Creare e Trasferire Innovazione, Valorizzare la Proprietà Intellettuale.

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Summary:
1. Innovation creation and IP valorization
2. Role of IPRs in innovation
3. Why should I care about IPRs?
4. What can IPRs do for my business?
5. Business Plan & IPR(s)
6. Conclusions
Intellectual Property Rights

IPR(s)

- **Prevailing market-oriented**: Trademarks, *Brand Protection*, Domain names, trade names, Designs
- **Prevailing technology-oriented**: Patents, utility models
- **Sui generis technology-oriented**: Trade Secrets
- **Diritto d’autore**: copyright, database rights
- **G.I.**
Voucher 3I
Incentivi smart start
Brevetti+
Marchi+
Disegni+
...
• https://www.mise.gov.it/index.php/it/incentivi
• https://www.mise.gov.it/index.php/it/incentivi/impresa/smart-start
Non è mai troppo presto per analizzare in modo adeguato e con dinamica progressiva la situazione IP di un progetto

IP Procurement, Analysis, Valuation and Valorization si possono imparare, ma non si deve improvvisare.
Una caratteristica dell’innovazione è la dimensione socio-economica, che si manifesta tra l’altro con una riduzione del time-to-market di un prodotto o servizio. All’investitore però interessa il ritorno finanziario (Dott Nicola Redi, incontro Clab+, Come si finanzia una start-up).

Autenticità come elemento fondante dello Storytelling (Prof Roberta Bracciale, incontro Clab+, Storytelling)
Given their overall strategic relevance, flexibility of use, (market) strenght, international dimension/reach etc, etc

**IPRs represent a MUST HAVE**

for innovative enterprises and not just a NICE TO HAVE...
Diritti IP come bene strategico aziendale: che fare?

High-growth firms and intellectual property rights

IPR profile of high-potential SMEs in Europe, May 2019

A joint project between the European Patent Office and the European Union Intellectual Property Office

The full report is available for download at: www.epo.org/high-growth
Prior patent filings perform best as HGF predictors in high-tech and low-tech industries.

Figure 3:
Increase in odds of high growth with prior use of a European patent

Low tech: +172%
High tech: +110%
Increase in odds of high growth with prior use of an IPR bundle
Market success for inventions

Patent commercialisation scoreboard: European SMEs

Available at https://www.epo.org/service-support/publication
In 2018, one in every five European patent applications originating from the European Patent Organisation’s member states was filed by a small and medium-sized enterprise (SME) or individual entrepreneur. These small businesses are typically driven by innovation and focused on scaling up their activities beyond their domestic market. As such, they constitute a key driver of economic growth and a priority target for policymakers.
IP statistics show that 9% of SMEs in Europe own registered intellectual property rights (IPRs) like patents, trademarks or design rights, versus 40% of large companies. These IPR-owning SMEs outperform their counterparts that hold no IP rights. They are, for instance, more innovative, more likely to grow over time, and have almost 32% higher revenues per employee than SMEs that have no registered IPR.
IPRs come bene strategico aziendale

Indicatori di posizione e propria identificazione come attuale o potenziale market player: possesso di tecnologia, prodotti, procedimenti etc

Indicatori di possesso di (potenziali od effettivi) diritti esclusivi

Potenziale verso nuovi mercati/collaborazioni/licenze
What is intellectual property and which types do I need?

Why should I care about intellectual property?

How do I use intellectual property to grow my business?
4 Reasons to Patent

Patents are one of a number of tools including trademarks, copyright and trade secrets widely used to protect ‘creations of the mind’. They are a tremendous asset for any organisation because they provide market access, leverage in negotiations, funding and they increase economic and strategic value. This also means that the absence of patents can be detrimental on those dimensions.
1 - MARKET ACCESS

Leverage your research and development results

Hold your own in negotiations

Manage freedom to operate and reduce the risk of infringing the rights of others

Protect your inventions from imitators and free riders

Enhance your reputation

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2 - NEGOTIATING

Sit at standards development table: enable price negotiation and further protection benefits, impress investors and facilitate valuable relationship building.

Monetise your patents through commercialisation (licensing and cross-licensing, sales, joint ventures...): leverage your technology in new markets.

Patents are assets which can enable cooperation, joint-development or the creation of new companies and adjust any uneven balance of trade.

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3 - FUNDING

Attract investors, increase company value, improve likelihood of success in initial public offering and receive venture capital funds.

Secure patent backed loans
Access grants and subsidies
Benefit from tax incentives

Rigorous empirical research on intellectual property
4 - STRATEGIC VALUE

Build an in-house innovation mindset with recognition and reward for inventors and make your company attractive for top talents.

Improve your competitive edge.

Capture the value of strategic R&D investments.

Become a valuable partner to important actors in setting up collaborative R&D and technology development efforts.

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Business plan: a strategic document providing details on how a given innovation is going to be commercialised and brought to the market by an existing company or a newly created venture.

(*) See EU IPR Helpdesk 2015: IP and Business plan
A business plan include a detailed illustration of the **assets** and **resources** supporting the business idea and the expected market success. **IPRs, relate and protect the immaterial assets of the (new) venture**, so the link is strategically essential and manifold:

- Company approach to IP protection and management essential strategic element of the Company overall strategy

- Company IP positioning in its competition context is an essential element in determining the ultimate Company business model/market strategy

- Relationship between IPRs and the other key assets of the Company is essential to investors/competitors/possible partners to judge the commercial viability of the business and its positioning on the market

(*) See European IPR Helpdesk 2015: IP and Business plan
The **IP policy of the company is to be considered a key element in the business plan**, which can bring very **strong added value** to the venture if appropriately described and valued, **but can by contrast hamper the confidence** and interest of external stakeholders in the business **if not described in a very clear or comprehensive way**.

➢ Any uncertainty in terms of freedom to **exploit** the technology underpinning the products or services or the ability of the entrepreneurs to secure sound relationships with other players on the market will raise doubts about the viability of the business.

➢ The **activities** should moreover be **communicated in the business plan** so as to be easy to understand and **globally coherent** with the global business goals.

(*) See European IPR Helpdesk 2015: IP and Business plan
Business plan:

description of the IP assets owned (*)

- Summary description of the products and services in a few short sentences at the very beginning of the document outlining the company’s mission.
- Consider products and services and related trade marks and possibly describe the different products in the business plan under the specific brands that will be used to promote them.
- Same for the technological aspects of the product and services and the related patent, design, trade-secret aspects, in particular the freedom to operate and ownership/licensing ones.
- Equally important are the info relating to the registration of such rights and their enforceability as well as the company’s position vis-à-vis competition in relevant markets/worldwide.

(*) See European IPR Helpdesk 2015: IP and Business plan
Clarify and focus the business strategy chosen to exploit a given know-how or technology as well as the relative supply chain, partner and allies to assure reaching the stated business objectives with the necessary attention to the related IPR and contractual aspects.

In particular, commercial exclusivity should be granted only when there is a specific need (justified by the global business strategy).

Exclusivity has a price, which should be reflected in the revenues derived from the commercial agreement as described in the financial plan for the business and the strategic contribution of the related IPRs should be adequately outlined.

(*) See EU IPR Helpdesk 2015: Your Guide to IP in Europe
The “Financials” section of the business plan is aimed at describing the current status and expected development of the business, both in terms of assets and financial revenues.

➢ be aware of the value of the IP assets owned by the company
➢ be able to discuss the IP-related revenues which can be obtained from the target customers

(*) See European IPR Helpdesk 2015: IP and Business plan
Estimate the value of the IP assets owned by the company (*)

Being realistic on the value of the IP is especially relevant when looking for external investors or if you plan to use your IP assets as security for a loan.

- include realistic figures based on proven IP valuation methodologies, explaining the reasons for the selected of a given methodology and being mindful that it is in any case “an estimate”..

(*) See European IPR Helpdesk 2015: IP and Business plan
Set realistic expectations in terms of IP-related revenues

If licensing or other IP-based revenues are representing a significant amount of the projected revenues, describe it in a sufficient details, including licensing policy and its main features e.g. minimum amount revenues contractually agreed

(*) See European IPR Helpdesk 2015: IP and Business plan
IPR issues within the description of the global business and technological ecosystem (*)

➢ describe precisely the chosen market segments to explain the context of the opportunities aimed at

➢ explain how those markets will be successfully approached vis-a-vis existing competitors, the availability of alternative technologies and

➢ highlight the role of IPRs (and the chosen IP strategy) in achieving the expected results

(*) See European IPR Helpdesk 2015: IP and Business plan
**IP intelligence as a market analysis tool (*)**

Searching and regularly monitoring registers and specialized databases for detailed legal, technical and business information about other market players allows the mapping of the most relevant business and technological ecosystems.

➢ essential support in ensuring freedom to operate

➢ objective and neutral knowledge of the market and possible incoming market players

(*) See European IPR Helpdesk 2015: IP and Business plan
**IP monitoring as a competitive positioning tool (*)**

A thorough and detailed analysis of existing competitors provides strong-added value to any business plan.

A **regularly updated table summarizing the competitors’ market status over time** can give a unique view of the market and competition dynamics and illustrate the unique character of the Company’s products or services and how they are perceived and can remain superior to competing offers available on the market to stay ahead of competition thought continuous technological and market innovation and its IP protection

(*) See European IPR Helpdesk 2015: IP and Business plan
Where to get IP expertise

In-house IP Experts, Outside IP Counsels: from alternative to complementarity

“Consortium” IP Experts?

Training: European, International

Ordine Consulenti PI epi- European Patent Institute

(*) See EU IPR Helpdesk 2015: Your Guide to IP in Europe
Diritti IP come bene strategico: *che fare?*

Grazie per l’attenzione!

Ulteriori domande?
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