

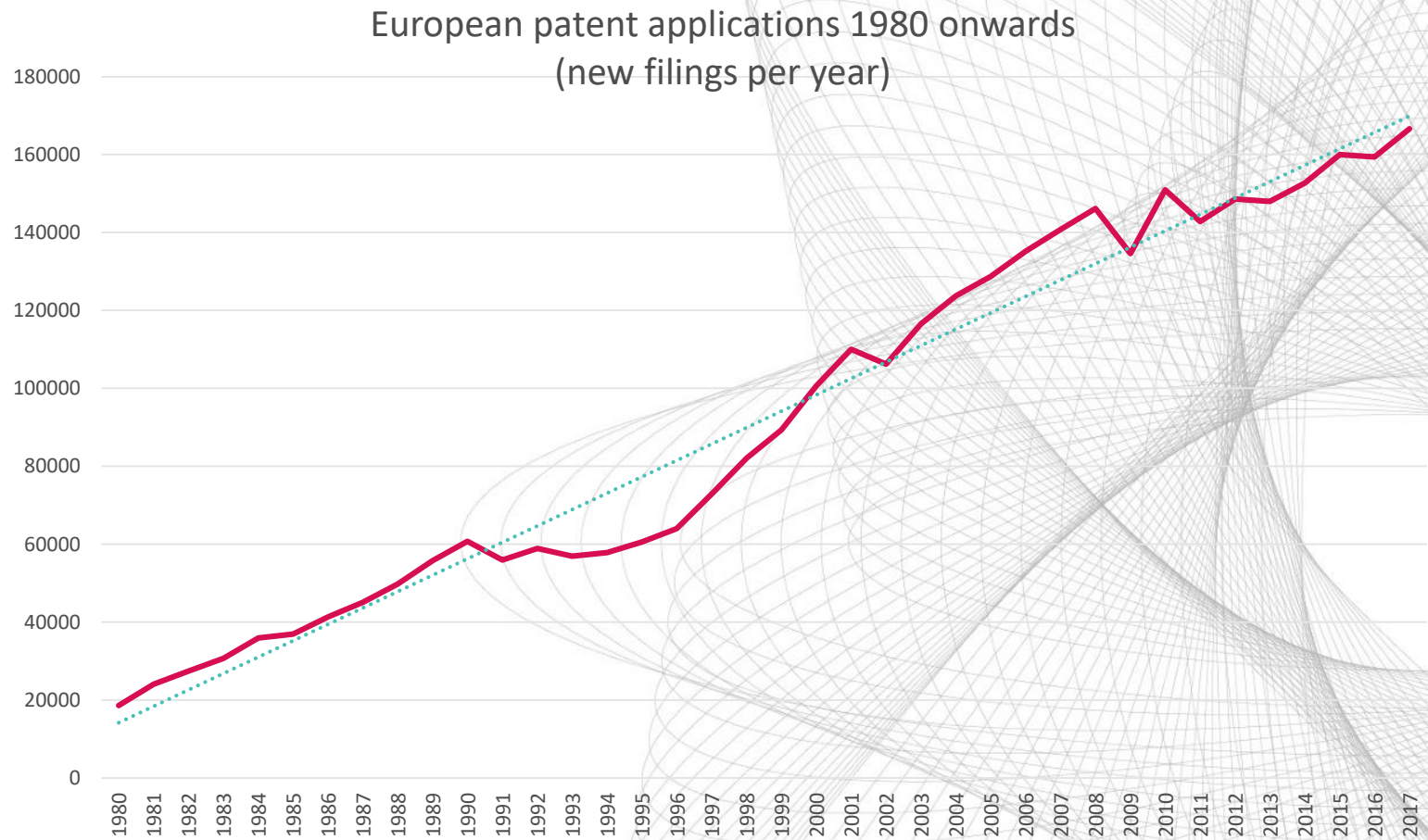
Intellectual Property in Nuclear Decommissioning

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Opportunities in Nuclear

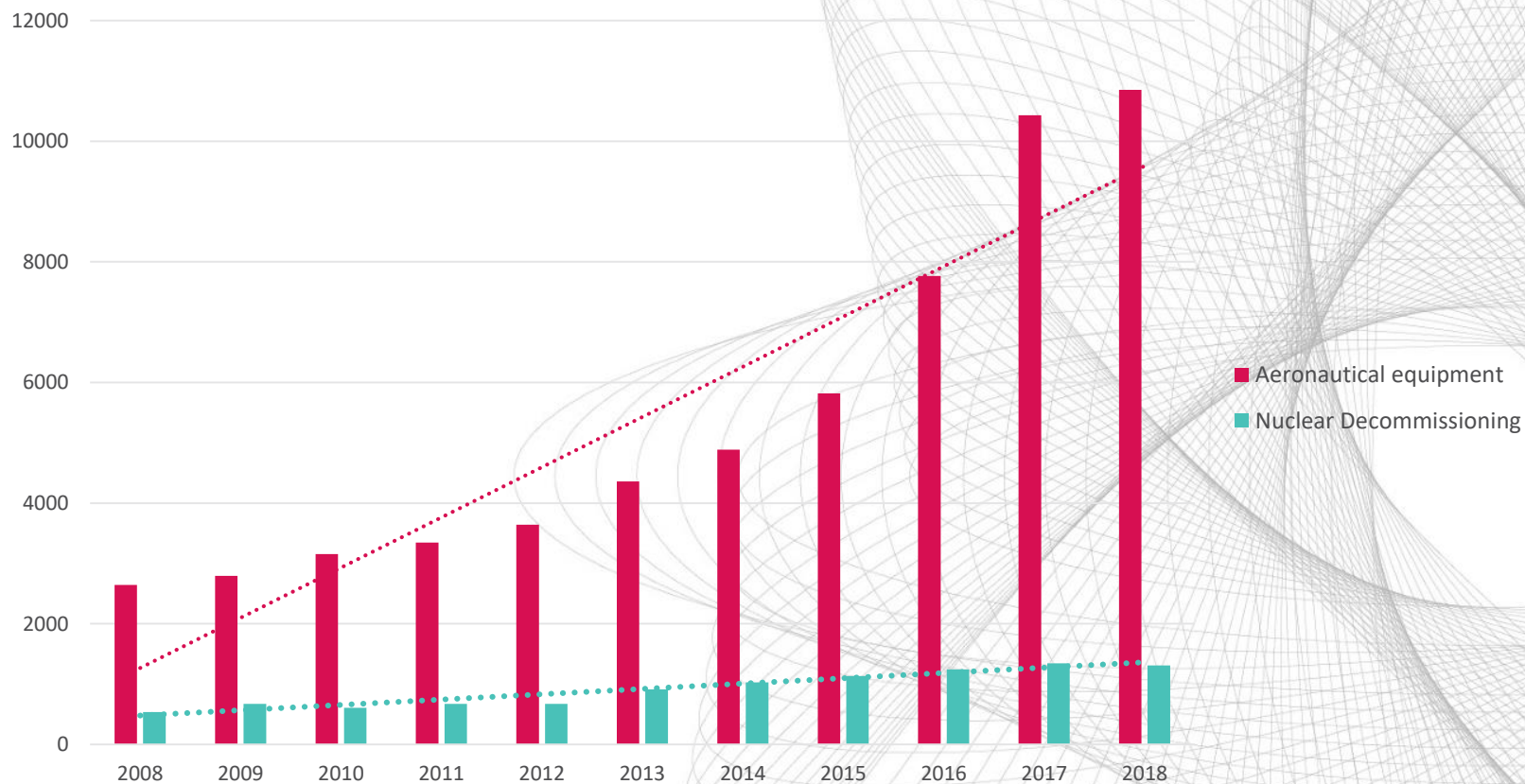
- + Your Intellectual Property (IP) is valuable
- + Others are protecting their IP
- + Parts of the Nuclear industry have been slow to react
- + There are great opportunities for your business

Opportunities in Nuclear



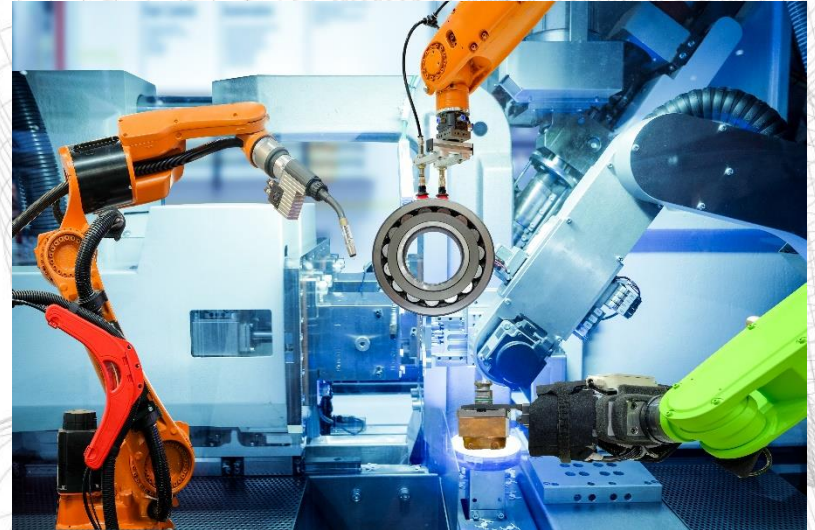
Opportunities in Nuclear

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

Coca-Cola

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



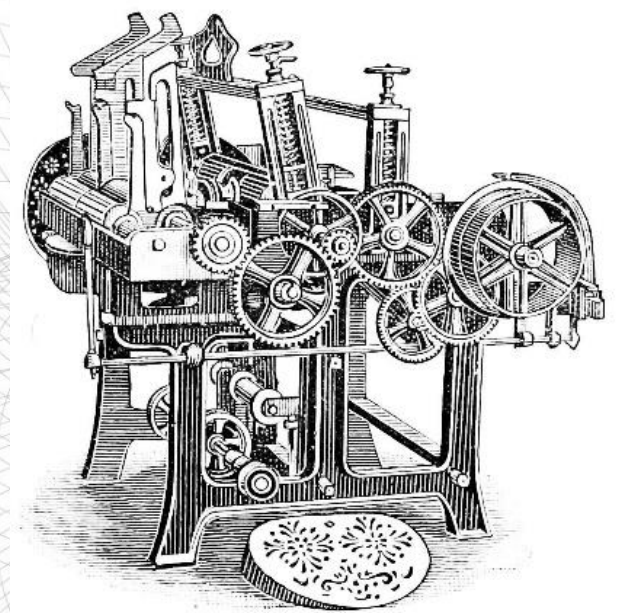
Typical costs



- + 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 - deviser 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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