

INTELLECTUAL PROPERTY PORTFOLIO MANAGEMENT

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Lecture - 36

Welcome friends, we are talking of IP portfolio management. over last 7 weeks and now we are entering into the final week of this particular course. So, there will be some revision what we have discussed in last 7 weeks and there will be some macro level discussions also during this particular week. Now, one issue which we were discussing in our earlier classes also that IP portfolio can be developed at organization level also and IP portfolio can also be developed at the national level because when I talk about knowledge economy there is a competition between one country to another country.

Countries want to progress want to compete and they know that knowledge is going to be very important asset for their competitiveness and therefore Countries also want to keep a very strong IP portfolio. Otherwise as we discussed in one of the video you may recall that if I do not have enough IPs in my country and if I want to start a company in a particular area I have to borrow technologies from other nations and therefore a lot of my profit will be going away in terms of royalty. So, for developing nations, for underdeveloped nations this is a major challenge that they also need to develop a good IP portfolio, a good portfolio of technologies. Only when you have good portfolio of technologies you can become self-reliant.

In India particularly Prime Minister is very much obsessed with this self-reliant and for becoming self-reliant one very important aspect is to create technologies on our own to have a very strong IP portfolio. When you have an IP portfolio of your own then only you will be able to compete freely otherwise there is somebody who is always driving your progress. So, you need to be driving your own progress and for that purpose it is important that as a nation I should have a strong IP portfolio.

Now, to have a strong IP portfolio as a country, we need to understand how and what is important. Therefore, in this particular video, we are going to discuss about national-level intellectual property strategies and how a country can become a savvy country. When we discuss about national level IP issues The example of China is always to be discussed. In one of the classes in the first and second weeks, we discussed the example of China.

Today again, I am bringing the same example because, at the beginning of the 21st century, China was a normal country as any other country without giving too much recognition to the role of the knowledge economy, and it was on the path of becoming a manufacturing-led economy. In fact, most of us, even today, feel that China is a manufacturing-led economy. But since times have changed, the 21st century, as I keep saying in almost every lecture, is the time of the knowledge economy. China could understand that future, and therefore, they created an ecosystem where everywhere they thought about how to create new knowledge, and how to develop that system to protect the knowledge. how to develop that system to commercialize that knowledge.

And today China is a giving example is an example to be followed in the knowledge economy era. It is much ahead of countries like USA where we have a very old IPR ecosystem. So, Countries are also realizing and they have developed in a very strategic manner their educational institutions, their IP offices, their judiciary systems, their business activities so that everywhere you can understand the importance of IP and IP-related matters. So, in this case national intellectual property strategies we are going to discuss.

WIPO is also very much serious about this particular aspect. because the development not only in the field of R&D but in the field of business also is almost impossible without understanding and harnessing the power of intellectual property. So, in this session we are going to discuss about the national IP strategies, and its importance, the value of national IP strategies, and the WIPO proposed methodologies. we will be talking about a few salient features of the IPR policy of India, which was implemented in year 2016, and we will see a comparative example from our neighbouring country Bhutan, which is also under the developing scenario. So, all these will help us that what is to be done.

at a higher level for developing the IP strategy for a nation. So, WIPO is very much concerned that the developing nations, the underdeveloped nations should have IP importance. They need to have their national IP strategies so that the IP ecosystem you can say is directly affecting. the economic development. If you have the meaning is if

you have a robust IP ecosystem you can ensure better economic development in your society.

One example of a robust IP ecosystem is, for example, if I develop IP and somebody infringes my IP, then where will I go? whether I will expect some kind of justice from my judicial system or not. If that system is not developed, IP will not lead to economic development because I am developing IP, I am doing R&D efforts, I am investing my time, I am money, but there will be somebody else who will be infringing my IP and I will not be able to do anything I cannot sue him, I cannot take any legal action against all those infringers. So, that is not a robust IP ecosystem and if that happens it will be difficult to have economic development.

So, for IP ecosystem when I say there are various elements that whether you have enough numbers of education institutions and in those education institutions where you have enough kind of infrastructure support where IP creation is possible. Then whether you have proper IP X in your country and under those IP X whether there is a proper It may be the IPR office, it may be the science and technology office, it may be any technology development office, whatever is the name that is not that important. But whether there is a system of proper protection of IP.

For example, if you develop IP but protection takes too much time, or most of the applications are rejected under the name of examination of your application, people will feel that this system is not working. So, on one side we need to have a system where proper procedures are let down, it should not be too diluted also and on the other side we should be able to encourage IP creation. So, that is the protection system. Then, the judicial system is also there or not, and then commercial systems. So, these are

various elements of this IP ecosystem, creation sub-system, protection sub-system, judicial sub-system and commercial sub-systems. When all these sub-systems are appropriate, they are in the robust condition, it will lead to economic development. And IP strategy at a national level will outline how all these ecosystems or subsystems of the IP ecosystem will be strengthened. So, that therefore, we need IP strategy for the country.

So, all the elements of the IP ecosystem will impact the economic development, innovation and creative capacity. It will also lead to better innovative and creative capacity and it will also ensure Vitality of Enterprises So, all these things are possible with your national IP strategy and therefore, WIPO emphasizes that if a country has to economically grow and who will not like to have economic development in our country

because most of the time we keep talking about size of your economy, we keep talking of GDP. So, one of the important ways to improve your GDP is to strengthen the IP ecosystem.

Now what is this national IP strategy? So it is a set, or as I just mentioned, it is a set of policy measures. Set of policy measures means for every sub-system of this IP ecosystem you need some kind of policy. So it becomes a bigger set of policies. formulated and implemented by the government to improve its IP and innovation ecosystem in line with the social, cultural, and economic development goals of your country.

It links IP with a wide range of public policy areas to enhance coherence and coordination in government law and policymaking. For example, in India if you develop a device that can very easily detect the sex of baby in the fetus that is not eligible to be patented. So, IP developed in accordance and social norms of the country and therefore, a lot of public policy issues, the values of the society are also very important whenever we are talking of IP related matters.

So, therefore, what can be protected, what cannot be protected in a particular country that is also important under the IP strategy. Why IP strategy for a country is important? Now, by this time, I hope you have understood why IP strategy is important. Because it gives you ability to create, protect, disseminate economically valuable IP assets. It fosters an enabling environment to harness a country's innovative and creative potential.

India has a population of 1.4 billion close to that. And out of that population, you have a huge innovation potential. But there are challenges with respect to educational infrastructure. There are challenges with respect to production infrastructures. We are not able to take the benefit of this huge potential which we have.

So, it is not that we do not have potential. But because very recently just 8 years back we are recording this course in 2024. India's IPR policy came in 2016. So, in this 8 year period we have done significantly dramatically better. I have given you data of IPs which we granted in 2014 and the IP which we granted in 2023.

So, there is a significant improvement in the numbers around 10 times more IP we granted if we compare the numbers of 2014 and 2023. But our potential is even more. Our potential is much much more. The current IP numbers do not actually reflect our potential. So, now, at least, we have started moving on these things.

We are talking about IP-related matters. We are recording a full course on IP portfolio. All these things could be possible only because the IPR policy was developed in our country. So, the IPR policy for any country has significant importance, significant value for that country. First is it enable strategies to use IP that how you are going to develop IP.

strategic use strategic means where you are going to have a better utilization of your resources than your competitors. You are able to understand your customer's requirements in a better way than your competitors. So, all these things are part of your strategic use of the IP system. Then the second important thing developing a conducive environment developing enabling environment. where you can facilitate, where you can strengthen and sustain a nation's ability to generate economically valuable IP assets.

In India, we have formal and informal economies both, but there are some unconfirmed data which says that our informal size of economy is much bigger than the formal size and therefore, the IP ecosystem should not only contribute to the formal sectors but informal sectors also and it actually contributes. It promote IP as a driver for macroeconomic growth and development that we already have discussed that how IP ecosystem is helping you in GDP related and other development index. It ensures better alignment and coordination with national policy.

In fact, you do not have simply one national IPR policy. Like in our case in India, you have a national IPR policy, we will be talking in detail about our national IPR policy after few minutes and we also have NEP, national education policy. So, we need to see that once you have a policy or a strategy you need to have alignment with various other national policies. If alignment is not there it will be difficult to implement a single policy or a single strategy.

So, our national IPR policy is actually in alignment with NEP and similarly various other policies like how to promote startup India etc., All these are different types of national policies, and there has to be a better alignment, when you have a proper strategy, then this alignment can be better ensured because then everything comes in black and white. And if when you are drafting your policy, you need to see that it will bring more value only when it is in alignment and coordination with various other national policies which are existing on that particular day. WIPO which is the ultimate authority in all IP related matters.

So, WIPO has also given a simple methodology for developing the developing and implementing national IP strategies. So, this is the process format of developing the national IP strategies and here you see that it has elaborated the entire process in 7 phases from phase 1 to phase 7. Now, if you see phase wise in phase one, it is about initiation whether the country is ready, some kind of you can say due diligence you need to have whether the country is ready. Inception is the second stage, where you are preparing and planning your IP strategy. The third is third phase is planning and managing the data collection process.

For developing the IP strategy, you have to get a lot of data and how that data will come, what will be the mechanism, where the data will be filtered, where the data will be stored, how to ensure the safety of that data, all that is the phase 3 in this process. drafting the strategy. Now, since you have data you can apply some kind of analytical tools and which will help you in analyzing the or developing your strategy the frame number 1. Then validating, finalizing and adopting the strategy. After that using the data which you have in phase 3.

you will be able to do some kind of validation of your strategy which you have developed in phase 4 of this process. Then phase 6 implement the strategy whatever strategy you are developing for developing a national IP strategy you have to implement that after validating and finalizing the strategy. And phase number 7, monitoring and evaluating the planned IP strategy. So, that whatever objectives you mentioned in your draft of the policy whether you are able to achieve those objectives or not.

So therefore, there is a requirement to monitor and evaluate the strategy on a regular basis. Now, in these slides further we have given in detail about all these phases. So, phase one, as I said, is whether the country is ready due diligence, preparatory work. So, do we have the capacity to undertake the comprehensive national IP strategy development process?

Generally, it is related to resources. Do we have enough resources and expertise that we can develop our own national IP strategy? Generally, in our case also If I am IIT and we have a institute label IP policy and now there is a small college a local college they also want to have their IP strategy. So, what happens that they will generally try to take the same policy which we have just by changing their names etcetera it becomes their policy also.

then it is very difficult the kind of resources IIT has versus those colleges have, they are much different. And therefore, a very important question which we need to ask before developing the IP strategy, do we have enough capacity resources to undertake this comprehensive national IP strategy development process. If we do not have resources, better not to start the entire process. Phase 2 as we discussed is about inception, preparing and planning. Here is a like identifying the key institutions or body driving the process.

For example, in the case of India, it can be DPIIT, it can be our courts, some high courts may be involved, and there may be some associations. and some HEIs. So, these can be a way to identify all those key institutions, bodies etc which should be consulted during the process of this IP strategy development. So, this is step number one. Forming a steering committee and a national project team.

So, out of these organizations, bodies, and institutions that should be part of this IP strategy drafting, there has to be a steering committee from these organizations, which may be concerned deans, etc. can be identified as a member of that steering committee. Now, since the team is starting a new kind of activity, they are training proper publicity so that people should recognize the team members and WIPO recommends that WIPO and the member state, the member country should also sign a kind of MOU for developing the IP strategy. Then phase 3 is about planning and managing the data collection process.

So, the data collection process can be in two steps detailed desk research. Lot of you can say literature review, lot of reports you read and so on. So, all this work is possible through a computer system. So, this is detailed desk research. And the second is a comprehensive consultation.

So, comprehensive consultation means you are talking means some important stakeholders and you are listening and that is also a very important input for you that what your different types of stakeholders are suggesting to you. Then phase four now, for the first time, you are going to draft the strategy. So, once the entire data collection initial round of consultation is done. A draft national IP strategy needs to be formulated based on an analysis of all the data and information collected and the perspectives provided through consultation with the various stakeholders. all about developing a basic IP strategy for the country.

So, because we have done enough data collection, we have done the initial round of consultation also etc. So, things start becoming pretty clear. And then phase 5, where we

are going to validate, finalize and adopt the strategy. So, you have to plan, plan means the implementation plan, the validation plan. you need to discuss with all the important stakeholders.

And all public private institutions involved in data collection especially those providing valuable feedback along with organizations and key stakeholders essential for executing the national IP study should be invited to the validation exercise. So, in the validation and finalization, we need to ask more and more people who can participate in our particular exercise and then on the basis of these results, we are going to finalize our national IP strategy. And then coming to the last stage that is implementing the strategy where once you have developed the IP strategy like in India we have developed the IP strategy and then comes the implementation part. whatever you are thinking, okay, we will be doing this way. But writing on a paper and actually doing it are two very important things.

So, this implementation of strategy is also part of your national IP strategy development activity. So, this particular phase is about the key elements which are based on experience. These suggestions should be taken considering the context of each country and company also, political support at the highest level possible, communicate the strategy and the implementation plan at the national, subnational and regional levels. And then phase 7 where you are going to monitor and evaluate the strategy because monitoring and evaluation of the implementation of the strategy is the foundation for identifying

what progress is being made, and what elements of the strategy may need attention if there is some kind of slackness or we are not able to reach to the level of work that we anticipated. So, therefore, this phase 7 is working as a kind of feedback system, a monitoring system so that you can check your own performance, you can check your own outcome. So, this is the same thing which we have presented in the form of a Gantt chart which is available from WIPO's website. Now, based on all these things, I will like to give you the example of India. In my earlier sessions also, I spoke about national IPR policy of India which got implemented in 2016.

And we feel that this is a very important welcome step for the government of India. Though it is very late, the knowledge economy started in the 21st century, and this IPR policy came into existence after 16 years of our knowledge economy era. Fortunately, unfortunately, it depends on what optics you are wearing. If you are wearing the optics of pro-government, Then you will say that okay in 9 years or 10 years the number of patent

grants have become from 4000 to 75000 and on the other side if you have a different optics you will say that oh you are still getting only 75000 while China is getting 6 lakhs.

So, it depends on what optics you have, but I still feel that it was a very welcome move by the government of India. where IPR policy was developed based on all these steps which we have discussed so far. Now, this IPR policy has these important areas, which means these are the verticals you can say of India's IPR policy. The First important area is IPR awareness, outreach and promotions. Now, you see that this is a course on IP portfolio management.

And if I see it from this IPR policies point of view, this is the first important thing which we are doing. Creating different types of courses, curriculums, etc. are part of your vertical one of IPR awareness. Generation of IPR, these are inventions which our students, researchers do, legal and legislative framework. the infringement etc need to be handled under legal and legislative framework.

Administration and management for example, if I am filing the application for granting a patent how fast that application is processed. Commercialization of IPR government on its own is not doing commercialization of IPR because it is a property owned by an individual or institution But there are different offices like the office of PSA (Principal Scientific Advisor) to Prime Minister of India. So, that office is also helping a lot in commercialization of your IPRs. Enforcement and adjudication are also very important aspects of the IP ecosystem.

And finally, human capital development. that is always possible when you are seeing that how people are becoming sharper and sharper, they are becoming more IP savvy persons. So, that is an indication of human capital development also. So, these are the objectives of India's IPR policy. So, this is not generic, this is only

which is applicable to IPR policy of India and through this we want to become our self as IP savvy. Another very interesting example is Bhutan, which is much smaller in size than India, and Bhutan's national IPR policy says to promote the use of IP for sustainable socio-economic development. So, they want to create those IPs which are helping them in improving their socio-economic development activities. Because they know that they may not be able to compete with big multinational companies for FMCGs or consumer durables.

So, they are trying to target a very different area, which is sustainable socio-economic development. And there are different types of objectives which are mentioned for our national IPR policy and with this now we are able to understand that it is not only at the company level but at the country level also. important to have a proper IPR ecosystem and in that IPR ecosystem IP policy matters a lot and you can see that different countries they have started their journey of becoming IPCV nations at different levels, different platforms. But the objective is one simple that is we want to be a more and more innovative organization

so that we may remain relevant in this knowledge economy era. With this, we come to end of this particular session. Thank you very much.