



Intellectual Property Disputes





What are intellectual property disputes?

Intellectual property (“IP”) claims arise when an owner seeks compensation from a party who is unlawfully obtaining a financial or other benefit from the unauthorised use of the intellectual property in question. Harbour can fund all forms of intellectual property claims, including patents, breaches of copyright, trademarks, and breaches of confidentiality for trade secrets.

Is funding right for your claim?

We need to understand the details of your claim to ascertain whether it could be funded. It is also important for us to know we can rely on your support in bringing the claim to a successful resolution. Answers to the following questions will help us to quickly assess your claim.

Merits	<ul style="list-style-type: none">• What applications/patents/IP have been infringed, and what term is left to run on your protected status?• Please explain the technology or other IP which is protected, and for patents how your IP is novel and differs to what may have existed before.• How much investment have you made in the development of your IP?• Where is your IP protected? Do you intend to obtain recognition of your patents in additional jurisdictions?• If applicable, have any invalidity or nullity proceedings been brought or threatened against you?• If applicable, has the time for bringing Opposition proceedings at the European Patent Office expired?
Economics	<ul style="list-style-type: none">• What amount of funding do you require?• How long do infringement actions usually take in the jurisdiction where you seek to enforce your claim?• How long do you expect the case will take?
Recoverability	<ul style="list-style-type: none">• Who is (are) the defendant(s), and how have they infringed your IP?• What is the value of your claim and how is that loss substantiated?• Do the defendants have the resources to satisfy an award made against them?
Experience	<ul style="list-style-type: none">• Who comprises the legal team and what is their track record in these sorts of cases?• What experts might you instruct, and why?



What sets us apart?

Harbour is amongst the largest and most experienced funders in the world, having supported cases in 14 jurisdictions and 6 arbitral forums since 2007. Our experience of reviewing over 4,000 claims means we can quickly review the responses to the questions above and provide an indicative view on pricing, before guiding you through our due diligence process.

We are one of the world's leading and most experienced funders supporting IP disputes, which we know to be both expensive and lengthy. We have invested in both patent and trade secret claims against large multinational defendants.

Our pricing

Harbour provides a flexible and tailored solution to suit your needs. We can cover all or part of your legal fees and disbursements, including potential adverse costs and funding for security for costs.

The pricing of our funding is bespoke and is informed by our view of the specific risks involved. We consider factors such as the claim value, the budget required, the merits, the jurisdiction of your claim, and any potential difficulties with enforcement.

A number of pricing options are available, with non-recourse funding being the most popular, where Harbour only receives a return when proceeds are recovered. Should the claim be unsuccessful, the risk is entirely ours, and you owe Harbour nothing. Pricing is generally structured as a return of capital plus the greater of a percentage of proceeds and a multiple of our capital.

Recourse funding is also available, which allows a claimant to maximise their return and free up capital. This financing is repayable at the end of the process, regardless of the outcome of the case.

We can also acquire interests in claims and judgments, providing immediate cash payments of an agreed percentage of the claim or judgment value, potentially with more to follow upon successful recoveries if the claimant wishes to remain involved.

We seek to agree pricing which fairly rewards the risk you and we are taking.

Pricing is agreed with our investment team at an early stage in our discussions, and before the case is presented to our investment committee you will know what the pricing is and how an agreement will be structured. More information on pricing and our processes is available on our website.



Intellectual property case study

Harbour is funding a claimant which developed an innovative technology to extend the shelf-life of fresh produce in the grocery sector. The claimant is an early-stage venture, which over a two-year period developed a partnership with a listed supermarket chain. By using the claimant's technology, the defendant has been able to make very substantial financial savings.

Without warning, the defendant abruptly terminated their agreement with the claimant, and within a few weeks announced that they had developed their own technology which allegedly had the same functionality as the claimant's. In fact, they had appropriated the claimant's IP.

Our funding has allowed the claimant to bring a claim against the defendant at no cost to the claimant.



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