



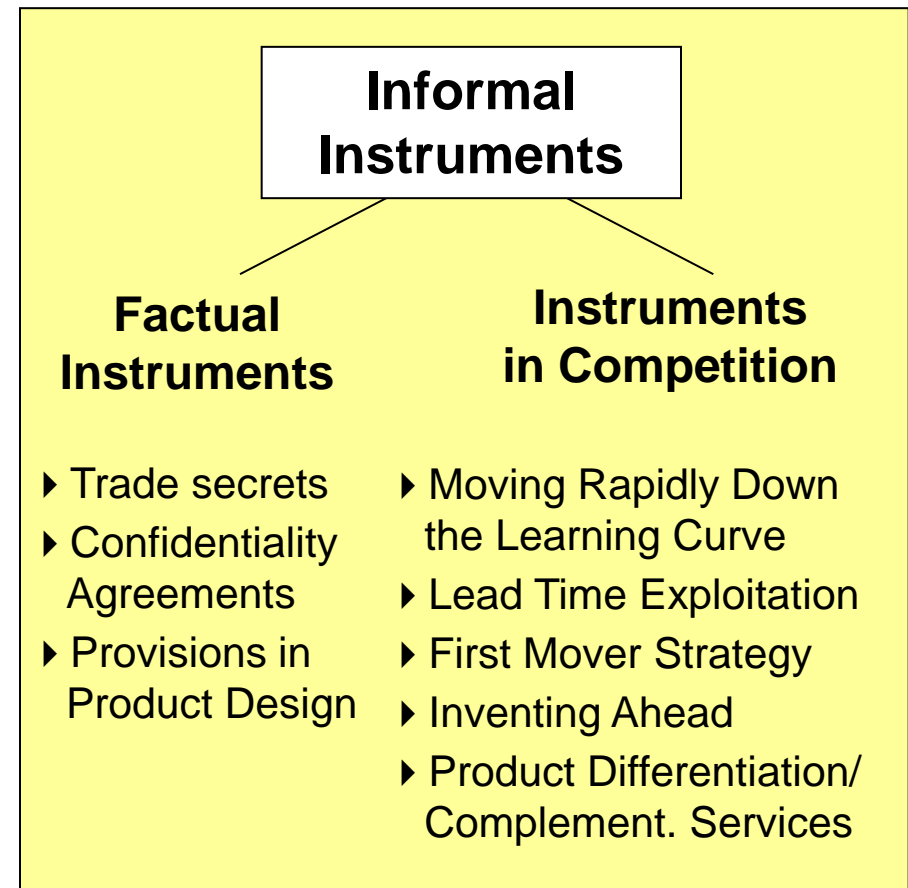
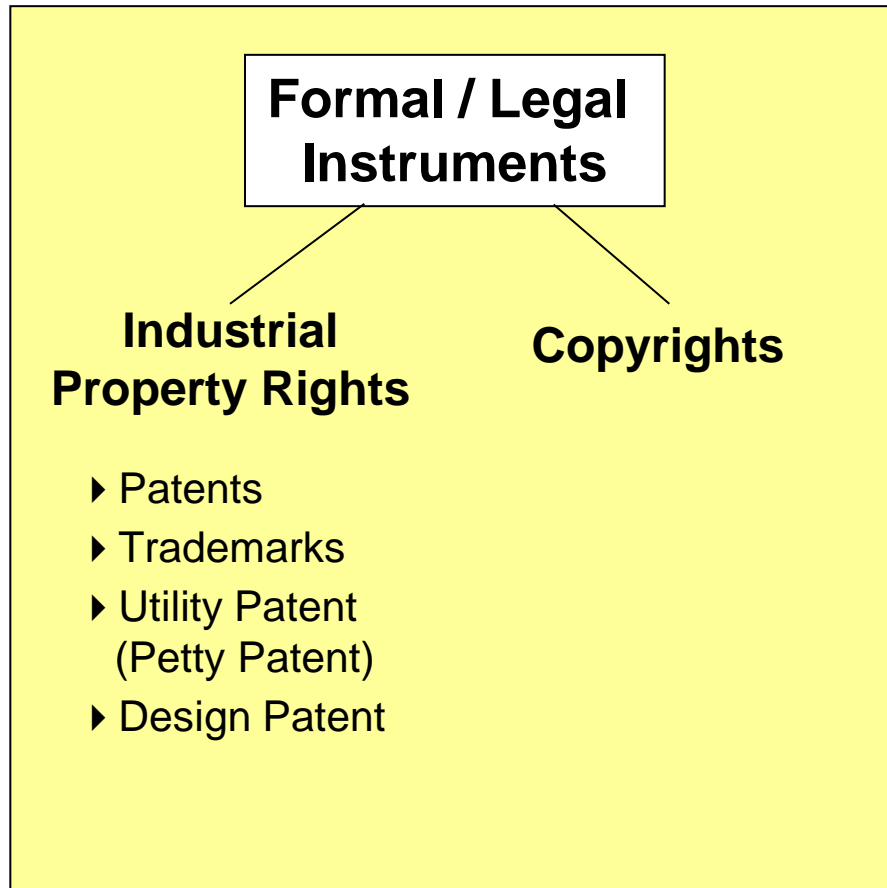
Protecting your Ideas While Pitching your Business

PROF. DR. MICHAEL STEPHAN

**Department of Technology and
Innovation Management**
Faculty of Business Administration and
Economics
Philipps-University Marburg
Am Plan 2
D-35037 Marburg
Phone (06421) 28-21718
Fax (06421) 28-28958

Instruments for Intellectual Property Protection

Mechanisms and instruments that firms can use to appropriate the rents from their innovative activities



Protecting your Ideas while Pitching It

Legal Instruments to Protect Intellectual Property: Patents & Utility Patents as Means to Protect Technological Know-how



**Legal Instruments that Yield Beyond Technology:
Copyrights, Trade Marks and Design Patents**



A Strategic View of IPR

Patents as the most Prominent Example of Temporary Monopoly Rights

Patents are Granted as a Temporary Monopoly Right with two Major Economic Functions:

(1) Incentives for Innovators:

Intellectual property rights (IPR) provide incentives for innovators to invest in new products and processes by guaranteeing them a period where they can recoup a return from their investment unchallenged by competitors

(2) Diffusion of Technology:

Patents help diffuse technology since they force innovators to disclose information regarding the underlying technology

But IPR are not without social cost (risk of deadweight losses).....

Patents as a Major Building Block of the IPR-System

Patents

Definition:

A patent provides an inventor with exclusive rights to a new and useful *product, process, substance or design* (including *improvements* on existing products, processes and substances)

Term of rights:

20 years from date of application (“filing”)

Issuance:

2-5 years, usually

Infringement

“...whoever without authority makes, uses or sells any patented invention within the [geographic extent of the patent] during the term of the patent infringes the patent.”

Patents as a Major Building Block of the IPR-System

Patents (cont.)

Characteristics:

Description must enable someone “skilled in the art” to practice the “best mode” of the invention.

Claims define rights to technology and the basis of prosecution.

The underlying idea is not protected.

Conditions for Patentability:

Novelty (for no more than one year prior to application can invention be known or used by others)

Non-obviousness (not patentable if a person of “ordinary skill in the art” finds the invention obvious...this is the toughest requirement)

Usefulness (weakest link)

Patents as a Major Building Block of the IPR-System

Patents (cont.)

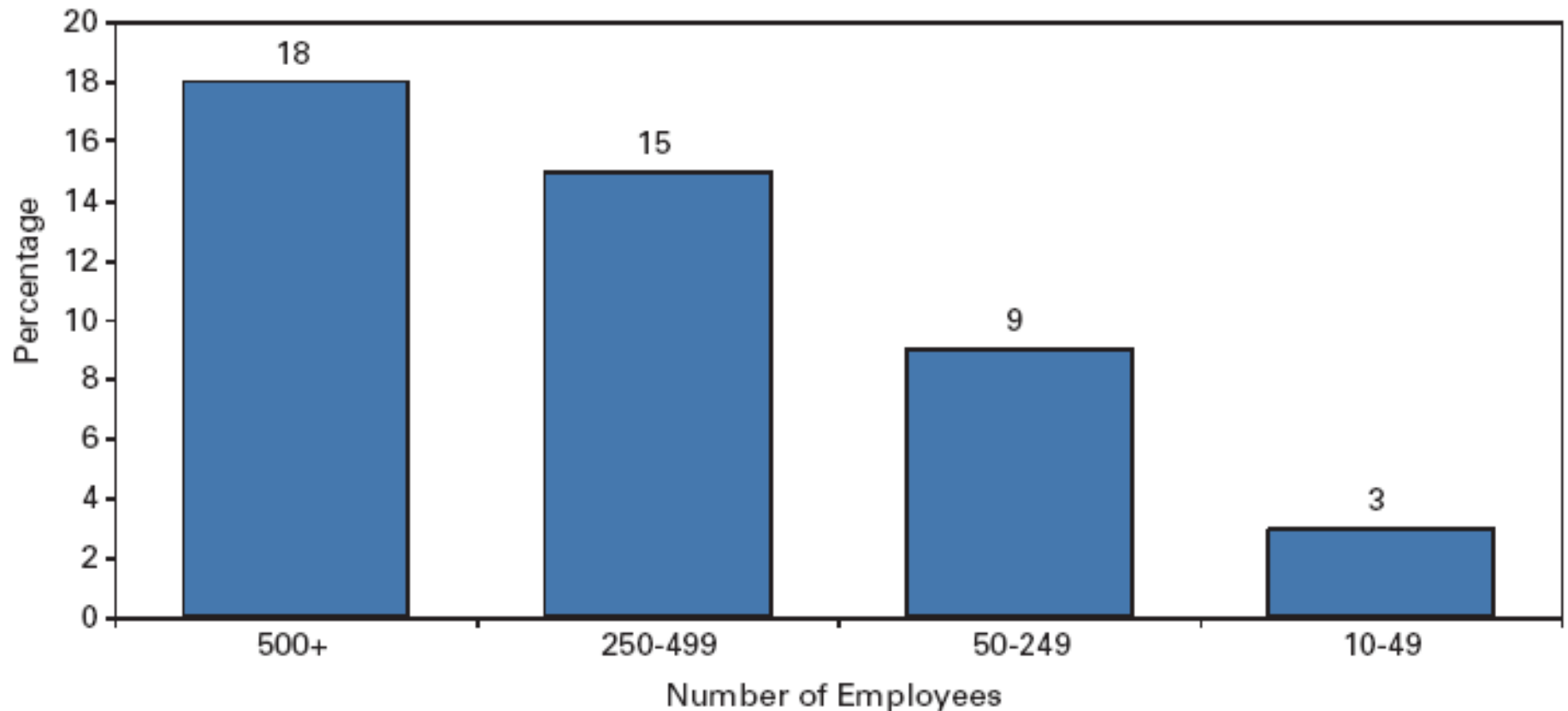
Patenting Activity By Industry (OECD)

Industry	% R&D Units Applying in Last 3 Years	
Food	52.9	
Textiles	43.5	
Printing/Publishing	41.7	
Petroleum	73.3	
Misc. Chemicals	72.4	
Glass	50.0	
Machine Tools	72.7	
Computers	80.0	
Medical Equipment	89.4	2.
Car/Truck	89.0	3.
Auto Parts	77.4	
Special Purpose Machinery	92.1	1.
All	69.8	

Patents as a Major Building Block of the IPR-System

Patents (cont.)

Patenting Activity By Firm Size: Proportion of Firms taking out Patents by Size



Source: DTI (2005)

The Utility Model / Patents (“Petty Patents”): The underrated industrial property right

Utility Patents

Overview:

Like the patent, it can protect all technical inventions, including also chemical substances, food and medicinal products, except for processes (manufacturing and working processes, measuring processes, etc.)

Issuance:

The examination and grant of a patent usually takes several years. The utility model, in contrast, will be registered within a few weeks after filing the application

Differences to Patents

The IP right becomes effective upon registration and it gives the same rights as a patent. However, the utility model is an unexamined IP right. The registration procedure does not examine novelty, inventive step and industrial applicability. The applicant should conduct thorough searches to make sure that the application actually meets these requirements applying to effective IP rights. Otherwise he may not invoke any rights based on the utility model registration

Term of rights:

10 years from date of application (“filing”)

Protecting your Ideas while pitching it – Part 2

Legal Instruments to Protect Intellectual Property: Patents & Utility Patents as Means to Protect Technological Know-how



**Legal Instruments that Yield Beyond Technology:
Copyrights, Trade Marks and Design Patents**



The Economics of Intellectual Property Protection

Legal Instruments that Yield Beyond Technology: Copyrights as Important IPRs for Artistic Work

Copyrights

Definition:

A copyright gives to its creator the exclusive production, publication, or sales rights to artistic, dramatic, literary, or musical works

Term of rights:

Immediate protection upon creation. For individuals, life + 70 years. For “works for hire”, minimum of 95 years from publication or 120 years from creation

Coverage:

Works of authorship, including writings, music, works of art, computer programs and the like, that have been reduced to a tangible medium of protection (artistic expression)...”In no case does copyright...extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery. [...]hard work rather than originality or creativity...is not protectable.”

Legal Instruments that Yield Beyond Technology: Design Patents for Industrial Design

Design Patent

Definition:

An industrial design is the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color

Term of rights:

The term of protection is generally five years, with the possibility of further periods of renewal up to, in most cases, 15 years

Conditions:

An industrial design is primarily of an aesthetic nature, and does not protect any technical features of the article to which it is applied. As a general rule, to be registrable, the design must be "new" or "original"

Coverage:

Industrial designs are applied to a wide variety of products of industry and handicraft: from technical products to consumer goods

Legal Instruments that Yield Beyond Technology: Trademarks as IPRs not only for Consumer Goods

Trademarks

Definition:

Trademarks are words, symbols or other marks used to distinguish a good or service provided by one firm from those provided by other firms

Term of rights:

EU Trademark protection lasts 10 years (renewable) as long as used within at least one country within 5 years. In US, no formal expiration date. In either area, a firm may lose its right if mark becomes generic rather than brand specific (e.g. Yo-yo, Trampoline, thermos...)

Four General Functions for the consumer:

1. Inform the customers and structure the offer
2. Represent a guarantee of quality and continuity
3. Have a signalling effect; and/or
4. Guarantee the use of a particular recipe or procedure

Legal Instruments that Yield Beyond Technology: Trademarks as IPRs not only for Consumer Goods

Trademarks (cont.)

Which kind of signs may be registered as trademark?






Word, symbol, or other signs used to identify a good or a service can be trademarked. A descriptive word cannot be trademarked (e.g., carboxymethylcellulose sodium – no – Celluvisc – yes)

Signs include:

- ▶ word marks including letters, numbers or combination of letters, numbers and words;
- ▶ figurative marks, whether or not including words;
- ▶ figurative marks in colour;
- ▶ colours or combinations of colours;
- ▶ three-dimensional marks;
- ▶ sound marks;
- ▶ trademark for aroma

Legal Instruments that Yield Beyond Technology: Trademarks as IPRs not only for Consumer Goods

Types of acoustic trademarks

DE	39940591		38 	Deutsche Telekom	1999
DE	30004649		38	ProSiebenSat. 1	2000
DE	30022635		32 	Erdinger Weißbräu	2003

BEST GLOBAL BRANDS 2010

The Definitive Ranking of the World's Most Valuable Brands

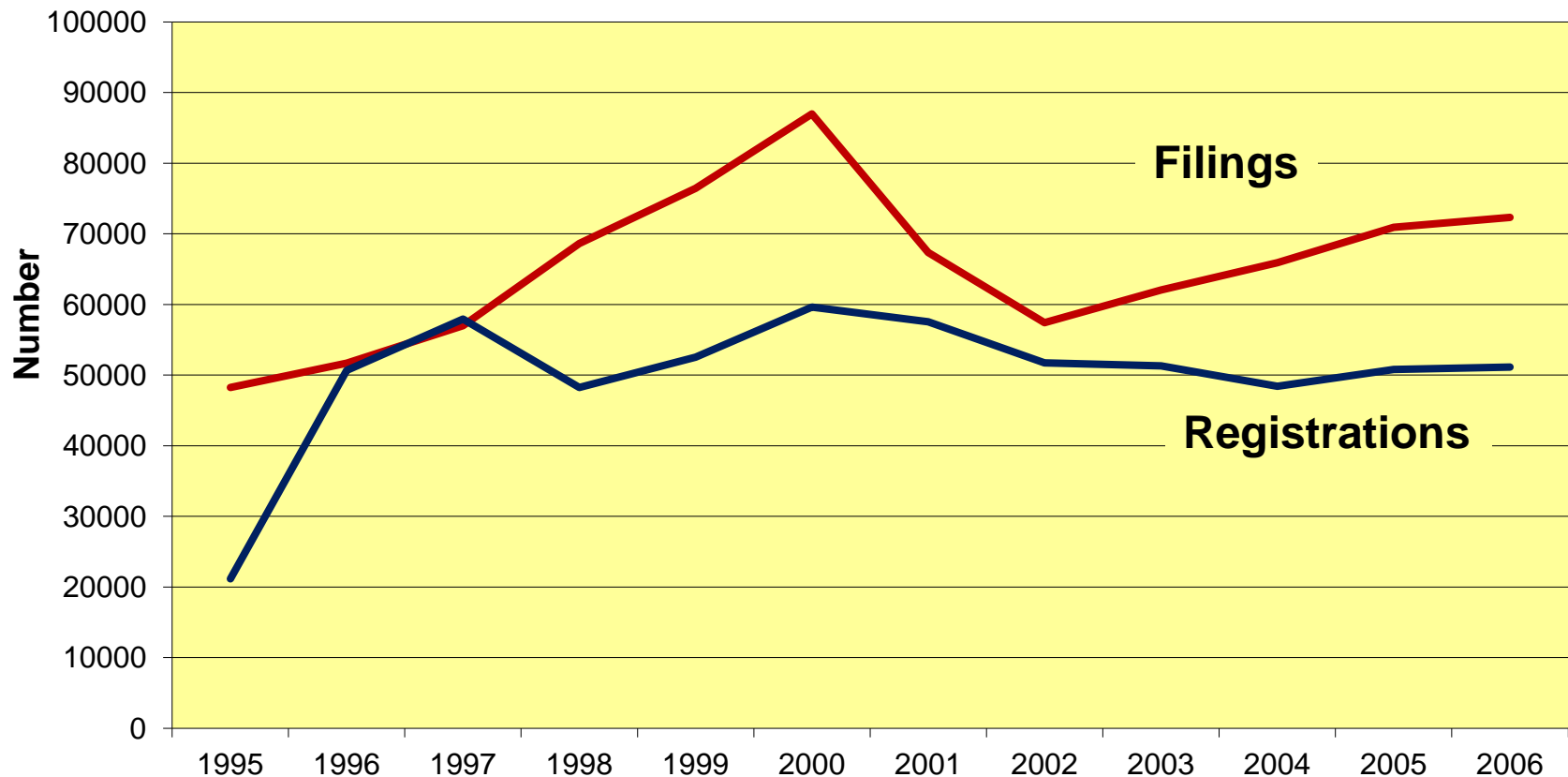
Creating and managing brand value®

Interbrand

1 2009 Rank 1 78,452 \$m ▲ +2% COCA-COLA	2 2009 Rank 2 64,727 \$m ▲ +7% IBM	3 2009 Rank 3 60,895 \$m ▲ +7% MICROSOFT	4 2009 Rank 7 43,557 \$m ▲ +36% GOOGLE	5 2009 Rank 4 42,808 \$m ▼ -10% GE	6 2009 Rank 6 33,578 \$m MCDONALD'S	7 2009 Rank 5 32,015 \$m ▲ +5% INTEL
8 2009 Rank 5 29,495 \$m ▼ -15% NOKIA	9 2009 Rank 10 28,731 \$m ▲ +3% DISNEY	10 2009 Rank 11 26,867 \$m ▲ +12% HP	11 2009 Rank 8 26,192 \$m ▼ -16% TOYOTA	12 2009 Rank 12 25,179 \$m ▲ +6% MERCEDES-BENZ	13 2009 Rank 13 23,298 \$m ▲ +2% GILLETTE	14 2009 Rank 14 23,219 \$m ▲ +5% CISCO
15 2009 Rank 15 22,322 \$m ▲ +3% BMW	16 2009 Rank 16 21,868 \$m ▲ +4% LOUIS VUITTON	17 2009 Rank 18 21,343 \$m ▲ +37% APPLE	18 2009 Rank 17 19,961 \$m ▲ +5% MARLBORO	19 2009 Rank 19 19,491 \$m ▲ +11% SAMSUNG	20 2009 Rank 18 18,586 \$m ▲ +4% HONDA	21 2009 Rank 21 16,136 \$m ▲ +5% H&M
22 2009 Rank 24 14,881 \$m ▲ +9% ORACLE	23 2009 Rank 23 14,861 \$m ▲ +3% PEPSI	24 2009 Rank 22 13,944 \$m ▼ -7% AMERICAN EXPRESS	25 2009 Rank 25 13,706 \$m ▲ +4% NIKE	26 2009 Rank 27 12,756 \$m ▲ +5% SAP	27 2009 Rank 25 12,753 \$m ▼ -4% NESCAFÉ	28 2009 Rank 28 12,487 \$m ▲ +5% IKEA
29 2009 Rank 17 12,314 \$m ▲ +29% J.P. MORGAN	30 2009 Rank 18 12,252 \$m ▲ +4% BUDWEISER	31 2009 Rank 21 11,826 \$m ▲ +2% UPS	32 2009 Rank 32 11,561 \$m ▲ +10% HSBC	33 2009 Rank 31 11,485 \$m ▲ +10% CANON	34 2009 Rank 29 11,356 \$m ▼ -5% SONY	35 2009 Rank 34 11,041 \$m ▲ +6% KELLOGG'S
36 2009 Rank 43 9,665 \$m ▲ +23% AMAZON.COM	37 2009 Rank 38 9,372 \$m ▲ +3% GOLDMAN SACHS	38 2009 Rank 31 8,990 \$m ▼ -2% NINTENDO	39 2009 Rank 48 8,597 \$m ▲ +6% THOMSON REUTERS	40 2009 Rank 35 8,887 \$m ▼ -13% CITI	41 2009 Rank 35 8,888 \$m ▼ -14% DELL	42 2009 Rank 42 8,696 \$m ▲ +7% PHILIPS
43 2009 Rank 45 8,453 \$m ▲ +15% EBAY	44 2009 Rank 41 8,346 \$m ▲ +2% GUCCI	45 2009 Rank 44 7,981 \$m ▲ +3% L'ORÉAL	46 2009 Rank 48 7,534 \$m ▲ +4% HEINZ	47 2009 Rank 41 7,481 \$m ▼ -3% ACCENTURE	48 2009 Rank 58 7,468 \$m ▲ +10% ZARA	49 2009 Rank 47 7,315 \$m ▲ +0% SIEMENS
50 2009 Rank 49 7,195 \$m ▲ +3% FORD	51 2009 Rank 52 6,919 \$m ▲ +6% COLGATE	52 2009 Rank 57 6,911 \$m ▲ +8% MORGAN STANLEY	53 2009 Rank 55 6,892 \$m ▲ +6% VOLKSWAGEN	54 2009 Rank 63 6,762 \$m ▲ +32% BLACKBERRY	55 2009 Rank 54 6,719 \$m ▲ +3% MTV	56 2009 Rank 51 6,694 \$m ▲ +3% AXA
57 2009 Rank 53 6,548 \$m ▲ +4% NESTLÉ	58 2009 Rank 58 6,363 \$m ▲ +7% DANONE	59 2009 Rank 55 6,109 \$m ▼ -5% XEROX	60 2009 Rank 61 5,844 \$m ▲ +2% KFC	61 2009 Rank 62 5,777 \$m ▲ NEW SPRITE	62 2009 Rank 62 5,495 \$m ▲ +2% ADIDAS	63 2009 Rank 65 5,461 \$m ▲ +9% AUDI
64 2009 Rank 57 5,372 \$m ▲ +3% AVON	65 2009 Rank 64 5,823 \$m ▲ +9% HYUNDAI	66 2009 Rank 54 4,958 \$m ▼ -3% YAHOO!	67 2009 Rank 61 4,904 \$m ▲ +20% ALLIANZ	68 2009 Rank 70 4,846 \$m ▲ NEW SANTANDER	69 2009 Rank 70 4,782 \$m ▲ +4% HERMÈS	70 2009 Rank 63 4,704 \$m ▼ -6% CATERPILLAR
71 2009 Rank 71 4,536 \$m ▲ +3% KLEENEX	72 2009 Rank 74 4,404 \$m ▲ +4% PORSCHE	73 2009 Rank 75 4,351 \$m ▲ +3% PANASONIC				

Legal Instruments that Yield Beyond Technology: Trademarks as IPRs not only for Consumer Goods

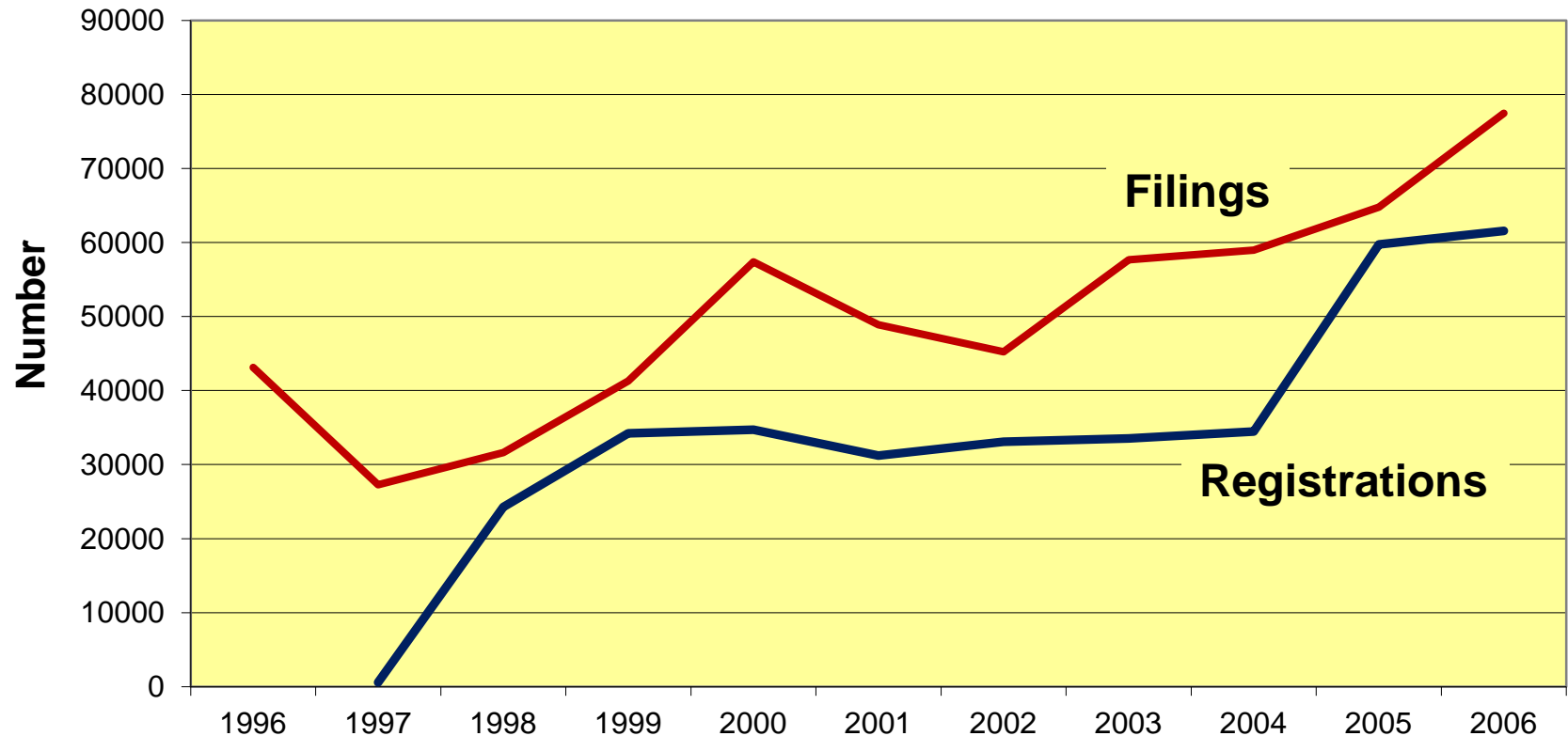
Number of National Trademark Filings and Registrations in Germany



Source: DPMA (2007)

Legal Instruments that Yield Beyond Technology: Trademarks as IPRs not only for Consumer Goods

Number of European Community Trade Mark Filings and Registrations



Remark: In 2006, 17.5 % of all registered Trade Marks can be attributed to German Applicants (Germany ranks no. 1, U.S. no. 2)

Source: DPMA (2007)

Legal Instruments that Yield Beyond Technology: Trademarks as IPRs not only for Consumer Goods

Types of Trademark Filings in Germany (National Trademarks and Community Trademarks)

Trademarks	National Trademarks (D)	Community Trademarks
Total Number	894,100 (100 %)	566,506 (100 %)
Word Marks	531,266 (59.42 %)	358,484 (63.3 %)
Figurative Marks	30,736 (3.44 %)	203,046 (35.84 %)
Combined Word & Figurative Marks	324,009 (36.24 %)	0 (0 %)
Three Dimensional Marks	3,723 (0.42 %)	4,366 (0.77 %)
Colours	24 (0.003 %)	538 (0.095 %)
Accoustic Marks	188 (0.02 %)	65 (0.0115 %)
Aroma Trade Marks	0 (0 %)	7 (0.0012 %)
Others	219 (0.025 %)	454 (0.08 %)

Source: DPMA (2007)

Protecting your Ideas while Pitching your Business – Part 3

Legal Instruments to Protect Intellectual Property: Patents & Utility Patents as Means to Protect Technological Know-how



Legal Instruments that Yield Beyond Technology: Copyrights, Trade Marks and Design Patents



A Strategic View of Intellectual Property

Are Patents and IPR a Waste of Time?

"We have reached a point where patents are not worth the paper they are written on because of the amount of time needed to write them. When an employer tells me that he plans a patent application I begin to yawn, interrupt him and tell him that he is wasting his time."

Tim Draper,
Draper Fisher Jurvetson
(Business2.com, May 29, 2001)

* Draper Fisher Jurvetson is a global VC firm with offices in more than 33 cities around the world and over \$5.5 billion in capital commitments. DFJ has backed more than 300 companies across many sectors including Hotmail (acquired by MSFT), Baidu (BIDU), Skype (acquired by EBAY), United Online (UNTD), Overture (acquired by YAHOO) etc.

Source: Fabry (2006)

Are Patents and IPR a Waste of Time?

Excerpt from Audi's A6 Campaign:

"To date, NASA has filed 6,509 patents. In developing the A6, Audi filed 9,621."

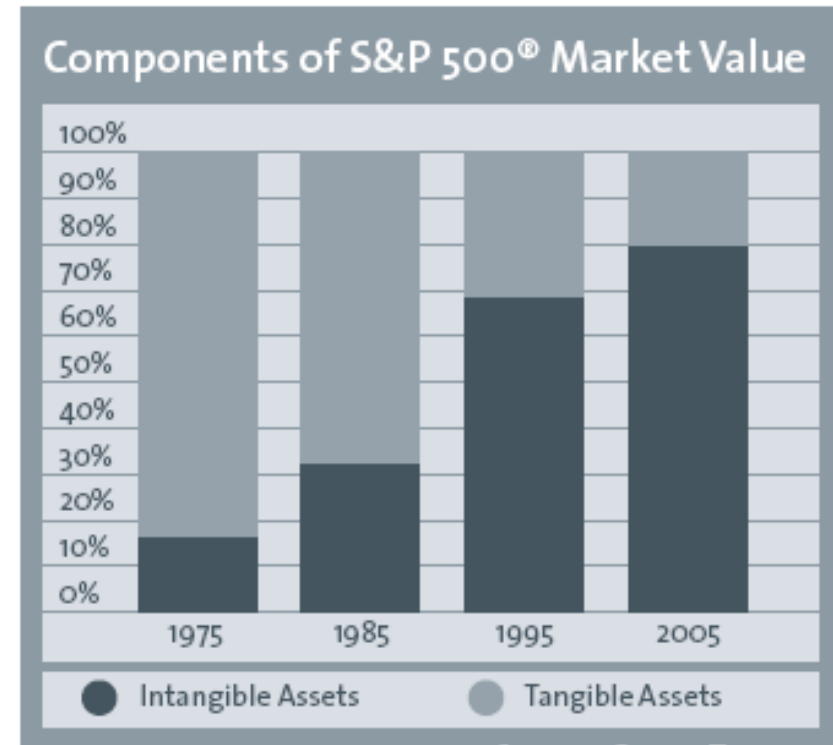


Source: EPO (2007)

Strategic Challenges for IP Management

Strategic Challenges for Firms and the IPR System

- ▶ The role of IPRs and Patents has changed since the last decades of the 20th century
- ▶ Once, the value of a firm laid in physical assets – land, plants and raw materials.
- ▶ Today, intangible assets – often protected by IPRs – make up an increasingly large percentage of the value of publicly traded companies (see the subsequent slides).
- ▶ Moreover, unlike physical assets, they are usually highly scalable – they can be reproduced or exploited at little or no cost to the owner.



Which factors have determined and catalyzed this change ?

Strategic Challenges of IP Management

The growing interest in IPRs/patents has been fuelled by a number of factors

- ▶ Globalization that brought many more players into the system (India, China etc.);
- ▶ Increased ability to enforce IPR and win big damages in key jurisdictions like US;
- ▶ New technologies that have wider uses than traditional industrial applications;
- ▶ Rising prominence of business models that utilize non-core IPRs as a source of revenue (e.g., technology licensing generated an estimated volume of U.S. \$100 billion).
- ▶ As the quantity of patents has increased, phenomena like patent thickets have emerged, that are expensive to negotiate and may block firms.

Patents and IPRs have evolved to Strategic Weapons

- ▶ For many firms, a patent registration is now no longer an expensive way to placate engineers – it is a primary means to generate value.
- ▶ What was once the preserve of a small legal and technical department now often forms an integral part of the boardroom strategy.
- ▶ Patents and other IPRs are no longer simply a defensive shield, but a key weapon of corporate strategy.
- ▶ The constant threat of potential litigation by patent holders puts pressure on others to enter into patenting – described by some as an ‘arms race’.

Source: EPO (2007)

IPR Impact Market Cap: The Bayer Lipobay® Case

The baisse of the Bayer stocks caused by the *Lipobay*® scandal in July 2001 was followed in October by a hausse since Bayer was the sole owner of patents on *Ciprobay*® for fighting anthrax disease.



Source: Fabry (2006)

IPR Impact on Market Cap: The Schwarz-Pharma Omeprazol® Case

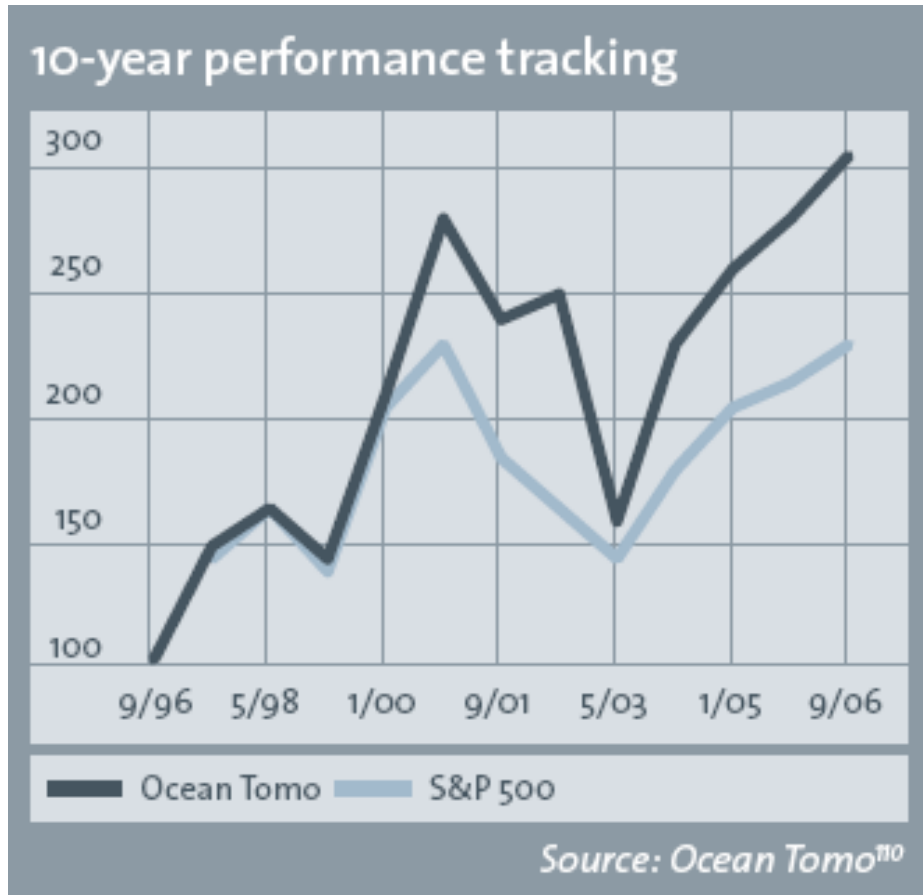
On December 11th, 2003 the CAFC affirmed an earlier US District Court decision according to which Schwarz Pharma's formulation of *Omeprazole*® does not infringe AstraZeneca's patents on *Prilosec*®.



[CAFC: United States Court of Appeals for the Federal Circuit]

Source: Fabry (2006)

IPR Impact on Market Cap: The Patent Index



Ocean Tomo 300-Index

- ▶ The index represents a diversified portfolio of 300 stock corporations that own valuable patents.
- ▶ The Index would have outperformed the S&P® 500 by 310 basis points annualized for the ten years ended September 2006

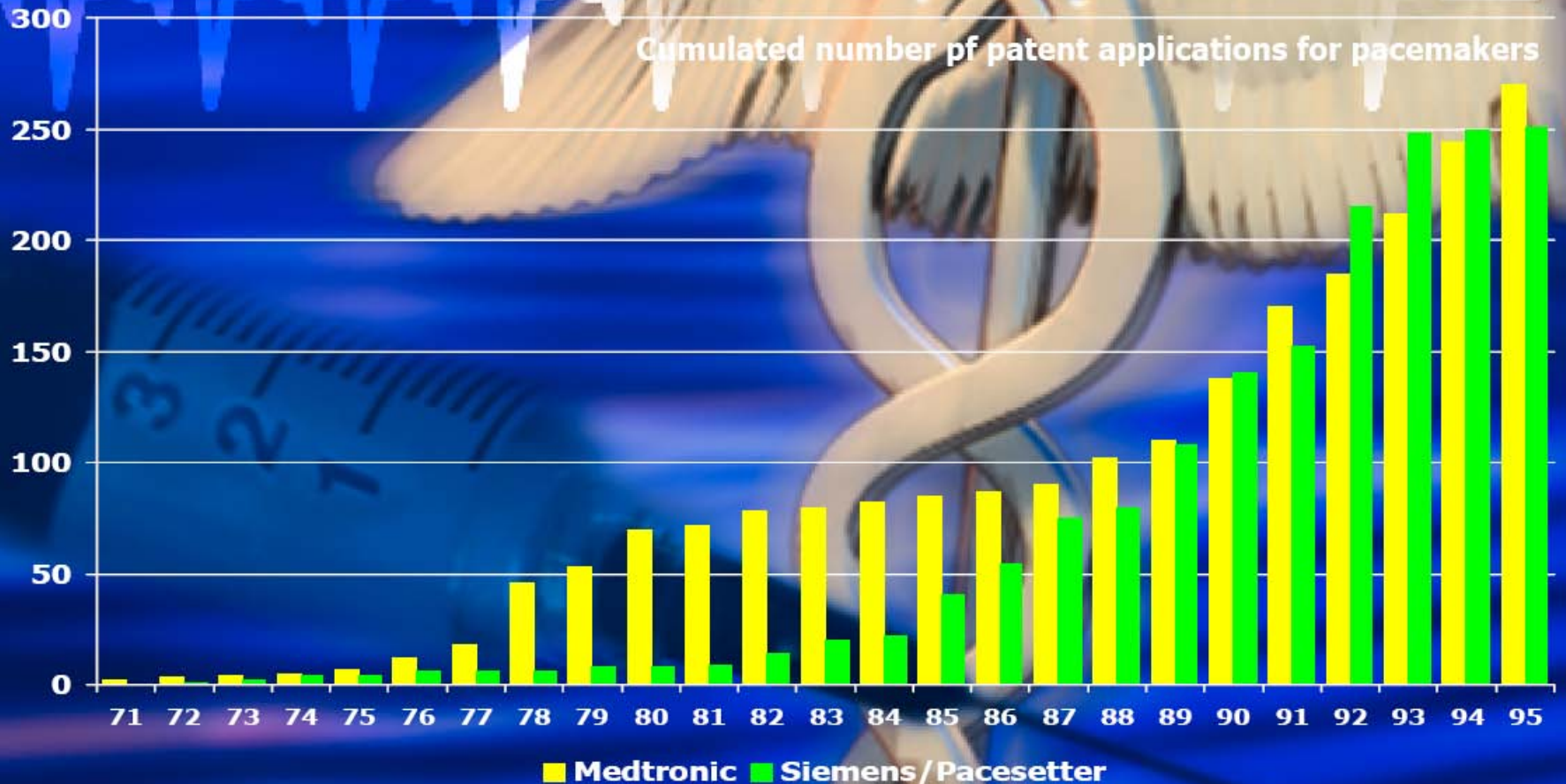
Potential Consequences of Omission [Versäumnis] of Patent Protection

Stanley Cohen & Herbert Boyer
Recombination of desoxyribonucleic acids
Publication in 1974

In 1974, Cohen and Boyer developed a method for the recombination of DNA which is used by practically every biochemist till this day. The researchers, however, were so anxious to be the first to publish in this hard-fought area of knowledge that the benefits resulting from the protection of their method did not even occur to them. Today, the losses of license revenue are estimated at a total of 15 billion US\$.

IPRs have a Decisive Impact on Competitive Position and Market Success

Siemens lost the business and paid 75 MUS \$ license fees



Source: Fabry (2006)

Patent Infringements are Expensive

US \$ 873,158,921

Polaroid vs. Eastman Kodak

US \$ 211,000,000

Haworth vs. Steelcase Inc.

US \$ 204,809,349

Smith Int. Ind. Vs. Hughes Tools

US \$ 106,797,696

3M vs. J&J Orthopaedics

Source: Fabry (2006)

Case Study Sanofi-Aventis & Bristol-Myers Squibb versus Apotex: Example of an Appeal Strategy in the Pharmaceutical Industry

The Players

Sanofi-Aventis

- ▶ SA ranks among the top 3 pharmaceutical companies world-wide
- ▶ Company had revenues of \$37 billion in 2006 (R&D expenditures: \$5.250 billion)

Bristol-Myers Squibb

- ▶ BMS is an integrated healthcare company (pharmaceutical products, medical devices, general care products etc.)
- ▶ Company had revenues of \$18 billion in 2006 (\$14 billion in the pharmaceutical business, R&D expenditures: \$3.070 billion)

SA & BMS have a cooperation in sales and distribution of the drug “Plavix”



Apotex

- ▶ Canada-based producer of generics
- ▶ Company had revenues of \$850 million in 2006 (R&D expenditures: \$145 million)

Case Study Sanofi-Aventis & Bristol-Myers Squibb versus Apotex: Example of an Appeal Strategy in the Pharmaceutical Industry

Background: The threat of generics

Number of months after expiration of patent	Number of generics in market	Market share of generics producers	Price decline (in %)
1	10	44.6	69.6
3	12	67.3	70.7
6	13	78.8	76.9
12	15	86	73.4

Source: Rehwald (2002), p. 11

Case Study Sanofi-Aventis & Bristol-Myers Squibb versus Apotex: Example of an Appeal Strategy in the Pharmaceutical Industry

The Product in Question

Plavix

- ▶ Plavix features the active agent / substance Clopidogrel and is an antiplatelet medication [Blutverdünnungsmedikament]
- ▶ The drug is indicated for patients with recent heart attack, recent stroke [Schlaganfall] or poor circulation in the legs, known as peripheral arterial disease (PAD)
- ▶ Plavix was developed and first marketed by Sanofi-Synthélabo (SanofiAventis) in 1998
- ▶ Today the drug is marketed in cooperation with BMS in over 80 countries (product revenues amounted to \$2 billion in 2006)
- ▶ Patent protection of SA's Plavix patent in the U.S. officially ends in 2011

The Dispute

Apotex Attacks the SA Patent

- 2002:** Apotex challenges the validity of the patent: Apotex claims that the patent does not fulfill the requirement of novelty and non-obviousness (Remark: An invention is considered to be non-obvious in case its teaching cannot be derived from state of art in an obvious manner by one skilled in the art)
- 2005:** The Plavix-law suit starts with first hearings of both parties in court
In parallel to the hearings, Apotex starts with the imitation and production of Plavix

Case Study Sanofi-Aventis & Bristol-Myers Squibb versus Apotex: Example of an Appeal Strategy in the Pharmaceutical Industry

The Dispute (cont.)

Apotex Launches the Generic Medicament

- 01/2006:** The U.S. Food and Drug Administration gives market approval to the Clopidogrel – imitation of Apotex – right after the approval, Apotex receives first orders
- 03/2006:** SA & BMS strive for an amicable arrangement [gütlicher Vergleich] to settle the pending patent litigation with Apotex: *As part of the settlement, Sanofi would grant Apotex a license to manufacture and sell the product in the U.S., and Apotex would agree not to sell it until the effective date of the license. The license would be exclusive, except for Plavix, and would be effective Sept. 17, 2011 (a couple of months before the patent expires). The agreement includes other provisions, including financial payments to Apotex.*
- 07/2006:** The proposed settlement is rejected by the Federal Trade Commission and state attorneys general [Generalstaatsanwalt] under antitrust considerations
- 08/2006:** Apotex starts selling its generic product – within a short period of time, sales in the U.S. reach 50 per cent market share (*in % of all new prescriptions*), *the price of the generic product is 30 % below the original*
- 08/2006:** By August 31 SA & BMS sue out an preliminary in-junction [Einstweilige Verfügung]. The injunction, issued by a federal judge, restrains Apotex from selling the generic equivalent of Plavix. Though, the court does not order the generic producer to recall previous shipments → August sales of generic Plavix satisfy the market till the end of 2006. Profits of SA & BMS drop significantly

Case Study Sanofi-Aventis & Bristol-Myers Squibb versus Apotex: Example of an Appeal Strategy in the Pharmaceutical Industry

Court Decision (At first instance)

The Court Trial

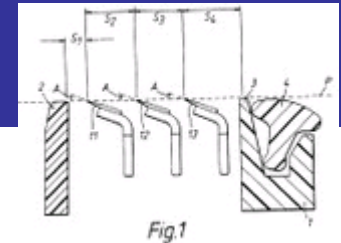
01/2007: Actual trial begins at the U.S. District Court for the Southern District of New York

06/2007: SA & BMS Squibb win the trial and prevail in U.S. Plavix patent litigation : The District Court has upheld the validity and enforceability of U.S. patent # 4,847,265 Although the ruling had been anticipated, Plavix is such an important product for both companies, that BMS's stock gained \$1.27 or 4.19% & SA closed up 24 cents In addition to upholding the Plavix patent, Judge Stein prohibited the generic drug producer Apotex from selling its copy of the drug in the United States. A hearing was scheduled to determine damages to be paid by Apotex

(The ruling was bittersweet. BMS and SA had been so intent on settling the patent litigation with Apotex before trial in 2006 that they negotiated away the right to collect the triple damages that are generally allowed when companies violate patents held by competitors. Those negotiations will reduce the ultimate amount of any damages payable by Apotex to 50 % of its total sales of generic Plavix an estimated penalty of \$500 to \$600 mio. The agreement to limit damages was one of the major considerations that prompted Apotex to ship its product in 2006.)

Apotex said it would file an immediate appeal with the Federal Circuit in Washington

IP & Patent Strategies – Offensive IPR Strategy



An example for a Patent Thicket: Gillette Sensor 3

- ▶ An example for a patent thicket is the Sensor razor from Gillette
- ▶ Out of seven different versions they realized the one for which the best patent protection could be achieved.
- ▶ Today, 22 patents protect this product, starting with the central construction features...
- ▶ ...via the angle of inclination of the blades....
- ▶ ...to the packaging that is said to produce a particularly „masculine“ sound when torn open.
- ▶ By the way: The successor of the Sensor 3 – the Mach 3 Turbo – is protected by 35 Patents



Source: Bagley (2008); Fabry (2006)

Basic Reading

- ▶ Burr, W., Stephan, M., Soppe, B., Weisheit, S. (2007): Patentmanagement, Schäffer-Poeschel Verlag, Stuttgart 2007.

Additional Readings

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- ▶ DPMA (2007): Annual Report 2006. München 2007.
- ▶ Katz, A. (2005): Intellectual Property, Antitrust, and the Presumption of Market Power: Making Sense of Alleged Nonsense, American Law & Economics Association 15th Annual Meeting, Working Paper 8.
- ▶ Régibeau, P./Rockett, K.(2004): The Relationship Between Intellectual Property Law and Competition Law: An Economic Approach, University of Essex and CEPR, June 2004.
- ▶ Schmidtchen, D. (2006): Wettbewerbsrecht und Recht geistigen Eigentums, in: Oberender, P. (Hrsg.): Wettbewerb und Geistiges Eigentum, Berlin 2006.