Aston Business School
Birmingham

BLM137 INTELLECTUAL PROPERTY STRATEGY & MANAGEMENT

Academic Year 2012/13

Number of Aston Credits: 15

Number of ECTS Credits: 7.5

Staff Member Responsible for the Module:

Ms Claire Howell, Aston Law
SW Room 719, Extension: 3285
Email: c.f.howell@aston.ac.uk
Availability: see office hours

Pre-requisites for the Module:

None

Mode of Study:

On Campus

Module Objectives and Learning Outcomes:

Intellectual or intangible assets are today recognised by many companies as their most important resource. Without intellectual property rights [IPR] many innovative ventures have nothing to sell or licence. In contemporary knowledge-intensive economies, from the world's largest and most powerful companies to the smallest small to medium sized enterprises [SME] the exploitation of intellectual assets; copyright, patents, trade marks, trade dress, designs and know-how are essential to business. Producing intellectual assets has in the past few years been the fasted growing field of economic activity showing significant development in creating value for businesses. In the 19th and 20th centauries land, labour and capital were the crucial factors in wealth creation; today it is intellectual property [IP]. In this digital age a companies intellectual property portfolio represents on average 60-70% of its business value. US companies now invest more than $1.1 trillion per year in intangibles. There is good evidence that companies with large well managed IP portfolios are more profitable than those that are IP passive. Intellectual property rights are intended to reward innovators and if they are not being used to promote commercial success they are not being used effectively. The aim of any innovative organisations should be to turn knowledge into value. How well you capture and use this knowledge is crucial to your business success. In this time of dramatically

increased global communication it is not the company with the best product but the company with the best strategy that becomes the market leader. Whether an SME, start up or international organisation all firms need an IP strategy in line with their business strategy. Managing the IP strategy effetely allows the organisation to increase asset value, assess risk, reduce liabilities, improve its competitive position and substantially increase return to shareholders. It is the route to financial success.

Objectives:

At the end of the module students will have a knowledge and understanding of:

- the different intellectual property rights; copyright, patents, trade marks, trade dress, designs and know-how
- the different levels of intellectual property strategy
- an analysis of appropriate intellectual property strategy in a given market
- the tactics appropriate to manage an intellectual property strategy
- the issues and challenges involved with intellectual property valuation
- the strategic requirements of intellectual property transactions and value extraction

Learning Outcomes:

By the end of the module students will be able to:

- identify, obtain, use and protect the various IPRs in a business environment
- form an appropriate IP strategy for the relevant market
- identify and explain the tasks and significance of an IP manager
- demonstrate a deep understanding of the language of IP law and how to make the best use of legal professionals involved in IPRs
- demonstrate a critical understanding of the issues involved in and choose appropriate methods for extracting value from an organisations IPR (licensing, joint venture, borrowing, raising capital etc).
- demonstrate competence in critical reasoning, problem solving and decision making

Module Content:

The first four weeks of the course equip students with the required legal underpinning with which they are able, in later weeks, to explore important themes in IP strategy and management. The outline below is indicative of the subjects and issues to be covered. Each subject is placed within an international context and comparisons with jurisdictions other than the UK will be made.

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Week 1: Introduction and copyright

Week 2: Passing off and trade marks

Week 3: Design and confidentiality

Week 4: Patents

Week 5: IP strategy

Week 6: IP management

Week 7: IP valuation

Week 8: Extracting value, licensing etc

Week 9: Putting it all together

Week 10: Examination

Corporate Connections:

Claire is a barrister of the Middle Temple of 27 years call. She is an advisor to the European Patent Office and has created IP policy for the ASEAN university network and the strategy for implementing IP teaching into the Slovenian University system. IP professionals will be invited to contribute to this module.

International Dimensions:

Intellectual property rights are a global issue. Although territorial in scope if a product is to be marketed in another country or over the internet the IP of the target country must be considered in order to reduce risk and maximise value. If suppliers or partners are to be sourced from other jurisdictions any contractual agreements must take into consideration differences in the law relating to those territories.

Contribution of Research:

Claire is an active researcher in this area having published widely in the field of both IP and business law. This module draws upon her research.

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Ethics, Responsibility & Sustainability:

The ethical implications of intellectual property protection will be considered especially in relation to drugs in the third world and environment patents. There are human rights and ethical issues concerning the use of sensitive information balanced against the right to freedom of speech.

Method of Teaching & Learning:

Lectures will introduce students to the core principles. Seminar style discussion will be held throughout the module, enabling students to draw upon their experiences of IP strategy and management in their respective jurisdictions.

Method of Assessment and Feedback:

This module will be assessed by a three hour open-book examination.
This form of assessment tests critical reasoning and understanding, the analytical application of knowledge to complex fact situations, problem solving and writing skills.

Learning Hours:

Contact Hours	27
Directed reading & Private study	120
Assessment	3
Total Hours	**150**

The following essential and recommended readings are subject to change. Students should not therefore purchase textbooks prior to commencing their course. If students wish to undertake background reading before starting the course, many of the chapters/readings are available in electronic form via on-line library catalogues and other resources.

Essential Reading:

David Bainbridge, *'Intellectual Property'* 9th ed (Pearson Longman, 2012)

A Poltorak and P. Lerner '*Essentials of Intellectual Property'*, (John Wiley. 2011

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Indicative Bibliography:

Lionel Bently & Brad Sherman, 'Intellectual Property Law' 4th ed (OUP, 2010)
Hector MacQueen, Charlotte Waelde & Graeme Laurie, *'Contemporary Intellectual Property: Law and Policy'* 2nd ed (Oxford, 2010).

Cornish, Llewelyn & Aplin *'Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights'* 8th Ed Sweet & Maxwell) 2010

Michael Spence, '*Intellectual Property'* (OUP 2007 Clarendon Law Series)
A Jolly & J. Philpott, *The Handbook of European Intellectual Property Management* (KOGAN PAGE 2007)

**M Gollin '*Driving Innovation'* (CUP, 2008)

C Arena & E Carreras, '*The Business of Intellectual Property'* (OUP 2008)

D. Guellec & B van Pottelsberghe de la Potterie*, 'The Economics of the European Patent System'* (OUP2007)

J. Davis & S Harrison *'Edison in the Boardroom'* (Wiley/Anderson 2001)

M. Blaxill & R. Eckardt, '*The Invisible Edge'* (Portfolio 2009)