



IPeuropAware and  
The Danish Patent and Trademark Office

## Creating Effective IPR Enforcement Support for SMEs

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Prepared for  
IPEuropAware and  
The Danish Patent and Trademark Office

by



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## 1. Introduction

This publication describes **the steps that can be taken to provide really effective support services to SMEs** (small and medium-sized enterprises) in their management and enforcement of intellectual property rights. It is **primarily addressed to the National Patent Offices<sup>1</sup> across Europe** and other organisations offering IPR support directly to SMEs, but should also be of interest to economic development organisations and those concerned with intellectual property and with the promotion of innovation in a modern economy.

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**Ensuring good management of IPR and its effective enforcement are the necessary final pieces in a coherent innovation policy**

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Intellectual property rights are a central feature of the knowledge economy and with their inventiveness and creativity, many small firms are generating a wealth of new ideas, designs and creative material across all sectors. Considerable public and private resources are being put into encouraging this innovative activity. However, if the results of this expenditure and the hard work of enterprising firms are not safeguarded, that is, if the rights of firms to make use of and exploit their ideas are not established and enforced, much of this effort is wasted. From this perspective, **ensuring good management**

**of IPR and its effective enforcement are the necessary final pieces in a coherent innovation policy.**

Yet we know that counterfeiting and piracy are rife and that many firms need assistance in organising themselves to resist infringements of their rights.

National Patent Offices (NPOs) can play a central role in ensuring that this assistance is available. They offer important services directly themselves, but equally they are often in a position to help with the co-ordination of services in the IP area provided by other business support organisations and even by the private sector.

Most NPOs no longer just sit back and wait for enterprising firms to approach them to register intellectual property. They are generally much more proactive in highlighting the advantages of IP protection and in a number of cases offer an interesting range of information and support services, including training. The following pages will set out an explanation of how a group of European NPOs has developed a clear account of the perceived needs of SMEs in the area of IP management and enforcement and of how, in the light of this, **assistance currently provided could be radically improved.**

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**SMEs need help at many levels – assistance currently provided could be radically improved**

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<sup>1</sup> The term 'National Patent Offices' will be used to cover Intellectual Property Offices and other agencies with responsibility for intellectual property rights.

## 2. How to use this document

The purpose of this document is to assist NPOs and other organisations concerned with the promotion and enforcement of intellectual property rights to develop top-class support services for SMEs. It provides details on the nature of the services required by SMEs, if they are to assert their property rights, and also guidance on the professional approach that has to be adopted, if services are really to serve the needs of SMEs, now and into the future.

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**Use this document to assess how far your own services currently meet SME needs and to determine how existing services can be further developed.**

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Use this document, first, to assess how far your own services currently meet SME needs and, secondly, to determine how existing services can be further developed. There is also the important question of how NPOs can work with other business support organisations to provide a really comprehensive service. Naturally, the material presented does not have all the answers, but it does represent a distillation of the experience of many NPO staff and other experts across Europe and has already been used to stimulate reflection and a renewed determination to build positively on past achievement.

The approach that has been taken to the presentation of the material is to attempt to help the busy people who will be reading the document to gain an overview relatively easily

of those parts of the material that are relatively complex or detailed, by setting them out as succinctly as possible, while still providing sufficient information to allow for a diverse range of needs to be covered.

The core of the document is to be found in Section 5. This explains the detail of the set of support services that are being proposed. It will be seen that there are several different categories of service proposed, operating at different levels. They range from the initial provision of basic information on intellectual property rights to specialised assistance with aspects of enforcement. They also include services at a 'strategic' or organisation level, including the effective co-ordination of provision. To gain an overview, it may be appropriate to read this section first and then the following section. These are also the sections that might be of most immediate interest to business support agencies other than NPOs and others interested in these issues from an innovation promotion or economic development perspective.

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**The approach has been to define services based on what SMEs need and not necessarily on what NPOs can currently provide**

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For the proposed set of services to make most sense, however, it will be necessary to understand the processes and context that led the IpeuropAware project to the conclusions that are set out and also to be aware of the general principles governing effective business support in this area that

have shaped the form of the conclusions. These considerations are key to providing quality services that will continue to improve and are also of some considerable importance for the NPOs themselves in terms of their positioning with respect to policy priorities (and hence funding). These factors are explained in Sections 3 and 4 respectively.

It is then necessary to take account of the fact that it is very difficult to conceive even in theory that the ideal set of enforcement services could be delivered by a single organisation in any Member State. An important degree of co-ordination is necessary between the relevant agencies and organisations in touch with SMEs on the ground. Section 6 addresses how this challenge can be met professionally.

Finally, a series of 'new' enforcement services are briefly referred to, where novel additional services or approaches are already being added to the core set, described in section 5.

In general, it should be remembered, the approach has been to define services on the basis of what SMEs need and not necessarily from what NPOs can currently provide, even in conjunction with other support and enforcement agencies. To this extent, the targets of a development programme are set out, which will differ in detail from one Member State to another, but which hopefully taken together represent a coherent and consistent response to a pressing problem.

### 3. The origins of this initiative

#### The Initial Context

The immediate background to this initiative has been the work of 20 European National Patent Offices in IPEuropAware, a project supported by the European Commission. IPEuropAware has aimed to improve awareness and knowledge of IPR especially among SMEs across Europe, to help them to integrate IP into their innovation strategies and business planning and to provide better assistance with the protection of IPR.

Within the project, the Danish Patent and Trademark Office had the responsibility for defining and promoting a package of new enforcement services for implementation by the members of the network.

Assisted by CSES as consultants and with the advice of an expert group with experience of various aspects of IP and its enforcement, the Danish Patent and Trademark Office sought to build on other work undertaken recently on IP enforcement, both within the project and elsewhere.

It soon became apparent that it was necessary to avoid the temptation to promote new eye-catching services that gave the impression of action, but failed to relate to existing provision or to the need to make consistent, well structured support available to SMEs. 'New' enforcement services are most effective when they build on and improve existing provision.

Secondly, it was clear that the definition of new services had to make use of a common framework of reference. It was necessary to see if a consensus existed among the NPOs participating in the project about the core

elements required to deliver effective services.

Fortunately, there was already a lot of material to build on. The IPEuropAware project itself had already conducted a lot of detailed work on aspects of service delivery. More broadly, there was earlier work by the European Commission that provided a best practice framework for delivering 'top-class business support to SMEs'<sup>2</sup> and, in addition, a series of studies on the promotion of IPR and related issues. A group of experts brought together by the Commission from all EU Member States had only recently delivered a report on effective IPR enforcement. This report, 'Making IPR Work for SMEs'<sup>3</sup>, called for significant improvements in enforcement support measures, not least through a much better use of existing resources and particularly through the co-ordination of the many agencies that are active in this area. It also proposed a set of support services that the IPR Enforcement Expert Group believed should be available. With certain adaptations to the circumstances of the IPEuropAware project, this description of services provided a useful baseline for discussion between NPOs, when it came to defining the core set of support services that could serve as the common reference point or benchmark against which the network members could assess their own provision.

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<sup>2</sup> Staff Working Paper on 'Creating Top Class Business Support Services' SEC (2001) 1937 of 28.11.2001 [http://www.insme.net/documenti/EC\\_wp\\_creating\\_top\\_class\\_business\\_support\\_services.pdf](http://www.insme.net/documenti/EC_wp_creating_top_class_business_support_services.pdf)

<sup>3</sup> 'Making IPR Work for SMEs': report of the IPR Enforcement Expert Group [http://ec.europa.eu/enterprise/newsroom/cf/itemshortdetail.cfm?item\\_id=2502](http://ec.europa.eu/enterprise/newsroom/cf/itemshortdetail.cfm?item_id=2502)

## The Policy Context

These developments were taking place within a broader context that had to be taken into account. IPR, and specifically the enforcement of IPR by SMEs, has developed a considerably larger profile in the policy arena in recent years.

As knowledge has become a more important factor in production and as wealth has increasingly taken the form of intangible assets, establishing the ownership of such assets and securing the rights to income arising from them has become more important for the individuals and companies concerned and for the performance of the economy as a whole. Debates on innovation strategy with their increasing emphasis on the dynamics of innovative clusters and interaction within innovation networks have highlighted the practical significance of these issues. In the management of relations between the partners in innovation networks, the definition of intellectual property – knowing who is contributing what – is of major importance.

At the same time, the management of IP has become more complex. The forms that it can take have been extended and have become more interrelated. And the increasing embodiment of a growing average number of patents in a single product has changed the way that intellectual property operates. This has had a number of important implications, from changes in the way that companies manage their IP internally and an increased use of licensing and co-operation to shifts in the thinking on the rationale for IP and the legal privileges that it can bestow. This in turn has led to changes in the strategy and operations of public institutions, such as Patent Offices that are responsible for

registering and administering many of the core elements in the IP system. Added to this is the increasing internationalisation of the development of knowledge and its application in production processes and services.

In the face of the growing importance of IP and its greater complexity, there has been an increasing emphasis in policy debate on the need for good business support services that can offer guidance and assistance, especially to small and medium-sized enterprises, to enable them to find a way through the difficult issues they confront.

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At a European level, an impetus to this development has stemmed from the strategic considerations set out in the Lisbon Strategy, especially as formulated at its relaunch in 2005<sup>4</sup>, with its strong emphasis on Knowledge and Innovation for Growth. The developing prospect on Europe 2020 maintains this theme.

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<sup>4</sup> “Working Together for Growth and Jobs: a New Start for the Lisbon Strategy” - COM(2005)24.

An early response to this strategic lead was the 2005 Communication on Industrial Policy, which identified IPR as a critical issue and proposed an Intellectual Property Rights and Counterfeiting Initiative as one of seven new cross-sectoral policy initiatives. This has since been followed through in the Competitiveness and Innovation Framework Programme, which provides for a range of measures to support enterprise and innovation, including measures to promote the more effective management and exploitation of intellectual property.

More recently, reflecting a growing consensus across Europe, on the significance of IPR and its enforcement, the Commission published a Communication on 'Enhancing the enforcement of intellectual property rights in the internal market'<sup>5</sup>. This Communication reported that the Commission was establishing the European Counterfeiting and Piracy Observatory to enable regular assessments to be made of the extent and nature of the abuse of IPR. It is also of interest because of the clear call for action of the part of the Member States and the specific reference that it makes to the possibility of an enhanced role for NPOs. It calls on Member States to:

'appoint National Coordinators with a firm mandate to synchronise IPR enforcement issues between their respective national enforcement agencies'.

And with respect to NPOs, it says:

'As the national centres of IPR expertise, National IP Offices have an

important contribution to make. They could play a valuable role in building platforms and strategies to drive coordinated approaches and spreading best practices. This role could be extended to new functions such as awareness-raising, specific support for SMEs and coordination'.

Clearly the expectations of NPOs in the area of IPR enforcement are increasing. This consideration acted as an important additional stimulus to the development of effective enforcement support that was one of the central aims of the IPEuropAware project.

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<sup>5</sup> Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee on Enhancing the enforcement of intellectual property rights in the internal market COM(2009) 467 final

## 4. How to approach IP enforcement

In the protection of their intellectual property, **SMEs need assistance at many levels**. Some SMEs do not even have a clear idea of the nature of their intellectual property. Many fail to manage it effectively and can have difficulty in establishing their claims when their rights are contravened. Ultimately enforcement can require action in either the civil or the criminal courts, sometimes in locations a long way from home.

**Public agencies, and NPOs in particular, are not in a position, either practically or as a matter of policy, to provide the same level of support in all areas.** Few people would expect the NPOs or other agencies to start representing SMEs in court, for instance, on any appreciable scale. Apart from other considerations, it is important not to undermine existing private sector provision. Public action needs to be seen to be addressing market failures, rather than supplanting market mechanisms.

**The basic objective of the initiative therefore was to determine those areas where support can be most effectively provided to SMEs in the enforcement of their IPR.** The following considerations shaped this process:

- Litigation or even supporting a public prosecution can involve costs that are beyond the means of many small firms. These costs cannot usually be covered from public funds.
- Nonetheless there are many ways that support agencies can assist SMEs at the sharp end of enforcement, assisting in preparations for litigation, facilitating access to appropriate legal advice or

helping firms avoid the necessity for this action.

- Support agencies can assist dialogue with the police, customs and other relevant government agencies responsible for responding to IPR transgressions.
- Effective enforcement begins with proper IP management. Not only is this a useful discipline in its own right, it can act as a deterrent to infringements, allow them to be identified and contained relatively soon after they begin and provide a better basis for action by government agencies, business partners and anti-counterfeiting and piracy groups.
- Specialised information and research services can support both good IP management and the identification and containment of abuses.
- There is still a need for basic information on IP and its protection and for increased awareness of the extent and consequences of abuses.

It appears, then, that although public agencies cannot provide direct support to SMEs in all areas, the possibilities are still extensive and diverse. Part of the purpose of this exercise was precisely to **map out the different kinds of enforcement service that can be provided**.

Even establishing a basic checklist is quite a useful thing to do and the following section does provide a fair amount of detail on the nature of the services that ought to be provided. However, it is also important to appreciate that **describing top-class enforcement support services involves a lot more than simply listing which services should be provided**. It is also necessary to

convey something of the approach required in their delivery and to explain the nature of **the professional ethos and methodology that should animate the delivery of high quality services**. These elements are also important in that they will play a significant part in shaping future provision for SMEs and could also, to a significant extent, help determine the future role and status of NPOs themselves. The rest of this section, therefore, considers the main elements of this necessary approach.

### Start with the needs of SMEs

The first principle of best practice in business support is that **the design of services should start with the perspective of SME clients and a sensitivity to their concerns**.

Central to this approach is an appreciation of what creates the demand for IP services, from a small firm management perspective, and a view on how support service providers can best help SME management make good use of the services that are offered.

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### The design of services should start with the perspective of SME clients

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The prime consideration here is that in SMEs there is usually not the scope for dividing management responsibilities to any great extent between different members of a management team. Often one or two managers are responsible for all of the management functions and accordingly have to divide their time between addressing production issues, research and development, marketing, finance and human resource issues. In the past, and still to a certain extent, SME managers would often simply ignore certain aspects of management and hope for the best. As small firm management has improved in the

last 20 to 30 years, however, it is no longer the case that important aspects of management are ignored in quite the same way, but nonetheless **different areas do compete for management's attention** or for the scarce resource of management time and in relative terms some areas inevitably become neglected.

There are a number of implications from this consideration. First, it is necessary to **distinguish between the different levels of experience and expertise with which firms operate**. In the current context, this translates into an appreciation of how developed is the firm's management of IP. Here it was possible to draw on earlier work of the IPeuropAware project, which in examining SME needs had differentiated between four different stages of IP management:

*Level 1 – Knowledge and Awareness:* an early stage when understanding of the nature of the firm's Intellectual Property, its management and the danger of its misappropriation still all needs to be developed

*Level 2 – Protection:* a stage where the basic mechanisms for IP protection are put in place, including the registration of IP where this is appropriate

*Level 3 – Management:* a stage where there is an active programme of IP development and management of the whole range of the firm's intellectual assets

*Level 4 – Exploitation and Active Defence:* the stage where IP is being continuously developed and is a major source of value for a business, often involving licensing arrangements and extensive co-operation with other innovators.

Clearly, the services required at level 1 are distinctively different from those required at level 4, even though the problems faced may be similar in some instances. **Adjusting the service offered to the level of a client's experience is thus the first requirement for an SME-friendly provision** and it is necessary to ensure that there is adequate provision, at least at the four levels indicated.

### The capacity-building approach

The actual delivery of support services should also be informed by an appreciation of the way that SMEs operate. Given the pressures on SME management time (and also financial resources), there will be greater take-up and the services offered will be more effective if it is possible to fashion their delivery in such a way that it eases the pressures on management time rather than adds to them.

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### There is a premium on clear, readily accessible information and advice services

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This suggests that there is a premium on clear, **readily accessible information and advice services** that add to the manager's knowledge and room for manoeuvre with as little effort as possible. Well-tailored information and self-training packages have been effective in this area and good use has also been made of web-based provision. However, there is also a need for a steady and consistent approach to delivery. Assistance has to be available in a form that SME managers can take advantage of, as and when the opportunity presents itself, but which over time has a cumulative effect, leading to a **steady progression in the**

**position and capabilities of the small firm** concerned.

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### The capacity building approach underlies all other service provision

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A common theme, then, in support service methodology is that of **'capacity –building'**. The idea is that business advisers should not only aim to address the immediate issue of concern to a firm, but to do so in a way that means that similar problems are avoided in the future. This involves asking if there are more systemic problems behind the immediate 'symptoms' and if so, taking the opportunity to address longer term issues, by encouraging the firm's management to develop their own capacity to deal with the issues. From this perspective, **business support services can be regarded as a particular form of business training.**

The general application of this principle also requires the business adviser to be able to locate his/her own specialist knowledge within the general range of small business competences, to understand the preconditions for a successful application of his/her specialist skills and knowledge and be able to give appropriate advice about complementary developments required to ensure overall success. For example, giving advice on the use and exploitation of patents may not be effective in some circumstances unless the enterprise has the right staff and access to appropriate forms of finance. The NPO adviser may not be in a position to give advice on these matters directly, but ought to be aware of the issues and to be able to direct the client to the best source of help. In any event, building staff capability to analyse the wider aspects of business problems and contribute to

longer-term solutions is part of encouraging a greater professionalism in business support and should become the platform from which individual services are provided. **The capacity building approach therefore underlies all other service provision.**

## Intellectual Asset Management

A particular application of the capacity-building approach arises very much in the core territory of NPOs. It concerns the application of **the principles of intellectual asset management (IAM)**. With IAM, enterprises are encouraged to develop a disciplined, systematic approach to the whole range of intellectual assets generated by a business, including formal intellectual property, but not limited to it. It involves a ‘hands on’ management of the generation of intellectual assets, the recording of developments as they take place and an active process of market and IP related intelligence gathering. This all has to take place within an overall strategy that has a clear perspective on the direction of developments and the intended route to their exploitation, along with a stance on formal registration, where this is appropriate, and the adoption of precautionary measures to minimize the risks of abuse by other parties.

Intellectual asset management was seen by the ‘Making IPR Work for SMEs’ report as being **the first line of defence of IP**, since good documentation, for instance, helps speed the legal processes and can reduce costs, and a well organised firm may also be less susceptible to IP abuse in the first place. But the concept also makes sense as an organising principle for IP support services and provides a good basis from which to interact with other professional support services, whether they are specialised in innovation promotion or offer general business support to SMEs.

## Supporting innovation

The encouragement of IAM within enterprises naturally leads business support staff to put IP development within a broader **context of innovation policy**.

Staff offering information or support on IP matters need to be aware of the innovation context in which they work for a number of reasons:

- *Understanding client’s perspective:* IP arises from innovative processes within businesses and needs to be managed in line with these processes; understanding how a firm is developing helps support staff to provide appropriate support.
- *The institutional context:* Frequently, IP will arise as a result of a firm’s participation in public innovation programmes. Support staff should be familiar with some of the details – the type of programme that is available, broadly how they operate etc. – in order to give appropriate advice.
- *Opportunities and effective protection:* Innovation measures and programmes have generated extensive innovation communities and networks. These represent important opportunities for SMEs for the further development and exploitation of their IP and also potentially allow them to identify allies in issues of IP protection and enforcement. Awareness of this context is again part of being able to provide a professional service.
- *Policy and politics:* The promotion of innovation has a high profile in public policy terms at all administrative levels. The actions of public agencies should

naturally reflect these policy priorities, but there are opportunities for some NPOs in particular to reposition themselves as more clearly focused on the promotion of innovation.

- *IP and the Innovation Cycle*: a significant argument is that establishing IP management and enforcement as major stages in the innovation cycle is key for getting effective and co-ordinated enforcement mechanisms. Agencies offering IP support should help to bring about this shift in perceptions.

This is, however, a context that is evolving quite rapidly. Conceptions of the nature of innovation have changed quite radically over recent years. Traditionally innovation has been seen in ‘technology push’ terms – the application of science and technology to new products and production processes. This, of course, continues to be an important aspect of innovation and there are numerous publicly supported agencies that seek to promote it, from advice centres and specialised units within universities through most science parks and incubators to organisations providing funding for R&TD within firms. However, with the growth in the relative importance of the service sector, especially of the business services, financial and creative sectors, and increasing discussion of the diverse elements of the knowledge economy, it has become apparent that changes in other areas of business activity could be as important as changes in production techniques.

Furthermore, **perceptions of innovation processes have changed**, so that innovation is understood these days not as the result primarily of the activities of inspired individuals or isolated research teams, but of processes that involve significant interaction

with others. One aspect of this interaction is through patterns of ‘open innovation’, initially described by H. Chesbrough<sup>6</sup> in 2003. Through these processes, users of goods and services or those active in the supply chain can contribute to their on-going development. The process is clearly evident in the development of ‘apps’ for the iPhone, for example. Other forms of interaction can arise through the proximity of enterprises engaged in similar activities in local or regional agglomerations, known as ‘clusters’. Through collaborative competition, clusters help the spread of new ideas and know-how, generate pools of skilled labour and sympathetic sources of finance and gain economies in marketing and sales.

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### ‘Open innovation’ gives rise to new challenges for the management and enforcement of IPR

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Open innovation gives rise to new challenges for the management and enforcement of IPR. It also presents new opportunities in these areas too and overall perhaps requires a greater professionalism on the part of SMEs managers. An understanding of this evolving innovation environment is important, therefore, both for enabling business support staff to help clients appropriately and effectively and also for NPOs, other business support agencies and those responsible for enterprise and innovation policy, as they are seeking to develop the strategic positioning of intellectual property organisations. This is a theme that we shall return to in Section 6.

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<sup>6</sup> H. Chesbrough, ‘Open Innovation: The New Imperative for Creating and Profiting from Technology’ (2003)

## 5. What is needed in Enforcement Services

One of the core objectives of the initiative that gave rise to this publication was to achieve a **consensus among the NPO network members on the nature of the core IP enforcement and related services** that should be offered to small firms. This section sets out the results of the exercise to identify the main elements of this consensus. It presents a package that has been considered and accepted by the IPEuropAware network as a whole.

Furthermore the consensus extends beyond the IPEuropAware network, as major elements were built on earlier work, notably the report 'Making IPR Work for SMEs'. The package therefore draws on a wide range of experience. It is also quite detailed and may be difficult to digest at first reading. However, core IP enforcement and related services are at the heart of the initiative and need to be set out in detail.

The services identified operate at different levels: some of the attitudes and practices that 'animate' the service structure and ensure that it is of a high quality were outlined in the previous section. Other elements at a more strategic level are considered in the following section.

The purpose here is to concentrate on the **operational services** that the initiative has identified and adopted. These too are quite diverse and fall into several categories:

1. *Helpdesk, Initial Information, Signposting:* services provided by the first support agencies that SMEs turn to for assistance on IPR matters, including generalist providers of business support such as Chambers of Commerce. The services of this kind provide initial information and orientation, possibly consider the general management issues and arrange for clients to access targeted assistance if necessary. An IPR helpdesk may be able to go further and provide some of the assistance referred to in the subsequent categories. In many cases though, it will not be able to give detailed consideration to the case of a particular client, but will need to pass the client on to more specialised colleagues.
2. *Tailored Information Provision:* this refers to the provision of information packages that have been developed specifically to explain the management and enforcement of IPR, either in paper form or through web sites. The information should be authoritative and relatively detailed.
3. *Dedicated Services:* This refers to active information services and other support that are specifically designed to assist in the management and enforcement of IPR and are usually delivered on a one to one basis.
4. *Professional Advice:* Advice provided to enterprises, either directly by the support agency, for instance on intellectual asset management, or by arranging access to professional private sector advisers.
5. *Training:* Training provided on IP matters, not only to SME management and staff, but also to other agencies involved in enforcement and even to other support organisations.
6. *Awareness Raising:* Activities designed to raise awareness of IPR management and enforcement issues that are of a more general nature than training.

In each case the level of SME development at which the service needs to be delivered is shown in brackets. There are four levels which were explained at the beginning of this section.

*Level 1 – Knowledge and Awareness (I)*

*Level 2 – Protection (II)*

*Level 3 – Management (III)*

*Level 4 – Exploitation and Active Defence (IV)*

## Operational Services

### 1) Helpdesk, Initial Information, Signposting

These are the basic information and orientation services that should be easily accessible. They are services that are often provided by NPOS, but also by other business support agencies that for some SMEs are the more natural initial source of assistance. This extensive provision also helps the services to be delivered locally.

#### *Helpdesk, Initial Information, Signposting*

**1.1 IPR Helpdesk:** A facility that operates as a focus for the provision of rapid responses to requests for information and as an initial reference point for all issues related to the use and enforcement of IPR. It provides introductory information, practical guidance and helpline services to SMEs concerning the various issues related to IP use and enforcement, it directs firms and entrepreneurs to selected experts for the provision of more advanced information and to training.

**(I)**

**1.2 Initial information and orientation on IPR and IPR enforcement:** The provision of oral information and publications explaining the basics of IP rights (types of IP and their potential importance for SMEs) and enforcement procedures, referring clients to the main service centres, publications and web sites (IPR Helpdesks, Enforcement authorities) and other appropriate activities in relevant areas. **(I)**

**1.3 Provision of guides and brochures:** A comprehensive set of publications covering the full range of IP tools and the main enforcement issues for SMEs. It should include:

- *brief explanatory guide* to all types of IP mechanisms (what they are, how they can benefit firms, when/how they can be used, basic information on registration and enforcement procedures)

- *an IP glossary*

- *reference to main support organisations* and contact points at local, national and international level **(I)**

*Helpdesk, Initial Information, Signposting*

**1.4 Initial diagnosis of problems:** A basic diagnostic tool in the form of an online or paper-based questionnaire focusing on typical areas/issues where firms may have problems concerning the protection (or not) of their intellectual assets and where further action may be necessary. (I)

**1.5 Signposting and reference to appropriate specialists:** The capacity, on the basis of an initial diagnosis of problems to refer clients to more systematic assistance. Provision of an up-to-date list of quality experts and specialists at local, regional and national levels. (I)

**1.6 A hotline facility:** A phone-based hotline service providing consultation on protection and enforcement of IP rights, basic advice on evidence gathering and procedures and information on contact points in enforcement agencies. It will also gather information on complaints relating to IPR infringement cases and transmit this to the relevant authorities. (I, II)

**1.7 An E-mail facility for raising questions and receiving initial advice:** Provision of personalised answers by e-mail to specific IP-related questions delivered by experts within a specific time period. Answers provide guidance for appropriate action and refer to more specialised services. (I,II)

## 2) Tailored Information Provision

Detailed and effective provision of information packages on IPR and enforcement using appropriate media.

*Tailored Information Provision*

**2.1 Tailored information:** A comprehensive set of publications (in the form of booklets) providing information (in a clear, informed and accessible way) relating to:

- Guidance on the stages of the innovation process and the role of IPR at each stage
- National, European and International IP registration systems
- Identifying intellectual assets inside the company
- Searching and documentation for IP
- Registering intellectual assets if and where appropriate (procedures, times, costs)
- Approaches to exploiting intellectual assets
- Dealing with infringements (alternative actions, necessary procedures, costs)
- Third country arrangements.
- Guidance on accessing corresponding support services. (I,II, III,IV)

**2.2 Web site based information :** Provision of the information described above through a web site also providing links to other major information sites including for example the European Patent Office's guide to intellectual property information:

*Tailored Information Provision*

<http://www.epo.org/topics/ip-webguide.html>

and Innovaccess:

<http://www.innovaccess.eu/home.html> (I,II,III,IV)

**2.3 Self-appraisal and self-diagnosis tools:** Paper-based or online tool that helps firms evaluate the level of protection in their IP management and enforcement processes and identify strengths and weaknesses. Based on a questionnaire format it guides firms through a thorough evaluation of the actual use and management of their intellectual assets and – through comparisons with best practice – points towards strengths and weakness. (II,III)

**2.4 Contact information:** Provision of an up-to-date list with contacts details of specialised individuals, organisations and authorities that can assist SMEs to enforce their IP both locally and in the country where the infringement is taking place. (II,III, IV)

**2.5 Key Documents and Templates:** Provision in electronic and printed format of all key documents and forms necessary to assist IP registration, enforcement (including application for action and notification of authorities) and litigation procedures either directly or through linkages to the appropriate web sites. It should also include manuals explaining the use of the different forms with answers to frequent questions and model examples. (IV)

Key documents might include:

- *Model forms* for a National Application for Action and a Community Applications for action;
- *Model forms* for notifying customs administrations about specific information or general trends concerning suspected counterfeit goods.

These forms are accessible via the DG TAXUD web site:

[http://ec.europa.eu/taxation\\_customs/customs/customs\\_controls/counterfeit\\_piracy/right\\_holders/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm)

**2.6 Guides to help preparation for events:** Provision of printed and on-line forms with checklists to assess the potential for infringements in events and trade fairs and information on the available assistance and possible action. Provision of model contracts for arrangements between fair organisers and participants. (II,IV)

Contact information, about individuals and agencies that can assist SMEs, locally and on the ground in the country where the infringement is taking place.

Contact details of the custom authorities to which applications for action should be submitted are also available on the DG TAXUD web site :

[http://ec.europa.eu/taxation\\_customs/customs/customs\\_controls/counterfeit\\_piracy/right\\_holders/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm)

### 3) Dedicated Services - Services that are specific to IPR and IPR enforcement

These are services that would typically be provided in person to SME clients by NPOs or by innovation support agencies with a sufficient specialised knowledge of IPR issues. They will be customised to meet the needs of individual SMEs. Clients may be referred to these services by more general providers after an initial diagnosis.

#### *Dedicated Services*

**3.1 Pre-diagnosis service:** An IP pre-diagnosis service is a customized service that is intended, on the basis of an intensive review, to identify IP within a firm, underline its significance and assess how IP management could be further strengthened and bring additional benefits to the firm. It includes:

- Diagnosis of the current state of play regarding the firm's IP strengths and their relation to the competitive environment;
- Review of the firm's IP management and identification of strengths, weaknesses and needs;
- Recommendations on the appropriate actions concerning the use of IP to achieve the firm's objectives. (III)

**3.2 Intellectual Asset Audit:** An intellectual asset audit is an assessment of the legal status and value of all forms of intellectual asset and potential liability within an organisation, other than its human capital. Its scope is therefore considerably wider than a review of intellectual property. The audit examines and evaluates the strengths and weaknesses in the procedures used to protect existing and future intangible assets, to secure appropriate intellectual property rights and minimize issues involving third party rights. Given the inherent legal significance of the audit, it requires at least one person with significant legal skills and experience – preferably an intellectual property attorney – but also a person with familiarity with the technology deployed by the firm, its management and marketing goals. The result of the thorough review of all the organisation's assets and protection procedures is the formulation of recommendations both promoting a consistent development of intellectual asset management and identifying areas where specific action is required. (III)

**3.3 IP Valuation:** A service providing estimates of the value of intellectual property and/or a wider group of intellectual assets for accounting and financial purposes based on a comparative market analysis. (III)

**3.4 IPR risk assessment:** Identification and assessment of the risks and potential costs associated with the creation and/or use and exploitation of all forms of intellectual property. It concerns :

- The examination of the potential for infringement of the rights of third parties, the level of the

### *Dedicated Services*

infringement and the possible costs associated;

- The risks from counterfeiting and piracy for the organisation's own IP, and
- The technical and legal feasibility of exploiting existing IP.

It includes an assessment of the probability of a problem arising and of the possible impact to a firm and calculates the total risk faced. Once the risk has been identified alternative appropriate risk mitigation strategies may be identified. (III)

**3.5 Prior art searches:** The service seeks to establish prior art, including providing access, possibly supported by an information specialist, to searchable databases in order to identify already registered IP rights relating to a firm's interests. Searches are based on professional information search strategies. (II,III)

**3.6 Assistance in IP due diligence, checks on contractors and partners:** Independent evaluation and verification of the material facts concerning the IP situation (ownership, prior art, fees, infringement, litigation) that can have an impact and create liability to the company. Parallel checks on the business standing of partners and contractors. Such a service is based on the identification and gathering of relevant facts and intelligence. (II,III,IV)

**3.7 IP Marketplace:** Online facility that allows sellers and buyers of IP to meet. Firms can list their IP rights that they wish to sell or license or express a demand for specific technology they would like to buy or get a license for. (III,IV)

**3.8 Technology watch:** Systematic capturing, analysis, and dissemination of useful technical information to support production and commercial decisions of a firm. A technology watch service provides updates on the range of new and emerging relevant technologies that can have applications in a company's activities. (III)

**3.9 Infringement watch:** Service that helps companies identify infringements of IPRs and possibly provide advance warnings of potentially infringing activities. It is based on periodic market scans that identify activity that appears to infringe clients' IPRs, help gauge its extent and provide evidence for enforcement action. (II,III,IV)

**3.10 Business intelligence watch:** A service that complements a technology watch by providing intelligence on market developments and on the exploitation activities of competitors and partners. (III,IV)

**3.11 Counterfeit investigations:** Investigations that identify evidence of counterfeiting. Can be desk-based or extended to include co-ordination of field investigations to assemble evidence and coordinate with police in the organisation of raids. The service may also involve support or advice in undertaking legal action (directly or indirectly, depending on the competences of NPO staff)

#### *Dedicated Services*

including the filing of complaints, obtaining search and seizure orders and providing support in prosecution proceedings. (IV)

**3.12 Briefings on enforcement of IPR abroad:** Providing orientation for firms experiencing difficulties in other countries, within and beyond the European Union, including reference to individuals and organisations that can assist, provision of relevant documents and (initial) advice on appropriate strategies. (IV)

**3.13 Liaison with Help Services in third countries:** Facilitating access to, and liaison with, services such as the China IPR SME Helpdesk and national facilities in third countries. (IV)

**3.14 Providing (non-legal) representation for specific SMEs on the ground where infringement is taking place:** Arranging for practical local assistance in countries where infringement is taking place, including any support for any lobbying activity (IV)

**3.15 Mediation services and other forms of Alternative Dispute Resolution:** Development of mediation services with the creation of a team of accredited mediators, definition of procedures and provision of facilities. Reference to and assistance with more formal arbitration procedures, including provision of a list (registry) of alternative mediators and arbitrators. (IV)

## **4) Professional Advice**

Services provided to SMEs in order to strengthen overall management strategy or management of IPR or to prepare them for court action or litigation on IPR. It can include special arrangements to facilitate access to the services of professional law firms.

#### *Professional Advice*

**4.1 Business strategy relating to innovation and generation of IP:** A tailored service that helps entrepreneurs and small firms to define new and early-stage product and service ideas, launch product development projects and carry through ideas and innovations into commercial products and a profitable business. It includes guidance on product development and marketing, including the building and testing of prototypes, and access to funds. Advice and support on the protection of IP is a core part of the service integrated into the different stages of the business advice provided. (II, III)

**4.2 Business Planning and Intellectual Asset Management:** A personalised service that helps SMEs develop a Business Plan, by identifying opportunities, and helping the firm to articulate business objectives and develop the necessary business procedures, including strategies for protecting and maximizing the value of the firm's intellectual assets. It includes provision of professional support to identify and value the firms' assets and to set up the necessary organisational structures and procedures for the better exploitation and protection of existing and future intellectual assets. (III)

*Professional Advice*

**4.3 Advice on building partnerships and managing licensing:** A service intending to advise and support firms in identifying and selecting business and technology partners with the best potential either for licensing in important complementary IP or getting the most value from licensing out its own IP. It also includes advice on negotiating licensing or cross-licensing agreements, identification of potential issues and problems through a due diligence procedure and preparation of supporting documentation, such as confidentiality agreements and claim forms. **(III,IV)**

**4.4 A 'First Aid' service – initial orientation prior to detailed legal advice:** A one-off briefing session (either face to face or over the phone) with an IP legal expert intended to identify the available options for legal action for a specific issue or problem faced by the firm, to provide information on the requirements in different procedures, the expected times and costs and the possible outcomes. The intention is to help the firm decide if professional legal advice should be sought and if so, to prepare the ground for a fruitful use of legal services. **(IV)**

**4.5 Litigation-risk analysis:** This is a tailored service that involves the analysis of the uncertainties, the risks and the costs related to different IP litigation actions. It is intended to help firms understand complex litigation procedures and supporting action and support the decision making of the firm's executives and their lawyers. It is usually based on a decision tree analysis of possible consequent events and outcomes, the probability of them occurring and their respective costs, and leads to the identification of the best and the worst decision. **(IV)**

**4.6 Detailed legal advice and representation in civil cases:** Provision of access to an experienced legal advisor (or a team if necessary) to assess the potential for IP infringement, to advise and support in negotiations and in taking action against breaches of licensing contract or IPR infringement, drafting of necessary documents and preparation of evidence, representation before national, European and international Patent Offices and other competent authorities, and representation in civil courts in all cases of IPR-related disputes.

This service would usually be provided through particular arrangements with professional law firms. **(IV)**

**4.7 Detailed legal advice and representation in criminal cases -** Provision of an experienced legal advisor (or a team if necessary) for the preparation of cases, collection of evidence. Liaison with the authorities and representation before criminal courts.

Again, this service would usually be provided through particular arrangements with professional law firms **(IV)**

## 5) Training

Training of various kinds can be provided directly by NPOs or training partners. A number of different target groups are identified, since all parts of the IP management and enforcement system could currently benefit from training on the issues faced by SMEs in enforcing their IPR. The issues also need to be covered more extensively in business management courses. The training may vary from short courses of a few hours up to full-time study and may be delivered in a conventional way or using distance learning or other flexible techniques.

### *Training*

#### **5.1 Training for SMEs**

- *Self-help manuals and guides*, structured learning packages, including on-line training material, such as:

European Patent Office SME Case Studies :

[http://sme.european-patent-office.org/case\\_studies/index.en.php](http://sme.european-patent-office.org/case_studies/index.en.php)

- *Occasional seminars and workshops* (not only sessions directly covering IP management issues but also as part of more general management education)

- *Staff training*

- *IPR and Intellectual Asset Management training at a strategic level*

- *Development and application of an Intellectual Asset Management certification standard*

#### **5.2 Training for the enforcement authorities**

Police, Customs, Courts – Judges and Public Prosecutors

- *Specific training* on IPR infringement issues and on the particular needs of SMEs

#### **5.3 Training for business support organisation staff**

- *Training course on assisting SMEs with IPR management and enforcement*

- *Training materials* for support staff

Examples: The International Chamber of Commerce (ICC) Intellectual Property Tool-kit :

<http://www.iccwbo.org/policy/ip/toolkit/id17122/index.html>

*Training*

#### 5.4 Management education

Sufficient coverage of Intellectual Asset Management issues in higher education business and management courses.

### 6) Awareness Raising

There is still plenty of scope for raising awareness of IPR as an issue, for pointing to the dangers of IPR abuse for SMEs and for the general public and for highlighting the responses that can be made. NPOs have a particular role in this though other organisations also make contributions.

*Awareness Raising*

**6.1 Campaigns:** Organisation of awareness raising activities (promotional material, advertising in general and specialised press) concerning the importance and role of IPR, the potential damage and dangers associated with using counterfeit and pirated goods. Promotion of the support services available (Helpdesks, Chambers of Commerce, NPOs). (I)

**6.2 Seminars and training:** Organisation of seminars and workshops targeting the general public or targeted sectors (SMEs, researchers, professionals in specific technology sectors) providing awareness training on the uses and enforcement of IP rights. (I,II)

**6.3 A Bank of speakers:** Creation of a selected bank of experts with experience in the different areas related to IPR enforcement and intellectual assets to participate as speakers at conferences, seminars and workshops. (I)

The range and diversity of these services is evident and, as has been seen, their delivery potentially involves a number of different organisations. An important degree of co-ordination is required to ensure delivery in a coherent and comprehensive fashion.

## 6. Doing it properly – co-ordination and professionalism

As well as identifying the services required to give direct support to SMEs on IPR enforcement, the IPEuropAware initiative also considered **what is needed to ensure that the services are put in place satisfactorily.**

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The aim should be to achieve a seamless service to SME clients through a rational division of responsibilities and tasks. This needs co-ordination and the challenge to NPOs is to achieve this co-ordination.

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A starting point in these considerations was **established best practice in business support.** Here the initiative drew on a statement of principles in the ‘Making IPR Work for SMEs’ Report. These emphasised:

- The fundamental importance of a client-orientation;
- The need for coherence and consistency in service provision and the avoidance of new stand-alone initiatives;
- The development of core packages of services, differentiated to meet the differing needs of different types of enterprise;
- The need to base support services on a common methodology centred on assisting enterprises to build their own management capacity;

- Quality standards and evaluation;
- Professionalism in support service staff.

A number of these principles directly influenced the shape of the operational services that have already been set out. However, they also indicate that it is necessary for there to be **services at a more strategic level**, services that ensure that those provided directly to SMEs are of a high quality and are well co-ordinated. In the enforcement context this consideration is of particular significance, principally because it is not always obvious who should be providing the various operational services that have been identified and how this should be done.

### Services at a strategic level

It has been seen that many of the identified services are provided at least by some NPOs, but there are **major differences between countries.** Some NPOs have rather restrictive remits and even in the most favourable circumstances, there are services that can be better provided by other agencies. However, irrespective of which organisation actually delivers particular enforcement services, there is clearly a need for some organisation to have **the role of co-ordinator** and ensure that all or most of the services are available one way or another.

One of the major recommendations of the ‘Making IPR Work for SMEs’ report was the creation of mechanisms to ensure the effective overall co-ordination of enforcement support. The Commission’s Communication on ‘Enhancing the enforcement of intellectual property rights in the internal market’

challenges NPOs to play a part in ensuring this co-ordination. The conclusion of the IpeuropAware initiative in this regard is that **NPOs should indeed rise to this challenge.** They are well-placed to do so.

**The aim should be to achieve a seamless service to SME clients through a rational division of responsibilities and tasks.** NPOs are obvious candidates to take on the responsibility for ensuring that this seamless service is developed. All of them provide some services that are among those required. A number provide a wide range of such services, but equally all of them need to work with other agencies, from the customs and police and the legal services through to Chambers of Commerce and innovation support agencies, higher education institutions etc, as well as with the relevant government departments. They are already in a good position to develop operational co-operation even if they have not assumed responsibility for promoting co-ordination of policy.

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**The driving force should be what SMEs need, not what NPOs can currently provide.**

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NPOs do have differing legal obligations and constraints and differing operational priorities. This means that the range and depth of the services they are able to deliver themselves can vary considerably. They also work in significantly different environments in terms of the institutional arrangements and the policies of other business support agencies. In a number of cases, current arrangements cause considerable difficulties for those who are concerned to deliver an effective service. Nevertheless these difficulties should not

exclude pursuing better service delivery. **The driving force should be what SMEs need, not what NPOs can currently provide.** Difficulty in getting a clear and consistent answer to questions arising from enforcement problems should not be a problem that SMEs are expected to resolve, it ought to be a problem for the support providers to address.

This client perspective, then, requires effective co-ordination of provision. An organisation that does not provide a well-co-ordinated service fails a quality test. It is not acceptable simply to point to institutional constraints as a reason for not acting. This is merely to highlight the nature of the problem to be solved. The real question, given the institutional constraints, is how can co-ordination be achieved and the point is that NPOs are often in a position to take a lead in doing this. Even if they are not able to provide a particular service themselves, NPOs ought to be pressing for some-one to do it.

### **Co-ordination in practice**

So, the **set of services that have been described are not those that NPOs necessarily should deliver themselves.** They do not prescribe a given set of services that NPOs must deliver. They attempt to describe what SMEs in current circumstances would appear to need. The point is that it is up to the NPOs and their colleagues in other support agencies (and public authorities responsible for overall policy and funding) to say which services they can each provide and how they are to be delivered as efficiently and effectively as possible. NPOs should lead this discussion.

Achieving the required co-ordination will then involve **continuing close liaison** with other support providers, from Chambers of Commerce or other general business support

agencies and specialist innovation support organisations to all the relevant public authorities, including the police and customs. It may even be appropriate, depending on national practice in these matters, to have arrangements with private sector providers, either to facilitate access to commercial services that may be of use to clients or to arrange for special terms, pro bono work or other advantageous arrangements.

**In practice effective co-ordination often begins with a mapping of existing provision and its interrelationships.** This provides the basis for rationalisation and the identification of gaps in provision. It can also facilitate the introduction of a **‘no-wrong door’ policy**, in which SME clients are never told by support agencies that they have come to the wrong place, but rather an efficient case management system ensures that the client is provided with a proper response to the issue raised in a way that is as seamless as possible.

A similar issue concerns **the provision of locally-based services**, especially in the larger Member States. Much can be done these days from a central national office, with the use of modern communication methods.

Nonetheless, face to face meetings and visits to clients’ premises are required at times and in order to deliver particular services. NPOs consequently need to make arrangements for regional and local delivery of their services. Sometimes this consideration will overlap with that of co-ordinating provision across other organisational partners.

### **New and innovative services**

Finally in terms of ensuring a coherent position that continues to be relevant, it is important to consider the development of **new and innovative services**.

Providing SMEs with enforcement assistance is a relatively new and even underdeveloped area and has certainly not had the profile it deserves in the past. Furthermore, these services are addressing a situation that is itself rapidly changing, along with the development of IP in the knowledge economy and the apparently increasing opportunities for IP infringement presented by rapidly changing markets and information technology. These developments need to be matched with innovation in the nature and delivery of support services and **we can expect that a steady evolution of service provision will need to continue** for some time to come.

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### **Effective co-ordination often begins with a mapping of existing provision and its interrelationships**

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However, this innovation needs to be managed carefully. The Commission Staff Working Paper on Top Class Business Support Services and the ‘Making IPR Work for SMEs’ Report both point to **the need to avoid new stand-alone initiatives**. These can actually discourage SMEs by presenting a confusing range of options and they can divert and waste resources, disrupting existing provision. This is why in some Member States there has been a policy of balancing the introduction of new services with the withdrawal of services previously offered.

Furthermore, the term **‘new enforcement services’ is something of a relative concept**. With their distinct histories and traditions and markedly different current levels of enforcement service delivery, it is difficult to say which service would be new for which organisation. Elements that have been well

established in some NPOs would be a definite innovation in others. The overall framework of reference acts therefore as a core definition of the services needed to address the current needs of SMEs, but also defines the context in which further innovations can be introduced in a way that avoided the problems with stand-alone initiatives.

It is therefore necessary to have a **measured approach to the introduction of new services**. They will undoubtedly be necessary at some point, no matter what the current provision. But it is important to ensure that new services are well integrated into existing provision, in a way that enhances rather than diminishes the effectiveness of the whole package. From this point of view, the set of services that have been defined represents a baseline for the appraisal of potential new services, allowing them to be tailored so that they are well integrated into existing provision.

It will be seen that the following section provides some examples of services that are being developed currently and that could usefully be adopted elsewhere.

## Strategic Services

These are services which are not generally delivered directly to SME clients, but which are nonetheless important for the general quality and coherence of direct services.

### Ensuring Appropriate Access and Co-ordination

Given that NPOs are not usually in a position to provide the whole range of operational services themselves, even when they are allowed to do so legally, and also do not generally have an extensive geographical presence, there have to be arrangements made with other providers of services to SMEs, with enforcement agencies and, where relevant, with private sector service providers. The provision through a diverse set of agencies needs co-ordination at a national level. NPOs are leading contenders to take on this role. In any event the following needs to be provided.

## Quality and Evaluation

Designing services so that they comply with quality standards and are open to evaluation procedures is a consideration of more general application, given that, these days, it is considered to be a necessary feature of any public and quasi-public service. The principles of policy evaluation are well established internationally, but the approach to quality assurance in particular has to be defined within an established policy framework. The specific circumstances and procedures of the respective NPOs are important in this area as well as the well-established international standards. Overall though, even when some of the detail may vary from one country to another, it is important to express a **commitment to quality standards and evaluation** and to include this general consideration as part of the strategic services that an NPO might be expected to provide.

To draw together and set out some concrete detail from the discussion so far, this section describes services that should be provided at a strategic level.

### *Access and Co-ordination*

- 1. Co-ordination with other business support agencies – generalist and innovation support – and with business associations, government agencies etc.:** Formal or informal agreements with other public and private entities (Chambers of Commerce, general business support agencies, innovation centres, technology parks and incubators) for the provision of integrated IP services, available at a local level, where appropriate. The co-ordination should ensure that the client can gain access as easily as possible and that the experience of the service is as seamless as possible. The integrated service needs to be supported by appropriate client management systems. **(I,II,III,IV)**
- 2. Strategic exchange of information on enforcement:** Develop procedures, guidelines and protocols for the effective and efficient exchange of information among enforcement authorities concerning IP cases at national and international level. **(IV)**
- 3. Developing access routes for SMEs to customs, police and judicial systems:** Bridging the gap between SMEs and the enforcement authorities through dialogue and the development and provision of practical support tools such as information on necessary procedures, advice on filling the necessary claim forms and presentation of evidence to facilitate and expedite the process of reporting counterfeit goods and piracy to customs and police authorities. **(IV)**
- 4. Publicising the effects of infringement, particularly of representative cases:** Publicising through web sites, newsletter, partners networks and the press and contact with the public authorities, cases highlighting the effects of infringement, counterfeiting and piracy and their consequences and costs. **(I)**
- 5. Promoting networking and alliance building:** Promoting formal and informal networks among SME organisations, IPR enforcement and IPR support entities, anti-piracy and counterfeiting groups and others, dedicated to the exchange of experience, best practice and the co-ordination of joint activities to solve IPR enforcement issues. **(II,IV)**
- 6. Raising issues internationally:** Participation in the relevant European and International associations networks and events to raise issues and problems faced by SMES, IPR support organisations and enforcement authorities experienced in a particular country. Support to firms involved in test or representative cases to pursue infringements, counterfeiting and piracy in third countries. **(IV)**

## **Quality and Evaluation**

An insistence on quality is absolutely necessary, especially since one example of poor service can discourage busy managers in SMEs from using other services. This means that **the standards of service have to be uniformly high.**

Building evaluation into the process of developing services is an intelligent way of ensuring that **services continue to improve over time**, as well as meeting the requirements of accountability. It also helps to address the issue of how services are to be funded, assisting the direction of resources

to applications that are the most effective. This is particularly important in the situation under review, since the general perception is that **the problem, at least initially, is not so much a lack of resources as a less than effective use of the resources that are already deployed.**

#### *Quality and Evaluation*

**1. Establishing quality criteria in relation to enforcement support for own services and those of other agencies :** Set performance criteria and indicators and measure performance concerning the level of enforcement support activity, the breadth of services offered and the utility, satisfaction and added-value of users. Compare with other services. (I, II,III,IV)

**2. Establishing and implementing evaluation frameworks:** Develop an evaluation framework based on the general aims and objectives of the provision of enforcement services. Arrange for monitoring and the collection of appropriate data and assess the relevance, effectiveness, efficiency, utility, sustainability and added-value of the provided services. Repeat the evaluation exercise and revise the evaluation framework on a periodic base. (I, II,III,IV)

### **Professionalism, organisational culture and practice**

Again, it is necessary to stress that the services listed need to be brought to life and ‘animated’ by the development of an appropriate organisational culture and the professionalism of the staff involved. The skill and commitment of the staff in the NPOs and less tangible characteristics that ‘animate’ the framework and ensure its ultimate effectiveness are essential ingredients in a top-class system. This vital force driving and shaping individual services and the ‘professionalism’ with which it is developed, need to have the following elements:

#### **Corporate Culture**

Agencies offering IPR enforcement support services must be fully committed to providing first class services. This commitment should be apparent at all organisational levels and be given a continuous expression in the way that the organisation thinks and operates. There should be a corporate culture that aims for quality in provision and that – at all levels – has the needs of clients in the forefront of its thinking and its operational practices. Rigorous evaluation should support the development of the agency’s services.

#### **Leadership**

Organising a coherent service provision in co-operation with other agencies and where necessary local delivery, requires leadership and persistence, but it is an essential element in delivering quality services.

#### **Professionalism of the staff**

Agencies offering IPR enforcement support services must have suitably qualified staff who are able to offer a professional service. This implies that, as well as having technical knowledge of IP and enforcement procedures, agency staff should apply best practice principles in business support and develop specific approaches and procedures over time, supported by appropriate professional training. These can find expression in particular services offered by the NPO, including business

planning services and the adoption of a capacity building approach in the assistance provided to clients. In the specific context of IP, the encouragement of clients' development of systematic intellectual asset management practices is a particular form of the more general approach.

#### **Seamless Organisation**

Effective co-ordination with other agencies in order to provide coherent enforcement support services and appropriate expertise and local access, should ensure that the experience of the client is as seamless as possible and supported by an efficient client management system.

#### **Innovation**

The services described above are not intended to be set in stone. Intellectual property is a wide area that can be expected to develop in nature and form, along with developments in the knowledge economy. The intention has been to provide a flexible framework that is able to adapt and respond to innovation in the economy and facilitate innovation in the services provided to SMEs.

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**Services need to be brought to life and 'animated' by the development of an appropriate organisational culture and the professionalism of the staff involved**

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**A summary overview of the services listed in Section 5 and 6 is presented as Annex A.** Altogether they represent an ambitious perspective, but if the reactions of those participating in the IPEuropAware project are a good guide, it is one that is being met with ambition and enthusiasm. Already some organisations are thinking of going further.

## 7. 'New' Enforcement Services

In order to offer some ideas on possible future developments, the following presents a series of services encountered during the survey work of the initiative. Some represent clear cases of the implementation of critical elements in the package outlined. Others go beyond the core package of services, but nonetheless are compatible with them and could well be adopted more generally. Essentially, they are services with some degree of novelty, but which also represent developments that extend existing provision in a particular way and make it more effective.

### Getting a Good Start: Advice for Inventors

In Germany, there is a practice, which, while not exactly new, might well be taken up by other NPOs since it is a simple logical extension of the idea that good IP management is the starting point for effective enforcement. This service takes the form of free professional advice for inventors at an early stage in the development of their ideas.

On the basis of a longstanding agreement (around 100 years old) between the German Patent and Trade Mark Office and the Chamber of Patent Attorneys (Patentanwaltskammer) an advice service for inventors is provided free-of-charge by patent attorneys and delivered locally all over Germany through university centres and Chambers of Commerce.

Details of the locations of the centres where advice is provided are available from the website of the Chamber of Patent Attorneys: <http://www.patentanwalt.de/>

### Co-ordinating Enforcement Information

An idea floated at the IPEuropAware Enforcement Group meeting in October 2010 was that the NPOs in the network could follow up the Commission's Communication on 'Enhancing the enforcement of intellectual property rights in the internal market' by accepting the challenge to 'play a valuable role in building platforms and strategies to drive co-ordinated approaches and spreading best practices' in specific support for SMEs.

The idea was to improve co-ordination and 'synchronise IPR enforcement' in a concrete way by developing specific templates, in conjunction with the EU Observatory, to facilitate the exchange of the information necessary to trigger action by the enforcement agencies in other EU Member States. The templates would set out in a more or less standard way the information required in each Member State in order to initiate action.

The starting point would be the information that the NPO's own police and customs require at a national level. This would be a useful tool in itself in countries where it does not exist already. Developing the templates for transnational purposes would then require further consultation by NPOs with their respective police and customs authorities and perhaps legal services, and co-ordination among the NPOs to agree a format that could be used by everyone. The final step would be

to implement ways of having the documents completed by the SMEs concerned.

So, although the idea is not based on any current practice, it is relatively straightforward, could help the development of the EU Observatory and, most importantly, provide practical assistance to SMEs.

### **Internet Enforcement**

The French National Institute for Industrial Property (INPI) plays a major role in the fight against counterfeiting in France. In particular, it provides the secretariat of the National anti-counterfeit committee (CNAC). This is an informal platform, created in 1995 and chaired by a Member of Parliament, which brings together a wide range of private and public partners in order to facilitate the exchange of information, coordinate practical actions and formulate new proposals with a view to improving legislation. All the main ministries concerned with enforcement issues, the main anti-counterfeiting and piracy groups, the main industry associations and major companies in sectors particularly affected and the Chambers of Commerce and Industry are all involved.

An annual action plan is agreed by the Minister in collaboration with the CNAC partners and the top priority for 2009 is the fight against counterfeiting on the Internet.

A campaign on internet crime is building on the analysis of the Internet Counterfeiting working group – one of 5 such groups supported by CNAC and one of the first steps in the implementation of the plan was the development of ‘Cyberdouane’, a service, within the French Customs authorities, with responsibility for monitoring and combating cyber theft. Staff responsible for this area have been increased from 4 to 15 in number and

include specialists in new technologies, especially new Internet technologies.

### **Integrated advice services on IP delivered through regional support agencies**

Support agencies known as ‘Growth Houses’ offer an ‘IP introduction package’ from five regional centres, as part of their specialist advisory services for Danish SMEs.

In response to the Danish government's globalisation strategy, the DKPTO has signed an agreement with a network of regional agencies with responsibility for supporting innovative enterprises. This package includes professional guidance from one of the centres’ IP-coaches, a free initial consultation with a private IP advisor, and financial support for an IP-search to establish the originality of a patent, trademark, design or other right and information on similar products. The service also gives enterprises input into planning their research and product development.

There has been a growing use of the IP-introduction package.

The DKPTO supports the Growth Houses by providing training for their staff and back-up services for the advisers. Two to three IP Coaches in each Growth House are continuously trained in IP matters by DKPTO so that IP is an integrated part of the guidance provided for the entrepreneurs.

DKPTO pays two annual visits to each Growth House to keep all the business consultants in the agency up-to-date on IP matters and the IP introduction package.

<http://www.dkpto.dk/information/ip-intropakken.aspx>

## The Supply Chain Toolkit

There is a danger of treating the enforcement problems of SMEs in isolation. Frequently, IP issues arise in a context of complex interactions between enterprises, large and small, and it is important that enforcement services adjust to these situations. One instance of such interactions is the relationship between enterprises within a supply chain.

The supply chain is the system of organisations, people, technology, activities, information and other resources that are involved in developing, creating and delivering goods and services to customers. Many SMEs find themselves involved in relatively complex relationships with other large and small firms – usually as contractors or sub-contractors – providing a small part of the many elements that make up the complex goods and services delivered in a modern economy. Frequently IP is developed to meet the needs of partners somewhere else in the chain, so there is a common interest in ensuring that the IP is protected. There is also a common interest in ensuring that counterfeit goods are excluded, since a chain is only as strong as its weakest link.

In January 2009, the UK's national IP Crime Group launched a publication addressing IP management and enforcement in this particular context. The publication is called 'The Supply Chain Toolkit'. It has the aim of making people more aware of the growing risk from counterfeit goods getting into business supply chains. By identifying the common interest in tackling this problem, the Toolkit points out that small firms can find allies and practical support in addressing enforcement problems.

The Supply Chain Toolkit is available at:

<http://www.ipo.gov.uk/ipctoolkit.pdf>

## IP Academies

In the Czech Republic and also in Portugal there are specialised training institutions that provide a focal point for professional development in IP matters. These institutions are open to people who wish to work or are already working for national patent offices, but also for people who intend to work in innovation support and other parallel areas or on IP management in the private sector.

The advantage is that there is not only a curriculum that provides the basis for a common professional understanding and a high level of professional conduct, but there is also a reference point for the development of ideas and new practices, the possibility of conducting research into issues that are of general interest to those concerned with IP (including enforcement issues) and a basis for networking between people working in different institutions and environments. They also provide the facilities for training in IP matters for the wider set of people who are increasingly encountering IP issues in their own professional lives.

So, even if such institutions may not necessarily provide an immediate input into the development of enforcement practice, over time they could play a very significant role.

## IP Masterclass

The IPO in the UK has developed an 'IP Masterclass' course in partnership with Coventry University and the British Library. The course is accredited by Coventry University and is supported by both IP professional bodies in the UK, the Chartered

Institute of Patent Attorneys and the Institute of Trade Mark Attorneys.

The course was launched on 2<sup>nd</sup> December 2009 and is aimed primarily at experienced Business Advisors who want to develop their knowledge and skills when working with businesses on issues concerning Intellectual Property. The idea is to consolidate and systematise knowledge that may have been acquired in everyday practice, providing a firm foundation from which to offer advice on enforcement matters.

The course will be delivered using a mixture of lecturing and related practical exercises and will focus on how to conduct an IP health check and the legal status of patents, licensing, trade marks, copyright, brand identity and IP valuation. There will be an opportunity to refine skills in licensing, patent and trade mark database searches to a professional standard.

The course is delivered over 2 ½ days and offers delegates the opportunity to gain credits towards post-graduate qualifications. The course has been piloted with a sample group of business advisors and received a 98% customer satisfaction rate

### **Open Innovation in the Finnish Innovation Environment**

Two policy papers in Finland in the last year have re-defined the place of IPR-strategy within an overall strategy for innovation. More specifically emphasis has been placed on the emerging business paradigm known as ‘open innovation’.

The two papers are the ‘Finnish National Innovation Strategy’ (Nov 2008) and the ‘Finnish National IPR-Strategy’ (March 2009).

Essentially, innovative development is no longer seen as a matter of ‘developing and

selling an invention’. ‘Open innovation’ is an open, collaborative process, where customers can play a major role through their demands for new solutions to problems that are themselves rapidly evolving. Agility and responsiveness are the characteristics of successful entrepreneurs in this environment, where the identification and enforcement of IPR are both more difficult and more necessary.

The new framework is changing the way that IP and its protection are perceived and is placing even more emphasis on the need for co-ordination with other agencies. IPR is not just a matter of protecting legal rights, but also of understanding how IP is operating within the business strategy of enterprises and helping managers to develop competitive advantage through a robust attitude to their intellectual assets.

In September 2009 a National Steering Group was set up, with a national Project Group to implement the IPR-strategy. The parties responsible for the implementation are the Ministry of Employment and Economy, the Ministry of Education, the National Board of Patents and Registration, the Academy of Finland, Universities (especially AALTO), the Finnish Funding Agency for Technology and Innovation, the VTT Technical Research Centre of Finland, the Ministry of Justice, the Ministry of Transport and Communications and Finnish Standards Association, the Foundation for Finnish Inventions and the TE-Centres.

The groups have started their work by creating a list of some 60 different tasks covering universities, public actors in the innovation field and the development of private sector skills and the intention is to develop a comprehensive project plan in the near future.

The significance of these developments for the nature of enforcement services provided by NPOs is, firstly, that enforcement does need to be seen in a broader context than is generally the case currently, and, secondly, that a theme such as 'open innovation' can act as a powerful stimulus, mobilising all the agencies involved in enforcement and broader IP issues and providing the occasion for their active co-ordination in delivering a coherent service package.

## Annex A Top-class Enforcement Support Services for SMEs – An Overview

Providing top class IPR enforcement support services, is more than a matter of providing the right type of service. It has to be driven by the right approach:

### Corporate Culture

Agencies offering IPR enforcement support services must be fully committed to providing first class services. This commitment should be apparent at all organisational levels and be given a continuous expression in the way that the organisation thinks and operates. There should be a corporate culture that aims for quality in provision and that – at all levels – has the needs of clients in the forefront of its thinking and its operational practices. Rigorous evaluation should support the development of the agency's services.

### Leadership

Organising a coherent service provision in co-operation with other agencies and where necessary local delivery, requires leadership and persistence, but it is an essential element in delivering quality services.

### Professionalism of the staff

Agencies offering IPR enforcement support services must have suitably qualified staff who are able to offer a professional service. This implies that, as well as having technical knowledge of IP and enforcement procedures, agency staff should apply best practice principles in business support and develop specific approaches and procedures over time, supported by appropriate professional training. These can find expression

in particular services offered by the NPO, including business planning services and the adoption of a capacity building approach in the assistance provided to clients. In the specific context of IP, the encouragement of clients' development of systematic intellectual asset management practices is a particular form of the more general approach.

### Seamless Organisation

Effective co-ordination with other agencies in order to provide coherent enforcement support services and appropriate expertise and local access, should ensure that the experience of the client is as seamless as possible and supported by an efficient client management system.

### Innovation

The services described in this document are not intended to be set in stone. Intellectual property is a wide area that can be expected to develop in nature and form, along with developments in the knowledge economy. The intention has been to provide a flexible framework that is able to adapt and respond to innovation in the economy and facilitate innovation in the services provided to SMEs.

The following tables provide detail of the enforcement support services that a top class provider can be expected to deliver. These fall into 6 operational categories, but there are also 2 categories of activity at a strategic level. The table indicates at which level(s) the respective services should be provided.

Annex A Top-class Enforcement Support Services for SMEs – An Overview

Level 1 – Knowledge and Awareness, Level 2 – Protection, Level 3 – Management, Level 4 – Exploitation and Active Defence

Category	Detail	Level 1	Level 2	Level 3	Level 4
<b>Operational Services</b>					
<b>1. Helpdesk, Initial Information, Signposting</b>	<ul style="list-style-type: none"> <li>- An IPR Helpdesk</li> <li>- Initial information and orientation on IPR and IPR enforcement</li> <li>- Provision of guides and brochures</li> <li>- Initial diagnosis of problems</li> <li>- Signposting and reference to appropriate specialists</li> <li>- A Hotline facility, dedicated to providing rapid responses on counterfeiting and piracy issues</li> <li>- An E-mail facility for raising questions and receiving initial advice</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>		
<b>2. Tailored Information Provision</b>	<p><b>1. Tailored information:</b></p> <ul style="list-style-type: none"> <li>- Information resources setting out in a clear, informed and accessible way, the main issues relating to:                             <ul style="list-style-type: none"> <li>guidance on innovation</li> <li>identifying intellectual assets</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

## Annex A Top-class Enforcement Support Services for SMEs – An Overview

Level 1 – Knowledge and Awareness, Level 2 – Protection, Level 3 – Management, Level 4 – Exploitation and Active Defence

Category	Detail	Level 1	Level 2	Level 3	Level 4
	<p>registering them (where appropriate)</p> <p>exploiting them</p> <p>dealing with infringements</p> <p>special topics, such as third country arrangements.</p> <p>- Guidance on accessing corresponding support services.</p> <p><b>2. Web sites:</b></p> <p>Similar web-based information, with links to major information sites, including:</p> <p>Innovaccess: <a href="http://www.innovaccess.eu/index.html">http://www.innovaccess.eu/index.html</a></p> <p>the European Patent Office's guide to intellectual property information and services:</p> <p><a href="http://www.epo.org/topics/ip-webguide.html">http://www.epo.org/topics/ip-webguide.html</a></p> <p><b>3. Self-appraisal and self-diagnosis tools</b></p> <p><b>4. Contact information</b></p> <p>Contact information, about individuals and agencies that can assist SMEs, locally and on the ground in the country where the infringement is taking place.</p> <p>Contact details of the custom authorities to which applications for action should be submitted are available on the DG TAXUD web site:</p> <p><a href="http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm">http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm</a></p>	<p>•</p>	<p>•</p> <p>•</p> <p>•</p>	<p>•</p> <p>•</p> <p>•</p>	<p>•</p> <p>•</p> <p>•</p>

## Annex A Top-class Enforcement Support Services for SMEs – An Overview

Level 1 – Knowledge and Awareness, Level 2 – Protection, Level 3 – Management, Level 4 – Exploitation and Active Defence

Category	Detail	Level 1	Level 2	Level 3	Level 4
	<p><b>5. Key Documents and Templates</b></p> <ul style="list-style-type: none"> <li>- Key documents, for example: <ul style="list-style-type: none"> <li>Model forms for a National Application for Action and a Community Applications for action</li> <li>Model forms for notifying customs administrations about specific information or general trends concerning suspected counterfeit goods.</li> </ul> </li> </ul> <p>These forms are again accessible via the DG TAXUD web site</p> <p><a href="http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm">http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm</a>.</p> <p><b>6. Guides to help preparation for events</b>, where infringements may arise, including, for instance, model contracts for trade fairs with provisions for arrangements between fair organisers and participants.</p>				<ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>
<b>3. Dedicated Services</b>	<ul style="list-style-type: none"> <li>- Services that are specific to IPR and IPR enforcement</li> <li>1. Pre-diagnosis services</li> <li>2. Intellectual Asset Audits</li> <li>3. IP valuation</li> <li>4. IPR risk assessment</li> <li>5. Prior-art searches</li> </ul>		<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	

## Annex A Top-class Enforcement Support Services for SMEs – An Overview

Level 1 – Knowledge and Awareness, Level 2 – Protection, Level 3 – Management, Level 4 – Exploitation and Active Defence

Category	Detail	Level 1	Level 2	Level 3	Level 4
	<ul style="list-style-type: none"> <li>6. Assistance with due diligence, checks on contractors and partners</li> <li>7. IP Marketplace</li> <li>8. Technology watch</li> <li>9. Infringement watch</li> <li>10. Business intelligence watch</li> <li>11. Counterfeit investigations</li> <li>12. Briefings on enforcement of IPR abroad</li> <li>13. Liaison with Help Services in third countries</li> <li>14. Providing (non-legal) representation for specific SMEs on the ground where infringement is taking place</li> <li>15. Mediation services and other forms of Alternative Dispute Resolution.</li> </ul>		<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>4. Professional Advice</b>	<ul style="list-style-type: none"> <li>1. Business strategy, especially relating to innovation and the exploitation of IP</li> <li>2. Business Planning and Intellectual Asset Management</li> <li>3. Advice on building partnerships and managing licensing</li> <li>4. Initial legal advice - A 'First Aid' service – initial orientation prior to detailed legal advice</li> <li>5. Litigation-risk analysis</li> </ul>		<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>

## Annex A Top-class Enforcement Support Services for SMEs – An Overview

Level 1 – Knowledge and Awareness, Level 2 – Protection, Level 3 – Management, Level 4 – Exploitation and Active Defence

Category	Detail	Level 1	Level 2	Level 3	Level 4
	6. Detailed legal advice and representation in civil cases				•
	7. Detailed legal advice and representation relating to criminal cases.				•
<b>5. Training</b>	<b>Training for SMEs</b>				
	a) Self-help manuals and guides, structured learning packages, including on-line training material, such as: European Patent Office SME Case Studies – <a href="http://sme.european-patent-office.org/case_studies/index.en.php">http://sme.european-patent-office.org/case_studies/index.en.php</a>		•	•	•
	b) Occasional seminars and workshops (not only sessions directly covering IP management issues but also as part of more general management education)		•	•	
	c) Staff training		•	•	
	d) IPR and Intellectual Asset Management training at a strategic level			•	
	e) Development and application of an Intellectual Asset Management certification standard			•	
	<b>Training for the enforcement authorities</b>				
	Police, Customs, Courts – Judges and Public Prosecutors				•
	f) Specific training on IPR infringement issues and on the particular needs of SMEs				

## Annex A Top-class Enforcement Support Services for SMEs – An Overview

Level 1 – Knowledge and Awareness, Level 2 – Protection, Level 3 – Management, Level 4 – Exploitation and Active Defence

Category	Detail	Level 1	Level 2	Level 3	Level 4
	<p><b>Training for business support organisation staff</b></p> <p>g) Training course on assisting SMEs on IPR management and enforcement</p> <p>h) Training materials for support staff</p> <p>Examples: The International Chamber of Commerce (ICC) Intellectual Property Tool-kit:  <a href="http://www.iccwbo.org/policy/ip/toolkit/id17122/index.html">http://www.iccwbo.org/policy/ip/toolkit/id17122/index.html</a></p> <p><b>Management education</b></p> <p>i) Sufficient coverage of Intellectual Asset Management issues in higher education business and management courses.</p>		<ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>
6. Awareness Raising	<ol style="list-style-type: none"> <li>1. Campaigns</li> <li>2. Seminars and training</li> <li>3. A Bank of speakers</li> </ol>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>		

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Level 1 – Knowledge and Awareness, Level 2 – Protection, Level 3 – Management, Level 4 – Exploitation and Active Defence

Category		Level 1	Level 2	Level 3	Level 4
<b>Strategic Services</b>					
<b>7. Access and Co-ordination</b>	1. Co-ordination with other business support agencies – generalist and innovation support – and with business associations, government agencies etc.	•			
	2. Strategic exchange of information on enforcement				•
	3. Developing access routes for SMEs to customs, police and judicial systems				•
	4. Publicising the effects of infringement, particularly of representative cases	•			
	5. Promoting networking and alliance building		•		•
	6. Raising issues internationally				•
<b>8. Quality and Evaluation</b>	1. Establishing quality criteria in relation to enforcement support for own services and those of other agencies	•	•	•	•
	2. Establishing and implementing evaluation frameworks	•	•	•	•



# Creating Effective IPR Enforcement Support for SMEs

This document is primarily addressed to the National Patent Offices across Europe and to other business support organisations that support SMEs in the management and enforcement of intellectual property.

It expresses a consensus among the NPO members of the IPEuropAware project on the nature of core IP enforcement and related services

Use this document, firstly, to assess how far your own services currently meet SME needs and, secondly, to determine how existing services can be further developed

