

Rethinking your intellectual property strategy



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Protecting the intellectual property (IP) of your young technology company may be one of the most important investments you make. My approach to protecting IP is to match the innovation with the market opportunity that it may create.

In bringing your innovation to market, are you sure that you will be exploiting the right innovation? What market research have you performed to confirm this? Are you confident that the technology innovation that you plan to run with will be the most beneficial to exploit in the long run?

Determining if you are exploiting the right innovation can be an IP minefield. When I ask that question of technology entrepreneurs, I am often greeted with blank stares. "Well of course we are—we wouldn't be here unless we were sure."

However, in many cases the support for the market for the innovation is merely anecdotal.

Technology entrepreneurs need to view their IP innovation as if they were making an independent investment in a separate company.

If they were making such an investment they would confirm that the company is exploiting the right innovation; the marketplace is sufficiently large to sustain profitability; how competitors' strategies will impact them; and, what marketing and sales strategies will be required.

Focused market research can certainly be an invaluable tool in confirming that you are exploiting the right innovation.

To me, market research for a technology company is valuable when it allows this broad scope, and when it looks very seriously at your IP in the context of a "go" or "no go" decision.

Market research is intended to be an objective, independent assessment of the marketplace, not a "make it work at any cost" project. The entrepreneur should not only be prepared for the results—such as confirming that a very limited market exists—but also for the innovation surprises that may be around the corner.

An example of such a surprise was a company I worked with on an IP market research project for a robotics innovation for individuals with disabilities. This innovation allowed a disabled person to have a very flexible, speech-driven robotic arm incorporated into their workstation.

We researched the North American industry, talked with industry leaders, public and private insurance companies, competitors with similar products, robotics manufacturers, funding organizations and end-users about the product.

Even though there was general acceptance

of the product concept and it did have protectable IP, there were many barriers to bringing the product to market. Given the rather mediocre success of competitive products in this marketplace, the market size appeared limited.

When market research results in a no go decision is it a waste of time?

In my opinion, far from it. In fact, had we not performed the initial market research we would not have uncovered the real innovation that the company is exploiting today—speech recognition for the robotics industry.

Robotics and IP experts helped us to confirm that no one else in the world had been

able to combine high quality speech recognition technology with small to medium-sized robotics technology.

Through further market research we were able to better narrow the target market profile to "clean room" robots for biotechnology laboratories, university labs, etc., and develop a market approach that will allow us to tackle this very substantial marketplace.

As a result, robotics manufacturers, which collectively represent a US\$800 million market, are clamouring for the privilege of licensing this technology for use in their small robotics product line.

Had we not performed the market

research, I believe that the company would still be headed down the wrong IP path.

Take the time to re-evaluate your IP strategy by asking your team the question: are we exploiting the right IP innovation?

Focused market research will help you to uncover new IP opportunities that may result in you changing your decision.

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