



IP Management in Practice Conference

19th - 21st May 2008 * The Grace Hotel, Sydney

- **Reducing your IP investment costs and generating extra revenue** through licensing
- **Guaranteeing transparency of your licensees** by ensuring provision for regular reporting
- **Creating value through cross-fertilisation** between public sector research and business
- **Determining commercial prospects for innovation, inventions and ideas** through technology transfer centres
- **Eliminating the confusion as to where your IP should be based**
- **Protecting core IP assets** while encouraging broader collaboration with strategic partners
- **Establishing a structured innovation framework** - balancing creativity with responding to market needs
- Transforming your organisation into an **R&D and IP focused culture**
- **Commercialising IP - increasing revenue and profit**
- Determining, with greater accuracy, the overall **value of your organisation's IP**
- **Eliminating exposure to material claims of IP rights infringement** through comprehensive IP audits and due diligence
- **Measuring IP** – knowing the power of relevant numbers
- **Maximise funding** for your new idea or product
- **Discovering partnering mechanisms** to gain the greatest benefit from commercialising your IP
- **Managing potential risks of commercialisation** and overcome hurdles
- **International deal-making** and **global competitive advantage**
- **Maximising tax concessions** by conducting R&D locally but holding your IP overseas

HEAR FROM LEADING IP MANAGEMENT SPECIALISTS....

- **Ken Preshaw**, *Program Manager - Intellectual Property and Asset Commercialisation, IBM*
- **Kevin Croft**, *Licensing Executives Society of Australia and New Zealand*
- **John Lee**, *Partner, Griffith Hack*
- **John Walker**, *Senior Manager, CSIRO - Intellectual Property Portfolio Management*
- **Simon Ellis**, *Patent Attorney, Watermark*
- **Carman Rossi**, *Managing Director, TridentGLOBAL*
- **Miriam Stiel**, *Partner, Allens Arthur Robinson*
- **Kathryn Harrison**, *Head - Intellectual Property, Cytopia Research*
- **Charles Alexander**, *Partner, Minter Ellison*
- **Dr Tony Coulepis**, *Strategic Industry Advisor, Innovation Dynamics*
- **Amos Meltzer**, *Senior Associate, Middletons*
- **Maree Anast**, *IP Co-ordinator, James Hardie Research*
- **Tim Jones**, *IP Counsel, ipernica Ltd*
- **Rob McInnes**, *Principal - Commercialisation Team, Spruson & Ferguson*
- **John Kapeleris**, *Deputy CEO, Australian Institute of Commercialisation*
- **Dr Dimitrios Eliades**, *Barrister, P D Connolly Chambers*
- **Jan Bingley**, *General Manager - CSIRO Business Development, CSIRO*
- **Keith Reams**, *Asia Pacific Regional Service Line Leader - Global Transfer Pricing, Deloitte*
- **Peter Madden**, *Tax Services, Deloitte*
- **Gary Gill**, *Partner - National Leader, Investigations & Integrity Risk Management, KPMG*
- **Michael Beverley**, *Managing Director, IP Wealth*

PLUS DON'T MISS THE ESSENTIAL POST-CONFERENCE WORKSHOPS:

WORKSHOP A

Best practice IP Auditing – for lifecycle management and IP protection

Led by:

Stephen Ferris, *Partner - Corporate Finance, Deloitte*
Rachel Besley, *Director and Senior Legal Counsel, Deloitte*

WORKSHOP B

Achieving the best commercialisation deal imaginable

Led by:

Kevin Croft, *Managing Director, Croft IP Pty Ltd and Board Member, Licensing Executives Society of Australia and New Zealand*

WORKSHOP C

IP Metrics and Analytics - IP as a more strategic part of the business

Led by:

Dr Tony Coulepis, *Strategic Industry Advisor, Innovation Dynamics*

Supported by:



Australian Government

IP Australia

Endorsed by:



Licensing Executives Society
of Australia and New Zealand

Researched by:



Australian Institute
for Commercialisation





IP Management in

Day One
Monday 19th May 2008

- 8:30 Registration
- 8:45 Opening remarks by the Chair:
Professor Jill McKeough, Dean, University of Technology Sydney

Local and International Commercialisation

- CASE STUDY**
- 8:50 **Gaining competitive advantage from IP**
 - Commercialising Intellectual Property to increase revenue and profit - creating and evolving a commercialisation process
 - Overcoming challenges and issues
 - Accelerating the implementation of your IP strategies
 - Establishing a culture of sustainable IP innovation in your organisation and establishing IP as a core strategic asset
Ken Preshaw, Program Manager, Intellectual Property and Asset Commercialisation, IBM

9:30 Technology transfer - public R&D to market

- Commercialising IP which is generated within universities and research institutes
- Managing potential risks of commercialisation and overcoming the hurdles
- Protecting IP assets in a commercial environment
- Protecting 'potential' - identifying and protecting the 'next big thing' when you're not sure of what your innovation might deliver
- Profiting from knowing key commercialisation considerations - whether on your own or in a strategic partnership
- Managing commercialisation in your organisation - knowing the best internal processes and structures
- Balancing the pros and cons of commercialisation and discovering the partnering mechanisms which deliver optimal results
John Kapeleris, Deputy CEO, Australian Institute of Commercialisation

10:10 International commercialisation

- CASE STUDIES**
- Gaining an international perspective on commercialisation deals
 - Preparing for, and negotiating cross-cultural deals
 - Choosing between different approaches to commercialising your technology internationally
 - Understanding key IP law and practice considerations for major overseas markets
 - Avoiding pitfalls in international deal-making - case studies from China, the US and Europe
Rob McInnes, Principal, Commercialisation Team, Spruson & Ferguson

10:50 Morning tea

Licensing

- 11:20 **Capitalising on your IP by licensing your rights**
 - Reducing your IP investment costs and generating extra revenue through licensing, rather than trying to re-invent the wheel
 - Knowing when to license your IP exclusively or non-exclusively, and knowing what to license
 - Establishing a commercial agreement to protect your IP

- Licensing your idea or product to existing joint venture partners to:
 - reducing your capital investment costs
 - combat risks
- Accelerating your organisation's decision to enter into a licence agreement
- Conducting royalty examinations to assess licensees' compliance with licensing terms, and consequential damages
Kevin Croft, Licensing Executives Society of Australia and New Zealand

12:00 Managing the delicate power play when drafting a licensing agreement

- Balancing commercial expectations of the licensor and licensee
- Ensuring your product gets the high priority and attention it deserves
- Guaranteeing transparency of your licensees by ensuring your licensing agreement provides for regular reporting
- Optimising royalty returns and knowing the differences between various licenses
- Reducing transaction costs in licensing by allowing licensees broad rights to sell, copy, and modify licensed programs
John Lee, Partner, Griffith Hack

12:35 Lunch

Patents Law Updates

- 1:30 **Patents Law Update**
 - Abolishment of patent duty of disclosure requirements - know how it affects your organisation?
 - Establishing whether your organisation has in fact taken the inventive step: *Lockwood Security Products Pty Ltd v Doric Products Pty Ltd [No. 2]*, [2007] HCA 21
 - Knowing the difficulties of amending an invalid patent: *NutraSweet Australia Pty Ltd v Ajinomoto Co. Inc (No. 3)* [2007] FCA 966
 - Capitalising from the 'experimental use' exception of Australian patent legislation - how can this provision enhance your research and development?
Simon Ellis, Patent Attorney, Watermark

Protecting Confidential Information

- 2:05 **Proactively protecting your confidential information**
 - Determining what can be protected
 - Maximising protection of your IP through effective confidentiality clauses
 - Educating and communicating policies to staff
 - Disarming corporate espionage
 - Mitigating the risk of IP theft
Gary Gill, Partner - National Leader, Investigations & Integrity Risk Management, KPMG

2:45 Hypothetical - avoiding the pitfalls of an unreliable IP system

- Identifying the true inventor(s) of a new idea or product
- Understanding the implications to your organisation of excluding a person who has made an inventive contribution and including a person who has not made an inventive contribution
- Establishing who owns the IP?
- Learning from best practice US and UK patent systems
- Knowing what steps might be taken by an employee or employer to protect their IP contribution
Dr Dimitrios Eliades, Barrister, P D Connolly Chambers

3:25 Afternoon tea

Capital Raising

- CASE STUDY**
- 3:40 **Obtaining funding for your new idea - essential steps**
 - Knowing when your company is investment ready
 - Following the best practice pathway to funding - the options, and suitability for different products
 - Assessing when is the time and methods to approach the board for funding
 - Knowing what are the available options for funding IP: highlighting the differences between Commonwealth funding, State funding and Local funding
Tim Jones, IP Counsel, ipernica Ltd

4:20 Funding your IP development

- Protecting vendors from liabilities which may be imposed by specific laws or the terms of the sale documentation - if listing on the ASX
- Reducing the risk of company director liability for any misleading statements or omissions in a prospectus
- Eliminating exposure to material claims of IP rights infringement by incorporating a comprehensive IP audit into the due diligence process
- Attracting investors for a variety of capital raising methods
Amos Meltzer, Senior Associate, Middletons

4:55 Close of Day One

Day Two
Tuesday 20th May 2008

- 8:45 Opening remarks by the Chair:
Professor Philip Griffith, Associate Dean (Research), University of Technology Sydney

Collaborating for Best Advantage

- 8:50 **Developing strategic collaborations - locally and abroad**
 - Eliminating confusion as to where your IP should be based
 - Balancing the need to protect core IP assets, whilst encouraging broader collaboration with strategic business partners
 - Measuring the results of strategic collaboration and turning the collaboration into a core competency within your organisation
Carman Rossi, Managing Director, TridentGLOBAL

9:30 Forging relationships with research institutes and universities

- PANEL DISCUSSION**
- Creating value through the cross-fertilisation between public sector research and business
 - Determining the commercial prospect for innovation, inventions and ideas through technology transfer centres
 - Crystallising ownership of IP - who pays for what? Balancing ownership requests between the parties
 - Balancing different R&D timing expectations, IP expectations, and commercially driven expectations with those of universities and other institutions
 - Unravelling the legislative minefield of collaborations with universities
Panel Moderator:
Michael Beverley, Managing Director, IP Wealth
Panellists:
John Walker, Senior Manager, CSIRO - Intellectual Property Portfolio Management
Ken Preshaw, Program Manager, Intellectual Property and Asset Commercialisation, IBM

10:10 Morning tea

Trade Marks Law and Copyright Law Updates

10:40 Trade Marks Law Update

- Thinking twice before selecting trade mark names too close to those of well-known 'families' of brands: *Sportsgirl Pty Ltd v Filip Sali* [2007] ATMO 71 of 22 – application of section 44 of the *Trade Marks Act 1995* (Cth)
- Analysing descriptive or non-distinctive elements of a trade mark - ensuring your organisation's branding strategy addresses any potential weaknesses in a trade mark through careful marketing: 'THE LOCAL BLOKE'
- Facing difficulties of attempting to obtain registration for colour marks: *BP pic v Woolworths Limited* [2007] HCA Trans 249 (25 May 2007)
- Knowing what the recent change in the trade mark renewal grace period means to you
- Taking advantage of changes to the Australian Trade Marks Office practice on letters of consent, making application processes easier
Miriam Stiel, Partner, Allens Arthur Robinson

11:10 Copyright Law Update

- Avoiding the dangers of 'hyperlinking' to copyrighted material: *Cooper v Universal Music Australia Pty Ltd* [2006] FCAFC 187
- Copyright and confidential information – preventing disclosure of trade secrets by past employees: *BlueScope v Kelly* [2007] FCA 517
- Format shifting – know the new rules
- Know the fair use defences and the new defences to copyright infringement in Australia
- Dealing with copyright design overlap
- Discuss unjustified threats and new developments
- Protecting information – how far can you go?
Miriam Stiel, Partner, Allens Arthur Robinson

Branding and IP

11:40 CASE STUDY Aligning your branding strategies with your IP

- Knowing which branding considerations come into play when reviewing your IP strategies
- Maintaining trade marks and non-conventional marks
- Protecting public image and brand image
- Maintaining a unique competitive edge by protecting image and goodwill
- Brand engagement – using customer input and engagement for IP
Maree Anast, IP Co-ordinator, James Hardie Research

12:20 Lunch

IP Innovation

2 CASE STUDIES, 2 PERSPECTIVES

1:20 - 2:00
Kathryn Harrison,
Head, Intellectual Property,
Cytopia Research

2:00 - 2:40
Dr Tony Coulepis,
Strategic Industry Advisor,
Innovation Dynamics

Driving continuous innovation in your organisation – Cytopia Research & Innovation Dynamics

- Establishing a structured innovation framework - balancing creativity with the need to respond to market needs
- Creating, aligning, and leveraging intangibles for sustainable growth
- Building a culture of sustainable innovation
- Transforming your organisation into an R&D and IP focused culture
- Developing innovation strategies which match your business plan

2:40 Afternoon tea

Commercialisation

3:00 CASE STUDY Technology transfer - public R&D to market

- Achieving greater returns from public sector research investment
- Identifying various options for taking your idea to market
- Managing potential risks of commercialisation and overcoming the hurdles

- Discovering how to preserve your company's IP assets in commercialisation
- Balancing the pros and cons of commercialisation and discovering the partnering mechanisms available to gain the greatest benefit from commercialising your IP
- Facilitating the nurturing, development and maintenance of your organisation's IP assets during commercialisation
Jan Bingley, General Manager, CSIRO Business Development, CSIRO

Digital IP Management

3:40 Keeping up with online content

- Establishing who owns what when it comes to online content
- Managing the threat of piracy on the internet
- Producing workable solutions through successful partnerships with ISPs and content providers
- Using online content to drive new business models and technology
- Increasing your organisations' freedom to operate, and gaining the ability to re-use the ideas you have developed
Charles Alexander, Partner, Minter Ellison

Business of IP

4:20 Mastering tax issues associated with acquiring, developing and commercialising IP

- Avoiding unnecessary pitfalls by understanding the implications of various taxes
- Enhancing the financial impact of commercial activities and transactions
- Capitalising on the R&D tax concession, and tax-effective business structures
- Gaining a greater understanding of the tax implications on various IP regimes
- Maximising tax concessions by conducting R&D locally, and holding your IP overseas
- Financial reporting of intangible investment
- Analysing equity valuation for listed companies and Initial Public Offerings
Keith Reams,
Asia Pacific Regional Service Line Leader, Global Transfer Pricing, Deloitte and Peter Madden, Tax Services, Deloitte

4:55 Conference close

Workshops - Wednesday 21st May 2008

Workshop A: 9:00 - 11:00

Best practice IP Auditing – for lifecycle management and IP protection

- Reporting on intangible investments and assets
- Developing IP audits as a key IP lifecycle management tool
- Ensuring your IP audits incorporate a commercialisation focus
- Conducting an effective IP gap/risk analysis within your organisation and establishing whether your IP rights are being challenged or threatened
- Maximising IP protection through regular audit of the valuation and use of IP
- Designing a comprehensive audit which specifically addresses due diligence, and provides the platform for enforcing or defending legal action
Led by:
Stephen Ferris, Partner - Corporate Finance, Deloitte and
Rachel Besley, Director and Senior Legal Counsel, Deloitte

11:00 Morning Tea

Workshop B: 11:30 - 1:30

Achieving the best commercialisation deal imaginable

- Establishing a commercialisation team
- Preparation techniques and goal setting – preferred outcomes and acceptable fallbacks
- Determining what exactly is the right deal
- Best practice negotiation – exploring issues, creating options, breaking deadlocks and obtaining commitment
Led by:
Kevin Croft, Managing Director, Croft IP Pty Ltd and Board Member, Licensing Executives Society of Australia and New Zealand

1:30 Lunch

(Lunch is provided for those Delegates attending both Workshop B and Workshop C)

Workshop C: 2:30 - 4:30

IP metrics and analytics – IP as a more strategic part of the business

- Understanding relevant numbers of measuring IP innovation
- Extracting relevant numbers to maximise funding to commercialise your new idea or product
- Integrating IP management metric systems across the business
- Measuring ROI and the added value of IP to the business
Led by:
Dr Tony Coulepis, Strategic Industry Advisor, Innovation Dynamics

