innovation & entrepreneurship

Professor Cather Simpson
Department of Physics
School of Chemical Sciences
Photon Factory
c.simpson@auckland.ac.nz
@ptolemytortoise
innovation & entrepreneurship

Patent and Perish?
How to Patent, Publish and Survive!
Elsie Qualls-Randall
Office of Technology Transfer, ANL

European IPR Helpdesk
Fact Sheet
Patenting vs. publishing

To publish or patent? EU study addresses scientists' dilemma
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Patent First, Publish Later: How Not to Ruin Your Chances of Winning a Patent

A general approach for determining whether to publish, or protect information and

Scientist dilemma: publish or protect?

Publish or Patent?
Publishing your research or publicly disclosing it before filing a patent application can severely limit your patentability and could completely bar you from receiving a U.S. or foreign patent.

To patent or to publish
• Should university researchers be patenting ideas and inventions? Because …

• Should science students (and academic faculty/staff) get trained in this as part of their degrees or jobs?

1. Break into groups of 2 - 3 people and convince your group of your view

2. Answer BOTH of these questions on the post-it notes provided - include a single, short justification of your answer

3. Put them on the black board under the proper category

EVERYONE IN YOUR GROUP SHOULD HAVE A DIFFERENT NUMBER
Mission and Values

The mission of The University of Auckland is to be:

“A research-led, international university, recognised for excellence in teaching, learning, research, creative work, and administration, for the significance of its contributions to the advancement of knowledge and its commitment to serve its local, national and international communities.”

The values of the University reflect its commitment to:

- Working to advance the intellectual, cultural, environmental, economic and social wellbeing of the peoples of Auckland and New Zealand.
- Recognising a special relationship with Māori under the Treaty of Waitangi.
- Providing equal opportunities to all who have the potential to succeed in a university of high international standing.
- Engaging with national and international scholars, educational and research institutions to enhance intellectual development, educational quality and research productivity.
- The development and commercialisation of enterprise based on the University’s research and creative works.
- Providing high quality management marked by open, transparent, responsive, and accountable academic and administrative policies, practices and services.

- Conserving, advancing and disseminating knowledge through teaching, learning, research and creative work of the highest standard.
- Creating a diverse, collegial scholarly community in which individuals are valued and respected; academic freedom is exercised with intellectual rigour and high ethical standards; and critical enquiry is encouraged.
- Placing a strong emphasis on serving our student body.
5. The purpose of a Centre of Research Excellence is to:

(a) undertake excellent research; and

(b) support the development of world class researchers in areas of importance to New Zealand's future development.

6. A Centre of Research Excellence demonstrates academic strength as well as progress towards impacts with public good or economic benefits.
• Should university researchers be patenting ideas and inventions? Because ...

• Should science students (and academic faculty/staff) get trained in this as part of their degrees or jobs?

• Why do people patent things?
• Should university researchers be patenting ideas and inventions? Because …

• Should science students (and academic faculty/staff) get trained in this as part of their degrees or jobs?

• Why do people patent things?

• What counts more for your career, a publication or a patent? Why?
1. Change groups (still 2 - 3 people per group)

2. Answer the question on the post-it notes provided - include a single, short justification of your answer

3. Put it on the black board

• What counts more for your career, a publication or a patent? Why?
• Should university researchers be patenting ideas and inventions?

• Should Centres of Research Excellence (e.g. MacDiarmid) $$ be used to do patentable research? to cover costs of patents?

• Why do people patent things?

• What counts more for your career, a publication or a patent? Why?

• If you patent something, can you publish it?

• If you publish something, can you patent it?
Figure 1. A general approach to determine patent, defensive publication, or trade-secret protection.
• Should university researchers be patenting ideas and inventions?

• Should Centres of Research Excellence (e.g. MacDiarmid) be used to do patentable research? to cover costs of patents?

• Why do people patent things?

• What counts more for your career, a publication or a patent? Why?

• If you patent something, can you publish it?

• If you publish something, can you patent it?

• Who makes the money?
R&D TEAM INVESTED TIME, ENERGY, INTELLECTUAL CAPITAL – NOT $$
MORE INVESTMENT ADDED AS PROJECT LOOKED MORE PROMISING!
DILUTION BY NEW INVESTORS
END OF INVESTORS’ RACE (NOT FOR THE R&D TEAM)
REWARDS!
INVESTORS!!!

Not the science R&D team!

RISK → REWARD
DIFFERENT FOR EVERY STARTUP COMPANY
Rare – but not unknown!

Advice:
Keep an excellent notebook.
Make revenue allocations and decisions before there is any generated.