Provisional Publication Title

_Strategic Intellectual Property Management: Driving Corporate Success_

Objective

The publication is primarily intended to be a textbook that will address the business aspects of IP. The target audience will include university students and working professionals:

1. IP law students and lawyers (both IP and non-IP) who want to understand the wider business context in which IP is used;
2. MBA and Master of Science in Management students and management/SME consultants, who want to understand the role of IP strategy from a business strategy perspective;
3. Students of Design/Engineering and Design/Engineering consultants who want to understand the role of IP from a design, engineering, and new product development perspective;
4. Entrepreneurs, who plan to start a new business;
5. Investors (Grant; Equity and Debt) who want to invest in IP based ventures;
6. CEOs of companies, owners/managers of SMEs, Directors on the Board of a company,
7. The accounting profession;
8. The valuation profession;
9. Private equity: business angels and venture capitalists;
10. The Quality assurance professionals (TQM, Six Sigma, etc);
11. The New Product Development Profession;
12. The Competitive Intelligence Profession.

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Preface

Director General of WIPO

Chapter I: Introduction to Markets, Property, Intangibles and Competitive Business Strategy

Strong statement concerning: Why this book should be read and by whom?

1. Definition of key terms (See Annex)
2. Private sector led development paradigm: measures of performance/success: Profit, return on investment; markets; new and improved products (incremental and radical improvements); entrepreneurship/leadership; producers; providers; users; consumers; strategy; strategic management; components of strategic management; business strategy in a global economy; business models; competitive advantage/unique selling proposition; economies of scale; Fordist model of
production; splintering of the value chain and core competencies; division of labor; moving from one S curve to the next S curve; entrepreneurship; creativity; invention; teams; clusters; relationships; innovation; communication; branding; quality; mass customization vs. mass personalization; co-creation, strategy evaluation; strategy implementation; etc

3. Key role of property rights (tangible and intangible)

4. Factors of production

5. Boundaries of the firm; value chain analysis

6. Different types of business and role of IP in each:
   a. Proprietary, partnership and corporation
   b. Large, Medium, small, micro
   c. National, multinational, or global
   d. Manufacturing or service
   e. Private or public
   f. Traditional or high tech
   g. Profit or not-for-profit

7. Strategic Business choices and role of IP in each:
   (a) Broad Market: Cost Leadership; (b) Broad Market: Differentiation; (c) Focus: Cost Leadership; (d) Focus: Differentiation. (e) Combination: best cost provider strategies. Pitfalls of differentiation strategies; pitfalls of cost cutting strategies; Pitfalls of best cost provider strategies
   (b) Different types of differentiation strategies: (i) Incorporate differentiating features that cause buyers to prefer firm’s product or service over brands of rivals; (ii) Find ways to differentiate that create value for buyers and are not easily matched or cheaply copied by rivals; (iii) Not spending more to achieve differentiation than the price premium that can be charged

8. Different types of IP Personnel: IP Consultants; IP agents; IP attorney; IP professional

9. Role of IP in business: Today, both small and large corporate clients benefit from adequate management of IP. IP plays four major roles.
   • Patents, copyrights, and trademarks provide a company with a right to assert a marketplace position.
   • Intellectual property positions may also be used to defend against accused infringement.
   • Compliance, such as software and copyright compliance is a part of good corporate governance.
   • Business dealings often carry a significant intellectual property component that must be properly handled, such as non-disclosure agreements, licenses, and employee invention agreements.

10. Industry and competitor analysis; strategic and competitive analysis

Links to resources:
Chapter II: Competing in the Knowledge Economy

1. Macro economic dynamics for Competitiveness
2. Micro economics
3. Enterprise Competitiveness
4. Globalized Production and International Trade
5. Development economics and IP
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6. Economics of Innovation and IP
8. Growing Importance of Intangibles as the key factor of production and Competitiveness

Links to resources:
Chapter III: Business Oriented Introduction to Intellectual Property

1. Trade Secrets
2. Copyright and Related Rights
3. Industrial Design
4. Trademark
5. Geographical Indications
6. Patent
7. Integrated Circuits
8. New Varieties of Plants
9. Asserting IP Rights
   i. Settling IP Disputes (Mediation and Arbitration)
   ii. Enforcing IP Rights (Police, Customs, Judiciary)
      1. Potential competitors may knowingly or unknowingly copy some aspect of a client's business. This may include outright infringement of a patented product or service, copying written material or designs, using a business' slogan, logo, or brand name, lifting quality web site style or art or text, or improperly acquiring trade secrets. Accusing a business of infringement is a serious matter, which could lead to legal complications if the accusation is false or threatening. Typically, any alleged infringement should be reviewed prior to writing any letter or making any claim of infringement.

Links to resources:
Chapter IV: Intellectual Property Culture and Leadership

1. Promoting Creativity and Inventiveness
2. IP Vision
   i. Corporate IP Policy
   ii. Leading an IP enabled Organization;
   iii. IP Responsibilities of the CEO and Board of Directors
3. Promoting IP Culture in an Organization
4. IP Advocacy
5. IP and Standards
6. Setting up and management of an IP Function/Unit/Department
   i. Role and Relevance of a Chief Intellectual Property Officer
   ii. Standard Operating Manual and Protocols
   iii. Relationship with outside IP consultants/IP counsels/IP firms

Links to resources:
Chapter V: Firm Strategy and Intellectual Property Strategy

1. Different types of IP Strategies and role of IP in each
   a. Defensive
   b. Cost control
   c. Profit center
   d. Integrated
   e. Visionary
2. Intellectual Property and Strategic Decision-Making
3. Intellectual Property and Company Performance
4. Creating IP value
   Value Transference
5. Aligning/Integrating IP Strategy and Business Strategy
   The Five Forces and IP
6. IP as a tool for Extracting Value
   Strategies for Protecting IP
   IP Reexamination, IP Dispute Resolution and IP Litigation Strategy in Business Strategy
   IP in Mergers & Acquisitions; Divestures; Bankruptcy
7. Entrepreneurship and IP
   Spinoffs, Startups, Business Incubators; Science/Technology Parks
8. Technology Transfer [to be authored by WIPO]
9. From Outsourcing to Global Collaboration: New Ways to Build Competitiveness
10. Compliance: IP Audit; IP Due Diligence
    Software License Audit - Web Site Audit - Product Audit - Marketing Audit
    Intellectual property compliance takes many forms, which may be addressed with a compliance audit. An Intellectual Property compliance audit is a systematic review of all or part of a company’s intellectual property. The goal of a compliance audit is to provide valuable information regarding possible infringement or breach on the part of the company or third parties. Most common are questions about the use of software in a company. Software license violations create liability exposure. Other compliance issues include misuse of copyrighted material, proper web site Terms-of-Use and Privacy Agreements, employee invention agreements, web site style, web site art and text, domain name ownership, license agreements, insurance coverage, and potential infringement of patents, trademarks, or marketing materials of others

Links to resources:
Chapter VI [a]: Marketing and Intellectual Property (Marketing/Sales/Advertising Department)

1. Competitive Intelligence/Analysis
2. Branding: internal; external  
   (Role of Trade Secrets, Trade Marks, Copyright & Related Rights and Industrial Designs), Marketing Mix, Brand Extensions, Line Extensions, Co-Branding, Ingredient Branding)
3. Trademark Licensing
4. Franchising and Character Merchandising
5. Distribution and Sales
6. Advertising, Comparative Advertising and Promotion
7. Costing and Pricing
8. Packaging /Labelling
9. Websites
10. Customer Satisfaction
11. Online Marketing
12. Marketing for Non-Profit organizations

Links to resources:

Branding and Design Innovation Leadership: What's Next?
Chapter VI [b]: The Design Imperative

1. Integrated/holistic Design and Innovation; experience design
2. Manufacturing the form/appearance
3. Quality by Design; CAD
4. Design and Branding/Marketing
5. Haptics; haptic devices and the ICT environment

Links to resources:
Chapter VII: Innovation, R&D and Intellectual Property Management
(Engineering/Design/R&D/Manufacturing Department)

1. Creativity, Inventiveness and Innovation
   Emerging Trends
2. Idea Generation; TRIZ
3. Research and Development; Invention Disclosures
4. Rapid Prototype Development; CAD; CAM
5. New Product Design and Development
6. Technology Management/Audit
7. Open Collaboration/Open Innovation/Open Source
8. Strategic Use of IP information
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   Technological Assessment

Links to resources:
Chapter VIII: Logistics and Operations Management and Intellectual Property

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2. Consistency and Quality Assurance/audit; conformity assessment
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Links to resources:
Chapter VIX: Corporate Finance and Intellectual Property
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   Business Valuation
   Valuation Methodologies
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   Product liability and IP issues in simple and complex products
   IP Trolls
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   Licensing
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Links to resources:
Chapter X: Human Resources Management and Intellectual Property (HRM Department)

1. Designing Corporate IP Policy and Organization
2. Promoting and Capturing innovation and creativity
3. Dealing with IP disputes
4. Incentives and Rewards
5. Managing Trade Secrets and Employees

Links to resources:
Chapter XI: International Expansion/Trade and Intellectual Property Management

1. Protecting IP abroad (Regional and International Filing/Protection Systems)
2. Licensing IP abroad
3. Enforcing IP abroad
4. Free trade agreements/ Regional Trade Agreements and IP
5. WIPO, WTO and IP

Links to resources:
Chapter XII: Intellectual Property and Business Relationships/Strategic Alliances

1. Licensing (arm’s length)
2. Vendors
3. Outsourcing
4. Marketing and Distribution Agreements
5. Contract Manufacturing
6. R&D Agreements
7. Spinoffs, Divestitures
8. Joint Ventures
9. Mergers & Acquisitions

Business dealings may involve buying, selling or licensing of intellectual property. Some of the most important agreement terms involve licensing a product from a supplier, which may propose significant intellectual property obligations.

Just a few of the potential agreement situations include: Software license agreements, whether shrink-wrap or requiring written signature; Non-disclosure Agreements with potential business partners, contractors; Non-compete Agreements with employees, contractors, contracting companies; Invention Agreements with employees, contractors, contracting companies; License Agreements with suppliers for new product lines; Remarketing Agreements with suppliers or national Internet companies; Advertising Agreements, including Internet-based advertising and search engine promotion; Web development Agreements, ownership of the domain, web site and web content; Sale of product or service; Sale of product or service to resellers; Due Diligence on purchase of a portfolio, including patents, licenses, brand names, software; Sale of portfolio or asset, including license assignments, brand names, patents.

Links to resources:
Chapter XIII: Ethics, Corporate Social Responsibility and Intellectual Property

1. IP, Ethics and Human Rights
2. IP and Climate Change
3. IP and Poverty /Health
4. Boardroom and IP
5. Managing perceptions of IP
6. Politics of IP; Lobbying for a more conducive IP environment; interest groups and lobbies; civil society
7. IP, Anti Trust and Competition
8. IP and Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions

Links to resources:
Chapter XIV: Firm Size IP and Management

1. Micro Enterprises
2. Small Enterprises
3. Medium Enterprises
   Worlds Apart: Patent Information and Innovation in SMEs
4. “Collective marketing” (reference to collective/certification marks and GI for group of SMEs)
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6. Multinational Enterprises
   Global Value Chains
   Transfer Pricing and IP

Links to resources:
Chapter XV: IP Management in Selected Countries

1. IP management in developed economies
   Europe, USA, Japan, South Korea

2. IP management in Emerging Economies
   China, India, Nigeria, Russia, South Africa, Brazil, Mexico, Singapore

3. IP management in Economies in Transition
   Poland, Slovenia, Hungary, Latvia

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Chapter XVI: Case Studies

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3. IP management in agriculture
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5. IP management in music, film and creative industries

Links to resources:
Annex

Definition of key terms such as: market, market share, market research, dominance, strategy, business goals, business strategy, intellectual assets, intellectual capital, intellectual property (IP), types of IP, IP strategy, profit, profitability, performance, success, creativity, inventiveness, innovation commodities, goods (search ~; experience ~, credence ~), services, products, new product, improved product, property, component, simple products, complex products, customer, user, capital, asset, intangible property, knowledge, traditional knowledge, knowledge assets, information, information assets, quality, productivity, competitor, partner, co-opetition, competitiveness, economic growth, economic development, competence, business, enterprise, company, corporation, core competencies, core/non-core functions of an enterprise, competitive advantage, competitive intelligence, comparative advantage, production, manufacture, commercialize, mass production, vertically integrated production, supply chain, distribution chain, distribution, wholesale, retail, different meanings of value, perceived value, value addition, value extraction, value chain, splintering of the value chain, branding, marketing, advertising, licensing, franchising, merchandising, goodwill, cost, price, premium price, product cycle, different types of users/consumers, mass customization, personalization, co-creation, cluster, types of clusters, ancillary, OEM, vendor, export, international business, e-business, parallel imports, grey market goods, piracy, counterfeiting, investment, ROI, standards, technical standards, business relationship, strategic alliance, etc.

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