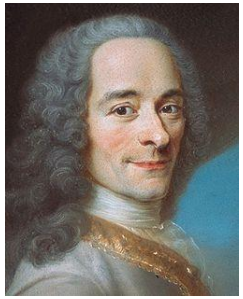
syngenta

Intellectual Property from a (big) company perspective

CIPA annual conference October 2014

FILIP DE CORTE



Judge a man by his questions rather than by his answers

Jean-François Arouet
VOLTAIRE
1694 - 1778

Classification: PUBLIC USE

Intellectual Property

- Shift from invention driven IP strategy to a market driven IP strategy
- Intellectual Property is a business tool
- One of many arrows in the quiver of the business
  - Price setting
  - Advertising
  - «after sale service»
  - ...
  - Intellectual property

Classification: PUBLIC USE

Asking the right questions

- Do we have freedom to operate ?
  - Is becoming the most important question !
    - A product without IP > IP without product
  - Some companies just file «*to create freedom to operate*»

Classification: PUBLIC USE

Cost dimension

- Filing and maintaining an IP portfolio (especially patents) is expensive
  - Patent attorneys (inside and/or outside the company)
  - Ever increasing official fees
  - Still considerable translation costs

  ⇒ Managing 1 or 2 patents is completely different from managing an IP portfolio

  ⇒ Constant adaption of the filing strategy

  ⇒ ABANDONMENT STRATEGY !!

    ⇒ is at least as important as the filing strategy

Classification: PUBLIC USE

Who is your competitor ?

- Another R&D company in the same technological field
  - broad patent ***applications*** (limited country list)
- Generics
  - Narrow ***patent*** (broader country list)
- Producer (for instance process related inventions)
  - Where does your competitor produce ?
- Importer
  - which entry points into Europe ?

Classification: PUBLIC USE

Who is your competitor ?

- A Customer
  - create IP to protect yourself against costumer companies «reaching back»
  - Will you sue an end consumer ?
- A Supplier
  - create IP to protect yourself against supplier companies «reaching forward»
- A Collaboration Partner
  - Create IP to protect yourself against collaborators «reaching over»
- A Small Company
  - Will I sue many small companies ?
  - Which country are they in ?
- A University

Classification: PUBLIC USE

«Belt and suspenders»

- Layers of patents : further (incremental) improvements
  - Pharmaceuticals : life cycle management
- Other forms of Intellectual Property :
  - Trade mark
  - Utility model (quick and effective in certain countries)
  - Community Design
  - Plant Variety Protection
  - Trade secret
- «Quasi» Intellectual Property
  - Data protection
  - Standards ...

COMPETITION LAW

Classification: PUBLIC USE

«Belt and suspenders»

- Integrating technologies: e.g. *NESPRESSO*™

  - Capsule technology (patents, trade secrets, etc..)
  - Coffee making system technology (patents, etc.)
  - Trademarks (machines, capsules,...) Branding !
  - Trade dress (shops, ...)
  - Domain names (on line shop, ...)
  - Copyright on manuals, pictures, etc.
  - Network with partners : supplier of machines
  - Etc.

COMPETITION LAW

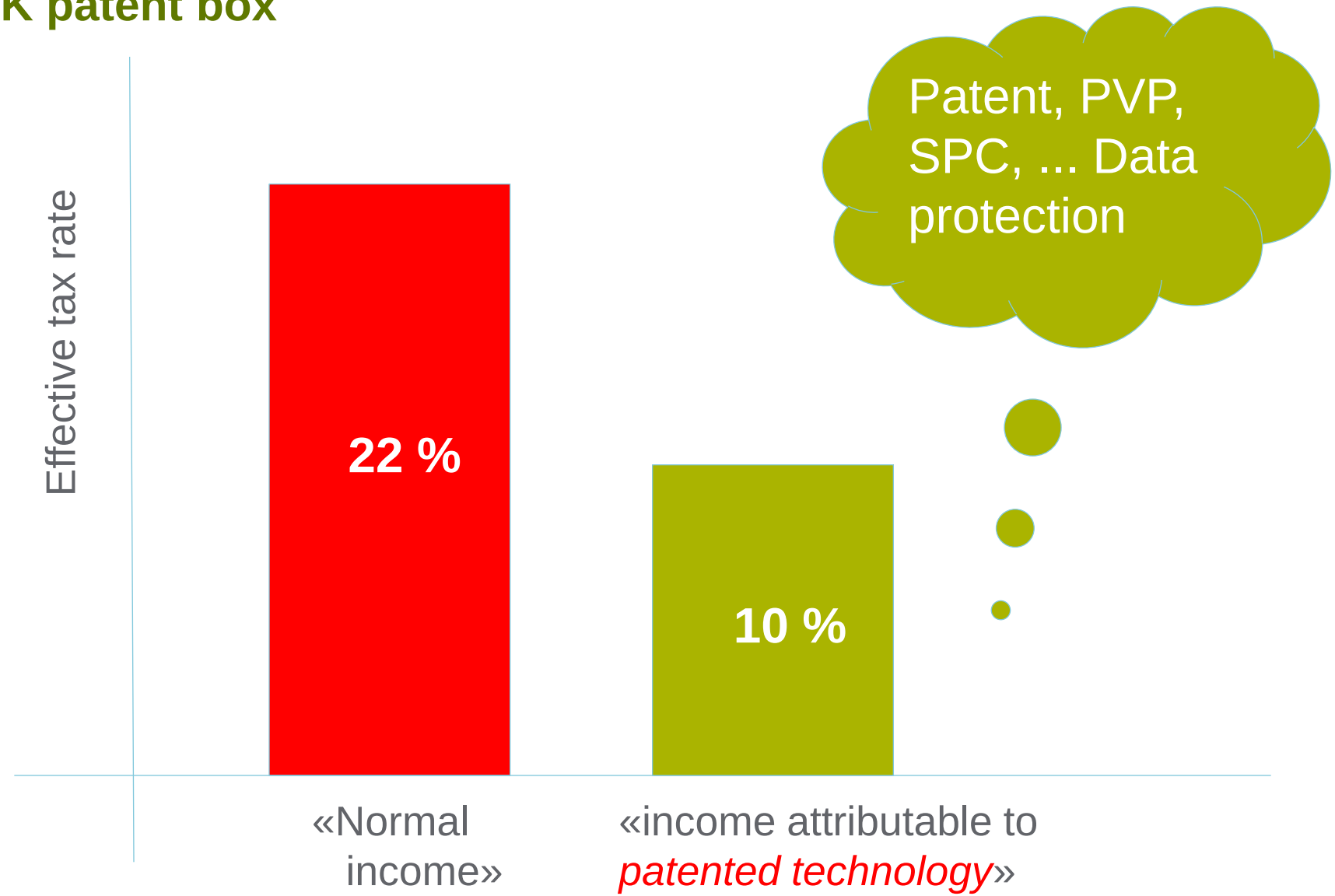
Classification: PUBLIC USE

Tax dimension

- Several countries have tax friendly measures to stimulate innovation.
- Some countries give incentives for doing Research & Development
- Some countries give incentives for the result of Research & Development, e.g. UK (similar regimes in BE, NL, FR, etc...)

Classification: PUBLIC USE

UK patent box



Classification: PUBLIC USE

Reputational dimension

Is it wise to file a patent ?

Classification: PUBLIC USE

Reputational dimension

- Annual reports
  - Numbers of filings
  - Focus on Intangibles
- The power of «patented technology» as part of marketing
  - Examples : L'Oréal, ...

Patent pending

Classification: PUBLIC USE

Intellectual Property

- Less self-evident than before
- No longer invention driven, more business driven
- Integral part of a complex business strategy
- IP has become more complex, more difficult

Classification: INTERNAL USE ONLY

“It is not because things are difficult that we do not dare, it is because we do not dare that they are difficult.”

Lucius Annaeus Seneca

(ca. 4 BC – 65 AD)

Classification: INTERNAL USE ONLY

Thank you !!

Bringing plant potential to life

Classification: PUBLIC USE