



# Michael D. Moberly



RESEARCH • TRAINING • SEMINARS • CONSULTING

## KNOWLEDGE PROTECTION STRATEGIES

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### what is... INTELLECTUAL PROPERTY ?

Intellectual property refers to exclusive legal (ownership) rights, for specific periods of time, over creations – discoveries of *the mind*. There are four ways to protect different types of intellectual property, i.e., **patents** (inventions), **trademarks** (industrial designs, geographic indications of source, etc.), and **copyright** (for literary and artistic works) and **trade secrets** (for proprietary know how that provides competitive advantages).

### what are... INTANGIBLE ASSETS ?

**Legal** intangible assets generate (legal) property rights defensible in court, i.e., trade secrets, copyrights, patents, trademarks, and goodwill. **Competitive** intangible assets are distinctive - proprietary know how and/or processes that contribute to a company's effectiveness, efficiency, productivity, customer service/satisfaction and/or market value.

Intangible assets are economic benefits anchored in distinctive features, processes, or programs and the understanding how to apply *them* to deliver competitive advantages and create value for a company.

### what is... PROPRIETARY KNOW HOW ?

Proprietary know how is characterized as confidential concepts, technologies, formulae and/or research produced or purchased which the holder/owner has exclusive (proprietary) rights.

There is a general presumption that when a company refers to an asset as being proprietary, it has taken reasonable precautions – care to prevent that information from becoming public. Such care-precautions would broadly encompass the six requisites of trade secrecy.

### what are... COMPETITIVE ADVANTAGES ?

Competitive advantages often evolve over time within a company and may not always be the result of a planned action or the product of specific capital allocation decisions. *Michael D. Moberly (adapted from Brookings Institution – Understanding Intangible Sources of Value)*

Competitive advantages are unique blends (combinations, collections) of activities, assets, relationships, history, and market conditions that companies exploit to differentiate themselves from competitors, and thus create value. *Michael Porter, Harvard Business School*

Competitive advantages lie in a company's unique knowledge and understanding how to apply that knowledge to provide a competitive edge. *McKinsey Quarterly, 2004*

### what is... BRAND INTEGRITY ?

Brand integrity is characterized as the strategies, processes, features, designs, and business practices a company uses to ensure the integrity of its products, intellectual property, reputation, image, and shareholder value. (Richard and Penelope Post, Global Brand Integrity Management)

## did you know?

Establishing a company culture of 'watching the store' as ideas are developed into products that are manufactured, marketed, and sold is not new! However, the responsibility for ensuring new ideas and proprietary know how are effectively and efficiently protected throughout their economic and functional life-cycle is often dispersed throughout a company but without cohesive plans or practices.