

# Intellectual Property: Should You Even **Bother?**

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# What you will learn today

## Agenda

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- From Ideas to Intellectual Property
  - Should you even bother?
- From Intellectual Property to Profit
  - It takes more than just IP

# The Vulnerability of Ideas

Ideas are  
Vulnerable

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From Ideas  
to IP

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From IP  
to Profit

- Ideas are easily stolen
- Protecting ideas through a variety of means
  - Conversion to Intellectual Property
    - Patents
    - Trademarks
    - Copyright
    - Registered Designs
    - Trade secrets
    - Mask work
    - Non Disclosures

# PATENT! PATENT! PATENT?

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From Ideas  
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From IP  
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- Is there a conspiracy between lawyers and patent offices?
- 1986-2002: 70 million patent applications worldwide
- Average cost of applications: US\$20,000
- Total cost to inventors:  
US\$1,400,000,000,000 or  
S\$2,450,000,000,000
- Total wealth generated?

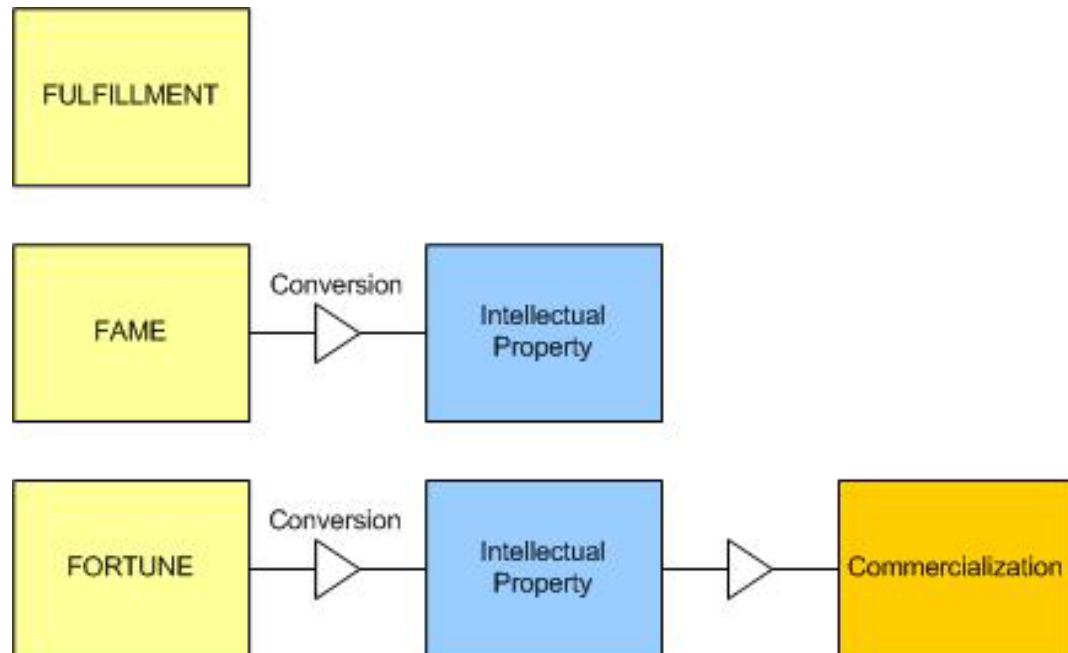
# What's your Intention?

Ideas are  
Vulnerable

From Ideas  
to IP

From IP  
to Profit

- Conversion to IP is expensive
- Important to figure out Motivation:
  - Fame, Fortune or Fulfillment?



# Evaluation

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- Evaluation: 2 key questions
  - Substantive:
    - (How) Can it be protected?
  - Contextual:
    - Should it even be protected?

# (How) Can it be protected?

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- First question:
  - (How) Can it be protected?
- Technical and legal viewpoint
- Measures against other current inventions
- Basic premise: the law does not protect Ideas, unless they fall within very specific categories.

# Patents 101

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to Profit

- A monopoly given by a government to the inventor/ owner for a period of time
- Geographical right
- What is patentable?
  - New and not disclosed
  - Inventive and not obvious
  - Useful in some industrial application
- Patent Cooperation Treaty

# Trademarks 101

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From IP  
to Profit

- Sign used in the course of business or trade
- Registration useful for branding and licensing/ franchising
- Key criteria is distinctiveness
- Cannot register marks that are:
  - Descriptive
  - Common to the trade
  - Contrary to public policy or morality
- Madrid Protocol for international application

# Copyrights 101

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- Protects the expression of an idea, not the idea
- Originality
- Not registrable
- 25 - 50 years, depending on the type of work

# Not fail safe

Ideas are  
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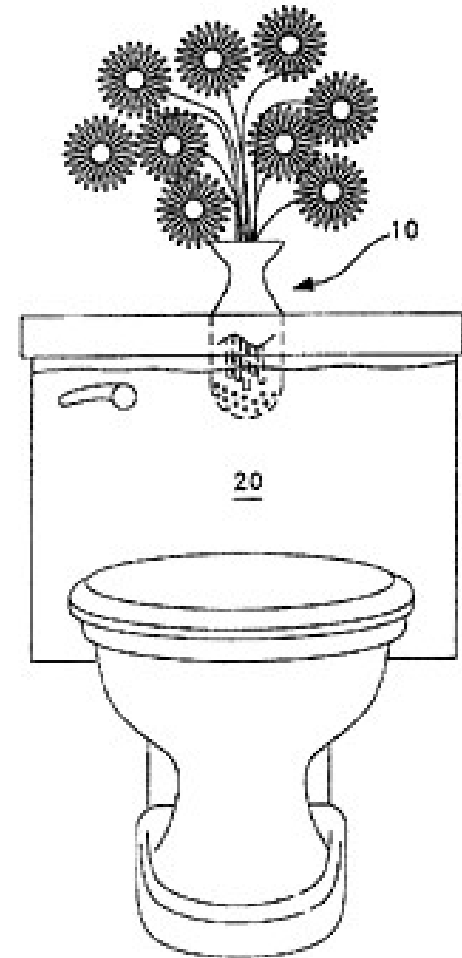
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From Ideas  
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- Good yardstick for Substantive Evaluation but not fail safe
- For example:  
US Patent no.  
2001/0039675 A1



# Should you even bother?

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to IP

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- Commercial feasibility
  - If there is no market for your invention, don't even bother with intellectual property.

# Contextual Evaluation

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- WHO
  - Who are my customers?
  - Who are my competitors?
- WHAT
  - What do I sell?
  - What kind of product/ service would my invention end up as?
- HOW
  - How do I sell my invention?
- WHY
  - Why would my prospective customer buy my invention over another?
- WHEN
  - Is the market ready for my invention?
  - How quickly should I push this into the marketplace?

# Implementation is Key

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- Implementation is the pot of gold at the end of the IP rainbow.
- Using the Black Box for Ideas™
- A methodology to think about turning ideas/ IP into profit

# The Black Box for Ideas™

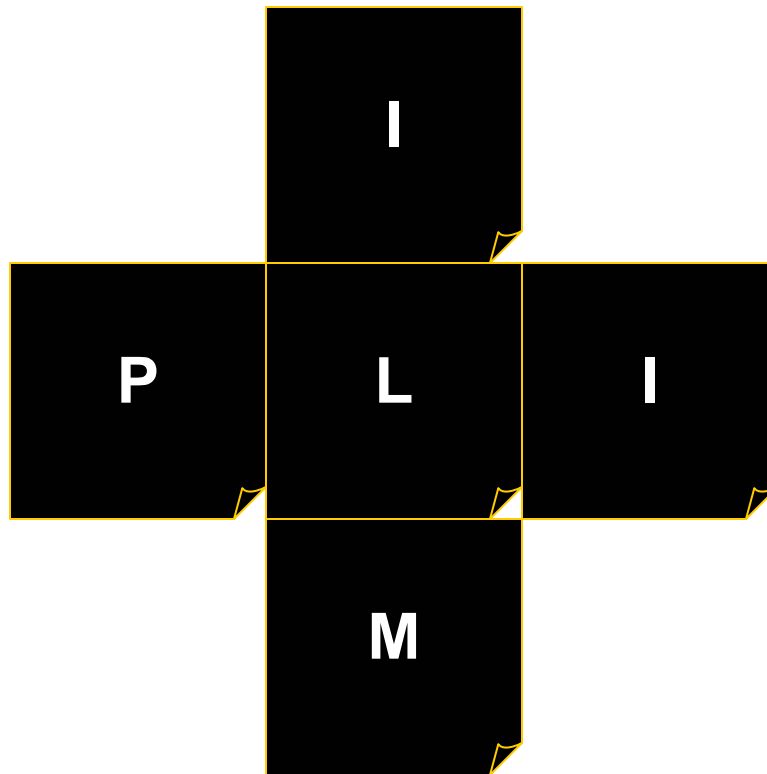
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# The Black Box for Ideas™

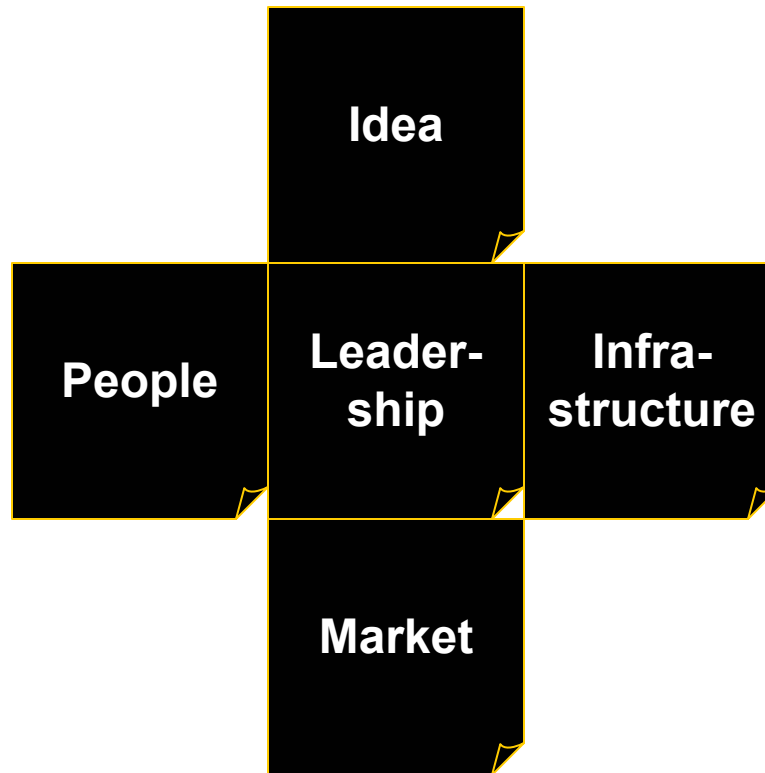
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# Conclusion

- Protect your ideas because ideas are vulnerable
- But avoid the fallacy of converting every idea into intellectual property
- Clarify your motivations
- Evaluate your idea against other current inventions, and especially against the marketplace
- Implementation is key

Conclusion