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Alcatel : rapports annuels et brevets

- Acteurs - Acteurs économiques - Alcatel -

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Dans ces rapports annuels, et notamment ceux qui, en tant que société cotée à Wall Street, ont l'obligation d'être remis à la Securities and Exchange Commission, Alcatel donne sa position globale en ce qui concerne les brevets. Il est intéressant d'analyser l'évolution de ces prises de position officielles.

- [Securities and Exchange Commission, Annual Report for the fiscal year ended December 31, 1997](#) :

Patents and Licenses

Alcatel Alsthom considers patent protection to be important to its businesses, particularly its telecommunications business, due to the emphasis on research and development and to intense competition. Alcatel Alsthom's patent rights are, in the judgment of the Company, adequate for the conduct of its business. Management does not believe that any single patent or group of related patents is material to the business of Alcatel Alsthom taken as a whole.

Alcatel Alsthom has, in a number of cases, granted patent and know-how licenses to non-affiliated companies to manufacture products designed by one of Alcatel Alsthom's companies. Conversely, affiliates of Alcatel Alsthom have acquired patent and know-how licenses within certain technology areas. Management does not believe that any such patents or know-how licenses are material to the business of Alcatel Alsthom taken as a whole.

- [Alcatel 1997 Annual Report - Company statements](#) :

Alcatel has an exceptional patent portfolio. In 1997, the company applied for over 750 patents for its innovative processes, making it France's leading patent holder and one of the top companies to extend its patent coverage across Europe, the U.S.A., and Asia.

- [Securities and Exchange Commission, Annual Report for the fiscal year ended December 31, 1998](#) :

Patents and Licenses

Alcatel considers patent protection to be important to its businesses, particularly its telecommunications business, due to the emphasis on research and development and to intense competition. Alcatel files approximately 800 patent applications per year, and has a patent portfolio of approximately 5,000 patent families. Alcatel's patent rights are, in the judgment of the Company, adequate for the conduct of its business. Management does not believe that any single patent or group of related patents is material to the business of Alcatel taken as a whole.

Alcatel has, in a number of cases, granted patent and know-how licenses to non-affiliated companies to manufacture products designed by one of Alcatel's companies. Conversely, affiliates of Alcatel have acquired patent and know-how licenses within certain technology areas. Management does not believe that any such patents or know-how licenses are material to the business of Alcatel taken as a whole.

- [Alcatel 1998 Annual Report - Alcatel worldwide](#) :

Research and Development : At the Cutting Edge of Technology

Alcatel's research strategy focuses on three key areas : research, industrial and intellectual property, and standards. Amounting to EURO 2.8 billion in 1998, the R&D budget represented 13% of total sales.

Whereas 25 years ago, 80% of Alcatel's R&D work involved hardware and 20% software, today that proportion is reversed. The research effort targets eight major fields : software engineering, radio communications, network access, private networks, network architecture, space, optical systems and energy. Alcatel's opto-electronic components development and manufacturing unit is the world leader in lasers for wavelength division multiplexing.

Alcatel manages a portfolio of 5,000 types of patents and files an average 800 new patents each year. Research is concentrated within the Central Research Center (CRC), which employs 800 people in various sites around Europe and the U.S. Each of the Company's business divisions sponsors a major CRC department and ensures that research responds to market expectations. This management style strengthens the ties between pure research and the R&D teams throughout Alcatel. Out of a total staff of 118,000, approximately 23,500 people work in R&D at Alcatel.

In 1998, Alcatel formed an opto-electronics entity in association with the French national telecom research laboratory, CNET. In addition, Alcatel and Thomson-CSF created a joint research laboratory devoted to software architecture.

- [Alcatel 1999 Annual Report](#) :

Standardization, a major Group focus

As a strong supporter of standardization, Alcatel participates with the CRC [Corporate Research Center] in a number of national and international standardization projects, backed by a group of specialists made up of some 400 experts working in the various product divisions. Alcatel thus enhances its technological portfolio of patents obtained by developing through standardised solutions. In 1999, Alcatel filed 850 new patents and had a total of 5,000 patent families.

Policy on patents and licenses

The Group's patent policy is characterized by the creation of a patent file, which enables it to maintain its technological lead in all the fields in which it is involved.

Patents are managed by Alcatel's intellectual property department, which is responsible for identifying inventions, acting as a clearinghouse for patent management and developing an active licensing policy.

- [Securities and Exchange Commission, Annual Report 2000](#) :

Our business and results of operations will be harmed if we are unable to protect our intellectual property rights from challenges or unauthorized third party use or if we become involved in litigation.

Like other companies operating in the telecommunications industry, we experience frequent litigation regarding patent and other intellectual property rights. Third parties have asserted, and in the future may assert, claims against us alleging that we infringe their intellectual property rights. Defending these claims may be expensive and divert the efforts of our management and technical personnel. If we do not succeed in any such litigation, we could be required to expend significant resources to develop non-infringing technology or to obtain licenses to the technology which is the subject of the litigation. In addition, third parties may attempt to appropriate the confidential information and proprietary technologies and processes used in our business, which we may be unable to prevent.

Our business and results of operations will be harmed if we are unable to acquire licenses for third party technologies on reasonable terms.

We remain dependent in part on third party license agreements which enable us to use their technology to develop or produce our products. However, we cannot be certain that any such licenses, if at all, will be available to us on commercially reasonable terms.

Research and Development and Patents

We consider patent protection to be important to our businesses, particularly our telecommunications business, due to the emphasis on research and development and to intense competition. We filed 870 patent applications in 2000, and have a patent portfolio of approximately 5,000 patent families. We believe that our patent rights are adequate for the conduct of our business. We do not believe that any single patent or group of related patents is material to our business as a whole.

Alcatel and the Optronics Division shall enter into a new Cross-License Agreement (which shall be an Implementation Agreement for the purposes hereof) with respect to technology and statutory IPRs to be created after termination of the GRA, relating to the Products. The rights of Alcatel under such Cross-License Agreement shall be in force for the lifetime of the pertinent IPRs. The rights of the Optronics Division under such Cross-License Agreement shall be in force until termination of this Agreement. The rights granted by each Party to the other Party are royalty free and without other compensation. The Cross-License Agreement shall provide for the following :

- (a) non-exclusive, worldwide reciprocal rights for the Optronics Division on the one hand, and Alcatel and its Subsidiaries on the other hand, to use, make, have made, sell, lease or otherwise dispose of all IPRs of the other Party. For the Optronics Division the rights granted to it with respect to IPRs of Alcatel and its Subsidiaries will be limited to IPRs that are related to the Products.
- (b) a right for Alcatel to sublicense statutory IPRs of the Optronics Division in the framework of general patent cross licenses that Alcatel has entered into and may enter into from time to time with third parties, subject to such cross-licenses containing a reciprocal license for the Optronics Division giving it rights to the IPRs of such third parties on reciprocal terms and conditions, which Alcatel shall undertake to negotiate in good faith on behalf of the Optronics Division.
- (c) a reciprocal confidentiality commitment in relation to all proprietary information to be disclosed between the Parties in application of the Cross-License Agreement.

- [Alcatel 2000 Annual Report](#) :

In 2000, Alcatel devoted Euro 2.8 billion to its R&D budget and filed for 870 patents.

Patent and licensing policy

The Group's patent policy is based on a patent portfolio that gives it a technical edge in all the areas in which it is involved. Alcatel's Intellectual Property Department is responsible for managing this patent portfolio. Its role is to ensure that inventions are identified, to act as a patent management clearing house and to develop an active licensing policy.

- [Securities and Exchange Commission, Annual Report 2001](#) :

Our business and results of operations will be harmed if we are unable to protect our intellectual property rights from challenges or unauthorized third party use or if we become involved in litigation.

Like other companies operating in the telecommunications industry, we experience frequent litigation regarding patent and other intellectual property rights. Third parties have asserted, and in the future may assert, claims against us alleging that we infringe their intellectual property rights. Defending these claims may be expensive and divert the efforts of our management and technical personnel. If we do not succeed in defending these claims, we could be required to expend significant resources to develop non-infringing technology or to obtain licenses to the technology that is the subject of the litigation. In addition, third parties may attempt to appropriate the confidential information and proprietary technologies and processes used in our business, which we may be unable to prevent.

Our business and results of operations will be harmed if we are unable to acquire licenses for third party technologies on reasonable terms.

We remain dependent in part on third party license agreements which enable us to use third party technology to develop or produce our products. However, we cannot be certain that any such licenses will be available to us on commercially reasonable terms, if at all.

Intellectual Property

We rely on patent, trademark, trade secret and copyright laws both to protect our proprietary technology and to protect us against claims from others. We believe that we have direct intellectual property rights or rights under licensing arrangements covering substantially all of our material technologies. However, there can be no assurance that claims of infringement will not be asserted against us or against our customers in connection with their use of our systems and products, nor can there be any assurance as to the outcome of any such claims, given the technological complexity of our systems and products.

We consider patent protection to be particularly important to our businesses due to the emphasis on research and development and intense competition in our markets. We filed 876 patent applications in 2001, and have a patent portfolio of approximately 6,000 patent families. We do not believe that any ~~single patent or group of related patents is~~ material to our business as a whole.

- [Alcatel Recherche et Innovation :Maîtriser l'évolution et le changement permanents. C. Gregoire \(Vice President, R&I\) in Revue des Télécommunications d'Alcatel - 3e trimestre 2001 Recherche et Innovation, p. 161 :](#)

La participation à des organismes de normalisation de première importance, comme l'IETF, le 3GPP, l'UIT-T, l'ETSI et T1 et à des Forums comme le Forum WAP et le Forum DSL1 est primordiale pour être reconnue sur le marché, exercer son contrôle sur les droits de propriété intellectuelle (IPR) essentiels et obtenir l'adoption par le marché des produits de R&D.

[...]

Portefeuille de brevets

Enfin, les brevets jouent un rôle majeur dans la protection des nombreuses technologies innovantes d'Alcatel et font partie intégrante des processus de prise de décision de l'entreprise. Alcatel détient plus de 30 000 brevets, ce qui lui donne une force industrielle considérable sur le marché des télécommunications. Ce marché évolue très rapidement ; de nouvelles technologies apparaissent en quelques mois et rendent des produits innovants obsolètes en quelques années. Alcatel adopte une démarche obéissant à ses intérêts commerciaux, utilisant ses brevets comme source de revenus par le biais de contrats de licence ou comme leviers pour conclure des partenariats ou créer des joint ventures afin d'exploiter une technologie. Le département R&I est à l'origine du dépôt d'environ 200 brevets chaque année parmi les 900 déposés par les équipes de R&D d'Alcatel.

- [Securities and Exchange Commission, Annual Report 2002 :](#)

Our business and results of operations will be harmed if we are unable to protect our intellectual property rights from challenges or unauthorized third party use or if we become involved in litigation.

Like other companies operating in the telecommunications industry, we experience frequent litigation regarding patent and other intellectual property rights. Third parties have asserted, and in the future may assert, claims against us alleging that we infringe their intellectual property rights. Defending these claims may be expensive and divert the efforts of our management and technical personnel. If we do not succeed in defending these claims, we could be required to expend significant resources to develop non-infringing technology or to obtain licenses to the technology that is the subject of the litigation. In addition, third parties may attempt to appropriate the confidential information and proprietary technologies and processes used in our business, which we may be unable to prevent.

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We remain dependent in part on third party license agreements which enable us to use third party technology to develop or produce our products. However, we cannot be certain that any such licenses will be available to us on commercially reasonable terms, if at all.

Intellectual Property

We rely on patent, trade-mark, trade secret and copyright laws both to protect our proprietary technology and to protect us against claims from others. We believe that we have direct intellectual property rights or rights under licensing arrangements covering substantially all of our material technologies. However, there can be no assurance that claims of infringement will not be asserted against us or against our customers in connection with their use of our systems and products, nor can there be any assurance as to the outcome of any such claims, given the technological complexity of our systems and products.

We consider patent protection to be particularly important to our businesses due to the emphasis on research and development and intense competition in our markets. We filed 870 patent applications in 2002, and have a patent portfolio of approximately 6,000 patent families.

~~We do not believe that any single~~ patent or group of related patents is material to our business as a whole.

In August 2002, Alcatel completed the acquisition of the Telera Corporation. Telera's patented Voice Web software platform uses voice extensible markup language (VoiceXML) to enable service providers and enterprises to develop advanced voice applications that transform the telephone into a powerful tool to access Web-based information. All outstanding shares and rights to acquire shares of Telera Corp were exchanged for 15.1 million of Alcatel Class A American Depositary Shares (ADSs) for an acquisition price of Euros 79 million. ~~This company is consolidated from~~ August 1, 2002

- [Alcatel 2002 Annual Report](#) :

Finally, the approximately 900 patents filed by the Group every year and our strong growth in licensing revenues, which were up +25% in 2002, as in the previous year, testify to the vitality of our Research and Development program.

- [Securities and Exchange Commission, Annual Report 2003](#)

Intellectual Property

We rely on patent, trademark, trade secret and copyright laws both to protect our proprietary technology and to protect us against claims from others. We believe that we have direct intellectual property rights or rights under licensing arrangements covering substantially all of our material technologies. However, there can be no assurance that claims of infringement will not be asserted against us or against our customers in connection with their use of our systems and products, nor can there be any assurance as to the outcome of any such claims, given the technological complexity of our systems and products.

We consider patent protection to be particularly important to our businesses due to the emphasis on research and development and intense competition in our markets. We filed 750 patent applications in 2003, and have a patent portfolio of approximately 9,600 patent families. We do not believe that any single patent or group of related patents is material to our business as a whole.

- [Securities and Exchange](#)

[Commission, Annual Report 2004](#) :

Intellectual Property

We rely on patent, trademark, trade secret and copyright laws both to protect our proprietary technology and to protect us against claims from others. We believe that we have direct intellectual property rights or rights under licensing arrangements covering substantially all of our material technologies. However, there can be no assurance that claims of infringement will not be asserted against us or against our customers in connection with their use of our systems and products, nor can there be any assurance as to the outcome of any such claims, given the technological complexity of our systems and products.

We consider patent protection to be particularly important to our businesses due to the emphasis on research and development and intense competition in our markets. We filed 700 patent applications in 2004, and have a patent portfolio of approximately 9,600 patent families. We do not believe that any single patent or group of related patents is

material to our business as a whole.

- [Rapport développement durable 2004 ALCATEL](#) :

Aujourd'hui, 60 % des investissements de R&D sont consacrés aux logiciels, par exemple pour le développement de solutions de paiement, de messagerie ou de vidéo.

[..]

Une stratégie de valorisation des brevets

Ayant acquis une avance technologique, notamment dans les domaines des réseaux d'accès DSL et des réseaux optiques, Alcatel protège et valorise ce patrimoine technologique. Une équipe dédiée a ainsi en charge la valorisation de son portefeuille de brevets, générant des revenus supplémentaires pour le Groupe.

[..]

- Budget de recherche et développement 2004 : 1,6 milliard d'euros, soit 13 % du chiffre d'affaires annuel.
- 700 nouveaux brevets déposés en 2004