

## ESSENTIAL SKILLS FOR IP PROFESSIONALS

DAY 1		
8.30	<b>Registration</b>	
9.00	<b>Welcome and Introductions</b>	Welcome, introductions, and overview of 2 day workshop.
9.15	<b>What is Intellectual Property and why do we protect it?</b>	An overview of the different types of intellectual property, and what they protect, including: patents, copyright (including software), designs, trademarks, plant breeders' rights, eligible layout rights, and confidential information. Why do we protect intellectual property?
10.00	<b>What is the Patent Process</b>	Patent processes: priority date, provisional applications, PCT applications, national phase, pitfalls of patenting too early, the timing of patent applications. Choices to be made in the patent application process and the factors that influence them.
10.30	<b>Morning Tea</b>	
11.00	<b>Choosing whether to protect IP by patenting, or by trade secret</b>	IP Protection strategies. Pros and cons of patenting. When patenting should be considered. When protection strategies other than patenting should be considered. Factors influencing the choice.
11.30	<b>The Commercialisation Window</b>	The window of opportunity to commercialise IP. When it is too soon. When it is too late. The criteria for each. Maximising the commercialisation window opportunity.
12.00	<b>Achieving both the academic publication objective as well as the IP protection and commercialisation objective</b>	The importance of achieving the academic publication objective, and why it must be achieved. The importance of achieving the IP protection objective, and the commercialisation objective, and why it must be achieved. Strategies to ensure that each objective can be achieved without sacrificing the achievement of the other.
12.30	<b>Lunch</b>	
1.30	<b>Evaluating Technology for Commercialisation</b>	Criteria for assessing a technology candidate, and whether it warrants commercialisation effort, including: patentability, novelty, the state of the research, IP ownership, assessment of the market including market need, market size, etc
2.15	<b>Practical exercise: Assessing the commercialisation prospects of a hypothetical parcel of IP</b>	Presentation of an Invention Assessment Tool for a hypothetical parcel of IP. Allocation of participants to small groups. The factors influencing commercialisation identified. Each group assesses the commercial prospects of a hypothetical project, and reaches a consensus on whether the project is a candidate for commercialisation effort and resources, and why.
3.00	<b>Afternoon Tea</b>	
3.30	<b>Practical Exercise Report Back and analysis</b>	Report back on practical exercise, and discussion of the factors influencing the selection of commercialisation projects.
4.15	<b>IP ownership defects and fixing them</b>	Common due diligence IP ownership and rights defects. Recognising them, and how to solve them. Collaborators, contractors, students, and other joint owners. Anticipating due diligence defects and fixing them. Implications and impact of due diligence defects not fixed.
5.00	<b>Close</b>	

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DAY 2		
9.00	<b>What you must know about Confidentiality Agreements</b>	The essential terms of a Confidentiality Agreement that must be understood. Common terms. Common traps and pitfalls. Strategies and approaches to dealing with confidential disclosures and Confidentiality Agreements so as not to put the commercialisation opportunity at risk, and still protect the IP.
9.30	<b>What you must know about Material Transfer Agreements</b>	The essential terms of a Material Transfer Agreement. Common terms. Common traps and pitfalls. Strategies and approaches to dealing with Material Transfer Agreements. The controversial issues in MTA's, including the ownership of New IP arising under the MTA, and how to deal with them.
10.00	<b>What you must know about Research Agreements</b>	The essential terms of a Research Agreement. Common terms. Common traps and pitfalls. Strategies and approach to dealing with Research Agreements. Models for the ownership of IP. Issues that are recurrent problems and how to solve them. Management of technical risk.
10.30	<b>Morning Tea</b>	
11.00	<b>What you must know about Research Agreement Schedules</b>	Preparing Schedule 1: Research Program; Schedule 2: Research Funds; Schedule 3, Milestones. The legal principle of Certainty that Schedules must meet. How to ensure certainty so that Research Agreement will not be avoid. .
11.45	<b>Traps for the unwary: the implications of joint ownership</b>	Joint ownership of IP suggests that the joint owners have equal and mutual rights over the jointly owned IP. But that is not the case. Unharmonised laws result in one joint owner being disadvantaged. Implications of joint ownership of patents, in various countries considered. Why you need to know joint ownership rules of other countries.
12.30	<b>Lunch</b>	
1.30	<b>Strategies to find commercial partners and licensees</b>	Strategies to identify potential commercial partners including potential licensees. Where "deal opportunities" come from and who makes them.
2.15	<b>Commercialisation Pathways: Assignment v Licensing v Start Up companies</b>	Description of the four principal commercialisation pathways and pros and cons of particular pathways: Assignment of IP, licensing IP, Start Up companies formed as venture capital investment vehicles, and start up companies formed by entrepreneurs. Factors influencing the selection of one pathway versus another.
3.00	<b>Afternoon Tea</b>	
3.30	<b>What you must know about licensing IP</b>	The essential terms of a license Agreement. Parties. Affiliates. Field. Territory. Grant Rights. Access to Improvements. Sublicensing. Reserving research rights. Applying for and Managing Patents. Prosecution of Infringers. Confidentiality. Publications. Financial Terms. Up front payments. Milestone payments. Different types of royalty structures. Royalties where product infringes a patent. Know how royalties. Royalties of sales, on sub-license income. Etc. .Risk Provisions. Indemnities. Warranties. Diligence Obligations. Termination. Assignment. Dispute Resolution. Governing Law (which should not be controversial).
5.00	<b>Close</b>	