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An Interview with Gary Ganzi, Lando & Anastasi, on Managing Intellectual Property

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Gary Ganzi

Tell me about your background?

From as early as I remember, I've been attracted to science and innovation—particularly sustainable technical solutions applied to difficult problems. My

educational background is in chemical engineering, with a specialty in electrochemistry and materials science. Shortly after graduate school I joined a series of tech companies that were using membranes and electricity to purify water and reducing or eliminating their customers' dependence on traditional chemical treatments. There, and throughout my career thereafter, my quest has been to reimagine water treatment, electrochemical, energy, and other industries, and to introduce innovative and disruptive solutions and sustainable technologies to customers in these industries.

It was as an inventor that I first learned about patents and other intellectual property and their importance to the innovation process. I realized that without intellectual property protections, it is nearly impossible to justify the needed expenditures in valuable time and expense for organizations to accept the risk of commercializing new ideas. For that reason, I spent nights attending law school and became an IP attorney to complete my understanding of the innovation ecosystem.

How do you believe clients gain the most value from working with an IP attorney?

I've always believed that clients will have the most success when they work with an attorney that has an in-depth understanding of their core technologies and someone who can collaborate with clients on business strategies. Clients who work together with their attorney to gain the highest quality IP protection that also meets specific business objectives will ultimately achieve the highest long-term value.

Does your technical background and corporate management experience enhance your legal practice?

As an inventor and technologist, and later as head of R&D and IP departments at domestic and international companies, I've learned

competition, reduce its business risk, and add value that customers recognize as beneficial. Sharing this approach with clients, to help guide their IP and development strategy and to align with and strengthen the organization's business model, even as it evolves and grows, provides clients with critically important value.

Why did you decide to join Lando & Anastasi after being a client of the firm for more than 20 years?

When my company first engaged L&A, we had just completed a period of explosive growth, primarily by acquisition. Over a five-year period, our publicly traded company had acquired roughly 250 companies, grew annual sales from \$100 million to \$5 billion and branched out internationally. Nearly all of these acquired companies already had their own IP portfolio, including patents, trademarks, trade secrets, and copyrighted works, and they were working on new innovations, as well. Some of these companies also brought with them active IP litigation—both as plaintiff and defendant—that needed support.

The team at L&A, like none of the others associated with our numerous acquisitions, had deep understanding of our business and technologies. L&A was able to support us in the development of our in-house IP management systems, plan our IP protection and risk-reduction strategies, and support our litigation efforts. It was natural that I was drawn to becoming part of the L&A team when the opportunity arose.

With respect to managing a large IP portfolio, what challenges and/or opportunities did you face during mergers and acquisitions at prior companies?

During the initial phases of our corporate growth, and at the time when I was managing both R&D and IP, I felt we were making progress if we even knew about the existence of more than two-thirds of the patents we owned! With L&A's support, we rapidly sought to: build an in-house patent department; create unifying patent committees by business; develop a robust trademark management infrastructure; integrate reviews of our company website, domain names, literature, and advertising; develop a coherent set of company IP policies; integrate IP risk reduction and enforcement efforts; and educate our sales, development, and marketing teams on creation and protection of our IP.

One of the many corollary business benefits of these IP initiatives was to help to rapidly integrate the diverse set of companies into our corporate culture, have them share ideas, and enable our businesses to provide synergistic, unified value to our customers. Consequently, during a follow-on period—where we in turn were spun out and acquired by even larger organizations, spun out again, and then ultimately took our new company public in an IPO—that unification added huge value both to our shareholders and

and policy, that they in turn integrated many of the features of our IP platform into their larger organizations.

How do you approach risk avoidance in IP management, and why is that important?

IP risk can often be the single highest risk factor of any for a company, and risk avoidance requires a multifaceted approach. For product or service development, an IP attorney should be part of the decision-making process during every management gate of the development and launch process. This not only steers developers on a path to avoid third-party IP—including avoidance of disclosure of confidential information—but also provides insight into protecting new ideas before there is a risk of loss of rights by becoming publicly known or used. Obviously, the earlier a third-party patent is identified, the easier it is to either design around it, or to scrub the project at a time when investment in time and funding is relatively low.

With more and more developments becoming collaborative an IP attorney needs to be involved from the beginning of the process to create an unambiguous understanding among the collaborating parties as to ownership of IP and what each participant's expectations should be, all the way through to product launch and commercialization. An up-front understanding of development ground rules, IP ownership, and benefits to each party will prevent disputes later. Further, once launched, a product should be reevaluated for third-party IP rights and risk whenever a product undergoes an improvement, when collateral or advertising is developed, whenever a product is used in combination with other products, or when a product enters a new market or country. Similarly, product names should be researched to avoid using a name that may already be a trademark owned by a third party.

For the IP attorney, this means that continuous scanning of the patent and trademark literature, particularly with respect to IP owned by primary competitors, is a necessity. Beyond that, ongoing and continuous training is vital for key members of the organization, such as those in sales, human resources, marketing, communications, and technology development. IP risk not only involves the risk of infringing third-party IP, but also the damage that can be caused by others through infringement or misappropriation of a company's owned IP— including through counterfeiting.

Lack of enforcement of a company's IP regarding others' infringement, misappropriation of trade secrets, trademarks or copyrighted works, false advertising, or counterfeiting can cause significant damage not only to sales and profits, but also to a company's reputation and goodwill. Each of these potential risks requires constant attention and a corporate infrastructure that

What makes intellectual property so valuable to a company? Why should a company invest in their IP strategy?

Although extremely valuable by itself, intellectual property is much more than the basket of rights an owner has to exclusivity. IP acts in many ways to strengthen an organization's business model, acts as an integrative force and creates a company culture focal point, builds an organization's worldwide reputation, and protects and extends value to its customers.

In the valuation of assets and for transactions, IP acts as an international currency for innovation, creating a universally accepted means to enable diverse parties to obtain funding, add shareholder value, negotiate licenses, and to collaborate in the development, manufacturing or sales of new products or services. Further, as a matter of public policy, by adding value to innovative initiatives—and by creating an equitable infrastructure enabling disclosure and sharing of IP, rather than competing in a race to the bottom through secrecy, misappropriation or copying—a strong IP system promotes competition and collaboration based on innovation and quality.

***Gary Ganzi**, Senior Counsel for the technology savvy intellectual property law firm, **Lando & Anastasi, LLP**, has knowledge of IP law with decades of expertise in development of sustainable solutions to water and energy. Gary is a named inventor on over 100 patents around the world, and is recognized as an expert in the field of high purity water production, reuse, and electrochemical technology. Gary is now applying that knowledge to support and provide IP protections for sustainable energy initiatives including for the production and use of clean energy via hydrogen. Gary is Chair of the ASTM subcommittee on membranes and ion exchange, and is recognized as a pioneer in the commercialization of electrodeionization – which has now taken its place as a necessary sustainable chemical-free technology using electricity for the production of the ultrapure water needed in applications such as semiconductor manufacturing, pharmaceuticals production and the purified water needed for clean hydrogen production through electrolysis. He can be reached at GGanzi@LALaw.com or 617-395-7012.*