



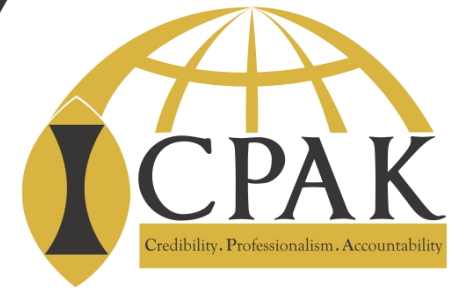
# **Intellectual Property (IP) Risk Management**

**By**

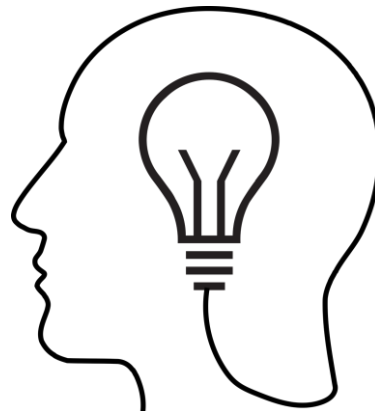
**Tom Nyagare, MCI Arb, MBA, LLM**

**Principal IP Consultant & Arbitrator at Thinkly IP**

# What is intellectual Property?



Intellectual property (IP) refers to **creations of the mind**, such as **inventions; literary and artistic works; designs; and symbols, names and images** used in commerce.



**Vision:** A world class Professional Accountancy Institute.



# Types of IP assets



- PATENTS
- COPYRIGHT
- TRADEMARK
- TRADE/INDUSTRIAL SECRETS

Subcategories:

INDUSTRIAL DESIGN, NEW PLAN VARIETIES, PERFORMERS RIGHTS, PRODUCERS RIGHTS, ETC

# IP in your organization



Name,  
Logo,  
color,  
slogan }  **TRADEMARK/SERVICEMARK**

Databases, website,  
business cards,  
product literature }  **COPYRIGHT/ SECRET**

Products  
(chemicals,  
machines, parts)  
and processes }  **PATENT/ SECRET**

**Vision:** A world class Professional Accountancy Institute.



# IP RIGHTS



## IPR!

Legal rights that provide creators protection for original works, inventions, or the appearance of products, artistic works, scientific developments, and so on.

## IP INFRINGEMENT!

**Any violation or breach of protected intellectual property rights.** This may cause criminal liability and/or civil dispute.

# Registration Requirement



Registered IP means **all Intellectual Property Rights** that are registered, filed, or issued under the authority of any Governmental Body, including all patents, registered copyrights, registered mask works, and registered trademarks and all applications for any of the foregoing.

# Where do IP related risks originate?



- from within the organization itself
- from entities in the eco-system of the organization
- from competitors
- from independent 3rd parties
- from Governments entities
- from illegal entities
- from the organization's own network of IP Service & Solution Providers

# IP RISK



Typology and examples		
	Internal IP risks	External IP risks
Core risk	Lack of exclusivity / loss of revenues	Infringement of 3rd party IPRs / costs for defense or licensing
sub-risks	<ul style="list-style-type: none"> <li>•Lack of proper IPR protection of core products resulting in increased counterfeiting</li> <li>•Missed deadlines (renewal, payments, oppositions)</li> <li>•Insufficient freedom-to-operate (FTO) analyses</li> <li>•Early disclosure of inventions by employees</li> <li>•Flaws in drafting or application limiting IPRs' enforceability</li> </ul>	<ul style="list-style-type: none"> <li>•Becoming a defendant in IP litigation</li> <li>•Forced licensing under unfavorable conditions</li> <li>•Liability for IP risks and problems of contractual partners, such as suppliers</li> <li>•IPR invalidation attempts by competitors or Non-Practicing Entities (NPEs) such as "patent trolls"</li> <li>•Own invalidation attempts against third party IPRs</li> </ul>

# IP Risk Register



**Is used to identify, assess, and manage risks down to acceptable levels through a review and updating process.**

Content of IP risk register:

1. A description of IP related risk (event)
2. Likely impact of the event
3. Probability of occurrence of the event
4. Risk score (probability times the likely impact)
5. A summary of planned response should the event occur
6. A summary of mitigation (actions taken in advance to reduce the probability and/or impact of the event)

# QUICK WINS AT HIGH LEVEL



- Carry out regular IP Audits
- Develop and maintain your IP risk register
- Have an IP policy in place
- Train you staff on IP
- Take IP protection measures seriously and be careful about timing



# THANKS!

**Any questions?**

You can find me at

[tnyagare@thinklyip.com](mailto:tnyagare@thinklyip.com)

**+254728666619**