

**Conference Proposal for the 37th Annual Congress
INTERNATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF TEACHING AND RESEARCH IN INTELLECTUAL PROPERTY (ATRIP)
5-8 August 2017 Hanken School of Economics &
IPR University Centre University, Helsinki, Finland**

CONFERENCE THEME:

The Role of Fairness, Morality and *Ordre Public* in Intellectual Property Law and Policy

SUBMISSION: Intellectual Property Ownership and Corporate Social Responsibility

Abstract:

All companies, large and small, own IP rights (IPR), sometimes across multiple jurisdictions. A growing societal concern is corporate social responsibility (CSR). At its core, CSR seeks to add value to an organisation's activities by ensuring they positively impact on society, the environment and the economy and further, that the organisation is sustainable over the medium to long-term. IPR have the potential to be legally valid property rights for very long periods of time. In the UK, the *long-term view* is now enshrined in the *Companies Act 2006 (CA 2006)* via the reform of the directors' duties under s 172 which includes the duty to promote the success of the company.

IP law has evolved from being a little pool to a big ocean. Corporate governance needs to respond to society's rising expectations of directors and boards as the impact of the global intellectual property ecosystem is felt. What is the role of corporate governance and CSR in relation to corporate IPR ownership, business models, management, promoting the success of the company and ethics? Good corporate governance involves effectively supervising corporate management who uphold the company's integrity and ensure legal compliance. Over the last two decades, corporate governance has evolved to reflect the changing priorities beyond shareholders and profit. It has expanded to include sustainability, employees, human rights, diversity and the environment, for example. This paper considers the emerging role of corporate governance principles and theory in respect of corporate IPR ownership, ethical management of accumulated IPR portfolios to protect business activities, fair and morally sound IPR operating practices and relationships with other stakeholders in the IP ecosystem. It critically analyses the EU *Non-Financial Reporting Directive 2017* which requires certain companies to report their business model (and potential impact on entities with IP-dependent business models). Finally, it explores the importance of organisational culture to promote sound corporate decision-making involving IPR assets at board level.

Related Academic Research Publications:

Dr Janice Denoncourt is the author of [True and fair intellectual property information: a corporate governance issue](#). *Journal of Business Law* 2016 (1), pp. 47-72. ISSN 0021-9460

She contributed Chapter 1 [IP debt finance and SMEs: trends and initiatives from around the world](#).

In: T. KONO, ed., *Security interests in intellectual property in a global context (September 2017)* Japan: Springer. This volume published new research in the intersecting fields of innovation, finance and law, from Japanese, Asian, European and American perspectives (see <https://www.law.ox.ac.uk/business-law-blog/blog/2017/09/unblocking-arteries-heart-ip-backed-debt-finance>).

Janice's new monograph *Intellectual Property, Finance and Corporate Governance* is part of the Routledge Research in Intellectual Property Monographs Series and will be available in March 2018 (see <https://www.amazon.co.uk/Intellectual-Property-Corporate-Governance-Routledge/dp/1138186252>)

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