

IP Asset Maximizer Blog

Strategic Intellectual Property Counseling for Innovative Companies

Do You Have the Right In-House IP Legal Team to Successfully Execute Your Business Plans?

By Jackie Hutter, IP Strategist | July 21, 2008

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What is this “old model” of intellectual property strategy and management? As discussed in a great article by Markus Reitzig of London Business School in the Fall 2007 Sloan MIT Management Review (abstracted here <http://sloanreview.mit.edu/smr/issue/2007/fall/11/> and here http://www.gpatents.com/global_patent_strategy/2007/12/ip-management-m.html), the classic IP management strategy protects core research and development only. This “old model” effectively allows R & D personnel to (quoting Professor Reitzig) “autonomously follow their interests without paying attention to the future appropriability of their inventions.” In this traditional environment, corporate legal and technical units worked independently of the broader business, presumably to forward primarily the interests of the technical and legal personal in protecting inventions, irrespective of the value of the invention to the company’s bottomline. Business people rarely became engaged with IP management because IP matters were not included in the company’s business plans.

In the “new model” of IP management studied by Professor Reitzig, the importance of IP is recognized throughout the organization. Corporate IP stakeholders are no longer solely legal and technical personnel. In short, this “new model” decentralizes the management of IP so that business people and C-level management are engaged at all stages of the IP development and management process.

As should be evident, the decentralization of IP management requires in-house legal managers to cede significant decision-making authority regarding IP management to business people. For managers who have the best interests of your company in mind, such decentralization should raise few issues. For these forward-thinking legal managers, sharing control of IP decision-making authority will be the right thing to do for long-term success of the company and they will welcome introduction of a team approach to IP management.

However, not all in-house legal managers will readily accept this decentralized IP management model. There are a number of reasons for such reticence: for example, lawyers are often strongly

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risk adverse and, as such, tend to rely on methodologies that have proven to be successful in the past. (In my opinion, IP lawyers tend to be even more risk adverse than the average lawyer because of their scientific backgrounds, which imparts a higher degree of conservatism to their legal practice.)

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