangible. So, you can this can be used (Refer Time: 22:14) by n number of people, n number of people can used it using intangible using your process n number of product can be made by n number of entities. So, n number of entities, IP and (Refer Time: 22:31) intangible. Now, one important parameters to get money out of your patents is also by means of filing and infringement shot, so you will get some damages.

So, let us say you have a patent now somebody is using your patent and you are also keeping idol then, also you are losing a potential revenue out of your patents because another company is trying to market or use the market share using your own patent without involving their R and D or without any investment, but beauty of the IP system what I am telling that - here you used your patent by working of the patent and your preventing other to use your patent. So, why somebody is trying to use your patent then what here doing your filing and infringement shot and when your filing the infringement shot then you will get some sorts of a money from them in the form of a damages you know the recent case stand for university got some damages from in multinational company because they where (Refer Time: 23:57) patent rights you know that different shots infringement source you reported from USA and heavy damages say and a Google say (Refer Time: 24:10) some case you know that regarding the task screen battle in Korea and USA you know that how much what was the amount of damages one company had to pay to the other company. So, see the value in respect of damages.

So, you will get potential revenue from the damages that will obtain if somebody impinges your patent rights. So, why not to use that also for your benefit of the company and also why not to say file a shot for infringement if some potential infringement has been occurring. So, enforcement of rights, enforcement of rights is another components that say that manager may have to integrates along with the (Refer Time: 25:10) analyst team which say separate in search team or analyst team, there ultimately very keeping an watch of potential impinges, their product in the market. So, will ultimately the managers

may have to integrate with say legal teams' manager, may have to integrate with the other teams. So, that way the enforcement of rights is also important in (Refer Time: 25:45) or my stone in respect of attend infringement, in respect of patent management.

So, now you are clear about that patent management what way you can that is say as a patent manager you can or in organization how you can integrate that is say creation of right then transaction of right, then enforcement of rights. So, enforcement of rights will give some sorts of revenue, transaction of rights will give some source of revenue, creation of rights maybe your ultimately in wasting some source of money I will say so, but return is coming by means of transaction and enforcement. So, input output modal if you try to create, so input is coming by virtue of creation of rights and output is coming through transaction of right and enforcement of right.

So, how can you make a proper balance between the input and output or an organization using the patent that will be the job of the managers and patent management (Refer Time: 27:22) and understanding you make (Refer Time: 27:26) the how creation of rights, transaction of rights, an enforcement of rights and integration of all those things I am putting in the preview of patent management all though (Refer Time: 27:43) other there are others say steps involved in that part I partly explained all those things just like say different parts will later on analyzed just like say IP audit, what do you mean by IP audit is an important steps organization have to do time to time that patent audit because title should be perfect title perfect should not be imperfect (Refer Time: 28:10) consider stand (Refer Time: 28:11) verses (Refer Time: 28:11) stand force verses (Refer Time: 28:14) that say incident of the case.

So, star perfect title, how can you create the perfect title audit team, then in the transaction part also that due diligence and valuation important part how will you do proper due diligence, negotiations all those things. So, negotiation team due diligence teams, all the few peoples and valuation teams all the peoples will involved in transaction of rights part then, enforcement of rights part then, how much damage you may claimed out of that there is no clear cut formula out of that, but let us say maybe valuation team and give some idea to the say enforcement team or legal team, how will you how they can draft the (Refer Time: 28:58) and claim the damages for that (Refer Time: 29:01) of infringement.

So, let us that integrate all those things for a patent management perspectives, so let us say nice way you can cartoon out of that let us say a cartoon for creation, cartoon for transaction and cartoon for enforcement of rights. So, an integration of all those things is coming within the purview of a management. Now let us in this module with reference to the patent specifically ending with the management.