

Intellectual Property: protect your creations

First of all, let's define the concept of "Intellectual property" as is presented by the World Intellectual Property Organization[1]: "Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce". From the perspective of a IT company, it is interesting to add to the definition that these intellectual properties are protected in law by, for example, patent, copyright and trademarks. It is essential to know about this reality and apply it when developing products or ideas, as they can be a business opportunity for the company, and not protecting it can suppose the lost of that opportunity, as other companies can "steal" or "copy" the developed product or idea.

So, as examples of intellectual properties that all the people will understand, we can find a song composed by an artist, or a software developed by a company. Both products are quite different, but both are creations made with the "intellect", and both can be considered intellectual properties if their creators want them to be. In relation with this idea, it may be considered the concept of intellectual property rights (IPRs)[2]. These rights are granted to the creator of IP, and include trademarks, copyright, patents, industrial design rights, and in some jurisdictions trade secrets. And, as mentioned previously, artistic works as music and literature, can be protected as intellectual property. So, in resume, the concept of intellectual property, related closely with the concept of copyright, helps the creator of some content or product to protect that creation, and have the "monopoly" or authority over it, being "illegal" to copy that content without permission.

Focusing in the relation between IP and IT companies, IP laws are the protection that the companies use when they develop their own products or ideas. They can register these products as IP, so they will be protected against copies or appropriations from other companies. So, in most of the cases, these IPs are the company's knowledge and ideas for future products, processes and technologies, in consequence, they must be adequately valued and protected. In order to achieve this objective, auditing the IP of companies is a essential task to develop[3]:

- Detect the IPs and register them: it is essential to know which intellectional resources have a company and which ones are needed or it is interesting to patent. Some times, waiting too much can suppose the lose of a business oportunity.
- Analyze the actual plan of the company to patent: see which steps are followed and try to make it better, faster and more secure.
- Evaluate the IP effectively: analyze the state of the technology, its demand, the possibilities that it will provide to the company... It is important to consider all the situation and calculate the real value of an idea or product.

These are some key points to deal with the IP of a company, it is obvious that there are more steps or guidelines to follow when working with IP and patents, but they will be presented in next publications and analyzed more deeply. Once presented the main ideas of IP and its relation with IT companies, let's talk about another aspects of IPs.

IPs, considered from the point of view of moral authority or property, and the supposed right over an idea, is not something new. Along the history they have been developed a lot of products and artistic creations, and their authors have tried to protect them from other authors or companies. Nowadays, we can see a lot of examples of this: the conflicts

between IT companies as Samsung and Apple, Microsoft and Apple, composed similar songs in the scope of music composition... Some of this examples will be presented in the next post, but the important idea to obtain from this reality, is the existing risk related to IP and patents, the risk of copies, the risk of not being as fast as it is needed to patent a new technology, idea... So, when leading or auditing a company, mainly when it is a company related with IT or artistic creations, it is essential to have the needed knowledge around the IP and laws, patents, copyright... And know how to deal with them and the problems that can appear[4].

Apart from what has been presented, I consider important to analyze the IP from another point of view: the evolution of the technology. I think that having this idea present in our brains is important, because it is true that anyone want to protect a creation, get money for it... But it must be considered that in some cases protecting an idea or creation too much can lead to not sharing an idea, and stopping the evolution of technology, stopping the process of creation of new products, including important products as medicines, products that can be essential for humans and can make their life better. So, as some authors like Stephan Kinsella argue, the IP laws can difficult the creativity and the scientific progress, and can suppose an high cost for the society[5].

In conclusion, I think that having the necessary knowledge about IP and the related laws it is important, as they can suppose the success of our company or the exploitation of a business opportunity, but it must be considered the real value of these creations, evaluate the real need of their protection, analyzing the risks involving their protection or the avoiding of the protection, and act in consequence, considering the impact that our acts will have in the wellness of the society and the scientific progress.

References:

[1] <http://www.wipo.int/about-ip/en/>

[2] https://en.wikipedia.org/wiki/Intellectual_property

[3] <https://www.isaca.org/Journal/archives/2014/Volume-1/Pages/Key-Considerations-in-Protecting-Sensitive-Data-Leakage-Using-Data-Loss-Prevention-Tools-Portuguese.aspx>

[4] <https://www.knowledgeleader.com/KnowledgeLeader/Content.nsf/Web+Content/ChecklistsGuidesProtectingIntellectualPropertyAssets!OpenDocument>

[5] Against Intellectual Property. Stephan Kinsella.