

# Intellectual Property Rights – relevance to IAF

A presentation at the

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# Setting the scene

- IAF/the MoD/G OI is a big buyer of a variety of defense equipments
- The equipments that IAF buy typically include a variety of aircrafts including bombers, strike and reconnaissance, trainer, patrol, tanker and utility aircrafts and other military aircrafts, radar systems and a number of other gadgets

# IAF transacts purchase deals with:

- Dassault Aviation
- MiG
- Sukhoi
- BAE
- Israel Aircraft Industries
- Lockheed Martin

# When do IP transactional issues emerge?

- Identifying key issues for negotiation;
- Developing a term sheet
- Signing an Memorandum of Understanding
- Final Agreement
  - Technology Licensing
  - Licensed manufacture

# Knowledge of IPRs can add value in defense deals

It is at this point of time the IAF personnel in the negotiating team can add value in terms of the sharing, use, augmentation and acquisition of a variety of Intellectual Property Assets that the seller corporations own in the subject matter of the sale/purchase

Do these guys own IPRs?

I mean the seller companies.. Let  
have a look at the IP they  
own... ..

# Intangible Assets of a Company

## Intellectual Property

- Patents (inventions & business processes)
- Trade Marks (company/domain/business names)
- Designs
- Copyright
- Topography of ICs
- Plant Breeder's Rights

## Intellectual Capital

- Human Capital
- Enterprise Knowledge
- Enterprise innovation
- Enterprise relationships (all contractual rights including licenses, assignments)

## Goodwill

Benefits from assets that are not capable of being identified and specifically recognized

# Intellectual Property Rights

- Trade Marks
- Patents
- Designs
- Copyrights
- Confidential Information
- Lay out designs of semiconductor micro-chips
- Plant breeder's rights
- Geographical indications
- Domain names

# Patents

- New, useful & non-obvious inventions
- Monopoly right to commercially exploit the invention
- For a limited period in consideration for the disclosure of invention as per procedure established by the law

# Patents – Disclosure Requirements

- Enablement Requirement
- Best Mode Requirement

# Patent Specification

- Title
- Technical Field
- Reference to Cross-related applications
- Background of the Invention
- Summary of the Invention
- Brief Description of the Drawing Figures
- Detailed Description of the preferred embodiments
- Claims
- Abstract
- Drawing Figures

# Lodgment

- Type of application
  - Provisional or Complete
- Filing Route
  - Regular
  - Convention
  - PCT
- Application Document

# Post-Lodgment Prosecution

- Search & Examination
- Office Action Response
- Publication
- Acceptance
  - **Opposition**
- Grant
- Maintenance

# Designs

- New and original features of shape, configuration, pattern, composition of lines and/or ornamentation
- Judged solely by eye
- Subsisting in an article made by an industrial process or otherwise
- Exclusive right to reproduce the article
- Term of 15 years

# Designs

- Disclosure Requirements
  - Representation (photographic) or C A D Figures
  - Depicting the views (perspective, front, rear, top, bottom and side views)
  - No cross sectional views, no surface shading (in IN; in the US Yes)
- Locarno Classification
- Lodgment at national IP office
  - Search and Examination
  - Office Action response
  - Grant
  - Maintenance – renewal 10 years + 5

# Trade Marks

- Source identifier
- Functions as a "connector" between the originator of goods/services and the consumer *vis a vis* the goods/services
- Distinctiveness Requirement
  - Inherent Distinctiveness
  - Acquired Distinctiveness
- Registrability requirements
  - Marks includes names, emblems, words, combination of colors, shape of goods and packaging
  - Also includes smell, taste etc!
- Classification – Nice System
- Specification of Goods
- Term – unlimited provided registration is renewed
- Infringement action – injunction, damages, accounts are legal remedies

# Other forms of IPRs

- Copyright
  - Right subsisting in original literary, artistic, dramatic works, cinematograph films, photographs, sound recordings
  - The owner of copyright shall have the rights to reproduce, issue copies, perform, make film or sound recording, translate or adapt the work
- Domain names
  - An IP address that enables identification of a remote client (end user) in the Internet
- Geographical Indications
  - An indication that signifies the geographical signification of goods
  - Topography of Semiconductor chips
- Plant Breeder's Rights
- Confidential Information

Thank You