

# CONNECTING THE DOTS

## CORPORATE IP DEPARTMENTS: THE UNSUNG HEROES OF CORPORATE SUSTAINABILITY?



By:

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SUSTAINABILITY

## **CORPORATE IP DEPARTMENTS: THE UNSUNG HEROES OF CORPORATE SUSTAINABILITY?**

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Many large industrial corporations wield bold mission and vision statements reflecting their ambition in the fields of sustainable innovation and environmental impact. Voicing a clear company position on matters such as sustainability is a crucial part of forming a corporate culture around the same and attracting the right talent to execute those ambitions.

Within the company, a lot of attention is naturally focused on the obvious players in this landscape, such as the teams building appropriate ESG metrics, the procurement teams enabling sustainable sourcing of key resources for the company, and the R&D teams developing sustainable alternatives in the company's product offering.

In this short opinion piece, I want to spotlight the various ways corporate IP departments can amplify their company's sustainability efforts (and luckily, many of them are).

### **Protect**

It is self-evident that the regular principles based on which the industrial property system justifies its existence are equally applicable to sustainable innovation. The role of the IP system in safeguarding a return on investment in building sustainable brands or technical solutions is crucial to attracting said investment in the first place. Hence, by performing their core function, corporate IP departments are already making an important contribution to the company's sustainability efforts.

### **Select**

At the same time, every patent application that is published is an additional hurdle for other companies working towards similar solutions. As IP professionals are well aware, a patent publication has subtle effects that one cannot easily measure, such as steering other companies' development away from a certain technological area, forcing other companies to expend resources on assessing the validity of patent claims that are eventually abandoned, etc.

Hence, when companies file low-quality patent applications or maintain patent applications in areas that do not support their business, this leads to a waste of resources.

In the field of sustainability, where, in principle, every innovation is expected to benefit society in general (subject to the interpretation of "sustainability" one applies), such a waste of resources is arguably even more regrettable than in other fields.

IP departments that are serious about their sustainability practices should, particularly in the context of their sustainable R&D projects, conservatively select which patents they file and maintain. Reducing the patent filing density frees up valuable space for others and prevents the diversion of resources that could have been spent on technical advancement to patent attorneys.

An excellent step in this direction would be to adopt the principles of the Industry Patent Quality Charter<sup>1</sup> at least for the Company's sustainable innovation efforts.

## **Communicate**

The sustainability challenges facing the world are awe-inspiring and too large for one company to solve. When executing patent intelligence research, whether in the context of freedom-to-operate, general landscaping, or other exercises, the corporate IP department gains a privileged view of what other companies are working on.

More often than not, they are also processing the results into a condensed format that is digestible for their internal stakeholders, such as business or R&D leaders. When choosing which companies, developments, or trends to highlight, the IP department implicitly chooses which not to highlight. While this is unavoidable, the corporate IP department should ensure that the principles they apply to make such selections are also the ones best suited to advance the company's sustainability goals. Indeed, in the field of sustainable innovation, many participants operate based on an overarching "for the greater good" morality, which may enable collaboration models not possible for regular product lines.

In this context, corporate IP departments need to be well aware of the impact their company can have on start-ups and scale-ups developing sustainable technology. Having a Letter of Intent or Memorandum of Understanding with an industry incumbent that underscores the industry's interest in the technology under development can mean the world of difference for a startup's next fundraising effort. Having the right industry partner on the cap table will more often than not supercharge the start-up's ability to raise further venture capital.

Such opportunities may never reach the right stakeholders when approaching patent intelligence from the company's regular competitive mindset.

## **Align**

Finally, while this holds true for all areas of innovation, corporate IP departments should continuously invest in aligning their behavior with the goals pursued by their business stakeholders.

Time is not on our side in sustainable innovation; therefore, a sense of urgency should be embedded in the IP strategy deployed in this area. When engaging in these discussions, I believe there is a significant role for IP departments to actively probe and question whether the company's default strategies are actually the most effective approach for achieving its sustainability goals.

For example, suppose the default approach to new patent publications of potentially relevant technology is akin to "monitor and oppose". In that case, IP departments should dare to question if this is the best approach when a small company is innovating in an area of interest. It may very well be that business leaders fully endorse setting up a collaborative model (whether through investment, licensing, or other approaches). At the same time, a surprisingly large number of

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<sup>1</sup> <https://www.industry-patent-quality-charter.eu/>

small companies would welcome such constructive attention during their critical growth phases and provide friendly accommodations in return.

While in well-functioning organizations, the corporate IP departments do not operate from an ivory tower, the case of sustainable innovation deserves separate attention and perhaps a different set of rules.



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