HIGH-IMPACT IP MANAGEMENT

What it takes to win the game

1,026
Answers & opinions
collated from our IP expert panel

How to become a powerhouse

We examine the ongoing evolution of the roles and responsibilities of the IP manager

+

Plus

Analysis of individualized experiences
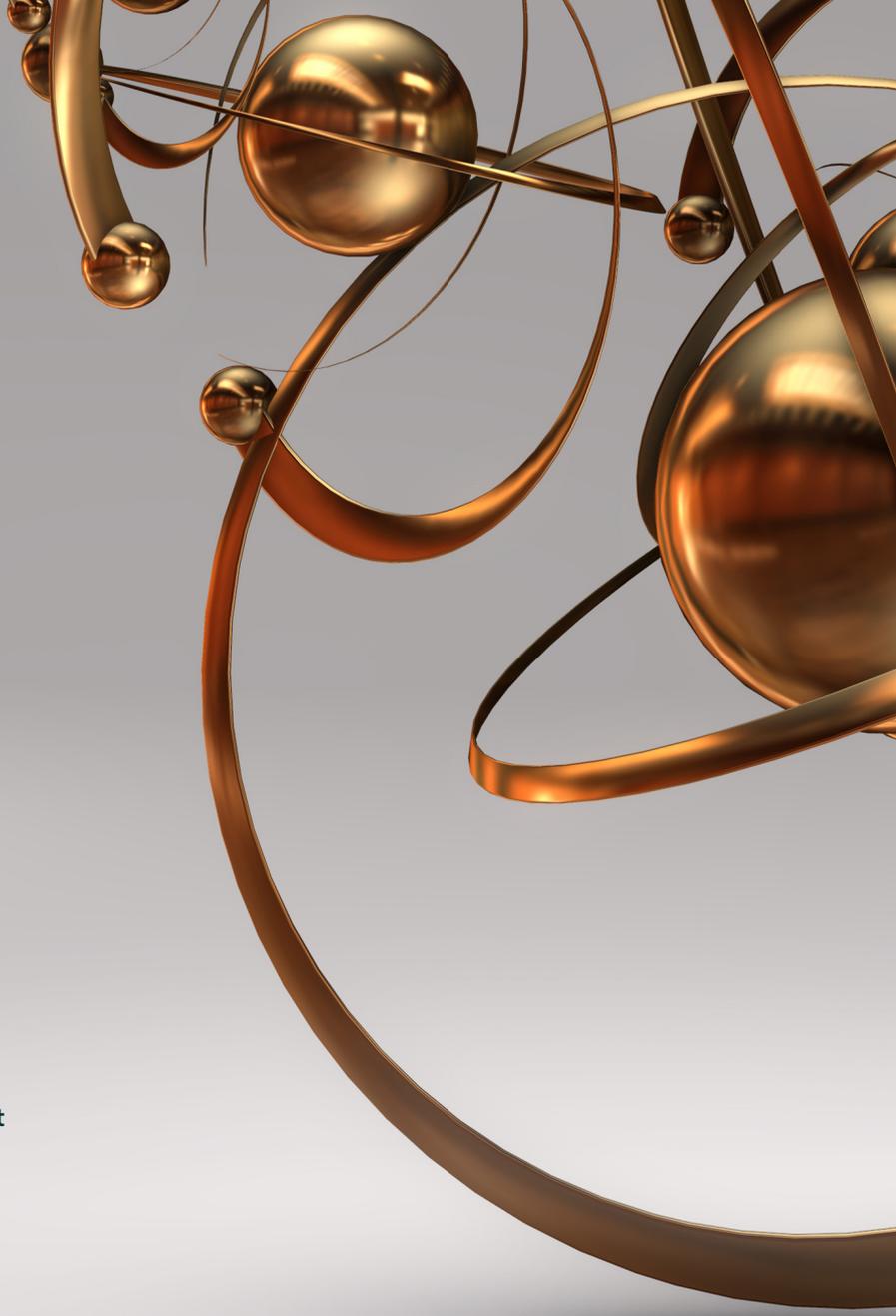
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Legend

SINGLE CHOICE QUESTION
Asks people to choose one answer from a list of answer choices.

MULTIPLE CHOICE QUESTION
Lets people select multiple answers from a list of answer choices.

RANKING
Asks respondents to compare items to each other by placing them in order of preference.

The sum of the individual numbers does not always add up to 100% or exceeds 100% due to rounding.

For multiple-choice questions, the total number of answer choices selected for a question can be greater than the number of respondents that answered the question.

About 2022's study

IP Trend Monitor is an annual survey established by the Dennemeyer Group to investigate current and ongoing topics in IP management. There are more than 400 members of the IP Trend Monitor panel, representing the full range of IP practitioners – lawyers, attorneys, consultants, counselors, inventors and scientists, working in all areas of the industry – large corporations, small- and medium-sized enterprises (SMEs), law firms, IP service providers and IP offices.

This year's edition collates 1,026 answers and opinions from the most active panel members. Of these, the greatest proportions are legal professionals: 31% identified themselves as being in law firms and 25% in patent / trademark firms. Meanwhile, 17% are in large corporations, 6% in SMEs and 15% work for IP service providers. One respondent works in a research institute, one in IP trade marketing and two in IP consulting.

IP Trend**Monitor**

ANNUAL STUDY **2022**
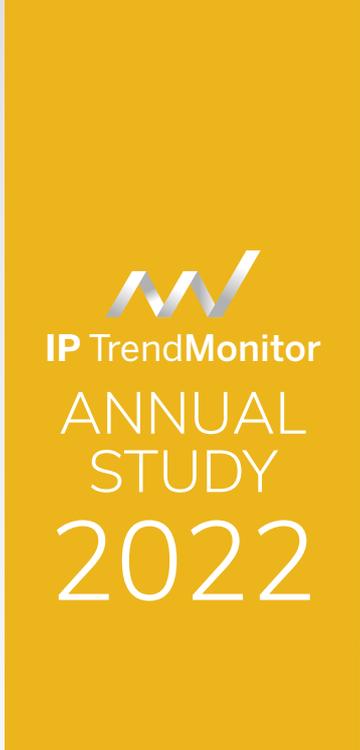
What type of organization do you work for?

- 31%
- 25%
- 17%
- 15%
- 6%
- 6%
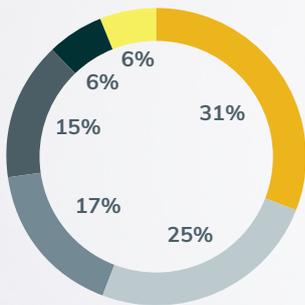
- Law firm
- Patent / trademark firm
- Corporation (large)
- IP service provider
- Corporation (SME)
- Other

Your primary responsibility lies with:

- 40%
- 32%
- 11%
- 9%
- 8%
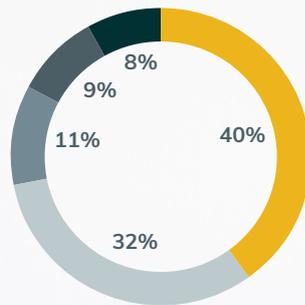
- Management level
- Legal experts
- Administration of IPRs
- C-Suite
- Other

For which region are you responsible?

%	Region
49%	Global
18%	Europe
6%	Middle East
6%	North America
6%	South / Central America
6%	Other
3%	Africa
3%	Southeast Asia
2%	Asia

SINGLE CHOICE QUESTION
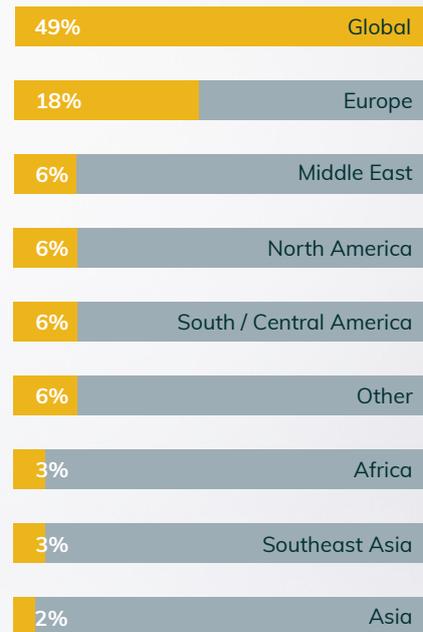
Participants were asked about their primary responsibility: 40% said management level compared to 32% who answered legal experts, 11% administration of IPRs, 9% C-suite while 8% responded other. The "other" responses included teaching, consultancy, prosecution, strategy and legal / business.

Asked to select the category that best describes the industry they primarily work in, most respondents (58%) said IP services. The remaining responses were distributed across various sectors, with consulting; construction, machinery and industrial goods; electronics; consumer goods; science and research; food and beverage; chemicals and healthcare being the most popular.

When it comes to the region they have responsibility for, nearly half of the respondents (49%) answered Global. A further 18% said Europe, while the Middle East, North America and South / Central America accounted for 6% each. The rest of the world came to 14%.

1. IP is key to recovery

How is IP work changing? What is most challenging at present, and what are the core skills and competencies practitioners need to flourish in this new environment? These are some of the questions addressed in this year's edition of the IP Trend Monitor survey, and the responses make for a fascinating read. IP managers are faced with the need to reinvent themselves to succeed in a more complex and competitive environment characterized by changing client needs, innovative technologies and new tools.

There is much evidence to suggest that, as the world recovers from the COVID-19 pandemic, innovation and IP rights will be key to a stable, sustainable global economy. Pharmaceutical research, licensing and technology transfer have delivered effective vaccines and treatments that have mitigated the impact of the coronavirus, while developments in fields such as telecoms, videoconferencing and document management have enabled many people to continue working despite lockdowns and business disruption. Speaking to this resiliency, IP offices across the world report that patent and trademark applications grew in 2021, indicating that businesses are prioritizing IP filings despite challenging economic circumstances.

Reinforcing this observation, our IP Trend Monitor respondents overwhelmingly believe that IP management will be crucial to business success in the wake of COVID-19, with 49% saying it will be "very important" and a further 16% stating "indispensable." Just 8% said it would be "of no great influence," while 25% stated "neither important nor unimportant." Strikingly, 100% of respondents responsible for North America checked "very important," as did 64% of those responsible for Europe.

The responses to this question were broadly consistent across specialisms. However, there were some slight but interesting differences depending on what aspect of IP the respondents were focused on. In particular, trademark and design specialists were more likely than patent specialists to say IP's influence would be "indispensable" (20% and 23% compared to 18%) and "very important" (51% and 50% compared to 42%). Perhaps this reflects that while the influence of patents tends to remain steady over time, IP management strategies play a more significant role in the recovery of businesses that are dependent on trademarks and / or designs.

How important do you think IP management will be to business recovery in the wake of COVID-19?

Percentage	Response
49%	Very important
25%	Neither important nor unimportant
16%	Indispensable
8%	Of no great influence
2%	Not sure
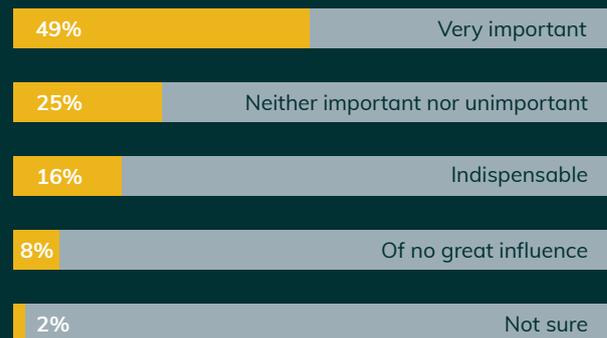
SINGLE CHOICE QUESTION

2.   But how to communicate that?

While there is broad consensus among respondents about the importance of IP to economic recovery, there is also a clear concern about the attendant complications. Asked to identify which areas of work in IP are most challenging, respondents chose from a range of answers, with no particular standout trend emerging.

The most popular selection was "justifying the expenses allocated to IP" (checked by 38%), followed by "promoting the importance of IP within my organization" (37%). These responses highlight the difficulty of expanding an understanding of IP to clients and others within the business.

The next most popular responses were "understanding what engineers and researchers are doing" and "bringing departments together over IP" (both 35%), which are related aspects of this predicament. "Selecting and working with outside advisers" was checked by 28% of respondents, and "communicating with the management board" by 22%. Other responses offered by at least one respondent included "data harmonization," "recruiting new staff," "IP valuation of copyright" and "raising awareness about the importance of IP for startups."

There were some minor variations based on the respondents' fields. Those working in patents generally ranked each of the top answers slightly higher and identified "promoting the importance of IP within my organization" as the most challenging area (42%), followed by "understanding what engineers and researchers are doing" (39%). However, just 24% of patent respondents checked "selecting and working with outside advisers" – slightly below the average. This may reflect the fact that patent specialists tend to have long-lasting and deep relationships with their outside advisers.

Among design specialists, the top response was "bringing departments together over IP," which may illustrate the particular complications of identifying innovative designs and securing timely protection for them. Additionally, this issue may also reflect the fact that businesses do not always have established systems for managing design rights.

There were also notable divergences based on geography. For instance, communication with the management board was checked by 67% of those responsible for North America but only by 9% of those responsible for Europe. Bringing departments together was checked by 27% of respondents responsible for Europe but by none servicing North America.
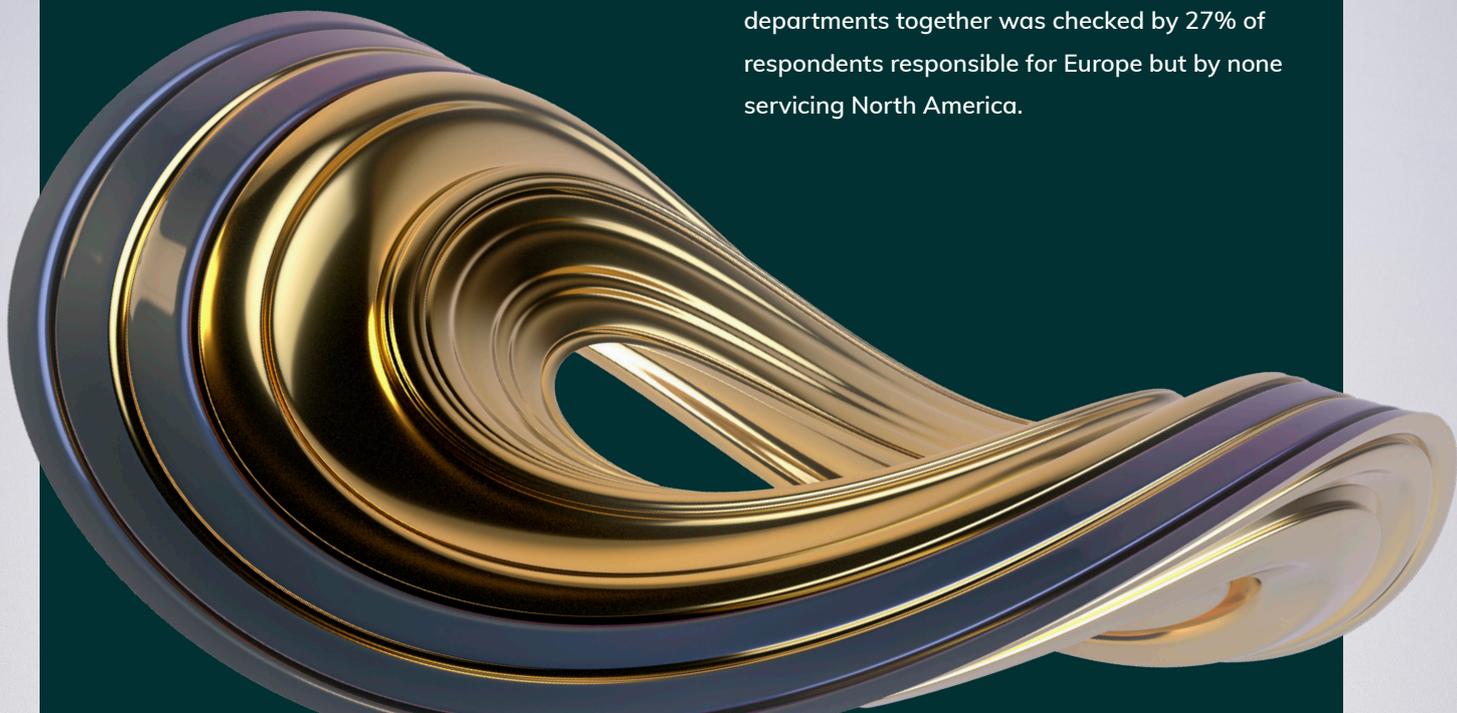
3.   Core competencies

What are the core competencies of a successful IP practitioner? This question also elicited a wide distribution of responses. The most popular answers reflected a focus on strategy, finance and defending IP rights as fundamental tools of effective IP management. The most common pick was "budgeting and strategic planning" (59%), followed by "understanding IPRs and legal aspects" (54%) and "preventing IPR infringement" (51%).

More tactical and creative skills were ranked just slightly behind: "monitoring competitor activity," "quantifying IP risks" and "tracking market trends" were each chosen by 49% of respondents, while "understanding the innovative and inventive process" was checked by 48%.

Skills related to communication and analysis were selected by between a third and a half of the respondents. To wit, 38% said "facilitating interdepartmental cooperation," and the same proportion checked "gathering and interpreting data," while "promoting IP interests internally," "promoting IP outside the organization" and "staying up to date with R&D" were all identified by 36% of respondents.

Surprisingly, skills that make business easier and tackle some of the most prevalent stumbling blocks were checked by fewer respondents: "implementing organizational tools and systems" by just 26% and "liaising between business units" by just 23%.

One person highlighted "staying up to date with legal developments," another said "keeping up to date with digital tools within IP" and a third answered "IP strategy and leadership / governance during transformation."

Trademark-focused respondents deviated slightly from the average in their feedback. They put a greater emphasis on budgeting and strategy, preventing IPR infringement and tracking market trends and somewhat less on monitoring competitors, promoting IP interests internally and facilitating interdepartmental cooperation.

4.   How to work more efficiently

In light of all these issues, it is probably not surprising that over three-quarters of respondents said that "a modern IP management system" is the most important thing to enable them to work more efficiently – comfortably the most popular answer (see the below chart showing the top 10 answers). Given the post-pandemic demands on IP practitioners, with colleagues working in different locations and changing priorities from clients, it is more decisive than ever before to have systems and structures in place to keep on top of the workload and ensure resources are properly allocated. The impact of the pandemic is arguably also felt in some of the other top responses to this question, namely contact with clients, colleagues and official bodies, training and networking.

Notably, "face-to-face meetings" were ranked as important by less than a quarter of respondents (23%), demonstrating the extent to which practitioners have adapted to videoconferencing and other remote forms of communication. However, in the light of the increasing reliance on robust IT systems, it is unexpected that just 11% of respondents identified "strong security measures" as one of their answers.

As in the question of which areas of IP work are most challenging (see above), design specialists are something of an outlier when compared to the norm.

A lower percentage said that contact with colleagues is essential (45% compared to 56% of general responses), but a higher percentage valued support from other departments (45% compared to the average of 38%). This may again be a sign of the unusual nature of design rights and the greater need for input from other parts of the business.

Which of the following are most important for you to work efficiently?

77%	A modern IP management system
66%	Contact with clients
56%	Contact with colleagues
56%	Ongoing education
44%	Networking
38%	Contact with official bodies
38%	Support from other departments
36%	Access to expert opinions
33%	Information on new cases / developments
30%	AI-enhanced search tools
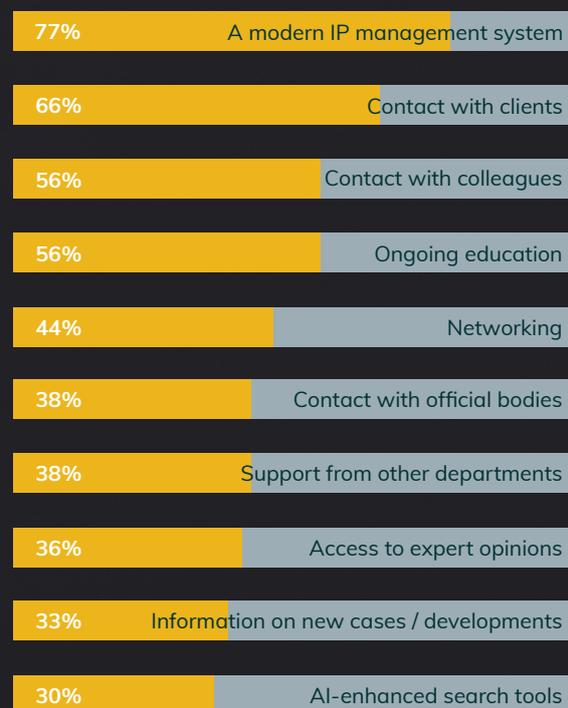
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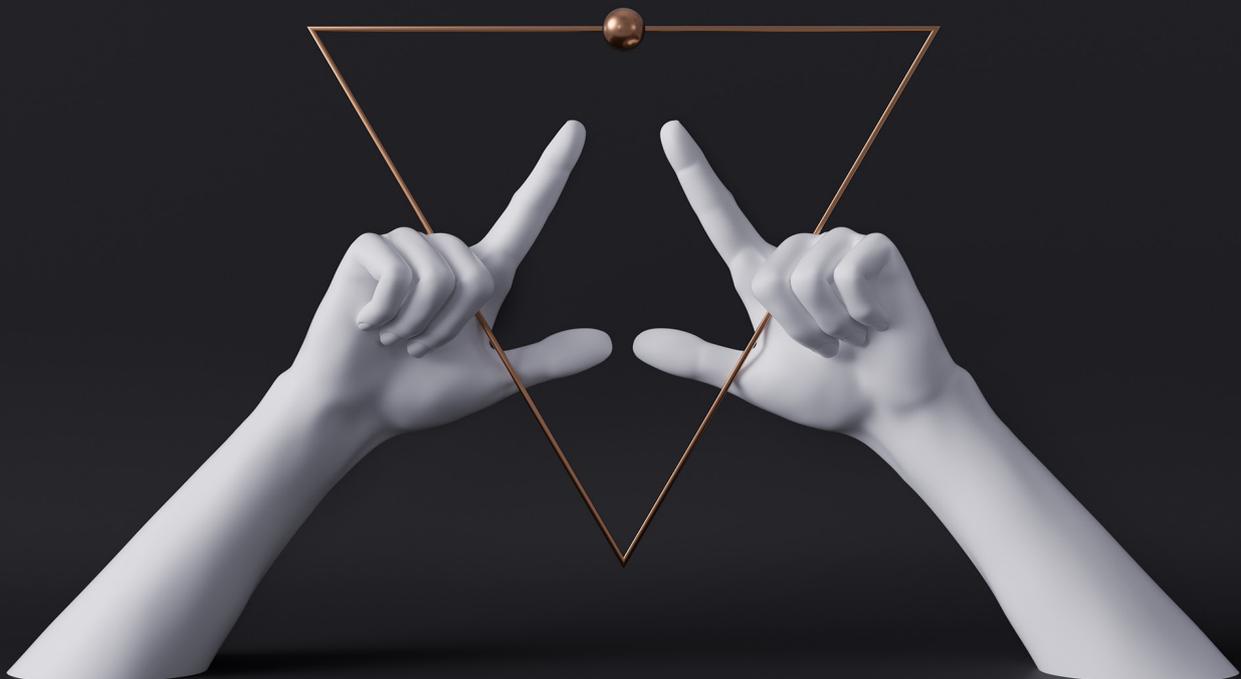
5.   The language of IP management

The new hurdles that IP managers face require a new set of tools – and, by extension, new languages too. As Dr. Cornelia Peuser, Senior Consultant with Dennemeyer, set out in her recent white paper, "The VIP Manager: IP Language Stylebook," modern IP managers need a comprehensive skill set to handle the responsibilities that come with IP's growing weight: *"Being aware of the different skills needed for the various facets of today's IP management and, in turn, filling those roles with the right people is essential."*

This requires understanding the language not just of law but also of science, technology, business, data and persuasion (among others) – and having the ability to translate between them. To give examples, how do you translate the language of scientific innovation into something comprehensible by attorneys, IP offices and courts? Or how do you interpret a legal analysis as a commercial view of the risks and benefits of a particular course of action?

As the chart shows, legalese is unsurprisingly the highest-ranked language set for IP practitioners, followed by science and technology. It is worth noting that software and data processing comes third, ahead of more traditional language sets such as commerce and marketing – signifying the growing recognition of the expedience of software and data in today's business environment.

However, the responses to this question vary somewhat when different types of practitioners and organizations are compared. Respondents at the management level were more likely to put science at the top of the list (71%) than legalese (67%). As expected, legal experts put legalese top (70%), but the second was software and data processing (45%).

Which language sets are vital for an IP manager?

72%	Legalese
61%	Science and technology
51%	Software and data processing
44%	Commerce
41%	Persuasion
36%	Marketing
7%	Other
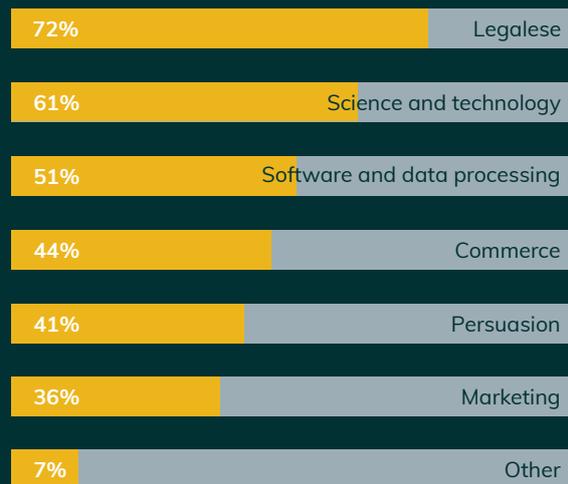
☑ MULTIPLE CHOICE QUESTION

On that note, legalese was ranked highest by respondents across all organizations. That said, it is relevant to note that only 53% of those in patent and trademark firms indicated it, compared to 79% of those in corporations / SMEs and law firms. By contrast, commerce was checked by 57% of those in corporations / SMEs but only 20% of those in patent and trademark firms. Those in law firms gave a relatively high rating to software and data processing (picked by 58%) and marketing (47%), exemplifying the growing roles technology and communication play in law firms today.

6. How to become a powerhouse

We asked respondents to rank each of seven factors that could transform their IP department into a powerhouse and gave each element a score based on its popularity. The highest-scoring factor by a wide margin was "recruiting people with the right skills," with an overall weighted score of 6.02 (1.5 points higher than any other option). More than 50% of respondents identified this as the number one factor, demonstrating the value attached to hiring and perhaps the difficulty of finding people with the mix of skills and languages required.

Score

6.02 Recruiting people with the right skills

4.55 Ongoing training on IP / legal issues

4.39 Effective internal IT management systems

4.25 Clear lines of responsibility and strategic direction

3.42 Training / education on internal company processes

3.05 An inclusive, supportive environment

2.43 Flexibility in terms of working

RANKING

Other factors viewed as necessary included ongoing training, which had the second-highest weighted score (4.55), effective internal IT management systems (4.39) and clear lines of responsibility and strategic direction (4.25). The lattermost was ranked number one by 21% of respondents.

At the other end of the table, "flexibility in terms of working" and "an inclusive, supportive environment" had low weighted scores, with hardly any respondents ranking them as among the top three most crucial factors. Though these aspects may be influential for other reasons and in other areas, they are evidently not considered pivotal to becoming an IP powerhouse. Or perhaps they are simply taken for granted in today's more dynamic and welcoming business environment.

It is interesting to see that "clear lines of responsibility and strategic direction" received a greater weighted score from respondents in corporations / SMEs compared to the average (5.5 versus 4.25) but a lower weighted score from those in law firms (3). Respondents from corporations / SMEs also gave slightly greater import than average to "training / education on internal company processes" (4.36) but less to "recruiting people with the right skills" (4.93). Although this is only a limited sample, it hints at differing operational approaches: IP managers in law firms and patent / trademark firms prioritize hiring the right people. In contrast, corporations / SMEs emphasize providing strategic direction and training to staff.

7.   Trusted partners

When it comes to the most important partner within the company, "the management board" and "the R&D department" are the preeminent responses by some distance, mirroring the integration of IP into management strategy and innovation, respectively. These answers rank ahead of "sales," "marketing" and, perhaps surprisingly, "legal and regulatory." Among trademark-focused respondents, the totals were slightly different. However, the order of preference was the same: The R&D department was still second, but with only 18% of responses, while 13% checked sales, 11% marketing and 9% legal / regulatory.

There is a marked difference between legal experts and management here: 55% of those with management-level responsibility checked "the management board" compared to just 25% of legal experts.

Taking into account the significance attributed to recruitment seen above, it is somewhat unexpected that "human resources" is named by only 3% of respondents – possibly indicating that HR departments need to become more involved and expert in IP matters to support their colleagues better. It is also striking that, despite the higher profile of IP and some prominent controversies, just 3% of respondents named "PR / communications" as their most trusted partner. With public and media interest in IP matters likely to continue to increase, and given the weightiness of reputation, especially in high-profile infringement and enforcement cases, PR / communications facets are not something that IP managers should overlook.

Outside your IP department, who is your most important partner within the company?

39%	The management board
25%	The R&D department
12%	Sales
8%	Marketing
7%	Legal (non-IP) and regulatory
3%	Human resources
3%	PR / communications
2%	Security
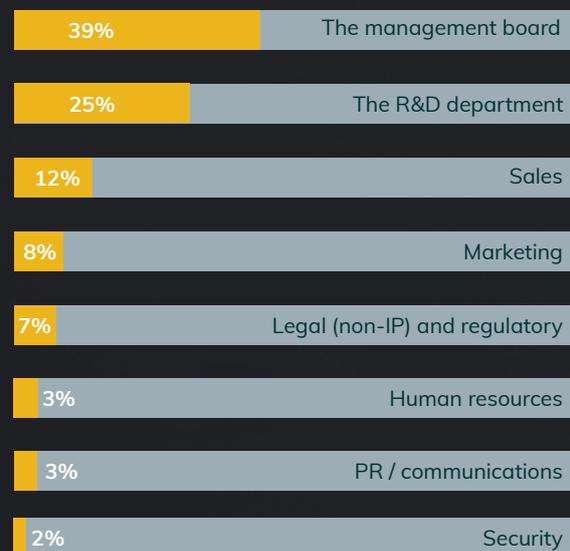
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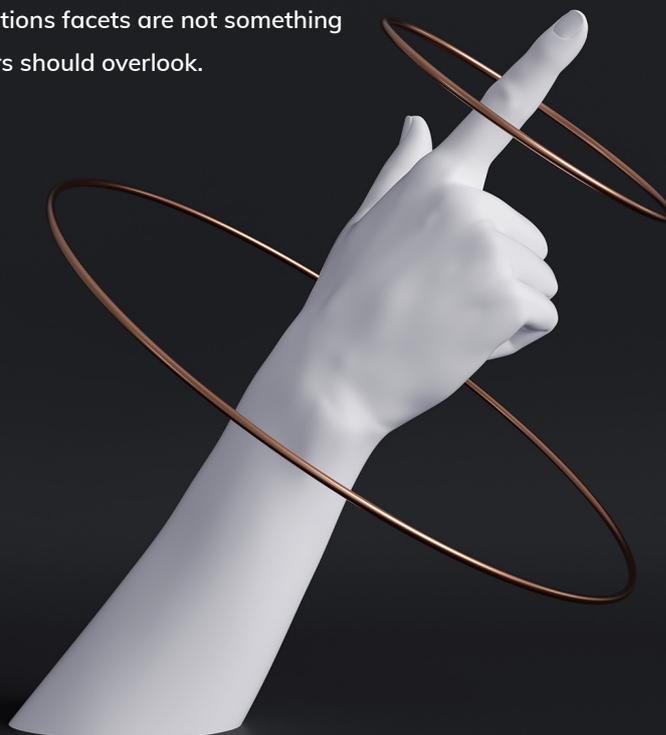
As in previous years, the IP Trend Monitor included questions inviting respondents to submit their own answers.

To the question: "What is one thing that the person in charge of IP management should never do?" there was a wide range of responses. The following represent the broad groupings:

- They should never stop learning
- They should never focus too narrowly
- They should not centralize all decisions
- They should not miss deadlines or postpone important matters
- They should not ignore the team or hide in their office
- They should never sacrifice quality to save money
- They should not underestimate

Another question asked IP Trend Monitor respondents to identify the best practices for a successful IP professional. The responses were again very diverse but tended to emphasize the importance of strategic and commercial considerations and of being able to adapt to change:

- Monitor the market and focus on your clients' needs
- Always find opportunities for learning / training
- Stay up to date with developments and trends
- Think beyond legalese and understand other perspectives
- Be proactive and strategic to make good decisions

In the words of our respondents

What is one thing that the person in charge of IP management should never do?

" *Apply short-term thinking and drop cases because of cost pressure on short notice without knowing the (monetary) value of the assets. IP is an endurance sport; you can't apply thinking by quarter.*

Staying on their own, not discussing with others.

Such a person should avoid shallow treatment of issues where details are important.

Never stop learning. This applies to processes, people management, legal knowledge and embracing changes and new methods together with tried and trusted experience of colleagues. "

What are your best practices for being a successful IP professional?

" *Let your C-Level remember some valuable contributions of your company's IP team, which contributed to the bottom line. Have key success and war stories always at hand and market them internally in a smart, but not salesy, way.*

Listening and tailoring my work to my audience.

Good communication with clients and redundancy in the management of deadlines.

Always stay up to date with the most recent practices / trends in the industry and strive to become better. "

Conclusion: preparing for the future

Despite the immense disruption of the past few years and the fundamental changes to the way we work, more than three quarters of respondents said they feel "mostly prepared" for the future and a further 13% say they are "definitely" prepared. For comparison, just 2% are "mostly unprepared." That indeed testifies to the work that IP managers have put in to react, adapt and lead change over the past two years.

IP management will continue to become more demanding, requiring a more expansive range of skills, languages and tools – but it is reassuring to think that, at least according to the IP Trend Monitor respondents, IP managers are ready and confident about facing the opportunities to come.

The pandemic two years on

As it is published annually and comprises a consistent bank of respondents, the IP Trend Monitor provides a valuable opportunity to track attitudes to specific questions over time. This year's edition included three questions following on from the previous edition, which provide fascinating insights into the ongoing impact of the pandemic.

How well do you think the IP Offices (WIPO, EUIPO, USPTO etc.) are handling the ongoing business situation?

2021

1%
6%
7%
25%
61%

- Reasonably well
- Very well
- Neither well nor badly
- Reasonably badly
- Very badly

2022

2%
14%
14%
71%

- Reasonably well
- Very well
- Neither well nor badly
- Quite badly

SINGLE CHOICE QUESTION
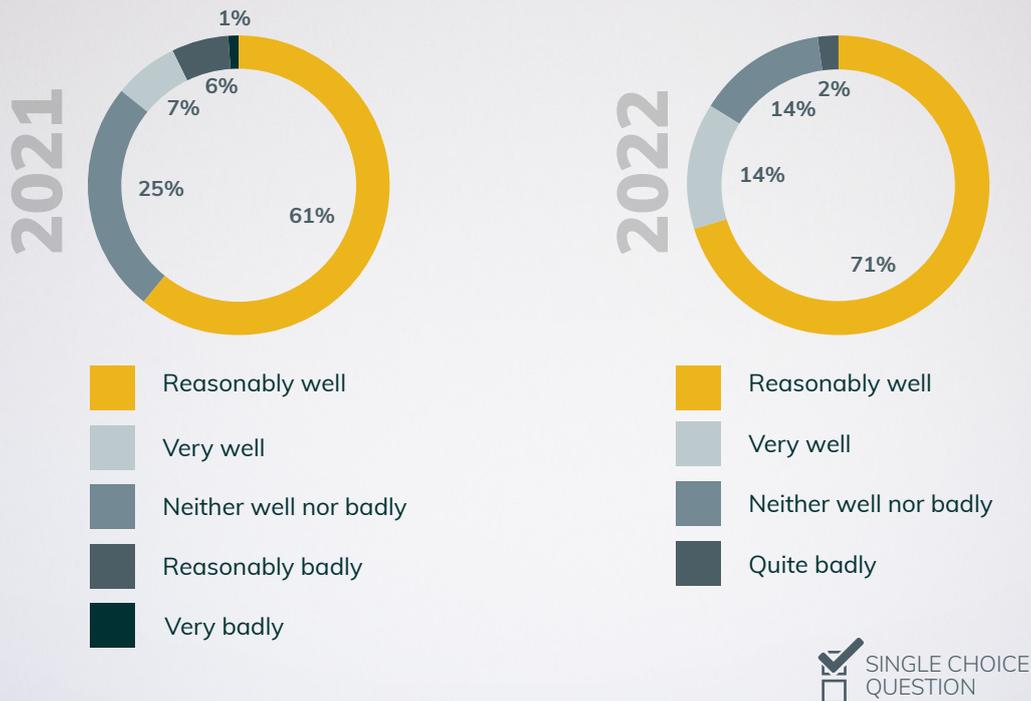
In 2021, one of the questions we asked respondents was how well IP offices had adapted to the new business situation. In the early stages of the coronavirus crisis, for example, many of them extended deadlines and, as the pandemic progressed, introduced new measures such as videoconference hearings. What is most intriguing is that with an additional year's experience, the view of IP offices has improved markedly. In this year's IP Trend Monitor, 14% of respondents said they are doing "very well" compared to 7% last year, and a further 71% said they are doing "reasonably well" compared to 61% last year. Just 2% had an unfavorable opinion this year compared to 7% who said either "reasonably badly" or "very badly" the previous year.

The improved rating for IP offices may derive from enhancements in the delivery of services, which have taken time to optimize, and the implementation of new tools developed in response to the pandemic. The results are particularly good for IP offices in North America, where 100% of respondents checked "reasonably well."

How likely are the following to influence IP work in the coming five years?

	2021	2022
Impact of technology (including digitalization and AI)	5.50	5.39
Budget restrictions	5.17	5.05
Pandemic and associated disruption	5.08	4.49
Harmonization of law and practice	3.70	3.77
Geopolitical developments – changes in trade and policy	3.39	3.35
Promotion of corporate social responsibility	2.72	2.98
Promotion of sustainability	2.64	2.97

Score

RANKING

When it comes to identifying the factors that are likely to influence IP work in the coming five years, the results are very similar to last year. Hence "impact of technology" and "budget restrictions" are ranked at the top, although their weighted scores are slightly less than earlier (5.39 and 5.05 compared to 5.50 and 5.17, respectively). As might be expected, given the progress made in vaccinations and treatments, the weighted score for "pandemic and associated disruption" has fallen from 5.08 to 4.49. At the same time, the other options ("harmonization of law and practice," "geopolitical developments," "corporate and social responsibility" and "promotion of sustainability") rose very slightly.

Despite the United Nations Climate Change Conference (COP26) in 2021, those issues focused on sustainability and corporate social responsibility (CSR) issues ranked low. These trends will definitely be something to monitor in future editions.

Crucially, the survey was conducted before the outbreak of war in Ukraine and the consequent sanctions on Russia; if the impact of this event continues or broadens, the weighted score for "geopolitical developments" might be expected to rise in the next year's edition.

The ongoing impact of the pandemic is evident when we compare responses to the question: "How do you expect your job to change in the next few years?" Overall, the results are very similar to last year, with respondents ranking all the options in the same order. However, on deeper analysis, it does seem that some changes are becoming embedded while others are still evolving.

How do you expect your job to change in the next few years?

	2021	2022
Face-to-face meetings will be less common	72%	78%
I will be doing less travel for business	71%	74%
I will be working from home more	68%	71%
Training will be conducted remotely	56%	65%
More official proceedings (e.g., at IP office / courts) will be held remotely	54%	52%
Marketing and thought leadership will become more important	39%	46%
Overall workload will go up	34%	32%
Overall workload will go down	11%	9%
Other	4%	12%

MULTIPLE CHOICE QUESTION

Remarkably, the percentage of respondents who say "face-to-face meetings will be less common" has increased from 72% to 78%, while those who say "I will be doing less travel for business" has risen from 71% to 74% and "I will be working from home more" from 68% to 71%. Most strikingly, the figure for "training will be conducted remotely" went up from 56% to 65%. These working practices seem to be more widely accepted than a year ago.

However, the proportion of respondents who think that "more official proceedings will be held remotely" has dropped slightly (54% to 52%). This may reflect a sense that as business returns to normal and travel becomes easier, courts and IP offices will return to holding in-person hearings by default.

As a result of these trends, it makes sense that the percentage of respondents who believe "marketing and thought leadership will become more important" has risen from 39% to 46%. In an increasingly competitive world, where travel and face-to-face meetings are no longer the norm, IP managers, like other professionals, will have to be increasingly creative and circumspect about how they communicate with clients and promote their expertise and services.