

Intellectual Property Right Protection and Transforming Research and Development Outputs into Tangible Assets in Economies in Transition

UNECE

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IP Strategies of Swiss SMEs

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IP Strategies:

1. **Protection from competition**
2. **Complementary protection**
3. **Safeguard future technologies**
4. **Basis for alliances**

in order to



Objectives:

- **Provide freedom to operate**
- **Block competitors**
- **Create licensing income**



defensive



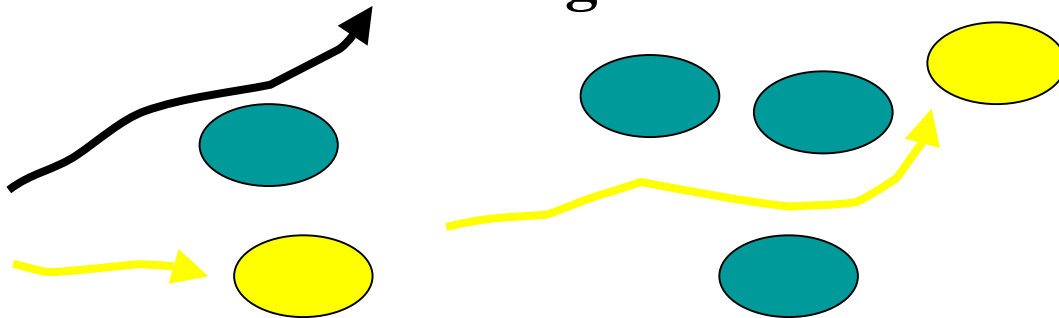
offensive

way

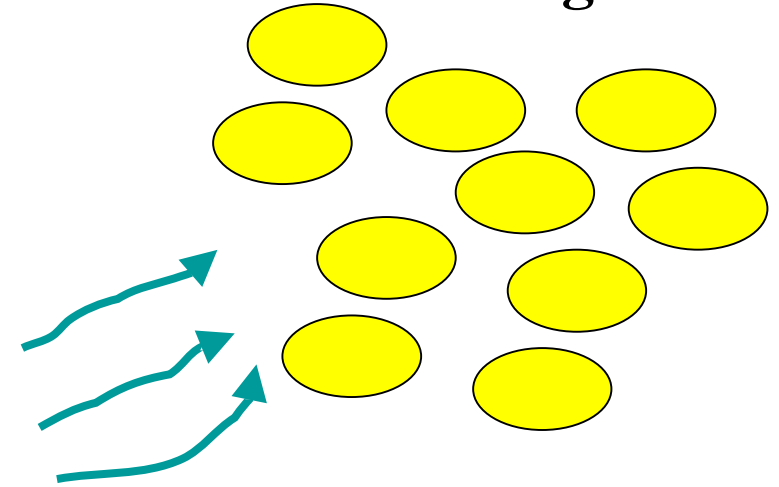


Specific Patenting Strategies:

Inventing Around

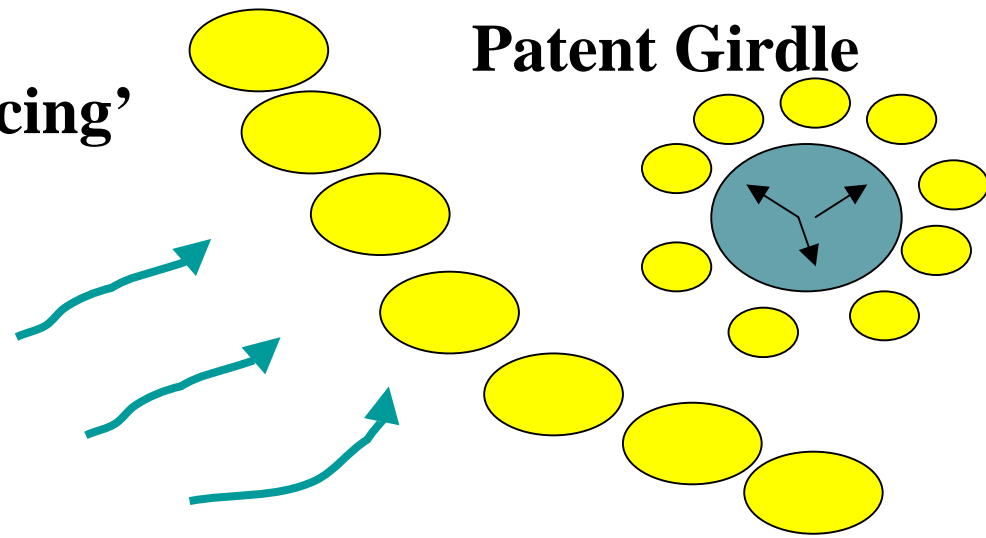


'Flooding'

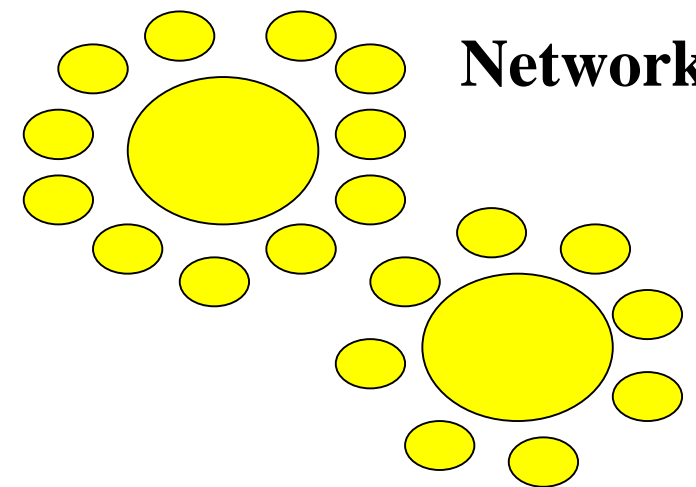


Patent Girdle

'Fencing'



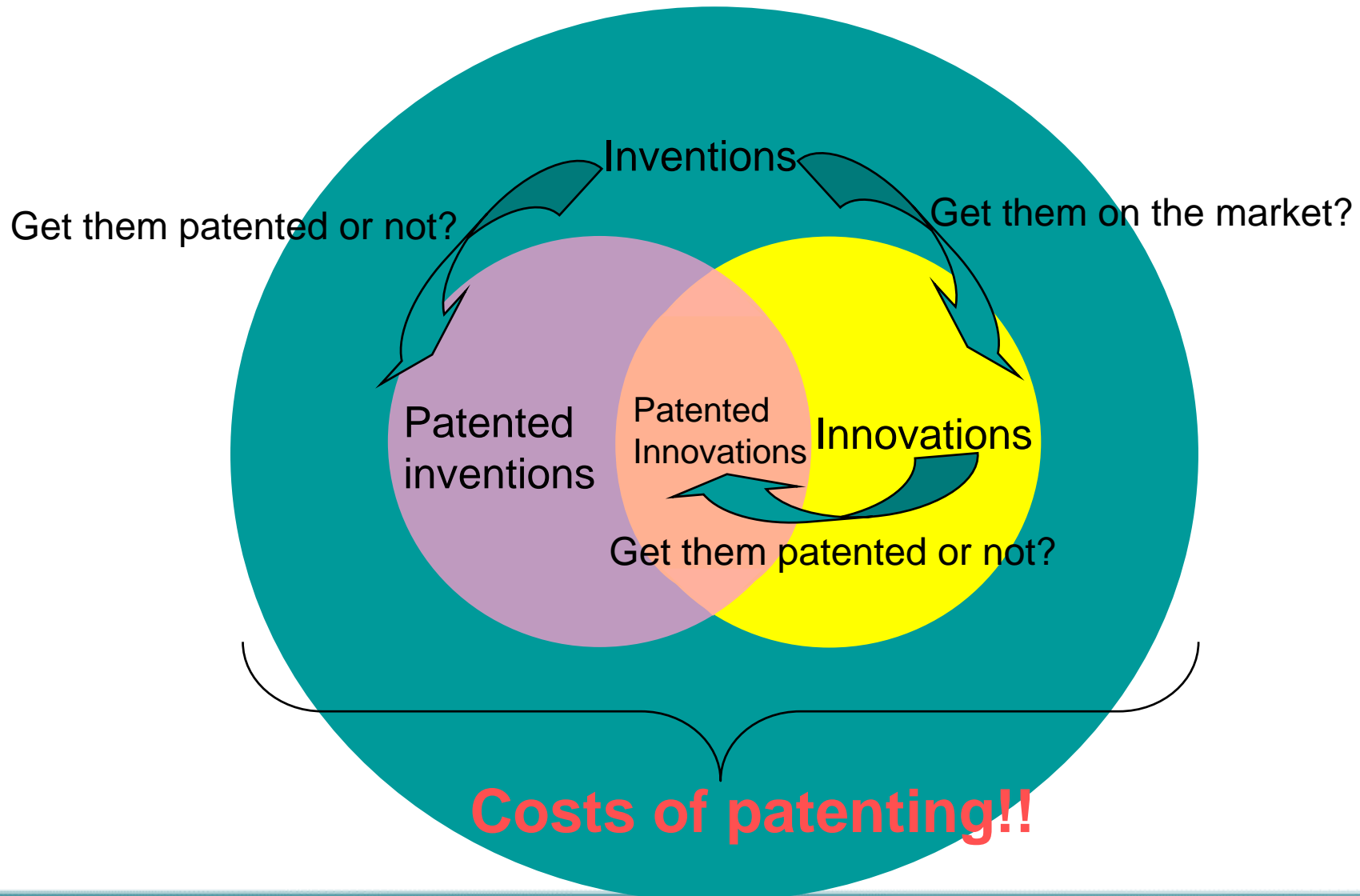
Network



From: WIPO, Pushpendra Rai Presentation, New Delhi 2006



General Patenting Strategies

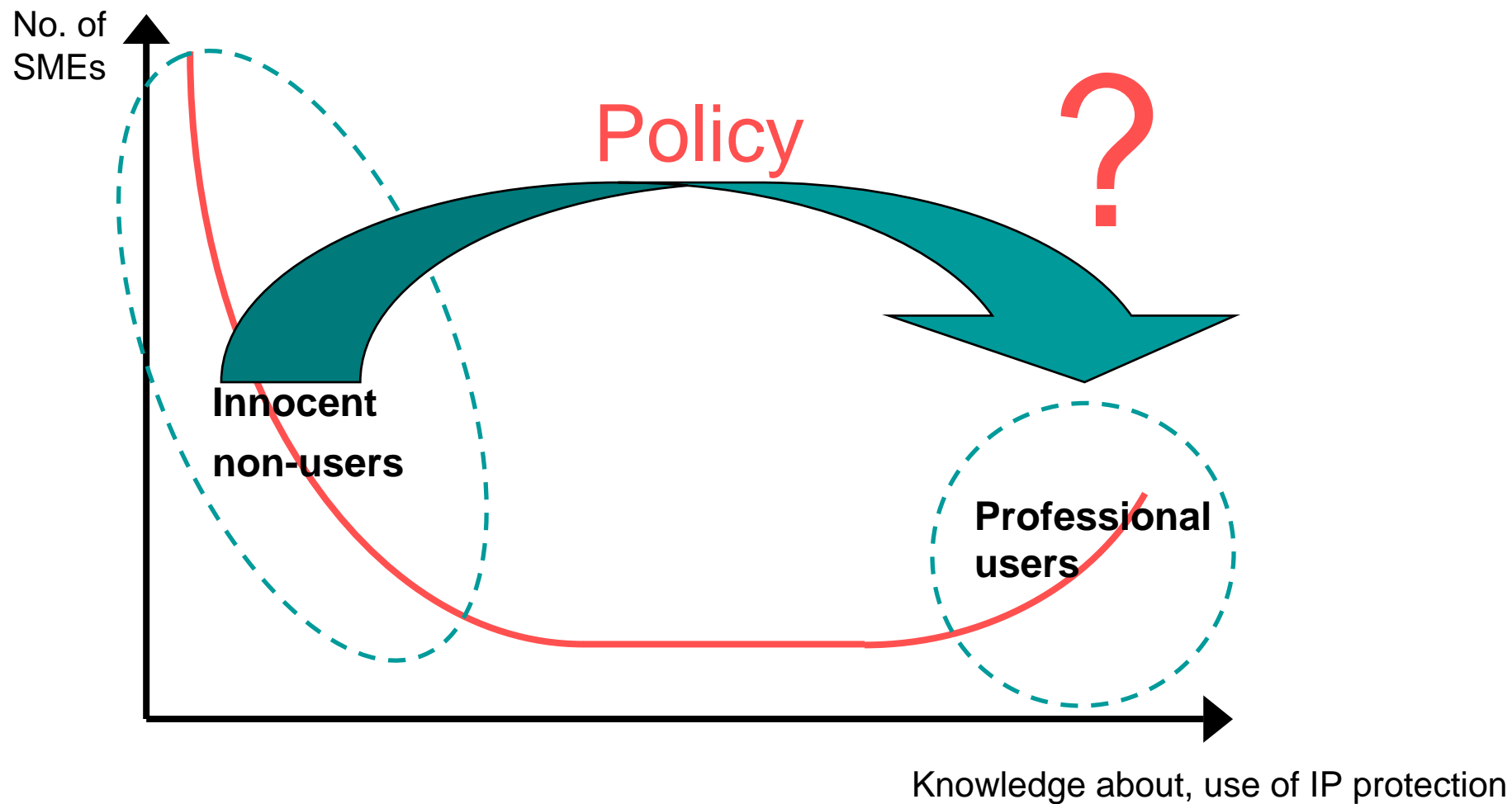


1. Step back: Alternative Protection Measures

- **Secrecy**
- **Publication**
- **Lead time advantage**
- **Product complexity**
- **Embodiment intangibles in products**
- **Customer relations management**
- **‘Open source’ strategies**



2. Step back: What do SMEs know about IP?



SMEs are the motor of innovation! (1)

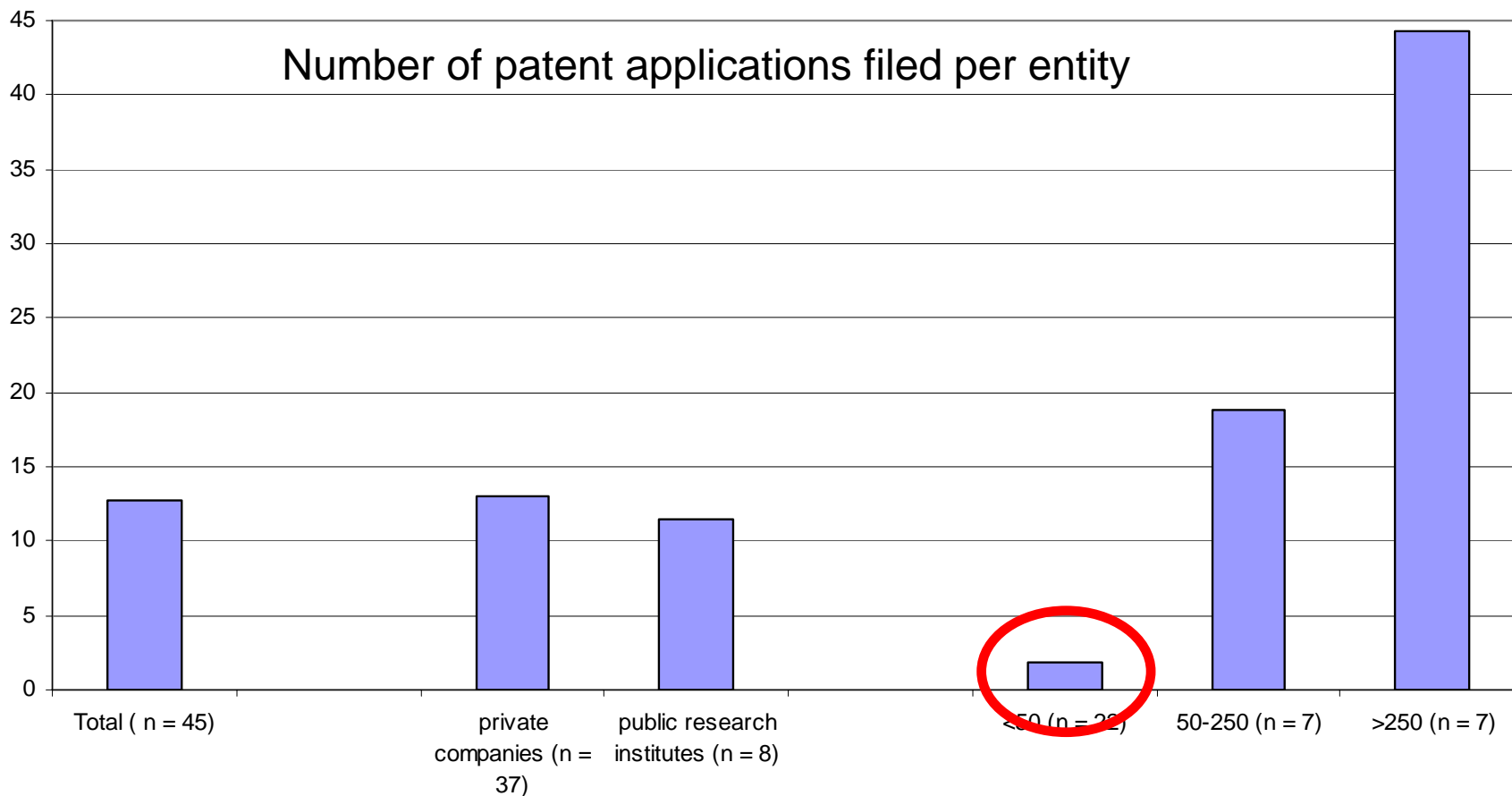


Figure 9, 'Research and Patenting in Biotechnology' <http://www.ige.ch/E/jurinfo/documents/j10005e.pdf>



SMEs are the motor of innovation! (2)

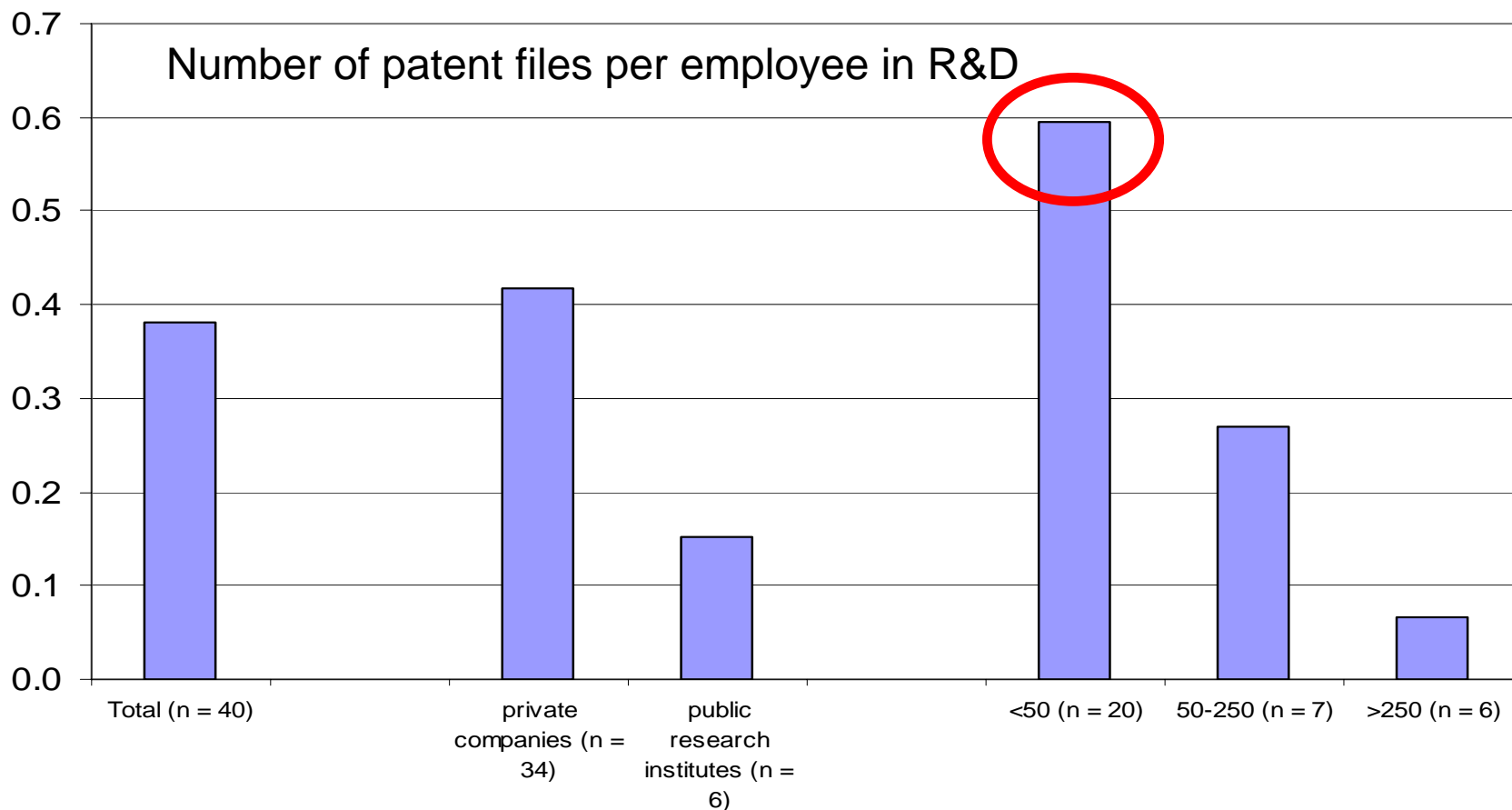


Figure 10, 'Research and Patenting in Biotechnology' <http://www.ige.ch/E/jurinfo/documents/j10005e.pdf>



SMEs are the motor of innovation! (3) But!

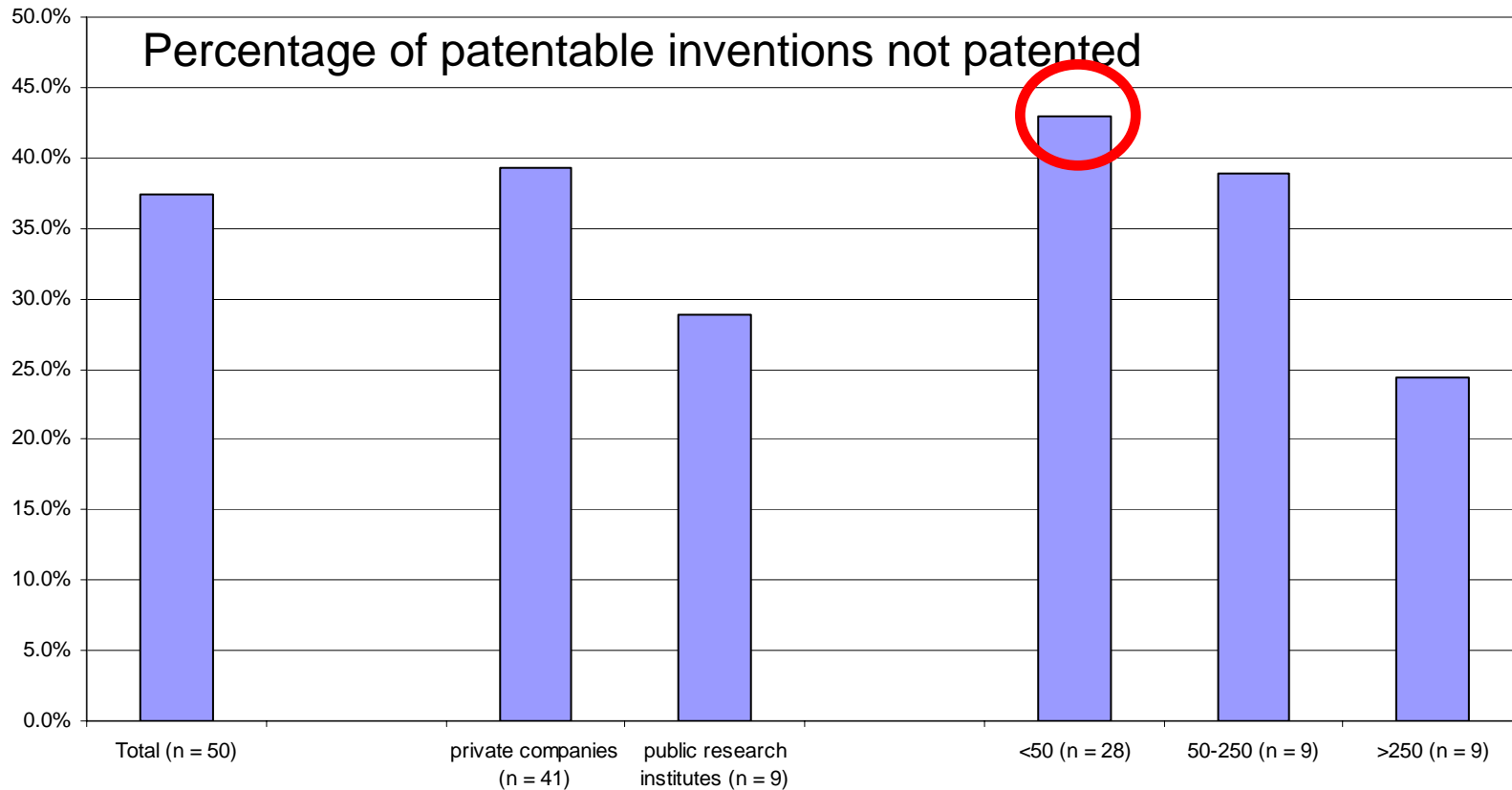


Figure 21 ,Research and Patenting in Biotechnology' <http://www.ige.ch/E/jurinfo/documents/j10005e.pdf>



Starting point:

- **SMEs have a high innovation potential**
- **IP rights are not sufficiently used by SMEs**
- **SMEs often don't recognize the importance of IP rights for their business**
- **SMEs are heterogeneous (,+ ' Biotech, ,- ' Mechanical engineering)**
- **Information and training services are often not sufficient**



50.000 SMEs in Switzerland: (contacted 7000)



1147 questionnaires:

- 882 Deutsch-Schweiz
- 187 Romandie
- 76 Ticino



The questionnaire (German/French/Italian):

Enquête auprès des petites et moyennes entreprises (PME) en Suisse

1. Au cours des deux dernières années, votre société a-t-elle développé des idées/ procédés/ produits/ services nouveaux ? En a-t-elle retiré un avantage concurrentiel?

	oui	no	<i>En a-t-elle retiré un avantage concurrentiel?</i>	oui	non
Nouvelles idées	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Nouveaux procédés	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Nouveaux produits	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Nouveaux services	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

2. Ces idées/ procédés/ produits/ services font-ils l'objet d'une protection par:

	jamais	rarement	souvent	toujours
Brevets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Designs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autres titres (s.v.p. mentionner):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Si vous avez répondu à la question 2 par «jamais» ou par «rarement», veuillez motiver votre réponse:

	Brevets	Marques	Designs
Taxes officielles trop élevées	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Honoraires d'avocat trop élevés	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Couverture insuffisante	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trop compliqué	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Droit non applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Connaissances insuffisantes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Je ne pense pas que mon innovation puisse être protégée par:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autre raison (s.v.p. mentionner):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Si vous avez répondu par «souvent» ou par «toujours» à la question 2, quels sont les raisons motivant la requête de protection?

	Brevets	Marques	Designs
Protection contre la concurrence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protection contre les contrefacteurs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effet publicitaire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Important pour le financement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Important pour les négociations contractuelles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autres raisons (s.v.p. mentionner):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Que faudrait-il optimiser concernant les possibilités juridiques de protection ? (1 = bien, 2 = à améliorer, 3 = je ne sais pas)

	Brevets			Marques			Designs		
	1	2	3	1	2	3	1	2	3
Accès aux informations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Possibilités de formation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conseil juridique spécialisé	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Montant des taxes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applicabilité	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autres (veuillez mentionner quoi):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Comment qualifieriez-vous les connaissances de votre société en matière de titres de protection?

Nous sommes:	bien informés	largement informés	peu informés	pas informés
Brevets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Designs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Remarques:

Données statistiques:

Société: _____
 Nombre d'employés: _____
 Personne de contact: _____
 E-mail: _____

A renvoyer d'ici au 27 avril 2007

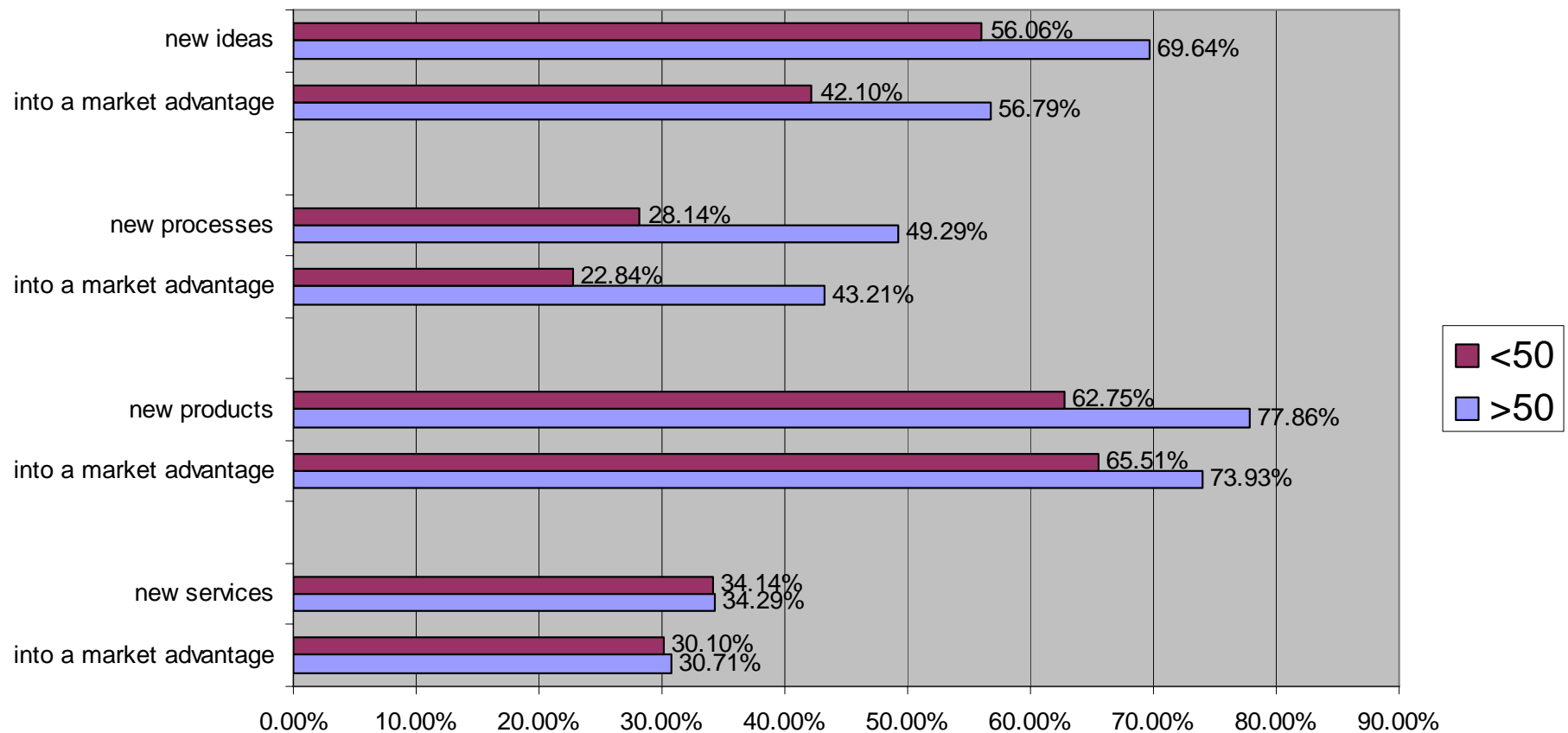
par courriel à kmu@ipi.ch

ou par poste à

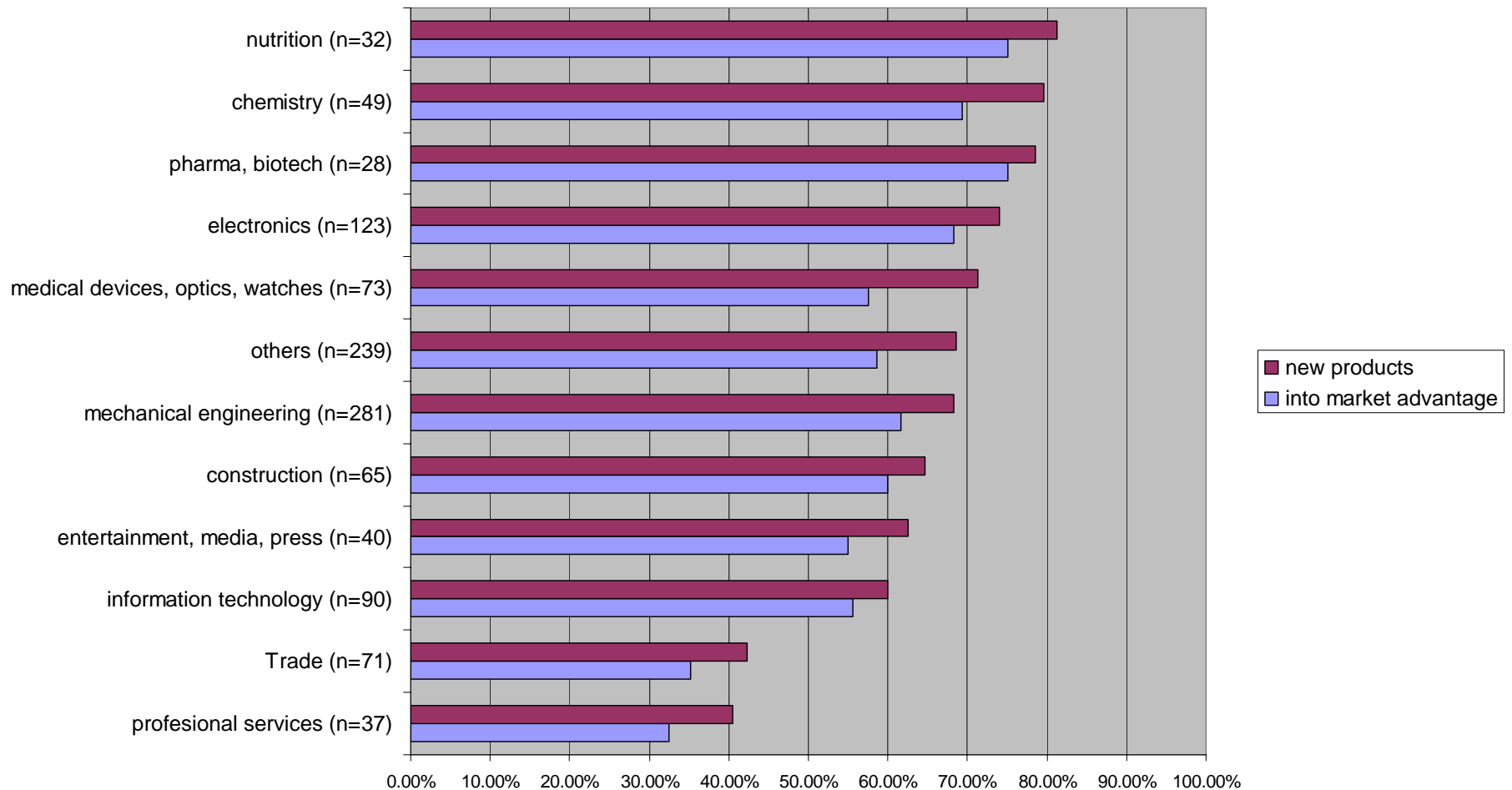
Nikolaus Thumm, Institut Fédéral de la Propriété Intellectuelle, Einsteinstr. 2, 3003 Berne



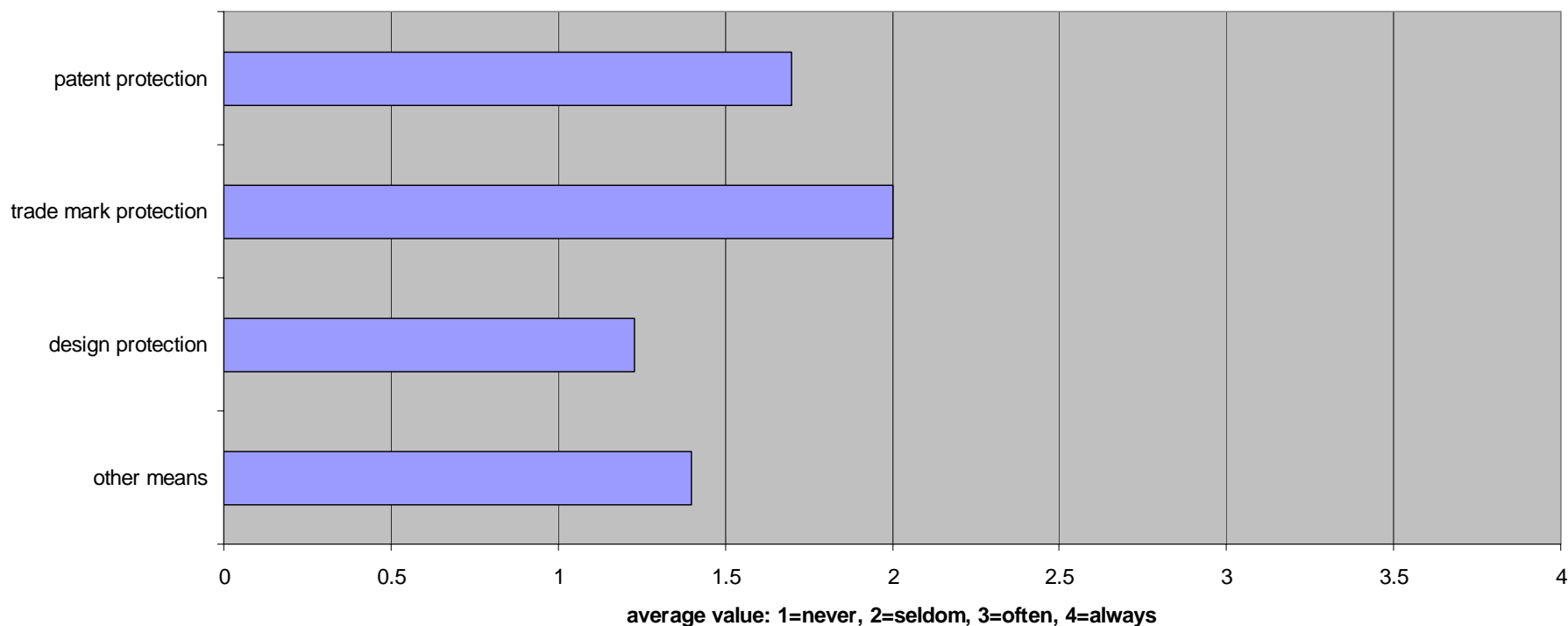
‘Did your company develop over the last two years new ideas/processes/products/services? Have you been able to transpose them into a market advantage?’(n=1147)



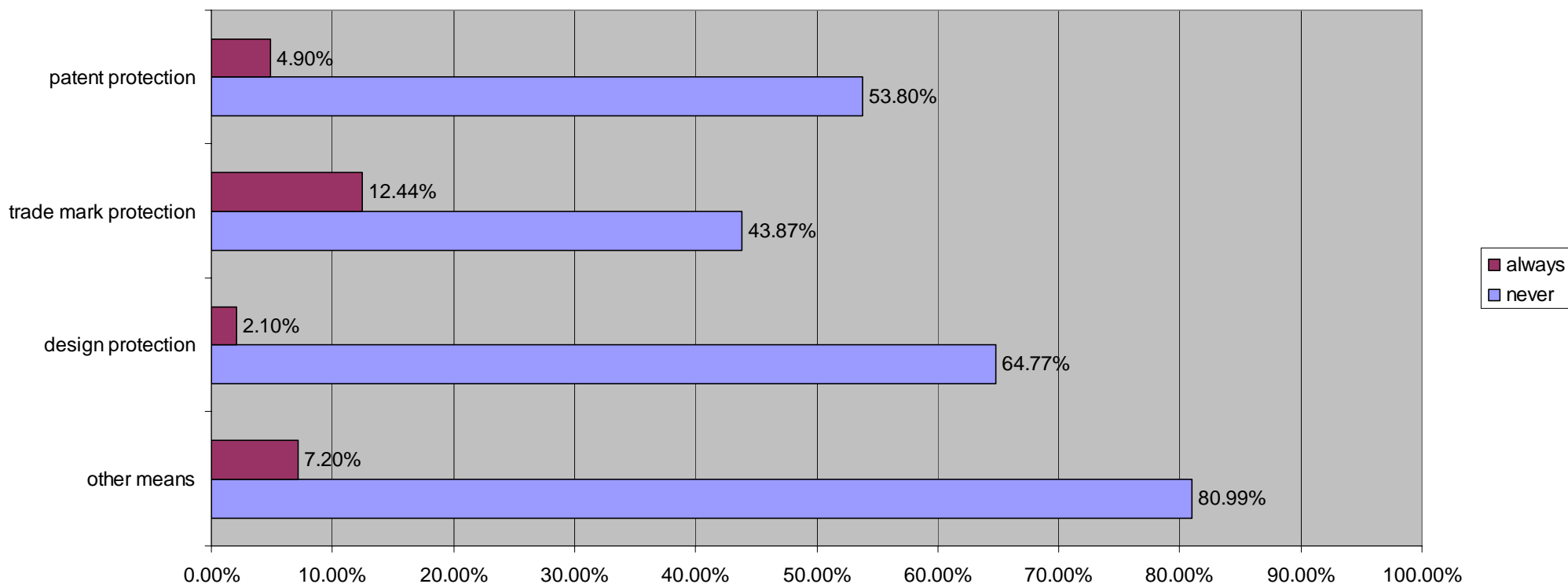
‘Did your company develop over the last two years new ideas/processes/products/services? Have you been able to transpose them into a market advantage?’



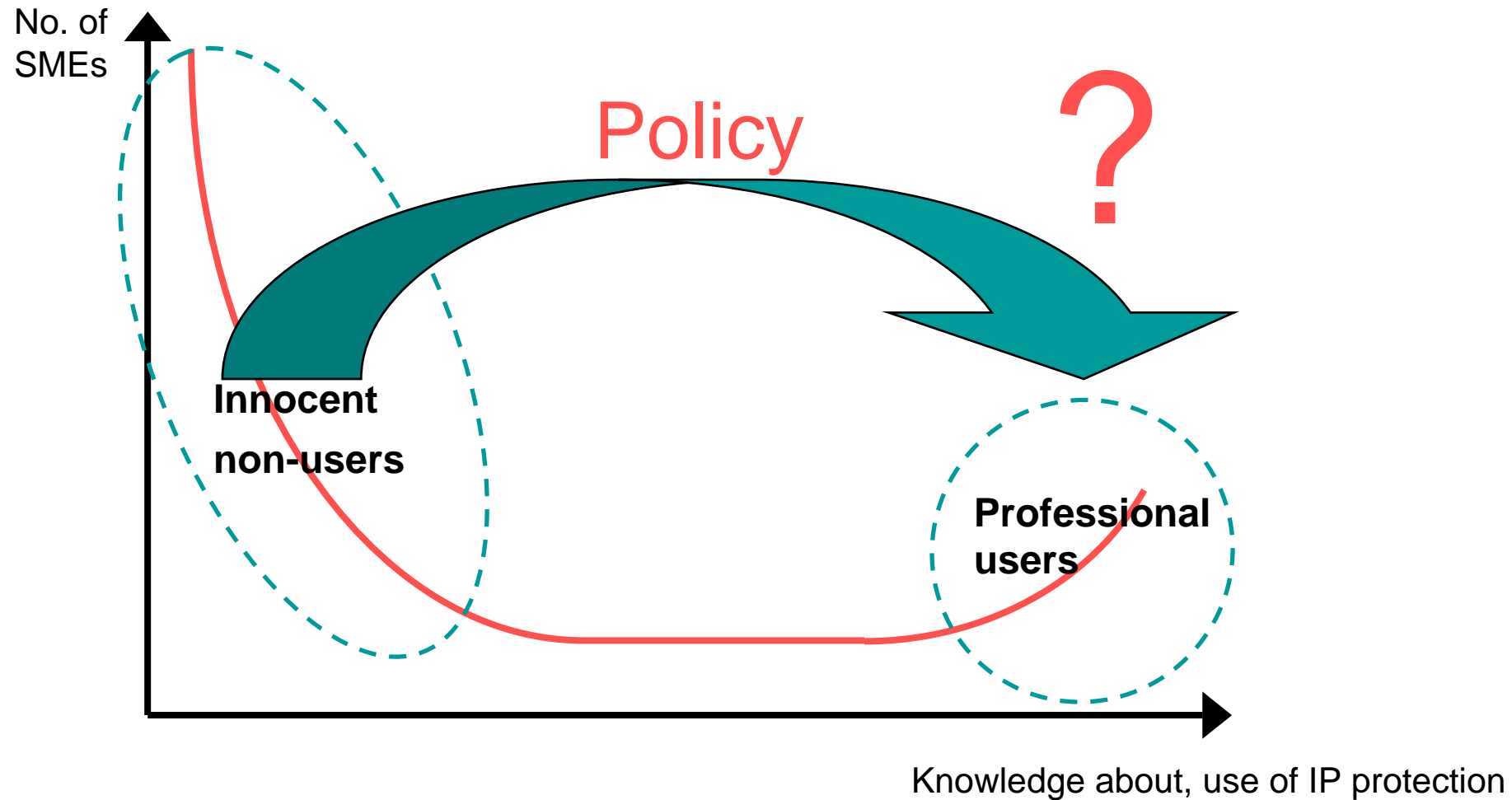
‘Do you protect these ideas/processes/products/services with patents, trade marks, design or other means’?



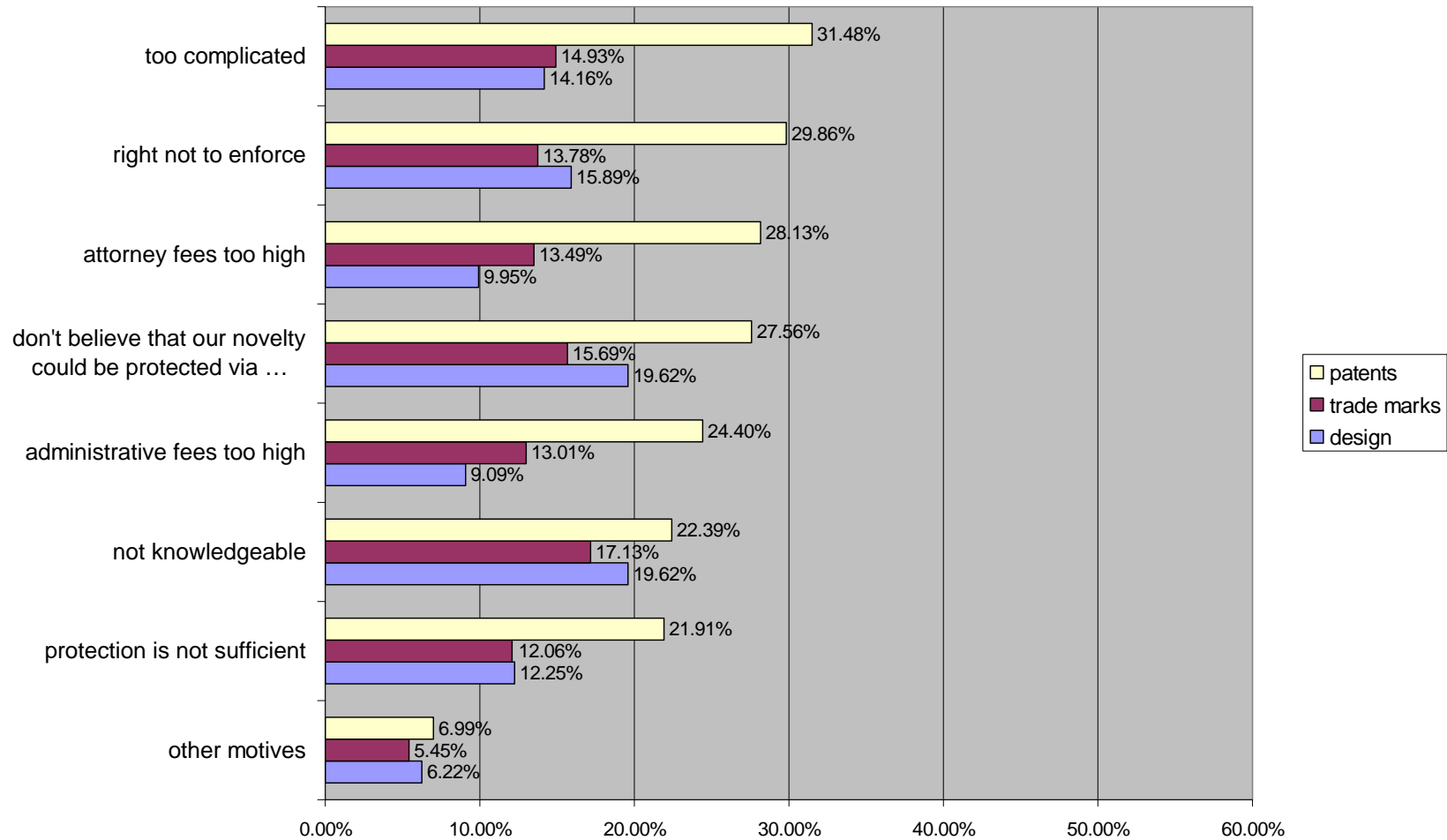
‘Do you protect these ideas/processes/products/services with patents, trade marks, design or other means’?



2. Step back: What do SMEs know about IP?

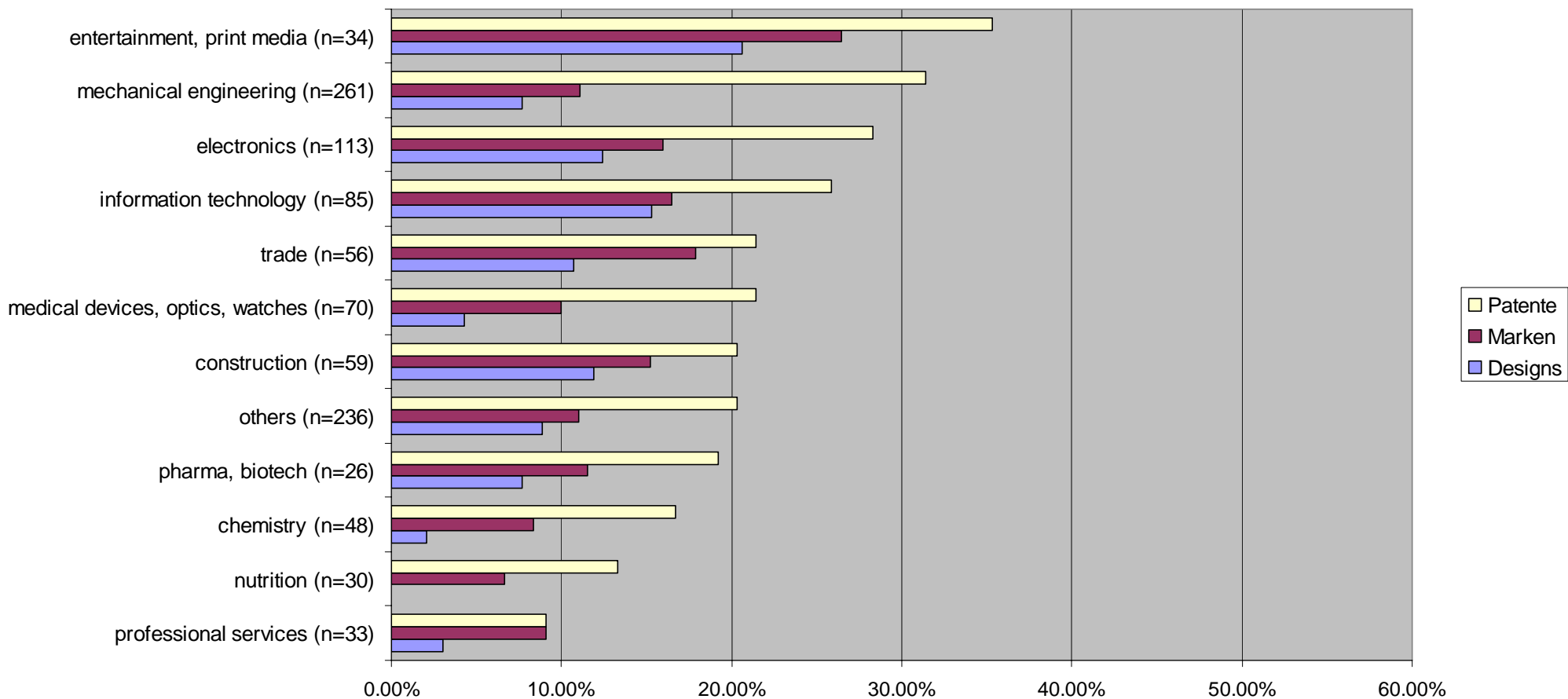


'In case you protect 'never' or 'seldom', please explain:'



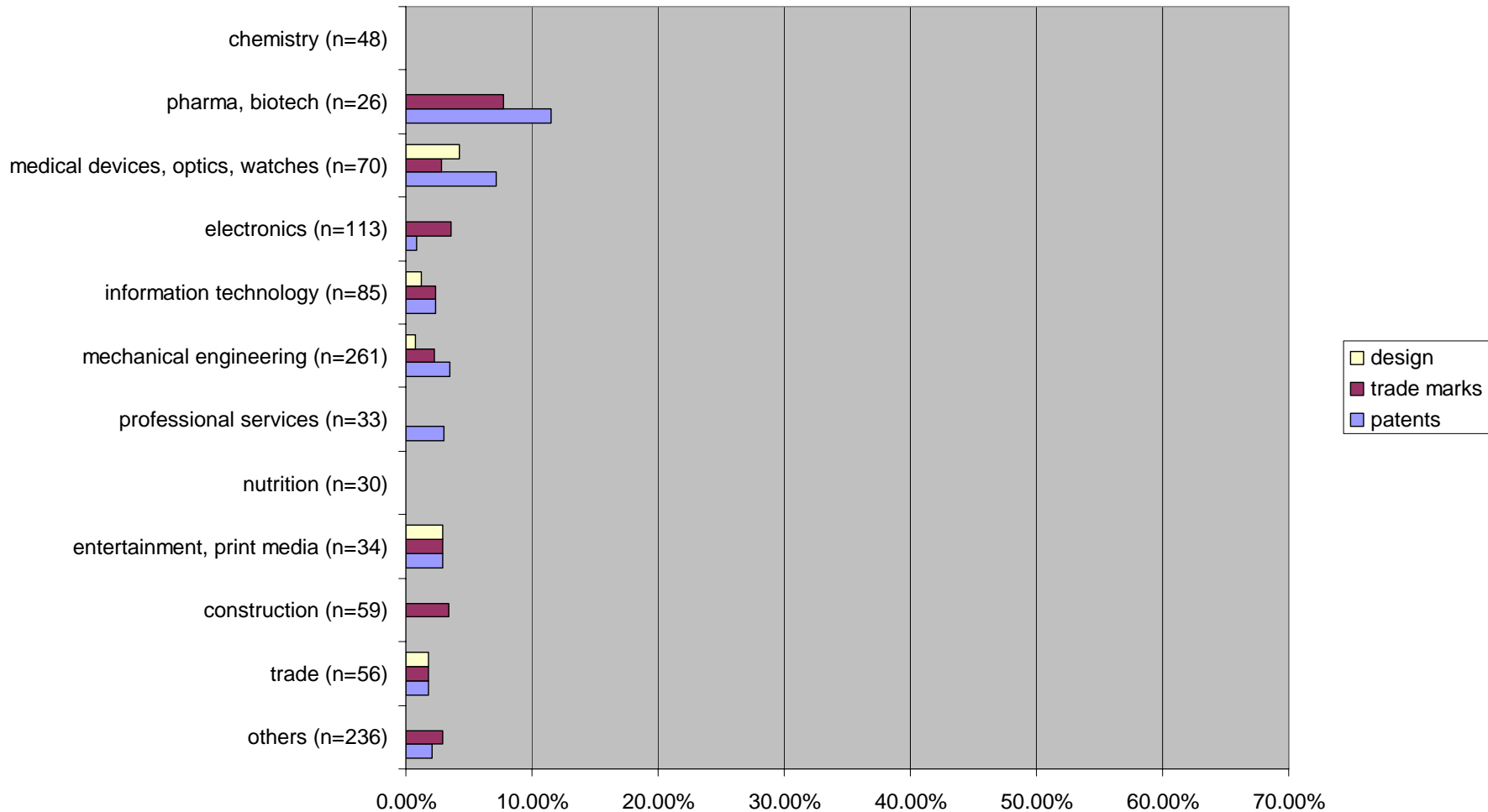
'In case you protect 'never' or 'seldom', please explain:'

Answer: 'administrative fees are too high'

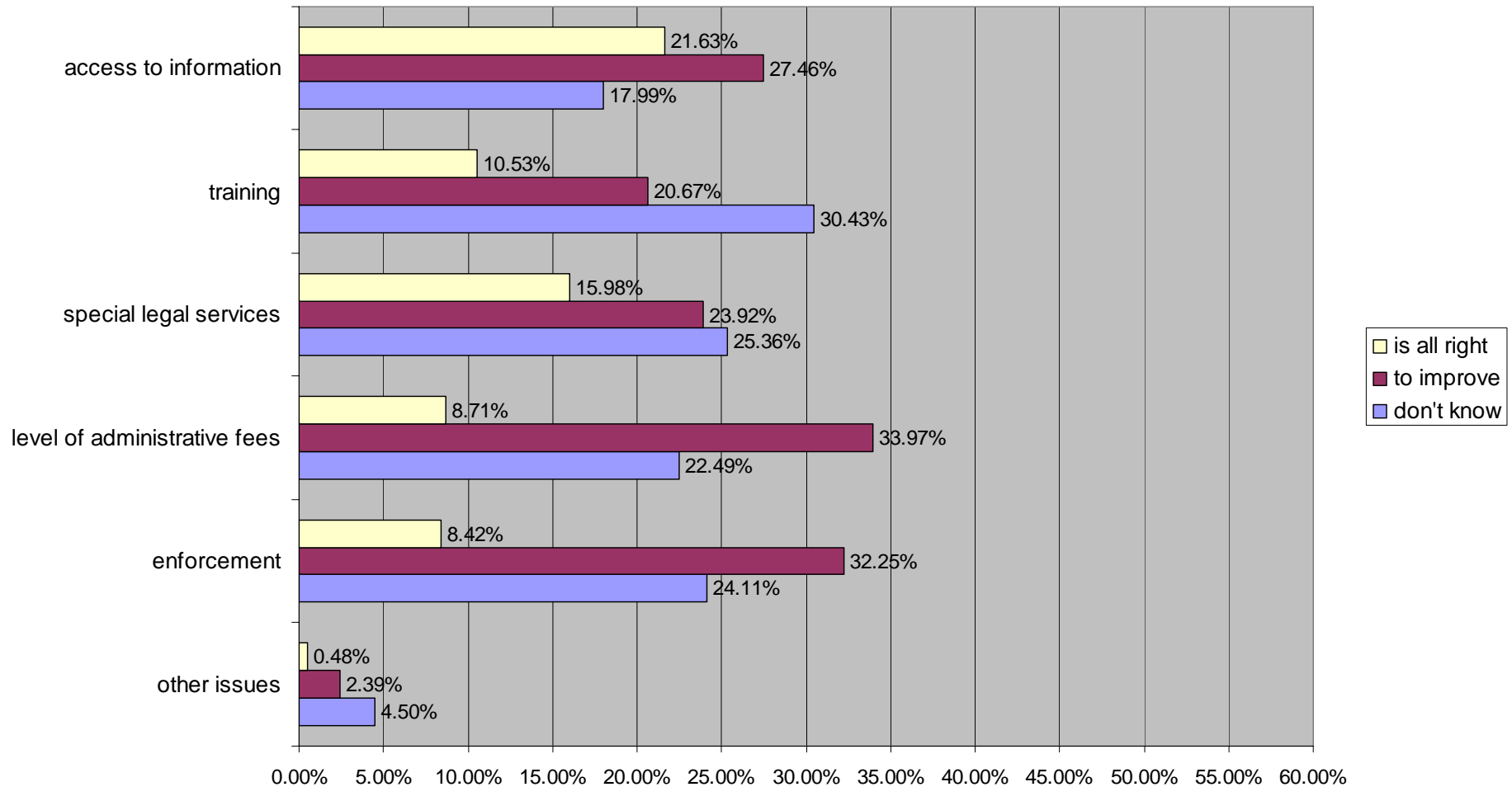


'In case you protect 'often' or 'always', please give reasons:'

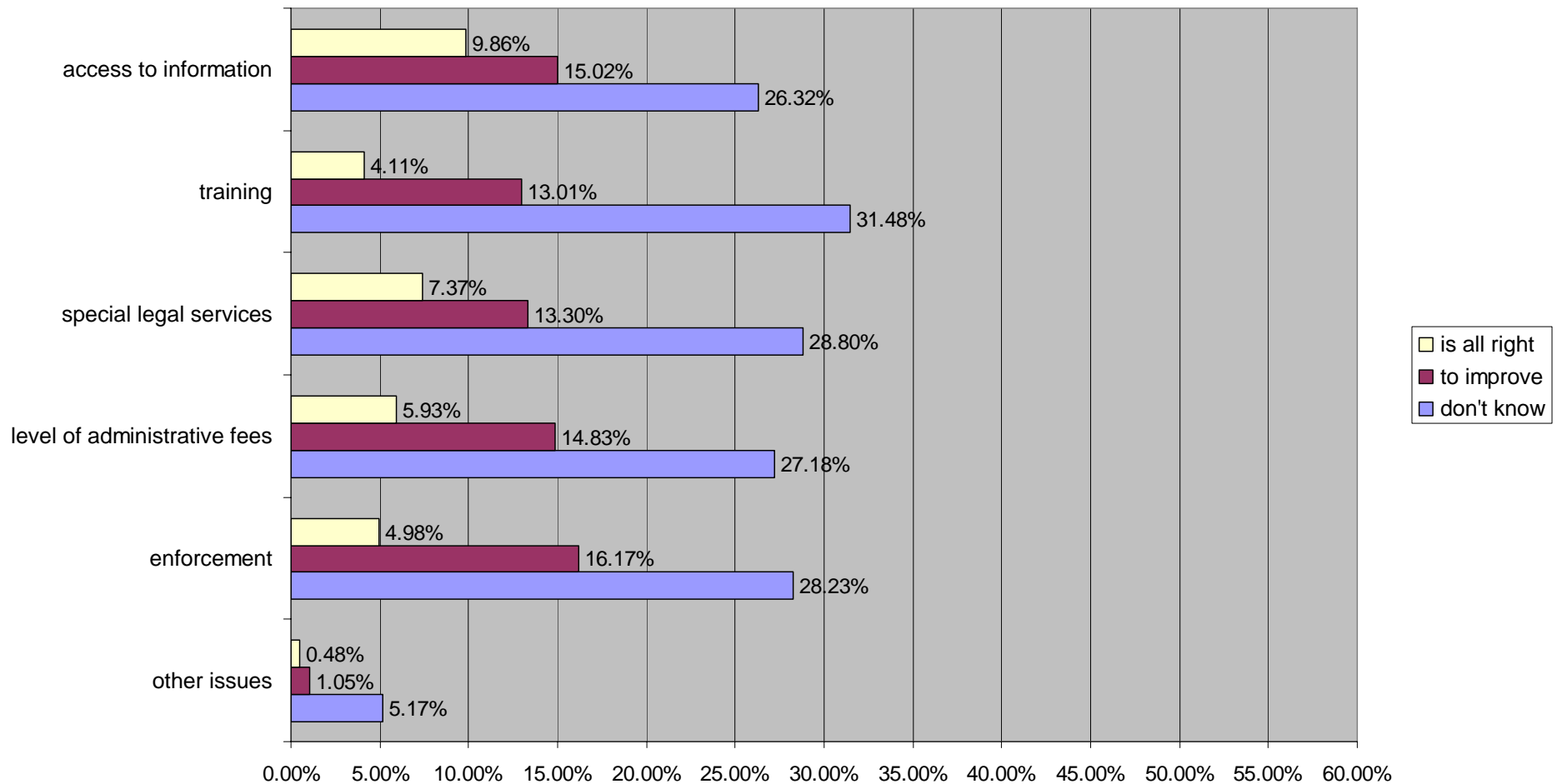
Answer: 'important for financing'



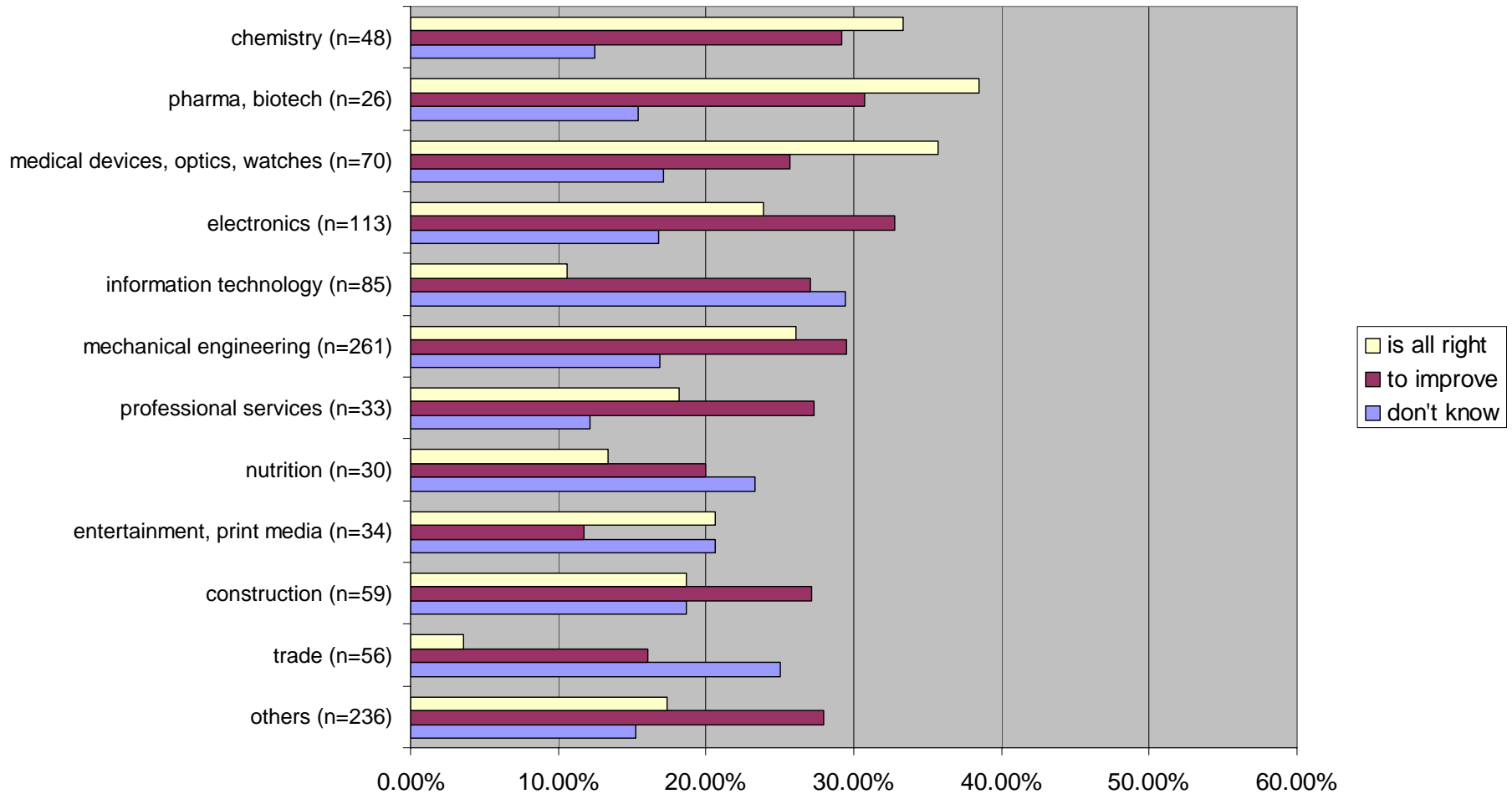
‘As to how far should patent protection be improved?’



‘As to how far should **design protection** be improved?’



‘As to how far should access to information with patents be improved?’



Summary findings

- **Swiss SMEs are creative and innovative**
- **the nutrition industry, chemistry and biotechnology are leading.**
- **The use a IP rights by Swiss SMEs is on average low (but higher with medium sized companies)**
- **Many Swiss SMEs don't use the IP system at all.**
- **The nutrition industry uses trade marks very actively and is satisfied with its use**
- **The patent system is criticized for being too complicated, not to enforce and high attorney fees**
- **Users are satisfied: pharma, biotech, chemistry, nutrition**
- **Non-users are unsatisfied: mechanical engineering, electronics, construction**
- **SMEs have a relatively little knowledge about IP Rights, the knowledge is high with the few users of the system**
- **With patents, especially the access to information and the office fees are criticized. Little is known about training possibilities**
- **Very little is known about design protection**
- **Specific problems mentioned: access to information, fees (both office and attorney fees), little knowledge about training**



Next project steps:

1. **Benchmarking**: How are the existing IP services for SMEs in Switzerland.
2. **Focused study** on specific issues
3. **Case Studies**
4. **New Services**
5. **Image** of IP and the Swiss IP Office with SMEs



Lessons for Economies in Transition

- **SMEs are at the core of the innovation process**
- **IP is often crucial in this process**
- **Where and when: find it out! Empirical work is often required**
- **Provide access to IP knowledge**
- **Requires plenty of training and capacity building**



Thank you!

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