



Australian Government

Department of Education, Employment and Workplace Relations

BSBIPR601A Develop and implement strategies for intellectual property management

Revision Number: 1

BSBIPR601A Develop and implement strategies for intellectual property management

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	<p>This unit describes the performance outcomes, skills and knowledge required to obtain a strategic advantage from developing and implementing strategies for the management of intellectual property. It covers the evaluation of approaches to the management of intellectual property, and focuses on establishing, implementing, evaluating and monitoring an organisation's intellectual property strategy.</p> <p>No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.</p>
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Application of the Unit

Application of the unit	<p>This unit applies to directors or managers who take an active role in recognising and securing intangible assets which contribute to the organisation's profitability, productivity and market leadership. These managers and coordinators may work in a range of contexts and may have responsibility for managing people, systems or processes.</p>
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Evaluate approaches to the management of intellectual property	1.1. Analyse strategic and operational plans to determine <i>intellectual property</i> requirements 1.2. Identify <i>sources of information and advice</i> regarding approaches to the best practice management of intellectual property 1.3. Determine the implications and potential <i>strategic advantage</i> from <i>protection</i> of intellectual property 1.4. Determine the implications and potential strategic advantage from adopting a <i>collaborative approach</i> to intellectual property 1.5. Determine the implications and potential strategic advantage from adopting an <i>open source</i> approach to intellectual property
2. Establish a strategy for managing intellectual property	2.1. Develop an <i>intellectual property strategy</i> for management and use of own and others' intellectual property in line with the organisation's strategic goals or plans 2.2. Examine requirements and options for <i>commercialisation</i> or effective use of intellectual property 2.3. Establish required <i>documentation</i> for the management of the intellectual property strategy 2.4. Develop <i>strategies for addressing intellectual property infringement</i> 2.5. Ensure intellectual property strategy complies with legislative requirements and organisational policies 2.6. Communicate intellectual property strategy to key stakeholders within the organisation and externally
3. Evaluate proposed intellectual property strategy	3.1. Obtain legal and other professional advice regarding the proposed intellectual property management strategy 3.2. Identify and evaluate the benefits from the proposed intellectual property management strategy 3.3. Identify and evaluate the disadvantages, costs and risks of the proposed intellectual property management strategy 3.4. Adjust strategy according to legal advice and evaluation 3.5. Establish, document and present the <i>business case</i> for adopting the proposed intellectual property management strategy to senior management, directors and other key stakeholders
4. Implement and	4.1. Work with others to ensure the <i>implementation</i> of

ELEMENT	PERFORMANCE CRITERIA
monitor the intellectual property management strategy	<p>the strategy</p> <p>4.2. Monitor and evaluate the strategy and its implementation and report to senior management, directors and other key stakeholders</p> <p>4.3. Make changes to strategy and its implementation as required</p>

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- communication skills to question, clarify and report on proposed strategy and develop any required documentation, such as licence agreements
- financial and analytical skills to prepare a business case for the proposed strategy
- information technology and research skills to find and interpret relevant information about intellectual property
- conceptual skills to design an organisational strategy
- demonstration of characteristics of responsible business practice and ethical behaviour

Required knowledge

- types of intellectual property as they relate to the organisation
- alternative strategies for the organisation's intellectual property
- relevant legislation and regulations relating to the organisation's intellectual property rights
- potential sources of information and advice about intellectual property

Evidence Guide

EVIDENCE GUIDE	
The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.	
Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	<p>Evidence of the following is essential:</p> <ul style="list-style-type: none"> • identification of intellectual property rights appropriate to the types of intellectual property within the organisation and the relevant legislation • establishment of strategies for the management of intellectual property • feasibility study outlining alternative strategies, with risk analysis and cost-benefit analysis of each alternative • recommendations for and implementation of commercialisation of intellectual property
Context of and specific resources for assessment	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> • access to relevant legislation and regulations as they relate to intellectual property • access to appropriate computer resources for online search and report preparation • access to sources of information and advice
Method of assessment	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none"> • analysis of intellectual property strategy alternatives • direct questioning combined with review of portfolio of evidence and third party workplace reports of on-the-job performance by the candidate, to demonstrate the establishment of strategies to manage an organisation's intellectual property • presentation to appropriate personnel on the commercialisation of a range of intellectual property within the organisation, or the chosen intellectual property strategy • oral or written questioning about relevant legislation as it relates to the organisation's intellectual property strategy
Guidance information for	Holistic assessment with other units relevant to the

EVIDENCE GUIDE	
assessment	industry sector, workplace and job role is recommended, for example: <ul style="list-style-type: none">• other management units from BSB07

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

<i>Intellectual property</i> refers to:	<ul style="list-style-type: none"> the output of the mind or intellect rather than tangible objects, including: <ul style="list-style-type: none"> copyright trade marks patents designs plant breeder's rights circuit layout rights confidential information/trade secrets
<i>Sources of information and advice</i> may include:	<ul style="list-style-type: none"> IP Australia Attorney-General's Department Australian Copyright Council State and Commonwealth government agencies lawyers specialising in intellectual property trade mark attorneys and patent attorneys St James Ethics Centre accountants business advisors marketing consultants branding consultants copyright collecting societies, eg CAL, PPCA, MIPI, APRA, AMCOS publications websites, Internet databases, e.g. local and international trade mark databases
<i>Strategic advantage</i> may refer to:	<ul style="list-style-type: none"> the relative standing against competitors in the global market place the strategic benefit of the organisation's clients or stakeholders
<i>Protection</i> may include:	<ul style="list-style-type: none"> protection through a range of legislation, including:

RANGE STATEMENT	
	<ul style="list-style-type: none">• Copyright Act 1968• Designs Act 2003• Patents Act 1990• Trade Marks Act 1995• Trade Practices Act 1975 and State/Territory free trading legislation• business names legislation

RANGE STATEMENT	
<i>Collaborative approach</i> may include working with:	<ul style="list-style-type: none"> • specific partners • the industry, both nationally and internationally
<i>Open source</i> refers to:	<ul style="list-style-type: none"> • the creative practice of appropriation and free sharing of found and created content
<i>Intellectual property strategy</i> may include:	<ul style="list-style-type: none"> • an approach of: <ul style="list-style-type: none"> • protection • collaboration • open source • mix of the above • developing a global intellectual property strategy • links to: <ul style="list-style-type: none"> • risk management strategy • business and marketing plans • organisational training needs
<i>Commercialisation</i> may include:	<ul style="list-style-type: none"> • utilising intellectual property with the aim of producing financial or other commercial gain, and/or public benefit, including: <ul style="list-style-type: none"> • adapting • applying • assigning • copying • developing • licensing • making • publishing • selling • using
<i>Documentation</i> may include:	<ul style="list-style-type: none"> • documented portfolio of intangible assets • intellectual property agreements or licences register • policies and procedures
<i>Strategies for addressing intellectual property infringement</i> may involve:	<ul style="list-style-type: none"> • identifying threats to the organisation from intellectual property infringement • determining the cost of litigation or other actions against intellectual property infringement • determining the impact of intellectual property

RANGE STATEMENT	
	infringement <ul style="list-style-type: none"> • establishing a business case for the intellectual property infringement strategy • licensing intellectual property on negotiated terms
<i>Infringement</i> occurs when:	<ul style="list-style-type: none"> • someone consciously or inadvertently uses another party's intellectual property without their permission
<i>Business case</i> consists of:	<ul style="list-style-type: none"> • a feasibility study with a cost-benefit analysis
<i>Implementation</i> may include:	<ul style="list-style-type: none"> • overseeing the: <ul style="list-style-type: none"> • development of policies and procedures around the strategy • development of a communication strategy for internal and external stakeholders • development of information sessions and training around relevant aspects of intellectual property • development of required documentation, e.g. licence agreements • negotiation of use of own and/or others' intellectual property
<i>Monitoring</i> may include:	<ul style="list-style-type: none"> • consulting key stakeholders to provide feedback on the strategy • reviewing documentation in relation to the strategy, eg licence agreements or sharing arrangements • analysing profit from commercialisation of intangible assets • reviewing any potential or real infringements of intellectual property which could have an impact on the organisation • reporting of implementation of the strategy and its variation to the intended strategy • applying corrective action where required

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Regulation, Licensing and Risk - Intellectual Property
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Co-requisite units

Co-requisite units		