Managing IP for Access

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Freedom to Operate

- The “missing link”!
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encouraging INNOVATION  enabling ACCESS
**Innovation: IP as a principal driver**

- An incentive: for risk taking
- A tool: to encourage investments in product development
- A mechanism: to make scientific advances widely available

**Access: IP as an instrumental driver**

- An incentive: for effective and useful partnerships
- A tool: to share valuable data, know how, etc.
- A mechanism: to make innovations faster available
What is Freedom To Operate?
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From a legal perspective:

To have “assembled” all the IP rights for a specific product for a specific market and specific use.

What is Freedom To Operate?

From a business perspective:

A product development and risk management strategy.
What is Freedom To Operate?

Whether a patent is issued in a certain country is NOT a barrier *per se* to FTO.

How do I obtain FTO?

A. Legal and/or IP management strategies
1. License
2. Cross-license

3. Oppose 3rd Party Patent
4. Non-assertion Covenant

**Box 1: Nonassertion covenant from the software industry: Microsoft Open-specification Promise**

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5. Seek compulsory license

**World Trade Organization**
How do I obtain FTO?

A. Legal and/or IP management strategies

B. R&D strategies
6. Invent around

7. Modify product
How do I obtain FTO?

A. Legal and/or IP management strategies

B. R&D strategies

C. Business strategies

8. Wait and see (or dream on)
9. Merge or Acquire

10. Abandon project
In Practice:

A combination of several strategies implemented concurrently
Know-how

Banana flower salad

Ingredients
- 2 bunches banana flowers
- 1 tsp coriander
- 2 tsp fresh ginger
- 2 tsp lemongrass
- 1 inch piece galangal
- 2 tsp kaffir lime leaves
- 2 tsp fish sauce
- 2 tsp palm sugar
- 2 tsp rice vinegar
- 2 tsp lime juice
- 2 tsp sugar

Preparation
1. Cut the banana flowers into small pieces.
2. Mix the coriander, ginger, lemongrass, and galangal in a blender until smooth.
3. Mix the kaffir lime leaves, fish sauce, palm sugar, rice vinegar, lime juice, sugar, and the puree of the previous step in a bowl.
4. Place the banana flower mixture in the sauce and let it marinate for 30 minutes.
5. Serve the salad on a bed of lettuce or rice.
Know-how

Regulatory dossiers

Data, designs, customer lists...

SOPs, lab manuals

Strains, plasmids, protein samples, antibodies...

Trade Secret
It's all about managing innovations for a better world...

...and for more fun and satisfaction in life.