

Oleksandr Savych

*Doctor of Economic Sciences, Professor,
Professor at the Department of Marketing named after A.F. Pavlenko
Kyiv National Economic University named after Vadym Hetman*

Tetiana Shkoda

*Doctor of Economic Sciences, Professor,
Professor at the Department of Business Economics and Entrepreneurship
Kyiv National Economic University named after Vadym Hetman*

PROCUREMENT MARKETING IN THE PROCESS OF IMPLEMENTING A ROADMAP FOR BUSINESSES-NON-HOLDERS OF IP RIGHTS

Summary

The process of roadmapping for businesses that are non-holders of IP rights and its connection with procurement marketing has been studied. The structure of philosophy of keeping IP rights in the process of procurement marketing has been developed. The application of the appropriate marketing tool in the process of evaluation stakeholders of the procurement and sales process has been proposed. The roadmap of the IP strategy development for non-holders' based on the basic TRM algorithm has been developed. Each stakeholder has been proposed to be considered with the appropriate list of activities in the process of roadmapping for IP rights of business non-holders. The mechanism of action regarding the management and prevention of the implementation project on IP strategy for non-holders' risks has been proposed. IP strategies for Ukrainian businesses in the process of post-war recovery have been recommended.

Introduction

Procurement marketing is an area of marketing that is not often taught in academic universities and MBA schools, although it is a major component of the marketing activities of a commercial and industrial enterprise that forms a product or service for the purpose of reselling it or creating additional value for the product in the production process.

For a trading enterprise, this is the main component of marketing activities, which is aimed at purchasing goods and services for the purpose of their further sale.

And procurement marketing is the primary point of the business model of trading and manufacturing enterprises, which forms and manages other areas of marketing activities, including the enterprise's sales system. At the same time, compliance with intellectual property rights is important for all enterprises.

Intellectual property (IP) is considered by modern business as an important part of its value. Some scientists consider it as “an essential, flexible asset class” and “a key strategic class of assets” [24]. Talking about the description “flexible” it should be understood not only as a position in the balance sheet of the company, but the usage

of intellectual property in wider number of application ways during the organization mission implementation in practice. Intellectual property is also considered as “asset class” that means a vital group of resources accessible to top-manager of the company used to achieve its mission and can be transformed as a figure in the balance sheet.

The strategic character of intellectual property is explained by the term “a key strategic class of assets” [24] that is well illustrated by incomes on the global licensing market of intellectual property for trademarks and copyrights in the amount of one hundred dollars per year as well as the licensing of patents calculated in billions more [25]. It should be noted that in the USA the net asset value of all corporations is made up in 40 percent by intellectual property [16]. The market size of intellectual property licensing data [19] demonstrates the consequent increase of intellectual property market size in the USA during 2013–2023 with some decrease only in 2020, the year when the pandemic COVID-19 began. In 2023 the amount of intellectual property market size is equal to 62.18 billion \$.

IP rights form is taken by intellectual property generally and confer to creators of innovative ideas, expressions, processes, and brands. These rights are set up by law, and granted to individuals or organizations represented in four primary types of interests: “patents (for ideas and methods, which in time are made public), copyrights (for expressive works), trademarks (for protecting and eliminating confusion with respect to brands), and trade secrets (for methods of doing things that are not made public)” [13].

IP rights currently is an important part of enterprise value. But there is a wide difference in real understanding of IP portfolios importance in particular as well as IP management in general. According to the research of J. Wild [28] about 50% of corporate leaders “understand the value and importance of IP and are involved in strategic planning related to IP”. The reason of this problem lays in the space of “limited integration of IP management and strategic planning” [12] according to the vision of W.W. Fisher and F. Oberholzer-Gee. From their point of view [12], to improve this situation it is important as early as possible to involve lawyers to the process of making important business decisions by a firm, because the choice of the alternative business model may depend on the available choices on applying the intellectual property of the company.

There is also a risk for lawyers in management teams to lose their objectivity in working out the best business decisions.

Engagement of all business stakeholders is required in developing an IP strategy [21]:

- IP strategy should be the core of corporate policy from the beginning of the company’s activity.
- Mitigation of business risk in the future can be achieved by proactive engagement in an IP strategy.
- Any Corporate Strategy function of an organization is formed by IP strategy as a part of it.
- There is a dependence on the IP licensed from others even for a business with no meaningful IP assets of its own.

- A key part of any IP strategy is Patent strategy, and there is a scrutiny challenge for companies with high cost of patent portfolios.

The researchers Clark and Wheelwright [2] recommend to form “heavyweight teams”, which include managers and in-house lawyers, in such business environments, where it is necessary to increase the degree of legal astuteness and provide deeper understanding of IP rights importance. In the analyzed structure of IP strategy, the “heavyweight teams” consists of General Counsel, Chief Technology Officer, Chief Marketing Officer, Human Resources Manager, Chief Operating Officer, Chief Financial Officer.

In the process of procurement marketing the role of Chief Marketing Officer is of high importance for developing the effective IP strategy.

Chapter 1. Procurement marketing in IP strategy development

While traditional (classical) marketing focuses efforts on managing the behavior of the consumer (client) with the aim of purchasing the company's product/service, procurement marketing is the efforts of the client-buyer directed at the seller in order to obtain the most advantageous offer to meet the needs of the trading/manufacturing company. That is, procurement marketing considers marketing activities from the buyer's side, not from the seller's side.

It is especially important to apply procurement marketing in B2B marketing and wholesale and retail trade enterprises. The same opinion is held in his research by U. Koppelman [18], proposing an appropriate strategic concept.

Although we should not forget about the marketing of non-operational purchases, when a company purchases without risk and at a lower cost, increasing the overall profitability of enterprises. Therefore, procurement marketing tools are relevant for any enterprises.

The task of procurement marketing is to build relationships and create interest among all entities of the procurement process and stakeholders, while respecting intellectual property rights. Thus, the purchaser-client must cooperate with both external and internal stakeholders (Table 1). In this case, external stakeholders are primarily the supplier of products, who acts as a seller, and the end customer-consumer of such products, who receives products through a network of internal stakeholders.

Internal stakeholders include:

- “decision maker” (the one who makes the final decision);
- “cashier” (the one who pays);
- “influencer” (the one who is not involved in procurement but can influence);
- “gatekeeper” (the one who has the right to veto);
- “customer” (the one who will use or sell).

Therefore, the task of procurement marketing in the process of developing an intellectual property rights development strategy is to satisfy all stakeholders in the process of buying and selling goods, both trading and manufacturing companies, while respecting intellectual property rights.

To make purchases, full satisfaction of the stakeholders in the procurement and sales process is necessary. Therefore, we recommend using the satisfaction level determination tool according to Table 1.

Table 1

Stakeholders of the procurement and sales process

Stakeholder	Stakeholder requirements for its satisfaction	Are intellectual property rights respected in the procurement process?	How they measure satisfaction	Today's situation, what needs to be done and when	Importance (sum 100%)
Sales Manager					
Procurement Manager					
Internal stakeholders					
Clients					

Source: developed by the authors

The following types of procurement are distinguished:

- Trade – purchase for resale.
- Production – purchase for the production of a new product, added value of a new product.

- Non-operational purchases – support of the company’s life activities.

Each type of procurement marketing has its own specific goals and KPIs.

So, the procurement objectives of a trading organization:

- Sales.
- Inventory Management.
- ROI.
- Output Competitiveness.
- Risk Management.
- 5P Objectives.

Please, note that the main purpose of purchasing in a trading organization is sales, that is, goods are purchased for resale and a poor-quality purchasing process at the input, both in terms of quality and cost characteristics, reduces the competitiveness of the goods at the output. Therefore, marketing of purchases in a trading organization is aimed at sales. So, the buyer acts and performs the functions of a marketer, and in some organizations he/she is called a “product manager” or “brand manager”.

But the goals of procurement marketing for production needs are somewhat different:

- Competitiveness of output products.
- Added value of manufactured products.
- Effective inventory management: on-time, availability, efficiency.
- Reducing cost.
- Functionality and innovation.
- Supply risk management.

As for non-operational procurement marketing, its role is reduced to building relationships in the supply chain: supplier-purchaser-internal stakeholder and achieving the following goals:

- Uninterrupted provision of office needs and determination of their feasibility.
- Functionality.
- Cost reduction.
- Risk reduction.

It is important to understand that reducing costs on product purchases is not only reflected in the price of goods. After all, buying cheaply increases the risk of the enterprise's functioning. Price is only one of many factors in making purchasing decisions.

From a marketing perspective, the buyer is the face of the company to the supplier. The task of procurement marketing is to create value for the supplier and create a unique partnership. It is also important to build effective financial leverage: maximizing delay at the input (purchases) and minimizing delay at the output (sales). Let's consider the philosophy of procurement marketing in a trading company with keeping IP rights. Procurement is part of marketing from determining the needs for product supply to selling goods to the end consumer. Therefore, the purchaser should act as the head of the commercial service and manage all components of the 5P marketing complex. Procurement marketing should be inseparable from sales and communications. Quite often, the P-product function is carried out by one division or manager. In this sense, such actions can be called operational procurement. If the P-price function is added to the P-product functions, then this can already be called product management or product management. In the case of performing the functions and operations of procurement marketing regarding the use of all tools of the marketing complex: P-product, P-price, P-place, P-communications and P-people, it is worth talking about combining all procurement marketing functions within the framework of the general brand management of the category or product line.

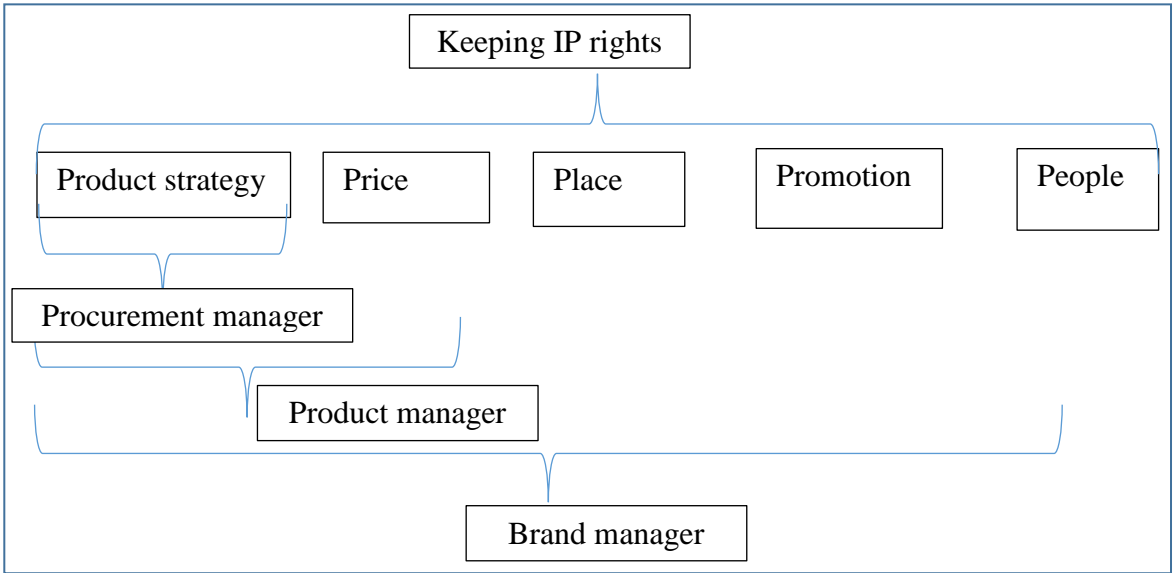


Figure 1. Philosophy of procurement marketing with keeping IP rights

Source: developed by the authors

So, distributor companies that apply procurement marketing as part of the company's overall brand management use the following tools in their product policy:

- Make a decision on whether to “buy” or “produce”?
- Identifying potential products and brands, alternative suppliers.
- Negotiating with suppliers.
- Getting the best prices (targets).
- Getting the longest possible delays.
- Getting bonuses for planned turnover, marketing, wide assortment, focus assortment, future illiquid items.
- Getting exclusive rights to the territory, product, segment.
- Seasonal prices, per volume, per pallet...
- Stock and seasonal orders.
- Order frequency.
- INCOTERMS delivery terms.
- Signing contracts.
- Logistics.
- Management of scale stocks.
- Establishing warehouse norms and assortment matrices.
- Fighting illiquid items and excess norms.
- Forming an order to the supplier.
- Branding.
- Positioning.
- Warranty and service.

The pricing policy solves the following tasks and uses the following tools:

- Premium – low sales and high margins or...
- Mass – high sales and low margins.
- Pricing – “from the market, but not below costs” or “ABC” strategy.
- If a unique product – no more than 20% of the market, if the product is not yet popular.
- Development of a discount system.
- Price promotions.
- Markdown of “excess stocks” and illiquid items.
- Credit policy.
- Analytics and control of retail prices in the market, if necessary.
- Do not give discounts – you give “hard money”, better product promotions, purchases for the next purchase with a larger purchase amount...
- Bad price? – check if it is true, especially the words of “sellers”.
- A client/manager’s request for a price reduction must be “exchanged” for a profit compensator – for a progressive increase. 1% discount = 5% increase in sales/purchases.
- We take into account all costs and income. Some brands may be interesting only due to bonuses and credit terms (materialize).
- Try to always raise prices.
- Compare only target competitors. Periodicity!

- Pricing – “from advantages over competitors (branches, geography, fast logistics, number of stores, brand knowledge...), it is possible to sell more expensively. But... what is the buyer’s sensitivity to discounts (2-5% – wholesale and 20%+ - retail)?

- If there are no advantages – we set prices lower than competitors, but if we cover costs, if not – only marketing communications!

- Exclusivity = expensive.

- Unique product = expensive.

- We received better prices from the manufacturer – speculate and earn. Or do we transfer it to the market? Is it worth it?

- Constant sale of illiquid and overstock items, but... MOTIVATION OF SELLERS IS MANDATORY + communication.

- Compare by popular products.

The following tasks are solved and tools are used in the distribution policy:

- Sales system – directly or through dealers, geography.

- Dealership terms, mutual obligations.

- Sales planning.

- Interaction with sales centers.

- Communication with key customers (visits, calls).

- The best information from customers and sellers.

- We listen, but we make decisions OURSELVES.

- Joint KPIs with sellers.

- Periodic meetings: procurement – sales – marketing.

- Sales – source of purchases.

- Quite often in some markets they buy first, and then sell, better – the other way around.

The following tasks are solved and tools are used in the communications policy:

- Price lists, catalogs, displays, POS.

- Internet communications with the end client: WEB-CONTENT-SEO-SMM-YOUTUBE.

- Sponsorship.

- Sports.

- Dealer conferences, events, training.

- Merchandising products.

- Exhibitions.

- Incentive promotions.

- Point of sale visualization.

- Manager folders, TP.

- Investment programs.

- Development of an annual marketing plan, its approval with the supplier and the level of support. All suppliers are ready to support you if your sales are significant, show growth opportunities, and have a clear action plan.

- Motivate the person who recommends purchasing your product to switch sales from competitors.

- Be different, look for new methods of motivating the consumer to purchase your product.
- Before starting any sales promotion campaigns, get a plan from the sellers to INCREASE sales that will bring at least equal additional profit to the investment.
- Measure the effectiveness of marketing communications.

In the P-people management system, the following tasks are solved and tools are used:

- Sales staff motivation.
- Training.
- Communications.
- At least 2 product trainings per year.
- Trainings are not only technical, but also include tools necessary for sales and strategy (benefits for the client, advantages, how we are better than competitors, how and where we will sell...).
- Trainings for beginners.
- Sales trainings.

The entire process of procurement marketing is based not only on the use of all the tools of the marketing complex, but also on the step-by-step use of the appropriate tools in the procurement process. The procurement process itself with respect for intellectual property rights consists of the following stages (Fig. 2):

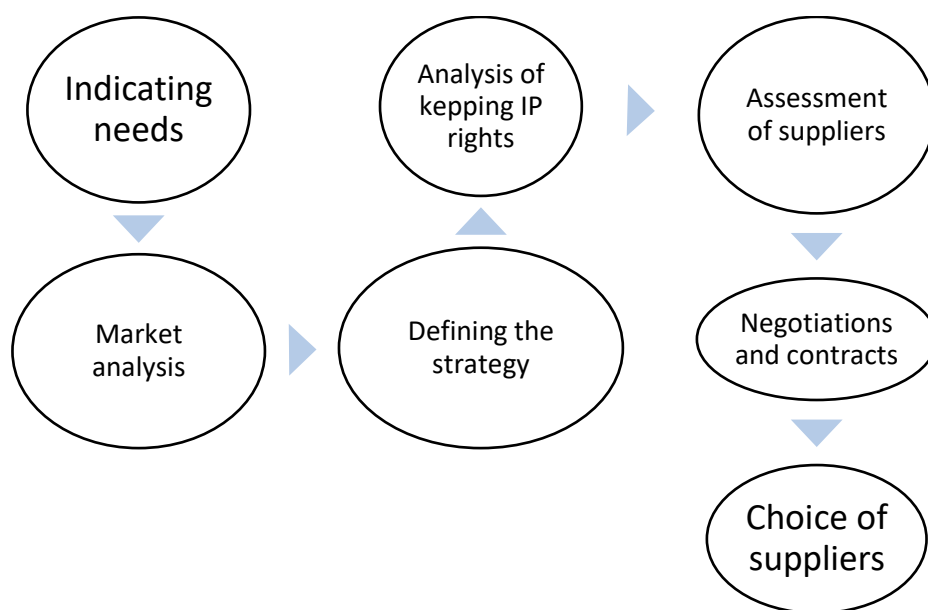


Figure 2. The procurement process with keeping IP rights

Source: developed by the authors

Chapter 2. Road map of IP strategy development for business non-holders

At the current stage of economic development, the important prerequisite of business growth is the effective development of IP strategy. Special significance belongs to developing the IP toolkit that will help non-holders of IP rights to provide their competitiveness at the market.

Work on strategic directions in intellectual property helps to assess development potential of this direction of the organization's activity. IP non-holders are very much interested in systematization of current issues and development the necessary steps of their elimination. Roadmap is the effective tool of strategic planning. That's why method of technology roadmapping (TRM) is proposed to consider as the key recommendation for IP strategies of non-holders for the future.

TRM is widely used in management, economics and technology fields. It helps to connect technologies with strategic objectives of an organization [15] in general. And its further development in the field of IP seems to enrich strongly this field of law. The concept of a road map is quite new and means a visual representation of a step-by-step development scenario of a certain object – a separate product, a class of products, a certain technology, a group of related technologies, a business, a company that combines several business units, an entire industry, an industry, as well as a plan to achieve political, social and other purposes [17]. Also, a road map is defined as an official document that reflects the possible ways of the country's development in the future, on the basis of which long-term priorities are formed in various industries and spheres, in politics and society [22].

Applying TRM technique to the IP field, we should emphasize that a road map of development IP strategy of non-holders is proposed to be defined as a plan with step-by-step IP strategy development stages and indication of IP management decision time and interested parties as well as reason-consequence relations between different stages.

Approaches to road mapping are currently not sufficiently widespread and, as a result, the mapping process is characterized by a high degree of creativity: unified methodological approaches and algorithms for the formation of road maps have not been formed, and the structure and form of this document are not rigidly defined. Some publications of IP strategy roadmapping [1] cover only general specifics without application to non-holders. Therefore, to build a road map, we will take as a basis the classic algorithm [14; 22] presented at Fig. 3.

Based on Fig. 3, at stage 1 the appropriate research of the current situation with IP in non-holder's organization is required to be performed. This stage includes some substages.

At the substage 1.1. it is necessary to determine the need for project implementation – identification of a problem solved by mapping or an opportunity realized with its help. In the case of IP rights non-holder the main idea is to provide IP support of business objectives when you are not the IP owner. Looking for licensing possibilities is one on the strategical ways within the framework of getting permission strategy.

At the substage 1.2. it is important to form the list of stakeholders and assessment of the degree of interest of each subject in the formation of the road map. To solve the problem of the IP rights non-holder on choosing the appropriate IP strategy, we suggest defining the list of stakeholders, which is shown in Figure 4.

In Fig. 4 attention is also paid to the activities performed by each stakeholder in the field of IP.

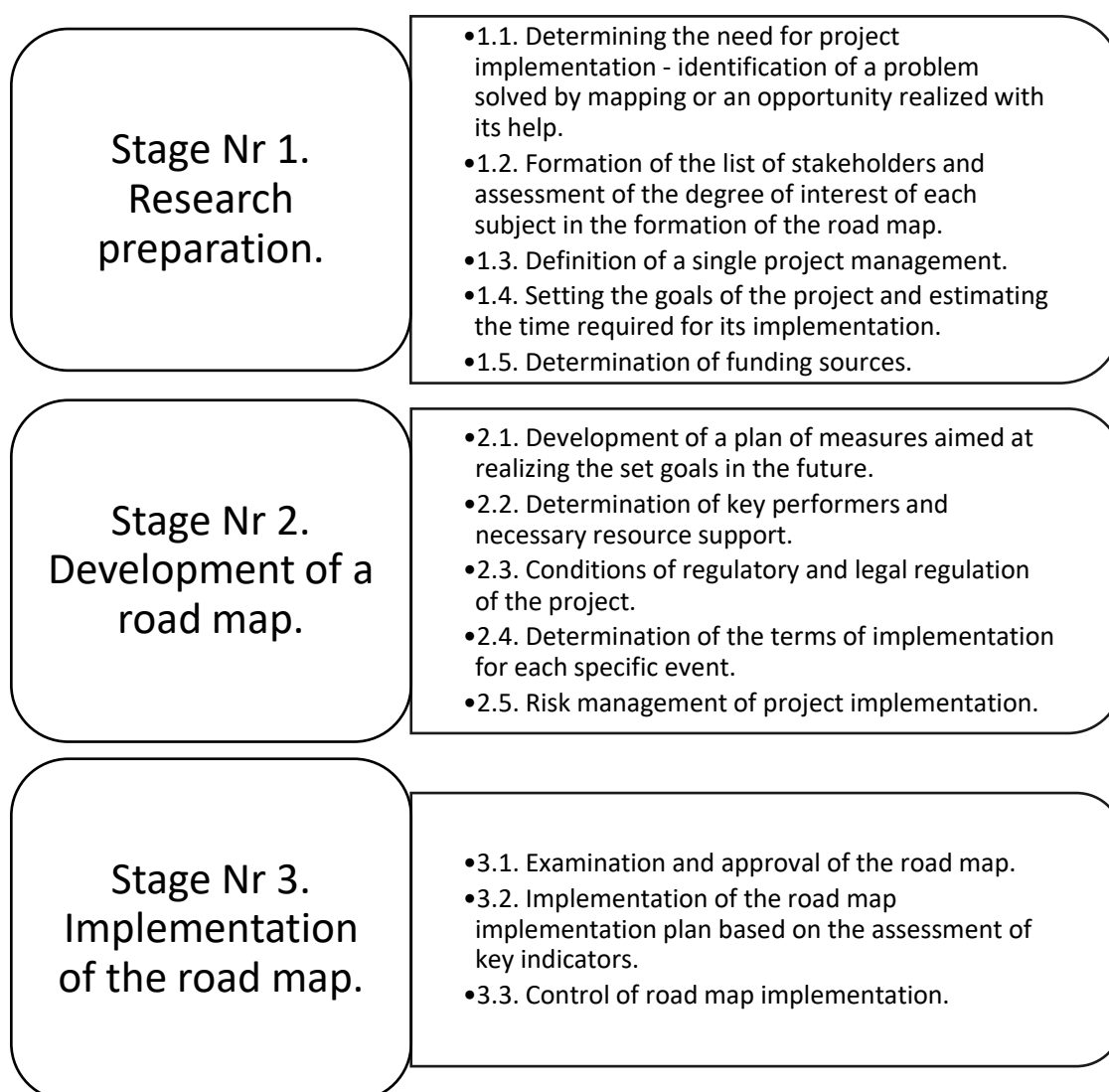


Figure 3. Stages of the basic TRM algorithm for non-holders' IP strategy roadmapping

Source: created by the authors based on [14; 22]

At the substage 1.3. IP non-holder has to define a single project management, which means to choose the head of IP management process within the organization. It is recommended for CEO to manage this process or for Chief Counselor with presenting the IP rights report before the board of the organization. In the case of IP non-holder, we can take into account business companies as well as educational institutions and NGOs.

The next substage 1.4. prescribes setting the goals of the project and estimating the time required for its implementation. The goals of the project are: to improve cooperation between the main IP stakeholders; conduct negotiations with the IP owner regarding the potential receipt of an official license; accelerate the commercialization of innovative ideas; establish close cooperation with the scientific and research sphere; to develop proposals for revision and reform of IP legislation

regarding the protection of the rights of IP non-holders. The recommended terms of implementation of the project are 2025–2029 that corresponds to the European Commission (EC) strategic planning and programming cycle [6] for 5 years.

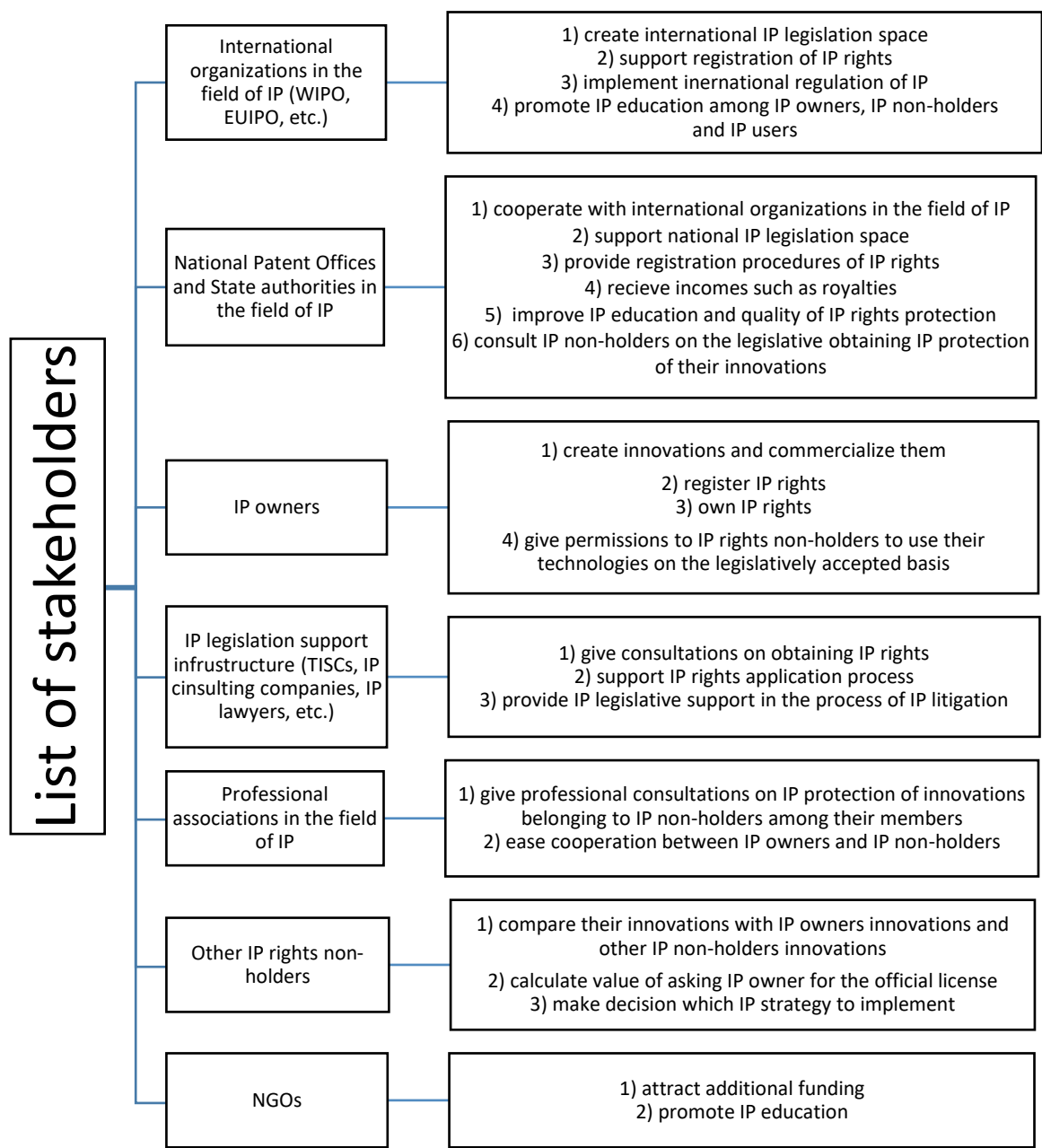


Figure 4. List of stakeholders in the process of roadmapping for IP rights of business non-holders

Source: created by the authors

At the end of the first stage (1.5.) it is necessary to determine funding sources. The possible sources of funding for the implementation of the road map are: IP non-holder funds, venture capital funds, funds from non-state institutions (business angels, crowdfunding platforms).

The second stage “Development of a road map” includes 3 substages. At the substage 2.1. it is proposed to develop a plan of measures aimed at realizing the set goals in the future. Proposed measures aimed at realizing the set goals in the future to improve cooperation between IP owners and IP non-holders are proposed the following ones: holding joint events/projects with the aim of integration and further cooperation in the implementation of IP rights, improving the regulatory environment for intellectual property rights and their further use, creating innovative intermediaries that will ensure additional flexibility and mobility of innovative products from manufacturers to consumers; to attract financial resources in the innovation sphere, supporting specific projects that are focused on specific needs; attract early-stage venture capital funds that will provide additional funds to finance startups; strengthen control over the quality of innovative products to increase their competitiveness and make changes to the legislation on ensuring the protection of intellectual property rights (creation of additional signs, markings, etc.).

The next step is determination of key performers and necessary resource support (2.2.). The key performers of the project will be employees who deal with the issue of legal protection of intellectual property rights in the IP non-holder's organization, the National Patent Office and all the above-mentioned stakeholders. Staff provision of the project requires cooperation between IP-lawyers, economists, managers, educators and entrepreneurs. The material and technical base of the project will be information technologies, the latest software and available resources of interested stakeholders.

At the further substage 2.3. conditions of regulatory and legal regulation of the project of developing and further implementing IP strategy of non-holders should be defined. They are regulated by international and national IP law depending on the territory of activity of IP non-holder and its ability to conclude the appropriate IP agreement with IP owner and to get the exclusive license for the definite period of time. For example, such famous companies as Apple, Inc., the producer of iPhone, and RIM, the producer of BlackBerry, are usually associated by consumers with IP owners. But these both producers were in the position of IP non-holders when entering the smartphone market. Such situation was connected with their need to implement into their smartphones the technology developed by the IP owner company InterDigital [22]. The technology “allows mobile phones to connect with cellular networks, with a current focus on the technology standards that apply to the faster third-generation networks” [20]. Both non-holders signed patent-licensing agreement with InterDigital before they release officially their smartphones, which allows to sell smartphones at the international market. In this case IP strategy of getting permission was used by IP non-holders.

If we talk on the EU regulation of IP, then IP non-holders also should take into account the set of important documents in the field of IP: COM (2020) 760 – Making the most of the EU's innovative potential – An intellectual property action plan to support the EU's recovery and resilience [4], An Industrial Property Rights Strategy for Europe [3], Infosoc Directive 2001/29/EC, European Patent Convention [10], Regulation on European data governance (Data Governance Act) [8], etc.

Determination of the terms of implementation for each specific event is made at the substage 2.4. Talking about the term of implementing the IP strategy for non-holder, we should differentiate the typical term for strategy in general and terms of smaller IP project implementing included in it. In this case “a flexible intellectual property strategy” [24] is recommended for IP non-holders that prescribes options of asserting a legal privilege, developing an alternative, getting permission, détente, and rapid dissemination. It was admitted earlier that the recommended period for implementing strategy is 5 years according the EC strategic planning and programming cycle [5].

The very important substage is 2.5. Risk management of project implementation. Implementation of the project requires identification of threats to development and implementation of the roadmap program. It is necessary to develop effective and efficient recommendations for neutralizing threats. The authors offer the following action mechanism for project risk management and prevention, which is presented in Table 2.

Table 2

The mechanism of action regarding the management and prevention of the implementation project on ip strategy for non-holders’ risks

Nr	Risks	Measures of neutralization
1	Lack of interest and support from the IP strategy's implementation project main stakeholders	Conducting an information campaign and creating additional educational programs on IPR, increasing the number of IP mentoring programs in universities and professional IP associations (joint projects with business), education and support of the IP culture of the population, creation of TISC.
2	Reluctance of IP owners to effectively cooperate with IP non-holders	Creation of innovative intermediaries that will provide additional flexibility and communication on getting permissions for licenses and obtaining official allowances on spreading innovative technologies.
3	Imperfectness of the legislative and legal framework	Improving the regulatory IP environment, carrying out reforms in the legislation to facilitate the conditions of obtaining IPR, providing tax benefits to enterprises engaged in research and development, and registering IPR.
4	Insufficient financing of the implementation project on IP strategy for non-holders	The creation of special state funds and programs, the attraction of funds from venture capital funds, the creation of clusters and cluster funds, innovation hubs at the industry level, which will help attract financial resources to the innovation sphere, supporting specific IP-oriented projects.

Source: composed by the authors

Implementation of the proposed measures will help prevent risks that will arise on the way to project implementation.

Stage 3 – Implementation of the road map includes the following substages:

- 3.1. Examination and approval of the road map.
- 3.2. Implementation of the road map implementation plan based on the assessment of key indicators.

- 3.3. Control of road map implementation.

3.1. Examination and approval of the road map. The roadmap needs expertise, evaluation and approval by a wide range of IP experts. It needs discussion among IP authorities, IP owners, IP non-holders, IP researchers, professional IP associations and venture funds. For discussion and approval by stakeholders, it is necessary to create an information platform for discussion of the project.

Examination and approval of the road map includes the collection of proposals from interested parties, clarifications and amendments to the IP strategy's implementation project. Ultimately, work should be done to develop the final version of the road map.

3.2. Implementation of the road map implementation plan based on the assessment of key indicators.

We offer the following key road map indicators that will reflect the process of cooperation between IP non-holders and IP owners in the context of forming an ecosystem of IP management: the number of the developed innovations requiring IPR; the number of grants received for IP scientific work; the number of personnel engaged in IP activities; the number of employees engaged in IP scientific research and development who have a scientific degree; the average salary of a IP employee; the number of IP agreements concluded in the process of cooperating with IP owners; the number of the realised innovative projects involving obtained licenses.

3.3. Control of road map implementation.

Important conditions for the implementation of the road map are constant monitoring and control over compliance and implementation of all stages of the IP strategy implementation project. It is necessary to evaluate the obtained results. In the case of non-fulfillment of individual indicators of the IP strategy implementation project, it is necessary to make appropriate amendments, finalize and supplement the relevant indicators. The performers of the road map have to comply with all points specified in the project. At the end of the project implementation period, the "Report on the implementation of the road map of IP strategy implementation in the context of the formation of IP management ecosystem" is recommended to be presented.

Based on the above, conclusions can be drawn. In different countries, effective cooperation between IP non-holders and IP owners is an important prerequisite for the development of innovative entrepreneurship. Based on the results of Intellectual Property SME Scoreboard 2022 [11], it can be concluded that cooperation between IP non-holders and IP owners is low. The development of IP strategy for non-holders and its further implementation is necessary. The effective formation of the ecosystem of IP management is an important prerequisite for the successful development of innovative entrepreneurship. Considering the above, it can be noted that the implementation of the developed road map project will contribute to effective implementation of IP strategy for non-holders, which will positively affect the development of innovative entrepreneurship and the formation of IP management ecosystem.

Chapter 3. Recommended IP strategies for Ukrainian businesses in the process of post-war recovery

In conditions of war many Ukrainian businesses are intended to develop their business not only in Ukraine and try to enter the EU market. After the end of the war in Ukraine that state is going to become the EU member. It means that at the current moment Ukraine has to satisfy the EU entering requirements in all spheres prescribed by the EU membership application [7]. In the field of IP Ukrainian companies should pay special attention to the requirements for integration into the EU IP system [26]. The majority of the EU requirements in the field of IP is connected with satisfying the requirements of the EU Regulation 608/2013 [9].

At the current moment UANIPIO tries to perform the following tasks in the direction of the European integration vector [27]:

- “amendments to IP legislation”;
- “constant monitoring of the IP law enforcement”;
- “implementation and improvement of IPRs protection mechanisms and procedures”;
- “cooperation, constant communication with IP stakeholders”;
- “focusing on IPRs raising awareness and IP culture initiatives”.

For understanding the scope of IPR protection of businesses in Ukraine and abroad it is just necessary to compare at least the number of filled in trademark applications in 2022 [23]: 16100 according to the national procedure and 6919 according to the international procedure. This comparison gives understanding of how many potential IP non-holders can enter the EU market.

In the above-mentioned conditions the best recommended IP strategy for the Ukrainian businesses, which are IP non-holders, in the post-war recovery is getting permission when entering the EU market. The implementation of the recommended IP strategy will allow the Ukrainian IP non-holders get better business reputation at the EU market, develop networking and attract new clients.

It is understandable that due to the worse economic conditions it is harder for Ukrainian businesses to finance the appropriate IP applications and communicate for licenses with IP owners. Then it is recommended to apply for recovery business development grants proposed to Ukrainian businesses by both the EU organizations and the Ukrainian Government.

On its way to the EU the state Ukraine and its businesses have to change their IP behavior proving themselves as reliable business partners with the help of IP instruments.

Conclusions

The paper is dedicated to the research of the scientific problem of IP strategies for IP non-holders and keeping IP rights in the process of procurement marketing, its further case analysis and development of the appropriate recommendations based on the performed theoretical and practical analysis.

The introduction analysis of the scientific literature in the field of IP strategies has shown that there is a lack of researches that reflect the position of IP non-holders. Majority of researchers studies issues of IP management in general, IP protection in

the field of patents, trademarks or copyright separately, IPR, IP strategies of IP owners, licensing, etc.

The first chapter is dedicated to general understanding of IP strategy and the notion of IP non-holder. It is proved that theoretical grounds of IP strategy are at the intersection of the management theory, general legal theory and IP theory in particular. From the management point of view, the IP strategy should be considered in the context of organizational and management concept of strategy. From the perspective of legal researches, IP strategy includes legal analysis, legal frameworks and legal stakeholders that form legal strategies.

Special attention is paid to the notion of legal astuteness as the appropriate understanding of the importance of developing and implementing IP strategies depends highly on the position of the top management team. IP strategy is also interconnected with other important directions of the organization's activity: marketing, procurement, innovation, finance, tax and people.

It is proved that modern business considers IP as the important tool of increasing its value. Considering IP as "asset class" [24] helps to understand its real value in the balance sheet of the company. The market size of IP licensing in the USA has increased for 30% during the period 2013–2023 years.

It is researched that modern approaches to classifications of IP strategies in the majority of cases are connected with IP owners.

The official statistics confirm [11] that 48.9% of the EU SMEs don't own registered IPR. One of the main arguments against becoming the IP owner is the expensiveness of the IPR registration procedure. The results of the performed analysis of the getting permission strategy confirm that it is possible to involve grant funding at the start of such innovative projects that helps to cover registration expenses and get more benefits.

It is also discussed the possible official regulation of AI spreading within the EU according to the regulation under the EU AI Act.

The results include recommendations for the future in IP strategies for business non-holders. The main focus is made on developing the recommendation of the road map of IP strategy development for business non-holders. TRM is used for the development of the logical scheme of stages of the IP strategy's roadmapping. The other innovative recommendation is the list of stakeholders in the process of roadmapping for IP rights of business non-holders.

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