

Protection of Intellectual Property through the Power of Marketing Communication

By

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About Us

- FIRST SIGHT is a global consulting firm, providing services in Strategy Consulting, Strategic Marketing Communications and Business Development for Governments, Companies, Organizations and Individuals.
- FIRST SIGHT works with companies to build, develop and improve their ability to generate new growth through Innovation.
- FIRST SIGHT services range from strategic brand and intellectual property identity development to the design, implementation and protection of complex corporate identities and images.
- FIRST SIGHT offers a comprehensive suite of services across four languages (Arabic, English, French, and German) to those looking to target Arabian or European markets in search of outbound foreign projects.
- FIRST SIGHT also provides support in targeting Arabian or European markets with inbound trading opportunities.

What is an Intellectual Property (IP)

“Intellectual Property is unique, as it is the fruit of personal creation and inventiveness.”

WIPO Definition:

- Intellectual Property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.
- IP is divided into two categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs.

Importance of Intellectual Property and License Protection

- Nature and critical importance of Intellectual Property vary across industries and types of business. Risks of not protecting Intellectual Property are further escalated when licensing comes into play. Licensing of IP requires high level of knowledge sharing between customer and vendor. Consequently, IP rights of stakeholders are involved in one form or another. Thus intellectual property management and data protection issues have become increasingly important for businesses utilizing licensing.
- Intellectual Property that can be transferred to a customer may include software, data, business and technology processes, trade secrets, inventions, know-how as well as other confidential information and works of authorship. Furthermore some of it may belong to third parties and require licensing itself.

Protection of Intellectual Property

- Both licensee and licensor must properly administer their IP and stick to overall business objectives in order to effectively manage information sharing. Benefits of sharing IP assets must outweigh risks associated with licensing.
- In most cases uncertainty and problems can be overcome by properly first conducting an IP due diligence, thoroughly evaluating vendor and customer in order to undertake appropriate IP-protection measures.

Types of Intellectual Property



Legal protection of Intellectual Property

- Countries and Regions have different legal system
- Important is not only the legal system but also the culture of involved countries
- The enforcement of IP rights vary massively in different countries even if there exist a legal protection law
- A clearly stated contract that specifically addresses business knowledge and IP-related issues, where e.g. licensor's and licensees employees are made responsible for their actions, has to be negotiated. This allows to ensure appropriate protection, avoid disagreements and prevent litigation
- Definition of a compliance audit procedure prior to engaging into licensing relationships
- Definition of mechanisms for possible dispute resolution and arbitration

	Patents	Utility Models	Trade Marks	Industrial Designs	Copyright	Trade Secrets	Traditional Knowledge
IP Type	New technical invention, Inventive step, Industrial application	New technical invention, Lower level of inventive activity, Industrial application	Products, Services, Words, Names, Colors, Sounds	Aesthetic configuration of an object or specific shape	Literary, Graphical works, musical works, Software, Databases	Information, about: Formulas, Design, Business Strategy, Customer Contacts, Process Flow	Information about traditional production methods, traditional healing, etc
Protection Duration	20	10	10 years, indefinitely renewable	5 years, renewable up to 25 years	Author's lifetime + 70 years	Indefinite until revealed	Indefinite until revealed
Instruments	National Patents, European Patents, PCT	National utility models, PCT	National trade marks, Community trade marks, International trade marks	National industrial designs, Community designs, International deposit of industrial designs	No registration; The protection arises merely through the act of creation	No registration	No registration
Authorities	NPO, EPO, WIPO	NPO	NPO, OHIM, WIPO	NPO, OHIM, WIPO			

WIPO: World Intellectual Property Organization; EPO: European Patent Organization; OHIM: Office of Harmonization for the Internal Market; NPO: National Patent Offices; PCT: Patent Cooperation Treaty (International Patent Cooperation Union)

Technical protection of Intellectual Property

- Watermarking
 - UV Visibility
 - IR Visibility
 - RFID
 - DNA Ink
- Serial Numbers
- Dongles
- Smart Cards
- Software Encryption
- Digital Rights Management

Secret protection of Intellectual Property

- Data security has to be treated as an exigency
- The number of people who have access to the full information has to be limited
- Installation of physically secure facility (mechanical and electronic access control, intrusion detection, video monitoring etc)
- Employees have to understand what information can and cannot be shared
- Firewalls, VPN, encryption and other measures to prevent breaches of security in electronic environment
- Important information, such as source code, has to be protected with passwords and access codes.

Protection of IP through the Power of Marketing Communications

- One of the truths of modern business is that there is almost nothing that competitors can't copy in a matter of weeks or months. If there is a great idea, one can be certain that somebody will duplicate it in a short time. And not only they will follow the lead, but they may also be able to do a better job or sell the product or service at a lower price. Intellectual Property Rights are often the most valuable assets of a business.

“Intellectual Property Rights can lose their value overnight if not developed and managed carefully”

- A Brand for an Intellectual Property or a Licence is one thing that can be owned that nobody can take away. Everything else can go:
 - Patents may expire
 - Trade secrets can be stolen
 - The plant will wear out
 - Technology will change

- Brands can go on and live. They create a lasting value above and beyond all the other elements of business. The Brand of an Intellectual Property Right, is its true capital.

“A Brand Provides Orientation And Creates Trust”

Brand Development

- A Brand Identity can be developed. A Brand Identity or the Brand Values describe all characteristics of a Brand. Often a “real” Brand is not necessary or too expensive to establish in the market. Especially for IP, Licenses or in B2B the identification of a product or service with Brand Identities or Brand Values is enough.
- Creating a strong Brand can build mind share — one of the strongest competitive advantages imaginable. As a result, customers will think of your Brand or Brand Identity first when they think of your product category (Kleenex, Tempo, Aspirin, ...)

Personality (Aaker)

- Sincerity
- Excitement
- Competence
- Sophistication
- Ruggedness

Promise

- Expectation given to market members over time



Characteristics

- Functional benefits
- Emotional benefits

Tonality

- The tone of communication
- The vocabulary used?

Marketing Communication Strategy

After defining the Brand Identity, Brand Values, or the Brand, Marketing Communications has to be driven to focus on differentiating the IP from others, especially in order to communicate to be the inventor or the original licensee. The audience in general is captured by emotions. Customers feel better if they buy or use the original.

- How can an IP or its developed Brand Strategy be positioned successfully in the media?
- What is really of interest to journalists and readers?
- How employees, partners, customers, and opinion leaders get best in the picture about an IP?

Present a defined Brand Identity and/or Brand Values which should comprise the applicability and usefulness of the IP from the audience's point of view.

The key to successful IP Communication is:

- Topicality
- Reduction of complexity
- Presentation of the Brand Identity
- Present concrete applications and examples
- Benefits for each individual target group should be presented
- Personalization (Link the IP with the inventor or protagonists)
- Shape a Vision: Tell Stories
- Present in an entertaining way

Communication Target Groups:

- Customers
- Employees
- Expert Journalists
- Capital Investors
- Suppliers
- Development Partners

Marketing Communication Tactics:

- Public Relations Strategy and Implementation
- Spread Marketing (Word of Mouth Marketing , Viral Marketing)
- ARG's (Alternate Reality Games)
- Brochure Design and Content
- Website Content & Design
- Advertising Planning
- Promotional Events Organisation
- Show Rooms
- Trade Shows
- Road Shows

Comprehensive Protection of IP through the Power of Marketing Communications

The successful Protection of an Intellectual Property requires more than legal and technical protection. The risk of duplication and/or the speed of innovation becomes faster. An IP can lose its value overnight. In order not to wait for an overall legal protection process or to secure a long term business success, **Marketing Communications becomes a major important complement to protect your business.**



“If you only give people what they already want, someone else will give them what they never dreamed possible”

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