

INTELLECTUAL ASSET MANAGEMENT

BRINKS
HOFER
GILSON
& LIONE®

INTELLECTUAL ASSET MANAGEMENT

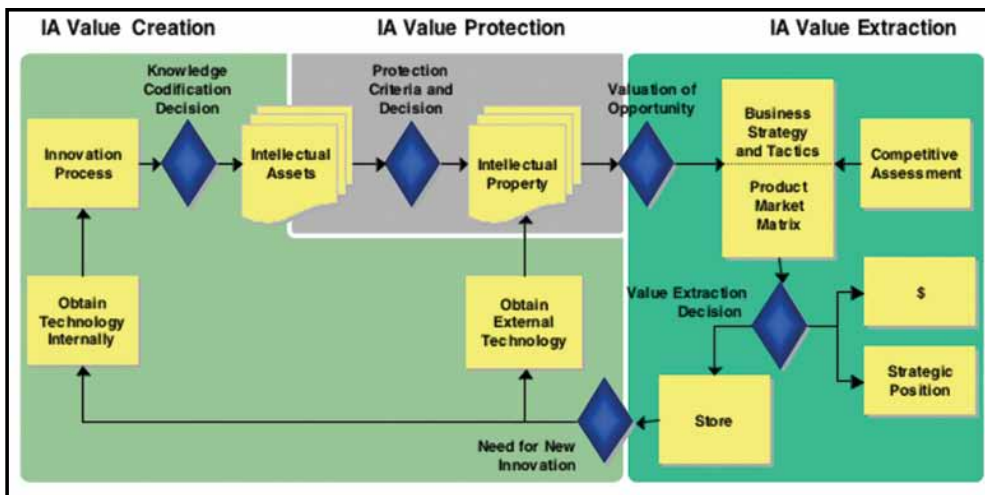
What has your IP portfolio done for you lately?

That is the first question companies should ask when deciding upon an Intellectual Property (IP) Strategy. Or, more completely, what do you want your Intellectual Property Rights (IPR) to do for your business?

Leading companies that have answered this question have first come to understand that IPR is not simply the stuff the Law Department or your patent lawyers understand. To the contrary, the lawyers should not “own” the IP strategy of your company—at least not completely. Sure, there is a valid and appropriate role for the Law Department in setting and more importantly achieving the goals of a useful IP strategy, but it can't stop with the lawyers.

THE IPR PROCESS

One renown author has schematically laid down the entire IPR process within most companies from cradle to grave:



As can be seen from this process flow chart, the legal organization only owns a small, but important portion of the overall IP process. Two other organizations also own—and need to own—vital aspects of a fully-aligned IP strategy. The Research and Development function must own the IP creation portion, which it has done historically. But more importantly today, the business groups need to own and understand the value extraction portion of the process.

LEVERAGING YOUR PORTFOLIO

In answering this question, there are several common alternatives for extracting value or “leveraging” your IP portfolio. These include:

Sale

Transfer of ownership, usually for a monetary consideration

License

Transfer of some or all rights, with retention of ownership

Joint Venture

Contributing IP rights to a research or business venture with another party; with the other party contributing one or more complementary business assets

Strategic Alliance

Entering into a business arrangement in order to gain access to markets to which your company would otherwise be denied. IP is often used as the “sweetener” for the deal

Productization

Managing all business functions, from manufacturing a product, through distribution and placement with a retail organization

Spin-Out

Creating a new company out of an existing one; usually involves selling shares of ownership to outside investors

Enforcement

Having a court decide to uphold or overturn the existing patent rights of the patent holder

Before you add that next patent, trademark or copyright to your existing portfolio, or before you embark on your first patent application, companies should answer this question: If you are still patenting everything or filing patents that the Research & Development folks ask for, are you going the way of the dinosaur? This process most often leads to the creation of engineering trophies at best, and wasting assets at worst. Would you follow the same strategy with your mutual fund portfolio?

Best in class companies are linking their IPR strategies directly to their business strategies. If you would like assistance in creating a strategic IPR policy for your company, call us at 866.222.0112.

NBC Tower, Suite 3600
455 North Cityfront Plaza Drive
Chicago, IL 60611-5599
Telephone 312.321.4200
Fax 312.321.4299

Capital Center, Suite 1100
201 North Illinois Street
Indianapolis, IN 46204-4220
Telephone 317.636.0886
Fax 317.634.6701

Suite 200
524 South Main Street
Ann Arbor, MI 48104-2921
Telephone 734.302.6000
Fax 734.994.6331

Suite 120
2801 Slater Road
Morrisville, NC 27560-8477
Telephone 919.481.1111
Fax 919.481.1110

Suite 800
405 South Main Street
Salt Lake City, UT 84111-3400
Telephone 801.355.7900
Fax 801.355.7901

Crystal Plaza One, Suite 306
2001 Jefferson Davis Highway
Arlington, VA 22202-3603
Telephone 703.415.0303
Fax 703.415.0304

BRINKS
HOFER
GILSON
& LIONE®

usebrinks.com