



IP strategy

Experiences from IP and innovation professionals

Dear Reader,

Companies face different situations today when moving into a strategic approach to IP management. This white paper aims to summarize these situations and reflects the views of ~400 IP and innovation professionals working in IP and innovation (R&D, R&I or the like) departments in a wide range of companies (large and SMEs), patent law firms and other organizations. The document is a compilation of both positive and less positive experiences, i.a. on the design, the implementation and the execution of the IP plan.

Best regards,

A handwritten signature in black ink that reads "Alexandre Ho". The signature is written in a cursive, flowing style.

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IP strategy: where to start?

About the author



Dr Arnaud Gasnier is CEO, a Senior Consultant and Founder of Patentopolis BV specialized in training/certifications, solutions and consulting in the area of IP management. Arnaud has practiced globally in various IP (patents, trademarks) departments and in various roles (Patent Attorney, Licensing Associate, Portfolio Manager, Associate General Counsel, Assistant Director) for the last 16 years.

The present document aims to summarize the different situations faced by companies today when moving into a strategic approach to IP management. This document has been prepared from surveys ran with former attendees to Patentopolis strategy workshops during the last five years. It reflects the views of ~400 professionals working in IP and innovation (R&D, R&I or the like) departments in a wide range of companies (large and SMEs), patent law firms and other organizations.

Before joining the seminar, attendees shared success factors and pitfalls which they experience in their respective roles. This document is a compilation of both experiences which have been anonymized, combined and clustered. Note that the following is an excerpt. It has been partly rephrased for clarity and consistency, especially for a uniform use of the terminology along the lines discussed during the seminar.



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1 “I am new to this”

- I have not yet any experience with such a plan. I have not been involved with IP strategy yet.
- We have no real IP strategy in place: it’s rather operational and ad hoc instead. We have no IP plan so far. Instead, IP is handled on an ad hoc basis. Patent filing is ad hoc when business units request IP. There is no learning curve; we are just doing firefighting.
- There is no idea on how going forward. We don’t know what to do upfront. We have no experience. How to plan for IP in an early phase (before starting product development starts)?
- Defining a strategy in words did not go well (too vague). There is no IP plan which is structured and supported by data. There is neither organisation, nor system, nor training.
- The company is continuously changing. So, there is (in my view) no room for very long-term strategies.

2 Pitfalls and limitations

2.1 Getting support

2.1.1 Support from management

- Key in managing IP is to find engagement and to clearly explain what IP is and how it can be used. There’s a lot of misconception on both high as well as lower levels.
- Top management doesn’t support (or sees no need for) IP strategy. Sense of importance/urgency re IP was missing at the senior levels. Meanwhile, we do not know „business language“ to get their attention. As a result, the IP department lacks trust, credibility and patience, and we eventually suffer from budget reductions.
- Getting interest in IP is not sustainable and is decreasing fast.

2.1.2 Support from other functions

- It is challenging to keep everyone engaged in ongoing IP efforts, which are typically steps in a long-term strategy. (prioritization conflicts). Obtaining support from the business side is challenging since IP is only viewed as a cost and time-consuming exercise.
- We had a workshop with key stakeholders, but it was delayed by 1 year. Just after, we had a reorganization which caused a shift in priorities. We have no time to look beyond the core.
- Business opportunities overrule IP considerations. Finding a compromise between short- and long-term business goals. R&D runs faster than IP.

2.1.3 IP culture

- It is difficult to get attention of top management outside of the core area. There is a lack or limited understanding of the value added by IP for the company. IP seems like a blocker rather than the benefit. I am the only one in my division dealing with IP but the IP plan is the responsibility of the others. We lack internal processes work efficiently with IP.

2.2 Designing the IP plan

2.2.1 It starts as a project

2.2.1.1 Scoping

- Determining a clear understanding of the appropriate scope (areas where IP matters) was difficult. There is a lack of communication on the why.
- We have an organisational challenge: our factories operate in an independent and decentralised fashion within the group. In other words, we have different strategies for different subsidiaries. In addition, we have different levels of commitment from the different subsidiaries.

2.2.1.2 Project team

- Too many people were invited to join the strategy team (because fear of offending colleagues). Yet, we had too few people with analytical skills, and we missed alternative views. We should improve the involvement of R&D teams.
- In other companies: the key people are not involved. We need to involve business and management

2.2.2 Methodology, workflow and tools

- We missed a framework on how to organize data (e.g. IP and business) to build strategy and understanding prioritization. We miss knowledge/experience about collecting data and deriving prioritized actions. Also, we were unable to get an overview e.g. of what our portfolio covers (other than a case-by-case list).
- As a result, we experienced a very slow process when designing IP strategy. A lot of time is needed. It took longer than expected: to know the business; and to connect with management team. Due to lack of time, we did not consider all the models for IP value-capture/creation.
- The complexity was underestimated. We had an overload of data. We need more feedback loops from key stakeholders during the process. But people are too busy doing what they have always been doing. Also, it is challenging to get them outside comfort zone.
- The current process is poorly documented and not measured. it is dependent only on a few motivated people could leave.
- We lack consistent strategic IP planning across different regions and BUs. As a result, we do not maximize the value of own IP assets.

2.2.3 Collecting data

- We missed relevant information: long-term goals and long-term plans, product roadmap developed internally, and in general goals to achieve with IP. It is difficult (especially for a law firm) to find out the overall company strategy.
- Also, it can be difficult to find relevant market information. Some companies miss information on which markets and applications in and outside core, and a clear identification of their competitors.



- Collecting data from the various stakeholders was time-consuming due to lack of perception by key stakeholders of the value of IP if no litigation.

2.2.4 Analysing data

2.2.4.1 Understanding the business

- It is challenging to focus on an overall strategy, rather than analysis of patent assets on a case-by-case basis. It was difficult to understand the company's current interest of its own patented technology.
- We did an IP strategy; however, it is unclear how it is related to company's business strategy. We lacked long-term vision and therefore plans changed frequently.
- We are changing business strategy within the company. This means that our existing clients can become competitors. This creates the need for an "adapted" IP strategy.
- Interaction/integration between different business units was challenging. Therefore, defining a corporate strategy was challenging.

2.2.4.2 Market and competition positioning

- It was challenging to analyze gaps in competitors' IP and to design our own technologies that could fill said gap.

2.2.4.3 IP/innovation portfolio and gap analysis

- IP valuation knowledge and skills were missing within the IP team.

2.2.5 Prioritization, roadmap and KPIs

2.2.5.1 Prioritization

- It was difficult to define the most essential focus areas and to derive prioritized actions because of lack of discussions. There are no clear actions that highlight the benefits of IP.

2.2.5.2 Roadmap

- Setting concrete and specific milestones. Defining a timeline for patent focus is challenging. The plan was too short term oriented.

2.2.5.3 KPIs

- Defining KPIs for non-key products is challenging. As a result, we have no KPIs or we rarely use KPI and hard deadlines.
- Alternatively, when KPIs are defined, there is no commitment on these KPIs since people do not want to commit to IP deliverables. In worst cases, KPIs are not aligned with the expectations.

2.3 Implementing the IP plan

2.3.1 Presenting and communicating

- The plan was not communicated (or made familiar) to all key stakeholders. We missed a common understanding (and holistic management) across the functions as far as IP is concerned.

2.3.2 Getting buy-in

- Selling the plan to the top management is challenging. Getting commitment from upper management is always a challenge. I had some difficulties in convincing the top management. We didn't get approval and therefore the plan is not implemented. Management have their own opinion about relevance of IP; they speak a different language. We must convince with a strong message.

2.4 Deployment

- Deploying the plan was the problem. Some colleagues thought that the plan will be a self-realising prophecy. The plan was presented but not managed later: daily work gets in the way. Deploying the plan through training in R&D was more challenging.

2.5 Executing the IP plan

- We are not looking beyond specific R&D projects during execution. Considering broader patent applications for eventual licensing-out, considering eventual acquisition targets, etc. was missing.
- Success is difficult to measure (valuation, ROI). Meeting KPI was difficult.
- There was no adjustment of the plan in case of deviation. Analysing the deviation from target trajectory set in the plan was difficult. The problem came from: adjusting to new information; and changing directions from the board.
- We miss management systems re the strategic side of IP management.

3 Success factors

3.1 Getting support

3.1.1 Support from management

- There is more pressure from investors towards IP. We have structural issues to sustain and support interest/efforts in IP.
- Management is more and more aware of IP-active areas which we enter.
- There is support by more and more employees as well as middle management. We had recent changes in the top management and the new members are pro-IP. We have a champion in the top management team.

3.1.2 Support from other functions

- The company decided to have IP and it is on the daily business agenda of the CEO. We managed to obtain the trust from Business Unit on IP long term strategy.

3.1.3 IP culture

- There is general awareness re importance of IP throughout the company. In general, the company is open to discussion and supportive of efforts to develop IP strategy. Interest in new approach providing more than just a cost or number of patents. We want to solve a recurrent issue of lack of visibility for the IP portfolio while being a high cost.



- Internal pressure has increased. More and more parts of the company need to come up with an IP plan.

3.2 Designing the IP plan

3.2.1 It starts as a project

3.2.1.1 Scoping

- Broaden the scope of the IP strategy plan where we have more inputs.

3.2.1.2 Project team

- Build a cross functional team (R&D, business development, marketing and IP). We involved people from different levels within the organisation not only the IP manager and R&D team. Be involved in the process earlier. We used more resources.

3.2.2 Methodology, workflow and tools

- We knew that the workflow should be cross functional. We decided to follow a framework for designing an IP strategy and to be more stringent on applying it to our environment. At the end, our IP „strategy“ follows business strategy and is managed by means of patent committees with stakeholders from different parts of the business. There must be an understanding that Business and IP Strategy are closely related and needed for alignment.

3.2.3 Collecting data

- Data collection went well thanks to a structured and dedicated team for business intelligence and knowledge centre. Data is collected both on the company's internal and external environment.

3.2.4 Analysing data

3.2.4.1 Understanding the business

- We have a good understanding of business strengths. We also understand upcoming user needs. We mapped the company's IP to its actual projects/products to demonstrate where we have alignment IP-business and where we need to realign.

3.2.4.2 Market and competition positioning

- The company knows which markets are important.

3.2.4.3 IP/innovation portfolio and gap analysis

- We are aware of the technical problems. We are good at preparing and filing patent applications. We have a good understanding of areas where IP can be commercialised.

3.2.5 Prioritization, roadmap and KPIs

3.2.5.1 Prioritization

- Environmental Analysis, as well as Risks and Challenges, are considered.

3.2.5.2 Roadmap

3.2.5.3 KPIs

- We made KPIs that are clear and transparent to all employees. The IP targets/goals are clearly defined and mostly achieved. Targets are there on yearly basis but driven by the business strategy. IP focus should derive from technical focus; therefore, it is key to know major development projects internally.

3.3 Implementing the IP plan

3.3.1 Presenting and communicating

- Presenting the plan internally was an easy thing. Getting a common understanding on how the strategy is implemented.

3.3.2 Getting buy-in

3.4 Deployment

- We successfully deployed the plan through an effective organizational structure with management systems and routine meetings.

3.5 Executing the IP plan

- Communication and alignment with Management and the Project Team worked well. Mostly we achieved the targeted number of filings. Adjusting the plan due to internal/external changes went well.

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