

What do we do?



Non-Profit Activities



High Quality Academic Research



Education



Promotion Innovative SMEs



Free materials on...



Summaries of
Papers/Studies/
Guides/Case
Law



Interactive
Graphics



Interviews to
Inspire SMEs




Webinars



For SMEs...

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Rigorous empirical research on intellectual property

4SMEs Network

- Types of IP
- Benefits of IP
- IP for Business Growth
- 4 Reasons to Patent
- 4 Reasons 4 Copyright
- 4 Reasons 4 Trademarks
- SME Features
- Research

Stay informed

To receive alerts for regular research reports, news and interviews from 4iP



Push

For **research news** and **future webinars**
Why not sign up @4ipcouncil on Twitter?

4 REASONS TO PATENT

- 1 - MARKET ACCESS
- 2 - NEGOTIATING
- 3 - FUNDING
- 4 - STRATEGIC VALUE

Explore how patents add value with our [interactive guide](#).

4 REASONS 4 COPYRIGHT

- 1 - COMPETITIVE EDGE
- 2 - REPUTATION
- 3 - COLLABORATION
- 4 - FUNDING

Explore the benefits of copyright with our [interactive guide](#).

4 REASONS 4 TRADEMARKS

- 1 - DIFFERENTIATION
- 2 - PROTECTION
- 3 - REPUTATION
- 4 - REVENUE

Explore the benefits of trademarks with our [interactive guide](#).

4 REASONS 4 DESIGN RIGHTS

- 1 - EXCLUSIVITY
- 2 - COMMERCIALISATION
- 3 - REPUTATION
- 4 - VALUE

Explore the benefits of design rights with our [interactive guide](#).



Which types of intellectual property do you need?

Filter table columns

	PATENTS	COPYRIGHTS	DESIGN	TRADEMARKS	TRADE SECRETS
What do they protect?	An invention, scheme or intellectual creation of a technical nature, or a technical problem to be solved.	A work or original intellectual creation in the fields of literature, science, art or music.	A new and original design of a product.	Any type of sign or emblem that identifies a product and is used to distinguish it from others.	Any type of confidential information that is secret and has commercial value.
Examples of what is protected	Inventive products and processes in all areas of business. For examples of successful inventions by SMEs, see also: see also	Audio-visual works, software, graphics, architecture, databases, software, design, literature, music, paintings, plays, films and video, dramatic works. See also: see also	Product and packaging designs. See also: see also	Product and service marks, trade names, domain names, etc. See also: see also	Trade secrets. See also: see also
How are my rights protected?	Priority examination making use of filing of the patent application.	Priority to the work being created, authorisation to publish, distribution or make available online.	Protects the integrity and attribution of the work.	Registered rights. Public performance and display of the sign.	See also: see also
How long is my innovation protected?	Up to 20 years.	Lifetime of the author plus 70 years after their death (depending on the country).	See also: see also	See also: see also	See also: see also
Do I have to register it?	Yes, filing an application to a patent office is required. Please see patent applications in: see also	No. Copyright protection arises automatically with its creation. See also: see also	See also: see also	See also: see also	See also: see also

How do I use intellectual property to grow my business?





Generating income and impact from IP

- **Agenda**
 - **NDA Do's and Don't's**
 - **Identifying and avoiding potential dealbreakers**
 - **Is competition law an issue?**
 - **Negotiating key licence content**
 - **PlanetCare – Leveraging innovation to reduce microplastic pollution**



NDA's

Do's and don'ts

Do:

- Ensure that the NDA is in place before the disclosure of any confidential information
- Ensure that the purpose for which the information can be used is clearly defined
- Keep a record of information sent and received
- Ensure that confidential information is returned or destroyed on (unsuccessful) conclusion of negotiations

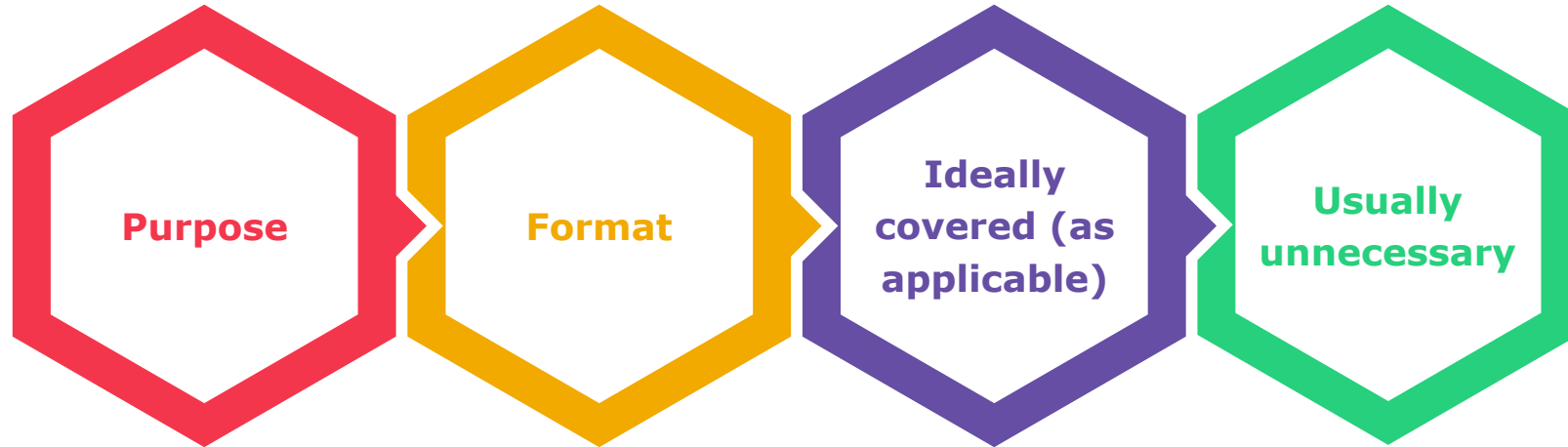
Don't:

- Do the opposite of the above!
- Permit disclosure to "Affiliates" unless you know who they are



Licensing

Heads of Terms



- Is there a deal?
- What are the key commercial terms?

- Non-binding
- Possible exceptions – confidentiality; lock-out
- May not be finalised and signed

Licensed IPRs, scope of licence, exclusive/non-exclusive, know-how, territory, royalty rate, other fees, minimum royalties, time for payment, term, governing law and jurisdiction, sub-licensing, improvements, patent prosecution control and costs

Warranties, indemnities, confidentiality, termination provisions



Licensing

Competition Law

- Article 101 Treaty of Rome – “agreements between undertakings....which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition...”
- Block Exemption – No.316/2014 – Technology Transfer Agreements
- Alarm bells (EEA):
 - Parties with large combined market shares – >30%/20%
 - Absolute territorial exclusivity to one or more countries within the EEA
 - Output limitations
 - Customer sharing
 - Price fixing
- Other Issues – e.g. no challenge clauses
- Alarm bells elsewhere (e.g. the US)



Licensing

Negotiating key content (1)

Exclusivity and the quid pro quo

- Preliminary due diligence
 - Capability of licensee to meet demand throughout the territory?
- Obligations to promote and meet demand
 - Degrees of endeavours/efforts – “reasonable”, “all reasonable”, “best”
- Minimum royalties/ volumes
 - How to assess?
 - Consequences of non-achievement
- Relevance of other provisions
 - Territory
 - Term



Licensing

Negotiating key content (2)

Sub-licensing

- Maintaining control
- Termination of head licence

Royalties

- Covering all likely exploitation
- Defining Net Sales Value
 - Non-arm's length sales – group companies
- Sub-licensee sales
- Audit rights



Licensing

Negotiating key content (3)

Dealing with infringers

- Licensor option or obligation?
 - Continuing infringements and royalty holidays
- Licensee right?
- Danger of counter-claim for revocation
- Possible solutions?

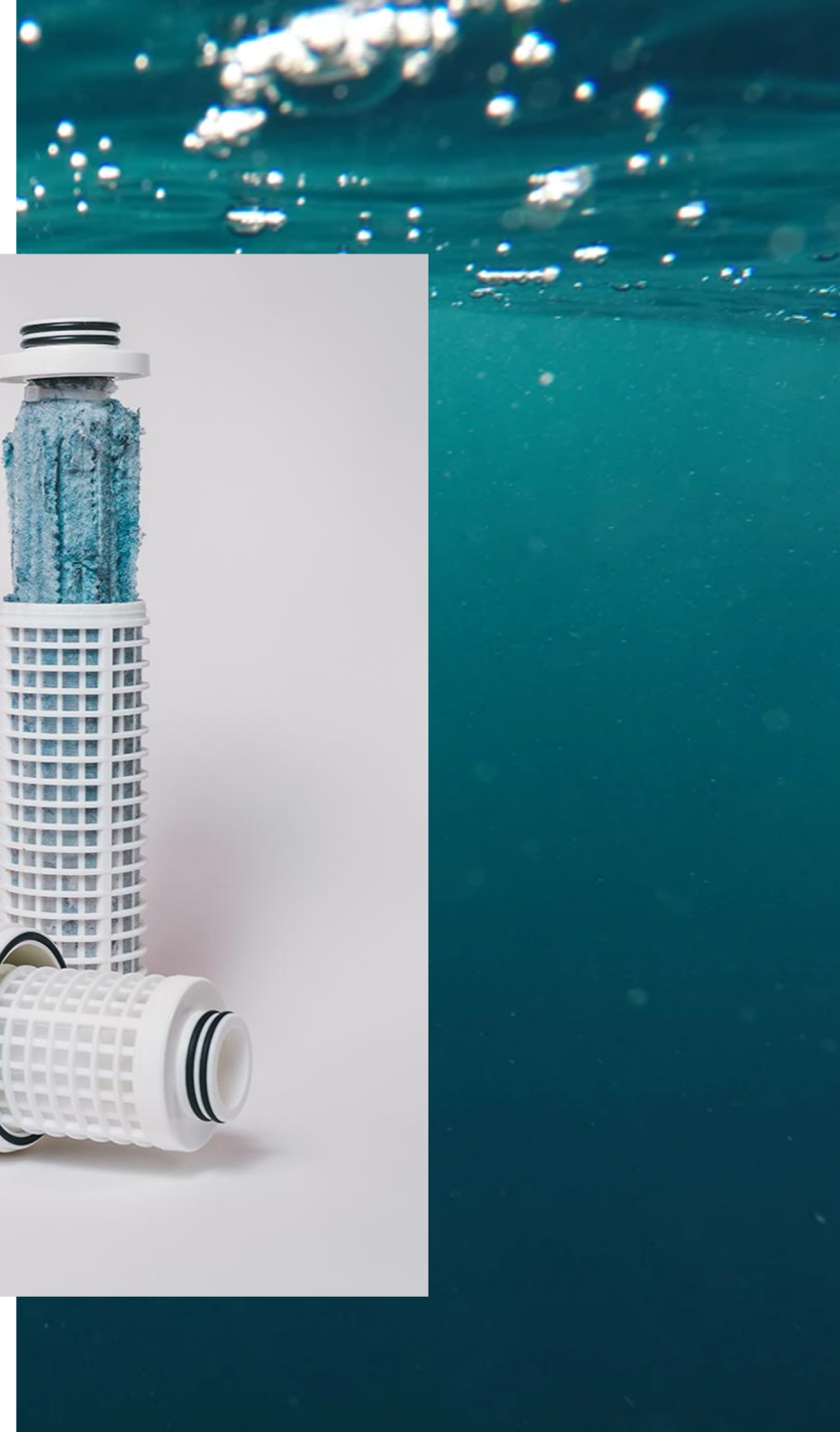


Laundry without microplastic

Stopping the release of microfibers
into our oceans *is now possible.*

planetcare.org

Mojca Zupan, Founder & CEO





Our clothes pollute the ocean

Microfiber pollution from synthetic clothing is one of the biggest source of plastic in the oceans: we are on a mission to stop this.

Researchers found that 6 kg load of laundry releases over 700,000 microscopic plastic fibers. That means each one of us throws **one light plastic grocery bag** into the ocean every week simply by washing our clothes.





PlanetCare

- Change the way we do laundry forever: a pollution-stopping filter on every washing machine
- Developed the first and only washing machine filter with **proven efficiency to stop 90% of microfibers**
- **Closed loop**
- Independently tested: **best solution on the market**
- Validation of consumer demand:
 - Strong market pull: passionate early adopters and growth fuelled by word-of-mouth
 - Hundreds of memberships & starter packs sold
- Powerful partnership network: NGOs, national policy makers and other relevant stakeholders (OECD, UN, fashion & textile industry,...)





Impact

- 47,000 bags worth of microplastic pollution kept out of oceans
- Systemic change: 1 legislation passed





Challenges

- IP scope:
 - what can be protected?
 - Patent VS trademark, refurbishment process
- What carries value?
- Scarce information, difficulty of getting specific & tailored advice



SME Programme

Ideas powered for business – how we can support YOU



Only **9%**
of European SMEs
own IPRs... **but** those that do have
+68%
higher revenue
per employee than
those that do not*

*controlling for all relevant factors such as size, sector or country

Intellectual property rights and firm performance in the European Union
Firm-level analysis report, February 2021

[Link](#) to study



**EUIPO
Supporting
Business**

Access personalised intellectual property content and help your business grow

[More information](#)



**ideas
powered**
for business

SME fund

Financial support for intellectual property for SMEs

EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

Co-funded by the COSME programme of the European Union

**Free IP
consultations**

**Free Mediation
services**

EasyFiling



3

SME APPLIES FOR SERVICES:

- **IP Rights** 50% off
Trade mark and design basic application fees
- **IP Scan** 75% off ③
IP pre-diagnostic services

4

SME REQUESTS REIMBURSEMENT ④



**POWER YOUR BUSINESS
WITH THE SME FUND**

**20.000.000 €
for SME's in 2021**

1.500 €
Max. reimbursement
per SME

The application windows will open:

11 - 31 JAN.	01 - 31 MARCH	01 - 31 MAY	01 - 31 JULY	01 - 30 SEPT.
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- ① The grant decision takes on average 30 days after the window is closed but it may take up to a maximum of 60 days. The EUIPO processes applications on a first come first served basis.
- ② As from this moment you have 30 days to apply for the services. Services requested before you get the Grant Decision will not be due..
- ③ IP Scan: experts look at your business model, products and/or services and growth plans and support you to formulate your intellectual property strategy from a business perspective.
- ④ Once services have been completed, use the reimbursement form. Reimbursement may take up to 30 days.

fast track Apply for a trade mark

fast track Apply for a design

Request a recordal

Ideas Powered for business

Online services

eSearch plus - Trade marks, designs, owners, representatives and bulletins

eSearch Case Law - EU and national case law

TMview - Trade marks in the European Union and beyond [↗](#)

DesignView - Designs in the European Union and beyond [↗](#)

GIview - Geographical Indications in the European Union and beyond [↗](#)

Search

03 JUN Management Board and Budget Committee meet virtually

03 JUN 2020 in images

03 JUN Generating income and impact with IP licensing

02 JUN DNPI Uruguay now aligned with CP6

More news

Upcoming Events

! IP vouchers for SMEs: Applications open on 1 July 2021

News & events



 **SME Fund**
Intellectual property vouchers for small and medium-sized companies

 Co-funded by the COSME programme of the European Union

SME Fund

Grants 2021

ETMD EP

Trade marks basics
Route to registration
Trade marks once registered
New EU trade mark regulation

Trade marks

Design basics
Route to registration
Designs once registered
DesignEuropa Awards

Designs



European Union Intellectual Property Office

In collaboration with National Offices



THANK YOU!!

Suzanne Hogan

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