

Project Management

Projects should leverage and improve an organisation's intellectual asset portfolio; to ensure this exchange is optimised, projects should address the following themes:

- ② Is there knowledge that should be imported from, or exported to, the rest of the organisation, and possibly even with customers, partners, suppliers, distributors and the public domain?
- ② Could competitor, customer, partner, supplier and distributor's access to, and ability to copy, key intellectual assets impact on the project's commercial success? If so, is full use being made of intellectual property rights and commercial secrecy to minimise this threat?
- ② Are the intellectual assets generated by, or imported into, the project free, of third party rights that could hinder their use?
- ② Will the project's use, or disclosure, of intellectual assets have a negative impact on other business activities?
- ② Will the intellectual assets needed during the project's development and commercialisation be available when required?

Projects should be expected to manage these issues with no less rigour than that applied to the management of their financial performance. Project approval routes should therefore include intellectual asset criteria, and in many organisations it will make sense to have a formal requirement for projects to have an intellectual asset plan. This evolving document would then be reviewed within the organisation's Project Review / Gate Process, with templates and crib-sheets (an example is shown on the next page) used to ensure gate-keepers and project managers have a consistent understanding of its scope.

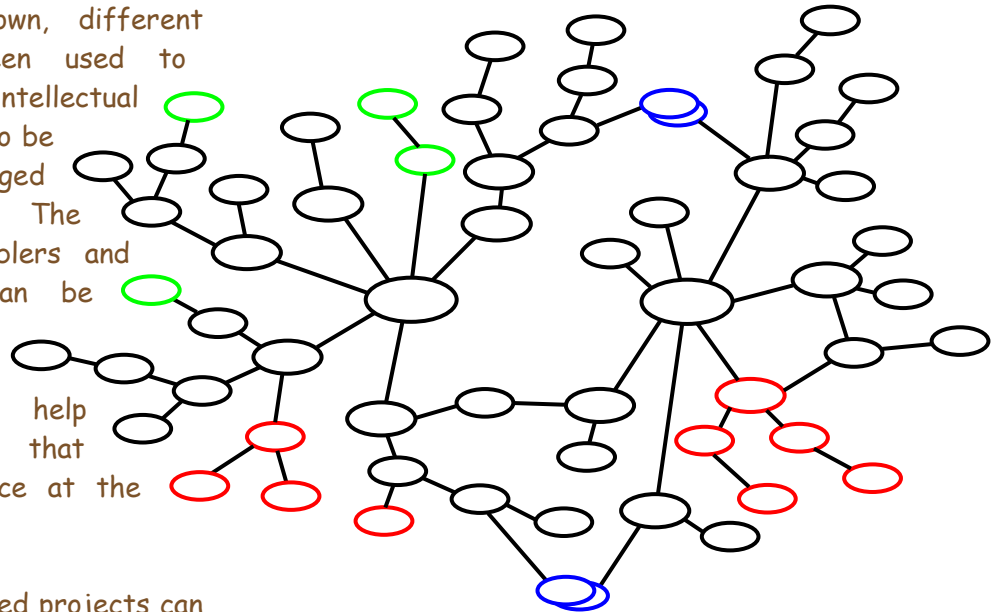
The following are indicators that projects are actively managing the organisation's intellectual assets:

- Project managers (or their nominees) are formally accountable for managing the intellectual assets their project imports or generates.
- Projects routinely identify their key intellectual property and knowledge assets, and understand their role in both the project's and organisation's viability.
- Project approval routes demand that projects are underpinned by an intellectual asset plan describing the actions necessary to fully leverage the project's and organisation's intellectual assets.

It is especially important that projects proactively manage those intellectual assets that support the organisation's differentiating and enabling capabilities:

- ② Differentiators can be defined as capabilities where exclusive rights / access are required as this does, or could, provide commercial advantage. Differentiators are those capabilities that an organisation would often wish to own or control.
- ② Enablers can similarly be defined as capabilities with limited availability that are important in the delivery of the organisation's products and services. Enablers are those capabilities that an organisation may decide to actively encourage its supply chain to develop.

To help a project understand the challenges it faces, it may make sense to identify and map its key intellectual assets. Once an appropriate level of granularity has been achieved, then it will be easier to identify the intellectual assets that need management attention. In the map shown, different colours have been used to highlight those intellectual assets that need to be proactively managed by the project. The organisation's enablers and differentiators can be mapped onto this type of diagram, which will again help highlight actions that need to take place at the project level.



As already described projects can also be assisted in capturing their responsibilities by creating crib-sheets and template intellectual asset plans. The following is a typical crib-sheet; however in practice, these will tend to be organisation-specific.

<p>The Intellectual Asset (IA) Plan should describe the activities that will be undertaken to identify, assess, import and leverage IAs from outside the project. A written search strategy should therefore form part of the IA Plan, describing: the databases, people and communities that will be used to search for knowledge, best practice, lessons learned, innovations, etc.</p>
<p>The IA Plan should describe the activities that will be undertaken to identify arising knowledge that should be shared with the rest of the organisation. Where IAs have been identified, the IA Plan should specify the recipients and who is responsible for ensuring any transfer takes place.</p>
<p>The IA Plan should describe whether the commercial success of the project will depend on patent protection or commercial security. If so, confirmation should be given both that new innovations are being protected, and that the existing IP portfolio / IP management systems are adequate.</p>
<p>The IA Plan should describe whether the project will make use of a new brand, or expand the use of an existing brand. If so, confirmation should be given that the extent of existing rights is sufficient or that additional rights are being sought.</p>
<p>The IA Plan should identify all the intellectual asset related costs (such as those from patenting) and risks (such as the findings of any freedom-to-operate reviews) the project will incur.</p>
<p>The IA Plan should describe the relationship it wishes to develop with any contractors, and in particular:</p> <ul style="list-style-type: none"> ○ The proposed ownership of arising IP, including a) whether there are any reasons to cede arising IP, and b) whether there should be a requirement placed on the contractor to list arising IP. ○ The rights that should be secured to contractor background IP, including a) any issues that may make the contractor reluctant to ceded rights, b) any future applications of such IP, and c) whether there should be a requirement on the contractor to list any background IP that will need to be accessed to exploit arising IP. ○ Any knowledge, documents, data or drawings that should be transferred from the contractor, and the method of transfer.