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**A.P. PUHALSKA**

**INTELLECTUAL PROPERTY USING DIRECTIONS BY  
SCIENTIFIC ENTERPRISES**

*The reasons of patenting innovation products in this article were investigated. Also were investigated the objective reasons for refusal entities of profit due to use mechanism for the licensing of patented inventions. The priorities of use intellectual property by domestic enterprises of the industry engaged in scientific activities are also considered. Also in this article was proposed the strategy directions of using intellectual property companies that are engaged in scientific activities.*

**Keywords:** *intellectual property, licensing, patent, strategize, innovative products.*

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For today swift development of science requires from enterprises наукоміських industries of economy of our state of corresponding orientation of production on modern technologies and directions of researches. Integration of science and productions allow enterprises to produce competitive products, promote and guarantee top quality of products, extend the markets of sale (to appear itself on international markets as a front-rank player), conquer an image and, certainly, get incomes.

The objects of industrial property, which are created on an enterprise, present quintessence of scientific thought, which has legal defense, practical embodiment as possibility of applying in industry (or other types of commercialization) and bring in to the proprietor returns. In this connection, the question of the use of objects of intellectual property is required industrial enterprises further research.

**Analysis of the last researches and publications.** The question of the use of objects of intellectual property (OIB) is devote scientific works of foreign and home scientists.

Yes, C.B. Small [1] marks that in the world is annually registered about 740 thousand inventions. The annual cost of inventions on the initial stage of their patenting, for example, in the countries of Western Europe, folds \$7000-17000, and in case of the industrial use, for example, in the USA, - \$a 473000 . Cost of patents on inventions, bought by Ukraine on licenses and industrially mastered in the period of 1992-1995, was in an interval \$20000-72000. Efficiency of licenses laid down from \$4 to \$148 on \$1 expense/pls

Kozlovska in the work [2] writes that industrial application inventions in the USA find not less than 20% from their general amount, however in the countries of the CIS this number is considerably less - 1%

Most industrial countries examine intellectual property as one of main constituents of national riches of country. As far as moving of economy toward more наукоміської model of development intellectual property becomes one of basic assets of operating enterprises, and exchange different IP presently grew into the independent sphere of economic relations [3, c. 18].

**The aim of this research** is determination of factors which influence on intensity of patenting of innovative products and objective reasons of refuse of subjects of menage from the receipt of direct incomes through the mechanism of licensing of the patented inventions of Study of possible priority directions of the use of IP by the domestic enterprises of scientific industries and on the basis of it - обґрунтування strategy of the use of IB by scientific enterprises.

### **Exposition of basic material of research.**

Inventions, useful models, now-how, industrial prototypes, complete sets of designer documentation, results of research and reseach, desing works, show by itself motive force of innovative development of industrial enterprise. An important place is taken to the objects of industrial property, which by patenting, allow a proprietor to acquire absolute titles on commercialization - sale on a license, use in an own production.

By foreign scientists all-embracing research of reasons of patenting was conducted business- and innovative models (presented by the objects of intellectual property) among the front-rank innovative enterprises of the USA and Japan [4]. It is educed (table 1) in the process of research, that among the offered reasons of patenting of own innovative foods, most often among the American and Japanese enterprises there were the noted reasons of defence (prevention of printing-down and court claims, blocking of patents). Less, but however considerable part of firms, specified that patenting had an important value for more: for the use in negotiations (for example, about licensing), for the increase of reputation, generuting of profits from licensing and as a west of increase of efficiency of activity of enterprises.

Recent researches show, tendency of increase of part of companies which use patents with a strategic aim in relation to the increase of cost of company and acquisition of image of strong competitor at the market. Research of foreign enterprises, which took place in 2004 years [5], for example, educed that close 60% of the polled firms for period 1994-2004 see patenting of stimulation of both internal and external licensing a mean for a previous decade .

**Table 1. Reason of patenting of innovative products (% respondents and index grade)[4].**

| Reason of patenting          | THE USA  | Japan    |
|------------------------------|----------|----------|
| Prevention of printing-down  | 98,9 (1) | 95,5 (1) |
| Patent blocking              | 80,3 (2) | 92,6 (2) |
| Prevention of court claims   | 72,3 (3) | 90,0 (3) |
| The use is for negotiations  | 55,2 (4) | 85,8 (4) |
| Increase of reputation       | 38,8 (5) | 57,9 (7) |
| Licensing of profits         | 29,5 (6) | 66,7 (5) |
| Increase of the productivity | 7,8 (7)  | 60,1 (6) |

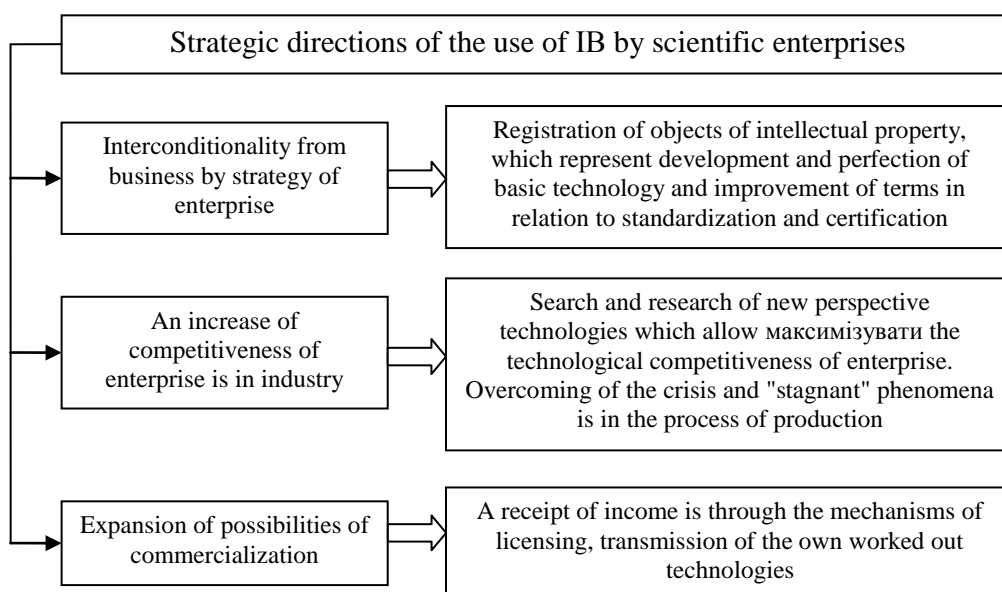
However it costs to mark that for patents owner there are many grounds in relation to maintenance from the use of the patented inventions. In the statistical report of Organization from an economic collaboration and development [6] it is marked that changes in business-politicians or terms at the commodity market can influence on the capacity of firm for introduction of the associated goods or services. Appearance of new technologies can do existent inventions out-of-date. Id est unique OIB come forward as a powerful instrument of updating of production and intensifications of development of economy of the states promote. Will mark

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in addition,, that a decision about the refuse of patenting to the invention can represent pointlessness of bearing of charges of cost of registration, maintenance and defence of patents against the forecast advantages of exploitation of this asset.

According to strategy of the use of intellectual assets on the basis of model of open innovations, which is worked out by a company NEC [7], deem it wise to offer strategic directions of the use of IB the scientific enterprises of Ukraine which is characterized by three basic directions (drawing 1).

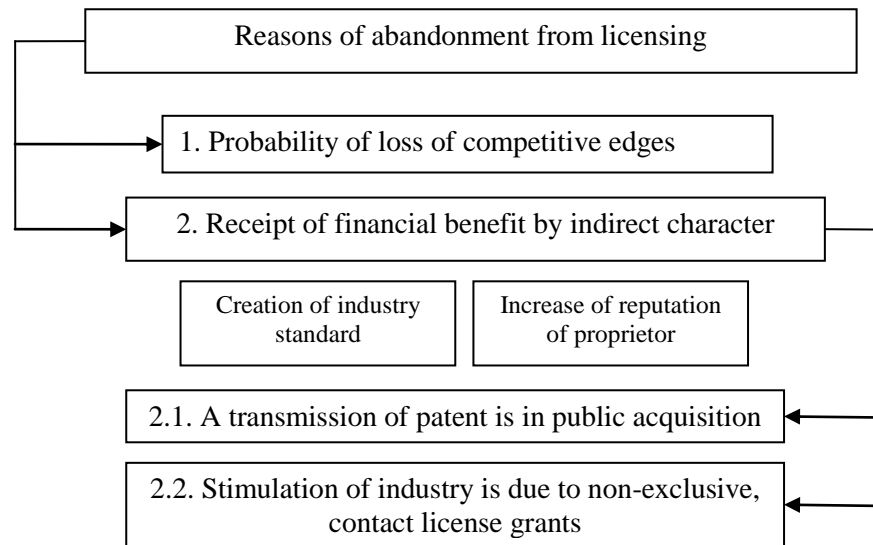
It is necessary to mark that presence correctly formed to the brief-case of patents on the objects of industrial property gives to the small and young enough enterprises, which begin to form own business, considerable advantages, especially in future at negotiations with greater enterprises.



**Drawing 1. Strategic directions of the use of IB by the scientific enterprises of Ukraine.**

Will mark in relation to the last direction the use of IB by enterprises, that in this case is generated profit for a patentee as a direct benefit. The number of companies which generate the profits due to the external licensing increases in the last years. So, for example, corporation of IBM [6], what began more actively to manage intellectual to property at the end of 1990 year, during 2000-2004 got an over 1 milliard of dollars of annual profit from licensing (royalty) and sale of intellectual ownership (more than 3000 patents of the USA) rights.

It costs to pay attention to that exist objective reasons are certain through which the subjects of menage renounce the receipt of income through the mechanism of licensing of the patented inventions (drawing 2).



**Drawing 2. Reasons of abandonment from licensing.**

Will consider reasons of abandonment from licensing. Yes, some enterprises, having enormous potential, presented by the objects of industrial property, renounce patenting of the inventions, industrial prototypes and useful models and give advantage to maintenance of them as unregistered objects (or now-how, commercial secret) through probability of loss of the competitive edges. In the same time, it is necessary to admit that receipt of profits from the own patented objects of industrial property it can take place enterprises by indirect character. Yes, directions of receipt of financial benefit are a transmission of patent in public acquisition and transmission of non-exclusive, contacts license with the aim of stimulation of development of corresponding industry. If guidance deems it wise to use such the approach in an intellectual property management, then a result will be a not receipt of royalty, but creation of indirect advantages for enterprise - such as: creation of industry standard and increase of business reputation.

The lack of market of license agreements research are reliable and reliable statistical null data, that does not allow to estimate his size and progress trends. This situation is characteristic not only for the national market of intellectual property of Ukraine but also for regional and international markets. Although grant to information about the conclusion of license agreements, size and dynamics of receipt of profits from license agreements positively influences on investors during negotiations, enterprises do not divulge this information the subjects of menage and she remains confidential.

Interesting given in relation to the use the foreign countries of IP in an own production. Yes, by the Russian scientists [8] it is set that percent of fate of products, made with the use of OIB in the structure of commodity export of such countries, as Japan, Great Britain, folds 26,3%, in the structure of export of the United States of America this index folds 28,2. In a capital of industrial enterprises of countries of Western Europe of 35% of general capital structure is on an intellectual capital.

Yes, the domestic enterprises of scientific industry in the process of economic activity often use and create own forces the various types of IP, the cost of greater part of these objects is taken into account however. As a result, financial

reporting of enterprise, in particular, the structure of asset of balance does not represent the real picture of the use of the intellectual potential an enterprise. The Unaccount of these objects influences directly on the cost of enterprise - both balance and market. Investors, state, financial institutions of the credit system, studying information on a concrete enterprise, turn the attention in the presence of protected and cost-justifiable IP, that promotes a cost value or public meaningfulness of enterprise.

In case of reorganization of enterprise (for example, sale, confluence or, opposite is acquisition and joining of new morphon) the presence of objects of industrial property in composition of assets of subject of menage is considerably promoted market value of enterprise. Thus IP come forward and perceived as the most valuable and the most important assets of enterprise.

IP, that guarded in obedience to operating legal norms, bring income to the enterprise through the mechanisms of commercialization (licensing, sale, use in an own production) by the increase of receipts of net income of enterprise and his role at the market .

The effectively functioning market of intellectual property can improve innovative processes, facilitate the exchange of the patented inventions (through sales or licensing) between the private and state sectors of economy [6]. As a market of intellectual property in Ukraine is undeveloped and being on the stage of forming, decision of this problem requires the assistance of public organs and development of home legislation which is based on adherence of state and international normative and legislative acts on intellectual property.

Id est, will pay attention to that not only the effective use of created or purchased IP assists the increase of competitiveness of enterprise but also the correct is reasonable objective estimation and account of these objects.

Russian scientists of Azgaldov, Karpova [3; c. 25] mark also, that in the modern terms of IP becomes one of major instruments of management an enterprise. However the leaders of domestic enterprises often underestimate the value of IP in activity of enterprise which as a result results in worsening of him the financial state. A similar estimation is caused by human factors to which it is possible to take ignorance of enterprises of advantages of the effective use of IP leaders.

### **Conclusions**

Paying attention to existent problems which touch the management of IP, enterprises must have ways of their decision and accept measures in relation to the effective use of IP as economic instrument of increase of competitiveness in the process of economic activity, updating and intensification of production.

Investigational directions of the use of objects of intellectual property in the process of economic activity allow leaders the domestic enterprises of наукоміткої industry to promote profitability of enterprises. Yes, the receipt of income can take place direct character - due to the mechanisms of licensing and transmission of the own worked out technologies, maximal increase of technological competitiveness of enterprise. Possible and mediated receipt of income - by means of creation of industry standard and increase of reputation of proprietor of innovative technology. As leaders of enterprises not always realize obvious advantages from creating and the use of IP, the questions of competent management of IP require further research and will be considered in our next labours.

Thus, it costs to mark that swift development of technologies stipulates the increase of importance of effective market of intellectual property creation. Thus the role of mechanism of management of IP consists in an assistance to not only the transmission of technologies but also in the increase of spectrum of the use of IP.

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