Topic 10:
Planning, Delivering, Disseminating and Evaluating A PLR in WIPO’s PLR Project

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Patent Information Section
Access to Information and Knowledge Division
Outline

A. Introduction
   - Innovation cycle and decision making
   - WIPO’s PLR Project Framework

B. The lifecycle of a WIPO PLR:
   - Planning
   - Delivery
   - Dissemination
   - Evaluation
Innovation cycle and management

1. **Research/Innovation**
   - IP acquisition
   - Business name/Trademarks
   - Domain names
   - Patents/Designs
   - Trade Secrets

2. **IP exploitation/Commercialization**
   - Technology transfer
   - Amortization of investment/Profit

3. **Products/Processes**
Decisions throughout the innovation cycle

**Decision types**
- Areas of research
- R&D investment
- Research collaborations?
- Acquisition of IPR (publication/trade secrets vs. patenting)? Which IPR?
- Commercialization of the product/process?
- IP assets Management (keep/abandon/sell/acquire/license IP rights)

**Profile of decision makers**
- Policy Makers → Government – Innovation Policy
- R&D
- Academia
- Start-ups/spin-offs
- IP Managers in industry
To patent or not to patent?

- Patenting vs. publishing or trade secret
- General trend → increase of patenting activity worldwide

Figure A.1.1: Trend in PCT applications

Note: 2012 data are WIPO estimates.

Source: WIPO Statistics Database, March 2013
• BRICK countries: Bridging the gap to G7 countries in R&D

Source: Thomson Reuters “Building Bricks”, 2013
Innovation Policy Trends in Europe

EC, DG Enterprise & Industry, Inno-Policy Trend Chart 2012:

- Budgetary constraints and challenges → new approach

- “Internationalization”: key challenge. Various initiatives, e.g. Danish Innovation Centre in Shanghai

- Prioritization of R&I funding and mission-driven R&I

- Stronger technology push than demand-pull observed
Innovation Policy Trends in Europe

- Increased focus on **applied** and **pre-competitive research** and **science and industry linkages**

Source: *InnoPolicyTrends 2012, EC DG Enterprize and Industry*
Apple and the Siri example

• 2007 → EPFL alumni Dag Kittlaus created the start-up Siri (spin-out of Int. Center of Artifical Intelligence)

• 2010: Siri acquired by Apple
Trade secret vs. patent

- Longer protection

- To be taken into account if:
  - Reverse engineering difficult
  - Reproduction costs high

- Challenge of keeping it secret
  (confidentiality agreements, non-competition clauses)

- The Coca-Cola example: employees tried to sell the recipe to Pepsico
Open innovation and crowdfunding

- Collaboration of Artificial Intelligence Lab of ETH Zurich, 10 different institutes and companies to develop one of the most modern robots
- Based on open source research & crowdfunding
The choice of „open access/source“ as part of innovation strategy

- Cooperation of ETH Zurich with Disney Research Zurich
- Cooperation model: shared IPR
- Realistic explosion simulation software:
  - „Technical Oscar“ for special effects
  - No IP protection
  - Reason of choice: particularities of the area and rapid adoption of the technology by industry

Scene from the film „Battleship“, where the Wavelet Turbulence software was used (Universal Pictures)
Various IPR

Patents

A process and a plant for the production of dark chocolate are proposed which enable production of dark chocolate, in particular also single-variety dark chocolate, having a high cocoa content without cocoa powder needing to be produced and added. By partial delactation of the cocoa mass in a one-stage process, a high cocoa content of the final product can be obtained. In the process described, the fat content in the cocoa mass is reduced to the extent that dark chocolate having a high cocoa content can be produced without cocoa powder needing to be added. The partial delactation of the cocoa mass is preferably carried out using a decorticator (20). The cocoa butter fraction (21) obtained according to the invention is obtained by delactation as a high-fat fraction which still contains a fraction of 17 to 21% by weight, in maximum 30% by weight, of fat free cocoa butter. In the novel process according to the present invention, the fat content is reduced to the extent that the mass which is produced therefore can be processed without problems with cocoa (20) and subsequently coated. The cocoabutter fraction, after comminution in a ball mill, is used during coating.

Trademarks, domain names

Global Brand Database

WIPO - World Intellectual Property Organization
How are decisions taken and how does patent analysis help?

- Cross sectoral/discipline effort → many aspects taken into account – Science/Policy/Economics/Business
  - Policy/prioritization issues
  - Relevant market definition and analysis
  - Competitors activity and analysis
  - Economic/financial aspect
  - Risk
- Patent Information → important source of information
  - Technical
  - Business data
  - Legal
WIPO’s PLR Framework
WIPO’s PLR Project Framework

Challenges for decision-makers, foremost in DCs:

- Awareness of IP perspective and its importance
- Access to information resources (databases)
- Skills in patent search and analysis
- Available resources
WIPO’s PLR Project Framework

  - WIPO PLR: Support tool for decision-makers, adopted by the Committee on Development and IP (CDIP) in 2009.
  - Expected output: preparation of PLR in the areas of public health, food & agriculture, climate change and energy, disabilities
  - End of 2013: end of Phase II
  - Planned (upon GA approval): mainstreaming of project as WIPO regular activity
B. The lifecycle of a WIPO PLR

Planning → Delivering → Disseminating → Evaluating

Achieving results: development of a methodology for planning, preparation, delivery, dissemination & evaluation were necessary.
It all starts with…Planning

Within WIPO Development Agenda, CDIP4/6:

“Project aims to provide developing countries, …upon request, with services which will facilitate the use of patent information on specific technology for facilitating their indigenous innovation and R&D in cooperation with other intergovernmental organizations”

but….

“A goal without a plan is just a wish.”
Antoine de Saint-Exupéry
Planning a Patent Landscape Report

Planning: maybe the most time-consuming, but essential part

“Give me six hours to chop down a tree and I will spend the first four sharpening the axe.” (Abraham Lincoln)
1\textsuperscript{st} step: Finding a cooperation partner

1\textsuperscript{st} step identifying a cooperation partner

Various approaches, discussions, meetings

Partner profile:
- WIPO Member State/IGOs/NGOs
- Usually not an expert in patent information
- Clarity about IP or needs not always a given
- Specific use and implementation of the PLR
2nd step: Selecting a topic

- Topic → general area of interest for developing countries (as identified in the initial project document CDIP/13), namely public health, food and agriculture, climate change and green technology

- Brainstorming!!

- Scope of the patent search, analysis and PLR in general: reflected on the Terms of Reference (ToR)
Challenges in selecting a topic

- Difficulties in needs assessment – often Socratic Method used

- Requests may just need a state of the art search or be too generic

- Distinguishing general interest for the IP perspective from a specific need where patent analysis can feed in
3. Preparing the Terms of Reference

- Defining the scope of the search
  - Some PLR broader scope (1 global analysis of a technology area), some narrower (1 chemical substance in specific geographies)
  - Usually minimum content and what should be excluded described
  - Often – refinement during the preparation of the report

- Defining the types of analysis/break down of the results that are useful to cover the partner’s needs
Example of the structure of a PLR structure

1. Introduction
2. The PLR on....
   2.1 Background information
   2.2 Objectives, scope and expected results
3. Content of the patent landscape report
   3.1 Executive summary
   3.2 Introduction section
   3.3 Technology section
   3.4 Description of the search methodology
   3.5 Analysis of patenting activity
   3.6 Annexes
4. Deliverables
5. Evaluation
3.5 Analysis of patenting activity

The report should include a statistical analysis of the patenting activity, including appropriate visualization, according to at least the following aspects:

(1) Number of patent families (extended or INPADOC families\(^3\); additional discrimination for simple families would be advantageous\(^4\)) and patent publications (i.e. including all family members), in total and per (earliest) priority year; average patent family size; size of the largest patent family.

(2) Percentage of families comprising at least one publication of a patent grant (to be determined only according to the kind codes of publications; i.e. no legal status data need to be researched, e.g. in order to determine if the grant was revoked after an opposition), in total and per (earliest) priority year.

(3) Percentage of patent families with at least one PCT family member, in total and per (earliest) priority year.

(4) Distribution over "priority countries", i.e. the number of families filed per earliest priority filing office, i.e. Office of First Filing (OFF), including the International Bureau of WIPO as a PCT receiving office, in total and per (earliest) priority year.

(5) Geographical distribution of extensions, i.e. of patent family members filed with an Office of Second Filing (OSF) after the priority filing with the OFF, in total and per (earliest) priority year. The distribution of OSF should be determined such that the OFF is excluded, i.e. second filings in the country of OFF that are derived from the priority document should not be counted. Each OSF should be counted only once.
Challenges in preparing the Terms of Reference

- Too abstract understanding of what a PLR is, making discussions lengthy and not always constructive

- Lack of clarity about which type of analysis that is needed or exact scope of the search makes drafting the ToR very difficult

- Lengthy process of dialogue, exchange of ToR drafts, refinements, changes

- The cooperation partner should be aware of the limitations of the patent information
4. Call for tender

- PLR among the first projects to use e-tender at WIPO

1st stage: Prequalification of interested patent landscaping providers through expression of interest at [https://ungm.in-tend.co.uk/wipo](https://ungm.in-tend.co.uk/wipo) and filling out a questionnaire
# E-tendering

## Project Administration

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<th>Type</th>
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# Prequalification

## Call for Expression of Interest (EOI)
for the Request for Proposal (RFP) N° PTD/10/007

Annex I – Prequalification Questionnaire

## Item | Question
--- | ---
### Q.1 General Info

Please provide information about your company:

- Name of your Company: ...
- Address of Company Headquarters: ...
- Number of Employees in total: ...
- Presence in the patent information market since: ...
- Contact person (name, phone number, email address, location):

### Q.2 Areas of activity/Expertise

Please indicate the main activities of your company and your previous experience in:

- patented search: ...
- investigation of legal status: ...
- patent analysis: ...
- other relevant to patent information activities: ...

Areas of expertise:

- public health
- environment/climate change/energy
- food and agriculture
- disability
- other areas (please indicate)

### Q.3 Experience in Patent Landscaping

Does your company have previous experience in preparing Patent Landscape Reports?

- Yes [ ]  No [ ]

If yes,

- In the preparation of how many Patent Landscape Reports were you involved? ...
- Please list Patent Landscape Reports in which you were involved. The client’s name should also be mentioned. You may be asked to submit copies of the reports listed below. Please add direct links to the reports if available.
PLR Tendering Process

1. Request for Proposals (RFP) sent to prequalified candidates of the relevant area
2. Submission of an offer based on the attached to the RFP ToR
3. Evaluation process – with evaluation criteria and matrix developed for the PLR
4. Award of the contract – Contracting – Beginning of landscaping work
5. Offer evaluation and contracting

### Technical Evaluation Criteria

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### Technical Evaluation Criteria - Weighted scores

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### Total

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| Financial Component

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### Overall Weighted Scores and Ranking

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Evaluation criteria of an offer

- Technical and financial offer component
- Price vs. Quality
- Balanced prioritization
- Diversity in providers
  - diversity in methodological approaches
  - various databases, visualization and analytics tools used
  - added value for the end-user of the report
Delivering a WIPO PLR

Various deliverables foreseen in the ToR of each report

Kick-off TC– first orientation and timeframes set

1st deliverable: patent search methodology description with a preliminary sample of search results

2nd deliverable: cleaning data, narrative and visualization of the results, discussion and feedback. Refinements very often necessary

3rd deliverable: final draft of the report, feedback

…and after publication (more about it tomorrow), the reports are ready to be disseminated!
Dissemination of the report

- Delivery of the report to the cooperation partner
- Hard copies publication
- Publication on WIPO’s dedicated website
- Launching event(s) with introduction of the results
- Presentation of the report in various scientific symposia/conferences
- Dissemination through email to identified potential users
- Social media (FB, Twitter, LinkedIn)
- Big challenge: making scientific world, policy makers, patent information users aware of our work to maximize the beneficiaries of the reports
- Challenge in scope & dissemination of serving various needs
The role of WIPO throughout the patent landscaping process

Challenge: experts in subject matter ≠ experts in PI ≠ policy/decision making. WIPO with its competence, experience & understanding of all these aspects, facilitates:
- Systematic approach
- Needs assessment
- Awareness raising about added value of PI and use in decision making
- Finding better methodological approaches
- Funding PLR
Evaluation of WIPO PLR

- Evaluation: who is using the PLR and how, usefulness and impact
- Feedback:
  - essential for improvement
  - required as part of a RBM
  - metrics of use, usefulness and impact of the report
    - internal (results-based management) and external (external users)
    - End of 1\textsuperscript{st} phase of the project \(\rightarrow\) 1\textsuperscript{st} evaluation of the WIPO PLR project
Evaluation of Phase I of WIPO PLR

- Independent evaluation report presented to the CDIP in November 2012

- Issues of objectively verifiable performance indicators, impact, systematically planned coordination with internal and external cooperation partners

- Evaluation of Phase II → CDIP April 2014
Major evaluation and priority: evaluation by the users of the reports

Evaluation challenges:
- Identify and reach out to the PLR users to have their feedback, as there is no way to identify them (Google Analytics too general)
- Survey – set of users that identified through conferences
- Impact: difficult to measure, foremost at short-term;
- Objective indicators for the contribution of the reports to specific decisions adopted/contribution to policy discussions and decision-making

Way forward
Thank you!
Maraming salamat!

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