

INNOVATION MANAGEMENT BEST I.P. & LEGAL PRACTICES

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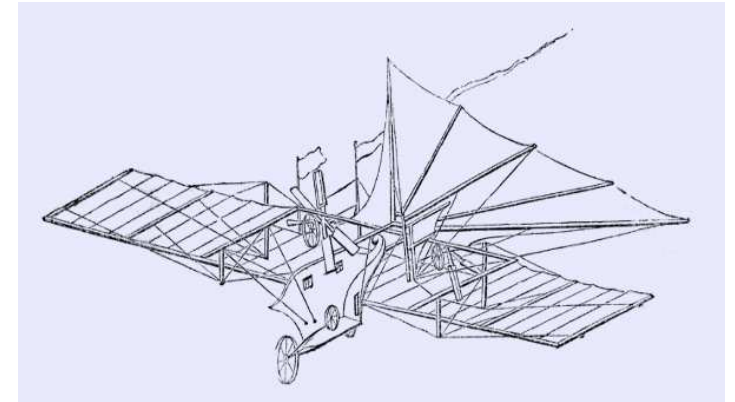
Identify and Protect



What is copyright?

- **Copyright** (or author's right) is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by **copyright** range from books, music, paintings, sculpture, and films, to computer programs, databases, advertisements, maps, and technical drawings.
- A **copyright** gives the creator of **Copyright** an original work **exclusive rights** to it, usually for a limited time. may apply to a wide range of creative, intellectual, or artistic forms, or "works". **Copyright** does not cover ideas and information themselves, only the form or manner in which they are expressed.

Identify and Protect



What is a patent?

- A **patent** is an exclusive right granted for an **invention**, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem. To get a patent, technical information about the **invention** must be disclosed to the public in a patent application.
- A **patent** is a form of right granted by the government to an inventor, giving the owner the right to exclude others from making, using, selling, offering to sell, and importing an **invention** for a limited period of time, in exchange for the public disclosure of the **invention**. An **invention** is a solution to a specific technological problem, which may be a product or a process

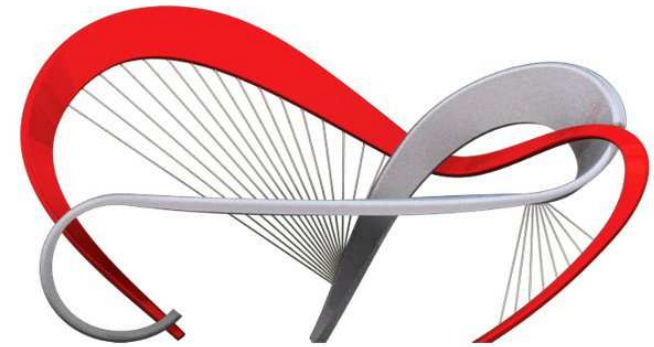
Identify and Protect



What is a trademark?

- A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks are protected by intellectual property rights.
- [A Trade dress](#) is a legal term of art that generally refers to characteristics of the visual appearance of a product or its packaging (or even the design of a building) that signify the source of the product to consumers

Identify and Protect



What is an industrial design?

- In a legal sense, an industrial design constitutes the ornamental or aesthetic aspect of an article.
- An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or color.

Identify and Protect



- A trade secret is a formula, practice, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors or customers.
- **Know-how** is a term for practical knowledge on how to accomplish something, as opposed to “know-what” (facts), “know-why” (science), or “know-who” (communication).
- In the context of industrial property (now generally viewed as intellectual property - IP), know-how is a component in the transfer of technology in national and international environments, co-existing with or separate from other IP rights such as patents, trademarks and copyright and is an economic asset

Commercialise



- A **non-disclosure agreement (NDA)**, also known as a **confidentiality agreement (CA)**, **confidential disclosure agreement (CDA)**, **proprietary information agreement (PIA)**, or **secrecy agreement (SA)**, is a [legal contract](#) between at least two [parties](#) that outlines confidential material, knowledge, or information that the parties wish to share with one another for certain purposes, but wish to restrict access to or by third parties. It is a contract through which the parties agree not to use / disclose information covered by the agreement. An NDA creates a confidential relationship between the parties to protect any type of confidential and proprietary information or [trade secrets](#). As such, an NDA protects nonpublic business information.
- NDAs are commonly signed when two [companies](#), [individuals](#), or other entities (such as partnerships, societies, etc.) are considering doing business and need to understand the processes used in each other's business for the purpose of evaluating the potential business relationship. NDAs can be "mutual", meaning both parties are restricted in their use of the materials provided, or they can restrict the use of material by a single party.

Commercialise



A **Material transfer agreement (MTA)** is a [contract](#) that governs the transfer of tangible research materials between two organizations, when the recipient intends to use it for his or her own research purposes. The MTA defines the rights of the provider and the recipient with respect to the materials and any derivatives. [Biological materials](#), such as [reagents](#), [cell lines](#), [plasmids](#), and vectors, are the most frequently transferred materials, but MTAs may also be used for other types of materials, such as chemical compounds and even some types of software.

Commercialise



- A services agreement is used to document a transaction where the seller provides a service to the buyer. Such an agreement may be appropriate for marketing services, advertising services, testing services, consulting services, management services or other professional services.
- CROs, CMOs are service providers ; they operate under a service agreement. Depending upon the nature of the service, they may claim title in deliverables.

Commercialise



Collaborative Research Agreements provide for the conduct of directed, collaborative, or joint research of mutual interest to the researcher and the company with shared rights and access to the results. There is an expectation that there may be new or incremental intellectual property developed within the project.

- Parties jointly define the research project (which may benefit from public financing)
- Allocation of ownership of inventions and other intellectual property arising from the project:
 - Sole invention
 - Joint invention Publication may be temporarily delayed (within clearly defined limits) to protect commercial interests
- Allocation of commercial rights over inventions and other intellectual property arising from the project
- Confidentiality and publications provisions

Commercialise



- A licensing agreement is a legal contract between two parties, known as the licensor and the licensee. In a typical licensing agreement, the licensor grants the licensee the right to produce and sell goods, apply a brand name or trademark, or use patented technology owned by the licensor. In exchange, the licensee usually submits to a series of conditions regarding the use of the licensor's property and agrees to make payments known as royalties.
- Licensors use license agreements to grant their licensees the right to use certain intellectual property, including software, trademarks, service marks, inventions, and patents. Besides the property being licensed and the royalty rates, license agreements can also include representations, warranties, termination provisions, terms of indemnification and dispute resolution clauses.

Commercialise



- **Initial public offering (IPO) or stock market launch** is a type of public offering in which shares of stock in a company usually are sold to institutional investors^[1] that in turn sell to the general public, on a securities exchange, for the first time. Through this process, a private company transforms into a public company. Initial public offerings are used by companies to raise expansion capital, to possibly monetize the investments of early private investors, and to become publicly traded enterprises. A company selling shares is never required to repay the capital to its public investors. After the IPO, when shares trade freely in the open market, money passes between public investors. Although IPO offers many advantages, there are also significant disadvantages, chief among these are the costs associated with the process and the requirement to disclose certain information that could prove helpful to competitors, or create shaky bridge with the existing vendors. The IPO process is colloquially known as **going public**.
- Details of the proposed offering are disclosed to potential purchasers in the form of a lengthy document known as a prospectus. Most companies undertake an IPO with the assistance of an investment banking firm acting in the capacity of an underwriter. Underwriters provide several services, including help with correctly assessing the value of shares (share price) and establishing a public market for shares (initial sale).