

TUM. The Entrepreneurial University.

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A short introduction to Intellectual Property Rights for start-ups

Ψηφιακός μετασχηματισμός, ηλεκτρονική
διακυβέρνηση και καινοτόμος
επιχειρηματικότητα στην
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Intellectual Property Rights (IPR)

- Patents
- Utility Models
- Designs
- Trademarks

- Database Rights
- Copyright

- Know-How
- Trade Secrets
- Confidential Info
- First Mover Advantage

Intellectual Property Rights (IPR)

➤ Patents/ Utility Models

- protects **technological innovations**
- registered right, protection for up to twenty years
- in general, patent application needs to be filed in every country where protection is desired
- some regional agreements, such as EPC
- patent is granted only after search for prior art and thorough examination
- exclusion right: patent allows you to exclude others from using your invention
- scope defined by patent claims

Intellectual Property Rights (IPR)

➤ Designs

- protects **outward appearance** of a product
- registered right, protection for up to 25 years
- in general, design application needs to be filed in every country where protection is desired
- some regional, such as EU
- in many countries, designs are registered without examination
- exclusion right: design right allows you to exclude others from using your design

Intellectual Property Rights (IPR)

➤ Trademarks

- recognizable sign which **identifies products or services** from a common source
- can be a name, expression, graphics, sound, smell, etc.
- registered right, can be renewed indefinitely
- in general, trade mark needs to be filed in every country where protection is desired
- some regional agreements, such as EU
- exclusion right: trademark allows you to exclude others from using the same sign

Intellectual Property Rights (IPR)

➤ Copyright

- protects **creative works**
- also applies to software
- comes into existence automatically when the work is created, no need for registration
- generally protection for up to 70 years after death of the creator
- provides protection against copying
- but: limited scope, only one-to-one copies

Why do you need IPR

IPR as tools for

- **protection:** ownership of ideas/products/processes against others
- **licensing-out, cross-licensing:** generating revenues, market penetration , access to other technologies
- **M&A, patent portfolio transfer:** negotiating chips & deal makers, assets on the company accounts, means to impress investors & share-holders
- **future developments:** pointing the way for others in business
- **reputation/proof of competence:** improving sales numbers, promoting company image

Critical IP questions for the start-up

- ownership status
- options for protection
- strength of protection
- inventor's commitment (current and future)

Critical IP questions for the start-up (cont.)

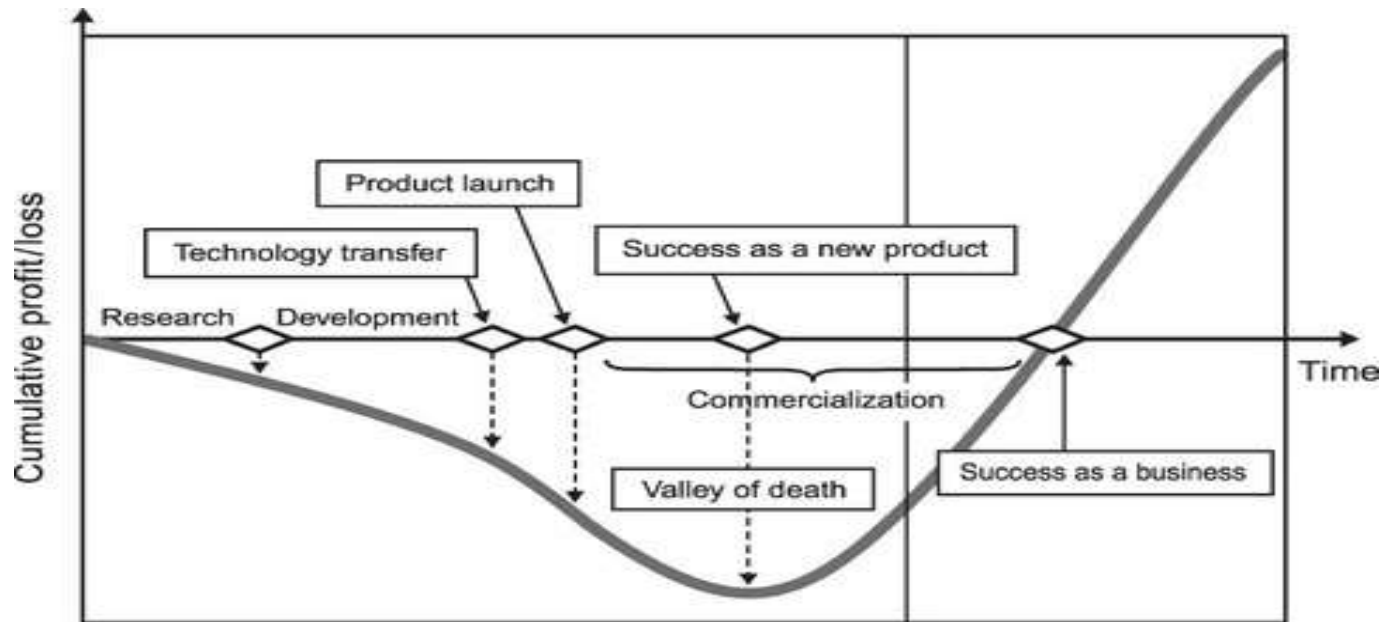
- technology and its uniqueness
- maturity of development
- position in technology life-cycle
- financial strength

- presence/absence of competition
- size and features of the potential market
- commercialization feasibility and potential returns

Critical IP points for the investor

- Freedom to operate
- Prior art
- IPR that needs to be in-licensed (costs)
- Granted patents
- Properties of the product(s) that are covered by valid claims
- Likelihood that filed patents will be granted
- Lifetime of patents (copycats?)
- Strengthening of the IP portfolio

Patent strategy: the right point in time



From: Osawa & Miyasaki, 2006, *An empirical analysis of the valley of death*



Thank you for your attention!

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