The dawn of a new era in Manufacturing - Debriefing IP Strategies

The acceleration of technology has revolutionized the manufacturing sector, taking the growing competitive environment to a completely different perspective in comparison to the traditional way of doing things. The advancements have expanded IP, in particular, patents, trademarks, copyrights - which have created complexities in managing the existing IP assets to suit the changing needs, thereby, causing IP wars. There is an essential need for strengthening the value system to withhold IP assets through a systematic approach and to meet the changing market dynamics of IP ecosystem. Major reforms in the existing frame work are required to suit the business of the future and to effectively create strategies for enhanced IP Management.

The future of manufacturing is bound to change and so will the IP ecosystem that supports it. As the manufacturing sector consists of highly diverse innovative companies and many sub sectors, the changes in market forces and technical advances make it mandatory to stay abreast and adjust its functioning’s to mitigate the risks and challenges. It should be ensured that the foundations of the future are robust and supported by the right protections all the way.

Prominent changes that will drive the manufacturing sector:

1. Research and development
2. Innovation
3. Process efficiencies

Key Considerations:

For the smooth transitioning of the above changes, it’s imperative that proper patent and design right protection are maintained to maintain a competitive edge. The process of registering these protections in various jurisdictions lacks harmony and a streamlined approach will be an absolute necessity. Further, protection of knowledge transfer from individuals that would drive the above changes should also be considered and appropriate contractual provisions should be kept in place to avoid misuse of intellectual output.

Further concerns:

Appropriate protections should be considered for business critical information to mitigate risks of theft, loss or leaks from employees and third parties through open innovation channels. Remote working, use of mobile devices and ease of information exchange/transfer should be curtailed through clear and contractual provisions by tightly drafting, monitoring licenses and contracts with third party entities, wherever required.

History bears the fact that a continued future threat for manufacturing arises from growing number of counterfeit goods and the ease with which these goods percolate the present business streams. The growth of additive manufacturing/3D printing shall make it even harder for manufacturers to identify.

To safeguard reputation and to avoid brand deterioration, there is a need to take quick calls. Some of the key areas that need to be focused by manufacturers to achieve sustainable and resilient growth are listed below:

IP Applications Timelines: The technological developments have led to growing number of patents, trademarks, which in turn have created over heads on patent office’s, obstructing smooth handling of their prosecution work. It would be quite difficult for manufacturers to manage deadlines, for IP fee payment, maintenance and their renewals. There is a need for a centralized public database to ensure smooth flow of proceedings and avoidance of any kind of interruptions.

IP Enforcement and Litigation Strategy: A precise assessment is required; to analyze the market usability as well as validity of the technology. Market usability comprises assessment of various jurisdictions, for patent enforcement. A streamlined approach for identifying products to be targeted in different markets is required. Ascertaining the validity of technology should be comprehensive to absorb inadvertent gaps.

Technologies such as 3D printing might require amalgamation of IP various policies for protection. As a single variant might not fulfill the criteria for protection of the technology, other means of protection are required and everyone associated with these technologies, whether inventors, corporates, independent consultants, need to work on a tactical approach to meet the unforeseen challenges.

The competitive edge of the modern technological era has created a need for formulation of enhanced IP strategies. It is evident that changes in the manufacturing sector have begun and a strategic evaluation by inventors as well as IP attorneys shall play a pivotal role in order to avoid fallouts in IP protection. It would be a necessity for OEMS to make IP specific strategies to protect their technology. The changing patent landscape analysis with insights in particular to additive manufacturing in aerospace shall be discussed in the coming issues.

This is the first article in this series and shall be continued with further insights. To be continued with 3D Printing – Aerospace – Manufacturing 4.0 – Adapting IP Strategies.

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