

Licensing Intellectual Property

"This new legal environment has expanded the range of licensing options. Due to these changes, lawyers and business professionals operating within the confines of the old law are missing valuable opportunities. . . . How does one go about understanding and profiting from this new situation? The most direct approach is to learn and apply the concepts and methods that lead to the legal changes. The new methods do not treat law and business behavior as separate subjects. These methods integrate issues of law and business organization. That is the approach of this book." —John W. Schlicher.

"Clear, correct, and deep, this is a welcome addition to discussions of law and computing for anyone -- even lawyers!"-- Lawrence Lessig, Professor of Law at Stanford Law School and founder of the Stanford Center for Internet and Society If you work in information technology, intellectual property is central to your job -- but dealing with the complexities of the legal system can be mind-boggling. This book is for anyone who wants to understand how the legal system deals with intellectual property rights for code and other content. You'll get a clear look at intellectual property issues from a developer's point of view, including practical advice about situations you're likely to encounter. Written by an intellectual property attorney who is also a programmer, Intellectual Property and Open Source helps you understand patents, copyrights, trademarks, trade secrets, and licenses, with special focus on the issues surrounding open source development and the GPL. This book answers questions such as: How do open source and intellectual property work together? What are the most important intellectual property-related issues when starting a business or open source project? How should you handle copyright, licensing and other issues when accepting a patch from another developer? How can you pursue your own ideas while working for someone else? What parts of a patent should be reviewed to see if it applies to your work? When is your idea a trade secret? How can you reverse engineer a product without getting into trouble? What should you think about when choosing an open source license for your project? Most legal sources are too scattered, too arcane, and too hard to read. Intellectual Property and Open Source is a friendly, easy-to-follow overview of the law that programmers, system administrators, graphic designers, and many others will find essential.

The Research Handbook on Intellectual Property Licensing explores the complexities of intellectual property licensing law from a comparative perspective through the opinions of leading experts. This major research tool analyses the features of specific types of licensing agreements and also addresses other practical issues which apply across different types of licensing transactions, such as the treatment of licensing in bankruptcy and the use of arbitration for solving licensing disputes. The Handbook ultimately provides a scholarly contribution to the development of global intellectual property licensing policies. Including transversal and comparative analysis, this Handbook will appeal to intellectual property licensing practitioners, lawyers and intellectual property and contract law academics.

'Transactions involving intellectual property whether by way of out-and-out assignment or by one of the myriad variants of licensing which are possible, are really really important – they help the world of business go round. But such transactions can be complex with things like national rules preventing alienation getting in the way of bargains people wish to make. So it is quite astonishing how sparse the literature on the subject is – particularly literature taking a comparative view. This book is perhaps the very first of its kind, taking as it does perspectives from the major legal systems of the world. Moreover its distinguished authors have not written in a technical or abstruse way – as academics (and some judges) can all too easily do. Far from it. This book is readable – and anyone concerned with intellectual property licensing should read it and will find it a pleasure to do so. They will also learn a lot about some of the pitfalls and bear-traps to be found around the world. At UCL we have recognised the

importance of this subject. This book will be on our students' reading list.' – The Rt. Hon. Sir Robin Jacob, UCL Faculty of Laws, UK 'IP licensing underpins the information economy. This impressive book brings together leading academic lawyers and practitioners from a range of key jurisdictions to explore a number of major current issues. The book is both thoughtful and practical and it is not afraid to call for greater harmonization of IP licensing law. It is a must have for all those involved in the field.' – Simon Stokes, Blake Laphorn 'This Research Handbook provides a valuable mix of practical and theoretical perspectives on IP licensing and will serve as a reference resource for scholars and practitioners in this field of study.' – Francesco Parisi, University of Minnesota, US and University of Bologna, Italy 'The Handbook brings together a unique collection of world renowned experts providing detailed discussion in every chapter. The brilliance of this collective work is found in its broad two dimensional focus – beyond patents to all key IP assets on the one hand, and country specific discussion for key regions around the world on the other. . . Whether read cover-to-cover as a compilation of current best practice or used as a true reference guide, the Research Handbook on Intellectual Property Licensing is a must have for anyone seeking to capture value from intangible assets.' – From the foreword by James E. Malackowski The Research Handbook on Intellectual Property Licensing explores the complexities of intellectual property licensing law from a comparative perspective through the opinions of leading experts. This major research tool analyses the features of specific types of licensing agreements and also addresses other practical issues which apply across different types of licensing transactions, such as the treatment of licensing in bankruptcy and the use of arbitration for solving licensing disputes. The Handbook ultimately provides a scholarly contribution to the development of global intellectual property licensing policies. Including transversal and comparative analysis, this Handbook will appeal to intellectual property licensing practitioners, lawyers and intellectual property and contract law academics.

A comprehensive overview of intellectual property law, this handbook will be a vital read for all invested in the field of IP law. Topics include the foundations of IP law; its emergence and development in various jurisdictions; its rules and principles; and current issues arising from the existence and operation of IP law in a political economy.

The definitive primer on intellectual property for business professionals, non-IP attorneys, entrepreneurs, and inventors Full of valuable tips, techniques, illustrative real-world examples, exhibits, and best practices, the Second Edition of this handy and concise paperback will help you stay up to date on the newest thinking, strategies, developments, and case law in intellectual property. Presents fundamentals of patents, trademarks, copyrights, trade secrets and other less-known forms of IP, such as registered design and mask works Covers important concepts such as IP strategy, protection, audits, valuation, management, and competitive intelligence Offers an introduction to IP licensing and enforcement Now features discussion of critical precedent-setting recent IP cases and proposed patent reform Providing business professionals and IP owners with in-depth knowledge of this extremely important subject, this book helps those new to this field gain a better understanding and appreciation for the results of their creative abilities.

This practical guide for business persons, researchers and lawyers gives the basics of how to prepare for and conduct a technology license negotiation. It includes an explanation of how to succeed in licensing, a step-by-step approach for preparing for licensing, as well as a description of the "four clusters" of key terms in a licensing agreement and a form term sheet to be used as a tool for preparation. This guide can be used to train trainers in connection with WIPO's Successful Technology Licensing training toolkit.

Covers the legal implications of open source and free software licensing and the intellectual property laws that support open source licensing.

Licensing Law: Theory and Application is a surprisingly accessible book that describes the

applications of all aspects of licensing law in business. Real-world context gives students a framework for understanding what their clients will want to accomplish and why. Clear instruction, followed by a series of hands-on problems and drafting exercises, introduce students to the craft of advising clients and drafting a license.

Intellectual Property Licensing: Forms and Analysis is a comprehensive collection of forms, checklists and agreements designed to help attorneys deal with virtually any intellectual property licensing issue.

Full of valuable tips, techniques, illustrative real-world examples, exhibits, and best practices, this handy and concise paperback will help you stay up to date on the newest thinking, strategies, developments, and technologies in licensing intellectual property. Order your copy today!

Report addresses the far-reaching impact that digital technologies-- the Internet in particular-- have had on intellectual property (IP) and the international IP system.

Royalty Rates for Licensing Intellectual Property includes critical information on financial theory, rules of thumb, industry guidelines, litigation based royalty rates, and tables of actual rates from real deals for different industries.

This book serves as an introduction and guide to reviewing, writing, and negotiating most of the licenses and agreements necessary to turn intellectual property into profit.

In addition to adding Jay Dratler, one of America's leading authorities on licensing intellectual property, and Barbara Wrigley, a practitioner with many years experience in the field, to the list of co-authors, the Second Edition of *Intellectual Property Licensing in the Information Age* (formerly *Licensing Intellectual Property in the Digital Age*) has been largely redone. Keeping the same basic structure, each chapter has been updated with the most current developments in licensing law. Chapter 2 now works as a much more efficient introduction to intellectual property. Additionally, with the inclusion of the Uniform Electronic Transactions Act in Chapter 8 and an entirely new chapter on Biotechnology, the book is now the most up-to-date and authoritative textbook available. The book emphasizes application in actual situations, with chapters designed to simulate the work flow a lawyer is likely to face in the negotiation, formation, and enforcement of an intellectual property license. A teacher's manual will be available.

Focuses on "the identification and acquisition, or transfer, through licensing, of technology that is owned by another by virtue of an intellectual property right." - page 5.

This Guide, prepared by Rina Elster Pantalony, was recently updated to reflect the tremendous developments since it was first published in 2007, in particular Digital Rights Management, the role of social media as a business opportunity and traditional knowledge. The two-part Guide first describes IP issues relevant to museums then reviews existing business models that could provide museums with appropriate opportunities to create sustainable funding, and deliver on their stated objectives.

Misuse is an increasingly important topic because of the central role intellectual property plays in our economy. The consequences of a misuse finding are

severe: unenforceability of the patent or copyright involved, and defense to a suit to recover royalties in a license. The defense continues to arise in patent cases, has led to the dismissal of several recent copyright cases, and is now being asserted in trademark cases. The misuse defense thus represents a nexus of intellectual property and antitrust law and has the potential to affect business practices involving computer copyrights and other areas highly relevant in today's economic environment. This timely handbook covers the origin and development of the misuse doctrine, the debate about its scope and existence in relation to antitrust law, and its present status in patent, copyright, and trademark law. It also gives practical insights into how the doctrine affects both licensing and litigation practice.

Companies are increasingly looking to their intellectual property (patents, trademarks, formulas, copyrights, brand names, distribution systems, etc.) as a profit center. As they try to extract more value from their holdings, some of which have been left dormant for years, many are looking beyond their own core products to partnerships with outside industries. Now in its third edition, *Intellectual Property: Licensing and Joint Venture Strategies* provides the most up-to-date practical tools for evaluating the investment aspects of licensing and joint venture decisions, and discusses the legal, tax, and accounting practices and procedures related to such arrangements.

This report gives expert advice and techniques for successful exploitation of key opportunities. With the help of several examples you can master the techniques of effectively managing a license operation.

Like any contract, an international licensing agreement spells out the rights and obligations of the contracting parties, manages potential risks and supplies a contingency plan for each party in the event the contractual relationship breaks down. However, international licensing of intellectual property, software or technology confronts the contracting parties with its own distinct challenges. When planning, drafting and negotiating such agreements, it is imperative to know exactly what core issues need to be addressed. This book provides this know-how in an easy-to-use, clear and concise fashion. This expert guide to the complex world of international licensing agreements brings together all the essential materials needed when dealing with such agreements and covers the following:

- business models that may be used by the contracting parties;
- standard provisions encountered in an array of international licensing agreements;
- analysis of the key clauses in various international licensing agreements inter alia trademark, software, franchise and technology licences with provisions as affected by jurisdiction;
- effect of competition law in a variety of jurisdictions;
- ensuring trademark protection at both national and international levels;
- clear explanation of key franchising terminology and disclosure rules; and
- effect of international dispute resolution rules in a range of jurisdictions.

Alongside detailed contract analysis, the book details numerous case studies from an array of industries, with detailed commentary. Practitioners operating

within or representing medium to large firms who normally have to prepare or provide advice on international licence arrangements will quickly find this reference material indispensable. The book's thorough analysis of this complex area will also be welcomed by professionals working for universities, industry, interest groups, government departments and international organisations. This book explains the principles of research and development (R&D) management in an environment which is open to external sources of technology. Organisations no longer undertake all of their R&D in-house. Increasingly, companies innovate by using a combination of R&D and externally sourced technologies. R&D and Licensing shows how to integrate these into the product and process development programme, and provides extensive guidance on intellectual property, licensing and royalty negotiations. The book demonstrates how companies increase their value through the acquisition of intellectual assets. Integrates the concepts of R&D management and technology licensing Describes technology acquisition strategies and techniques Explains how a knowledge of intellectual property can be used to add value

This book offers a comprehensive, easy to understand guide for startup entities and developing companies, providing insight on the various sources of funding that are available, how these funding sources are useful at each stage of a company's development, and offers a comprehensive intellectual property strategy that parallels each stage of development. The IP strategies offered in this book take into consideration the goals that most startups and companies have at each stage of development, as well as the limitations that exist at each stage (i.e., limited available resources earmarked for intellectual property asset development), and provides solutions that startups and companies can implement to maximize their return on intellectual property investments. This book also includes a number of descriptive examples, case studies and scenarios to illustrate the topics discussed, and is intended for use by startups and companies across all industries. Readers will garner an appreciation for the value that intellectual property rights provide to a startup entity or company and will gain an understanding of the types of intellectual property rights that are available to companies and how to procure, utilize and monetize those intellectual property rights to help their company grow.

How a flexible and creative approach to intellectual property can help an organization accomplish goals ranging from building market share to expanding an industry. Most managers leave intellectual property issues to the legal department, unaware that an organization's intellectual property can help accomplish a range of management goals, from accessing new markets to improving existing products to generating new revenue streams. In this book, intellectual property expert and Harvard Law School professor John Palfrey offers a short briefing on intellectual property strategy for corporate managers and nonprofit administrators. Palfrey argues for strategies that go beyond the traditional highly restrictive "sword and shield" approach, suggesting that

flexibility and creativity are essential to a profitable long-term intellectual property strategy—especially in an era of changing attitudes about media. Intellectual property, writes Palfrey, should be considered a key strategic asset class. Almost every organization has an intellectual property portfolio of some value and therefore the need for an intellectual property strategy. A brand, for example, is an important form of intellectual property, as is any information managed and produced by an organization. Palfrey identifies the essential areas of intellectual property—patent, copyright, trademark, and trade secret—and describes strategic approaches to each in a variety of organizational contexts, based on four basic steps. The most innovative organizations employ multiple intellectual property approaches, depending on the situation, asking hard, context-specific questions. By doing so, they achieve both short- and long-term benefits while positioning themselves for success in the global information economy.

In 1988, a Roundtable committee, in conjunction with the Industrial Research Institute, developed a set of model agreements to streamline the negotiation process. The intent was that these models would decrease the time and effort needed to develop a research agreement, as well as provide a starting point for companies and universities new to negotiating agreements. In general, the models were well received by the academic and industrial communities. However, one concern, intellectual property rights, continues to pose significant hurdles to successful negotiation. *Intellectual Property Rights in Industry-Sponsored University Research: Guide to Alternatives for Research Agreements* identifies the contentious issues related to intellectual property rights and develops contract language that makes it easier to negotiate agreements for industry-sponsored university research. This report clarifies issues that cross institutional boundaries when university-industry research agreements are negotiated.

An overview of the basics of international licensing with informative material about the various practices of all aspects of the licensing industry. It includes information that will help those new and experienced to hone their licensing skills. The book provides a worldwide perspective of the industry and is the definitive guidebook for anyone who is interested in capitalizing on this potentially lucrative market.

ESSENTIALS OF INTELLECTUAL PROPERTY Full of valuable tips, techniques, illustrative real-world examples, exhibits, and best practices, this handy and concise paperback will help you stay up to date on the newest thinking, strategies, developments, and technologies in intellectual property. "Alexander Poltorak and Paul Lerner have written the definitive primer on intellectual property for business professionals. Thorough in its coverage and understandable in its delivery, *Essentials of Intellectual Property* provides not only an outstanding summary of intellectual property basics, but a useful and sensible strategy for using intellectual property to the best needs of a business. Poltorak and Lerner have combined their in-depth knowledge of patent law with their savvy business

skillsto yield an indispensable reference for the businessprofessional." —Jeffrey L. Brandt, Patent Attorney, Former Senior VicePresident and Intellectual Property & Licensing Counsel,priceline.com "Alex Poltorak and Paul Lerner have pulled off a mighty featwith Essentials of Intellectual Property. They have crafted a workthat is clear for the beginning practitioner while nuanced andsophisticated for the savvy tech transfer and IP managementveteran. Lively and often witty writing is a treat not often foundin tomes on what can be a dry subject. With Essentials ofIntellectual Property, the practitioner has a new literary tool fortying IP strategy to the business reality of tomorrow." —Edward Kahn, Founder and President, EKMS, Inc., Cambridge,MA "This critically important new volume of work not only providesthe professional with a greater knowledge of this vast subject, butalso the novice with a better understanding and appreciation forthe results of their creative abilities." —Lawrence J. Udell, Executive Director, California InventionCenter, Professor of New Ventures and Entrepreneurship The Wiley Essentials Series—because the businessworld is always changing...and so should you.

A practical treatise which provides fully drafted examples of commercial forms and agreements, this text offers coverage of all areas of intellectual property law in the UK, the European Community and the British Commonwealth. Each form is broken down into its constituent clauses, and cross-referenced to other forms for fast comparison or substitution. Full narrative analysis is provided, with substantial appendices and twice-yearly updates. A clauses index allows quick and precise location of a particular clause.

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