The Role of Effective Intellectual Property Management in Enhancing the Competitiveness of Small and Medium-sized Enterprises (SMEs)

Training of Trainers Program on Effective Intellectual Property Asset Management by Small and Medium-sized Enterprises (SMEs)

Phnom Penh, May 20 to 23, 2013

Anil Sinha, Head
Small and Medium-sized Enterprises (SMEs) Section, WIPO
The knowledge economy

- India would benefit from strengthening efforts to create and commercialize knowledge, as well as better diffuse existing global and local knowledge and **increase the capacity of smaller enterprises to absorb it**.

- If all enterprises could costlessly achieve national best practices based on knowledge already in use in India, **economic output could more than quintuple**.
The knowledge economy

“Wealth creation in a world of heightened competition comes down to developing and owning difficult to replicate (intangible) assets, and orchestrating them astutely.”
What is Intellectual Property?

Intellectual property, very broadly, means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields.

Countries have laws to protect intellectual property for two main reasons:

- to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations.
- to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.
Intellectual Property

The Convention Establishing the World Intellectual Property Organization (WIPO) provides that “intellectual property shall include rights relating to:

- literary, artistic and scientific works
- performances of performing artists, phonograms and broadcasts
- inventions in all fields of human endeavor
- scientific discoveries
- industrial designs
- trademarks, service marks and commercial names and designations
- protection against unfair competition
- other rights resulting from intellectual activity in the industrial, scientific, literary or artistic
What is WIPO?

- The World Intellectual Property Organization (WIPO) is the United Nations agency dedicated to the use of intellectual property (patents, copyright, trademarks, designs, etc.) as a means of stimulating innovation and creativity.

- Its mission is to promote innovation and creativity for the economic, social and cultural development of all countries, through a balanced and effective international intellectual property system.
What is WIPO?

We promote the development and use of the international IP system through:

- **Services** - We run systems which make it easier to obtain protection internationally for patents, trademarks, designs and appellations of origin; and to resolve IP disputes.
- **Law** - We help develop the international legal IP framework in line with society’s evolving needs.
- **Infrastructure** - We build collaborative networks and technical platforms to share knowledge and simplify IP transactions, including free databases and tools for exchanging information.
- **Development** - We build capacity in the use of IP to support economic development.

We also work with our member states and stakeholders to improve understanding and respect for IP worldwide. We provide economic analysis and statistics. And we contribute IP-based solutions to help tackle global challenges.
In 2007, the Member States of the World Intellectual Property Organization (WIPO) adopted the decision that formally established the “Development Agenda of WIPO” with the aim of placing development at the heart of the Organization’s work.

The decision consisted of the adoption of a set of 45 Development Agenda recommendations and the establishment of a Committee on Development and Intellectual Property (CDIP).

The CDIP was mandated to: (i) develop a work-program for the implementation of the 45 adopted recommendations; (ii) monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose coordinate with relevant WIPO bodies; and (iii) discuss IP and development related issues as agreed by the Committee, as well as those decided by the General Assembly.

The 45 recommendations are grouped into six clusters reflecting the main areas of focus of the Development Agenda. The recommendations require a wide range of actions for implementation, ranging from concrete development-oriented projects and activities to the application of certain principles and objectives that should continue to guide the work of the Organization.
Outline

- The Knowledge Economy and the role of IP in appropriating value from investments in innovation and creativity
- IP Management and its relevance to the SMEs?
- Do SMEs use the IP system? To what extent?
- What are the challenges faced by the SMEs in regard to the IP system? How to overcome those challenges?
- WIPO National Studies on Intellectual Property and SMEs
The Knowledge Economy and the role of IP in appropriating value from investments in innovation and creativity

IP Management and its relevance to the SMEs

Do SMEs use the IP system? To what extent?

What are the challenges faced by the SMEs in regard to the IP system? How to overcome those challenges?
The management of intellectual assets has become key to coping with market competition in the knowledge-based economy.

Intellectual Property Rights (IPRs) can facilitate the process of value creation from intellectual assets.

The acquisition and management of IPRs are critical for firms to turn their innovation potential and creativity into market value and competitiveness.

This is particularly the case for new enterprises and SMEs that rely heavily on exploiting intellectual capital in their business models.
The knowledge economy

Tectonic shift in the world economy has fundamentally changed the basis for firm level competitive advantage (and eroded some of the traditional method of firm differentiation) due to:

- Lower cost of information flow
- Increase in the number of markets
- Liberalization of product and labor markets
- Deregulation of international financial flows

“Wealth creation in a world of heightened competition comes down to developing and owning difficult to replicate (intangible) assets, and orchestrating them astutely.” (Teece, 2000)

This is applicable to both high tech and low tech industries.
The knowledge economy

- Knowledge, competence and intellectual property are the most significant assets; others intangibles include brands, reputation and customer relationships.

- Competitive advantage can flow from ownership and successful deployment of non-tradable assets.

- Knowledge assets, especially competences, are difficult to trade since the market has many imperfections.

- Intellectual property regimes are stronger today than before and acts as a major counterforce to the ease of imitations.
The knowledge economy

- Tacit/Codified knowledge
  - More tacit the knowledge, more difficult it is to replicate or imitate
  - Firms should strive to keep knowledge tacit by keeping it, to the extent possible, a trade secret (easier for process technologies rather than product)
  - Firms should also protect non-tacit knowledge through IP rights
  - The ability of firms to keep knowledge tacit or protect through IP determines its ability to earn ‘rent’ in the market
The knowledge economy

Knowledge assets are often intermediary products and require complementary assets to yield value.

Degree of ownership, access or control of complementary assets therefore become a major issue in the competitive advantage equation.

One can have a fabulous technology for making car, however, if one does not have the manufacturing or distribution facility it would not be worth or yield much.

Ownership of difficult to imitate complementary assets is an important source of competitive advantage.
The Interaction of Intangible and Tangible Assets to Create Earnings

- Intellectual Capital (unique)
- Complementary Business Assets (differentiated)

Value Creation

Human Capital

- Intellectual Assets
  - Intellectual Property

Value Extraction

- Manufacturing Facilities
- Distribution Capabilities
- Sales Force

Structural Capital (generic)
Value of Intangible Assets

Components of S&P 500 Market Value

<table>
<thead>
<tr>
<th>Year</th>
<th>Tangible Assets</th>
<th>Intangible Assets</th>
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<tbody>
<tr>
<td>1975</td>
<td>83%</td>
<td>17%</td>
</tr>
<tr>
<td>1985</td>
<td>32%</td>
<td>68%</td>
</tr>
<tr>
<td>1995</td>
<td>32%</td>
<td>68%</td>
</tr>
<tr>
<td>2005</td>
<td>20%</td>
<td>80%</td>
</tr>
<tr>
<td>2009</td>
<td>19%</td>
<td>81%</td>
</tr>
</tbody>
</table>

Source: Ocean Tomo
The above map demonstrates the combined value for all brands from a specific region/country. With 50 brands on the Top 100 list and a total brand value of US $797,754 million, North America dominates the ranking. Germany, with 10 brands on the list and a total brand value of US $108,431 comes in second. Each year, however, new regions/countries gain steam. 2010 saw Mexican brand Corona join the table, and this year HTC from Taiwan has made the ranking.
## Value of Intangible Assets - Brands

<table>
<thead>
<tr>
<th>Rank</th>
<th>Brand</th>
<th>Brand Value 2011 ($M)</th>
<th>% Brand Value Change 2011 vs. 2010</th>
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<tbody>
<tr>
<td>1</td>
<td>Apple</td>
<td>153,285</td>
<td>84%</td>
</tr>
<tr>
<td>2</td>
<td>Google</td>
<td>111,498</td>
<td>-2%</td>
</tr>
<tr>
<td>3</td>
<td>IBM</td>
<td>100,849</td>
<td>17%</td>
</tr>
<tr>
<td>4</td>
<td>McDonald's</td>
<td>81,016</td>
<td>23%</td>
</tr>
<tr>
<td>5</td>
<td>Microsoft</td>
<td>78,243</td>
<td>2%</td>
</tr>
<tr>
<td>6</td>
<td>Coca-Cola</td>
<td>73,752</td>
<td>8%</td>
</tr>
<tr>
<td>7</td>
<td>AT&amp;T</td>
<td>69,916</td>
<td>N/A</td>
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<td>8</td>
<td>Marlboro</td>
<td>67,522</td>
<td>18%</td>
</tr>
<tr>
<td>9</td>
<td>China Mobile</td>
<td>57,326</td>
<td>9%</td>
</tr>
<tr>
<td>10</td>
<td>GE</td>
<td>50,318</td>
<td>12%</td>
</tr>
<tr>
<td>11</td>
<td>ICBC (Asia)</td>
<td>44,440</td>
<td>1%</td>
</tr>
<tr>
<td>12</td>
<td>Vodafone</td>
<td>43,647</td>
<td>-2%</td>
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<td>26</td>
<td>¥</td>
<td>24,312</td>
<td>23%</td>
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<tr>
<td>27</td>
<td>Toyota</td>
<td>24,198</td>
<td>11%</td>
</tr>
<tr>
<td>28</td>
<td>HSBC</td>
<td>22,587</td>
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</tr>
<tr>
<td>29</td>
<td>Baidu</td>
<td>22,555</td>
<td>141%</td>
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<tr>
<td>30</td>
<td>BMW</td>
<td>22,425</td>
<td>3%</td>
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<tr>
<td>31</td>
<td>Tesco</td>
<td>21,834</td>
<td>-15%</td>
</tr>
<tr>
<td>32</td>
<td>Gillette</td>
<td>19,782</td>
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<tr>
<td>33</td>
<td>China Life</td>
<td>19,542</td>
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</tr>
<tr>
<td>34</td>
<td>Pampers</td>
<td>19,350</td>
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<tr>
<td>35</td>
<td>Facebook</td>
<td>19,102</td>
<td>246%</td>
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<tr>
<td>36</td>
<td>Orange</td>
<td>17,597</td>
<td>N/A</td>
</tr>
<tr>
<td>37</td>
<td>Bank of China</td>
<td>17,530</td>
<td>-20%</td>
</tr>
</tbody>
</table>

Source: www.accenture.com
# Value of Intangible Assets - Brands

## BrandZ Top 100 Most Valuable Global Brands 2011

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<td>76,943</td>
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<td>6</td>
<td>Coca</td>
<td>73,752</td>
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<td>10</td>
<td>Starbucks</td>
<td>50,318</td>
<td>12%</td>
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<tr>
<td>11</td>
<td>Citigroup</td>
<td>44,440</td>
<td>1%</td>
</tr>
<tr>
<td>12</td>
<td>Citigroup</td>
<td>43,747</td>
<td>-2%</td>
</tr>
<tr>
<td>13</td>
<td>Amazon</td>
<td>42,828</td>
<td>N/A</td>
</tr>
<tr>
<td>14</td>
<td>Walmart</td>
<td>37,628</td>
<td>37%</td>
</tr>
<tr>
<td>15</td>
<td>Netflix</td>
<td>37,277</td>
<td>-5%</td>
</tr>
<tr>
<td>16</td>
<td>Tesco</td>
<td>36,876</td>
<td>97%</td>
</tr>
<tr>
<td>17</td>
<td>Tesco</td>
<td>36,720</td>
<td>-35%</td>
</tr>
<tr>
<td>18</td>
<td>Tesco</td>
<td>36,404</td>
<td>-11%</td>
</tr>
<tr>
<td>19</td>
<td>T-Mobile</td>
<td>29,774</td>
<td>N/A</td>
</tr>
<tr>
<td>20</td>
<td>VISA</td>
<td>28,553</td>
<td>15%</td>
</tr>
<tr>
<td>21</td>
<td>Mastercard</td>
<td>27,249</td>
<td>N/A</td>
</tr>
<tr>
<td>22</td>
<td>Oracle</td>
<td>26,948</td>
<td>9%</td>
</tr>
<tr>
<td>23</td>
<td>SAP</td>
<td>26,078</td>
<td>7%</td>
</tr>
<tr>
<td>24</td>
<td>SAP</td>
<td>25,024</td>
<td>22%</td>
</tr>
<tr>
<td>25</td>
<td>BlackBerry</td>
<td>24,023</td>
<td>-20%</td>
</tr>
</tbody>
</table>

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The Brand Value of Some Other Notable Losses: Data and Debets

**Note:** The Brand Value of Pepsi is not included due to the purchase of PepsiCo in 2001, which incorporated PepsiCo, 7-Eleven, and Tim Hortons.

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Source: www.accenture.com
Competitiveness of SMEs

- In a knowledge-based economy, competitiveness of enterprises, including SMEs, is increasingly based on ability to provide high-value-added products at a competitive price.

- Globalization and trade liberalization has made it crucial for most enterprises, including SMEs, to become internationally competitive even when operating wholly in the domestic market.
Competitiveness of SMEs

To become and remain competitive, SMEs need a coherent business strategy to constantly improve their efficiency, reduce production costs and enhance the reputation of their products by:

- Investing in research and development
- Acquiring new technology
- Improving management practices
- Developing creative and appealing designs
- Effectively marketing their products
Competitiveness of SMEs

For this, SMEs must make significant investments of time and resources.

Without **intellectual property protection** there is a strong risk that investments in R&D, product differentiation and marketing may be stolen/copied.

**Intellectual property rights** enable SMEs to have **exclusivity** over the exploitation of their innovative new or original products, their creative designs and their brands. The exclusivity creates an appropriate incentive for investing in improving their competitiveness.
The Knowledge Economy and the role of IP in appropriating value from investments in innovation and creativity

IP Management and its relevance to the SMEs

Do SMEs use the IP system? To what extent?

What are the challenges faced by the SMEs in regard to the IP system? How to overcome those challenges?

WIPO National Studies on Intellectual Property and SMEs
Business Strategy is ...

- the group of dynamic, integrated decisions that position the business in its competitive environment

- Marketing Strategy
  - Product/market definition
  - Pricing
  - Distribution
  - Promotion
  - Customer support

- Production Strategy
  - Facilities
  - Integration
  - Capacity
  - Quality
  - Production technology
  - Operations control
  - People management

- R&D Strategy
  - Basic and applied research
  - Product/process innovation
  - Lead or follow

- Financial Strategy
  - Capital structure
  - Cash flow

- Objectives
  - Growth
  - Profitability
  - Diversification
  - Innovation
  - Market share
  - Working environment
  - Corporate citizenship

- Legal Strategy
  - Intellectual property protection
  - Corporate
Building an IP Strategy

Build Your Portfolio
- Strategic Patenting/Branding
- Purchase Patents/Brands

Deploy Your Portfolio
- Design Freedom
- Manage Competition
- Enter new Markets
- Deliver Revenue
A Hierarchy of IP/IC Management

- **Visionary**  
  (Drive Growth)

- **Integrated**  
  (Manage for Growth)

- **Profit Center**  
  (Manage for Profitability)

- **Cost Control**  
  (Control Costs, Improve Productivity)

- **Defensive**  
  (Build Portfolio, Protect Markets and Technology)
### Introduction to IP Management

- Legal
- Technical
- Business
- Export
- Financial
- Relationships

- Accounting
- Tax
- Insurance
- Security
- Automation
- Personnel
The Knowledge Economy and the role of IP in appropriating value from investments in innovation and creativity

IP Management and its relevance to the SMEs

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WIPO National Studies on Intellectual Property and SMEs
Propensity of SMEs to patent their innovations

- Small firms are less likely to use patents as a means of protecting their investment than other means such as confidentiality, secrecy or time to market.

- SMEs are also less likely than larger firms to use others’ patents as a source of information for their own innovation activities, preferring customers, suppliers and trade fairs.

- Conversely, smaller firms are more likely than larger firms to put their patents to productive use or to license out their technology, a pattern that is likely to reflect relatively higher cost and capacity pressures.

- Among the emerging trends, of particular interest for high tech SMEs is the role of patents as an increasingly important factor in obtaining financial backing by venture capitalists.

Source: Centre for Business Research, University of Cambridge Working Paper No.411
Larger companies are more IP aware and have greater resources to both find out about IP and do something about it.

SMEs and the mass of micro-enterprises which form the cradle of IP and future large companies are in the main effectively unaware of the IP system.

Gradual and small increases in IP awareness amongst smaller companies (despite the awareness creation efforts of the UK IPO).

Continued effort is required to increase IP awareness amongst SMEs which are the source of new business growth.

Attention to cost effective means of promoting and disseminating IP related advice is therefore essential.

This message could be generalized to the rest of the world.

The Knowledge Economy and the role of IP in appropriating value from investments in innovation and creativity

IP Management and its relevance to the SMEs

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WIPO National Studies on Intellectual Property and SMEs
IP and SMEs: ground reality

Most studies on IP and SMEs conclude that SMEs, especially those in developing economies:

- Are generally unaware about IP and its role in enhancing competitiveness
- Find the cost of obtaining and maintaining IP rights daunting
- Find the cost associated with defending their IP rights beyond their means
- Find the IP system complex
- Lack of confidence in enforcement mechanisms
- Unique set of challenges when operating internationally (cost, regulatory and technical differences)
- Lack the competencies required to effectively manage IP assets
- Find IP rights a barrier to acquisition of technology
Overcoming challenges faced by SMEs

- Raise **awareness** about strategic opportunities offered by IPRs
- **Diffuse knowledge** about the variety of IP instruments and the strategic objectives they serve
- Foster **IP education and training**, bringing services and expertise closer to SMEs
- Address SME’s **financial constraints** in the access to IPRs
- Make IPR system overall more “SME-friendly”
- Improve cross-border IP information, coordination and enforcement for SMEs operating internationally
- Improve **metrics for measuring** SMEs intellectual assets

WIPO’s SMEs Initiative

- Promote a more active and effective use of the intellectual property system by SMEs

- Strengthen the capacity of national governments to develop strategies, policies and programs to meet the intellectual property needs of SMEs

- Improve the capacity of relevant public, private and civil society institutions, such as business and industry associations, to provide IP-related to SMEs

- Provide comprehensive web-based information and basic advice on IP issues to SME support institutions worldwide.
Small and Medium-Sized Enterprises (SMEs)

**IP RIGHTS**
- Patents
- Distinctive Signs
- Copyright and Related Rights
- Industrial Designs
- Trade Secrets
- New Varieties of Plants

**IP FOR BUSINESS**
- Introduction to IP for Business
- Marketing
- Commercializing IP
- Valuation of IP Assets
- IP and Financing
- E-commerce
- Research and Development
- IP Disputes Resolution

**RESOURCES**
- Multimedia
- Films
- Publications
- SME Newsletter
- Events
- Research
- Case Studies
- Best Practices
- Partners
- Helpline

New on the SME Website

- **Mak Marine**: Building a Strong and Defensible Worldwide Brand (UK) (Nov 5, 2008)
- **SPL**: International Patent and Trademark Protection to Secure Licenses (UK) (Nov 5, 2008)
- **FAVCO Limited**: An Innovative Bra Design and Development Company set up by a Female Cancer Research Scientist in the UK (Oct 15, 2008)
Easy to read, practical, business friendly guides
Translation/Customization of SME IP for Business Guides

Nationally customized versions of short guides in the "IP for Business Series" of WIPO

In a wide range of countries, a number of our partners have completed or taken up the national customization (for example, by translation into one or more local languages and/or national adaptation, based on relevant national IP laws and examples) of the first three short guides in the "IP for Business Series" of WIPO. The following table reflects the current status of work, including access to PDF versions of the nationally customized guides that have been created at the entire responsibility of the partner institution concerned.

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>LANGUAGE</th>
<th>MAKING A MARK</th>
<th>LOOKING GOOD</th>
<th>INVENTING THE FUTURE</th>
<th>CREATIVE EXPRESSION</th>
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The Most Advanced E-learning Content on Intellectual Property for your Business

- IP PANORAMA was developed jointly by the Korean Intellectual Property Office (KIPO), the Korea Invention Promotion Association (KIPA), and the World Intellectual Property Organization (WIPO) under a project entitled 'The Joint Development of E-learning Content' from 2004 to 2007.
- IP PANORAMA was designed to help SMEs utilize and manage Intellectual Property (IP) in their business strategy. In the past, most of the IP education materials had a legal orientation, even though businesses had a real need for a business-oriented IP education. IP PANORAMA increases IP awareness among enterprise sector and a wide range of university students by providing practical knowledge about using IP for business success.
- IP PANORAMA relies on a brand new instructional design strategy based on 'Storytelling' along with educational technology. The learning content of each module was designed with a practical story regarding intellectual property. It is informative as well as interesting.
- IP PANORAMA deals with IP issues from a business perspective, especially focusing on the situation of SMEs.

The topics covered in the 10 modules are as follows:

**IP PANORAMA 01: Importance of IP for SMEs**

- Why is IP relevant to your SME?
- IP as a business asset
- IP as an investment
- The value of IP assets
- Introduction of IP Audit

**IP PANORAMA 02: Trademarks and Industrial Designs**
Distribution of IP PANORAMA CD

- To member states of WIPO
- To partners of SMEs Section
The Knowledge Economy and the role of IP in appropriating value from investments in innovation and creativity

IP Management and its relevance to the SMEs

Do SMEs use the IP system? To what extent?

What are the challenges faced by the SMEs in regard to the IP system? How to overcome those challenges?

WIPO National Studies on Intellectual Property and SMEs
Thank you for your attention

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