

From job description to job reality: which skill set is necessary to be a successful IP Manager in the research and development-based industry *

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Abstract

The Patent Attorney working requirements in the research and development-based industry have seen some substantial changes during the last thirty years, as a consequence of the substantial changes which occurred in the working environment in this industry. The present chapter analyses these changes of requirements for the Patent Attorney profession, taking in particular the example of the pharmaceutical innovative industry. These substantial changes in the working requirements, mainly due to the globalization of the markets and to the appearance of the knowledge-based economy, did not result in a change in the technical or legal education of Patent Attorneys, but instead lead up to a claim for additional economics and management knowledge and skills. The skill set which is today necessary for the patent professional to be successful in the research and development-based industry and which is mandatory to contribute efficiently to the success of this industry can be derived from such an analysis. A new job profile for Patent Attorneys can also be designed. This new job profile shows that the Patent Attorney profession of today indeed requires some economic and managerial knowledge and skills in addition to the technical and legal knowledge and skills which it used to be based on. With these additional skills, a new function can be associated to the Patent Attorney function in the research and development-based industry, the function of a proactive Intellectual Property Manager.

The design of a new job profile for Patent Attorneys in the industry: IP Manager

The basic function of the IP Manager is a management function, i.e. to provide services and benefits for and with the business and implement changes and adjustments on the basis of common values and structures. The overall benefit of this function is, as for every management function, to provide an economic benefit for the company. This function thus demands an understanding of personal capabilities, the economic, legal and technological conditions as well as the planning, controlling and monitoring of actions.

This IP Manager profile is represented in the following Table.

Required underlying knowledge	Technical		
	Legal		
	Economics		
	Management		
Required practical skills to fulfill the management functions	Define company's IP policies	Strategy	Management functions
	Develop patent strategies in line with corporate objectives		
	Methods for information retrieval	Decision	
	Perform IP or patent due diligence		
Provide infringement assessments			
Provide validity assessments	Implementation		
Provide freedom to operate / market analysis and risk assessment			
Provide costs assessments			
Develop effective and efficient processes within project management			
Define and implement value chain concepts			
Implement company's IP policies and IP strategies			
Enforce patents in disputes and conflicts			
Secure freedom to operate for pipeline products			
Identification and evaluation of technical innovations	Organization		
Funding			
Operational patent portfolio management			
Co-ordination and controlling of work with colleagues and partners internally and externally			
Contract drafting and negotiation skills in external co-operations,			

	transfer or licensing opportunities		
	Taxation and accounting of IP assets		
	Human resources management including labour contract, leadership and delegation	Leadership	
Develop administrative processes			
	Reporting and controlling		
	Planning and development of IP-based business concepts	Business Development	
	IP expertise and counselling		
	Education of individual business areas in the importance of IP assets, raising awareness of IP and licensing		

Conclusion

Besides a reward system, a culture and performance management and resource allocation processes, the job design is one of the primary lever companies can use to fulfil one of the emotional drives that motivate employees, namely the drive to comprehend. By looking at the changes in the professional environment of Patent Attorneys and re-designing the job profile accordingly, the research and development based industry has helped this profession to contribute effectively to its success over the last thirty years, and has oriented its direction towards a new function, the IP Manager. The job profile of a Patent Attorney in the research and development based industry now includes a highly sophisticated person, the value of which further increasing with the experience and thus the years. The present analysis lays stress on a need to complement the legal and technical background of patent practitioners with further knowledge and skills via an additional education including economics and management knowledge and skills. This is further probably a valuable investment for the future, in which the social and economic pressure may shape new IP regimes which will be radically different from the one known to today's Patent Attorneys.

* The full text of this article is available in "IP Manager", Wurzer, Carl Heymanns Verlag, 1st edition 2009, ISBN 978-3-452-27040-5