“COMPETITIVE INTELLIGENCE”

USING INTELLECTUAL PROPERTY INFORMATION

BY P. KANDIAH
Developing Country Perspective
Patent Rights
Design Rights

- Access to Technology
- Licensing Rights
- Freedom to Operate
- Competitor Watch
- Technology Trends
- Solving technical problems
- Developing New Product / Processes
What patent information is available to public?

- All granted patents of any country
  - Assessable in internet
  - Not assessable in internet
  - Electronic / non-electronic database
- All published patent applications
Access to Technology

Anatomy of a patent document

“Your trusted IP Professionals”
Access to Technology (Cont’d)

- Strategic use of patent information
  - Country
  - Name of Applicant / Assignee
  - Dates – priority filing, published, grant
  - Index
  - Prior art
  - Name of Inventors
  - Title of invention
  - Drawing
  - Abstract
Search of corresponding patents in other countries of interest
✓ is market open to you
Right to use technology in patent document

- Need for licence – royalty payments?
- No need for licence
- No need for know-how
- Need for know-how from patentee
- from others in same field of technology
- retired inventors
Licensing Rights
Do you need this right?

- Patent
- Know-how
- Trademark
- Copyright (software, marketing materials, manuals, etc)
- Industrial Design
Freedom to Operate (Manufacture, Market)
✓ Will I be sued if I manufacture the product or market the product OR use the process to make a product?
Analyze IP Rights of proposed product or process

Find out whether IP Right are protected in country of manufacture or market

Analyze patent / design documents which rights are still subsisting and compare against intended product or process

No “infringement”  →  free to operate
If “infringement”  →  stop or negotiate licence
Competitor Watch

Patent Search – gives information on technology development, R&D activities of competitor.
– who are the inventors?

Industrial Design – shows competitor is ready to launch a product with new design
– application will have been filed before product launch

Trademark – shows competitor getting ready to launch new products
– application usually filed just before product launch
Technology Trends
✓ Global trends
✓ Specific technology areas
  – growth / decline
  – players in the specific field of technology
✓ Collaboration with players?
Solving technical problems

Search for technology

Adapt solutions
Not to “reinvent the wheel”.

identical
related field
Example: “Baking Bread”
Search on US Patent Database discloses 437 patents

Search on Baking Bread and Wheat Flour discloses 135 patents

Search on Baking Bread and Rice Flour discloses 41 patents
Developing New Products

- Analyze IP Rights of proposed product or process
- Search on patent database
- Obtain ideas / principles of working
- Brain storm to develop new product
- Ensure no infringement / obtain licence
Important patent databases

- **JPO**
  [http://www.jpaa.or.jp/english/patent](http://www.jpaa.or.jp/english/patent)

- **PCT Published Patent Applications**

- **US Granted Patents**

- **US Published Applications**

- **EPO**

- **Proprietary Patent Database**
  [https://www.lexisnexis.com/totalpatent/signonForm.do](https://www.lexisnexis.com/totalpatent/signonForm.do)
THANK YOU

P. Kandiah
Tel: 03 2284 7872
Fax: 03 2284 1125
E-mail: ipr@kass.com.my