# Luxinnovation ICT Cluster at KPMG Present Yourself

## **Stéphane Ambrosini**

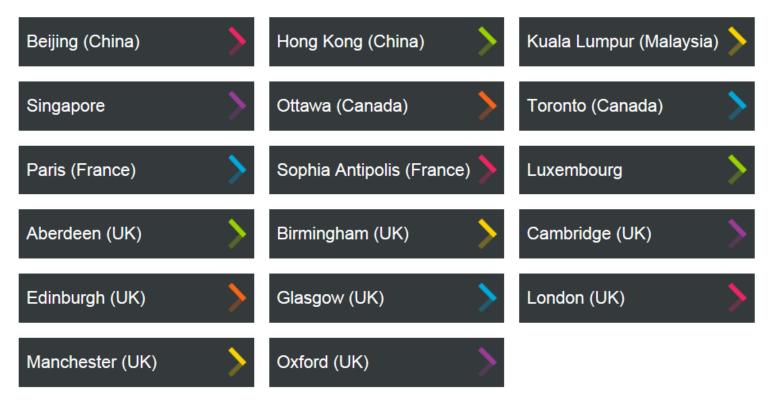
Senior Associate Irish, Chartered (UK) & European Patent Attorney 09 July 2019

Marks&Clerk



# who is Marks & Clerk (Luxembourg)?





- Est. 1887 Birmingham, UK
- Est. 1989 Luxembourg
- Historically, Luxembourg = group EP validation centre, 2<sup>nd</sup>/3<sup>rd</sup> largest in EPC
- 2017: Luxembourg to become full-service practice, focused on CII & Bio

## who am I?







Registered Irish Trademark Agent
 Irish professional qualifications

Chartered Patent Attorney

British professional qualification



• European Trademark & Design Attorney (via Irish quals-registrations)



European Patent Attorney

EPO-EPI professional qualification



Software Patent Specialist

2000 to date

# local competences



### Legal:

- Patents
- Trademarks
- Designs
- Copyright(s)
- Trade secrets

#### **Jurisdictional:**

- National (LU, GB, IE)
- Supranational (EU, EPC)
- International (WIPO)
- RoW via group & associates

#### **Technical:**

- software engineering
- networks (mobile, wide, local) & distrib
- user interfaces
- audio/image/video processing
- cryptology
- e-payment & other 'business methods'
- mechanical and electronics

#### **Commercial:**

- interfacing at boardroom/CEO level
- [change into jeans & t-shirt] interfacing with coders & assorted other rocket scientists

### relevance to software field



- **Patents**: reduction to practice of software functionality (-ies), from a <u>technical</u> point of view (algorithm(s), APIs, UI, messaging, etc.) [what an app does for an end user, is rarely technical how it does it, can be]
- Trademarks: identification of the company and/or platform in the marketplace
- Designs: organising/appearance/characteristics of a (each) user interface
- **Copyrights**: preparatory docs, code constituting the app, image/graphic/audio assets, icons, textures, pre-recorded alphanumerical-audio-video data, file structures, 3D assets, <...>
- Trade secrets: e.g. data encoding techniques impossible to reverse-engineer without specific knowledge, e.g. from app usage or decompile

# name-dropping conflict-check time



























# IP services provider: added value?



Value added by legal specialisation: get to know what you don't know, early where is the value in your business? discrete knowledge/skills = IP! who contributes that value to your business?

Value added by subject-matter specialisation: don't waste time/money
"software can't be patented" (when it can) > opportunity loss
"software can/might/may be patented" > claims result to be achieved > rejection

Example: 'a user interface adapted to input a personal identifier code' (rejectable)
> adapted how? what features? which feature does what? implemented how? <...>

Value added by experience and commercial awareness: maximise return on IP spend "software can't be patented" (when really it can't) > saves rejection €€€ price tag "software this aspect of the software can be patented" > is it worth the expense? "this aspect of the software can be patented here, but not there" > does it matter? do geo & timescale factors need to match dev path? if so, can/will they?

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