

# SHARING IS CARING: INTELLECTUAL PROPERTY AND THE CHARITY SECTOR

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Sharing knowledge about what works—and what does not—is instrumental to improving the effectiveness of charities. Yet often organisations are incentivised by competition to hoard their knowledge for their own advantage. Because of this tension, we wanted to explore the role of intellectual property in the charity sector. We hope to encourage discussion and invite conversation with anyone exploring these topics in their work.

**Intellectual property** (IP) is defined by the World Intellectual Property Organization as *'creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.'* It is formally protected in law through patents, trademarks and copyright, so that those who invest in innovation and creativity can share their work while also protecting their own interests in that investment.

## Introduction

In the private sector, IP is, in many ways, at the heart of a capacity to innovate and develop new concepts and products. Without it there would be no protection for innovators from others stealing their ideas, and therefore little or no incentive to invest in that innovation. Those who develop and protect their intellectual property receive financial compensation for sharing their ideas, allowing them to be taken to market.

What IP means to the charity sector is much less clear, both in terms of what it might encompass, and what protection in law might mean. What is it that we might want to share or protect? Why might we want to share or protect knowledge or models?

Our charitable missions commit us to working for the benefit of those we aim to serve, as a legal requirement of our existence as charitable organisation. So if we have knowledge—say, in the form of a successful delivery model or programme design—that could benefit other organisations serving our defined beneficiary group, our charitable mission suggests that we should share it for maximum benefit. Yet it would be naïve to overlook the fact that charities also have to fundraise in order to be able to deliver on their mission, and that fundraising generally requires them to stand out from the crowd—to compete. **There is a tension within knowledge sharing that is peculiar to the charity sector: charities are legally bound to share insights and ideas that benefit those they aim to serve, but they are constrained from doing so by the funding market in which they operate.**

Intellectual property law is the private sector's response to this tension, but our sector's exploration of similar mechanisms appears relatively under-developed. In 2016, NPC undertook an experiment—in the form of a

prototype knowledge sharing website [SupportShare.org](https://SupportShare.org)—to explore some of the aspects of how sharing organisations' knowledge and approaches might work better. Here we share what we learned in the process.

## An experiment in knowledge sharing: SupportShare.org

In early 2016 we launched the website [SupportShare.org](https://SupportShare.org). It was an attempt to test some ideas about intellectual property in the charity sector. Running the site as a live pilot, we wanted to find out more about what information charities might share with each other, as well as what practical barriers there are to more open IP.

Partnering with [NSPCC](https://www.nspcc.org.uk) in the early stages of the project, we agreed that we would work with services and organisations that provide therapeutic support for children who have been abused or neglected. We also brought on board a technology partner [Hactar](https://www.hactar.com) to help us understand what would be feasible as our planning developed.

### Step 1: Designing the model

Our research into models of intellectual property sharing in the third sector and the private sector suggested that there were a number of different possible models we could use.

Registry model	Evidence portal model	Knowledge hub model
<ul style="list-style-type: none"><li>• A similar model to a patent system where a central administrator verifies the ownership of an idea and attributes it to an individual or organisation.</li><li>• The distinctness of the idea is validated by an award: something like a Social Innovation Certificate.</li><li>• Intellectual property is protected by the registry for a given term (say 5 years).</li><li>• The idea can then be leased to other organisations.</li></ul>	<ul style="list-style-type: none"><li>• Ideas/models are recorded to a central hub or portal where they are ranked or graded according to standards of evidence.</li><li>• Charities can assess the evidence and choose to replicate these ideas within their own organisation or setting.</li><li>• A popular model in the charity sector at present, eg Education Endowment Foundation's Teaching and Learning Toolkit or Project Oracle's children and youth evidence hub.</li></ul>	<ul style="list-style-type: none"><li>• Based on reciprocity: a greater quantity or depth of information about an idea or model is only accessible to those who have provided information about their own ideas or models.</li><li>• There is no ranking or grading of information.</li><li>• General information is available to all users, while 'higher' levels of information are only accessible to those who have submitted information about their own services and models.</li></ul>

We felt that the **registry model** would raise difficult questions on how we would protect charities' IP. This is especially because we could not draw on the same sort of legal apparatus that allows governments to enforce patent claims.

The **evidence portal model**, we knew, required the rankings to be credible. This would require a considerable commitment of capacity and expertise.

We decided that the **knowledge hub model** would be best. The registry and evidence models both require a central authority (to enforce patent-style claims or to grade evidence). The fact that the knowledge hub would not need this meant lower maintenance and administration costs—a key consideration given the conditions of uncertainty in which any pilot must operate. The knowledge hub model also appealed to us because it meant we could test an interesting hypothesis: is receiving evidence about an other organisations' services and evidence sufficient incentive for charities to share information on their own services and evidence?

### Step 2: Building the website

[Hactar](https://www.hactar.com), our tech partner, helped us design the basic design of the website. We wanted it to be simple, clean and user-friendly.

Organisations input information via a web form. Through this web form they could enter three tiers of information that increase in depth and detail:

1. **General information** such as contact details and a basic description of the organisation. Anyone can access this information—including those who have not registered to submit their own details on the site.
2. **Detailed information** about services, such as duration, frequency, and other output data. This level is only accessible if the user has entered information about at least one of their own services.
3. **Outcomes data**—detailing evaluations and impact of their services. This third level can only be accessed by organisations that have also provided impact data about their own programmes.

Some initial testing allowed us to tweak which data input fields were mandatory, and to improve the user experience while keeping the website as clean as possible.

### Step 3: Piloting

We knew that there would need to be a certain amount of information already on the site to incentivise an organisation signing up and providing their own information. Our model depended on reaching a ‘critical mass’ of users. So we took a phased approach to rolling out our pilot. We contacted organisations that we already had relationships with—Imara, NSPCC, and Teens and Toddlers—and asked them if they would be willing to complete profiles and fill out all three tiers of information.

We then identified a further group of organisations that we felt might be particularly interested in the site, and contacted them directly to explain the project.

We then promoted the site through NPC’s networks, working with NSPCC to write a short article about the SupportShare.org that was published on the Guardian’s social care network site.

Partway through the pilot, we reviewed our progress. At that point we had three organisations who had signed up. Meanwhile, roughly ten times as many users had signed up and entered information but not made their profiles public to other users, meaning the information was there but had not been made visible to other users—they had taken initial steps to get involved in the knowledge sharing, but something was stopping them from revealing their information. So we decided to contact all registered users and try to persuade them to make their profiles public on a given date. However, we did not get sufficient response from users willing to commit themselves to making their profile public on a given future date. This meant users lacked assurance and we were not able to increase the number of users with public profiles.

### Step 4: Reviewing the pilot

Our pilot was designed as a test of a specific hypothesis, namely that *receiving* evidence on other organisations’ services and evidence is sufficient incentive for charities to *share* information on their own services and evidence.

In the case of [SupportShare.org](https://supportshare.org)—a limited prototype trialled in a single issue sector—reciprocal access to information was not a strong enough incentive for charities to share information about their services and evidence. We can speculate on why this might be the case:

- We did not publicise the project sufficiently within the child abuse recovery sector, and generate enough ‘buzz’ around the site.
- The information captured and shared within the site was not of sufficient depth to be of value to other organisations—meaning they lacked incentive to share their own.
- A relational model—one that emphasises deep interactions between children and support programmes and staff over time—is central to the child abuse recovery sector. So these organisations may not value

information about defined models or programme designs particularly highly. Relationships are valued over information and evidence.

- Organisational barriers such as obtaining sign off for knowledge sharing may have prevented sign up.
- Organisations may have been concerned about the risk of knowledge being used without regulation (eg, another organisation using a model developed, perhaps at great cost, by an organisation). Concern about this risk exceeded the desire benefit from learning details about other organisations' services.

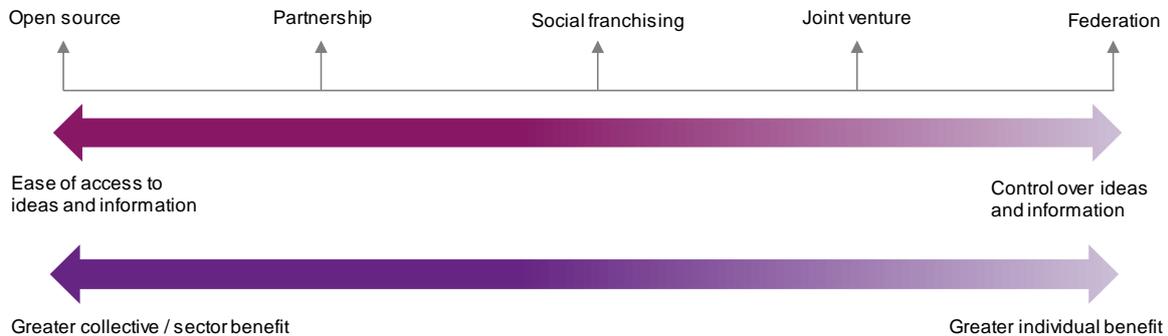
We do still believe there is potential for this model, and for greater knowledge sharing as a whole within the charity sector. We hope others can build on the lessons of SupportShare.org outlined above, as well as other principles of knowledge sharing outlined below.

## Principles, benefits and challenges of knowledge sharing

We believe that sharing tools, best practice and ideas can be of great benefit to both an organisation and sector as a whole. However, as the experience with SupportShare.org has taught us, it is not without challenges. Ultimately the potential risks and rewards depend on how you decide to share knowledge. The more that different organisations cooperate, the greater the potential mutual benefit. Yet greater cooperation erodes organisations' independence and can create its own barriers. **Ultimately the potential risks and rewards depend on how you decide to share knowledge.**

### Understanding the various methods of sharing knowledge

Figure 1: Models through which organisations can share knowledge<sup>1</sup>



We found it helpful to categorise the ways in which organisations can share knowledge by how much **control** over information a provider has on one side, and the **ease of access** of information for the end user on the other.

Projects that have a relatively high level of **ease of access**—where engaging with the data can be done with relatively little commitment or cost—tend to benefit the person or group who receives knowledge ('the user'). By introducing new concepts ideas and tools, users of the system are better able to innovate and tailor their organisation's activities to its mission. These approaches also tend to more widely benefit the sector as other organisations in the sector can more easily access the information. Challenges for those accessing information this way can include lack of time and resources, but this is a relatively small issue. The more substantial barriers at this end of the scale apply to those who are providing knowledge ('the provider'). As they lose **control** over their product there is a severe potential reputational risk if their tool or method is poorly used. Furthermore,

<sup>1</sup> Initial scale adapted from: Social enterprise coalition (2011), *The Social Franchising Manual*, Social Enterprise UK

transforming the knowledge they hold from something designed for internal use into something that can be shared can take up a substantial amount of an organisation's time.

Programmes closer to the *ease of access* point on the scale—where information is shared and received by both parties—would maximise collective benefit. However, greater ease of access requires providers to give out their information—their knowledge about their interventions in this case—without retaining control over how the information is used. For instance, another organisation could take an intervention and apply it without payment to the originator, with the added danger that the model might not be well applied. This makes it hard to practically apply such a method.

### Culture and identity

Beyond the benefits and challenges related to ease of access versus control, there is also a wider question about cultural barriers to knowledge sharing. Cabera and Cabera have examined the notion of social dilemmas in knowledge sharing.<sup>2</sup> These dilemmas all amount to whether or not individuals have the motivation to seek out and share knowledge. If too many of these social dilemmas exist knowledge sharing is not possible, no matter how beneficial the system may be.

Countering barriers caused by culture is outside the scope of any one knowledge sharing model. But it may be possible to identify key individuals or organisations who could unlock knowledge sharing in a particular sector. Once they have overcome the cultural hurdles against knowledge sharing. Reach out to these groups and offering training and support can help overcome these hurdles.

It is also important to remember that knowledge sharing is not just about spreading best practice outside of the organisation, it also happens internally. A culture that is too hesitant about effectively sharing knowledge may find the best practice is not shared with them in return. This could create issues around succession planning or wider training and development.

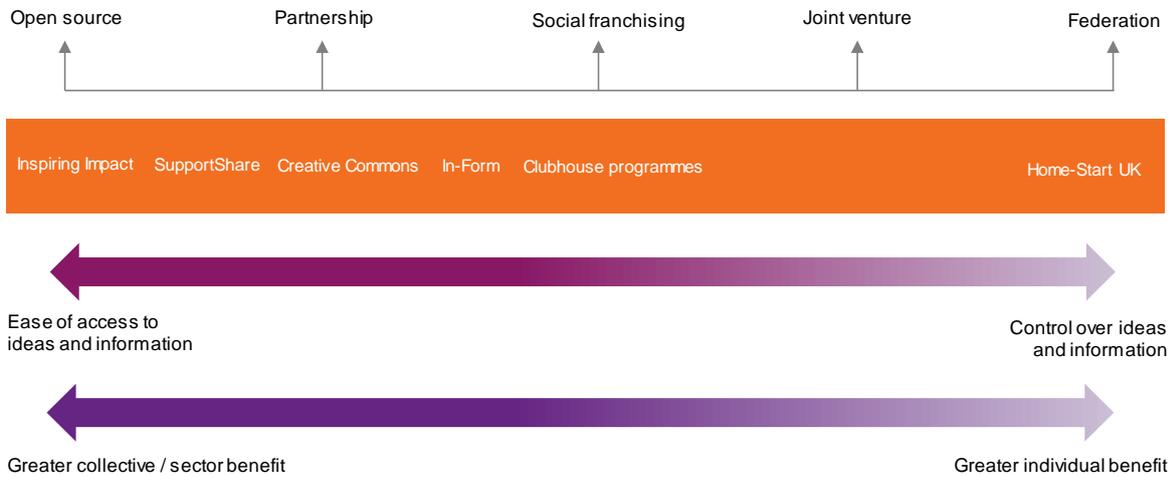
Much of the literature around a culture of knowledge sharing originates in the private sector. In the third sector it is important to consider wider concepts around identity and mission. Charities should not just be driven by organisational growth or enhancing their own influence, but instead by a wider sense of mission. If the identity of a sector is sufficiently strong, and its members clearly see a common mission for the sector as a whole, then there is the potential to remove some of the barriers—like lack of or the need for a perceived benefit—that can make knowledge sharing difficult.

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<sup>2</sup> Cabera A & Cabera E (2002), *Knowledge sharing Dilemmas*, Organization Studies September: 687-710, 2002

## Examples of knowledge sharing in the third sector

Figure 2: Examples of organisations using different models of knowledge sharing



There are a number of models of knowledge sharing currently in practice. An example of a programme near the end of the ease of access scale is some [Inspiring Impact's](#) work, where reports and resources on best practice in improving impact are freely available on its website. [Creative Commons](#) is another example. In this model, information is available on topics ranging from arts and culture to legal tools and licenses. This is accompanied by a tailored set of copyright licences that make users aware of the circumstances in which they can use this knowledge.

As knowledge sharing moves along the scale towards **control** some of the concerns for the information provider reduce. Take models such as **social franchising**. There, either a model or even an entire system is shared with formal restrictions and costs attached. This lets the provider maintain an element of control over their IP and offers a clear source of funding from distributing it, helping to justify the resource commitment. It also opens up the possibility of greater coordination in areas such as branding or strategy, raising the profile and reach of the information being shared and creating a virtuous circle for both parties.

However, greater barriers are introduced for users through financial cost, and loss of their own independence. This suggests that systems closer to the control end of the spectrum will have to prioritise making the true value of the product—as well as the associated costs and loss of independence—very clear to allow all parties to be fully informed.

An example of a programme situated closer to the control end of the spectrum is Homeless Link's [In-Form](#), is an online database which supports data aggregation and provides the tools and systems needed to categorise information more effectively. Users pay a subscription fee and agree to a terms of service, providing Homeless Link with the degree of control and resources income to justify the project.

Systems nearer the control end of the spectrum may also work better when one party has larger reach and scale—similar to the franchising model seen in the private sector for some large multinationals. It means there is an opportunity to request that franchisees share knowledge with one another. By requiring information to be pooled the franchise creates the opportunity for users to coordinate what and how they are measuring their effectiveness. This process—known as shared measurement—allows them to more easily combine their results and provide richer impact data more efficiently.

Effective use of this franchising can be seen in the clubhouse adopted by organisations such as [Mosaic Clubhouse](#). This system, originating in the United States, adopts a model for operating support centres for people with serious and persistent mental health needs. The beneficiaries are given as much power and control over the day-to-day running of the centre (the clubhouse) as possible. This has not only allowed the model itself to be successfully shared but has also encouraged wider knowledge sharing between the member clubhouses.

A federated model gives more control to the provider of the knowledge. One example of this is [Home-Start UK](#), where smaller partners integrate into a wider organisation led or administered by the larger party. Home-Start UK is formed from local charities that help families with young children deal with a broad set of challenges. It provides a number of ways for its members to share knowledge ranging from more informal methods like workshops and events to structured shared measurement systems, and internal databases. These sit alongside mandatory common practices and policies.

### Countering the trust deficit: the right tools for the job

One of the big challenges for an effective knowledge sharing platform is to create a sense of trust. Ideally this could be done through the genuine trust that develops in a proactive and collaborative sector. However, in reality no relationship is perfect; it is always necessary to have some tools and structures to help to facilitate greater trust.

Traditionally this has been done through legal documentation, franchise agreements, and other formalised systems. However, these can be very imposing, especially in a sector where all parties involved are likely to feel uncomfortable spending a significant amount on legal fees to enforce their rights.

New tools in the digital space offer novel ways to counter the trust deficit. A chief example of this is block chains (peer-to-peer digital currency [Bitcoin](#) being the most famous use of a block chain). Block chains are a form of database distributed across many different computers. A block chain is formed from a list of records and data blocks that are secured from tampering and revision. They can be used to create a database of information that does not exist on a single central site. This decentralised model reduces costs, and can be shared and stored among users. Blockchains can also keep track of where the information goes, avoiding information being tampered with and placing restrictions on who can access the data by integrating a certification system to be able to access any of the blocks. This allows users to share data freely but still be aware of what happens to it and who is using it, as well as providing them with some security to know it will not simply be released to the wider world as a whole. All this occurs without the need for an expensive central administrator or trusting any one organisation with overall sign off of each individual transaction.

Block chains and other similar tools have an exciting potential. By giving organisations a chance to see how knowledge sharing can work they allow trust to build and potentially making broader knowledge sharing more practical. At this stage these tools are largely theoretical, with few proven examples within the third sector, suggesting this is an area needing substantial further investigation.

## Recognising the importance of building communities

Ultimately many of the barriers around successful knowledge sharing come down to a lack of trust. When knowledge is shared through approaches at the ease of access end of the spectrum, the provider of the knowledge may not trust it to be well used, risking both the public's benefit and their reputation. With more controlled knowledge sharing, the user may not trust that by giving up elements of their independence they will be able to provide greater impact, and that the provider will not take advantage of its position. It is vital that trust and

broader cooperation is built between organisations in order to erode barriers and maximise the benefits of engaging in effective knowledge sharing.

## Conclusion

The great prize of intellectual property in the charity sector is that the ideas and models we use could be shared to better help beneficiaries. We could argue that our theories of change and outcomes frameworks, programme and service designs should be seen as public goods: they represent an understanding of how social impact is created, and public benefit can be maximised by sharing this knowledge.

Nevertheless, innovation is risky and costly, and resourcing it is hard. One of NPC's main lessons from our experiment in knowledge sharing—SupportShare.org—is that there is a complex set of benefits and barriers around knowledge sharing in the sector, and that it is not easy to get the incentives right. Funders may have a role to play here. They could, require any outcome frameworks produced by their funding be made public.

SupportShare.org also raised some interesting and difficult questions about the sorts of communities that can share knowledge. Trust and culture are key. Yet while these are often thought of as 'offline' community resources, there is a growing set of tools that can help build communities of knowledge.

At NPC, we are still interested in further exploring knowledge sharing and intellectual property in the charity sector. We would like to know more about models that can help facilitate information sharing while recognising and respecting the incentives that influence organisations' behaviour. We are keen to hear from others with similar interests, with ideas and concepts about how knowledge sharing can be explored and developed to help share knowledge for the greatest public benefit.

If you would like to talk further with us about the contents of this paper, and have any insights or information you would like to share, please do get in touch with Andrew Weston via [Andrew.Weston@thinkNPC.org](mailto:Andrew.Weston@thinkNPC.org).

## TRANSFORMING THE CHARITY SECTOR

NPC is a charity think tank and consultancy which occupies a unique position at the nexus between charities and funders, helping them achieve the greatest impact. We are driven by the values and mission of the charity sector, to which we bring the rigour, clarity and analysis needed to better achieve the outcomes we all seek. We also share the motivations and passion of funders, to which we bring our expertise, experience and track record of success.

**Increasing the impact of charities:** NPC exists to make charities and social enterprises more successful in achieving their missions. Through rigorous analysis, practical advice and innovative thinking, we make charities' money and energy go further, and help them to achieve the greatest impact.

**Increasing the impact of funders:** NPC's role is to make funders more successful too. We share the passion funders have for helping charities and changing people's lives. We understand their motivations and their objectives, and we know that giving is more rewarding if it achieves the greatest impact it can.

**Strengthening the partnership between charities and funders:** NPC's mission is also to bring the two sides of the funding equation together, improving understanding and enhancing their combined impact. We can help funders and those they fund to connect and transform the way they work together to achieve their vision.

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