



Promoting Intellectual
Property Rights in the
ASEAN Region

Intellectual Property Rights: from intangible to assets

Vicente Zafrilla Díaz- Marta, LL.M | 25th October 2021



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1. Intangible assets as valuable property

- What are *intangible assets*?
 - Brand recognition/reputation
 - Creative and technological innovations
 - Know how
- The IP Rights which protect these assets (trade marks, copyright, patents...) are not in and of themselves valuable.
 - A patent is only as valuable as the innovation it protects! * Conditions apply
- Its value are the economic benefits deriving from its exploitation.
 - Direct exploitation
 - Commercialisation: licensing or selling
 - Other indirect monetisation strategies

2. Emotional innovation: the value of brands



- There exist several rankings of the most valuable brands in the world
- But then *what* are these rankings measuring?



3. Exploiting Brand Value

- Setting up of Philips IP & Services – a subsidiary wholly dedicated to the management and commercialisation of the group's IP rights.
- One of its IP strategies has been to leverage its brand to improve profit levels: in many markets Philips' TV and PCs monitors are no longer manufactured by Philips, but by licensees.
- Philips IP&S actively encourages companies to get in touch with them
 - It can be a win-win: Philips gets a place in the market (+ royalties) and the licensee gets to sell under a well established brand.
 - However, this requires Philips to conduct important due diligence on potential licensees and conduct constant Quality Control

Tesla: a extreme example of emotional innovation

- Tesla managed to create a very strong brand while:

- Selling very few cars

- Delivering '...'

- Having ne

- Offering po

**They were not selling cars,
they were selling aspirations.**

ular basis
(pages)

- So how did

- Strategy similar to Apple's

- Being different

- Simple yet recognisable designs

- Strong and charismatic CEO

- Event marketing



4. The value of creative innovation



Oct 12, 2021, 10:05am EDT | 494 views

Blackstone Invests \$1 Billion In Music Copyrights Via Hipgnosis Partnership

Alternative exploitation strategies: Google Android

- OS strategies: Windows (proprietary) vs Android (semiopen)
- Network effects
- Open (but not that much) Google Android Case in the EU
- Monetisation:
 - **Direct:** fees from app acquisitions (negligible)
 - **Indirect:** capture of consumers in other layers of the value chain



5. The value of technological innovation

- Nokia used to be the Apple of the 2000's, but missed the smartphone turn.
 - It therefore needed to reinvent itself and find a new position in the market.
- Looked into its IP portfolio and changed its strategy.
 - Turned to an patenting & licencing strategy, making Nokia a technology provider to all major mobile phone manufacturers.
- Nokia successfully exploited its innovation through the use of the patenting tools by extracting as much value from them.



Changing the game: Tesla again

- Defensive patenting – why Tesla keeps patenting?

All Our Patent Are Belong To You

Elon Musk, CEO • junio 12, 2014

Yesterday, there was a wall of Tesla patents in the lobby of our Palo Alto headquarters. That is no longer the case. They have been removed, in the spirit of the open source movement, for the advancement of electric vehicle technology.

Tesla Motors was created to accelerate the advent of sustainable transport. If we clear a path to the creation of compelling electric vehicles, but then lay intellectual property landmines behind us to inhibit others, we are acting in a manner contrary to that goal. Tesla will not initiate patent lawsuits against anyone who, in good faith, wants to use our technology.

Three reasons:

- 1) **Control** who and how are using them
- 2) Use them as a **defensive weapon**
- 3) Ticket to **collaborative innovation**



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THANK YOU

Contact details:
Vicente Zafrilla Díaz-Marta
vicente.zafrilla@ua.es



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