



# The IP Office of the Future: what role for SMEs?

Hélène Nicora  
[hnicora@inta.org](mailto:hnicora@inta.org)

# The IPO of the Future Report

- A think tank of former and current heads of IPOs from Australia , Canada, Chile, France, European Patent Office, India, Mexico, The Philippines, Singapore, South Africa, Uganda, U.S.
- Produced an independent and though-provoking report on what an IPO might look like in 10-15 years.
- Completed by two other think tank reports: on the in-house practice of the Future and the law firm of the future.
- All 3 reports on INTA website: <https://www.inta.org/perspective/inta-research/>

# Content of the IPO of the Future Report

I – Evolution of the IP System

II- Future challenges & opportunities – the game changers

III- Future traditional roles:

*Administering and registering IPRs with optimal pendency*

*Stewardship, Human and financial resources*

*Harmonization of IP Law and using new technologies to adapt services*

III- Future non-traditional roles:

*Connect across stakeholders*

*Support research and innovation*

*Ownership information*

*Support IP valuation*

*Support IP enforcement*

*Awareness & educate on IP benefits*

*Inform & support policy development*

*Become data driven, Enable AI & new technologies*

Case study on the IPO of the Future in times of crisis

# Supporting role for SMEs in the future?

- No one-size-fits-all approach for the IPO of the Future.
- Diversity of roles among IPOs across the globe. Not every IPO is providing support to SMEs.
- There will be a diversity of approaches and of intensity with which IPOs will embrace that supporting role to SMEs in the future.
- No separate section dedicated to SMEs in the report. Not described per se as a traditional role or non-traditional role of the IPO of the Future.
- An underlying theme when reflecting on the different roles of the IPO of the Future.
- Series of activities, procedures, and services, to support directly SMEs *by design* or with the potential to benefit SMEs.
- Support to SMEs is seen as a multi-layered approach in the report.

# Important aspects to consider before starting

## New business models & needs

- Shift from tangible to intangible assets
- Changing nature of innovation
- New technologies
- Globalization
- New tech & business models advancing faster than legislative change
- Focus on digital services & fast turnarounds

## Rise of private rights systems

- For recordation & enforcement of IPRs
- IPRs difficult to enforce online
- Attractive to SMEs to avoid costs of infringement actions through the public legal system
- Challenges the speed & effectiveness of IPOs

IPOs need to be aware that private IPRs granted by companies may supplant the role of IPRs granted by IPOs in the future.

# OPTIONS for the IPO of the Future to support SMEs?

## AWARENESS & EDUCATION

- “SMEs, in particular, face key challenges related to understanding the importance of IP as part of their business strategy”.
- The IPO of the Future will contribute to wider awareness of SMEs through a range of programs that inform and educate businesses about the value of registering, valuating, commercializing, and enforcing IPRs, including the benefits related to increased competitiveness and faster business development.
- The IPO of the Future will seek to provide Facts & Figures about IPRs impact and benefits.
- **3 things to consider:**
  - Especially for IPOs that are stakeholder-fee based, avoid cross-subsidizing awareness activities using resources generated by and for right seekers.
  - Demonstrate the impact of awareness activities.
  - Do not provide business or legal advice. At least ensure that any advice does not affect IPRs grants.

# In its traditional roles ...

## Ensure optimal pendency, quality and timeliness of its services

- to meet different users' expectations, including SMEs' specific needs.
- Adapt its procedures to become more agile, effective, diverse and inclusive.
- Provide stakeholders-centric products and tailored services.

## Provide access to affordable rights

- Low fees need to be coupled with stakeholders-friendly IP registration systems so that applicants can self-file, self-maintain and/or have a strong understanding of the professional services they require to keep costs low.

## Simplify practices, regulations and IT (rules, interfaces and access).

## Offer a one-stop shop approach for one applicant with multiple IPRs.

## Adopt new technologies to reduce tension between quality and timeliness.

- Provide Easier filing of applications and mobile technologies, drop rigid forms.
- Improve SMEs applicants' experience. Design and delivery of its services must consider stakeholder input, stakeholder service experience, data stewardship, data security, data integrity and strong service management practices.

## Maintain a balance between a stakeholder-friendly and transparent system, and protection from bad faith filings.

## Anticipate fluctuating demands.

# In its non-traditional roles...



- **Connect across a multitude of stakeholders.** provide guidance to SMEs to navigate complex bureaucracies, and connecting them with all applicable agencies



- **Engage directly with SMEs** to develop a clearer understanding of their business goals and strategies & determine resources allocation.
  - Gathering input from those opting not to seek IP protection.
  - Decide where support is needed (access IPRs? Understanding ? Investment? Strategy?) and when (upstream to identify IPRs? Register IPRs? Decide a strategy? Enforce rights? ...)



- **Support the commercialization of IPRs and IP valuation.**
  - Raise awareness on the importance of having an IP valuation as part of a company's business strategy.
- **Support and inform policies:**
  - To explore improvements to the IP system, to the benefits of SMEs.
  - To inform SMEs of the evolution of IP law and practices.



- **Seek harmonization** of the IP legal framework and practices, to provide a unified and simplified experience to SMEs.
- **Increased cooperation with other IPOs:**
  - Diversity of IPOs' roles might prevent SMEs' global understanding of the roles of IPOs.
  - Building on IPOs' experiences to exchange best practices.



# Conclusion

Overall, the IPO of the future will need to be nimble, efficient, connected and innovative in order to provide the best support to SMEs and adapt to their evolving needs.

It will also have to anticipate what is the SME of the future.



[hnicora@inta.org](mailto:hnicora@inta.org)