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KTH IPR Strategy Tool

Arriving at an IPR strategy is a process with a few steps:

1. **Identify**- make an inventory of what different IP assets you actually have in your case (or will have)
2. **Assess**- which ones are important for your business, what do we own, analyse what opportunities we have given the market and landscape of other's IP, etc.
3. **Decide**- which ones shall we prioritise and why
4. **Build/Protect**- define the how – a plan – and start executing – protecting IP that you have/generate
5. **Monitor**- to make sure we follow our plan and update it, consider new IP and factors incl. external

There is no fixed format and IPR strategies will look differently depending on the case and the industry.

At the end of this document is an example from one case. Typically it will be some sort of written document, maybe 1-4 pages that you can show a potential investor or other external party that asks you the standard question- “What is your IP strategy and plan?”

Nevertheless if you go through and answer the questions/exercises below you will have the draft of an IPR strategy that you then can continue to iterate and build on.

Question to consider I – What different IP assets do you have?

There are normally numerous IP and IPR assets in a project/company. Therefore a first step is to: Make an inventory of what different IP assets you have or will have in your case. Below are some common examples.

IP asset	Description/Definition (Describe what you have)	Comments
Company name/Product names		<i>What is your strategy for company name? How is that strategy vs. trademarks and product names?</i>
Trademark		<i>Do you have potential trademarks? Are they word marks, figurative? Have you searched others? Plans for registration?</i>
Domains/domain names/social media		<i>What domains do you have or need? Fit with company name and strategy for product names? Accounts on social media etc</i>
Patents/patentable inventions		<i>Are/will there be technical solutions to patent? What are they? How are new ideas captured and evaluated?</i>
Copyright		<i>Do you have material that could be copyright protected such as software, text content, pictures etc?</i>
Manuals/instructions/processes		<i>Have you documented know-how, routines, guidelines, etc, that are important?</i>
Trade secrets		<i>What is crucial to your business or technology? Source code, manufacturing methods etc? What can be kept secret? How is access controlled today?</i>
Know-how (e.g. manufacturing or R&D competence)		<i>What competencies/knowledge are core to the company and really important to be successful?</i>

<p>Data/Databases and Customer/User registers</p>		<p><i>Do you compile/generate data? Use others data? Do you have structured data in databases? Do you gather important information on users/customers? What information?</i></p>
<p>Designs</p>		<p><i>Do you have designs that are important and unique?</i></p>
<p>Agreements</p>		<p><i>What agreements have you signed? How do agreements regulate IP? How are you sure you own your IP?</i></p>

Question to consider 2 – What IP assets are/could be important for your business?

From the inventory you have made of your IP/IPR assets consider which ones are more or less important and comment on why? Set a priority for the importance - for example based on how important for your business model or product/solution or how your industry works and values IP.

IP asset	Priority (High-Medium-Low)	Comments on importance. Why?
Company name/Product names		
Trademark		
Domains/domain names/social media		
Patents/patentable inventions		<i>Are you aware of other patents? How do you keep track of that?</i>
Copyright		
Manuals/instructions/processes		
Trade secrets		
Know-how (e.g. manufacturing or R&D competence)		
Data/Databases and Customer/User registers		
Designs		
Agreements		

Your IP SWOT Analysis

Question to consider 3 – Look at your company/project and make a quick SWOT analysis of your IP position

Internal- relates to your organization- team, plans, culture etc- factors that you can control/decide

External- relates to the outside market- competition, customers, trends etc.

IP SWOT ANALYSIS

S STRENGTHS	W WEAKNESSES	INTERNAL
O OPPORTUNITIES	S THREATS	EXTERNAL

Your IP strategy draft

Question to consider 4 – What actions can you/do you need to do to protect and manage your IP?

IP asset	Priority, how will you manage, actions to do, when will you do it, who is responsible?
Company name/Product names	
Trademark	
Domains/domain names	
Patents/patentable inventions	
Copyright	
Manuals/instructions/processes	
Trade secrets	
Know-how (e.g. manufacturing or R&D competence)	
Data/Databases	
Customer/User registers	
Designs	
Agreements	
X	

EXAMPLE: IP protection and strategy for Company X (Online service)

IP protection and strategy for Success Company AB

Last updated: DD/MM/YYYY by XX, CEO and YY, CTO at Success Company AB.

Responsibilities

- IP protection is the overall responsibility of the CEO.
- Brand protection is the responsibility of the CEO.
- The implementation of IP data protection and IP data security is delegated to the CTO from the CEO.
- Employees and shareholders are obligated to ensure that the CEO is notified of all identified or suspected lapses in IP protection. Thereafter, the CEO is responsible for investigating if and how to address these.
- The decision to protect possible future inventions should be taken in the Management Group. The decision is then executed by the CEO.

Patents, trademarks, copyright and trade secrets

1. The patentability of Success Company AB's current technology has been evaluated by intellectual property right attorneys at YY in May 2018. It has been concluded that the current technology should be protected as trade secrets and by copyright law. The source code, algorithms, databases, etc, used by Success Company AB will be protected from unauthorized access and stored securely and backed up regularly.
2. Special attention will be given to sensitive business information or source code. Access rights to IP sensitive information or source code will be restricted to people and teams who need that access to carry out their work. Current access right levels and corresponding agreement:
 - a) CTO and Product development team governed by Employee agreement,
 - b) CEO and by CEO delegated persons governed by Employee agreement,
 - c) Consultants approved by CTO governed by NDA,
 - d) Customers using APIs governed by contract,
 - e) Company Internal governed by Employee agreement,
 - f) Users of Success Company AB's services governed by Terms of Use.

Ownership of IP

- All relevant IP created up until 1 June 2018 is owned by Success Company AB through employment agreements with the employees and IP transfer agreements from other parties. IP produced in the future at Success Company AB is also owned by Success Company AB. This is secured in consultancy agreements and employment agreements.
- Any new inventions created by Success Company AB or the individual team members will be kept in the company as trade secrets if not patented, or if published, will be published in a way that makes them hard to replicate.

Copyright Agreements

- There will be a clause in employment agreements and consultant agreements that Success Company AB owns the copyright created by him/her within the scope of the assignment at Success Company AB.

Source code protection

The source code is the core part of Success Company AB's business. It must be protected from accidental loss, access from unauthorized third parties and disputes of ownership.

Protection against accidental loss of source code:

All source code produced within Success Company AB is managed securely on GitHub and managed according to the following:

- Backups of source code are stored within GitHub daily.
- Additional weekly backups are encrypted before they are moved to a remote secure server.

Protection against access from unauthorised third parties and individuals

Success Company AB protects code from unauthorised use by third parties through the following processes:

- Implementation of clear Internal Security Policy and Password Protection Policy
- Process for access right management of internal systems
- Encrypted Hard drives
- All employees have to sign to confirm understanding and compliance of the Internal Security Policy and Password Protection Policy

Protection against disputes of ownership

The source code is stored in a secure Source Code Management System where changes are automatically time stamped and traceable in terms of authorship.

All IP developed for Success Company AB should always belong to the company. The following measures are taken to enforce this:

- Include into the employment/co-founder agreement that all source code developed during the employment belongs exclusively to Success Company AB unless agreed otherwise beforehand.
- All agreements and business documents are stored on Google Drive with secure authentication. All contracts are also stored in original in a secure locked physical space.

Trademarks

The trademark strategy has been compiled in March 2018 by XX.

- Trademark “Success Company AB”
- Success Company AB has “firmaskydd” in Sweden by registration of the company in 2017.
- There is no need, nor possibility to protect Success Company as a trademark given that it is too generic to be protected.
- Trademark “SAMPA”
 - Success Company AB has obtained protection for the trademark “SAMPA” (“Ordmärke”) in Sweden. Protection covers 3 classes and will last for 10 years:
 - § 2: various activities
 - § 3: various activities
 - § 49: various activities
- An application for protecting the trademark “SAMPA” (“Ordmärke”) in the EU, India and the US has been prepared for submission. The application covers three classes in all three territories: The classes to protect include:
 - § 2: Software for ...
 - § 3: Creation of ...
 - § 49: Sampa as a Service
- A search by XX in special databases shows no other “SAMPA” names are registered in these three territories.
- In parallel with the EU application, important domain names in key markets will be secured, primarily in East Africa.
- Other trademarks and product names may be necessary to protect in the future. Possible trademark registration and protection opportunities should be identified by all co-founders and

the Management Group. Thereafter, the CEO is responsible for investigating if and how to proceed. The decision to register further trademarks should be taken in the Management Group. The decision is then executed by the CEO.

Domain names

The status regarding domain names is as follows;

- Registered: X
- Will be registered: Y, Z
- Additional domains will be registered in key target markets to provide a barrier to trade under the name.
- Possible domain registration opportunities should be identified by all co-founders and employees and brought to the attention of the relevant responsible person.