

Embedding Intellectual Property Awareness in Business Programmes



Dr Janice Denoncourt

Legal Education, Legal Practice and Technology 2017
16 June 2017, Nottingham Law School, UK

About me...Janice Denoncourt

Senior Lecturer in Law

1988 BA, McGill University

1996 Australian Barrister & Solicitor

1998 In-house Counsel Australian plc

2001 Senior Associate Minter Ellison,
Western Australia

2003 British Council Chevening Scholar

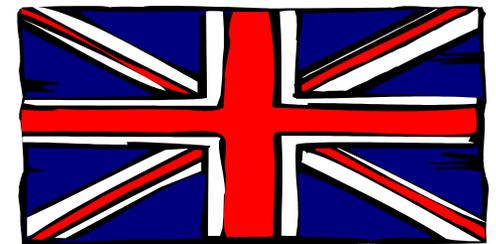
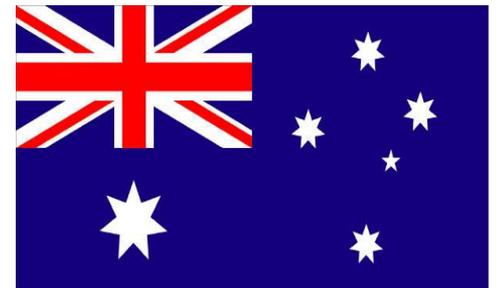
2004 Legal Affairs Manager, private UK company

2006 Solicitor England & Wales

2008 Law Academic / Researcher

2015 PhD University of Nottingham

2017 Senior Fellow HEA
Chair, Organising Committee EIPTN





Men of Progress (19 American inventors)
Christian Schussele (1824 -1879) American National Portrait Gallery

**Illustrates the rewards of commercialization
were more accessible to aspiring *inventor*-capitalists.**

£133 billion

Investment in intangibles overtakes tangibles



Corporate value of intangible assets



Intangible assets are now
estimated to represent
70-80%
of the value of UK companies



Intellectual Property Office

Source: Goodridge, P., Haskell, J. and Wallis, G. *UK Intangible Investment and Growth: New measures of UK investment in knowledge assets and intellectual property rights* (September 2016)
Independent Report commissioned by the UK Intellectual Property Office ISBN: 978-1-910790-25-0

Investment in intangibles overtakes tangibles

- Inventions, brands, content, code, data, knowhow and confidential information.
- 9% higher than traditional “tangible” investment e.g. real estate, machinery and IT hardware.
- 53% of intangible investments are protected by IP rights.
- The most economically important IP rights are patents, copyright and trade marks
- IP right are increasingly critical source of economic value in the UK and global “knowledge economy”.

IP rights and entrepreneurs

“Uber, the world’s largest taxi company, owns no vehicles. Facebook, the world’s most popular media owner, creates no content. Alibaba, the most valuable retailer, has no inventory. Airbnb, the world’s largest accommodation provider, owns no real estate. Something interesting is happening.”

Tom Goodwin,
Senior Vice President,
Strategy and Innovation,
Havas Media



It's time for business students to get an IP education!

“Many subjects are taught at business schools, but intellectual property is not usually one of them. Until that changes, widespread executive ignorance of what IP is all about is bound to continue.”

Bill Elkington, Senior Director of IP Management at Rockwell Collins

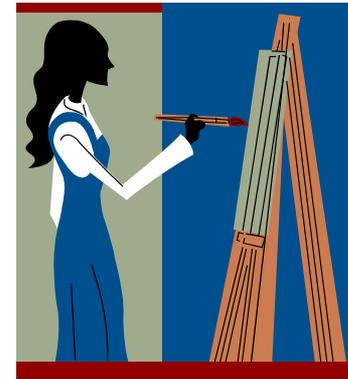


**Intangible assets = Goodwill
Intellectual Capital
Intellectual Property**



IP rights = monopoly rights

- IP rights provide varying degrees of **exclusive** rights over certain subject matter created by intellectual effort, including technology and other subject matter (eg. a painting, a book, music).
- As IP law relates to human creativity and ideas, its protection influences every aspect of human life.
- Competitive advantage
- Incentivise investment in innovation
- Supports entrepreneurs



IP rights and business models

IDEAS give rise to



PRODUCTS and SERVICES leading to



COMMERCIAL EXPLOITATION and REPUTATION which may in turn lead to



IMITATION, COPYING and USE without permission

Embedding IP in Business Programmes



IP law plays an important role in human life by encouraging advancement in social, artistic, technical fields and providing creators with reputational and commercial opportunities.



Intellectual property (IP) law awareness and education amongst business students is an emerging theme of the IP policy agenda.



IP law is that area of law that concerns legal rights associated with the product of creativity (a cognitive process) and is classified as intangible property.

University IP Policy Perception and Practice Report 2016

- Universities need a dramatic rethink in expanding the teaching IP law to reach non-law disciplines according to the “University IP Policy – Perception and Practice Report” published on 27 July 2016.
- The research was carried out by the National Union of Students Insight research group who surveyed 2800 students and 250 teaching staff across 150 UK Universities and Higher Education Institutions.
- The report highlights the urgent need for students to have a working knowledge of IP law in order to prepare for the future careers as well respect for their own and other people’s IP rights.

How IP law educators can address this unmet need in business education?

- An awareness of IP rights is central to how business create and deliver value.
- How academics can transform IP educational practice and engage more effectively with Business Schools, assisting them to embed IP law into their curricula?



Learning and Teaching

- Basic principles of law
- A well-structured and detailed look at IP
- How this fits into the general commercial setting
- Different business models and their approach to IP rights
- Case studies

Free UKIPO resources

- UKIPO IP Toolkit for Universities

<https://www.gov.uk/government/publications/ip-in-education#ip-tutor>

Free Nottingham Law School resources

- *Nottingham Creative IP Guide*
- *Intellectual Property Notebook*

https://www4.ntu.ac.uk/legal_advice_centre/resources/index.html

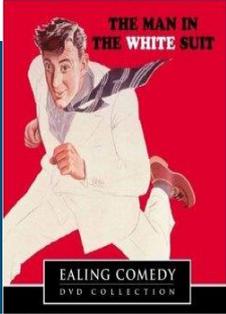
Examples from Nottingham Trent University



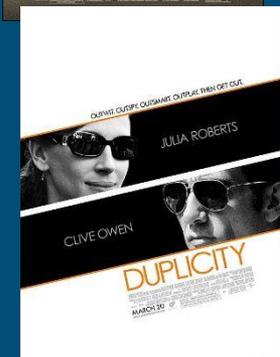
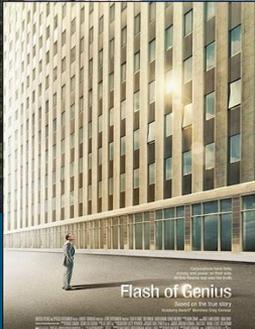
Methodologies for integrating IP awareness information and understanding in NTU business programmes:

- NBS MSc Entrepreneurship
- NBS MA International Publishing, Nottingham
- NBS BComm Business Law;
- NLS LLM International Finance Law.

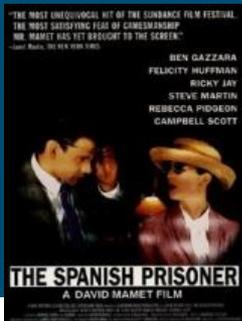
Patent law



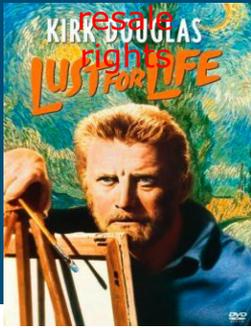
Commercial films with key IP themed scenes...



Confidential information

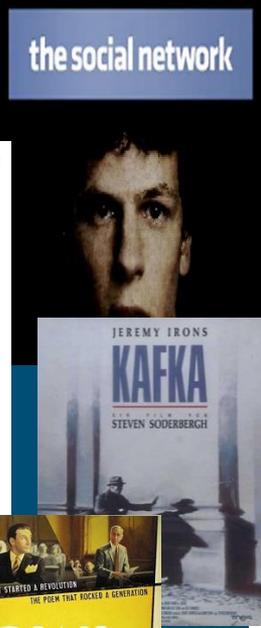
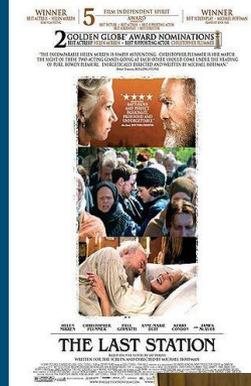


Trademark law

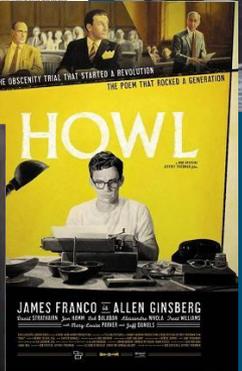


Moral rights and artist s'

Copyright law



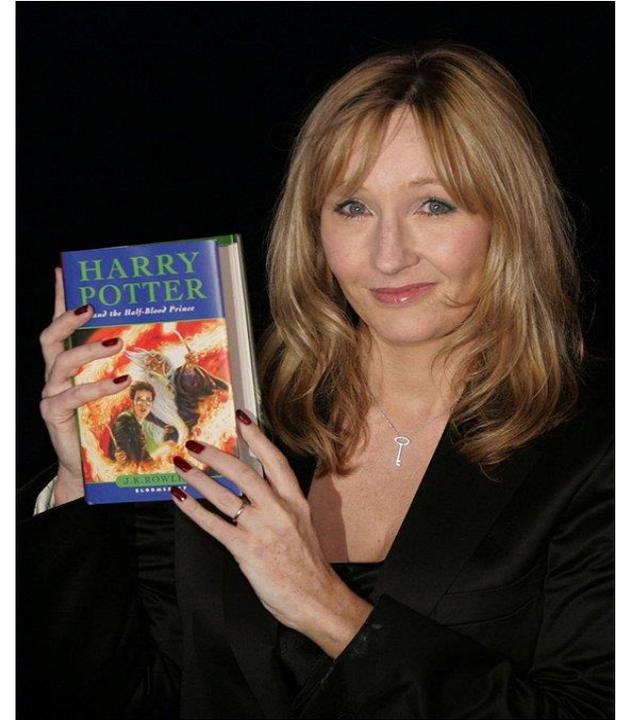
Musical copyright and musicians for hire



Using Film to Enhance Intellectual Property Law Education: the Social Network, European Journal of Law and Technology (2013) Vol.4, No.1 available at: <http://ejlt.org/>

Focus on copyright protection IP business case study

- British Fantasy Author J K Rowling
- Mini-IP rights copyright case study



Embedding IP law in a Business Plan

The ideal business plan should have a well-defined IP strategy with five basic elements. These include:

- Recognition of the IP
- Securing the IP
- Registering the IP
- Protecting the IP and
- Exploiting the IP



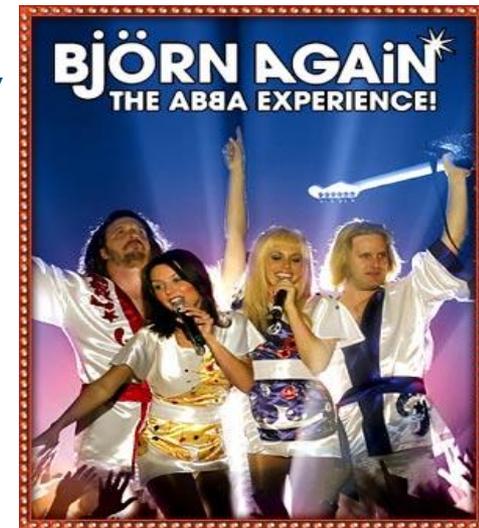
The first four elements closely relate to the operations and management aspect of the business plan, whereas, the last element exclusively deals with the growth objective of the plan.

Tribute Band IP rights assessment

- From 'Bootleg Beatles' or the global 'Bjorn Again' franchise and 'Only One Direction', tribute bands are selling out venues and earning significant sums of money from gigs. This lucrative business model is on the rise.
- They even have their own festivals such as 'Glastonbudget', which is now in its tenth year, and the aptly named 'Fake Festival'.
- But how do these acts and festivals stand from a legal viewpoint? When do tribute bands cross the line from flattery to an IP infringement?

Group Task:

You are asked to manage a new tribute act – what do you need to do to ensure the act won't infringe third party IP rights?



Chief Intellectual Property Officer (CIPO) School

- More companies are managing IP as a strategic business asset.
- Corporate IP assets raise governance issues for the board of directors, shareholders, investors and other stakeholders.
- New role emerging for the CIPO to provide companies with the ability to effectively respond to an environment of rapid and dramatic changes in the IP landscape.
- CIPO operates at the intersection of IP, technology and business, and needs to be able to demonstrate a working knowledge of IP law, policy and practice.



Student Numbers

City University BSc Business and Management **Intellectual Property Management elective** led by Professor Emerita Ruth Soetendorp.

Student numbers for a module **quadrupled** over three year (from 20+ to 80). Students were turning from traditional financial services career destinations to looking at futures in start ups, software and social media enterprises.

Student Feedback

"I think it will be relevant in the future" student
- at the beginning of the module"

"I perceive business in a holistic way" student
- at the end of the module."

European Intellectual Property Teachers Network (EIPTN)



EIPTN 10th Anniversary Conference 2017

University of Lund, Sweden

29-30 June 2017



Publications

Toshiyuki Kono (Ed.) *Security Interests in Intellectual Property in a Global Context* (2017) Springer Verlag Denoncourt, J. Chapter 2 IP & Debt Finance: New Movements

Denoncourt, J. *Intellectual Property Assets: Corporate Reporting & Disclosure* (2017) Routledge Research in IP Monograph Series (forthcoming)

Denoncourt, J., Part 6, Chapter 20 Intellectual Property Rights in *Business Law* (3rd ed.) (2017) Routledge, London.

Denoncourt, J. 'Patent Attorneys IPO due diligence' (April 2016) *CIPA Journal*, Vol. 45, No. 4 pp 52-54

Denoncourt, J. 'True and Fair Intellectual Property Information: A Corporate Governance Issue' (2015) *Journal of Business Law*

Denoncourt, J. *Patent-backed Debt Finance: Should Company Law Take the Lead to Provide a 'True and Fair' View of SME Patent Assets?* (2015) PhD Thesis.

Denoncourt, J. 'Using Film to Enhance Intellectual Property Law Education: the Social Network' (2013) *European Journal of Law and Technology* Vol.4, No.1 available at: <http://ejlt.org/>

Denoncourt, J. *Q&A Business Law 2012-2013*, Routledge-Cavendish, London

THANK YOU

