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«Manage Your Progress» – the IGE's new search products to assist corporate strategic decision-making

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The Swiss Federal Institute of Intellectual Property, known throughout Switzerland as the IGE, is Switzerland's correlate to a national authority for matters pertaining to intellectual property law with one fairly major difference: it is financially independent of the federal budget, which means that it operates according to free-market principles. For this reason, it does not see itself as an administrative agency but as a competence centre for intellectual property with the function of stimulating local enterprises by encouraging innovation at all stages of the development process, including the exploitation of patents.

The IGE patent division is particularly innovative and user-focused. In response to the problems posed by the dwindling number of national patent applications (there are now only about 2,500 a year) and the staffing problems caused by the need for examiners to be not only specialised but fluent in one of three national languages, we set up a team including 2–3 full-time equivalent posts in 1999 with the remit to develop new services. The goal was to create structured foundations for corporate strategic decision-making processes, and, after three years of development, that has become a reality.

During the product development phase, three basic guidelines were always kept in the forefront:

1. *Knowledge, not information*
2. *Integration of IP into the corporate business context*
3. *Complementary partners instead of just regional offices*

Knowledge instead of information

Patent professionals have known how to get information from data for a long time,

and, since the advent of the Internet, the rest of the world does too. With 40 million patents accessible online, that is no mean feat. However, even with a very complex prior art search, that data is still just information. For example, some suppliers just return a pile of patent specifications to their customers. In order to make that information into knowledge, the directly deducible benefit to the customer, in his specific environment, must be identified.

Three types of specialised knowledge are needed to achieve this, namely technical and scientific knowledge, knowledge of possible corporate strategies, and knowledge of patent searching. Only this combination enables data to be analysed and information assessed.

Integration into the business context

Enterprises have processes, although they are not always transparent. Responsible for the processes are people needs vary depending on the process under their supervision. Although this is a platitude for some, it must be borne in mind that a prior art search can be useful at completely different points in a process. An R&D manager would certainly find this true; management at the business end might be more interested simply in the end of the process, the exploitation of an innovation, i.e., products, turnover and licences.

The IGE has now developed a series of module search packets which can be adapted to various individual processes and to the needs of the people responsible for those processes. Rather than having customers come, preferably in person, to simply get information about patents, the Institute has re-positioned itself to be an external partner which solves specific problems.

The search service packets are modular in order to be both transparent and possible to produce. There are some 20 modules which can be combined in any way to form a search packet thus offering extraordinarily flexibility to the customer and a large degree of automation for the IGE.

Why complementary partnerships?

For the IGE, a partnership is not calling in an expert – even if the privilege is paid for. That is simply buying a service. Nor is it brokering services on preferential terms. That is co-operating but not complementing. A complementary partnership is when people with differing – perhaps for political or legal reasons – competencies offer services together which neither of the two could have offered on their own. In this kind of relationship, one and one makes more than two.

Take for instance the licensing process. A customer usually wants answers to questions such as, is it even worth licensing an invention? Who would be interested? What is the potential of a licensee? For such a job, the suitable partner would be a licensing consultant firm which would specify the questions; the IGE would then supply the technological benchmark figures, and then the partner would consider what step to take next with the customer.

With the patents and products databases maintained by the IGE, a list of enterprises which might be interested in the invention in question is drawn up. Then initial, exploratory contact with possible licensees is made via the partner firm. Once a shortlist is created, the IGE carefully assesses the R&D activities of the firms and their innovation potential. The licensing partner then brings this store of knowledge to the negotiations. Such partnerships guarantee the best possible quality at every stage of the institute's customer support.

In order to better identify the appropriate search service modules for a client, the institute has prepared a matrix which shows seven possible problem areas on one axis and the various customer concerns on the other. For instance, it includes patentability, infringement of property rights, research and development, and competitor intelligence. It also naturally includes problems involved in the search for partners, whether for co-operation, licensing or funding.

As an example of what the search packets deliver, the packet "Technology Trend Analysis" provides an overview of developments in a specific field of technology. This

includes a prior art search for the previous ten years, and in some cases an extrapolation, to reveal substitution methods and development technologies. At the same time, the eight major trendsetters (i.e. enterprises) in the field of technology under review are evaluated and their innovation potential established. Once these steps are completed, the client's enterprise is positioned to complete the picture. This provides an excellent basis for making strategic decisions concerning niche policies, me-too strategies or a freeze on capital expenditure, for example, even without detailed analyses.

Another interesting packet is the "Portfolio Assessment", which provides competitor intelligence. It involves carefully examining not only the patent portfolio but a company's whole strategy for industrial property rights, which reveal both geographical factors and the development focuses of the R&D departments. A comparison with the state of the art enables the individual technologies in the competitor's portfolio to be evaluated. If these are entered into a life-cycle matrix, the enterprises' future activities in this field of technology can also be predicted. Such detailed

information is useful to those working in R&D and to investors.

A controversial, universally debated subject is the matter of technology assessment in respect to non-monetary valuations of an innovation. In order to assess the potential of an invention, the technology itself must first be looked at and, in particular, the market and the potential of the enterprises concerned. It is clear that the combination of technological trend, competitor positioning and the assessment of the enterprise's own innovation potential enables the prospects of an invention's success to be evaluated better than previously, at least in terms of its "technology." These information garnered from such searches must, of course, continue to be embedded in market analyses and corporate strategy by management.

These innovative search module packets have been possible in Switzerland because of its size making it able to combine the national industrial property rights authority with the regional centres. The IGE's commercially autonomous legal status also enables it to engage in rapid, independent developments, even if these are expensive and labour-intensive. Other offices are not generally in the same position.

The services offered by the Institute require a broad spectrum of technical competence which some of the regional contact points do not have. Only an examining authority can – indeed must – be able to cover all technical fields. For instance, the Institute employs specialists in organic, inorganic and materials chemistry just in the field of chemistry itself. There are also specialists in pharmaceuticals, two biotechnologists, one biochemist and one food specialist. Having made a virtue out of necessity, the IGE can offer every customer his or her own specialised contact person. Perhaps that is a typically Swiss combination.

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