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## MANAGING INTELLECTUAL PROPERTY IN NEW VENTURES: THE ROLE OF DEFENSIVE PUBLICATION (SUMMARY)

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## SUMMARY

### MANAGING INTELLECTUAL PROPERTY IN NEW VENTURES: THE ROLE OF DEFENSIVE PUBLICATION

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#### Principal Topic

The pressure to patent combined with the high cost of the patenting process often causes SMEs to deplete their resources and acts as a barrier to entry. In this paper we develop a framework that allows evaluating the strategic means start-ups have available to protect and defend their technological creations thorough the use of an IP strategy that integrates patenting with defensive publication.

Defensive publication, the practice of intentionally disclosing details of an invention, thus preventing others from patenting the same or similar invention, has been commonly used by large firms and advocated to small firms, but has not been widely studied (Henkel and Pangerl, 2007). In combination with a core patent, defensive publication can secure unfettered entry into the market at the fraction of the costs of a patent-all strategy. This paper examines under which conditions entrepreneurial firms can utilize defensive publication in conjunction with patent protection of their core technologies, and which potential benefits accrue by using such integrated strategy

#### Method

This paper follows an exploratory design. We first review dominant theories that help explain patenting and patent strategies in start-ups. From this vantage point we develop a framework that not only extends the current literature in the area of non-patent strategies, but also helps explain and predict the choice of strategy by a particular start-up. We make use of the results of the 2008 Berkeley Patent Survey, which we complement by exploratory interviews with start-ups and other stakeholders in the patenting and the defensive publication fields.

#### Results and Implications

This paper advances the literature by bringing the concept of defensive publishing into the study of IP strategy at the start-up level, thus identifying a potential source of differences in the approach to securing their technological base, which might potentially influence the performance of these young firms. In addition, the paper has significant practical implications. Our findings will help start-up managers and investors make improved decisions to enable high-growth and commercial flexibility of their ventures. Our research will also provide start-up founders, managers, and investors a broader method to estimate the strength and potential of the intellectual property base of their ventures.

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