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**Research on Intellectual
Property Management for
Social Ventures in Japan**
A Tool for Social Innovation

Abstract

This paper explores intellectual property (IP) management and its consciousness of social ventures (SVs) in Japan. Traditional financing and marketing followed by new concept IP management is a key source in the organizations as a way to enhance competitiveness. In this paper's definition, IP is referred to as valued and wealthy information in the organizations. IP management may apply to SV, because it penetrates gradually from the big enterprises to small- and medium-sized enterprises (SMEs) to make them competitive. Surprisingly, there is no literature to refer to about the effects of an IP program for SVs. Therefore, we examined the SVs' awareness of IP and studied some cases. This will show how IP management works in the development of social innovation.

We found from the results of data collected from the questioning of five SVs that they were aware of the importance of IP and their rights. We also found that IP management can apply to SVs to some extent, yet the IP strategy differs from that of other existing entrepreneurs or authentic SMEs.

Keywords

Social Venture (SV), Social Innovation, Intellectual Property (IP) management, Scaling out, License, Franchise, Trade Secret

Numerous studies on social entrepreneurs or social ventures (SV) have been conducted in developed countries like the United States and those in the European Union. However, there are few research papers in English that focus on the development of their Japanese counterparts, partly because they are still in a rather unstable incubation stage and partly because Japanese researchers have a lack of English language motivation. Actually, Japanese society, which is stuck in a sluggish economy, is riddled with social problems that surfaced after decades of single-mindedly pursuing monetary profits and economic growth. This is also true in a global context.

The Organization for Economic Cooperation and Development (OECD) just released an innovation strategy (2010) that is subtitled "Getting a head start on tomorrow." It said that innovation drives growth and helps address social challenges. This means that social innovation precedes or absorbs product innovation and process innovation as implied in Figure 1. Hence, the idea of social innovation or its traction engine's SV is beginning to spread in Japan at a rather rapid pace.

This paper deals with the "Social Entrepreneurship" paper that Roger L. Marten, Dean of the University of Toronto's Rotman School of Management, and Mrs. Sally Osberg, President and CEO of the Skoll Foundation, released in 2007, as indicated in Figure 2. The successful social entrepreneur or SV takes direct action and generates a new and sustained equilibrium.

The motivation which made us interested in this study is this question: Why do promising Japanese youth get involved in social issues and become social entrepreneurs? For example, the "TABLE FOR TWO (TFT)" initiative was established in the spring of 2007. TFT is a Tokyo-based non-profit organization that recruits supporters at 200 cafeterias in Japan who agree to donate 20 cents per meal to the TFT for underprivileged African students when they choose a designated well-balanced meal with a criterion not to exceed 800 kilocalories. The TFT seeks to simultaneously address hunger in the developing world and combat life-style related diseases such as obesity in the developed world. The fact is, most THT members are in their 30s.

Thus, little is known about the status of social entrepreneurs or SVs in Japan. Using a theory from Abraham Maslow's hierarchy of needs, we believe this has much to do with "self actualization." Sometimes money does not matter if you get a sense of accomplishment through your chosen profession. Such entrepreneurs feel good when they contribute to society. It is noted that even a successful young worker with a good job and sufficient salary feels that something is missing in this developed and seemingly affluent society.

Subject of research and background of the study

The next question is, how should we decide the respective subjects? Should we see the apparently appropriate SVs as objective representatives? Unfortunately, we have to say such SVs are still poorly recognized in Japan, and few people can name any existing SVs. This paper sees the SVs as being less-than-10-year-long social enterprises or business-minded non-profit organizations that aim at both financial and social goals. The reason is, when you speak of the term "venture," you feel something new. For this reason, we decided to target relatively young organizations. Also, we chose ten organizations that are listed in a report on social businesses or SVs conducted by Japan's Ministry of Economy, Trade and Industry (2008). Their requirements were as follows:

1. **Sociality**: The mission of the business shall be to address social problems that need to be solved.
2. **Viability**: The entity shall convert the mission described above in Sociality into a form of business and the continuous run of such a business.
3. **Innovativeness**: The entity shall develop new social goods or services as well as mechanisms to provide them, and shall create new social values through the spread of its activities across society.

We added another condition, and that is whether or not they declare "double bottom lines" on their web sites or in some official interviews with them.

It is hopeful that some SVs are profitable when they cultivate hidden niche markets (covered social problems) or develop the competitive business methods. Figure 3 organizes the social issues they tackle or the fields of business. Figure 4 illustrates the relevance of four key players in social innovation. Because of budget constraints and lack of enthusiasm, the public sector has all but given up solving social issues. The other three players should support it to move it forward. As for "Citizen," we should note that they play two roles. One is as a supporter of SVs. They recognize SVs' social values or benefits and support them as human resources. Another is the role of the beneficiary through the purchase of SV products and services. SVs are seemingly considered to be far from Intellectual Property (IP) protection. As we observe, most SVs are lacking in the knowledge of IP, because they have to tackle other managerial issues or chores. In other words, IP management may be a lower priority compared with finance or marketing for the limited human resources SVs have at present. That will lead to my framework of hypothesis and the method of verification discussed in a later section.

Figure 5 indicates two categories of social innovation. We dare to divide social innovation into two categories for clarity. Technology-based infrastructure's innovation is apt to require IP rights (e.g. patent or design patent) like ordinary ventures. On the other hand, the human network's innovation (main player is SV) has much to do with trademarks or copyrights. In some cases, these two sets of innovations interlock each other. This is true of the Grameen Phone or Grameen Danone (Joint Venture).

By the way, what is social innovation? The Toronto-based Centre for Social Innovation (opened in 2004) defines social innovation as new ideas that resolve existing social, cultural, eco-

nomic and environmental challenges for the benefit of people and the planet. A true social innovation is systems-changing – it permanently alters the perceptions, behaviors and structures that previously gave rise to these challenges. Even more simply, a social innovation is an idea that works for the public good.

You will see that it depends on what the SV finds in the social orientation. Natural-resource-lacking and technology-oriented Japan advocates intellectual property (IP) as a national strategy. This paper discusses IP management that may apply to a "start-up-stage" SV or a newly built hybrid small social business, because it penetrates gradually from the big enterprises (traditional for-profit business) to SMEs to make them competitive, as Figure 6 shows. It is the logical development for the SV to consider introducing IP management. People are apt to regard IP management as a lower priority compared with finance or marketing for the limited human resources SV has at present. We assume the next promising factor is IP for SVs in Japan. The reason is that IP consultant Light Years IP (U.S.A.) has already succeeded in raising African export income and alleviated notorious poverty through elaborate IP management. It is noted that in recent decades the intangible value is the value of non-physical characteristics of a product, such as its uniqueness, reputation or tradition. They skillfully make use of these elements. For instance, the Ethiopian fine coffee sector has been in the news over the last couple of years with a ground-breaking initiative that challenged the existing order in specialty coffee, and to date has brought more than 80 coffee distributors on board. Ogada Tom (2009) explains their IP-driven strategic approach in Figure 7.

Hypotheses Setting and Research Methodology

Thus, it was about time for SVs to apply the IP management. Methodology-wise, to verify this hypothesis, we conducted a one-week-long questionnaire via the Internet in May 2008 plus some follow-up interviews. Since a study of the application to IP management for SVs is quite unique and unprecedented, respective SVs is too specific to generalize. Using this reasoning, the case study method was considered most appropriate. We asked ten SVs to answer our IP-related questionnaires under the above-mentioned conditions, and we received five replies. The two hypotheses we set are as follows:

H1: An SV is a "social-problem-solution-first, profit-second" organization, different from that of the ordinary "technology-push type" (patent right-oriented, profit-first IPO oriented) venture or SME. It is not aware of the importance of IP rights or IP management (namely, IP creation, protection and usage).

H2: Since an SV thinks highly of the "scaling out" of social business, which means a spreading impact to other unrelated communities or simply the notion of scaling horizontally, it is filled with compassion or magnanimity. If a scaling out or solution to the social problems by others is promised, the SV does not care about IP rights infringement or the presence of "copy-cat," me-to products or imitations.

Profile of the survey subjects (five organizations)

Before going into the substantial discussion, let us introduce the respective SVs briefly.

Motherhouse Company Limited (capitalization: 17.5 million yen, 150,000 U.S. dollars) was established in March 2006 as a fashion apparel maker in Bangladesh. CEO and designer Eriko Yamaguchi, 28 years old, registered Motherhouse in Japan. Currently, they manufacture jute goods in Bangladesh and sell them in Japan. Its products sell well, so this year's annual sales projection is surprisingly 300 million yen (2.7 million U.S. dollars). She found that jute fiber absorbs 5 to 6 times more CO₂ than ordinary plants, which makes it more eco-friendlier than any other natural fiber. Their social mission is to develop apparel products in developing countries and market them to developed countries as a high-quality fashionable brand (not as a subcontractor), thus creating jobs for underprivileged people. The goal is to find and maximize hidden potentials in developing countries and create a world-wide brand from developing countries. The next brand will be made in Nepal. However, the CEO said in May 2009 that even though the sales of jute bags were going well, they were suffering from IP problems, notably "dead copies" or imitations from big corporations.

Madre Bonita (Spanish words that literally mean "Beautiful Mother") was opened in Tokyo in September 1998 as a post-natal, self-care salon with a fitness room for mothers who have just given birth. It was Japan's first physical and emotional post-natal self-care program maker. The founder, Maco Yoshioka in her thirties, officially set it up as a non-profit organization (NPO) in February 2008. Among its clients is the NEC Corporation, which collaborated with Madre Bonita to assist NEC's working mothers. Seminars are aimed primarily at women looking to return to work after having started a family. A hundred women participated in a total of three consecutive specialized seminars that were held at NEC business sites. By leveraging a non-profit partnership to enhance their image, they are trying to increase consumer loyalty and build a positive reputation with prospective employees. In Japan, pregnant mothers are covered by the national care system, but post-natal stages are not. Quite often, new mothers are too exhausted to take care of their newborn single-handedly. In some cases, this can lead to post-partum depression, neglected babies, child-bullying and divorce. New mothers need a strong body and soul to survive. Maco Yoshioka found the mechanism to solve the problems through her experiences and developed an effective program at a reasonable price. As of May 2010, the total number of participants was more than 5,000 mothers. At this moment, Madre Bonita is in the process of training accredited instructors. There are twenty instructors at Madre Bonita salons in various places in Japan. They are all self-employed on the basis of a franchise system in a form of IP management. They currently published an investigation report "Postnatal 'White Paper'" to ease mothers' anxiety. It can be called a social innovation.

Irodori (Color Scheme) Co., Ltd. (capitalization: 10 million yen, 90,000 U.S. dollars) is located in a mountainous village in Tokushima Prefecture. It is a seasonal decorative leaves provider that caters to high-end Japanese restaurants. It is significant that most of its 170 employees are elderly people. It gives them

a sense of accomplishment and satisfaction to do work like this. Moreover, it provides work for local senior citizens in the remote and lightly populated town (population: 2,000). It is worthwhile to create new businesses by satisfying urban demand for hard-to-find rural assets. That's why 4,000 people from 37 countries visited there in 2009 to see the operation first-hand. Irodori has registered trademarks, and has tried to get design patents, but in vain. Irodori's annual sales are 300 million yen (2.7 million U.S. dollars).

Tegatari, which means Hand Story, is a welfare business headquartered in Tokyo that is run by qualified professional massagers who cater to business offices. Tegatari literally means communicating with hands. The owner is Masaru Tanabe in his thirties. His social mission is to create employment for physically challenged people, especially deaf and blind people. The "Office Massage" business started in June 2006 as a place where handicapped and non-handicapped people can meet one another. The first company to implement this was e'quipe, a cosmetics manufacturer and sales company. Being able to receive consigned massages within the company as a welfare program, the massage service was warmly welcomed, and it was so busy that reservations had to be made in advance. Its services lead to increasing employee satisfaction and Corporate Social Responsibility (CSR) awareness. Tegatari has tried to acquire a business method patent (application status) and various trademarks to make the business sustainable.

Asaza Fund (Director General Hiroshi Iijima), located in Ibaragi Prefecture, is an NPO. It has eco-friendly multi-businesses like eco-tourism operators and organic vegetable producers. Asaza Fund is equipped with environmental technologies and engineering implemented by a partnership network of more than 110,000 people from public and private sectors. It has acquired some trademarks and patent applications to make its social businesses strong and smooth. Asaza is a brand, with good atmosphere.

Results of SV Survey and follow-up interviews

Table 1 shows the results of the questionnaires for SVs.

As for H1, which is described above, every organization acquired at least some trademarks (IP rights) like an ordinary venture. There is no big difference between SVs and an ordinary venture. Asaza Fund, which has environment-related technology, and Tegatari, which features delivery massage services, are going to get patents that have elements of technology. As stated, they are pursuing a business method patent. The other three SVs are also anxious to get trademarks or branding to make them sustainable businesses. In this way, H1 was clearly rejected when SV was a "social-problem-solution-first, profit-second" organization. In short, they are not managed naively. In other words, they are managers.

In regard to H2 above, the results show that four out of five SVs know the power of IP management that is needed to develop the social business. Some have acquired IP rights or IP management so as not to let a "copycat" competitor do the plausible business because adulteration often deteriorates users' reliance

or its brand identity. Four SVs will conduct concrete countermeasures against imitators. It is safer to say that the acquisition of an IP right is a tool for discretionary decision-making or social innovation. A genuine SV originally pursues "scaling out" rather than "scaling up" as a mission of social innovation. Logically, some social entrepreneurs are generous about a third party's scaling out, as seen in Tegatari's business methods. Others somehow want to get involved in the business directly by working in other areas to develop what they seek to popularize. What matters is how you concentrate on the scaling-out business.

Madre Bonita has already introduced a form of franchise setup as an instructor's quality control. Motherhouse, Irodori, Tegatari and Asaza Fund hinted at the possibility of the introduction of licensing, franchising, or other strategic IP alliance.

Copycat or imitation competitors often betray their users' reliance or its brand identity. In this process, warnings against easy-going copycats, claims of IP rights or enforcement is possible. It can be said that H2 was also rejected.

Related and Further Discussion

When we discuss the relationship between an existing enterprise that goes social and three other players, we have to touch upon the Eco-Patent Commons, a first-of-a-kind business effort coordinated by the World Business Council for Sustainable Development (WBCSD) to help the environment by pledging environmentally beneficial patents to the public domain. See Figure 4.

Four Japanese corporations out of twelve selected ones, namely Sony, Fuji Xerox, Ricoh and Taisei Corporation, are members of the initiative. Availability of these patents will encourage a few technology or patent-oriented SVs, which are illustrated in Figure 5.

Existing big corporations implement IP management in accordance with the national IP-oriented goal, as Figure 6 shows.

A "Pro-IP right" policy is practiced nationwide, which is the standard in the business community sector. It has been a Japanese government effort to stimulate industry and strengthen the ability to compete by protecting inventors' rights and enhancing incentives to invent through the provision of stronger IP protections. IP management, like patent rights acquirement, protection, utilization and avoidance of conflict, is said to be effective in enhancing competitive advantages. This is becoming more important to SMEs of all sectors.

The idea has not yet penetrated into SMEs much less SVs. However, it is crucial without regard to the size of the organization. For instance, the Japan Patent Office is trying to implement IP management to small organizations like SMEs. It is on the way and is about to be applied to SVs. Therefore, neither researchers nor practitioners have discussed them to SVs so far. They are usually burdened with a lack of human resources, especially at the start-up stage, and have to do with other priorities like fundraising, marketing and labor-intensive chores. In other words, they tend to underestimate the importance of IP. However, when it comes to the diffusion (scaling out) of their products and services, licensing (franchising) of IP management seems to be

an effective issue. Christopher (2009) stresses the uniqueness, namely, the franchiser licenses for its IP, including its trademarks, copyright, know-how, trade secrets, business concept, and, if relevant, designs and patents to the franchisee.

Conclusion and Implication

The results of the questionnaire for SVs and follow-up interviews highlighted the following findings and implications.

First, every SV acquired at least some trademarks (IP rights) like ordinary ventures and was conscious of the presence of IP and its management. There is no big difference between SVs and ordinary ventures. And answers like "Why IP rights are needed" reflected their hope of competitiveness.

Secondly, four SVs will conduct concrete countermeasures against imitators or free-riders. It is safer to say that the acquisition of an IP right is a tool for discretionary decision-making or social innovation. An SV originally wants scaling out or diffusion as a mission of social innovation. Logically, some social entrepreneurs are generous about a third party's scaling out, but actually they are concerned about copycats, because they abhor betraying customers or supporters. It is not always for monetary reasons. They may respect their own brand or be inclined to keep the reliance that they embrace.

Madre Bonita has just adopted a kind of IP-driven franchising system with an officially qualified 20 instructors of IP management. It sells a franchise license at a reasonable rate in which the qualified instructor (franchisee) must follow all of their rules, including how to operate, how to advertise, what the staff say to customers, and other aspects of the business secrets. The franchise agreement often limits the franchisee's ability to change the nature of the operations under the franchise license agreement. It is seemingly severe, but a legitimate thing to keep the brand identity or the reliance.

Licensing, franchising and trade secrets may have good chemistry with an SV's business in that they can protect and promote the SV's social desires efficiently and effectively. In other words, it may be beyond the utility of the "right to exclude" a patent.

IP rights acquired by SVs may lead to favorable financing from banking or individual investors and improve the business as a by-product. In addition, SVs can leverage the right of exclusion to reinforcement of business, prevention from imitation and equal licensing with big companies. As an alliance tool, an SV can make use of franchising or licensing on IP management not to become the subcontractor of a big enterprises. The last benefit is that SVs can gather useful market information through IP rights negotiations with business partners.

In regard to IP conflict, Motherhouse, Madre Bonita, Irodori and Tegatari have already experienced some troubles with followers or competitors. IP conflict is not an unrealistic matter, but it may happen as an everyday incident.

Last, but not least, we do admit that this research does have its limitations as we have only covered five cases. In future work, we will have to increase the number that we cover. Otherwise, these data may be exceptional.

An SV consultant, "Endeavor (USA)," has invented a global impact metrics system for social innovation. It helps to measure the social impact of SVs properly in that they are invested socially (meaning donating to particular SVs). As an intellectual capital, it says 50 percent of SVs possess patents or have patents pending, and 80.8 percent of these entrepreneurs are financially giving back funds to Endeavor to help the next generation of high-impact entrepreneurs succeed. Thus IP and its management may contribute to develop social innovation. It is likely that SV and IP are interrelated. That is the next theme that we will conduct statistically.

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Figure

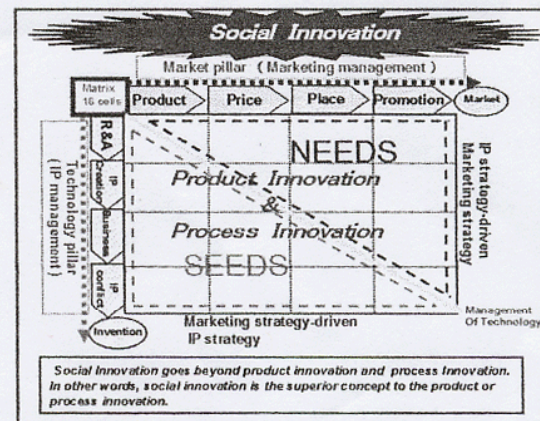


FIGURE 1

Pure Forms of Social Engagement

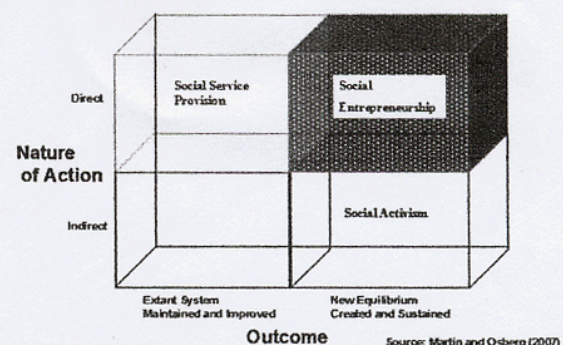


FIGURE 2

What are social problems?

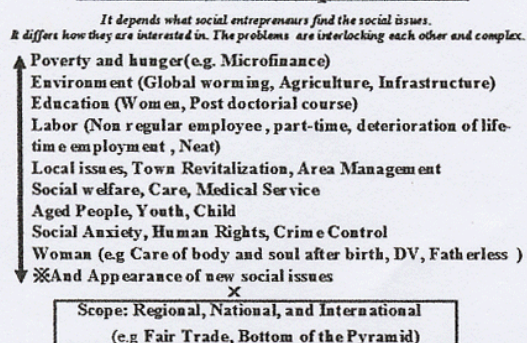


FIGURE 3

Status quo of the development of IP management for competitive advantage

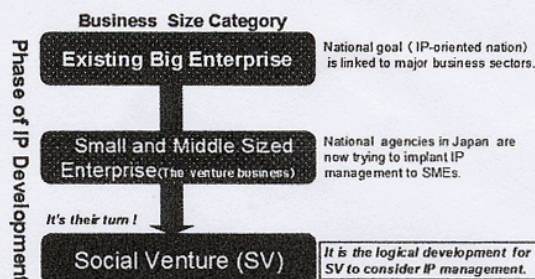


FIGURE 6

Relevance of Social Innovation

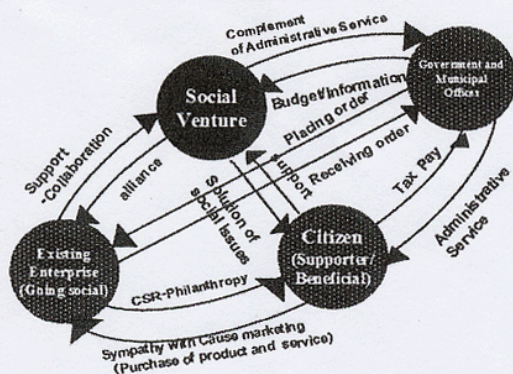


FIGURE 4

Relevancy of IP rights

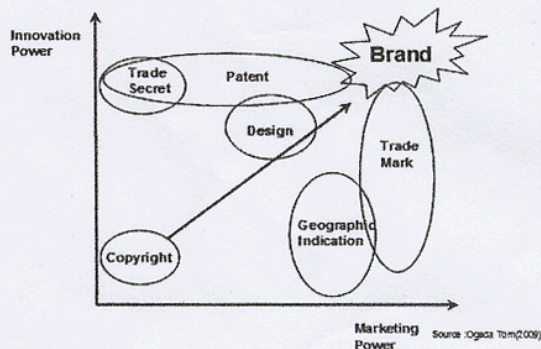


FIGURE 7

Two categories of Social Innovation

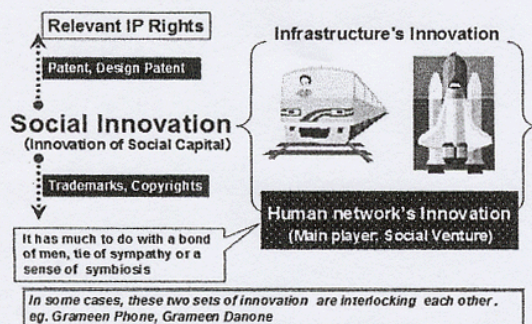


FIGURE 5

Summary of Survey Result for SV

(Conducted in May,2008)

	Mother-house	Madre Bonita (Beautiful Mother)	Irodori (Color Scheme)	Tegatari (Hand Story)	Asaza Fund
Business Domain	High-quality fashionable brand from Bangladesh and Nepal	After-birth care of body and soul	Seasonal leaves provider for the Japanese cuisine	'Office Massage' by qualified massage professionals	Multi-faceted local environment protection movement
Acquired IP rights	Trade mark (Brand name, Logo)	-do-	-do-	Trade mark Patent (Application Stage)	-do-
Why IP rights needed	No answer	The symbol of business should be protected fairly.	Protection of business to keep the value	It is crucial to conduct the knowledge management.	Connotation of the whole project should be reflected.
Image of scale out (How to expand the business)	When we feel the same philosophy with the partner, we will consider the feasibility.	Franchising: program development of promising talents	Direct or indirect concern to the followers	When we feel the sympathy, we will discuss the license.	It should be changed on the case-by-case basis.
Necessity of IP rights Claims and possibility of enforcement	It should be the same as the other business.	Some claims cannot be helped ,because the copy cat should be extinguished to protect the quality.	IP management (caution or enforcement)is indispensable.	New ideas are copied so favorably that diffusion will go on smoothly.	It depends. Enforcement is possible.

Table 1