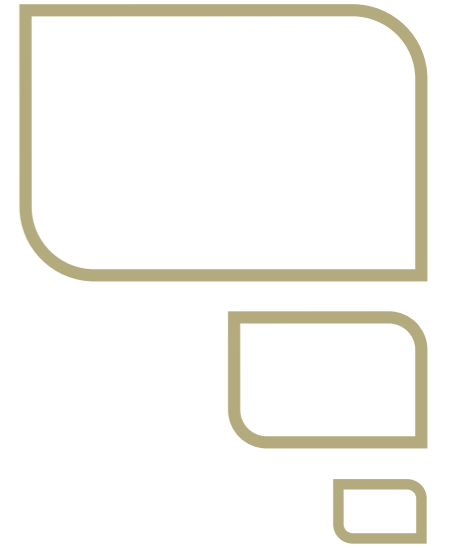
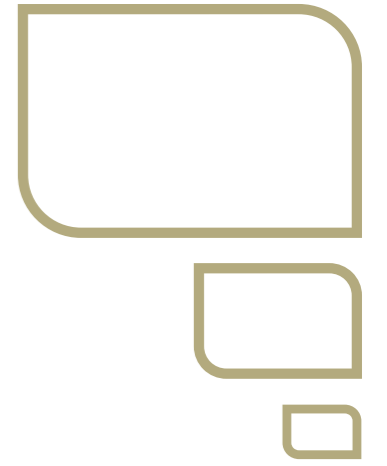


Great minds think alike

Commercialisation and Protecting IP

Flinders Partners

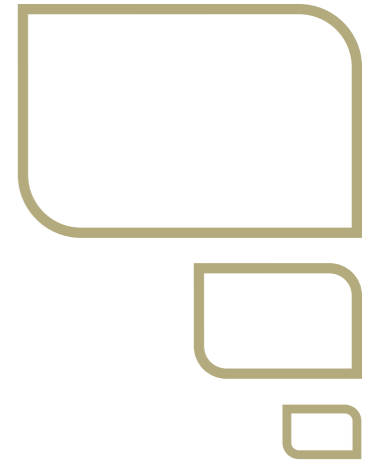




What is Commercialisation?

Commercialisation is the process that facilitates the transfer of technologies from government to business and deals with the conversion of innovative research into valuable and useful commercial products.

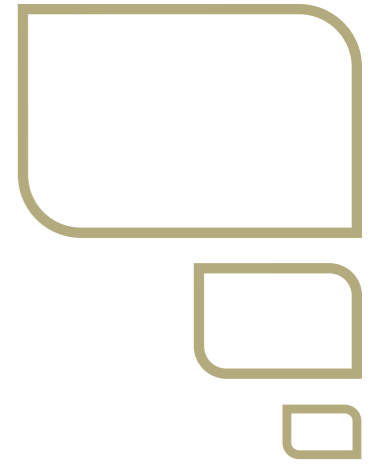
This allows society to benefit from its investment in research and innovation (e.g. new Pharmaceuticals, Diagnostics, Devices, Equipment, Methods etc.)



What is IP?

IP is defined as ‘Creations of the mind.’¹ Includes ideas, designs, works of art, devices etc. IP is an asset, and like any other asset it can be valuable. Therefore, it must be protected and respected.

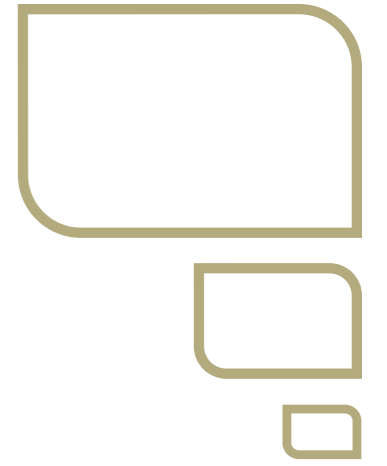
¹ www.customs.gov.au/site/page.cfm?u=5369



Who owns IP?

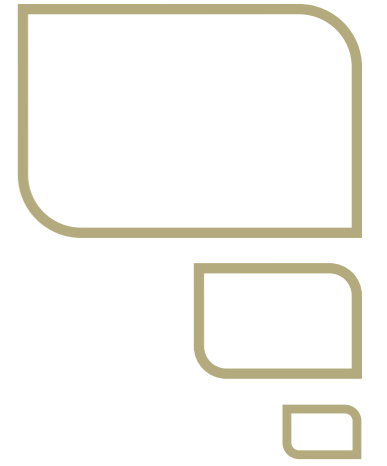
By common law, any IP created by an employee whose usual duties anticipates that he/she will invent or otherwise innovate, and regardless of the location or time at which the work leading to any invention or innovation was performed, is owned by the employer.

An employee owns any IP that is created and deemed totally unrelated to that employee's job responsibilities.



Who owns IP?

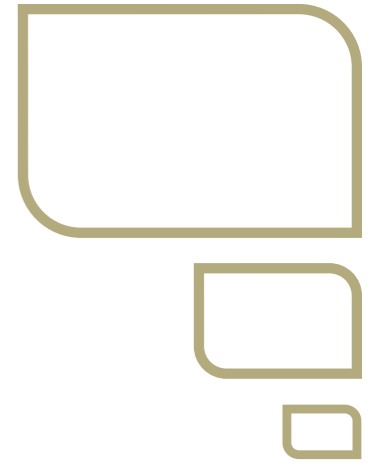
Students who create IP in the course of their studies own the IP. However, by virtue of the roles of students and academics, it is often the case that a supervising academic has provided a significant intellectual contribution to any invention arising from those studies, and the created IP is thus shared in ownership between the student and academic's employer.



What is Copyright?

Copyright is a legal term describing rights given to creators for their literary and artistic works. Under this system of rights, creators are assured that their works can be disseminated without fear of unauthorized copying or piracy.

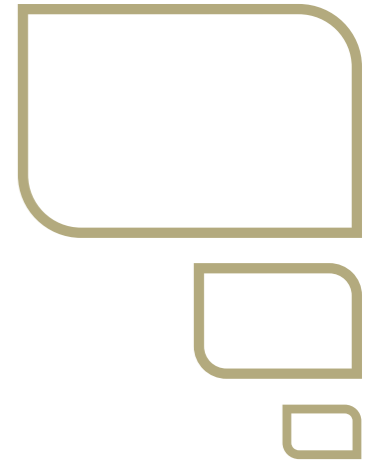
The kinds of works covered by copyright include: literary works such as novels, poems, plays, reference works, newspapers, and computer programs; databases; films, musical compositions, and choreography; artistic works such as paintings, drawings, photographs, and sculpture; architecture; and advertisements, maps, and technical drawings.



What Rights Does Copyright Provide?

The creators of original works protected by copyright, and their heirs, have certain basic rights, in that they hold the exclusive right to use or authorize others to use the work on agreed terms. The creator of a work can prohibit or authorize:

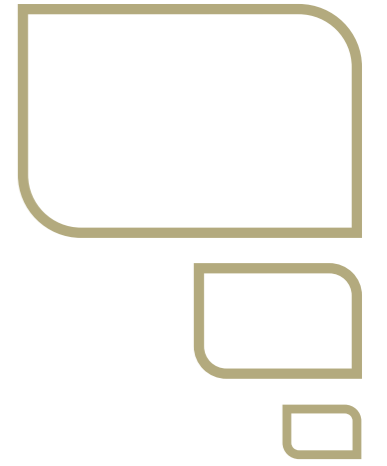
- its reproduction in various forms, such as printed publication or sound recording
- its public performance, as in a play or musical work
- its broadcasting, by radio, cable, or satellite
- its translation into other languages, or its adaptation, such as a novel into a screenplay.



What is Industrial Design?

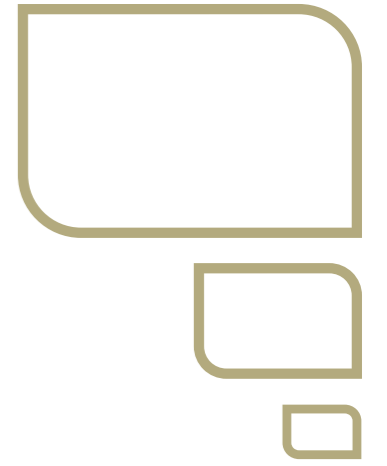
An industrial design is the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or colour.

To be protected under most national laws, an industrial design must appeal to the eye. This means that an industrial design is primarily of an aesthetic nature and any technical features of the article to which it is applied are not protected.



Why Protect Industrial Design?

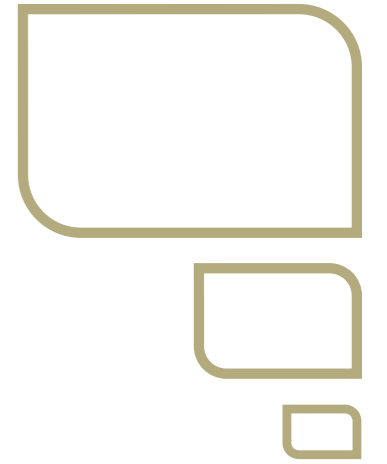
Industrial designs are what make an article attractive and appealing; hence, they add to the commercial value of a product and increase its marketability. When an industrial design is protected, the owner or entity that has registered the design is assured an exclusive right against unauthorised copying or imitation of the design by third parties. This helps to ensure a fair return on investment.



What is a Trademark?

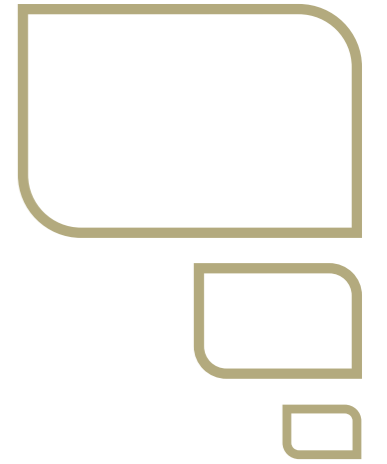
A trademark is a distinctive sign which identifies certain goods or services as those produced or provided by a specific person or enterprise.

A trademark provides protection to the owner of the mark by ensuring the exclusive right to use it to identify goods or services, or to authorize another to use it in return for payment. The period of protection varies, but a trademark can be renewed indefinitely beyond the time limit on payment of additional fees. Trademark protection is enforced by the courts, which in most systems have the authority to block trademark infringement.



What Does a Trademark Do?

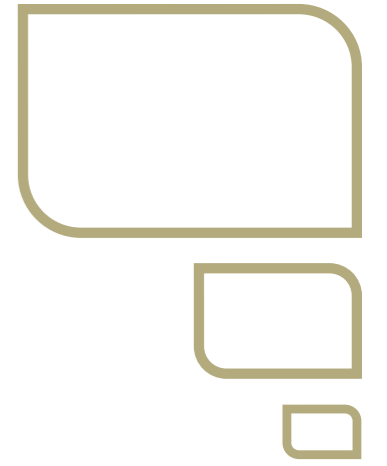
Trademarks promote initiative and enterprise worldwide by rewarding the owners of trademarks with recognition and financial profit. Trademark protection also hinders the efforts of unfair competitors, such as counterfeiters, to use similar distinctive signs to market inferior or different products or services. The system enables people with skill and enterprise to produce and market goods and services in the fairest possible conditions, thereby facilitating international trade.



What is a Trade Secret?

A trade secret can provide effective protection for some technologies, know-how and other forms of IP. Ideally, a trade secret should be coupled a confidentiality agreement, signed by every person who has knowledge of your secret.

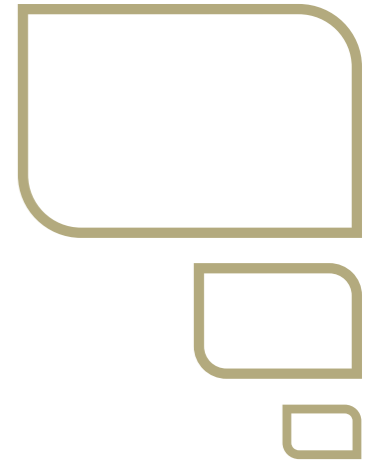
Relying on trade secrets is useful when the IP is unlikely to result in registrable rights or your wish to retain exclusive use beyond the term of a patent. A trade secret strategy is appropriate when its difficult to copy the construction, manufacturing process or formulation from the product itself—that is, when reverse engineering is difficult.



What is a Patent?

A patent is a legal right granted for any device, substance, method or process, which is new, inventive and useful.

A patent provides protection for the invention to the owner of the patent. The protection is granted for a limited period, generally 20 years. Patent protection means that the invention cannot be commercially made, used, distributed or sold without the patent owner's consent.

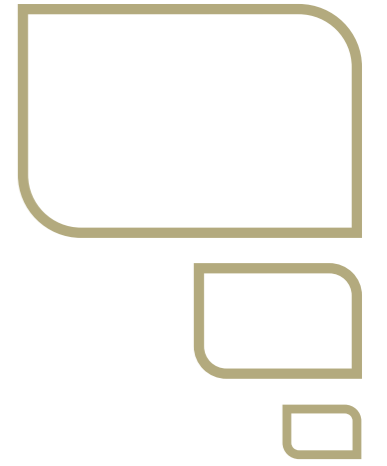


Why are Patents Important?

Essentially, patents are a risk minimisation tool that allows inventors of and/or investors in a technology the chance to re-coup some of their investment.

However, patents are also important as they enable society to enjoy the benefits of innovation. Patents are able to provide incentives to individuals in terms of receiving recognition for their creativity and material reward for their marketable inventions. These incentives can encourage innovation, which assures that the quality of human life is continuously enhanced.

Great minds think alike



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