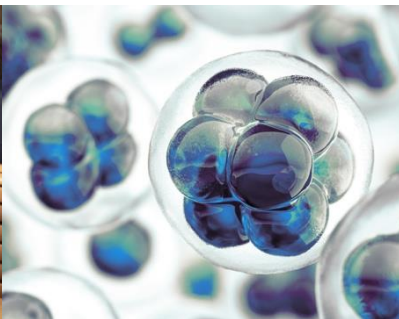




Europäisches  
Patentamt  
European  
Patent Office  
Office européen  
des brevets

# Success factors in licensing

Licensing as exit strategy, EIC webinar

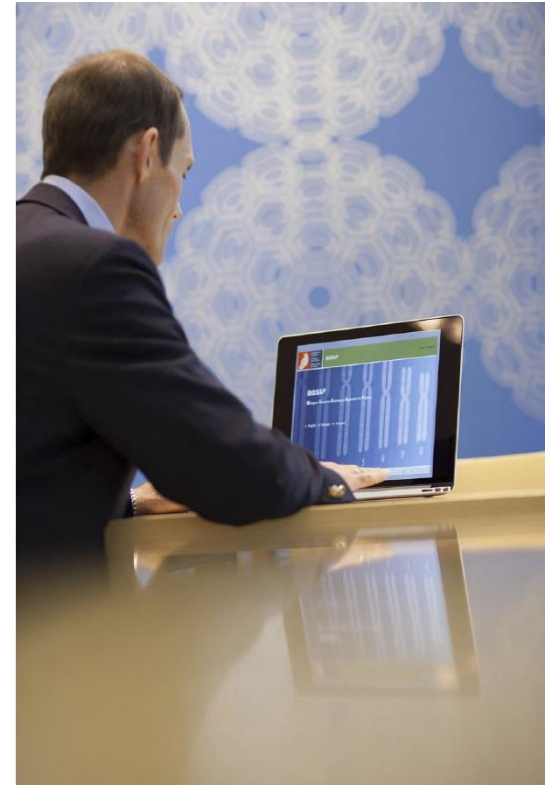


# European Patent Academy

- **Training on IP and our services and tools for**
  - applicants and attorneys
  - judges
  - patent office staff
  - **universities and research centres**
  - **businesses and SMEs**
- **E-learning** [epo.org/learning](https://epo.org/learning)

## **Commercialisation studies**

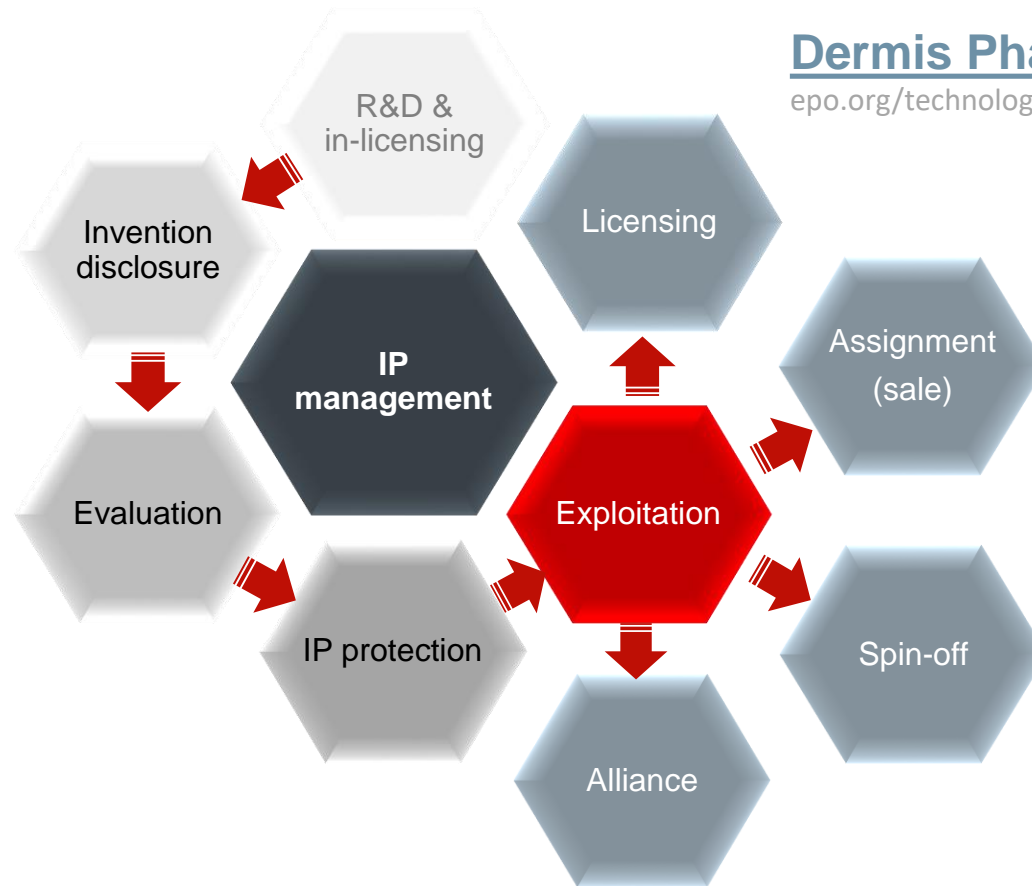
[epo.org/scoreboard-smes](https://epo.org/scoreboard-smes) & [epo.org/scoreboard-research](https://epo.org/scoreboard-research) &  
[epo.org/case-studies](https://epo.org/case-studies)



# How research organisations exploit IP

## Dermis Pharma

[epo.org/technology-transfer-case-studies](http://epo.org/technology-transfer-case-studies)

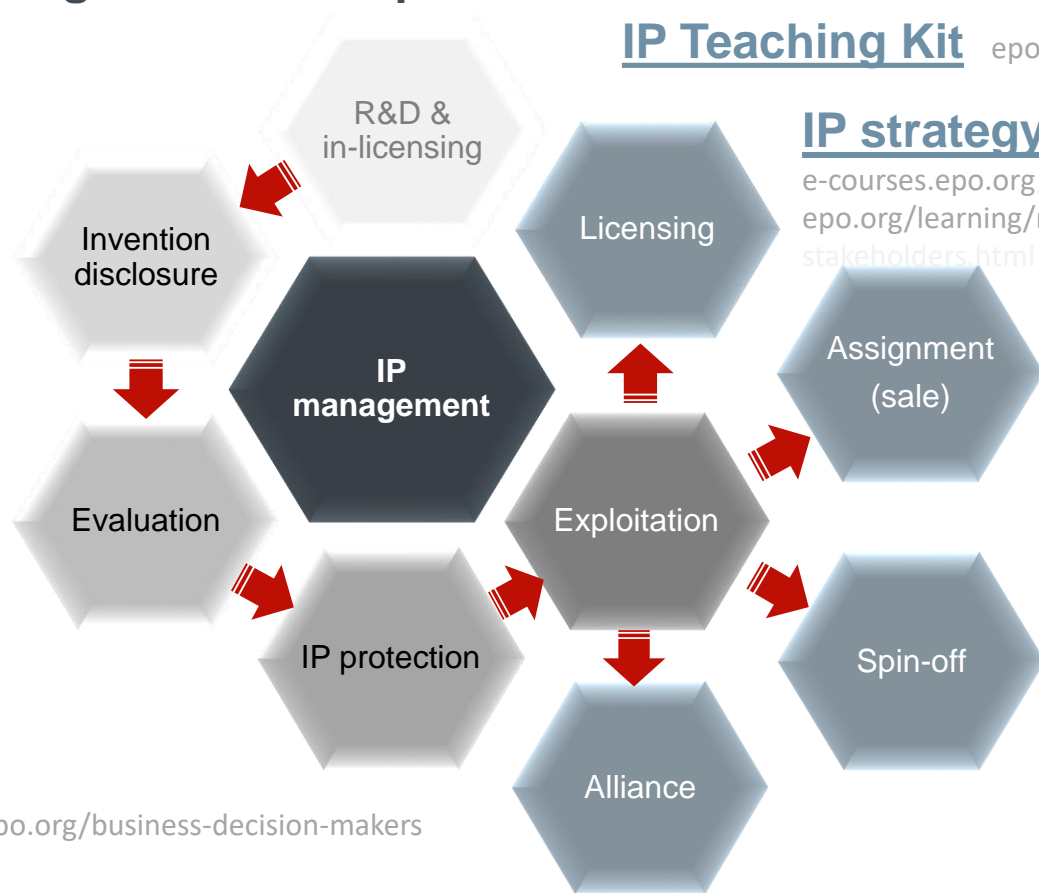


# Key takeaway

1. Consider all exploitation routes and pivot as required to adjust to market situation.

# How research organisations exploit IP

[IP Teaching Kit](#) [epo.org/teaching-kit](http://epo.org/teaching-kit)



## IP strategy

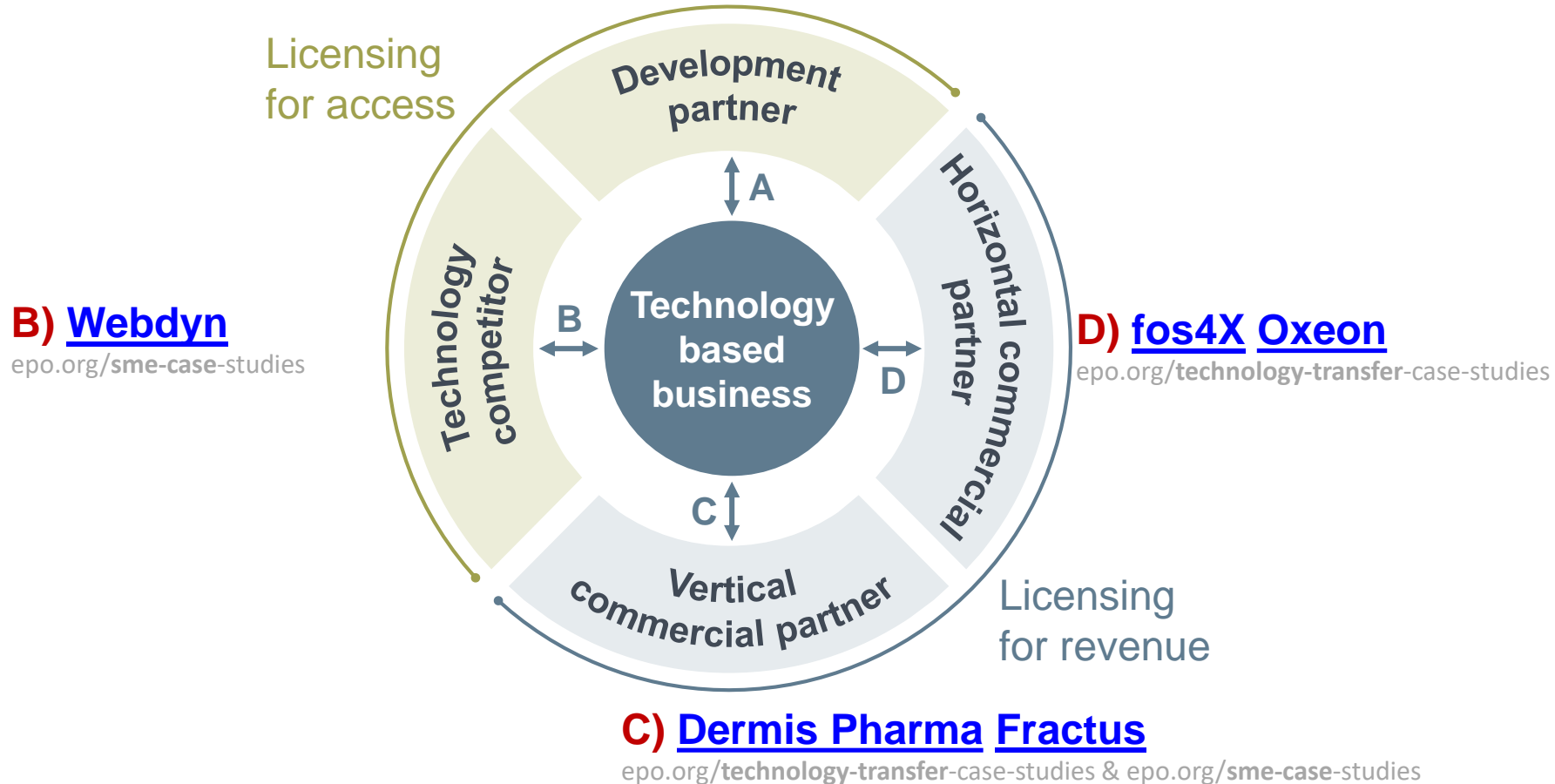
[e-courses.epo.org/course/view.php?id=324](http://e-courses.epo.org/course/view.php?id=324)

[epo.org/learning/materials/sme/high-growth-technology-stakeholders.html](http://epo.org/learning/materials/sme/high-growth-technology-stakeholders.html)

[IP transactions](#) [epo.org/business-decision-makers](http://epo.org/business-decision-makers)

## A) Cubicure Blubrake

[epo.org/technology-transfer-case-studies](http://epo.org/technology-transfer-case-studies)

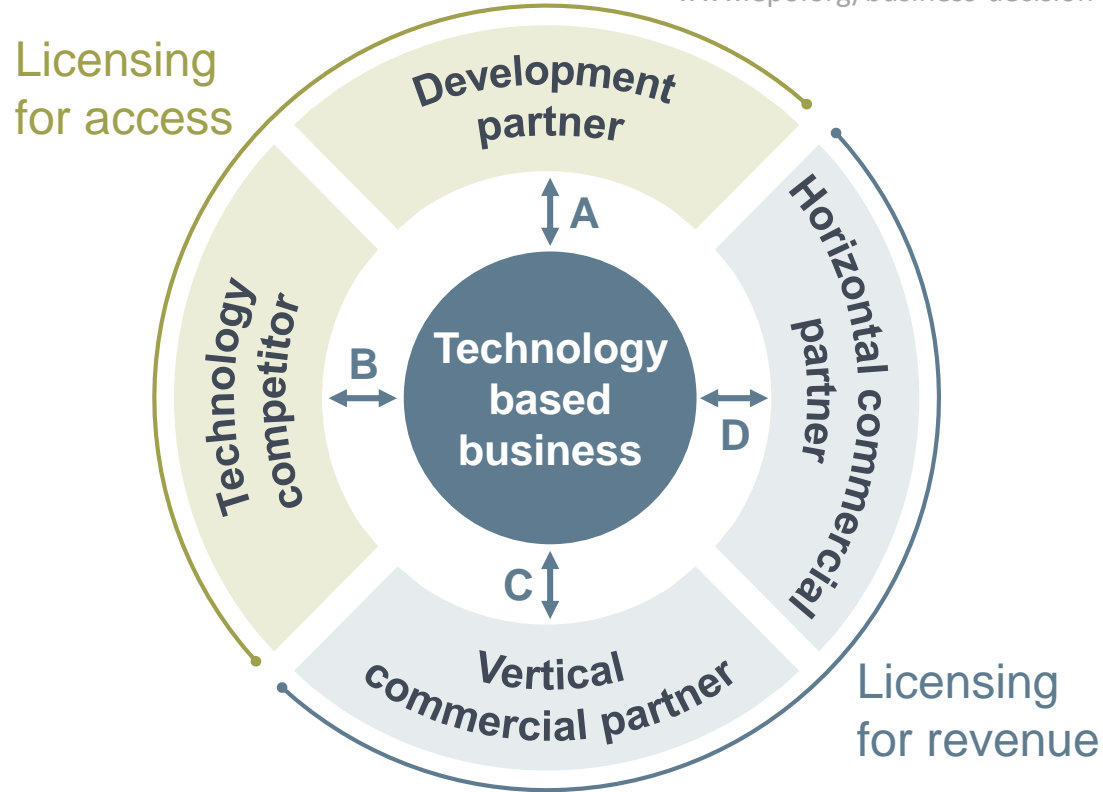


# Key takeaways

1. Consider all exploitation routes and pivot as required to adjust to market situation.
2. **Understand how licensing can support various business models.**

# Licencing-based business models

[www.epo.org/business-decision-makers](http://www.epo.org/business-decision-makers)





# What is a licence?

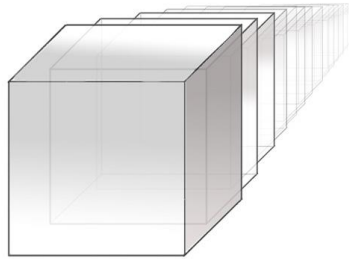


***Licensor*** -  
IP owner (e.g.  
university,  
company,  
individual)



***Licensee***

# The deal



# Win-win by applying options...



- **Exclusive** license vs.
- **Non-exclusive** license
- **Restrictions:**
  - Regional and/or temporally
  - R&D, production, sales
  - Limited of certain applications, products etc.
- **Right to sublicense**
- Right for improvements: Right-of-first refusal/view, Options,...
- Anti-stacking regulation
- Crosslicensing
- **Technology sale**

# Win-win by applying options...



- Option fee & upfront/technology access fee
- Royalties: based on percentage of volume of sales, or paid per piece sold, or lump sum..., minimum royalties
- Fee for sublicense
- Milestone payments
- Licencing of trade secrets
- Payments for technology transfer, improvements, services
- Costs for revision/controlling, value retention by index linking
- Services, in-kind contributions,...

# Standard issues/provisions in licenses

- Scope of rights granted (purpose, field, application, product)
- Amendments and improvements (ex. grant back clauses)
- Territorial scope
- Duration
- Exclusive / sole / non-exclusive
- Assignability and transferability (sub licensing/subcontracting)
- Quality and inspection
- Revocable / non-revocable
- Infringement (by licensee – by third parties)
- Payment scheme
- Confidentiality

# Key takeaways

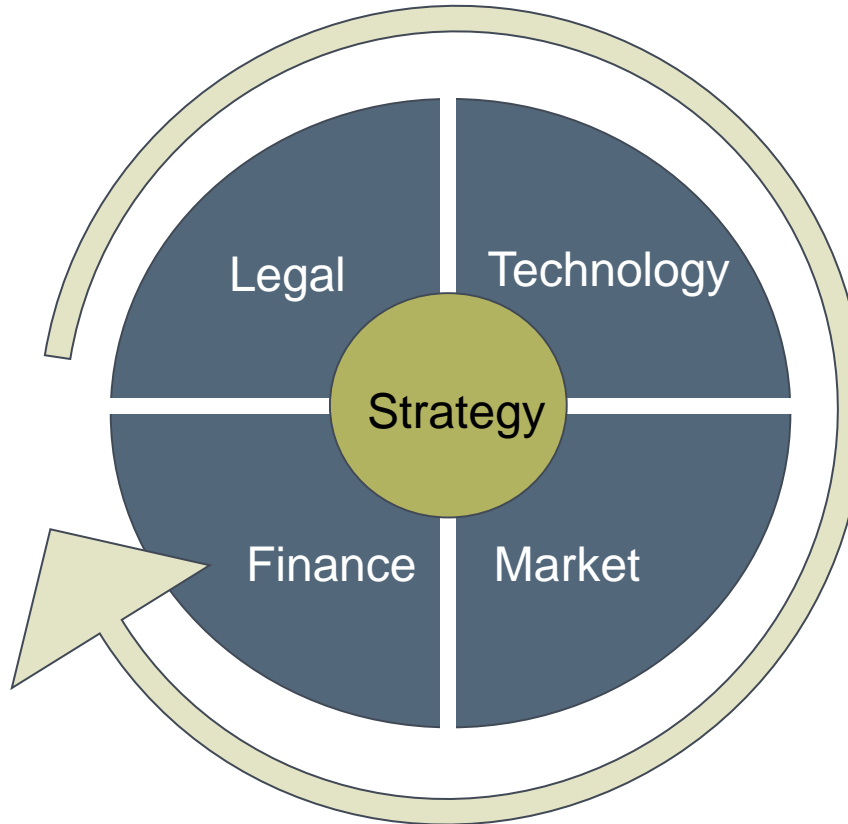
1. Consider all exploitation routes and pivot as required to adjust to market situation.
2. Understand how licensing can support various business models.
3. **Aim for win-win collaborations and make use of the many options to tailor licence agreements to the business use and the needs of the parties.**

# Pre- and post-licensing



**IP transactions** [epo.org/business-decision-makers](https://epo.org/business-decision-makers)

# Assessment of intellectual assets



**IPscore** [epo.org/ipscore](http://epo.org/ipscore)

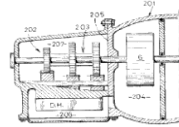




**Stage-Gate Model**  
[www.epo.org/ip-professionals](http://www.epo.org/ip-professionals)



# Patents and other IP rights

[IP Teaching Kit](https://ipo.org/teaching-kit)

epo.org/teaching-kit

Legal right	What for?	How?	
Patents	New inventions	Application and examination	
Copyright	Original creative or artistic forms (literary texts, music)	Exists automatically	
Trade marks	Distinctive identification of products and services	Use and/or registration	
Registered designs	External appearance	Registration	
Trade secrets	Valuable information not known to the public	Reasonable efforts to keep secret	

# Key takeaways

1. Consider all exploitation routes and pivot as required to adjust to market situation.
2. Understand how licensing can support various business models.
3. Aim for win-win collaborations and make use of the many options to tailor license agreements to the business use and the needs of the parties.
4. **Pre- and post-licensing phases are important to overall success in licensing transactions.**

# Need more information?

**Visit** [epo.org/sme](http://epo.org/sme)

**Follow** the High-growth technology business community on



[linkedin.com/company/htbcommunity](https://www.linkedin.com/company/htbcommunity)

**Connect** via [linkedin.com/in/bereuter](https://www.linkedin.com/in/bereuter)