



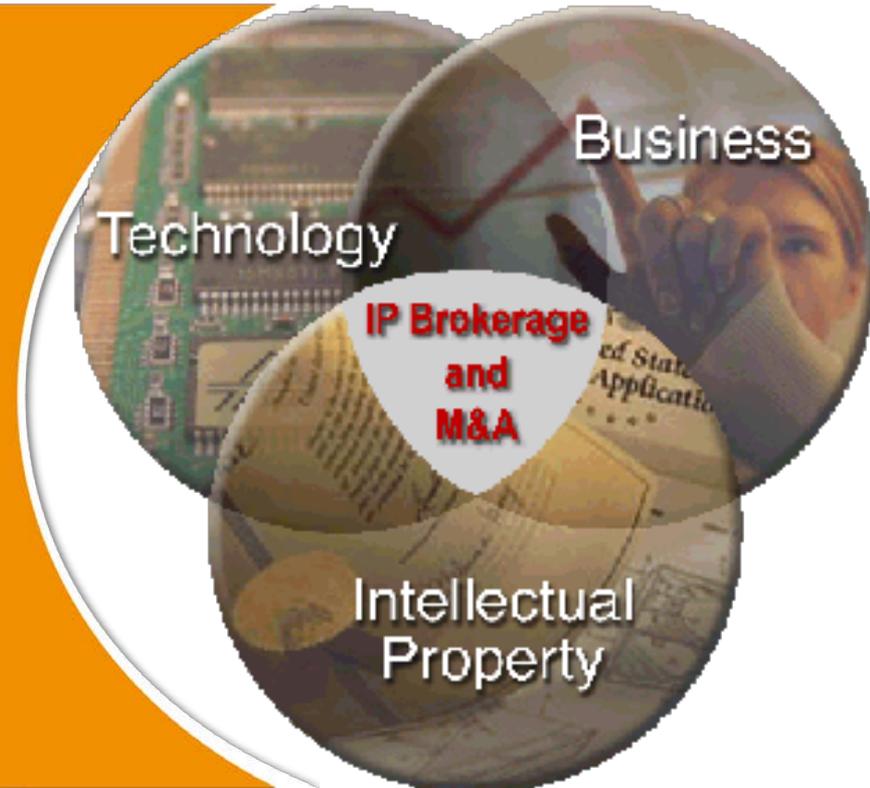
# ORO AGRI

ORO AGRI INTERNATIONAL Ltd

## USERS OF THE IP SYSTEM

Moderated by:

Dr Madelein Kleyn, Manager, Legal and Intellectual Property, Oro Agri (Pty) Ltd and Research Fellow of the Department of Mercantile Law, Faculty of Law at the University of Stellenbosch



# SPEAKERS

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- Dr Andrew Bailey, Intellectual Property Manager, University of Cape Town
- Dr Rocco Fiato, Chief Technical Officer, Accelergy Corporation
- Mrs Morné Barradas, IP Legal Advisor, Sasol Group Services (Pty) Ltd

# Dr Madelein Kleyn



Madelein Kleyn is a Chemical engineer, an admitted attorney and a registered Patent Attorney.

She started her career as Chemical Engineer with Mintek in 1991 and joined Sasol, an international - and the largest South African Petrochemical Company - as process engineer in 1993 whilst completing her law studies part time. She completed her articles at Patent firm Adams & Adams on secondment from Sasol. In 1995 she returned to Sasol where she established the Intellectual Property (IP) Services department. Madelein has served as in-house Patent Counsel for Sasol for 16 years.

In 2010 she joined the ORO AGRI Group of Companies as Group Manager - legal and IP. The company specializes in manufacturing and selling orange oil based patented crop protection products as the.

She is a tutor for the World Intellectual Property Organisation (WIPO) e-learning program on IP Management; she is responsible for the Patents Board (of South Africa) lectures and exams for the Patent Attorneys Practitioners' course for candidate patent attorneys in South Africa and she is Research Associate at the Law Faculty and Fellow of the Anton Mostert Chair of Intellectual Property, Faculty of Law, University of Stellenbosch where she teaches the Patent and Design LLM (IP) module.

Madelein's main areas of expertise include IP strategy development and implementation (both defensive and offensive), Merger and Acquisition IP integration matters, IP portfolio management including prosecution of patents and trademarks, development of training material for corporate environment in most areas of IP, drafting of, and advising on, IP related agreements and negotiation of IP business related transactions, IP litigation (US, Europe and South Africa) and European patent opposition matters. She advise on exchange control matters with respect to intellectual property transactions since 2000. She is also the company secretary of Oro Agri.

Madelein has authored and presented various papers and publications on intellectual property internationally.

Formal qualifications: B. Sc (Chemical) Engineering (University of Potchefstroom) in 1991, B. Proc (University of South Africa) in 1995, Law School of South Africa (Association of South African Law Societies) 1996, Attorney at law of the Higher Court of South Africa admitted in 1997, LLB (University of South Africa) in 1999, Patent Attorney, admitted in 2000 and LLM (Tax) (Rand Afrikaans University) in 2003. PhD (Private Law) December 2010 (University of Cape Town).

She is a member of SAIPL, INTA, LESI and ACS.

April 2015

# Dr Andrew Bailey

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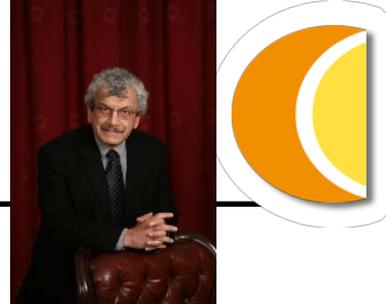
Since 2007 Andrew has worked as the Intellectual Property Manager at Research Contracts & IP Services (RCIPS) which fulfils the role of the “Technology Transfer Office” of the University of Cape Town (UCT). He is involved in both the protection of IP, its management and importantly its commercialisation through licensing or the formation of spin-off companies.

Previously he worked for Mintek, AECI and the CSIR in a number of technology development and research management roles in the biomining, fermentation, bioprocessing and food fields. This often involved techno-economic feasibility studies, project management and the development of business plans for late-stage/pilot-scale research and development projects approaching commercialisation, as well as trouble-shooting for commercial operations.

After completing a Programme in Financial Management, he also worked for the Dialogue Group which gave him valuable experience in sales and marketing, especially interacting with clients in the UK and USA in the financial services sector. Andrew has a PhD in Chemical Engineering from UCT and is a member of the Association of University Technology Managers (AUTM), the Licensing Executives Society (LES), International Society for Professional Innovation Management (ISPIM) and the Southern African Research and Innovation Managers Association (SARIMA) where he is an Executive Committee member.

April 2015

# Dr Rocco A Fiato



Chief Technical Officer, Accelergy Corporation, Houston Texas.

Rocco brings over 30 years of experience in synthetic fuels technology development from the Oil and Gas industry. Before joining Accelergy, Rocco held various senior executive positions at ExxonMobil Research and Engineering Company where served as Head of the Catalysis Science effort at Exxon's Corporate Research Labs, Senior Technical Advisor to ExxonMobil's Law Department, Head of Competitive Technology Assessment in Exxon Engineering's Gas Processes Division, and Intellectual Property Manager of the Gas-to-Liquids (GTL) Technology Division. In his latest role, Rocco was a key architect in the development of ExxonMobil's global IP development and enforcement strategy for Natural Gas-to-Liquids Technology.

Rocco is a named inventor on more than 76 US and 280 foreign patents, and has published over 42 industry publications on various aspects of synthesis gas chemistry and conversion to fuels and petrochemicals.

Rocco has participated in recent studies on the role of catalysis in future energy scenarios for the National Research Council, and in development of the Quadrennial Energy Technology Review with the US Department of Energy. Rocco also serves on the advisory boards of Global Thermostat, Calera Corporation and Biofuels Power, and has been involved in energy strategy development with several other major energy companies in the coal – gas – oil sector.

Rocco received his Ph.D. Physical Organic Chemistry from the University of Rochester and a BS degree in Physical Organic Chemistry from Clarkson College.

April 2015

# Mrs Morné Barradas



- Morné Barradas is the Senior Manager for IP Risk and Compliance at Sasol. Morné has over 15 years of experience in IP management and IP strategy formulation in the petrochemical industry. Morné was instrumental in the establishment and development of IP processes, tools and best practices within Sasol, and the development and management of Sasol Fischer-Tropsch catalyst IP portfolio. More recently, Morné is responsible for implementing best practices in effectively managing IP risk for Sasol and ensure IP regulatory and process compliance.
- Morné received her B.Sc Honours in Chemistry from the University of the Free State, South Africa and her LLB degree from the University of South Africa. She is an admitted attorney to the High Court of South Africa and a qualified South African patent attorney.

# Scope of discussion

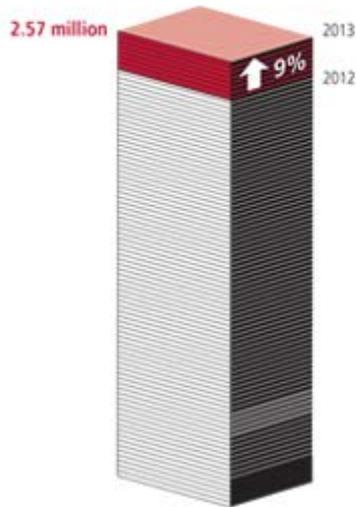


- Is the IP System sufficiently innovative to adapt to the needs of an ever-changing industry, both large and small?
- How do big businesses value the portfolios they acquire?
- How do they justify their IP budgets?
- How long can the current scenario last?
- What are the IP needs of SME's which in many countries are the driving force of the economy?
- How should the IP strategy of a business change when the business itself changes?
- How to compete in this crowded sphere?
- Does industry require a different (or new) IP system that can more effectively support its goals?
- Has the IP system become too slanted towards favouring big businesses?

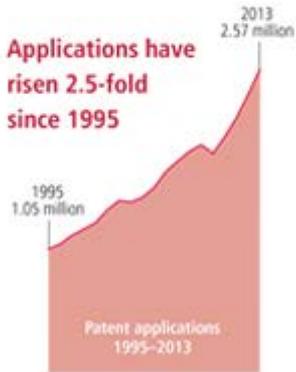
# Patent statistics (WIPO report)



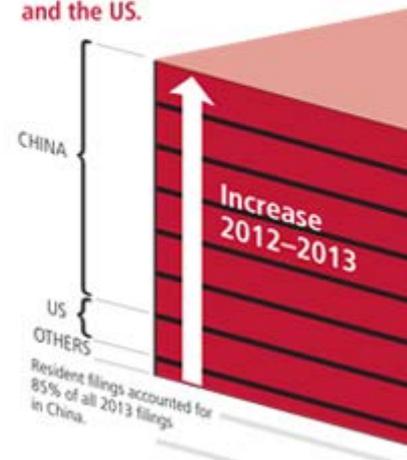
Patent applications  
surpass 2.5 million  
in 2013



Applications have  
risen 2.5-fold  
since 1995



Driving that strong growth  
were filings in China  
and the US.



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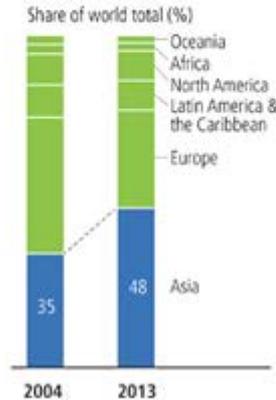
# Trademark statistics (WIPO Report)



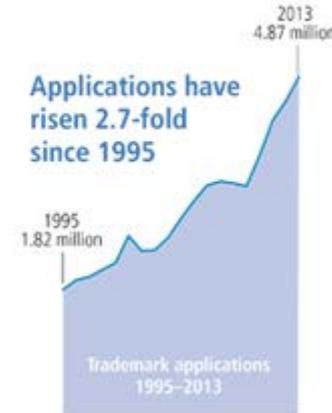
Trademark applications approach 5 million in 2013



Asia has significantly increased its world share



Applications have risen 2.7-fold since 1995



# IP and the University environment



- The continuous changes of patent laws across the globe that become more and more cumbersome to comply, e.g., obligation to inform most offices of office action and responses filed in corresponding applications elsewhere; obligation to continuous disclosure of prior art to patent office pre and post grant of an application
- Managing the “absolute novelty”, reasonable trial exception and the urge of researchers to publish
- Patenting costs per region: E.g. Europe is considerably more expensive than the USA considering territory and market size.
- Licensing of pending applications – business risk or not – how can business address this?

# IP and the business environment



- Managing IP – evaluation of techno-economics of IP: alignment of patenting strategy with market research and in-line with a business plan – in start-ups only strategically important core IP can be protected
- Understanding of IP requirements: IP firm, attorneys focus on IP strength; newcomers to IP not understanding prosecution process and set deadlines within the system
- Commercially: with a small start-up it is difficult that selection for national phase patent application is a once-off event: difference between novelty requirements for different forms of IP
- Management of multinational IP teams: US, Chinese and EU research teams: the challenges, issues and approaches for adequate IP coverage whilst tending to local jurisdictional requirements
- The value of IP for **your** business: multi-invention contexts (ownership over key technologies becomes scattered among multiple entities) and various IP value propositions (proprietary, defensive, leveraging)

# Discussion points

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- Is the centralised systems really more approachable and cost effective?
- Is patent and trademark protection strategy a mere deferring tactic and is it worth it at the price?
- Is enforcement affordable and do you see similar approach applied by the courts with respect to validity as that applied by the specific patent office that granted the patent?