

Know-how and its solution

Know-how is a summary of information, knowledge, expertise and experience for an activity

Know-how is the English phrase describing technological and information requirements for certain activities, most production or for operation and their technical implementation. It is a body of knowledge, production and business expertise and procedures, instructions and recipes for production, gained years of experience.

Often these are the kind of experience that can hardly be described and therefore are subject to contracts for technical assistance to the person of their owner. Know-how is intangible economic good and relates to the manufacture of products not subject to patents and licensing.

Although there is no single definition of know-how, implies the prevailing practice by the term know-how of technological and business knowledge, expertise and long production experience with a particular process, technology, technical assistance, knowledge of the secret formulas and processes classified or unpatented inventions, but as well as knowledge and experience in the organization of production and management, business, sales, marketing etc.

The importance of know-how to enhance the competitiveness and profit

Know-how is usually a guarantee of a speedy resolution of the problem and gain a competitive advantage. In addition, some inventions can not be patented, so knowledge of this kind can only be commercialized within the know-how.

Know-how is considered one of the greatest values created now, and not just the return on invested capital. Validity or duration of know-how is limited only by its technical obsolescence or loss of adequate secrecy.

Good protection know-how is necessary

According to the prevailing view of legal doctrine is part of the know-how virtually everything that is not or can not be subjected to industrial or copyright, but for a business or company has a market value and price, and can thus be subject to economic and commercial activity. Most importantly, the know-how is always an economic value which belongs to the person who is lawfully acquired or developed.

And because know-how is not proprietary and can not be protected by special laws or patent or other protective document, applicable only to protect its rigorous secrecy, or rather flimsy protection under the sanction of unfair competition, either against the punishing imitation according to § 47 of the Commercial Code, or for violation of trade secrets under § 17 and § 51 of the Commercial Code.

Self-protection of know-how is the view of the prevailing practice primarily in permanent, thorough and consistent concealment of his subject at all levels, from employees and the company's managers and generally all. It is recognized that the degree of success and know-how secrecy affects the level of prices and also constitutes a monopoly for its owner on condition that he managed the know-how to conceal.

Otakar Jaluvka

otacar@seznam.cz

<http://www.jaluvka.com/solution-know-how.htm>