

Commercialization of Innovative Technologies: Strategic Licensing in Patent Infringement Cases

Authors : Amaliny Yoganathan-Hasselbeck

Abstract : Based on the assumption, that strategic licensing is more valuable and sustainable for the economy than a legal dispute and action for an injunction, the strategy of licensing in patent infringement cases was studied. A theoretical framework was developed based on the transaction costs approach, describing the major variables within the process of licensing to an alleged patent infringer. An exploratory case study analysis was conducted on the basis of expert interviews with patent licensing agencies, patent attorneys, licensing departments of companies and research institutions. Key findings define the major criteria in each step of the licensing process and include the factors determining the intensity of patent tracking e.g. patent policies, the decision criteria when dealing with patent infringement cases, e.g. market position and reputation, and the transaction itself starting with the initiation of the contact with the alleged patent infringer, negotiating the licensing contract and monitoring the license agreement.

Keywords : innovation, licensing, patent, patent infringement, strategy, technology

Conference Title : ICSEI 2015 : International Conference on Social Entrepreneurship and Innovation

Conference Location : London, United Kingdom

Conference Dates : May 25-26, 2015