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INTELLECTUAL PROPERTY MANAGEMENT IN ENTERPRISE

Summary. Management of intellectual property is a set of intertwined activities subordinate to major business goals of an enterprise. These activities cover identifying, acquiring, creating, protecting, using and disposing of intellectual property assets, which are applied together with analysis of applicability, expediency and possible consequences. These activities, similar to knowledge management, may be implemented according to general or detailed strategies. General strategies determine a framework for intellectual property protection activities in an enterprise, which include development strategies of the entire organisation, whereas detailed strategies are developed for the implementation of general strategies and relate to specific, defined intangible assets.

Keywords: intellectual property, intangibles assets, knowledge management, strategies of the intellectual property management, inventions, utility models, industrial designs, trade marks

ZARZĄDZANIE WŁASNOŚCIĄ INTELEKTUALNĄ W PRZEDSIĘBIORSTWIE

Streszczenie. Zarządzanie własnością intelektualną to zbiór, podporządkowanych zasadniczym celom przedsiębiorstwa, wzajemnie ze sobą powiązanych działań, polegających na identyfikowaniu, pozyskiwaniu, kreowaniu, ochronie oraz korzystaniu i rozporządzaniu dobrami własności intelektualnej, których realizacji towarzyszy jednocześnie analiza możliwości, celowości i konsekwencji ich podejmowania. Działania te, podobnie jak zarządzanie wiedzą, mogą być realizowane według strategii ogólnych lub szczegółowych. Strategie ogólne wyznaczają ramy postępowania w zakresie ochrony własności intelektualnej w przedsiębiorstwie, uwzględniając jednocześnie strategie rozwojowe całej organizacji. Strategie szczegółowe są opracowywane w celu realizacji strategii ogólnych i odnoszą się do konkretnych dóbr niematerialnych.

Słowa kluczowe: własność intelektualna, dobra niematerialne, zarządzanie wiedzą, strategie zarządzania własnością intelektualną, wynalazki, wzory użytkowe, wzory przemysłowe, znaki towarowe

1. Introduction

Being aware of existing conditions and possibilities to protect intellectual property that are available to businesses is very important not only for the entities using technological innovations but also to almost any economic entity that would like to protect at least its commercial name. Lack of this knowledge may often not only result in losing significant income but also hinder introducing a thorough intellectual property management process. The most common mistakes made by entrepreneurs, is first of all: neglecting applying for protection of intellectual property assets they create, thus unknowingly damaging the novelty of an invention, utility or industrial model[1] (by disclosing the solution before the date of application for protection in a proper patent office); neglecting transferring the author's rights, for example, on a graphic design project for a trade mark or interior design of an enterprise's premises, an enterprise didn't transfer rights (from creator to user) due to the lack of knowledge that the agreement of transfer of author's rights must be in writing to be valid. Obviously, complete knowledge of existing protection possibilities and actual use of those doesn't guarantee full success. The protected solution may not become attractive to customers, or simply may be ahead of its time, as happened with the prototype of today's famous iPod designed by Kane Kramer, who applied for protection and was granted a patent from UK Intellectual Property Office in 1981 for 'Digital audio player'. A picture included in the application was almost a perfect reflection of today's iPod. However, Kramer's device could be equipped with no more than 8MB memory, which allowed for recording only 3.5 minutes of music. This prevented the project from winning popularity and finally led to its early attempted market failure since the invention was too innovative considering the technical capabilities available at that time. Yet, market or technology obstacles should not be mistaken for neglecting proper procedures in intellectual property management, especially if they could be prevented by better knowledge of available means of intellectual property protection and basic intellectual property management systems.

[1] Novelty of a specific solution, examined worldwide, is a premise for granting an exclusive right for the solution via its registering with the Polish Patent Office as well as patent offices in most other countries.

As we move towards the analysis of issues related to intellectual property management, I would like to define basic terms of strictly legal nature, especially the concept of intellectual property[2]. Property is a civil law term. Property is understood as a right giving the entitled person the most extensive control over a thing[3]. According to the Article 140 of the Civil Code (hereinafter CC[4]) „The owner may, within the limits specified by statutory law and the principles of community life and to the exclusion of other people, use a thing in accordance with the socioeconomic purpose of this right, and in particular may collect the fruits and other incomes from this thing. He may dispose of that thing within the same limits." It should be emphasised that a thing within the meaning of the Civil Code is a material object (Art. 45 CC). Intellectual property though is the ownership of intangible assets (assets, which being products of human intellect, have no material form), such as for example an invention, industrial design, trade mark, etc. Intangible assets exist independently from objects that are merely media allowing for their perception and usage (e.g., a book for a literary work or a device for an invention). Because of this distinction between the objects of property, we cannot acknowledge that Art. 140 CC includes intellectual property in its definition[5]. There are, however, significant features common for both the property of a thing as a physical object and all intellectual property rights, which are the exclusive rights of the owner to use an asset and dispose of the ownership rights of that asset.

In legal doctrine, a dual conception of exclusive rights to intangible assets created by J. Kohler[6] is accepted. According to the conception, intangible assets' *sensu largo* (in a wide sense) cover both personal interest (e.g., surname, pseudonym, image, dignity, freedom, etc.) and intangible assets' *sensu stricto* is defined as industrial property assets, or wider as intellectual property assets[7]. This article analyses intangible assets in its narrow sense, because intangible assets, as having patrimonial character (financial value), are the most commonly used in business activities, often significantly influencing the economic value of the entire enterprise.

[2] See Skubisz R. (ed.): Własność przemysłowa w systemie prawa, [in:] Prawo własności przemysłowej. System prawa prywatnego. Vol. 14B, C.H. Beck, Warszawa 2012, p. 66-67.

[3] Skowrońska-Bocian E.: [in:] Pietrzykowski K. (ed.): Kodeks cywilny. Komentarz do artykułów 1-449[11], Vol. 1, C.H. Beck, Warszawa 2005, p. 484.

[4] Law of 23 April 1964. „Journal of Laws", No. 16, item 93 with changes.

[5] Skubisz R., op. cit., p. 67.

[6] Quoted after Kopff A." Prawo cywilne a prawo dóbr niematerialnych. Zeszyty Naukowe Uniwersytetu Jagiellońskiego, Vol. 5, 1975, p. 15.

[7] See ibidem; Poźniak-Niedzielska M.: Kodeks cywilny a prawo na dobrach niematerialnych. Zeszyty Naukowe Instytutu Badania Prawa Sądowego, Vol. 19/20, 1983, p. 226 and next.

In Polish law, the *numerus clausus* rule of intangible assets is applied, which means that the catalogue of intangible assets is closed, and may be extended only by introduction of the proper provision of Law. Protected intangible assets in the narrow sense, as intellectual property assets may be divided into three categories: solutions, signs and works[8]. Solutions include innovations, utility models, rationalisation projects, industrial designs, topography of an integrated circuit and new plant variations. Signs include trade marks, geographical indications, legal names of economic entities and their enterprises. Works are intangible assets protected by the copyright.

2. The essence of intellectual property management

Intellectual property management falls into the wider field of knowledge management. In doctrine there are various definitions of knowledge management, therefore, it is sensible to refer its general idea appearing in different works as an accepted definition. Henceforth, organisational strategy as far as knowledge management is concerned covers two major elements: first, the exploitation and usage of knowledge already in possession and secondly, the generation of new knowledge[9]. We may also find an opinion that knowledge management may be interpreted on three different levels, depending whether the knowledge is considered as:

a) product, which is both an innovation and outcome of the enterprise's activities and a good that is produced and then sold by a business,
b) resource collected, distributed and protected by the organisation as a part of an organisation's memory,
c) limitation, which, by influencing the organisation's activities, stimulates learning and adaptation to the imposed conditions.[10]

Intellectual property management may also be considered within the above three categories. In the first case, intellectual property management should be seen as creating new intellectual property assets. In the second, we may think about intellectual property management as taking actions aimed at:

[8] Promińska U. (ed.): Wprowadzenie do prawa własności przemysłowej, [in:] Prawo własności przemysłowej. Difin, Warszawa 2004, p. 16.
[9] Van der Spek R., Kingma J.: Achieving successful Knowledge Management Initiatives, [in:] Liberating Knowledge.CBI Business Guide, 1999; quoted after Evans C.: Zarządzanie wiedzą. PWE, Warszawa 2005, p. 234.
[10] Tuomi I.: Corporate Knowledge: Theory and Practice of Intelligent Organizations. Helsinki 1999, p. 294.

a) identifying intangible assets existing in an enterprise,
b) identifying intangible assets existing in the market, protected by other entities and the possibility of acquiring rights to use them,
c) protecting available intangible assets:
   – identifying protection capability and possibility,
   – analysing the needs of protection,
   – acquiring protection,
d) using intangible assets within own enterprise and disposing of them for use by other entities.

In a situation when knowledge is seen as a limitation, then applying the opinion of K. Klincewicz[11] to the field of intellectual property management, we should accept that intellectual property management means first of all analysing, interpreting and practical use of knowledge relating to intellectual property law (both in the meaning of the domain of law and the market situation) and the enterprise modifying its activities accordingly.

Thus, intellectual property management covers first of all:

a) identifying the importance and function of intellectual property in enterprise activities,
b) creating intellectual property assets,
c) developing intellectual property protection strategies,
d) use of own intellectual property assets,
e) acquiring intellectual property assets from other entities,
f) developing a system of information collection and its flow to obtain, use and protect intellectual property in a proper way,
g) preventing and combating intellectual property rights' infringements,
h) developing systems supporting intellectual property creation,
i) developing rules and regulations for protection and use of intellectual property assets covering both the employee-employer relationships and the authors' remuneration[12].

On the basis of the above considerations we should assume that intellectual property management is a set of intertwined actions supporting major business goals of an enterprise. These actions cover identifying, acquiring, creating, protecting, using and the disposing intellectual property assets and they are applied together with analysis of applicability, expediency and possible consequences.

[11] Klincewicz K.: Cele zarządzania wiedzą, [in:] Jemielniak D., Koźmiński A.K. (ed.): Zarządzanie wiedzą. Wolters Kluwer, Warszawa 2012, p. 86.
[12] Okoń-Horodyńska E.: Zarządzanie własnością intelektualną, [in:] Adamczak A., Vall du M. (ed.): Ochrona własności intelektualnej. Uniwersytecki Ośrodek Transferu Technologii Uniwersytetu Warszawskiego, Warszawa 2010, p. 341.

3. Intellectual Property Management Strategies

3.1. General Strategies of Intellectual Property Management

Similar to knowledge management, intellectual property management is effective when implemented according to a certain strategy. The strategies, depending on how detailed they are, may be general or detailed. General strategies provide a framework for intellectual property protection activities in an enterprise, including development strategies that fall within the scope of the strategic management of the entire organisation. Detailed strategies are developed for the implementation of general strategies and cover specifically defined intangible assets[13].

While developing a general strategy, one should decide, first of all, whether the enterprise's development relating to the intellectual property should be based on intangible assets created by the enterprise, or rather on the ones acquired from outside. Then, a strategy of use of the goods in possession of the enterprise should be defined. Considering this, general strategies may be divided into:

1) expansive strategies: based on protecting intellectual property created within the enterprise,
2) conservative strategies: using intellectual property that are resources of other entities,
3) continuation strategies: using intellectual property that are resources of the enterprise, both acquired from other entities or created within the enterprise.

As a rule, the intellectual property management process should begin from identifying intellectual property assets both within resources of the enterprise and from other entities on the market, and then further selecting a method of intellectual property development for the enterprise by:

- initiation or continuation of protection of intellectual property assets that are already part of the enterprise's resources,
- acquiring intellectual property assets from other entities active in the market,
- creating new intellectual property assets within the enterprise or via cooperation with other entities.

[13] Kotarba W., Żurawowicz L.: Zarządzanie własnością intelektualną, [in:] Adamczak A., Vall du M. (ed.): Ochrona własności intelektualnej. Uniwersytecki Ośrodek Transferu Technologii Uniwersytetu Warszawskiego, Warszawa 2010, p. 347.

In selecting an intellectual property management strategy based solely on the use of intellectual property assets already available in the enterprise, the following should be performed prior to initiating action for applying for protection of a specific asset: the analysis of its protection capacity taking into account different variants and the expediency of acquiring such protection. Similar activities should also be performed when deciding on a strategy based on creating new intellectual property goods. After a new asset is created, one should make sure whether it meets the requirements necessary to obtain protection and then consider the expediency of such protection and select the method that will be most profitable for the entire enterprise. The above discussed actions for selecting the most profitable method of intellectual property asset protection are advisable not only for the companies relying on creating and implementing technology innovations, like spin-offs or venture capitals, but for almost any business that creates any sort of intellectual property asset, such as, for example trade marks. This will further be discussed in this article in the section on detailed strategies of intellectual property management. A business using intangible assets owned by other entities on the basis of an agreement, is relieved from taking all the above discussed decisions, as all issues regarding selecting the method of protection, acquiring and maintaining protection have been dealt with by the owner of the intangible good. Such an operational model is used mainly by franchising companies[14].

Additionally, in every case when intellectual property assets are used (both created by the enterprise and acquired by transfer from other entities), it is necessary to assess the usage regularly. The assessment should contain conclusions for relevance of further use of the intellectual property goods according to current rules. This may make it necessary to take decisions for creating new intellectual property assets or acquiring them from a new source. In such cases, the entire management process as discussed above needs to be repeated.

The discussed basic types of activities contributing to general intellectual property management strategies are show in figure 1.

[14] See Fusch B.: Umowy franchisingowe. Zakamycze, Kraków 1998, p. 45; Bagan-Kurluta K.: Umowa franchisingu. C.H. Beck, Warszawa 2001, p. 57 and next.

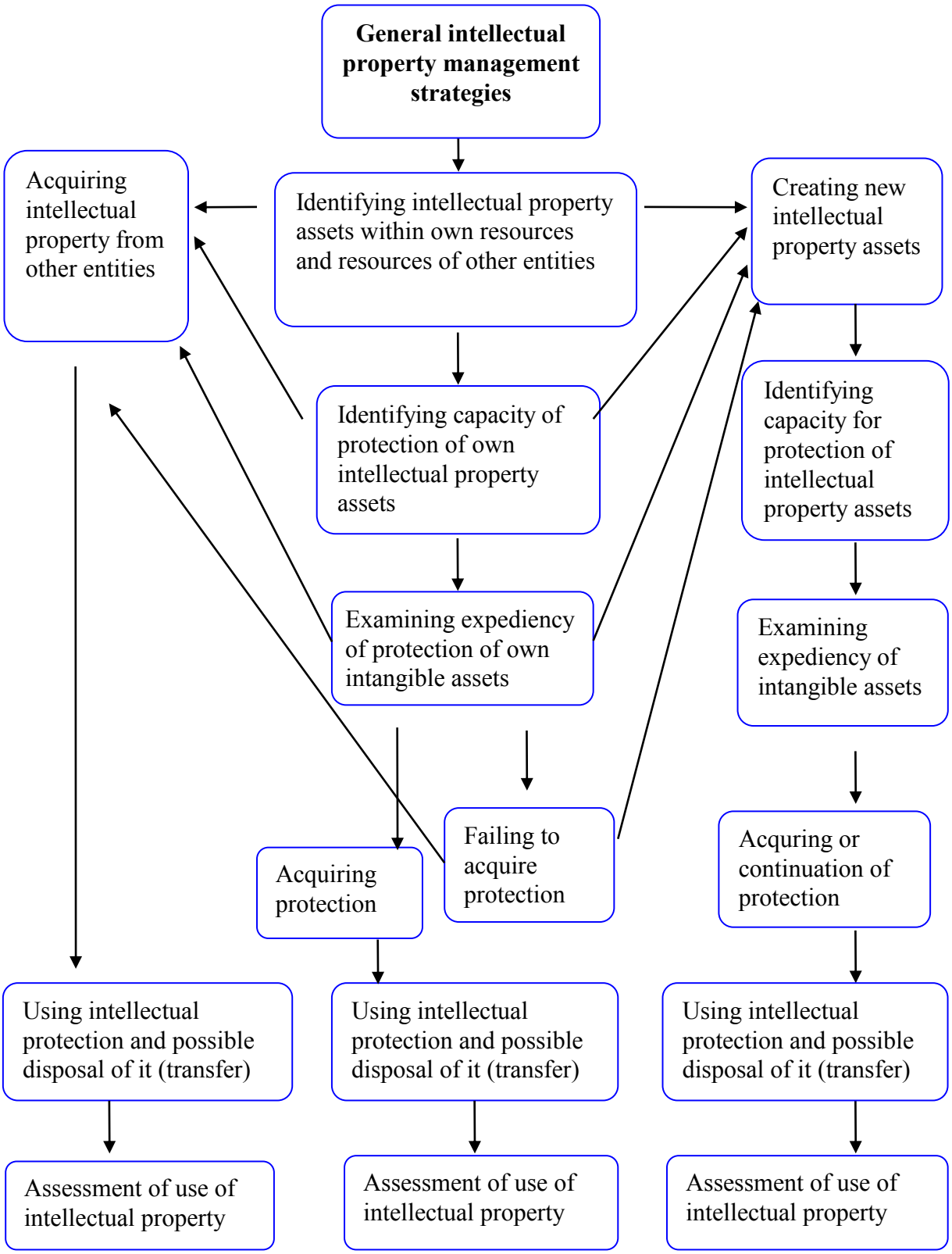

Fig. 1. Intellectual property management system in an enterprise
Rys. 1. System zarządzania własnością intelektualną w przedsiębiorstwie
Source: own work.

3.1.1. Expansive Strategies

General expansive strategies discussed above, based on protecting intellectual property created in an enterprise include:

a) complete protection strategy (all intellectual property assets of an enterprise are protected),
b) limited protection strategy (only selected intellectual property assets of an enterprise are protected) that may be divided into two categories:
   – basic effect protection strategy,
   – expanded effect protection strategy.

While undertaking intellectual property management within a specific organisational structure, an economic entity must first of all consider whether to protect all or only selected intangible assets that the business owns, then consider to what extent they should be protected (narrowly, only to a minimal extent or widely, in a comprehensive way using different variants of parallel protection for a specific intangible asset). A good example of such comprehensive protection for technology innovations may be a strategy resulting in constructing an intellectual property shield impenetrable by a potential infringer. Thus, it is possible to apply for protection of the technology solution itself as an invention or utility model and for the industrial design by protecting the outer look of a device produced according to the invention or utility model. Additionally, for innovative technological solutions, it is advisable to also apply at the same time for trade mark protection of the name given to such a device by its creator. It is worth mentioning though that while a patent expires after 20 years (and the right arising from registration of an industrial design after 25 years), the exclusive right to a trade mark may be extended every 10 years without a final expiration date.

Using a strategy limited to the protection of selected intellectual property goods, an economic entity should consciously take decisions regarding the goods excluded from protection, choosing either a basic effect protection strategy or extended effect protection strategy. Choosing a basic effect protection strategy, an economic entity must be prepared to face the possibility of losing the unprotected goods to another organisation. Choosing an extended effect protection strategy, an economic entity takes purposeful actions to prevent its competitors from expropriating the unprotected intellectual property goods. The simplest method of implementing such a strategy is the disclosure of unprotected solutions because, as was mentioned above, the novelty of a solution (with no earlier public disclosure) is a necessary condition to register intangible assets with a patent office. Such intangible assets were included in one of the above discussed categories of solutions (like inventions, utility models, industrial designs). It should be emphasised, however, that this strategy cannot be

implemented with regard to trade marks or commercial name, as it is not novelty which is a condition necessary for protection but the risk of confusion by the customers as to the origin of goods or the identity of the enterprise or entrepreneur.

3.1.2. Conservative Strategies

General conservative strategies using intellectual property that is owned by other entities include first of all:

a) strategy of patent clarity,
b) strategy of acquiring the assets from another entity,
c) waiting strategy.

Strategy of patent clarity is based on legal use of an intangible asset protected for the benefit of a third party, by using it on the territories where the exclusive right of the entitled person does not extend. Implementation of this strategy requires examining so called patent clarity in a country where production and distribution of a given solution is planned. Such examination may be applied for both categories of intangibles goods: solutions and signs as industrial property asset protection is executed on a territorial basis, most often within a country[15]. It should be emphasised that with regard to situations when novelty is a condition for protection of a solution (determined worldwide), it is only possible to use the asset on territories not included in the owner's monopoly, and it is impossible to obtain protection for such an asset again, as it would not meet the criteria of novelty.

If it is impossible to use the discussed above strategy based on examination of patent clarity, an economic entity most often decides for a strategy to acquire the assets from another entity by concluding agreements allowing them to legally use intellectual property of those entities on territories covered by the exclusive right. Such agreements usually are constructed as licence or sale agreements[16]. We should bear in mind that a licence grants only authorisation to use an intangible asset, so, as opposed to the agreement of sale of a right, does not result in transfer of the ownership right.

The last of the above mentioned strategies is the conservative strategy – the waiting strategy – which applies only to intangible assets covered by the solutions category, and it is based on waiting until the protection period is finished (e.g., 20 years for inventions). Then it is possible to use a solution that, after the expiration of protection, is open for public use. Protection given by registration cannot be extended with regard to assets in the form of

[15] See Szewc A., Jyż G.: Prawo własności przemysłowej. C.H. Beck, Warszawa 2003, p. 148 and next; Kostański P. (ed.): Prawo własności przemysłowej. Komentarz. C.H. Beck, Warszawa 2010, p. 333.

[16] Szewc A., Jyż G., op.cit., p. 211 and next.; Vall du M.: Prawo patentowe. Wolters Kluwer, Warszawa 2008, p. 278 and next; Szymanek T.: Umowy z zakresu własności intelektualnej i przemysłowej. Europejska Wyższa Szkoła Prawa i Administracji, Warszawa 2009, p. 20 and next; Szewc A., Zioło K., Grzesiczak M.: Umowy jako prawne narzędzie transferu innowacji. Polska Agencja Rozwoju Przedsiębiorczości, Warszawa 2011, p. 21 and next.

solutions, excluding so called supplementary protection right, which is a possibility to extend patent protection by 5 years at the most. This applies only to medical products and plant protection products[17]. A waiting strategy is very often applied in the pharmaceutical sector where producers wait for the patent to expire to produce and market so called generic medicines.

3.1.3. Continuation Strategies

The rules for using intellectual property within the resources of a specific enterprise may be characterised as:

a) transfer strategy, or
b) strategy of monopolizing: protection of intellectual property assets.

An economic entity, obtaining protection of an intellectual property good for its benefit should take into consideration whether it would like to use it exclusively or would like to authorise other market entities to use it[18]. Each way has its advantages and disadvantages depending on the good under protection and the type of protection given. Granting licences, or even developing franchising networks, is an opportunity to extend the customer base and maximise income, but on the other hand, it requires building systems to control quality of new outlets to keep its reputation. Monopolizing gives an opportunity to control prices, for example, of products produced according to the protected solution, but, at the same time, it may have its downside in the form of opportunity cost: for example, in the case of a short market life (short time of popularity caused by fashion or rapid technology development) of a solution, income could be higher with the transfer strategy, as it would rapidly expand the sales network.

It should also be emphasised that the above discussed strategies may be applied in parallel, giving various hybrid strategies.

3.2. Detailed Strategies of Intellectual Property Management

Detailed strategies, as earlier discussed, apply to taking decisions regarding the type and scope of protection of specific intellectual property assets within an enterprise. Thus, they mainly require:

a) choice of the sign, solutions or works to be protected,
b) defining the system and scope of protection (in the territorial and temporal meaning).[19]

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[17] Vall du M.: Prawo patentowe. op.cit., p. 344 and next; Nowicka A.: Dodatkowe prawo ochronne. „Studia Prawa Prywatnego", Vol. 3(14), 4(15), 2009, p. 75 and next.
[18] See Kotarba W. (ed.): Zasady korzystania z ochrony wiedzy, [in:] Ochrona wiedzy a kapitał intelektualny organizacji. PWE, Warszawa 2006, p. 151 and next.
[19] Kotarba W., Żurawowicz L.: op.cit., p. 349.

Deciding for the type of protection of a specific technical solution, an economic entity should consider first of all whether to make the protection public (obtained via registering the solution with the appropriate patent office) or whether to protect the solution by not disclosing it and keeping as know-how[20]. Which of those two methods will be chosen depends on numerous factors, foremost on whether it is easy to copy a solution. In the case when it is possible to reproduce or imitate a product containing protected solutions it is advisable to rely on protection based on registration rather than based on trade secret. In a situation when it is not possible (nor easy) for a potential competitor to become acquainted with the produced product (device) and to copy it, protection based on know-how may be considered. Another factor to be taken into consideration is the anticipated period of market life of the solution (protection period). Protection by know-how has no time limit and may be continued until the solution is disclosed. Know-how should be chosen when, first, the anticipated market life of a solution is shorter than waiting for granting protection by a patent office[21] (procedure for granting a patent by the Polish Patent Office takes approximately 5 years) or when it is significantly longer than the time of protection by a patent (in Polish law it is 20 years from the date of filing application with the Polish Patent Office) or protection right for utility model (in Polish law 10 years from the date of filing an application with the Polish Patent Office). Significant differences in both protection systems may be also seen in the costs: protection based on trade secret is much less expensive than protection by registration. A good example of protection based on know-how is the formula of one of the world's most famous soft drinks: Coca-Cola, which have remained secret for almost 120 years.

Deciding for protection of a technology solution within the registration system, an economic entity should first decide whether to file an application for an innovation or utility model. While taking this decision the following should be taken into consideration:

a) whether the solution has features of innovation (innovation level),
b) what are the costs of protection,
c) what protection period would be sufficient for effective use of the solution.

In deciding for protection by registration, the territorial scope of protection should also be considered. *De lege lata* is the system of country patent protection, which means that an economic entity must obtain as many patents as the number of countries in which it wants to have exclusive patent protection rights (also for so called 'European patent' it is necessary to

[20] Sołtysiński S.: Umowy know-how, [in:] Skubisz R. (ed.): Prawo własności przemysłowej. System prawa prywatnego. Vol. 14A. C.H. Beck, Warszawa 2012, p. 657 and next.
[21] Reitzig M.: Strategic Management of Intellectual Property. "MIT Sloan Management Review", spring 2004, p. 37.

validate the patent separately in every member-country of the European Patent Convention[22], in which the rightful owner would like to obtain exclusive rights)[23]. The issue of territorial scope of protection is especially important because extending the patent's protection is possible only within the first 12 months form the first application date, according to the convention precedence rule, as given by the Paris Convention on Industrial Property[24].

Also, detailed strategies of management with regard to intangible assets within the category of signs should focus first of all on deciding on the most appropriate method of protection. For example, an enterprise logo, a purely graphical symbol or a graphical-lexical symbol distinguishing the enterprise, may be protected as a commercial name on the basis of the Unfair Competition Law[25] without the need for registration, according to Art. 5 of the Law, by the fact of use of the mark in business activity alone is sufficient to obtain protection. However, an economic entity may decide for extended protection, filing an application for protection of the graphical or graphical-lexical symbol as a trade mark and, possibly, as industrial design as well[26]. Numerous businesses protect the same mark or outer look of a product both as a trade mark and an industrial design (e.g., BP petroleum stations symbol as a yellow sun, outer look of packaging of JERZYKI cookies, etc.).

Also, the objective scope of protection of a specific sign may be differently constructed, which applies especially to signs consisting of both words and graphics, as it is possible to apply separately for protection of the word mark (obtaining exclusive right to use the word for goods enumerated in the application) and for the graphical mark (obtaining exclusive right to use the graphics for goods enumerated in the application). It is also possible to apply for protection of only one form of the mark: as a graphical-lexical mark (obtaining exclusive right for using the mark as a compilation of different lexical and graphical elements, which results in a weaker protection of the word itself). Another variant, based on one application of the mark as a whole, as a rule results in more narrow protection than the protection provided by applying separately for the graphical element and the word.

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[22] The Convention on the Grant of European Patents (EPC) Adopted on October 5, 1973 at München, Entry into Force on October 7, 1977 Amended on December 21, 1978 Amended on December 17, 1991 Amended on December 13, 1994 Amended on October 20, 1995 Amended on December 5, 1996 Amended on December 10, 1998 Amended on October 27, 2005

[23] Vall du M.: Wynalazki i wzory użytkowe w prawie międzynarodowym i prawie Unii Europejskiej. Studia Prawa Prywatnego, Vol. 4(19), 2010, Vol. 1(20), 2011, s. 67 i in.

[24] Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967, and as amended on September 28, 1979.

[25] Law of 16 April 1994. „Journal of Laws", No. 47, item 211 with changes.

[26] Sitko J.: Kumulacja i kolizja prawa do znaku towarowego i wzoru przemysłowego w prawie krajowym i unijnym. Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z Prawa Własności Intelektualnej, Vol. 116, p. 89-97.

Economic entities may also choose, from many possibilities, the territorial scope of protection: they may decide for protection only on the territory of Poland (protection granted by the Polish Patent Office) or in selected countries (application for protection may be filed individually to every national patent office or filed within international trade mark protection system by virtue of the Madrid Agreement[27] or the Madrid Agreement Protocol[28])[29]. Economic entities may also decide for a uniform protection in all EU Member States filing an application for a Community trade mark (protection is performed by OHIM – The Office of Harmonization for the Internal Market, which, by registration of the Community trade mark, grants the applicant exclusive right for a given mark automatically effective in all EU Member States).

4. Conclusion

All the above considerations lead us to the conclusion that intellectual property management may be defined in different ways and implemented at different levels. Moreover, intellectual property management, similar to knowledge management, may be implemented according to various strategies, which may be divided into general and detailed strategies. General strategies first of all draw a framework for intellectual property activities in an enterprise as far as intellectual property protection is concerned, taking into consideration holistic strategies of the development of the organisation. Whereas, characteristic features of detailed strategies is their relation to the protection of specific intangible assets. Nonetheless, detailed strategies are often strictly related to general strategies, as they are developed for the implementation of general strategies.

In conclusion, intellectual property management, as a subject interfacing various scientific disciplines, is a complicated subject that requires knowledge and experience of both management and legal nature, especially concerning intellectual property law. Not overestimating the importance of the subject, it seems advisable that economic entities, in order to improve efficiency and profitability of their activities, should create within their organisational structures special units responsible for intangible asset management. Smaller

[27] Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Nice on June 15, 1957, and at Stockholm on July 14, 1967, and as amended on September 28, 1979, „Journal of Laws", No. 116, 1993, item 514.

[28] Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks adopted at Madrid on June 27, 1989, as amended on October 3, 2006 and on November 12, 2007, „Journal of Laws", No. 13, 2003, item 129.

[29] Application to the system of international protection is filed with World Intellectual Property Organisation (WIPO) located in Geneva.

entrepreneurs, or economics entities for which intangible assets are not an important factor in their operations, may find it useful to consult specialists within appropriate fields.

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