



Licensing Executives Society – Arab Countries

Advancing the Business of Intellectual Property Globally

Member of TAG-Foundation

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LES-AC and Business Development Academy to Hold CPVA Course in the UAE

DUBAI - The Licensing Executives Society – Arab Countries (LES-AC) in cooperation with Business Development Academy – New Jersey – will be holding the “Certified Patent Valuation Analyst” (CPVA) course, in Dubai –UAE, January 15-17, 2016.

Course Outlines:

- Valuation of Emerging Technologies.
- Negotiating Licensing Agreements for Maximum Returns.
- Calculating Damages Resulting from Patent Infringement.
- Advanced Patent Valuation (webinar).
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CPVA Trainer:

Mr. David Wanetick: Author at Business Model Validation.

Course Language: English

Course Duration: 3 days.

Registration Fees: \$2600.

For registration and more information, contact us at:

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or visit our official website: www.lesarab.org

WIPO Expects China to Become Second Biggest International Patent Applicant in Two Years



GENEVA, Nov.1 (Xinhua) -- Director General of the World Intellectual Property Organization (WIPO) Francis Gurry said he expected China to become the world's second biggest international patent applicant in two years.

“China is arising into intellectual property and technological power; 14 percent of all international patent applications last year were from China. We expect this year to go about 17 or 18 percent, or even higher,” Francis Gurry told the press as the UN agency unveiled a new neural machine translation tool on Monday to translate Chinese patent documents into English.

He said China ranked third in terms of the number of international patent applications filed in 2015. “We might expect it to achieve number two within the next two years,” Gurry noted.

WIPO initially “trained” the new technology to translate Chinese, Japanese and Korean patent documents into English. Patent applications in those languages accounted for some 55 percent of worldwide filings in 2014.

The high level of accuracy of the Chinese-English translation is the result of the training of the neural machine translation tool, which compared 60 million sentences from Chinese patent documents provided to WIPO's PATENTSCOPE database by the State Intellectual Property Office of China with their translations as filed at the United States Patent and Trademark Office.

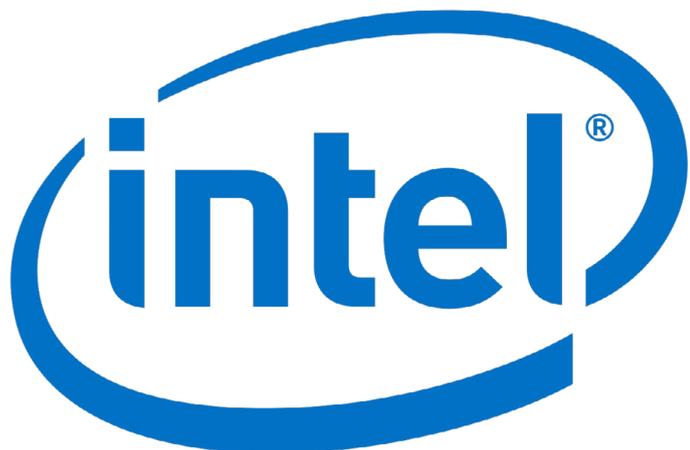
The neural machine translation can produce more natural world order, with particular improvements seen in so-called distant language pairs, like Chinese-English. WIPO said users can already try out the Chinese-English translation facility on the public beta test platform.

WIPO plans to extend the neural machine translation service to French-language patent applications, with other languages to follow.

Source:

Xinhua | 2016-11-01 23:11:28 | Editor: huaxia

License Defense Fails Due to Interpretation of License Agreement's Provisions on Commercialization and Importation



By John Paul, Brian Kacedon, and Stephen E. Kabakoff

Future Link acquired patents originally owned by Philips and asserted that Intel's products infringed those patents. In response, Intel asked a Delaware court to find Intel's products were licensed under a prior license agreement between Intel and Philips.

In *Intel Corp. v. Future Link Systems, LLC*, the

court analyzed the scope of several provisions in the license agreement and found Intel had not proven its products were licensed because Intel had not shown its products satisfied a “commercialization requirement” in the agreement, and had not shown it had been granted a right to import the accused products.

Background

In a cross-license agreement dating back to 1990, Philips granted Intel a non-exclusive license under certain “Philips Patents” to “make, to have made, to use, to lease, and to sell or otherwise dispose of” semiconductor products described in the agreement. The license did not, however, grant Intel a right to import products into the U.S. In 2006, Philips spun off its semiconductor business, including related patents and products, to NXP Semiconductors. NXP assigned some of the Philips patents to another entity, which later assigned them to Future Link.

The Intel/Philips license agreement included several definitions and provisions pertaining to what was covered by the license. For example, the agreement identified certain processes and technology that were expressly not covered by the license agreement. It also contained a requirement that Intel’s circuitry products were only licensed if a “commercialization” requirement was satisfied by a member of a defined “Philips Group of Companies.” In addition, the agreement included an anti-assignment provision in which neither party could assign its patent rights if the assignment would “adversely affect” the rights and licenses granted to the other party.

In 2014, Intel filed a declaratory judgment action in Delaware district court seeking, among other things, a summary judgment finding that its products were licensed under the Intel/Philips agreement. Applying New York law, as required by a choice-of-law provision in the license agreement, the court analyzed the scope of several definitions and provisions and found

Intel had not proven its license defense under the standards for summary judgment.

The Intel Decision

The court analyzed several provisions of the Intel/Philips license agreement in reaching its conclusion. Among the provisions it considered, the court discussed the commercialization, importation, and anti-assignment provisions in its summary-judgment decision.

The Intel/Philips agreement required commercialization of Philips’ patented circuitry by a member of the “Philips Group of Companies” as a condition for any Intel products with that circuitry to be licensed. Future Link argued that Intel had to prove its products and Philips’ products contained “identical” circuitry for Intel to satisfy the commercialization requirement of the license agreement. While the court disagreed with that position, it found Intel needed to show every element of Future Link’s asserted patent claims covered the Philips and Intel products, even though the license agreement itself did not expressly specify such a claim-mapping requirement.

The court concluded Intel’s license defense was deficient because Intel had not mapped the product structures and functionalities to every element of Future Link’s asserted patent claims. Had Intel done so to support the license defense, it would essentially have been admitting infringement. However, the court noted that discovery was still ongoing, and that Intel could maintain its non-infringement defense in the alternative, despite an apparent inconsistency with its license defense.

The court also found Intel’s license defense deficient because it was not clear if the license grant in the Intel/Philips license agreement should be interpreted to include a right of importation into the United States. The license agreement did not expressly grant a right to “import” products, but the court found the

parties nevertheless may have intended to include this right in view of extrinsic evidence, including previous cross-license agreements between Philips and Intel. If a right to import Intel products was not included within scope of the license grant, Future Link could argue the importation of Intel's products into the United States would constitute patent infringement.

The parties also disputed the meaning of the anti-assignment clause in the Intel/Philips agreement. Future Link argued the assignment of patents from Philips to NXP violated the anti-assignment clause because the spun-off NXP entity was no longer part of the "Philips Group of Companies" subject to the license agreement, and therefore, the license agreement must be deemed terminated due to the assignment to NXP before Future Link acquired its patents. The court disagreed, finding that the anti-assignment clause only prevented assignments that would "adversely affect" the rights and

licenses granted to the other party, and that the assignment to NXP did not violate the anti-assignment clause because it did not extinguish or otherwise change the rights and licenses granted to Intel.

Strategy and Conclusion

This case illustrates how disputes arise over the meaning of provisions in patent license agreements—in this case, disputes dealing with commercialization, anti-assignment restrictions, and importation rights. It also demonstrates how the presence or absence of details and examples about the intentions of the parties may impact whether disputes arise and whether they may be resolved on summary judgment—if, of course, the parties are willing and able to negotiate and agree to such details and examples.

Source:

<http://www.lesusacanada.org/news/316662/Recent-U.S.-Decisions-Affecting-Licensing.htm>

It's about to get easier for African innovators to protect their inventions



African countries are automating their intellectual property registration (IP) processes, making it easy for their enterprising citizens to secure and transform their innovations into marketable assets. The process could play a role in changing the continent's fortunes as individuals and organizations find it less cumbersome to secure and commercialize their innovations.

After the success of its pilot in Kenya, the

online intellectual property registration system is now being replicated across 18 other African countries, an initiative that tech giant; Microsoft is backing in partnership with IP authorities in those nations.

The system was first developed and tested by Microsoft's 4Afrika initiative and the Kenya Copyright Board (Kecobo) in June 2015 through the IP Hub platform. Its roll-out elsewhere in Africa replaces the lengthy and costly manual processes that involved submission of paper-based applications, which then took long for validation before the submissions were approved or rejected. The manual procedures largely kept many African countries at the bottom of the global chart of intellectual property registrations, denying the continent an opportunity that would have arisen from securing and commercializing their innovations.

But, Louis Otieno, a director at Microsoft4Afrika is optimistic that the faster online process of protecting Africa's innovations will support the continent's wealth creation and development.

“Every country in Africa is committed to accelerating its economic growth and becoming globally competitive. The monetization of innovation is key and an early step is the registration of the intellectual property,” Otieno said in an emailed statement to Quartz.

The protection of intellectual property, which typically includes patents, trademarks, copyrights or design rights, is critical in enabling small businesses to get ahead of the competition, generate investment and support expansion into new territories. However, a lot of innovations in Africa often fizzle out before they are protected and commercialized due to the lengthy, costly and bureaucratic processes involving IP registration.

Despite holding great promise as a frontier for innovation, investment and impressive economic growth, Africa has had a poor record of creating and protecting intellectual property. A report (pdf) by the World Intellectual Property Organization (WIPO) shows applications for patent registrations in Africa stood at 14,900 in 2014 (from 10,100 in 2004) against a global total of 2.7 million in 2014 (from 1.57 million in 2004). In Africa, South Africa accounted for half of the applications in 2014. Africa's share of the global patent applications was a dismal 0.6% in 2014, and remained unchanged in the 10-year period.

Critics such as University of Ottawa law professor and consultant Chidi Oguamanam believe Africa needs to pull up its socks by aggressively supporting initiatives to advance the protection of its intellectual property if the continent is to fully benefit from the creative potential of its citizens, as he writes on his personal blog.

“Not many dispute the observation that for more than a century, African states have participated in intellectual property rights regimes with little or nothing to show for it in terms of economic development and transfer of technology ... Africa is literally missing in action at global forum on IP and its cultural and regional interests are under-argued,” Oguamanam observes.

Notwithstanding the low levels of intellectual property protection, Africa experienced a positive shift in its innovations landscape according to the 2015 Global Innovation Index (pdf). Mauritius, South Africa and Senegal, which topped the Sub-Saharan Africa rankings last year, broke into the upper half of the rankings, with low-income nations of Rwanda, Malawi and Mozambique punching above their weight by performing at par with middle-income economies. With the number innovations in Africa increasing, the urgent need to protect such novelties will only serve to make the continent competitive like other global peers.

Source:

*From the article of the same title. Quartz (11/02/16)
Masinde, Joshua*

Merck licenses University of Edinburgh research tool



Merck KGaA has acquired access to a pioneering research tool from The University of Edinburgh for the study of early stage disease progression.

Developed by the university's commercialization arm, Edinburgh Research & Innovation, the technology uses a fluorescent compound to tag peptides and so make them visible as disease reporters.

The tool, which has been designed not interfere with the peptides' natural state, makes their identification easier under a microscope and so allows researchers to better track disease onset and behavior.

Dr Marc Vendrell, principal investigator of The University of Edinburgh's "School of Clinical Sciences" team, said: "One of the main advantages of our technology is that it can be broadly applied to almost all peptides, having a

global impact in biomedicine.

"This means that our technology will improve our understanding of disease at many different levels, from cancer to the regeneration of tissues or the progression of inflammatory diseases."

Currently subject of a patent application, the peptide technology was funded by a Marie Curie Career Integration Grant from the EU Commission, and worked on with academic partners at the University of Barcelona and the University of Manchester.

Merck's Udit Batra, chief executive of Merck Life Science, said: "At Merck, we are always looking for innovative ideas to enhance our customers' research efforts.

"This compound from the University of Edinburgh offers researchers a way to fluorescently label peptides that has minimal interference with peptide structure.

"This will enable biological discovery and complement our portfolio of chemical biology tools."

Source:

*From the article of the same title. PMLiVE (11/01/16)
Clifford, Rebecca.*

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