

Intellectual Property Strategy for Knowledge Organizations

Credits	03
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Program	MBA (BM)
Academic Year and Term	2020-2021 - Term V

Part – I COURSE OUTLINE

1. Course Description

Knowledge Organizations are increasingly recognizing the value of intangible assets such as copyrights, patents, and trade secrets as one of the most important drivers of long-term growth gain and sustain competitive edge over their rivals. More and more organizations are adopting innovation as a business strategy and harness the innovation capabilities employees at the individual level, team level and organizational level to create value for the firm. While it is an undeniable fact that an overwhelming number of intellectual property are created by employees, the ownership of such intellectual property remain as the important area of concern for both researchers as well as practitioners. Over the years, firms have evolved intellectual property rights policies governing employee inventions but it remains as a greater challenge for multinational firms operating across several countries with the increasing number of intellectual property rights disputes with employees. Thus, the purpose of this course is provide a holistic perspective to management intellectual property as a strategic function in organizations by providing a framework for governance of intellectual property rights at the firm level, industry level and across various markets.

2. Student Learning Outcomes

As a result of succeeding in this course, participants will be able to achieve the following the objectives.

- Be able to recognize the value of different intellectual property such as copyrights, patents, and trade secrets.
- Be able to appreciate significance of ownership issues in copyrights, patents, and trade secrets from a multiple stakeholder perspective.
- Be able to strategize as how to leverage the creative potential of human capital in knowledge organizations by embracing an inclusive approach to ownership and management of intellectual property

3. Course Content

- Copyright ownership issues in knowledge industries such as IT, Sports, Music, Film and Entertainment industry
- Sports Marketing and IP Strategy
- IP Strategy for Banks while collaborating with FinTech Firms
- Work for Hire strategy for employees and other highly skilled professionals as Independent Contractors
- Assignment of Copyright and Transfer of Copyright by individuals and teams
- Ownership issues in Open Source Software Development
- Corporate Ownership of IP and Community of Practices
- IP liability in Mergers and Acquisitions
- Patent – Leveraging Pre-invention Assignment Agreements
- Use of Prior Inventions during Employment and Assignment of Prior Inventions
- Patent Rights, Assignment of Patent Rights and Equitable Remuneration
- Trade Related Aspects of Intellectual Property Rights (TRIPS)
- Trade Secrets as IPR and Protection of Trade Secrets through Non-Disclosure Agreement
- Strategy for dealing with threatened misappropriation of trade secrets and actual misappropriation of trade secrets
- Strategy for dealing with Inevitable Disclosure of trade secrets
- Protecting IP through Non-Compete and Non-Solicitation Restrictive Covenants
- Enforcement of Non-Compete and Non-Solicitation Restrictive Covenants in different markets such as India, China and U.S.

READINGS AND REFERENCES

As given in the course reading material.

Delivery Methods

Storytelling would be the primary pedagogy for the course. In addition to storytelling, lecture and case method would also be used as a pedagogy for illustrating IP issues in different industries.

Short Stories for Sharp Points:

Source: Rusell L. Ackoff (1991). "Ackoff's Fables: Irrelevant reflections on Business and Bureaucracy", John Wiley & Sons, Inc.

Having done some teaching about development and obstructions to it, I have learned that students remember relevant stories about these subjects much better than they remember the principles I have used to illustrate them. This is true for most subjects. Therefore, the older I've become, the more I've used stories to help me make points in lectures, discussions, and writing. When I meet old students--many of whom are now miraculously older than I - I find they remember the stories I told much better than the points they were used to illustrate. Some have reworked the stories creatively and were used to illustrate their own points. Although they may not have learned from stories what I had intended, they learned something by using them. This is more than I can say about the principles I've promoted. Therefore, I decided that here I would turn the usual way of presenting the ideas upside down.

Stories are commonly used to support or embellish the presentation of subject matter. All but a few of the stories are essentially true. They tell of my personal experiences. I have told them so many times, however, that they are bound to have "*evolved*" in the retelling; in addition, I've dramatized and condensed them a bit. This explains why I call them "*fables*." A *fable*, according to my friend and mentor, Tom Cowan, *is a story that may not be true but ought to be*.

I have embellished the stories to sharpen their points. All fables have a point, a lesson to convey. This is not true of many stories and most discussion. Therefore, I have used discussion only to illuminate the points of the fables. The point of the points I try to makeis not so much to extract uncritical agreement... but to stimulate their critical thinking. In addition, I wanted to provide some fun. Stories, unlike discussion, are often sources of pleasure.

PART II - TENTATIVE SESSION PLAN

Session	Topic	Pedagogy	Reading
1	Introduction to IP Ownership Issues in Knowledge Organizations	Storytelling	Open Source Development Story – I May, C. (2002). Trouble in e-topia: knowledge as intellectual property. <i>Urban Studies</i> , 39(5-6), 1037
2 & 3	IP Ownership Issues in Sports	Storytelling And Case Analysis	IPR Story of Indian Cricketers Ordish, R. (2005). Sports Marketing in China: An IP Perspective. <i>China Business Review</i> , 32(6), 34–37. Standard Chartered talks IP strategy for fintech and sports sponsorship. (2019). <i>Managing Intellectual Property</i> , N.PAG.
4	IP Ownership Issues in Publishing Industry	Storytelling	Who stole my story? and

Session	Topic	Pedagogy	Reading
			My thoughts on S.O.P.A. by Paulo Coelho
5	IP Ownership Issues in Film Industry	Storytelling	Javed Akhtar Banned By Bollywood Producers? 'We are asking for equal division of performing rights' Ambast, S. (2008). Protecting Performers' Rights: Does India Need Law Reform?.
6	IP liability in Mergers and Acquisitions	Storytelling	Satyam Vs Upaid Story
7	Middle Ground Approaches to IP issues in Software Industry	Storytelling	Rosenstein - A South African Story Lett : A Canadian Story Open Source Development - Part (B)
8, 9 & 10	IP Ownership issues in Employee Inventions	Storytelling	Case of Prout vs. British Gas Sony Corporation, Samsung, Nichia Corporation, and Samsonite Amazon Vs Varghese Cherensky, S. (1993). A penny for their thoughts: Employee-inventors, preinvention assignment agreements, property, and personhood. Calif. L. Rev., 81, 595.
11	Trade Secrets in Banking and Financial Services Industry	Storytelling	Ganesh, S.S. (2012). Who is a Customer and Whose Customer? – The Story of American Express Bank and Priya Puri, Unpublished Manuscript. The Story of Citibank and Shivraj Puri
12 & 13	Protection of Confidential and Undisclosed Information	Storytelling	The Story of Herbert Morris and Saxelby The Story of Faccenda Chicken

Session	Topic	Pedagogy	Reading
			The Story of Chevron and Leeson
14 & 15	Protection of Trade Secrets as IP	Storytelling	<p>The Story of Samarath Agarwal</p> <p>The Story of Sergey Aleynikov</p> <p>The Story of Biswamoham Pani</p> <p>Story of Matrox</p> <p>Harshwardhan and Keshri, S. (2008). Trade Secrets: A Secret Still to Unveil, Journal of Intellectual Property, Vol. (13), pp 208-217</p>
16	Collaborating with Competitors for Protection of IP	Storytelling	<p>The Story of IBM and Papermaster</p> <p>The Story of Thermax Vs Purolite</p> <p>Trade secret plot pulls Coke, Pepsi together</p>
17	Trade Secret Protection Vs Public Interest	Visual Stories	Harshwardhan and Keshri, S. (2008). Trade Secrets: A Secret Still to Unveil, Journal of Intellectual Property, Vol. (13), pp 208-217
18, 19 & 20	Protection of IP using Restrictive Covenants	Storytelling	<p>EVP through Blank Cheque</p> <p>Quit Infy but cannot join rival for 6 months</p> <p>Vanko, K. J. (2002). You're Fired-And Don't Forget Your Non-Compete: The Enforceability of Restrictive Covenants in Involuntary Discharge Cases. DePaul Bus. & Comm. LJ, 1, 1.</p>

Part – III Evaluation

A) Storytelling Activity (15%)

Each student would be pre-assigned one or two stories to be narrated in the class together with one or two of his/her classmates. The storytelling exercise would be evaluated based on quality of preparation, creativity, coordination and ability to illustrate the core issues by highlighting the moral of the story (5%). Each student is **required to update** the details related to storytelling activity within a reasonable time, say not later

than 3 to 4 days after the completion of the theme, through the form provided in the course web for the above purpose (10%).

B) Quiz (25%)

There will be online quizzes conducted during the term having multiple choice / true or false, objective type questions which are drawn from the readings, instructor's presentation, and any other relevant material provided through email and course web. The average score for all the quizzes will be considered for the final grade. The guidelines for the quiz will be provided through email / course web.

C) Team Assignment (20%)

The purpose of Team Assignment is to promote "Collective Learning" and a team of four to six members, depending on the nature of assignment, will be formed for this purpose. The guidelines for Team Assignment will be given through email / course web.

D) End-Term Examination (40%)

The End-Term will be a closed book exam evaluating the understanding of concepts and theories learned in the IP Strategy course.

E) Course Involvement (\pm 10 Marks)

Course involvement scores would be based on the overall assessment any initiative, like contributing a story to the course based on one's experience, to enrich the course design, content, process and outcome. Please note that unauthorized absence / late coming, late submission of assignments like storytelling update through Google Form or any other indiscipline misbehavior would warrant negative scores.

Academic Discipline and Integrity

- Students are expected to be punctual for the classes and come prepared for the class by going through the stories and readings assigned for the class. Please note that you are permitted to attend the classes in your own section only and any request for attending classes with other section(s) will not be entertained, especially when such requests are made on-the-spot and / or after being absent in your session. Further, you are expected to adhere to the guidelines given for Class Activities, Quizzes, Assignment, and End-Term. All evaluation components are closed book *unless it is explicitly specified as open book by the instructor*. Plagiarism / Malpractice in components such as Quiz, Team Assignment and End-Term would invite "F" in the whole component or even in the entire course depending on the circumstances.
