

From Lab to Market – Successful Technology Transfer Journeys

How patents and other Intellectual Property rights help translate research results into marketable goods and services. Introducing EPO's new technology transfer case study series.

Kick-off event to a joint training series, 19 May 2022



Agenda

- **The Impact of the Innovation Case Studies** (Yann Ménière, EPO)
- **Nuts and Bolts of Research Cooperation**
 - Spotlight #1: Collaborative IP management in the frame of research cooperation (Jörg Scherer, European IP Helpdesk)
 - Spotlight #2: Valorising research results and the role of patents (Ilja Rudyk, EPO)
- **Unitary Patent System for SMEs and Universities** (Michael Fröhlich, EPO)
- **Outlook: Upcoming Training Sessions & Joint Activities**
- ***Optional “Q&A”: Meet the Speakers***

EPO Technology Transfer Case Studies



Technology transfer case studies show

- **how patents facilitate tech transfer** from European research institutions to the market
- how patents **support business success**
- **diverse** tech transfer scenarios
- from the **technology** life-cycle perspective
- good practices in **IP strategy and IP management**

Technology transfer models

Industries	SMEs	Model
 Textiles	Oxeon	Public-private partnership; university spin-off
 Medical equipment	Atlantic Therapeutics	Industry-university collaboration; TTO as facilitator: Spin-off creation for market expansion
 Medical technology	Dermis Pharma	TTO support; university spin-off; partnership with big pharma company
 Energy	Fos4x	University spin off; IP deal for access to funds and facilities supported by professor; successful exit
 Road vehicles	Blubrake	External "enterprise factory" as facilitator of spin off formation
 Additive manufacturing	Cubicure	Collaboration contract; freedom to operate for spin offs
 Medical imaging	Perceive 3D	University spin-off based on an out-licensing process supported by TTO

The Impact of the Innovation Case Studies

Importance of IPR-intensive industries for EU economy

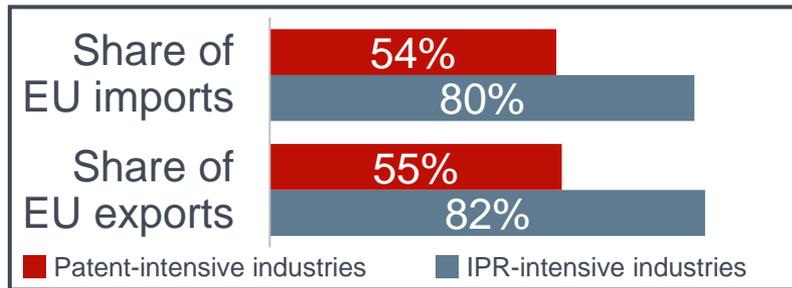
Contribution to EU GDP



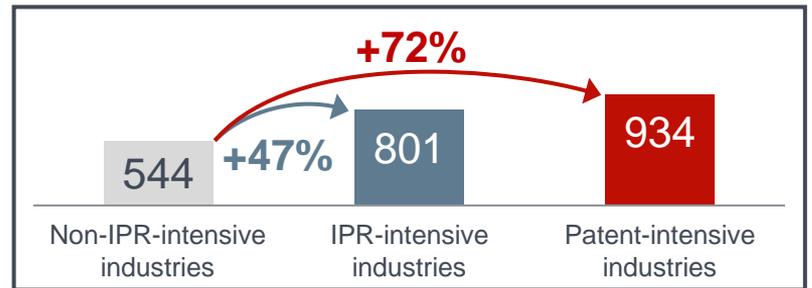
Share of EU employment



Contribution to EU trade



Wage premium

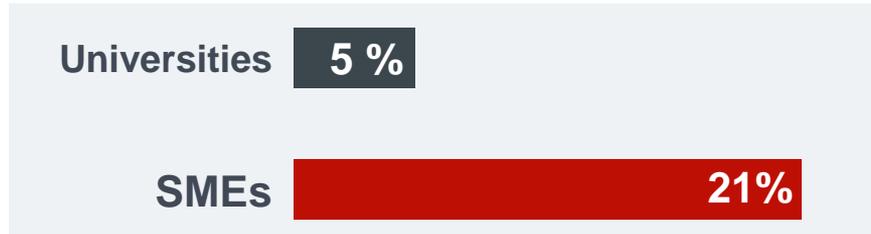


Source: IPR-intensive industries and economic performance in the European Union – Joint Report 2019 from the EPO and EUIPO- Data 2014-2016.

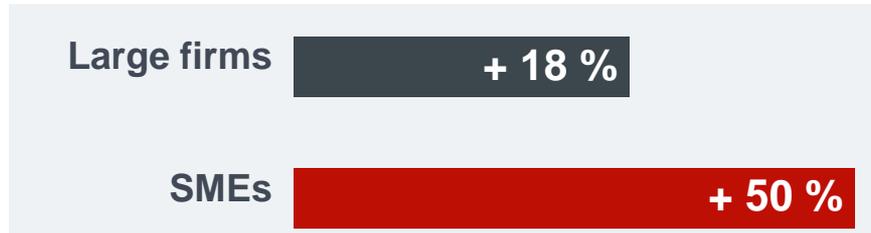
Note: IPR: IP rights: trade marks, patents, designs, copyrights, geographical indications and plant variety rights.

SMEs and universities are key actors of innovation

SMEs and universities file 26% of the applications at EPO originating from Europe



SMEs that own patents enjoy a 50% premium in revenue per employee



SMEs that have filed patents are 22% more likely to grow in the subsequent years



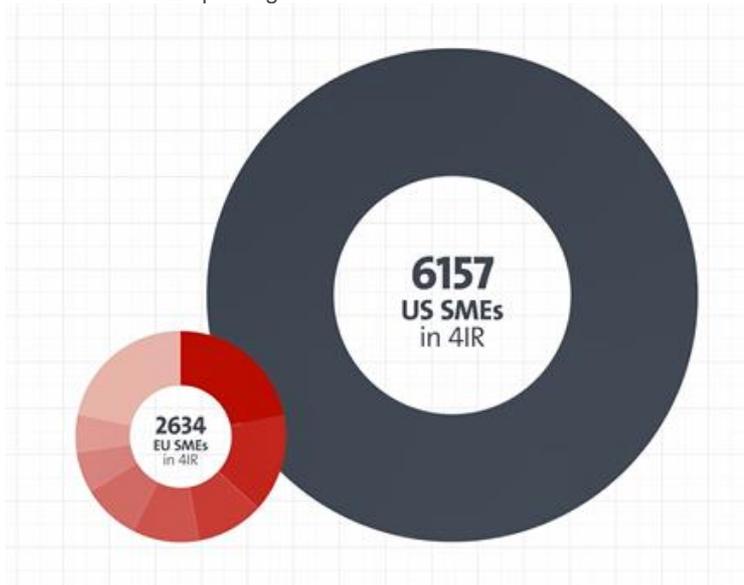
Sources: EPO-EUIPO. Intellectual property rights and firm performance in the European Union, February 2021 ; EPO-EUIPO. Intellectual property rights and firm performance in Europe: an economic analysis, June 2019

How does the EU27 compare with the US?

The case of Fourth Industrial Revolution (4IR) technologies

SMEs with international patent families in 4IR in the EU27 versus US

Number of SMEs per region



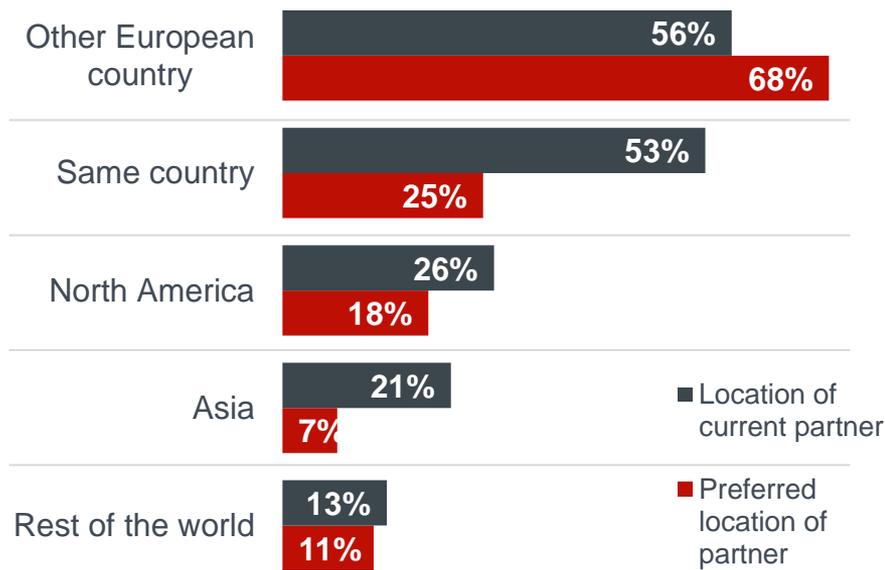
Obstacles to the growth of European SMEs include:

- **A stronger 4IR ecosystem in the US.** The US economy is far a head in 4IR patenting, with four US companies in the top 10 compared to only two European ones.
- **Availability of resources.** Over 30% of 4IR SMEs in the EU cite the availability of finance as a major business barrier, even before the availability of staff with the required technical skills.
- **Persistent fragmentation of the European market.** Although 32% of EU SMEs are still focused primarily on operations in their home country, the majority, 52%, see their future primary market in Europe.

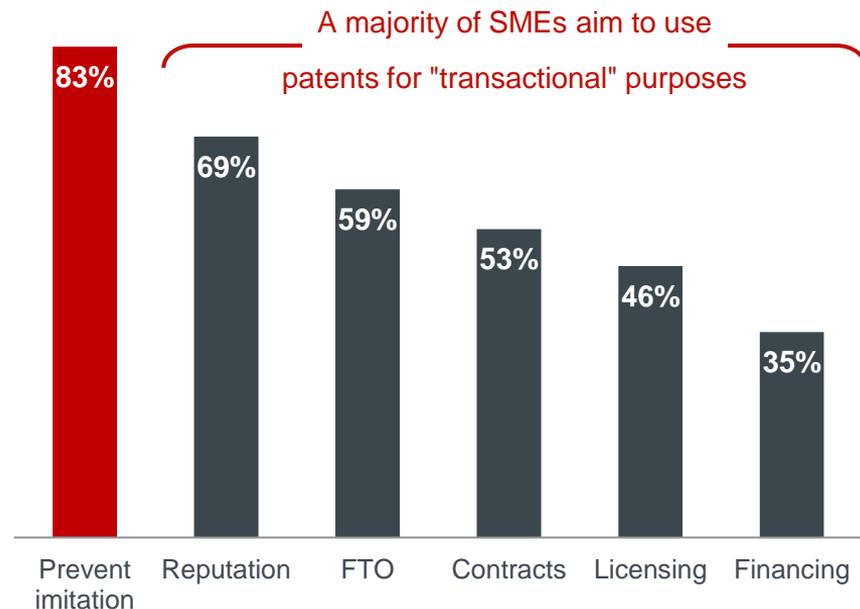
Source: Orbis and Crunchbase

67% of the SMEs' European patents are commercialised ... half of the time via partnerships

Geographical location of the partners



Motives for maintaining the patents

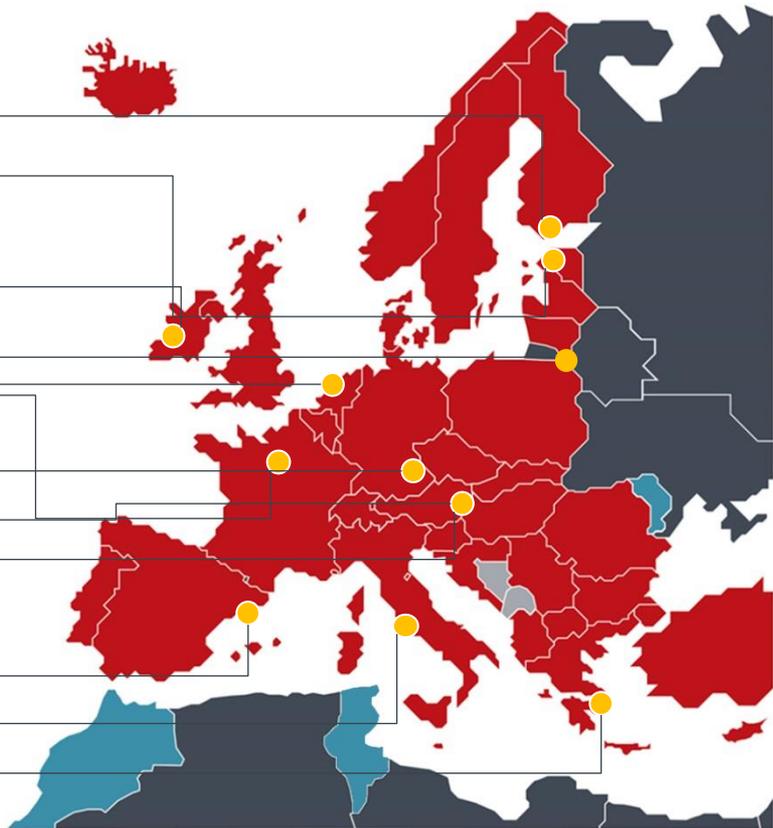


Source: EPO study, Patent commercialisation scoreboard: European SMEs, November 2019

EPO innovation case studies



epo.org/case-studies



EPO innovation case studies

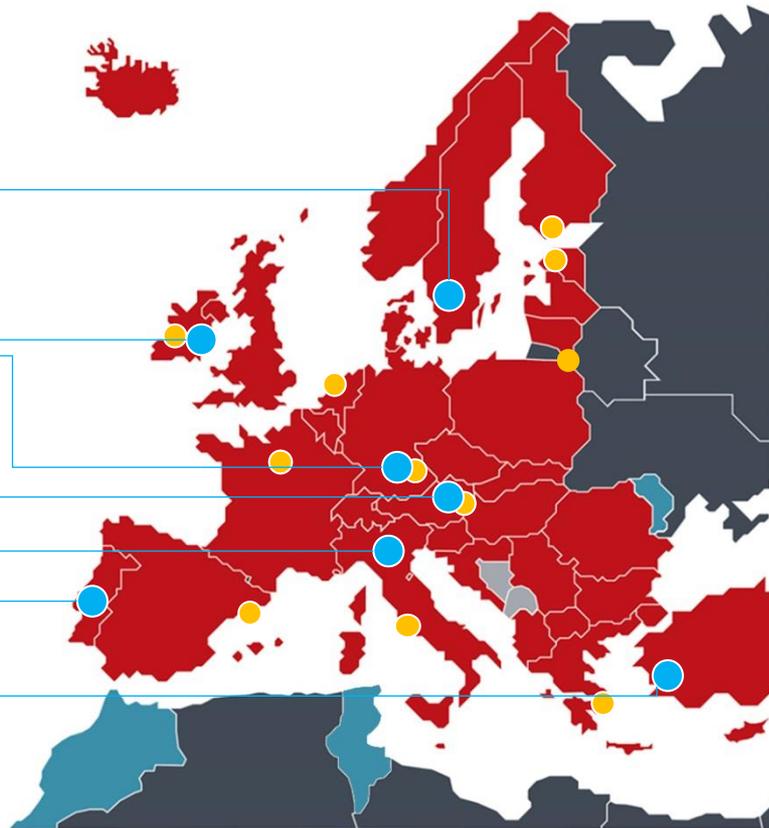
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Nuts and Bolts of Research Cooperation

Spotlight #1: Collaborative IP management in the frame of research cooperation

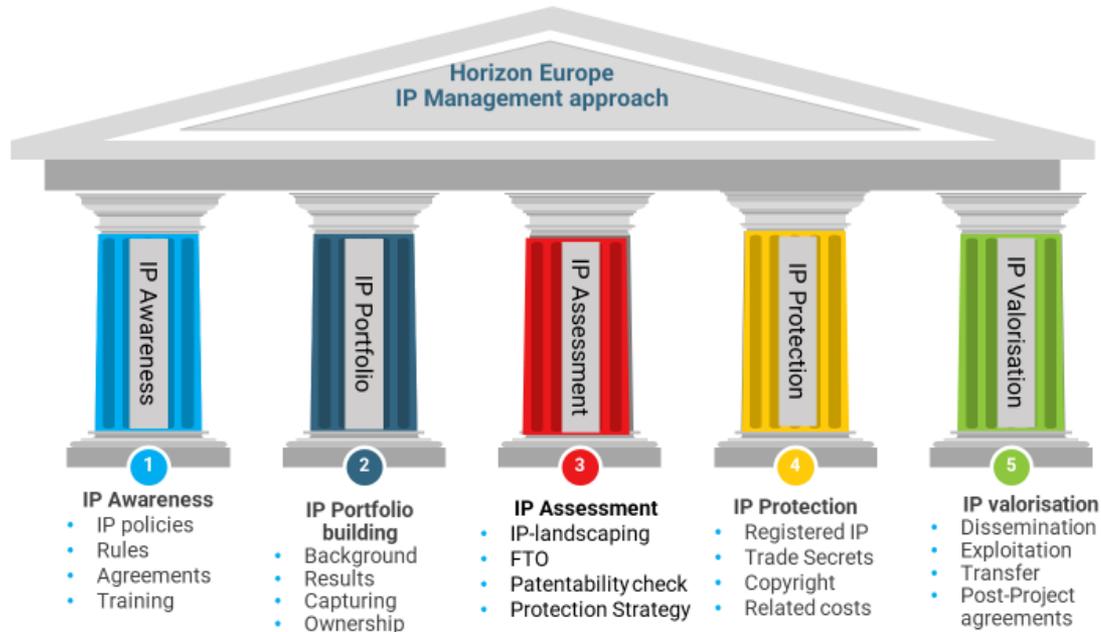
The rationale of collaborative IP management in the frame of research cooperation

- Opportunities to leverage IP through a collaborative (co-creative) process involving several parties, e.g. in the form of a value network
- „Open Innovation“ environment to jointly develop new technologies, products or services
- Need to develop a deep understanding of motivation/interests/constraints of parties involved
- A mix of plans and pathways to use project outcomes beyond the project
- Higher complexity for Intellectual Property (IP) management strategies and good practices to meet the needs and expectations of all partners involved

A robust and credible IP strategy fosters impact of research collaboration

- Effective management of all of intellectual assets generated in research collaborations is crucial; particularly those results which are developed collaboratively, and jointly owned
- A proper IP strategy is essential to support exploitation of key results by establishing a systematic approach that is needed to capture and manage intangible assets, e.g. for technology upscaling, licensing, transfer, access to finance.
- Define appropriate measures to a) give access to existing IP, b) to define ownership, c) to protect, d) to share and e) to exploit newly created IP.
- Avoiding IP disputes and maximise long-term R&I investments

Collaborative IP management approach in Horizon Europe



Horizon IP Scan

- A young EC innovation advisory and support measure within the "2020 IP Action Plan".
- Incorporates well-established methods and tools of corporate IP pre-diagnosis.
- Focuses on IP-related risks and opportunities in collaborative innovation frameworks – at the beginning of the co-operation.
- Is tailored to the needs and challenges of SMEs/start-ups involved in collaborative R&I projects (Horizon Europe).
- Open for applications running until November 2023.

Who can apply?

The service is open to European start-ups and [SMEs](#) that are about to sign a Horizon (2020/Europe) Grant Agreement or have recently signed one (up to six months after signature). It also caters to SMEs signposted by the [Horizon Results Booster](#) (maximum until half of the project duration).

In addition, SMEs that are referred to Horizon IP Scan by the [Enterprise Europe Network](#) in view of a planned cooperation with other entities on a R&I project, are also eligible for the service up to six months after the beginning of a project, but preferably before any agreement is signed.

You can apply for the Horizon IP Scan at any time. Please take a look at our [Guide for Applicants](#) (available for download below) and fill in our [service request form](#). This will only take a few minutes. All of the information you provide will be treated strictly confidentially, and will only be processed for the purpose of delivering the service. You may read our full [privacy statement](#) [here](#).

We will carefully review your service request and notify you about the outcome of the application process as soon as possible.

Our [Guide for Applicants](#) covers all you need to know about submitting a service request and gives you further insights into the actual provision of the service.

[Submit your Horizon IP Scan service request](#)



Online Application Form

www.horizon-ipscan.eu

Horizon IP Scan

- Increasing overall IP awareness and IP management knowledge – leverage the company’s innovation capacity.
- Show SMEs involved in collaborative Horizon projects how to protect their existing IP when embarking on a research and innovation endeavour with multiple partners; Get a clear picture of existing IP brought into the collaboration.
- Assist SMEs in developing a shared strategy with their partners to manage and exploit new IP jointly generated in their project.



Motivations to apply for Horizon IP Scan services (examples)

- Applicants need support in the identification and management of different types of IP ownership; i.e. in joint ownership situations: a) the relative contributions to the IP generated; (b) the allocation of IP management responsibilities; and (c) fair and reasonable shares of costs and revenues.
- SME beneficiaries have a high interest in understanding the rationale and benefits of various (full range) IP protection strategies, particularly in different territories.
- Applicants request feedback on their existing IP management, decision-making hierarchies and organisational roadmaps including the use of IP management tools and databases.

Thank you.

Contact

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- training@iprhelpdesk.eu
- Twitter @iprhelpdesk
- LinkedIn /european-ipr-helpdesk



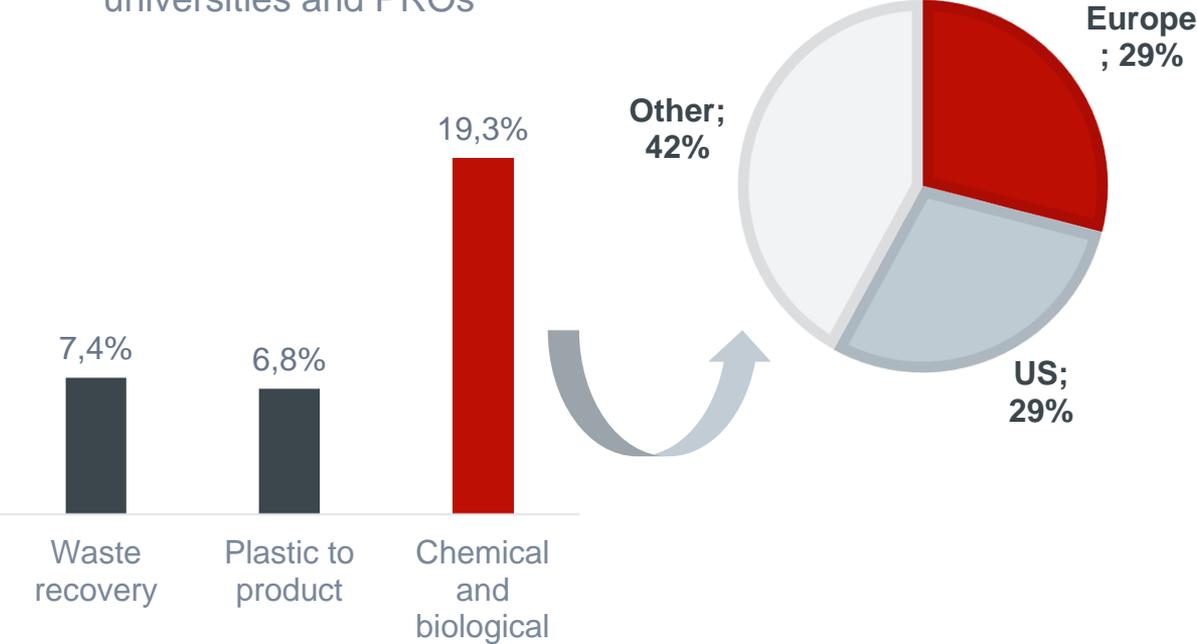
Nuts and Bolts of Research Cooperation

Spotlight #2: Valorising research results and the role of patents

Example: University research in plastics recycling

Upstream research in recycling technologies: **international patent families (IPFs) 2010–2019**

IPFs contributed by universities and PROs

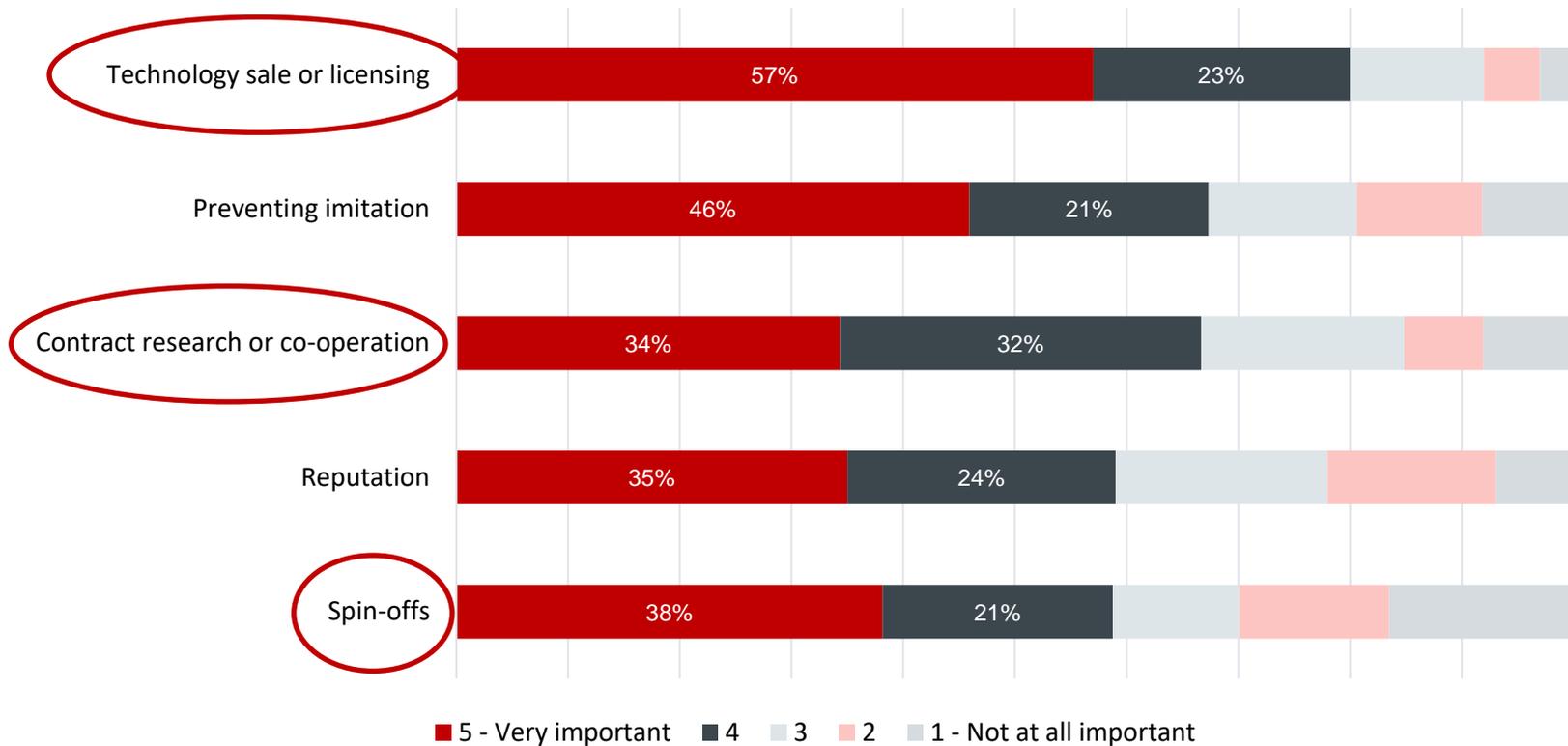


Chemical and biological methods rely far more on **university research**

Europe is the only major region that contributes more to IPFs in upstream research (29%) than to all IPFs in the field (26%)

US start-ups generated four times as many IPFs than their European counterparts (338 versus 84) over the decade.

European research institutions: Motives for patenting

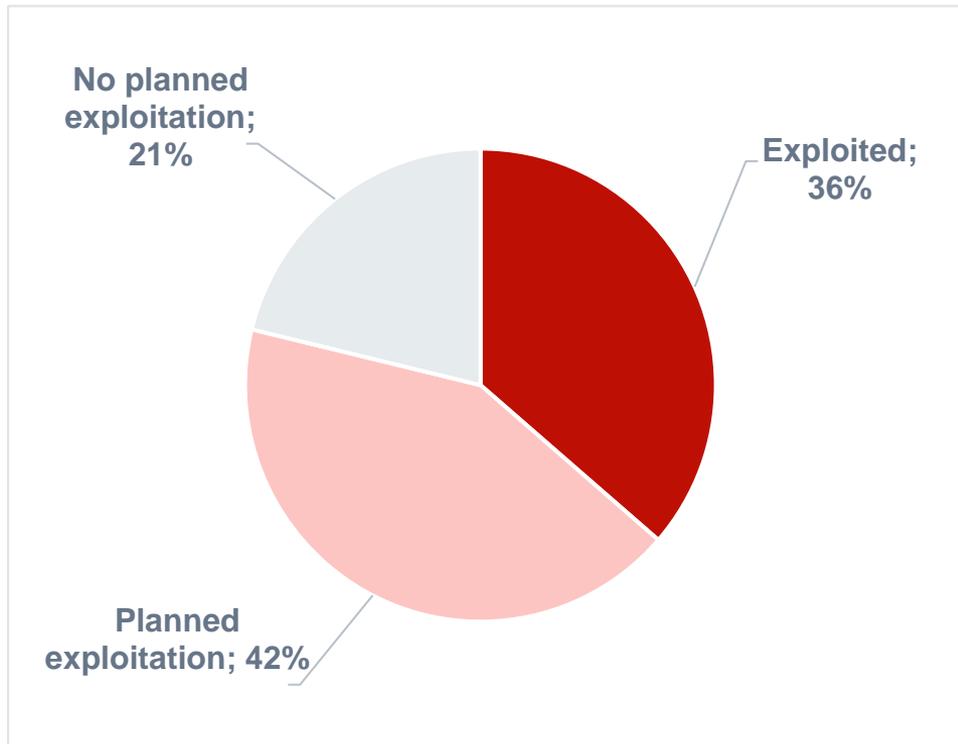


Patent commercialisation by European universities and public research organisations



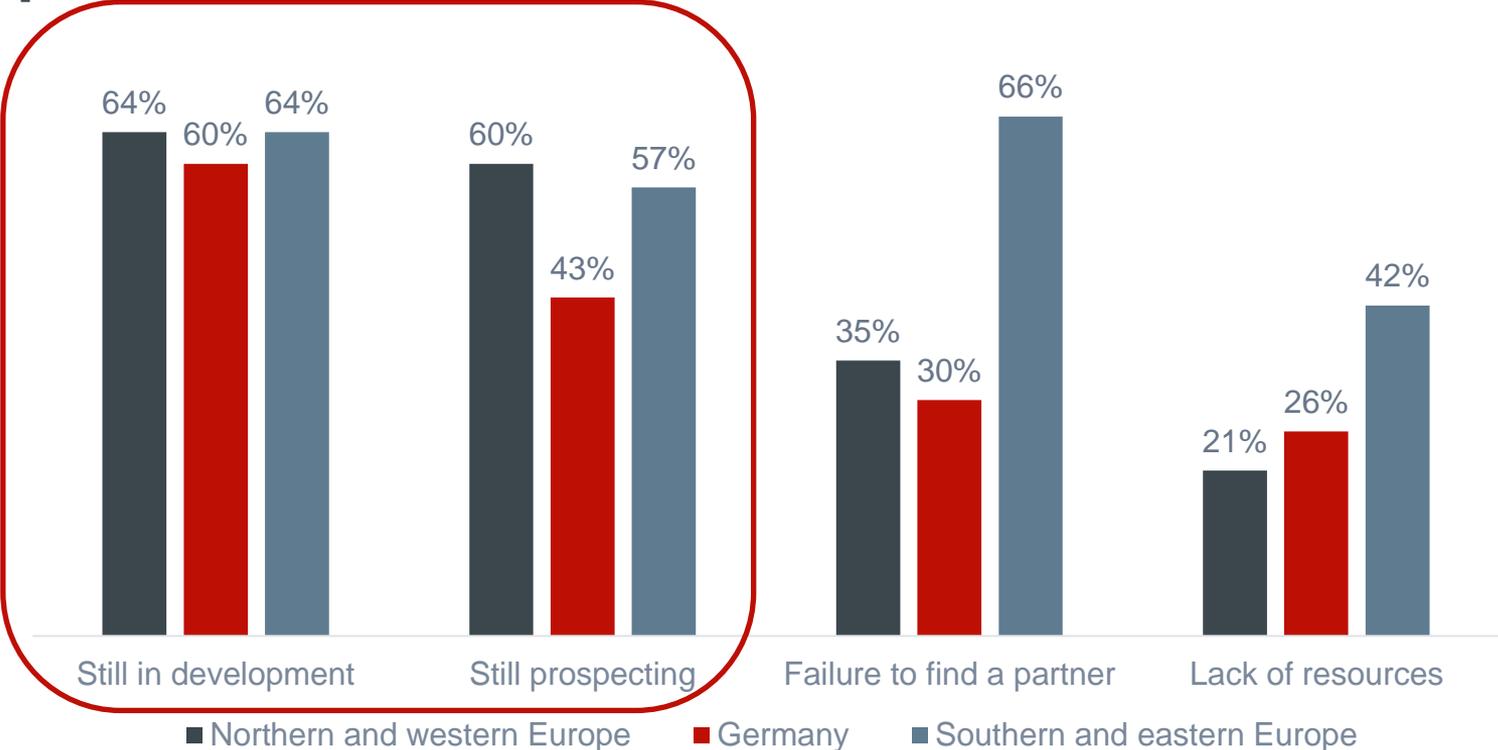
Valorisation of scientific results

Patent commercialisation scoreboard: European universities and public research organisations | November 2020

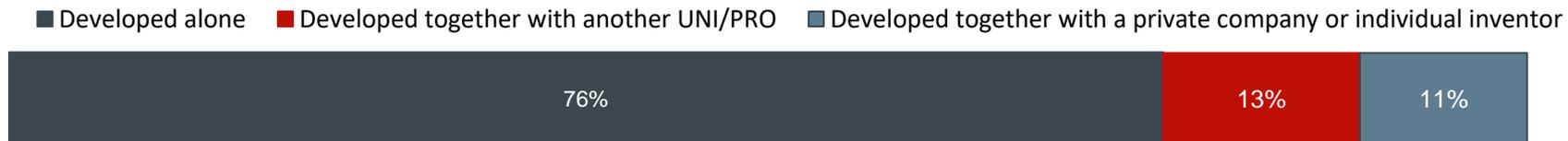
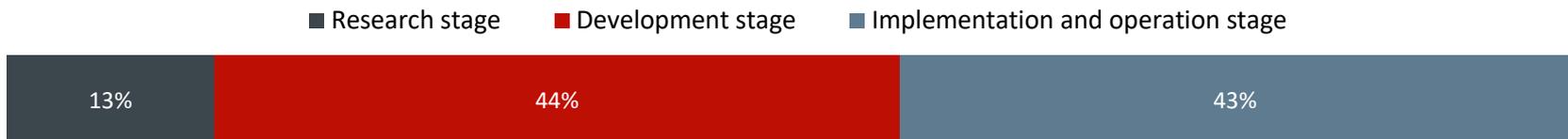


Source: EPO study, Patent commercialisation scoreboard: European universities and public research organisations, November 2020

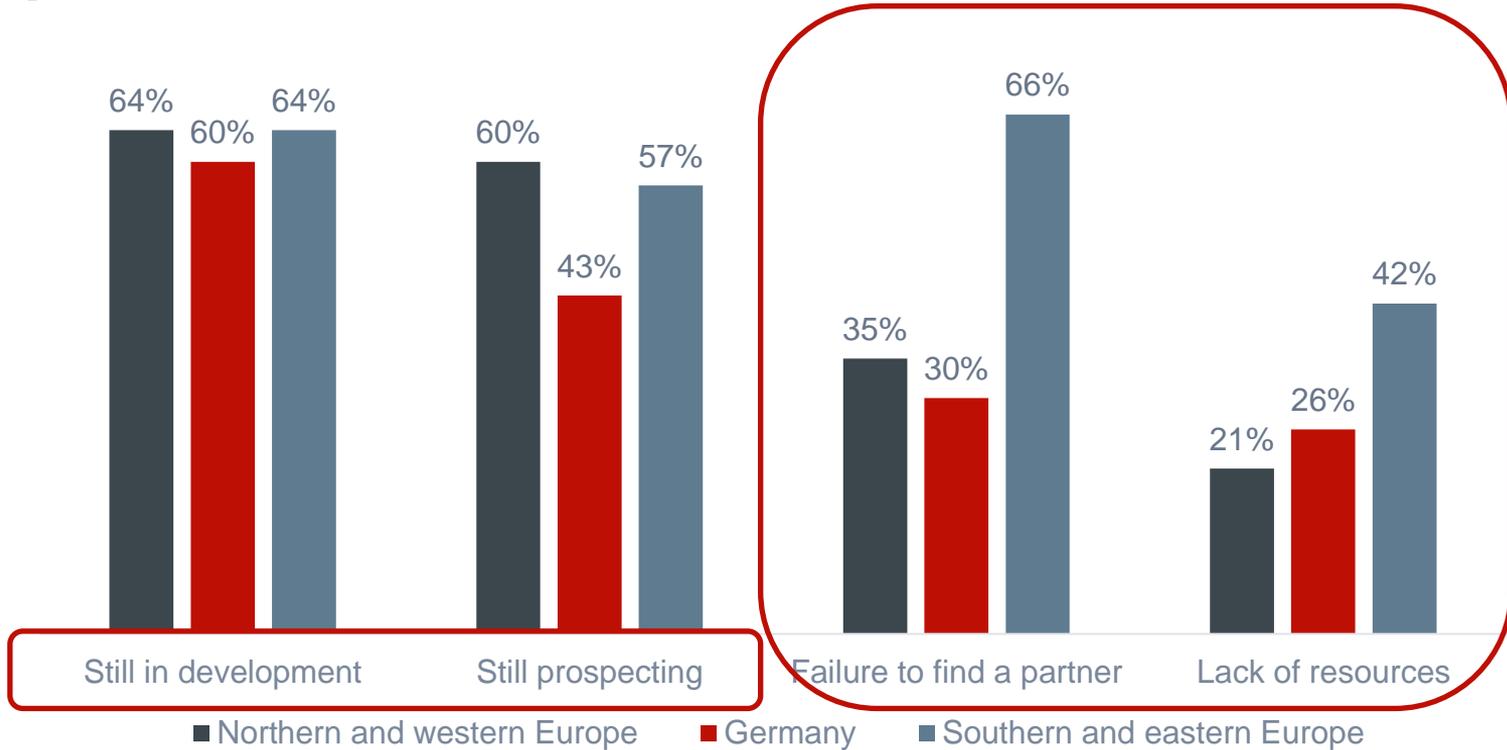
European research institutions: Reasons for no exploitation



Status of EP applications from European universities and PROs



European research institutions: Reasons for no exploitation



The cases of Lithoz and Cubicure



The cover of the EPO Technology Transfer Case Studies report features the EPO logo in the top left corner, with the text 'Europäisches Patentamt', 'European Patent Office', and 'Office européen des brevets' below it. The title 'Changing the 3D printing landscape' is prominently displayed in the center. Below the title, a short paragraph describes the development of a long-term technology transfer strategy between TU Vienna and Ivoclar. At the bottom of the cover is a photograph of a 3D printing process, with a small caption that reads 'Cubicure's additive manufacturing process Hot Lithography'.

EPD TECHNOLOGY TRANSFER CASE STUDIES | CUBICURE

Changing the 3D printing landscape

The development of a long-term technology transfer strategy allowed the Technical University of Vienna to jointly build IP in additive manufacturing with its industry partner, Ivoclar. Balancing the allocation of usage rights by application field led to the commercialisation of the research results by Ivoclar and the university's two spin-offs, Lithoz and Cubicure.

Cubicure's additive manufacturing process
Hot Lithography

- **Research collaboration** between TU Vienna and the industry partner Ivoclar led to a **series of university spin-offs** in additive manufacturing technology
- TU Vienna's TTO secured **exploitation rights** for *non-dental* applications
- **International** expansion was facilitated by Ivoclar's unusually **broad patent portfolio**
- **Collaboration still ongoing**: IP important in the long run, but not so important in short run

The case of Dermis Pharma

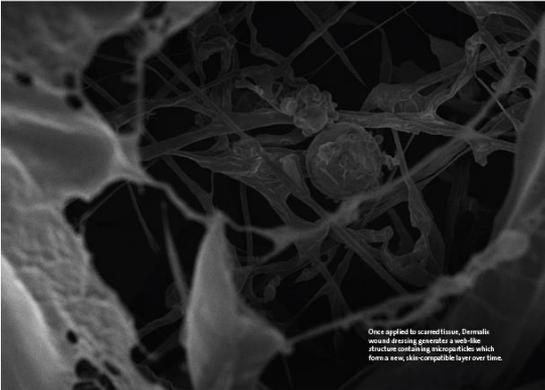


Europäisches Patentamt
European Patent Office
Office européen des brevets

EPO TECHNOLOGY TRANSFER CASE STUDIES | DERMIS PHARMA

Healing wounds

R&D led by four female inventors from a Turkish university laboratory resulted in a product that can treat open wounds, such as diabetic ulcers. Although IP protection was secured early on with the help of the local technology transfer office, initial commercialisation attempts through licensing failed. Encouraged by their participation in a start-up acceleration programme, the female inventor team created the start-up Dermis Pharma. With the help of strong IP the young company was able to secure the necessary venture capital funding for cost-intensive clinical trials and product development. A corporate partnership became possible through an IP-assignment deal with a big Turkish pharma company and accelerated the commercialisation process.



Once applied to a wound, the dermal wound dressing generates a web-like structure among the capillaries, which form a new skin compatible layer over time.

- Patent protection was secured early, shortly after first outcomes from EGE university's research project
- First licensing efforts and start-up creation failed
- Only through a partnership with large commercial partner commercialisation was possible
- IP was assigned to the commercial partner in the process

Unitary Patent System for SMEs and Universities

Objectives of the Unitary Patent package



Cost-effective option
for broader patent
protection and
dispute settlement
across Europe



Providing better value with reduced complexity



Facilitating access to patent protection for
SMEs, universities and public research centres



Making Europe more attractive for innovation
and investors



Boosting Europe's competitiveness

What is the Unitary Patent



 Based on a European patent, granted by the EPO under the EPC

 Same application and examination procedure

 Same quality

 Registered in one single step at the EPO

 Uniform protection in up to 25 Member States

 No more national validations, i.e. no need for multiple parallel national translation, validation and renewal procedures

 EPO acts as one-stop shop for all subsequent transactions

How to obtain a Unitary Patent

Substantive requirements

Unitary effect can be requested for European patents that were granted

- in respect of all 25 participating Member States, and
- with the same set of claims for all of them.

Some of the main procedural requirements

Filing of the request by the patent owner

- in writing, in the language of the proceedings, and
- no later than one month after the mention of the grant is published.
- Translations only during a transition period

How to obtain a Unitary Patent – Transitional measures

The EPO will provide two transitional measures to support users in an early uptake of the Unitary Patent:

Early request for unitary effect

- Allows applicants to file requests for unitary effect already before the start of the Unitary Patent system.
- May only be filed for European patent applications in respect of which a communication under Rule 71(3) EPC has been despatched.
- Is possible from the date on which Germany deposits the instrument of ratification of the UPCA.

Request for a delay in issuing the decision to grant

- Offers the possibility to request a delay in issuing the decision to grant a European patent.
- May be validly filed only for European patent applications in respect of which the applicant has been informed of the text intended for grant by a communication under Rule 71(3) EPC but has not yet approved that text.
- Is possible from the date on which Germany deposits the instrument of ratification of the UPCA.

Territorial scope

- Unitary effect possible for all Member States participating in enhanced cooperation and for which the UPCA has entered into force "*at the date of registration of unitary effect*"
 - Different generations of Unitary Patents with a different territorial coverage in the first years.
 - No automatic extension of the territorial coverage to other participating Member States which ratify the UPCA after the registration of unitary effect.
 - Territorial coverage will be clearly indicated in the Register for Unitary Patent protection.



Cost efficiency

- No fees are charged by the EPO for the purpose of obtaining a Unitary Patent.
- Maintaining a Unitary Patent for ten years – the current average lifetime of a European patent – will amount to less than EUR 5 000.

Classic European patent

Fragmented post-grant administration procedure at national level

National patent offices
with their own:



- Translation requirements
- National validation fees
- Procedures, particularly deadlines
- Renewal fees
- Currencies
- Requiring own local attorney

Unitary Patent

One-stop-shop at the EPO
for all post-grant administration

One office



- No more translations¹
- No additional fee for obtaining a Unitary Patent
- One procedure, particularly deadline
- One renewal fee
- One currency (€)

¹ after an initial transition period when translations will be required, but for information purposes only with no legal effect.

Benefits for small entities

- The Unitary Patent offers a number of advantages for applicants with limited resourced, such as SMEs, universities, public research organisations, etc:
 - EUR 500 lump-sum compensation for eligible small entities to cover the costs of translating the application in the pre-grant phase (complements existing reduction of the application and examination fee before the EPO)
 - Administrative simplification, cost savings and greater legal certainty
 - increased flexibility to enter national markets at any time depending on the success of the patented invention or business opportunities that arise
 - Broad uniform protection in the participating Member States constitutes a strong signal for venture capitalists

The UPC in a nutshell



Newly created international court common to the Contracting States and thus part of their judicial system

Decisions will be issued by internationally composed panels comprising both legally and technically qualified judges meeting highest standards of competence

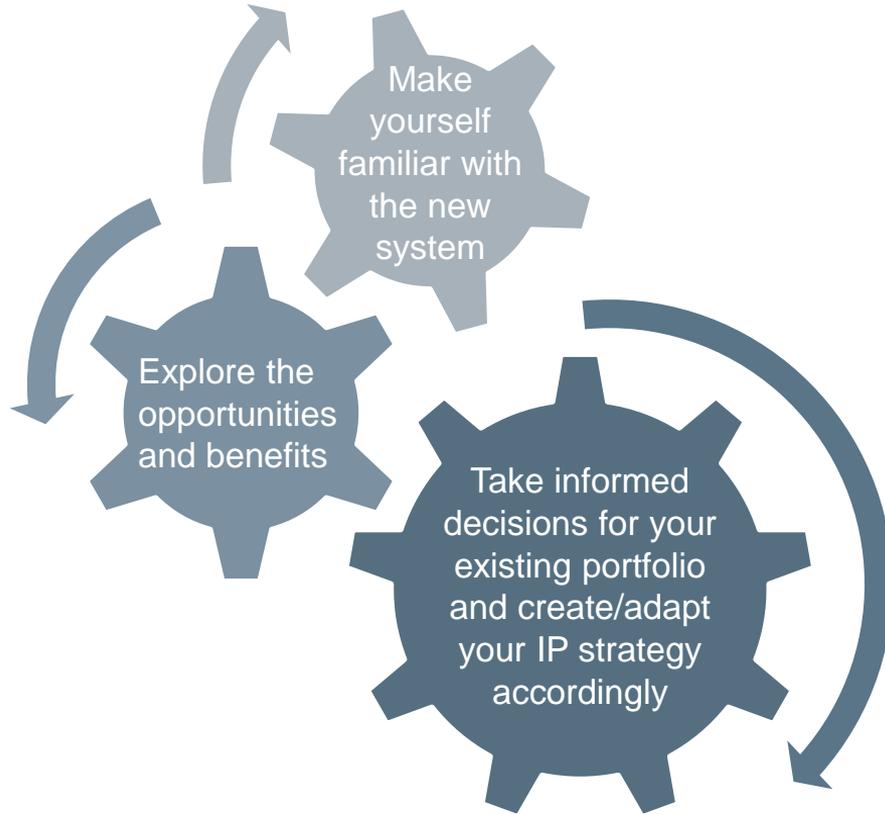
Exclusive jurisdiction for litigation relating to Unitary Patents and European patents (subject to certain exceptions during a transitional period), as well as in respect of actions concerning decisions of the EPO relating to Unitary Patents

The UPC will apply its own autonomous substantive and procedural law and enhance legal certainty through harmonised case law in the area of patent infringement and validity

Safeguards at the UPC for parties with limited resources

- Reduction in court fees
 - Small and micro-entities will benefit from a 40% reduction in court fees.
 - If the amount of payable court fees threatens the economic existence of a party who is not a natural person, the court may upon request, wholly or partially reimburse the fixed and value-based fee.
- Recoverable costs
 - As a general rule, the unsuccessful party will have to bear the reasonable and proportionate costs and other expenses incurred by the successful party up to a certain ceiling.
 - The court has a large margin of appreciation when making the decision on the recoverable costs.
 - Upon request of one of the parties, the Court may lower the ceiling with regard to that party, if the level of recoverable costs to be awarded would threaten the economic existence of the requesting party, especially if the latter is a micro-enterprise, SME, non-profit organisation, university, public research organisation or natural person.

What does it mean for you?



Need more information?



Visit us

www.epo.org/unitary



Contact us

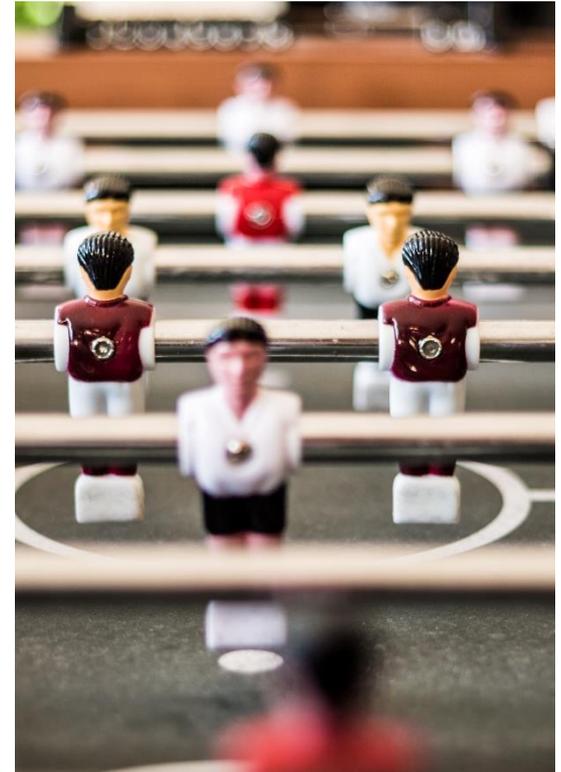
international_legal_affairs@epo.org

Outlook:

Upcoming Training Sessions & Joint Activities

Teaming up: EPO/EPA & European IP Helpdesk

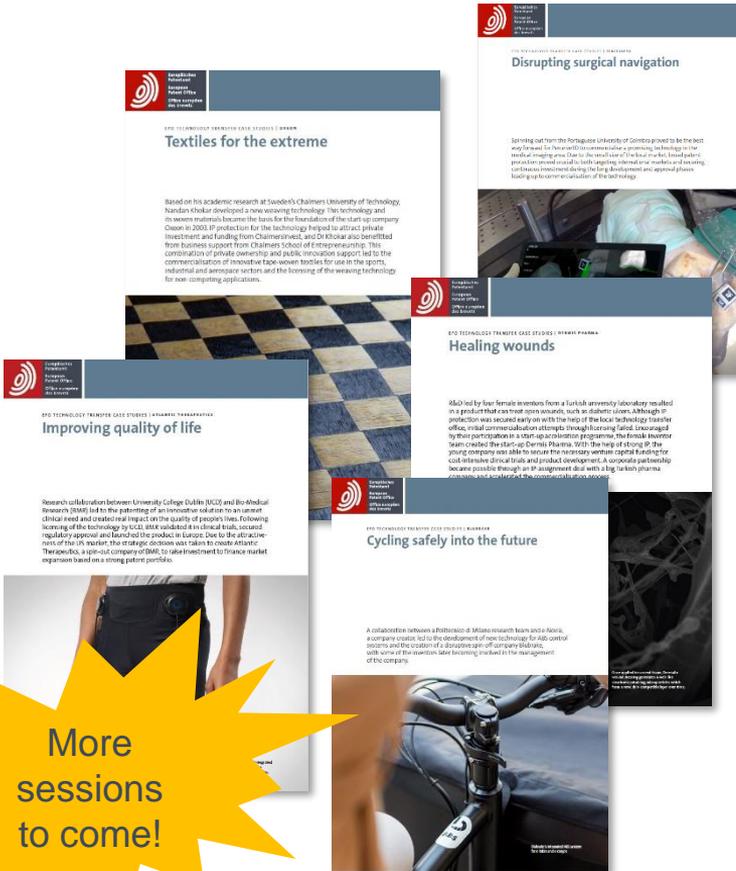
- New technology transfer **case studies**
- “Talk Innovation” **podcasts**
- Joint **publication** „Open Innovation and Technology Transfer” in collaboration with LESI
- Online **training series** „From lab to market“ based on case studies



Training Series: Technology Transfer Sessions

- 7 June 2022, : [Oxeon](#)
- 29 June 2022: [Atlantic Therapeutics](#)
- 12 July 2022: [Dermis Pharma](#)
- 13 September 2022: [Blubrake](#)
- 18 October 2022: [Perceive3D](#)

All sessions will take place from 10:30-12:00 hrs (CEST).



High-growth technology business community

Goals

- Support for decision-makers & IP professionals in tech driven enterprises by
- Sharing how intellectual property can support their business by
- Training in IP strategy, operational excellence, financing and strategic transactions

Join the community

- Stay updated on best practices
- Get access to training material
- Learn about upcoming offers



European
IP Helpdesk

www.linkedin.com/company/htbinitiative



European Patent Academy

Upcoming HTB Forums



Licensing

1 June 2022, 17:00-19:00 (CEST)

✓Case study: Francisco Castro, Chief IP Counsel at IonQ Inc. (USA)

✓Industry: IT Services and IT Consulting

✓Panel chaired by Sonja London (General Counsel, Licensing Executive at TactoTek)

Register: [Event Licensing](#)

Deadline: 31 May 2022

Open Innovation

15 June 2022, 15:00-17:00 (CEST)

✓Case study: Stephanie van Wermeskerken, Head of HealthTech IP, Vice President at Philips (the Netherlands)

✓Industry: Medical devices

✓Panel chaired by Bowman Heiden (Co-Director, Center for Intellectual Property (CIP), University of Gothenburg)

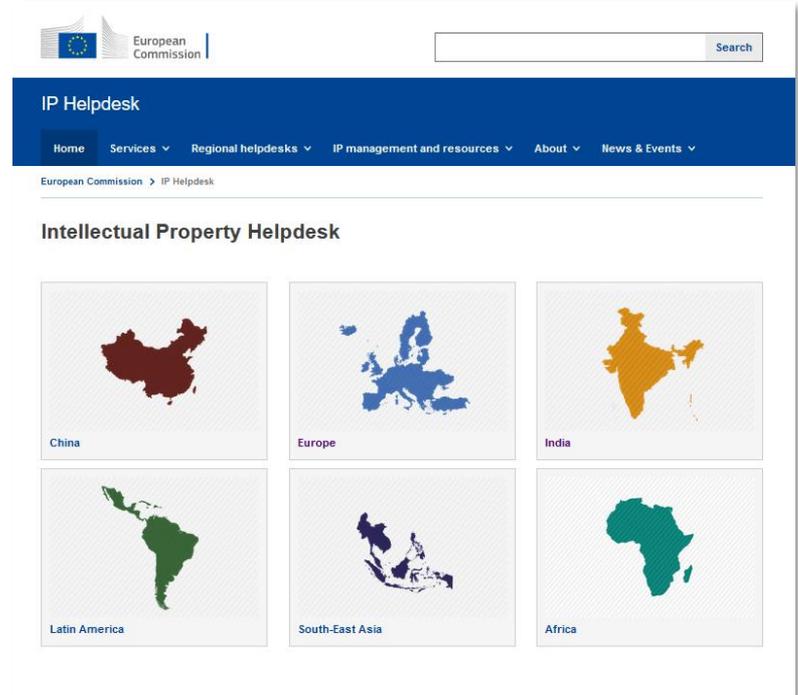
Register: [Event Open innovation](#)

Deadline: 14 June 2022

European IP Helpdesk

- **Service initiative** of the European Commission
- Addressing current and potential beneficiaries of EU-funded projects, **researchers and EU SMEs**
- Free-of-charge, **first-line IP support**
- Extensive **training scheme, publication library & Helpline**
- International **pool of IP experts** from various thematic fields
- Unique **cooperation scheme with the Enterprise Europe Network: 47 ambassadors** from 28 EU countries

Visit: www.ec.europa.eu/ip-helpdesk



The screenshot displays the European IP Helpdesk website. At the top left is the European Commission logo. To its right is a search bar with the word "Search" inside. Below the logo and search bar is a dark blue navigation bar with the text "IP Helpdesk" in white. Underneath this bar is a horizontal menu with several items: "Home", "Services", "Regional helpdesks", "IP management and resources", "About", and "News & Events", each followed by a small downward arrow. Below the navigation bar is a breadcrumb trail that reads "European Commission > IP Helpdesk". The main content area is titled "Intellectual Property Helpdesk". Below this title is a grid of six colored maps, each representing a different region: China (dark red), Europe (blue), India (orange), Latin America (green), South-East Asia (dark blue), and Africa (teal). Each map is contained within a light gray box with a subtle grid pattern, and the name of the region is printed in small text below the map.

European IP Helpdesk Training Calendar

19

MAY

2022

TRAINING AND WORKSHOPS

EU - Kick-off Event to a Joint Training Series with the EPO: From Lab to Market - Successful Technology Transfer Journeys

📍 Online only

25

MAY

2022

TRAINING AND WORKSHOPS

EU - Webinar: IP Management in ICT Projects

📺 Live streaming available

01

JUN

2022

TRAINING AND WORKSHOPS

EU - Webinar: Effective IP and Outreach Strategies Help Increase the Impact of Research and Innovation

📺 Live streaming available

07

JUN

2022

TRAINING AND WORKSHOPS

From Lab to Market - Successful Technology Transfer Journeys - Case: OXEON

📺 Live streaming available

14

JUN

2022

TRAINING AND WORKSHOPS

EU - Webinar EPO Coop: Patent protection for EU funding beneficiaries - Green technologies

📺 Live streaming available

15

JUN

2022

TRAINING AND WORKSHOPS

EU - Webinar: IP Commercialisation & Licensing - Advanced

📺 Live streaming available

21

JUN

2022

TRAINING AND WORKSHOPS

EU Webinar - CPVO Coop Webinar: Introduction to Community plant variety rights: creation of new plants and their protection in the EU

📺 Live streaming available

28

JUN

2022

TRAINING AND WORKSHOPS

EU - Webinar: Impact and Innovation in EU funded projects - A guide for proposers

📺 Live streaming available

29

JUN

2022

TRAINING AND WORKSHOPS

EU - From Lab to Market - Successful Technology Transfer Journeys - Case: Atlantic Therapeutics

📺 Live streaming available

06

JUL

2022

TRAINING AND WORKSHOPS

EU - Webinar: Maximizing the Impact of Horizon 2020 project results

📺 Live streaming available



Registration: www.ec.europa.eu/ip-helpdesk

Patent protection for EU funding beneficiaries

Training cooperation with the European Patent Academy of the EPO

Patent protection for EU funding beneficiaries

This lecture series, organised in co-operation with the European Patent Academy, addresses the IP-related aspects of EU-funded projects in five areas: medical technologies, artificial intelligence, green technologies, digital communication and biotechnology.

It introduces the main aspects of IP management: notably IP ownership, protection and exploitation. Each lecture explores the interface between patents and the respective technical field. The lectures may be of interest to a variety of audiences, from researchers to technology transfer officers. The online sessions include Q&A and are complemented with optional self-paced courses.



16
MAR
2022

TRAINING AND WORKSHOPS

EU - Webinar EPO Coop: Patent protection for EU funding beneficiaries - Artificial Intelligence

Live streaming available

14
JUN
2022

TRAINING AND WORKSHOPS

EU - Webinar EPO Coop: Patent protection for EU funding beneficiaries - Green technologies

Live streaming available

20
OCT
2022

TRAINING AND WORKSHOPS

EU - Webinar EPO Coop: Patent protection for EU funding beneficiaries - Digital communication

Live streaming available

17
NOV
2022

TRAINING AND WORKSHOPS

EU - Webinar EPO Coop for EU funding beneficia

Live streaming available

Registration: www.ec.europa.eu/ip-helpdesk

Keep an eye on updates

The screenshot shows the European Commission website with a search bar at the top. The main navigation includes 'Home', 'Searching for patents', 'Applying for a patent', 'Law & practice', 'News & events', and 'Learning'. The content area features a section for 'Small and medium-sized enterprises' with a sub-section for 'Innovation case studies'. A sidebar on the left lists various programs and guides. The 'Innovation case studies' section includes a video thumbnail and text describing the support provided to SMEs.

The screenshot shows the header of the European IP Helpdesk website. It features the European Commission logo and a search bar. The navigation menu includes 'Home', 'Services', 'Regional helpdesks', 'IP management and resources', 'About', and 'News & Events'. Below the navigation, there is a breadcrumb trail: 'European Commission > IP Helpdesk > Regional helpdesks > European IP Helpdesk'.

European IP Helpdesk

A first-line intellectual property (IP) service providing free-of-charge support to help European SMEs and beneficiaries of EU-funded research projects manage their IP in the context of transnational business or R1 research and innovation programmes

The screenshot shows the 'Europe - Regular Webinar Schedule' section of the website. It includes a table with columns for dates and webinar titles. The table lists two webinars: one on October 19, 2021, titled 'Webinar: Coping with the European Patent Office - From Lab to Market: Successful Technology Transfer Journeys', and another on October 21, 2021, titled 'EU - Webinar & COPORA Group's 'Growth' Guide to Intellectual Property Protection for Plants'. There is also a '27 OCT' entry with a 'Live streaming webinar' link.

The screenshot shows a YouTube video player for 'The European IP Helpdesk Helpline'. The video title is 'The European IP Helpdesk Helpline' and the channel is 'Splitter ans...'. The video thumbnail shows a lighthouse and a boat. The video description includes the text 'There is! Trollen'.

www.epo.org/sme

The screenshot shows a LinkedIn post from the 'High-growth technology business initiative'. The post includes a video thumbnail and text describing the initiative's mission to support decision-makers in technology-driven businesses.

The screenshot shows a Twitter post from 'European Innovation'. The post features a video thumbnail and text about a 'TALK INNOVATION' event. The text includes the URL 'https://www.epo.org/sme' and mentions 'company requiring a special blend of business planning, IP strategy & creativity'.

The screenshot shows the cover of the 'EPO newsletter 19/2021'. The cover features a photograph of a person's hands holding a document and the text 'EPO newsletter 19/2021'.

The screenshot shows a Twitter post from 'EPO'. The post includes a video thumbnail and text about a webinar. The text mentions 'EPO webinar' and 'Intellectual Property Protection for Plants'.

www.ec.europa.eu/ip-helpdesk

Thank you for joining us today!