



European IP Helpdesk

Stay ahead of the innovation game.

European IP Helpdesk
Ip commercialization and licensing

29.04.2025





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 support on intellectual property (IP)
- Hands-on IP and innovation management support
- International pool of IP experts from various thematic fields
- Unique cooperation scheme with the Enterprise Europe Network: 43 ambassadors from 26 EU countries



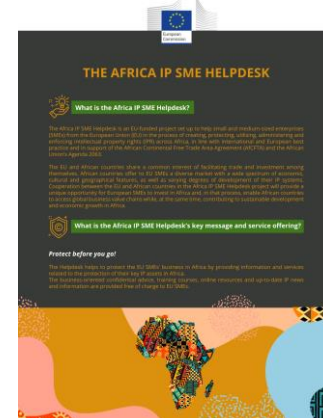
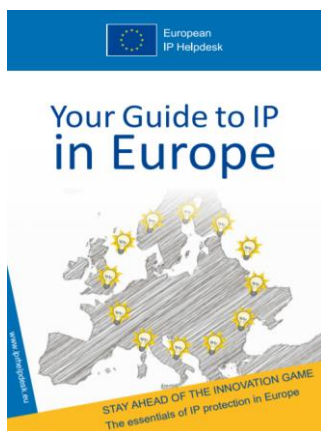


The EC IP Helpdesks





EC IP (SME) Helpdesk Hub – Gateway to Information



- E-learning modules & more
- Guides / Topic, country, sector-specific factsheets / Infographics
- Case studies



Upcoming events



Europa - Upcoming events

09
APR
2025

Training and workshops

EU - Webinar: IP and Artificial Intelligence

(••) Live streaming available

10
APR
2025

Training and workshops

Transaction Based Growth SUMMIT: "Build-to-Sell"

(••) Live streaming available

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Training and workshops

EU - Webinar: IP for Future and Emerging Technologies

(••) Live streaming available

23
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Training and workshops

EU - Webinar: IP and Artificial Intelligence - Advanced

(••) Live streaming available

29
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Training and workshops

EU - Webinar: IP Commercialisation and Licensing

(••) Live streaming available

06
MAY
2025

Training and workshops

EU - Webinar: IP Commercialisation & Licensing - Advanced

(••) Live streaming available

13
MAY
2025

Training and workshops

EU - Webinar: Patents and Innovation

(••) Live streaming available

20
MAY
2025

Training and workshops

EU - Webinar: Freedom to Operate

(••) Live streaming available



Thank you!

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Overview

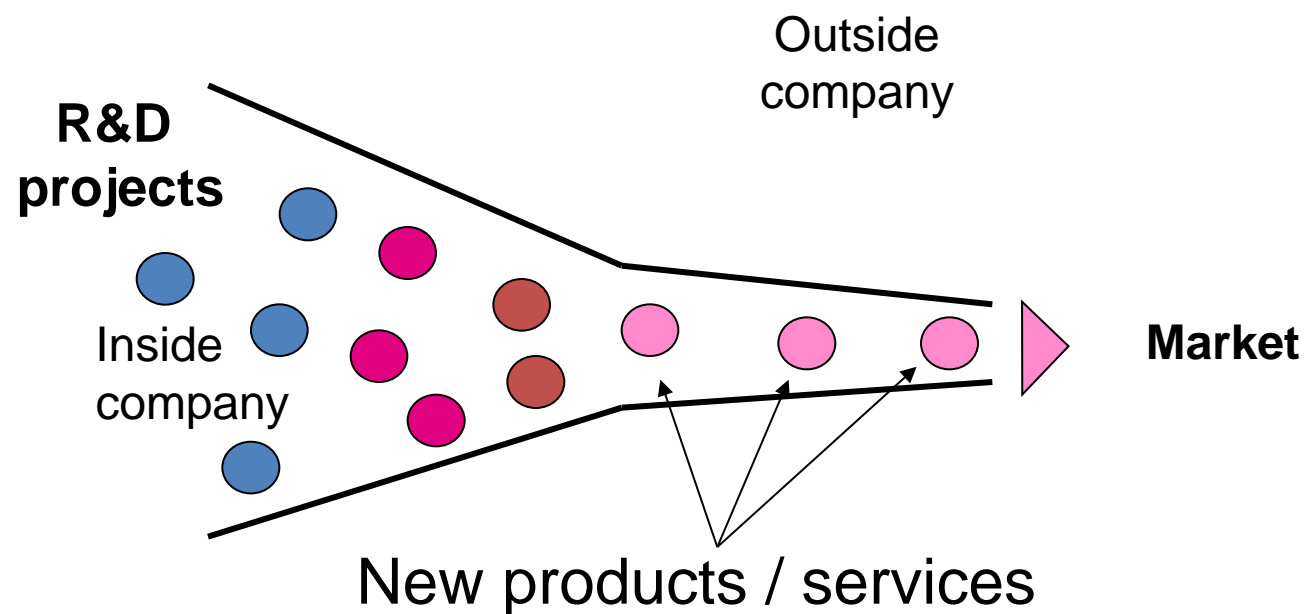
- Introduction European IP Helpdesk
- Open innovation / Commercialisation
- What and why (license)
- Before negotiating
- Core content (licensing agreements)
- Case study
- The negotiation

Training: „Licensing -
Advanced“





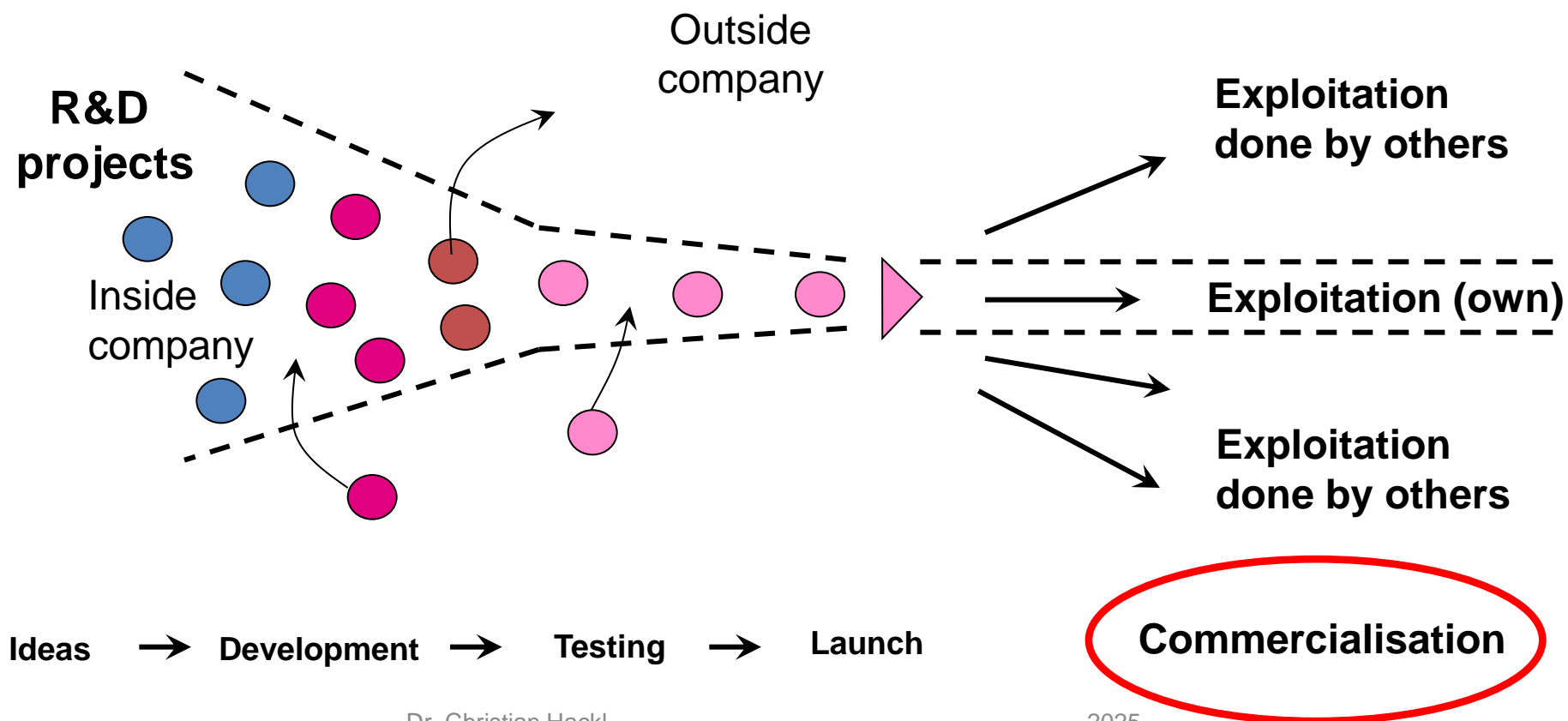
Closed Innovation



Ideas → Development → Testing → Launch

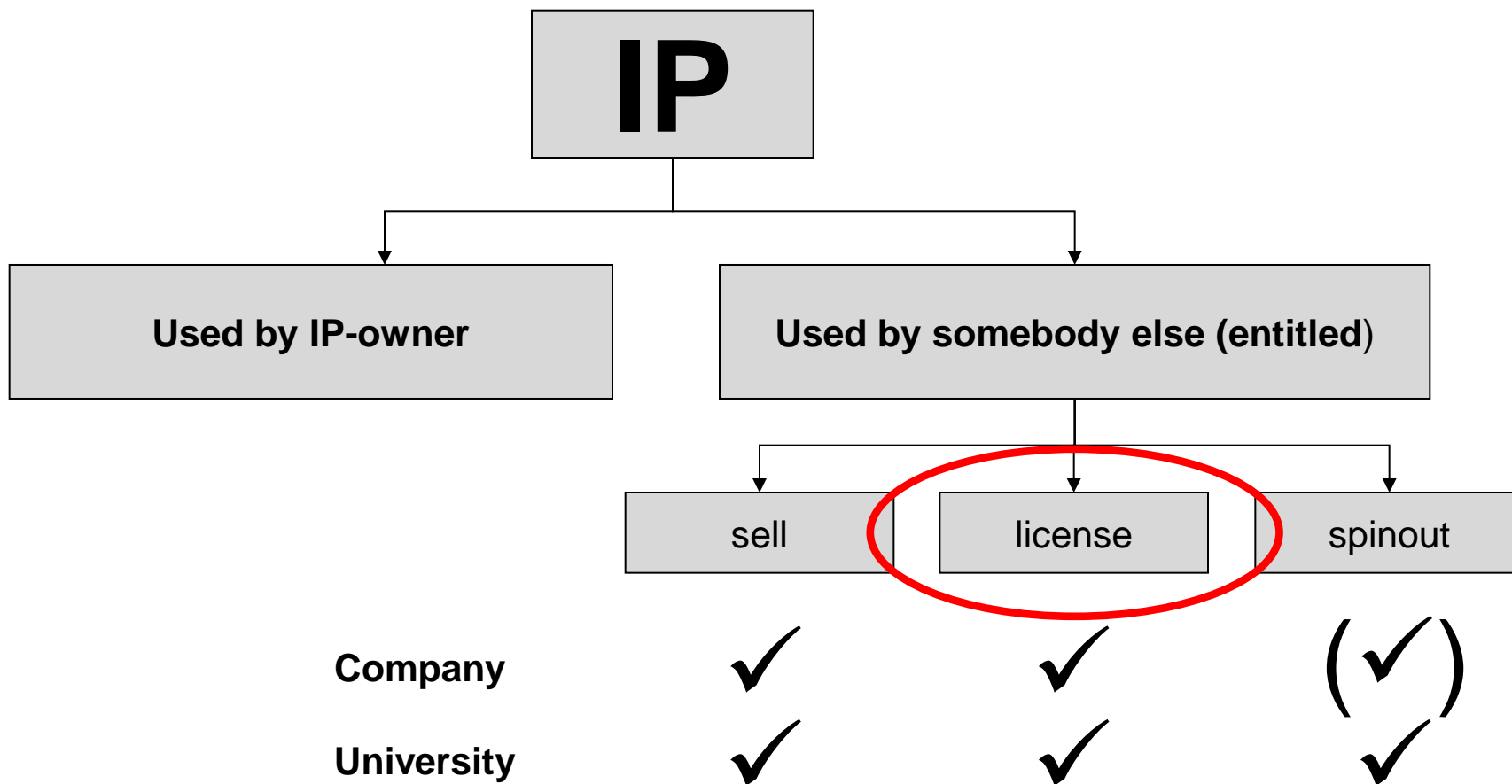


Open Innovation





IP Commercialisation





An IP license

- Indirect exploitation of intellectual property
- Licensing agreement: the owner of IP (Licensor) grants the Licensee the right to use the IP
- The Licensor maintains the ownership of the IP



What is a license?



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

Permission to use IP

Payments



Licensee
(e.g.
company)



Which IP rights can be licensed?

Registered IP

- Patents
- Utility models
- Registered trade marks
- Registered designs

Unregistered IP

- Copyright
- Database right
- Unregistered trade marks
- Unregistered designs

Soft IP

- Know-how
- Trade secrets
- Confidential information



When to use a license agreement

- **If you are giving someone else the right to use your intellectual property (IP)**
 - E.g. the right for a publisher to make and sell copies of your copyright work, e.g. software or novels
 - E.g. the right for a manufacturer to make and sell products covered by your patents or designs
 - Others, e.g. trade mark licences, know-how licences



When is a license agreement less likely to be needed?

- **If you are selling (assigning) the IP outright**
- **If you are just selling products or services**
 - Even if those products are protected by your IP
 - (But if you want to stop the purchaser from using the product freely, a licence may be required to set out the limits of permitted use)



Contrasting types of agreement

- **IP assignment**
 - Outright sale of the IP (e.g. software developer outright selling of software)
- **License agreement**
 - Permission to use IP; ownership remains with licensor
 - patents
 - software (e.g. software developer might want to license end users; EULA: End User License Agreement)
- **Distribution agreement**
 - E.g. software developer appoints distributor who will sell or license products protected by the IP



Contrasting types of agreement

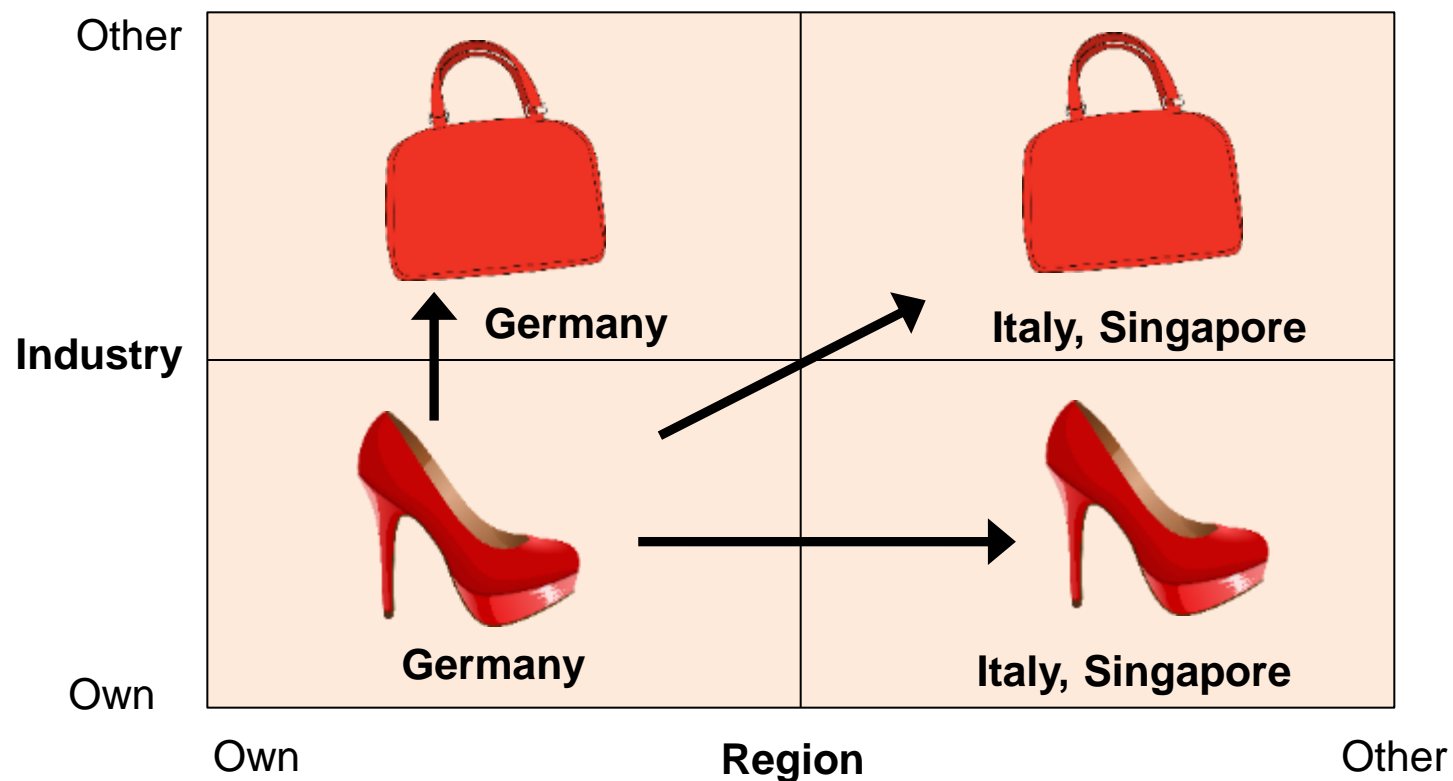
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When does external commercialisation make sense?

- Different geographical region
- Different application / industry
- No strategic fit
- Platform technology

Some reasons for external commercialisation – new markets





Some reasons for external commercialisation – platform technology



Dr. Christian Hackl

BioShield-S1 for improved implants and SanaSilk OTC wound care products	Implant Coatings & Medical Devices
Medical Devices for OTC Wound Care	Medical Devices for OTC Wound Care
Cosmetics products with functional silk for improved skin care	Functional Cosmetics
High-performance fibers for technical and medical textiles	Biosteel Spidersilk Fibers

Picture: Amsilk



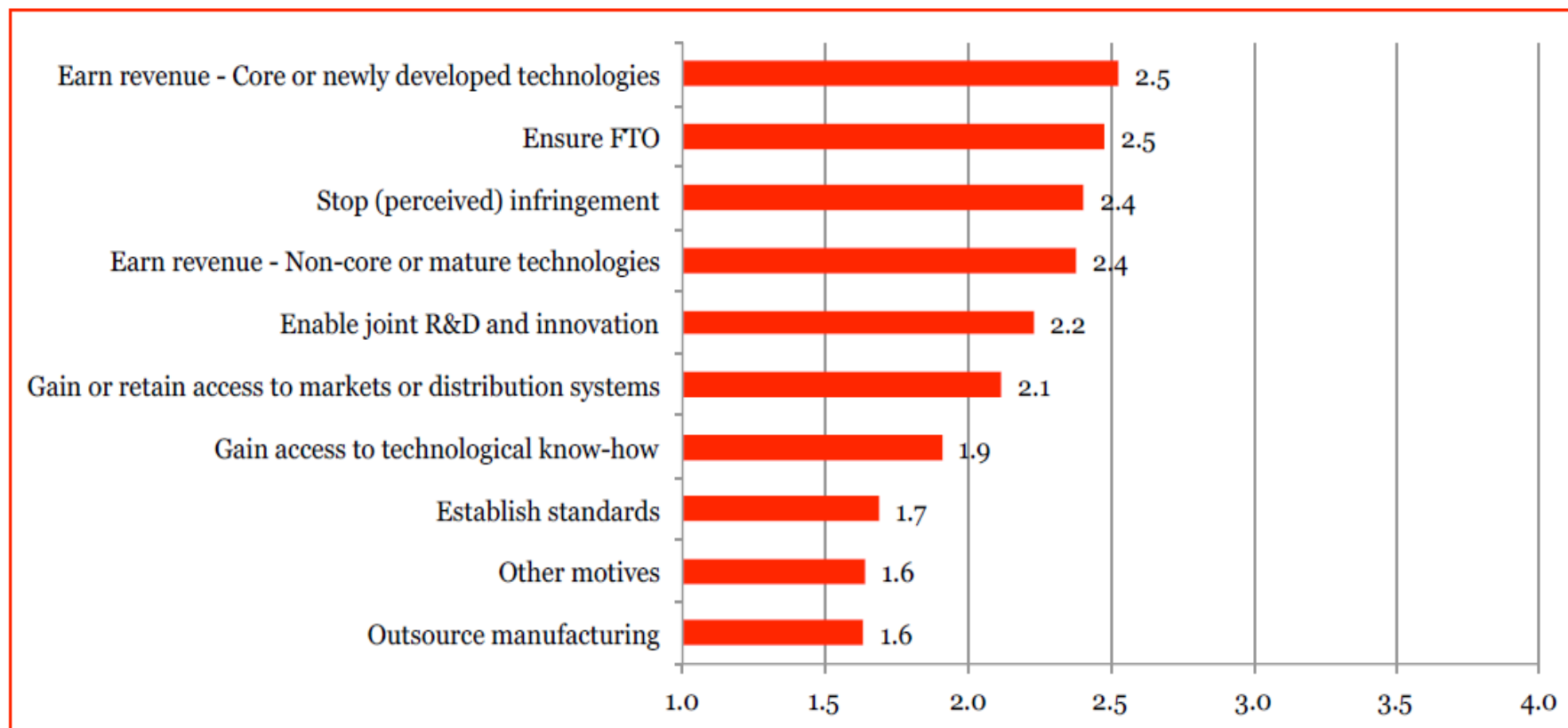
Some more reasons for licensing

- Access new markets
- Generate profit
- Share risk
- Accessing technology (faster, cheaper)
- Ensure Freedom-to-Operate
- Enter into an R&D collaboration
- Settle an infringement claim
- Cross licensing

Out-licensing
and
In-licensing



Motives for outlicensing patents

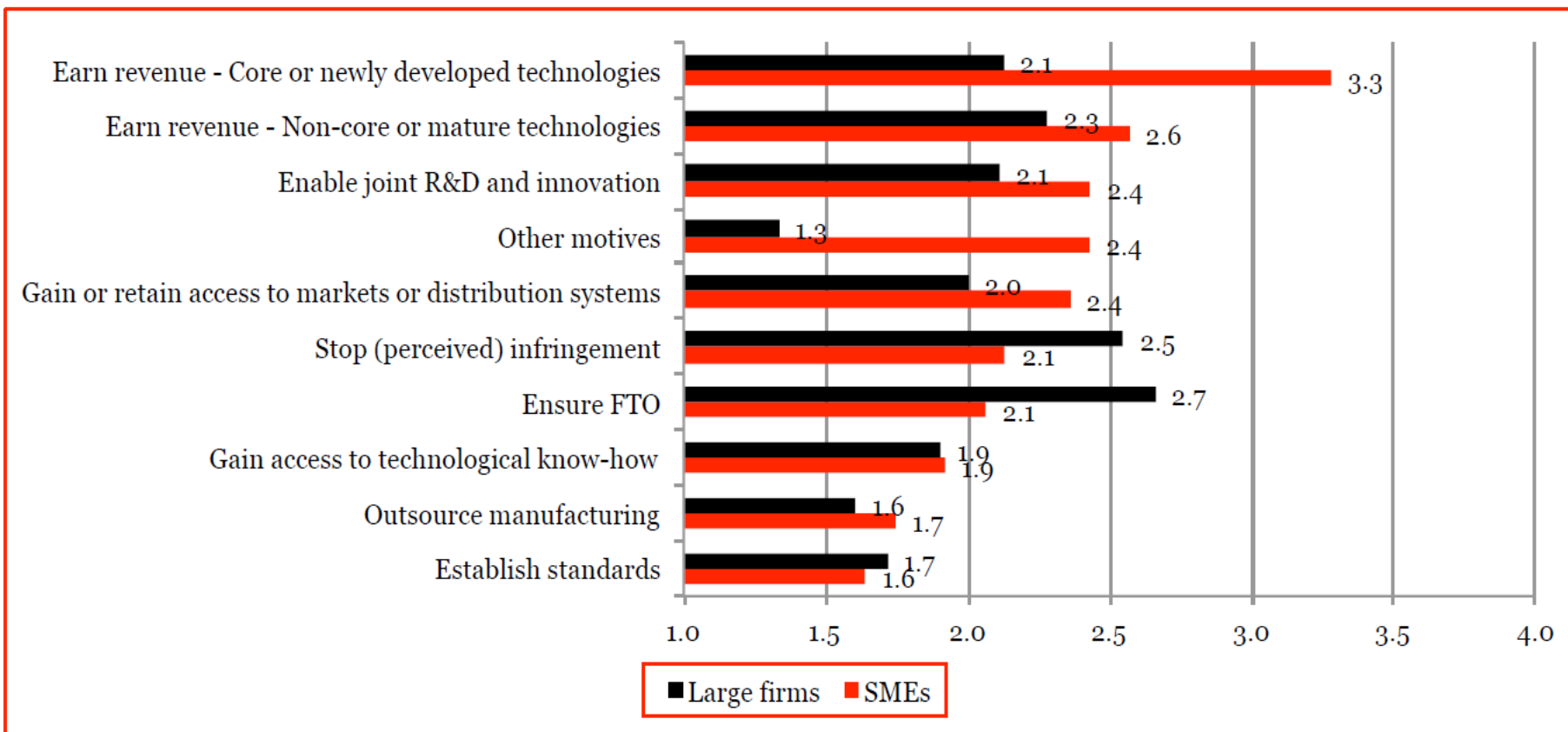


Arithmetic means on a scale from 1='unimportant motive' to 4= 'very important motive'

Source: PATLICE Survey (Survey on patent licensing activities by patenting firms), European Commission



Motives for outlicensing patents (size)

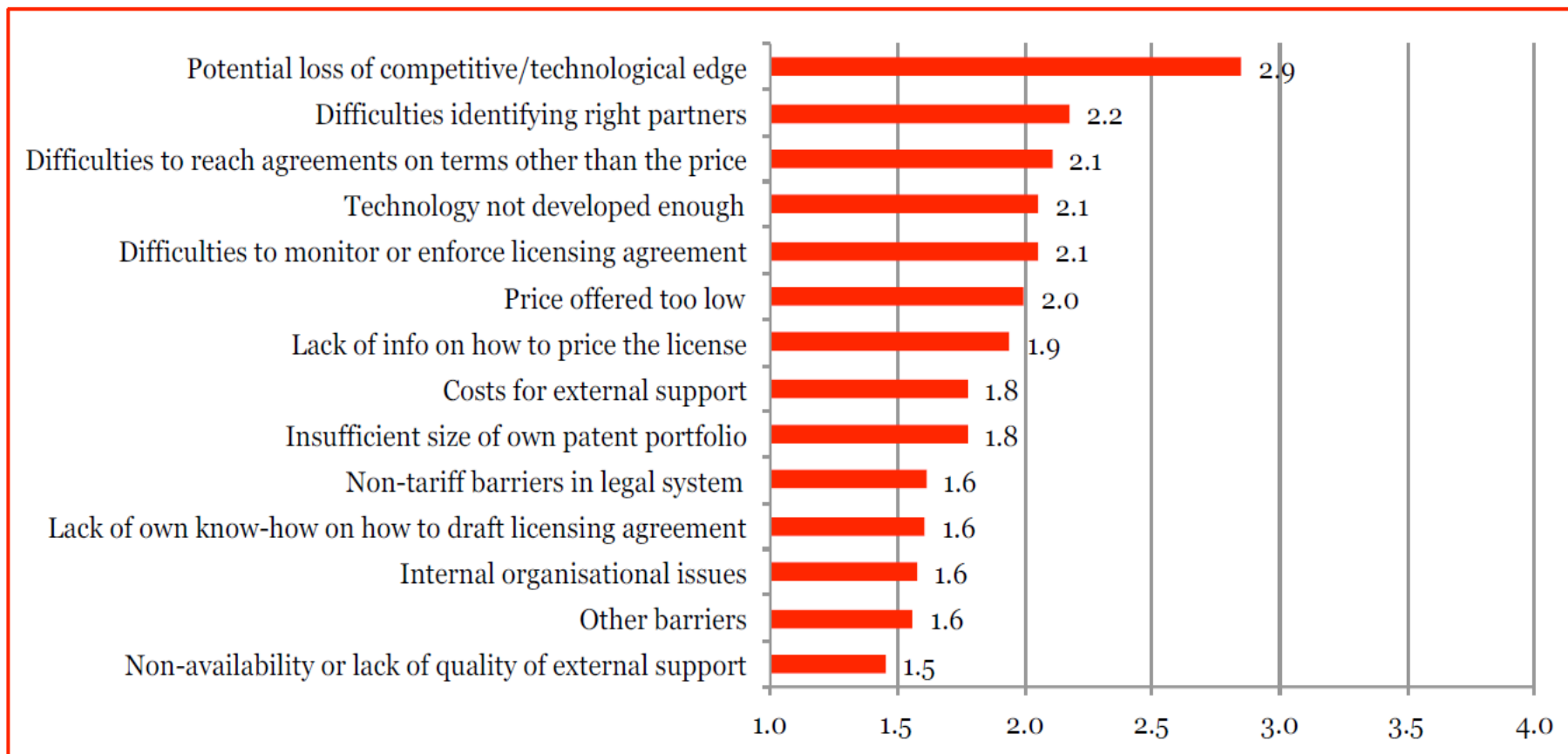


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Source: PATLICE Survey (Survey on patent licensing activities by patenting firms), European Commission



Barriers to outlicensing patents

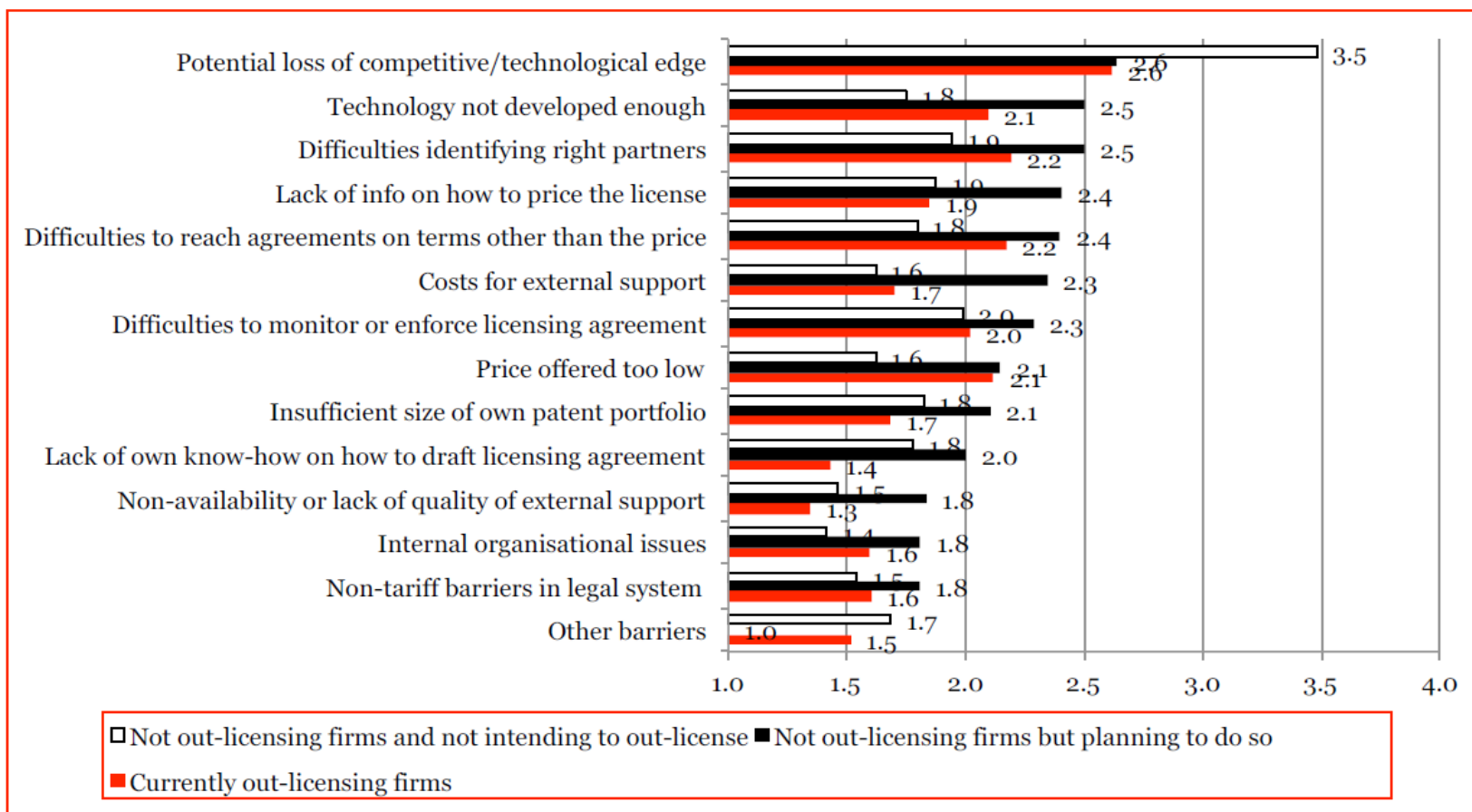


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Barriers to outlicensing patents

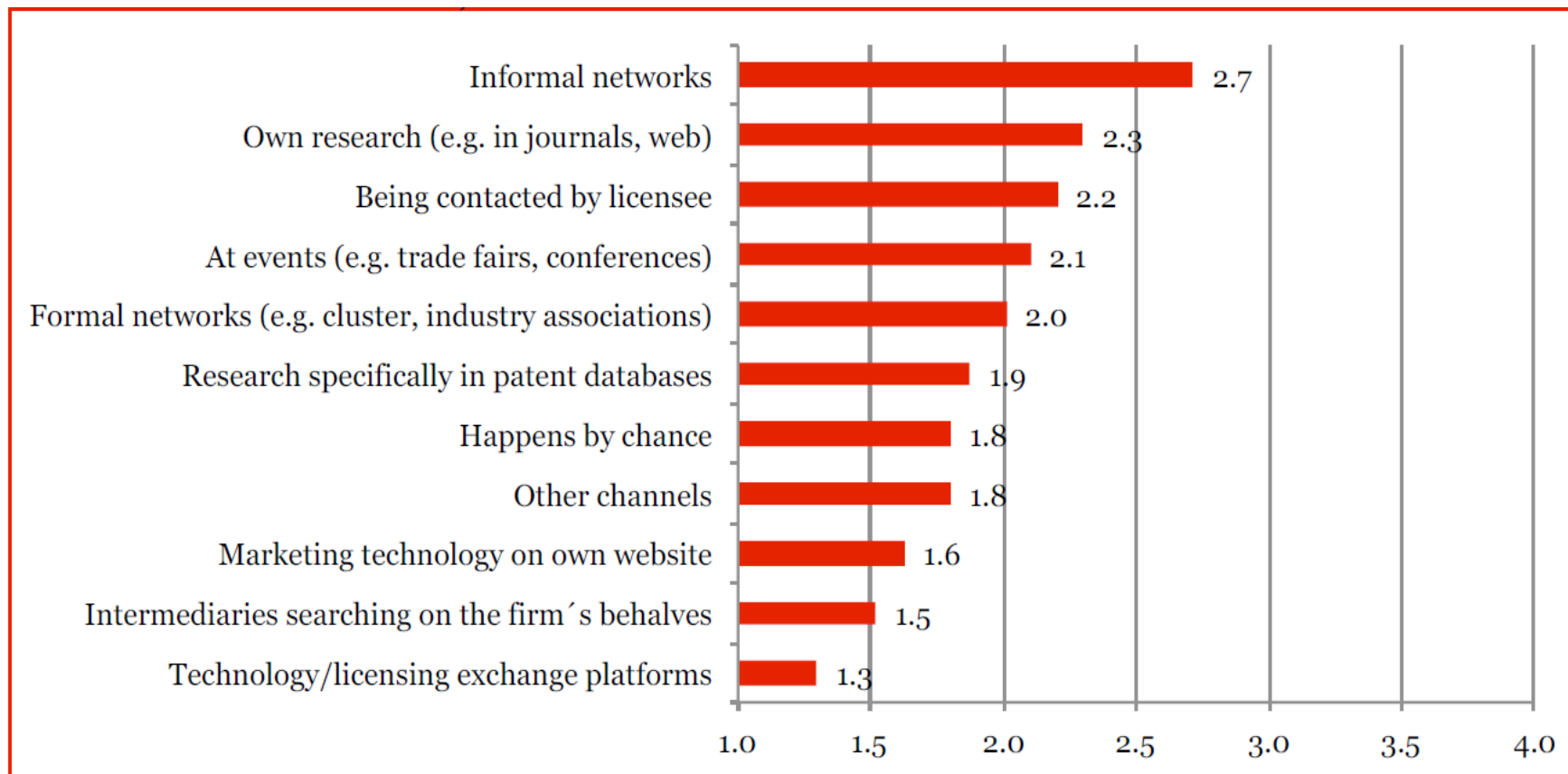


Arithmetic means on a scale from 1='unimportant motive' to 4= 'very important motive'

Source: PATLICE Survey (Survey on patent licensing activities by patenting firms), European Commission



Channels to find potential licensees

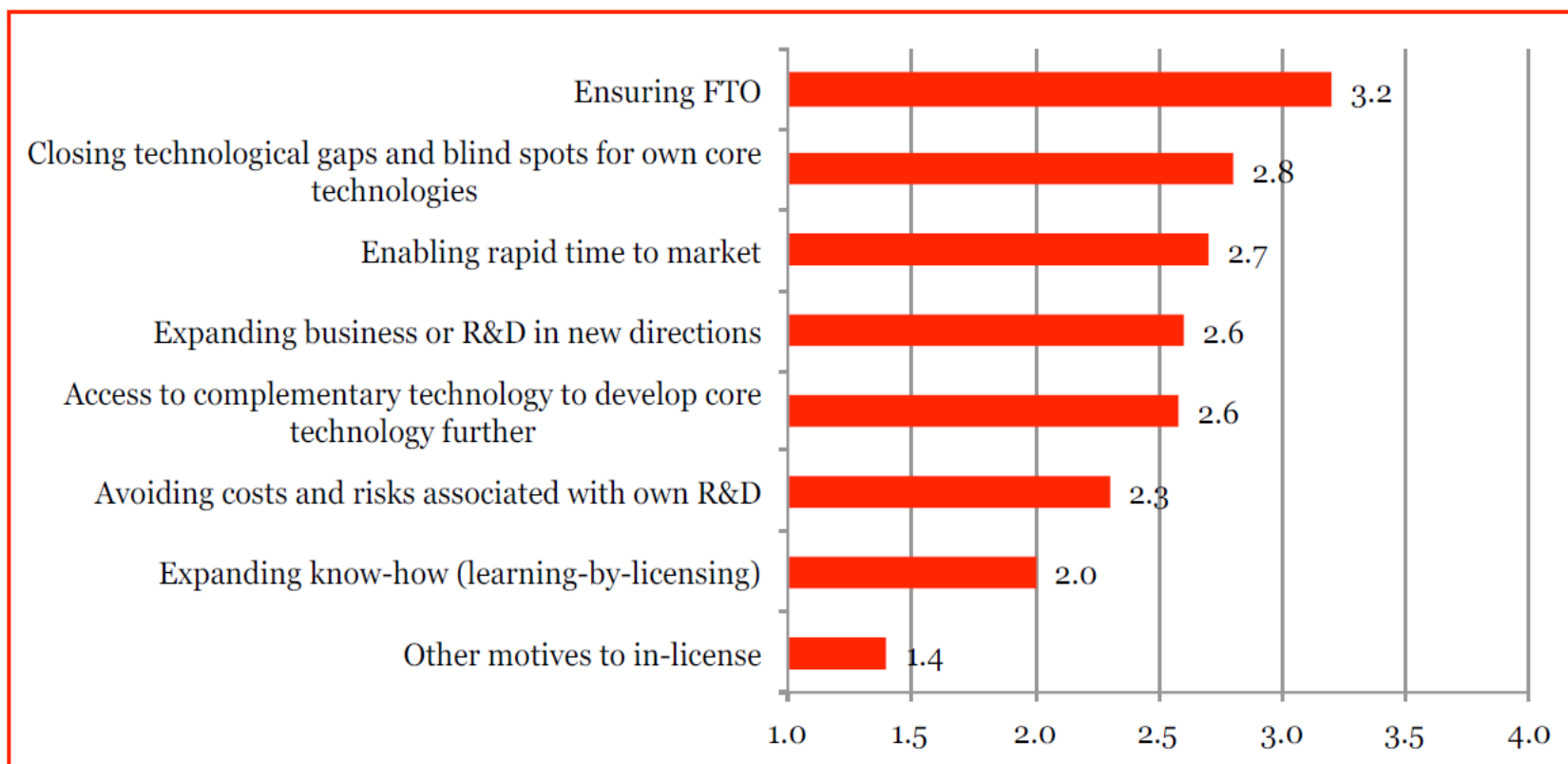


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Motives for inlicensing patents

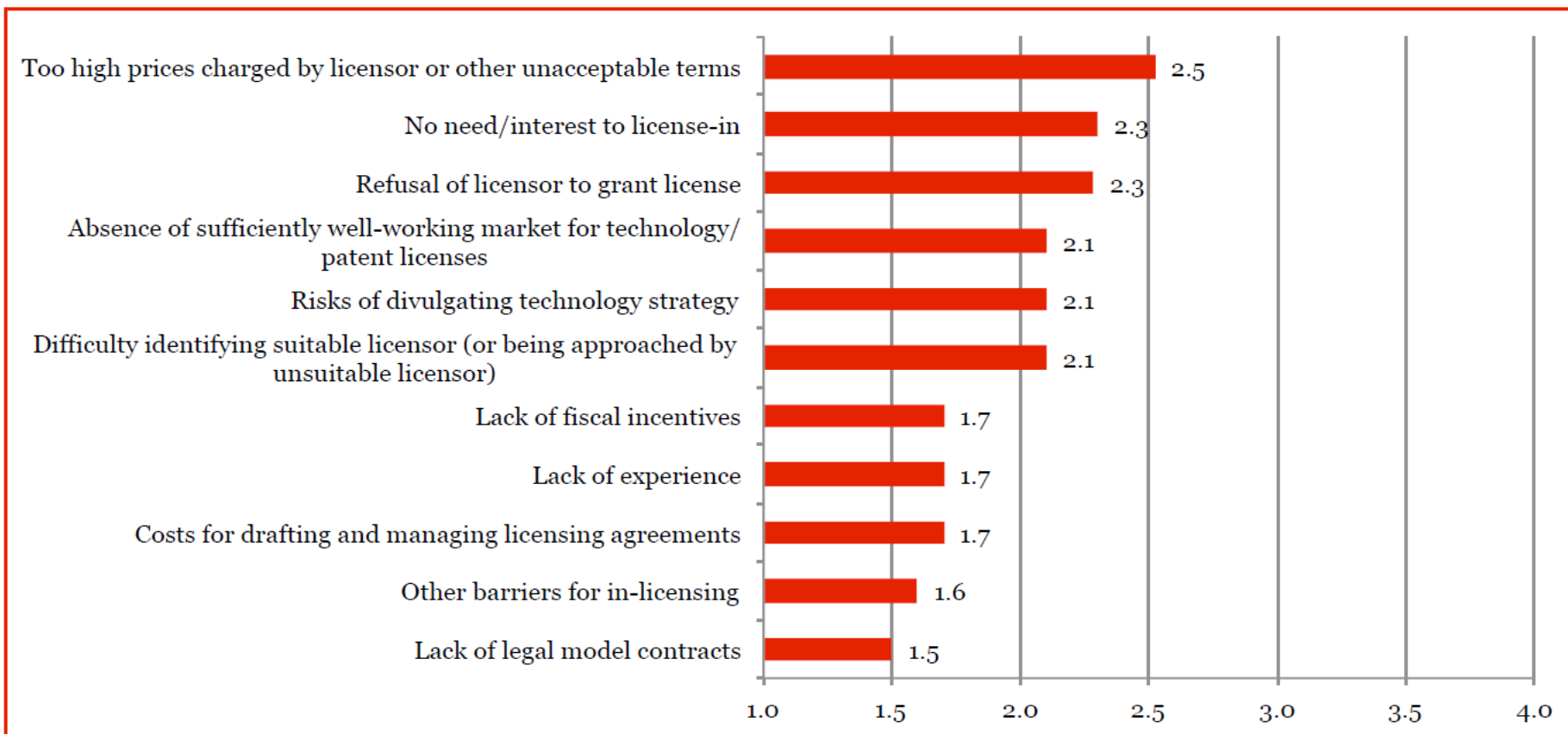


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Barriers to inlicensing patents



Arithmetic means on a scale from 1='unimportant motive' to 4= 'very important motive'

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Before the negotiation

- You learnt about a new technology and – according to the first preliminary information – it might be an interesting technology for you (licensing-in)
- *Question: What do you do before sitting down with the licensor to negotiate?*

?



Before the negotiation

- Information regarding the licensor (licensee)
- Information regarding the technology and its context
- Information regarding the legal status of rights
- Information regarding the business environment
- (NDA)



Due Diligence (example)

- A new industrial process for leather dyeing (water soluble dyestuff)
- Protected by patent
- Supported by secret know-how

What due diligence for the patent and know-how?



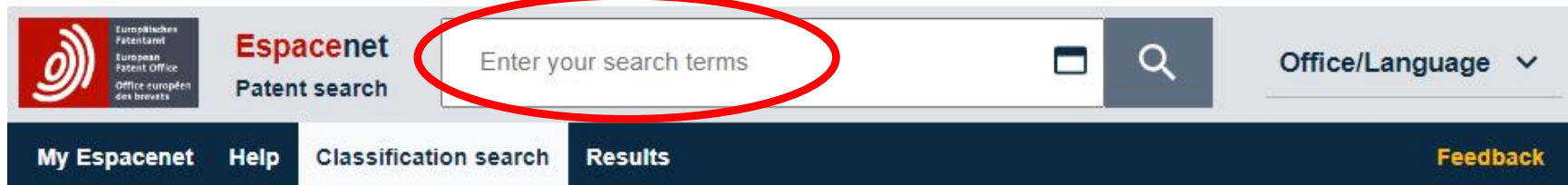
Due diligence in patents

- Ownership, legal status, geographical scope
- Patented technology and its context



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Espacenet: free access to over 140 million patent documents

**Also for identifying
potential partners**





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Inventor(s): ⓘ Smith

Quick access

Discussion forum

Classic Espacenet



The Espacenet (n docs)

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AND + Field X

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Due diligence in trade secrets

- Licensor trade secret policy
- Confidentiality agreements with employees
- Other licensees in possession of the secret



Licensing agreements

- No standard
- Main topics



Licensing agreements

- The parties (licensor and licensee)
- Purpose
- Definitions and subject matter
- Rights granted and restrictions
- Improvements
- Confidentiality
- Royalties, reports and audits
- Representations and warranties
- Infringement
- Term and termination

Training: „Licensing -
Advanced“



Case study: Orcan Energy

<https://www.epo.org/learning/materials/sme/sme-case-studies.html>

EPO SME CASE STUDIES | ORCAN ENERGY

Recycling waste heat to cool down the planet

A renewable energy company founded in 2008, Orcan Energy offers standard components for heat power generators that recycle waste heat by turning it into electricity, using the Organic Rankine Cycle (ORC), a process similar to that used in steam engines. Having started as a spin-off from the Technical University of Munich (TUM) in Germany, Orcan now has 65 employees. Patents are important, because the risk of Orcan's standard components being copied is high. Eight early patents were filed by the TUM and then subsequently acquired by Orcan. Ownership of these patents was vital in order to attract funding. Orcan co-operates with other companies, but simplifies patent management by avoiding joint ownership. It has a detailed patent protection strategy and understands when to file a patent application and where to file it.





Waste Heat

Sources:

- Industrial applications
- Stationary and marine power systems
- Combined heat and power (CHP) units
- Renewable power plants (biogas, solarthermal, geothermal)

Waste Heat: equivalent of 100 mio liters of diesel produced every hour across the globe!



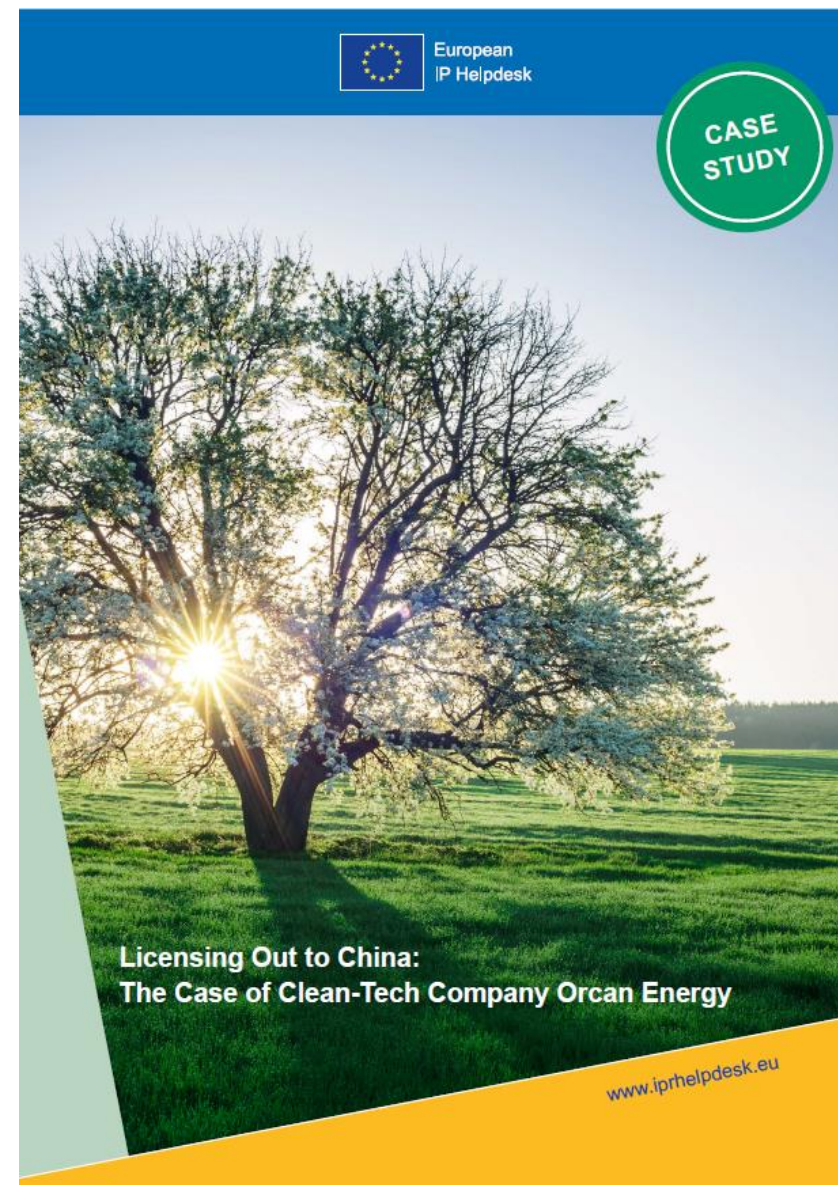
Update





Case study II: Orcan Energy

https://intellectual-property-helpdesk.ec.europa.eu/regional-helpdesks/european-ip-helpdesk/europe-case-studies_en





Licensing agreement negotiation

- A strategic choice
- A long standing relationship
- Legal, technical and financial aspects



Negotiating licensing agreements

- Search for a win-win agreement
- Seek “objective” criteria
- Be sufficiently prepared to negotiate
- Discuss the agreement as a whole
- Time is always important



Contact:

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- Twitter [@iprhelphdesk](https://twitter.com/iprhelphdesk)
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