



Promoting Intellectual
Property Rights in the
ASEAN Region

SMEs in Open Innovation environments: making the best from their intangibles

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Overview

1. Back to Thermion
2. Reassessment of IP portfolio against market and company reality
3. Patent strategy
4. Brand strategy
5. Copyright strategy

1. Back to Thermion

- Trade mark
 - Registered in Spain
 - 0 brand value
- SE2 technology
 - Solid value proposition
 - Double protection: Patent (Spain) and copyright (worldwide)

2. Few years down the road

- Users appreciated SE2 as a nice feature – but not essential for the purchasing decision
- But loved the quality, the sound and performance of the pedals

(We) “we are going to sell thousands of pedals thanks to SE2”

VS

(The market) “we love the quality of these pedals, SE2 does not bother”

Competitive advantage?

3. Reassess intangible assets

- **Relevance of brand:** Quality, hand-made and performance as flagship values → EU and US trademark registered
- **Patent:** expensive (€60k EU level) and not key for our value proposition
 - Minimisation of prosecution costs in Spain
 - No extension to EU or PCT
 - Expiration for lack of payment of annuities

4. Patent strategy

- **Anti-patent?**
 - NO WAY, but in real life SMEs face huge budget constraints. €60k allow you to hire 1/2 employees – eg sales manager – with a direct return.
 - Patenting again is not ruled out.
- **Regret for registering?**
 - NO. Opportunity cost for not protecting is higher: disclosure can render the patent not new, hence non patentable.
 - Never underestimate the reputational function of patents

IP strategy, specially in financially-constrained companies, need to be designed by taking into account the value of the intangible assets

4. Brand strategy since then

- Dedicated campaigns in social media
- Collaborators/ endorsement program with selected artists
<https://www.thermion.eu/en/artists/>
- Strong and uninterrupted presence since 2017 (except for COVID) to the biggest international fairs of the world (NAMM – US, Musikmesse - EU)

← Instagram

 thermionengineering
NAMM Show



95 likes

thermionengineering #namm2022 is over! We've had an amazing time with our friends from all over the world. Special thanks to @nevillejmartin for being the best dude e... more

View all 4 comments

thermionengineering @chaosaudio Hope to see you in the next show 🙌

thermionengineering @bluebell_straps ❤️

6 June • See translation

4. Brand strategy since then



Ivan Ferreiro

Lorena Otero Perales (2017) CC BY-SA 2.0
<https://commons.wikimedia.org/w/index.php?curid=56936215>

Hoy empieza todo



Buena Fuente band

4. Brand strategy since then

Crowdfunding for the launch of Zero:

- (Right) focus on portability
- Secured sales (+€20K) at the launch phase
 - Test to trust in our quality standards
 - Allowed for economies of scale in an earlier phase
 - Increased engagement

KICKSTARTER

Descubrir Empieza un proyecto

Búsqueda Q Iniciar sesión

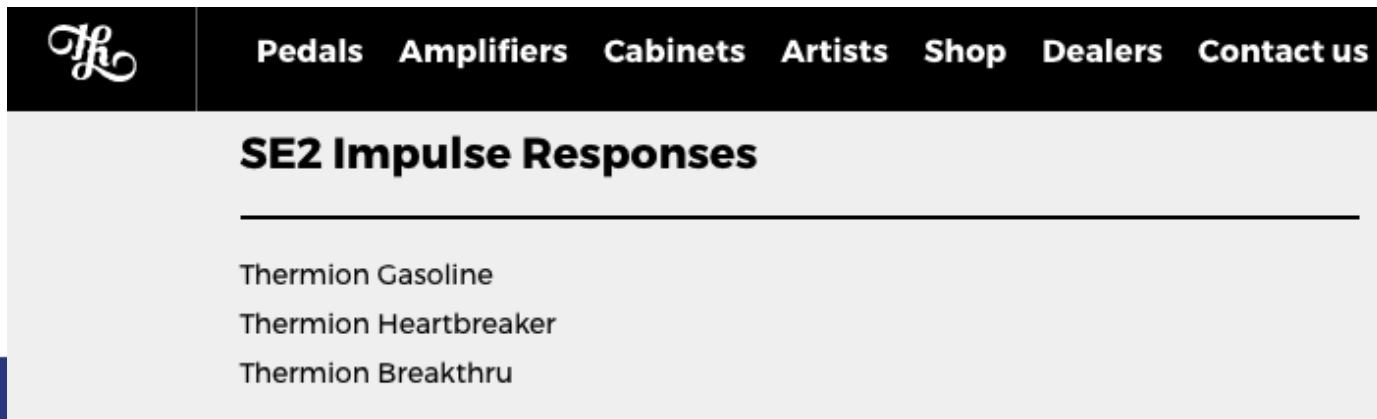
Thermion Zero - Dynamic hybrid amplifier



A versatile hybrid guitar amplifier with reverb that fits your pedalboard.

5. Copyright strategy

- Impulse responses available for free and open download at our website
- Increases use and users' feedback
- Entry door for sale of products
- Users can improve/ develop new impulse responses



Main takeaways

- It is key to keep under close monitoring the value of intangibles
- Market (most of the time) explains you better your actual value proposition
- Beyond theoretical considerations an SME IP strategy is defined by:
 - Relevance of intangibles in value proposition
 - Budget constrains
- Opening IP can also be a strategy for SMEs to attract clients

Some further reading...

- ASEAN (2020) Handbook on IP Commercialisation – Strategies for managing IPRs and maximizing value : <https://aanzfta.asean.org/uploads/2020/12/IPPEA-FINAL-HANDBOOK-ON-IP-COMMERCIALISATION.pdf>
- WIPO (2015) Guide on Intellectual Property Commercialization : https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=316830
- UNECE (2011) Intellectual Property Commercialization : <https://unece.org/sites/default/files/2022-01/ip.pdf>
- Innovaccess (2020) IP ToolBox: <https://innovaccess.eu/ip-toolbox/>

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THANK YOU

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