

## 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