What is IP?
IP includes all the tangible and intangible property a firm has, including contextual information and digital assets that are the result of the innovation process.

Protecting and Managing Your Intellectual Property
It’s not just for legal teams anymore
BY JOE DURY

A company’s intellectual property (IP) portfolio is often one of its most valuable and strategic assets. Even though IP creation and reuse is an integral component of an effective innovation process, IP management and oversight typically is relegated to corporate legal groups. These groups tend to focus on protecting what the company owns and enforcing existing licenses. Protection and enforcement are important, but they are only a small piece of effective IP management. Extracting value requires a business-driven strategy.

Companies gain advantage by taking a proactive, multi-disciplinary approach to managing the complete body of IP — ideas, digital assets, patents, filings, internal invention disclosures, trade secrets, etc. (Figure 1) — all of which are critical to growth and competition in an ever-changing business environment.

IP Strategy Begins at the Top

Business executives and leaders within any firm must take full responsibility for understanding their IP and ensuring its relevance to business strategy.

While legal can help protect and even possibly catalog IP, proactively knowing what IP needs to be protected and finding methods for reusing and tracking IP are part of the business’ responsibility.
IP Strategy is a Team Sport

Protecting, managing, leveraging and commercializing IP is a team sport that requires key players from Corporate, Legal, Research & Development (R&D), Engineering, Technology, Manufacturing, and customers (Figure 2).

![Figure 2: An effective IP team helps ensure that IP development and needs align with business strategy.](image)

A balanced IP team is essential to answering the following key questions:

- What existing IP resides in the portfolio?
- What IP is missing in the current portfolio?
- What features and requirements can be fulfilled by existing IP?
- Are there similar innovations being used elsewhere in the company?
- If the IP is new and novel, what is the protection strategy?
- Might others use this new IP for future designs in the company? Would we license this externally?
- What are the cost implications of using acquired IP (royalty, licensing fees)?
- Are there legal restrictions on getting any IP released or used?
- Who is the point person to address questions about the business and/or legal implications of this?

For example, when creating an innovative new product or technology, Marketing and R&D teams determine key performance or functional requirements that must be met. Development teams focus on designing the right product or technology to meet those requirements and they must either mine existing IP for quick time to market or create a strategy for protecting the innovation with a smart IP strategy.
Creating a Strategic IP Management Game Plan

Companies that implement an effective strategy to properly manage IP increase opportunities for innovation and growth. Understanding the risks, costs and methods to maximize the value of IP across a business or enterprise is necessary to both create and maintain an effective business strategy.

A strategic IP management infrastructure guides the IP team to enable the organization to identify, protect and leverage high value innovation. Each project, program, and design team should address its IP game plan under the guidance of an overarching IP strategy. Each new innovation, whether for a single product or suite of applications, should be part of the strategic IP process.

Embracing IP standards and procedures across the enterprise makes companies more efficient in the use and reuse of IP. Intellectual property should be managed as another corporate asset to be protected and exploited for profit, just like brand names or physical assets. With a more open and transparent process they can facilitate any required offensive or defensive strategy related to their IP.

Companies Win with a Balanced IP Team

Protecting IP is more than a legal matter; it’s a foundational element for successful product development and an overall innovation strategy. Critical to this success is involving the stakeholders required to:

- Identify IP
- Manage IP
- Protect IP
- Align IP to business strategy
- Develop IP
- Exploit IP

Companies that involve legal as part of an overall innovation strategy are leaders. They involve their legal counsel with a tightly integrated collaboration among R&D, technology, manufacturing, engineering and development execution teams to maximize the potential value of intellectual property and set themselves up to win.