



Trading Ideas IP Symposium

PATENT COMMONS- A possible platform for business leverage?

Jorge AMIGO
DIRECTOR GENERAL
MEXICAN INSTITUTE OF INDUSTRIAL PROPERTY

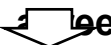


PATENT COMMONS- A possible platform for business leverage?

- Navigating the Patent commons-types of commitments by contributors.
- Opportunities in open software and open standards.
- Protecting Open software and Open Standards through Patent Commons.



PATENT POOLS.

- In patent law, a “patent pool” is a consortium of at least two companies agreeing to cross-license patents relating to a particular technology.
- Definitions of “patent pools” vary greatly, but the essential idea is that participating patent holders  to license their technologies.

‘joint licensing scheme’



PATENT POOLS.

histor

1. • One of the first patent pools was formed in 1856, by sewing machine manufacturers Grover, Baker, Singer, Wheeler, and Wilson, all accusing the others of patent infringement.
- They met in Albany, New York to pursue their suits. Orlando B. Potter, a lawyer and president of the Grover and Baker Company, proposed that, rather than sue their profits out of existence, they pool their patents.



histor

PATENT POOLS.

2. In 1917, the two major patent holders for airplanes, the Wright Company and the Curtiss Company, had effectively blocked the building of new airplanes, which were desperately needed as the United States was entering World War I.

The U.S. government, as a result of a recommendation of a committee formed by Franklin D. Roosevelt, then Assistant Secretary of the Navy, pressured the industry to form a Patent pool, the Manufacturers Aircraft Association.



histor

PATENT POOLS.

3. A modern example in August 2005, a patent pool was formed by about 20 companies active in the Radio Frequency Identification (RFID) domain. The RFID Consortium picked Via Licensing to administer its patent pool in September 2006.



PATENT POOLS.




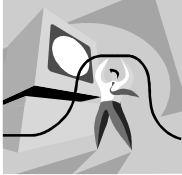
- Would a closed patent pool restrict access to technology?
- Would an open patent pool would enable access by any party to the technologies

PATENT POOLS.

Benefits



- ❖ Save patentees and licensees time and money. 
- ❖ Reasonable method to make an invention available to the public.
- ❖ Members of a competitive industry join in a common cause to create some resource → collective benefit.



PATENT COMMONS

- A 'patent commons', is a repository or collection pro-common central access point to share patents, patent applications and licensing of software released by their owners to benefit the community and the open source development.



PATENT COMMONS

ANALYZE ! ! ! !

- The idea is to form an industry-wide "patent commons" in which patents are used to spread new ideas more rapidly to both developers and users.
- Some of the most significant technological advances are based on open standards (in the public eye like open source software) and shared knowledge and experience.
- Is the best example of this Internet???????

PATENT COMMONS

- The most recent commons, the Eco-Patent Commons includes patents on environmentally beneficial technologies.



- The participating companies legally pledge or covenant not to assert their patent rights against those implementing the technology to produce environmental benefits. These benefits include reduced/eliminated natural resource consumption, or reduced/eliminated waste generation or pollution.



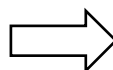
OPEN SOURCE

- Open innovation
- Open source
- Commons-based peer
- Production Distributed
- Innovation



Open
Vs.
Standards

OPEN SOURCE
SOFTWARE



Mozilla Firefox

PLAY BALL !!!!!!!