Intellectual Property in Nuclear Decommissioning

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Opportunities in Nuclear

+ Your Intellectual Property (IP) is valuable
+ Others are protecting their IP
+ Parts of the Nuclear industry have been slow to react
+ There are great opportunities for your business
Opportunities in Nuclear

European patent applications 1980 onwards
(new filings per year)
Opportunities in Nuclear

European patent applications 2008-2018
(new filings per year)
Relevance to Decommissioning

+ New technologies:
  - Robotic arms for remote access
  - Packaging for hazardous waste
  - Treatment of hazardous waste

+ New processes:
  - Manufacturing techniques
  - Methods for accessing and/or removing waste

+ New materials for harsh environment

+ Anything that solves a problem!
Relevance to Decommissioning

+ Make money through:
  
  – Monopoly on ‘solving the problem’
    • Higher product selling price
    • Leverage in securing contracts
  
  – Licensing of IP – Technology transfer to/from other industries
  – Licensing of IP – To third parties in other jurisdictions
  – Sale of IP
  
  – Attracting investment – investor due diligence
  
  – Tax relief (“Patent box”)
Types of IP?

- Patents
- Trade Secrets
- Know-how
- Designs
- Trademarks
- Passing-off
What is a patent?

- Exclusive right
- Concerned with how things work
- Just one form of IPR
- Limited monopoly
- Territorial right
- Time-consuming and not cheap
Typical costs

+ GB total cost approx. £10k
  - draft and file approx. £4-5k+
  - through to grant approx. £5k

+ US, Europe, China, Japan total cost approx. £10k-£25k each
What does it look like?

+ Long technical document:
  - Detailed description of at least one way of working the invention
  - Claims
  - Figures

+ Can protect components, manufacturing techniques, processes
Your idea will need to be...

+ Novel

+ Inventive

+ Not in an excluded category e.g.:
  – Discoveries
  – Scientific theories
  – Presentation of information
  – Computer programs?

+ Patent can be attacked for lack of these
Process for obtaining a patent

Overview of process:
- Optional search & Filing
- Patent Office search
- Make any overseas applications
- Publication
- Examination & Grant

Can easily take 4-5 years for grant

But, pending is good!

Be strategic – when is good time to file?
Where to file?

+ Competitors?
+ Collaborators?
+ Cost?
+ Easy to obtain patent?
+ Easy to enforce?
+ Remember 20 year lifespan
Ownership

+ Inventorship v ownership

+ Rights flow from inventor - devisor of invention - to:
  - Another party if assigned
  - Employer if devised in course of employment

+ Watch out for commissioned works trap!

+ Be wary of joint ownership - tricky
A potential pitfall!

+ A patent does NOT give you the right to use your invention
+ But, you can stop others using it commercially
+ In return for a full disclosure of the concept
What can you do about other patents?

+ Know what is out there (FTO search) THEN:

  – Proceed at risk
  – Design around
  – Attack the patent
  – Seek a license or buy the patent
  – Change country
  – Abandon the project
Some key messages

+ Be strategic
+ Understand patent protection vs. Freedom to operate
+ Check you own what you think you own
+ Keep your inventions confidential prior to filing patent application
+ Talk to us!
Common misconceptions

+ “Of course we are free to make it – we’ve got it patented!”

+ “We can’t patent this – it’s not ground-breaking”

+ “We don’t need patents - the barriers to entry are too high already”

+ “This is a real winner – let’s get a worldwide patent!”

+ “Patents are a waste of time – we can’t afford to sue anyone”
Reminder: Opportunities in Nuclear

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+ There are great opportunities for your business
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