

BASICS FOR ROOKIE IP PROFESSIONALS - *Skills, Tools, and Know How*

DAY 1		
8.30	Registration	
9.00	Welcome and Introductions	Welcome, introductions, and overview of 2 day workshop.
9.15	What is Intellectual Property and why do we protect it?	An overview of the different types of intellectual property, and what they protect, including: patents, copyright (including software), designs, trademarks, plant breeders' rights, eligible layout rights, and confidential information. Why do we protect intellectual property?
10.00	What is the Patent Process	Patent processes: priority date, provisional applications, PCT applications, national phase, pitfalls of patenting too early, the timing of patent applications. Choices to be made in the patent application process and the factors that influence them.
10.30	Morning Tea	
11.00	Choosing whether to protect IP by patenting, or by trade secret	IP Protection strategies. Pros and cons of patenting. When patenting should be considered. When protection strategies other than patenting should be considered. Factors influencing the choice.
11.30	The Commercialisation Window	The window of opportunity to commercialise IP. When it is too soon. When it is too late. The criteria for each. Maximising the commercialisation window opportunity.
12.00	Achieving both the academic publication objective as well as the IP protection and commercialisation objective	The importance of achieving the academic publication objective, and why it must be achieved. The importance of achieving the IP protection objective, and the commercialisation objective, and why it must be achieved. Strategies to ensure that each objective can be achieved without sacrificing the achievement of the other.
12.30	Lunch	
1.30	Evaluating Technology for Commercialisation	Criteria for assessing a technology candidate, and whether it warrants commercialisation effort, including: patentability, novelty, the state of the research, IP ownership, assessment of the market including market need, market size, etc
2.15	Practical exercise: Assessing the commercialisation prospects of a hypothetical parcel of IP	Presentation of an Invention Assessment Tool for a hypothetical parcel of IP. Allocation of participants to small groups. The factors influencing commercialisation identified. Each group assesses the commercial prospects of a hypothetical project, and reaches a consensus on whether the project is a candidate for commercialisation effort and resources, and why.
3.00	Afternoon Tea	
3.30	Practical Exercise Report Back and analysis	Report back on practical exercise, and discussion of the factors influencing the selection of commercialisation projects.
4.15	IP ownership defects and fixing them	Common due diligence IP ownership and rights defects. Recognising them, and how to solve them. Collaborators, contractors, students, and other joint owners. Anticipating due diligence defects and fixing them. Implications and impact of due diligence defects not fixed.
5.00	Close	

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DAY 2		
9.00	What you must know about Confidentiality Agreements	The essential terms of a Confidentiality Agreement that must be understood. Common terms. Common traps and pitfalls. Strategies and approaches to dealing with confidential disclosures and Confidentiality Agreements so as not to put the commercialisation opportunity at risk, and still protect the IP.
9.45	What you must know about Material Transfer Agreements	The essential terms of a Material Transfer Agreement. Common terms. Common traps and pitfalls. Strategies and approaches to dealing with Material Transfer Agreements. The controversial issues in MTA's, including the ownership of New IP arising under the MTA, and how to deal with them.
10.30	Morning Tea	
11.00	What you must know about Research Agreements	The essential terms of a Research Agreement. Common terms. Common traps and pitfalls. Strategies and approach to dealing with Research Agreements. Models for the ownership of IP. Issues that are recurrent problems and how to solve them. Management of technical risk.
11.45	Traps for the unwary: the implications of joint ownership, and rights of first refusal	Joint ownership of IP suggests that the joint owners have equal and mutual rights over the jointly owned IP. But that is not the case. Unharmonised laws result in one joint owner being disadvantaged. Implications of joint ownership of patents, in various countries considered. Why you need to know joint ownership rules of other countries. Rights of first refusal, options to license and options to negotiate. US models, and relevant US laws that non US parties need to know.
12.30	Lunch	
1.30	Strategies to find commercial partners and licensees	Strategies to identify potential commercial partners including potential licensees. Where "deal opportunities" come from and who makes them.
2.15	Commercialisation Pathways: Assignment v Licensing v Start Up companies	Description of the four principal commercialisation pathways and pros and cons of particular pathways: Assignment of IP, licensing IP, Start Up companies formed as venture capital investment vehicles, and start up companies formed by entrepreneurs. Factors influencing the selection of one pathway versus another.
3.00	Afternoon Tea	
3.30	What you must know about licensing IP	The essential terms of a license Agreement. Parties. Affiliates. Field. Territory. Grant Rights. Access to Improvements. Sublicensing. Reserving research rights. Applying for and Managing Patents. Prosecution of Infringers. Confidentiality. Publications. Financial Terms. Up front payments. Milestone payments. Different types of royalty structures. Royalties where product infringes a patent. Know how royalties. Royalties of sales, on sub-license income. Etc. Risk Provisions. Indemnities. Warranties. Diligence Obligations. Termination. Assignment. Dispute Resolution. Governing Law (which should not be controversial).
5.00	Close	