

# An Introduction to Scottish Enterprise Business Growth Intellectual Property Services



# Who are the IP Specialist Team?

The Scottish Enterprise IP Specialist Team is comprised of 7 specialists and sits within the Business Growth area of the business as part of SE's Specialist Support offering.

As a team we have two main areas of focus:

1. Supporting client businesses to maximise their Intellectual Property, providing advice, guidance, and support to identify, protect, and exploit their intellectual property as part of SE's Business Growth support. NB This Business Growth support is primarily targeted at SMEs with 10 – 250 employees.
2. The IP Team also manages SE's intellectual property and associated commercialisation agreements for the benefit of the Scottish economy.

# Who are the IP Specialist Team?



Stuart Watson



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# What is Intellectual Property?

Intellectual property is concerned with creations of the mind and intellectual property rights are the legal instruments used to protect those creations.

Intellectual property covers a wide range of creations from a simple piece of writing, to a complex new invention, a distinctive shape of a perfume bottle, a new brand name, new software, a new piece of music, or even a catchy jingle.

Similarly a wide range of intellectual property rights exist to protect these creations including:

- patents which protect inventions and how something works or what it is made from,
- design rights which protect the appearance or look of a product,
- Trade marks which protect brand names and symbols used to distinguish one company from another, and
- copyright which protects literature and creative works such as novels, music, film and broadcasting.

# When do we work with clients?

**As a team we are concerned with helping client's identify, protect, and then exploit their intellectual property and wider intellectual assets to ensure they are rewarded for their creativity.**

Typically we engage with clients when they are:

- Developing new products or services.
- Planning to collaborate with third parties.
- Trying to build a brand.
- Commercialising or trying to commercialise their IP.
- Trying to achieve investment or sale of the company.
- Considering IP infringement or enforcement issues.
- Seeking to protect products and services when entering new markets and territories.

# What support can we deliver?

We have various levels or tiers of support depending on what is suitable for the company, including signposting, education and guidance documentation for early stage clients through to in depth 1:1 advice and financial support for more mature clients. NB This Business Growth support is primarily targeted at SMEs with 10 – 250 employees. Access to financial assistance for smaller entities is by exception only.

We have two funded interventions available.

1. Intellectual Property Audit (£3K including VAT and requires £500 business contribution) administered and funded by the UK Intellectual Property Office. (Currently potential “follow on” IP Access support of up to £5K including VAT). NB Very limited number of potential awards – currently 100 for Scotland as a whole per annum.
2. Potential SE Project Support grant - support for projects of c£5k upwards at up to a 50% intervention rate.

# Example Support Activities

When we Engage	Example Support Activities
When the business is developing new products or services.	IP audit (including IP identification & capture), prior art searching, patentability opinions, IP Strategy advice – how best to protect, Registering IP locally and internationally.
When the business is planning to collaborate with third parties.	Contractual review, managing confidentiality, Managing background and foreground IP ownership.
When the business is trying to build a brand.	Trade mark clearance searches, Trademark registration.
When the business is commercialising or trying to commercialise their IP.	Licensing support – help identifying, negotiating, and agreeing licensing or other commercialisation deals, assistance with Patent Box.
When the business is trying to raise investment or prepare for sale.	IP investor readiness – preparing for investor (or acquirer) diligence, IP Valuation.
When the business has infringement or Enforcement issues.	Freedom to operate searches, Infringement monitoring, Enforcement advice, IP Insurance guidance.

## Final Thoughts – Common Issues for Business

- No awareness of what IP relates to creations / developments
- No contract securing ownership of commissioned works
- Is IP Strategy proportionate to business opportunities and risks?
- Collaboration – who owns the work? Access to background and foreground IP?
- Failure to build IP protection considerations in to new product and service developments
- “Reinventing the wheel” because patent literature has not been researched
- Marketing departments disclosing new inventions prior to decision being taken whether patent protection is required...



# Any Questions?

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