



European IP Helpdesk

Stay ahead of the innovation game.

European IP Helpdesk
IP Commercialisation & Licensing - Advanced

13 October 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



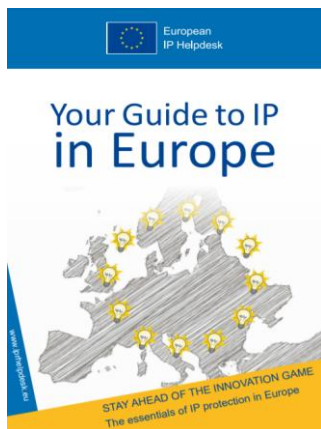


The EC IP Helpdesks





EC IP (SME) Helpdesk Hub – Gateway to Information



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



New Fact Sheet!

[Design Regulation in the EU](#)

New Case Study!

[LUBIS EDA: Debugging for Faster Time to Market](#)





Upcoming events



Europa - Upcoming events

<div>13 OCT 2025</div>	Training and workshops EU - Webinar: IP Commercialisation & Licensing - Advanced Live streaming available	<div>14 OCT 2025</div>	Training and workshops EU - Webinar: IP and Artificial Intelligence Live streaming available
<div>15 OCT 2025</div>	Training and workshops EU - Webinar: IP Management in ICT Projects Live streaming available	<div>16 OCT 2025</div>	Training and workshops EU - Webinar EPO Coop: Patent protection for EU funding beneficiaries - Digital communication Live streaming available
<div>16 OCT 2025</div>	Training and workshops EU-13 Roadshow: From Innovation to Impact – Knowledge Valorisation and Commercialisation Strategies Cluj-Napoca, Romania	<div>17 OCT 2025</div>	Training and workshops EU - Webinar: IP in Biotechnology Live streaming available
<div>21 OCT 2025</div>	Training and workshops EU - Webinar: IP and Artificial Intelligence - Advanced Live streaming available	<div>22 OCT 2025</div>	Training and workshops EU - Webinar: Patents and Innovation Live streaming available
<div>22 OCT 2025</div>	Training and workshops The Protection of Made in Italy in Foreign Markets - the International Network Supporting Industrial Property	<div>27 OCT 2025</div>	Training and workshops EU - Webinar & Horizon Results Platform: Technology Transfer Live streaming available
<div>29 OCT 2025</div>	Training and workshops EPO/EIC training: Licensing-based business models Online only	<div>30 OCT 2025</div>	Training and workshops EU - Webinar: IPR and Software Live streaming available



Thank you!

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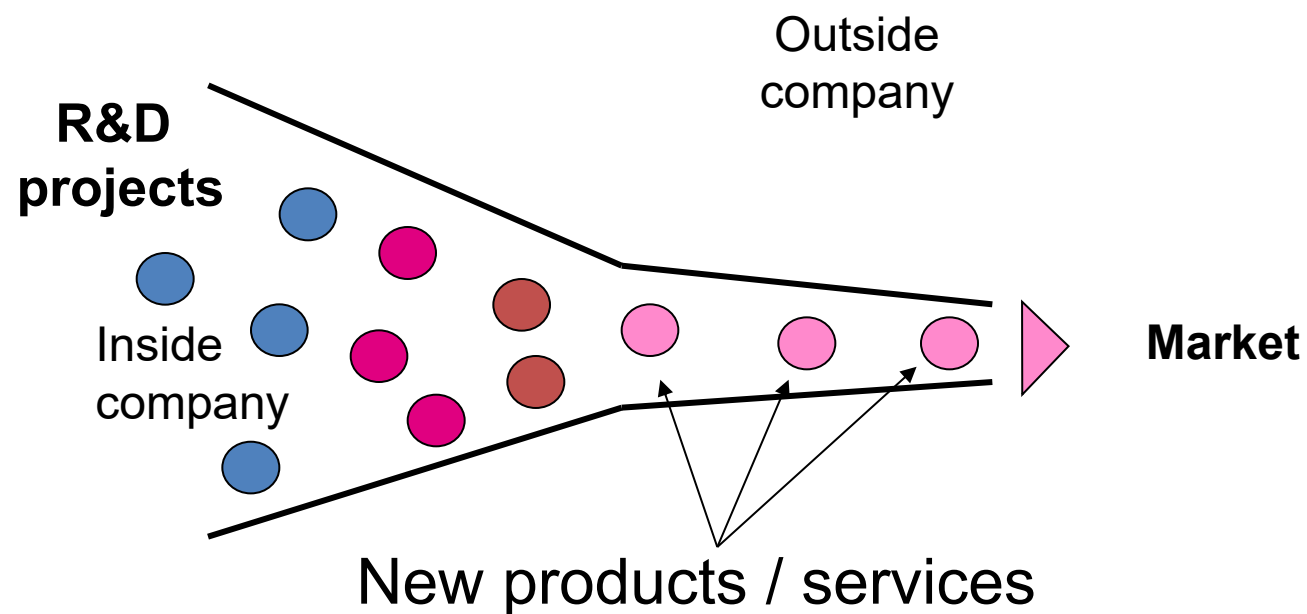
Overview

- Basics of licensing (recap)
- Key terms
- Negotiation





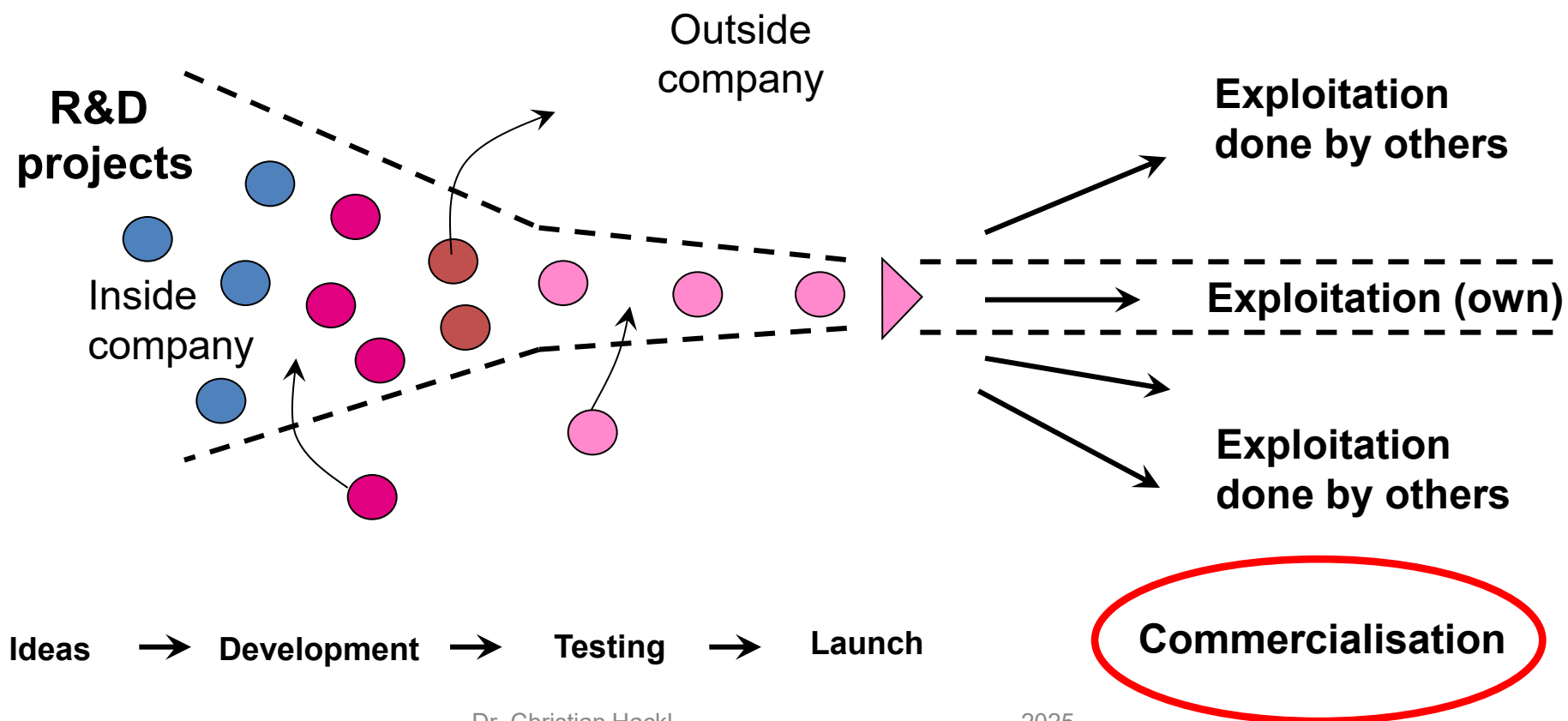
Closed Innovation



Ideas → Development → Testing → Launch

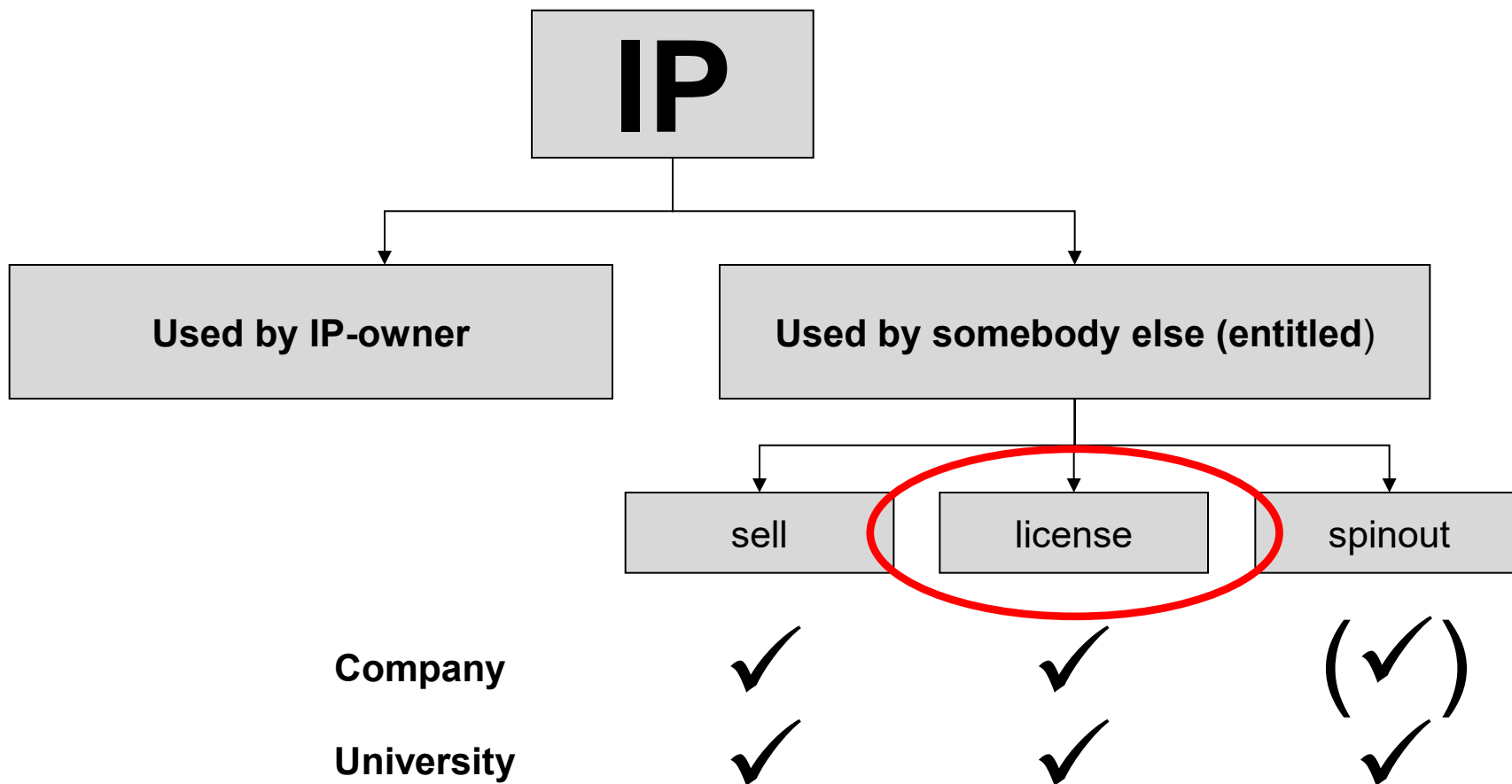


Open Innovation





IP Commercialisation

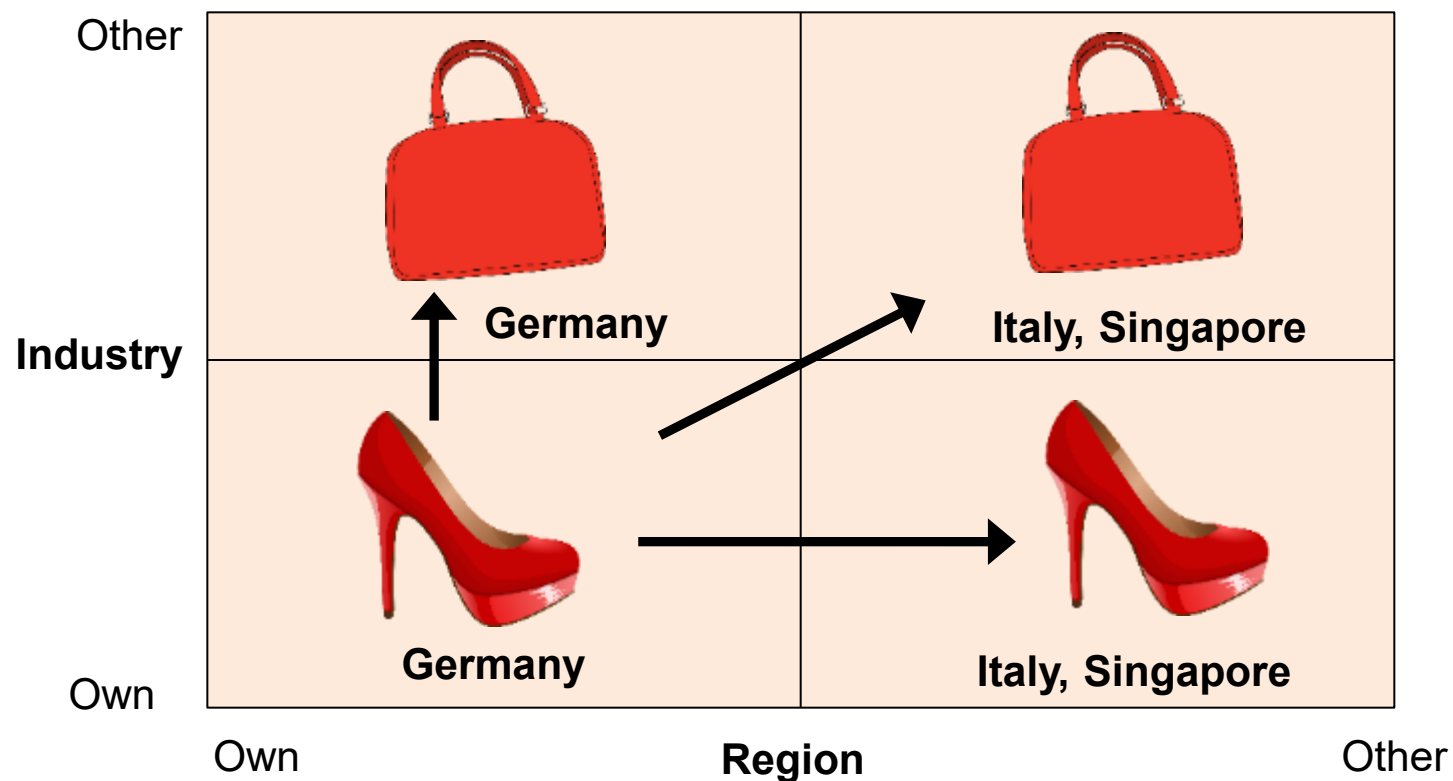




When does external commercialisation make sense?

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

Some reasons for external commercialisation – new markets





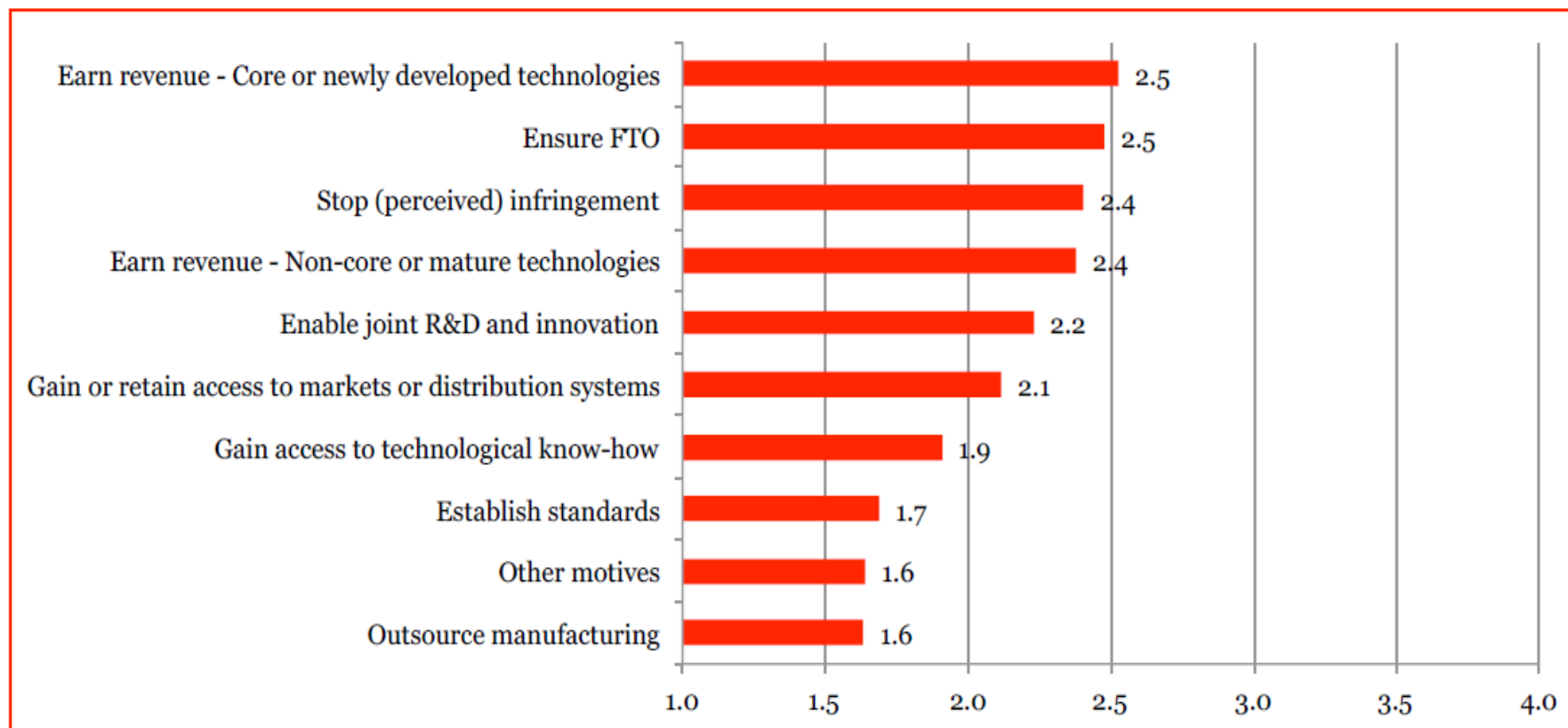
Some more reasons for licensing

- 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

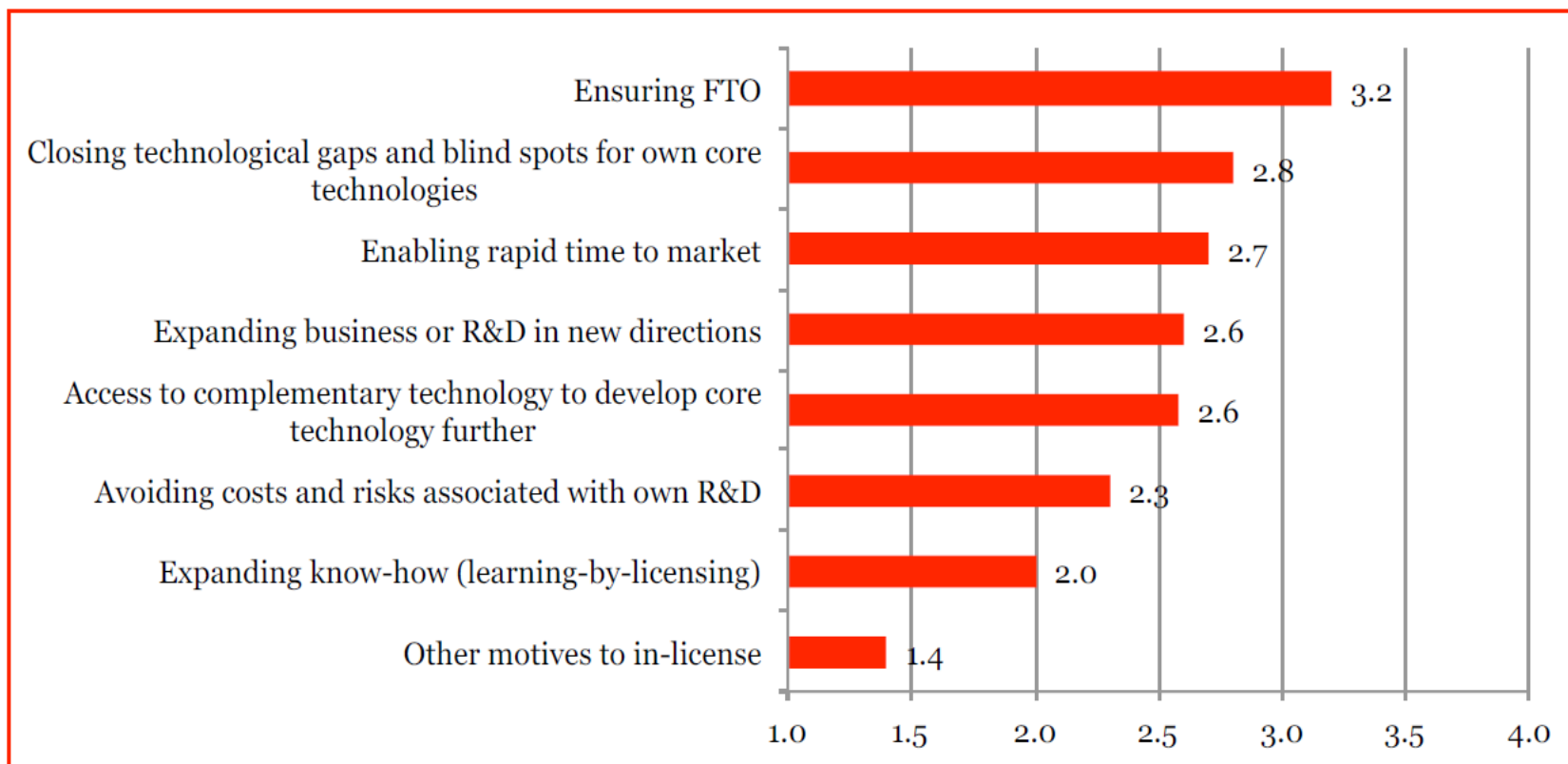


Arithmetic means on a scale from 1='unimportant motive' to 4= 'very important motive'

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



Motives for inlicensing 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



An IP license

- Indirect exploitation of intellectual property (commercialisation)
- 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



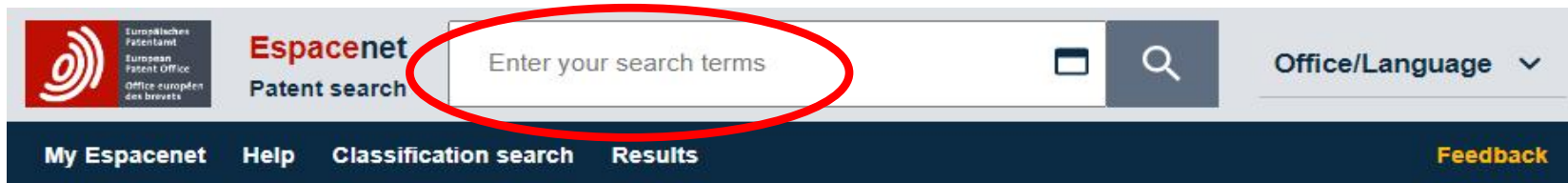
Before the negotiation: Due Diligence

- Information regarding the licensor (licensee)
- Information regarding the technology and its context (eg. business environment)
- Information regarding the legal status of rights (eg. ownership, validity, territorial coverage)
- (NDA)



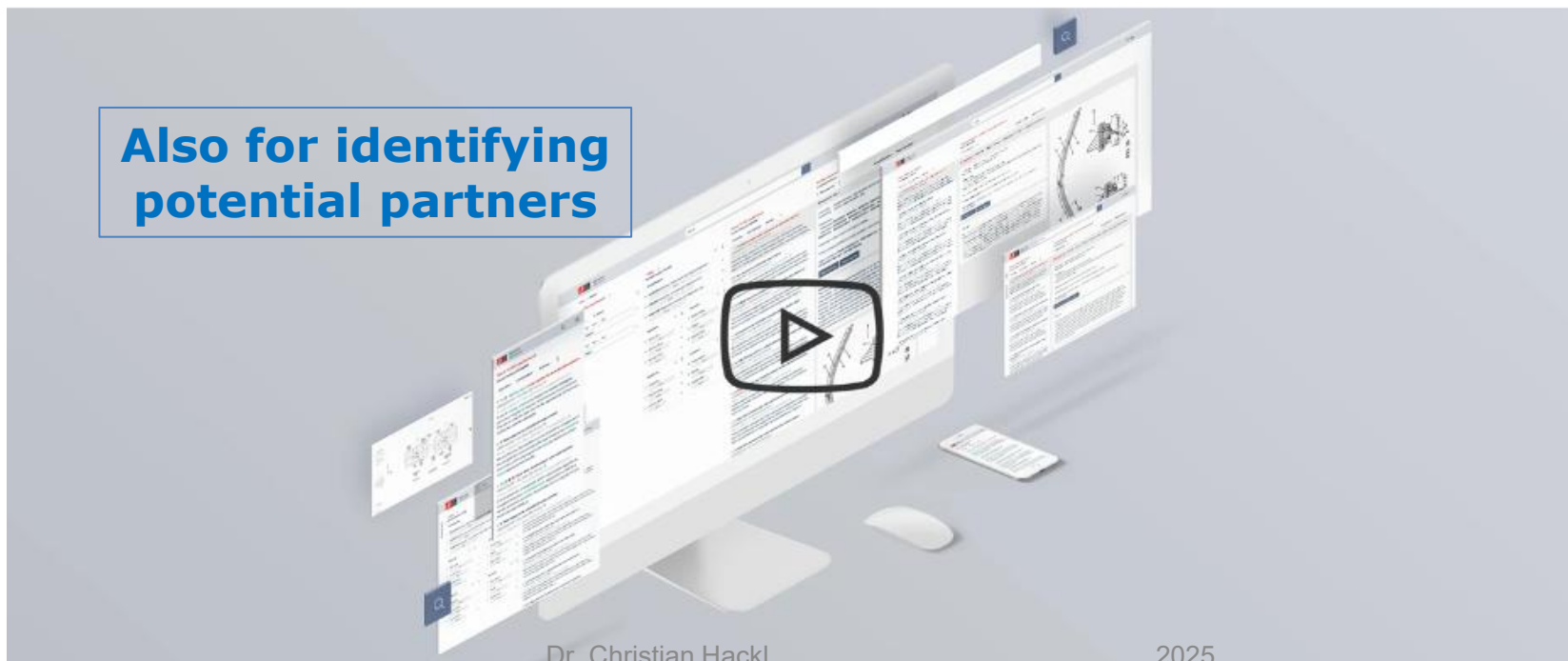
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<https://worldwide.espacenet.com>




Espacenet: free access to over 140 million patent documents

**Also for identifying
potential partners**





The Espacenet database (over 140 million docs)



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Advanced search

Select the collection you want to search in ⓘ
Worldwide - collection of published applications from 90+ countries ▼

Enter your search terms - CTRL-ENTER expands the field you are in

Enter keywords in English

Title: ⓘ plastic and bicycle

Title or abstract: ⓘ hair

Enter numbers with or without country code

Publication number: ⓘ WO2008014520

Application number: ⓘ DE19971031696

Priority number: ⓘ WO1995US15925

Enter one or more dates or date ranges

Publication date: ⓘ yyyymmdd

Enter name of one or more persons/organisations

Applicant(s): ⓘ Institut Pasteur

Inventor(s): ⓘ Dr Christian Hackl


Quick access

Discussion forum

Classic Espacenet



The Espacenet

**Espacenet**
Patent search

Enter your search

My Espacenet **Help** **Classification search** **Results** ☒ **Advanced search**

Home > Results

Query language: en de fr ▾

AND ▾ + Field

AND ▾ + Field ✕

Title ▾ All ▾ → Group

✕

Title or abstract ▾ All ▾ → Group

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OR ▾ + Field ✕

Publication number ▾ Any ▾ → Group

✕

Application number ▾ Any ▾ → Group

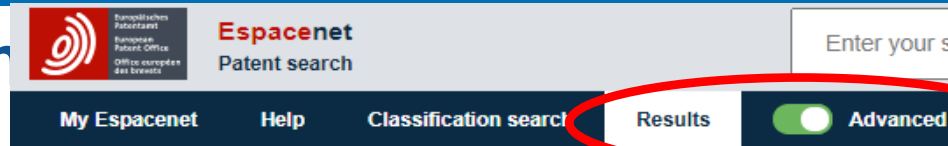
✕

Priority number ▾ Any ▾ → Group

✕



The Espacenet



The Espacenet Patent search interface. The top navigation bar includes 'My Espacenet', 'Help', 'Classification search', 'Results', and 'Advanced'. The 'Results' and 'Advanced' buttons are circled in red. Below the navigation bar, there is a search bar with the placeholder text 'Enter your s'.

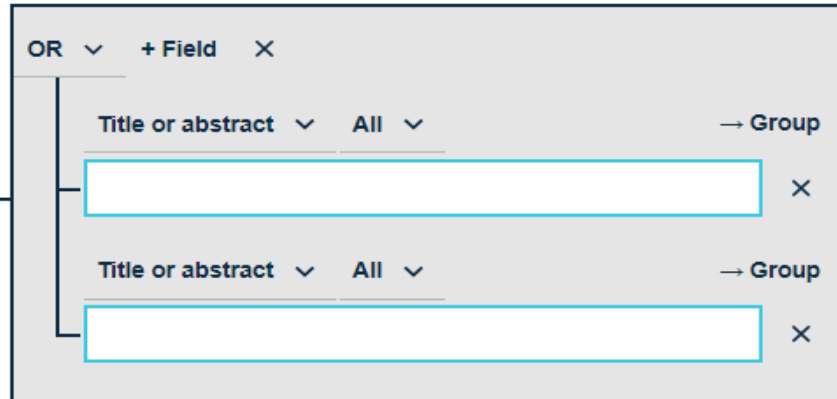
on docs)

Also for identifying
potential partners

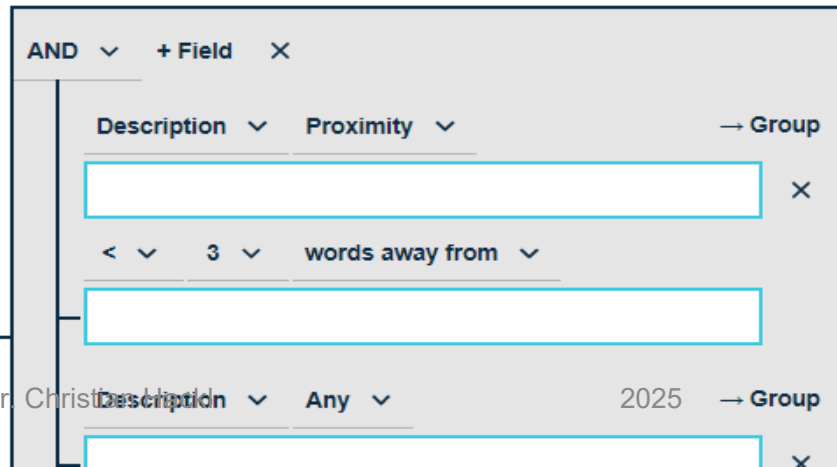
Home > Search

Query language: en de fr ▾

OR ▾ + Field



Search criteria panel 1. It contains two identical search groups. Each group has a dropdown menu set to 'Title or abstract', a dropdown menu set to 'All', and a text input field. To the right of each group is a '→ Group' button and a close button 'X'.



Search criteria panel 2. It contains two search groups. The first group has a dropdown menu set to 'Description', a dropdown menu set to 'Proximity', and a text input field. Below the first group is a second group with a dropdown menu set to 'Description', a dropdown menu set to 'Any', and a text input field. To the right of each group is a '→ Group' button and a close button 'X'.



Due diligence in trade secrets

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



Licensing agreements

- No standard
- Large flexibility
- Adjust to business needs
- In the following: overview of main topics

(no substitute for professional advice)



License agreement – 4 Chapters

1. Definitions/Subject
2. Grant
3. Financials
4. Further topics



1. Definitions / subject

- Purpose
 - “Introduction”, background, goals
 - Helpful for persons not involved in the making
- The parties (licensor and licensee)
 - Details (name, address, legal form)
- Definition of terms
 - Terms used throughout the agreement (eg. “sales”)
- Technology/IP
 - List of technology / patent(s) (IPRs)
- Ownership
 - Does the licensor own the IP?



2. Grant

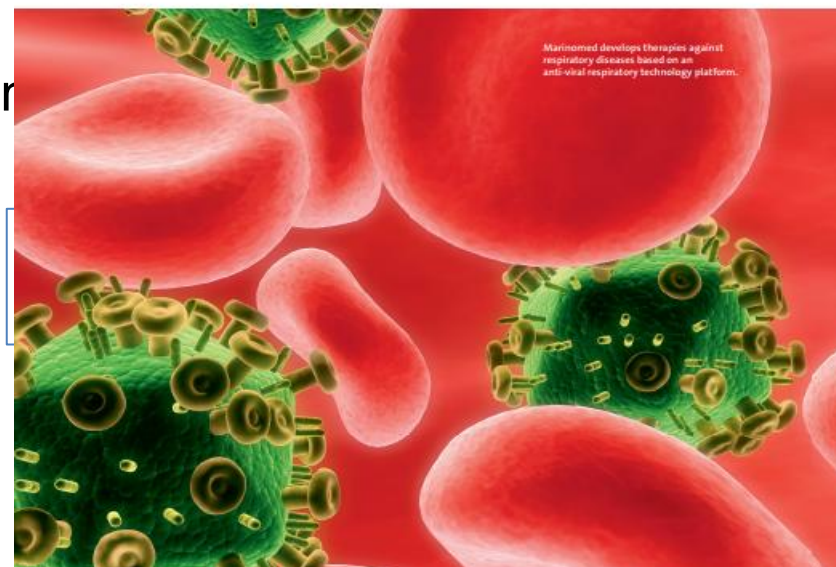
- Scope
 - Fields of use (eg. research and/or modify ... or application/industry)
 - Right to sublicense
- Territory
 - Specific countries (depending on)
- Exclusivity
 - Exclusive license
 - Sole license
 - Non-exclusive license



EPO SME CASE STUDIES | MARINOMED

Using red algae to fight the flu

Founded in 2006, Marinomed is an Austrian biopharmaceutical spin-off from the Veterinary University of Vienna. The company's main technology platform is based on the natural polymer Carragelose, which is isolated from red algae and is active against respiratory viruses. As a drug discovery company, Marinomed is heavily dependent on patent protection. It has three main patents, which have been validated in almost 100 countries, and a trade mark registered in around 50 countries. The company actively manages its patent portfolio and grants licences for its technology. Marinomed has experienced infringement of its patents, but was able to resolve the cases without going to court.





3. Financials

- Upfront payment
 - One-time payment (early on)
- Ongoing payments
 - Royalties (eg. x% of y)
- Milestone payments
 - For special achievements, reflecting increased value (eg. pharma, patent granted)
- Minimum / adjustments
 - Minimum amount of license fee
 - Adjustment of royalties over time (up or down)
 - Patent expenses (historic and ongoing)

Sharing risk and
benefits



4. Further topics I

- Improvements
 - Rights to future improvements included?
 - Additional payments?
 - Timing of access?
- Know-how and training
 - Definition and extent
 - Included in license (additional payments)?
- Confidentiality
- Reporting and audits
 - What kind of reporting when?
 - Rights for audits?



4. Further topics II

- Warranties and liabilities
 - Define what risks both parties are willing to take
 - Eg. licensor guarantees that he is owner of IP, no previous license (tested technology?)
 - Licensor wants to be indemnified by licensee (eg. loss, damage, hurt)
- IP protection and infringement
 - Definition of responsibility – transfer of control
 - Eg. depending on exclusive versus nonexclusive license
 - Cost (outcome)



4. Further topics III

- Term and termination
 - For life span of patent or certain time (renewal option)
 - In combination with other parameter (eg. exclusivity)
 - Reasons for termination by licensee or licensor (typically more restricted, eg. licensee fails to pay license fees, going bankrupt, not reaching milestones)
 - Any obligations surviving the end of the agreement (eg. confidentiality)



License agreement – Overview I

1. Definitions/Subject

- Purpose
- The parties (licensor and licensee)
- Technology/IP
- Ownership
- Definition of terms

2. Grant

- Scope
- Territory
- Exclusivity



License agreement – Overview II

3. Financials

- Upfront payment
- Ongoing payments
- Milestone payments
- Minimum / adjustments

4. Further topics

- Improvements
- Know-how and training
- Confidentiality
- Reporting
- Warranties and liabilities
- IP protection and infringement
- Term and termination



Licensing agreement

- A strategic choice
- A long standing relationship
- Combination and interdependency of different aspects
 - Legal
 - Technical
 - Financial



Negotiating licensing agreements

- Confidentiality agreement
- Be sufficiently prepared to negotiate, eg.
 - Business needs
 - Negotiation strategy (goal, compromise and must-have)
 - Think about other party
- Explain your position, seek “objective” criteria
- Search for a win-win agreement
- Discuss the agreement as a whole
- Time is always important



Helpful tool: Term Sheet

- Summary of key terms agreed on (so far)
- Helps to keep an overview
- Helps to focus on main issues (and not missing any)
- Use plain language
- Not a Lol (Letter of Intent) or MoU (Memorandum of Understanding)
- Optional: internal version for
 - planning (goals and fall-back options)
 - communicating within your team (or with legal counsel)



Case study: Marinomed

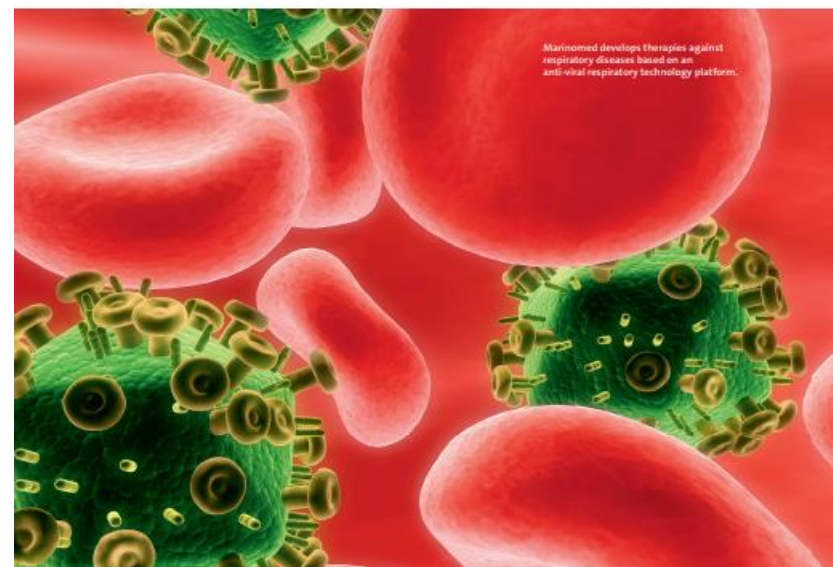
<https://www.epo.org/learning/materials/sme/sme-case-studies.html>



EPD SME CASE STUDIES | MARINOMED

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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.



Orcan Energy's compact ORC module offers up to 25 kW of electrical power. Stacks of two or more modules can be used where needed, depending on the customer's waste energy output.



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!

42



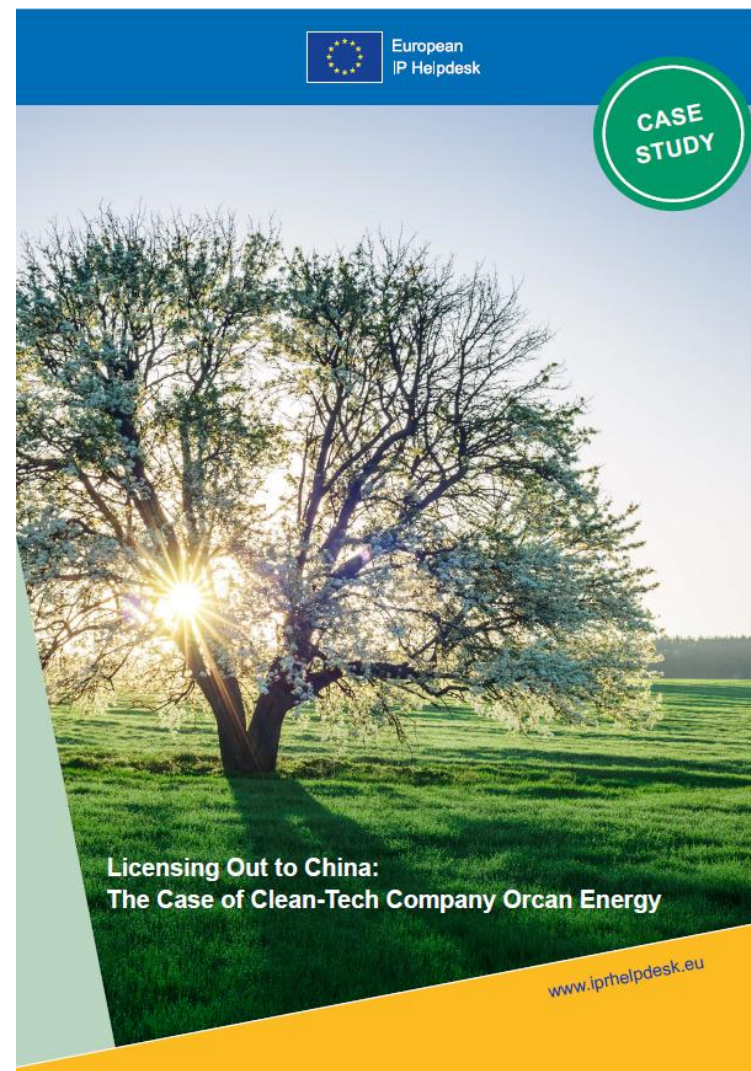
Update





Case study II: Orcan Energy

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





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