



# Welcome to the Stratagem IPM Newsletter

Issue 10, September 2009

## IT'S STRATAGEM'S 10th ANNIVERSARY!

Founded on 16th September 1999 to deliver a "strategically different" approach to managing intellectual property assets, we have built a solid reputation for delivering increased value through intellectual property for our corporate and research clients, and providing commercially focussed and value-added due diligence for investor groups. Stratagem was initially set up to meet the challenges of intellectual property strategy for clients in the fast developing biotechnology industry. Whilst serving clients in this field remains very important to us, we now represent companies across a much wider field. These include all aspects of life sciences especially diagnostics and medtech, as well as clean technology and most other high tech industries.

In the first 10 years of Stratagem we have seen many changes, from boom times to recession. The common theme throughout, the strategic management of intellectual property has, and will remain a vitally important requirement for our clients and therefore us. So far, 2008/2009 has been especially challenging for anyone in business. Many of our clients have, quite sensibly, been more cautious whilst they waited to see the repercussions of the banking crisis. I am pleased to report for our Company that after a slower first half to the year, work has picked up rapidly and we are now once again very busy serving both new and existing clients.

As our tenth year progresses we hope to be meeting with all of you in order to celebrate our ten years of achievement and look forward to serving you all in the next ten years.

On the personnel front we welcome Abi Twitchen our trade mark attorney back from maternity leave and Lisa Kiernan our new patent trainee with a background in pharmacology. Sarah Boxall as many of you will be aware is now working for us as a consultant from sunny Sandwich!

Finally, I would like to thank all the staff at Stratagem for their commitment, hard work and great success achieved over the last 10 years. We are well prepared and organised to deliver the required results for any client and look forward to a most successful and mutually rewarding second decade.

Nicola Baker-Munton

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### **"Competitive and cost effective IP management"**

*Dr Jonny Wood CPA EPA  
Stratagem IPM Limited*

The present global economic downturn is putting pressure on companies to cut their costs and so those responsible for managing intellectual property (IP) are likely to be facing the prospect of a much decreased budget. This article summarises portfolio management strategies with a view to reducing costs and maximising the value of existing assets in the short term whilst continuing to innovate and seize opportunities for the longer term.

#### **Prioritise the Intellectual Property Rights**

Savings can be made within an IP portfolio by auditing the IP and preparing an annual forecast. Each piece of IP should be clearly identified and its role within the context of the business should be fully understood. For patents, trade marks and designs, it may be possible to identify two tiers, the first most important tier covering business critical products/processes, with the second tier comprising peripheral, defensive, speculative filings. After prioritising the intellectual property rights (IPRs) it should be apparent which can be targeted for cutting costs or generating revenue. Generally speaking, companies should look to their second tier IP in any cost-cutting exercise rather than erode the competitive advantage conferred by the first tier of IP or new IP.

#### **Continue to innovate**

Companies should appreciate that IPRs surrounding their core technology need to be generated on an ongoing basis, otherwise growth and profitability may be compromised in the longer term. Now may be the time to align research and development with the business and IP strategy, thereby ensuring that a continual stream of IPRs relating to the core business is generated.

#### **Reduce costs**

Filing and prosecution costs for IPRs can be reduced or delayed using the PCT procedure (patents) or the Madrid and Community trade mark and design systems. Defer the filing of patent applications by treating potentially patentable information as know-how, ensuring that the information is not publicly disclosed. Patent applications can be filed at a later date, although a delay runs the risk of a 3rd party filing an earlier application. If appropriate, look to utility models, registered designs and trade marks for cheaper protection for products with a shorter market lifespan.

#### **Maximise revenue from existing IP and seize opportunities**

The IPRs must be made to "work" and companies should seek to establish additional sources of income where possible, for example through direct sale, out-licensing or cross-licensing.

Stepping up your competitor analysis may identify (i) opportunities to expand the portfolio by acquisition or in-licensing from struggling competitors, and (ii) discarded technologies. At a time when competitors may be sacrificing their long term competitive advantage to cut costs, smarter companies should opportunistically continue to enhance their portfolio and improve their long term position.

When trying to raise money especially in the current environment that competitive advantage is just as important; the necessity of presenting a coherent IP strategy and a clear freedom to operate is more critical than ever if you are to compete for those limited funds.

**Why not call one of the Stratagem team to discuss?**

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