

EIC-Access+

Prepare for Technology transfer, Intellectual Property valuation and fundraising using IP rights



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Profile

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Elio De Tullio is an Italian Attorney at Law admitted at the bar of Bari and Trade Mark Attorney.

After 10 years of experience in IP matters, he founded in 2005 the Tech-Law firm De Tullio & Partners, with offices in Rome and Bari and a liaison office in New York. Currently he is the Managing Partner of De Tullio & Partners, where he acts as Trade Mark Attorney - in the strategic assessment of IP protection and in prosecution and opposition processes at domestic and international level – and as Attorney at Law in the legal proceedings before Italian and EU Courts.

Among other tasks, he is member of the Board of INSME (International Network of SME), Co-Chair of the Geographical Indications Standing Committee of AIPPI, expert of the Working Groups of the EUIPO, in particular the IP-Backed Finance WG and SG, former Chair of the INTA Geographical Indications Committee, Chair of the INTA – EUIPO EU Observatory Task Force and President of the IP Commission of ICC (Italian Chapter).

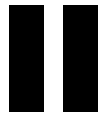
He is also a litigation lawyer before the Italian Courts specialized in Intellectual Property. He specializes on trademark, design and patent issues, from a strategy, business intelligence, competition, filing and prosecution perspective. He has written some articles on Italian and European law on intellectual property rights which have been translated into Chinese and South-East Asia languages.

A deal that almost failed

When IP governance fails, funding stops.



The problem: an AI startup preparing a Series A investment discovered during due diligence that a freelance developer retained copyright ownership over critical software modules.



The consequence: the investor paused negotiations for four months. The company nearly collapsed.



The lesson: **not because of technology failure, but because of IP governance.**

How can companies prevent this?



Turning innovation into investable and transferable value

Introduction

Today, **innovation is the true currency of global economies.**

In knowledge-based markets, companies are no longer built on factories or physical infrastructure, they are **built on intangible assets**. Algorithms, proprietary data, software, designs, brands and know-how now account for the majority of corporate value.

Intellectual property has become the cornerstone of modern enterprise value and a powerful lever for attracting capital.

But innovation alone does not secure investment.

Unprotected ideas are potential. Protected innovation is value.

Investors increasingly view strong IP portfolios as proof of technological maturity, competitive defensibility and long-term scalability. As innovation continues to drive economic growth, the ability to strategically secure and leverage patents, trademarks, copyrights and trade secrets is no longer optional, it is **essential for companies seeking funding, commercialization success, and sustainable expansion.**



Introduction

Too often, companies address IP strategically only once investment discussions or commercial negotiations have already begun. By then, unresolved ownership questions, missing inventor assignments, or regulatory exposure can delay transactions, reduce valuation, or halt deals altogether.

Opportunities are not lost because technology lacks value, but because ownership gaps, weak patent positioning, or unmanaged risks surface during due diligence or licensing negotiations.

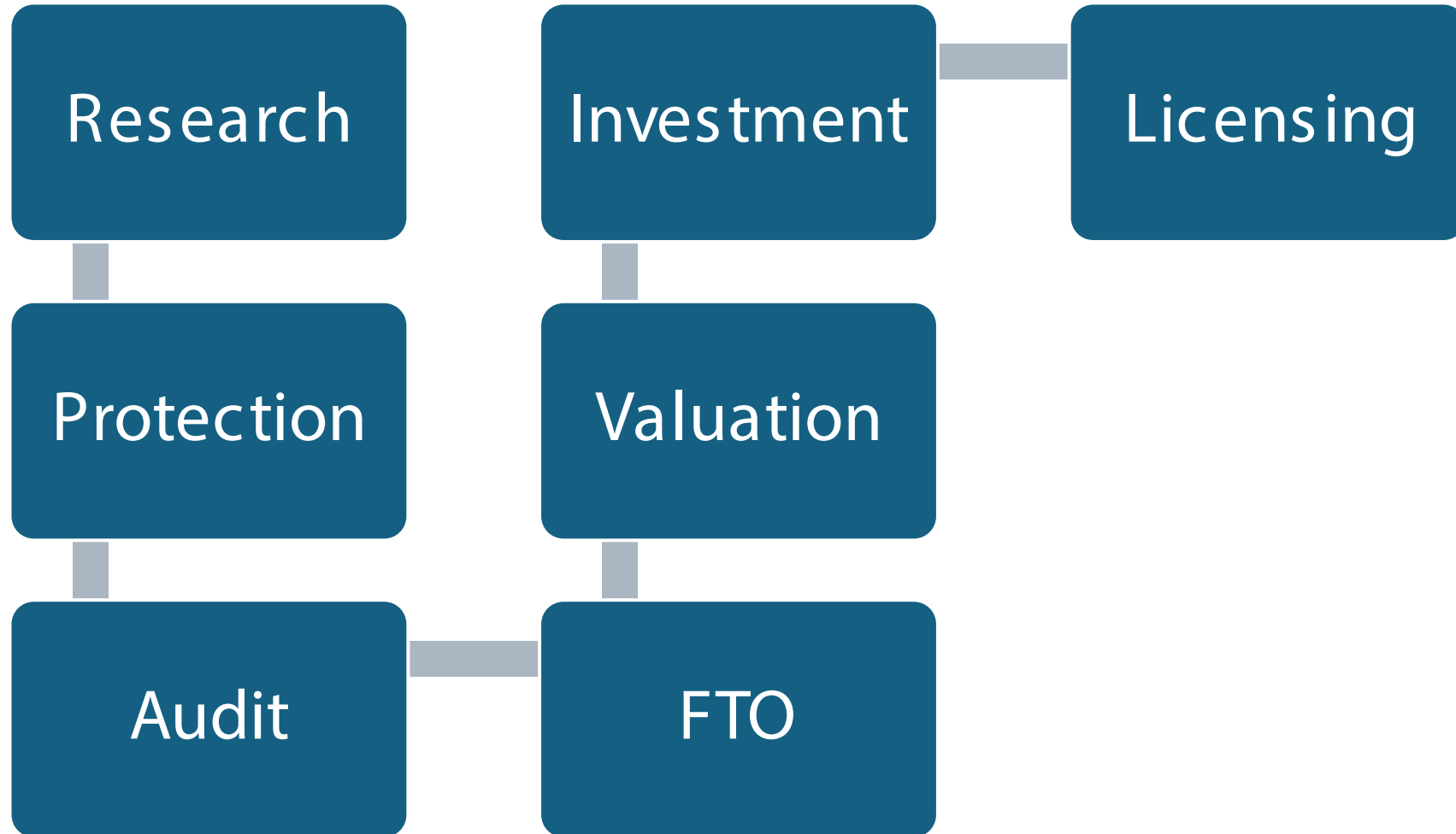
Every innovation follows a journey. It starts as research or creative insight, evolves into a protected asset, becomes transferable technology and ultimately generates commercial return.

Without a structured IP strategy, this journey remains fragile. Ownership disputes arise, licensing opportunities disappear, and investors hesitate. With proper preparation, however, IP becomes the bridge that connects innovation to scalable commercial success.

Early legal planning transforms IP from a technical outcome into a transferable, investable and financeable business asset.



Innovation journey



Preparing for Technology Transfer

What is Technology Transfer?

Technology transfer is not merely the sale or licensing of patents.

It is the controlled movement of knowledge, inventions and capabilities from creators to users capable of commercializing them.

Universities collaborate with industry. Startups license core technology. Corporations create spin-offs. Joint ventures share development risks.

Successful technology transfer depends on legal clarity. Without defined ownership, enforceable rights and properly structured agreements, innovation rarely leaves its origin safely.



Preparing technology for transfer

Many organizations believe technology transfer begins when negotiations start. **In reality, preparation begins much earlier.**

- **Confidentiality procedures must be in place before disclosure occurs (NDA, NNN, etc.)**
- **Inventorship must be accurately documented (USPTO cases)**
- **Employment contracts must assign rights correctly**
- **Patent strategies must align with commercialization goals rather than academic publication timelines**

When these elements are neglected, negotiations become defensive rather than strategic. **Preparation transforms technology from a research outcome into a transferable asset.**



Trade Secrets and Know-How

Not every innovation should become a patent.

In some sectors, **secrecy provides stronger protection than disclosure**. Manufacturing processes, algorithms, datasets, or operational methods often benefit from trade secret strategies.

However, secrecy without structure is illusion. Confidentiality policies, internal governance, contractual protections and evidence management are essential to enforceability.

Protection must be demonstrable.



Structuring transfer agreements

Technology transfer structures vary depending on commercial goals:

- Exclusive or non-exclusive licensing
- Territorial licensing strategies
- Assignment of IP rights
- Joint development agreements
- Research collaboration contracts

Legal structuring determines revenue streams, liability allocation and future innovation control.



Identifying what you actually own

Identifying transferable assets

Intellectual property is frequently misunderstood as a cost center. Filing fees, renewals, and legal procedures appear as expenses.

However, when aligned with business objectives, **IP becomes revenue generating infrastructure**. It enables licensing income, exclusive partnerships, geographic expansion and defensive positioning against competitors.

Companies that understand this shift stop asking how much protection costs and begin asking how much opportunity protection creates.



Identifying transferable assets

Technology transfer involves **licensing, assigning, or jointly developing proprietary technologies.**

A structured IP audit identifies:

- Patent applications and granted patents
- Software and databases
- Trade secrets and proprietary processes
- Industrial designs
- Trademarks and branding assets
- Research data and documentation

Legal due diligence verifies ownership, employee invention agreements, collaboration terms and third-party rights.



Conducting an IP Audit

Intangible assets play a crucial role in driving economic growth and enhancing the value of businesses.

Determining the value of intangible assets, especially brands, has historically been difficult. Unlike many other intangible assets, brands are significantly shaped by consumer perceptions, making **brand valuation particularly subjective**.

- Brand value refers to the financial worth of a brand, reflecting its ability to generate revenue and profit through its reputation, recognition and customer loyalty. This value is crucial for driving sales, attracting investment, and supporting business growth.

Key challenge for companies is how to assign a monetary value to brands when much of their worth resides in consumers' minds.



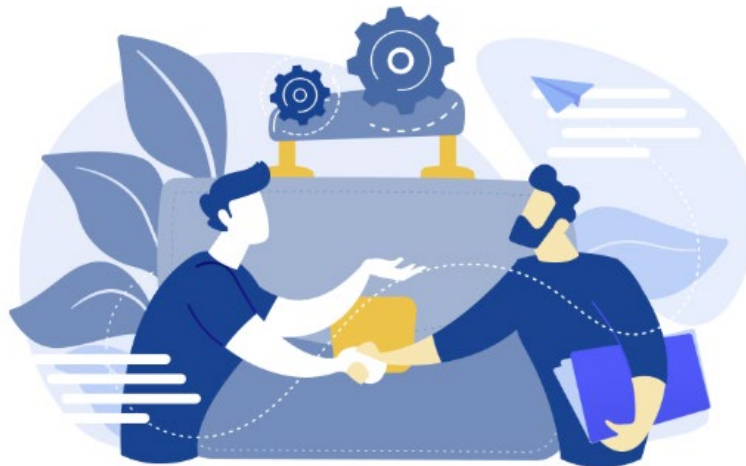
SME Fund Support

Many organizations delay IP structuring because they perceive it as costly or complex. Yet European SMEs now benefit from dedicated **financial support through EUIPO programmes**, enabling access to professional IP diagnostics, filing strategies and valuation guidance through subsidised vouchers.

This support allows innovators to prepare technologies for transfer at an earlier stage, removing budget constraints as a barrier to protection.

Through the SME Fund, companies can obtain **reimbursement for key IP activities**, including trademark, design, patent and plant variety applications, as well as IP Scan services. Depending on the country or region, SMEs can save up to 75% on IP right applications and 90% on IP Scan services, making early and strategic IP protection significantly more accessible.

Welcome
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IP Scan: turning innovation into strategy

An **IP Scan** helps you identify your IP assets and integrate a structured IP strategy into your business plan.

Protecting your IP is the only legal way to prevent your ideas, products, or services from being copied or used without permission.

Through the IP Scan (IP pre-diagnostic service), you work directly with an IP expert appointed by your national IP office. Together, you assess your business model, products, services and growth objectives to determine:

- Which intangible assets should be protected
- What type of protection is appropriate
- How IP can support long-term growth and competitiveness

IP Scan is not a legal filing service. Its purpose is strategic guidance, helping you understand how to protect, manage, and capitalize on your IP today and in the future.



FTO: avoiding commercial dead ends

Commercial partners and investors increasingly require freedom-to-operate analysis before entering agreements. Undetected infringement risks can stop licensing negotiations or delay market entry.

Early FTO assessment reduces litigation exposure and strengthens negotiation credibility.

Transactions frequently stall because:

- founders never formally assigned inventions,
- university collaborations remain unclear,
- contractors retain residual rights,
- open-source software obligations were not monitored.

Resolving these issues before negotiations begin significantly improves transaction speed and bargaining power.



Intellectual Property Valuation

Understanding IP Valuation

IP valuation is the foundation of successful capital-raising. Investors fund value, not ideas alone.

Unlike physical assets, patents and know-how have no fixed market price. Their value depends on market potential, exclusivity, enforceability, competitive positioning and freedom to operate.

Professional valuation combines legal expertise and commercial analysis to assess:

- Market impact and revenue potential
- Technological relevance and legal strength
- Competitive advantage and scalability

A structured valuation builds credibility, strengthens licensing negotiations and supports investment, financing, and strategic partnerships.



Why valuation matters

IP valuation translates innovation into financial language understood by investors, lenders and industrial partners.

Valuation supports:

- Venture capital negotiations
- Licensing royalty determination
- Mergers and acquisitions
- Tax structuring and transfer pricing
- IP-backed financing strategies

Without credible valuation, negotiations rely on assumptions rather than measurable economic potential.



Legal factors that influence value

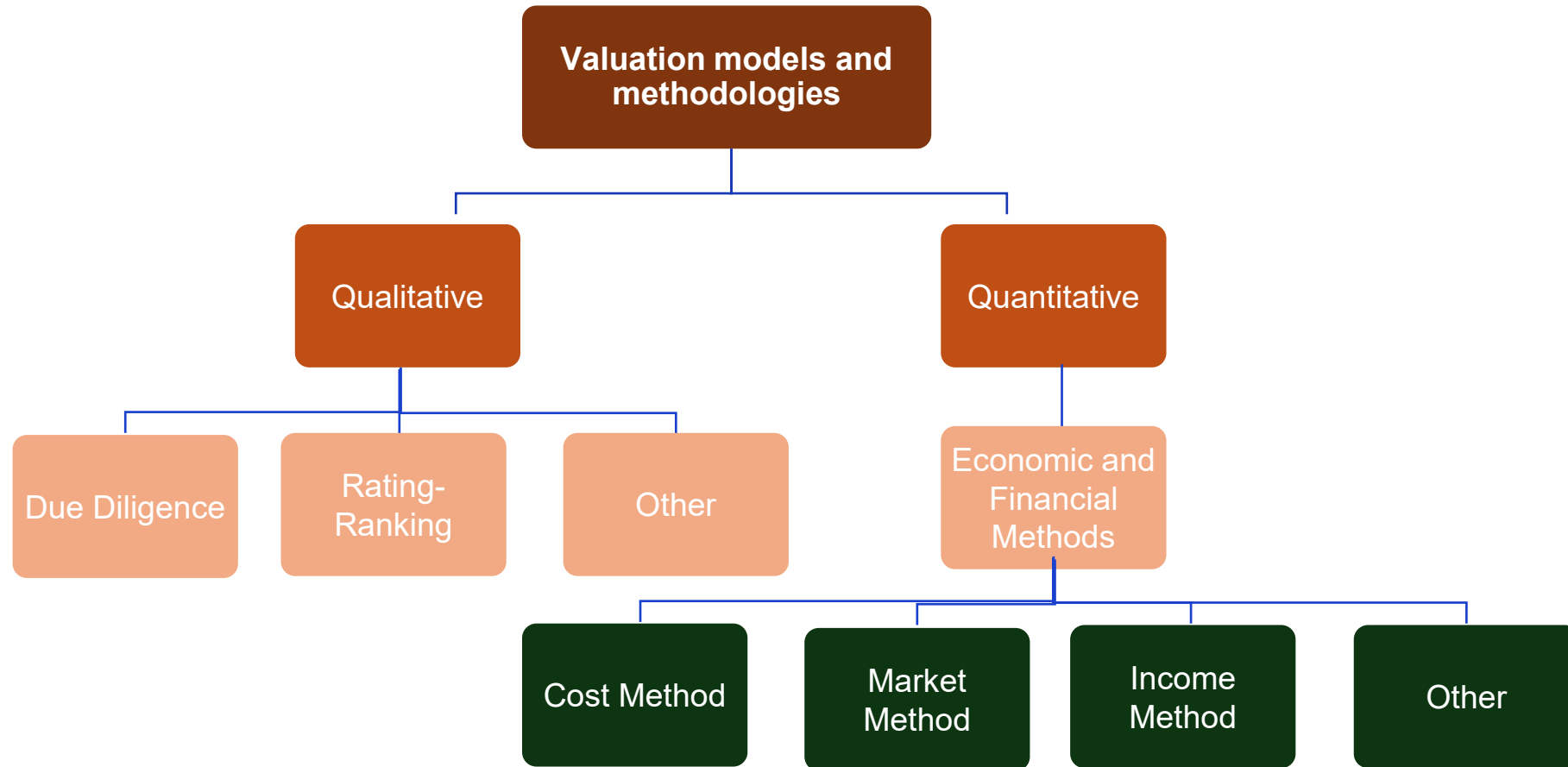
Legal robustness directly affects valuation outcomes:

- Patent claim scope and enforceability
- Remaining protection term
- Geographic coverage
- Regulatory exclusivity
- Litigation exposure
- Licensing restrictions

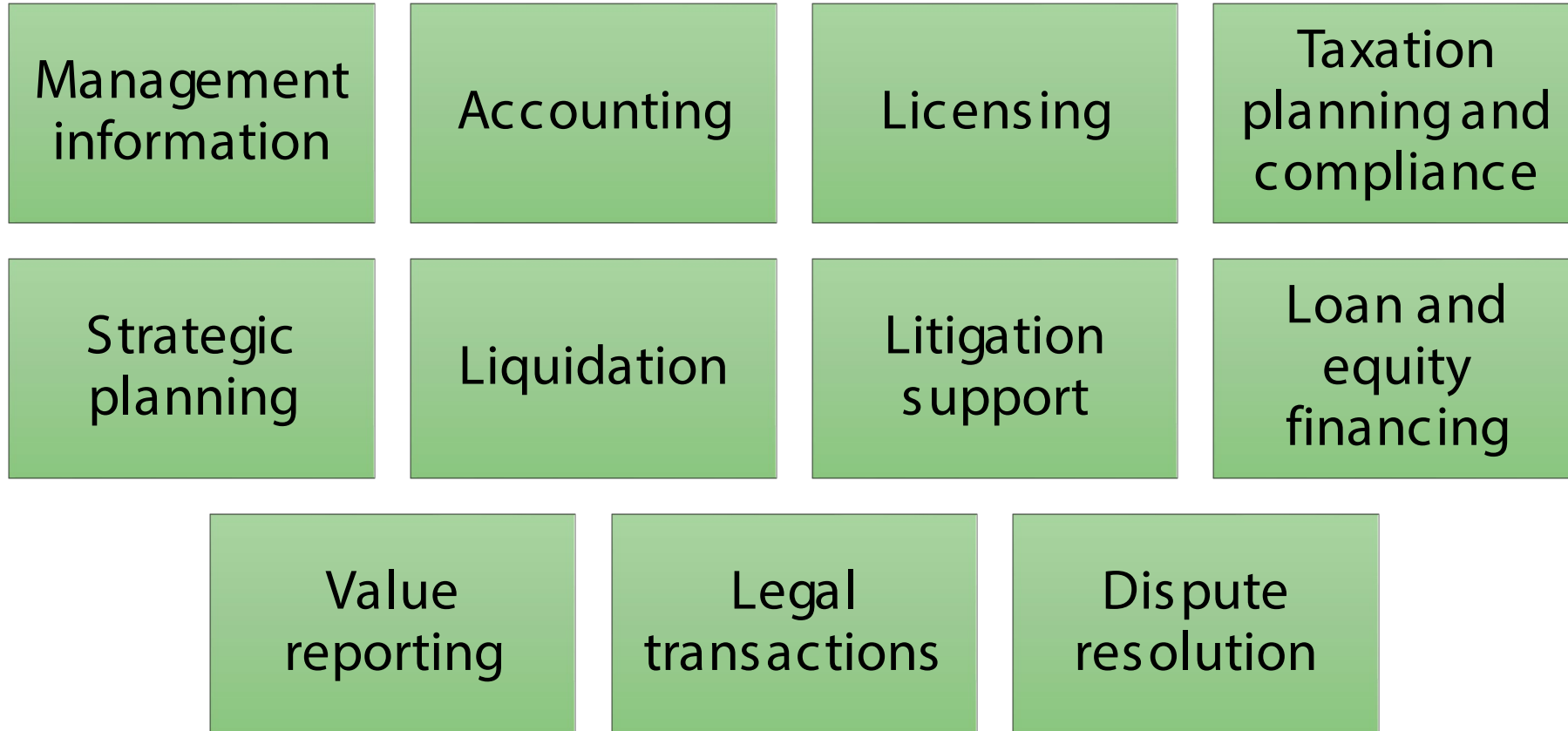
A legally strong portfolio can significantly increase investor confidence.



Valuation models and methodologies



The most commonly cited reasons for conducting a brand valuation are:



Fundraising using Intellectual Property

Why investors care about IP

Investors rarely fund ideas they fund defensible opportunities.

Recent [European research](#) shows a **strong correlation between patent and trademark filings and a company's ability to secure investment.**

During due diligence, investors ask critical questions:

- Can competitors easily replicate this innovation?
- Do the founders truly own what they intend to commercialize?
- Are there hidden legal, regulatory, or litigation risks?

Strong IP answers these questions before they are even raised.

Clear ownership structures, enforceable patents, protected trade secrets and registered brands signal professionalism, credibility, and strategic maturity. **When risk is reduced, confidence increases and confidence attracts capital.**



Investor due diligence questions

Investors evaluate whether competitors can replicate innovation quickly or whether exclusivity creates sustainable advantage. **Well-structured patents and protected know-how demonstrate barriers to entry and scalability potential.**

Typical investor questions include:

- *Who owns the IP? Are inventors properly assigned? Does the company infringe third parties? Are collaborations contractually secure? Can protection support international expansion?*

Pre-fundraising legal audits prevent delays and protect negotiating leverage.

Fundraising processes often fail because intellectual property problems appear late. Conducting IP due diligence before approaching investors allows companies to control the narrative.



Five IP issues that frequently stop investment rounds

Across technology sectors, recurring legal problems repeatedly delay or terminate transactions:

- 1. Missing inventor assignments or founder ownership disputes**
- 2. Premature disclosure destroying patentability**
- 3. Open-source software compliance risks**
- 4. Weak territorial licensing clauses**
- 5. Lack of freedom-to-operate analysis**

Identifying these risks early protects both valuation and credibility during negotiations.



IP-backed financing models

IP-backed loans are transforming access to capital by allowing companies to use IP as collateral.

As corporate value increasingly shifts toward intangible assets – now representing more than 90% of company value – traditional financing models are evolving to recognize IP as credible security.

By leveraging patents, trademarks, know-how and proprietary data, businesses can **secure larger loans and more favorable terms than those based solely on physical assets or cash flow.**

For lenders, well-managed IP portfolios provide measurable, transferable value. For companies, they unlock financing opportunities that align with innovation-driven growth.

In an economy powered by knowledge and technology, IP is no longer just protection it is leverage.



Licensing as a fundraising strategy

Fundraising does not always require equity dilution.

Licensing agreements allow companies to generate revenue directly from their IP by granting others the right to use protected technologies, brands, or creative assets in exchange for royalties or fees.

These agreements create predictable income streams, demonstrate real market demand and strengthen credibility with investors and lenders.

Royalty structures vary depending on the technology, market potential, exclusivity and stage of development, enabling flexible monetization strategies aligned with business growth.

In innovation-driven markets, licensing transforms IP from protection into a sustainable source of capital.



Equity Investment

In technology-driven sectors, IP often represents a company's core value and market leadership potential.

Evidence shows strong IP protection directly attracts capital -> a first patent can increase venture capital funding by 76% within three years and IPO funding by 128%.

What investors look for:

- **Sustainable competitive advantage**
- **Defensible market positioning**
- **Clear commercialization opportunities**

Equity investors may request rights or ownership interests in IP. Companies must balance attracting capital with maintaining control over critical intellectual assets and future innovation pathways.



Strategic Partnerships

Strategic partnerships built around IP enable companies to raise capital while accelerating commercialization and market expansion.

Collaborations with established partners – through licensing agreements or joint ventures – combine innovation with resources, market access and operational expertise.

Value for IP-owning companies

- Access to funding and operational support
- Manufacturing capacity and distribution networks
- Faster entry into global markets

Value for strategic partners

- Rapid access to innovation and new technologies
- Reduced development risk and time to market
- Entry into emerging or sustainability-driven sectors

The Result: well-structured IP partnerships create shared value, stronger market positioning and scalable growth opportunities for both sides.



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Obstacles in IP when Fundraising

IP Protection and Fundraising: Key Strategic Considerations

- **IP as a value driver** – Patents, trademarks, and copyrights protect innovation and brand identity, strengthening market differentiation and increasing investor confidence.
- **Costs and complexity** – IP protection requires financial investment, legal expertise and time, particularly across multiple jurisdictions.
- **Strategic integration** – Embedding IP strategy early in fundraising helps demonstrate competitive advantage, scalability and long-term value creation.
- **Risk and resource management** – Entrepreneurs must balance protection benefits with costs, prioritizing the most relevant IP tools and exploring alternatives such as licensing or open innovation.
- **Proactive portfolio management** – Continuous monitoring, IP audits and market awareness help maximize asset value and maintain investment readiness.



Assessing the Value of IP Protection

- **Signals competitive strength** – Patents, trademarks and copyrights demonstrate innovation, differentiation, and defensibility, creating legal barriers to entry and strengthening market positioning.
- **Unlocks revenue opportunities** – IP enables monetization through commercialization, licensing, branding and distribution agreements, turning innovation into scalable income streams.
- **Builds investor confidence** – Strong IP protection reduces perceived risk, safeguards core assets and signals strategic foresight and capable management.
- **Mitigates competitive risk** – IP acts as both shield and leverage, deterring infringement, protecting market share and sustaining long-term growth and profitability.



Overcoming Obstacles in IP Protection and Fundraising

- **Budget constraints** – Prioritize strategically critical IP assets and **adopt cost-efficient approaches** such as provisional filings, trade secrets, or open-source licensing to maximize protection within limited resources.
- **Time pressures** – Balance IP protection with product development and market entry by **prioritizing key filings** and using **accelerated application procedures** where possible.
- **Legal uncertainty** – Evolving IP regulations require **continuous monitoring**. Engaging experienced IP advisors helps reduce risk and supports informed strategic decisions.
- **Cost–Benefit Decision Making** – Align IP investments with **business objectives** by evaluating exclusivity benefits against protection and enforcement costs.
- **Smart Cost Management** – Leverage online filing tools, academic IP clinics, **government support programs** and **specialized service providers** to optimize protection while controlling expenses.



Implementation Strategy

IP Commercialization by its Owner

- **Secrecy of ideas (NDA, NNN – Manage disclosures)**
- **Market searches and patent landscape**
- **IP searches and FTO analysis**
- **Collect data, use docket systems and keep records**
- **Register your IPRs (titled rights)**
- **If you have untitled rights, monitor uses and publications**
- **Activate surveillance systems**
- **Enforce IPRs**



Licensing agreements

- IP Licensing is a process whereby the holder of an IP grants permission to third parties to utilize his/her IP asset/s for a specified duration, for a specific purpose, on a particular territory, and under agreed upon conditions. These terms are agreed upon between both the parties and are stated in a contract: your licensing agreement.
- Can be licensed:
 - **Patent**
 - Bared
 - Bundled with know-how, trademark, etc.
 - Trademark
 - **Trade secret/Know-how**
 - Contract right to use, but not to disclose
 - **Copyright**

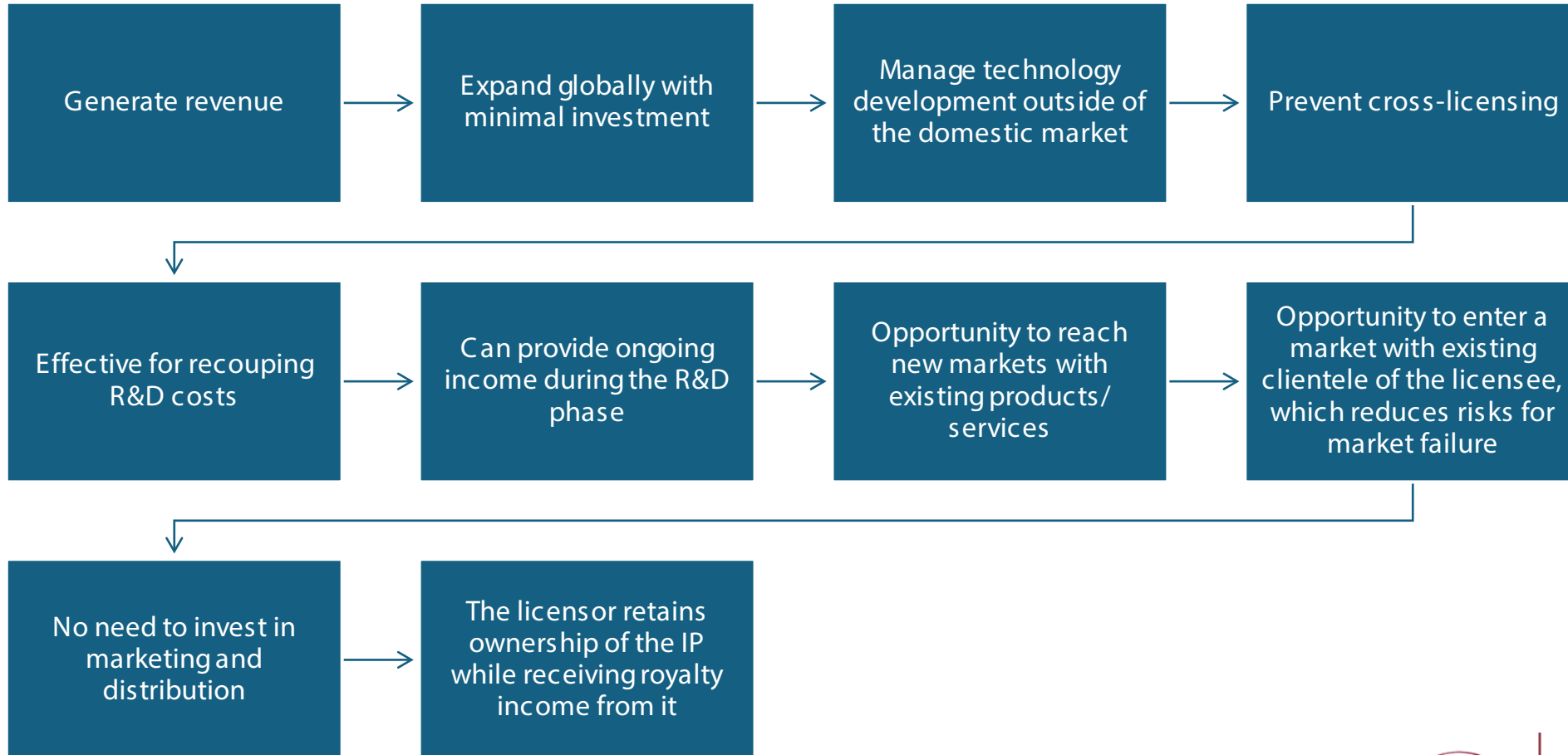


Why licensing?

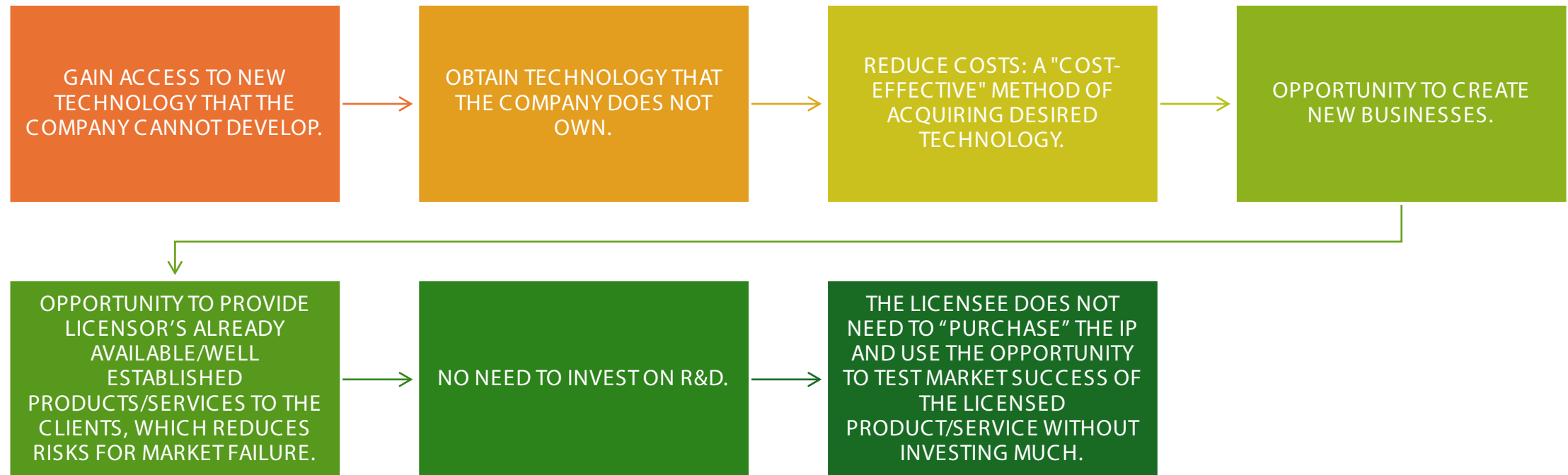
- Widely utilized approach for bringing technology and intellectual property to market globally.
- Numerous organizations are unable to commercialize their newly developed intellectual property.
- Some organizations possess manufacturing and marketing capabilities but lack research and development resources.



Reasons for opting to license out



Reasons for opting to license in



Monitoring and Enforcement

The violation of IP rights poses numerous risks for the companies and individuals involved.

IP holders, who don't have a good IP protection strategy, can incur in legal, financial, reputational and competitive risks.

These risks can be detrimental to both the financial health and the overall strategic position of the business.

- To prevent infringement is useful to:
 - **Activate surveillance services worldwide**
 - **Conduct thorough trademark searches before using a new mark**
 - **Register trademarks to gain legal protection**
 - **Regularly review and update IP portfolios**
 - **Keep track of potential infringements and take action where necessary.**



Monitoring and Enforcement

- ❖ Investigate the websites of competing companies, to find out potential cases of counterfeiting.
- ❖ **Notify to the public the existence of IPRs by using the relevant symbols or phrases:**
 - © to assert copyright ownership
 - ™ if the trademark is used but has not been filed yet, or if it is applied for but not registered yet
 - ® only if the trademark is registered
 - **“Patent n. _____”** if the patent is registered
 - **“Patent pending”** if the patent has been applied for but not granted yet



Conclusions

Wrap-Up

Organizations should explore these strategies for transforming intellectual assets into investment engines:

- 1. IP Valuation**
- 2. IP-Backed Loans:** Leverage patents and other intellectual assets as collateral to obtain financing — unlocking capital while retaining full ownership and control.
- 3. Licensing and Commercialization:** Monetize technology or brand assets through licensing agreements, creating revenue streams that support growth without equity dilution.
- 4. Equity Investment**
- 5. Strategic Partnerships**



Wrap-Up

Organizations frequently perceive legal support as reactive compliance.

In practice, proactive IP strategy enables:

- **Faster closing timelines**
- **Improved investor readiness**
- **Stronger negotiation leverage**
- **Identification of monetization opportunities.**



Are you ready for technology transfer or investment?

- ✓ Are all inventors properly assigned?
- ✓ Is ownership clearly documented across jurisdictions?
- ✓ Has freedom-to-operate been evaluated?
- ✓ Does licensing strategy align with long-term growth?
- ✓ Are trade secrets documented and protected?

Where gaps exist, early corrective action often determines whether negotiations proceed smoothly or stall under pressure.



Common mistakes innovators make

Many innovators unintentionally weaken their position.

- Premature disclosure destroys patentability.
- Informal collaborations create ownership disputes.
- Generic contracts overlook strategic goals.
- Filing without commercialization planning wastes resources.

These mistakes are avoidable when intellectual property strategy accompanies innovation from the beginning.

The right order is: identify protectable assets, structure ownership chains, prepare technology for transfer, support valuation exercises, conduct IP due diligence and negotiate agreements aligned with long-term commercial objectives.



THANK YOU!



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