

Industrial Property and Nanotechnology

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How would it be today's world should IPR's didn't ever exist? How would cutting edge technology companies protect their inventions? Would technology be so spread as it is today? When a new technological field is born these questions are again and again on the screen.

Nanotech is in a technological development scale a new born and everything is to be discovered though we count on previous experiments.

It is very difficult to find any technical field where the IPR's are not taken into account, so Nanotechnology (with its broad technical coverage) is not different. Industrial Property Rights have become a cornerstone of any R&D and Commercial strategy. In the process of internationalization every company must prepare a thorough strategy to make the best out of their investment, any conflict on IPR's can weak the project and eventually stop it. It is no surprise how competing companies fight their way out into the markets using IPR's either as a defensive or attacking weapon. In the Technology Transfer process, when the knowledge travels from laboratories to markets IPR's are regarded as one of the key elements to accomplish such journey but more often than not they are used to put a spoke in somebody else's wheel in the name of priority. IP also brings new perspectives to R&D as patent protected cross-border technologies are public, standard, classified and structured. A better knowledge of IPR's legal basis can help to strengthen the companies position in the market. The IPR's strategy on the different nanotechnology areas can be seen as homogeneous despite the fact of the difference in the subject matter.

The military research is not published regularly, usually kept under secret. However, some facts can arise to the surface: the Pentagon spent \$300 million in nano research in 2004 and Nanotechnology is considered to have a big role in the new warfare paradigm.

It is still a long way to go not only in nanotechnology to become mature, but also in the procedures to manage the knowledge produced in the nano escale. Redefining the way the patentability requirements are met in patent applications is a key factor for the technology to be well protected as much as well disclosed.