

# Safeguarding creations of the mind

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More intellectual property is being generated in emerging economies, yet thought leaders in these areas are not as adept at protecting it as their developed world counterparts.

More intellectual property (IP) is now generated by emerging market economies than ever before, literally changing the IP geography in the world, says Karen Lee Rata, head of the executive programme at the World Intellectual Property Organisation (WIPO) Academy in Geneva, Switzerland.

WIPO is a specialised agency of the United Nations dedicated to developing a balanced and accessible international IP system, which rewards creativity, stimulates innovation and contributes to economic development while safeguarding the public interest.

Indeed, emerging markets are producing industrial property (inventions, patents, trademarks, designs) and copyright (literary and artistic works) that add to new knowledge, and could be profitable for companies and countries, these nations are not capitalising on their innovations or seeing benefits in line with output.

And even though the growing intellectual property rights systems around the world have stimulated greater cross-border trade in knowledge assets, developing nations are still paying much more in licensing and royalty fees to third parties than they receive, says a recent World Bank report.

For example, International Monetary Fund records show that South Africa received less than US\$48 million in royalty and license fees but paid out nearly US\$1.7 billion; compared to the USA, which received US\$90 trillion and spent US\$25 trillion.

Strategic intellectual property management is becoming increasingly significant for the majority of businesses now, says Rata.

In an increasingly cut-throat business environment, protected innovation is the way to stay ahead, gain an edge over competitors and grow market share. It can turn solid brands into market leaders.

"Effective IP management requires executives and lawyers to tightly integrate their company approach to IP with broader strategic considerations. Failure to do so can be detrimental or even catastrophic."

A case in point is the current IP dispute between Apple and Samsung over patents relating to the iPhone.

The jury in the landmark case ruled overwhelmingly in favor of Apple in August, awarding the iPhone maker more than US\$1 billion in damages, one of the largest and most significant patent verdicts ever.

The jury deemed that Apple's iPhone-related design patents and user interface patents infringed upon across such a wide spectrum of products. Other handset manufacturers (in particular Android makers) may soon also find themselves on the receiving end of lawsuits from Apple.

While Apple benefits from the fruits of the innovations that it is entitled to, it is a devastating blow to Samsung who may well see an exodus of customers. Samsung is facing enormous spend on R&D to develop their own innovations, or they will have to pay licensing fees to continue manufacturing. Either way, the price of their Android devices is likely to rise.

The case has been a wake-up call for other companies in the technology space and further afield, highlighting the need for effective and strategic IP management.

"The question today is not whether businesses use IP, but how to maximise the use of IP for competitiveness, and for this, effective IP management is very important," says Rata.

To this end, the World Intellectual Property Organisation has organised an intensive course in Strategic Intellectual Property Management, to be hosted by the University of Cape Town's Graduate School of Business (UCT GSB), from 17 to 19 December 2012.

The three-day programme is designed for middle to senior level executives who wish to learn how to strategically use the intellectual property (IP) system to fuel innovation, maximise return on investment in R&D and take their firm to the next rung on the technology ladder. There is a component specifically focused on the sub-Saharan environment.

"A strategic approach to IP management for sub-Saharan Africa, as well as emerging economies, is vital because IP also allows such economies to jumpstart and take advantage of the benefits of IP without waiting for the economies to become more developed," says Rata.

The course blends law and business information with IP management to offer a unique learning experience. Thought leaders from leading business schools and the corporate world will reveal unique insights and experiences using lectures, case studies, best practices and group discussions.

Participants will also have the opportunity to learn from each other, share experiences, reflect and apply the principles and practices of innovation, technology and IP management in their own business environments.

Participants will learn how to:

- Create and foster innovation culture in their organisation;
- Generate a strategy for integrating R&D, design, manufacturing, and marketing;
- Gain an overview of product design and development;
- Develop an understanding of the basic concepts of IP law and management;
- Learn how companies are generating value from IP;
- Examine how your company can extract maximum value from innovation, R&D and IP;
- Explore how the technical functions can leverage IP;
- Understand the most recent developments in the IP arena that will impact their organisations.

**Course dates:** December 17 to 19 2012

**Venue:** The University of Cape Town's Graduate School of Business

To register or for more information, please contact Tracy Kimberley on 021 406 1346 or [tracy.kimberley@gsb.uct.ac.za](mailto:tracy.kimberley@gsb.uct.ac.za).

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