Conclusion:

**31 - 50 points: Medium score**  
Be vigilant and get the formal job done!

Companies in this area are at a reasonable level in relation to IP. But there is still room for improvements. These companies' work with more formal aspects of IP seems to be in place. However, actually implementing the strategic decisions that the companies make in this area need some work. Moreover, more work on development of practical procedures with responsibilities and with capacity building related to IP is often needed.

The company will typically benefit from moving to a more systematic approach of working with IP, for example:

* Take into account the risks of infringing others' IP rights, e.g. by examining possible infringements of others' rights before market launch.
* Exploit the knowledge contained in registered IP, for example in the patent literature, so the wheel is not invented again. This will help the company save development costs. Moreover, by using patent literature the company gains useful knowledge about technology and competitors' activity.
* Analyze the knowledge development in the company and assess it in the context of the business strategy.
* Update strategies and incorporate them in company by implementing practical procedures.
* Ensure effective organization of the responsibility of IP and continued development of necessary employee IP skills.

How to move on from here:

* If you want the Danish Patent and Trademark Office to contact you, you can fill out this form and one of our employees will get in touch with you:  
  Fill out form here

* If you want advice from a consultant, e.g. about development of an IP strategy  
  Get in touch with an IP consultancy company - click here to see an overview

* If you have practical questions concerning IPR, e.g. on what to do when applying for a patent or a trademark, you can get in touch with us: 43 50 83 01
The result of the test is described in further details in the following pages.

Your answers can be found at the back of this report.

Definition of IP og IPR:

In this report the abbreviations IP og IPR are used. They are defined in this way:

IP ( = intellectual property) The non-material values that are present in a company besides knowledge and know how with the employees. IP can take the form of e.g. innovation, trademarks or design.

IPR ( = intellectual property rights ) the share of IP which are rooted in registered rights, e.g. patents, design registrations or trademarks.
Theme 1. Development Level of the company's work on IP strategy and development of knowledge

Based on your answers, here is a graph of the company's level of development concerning the company's strategy in relation to: developing new ideas, protection of innovations, use of new developments, infringement of others' IP rights and enforcement of own IP rights.

Most businesses have a business strategy for the activities the company will live on in the future. This overall business strategy should be supported by a number of tailored strategies. Examples of this in the IP area could be a strategy for development, a protection strategy for new developments, a strategy for exploitation of new developments, a strategy for monitoring what new knowledge has been developed (both internally in the company and externally with competitors) or a strategy for enforcement of own rights.

The importance of such tailored strategies depends on the company's innovation and industry it belongs to. For example, IP strategies in biotech companies are crucial for the survival of these companies, since long-term development with large revenue potential (e.g. vaccine against cancer) provides vulnerabilities, which should be followed closely. Other types of businesses that are less innovation-based can focus less on strategies in the IP field.

**Strategy in the red box:**
There is no strategy in the IP area! Companies with a low score are working very randomly and unsystematically with IP. It is important that the company gets an idea of how to deal with IP and works on aligning the company's business strategy with the IP strategy? if one exists. Focus on the company's knowledge would be a good thing in order to get full value of this knowledge or to avoid cases of infringement.

**Strategy in the yellow box:**
Be vigilant! The company has a fair focus on IP, but it is important to move forward. The major decisions on IP strategy have been taken, and the more formal practical matters are more or less in place. The company should, however, work more on integrating the IP strategy in all areas of the company.

**Strategy in the green box:**
There is a good grip on things - but remember an annual review! The company is very IP-aware but the company must not rest on its laurels. The company must ensure that the strategies that have been implemented or are about to be implemented, undergoes an annual audit. This ensures attention in relation to current strategic developments. This review could for example be concurrent with the company's overall strategy review.
Theme 2. Development Level of work with practical management and practical procedures for IP in the company

Based on your answers, here is a graph of the company's level of development concerning the company's management and practical procedures in relation to: developing new ideas, protection of innovations, use of new developments, infringement of others' IP rights and enforcement of own IP rights.

If the IP should be managed efficiently in a company, it is a precondition that practical administrative procedures for how IP is treated are developed. Quality control or lean-projects are for example often the basis for management of IP in both R&D and efforts to exploit new developments.

IPR portfolio management, such as management of deadlines during examination of a patent application or payment of fees, belongs here.

**Procedure work in the red box:**
Warning: Much can go wrong! The company works very informally, and practical work with IP is unclear. There is a clear need for more structure of the company's work with IP. Focus on the company's knowledge would be beneficial in order to get the maximum value of this knowledge. There is often a lack of overview. It is important that employees know how to practically deal with IP. For example, should a confidentiality agreement be signed when working with external parties? Are there procedures in place to ensure timely payments and responses in infringement cases?

**Procedure work in the yellow box:**
Be vigilant! The company has a reasonable level of IP awareness, but there is still basis for improvements. The more formal aspects of management and procedures are more or less in place. The company should, however, work more on implementing the procedures. The main IP-relevant decisions have been taken, but there are delays in getting procedures incorporated in day-to-day decisions in the company.

**Procedure work in the green box:**
The company is very aware of IP. In relation to practical management and operational procedures a continuous monitoring should take place, so attention is guaranteed in relation to current practical developments in the company. Perhaps the company can achieve higher returns by focusing on incentives for creation of new knowledge.
Theme 3. Development Level of resources, competencies and organization of IP work in the company

Based on your answers, here is a graph of the company's level of development concerning the company's responsibility and competence in relation to: developing new ideas, protection of innovations, use of new developments, infringement of others' IP rights and enforcement of its own IP rights.

Some companies - typically large innovative ones - have specific departments dealing with R&D, patenting, marketing strategy and marketing, legal issues, including infringements and enforcement. This leads to clear responsibilities and a competence-based specialization. In smaller companies the responsibility for all these IP-related areas often lies with one person - perhaps the owner. In this situation, there is a danger that other and perhaps more urgent issues get prioritized, so the more long-term IP tasks are forgotten. The company should thus consider whether it has all necessary skills, or whether it could draw on outside specialists such as lawyers and IP advisers.

It is important for a company to have a basic knowledge of IPR, i.e. patents, trademarks, designs, utility models, domain names, copyright and marketing law, both nationally and internationally, e.g. EU law.

In connection with any outsourcing (e.g. production), it is essential to be aware of signing specific agreements on knowledge in a contract. This applies not just when outsourcing to India or China but also to neighboring countries.

**Competences and Responsibilities in the red box:**
Warning: It is important to clarify who takes care of the practical work, e.g. who writes and sends in a patent or trademark application or gets the risk of infringement analyzed. Be aware that the one(s) responsible have the necessary skills and possibly a budget so their work is soundly based.

**Competences and Responsibilities in the yellow box:**
Be vigilant! The company has a reasonable level of IP awareness, but there are still challenges. The more formal aspects are more or less in place. The company should, however, work more on implementation. There might be some employees that need to strengthen their competencies in relation to IP knowledge and skills.

**Competences and Responsibilities in the green box:**
It looks positive - but remember to set new targets for development of employees. Check out what happens in the IP world and conduct at least one annual review so current development in both national and international legislation or regulation is analyzed. It might also be that the company ought to know more about buying and selling knowledge and licensing of IP rights.
Theme 4. Development level for concrete results in the company based on IP

Based on your answers, here is a graph of the company's level of development concerning the company’s concrete results in relation to: developing new ideas, protection of innovations, use of new developments, infringement of others’ IP rights and enforcement of its own IP rights.

The products a company develops have an influence on the company’s bottom line. The price of the product must as a minimum cover the cost of development and other fixed costs as well as lead to a profit with the company. At times, though, it is possible for the company to charge a much higher price than a similar product from other companies. An example could be a polo t-shirt where some companies are able to sell the t-shirt at a much higher price by adding a small emblem or brand. It would be a good idea to analyze the parameters influencing the value creation.

Focusing on the factors that adds value to the company’s products could positively influence the company’s bottom line.

**Achieved IP performance in the red box:**
Warning: It may be a good idea to show the connection between IP efforts and concrete results to determine whether there is a reasonable relationship between cost and benefit. The company could benefit from an analysis of what adds value to its products so it could increase the value of the company.

**Achieved IP performance in the yellow box:**
The visibility between IP efforts and results may be further developed in order to increase the company's value. This can be achieved by the company becoming more aware of the factors affecting the results. The company also needs to consider whether it is possible to optimize IPR costs.

If there are others infringing the company's IPR, the company could consider whether it could be a solution to enter into a license agreement with the infringer rather than spend resources on litigation. Besides saving money on litigation, entering a license agreement can also positively influence the bottom line through increased income.

**Achieved IP results in the green box:**
There is good grip on things - but the company needs to work on greater transparency in IP processes! Although the company is doing well, focus on achieving results needs to be maintained. Think in value creation, find the link between IP and bottom line and follow up on this link so attention is ensured in relation to current strategic developments. Perhaps new opportunities can be discovered by looking at trade in knowledge, i.e. purchase or sale of knowledge, or licensing new IP?
Parameter A. Development Level for work on knowledge development in the company

Based on your answers, here is a graph of the company’s level of development concerning the company’s work with knowledge development, e.g. development of new ideas in relation to: strategy, operational procedures, organization and achieved IP results.

Knowledge development in a company focuses for example on development of new products, further development of known products but also on the development of manufacturing processes, sales, delivery, service, branding, etc. Many companies work with knowledge development in all core functions of the company and it is important that the company’s IP strategy as well as business strategy includes all these areas. Furthermore, it is important that there are procedures that support the development in all core areas, that there is a horizontal organization that ensures that there is one person responsible for collecting new developments - beyond pure product development - and that there are incentives for employees to come up with new ideas.

Knowledge Development in the red box:
The company must work more structured with development. It must ensure consistency with business strategy, make sure there is focus on day-to-day developments and work on getting results from the work. Perhaps the company can get inspiration from looking into competitors’ activities in R&D to discover which direction competitors are moving. Many details can be found freely and legally on the Internet, e.g. on competitors’ websites, or more specifically by looking for the latest technology developments in patent databases.

Knowledge Development in the yellow box:
The company is at a reasonable level in terms of IP knowledge. This IP knowledge can be exploited when working with development. The company should focus on finding synergy in the relationship between development and business strategy. A systematic approach to development could perhaps lead to benefits and new opportunities, for example by identifying and monitoring technologies and competitors.

Knowledge Development in the green box:
There is a good grip on things - but remember to keep the momentum going! The company is doing well, but it is important that there is a link between business strategy and development of new ideas. This can always be refined. Often, the long-term development pathways are neglected areas that should be secured in time, i.e. before competitors. Other possible areas of focus are setting up or improving an incentive structure for the development of new knowledge or increased cooperation with external developers with different cultural backgrounds. This could add new impetus to the creation of new knowledge in the company.
Parameter B. Development level for the company's work with protection of IP

Based on your answers, here is a graph of the company's level of development concerning the company's work with protection of IP in relation to: strategy, procedures, organization and achieved IP results.

Some companies working with innovation protect their core inventions with e.g. a patent, other companies keep their inventions secret in order to protect the invention against copying. It is difficult to say which method is best. Probably the best protection is achieved by combining IP rights, e.g. patents with secrecy. Another method is to combine patents, design protection and trademark registration. The most important thing, however, is to be aware of the possibilities of protection available and what serves the company best. A strategy that supports or provides synergy in relation to the overall business strategy can be valuable for a company. In more and more companies there are specific procedures and sharing of responsibilities, which in a practical way ensures protection of innovations.

If the company chooses secrecy, it is necessary to consider how this strategy works best. If the invention is revealed, directly or indirectly, by the product it is embedded in, secrecy does not work. If many people know the invention, there is a high risk of the secret slipping out. So it should only be a few people who are bound by contract to the company who knows the invention. Otherwise, patents or a different means of legal protection should be considered instead.

Work on IP protection in the red box:
Warning: This can go very wrong! The company should focus on the knowledge it is working with in order not to cheat itself. It seems to be random what IP is protected and what is not protected. Typically, only when there is time and money does the company apply for e.g. a patent? it does not follow a deliberate strategy for IP protection. It is important to think through and decide on an IP protection strategy.

Work on IP protection in the yellow box:
Be vigilant! A conscious company has an IP strategy that ensures that all major new knowledge is protected and that there is one or more qualified staff to take care of this task. Whether to protect or not? weighing out costs and benefits seen in a long-term strategic perspective would be appropriate here.

Work on IP protection in the green box:
A more long-term way of thinking is typically needed, e.g. "Freedom to operate" where the company's future paths of development is investigated. Perhaps it is also necessary to go from product protection to concept protection. A true concept protection is available only in USA but the company may get far - in Europe for example - by using different methods of protection to ensure an effective protection, e.g. a combination of patents, design protection and trademark protection.
Parameter C. Development level of the company's work with the exploitation of IP

Based on your answers, here is a graph of the company's level of development concerning the company's work with exploitation of IP in relation to: strategy, procedures, organization and achieved IP results.

It is important for companies not only to focus on development of new products and services and to protect these. The company must also focus on getting the most out of the knowledge it creates. Besides exploiting IP in own products (through sale of own products), exploitation can also consist of licensing out and/or selling IP rights. At times, the company's usual way of acting puts a restriction on exploiting its developments, e.g. by saying "this is not something we typically do"- or "we will exploit this ourselves". The company thereby misses out on opportunities to make extra money.

By setting up a strategy for exploitation of the company's IP rights ? e.g. which rights can be sold or licensed out, to which companies and to which lines of businesses ? the company can get the most out of own resources.

Utilization of new developments in all core functions within the company may be followed up by working procedures and organization of resources, so there is an efficient flow from collection of ideas and product development to manufacturing, marketing, sales and service.

Another perspective of exploitation is to exploit the market while it's there. The market might be highly dependent on fashion or rapid technological change, and then the most efficient use of the company's IP may be achieved only in collaboration with others to cover the market quickly.

Work on IP exploitation in the red box:
Warning: You can miss earning a lot of money! The company often has a culture which has been built up over many years that determine its way of thinking. The first step towards seeing other possibilities for earning more money on the company's IP is changing this usual way of thinking. It might be that the company isn?t the best or the only one who can exploit its IP. It may be a good idea to open up and consider new possibilities for earning more money, for instance by licensing out or selling its IP.

Work on IP exploitation in the yellow box:
Be conscious of the possibilities! It is important to have a strategy of exploitation for the company's new developments which needs to be put in place and implemented in practice. Consider for example whether the company's IP rights are fully exploited in its own products or if it is possible to license out or sell some IP. Could some of the IP rights be exploited by other companies ? perhaps by companies in different industries so direct competitors don?t get access to the company's IP rights? Perhaps it would be an idea to sell or license out to companies present on the markets the company itself doesn?t cover (spread geographical coverage).

In order to be effective division of responsibilities and tasks must be systematic and it should be clear who has the responsibility to seek out possibilities for exploiting the company's IP rights.
**Work on IP exploitation in the green box:**
The company is IP aware and knows how important exploitation of new products is. It is important to have a continuous focus on possibilities for licensing out or selling IP rights which the company itself doesn’t use. An annual audit of whether all IP rights in the company are exploited could benefit the company. A standard part of this audit should be looking into possibilities for licensing out or selling to markets (geographical areas) which the company itself doesn’t cover or to companies in different industries where companies aren’t direct competitors. An example is to consider whether a technology could be used in a different product? e.g. mobile phone technology and hearing aid technology.

At the same time, the company should focus on the continuous value creation that occur in the company. The company can benefit from analyzing the parameters, such as branding, which affect the creation of value and make sure action is taken also here.
Parameter D. Development level of the company's efforts to avoid infringement of others' IP rights

Based on your answers, here is a graph of the company's level of development concerning the company's work to avoid infringement of others' IPR in relation to: strategy, procedures, organization and achieved IP results.

One of the most risky aspects for companies involved in development is to infringe others' intellectual property rights. The IP-aware companies follow what competitors are working on. Some monitor either competitors or the technology that is essential for the company in order to know what the latest development is. This lowers the risk of running into problems.

So if the company is aware and has a strategy on how to avoid infringing others, while gaining knowledge about competitors and technology on the market, the company can potentially save money and time. It might also prevent unpleasant complaints from a competitor.

It is also important to build up the company's IP skills to a level where it is possible to identify risks of infringement. A high level of IP skills makes it easier to avoid cases of infringement.

**Infringement of others' IP in the red box:**

Warning: This can go very wrong! The company could be at risk. There needs to be a particular focus on the knowledge the company works with, partly to ensure the company makes the most of this knowledge, partly to avoid a case of infringement. A technology-generating company should follow competitors' developments closely - but it should also keep up with the technology itself, e.g. follow which patents are being granted or applied for in the company's field. And before a new product with a new name is launched, it should examine whether the name is in conflict with other brands. This way the company reduces the risk of infringement cases. A side effect is that the company is updated with latest knowledge.

**Infringement of others' IP in the yellow box:**

Be vigilant! Situations of infringement should be avoided. This is where IP strategy and practical procedures really are tested and, if necessary, adjusted. The company should monitor competitors' developments closely - but also keep an eye on the technology, e.g. by looking at granted patents or patent applications. It is also a good idea to have a clearance search conducted for any new products on the way to avoid infringing other companies' IP rights. The company should also check whether it infringes other companies' product names before any new products with new names are launched. This way the risk of running into infringement cases is reduced. As a side effect the company is updated with latest knowledge.

**Infringement of others' IP in the green box:**

Infringement cases should be avoided. This is where IP strategy and practical procedures really are tested and, if
necessary, adjusted. The company should focus on preventing cases of infringement by identifying the fields of technology the company has strategic interest in to ensure "freedom to operate". It should subsequently follow the patents in this area and follow competitors’ developments closely. It should also follow the technology itself and complement this with a clearance search for new products under way. The company should also check whether it infringes other companies’ product names before any new products with new names are launched. In this way the risk of running into cases of infringement is reduced. As a side effect the company is updated with latest knowledge.
Parameter E. Development Level of the company's work on enforcement of its own IP Rights

Based on your answers, here is a graph of the company's level of development concerning the company's work with enforcement of its own IP rights in relation to: strategy, procedures, organization and achieved IP results.

It is important to have a strategy for defense or enforcement of the company's own IPR. If the company has no registered rights, there is of course nothing to defend. The vast majority of companies have several rights such as patents, trademarks, designs and domain names, though. Some companies are developing products that are protected by copyright, such as software or furniture. They are part of a company's brand. It is therefore important to defend these rights against copying or other forms of abuse.

Some companies react hard and consistently on all attempts at copying, others modify their efforts for core products or primary brands in order not to waste resources on "small items".

At first, it is important to discuss and agree on how the company will act against offenders so that the company is prepared if it should happen. This means having a clear strategy and knowing who in the company has responsibility to address the problem. It is now possible to take out insurance against patent infringement, so it is possible for even small companies to sue larger companies without the risk of going bankrupt or having to give up.

One way of looking at a third party infringing the company's IP right is to see this company as a potential customer and enter into a licensing agreement with the infringer.

**Enforcement of own IPR in the red box:**
The companies in this area have either no IPR to defend or else they will be very surprised when a situation of infringement occurs. What should the company do? Where can the company get help and support etc. There are several things to deal with and as time goes by the pressure increases. Therefore, it is very relevant to consider how to enforce the company's own IP rights so the company can react quickly.

**Enforcement of own IPR in the yellow box:**
Companies in this area have usually done some thinking about possible situations where enforcement is necessary, but haven't taken any decisions or put down structured procedures and ensured a clear division of responsibilities. Getting these formalities in place should thus be in focus. It might be a solution to think of several possible scenarios and decide on how to act on this basis. Finally, implementation of decisions in the enforcement area needs to be prioritized.

**Enforcement of own IPR in the green box:**
There is a good grip on things. Companies in this area may have experienced an infringement from third party before and know what to do or maybe do better than last time. Perhaps now is the time to consider whether future infringers
might be considered as potential collaboration partners or customers? This way a company can often avoid court cases and achieve continuous royalties instead.
Here are your answers from the test:

Theme 1. Development Level of the company’s work on IP strategy and development of knowledge

A. Development/creation of new knowledge.
Has the company set up a strategy for development of new products, services or new, innovative ways of working?
Answer: 1. The company has no strategy in this area or the strategy is only verbally communicated.

B. Protection of new developments.
Has the company considered whether it should protect the results of its R&D using intellectual property rights, i.e. a patent, trademark, design protection, utility model or secrecy?
Answer: 1. The company has no strategy in this area or the strategy is only verbally communicated.

C. Exploitation of new developments.
Does the company have a strategy for how to exploit its new developments?
Answer: 1. The company has no strategy in this area or the strategy is only verbally communicated.

D. Infringement of intellectual property rights of others.
Does the company have a strategy for how to avoid infringement?
Answer: 1. The company has no strategy in this area or the strategy is only verbally communicated.

E. Enforcement of own intellectual property rights.
Does the company have a strategy for enforcement of own intellectual property rights?
Answer: 1. The company has no strategy in this area or the strategy is only verbally communicated.

Theme 2. Development Level of work with practical management and practical procedures for IP in the company

F. Development of new knowledge.
Does the company have procedures for managing innovative projects? Is it a more random approach or do special procedures exist for R&D?
Answer: 1. The company has no practical procedures in this area or the procedures are just verbally communicated.

G. Protection of new developments.
Does the company have specific procedures for how new developments are protected so new developments or trademarks are registered in appropriate time? Do specific procedures exist to secure trade secrets from leaking? Do employees know what to say and/or show and what to keep secret?
Answer: 2. The company has written procedures in this area but they are not or only partially introduced in the organisation.

H. Exploitation of new developments.
Do specific procedures exist for how to exploit new developments, e.g. by efficient and targeted marketing or by targeted search for trade partners?
Answer: 2. The company has written procedures in this area but they are not or only partially introduced in the organisation.

I. Infringement of intellectual property rights of others.
Does the company have specific procedures to avoid infringement of rights of others, thereby minimising the risk of expensive litigations?
Answer: 2. The company has written procedures in this area but they are not or only partially introduced in the organisation.

J. Enforcement of own intellectual property rights.
Does the company have a strategy for enforcing its own rights? Will all infringements be enforced or are there rights that
are more important to enforce than other rights? Does it matter whether a potential infringement is occurring on a key market or a more peripheral market? Does the company know how to act when an infringement takes place?
Answer: 2. The company has written procedures in this area but they are not or only partially introduced in the organisation.

Theme 3. Development Level of resources, competencies and organization of IP work in the company

K. Creation/development of new knowledge.
Has the company appointed employee(s) who work with innovative ideas?
Answer: 3. The organisation and procedures on how to build up competencies are written down, communicated and fully implemented.

L. Protection of new developments.
Has the company appointed employee(s) who are working with protection of the company's innovative ideas?
Answer: 3. The organisation and procedures on how to build up competencies are written down, communicated and fully implemented.

M. Exploitation of new developments.
Has the company appointed employee(s) who work with exploitation of new developments?
Answer: 3. The organisation and procedures on how to build up competencies are written down, communicated and fully implemented.

N. Infringement of intellectual property rights of others.
Has the company appointed employee(s) who are responsible for reacting in case of infringement?
Answer: 3. The organisation and procedures on how to build up competencies are written down, communicated and fully implemented.

O. Enforcement of own intellectual property rights.
Has the company appointed employee(s) responsible for enforcing the company's intellectual property rights?
Answer: 3. The organisation and procedures on how to build up competencies are written down, communicated and fully implemented.

Theme 4. Development level for concrete results in the company based on IP

P. Creation/development of new knowledge.
Has the company achieved results, e.g. new products or services, based on the company's own innovative ideas?
Answer: 1. No results have been achieved based on the company's new developments.

Q. Protection of new developments.
Has the company achieved results based on its registered IP rights, e.g. royalties from patents or trademarks or by strengthening its position on a specific market? NB. Please note that the question is focusing on registered IP rights.
Answer: 1. No results have been achieved based on the company's new developments.

R. Exploitation of new developments.
Has the company achieved financial results, e.g. increased sales or profit, based on the company's own innovative ideas? NB. Please note that the question is focusing on the company's general knowledge, e.g. knowledge on market potential.
Answer: 1. No results have been achieved based on the company's new developments.

S. Infringement of intellectual property rights of others.
Has the company entered a new agreement of cooperation or licensing based on infringement of rights of others?
Answer: 1. No results have been achieved based on the company's new developments.
T. Enforcement of own intellectual property rights.
Has financial results been achieved, e.g. compensation, royalties or agreements on licensing or cooperation through enforcing own intellectual property rights?
Answer: 1. No results have been achieved based on the company's new developments.