

## Dinner Speech MIPLM 2nd module 2020

Innovation is key, Intellectual Property is an enabler only. Innovation in the definition: A new idea which was made available to the society. Innovation was the reason why the first patent system was introduced in Venice back in the 15th century. And innovation is still the most important aspect of IP for society and corporations. We as IP experts mainly talk about technical innovation. What we try is to protect innovative ideas - in the best case the whole business model to strengthen our employer or client in its competitive environment. Our competitors are acting similar and are also protecting their IP. As a consequence, IP experts also have to do freedom to operate analysis. Two big issues I would assume everybody here spends quite a lot of time with. It is really an important mission to achieve the best IPRs and to help the company or client to achieve compliance in the field of Intellectual Property.

However, does the race for the best IPRs and the efforts of engineers to design around existing patents help society to be more innovative? – Two times yes. Applying for a patent means publishing your know how. And forcing third parties with patents to offer alternative solutions for a technical problem provides more innovation. The alternative even might be the better solution for the customer. As a patent attorney for me intellectual property rights are important to foster innovation in a society. As an impulse for this evening I want to raise the question: Could IP experts even do more to foster innovation within organisations?

Most IP departments are not mere administrative units any more. They are not only sitting there and waiting for invention disclosures to arrive. There has been a transformation during the last decade. What usual IP departments do is to interact with R&D departments, to understand business models, to pull for invention disclosures, to show how patent law can be used to enhance the own position compared to the position of our competitor. Still this doesn't necessarily make our companies more innovative. In fact there are two reasons why it makes our competitors more innovative. We show our know how with patent applications and force them to think about alternative solutions.

I think IP experts should spend more of their time in thinking about what it means to be an inventor. Many times the IP guy is the first contact within the organisation for an inventor regarding his idea. A usual IP department would check the idea compared to the state of the art and often tell the inventor on behalf of the employer that his or her idea is not inventive due to the state of the art. Actually it does not really matter to the company that a similar idea was shown in the state of the art as long as the idea is valuable for the organisation. Of course for a patent attorney it matters due to the focus on patents. In the worst case the inventor loses his enthusiasm for his idea as already somebody had the same or mostly a similar idea. One thing we could do as IP experts is to start the discussion with the organisation why this idea is not used within the organisation even though it is not patentable at all.

Having new ideas in organisations sometimes is the same as having hard times. People do not like changes and here is the inventor who wants to change things. Inventor's ideas will fail often. That is just in the nature of things. As IP experts we can help the inventor to be heard by the organisation.

The IP department is in contact with the most innovative employees. This network is a valuable. A step to support inventors in being innovative is to not only to be their in-house counsel for their patents but also being advocate of their ideas whether the ideas are patentable or not.