

C-Lab Pisa, 09.04.2020

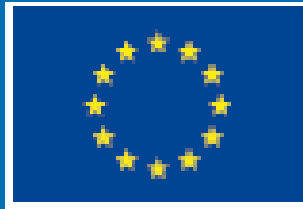
Creare e Trasferire Innovazione,
Valorizzare la Proprietà Intellettuale.

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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



European
IP Helpdesk

Your Guide to IP in Europe

Intellectual Property Rights

IPR(s)

- ❑ Prevaillingly **market-oriented**:
Trademarks, *Brand Protection*, Domain names, trade names, Designs
- ❑ Prevaillingly **technology-oriented**:
Patents, utility models
- ❑ *Sui generis* **technology-oriented**:
Trade Secrets
- ❑ ***Diritto d'autore***: copyright, database rights
- ❑ **G.I.**



IP-related
& start up-
related MISE
financial
provisions

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>

*Innovation
(creation) &
IP
(valorization)*

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..**



IPRs : a strategic bridge ?

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)

Intellectual Property Rights

IPR(s)

Given their overall strategic relevance, flexibility of use, (market) strength, 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

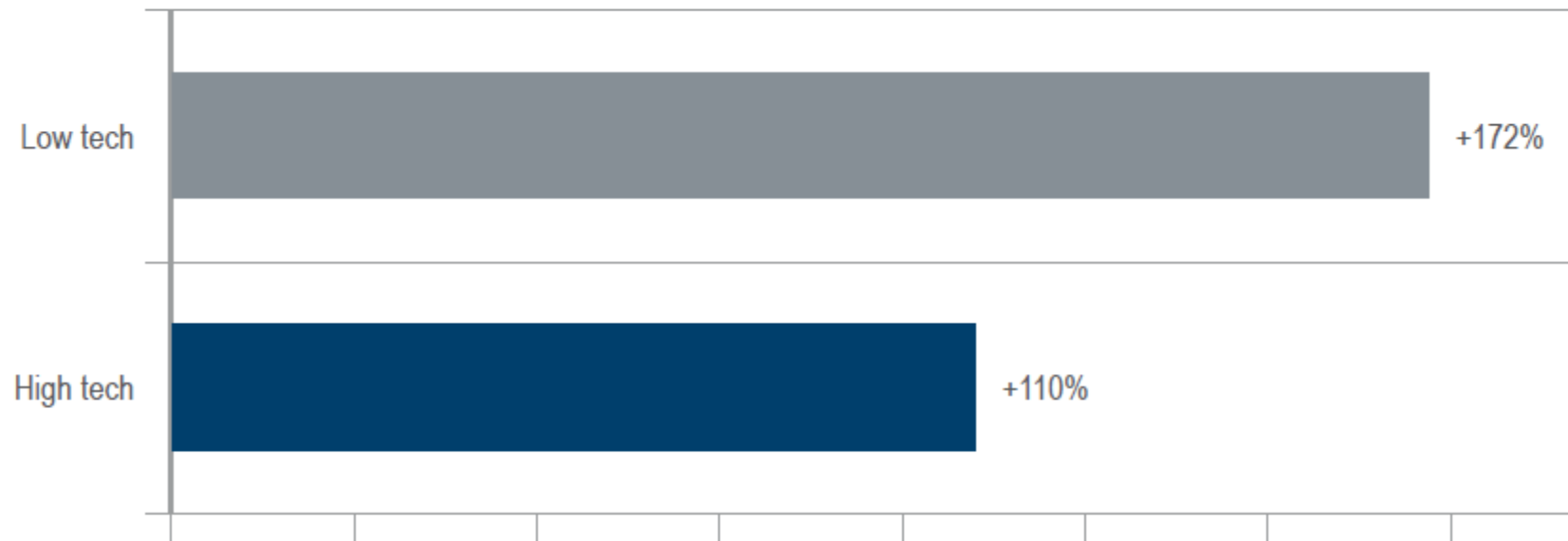
IPR profile of high-potential SMEs in Europe, May 2019

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

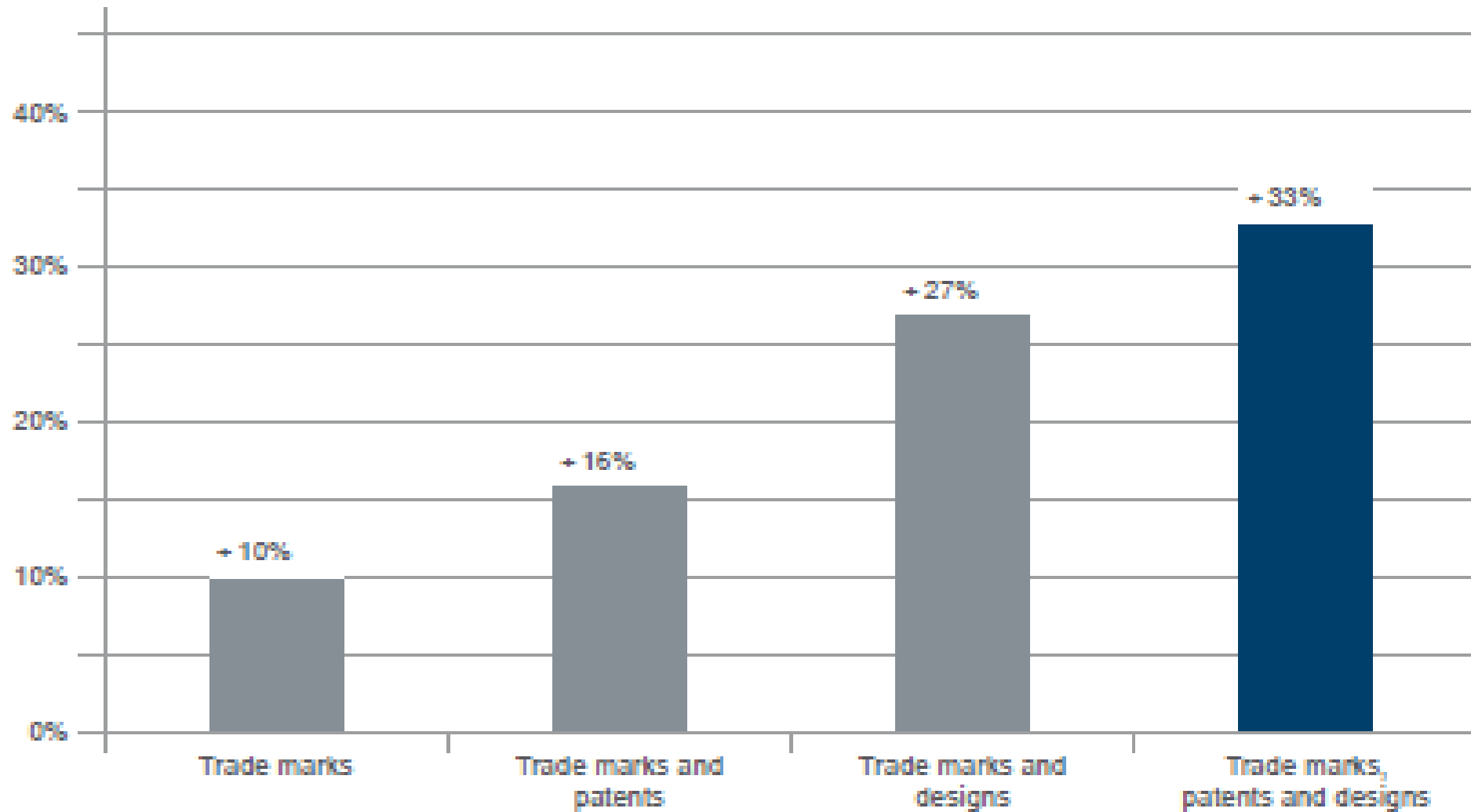
The full report is available for download at:
www.epo.org/high-growth

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



Increase in odds of high growth with prior use of an IPR bundle





Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

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, trade marks or design rights, versus 40% of large companies.³⁴ These IPR-owning SMEs outperform their counterparts that hold no IP rights. They are, for instance, more innovative, more likely to grow over time,⁵ 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



4SMEs



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



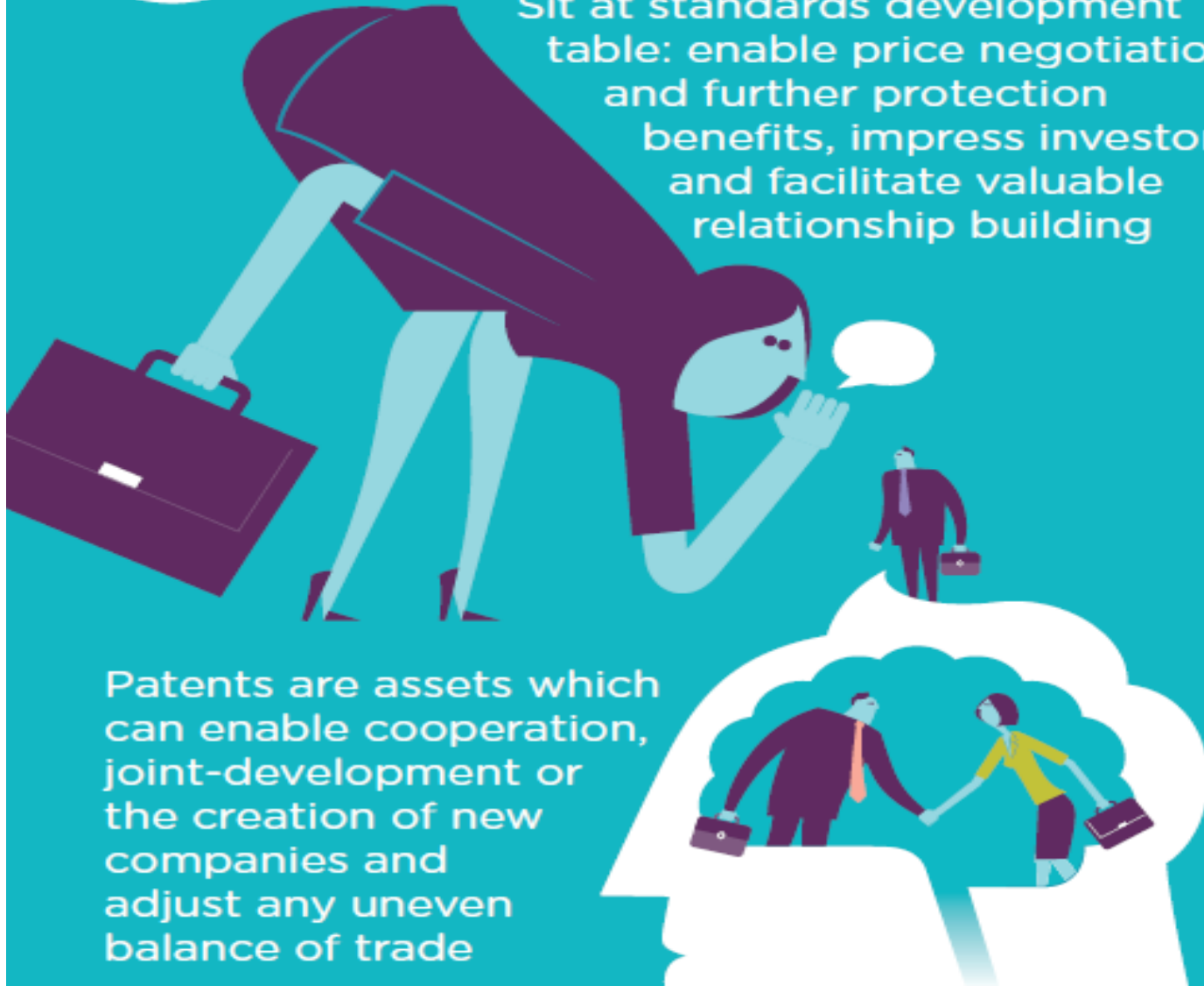
Rigorous empirical research on intellectual property



2 - NEGOTIATING



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



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



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



Rigorous empirical research on intellectual property



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



Rigorous empirical research on intellectual property

BusinessPlan
&IP(*):

The link

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

Business Plan&IP: The link

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

BusinessPlan& IP: IP-related information in the description of the business (*)

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.

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

BusinessPlan:

Commercial agreements in place or foreseen and their related IP aspects (*)

- 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

IP-related elements in the financial plan (*)

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

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”..

Estimate the value of the IP assets owned by the company (*)

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

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

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

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 through continuous technological and market innovation and its IP protection

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

Diritti IP come bene strategico: *che fare ?*

Grazie per l'attenzione !

Ulteriori domande ?

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