



EUROPEAN COMMISSION  
Directorate General for Enterprise & industry

# ***Making IPR Work for SMEs***

## ***Annex B: Best Practice Cases***



Centre for  
**Strategy & Evaluation  
Services**

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# *Introduction*

The analysis of current practice by the IPR Enforcement Expert Group drew on examples of interesting developments from across Europe and these informed both the detailed description of the support measures and the discussion of the principles that underlie them. Further reflection led to the final Recommendations. Case material had an important part to play in helping to define problems and in indicating feasible solutions.

From the outset, however, the intention was also to make use of cases of good practice to help with the implementation of the Group's Recommendations. Case studies have an immediacy, especially for practitioners, that it is hard to find in more abstract Recommendations no matter how well they are formulated. Case studies are an obvious aid in communicating the nature and intention of proposals for change. The Expert Group therefore selected a series of case studies that were capable of illustrating the major themes of its Recommendations. It was hoped that these cases would provoke a similar reaction to that experienced by members of the Expert Group and provide both inspiration for policy makers and business support professionals and clear indications of how to follow through the Group's Recommendations into practical measures that can make a real difference to SMEs in the enforcement of their rights.

# Co-ordination of IPR Enforcement (UK) 1

**Title of case:**

Co-ordination of IPR Enforcement by the UK's Intellectual Property Office

**Organisation:**

The UK Intellectual Property Office

Whilst the UK's Intellectual Property Office does not have any direct enforcement powers, it takes the lead in the UK in developing IP enforcement policy and related intelligence sharing amongst government departments, enforcement authorities and private industry

**IPR Expert Group Recommendations:**

*It is necessary to establish Co-ordination Offices for IPR issues and enforcement, both at a European and at national levels;*

*Where not currently in place, a common Intellectual Property service has to be developed.*

**Areas that the case illustrates:**

Strategic co-ordination  
Comprehensive approach to all forms of IPR  
Enforcement strategy  
Intelligence gathering  
Effective liaison with police, customs and industry investigative bodies

The UK IPO's services relate to:

Patents  
Trademarks  
Designs  
Copyright

**Brief description:**

The UK Government has promoted co-ordinated enforcement support for all forms of IP (except patents) and has developed an enforcement strategy that brings together all the relevant government departments, enforcement authorities and private sector bodies.

Part of the delivery mechanism for this is the IP Crime Group. The IPCG is structured around specific issues identified by members as areas needing action.

The Intellectual Property Office also acts as the central co-ordinator for IP Crime related intelligence in the UK through their Intelligence Hub. The Hub brings together information from the UK's major enforcement agencies and some private sector investigative bodies. The Hub also provides guidance and training to enforcement agencies involved in tackling IP crime.

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# Co-ordination of IPR Enforcement (UK) 1

## **Full description:**

In 2004, the UK Government decided on a major reform of its provision for intellectual property as part of a reappraisal of the significance of IPR within economic policy and especially for the promotion of innovation and growth in a modern economy.

As a result, there were a number of structural changes – new organisations were created and the former Patent Office (now UKIPO) was given a wider remit and orientation aimed at improving the protection of intellectual property.

Part of the new approach, as far as enforcement of IPRs are concerned, was the establishment of the National IP Crime Group, which brings together in regular meetings the full range of policy-makers, industry stakeholders, and enforcers, including:

- the Serious Organised Crime Agency
- the Assets Recovery Agency
- Her Majesty's Revenue & Customs
- the Crown Prosecution Service
- the Association of Chief Police Officers
- local enforcement agencies such as market surveillance organisations, and
- commercial interests from brand owners to the creative industries

The aim has been to create a co-ordinated approach to IP enforcement in the UK by:

- identifying areas of threat and specific harm to the public
- building a more consistent approach to the enforcement of IP Crime
- identifying sources of key knowledge and expertise
- bringing together and building local, national and international partnerships and co-ordinating UK and international intelligence and action
- supporting training for enforcement officers
- spreading best practice
- continuing to raise consumer awareness
- measuring performance and evaluating the impact

The IPO provides support for the IPCG and the UK Government's wider IP enforcement work via its policy teams and the Intelligence Hub. The Hub has developed a dedicated IT-based knowledge system, and is promoting co-ordination of the various agencies at the local, regional and national levels. Information is also passed to Interpol to support enforcers tackling serious and organised crime operating on an international scale.

# *Co-ordination of IPR Enforcement (UK)* 1

This enforcement 'hub' has staff with specialised knowledge and experience in intelligence gathering, development, and financial investigations (e.g. police and market surveillance officers). As result, the Team's resources are in a position to help enforcement all the way through the process from the initial identification of the problem to arrest and assets recovery action.

The IPO also provides training for a range of officials in IPR enforcement matters and is developing a useful intermediation service between SMEs and the enforcement authorities in the police and customs services. In this sense, the IPO acts as a bridge between SMEs and the authorities, providing templates, for instance, to help SMEs present their case and, in this and other ways, helping the authorities to act upon the information provided.

A public reporting system allows enterprises and citizens to report incidents of counterfeiting and piracy by phone, e-mail, letter, or fax.

## **Transferability & Performance:**

Evaluation and measurement of performance is presented as part of the annual IP Crime Group Report.

## **Further information:**

Web site: <http://www.ipo.gov.uk/crime/crime-enforcement-role.htm>  
<http://www.ipo.gov.uk/crime/crime-enforcement.htm>  
<http://www.ipo.gov.uk/manage/manage-enforce.htm>

## **Contact details:**

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ  
United Kingdom

Tel: +44 1633 813930  
E-mail: [enquiries@ipo.gov.uk](mailto:enquiries@ipo.gov.uk)

# DKPTO Customer Service (DK)

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**Title of case:**

The Customer Service of Denmark's Patent and Trademark Office

**Organisation:**

Danish Patent and Trademark Office (DKPTO)

**IPR Expert Group Recommendation:**

*The design of all support services has to start with the needs of users (SMEs) and have a distinctive customer service orientation.*

**Service areas that the case illustrates:**

Extensive information provision  
On-line registration facilities  
Wide-ranging advice offered  
Structured training programme

DKPTO's services relate to:

Patents  
Utility models  
Trademarks  
Designs

**Brief description:**

The Danish Patent and Trademark Office is characterised by a strong service orientation. This has developed over a number of years as the organisation has moved from being a traditional patent office, largely concerned with receiving and registering patent information, to one that actively promotes the business exploitation of intellectual property, both directly and in co-operation with a range of other agencies.

This service approach, reinforced by a requirement for the DKPTO to be self-financing, makes the expertise of DKPTO staff available to enterprises in a way that promotes an on-going adaptation to their needs. The organisation is in a strong position to develop new services, particularly those relating to IPR enforcement.

**Full description:**

The Danish Patent and Trademark Office was established in 1894. It is the official body in Denmark responsible for granting patents and registering trademarks, utility models and designs and is the national competence centre for information on IPR and the protection of technology and know-how.

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## DKPTO Customer Service (DK)

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DKPTO's mission is to help enterprises bring their ideas to fruition and in its Vision Statement it expresses the ambition to be the natural choice of business as the partner to support strategic decisions on intellectual property matters, through its professionalism, knowledge and service.

### *Information and Support Services*

The starting point for IPR enforcement is effective intellectual asset management and access to good business intelligence. DKPTO provides a number of professional services in these areas for enterprises of all sizes, not least through extensive web-based provision. An English-language website offers an international service. Basic information products are provided for free, while more advanced and tailored services are provided at a charge.

The following outlines the core services:

- On-line searching of a range of IPR databases allows information-gathering relating to patents, utility models, trademarks and designs. This service covers a large number of IPR databases and is free of charge.
- Access for IPR professionals is provided via a service known as PVSONline.
- An on-going commercial patent watch is provided through IPsurvey™, which allows enterprises to keep up-to-date with the most recent developments in their particular field of technology and also to identify potential business partners or gather information on competitors. The information collected is delivered regularly to the client's desktop.
- Services specifically tailored to individual clients make use of the expertise of DKPTO staff and cover novelty analysis, validity analysis, technical state-of-art analysis, and clearance investigation.
- IPscore® is an on-line tool that helps enterprises in their development of IP-management, allowing them to progress through a thorough evaluation of their patent and technological development projects, with different sections identifying the relative strength of various strategic, technological, market and finance factors.

It is also possible to file trademark applications on-line.

All this provision is supported by a service centre with staff able to answer a range of questions, on-line guides and brochures and access to the DKPTO's extensive library.

Training offered to enterprises comes in a variety of forms and there is an active programme of seminars, both at the DKPTO's headquarters near Copenhagen and in other regions of Denmark. Training is further provided for other agencies, for instance, through each of Denmark's 5 Growth Houses (incubators) in their regional centres. Course material can be delivered on-line or can be tailored for in-house delivery on the enterprise's own premises.

One of the latest developments has been IP-Marketplace, which was launched in September 2007. This facility, which is available in English, provides a forum for enterprises to buy and sell industrial

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# DKPTO Customer Service (DK)

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property rights, arrange licensing and find business partners. It provides background information on undertaking these activities and has model contracts to guide implementation.

Most recently in 2008, the DKPTO launched a free management tool, IP Response, which customers can use to test their company's work developing intellectual property. By answering a series of questions the customer receives an electronically-generated report that provides an overview of the company's efforts and results with suggestions on future IP work.

## *IPR Enforcement*

The Danish Government has made the fight against piracy and counterfeiting a major priority and the topic has been included in the Government Platform from November 2007.

The strategy being adopted is outlined in the Danish Government report on counterfeiting and piracy, which was published in March 2008.

This strategy contains a number of initiatives, which fall within the following four categories:

- efficient rules and regulations
- strengthening of co-operation between authorities, both national and international
- increased awareness on the part of industry
- increased awareness on the part of consumers

As a part of the implementation of the strategy The Permanent Interdepartmental Counterfeiting Network has been created. This is a forum for co-ordination of various national activities related to anti-counterfeiting and anti-piracy work. The co-ordination is not operational, but it aims to exchange knowledge and discuss strategies.

The strategy includes raising awareness among consumers. One way this is done is through the development of a website for The Permanent Interdepartmental Counterfeiting Network targeting consumers as well as business and public authorities ([www.stoppiraterne.dk](http://www.stoppiraterne.dk)). The website was launched on 16th December 2008.

The Danish Patent and Trademark Office provides the secretariat for the network and the website and the DKPTO's performance contract for 2008 specifically includes a section on the area of anti-piracy and anti-counterfeiting.

DKPTO's service orientation puts it in an excellent position to develop specific provision for enforcement, in line with the recommendations of the ministerial committee. This process will be assisted by the nature of the role of the DKPTO in the IP europAware network, where staff have a particular responsibility for enforcement matters.

## *Co-operation with Other Organisations*

Co-operation in the delivery of services includes close work with the Danish Technological Institute, with innovation centres and increasingly with universities and business schools. It also includes co-operation with private sector providers of legal and business advice (the DKPTO's

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# DKPTO Customer Service (DK)

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status as a public organisation restricts it from competing in the area of business advice with private providers).

Two 'IP- Dialog' groups, with enterprise representatives, meet to discuss IP policy and the DKPTO's services. One is concerned with patents and utility models, the other with trademarks and design.

## **Transferability & Performance:**

DKPTO has some 250 staff in total and there is a budget for 2008 of some 200 million kroner (€ 27 million) of which 24.4 million kroner (€ 3.26 million) are devoted to information and support. DKPTO is self-financing, receiving no subsidy from the Danish government.

A number of instruments and quality assurance mechanisms are in place to further increase efficiency and service quality. Customer satisfaction, response time and delivery time are benchmarked and analysed to improve performance and specific targets are set out in the performance contract.

In delivering its programme of services, the DKPTO has a rolling performance contract with the responsible government department, the Ministry of Economic and Business Affairs. The contract sets out the aims and corresponding targets for the DKPTO for the current and subsequent years. Among these aims, the provision and development of support services figure as strategic objectives, in a context that emphasises the market-orientation of the information and support services and their openness to international competition. The aim is to encourage enterprises to use the agency's services on a competitive basis and this, it is recognised, requires a continuous adaptation of the DKPTO's information and support products.

In the current performance contract (2008), targets include increasing the sale of competitive information products by between 15 and 20 % (depending on the area), improving on the previous year's user satisfaction rating and, specifically, achieving a situation where less than 5 % of services provided are deemed unsatisfactory by clients.

In addition to DKPTO's self-evaluation, the benchmarking report of the Austrian Institute for SME Research (KMFA) on support services for SMEs in the field of IPR rated the services of the DKPTO highly, citing definite evidence of additionality.

## **Further information:**

Web site: <http://startguiden.dkpto.dk/>  
<http://www.dkpto.dk/pvsonline/> (professional access site)  
<http://dkpto.org/> (English language site)  
<http://www.stoppiraterne.dk/> (anti-piracy site)

# *DKPTO Customer Service (DK)*

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## Contact details:

The Danish Patent and Trademark Office  
Helgeshoej Allé 81  
2630 Taastrup  
Denmark

Tel: +45 43 50 80 00  
E-mail: [pvs@dkpto.dk](mailto:pvs@dkpto.dk)

# Easy IPR Access (FI)

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**Title of case:**

Providing Easy Access: the integration of assistance for IP management and enforcement with general business support

**Organisations:**

The Finnish National Board of Patents and Registration  
The Foundation for Finnish Inventions  
TEKES, the Finnish Funding Agency for Technology and Innovation  
The T&E Centres (Employment & Economic Development Centres)

**IPR Expert Group Recommendation:**

Support service provision should be co-ordinated nationally, with local access to IPR information, advice and IP management training being provided by the established business support organisations, in close co-operation with specialist IP agencies.

**Areas that the case illustrates:**

Broadly-based access to IPR support for SMEs  
Integration with specialist IP information and advice  
Integration with innovation support

The Finnish services relate to:

Patents  
Utility models  
Trademarks  
Designs  
Copyright

**Brief description:**

Like most other countries, Finland has a range of business support agencies, each with differing functions but all of them aiming to support SMEs in their business development. The IPR Expert Group has emphasised the need to provide access to specialist IPR services through locally available support organisations.

Finland has taken steps to ensure the effective integration of all forms of business support and this approach has been applied to the provision of support for Intellectual Property management and enforcement. Key to this has been the co-ordination of the services of specialised IP agencies with those of the T&E Centres (Employment & Economic Development Centres), which are the first-line support agencies for enterprises located across the country.

# Easy IPR Access (FI)

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## **Full description:**

Finland's T&E Centres provide a regional framework for business support. They were created by bringing together in 15 regional centres the previously separate services of a number of ministries (Trade and Industry, Labour, Agriculture and Forestry) with the explicit intention of providing a regional One-stop-shop.

T&E Centres are tasked with the promotion of business, employment and rural vitality within their region, through the provision of advisory, training, development and financing services. Their Business and Entrepreneurship sections provide local access to a wide range of services for enterprises at various stages of their development, with low-cost and practical tools and various company-specific development programmes enabling companies to enhance their competitiveness. T&E Centres also provide training programmes covering a variety of subjects.

An example of type of service package provided is *TuoteStart: a Programme for the development of product and service ideas*. This service helps entrepreneurs to refine new and early-stage product and service ideas, launch product development projects and carry through ideas and innovations into commercial products and a profitable business. TuoteStart is available for SMEs in a range of industries and at various stages of their development and consists of a consultancy programme tailored to the customer's needs of 1–4 days duration - depending on the project's nature and requirements.

Through the T&E Centres, enterprises and potential entrepreneurs are then able to access more specialised services in ways that are described in the following sections.

## *Integration with Innovation Programmes*

Tekes, the Finnish Funding Agency for Technology and Innovation, is the main government organisation for research and technological development in Finland. It especially promotes innovative, risk-intensive projects and channels funding and expert services to research, development and innovation projects run by companies, research institutes, and universities.

Tekes employs 290 people centrally and a further 80 technology development experts in the regional T&E Centres. Each year, Tekes has some 3000 company clients and 50 universities, higher education institutions and research centres.

Strategic priorities are established in key centres for science, technology and innovation and through Tekes National Programmes, which provide a process for creating nationally significant innovation action lines and co-ordinating the large group of actors that are involved in delivering them.

National Programmes consist of research and development projects and other activities in enterprises and research organisations that promote the development of business competence, networking, regional impact, internationalisation and the dissemination of results especially to SMEs. The development and management of intellectual property, together with the enforcement of IPRs represent significant elements within the overall innovation strategy.

# Easy IPR Access (FI)

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## *Integration of IP Support*

As well as providing the traditional registration services for patents, utility models, trademarks and registered designs and the related information and advice services, the National Board of Patents and Registration in Finland (NBPRF), also provides various support services to innovators, especially (although not exclusively at a regional level) through the T&E Centres. These, in turn offer local access to patent-related information material and initial advice and the forms, price lists and brochures of the NBPRF.

The Foundation for Finnish Inventions acts as a particular focus for the development of IPR. It is a private foundation - with funding from the Ministry of Employment and Economy - that gives support and advice to inventors: private individuals, university researchers and micro companies. The evaluation of inventions and advice on their protection are a core part of the support provided, along with guidance on product development and marketing, including the building and testing of prototypes, and access to funds, both directly from the Foundation and from third parties. Services cover a wide range of registrable IPR (patents, trademarks, designs), non-registrable IPR (e.g., copyright) and the appropriate strategies for protecting intellectual assets. Where appropriate, legal assistance is provided with licensing arrangements and there is access to the services of patent attorneys. The activities of the Foundation are confidential, and the services are free of charge.

The NBPRF, the Foundation and the T&E Centres co-operate to employ 'innovation agents' who work in each of the regional T & E Centres to promote innovation and the technical and commercial exploitation of inventions. They provide advice to inventors on patenting and industrial property management, applying for funding and the marketing of products. These agencies also work with universities and with higher education, again with innovation agents placed in these institutions, promoting innovation and the technical and commercial exploitation of inventions - in this case, arising from academic research. Again advice on patenting and industrial property management form part of the support provided and this increasingly includes legal advice on contractual matters and enforcement.

Overall then, it can be seen that the Finnish support agencies achieve an exemplary balance in the provision of specialised advice and support that is at the same time accessible on a broad basis across the country through general business support agencies. Furthermore support on IPR matters is well integrated into the support of innovation, presenting a coherent and co-ordinated service for existing and potential enterprises.

## **Transferability & Performance:**

The principles illustrated by this case study concerning the effective integration of all forms of business support are clear and straightforward; the actual application, however, very much depends on the institutional circumstances of each country. It is particularly important, then, that there is effective monitoring of progress with integration plans and rigorous evaluation.

An evaluation culture is evident in all of the organisations referred to in this case study and a formal evaluation of the performance and effectiveness of the Foundation for Finnish Inventions' Network of Invention was conducted by consultants for the Ministry of Trade and Industry in 2006.

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## *Easy IPR Access (FI)*

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This commended the Foundation's advice and evaluation services, but recommended further integration with other service providers in order to cover the range of innovation support needed by enterprises.

### **Further information:**

Web site: <http://www.keksintosaatio.fi/> (Foundation for Finnish Innovation – in Finnish)  
<http://www.innofin.com/> (Foundation for Finnish Innovation)  
<http://www.prh.fi/en.html> (National Board of Patents and Registration)  
<http://www.prh.fi/en/tietoaprhsta/alueellisetpalvelut.html> (NBPR's local offices)  
<http://www.tekes.fi/eng/>  
<http://www.te-keskus.fi/> (T&E Centres)



# Intellectual Asset Management (UK)

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**Title of case:**

The development of Intellectual Asset Management by the Scottish Intellectual Asset Centre

**Organisation:**

The Intellectual Asset Centre (IAC), Scotland

**IPR Expert Group Recommendations:**

*IPR support services should all be based on the principles of Intellectual Asset Management (IAM).*

*Intellectual Asset Management has to be a core part of the promotion of innovation. Innovation agencies and innovation support programmes have to make effective provision for IPR enforcement.*

**Areas that the case illustrates:**

SME competence building  
Intellectual asset management  
Integration with innovation support  
Integration with general business support

The IAC's services relate to:

Intellectual Assets  
Trade Secrets  
Licensing & Confidentiality Agreements  
All forms of Intellectual Property

**Brief description:**

Fundamental to the approach of the IPR Enforcement Expert Group has been the proposition that effective enforcement begins with good intellectual property management.

Furthermore, the Expert Group has emphasised that the best IPR support makes use of the competence building approach that is generally considered best practice for business support agencies. Rather than simply addressing the immediate problem, support agencies try to help enterprises develop their general business management capabilities as a way of avoiding future problems or, at least, being in a better position to address them. In the context of IPR enforcement, this approach is taken to mean the promotion of intellectual asset management.

# Intellectual Asset Management (UK)

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## **Full description:**

The Intellectual Assets Centre (IAC) was created by the Scottish Executive in 2003, with the support of the two main economic development bodies in Scotland, Scottish Enterprise and Highlands and Islands Enterprise. The aim was to have a focal point for the promotion of the systematic management of ideas and expertise within Scottish businesses, since the identification and development of 'intellectual assets' were seen to be critical to the performance of enterprises in a modern knowledge economy. The Centre therefore has a special place within the broader promotion of innovation in the Scottish economy.

Intellectual assets include the legally recognised forms of intellectual property – patents, trademarks, copyright etc. – but also a wider group of intangible assets owned by an enterprise – brands, goodwill, know-how, trade-secrets, technical information and contracts – in fact, almost all of its intangible assets apart from human capital.

The propositions that these intellectual assets are a major source of competitive advantage and company value for modern enterprises and that their recognition, management and exploitation are a strategic component of innovation policy are at the core of the IAC's activities.

The IPR Enforcement Expert Group has emphasised that effective IPR enforcement begins with good intellectual property management. SMEs cannot protect their intellectual property, if they have not taken steps to identify it clearly, register it where appropriate, and build its proper management into the day-to-day operational practices of the enterprise in all the relevant areas. Furthermore, the Expert Group sees advantages in managing intellectual property within a framework that starts with a broader conception of the potential value of a range of intangible assets that are owned by an enterprise.

## *IAC Services*

In applying this approach, the IAC has developed its own distinctive resources and tools which include:

- A programme of events and workshops – many of these are run in conjunction with partner organisations; workshops illustrate IA management through a mixture of real life case studies, interactive exercises and games.
- Tailored one-to-one support to individual companies
- An information service, including the following downloadable resources:
  - Publications on invention and innovation, licensing and collaborating for success, along with a Brief Guide to Patenting;
  - An IA Questionnaire: a diagnostic tool to help identify intellectual assets and where they are important for a business;
  - An IA Glossary: lists terms commonly used relating to Intellectual Assets and provides clear explanations of their meaning;

# Intellectual Asset Management (UK)

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- The IA Register: a checklist to facilitate the identification of IA and to generate ideas of what types of IA an organisation may own;
- The IA Audit: a step-by-step audit of intellectual assets, that helps businesses record them by category;
- Case Studies: a series of studies describing the application of IA principles within particular businesses;
- The Reference Library: on-line access to books and articles on intellectual assets and related areas.

Special provision is made for specific sectors, such as software companies, where assistance is provided in conjunction with a specialised agency.

In pursuing its objectives at an operational level (see under Evaluation & Performance), the IAC aims to become a "centre of knowledge" and a hub for activities in this area, developing a regional network of local expert advisers and establishing partnerships and networks with private and public organisations, but also, of course, developing tools and support for effective IAM in order to facilitate IA awareness and promote effective knowledge dissemination. Over time the IAC wishes to develop a community of interest in IA around which other initiatives could cluster and generate a model for reproduction elsewhere in the UK and further afield. In other words, the IAC aims to develop its own IA for reproduction after the initial Scottish pilot. As a result, a series of partnerships have been built up with other business support organisations.

Overall then, the Intellectual Assets Centre has become an engine for disseminating ideas on the approach that the Expert Group wish to promote. This is further facilitated by the international section of the IA's web site, with its news sections and an international web forum and is also illustrated by the Italian section that is provided in collaboration with the University of the Basilicata.

## **Transferability & Performance:**

Creating a specific organisation to promote intellectual asset management was the result of a strategic decision by the Scottish Executive and by the two main economic development bodies in Scotland - Scottish Enterprise and Highlands and Islands Enterprise. However IAM is to be promoted, high level recognition of its strategic importance is an important step towards its effective delivery.

Evaluation and measurement of performance is part of the IAC culture and is required by the IAC's funders. In addition, the benchmarking report of the Austrian Institute for SME Research (KMFA) on support services for SMEs in the field of IPR rated the IAC highly.

The IAC Strategic Plan contains the following objectives which are in line with the IPR Expert Group's recommendations for effective IPR enforcement:

- To put IA on the business agenda - encouraging businesses from all sectors to understand the benefits of effective IA management;

# Intellectual Asset Management (UK)

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- To make the case for IA as a business tool and to realise the opportunities that effective IA use and leverage can present;
- To provide support (advice and management tools) for the visualisation of IA;
- To provide initial gap analyses and risk assessment diagnostics both for the identification of gaps in IA knowledge in general as well as for specific audits of business risks and inadequacies in protection;
- To provide support (advice and management tools) for management, valuation and leverage of IA;
- To understand the role of policing IA use and abuse by others and issues of enforcement and competitor analysis/intelligence; and
- To link appropriately with professional assistors and associated regulatory and consultative bodies e.g. the UK Patent Office, and with the public and private providers of IA/IP, risk assessment, technology information etc.

**Further information:**

Web site: <http://www.ia-centre.org.uk/>  
<http://www.ia-centre.org.uk/international/>  
<http://www.ia-centre.org.uk/italian/> (Italian section)

## Contact details:

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UK

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# Messe Frankfurt against Copying (DE) 5

**Title of case:**

‘Messe Frankfurt against Copying’ – integrated support at Trade Fairs

**Organisation:**

The ‘Messe Frankfurt against Copying’ scheme has been set up by the Messe Frankfurt Exhibition GmbH in partnership with a network of IPR enforcement bodies from the public and private sectors.

The Messe Frankfurt Exhibition GmbH group is one of the world’s leading exhibition corporations which organises more than 100 trade fairs worldwide.

**IPR Expert Group Recommendations:**

*Support service provision should be co-ordinated nationally, with local access to IPR information, advice and IP management training being provided by the established business support organisations, in close co-operation with specialist IP agencies.*

*Many business support organisations have arrangements to facilitate SME access to lawyers specialising in IP matters. These practices need to become more widespread.*

*Potential hot spots of counterfeiting and piracy, such as trade fairs, should be targeted by special measures to ensure swift and effective action.*

**Areas that the case illustrates:**

Rapid response mechanism  
Client orientation through in-situ provision of advisory support  
Enforcement strategy  
Networking with professionals in the IPR enforcement field  
Effective liaison with customs and investigative bodies  
Good information support

The ‘Messe Frankfurt against Copying’ scheme relates to:

Patents  
Trademarks  
Designs  
Copyright

**Brief description:**

The ‘Messe Frankfurt against Copying’ scheme is a classic example of a counterfeiting and piracy ‘hot spot’ in a trade fair context with co-ordinated advisory support and enforcement services available in situ to exhibitors via a stand at the Frankfurter Messe trade fairs. Support is available to

# Messe Frankfurt against Copying (DE) 5

all exhibitors, whether SMEs or not. The success of the scheme has led to it now being replicated at trade fairs outside Germany.

## **Full description:**

In January 2006, Messe Frankfurt became the first trade fair organiser to launch a concerted campaign against product and brand piracy with a cooperative effort undertaken by a number of partners.<sup>1</sup>

Messe Frankfurt is not authorised to take action against infringements of intellectual property rights itself. Instead, a brochure entitled 'Protection against Brand and Product Piracy' is distributed to all registrants, including advice on measures to take prior to attending the trade fair to protect their trademark or product.

Under the 'Messe Frankfurt against Copying' scheme, legal advice is available to exhibitors, including an emergency service to help them obtain preliminary injunctions. This advice is available, in the first instance, from a special stand at the Frankfurt trade fair with further support being available from a network of partner organisations.

During the trade fair, an exhibitor can obtain assistance using the 'Messe Frankfurt against Copying' scheme to take the following measures:

- *Declaration to cease and desist:* the 'copier' signs an undertaking that he will no longer offer the copied products for sale and will pay a fine in the event of a further infringement;
- *Preliminary Injunction:* the holder of the intellectual property right obtains a temporary court injunction prohibiting the 'copier' from selling and exhibiting certain products.

Advisory services are provided on-site at the Frankfurter Messe, initially free of charge to exhibitors and enforcement is undertaken directly by the customs authorities. Customs authorities routinely inspect fairs for infringing items and may be contacted by rights holders to plan such actions. If further assistance is needed, there is a network of partner organisations where the costs are negotiated on a case-by-case basis. Lawyers are also available on short notice (at their normal fees).

Measures to enforce IPR rights are incorporated in the Frankfurter Messe's registration form. By signing the registration form, an exhibitor agrees to follow the principles of statutory regulation.<sup>2</sup> Should this obligation be infringed, Messe Frankfurt may exclude the exhibitor(s) concerned from further participation in the current event or in any future events.

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<sup>1</sup> The Office for Harmonization in the Internal Market: Trademarks and Designs, the German Patent and Trademark Office, the Anti-Product Piracy Campaign Committee of German Industry, the Plagiarius campaign, the Industrial Property Rights Department of German Customs and the European Commission's Euro Info Centres (EIC).

<sup>2</sup> This is established in the section of the registration form headed "Combating product piracy" and in the General Terms & Conditions of Messe Frankfurt Exhibition GmbH (16. Design copyright).

# Messe Frankfurt against Copying (DE) 5

## **Transferability & Performance:**

The "Messe Frankfurt against Copying" initiative is widely regarded as a successful scheme. The number of confiscations has fallen markedly (at some Messe Frankfurt events by as much as 30%) while applications for design registration are increasing. Some 5,000 people came to its stand at the 2007 Frankfurt trade fair.

The campaign has had success beyond Frankfurt. The German Patent and Trademark Office, for example, believes that one of the reasons for the 8% increase in applications last year was the "Messe Frankfurt against Copying" campaign. Messe Frankfurt is also expanding its campaign to include events held abroad. It has already begun the international rollout of the initiative with a stand offering advisory services at the Automechanika Argentina, Automechanika Middle East and Automechanika Shanghai trade fairs.<sup>3</sup>

## **Further information:**

Web site:

[http://www.messefrankfurt.com/corporate/en/home\\_messefrankfurtagainstcopying.html](http://www.messefrankfurt.com/corporate/en/home_messefrankfurtagainstcopying.html)

Further information can also be found in the brochure 'Protection against brand and product piracy' which is distributed to all exhibitors and can be downloaded from the Messe Frankfurt website. The publication is available in German and English.

Contact details:

Messe Frankfurt GmbH  
Ludwig-Erhard-Anlage 1  
60327 Frankfurt am Main  
Germany

Tel: +49 69 75 75-0  
Email: available via 'contact' on website

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<sup>3</sup> According to the US Federal Trade Commission, product piracy costs the automobile industry more than € 9 billion every year. In Europe, around 10% of all replacement parts are thought to be forged. Messe Frankfurt is running the Automechanika anti-copying campaign in conjunction with four partner organisations: the Office for Harmonisation in the Internal Market, Trade Marks and Designs (OHIM); German Patent and Trade Mark Office (Deutsches Patent- und Markenamt); Anti-Product Piracy Campaign Committee of German Industry (Aktionskreis der Deutschen Wirtschaft gegen Produktpiraterie e.V.); and the Intellectual Property Rights Protection Department of the German Customs (Zentralstelle Gewerblicher Rechtsschutz des Zolls).

# IPR Protection in third Countries (IT)

6

**Title of case:**

Protecting the IPR of SMEs in third countries: the Italian Ministry of Economic Development

**Organisation:**

Italian Patent and Trademark Office (UIBM currently named Directorate General for combating counterfeiting – Italian Patent and Trademark Office) together with the Directorate General for Trade Promotion and Internationalization Policies within the Ministry of Economic Development and the Ministry of Foreign Affairs

**IPR Expert Group Recommendations:**

*There should be better co-ordination and a more consistent development of enforcement services in third countries.*

**Areas that the case illustrates:**

Strategic co-ordination  
Enforcement strategy  
Addressing problems in third countries and international IP strategy  
Intelligence gathering  
Effective liaison internationally

The Italian Patent and Trademark Office's services relate to:

Patents  
Utility Models  
Trademarks  
Designs  
New Plant Varieties  
Semiconductor topographies

**Brief description:**

An international network of 14 IP Helpdesks has been set up by the Italian Government.

**Full description:***Background & resources*

The rationale for setting up the network of Helpdesks was to strengthen international cooperation in the area of IPR protection and enforcement and to respond to an identified need among Italian SMEs in third countries for advice and signposting to relevant local organisations on IPR issues generally, and enforcement issues in particular, including problems relating to the counterfeiting of goods.



# IPR Protection in third Countries (IT)

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The 14 Helpdesks were therefore set up in countries either where small Italian enterprises are particularly well represented/ active in particular sectors, or where the perceived risk of IPR infringement was higher.

The desks are located in ICE offices (Istituto per il Commercio Estero – Italian Trade Commission) worldwide. They offer free information and assistance to business in registering and enforcing IP in host countries and in market monitoring.

The Helpdesks are managed by individuals with expertise in IP issues, and particularly in supporting the enforcement needs of SMEs. In the case of each Helpdesk, an Italian IP expert works alongside their local IP expert counterpart.

Third countries where IP Helpdesks have been established to date include: China (Beijing, Guangzhou, Shanghai and Hong Kong), India (New Delhi, Mumbai), Taiwan (Taipei), Vietnam (Ho Chi Minh City), Korea (Seoul), United Arab Emirates (Dubai), the Russian Federation (Moscow), Turkey (Istanbul), Brazil (San Paolo) and the USA (New York).

In terms of the institutional set-up for the operation of the IP Helpdesks, the Italian Patent and Trademark Office works in close coordination with the Directorate General for Trade Promotion within the Ministry of Economic Development and the Italian Ministry of Foreign Affairs and in the near future will be working with the new National Council for Combating Counterfeiting. The activities of the helpdesks also require the collaboration of the IP institutions of the relevant countries. This institutional collaboration provides a basis for developing economic relations between enterprises from Italy and from the host countries and gives them a long term perspective that is necessary now with eroding distinctions between domestic and international markets and enterprises having to develop an international IP management strategy.

National patent offices play a crucial role in building confidence in international markets and creating a knowledge market where all the participants operate according to shared rules. In this way they make an important contribution to economic growth.

## *Enforcement*

Legal assistance can be provided for certain cases whose solution is deemed of great importance to make economic activities in the relevant third country more transparent for the generality of enterprises. However, currently, no legal cases have been funded to date.

## *Integration into other IPR services and SME support*

Given that the IP Helpdesks should not 'crowd out' private sector activity, there is generally a tendency to refer SMEs experiencing a problem or seeking redress to specialist legal or advisory service providers. Referrals are also made where appropriate to other types of publicly-funded support services available to Italian SMEs when doing business in third countries.

# *IPR Protection in third Countries (IT)*

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## **Transferability & Performance:**

Supervision and monitoring of the project activities of the IP Helpdesk network is carried out by a Scientific Committee made up of representatives of the Italian PTO, the Directorate General for Trade Promotion within the Ministry of Economic Development, and shortly by the National Committee for Combating Counterfeiting replacing the former High Commissioner combating counterfeiting and piracy and the Ministry of Foreign Affairs, which is also responsible for decisions concerning counterfeiting pilot cases in third countries. The first meeting of the Scientific Committee took place on 25 June 2008 and the monitoring activities will be implemented starting from the first quarter of 2009 owing to the time required by the reorganization of the Ministry of Economic Development.

The scheme is an effective example of how Member States can develop bilateral relationships with institutional counterparts in third countries in order to strengthen international cooperation in IPR enforcement, raise greater awareness about particular areas of IPR faced by SMEs, and provide advisory and signposting assistance to SMEs to further sources of support.

## **Further information:**

Web site: [www.sviluppoeconomico.gov.it/contraffazione](http://www.sviluppoeconomico.gov.it/contraffazione)

A dedicated web site is under construction which will be accessible from the web sites of all administrations involved

Contact details:

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Direzione generale per la lotta alla contraffazione - Ufficio italiano brevetti marchi (UIBM)  
Dipartimento per l'impresa e l'internazionalizzazione  
Ministero dello sviluppo economico

# IPR Insurance Scheme (DK)

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**Title of case:**

Patent Litigation Insurance Scheme, Denmark

**Organisation:**

Samian Underwriting Agency (UK)

The initiative to establish a patent litigation insurance scheme was taken by the Danish Patent and Trademark Office which has pressed strongly for the setting-up of private insurance scheme. The Danish Patent and Trademark Office has also provided non-financial support to facilitate the establishment of an insurance scheme.

**IPR Expert Group Recommendations:**

*Member States should develop a comprehensive strategy to address the problem of funding IP protection and enforcement.*

*This strategy should include assistance in launching, at least at a national level, insurance schemes that provide cover for enforcement.*

**Areas that the case illustrates:**

Funding of IPR Enforcement  
Effective intellectual Asset Management

The Patent Litigation Insurance Scheme relates to:

Patents

The insurance product available on the Danish market only covers patent rights. At a European level it would be possible and preferable to establish insurance schemes covering all types of IPR infringement.

**Brief description:**

The patent insurance scheme – PatentEnforcer - was launched in Denmark in December 2007, by a private insurer. The product has been developed specifically for European SME's to finance the costs of enforcing their IP rights, in whichever geographic market these may have been infringed. The Danish Patent and Trademark Office has pressed strongly for the setting-up of private insurance schemes in Denmark and provided non-financial support that was crucial to the launch of the scheme.

# IPR Insurance Scheme (DK)

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## **Full description:**

If taken on directly, the costs associated with enforcement are often prohibitive for most SMEs and this adversely affects their ability to exploit their IP assets. How SMEs can fund IPR enforcement is, therefore, a fundamental question that requires a practical response.

There are potentially a number of options including direct support from the state (including voucher schemes which provide SMEs with vouchers which can be exchanged for legal advice including support on IPR protection and enforcement issues), the taking-up of test cases by business associations, anti-counterfeiting and piracy groups, innovation centres or specialist agencies, the shifting of funding towards IPR and its protection within innovation budgets and various forms of IPR insurance. This case focuses on insurance.

## *Background & resources*

PatentEnforcer is a scheme, launched in Denmark in December 2007, that was designed as a relatively low-cost mechanism for SMEs, enabling them to protect themselves against the legal costs associated with enforcement in the event of an infringement of their patents. The insurance product is operated by the Samian Underwriting Agency, a private company, in the UK. Samian then spreads the risks associated with operating the scheme by working together with large insurance players including Lloyds of London.

The insurance scheme is entirely private and is thus not subsidised by the Danish Patent and Trademark Office (“DKPTO”) or by any other public sector body.

It was the DKPTO, however, that took the initiative to establish a patent litigation insurance scheme on the Danish market and has strongly and continuously encouraged all private insurance providers to offer such insurance. The DKPTO has also made available relevant public information on IPR in Denmark (e.g. statistics) to all the interested insurance companies and made suggestions on elements that could be considered beneficial for SMEs in a patent insurance product. Later in the process – and as part of the DKPTO’s general obligation to provide information and guidance on IPR issues – the DKPTO has sought to raise awareness among researchers and enterprises about the possibility of taking out patent litigation insurance, for example in its newsletters, on its website and through information meetings.

The background to the DKPTO’s commitment to making patent litigation insurance available to Danish businesses has been strong representations to the DKPTO by its users. The DKPTO’s non-financial support and encouragement has been crucial in facilitating the patent litigation insurance scheme. Support of this kind from national patent offices is especially important during the phase when patent litigation insurance schemes are being developed and first brought to market.

The PatentEnforcer works on a voluntary basis and is an annual renewable scheme designed for small and medium sized companies domiciled in Denmark with a turnover of up to DKK 250m (about € 32.5m). The annual cost of taking out IP insurance varies from about €1,200 to a maximum of around €32,000, depending on the degree of protection needed by the SME, geographic coverage and the sector concerned. The typical insurance cost per SME is towards the lower end of this range. The insurance covers the legal costs incurred when an SME brings an

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# IPR Insurance Scheme (DK)

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action against a third party that has infringed insured patents. These may include patent attorney fees, lawyer fees, expenses and disbursements. Legal enforcement may result in an SME preventing the sale or use of any product or process which infringes the insured patent, damages claims, and the defence of counter-claims.

Indemnity limits range from DKK 1,000,000 (€ 130,000) to DKK 5,000,000 (€650,000) in aggregate.

SMEs taking out IPR insurance can opt for different levels of protection in terms of geographic coverage, depending on the extent to which they need to protect their IP rights in different key markets. Insurance can cover Denmark only, the European Patent Convention Member States, Europe-wide, Worldwide (excluding the USA or Canada) or Worldwide (including the US/ Canada).

In terms of the excess costs which must be met by the SME, if the Insurers' approved counsel is used, then firms must pay the first 10% of all costs subject to a minimum of DKK 25,000 (€ 3,250) in Denmark (greater in other jurisdictions).

## *Coverage*

The insurance covers:

- Actual or suspected infringement of the insured patents as allowable under the patent laws of the country in which the infringement has occurred
- Defence of counterclaims brought by the infringer
- Accidental infringement of a third party's IP by an SME

As far as the scope of coverage is concerned, the scheme covers granted patents and applications and patent families (up to 10 patent families can be insured). Different levels of insurance protection can be taken out.

## *Benefits of IPR insurance*

The benefits of IPR insurance include:

- Enabling SMEs to enforce their IP rights at an affordable cost – the relatively low cost of taking out insurance is made possible by spreading the risk of litigation with many other SMEs who are insurance policy holders.
- Serving as a deterrent against IP infringement – SMEs having taken out insurance and making this known to competitors, are arguably less likely to experience infringements and there may be a cost saving attached to avoiding litigation linked to this.
- Enabling SMEs to fully exploit their IP assets - patents registered by SMEs potentially have greater resale value if protected by appropriate indemnification against accidental IPR infringement of third parties. Some firms operating in the software sector, for example, require indemnification from potential lawsuits as a prerequisite prior to purchasing technology patented by smaller firms.

IP insurance can therefore be seen as an important component of a holistic intellectual asset management strategy. By protecting IP rights effectively, an SME can minimise its risk of having to

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# IPR Insurance Scheme (DK)

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undertake enforcement proceedings. There is therefore both an offensive and defensive aspect to IPR insurance.

## *Further Development of the Scheme*

The possibility of extending insurance services to other markets depends on a number of factors, but the degree of co-operation possible with public agencies with responsibility for promoting the development of intellectual property and innovation can be significant. The size of the market is critical. There are substantial entry costs, there needs to be sufficient take-up to spread risk effectively and there has to be a sufficient basic awareness of the value of IPR and the need for its protection. So, unless a Europe-wide solution can be found, it is likely that insurance companies will concentrate on key EU markets with both a large SME population and a relatively high propensity to register patents. This effect can be modified to the extent that there is good co-operation with the public agencies operating in the IP area.

## **Transferability & Performance:**

The scheme was only set up in December 2007 and it is too early to assess its performance.

A number of IPR insurance schemes have been set up in the past, but have failed. The key is achieving the high volumes necessary to make the scheme firstly affordable to SMEs and secondly sufficiently profitable to encourage the private sector investment.

To an important extent, the fact that the scheme was launched in Denmark is due to effective support of the kind outlined that has been provided by the Danish Patent and Trademark Office.

This is an area where there are significant market failures and a finely balanced judgement is necessary if measures are to have a realistic chance of success.

## **Further information:**

Website: <http://www.patent-enforcer.eu>  
[www.samian-underwriting.com](http://www.samian-underwriting.com)

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The Danish Patent and Trademark Office  
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Denmark

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# Innovation Protection Programme (AT) 8

## **Title of case:**

The Innovation Protection Programme of the Austria Wirtschaftsservice (AWS)

## **Organisation:**

The Austria Wirtschaftsservice (AWS)

## **IPR Expert Group Recommendations:**

*Effective enforcement by businesses has to begin with proper IP management;*

*Intellectual Asset Management has to be a core part of the promotion of innovation. Innovation agencies and innovation support programmes have to make effective provision for IPR enforcement.*

*There should be better co-ordination and a more consistent development of enforcement services in third countries.*

*A degree of experimentation ought to be encouraged and best practice exchanged.*

## **Areas that the case illustrates:**

- SME competence building
- Intellectual asset management
- The provision of dedicated services
- Special provision in 3rd countries
- Integration with innovation support
- Integration with general business support

The AWS services relate to:

- Intellectual Assets
- Trade Secrets
- Licensing & Confidentiality Agreements
- All forms of Intellectual Property

## **Brief description:**

AWS's Innovation Protection Programme arises from its core work of supporting innovation among Austrian enterprises and provides an example of enforcement work being well integrated into the support of the enterprises throughout the innovation cycle. AWS's services in this area, and particularly those in third countries, are themselves innovative and are helping to define new types of enforcement support.

## **Full description:**

Austria Wirtschaftsservice (AWS) is a state-owned bank specifically geared to supporting

# Innovation Protection Programme (AT) 8

small and medium enterprises. The main aim of AWS is to strengthen the competitiveness of domestic client companies and to secure Austrian jobs on a long-term basis. AWS has a staff of about 230 and included in its provision is a series of technology and innovation services. In fact, AWS is the largest Austrian provider of services for evaluating and financing technological inventions.

The Innovation Protection Programme (IPP) was established in 2006 as a response to the needs of SMEs in relation to the international protection of their intellectual property.

Through the IPP, AWS provides its clients both with funding for IPR protection in emerging markets and with regional expertise. “Emerging markets” are defined as all non-OECD member countries, though the emphasis is on China, India, and Russia. Fluent speakers of Mandarin and Russian provide regional and legal knowledge, both through the Vienna headquarters and the Shanghai branch office.

## *IPP Services*

AWS is of the view that it is important, through training, to raise IPR awareness among Austrian entrepreneurs and to help them to establish and manage their IPR portfolios. These actions are seen as essential prerequisites of effective enforcement and form part of the programme. From this basis, IPP then provides risk assessment, monitoring and investigation of infringements and support for legal and administrative action in complex environments such as China, India, and Russia. Lobbying governments in target countries is important “background activity”, behind the scenes.

AWS decides the degree of its involvement in a given case according to the prospects of success, the economic importance of the infringement to the company in question and to the national economy, and the degree to which the case can serve as an example.

Technology audits are one of the instruments used for risk assessment: experts conduct audits tailored to the specific needs of an enterprise, assess the situation of the product and recommend a comprehensive strategy for IPR protection and enforcement all along the value chain. Mediation has also been used effectively, especially in cases of copyright infringement.

AWS has built up a network of specialized lawyers in the IP field in China, India, and Russia. Because of the larger business volume expected, this has enabled AWS to offer economies of scale to clients in some cases, through discounted “flat rate” payments for patent filings etc.

In 2007, a typical enforcement case would include:

- Registration of patents, trademarks etc., partly funded via IPP;
- Infringement monitoring;
- Sending “cease and desist” letters to IPR infringers;
- Support for the client in obtaining enforcement measures from courts and administrative bodies;
- Actively organising the seizure of offending goods at trade fairs;



# Innovation Protection Programme (AT) 8

- Strengthening the legitimate rights' holder's legal position by filing additional rights and pleas for annulment of fraudulent IPR registrations.

About 25% of all Austrian companies who have registered their IPR in China in 2007 received some form of support from AWS.

In providing its services, AWS currently follows the EU's SME or "de minimis" rules, but there are plans to enlarge its base in line with the "Community Framework for State Aid for Research and Development and Innovation".

## *Other Activities*

In addition to its training provision for enterprises, AWS provides regular training for Austrian enforcement agencies, helping to raise their awareness of SME issues in the IPR area.

Co-operating with other agencies is an important part of the way that AWS works. It has close links with overseas branches of the Austrian Chamber of Commerce (Wirtschaftskammer Österreich) known as AWO (Außenwirtschaftsorganisationen), which are accredited as part of the local embassy or consulate. Co-operation includes exchanging business information, mutual referral of clients, organising joint training events, and co-ordinating support mechanisms so as to ensure maximum efficiency.

The Shanghai office maintains regular exchanges with the local AWO and various other business organisations there (EU Cham etc.), while the IPP programme staff in Vienna are also actively involved in several EU projects. These include a transatlantic IPR project for policy alignment, and a project to strengthen companies' management competence. Finally, IPP is well integrated into the Austrian partners of the Enterprise Europe Network and acts as a subcontractor to them.

## **Transferability & Performance:**

The Austrian Ministry of Commerce evaluates the performance of AWS at several levels; with regard to the SME support system as a whole, institutes such as KMU-Forschung and Technopolis have carried out studies; the first external audit of the IPP itself which will be coordinated by Joanneum Research (Graz) is expected to be finalised during 2009. As an indication of take-up, AWS organised 26 seminars, workshops and similar events in 2007 and these were attended by 1,300 people.

## **Further information:**

Web site: <http://www.awsg.at/> (in German)  
<http://www.awsg.at/portal/index.php?x=51&n=686> (IPP)

Contact details:  
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Austria Wirtschaftsservice | ERP-Fonds  
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# Technology Watch Service (LU)

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**Title of case:**

The Technology Watch Service of the Henri Tudor Public Research Centre, Luxembourg

**Organisation:**

The Henri Tudor Public Research Centre, Luxembourg

**IPR Expert Group Recommendations:**

*Effective enforcement by businesses has to begin with proper IP management;*

*Intellectual Asset Management has to be a core part of the promotion of innovation. Innovation agencies and innovation support programmes have to make effective provision for IPR enforcement;*

*Where not currently in place, a common Intellectual Property service has to be developed.*

**Areas that the case illustrates:**

SME competence building  
Intellectual asset management  
The provision of dedicated services  
Integration with innovation support  
Integration with general business support

The Technology Watch Service relates to:

Intellectual Assets  
All forms of Intellectual Property

**Brief description:**

Good business intelligence is an essential support to an active policy of IPR enforcement. The Technology Watch service offered by a dedicated department within the Henri Tudor Public Research Centre in Luxembourg both provides a service for SMEs based on a systematic exploitation of business and technical information sources and also assists them to develop their own capabilities in this area. The service is well integrated into more general IPR and innovation support.

**Full description:**

The Technology Watch Centre within the Henri Tudor Public Research Centre in Luxembourg (Centre de Veille Technologique (CVT) – a department of the Centre de Recherche Public Henri Tudor CRP-HT) is part-funded by the Luxembourg Ministry of Economy and Foreign Trade and aims to support the effective management of innovatory projects by assisting enterprises with critical information throughout the life-cycle of their products.

# Technology Watch Service (LU)

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A team of business information specialists provides client enterprises with tailored information products, including packages delivered on a regular basis. Depending on their situation the information products can contain information on current developments in relevant scientific and technological fields, intelligence on developments in markets and among competitors and the details of public policy developments, such as new regulations or standards. The scope of the service, therefore, extends significantly beyond technological issues to cover market intelligence and other important aspects of the environment in which business is conducted.

The research that generates the information is conducted according to a strategy previously agreed with the client and can include database-searches in specialized sources, e.g. patents, scientific publications, standards, and web searches. Information-research and subsequent information-analysis is performed by more or less automated processes (automated web-searches, bibliometric and semantic analysis) and the information may be presented to the clients in standardized templates or in a form tailored to the needs of the company.

These services provide essential input for the planning of new R&D activities, by providing business intelligence on how technologies are evolving and on how they can be exploited, further developed and protected, involving all the relevant parties. They prompt SMEs to take good care of existing knowledge and help prevent them from infringing third party rights. The knowledge gained in using these services is also important for defining IP-strategies, for developing effective management of IPR and establishing the basis for efficient enforcement.

In addition, the Centre provides assistance to enterprises in further developing a 'competitive intelligence' competence within their management structures. This assistance is delivered primarily through training seminars or tailored consultancy. In this way, the service helps the enterprise to make best use of the information provided and also contributes to the general strengthening of its management capabilities.

## *Integration with Other Services*

Although this service is offered to any innovating enterprise, its particular application in the management and defence of intellectual property rights is clear. In this respect, the Technology Watch service is well integrated into a series of other services that support the development and protection of IPR, including (but not limited to) the classic services relating to the development of industrial property – patents, trademarks and related areas. These begin with information services – preliminary searches, anteriority, patents in similar areas, up-dating services etc – and extend to publications and guides on intellectual property in its widest sense and general innovation support, in the form of training on business planning, financial management etc. Special provision is made for the IP needs of business start-ups.

The delivery of this broader range of services comes in ways that are adapted to the circumstances of smaller enterprises. For instance, a dedicated publication LIIP – Linking Innovation and Industrial Property - developed as part of an EU project, provides orientation for IPR beginners by offering "10 pragmatic recommendations for a better integration of IP in your business". The guide goes on to provide brief descriptions of the different forms of IPR, guidelines on which IP protection instrument to choose under certain circumstances and tips on how to enforce IP rights.

# Technology Watch Service (LU)

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An e-learning course of 18 modules - DIPS (Distance learning applied to enhance the introduction of IP into management Strategies of SMEs), which is specially adapted to the needs of SME managers, provides enterprises with the tools for a more systematic approach to introducing IP management into their business strategy.

In addition, counselling services provide one-to-one engagement on IPR matters and regular training sessions are organised. Services are priced to cover costs. Specific services (provided on a one to one basis) are priced at commercial rates. Awareness creation and general information services are free of charge.

The Technology Watch services are, therefore, well situated within a service portfolio that offers extensive support for the management of IPR of all kinds. Furthermore, this set of services is itself well integrated into the broader promotion of innovation that is the central objective of the Henri Tudor Public Research Centre. As such, the service shows a number of elements of the good practice that leads to effective business support.

## **Transferability & Performance:**

A well-qualified and dedicated professional team is important to the success of CVT's services, along with a well-judged pricing policy.

Eight to twelve persons work in the Centre, of which half are dedicated to SME services and training activities. CVT's standardised information products are based on desk research that can take from half a day to 4 working days and this work is executed by highly qualified and skilled information analysts. Staff working on SME services have a University-degree in a Scientific or Engineering field and a supplementary specialisation in information sciences (from Universities that have diplomas in competitive intelligence, technology watch etc). Customer relations and marketing is also a very important function in CVT.

Costs for standardised information-products range from 500 to 3200 €. However, in a lot of cases services have to be tailored to the specific needs of the companies and this leads to prices that go beyond the indicated amounts.

CRP Henri Tudor's ISO 9001(2000) certification for the management of innovation projects and for providing innovation services covers the services described in this case study. In a recently signed (2008) performance contract between CRP Henri Tudor and the State of Luxembourg, key performance indicators (KPI) have been defined in quantitative terms. Among the key indicators there is a commitment on the part of CVT to deliver a defined service target (revenue on contacts) and to contribute to the scientific output of the research centre (in the form of publications in papers and conferences). An ex-post evaluation will be carried out after the end of the current CP-period (2010). The Benchmarking study by the Austrian Institute for SME Research rated the services highly, reporting high levels of user satisfaction and additionality.

# Technology Watch Service (LU)

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**Further information:**

Web site: <http://www.tudor.lu/>  
[www.veille.lu](http://www.veille.lu)  
[www.brevet.lu](http://www.brevet.lu)

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# IP Pre-diagnostic Service (FR)

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**Title of case:**

IP Pre-diagnostic Service of the French National Industrial Property Institute

**Organisation:**

The National Industrial Property Institute, France

**IPR Expert Group Recommendations:**

*Effective enforcement by businesses has to begin with proper IP management.*

*Intellectual Asset Management has to be a core part of the promotion of innovation. Innovation agencies and innovation support programmes have to make effective provision for IPR enforcement.*

**Areas that the case illustrates:**

SME competence building  
Intellectual asset management  
The provision of dedicated services  
Integration with innovation support  
Integration with general business support

The Pre-diagnostic service relates to:

Patents  
Utility models  
Trademarks  
Designs  
Intellectual rights

**Brief description:**

A widely available, easily understandable and direct 'pre-diagnostic' service in France, targeted at enterprises without any previous experience of IPR management, sets them off in the right direction, by conducting an audit that reviews their intellectual assets in relation to their general business situation, identifies areas of competitive advantage and helps the enterprise to put in place an appropriate IP management strategy.

**Full description:**

INPI, the National Industrial Property Institute (Institut national de la propriété industrielle), the French Patent and Trademark Office, provides a wide range of services to enterprises, directly, through an extensive web-based information system and through regional offices, which in turn co-operate with other regional business support agencies. These services cover all forms of

# *IP Pre-diagnostic Service (FR)*

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intellectual property, include information provision, training and counselling and put the institute at the heart of national innovation strategy.

Since 2004, as part of this portfolio of services, INPI has offered a 'pre-diagnostic' audit that consists of an evaluation of the potential of an enterprise in terms of its industrial property. The service is free to enterprises that are new to IP management and consists of an expert analysis, conducted over one or two days, of the existing and potential intellectual assets of an enterprise, given its current situation and its endowment of knowledge and skills. The analysis also considers ways that IP can be managed and especially, where appropriate, opportunities for registering industrial property. A report is provided for the enterprise that highlights areas of competitive advantage and possible strategies for managing and exploiting them, along with practical advice on implementation. Costs and financial implications are also covered.

The result of the audit is that enterprises are not only pointed in the right direction, in terms of registering industrial property, but the enterprise management is helped to develop a whole new perspective on the significance of IP management. In this way, there is an important contribution to building the management capacity of the enterprise.

The pre-diagnostic service is, however, essentially a first step on the part of relatively small and inexperienced enterprises. It is designed to be a quick intervention and thus to avoid disruption of normal business processes, but it can be the start of more substantial developments that can be supported by other services from INPI and its partner agencies.

## **Transferability & Performance:**

2,500 IP pre-diagnostic analyses have been performed since 2004.

There is regular monitoring of the service, which includes direct interviews with enterprises and external evaluations that show the success of the scheme in targeting small enterprises and achieving a high satisfaction rate among clients. A high proportion of clients have taken formal steps, such as registering IP.

The Benchmarking study by the Austrian Institute for SME Research rated the services highly, reporting high levels of user satisfaction and additionality.

## **Further information:**

Web site: <http://www.inpi.fr/> (in French)

<http://www.inpi.fr/fr/services-et-prestations/aides-et-partenariats/pre-diagnostics-propriete-industrielle.html>

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