

Spring 2010

# "Strategic Management of Intellectual Property: New Stakes and New Perspectives"

Edited by:

Cécile Ayerbe, University of Nice Sophia-Antipolis  
David Castle, University of Ottawa  
Pascal Corbel, University of Versailles Saint-Quentin  
Liliana Mitkova, University of Marne-la-Vallée  
Milé Terziovski, University of Melbourne

For several years, a growing number of academic publications call for a strategic management of intellectual property (Hufker & Alpert, 1994, Nickerson & Silverman, 1998, Reitzig, 2004, Tao *et al.*, 2005). Indeed, in a context where innovation plays a key role, in the often called « knowledge economy », it is hard to imagine that rights aimed at accelerating the diffusion of knowledge and protecting innovators against slavish imitation may not play an important role.

Nevertheless, can we say that today's research on intellectual property rights (IPR) proposes satisfying models allowing an in-depth understanding of decisions in this field, and helping managers to take such decisions? Although important progress has been made during the last years, we argue that there is still a lot of work to do in that direction. Although extensive, the literature on IPR is mainly oriented toward law and economic topics and much less toward management. It proposes interesting bases for reflection, but it lets apart some very important topics as soon as a managerial point of view is at stake.

First, IPR are numerous and we only begin to take into account this diversity. Except trademarks, most of the literature is focused on invention patents. And patent has been seen mainly as a tool to protect innovation from imitation. Many studies try to evaluate the efficacy of patents as means to prevent imitation, with rather pessimistic results (see for example Mansfield *et al.*, 1981 or Arundel, 2001). But other scholars have recall that patents also have other (potential) roles: means to obtain direct revenues through royalties (Rivette & Kline, 2000), means to get access to competitor's technologies (Grindley & Teece, 1997 ; Hall & Ham Ziedonis, 2001), means to measure innovation performance, to enhance its reputation and brand image or to limit prosecution risks (Cohen *et al.*, 2002). Practitioners, when interviewed, quote still other roles: technological environment monitoring, knowledge management tool or even motivation tool. Can we say that all of these roles and their interactions have been explored today?

Indeed, these IPR interact, whether they are of the same nature (a patent can reinforce another one as showed by "fencing" tactics) or of different natures (patents and copyrights can be combined to better protect a software, a large portfolio of well-used IPR can augment the value of a firm's brands, etc, see Corbel, 2007:137-141 for a first exploration). Nevertheless, the complexity of these relations among IPR has not been much studied. Moreover, few studies concern IPR such as semiconductors topographies or design patents although they can play an important role in some industries.

To implement strategies that take into account all those sources of complexity, the organisation of IPR management is crucial. But again, this topic is less explored than more visible parts of IPR strategies, although some case studies and first syntheses have been recently published (see Grandstrand, 1999, chap.8 or Ayerbe & Mitkova, 2005).

The aim of this special issue is therefore to propose original empirical studies and conceptual reflections in this field of research that is still to open up from a managerial point of view, despite an apparent extensive literature. These contributions could, for example, tackle one of the following topics:

- The relations between IPR strategy and business strategy
- The multiple roles of IPR

- The practical use of the different IPR, especially those that have been less studied (design patents, copyrights, semiconductor topographies...)
- The market orientation of IPR management
- The interactions among IPR
- The organisation of IPR management
- IPR and ethics.

Manuscripts must be submitted by 10 April 2009 **at the latest** for planned publication in spring 2010. They should be sent by e-mail to **Management International** ([mi-cetai@hec.ca](mailto:mi-cetai@hec.ca)). The editorial policy of the journal must be rigorously respected with regard to the presentation of the documents submitted. Manuscripts chosen for possible publication will be peer-assessed on the basis of double anonymity.

#### References:

- Arundel, A. (2001) "The Relative Effectiveness of Patents and Secrecy for Appropriation", *Research Policy*, vol.30, 611-624
- Ayerbe, C. & Mitkova, L. (2005) « Quelle organisation pour la valorisation des brevets d'invention? Le cas d'Air Liquide », *Revue française de gestion*, vol.31, n°155, 191-206
- Castle D. (ed.) (2008) *The Role of Intellectual Property Rights in Biotechnology Innovation*, Cheltenham Glos, UK: Edward Elgar Press
- Corbel, P. (2007), *Management stratégique des droits de la propriété intellectuelle*, Gualino éditeur, Paris
- Granstrand, O. (1999), *The Economics and Management of Intellectual Property*, Edward Elgar, Cheltenham, Northampton
- Hall, B. & Ham Ziedonis, R. (2001) "The Patent Paradox Revisited: an Empirical Study of Patenting in the U.S. Semiconductor Industry, 1979-1995", *RAND Journal of Economics*, vol.32, n°1, 101-128
- Hufker, T. et Alpert, F. (1994) "Patents: A Managerial Perspective", *Journal of Product & Brand Management*, vol.3, n°4, 44-54
- Mansfield, E., Schwartz, M. & Wagner, S. (1981) "Imitation Costs and Patents: An Empirical Study", *Economic Journal*, 91, 907-918
- Nickerson, J.A. et Silverman, B.S. (1998) "Intellectual Capital Management Strategy: The Foundation of Successful New Business Generation", *Journal of Knowledge Management*, vol.1, n°4, 320-331
- Reitzig, M. (2004) "Strategic Management of Intellectual Property", *MIT Sloan Management Review*, Spring, 35-40
- Rivette, K.G. & Kline, D. (2000) "Discovering New Value in Intellectual Property", *Harvard Business Review*, vol.78, n°1, 54-66
- Tao, J. ; Daniele, J. ; Hummel, E. ; Goldheim, D. & Slowinski, G. (2005) "Developing an Effective Strategy for Managing Intellectual Assets", *Research Technology Management*, January-February, 50-58
- Terziovski, M. & Lai, A. (2007) "Developing Innovation Capability Through Intellectual Property Strategy in The Australian Biotechnology Industry: Starpharma", in Terziovski, M., *Building Innovation Capability in Organisations*, Imperial College Press, London