Strengthening your IP Strategy

A strong IP strategy does more than identifying your intellectual property and recommending ways to protect it. It should clearly connect your IP assets, business goals, market position, commercialization plans, risks, and next steps.
This resource highlights common areas where IP strategies may need further development. Use it alongside the IP Strategy Checklist and the IP Strategy Guidelines to identify gaps, strengthen your analysis, and make your recommendations clear, practical, and actionable
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Consider the following areas when improving your IP strategy:

1. **Complete every section.**

Use the IP Strategy Checklist to confirm that each section is complete and that all requested information has been included. Address any missing or incomplete areas before submitting your strategy.

2. **Build a complete IP inventory.**

List all important IP assets, not only registered or formally protected IP.

a. Include unregistered assets such as brand names, content, designs, software, processes, confidential information, domain names, and social media accounts.
b. Clearly identify who owns each asset and address any missing ownership or assignment documentation.
c. **Confirm that basic ownership documentation is in place**, including IP assignment agreements and appropriate IP clauses in employment, contractor, founder, and partnership agreements.
d. **Summarize the key terms of relevant agreements**, including ownership, usage rights, confidentiality requirements, restrictions, and any reporting, payment, or revenue-sharing obligations.

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3. **Understand your market and IP landscape**.

    a. **Know your market and competitors**. Identify the key companies, products, technologies, and brands in your market. Consider current market trends, how the industry is changing, and which competitors are most relevant to your business.
    b. **Identify similar IP.** Review patents, technologies, and brands that may be similar to your own. Consider whether existing IP could limit your ability to protect, use, or commercialize your assets.
    c. Support your protection recommendations with research. Discuss any prior art research and patentability analysis completed for your technology. Use the findings to support whether patent protection may be available and appropriate.
        i. Clearly explain why a patent, trade secret, or another protection approach was selected based on the technology, market, business goals, and risks.
        ii. Remember that patentability (Can I get a patent?) and freedom to operate (Can I legally commercialize my product?) answer different questions.
        iii. Prior art research may also be valuable when you are not planning to file a patent, including when deciding whether a technology can realistically be maintained as a trade secret.
    d. **Define your position in the market.** Explain the unmet need your company addresses, where it fits within the market, and how it differs from competitors. Clearly connect your IP assets to your competitive advantage: What makes your offering distinct, and why would customers choose it?

4. **Connect your IP SWOT to your business strategy.**

Use the SWOT analysis to explain how IP supports your business goals, revenue streams, commercialization plans, and competitive advantage.

a. Consider not only what IP exists and how it can be protected, but also how it can help your company grow, generate value, and succeed in the market.
b. Be transparent about weaknesses and threats. Explain how your strategy will reduce these risks and identify clear, practical actions to address them.

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5. **Develop practical IP protection strategies.**

    a. **Make each recommendation actionable.** For each relevant IP protection type, explain what the company should do, why it is recommended, and how it supports the business. Include clear next steps, timelines, priorities, and the person responsible for completing each action.

    b. **Use a consistent approach.** Provide a clear and comparable level of detail for each relevant IP protection type. Ensure each strategy explains the recommended approach, how it supports the business, and the actions needed to put it into practice.

    c. **Put trade secret protection into practice.** If the company relies on trade secrets, describe how confidential information will be protected in day-to-day operations. This may include access controls, non-disclosure agreements, employment and contractor agreements, internal policies, data governance practices, employee training, and procedures for handling confidential information.

    d. **Plan for potential IP risks.** Explain how the company would respond to situations such as competitor activity, suspected infringement, unauthorized disclosure, or ownership disputes. Identify who is responsible for managing these risks and the actions the company would take if they arise.