



BIG CORPORATE ISSUES FOR IP

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BIG CORPORATE ISSUES FOR IP

- Greater awareness and realisation by companies of the value and importance of their IP portfolios – helped by IFRS
- Trends in Corporate Governance e.g. 2010 Dodd-Frank Act – Boards must manage their most valuable asset class, a role that falls within a Director’s fiduciary duties
- OECD and BEPS highlight significant regulatory observation of IP transactions within multi-nationals and their value chains
- BUT IP valuation has no defined professional identity and until very recently little oversight



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- Deficiencies in IP valuation observed by regulatory bodies (lack of independence, no standards/qualifications, no codes of conduct/ethics, CPD etc.) are being addressed by RICS, ASA and AICPA with credentials such as CEIV and RICS Chartered Surveyor Business and IP Valuation
- Profession needs to build trust that is global – RICS Red Book and Mandatory Performance Frameworks to be adopted for all entities required to submit statements and filings to SEC and or according to US GAAP and IFRS
- Daubert (the evidence rule regarding EW testimony to exclude unqualified evidence) challenges in the US having increased substantially, as reported in US now exceeds 75% in some circuits with a rate of success thereon of c. 55%. A clear sign of need and importance of accurate valuation, damages, loss of profit reporting which follows clear principles and performed only by those so accredited

