



# IP Assist:

## Supporting NRC IRAP Unrepresented SMEs to develop their IP strategies

### LEVEL 2

The IP Professional will help build and develop an IP strategy that supports the Small Medium Enterprises (SMEs) business goals.

An IP strategy developed through IP Assist can help firms answer some important questions and gain valuable insights relating to their technology, business and IP.

**There will be a \$18,000.00 payment for an IP strategy on the L2 engagement.**

## General Guidelines for L2 Project

The L2 IP Strategy is developed specifically for the IRAP SME, and relates to the IRAP SME's specific technology space, aligns with the IRAP SMEs business objectives, and provides the IRAP SME with specific prioritized IP actions. The IP Strategy needs to be informed by key relevant information relating to the technology and competitor landscapes relevant to the IRAP SME.

A robust L2 IP Strategy should include:

- A.** A technology landscape search of published patent applications and technical literature relating to the described technology;
- B.** A competitive market landscape search of competitor IP relating to the described technology; and
- C.** An IP action plan that identifies IP gaps, itemize IP actions that will mitigate risks to IP, support our commercial objectives, safeguards IP disclosures and assessments, includes IP management, IP best practices relating to the relevant industry, and any IP diligence actions that may benefit the IRAP SME.

For example, the three components of a robust L2 IP Strategy include:

#### **A. Technology Landscape**

This is essentially a search that provides information on the technology defined. The search is generally of the published

technology literature and published IP documents. IP Professionals will need to conduct the needed search, review the findings and provide relevant information based on said findings.

## **B. Competitor Landscape**

This is essentially a search that provides competitive and market IP information relevant to the technology defined.

Understanding the IP of their competitors and the IP in the marketplace will help inform the IP Strategy and will provide the IRAP SME with relevant IP information on their competitors and potential collaborators.

## **C. IP Action Plan**

This is the IP action plan that the IP professional maps out based on the findings pulled in the Technology and Competitor landscape assessments. The IP Professional will need to understand the business of the IRAP SME, so discussions between the IRAP SME and the IP Professional should define the SMEs current IP position, relate to their products & services, identify gaps and provide recommended and prioritized IP actions that support the business goals of the IRAP SME.

# Description of Activities for L2 engagement

## **Determine the SMEs current state of IP**

- Take an inventory of the IP and intangible assets held by the company and/or of the IP and intangible assets in development (IP developed internally, in collaboration with universities, research centers, partners, etc.)

- Take an inventory of the chain of title of the IP held by the company and see if the IP has been disclosed and/or assigned to the company.
  - Based on the above inventories, see how/ if IP and intangible assets are protected by the company
  - Analyze the existing legal structure of the company to see how it could be optimized from a tax point of view, etc... taking into account the research and development projects, the ownership of the IP.

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## **Evaluation of the SMEs business model, commercial and innovation strategies, and medium- & long-term strategic objectives in relation to the IP owned by the company**

- Review the IP of the competition and the industry (IP Landscape adapted to the needs of the strategic plan - evaluation of risks and opportunities) in order to strategically position the SME in terms of the protection and use of its IP;
- Define IP objectives that are in alignment with the company's strategic plan and business model.

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## **Define the SMEs global IP strategy**

- A plan for protecting intangible assets (how to protect the company's trade secrets, how to protect know-how, etc.)
- An IP protection plan (patents, industrial designs, copyrights, trademarks and plant breeders rights - what, where, when, how, with whom, how much)
- A list of current contractual agreements to be reviewed with respect to IP treatment (with partners, customers, etc.)



- A list of contractual agreements to be drafted to protect the company's current IP and the agreements to be put in place to rectify deficiencies (with third parties, with subcontractors, employees) and to properly manage future IP and that of third parties (licenses, assignments)
- A list of contractual agreements to be drafted to maximize IP assets (licenses, distribution agreements, supply agreements, etc.)
- The business processes required to be put in place to ensure the protection, valuation and strategic management of IP (protection of secrets, follow-up of agreements, internal IP policy, activities promoting the development of an IP culture and the accountability of employees with respect to IP, etc.)
- Improvements that need to be made to the existing legal structure in order to protect, monetize and use IP more strategically from a business and tax perspective.
- An estimate of the budget required to engage external experts to assist with the implementation of the activities identified in the IP strategic plan.
- Any other relevant recommendations with respect to IP.

## Anticipated Deliverables include:

A summary of the overall IP strategy including:

- Medium- and long-term strategic objectives
- Target markets and financial stakes
- Recommended protections (business secret, copyright, trademark, patent, industrial design, plant variety) and steps to be taken
- The treatment of IP in contractual agreements (confidentiality, supplier, subcontractor, employee, collaboration, distributor, etc.)
- The means required to value and monetize the IP (license, assignment, etc.)
- The business processes required to be put in place to ensure the protection, valuation and strategic management of IP (protection of secrets, follow-up of agreements, internal IP policy, activities promoting the development of an IP culture and the accountability of employees with respect to IP, etc.)
- Other elements to consider are - IP strategy action plan (priority actions, responsible parties, external resources, timelines and budgets)

### Items to note:

- The time between IRAP SMEs request and the delivery of the IP Strategy should not exceed 90 days (except in exceptional cases)



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