



Planning local actions for intellectual property awareness and enforcement services

Summary of the results of Work Package 9
(module 1) of IPeuropAware project

Authors of the report

Éva Bakos
Hungarian Patent Office

Loretta Huszák
Hungarian Patent Office

IPeuropAware

In the context of the Lisbon goal of establishing a knowledge-based society, the IPeuropAware project aims to address EU industry needs in the area of IPR usage and enforcement issues, especially for SMEs and specific sectors of industry. The IPeuropAware project has a duration of 3 years, and began in November 2007.

The participation of 20 National Patent Offices boosts the Europe-wide perspective of the project. They provide a voice at a national level in at least 20 Member States with the ability to communicate directly with national governments, other national and regional actors, their members, individuals, businesses and the European Commission.

Disclaimer

This report has been produced as part of the IPeuropAware project, co-financed by the European Union. The views expressed in this study, as well as the information included in it, do not necessarily reflect the opinion or position of the European Commission and in no way commit the institution.

This report has been prepared by the Hungarian Patent Office (HPO). By compiling the national contribution of the IPeuropAware project partners regarding the SWOT and NEEDS analyses for more efficient IP awareness and enforcement with special regard to the National Patent Offices' activities and services, the authors of this study called on services of the Foundation for Hungarian Business Economic Research (Magyar Vállalatgazdasági Kutatásokért Alapítvány).

The data collection was completed on 30th June 2009.

The authors of the report would like to thank the colleagues of the Hungarian Patent Office, including Gábor Németh, András Haszonits and Péter Plette, for their support.

Peer-reviewed by: Jenő Kürtössy

Proofread by: Péter Káldos

IPeuropAware project is co-financed by the CIP Programme, DG Enterprise and Industry of the European Commission.



IPeuropAware

IPeuropAware project consortium

AUSTRIA

Austrian Patent Office (ÖPA)
Dresdnerstrasse 87
POB 95
A-1200 Vienna
Austria
+43 (1) 534 24 0
www.patentamt.at
info@patentamt.at

BULGARIA

Patent Office of the Republic of Bulgaria (BPO)
52b Dr G M Dimitrov Blvd
1040 Sofia
Bulgaria
+359 2 9701 302
www.bpo.bg
bpo@bpo.bg

CZECH REPUBLIC

Industrial Property Office of the Czech Republic (IPOCZ)
Antonina Cermaka 2a
160 68 Prague 6
Czech Republic
+420 220 383 111
www.upv.cz
posta@upv.cz

DENMARK

Danish Patent and Trade mark Office (DKPTO)
Helgeshoj Alle 81
2630 Taastrup
Denmark
+45 43 50 80 00
www.dkpto.org
pvs@dkpto.org

ESTONIA

Estonian Patent Library
Olevimaegi 8/10
10123 Tallinn
Estonia
+372 6411 474
www.patentlib.ee
sirje@patentlib.ee

The European Apparel
and Textile Organisation (EURATEX)
24, rue Montoyer – Box 10
B-1000 Brussels
Belgium
+32 2 285 48 80
www.euratex.org
info@euratex.org

FINLAND

National Board of Patents and Registration of Finland (NBPRH)
Arkadiankatu 6A
00100 Helsinki
Finland
+358 9 6939 500
www.prh.fi
registry@prh.fi

FRANCE

Institut National de la Propriete Industrielle (INPI)
26 bis rue de Saint Petersburg
75800 Paris Cedex 08
France
0820 210 211
www.inpi.fr
Contact@inpi.fr

Institut Europeen Entreprise et Propriete Intellectuelle (IEEPI)
Parc d'Innovation
Rue Jean-Dominique Cassini
67400 Illkirch-Graffenstaden
France
+33 3 88 65 50 29

GERMANY

German Patent and Trade Mark Office (DPMA)
ZweibruckenstraÙe 12
80331 Munchen
Germany
+49 89 2195-0
www.dpma.de
info@dpma.de

GREECE

Hellenic Industrial Property Organisation (OBI)
5 Pandanassis Street
151 25 Paradissos Amaroussiou
Greece
+30 210 6183500
www.obigr
info@obi.gr

HUNGARY

Hungarian Patent Office (HPO)
Industrial Property Information and Education Centre
1054 Garibaldi u. 2
Budapest
P.O.Box 552
H-1370
+36 1474 5561
www.hpo.hu
mszh@hpo.hu

ITALY

Ufficio Italiano Brevetti E Marchi (UIBM)
Via Molise 19
00187 Roma
+39 06 47055437
www.uibm.gov.it
callcenter@uibm.eu

Politecnico di Torino
Dipartimento Sistemi di Produzione ed Economia Dell'azienda
Corso Duca degli Abruzzi 24
10129 TORINO
Italy
+39 011 564 666
www.polito.it

Chamber of Commerce of Venice (CCV)
Special Projects Planning and Management
Via Forte Marghera n.151
30173 Mestre – Venezia
Italy
+39 041 786297
programmazione.comunitaria@ve.camcom.it

LUXEMBURG

Ministry of Economy and Foreign Trade
Intellectual Property Directorate
L-2914 Luxembourg
+352 247 4113
www.eco.public.lu
dpi@eco.etat.lu

Centre de Veille Technologique (CRP Henri Tudor)
29, avenue John F. Kennedy
L-1855 Luxembourg-Kirchberg
+352 42 59 91-1
www.veille.lu
www.brevet.lu
cvt@tudor.lu

Luxinnovation GIE - Luxinnovation
National Agency for Innovation and Research
7, rue Alcide de Gasperi
L-1615 Luxembourg-Kirchberg
+352 43 62 63 1
www.luxinnovation.lu
info@luxinnovation.lu

MALTA

Industrial Property Registrations Directorate
Commerce Division
Ministry of Finance, the Economy and Investment
Lascaris Bastions
Valletta – VLT 2000
Malta
+356 21 22 66 88
www.commerce.gov.mt
ipoffice@gov.mt

POLAND

The Patent Office of the Republic of Poland (UPRP)
Aleja Niepodleglosci 188/192 00-950
Warsaw
Poland
0048 22 5790 0000
www.uprp.pl
informacja@uprp.pl

PORTUGAL

Portuguese Institute of Industrial Property (INPI PT)
Campo das Cebolas
1149-035 Lisboa
Portugal
+351 21 881 81 00
www.inpi.pt
atm@inpi.pt

ROMANIA

State Office for Inventions and Trademarks (OSIM)
Ion Ghica Street
Sector 3
030044 Bucharest
Romania
+40 21 306 08 00
www.osim.ro
office@osim.ro

SPAIN

Oficina Espanola de Patentes y Marcas (OEPM)
Paseo de las Castellana, 75
28071 Madrid
Spain
+ 34 902 157 530
www.oepm.es
informacion@oepm.es

Fundacio Privada CETEMMSA (CETEMMSA)
Jaume Balmes 37–39
Mataro E08301
Spain
+34 93 741 91 00
cetemmsa@cetemmsa.com

SWEDEN

Swedish Patent and Registration Office (PRV)
PO Box 5055
SE-102 42
Stockholm
+46 8 782 25 00
www.prv.se
prv@prv.se

TURKEY

Turkish Patent Institute (TPE)
Hipodrom Cad No:115
06330 Yenimahalle-Ankara
Turkey
+90 312 303 10 00
www.turkpatent.gov.tr
info@tpe.gov.tr

UNITED KINGDOM

The Intellectual Property Office (UK-IPO)
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ
United Kingdom
08459 500 505
www.ipo.gov.uk
enquiries@ipo.gov.uk

University of Alicante (Co-ordinating Partner)(UA)
Project Management Office
IPR-Helpdesk
Campus de San Vicente
Postal Code 03080 – PO Box 99
Alicante
Spain
+34 965 90 97 18
www.ua.es
ipr-helpdesk@ua.es

Associates to the Project
Centro Tecnolico das Industrias Textil (CITEVE)
Cotance – The European Leather Association
UEA – European Furniture Manufactures Federation
Dr Roya Ghafele Independent Expert
Vilma Misiukoniene Independent Expert

Table of content

1. Introduction	12
2. Methodological approach	14
3. The changing role of NPOs regarding IP awareness and enforcement	17
4. National Innovation Strategies and IP Strategies in the light of the IPeuropAware project	19
4.1 General remarks on National Innovation Systems / Results of the country contributions	19
4.1.1 Is there any formalised national innovation strategy (NIS) for your country?	19
4.1.2 Is your NIS a separate policy document or part of a superior strategy one?	19
4.1.3 What is the time frame of your NIS?	20
4.1.4 What are the priorities of your NIS?	20
4.1.5 Does the NIS include an action plan/or establish operative tasks?	22
4.1.6 If and how often will the priorities included be reviewed and/or amended?	22
4.1.7 To what extent is the NIS focusing on SMEs?	22
4.1.8 Is there a separate part in your NIS for IP strategy?	22
4.1.9 What are the focal points of IP strategy?	22
4.1.10 Does your IP strategy concern SMEs, as well?	24
4.1.11 If your IP strategy concerns SMEs, which of the policies listed below are discussed in it?	24
4.2 National Innovation and IP-Strategies/Policies	24
United Kingdom	24
Finland	25
Germany	27
Italy	28
Luxemburg	30
Austria	30
Malta	31
Spain	31
Portugal	33
Greece	34
Turkey	34
Hungary	35
Estonia	36
Romania	36
Sweden	37
Poland	38
Bulgaria	38
Czech Republic	39
France	40
5. The success of IP strategies: SWOT analysis	43
5.1 Strengths	43
5.2 Weaknesses	44
5.3 Opportunities	45

5.4 Threats	47
6. NEEDS for more efficient IP awareness and enforcement with special regard to the National Patent Offices' activities and services	48
6.1 NEEDS based on countries' contribution to the IPeuropAware project	48
6.1.1 Providing relevant information and training for SMEs	49
6.1.2 Improvement of methods	50
6.1.3 Education, training	50
6.1.4 Coordination, cooperation	50
6.1.5 PR of IP	51
6.1.6 Lobbying	51
6.1.7 Research	51
6.2 NEEDS based on case studies	51
6.2.1 SIGNO (formerly INSTI SME Patent Action)	52
6.2.2 IP Pre-diagnosis	52
6.2.3 Serv.ip	52
6.2.4 IPscore@	53
6.2.5 Out-law.com	53
6.2.6 Think kit	53
6.2.7 IDEApilot project	53
6.3 NEEDS based on a survey: IP awareness of SMEs	54
6.4 Conclusions of NEEDS analyses	55
7. IP Awareness and Enforcement Services of NPOs – "Menu" –	57
7.1 Methodology of the "Menu"	57
7.2 Results of the "Menu"	58
7.2.1 Existing services	60
7.2.2 Services selected	65
7.3 Conclusion of the "Menu" and recommendations	66
8. Summary and Conclusions	70
9. References	74
10. Appendix	80
10.1 Tables of SWOT analyses	80
10.2 Tables of NEEDS	94
10.3 IP Awareness and Enforcement Services of NPOs – "Menu"	104

List of tables

<i>1. Table: Protection methods used by enterprises engaged in innovation activities as percentage of innovative enterprises by size</i>	<i>13</i>
<i>2. Table: Overview of the process of the methodological approach</i>	<i>14</i>
<i>3. Table: Breakdown of national filings – filed directly at the HPO from Hungary and from abroad – by titles of protection</i>	<i>18</i>
<i>4. Table: Time frame of NIS in the analysed countries</i>	<i>20</i>
<i>5. Table: NIS focusing on SMEs</i>	<i>22</i>
<i>6. Table: IP strategy as a part of NIS</i>	<i>22</i>
<i>7. Table: Focal points of IP strategy</i>	<i>22</i>
<i>8. Table: SME-related focus points in IP strategies</i>	<i>24</i>
<i>9. Table: Strengths of IP Policy</i>	<i>43</i>
<i>10. Table: Weaknesses of IP Policy</i>	<i>45</i>
<i>11. Table: Opportunities of IP Policy</i>	<i>46</i>
<i>12. Table: Threats of IP Policy</i>	<i>47</i>
<i>13. Table: NEEDS</i>	<i>48</i>
<i>14. Table: Why is IP protection unimportant?</i>	<i>54</i>
<i>15. Table: Where do you get information on the new developments affecting your activities?</i>	<i>54</i>
<i>16. Table: Have you ever enquired if a certain solution is already protected or not?</i>	<i>55</i>
<i>17. Table: Suggestions of firms as to the NEEDS of SMEs on IP information, services and education</i>	<i>55</i>
<i>18. Table: Competencies of NPO's</i>	<i>61</i>
<i>19. Table: Matrix of recommended integrated service packages</i>	<i>69</i>



List of Abbreviations

- ALICE** – Suggestions to strengthen patenting and licensing R&D (Sweden)
- APO** – Austrian Patent Office (Austria)
- ASAE** – Economic and Food Security Authority
- B2B** – Business to Business
- B2C** – Business to Consumer
- BTYK** – Supreme Council of Science and Technology (Turkey)
- CATI** – Computer Assisted Telephone Interviewing
- CEEC** – Central and Eastern European Countries
- CEIPAR** – Consolidation of Innovative Enterprises in Technological Parks (Spain)
- CETMOS** – Central European Trade Mark Observation Service
- CNAC** – Comité National Anti-Contrefaçon (France)
- CoE** – Centre for Expertise Programme (Finland)
- COTRA** – Negotiations with China and the USA
- CPUB** – Patents Centre of the University of Barcelona (Spain)
- CSIC** – Spanish National Research Council (Consejo Superior de Investigaciones Científicas)
- CYTED** – Ciencia y Tecnología para el Desarrollo (Spain)
- DIUS** – Department for Innovation, Universities and Skills (United Kingdom)
- DKPTO** – Danish Patent and Trademark Office (Denmark)
- DPI** – Direction de la Propriété Intellectuelle (Luxemburg)
- DTI** – Department of Trade and Industry (United Kingdom)
- EC** – European Community
- EEN** – Enterprise Europe Network
- eMage** – Search engine and databank for Trademarks and Industrial Designs
- eMARKS** – international project, co-financed by the EU
- ENCYT** – National Strategy of Science and Technology (Spain)
- EOI** – European Ombudsman Institute
- EPC** – European Patent Convention
- EPN** – European Patent Network
- EPO** – European Patent Organisation
- ESPA** – Operational Programmes of the National Strategic Reference Framework (Greece)
- EUREKA** – European Research Cooperation Agency
- FAS** – Council for Working Life and Social Research (Sweden)
- GDP** – Gross Domestic Product
- GNR** – National Republican Guard
- HEZARFEN** – Project of the Turkish Patent Institute
- HPO** – Hungarian Patent Office (Hungary)
- INPI** – Institut National de la Propriété industrielle (French Patent Office)
- INPI** – Portuguese Institute of Industrial Property (Portugal)
- INSTI** – INnovation STimulation
- IP** – Intellectual Property
- IP4INNO** – Intellectual Property for Innovation
- IPR** – Intellectual Property Rights
- IPS** – Intellectual Property Strategy
- ISO** – International Organisation for Standardisation
- IT** – Information Technology
- LSE** – Large Scale Enterprises
- MBA** – Master of Business Administration
- MEAC** – Ministry of Economic Affairs and Communications (Estonia)
- MER** – Ministry of Education and Research (Estonia)
- MITYC's DGPYME** – Ministry of Industry, General Directorate for SMEs (Spain)
- NBAC** - National Board Against Counterfeiting (Hungary)
- NGO** – Non-governmental organisation
- NIP** – National Innovation Policy
- NIS** – National Innovation Strategy
- NPD** – New Product Development
- NPO** – National Patent Office
- OBI** – Hellenic Industrial Property Organisation (Greece)
- OEPM** – Spanish Patents and Trademarks Office (Spain)
- OHIM** – Office of Harmonisation in the International Market
- OSEO** – Special Institute dedicated to the SMEs (France)
- OSIM** – State Office for Inventions and Trademarks (Romania)
- OTRI** – Office for the Transfer of R&D Results (Spain)
- PATLIB Centres** – Patent Information Centres
- PCT** – Patent Cooperation Treaty
- PR** – Public Relations
- PRV** – Swedish Patent and Registration Office (Sweden)
- R&D** – Research and Development
- R&I** – Research and Innovation

RDI –Research, Development, Innovation
RDT –Réseaux de développement technologique
(France)
RTD – Research and Technology Development
RTDI – Research & Technological Development
& Innovation
S&T – Science & Technology
SABIP – Strategic Advisory Board for IP Policy
(United Kingdom)
SIGNO – Schutz von Ideen für die bewerbliche
Nutzung (Germany)
SME – Small and Medium Enterprise
STI – Science, Technology and Innovation Policy
SWOT – Strengths, Weaknesses, Opportunities, Threats
T&E Centres – The Employment and Economic
Development Centres
TEKES – National Technology Agency (Finland)
TMview – OHIM’s search engine and databank,
formerly EuroRegister
TPI – Turkish Patent Institute (Turkey)
TRIPS – Agreement on Trade-Related Aspects of
Intellectual Property Rights
UA – Universidad de Alicante (Spain)
UB – University of Barcelona (Spain)
UIBM – Italian Patent and Trademark Office (Italy)
UIMP – Universidad Internacional Menéndez
Pelayo (Spain)
UK IPO – United Kingdom Intellectual Property Office
(United Kingdom)
UPM – Polytechnic University of Madrid (Spain)
USPTO – United States Patent and Trademark Office
(United States of America)
VINNOVA – Swedish Governmental Agency for
Innovation Systems (Sweden)
WIPO – World Intellectual Property Organisation
WP – Work Package

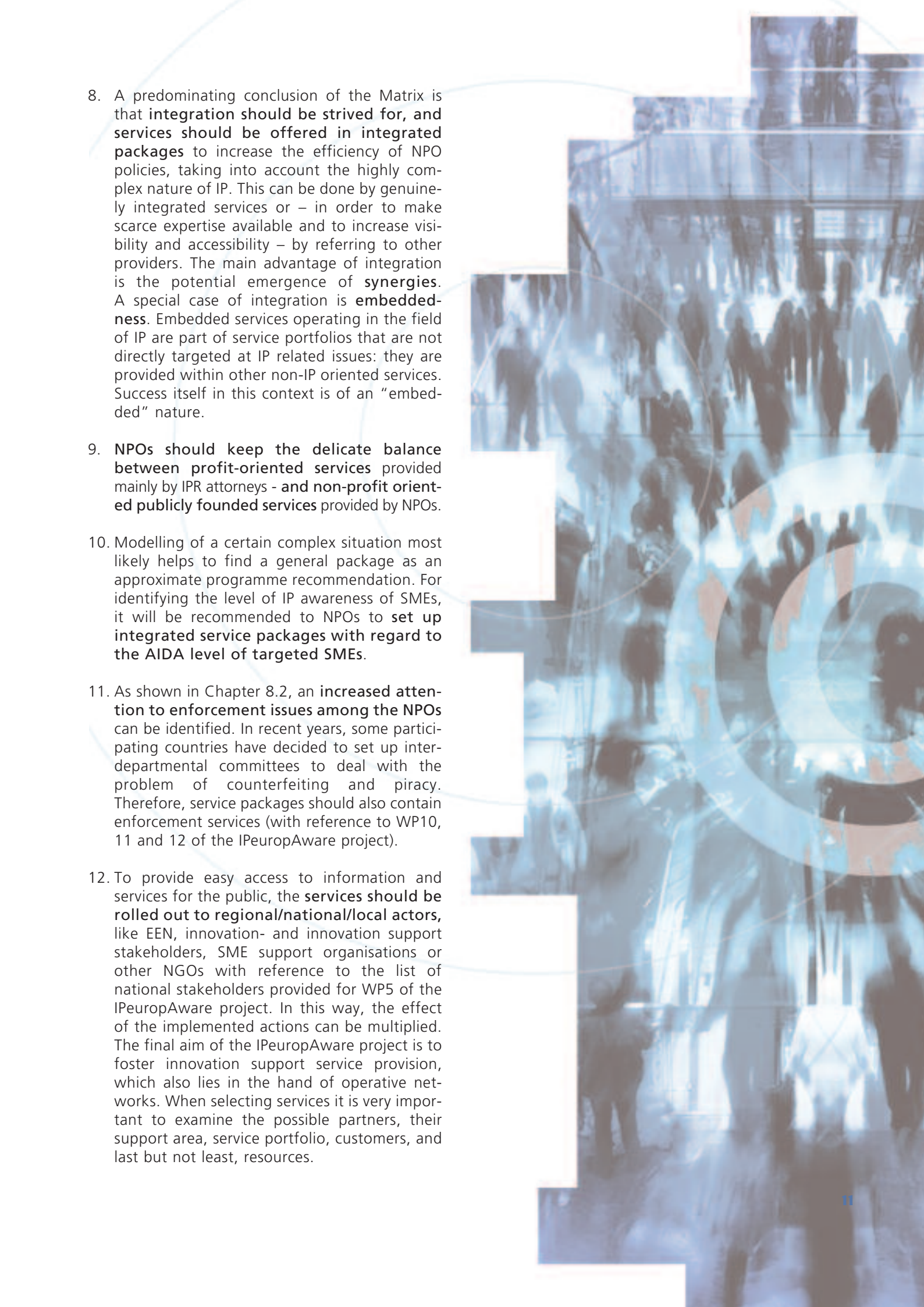
Key messages

The main aim of the present study is to identify and evaluate the participating Member States' innovation strategies with special regard to the IP awareness level and enforcement practice of SMEs. Part of this aim is to analyse the existing services of NPOs in the 20 partner countries in order to recommend them new awareness raising and enforcement related services. Through the preparation of the study we identified the following key messages:

1. The first main lesson is that **a national IP support or innovation strategy is recommended even if a wide scale of services with high efficiency is already offered for enterprises.**¹ Such a national IP/innovation strategy identifies the goals and objectives, sets timetables and frameworks for the cooperation of the innovation-support organisations and entities. The action plan, connected to such strategy, outlines the responsibilities and financial capabilities of all institutions that contribute to the innovation system. In particular, the national IP/innovation strategy defines the role of participating institutions regarding innovation support and IPR and their fields of action. This can lead to synergies and better utilisation of resources in the interest of the defined goals. In accordance with this issue, national IP awareness and enforcement strategies and policies in the participating countries with special regard to IP awareness level and enforcement practice of SMEs were identified. Chapter 4 contains an analysis of the landscape of national innovation strategies and IP policies.
2. By monitoring the national innovation strategies with special regard to IP awareness level and enforcement practice of SMEs, **a wide institutional complexity** could be identified in most participating countries. This institutional complexity is broadly referred to as a problem of innovation support systems and – in more general – of the regulatory system as a whole.
3. The “NEEDS identified” chapter provides proposals regarding the changing role of NPOs. The summary of identified needs points to the predominance of information, and training with co-ordination ranking second. Also, the general picture of the needs of SMEs for support services as outlined by WP1 identified that **there is a significant need among SMEs for more knowledge on IP rights and how to**
4. **apply them.** However, awareness of intangible assets and knowledge of protecting them are also needed.² These conclusions will be supplemented with the recommendation for a stronger political presence of NPOs in a form of lobbying, coordinating, and mediating.
5. The existing services of the NPOs in the 20 partner countries were analysed separately in order to **recommend new awareness raising and enforcement related services**, reflecting the diverse strategic priorities, operation environments, development levels, socio-economic needs of Member States and scope of partner NPOs. As a result, Chapter 7 comprises a table with recommended integrated service packages, built on partner NPOs' best practice examples and experiences. On the basis of this recommendation, it is possible to set up country specific tailor-made packages according to the local strategic policy environment.
6. Despite the large number of services provided by NPOs, **different competencies in the field of the IP awareness and enforcement support issues** can be identified among these organisations. The most conspicuous illustration for this fact is that not all national NPOs are involved in enforcement support issues. However, the NPOs are focussing increasing attention to raising awareness of enforcement issues.
7. Due to NPOs' competencies they conduct less enforcement activities than awareness raising services. However, within the scope of enforcement support they focus also on **organising seminars, workshops etc. on enforcement issues** preferably with judges or other employees of public prosecutor's offices. Many NPOs have already developed and provide actual **B2B (Business to Business) and B2C (Business to Customer) services**, such as web-based search engines helping the fight against counterfeiting. Another quite widely provided service is a **specific website dedicated to IP enforcement issues**.
8. By compiling the recommendations regarding new services (Matrix) it had to be taken into account that there is **no single solution for “best practice”**. Rather, each partner should work out a flexible service package taking into consideration the national IP strategy and/or innovation policy with regard to the IP information or management needs of SMEs.

¹ This key message is in accordance with the findings of the KMU-Forschung Austria team. See: Radauer, A. et al. (2008): SME-IP 1st Review Support Services in the Field of Intellectual Property Rights (IPR) for SMEs in Switzerland. A review. IGE-Technopolis. Bern, p. 77.

² Kjaer, K. (2008): Report on gap analysis. Unpublished project material, IPEuropAware project, WP1, edited by Danish Patent and Trademark Office. Copenhagen, p. 19.

- 
8. A predominating conclusion of the Matrix is that **integration should be strived for, and services should be offered in integrated packages** to increase the efficiency of NPO policies, taking into account the highly complex nature of IP. This can be done by genuinely integrated services or – in order to make scarce expertise available and to increase visibility and accessibility – by referring to other providers. The main advantage of integration is the potential emergence of **synergies**. A special case of integration is **embeddedness**. Embedded services operating in the field of IP are part of service portfolios that are not directly targeted at IP related issues: they are provided within other non-IP oriented services. Success itself in this context is of an “embedded” nature.
 9. **NPOs should keep the delicate balance between profit-oriented services** provided mainly by IPR attorneys - **and non-profit oriented publicly founded services** provided by NPOs.
 10. Modelling of a certain complex situation most likely helps to find a general package as an approximate programme recommendation. For identifying the level of IP awareness of SMEs, it will be recommended to NPOs to **set up integrated service packages with regard to the AIDA level of targeted SMEs**.
 11. As shown in Chapter 8.2, an **increased attention to enforcement issues among the NPOs** can be identified. In recent years, some participating countries have decided to set up inter-departmental committees to deal with the problem of counterfeiting and piracy. Therefore, service packages should also contain enforcement services (with reference to WP10, 11 and 12 of the IPeuropAware project).
 12. To provide easy access to information and services for the public, the **services should be rolled out to regional/national/local actors**, like EEN, innovation- and innovation support stakeholders, SME support organisations or other NGOs with reference to the list of national stakeholders provided for WP5 of the IPeuropAware project. In this way, the effect of the implemented actions can be multiplied. The final aim of the IPeuropAware project is to foster innovation support service provision, which also lies in the hand of operative networks. When selecting services it is very important to examine the possible partners, their support area, service portfolio, customers, and last but not least, resources.

1. Introduction

European Commission research indicates that small and medium enterprises (SMEs) consistently report less use of formal Intellectual Property (IP) and non-formal appropriation methods than large firms in each country (see Table 1).³ Many companies often still do not fully exploit the existing possibilities for protecting their intellectual property. SMEs are often not aware of how best to use their patent rights to protect and exploit their inventions. There are indications that SMEs do not patent or use other intellectual property rights either because of the lack of quality assistance, the high cost of patenting or some other reasons. There is general agreement that an intellectual property strategy and/or innovation policy for Europe and the individual countries of the European Union must, therefore, include awareness raising activities, highlighting the advantages and benefits of the industrial property system, in particular for SMEs.

A comparison with large-scale enterprises (LSEs) shows, however, that simultaneously with the existence of several weaknesses on the resource side (funding, technical opportunities, lobby potential, etc.), SMEs have certain advantages in terms of flexibility and adaptability. An additional characteristic to be considered is that coming from the relatively under-formalised nature of research and development (R&D) in the SME sector, the protection of IP tends to rely here, to a relatively greater extent, on informal instruments.

The focussing of Work Package 9 of the IPeuropAware project on SMEs is explained by the distinguished role in innovation of this sector. The fact that SMEs often do not take full advantage of opportunities to exploit industrial property tools is undesirable. This highlights the **need for prompt actions in cases where there is lack of awareness or support.**

Another explanation for a strong focus on the SMEs is the existence in several countries of an extremely strong contrast between LSEs and SMEs with regard primarily to productivity trends and exportability. The relative lagging of SMEs does not allow the sufficient exploitation of their potential in employment and innovation. Consequently the support they need exceeds the average and international experience seems of upmost importance in this respect. The growing role of services in globalisation is one more reason to justify this increased interest with regard to the greater weight of SMEs in this field.

The above reasoning was intended to explain our preferences when dealing with the subject: awareness and enforcement of IPR, with special regard to SMEs.

Based on the national contributions of 20 participating countries this present summary of IPeuropAware project WP9 is intended to:

- identify national innovation strategies with special regard to IP awareness level and enforcement practice of SMEs;
- present the strengths, weaknesses, opportunities and threats of IP policy (based on SWOT analyses);
- monitor the conditions under which IP awareness and enforcement policies can efficiently prevail with regard to the changes in the role of National Patent Offices (NPOs) aimed at supporting these policies (NEEDS analyses) and
- analyse the existing services of the NPOs in the 20 partner countries separately in order to recommend new awareness raising and enforcement related services, reflecting the diverse strategic priorities, operation environments, development levels, socio-economic needs of Member States and scope of partner NPOs.

The structure of the study follows these research aims by using top-down and bottom-up research methods. After the introduction, Chapter 2 provides an overview on the methodological approaches used during the comparative analyses. Chapter 3 focuses on the changing role of the NPOs in IP awareness, enforcement and innovation support. Chapter 4 contains an analysis of the landscape of national innovation strategies and IP policies. The aim of this chapter is to provide a systematic overview of the innovation strategies of the participating countries, their structure and focus points and the position of IP policy within them. Chapter 5 evaluates the success of IP strategies in the light of national SWOT analyses, followed by the analysis of "NEEDS" for more efficient IP awareness and enforcement with special regard to the NPOs' activities and services. Chapter 7 lists and recommends sustainable good practice services related to IP awareness and enforcement for the NPOs. As a result of the analytical work, the IPeuropAware project can provide so called Solution Package. Recommendations to tackle different awareness raising and enforce-

³ European Commission (2007): Communication from the Commission to the European Parliament and the Council. Enhancing the Patent System in Europe. COM(2007) 165 final. Brussels, p. 10.

so called Solution Package. Recommendations to tackle different awareness raising and enforcement related goals. These recommendations reflect the diverse strategic priorities, operation environments, development levels and socio-economic needs of Member States and scope of partner NPOs, while always keeping in mind the needs of SMEs in the field of IP that intend to improve their performance and competitiveness.

In the course of analysing national contributions made in the framework of the project we also relied on related literature, itemised in the list of references, to the authors to whom we feel indebted.



Country	Patent application			Trademark registration			Industrial design registration			Claimed copyright		
	10-49	50-249	250-	10-49	50-249	250-	10-49	50-249	250-	10-49	50-249	250-
	Employees			Employees			Employees			Employees		
Bulgaria	5.8	6.9	23.0	14.5	20.9	41.4	5.1	6.5	20.4	3.7	2.7	9.4
Czech Republic	2.9	6.9	13.7	6.1	9.5	14.6	17.9	24.5	27.7	5.0	2.4	5.4
Denmark	14.6	28.5	40.9	22.5	26.8	45.1	8.1	12.9	17.3	7.5	12.1	22.1
Estonia	5.0	5.3	15.4	1.6	2.4	6.9	15.4	25.0	37.2	2.3	4.0	6.4
Finland	12.9	20.7	49.5	14.6	24.5	45.1	7.7	10.9	19.6	2.0	1.1	8.2
France	15.6	30.1	48.3	28.2	38.9	56.3	15.9	20.6	30.6	8.7	9.6	16.4
Germany	12.7	28.0	48.9	13.4	25.7	39.7	11.6	25.3	41.3	6.1	9.8	16.0
Greece	2.6	4.3	5.5	4.9	8.7	3.2	22.8	32.4	32.8	7.8	13.9	10.1
Hungary	5.7	6.0	12.0	4.3	5.7	5.9	6.6	12.7	18.9	2.1	1.1	2.5
Italy	9.8	24.3	39.8	5.2	13.9	21.6	12.5	26.3	36.6	1.8	2.6	7.6
Luxemburg	5.6	7.9	39.8	5.4	14.0	25.6	16.0	23.1	55.2	12.7	11.2	13.3
Malta	6.3	10.7	20.0	6.3	-	-	-	-	-	-	-	-
Poland	2.9	6.3	11.0	16.8	18.7	29.0	8.0	10.9	15.5	6.8	5.4	10.4
Portugal	5.5	10.5	11.6	15.7	27.2	29.9	3.6	5.2	9.7	2.7	4.4	7.5
Romania	6.1	6.3	11.2	4.4	8.8	15.9	12.9	20.6	26.3	2.3	4.6	5.1
Spain	9.9	17.1	24.6	19.6	27.9	28.7	8.9	14.9	15.1	1.3	3.2	4.0

1. Table: Protection methods used by enterprises engaged in innovation activities as percentage of innovative enterprises by size

Source: Eurostat – Community Innovation Survey, 2004.

2. Methodological approach

The aim of this chapter is to describe the process of how the study was carried out. It discusses how qualitative data were collected, analysed and used for research purposes.

Methodological steps

1.	Elaboration of the guideline of the research and communication to partners
2.	First evaluation of the country reports
3.	Completion of questionnaire with additional questions on IP strategies
4.	Shortening of the country studies
5.	Evaluation of the answers received to the questionnaire
6.	Investigation of the related literature
7.	Compilation of the IP Awareness and Enforcement Services of NPOs
8.	Summary of the main findings and conclusion

2. Table: Overview of the process of the methodological approach

Step 1 – Elaboration of the guideline for preparing the national contributions

The first task was to make a guideline for the 20 countries participating in the research in order to receive country data. It was created and distributed to the partners during the Kick-off meeting for WP9 of IPeuropAware project, on 11–12 of March 2008, in Budapest. The guideline was intended to give appropriate instructions in order to analyse and evaluate each country's contributions and to serve as a basis for an international comparison, based on qualitative research methods.

Two questions of the guideline were related to the national innovation strategy and innovation support system as a framework of the national intellectual property strategy/policy. The most essential question was whether there is any kind of national IP policy/strategy as a separate document – white book –, or if there is a separate part dedicated to IP within the national innovation strategy, within the 20 countries participating in the project. The second question in this panel was linked to the changing role of the NPOs and their expanding services to assist IP awareness raising and enforcement support policies.

The guideline for the country reports was as follows:

1. Map of the structure of the national innovation support system

2. Is there a national strategy based on an analysis? (Provide details about this analysis if positive)
3. National IP Policy/Strategy
 - 3.1 IP Awareness Policy/Strategy
 - 3.2 IP Enforcement Policy/Strategy
4. Main conclusions of the success of the strategy:
 - 4.1 Strengths
 - 4.2 Weaknesses
 - 4.3 Opportunities
 - 4.4 Threats
 - 4.5 Framework (actors involved, etc)
 - 4.6 Challenges
 - 4.7 Objectives
 - 4.8 Timeframe
5. NEEDS identified (AIDA)
6. Documents used (sources, titles, authors, etc.)

Step 2 – First evaluation of the country reports

The submitted country studies showed considerable variations in depth and elaboration. As a consequence, comparison of these studies proved to be extremely challenging, due to the uneven level and size of the country reports. Though most country studies were useful, some were not relevant for our purpose. Several participants chose to give references to literature instead of specific answers. Moreover, while summarising country reports our work was constrained by long delays of certain countries' contributions.

As to question 1 of the guideline: most participants also provided a map of the structure of national innovation support systems. Our hypotheses were confirmed: the maps were complex and showed diversity by country. The high (in some cases alarmingly high) number and diversity of both public and private institutions in the innovation support system made it impracticable to make a comparison between countries. The innovation support systems are even more complex and detailed in countries where regional innovation systems play an important role (e.g. in France).

In the answers provided to questions 2 and 3, national innovation strategies (NIS) and intellectual property strategies (IPS), were quite deficient and unfeasible for a meaningful comparison. Respondents failed to mention priorities of NIS,

and yielded rather scarce information on IPS. As to whether the SME sector is mentioned at all in NIS and IPS, and if yes, what particular measures are taken to increase IP awareness and the enforcement of SMEs, was almost completely missing from the submitted country reports. This fact convinced us that we have to repeat the questions concerning the SMEs in the NIS and IP strategies.

The fourth question referred to the strengths, weaknesses, opportunities and threats of IP policy (based on a SWOT analysis). In this case answers were relatively unproblematic to evaluate and compare. When making the comparison, some technical challenges had to be solved that derived from our preference of not having formalised the answer choices, since some interesting and informative variations of the answers would have necessarily been lost otherwise. As a consequence, we received quite a number of rather different answers. The essential elements of these answers had to be singled out and re-grouped (for relevant details of this process see Annex).

The aim of the fifth question in the guideline was to identify the conditions under which IP awareness and enforcement policies can efficiently prevail with regard to the changing role of NPOs aimed at supporting these policies. Concerning "NEEDS Identified", relevant answers were received and proposals regarding the changing role of NPOs could be drafted. Our purpose was to summarise and illustrate best practices. However, because of specific conditions of the countries this intention proved to be difficult to achieve. Nevertheless, becoming familiar with the practice and variety of services of other NPOs can be useful for countries participating in the project. The role of NPOs as service providers for SMEs (in question 5) was the focus of our interest, but most of the reports avoided giving an answer to this question. As a result of this step, a summarised list was assembled (see Annex).

Step 3 – Additional questionnaire on IP strategies

In order to achieve a higher consistency when comparing national innovation and IP strategies of the 20 countries participating in the project – as the second round of our research –, we decided to send a new, complementary questionnaire, as follows:

1. Is there any formalised national innovation strategy (NIS) for your country? If yes, please list the title of the document(s) and the relevant Internet links.

2. Is your NIS a separate policy document or part of a superior strategy document?
3. What is the time frame for your NIS (e.g. 2007-2012)?
4. What are the priorities of your NIS?
5. Does the NIS include an action plan/or establish operative tasks (e.g. certain measurements, action lines indicating the institutions/persons in charge of implementation with institutions responsible, deadlines etc.)?
6. Will the priorities included be reviewed and/or amended regularly, ad hoc, or not at all?
7. To what extent is the NIS focusing on SMEs (i.e. are SMEs as target groups particularly mentioned in the strategy etc.)?
8. Is there a separate part in your NIS for IP strategy? Which are the focus points?
9. Does your IP strategy concern SMEs, as well?
10. If your IP strategy concerns SMEs, which of the policies listed below are discussed in it?
 - A: Facilitating SMEs' knowledge about and access to IP protection.
 - B: Improving the access of SMEs to dispute resolution procedures.
 - C: Quality support for SMEs on management of IPRs, tailored to their individual needs?
11. National Patent Offices (NPOs) have different competencies in the field of IP enforcement support issues. In recent years several countries have decided to set up coordinative forums with the participation of public bodies/NGOs/enterprises to deal with the problem of counterfeiting and piracy. Such national entities are for example the Comité National Anti-contrefaçon (CNAC) in France and the IP Crime Group in the UK. Please confirm whether such entity responsible for inter alia promoting, co-ordinating and monitoring IPR enforcement, working with the police and customs authorities and ensuring an efficient exchange of information between the different agencies etc. exists in your country. If yes, please describe briefly in what way your NPO is involved in the work of this entity.

Step 4 – Shortening the country papers

Although many of the country studies submitted were inadequate and deficient regarding most of the aspects set out in the research objectives, they did contain a lot of valuable information. In order to preserve this information, the WP9 team elaborated a shortened version of each country study and sent it back to the partners for approval and revision, if needed.

Step 5 – Evaluation of the answers received to the additional questionnaire

Most countries answered the questionnaire on time and in appropriate depth, and their answers were appropriate for a comparison and an in-depth evaluation. The way questions were formulated contributed to this to a great extent. For example, in Question 10 (If your IP strategy concerns SMEs, which of the policies listed below are discussed in it?) we asked whether they adopted the European Commission's recommendations toward innovation support for SMEs, and listed the possibilities.⁴ This questionnaire was concise, to the point, answers could be summarised in 2-3 pages. Answers given to Question 11 on the problem of counterfeiting and piracy are especially noteworthy due to original, novel approaches.

Step 6 – Investigation of related literature

Besides the Guideline and the complementary questionnaire, in the course of analysing national contributions made in the framework of the project, we also relied on related literature, primarily on the Austrian Benchmarking Study and the Gowers Review, and also some other studies (elaborated by the request of the European Commission, among others). For more detail about these studies see References.

Step 7 – Compilation of the IP Awareness and Enforcement Services of NPOs ("Menu")

Chapter 8 of the study contains a collection of IP Awareness and Enforcement Services of NPOs ("Menu"). The aim of this part of the study is to list the existing services of the National Patent Offices in the 20 participating countries in order to recommend new activities for the partner NPOs. Menu is the name we gave to this collection of best practices. This compilation contains 17 proven recommendations from 20 countries for the development of IP awareness and enforcement services. It demonstrates the practical ways in which National Intellectual/Industrial Property

Offices are working to promote IPR rights and innovation and provide support to enforcement.

By compiling the Menu with existing and recommended new services we applied a specific methodology. This methodology will be described in detail in Chapter 7.1.

Step 8 – Summary of the main findings and conclusion



3. The changing role of NPOs regarding IP awareness and enforcement

The need for local expertise in the globalised world is greater than ever before. In 2003 the European Patent Organisation (EPO) carried out a survey of patent information in the Member States.⁵ One important result of the survey was that companies expect their first contact for questions about patent information to be their national patent office. If users see national offices as their first contact for support on patent information matters, they will also see them as the place to express their views and needs. So, the national patent offices automatically have important knowledge about users' wishes.

However, in the last years the number of national filings has steadily been decreasing in all Member States.⁶ Table 3 shows the breakdown of Hungarian national filings.

In general, it can be stated that large multinational companies with sizable and internationalised R&D activities and large patent portfolios have increased the internationalisation of their patenting work and application procedures. This has led, all other things being equal, to a decline in the number of patent applications received by national patent offices of smaller countries that have a high number of large multinational companies, such as Hungary or Sweden.⁷ The statistics also show that the decline in national filings has taken place simultaneously with a steady rise in filings in the USA, Japan and at the EPO. Furthermore, the decline in the number of patent filings in Sweden can clearly be related to the striking drop of the electronics sector between 2000 and 2004. This phenomenon shows that the patenting frequency of companies is sensitive to business cycles. It would, however, be misleading to assume that the responsibilities of NPOs have been reduced.

The EPO Programme Committee chose the PATLIB2006 Conference slogan – “PATLIBs serving innovation”. Following this slogan, they have put together a programme focussing on “creating new services beyond the traditional scope and thus attracting and gaining new customers”. The message is: NPOs should start thinking of creating and marketing value added and customer-related services as well as retaining their present activities in order to make patent information more valuable and to attract new customers.

In accordance with the objectives of the Madrid declaration, the EPO entered into bilateral discussions with each member state. These discussions are intended to bring together the variety of options to strengthen and broaden the activities and services of national patent offices also with regard to their co-operation with EPO.⁸ The three pillars of the new co-operation policy are as follows:

- **utilisation.** The first pillar, “utilisation”, is a review of the work done by any of the patent offices in the EPO. This pillar looks at the possibilities of utilising this work by other NPOs as well as by the EPO's user support;
- **user support,** will use the opportunities presented by the European Patent Network (EPN) to put in place services that are close to recipients. This means that the responsibilities for carrying out of “standard” and “special” searches belong to the NPOs;
- **partnership.** The third pillar is a proposal to exploit existing expertise, competence and infrastructure to maximise the benefit for industry in Europe through harmonising national practices, long-term training, the utilisation of databases and tools, and the building of patent awareness throughout society. The availability of patent information and of the necessary local expertise of SMEs' support is to be established in this framework. The aim of the proposal for partnership is to strengthen the role of PATLIB centres.

The new co-operation policy between the EPO and its Member States aims to improve the contribution of the patent system to the innovation capacity and economic development of Member States. The policy relies on the creation of **synergies** through a Europe-wide transfer of knowledge, skills and expertise. In the past, co-operation was focussed on patent information and on relevant training activities. The new partnership approach is expected to extend co-operation to **other areas** promoting the best use of common resources.

Within the partnership framework, the co-operation activities of the EPO will focus on supporting Member States to maintain their national expertise. Increased attention is to be paid by EPO to the countries in which utilisation of the patent sys-

⁵ The survey was based on about 2 000 telephone interviews. The survey told us that companies in Europe want patent information for technology watch purposes, for competitor watch, and alerting services, and that they want to retrieve their patent information via the Internet. It showed that patent information was not well used among SMEs in Europe, but that when SMEs were made aware of patent information, they found its possibilities very attractive (Usage Profiles of Patent Information Among Current and Potential Users).

⁶ Georg von Graevenitz és Dietmar Harhoff, WIPO study

⁷ Granstrand, O. (2006): Patents and innovations for growth and welfare. Summary and recommendations of a government policy study. Report No 1.

⁸ Edfjäll, C. (2006): The role of PATLIBs in the strategy of the EPO. Speech held on the PATLIB2006 conference in Prague, 22. May 2006. p. 9.

tem in the innovation process is still in development. Co-operation may also include activities like the **exchange of best practices** among NPOs and other institutions working on patent related matters, and the co-ordination of various innovation support activities throughout Europe.⁹

In 2008, the European Commission published the Communication "An industrial property rights strategy for Europe".¹⁰ The subject of the document is **developing a horizontal and integrated strategy across the spectrum of industrial property rights**. The Communication encourages Member States to raise awareness of intellectual asset management for all businesses and stakeholders, including SMEs. Consequently, the Commission's intention is in line with EPO's above mentioned new co-operation policy.



Titles of protection	2002	2003	2004	2005	2006	2007	2007 (2002 = 100%)
Patents	5096	4810	2657	1275	924	791	15,5
Designs	444	390	371	262	260	209	47,1
Utility models	351	316	296	268	285	221	63,0
Trademarks	5944	5677	5119	4174	4237	4246	71,4
Geographical indications	2	6	5	0	1	1	
Plant variety protection	0	85	58	19	62	24	
SPC	0	0	84	21	15	9	
Total	12647	11284	8590	6019	5784	5501	43,5

3. Table: Breakdown of national filings – filed directly at the HPO from Hungary and from abroad – by titles of protection

Source: Hungarian Patent Office Annual Report, 2002 – 2007.

Note: Geographical indications, plant variety protection and SPC are excluded from the comparison.

⁹ EPO (2006): New Cooperation Policy between the EPO and its Member States. Munich.

¹⁰ European Commission (2008): An Industrial Property Rights Strategy for Europe. Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee. COM (2008) 465/3. Brussels.

4. National Innovation Strategies and IP Strategies in the light of the IPeuropAware project

Even a cursory review of national contributions allows the generalisation that the presentation of strategies, of IPR related activities and of the actions planned is embracing a much wider circle of questions than originally planned. This can be explained by the fact that not only NPOs but also other national institutions play an important role in raising IP awareness and enforcement.

Irrespective of their level of development, participating countries have unanimously been considering innovation to be indispensable in the improvement of their competitiveness. Most participants have provided a structural map of National Innovation Support Systems. Maps are pointing at a high (in some cases alarmingly high) number and diversity of both public and private institutions in the field. Structural differences, the differing sizes of the national economies involved and a number of other contextual problems do not allow any usable comparison of national systems. Even within individual countries, regional differences may prevail to an extent that makes the comparison of innovation support sub-systems impossible (see Germany, France or Spain).

In the countries where National Innovation Strategies (NIS) exist (17 out of the 20 project participant countries), they generally include sections specifically focussing on IP awareness and enforcement. It is commonly agreed that these strategies should be primarily focussed on the SME sector as, compared to larger companies, these organisations are less developed regarding innovation. Also agreed is the fact that this lower level of innovation is a consequence of SMEs' low level of IP awareness and enforcement.

The high level of similarity between strategies in their formalised dimension is, however, covering strong differences. Opinions on the practices and policies to be adopted to protect IP and creativity may strongly differ.

4.1

General remarks on National Innovation Systems / Results of the country contributions

In the first phase of work in WP9 of the IPeuropAware project, we had limited success in collecting relevant information from the partner countries regarding their National Innovation Systems. That was the starting point which prompted us to elaborate a questionnaire with 11 additional questions – as described in the methodological part of the study. Despite mainly contextual problems and the moderate level of consistency, we believe that the received and evaluated answers outline the landscape of European strategies on innovation and IP policies.

4.1.1

Is there any formalised national innovation strategy (NIS) for your country?

The overwhelming majority of partners in the project – 17 out of the 20 – have a National Innovation Strategy. Of the remaining three countries, Denmark is to complete its NIS this year, while Sweden by 2010 (when the new NIS will most probably become valid). France is working on its new NIS for the end of 2009 using a plurality of existing national laws and a number of existing regional and/or national existing institutions. The importance of the regional aspect of innovation is increasingly recognised in other countries, as well. This trend is necessarily more apparent in larger countries (like in Germany, Spain) but smaller countries (Sweden, Denmark and Finland) are not an exception, either.

4.1.2

Is your NIS a separate policy document or part of a superior strategy one?

In 8 of the participating countries, a national innovation strategy is an integral part of national development strategies and does not assume the form of a separate document. They include France, Italy, Luxemburg, Spain, Portugal, Turkey and Romania.¹¹ The United Kingdom, Denmark (from 2009), Sweden (new NIS expected in 2010), Finland, Austria, Malta and the 5 Central and

¹¹ It is important to note that a national innovation strategy as an integral part of national development strategies does not exclude the existence of a specific separate document. For example, the German "High Tech Strategy für Deutschland" of the BMBF was published in 2006. The German National Innovation Strategy is a part of this document, but constitutes an individual part and can be downloaded as separate document.

Eastern European countries (Bulgaria, Hungary, the Czech Republic, Poland and Estonia) have completed or are in the process of completing their national innovation strategies as separate policy documents.

The fact whether the NIS is part of national development strategies or comprises an independent document does not necessarily have a qualitative dimension. It should be seen, however, that the independent formulation of the NIS – as it is – in the smaller innovative economies of Europe – like Denmark, Finland or Austria – is adding an emphasis to the importance of the field. It can be assumed with reason, however, that the countries that are lagging behind in innovation – typically the ones joining the European Union in 2004 and in 2006 – have similar motivation when they establish their NIS in the form of a separate document. These countries would like to speed up the process of catching up. It should be added that these initiatives are strongly encouraged by Brussels, too.

4.1.3 What is the time frame of your NIS?

The time-horizon of national innovation strategies is a 3-14 year period, with the latter value being a sole exception (in the case of Bulgaria). As a reflection on the EU budgeting period, the most frequently applied time frame is 7 years between 2007–2013. As distinct from the other 19 respondents, Finland has followed a philosophy of giving no relevance to the time factor when establishing innovation strategies. The table below is intended to visualise these facts.

2005–2010	Czech Republic, Luxemburg, Portugal
2006–2009	Germany
2006–2014	Bulgaria
2007–2010	Malta
2007–2013	Estonia, Greece, Hungary, Poland, Romania
2007–2015	Italy
2008–2010	Turkey
2004–2010	France
2008–2011	Spain
2010–2012	Sweden (new NIS suggested for this period)
No timeframe	Finland
No reply	Austria, Denmark, UK

4. Table: Time frame of NIS in the analysed countries

The establishment of a time frame is obviously required for accountability, budgeting, etc.

Neglecting the time frame by Finland, for example, may receive support because it tends to express that the revision of innovative objectives and related policies represents a continuum with no time limit. This cannot be separated from the other dominating aspect of this Finnish philosophy; innovation policies are not project-, but process-oriented.

4.1.4 What are the priorities of your NIS?

The highly general nature of answers on the one hand, and the extreme divergence in their contents and size on the other hand, made an aggregation in the statistical sense impossible. A few of the answers were cut short (or missing altogether), while others are definitely redundant. Contextual problems add to these difficulties: certain priorities are of a functional type, while others are aimed at selected sectors/regions. Regrettably, the scope for categorisation according to functional or sectoral/regional priorities is limited due to the fact that priorities differing in this sense tend to be included in strategies with equal weight in the majority of cases. We have collected the few countries where the priorities show a more or less unanimous link to one of these two approaches.

a) Participants with functional-type priorities:

Denmark: the NIS should focus on IP and new ways of innovation such as open innovation and user driven innovation.

Finland: emphasis is given to the innovation-based development of productivity of enterprises and also in the public sector – competitiveness in international markets – that compensates the declining workforce and high cost levels.

France gives priority to financial support of innovative structures (public and SME) and enterprises in order to improve competitiveness of public research.

In the **Czech Republic** a dominating and comprehensive emphasis is on R&D.

Poland's NIS concentrates on result-oriented research and the necessary infrastructural conditions of innovation.

b) Participants with sectoral/regional preferences:

In **Sweden** the focus is on strategic research areas like medicine, engineering and climate in politically important geographic regions.

Malta and **Germany** concentrate on the SME sector (since the majority of Maltese industry falls into the SME category).

Estonia: prioritised fields of R&D: information and communication technologies, biotechnologies, material technologies, energy, national defence and security, health care and welfare services, environment protection, national culture.

The majority of the remaining countries could not be classified accordingly. This limited possibility of classification should repeatedly call attention to the fact that in the majority of cases **strategic objectives emerge in different dimensions and contexts** and, therefore, tend to overlap. The very high number of priorities with equal weight – as it is in several cases – also adds to the complexity of the situation. The high number of priorities tends to appear in a high number of institutions with overlapping responsibilities, leading to limited accountability. An excessively broad spectrum of priorities is more characteristic to the less developed, Central and Eastern and Southern European countries and this cannot be separated from the proliferation of institutions in these regions. Red-tapism, institutional rigidities, delayed decision-making and a relatively high level of corruption cannot be separated from this background.

c) Participants with many priorities:

Greece:

- promoting innovation in all sectors;
- increasing of and improvement in investment in knowledge;
- strengthening cooperation for implementing R&D projects (European, multilateral, regional etc.);
- networking;
- support: subsidies, venture capital;
- innovation services for SMEs (research, technology);
- incentives for increasing the number of patents and their commercialisation;
- attracting Greek researchers back to Greece from abroad.

Turkey:

- raising awareness of S&T;
- increasing the development of scientists;
- supporting result oriented and quality research;
- better S&T policy;
- better performance in S&T of private sector;
- better infrastructure and research environment.

Bulgaria:

- stimulating industrial R&D and the cooperation between company R&D departments, universities and research and technological organisations;
- increasing available financing for innovation through establishing mechanisms for attracting private investment; encouraging companies to introduce new technologies and improve their innovation activity;
- encouraging the establishment of clusters in traditional sectors;
- supporting start-ups and well-functioning companies in order to increase their innovative potential;
- building mechanisms for attracting foreign investments towards scientific areas.

Romania:

- supporting research of companies by financial instruments;
- stimulating interactions between universities and research units for creating common projects and technology transfer;
- developing innovation networks, participating in scientific and technological platforms;
- supporting entrepreneurship based on innovation by developing services in incubators, improvement of access to risk capital and improvement of innovation management;
- fiscal stimulation of R&D investment;
- increasing access of SMEs to information concerning research, financing and cooperation opportunities by dedicated support services.

The overlaps, if institutionalised, are potential sources of a “joint-decision trap”, leading to inefficiency and the waste of public money.

4.1.5

Does the NIS include an action plan/or establish operative tasks?

The majority of participants indicated the existence of action plans establishing operative tasks. However, a group of countries including the UK, France, Austria and the Czech Republic did not answer this question.

4.1.6

If and how often will the priorities included be reviewed and/or amended?

Most answers show that NISs are regularly reviewed and corrections are performed if required. Answers received from a number of countries, however, are unclear in this respect. Only Bulgaria stressed the importance of financial corrections in this respect, but we assume that this is important in the other countries, too. The lack of feedback may jeopardise the priorities of NIS and this danger is major in those countries where there are too many priorities.

4.1.7

To what extent is the NIS focusing on SMEs?

Answers show a remarkable concentration of national innovation strategies towards SMEs. 11 participants have explicitly formulated priorities concerning this sector while the objectives preferred by four further countries are strongly influencing the sector in an indirect way. In the Danish strategy these indirect efforts are formulated as follows: “more high-growth start-ups”, “IP-introduction package”, “growth houses (in the regional network of centres)”. Similar efforts in Spain are summarised accordingly: “enhancing technology transfer, promotion of technology based enterprises, actions for young enterprises, reinforcing the traditional industrial network.”

High priority	UK, Sweden, Finland, Germany, Italy, Luxemburg, Turkey, Czech Republic, Poland, Hungary, Romania, Malta, France
Indirectly	Denmark, Spain, Portugal, Greece,
Not focusing on SMEs	Estonia
No reply	Austria, Bulgaria

5. Table: NIS focusing on SMEs

4.1.8

Is there a separate part in your NIS for IP strategy?

The answers suggest that the importance of IP is not necessarily reflected by those IP strategies that have been formulated separately, or only as part of NISs. The unsatisfactory level of IP awareness may explain this relative neglect, pointing to the need for awareness-raising projects by NPOs.

IP is a separate part of NIS	UK, Finland, Italy, Greece, Poland, Romania
Not a separate part of NIS	Denmark, France, Luxemburg, Portugal, Malta, Turkey, Sweden, Spain, Czech Republic, Hungary, Estonia, Germany ¹²
No reply	Austria

6. Table: IP strategy as a part of NIS

4.1.9

What are the focal points of IP strategy?

If we consider the classification applied concerning NIS priorities (Question 4; sectoral/regional vs. functional approach), and use this to classify the focal points of IP strategy, we only found that one out of the 11 answers have a strong sectoral focus. This is Finland, where the IP strategy is primarily focussed towards SMEs. In the group of other surveyed countries, efforts are of a functional nature. It should be noted that support of SMEs – besides other sectors – has been included in the IP strategy of most of the countries.

The main groups of focal points of a functional nature are as follows:

Commercialisation of patents, etc.	Denmark, Portugal, Greece, Malta, France ¹³
Stronger relationship between science and business	Germany, Italy, Greece, Malta, Hungary, Romania, France
Stronger relationship between science and business	Germany, Italy, Greece, Malta, Hungary, Romania, France
Financial aspects, regulation	France, Malta, Hungary
Legislative background	Italy, Hungary, Bulgaria
Internationalisation	Germany, Poland
Quantitative objectives	Portugal, Romania
IP management	Poland
Awareness raising	Bulgaria, Hungary, Germany

7. Table: Focal points of IP strategy

¹² In case of Germany, the IP strategy is part of the NIS but not one of the 17 main thematic fields that the strategy focuses on.

¹³ In France, procedure fees will be reduced for SMEs in order to increase the number of patents applied by French enterprises.

The assessment of these strategic goals of IP strategies would be unrealistic without knowing the results in detail of the different IP strategies. However, we can conclude that the facilitation of commercialisation of patents and the stronger relationship between business and science are the most often mentioned goals of IP strategies.

The more detailed answers given by the countries to these questions are as follows:

Finland

In Finland, a separate IP strategy is currently under construction with focus points targeting SMEs.

Denmark

The Danish IP strategy contains two IP-initiatives:

- "IP marketplace": Internet-based marketplace for trading in rights for the purchase and sale of patents, brands and other rights;
- IP-introducing package, which guides less experienced IP-users on how to protect innovation.

Germany

Outlines raising of IP awareness and acceptance of IP; improvement of the enforceability of IPR; increasing and improving digital rights management systems; fostering EU-community patents hand-in-hand with a sound legal framework and targeting minimised costs; cutting costs for translation of IP rights; bringing copyright law into line with the digital age.

France

No specific point about IP, except that patents can be considered as innovation expenses and thus the reduction of taxes can be obtained following the filing of a patent.

Italy

The main foci are related to the upgrade of the IP rights to EU legislation, and the role of universities concerning property rights for inventions.

Greece

Supporting patenting with commercial potential with the following objectives: increasing the number of patents, supporting researcher-

inventors, exploiting patents whose commercialisation is considered capable of leading to sustainable, competitive innovative enterprises.

Portugal

The NIS contains objectives and measures for IP (tripling the number of filed patents, doubling the number of trademarks, establishment of platforms for protecting and commercialising IP-rights)

Malta

There are two recommendations in the NIS of Malta: access to R&I capital and strengthening business to academia collaboration. In addition to these, an IP framework for public funded research is considered essential.

Poland

Support for IP management, support for subjects filing patents outside Poland, streamlining process of obtaining protection in the area of IP, promoting industrial design as a source of competitive advantage.

Bulgaria

There is only a Law about Patents and Utility Model Registration. Since 1993 it provides for the fostering of public awareness in the field of industrial property and promotes the legal protection of industrial property and innovation activity.

Romania

The focus points related to IP strategy concern performance indicators, illustrated by an increased number of articles in prestigious science publications, increasing the number of national patents and international patents originating from Romania and increasing the number of innovative companies.

Hungary

- Creation of a legal environment that aids and gives incentives to capital-investment through support.
- Establishment of spin-off enterprises by academic and publicly financed research-institute employees.
- Modification of Hungarian and EU public procurement and competition rules, which make support possible.

- Development of the regulation system of intellectual property evaluation and management.
- Strengthening of publicly financed research centres with an interest in intellectual property utilisation.
- Stimulation of IPR awareness among SMEs; the economic, business and utilisation skills and knowledge.
- Support the reception and adaptation – in harmony with intellectual property protection – of foreign technologies, which are important for domestic SMEs.

4.1.10

Does your IP strategy concern SMEs, as well?

As stated above, IP strategies tend to stress the importance of the SME sector and this is generally reflected in the NPOs' activities with an increased emphasis. Malta is the only participant who indicated the absence of a prioritised role of SMEs in its IP strategies. This, however, should be considered in view of the fact that Malta has indicated a strong preference towards its SME sector in its NIS. The contributions by the UK and Austria did not touch upon this question. It is primarily financial support that seems to predominate the IP strategies concerning the SME sector (as indicated by Germany, France, Luxemburg, the Czech Republic, Romania and Turkey).

4.1.11

If your IP strategy concerns SMEs, which of the policies listed below are discussed in it?

- A: Facilitating SMEs' knowledge about and access to IP protection;
- B: improving the access of SMEs to dispute resolution procedures;
- C: quality support for SMEs on management of IPRs, tailored to their individual needs.

A	Denmark, Finland, Germany, France, Italy, Luxemburg, Spain, Greece, Turkey, Poland, Romania, Malta, Hungary
B	Portugal
C	Finland, Denmark, France, Italy, Greece, Turkey, Germany
None	Czech Republic, Estonia
No reply	UK, Sweden, Austria, Bulgaria

8. Table: SME-related focus points in IP strategies

Four of the partners did not answer this question, while 2 of the 14 answers received were negative concerning each of the three fields above (the answers given by the Czech Republic and Estonia). The number of positive replies given to option A is 13, B is only 1, and C is 7. It is important to note that Finland, Denmark, France, Italy, Greece, Turkey and Germany have given positive replies to A and C, as well. Only Portugal has given a positive answer to policy B, saying that improving the access of SMEs to dispute resolution procedures isn't tackled in the strategy document, however, it should be noted that INPI-PT in articulation with other entities has recently created an Arbitration Centre which intends to solve any conflict regarding Industrial Property, domain names, companies and designations.

4.2

National Innovation and IP strategies/Policies¹⁴

United Kingdom

The UK has a high-level strategy document which the Department for Innovation Universities and Skills (DIUS) in March 2008 published. The evidence document "Innovation Nation – Background analysis; strengths and weaknesses of the UK wide innovation system" presents an assessment of the UK innovation system to support the DIUS Science and Innovation White Paper and builds on the Government's knowledge economy programme launched in 1998, the DTI Innovation Report 2003, the 2004 Science and Innovation Investment Framework, the Lord Sainsbury review of Science and Innovation policy – the Race to the Top 2007. Andrew Gowers was commissioned specifically by Government to undertake a review of the IP system and his report was published in December 2006. The document sets out a framework for improving UK's capacity for innovation across society. The Government's aim is to make the UK the leading place for business.

Strategy documents mentioned above consider the entire remit of innovation and the need to build on UK capacity for economic growth and prosperity. They all make reference to the need for adequate IP awareness and protection in the world in which to be an innovative business, public sector or third sector organisation. The aim is to build an Innovation Nation in which innovation thrives at all levels: individuals, communities and regions.

The main objectives of the IP awareness policy/strategy are as follows:

- Raise awareness and understanding of IP among UK business through the provision of guidance and exploitation.
- UK IPO to engage at corporate level with UK business to inform of the work of the IP crime group.
- Ensure that research bodies understand how best to use IPR to lever commercial success from their creativity.
- The main function of the DIUS is to develop skills of people and undertake research; the SABIP advises ministries and the UK IPO on the development of IP policy; there are free support services available locally and online providing all sort of help to new business; the PATLIBs – existing also in other European countries – is a regional network of patent and IP advice. Several thousands of patent attorneys and mark attorneys work in professional bodies located all over the UK and provide assistance and advice in patents, trade mark, copyright and design.
- Make it easier for UK business to make the most of their IP through development of services that assist decision making and obtaining IP rights.
- Make enforcement more accessible through mediation and more information on enforcement.

The impact of the national IP enforcement strategy is reflected annually in a National IP Crime Report. The report for 2007 contained 9 recommendations, which illustrated the commitment to fighting IP crime:

- UK IPO in conjunction with the new Strategic Advisory Board for IP Policy (SABIP) to enhance co-ordination of IP related research in relation to crime.
- UK IPO should work with the IP Crime Group to agree an accurate national standard measure of the level of IP crime including industry loss, criminal market size and criminal gain.
- Results of seizures of counterfeit and pirated goods from all enforcement authorities to be published and the results of prosecutions and proceeds of crime actions on an annual basis.
- Use of the Proceeds of Crime Act and Financial Investigators to be encouraged when prosecuting IP criminals.
- Encourage members of the IP rights owning community to provide training and share expertise with enforcers to improve their technical knowledge and understanding of IP.
- UK IPO to facilitate a continual national program of awareness raising with enforcement authorities within the judicial process with the assistance of brand and trade associations where appropriate.
- UK IPO to develop web resources to provide guidelines to identify counterfeit products.
- Disseminate expertise and knowledge relevant to the IP Crime Group.

The UK contribution has emphasised that the enforcement arena has become very crowded with numerous bodies competing for political space. As a result resources have been wasted and duplicated. Strong partnerships between enforcers and business bring about greater levels of competence and have been very successful. The proposals to tackle IP crime were set out in a document "IP Crime a National Strategy." This recognises the strengths and weaknesses of existing enforcement strategies and the needs to bring together different parts of government, industry stakeholders, policy makers and enforcers, to create a co-ordinated approach to intellectual property enforcement. The aim is to promote a national strategy bringing together government policy makers, business and enforcers to create a co-ordinated approach to intellectual property enforcement.

Finland

Finland's innovation strategy is being revised with the aim of safeguarding the quality of the country's innovation environment, international competitiveness and attractiveness. The proposal for the new national innovation strategy was completed in June 2008. The Ministry of Employment and Economy decided on the final form of the strategy and its presentation to the Government in autumn 2008. The proposal is now under an evaluation process. The evaluation of all organisations involved in innovation took place between August 2008 and March 2009 to determine the necessary changes for implementing the new policy.

The novelty of the final proposal lies in "the wide definition of innovation": besides science and technology, the new approach includes non-scientific and non-technological features such as listing design, branding, business concepts and innovation in management, production, workplace and

services. The final proposal also takes into account the role of users, with a clear market orientation, calling for the creation of "innovation-friendly markets." This novelty calls for change in national policies and in particular in the way policies are implemented in different organisations. As a result, the overall strategy consists of four main blocks: international dimension of innovation, demand and user orientation of innovation, supporting innovative individuals and communities, and broad management of change.

It is worth to note that the new innovation strategy mentions services as a very important example of the field of innovation. Services now account for almost 70% of the gross domestic product in Finland, and a greater proportion of the turnover of traditional business life is generated from services to be produced for customers. The significance of the customer and user perspective is growing, while greater competitiveness will come with the development of service products. Customer needs will guide the development of new products and services to a greater extent in the future. This will require increased expertise in the operations of value chains and networks and the ability to outline and, in particular, predict changes to the operating environment.

The Government's new strategy on intellectual and industrial property rights, due for completion at the end of the year 2008 reviewed several issues, including the national and international development needs of the system of intellectual and industrial property rights and presented the measures that have to be taken in order to enhance the level of competence within enterprises concerning these rights.

In Finland there are numerous amounts of public organisations supporting SMEs in financing and delivering consultancy and expert services. Also, there is a lot of developing projects going on in Finland, many of them financed by European Commission, and aimed to develop better services to SMEs. The conclusion was with **IdeaPilot Programme** to pick up the most potential organisations and projects and to integrate with them, not creating new project to the Finnish project jungle, but to build small steps, easy ways of acting in a new way to take into consideration also relevant IP matters. So, IdeaPilot made two different approaches: to approach SMEs directly via **associations for entrepreneurs** (they are covering more than 60 % of all SMEs in Finland) and via **intermediate organisations** (there are about 200 different financing and consulting instruments for SMEs in Finland and about 4,500 support persons to deliver these services, there are also a know-how environment to be utilised by SMEs, i.e. business

incubators, science parks, consultants, universities, vocational high-schools, etc.)

In Finland, there are four main associations for entrepreneurs:

- The Confederation of Finnish Industries, having 15,000 members, big and medium-sized companies,
- technology Industries in Finland, having 3,500 members, small and medium-sized companies,
- the Federation for Finnish Enterprises, having 88,000 members, mainly small companies,
- and the Central Chamber of Commerce and Chambers of Commerce in regions, having about 17,000 members.

These associations see the importance of the IP system and its impact to the company competitiveness. They also see that the existing practice of networking and co-operating between companies is a lot easier to live out, if you have practices to protect your own know-how.

So, we have access to the associations' information and training channels, and they are covering more than 60 % of all SMEs in Finland. The co-operation with the associations gives us also more credibility among the SMEs

The relevant public intermediate organisations in this sense are, among others:

- Tekes, the National Technology Agency, is the main public funding organisation for research and development in Finland, handles about 6,000 business cases per year.
- The Foundation for Finnish Inventions supports and helps private individuals and small entrepreneurs residing in Finland to develop and exploit invention proposals. They are handling about 3,000 cases per year.
- Jobs and Society network is concerned mainly to consult starting businesses and go through 12,000 ideas per year, of which about 4,700 new companies are born.
- Technology centers, 22, including about 1,600 companies.
- The Centre for Expertise Programme (CoE) networks top expertise and experts in the universities, polytechnics, industry and public sector

for joint projects to develop new products and services and to promote entrepreneurship and employment in order to strengthen the competitiveness of Finnish regions. This programme covers about 3,000 companies.

- Regional T&E Centres, 15 public organisations giving diverse financing and consulting services, about 500 relevant business advisors.
- Regional Business Service Points, 50 early phase advisors directing the actors to the right services.
- R&D networks, a national project building regional R&D networks, all of them connected together via a nationwide help-desk organisation.
- Universities, vocational high-schools.
- Business consultants.

National Innovation Strategy – Finland 2008
(<http://www.innovaatiostrategia.fi/en/overview>)

Basic Strategic choices

Traditionally, Finland's competitive ability has been strong and Finland must continue to maintain quality education, sizeable investments by enterprises and the public sector in R&D, and well-functioning institutions. This solid competence basis, created by Finland through investing in education and research, must be preserved, and further reinforced. However, current strengths will not suffice to meet future challenges.

To attain Finnish strategic goals, the innovation environment must be able to create novelty and make choices. Therefore, this innovation strategy focuses on completely new topics and measures, or ones requiring a distinct change. The strategy reviews innovation activity and the required development measures via four basic choices:

- Innovation activity in a world without borders,
- demand and user orientation,
- innovative individuals and communities,
- systemic approach.

All parties implementing innovation policy are responsible for the implementation of the national innovation strategy. They must pay extensive attention to the basic choices of the strategy in their operations. Previously acquired strengths must be

fostered while new ones are developed. First and foremost, national choices steer the renewal of operations and changes of focus areas. Essential prerequisites for the implementation and success of strategy are a high quality national competence basis and long-term targeting of public resources at research, development and innovation.

The national innovation strategy does not attempt to describe all of the measures required in the Finnish innovation environment, but highlights ten key sets of measures derived from the basic choices of the strategy, those that are most important in terms of Finland's success. Furthermore, a separate action plan is related to the strategy, extensively presenting the most important sets of measures, with justifications.

Germany

National strategy of the German government towards attaining a 3% rate of spending on R&D in terms of GDP by 2010.

For the first time ever, the German government has developed a **comprehensive national strategy** for all its ministries with the aim of putting Germany at the top of the world's ranks in tomorrow's most important markets. All political sectors that affect research and development will be geared to a clearly defined goal. This strategy puts innovation policy front and center in government activities.

It aims to network the research and business communities more closely. For 17 fields considered critically important for the future, the German government has devised innovation strategies. Some of the most important fields covered by the High-Tech Strategy include climate, health, security and energy research. Key technologies too, such as nanotechnology, biotechnology and information and communication technologies are important and integral parts of the strategy. In these fields German research and German industry have particularly good cards for the future.

The paths from development to the market are to be shortened and speeded up. High-tech start-ups and innovative SMEs will receive improved conditions. This too is an important cross-sectoral task. All relevant federal ministries are involved. It is integral part of the High-Tech-Strategy to strengthen the innovation capabilities of SMEs and to improve the utilisation of IP in particular for SMEs.

As to the institutional framework of IP: there are 24 regional patent information centres in Germany which provide information on patents and other IPRs, provide patent information sources which fit to economic actors, especially start-ups

and private inventors. They execute patent searches on behalf of clients for a fee. Supplementary information is provided, as well, such as technical documents, technical regulations and norms. The portfolio of the German Patent Information Centres includes training possibilities for students of technical universities and also for SMEs. The Centres cooperate closely with the other IPR actors in the regions in order to offer special services to the clients. The German SIGNO network is the largest network in Germany for inventions and patenting.

The 80 Chambers of Commerce are the prime business contact network in Germany and they are cooperating closely with the other IPR actors in the regions and offer basic services concerning IP, too.

The German report emphasises

- intensification of cooperation between different actors at national level;
- arrangement of task sharing between the actors;
- need for public subsidies for special capacities related to strategic use of the IPR system, enforcement, infringement, combat product and trademark counterfeiting.

Italy

The Italian Government has a **National Strategy concerning IP and fight against counterfeiting and illegal competition.**

The main reference in this strategy calls on the general framework of innovation and competitiveness of Italian enterprises. In order to achieve this aim, the UIBM has based its action on two fundamental goals:

- Refining the context of IP in Italy and making it more accessible to SMEs.
- Improving the context of IP in Italy so that it can provide stronger titles as an effective competitive market tool.

In order to achieve these aims, two different action levels have been set up: rationalization and simplification of the industrial property system and creation of a favourable setting for exploiting industrial property rights as recognised asset in order to have access to credit and risk capital, giving a further added value to the innovative capacity of enterprises.

The UIBM's actions and services that have been implemented so far and which are in progress, can be summarised as follows:

- Creation of a new context that facilitates access to IP for SMEs.
- Rationalization, simplification and unifications of the law. In 2008 the Regulations were drawn up for implementing the Industrial Property Code, which are now in the final issuing phase.
- Set up of an electronic archives which contains information regarding trademarks, patents and designs (operative since 2007).
- Set up of a system allowing online deposit and registration (operative since 2006).
- Definition of the agreement with Poste Italiane SpA in order to activate the online payment of taxes (2008).
- Upgrade of the technological apparatus, office procedures and security procedures for patent database, laying the foundations for beginning online investigations that have converted the UIBM into a paperless office.
- Implementation of a Call Centre Service dedicated to enterprises and private individuals that could also be activated by e-mail.
- Strengthening of national IPRs, further to the introduction of anteriority research (operative since 01.07.2008) which is carried out by EPO.
- Increase of the task force of the National Office dedicated to the technical examination.
- Improvement of data flow among the various players.
- New distribution of patent taxes between inventors and right holders, with facilities and exemptions for enterprises (first four years) and universities.
- Strengthening of the international cooperation in the field of industrial property through the development of a dedicated policy and the signature of bilateral agreements (for example, the agreement with France setting up a bilateral Italo-French Anti-Counterfeit Committee, and those ones with the USA and China, Turkey, Korea, Hungary, Romania and Mexico; being defined – with Mexico, India and Canada).

- Reinforcement the protection instruments for IPRs, considered a leading force for economic development, research and innovation. In relation to this, 12 specialised sections have been set up in the Civil Courts and the legislation has been amended and integrated in order to strongly contribute to the fight against counterfeiting.
 - Decree 112/08 abolished the High Anti-Counterfeiting Commission and its tasks have been assigned to the UIBM which is now part of the Directorate General for Combating Counterfeiting – UIBM. Since July 2008, the following specific measures have been implemented to oppose the phenomenon:
 - a. Tightening and rationalization of the Criminal Code Regulations relative to counterfeiting.
 - b. Creation of a “Direct Line” call center with a phone, fax number and e-mail address to assist enterprises: set up on 1 July 2008 in cooperation with the Guardia di Finanza (body of police officers responsible for border control and for investigating financial and tax fraud).
 - c. Setting up of the National Anti-Counterfeit Committee, chaired by a representative of the Ministry of Economic Development, where public and private institutions meet to implement common and synergised actions.
 - d. Strengthening of cooperation with local authorities to make the local fight against counterfeiting more effective.
 - e. Implementation of communication campaigns against counterfeiting and info-training courses dedicated to officers and to citizens (also students in secondary schools) aiming at disseminating IP culture. The first wide scale public campaigns was implemented in 2006 (the slogan that was adopted was awarded during the 2006 edition of COM-PA, as the Best European Practice). In 2008 an anti-counterfeiting campaign was launched in the web.¹⁵ Further initiatives have been planned, given that the real critical factor is awareness building, in cooperation with other institutions, such as an institutional information campaign (started in mid April 2009) about the fight against counterfeiting both to press and on TV, a campaign addressed to the young, an outdoor campaign on urban traffic flows and video circuits in airports and underground stations and an award for the best video production by students in secondary schools.
 - f. Implementation of multilateral and bilateral international actions, through intense cooperation with the Magistrates’ Governing Council (CSM) and with the participation of the leading European agencies (OHIM, EPO, etc.).
 - g. Setting up of 14 anti-counterfeiting desks placed in some strategic markets providing support to enterprises willing to start a business in some countries helping them to protect their IP assets and to fight against counterfeiting (i.e.: China, India, Turkey, Russia, Republic of Korea, Taiwan, Brazil and the USA).
- Moreover, in order to help enterprises access to funding also by leveraging on IP assets, the UIBM has identified a methodology of analysis shared by industries, universities, and banks for the economic evaluation of patents also complying with the provisions of the National Fund for Innovation. The above mentioned analysis method is the subject matter of a protocol of intent that was signed on 21 October 2008 aiming at improving the quality level of the innovation system in Italy also offering enterprises new competitive market tools. The reference framework for the entire programme is the Small Business Act that proposes the guidelines to push the economic growth also by supporting SMEs.

Further actions planned for 2009:

- a. Development of a public research database, PatiRis, which is a tool for boosting technology transfer of the results of public research to the market and for increasing the demand of innovation by enterprises.
- b. Creation of a National Innovation Fund, funded by the patent taxes, which aims at stimulating innovation based on industrial property titles and implementing actions in favor of SMEs to fully take part in the industrial property system.
- c. Implementation of training courses in IP in Universities, in cooperation with EPO, identification of guidelines for developing modular courses that will be held in English and setting up of five chairs in Industrial Property (UIBM-EPO chair in IP studies).

¹⁵ For more information see: www.noallacontraffazione.it

Luxemburg

In Luxemburg a short/mid-term Intellectual Property strategy has been defined. The IP awareness strategy in Luxemburg is focused on three important points:

- to create awareness in SMEs and the public in general of the importance of Intellectual Property (to organize seminars and events, to produce publications to promote IP);
- to develop specific training in the intellectual property field (for example by implementing new training sessions at the Luxemburg's University and by developing new competencies in this field);
- to promote IP protection and exploitation in public research.

Events:

- national celebration of the international day of intellectual property;
- organisation of public seminars in IP: introduction to IP, patent, trademarks and industrial design and copyright;
- implementation of IP awareness measures dedicated to children;
- luxinnovation will conduct on a regular basis a "Conference cycle in IP".

Laws and documents:

- Adoption of a law on 19th December 2007 related to IP tax advantages.
- Creation of a brochure to promote IP in Luxemburg.

The important problem of counterfeiting is taken in account in Luxemburg with the objective to create awareness in SMEs and the public of this growing problem worldwide.

Events:

- Specific seminar has been organised on 24th November 2008, to create awareness among the public and the enterprises of the growing problem of counterfeiting.

Laws and documents:

- Translation of the enforcement directive of the European Commission 2004/48/CE in progress.

Other elements have been taken into account in Luxemburg IP policy:

- to work on the definition of patent indicators in order to provide specific studies in innovation and have a realistic vision of innovation efforts in Luxemburg;
- to increase the efficiency of the DPI by simplifying the filing procedures of IP titles (to increase administrative efficiency procedures);
- to work on the implementation of evaluation methodologies in IP (the Public Research Centre Henri Tudor has hired people to work on this precise point).

Austria

The main elements of IP Awareness Policy of Austria are as follows:

- APO's mandate covers IPR awareness activities;
- Austria's inventive structure relatively strong in nano technology and incremental invention especially in the service sector;
- Special attention for high-potential SMEs (with a high technological potential but a lower degree of IPR awareness) is needed.

The **IP Enforcement Policy/Strategy** includes international and domestic measures against product piracy:

- Austria is part of the EU/EC dialog with China and the US (e.g. in COTRA);
- advice and information exchange: APO and other institutions try to gather information about product piracy which are distributed in events like seminars or workshops;
- implementation of EC-Directive 2004/48/EC;
- guidelines of the Federal Ministry of Finance on "Produktpiraterie";
- "Kompetenzzentrum für Produktpiraterie": the custom authority in Klagenfurt is specialised to communicate with and help IP-right holders, which claim to be victims of product piracy.

Malta

Malta has to date not yet finalised a specific National IPR Strategy and is still in the early preparatory stages of this process which will lead the country to having it drafted during the course of this year but not necessarily published before 2010.

Spain

The **National Strategy of Science and Technology** (ENCYT) was adopted in 2007. The ENCYT is translated into four-year **National R&D&I Plans**. The **2008–2011 plan was released the 14th of September, 2007** (see <http://www.micinn.es/files/plan-nacional-consejo.pdf>) and is presently in force. There's no specific section for IP within the Plan although patents are cited many times as indicator of the progress of different programs. The **national IP Strategy** is set directly by the Minister of Industry, Tourism and Commerce in line with the National R&D&I Plan.

The main **IP strategic guideline** provided by the Minister for the term of the present Plan (2008–2011) is to put special focus on SMEs, both for IP awareness and IP registration activities. As a result of this guideline, tighter collaboration is requested between the OEPM (National Patent Office) and the MITYC's DGPYME (Ministry of Industry, General Directorate for SMEs). A detailed national IP policy as such is not gathered in any specific paper, but diverse IP policies are spread along different documents, which are commented below.

Spanish enterprises apply for ten times less EPO patents per million inhabitants than the EU 25 average, and the number of USPTO and triad patents is also low. Although government innovation policy has taken into account the need to support the management and development of patents and protection of intellectual property, the results are below the objectives. For example, only 0.75% of EPO patents were Spanish in 2005, well below the objective of 1.30%.

The major barriers SMEs are facing when applying for international [European] patents include the long distance to the patent office as well as the working language, which result in companies having to hire translators and expensive law firms to manage the applications. In order to solve this problem, the government has launched a new aid programme to encourage the application for patents abroad (ES_65) and to stimulate the international protection of technology, especially for SMEs.

There are funding and training measures providing technological advice via the technology centers

and the Spanish Patents and Trademarks Office (OEPM). Also, the fees paid when processing the applications with National or Regional Patent Offices abroad, the translation expenses and fees paid within the framework of international procedures are going to be subsidized. Likewise, the ongoing programme PETRI (ES_7) will be continued to encourage the transfer of research results. The programme for financial support of the development of non profit technology transfers offices OTRIs (ES_10) must also be seen in this light.

The OEPM is fully in charge of the present Spanish IP Awareness Policy. The 2008 Annual Dissemination Plan foresees different kinds of activities aimed at reaching diverse target groups focusing on SMEs. The strategic reasoning behind the Dissemination Plan is:

- SMEs and intermediaries that get in touch with SMEs managers should be the primary target group of any awareness/dissemination activity.
- SMEs managers only pay attention to their peers; therefore a primary means to get to them is the sharing of success stories told to SMEs managers by SMEs managers.
- Stakeholders claim that IP awareness/dissemination actions have usually a too academic or administrative focus, lacking appeal for enterprise managers. Therefore, all awareness/dissemination activities should be designed with a clear business perspective and approach. In-depth IP awareness and advanced training should cover matters such as international filing (business) strategies, business use of non registered and soft IP, IP enforcement, IP valuation, IP commercialisation, etc.
- As Regional IP Promotion and PATLIB Centres have already acquired a basic expertise, basic level awareness/dissemination activities dealing directly with SMEs in each Autonomous Region will be performed by the corresponding Regional IP Promotion and PATLIB Centre, whilst the OEPM will keep responsibility for in-depth awareness and advanced training of intermediaries. Efforts should be made to tighten the coordination and collaboration of the OEPM with the Regional IP Promotion and PATLIB Centres.
- Very valuable collaboration relationships have been developed in the past years with institutions such as EOI, UB, UPM and CSIC. New IP awareness/dissemination activities should leverage on these relationships.

1. **Dissemination Sessions:**
 These sessions are aimed at sharing the experience of a company or research institute/group regarding their (positive) use of the patent system. In a two hour format, the OEPM uses just 20 mins. to explain its PCT and patent information services, the rest of the time is left to the SME IP real success story of the concerned company.
 Target groups are: SMEs, Chambers of Commerce, Technological Parks, Technological Development Centres, Techno-scientific University Schools and Public Research Institutes.
2. **IP Seminars:**
 Also in a two-hour session format, fully covered by OEPM speakers introducing IP and patent information services.
 Target groups are: companies participating in international R&D projects (EUREKA, CYTED), employees of the Spanish Foreign Trade Missions, professional associations, centres of the public health network, chambers of commerce.
3. **IP Modules in Training Courses:**
 IP modules are taught on demand by OEPM professionals as part of different kinds of occupational education courses and postgraduate MBAs with EOI, UB, UA, etc.
 Also, each year, OEPM teachers give a three-hours lecture on IP to students of Industrial Rationalization at the Industrial Engineering School at the UPM (Polytechnic University of Madrid).

 In addition, the Polytechnic University of Madrid and the OEPM developed an e-learning course on Patents and Technological Information in the last year. It was offered during the school year 2007–08 to undergraduate and postgraduate students of that university, and was followed by 62 pupils. It is being considered to extend this offering to other Spanish universities. Participation in Summer Courses on IP at the UIMP and the UPM will be carried out as in previous years. In collaboration with the CPUB (Patents Centre of the University of Barcelona) at least 4 Sessions of the “Lunes de Patentes” (Patent Mondays) will be issued covering edge aspects of the patent system.
4. **Quarterly IP Workshops:**
 Once a quarter, 5h workshops will be offered in the OEPM premises. Based on IP4INNO materials, these workshops will cover matters such as: patent information search; IPRs enforcement; valuing IPRs; IPRs commercialisation etc.
 Target groups for this action are: business intermediaries, Regional IP Promotion Centres, Public Research Institutes, Offices for the Transfer of R&D Results (OTRIs), etc.
5. **Information on industry specific trade fairs and exhibitions**
6. **IP assessment visits to industrial companies:**
 As part of the CEIPAR program (Consolidation of Innovative Enterprises in Technological Parks), the EOI selects a number of companies to be visited and a rough assessment is made in a two-hour meeting on the company’s IP usage and possibilities. 165 companies are part of the present CEIPAR program.
7. **Publications and leaflets:**
 Continuous update of the existing catalogue.
8. **Improving the contents of the OEPM web site:**
 A procedure will be defined for the continuous improvement of the web contents, especially improvements on the public DBs access and user-friendliness.
9. **Special actions regarding public research institutes:**
 Actions aimed at increasing the awareness of the IP system among public researchers. Two types of actions are foreseen:
 - one to two hour sessions where a public researcher may explain his/her (positive) experience with the IP system;
 - establish an annual prize for the best patent application related to a research project before the results of the project are disclosed to the public.
10. **Activities addressed to secondary school teachers & students:**
 Continue disseminating the already developed didactic game on IP, in collaboration with EOI and the Ministry of Education, Social Policy and Sports.
 Go on attending specific fairs for this type of target group: “The Science Week”, etc.
11. **Advertising campaigns**

The Spanish IP Enforcement Policy is set up by the Inter-sectorial Commission Against Activities of Infringement of IPRs. The OEPM plays its role in

this scenario and a number of Enforcement Actions are considered. The enforcement services and actions foreseen in the Plan are:

- participation in the Inter-sectorial Commission meetings,
- anti-piracy and counterfeiting web site,
- fast direct information service (by fax or e-mail) for judges, police and customs,
- special training courses for judges,
- regular participation in courses and seminars for lawyers and agents assessment for amendments of the present legislation, including the Criminal Code.

Portugal

The national IP awareness strategy/policy in Portugal is based on 5 main strategic goals (for 2008–2010):

1. Qualification of Human Resources:

Actions:

- provision of long term traineeship for patent examiners,
- creation of an IP Academy,
- establishment of partnerships for qualification on enterprises and universities.

2. Raising awareness about the importance of IP:

Actions:

- strategic reorientation of the IP network,
- implementation of strategic events about IP (National IP Days, Inventor of the Year, International IP day -with WIPO),
- program for secondary schools („IP Generation“),
- traveling IP exhibition,
- participation in seminars, fairs, exhibitions.

3. Providing services for clients:

Actions:

- improvement of the web portal of the NPO,
- creation of add value products such as the

inclusion of a written opinion in search reports, the creation of a provisional patent application, the creation of cooperation agreements university/enterprise, technology watch,

- patent commercial evaluation,
- financial support to patents internationalisation,
- privileged access to risk capital.

4. Open INPI-PT (NPO) to the civil society

Actions:

- creation of the planned actions,
- creation of an informal group of advice about IP,
- dynamization of INPI's library.

5. Continue to internationalize

Actions:

- involvement in EU projects concerning IP,
- promotion of joint events INPI-PT/WIPO/EPO about international and European use of patents,
- improvement of database (including trademark database),
- translation of the Patent Classification to Portuguese,
- conclusion of the project of automatic translation machine to Portuguese.

In the framework of the IP enforcement strategy/policy the five Portuguese public entities have constituted an Anti-Counterfeiting group. Some of the actions planned:

- creation of a common database (police, customs, INPI-PT) with information of enforcement issues,
- training of the police and customs authorities,
- sharing the experiences and practices of the police and customs in order to better act against counterfeiting,
- creation of an „Electronic Complaint System“
- realisation of awareness actions on the

importance on the IPR enforcement and the dangers of counterfeited products,

- creation of a website dedicated to enforcement, involving the several national entities of police, costumes, INPI-PT,
 - with relevant information to the different business sectors,
 - with alerts to products that can affect public health,
 - with way of obtaining and share information about methods used on the counterfeiting activities.

Greece

The main objective of the **National Policy for Promotion Research, Technology and Innovation** has been to enhance competitiveness of Greek enterprises and the national economy in general. In this framework, most of the programs promoted have a purpose to support enterprises in the implementation of RTD projects, as well as the networking of research with business. In parallel, different actions were also promoted aimed at strengthening (a) the S&T infrastructures of the public and the private sectors, (b) human resources and (c) entrepreneurship.

In the center of the strategy there are measures providing incentives for researchers to establish their spin off firms or to organize the provision of services to the industry, the development of private Science and Technology Incubators and Parks, encouraging investors in high technology areas and rewarding investors.

The Ministry of Development supports 5 Regional Poles of Innovation. Some other programs favor regional innovation (providing information and advice to SMEs, creating research centers in different cities of Greece in order to transfer new technologies into regional economy). The Government has expressed interest in Venture Capital activities. The New Economy Fund aims to create new funds in order to accelerate the development of young technology based firms. The Hellenic Organisation of Small and Medium Sized Enterprises and Handicraft S.A. (EOMMEX S.A.) intends to identify the potential business angels in Greece and abroad.

The Hellenic Industrial Property Organisation (OBI) that has exclusive competence in Greece among others for the protection of inventions and indus-

trial designs and models, as well as for technological information, offers an IP awareness campaign to the public. OBI's employees visit companies and offer seminars on the importance of IP rights and procedures of IP and also on the importance of technological information retrieved from published patents.

Actions of OBI:

- established three regional patent libraries for promoting locally, awareness of IP issues for academic institutions, enterprises and individuals;
- offers a "one stop shop" service for providing information on filing procedures and technological information;
- offers training seminars to universities, research institutes, enterprises on IP matters;
- visits SMEs for informing them on IP system, patent procedure, technological information through patents, in particular in their field of interest;
- participates in EU programs related to IP;
- collaborates with the Scientific and Technological Parks;
- collaborates with EPO, WIPO, OHIM, EU etc.;
- participates in exhibitions, conferences etc.;
- assists applicants, inventors in patenting procedure;
- has an education program for schools on IP matters;
- publishes printed informative material;
- awards prizes.

Turkey

The **National Innovation Strategy** (2008–2010) was improved in March 2007. The main objectives of the S&T strategy are to increase (a) the demand for R&D, (b) the number and quality of scientists and (c) the GDP/R&D. An important challenge is to increase the investments in human resources for innovation.

The strategic objectives of the Turkish NIS are as follows:

- raising awareness of science and technology;

- developing scientists;
- supporting result oriented and quality research;
- increasing the effectiveness of national science and technology governance;
- enhancing the science and technology performance of the private sector;
- developing a research environment and infrastructure and activating national and international linkages of researchers.

The Turkish Patent Institute (TPI) initially emphasises the registration procedures on IPR. Recently attaches special importance on introduction and information activity that are the basic problems and shows marked improvement of quality and efficiency of its activity.

A comprehensive strategy has been developed by considering the importance of information and consciousness rising concerning the effective protection and usage of IPR.

One of the projects (HEZARFEN) includes SME consultancy, use of IP information in each phase of innovation, helping SMEs to understand the strategic use of IP information – the TPI supports the transformation of knowledge into practice. The TPI is planning to develop education modules for university students and SMEs and a master program with a university.

The actions of TPI:

- organisation of seminars, symposiums, panels;
- visual media;
- training courses (SMEs, attorneys, universities, government institutions);
- exhibitions.

TPI is organising seminars, workshops and conferences about IPR for the institutions which are responsible for enforcement of intellectual property (Ministry of Interior, Ministry of Justice, Undersecretariat for Customs) and it provides relevant information on best practices and enforcement in other countries and also publishes enforcement guidebook.

Hungary

The Government's mid-term STI strategy 2007–2013 was renewed in 2008. It presents a

vision of how to drive RTDI activities. The New Hungary Development Plan (2007–2013) together with its Operational Programmes defines a framework for using EU resources.

IP awareness policy/strategy: the document "The Government's mid-term science, technology and innovation policy (STI) strategy 2007–2013" also deals with raising IP awareness. Milestones of the Awareness Policy/ Strategy are:

- Creation of a legal environment, that aids and gives incentives to capital-investment through support mechanisms, with the financial obligation of the state.
- Establishment of spin-off enterprises for academic and publicly financed research-institute workers.
- Modification of Hungarian and EU public procurement and competition rules, which makes possible the support of domestic innovation.
- Development of the regulation system of intellectual property evaluation and management.
- Strengthening of publicly financed research centres' interest in intellectual property utilisation.
- Stimulation of IPR awareness among SMEs; the economic, business and utilisation of skills and knowledge.
- Support of the reception and adaptation – in harmony with intellectual property protection – of foreign technologies, which are important for domestic SMEs.

IP enforcement strategy/policy: As a result of the preparation for EU membership and implementation of the TRIPS Agreement and the IP Enforcement Directive 2004/48/EC, all the remedies (both criminal and civil) necessary to fight against counterfeiting, piracy and other infringements of intellectual property rights are available under Hungarian legislation. Nevertheless, further measures are needed to assist the right holders in enforcing their rights: first of all not by the amendment of the legal environment, but via change in legal practice.

Pursuant to the decision of the Hungarian government a National Board Against Counterfeiting (NBAC) was established in Hungary in March 2008. In the NBAC the full spectrum of enforcement and commercial interests are represented including the public administration bodies, public

prosecutors, police and customs authorities, trademark and copyright associations, interest groups of commerce and industry.

The main activities of the NBAC include, inter alia, the elaboration and the coordination of carrying out of a National Anti-counterfeiting Strategy, the coordination of the activities of the participating public bodies, NGOs and enterprises, support training for the staff of the enforcement agencies, the raising of consumer awareness through different programmes and campaigns.

The Strategy adopted by the government consists of three pillars:

- elaborating statistical methodology, collecting of statistical data, setting up of databases;
- initiating and implementation of awareness raising and training measures;
- enhancement of enforcement: stocktaking of ways and means to assist right holders in enforcing their rights.

In addition to the horizontal pillars, the Strategy focuses on three specific sectors: foodstuff and beverages, pharmaceuticals, creative and IT industries. The strategy is supplemented by an action plan for the period of 2008–2010, which consists of 27 action lines, which cover the three pillars and the specific sectors during the implementation period.

Estonia

Estonia has no special IP strategy document. The innovation strategy document "Knowledge-based Estonia. Estonian Research and Development and Innovation Strategy 2007–2013" contains few IP-related issues.

In Estonia **IP awareness raising** is one of the tasks of the Estonian Patent Office and Estonian Patent Library. In January 2006, SME Support Division at the Estonian Patent Office was founded, which aims to increase the public awareness and competence in the field of legal protection of IP and to encourage and foster SMEs to make effective use of IP protection system. SME Support Division is active in organising conferences, seminars, workshops, exhibitions and fairs. Estonian Patent Library is more dedicated to practical patent information, and hands-on trainings. Patent Office compiles or translates and publishes most of IPR awareness raising materials and Patent Library does few.

IP enforcement is not the task of the Estonian Patent Office or Estonian Patent Library. Estonian Patent Office has organised seminars where enforcement issues were in agenda and speaker from the customs had a presentation.

Romania

It has been a National Innovation Strategy for 2003–2007 based on analysis of the current situation at that time. The strategy for 2008–2013 is currently processed, based on an analysis provided by the IPR Working Group. The current analysis reconsiders the legal, economic and social framework facing with the challenges of globalization, the institutional capacity, the necessary resources (human and financial) and instruments (cooperation, awareness, methodology).

The IP awareness strategy is set up on different levels, oriented towards different target groups:

- consumers in order to draw attention to risks they are exposed to as buyers of counterfeit/pirated goods;
- producers/importers/exporters;
- media, as one of the most important channel of communication.

The strategy is mostly based on public campaigns; events like conferences, seminars, workshops, discussion sessions etc. organised both by private and public parties.

The National Patent Office carries out its own IP awareness strategy, through various ways: promotion, training, information, dissemination, events etc.

There has been cooperation with institutions having competencies in the field of the enforcement of IPRs (Ministry of Justice, Public Ministry and Prosecutor's offices, National Customs Agency etc.).

The cooperation of concerned institutions has three main components:

- specialisation/training of prosecutors, judges, officers, customs officers etc. in order to be able to recognise and take the most operative actions against counterfeiting and piracy;
- building common database and procedures of accessing the database;
- building a common methodology of estimation the rate of counterfeiting and piracy.

Sweden

Papers/documents reflecting innovation policy in Sweden as follows:

Governmental directives:

■ SOU 2006:80 "Patent och innovationer för tillväxt och välfärd" (Patents and innovations for corporate growth and development) is an official report based on a governmental directive (Dir. 2004:55)

■ VINNOVA (Swedish Governmental Agency for Innovation Systems)
VINNOVA – "Innovativa små och medelstora företag – Sveriges framtid" (Innovative SMEs Sweden's future) June 2007

■ Innovationsbron:

Innovationsbrons forsknings- och innovationsstrategi 2009 – 2012 – en satsning på ökad tillväxt ur forskning och innovation (Innovationsbron's research and innovation strategy 2009–2012. Efforts to increase growth from R&D). December 2007.

■ Innovationsbron:

ALICE – Att LICensiera, förslag till förstärkning av patentering och licensiering av svensk forskning. (Licensing, suggestions to strengthen patenting and licensing Swedish R&D) March 2008.

■ Royal Swedish Academy of Engineering Science:

Nationell policy för forskning och innovation (Göran Pagels-Fick), "National Policy for research and innovation"

■ Inno-Policy Trend Chart – Policy Trends and Appraisal Report. Sweden 2007.

Sweden ranks among the highest in the world in terms of patented inventions per capita. Traditionally, the Swedish industrial structure has shown a very clear predominance of large industry, a very low number of the companies in Sweden – around 1 per cent – employ more than 30 per cent of the work force. The high level of patenting in Sweden is an effect of the activities of large companies. There are over 600,000 companies in Sweden; almost 99 per cent of them are small or medium sized. However, there is a built-in difficulty in Swedish industry, since while the large corporations have very good

approaches to IPR, SMEs are still very often found to be dangerously ignorant of how to protect their ideas.

Recently, the Federation of Swedish Industries carried out an investigation among SMEs, directed at finding out views and practices among them with respect to IPR and the protection of innovations. After analysing the results, the Federation drew the following conclusions:

1. IP is important for SMEs, in fact extra important for these, since they have limited resources to protect their innovations through other means.
2. The Swedish domestic market is too small for high-tech innovations; patenting should therefore be international.
3. The high costs for obtaining protection – especially costs for translations and representation – are particularly burdensome for SMEs.
4. Conflict resolution must be made cheaper and simpler.
5. More resources should be mobilized against piracy and counterfeiting.

While the large corporations have already realised the importance of IPR, and allotted the resources necessary, the SMEs seldom have the resources to spend on this field, even if they were knowledgeable enough. Therefore, if the SMEs are not given adequate support, the gap between large and small companies will widen. And such a gap would be negative for the economy. The support for SMEs should cover a broad spectrum, from designing the IPR systems so that also small actors can benefit, to offering possibilities for raising the level of competence in IP.

At the end of 2008, in Sweden a Government bill on research and innovation (2008/09:50) has been presented. Said bill will be discussed in the Parliament during 2009 and if adopted be in force from 2010.

In the document "Regeringens proposition 2008/09:50"¹⁶ the Swedish Government gives its view on research and innovation policies for the period 2010–2012. In § 8.5.1 especially SMEs are discussed and in § 8.7 IPR and its importance are pointed out. In § 8.7.1 it is considered to give the Swedish Patent and Registration Office (PRV) commission to increase its efforts to improve information and support for SMEs especially in the field of patents.

¹⁶ For more information see: <http://www.regeringen.se/content/1/c6/11/39/57/2f713bd9.pdf>.

Poland

In the last years Poland achieved a fast economic growth but this growth is based on market conditions and low manufacturing costs of enterprises. Labor productivity, foreign direct investments and innovation performance were mostly disappointing. But there is a growing recognition that research and innovation are important for the future economic growth and welfare of the country. Research and innovation networks are being developed by the support of the Structural Funds.

Innovation policy has been placed in Poland since 1994.¹⁷ The development of innovation policy was the following:

- 2000 – Innovation Strategy “Increasing the innovativeness of the Polish economy until the year 2006”,

Among the priorities of the document were:

- a) creating mechanisms and structures in support of innovation activity;
- b) shaping innovative attitudes;
- c) increasing the efficiency of implementation of new economic solutions;
- d) substituting consumption and production models with models that would contribute to steady and sustainable development.

The document based its implementation system on that of the Sectoral Operational Programmes.

- 2004 – Sectoral Operational Program – improvement of competitiveness of enterprises
- 2004 – Adoption of the Law on the principles of financing science
- 2004 – Adoption of the Law on the National Capital Fund
- 2005 – Adoption of the Law on certain forms of support for innovative activity
- The National Development Plan for 2004–2006
- 2006 – Adoption of Innovation Strategy by the document:
“The Strategy for Increasing the Innovativeness of the Economy for 2007–2013”
- 2007 – 2013 Operational Program of Innovative

Economy (co-financed by the EU structural funds) within the document “National Strategic Reference Framework”

- 2006 – “National Development Strategy 2007–2015”

The innovation strategy has 3 strategic levels:

- strategy for increasing the innovativeness of the economy for 2007–2013;
- strategy for science;
- regional innovation strategies.

According to the NIS in Poland, the main recommendations to improve Poland’s innovation policy are the following:

- strengthen the science and technology base; focus on excellence and critical mass;
- improve the incentives for business R&D and innovation;
- foster industry-science linkages;
- strengthen human resources for science and technology;
- improve the governance of the innovation system.

Bulgaria

In September 2004 the Government has approved the Strategy for Science, Technology and Innovation.¹⁸ The Strategy outlined the main challenges Bulgarian companies face in the transition period – their low technological level, low rate of productivity, lack of adequate management, and lack of innovation-oriented culture. The weak innovation performance of the Bulgarian entrepreneurs stems from the fact, that they follow a strategy of survival. In order to survive in an environment of strong competition, enterprises cannot keep the same position for a long period of time. Bulgarian companies should introduce in their operations new products, more efficient ways of organisation and more efficient technologies.

The task of the Innovation Strategy developed by the Ministry of Economy is the elaboration of solutions to the problems stated above. The most important measures that the Strategy envisions are summarised in four main directions:¹⁹

1. Strengthening the institutions, companies and organisations operating in the field of develop-

¹⁷ For more information see: www.unece.org/ceci

¹⁸ For more information see: www.mee.government.bg

¹⁹ For more information see: www.arc.online.bg

ment, transfer and application of new technologies (know-how) which form the National Innovation System.

2. Encouraging the cooperation between the R&D sector and the business and at the same time their cooperation with the Ministry of Economy and the Ministry of Education and Science.
3. Establishing a well-functioning mechanism to coordinate the implementation of the Innovation Strategy.
4. Ensuring financing for the implementation of the measures of the Innovation Strategy.

The objectives of this strategy are:

- to stimulate industrial R&D and the cooperation between the company R&D departments, universities and research and technological organisations;
- to increase available financing for innovation through establishing mechanisms for attracting private investments;
- to encourage companies to introduce new technologies and to improve their innovation activity;
- to encourage the establishment of clusters in traditional sectors;
- to support start-ups and well-functioning companies in order to increase their innovative potential;
- to build up mechanisms for attracting foreign investments towards scientific areas.

The Innovation Strategy determines the indicative financial framework for the period till 2014, which will be regularly updated depending on the current economic status during the respective years. According to it the funding will be ensured from the state budget, from local and foreign investors, as well as from external financial sources. Law on Patents and Utility Model Registration from 1993 provides for stirring public awareness in the field of industrial property and promotes the legal protection of industrial property and the innovation activity.

As from July 1, 2002 Bulgaria is full member of the Convention so taking a well-deserved place in the European patent system and European market. In 2002 the Patent Law has been amended in order

to provide legal protection of the European patents on the territory of Bulgaria as a result of the accession to the EPC. The expectations are, that the accession will contribute to the enhancement of the interest of the foreign investors in respect of the development of a number of up-to-date sectors and hence to the influx of foreign capital in the country.

The adoption in 1999 of the laws on marks, geographical indications, industrial design, topography of integrated circuits, as well as the amendment of the Patent Law were the base for the extension of the existing and the assigning the Patent Office new functions.

Czech Republic

On 24 March 2004 the government approved the National Innovation Strategy (NIS) of the Czech Republic²⁰. Based on many analyses, this document proposes conceptual and system changes in the Czech Republic's innovation policy and proposes a strategic approach to the creation, development, and consolidation of innovation. The time frame of the NIS is 2005 – 2010.

The strategy summarizes the strengths and also the weaknesses, negative developments in the field of innovation.

According to the experts making the innovation strategy the **strengths of innovation entrepreneurship** include the tradition of industrial production and the traditional innovation potential of its workers, the increasing (but yet not enough) number of small and medium-sized enterprises interested in innovation processes, the use of progressive technologies, and the introduction of innovated products into the production range. A key factor is the development of a functioning network of science and technology parks meeting the international conditions of accreditation.

The decentralization of public administration and the transfer of certain powers to a regional and municipality level is a boon for innovation entrepreneurship. The formulation of local priorities and development policies with a knowledge of local conditions, and with the possibility of directly involving regional development players in the decision-making process leads to the formulation of strategic development goals at the level of regions and towns. International co-operation, including support for innovation strategies, is also being developed at regional level.

The greatest **weaknesses** include the persistent lack of financial resources and support of innovation by state institutions. The result has been a low

²⁰ For more information see: <http://www.mpo.cz/dokument11688.html>

level of innovation culture in general and a paltry number of innovated domestic products placed on the market. Insufficient support for the realisation of ideas and insufficient support to encourage resourcefulness also play a role here. According to the European Innovation Scoreboard the most serious shortcomings in innovation include the following phenomena: low number of patent applications per capita; very small number of innovation companies; low volume of seed capital; poor funding of R&D and innovation; weak demand for the results of research solutions; missing interconnections between the research and production sectors; lacking specialised agencies for the transfer of technology.²¹

Innovation Strategy has four priorities:

- 1) infrastructure development for industrial research, development and innovation;
- 2) funding, development and co-operation of innovation companies;
- 3) human resources development; and
- 4) practical implementation of R&D results.

Within the 4. priority, only three short brackets deals with the **protection of intellectual property rights**. Patenting activity of the Czech business entities is insufficient. Lacking knowledge in research institutions and enterprises about the patent protection as well as low funding of the science and research can be the possible reasons. The document states that the protection of the intellectual property rights and consequent technology transfer create nutrient medium for a successful innovation environment.

The NIS emphasises: An important part of the innovation process is care for the protection of industrial rights. It is necessary to project the rules of R&D results protection into applicable implementing regulations and methodologies in a transparent and quick manner. Czech legal regulations need to be harmonised, flexibly, quickly and transparently, through prepared changes of the Community law in this field. By combining suitable university and post-gradual courses, the foundations will be laid for better knowledge of the R&D intellectual property protection legal rules. The Industrial Property Office, as the national patent and trademark registration authority, provides legal protection for the results of technical creative work at the normal European standard.

The Innovation Strategy proposed the following measures:

1. to classify innovation, research, development, and education as top government priorities,
2. to prepare and adopt a National Innovation Policy for 2005-2008 and subsequently to propose the necessary legislative amendments in the relevant area promptly,
3. to reduce the bureaucratic burden and costs required to set up companies and to do business in general, and in research, development, and innovation in particular.

Besides the NIS as a whole, there are **regional** innovation strategies, as well, e.g. for Prague Region. The key mission of the Regional Innovation Strategy is to foster an environment conducive to the exploitation of the high scientific, research and knowledge potential of Prague, especially for the small and medium-sized innovation enterprises, and as such to help enhance the capital's competitiveness by developing a knowledge-based economy.²²

The **National Innovation Policy (NIP)**²³ is a part of the whole system of conceptual documents under the roof of the (prepared) Economic Growth Strategy.²⁴ NIP respects the need for technological and non-technological innovation in the Czech economy, but in the same manner as innovation policies of the advanced countries it is mostly aimed at innovation of technical nature.

The NIP has four objectives:

1. strengthen research and development as a source of innovation,
2. establish well-functioning public private partnerships,
3. guarantee human resources for innovation,
4. make the performance of the state administration in research, development and innovation more effective.

Other countries could follow Czech Republic's example related to the breakdown of the realisation of NIP. 48 concrete measures are proposed for achievement of the NIP objectives, including responsibilities, deadlines and indicators of the implementation success. Each objective has tasks defined necessary for its achievement; tools for

²¹ INNO-Policy Trend Chart. Policy Trends and Appraisal Report, Czech Republic 2007. http://www.proinno-europe.eu/docs/reports/documents/Country_Report_Czech_Republic_2007.pdf. The INNO-Policy Trend Chart serves the 'open policy co-ordination approach' laid down by the Lisbon Council in March 2008. It supports organisation and scheme managers in Europe with summarized and concise information and statistics on innovation policies, performances and trends in the EU. It is also a European Forum for benchmarking and the exchange of good practices in the area of innovation policy.

²² For more information see: http://www.strast.cz/dokums_raw/RIS_Prague_en_1501.pdf

²³ National Innovation Policy of the Czech Republic for 2005–2010. Prague, June 29, 2005. <http://www.mpo.cz/dokument11671.html>

²⁴ It is worth to mention for innovation support the Operational Programme of Industry and Enterprise for the period of 2004-2006. Its major priorities cover the development of business environment and the development of the enterprise competitiveness. Based on these priorities there are eleven programs put together supporting the development of the innovation environment in the Czech Republic.

executing the respective tasks and for each tool there are measures necessary for its implementation, coordinators and managers, term of implementation, indicators of implementation (success) and method of evaluation. Measures, which were implemented during the NIP preparation phase, are retained with regard to the context (similarly as e.g. in the EU documents) and marked as measures already implemented.

The fulfillment of all objectives, tasks, tools and measures of NIP was evaluated in 2007 and updated accordingly. Each year, NIP will be evaluated within the Analysis of the existing state of research and development in the Czech Republic and a comparison with the situation abroad being presented to the Czech Government.²⁵

Small and medium-sized enterprises are crucial elements of the innovation process in the Czech Republic. Innovation policy activities are being developed in the framework of programs for the support of small and medium-sized enterprises (SMEs), the relevant sectoral operational programs, industrial co-operation programs (offset programs), and integrated pollution prevention and control. SME support programs, funded primarily out of the national budget, are not intended directly for the support of the innovation process, but can promote innovation, e.g. in the form of loans with reduced interest rates for purchases of modern technology, grants to make marketing more efficient, or the provision of special-priced consulting services.

Rules for the provision of support to SMEs out of the national budget have been drawn up with the goal of making SMEs more efficient and competitive, while alleviating the drawbacks they face due to their poor economic strength (e.g. Act No 299/1992 Coll., No 47/2002 Coll.).

The NIP deals with the **intellectual property rights** in part V.1.2 and mentions that very low number of patents is one of the reasons why the Czech Republic takes such an unfavorable position on the European Innovation Scoreboard. There are several causes of this state of affairs; the most important are as follows:

1. absence of high-quality research results suitable for patent protection,
2. low awareness of both research workers and whole institutions with their management of the intellectual property protection purpose; this is reflected in the small importance of these (and other similar) indicators in the evaluation of research workers and whole institu-

tions and when pedagogic and scientific degrees are being awarded,

3. lacking knowledge in research institutions and enterprises about the patent protection and small capacity of technical departments particularly with small and medium-sized enterprises,
4. lacking experts for searching and valuating the commercial potential of R&D results and evaluating new technologies,
5. insufficient management knowledge and abilities of leading representatives of the academic institutions disabling effective management of the intellectual property (e.g. decision about allocation or non-allocation of funds to apply for and maintain the patents, license contract negotiations, etc.),
6. financial demands of the patent procedure and in particular high costs of maintaining the granted patents especially at foreign patent offices,
7. absence of the so called Community Patent, which could and should make the intellectual property protection procedures in EU more productive.

To eliminate this situation, there is a proposal of a one-time short-term privilege given to those who want to protect their so far not published research result by a patent application. The aim is to arouse interest of the general expert public in the knowledge protection. A similar tool has been used for a number of years by Hungary, with the responsible authority being the Ministry of Finance. Announcement of a program is suggested that will provide the selected applicants, after a proper patent novelty search and state of the art, the support at ensuring protection of the so far not protected R&D results. Some providers still make only a little use of the existing provision of Act No. 130/2002 Coll. and its implementing regulations that makes possible to include the costs of intellectual property protection into eligible costs.

France

Innovation is at the center of debate in France since 1999, the date on which the first law for innovation and research has been enacted. In addition, France is implementing a new strategy since 2005 in order to affect 3 % of GDP to innovation. Two ministries are particularly in charge to implement the overall policy on innovation. The

²⁵ Research and Development Council of the Czech Republic: Analysis of the existing state of research, development and innovation in the Czech Republic and a comparison with the situation abroad in 2007. Chapter C discusses issues of innovation and competitiveness, innovation support and international comparison of innovation efficiency according to the European Innovation Scoreboard 2006. See: <http://www.vyzkum.cz/FrontClanek.aspx?idsekce=8304>

Ministry of Research and Innovation is responsible to improve and increase the use of IP in research laboratories, particularly with regard to public university laboratories. The Ministry of Economy and Industry is responsible for facilitating SME access to IP and for facilitating the convergence of laboratories with industry to create a synergy-generating innovation.

To increase the synergy between research laboratories and enterprises, the French government has promoted a partnership related to scientific or technical themes and given territories. In particular, 71 competitiveness clusters have been formed, each cluster supporting on a given territory, companies, research laboratories and training institutions to develop synergies and cooperation. Themes of these clusters are mainly concerning health, security, energy research or technologies such as nanotechnology, biotechnology or information and communication technologies.

Furthermore, French government has enacted financial laws for promoting investment in research and innovation. These laws namely enable to:

- reduce taxes for enterprises which perform investment in the public research;
- extend credits at a preferential rate to enterprises that develop new research centres on new research projects.

One of the main strategic guideline of the French innovation policy is to promote intellectual property among SMEs to encourage them to convert their innovations into intellectual property rights. For this purpose, French government has created a specific Innovation Agency and an Institute (OSEO) specifically dedicated to the SMEs for helping them in finding partnerships and financing funds.

Another important aspect of innovation policy consists in the awareness of the consumers on the risks they are exposed to as buyers of counterfeited / pirated goods. This enforcement aspect is principally done through awareness campaigns disseminated by different media. To coordinate the various activities related to counterfeiting, a National Committee against counterfeiting (CNAC) has been established the role of which is to prepare and plan thematic groups meetings in order to reinforce the efficiency of anti-counterfeiting mechanisms, maintain a Web site the theme of which is the enforcement of IPR and prepare awareness campaigns. Placed under the supervision of the Minister of Industry, its

President is a member of Parliament and the General Secretariat is ensured by the National Institute of Intellectual Property (INPI-FR).



5. The success of IP strategies: SWOT analysis

With regard to the random distribution of their sources, the 18 available SWOT analyses may provide a sufficient base for generalisation. A problem of a technical nature is the one produced by the high **diversity of answers**. This is mainly methodological and is based on the absence of answering according to the pre-determined priorities. An overview of the priorities emphasised, however, shows this diversity to be mainly formal. The contents of the answers **show a much lower level of divergence**. This allows the concentration of answers similar in content into groups that represent a dimensional identity.

The resulting possibility of generalisation allows the drawing certain conclusions with regard to the focal points of IP and IPR in Europe. Subjective elements are, however, unavoidably inherent in such a classification. For controllability, the Appendix of the study (Tables of SWOT analyses) includes the 1st stages of answer processing in the most detailed manner possible, and as a result conclusions can be traced back. In our assumption, minor corrections as to the interpretation of individual factors would not remarkably modify our conclusions.

presence of co-ordination of the factors, activities, policies and institutions related to IP matters may be quoted as a strength on the one hand, while the absence of such a co-ordination is clearly a weakness. Further on: the weakening of coordination is obviously a threat, while its improvement is an opportunity to enhance innovation.

When evaluating national contributions, attention was also paid to salient notions and to the signs of a disregard of certain aspects that may seem important in a broader context.

5.1 Strengths

Ranked first among the strengths of national IP policies is the presence of strong co-operation and good harmonisation. The number of notions of this type was 24 out of the 69 notions classified. Notions on co-operation and harmonisation showed a dimensional differentiation:

“fully harmonised framework with European legislation” (each country);

Focal points of concerning notions	Serial numbers of notions (to identify them by source)	Aggregated frequencies	
		Number	%
Strong cooperation, good harmonisation	9,9,9,9,9,9,9,15,16,22,22,22,29,32,32,37,42,46,57,67,70,72,72	24	34,7
The availability of seminars, training courses etc.	4,6,12,23,23,23,23,28,28,28,31,31,34,36,38,38,74	17	24,6
Good infrastructure (judicial and technical)	35,43,44,47,48,48,48,53,54,77	10	14,5
The existence of IP network	21,21,21,21,21,73,73	8	11,6
A strong political/social presence	1,25,31,39,50,68,75	7	10,1
High social reputation of NPOs	3,19,30	3	4,3
Total		69	100,0

9. Table: Strengths of IP Policy
Number of notions, total: 77
Number of notions classified: 43

Coming from the very nature of the SWOT analyses, the main issues of the IP landscape tend to be reflected in each of the four components of the national contributions. To give an illustration: the

“good cooperation of institutions involved in the IP protection field” (France, Czech Republic, Estonia);

“active and reactive government for IP matters” (Luxemburg);

“close cooperation with some universities and public research institutes” (Spain);

“good cooperation between institutions involved in innovation promotion, such as the national agency for SMEs” (Portugal);

“agreement between science, business and political sectors on IP innovation strategy” (Germany);

“solid pool of international contacts on innovation policy and good framework for transnational learning” (Estonia).

Despite these dimensional differences, however, each of the notions quoted is pointing at the importance of the institutional/organisational aspect.

The second in ranking dimension or focal point of strengths is the high level of information and training services (17 notions). A few notions for illustration:

“information available over a highly regarded website” (UK, Greece);

“business focussed literature which is constantly moving forward” (UK);

“courses and seminars adapted to company requirements” (Sweden);

“tailor-made courses and workshops” (Denmark)

“information on the competitors” (Sweden)

“workbook for SMEs to make IP strategy” (Finland)

“information on public subsidies available” (Italy);

“series of dissemination materials, services” (France, Portugal, Romania);

“spreading of information is quicker” (Luxemburg);

“diverse seminars, conferences organised on IP” (Luxemburg).

The analysis shows that compared with developed countries, the availability of information as a strength is emphasised more by the Mediterranean and Nordic countries and by the countries of Eastern Europe. A generally lower level of awareness in the latter two groups may give an explanation: in the absence of awareness other factors are unidentified.

The third in ranking was the **high quality of related infrastructure** (10 notions), the existence of a **national IP network** (8 notions) and a **strong political presence** (7 notions). A further three out of those completing the SWOT-form pointed out the **high social reputation of NPOs** to be strength at a national level.

Due to its remarkably limited representation among the notions, the reference to the **existence of venture capital** as strength (by the Swedish participant) may deserve attention. Another notion (by Turkey) to go beyond the implicit conceptual framework of the research is the consideration of the **entrepreneurial attitude of society** as strength.

As to differences in the priorities established by individual countries no characteristic observation can be made concerning this SWOT component. Notions quoting good co-operation and harmonisation as a major strength are predominating this field.

5.2 Weaknesses

As a logical reflection to strengths, the one ranked first among weaknesses (18 out of the 64 classified notions) is also of a political nature, namely the lack of co-ordination and the lack of a strategy (9 out of the 18 notions pertain to the lack of a strategy). It is especially the latter which raises questions concerning a solely formal evaluation: strategies may exist in a formal sense, but they can be absent, however, in the operative one (or conversely, of course). The simultaneous existence of declared IP strategies and of the relatively widespread notion that strategies (mainly in their co-ordinating quality) are absent may generate doubts concerning the reality of formalised national strategies in a number of cases. Such an assumption is strongly supported by the following notions:

“weak global strategy” (Austria);

“need to develop a coherent and holistic National IP Strategy” (Malta);

“lack of coordination between policy and STI policy” (Hungary).

Notions in the forthcoming parts of national contributions, however, are making national strategies indirectly sizeable. Coming from their highly general nature, priorities cannot be questioned. Other parts of the national contributions can be more informative on national strategies in an implicit way.

Focal points of concerning notions	Serial numbers of notions (to identify them by source)	Aggregated frequencies	
		Number	%
Lack of coordination, lack of strategy	11, 18, 19, 21, 22, 26, 39, 46, 48, 55, 56, 59, 60, 60, 62, 64, 65, 66	18	28,1
Limited IP awareness/knowledge	1, 1, 1, 1, 1, 4, 4, 4, 4, 4, 4, 14, 14, 14, 33, 36, 53	17	26,6
Inactivity of SMEs	2, 2, 6, 29, 30, 30, 31, 32, 35, 37, 42	11	17,2
Lack of resources	6, 6, 6, 6, 24, 24, 28, 28, 67	9	14,0
Lack of available expertise	25, 38, 43, 49, 52, 61, 63	7	10,9
An overly high complexity of system	10, 13	2	3,1
Total		64	100,0

10. Table: Weaknesses of IP Policy
Number of notions, total: 77
Number of notions classified: 45

Second to this group is the weakness deriving from limited IP knowledge/awareness (17 notions), as pointed out by the notions below:

“public perception on awareness remains low” and *“insufficient IP knowledge of SMEs”* (a number of countries).

The weakness ranked third is the inactivity of the SMEs concerning IP (11 notions):

“poor intention to innovate and use IP” (Greece, Portugal);

“resistance to change” (Turkey);

“a low number of applications coming from SMEs” (France, Italy, Portugal, etc.).

The lack of resources and available expertise are ranked next (9 and 7 notions, respectively). A few of a typical nature are:

“limited human resources devoted to awareness/dissemination activities” (Spain);

“IP valuation, commercialisation and enforcement are the missing points in any IP training activity” (Spain);

“lack of proper indicators to measure the impact of the awareness activity” (Spain);

“A lack of adequate financial and human IP resources as well as a lack of sufficient IP awareness among the general and SME public” (Malta, Turkey);

“important tools and methods are not used to assist decision-preparatory and decision-making processes” (Hungary);

“no segmentation of target groups for effective dissemination activities” (Spain).

The next of the weaknesses was the lack of support for the SMEs (4 notions). Observations included: *“few support measures helping SMEs to develop IP strategies”* (Luxemburg); *“lack of explicit support for IP matters in innovation strategy”* (Spain); and *“not having systematic special services tailor-made to SMEs”* (Finland). The last group points out the exaggerated complexity to be the weakness of the national innovation system.

Non-classified notions made by the Turkish participant pointing to *“resistance to change”* and the lack of language skills as remarkable weaknesses may enrich the picture by turning the attention to the social or soft factors of the IP field. Quoting limited language skills as a weakness is calling attention to high translation costs that make patenting in Europe as a whole much more expensive than it is in the United States.

5.3 Opportunities

Being directly related to the overall objectives and strategic thinking, the study of opportunities deserves particular attention. Similarly to strengths and weaknesses, the notions regarding this component show a strong concentration on issues related to co-operation and co-ordination (21 notions out of the 56 classified ones). Indeed, the 12 notions directly pointing to the concentration of efforts on SMEs as a major opportunity can be added to this number. A few examples from SWOT to illustrate this:

“confirm and enhance links between innovation and IP” (UK);

“foster links with science and industry” (Germany);

“agreement between science, industry and the political sector on connected strategies” (Germany);

“links the relevant actors in the field of enforcement: decision makers, governments, administrations at home and abroad” (Germany);

“good coordination between IP-support actors like PATLIBs” (Luxemburg);

“collective efforts of IPR experts, industry and the political sector on efficient and practically useful strategies” (Austria);

“cooperation of NPO, universities, the Chamber of Commerce in order to promote the use of IP” (Spain);

“IP organisations collaborate with authorities dealing with SMEs, such as scientific parks etc.” (Greece, Turkey).

“more financial resources to support innovation, patent application” (Turkey).

Next to this group, the opportunities inherent in improved education and information are embraced (9 notions):

“better knowledge through education and information” (Sweden);

“information and training in co-operation with technical universities and colleagues to make technical engineers aware of the IPR system” (Germany);

“easy access to IP specific information by using modern means of training and communication” (Portugal);

“enhancing IP awareness by using the IP organisations’ websites, helpdesks, seminars, exhibitions, prize awards, visits to companies etc.” (Greece);

“to increase the number of highly talented graduates” (Turkey);

“media use” (Turkey, Malta);

Focal points of concerning notions	Serial numbers of notions (to identify them by source)	Aggregated frequencies	
		Number	%
Improvement of co-operation and co-ordination	2, 9, 11, 15, 15, 23, 23, 25, 26, 30, 33, 39, 41, 44, 54, 61, 65, 68, 72, 73	21	37,5
A concentration of efforts on SMEs	3, 10, 14, 16, 17, 21, 24, 27, 35, 37, 38, 38	12	21,4
Financial support for R&D and patenting (e.g. EU-projects)	7, 18, 36, 36, 36, 36, 47, 60, 60, 60, 60, 64	12	21,4
The improvement of education and information	5, 6, 6, 6, 12, 29, 34, 46, 71	9	16,1
The enforcement of the legal framework of IP protection	13, 20	2	3,6
Total		56	100,0

11. Table: Opportunities of IP Policy
Number of notions, total: 73
Number of notions classified: 44

An equally important group of opportunities is the financial support of R&D and patent application (12 notions), irrespective of the source of support:

“the institutions’ involvement in European projects, attracting European funds” (France, Bulgaria);

“adding IP modules to entrepreneurship curricula” (Turkey);

“enhancing the capacity of information centres” (Turkey);

“training on IP matters among police forces” (Italy).

“pro-active, open communication between service providers and companies” (Finland);

Focal points of concerning notions	Serial numbers of notions (to identify them by source)	Aggregated frequencies	
		Number	%
Scarcity of resources	6, 11, 11, 15, 22, 30, 31, 32, 50	9	23,7
Inability of co-ordination	3, 7, 9, 25, 29, 34, 47, 48, 49	9	23,7
Soft factors	2, 14, 16, 35, 38, 39, 43, 46	8	21,0
The time factor	5, 13, 40, 51, 52	5	13,1
Limited visibility	8, 10, 12, 33	4	10,5
Political problems: rigidity, instability, lack of commitment	1, 43, 45	3	7,9
Total		38	100,0

12. Table: Threats of IP Policy
Number of notions, total: 52
Number of notions classified: 37

“interactive services according to the knowledge level and needs of users” (Finland).

Two other notions emphasise the role of an improved framework of protecting IP. The consideration of the existence of venture capital initiations by banks as an opportunity (Turkey) is one of the total two cases within the analyses, which hint at a possible role of venture capital concerning the IP field.

5.4 Threats

As distinct from the preceding three components of the SWOT analysis, notions concerning **the weight of factors that threaten progress** in connection with politics concerning IP seem to be even more moderate. The explanation is mainly given by the relatively high importance attributed to the **danger inherent in the scarcity of resources** (9 notions) that can be deployed for the promotion of IP. Nonetheless the threat of the **inability of co-ordination** ranks equally (9 notions).

Interestingly, the social or **soft factors** of the IP field seem to show a remarkably stronger presence concerning threats than in respect of the other three preceding components. This is shown by the number of those interpreting the absence of **institutional reputation** as a threat (3), while in differing contexts, 2 of the participants pointed to **cultural factors** representing a threat. The **perception of IP as a legal matter** as a threat – as noted by the Turkish participant –, can also be added to this group of soft factors. Wishful thinking embodied in **unrealistic development objectives** can also be a threat (Estonia). The total number of notions identifying soft factors as a threat is 8.

Five notions point to **limited public visibility** and 4 at the **time-factor** (the lack of speed or timeliness). Three other notions concern **political rigidity or instability** and the **lack of a political commitment**, respectively.



6. NEEDS for more efficient IP awareness and enforcement with special regard to the National Patent Offices' activities and services

6.1 NEEDS based on countries' contribution to the IPeuropAware project

The "NEEDS Identified" chapter, compiled by using the methodology of national contribution described in Chapter 2, provides the most relevant proposals regarding the changing role of NPOs. As distinct from the findings of SWOT, the summary of identified "NEEDS" is pointing at the predominance of the concise category of information and training with co-ordination ranking second. A logical explanation to this incongruity can be that the needs for information and training are of a more common, everyday nature, while those for the improvement of co-ordination are more general, they may have strong political implications and therefore in practical terms they may seem beyond reach. Questions considered with regard to institutional complexity try to explain the background in more detail.

intergrated into enterprise management and by the altogether 15 "topics" describing individual levels (the "AIDA grid"). This classification is admittedly subjective on the one hand while on the other, the spatial congruity of the supply of and the demand for services is not definitely clear and this should be considered with regard to the "gap analysis" introduced. Therefore, the authors suggest interpreting this gap between supply and demand as background information at the meta-level. For this reason we only try to utilise the simple "NEEDS" aspect of the working paper.

The general picture of the needs of the SMEs for support services as outlined by WP1 shows that there is a large need for services on the first two levels (characterised by a relatively low level of enterprise IP policies). A large need for more knowledge on all topics was identified at AIDA level 1. It is not only knowledge about IP rights and how to apply them but also awareness of intangi-

Focal points of concerning notions	Serial numbers of notions (to identify them by source)	Aggregated frequencies	
		Number	%
Information, training	1, 2, 3, 4, 7, 19, 21, 22, 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 45, 46, 47, 50, 53, 54, 55, 56, 57, 61, 65, 66, 67, 68, 71, 72, 73, 80, 81, 82, 83, 85, 87, 88	44	60,3
Coordination	5, 8, 9, 10, 14, 15, 17, 24, 25, 27, 28, 36, 44, 48, 49, 51, 51, 64, 84	19	26,0
Enforcement of IPR	11, 12, 13, 26, 59, 60, 70, 75, 86, 89	10	13,7
Total		73	100,0

13. Table: NEEDS
Number of notions, total: 89
Number of notions classified: 72

The method introduced by the Danish Patent and Trademark Office – within WP1 of IPeuropAware project – to explore the needs of SMEs regarding IPR support services aims to utilise the **AIDA approach** in a quite sophisticated way.²⁶ Information was collected by the CATI method (Computer Assisted Telephone Interviewing). The answers from 320 interviews were classified by four levels showing how IP aspects have been

ble assets and knowledge of protecting them that are required. An overview of where to find relevant information seems to be highly asked for. At higher levels (characterised by the predominance of IPR management over IP protection) the picture established in the interviews becomes more blurred. Though, with a relatively weaker emphasis, a sizeable need for IP evaluation can be observed here. It should be noted, however, that IP evaluation is predominantly the domain of private service providers, while the research was limited to public services.

Even a perfunctory glance at the table below can be sufficient to show that despite the differing methods used in the surveys, there exists a clear harmony between the findings of the Danish research and those of the present survey.

6.1.1 Providing relevant information and training for SMEs

Information is clearly a predominant dimension of IP and IPR. The provision of information in its direct or indirect forms belongs within the traditional responsibilities of NPOs. A part of the policies applied to meet this responsibility are passive ones, while another part of them is active. As generally agreed, the identification of intellectual assets and of the tools for protecting them is disproportionately limited in the SME sector – a circumstance underlining the role of possessing relevant information. It is also agreed that this insufficiency of information is hampering the exploitation of IP assets. Improved information would clearly result in increased IP awareness. SMEs should realise that IP is a valuable component of business and it is in fact a commercial asset, which can be used – if properly managed – to provide additional revenue streams through licensing and exploitation.

The need for improved exploitation of the potential offered by new information techniques has been pointed out in several country contributions. The presentation of relevant success stories in TV series or the generation of publicity for targeted events (fairs, conferences) through the public media can be efficient tools to achieve a widespread recognition of the centrality of IPR (see cases of Malta and Turkey).

The fact that the internet has created an easy and unbroken availability of information has been stressed by several participants (see the U.K. or Greece). The penetration of e-learning into the IP field is certainly a major opportunity (Portugal). The traditional role of personal contacts in the provision of information by the NPOs, however, continues to have great importance. Regarding the segmentation of SMEs, regional networks of IP information centres play an especially important role in providing information. There is an increasing role for regional offices of NPOs in providing patent related expertise, greatly needed for the knowledge transfer process.

The establishment of one-stop-shops of information and other support services for both SMEs and individual inventors has proved to be a useful tool.

Free of charge, customised, in-depth consulting and advisory services operate mainly in highly developed countries like the UK, France, Finland, Denmark and Luxemburg.

In particular, small and medium sized enterprises have limited capacity to use available information services as compared to large enterprises. Finland's case draws attention to the fact that further research is needed to determine how the use of patent information could be integrated and utilised in SMEs' innovation processes. The findings of our research point out that SMEs must also be convinced about the usefulness of information and they must be taught to exploit it. As a consequence of an exceedingly high institutional complexity, however, the unmanageable diversity of information and institutional overlaps tend to be a source of complaints in many cases. As a whole, this necessarily results in a low level of the efficiency of services.

As a divergence from their traditional responsibilities, NPOs are also faced with the challenge of raising IP awareness in the SME sector, especially regarding the informal tools of protecting IP (such as trade secrets, etc.). With regard to the centrality of informal tools in IP protection by SMEs, related questions should not remain unanswered. Though examples of such practices in national contributions are absent, the need for progress in this field is quite clear. Indeed, this seems to be a field where NPOs may be compelled to revise their potential bias for formalised solutions. The fact that the provision of information on "why and why not to patent" has strongly been preferred by SMEs to the availability of information on "how to patent" justifies this assumption.

In particular, the types of information needed by the countries participating in the IPEuropAware Project are as follows:

- information on public subsidies;
- information on EU-projects (in order to avoid a project-jungle);
- information on trainings, seminars, fairs, exhibitions;
- information on venture capital;
- information on technological progress;
- information of non-formal rights, such as trade secrets;

■ information on enforcement.

It should be recalled that the 2003 annual EPO survey²⁷ shows NPOs to be the entry points for enterprises if they are in need of patenting information. Consequently NPOs are the largest pools of information on users' views and needs. The decrease at the national level in patent filings and in other types of formalised protection does not tend to change this circumstance. A necessary reliance on national languages and a better knowledge of local culture and of local ways-and-means represent a comparative advantage for NPOs in this respect and their related activities clearly contribute to the expansion of patenting at the international level.

6.1.2 Improvement of methods

While the issues treated so far concern the question of "what" (in the sense that what are the NEEDS and what are the tools to meet them), a number of the notions reflect the question of "how". The notions speak for themselves:

"simple tools for enterprises to monitor their IPR" (Portugal)

"simple means for enterprises to report their complaints" (Portugal)

"providing a service to companies for getting systematic information on their competitors as well as on new published patents relevant for them" (Greece)

"providing help on exploitation of a patented invention" (Greece)

A poor supply and a limited specialisation of support services may explain these notions. Another explanation is that services exist, but they are practically invisible. This latter explanation is pointing at the emphasised need in a group of countries for a pro-active approach. Visibility is of a double nature and it requires **"to see, and to be seen"**.

6.1.3 Education, training

Notions in this group are addressing different levels and types of training and education, making a generalisation practically impossible. However, "integration" itself may nevertheless prove to be a key-word as IP awareness and enforcement issues should be combined with existing subjects in the curricula of education institutions. For this reason

NPOs should provide support for the integration of IP related education materials into the sector specific curricula of individual institutions. This should be a strong guideline for NPOs when choosing from policy options. A few of the concerning notions are as follows:

"educate SMEs on how to become innovative and how to include IP strategy in their business plan" (Greece)

"in depth business oriented training for OEPM and Regional centres' speakers on 'soft IP', patent drafting, international procedures, IP valuation, IP licensing & commercialisation, 'selling' IP to SMEs, enforcement strategies" (Spain)

"improving university teachers and students training on IP" (Spain);

"IP managerial skills to accompany business model with IP strategy" (Spain).

6.1.4 Coordination, cooperation

As discussed mainly in the context of institutional complexity, at least a part of related problems, complaints and needs tend to gain a political dimension and overall solutions would require a strong political commitment based on an agreement between competing parliamentary parties. As a consequence, strivings for co-ordination and harmonisation have to be limited to the co-ordination and concentration of the lobby-efforts by all the actors on the scene. A particular aspect of the question is treated by the Gowers Review with regard to the duplication of efforts due to institutional overlaps.²⁸

"NPO management commitment to coordinate all awareness/enforcement actions within the Office" (Spain)

"intensification of regional cooperation" (Germany)

"arrangement of task sharing" (Germany)

"support and harmonisation of the activities of different chambers of commerce in the field of IPR promotion, in particular of trade marks" (France)

"international cooperation, dialogue with China etc." (Austria, Germany)

"promotion of SMEs' integration in international networks/projects" (France)

“regional network with public institutions or half-public institutions in industrial development, technology transfer” (France)

“creation of a body of IPR experts (of the Chamber of Commerce, the Technological Centres etc.) that could provide advice and give high quality services to the SMEs” (Spain)

“identification of new ways of dissemination in order to reach “hidden” SMEs” (Spain)

“closer cooperation with other national and European actors of IPR. Creation of an international network for exchange of information etc.” (Spain)

“promotion and protection of universities’ and public research centres’ R&D results” (Spain)

“strengthening the links between universities and SMEs by promoting commercialisation of research results based on IPR” (Portugal).

6.1.5 PR of IP

This topic was relatively under-represented in the answers of the partners. The two notions below summarise the answers received.

“presenting success stories based on IP protection and promotion” (Romania)

“presenting the advantages offered by IPR protection as well as the disadvantages that could appear by treating them with no respect” (Romania).

6.1.6 Lobbying

Notions here are expressing a demand for a stronger political presence of NPOs. This is recognition of the fact that IP policies cannot be successful in the absence of a strong political commitment. The view that, due to their traditions and impartiality, NPOs are enjoying a high social esteem is reflected in these notions. The lobbying as a sole actor or as member of pressure groups for objectives coming from the dedication of NPOs is clearly an option of expanding traditional responsibilities.

“lobbying vis-à-vis national government, parliament, EU-Commission, in the area of strengthening trade mark law, organising conferences focusing on the importance of IP in commerce” (France)
“NPO should be a major actor of NIS” (Portugal).

6.1.7 Research

Due to the nature of SWOT, its components mutually reflect each other. Opportunities can be turned into strengths, the lack of strength is also a weakness, etc. The one and only group of factors remaining without reflection by other SWOT components – despite its remarkable presence among threats – are of a social or soft nature. This turns attention to the conclusions of the research on the regional dimension of innovation. The findings of related research demonstrate a strong role of soft factors in the success of innovative regions throughout the world. This may justify further research to explore the innovative potentials of such factors with regard to IP policies. NPOs are certainly in a position to induce such research.

6.2 NEEDS based on case studies

The circle of needs implicitly included in national contributions as a whole is clearly larger than those explicitly expressed by the notions concerning the chapter „NEEDS“. Therefore, we have tried to enrich the variety of responses to meet needs in a broader circle in a subjective way by identifying practices that in our judgement can be of interest by their special salencies. We searched for practices with distinctive features that may deserve particular attention. In our interpretation, the strongest criterion for a best practice was that the identified successful national practice (or elements of practice) had to be suitable for introduction in other European NPOs.

The remarkable work done by the Austrian Study presents 15 **cases of good practice** in different European countries. We used the findings of this study and selected 4 out of these 15 cases, which have their origin in IPEuropAware partner countries. Beyond this source we further identified 2 other cases. In the following we will introduce a total of 6 cases of good practice.

6.2.1 SIGNO (formerly INSTI SME Patent Action)²⁹

The German service “SIGNO” (formerly “INSTI SME Patent Action”) is an IPR related initiative from the German Ministry of Economy which pools stakeholders in the IPR field and raises the awareness for IPR related grant schemes of the government especially for SMEs (with the subsidy being paid out to cover part of patenting costs for first-time SME patentees). It was chosen as a case study for exhibiting quite a range of elements of good prac-

²⁹ Radauer, A. (2007): Benchmarking National and Regional Support. Services for SMEs in the Field of Intellectual and Industrial Property. Final Benchmarking Report. Edited by KMU Forschung Austria, Austrian Institute for SME Research. Luxemburg, p. 121

tice: Amongst others, it was carefully planned and set up, is offered nationwide with regional outlets, has a high degree of customer-specific advice built-in and is integrated into a wider range of other IPR-related SIGNO services. User survey and evaluation results indicate a very favourable ratio of invested resources with respect to achieved output. The case-study also illustrates a positive interaction between patent attorneys and the service providers, which seems to be an important success factor for the service. Challenges arise mainly in terms of marketing needs.

The SIGNO SME patent action aims to support SMEs and enterprise starters who intend to protect their R&D results through IPRs (patents and utility models only) for the first time or whose last IPR-related application was filed more than five years ago. The service has the following specific goals:

- to reduce barriers in SMEs with respect to the use of patents and to optimise SMEs' innovation management;
- to increase the number of qualified patent applications by SMEs;
- to make SMEs aware of the economic aspects and the exploitability of an invention;
- to improve the use of patent information by SMEs and
- to improve the conditions in SMEs for the commercialisation of patents.

The main instruments used by this initiative are SME grant schemes: Eligible costs for tasks related to patent applications may be reimbursed by up to 50%.

6.2.2 IP Pre-diagnosis³⁰

Provided by the National Industrial Property Institute (INPI – Institute national de la propriété industrielle; the French Patent Office), the overall aim of IP Pre-diagnosis is to analyse SMEs as a whole with regard to their IP and IPR usage. The service is thus not focused on a particular project or invention. Experts undertake an in-depth analysis of the IPR management in participating companies to evaluate the importance of IPRs and their protection. The service addresses enterprises that have not registered a patent before (within the past 5 years) and usually do not possess an IPR strategy and/or relevant IP management. The service was selected as a case study in the scope of the underlying research for a number of reasons, most

notably for its broad approach towards IP protection, its excellent interaction with other services (1st patent from OSEO Innovation) and the well established collaboration patterns between the service-offering patent office and the technology/development agencies.

The overall objectives of IP Pre-diagnosis are:

- to increase the overall awareness and understanding of IPRs among SMEs,
- to assess the status and potential of the IP within a specific company and,
- to offer information and advice to support the establishment of an IPR strategy.

During an IP pre-diagnosis (which can last between 1.5 to 2 days) the service provider (an IP rights expert) discusses the company's situation with its manager in order to identify the enterprise's needs, wants and expectations in the field of IPR. The intended benefits are to raise enterprises' awareness of their IP and of all the tools that they can use in order to protect their IP and/or to put it to best use. Thus, formal IPR (such as patents) as well as informal IP protection methods are the subjects of the advice given.

6.2.3 Serv.ip³¹

The Austrian service serv.ip was chosen as a case study in the scope of the underlying benchmarking exercise especially because of its organisational set-up. Having its roots in the Austrian Patent Office, the service is actually an outsourced subsidiary (a "partial legal entity") of the patent office, operating on a non-profit – but self-sufficient cost-covering – basis, and is structured like a private company. By taking this step, serv.ip can operate in much more customer-oriented manner (it has, for example, to pay less attention to bureaucratic procedures). Service activities themselves focus on the provision of tailor-made patent database search services and pro-active awareness raising activities (road shows, seminars/trainings). The objectives of serv.ip are in particular:

- to offer information on IPR and respective support to companies, especially SMEs, which are interested in IPR issues,
- to provide technical information regarding IPR (patent, trademark and utility model searches),
- to organise workshops and (pro-active) aware-

ness raising campaigns, especially the road show “gedanken.gut.geschützt” (ideas.well.protected) in cooperation with the Austrian Patent Office,

- to make patent information, publications, information folders and other resources available on the internet,
- to offer additional services, i.e. monitoring of patents and/or trademarks, referring to other parties (i.e. the Austrian Patent Office), copying and translation services.

6.2.4 IPscore®³²

The software tool IPscore® (Danish Patent and Trademark Office) provides a thorough evaluation of patents and technological development projects. IPscore® focuses on five categories (legal status, technology, market conditions, finance and strategy) and walks the participant through around 40 assessment factors to identify the value of a project idea and to deliver the basis for professional IP-management.

It has to be mentioned, though, that the DKPTO holds the rights for IPscore® in Denmark but decided to assign international rights to the European Patent Office. As experts state, the DKPTO felt that this step was important, since the value of the tool increases with the amount of companies that make use of it.

6.2.5 Out-law.com³³

This is a mediation service introduced by the UK Patent Office to help companies and individuals resolve intellectual property disputes without resorting to litigation. The service is intended to cover all types of IPR.

In general, mediation is a means of resolving a dispute by mutual agreement without taking it through a civil court process. It uses an independent, third party to guide negotiations, which can be helpful in diffusing difficult situations. In many cases, mediation can be cost effective, discreet and provide certainty to partners. This new service offered by the Patent Office gives parties the choice of using a Patent Office mediator or an external provider. Either way, the parties can use accommodations provided by the Patent Office for the purposes of the mediation.

6.2.6 Think kit³⁴

Think kit is a free educational resource of the UK Intellectual Property Office aimed at Key Stage 4 students, although it can also be used for other age groups. The resource highlights the four areas of IP using case studies of well-known individuals and organisations.

It looks at IP real-life scenarios by relating real stories about people and their journey to success. In practical use, the information contained within the pack also proved to be of benefit to a wider audience, as the materials have been scaled up and down dependent on the recipients. Business start-ups and would-be entrepreneurs, in particular, have found the contents useful as the case study approach provides practical guidance on the commercial reality of IPR.

6.2.7 IDEApilot project

The target of the Finnish IDEApilot project is to create good practice for bringing the IP system and its services to the use of SMEs. The IP system has to be seen broadly as an essential part of the business process during the whole company life cycle. It is a robust and ingenious system generated to back-up business processes from the beginning to the end, from the idea to the market, both in protection and as a source of information. In the framework of the IDEApilot project, research was conducted on how patent information could be integrated and utilised by the SMEs in New Product Development (NPD) processes. The study dealt with the knowledge management practices in SMEs, especially in New Product Development, and the role and possibilities of patent information as a source of new knowledge. Another objective was to provide practical guidelines about how the NPD processes could be developed to fully benefit from available patent information.

After being convinced that the IP system is useful, the company requires a simple way to use the services. For this purpose they need a very practical approach to the IP system built into their business process. A workbook was created for this purpose that goes through the business process of SMEs and asks simple, relevant questions concerning IP matters. Having answered these simple questions, the company has laid the cornerstone to their IP strategy. In the Internet version of the workbook, the users can find paths to actual services either on the Internet or in the nearest service point, e.g. an innovation agent at a T&E Centre or detailed guidance to information retrieval.

³² Radauer (2007): Benchmarking ..., p. 280

³³ For more information see: www.out-law.com

³⁴ For more information see: www.ipo.gov.uk

6.3 NEEDS based on a survey: IP awareness of SMEs³⁵

The Hungarian Patent Office conducted a survey on IP awareness in SMEs in 2006. Researchers assumed that in the absence of an efficient IP protection, the success of innovative efforts may become jeopardised. Among the objectives of the research was to explore the actual state of IP, the IP activities of enterprises and the factors having an impact on the level of IP. Based on the findings of the study, the establishment of recommendations was expected with regard to the improvement of the management of intellectual property. A questionnaire was completed by more than 400 enterprises with the assistance of an IP information service established by the HPO in co-operation with the Hungarian Chamber of Commerce and Industry.

Why is IP protection unimportant? (Frequency of mentioning, in percentage of those replying to the given question, Survey on Doing Business, Innovativeness, IP Knowledge and Application of Hungarian SMEs)³⁶	
Administration is complicated	39
Ideas made available to the public get stolen	34
Costs of industrial property do not return	32
There are few or no developments that are worth being protected	29
Hampers utilisation of new ideas	2

14. Table: Why is IP protection unimportant?

The knowledge about titles of IP protection in the firms interviewed was rather deficient. About half of the respondents knew patents and trademarks as the best-known titles of protection. Utility models and designs were known by 17% of company managers, while geographical indications were practically unknown to respondents. Some referred to titles of protection that do not have anything to do with titles of intellectual property protection (e.g. the emblem for "excellent quality goods" or the ISO quality management system). Such a result is stressing, especially with regard to the fact that a vast majority of respondents (93%) considered industrial property necessary. According to the companies, the most important benefits of IPR prevail in ensuring fair conditions for competition, in the provision of legal guarantees for the returns of R&D expenses, in the provision of exclusive rights for the utilisation of R&D results; and in the rise of the value of the company by protecting its intellectual assets.

12% of the firms interviewed said that they were engaged in IP activities, a further 21% said they had held protection previously or at the time of the survey. Moreover, a further 7% purchased a licence in the course of their operation. In total, 40% of the business organisations surveyed were directly affected by IP.

There seems to be a very strong relationship between R&D and IP activities. The share of companies engaged in both IP and R&D activities was five times higher than those not engaged in R&D activities.

Where do you get information on the new developments affecting your activities? (Frequency of mentioning, in percentage of those replying, additional information from: Survey on Doing Business, Innovativeness, IP Knowledge and Application of Hungarian SMEs)³⁸	
Internet	60
Periodicals, gazettes	56
Hungarian Patent Office	6
Media	13
Professional contacts	66
Study visits	30
Professional fairs	46
Other	4

15. Table: Where do you get information on the new developments affecting your activities?

29% of companies responding that IP is not important possessed no identified knowledge concerning innovation. They were certainly right: if there is nothing to get protection for, there is no sense in applying for protection. Other companies in this circle complained particularly about the fact that IP administration is complicated, time-consuming and costly, and costs do not wholly return. It is also quite alarming to see that according to a third of respondents, IPR is unable to prevent infringements. This opinion raises a fundamental issue, that of the enforcement of laws, and it presents quite a negative image in this respect.

As a consequence, 40% of the firms questioned thought that it was worth keeping an innovation secret until filing the application for patent or design protection, or even until the protection was granted.³⁷

The questionnaire also raised an open question aimed at comparing the options of protecting IP by keeping it secret or by obtaining formalised protection. Respondents summarised the benefits of formalised protection as follows:

- innovation does not get stolen, it provides exclusive rights;
- R&D costs may return;
- market benefit is provided;
- protection may provide permanent market benefit;
- protected products are better known;

³⁵ Hungarian Patent Office (2006): Survey on Doing Business, Innovativeness, IP Knowledge and Application of Hungarian SMEs. Budapest.

³⁶ See: Hungarian Patent Office (2006): Survey on...

³⁷ It is worth noting here that publication (making ideas public) is a goal for researchers, which means recognition and professional success for them, but publication before the patent application destroys the novelty of a technology and so excludes the technology from patenting. These days the tendency for publication is increasing among researchers. A smart publication is made following the patent application.

³⁸ See: Hungarian Patent Office (2006): Survey on ...

- protection means a competitive advantage.

The possible disadvantages mentioned were as follows:

- protection only provides short-term advantages;
- protection can be circumvented by legal practices;
- obtaining protection is costly;
- court procedures are not effective in IP litigation.

Half of the respondents did not make use of any assistance when turning for protection, a quarter of them were helped by patent attorneys, about a sixth of them were helped by a lawyer, while the rest solved the problem by other means.

The choice among the sources of information on innovation can well describe general IP orientation. The findings of the survey are pointing at professional contacts, Internet, and professional media (periodicals, gazettes) to be the main sources of information with other sources having a negligible role.

Relationship between IP practices and the usage of IP information (frequency of mentioning, in percentage of those replying to the given question, Survey on Doing Business, Innovativeness, IP Knowledge and Application of Hungarian SMEs)³⁹	Yes	No
Companies engaged in IP practices	68	32
Companies not engaged in IP practices, activities	39	61
Companies having a legal protection	68	32
Companies not having any legal protection	35	65
Companies possessing licences	48	52
Companies not in possession of licences	42	58
Companies that have already sold licences	53	47
Companies that have not sold any licences	44	56

16. Table: Have you ever enquired if a certain solution is already protected or not?

As a source of information, the HPO was primarily important for firms engaged in IP activities and for those having some type of formalised protection. However, since 44% of respondents found design protection to be important, and a further 18% identified utility model application as a need, quite a number of firms can be considered as “potential subjects” for IPR. They represent a potential clientele for the HPO with regard to information and training services.

43% of the respondent business organisations said that they have done research concerning the formalised protection of IP in Hungary or abroad, while the remaining 57% of the firms in the sam-

ple never did so. Larger companies tend to carry out research to a greater extent. The following table shows the relationship between IP practices and enquiring about protection.

Proposals to improve the operation of IP information points	Frequency of mentioning in percentage of those replying to the given question⁴¹
Easy to understand business-oriented information materials	62
Organisation of trainings	36
Preparation of a database including both investors and innovative firms	27
Finding patent agents to help to prepare IP applications	24
Monitoring of competitors	17
Monitoring of IP rights infringements	12

17. Table: Suggestions of firms as to the NEEDS of SMEs on IP information, services and education

The relationships displayed above do not need much explanation. Conscious IP activities can be seen here, too. The number of spin-off companies from knowledge centres and the availability of seed capital significantly influence the level of licensing and know-how.

6.4 Conclusions of NEEDS analyses

IP awareness or the knowledge and use of relevant tools should be an organic part of business culture. Through the improvement of general business culture there is hope for improved IP practices, however, this may take a longer time.

The 2006 survey of HPO on Doing Business, Innovativeness, IP Knowledge and Application of Hungarian SMEs showed that while the vast majority of respondents acknowledged the need for IP, more than a third of them did not have any specific information on the issue.⁴⁰

A better understanding of the situation also requires considering the respondents’ aversions towards IPR enforcement. Many of those asked thought that IP administration was complicated, time-consuming and costly. Besides, several respondents mentioned that these costs were not to return. According to research on cost structure, it is not the fees for IP procedures and services that are thought to be high, but those paid to patent attorneys and to professional translators. However, for small and medium-sized enterprises, which typically do not employ professionals with the relevant expertise, it is expedient to turn to patent attorneys for filing their applications. Their bad experiences with regard to IPR enforcement,

³⁹ See: Hungarian Patent Office (2006): Survey on ...

⁴⁰ See: Hungarian Patent Office (2006): Survey on ...

⁴¹ See: Hungarian Patent Office (2006): Survey on ...

their difficulties to prevent the infringements by larger companies, the costliness and limited results thereof, as well as the sometimes differing interests of foreign owners tend to discourage SMEs from patenting their innovative solutions. Moreover, some respondents thought that IP was not capable of preventing infringements.

IP awareness and the related practices show a relatively close connection. Awareness of the firms active in this field is significantly higher than that of those being inactive. **There is no benefit from the availability of different channels of IP information if SMEs do not have an interest to exploit them.**

Aside from the generally weak export-orientation of SMEs, the low number of foreign filings may be explained by high costs (assumed or real) that are present despite existing subsidies. Interestingly, research has revealed that subsidy options are mostly unrecognised by the SMEs, which are inactive with regard to enforcement. The elimination of such deficiencies should be considered by NPOs, when expanding the scope of their activities.

In addition analysing the answers of respondents, the 2006 survey of HPO on Doing Business, Innovativeness, IP Knowledge and Application of Hungarian SMEs also had the opportunity to make proposals to improve the operation of IP information points. According to almost two thirds of the answers, it is **business-oriented information that is most needed**. The emergence of this aspect as the strongest one was quite general; a differentiation by groups of companies could not be observed. A few pointed at the need to also make information materials available through the Internet, free of charge and regularly updated.

7. IP Awareness and Enforcement Services of NPOs – „Menu” –

The aim of this part of the present study is to list the existing services of the National Patent Offices in the 20 partner countries in order to recommend new activities for the partner NPOs. We call this collection of best practices a “Menu”. This compilation contains **17 proven recommendations from 20 countries for the development of IP awareness and enforcement services**. It demonstrates the practical ways in which National Intellectual/Industrial Property Offices are working to promote IPR rights and innovation and provide support for enforcement.

The “Menu” is a powerful tool for:

- analysing current trends and emerging issues;
- service-development including new tools and methods;
- technical cooperation through recommending proven services and experiences;
- network-building within the National Intellectual/Industrial Property Offices.

The Hungarian Patent Office has been responsible for WP9 of the IPeuropAware project and carried out the data compilation necessary for the Menu. HPO has also been in charge of sorting the good practices as well as the selection of new IP awareness and enforcement services and activities in accordance with the national IP strategies and innovation policies for each partner.

The partner NPOs all have a central source of information with regard to what is actually provided in the partner countries and which services can be implemented in the future – considering sustainability. The Final Benchmarking Report for the study “Benchmarking Regional and National Support Services in the Field of Intellectual and Industrial Property”, compiled by Austrian Institute for SME Research within the initiative PRO INNO Europe, also analysed more than 270 publicly founded IPR support services offered on a national and/or regional level.⁴² The report maps the support services available in each participating country. However, sustainability was not a selection criterion of the Benchmarking study.

The Technopolis study “Effects of counterfeiting on EU SMEs and a review of various public and private IPR enforcement initiatives and resources” furthermore lists a number of services focusing on enforcement.⁴³ Information gathered in this project has also been taken into account.

7.1 Methodology of the “Menu”

In an earlier phase of the IPeuropAware project, within WP5, a list of the main national intermediaries/actors has been compiled.⁴⁴ This list of institutions and key actors of the Project provided help to describe the institutional landscape for awareness-raising and enforcement issues. Also very helpful was the Gap analysis completed within WP1 of the IPeuropAware project, in which gaps and thereby SMEs’ current needs for IP awareness and enforcement services were identified.⁴⁵ The overall purpose of WP1 was to provide a coherent set of documents to add direction to the subsequent actions within the IPeuropAware project. For this reason, already existing documents containing information about services available to SMEs (supply side) and the SME’s need for services (demand side) were collected and mapped. The conclusion of this analysis was that the supply of support services is focusing on what can be called a “more defensive way of using the IPR system”. Service providers also offer elements of “more offensive and strategic use of IPR”, albeit to a much lesser extent. Examples of services having a more offensive and/or strategic focus are services teaching SMEs aspects of commercialisation and setting up an IP strategy.⁴⁶ The general picture of the need for support services is that there is a large need for services on the first two AIDA levels⁴⁷ (when SMEs are aware of IP and when they are protecting IP on a more or less regular and systematic basis). The data reveal that the SMEs have a great need for more knowledge on IP rights and how to apply for them but also awareness of intangible assets and knowledge on how to protect these assets.

The needs identified and investigated on a European level in WP1 have been further analysed and validated in WP9. As part of the work within WP1, “support services” have been defined in order to secure a uniform understanding of the wording. In accordance with the definition of the

⁴² See: Radauer (2007): Benchmarking ...

⁴³ See: Technopolis (2007): Study: “Effects of counterfeiting on EU SMEs and a review of various public and private IPR enforcement initiatives and resources”. Final report.

⁴⁴ Christina Nordström (2008): Main actors/intermediaries in Europe in the field of IPR-Innovation-SMEs. Unpublished project material, IPeuropAware project, WP5, edited by Swedish Patent and Trademark Office, p. 17.

⁴⁵ Kjaer (2008): Report on gap analysis ...

⁴⁶ Kjaer, K. (2008): Analysis of supply of support services. Unpublished project material, IPeuropAware project, WP1, edited by Danish Patent and Trademark Office, p. 17.

⁴⁷ For AIDA see Chapter 6.

European Commission, published in the 2001 staff working paper "Creating top-class business support services"⁴⁸, the following definition of support services was adopted:

"Business support services refers to those services, originating in a public policy initiative, that aim to assist enterprises or entrepreneurs to successfully develop their business activity and to respond effectively to the challenges of their business, social and physical environment".⁴⁹

This definition is also used in the Austrian report from 2007, "Benchmarking National and Regional Support Services for SMEs in the Field of Intellectual and Industrial Property", with the following addition:

"These services have to be IPR-related, according to the definition of IPR provided by WIPO."⁵⁰

In accordance with the above-mentioned definitions and the objectives of the IPeuropAware project, services selected for the Menu had to fulfil the following **selection criteria**:

1. The service has to be offered by at least one National Patent Office, participating in the IPeuropAware project.
2. The services have to be publicly funded. The services, identified as good elements of practices for the „Menu“, have already been implemented by National Patent Offices as public institutions, a fact which guarantees these services' compatibility with public funding regulations.
3. The services have to target SMEs, either explicitly or implicitly.
4. The service has to target IPR issues as a whole or in analysable parts (both registrable IPR and other methods like copyright or soft rights).
5. The services have to be sustainable (implemented continuously at least till the end of the IPeuropAware project).
6. Since the strategic objective of IPeuropAware is to raise SMEs' interest and knowledge about IP issues, the selected services must not focus only on registrable IPR, but should also cover „soft IP“⁵¹ and IP management issues.

As already mentioned above, NPOs carry out significantly different activities in the field of IP awareness and enforcement. It is important to

study how these activities fit into the current IP awareness and enforcement strategies and national innovation support systems. In order to learn and map these actually implemented services, partner institutions sent reports on the current national IP awareness and enforcement strategies and innovation support system to the WP leader. HPO summarised the received information and compiled a provisional „Menu“ with NPOs' IP awareness and enforcement activities. This provisional „Menu“ was sent to the partners for verification and confirmation.

With regard to the technical composition of the „Menu“, it was constructed upon the following structure:

- contains columns for services which are already applied in each country;
- contains columns for appropriate services for selection to extend the NPOs' individual service packages in each country.

In the first step, partner NPOs sent **information on services they already apply**. In the second step, they were asked to **select two services from the listed sustainable and recommended services**. When selecting the new services for introduction, partners had to take into consideration that in a later phase of the IPeuropAware project, within WP11 and 12 they might adopt these actions (in accordance with IPeuropAware project description).

In order to make the future efforts comparable and for quality control reasons, the „Menu“ also contained a column with **specifications for each service**. As already mentioned, all the recommended services have already been applied in at least one of the IPeuropAware project partner countries. If some of the project partners (or even external players) seek further detailed information about the services, they have the possibility to contact either the relevant partner NPO directly, via the HPO as the WP leader or the project coordinator.

7.2 Results of the „Menu“

During the preparation work of the „Menu“, it had to be taken into consideration that the partner NPOs have **different competencies in the fields of the IP awareness and enforcement support issues**. The IP awareness raising activities promote the benefits of IP, which in turn encourages innovation. All 20 participating IP Offices carry out such information providing activities. However, National Intellectual/Industrial

⁴⁸ European Commission (2001): Creating Top-Class Business Support Service. Commission Staff Working Paper. SEC(2001) 1937. Brussels.

⁴⁹ Kjaer (2008): Analysis of supply ...

⁵⁰ See: Radauer (2007): Benchmarking ... p. 49.

⁵¹ Soft IP refers to know-how management and trade secrecy. For more information see: IP4INNO project, http://www.ip4inno.eu/index.php?id=203&L=1&tx_cmsip4inno_pi1_%5Bcriteriald_%5D=2

Property Offices are in general not responsible for enforcing intellectual property, as they are not prosecuting agencies. For this reason, not all national NPOs are involved in enforcement support issues. Nevertheless, they can provide further information on these issues for enforcement bodies and those engaged in combating counterfeiting and piracy. In some cases they operate as mediation centres or have mediation initiatives.

Besides these, an **increased attention to enforcement issues among the NPOs** can be identified. In some of the participating countries in recent years, interdepartmental committees have been set up to deal with the problem of counterfeiting and piracy. In these committees a wide spectrum of enforcement and commercial interests are represented, including public administration bodies like National Patent Offices, public prosecutors, police and customs authorities, trademark and copyright associations, and interest groups from commerce and industry. The main activities of the committees include, inter alia, the elaboration and the coordination of carrying out a National Anti-counterfeiting Strategy, promotion and monitoring of IPR enforcement support measures, cooperation with the police and customs authorities and support of an efficient information exchange between the different agencies etc., existing on national level.

As a result of such committees' activities, several new measures can be identified in order to raise awareness on enforcement issues and to offer effective means of combating counterfeiting. Moreover, the collaboration between the participating entities might increase significantly. By far the best example to illustrate the latter is the National IP Crime Report in the **United Kingdom's** IP enforcement strategy. The 9 recommendations in the 2007 report tend to express a strong commitment to fight IP crime. Practically, these recommendations may outline in a comprehensive way the options of the NPOs' involvement in this respect.

Eight other national contributions support this trend in Europe. The cases below are intended to outline the landscape in this respect:

- The Permanent Interdepartmental Counterfeiting Network was established in **Denmark** as part of the implementation of the strategy against counterfeiting and piracy adopted in 2008. The network is a forum for coordination of various national activities related to anti-counterfeiting and anti-piracy work. The Danish NPO (PTO) carries out the function as secretariat for the network.

- Similarly, the **French** NPO hosts the General Secretariat for the CNAC (The National Committee against counterfeiting). One out of the three thematic issues in the framework of CNAC is to maintain dialogue and elaborate proposals to improve relevant legislation.

- The **Italian** NPO (UIMB) has a distinguished role in the country's national strategy against counterfeiting and IP infringement. The existing activities of UIMB include – among others – the preparation of new IP legislation as well as the establishment of specialised courts for industrial and intellectual property rights.

- As a stakeholder in the Inter-sectoral Commission against Activities of Infringement of IPRs the **Spanish** NPO (OEPM) takes part in the elaboration of proposals for training activities addressed to the State Security Forces, Local Police and the Courts.

- In **Portugal**, there is an Anti-Counterfeiting Group in which the Portuguese NPO (INPI-PT) is represented. This Group was created in 2007 as an informal group, with the aim of identifying the main problems in the combat against counterfeiting in Portugal, and the measures that these entities could undertake, in order to raise awareness on enforcement issues and to offer effective means of combating counterfeiting.

- On the initiative of **Malta's** National IP Office, an Alliance between the IP Office, Customs, Police and the Attorney General was created for greater collaboration in the enforcement of IPRs.

- In **Romania**, OSIM participates in the IPR Group with support for any enforcement action, working on a regular basis with police, customs authorities, border police and others, in order to exchange information in an efficient manner. A common B2B database has been created and implemented among several institutions concerned in IP enforcement fields.

- In **Hungary** the National Board Against Counterfeiting (HENT, established in March 2008) has been commissioned to elaborate and co-ordinate the National Anti-Counterfeiting Strategy with the participation of the national NPO. Considering that all remedies (both civil and criminal) to fight IP offences are available under Hungarian legislation, the emphasis is being laid on the improvement of relevant legal practices.

If National Patent Offices are members in such anti-counterfeiting committees, they mostly receive additional responsibility for enforcement matters like

coordination of the activities of participating public bodies, NGOs and enterprises, support training for the staff of the enforcement agencies, raising of consumer awareness through different programmes and campaigns etc. As a consequence, enforcement also becomes a more prioritised area in NPOs' IPR activities – without them becoming a prosecution agency.

Within the competencies of the NPOs, the following differences were identified:

- Competencies in awareness raising issues regarding IP but not in the field of enforcement,
- Competencies both in awareness raising and IP enforcement support issues (via coordinative forums with the participation of public bodies/NGOs/enterprises) to deal with the problem of counterfeiting and piracy. Such entities are responsible for inter alia promoting, co-ordinating and monitoring IPR enforcement, working with the police and customs authorities and ensuring an efficient exchange of information between the different agencies etc.

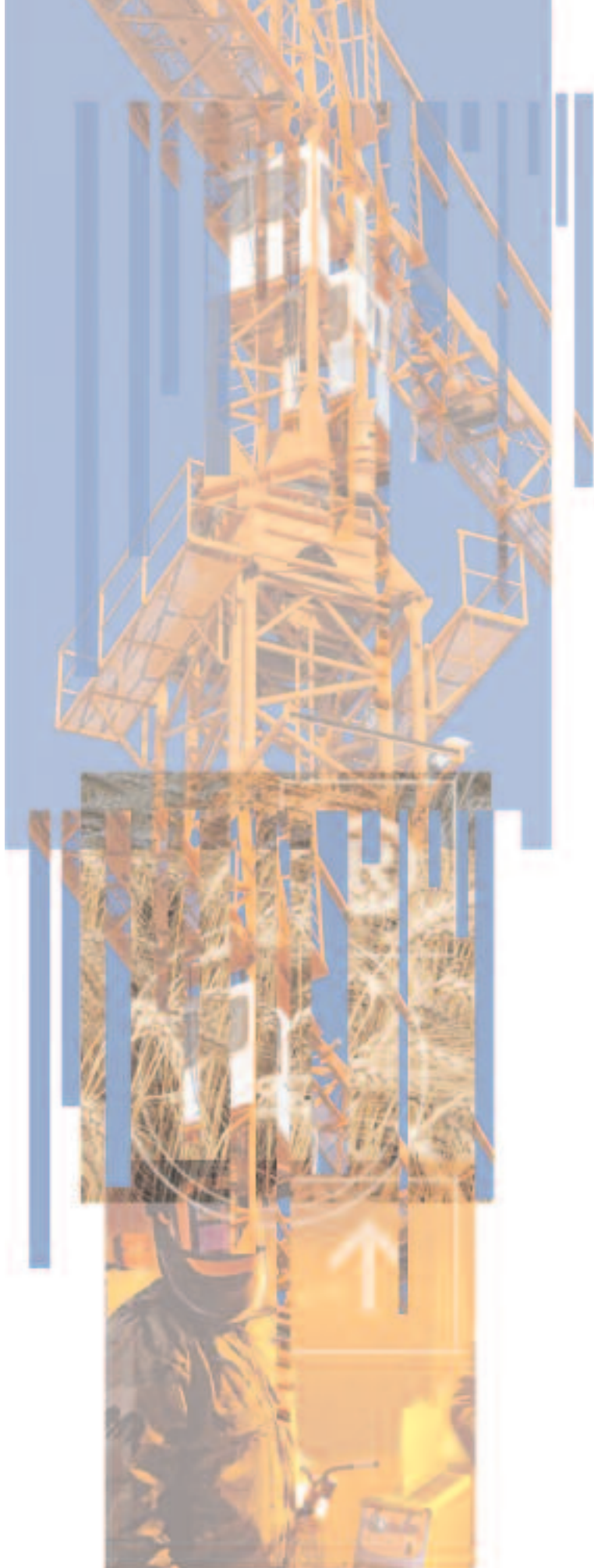
The following table provides an overview of the competencies of partner NPOs in IPR awareness and enforcement issues. The table also contains additional information about the way NPOs are involved in the work of national anti-counterfeiting committees.

7.2.1 Existing services

Due to its complexity it is possible to show a wide range of different existing implementable and sustainable IP services offered to SMEs by the NPOs. The aim of the "Menu" has been to help the partner NPOs improve their services by learning from other NPOs. For this reason, all partners validated the list of existing services and made recommendations to other partner NPOs. The input for discussions on this issue was prepared by the WP-leader and communicated to the partners. The identified services and actions meet all the selection criteria (sustainable; publicly funded; targeting SMEs and IPR issues).

All the recommended services have already been applied in at least one of the partner countries. The „Menu“ contains the name of the NPO with their services, so if the partners are considering introducing a new activity from the list and seek for further detailed information on the services, they can easily contact the relevant partner NPO.

The following service categories were selected for the "Menu":



Country/Partner		Sweden	Czech Rep.	France	Germany	Turkey	Estonia	Spain	Portugal	Finland	Luxemburg	Italy	Denmark	L.K.	Bulgaria	Poland	Greece	Romania	Austria	Malta	Hungary
Competencies in awareness	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Competencies in awareness AND enforcement	No	No (but close cooperation between governmental bodies; coordinated by Czech NPO)	Yes (via Comité National Anticontrafacon, coordinated by INPI-FR)	No	No	No	No	Yes (via Intersectoral Commission Against Activities of Infringement of IPRs)	Yes (via Anti-Counterfeiting Group, established 2007)	No	No	Yes (via National Counterfeiting Committee, coordinated by UIBM)	Yes (via Permanent Interdepartmental Counterfeiting Network, DKPTO has the secretariat)	Yes (via The Anti-Counterfeiting Group (ACG))	No (draft Anti-Counterfeit Strategy)	No (Anti-piracy Coalition exists but Polish NPO is not a member)	No	Yes (via IPR group)	No	Yes (via "Alliance against counterfeiting" on the initiative of Maltese NPO)	Yes (via HENT)

18. Table: Competencies of NPO's

Source: consortium partners' contribution



7.2.1.1

Already applied awareness services

As a basis of the knowledge economy and a key element in promoting strong and competitive markets, one of the primary aims of the NPOs is to manage an effective system for the protection of IPRs. Another aim is to stimulate innovation and enhance the international competitiveness of national industry and commerce through the promotion and awareness of these rights. They have an invaluable role in industrial and intellectual property activities and in intellectual property awareness raising. In order to raise SMEs' IP awareness and consciousness, and to develop demand-driven services for them to improve their business performance, NPOs carry out a wide range of different activities. The following services have been selected for the „Menu“:

1. Realisation of public actions (like road shows, information campaigns)

Road shows include application of best practice recommendation in the field of IP. Road shows travel in some regions of the country, and are organised preferably jointly with other governmental organisations or NGOs.

Countries where this service has already been applied: SE, FR, DE, EE, PT, FI, LU, IT, DK, UK, PL, MA.

2. Media advertising

Extensive coverage in different media including printed press, TV, radio and Internet magazines is desirable. Press should include national press, economic publishing, and press targeting SMEs next to the industry specific sub-cultural media. TV and radio programmes should contain different types of programmes, like: IP day relevant broadcasts, Inventor of the day, Plagiarius award, innovation and economy related talk-shows, morning discussions, commenting news spots, etc.

Countries where this service has already been applied: FR, DE, ES, PT, FI, IT, MA, HU.

3. Information services on IPR issues (like "Helpdesk")

Providing assistance for SMEs in the framework of information/customer service on the tools of intellectual property in order to enhance their competitive edge, or to avoid costly lawsuits from infringement and/or piracy. Assistance should include support to decide on the right title of protection, information on

IPR and obligations arising from the different titles of protection; on the ways, tools and processes of gaining protection; on calls for application supporting acquisition of rights; on copyright in general and on the related international treaties. Statistics about the operation of the helpdesk should be maintained. A website segment within the office's homepage should be set up for the helpdesk, where contacts, opening hours, location, including information materials, FAQs, and other useful contents are integrated.

Countries where this service has already been applied: FR, DE, EE, ES, PT, FI, LU, IT, DK, GR, HU.

4. Regional information service points on IPR issues

For many citizens the location of the national patent offices is too far to ask for a personal interview for help on IP information. Therefore, the co-operation of other institutions like chambers of commerce, Enterprise Europe Network (EEN) members, regional innovation agencies, etc. may improve accessibility of personal contacts and information. The regional information service points can help find information about IP rights, located near to the clients. The regional service providers should acquire standardised training in IPRs and their commercialisation. The regional info-relay centres⁵² should distribute patent office information materials, operate an IP specific homepage-segment on their own website, and be open for client visits.

Countries where this service has already been applied: FR, DE, ES, PT, FI, IT, DK, PL, GR, RO, HU.

5. Training courses (graduate/academic education)

Although these courses target university students, we think they should be considered as an investment into the future managers of SMEs. Service should include elements like offering partnership programs for universities. Within the regular partnership and IP education programme-training, courses on intellectual property should be provided for university students. Courses should have an average duration of 8-10 lectures and be worked out in collaboration with the university faculties, and departments. Trainers can come from the departments of the NPO, and from the university staff. The universities should provide the infrastructure of the training.

Countries where this service has already been applied: FR, DE, ES, PT, LU, IT, PL, RO, HU.

6. Training courses (non-academic adult education)

Following the concept of life-long learning, NPOs should offer a training course system of IP for SMEs. The basic course should consist of around 8-16 hours of study in one or two days and provide general knowledge on intellectual property. The knowledge obtained during the course would enable enterprises to recognise the possibilities lying in the IP protection of their own intellectual properties, as the first legal step of the innovation cycle. Beside registered IP protection these courses should also provide knowledge on soft IP.

Countries where this service has already been applied: SE, FR, DE, EE, ES, PT, FI, LU, IT, DK, RO, HU.

7. Training courses (e-learning)

E-learning at its best is a cutting-edge technology tool of education, which broadens the availability of the target groups. This is intended to be one of the most important forms of education to be provided by the NPOs in the future. This tool can reach SMEs countrywide with a high degree of flexibility regarding SMEs' demands. E-learning modules should cover at least the following topics: Basic information on IP rights; alternative toolbars for IP rights protection; the benefits and sources for information on IP rights; the commercialisation of IP.

Countries where this service has already been applied: FR, PT, FI, LU, PL, HU.

8. Services to assist SMEs in identifying IP assets (e.g. pre-diagnosis ...)

This type of service targets SMEs which may not be aware of the potential of their IP assets and which may not have adequate individual IP strategies. It is intended to assist in identifying IP assets, provide support in their protection and align their utilisation with business and operational milestones. The quality control indicators are the number of analyses completed. By the end of the project the analyses methodology should be adapted and at least three "diagnoses" completed.

Countries where this service has already been applied: FR, ES, PT, LU, IT, DK, RO.

9. Copyright registry

Copyright is a form of protection provided by law to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. Through copyright registration a copy or copies of the work will be registered and "deposited" with the NPO.

Countries where this service has already been applied: ES (Copyright registry under the Spanish law is provided by the Ministry of Culture; OEPM does just signposting), HU.

7.2.1.2

Already applied enforcement services

Current trends indicate that new forms of IPR infringement, such as via the internet involving all manners of digital products, have replaced traditional methods of IPR infringement, while the sales of counterfeit brand-name products via the same platform is also plentiful.⁵³ The best practice project "Strengthening the IPR Enforcement of EU Industry and SMEs", co-financed by the European Commission, has also been based on the perception that although there is now an increasing provision for small and medium enterprises to help them develop their intellectual property, there is still a need for better support arrangements for small firms when they find that their intellectual property rights are being disregarded or abused.⁵⁴ To provide a quick and effective response to this new wave of crime, encourage the denouncement and report of such acts by the public, an increasing number of NPOs also provide support with enforcement issues.⁵⁵ It is desirable that NPOs emphasise their commitment to future efforts in IPR protection, and – built on the success of existing IPR protection policies – provide vigorous assistance to law enforcement to investigate and to protect legal operations while combating illegal operations. At the same time, NPOs preferably call upon all citizens to respect and protect IPR, in a joint effort to establish a healthy IPR protection environment.

Specific enforcement measures applied in the participating countries and selected for the „Menu“ are:

⁵³ „Counterfeiting and piracy is an enormous phenomenon which is thought to be growing in absolute value and proportionally to global GDP in line with trends in international trade. There is, therefore, an acute need for intensified action, both within the EU and in third countries, to protect European companies and their investments in innovation.“ European Commission (2008): An Industrial Property Rights Strategy for Europe. Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee. Brussels, COM(2008) 465/3, p. 13.

⁵⁴ Centre for Strategy and Evaluation Services (ed.): Best Practice Project: Strengthening the IPR Enforcement of EU Industry and SMEs. Draft Final Report. Unpublished working paper, p. 1.

⁵⁵ Enforcement is one of the key issues for the IPeuropeAware project. It is foreseen that a "Synthesis Report on Enforcement Support Services" will be completed soon within WP10 of the project (WP leader: DKPTO).

1. Negative or positive award (like "Plagiarius"⁵⁶ in Germany or "The Creativity Trophy" in Romania)

Annual award media campaign for a better protection and enforcement of IPR with weeks of joint media presence. Possible breaking communications:

- white paper on international/national piracy and counterfeiting,
- survey on the socio-economic effect of counterfeited products,
- loss of tax-income due to illegal importation of branded/patented products etc.

Countries where this service has already been applied: DE, RO.

2. Publishing enforcement guidebook for selected branches

Recommended content:

- a guide to what to do in case of suspected infringement, either on behalf of the IP owner or customer,
- "decision making tree" on what to do when facing infringement,
- easy to understand presentations and comparisons of the different alternatives of actions and dispute settlement options available,
- enforcement map depicting the stakeholder agencies like chambers of commerce, mediation agencies and governmental organisations (like police, customs, consumer protection organisation, NPO, court), the description of their IP enforcement related functions and services,
- communication of joint enforcement programs, activities of the above bodies with a sector specific focus.

Countries where this service has already been applied: IT, UK.

3. Developing specific enforcement training tools (like interactive training packages)

Sharing the experiences and practices of the police and customs in order to act more effec-

tively against counterfeiting, in cooperation with the police and customs authorities etc.

Countries where this service has already been applied: CZ, FR, UK, MA.

4. Creation of common database (with Police, Customs etc.)

Different databases of different institutions involved in fighting against counterfeiting contain different data. Their purposes are to serve different functions based on the perspective of the organisation and the aim of the database. Recommendable is a common/integrated database, joining relevant and useful contents of separate databases together (e.g. trademark, validity data from trademark registry, most usual misleading signs used in relation to the mark inputted by customs/police/mark owner, companies already caught as breaching the brand inputted by police/customs, etc.).

Countries where this service has already been applied: CZ, PT, UK, RO, PL.

5. Organising seminars, workshops etc. on enforcement issues preferably with judges and/or attorneys

By necessity intellectual property law has to be abstract, both because it deals with intangible subject matters (inventions, works, etc.) and because this branch of law has, in practical life, to cover a great number of situations which are impossible to foresee in advance within a legal text. Therefore, court practice has traditionally played an important role in the practical operation of IPRs in the economic and cultural fabric of a society. The training modules can be worked out in co-operation with WIPO Worldwide Academy, OHIM, EPO etc.

Countries where this service has already been applied: SE, CZ, FR, DE, PT, IT, GR, RO.

6. Creation of website dedicated to IP enforcement

Recommended contents:

- a guidance for what to do in case of suspected infringement, either on behalf of the IP owner or customer,
- "decision making tree" on what to do when facing infringement,

- easy to understand presentation and comparison of the different alternatives of actions and dispute settlement options available,
- enforcement map depicting the stakeholder agencies like chambers of commerce, mediation agencies, and governmental organisations (such as police, customs, consumer protection organisation, NPO, court), the description of their IP enforcement related functions and services,
- communication of joint enforcement programs, activities of the above bodies,
- user-uploadable database on counterfeited products etc.

Countries where this service has already been applied: FR, DE, ES, PT, IT, DK, HU.

7. Creation of an "Electronic Complaint System"

The Electronic Complaint System is a central system, based on the Internet, through which an individual, enterprise or other organisation can present a complaint concerning an infringement to their or others' IPRs. The "Electronic Complaint System" should be available through a specific website created for anti-counterfeiting activities. The Complaint System should be operated through the cooperation of several governmental organisations such as NPOs, policy authorities and customs.

Countries where this service has already been applied: SE, PT, IT.

8. Development/implementation of B2B and B2C services

The copying of existing patents, logos and industrial designs undoubtedly damages the economy. Several programmes (e.g. TMView Program,⁵⁷ CETMOS,⁵⁸ eMage/eMARKS⁵⁹) exist or are currently under development aiming to create a common search engine tool to allow users to consult registers of the EU national offices as well as international organisations like OHIM, WIPO etc. These are intelligent web-based solutions, which help to fight against counterfeiting and to make companies aware of existing registered patents, logos and designs.

Countries where this service has already been applied: CZ, PT, IT, DK, UK, BG, PL, RO, AT, HU.

7.2.2 Services selected

Project partner NPOs selected appropriate elements of the „Menu“ for use in their individual strategies. Within WP11 and WP12 of IPeuopAware project, actions selected in WP9 will be tested in each country with targeted groups of SMEs following a predetermined procedure.

Important criteria of the selection of the services were:

- a. to get a broader list for supplying IP awareness raising and enforcement services and activities, implemented in a sustainable manner in the participating European countries by the end of the project;
- b. to be in line with the financial, technical and operative capacities of the participating NPOs, providing a guarantee of efficiency. This factor is important because most of the NPOs participating at the project are public institutions, financed by public funds.

Partner NPOs have selected the following services:

7.2.2.1 Awareness services selected

- realisation of public actions (like road shows, information campaigns): PT;
- media advertisement: SE;
- information service on IPR issues (like "Helpdesk"): SE, PL;
- training courses (graduate/academic education): SE, DE;
- training courses (non-academic adult education): FI, PT, ES, BG;
- training courses (e-learning): CZ, SE, ES;
- services to assist SMEs in identifying IP assets (e.g. pre-diagnosis): EE, CZ, SE, TR, ES, BG, HU, AT, PT, FI.

7.2.2.2 Enforcement services selected

- negative or positive award: UK;
- publishing enforcement guidebook for selected branches: DE, IT;

⁵⁷ The TMview programme (formerly EuroRegister), which is currently being developed as part of OHIM's commitment to the technical cooperation issues decided on in July 2005, aims to create a common trade mark search engine tool to allow users to consult registers of the EU national offices as well as OHIM's register.

⁵⁸ CETMOS offers businesses a survey of trademarks in force or pending in the participating nine Central and East European countries. The Austrian and the Hungarian Patent Offices run it jointly. See: <http://www.cetmos.eu/>

⁵⁹ The eMage/eMARKS projects, which were cofinanced by the European Commission, were aimed to market validate and initially deploy a service that will optimise the protection of Trademarks and Industrial Designs by offering a reliable, effective and user-focused search service, based on images and augmented with natural language and multi-lingual semantic indications on the categories of interest. See: <http://emarks.iisa-innov.com/>

- developing specific enforcement training tools (like interactive training packages): IT;
- creation of common database (with Police, Customs etc.): PT;
- organising seminars, workshops etc. on enforcement issues preferably with judges: EE, FI, GR, TR, UK, MT, HU, AT, ES, BG, PL;
- creation of website dedicated to IP enforcement: RO;
- creation of an "Electronic Complaint System": DK;
- development/implementation of B2B and B2C services: FR, MT.

7.3

Conclusion of the "Menu" and recommendations

Globalisation has turned IPR awareness and enforcement into fixed policy goals within the agendas of national governments. The main actors in this field are mostly the National Patent Offices. However, the role of NPOs as service providers for the SMEs is relatively new in many EU countries, especially in the new EU Member States that formerly belonged to the socialist bloc. The aim of the „Menu“ was to show **which IPR awareness and enforcement support services NPOs have actually been providing and, in terms of practice, which activities they recommend for other NPOs with regard to IP awareness and enforcement.**

By compiling the „Menu“ it had to be taken into account that there is no single solution for "best practice". Each partner should rather work out a flexible service package taking into consideration the national IP strategy and/or innovation policy with regard to the IP information or management based needs of SMEs.

The analyses of the services already applied at participating NPOs resulted in the finding that, regarding IPR awareness, the offices **focus on educational projects** in 12 of the 20 countries. In these countries, training courses on intellectual property (non-academic adult education) are already provided. The importance of training activities is also highlighted in the conclusion of the Benchmarking report of the KMU Forschung Austria ["As a precondition to fostering IPR usage, it seems necessary to foster educational initiatives at universities (business faculties and technical faculties, a "train the trainer" issue), but also – in

terms of general awareness – at high school level ("educate the public" issue)].⁶⁰ **Information services on issues of IP rights and their protection** (like "National Patent Office Helpdesk") are provided in the majority of the partner countries, and NPOs are strongly active in the field of opening up regional information service points on issues of IP rights and their protection. **Public actions (like road shows/campaigns)** on the importance of IPR awareness and the dangers of counterfeited products have also been realised in many participating countries (in 12 of the 20).

Due to their mission and vision, **NPOs are less active in enforcement activities than in providing awareness raising services**, however, they also focus within the scope of enforcement support on **organising seminars, workshops etc. on enforcement issues** preferably with judges or other employees of public prosecutor's offices. 10 of the 20 NPOs have already developed and provide actual **B2B and B2C services** such as web-based search engines helping the fight against counterfeiting. Another quite widely provided service is a **specific website dedicated to IP enforcement issues** (existing in 6 of the 20 countries).

In more general terms, the types of services that are the dominant activity fields of NPOs are as follows:

- pro-active awareness raising through educational services,
- information provision via help-desk, website or information campaigns,
- continually growing number of B2B and B2C services, provided by NPOs for SMEs with regard to IP awareness and enforcement.

Recommendations

The services actually available cover different levels of IP awareness. However, in accordance with the findings of the gap analysis, carried out within WP1 of the IPeuropAware project, services provided by the National Patent Offices have been focussing mainly on the first two AIDA levels (when SMEs are aware of IP and when they are protecting IP on a more or less regular and systematic basis). The focus on the more defensive aspects of support services are often the result of years of effort to teach European SMEs about IPRs and to explain to them the benefits of using them. Knowing the IPR system and how to use rights is thus an important aspect. As noted in the conclusion of the document "Analysis of supply of support services", compiled within WP1 of the

⁶⁰ See: Radauer (2007): Benchmarking ..., p. 106.

IPeuropAware project, this could be a reason why public authorities in Europe for many years have had a more defensive approach. However, in recent years (possibly due to the increase in the usage of IP rights) handling various aspects of an infringement situation and commercialisation has also become important. "While in Europe the focus of the public service providers seems to previously have been on the more defensive protection aspect, authorities in countries like Korea, China and Japan have worked hard on creating more strategic approaches for "IP based economic growth". If European SMEs want to avoid being caught up and overtaken by these new global players a shift in focus to a more strategic and offensive usage of IP is necessary."⁶¹

Concerning the future development of IP services provided by NPOs, the following recommendations can be made:

- Modelling of a certain complex situation most likely helps to find a general package as an approximate programme recommendation. For this reason, it will be recommended to NPOs to set up integrated service packages with regard to the AIDA level of targeted SMEs.
- As shown in Chapter 7.2, increased attention towards enforcement issues can be identified among the NPOs. In recent years some participating countries decided to set up interdepartmental committees to deal with the problem of counterfeiting and piracy. Therefore, service packages should also contain enforcement services (with reference to WP10, 11 and 12 of IPeuropAware project).
- To provide easy access to information and to serve the public, the services should be rolled out to regional/national/local actors, like EEN, innovation and innovation support stakeholders, SME support organisations or other NGOs with reference to the list of national stakeholders provided for WP5 of IPeuropAware project. In this way the effect of the implemented actions can be multiplied. The final aim of the IPeuropAware project is to foster innovation support service provision, which also lies in the hands of operative networks. When selecting services it is very important to examine the possible partners, their support area, service portfolio, customers, and last but not least, their resources.

It is helpful for each stakeholder to learn from other partners' good-practices according to their parameters, operating environments, other services

and actions, clientele, etc. However, there is no one-size-fits-all solution that can be recommended. Thus general recommendations can be made based on the aims that certain consortia partners wish to reach. Eight package recommendations were set up based on different possible targets taking into account the following parameters:

- short-term vs. long term,
- direct vs. indirect effect,
- supply vs. demand driven actions,
- AIDA level.

Concerning AIDA though level "A1" and level "I" services are naturally overpowering the upper level services, we took great care not to offer unequalised "AI-heavy / DA-light" package portfolio set-ups, but tried to foster them to be close-to-business, and as practical as possible. When setting up the different packages great care was allocated to pair up services, which strengthen the effect of each other.

The situation is even more complex, as NPOs in different countries might be in dissimilar position in terms of their mandate, manoeuvrability, and catalyst role. Just to give an example, some NPOs are responsible for industrial property areas, while others also have competence and mandate on copyright issues as well. Some have operative contact with enforcement bodies as a result of national policy preferences (as shown in Chapter 7.2), while others operate more on an isolated basis. These features have to be taken into consideration when selecting the optimal package, or services.

Examples for integrated services packages:

I. Level (A1): Basic information on IP

- Training courses on IP (basic level)
- Media campaigns on the importance of IPR awareness and the advantages of training courses– with focus on e-learning
- Helpdesk, info service points
- Guidebooks
- PR activities like negative awards

II. Level (I): Protection of IP

- Workshops, educational programs for „soft IP" tools

⁶¹ See: Kjaer (2008): Analysis of supply ..., p. 17.

- Seminars concerning enforcement issues
- Media campaigns on the importance of IPR awareness and the dangers of counterfeited products

III. Level (D): Management of IP

- B2B, B2C services
- Website dedicated to IP enforcement
- Electronic complaint system
- Media campaigns on the advantages of IP-related services in business life provided by NPOs. Continuous communication with the public through the media is elemental for the success of the services
- Score services to assist SMEs in identifying IP assets – like IP Pre-diagnosis

IV. Level (A2): Exploitation of IP

Enterprises working at the highest level of awareness employ their own industrial property consultants, attorneys and/or departments. The strategic handling of their intellectual property is always a top priority. For these organisations, the up-to-date readiness, tractability and flexibility of data available from the industrial property databases found at the national patent offices is of high importance. The fusion and development of database services providing different types of data means a significant expansion of services.

Having collected the data contributed by the partner NPOs, a “Matrix of recommended integrated service packages” has been compiled. This Matrix (Table 19) provides an overview of the integrated service packages, which will be recommended for the partner NPOs.

IPEuropAware Service Package Recommendations

to tackle different awareness raising and enforcement related goals reflecting the diverse strategic priorities, operation environments, development levels, socioeconomic needs of Member States and scope of partner NPOs

AIDA level	Packages	Promotion			Client service		Education						Service building						
		Campaigns	Negative/positive award	Media ads	Helpdesk	Info service points	Academic education	Non-academic education	E-learning	Industry specific guidebook	Training tool on enforcement	Workshop on enforcement	Specific website	IP-valuation/diagnosis	Copyright registry	Enforcement database	E-complaint system	B2B, B2C services	
A1	P1: Quick response awareness raising	■	■	■															
A1	P2: Capacity building awareness raising	■			■	■													
A1	P3: Investment in education-midterm							■	■	■	■	■	■						
I	P4: Investment in education-long-term										■	■	■						
I	P5: Practical need-raising education	■		■										■					
D	P6: Action range widening														■				
D	P7: Supply side capacity and issue building				■	■										■	■	■	
A2	P8: Service boosting	■																	■

19. Table: Matrix of recommended integrated service packages

The above packages are built on each other's results. Therefore, it is recommended to follow their order. It is possible to set up country specific packages tailor-made to the local strategic policy environment. It is also possible to select different packages in IP Awareness and Enforcement, as the development of society, needs, and preferences might be different in both areas. Package 7 is mostly supporting governmental and inter-office co-operation that has to satisfy the needs generated by the society. Although, consortium partners have less direct effect on this strategy element, they can play a catalytic role.

8 Summary and Conclusions

Globalisation and technological progress are reshaping the world economy. In Europe, traditional comparative advantages for advanced economies have mostly vanished and innovation is increasingly becoming the sole response to the challenge of globalisation. It is this imperative need for innovation that has turned Intellectual Property into a central issue. Recently we have to cope with a global economic crisis. Innovation can lead to economic recovery, intellectual property can become an effective tool to reorganising national economics.

Europe's innovation landscape is controversial. A rough estimate shows that the continent as a whole is lagging behind the United States, despite the fact that R&D spending in a few European countries approaches or even exceeds US figures and the weight of business participation in R&D is not lower. Five EU countries – Denmark, Finland, Germany, Sweden and the UK – continue to have very strong performance, as world innovative leaders alongside the US and Japan.⁶² Unfavourable overall figures can mostly be attributed to the modest performance of the countries partly in Southern, and mostly in Eastern Europe, where a more limited business participation is adding to generally lower spending on R&D. Considering the strong interrelation between innovation and the protection of IP, there is a good reason to assume that this lagging in innovation can also be explained by a more limited awareness and enforcement of IPR in Europe than in the United States. However, a similar lagging appears to exist within Europe.

The gap analysis completed within WP1 of the IPeuroAware project, in which gaps and thereby SMEs' current needs for IP awareness and enforcement support services were identified,⁶³ has shown the following results: with regards to the increasing demand for support services and to the diversity on the supply side, the assessment of the efficiency of services is becoming more and more important. By assessing the SME's need for services (demand side) the analysis points out that SMEs are generally aware of the advantages and disadvantages with regard to finding the right service providers for particulars.

The most relevant tool to address this need is the provision of in-depth, individually tailored consulting services. NPOs are potential providers, the limited availability of relevant expertise, however, is a strong hampering factor.

Compared with patenting records as indicators, the changes induced by IP services in the behaviour of the SMEs utilising them may prove more informative in many cases. In these analyses, changes are expressed in terms of **behavioural additionality** – a term expressing the relative change induced by services in the behaviour concerning individual IP or IPR components.

Analyses of this type are widely applied by the Austrian Benchmarking study.⁶⁴ A rough picture of the 15 selected cases shows that most of the changes induced by the services took place with respect to general awareness and in the category of "general knowledge management know-how" (an increase of 55%). Interestingly, and despite the patent-centricity of most IPR services, patent usage within company IPR strategies only increased in 27% of the companies reviewed. Displacement effects (informal protection instruments being substituted by formal IPR) are rather small, while the lowest behavioural effects can be seen in the field of licensing. This may indicate that the services concerned primarily focus on the first phases of IPR usage and development and less on successive ones.

The findings of related research demonstrate the usefulness of IP related services. Behavioural changes can be induced on a wide range of aspects related to the usage of IPR and/or informal IP protection methods. The co-operation of public services with private service providers is clearly strengthening the business mindedness of the former.

Apart from the reasons, the fact that SMEs often do not take full advantage of opportunities to exploit industrial property rights calls for prompt actions. The focussing by Work Package 9 of the IPeuroAware project on SMEs can be explained by this recognised restraint of the SME sector concerning innovation and IPR.

Based on the 20 national contributions of participating countries this present summary of IPeuroAware project WP9 has achieved following goals:

- **National IP awareness and enforcement strategies and policies** with special regard to IP awareness level and enforcement practice of SMEs have been identified. Chapter 4 contains an analysis of the landscape of national innovation strategies and IP policies.

⁶² European Commission (2008): European Innovation Scoreboard. Comparative analysis of innovation performance. PRO-INNO Europe. Brussels, p. 15f.

⁶³ See: Kjaer (2008): Report on gap analysis ...

⁶⁴ See: Radauer (2007): Benchmarking ..., p. 65.

- **The strengths, weaknesses, opportunities and threats of IP policy** (based on SWOT analyses) have been presented. Chapter 5 evaluates the success of IP strategies in the light of national SWOT analyses.
- The conditions under which IP awareness and enforcement policies can efficiently prevail have been successfully monitored with regard to the **changes in the role of National Patent Offices** aimed at supporting these policies (NEEDS analyses). Chapter 6 provides an analysis of needs for more efficient IP awareness and enforcement with special regard to the NPOs' activities and services.
- The existing services of the NPOs in the 20 partner countries separately have been analysed in order to **recommend new awareness raising and enforcement related services**, reflecting the diverse strategic priorities, operation environments, development levels, socio-economic needs of Member States and scope of partner NPOs. As a result, Chapter 7 comprises a with recommended integrated service packages, built on partner NPOs best practice examples and experiences. On the basis of this recommendation, country specific packages may be set up, tailor-made to the local strategic policy environment.

In the remainder of this concluding chapter, conclusions, findings and lessons learned are thus organised along the structure of the study: the strategy level, the IPR demand and supply side level and the service level. Some of the conclusions are listed in more than one part.

1. National Innovation Strategies

By monitoring the national innovation strategies with special regard to IP awareness level and enforcement practice of SMEs, a **wide institutional complexity** could be identified in most participating countries. This institutional complexity is broadly referred to as a problem of innovation support systems and – in more general – of the regulatory system as a whole. Associated key words in the related literature are overlapping, institutional rigidities and lock-in, the joint decision trap as a consequence of the former etc. and the term „garbage can model“⁶⁵ is frequently cited. At minimum, a rough treatment of the problem seems to be pressing. Institutional adjustments, however, tend to have strong political implications and their introduction, therefore, would require the agreement of competing parties.

European efforts towards and practices of decreasing the administrative burdens imposed by regulation on business actors may nevertheless give a strong impetus to institutional changes. In this respect NPOs can potentially become members of pressure groups to enforce corrections aimed at the increased coherence of the institutional IPR environment.

The implications of the institutional framework may well go beyond the responsibilities of NPOs. Nevertheless, they certainly touch upon the future development of their role. More visible are the consequences of the recently emerging European trend of criminalising IPR offences and concentrating on the protection of IP in a global dimension with a particular attention to the role played by China.

The questions of institutional complexity and the growing demand for stronger enforcement via criminalisation are pointing at the need for a better understanding of the overall policy environment. The fields to be primarily included are innovation support, education and cooperation among involved institutions. The clear parallels between these activity fields should be identified and synergies should be exploited.

The first main lesson is that a national IP support or innovation strategy is recommended even if a wide scale of services with high efficiency is already offered to enterprises.⁶⁶ Such a national IP/innovation strategy fixes the goals and objectives, sets timetables and frameworks for the cooperation of the innovation support organisations and entities. The action plan, connected to such a strategy, outlines the responsibilities and financial capabilities of all institutions that contribute to the innovation system. In particular, the national IP/innovation strategy defines the role of participating institutions regarding innovation support and IPR and their fields of action. This can lead to synergies and better utilisation of resources in the interest of the defined goals.

2. SWOT, NEEDS: IPR demand and supply side level

A few aspects of social behaviour that may strongly help or threaten the progress of IPR are cited in the national SWOT analyses reviewed and summarised in this paper. It would be difficult to characterise in terms of numbers the influences exerted by these „soft factors“ concerning the awareness and enforcement of IPR.

Soft (mainly social and historical) factors are assumed to have a major role concerning the inno-

⁶⁵ See: Radauer (2007): Benchmarking ..., p. 91)

⁶⁶ Alfred Radauer et al. (2008): SME-IP 1st Review Support Services in the Field of Intellectual Property Rights (IPR) for SMEs in Switzerland. A review. IGE-Technopolis. Bern, p. 77.

vative environment – an environment to encourage innovative efforts and entrepreneurship. Despite not being directly included in the recent conceptual framework, several notions collected in the course of the survey have pointed at their role. This fact, however, tends to be ignored both in formalised strategies and the strengths, weaknesses and opportunities of SWOT analyses. At the same time, interestingly, the quotation of such factors as threats is remarkable.

A possible explanation is that these factors are usually thought to be beyond reach and therefore cannot be influenced. Whether or not this is true, they are clearly present, and their effects should be explored, and opportunities for influencing them in a generally agreed direction should be searched for. The requirement here is that **the possible actors to implement the policies concerned are identified, and the coherence of the policies are established. The role of NPOs in this context needs consideration.**

In this context, one of these factors disproportionately burdening most of the new Member States is the destructive heritage originating in these countries from the long-lasting restriction of private ownership – both tangible and intangible. This policy of weakening or neutralising market forces was accompanied by a systematic undermining, on an ideological level, of the values inherent in the market economy and its related categories – primarily entrepreneurship. The resulting distortion of public thinking is of a lingering nature, and makes the identification of IPR as the “sine qua non” of innovation even more difficult. Institutional rigidity and lock-in tend to prolong this problem and in this respect produce an additional challenge for the leading executives of NPOs.

3. The changing role of NPOs

As a matter of fact, globalisation has turned awareness into a public good, the provision of which – at least in its general form – is the responsibility of the state. Assigned by the state, the main actors in this field are mostly the national patent offices. However, making IP awareness and enforcement broadly accepted and recognised as a quality public good brings about the **need for a stronger political presence of NPOs in a form of lobbying, coordinating, mediating.** Similarly, the predominating weight of policy-type factors (co-ordination and harmonisation) in the national contributions of the recent project tends to outline a potentially stronger role of NPOs among the actors of economic policy. This political dimension of the changing role of NPOs touches a variety of issues. Our question here and now is that,

against the above backdrop, **what may, can, or should NPOs do with regard to IP awareness and enforcement support in terms of practice.** This is raising the question of the division of labour between patent offices and other institutions, primarily innovation agencies and a variety of private actors.

The role of NPOs as service providers for the SMEs is relatively new, at least in most of the countries participating in IPeuroAware project. Technology /development agencies, on the contrary, have a better knowledge of innovation and R&D support practices and also a better knowledge of business. However, their IPR know-how is necessarily limited. These circumstances may provide the foundation for a **harmonic co-operation between NPOs and intermediaries to raise SMEs’ interest about IP.**

One out of the two basic options is the scaling down of NPOs to their basic competence. The other option is to turn NPOs into “institutes of intellectual property” by enriching them with not only patent filing and database searches, but also simultaneous IPR services with the relevant financial and managerial expertise.⁶⁷ At the same time there are NPOs which intend to keep away from enriching their service portfolio with “added value” patent search services.⁶⁸

IPR attorneys generally agree that NPOs should concentrate on basic services and on creating and maintaining framework conditions, leaving more sophisticated services to private providers. In more particular terms, the types of services that should be the domain of NPOs or other public service providers are as follows:

- pro-active awareness raising through educational services,
- information provision via help-desk, website or information campaigns,
- the types of training where SMEs benefit to a larger extent,
- continually growing number of B2B and B2C services, provided by NPOs for SMEs with regard to IP awareness and enforcement.
- subsidies and legal framework (subsidies mainly for the registration of patents and tax provisions from which SMEs can benefit as laid down in national legal frameworks).

For this reason NPOs should keep the delicate balance between profit-oriented services provided

⁶⁷ This latter option is favoured by The Gowers Review: „It would be useful to connect regional agencies together to provide one coherent source of what is available so that businesses can be directed to the relevant agencies by the Patent Office and other organisations.” HM Treasury (2006), p. 93.

⁶⁸ The US Patent Office, for instance, prefers an alternative option of creating quality standards for a would-be private market with the Patent Office acting as a central quality assuring institution. See: Advisory Council on Intellectual Property (2003): Report on a review of the Patenting of Business Strategies. Woden Act, p. 17.

mainly by IPR attorneys – and non-profit oriented publicly founded services provided by NPOs.

4. Menu, services

The large number of services and elements of practice actually provided by NPOs were described for the “Menu”. The two categories of analyses and possible actions were awareness and enforcement. It was one of the most challenging tasks for the leader of WP9 to make a pre-selection among these reported services. Generally agreed principles of selection gave assistance, but this cannot compete with the mobilising potential inherent in best practices. Thereby it must be noted – in accordance with the conclusions of the comprehensive Austrian Benchmarking Study intended to identify the best practices of IP related services⁶⁹ – that:

- for mostly contextual reasons **“best practices” of services do not exist in the sense that they could be successfully applied elsewhere in a complex way. Elements of good practices, however, can be adopted, but the opportunities to rely on practices** leading to success elsewhere have to be limited to their individual elements, and practices as a whole cannot be copied;
- despite the large number of services NPOs provide, **different competencies in the field of the IP awareness and enforcement support issues** can be identified among these organisations. The most conspicuous illustration for this fact is that not all national NPOs are involved in enforcement support issues (see Table 18). However, the tendency shows an **increasing attention to enforcement issues among the NPOs.**

The aim of the “Menu” was to show which IPR awareness and enforcement support services NPOs have actually been providing and, in terms of practice, which activities they recommend for other NPOs with regard to IP awareness and enforcement.

The analyses of the services already applied at the participating NPOs resulted in the finding that regarding IPR awareness, the offices **focus on educational projects.** The importance of training activities is also highlighted in the conclusion of the Benchmarking report of the KMU Forschung Austria.⁷⁰ The instrument of awareness raising by integrating IP modules into formalised education is widely reported in the country papers. It is worth mentioning for instance that a major success story of the British NPO in 2005/2006 was the launch of version 2 of THINK Kit and its take up in 81% of schools (described under Chapter 6.2.6).⁷¹

Information services on issues of IP rights and their protection (like “National Patent Office Helpdesk”) are also provided in the majority of the partner countries, and NPOs are strongly active in the field of opening up regional information service points on issues of IP rights and their protection. **Public actions (like road shows/campaigns)** on the importance on the IPR awareness and the dangers of counterfeited products have also been realised in many participating countries.

NPOs have **less enforcement activities than awareness raising services.** However, they focus within the scope of enforcement support on **organising seminars, workshops etc. on enforcement issues** preferably with judges or other employees of public prosecutor’s offices. Many NPOs have already developed and provide actually **B2B and B2C services** such as web-based search engines to help the fight against counterfeiting. Another quite widely provided service is a **specific website dedicated to IP enforcement issues.** While the set of optional policies is necessarily determined by contextual factors, the selection of new services within this set of policies is left to NPOs. Benchmarking studies are unanimously pointing at the opportunities inherent in integration. A predominating conclusion of the Menu is that **integration should be strived for, and services should be offered in integrated packages** to increase the efficiency of NPO policies, taking into account the highly complex nature of IPR. This can be done by genuinely integrated services or – in order to make scarce expertise available and to increase visibility and accessibility – by referring to other providers. The main advantage of integration is the potential emergence of **synergies.**

A special case of integration is **embeddedness.** Embedded services operating in the field of IPR are parts of service portfolios that are not directly targeted at IP related issues: they are provided within other non-IPR oriented services. Success itself in this context is of an “embedded” nature.

Another possible approach is to focus at the minimum **responsibilities** that partly or wholly belong to the competencies of NPOs. As far as specific expertise is concerned, for example, not all NPOs have the same level of scientific/technical, legal and business expertise, and it is especially the latter that requires particular attention.

As a confirmation of the above appraisal, the Matrix on table 19 provides an overview on the recommended integrated service packages.

⁶⁹ See: Radauer (2007): Benchmarking ..., Conclusions.

⁷⁰ See: Radauer (2007): Benchmarking ..., p. 106.

⁷¹ UK Patent Office (2006): Corporate Plan 2006. Newport, p. 18.

9. References

General References

Advisory Council on Intellectual Property (2003):

Report on a review of the Patenting of Business Strategies. Woden Act.
(Cited 11 June 2007; available at: <http://www.acip.gov.au/library/bsreport.pdf>)

Borsi, B. – Viszt, E. (2007):

Innovative companies on the role of state. Research paper. GKI Co. Budapest.

Centre for Strategy and Evaluation Services (ed.):

Best Practice Project: Strengthening the IPR Enforcement of EU Industry and SMEs. Draft Final Report. Unpublished working paper.

Doornbos, R. et al. (2003):

Usage Profiles of Patent Information among Current and Potential Users. Report on the main results of the survey commissioned by the European Patent Office. Amsterdam.

Edfjäll, C. (2006):

The role of PATLIBs in the strategy of the EPO. PATLIB2006 Conference, 22–24 May. Prague.

European Commission (2001):

Creating Top-Class Business Support Service. Commission Staff Working Paper. SEC(2001) 1937. Brussels.

European Commission (2007):

Enhancing the Patent System in Europe. Communication from the Commission to the European Parliament and the Council. COM (2007) 165 final. Brussels.

European Commission (2008):

An Industrial Property Rights Strategy for Europe. Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee. COM (2008) 465/3. Brussels.

European Communities (2008):

Science, Technology and Innovation in Europe. Eurostat Statistical Books. Luxembourg.

European Patent Academy (2007):

Innovation and IP Management. Follow-up Study Module 5; ISTP Innovation Support Training Program. Lille.

Graevenitz, G. von/Harhoff, D. (2002):

The Impact of Recessions on the Utilization of Intellectual Property; First Report. WIPO-study. München.

Granstrand, O. (2006):

Patents and innovations for growth and welfare.
Summary and recommendations of a government policy study. CIM report No. 2006:01. Göteborg.

HM Treasury (2006):

The Gowers Review of Intellectual Property. London.
(www.hm-treasury.gov.uk/gowers-review)

Kjaer, K. (2008):

Analysis on demand for support services, IPEuropAware project. Unpublished project material, WP1, edited by Danish Patent and Trademark Office. Copenhagen.

Kjaer, K. (2008):

Analysis of supply of support services. Unpublished project material, IPEuropeAware project, WP1, edited by Danish Patent and Trademark Office. Copenhagen.

Kjaer, K. (2008):

Report on gap analysis. Unpublished project material, IPEuropeAware project, WP1, edited by Danish Patent and Trademark Office. Copenhagen.

Nordström, Ch. (2008):

Main actors/intermediaries in Europe in the field of IPR-Innovation-SMEs.

Unpublished project material, IPEuropeAware project, WP5, edited by Swedish Patent and Trademark Office. Stockholm.

Philippon, T. – Vern, N. (2008):

Financing Europe's Fast Movers. Brugel policy brief 2008/1. Brussels.

Pompidou, A. (2006):

Welcome address. PATLIB2006 Conference, 22-24 May. Prague.

PRO-INNO Europe (2008):

European Innovation Scoreboard. Comparative analysis of innovation performance.

(http://www.proinno-europe.eu/doc/EIS2006_final.pdf)

Radauer, A. (2007):

Benchmarking National and Regional Support. Services for SMEs in the Field of Intellectual and Industrial Property. Final Benchmarking Report. Edited by KMU Forschung Austria, Austrian Institute for SME Research. Luxemburg.

Radauer, A.(2008):

SME-IP • 1st Report

Support Services in the Field of Intellectual Property Rights (IPR) for SMEs in Switzerland – A Review

Technopolis (2007):

"Effects of counterfeiting on EU SMEs and a review of various public and private IPR enforcement initiatives and resources". Final report.

References for the countries participated in the project

1) Austria

ACIP (2003): Austrian Benchmark Study.

2) Bulgaria

Strategy for Science, Technology and Innovation - Bulgaria.

(www.arc.online.bg)

Conception for the institutional, structural and functional development of the Patent Office of the Republic of Bulgaria, 2006-2009.

(www.mee.government.bg)

3) Czech Republic

Ing. Jasanský, J. (2004): Innovation Strategy of the Czech Republic. Prague.

(<http://www.mpo.cz/dokument11688.html>)

Ing. Holub, P. (2005): National Innovation Policy of the Czech Republic for 2005–2010. Prague.

(<http://www.mpo.cz/dokument11671.html>)

The Office of the Czech Republic Government Research and Development Council (2007): Analysis of the existing state of research, development and innovation in the Czech Republic and a comparison with the situation abroad in 2007. Prague.

(<http://www.vyzkum.cz/FrontClanek.aspx?idsekce=8304>)

European Commission (2007):

INNO-Policy Trend Chart. Policy Trends and Appraisal Report, Czech Republic 2007. Brussels.
Mutual cooperation between governmental bodies engaged in enforcements of IP rights. A portal (www.dusevni.vlastnictvi.cz) has been launched to facilitate mutual cooperation.

4) Denmark

The Danish Government (2006):

Progress, Innovation and Cohesion. Denmark in the Global Economy. Copenhagen.
(<http://www.globalisation.dk>)

Ministry of Economic and Business Affairs (2008): Competitiveness report. Copenhagen.
(<http://www.konkurrenceevne.dk/sw634.asp>)

5) Estonia

Engelbrecht, P. et al. (2007): Knowledge-based Estonia. Estonian Research and Development and Innovation Strategy 2007-2013. Tartu.
(<http://www.hm.ee/index.php?0&popup=download&id=6175>)

European Communities (2007): Evaluation of Estonian RTDI Policy Mix. Tallinn.

Center for Policy Studies PRAXIS - Hill & Knowlton (2005): Estonia. Innovation and Estonian opinion leaders. Pilot study for identifying the needs of the target groups of innovation awareness programme. Tallinn.
(http://www.eas.ee/vfs/3086/Innovatsioon_ja_arvamusliidrid_2005.pdf)

Country Report Estonia 2007.
(www.proinno-europe.eu/docs/reports/documents/)

6) Finland

Finnish Funding Agency for Technology and Innovation.
(<http://tekes.fi/eng/>)

Finnish Ministry of Employment and the Economy (2008): Proposal for Finland's National Innovation Strategy. Helsinki.
(http://ec.europa.eu/invest-in-research/pdf/download_en/finland_national_innovation_strategy.pdf)
(http://www.innovaatiostrategia.fi/files/download/Nationalinnovationstrategy_EN.pdf)

Peltonen, P. (2008): Finland's New Innovation Strategy and its Contribution to the ERA. Helsinki.
(<http://www.tekes.fi/eng/events/InnovativeEurope/Peltonen.pdf>)

EurActiv.com (2008): Finland goes "from words to deeds" on innovation (interview).
(<http://www.euractiv.com/en/innovation/finland-goes-words-deeds-innovation/article-173674>)

Loikkanen, T. – Konttinen, J. – Hyvönen, J. – Ruotsalainen, L. – Tuominen, K. – Waris, M. – Hyttinen, V. – Ilmarinen, O. (2008): Acquisition and utilisation of external knowledge and information services in innovation activities of SMEs. VTT Tiedotteita – Research Notes. Tampere.

Copyright Information and Anti-piracy Centre (CIAPC).
(<http://www.antipiracy.fi/inenglish/>)

7) France

Ministry of Economy and Industry (2003): Cahier industries n°86 INDUSTRIE. Paris.
(<http://www.industrie.gouv.fr/biblioth/docu/kiosque/cahiers/pdf/c0086.pdf>)

Ministry of Economy and Industry (2009): Lettre d'information de la DGIS Paris.
(<http://www.industrie.gouv.fr/poles-competitivite/brochure.pdf>)

General Secretariat for the CNAC (The National Committee against counterfeiting).
(www.contrefacon-danger.com)

8) Germany

Federal Ministry of Education and Research (BMBF) (2006): High-Tech Strategy for Germany. Bonn. Berlin.
(http://www.bmbf.de/pub/bmbf_hts_en_kurz.pdf)

Comission of Expert Studies (2008): Future Technologies: Strong Engine – but Germany is lacking performance. Berlin.

(http://www.e-fi.de/fileadmin/Gutachten/Gutachten_Upload.pdf)

9) Greece

Hellenic Republic Ministry of Development General Secretariat for Research and Technology (2007): Strategic Plan for the Development of Research, Technology and Innovation under the NSRF 2007-13. Athens.

(http://www.gsrt.gr/default.asp?V_ITEM_ID=4699)

Management and Control System (MCS).

(<http://www.espa.gr/English/Documents.aspx?docid=120>)

Hellenic Republic Ministry of Economy and Finance (2005) National Reform Programme for Growth and Jobs 2008-2010. Athens.

(http://www.mnec.gr/en/economics/reform_programme_2005-2008/)

10) Hungary

Hungarian Patent Office Annual Reports. Various issues.

Hungarian Patent Office in co-operation with the Hungarian Chamber of Commerce and Industry (2006): Survey on doing business, innovativeness, IP knowledge and application of Hungarian SMEs. Budapest.

(http://www.mszh.hu/English/ip_survey/)

European Comission: Pro-Inno Europe, Inno Actions, report on Hungary.

(<http://www.ip4inno.eu/index.php?id=338>)

Hungarian Ministry of Economy and Transport (2007): The Government's mid-term (2007-2013) science, technology and innovation policy (STI) strategy. Budapest.

(<http://www.mta.hu/fileadmin/2007/07/tti.pdf>)

Foundation for Hungarian Buisness Economics - GKI Economic Research Co. on behalf of the Ministry of Economy and Transport (2003): Az innováció és a technológiapolitika szempontjából fontos intézmények és vállalkozások jegyzéke, tevékenységi körük és tervezett fejlesztési koncepciójuk, várakozásuk bemutatásával (List of institutions and companies which are important for innovation and technology policy, their production and development plans). Budapest.

11) Italy

NIS is Industria 2015.

(<http://www.industria2015.ipi.it/>)

Competitiveness Fund.

(<http://www.industria2015.ipi.it/?id=3>)

Corporate Finance Fund.

(<http://www.industria2015.ipi.it/?id=11>)

Economic-financial valuation of Patents.

(<http://www.uibm.gov.it/it/news/>)

National Data Base regarding Patents.

(<http://www.uibm.gov.it/dati/>)

12) Luxembourg

Le Gouvernement du Grand-Duché de Luxembourg (2005): Plan national pour l'innovation et le plein emploi. Luxembourg.

(http://www.eco.public.lu/documentation/publications/pnr/PNR_Luxemburg_FINAL.pdf)

This national plan has been recently updated:

(http://www.odc.public.lu/publications/pnr/Rapport_Plan_national_2008.pdf)

13) Malta

Malta Council for Science and Technology (2006): Building and Sustaining the Research and Innovation (R&I) Enabling Framework. Kalkara.

(<http://www.mcst.gov.mt/page.aspx?id=38>)

14) Poland

Innovation policy in Poland.

(www.unece.org/ceci)

Polish Ministry of Economy (2006): The Strategy for Increasing the Innovativeness of the Economy for 2007–2013. Warsaw.

(<http://www.mg.gov.pl/NR/rdonlyres/90AF42C4-A420-4BF9-9CE8-C28B8E4FFE/50361/KierunkiENG.pdf>)

Polish Ministry of Regional Development (2006): National Development Strategy 2007–2015. Warsaw.

(http://www.mrr.gov.pl/srk/Strony/srk_0715.aspx)

Polish Ministry of Regional Development (2007): National Strategic Reference Framework 2007–2013. National Cohesion Strategy. Warsaw.

(http://www.mrr.gov.pl/english/National%20Cohesion%20Strategy/Documents/c30b064a07e94abeb83fd8f6268b76e3NSRO_an_20_07.pdf)

15) Portugal

Technological Plan, 2005.

(<http://www.planotecnologico.pt/default.aspx?idLang=2>)

Reinforcement of the Use of the National Patent System, 2008, INPI, Portugal.

16) Romania

Romanian Government – Ministry of Education and Research (2006): National Strategy of Research, Development and Innovation 2007-2013. Bucharest.

(http://www.mct.ro/img/files_up/1188314177strategia%20ro.pdf)

Romanian Government - Ministry of Education and Research: National Action Plan of NIS.

(<http://www.mct.ro/index.php?action=view&idcat=228>)

SMEs dedicated portal.

(www.immromania.ro)

17) Spain

Spanish Science and Technology Foundation (2007): National Strategy of Science and Technology. Madrid.

(http://web.micinn.es/05_Investigacion/01@APoliticas/02@Encyt/Encyt.pdf)

Ministry of Science and Innovation (2007): National R&D&Innovation Plan 2008-2011. Madrid.

(<http://www.micinn.es/files/plan-nacional-consejo.pdf>)

Anti-piracy and counterfeiting website.

(http://www.oepm.es/cs/Satellite?c=Page&cid=1179489519322&classIdioma=_es_es&idPage=1179489519322&pagename=OEPMSite%2FPage%2FtplHomePirateria)

18) Sweden

Edling, J. – Hermansson, K. – Nilsson, R. – Nordborg, J. (2007): Innovativa små och medelstora företag – Sveriges framtid. Strategi från VINNOVA för ökad innovationskraft. Stockholm.
(<http://www.vinnova.se/upload/EPiStorePDF/vp-07-01.pdf>)

Innovationsbron (2007): Innovationsbrons forsknings- och innovationsstrategi 2009–2012 -en satsning på ökad tillväxt ur forskning och innovation. Stockholm.
(<http://www.innovationsbron.se/Uploads/Files/146.pdf>)

Innovationsbron (2008): ALICE. Att LICEnsiera. Stockholm.
(<http://www.innovationsbron.se/Uploads/Files/174.pdf>)

(<http://www.iva.se/templates/Page.aspx?id=4981>)

European Comission (2007): INNO-Policy TrendChart – Policy Trends and Appraisal Report Sweden. Brussels.
(http://www.proinno-europe.eu/docs/reports/documents/Country_Report_Sweden_2007.pdf)

19) Turkey

(http://www.tubitak.gov.tr/tubitak_content_files/BTYPD/btyk/18/18btyk_karar.pdf)

(<http://www.tubitak.gov.tr/home.do?ot=1&sid=470&pid=468>)

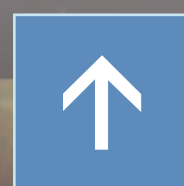
(<http://vizyon2023.tubitak.gov.tr>)

(<http://www.dpt.gov.tr/DocObjects/Download/1968/plan9.pdf>)

20) United Kingdom

UK Patent Office (2006): Corporate Plan 2006. Newport.
(<http://www.ipo.gov.uk/about-plan2006.pdf>)

UK-IPO (2007): Intellectual Property Crime Report 2007. London.
(<http://www.ipo.gov.uk/ipcreport.pdf>)



NO. STRENGTHS	UK	S	DK	FIN	DE	FR	IT	LUX	AT	E	PT	GR	MT	IR	HU	CZ	PL	EE	BG	RO						
37.																										
	Good cooperation between institutions involved with innovation promotion (mainly with national agencies for SMEs)																									
38.																										
	Series of dissemination materials & service provided by INPI																									
39.																										
	Active participation in promotional events (trainings, seminars, fairs, exhibitions etc.)																									
40.																										
	Reduction of granting times of all IP rights																									
41.																										
	Increasing applications for trademarks and other trade distinctive signs and patents in the last years																									
42.																										
	The legal framework is fully harmonised with the legislation keeping a track of any changes/developments																									
43.																										
	The proper development of websites with all necessary information and tools helps to increase the IP awareness of the public for national and international IP matters																									
44.																										
	The „innovaccess” portal as well as the one stop shop service of OBI (local helpdesk) provide help in developing further the IP awareness of the public																									
45.																										
	All lawyers are competent for filing any application for IP protection. There is also a separate group of certified by the EPO attorneys for filing the European patents																									
46.																										
	Strong cooperation with institutions involved in IP issues																									
47.																										
	A long established legal framework aligned with national, European and global standards																									
48.																										
	An increasing level of investment in the modernisation and upgrading of the national IP services																									
49.																										
	An effective IP enforcement and judicial infrastructure safeguarding IP rights holders																									
50.																										
	A high volume of international IP right holders																									
51.																										
	Support of President for IP awareness																									
52.																										
	Specific budget for promotion allocated to TPE																									
53.																										
	Skilled and dynamic young examiners available																									
54.																										
	Excellent physical infrastructure and technical equipment																									

NO. STRENGTHS	UK	S	DK	FIN	DE	FR	IT	LUX	AT	E	PT	GR	MT	IR	HU	CZ	PL	EE	BIG	RO	
72. IP attorneys network																					
73. Good cooperation of institutions involved in the IP protection																					
74. Network of IP protection promotion																					
75. A series of dissemination materials & services rendered by OSIM																					
76. Active participation to promotional events (trainings, seminars, fairs, exhibitions etc.)																					
77. Network of IP helpdesks which operate on markets featuring a potential interest for Italian enterprises (China, India, Brazil etc.)																					
78. Access to national and international database																					



Weaknesses of IP strategies. Compiled via national contribution.

Sequencing follows the random order of the countries.

No.	WEAKNESSES	LUK	5	DK	FIN	DE	FR	IT	LUX	AT	E	PT	GR	MT	TR	HU	CZ	PL	EE	BG	RO	
1.	Public perception on IP awareness remains low	■						■	■					■			■					
2.	Market is not segmented	■																				
3.	Industry requirements not defined which results in mixed messages and conflicts for resources	■																				
4.	SMEs' insufficient IP knowledge		■					■						■			■			■	■	■
5.	Problems going from idea to commercial products		■																			
6.	Lack of time and resources		■						■					■						■		
7.	Insufficient knowledge about competitors		■																			
8.	Difficulties of following competitors' development work		■																			
9.	Hard to see usefulness in protecting IP-rights		■					■									■					
10.	Very complex system					■																
11.	Flexible and quick reactions are limited because of the federal structure of Germany					■																
12.	A low number of applications coming from SMEs							■														
13.	Too many innovation institutions, less visibility for SMEs							■														
14.	Insufficient IP knowledge among local managers							■						■							■	
15.	A low degree to turning the granted rights into market							■														■
16.	Few support measures helping SMEs to develop IP strategies								■													
17.	Lack of support measures for fighting against counterfeiting								■													
18.	Weak global strategy																				■	
19.	Weak coordination with local partners/stakeholders																					■
20.	Lack of explicit support for IP matters in innovation strategy																					■

NO.	WEAKNESSES	UK	S	DK	FIN	DE	FR	IT	LUX	AT	E	PT	GR	MT	TR	HU	CZ	PL	EE	BG	RO	
60.	There are not easy to use tools for low qualified personnel																					
61.	There is not costumer relation scheme at NPO																					
62.	Lack of coordination between policy and STI policy																					
63.	Not enough emphasis on innovation policy issues																					
64.	Weak innovation policy community																					
65.	Policy making processes are not transparent because of the lack of dialogs with stakeholders and experts																					
66.	Important tools and methods are not used to assist decision-preparatory and decision-making processes																					
67.	Policy schemes change frequently and the same objectives are supported in different ways																					
68.	Insufficient cooperation with other ministries etc.																					
69.	Lack of system of policy evaluation																					
70.	Insufficient financial resources of NPO																					



Opportunities of IP strategies. Compiled via national contribution.

Sequencing follows the random order of the countries.

No. Opportunities	UK	S	DK	FIN	DE	FR	IT	LUX	AT	E	PT	GR	MT	TR	HU	CZ	PL	EE	BG	RO
1. Increase GDP of UK economy with adoption of more robust IP strategy	█																			
2. Confirm and enhance links between innovation and IP	█						█													
3. Increase creation of spin-offs from universities	█						█													
4. Increase revenue streams through business licencing based on IP holdings	█						█													
5. Better knowledge through education and information		█					█													
6. Easier access to IP specific information through Internet		█					█													█
7. Opportunities to apply for financial support for R&D		█					█													
8. Lower IP costs (London Agreement)		█																		
9. Links between science and industry					█		█													
10. Establishment of innovation friendly conditions especially for SMEs					█		█													
11. Agreement between science, industry and the political sector on connected strategies					█		█													
Information and training in co-operation with technical universities and colleges to make technical engineers aware of the IPR system					█		█													
13. Against product piracy improved degree of legal certainty for investors by adaption of German Rule of IPR Law standards					█															
14. Enabling SMEs to develop effective concepts against piracy					█		█													
15. Links the relevant actors in the field of enforcement: decision makers, governments, administrations at home and abroad					█		█													
16. Establishment of innovation-friendly conditions for SMEs					█		█													
17. Growing interest of the SMEs' managers towards the IPR field							█													█
18. The institutions' involvement in European projects, implicitly, European funds attracted							█													█

36.	The institutions' involvement into European projects, implicitly, European funds attracted	
37.	Portugal InovaNet – a project in the Enterprise Europe Network – intends to offer SME a network with integrated services	
38.	There is a collaboration involved in IP matters with actors, institutions which are supervised by the same ministry. Synergies for identifying further needs for SMEs.	
39.	All authorities which are competent in IP issues try to disseminate properly any information/tool from all the projects in which they are engaged in. Universities and research institutions are more active in getting involved in European projects.	
40.	Enhancing IP awareness by using the IP organisation website, helpdesk, seminars, exhibitions, prize awards, visits to companies ect.	
41.	IP organisation collaborate with authorities dealing with SMEs like scientific and technological parks etc.	
42.	Using opportunities to change all the identified IP weaknesses into IP strengths	
43.	The introduction of new, more pro-active and more IT-based IP services	
44.	Better use of international technical cooperation, expertise, treaties through better use of human, financial and timely IP resources	
45.	The more rapid and better value added development of local research, technology, creativity, innovation and competitiveness	
46.	High number of young talented graduates	
47.	More financial resource to support innovation, patent application (TUBITEK budget)	
48.	Large R&D activity has major potential for IP utilisation (TUBITEK)	
49.	Aspiration to become global pushes to a high level IP system	
50.	Government program on creativity and innovation	
51.	Venture capital initiatives by banks	
52.	Media use	

NEEDS identified. Compiled via national contribution.

Sequencing of NEEDS follows the random order of the countries.

No. NEEDS	LUK	S	DK	FIN	DE	FR	IT	LUX	AT	E	PT	GR	MT	TR	HU	CZ	PL	EE	BG	RO
1. Information booklets, information packs	■																			
2. Dedicated website with a large amount of detailed information	■																			
3. Targeted activities: attendance at exhibitions and conferences, provision of specific detailed advice through workshops targeted at different sectors	■					■														
4. Interest is generated by informing SMEs of the value attributed to IP that is a valuable component of business and that it is in fact a commercial asset which if managed properly can be used to provide additional revenue streams through licensing and exploitation	■					■														
5. Robust IP policies which enhance business standing and provide commercial advantage are of increasing importance to SMEs. Training is provided through work shops for business and business advisors also through the academic communities in universities	■																			
6. Workshops and promotional activities are in regular use and where resources permit face to face and one to one discussion. Members of the profession are involved as often as possible	■						■													
7. National network of IP information centres					■															
8. Intensification of regional cooperation					■															
9. Arrangement of task sharing					■															
10. The High Tech Strategy tends to coordinate measures and policies between the federal and the federal state level					■															
11. International measures against product piracy: German-Chinese Rule of Law Dialogue; a regular forum for Dialogue with China on IP protection; cooperation with more than 30 countries on various IP issues					■															
12. Promotion of research projects between companies and research institutes, it focuses on producers of capital goods – developing concepts against piracy					■															
13. Working against brand and trademark piracy promoting awareness of the consequences of piracy and counterfeiting					■															

<p>Other agents who advise SMEs on IP must, besides informing on the patenting processes and its requirements, transfer to the organizations their advice on the importance of the management and protection policies of IP assets, their strategic value and the importance of making profit from the investment associated by making studies of the effectiveness of the industrial and intellectual property portfolio. Create a (recorded) body of IPR experts (in Chambers of Commerce, Technological Centers etc.) that could advise and give high value added services to the SMEs</p>	
<p>30. Identify new ways of dissemination in order to reach "hidden" SMEs; be capable of reaching all the companies and perform an as wide as possible diffusion of the IPR potential as a tool of managerial management. Segmentation of SMEs in view of their potential use of the IP system</p>	
<p>31. Identification of relevant case studies/success stories of SMEs & IPR</p>	
<p>32. Create a body of IPR experts that could advise and give high value added services to SMEs</p>	
<p>33. Identify new ways of dissemination in order to reach "hidden" SMEs. Segmentation of SMEs in view of their potential use of IP system</p>	
<p>34. Identification of relevant case studies/success stories of SMEs</p>	
<p>35. Closer cooperation with other national and European actors in IPRs. Creation of an international network of entities that perform activities in the field of the IPR and give support to the companies (for exchange of information, cooperation between its members, diffusion of innovations and activities on IPR etc.)</p>	
<p>36. Improving university teachers and students training on IP</p>	
<p>37. Promotion and protection of universities' and public research centers' R&D results</p>	
<p>38. Increase the technology transfer using IP from the universities to the business sector</p>	



10.3 IP Awareness and Enforcement Services of NPOs – “Menu”

Awareness	AIDA-level			Method(s) already applied in following partner country(s):												Method(s) partners plan to implement								
	Awareness	Protect	Management	Exploitation	Sweden	Czech Republic	France	Germany	Turkey	Estonia	Spain	Portugal	Finland	Luxembourg	Italy	Denmark	U.K.	Bulgaria	Poland	Greece	Romania	Austria	Malta	Hungary
Measures which try to create awareness in the form of an introduction to the IPR system																								
1. Realisation of public actions (like road shows/campaigns) on the importance on the IPR awareness and the dangers of counterfeited products																								
2. Media advertisement																								
3. Information service on issues of IP rights and their protection (like "National Patent Office Helpdesk")																								
4. Development of regional Information service points on issues of IP rights and their protection																								
5. Provide training courses on intellectual property (graduate/academic education)																								
6. Provide training courses on intellectual property (non-academic adult education, like "IP4SME")																								
7. Provide training courses on intellectual property (e-learning)																								
8. Services to assist SMEs in identifying IP assets (diagnosis, audit)																								
9. Copyright registry											*													

Method(s) already applied in following partner country(s):

Method(s) partners plan to implement:

* Copyright registry under the Spanish law is provided by the Ministry of Culture. The OEPM does just signposting.

Specification

Road shows should include application of best practice recommendation in the field of IP. Road shows should travel in some regions of the country, preferably organized jointly with other governmental organizations or NGOs.

Extensive coverage on different media incl. press, TV, radio and internet magazines. Press should include national press, economic publishing, and press targeting SMEs next to the industry specific sub-cultural media. TV and radio programs should contain different types of programs, e.g.: IP day relevant broadcasts, Inventor of the day, Plagiarius award, innovation and economy related talk-shows, morning discussions, commenting news spots, etc.

Providing assistance for SMEs in the framework of information/customer service on the tools of intellectual property in order to enhance their competitive edge, or to avoid costly lawsuits over infringement and /or piracy. Assistance should include support to decide on the right title of protection, information on IPR and obligations arising from the different titles of protection; on the ways, tools and processes of gaining protection; on calls for application supporting acquisition of rights; on copyright in general and on the related international treaties. A statistics on the helpdesk operation should be maintained. Development of information materials, organising trainings choosing as second activity could also be useful. A web site segment within the office's homepage should be set up for the help desk, where contacts, opening hours, location, including information materials, FAQs, and other useful contents are integrated.

For many citizens in the country, the location of the national patent offices is too far to ask for a personal interview for help with IP information. Therefore, other co-operating NGOs such as chambers of commerce, Europe Enterprise Network members, Regional innovation agencies, etc. might improve accessibility of personnel contact and information. The regional Information service points can help find information about IP rights, located near to the clients. The regional service providers should acquire standardised training in IPRs and their commercialisation. The regional info-relay centres should distribute patent office information materials, operate an IP specific homepage-segment on their own website, and be open for client.

Service should include elements like offering partnership programs for universities. Within the regular partnership and IP education programme-training courses on intellectual property should be provided for university students. Courses should have an average duration of 10 lectures and be worked out in collaboration with the university faculties, and departments thereof. Trainers can come from departments of the NPO, and from the university staff. The universities could provide the infrastructure of the training.

Following the concept of life-long learning, NPOs should offer a training course system of IP for SMEs. The basic course should consist around 8-16 hours of study in one or two days and provide general knowledge on intellectual property. The knowledge obtained during the course would enable enterprises to recognise the possibilities lying in the IP protection of their own intellectual properties, as the first legal step of the innovation cycle.

E-learning at its best is a cutting-edge technology tool of education, which broadens the availability of the target groups. This is intended to be one of the most important forms of education to be provided by the NPOs in the future. This tool can reach SMEs countrywide with a high degree of flexibility. E-learning modules should cover at least the following topics: Basic information on IP rights; alternative toolkits for IP rights protection; the benefits and sources for information on IP rights; the commercialisation of IP.

Services targeting SMEs which may not be aware of the potential of their IP assets and who may not have adequate individual IP strategies. It is intended to assist in identifying IP assets, provide support in their protection and align their utilisation with business and operational milestones. The quality control indicators are the number of "diagnoses" completed. By the end of IPEuropAware the methodology should be adapted and at least three "diagnoses" completed.

Copyright is a form of protection provided by law to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. By copyright registration a copy or copies of the work will be registered and "deposited" with the NPO.

Enforcement	AIDA-level				Method(s) already applied in following partner country(s):										Method(s) partners plan to implement									
	Awareness	Protect	Management	Exploitation	Sweden	Czech Republic	France	Germany	Turkey	Estonia	Spain	Portugal	Finland	Luxembourg	Italy	Denmark	UK	Bulgaria	Poland	Greece	Romania	Austria	Malta	Hungary
Measures intending to raise awareness on enforcement issues and to offer effective means of combating counterfeiting*																								
1. Negative or positive award (like "Plagiarius" in Germany or "The Creativity Trophy" in Romania) to inform the public about the problem of fakes and plagiarisms and the negative impacts they have not only on the economy as a whole, but also on small companies																								
2. Publishing enforcement guidebook for selected branches of industry																								
3. Specific enforcement training tools (like interactive traing packages on CD/DVD/E-learning) for enforcers and those engaged in combating counterfeiting and piracy																								
4. Creation of a common B2B/B2C database (Police, Customs, national Patent Offices), with information relative to enforcement issues																								
5. Organising – preferably jointly with judges – seminars, workshops and conferences on IPR rights and enforcement																								
6. Creation of a website dedicated to IP enforcement, under involvement of several national entities in charge of combating counterfeiting (Police, Customs, national Patent Offices), with relevant information for different business sectors on how to obtain and share information about counterfeiting methods																								
7. Creation of an "Electronic Complaint System"																								
8. Development/implementation of B2B and B2C services helping fight against counterfeiting																								

Method(s) already applied in following partner country(s):

Method(s) partners plan to implement:

*: National Intellectual/Industrial Property Offices are in many partner countries not responsible for enforcing intellectual property, as they are not prosecuting agencies. However, they can provide further information on these issues for enforcers and those engaged in combating counterfeiting and piracy. In some cases they operate as mediation centres or have mediation initiatives.

Specification

Annual award media campaign for a better protection and enforcement of IPR with weeks of joint media presence. Possible breaking communications:

- White paper on international/national piracy and counterfeiting,
- survey on the socio-economic effect of counterfeited products,
- loss of tax-income due to illegal importation of branded/patented products etc.

Recommended content:

- A guidance for what to do in case of infringement suspected, either on behalf of IP owner or customer,
- "decision making tree" on what to do if meeting infringement,
- easy to understand presentation and comparison of the different alternatives of actions and dispute settlement options available,
- enforcement map depicting the stakeholder agencies such as chambers of commerce, mediation agencies, and governmental organisations (like police, customs, consumer protection organisation, NPO, court), the description of their IP enforcement related functions and services,
- communication of joint enforcement programs, activities of the above bodies with a sector specific focus.

Sharing the experiences and practices of the police and customs in order to act more effectively against counterfeiting, in cooperation with the police and customs authorities etc.

Different databases of different institutions involved in fighting against counterfeiting contain different data; serve different functions based on the perspective of the organisation and the aim of the database. Thus a common/integrated database joining relevant and useful content of those (e.g. trademark, validity data from trademark registry, most usual misleading signs used in relation of the mark inputted from customs/police/mark owner, companies already caught as breaching the brand inputted by police/customs, etc.

By necessity intellectual property law has to be abstract, both because the subject matter deals with intangible subject matters (inventions, works, etc.) and because that branch of law has, in practical life, to cover a great number of situations which are impossible to foresee in advance in a legal text. Therefore, court practice has traditionally played an important role in the practical operation of IPR in the economic and cultural fabric in a society. The trainings module should be worked out in co-operation with WIPO Worldwide Academy, OHIM, EPO etc.

Recommended contents:

- A guidance for what to do in case of suspected infringement, either on behalf of IP owner or customer,
- "decision making tree" on what to do if meeting infringement,
- easy to understand presentation and comparison of the different alternatives of actions and dispute settlement options available,
- enforcement map depicting the stakeholder agencies such as chambers of commerce, mediation agencies, and governmental organisations (like police, customs, consumer protection organisation, NPO, court), the description of their IP enforcement related functions and services,
- communication of joint enforcement programs, activities of the above bodies,
- user-uploadable database on counterfeited products etc.

The Electronic Complaint System is a central system, based on the internet, through which an individual, enterprise or other organisation can present a complaint concerning an infraction to his or others IPR. The "Electronic Complaint System" should be available through a specific website created for anti counterfeiting activities. The Complaint System should be operated in cooperation of several governmental organisations like NPOs, policy authorities and customs.

The copying of existing patents, logos and industrial designs undoubtedly damages the economy. Several programmes (e.g. TMView Program, CETMOS, eMage) exist or are currently under development aiming to create a common search engine tool to allow users to consult registers of the EU national offices as well as international organisations like OHIM, WIPO etc. These are intelligent web-based solutions helping fight against counterfeiting and to make companies aware of existing registered logos and designs.

