



Innovation, Science and
Economic Development Canada
Canadian Intellectual Property Office

Innovation, Sciences et
Développement économique Canada
Office de la propriété intellectuelle du Canada



Your IP Strategy Guide

Information and recommended reading based on the results of your IP self-assessment.

Canada

Objective of the Guide

This guide provides considerations based on your business objectives that will put you on the path to developing a detailed intellectual property (IP) strategy that you can integrate into your business plan.

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Developing an IP Strategy

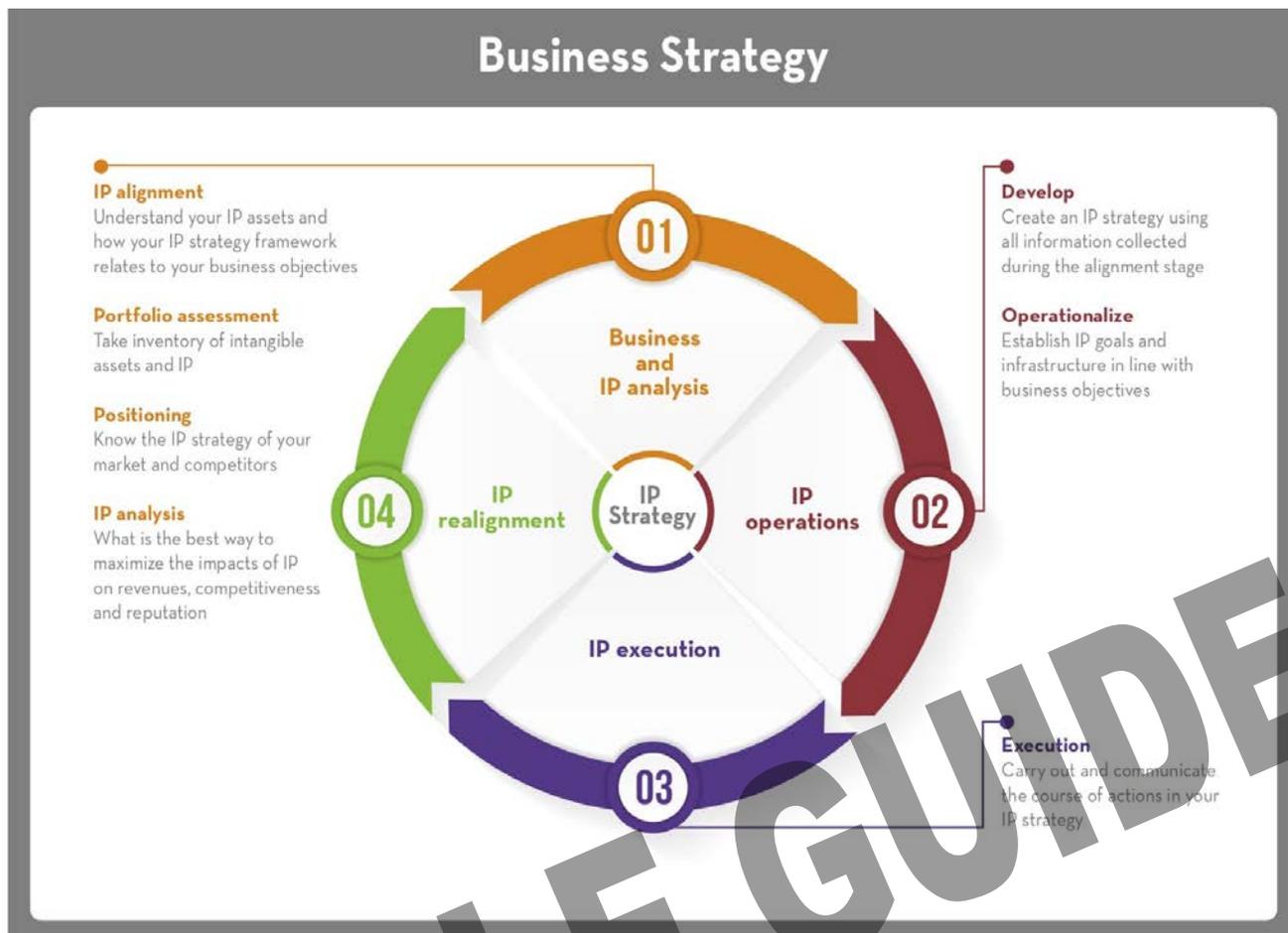
An IP strategy is a plan that is created to align your business goals. You can do so by obtaining IP rights for your products and services and by leveraging existing IP assets, in order to gain a competitive edge in the marketplace and drive sustainable growth. An IP strategy may be focused on a single IP asset type or a mix of many (patents, trademarks, copyright, trade secrets or industrial designs).

Developing an IP strategy can be generally considered in the four following stages and may be applicable to your business as a whole or developed for a specific product or service:

- 1) understand your business and IP
- 2) develop your IP operations
- 3) execute
- 4) iterate

Figure below - IP strategy process steps:

There is a process that can be scaled as you grow your venture to generate your IP strategy. You may apply this process to consistently generate useful updates to your IP strategy for your business.



Stage 1: Business and IP Analysis

First, to develop your IP strategy, you should understand the types of IP and decide which strategy to pursue, based on your business goals. The type of IP strategy you pursue will depend on the following:

- the type of intangible assets your business currently has or will generate
- the known IP strategy of your competitors and the broader marketplace
- an IP assessment to understand the best way to maximize the value of your IP for your business

The result will be an IP strategy that is aligned with your business needs.

You should consider that various types of IP strategies exist, that the specific IP strategy and supporting actions will be unique to each business and that each may generate a different respective return on investment for your business. However, there are several general strategy frameworks that can be considered by any business, such as the following:

- **Defensive:** Creating and generating a defensive position against competitors and the marketplace to have a stable IP position against external threats (for example, using open-source or patent strategies to give a freedom to operate position, deter competitors through defensive patent filing based on your product or service, or develop a robust trade secret program to ensure the protection of your confidential information from competitors).
- **Offensive:** Creating and generating an offensive IP position against specific markets or competitors (for example, filing blocking patents to prevent competitor growth or amassing a strong IP position to enable the enforcement of market leadership, which is often done through targeted patent or trademark filing strategies).

- **Financial:** Pursuing and protecting IP assets based on the ability to reduce IP costs or increase your financial position using IP assets (for example, continuously reviewing active registered IP assets and maintaining only those you need while the remainder is divested or moved into the public domain). Financially driven strategy may increase financial benefits for the company (for example, building an IP portfolio in anticipation of a future business objective, such as an investor event, a merger and acquisition action or an initial public offering).
- **Licensing:** Creating, acquiring, or managing IP assets for the purpose of generating revenue through enforcement, commercialization or licensing opportunities (for example, offering or negotiating access to the market through patent licensing, brand (trademark) licensing, information (data under copyright) sharing and licensing, or open source sharing).
- **Strategic:** Creating and leading the marketplace with respect to IP assets, which gives you control of the market as it evolves (for example, generating IP assets for use in cross-licensing or joint ventures, acquiring broad patent protection for foundational technology that may be embedded in standards, or creating market-critical IP assets [trademark on brands, copyright on data, patent on technology] in combination with early market leadership).

Due to these various general IP strategies, your business's IP strategy should take into account the vision and mission of your business as well as how it will operate in the marketplace. You can then define the appropriate approach or mix of strategy frameworks around which to build the IP strategy.

Stage 2: IP operations

Second, you should develop the IP strategy and operational details for your business. This includes creating the IP strategy (i.e. vision, mission, guiding principles, supporting metrics and IP asset type needs) as well as setting operational goals and developing a business infrastructure (i.e. budget, headcount resources, risk profile and decision hierarchy) that align with your business strategy. These details depend on the information collected during the alignment process and will result in an operational plan that can be executed on.

Figure below - Overview of your operational plans

Operationalizing your IP strategy is critical to any business or entrepreneur looking to reap the most value from their intangible assets. Consider the following IP tasks or reach out to a Canadian Intellectual Property Office (CIPO) [IP advisor](#) if you have questions about which avenue is right for you: