



MANAGING IP IN COLLABORATIVE INNOVATION

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MAY 2024

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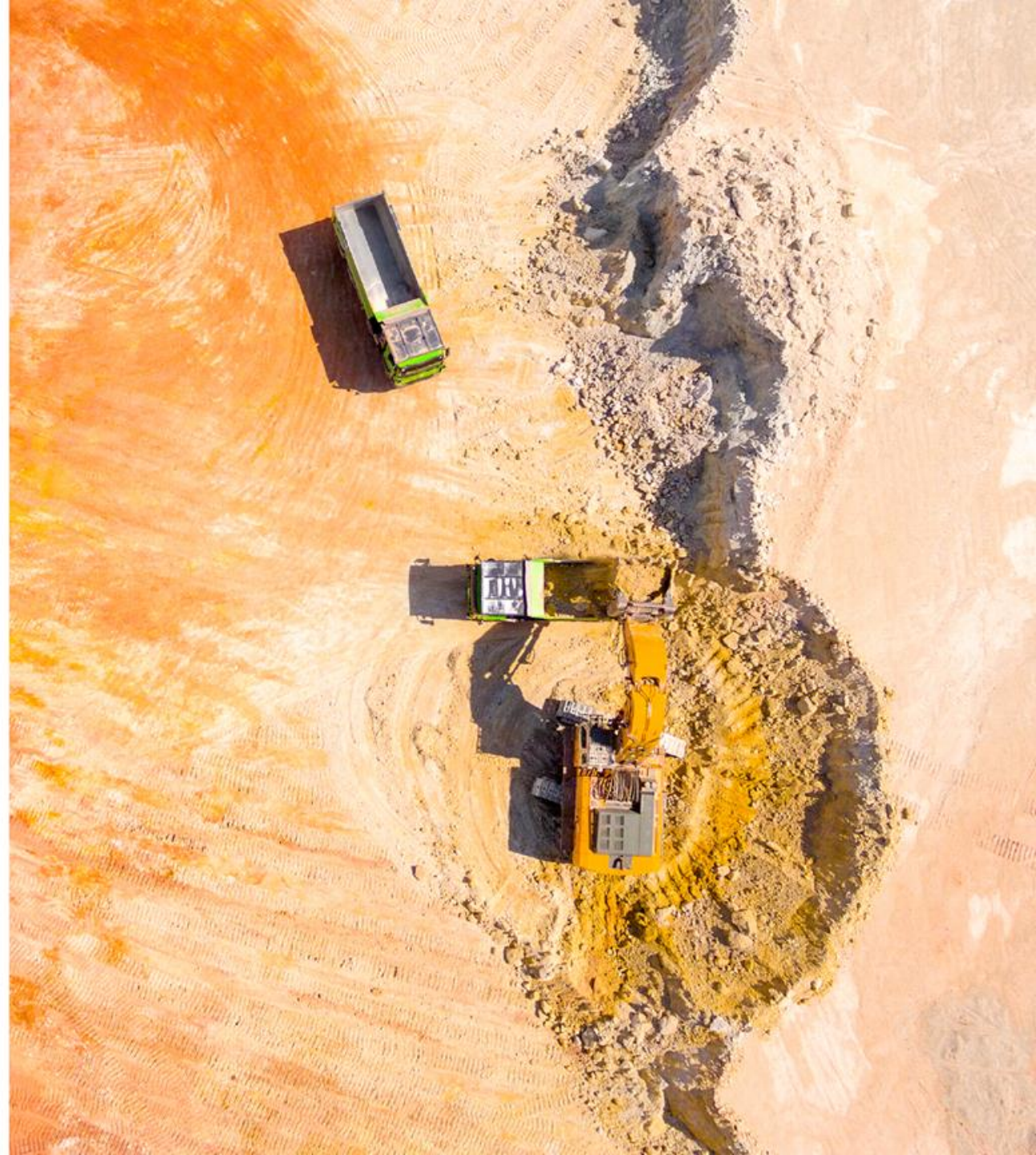
create it. own it.

IP BACKGROUND

TYPES OF INTELLECTUAL PROPERTY
TYPICALLY RELEVANT WHEN
INNOVATING AND COLLABORATING

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TYPES OF INTELLECTUAL PROPERTY TYPICALLY RELEVANT WHEN INNOVATING AND COLLABORATING



- PATENTS
 - New and innovative inventions
 - Underlying concepts/principles
 - Specific embodiment not necessarily relevant or important
 - Systems
 - Apparatuses/Devices
 - Methods/Processes
 - Chemical Compositions
- TRADEMARKS
- TRADE SECRETS
- DESIGNS
 - Aesthetic or Functional
 - Physical appearance rather than underlying principle/concepts
- COPYRIGHT
 - Literary Works
 - Reports
 - Tables
 - Instructions
 - Drawings and Renderings
 - Computer Programs / Code

TYPES OF INTELLECTUAL PROPERTY TYPICALLY RELEVANT WHEN INNOVATING AND COLLABORATING

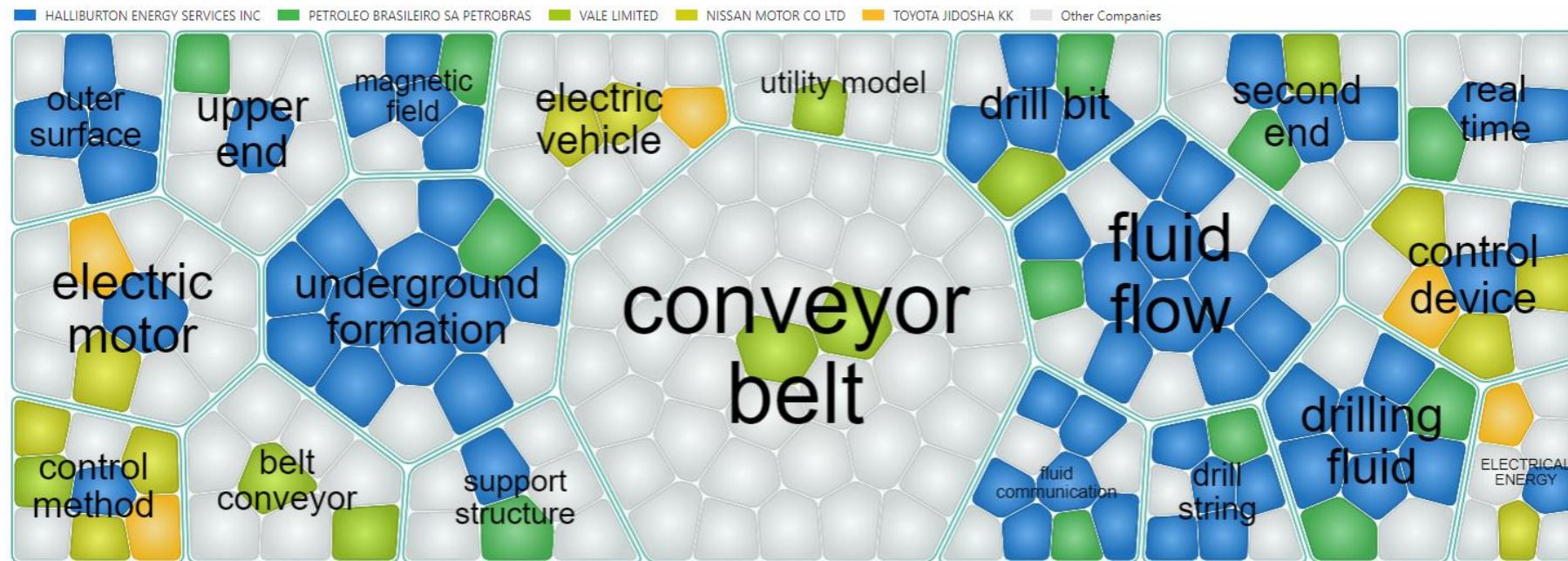


- Registrable vs Non-Registrable forms
- Territoriality
- Co-ownership
- Assignment
- Licensing
 - Exclusive
 - Non-exclusive
 - Sole
- Background/Foreground IP

TYPES OF INTELLECTUAL PROPERTY TYPICALLY RELEVANT WHEN INNOVATING AND COLLABORATING



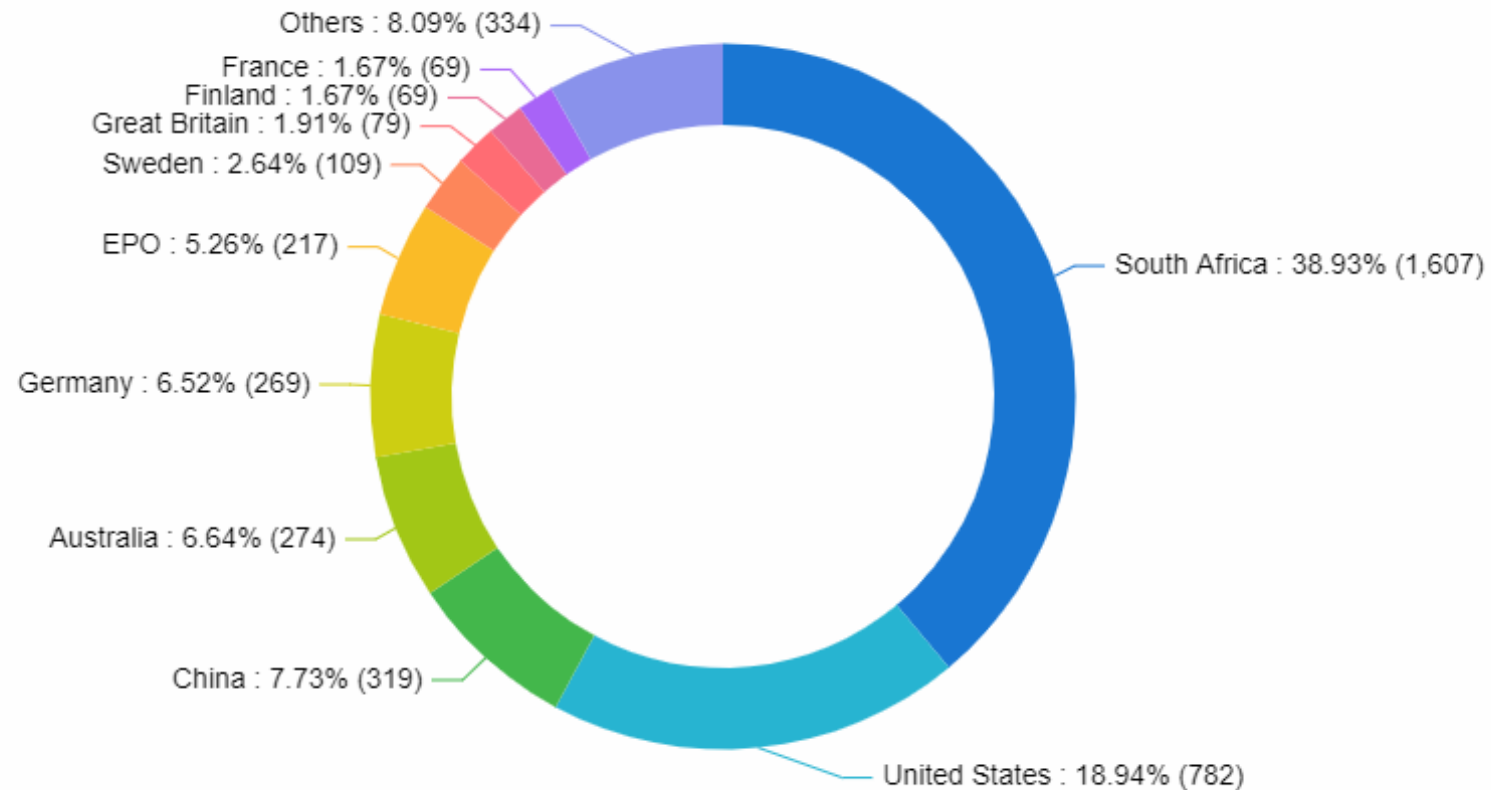
- Using IP Analytics for Strategic Considerations



TYPES OF INTELLECTUAL PROPERTY TYPICALLY RELEVANT WHEN INNOVATING AND COLLABORATING



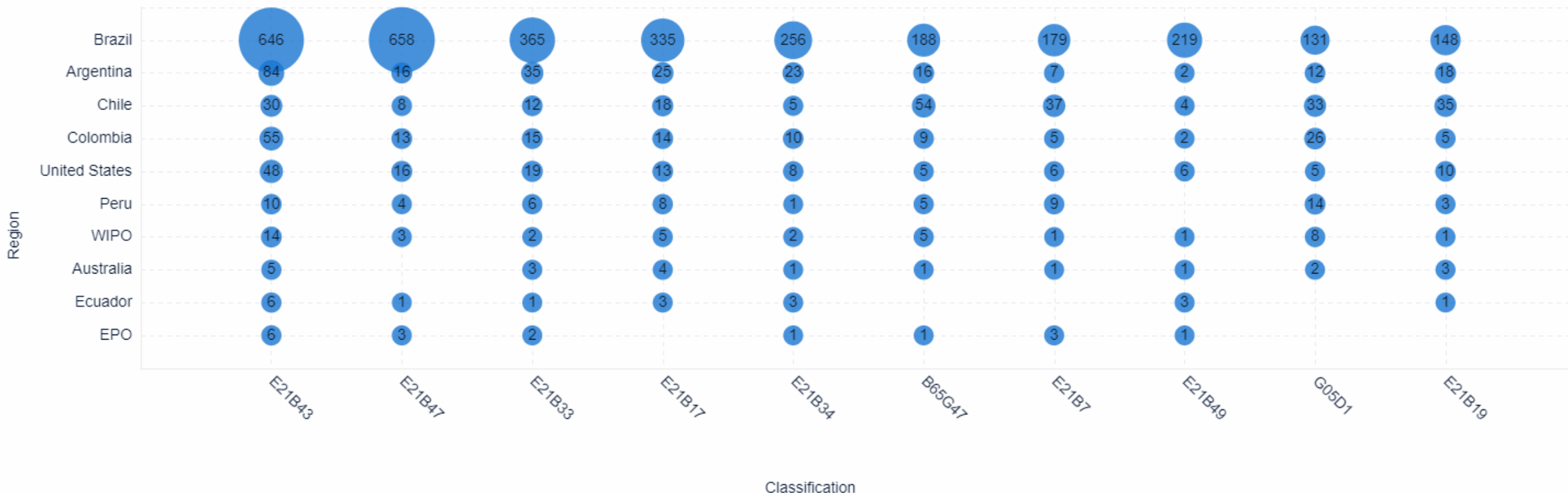
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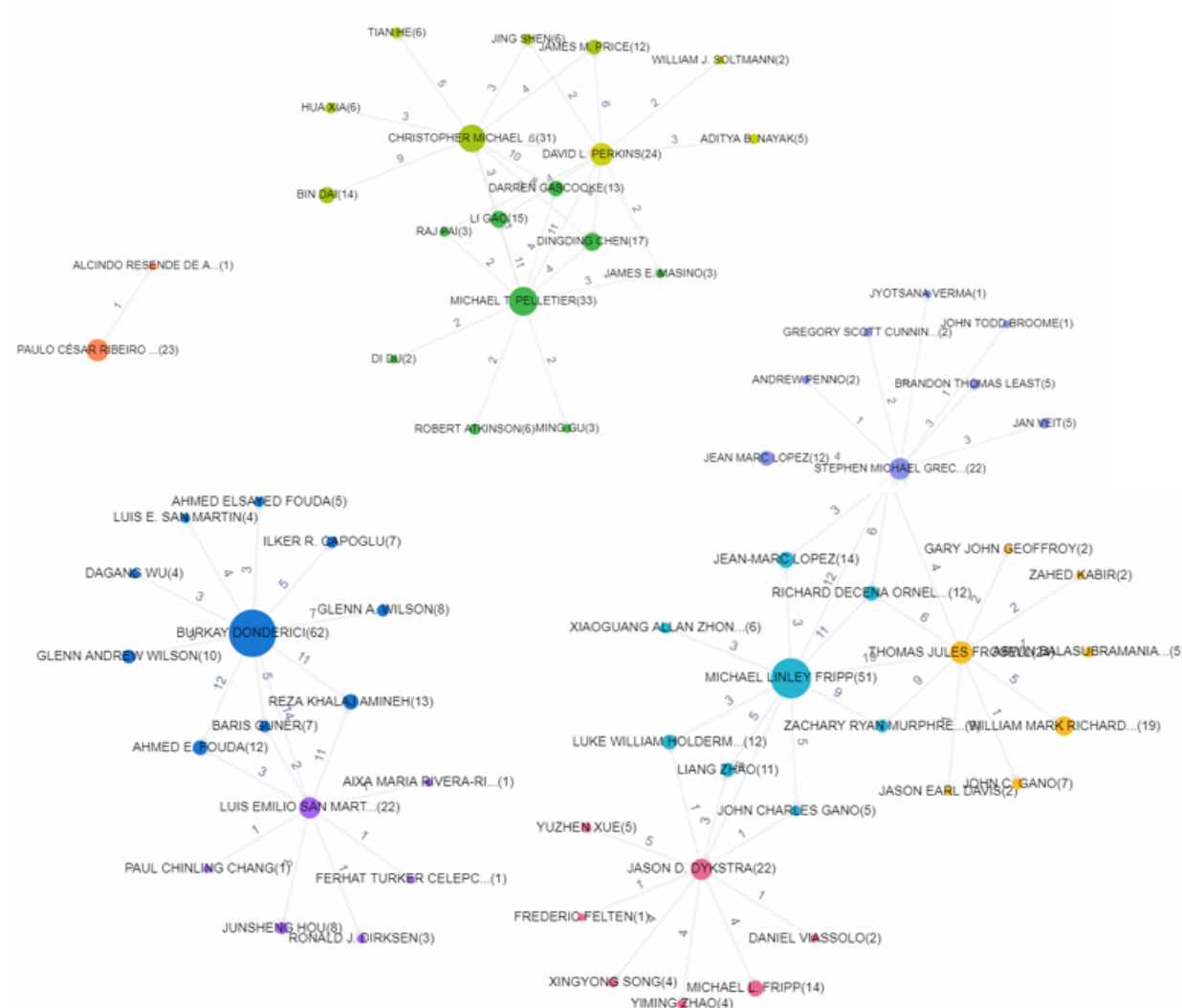
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TYPES OF INTELLECTUAL PROPERTY TYPICALLY RELEVANT WHEN INNOVATING AND COLLABORATING



- Using IP Analytics for Strategic Considerations



THE WHY?

WHY WOULD AN ENTITY DECIDE
TO COLLABORATE WITH AN
UNRELATED THIRD PARTY?

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WHY WOULD AN ENTITY DECIDE TO COLLABORATE WITH AN UNRELATED THIRD PARTY?



- Rest of the conference will delve deeper into this aspect
- Provide tools for unlocking various business strategies
- Generally:
 1. Complexity of Operations
 2. Resource Constraints
 3. Technological Advancements
 4. Sustainability Imperatives
 5. Safety and Health Concerns
 6. Regulatory Compliance
 7. Global Supply Chain Dynamics
 8. Market Competitiveness
 9. Market Expansion

Streamline Innovation Efforts

- Stay or Become Relevant/Competitive in a Rapidly Changing/Evolving Global Environment

OVERARCHING STRATEGIES

WAYS TO THINK ABOUT THE
ROLE COLLABORATION PLAYS

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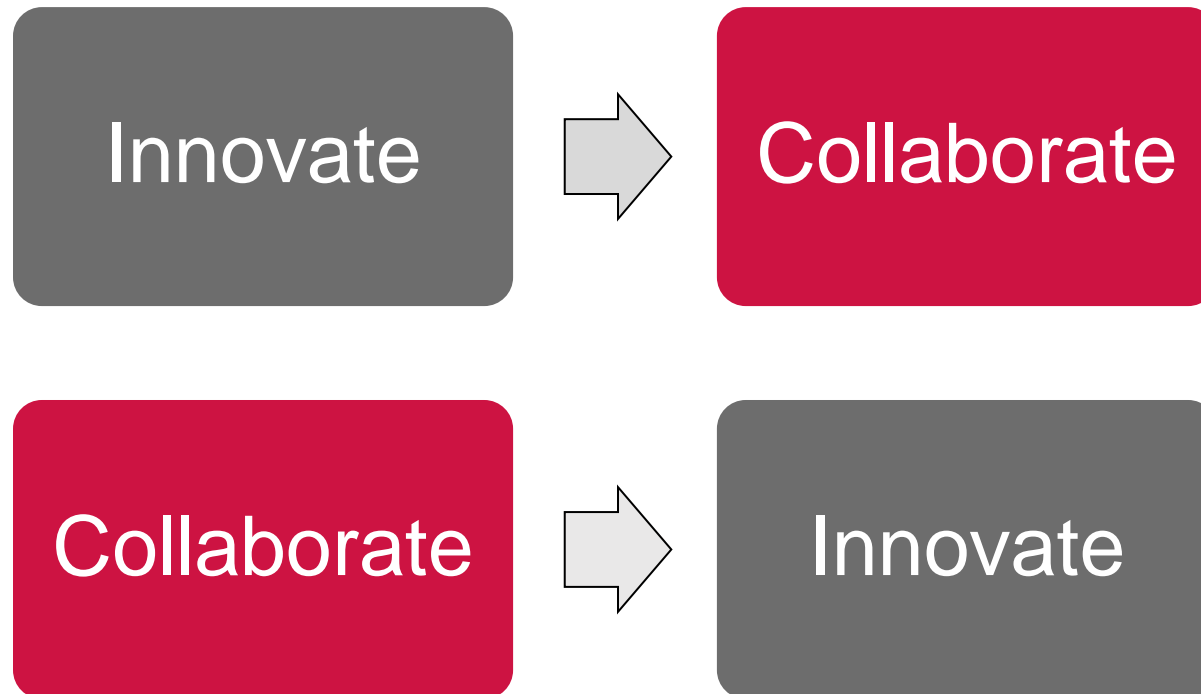
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WAYS TO THINK ABOUT THE ROLE COLLABORATION PLAYS



- What is the driving force behind collaborative innovation?



WAYS TO THINK ABOUT THE ROLE COLLABORATION PLAYS



INNOVATE TO COLLABORATE

- Leverage IP to facilitate collaboration
- Innovation geared towards attracting interest from potential collaborators
- When:
 - You have a specific skill/capability
 - You have identified a potential collaborator
 - You have identified a potential market/opportunity

WAYS TO THINK ABOUT THE ROLE COLLABORATION PLAYS



INNOVATE TO COLLABORATE

- Why
 - Reach
 - Access to markets / distribution networks
 - Licensing
- Considerations
 - IP and Commercial Landscape
 - IP Filing Strategies
 - Timing
 - Proof of Concept
 - Minimum Viable Product
 - Commercial Interest

WAYS TO THINK ABOUT THE ROLE COLLABORATION PLAYS



INNOVATE TO COLLABORATE

- Downstream Action Points
 - IP Valuation
 - Due Diligence
 - Licensing
 - Assignment
 - Joint Venture
 - Other Collaborative Vehicles

WAYS TO THINK ABOUT THE ROLE COLLABORATION PLAYS



COLLABORATE TO INNOVATE

- Need for Innovation Identified
- Lack of Resources/Know-How/Funding
- Joining Forces to Streamline Development

WAYS TO THINK ABOUT THE ROLE COLLABORATION PLAYS



COLLABORATE TO INNOVATE

- Before Commencement
 - Establish alignment in terms of desired outcomes
 - Agreement on who
 - Does/Contributes/Creates what
 - Owns what
 - Uses what
 - Discloses what
 - Define background IP
 - Reduce to writing

WAYS TO THINK ABOUT THE ROLE COLLABORATION PLAYS



COLLABORATE TO INNOVATE

- Before Commencement
 - Roll Out Plan
 - Where are the markets (current and future)
 - Possible future collaborators (and where are they situated)
 - Create an IP program
- During
 - Overarching project management
 - Knowledge sharing and transfer

PRACTICAL EXAMPLES

THE GOOD, BAD AND UGLY

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PRACTICAL EXAMPLES:

THE GOOD, BAD AND UGLY



Good, but Ugly

- Parties
 - Party 1 – UK, AU
 - Party 2 – ZA
 - Party 3 – US
 - Party 4 – ZA
 - Party 4.1 - DE
- Collaboration initiated by Party 1 for Party 1's benefit
- IP to be assigned to Party 1

PRACTICAL EXAMPLES:

THE GOOD, BAD AND UGLY



Good, but Ugly

- Agreements in writing before commencement (provides for assignment of created IP – good)
- Practicalities (ugly)
 - Party 2 – Party 1 – South African Reserve Bank Approval
 - Party 3 – Party 1 – Foreign Filing License
 - Party 4.1 – Party 4 – German Tax Clearance
 - Party 4 – Party 1 – South African Reserve Bank Approval
- The above was required before filing the priority application – i.e. before publication

PRACTICAL EXAMPLES:

THE GOOD, BAD AND UGLY



Bad and Ugly

- Parties
 - Party 1
 - Party 2
- No written agreements before commencement
- Parties located in different countries
- Dispute arose during development, collaboration terminated
 - Difficulty:
 - Differing versions of facts
 - Proving ownership / inventorship
 - Jurisdiction
 - Interpretation

CONCLUDING REMARKS

FOOD FOR THOUGHT

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FOOD FOR THOUGHT



- Understand why you want to collaborate and what you want to achieve
- Align your strategies, including IP management strategy
- Understand different roles in the collaboration
- Formalize collaboration in writing
- Deal with ownership of IP explicitly



THANK YOU

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