



GUIDANCE FOR MANAGING THE INTELLECTUAL PROPERTY RIGHTS IN MULTI-USE PROJECTS

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IP DEFINITION:

IP Definition: Intellectual Property (IP) refers to creations of the human mind such as literary works, artistic works, inventions, designs, symbols, names, images, computer code, etc.

INTELLECTUAL PROPERTY RIGHTS (IPR):

IPR refers to the legal rights given to the inventor or creator to earn recognition or financial benefit from what they invent or create. These legal rights confer an exclusive right to the inventor/creator, or his assignee, to use and exploit his invention/creation for a given period of time.

By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.

Over the past few decades, the center of wealth creation has been shifting from tangible assets to Intangible Assets or, as OECD calls it, the "knowledge-based capital".

In the current economy, Intangible Assets are giving important competitive advantages to companies (entrepreneurial ability, client's fidelity...). IPRs are considered the core part of Intangible Assets.

8 COMMON INTELLECTUAL PROPERTY RIGHTS (IPR) IN THE CONTEXT OF OFFSHORE MULTI-USE:

1. Patents: grant inventors exclusive rights to their inventions for a specific period, typically 20 years. In the context of offshore multi-use, patents may cover innovative technologies, equipment, or processes related to offshore energy production, aquaculture, desalination, or other activities.

2. Trademarks: protects brand names, logos, and symbols associated with offshore multi-use businesses or products. These rights prevent others from using similar marks that could cause confusion among consumers.

3. Copyrights: protect original creative works such as software, designs, reports, and publications related to offshore multi-use projects. Authors or creators have exclusive rights to reproduce, distribute, and display their works.

4. Trade Secrets: involve confidential and valuable information, such as processes, formulas, or data, that provide a competitive advantage in offshore industries. Protecting trade secrets often involves maintaining confidentiality through agreements and security measures.

5. Industrial Design Rights: protect the aesthetic and ornamental aspects of offshore structures or equipment, ensuring that their unique designs are not copied without permission.

6. Utility Models: similar to patents, protect innovations in the functionality or utility of offshore technologies and equipment. They often have shorter protection periods and may offer a less rigorous examination process than patents.

7. Geographical Indications: In some cases, offshore regions may be known for producing specific products related to multi-use activities, such as high-quality seafood. Geographical indications protect the reputation and authenticity of these products by restricting their use to the designated region.

8. Plant Breeders' Rights: If offshore multi-use involves activities like seaweed farming, plant breeders' rights can protect new and distinct varieties of seaweed developed through breeding programs.

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RECOGNIZING IPR'S VALUE IN THE MULTI-USE CONTEXT:

IP, especially patents, acts as a versatile tool in multi-use projects, extending beyond protection:

- Marketing tool
- Demonstrates reliability
- Safeguards potential partners
- Allows multi-annual exploitation plans
- Represents a store of value
- All costs contribute to value
- Forms basis for licenses or technology transfers

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VALIDATING INNOVATIONS FOR MULTI-USE SOLUTIONS DEVELOPMENT:

Patents validate technological innovation's validity and provide exclusive rights:

- Exclusive exploitation for 20 years
- Prohibits unauthorized use, production, sale
- Can be assigned or licensed
- Expands the public domain after 20 years

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FOUNDATIONS FOR COLLABORATION AND MULTI-USE BENEFITS:

Patents foster collaboration, technology transfer, and value creation in multi-use scenarios:

- Promote knowledge exchange
- Facilitate mutually beneficial relationships

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CRITERIA FOR PATENTABILITY IN MULTI-USE SETTINGS:

Understand patentability requirements for inventions in multi-use contexts:

- Novelty, inventiveness, industrial applicability
- Clear and concise descriptions

Scope of Patent Searches:

- **Identify the "Prior art"** or the relevant documents before a first patent application.
- This type of research, which is normally carried out by the examiner of the European patent office after the patent application or by the inventor before applying for a patent, focuses on the search for previous art documents that may be relevant for assessing the novelty and the invention step of the patent application. These prior art documents include a wide range of materials, such as patents granted, published patent applications, journals, and other non-patent literature, and may have been made public at any time prior to the filing of the invention

Search Methodology:

Aim to find documents claiming similar technical features, not mere word matches.

- **Searches based on keywords (intuitive but subjective):**

1- Operators: AND, OR, NOT

2- Proximity (i.e.: 3 words away from)

- **Searches by classification codes (IPC and CPC):**

1- IPC (International Patent Classification): a hierarchical system with sections, classes, subclasses, groups, subgroups. It includes 70.000 entries.

2- CPC (Cooperative Patent Classification): a joint project between the EPO and the United States Patent and Trademark Office. It includes 260.000 entries.

- **Searches by citations (cited or citing documents) into a specific application.**

Free of Charge Sources:

- Espacenet – patent search (National/Regional Patent Offices)
- PATENTSCOPE (wipo.int) (National/Regional Patent Offices)
- GOOGLE PATENTS (Independent Producers)

Fee-Based Sources:

- Derwent Innovation
- Orbit Intelligence
- Patbase
- Total Patent

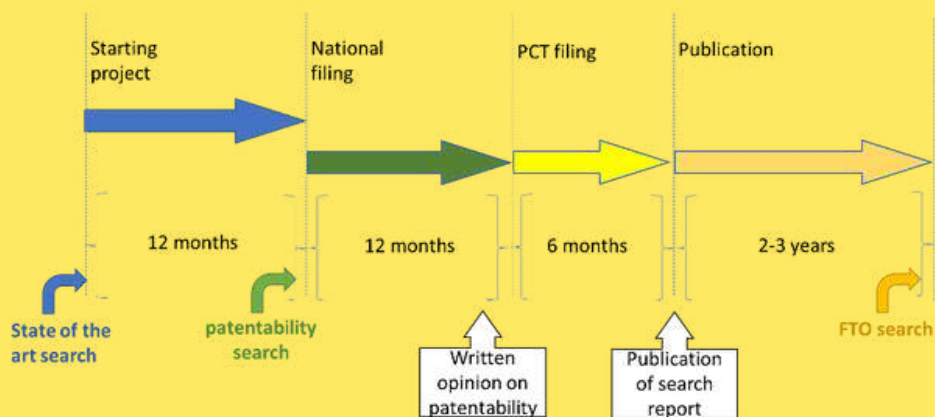
When to conduct a patent search

- As soon as the idea is formed, and it is possible to provide a schematic description of the invention.
- Before filing the patent application.
- Before introducing a product in the market to avoid infringing third party's IP rights.

Type of search

- **State of the art search:** to determine existing solutions and potential competitors within a given technology sector.
- **Patentability search:** to identify the "Prior art" or the relevant documents before a first patent application.
- **Freedom to operate search:** performed before introducing a patented product in the market. It identifies third-party patents potentially dangerous to the freedom to operate in the market and to the use the invention.

WHEN TO PERFORM WHAT TYPE OF SEARCH:



HOW TO CONDUCT THE SEARCH:

1. **Identify Essential Features:** Determine the key features of the invention.
2. **Select Databases:** Choose suitable patent databases for the search.
3. **General Keyword Search:** Start with a broad search using essential features as keywords.
4. **Refine with Advanced Search:** Combine keywords using Boolean operators for more precise results.
5. **Consider Classification Search:** Use classification codes to focus the search on specific technologies.
6. **Analyze Documents:** Evaluate search results for relevance.
7. **Select Promising Documents:** Choose documents most relevant to the invention.

- **Smart Search:** Use the smart search field to input keywords separated by AND/OR operators. Use the NOT operator to exclude specific terms.
- **Advanced Search:** Utilize advanced search fields for parameters like names, numbers, dates, or search locations (title, abstract, full text).
- **Classification Search:** Search with classification codes to refine results within specific technology areas.
- **CPC Classification Search by Keywords:** Input keywords to suggest relevant classification codes for the searched technology.

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STRATEGIC PATENT SEARCHES FOR OFFSHORE MULTI-USE:

- **Search by keywords:** Multi-purpose, Multi-use, Multifunction, platform, offshore, wind energy, energy saving, aquaculture, cultivation.

- **Example of Classification search:**

-Y02E10/00: Energy generation through renewable energy sources

-Y02E10/70: Wind energy

-A01G33/00: Cultivation of seaweed or algae

-Y02A40/81: Aquaculture, e.g., of fish

-Y02A40/818: Alternative feeds for fish, e.g., in aquaculture

- **Example of a search query using some keywords and some classification codes:**

-[Multi-purpose OR Multi-use OR Multifunction] AND [platform OR offshore] AND [A01G33/00 OR Y02E10/70 OR Y02A40/81]

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ENSURING CONFIDENTIALITY IN MULTI-USE VENTURES:

- Prioritize confidentiality with non-disclosure agreements during investor interactions. File patents pre-interaction to secure IP rights within the multi-use landscape.
- Trade Secrets are the secrets that you use in your business. Unlike patents, trade secrets are not registrable with an IP office, yet they are protected. Generally, protection of Trade Secrets is provided by specific laws, or within the domestic IP laws. Some examples of trade secrets:
 - Business information (e.g.: information relating to customers and suppliers, their names, addresses, contact details..)
 - Strategic information (e.g.: special techniques for marketing and for providing after-sale services, results of market surveys..)
 - Technical information (e.g.: test results, quality control methods..)
 - Financial information (e.g.: sales data, pricing lists..)
- To make sure that the information can be protected:
 - Take any measure to keep the information secret
- Trade Secrets should essentially be of commercial significance to your business, precisely because they are not known to your competitors.

Regularly review and adapt IP strategies to align with project evolution and market shifts within multi-use scenarios.

GENERAL IP STRATEGY TAKEAWAYS:

- The best strategy is always to **patent all cutting-edge technologies in as many countries as possible** (including new markets);
- Combine a good patent strategy with a high level of secrecy of any non-patentable method or technology;
- **Tailor IP contracts** to suit the protectable IPRs, and make sure to include sufficient specific details in the contracts' key provisions;
- **Sign an NDA** or ensure that there is adequate protection in contracts addressing confidentiality issues (never start business negotiations without previously contractually securing trade secrets which are to be disclosed);
- **Include confidentiality provisions in all employee contracts.**

This guidance brief has been developed in the framework of the UNITED project in a series of sessions with the Horizon Results Booster. It is meant to be of use to the offshore multi-use innovators to advance the technological and commercial readiness level of multi-use solutions.



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