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IP for Business – Tools and services

November 2021



WIPO IP Diagnostics: A free online IP Assessment Tool for small- and medium-sized businesses

- A straight-forward questionnaire guides you through an assessment of the various types of IP in your business.
- Structured in 10 sections covering innovative products, trademarks, licensing and more
- Complete only sections relevant to your business
- Take your time – there is no time limit.
- Receive a customized report for each section instantly



WIPO IP Diagnostics: Easy to Use

- Access the website <https://www.wipo.int/ipdiagnostic/> and click on **Start IP Diagnostic**
- No registration required
- WIPO IP Diagnostics is completely free

IP Diagnostic Tool

With this tool you can undertake a basic diagnostic of the **intellectual property** (IP) situation of your business. It is in the form of a questionnaire with several sections that will ask you questions on different IP topics (e.g. innovative products, trademarks, licensing, designs, internationalisation, etc.).

After you complete a section, a report that gives you recommendations and further information on IP and business competitiveness will be generated.

► [Why use the WIPO IP Diagnostic Tool?](#)

Start IP diagnostic

WIPO IP Diagnostics: How it Works

- Access the site from a computer or mobile phone with an Internet connection
- Answer introductory questions in the “Pre-assessment” section
- Continue at your own pace, answering questions in all relevant sections
- You can interrupt your session and pick up where you left off
- Complete all 10 sections in less than 1 hour
- Get a customized report for each section you complete

WIPO

IP self-assessment tool

This pre-assessment asks you a set of preliminary questions regarding your business in order to best tailor the remaining questions to your needs. Could you please provide brief information on your economic activity?

Pre-assessment – basic questions regarding your business

Have you developed or intend to develop a solution/product/service or a production process that you consider new, innovative or unique?

☐ Yes

☐ No

Do you create original, creative and/or artistic materials? ⓘ

☐ Yes

☐ No

Do you rely on features such as patterns, lines, colours or shapes to make the outward appearance of your product or the packaging of your product attractive in the market?

☐ Yes

☐ No

Does your business rely on information that if known by your competitors will affect your competitive advantage? ⓘ

☐ Yes

☐ No

Do you use a sign to distinguish any of your products or services from those of other businesses? ⓘ

☐ Yes

☐ No

Do you rely on outside suppliers for ensuring supplies, getting components, developing material, running advertising campaigns, etc.?

☐ Yes

☐ No

☐ Don't know

Do you have or intend to create a website?

☐ Yes

☐ No

☐ Don't know

Do you make or sell products outside of the country of your company's origin or intend to do so?

☐ Yes

☐ No

Do you have employees?

☐ Yes

☐ No

How do you manage intellectual property issues?

☐ I rely on external intellectual property professionals

☐ I have an internal unit or person in charge

☐ I don't use external or internal resources

[Next](#)

WIPO IP Diagnostics: Learn about IP while you Identify the IP in your Business

- Sections cover the major types of IP rights:
 - ✓ Patents
 - ✓ trademarks,
 - ✓ designs,
 - ✓ copyright and
 - ✓ trade secrets
- Explore the IP in all areas of business activity:
 - ✓ External suppliers and contractors,
 - ✓ International trade
 - ✓ Licensing and enforcement
 - ✓ Website
 - ✓ Employee relations

Overview of the IP Self-Assessment Sections



- **Pre-assessment:** Basic questions regarding your business ✓
- **Section A:** Trademarks (protecting your business signs and logos)
- **Section B:** Confidential information
- **Section C:** Designs
- **Section D:** Creative materials
- **Section E:** Inventive or innovative product or processes
- **Section F:** Employment aspects
- **Section G:** Licensing (This section would be activated according to your answers in the other sections)
- **Section H:** Internationalization
- **Section I:** Website
- **Section J:** Enforcement (This section would be activated according to your answers in the other sections)

WIPO IP Diagnostics: Customized Reports

- Get a report for each completed section
- Reports average 4 pages each
- Receive your report instantly – download and save it as a PDF, or view it online
- Use WIPO IP Diagnostics as often as you want, for example, whenever your business changes
- Get a new report tailored to the new conditions of your business, based on the new answers you provide
- **IMPORTANT!:** WIPO IP Diagnostics is **not** a substitute for legal advice

The WIPO IP Diagnostic Tool is composed of several questionnaires that are activated according to

Section A: Trademarks (protecting your business signs and logos)

With your answers, you have indicated that you have already a trademark for your business registered at the national or regional intellectual property office or you have applied for one. This means that you have protected or applied to protect a sign that identifies and distinguishes your products and/or services from those of others in the marketplace.

You now have a powerful business asset; it might even be the most powerful asset you own. You can prevent competitors from making unauthorized use of your trademark (that is from marketing identical or similar products under an identical or confusingly similar trademark) and you can use it to build your brand image and reputation allowing you to create a relationship of trust with your consumers and thus establish a loyal clientele and enhance the goodwill of your business. Trademarks are a powerful instrument to capture the consumer's attention and make your products stand out. Consumers are willing to pay more for a product bearing a trademark that they recognize, and which meets their expectations. Trademarks also encourage companies to invest in maintaining or improving the quality of their products in order to maintain or further improve their reputation. Trademarks are one of the most valuable and enduring business assets. They can last a very long time, and thus provide your business with a long-term competitive advantage.

They also have value beyond your core business and often pave the way for the expansion of your business into other products. They may be licensed or merchandised, and so provide an additional source of income through royalties; they are a crucial component of franchising agreements, and they may be sold along with or separately from your business. Trademarks also may be used to provide collateral security in obtaining financing.

However, it is important to remember that it is not enough to obtain protection through trademark registration. The protection may get lost if your trademark is not properly used. A trademark may become generic if it becomes so widely used that it becomes a common name to designate the relevant good or service. In such instances, the trademark will not be registrable and a previous registration for such a trademark may be cancelled. For example, Trampoline has been ruled generic in the United States of America, so other companies may use that name for an athletic jumping apparatus as well. In most countries, registered trademarks must be

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Section F: Employment aspects

Employee engagement in innovative activities

By your answers you have indicated that your employees do invent your new products, processes or technical modifications and/or that they do engage in the development of creative materials, designs or business signs that are subsequently used in your business.

Often, employees are responsible for many inventive, innovative and creative outputs of a company. If the company wants to use these outputs in the business or, similarly, if an employee would like to use his output inside or outside the business the question arises as to whether they have the right to do so. At the outset, it is important to find out what is provided in the local law for such situations and to that end, local advice should be obtained. In any case, it is advisable that these issues are clearly dealt with at the outset in employment contracts so that employees and employers know and understand their rights and obligations. These terms should, of course, abide by the local law dealing with these situations.

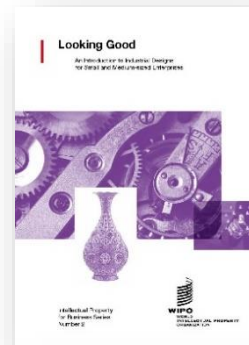
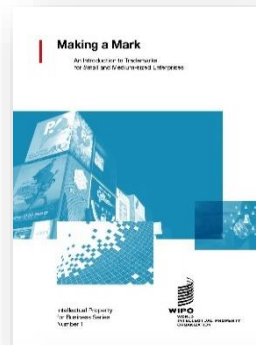
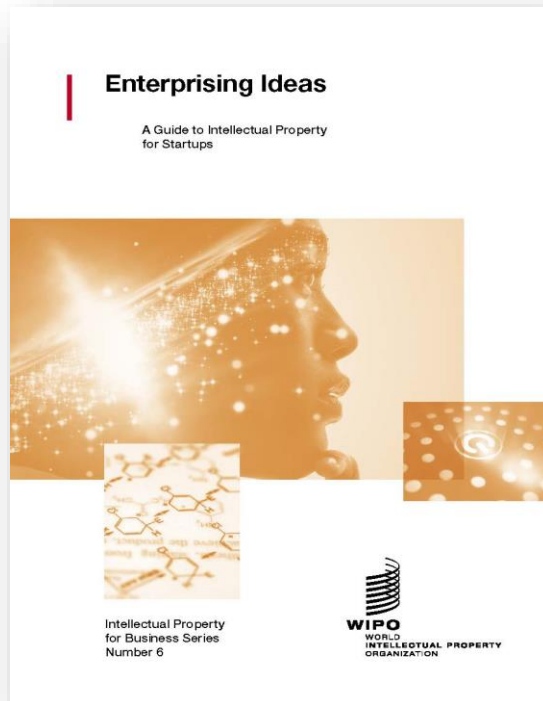
In many countries, inventions developed in the course of employment are automatically assigned to the employer. In some countries, this is only so if it is stated in the employment contract or if the employee was hired to invent. In some cases (e.g., if there is no employment agreement) the inventor may retain the right to exploit the invention, but the employer is given a non-exclusive right for its internal purposes (called "shop rights").

Similarly, if an employee has developed a design during working hours and as part of his or her regular duties the design and the related rights will belong to the employer, or the designer may be required to transfer them to the employer through a formal written assignment. Likewise, if an employee creates a literary or artistic work within the scope of his or her employment, then the employer automatically owns the copyright, unless otherwise agreed. But this is not always the case. Under the law of some countries, the transfer of rights to the employer may not be automatic and may have to be specified in the employment contract.

Publications

WIPO's IP for Business Series of Guides This Guides explain in easy to understand business friendly language how the different IP rights can be managed from a business perspective. Free to download from our website.

<https://www.wipo.int/publications/en/series/index.jsp?id=181>



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