The intelligent way to manage your Intellectual Property

Intellectual Property (IP) management remains high on the agenda for most media organisations in the UK, whether their focus is on acquiring, producing, selling or distributing content. The models may be different but the pressures and issues are the same.

Yet while the strategic intent is there, many companies are giving up on the idea of implementing rights management solutions – at least for the moment.

Most of those organisations are struggling to get to grips with the challenge of defining, implementing and sustaining an effective IP solution and few of them would honestly claim that they have the vision and the capabilities to meet the IP needs of the future market. The problem is that sorting out the systems and processes that support Intellectual Property is seen as a tough nut to crack.

Some organisations, however, are getting it right. Working with Capgemini, they are seizing the opportunity to turn their IP into valuable assets. Capgemini has proven experience of delivering solutions supporting the rapidly changing media and entertainment sector, helping to shape IP management best practice for competitive advantage.
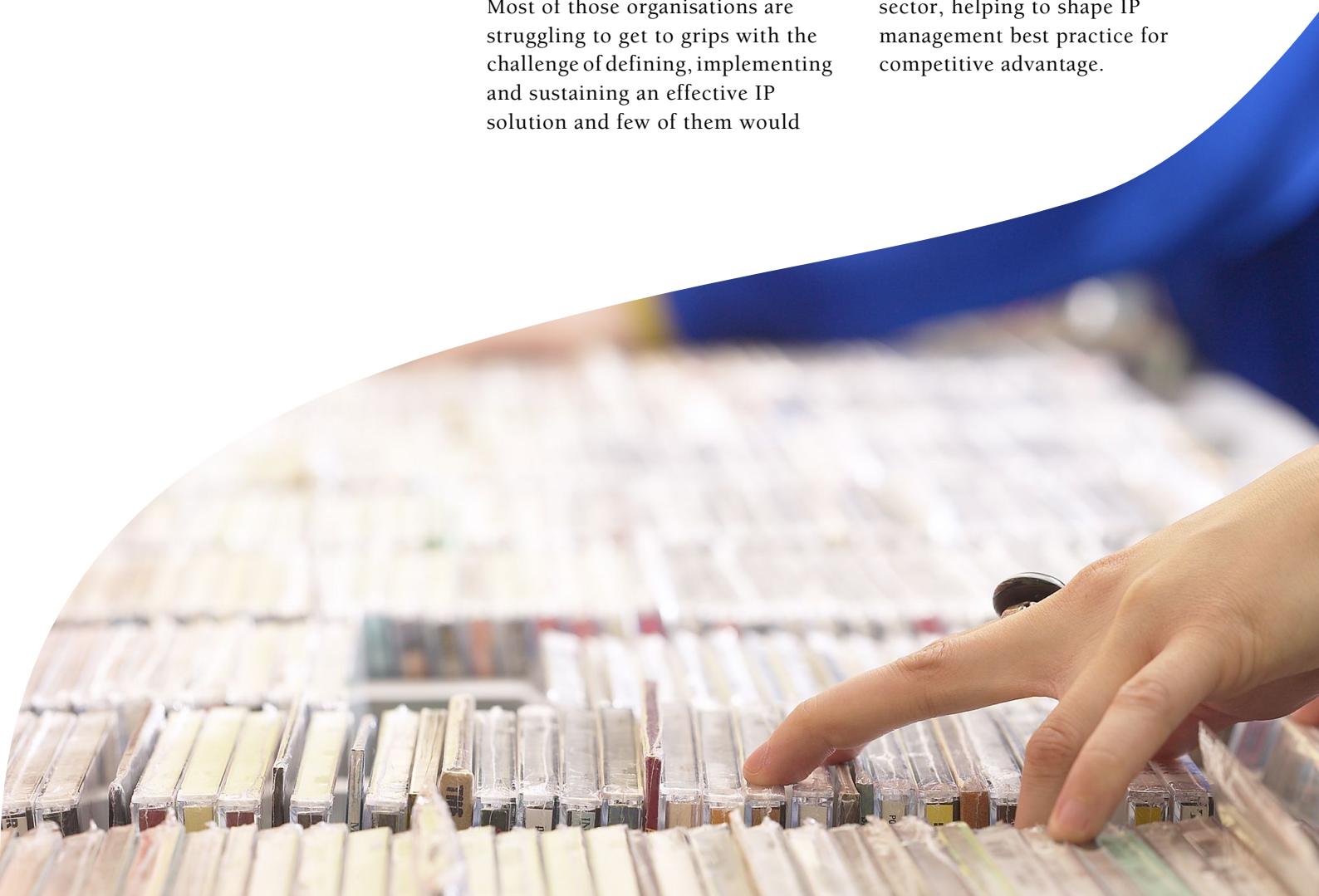
Effective IP management will be the foundation for fully exploiting future opportunities in traditional and digital spaces.

Keeping up with the pace of change

So what's preventing the wide-scale adoption of IP management solutions? The root of the problem appears to be the rapid rate at which new products and media are arriving.

Intuitively, most people think that improving the way IP is managed in an organisation feels like the right thing to do. However, implementing an IP solution seems to be an exercise in hitting a moving target.

Content owners recognise that their existing markets are collapsing – decline in sales of CDs; decline in circulation figures for newspapers; decline in audience figures for linear television channels; decline in listener figures for radio.

To counter these shifts and to capitalise on emerging opportunities, publishers, broadcasters and other content owners are starting to embrace digital and drive incremental revenues by testing new digital distribution channels and revenue models. No-one really knows where the market is going – so there is no choice other than to back every horse, whether that's getting content out through catch-up services, through digital aggregators like iTunes, or via digital communities such as Facebook.

With the advent of every new option there's a scramble to package content into new forms to take advantage of the opportunity. Getting the content prepped is the easy part – determining whether the rights exist to do so is far harder.

Beyond that there is the pressure to beat piracy – there is no time to carefully manage releases to new platforms. The uncomfortable truth is that content will be released on a platform, if not legitimately by the content owner, then illegitimately by someone else. Day and date release is becoming the norm and release windows are shrinking. The same is true of territories – a new season of a hit US series must be launched simultaneously in the UK.

The release of content to new media platforms has a higher manual overhead than for existing linear platforms. In a recent test a major UK broadcaster recently asked its legal team to figure out what new media rights were cleared in a well known production. The task took two weeks using current methods and systems. It's no surprise then that rights clearances form a major part of the pre-launch programme for the Kangaroo video-on-demand platform.

The current siloed approach to IP management is not sustainable in the long run. Digital products and distribution channel proliferation are exacerbating traditional IP challenges.

Clearly the target is moving, but are you running hard just to stand still?

The unfortunate outcome of all this continual change can be an over-reaction that sees analysts and business reps endlessly cataloguing specific requirements for every possible outcome. But this hugely inflates the cost, undermines the business case and creates a perception of an unwieldy behemoth of a system that drives a wedge between IT and business. The result? Key stakeholders refuse to support the programme.

Some of the IP management solutions on the market interface to industry sources of information, significantly improving the speed and accuracy of metadata capture.

Agility is the goal

The message is that you can't design the solution for every eventuality; instead you need to focus on making the business agile and the system flexible.

To move forward Capgemini recommends a number of actions:

• Choose a product that lets you add or change workflows as your business changes. Don't try and design all the workflows from day one; pick the parts of the business that will benefit most and start there.

• Automate what you can, but accept that clearances are fundamentally about commercial judgement. Make sure the solution you have in place supports work lists or messaging, so that when the right answer is not available from the system the appropriate individual can be involved as part of the workflow.

• Pay attention to the product hierarchy: not having a single product hierarchy across all lines of business will impair the ability of the organisation to answer the question 'what can I sell?' Without that hierarchy it becomes impossible to tell whether you have the rights at a component level to do what you want with the content.

• Support cross department working by getting the different silos to agree a common language that addresses the issue of products and components being defined slightly differently across the organisation. This isn't easy: often the different lines of business are simply reflecting the terminology of the wider industry that they face off to, but the benefits of some common definitions outweigh the initial hard work.

• Put in place a common product hierarchy at the start to provide a foundation onto which you can add lines of business incrementally.

Music clearances

Many organisations when they take on an IP project put 'music' in a box labelled "too-difficult, we'll do that later". That's a mistake, because not facing up to music rights impairs the ability to do everything else. Some musical clearances will always remain manual, but for the vast majority of cases it's reasonably straightforward to automate clearance based on the restrictions you have in your blanket agreements with the various collecting societies. That said, some musical clearances are always going to involve negotiation with labels and publishers; the key there is making sure the workflows involve the music licensing executives in an efficient way early in the process.

User experience

Poor user interface design is another key factor that alienates licensing execs or creatives from many of the IP management solutions on the market, either because they perceive it's going to turn their job into a 'data-entry' role or that it just doesn't reflect the way they work. Look out for this year's new releases from the major vendors. At least one of the big names now offers a user interface that can be configured to match the way your business works.

Partner-up and work smart

To give licensing executives the best resource for finding and exploiting content, the IP solution must be able to deliver depth and completeness to the product information.

The downside of this is the burden it places on metadata capture. It goes without saying that metadata should be captured at the earliest possible point in the lifecycle and by the right people. This is as much about process changes as it is a feature of the system:

- update roles and responsibilities to encourage people to think about the benefits for the whole of the organisation if they take responsibility for capturing and maintaining metadata properly – view metadata as a corporate asset.

- ensure that there is governance in place for the processes and the data across the old silos.

- undertake ongoing training to ensure these attitudes are embedded across the organisation.

The overhead of maintaining the metadata in the system has a tendency to suppress the business appetite for an IP management solution. In truth much of that information is already available in the systems of suppliers, partners or other industry players. By linking with those organisations you can share asset metadata: information about talent is out there in Equity databases; information about producers and directors is held at PACT and DPRS; information about music tracks is available via web-services from MCPS-PRS.

Some of the niche products on the market succeed by linking producers and broadcasters into the same system. Product metadata is gradually built up during commissioning and production so that the description of the product is complete by the time of the first broadcast.

Conclusion

Whilst having good product and rights metadata is crucial to the success of any IP management solution, the cost and complexity of maintaining it could undermine your business case and prevent the solution ever getting off the ground. The good news is that there are smart and efficient answers.

As the number of platforms grows and the pace of the media business accelerates, the current fragmented means of managing IP will prove unsustainable. Those leading players in this sector working with Capgemini to implement the foundations of a good IP management solution are already in a stronger position than those that have given up. They will be able to spot opportunities and adapt to them more quickly and efficiently than those who have retained their old manual silo approach.

About Capgemini and the Collaborative Business Experience

Capgemini, one of the world's foremost providers of Consulting, Technology and Outsourcing services, has a unique way of working with its clients, called the Collaborative Business Experience.

Backed by over three decades of industry and service experience, the Collaborative Business Experience is designed to help our clients achieve better, faster, more sustainable results through seamless access to our network of world-leading technology partners and collaboration -focused methods and tools.

Through commitment to mutual success and the achievment of tangible value, we help businesses implement growth strategies, leverage technology, and thrive through the power of collaboration.

Capgemini employs approximately 83,500 people worldwide and reported 2007 global revenues of 8.7 billion euros.

More information about our services, offices and research is available at **www.uk.capgemini.com**

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