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PATENTING BY ACADEMIC ENTREPRENEURS IN WEAK AND STRONG ORGANIZATIONAL REGIMES (SUMMARY)

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≈ SUMMARY ≈

**PATENTING BY ACADEMIC ENTREPRENEURS IN WEAK
AND STRONG ORGANIZATIONAL REGIMES**

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Principal Topic

Legal reforms in many countries, such as the Bayh-Dole act in the US, have resulted in a shift from a ‘*weak organizational regime*’ (the inventing employee holds the property rights in own inventions) to a ‘*strong organizational regime*’ (the employer holds property rights in employee inventions during work time). This seems to have drastically changed the way academic entrepreneurs, who create technology ventures to commercially exploit their discoveries, deal with their intellectual property. However, to date, we know little about why academic entrepreneurs seek patents, both before and after such reforms, since prior research on patenting has focused on scientists in general and established firms. In this paper, we suggest that *founder characteristics*, including entrepreneurial orientation and expert knowledge, and *organizational characteristics*, including publication norms, patenting norms, and patenting quality enhance patent propensity. Moreover, organizational characteristics are suggested to prevail in strong organizational regimes, founder characteristics in weak organizational regimes. Put differently, the regime shift has, as we argue, led to an (over)emphasize of organizational norms and capabilities at the expense of founder motivation and capabilities.

Method

Data were collected via a survey of from academic entrepreneurs in Germany and from EPO’s Patstat database. Matching a sample of 79 spin-offs from public universities (founded prior to 2002) with 79 spin-offs from public research organizations allowed us to explore weak and strong organizational regimes, respectively. The latter group was governed under Germany’s version of the Bayh-Dole Act since 1957, the prior only after 2001. Measures were extracted from the extant literature, where possible.

Results and Implications

Founder characteristic were positively related to the number of patent applications, but only in weak organizational regimes. Among the organizational characteristics, only patenting norms had a significant, positive effect, but only in strong organizational regimes. An intriguing finding of this study is that, in strong regimes, organizational norms are the single most important driver of patent applications. Thus, organizations governed under Bayh-Dole-like acts seem to create rigid patenting routines that ignore organizational patenting capabilities and interests of academic entrepreneurs.

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