

Event

An intellectual property landscape helps determine who controls knowledge and the rights to make and distribute products. Companies, researchers, governments and international bodies have different motivations for creating landscapes, seldom share them, and rarely employ the same methods. Without common methods, sharing knowledge and comparing landscaping techniques is difficult, and options for leveraging value from multiple landscapes is undermined.

Significance

The development of common landscaping methods will permit the sharing of data among actors and create the opportunity for leveraged meta-analyses to support social and economic decision-making. Common methods, even if they balance design advantages and blind spots, will make explicit limitations inherent in the methods chosen and will permit users to make transparent comparisons across studies. This is particularly critical in the agricultural sector in which products often incorporate previously patented characteristics.

Analysis

Intellectual property landscapes go under many names, including freedom-to-operate analysis, patent landscapes, public policy patent landscaping, and patent mapping. These landscape methods have in common an attempt to determine what type of intellectual property exists in a technology domain, who holds intellectual property rights, how broad are the rights, and when the rights will expire.

Individual companies may conduct landscape studies to determine whether they will need to obtain licences before manufacturing and selling a product, to identify potential partners for the manufacture or distribution of products, to identify potential purchasers of their intellectual property or to identify opportunities for technological development. For example, a company wishing to introduce a new crop will need to determine who holds patents over key characteristics and methods incorporated into that crop. Governments undertake landscape analyses to determine active areas of commercial activity, to identify key actors in the economy, and to make decisions concerning funding for research and infrastructure. Social science researchers rely on landscapes to identify trends and practices in a technology domain, to explore social and economic consequences arising from intellectual property, and to determine how knowledge is mobilized in a given sector. International organizations develop landscapes in order to identify in which countries patents are obtained in order to support the development of economic policy and access to technology.

Standard methods to undertake intellectual property landscapes do not exist. Some methods rely on highly-skilled patent agents, others on experts such as professors and graduate students, and others on computer-based search algorithms. Each method produces a result that is difficult to compare with results from other methods and, often, even results produced using a similar method or same method by a different practitioner. Further, because each method makes selective use of information, landscapes contain biases that are difficult to compare and measure. Last, each method has a different cost associated with it. Such diversity in methods and outputs raises much uncertainty about the quality, robustness and cost of landscapes.

Consistent quality of landscapes is desirable, as are criteria for selecting landscaping methods tailored to the purposes for which the landscape was undertaken. An analysis and comparison of landscaping methods will classify methods by type and by the purposes sought for the landscape, and will identify biases that may be inherent in the various methods.

Conclusion

Describing, categorizing and evaluating methods of intellectual property landscaping will result in more robust landscapes, encourage the development of better methods, help researchers select the most appropriate method for the purposes being sought, and permit the comparison of results from different landscape analyses.