

Index

a

abandoning applications 62
 accelerated examination 24
 accounting for intangible assets 148
 accounting principles 143
 accounting system 148
 angel investors 136
 appellation of origin 91
 applicant 15
 – in the United States of America 70
 – joint applicants 70
 application
 – abandoning applications 62
 – examination 57
 – preparation 35
 – publication 56
 arbitration 116
 ARIPO 162
 assignment 129
 attorneys 44

b

balance sheets 147
 BATNA 140
 best mode disclosure 2
 best mode requirements 49
 book rate of return 136
 breadth 19, 25
 business plan 126
 business structures 143

c

capital contribution-in-kind 144
 claims 13
 – breadth 19, 25
 – patent 11
 – scope of protection 25
 classification for industrial designs 161
 commercialisation plan 29

company formation 128
 company names 91
 competition
 – competing organisations 32
 – competing products 31
 competition law 111
 – excluded restrictions 114
 – hardcore restrictions 113
 – market thresholds 113
 – US competition law 114
 conception 73
 conflict 63
 control 119, 123
 copyright 91
 corporate law 143
 corporate tax law 143
 cost modelling 133
 cost-benefit balance 36
 costs, patent 8
 cross licences 95

d

Delphion 40
 dependence, patent 6
 description, patent 11
 design protection, lifetime 92
 designation of countries in supranational
 pathways 55
 designs 81
 – classification 94
 – community design 93
 – enforcement 95
 – fees 93
 – grace period 93
 – Hague Design 93
 – international protection 93
 – multiple applications 95
 – national designs 93
 – registration of 94

- diligence 73
- disclosure 48
 - fee 107
- dispute resolution 116
- distinctive marks 81
- drafting 44
 - assembling material 36
 - preparation 35
- drawings, patent 11
- due diligence 109

- e**
- e-Commerce 90
- ECLA 41
- economies of scale 27
- effective date 101
 - consideration 103
 - ordinary term 102
 - royalties 104
 - termination for insolvency 103
 - termination for material breach 102
- elements, patent 11
- embodiments 37
- emergency application 55
- emerging markets 28
- employee inventions 73
- employer 16
- enforcement, patent 8
- EPO member states 157
- equity 121
- equivalents 38
- ERP software 148
- Espacenet 39
- European Classification System 41
- European Patent Convention 21
- examination 57
 - accelerated 24
 - patent 5
- examples 37
 - hypothetical 48
- exclusivity 101
- exit 125
- Extension States 157

- f**
- fair value 144
- fairness 121
- field of use 101
- filing 55
- filing strategy 25
 - breadth 20
- financial exit 125
- financial forecasting 132

- financial investors 144
- financial reporting 146
- financing 119
- first-to-apply 2
- freedom-to-operate 65
- fundraising 123

- g**
- globally traded products 28
- governing law 115
- grace period 14
- grating, patent 5

- h**
- Hague Convention 94
- heads of terms 117
- hypothetical examples 48

- i**
- IAS/IFRS accounting standards 147
- infringement 8, 65
- INPADOC 39
- intangible assets 143
- interference procedure 37, 72
- internal rate of return 135
- International Patent Classification 41
- international treaties, breadth 20
- internet domains 90
- invention 13
- invention in progress 58
- inventors 15
- inventorship 15
- investment return 26
- investors 139
- IPC 41

- j**
- joint applicants 70
- joint ownership 70

- k**
- know-how 98

- l**
- letter code, patent 10
- letter of intent 117
- licence
 - arbitration 116
 - confidentiality 111
 - disclosure fee 107
 - dispute resolution 116
 - due diligence 109
 - effective date 101

- exclusivity 101
- field of use 101
- fixed payments 98
- governing law 115
- maintenance of IP rights 110
- milestone payments 108
- minimum royalties 106
- negotiation 117
- non-cash consideration 108
- ownership 109
- reach-through-royalty 106
- representations and warranties 109
- royalty 98
- scope 99
- signing fee 107
- subject 98
- taxation of consideration 108
- term and termination 101
- territory 99
- third parties' rights 109
- up-front payments 107
- utilisations 100

licensee 98

licensing, patent 97

licensor 98

life-cycle 25

litigation 64

Locarno Agreement 94, 161

m

Madrid Agreement 162

marginal utility of money 120

memorandum of understanding 117

milestone payments 108

minimum royalties 106

n

negotiation 140

net present value 133

net sales, definition 106

Nice Agreement 85

Nice Classification 158

non-cash consideration 108

non-disclosure agreement 14

non-obviousness 15

novelty 13

o

OAPI 163

objective of the invention 38

OHIM 83

opposition 64

- patent 5

ownership 69

p

Paris Convention 4, 21, 152

patent 1 ff

- application 2
- databases 39
- drafting 2
- examination 57
- exclusionary rights 1
- front page 10
- preparation 35
- publication 56
- scope of protection 25
- strategy 58
- territoriality 1

patent classification systems 41

Patent Cooperation Treaty 21

patentability, non-obviousness 15

- novelty 14
- patentable matter 15

patentable matter 15

patenting 35

- strategy 58

payback period 135

PCT 154

PCT Filing 3

PCT Pathway, national phase 22

- preliminary examination 22

person skilled in the art 51

price-earnings ratio 136

prior art 4

priority, patent 4

problem-solution approach 50

product development 127

professional searches 43

prosecution, application 53

- deadlines 54
- fees and payment 53
- formalities 53
- patent 53

publication 56

r

ranges 38, 49

reach-through-royalty 106

reduction to practice 73

reporting system 148

representation 54

resource commitment 122

return 119, 120

revenue modelling 133

revocation 64

- patent 5

- risk 119
 - management 122
 - profile 122
- route of filing 19
- royalties 98, 104

- s**
- scope of protection 25, 30
- search report 4
- search strategies 40
- searches, professional 43
- service inventions 73
- settlement 66
- shareholder 139
- shareholders agreement 139
- signing fee 107
- start-up funding 136
- state of the art 38
- statutory compensation 99
- strategic alignment 126
- strategy 58, 126
- successor in title 16
- sunk costs 36
- ® symbol 83

- t**
- Taiwan 3
- tax aspects 149
- tax breaks 149
- tax law 143
- taxation of consideration 108
- technology density 28
- Technology Transfer Block Exemption 112
- term and termination 101
- territoriality 1 ff
- theft of an invention 72
- time-to-market period 25
- titles 91
- TM symbol 83
- trade names 91
- trade secrets 49
- trademark 81, 83 ff
 - agent’s trademarks 86
 - application 85
 - classification 85
 - combined trademarks 89
 - community trademarks 83 ff
 - company name 83
 - costs of filing 88
 - design 89
 - enforcement of rights 91
 - examination 85
 - international registrations 83 ff
 - lifetime 82
 - notoriously well-known marks 86
 - opposition 86
 - picture element 89
 - priority time limit 84
 - registration of 83, 85
 - registration of company name 83
 - seniority 84
 - strategy for filing 89
 - transnational 83 ff
- transferring of IP ownership
 - capital contribution-in-kind 144
 - licensing 145
 - transfer by sale 145
- TTBER 112

- u**
- uncertainty 30
- unity 52
- up-front payments 107

- v**
- valuation 132
- VC 137
- venture capital 137
- volume of application 48

- w**
- WIPO 3 ff
- world patent 3
- written records 73

- z**
- ZOPA 141