



<英国>

事業を支える知的財産戦略

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事業を経営し成功へと導いていくのは困難なことである。そのためには、目標をしっかりと定める力、その目標を達成するための戦略を組み立てる力、そしてその目標をやり遂げる力といった、多くのスキルが必要となる。私が弁理士の勉強を始めた頃は、自らの目標を達成するのに知的財産が果たす役割をきちんと考慮している企業はほとんどなく、したがって知的財産が自らの戦略にどう適合するのか、あるいは知的財産との関係における戦略がどうあるべきかさえ、ほとんど考えられていなかった。こうした状況は近年ははっきりと変わってきた。適切な量の知的財産権を取得し、それらをうまく活用し、そして最も重要なこととして、知的財産の目的は何か、知的財産についての戦略が事業の他の側面とどう適合するか把握していることの必要性は、より強調されるようになってきた。私が弁理士として活動してきたこの20年間で、事業の目的とその達成方法を十分理解する必要はかなり高まってきた。今や、事業内容・事業経営・事業目標を理解するスキルは、良い弁理士の大事な条件となっている。これは当然、経営者は、技術を理解でき、特許出願と商標出願を準備してくれる以上のことを弁理士に要求しようと考えることを意味する。実際、事業目標を理解しそれを達成する手助けができ、さらに知財戦略がどのように構築・実行しうるかを経営者の言葉遣いで語れる弁理士が、経営者には必要なのである。そのため弁理士は、競合他社についてだけでなく、事業の内部の経営構造や、そこで情報がどのように収集・管理され知財が創出されるのかを知っておかねばならないことも多い。それとともに、的確かつ有益な助言を提供し事業を適切に助けるために必要となるスキルの種類は増加し、弁理士の仕事はより複雑になるだろう。しかし、同時に弁理士の仕事はよりやりがいのあるものになる。ビジネスの世界やクライアント、そして自分が代理で取得する知的財産権の真の便益を理解し、それに関わっていくことが弁理士にもできるようになるからである。

(邦訳：当研究所)

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Intellectual Property Strategy for Supporting Business

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Managing a business and helping it grow to succeed is a difficult thing. It requires many skills, one of which is the ability to focus clearly on your objectives, develop a say on strategy for reaching those objectives, and then having the ability to follow those objectives through. When I started training as a Patent Attorney, very few businesses considered carefully the role that Intellectual Property could play in helping a company reach its objectives, and therefore did not think carefully about how that Intellectual Property fitted in with their strategy, or indeed what their strategy particularly in relation to Intellectual Property should be. This has clearly started to change in recent years, with greater emphasis being placed on the need for obtaining the appropriate amount of Intellectual Property rights, managing them successfully, and most importantly, understanding clearly what the goals are for Intellectual Property and how the strategy for Intellectual Property fits into the rest of the business. In my time as a Patent Attorney over the last 20 years I have seen a far more significant need for a full understanding the goals of a business, and how it arrives at those goals. It has now become an important part of a good Patent Attorney's skills to understand a business, the aspects of how it runs, and what its objectives are. This of course also does lead to the managers of businesses understanding that they need more from their Patent Attorneys other than simply somebody who can understand technology and prepare and file Patent and Trade Mark applications. They actually need to have a Patent Attorney who can understand business objectives, assist them in reaching those objectives, and can also talk through, in the terms that a business manager uses, how an IP strategy can be developed and followed. It often means that the Patent Attorney has to understand the internal management structures of a business, how they gather and control information and create Intellectual Property, as well as who the competitors to a business are, the markets in which they operate now and intend to operate in in the future. This can make a Patent Attorney's job more complex, as it increases the skill set that they need to have to provide good solid commercial advice and assist a business properly. However, it does lead to more enjoyable work for the Patent Attorney in terms of their involvement and understanding of the business world, their clients, and the true benefit of the Intellectual Property rights that they obtain on behalf of those clients.