



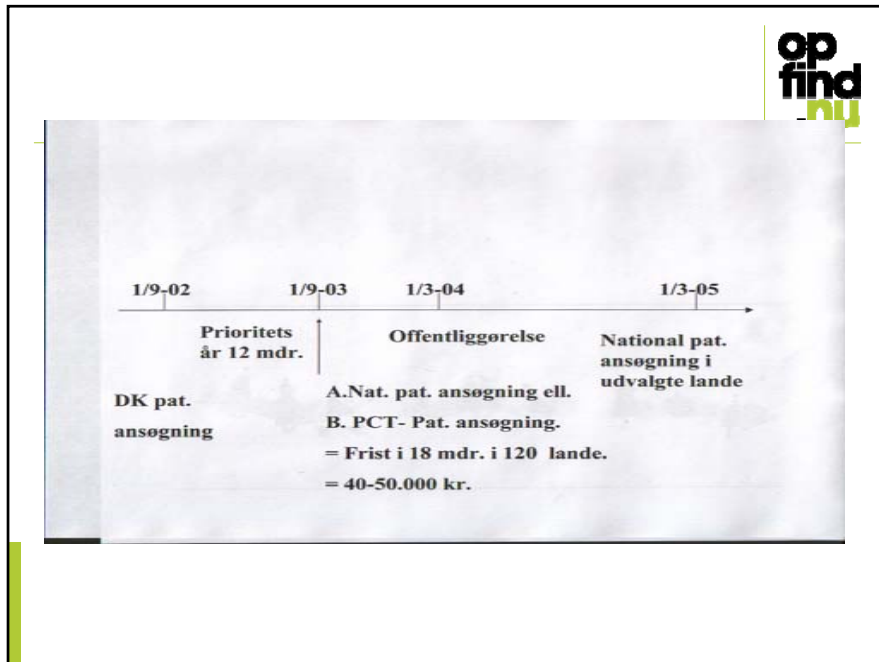
DTU 2010 Patent Course

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The great questions

- **Is your idea novel** – Can it be protected and how?
- **Does it work?** Do you have a working solution?
- **Is there a market?**
- Does it fit into the infrastructure in the field?
- Are any special requirements or approvals needed?
- Is the timing right?



What can Ideas & Innovation do for you?

- If your invention seems to be novel and seems to have commercial potential, then we will initially screen the patent situation and investigate the commercial potential free of charge
 - If all is well we can assist you with free consultancy of up to 150 hours – often until final licensing has been arranged.
 - Check www.opfind.nu for "tools" and advice
- The logo "op find .nu" is visible in the top right corner of the slide.

Oppositions meet ... – therefore remember:



- Inventors often think that they have a tremendous offer, which a licensee can hardly live without.
- The company is usually busy with their own development projects and therefore often consider an inventor and an external inventor as an unexpected problem which they would rather be without.

The inventor's greatest fear:



- That some one will steal his invention,
- however, in my experience
- the much greater risk is that no one is interested in the invention!

A suitable licensee should have



- Marketing to relevant customer groups
- A range of products, which your invention suits into
- A suitable strategy
- Good geographical coverage
- Possibly production facilities – however, in many lines production is often made with sub-suppliers (often in the Far East)

To do, before the initial meeting



- Find info on the company
- Find the relevant contact person
- Phone if you're supercool – otherwise write a letter of introduction
- Always mail a NDA for signature **before the meeting**,
- NDAs and matrixes for letters of introduction can be found at www.opfind.nu
- Maybe file a patent application

Project presentation – the key to the internal marketing



- Presentation in writing mentioning all modes (designs, materials etc.)
- Patent status, mention the relevant patents and state your comments
- Describe the market, competitors etc.
- Mention official requirements or approvals, if any
- Enclose statements from official bodies, customers or experts.
- Bring along models drawings etc.

The start of a negotiation



- Usually, the situation is new to both parties
- Don't ask for too much
- Prepare Proposed Heads of Option- and Licence Agreement – a non-legal document, which both parties can understand. See matrix at www.opfind.nu
- When full agreement on Heads of Agreement is reached, the final detailed agreement is drafted

Definition of a Licence



- A licence is an agreement between an inventor and a company (licensee), where against a fee the company **acquires a right to exploit** a patent or other IPR belonging to the inventor

An Option- and Licence Agreement - often the key to a deal



- Gives the licensee time to consider and investigate
 - - technology and further developments
 - - market , strategy and human relations
- And if the company doesn't want a licence the inventor get his invention and all results of the company's development back for free

Main points of a Licence Agreement



1. Definition of the technology (patent no.)
2. Type of licence (sole right or only a right?)
3. Field of Licence
(technical and geographical)
4. Option period (duration, activities)
5. Down payment

Main points, continued



6. Rights (patents, further developments)
7. Royalties (% of turnover or per unit?)
8. Minimum royalty
9. Sub-licensing
10. Duration of agreement
11. Termination (bankruptcy etc.)
12. Infringement, product liability
12. Consultancy services from inventor
13. By which law – and where – are disagreements to be solved

Patent advice for private inventors



- Write the application yourself
- File the application – maybe even without paying the filing fee
- Take care that **nothing** is published
- Withdraw and re-file your application if necessary

Proposed flow of a licensing case



- Check the patent situation
- Prepare a fine project presentation – and leave it !
- Draft a patent application – and leave it!
- Find relevant potential licensees
- Present the company to the promising prospects in a co-operation with you
- Arrange a presentation meeting – always mail the NDA beforehand.
- File the patent application before the presentation meeting
- Prepare a summary of the meeting and mail it to the company
- If of interest, prepare Proposal for Heads of Agreement and seek professional assistance
- Licence Agreement - often with a consultancy agreement