



European  
IP Helpdesk

www.iprhelpdesk.eu

## European IP Helpdesk


Stay ahead of the innovation game.

**IP management, protection and exploitation in the ICT sector**

Dr Eugene Sweeney, CEO, Iambic Innovation Ltd  
Senior Advisor IP & Innovation, European IP Helpdesk  
[es@iambicinnovation.com](mailto:es@iambicinnovation.com)  
2 March 2021




1



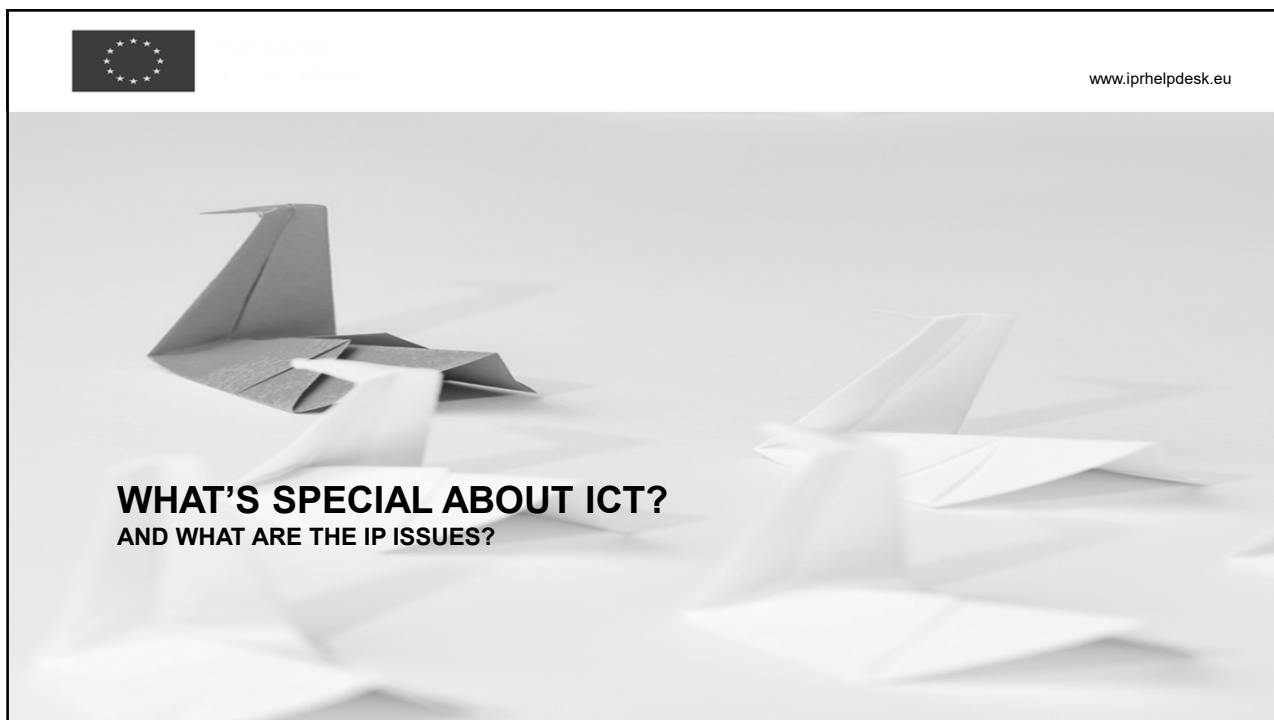
www.iprhelpdesk.eu

## Roadmap

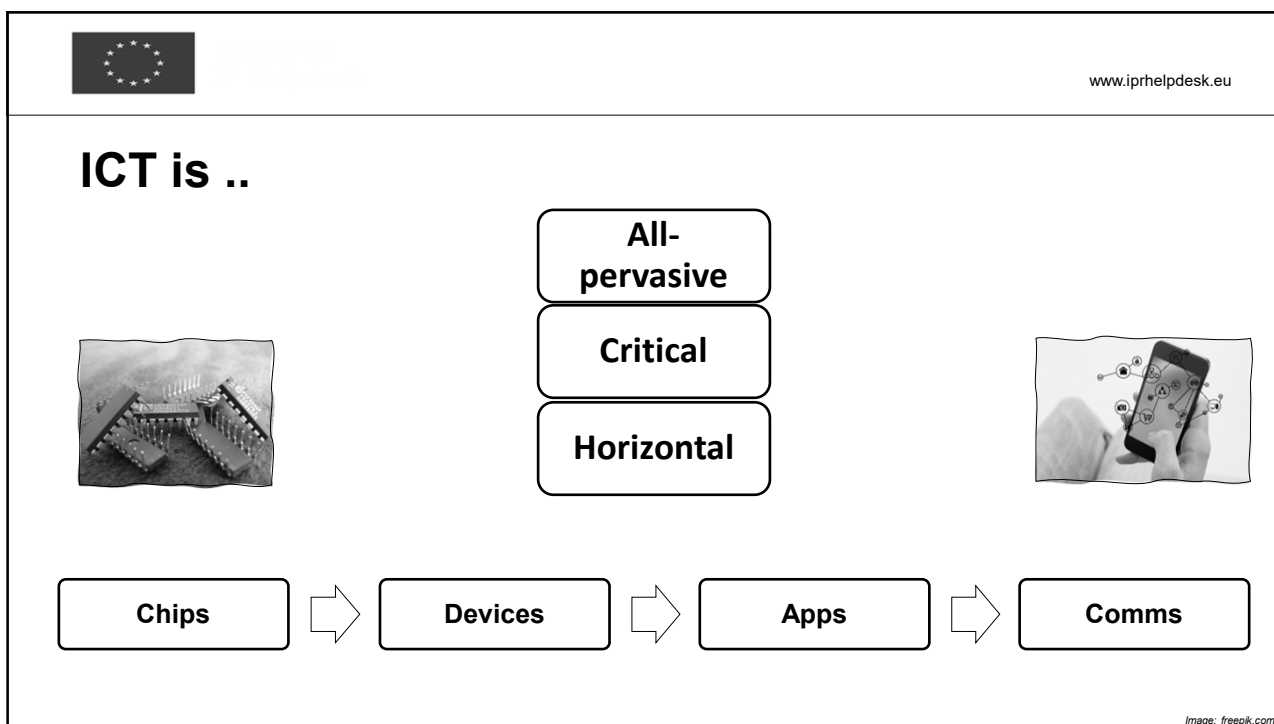
- **What is special about ICT?**
- **Why bother about IPR?**
- **Strategies for managing, protecting and exploiting IP in the ICT sector**




2



3



4

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

## ICT is...

Dependent

Cumulative


Convergent

Global

Transborder

**..but IP Challenges**

5

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

## ICT has many faces..

Different forms

Can be delivered in many ways

More than technology

**Which means many possible IP Rights**

6



## ICT is dynamic and disruptive

It moves and changes **fast**

**Can have short** life-cycles

**New paradigms** and applications

Highly **scalable** with high **potential**

Sometimes needs **less capital**


**Attractive for investors**

7



**PROTECTING ICT IP**

8

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

## Many types of Intellectual Property (IP)

Products of the mind

Assets which can be traded

Inventions

Software code

New methods

Manuals/Reports

Designs (aesthetic/functional)

Databases

Works of art

Music

Videos


Books

Roadmaps

etc

Image: freepik.com

9

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

## Many types of Intellectual Property Right (IPR)

Patents

Copyright

Design Rights

Database Rights

Trade marks

Plant Breeders Rights

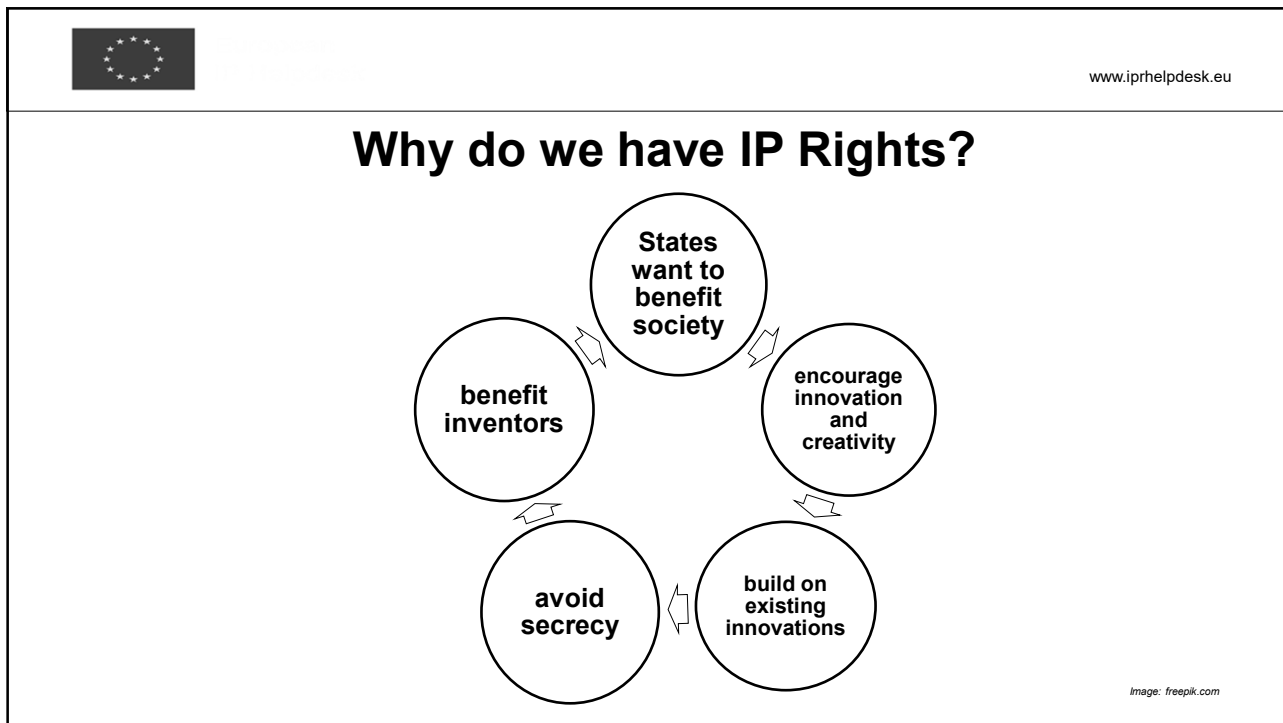
Utility Models/petty patents

Plant varieties

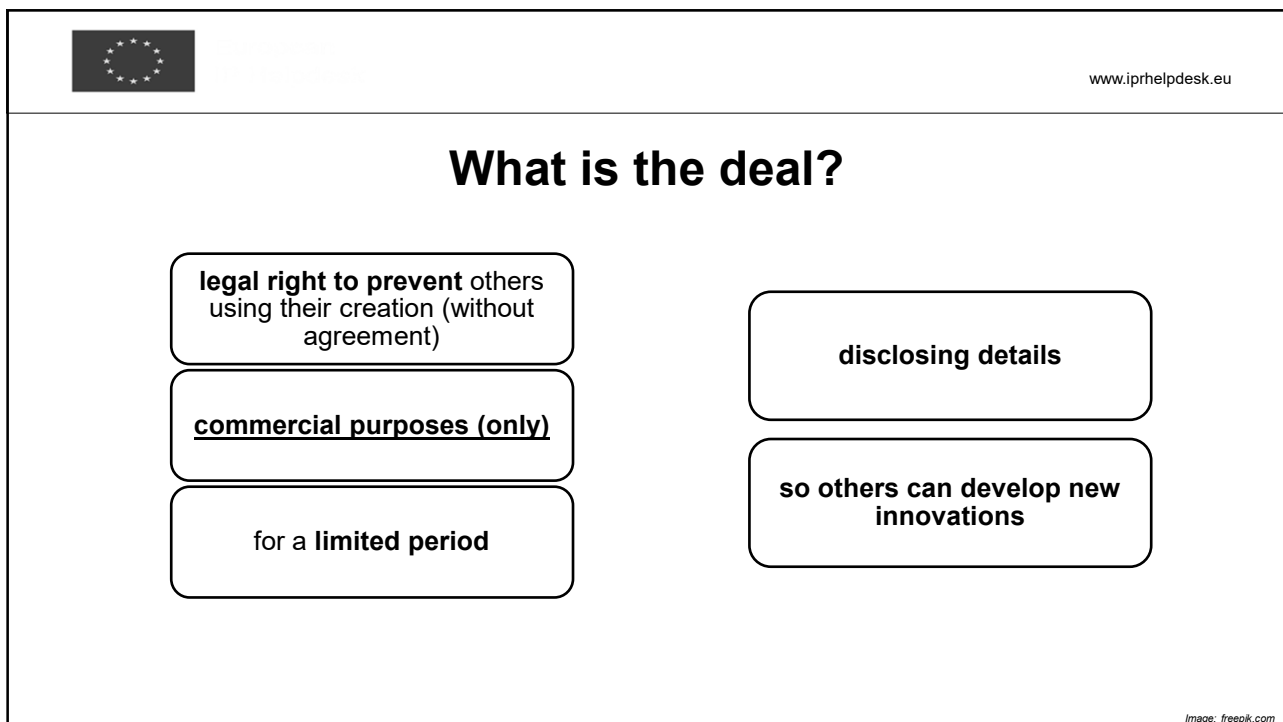
etc

Image: freepik.com

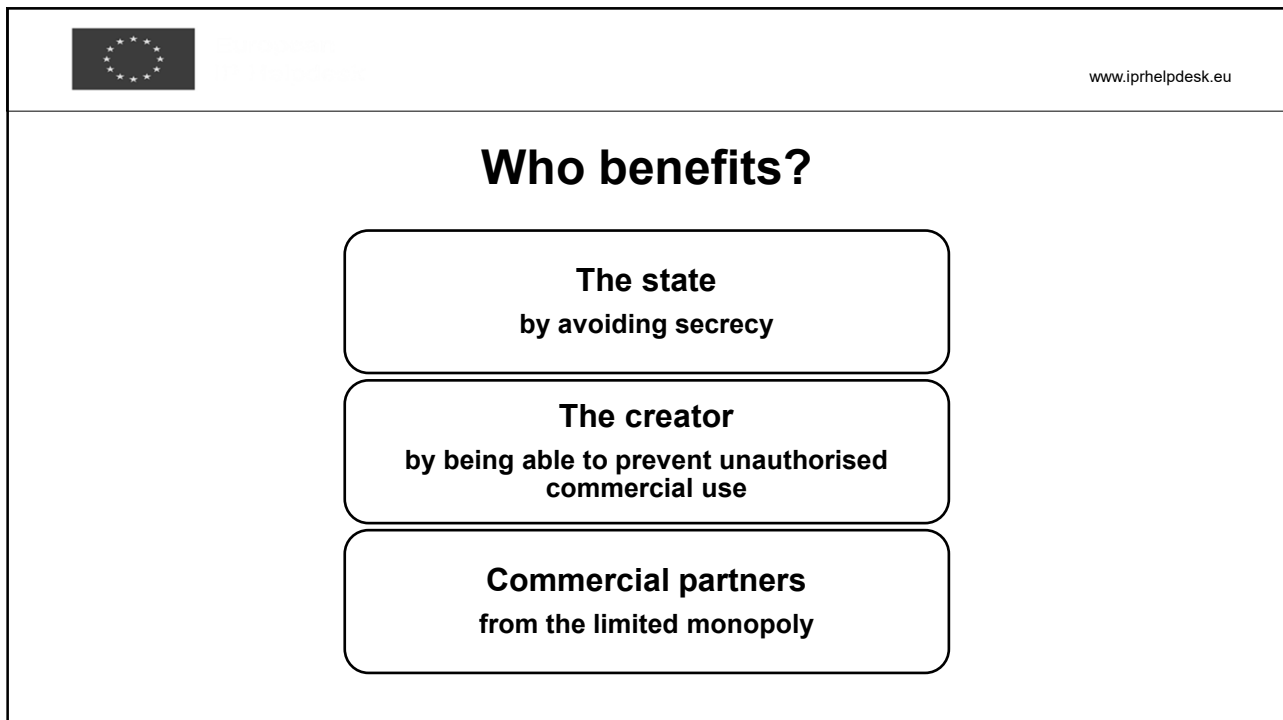
10



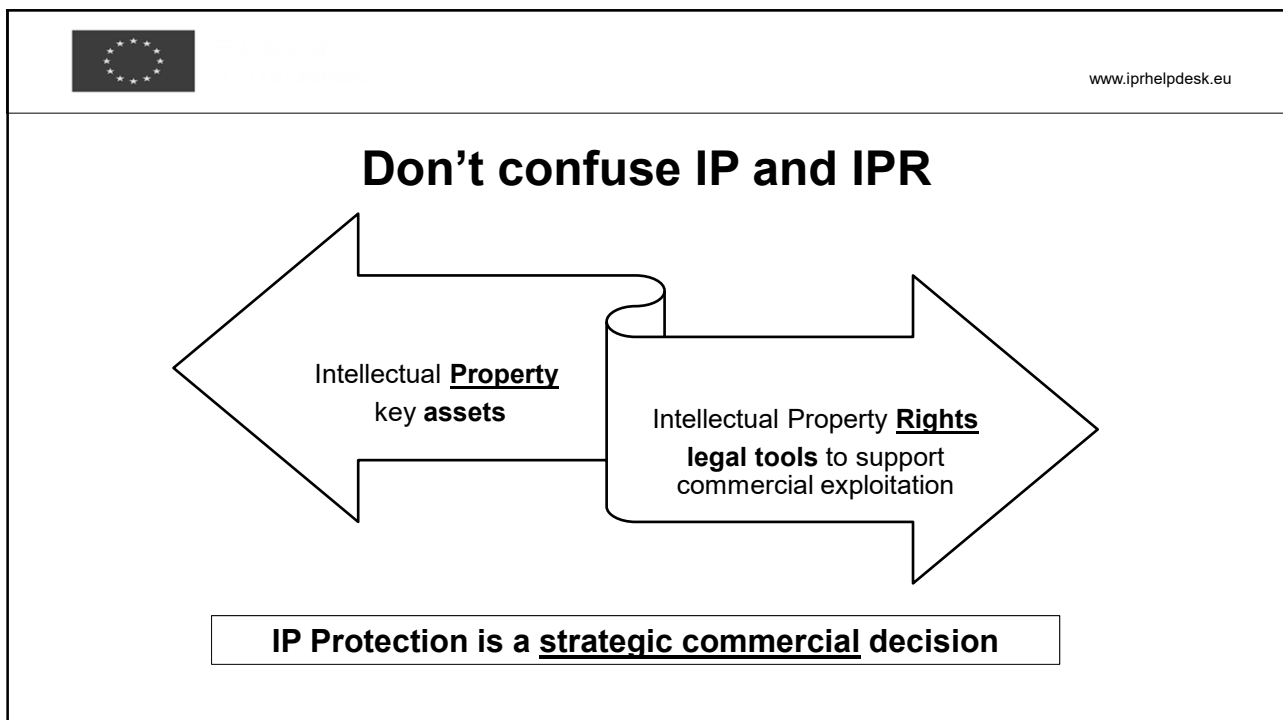
11



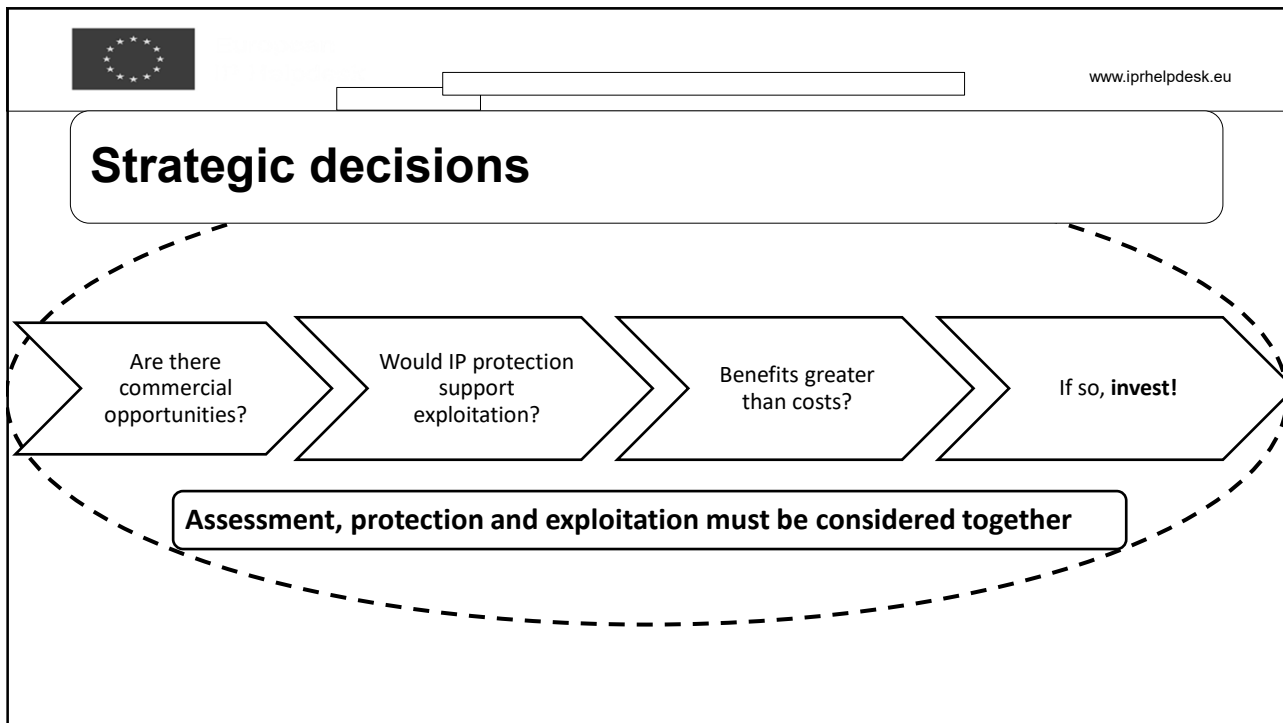
12



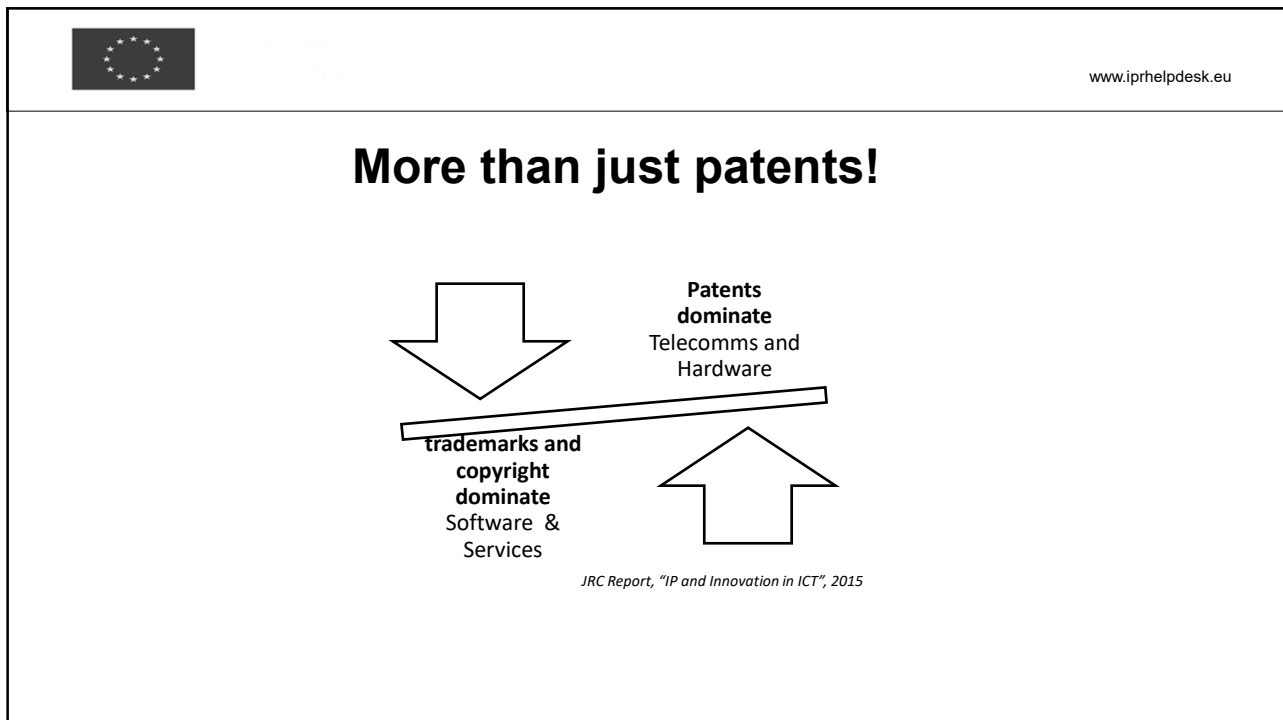
13



14



15



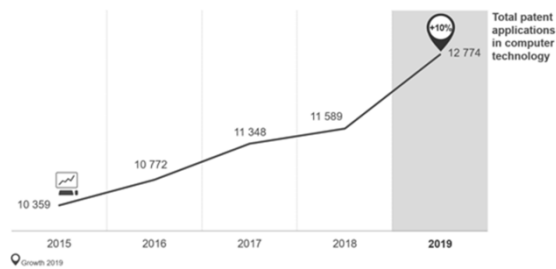
16



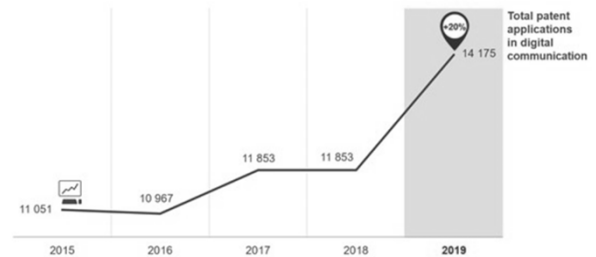
www.iprhelpdesk.eu

## Sharp rise in ICT patents

Sharp rise – Total European patent applications<sup>2</sup> in computer technology



Total European patent applications<sup>2</sup> in digital communication



Source: EPO 2020

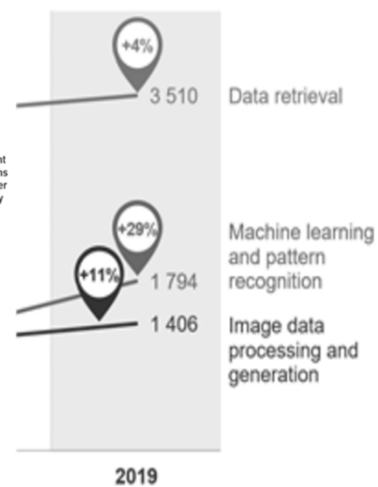
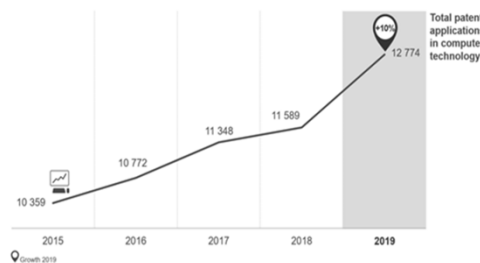
17



www.iprhelpdesk.eu


## Many Software Patents

Sharp rise – Total European patent applications<sup>2</sup> in computer technology



Source: EPO 2020


18

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

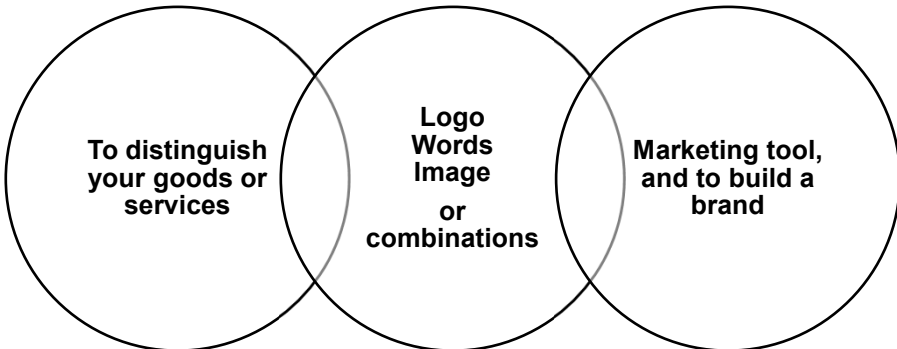
## Software Patents and Copyright

Computer programs (software code) are not patentable	Copyrights protects the <u>expression</u> of the method <u>not the method</u> itself; for example:
Computer-implemented inventions are patentable	Comes into existence <b>automatically</b>
Needs to have a technical effect	Lasts <b>at least 50 years</b>

19

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

## Trademarks




To distinguish your goods or services

Logo  
Words  
Image  
or  
combinations

Marketing tool,  
and to build a  
brand







20

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)


## Brands can be Valuable!!

11 of top 20 are ICT


Source Interbrand *Best Global Brands 2019*

2019 Rank	Brand	Sector	Change in Brand Value	Brand Value
01		Technology	+9%	234,241 \$m
02	Google	Technology	+8%	167,713 \$m
03	amazon	Technology	+24%	125,263 \$m
04	 Microsoft	Technology	+17%	108,847 \$m
06	SAMSUNG	Technology	+2%	61,098 \$m
12	IBM	Business Services	-6%	40,381 \$m
13	 intel	Technology	-7%	40,197 \$m
14		Technology	-12%	39,857 \$m
15	 CISCO	Business Services	+3%	35,559 \$m
18	ORACLE	Business Services	+1%	26,288 \$m
20		Business Services	+10%	25,092 \$m

21

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

## Design rights Apple vs Samsung




22

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

## Database Rights



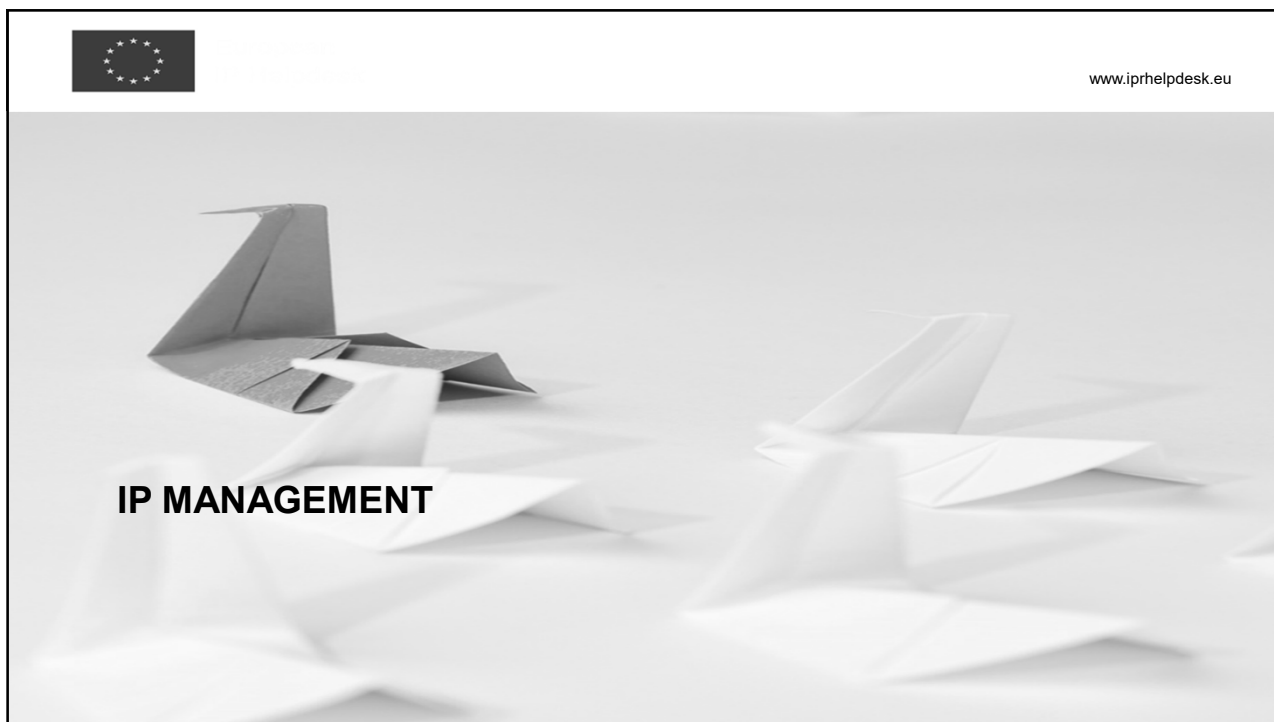
23

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

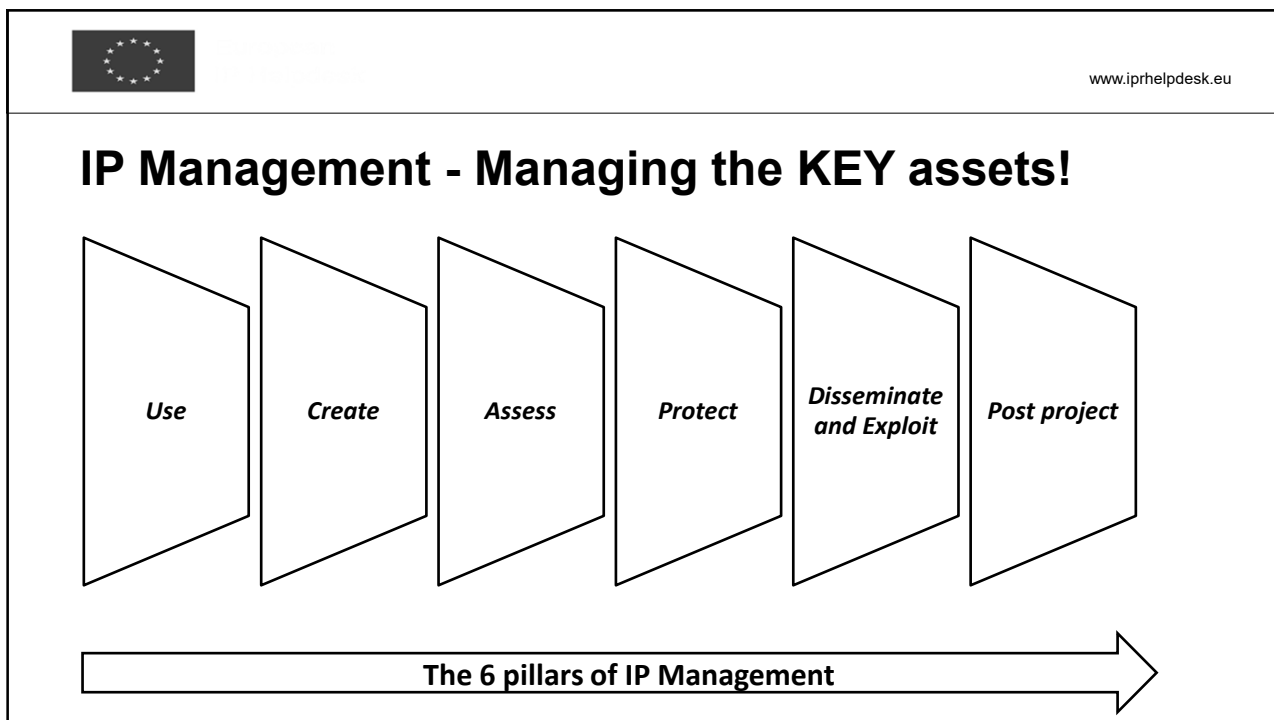
## Capture all the relevant IP

Patentable IP	Copyrightable IP	Designs (design rights)	Trade secrets	Intangible assets
<ul style="list-style-type: none"><li>• Computer implemented inventions (software!)</li><li>• Processes</li><li>• Products</li><li>• Apparatus</li></ul>	<ul style="list-style-type: none"><li>• Software code</li><li>• Reports</li><li>• Engineering drawings</li><li>• Manufacturing and user guides</li></ul>	<ul style="list-style-type: none"><li>• Functional</li><li>• Eye-appeal</li></ul>	<ul style="list-style-type: none"><li>• Formulas</li><li>• Methods</li><li>• etc</li></ul>	<ul style="list-style-type: none"><li>• People</li><li>• Know how (e.g. best way to implement)</li><li>• Secrets (e.g. secret formulas)</li></ul>


24



25



26

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

## Clarify ownership and management of the IP

Are there **management structures and procedures** in place to decide:

- How will **relative contributions** be agreed?
- Who will **manage** the IP?
- Who will **pay** for **protection**?
- How will **costs** and **revenues** be shared?
- Who will manage the **exploitation**?


**Grant Agreement ARTICLE 26**  
**OWNERSHIP OF RESULTS**

**26.1**  
Results are **owned by the beneficiary that generates them**.

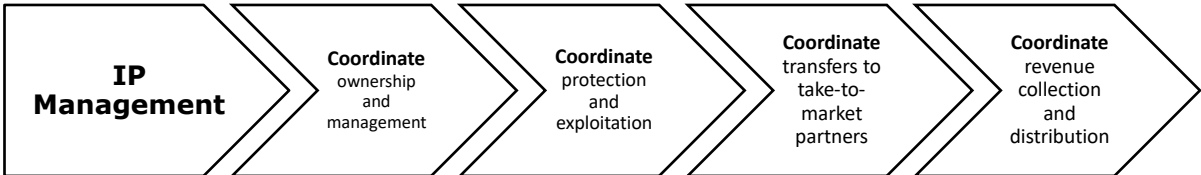
**26.2**  
Two or more beneficiaries **own results jointly** if they have jointly generated them

The joint owners **must agree (in writing) on the allocation and terms of exercise** of their joint ownership ('joint ownership agreement'), to ensure compliance with their obligations under this Agreement.

27

[www.iprhelpdesk.eu](http://www.iprhelpdesk.eu)

## Managing IP in Collaborative Projects



```
graph LR; A[IP Management] --> B[Coordinate ownership and management]; B --> C[Coordinate protection and exploitation]; C --> D[Coordinate transfers to take-to-market partners]; D --> E[Coordinate revenue collection and distribution]
```

28



29

www.iprhelpdesk.eu

## Issues to consider when commercialising ICT

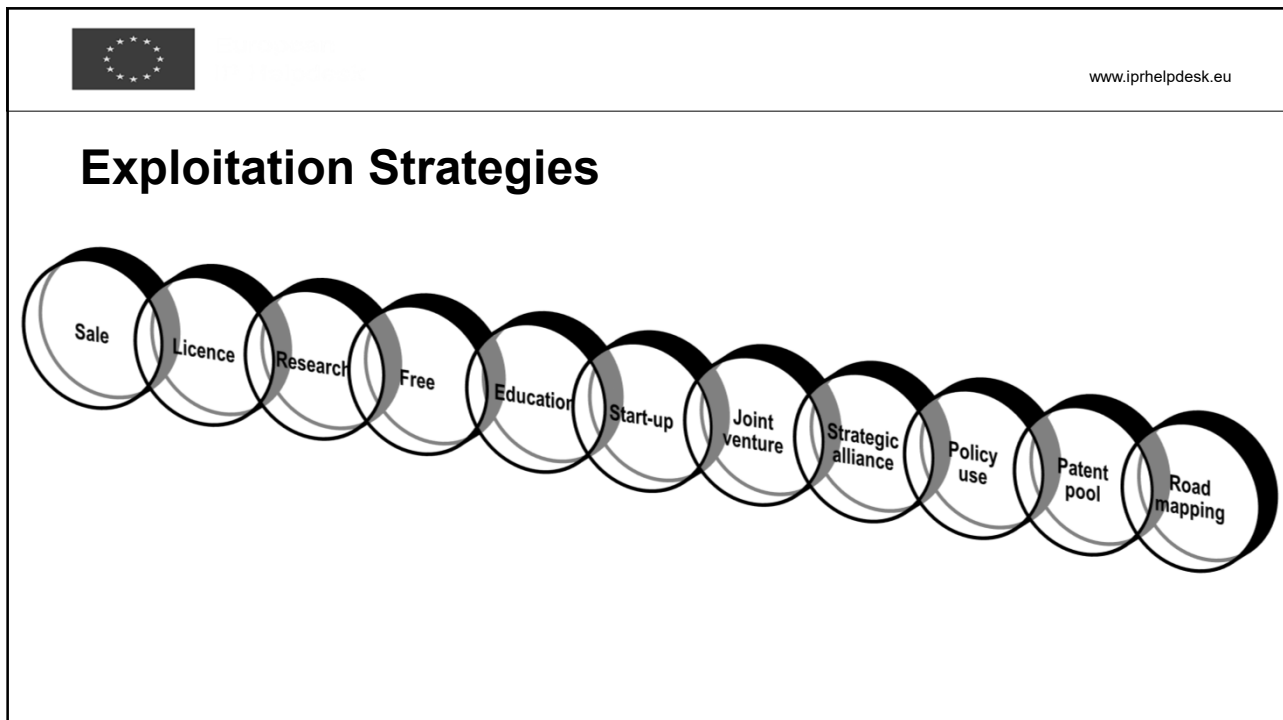
Wide variety of (concurrent) business models

Open/free	Product or service	Per use/seat	one-off fee	subscription based	ad based	voluntary contributions	community supported	etc.
-----------	--------------------	--------------	-------------	--------------------	----------	-------------------------	---------------------	------

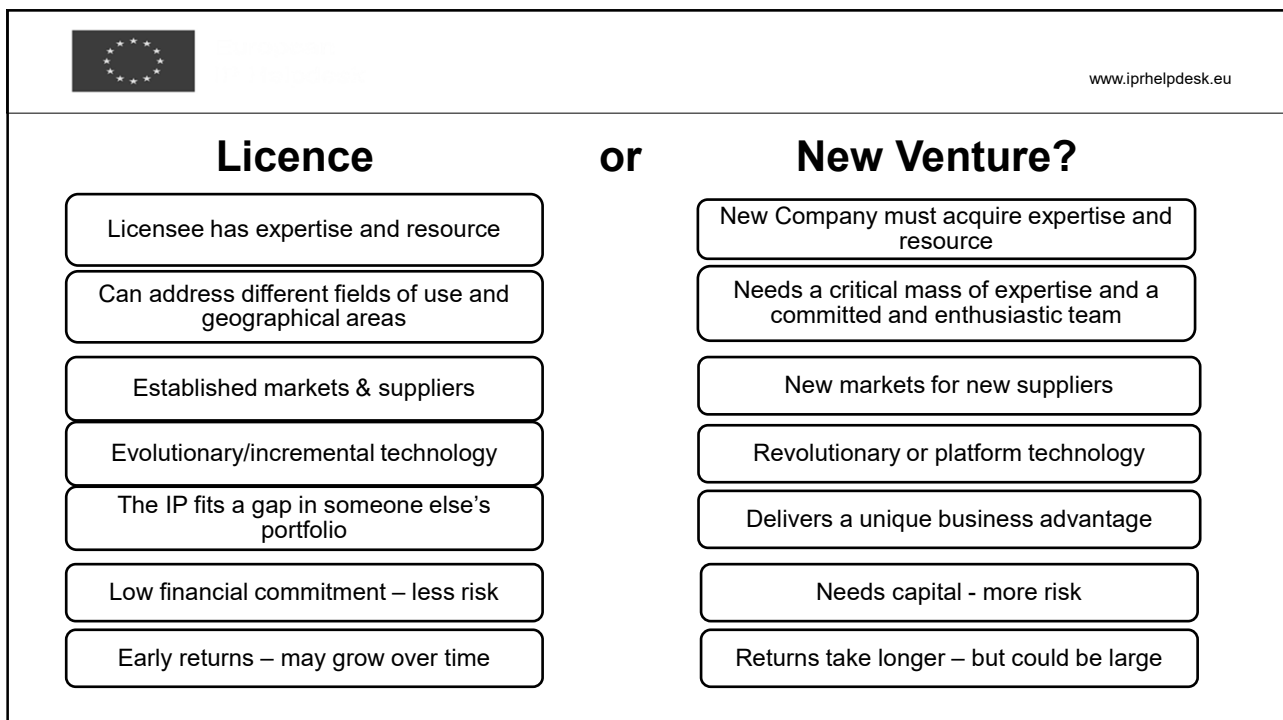
### Characteristics of ICT

- Quickly scalable**  
**Rapid growth**
- Cumulative**  
patent pools, aggregators, cross-licensing
- Low capital investment**  
Easier to start-up, Open to new players
- New paradigms**  
LinkedIn, Facebook, Uber, AirBnB, Snap Chat, etc.
- Global & Trans-border**
- Interoperability and Standards**


30



31



32



www.iprhelpdesk.eu


## ICT ventures

VC funds investing heavily in favour of ICT

Investors don't wait around....

New paradigms, low capital investment and rapid growth

33



www.iprhelpdesk.eu

## Licensing (in general)

Granting right to use your property under agreed terms and conditions

### European IP Helpdesk Bulletin No.1 - IP Licensing

Key Ingredients in a Licence

There is a challenge which faces all businesses large or small, whether they are suppliers of products or services, and that is to stay competitive. Staying competitive requires adopting innovative products, services and technologies.

A company's core IP rights often form value for other businesses, indeed, the company's core business asset. This does not mean that companies for licensing should be IP companies for all their IP rights, and that they should not have other IP rights.

Each licence is unique, depending on the specific facts and circumstances of the licence. It is a legal contract, with each party having obligations and responsibilities. It is a legal contract, with each party having obligations and responsibilities. It is a legal contract, with each party having obligations and responsibilities.

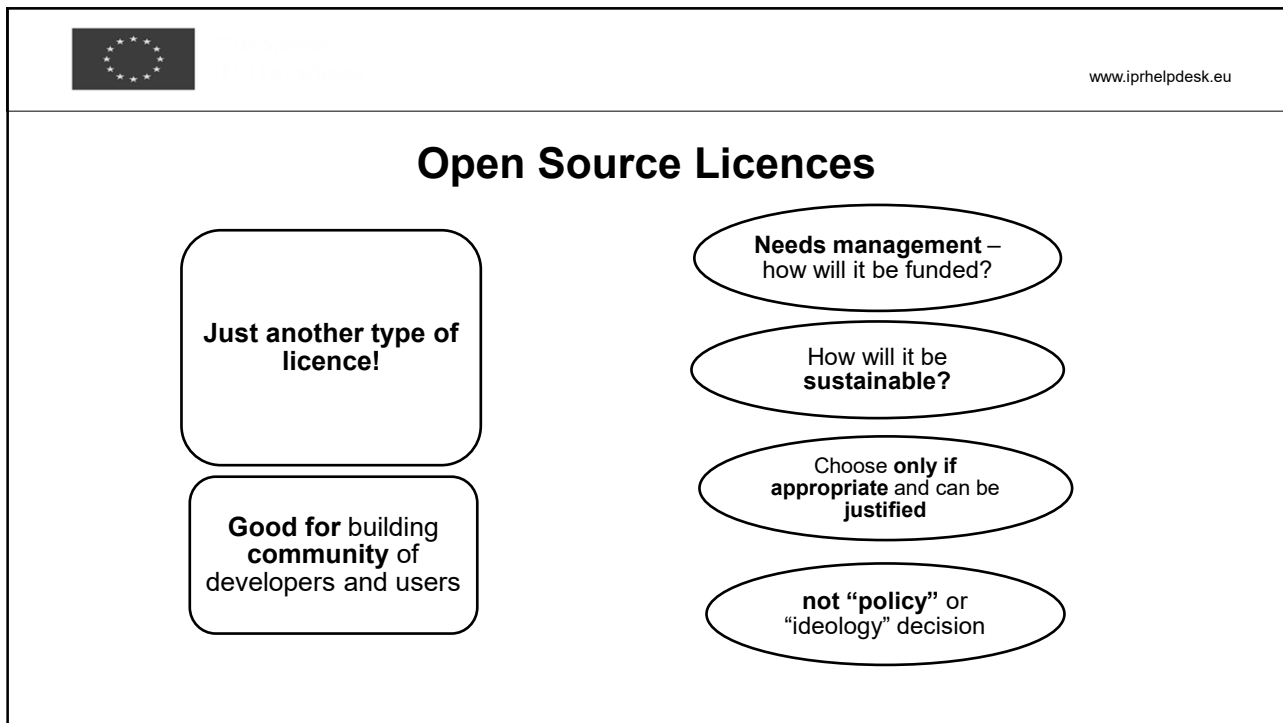
This is the essence of IP licensing. It is about creating value, sharing IP, and creating the most competitive, making the IP your own, but not your own, making the IP your own, but not your own.

Each licence is unique, depending on the specific facts and circumstances of the licence. It is a legal contract, with each party having obligations and responsibilities. It is a legal contract, with each party having obligations and responsibilities. It is a legal contract, with each party having obligations and responsibilities.

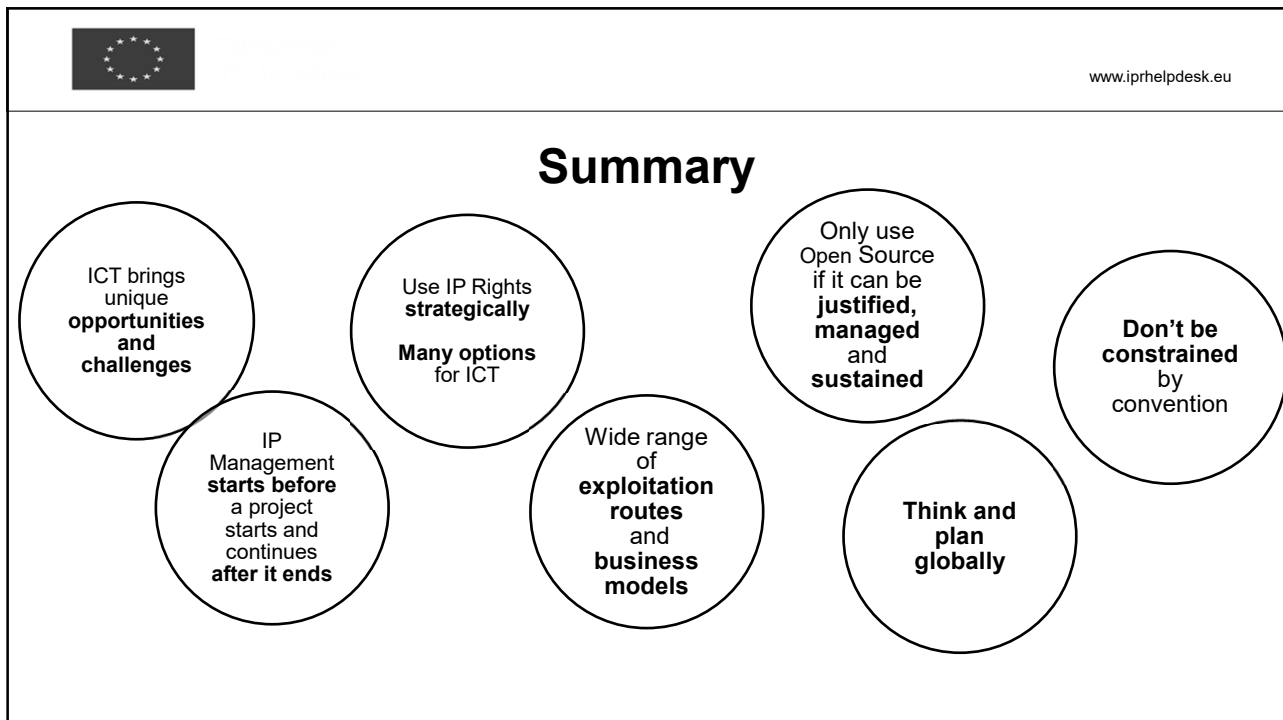
This is the essence of IP licensing. It is about creating value, sharing IP, and creating the most competitive, making the IP your own, but not your own, making the IP your own, but not your own.

[http://www.iprhelpdesk.eu/sites/default/files/newsdocuments/bulletin/01/IP-H\\_b01\\_content-3.html](http://www.iprhelpdesk.eu/sites/default/files/newsdocuments/bulletin/01/IP-H_b01_content-3.html)

34



35



36



**DISCLAIMER**

The European IP Helpdesk provides free-of-charge first-line support on IP-related issues aiming to help current and potential beneficiaries of EU-funded projects, as well as EU SMEs, manage their Intellectual Property assets.

The European IP Helpdesk is managed by the European Commission's Executive Agency for Small and Medium-sized Enterprises (EASME), with policy guidance provided by the European Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG Grow).

The information provided by the European Union IP Helpdesk is not of a legal or advisory nature and no responsibility is accepted for the results of any actions made on its basis. Moreover, it cannot be considered as the official position of EASME or the European Commission. Neither EASME nor the European Commission nor any person acting on behalf of EASME or of the European Commission is responsible for the use which might be made of this information.

© European Union (2021)

Picture Sources: Freepik.com; Iambic Innovation Ltd.

Presentation produced by Dr. Eugene Sweeney, Iambic Innovation Ltd. March 2021