

CIPOs must be at the centre of the business if they are to thrive

From: Jackie Maguire, CEO, Collier IP Management

Sir: In previous issues of *IAM* you have discussed what makes a good chief intellectual property officer (*IAM* 25, pages 31 to 36; *IAM* 26, pages 8 to 10). We have found that the most successful heads of IP often organise themselves in a different way from others.

IAM has previously identified six key skill sets required by the CIPo. We believe that the most important of these is (to quote): "Superior communication skills with good interpersonal skills and strong emotional intelligence." We would add to this, highly developed strategic and analytical business skills.

The relatively new function of CIPo currently comes under a number of different guises and titles, including chief innovation officer, head of research, legal director and even head of market planning. CIPos come from a number of different backgrounds, but typically they have had legal training. Many smaller companies combine the role with that of finance director, company secretary or IT director.

The CIPo's role should be to sit at the centre of a company. They need to be able to liaise with colleagues in financial, marketing, product development and legal departments, as well as being close to the general strategy of the business. They need to know something about each of these activities and, of course, have a general understanding of intellectual property. However, we believe that it is not so important that a CIPo is a legal expert. Legal expertise can be bought in – and, in fact, a legal background

may restrict the creativity that a good CIPo can bring.

Although many of the larger companies have a senior person in charge of brand management, which is an intangible asset issue, comparatively few today have a CIPo to oversee all the intangible assets and the wider intellectual capital. This may be because the need for such a role is not yet widely appreciated – although it is becoming more so – but also perhaps because companies are not sure what kind of person they need to recruit. Sometimes, particularly in technology organisations, the patent portfolio is not well integrated with the business portfolio and if a CIPo is brought in, it is because the company is aware that the two need to work better together. Our belief is that if the CIPo has a good understanding of business, then the main requirement is to have superior communication skills with good interpersonal skills and strong emotional intelligence at the heart of his/her skill set in order to obtain support from his colleagues.

If this is put together with quick learning ability and a good understanding of both the near-term and long-term strategic goals of the enterprise, as well as its current business practices, technology and markets, there is every chance that this person will succeed very well. Traditionally, the CIPo function has typically operated under the direction of the legal department. A CIPo trained as a lawyer will understand IP law – but legal training often emphasises caution and the need to minimise risk. Lawyers have often found themselves at loggerheads with marketing teams and other

entrepreneurs in a company because of their risk-averse approach. Should the legal input therefore not be gained from professional advisers, so leaving the CIPo to negotiate and take the commercial decisions and make good deals? Otherwise, a CIPo function aligned with the legal department often tends to stay there, making it more difficult for the CIPo to take the truly central role that is needed to do the job effectively.

Much of the knowledge and skill-base required can be provided by colleagues and professional advisers. The CIPo needs to understand fully the existing product and services portfolio, and the relative importance of each product or service, including where the revenues come from currently and where they will do so in the future, and what sort of protection is in place for each. Some technical understanding is required, unless the organisation is purely concerned with branding, as is an understanding of the consequences of the legal position. But product mapping and many of the other areas can be outsourced relatively easily, leaving the CIPo to focus on the overall strategy and big picture.

What is essential is that the chosen CIPo fits within the culture of the company, adding to rather than subtracting from the input of his/her existing colleagues. He or she needs to know the questions to ask and be able to extract the appropriate information – both from colleagues inside the company and from trusted advisers outside the organisation where necessary. Crucially, the CIPo must be able to take decisive action on the basis of this

information and has to carry colleagues in this decision-making. The CIPo needs to be organised enough to understand the problem, know where his/her knowledge gaps are and systematically set out to fill these through obtaining information from others; once there is a full understanding of possible solutions, the CIPo must act quickly and firmly to take the right steps to creating the required outcome. We would advocate that educational establishments providing training for the CIPo role should put more emphasis on these skills rather than on just the more technical requirements.

One of the difficulties of the CIPo role can be to obtain the right information in organisations where there is not a culture of sharing information, and where people believe that allowing others to access their expertise can be a threat to their working practices or even jobs. Many barriers to success in all jobs are human ones and this can certainly be true for the CIPo role. However, with the right persuasion and communication skills, these problems can usually be overcome with a little persistence.

While in an ideal world it would be good to have all of the required skills within one person – the CIPo – a practical approach is to think about the CIPo at the hub of IP activity drawing on support and guidance from advisers inside and outside the company.

Yours faithfully

Jackie Maguire
CEO, Collier IP Management
Wallingford, UK
jackie.maguire@
colleripmanagement.com