

SPECTRA

STIMULATING PERFORMANCE IN CREATIVE
TERRITORIES AND REGIONAL ACTORS



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D3.3 Roadmap for Exploitation of Creative Assets IP Exploitation

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Deliverable Summary

Deliverable:

D3.3 Roadmap for Exploitation of Creative Assets IP Exploitation

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Project Summary

SPECTRA project (Stimulating Performance of Ecosystems in Creative Territories and Regional Actors) embodies the collaborative vision of 8 partners (including 3 associate partners) representing 4 regional ecosystems – an emerging innovator region in Bulgaria (North-Central-BG), moderate innovator region in Ireland (Northern and Western), together with lead innovator regions in Denmark (Hovedstaden) and Germany (Berlin).

SPECTRA will put in place key ingredients required to equip the emerging innovator and moderate innovator regions with a more responsive, resilient ecosystem, capable of growing and developing coordinated responses to many challenges creative industries are facing to achieve the National and European goals. It will harness and multiply the power of individual ecosystem initiatives to create a collaboration driven innovation network - resulting in enhanced, more inter-connected, diverse, gender-responsive, competitive, and sustainable ecosystems.

Additionally, SPECTRA will include activities directed at the creative innovation eco-system stakeholders that will encourage development of joint strategies and amplify collaboration. They will benefit extensively from the advanced business support models developed to fast-track start-ups, produce scale-ups, avail of best practice, new systems, structures, and tools, as well as data-driven & carbon-reducing challenge-based innovation methods, case studies, role models, cross-sectoral and intra-territorial learning - creating an excess of 300 new linkages.

In addition to addressing the relevant project call and work programme contexts, the National, Regional and EU Policy framework and its associated strategies and objectives, the overall concept for SPECTRA has been conceived around formulating coordination and support measures based on the preliminary needs analysis of the 3 key primary audiences: ecosystems as a whole (as catalysts for businesses to thrive and drivers of innovation), SMEs, start-ups and scale-ups (entrepreneurs/solution providers and key beneficiaries), and other ecosystem stakeholders (public organisations, HEIs, researchers, clusters, incubators, accelerators, etc.).

All 3 audiences are perceived beneficiaries of the SPECTRA outcomes, with the proposed project removing obstacles to achieving expected impacts (further elaborated on below, including other target audiences).

SPECTRA is funded through EISMEA.I – Innovation Ecosystems, SMP/Entrepreneurship and Consumers strand, EU and place-based Innovation Ecosystems Call HORIZON-EIE-2022-CONNECT-01-01: Towards more inclusive networks and initiatives in European innovation ecosystems, under Horizon Europe Lump Sum GRANT AGREEMENT No. 101097000.

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1 Deliverable Description

Work Package 3 of the SPECTRA project (WP3 - Tools, Systems, Methods & Structures for an Amplified Ecosystem), includes key objectives for the project partners to:

- Acquire and exchange new knowledge, skills, methods, tools, systems, and structures that can be utilised by moderate and emerging regions to strengthen their respective ecosystems.
- Utilise experimental approaches to stimulate collaboration, cocreation and learning.
- Engage with, and learn from, successful CBN ecosystem & network building practices and model for regional ecosystem development.

Task 3.3 focuses on Increasing Creative Outputs: Exploitation of IP Assets.

Innovation in creative industries is often a collective process that involves many heterogeneous actors whose objectives and needs differ. It also involves informal knowledge communities that have very specific Intellectual Property (IP) needs. Those actors often combine different types of IP rights, including copyright, patents and trademarks. Infringement of IP in the creative industries is a challenge, particularly since copying is easy and cheap in the digital era. Firms in creative industries also use more traditional IP strategies, open source and other creative commons types of licenses.

The creativity, skill, and talent of literary and artistic creators is their main means of creating wealth and jobs. By creating the optimal framework conditions in which there is compensation and reward for creators' effort and creativity, IP can act as an incentive for further creation and creative collaboration, as well as supporting economic growth in an amplified manner.

A common workshop has been organised with support from experts examining different approaches towards frameworks for Creative IP. The learning from this workshop is being shared in roadmap for ecosystem orchestrators, through this deliverable, which also gives some recommendations to the project partners in terms of a follow-up post-project, with the overall goal of strengthening their respective ecosystems.

This work contributes to the European Added Value:

- Enhanced understanding of what approaches, mechanisms and actions lead to improved ecosystems, which are complex and multifaceted - including new data.
- Supported networking among innovation actors across local ecosystems, notably building on EU-level initiatives.
- Guided bottom-up, place-based approaches of smart specialisation and investments and initiatives for reinforcing innovation ecosystems.
- Fostered synergies between different EU, as well as national and regional programmes.
- Enhanced local innovation networks and connectivity within Europe.

2 Challenges for IP Exploitation in Creative Industries

The creative economy has been widely recognized as an engine for economic diversification, economic growth and innovation, with the ability to help make our economies more resilient.

Cultural and creative industries are important for ensuring the continued development of societies and are at the heart of the creative economy. Knowledge-intensive and based on individual creativity and talent, they generate considerable economic wealth. More importantly, they are critical to a shared sense of European identity, culture and values. In economic terms, they show above-average growth and create jobs - particularly for young people - while strengthening social cohesion¹.

According to a report from EY², in 2019, the CCIs represented 4.4% of EU GDP in terms of turnover, with annual revenues of €643 billion and a total added value of €253 billion. CCIs were also one of Europe's leading job providers, employing more than 7.6 million people, more than eight times the telecommunications industry. CCIs were growing faster (+2.6% per year since 2013) than the EU average (+2%) and represented a trade surplus of €8.6 billion in 2017 (the latest figures available) – underlining the EU's status as a cultural powerhouse in the world economy. When COVID-19 took hold, the study finds that CCIs were worse hit than the tourism industry and only marginally less than the air transport industry. CCIs experienced losses of over 30% of their turnover for 2020 – a cumulated loss of €199 billion – with music and performing art sectors experiencing 75% and 90 % losses respectively, €53 billion for visual arts, €26 billion for audio-visual, etc.

Considering CCIs' key contribution to the overall economy, and its potential to lift the EU out of the crisis, the study concludes that the creative sector should be central to Europe's recovery efforts and recommends a three-pronged approach: 'finance, empower, leverage'. It recommends public financing and the promotion of private investment, to revitalise the creative economy and safeguard its long-term growth and leverage the soft power of CCIs and individual creative talent to drive societal progress.

This value is also reflected in the formation of a new EIT KIC on CCSI, which has been conceived, among other, to address the perceived gaps to empower network opportunities, collaboration, co-creation and knowhow transfer between education, research, business, public and third-sector organisations, to catalyse bottom-up and top-down initiatives at Union, national and regional level, as well as framework conditions for the creation and scale-up of new ventures in innovative ecosystems; allow further cross-fertilisation with other economic and industrial sectors, acting as an accelerator for innovation, in line with the findings of the Europe's Innovation Ecosystem Survey Report³.

Sustainable growth is increasingly related to the capacity of regional economies to innovate and transform, adapting to an ever changing and more competitive environment. This means that a much greater effort needs to be put into creating the eco-systems that encourage innovation, research and development (R&D) and entrepreneurship. Innovation is key to a range of Commission priorities, in particular the European Green Deal, an economy that works for people, and making Europe fit for the digital age, including goals to drive growth, jobs, social integration

¹ <https://culture.ec.europa.eu/sectors/cultural-and-creative-sectors>

² <https://eaca.eu/news/ey-study-on-european-cultural-and-creative-industries/>

³ https://ec.europa.eu/info/files/europes-innovation-ecosystem-survey-report_en

and better cooperation – priorities that are encompassed in the activities of the SPECTRA consortium and which also includes looking at the challenges that intellectual property protection represents within the specific context of the CCSI.

As recognised by UNCTAD⁴, IP rights play an important role in supporting a thriving creative economy as they protect creativity (see table below) and control the commercial exploitation of the products of scientific, technological, and cultural creation. The ability to develop and use such products is indeed a key driver of economic growth and for international competition, especially for the production and trade of technology-intensive goods and services, capacity thus needs to be built to develop and fully utilise the IP system to promote regional creative industries.

Piracy and the lack of efficient royalty collection mechanisms cause not losses from individual payments and profits, taxable income and resulting public funds, but also to domestic and foreign investments.

Figure 1: Spennemann, C. (2019). Presentation on "Intellectual Property Rights in the Creative Economy

Protecting creativity through Intellectual Property Rights (IPRs)

Copyright for author of original works

- Books, music, paintings, plays, architecture, dance, software, etc.
- Prevent others from copying, communicating to the public (Internet), distributing

“Related rights” for intermediaries that make works available to an audience

- Performers (actors, musicians)
- Producers of phonograms (record labels)
- Broadcasting organizations

IPRs protect creativity through reputation

- Trademarks designate origin (producer)
- Certification marks confirm production standards, e.g. textile production label “Green Button” by Government of Germany
- Geographical indications (GIs) refer to origin of product and links origin to quality, reputation or other characteristic, Wines, cheeses, coffee, carpets, handicrafts

IPRs protect creativity in appearance

- Industrial designs: outer appearance of a product, not its technical function
- Textile patterns, design of clothes, shapes of smart phones and other devices, ornamental elements of architecture, etc.
- Technical functioning protected by patents or utility models

Awareness raising on intellectual property in the creative industries has been identified as a key objective of the project undertaken by the World Intellectual Property Organization (WIPO)⁵ Committee of Development of Intellectual Property (CDIP) “Promoting the use of intellectual property in developing countries in creative industries in the digital era”. The project aims to:

(a) Upgrade professional skills and raise IP awareness among stakeholders in selected creative sectors on issues such as:

(i) The role that the IP system can play in fostering creativity and innovation and adding value through the protection of creative products;

(ii) The IP documentation, management and where relevant registration processes and their roles in maximizing income streams to creative industries stakeholders’;

(iii) The need to respect and enforce intellectual property as the main intangible asset of most creative enterprises.

⁴ https://unctad.org/news/unlocking-potential-intellectual-property-rights-support-creative-economy#_ftn1

⁵ https://www.wipo.int/edocs/mdocs/mdocs/en/wipo_ip_san_22/wipo_ip_san_22_www_615992.pdf

(b) Support the establishment of creative industries infrastructure at national and regional levels, where appropriate, to facilitate the operation of IP-based transactions or the use of the IP system for business.

(c) Strengthen inter- and intra-industry networks among stakeholders in the creative industries to facilitate collaborations and transfer of knowledge.

Raising awareness is seen as a horizontal issue to the extent to which it is conducive to the achievement of all three objectives, and this is the aspect that SPECTRA project addresses through its partnership and activities.

In the section below we explore the activities to support IP exploitation by creative industries provided by the Creative Business Network foundation from the leading innovator region Copenhagen – Hovedstaden.

2.1 Creative Business Network Experience

Creative Business Network (CBN) is dedicated to assisting creatives in their entrepreneurial pursuits, recognizing the pivotal role that intellectual property (IP) rights protection and commercialization play in the development of startups.

Through close collaboration with national partners, experts, and founders from around the globe, CBN places significant emphasis on addressing IP challenges faced by creatives. This involves a comprehensive examination of founders' awareness of their rights, understanding of associated risks linked to IP, and recognition of opportunities for monetization through the utilization of intellectual property.

CBN advocates for internationalization and acknowledges the benefits of being globally recognized and represented in various countries. However, this presence also increases the risk of replication. That's why it is crucial for CBN to conduct regular meetings and programs with founders, fostering collaborative efforts to collectively find solutions.

CBN addresses startup awareness regarding intellectual property (IP) in multiple formats:

1. Creative Business Cup:

- CBN emphasizes IP awareness through the inclusion of IP-related questions in the Creative Business Cup application. This serves as both a reminder to entrepreneurs and national partners from 50 countries about the significance of IP issues and a criterion for assessing business sustainability.
- During pitching sessions, a common question pertains to IP to prevent imitation, ensuring entrants comprehend the commercial opportunities that IP offers for monetization and business scalability.

2. Educational programs and webinars:

- As a component of the Creative Business Academy (CBA). CBN organizes online webinars and workshops aimed at international creative startups, focusing on Creative IP in the context of regulation across different countries. These events, open to the public, serve as educational platforms for NGOs and startups. They are integral components of the Creative Business Academies, online intensive programs spanning various countries. These programs feature experts and partners in business development, internationalization, and IP.

- As open for wider audience Webinars and Workshops (online, hybrid, offline). Open to the public, these webinars, featuring expert speakers, are designed to raise awareness among startups about the risks and opportunities associated with intellectual property (IP). The purpose of hosting these webinars is to expand the reach of the topic, ensuring a broader audience. These events are actively promoted on CBN's media platforms and within the community. While advocating for internationalization, CBN acknowledges the need to balance global recognition with the risk of potential imitation. Therefore, the organization is cautious about the dissemination of intellectual property information, especially in diverse international settings.

Example of the program: open webinar "When Inspiration is taken too far – Intellectual Property Rights", 2020 with the participation of Chioma Ogudimkpa (Fashion Designer), Christina Wannika (Doctor of Law, specializing in intellectual property rights), Johann Kreuter (Austria Wirtschaftsservice, Copyright specialist).

3. Peer-to-peer learning and mentoring involve online and offline events where creative startups from various sectors and countries share their stories of failures and successes in the realm of IP regulation, while also meeting mentors and consultants.

2.2 Case Studies of CBN Entrepreneurs

REDBUTTON - Fashion Brand from Nigeria, winner of Creative Business Cup Africa 2019.

The brand combines African aesthetics and contemporary art in a distinctive manner, placing sustainability at its core.



Picture 1. Brand design illustration. Photo from the official website: <https://www.redbuttonng.com/>

In addition to its vibrant and easily identifiable design, the brand comes with a narrative and set of values. It specializes in workwear tailored for the modern female professional with a keen sense of fashion, blending African aesthetics, eco-friendly materials, and global art influences. Redbutton integrates bold and unique design elements with contemporary African culture. The brand is committed to sustainable development, utilizing eco-friendly materials sourced from agricultural waste and repurposed fabrics. Moreover, its founder, Chioma Ogbudimkpa, actively promotes and supports women in their entrepreneurial endeavors.

Chioma graduated from Fashion School in 2016, launched Redbutton at the Africa Fashion Week Nigeria platform in 2017. She is a 'She Leads Africa' (SLA) Accelerator beneficiary of 2017, a Tony Elumelu Entrepreneur and a Green Champion from the Barrack Obama's 'Young African Leaders Initiative' (YALI).

IP challenge Context

Due to the brand's bright and unique design, it garnered attention in the market, resulting in the replication of several designs from past collections. In response to this, the founder took the initiative to register a trademark to safeguard her designs.

Main Takeaways

The challenge posed by copycats can be considered as both a challenge and an opportunity to strengthen the brand. To address this, the founder may emphasize the following strategies:

- ✓ Use instances of copying as an opportunity to educate both partners and customers on how to identify and distinguish the authentic brand. To communicate with the audience and tell them your story.
- ✓ Use brand identity and storytelling. Emphasize that the brand extends beyond design; it embodies a unique story, mission, and set of values held by the founders. This narrative should be effectively communicated to customers.
- ✓ Develop new collections faster. Respond to challenges by producing new collections at a pace that outpaces potential imitators, allowing the brand to stay ahead of the competition and maintain its innovative edge.

WRITE WITH LAIKA - AI-powered creative tool, the winner of Creative Business Cup Denmark 2023.

LAIKA is an AI-powered writing tool that enables writers to collaborate with personalized artificial intelligence writing partners. The platform allows authors to create their own language models, receive suggestions, collaborate with others' language frameworks ('brains'), and create characters that fit the individual narrative.

IP Challenge Context

Within the framework of IP for an AI platform catering to writers, two primary questions emerge:

- ✓ How to safeguard the intellectual property of writers.
- ✓ How to facilitate writers in earning from their creative work.

Main Takeaways

- ✓ Engage with legal content: utilize either writer's original content or material confirmed to be in the public domain. In the event that copyrighted content is uploaded, it should be removed.
- ✓ Employ licensing as a strategic business tool: establish a business model allowing authors to upload their intellectual frameworks ("brains") and license them. This way, when others use the framework, the original author receives compensation. Essentially, intellectual property holders can license their creativity on the platform.

ANNE BLACK – handcrafted design objects from Denmark.

The Anne Black Store, situated in Copenhagen, Denmark, is a concept store that showcases a curated collection of fashion and lifestyle products, along with ceramics crafted by Danish ceramicist Anne Black. The store gained popularity due to its distinctive ceramic creations.



Picture 2. Brand design illustration. Photo from the official website <https://www.anneblack.com/>

IP challenge Context

In 2016, three bestsellers—a hanging flowerpot, a vase, and a jar with a lid—were replicated and sold by Danish grocery retailer Netto as a special deal. In response, Anne Black initiated legal proceedings against Salling Group and their supplier, alleging infringement of these ceramic products. This led to significant confusion among customers familiar with Anne Black, and the company incurred losses as a result.

The Maritime and Commercial High Court determined that all three products were entitled to copyright protection and were also covered by the Danish Marketing Practices Act. Additionally, the court concluded that Anne Black's rights and market position had been violated. The Supreme Court has since concluded the case, granting Anne Black DKK 1 million in economic compensation.

Main Takeaways

- ✓ Clearly state your position and seek legal recourse – pursue compensation through the court. The Anne Black case has set a legal precedent, altering the narrative in court proceedings.
- ✓ Communicate with your customers about the brand's values, emphasizing the superiority of originals over copies.
- ✓ Garner media awareness and draw attention to the issue. The Anne Black case received extensive coverage in the Danish press.

In the case of Anne Black, calculating compensation isn't simply about determining the earnings from replicating a specific item. When a designer's product is copied, it impacts not just the individual item but also the designer's brand. The resulting harm extends beyond the replicated product; for Anne Black, the unauthorized copying by Netto led to a notable decline in overall sales.

2.3 Current Frameworks and Challenges

At the heart of any creative business or project lies a creative idea translated into a unique product or service—a solution rooted in creativity and knowledge. These creations have a distinct story and are closely intertwined with the founder's talent and skills. Typically, bold creative solutions attract attention with their unconventional approach, making them more susceptible to the risk of imitation. The motives and dimensions of copying can vary, but for a founder, it is crucial to assess all risks (damage to the brand due to low-quality copies, loss of profit, customer attrition, etc.) associated with an inadequate approach to protecting and utilizing their intellectual capital.

To ensure effective protection of Creative IP and the ability to incorporate intellectual capital into

their business model, creative founders must grasp the full spectrum of registration options based on the type of creative product.

IP can be divided into two main categories: industrial property rights that need to be registered, and copyrights that automatically shield an author's (a person's, not a company's) original creative work.

The overview of IPR:

- ✓ **Patents:** covering technical solutions.
- ✓ **Trademarks:** encompassing unique characteristics, which may involve a combination of distinctive product features such as colour, sound, texture, smell, or specific word and symbol combinations (brand representation).
- ✓ **Design Protection:** guarding the appearance of different parts of the product.
- ✓ **Copyright (commercial and moral rights) and related rights:** shielding software, design, drawings, pieces of music, theory, and other creative works.
- ✓ **Trade Secrets:** securing the methods through which specific customers are identified.
- ✓ **Industrial Design:** protection for the appearance of the product (typical in packaging design, decorative patterns, graphic symbols).
- ✓ **Domains and company names:** safeguarding the unique online identity of a business.

In a rapidly evolving world, it is becoming increasingly challenging to retain creative and knowledge-based ideas within the confines of the existing legislative framework. In the pursuit of swift protection, or conversely, quick results without considering the risks associated with IP, creative founders are more susceptible than others to copyright infringements.

The Challenges:

1. Ensuring comprehensive copyright compliance at an international level: how to ensure comprehensive compliance with copyright on an international scale given variations in rules and regulations across countries.
2. Innovations in IP protection in the Digital Age:
 - Addressing the complexities of protecting the rights of users and creators in the Digital Age, where copying is simple and at the same time it is hard to track and prosecute infringers.
 - Identifying and prioritizing innovations in IP for effective implementation, especially considering the use of digital tools and the influence of growing technologies like AI.
3. Internationalization and market expansion for startups: how to assist startups in internationalizing and entering new markets while maximizing recognition and minimizing the risks of copying.
4. Balancing online sharing and protection for creatives: exploring how creatives can strike a balance between sharing their work online and protecting it from infringement, particularly in the age of social media and user-generated content.
5. Enhancing the awareness of creative startups regarding the potential opportunities and risks associated with IP: how to effectively organize IP management and provide appropriate support in case of infringements.

3.SPECTRA Workshop on IP for Creative Ecosystem Stakeholders and Creative Industries

3.1 Workshop Topics and Expertise

On November 28, 2023, the online Workshop on «IP strategies for creative entrepreneurs» was organized and hosted by Creative Business Network and Western Development Commission.

The goal of the event was to examine different approaches towards frameworks for Creative IP. By creating optimal framework conditions in which there is compensation and reward for creators' effort and creativity, IP can act as an incentive for further creation and creative collaboration, as well as supporting economic growth in an amplified manner.

Topics and Speakers:

1. Overall understanding of Creative IP.

Speaker: **Kati Repo, COO, Business Development & Legal in KREAM Helsinki.** Kati Repo works as COO, Business Development & Legal at KREAM in Helsinki. Highly creative company specializing in intellectual property commercialization. Master of Laws –degree from Helsinki University and MBA degree from Henley Business School.

2. IP as a commercialization tool that can be used in business models.

Speaker: **Mustafa Cakir, Co-Founder, PATENT EFFECT.** Mustafa Cakir is an industrial engineer with 13-year experience in patent portfolio management, patent data analytics, patent valuation, patent commercialization (+22 deals so far), incubation program management and startup/spinoff development. He mainly leads patent data analytics services, patent portfolio management, patent licensing, patent valuation, deep-tech startup acceleration programs and commercialization services for IP-based spinoff companies. He is also acting as the President of LES (Licensing Executives Society) Turkey and co-director of Founder Institute Turkey. Mr. Cakir is recognized as one of The World's Leading 300 IP Strategists by IAM in 2022 and 2023.

3. Innovations in IP: what considerations should creatives and their legal support bear in mind when working with emerging digital technologies?

Speaker: **Dr. Eric K. Clemons.** Professor of Operations, Information and Decisions at The Wharton School of the University of Pennsylvania. A pioneer in the systematic study of the transformational impacts of information on the strategy and practice of business, his research and teaching interests include strategic uses of information systems, information economics, the changes enabled by information technology, and innovations in IP that can shape the future protection for innovative and creative solutions.

4. Special guest of the Workshop - **Jesper Moseholm, CEO of "Anna Black" Design brand.**

Jesper has established and managed a business together with designer Anne Black where they manufacture and sell her ceramic designs. The business started in 2002. As part of this, Jesper has managed a lawsuit on IP infringement and brand damage, towards a Danish grocery retailer, in three consecutive courts, ending after 7 years, with a Danish supreme

court verdict. The trial has delivered a lot of insight into the various challenges on defending brand and IP.

The graphic is a grey, rounded rectangular banner with a white border. At the top left is the SPECTRA logo (STIMULATING PERFORMANCE IN CREATIVE TERRITORIES AND REGIONAL ACTORS). At the top center is the Western Development Commission logo. At the top right is the Creative Business Network logo. The main text in the center reads 'PROTECT YOUR CREATIVE WORK!' in large, bold, black letters. Below this is a white button with the text 'JOIN US'. Underneath the button, it says 'tomorrow at our webinar on IP strategies for creative entrepreneurs'. At the bottom of the banner, there are four small square photos of the speakers: Jesper Moseholm, Kati Repo, Dr. Eric K. Clemons, and Mustafa Cakir. Below the photos, their names are listed. At the very bottom of the graphic is the European Union flag logo and the text 'Funded by the European Union'.

Figure 3. Visual Element of the Webinar, prepared by CBN

3.2 Main Takeaway Points

The webinar was conducted in an interactive format, incorporating polls and the opportunity for participants to ask questions to the speakers.

The audience's reactions served as guiding points for the experts in moderating their presentations and key points.

The examples of the questions asked by the audience:

- ✓ *Could a new method be patentable, and how is a new method understood? Is it specific to industrial methods?*
- ✓ *What is the category for patenting an algorithm?*
- ✓ *How do we protect an innovative digital creative business idea and its potential spinoffs?*
- ✓ *What are the main points to consider for the IP protection of software and a business model?*

Main Takeaways provided by the Experts:

IPR protection, the main principles for creators:

- Create-Protect-Utilize: understanding the basis of protecting IP, recognizing its value and business potential.
- Ideas cannot be protected and thus cannot be stolen, but protecting trade secrets with strict enough NDAs might be an important tool.
- For proper IPR utilization, it is crucial to consider and take into account competitors, market trends (such as digitalization), the level of risk the creator is prepared to take, commercialization opportunities while utilizing the IP, creative team mindset and IP strategy.

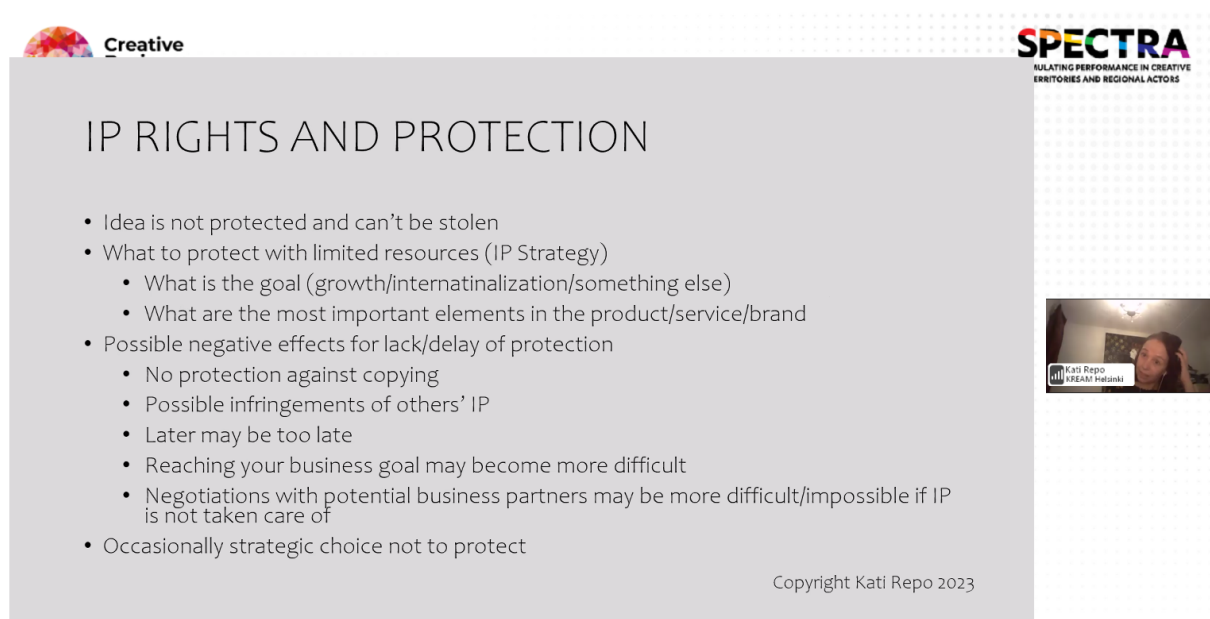
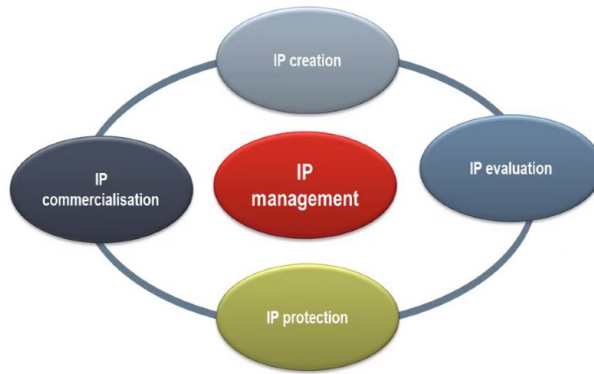


Figure 4. Screenshot of Kati Repo's presentation. Workshop on IP Strategies for creative entrepreneurs, November 28, 2023

IP as a commercialization tool - what to consider:

- IP is a working investment tool. IP commercialization can be achieved through various means, including IP ownership, IP assignments, and business partnerships (including licensing).
- Patent strategy and an IP policy are crucial elements for effective IP management within all creative businesses.
- Licensing should be considered as a practical tool, even for smaller players; it can aid in international expansion and brand recognition.
- To minimize risks, a well-structured licensing agreement is crucial for creative companies and individuals. This agreement should encompass, but not be limited to, license restrictions, territory specifications, terms, and definitions.
- IP commercialization opportunities and conditions vary across different categories, with examples such as the "invent for royalties" scheme for private inventors and international market access for businesses.

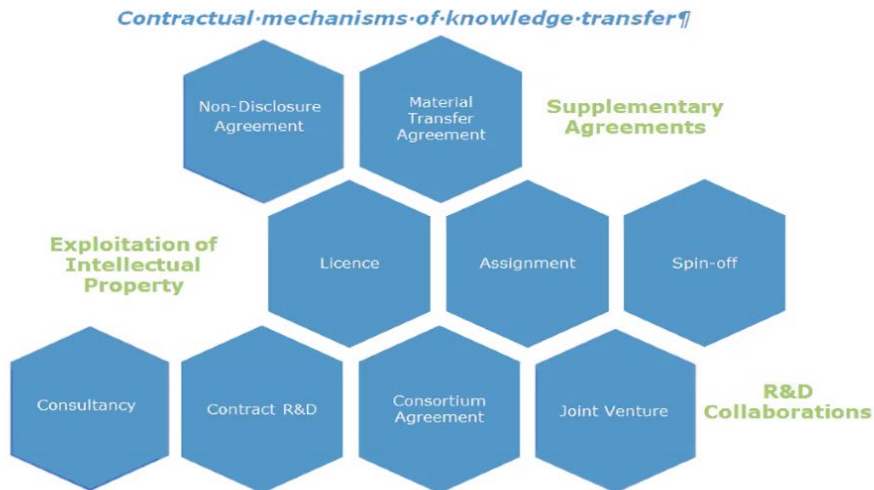
Patent Commercialization Lifecycle



Resource: EPO

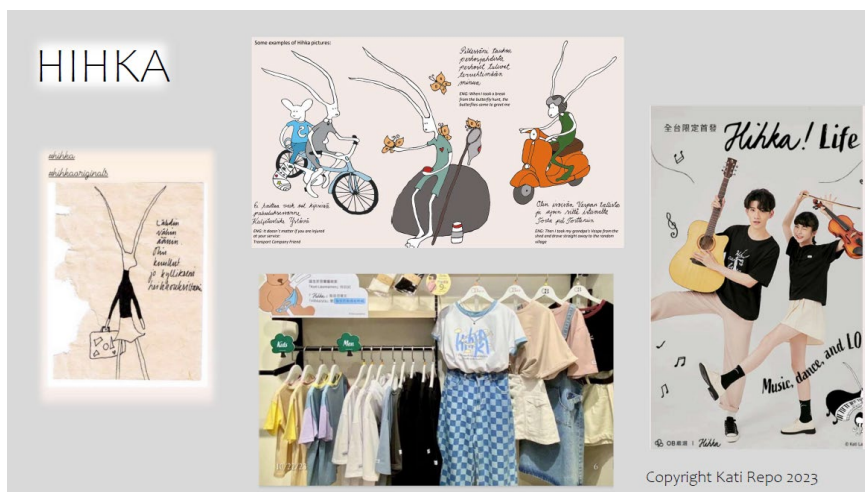
Figure 5. Screen shot of Mustafa Cakir's presentation. Workshop on IP Strategies for creative entrepreneurs, November 28, 2023

Tools for Technology Transfer



Resource: EU IP Helpdesk

Figure 6. Screen shot of Mustafa Cakir's presentation. Workshop on IP Strategies for creative entrepreneurs, November 28, 2023



Picture 7. Slide from Kati Repo's presentation, illustrating KREAM's licensing case for the HIHKA brand. Workshop on IP Strategies for creative entrepreneurs, November 28, 2023

Innovations in IP: a helicopter view of challenges and opportunities in the Digital Age

- IP law balances between two stakeholders: society and creators, determining the level of public access and creators' compensation. Overprotection may restrict access, while underprotection may result in financial losses for creators.
- Technological advancements are challenging this balance, simplifying the processes of copying and modifications to a significant extent. As these technologies evolve, the landscape of Creative IP faces transformative shifts, impacting the balance between creators' rights, public access, and the ease of replicability and modification.
- Considering value-added copying as a source of further creative product development, various models of revenue sharing between the original creator and those interacting with the work can be explored.
- Understanding IP laws is crucial. However, one of the important aspects is identifying what has changed. If there's a shift in a way that has not been explored yet, that is where creatives can make the most valuable contribution. When creative individuals stop sticking to the usual ways of doing things, they pave the way for making the biggest difference.



Figure 8. Screenshot of Eric K. Clemons' speech during the Workshop on IP Strategies for Creative Entrepreneurs, November 28, 2023

IP in practice - Anne Black's case:

Anne Black case highlights the gap between theoretical IP laws and their practical implementation, emphasizing the importance of accurate and provable figures, resource considerations, and the strategic protection of brand reputation in the face of legal challenges.

- The practical application of IP laws often diverges from legal provisions, making it challenging to secure compensation in real cases. There is a need to navigate the nuances between legal statutes and actual implementation.
- In Anne Black's trial, figures presented were not considered objective by the supreme court. It underscores the importance of ensuring that material losses, such as financial figures, are

not only provable but also accurate to bolster the case.

- The ability and resources required to pursue IP cases, especially for smaller entities, pose a significant challenge. It is advised not to solely rely on legal professionals; creatives should actively engage with the subject matter to effectively manage the trial.
- While safeguarding designs can be challenging, protecting reputation should be less arduous. The suggestion to consider damage to the brand, such as trademark infringement, emphasizes the impact on sales and reputation due to the violation.

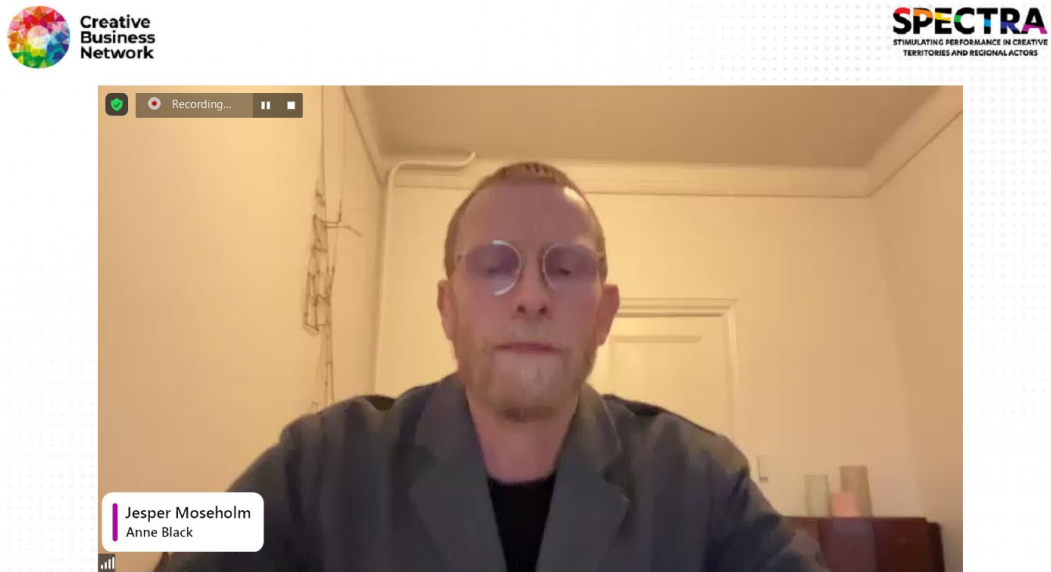


Figure 9. Screenshot of Jesper Moseholm's speech during the Workshop on IP Strategies for Creative Entrepreneurs, November 28, 2023

4. Roadmap: Recommendations

The experiences of CBN's partners, experts, and startups, coupled with insights gained from the webinar on November 28, can be synthesized into a list of specific recommendations for the protection and utilization of Creative IP.

These recommendations cater to both creative entrepreneurs and ecosystem organizations engaging with founders across various levels of support.

1. **Effective communication:**

- ✓ Educate partners and customers about recognizing and appreciating the value proposition, emphasizing the creative business history and overall story of the brand/product/service.
- ✓ Highlight that the brand is more than a product; it encompasses a complex narrative, mission, values, and approach. Actively communicate with customers and partners to maintain clarity regarding brand identity and to address infringements promptly.

2. **Stay ahead of copycats:**

- ✓ Anticipate copycat behaviour and strive to stay one step ahead in innovation.
- ✓ If unable to protect individual elements, safeguard combinations and packaging (cluster of characteristics) to prevent the theft of details like colour, shape, texture, smell etc.

3. **Comprehensive protection:**

- ✓ Utilize a variety of protections, including trademarks and trade secrets, extending coverage to services as well.

4. **Risk assessment:**

- ✓ Evaluate risks and opportunities, even for young and small companies.
- ✓ Establish clear IP protection mechanisms in agreements.

5. **Intellectual Capital awareness:**

- ✓ Raise awareness among creatives about the potential of intellectual capital as a key revenue source from creative ideas.
- ✓ Ensure a thorough understanding of when, why, and how to register rights, avoiding unnecessary expenses due to incorrect protection options or premature patent registration.
- ✓ Have precise knowledge of the target market, including understanding the nuances of registering rights in specific countries or regions.

11. **Key changes in IP laws in the Digital Age:**

- ✓ Identify and adapt to key changes in intellectual property laws and regulations relevant to creatives in the digital age.
- ✓ Consider ethical aspect of IP which involves recognizing the limitation of value-destroying copies that run counter to societal values and principles.

12. **Policy advocacy:**

- ✓ Advocate for raising awareness among policymakers about the significance of

protecting creative IP.

- ✓ Strengthen the support infrastructure for creators. When working independently, creatives may not anticipate all the risks and nuances involved in a legal process.

13. **Creative IP monetization:**

- ✓ Understand how to monetize the intellectual capital of both products and services.
- ✓ Use IP as an innovative tool and a new approach to business models.

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