



INTA Presidential Task Force

on

Brands & Innovation

Final Report to INTA Board of Directors

**Heather Steinmeyer, Co-Chair
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**Board of Directors Meeting
INTA Offices
New York City, New York
March 9, 2015**

Brands & Innovation Task Force

Final Report

Executive Summary

The INTA Presidential Task Force on Brands & Innovation (the “Task Force” or “TF”) was established in January 2014 to examine the relationship between brands and innovation, specifically, the impact of brands on innovation and the impact of innovation on brands. The Task Force’s two objectives, aligned with various Strategic Directions of the 2014-2017 INTA Strategic Plan, reflect these parallel considerations:

Objective 1: Produce recommendations for ways in which INTA can demonstrate how brands promote and foster innovation, and drive economic growth.

Objective 2: Produce recommendations for ways in which INTA can help brand owners anticipate and respond to the impact of innovation on brands and trademark-related issues.

The Task Force Co-Chairs, Heather Steinmeyer and Curtis Krechevsky, initially created two “Working Groups”, each to focus on a single objective and produce draft recommendations. Numerous conference calls, emails, and an in-person meeting during the 2014 INTA Annual Meeting have facilitated the Task Force’s work. The Task Force developed an Interim Report and draft recommendations, which were presented to the INTA Board of Directors at the Board’s November 2014 meeting in Phoenix, Arizona.

Following that presentation and feedback received from INTA officers, board members, and staff, the Task Force created two new Working Groups focused on identifying (i) external stakeholders with whom INTA should engage on the topic of brands and innovation, and (ii) key research projects for INTA to conduct, commission, or participate in during the next several years. The output of the new Working Groups has been incorporated into this Final Report.

Among the Task Force’s key findings:

- Current research and literature incompletely explore the relationship between brands and innovation, and are somewhat equivocal on whether brands truly “promote and foster innovation”. In addition, a common criticism of existing research, from both academic and other perspectives, is the perhaps erroneous equating of “correlation” to “causation”.
- Positive relationships between brands and innovation include helping innovators to “generate revenue”, “receive a return on investment”, and “collect rents” for their innovations, which can in turn inspire reinvestment of such revenue in new RD&D.

- There is a symbiotic “feedback cycle” in the relationship between brands and innovation: brands can drive innovation, and innovation clearly drives branding.
- Negative relationships between brands and innovation include where brands “substitute” for true innovation, or where disruptive innovation obsoletes the market for products/services of established brands.
- The past several decades provide multiple examples of innovation causing obsolescence in existing product lines / technologies / methodologies.
- INTA needs to support its members on, and contribute to, the subject of brands and innovation on a global basis, utilizing all of INTA’s engagement mechanisms – policy and advocacy, education, publishing, and member services.
- INTA should provide its members with tools/techniques to manage the opportunities and the potentially disruptive effects of innovation, including such emerging issues such as 3D printing and wearable technology.

Based on its work, the Task Force makes the following six recommendations to INTA, along with the suggested implementation timeline detailed in Appendix D and summarized below (“Now” = 2015; “Mid” = 2016-2018; “Later” = 2018 and beyond):

- 1. The relationship between brands and innovation should become a primary strategic direction now and in INTA’s 2018-2021 Strategic Plan.**
[Now-Mid-Later]
- 2. INTA’s organizational structure and relationships with external stakeholders should support the focus on issues involving brands and innovation.**
[Now-Mid-Later]
- 3. INTA should sponsor, commission, and/or conduct additional research, studies, and reports focused on the relationship of brands to innovation to inform and shape INTA’s future activity in the area.**
[Now-Mid]
- 4. INTA should exercise initiative in having policy statements on issues involving brands and innovation, and incorporating such policies into INTA’s advocacy efforts.**
[Mid-Later]
- 5. INTA should have an ongoing commitment to dedicated programming and educational efforts in the field of brands and innovation.**
[Now-Mid]
- 6. The relationship between brands and innovation should inform INTA communications strategy and initiatives.**
[Now-Mid]

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Brands & Innovation Task Force

Final Report

A. Introduction

1. INTA President Mei-lan Stark appointed the Presidential Task Force on Brands & Innovation (the “Task Force” or “TF”) effective January 1, 2014.
2. In a subsequent *INTA Bulletin* interview, President Stark summarized her motivation for establishing the TF as follows:

Innovation has traditionally been associated with patents and technology, but I believe there is a real nexus between brands and innovation, in the sense that brands can stimulate innovation and pave the road for innovation to take hold. Trademarks are as vital a part of the economic engine as patents, and we can explore that more fully through this task force.

Meet Mei-lan Stark, INTA’s 2014 President, INTA Bulletin, Vol. 69, No. 2, p. 3 (January 15, 2014).

3. In July 2014, INTA also issued the following statement:

Trademarks and related intellectual property encourage innovation and foster vibrant competition for the benefit of consumers, workers, brand owners and society at large.

Why Are Trademarks Important?, INTA Website Home Page, visited July 23, 2014, <http://www.inta.org/About/Pages/WhyAreTMsImportant.aspx>.

B. Task Force Objectives and Alignment With INTA 2014-2017 Strategic Plan

1. As one of its first orders of business in January 2014, the TF adopted the following two objectives, each in support of the indicated Strategic Directions of the 2014-2017 INTA Strategic Plan:

Objective 1: Impact of Brands on Innovation

Produce recommendations for ways in which INTA can demonstrate how brands promote and foster innovation, and drive economic growth.

Strategic Direction 2 (Communications): Supports an energetic program to explain the benefits that trademarks and related forms of intellectual property bring to consumers, national economies, and society at large.

Strategic Direction 1 (Protection of Trademarks): Provides enhanced credibility to INTA's advocacy efforts by demonstrating how brands promote innovation and drive economic growth, and supports INTA's objective to increase advocacy and education around future trends by following the impact of technology on trademarks and IP issues.

Objective 2: Impact of Innovation on Brands

Produce recommendations for ways in which INTA can help brand owners anticipate and respond to the impact of innovation on brands and trademark-related issues.

Strategic Direction 1 (Protection of Trademarks): Supports INTA's objective to increase advocacy and education around future trends by following the impact of technology on trademarks and IP issues.

Strategic Direction 4 (Member Satisfaction): Provides another benefit that helps promote to corporate and firm decision-makers the value of membership and volunteer participation in INTA.

2. The TF also debated an appropriate definition of "innovation", considering a variety of perspectives (legal, business, economics, technology, manufacturing, organizational, government/politics, social/marketplace/consumer). See attached Appendix A, *What Do We Mean By "Innovation"?*, TF Document, January 2014.

The TF adopted the following "working definition" of innovation:

Innovation is the introduction of a new idea or improvement that meets or creates market needs, or challenges the status quo.

Further research conducted by the TF located a number of alternative definitions of "innovation" used by government and international agencies, research institutions, academia, and other entities, as shown in Appendix B. Despite these alternatives, some of which appear to be at least regional *de facto* standard definitions, the TF concluded that its working definition had enough in common with the others to remain valid for this Final Report.

However, future INTA committees or groups focusing on this topic are encouraged to consider anew whether another definition of "innovation" ultimately is more suitable to adopt, perhaps to improve uniformity of terminology and thereby strengthen the Association's ability to reach common positions or understandings with other entities in the field.

3. Examples of innovation that helped shape the TF recommendations include:
 - a. **Innovation in consumer behavior**, including the blurring/elimination of the distinction between bricks-and-mortar stores and online merchants, how consumers use these market channels, and how brand owners address these changes in behavior. Some emerging brands are foregoing bricks-and-mortar channels entirely.

- b. **Technological innovations**, including 3D printing (impacting the need to buy branded products), wearable technologies (breaking down the barriers between technological products and the consumers who use them), and the “Internet of Things” (changing the way consumers and products communicate with each other).
 - c. **Innovation in communications**, including (a) social media’s shift from one-directional marketing to two-way real-time communication and collaboration, and co-creation of content, (b) the creation of multi-purpose mobile hand-held communication devices such as smartphones and tablet computers; and (c) the impact of mobile devices on localization and delivery of place-specific, targeted advertising messages.
 - d. **The importance of platforms and data.** Many innovations rely on data utilization, including data maintained by platforms in order to provide increasingly-targeted advertising. What is collected and shared with brand owners (advertisers) and service providers may increasingly raise privacy and security issues that have the potential to impact brands positively or negatively.
 - e. **The overall innovation of the digital revolution.** Since the dawn of the Internet, brands have been impacted both positively and negatively, and in sometimes unpredicted and surprising ways, by the digital revolution. The TF believes that for the foreseeable future, this area will continue to require considered attention and action by the Association in its strategic planning, policy positions, and external engagement, and by various committees and other groups within INTA.
4. The TF believes that INTA generally, and future committees or groups focusing on the subject of brands and innovation specifically, should actively consider whether the terms “brands” and “branding,” in the context of a relationship to innovation, should be viewed in a broader sense than traditional legal or marketing definitions of a trademark. This could include concepts such as the emotional communication power of brands, e.g., whether there is a form of “emotional innovation”.
- a. A number of the TF’s academic reviewers criticized existing literature / research on the failure to distinguish between the narrower concept of a trademark and the broader concept of a brand.
 - b. 2015 INTA President J. Scott Evans has made incorporating the broader concept of a “brand” into INTA’s deliberations a priority during his tenure. In his introductory email message to the INTA Membership on January 6, 2015, President Evans stated:

As my second personal goal for 2015, I would also like to see us broaden the scope of our discussions around trademarks to encompass brands. Trademarks have long served as the tools companies use to identify their brands. As the concept of brands has expanded to include all sorts of emotional and social components, the role of trademarks has also expanded. When we work with trademarks, it’s important to remember all the associations that go along with the brand such as customer loyalty and concern about corporate social responsibility, for example. I look forward to exploring these ideas and to deepening our understanding about the role of trademarks and brands.

C. Task Force Membership and Experience, Structure, and Methodology

1. The TF consisted of 10 members:

Name / Position	Organization / Location	Task Force Position
Heather Steinmeyer Managing Senior Associate General Counsel	Anthem, Inc. Chicago, Illinois, USA	Co-Chair
Curtis Krechevsky Partner and Chair of Trademark & Copyright Department	Cantor Colburn LLP Hartford, Connecticut, USA	Co-Chair
Kathryne Badura External Relations Coordinator – Enforcement	INTA New York, New York, USA	INTA Staff Liaison
Robert Katz Partner	Banner & Witcoff, Ltd. Washington, D.C., USA	Working Group 1 Leader Working Group 3
Elisabeth Bradley Assistant General Counsel & Chief Trademark Counsel	Bristol-Myers Squibb Company Princeton, New Jersey, USA	Working Group 1 Working Group 4 Leader
Barry Gerber Assistant General Counsel, Trademarks	Philip Morris International Management SA Lausanne, Switzerland	Working Group 1 Working Group 3
Iris Quadrio Partner	Marval, O'Farrell & Mairal Buenos Aires, Argentina	Working Group 1 Working Group 3 Leader
Peter Dernbach Partner	Winkler Partners Taipei, Taiwan	Working Group 2 Leader Working Group 4
Christine Farley Professor of Law	American University – Washington College of Law Washington, D.C., USA	Working Group 2 Working Group 4
Steven Liew Founder, Steven Liew & Associates	Steven Liew & Associates Singapore Formerly with eBay Inc. Singapore	Working Group 2 Working Group 3

2. The Task Force was comprised exclusively of INTA members. The TF's composition reflected the geographic diversity of INTA's global community, with members from Asia, Europe, South America, and North America. The TF also possessed diversity in background and experience:
 - a. Multiple members had served or were then serving as senior in-house counsel for INTA corporate ("regular") members.
 - b. Multiple members had held senior leadership positions within INTA, including as President, Officer, Board Member, Committee Chair, and/or Subcommittee Chair.
 - c. Multiple members had extensive experience in private legal practice and in academia.
3. The Co-Chairs initially divided the Task Force into two Working Groups ("WGs"), each devoted to developing proposed recommendations for one of the TF's objectives. WG1 focused on TF Objective 1; WG2 focused on TF Objective 2. WG1 was chaired by Robert Katz and included members Elisabeth Bradley, Barry Gerber, and Iris Quadrio. WG2 was chaired by Peter Dernbach and included members Christine Farley and Steven Liew.
4. The TF as a whole, and each of the WGs, held multiple conference calls between January 2014 and the completion of the TF's Final Report. One or both of the TF Co-Chairs participated in all of these calls. In May 2014 the TF met in person during the INTA Annual Meeting in Hong Kong, with 70% attendance. Numerous emails were exchanged leading up to and following each of these calls and meetings.
5. The TF decided to invite a number of members of the international academic community (not limited to professors from law schools) whose work included research / scholarship in the field of innovation to conduct a high-level review of, and provide feedback on, the TF's draft recommendations.
6. The TF also consulted on occasion with other individuals having significant interest in the subject area, including John Noble, British Brands Group; William Miller, Chief Intellectual Property Counsel at General Mills, Inc.; and Professor Manuel Real Desantes, of University of Alicante, Spain.
7. At the November 12, 2014 meeting of the INTA Board of Directors in Phoenix, Arizona, the TF Co-Chairs presented the TF's Interim Report to the Board. In general this presentation was well-received by the Board. The Board was invited to provide comments and feedback to the TF both at the November Board meeting and thereafter through January 5, 2015. Several comments were received from INTA officers, staff, and Board members, and have been considered in the preparation of this Final Report.

D. Sources Consulted and Findings

1. The TF conducted online research and consulted a variety of other individuals to collect the most relevant and recent sources of academic, government, and organizational research, study, and scholarship concerning the relationship between brands and innovation.

2. The TF accepted, with gratitude, member Christine Farley's offer to have a number of her law students review selected literature and summarize the key takeaways for the TF. The TF recognizes, with thanks and appreciation, the valuable work of Naomi Abraham, Saba Ahmed, Sara Bennett, and Ryan Van Olst, all students at the American University Washington College of Law.
3. Appendix C lists the primary sources consulted by the TF directly and/or the law student review group.
4. Much of the academic and governmental work on this topic has occurred in Europe. Very little has occurred in North America or other parts of the world.
5. While some studies have addressed specific aspects of the relationship between brands and innovation, the TF believes that overall both the quantity and quality of research directly bearing on this topic is in need of improvement / supplementation.
6. A number of the academic reviewers commented that the existing research does not adequately distinguish between the more narrow concept of "trademarks" (legal protection of such rights) and the broader concept of "brands / branding" (e.g. the brand's relationship with consumers, the emotional / aspirational aspects of brands, and so forth).
7. Much of the literature that discusses a positive relationship between brands and innovation view brands as helping innovators to "generate revenue", "receive a return on investment", and/or "collect rents" for their innovations. By permitting both the recapture and enhancement of investments in innovation, brands help provide incentives for the reinvestment of revenue into further RD&D activities and resulting new innovations. However, a common criticism of existing research, from both academic and other perspectives, is the perhaps erroneous equating of "correlation" to "causation".
8. A number of commentators have made the perhaps obvious observation that without effective branding, even the greatest invention can fail for lack of commercial success.
9. From the TF's survey of the existing literature and the TF's own experience, the TF believes that there is a "feedback cycle" in the relationship between brands and innovation: brands can drive innovation, and innovation clearly drives branding.
10. This "feedback cycle" is particularly evident where a brand's equity / positioning / reputation / history includes attributes of (i) inventive or creative design and thinking, (ii) an image of being "cutting-edge", (iii) being an acknowledged leader in the industry, (iv) reliably generating market and media "buzz" with each new product or service introduction; and (v) a public expectation of innovation. Some of the TF's recommendations focus on exploring these connections, for example, whether there are industry-based correlations.
11. On the other hand, a significant portion of the existing literature discusses where brands can actively hinder or obstruct innovation, or at least serve only as a "substitute" for true innovation. An example is the use of brand updates to signal change or novelty to consumers, but in the absence of substantive product or service improvements. A number of the TF's recommendations are intended to provide vehicles for validating or exploring these countervailing views, which may in turn provide direction for areas in which it would be useful to establish INTA policy positions, strategic partnerships, and so forth.

12. It is also evident to the TF that the past 20-30 years have seen multiple instances of progress and opportunities created by “disruptive” innovation, which may or may not have also had a negative impact on established brands and existing technologies, including forcing the obsolescence of product lines, technologies, and methodologies of conducting commerce. Examples of this include:
- a. Migration of computing / word processing from typewriters to workstations to desktops to PCs to laptops to tablets and handheld devices.
 - b. Evolution of viewing screens from cathode-ray tube technology to flat panel / plasma / LCD / LED technologies to screens on mobile devices. Parallel improvements in video definition allowing more realistic viewing on both large and small screens.
 - c. Transition of telephone communication from rotary (analog) dialing to digital dialing, and from wired to cordless to wireless / cellular to Internet-based. Corresponding disappearance of “phone booths”.
 - d. The shift in (i) audio and video recording from analog to digital technologies, (ii) the evolution of storage media from VHS / Betamax to Laser Disc to DVD, or vinyl to cassette tape to CD to digital files, and (iii) the devices to view or listen to recordings from personal cassette players to personal CD players, to MP3 players, to the iPod® and similar devices, to smartphones.
 - e. Evolution of film photography to digital photography, including evolution of cameras from stand-alone devices to becoming embedded within other devices such as smartphones and tablet computers.
 - f. Evolution of printed publications (e.g. books, magazines, newspapers, event tickets) to electronic publications.
 - g. Transition of document retention and communication, from hard copy files to electronic files, and from mail to courier service to fax to scanning / email / FTP / “cloud-based”.
 - h. Evolution of electronic hand-held devices for single-purpose uses (e.g. radios, MP3 players, phones, PDAs) to multi-purpose smart devices (e.g. smartphones).
 - i. Shift in Internet searching from multiple search databases to content portals to search engines.
 - j. Shift in mapping technologies from atlases / road maps to GPS-based location systems and online mapping databases.
 - k. The rise of social networking as a prominent means of connecting, sharing, and communicating, and corollary technologies such as instant messaging and texting.
 - l. The rise of the Internet as a marketing and distribution channel and the challenges to “bricks-and-mortar” distribution channels, including the expansion of gTLDs.

- m. The development of “augmented reality” technologies such as Google Glass and Microsoft HoloLens that, in real-time, supplement a person’s perception of the physical world with additional video, imagery, graphics, holograms, and GPS.
13. The TF believes that INTA can and should provide its members with tools and techniques to better anticipate and respond to the opportunities created by innovation, as well as the potentially disruptive effects. Current emerging innovation issues with profound implications for brands include:
- a. 3D printing.
 - b. Wearable technology.
 - c. The “Internet of Things”.
 - d. The further evolution of social networking.
 - e. The overall impact of the digital revolution on brands, including the recent expansion of gTLDs, and INTA’s need to stay “ahead of the curve”.
14. In addition, the TF believes that INTA should help its members to better handle other impacts of innovation on branding, including:
- a. Incorporating a company’s innovation into branding without alienating the established consumer base.
 - b. Accommodating dynamic variation in branding (e.g. Google’s “Doodles”), and other forms of non-traditional trademarks and trademark use.
 - c. Challenges presented by various new Internet-based marketing and distribution channels, and the recent expansion of gTLDs.
15. Overall the TF believes, and the recommendations to follow reflect, that INTA needs to support its members on, and contribute to, the subject of brands and innovation on a global basis, utilizing all of INTA’s engagement mechanisms – policy and advocacy, education, publishing, and member services.

E. Recommendations and Implementation Timeline

While Working Groups 1 and 2 initially produced separate sets of recommendations, sufficient overlap and common themes emerged such that the Task Force determined to present the recommendations as a unified body of work. The TF makes a total of six (6) recommendations.

Appendix D contains the TF's proposed timeline for implementation of these six recommendations, using the following time periods:

- Now = 2015
- Mid = 2016 – 2018
- Later = 2018 and beyond

The Timeline suggestions are also shown in **bold brackets** below.

1. The Relationship Between Brands and Innovation Should Become a Primary Strategic Direction Now and in INTA's 2018-2021 Strategic Plan.

[Now-Mid-Later]

- a. It is a working assumption of the Task Force that the impact of brands on innovation and of innovation on brands is likely to generate increasingly frequent and complex issues for brand owners in the future. INTA has an opportunity to assume a leadership position in this area and to anticipate and address these issues through appropriate organizational focus, including in the next INTA Strategic Plan for the 2018-2021 period and the corresponding Implementation Plan. The TF recommends that INTA create a permanent standing committee called the "Brands & Innovation Committee" in time for adoption of the 2018-2021 Strategic Plan. **[Later]**
- b. Consider whether INTA's current 2014-2017 Implementation Plan should be changed / amended to more specifically reflect near-term actions the organization may determine to undertake with respect to brands and innovation. The TF believes that the following portions of the 2014-2017 Implementation Plan are implicated by continuation of the TF's work and implementation of near-term recommendations: **[Now-Mid]**
 - i. Objectives 1.3 (Advocacy), 2.2 (Promote INTA Positions), and 3.1 (Increase Targeted Advocacy): INTA should incorporate implementation of Recommendation 4 below into these aspects of the Implementation Plan focusing on advocacy efforts.
 - ii. Objective 3.2 (Strengthen Relationship With NGOs and International Organizations): Implementation of Recommendation 2.b below provides an opportunity for INTA to further the goals of Objective 3.2.
 - iii. Objective 4.2 (Create New Opportunities for Volunteers to Participate Within INTA): Implementation of Recommendation 2.a below provides an opportunity for INTA to further the goals of Objective 4.2.
 - iv. Objective 1.2 (Respond to Challenges Posed by the Digital World): As noted elsewhere in this Final Report, the overall innovation of the digital revolution is a

key driver for INTA's desire to focus on the relationship between brands and innovation. Accordingly, implementation of the Final Report's Recommendations provides an opportunity for INTA to further the goals of Objective 1.2.

- v. Implementation Program 1 (Protection of Trademarks): INTA should add to the listed areas of focus for Implementation Program 1 a new topic directed to exploring and addressing the relationship between brands and innovation.
- c. Consider whether INTA's Mission Statement should be amended to reflect the organization's increased focus on brands and innovation. See, e.g., Section B.4.b above. **[Later]**

2. INTA's Organizational Structure and Relationships with External Stakeholders Should Support the Focus on Issues Involving Brands and Innovation.

[Now-Mid-Later]

- a. Continue and enhance INTA's institutional commitment to addressing the relationship between brands and innovation through appropriate changes or additions to INTA's organizational structure:
 - i. Establish new subcommittees, task forces, or working groups, or delegate existing ones, to begin implementation of those Task Force recommendations the Board determines should be organizational priorities during the remainder of the 2014-2017 Strategic Plan period. **[Now]**
 - ii. The TF has identified the following committees / subcommittees within INTA's existing structure that could be tasked with carrying on various aspects of the TF's work, prior to creating a standing "Brands & Innovation Committee" and INTA's adoption of the 2018-2021 Strategic Plan: **[Now]**

1. Policy Development & Advocacy Group (PDA)

a. Emerging Issues Committee:

- i. Issue Identification Subcommittee.
- ii. Limits on Trademark Rights Subcommittee.
- iii. **Create a new subcommittee called "Brands & Innovation Subcommittee".**

b. Related Rights Committee:

- i. Create appropriate new subcommittee.

- c. Internet Committee:
 - i. gTLD Registry Issues Subcommittee.
 - ii. Internet Governance & Contracts Subcommittee
 - iii. Internet Policy Advocacy Subcommittee.
- 2. **Education & Services Group (EDF)**
 - a. Government Officials Education & Training Committee:
 - i. Create appropriate new subcommittee.
- 3. **Law & Practice Resources Group (LPR)**
 - a. Public Resources Committee:
 - i. Advertising and Related Rights Subcommittee.
 - ii. Promotion & Outreach Subcommittee.
 - iii. During the period of the 2018-2021 Strategic Plan and beyond, establishing a permanent, stand-alone Brands & Innovation Committee that includes appropriate resources, such as dedicated liaisons, for ensuring cross-functional coordination with other applicable committees, Groups, or Regional Councils. The details of the organization and structure of this new committee should be influenced by the results of the further research and study in Recommendation No. 3 below. **[Later]**
 - iv. Consider whether INTA's Board of Directors should include additional stakeholders, such as consumer experts, psychologists, and economists, to facilitate a well-rounded organizational perspective on issues involving brands and innovation. **[Mid]**
- b. INTA should engage stakeholders outside trademark law to facilitate continued work on brands and innovation. **[Now-Mid]**
 - i. INTA should establish regular dialogue on the subject with other interested, non-trademark organizations both inside and outside the legal industry, including constituencies that INTA has not traditionally attempted to reach (listed in no particular order):
 - 1. Consumer advocacy and public interest groups
 - 2. Trade associations for technology industries
 - 3. Scientific organizations

4. Engineering organizations
 5. Economics organizations
 6. Labor unions and other labor organizations
 7. Data Privacy and Security organizations
 8. Academic / Research institutions
 9. Industry and Business Organizations
 10. Brands / Advertising / Marketing organizations
 11. Industrial Design organizations
 12. Internet organizations outside INTA's current partners, such as The Internet Association and PEERS
 13. Standards setting organizations ("SSOs") for relevant technologies, if not encompassed by the groups above
- ii. INTA should engage with other professionals, such as economists, psychologists, experts in consumer behavior, futurists, and thought leaders in other fields including those who believe trademark protection has been extended too far.
1. As a first step, INTA should compile a list of known thought leaders in some of these fields whose work has an impact on brand owners.
 2. The list should be used both to identify content that could be shared and to invite such thought leaders to participate in INTA programming, meetings, and other efforts.
- c. Per Recommendation 2.b above, a full list of possible external stakeholders identified by the Task Force is attached as Appendix E. In compiling this list, the Task Force strove for geographic diversity as well as finding candidates for each category listed in Recommendation 2.b.i.
- d. The Task Force recommends that the following entities be considered as among the first group of external stakeholders to be contacted by INTA (entity descriptions quoted or paraphrased from entity websites):

i. Brands / Advertising / Marketing Organizations

1. AIM – The European Brands Association

AIM's mission is to create for brands an environment of fair and vigorous competition, fostering innovation and guaranteeing maximum value to consumers now and for generations to come. To deliver on their commitments, the members of AIM have developed principles on key aspects of their business.

Website: www.aim.be

2. British Brands Group (BBG)

BBG is a membership organisation dedicated to championing brands in the UK. BBG's objective is to ensure that their positive contribution to consumers, the economy and society is better understood by policy makers and others. BBG members include leading brand manufacturers of all sizes and BBG provides a forum for them to discuss issues affecting brands in the UK. BBG is the UK arm of AIM (the European Brands Association) and part of an integral network of similar national organisations around the world.

Website: www.britishbrandsgroup.org.uk

3. IAB Europe

IAB is the voice of digital business. Its mission is to protect, prove, promote and professionalize Europe's online advertising, media, research and analytics industries. Together with its members – companies and national trade associations – IAB Europe represents over 5,500 organizations.

Website: www.iabeurope.eu

ii. Academic / Research Organizations

1. Singapore Management University – Institute of Innovation and Entrepreneurship

The SMU Innovation and Entrepreneurship Area of Excellence focuses on building an array of programs and expertise that support business and market development to complement R&D investments.

Website: <http://iie.smu.edu.sg>

2. Singularity University

Located in Silicon Valley, Singularity University is a benefit corporation that provides educational programs, innovative partnerships and a startup accelerator to help individuals, businesses, institutions, investors, NGOs

and governments understand cutting-edge technologies. Genentech, Autodesk, Google, Nokia and Cisco appear as its corporate founders.

Website: <http://singularityu.org>

3. INOVA-UNICAMP (Agência de Inovação da Universidade Estadual de Campinas)

The Innovation Agency of Unicamp was created in 2003 and aims at identifying opportunities and promoting activities to stimulate innovation and entrepreneurship, increasing the impact of education, research and extension in favor of sustainable socioeconomic development.

Website: www.inova.unicamp.br

4. Max Planck Institute for Innovation and Competition

The Max Planck Institute for Innovation and Competition was founded in Munich in 1966 as the Institute for Foreign and International Patent, Copyright and Competition Law. During the following decades, it became instrumental in the development of the areas of law that it dealt with. In 2002, in conjunction with new appointments, its scope of research was extended to include core areas of antitrust law and tax law - hence, the change of the Institute's name to the Max Planck Institute for Intellectual Property, Competition and Tax Law. After the establishment of an additional department for financial economics in 2008, this Institute was replaced, with effect from January 1, 2011, by the MPI for Intellectual Property and Competition Law and the MPI for Tax Law and Public Finance. Together with the MPI for Foreign and International Social Law, these two Institutes form the Munich-based Max Planck Campus for Legal and Economic Research. In 2013, the Max Planck Institute for Intellectual Property and Competition Law was expanded to include a new, economics-oriented department (Innovation and Entrepreneurship Research); in 2014 the Institute changed its name to Max Planck Institute for Innovation and Competition.

Website: www.mpg.de/916499/immat_queter_wettbewerb

5. EIT – The European Institute of Innovation and Technology

The EIT is an independent body of the European Union set up in 2008 to spur innovation and entrepreneurship across Europe to overcome some of its greatest challenges. It brings together leading higher education institutions, research labs and companies to form dynamic cross-border partnerships – Knowledge and Innovation Communities, KICs - that develop innovative products and services, start new companies, and train a new generation of entrepreneurs.

Website: <http://eit.europa.eu/http://eit.europa.eu/>

6. Universidad de Chile – Centro Intelis de Análisis de la Innovación y Emprendimiento

Centro Intelis is a research and academic center of Universidad de Chile focused on innovation and entrepreneurship and aimed at developing new knowledge applied to the dynamics of Latin American companies.

Website: <http://www.uchile.cl/portal/investigacion/centros-y-programas/centros-de-estudio/44936/centro-intelis-de-analisis-de-la-innovacion-y-emprendimiento>

iii. Consumer Advocacy and Public Interest Groups

1. EU Observatory

The European Observatory on Infringements of Intellectual Property Rights is a network of experts and specialist stakeholders. The Observatory's objectives are to: Provide evidence-based contributions and data to enable EU policymakers to shape effective IP enforcement policies and to support innovation and creativity.

Website: <https://oami.europa.eu/ohimportal/en/web/observatory/home>

2. WHICH?

Which? is now the largest consumer body in the UK, with over 617,000 members that subscribe to its magazine, and over 254,000 online subscribers.

Website: www.which.co.uk

3. BEUC – Bureau Européen des Unions de Consommateurs

BEUC is an associate member of the international consumer organisation, Consumers International (CI). BEUC's aim, in close collaboration with Consumers International, is to ensure consumer concerns are taken into account also at global level. BEUC also plays an active role in the Transatlantic Consumer Dialogue (TACD), which is designed to promote contacts and exchanges with our colleagues in the US.

Website: www.beuc.org

iv. Trade Associations for Technology Industries

1. BSA – Business Software Alliance

One of BSA's objectives is to safeguard Intellectual Property and promote innovation. According to BSA, IP is a critical driver of technological innovation and economic competitiveness — and it is at the very heart of the software business, encouraging innovators to invest in research and product development for the benefit of customers and consumers.

Website: www.bsa.org

2. Consumer Electronics Association

CEA serves more than 2,000 member companies from every segment of the consumer technology industry, providing information, representation and leadership to grow industry.

Website: www.ce.org

v. Scientific Organizations

1. National Research Foundation (Singapore)

Set up in 2006, the NRF is a department within the Prime Minister's Office. The NRF sets the national direction for research and development (R&D) by developing policies, plans and strategies for research, innovation and enterprise. It also funds strategic initiatives and builds up R&D capabilities by nurturing research talent. The NRF aims to transform Singapore into a vibrant R&D hub that contributes towards a knowledge-intensive, innovative and entrepreneurial economy, and make Singapore a talent magnet for scientific and innovation excellence.

Website: www.nrf.gov.sg

2. CONICET – Argentine National Council of Scientific and Technical Research

The Argentine National Council of Scientific and Technical Research (“CONICET”) is the leading organization dedicated to the promotion of science and technology in Argentina. CONICET works in four major fields: agricultural sciences and engineering, biological and health sciences, natural sciences, and social sciences and humanities.

Website: www.conicet.gov.ar

3. CONACYT – Mexican National Council of Science and Technology

The Mexican National Council of Science and Technology (“CONACYT”) is aimed at fostering and strengthening scientific development and technological modernization in Mexico. Through the various funds created and supported by CONACYT, efforts are made in coordinating innovation, technological development, and human information.

Website: <http://www.conacyt.mx>

vi. Engineering Organizations

1. IEEE – Institute of Electrical and Electronic Engineers

IEEE's core purpose is to foster technological innovation and excellence for the benefit of humanity. IEEE is recognized for the contributions of technology and of technical professionals in improving global conditions.

Website: www.ieee.org

2. ASME – American Society of Mechanical Engineers

ASME helps the global engineering community develop solutions to real world challenges. Founded in 1880 as the American Society of Mechanical Engineers, ASME is a not-for-profit professional organization that enables collaboration, knowledge sharing and skill development across all engineering disciplines, while promoting the vital role of the engineer in society. ASME codes and standards, publications, conferences, continuing education and professional development programs provide a foundation for advancing technical knowledge and a safer world. ASME's mission is to serve diverse global communities by advancing, disseminating and applying engineering knowledge for improving the quality of life; and communicating the excitement of engineering. ASME aims to be the essential resource for mechanical engineers and other technical professionals throughout the world for solutions that benefit humankind.

Website: www.asme.org

3. ACS – American Chemical Society

ACS is a congressionally chartered independent membership organization which represents professionals at all degree levels and in all fields of chemistry and sciences that involve chemistry.

Website: www.acs.org

vii. Industrial Design Organizations

1. IDSA – Industrial Designers Society of America

Founded in 1965, the nonprofit Industrial Designers Society of America (IDSA) is one of the oldest and largest membership organizations for industrial design professionals. IDSA sponsors the annual International Design Excellence Awards (IDEA), the world's most prestigious industrial design honor, and its events, including an annual International Design Conference and five district conferences, bring together the brightest minds in the profession. INNOVATION, IDSA's flagship publication, is a highly regarded magazine within the profession. IDSA has more than 3,200 members in 28 professional chapters in the US and internationally.

Website: www.idsa.org

2. Interaction Design Foundation (User Experience / GUI Designers)

The Interaction Design Foundation is a ten year old, transformative, non-profit community focused on educating, informing and stimulating design professionals and students, as well as providing first grade curricular and training materials for universities and professional corporations around the globe.

Website: www.interaction-design.org

3. ICSID – International Council of Societies of Industrial Design

ICSID is a non-profit organisation that protects and promotes the interests of the profession of industrial design. Founded in 1957, ICSID serves as a unified voice of over 50 nations through which members can express their views and be heard on an international platform. Since its inception, ICSID has continued to develop its wide-reaching network of students and professionals devoted to the recognition, success and growth of the industrial design community. Together, professional associations, promotional societies, educational institutions, government bodies and corporations create a comprehensive and diverse system on the forefront of industrial design education and progress.

Website: www.icsid.org

viii. Internet Organizations Outside of INTA's Current Partners

1. Asia Internet Coalition (Singapore)

Website: www.asiainternetcoalition.org

ix. Industry and Business Organizations

1. CII – Confederation of India Industry

The Confederation of Indian Industry (CII) is a non-government, not-for-profit, industry led and industry-managed organization that works to create and sustain an environment conducive to the growth of industry in India, partnering industry and government alike through advisory and consultative processes. CII is in the midst of creating a CII National Committee of Entrepreneurship and a CII Innovation Council.

Website: www.ciiinnovation.in

2. INCJ – Innovation Network Corporation of Japan

Innovation Network Corporation of Japan (INCJ), a public-private partnership aimed at promoting innovation and enhancing the value of businesses in Japan. INCJ aims to provide financial, technological and

management support in order to promote the creation of next-generation businesses through “open innovation,” or the flow of technology and expertise beyond the boundaries of existing organizational structures.

Website: www.inci.co.jp/english

3. Japan Institute of Invention and Innovation

The objectives of the Japan Institute of Invention and Innovation are to encourage invention, enhance original ideas, promote the practical use thereof, and diffuse and develop the industrial property system thereby advancing science and technology and contributing to the development of Japan’s economy.

Website: www.jiii.or.jp/english

4. Korea Institute of Startup and Entrepreneurship Development

Aims to activate start-ups and create jobs to realize the creative economy in Korea. Focuses on providing entrepreneurship support and development.

Website: www.kised.or.kr/eng

5. ANPEI (Associação Nacional de Pesquisa e Desenvolvimento das Empresas Inovadoras)

The National Association for Research and Development of Innovative Companies (Anpei) was established in 1984 in Brazil , with the mission to stimulate innovation in business and raise this activity to the strategic factor of condition for the competitiveness and productivity of companies and economic policy, industrial , scientific and technological developments in the country.

Website: www.anpei.org.br

6. FINEP – Inovação e Pesquisa

FINEP’s main goals are to transform Brazil through innovation and promote economic and social development of Brazil through public promotion of Science, Technology and Innovation in companies, universities, technological institutes and other public and private institutions.

Website: www.finep.gov.br

7. IDEA

IDEA is an organisation that contributes to the development of productive and competitive enterprises and institutions. It aims to integrate Argentina into the modern and developed world. IDEA also contributes to the gathering of the key actors of the business world, in order to establish relations between them and enable them to act in society contributing to the

institutional, economic and social development.

Website: www.ideared.org

8. Business Europe

The leading advocate for growth and competitiveness at European level, standing up for companies across the continent and campaigning on the issues that most influence their performance. A recognized social partner, Business Europe speaks for all-sized enterprises in 33 European countries whose national business federations are its direct members.

Website: www.businesseurope.eu

9. EIRMA – European Industrial Research Management Association

The European Industrial Research Management Association is an independent and not-for-profit organization that deals with the effective global management and organisation of business R&D and innovation within a European perspective involving around 120 major European companies operating in a wide range of sectors since 1966.

Website: www.eirma.org

10. International Chamber of Commerce (“ICC”)

ICC provides a forum for businesses and other organizations to examine and better comprehend the nature and significance of the major shifts taking place in the world economy. ICC has several commissions that examine major issues of interest to the business world. The ICC Commission on Intellectual Property has a number of task forces, including one that is specifically looking at the relationship between innovation and intellectual property.

Website: <http://www.iccwbo.org/Advocacy-Codes-and-Rules/Areas-of-work/Intellectual-Property/Innovation-and-intellectual-property/>

11. ForoInnovación

ForoInnovación is an NGO created by a group of Chilean institutions in 2005 to boost Chile's transformation into a more innovative and entrepreneurial country, in order to achieve a higher economic and social development. The NGO awards the “The Avonni Innovation Awards”, a well-known award for innovation in Chile, and has also established LEIS, the Laboratory of Social Entrepreneurship and Innovation, which aims at promoting the development and study of these activities in Chile.

Website: www.foroinnovacion.cl

3. **INTA Should Sponsor, Commission, and/or Conduct Additional Research, Studies, and Reports Focused on the Relationship of Brands to Innovation to Inform and Shape INTA’s Future Activity in the Area.**

[Now-Mid]

- a. Research should focus on demonstrating, validating, or supporting INTA policy positions, including how brands can act as an internal and external catalyst and stimulus for innovation.
- b. Pursuant to a request from INTA senior leadership, the TF has identified three research projects (set out below) that the TF believes should be commenced in the near term. These three projects are intended to address the absence of current research that demonstrates a causal relationship between brands and innovation, as opposed to a mere correlation between them.
- c. The TF recommends that INTA, informed by whatever successor internal groups are designated to carry on the TF’s work, develop a detailed “Request For Proposal” (“RFP”) for each project. The RFP would then be sent to specific entities and/or individuals from whom INTA would want to invite proposals on (i) how the research should be conducted; (ii) how the results would be collected, analyzed, and reported; (iii) estimated timeline for conducting and completing the research; and (iv) proposed budget (if any) for conducting the research, giving due consideration to the possibility of *pro bono* contributions.
- d. The three near-term research projects identified by the TF are:

i. **Study of the Economic Impact of Branding.**

Does branding facilitate investment, funding, and growth? Are trademark applications a predictor of economic development or a signal of financial or economic health, and can any causation or absence of causation be demonstrated? The study could be conducted in the top five of Bloomberg’s 2014 top innovator countries, as well as the five countries with the lowest Gross National Income per capita per year (for which data may prove difficult to gather), and/or in other countries as INTA or the study’s conductors deem appropriate, such as a cross-sample of multiple regions. The TF recommends including North America, Latin America, and Asia in the study, in addition to Europe, since the TF’s prior research suggests that much of the academic and governmental work on this topic has been conducted within and focused on Europe or selected countries within that region, and very little research has occurred in the rest of the world. Further, INTA or the study conductors may want to consider focusing on small- to medium-sized organizations, in both the developed world and in developing countries, since much of the past research on branding has traditionally involved larger enterprises.

ii. **Study of Whether Branding Helps Fund Research and Development.**

Much of the literature that discusses a positive correlation (or cause-and-effect) between brands and innovation view brands as helping innovators to “generate revenue” and “receive a return on investment.” The assumption is that by

permitting the recapture of investments in innovation, brands help provide incentives for the reinvestment of revenue into further RD&D activities and resulting new innovations. The TF suggests that INTA study whether companies that are generating value from branding are in fact using this revenue to fund future RD&D, and whether they can demonstrate, on their balance sheets or earnings forecasts, that the value of intangible assets such as brands and goodwill is being channeled into RD&D budgets and line items. Discussions with economic and brand valuation experts (*i.e.* non-legal professionals) could assist in refining the design and objectives of this study.

iii. **Study of Potential Negative Impact of Branding.**

Among many members of the INTA community, and as some existing research has identified, there is an intuitive sense of a “feedback cycle” in the relationship between brands and innovation. It appears that brands can drive innovation, and innovation clearly drives branding. On the other hand, other literature discusses that brands can actually inhibit innovation; serve only as a “substitute” for true innovation; or perhaps have anti-competitive effects. The TF believes INTA should commission a study exploring the perception that IP laws (and particularly trademark and copyright laws) can inhibit innovation. The study could include the following:

(a) Assess whether industries determined (or self-identified) to be “innovative” file more or less trademark applications than industries considered to be less innovative.

(b) For industries identified as innovative, assess the percentage of trademark registrations granted in comparison to applications filed. To the extent that applications are not proceeding to registration, is this due to Trademark Office refusals, third-party oppositions, abandonment by trademark owners for independent business reasons (such as application was one of several alternative marks intended to identify a single new product), or other reasons?

(c) Assess the trademark/copyright litigation landscape in innovative industries compared to industries considered to be less innovative.

(d) Identify and assess highly-competitive innovative industries to determine whether there is a higher number of trademark applications filed among major competitors, compared with competitive industries objectively viewed as non-innovative. What findings and assumptions can be made from this data?

e. Possible additional specific research topics for future consideration include:

- i. How do traditional business models/companies respond to disruptive technology/innovation.
- ii. What is the impact of new technologies on branding development/promotion, and whether, as a result, brands are driving new innovation in companies’ communication and commercialization strategies.

- iii. Why are brand-and-innovation issues important, and what implications and consequences arise as a result of innovation developments? Can a consensus among INTA membership be reached on these issues?
- f. Such research could be conducted by or through the following entities:
 - i. INTA members (see also Section E.3.g below)
 - ii. Academia / research institutions
 - iii. Think tanks
 - iv. Public policy interest groups, especially those with an economics focus
 - v. Government agencies and offices, including the U.S. Department of Commerce, U.S. Patent and Trademark Office, Office of the U.S. Trade Representative, U.S. Department of Labor, and counterpart agencies and offices in other countries and regional government authorities
 - vi. Consumer advocacy and insight groups
 - vii. Innovators / RD&D centers / industrial designers
 - viii. Innovative companies
 - ix. Coalitions, associations, and other organizations focusing on innovation and/or technologies
- g. INTA should also survey its membership to test/assess Task Force recommendations and conclusions.
 - i. Explore whether INTA should support a broader concept of “trademarks” than is traditionally understood in legal circles, such that INTA expands its Mission Statement to explicitly cover “brands” and “branding”, and includes aspects such as:
 - 1. the communicative power of brands;
 - 2. the psychological, emotional, and aspirational attributes of brands;
 - 3. The “creative” component of brands from both a design and inventive perspective (e.g. non-traditional trademarks).
 - ii. Conduct surveys / interviews of senior management at INTA regular members in the technologies industries to obtain their anecdotal impressions about the relationship (and importance) of their companies’ brands to their innovation and RD&D activities.
 - iii. Survey broader INTA membership, perhaps on a periodic basis, to identify current experiences and “real world” concerns regarding innovations impacting brands in order to inform areas for further policy development or action by INTA.

4. **INTA Should Exercise Initiative in Having Policy Statements on Issues Involving Brands and Innovation, and Incorporating Such Policies Into INTA's Advocacy Efforts.**

[Mid-Later]

- a. Explore possible policy recommendations for adoption by INTA, including resolutions by the INTA Board, on the subject of whether and/or how brands help foster and promote innovation, and vice versa. Examples:
 - i. Brands act as an internal and external catalyst and stimulus for innovation.
 - ii. Brands help innovators to recover reasonable returns on the RD&D costs leading to the innovation.
 - iii. Brands help produce revenues to fund further RD&D. Brands are the only business asset that can appreciate in value over time.
 - iv. Brands help innovators attract and retain talented employees.
 - v. Because they are one of the few IP assets with a potentially infinite lifespan, brands can help innovators maintain a long-term competitive advantage.
 - vi. Popular / strong brands reflect successful businesses (true for innovative businesses as well as for others).
 - vii. As one of the most efficient and effective commercial communication tools ever developed, brands themselves permit innovation. Trademark law increasingly recognizes that any indication of origin perceivable by the human senses can act as a brand (logos, colors, motion, sounds, scents, tastes, tactile sensations).
 - viii. Innovation can enhance brand equity and brand value.
 - ix. Harmonization of privacy and data protection laws to facilitate the desire of many brand owners to make the most of opportunities presented by (a) direct engagement with consumers via social media, and (b) mining Big Data.
- b. Explore policy initiatives in the subject area in cooperation with governmental agencies and authorities, such as the USPTO and other national / regional trademark offices. Possible co-sponsored summits or other programs with these entities.

5. **INTA Should Have an Ongoing Commitment to Dedicated Programming and Educational Efforts in the Field of Brands and Innovation.**

[Now-Mid]

- a. Stand-alone programming, such as the “Trademarks in 20 Years” conference (date/location to be determined).
- b. Stand-alone programming marketed to constituencies that INTA has not traditionally attempted to reach (see Section E.2.b above).
- c. Programming during the INTA Annual and Leadership Meetings should include at least one opportunity (in the form of sessions, panels, workshops, speakers, or demonstrations) to address topics such as emerging technologies that may impact brands, and new thinking on the intersection of brands and innovation.
- d. Specialized programming in an appropriate forum featuring industry experts to evaluate particular technologies (such as 3D printing, wearables, new social media channels or platforms) from technical, economic, legal, and marketing perspectives. Experts should be from a wide array of backgrounds and include “impact-oriented” perspectives such as journalists, economists, consumer behavior specialists, psychologists, etc.
- e. Co-sponsoring and participating in other programs, conferences, symposia, and seminars with other interested entities, both inside and outside the legal industry.
- f. Use this topic to engage students and academic members in appropriate ways, such as:
 - i. Establishing an annual student (and possibly other type of participant) competition or prize to prepare a paper on the topic of Brands and Innovation, covering themes of importance to INTA membership based on the recommended member surveys;
 - ii. Leveraging existing student competitions like the Saul Lefkowitz Moot Court Competition to engage students in this area; and
 - iii. Selecting law students to conduct on-going research on the intersection of brands and innovation.
 1. There is an abundance of law students keenly interested in trademark law. As younger people, they are likely to be more familiar with current technological and marketing innovations.
 2. INTA Staff should manage the selection process and chosen students could be assigned to support one or more committees, or to work directly on implementation of other Task Force recommendations, such as Bulletin content.

6. **The Relationship Between Brands and Innovation Should Inform INTA Communications Strategy and Initiatives.**

[Now-Mid]

- a. Assuming positive results from the additional research and surveys recommended above, publicize these developments in a pro-active manner, both to enhance the value of INTA to its membership, and to counter anti-IP sentiment in politics, the media, and the public.
- b. Coordinate the TF's work with the other Presidential Task Forces so that results can be communicated in a coordinated and harmonious fashion.
- c. The INTA Bulletin should have a regular feature on developments in the field of Brands and Innovation for the purpose of promoting thinking on the subject by the Bulletin audience. Among other things, content could highlight new studies, research, scholarship and developments that address the relationship between brands and innovation and the impact thereof.
- d. The Trademark Reporter should actively encourage, invite, and solicit articles in the field of Brands and Innovation.
- e. Where feasible, republish valuable content from experts in areas outside trademark law whose work addresses brands and innovation.
- f. Identify and utilize appropriate media channels outside INTA to publish or publicize INTA's work in the area of brands and innovation.

F. Conclusion

Overall, the Brands & Innovation Task Force believes INTA should take action to help establish and address the manner in which brands interact with innovation, whether as a catalyst / stimulus or otherwise.

INTA should also take action to help brand owners address innovation in their industries that could fundamentally enhance, change, or even eliminate the market for their branded goods or services. Many industries have undergone such fundamental change in the past several decades. We are likely in the midst of disruptive changes to other markets. INTA is well-positioned to become a thought-leader on how best to accommodate and embrace these changes for the benefit of brand owners, consumers, and other constituencies.

Respectfully submitted,

The INTA Presidential Task Force on Brands & Innovation

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Christine Farley – Member

Barry Gerber – Member

Robert Katz – Member

Steven Liew – Member

Iris Quadrio – Member

March 2015

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APPENDIX A

What Do We Mean By “Innovation”?

International Trademark Association

PRESIDENTIAL TASK FORCE ON BRANDS AND INNOVATION

What Do We Mean By “Innovation”?

January 2014

Version 2

1. Definitions:

At its most basic, “innovation” means to introduce something new. But it can also mean:

- a. Novelty
- b. Ingenuity
- c. Inspiration
- d. Creativity
- e. Originality
- f. Change
- g. Alteration
- h. Adaptation
- i. Revolution
- j. Upheaval
- k. Transformation
- l. Breakthrough

The *Wikipedia* article on “Innovation” suggests this explanation:

“Innovation is the application of better solutions that meet new requirements, unarticulated needs, or existing market needs. This is accomplished through more effective products, processes, services, technologies, or ideas that are available to markets, governments, and society.”

2. Sample Types of Innovation:

Different types of “innovation” are conceivable, from different perspectives / contexts.

- a. Legal:

- i. Innovation in the sense of patentable – novel, non-obvious, useful.
 - ii. Innovation in the sense of trade secrets – novel, difficult/impossible to replicate, commercially valuable/successful?
 - iii. Innovation in design (patent/copyright/trademark) – novel / original, non-obvious, appealing?, commercially successful?
 - iv. Innovation in expression (copyright) – original, “boundary-pushing”, commercially successful?
- b. Business:
 - i. Innovation as a catalyst for growth.
 - ii. Innovation as a competitive advantage.
 - iii. Innovation as a competitive necessity – “innovate or die”.
 - iv. Innovation as doing more with less, greater efficiency, greater effectiveness.
- c. Economics:
 - i. Classical economic theory accounts for innovation, but does it define innovation properly?
 - ii. Innovation as the catalyst for growth.
 - iii. Schumpeter: “Creative destruction is the essential fact about capitalism.”
- d. Technology:
 - i. Innovation as constant invention, refinement, and improvement.
- e. Manufacturing:
 - i. Innovation as improvements in efficiency, improvements in processes.
- f. Organizational:
 - i. Innovation as improvement in structures, processes, chains of command, chains of communication.

g. Government / Politics:

- i. Innovation in policies and programs to improve general welfare.
- ii. Financial incentives to stimulate innovation.

h. Society / Marketplace / Consumer:

- i. Is this the final arbiter of what is truly “innovative”?

3. Levels:

Different levels of innovation are conceivable:

- a. Disruptive / Radical / Transformative – breaks new ground, creates a new type or category of product/service, obsoletes existing technologies or product lines.
- b. Incremental – improvement to the features, benefits, attributes, characteristics, designs, delivery, and/or quality of existing products/services.
- c. Others?

4. Scope / Boundaries / Limits:

Everyone likes to say they innovate or are innovative, but everyone and everything can't be.

- a. Innovation can occur in connection with products, services, and processes.
- b. Innovation can occur outside of commercial contexts.
- c. True innovation is not “cosmetic”, and not “puffery”.

APPENDIX B

ADDITIONAL DEFINITIONS OF “INNOVATION”

The following table summarizes additional definitions of “innovation” from a variety of sources, including governmental agencies, international agencies, research institutions, scientists, commentators, and academia. The definitions are ranked according to the number of hits obtained when searching for the definition on Google. (Whether this indicates the relative credibility and degree of acceptance of a particular definition remains to be determined.)

[Appendix B continued]

Google Hits	Source	Definition	Link/Citation
48,900	US Dep't of Commerce Proposed Definition	Innovation: "The design, invention, development and/or implementation of new or altered products, services, processes, systems, organizational structures, or business models for the purpose of creating new value for customers and financial returns for the firm."	(Innovation Measurement, 72 Fed.Reg. 18627 (April 13, 2007)) http://www.gpo.gov/fdsys/pkg/FR-2007-04-13/pdf/07-1827.pdf
19,300	Van de Ven	Innovation: "...the process of developing and implementing a new idea."	Van de Ven, A., Polley, D.E., Garud, R., & Venkataraman, S. (1999). The innovation journey. New York: Oxford University Press. (Van de Ven, et al., 1999, p. 9)
7,190	United Kingdom Dep't of Trade and Industry	Innovation: "the successful exploitation of new ideas"	http://webarchive.nationalarchives.gov.uk/+http://www.dti.gov.uk/innovation/innovation-dti/page11863.html
7,110	Merriam-Webster	Innovation: 1. "The introduction of something new" 2. "A new idea, method, or device."	http://www.merriam-webster.com/dictionary/innovation
2,670	Porter	Innovation: "...the transformation of knowledge into new products, processes, and services..."	Porter, M.E., & Stern, S. (1999). The new challenge to America's prosperity: Findings from the innovation index. Washington, DC: Council on Competitiveness. (Porter & Stern, 1999, p. 12) http://www.hbs.edu/faculty/Publication%20Files/Downloads_Porter_index1_el_be68d54c-4990-45da-88c0-ee754c99ffdb.pdf
1,140	Univ. of Berkeley Paper	Open Innovation: "A paradigm that assumes that firms can and should use external ideas as well as internal ideas, and internal and external paths to market, as the firms look to advance their technology."	http://eml.berkeley.edu/~bhhall/papers/BHH09_IPR_openinnovation.pdf

754	OECD Oslo Manual	Innovation: "The implementation of a new or significantly improved product (good or service) or process, a new marketing method, or a new organisational method in business practices, workplace organisation or external relations."	http://www.oecd-ilibrary.org/sites/sti_scoreboard-2013-en/03/02/index.html?contentType=&itemId=%2Fcontent%2Fchapter%2Fsti_scoreboard-2013-19-en&mimeType=text%2Fhtml&containerItemId=%2Fcontent%2Fserial%2F20725345&accessItemIds=%2Fcontent%2Fbook%2Fsti_scoreboard-2013-en
502	Scott Berkun	Innovation: "significant positive change."	http://scottberkun.com/2013/the-best-definition-of-innovation/
331	Engineering Economics, Tahir Hussain	Innovation: "Introducing something new; there are no qualifiers of how groundbreaking or world-shattering that something needs to be - only that it needs to be better than what was there before."	https://books.google.com/books?id=6q3BuUSRc_YC&lpg=PA40&ots=VFtzb03xiY&dq=Innovation%20is%20a%20process%2C%20involving%20multiple%20activities%2C%20performed%20by%20multiple%20actors%20from%20one%20or%20several%20organizations%2C%20during%20which%20new%20combinations%20of%20means%20and%20for%20ends%2C%20which%20are%20new%20for%20a%20creating%20and%20for%20adopting%20unit%2C%20are%20developed%20and%20for%20produced%20and%20for%20implemented%20and%20for%20transferred%20to%20old%20and%20for%20new&pg=PA40#v=onepage&q=Innovation%20is%20a%20process,%20involving%20multiple%20activities,%20performed%20by%20multiple%20actors%20from%20one%20or%20several%20organizations,%20during%20which%20new%20combinations%20of%20means%20and/or%20ends,%20which%20are%20new%20for%20a%20creating%20and/or%20adopting%20unit,%20are%20developed%20and/or%20produced%20and/or%20implemented%20and/or%20transferred%20to%20old%20and/or%20new&f=false

220	Baregheh	Innovation: "Innovation is the multi-stage process whereby organizations transform ideas into new/improved products, service or processes, in order to advance, compete and differentiate themselves successfully in their marketplace."	Baregheh, A., Rowley, J., & Sambrook, S. (2009). Towards a multidisciplinary definition of innovation. <i>Management Decision</i> , 47, 1323-1339. (Baregheh, Rowley, & Sambrook, 2009, p. 1334)
216	Zaltman	Innovation: "...any idea, practice, or material artifact perceived to be new by the relevant unit of adoption."	Zaltman, G., Duncan, R., & Holbek, J. (1973). <i>Innovations and organizations</i> . New York, NY: John Wiley and Sons. (Zaltman, Duncan, & Holbek, 1973, p. 10)
174	NASA SBIR	Innovation: "something new or improved, having marketable potential, including: (1) development of new technologies, (2) refinement of existing technologies, or (3) development of new applications for existing technologies."	http://sbir.gsfc.nasa.gov/solicit/52897/detail?1=53123
157	Damanpour	Innovation: "...adoption of an internally generated or purchased device, system, policy, program, process, product, or service that is new to the adopting organization."	Damanpour, F. (1991). Organizational innovation: A meta-analysis of effects of determinants and moderators. <i>Academy of Management Journal</i> , 34, 555-590. (Damanpour, 1991, p. 556)
134	Crossan	Innovation: "...production or adoption, assimilation, and exploitation of a value-added novelty in economic and social spheres; renewal and enlargement of products, services, and markets; development of new methods of production; and establishment of new management systems. It is both a process and an outcome."	Crossan M., M., & Apaydin, M. (2010). A multi-dimensional framework of organizational innovation: A systematic review of the literature. <i>Journal of Management Studies</i> , 47, 1154-1191. (Crossan & Apaydin, 2010, p. 1155)
121	Australian Government	Innovation: "Innovation generally refers to changing or creating more effective processes, products and ideas, and can increase the likelihood of a business succeeding."	http://www.business.gov.au/business-topics/business-planning/innovation/Pages/default.aspx

56	Trot	Innovation: "...the management of all the activities involved in the process of idea generation, technology development, manufacturing and marketing of a new (or improved) product or manufacturing process or equipment."	Trott, P. (2012). Innovation management and new product development (5th ed.). Harlow, England: FT/Prentice Hall. (Trott, 2012, p. 15)
54	Bledow	Innovation: "...the development and intentional introduction of new and useful ideas by individuals, teams, and organizations..."	Bledow, R., Frese, M., Anderson, N., Erez, M., & Farr, J. (2009). A dialectic perspective on innovation: Conflicting demands, multiple pathways, and ambidexterity. <i>Industrial and Organizational Psychology</i> , 2, 305-337. (Bledow, et al., 2009, p. 305)
36	The Conference Board of Canada	Innovation: "The process through which economic and social value is extracted from knowledge through the generation, development, and implementation of ideas to produce new or improved strategies, capabilities, products, services, or processes."	http://www.conferenceboard.ca/cbi/innovation.aspx
24	O'Sullivan	Innovation: "the process of making changes, large and small, radical and incremental, to products, processes, and services that results in the introduction of something new for the organization that adds value to customers and contributes to the knowledge store of the organization."	O'Sullivan, D., & Dooley, L. (2009). <i>Applying innovation</i> . Thousand Oakes, CA: SAGE Publications. (O'Sullivan & Dooley, 2009, p. 5)
8	Debra Amidon	Innovation: "the creation, exchange, evolution and application of new ideas into marketable goods and services for the success of an organization, the vitality of a nation's economy, and the advancement of society as a whole."	http://www.leadership-bg.com/index.php?option=com_content&view=article&id=346&catid=71&Itemid=684&lang=en
3	The American Society for Quality	Innovation: "The successful conversion of new concepts and knowledge into new products, services, or processes that deliver new customer value in the marketplace."	http://asq.org/learn-about-quality/innovation/index.html

Joerg Gemuenden (Scientist)		Innovation: "a process, involving multiple activities, performed by multiple actors from one or several organizations, during which new combinations of means and/or ends, which are new for aa creating and/or adopting unit, are developed and/or produced and/or implemented and/or transferred to old and/or new market-partners."	https://books.google.com/books?id=6q3BuUSRc_YC&lpg=PA40&ots=VFtzb03xiY&dq=Innovation%20is%20a%20process%2C%20involving%20multiple%20activities%2C%20performed%20by%20multiple%20actors%20from%20one%20or%20several%20organizations%2C%20during%20which%20new%20combinations%20of%20means%20and%20for%20ends%2C%20which%20are%20new%20for%20a%20creating%20and%20for%20adopting%20unit%2C%20are%20developed%20and%20for%20produced%20and%20for%20implemented%20and%20for%20transferred%20to%20old%20and%20for%20new&pg=PA40#v=onepage&q=Innovation%20is%20a%20process,%20involving%20multiple%20activities,%20performed%20by%20multiple%20actors%20from%20one%20or%20several%20organizations,%20during%20which%20new%20combinations%20of%20means%20and/or%20ends,%20which%20are%20new%20for%20a%20creating%20and/or%20adopting%20unit,%20are%20developed%20and/or%20produced%20and/or%20implemented%20and/or%20transferred%20to%20old%20and/or%20new&f=false
Business Development Bank of Canada		Innovation: "It's about generating new ideas, conducting R&D, improving processes or revamping products and services. At another level, it's also about a mindset in your business: One where your staff [...] are always focused on continuous improvement and constantly thinking outside the box."	http://www.bdc.ca/EN/articles-tools/business-strategy-planning/innovate/Pages/what-is-innovation.aspx
Horace Dediu		Innovation: "Something new and uniquely useful."	http://www.entrepreneur.com/article/235662

APPENDIX C

BIBLIOGRAPHY OF SOURCES CONSULTED

The following lists the primary sources of existing literature on the subject of brands and innovation consulted by the Task Force directly and/or by the law student review group:

1. WIPO, *2013 World Intellectual Property Report: Brands – Reputation and Image in the Global Marketplace*, WIPO Economics & Statistics Series, World Intellectual Property Organization, Geneva, Switzerland (November 14, 2013), available at http://www.wipo.int/econ_stat/en/economics/wipr/.
2. OECD, *Trademarks as an Indicator of Product and Marketing Innovation*, STI Working Paper 2009/6, Directorate for Science, Technology and Industry, Organization for Economic Cooperation and Development, Paris, France (April 8, 2009), available at <http://www.oecd.org/sti/inno/42534274.pdf>.
3. OHIM, *Intellectual Property Rights Intensive Industries: Contribution to Economic Performance and Employment in the European Union*, Industry-Level Analysis Report, September 2013, Office for Harmonization in the Internal Market and European Patent Office (September 2013), available at http://ec.europa.eu/internal_market/intellectual-property/docs/joint-report-epo-ohim-final-version_en.pdf.
4. Mendonça, Sandro, *et al.*, *Trademarks as an Indicator of Innovation and Industrial Change*, paper presented at “What Do We Know About Innovation? – Conference in Honour of Keith Pavitt”, SPRU, University of Sussex, November 2003, ISTCE University, Department of Economics, Lisbon, Portugal (2003), available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.195.5755&rep=rep1&type=pdf>
5. Davis, Lee, *How Do Trademarks Affect Firms’ Incentives to Innovate?*, paper presented to DIME IPR Conference, London, England, Department of Industrial Economics and Strategy, Copenhagen Business School (September 2006), available at <http://www.dime-eu.org/files/active/0/Davis.pdf>.
6. Davis, Lee, *et al.*, *To What Extent Do Trademarks Enhance – or Hinder – Innovation? Exploring an Intriguing Yet Ambiguous Relationship*, draft paper presented to 6th Annual Conference of EPIP Association, Copenhagen Business School (2006), available at http://www.epip.eu/conferences/epip06/files/1314905242_.pdf.

7. Davis, Lee, *Managing Trademarks to Support Innovation*, draft paper presented to EPIP Conference – Maastricht, Copenhagen Business School (September 2010), available at http://www.epip.eu/conferences/epip05/papers/Lee_Davis.pdf.
8. Thomson Reuters, *2014 State of Innovation: Twelve Key Technology Areas and Their States of Innovation* (2014), available at <http://ip.thomsonreuters.com/sites/default/files/2014stateofinnovation.pdf>.
9. Flikkema, Meindert J., *et al.*, *New Trademark Registration as an Indicator of Innovation: Results of an Explorative Study of Benelux Trademark Data*, Research Memorandum 2010-9, Vrije University, Amsterdam, Netherlands (2010), available at <http://dare.uvu.vu.nl/bitstream/handle/1871/16297/2010-9.pdf?sequence=2>.
10. Desantes, Manuel Real, *Do We Need IP Rights in a Modern World? Why Trade Marks and What About Look-Alikes and Trade Dress?*, PowerPoint Presentation to 33rd Annual Conference of European Communities Trademark Association (ECTA), Alicante, Spain (ECTA 2014), slides 48-62.
11. Smith, Adam, *Locating the Missing Link Between Trademarks and Innovation*, World Trademark Review, pp. 16-22 (April-May 2011).
12. Hustad, Karis, *Apple, Hulu, Etsy: How Famous Tech Companies Got Their Names*, Christian Science Monitor (May 19, 2014), available at <http://www.csmonitor.com/Innovation/2014/0519/Apple-Hulu-Etsy-How-famous-tech-companies-got-their-names/Google>.
13. Brandirectory, *Global 500 2014: The World's Most Valuable Brands*, online ranking, Brand Finance plc, London, England (2014), available at http://brandirectory.com/league_tables/table/global-500-2014.
14. Interbrand, *Best Global Brands 2013*, online ranking (Interbrand, New York, New York, 2014), available at <http://www.interbrand.com/en/best-global-brands/2013/Best-Global-Brands-2013.aspx>.
15. The IPKat, *Trade Marks and Innovation: How Strong is the Link?*, online article (November 4, 2010), available at <http://ipkitten.blogspot.com/2010/11/trade-marks-and-innovation-how-strong.html>.
16. Riley, P. Andrew, *et al.*, *Catch Me If You Can: Auto Parts in the Era of 3D Printing*, IP Law360 (online subscription publication) (May 16, 2014).
17. Moskin, Jonathan, *Commentary: Roll Over Gutenberg, Tell Mr. Hull the News: Obstacles and Opportunities From 3D Printing*, The Trademark Reporter, Vol. 104, No. 3, May-June 2014, pp. 811-816 (INTA 2014).

18. Wilkof, Neil, *Commentary: Trademarks and Brands in the Competitive Landscape of the 3D Printing Ecosystem*, *The Trademark Reporter*, Vol. 104, No. 3, May-June 2014, pp. 817-821 (INTA 2014).
19. Portland State University, *Innovation & Intellectual Property*, part of university website, available at <http://www.pdx.edu/research/innovation-intellectual-property>.
20. Gotsch, Matthais, *et al.*, *Using Trademarks to Measure Innovation in Knowledge-Intensive Business Services*, *Technology Innovation Management Review* (May 2014), available at <http://timreview.ca/article/790>.
21. Ouellette, Lisa Larrimore, *Trademarks & Innovation*, blog posting (November 3, 2013), available at <http://writtendescription.blogspot.com/2013/11/trademarks-innovation.html>.

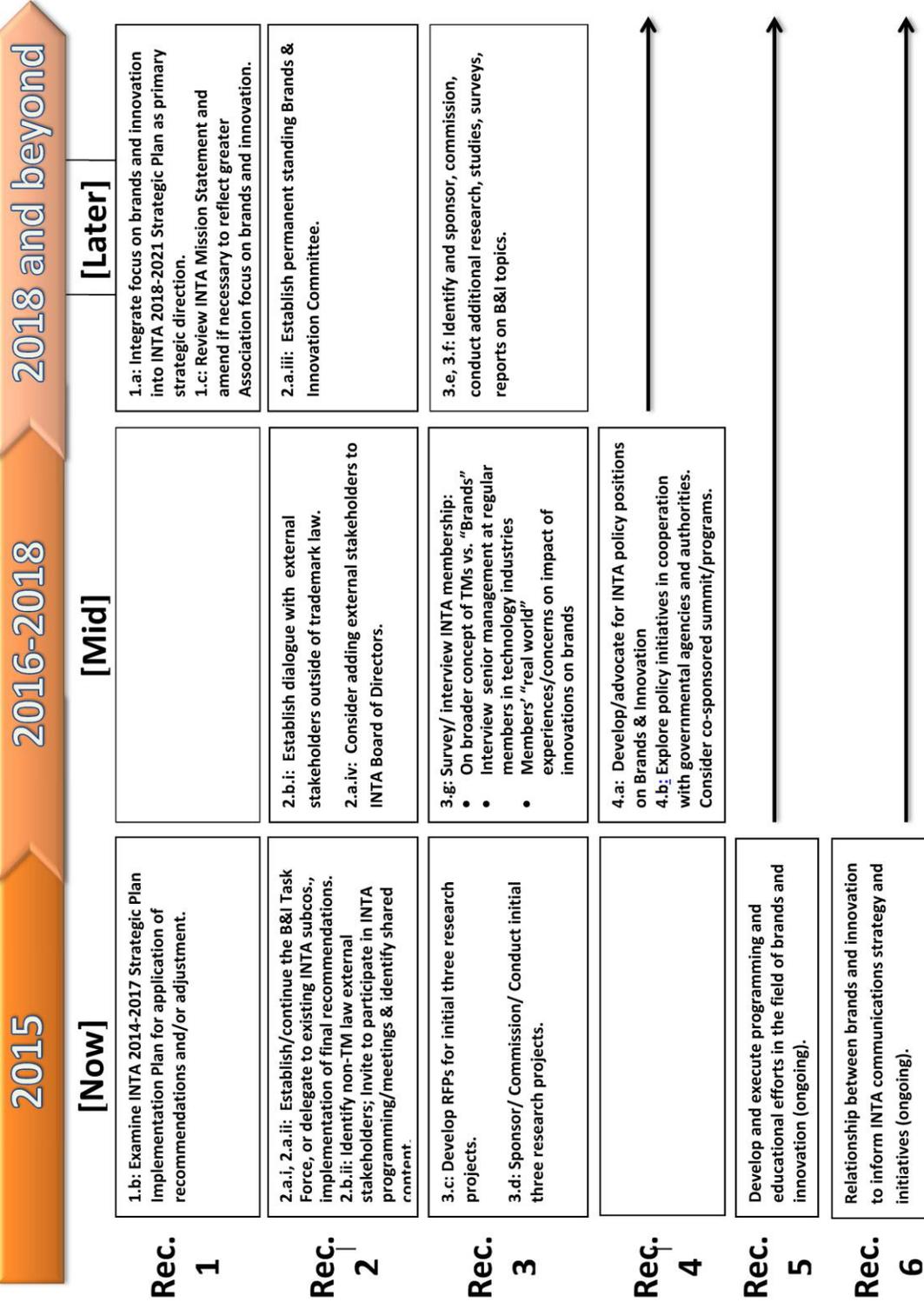
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APPENDIX D

RECOMMENDATIONS

IMPLEMENTATION TIMELINE

IMPLEMENTATION TIMELINE



APPENDIX E

**RECOMMENDED EXTERNAL STAKEHOLDERS
FOR INTA TO CONTACT**

List of External Stakeholders / Thought Leaders

A. Brand Organizations

1. **AIM**

The mission of AIM, the European Brands Association, is to create for brands an environment of fair and vigorous competition, fostering innovation and guaranteeing maximum value to consumers now and for generations to come. To deliver on their commitments, the members of AIM have developed principles on key aspects of their business.

<http://www.aim.be/>

2. **British Brands Group**

British Brands Group (“BBG”) is a membership organisation dedicated to championing brands in the UK. BBG’s objective is to ensure that brands’ positive contribution to consumers, the economy, and society is better understood by policymakers and others. BBG’s members include leading brand manufacturers of all sizes, and BBG provides a forum for them to discuss issues affecting brands in the UK. BBG is the U.K. arm of AIM (the European Brands Association) and part of an integral network of similar national organisations around the world.

<http://www.britishbrandsgroup.org.uk/>

3. **MARQUES -**

The European Brand Owners’ association has represented the interests of trademark owners since 1986.

<http://www.marques.org/default.asp>

4. **IAB Europe**

IAB is the voice of digital business. Its mission is to protect, prove, promote and professionalise Europe’s online advertising, media, research and analytics industries. Together with its members – companies and national trade associations – IAB Europe represents over 5,500 organisations.

<http://www.iabeurope.eu/>

B. Academic and Research Organizations

1. **Singapore Management University – Institute of Innovation and Entrepreneurship** <http://iie.smu.edu.sg/>
The SMU Innovation and Entrepreneurship Area of Excellence focuses on building an array of programmes and expertise that support business and market development to complement R&D investments.
2. **Institute for Knowledge and Innovation Southeast Asia** <http://www.iki-sea.org/>
The Institute for Knowledge and Innovation Southeast Asia (IKI-SEA), is a Bangkok University Center of Excellence operating as a not for profit organization. The IKI-SEA combines leading-edge academic research capability with in-depth business experience to provide practical and effective business solutions to the private and public sectors, both in Thailand as well as throughout Southeast Asia.
3. **National Research Foundation (Singapore)**
4. **China Entrepreneurship Foundation for Graduates** <http://en.stefg.org/>
A non-profit public foundation dedicated to promoting an entrepreneurial culture, advancing entrepreneurial practices and encouraging graduate entrepreneurship. Works to build an ecosystem for entrepreneurship to flourish through public advocacy, education, and funding.
5. **Singularity University:** <http://singularityu.org/>
Located in Silicon Valley, Singularity University is a benefit corporation that provides educational programs, innovative partnerships, and a startup accelerator to help individuals, businesses, institutions, investors, NGOs, and governments understand cutting-edge technologies. Genentech, Autodesk, Google, Nokia and Cisco appear as its corporate founders.
6. **Public universities and R&D centers in Brazil (called ICTs). Their in-house IP agencies are called NITs (Núcleo Interdisciplinar de Estudo sobre o Terceiro Setor)** <http://www.nits.ufpr.br>
The Interdisciplinary Study Group on the Third Sector (NITS) is a unit of the Sector of Social Sciences , Federal University of Paraná. The NITS intends to be the gateway of public and private organizations, and non-profit and informal segment of society, for studies or research programs, extension and training to foster the social responsibility actions, corporate citizenship, community development and solidarity economy, volunteering, and social business, among others. Although it was created in 2002 , only

from May 2007 was NITS able to develop its various activities in teaching, research and extension, as pillars of academic functions.

7. **INOVA-UNICAMP (Agência de Inovação da Universidade Estadual de Campinas)**

<http://www.inova.unicamp.br>

The Innovation Agency of Unicamp was created in 2003 and aims at identifying opportunities and promoting activities to stimulate innovation and entrepreneurship, increasing the impact of education, research, and extension in favor of sustainable socioeconomic development.

8. **Max Planck Institute for Innovation and Competition**

The Max Planck Institute for Innovation and Competition was founded in Munich in 1966 as the Institute for Foreign and International Patent, Copyright, and Competition Law. During the following decades, it became instrumental in the development of the areas of law that it dealt with. In 2002, in conjunction with new appointments, its scope of research was extended to include core areas of antitrust law and tax law - hence, the change of the Institute's name to the Max Planck Institute for Intellectual Property, Competition, and Tax Law. After the establishment of an additional department for financial economics in 2008, this Institute was replaced, with effect from January 1, 2011, by the MPI for Intellectual Property and Competition Law and the MPI for Tax Law and Public Finance. Together with the MPI for Foreign and International Social Law, these two Institutes form the Munich-based Max Planck Campus for Legal and Economic Research. In 2013, the Max Planck Institute for Intellectual Property and Competition Law was expanded to include a new, economics-oriented department (Innovation and Entrepreneurship Research); in 2014 the Institute changed its name to Max Planck Institute for Innovation and Competition.

http://www.mpg.de/916499/immat_queter_wettbewerb

9. **EIT – The European Institute of Innovation and Technology**

The EIT is an independent body of the European Union set up in 2008 to spur innovation and entrepreneurship across Europe to overcome some of its greatest challenges. It brings together leading higher education institutions, research labs and companies to form dynamic cross-border partnerships – Knowledge and Innovation Communities, KICs – that develop innovative products and services, start new companies, and train a new generation of entrepreneurs.

<http://eit.europa.eu/http://eit.europa.eu/>

10. Institute of Brand and Innovation Law.

The Institute of Brand and Innovation Law was established in the U.K. in 2007, by the late Sir Hugh Laddie, to reflect University College London's strategy of expanding its activity in the field of intellectual property law.

<http://www.ucl.ac.uk/laws/ibil/>

11. Universidad de Chile. Centro Intelis de análisis de la Innovación y Emprendimiento

Centro Intelis is a research and academic center of Universidad de Chile focused on innovation and entrepreneurship and aimed at developing new knowledge applied to the dynamics of Latin American companies.

<http://www.uchile.cl/portal/investigacion/centros-y-programas/centros-de-estudio/44936/centro-intelis-de-analisis-de-la-innovacion-y-emprendimiento>

C. Consumer advocacy and public interest groups

1. Electronic Frontier Foundation (open source)

www.eff.org

2. Creative Commons (open source)

<http://creativecommons.org/>

3. Consumer Reports

<http://www.consumerreports.org/>

4. Federation of State PIRGS

<http://www.uspirg.org/>

5. EU Observatory, <https://oami.europa.eu/ohimportal/en/web/observatory/home>.

The European Observatory on Infringements of Intellectual Property Rights is a network of experts and specialist stakeholders. The Observatory's objectives are to: provide evidence-based contributions and data to enable EU policymakers to shape effective IP enforcement policies and to support innovation and creativity.

6. **SEBRAE (Serviço Brasileiro de Apoio às Micro e Pequenas Empresas)**
<http://www.sebrae.com.br/sites/PortalSebrae>.
Brazilian agency to support SMEs.

7. **WHICH?**
Which? is now the largest consumer body in the U.K., with over 617,000 members that subscribe to its magazine, and over 254,000 online subscribers.

<http://www.which.co.uk/>

8. **BEUC -Bureau Européen des Unions de Consommateurs).**
BEUC is an associate member of the international consumer organisation, Consumers International (CI). BEUC's aim, in close collaboration with Consumers International, is to ensure consumer concerns are taken into account also at global level. BEUC also plays an active role in the Transatlantic Consumer Dialogue (TACD), which is designed to promote contacts and exchanges with colleagues in the U.S.

<http://www.beuc.org/>

9. **List of Significant US and Global Consumer Organisations**

http://thepublicvoice.org/issues_and_resources/consumer_protection_02.html

D. Trade associations for technology industries

1. **BSA – Business Software Alliance.**
One of its objectives is to safeguard Intellectual Property and promote innovation. According to BSA, IP is a critical driver of technological innovation and economic competitiveness — and it is at the very heart of the software business, encouraging innovators to invest in research and product development for the benefit of customers and consumers.

<http://www.bsa.org/>

2. **Consumer Electronics Association.**
CEA serves more than 2,000 member companies from every segment of the consumer technology industry, providing information, representation and leadership to grow industry.
<http://www.ce.org/>
3. **SENAI (Serviço Nacional de Aprendizagem Industrial)**
<http://www.sp.senai.br/senaisp>
SENAI develops a wide range of vocational training programs, seeking to meet the needs of hand labor Brazilian industries. Sensitive to the demands arising from the industrial sector, it focuses on training of industrial technologists.
4. **CNI (Confederação Nacional das Indústrias)**
<http://www.cni.org.br/portal/data/pages/FF808081379A7BEB0137BDBC309064FD.htm>.
CNI is the voice of the Brazilian industry. The organization actively works to defend the interests of the productive sector and its mission is to defend and represent the industry.

E. Scientific organizations

1. **AAAS - American Association for the Advancement of Science**
<http://www.aaas.org/>
2. **National Innovation Foundation (India)** <http://www.nif.org.in/>
An autonomous body of the Department of Science and Technology, Government of India, that provides institutional support to grassroots innovators and traditional knowledge holders from the unorganized sector of the society.
3. **National Research Foundation (Singapore)** www.nrf.gov.sg
Set up in 2006, the NRF is a department within the Prime Minister's Office. The NRF sets the national direction for research and development (R&D) by developing policies, plans and strategies for research, innovation and enterprise. The NRF also funds strategic initiatives and builds up R&D capabilities by nurturing research talent. The NRF aims to transform Singapore into a vibrant R&D hub that contributes towards a knowledge-intensive, innovative and entrepreneurial economy; and make Singapore a talent magnet for scientific and innovation excellence.

4. **National Science & Technology Entrepreneurship Development Board**
<http://www.nstedb.com/>
 Promotes knowledge driven and technology intensive enterprises by promoting and developing high-end entrepreneurship. Serves as a platform for agencies involved in R&D and entrepreneurship and as the policy advisory body.
5. **Korea Foundation for Advancement of Science and Creativity**
<http://eng.kofac.re.kr/userIndex/engIndex.do>
 Dedicated to nurturing scientific and creative talents while pursuing the value of convergence, creativity, communication and innovation.
6. **CONICET** www.conicet.gov.ar
<http://www.conicet.gov.ar>
 The Argentine National Council of Scientific and Technical Research is the leading organization dedicated to the promotion of science and technology in Argentina. It works in four major fields: agricultural sciences and engineering, biological and health sciences, natural sciences, and social sciences and humanities
7. **CNPq (Conselho Nacional de Desenvolvimento Científico e Tecnológico)**
www.cnpq.br
 CNPq is an organization of the Brazilian federal government under the Ministry of Science and Technology, dedicated to the promotion of scientific and technological research and to the formation of human resources for research in the country.
8. **CENTRO DE EMPRENDEDORES DEL ITBA**
www.emprendedores.itba.edu.ar
<http://www.emprendedores.itba.edu.ar>> The Center for Entrepreneurship of the Institute of Technology of Buenos Aires (ITBA) was created over ten years ago to satisfy the growing demand and interest of the community for entrepreneurship, management of funds and resources to encourage innovation. Its main goal is to promote the creation of technology-based companies that would contribute to add value to the country's economy.
9. **CONACYT** <http://www.conacyt.mx/>
 The Mexican National Council of Science and Technology is aimed at fostering and strengthening scientific development and technological modernization in Mexico. Through the various funds created and supported by CONACYT, efforts are made in coordinating innovation, technological development and human formation.

F. Engineering organizations

1. **IEEE – Institute of Electrical and Electronic Engineers.**

IEEE's core purpose is to foster technological innovation and excellence for the benefit of humanity. IEEE is recognized for the contributions of technology and of technical professionals in improving global conditions.

<http://www.ieee.org/>

2. **ASME – American Society of Mechanical Engineers.**

ASME helps the global engineering community develop solutions to real world challenges. Founded in 1880 as the American Society of Mechanical Engineers, ASME is a not-for-profit professional organization that enables collaboration, knowledge sharing and skill development across all engineering disciplines, while promoting the vital role of the engineer in society. ASME codes and standards, publications, conferences, continuing education and professional development programs provide a foundation for advancing technical knowledge and a safer world. Its mission is to serve diverse global communities by advancing, disseminating and applying engineering knowledge for improving the quality of life; and communicating the excitement of engineering. It aims to be the essential resource for mechanical engineers and other technical professionals throughout the world for solutions that benefit humankind.

www.asme.org

3. **ACS – American Chemical Society.**

ACS is a congressionally-chartered independent membership organization which represents professionals at all degree levels and in all fields of chemistry and sciences that involve chemistry.

<http://www.acs.org/>

4. **Science and Engineering Research Board, India.** <http://www.serb.gov.in/>

Promotes basic research in Science and Engineering and provides financial assistance to persons engaged in such research, academic institutions, research and development laboratories, industrial concerns and other agencies for such research and for related matters.

G. Labor Unions and Other Labor Organizations

http://en.wikipedia.org/wiki/List_of_trade_unions_in_the_United_States

H. Data Privacy and Security Organizations

1. **The International Association of Privacy Professionals**

<https://privacyassociation.org/>

I. **Industrial Design organizations**

1. **IDSA – Industrial Designers Society of America.**

Founded in 1965, the non-profit Industrial Designers Society of America (IDSA) is one of the oldest and largest membership organizations for industrial design professionals. IDSA sponsors the annual International Design Excellence Awards (IDEA), the world's most prestigious industrial design honor, and its events, including an annual International Design Conference and five district conferences, bring together the brightest minds in the profession. INNOVATION, IDSA's flagship publication, is a highly regarded magazine within the profession. IDSA has more than 3,200 members in 28 professional chapters in the U.S. and internationally.

www.idsa.org

2. **Interaction Design Foundation (User Experience/GUI Designers).**

The Interaction Design Foundation is a ten-year-old, transformative, non-profit community focused on educating, informing and stimulating design professionals and students, as well as providing first grade curricular and training materials for universities and professional corporations around the globe.

www.interaction-design.org

3. **The International Council of Societies of Industrial Design (Icsid)**

Icsid is a non-profit organisation that protects and promotes the interests of the profession of industrial design. Founded in 1957, Icsid serves as a unified voice of over 50 nations through which members can express their views and be heard on an international platform. Since its inception, Icsid has continued to develop its wide-reaching network of students and professionals devoted to the recognition, success and growth of the industrial design community. Together, professional associations, promotional societies, educational institutions, government bodies and corporations create a comprehensive and diverse system on the forefront of industrial design education and progress.

<http://www.icsid.org/>

J. **Internet organizations Outside INTA's current partners, such as The Internet Associations and PEERS**

1. **W3C – World Wide Web Consortium**

<http://www.w3.org/>

K. Standards setting organizations (“SSOs”) for relevant technologies, if not encompassed by the groups above.

1. **IETF - The Internet Engineering Task Force (IETF®)** <https://www.ietf.org/>
2. **Wi-Fi Alliance** <http://www.wi-fi.org/http://www.wi-fi.org/>
3. **Asia Internet Coalition (Singapore)** www.asiainternetcoalition.org

L. Industry and Business Organizations

1. **Confederation of India Industry** <http://www.ciiinnovation.in/>
The Confederation of Indian Industry (CII) is a non-government, not-for-profit, industry led and industry-managed organization that works to create and sustain an environment conducive to the growth of industry in India, partnering industry and government alike through advisory and consultative processes. It is in the midst of creating a CII National Committee of Entrepreneurship and a CII Innovation Council.
2. **Innovation Network Corporation of Japan** <http://www.incj.co.jp/english/>
Innovation Network Corporation of Japan (INCJ), a public-private partnership aimed at promoting innovation and enhancing the value of businesses in Japan. NCJ aims to provide financial, technological and management support in order to promote the creation of next-generation businesses through “open innovation,” or the flow of technology and expertise beyond the boundaries of existing organizational structures.
3. **Japan Institute of Invention and Innovation** <http://www.jiii.or.jp/english/e.htm>
The objectives of the Japan Institute of Invention and Innovation are to encourage invention, enhance original ideas, promote the practical use thereof, and diffuse and develop the industrial property system thereby advancing science and technology and contributing to the development of Japan’s economy.
4. **Korea Institute of Startup and Entrepreneurship Development**
<http://www.kised.or.kr/eng/>
Aims to activate start-ups and create jobs to realize the creative economy in Korea. Focuses on providing entrepreneurship support and development.
5. **Australian Institute of Innovation**
<http://www.australianinstituteforinnovation.org.au/>
The Australian Institute for Innovation (“a2i”) mission is to energise a collaborative innovation effort, through the design and implementation of a Strategic Roadmap for a National Innovation Infrastructure, including the optimisation of public and private investment in innovation, and through encouraging the establishment of a connected and communicating innovation community.
6. **ANPEI (Associação Nacional de Pesquisa e Desenvolvimento das Empresas Inovadoras)** <http://www.anpei.org.br>
The National Association for Research and Development of Innovative Companies (Anpei) was established in 1984 in Brazil , with the mission to stimulate innovation in

business and raise this activity to the strategic factor of condition for the competitiveness and productivity of companies and economic policy, industrial , scientific and technological developments in the country.

7. **FINEP – Inovação e Pesquisa** <http://www.finep.gov.br>.
Its main goals are to transform Brazil through innovation and promote economic and social development of Brazil through public promotion of Science, Technology and Innovation in companies, universities, technological institutes, and other public and private institutions.

8. **ENDEAVOUR** www.endeavor.org.ar<<http://www.endeavor.org.ar>>
Endeavour helps High-Impact Entrepreneurs unleash their potential by providing an unrivalled network of seasoned business leaders, who provide the key ingredients to entrepreneurial success.

9. **IDEA** www.ideared.org<<http://www.ideared.org>>
IDEA is an organisation that contributes to the development of productive and competitive enterprises and institutions. It aims to integrate Argentina into the modern and developed world. IDEA also contributes to the gathering of the key actors of the business world, in order to establish relations between them and enable them to act in society contributing to the institutional, economic and social development.

10. **BUSINESS EUROPE**
The leading advocate for growth and competitiveness at European level, standing up for companies across the continent and campaigning on the issues that most influence their performance. A recognised social partner, Business Europe speaks for all-sized enterprises in 33 European countries whose national business federations are its direct members.

<http://www.businesseurope.eu/content/Default.asp?PageID=571>

11. **EIRMA**
The European Industrial Research Management Association is an independent and not-for-profit organisation that deals with the effective global management and organisation of business R&D and innovation within a European perspective

involving around 120 major European companies operating in a wide range of sectors since 1966.

<http://www.eirma.org/about-european-industrial-research-management-association>

12. **International Chamber Of Commerce (“ICC”)**

ICC provides a forum for businesses and other organizations to examine and better comprehend the nature and significance of the major shifts taking place in the world economy. ICC has several commissions that examine major issues of interest to the business world. The ICC Commission on Intellectual Property has a number of task forces, including one that is specifically looking at the relationship between innovation and intellectual property.

<http://www.iccwbo.org/Advocacy-Codes-and-Rules/Areas-of-work/Intellectual-Property/Innovation-and-intellectual-property/>

13. **List of Various European Business organisations**

<http://www.ezilon.com/business/organizations/index.shtml>

14. **ForoInnovación**

ForoInnovación is a NGO created by a group of Chilean institutions in 2005 to boost Chile's transformation into a more innovative and entrepreneurial country, in order to achieve a higher economic and social development. The NGO awards the “The Avonni Innovation Awards”, a well-known award for innovation in Chile, and has also established LEIS, the Laboratory of Social Entrepreneurship and Innovation, which aims at promoting the development and study of these activities in Chile.

www.foroinnovacion.cl

15. **CORFO (Corporación de Fomento de la Producción)**

CORFO is a Chilean governmental organization to promote economic growth by encouraging investment, innovation and entrepreneurship. CORFO oversees a variety of programs aimed at generating the economic development of Chile, through

the promotion of investment and the advocacy of competitiveness for domestic companies. CORFO's main areas are Quality and Productivity, Innovation and Investment Promotion.

www.corfo.cl

16. **Fondo Nacional de Innovación**

Mexican fund created in 2010 in conjunction with CONACYT to foster innovation.

<http://www.economia.gob.mx/comunidad-negocios/industria-y-comercio/innovacion/innovacion-fondos/fondo-sectorial-de-innovacion>

M. **Economists**

1. **Prof. Dietmar Harhoff, Ph.D.** – Max Planck Institute for Innovation and Competition, München

http://www.mpg.de/916499/immat_queter_wettbewerb

2. **Mariana Mazzucato** is an economist, with dual Italian and American citizenship. She is RM Phillips Professor of Science and Technology at the University of Sussex (SPRU). Mazzucato was the Coordinator of a 3-year European Commission Framework Programmes 7 project on finance, innovation and growth (FINNOV, 2009–2012) and Economics Director of the ESRC Centre for Social and Economic Research on Innovation in Genomics (Innogen). She was Deputy Director of the Open University's inter-faculty centre on Innovation, Knowledge and Development, which she directed from 2004–2009. From 2007 to 2009, she was visiting professor at Bocconi University. She is also a research associate of the UK-based think tank Demos and has published a number of research papers for the international think tank Policy Network.

3. **Professor Petra Moser** – teaches The Economics of Innovation Course at Stanford University

<http://web.stanford.edu/~pmoser/http://web.stanford.edu/~pmoser/>

4. **UK IPO: Tony Clayton** Tony.Clayton@ipo.gov.uk

5. **OHIM: NathanWajsman** Nathan.WAJSMAN@oami.europa.eu

6. **USPTO: Stuart Graham** Stuart.Graham@USPTO.GOV

N. Innovation Thought Leaders

1. **Vivek Wadhwa**, www.wadhwa.com/bio/, an Indian American technology entrepreneur and academic, is a Fellow at Arthur & Toni Rembe Rock Center for Corporate Governance, Stanford University; Director of Research at the Center for Entrepreneurship and Research Commercialization at the Pratt School of Engineering, Duke University; and Distinguished Fellow at Singularity University. He is author of *The Immigrant Exodus: Why America Is Losing the Global Race to Capture Entrepreneurial Talent*, which was named by The Economist as a Book of the Year of 2012, and *Innovating Women: The Changing Face of Technology*, which documents the struggles and triumphs of women in innovation. He was named by *Foreign Policy Magazine* as a Top 100 Global Thinker in 2012. In 2013, *Time Magazine* listed him as one of The 40 Most Influential Minds in Tech.

Wadhwa oversees research at Singularity University, which educates a select group of leaders about the exponentially advancing technologies that are soon going to change our world. These advances – in fields such as robotics, A.I., computing, synthetic biology, 3D printing, medicine, and nanomaterials – are making it possible for small teams to do what was once feasible only for governments and large corporations: solve the grand challenges in education, water, food, shelter, health, and security. In his roles at Stanford and Duke, Wadhwa lectures in class on subjects such as entrepreneurship and public policy, helps prepare students for the real world, and leads groundbreaking research projects. He is an advisor to several governments; mentors entrepreneurs; and is a regular columnist for *The Washington Post*, *Wall Street Journal Accelerators*, *LinkedIn Influencers* blog, *Forbes*, and the American Society of Engineering Education's *Prism* magazine. Prior to joining academia in 2005, Wadhwa founded two software companies.

2. **Luis von Ahn** is considered as one of the most successful innovators in Latin America. He is a Guatemalan entrepreneur and an associate professor in the Computer Science Department at Carnegie Mellon University. He is known as one of the pioneers of crowdsourcing. He is the founder of the company CAPTCHA, which was sold to Google in 2009, and the co-founder and CEO of Duolingo, a popular language-learning platform. He has also been named one of the 50 Best Brains in Science by *Discover Magazine*, and has made it to many recognition lists that include *Popular Science Magazine's* Brilliant 10, Silicon.com's 50 Most Influential People in Technology: Young Innovators Under 35, and FastCompany's 100 Most Innovative People in Business. In 2000, he did early pioneering work with Manuel Blum on CAPTCHAs computer-generated tests that humans are routinely able to pass but that computers have not yet mastered. These devices are used by websites to prevent automated programs, or bots, from perpetrating large-scale abuse, such as automatically registering for large numbers of accounts or purchasing huge number of tickets for resale by scalpers.

3. **Richard Florida** is an American urban studies theorist. He is currently a professor and head of the Martin Prosperity Institute at the Rotman School of Management at the University of Toronto. Florida is best known for his concept of the creative class and its implications for urban regeneration. Florida's theory asserts that metropolitan regions with high concentrations of technology workers, artists, musicians, and a group he describes as "high bohemians", exhibit a higher level of economic development. Florida refers to these groups collectively as the "creative class." He considers that the creative class fosters an open, dynamic, personal and professional urban environment. This environment, in turn, attracts more creative people, as well as businesses and capital. He suggests that attracting and retaining high-quality talent versus a singular focus on projects such as sports stadiums, iconic buildings, and shopping centers, would be a better primary use of a city's regeneration of resources for long-term prosperity. Florida's earlier work focused on innovation by manufacturers, including the continuous-improvement systems implemented by such automakers as Toyota.
4. **Jordi Muñoz**, the president of 3D Robotics <http://3drobotics.com/about-us>
5. **Bre Pettis**, an American entrepreneur, co-founder and former CEO of MakerBot Industries a company that produces 3D printers now owned by Stratasys.
6. **Sir Richard Branson** http://en.wikipedia.org/wiki/Richard_branson
7. **Elon Musk**, the founder of Tesla and a former co-founder of PayPal, is also an interesting case study of how branding and innovation goes hand-in-hand and is mutually reinforcing.
8. **James Dyson**, a British inventor, industrial designer and founder of the Dyson company. He is best known as the inventor of the Dual Cyclone bagless vacuum cleaner, which works on the principle of cyclonic separation.

http://en.wikipedia.org/wiki/James_Dyson
9. **Ray Kurzweil**, Singularity University's Co-Founder and Chancellor, is one of the world's leading inventors, thinkers, and futurists, with a thirty-year track record of accurate predictions. Called "the restless genius" by *The Wall Street Journal* and "the ultimate thinking machine" by *Forbes* magazine, Kurzweil was selected as one of the top entrepreneurs by *Inc.* magazine, which described him as the "rightful heir to Thomas Edison." PBS selected him as one of the "sixteen revolutionaries who made America." Kurzweil was the principal inventor of the first CCD flat-bed scanner, the first omni-font optical character recognition, the first print-to-speech reading machine for the blind, the first text-to-speech synthesizer, the first music synthesizer capable of recreating the grand piano and other orchestral instruments, and the first commercially marketed large-vocabulary speech recognition. Among Kurzweil's many honors, he is the recipient of the National Medal of Technology, was inducted into the National Inventors Hall of Fame, holds twenty honorary Doctorates, and honors from three U.S. presidents. Kurzweil has written five national best-selling books. His title at Google is Director of Engineering.

<http://www.kurzweilai.net/ray-kurzweil-biography>

10. Top 40 Innovation bloggers

<http://www.innovationexcellence.com/blog/2014/01/06/top-40-innovation-bloggers-of-2013/> Jeffrey Baumgartner (top 1 of the list) is the author of the book, *The Way of the Innovation Master*; the author/editor of Report 103, a popular newsletter on creativity and innovation in business. He is currently developing and running workshops around the world on Anticonventional Thinking, a radical new approach to achieving goals through creativity — and an alternative to brainstorming. See more at: <http://www.innovationexcellence.com/blog/2014/01/06/top-40-innovation-bloggers-of-2013/#sthash.xfHbakZm.dpuf>. Greg Satell, also listed, is cited as an internationally recognized authority on Digital Strategy and Innovation.

11. Top ten innovation thought leaders http://www.huffingtonpost.com/michael-zacka/post_7026_b_4904519.html, http://www.huffingtonpost.com/michael-zacka/post_7026_b_4904519.html

<http://www.thinkers50.com/t50-ranking/2013-2>, featuring Clayton Christensen, one of the world's pre-eminent experts on innovation, who topped the Thinkers50 in 2011 and in 2013. He is the Kim B. Clark Professor of Business Administration at Harvard Business School, and one of the world's foremost experts on innovation and growth. He is also founder of Innosight, a consulting firm that uses his theories to help companies create new growth businesses.

His seminal work, *The Innovator's Dilemma* (1997), received the Global Business Book Award for the best business book of the year. It has been followed by *The Innovator's Solution* (2003); *Seeing What's Next* (2004); *Disrupting Class* (2008) (looking at the root causes of why schools struggle and offering solutions); *The Innovator's Prescription* (2009) (examining how to fix the US healthcare system); *The Innovators' DNA* (2011); and *The Innovative University* (2011).

Christensen's most recent book, *How Will You Measure Your Life: Finding Fulfillment Using Lessons from Some of the World's Greatest Businesses* (2012), co-authored with James Allworth and Karen Dillon, was nominated for the Thinkers50 Best Book Award in 2013.

12. Top Design Patent Procurers in 2013

Full list can be found at

http://www.uspto.gov/web/offices/ac/ido/oeip/taf/topod_13.htm

13. Top Utility Patent Procurers in 2013

Full list can be found at

http://www.uspto.gov/web/offices/ac/ido/oeip/taf/topo_13.htm#PartA1_1