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THE IP SERVICE PEOPLE

Process optimisation
with IP management

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The management of IP (*IP = Intellectual Property*) requires a suitable definition, design and implementation of all sub-processes for the respective company. Of course, in addition to the overall objective, the available resources must be adequately taken into account. Due to the importance of well-functioning IP management - especially for technology companies - these processes should not only be optimised from a cost-benefit point of view, but also guarantee the best possible security at the same time.
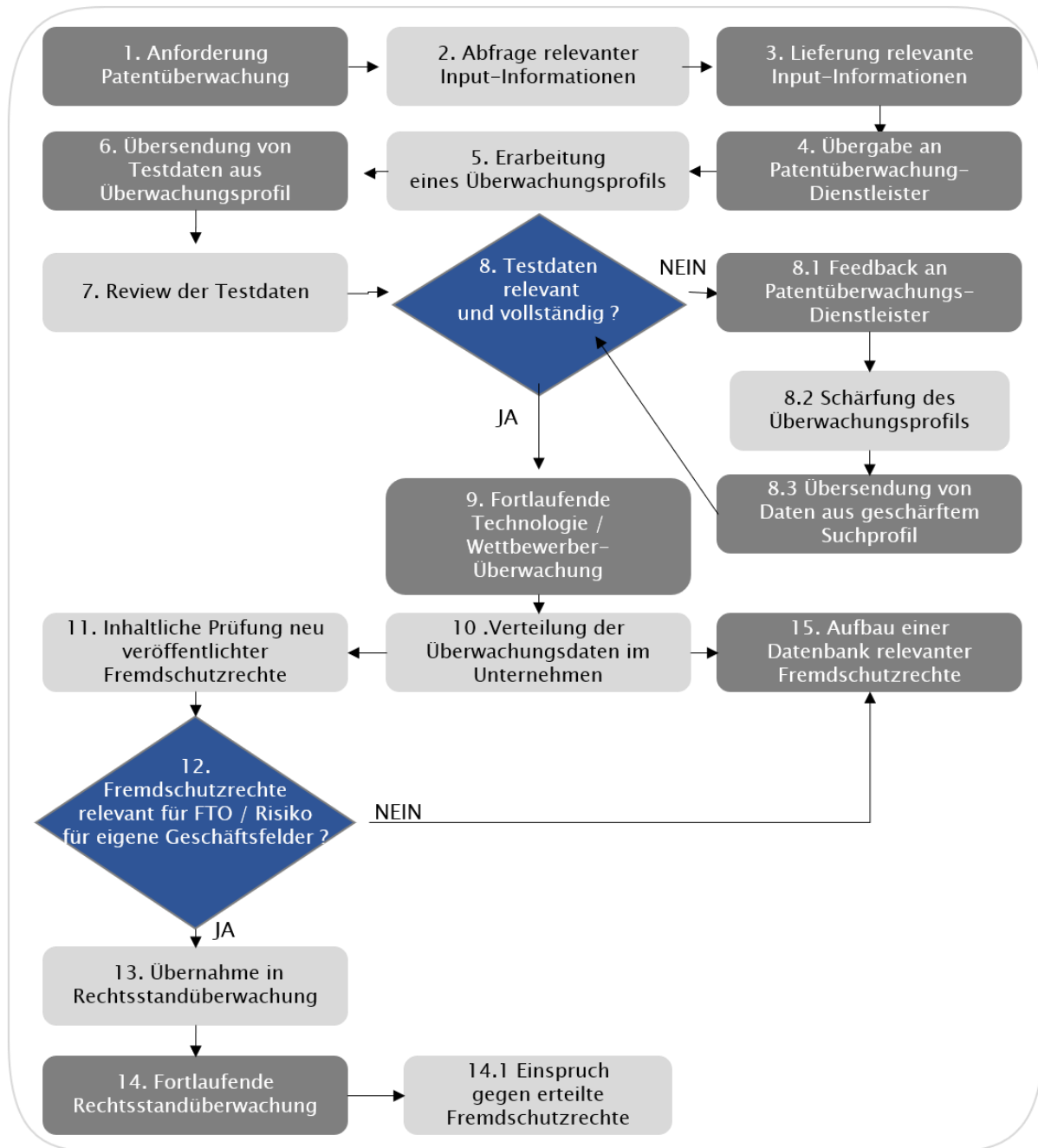
A well-known and especially important process in innovative companies is the process from invention report to patent application. The question of whether and to what extent a novelty search should be part of this process is answered very differently by the companies. The same applies to the involvement of external partners (for example, patent attorneys).

Other processes in IP management include, for example, the decisions on foreign applications or the estimation and payment of employee invention remuneration. The incorporation of FTO (*Freedom To Operate Property*) search in the product development process or a regular review process for decisions to maintain or drop property rights is also part of IP management. The following is an example of the process of patent monitoring with the assistance of an external service provider for a medium-sized technology company.

"Patent monitoring" example process

The field of patent monitoring can basically be divided into two areas. With *technology or competitor monitoring*, the base amount of newly published patent documents is filtered on publications relevant to the customer. This is done on the basis of a suitable monitoring profile. As part of a narrower *legal status monitoring*, selected patent applications are then monitored for relevant events in the examination procedure (e.g. test report, granting, expiry).

IP-Prozess Patentüberwachung

1. Anforderung Patentüberwachung	2. Abfrage relevanter Input-Informationen	3. Lieferung relevante Input-Informationen

| 6. Übersendung von Testdaten aus Überwachungsprofil | 5. Erarbeitung eines Überwachungsprofils | 4. Übergabe an Patentüberwachung-Dienstleister |

8. Testdaten relevant und vollständig ? — NEIN → **8.1 Feedback an Patentüberwachungs-Dienstleister**

7. Review der Testdaten

8.2 Schärfung des Überwachungsprofils

JA

9. Fortlaufende Technologie / Wettbewerber-Überwachung

8.3 Übersendung von Daten aus geschärftem Suchprofil

11. Inhaltliche Prüfung neu veröffentlichter Fremdschutzrechte ← 10. Verteilung der Überwachungsdaten im Unternehmen — 15. Aufbau einer Datenbank relevanter Fremdschutzrechte

12. Fremdschutzrechte relevant für FTO / Risiko für eigene Geschäftsfelder ? — NEIN

JA

13. Übernahme in Rechtsstandüberwachung

14. Fortlaufende Rechtsstandüberwachung → 14.1 Einspruch gegen erteilte Fremdschutzrechte

Start/Stopp   Bearbeitung   Entscheidung

Process optimisation

As part of the 'patent monitoring' process, it is crucial that all relevant patent information is shared between the employees involved and external partners. Relevance here means content-related relevance of the published patent documents, as well as completeness.

Process implementation can only have an effect if the process is documented transparently and the roles of the employees involved in the process are clearly defined.

In this context, various management concepts have become established. Within the context of this illustration, the patent monitoring process is illustrated by the principle of the *RACI concept*. The RACI concept defines the responsibilities and roles of all participants in the process.

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RACI role distribution

R (responsible) Responsibility for implementing the process step

A (accountable) Cost responsibility for the process step

C (consulted) Has relevant information for the implementation of the process step

I (informed) Has an information right to the respective process step

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The development of a database of relevant third-party protection rights as well as their classification, commenting, administration and distribution within the company (patent circulation) should be carried out using professional software.

RACI matrix for the patent monitoring process

No.	Process step	R & D department	Patent department	Legal department	External service provider
1	Patent monitoring requirement	A	R	I	
2.	Query of relevant input information	A	R	I	C
3.	Delivery of relevant input information	R	A	I	
4.	Transfer to patent monitoring service provider	A	R	I	C
5.	Development of a monitoring profile		A	I	R
6.	Transmission of test data from monitoring profile	C	R		A
7.	Review of the test data	R	A	I	C
8.	Test data relevant and complete?	R	C		A
8.1	Feedback to patent monitoring service providers	R	A		C
8.2	Raising the surveillance profile	C	A	I	R
8.3	Sending data from a raised search profile	C	A		R
9.	Ongoing technology/competitor monitoring	I	R	C	A
10.	Distribution of monitoring data in the company	A	R	I	C
11.	Content review of newly published third-party property rights	R	A	I	C
12.	External property rights relevant to FTO/risk for own business areas?	R	I	A	C
13.	Acquisition in legal status monitoring	I	R	A	C
14.	Continuous legal status monitoring	C	A	I	R
14.1	Possible objection to issued property rights	I	A	R	C
15.	Creation of a database of relevant third-party protection rights	A	R	I	C

External support

The effort for (re)defining and optimising the processes as well as their introduction to IP management can be significantly reduced by the support of an external service provider. With an independent view from outside, it is often easier to overcome internal hurdles and habits that have grown over the years.

Over a long period of time, Serviva GmbH has been able to gain deep insights into the IP management of hundreds of companies from different industries. The knowledge of 'best practice' examples and various software solutions, which represent these processes as digitally accurate as possible, has helped to sustainably improve the structures and IP processes of our customers in a large number of consulting projects.