



## ***FICPI Members and In-House Counsel***

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# Nufarm Company snapshot

- **Incorporated in Australia (1957)**
- **No. 1 market share supplier in Australia / New Zealand**
- **Ranked no. 8 in global industry**
- **Manufacturing/marketing operations in some 25 countries**
- **Nufarm products sold in more than 100 countries**
- **Listed on ASX:NUF**

# a MANUFACTURING company



- **Strong synthesis capabilities**
- **Global supply positions**
- **Establish & reinforce industry relationships**



# Nufarm global operations



\* Excel 14% owned  
\*\* F&N Agro 50% JV –  
Czech, Poland, Slovakia

**Manufacturing in 16 countries**  
**Marketing operations in more than 25 countries**  
**Product sales in more than 100 countries**

# a **MARKETING** company

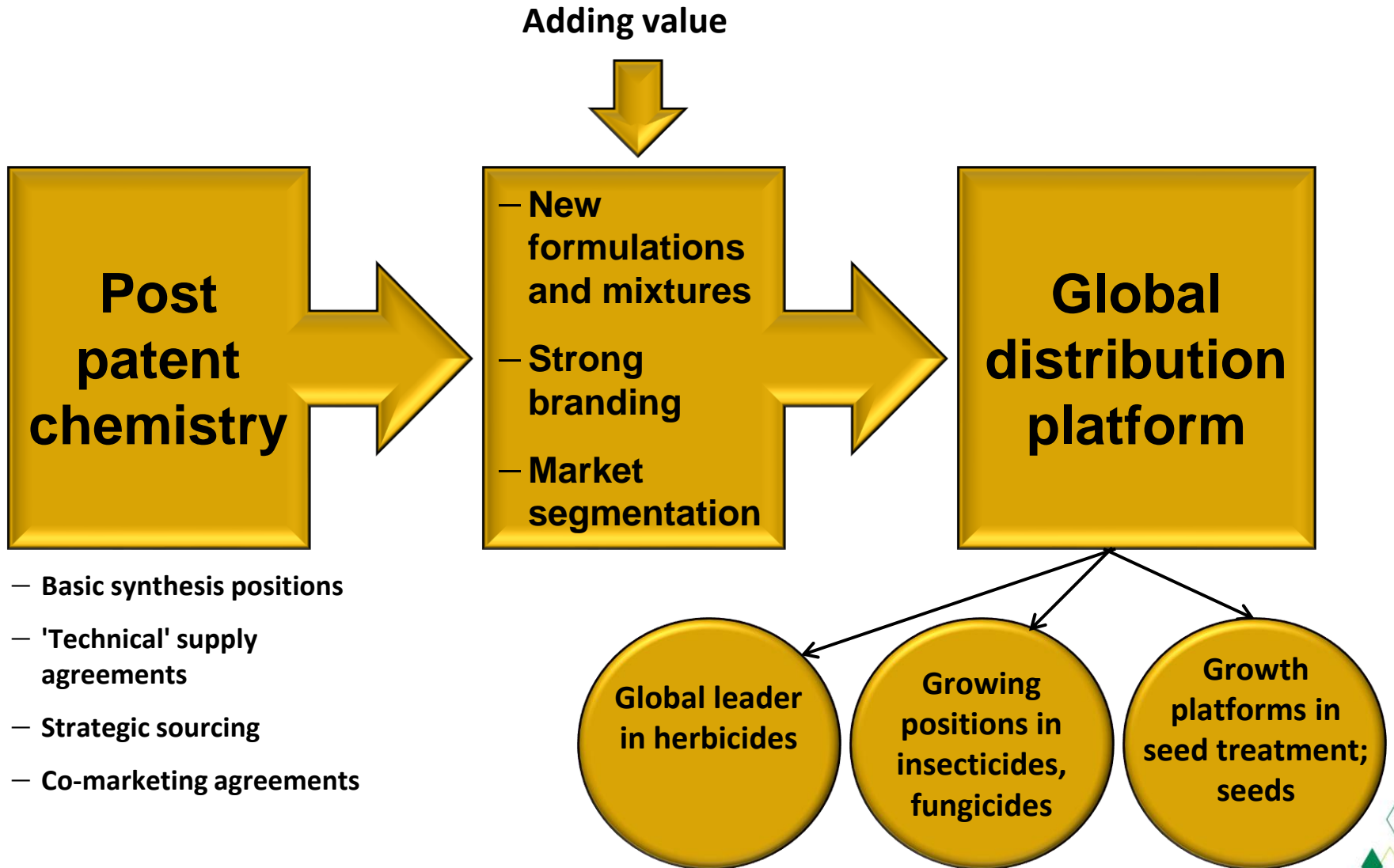
## a **CUSTOMER DRIVEN** marketing company:



- **Innovation (R&D investment) is influenced by; recognised by; and rewarded by end users**
  - **Quicker to market**
  - **Can deliver 'proprietary positions'**
  - **Differentiates and segments brands**
  - **Reinforces customer relationships**



# Business model





# growing GLOBAL business



- Platforms now in place
- Investing for the long term
- Strong emphasis on management structures
- Focus on product portfolio expansion





# Australia and IP

## perspective

- Does our IP system need to mirror USA / EU ?
- Best national benefit / public policy use of IP ?
- Australia is a net importer of IP ? [s119B – s199C Patents Act.]
- Australia produces world leading inventions or incremental improvements?
- Orphan inventions usually licensed to large global MNCs ?
- Australian Companies with global reach look for global protection of its inventions/field of invention ?

# In house counsel need

## I like others need

- Good, Enforceable well drafted Specs
- Complete PCT applications
- Advice on overseas filings and costs
- Advice on ease of enforcement
- Advice on best patent strategy for various products
- Discussion on cost benefit of applications in each country



# Help In House to achieve their KPIs

- Help get product to market not just a granted patent right
- Every in-house position is different...
  - Sole counsel
  - Large legal departments
  - Overseas dependant/reporting legal departments
  - Embedded counsel in various internal departments
- Understand your In house Client – know what makes them ‘tick’
- Understand what they need to achieve to reach their annual goals / KPI / budget



# In house Views

## Help....

In House counsel want external counsel to help them

- This could involve:
  - Secondments and staff resources expert in IP
  - Quick efficient instructions and advice/output
  - Clear invoicing and costing
  - Cost efficient billing – no ‘over budget’ surprises
  - Allocating/recommending best personnel for each matter
    - Not every firm has the specialist staff for every matter
    - Don’t oversell practice groups
- Remember in-house do not have XS support resources
  - Ask how you can assist them in their daily tasks
  - Ask how you can make their life easier



# Australian IP Firms

## Global relevancy

- Are Oz firms relevant in global world vs Global firms
- Size may not kill you – relevancy will.....
- Mid/small firms can survive global firms .....
- Global Firm Pros:
  - Reach
  - Single instruction point
  - Prestige
- Global Firm Cons:
  - Variation in service b/w countries
  - Know how to search, bill, don't understand portfolios/outcomes
  - Monolithic – lost in system



# Can Oz firms match overseas Mega firms?



- Focus on service and assisting company to get product into market – either direct sales or license
- Don't have to understand clients business intimately, but MUST understand sector patentability and enforceability by major country.
- As IP professionals, need to be able to advise on enforceability of Trademarks and other related rights to any patent application - need to act as conduit to the TM specialist.
- Oz firms have relationships with counterpart firms overseas – need to expand these past just sending/receiving national phase applications.
- Need to tap into expertise of these O/S firms to give general feedback to clients on O/S patentability and enforceability. This:
  - Value adds your service to clients and
  - Allows a single Oz firm to compete globally





**Thank you**

Questions?

