



ROCKET FUEL

USING INTELLECTUAL PROPERTY TO PROPEL YOUR ENTERPRISE INTO ORBIT

Vishen Pillay Partner | Patent Attorney

Adams & Adams

HOW?

Almost all of the SMEs we consult with have inadequate or non-existent IP management and protection strategies.

IP strategies can get complicated especially as a company grows but the basics is not **rocket science...**

A SIMPLE APPROACH TOWARD DEVELOPING AN IP STRATEGY

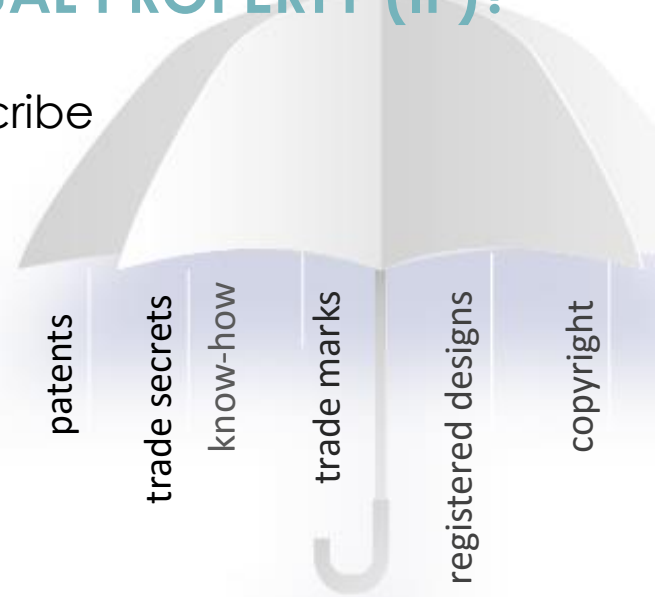
STEP 1: Identify your IP rights

STEP 2: Formulate an IP strategy that leverages your IP rights to achieve your organisations goals

Adams&Adams

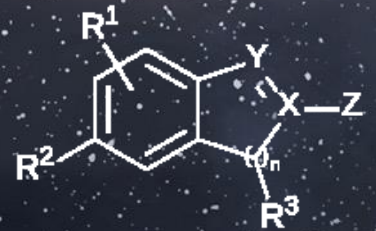
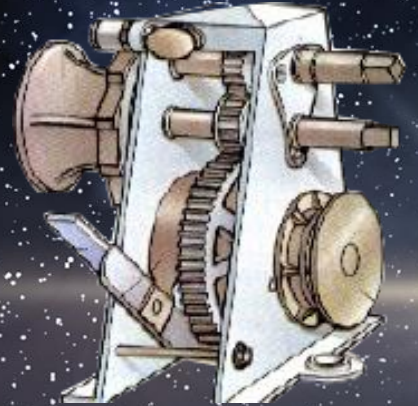
IDENTIFYING YOUR IP: WHAT IS INTELLECTUAL PROPERTY (IP)?

Intellectual Property is an umbrella term used to describe intangible assets created by the human mind that attain economic value once the conceptual assets are rendered into tangible form. The law recognizes and protects various forms of IP, including trade marks, patents, copyright, design rights, know-how, trade secrets, plant breeders' rights, etc.



Identifying your IP: PATENTS

- A legal instrument to protect an **invention**
- An **invention** can be:
 - A new apparatus, an article, a machine
 - A new product (a process for manufacturing a product)
 - A new method or process, a chemical compound
 - A new method of doing something
 - A new computer program (provided it meets certain criteria)
- In order to be patentable an invention needs to be **NEW** and **INVENTIVE** over existing technologies
- Contact a patent attorney **BEFORE** public disclosure!
- Use a non-disclosure agreement if you have to disclose



Adams & Adams

Identifying your IP: REGISTERED DESIGNS

- A legal instrument to protect the appearance of an article
- What can be registered:
 - New tire tread
 - New shoe/garment/article or adornment
 - New shape of a vehicle
 - Graphical user interfaces
- In order to be registerable in South Africa, the design for an article needs to be new and original (aesthetic design)/not common place (functional design)
- Registered designs need to be filed **BEFORE** public disclosure but there is a **6 MONTH GRACE PERIOD** in South Africa in which to file a registered design from the date of first public disclosure

Identifying your IP: TRADE MARKS

- A legal instrument used to protect a mark
- A mark is any sign capable of graphical representation and used in the course of trade in relation to goods or services for the purpose of distinguishing those goods or services from the same kinds of goods or services connected with another person
- What can be marks?
 - devices, names, signatures, words, letters, numerals, shapes, configurations, colours, containers or combinations
- Often the most valuable form of intellectual property over time
- Registration process and/or common law rights applicable



Identifying your IP: Copyright

- Automatically generated rights in respect of original works
- What are original works:
 - literary works
 - musical works
 - artistic works
 - cinematograph films
 - sound recordings
 - broadcasts
 - programme-carrying signals
 - published editions
 - computer programs
- No formal registration of Copyright apart from films
- Keep accurate records and get assignments executed where applicable



Adams & Adams

Identifying your IP: Trade Secrets & Know how

- Confidentiality & Non-Disclosure Agreements
- Not appropriate for technologies that are easily reverse engineered
- Benefit: Monopoly can be maintained in perpetuity



A SIMPLE APPROACH TOWARD DEVELOPING AN IP STRATEGY

STEP 1: Identify your IP rights

STEP 2: Formulate an IP strategy that leverages your IP rights to achieve your organisations goals

Adams&Adams

Formulating an IP strategy

- Establish what the goals of your organisation are
- Align the IP you have identified with your goals of your business
- Considerations:
 - Revenue Contribution: What IP supports your most profitable products?
 - Margin Contribution: To what extent does the IP give your products an advantage over those of your competitors?
 - Marketing Benefits: Will consumers perceive your products as being of better quality because of the IP?
- Protect, acquire, discard, maintain

Formulating an IP strategy, the bigger picture

- Stop infringers
- Competitive advantage
- Higher returns on investment

Example: **MAXE (PTY) LTD**

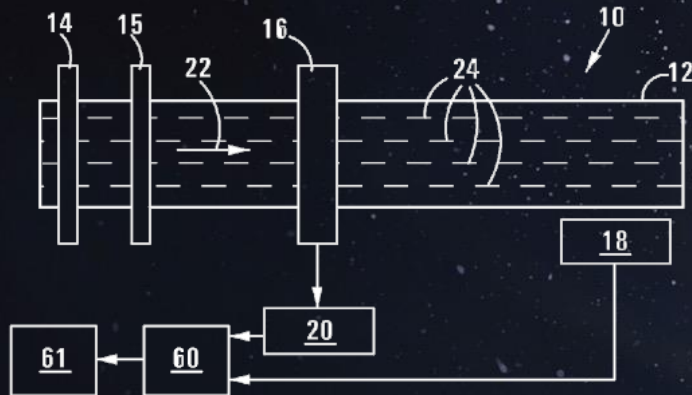


Adams & Adams

Formulating an IP strategy, the bigger picture

- Funding
- Licensing or selling IP

Example: **Advanced Imaging Technologies (PTY) LTD**



Continental 
CONTITECH

Adams & Adams

Formulating an IP strategy, the bigger picture

- Creating bargaining/negotiating power

Example:



Google

Adams & Adams



Thank you

Vishen.Pillay@adams.Africa

Entrepreneur@Adams.Africa

Adams&Adams