



Research use of patented inventions



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About RepsolYPF:

- **RepsolYPF: a regionally integrated oil and gas company.**
- **Operating in more than 28 countries.**
- **Leader in Spain and Argentina.**
- **About 30.000 employees.**
- **Refining capacity of more than 1.2 million barrels/day.**
- **EBITDA(2005): 9,139 Million Euro.**



Technology in RepsolYPF

- **Around 100 patents and utility models.**
- **Patents mostly related to Chemical Technology.**
- **Patent strategy focused on protecting and assuring our freedom to operate.**
- **About 200 R&D contracts with Universities and Academic Institutions.**
- **16% of R&D budget dedicated to collaborations.**





RepsolYPF experience regarding exception use for research purposes

- **We have not detected this concern within the academic groups we collaborate with.**
- **We have not experienced a situation where a third party considers that RepsolYPF research activities are infringing the exceptions in force in the law.**
- **We are neither aware of such a situation in the petrochemical industry, at least within our areas of interest.**
- **We believe that exception use for research purposes is a basic condition in patent law that is beneficial for the advancement of science and to the patent system as well.**



Other related issues

- ❑ **Difficulties in accessing inventions protected by patents may also not exclusively be related to legal aspects.**
- ❑ **The problem may also be associated with the patent itself, viewed as scientific document.**
- ❑ **One of the aims of the patents system is to promote scientific and technical progress by disclosing inventions.**
- ❑ **Does the academic community makes proper use of the patent system to search, assess or publish scientific information?**



Patents: Views from industry and academy

RepsolYPF

- ❑ Patents contain mainly technological information.
- ❑ But patents contain also valuable scientific information.
- ❑ Patents determine the scope and development line of a research project.
- ❑ A scientist can learn how to extract scientific information from patents.

Academy

- ❑ Patents are difficult to understand.
- ❑ The scientific information in patents is not reliable.
- ❑ Patents are not so recognized as scientific papers in CV's for the purpose of assessing merits.
- ❑ Patents cause delays in publication of scientific papers.



Patents and papers are not so different

A patent is a legal document: contains scientific and technological information written in a formal way.

Similarities of patents and scientific papers:

- **Contains a state of the art → Background.**
- **Citation of most relevant previous art → Could allow for a citation index.**
- **A patent must pass an exam in order to be granted → Referees.**
- **It must be novel and not obvious → Condition for publication.**
- **Opposition process at the disposal of third parties to revoke a patent → Letters of objections**



Industry-University collaboration: an example

A research collaboration can result in patents, publications and PhD thesis.

- **Patent EP 1325924: “Chromium catalysts active in olefin polymerisation”**
 - **Filing: 03.01.2002** **Publication: 09.07.2003**

- **M.A. Esteruelas, A.M. López, L. Méndez, M. Oliván, E. Oñate**
“Synthesis, X-ray structure, and polymerization activity of a bis(oxazoliny)pyridine chromium(III) complex” *New J. Chem.*, 2002, 26, 1542-1544
 - **Published: 07.10.2002**

- **M.A. Esteruelas, A.M. López, L. Méndez, M. Oliván, E. Oñate** **“Preparation, Structure, and Ethylene Polymerization Behavior of Bis(Imino)Pyridyl Chromium(III) Complexes”** *Organometallics* 2003, 22, 395-406
 - **Published: 01.01.2003**



Patents as a valuable scientific records

- ❑ **There is a need to transfer knowledge from academy to industry and create technology.**
- ❑ **Governments encourage Universities to collaborate with industry.**
- ❑ **Universities encourage Professors to collaborate with industry.**
- ❑ **Some Professors still have the view that collaboration with industry distract them from their research goals.**
- ❑ **There is a need of policies to promote patents as valuable scientific achievements in the academic community.**
- ❑ **Patents should have more weight in scientific Cv's**