

Investigations regarding the importance of acknowledging the impact of specific intellectual property risks

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Abstract: *The research is dedicated to a study regarding the level of importance given to specific intellectual property risks by Romanian managers and the levels of importance of different intellectual property protection forms. This is complemented by an analysis of the knowledge regarding the most encountered IP risks. The investigation's main purpose is to analyse the measure in which Romanian managers are acknowledging the impact held by specific intellectual property risks over the companies that they are managing.*

Key-words: *managers, risks, intellectual property, impact, minimization*

1. Introduction

In the general context of intellectual property science and theory (Fântână and Secară, 2010), the specific intellectual property risk management is a relatively new domain (Pakocs, 2015) that represents the process of systematically approaching the intellectual property risks from within a company. Based on previous investigations (Pakocs, 2015), the specific intellectual risk management can be successfully integrated within any company through an IPMS (Intellectual Property Management System) (Pakocs and Lupulescu, 2015) that is adapted to each company's needs.

The intellectual property risk management' mission is to foresee and analyze the specific IP risks with the purpose of minimizing their impact on the organization (Bârsan and Popescu, 2003).

2. Objectives

In Romania, the specific intellectual property risks that companies are exposed to are often neglected. This is the main reason that generated a research regarding the importance of acknowledging the impact that specific IP risks have on companies.

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The main purpose of this research is to analyse and interpret the importance given by Romanian managers to specific intellectual property risks as well as the measure in which their impact on their companies is acknowledged.

3. Material and methods

The current investigations were realized by using the questionnaire method, namely by interviewing 258 managers from Romania. The obtained data was interpreted in SPSS. Based on the reported data, tables and graphics were obtained in SPSS and the obtained statistical data was analysed.

We will present the most relevant results that were obtained from our research and we will interpret the graphics obtained in SPSS.

For the question: "Taking into consideration that the Intellectual Property risks will have an unfavourable evolution, in what moment do you consider that their consequences will have a stronger impact over your company?", the data was centralized in Table 1 and the graphics from Figure 1 and 2 have resulted as follows:

VAR 1. Taking into consideration that the Intellectual Property risks will have an unfavourable evolution, in what moment do you consider that their consequences will have a stronger impact over your company?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Now	5	1,9	1,9	1,9
	Future	253	98,1	98,1	100,0
	Total	258	100,0	100,0	

Table 1. Risks- present-future

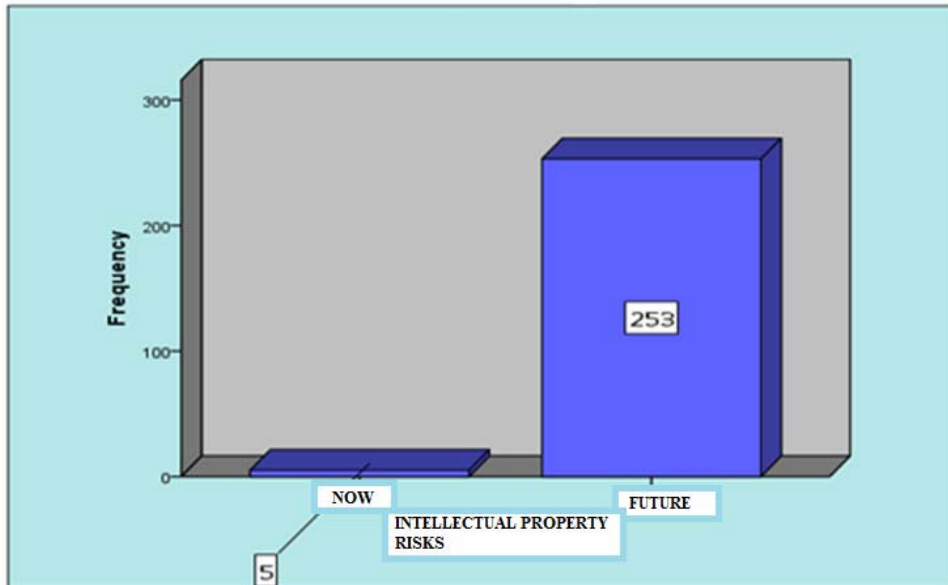


Figure 1. Risks- present-future

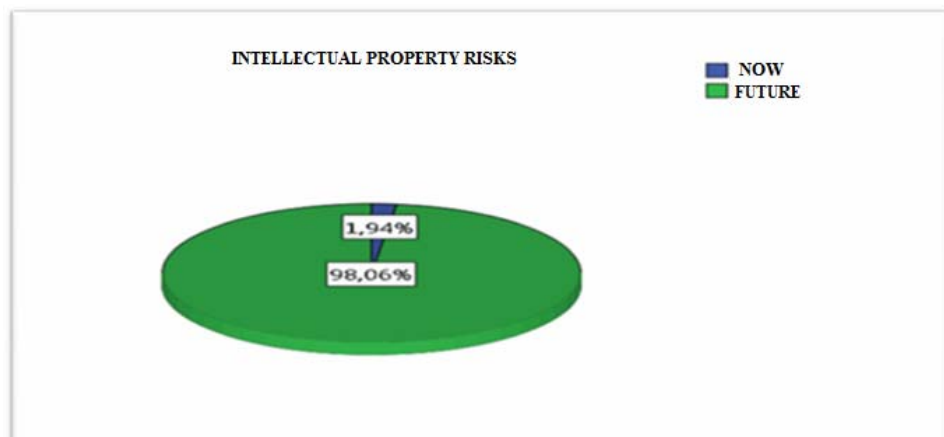


Figure 2. Risks- present-future

From Figure 1 and 2 it results that 98,06% of managers consider that the impact of intellectual property risks on their company will be stronger in the future in comparison with 1.94% that consider that the impact of intellectual property risks is stronger in present times.

For the question: “Please evaluate the level of importance given to specific Intellectual Property protection solutions in your company: (for each statement

grades from 1 to 5 should be given to evaluate the level: 1- very low; 2- low; 3- average; 4- high; 5- very high).”, the data was centralized in Table 2 and the graphics from Figure 3 and 4 were obtained, as follows:

VAR 5. Descriptive Statistics				
	N	Minimum	Maximum	Mean
Patent	258	1	5	1,86
Utility Model Certificate	258	1	5	2,15
Industrial -model design patent	258	1	5	2,21
Integrated circuit topography certificate	258	1	5	2,22
Certified brand	258	1	22	2,28
Commercial name	258	1	5	3,81
Valid N (list wise)	258			

Table 2. The level of importance given to specific Intellectual Property protection solutions

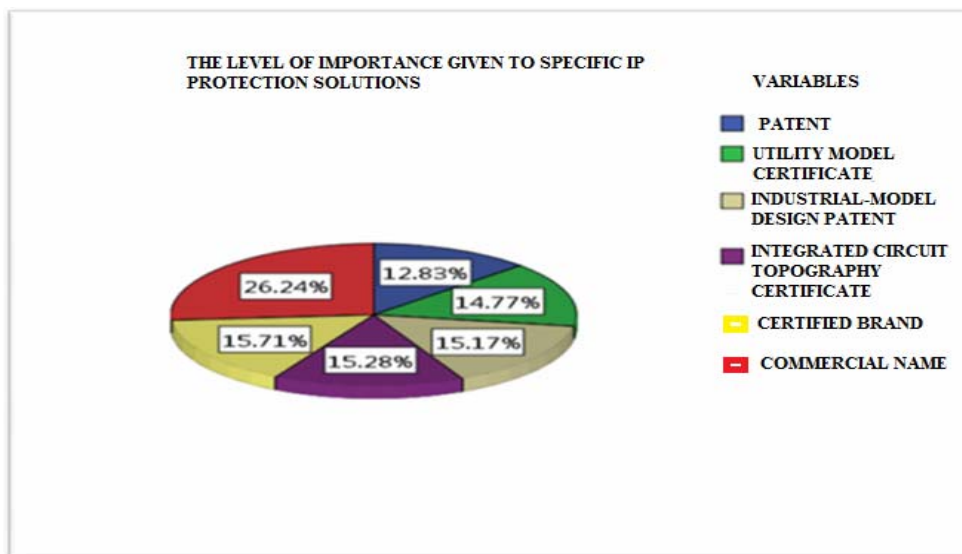


Figure 3. The level of importance given to specific Intellectual Property protection solutions

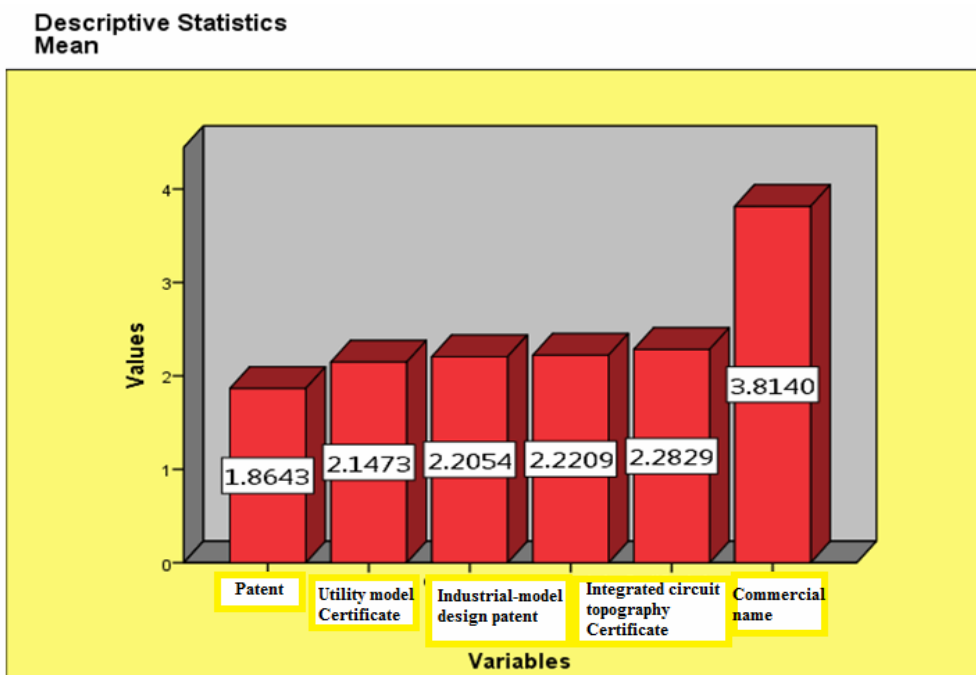


Figure 4. The level of importance given to specific Intellectual Property protection solutions

From Figures 3 and 4 it results that from the mentioned intellectual property protection forms, the greatest importance is assigned to the commercial name, followed by the trademark certificate and the integrated circuit topographic certificate while the least used intellectual property protection form is given to the invention patent.

For the question: "Are you currently using protection solutions for your Intellectual Property actives?", the data was centralized in Table 3 and the graphics from Figures 5 and 6 were obtained, as follows:

VAR 8. Protection solutions for IP					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	56	21,7	21,7	21,7
	Yes	202	78,3	78,3	100,0
	Total	258	100,0	100,0	

Table 3. Protection solutions for IP

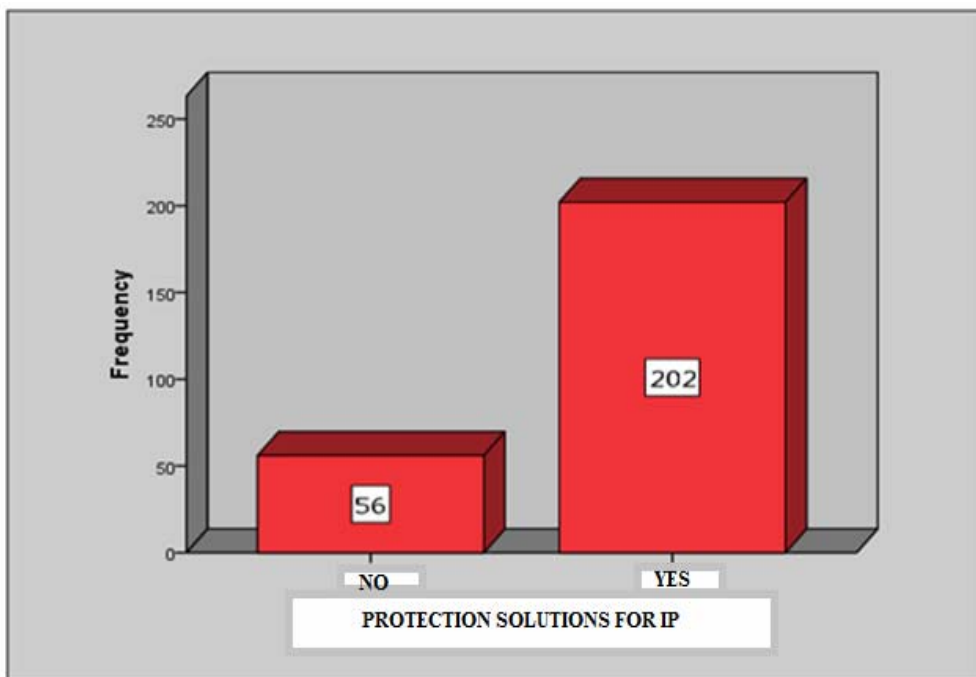


Figure 5. Protection solutions for IP

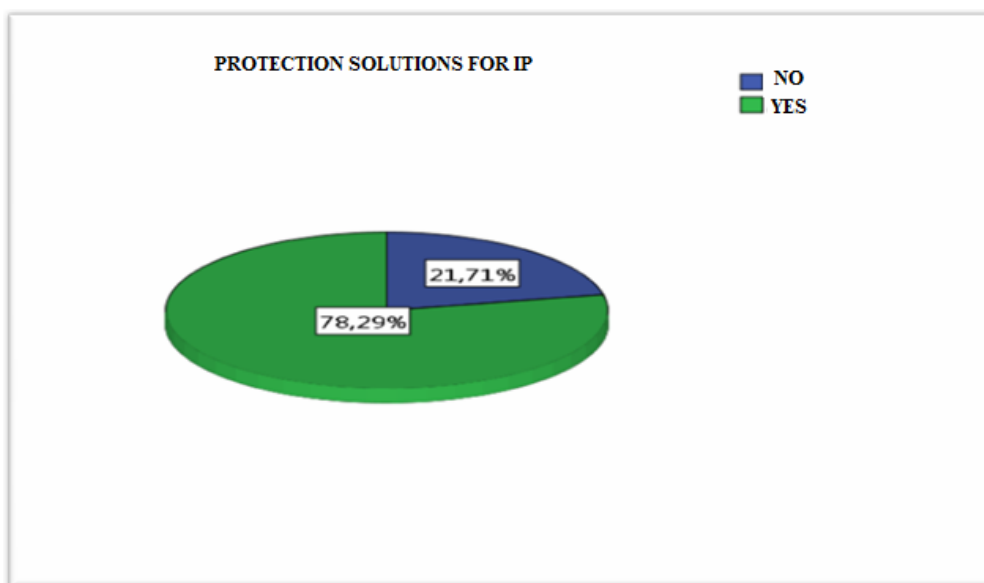


Figure 6. Protection solutions for IP

From Figures 5 and 6 it results that 78,29% of managers are using protection solutions for their intellectual property actives, whereas 21,71% haven't yet used any form of protection.

For the question: „Which of the specific Intellectual Property marketing risks presented below do you consider that can affect the well-functioning of your company?“, the data was centralized in Figures 7 and 8, as follows:

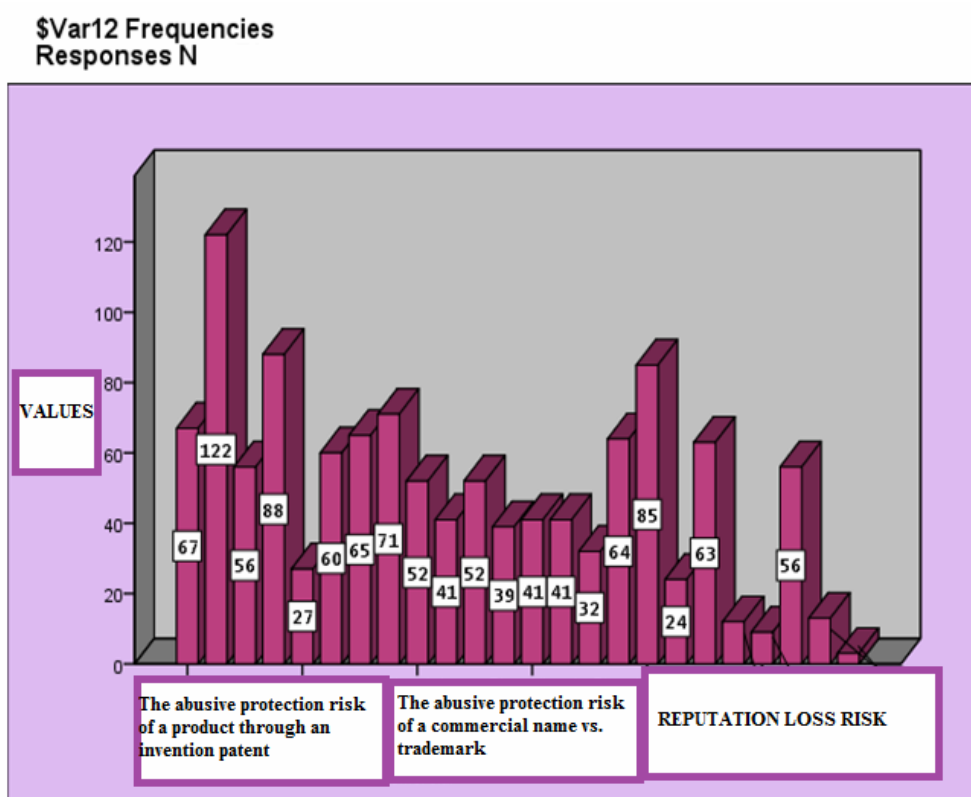


Figure 7. Specific intellectual property marketing risks

From Figures 7 and 8 it results that, from the specific intellectual property marketing risks, the most threatening ones are: the abusive protection risk of a product through an invention patent with a percentage of 10,3% and the abusive protection risk of a commercial name vs. trademark with a percentage of 7,4%, followed by the reputation loss risk that was considered as having a relatively high negative impact on the company, having a percentage of 7,2%.

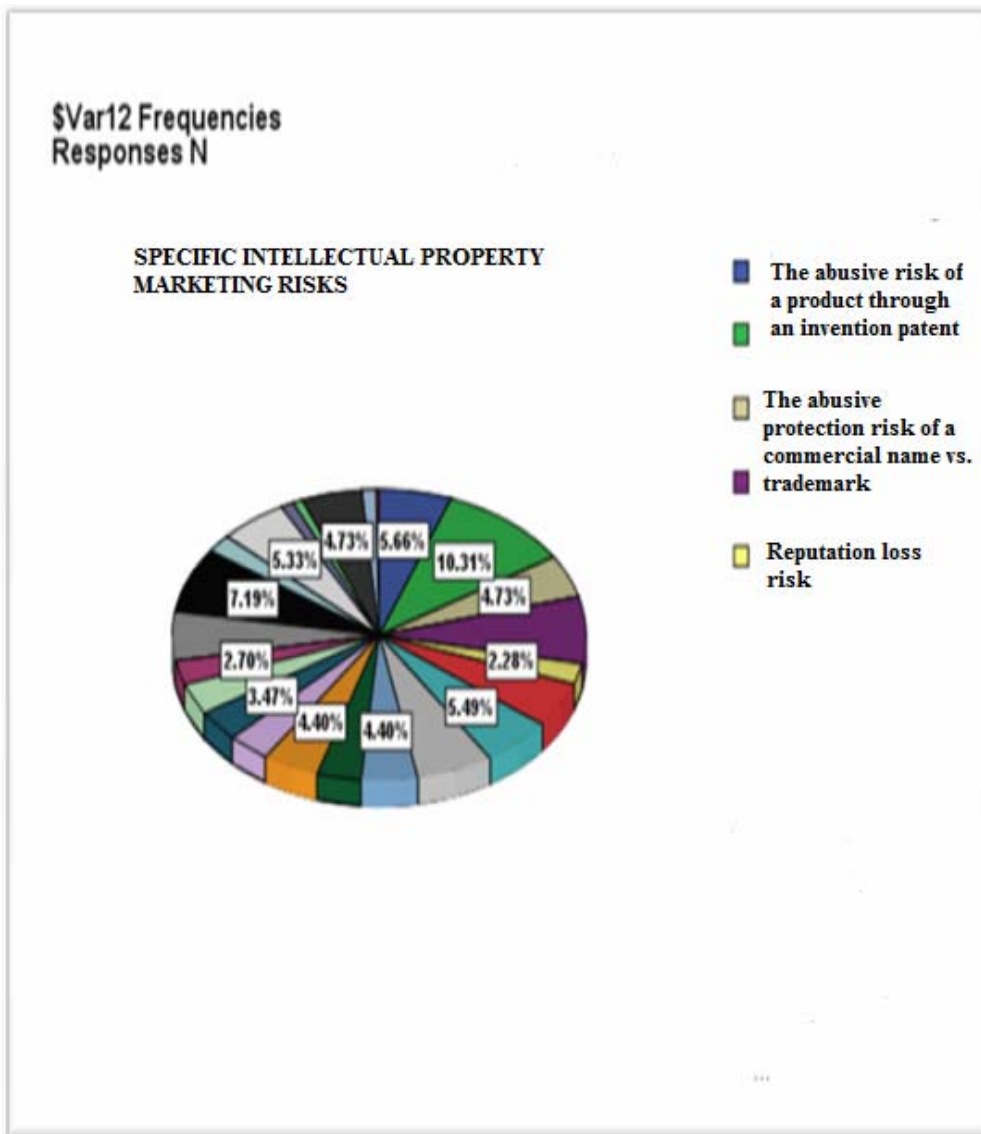


Figure 8. Specific intellectual property marketing risks

For the question: “Which of the specific Intellectual Property administrative risks presented below do you consider that can affect the well-functioning of your company?”, the data was centralized and the graphics from Figures 9 and 10 were obtained, as follows:

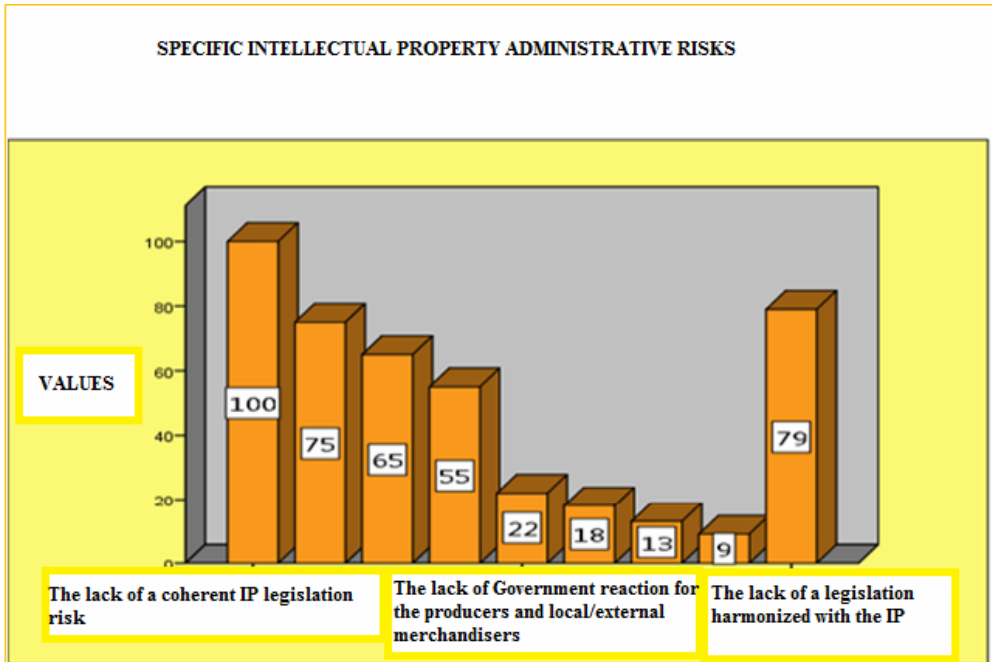


Figure 9. Specific Intellectual Property administrative risks

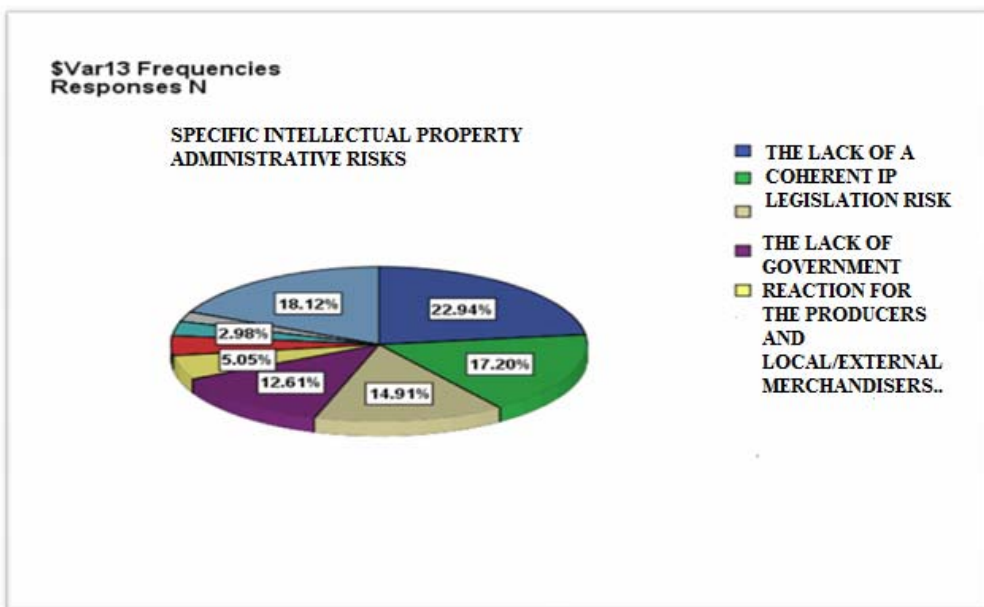


Figure 10. Specific Intellectual Property administrative risks

From Figures 9 and 10 it results that, from all the mentioned specific intellectual property administrative risks, the most threatening ones that can have a negative impact on the company are: the lack of a coherent intellectual property legislation risk with a percentage of 22,9%, the lack of Government reaction for the producers and local/external merchandisers repeated breach of IP rights for the indigenous producers for which the state is an integral/partial owner, with a percentage of 18,1% and finally the lack of a legislation harmonized with the IP with a percentage of 17,2 %.

For the question: “Which of the specific Intellectual Property social risks presented below do you consider that can affect the well-functioning of your company?”, the data was centralized and the graphics from Figures 11 and 12 were obtained, as follows:

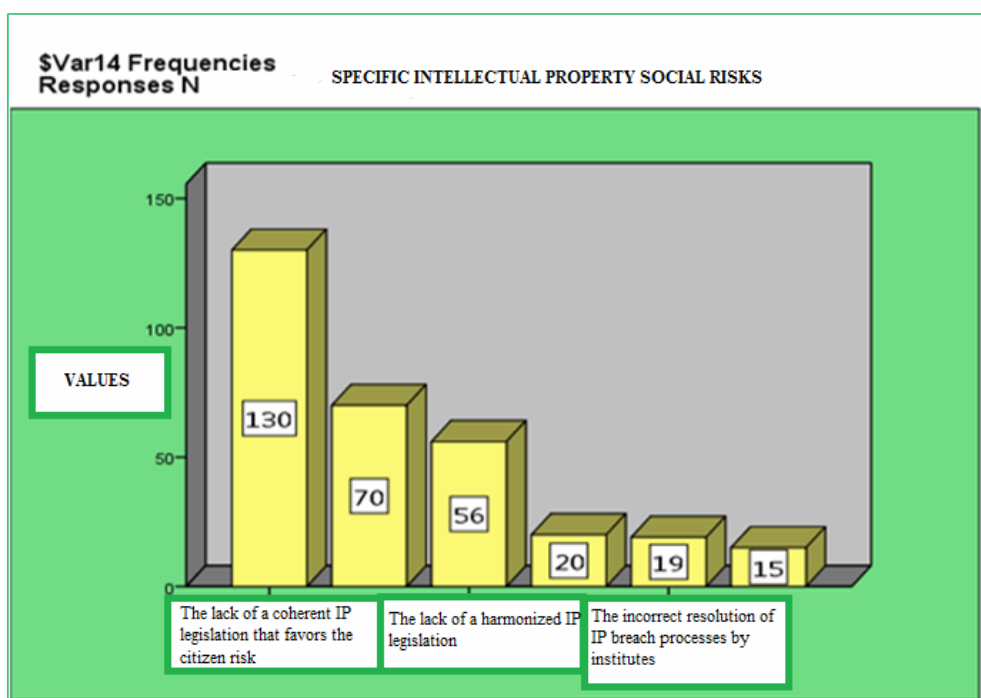


Figure 11. Specific Intellectual Property social risks

From Figures 11 and 12 it results that, from all mentioned specific intellectual property social risks, the most threatening ones that can have a negative impact on the company are: the lack of a coherent IP legislation that favors the citizen risk with a percentage of 41,9%, the lack of a harmonized IP legislation with a percentage of 22,6% and the incorrect resolution of IP breach processes by institutes with a percentage of 18,1%.

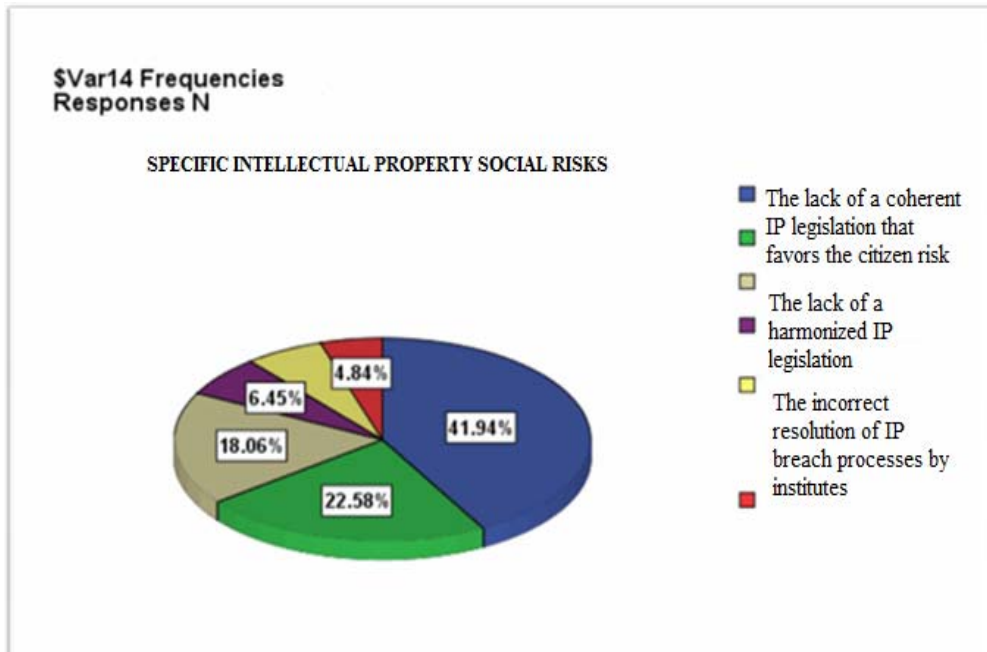


Figure 12. Specific Intellectual Property social risks

4. Results and discussions

After the interpretation of results in SPSS, it has resulted that from the specific marketing intellectual property risks category, the most threatening risks that can have a high negative impact on a company are: the abusive protection risk of a product through a patent and the abusive protection risk of a commercial name vs. trademark, followed by the reputation loss risk that was considered as having a relatively high negative impact.

From the identified specific administrative intellectual property risks category, the most threatening risks that can have a high negative impact on a company are: the lack of a coherent intellectual property legislation risk and the lack of Government reaction for the producers and local/external merchandisers repeated breach of IP rights for the indigenous producers for which the state is an integral/partial owner, followed by the lack of a legislation harmonized with the IP.

From the identified specific social intellectual property risks category, the most threatening risks that can have a high negative impact on a company are: the lack of a coherent IP legislation that favours the citizen and the lack of a harmonized IP legislation followed by the incorrect resolution of IP breach processes by institutes.

5. Conclusions

From the research carried out it has resulted that:

- 98,6% of Romanian managers consider that that impact of IP risks on their company will be stronger in the future;
- from all types of IP protection forms, the greatest importance is given to the commercial name followed by the trademark certificate;
- 78,29% of managers are using protection solutions for their IP actives;

As a general conclusion, a growth of the level of importance accorded to the protection of IP active by Romanian managers can be observed. However, acknowledging their risk impact on their company (Reilly and Schweihs, 2004) is a long and costly process due to the fact that a performant management must also encompass the analysis of the probable IP risks as well as the implementation of an Intellectual Property Management System (IPMS) (Pakocs, 2015).

6. References

- Bârsan P. N., and Popescu I. (eds.), 2003. *Risk management. Concepts. Methods. Applications.* Braşov: The Publishing House of "Transilvania" University of Brasov.
- Fântână R. S., and Secară G. (eds.), 2010. *General Management.* Bucharest: Pro Universitaria Publisher.
- Pakocs, R., and Lupulescu, N. B., 2015. Risk management and assessment of the manufacturing and marketing risk-factors, within industrial companies. *AFASES- „Scientific Research and Education in the AIR FORCE”*, „Henri Coanda” Air Force Academy, [e-journal] Vol. II (2015). [online] Available at: <http://www.afahc.ro/afases/volum_afases_2015_II.pdf> [Accessed 6 May 2016].
- Pakocs, R., 2015. *Quality and intellectual property risk management in the industrial companies.* Ph.D. Thesis, “Transilvania” Brasov University, Romania.
- Reilly, R. F., and Schweihs, R. P. (eds.), 2004. *The Handbook of Business Valuation and Intellectual Property Analysis.* USA: The McGraw – Hill Companies.