



Follow Up training course Session 1 – review of first workshop

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First Workshop Content

- Overview of IPRs and IAs within scope of typical IPPD service
- Delivery of IPPD – typical steps by adviser
- Uses of IPPD
- Practical sessions – ‘mock’ interview
- Intro to IPPD templates

THANK YOU FOR YOUR ENGAGEMENT AND SURVEY RESPONSES!

On today's workshop, we'll cover...

1. Review and feedback from first workshop
2. Any knowledge gaps remaining?
3. Review of IP identification/management areas needing further insights
4. Reminder of typical IPPD 'journey' and templates
5. Next steps – what is required to deliver service?
6. Breakout groups – define service message/engagement with stakeholders
7. Capture results and wrap up





Survey Monkey

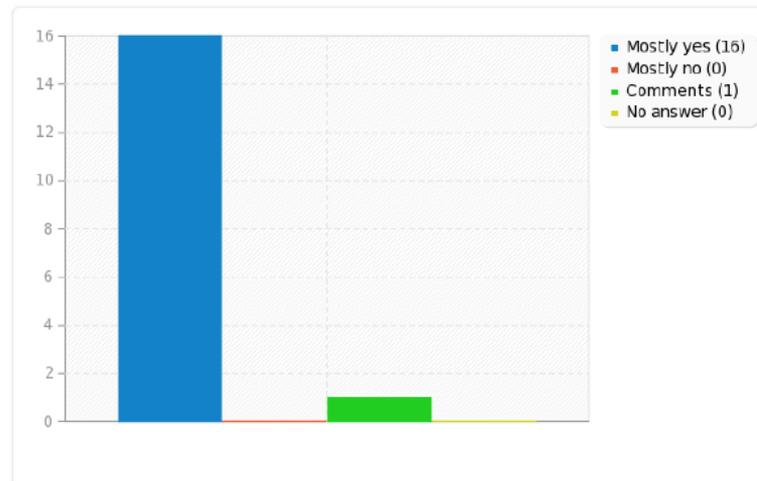
SESSION 1 FEEDBACK

- identifying gaps in knowledge/needs

Survey Monkey results – Q1

1) Overall, did you feel the Training Course met your needs to provide background to a future IPPD service in terms of content/templates/outputs/interview technique?

- Comment – *I found that the training course has met my needs in providing a foundation for the future IPPD service*



Survey Monkey results - Q2

2) Based on the content presented, do you feel you have sufficient knowledge to assist companies to:

a) identify the following types of IP and intangible assets

- **Patents – 90% yes**
- **Trade Marks – 90% yes**
- **Designs – 76% yes; 14% no; 10% no answer**
- **Copyright – 57% yes; 33% no; 10% no answer**

Survey Monkey results - Q2

2) Based on the content presented, do you feel you have sufficient knowledge to assist companies to:

b) assist companies to develop strategies to better protect/manage the following types of IP and intangible assets

- **Patents – 90% yes**
- **Trade Marks – 90% yes**
- **Designs – 76% yes; 14% no; 10% no answer**
- **Copyright – 57% yes; 33% no; 10% no answer**
- **Other IPR (eg PVR) – 57% yes; 33% no; 10% no answer**

Survey Monkey results - Q2

2) Based on the content presented, do you feel you have sufficient knowledge to assist companies to:

b) assist companies to develop strategies to better protect/manage the following types of IP and intangible assets

- **Contracts (licences; NDAs etc) 57% yes**
- **External relationships (customer loyalty; social media Followers; supplier arrangements) and Endorsements – 33% yes; 57 % no; 10% no**
- **Internal resources (trade secrets) – 80% yes**

Survey Monkey results – Q3

3) Sakpatenti mostly grants IPRs

a) Do you think it would benefit from working with other stakeholders that are more familiar with business issues of SMEs to deliver a future IPPD service

- 39% yes; 61 % no

Survey Monkey results – Q3b

3) If yes, what Georgian stakeholders (IP professionals; innovation agencies; accountants; Chambers of Commerce, Incubator etc.) do you foresee being a ‘partner’ in a future Georgian IPPD scheme?

- **Innovation agencies (eg GITA -Georgian Innovation and Technology Agency);**
- **Chamber of Commerce;**
- **Auditors;**
- **IP professionals;**
- **Tech park, Georgia**
- **Science funds;**
- **Accountants;**
- **Incubator**
- **Other IP Stakeholders**

Survey Monkey Results - observations

- Sakpatenti Team confident identifying TM/patents. Most ok with designs; less so copyright.
 - Less confidence on identifying/managing other IPRs (PVRs etc) or wider intangibles (e.g contracts; except perhaps trade secrets/know how)
 - Need to identify further training for Sakpatenti examiners on commercialisation of patents/patent strategies?
-
- Q 3A (benefit from working with stakeholders) – interpreted narrowly? Q not limited to Stakeholders solely delivering IPPD.
 - Is there a role for stakeholders to help administer/market/help with onboarding of SMEs onto an IP Scan service?
 - What about stakeholders being involved in follow on help?
 - Dependent on format of service?

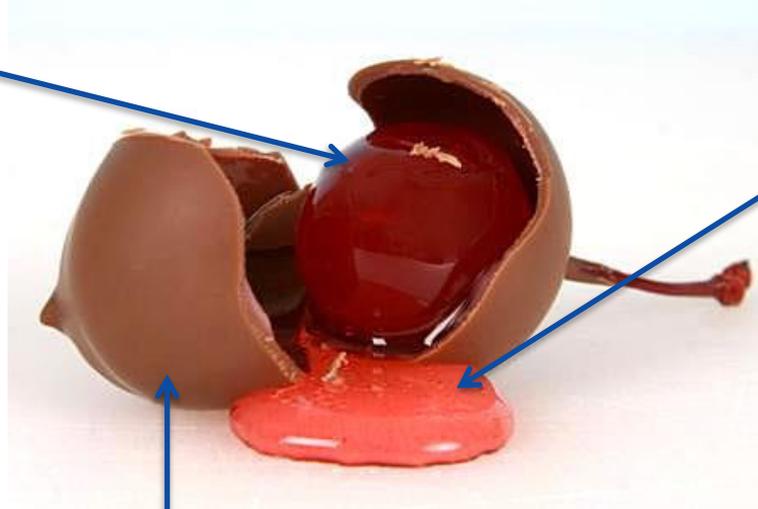
Quick review of gaps

GAPS IN KNOWLEDGE

Overview of Key IP and Intangible Assets to be considered as part of IPPD

Formal IP rights like patents, trade marks, industrial designs, copyright

(Also, *sui generis* database rights, GIs, plant variety rights, semiconductor topography rights ...)



Non-physical things you own, like trade secrets, processes, contracts, customer & supplier relationships, IP Insurance

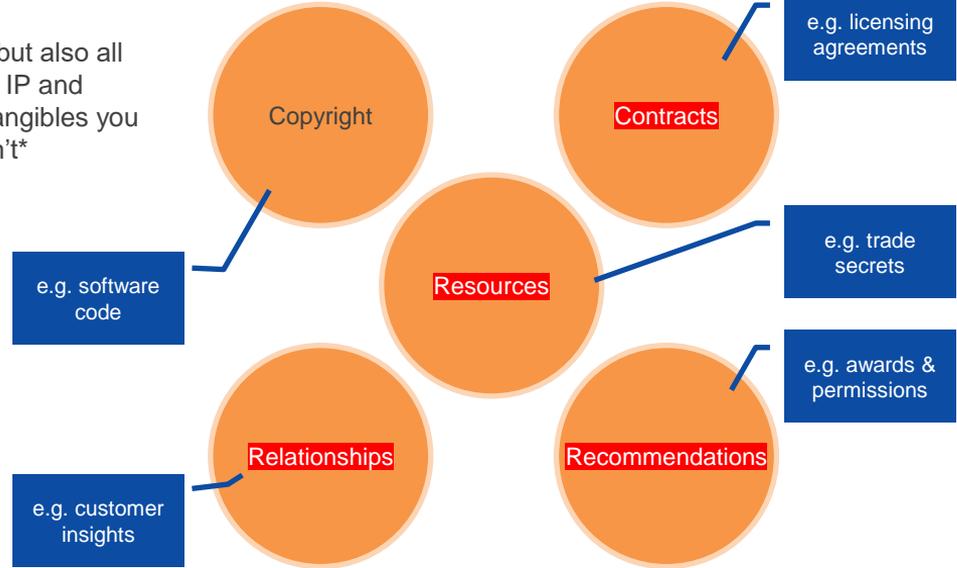
The **intellectual capital** you don't own, but you use – including your team, and IP licensed to you

IP assets that are within scope for IPPD

Not only all the intellectual property assets you can register...



... but also all the IP and intangibles you can't*



* In some countries

Contracts

Contracts (1)

Contracts

Licensor - Agreements granting third parties a licence to use your organisation's technology, creative works, brands and/or other non-physical assets, usually in exchange for royalty payments

Franchisor - Agreements granting third parties rights to sell goods and/or services using your brand, format and/or business system, usually in exchange for a revenue/profit share

Lessor - Agreements granting third parties rights to use assets owned by you under a lease or hire purchase contract

Public sector contracts - Agreements to supply Government agencies, bodies or departments

Private sector contracts - Rights and obligations to provide specific discrete, one-off deliverables, e.g. individual construction projects

Subscription, service and support agreements - Subscription, service, maintenance, support or training contracts that deliver repeat income and sustain your customer relationships, e.g. Software as a Service (SaaS) agreements

Supply chain contracts - Agreements to supply other organisations with your finished components or manufactured goods

Blockchain - Management of a proprietary, contractually binding digital ledger/transaction record using Blockchain technology

Non-fungible tokens (NFT) - A unique unit of data employing technology that allows digital content such as videos, songs and images, to become logged and authenticated using Blockchain technology

Customer orders - Formal, documented requests to supply your products or services to customers in future, on agreed terms

Agent/reseller agreements - Agreements with third parties, e.g. distributors, that enable you to sell your products or services more widely

Terms and conditions of supply - Standard wording that sets out the contractual basis on which you deliver your goods and/or services to your customers, covering compliance matters (e.g. privacy, data protection)

IP assignee - Agreements confirming that intellectual property originally developed by others has been transferred to your organisation

Licensee - Agreements permitting your organisation to use technology, creative works, brands and/or other non-physical assets originally developed by a third party (for which royalties may be payable)

Franchisee - You have a franchise to sell goods or services (typically via a branded business model) in a specific market and/or territory, for which a revenue/profit share is payable

IP settlement agreements - Rights to continue using third party intellectual property (e.g. by way of cross-licences) without infringement as a result of legal agreements or out-of-court settlements

Exclusivity arrangements - Contracts which give your organisation exclusive rights to develop, buy, sell or distribute goods or services from a third party, or negotiate their supply to others

Authorised affiliate/distributor - Contractual non-exclusive agreement to sell a third party's products or services (not a licence or franchise)

Partnership, research, development and/or collaboration agreements - Formalised co-operations that provide you with access to third party know-how and resources but do not create joint ventures or new legal entities

Mineral rights, exploration rights & land agreements - Rights to exploit water, land, minerals, timber and other natural resources, including rights of construction (e.g. planning consents)

Consultancy agreements - Formal written arrangements to secure access to external specialist resources that assist the organisation with development or delivery of its products and/or services (not including sub-contractors)

Sub-contractors - Agreements with third parties to deliver part or all of your finished product, process or service

Supplier contracts - Agreements which secure access to external resources or materials you need, which may include preferential terms

Directors' service agreements - Signed undertakings that bind directors to act in the best interests of your organisation

Employment contracts - Signed documents setting out your organisation's rights of access to employee intellectual capital and ownership of knowledge outputs

Non-disclosure agreements (NDAs)/ confidentiality undertakings - Agreements which require secrecy to be maintained between your organisation and one or more third parties, for one or more specific purposes

Sponsorship agreement(s) - One or more contractual relationships with third parties to support their activities, delivering economic/reputational benefits by association to your organisation

Standstill/non-compete agreement(s) - Legally binding agreement enabling your organisation and a specified third party to co-exist for a period of time following resolution of a dispute

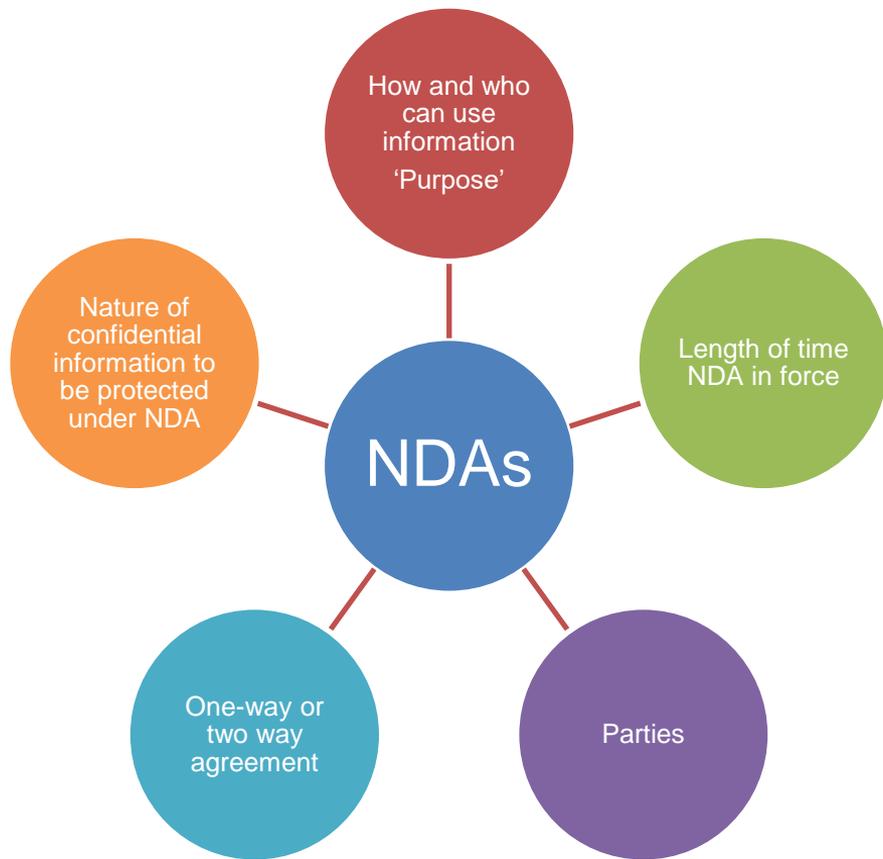
Domain names - Contracts or subscriptions providing your organisation with access to specific URLs (domain names) relevant to its activities

Social media accounts - Right to use a specific social media account name or 'handle'

Software licences - Permission to use third party software packages to support the organisation's day-to-day operations (e.g. Office 365)

Lessee - Financial contracts that provide your organisation with access to assets, e.g. buildings, machinery, vehicles, for a defined period

IP IN CONTRACTS



NDA Observations

- **What is important to get right?**
- **Problems as NDA doesn't describe purpose**
- **No definition of confidential information (how to tell confidential vs non-confidential information)**
- **Generally mutual (two-way agreements are best)**
- **Importance of getting in place at right time (don't invalidate future patent rights)**
- **No additional steps taken to maintain confidentiality (includes internal confidentiality terms in employee contracts)**
- **Country of Law**



One Way Non-Disclosure Agreement



IP scan Non-Disclosure Agreement



Non-Disclosure Agreement

This Agreement is entered into on this *[insert number of day]* day of *[insert Month and year]* by and between:

1. *[Insert official beneficiary SME name]*, having its registered office or based in *[insert the Legal Address of the Entity]*, represented by *[insert name and basis for representation]* hereinafter referred to as the **Discloser** and
2. *[Insert IP pre-diagnostic expert's name]*, based in *[insert the Legal Address of the Entity or of the expert]* hereinafter referred to as the **Recipient** *[modify as above if you need to have a signature on behalf of the institution and not the expert]*

WHEREAS:

The Discloser hereto requests/qualifies to receive the intellectual property pre-diagnostic service and the Recipient hereto agrees to provide the intellectual property pre-diagnostic service to the Discloser.

Throughout the duration of the intellectual property pre-diagnostic service, the Discloser may share confidential information with the Recipient subject to the terms and conditions set forth below.

IT IS AGREED AS FOLLOWS:

EMPLOYMENT CONTRACTS



A definition of “confidential information”

A definition of an “invention”

A definition of “intellectual property”

Non-compete / non-solicitation clauses

Clauses that require the employee to assist the company in obtaining good title to all inventions and IP

Use of IP during / after employment

Absence of contracts/important terms in contracts

Missing terms in eg

Distribution/Manufacturing agreements:

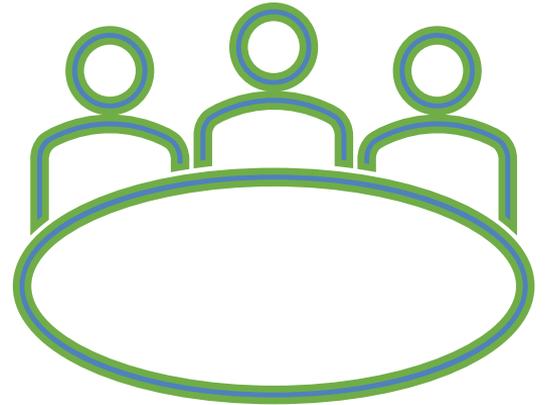
- Missing IP definitions;
- No reference to use of IP
- Lack of get out clauses
- Define contract country of law in case dispute arises
- Ability to audit

Risks:

- Confusion over subject matter of contract
- Collaborator registers your trade mark in distributor country before they do or have clause to ensure transferred to you
- Terms to avoid manufacture/sale of low quality goods under your brand
- IP ownership not clear for joint developments/tooling etc

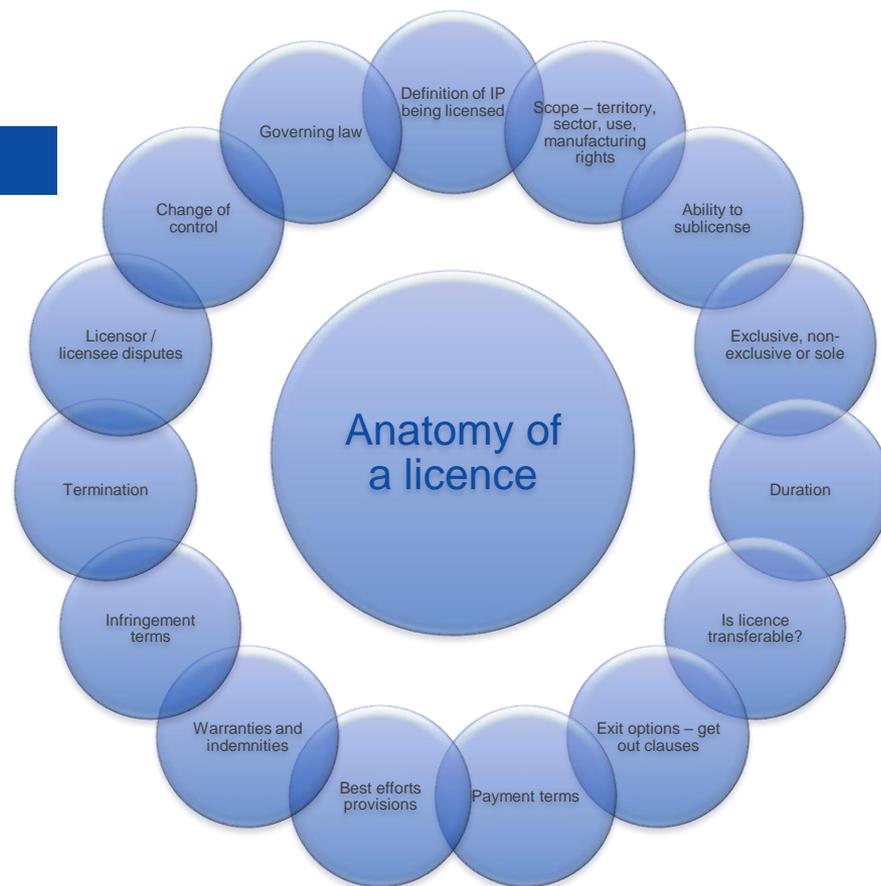
RISKS IN COLLABORATION

- Different mindsets around the table
- In a research collaboration, a partner may wish to publish early
- Differences in law in international collaborations
- **IP ownership**
- No collaboration agreement in place (or in place too late!)
- You don't ringfence background IP
- Potential loss of control over use of IP
- No usage/exploitation rights defined for background/foreground/sideground IP
- You undervalue your IP



THE ANATOMY OF A LICENCE

- <https://www.gov.uk/guidance/lambert-toolkit/>
- <https://www.gov.uk/government/publications/intellectual-property-for-business/ip-for-business-tools>
- <https://www.gov.uk/guidance/model-agreements-for-collaborative-research>
- National IPO/WIPO guidance etc
- EU IP Helpdesk – fact sheets/documents eg EU-IPR-Guide-IP-and-Contracts.pdf / Fact-Sheet-Commercialising-IP-Licence-Agreements /IP_joint_ownership_updated.pdf



Further help?

- **Help/Fact sheets**

- Need to be business friendly

- **Helpline**

- People: Training of Sakpatenti front line staff/expensive

- **Model agreements**

- **Refer to IP Professional**

- SME perceives too expensive/doesn't follow up on IP management points from IP Scan

Examples:

- **WIPO** – templates/tools

- **EU IP Helpdesk**

- **Other IPOs:**

- UKIPO Lambert agreement
- UKIPO IP Access Fund (further grants to access IP professional help)
- Business friendly guides (eg IPOS International)

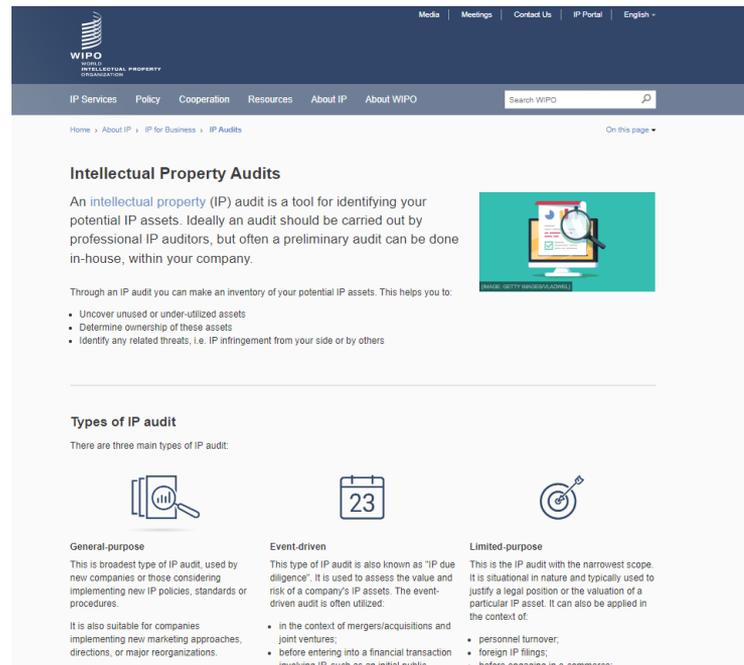
WIPO resources

- WIPO IP for Business
- Information on IPR
- Data Sheets on Commercialising IP
- Links to further information eg Ip audit benefits
- <https://www.wipo.int/sme/en/>



WIPO IP audit webpage

- General overview
- Different Types of IP Audit
- Uses
- Benefits....



The screenshot shows the WIPO website page for Intellectual Property Audits. The page features a dark blue header with the WIPO logo and navigation links. Below the header is a search bar and a main content area with the following sections:

Intellectual Property Audits

An intellectual property (IP) audit is a tool for identifying your potential IP assets. Ideally an audit should be carried out by professional IP auditors, but often a preliminary audit can be done in-house, within your company.

Through an IP audit you can make an inventory of your potential IP assets. This helps you to:

- Uncover unused or under-utilized assets
- Determine ownership of these assets
- Identify any related threats, i.e. IP infringement from your side or by others

Types of IP audit

There are three main types of IP audit:

General-purpose	Event-driven	Limited-purpose
		
<p>This is the broadest type of IP audit, used by new companies or those considering implementing new IP policies, standards or procedures.</p> <p>It is also suitable for companies implementing new marketing approaches, directions, or major reorganizations.</p>	<p>This type of IP audit is also known as "IP due diligence". It is used to assess the value and risk of a company's IP assets. The event-driven audit is often utilized:</p> <ul style="list-style-type: none">• in the context of mergers/acquisitions and joint ventures;• before entering into a financial transaction involving IP, such as an initial public	<p>This is the IP audit with the narrowest scope. It is situational in nature and typically used to justify a legal position or the valuation of a particular IP asset. It can also be applied in the context of:</p> <ul style="list-style-type: none">• personnel turnover;• foreign IP filings;• before engaging in e-commerce;

Contracts – examples of external resources

- The IPO has produced two sets of Lambert agreements which form a useful starting point:
- **University/SME**
<https://www.gov.uk/guidance/university-and-business-collaboration-agreements-lambert-toolkit>
- **B2B**
<https://www.gov.uk/government/publications/intellectual-property-for-business/ip-for-business-tools>
- **EU IP Helpdesk: Helpline/resource library/training/events etc**
https://intellectual-property-helpdesk.ec.europa.eu/regional-helpdesks/european-ip-helpdesk_en
- **IPO International (Singapore)- guides and case studies**
<https://iposinternational.com/en/resources/business-guides>

External Relationships

External Relationships

Relationships

Marketplace - A business model based on an external network of users, collaborators and/or suppliers that delivers synergies by sharing and augmenting each other's contributions (e.g. eBay)

Influencer links - Your organisation employs, or has access to, opinion leaders who are recognised as being influential in relevant markets

Social media followers - Access to a large audience that is enabled and facilitated by your organisation's social media presence, enabling you to communicate with and influence your market

First mover advantage - Your organisation provides a product or service which is demonstrably the first of its kind within an existing market category, or which has created a new category

Market leadership - Your organisation has influence in its market(s) by having demonstrably larger sales (by volume and/or value) than any competitor, across the whole of a particular category

Brand/market reputation - Your organisation is recognised in your market for a track record of delivering goods and/or services at a consistent quality/price point

Corporate social responsibility - Your organisation is publicly committed to pursuing policies that are socially and/or environmentally conscious

Customer loyalty - Evidence of enhanced incomes arising from proven customer propensity to make regular/repeat purchases and/or recommend your organisation to others

Customer intelligence - Records of customers, their historical buying patterns, their requirements and specifications

Customer/market knowledge - Unique, preferential or specialist insights into customer needs and decision-making processes

Supplier knowledge - Unique, preferential or specialist knowledge of materials, products or services needed to underpin customer value and/or maintain competitive advantage

Intellectual property advice - Relationship with one or more external IP practices, and/or qualified in-house IP expertise, routinely used

External Relationships

Important to spend time to manage external relationships (eg customer loyalty; social media followers; supplier arrangements; influencers)

Opportunities:

- Networks have value! (eg supply chain)
- Customer Intelligence is an asset

Risk

- Lack of Brand Guidelines – loss of control and goodwill attached to brand
- Lack of internal information systems (to capture information on external relationships)
- Care re: Data Protection (GDPR; data security)

Endorsements

Endorsements

Recommendations

Regulatory approval - Permission to operate in or supply a market that is subject to regulatory entry requirements, representing a barrier to competition (e.g. FDA approval)

Mark of conformance - Authorised to use a certified or recognised mark that confirms compliance or conformance with regulatory standards (e.g. CE marking)

Company accreditation - Achievement of a relevant, recognised quality standard (e.g. ISO9001)

Permissions/rights to operate - Consents providing access to resources needed for your organisation to operate, e.g. broadcast licences, fishing licences, landing slots, berthing rights, production quotas or taxi licences

Industry association membership - Membership of a relevant trade body that has responsibility for setting and policing standards in your industry

Grant recipient - One or more successful application(s) for innovation and growth funding from government or industry sources

Tax credit recipient - Receipt of credits against taxes otherwise payable, e.g. due to qualifying R&D expenditure, creative activity or 'Patent Box' eligibility

Award recipient - Winner of a recognised open competition relevant to your organisation's marketplace

Customer reviews - Your organisation benefits from a substantial body of independent testimonials provided by users of your goods and/or services

Collective mark/mark of origin - Authorisation to use a recognised, protected mark of quality and/or origin that is owned or controlled by a third party (e.g. Scotch whisky), including Protected Designations of Origin and similar rights

Intellectual property audit - A documented, independent review of your organisation's IP, available for inspection

Endorsements

Examples – ISO9001; FDA approval; CE marking

Checklist:

- Early stage business – check what approvals are needed to be able to trade (help from stakeholders)
- Mature business – what approvals are needed to expand business eg regulations in export countries

Opportunity:

- Take advantage of endorsements/awards for marketing purposes to build value/goodwill
- Apply for tax relief (embed systems to capture R&D time etc)

WHAT ARE WE SEEING IN IP TERMS?

Trade marks often not registered, lacking in scope or cover an outdated subset of appropriate goods and services

- Even marks that are in use, driving revenue and vital to the company, are often poorly or inadequately protected
- Branding guidelines (to ensure consistent use of brand elements) are often absent

Patenting not always considered

- Searches not likely to be thorough (or understood!)
- Software companies often incorrectly assume that patent protection is not available to them (or if so, that it is straightforward and harmonised)

Trade secrets often poorly managed

- Lack of knowledge of trade secrets and ability to prevent their use if properly managed: often no clear understanding of secrets owned
- Know-how often not captured. Many things considered 'know-how' may actually be trade secrets

Designs very rarely registered, even if relevant

- Lack of understanding or appreciation in the SME community

Basic knowledge of copyright often missing

- Ownership issues: stock photos often used without appropriate licensing, IP is not assigned from contractors
- © statement often missing or misused
- Record-keeping and copyright management poor

Contracts and domains

- Lack of understanding of key terms/appropriate royalties (e.g. in licensing)
- Employment contracts often lack standard IP clauses
- Frequently domains are registered to director, designer or web hosting company and not client company

Companies often encounter issues as they grow and internationalise

- As companies export, IP position becomes worse, with little or no protection in key territories
- Risk of distributors registering company trade marks overseas
- Insufficient barriers to entry for competitors

Companies often interested in IP value

- To support negotiations or investment

WHAT ARE WE SEEING IN IP TERMS?

Patents generally the best managed assets, where they are relevant

- Mostly filed using professional advisors. Often some academic background

Companies often involved in collaborative development (e.g. H2020 funded etc.)

- They know that these arrangements pose some IP risks, but aren't sure why, or how to minimise these
(Is there further support available that they are not accessing? eg NIPOs, EUIPO/EPO, WIPO, EU IP Helpdesk etc)

Not enough attention being paid to trade marks

- Understandable at an early stage, but little visibility of potential future 'road blocks'

Trade secrets often poorly managed

- No inventory; lack of security procedures

Lack of awareness of potential copyright/design issues

- Lots of assignments required from contractors
- Insufficient records being kept of inventive/creative process (e.g. in staff notebooks)
- Greater relevance for designs, but most haven't considered protecting them

Strong interest in value development



Service Delivery

EJ GEORGIA project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

What are the matters to be considered?

- How broad should the scope of the service be?
- What level of detail?
- What does Sakpatenti feel competent delivering (identifying gaps)?
- How much time per delivery?
- What is the output/how much should be tailored?
- Measuring quality of service delivery (later)

For example

- Standardised approach eg run as a clinic and signpost to additional IP support

OR

- In between – Tailored recommendations and signposting for answers

OR

- Deliver tailored support – bespoke report with personalised recommendations (including TM searches)

DELIVERY of IPPD Service

- Overview of typical steps of delivery
- Templates – reminder
- Insights from other services

TYPICAL 'JOURNEY'

Data from client

- Registered IPR
- Other examples
- Licences obtained and granted
- Copyright assets used
- Biz plan if available?

Secondary research

- IP intelligence – TMs used/database searching (esp TM)
- Company website and data / corporate structure
- Products / services sold and competitors

Meeting / interview

- Confirm understanding
- Collect more data
- Understand issues and where assistance required
- Help to fill the gaps [IP education]

Draft report

- Further research
- Collating information into draft report

Feedback

- You read and feedback
- Audit modified and finalised

IP SCAN INTERVIEW GUIDE – PREPARATION – DESK RESEARCH

SME self assessment* and basic economic data from the application [*eg template or Goldseam IP Profile tool]



Corporate structure

Company website, social media

Business partners

Competition

IPR databases

Financial situation



Data Capture – Application Form

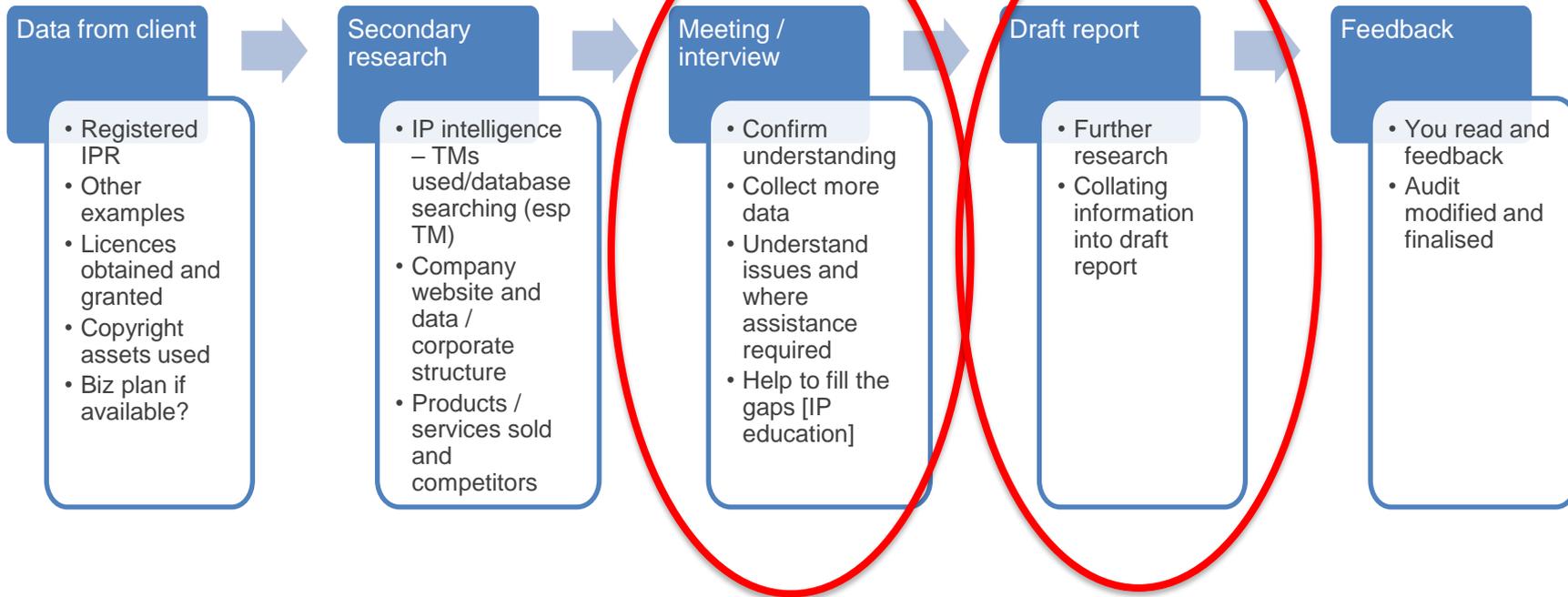
- Use of application form to capture data
- Ask client to pre-populate information
- Company name/background
- Turnover
- # of employees
- IP registered rights (if any)
- Aims of audit – company needs?

Supporting Information

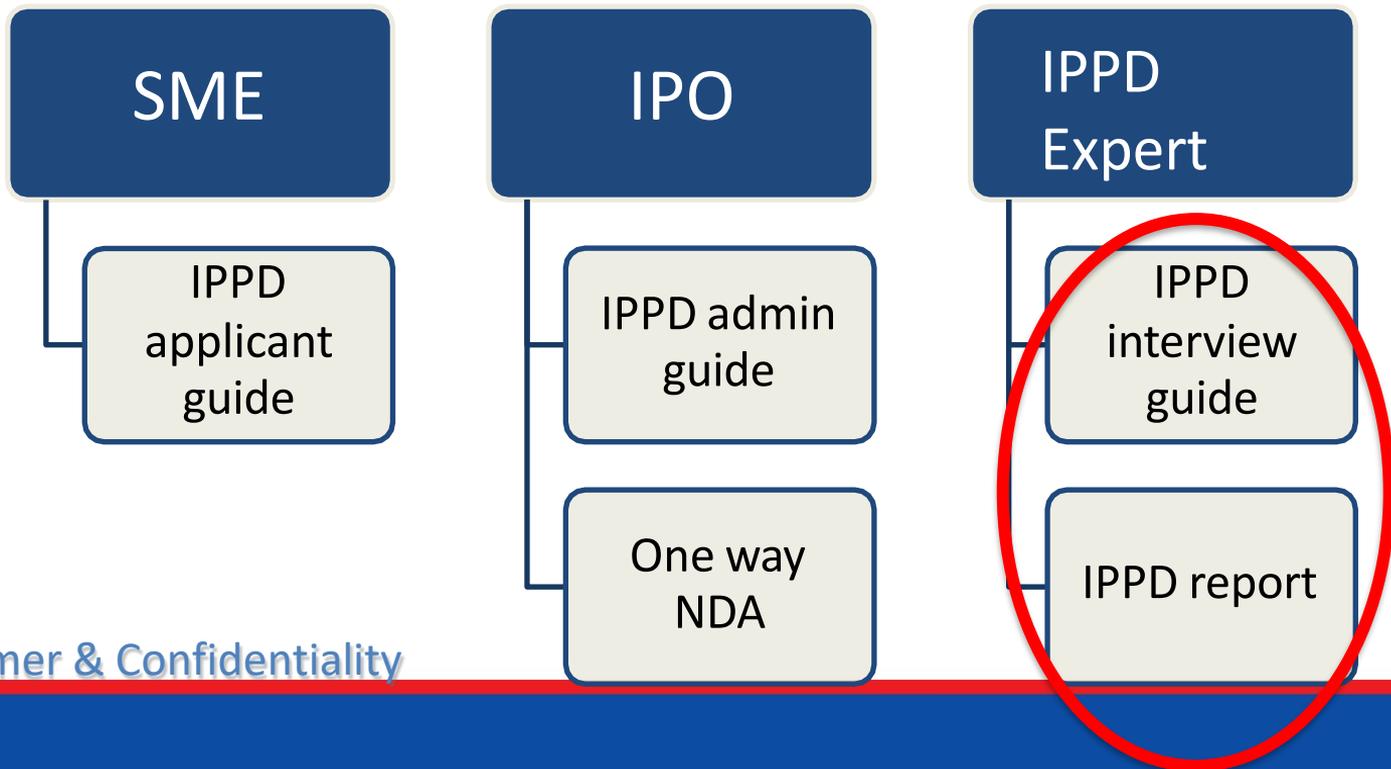
Brief background of the business including products and/or services including a summary of the identified IP.



TYPICAL 'JOURNEY'



5 Templates



IPPD INTERVIEW GUIDE - INTERVIEW

Introduce IPPD Service

Identify SME's business model

SME Organisation

Identify and analyse existing IPRs and other IP relevant assets

Inform about IP Searches

Discuss IP management and strategy

IP SCAN MAIN REPORT

SME's business model and company strategy

Identification and analysis of existing IP and IP-relevant intellectual assets

Use of IP searches

IP management

Summary and strategic recommendations

delete what does not apply in the table below:

Identified IP and IP- relevant assets registration recommendations	IP related actions recommendations	IP risks recommendations	Business strategy recommendations
<ul style="list-style-type: none"> * Trade marks * Designs * Patents * Utility models * Trade secrets (NDA) * Copyright * Domain names * Geographical Indications * Topographies of Integrated circuits * Plant variety 	<ul style="list-style-type: none"> * Integration of IP searches into the IP management processes * Financing methods for IP protection * IP based business (monetization): licensing, selling, franchising, cobranding * IP Internationalization (geographical scope) * Consultation to IP advisers 	<ul style="list-style-type: none"> *Third party IPR's (infringement of others) *Enforcement (infringements of one's own rights) *Ownership of IPRs in contracts *Loss of benefits due to lack of protection 	<ul style="list-style-type: none"> *IP integrated business models *Organisational methods (internal and external) *Internationalization strategy * Financing strategy * R&D strategy *Marketing and branding strategies *Market and customer access recommendations





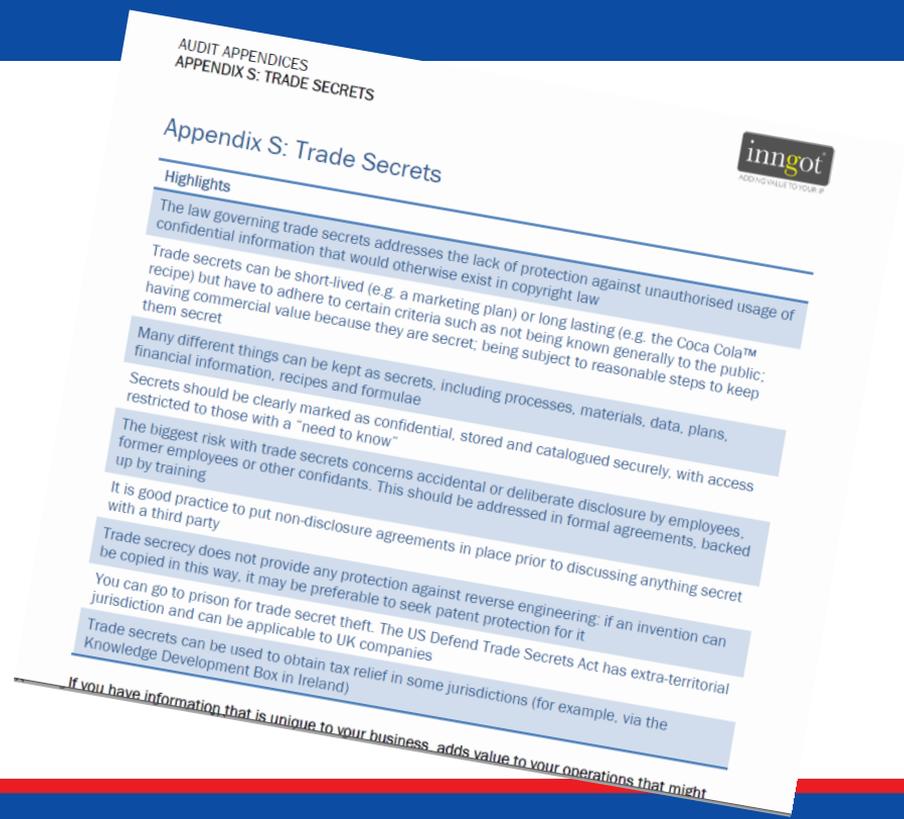
Further delivery insights

EJ GEORGIA project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

Report – use of standardised annexes

Example –

As well as the main, tailored report – appendices may be useful to set out further (standard) points on individual rights – or links to further reading.



1. Markets And Competitors

USP and Market Intelligence – IP Searching

When a business invents or creates, it is important it understands whether what it has uncovered is indeed new and/or unique before spending vital funds on further development. Targeted searches utilising specialist IP databases can help it to find out what others are doing and gain valuable strategic insights. It can also help to understand if the business may be infringing a third party's rights. The business should conduct IP searches alongside other research as part of its business strategy, such as market research for a typical business plan. The business can get free help on initial guided/assisted IP searching (e.g. trade mark and patent) at the local Patent Library (PATLIB) or by consulting free IP databases.

Following assisted or pro bono searching and ad-hoc analysis, the business should consider a more thorough analysis using the skills of an IP professional (particularly if the initial searching indicated potential opportunities/risks). The business should continue to search periodically or to take advantage of IP watch services to keep its market intelligence current, for instance around technical advances and competitor innovation.

[Location of Patent Libraries](#)

[Search for a trade mark](#)

[Patent database](#)

[Find a registered design](#)

Appraise report outputs = IP audit management points

Instant on screen report

- A personalised Action Plan (to IP profiled by Goldseam)
- Highlights risks requiring attention
- Information to help make most of your IP
- Tips on how to make IP stronger or more commercially stronger
 - e.g. What should you be doing to protect your IP, exploit it and generally getting your intangibles working harder on your behalf – e.g. Do you own your IP? Do you use NDAs (includes links to model templates)? Are you at risk of infringement? Can you protect rights better with registered rights? Information on international Systems*
- Useful online layout that can be managed online and shared with work colleagues/business advisers
- Tailored precisely to your profile to make sure it is 100% relevant to your innovation challenges.
- Regularly updated, could be adapted for country use (specific national IP laws)

appraise

Your Appraise report contains three types of entry:

- ⚠️ Potential risks which may require your attention
- ⚠️ Other information to help you make the most of your IP
- ℹ️ Tips on how to make your IP stronger or more commercially successful

Your IP action plan for: Sollomon valuation methodology for IP & intangibles

Registered Rights

General Information [Hide All] ?

- ⚠️ Beware of unofficial registries! When your rights are applied for, published, registered or granted, you may receive a number of official-looking letters offering to record your rights in private, non-official directories. Unless the letter comes from National/Regional IPOs or is forwarded from your patent attorney, please check the validity of such letters () [Hide] [Done]
- ⚠️ Make sure you stay on top of all your registration, renewal or office action dates, otherwise you will lose valuable assets. Reminders are rarely sent by official offices, and missing a deadline can cause irrevocable damage. [Hide] [Undo]
- ⚠️ Have you considered what you will do if someone infringes your rights? And how will you find out whether anyone has? It is highly advisable to have a plan to deal with both points. [Hide] [Done]
- ⚠️ Don't forget to keep the registration authorities (like the Intellectual Property Office) advised of any changes to your contact details for correspondence, and tell them if you add or change information on your professional advisers - otherwise you could miss out on important reminders. [Hide] [Undo]
- ⚠️ Choose a reminder system based on your budget, the size of your registered IP portfolio and your organisation's internal IP knowledge. Options include instructing your patent attorney to take responsibility for date monitoring; contracting with a specialist firm to pay fees on your behalf when due; or managing deadlines internally with a calendar and reminder system. [Hide] [Done]

Trademarks [Hide All] ?

- ℹ️ Make sure you keep the status of your trade mark up to date on the Inngot system, so that you'll receive the right information from [Hide]

www.inngot.com/tools

* Regularly updated;
optimised for UK but country-specific forms available



UK IP Audit Services - examples

EUGIPP project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

Typical report format (full IP Audit)

- 1. The business context**
- 2. Existing IPR/IAs**
- 3. IP threats**
- 4. IP Management**
- 5. Strategic recommendations**



Typical report format (full IP Audit)

1. The business context

Identify the core business and the key features of the business plan, in particular the features by which the business intends to differentiate over its competitors.



IP Audits (UK) - 2. Audit of existing IPRs and IP assets

- Identify:
 - a. Granted patents and pending patent applications
 - b. Registered trade marks and trade mark applications
 - c. Registered designs and design applications
 - d. Unregistered trade mark rights, including trading names and branding
 - e. Domain names
 - f. Potentially patentable inventions
 - g. Potentially registrable trade marks
 - h. Potentially registrable designs
 - i. Technical know-how
 - j. Other forms of confidential information, including trade secrets & other commercial information
 - k. (Unregistered) design rights
 - l. Potential sources of copyright (eg databases, websites, promotional materials, product information, internal documentation)
 - m. IP-relevant contracts (eg licences, franchises, joint venture agreements, material transfer agreements)
 - n. Known or likely sources of other IP rights, eg database rights, semiconductor topography rights, plant variety rights, moral rights.

Identify potential IP-related threats e.g.

- a. Third party IPRs
- b. Ownership issues surrounding the IPRs identified in (2) above
- c. Infringements of those rights
- d. Trade mark non-use issues.

Consider potential financial issues relevant to the IP assets, for example financial (including tax) aspects of the ownership or licensing structure; the role of the holding company, if applicable; the country(ies) in which the assets are held; and any charges over the IPRs. Recommend responses, for example conducting searches, establishing contracts and/or obtaining further professional advice.

IP Audits (UK) - 4. IP management

Recommend practices and procedures for improving IP management, for example:

- a. Use of confidentiality (non-disclosure) agreements
- b. Ownership safeguards e.g. contractual terms in agreements with contractors, consultants, licensees and other partners; job descriptions for key staff; terms for nonemployee directors; appropriate transfers of IP both within the organisation and externally
- c. Capturing and recording know-how and other confidential information
- d. Capturing and recording unregistrable IP such as design right, copyright and unregistrable or not-yet-registrable trade marks
- e. Capturing and recording evidence of use of trade marks
- f. Capturing and evaluating potentially registrable IP (patentable inventions; registrable designs and trade marks)
- g. Prioritisation of registrable and registered IPRs, in light of the business plan, and implementation of registration and exploitation tactics to match
- h. Infringement clearance procedures, in particular for new projects such as the adoption of a new trade mark, the development or launch of a new product or the

IP Audits (UK) - 4. IP management (cont/d)

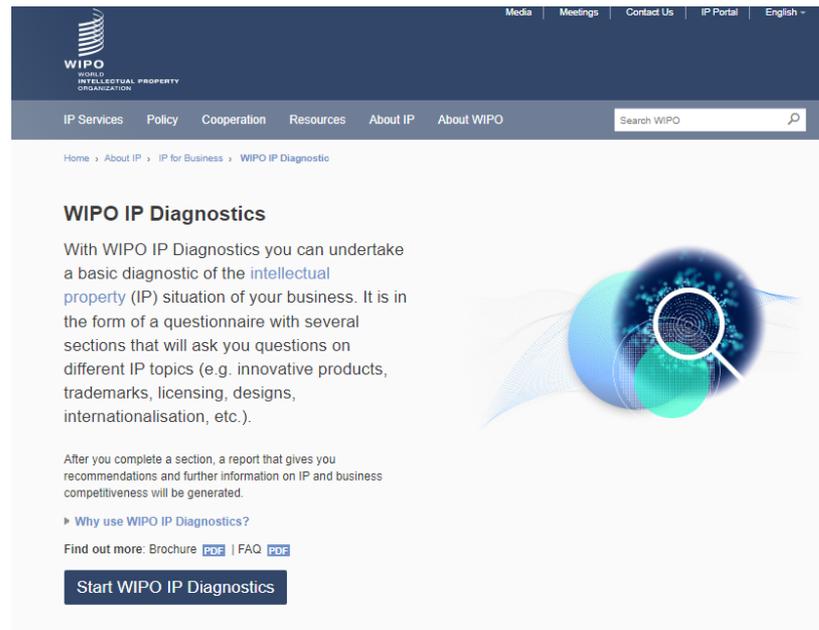
- i. More general awareness of relevant third party IPRs, for example using watching searches or “landscape” searches
- j. Taking expert advice on IP-relevant contracts and, where appropriate, their registration
- k. Taking expert advice on possible risk mitigation options including IP Insurance
- l. Publication clearance procedures, to avoid loss of protectable IP
- m. Maintaining up to date proprietor, licensee and contact details for registered IPRs, including domain names
- n. Marking – for example flagging application and registration numbers on product literature; use of the TM, ® and © symbols
- o. Improving staff awareness of IP issues and policies
- p. Regular reviews of IP rights and strategies, in particular in light of developments in the business plan.

- Recommend key actions to align the IP strategy with the general business strategy over the short to medium term. Identify “quick wins” for safeguarding and/or exploiting the IP. Advise on suitable options for exploiting the company’s IP, again to fit with the overall business plan, eg by licensing and/or enforcing and/or using the IP to attract and reassure investors and business partners.
- Flag potential options for IP-related tax savings, eg through R&D tax credits and/or Patent Box.
- Warn of potential weaknesses and threats which might impact on the value of the IP and IP strategy in the context of the short to medium term business plan. If feasible, provide indications of the likely costs of adopting the audit recommendations over the short to medium term.

WIPO Diagnostic

WIPO Diagnostic

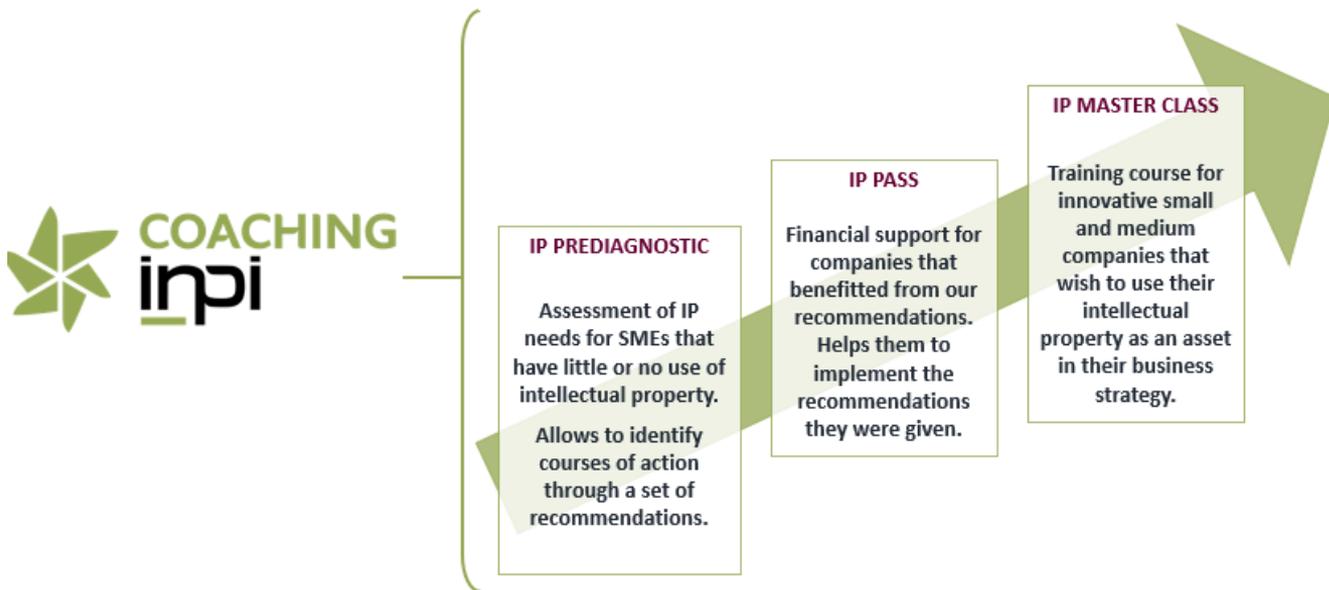
- Free tool; available in 6 languages
- 10 sections
- 45-50 pages of report if all sections selected
- Eg 4 page report for trade marks alone
- Provides links to other respective IP Guides



The screenshot shows the WIPO IP Diagnostics webpage. At the top, there is a dark blue header with the WIPO logo and navigation links for Media, Meetings, Contact Us, IP Portal, and English. Below the header is a navigation bar with links for IP Services, Policy, Cooperation, Resources, About IP, and About WIPO, along with a search bar labeled 'Search WIPO'. The main content area features a breadcrumb trail: Home > About IP > IP for Business > WIPO IP Diagnostic. The title 'WIPO IP Diagnostics' is followed by a paragraph explaining that the tool provides a basic diagnostic of the intellectual property (IP) situation of a business through a questionnaire. To the right of the text is a graphic of a globe with a magnifying glass over it. Below the text, there is a link 'Why use WIPO IP Diagnostics?' and a link 'Find out more: Brochure PDF | FAQ PDF'. At the bottom, there is a prominent blue button labeled 'Start WIPO IP Diagnostics'.

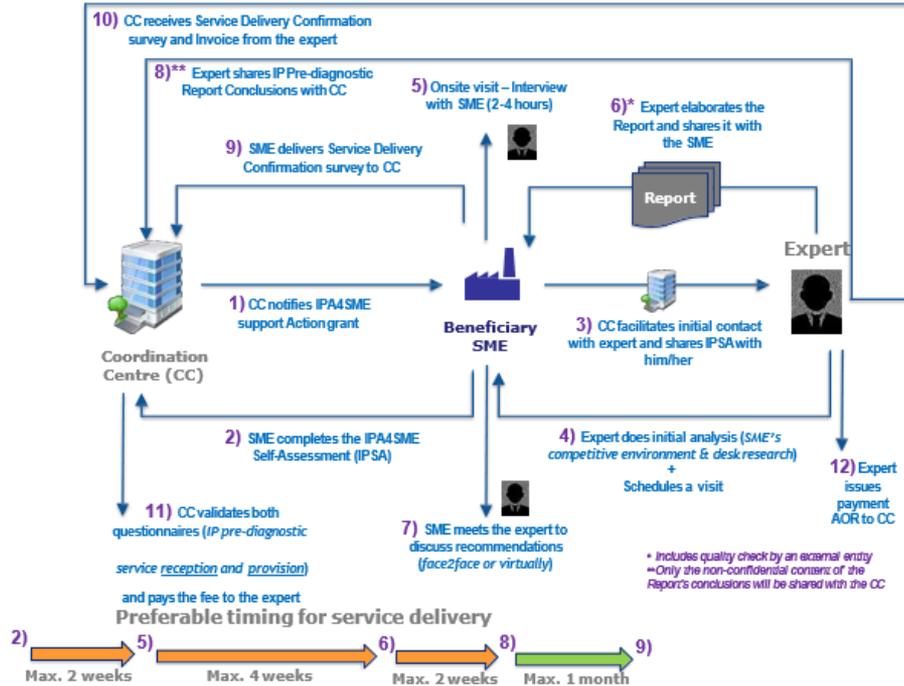
Other Service Examples

The « Coaching INPI » range





Process



UKIPO



IP Audits Plus

IP Audit Report Guidance Innovate UK EDGE

April 2021

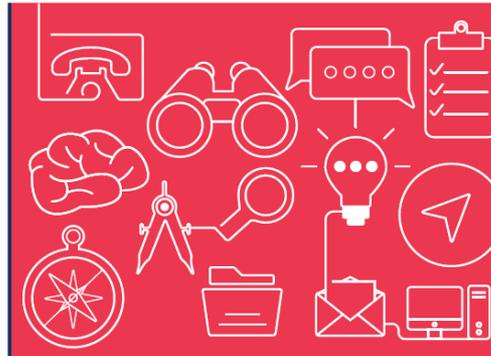


IPO | Making life better through IP
Intellectual Property Office is an operating name of the Patent Office

IP Access

Application Form Annex 1

Innovate UK EDGE



IPO | Making life better through IP
Intellectual Property Office is an operating name of the Patent Office

Integrate Review Report



IPO | Making life better through IP
Intellectual Property Office is an operating name of the Patent Office

Service development

- What existing tools are suitable/could be considered for Sakpatenti use?
- Alongside such ‘standardised’ reports, Sakpatenti may consider enhancing with creation of a short summary/personalised action plan
- What other documents/model agreements/fact sheets will be useful?
- Learning from Others:
 - what has worked?
 - application/guidance forms – what is needed (onboarding/evaluation)?

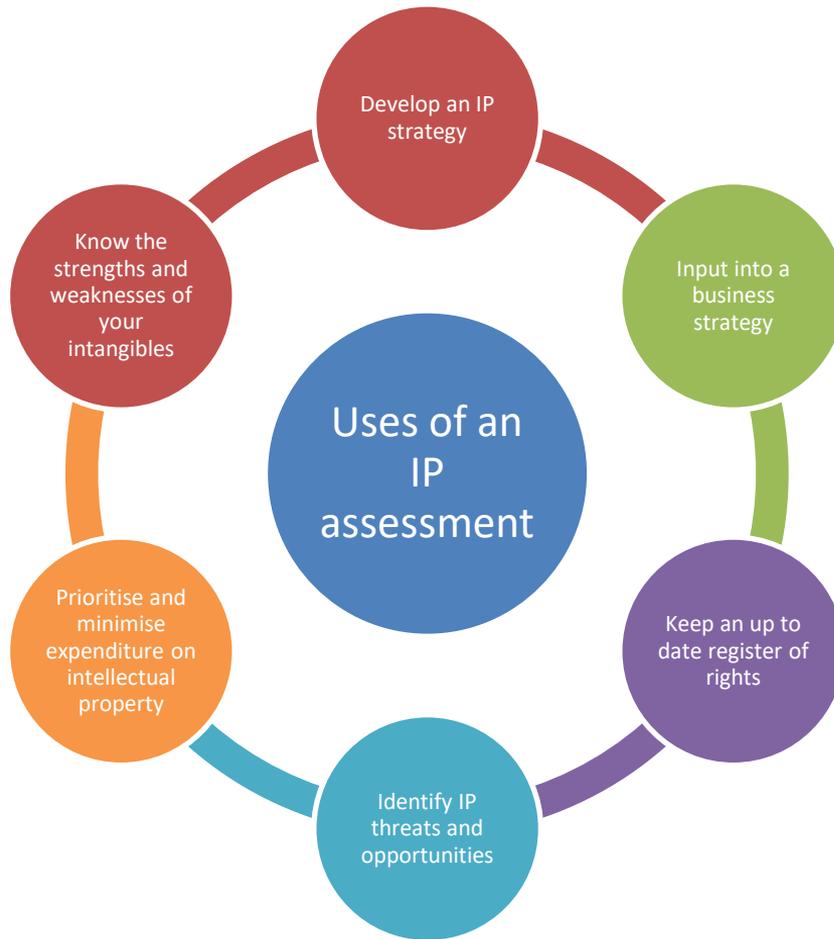
Thoughts? What are the matters to be considered

- How broad should the scope of the service be?
- What level of detail?
- What does Sakpatenti feel competent delivering?
- How much time per delivery?
- What is the output and how much of that output is going to be tailored?
- Quality of measurement (later)

For example

- Standardised approach eg run as a clinic and signpost to additional IP support
- OR
- In between – Tailored recommendations and signposting for answers
- OR
- Deliver tailored support – bespoke report with personalised recommendations (including TM searches)

**Reminder:
POTENTIAL USES OF IPPD***



*Not drafting applications/contracts



Breakout Session

EJ GEORGIA project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

Proposed Group Session

Aim – to develop/discuss SME and Stakeholder messages/Actions

'Selling' Service and maximising outputs

SMEs

- **May see IP as a barrier as don't understand:**
 - Benefits
 - Uses
 - Simple management tips to enhance value and secure rights
- **IP perceived to be:**
 - **Too expensive**
 - **Too complicated (legalese)**

Stakeholders

- **Opportunity to engage with local stakeholders**
- **How can you work together for mutual benefit and ultimately for the benefit of SMEs**

Breakout into two groups

Group 1 – Service message (SME marketing message)

Remember - SMEs make little use of intellectual property.

They see IP as a cost and a legal instrument rather than an investment and a business tool

- What is service 'hook' (message)?
- What is SME need?

Group 2 – Stakeholders (help to get message/outputs to SMEs)

Aim - To discuss ways existing stakeholders can collaborate to strengthen service outcomes. Ideas for formal and informal co-operation will be collected.

- Who are they?
- Why work together?

GROUP 1 – Service message

- **What is your ‘hook’ going to be (ie marketing message)?**
- **Use flip chart to capture ideas to attract SMEs to engage with service**
- **Guide – use AIDCA**

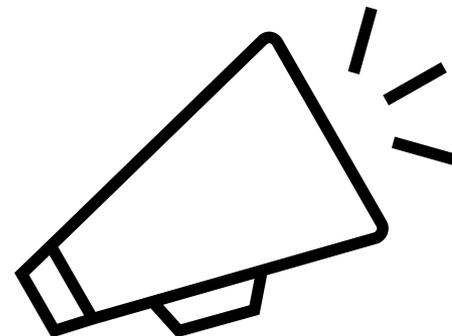
AIDCA - sales and marketing acronym:

- **Attention:** First, grabbing the attention of your prospect
- **Interest:** Then, piquing their interest in your product or service
- **Desire:** Then, generating desire for your product or service
- **Conviction:** Next, developing conviction within your prospect
- **Action:** Finally, inspiring your prospect to take action

Attention: First, grabbing the attention of your prospect

SME Need

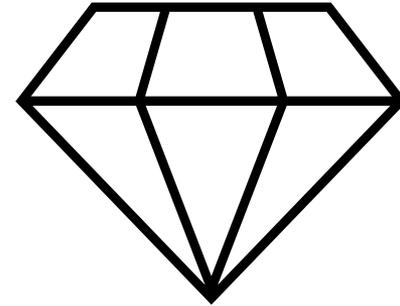
- **Growth**
- **Export opportunities**
- **Finance**
- **Reduce Infringement risk....**



Interest: Then, piquing their interest in your product or service

What are they going to get?

How is it of value to SME?



Desire: Then, generating desire for your product or service

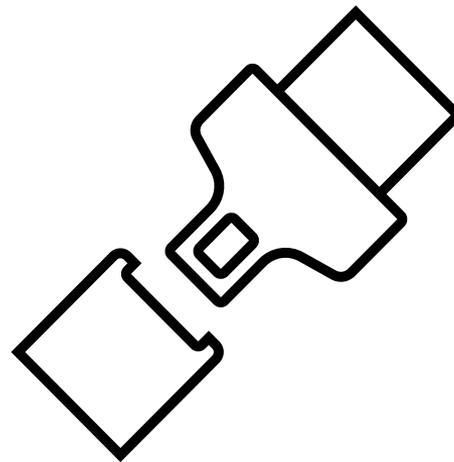
How can you make the service attractive to SMEs?

- Price
- Personalised approach



Conviction: Next, developing conviction within your prospect

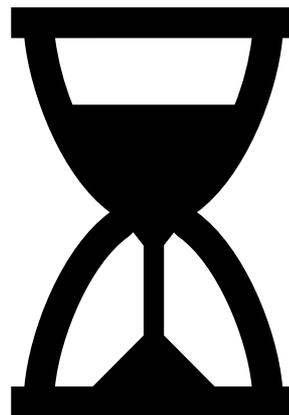
- **Credibility of service (Team)**
- **Risks of not doing it**



Action: Finally, inspiring your prospect to take action

SMEs are time poor

- How do you emphasise
- Introduce element of scarcity/exclusivity of prog



GROUP 2 - Stakeholders

- **Who?**

Examples;

- **Innovation agencies (eg GITA - Georgian Innovation and Technology Agency); Chamber of Commerce; Auditors; IP professionals; Tech park, Georgia Science funds; Accountants; Incubator;**
- **Other IP Stakeholders**
- **Overseas IPOs (study trips)?**

Stakeholders

Eg Innovation Agency

- 1. Current IP offering?**
- 2. Why work together? (How can they benefit from engaging with IP Scan?)**
- 3. How can this be developed?**
- 4. Shared objectives**

Examples:

- 1. Webpage offering general IP information; Funding for IP matters?**
- 2. Referral of 'clients' for IP support; Follow on support (eg exporting)**
- 3. Introduce Model of Cooperation (stakeholder agreement)**
- 4. Who are most willing/motivated partners?**

GROUPS

- Two Groups – one focussing on SME and one on Stakeholders
- Use Flip Chart to capture outputs (example headings provided)
- Appoint someone to capture outputs on Flip Chart (or laptop)
- Present results
- Ask questions!



Wrap up

EJ GEORGIA project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

Service – what does good look like?

Evaluation

Evaluation methodology

A broad policy cycle known as **ROAMEF** is used across the UK government. It charts how policies are developed, appraised, evaluated, and then fed back into policy design.

A **Rationale** – setting out the rationale for government action in any particular area

A **Objectives** – defining the objectives a policy or programme aims to achieve

A **Appraisal** – assessing the best ways of delivering a policy or programme, and estimating the costs and benefits

A **Monitoring** – continuously checking progress of the policy in delivering the stated objectives

A **Evaluation** – assessing the effectiveness and impact of the policy to see whether the anticipated benefits have occurred

A **Feedback** – ensuring learning from the policy is fed back into its implementation and into the design of other policies or programmes

Service – what does good look like?

Evaluation of service

- What were the observed outcomes (such as technological development, or increased turnover)?
- How much of any observed change in outcomes can be attributed to the programme?
- How did changes vary across groups (across smaller and larger companies, or across sectors)?
- Were there any unintended outcomes?
- Did the programme achieve its objectives?

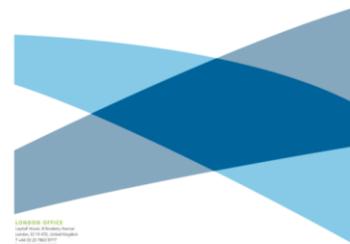
Evaluation uses

- Marketing of programme success
- Case study generation
- Development of programme

REMINDER - Objectives of the IP Audit Plus Scheme (UK)

- To connect businesses with good quality guidance and advice along with the services that they need to make their IP work for them as they work to grow their business.
- More than putting registered rights in place; making sure that businesses can identify opportunities to use their IP to generate income/value, such as through licensing and franchising.
- Making sure that businesses are aware of the risks/limitations and understand how to manage them (not just potential infringement but also internal IP management strategies; for example, ensuring that employee contracts, amongst other things, are sound).
- Long term goal is to ensure that businesses are able to integrate IP into their wider business strategy.

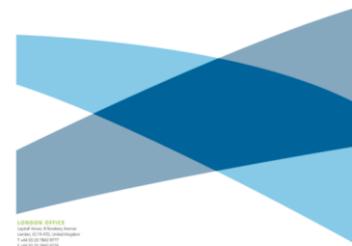
Source: <https://www.gov.uk/government/publications/intellectual-property-ip-audit-evaluation>



Lessons from the IP Audit Plus Scheme (UK)



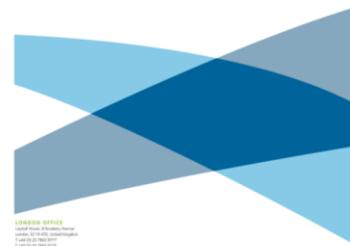
Source: <https://www.gov.uk/government/publications/intellectual-property-ip-audit-evaluation>



Lessons from the IP Audit Plus Scheme (UK)

A summary of 67 IP audits found:

- 55 additional patentable inventions (on top of 21 already owned and 23 in progress)
- 115 potential new trade marks (in addition to the existing 62)
- 81 registrable designs (only 9 were previously registered) – and 70% of companies had design registration potential
- Over 75% of audits found previously unrecognised non-registrable assets, including copyright material, database rights, trade secrets and software code
- Source: <https://www.gov.uk/government/publications/intellectual-property-ip-audit-evaluation>



Wrap Up

Q&A?



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საქართველოსთვის
Project funded by the European Union



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