

Model Intellectual-Property Guidelines for Business

Overview and Guidance

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Overview

These *Model Intellectual-Property Guidelines* are designed to help businesses implement practical internal policies to improve protection of their own intellectual property (IP) and that of others, and to increase compliance with IP laws, so as to reduce the business risks associated with counterfeiting and piracy.

Companies large and small in virtually every industry increasingly use and rely on intellectual property—the copyright, trademark, patent, trade secrets and other intangible rights that underlie many products and services. In today's economy, the "intellectual capital" embodied in inventions and creative content can be as important to economic growth as traditional capital, goods and services.

IP protections provide the incentives and returns on investments for intellectual capital necessary to produce a continuous stream of new innovations and creations. These make individual companies, industry sectors and national economies more competitive. They also fuel cultural, technological, social and economic development, and improve our health and life more generally.

Many highly innovative and creative companies develop IP-based products as their own business. These include music and film studios, computer and software enterprises, and pharmaceutical and consumer products companies. Other companies manufacture, distribute or market products and services on behalf of IP owners, such as CD and DVD replication factories, food and drug retailers, and printing companies and book shops.

Almost every business uses some form of IP, whether branded supplies or components,

copyrighted software, books or news services, or their own or someone else's trademarks.

The business community has an incentive to implement "best practices" to protect intellectual property. This is no less true for small and medium enterprises (SMEs) than for large companies.

The volume of intellectual property with which a company must deal—whether its own IP or that of others—is increasing in magnitude. The supply chain and other aspects of many businesses are increasingly international in scope.

This means that the number and variety of IP issues with which a company must deal are growing, as is the possibility that a company may have inadequate systems in place for managing its own or preventing the misuse of others' IP.

This can lead to serious business risks. For example, even where infringements are negligent, there can be a risk of civil or even criminal penalties for companies violating IP laws, which can result in large compensation payments, business disruptions and distractions, and even criminal liability in some cases.

There is a range of other business risks associated with dealing in IP fakes. These include injuries or other damage from poor-quality industrial or automotive parts, health risks from counterfeit food and pharmaceutical products, or computer damage or security problems from infringing hardware or software products.

More fundamentally, counterfeiting and piracy simply drain funds away from the rightful recipients (the creators and inventors) and the legitimate economy, and undermine all of

the important benefits to society that intellectual property brings.

These *Model Intellectual-Property Guidelines* are designed to be useful to a wide range of businesses in different sectors, and are suitable to be tailored to deal more specifically with particular industries or segments of the supply chain.

They may be used directly as a basis for a company to create or improve *internal company policies* or *employee manuals*. The terms of these Guidelines can also be included in *contracts* between IP owners and suppliers, such as manufacturing plants.

They are also suitable for adoption as the basis of a compliance *certification* or an *industry code of practice*, whether voluntary or mandatory, in particular industry sectors.

These *Model Guidelines* are intended to be a "living document" capable of evolving to respond to the challenges of new technologies and globalisation, and to political and economic trade pressures. Like the intellectual property system more generally, these Guidelines are intended as a balanced approach that respects the legitimate interests of rights owners, other stakeholders, the business community and society at large.



Guidelines and Guidance

- Objectives* In order that the widest range of enterprises commit themselves to
- prevent and deter counterfeiting and piracy,
 - support the innovative, creative and economic activity built upon intellectual property (IP) protection,
 - comply with the intellectual property laws,
 - implement management practices to effect such compliance, and
 - manage the business risks associated with infringement,
- companies are encouraged to undertake the following commitments:

Company Policy

1. **Corporate policy.** Establish a corporate policy to conduct operations in compliance with intellectual property laws and related best practice. Implement specific policies, procedures and practices to promote compliance.

Guidance

- 1.1 The commitment of a company or other enterprise to intellectual-property compliance requires approval, support and ongoing review by the highest level of company management, generally in the form of a resolution by and periodic reports to its board of directors or similar management body. Note, many of the recommendations herein can form a useful basis for designing a corporate policy.
- 1.2 "Intellectual property" refers to all major forms of legal protection of intangible rights protected by the law, including copyright, trademark, patent, trade secrets, design rights and the like.
- 1.3 Different detailed procedures and practices for IP compliance may well be warranted for different industries. Several existing policies warrant consideration, including for optical media manufacturing the *International Recording Media Association Anti-Piracy Compliance Program Standards & Procedures*, and the *IFPI Good Business Practices for Optical Disc Mastering & Manufacturing Plants*. For the software and information-technology industries, procurement and asset-management guidelines and standards contain useful IP-compliance practices, including in the *Business Software Alliance Software Management Guide*, the *IT Governance Institute's Control Objectives for Information and Related Technology (COBIT®) version 4.0*, and the *ISO standard ISO/IEC 19770-1, Software Asset Management*. Note that many of the recommendations in these ICC/BASCAP Model IP Guidelines can form a useful basis for a corporate policy.

2. **Lawful use.** Acquire, use and deal in only licensed copies of copyright protected material, and genuine articles of trademark and patent protected products, in carrying out the company's business.

Guidance

- 2.1 This commitment covers the entire range of a company's input, use and output activities that involve intellectual-property related products or services. The commitment to purchase only legitimate IP-based materials for use in a business or as part of a supply chain are described in more detail below.
- 2.2 Products used in business but not directly included in manufactured outputs, particularly computer software, reference books, news services, and the like, are typically protected by copyright as well as trademark and are infringed by unlicensed copying and distribution. This commitment requires not copying or using infringing materials of this sort in the business.
- 2.3 IP-based products manufactured and put into circulation by a business without the authorisation of the rights owner are also infringing. This includes such products as discs containing unlicensed copyright material (films, music, software, games), fake branded goods (computer hardware, industrial products, food, cigarettes, automotive parts, consumer products), and counterfeit pharmaceuticals. This commitment requires not manufacturing, marketing, selling, distributing, disseminating or otherwise dealing in any such infringing items.
- 2.4 Adequate budget needs to be allocated for all IP-related materials used in the business, so there is no incentive for employees to use infringing materials.

3. Protection of company IP. Take reasonable steps to identify and protect the company's own intellectual property.

Guidance

- 3.1 A company's understanding and protection of the intellectual property that it has itself developed not only helps the company to reap the benefits of its own creativity and innovation, it sets a good precedent for respecting third parties' IP.
- 3.2 Protection of a company's own IP may take many different forms depending on its sector and particular business. With respect to industrial inventions, this may involve documentation of innovations and registration of patents or design rights. Review of trade names and symbols, and registration and proper usage of trade marks, are appropriate for many businesses. Documentation of original copyrightable works, and in some cases registration or notice of copyright, may be needed. Processes for renewing such rights, and paperwork and other evidence of the existence of such rights, should be carefully maintained.
- 3.3 There are a wide range of strategies that a company may employ to deter others from infringing its IP rights. Depending on a company's business and industry sector, these can include:
 - Use of technological protections in its IP-related products and processes.
 - Selection of business partners that adhere to IP "best practices".
 - Co-operation with enforcement authorities on the national, regional and international level.
 - Co-operation among rights owners and intermediaries, and intermediaries (including wholesalers, transporters, retailers, internet service providers (ISPs) and other on-line services) to take steps to deter copyright infringement and the sale of counterfeited and pirated products.
 - File criminal complaints or take legal actions as appropriate.
 - Work with industry associations to combat various types of counterfeiting and piracy.
- 3.4 Customs offices typically require particular assistance with respect to a company's own IP. Registering intervention applications with Customs, and providing product information, training and prompt responses to Customs' requests for assistance, can substantially improve Customs' efforts to stop shipments of infringing items at the border.

4. Compliance officer. Appoint a qualified senior director or manager as intellectual-property compliance officer, with responsibility for developing, implementing and enforcing the company's policy.

Guidance

- 4.1 For an enterprise to achieve intellectual-property compliance, it is necessary for someone within the organisation to be personally responsible and accountable for making it happen. This person needs to be sufficiently senior to have or obtain a comprehensive overview of the organisation's activities; to have the authority to develop and execute the company's IP compliance policies, procedures and practices; and to deal with infractions and complaints.

Education and Awareness

5. Employee policies. Secure agreement from all employees and subcontractors to comply with the laws and the company's IP-compliance policy.

Guidance

- 5.1 As with health and safety codes and other requirements of the law, employees should be required to comply with the IP laws and the company's policies, practices and procedures related to intellectual property. This should include commitments not to engage in any infringing activity on company premises or equipment or in any way related to the company operations, and to maintain the confidentiality of the trade secrets and other confidential information of the company and third parties.
- 5.2 Intellectual-property compliance typically should be part of an employee's terms and conditions of employment, or part of a policies and procedures handbook that is distributed to and binding on employees. These requirements should be in writing and made available to all employees upon joining the company and in periodic reminders thereafter. IP-compliance requirements are different and additional to any provisions in employee contracts or handbooks that govern IP ownership in the case of employee-created works or inventions.

- 5.3 Similar requirements and terms and conditions should be included in contracts with independent contractors. Such contracts should always be in writing. Customers and suppliers often require IP-compliance by a company's contractors, which is most easily secured in an initial written agreement with the contractor.
- 5.4 Employees and contractors should commit not only to respecting intellectual property in the course of their work for the company—such as in purchasing, product development, manufacturing, marketing and the like—but also more generally with respect to their activities on company premises and company equipment. It is best practice not to allow employees to install or use infringing copies of software, music, published materials or games on company computers, or to open the company computer network to outsiders for illegal access, transmission or storage of copyright or trade-secret material.
- 5.5 Infractions of the company IP-compliance policy should, like other serious misconduct, be subject to employee discipline and possible dismissal. Typically, the IP-compliance officer would determine the severity of an infraction and provide advice to the personnel staff responsible for administering the appropriate disciplinary action.

6. Training and awareness. Train the compliance officer and relevant employees and subcontractors on intellectual-property compliance and company policy.

Guidance

- 6.1 Training of relevant personnel should cover applicable intellectual-property laws, licensing requirements, intellectual-property owners in the relevant field, and the company's policies, procedures and practices.
- 6.2 The compliance officer needs to understand intellectual property laws as well as the business and licensing practices in the IP fields relevant to the company's business, in order to design and maintain IP-compliance policies, procedures and practices that are effective, efficient and workable for the company. For example, a compliance officer in a CD replication business needs to be familiar with copyright rules related to music, licence agreements used by record companies and other rights owners, and information on the rights owners in the relevant field, such as through one of the many available public databases.
- 6.3 Employees and contractors likewise need IP-related training and information relevant to their work. A company involved in developing pharmaceutical, chemical or similar products, for example, needs for its employees to understand how to document the company's own inventions, and how to handle third-party inventions in the area. A production manager in a replication plant needs to understand that it is an infringement for commercial software, music or films to be pressed onto CDs or DVDs if a licence agreement is not in place with the rights owner. In many companies, the purchasing manager needs to understand that use of a recognised brand label on a fake product is an illegal counterfeit.
- 6.4 It is best practice for the compliance officer and relevant employees and consultants to receive such training both when they take on a particular IP-related role, and periodically thereafter, given employee and product turnover as well as evolution in the licensing and business practices in every field. Relevant industry professional groups as well as law firms and societies offer such training in most countries.

*Supply,
Manufacture and
Distribution*

7. Supplier and customer notification. Notify relevant suppliers and customers that the company complies with intellectual-property laws and expects them to do the same.

Guidance

- 7.1 It is good business practice for a company to notify relevant suppliers and customers that the company maintains anti-piracy policies, practices and procedures, and that the company requires such suppliers and customers do the same, subject to termination or other sanctions for non-compliance. This sets the right expectations for business dealings and can pre-empt problematic requests or activities, such as orders for supply of counterfeit products.
- 7.2 The company's contracts with suppliers and customers should include provisions allocating responsibility for counterfeit goods or other IP violations. These can include IP indemnities, "make good" and financial remedies, delisting the infringer as an approved source or customer, and contract termination.

8. **Legitimate inputs.** Where possible, obtain intellectual-property related inputs for the business from legitimate and auditable vendors.

Guidance

- 8.1 A Input activities such as purchasing of components or supplies, or third-party design, development, manufacturing or other services, often involve copyrighted, trademarked or patented articles. This commitment is to purchase products and services that do not infringe intellectual-property laws.
- 8.2 Particularly for manufacturing operations, it is important that a company obtain inputs from fully auditable vendors that source exclusively from original manufacturers, franchised distributors or first owners of the goods.
- 8.3 More detailed “best practices” on securing legitimate inputs and other supply chain issues can be found in specific industry guides, as well as in the US Chamber of Commerce publication, No Trade in Fakes: Supply Chain Tool Kit.

9. **Contractual provisions.** Document all intellectual-property related transactions, and supplier and customer relationships, accurately and in adequate detail.

Guidance

- 9.1 One of the hallmarks of a business that is at serious risk from inattention to intellectual-property issues, or that is actively engaged in counterfeiting or other infringing activity, is inadequate or missing written records.
- 9.2 Particularly for companies engaged in manufacturing IP-based products, such as pharmaceutical manufacturing companies, food and consumer-product production plants, and CD/DVD replication plants, it is vital that production of IP-protected items be properly documented and auditable.
- 9.3 Documentation should include detailed and accurate written agreements, purchase and sales orders, production records, invoices and shipment documents. Purchase, production, sales, invoice and shipping records need to be sufficiently specific to identify each IP-protected item (for example, the individual industrial or consumer product unit, musical track, software or film title, drug or chemical identification, food product, or trademark); the quantity and price of each; and the correct destination and consignee for each.
- 9.4 Similarly, master production copies and production samples should be kept and stored securely, as they can be a protection for the company and its suppliers and customers as well as the IP owner. Particularly in the case of a dispute or claimed infringement, master copies and production samples can be helpful for tracing the source of illicit products or parts and assigning liability to the correct party.
- 9.5 Claimed transfers of intellectual property rights should be in writing. This is particularly important if a company outsources development of intellectual-property related material, as written agreements can prevent disputes over IP ownership and possible claims of infringement.
- 9.6 IP-related contracts should be clear and cover all the relevant topics in sufficient detail. These include the technology or material to be used, the rights licensed or reserved, consumer or trade terms and conditions as appropriate, confidentiality obligations, monitoring and due-diligence obligations, and termination and other remedies in case of an IP violation.

10. Supplier and customer awareness. Obtain reliable identification and background information on intellectual-property related suppliers and customers.

Guidance

- 10.1 Much of the trade in counterfeits takes place between and on behalf of inadequately identified or anonymous suppliers and customers. Pseudonyms, post office boxes, mere “points of contact” and unidentified email addresses can be indicators of a supplier or customer dealing in counterfeits, as can the person’s or company’s lack of an obvious or documented connection with the industry sector for the particular IP-related products.
- 10.2 Reliable identification and background information should include correct names, and complete addresses and telephone numbers. Brokers also should obtain and provide this information in respect of the ultimate clients.
- 10.3 “Know your customer and supplier” is simply good business practice. Documentation of the true identity, background and contact details of suppliers and customers is not only a substantial deterrent to counterfeiting and piracy, it helps a company manage other kinds of risks, including supply, payment, quality and similar problems.

11. Required licences. Obtain written proof of intellectual-property rights and all required licences, prior to manufacturing, shipping or offering any intellectual-property based products or services.

Guidance

- 11.1 Unauthorised copying, distribution, transmission or other dealing in IP-protected goods or services in the course of a business is virtually always infringement absent a licence from all of the relevant rights owners.
- 11.2 Licences must be authentic documents and must specify each protected work, trademark or invention licensed, the time period during which the licence is valid, and the specific uses and quantities licensed.
- 11.3 Licences should be in writing. Genuine IP licences rarely cover an IP owner’s entire range of products, trademarks or rights, or are of unlimited duration. Companies should insist that licences for duplication, manufacturing, or distribution of IP-related products are very specific as to what has been licensed, for what period and for what uses.

12. Due diligence. Inspect documentation and materials for warning signs that infringing material may have been supplied or ordered. Make further enquiries as needed to determine the status of suspicious activity.

Guidance

- 12.1 Ignorance is no excuse for counterfeiting and piracy. Many intellectual-property infringements are “strict liability” violations, such as reproducing and distributing copyright material, trademark branded goods or patented pharmaceutical products without a licence, regardless that the material has been ordered by a customer. Due diligence on licences, goods, masters, orders, information and other items supplied in relation to IP-related goods or services can reduce the risk of infringement.
- 12.2 Good practice in this area includes inspection of supplier and customer information, licences, goods received, production masters and order terms for warning signs that infringing material may have been supplied or ordered. If any of these raise warning signs, further enquiries may be needed, including consultation with the relevant rights owner or industry anti-piracy body, to determine the status of suspicious activity.
- 12.3 Warning signs vary by industry. These may include, for example, orders for large quantities of unmarked copies of recognised products; use of well-known trademarks or claims of licence by unknown companies; large cash payments; poor-quality workmanship or packaging; removal, recreation or separate shipment of trademark labels or technological protections; or incorrect or inadequate labelling of contents, geographic origin or production plant.

Security and Confidentiality

12.4 Some rights owners themselves offer information and assistance to help determine whether products or licences are legitimate; others do so through their industry anti-piracy body. Customer and supplier agreements should explicitly allow consultation with the relevant rights owner or industry anti-piracy body if there is a reasonable suspicion of IP infringement.

13. Physical and network security. Maintain physical and IT security sufficient to ensure the integrity of company records and operations, and to protect intellectual property and confidential material.

Guidance

- 13.1 Companies involved in manufacturing and distributing IP-based goods need secure premises and personnel procedures to prevent theft, unauthorised access, “third shifts” or other unauthorised manufacture or shipment, disclosure of trade secrets, and other unlawful practices.
- 13.2 Companies involved in using licensed intellectual property also need to be able to prove and account for licensed activity. This requires secure storage of related contracts, licences, financial records and other documentation—a good business practice in all events.
- 13.3 Copies of IP-based products, trade secrets and other confidential information, and company records increasingly are held on computers and computer networks. Good IT security is important for safekeeping of all such items, and for preventing IP infringement resulting from unauthorised electronic access, storage, copying, posting, transmission or disclosure of third parties’ intellectual property.
- 13.4 Good IT security includes such protections as anti-virus and anti-spyware software, internal computer and network access restrictions, firewalls and other restrictions of access from the internet to the company’s computers and networks (including via peer-to-peer systems), and prohibitions on unapproved installation or distribution of IP-protected material on company computers or networks. For further information on IT security issues related to IP infringement, see the IFPI/MPAA/IVF publication Copyright and Security Guide for Companies and Governments.

14. Asset management. Implement asset identification, inventory and control processes sufficient to ensure that intellectual-property related assets are manageable and traceable.

Guidance

- 14.1 IP-related products that a business uses in conducting its own operations, such as software and other IT products, should be inventoried and managed like other key assets throughout their life cycle.

15. Trade-secret and confidential-information protections. Use best efforts to protect the company’s and third parties’ trade secrets and other confidential material.

Guidance

- 15.1 Companies involved in manufacturing or dealing in intellectual-property based products often require or have access to trade secrets or confidential information of the IP owner in the course of such activities. Access to such trade secrets or confidential information typically depends on contractual or other legal obligations to use best efforts to protect and not to disclose or use the intellectual-property owner’s trade secrets or other confidential information, except as expressly authorised by the rights owner. Such restrictions ordinarily would not apply, however, to the extent that such material has been disclosed by the rights owner or with its permission without such restrictions, or that a government or court order has required such disclosure.
- 15.2 More generally, confidentiality undertakings with customers and suppliers should not be drafted or used to prevent legitimate consultation of law enforcement authorities, or relevant anti-piracy bodies or rights owners in the case of a reasonable suspicion of IP infringement, such as in the case of a customer order for an apparently counterfeit product.

16. Technological anti-piracy measures. Respect, not interfere with, and maintain the security of technological anti-piracy measures used by rights owners with their intellectual-property based products and processes.

Guidance

- 16.1 IP rights owners increasingly rely on various types of technological anti-piracy measures in their products, product packaging, chemical formulas, and distribution, in order to prevent and deter counterfeiting. Companies involved in manufacturing, marketing and distributing such IP-based products should support these goals by following any instructions from the IP owners as to how these technological protections should be applied, and not removing, circumventing, disabling or taking any other action that impairs their effectiveness in any way.
- 16.2 Licensed IP-based products used in a company's internal business operations also may contain technological anti-piracy measures, which also should be respected. Indeed, modern copyright laws typically make it an offence to circumvent such measures.

*Compliance
and Audit*

17. Recordkeeping. Keep intellectual-property related documentation and related materials for a period of not less than three years.

Guidance

- 17.1 Good business recordkeeping is required by virtually every accounting standard and tax authority world-wide. IP-related records and related materials should be kept with other business records for a similar time period as such other records, which typically is not less than three years after their expiration (this period is longer in some countries). The records and materials to be maintained should include copies of intellectual-property related agreements, purchase orders, production records, shipment documents, licences, masters and production samples.

18. Labelling. Label completely and accurately all intellectual-property related products and packaging manufactured or supplied.

Guidance

- 18.1 A common tell-tale sign of counterfeit articles is mislabelling. Articles, packaging or shipping boxes may indicate the wrong contents, or may have no labelling at all. The geographic origin or manufacturer identification on such materials may be missing or incorrect. Content listings of mixed shipments may fail to mention counterfeit articles that have been included with other items.
- 18.2 Labelling should be complete and accurate as to specific products, quantities and origin. Accurate and legible identification markings or codes should be included, whether industry-standard or rights-owner specific, as to manufacturing plant, product identification, batch number and other designations.
- 18.3 Individual rights owners typically have specific labelling requirements. There are also standard labelling requirements applicable in particular industries, for example the IFPI/Philips Source Identification (SID) disc and mould codes applicable to manufacturing of all optical discs. All applicable rights-owner and industry-standard labelling practices should be followed scrupulously and without exception.

19. Audits and Monitoring. Perform an intellectual-property asset and management audit at least once every year.

Guidance

- 19.1 Ongoing monitoring, correction of problems, and refinement of a company's IP-compliance policy, are an important part of ensuring that the company's policies, procedures and practices are workable and are followed.
- 19.2 An intellectual-property audit should be undertaken upon adoption of an IP-compliance policy, and at least once every year, to ensure compliance with the law and company policies, procedures and practices. Discrepancies should be corrected, and any needed modifications to policies, procedures and practices evaluated and implemented.

20. Exemplars. Supply exemplars of intellectual-property based products produced on production lines used in the company's operations to relevant rights owners, their industry anti-piracy bodies and law enforcement authorities on request.

Guidance

- 20.1 Legitimate manufacturing plants should have nothing to hide. Providing exemplars, such as sample discs from each of an optical-disc replication plant's production lines, helps both to discourage counterfeiting and to track down infringers when piracy does take place.

21. Co-operation with IP owners and public authorities. Provide reasonable assistance to rights owners, industry anti-piracy bodies and law-enforcement authorities in their investigations of possible intellectual-property infringements.

Guidance

- 9.1 Companies dealing in IP-related products and services are well served to co-operate when problems of infringement arise, such as by producing IP licences and other information relating to suspect articles, orders or activity. The fight against the black economy of counterfeit and pirate goods requires diligence and co-operation among IP owners, public authorities and companies in every part of the supply chain.

FAQs – Frequently Asked Questions

Q. What are the “Model IP Guidelines for Business”?

A. Business Action to Stop Counterfeiting and Piracy (BASCAP), an initiative of the International Chamber of Commerce (ICC), has developed this set of Model IP Guidelines to provide detailed information to businesses on practical steps they can take to improve their compliance with IP laws and to protect their own IP. The guidelines provide specificity on good IP practice, addressing internal IP use, supply chain practices, relations with intermediaries, and the handling of third-party IP. The guidelines are therefore useful for dealing with counterfeiting and piracy in all its forms within companies, from IP development to component sourcing, manufacturing, wholesaling, retailing and internal corporate use. Recommendations for protecting a company’s own intellectual property are also included.

Q. Why is BASCAP doing this?

A. BASCAP developed these Guidelines as a management tool to help companies of all sizes reduce the risks of intellectual property theft, and to deter piracy and counterfeiting. Piracy and counterfeiting are an economic blight with serious and disruptive consequences for companies found to be engaged in such activity. This is because piracy and counterfeiting have broader consequences: They deter inventiveness and creativity, deprive governments of tax revenue, compete unjustly with legitimate economic activities and jobs, weaken consumer confidence in legitimate branded products, pose serious health and safety risks, and feed organised crime. Business and government together, each playing its part, can reduce intellectual property theft and the business and social damage that it causes.

Q. Why are these Guidelines needed?

A. Companies have an incentive to implement “best practices” not only to protect against the risks of theft of other companies’ and individuals’ intellectual property, but also to protect their own creativity and innovation in IP-based products and services. The global economic trend is to increase investment in and reliance on intellectual property as an essential element of economic growth. The problem is that intellectual property is an intangible asset that requires not only legal protection but also good management and use in order to realise its full potential. Besides discouraging illegitimate use of intellectual property, therefore, these Guidelines are also designed to help companies protect their own investments in intellectual property.

Q. Who will use them?

A. Companies large and small in virtually every industry increasingly use and rely on intellectual property, and thus can benefit from implementing policies based on the Guidelines. Small and medium enterprises (SMEs) and large companies involved in the development, manufacture, supply, or distribution of intellectual-property based products and services, as well as the large number of other commercial concerns that use some form of IP-based material in their own business, will benefit.
