

# Editorial: Intellectual Property Rights

Chris McPhee, Editor-in-Chief

Peter Carbone, Guest Editor

## From the Editor-in-Chief

It is my pleasure to introduce Peter Carbone, our guest editor for the December issue of the *Technology Innovation Management Review* (TIM Review). The editorial theme of this issue is Intellectual Property Rights and Peter has assembled an excellent line-up of authors to offer their perspectives on this important topic.

In January, the guest editor will be Leslie Hawthorn from Oregon State University's Open Source Lab and the editorial theme will be Open Source Business in 2012. This will be followed by February's issue on the Entrepreneurship Theory, presented by guest editor Tony Bailetti. We encourage you to suggest themes you would like to see covered in future issues.

We hope you enjoy this issue of the TIM Review and will share your comments on articles online. Please also feel free to contact us (<http://timreview.ca/contact>) directly with feedback or article submissions.

**Chris McPhee**  
Editor-in-Chief

## From the Guest Editor

Welcome to this special, year-end issue of the TIM Review, where we will explore the topic of Intellectual Property Rights (IPR) from a number of stakeholder perspectives.

In our knowledge economy, one of the most valuable assets created by research and development investment is now intellectual property. From the recent publicity and activity around major acquisitions, such as the Nortel patent portfolio for \$4.5B and the Motorola portfolio for \$12.5B, it is clear that intellectual property is indeed a potent weapon for large companies; however, as you will see in this issue, it can be a very valuable asset for small companies as well.

The driving force behind IPR is the ability to extract competitive value from proprietary knowledge/intellectual property. However, the motivation for IPR depends very much on the constituency. For example, standards bodies are looking for compliance and normalization, and so they wish access to IPR not to be unreasonably encumbered – hence the licensing models that focus on fair and reasonable (or free) access. Research entities are more interested in sharing knowledge to facilitate collaboration and advancement of the topic that they are researching. Businesses tend to be looking to gain commercial advantage either by having exclusive rights to a product for a period of time, as seen in the pharmaceutical industry, or by trading patents to prevent law-suits that may hinder market access.

This issue of the TIM Review explores the perspective of a few of these major stakeholder groups, with the goal of providing some new insights into how IPR can be leveraged to derive value for both large and small companies.

**Angela de Wilton**, patent agent and founder of de Wilton IP Inc., presents an informative perspective on the strategic value of intellectual property, along with a description of the capabilities of patenting as a tool and how best to wield it. She provides an insightful business perspective for startups, which advocates building an IPR strategy into the overall business strategy for the company, and she suggests a number of best practices for developing and executing the IPR strategy.

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Chris McPhee

**Patrick Cohendet and Julien Pénin** from the University of Strasbourg explore a different way to think of patents by presenting their research into how patents can be also be used to include other heterogeneous stakeholders, thereby stimulating collaboration and facilitate coordination of research. They argue that this approach is critical in a knowledge economy, where often innovation is a team outcome, not an individual outcome.

**Monica Goyal**, a lawyer and founder of My Legal Briefcase, provides a contrarian view of the current patent system, which she argues is flawed and should not be applied to software technology. By reviewing a number of examples, she asserts that fairly radical changes to the patent process would be beneficial to properly reflect the dominance of software in new innovations (over traditional hardware/widget businesses). Some of the potential changes suggested might be evaluated by companies who are in the process of defining an IPR strategy.

**Daniel Henry**, VP of Business Development at WiLAN, takes an industry view on the monetization of IPR as a new and vibrant class of assets and describe a context for the aggressive and dynamic activity in the market today. By studying the evolution of the patent system over time, he describes the conditions that have birthed some new IPR-centric companies in the market today, and he reinforces the view that intellectual property is indeed an asset worth leveraging for all companies.

**Natalie Raffoul and Art Brion**, from Clancy P.C. + Brion Raffoul, present a more operational approach to protecting IPR and provide a rationale for using the patent process, along with guidelines for filing successfully. They discuss a number of potential motivations for investing in patenting and how to use the system to balance the costs with the goal of securing protection.

Although there are a number of different approaches and motivations, the authors all agree that intellectual property is valuable, and, since it needs to be effectively leveraged, it should be incorporated as a part of the overall business strategy. I hope that you find the issue of benefit as you strategize around how to maximize the success of your initiative.

**Peter Carbone**  
Guest Editor

### About the Authors

**Chris McPhee** is Editor-in-Chief of the *Technology Innovation Management Review* and is in the Technology Innovation Management program at Carleton University in Ottawa. Chris received his BScH and MSc degrees in Biology from Queen's University in Kingston, following which he worked in a variety of management, design, and content development roles on science education software projects in Canada and Scotland.

**Peter Carbone** is a successful executive known for his thought leadership, business acumen, and technology leadership. He is often called on to address new business and technology challenges. Peter is a pathfinder with a track record of creating innovative solutions, strategically managing technology and innovation, successfully launching and running new businesses, and leading business development initiatives. Peter has held CTO, R&D, and senior business positions in several high-tech companies, and he has led or been directly involved with several technology company acquisitions. Peter has been engaged as technical advisor to startups, is part of the faculty of an entrepreneur development program that has created >100 new companies, and has been on the boards of US-based Alliance for Telecommunications Industry Solutions (ATIS) and Coral CEA. He is past Vice-Chair of the Executive Committee of the Information Technology Association of Canada (ITAC) and Chair of an ITAC committee, which is focused on the Global Competitiveness of Canada's Knowledge Economy. Peter is also a member of the Advisory Board and Review Board of the *Technology Innovation Management Review*.

**Citation:** McPhee, C. and P. Carbone. 2011. Editorial: Intellectual Property Rights. *Technology Innovation Management Review*. December 2011:3-4.

