

# VIP4SME



introduces

# BEST PRACTICE

booklet



Value Intellectual Property for SMEs

Europe's economic success is to a very high extent based on innovative SMEs and their corporate intellectual property (IP). Recent studies show a strong correlation between IP rights and growth in innovative companies. Formal IP rights as patents, designs or trade marks allow SMEs to harvest the fruits of their work and creativity and built the foundation for further innovation. Well balanced IPR strategies are an important driver of long term success, growth and job creation.

During the four year project the VIP4SME have worked with several thousand SME and startups all over Europe. A broad approach reaching from awareness raising to individual support actions allowed us to take SMEs with us along the way to more professional IPR management. A common prejudice on IPR as being costly and inefficient could be turned into active management of existing and newly developed IP. In many cases it turned out, that SMEs could be more successful by taking even small steps towards a more professional IPR management. Even the longest way starts with a first step.



This VIP4SME best practice booklet provides examples of success stories in several European countries. This could be taken as motivation and a driving force for improved IPR management in the future.

**Dr. Thomas Fischer**

*Coordinator VIP4SME*

*October 2019, Fraunhofer IAO, Stuttgart, Germany*



## About VIP4SME

The aim of the project is to strengthen the knowledge of small and medium-sized enterprises /SMEs/ in Europe in the area of Intellectual Property. The project is supported by the European Commission Program Horizon2020.

It is vital for enterprises to learn how to recognize and expand the potential of their immaterial value in order to capitalize successfully on this potential through market innovations.

In addition to the direct contact with SMEs, it is necessary to expand the existing advisory interdisciplinary services. This is done by means of independent consultants, chambers of commerce and industry and centers for patent and trademark information.

## Benefits for SMEs

### Information days

Regular information days are focused on basic information, especially for beginning young entrepreneurs, startups and SMEs, in the area of dealing with Intellectual Property.

### Individual consultancy

Free individual consultancy through IP consultants is intended for information and education needs of SMEs and focused on specific recommendations with the aim of developing additional necessary actions.

### Thematic workshops

Workshops provide information about selected topics on Intellectual Property. The workshops are suited for SMEs which already possess good knowledge of Intellectual Property.

## Challenge

An Upper Austrian SME, has developed several innovations. A main focus are innovative machines for an efficient, economic and human-friendly production of steel cages for precast concrete wall elements.

The SME had results from some patent searches, but wanted to exploit the potential of semantic search for getting a better overview on similar or novelty-destroying patents.

## Insight/background

The CEO participated in the VIP4SME IP Workshop for SMEs, and was therefore aware of the capability of Semantic Search and interested in its application. The consultation has been successful, as it was possible to cater for the needs of the SME, give a good overview on the patent situation and similar patents and good advice.





## Solution

The challenge to provide an easy, specific, yet comprehensive overview has been addressed using the IP Tool Semantic Search and inserting a self-translated English text for input into octimine software. Further needs were catered for by using Espacenet and the corresponding IP Tool, and also European Patent register for checking the legal status of relevant patents. Relevant patents were found by the semantic search.

The relevant patents were checked using Espacenet and the IP Tool Espacenet. For very relevant patents, legal status has been checked using European Patent Register. The relevant patents were downloaded and sent to the client as PDF files.

Furthermore, patent data of the patents of interest were sent to the customer. Following IP tools were used and handed over electronically:

- Semantic Search-octimine
- Espacenet

## Results & Impact

T7 inventions have been patented in total, some of them before the counselling. The advisory service comprised patent searches for 3 invention ideas and advise on international patenting. The benefit for the client was to get a better basis for international patenting with regard to novelty and costs and procedures. The cross-border character is illustrated by a world patent application and a European patent application, allowing a later nationalisation in those countries with proper market access or licensing options.

The main outcome is a world patent application and a parallel European patent application. This patent application, together with some previous patents, leads to a good protection of the novel automated fabrication apparatus, which is in the final negotiations for a 1,6 mil. € order by a German concrete elements manufacturer.

## Challenge

An Estonian start-up / SME - GScan Ltd, has developed several innovations. Their main focus is in automated scanner system based on cosmic ray tomography. The SME had firstly results from IP audit and some patent searches, but wanted to exploit also the IP protection strategy and IP valuation.

## Insight/background

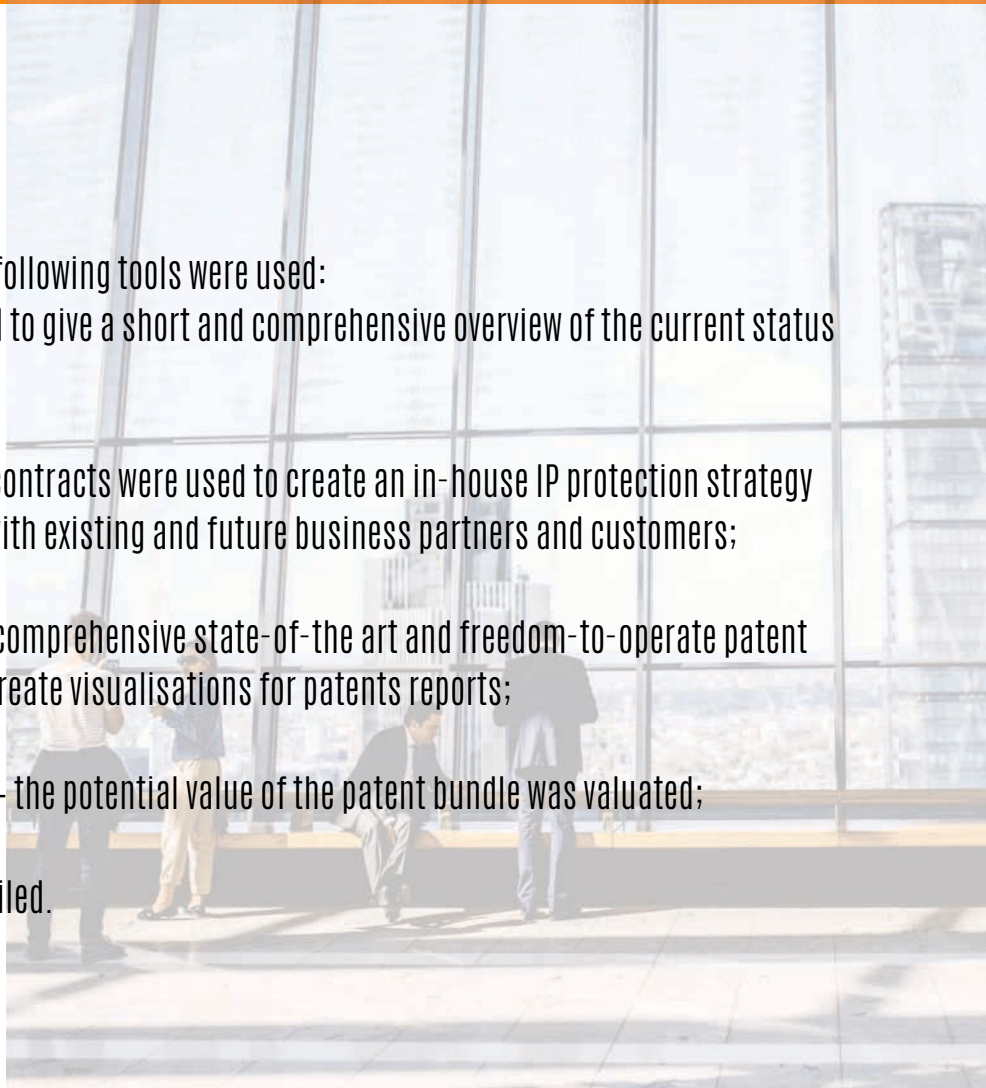
The COO has also previously used TDC services and was interested in having an IP audit with toolbox provided by the Scottish Enterprise. After having a first glimpse on the potentially unprotected fields, we helped to adopt in-company IP protection strategy based on trade secrets protection. Later on we conducted patent surveys on the indicated fields and created the international IP protection strategy. The company has now filed a first patent in UK and plans to file also WIPO and EPO applications. GScan trademark application was also filed.



## Solution

During the consulting process the following tools were used:

- Scottish Enterprise IP Audit Tool to give a short and comprehensive overview of the current status quo of the company;
- Trade secrets tool and sample contracts were used to create an in-house IP protection strategy and standards for operations with existing and future business partners and customers;
- ESPACENET was used to provide comprehensive state-of-the art and freedom-to-operate patent surveys. PatSnap was used to create visualisations for patents reports;
- Using market-based approach – the potential value of the patent bundle was valuated;
- EU trademark application was filed.



## Results & Impact

Company has filed an UK patent application and has started to prepare EPO and WIPO applications for worldwide protections of their invention. EU trademark application has been filed. During the advisory service company has established in-house rules for their IP protection based on trade-secrets, introduced non-disclosure and material transfer agreements. As the product development also includes collaboration with the universities they have several R&D agreements in place.

ESPACENET and PatSnap patent searches showed the high potential of this new technology in ray tomography market. International patenting strategy is in place. Due to the good review and quick feedback of UKPTO, company has decided to file the first patent in UK, instead of Estonia. WIPO and EPO patent applications are under the preparation.

Based on the patent evaluation report, the company is looking for new investors. The first prototype should be ready by the beginning of 2020.

## Challenge

When a company is established, the CEO of the company is seldom aware about IP-rights. Especially if the business is related to own products and manufacturing them, it is crucial to make the CEO realise the importance of IPR to a company. The Finnish Patent and Registration Office (PRH) planned a special training day for new patent applicants who had sent a patent application during the year 2018, and whose companies were young. This IPR training day was organised last March 2019.

## Insight/background

The first years for the company after being established are challenging years. Usually the CEO does not have the time to consider IPR matters and then it might be too late to protect one's own IPR. The main purpose of this IPR training day was that start up / SME could get a short overview what it means to have a patent /utility model, trademark, design and the lack of them. The initial background work for IPR day started in September 2018 by listing the patent applicants who had sent a patent application during the year 2018. From this group of applicants, we first selected the applicants which were companies.





The next selection from this group was the year of the company's establishment, and only the companies, which ages were from 4 months to 4 years, were included. Then the backgrounds of the companies were checked, just to know on which kinds of technical fields they are operating, and also if they have registered some IPR earlier, e.g. trademarks. In January 2019 this background work was finished, and the invitations (to 90 companies) to the IPR training day were sent during February. At the end of February, only two companies had signed up for the training day, but this faint interest was expected. The target for this training day was to reach about 30 start ups /SME companies.

## Solution

These start ups/SMEs were situated around Finland, and the distance to PRH's office in Helsinki was challenging for many of them, because it is a time consuming. The best way to reach them was to call to the applicant and discuss about the importance of the IPR. Then more invitations were sent and phone calls made to the start ups/SMEs, who were met in the fairs during the year 2018. After these callings, 13 more companies signed up the training day. In addition, we contacted the advisers of the business advice centrum, who help people in becoming entrepreneurs and the university's innovation centrum, and asked them to inform their co-workers and clients about this training day. In the beginning of March, 27 companies had signed up to the event.

## Results & Impact

Following IP tools were presented in the training day:

- 1) Espacenet, PatInfo
- 2) TM view, e-search, Finnish Trademark database.
- 3) Personal counselling time (30-60 min) with IPR specialists of PRH

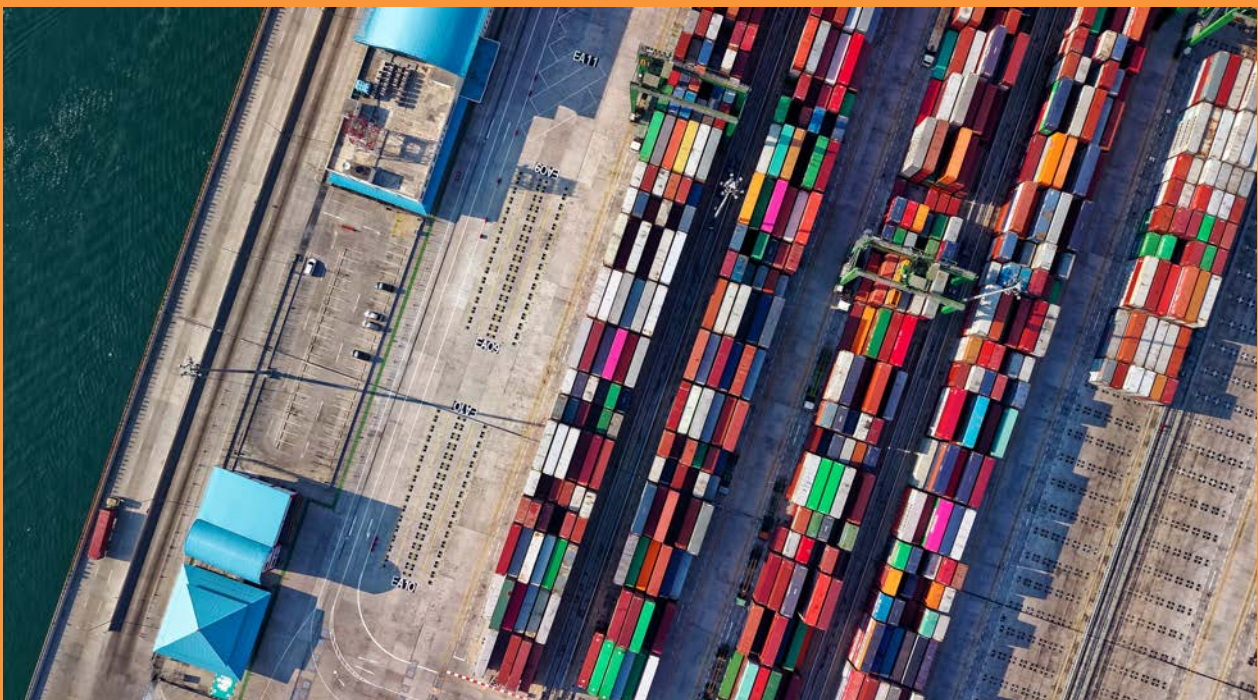
The best practice is to call to the start up /SME. Usually they are busy, but if they just find the time to listen, they were quite pleased that somebody tries to reach them. They do not have time to read e-mails or post, so the direct contact is the best, and it is more personal than an anonymous invitation letter. And some of the start ups who could not come to the training day have later on called back and asked the counselling relating to domestic and international patent applications and trademarks. The main outcome is to make it easier for start ups /SMEs to have a contact with IPR specialists of the PRH, and know how and where to find information about IPR.

## Challenge

A French start-up, based in the region of Occitanie, has developed a new way of tracking shipping containers. The startup aimed, in a short term, to commercialize this new product and related new services. The acquisition and valorization of intellectual property assets would help the startup in its search of financial partners.

## Insight/background

The CEO participated in the VIP4SME IP Training for SMEs, IP and Internet of Things. He was given IP recommendations about protection of distributed inventions, infringement in a distributed system and joint infringement and was introduced to the VIP4SME tools: Booster PI, Pass PI, Master class PI. He had also the opportunity to exchange with other participants and experts about the challenges his start up faced.



## Solution

Aerospace Valley and the INPI discussed the best VIP4SME tool adapted to the startup according to its IP maturity. The CEO accepted an IP Prediagnosis (Booster PI). The kick-off meeting was held in Aerospace's premises, and conducted by an INPI expert.

An analysis of the project, state of play in IP practice, and needs in intellectual property (IP rights and informal IP) was made and recommendations were given to the start up. Those recommendations regarded: technical watch and competitive intelligence, the implementation of datation and traceability processes, software developments, patent strategy and disclosure control prior to patent filing, a protection strategy regarding distinctive signs and designs, contractual best practices to adopt especially regarding the confidentiality.

## Results & Impact

The startup is now aware of the importance of protecting its intellectual capital, and the importance of transforming it in commercial value; furthermore it has already taken measures to follow the recommendations.

A financial support (PASS PI) has lately been granted to support the startup in having a patentability and freedom to operate search.

Another visit will be programmed in the weeks to follow to help the startup stay on track with IP strategy implementation, especially as its CEO is now highly convinced of the importance of implementing IP processes and the importance of IP strategy and management to help its startup to grow.



## Best practice

The INPI has changed its approach regarding support services to SMEs and startups in order to be in phase with their new needs and challenges. The INPI's new credo is "Acting to transform French innovation in success". This challenges us to strengthen the use of intellectual property by SMEs and startups, through new services and ways of supporting them. To do so we have overhauled our range of services in order to be able to offer a graduated answer, according to the level of maturity of the company (or of the project) and their level of knowledge and use of intellectual property. Our services are personalized and adapted to the SME's or startup's profile and needs.

Four main supporting services may be conducted: the IP Prediagnosis, the IP Pass, the IP Master Class and the Startup Program.

- The IP Prediagnosis is open to SMEs who wish to initiate an intellectual property approach.
- The IP Pass is a financial support to innovative SMEs and startups to push them to implement the recommendations made in the 1st step prediagnosis, and that they have never implemented before: the "IP Pass" allows companies a financial support from the INPI up to 50% of the cost of one or several services in relation with industrial property titles; it may finance services in the fields of contracts, patent information, digital protection and cybersecurity, international protection and strategy, finance (tax system for example) and litigation. Each company is allowed up to 3 IP Passes for a maximum financial support from the INPI of 5,000€.





- The IP Master Class is for innovative companies with less than 5 000 employees. It is a unique program, which gives a tailor-made coaching, and a long-term support; 6 individual and collective workshops are realized in the period of 6 months in order to train and coach business leaders, in their IP strategy.
- And finally our brand new IP support program is dedicated to startups: the Startup program is adapted to the startups' needs and business rhythm. The startup is accompanied by the same expert throughout the program.
  - A first contact allows a State of play and IP recommendations.
  - 3 or 4 following meetings may be conducted to draw IP Actions Plans if needed.
  - And finally an overview is drawn with an evaluation of IP practices. The evaluation of the startup's practices in IP is conducted thanks to a tool we have developed and called "Empreinte PI" or "IP Footprint" in English.
  - At this final stage, an Innovation Support Letter may also be given in order to help the start up in getting financial backup.



## Challenge

The German Patent Libraries (PATLIB) have a longstanding tradition in supplying services with regard to intellectual property for SMEs in the regions, where the German Patent and Trademark Office (DPMA) cannot offer direct support. Due to their development within the framework of technical universities, their service portfolio was, for a long time, focused towards the supply of access to patent information and patent search services. But: Access to patent information is changing due to digital transformation and the need for add on services and more business oriented services is constantly increasing.

## Insight/background

In view of the diversity of PATLIBs and their wide variety of services currently offered, the German Patent and Trademark Office strived to enhance the quality and quantity of services tailored to the needs of less experienced users of the patent system with a view to strengthening the German Patent Libraries Network making each PATLIB becoming a true IP excellence hub for SMEs and start-ups in the region.



## Solution

In a first step PATLIBS have been trained from DPMA staff in IP diagnostic services (IPD), to address a broader range of intellectual property rights (IPRs), including trademarks, designs and copyright. In a second step the German Patent and Trademark Office, together with the German PATLIBs, standardized a “classic” IPD service to an operational 2-hour consulting tool (IPD Lite), that intensifies and improves the understanding of business relevance and use of IP for the purpose of turning IP into business assets.

In the framework of the „IP action week“ the DPMA succeeded in supporting its regional cooperation partners with a broad in-house marketing campaign to raise interest and regional demand for that new service, that was offered cost-free in a concerted way for one week in September only.

## Results & Impact

Since the introduction of the new service, within three weeks more than 120 SMEs could be advised through the German PATLIBs with this new IP-tool of which 80% have been either satisfied or very satisfied with the new service. 70% of the SMEs, that have requested the „IPD lite“ service, have turned to the PATLIB with another service request. In this way, VIP4SME succeeded, in the creation of a new and more sophisticated service at key service providers, especially for start-ups and SMEs with little IP knowledge. In the meantime, it has already been possible in the third year to carry out corresponding value-added offers in the institutions mentioned. It has become clear that the development of advisory competences through the sustainable transfer of knowledge within the framework of the project has improved the service offer for SMEs in the long term, fostered the interaction of the PATLIBs with third parties, and promoted the visibility of the PATLIBs and awareness of its role among potential users. Without the support of VIP4SME, this success would not have been possible.

## Challenge

Greece University spin-offs attract EUR 1 million investment  
A world-class Research Center

Three research teams of a highly regarded research center in Greece have developed technologies that could hit the market should the teams are able to secure seed financing. The major challenges for the teams are:

- How to spin-off their business venture and seek investment
- What their venture may affect their relation with the Research Center and how to deal with the change
- How will their business plans business affect their IPR and their scientific research?
- How can they secure their IPR in research partnerships?
- How much does their IP actually worth?

## Insight/background

Greek Academia exhibits substantial scientific results but displays limited success in exploitation.





Greek scientists have a strong record of scientific publications but they rarely succeed in financially exploiting their scientific discoveries. Three research laboratories with international scientific recognition produced research results with high financial potential. The research teams are unaware about the financial potential of their inventions. The teams understand little about business and need to attract seed capital. They are also concerned how a step to the market may affect their relations with the Research Center and their current business and scientific partners.

## Solution

- Analysis of available options for protecting IP in the context of H2020 projects
- Elaboration of business models and the implication of each model to the business case
- Estimation of their IPR value with qualitative and quantitative approach
- Development of a negotiation strategy towards potential investors



## Results & Impact



- The three research teams launched successfully their spin-off companies
- The start-ups develop a corporate IP strategy and design their business models around their Intellectual Property.
- All three combined have secured investment that is expected to cumulatively exceed EUR 1 million.

## Challenge

Although the company has a dominant position in the Greek market of electronics and has its share in the international market and is active in protecting some of its IPRs, it was not aware of: OBI's service for carrying out "prior art searches" and the importance of technological information from published IPRs; the importance of not publishing anything, before any prior action of protecting their IPRs; the whole range of Intellectual Assets (IA) that a company might have.

## Insight/background

With the company we had a 1:1 pilot action on the 31st of October 2016. The meeting went very well with the representative of the company and issues like "Protection of inventions, Technological information from published IPRs and Tools for the best Management of IPRs" were covered. In addition, the tool "Intellectual Assets (IA) Management - IA Audit & IA Register & IA Risk Register" was presented and explained thoroughly to the company by using its own data and given to the company at the end of the meeting.

The company was founded in 1979 and is the market leader in the Greek electronic safety and security industry. Some of its products are emergency lighting, fire detection systems, burglar alarm systems, thermostats, marine products etc. It currently employs 185 people with 10% in R&D and its products are exported to 72 countries worldwide.



## Solution

Prior to the meeting the background and activities of the company were studied/selected, via its website. In addition, problems/flaws were detected in recent protection procedures of the company and addressed at the meeting. Respective material was also prepared and presented to the company. All the supporting documentation was given to the company in a CD for future needs.

## Results & Impact

During the 1:1 pilot action, the issues of IPRs' protection in general and the IA Management tool have been presented. They realized the importance of "prior art searching", of not publishing prior to getting any type of protection for their IA, of realizing the importance of Brand Identity, of helping them identifying and protecting all their IA, of developing a better IP policy and strategy. The impact of this pilot action was positive, since on 03/05/2018 the company filed at OBI a Design application. The design was granted and the company keeps a track, on the payment of the renewal fees, as part of their IP strategy. They also enriched their website with more information regarding R&D and exporting activities, participations in exhibitions & several projects, thus increasing further the value of the company. They also looked for protection with the same domain name in Poland and developed the website in 4 languages, i.e. apart from the Greek and English version that they already had, they translated their website also in German and Polish, due to their activity in these markets.





## Challenge

GALENKA-FITOFARMACIJA was established in 1955 as a part of state own company at that time GALENIKA-FITOFARMACIJA was the branch office dealing with the chemicals for plant protection. Since 1999 the company is sold to private investors. It has a long tradition in production of insecticides, fungicides, herbicides, biocides, fertilizers etc. and it has 165 employees out of which there are a lot specialist in agrochemicals with high degrees as well as PhD degrees. They are nowadays faced with the very strong competition in the market from local competitors as well as from the companies from abroad with their branch offices in Serbia which are mostly trading companies of other producer's products. They are producing and developing a lot of generics products but innovative as well. Also they were faced with the use of similar trade names of some products by the competition so their R&D and marketing department were interested in consultations for specific issues on how to find and check if some substances are under patent protection or not and at what territory and how to search patent and trademark databases. Even though their main products have been already known, since they have a large portfolio of products protected by TMs, they also think that there might have been some upgrade in mixtures and they are willing to introduce also new generic products in the market. The company had in a past one patent but current employees are not involved and no familiar with patenting strategies in general, just familiar with using expired patents or free chemicals in production.

## Insight/background



Employees from FITOFARMACIJA contacted the Office several times in order to order FTO searches and also to get familiar and to acquire the knowledge on searching publicly available database on IPRs for Serbia as well as for exporting countries. Since those skills are specific and demand a long practice we offered them the consultations on general aspects of FTO and other issues they were interested in such as TM searches and introduction to patent protection.



## Solution

One of colleagues visited the premises of GALENIKA FITOFARMACIJA and offered consultations on different issues for patent and trademark protection for three employees on 13th February 2019. During the meeting it was agreed to organize whole day workshop on searching patent and TM databases. The workshop has been organized at the premises of the IPOS on 1st April with lectures from different departments. The first lecture was related to TM search and how to establish FTO TM search in national TM register, Madrid monitor database and EUIPO database with some useful hints in formulating the strategy of search. After the TM search lecture, general issues on patent protection and functionality of Espacenet, the new Espacenet as well and Patentscope free databases had been shown. Then, it was followed with the examples of searches on subject matter they have prepared in advance in order to formulate search strategy as example on known field that should be applied also on other subject matters. Firstly, it was started with how to identify correct IPC symbols, how to define the additional search criteria that are not covered by IPC and how to combine them in Espacenet using synonyms. Then, it has been shown how to read the data in the documents, how to read the search reports and how to search chemicals with different nomenclature criteria showing tips how to pull the most form free databases that are not professional and also how to conduct chemical structure search in PATEBSCOPE inserting the image of the compound eg. Search through EP patent registry had been also exercised to identify the legal status in member countries. Professional FTO searches for territory of Serbia can be ordered from the Office when exact business action should be taken, but a lot of searches in developing the product they have realized that they can conduct.

## Results & Impact

15 national trademarks have been applied just after the both consultations and workshop as well as one international TM application. The benefit for client was to acquire some basic skills in retrieving the patent documents and identifying the legal status of specific patent documents in regards to territory and validity and supplementary patent protection also. In accordance to impression of participants the company will have to reconsider in the future also the patenting strategy for products they are involved in developing currently and the results from the field are expected to be finalized at the end of the year.

## Challenge

Slovak company Futureproof s.r.o. has created a series of labels to cover the activities that was planning to run. These activities were mainly related to the comprehensive organization of the events focused on innovation from different sectors. The labels may have been potentially attractive for potential competition, so the business owner has chosen to protect these labels through trademark registration.

## Insight/background

Thanks to previous cooperation with Slovak Centre of Scientific and Technical Communication (SCSTI), the owner of the company knew about its activities in the field of protection and commercialization of intellectual property. After the email pre-communication, the date of a personal meeting was agreed to provide expert consultation on the protection and commercialization of the label that his company was interested in, using in the course of trade. Consultation with subsequent email communication was satisfactory and was considered to be beneficial based on feedback.



## Solution

The owner of the company was given expert advice explaining the process of registering the trademark, the rights of the trademark owner and the conditions for maintaining the trademark. Specific procedures for obtaining a trademark in Slovakia and abroad were also explained, including the possibility of filing an EU trademark application. The consultation also included a quantification of the costs associated with the registration of the trade mark. On that basis was proposed the strategy to protect the proposed company designations.

In the end, the tools (register of IPO SR, TM View and eSearch plus) were used for preliminary verification of the possibility of registering selected labels at the Slovak and EU level.

## Results & Impact

After consultation Futureproof s.r.o. has registered 4 trademarks in the Slovak Republic and launched the implementation of planned events that have achieved a broad response in the company and have successfully interconnected experts in the areas operating in different spheres (companies, students, scientists, etc.).



## Challenge

IP Masterclass conducted at the UK IPO

IP advisors are situated across IP centres in the UK. Within these centers the IP advisors offer advice to SME's on how to develop their IP strategy. The IP advisors needed training on how to do this within their regions.

## Insight/background

The IPO business policy support team have built good relationships with the IP centers across the UK engaging with key partners and stakeholders in the regions. The team have identified that there is a gap in knowledge with IP and suggested additional training take place.





## Solution

Run a 3 day masterclass at the UKIPO for regional advisors. During the 3 day course they have the opportunity to speak to patent/trade mark and designs examiners. We take the advisors through an IP journey from the perspective of an individual or SME.

During the course they will learn about how to advise on the registerable rights and assist with searching espacenet and the trade mark and designs registers using TM view. Advisors will also have an insight on how to register in international territories and gain an understanding of how to enforce your intellectual property.

## Results & Impact

Business advisors across the region are giving sound advice to SME's and individuals in need of the right advice. This fits in line with the overall ministerial target of supporting and creating innovation by allowing potential IP rights holders to make concise and informed decisions on their IP strategies.





## Project coordinator

Fraunhofer-Gesellschaft (Germany)

## Project consortium

In order to implement the VIP4SME objectives as best as possible, in addition to numerous national and European patent offices, also other intermediaries with direct access to SMEs are involved.

Business Upper Austria (Austria); German Patent and TradeMark Office (Germany); Danish Patent and TradeMark Office (Denmark); Estonian Intellectual Property and Technology Transfer Centre (Estonia); French Industrial Property Office (France); French Competitiveness and Business Clusters Organisation (France); Hellenic Industrial Property Organisation (Greece); Foundation for Research and Technology Hellas (Greece); State Intellectual Property Office (Croatia); Hungarian Intellectual Property Office (Hungary); Chamber of Commerce of Venice Rovigo Delta-Lagunare (Italy); Lithuanian Innovation Centre (Lithuania); Portuguese Institute of Industrial Property (Portugal); Intellectual Property Office of the Republic of Serbia (Serbia); Slovak Centre of Scientific and Technical Information (Slovakia); Turkish Patent Institute (Turkey); The Patent Office (United Kingdom)



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VIP 4SME