

OU launches channel on YouTube

The Open University has launched a channel on internet video site YouTube with over 300 videos as it extends its commitment to broadening access to education.

Videos cover subjects from arts and history to science and nature, in bite-sized chunks of two to three minutes. Video taken from OU courses is available on the OULearn Channel and features household names such as Sir David Attenborough and inventor James Dyson.

"From our past experience with BBC broadcasts we know it's not just our own students who watch our educational programmes – we're sharing knowledge with thousands more," said Ian Roddis, the Open University's head of online services.

"Through YouTube even more people can benefit from our learning materials; they can share the videos with other people and we'll be able to respond to their views.

"It'll be another place for our staff and students around the world to be part of a virtual learning community – but open to all to watch and contribute. Being online it's available 24/7 around the world."

Headquartered in Milton Keynes, the OU has more than 200,000 students studying its courses and plans to also launch a YouTube Research Channel in 2009. OUView is live at www.youtube.com/ou

Technology commercialisation and the importance of Intellectual Property

In 2003, the UK overtook the US and Canada combined in the formation of spin-outs as a proportion of research expenditure.

The success of such spin-outs has led to greater interest and investment in the UK and its academic institutions. Partly due to this success, the UK higher education sector contributes an estimated £50 billion to the economy and sustains around 600,000 jobs.

Many of these spin-outs start life as little more than a combination of universities, inventors and inventions, and ultimately, the successful ones are generally those that take their intellectual property seriously at a very early date.

As noted by Ederyn Williams, director of Warwick Ventures (bioentrepreneur 2003): "It is well proven that companies with intellectual property and led by people with academic qualifications are more likely to be successful."

Ideas by definition are a creation of the mind, or a creation resulting from study and experimentation. Thus they can take many different forms including both technical (for example, small improvements to existing products or processes, radical changes to existing products or processes, or the development of new products, processes or



by Chris Hamer, partner, Mathys & Squire

uses) and stylistic (e.g. designs of products and brands) aspects.

Accordingly, there are many different ways to protect ideas. Some of these require registration (patents, designs and trade marks). Some accrue automatically as soon as the creation is produced (copyright, design right and circuit topographies).

Others require that the idea be actively kept secret (confidential information – which must be kept secret and not disclosed to a third party unless under a confidentiality agreement, and know-how). Some ideas may be capable of protection by more than one legal right.

It is rare for a successful

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business to arise solely as a result of a strong academic base; spin-outs also require commercial expertise to develop a financially sound business plan.

This applies equally to developing an IP strategy, particularly as resources are likely to be initially scarce for any spinout. Theoretical awareness of the availability of IP protection is no substitute for experience and judgement in creatively applying the law to the circumstances of the particular business.

One product or service is potentially protectable in a variety of ways. The amount spent on IP should be commensurate with both the potential commercial value of the idea and the available resources for obtaining the rights.

In making such decisions consideration should be given to whether the idea will become public on release of the product/service (which could prevent obtaining IP at a later date); the likelihood of competitors making (and possibly protecting) the same idea; how easy it is to design around the innovation in terms of research costs; whether failing to obtain IP protection will result in loss of potential profit margin; and whether it may be possible to obtain revenue through licensing.

The key points to remember at this stage are:-

- To have an IP strategy defining the core idea and the level of protection needed, e.g. patents, designs, trade marks.
- Do not underestimate the cost of obtaining IP rights such as patents
- Business needs are key – it

is not always necessary to obtain protection everywhere and for everything

• Professional advice obtained, if not available in house, should not be limited to the theoretical availability of rights, but should help answer what the particular business should do, when, and at what cost, if it is to be of business value.

Maintaining a broad IP portfolio is not inexpensive for any company. The costs involved need to be budgeted for, and thus the goals and business needs should be viewed on a regular, at least annual basis.

In this way, the IP portfolio can be tailored as required to prevent it from becoming a drain on resources without benefit; do not lose sight of the reason behind investing in IP, namely because the portfolio is expected to become a (major) asset.

"Maintaining a broad IP portfolio is not inexpensive for any company."

A company's portfolio likely comprises patents, designs, brands, know-how and other forms of undisclosed technology. There are many ways IP can contribute value, directly in the form of licensing revenue or market value, or indirectly in deterring others from competing, or from asking for a licence. The review of the portfolio should consider whether the IP is actively in use.

Other considerations should include its value, remaining lifetime, and strategic value (e.g. does it provide a good deterrent to competitors?)

The market will also play role in the portfolio review with certain technologies becoming more (or possibly less) valued, which effects the potential to earn further revenue through licensing.

Having undertaken such a review, and with the business

goals in mind, most of the IP can be classed as 'core IP' – i.e. directly relevant to the aims of the business, or 'non-core IP' – i.e. possibly still of value but not essential to the future of the business.

Core IP is retained within the business. However, as noted above, non-core does not necessarily mean valueless. These assets can be licensed to interested third parties, sold or spun-off into a new company, or even donated to an academic institution. Only as a last resort should they be abandoned.

In addition to reviewing the existing portfolio, consideration should be given to future growth of the portfolio. Almost inevitably, as time progresses, events will occur which affect an idea and its IP protection. Further innovation generally occurs – development of ideas can, and usually does, lead to changes in products and services.

It is imperative that the business monitors and protects new inventions (as appropriate) to avoid leaving valuable IP unprotected and thus free for competitors to adopt, and potentially protect themselves.

Remember:-

- The IP portfolio should be reviewed on a regular basis, and its relevance to the business goals maintained
- Watch the market (both competitors and technology changes)
- Non-core IP rights are not necessarily valueless
- Continue to look in-house for new ideas

Following the ideas above allows a spin-out to maximise the use of the resources they have, and thus to have the best opportunity to succeed.

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Cybit buys Oxford Uni spin-out for nominal cash consideration

Online telematics provider, Cybit Holdings, has acquired the assets of OxLoc Ltd, the Oxford based supplier of battery-powered tracking units for HGV trailers for what it described as a nominal cash consideration.

OxLoc's Oxford operation is expected to close down and its technology integrated into Cybit's range of products, allowing the Huntingdon-based firm to expand its offering of autonomous tracking units. Cybit is yet to announce what will happen to OxLoc staff.

OxLoc was originally founded in December 2000 by Isis Innovation Ltd, Oxford University's technology transfer company.

The company developed asset monitoring, tracking and alerting solutions for the sector of the mobile asset management market where there is no access

or limited access to a power source, with its supply of autonomous battery-powered data collection products.

While OxLoc has been steadily growing revenues over the years and had something of a breakthrough year in 2007 when deals with Balfour Beatty and BT Audio ID helped lift revenues 260 per cent to £223,681, it has continued to lose money with pretax loss for 2007 at £385k.

Cybit believes by integrating it with its established telematics software, it can get the most out of OxLoc's technology.

The purchase covers all hardware, software and intellectual property and provides Cybit with non-powered tracking devices that will become highly integrated with its leading on-line Fleetstar-Online telematics and

fleet-tracking solution. This will include built-in RFID technology for temperature, pallet and goods-in-transit monitoring.

Cybit will integrate OxLoc products into their current product range and will continue to run and expand the service that is already installed with customers and partners such as BT and Balfour Beatty.

"The current challenging economic climate is making it increasingly difficult for smaller businesses like OxLoc to achieve critical mass," said Cybit chief executive, Richard Horsman.

"As the UK market leading telematics provider with a proven track record as a consolidator, Cybit is well placed to exploit the technology with our broad product range and extensive market reach."