

INTELLECTUAL PROPERTY PORTFOLIO MANAGEMENT

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Welcome friends, so we were discussing about IP strategies. for different type of portfolios. We discussed in our last two sessions that strategy which is related to patent portfolio, we discussed strategies which are related to copyright, trademark, trade secret type of portfolios which are most common type of portfolios. We did not discuss about design related IP portfolio. So, for that we can understand

that designs are generally considered part of patent only. That let me also tell you that many a time people say that design protection as design patent. So, if you talk in normal public so they are not able to differentiate between design and patents. However, technically speaking design and patent are two different types of IPRs. But

common understanding is that design is only a subset of patent. So, therefore, whatever we discussed with respect to patent related portfolio management that is applicable for design protections also or design portfolio also. And organizations are giving more importance to design protections than the patent applications. In fact, since we are coming from India, we take pride that India is one of the country which is top design protection filers in the world.

So, and lot of designing courses are happening in India. We have a bachelor of design, we have master of design. So, there is a culture of design which is developing in India. So, design portfolio strategy is also important, but for the moment we are considering design portfolio strategy similar to our patent portfolio strategy. Now, that we discussed at the micro level that okay.

what type of portfolio I am having and what type of strategic options I have. But at the organizational level we need to see that if I want to develop my IP strategy what are the various elements of that IP strategy and that we are going to discuss in this particular session that what are the various elements of IP strategy and here we are going to discuss

some of the key questions in developing the IP strategy the elements of IP strategy plan we will see there are two very important elements internal and external. So, what are the various components of internal strategy and what are the components of external strategy and then how are we going to implement this IP strategy. So, in one of the video we already discussed that strategy is basically

how you are moving towards achieving your objective. Whatever is the objective of your organization how you are going to achieve that the plan of achieving the objective that is the strategy. Now, when I am talking of IP strategy one important thing we need to understand that it is not going to work in isolation. It is one of the functional label strategy and any functional strategy cannot work in isolation. What does it mean?

When I am talking of organization, there are different levels. The top level, middle level and then functional level. And at functional level, you may have marketing strategy. you have human resources strategy, you have supply chain strategy, etc., etc. Now, today I am talking of IP strategy.

So, let us add this IP strategy also here. One important thing that IP strategy needs to be in alignment with the top level activities or your business level strategy. What is your business level strategy? And must be in alignment with your intermediate strategies also.

And as I am saying that it is not only in terms of alignment with the top level strategy, but you need to have alignment with all the functional strategies like this. you are not working in isolation, but you are working in synchronization with your marketing strategy, with your HR strategy, with your other functional strategies, whatever it may be in your organization. So, it should be a very coordinated effort. It should be very coordinated effort using your IP rights for accomplishing the company's national international business objectives. That is the purpose of IP strategy.

Two things important, it has to be in alignment with your overall business objectives and at the same time it has to be have a coordinated efforts with other functional level strategies. Many a time you may have coordination with the top strategy, alignment with the top strategy, but if you are not in sync with other functional level strategy, in one of the video we discussed about controlling the cost. maybe your cost will overshoot, maybe you will not have budgetary supports if you are not in sync with your other functional level strategy. When you are having sync with other functional level strategies it is known as synergy in the organization and when you have synergy effectiveness increases multiple times. So, all those things are possible only when

coordination and alignment with your top strategy is possible in the organization. Now, when we are developing this IP strategy two things we have understood. Now, let us understand what are the key questions in IP strategy. Now, the questions which we need to consider when we are developing elaborating our IP strategy that is what are my current products, what is the potential of my market, what type of distribution methods I am going to use.

All these things will play your IP strategy role because some of the companies will have interest in distribution methods. You take example of successful companies like Amazon which is taking competitiveness because of their distribution methods. There are companies like these days lot of aggregators are there in India also we have companies like Ola etcetera. They are all getting advantage because of their distribution method. So, their IP strategy is aligning about the distribution systems.

Some of the companies are more prominent because of the market potential. So, that companies like Apple, Samsung, Nestle, Amul. So, they will like to have their IP around or products which are having trademark efficiency. So, we already understood what is the trademark related IP portfolio.

So, all these companies because they are directly dealing to the market, they will be looking for more trademark related IP strategy. And then companies which are dominating a particular product categories, particularly if I am a pharmaceutical company, I may be having specialty in let us say cancer drugs, I may be having specialty in some vaccines. So, I will be more focused about my products and in this case patent related IP strategy is more suitable to me. So, depending upon what is my strength, whether it is related to products, whether it is related to markets, whether it is related to distribution, I will align my IP strategy accordingly.

Should it be focused on patents, should it be focused on trademarks, should it be focused on copyrights, accordingly. Now, when we are developing the IP strategy, what are the various elements of this IP strategy plan? first is you have to establish priority positions we will be discussing all these things in detail in few minutes only evaluating operational freedom alliances collaborations licensing policies the cost associated and what will be your enforcement policy all these are the various elements which should be there in your ip strategy related a plan like first important thing that you have to maintain your priority positions in each business sector that hinder or prevent competitors from using the best technology in the countries to of important commercial interest. So, first you need to

understand that what is that priority position and in every country with respect to every product category there may be difference in the priority positions.

So, you need to see whether I am going to have a priority position for these products in which country that is the first element of your IP study. Many of the researchers working in the field of robotics because they are looking to establish their priority position in USA. Now, it is an interesting question because generally when you are talking of robotics Japan is the leading country. Now, if I go in Japan maybe I will not be able to get a priority position because already there are high level of research happening in the field of robotics.

So, from India if I want to take advantage of my IP I will not go to Japan because I America is a follower country in case of robotics, I will like to go to America and make a priority position in that market. So, that is how we have to establish and maintain priority positions in different business sectors, so that we can prevent our competitors from using the best technologies. Then, to ensure and provide a mechanism to evaluate the company's ability to operate freely for current and new products or processes in countries of important commercial interest.

The meaning is that what type of mechanism are available so that can my company freely operate in those countries or not? What is ease of doing business in different countries? So, with respect to that if i want to have a priority position in that market whether i will be able to do business there or not many country companies they want to come to india want to have a priority position but we know before 1991 when we were more kind of a limited economy we were a restricted economy it was not possible for other companies to come to India and maintain a priority position.

Only after this economic reforms in 1991, India became the attractive location for various MNCs to make their priority position. To facilitate acquisitions, developing alliances, that is also important element of your IP strategy. You cannot get success on your own alone in the field of IP management. A lot of collaborations, coordinations are needed, acquisitions may be needed, you need partnerships for developing a good IP strategy.

So, what type of acquisitions, partnerships you are looking, so that you can actually leverage your IP assets. Then what type of licensing policy for your different type of IP, know how you need to decide that also in your IP strategy. Then another important element as we just discussed, it should include a mechanism for evaluating the cost

associated with each of the preceding elements. There are so many types of evaluations you have to do.

Every evaluation is going to take some amount of resources. it is not for free. So, you should know that in going for step 1 to 4 what is the cost associated of each of those step, how much budget you are going to spend on these evaluation activities that also need to be properly understood. The IP strategic plan should have a well reasoned and articulated enforcement policy for exploiting IPRs in countries of important commercial interest that how you are going to enforce your IP in all the country.

Because you need local government support wherever you are having your IP interest commercial interest for enforcement it is impossible to have you take your IP to court without the support of local government. what type of relations your country has with those countries, what type of independent judiciary systems are available or not available and if these are available and these are not available, how are you going to handle your enforcement activities in those geographies, countries that is all part of your IP strategy. So, good IP strategy other than these six will also need to evaluate the risk of infringement of third parties rights but also the infringements of own developments and outline appropriate defensive actions to permit the business and technical people to move forward in developing and marketing the products. It is also quite possible that while we are protecting our IP, our knowledge so that nobody can infringe my knowledge.

but it is also possible sometime which may happen that you may infringe others knowledge also by deliberate means or just because of ignorance also. So, in that case how you are going to handle those types of issues that is also part of your IP strategy. Now, as we just discussed that your IP strategy need to be in alignment with your business strategy. So, we need to see that there are two very important components of this IP strategy.

These are internal strategy and external strategy. There are different elements of internal strategy also like IP audit, IP policy, IP protection and maintenance and in external strategy it is about enforcement enhancing the competitiveness and public policies issue. So, let us discuss them one by one that what are the meaning of IP audit, IP policy, IP protection. So, let us first discuss internal IP.

Now, internal IP is basically to create a culture of IP in your organization. so that people can create more and more IP if there is no internal IP strategy how you will generate more IP and genuine IP. So, the purpose is to uncover underutilized IP assets when you

have internal IP strategy the purpose is to uncover the underutilized IP assets there are large number of IP in your portfolio but maybe you are utilizing only 20 percent of them, 80 percent remains unutilized. So, there is a huge potential, but that potential is not realized.

Therefore, internal strategy is needed. Then, there is a possible threat to a company's bottom line. Your bottom line is under some kind of a challenge if proper IP management is not there that is also possible to understand, uncover if you have proper IP strategy. And it will also help your business planners to develop informed strategies that will maintain and improve the company's market position.

Because of strength of your IP portfolio, strength of your R and D activities, your strategist in the organization they will be aware that what type of market position we will be having in near future because of our sustained IP activities. Now, in this case the second internal element of IP strategy is IP policy. So, first was the IP audit, second is IP policy. Now, IP policy is a basic you can say system that how you are going to handle IP in your organization.

So, when you are working in an organization there may be so many ideas which are coming to your mind. Now, our duty as an organization is to convert those ideas which are in the mind of my employees into some kind of tangible things. Tangible things means some kind of patent, IP so that it becomes a structured piece of knowledge for the benefit of the organization. We all keep thinking all the time but because there is no IP policy that how to convert my ideas my thought processes into the benefit of the organization.

Otherwise that creative potential of my employees is being lost if I do not have any IP policy. So, there must be some kind of consistent effective processes for recording, evaluating and protecting your IPs which are coming through the employees of your organization. Then third important thing is IP audit, policy and then the third is IP protection and maintenance. This is the third important element of your IP internal strategies important element.

The company must develop rules to determine what type of IP rights will be secured, it deals with cost implications and patent filing strategies. Because you have one organization where let us say 10,000 employees are working. Now, 10,000 employees may be thinking of new ideas on daily basis. So, 10,000 new ideas are coming in you and 10,000 into 365 days, it becomes a mind boggling number of filing those number of IPs.

So, it will certainly have huge cost implications also. So, you cannot do that really. So, you need to see that how you are going to file the patent of on one side I am saying that because of your IP policy you need to convert the creative potential of your employees into a tangible thing in the form of a patent. But on the other side you also need to have a process of filtering, a process of selecting some of those ideas which can be worthwhile as a patent. And then you also need to see that how are you going to maintain those IPs.

There is a lot of issues we have already discussed, cost related issues, strategic related issues, administrative issues when you are maintaining your IP and the idea is in this case to minimize the risk, minimize the risk and becoming cost effective. So, IP protection and maintenance is driven by these two ideas that we have to minimize our risk and we have to become cost effective. If I am talking in terms of defensive IP strategy, if I want to become offensive IP strategy then I will say that protection and maintenance is required to maintain my leading position in the market. So, it depends upon What is my interest to remain aggressive, offensive or to become defensive?

After this, then we come to external IP strategy. The second part of our overall IP strategy. Now, in the external IP strategy, we are dealing with the outside the organization. And when I am talking outside the organization, one important element of that external strategy is enforcement of IP strategy. The enforcement of IP is the most important element of your overall IP strategy.

The enforcement of IP combines offensive, defensive both type of IP strategies which we have already discussed. You have independent watching reporting services because you as an organization, you are always busy with your regular R&D activities. For you, it is impossible to continuously watch whether somebody has infringed your IP or not, how somebody is misusing your IP or not. You have interest in so many other countries. So, it is really a impossible kind of a work for individuals or for commercial organizations to focus about the violation of your work.

Therefore, organizations can take help of these independent watchdogs. these independent watchdogs they have the mechanism to continuously see that whether any technology is misused or compromised and they immediately create a red flag so that you can take corrective actions or you can see that what type of negotiations are needed. Then second important thing is competitiveness. External IP strategy one side is enforcement The second side is competitiveness.

What your competitors are doing with respect to that you need to make competitive intelligence so that you can give direction to your R&D team that the world is moving in this direction. Technology is developing in this direction. There are some very good publications which are available from WIPO. Simply let us say annual reports of WIPO and I request all those who are watching this video to refer the annual reports of WIPO and you will get lot of insights about that how technology landscape is moving and that may give you a good direction that okay in order to improve my competitiveness we should be doing research in these frontier areas.

So, sometime again I will say if I do not have the idea of external work we remain obsessed with what we are doing. So, therefore, this competitiveness will only come when we are leading the R and D direction and that is the second important element of my external strategy. Then another important element of my external strategy is one is enforcement, second is competitiveness and the third is public policy related issues. Because in some countries there can be good environment for IP, in some other countries there may not be so good environment for IP.

In India itself national IPR policy was launched in 2016, though we had patent act, design act, trademark act, copyright acts much before than that, but there was hardly any awareness about these different types of IP related acts or large number of people even in universities and colleges were not aware about what is IP. Most of us were only aware about publication of our research activities. So, public policy issues that how to facilitate IP in which area what type of new interventions are coming. So, whether you can use AI related content for getting the copyright or not, what type of issues are happening with respect to open source softwares etcetera. All these things require public policy related interventions. So, what is happening in the external landscape how it is coming to your organization that is also part of our external IP strategy. You need to have a consistent channel through which the happenings of external environment can come to your organization.

So, that organization can take appropriate action because you need have you need to have equal role of internal as well as external, you need to be strengthened internally and then the leverage of that strength will come from the external environment. So, both these internal external strategies are very important. Now, finally, we come on the implementation of this IP strategy. So, once a company establishes the IP strategy and all

these things which are coming because of internal and external strategies we need to see how it is going to be implemented.

And for implementation the first important requirement is resources. What type of resources are required for implementing this strategy and resources may be of you Let us say human resource, you may have internal IP cell or patent attorneys, business experts for value extraction, intelligent analyst and competitor insights, all these financial legal professionals. So, all they are the part of your human resources. And these human resources again may be internal and external.

Some of these professionals may be internal to your organization if you are a large organization and some may be available to provide services to you on the payment basis. So, that is one important type of resource you need. The other type of resource is monetary resource. They will not be available to you on free. So, they will need some funds

So, availability of resources another important thing for availability of money related resources for the implementation. Then third important thing in terms of resources the physical resources some of you may connect physical resources with money itself. proper office, lab, facilities which are enabling the implementation of IP strategy. So, that is also part of your resources. So, these are the different types of resources which will be needed for implementation of your IP strategy.

And with this we understood that after understanding that how my IP strategy is going to be in line with the business objectives of my organization. We also need to have synchronization with various other functional strategies and we discussed that internal external strategies are very important. they need to be in alignment. Internal strategy on one side will create a very robust internal system while external strategy will help me to take benefit, leverage that robust system for my revenue generation.

these IP strategy is going to be very very interesting part of my discussions because we will be expecting a lot of assignments, examples on this particular topic that how organizations are using IP strategy for leveraging their business interest. So, with this we come to end of this particular video. Thank you very much.