

# IPO Corporate IP Management Practices Project

## Education – Summary

### Employee Education Regarding IP Issues

Essentially all of the companies responding reported that they provide some type of IP training to employees by one or more of the following methods:

- Documents, videos, and online modules on an intra-company or IP website
- Third party training software
- IP counsel presentations at periodic meetings, programs and webinars
- IP counsel or R&D Liaison in-person training adapted for specific business unit
- IP counsel continuing education via phone conversations
- New employee education; part of onboarding process
- Corporate culture embracing IP
- Sharing analyses of portfolios (when reviewed for licensing or other purposes)

In addition, some respondents indicated their company's education of IP attorneys and staff:

- Formal internal training and externally
- On-the-job training (learn from others passing on best practices, the history of portfolio issues etc.)
- New attorneys draft and prosecute patent applications
- Monthly or periodic meetings to discuss legal topics

### Employee Training IP Topics

1. Fundamental IP (overview); importance of IP, how IP fits in business world; why IP is useful to business
2. IP 101, including patents (patentability; what a patent document is; how to get patents; how it's used, its importance/value), trademarks and copyrights
3. Mechanics of filing an invention disclosure and patent application, and inventor bonuses.
4. Freedom-to-operate.
5. Trade secrets.
6. IP compliance.
7. Managing IP.
8. Elemental concepts of infringement and claim language.
9. Confidentiality / NDAs / proprietary information.
10. Sharing information / working with third parties.
11. IP agreements: NDA, joint NDAs; material transfer.
12. Ways the company is trying to protect its IP: information on the IP laws, internal processes, and current activities in IP in the industry or relevant to their business.
13. Recent legal and legislative trends.
14. Internal processes for patent review and procurement.
15. Innovation is what keeps US economy ahead of many other regions and lower-cost manufacturing sites.
16. Foreign corrupt practices.
17. Spotting issues and bringing in the IP attorneys when necessary.

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### IP Attorney Education

1. Outside counsel and foreign associates visit and present issues.
2. If attorney wants to discuss a particular case – puts together presentation for entire group.

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### Education – Detailed Key Takeaways

- 1) Fortune 500 Energy Company
  - a. How are employees educated regarding IP issues relevant to their jobs?
    - i. Responsible parties - Legal group, IP manager group
    - ii. New hires or transfers to research and development organization are required to go through IP training as part of the onboarding process (IP manager group does this)
    - iii. Also have computer-based training with additional information
  - b. What IP topics are part of employees' training?
    - i. Fundamental IP (high level topics)
    - ii. For most meetings, there is usually short period of time at the beginning of meetings ("IP Moments") to provide education on a topic relevant to the group
    - iii. Computer modules on freedom-to-operate, trade secret protection
    - iv. IP managers are the front-line for questions from employees
- 2) Fortune 500 Chemical Company
  - a. How are employees educated regarding IP issues relevant to their jobs?
    - i. Historically, and currently, training documents are available online via IP website connected to global intranet
      1. Also, R&D Liaison team works with IP group and inventors
        - a. Run periodic IP primers, seminars
      2. Also, IP attorneys occasionally run (ad hoc) sessions with the groups they are responsible for
    - ii. In the future, third party training software will be used to train new employees using online training regarding IP issues
      1. This is becoming a very important matter due to baby boomers retiring – new hires are being hired at a fast rate to replace retiring baby boomers, and must be trained
  - b. What IP topics are part of employees' training?
    - i. Basic training on patents and patentability
    - ii. What a patent document is, how it's used, its importance
    - iii. Elemental concepts of infringement and claim language (e.g., open ended "comprising")
    - iv. Basic Trademarks, trade secrets / confidentiality / NDAs / proprietary information, copyrights – these are for all employees, with patent topics being limited to smaller groups (R&D), as patents do not apply throughout the organization.
- 3) Global Chemicals and Materials Company
  - a. How are employees educated regarding IP issues relevant to their jobs?
  - b. What IP topics are part of employees' training?
    - i. At BU meetings, Chief IP Counsel is often invited to speak for 1 hour. Usually provides education on relevant topics.
    - ii. Executive IP
      1. Modules on IP education
      2. Each module is 5-10 minutes long

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3. Well done. Guy that does the training is animated and explains things in Plain English
  4. They have received good feedback on it.
- 4) World-Wide Fortune 100 Industrial Company
- a. How are employees educated regarding IP issues relevant to their jobs?
    - i. Self-paced modules, webinars
    - ii. IP attorney training
  - b. What IP topics are part of employees' training?
    - i. IP 101
    - ii. Managing IP
    - iii. Sharing information / working with 3<sup>rd</sup> parties
    - iv. Everyone is encouraged to take these trainings
      1. Supervisors direct employees to take trainings based on their roles and responsibilities
- 5) Water and Wastewater Treatment Products/Systems Company
- a. The centralized IP team provides in-person training to personnel within the business units and computer-based training is also provided. The in-person training tends to be the more tailored to a business unit's unique needs while the computer-based training is at a more basic level.
- 6) World-Wide Fortune 100 Industrial Company
- a. How are employees educated regarding IP issues relevant to their jobs?
    - i. IP attorneys and staff
      1. Formal training internally within the Company and externally
      2. On-the-job training--new people learn from others passing on best practices, the history of portfolio issues etc.
      3. New attorneys draft and prosecute Company patents
    - ii. Rest of organization
      1. In-house patent counsel actively seeks out many training opportunities
        - a. Attorneys have phone or face-to-face meetings with relevant management
        - b. Regular training sessions are conducted
        - c. Patent counsel may have to go to smaller groups or larger groups for in-person training
        - d. Patent 101—What is patentable (this course advises employees, “don't make the patentability decision yourself”)
        - e. Training regarding IP agreements is also provided
          - i. NDA
          - ii. Joint NDA
          - iii. Material Transfer
          - iv. Etc.
        - f. Legal supports IP contracts and potential conflicts which often involves training for non-legal management
        - g. Some optional IP training is available on line
        - h. Patent analytics team has competitive analysis training
  - b. What IP topics are part of employees' training?
    - i. See above

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- 7) Large Company in the Automotive Industry that is a Wholly Owned Subsidiary of an International Parent Company
  - a. How are employees educated regarding IP issues relevant to their jobs?
    - i. Employees are regularly educated by the IP department. Approximately four times a year the IP department schedules session to speak to R&D, Marketing, and Sales and keep them informed on updates to the laws and current legal activities. All new employees receive IP Training. On-line IP compliance education is provided.
    - ii. In addition, when portfolios are reviewed for licensing or other purposes, the analysis of the portfolio is shared with the business team and used to educate the business team on what assets they have and what assets they do not have.
  - b. What IP topics are part of employees' training?
    - i. The sessions allow the IP department to make sure everyone obtains current information and is educated on the current ways the company is trying to protect their IP. The sessions include information on the IP laws, internal processes, and current activities in IP in the industry or relevant to their business. The sessions also spread good word about IP and get the employees involved, engaged, and invested in the IP process.
- 8) Subsidiary of a Multi-National Industrial Conglomerate
  - a. The Company's centralized group develops minimum standards for employee educational programs focused on IP. Each subsidiary has the ability to enhance educational requirements to meet their unique needs based on the type of IP that is important to them and the relative importance of IP to their business. The level of sophistication and knowledge around IP varies greatly across the Company's subsidiaries. The centralized group provides in-person training to personnel within the subsidiaries and computer-based training is also provided. The in-person training tends to be the more tailored to a subsidiary's unique needs while the current computer-based training is at a more basic level.
  - b. Recent legal and legislative trends such as the AIA, important court decisions, etc. have created a renewed focus on patent quality at the Company and these issues are communicated in employee training.
- 9) International Transaction Processing and Payment-Related Products and Services Company
  - a. The Company's IP legal group provides new employee education on IP, provides IP education to large groups at quarterly meetings, and smaller groups within the business units. Company personnel have access to IP-related videos. Training sessions have varying levels of sophistication (e.g., 101, 201, 301, etc.).
- 10) Fortune 500 Semiconductor Company
  - a. How are employees educated regarding IP issues relevant to their jobs?
    - i. In person training by IP attorneys has transitioned to computer based training.
    - ii. Now also training in other parts of the world in different languages.
    - iii. Have a patent web site on an intranet which provides on-line information about patents for employees.
  - b. What IP topics are part of employees' training?
    - i. Mechanics of filing an invention disclosure and patent application, and inventor bonuses.
    - ii. Patents 101 – why patents are important, what is a patent.

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- iii. Advertising and marketing employees get training on Trademarks, Copyrights and confidentiality.
- 11) Fortune 500 Energy Company
- a. Employees
    - i. IP management team offers training classes to explain importance of IP, how IP fits in business world, and why IP is useful to business
    - ii. Class or meeting regarding specific subjects may be presented by team member upon request
- 12) Communications Equipment Company
- a. Employees
    - i. Hold periodic event for each business unit
    - ii. Teach nuts and bolts of patent system
    - iii. Explain how internal processes for patent review and procurement are performed
    - iv. Explain value of patents and how to get patents
    - v. Explain how to get invention into patent review system and what happens when in the system
  - b. Attorney Training
    - i. Educate attorney with monthly meeting with legal topic to discuss
    - ii. Outside counsel and foreign associates visit and present thoughts on issues
    - iii. Periodic meeting – if attorney wants to discuss particular case – put together presentation for entire group.
- 13) High Tech Company
- a. Culture emphasizes importance of IP
    - i. Time allocated to explain what are inventions – why they matter- what they pay for
    - ii. Emphasize inventions protect brain power
    - iii. Patent bonus program
    - iv. Culture where inventions are prized
    - v. Culture invention is important – stronger patents – better for company and individual
    - vi. Recognize and celebrate inventors (very important)
    - vii. Innovation is what keeps US economy ahead of many other regions and lower-cost manufacturing sites.
- 14) World-Wide Fortune 500 Drug Company
- a. How are employees educated regarding IP issues relevant to their jobs?
    - i. Each IP counsel goes out into their clients and gives seminars periodically (e.g., Patents 101)
    - ii. This education/outreach is important
  - b. What IP topics are part of employees' training?
    - i. The Company wants to revamp its education platform, and Chief IP Counsel wants to put IP education as required modules
      - 1. E.g., Annual required training module (like “foreign corrupt practices” annual training)
- 15) Aerospace and Defense Company
- a. No answer.

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- 16) International Industrial Conglomerate
  - a. Educating the client is a priority.
  - b. Practice groups within the IP group are partially responsible for client training.
- 17) Multinational Manufacturing Company
  - a. Most of the professionals in the IP Group are patent attorneys and agents.
  - b. The IP Group visits different US-related companies to teach patent basics.
  - c. The IP Group does and gets some training via internet and webinar programs. The IP Group can review such programs at their leisure.
  - d. The IP Group has prepared certain internal training documents and FAQs for employees to educate the company on IP issues. This is information only available within the Company.
  - e. Outside counsel is not typically a provider of such education.
  - f. Topics for training recently include:
    - i. Basics 101. What infringement is; how to avoid.
    - ii. Confidentiality – what to disclose outside of the Company, including NDAs
- 18) Large IT Services Company
  - a. Most of the professionals in the IP Group are patent attorneys and agents, and everyone in the IP Group (from staff to the Chief IP Counsel) is very familiar with IP prosecution matters. Everyone is doing some kind of patent portfolio development.
  - b. The Company does most of its training internally. The IP Group tries to get people involved in seminars. Many of the IP Group are involved in the IPO and other IP organizations. Large IP organizations, like the IPO, allow the IP Group to keep up-to-date on legal developments.
  - c. Not much CLE-type education is provided to the Company by outside counsel. CLE is not a big issue the IP Group due to state requirements.
  - d. The IP Group does educate business segments on the basics of patents, open source, confidentiality, IP litigation, etc. But it's not particularly formalized, but is done relatively regularly.
  - e. The Company has an award system that furthers the education purpose as well. The award system is based on patents filed, patents issued and the number of invention records submitted. The award system is used for education, tracking metrics, and remuneration of sorts.
- 19) Large Internet Software and Services Company
  - a. The Company provides basic IP training in-person twice a month and provides online training videos covering IP topics. The Company also provides IP information on the Company intranet site.
- 20) Healthcare Equipment Company
  - a. Education is a growing part of what they're doing. It is important to educate the client so that they are in position to "issue spot" and recognize situations in which they need IP legal support or guidance.
  - b. Need to educate Procurement. Not confident they know what they're doing re: intellectual property aspects of procurement transactions. Education re: copyright law is also a need.
  - c. We must educate them well enough that they can issue spot and bring in the IP attorneys when necessary.