

## **IP Strategy and Management**

- Hypo Final

## Section A

- Discuss main sub-branch main point
  - General observation that one sub-sub-branch is broader than the others
  - Discuss Fisher example(s) of that sub-sub-branch
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- Discuss one or two in-class examples of that sub-sub-branch (adding in Pros / Cons)
    - OR
  - Pros
  - Cons
    - OR
  - Pros / Cons

# Section A – snippet of possible answer

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## Section A¶

In Fisher, exercising market power means through IP rights, even while noting that IP rights are only one way in which companies have and wield such power. We presume companies desire to have leverage and control toward greater present profitability and future profit opportunity. Exercising power can have costs, and the indicated Fisher map left-side sub-branch expresses this. That sub-branch has three sub-sub-branches.¶

Among the three sub-sub-branches, the first, “changes in competition,” is the broadest. Fisher discusses Nissan’s advertisements for electric cars having spillover effects that Nissan can’t control: more customers come to appreciate the benefits of such cars, but might buy a competitor’s electric car. As Fisher states: the “value of . . . [IP-based] opportunities often depends on the strategic actions of rival firms.”¶

Coke’s Sixer initiative is an example from the course of exercising market power in a way that might change the competition. Coke used trademark, patent and copyright protection for its new packaging approach. The use of the mark might invoke a competitive response to work to invalidate the mark.<sup>1</sup> Coke took utility patents on the new package. Looking ahead to the second sub-sub-branch (“increasing rivals incentives to innovate”), Coke might consider licensing the utility patents to its rivals after some head-start period so that its rivals don’t work to invalidate the patents or innovate around them.¶

Full control over “Sixer technology” is to Coke’s advantage so long as the competitive response doesn’t diminish the market for the 6 pack type of packaging, or so long as the competitive response doesn’t counter-punch at Coke’s IP rights to the point of Coke losing them. [more could be said here.]¶

[The Unnerstall example might also work here – exercising patent power to pick up niche markets to attract a competitive response of acquisition.]¶

[I don’t have much of “my perspective” in this answer snippet.]¶

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<sup>1</sup> → Class discussion of Jan. 30, 2014.¶

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## General Questions

I have a couple questions as well:

- 1) Assuming that we are talking to someone with your level of knowledge, as we discussed in class, does this mean that I should not define things? For example, should I describe what a GPL license is and outline the elements? Or should I assume that you already know this?
- 2) For the Fisher portion of the article, should I discuss the examples given in the Fisher article? Or is this redundant? I couldn't find examples from class that illustrated some of the points as well.

- What if all 3 pages of a section answer have no footnotes?
- Quantity of words used to incorporate in-class examples

## Section B

- Situate within Fisher strategy map
  - Platform and its complements
  - Revenue model versus mode of production for the software
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- Note the need to address all of copyright, patent and trademark
    - Copyright – open source or proprietary
    - Trademark – perhaps more brand value if open source is the mode of copyright production
    - Patents – need to consider rights clearance, what about acquisition?