

IP in Innovation Game

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Product in the Market



You have just introduced a new packaging on the important bi-yearly international packaging fair. Buyers are impressed, you receive a lot of orders while there is much less attention for the competitors products. During this fair, you get a visit from a process-server who summons you to stop your activities as you are infringing a patent of an American company. This American company is unknown to you.



Question: What do you do?

- A) You acknowledge the information and continue to take the orders.
- B) You remove the packaging from the stand, and limit yourself to promote already known products.
- C) You have your attorney; send the letter to process and ask more details concerning infringement. You continue the promotion and taking of the orders.
- D) You contact the American company to come to an agreement and continue to take the orders.

Business Idea



- Your innovation team has found in a database with patent information, a few patent publications in the area in which your company would like to develop new activities. As far as it is known, none of these patent publications have led to a commercial activity. There is in the market no packaging concept which is based on one of these patents.

Question: What do you do?

- A) You give the green light to go ahead with phase 2, the completion of a few concepts on the basis of the discovered patent information.
- B) You stop with these developments. You ask the innovation team to look in another direction.
- C) You use the existing patent as an inspiration source to create new ideas. You avoid infringement on these patents.
- D) You investigate the status of the patents and if necessary contact the owners to obtain a license.

Concept



- Your innovation team has among others studied the prior art obtained via prior art search. It appears that in 2002, a patent has been granted for a packaging concept, which is comparable to your new concept.
- Technically it was not possible at that time to make the product or to offer it in the market for an interesting price. Looking at the position of the technology now, the Project team sees possibilities.

Question: What do you do?

- A) You give the green light for phase 3, development of a prototype.
- B) You stop with this development. You ask Project team to think about a different packaging concept.
- C) You don't make a decision yet, but check to see if the production problem can be technically solved.
- D) You contact the owner of the patent.

Prototype



- A prototype has been developed by the product development section. The Sales section is very enthusiastic and expects with this product, a competitive advantage can be obtained.
- In the near future, the yearly exhibition will be held. Sales wants to take its chance and show the new product.

Question: What do you do?

- A) You give the green light to the sales department on condition that the prototype is only demonstrated to existing relations who are signing a confidentiality agreement.
- B) You forbid Sales department to demonstrate the product in this stage. They must wait until all the pro's and con's have been researched. Product development takes time.
- C) You investigate in how far protection is necessary and wanted. On these grounds, you take the decision to either demonstrate the prototype or not during this exhibition. If you decide to show a new product during an exhibition, you will first file a patent.
- D) You quickly file a patent and you take the prototype to the exhibition.

Production and Market Entry



- Within 6 months, you will bring a new packaging on the market for the whole Europe. It is quite an adventure even though you have prepared well.
- For all European countries, a patent has been filed which most likely will be granted within one year.
- You already operate in these markets with the exception of Portugal, Spain, Italy, Denmark and Greece.
- For the markets which you don't know, you will operate with a local sales organisation. A legal officer is already busy with the preparation of a sales agreement, the initial discussions with the have taken place and they went very well. The price from factory gives a 200% gross profit; the sales organisation are accepting a small margin.
- Your own production capacity is more than sufficient; waiting now for the production to start.

- Everything is finalised. So, you go on vacation in Spain. To your surprise, during your vacation, you experience the introduction of a packaging which shows a great similarity with your packaging and infringes on your filed patent.

Question: What do you do?

- A) You stop your vacation, fly back home and talk with your attorney to stop the competitor.
- B) you immediately close the deal with your local representative. You give your company the order to start production with the goal to supply to Spain two months earlier than planned.
- C) You do not stop your vacation. You look into the reliability of the competitor. You could possibly make an exception for the Spanish market and via a license let them produce and sell your product.
- D) You are confident that your packaging is very competitive and is definitely better in quality. You do not change your plans.

