

INVESTIGATIONS REGARDING THE MANAGEMENT OF SPECIFIC INTELLECTUAL PROPERTY RISKS IN COMPANIES FROM ROMANIA

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Abstract: *The paper is dedicated to a market research regarding the way in which managers from Romania are acknowledging the importance of protecting the company's intellectual property actives. Based on interpreting results in SPSS, the research allows us to find out which are the main specific intellectual property risks faced by Romania's managers as well as identifying the protection means for the used intellectual property actives and the importance given to some reduction risk managerial strategies.*

Keywords: *research, intellectual property, risks, management, market research , strategy.*

1. INTRODUCTION

According to ISO 31000:2009, the risk represents a combination between the probability of an event and its consequences.

$$R = P \times C \quad (1)$$

Regarding the specific risks of intellectual property [1,2,5,7,11], they can represent the source of some illegal incomes by using without right some forms of intellectual property. Breaching the intellectual property rights represents a possible bankruptcy source.

From a mathematical point of view, the probability that the risk for the breach of intellectual property to become real is of 50 % [12]. The probability represents the decision of the blighted part to start a process for recuperating the intellectual property rights [12]. In order to prevent these specific intellectual property risks, they have to be acknowledged by the company's management.

Due to this cause, we have realized a market research regarding the way in which managers from Romania [9], are acknowledging the importance of protecting their company's IP actives.

2. INVESTIGATION DESCRIPTION

The quantitative research has implied interviewing 258 managers from Romania. The data was then interpreted in SPSS by table and graphical reports that represent the obtained statistical data.

In order to realize this study, the questionnaire method was used as an investigation technique and the question grill as its investigation instrument. A questionnaire composed of relevant questions for our study was created and used.

The further paragraphs will analyze and interpret the results that we have obtained.

3. INTERPRETING THE INVESTIGATION'S RESULTS IN SPSS

In order to correctly define and interpret the results, the research started with the question: „Which is the main activity of your company?”

Based on the answers obtained from the managers, the following results, presented in the graphics from **FIG. 1 and 2**, were obtained:

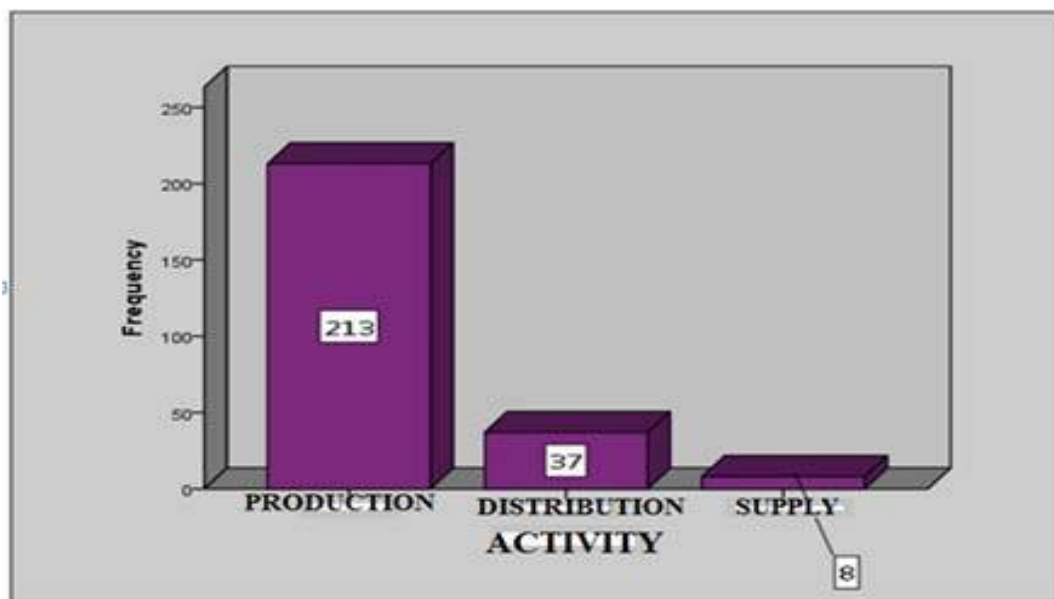


FIG. 1. The text “**FIG. 1.**,” The basic activity of the company. [11]

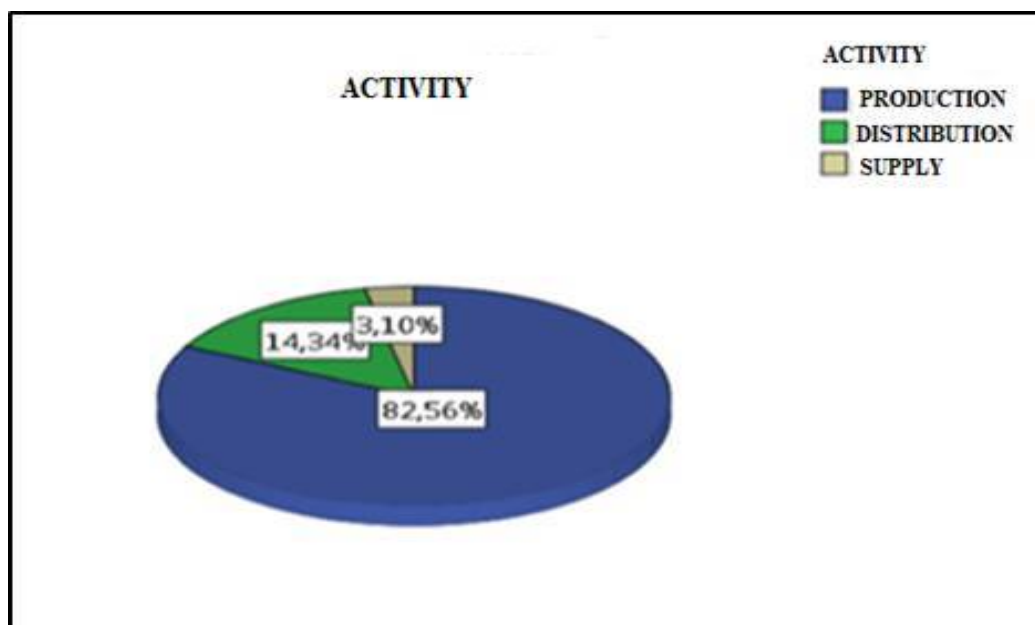


FIG. 2. The text “**FIG. 2.**,” The basic activity of the company. [11]

Based on the results obtained in **FIG. 1 and 2**, it can be ascertained that the majority of the managers that completed our questionnaire, namely 82,56 % are leading companies that specialize in production whereas 14,34 % specialize in distribution and only 3,1 % in provision.

For the question: „Are there one or more departments in your company that specialize in protecting Intellectual Property actives?” the graphics from **FIG. 3 and 4** were obtained as follows:

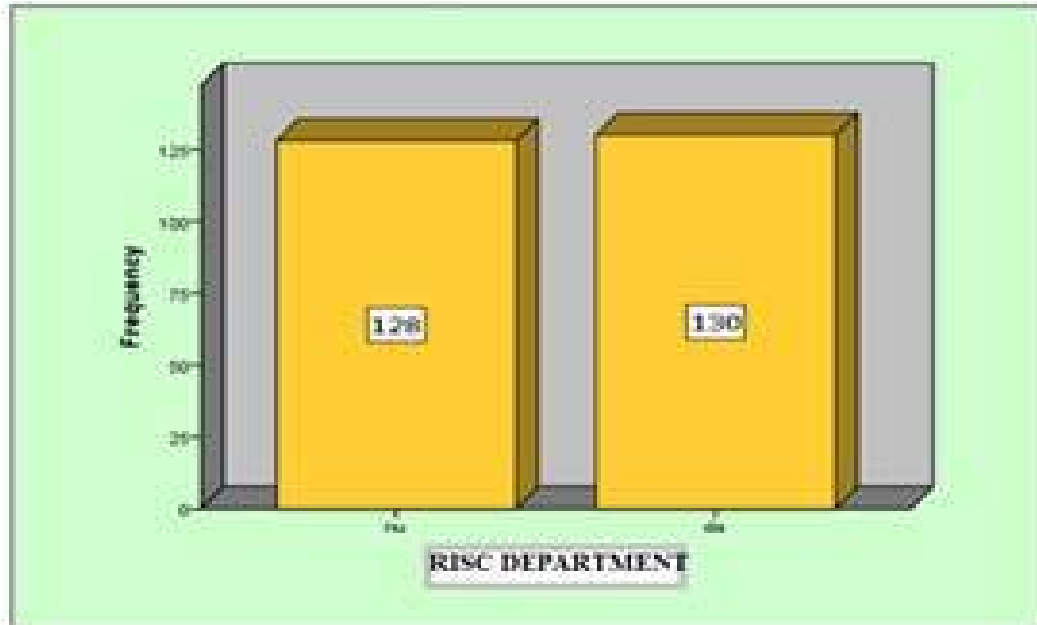


FIG. 3. The text “**FIG. 3.**,” Department of protection of intellectual property assets. [11]

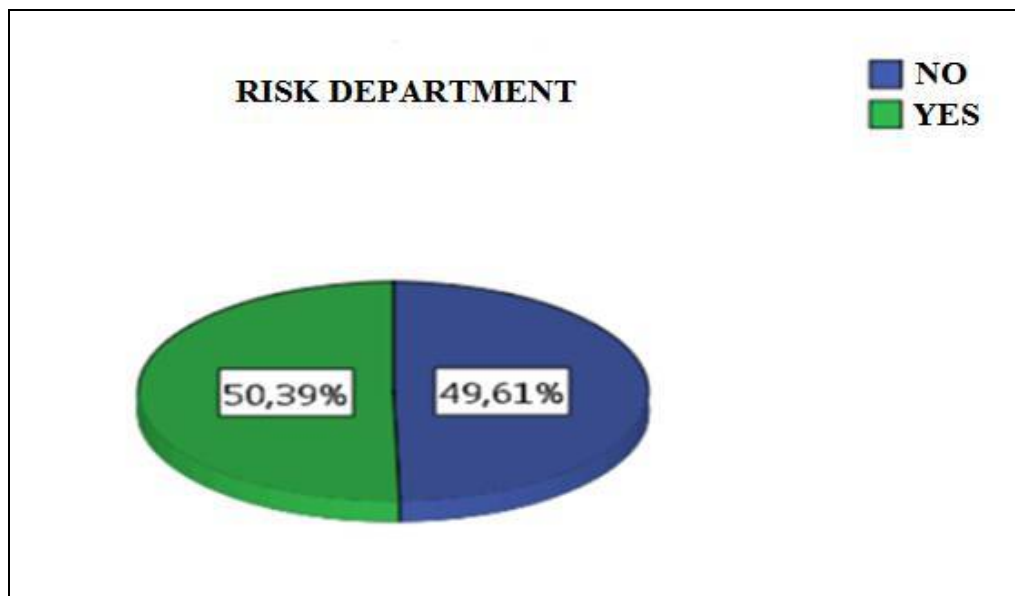


FIG. 4. The text “**FIG. 4.**,” Department of protection of intellectual property assets. [11]

From **FIG. 3 and 4** it results that 50,39 % of managers have at least one department in their company that deals with protecting the intellectual property actives while 49,61 % do not have any department in their firm. The resulted percentage is really tight and shows us that almost half of the interviewed managers either don't know the risks for their company or aren't interested in this aspect.

For the question: „Which of the following Intellectual Property categories of risks have you encountered?“, the obtained data was centralized in SPSS and the **FIG. 5 and 6** graphics were obtained, as follows:

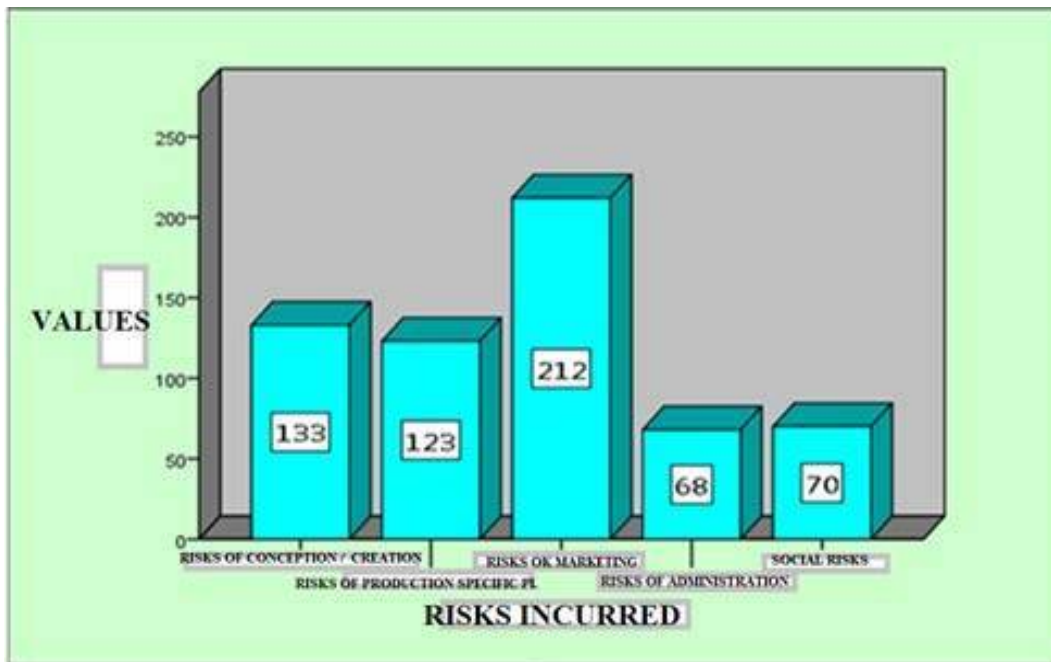


FIG. 5. The text “FIG. 5.,” Intellectual property risks encountered. [11]

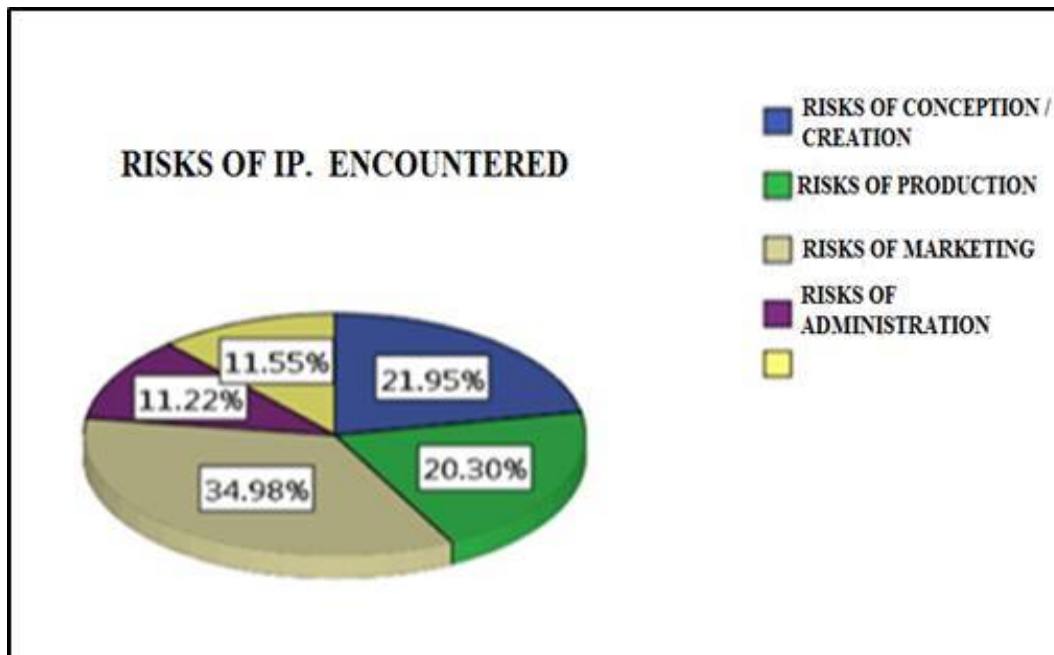


FIG. 6. The text “FIG. 6.,” Intellectual property risks encountered. [11]

From **FIG. 5 and 6** results that 34,98% of the encountered risks were specific marketing intellectual property risks and 11,22% were administrative risks. These were the least encountered types of risks. A high percentage was also recorded for the conception/creation production 21,95%, respectively 20,30%. This fact is problematic as 82,56% from the interviewed managers lead firms that have production as main activity.

For the question: „Which of the following Intellectual Property protection measures was used by your company until now?” the obtained data was centralized in SPSS and presented in **FIG. 7 and 8**, as follows:

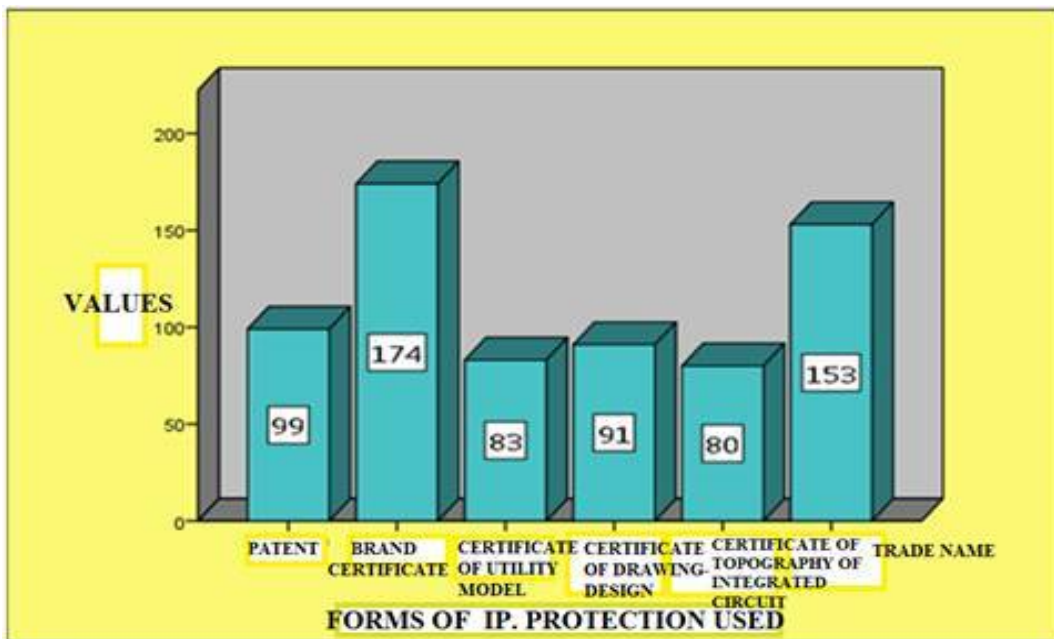


FIG. 7. The text “**FIG. 7.**,” Forms of intellectual property protection used so far. [11]

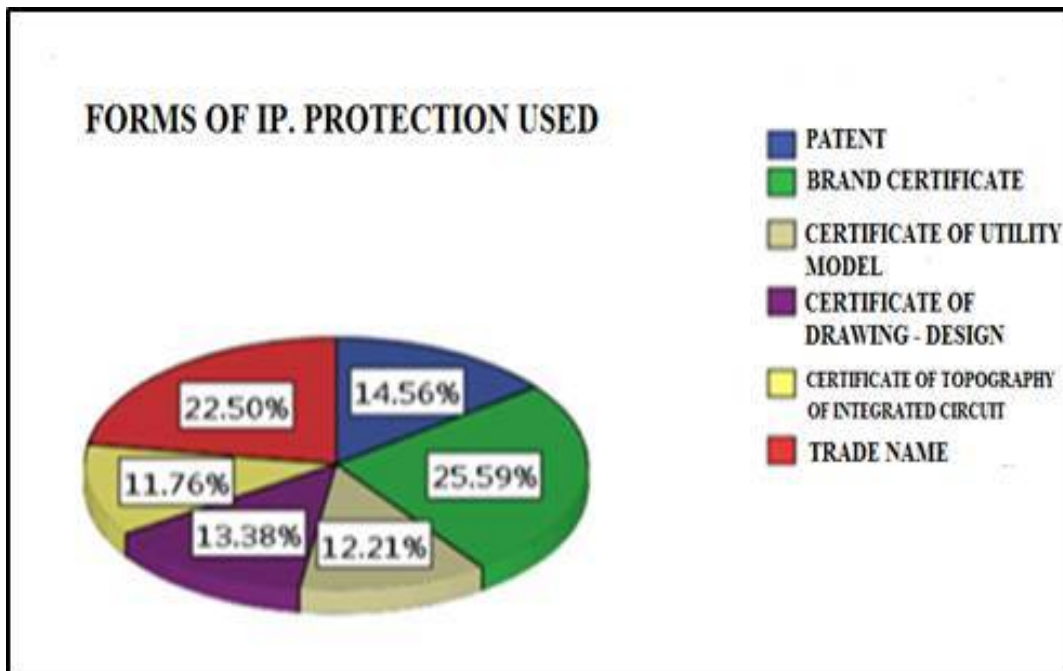


FIG. 8. The text “**FIG. 8.**,” Forms of intellectual property protection used so far. [11]

From **FIG. 7 and 8** results that the most used intellectual property protection forms are the hallmark certificate with a percentage of 55,59%, followed by the commercial name with a percentage of 22,50 %, the invention brevet with a percentage of 14,56 %. The lowest percentages were obtained by the topography integrated circuit with 11,76 % and the utility model certificate with 12,21 %.

For the next question: „Which of the following conception/creation Intellectual Property risks [3,4] do you think can affect your company’s well-functioning?” the obtained data was centralized in SPSS and presented in **FIG. 9 and 10**, as follows:

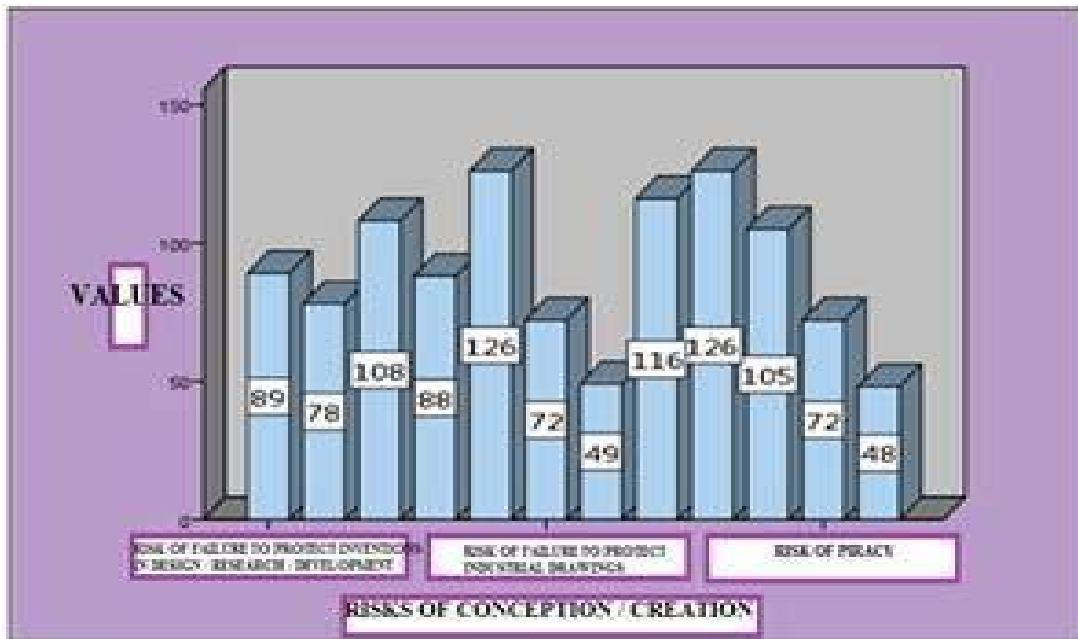


FIG. 9. The text “**FIG. 9.**,” Risks of conception / creation specific to intellectual property. [11]

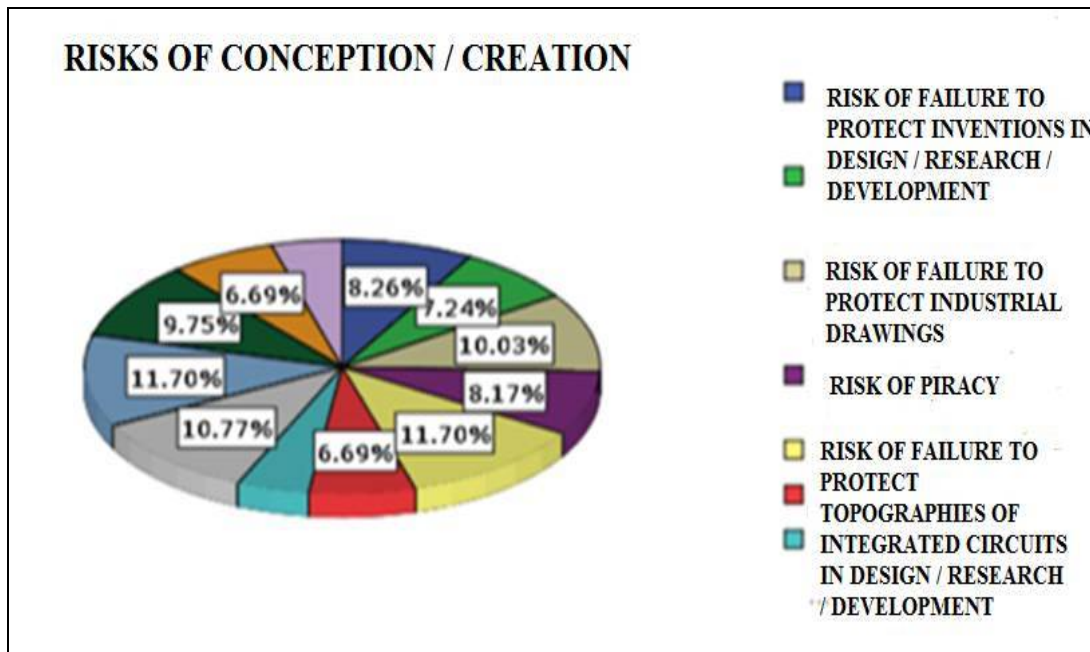


FIG. 10. The text “**FIG. 10.**,” Risks of conception / creation specific to intellectual property. [11]

From **FIG. 9 and 10** results that from the mentioned conception/creation intellectual property risks [3,4], the highest percentage was recorded for intellectual theft risks and counterfeit risks each with 11,7 %, followed by the other conception/creation risks that recorded almost similar percentages. This fact proves that the intellectual theft and counterfeit risks are considered the most threatening risks by managers.

For the question: “Which of the following specific Intellectual Property production risks do you think can affect your company’s well-functioning?”, the obtained data was centralized in SPSS and presented in FIG. 11 and 12, as follows:

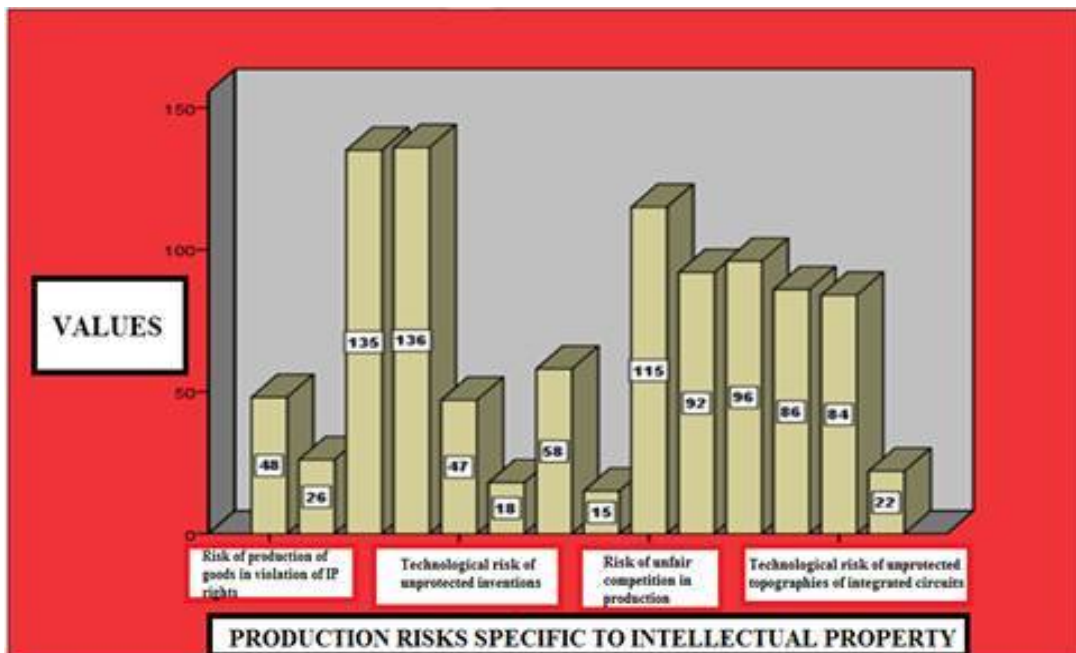


FIG. 11. The text “FIG. 11.,” Production risks specific to intellectual property. [11]

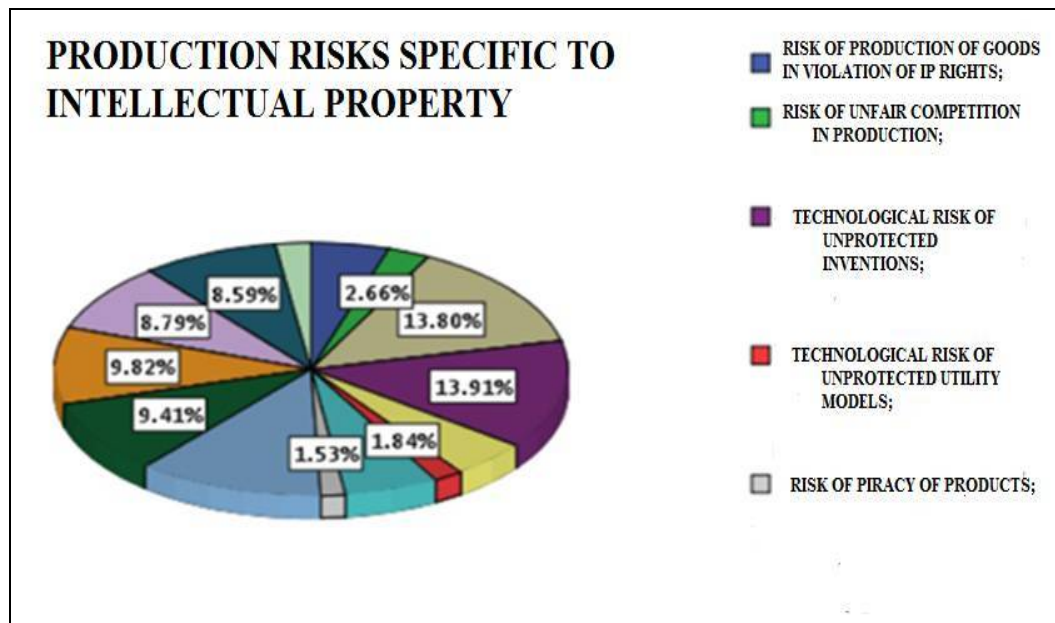


FIG. 12. The text “FIG. 12.,” Production risks specific to intellectual property. [11]

From FIG. 11 and 12 results that from all the listed intellectual property production risks, the following are considered the most threatening and with a high negative impact on the company: know-how leakage risk, production knowledge, fabrication secrets with a percentage of 13,9 %, followed by the disloyal production competition with a percentage of 13,8 %, and the unsecurity of modernization development projects with a percentage of 11,8 %.

MANAGEMENT

For the question: “Do you consider that the implementation of a managerial strategy [6,10,12] for reducing specific Intellectual Property risks will be useful for you?”, the obtained data was centralized in SPSS and presented in **FIG. 13 and 14**, as follows:

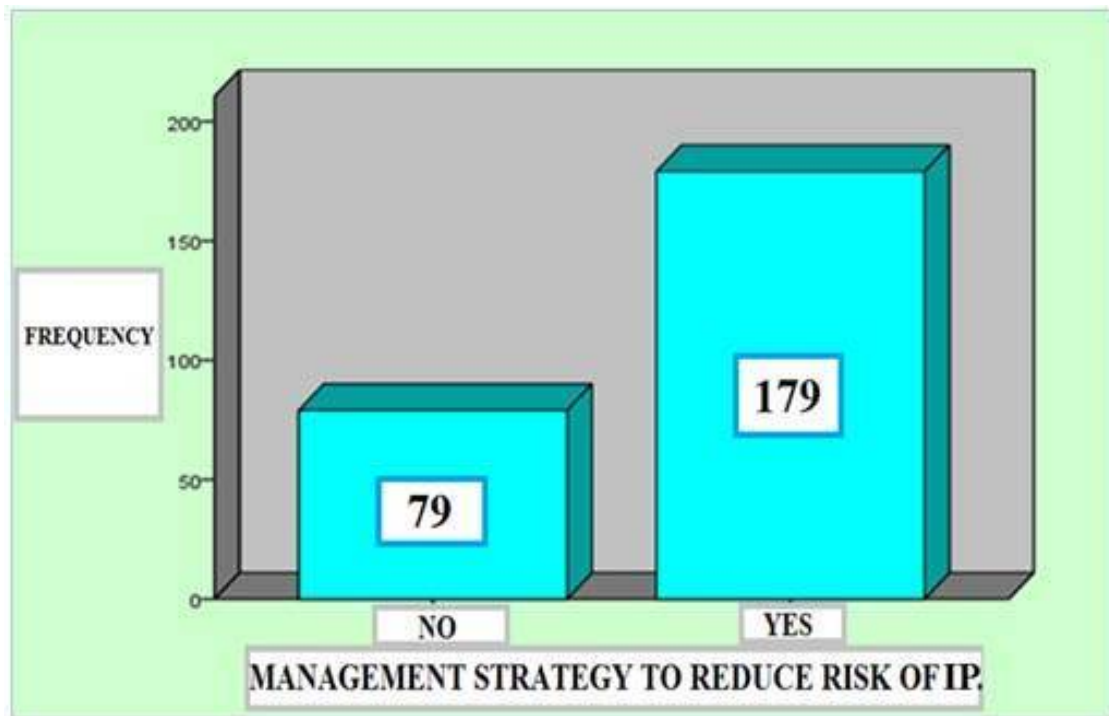


FIG. 13. The text “**FIG. 13.**,” Management strategy to reduce risk of intellectual property. [11]

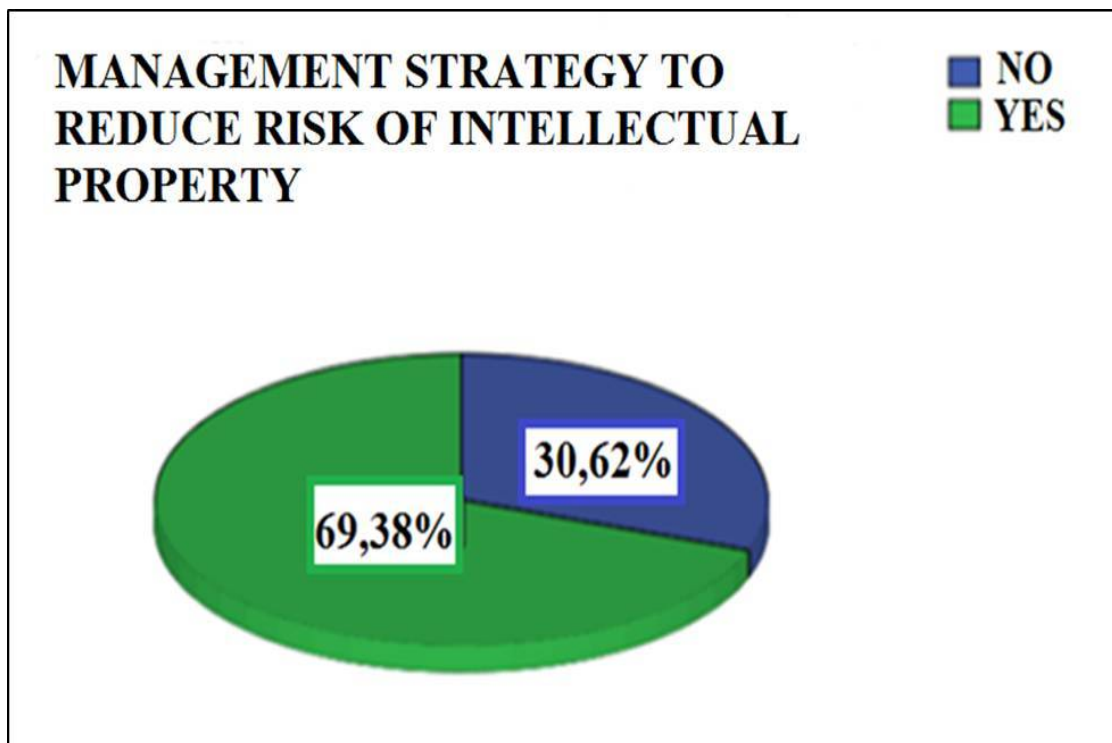


FIG. 14. The text “**FIG. 14.**,” Management strategy to reduce risk of intellectual property. [11]

From **FIG. 13 and 14** results that 69,38% of managers consider the implementation of a managerial strategy for reducing intellectual property risks benefic for their company, while 30,62% consider such a step pointless.

4. CONCLUSIONS

After interpreting the results in SPSS it has resulted that from the category of *conception/creation risks*, the intellectual theft and counterfeit risks are considered by managers as the most threatening types of risks.

From the *specific intellectual property production risks* category, the most threatening risks that can have a high negative impact on the company are: the know-how leakage risk, production knowledge, fabrication secrets, unfaithful production competition and the insecurity of modernization development projects.

Amongst the most encountered intellectual property risks that managers had to deal with are the marketing risks followed by the conception/creation risks and the production ones.

Regarding the implementation of an intellectual property protection strategy, 69,38% of managers considered it benefic for the firm, while 30,62% have considered it pointless. This fact leads us to the conclusion that the managers have begun to acknowledge the value of their firm's intellectual property [8], and wish to protect it through active means of protection.

A general conclusion of this research is the fact that there exists an interest for preventing intellectual property risks and that the implementation of some strategies for protecting it are necessary. They are obligations of an internal management system, namely of a modern management often called the *Management of Intellectual Property*.

ACKNOWLEDGMENT

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