

# 2022 INTELLECTUAL PROPERTY SME SCOREBOARD



September 2022

## 2022 INTELLECTUAL PROPERTY SME SCOREBOARD

*Commissioned by the European Union Intellectual Property Office (EUIPO) through the European Observatory on Infringements of Intellectual Property Rights to NTT Data and Ipsos*

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## Foreword

The world of business has been shaken since the last SME scoreboard was published, in 2019. Small and medium-sized enterprises (SMEs) were greatly impacted by the COVID-19 crisis, and more recently, by the worsening of the global energy crisis. The geopolitical instability brought about by the invasion of Ukraine, as well as increased inflation in the EU have made the already difficult pandemic recovery even harder.

This new SME Scoreboard, the third edition of a series (2016, 2019) comes at a critical moment and can help the European Commission further define and tally the implementation of its SME strategy and IP Action Plan in light of today's complicated geopolitical context.

Together with both the EU and IP community, we can continue to act as a lighthouse to SMEs as they steadily navigate the world of intellectual property. One way for us to do so, is by ensuring that SMEs are aware of the benefits of protecting their innovation and creativity. To that end, we are working closely with the European Commission, the national and regional IP offices, and our partners and stakeholders, which today form the growing Ideas Powered for business Network<sup>(1)</sup>, to provide financial support and precious guidance through the European Commission's SME Fund initiative<sup>(2)</sup> implemented by the EUIPO.

In the meantime, this new study provides valuable quality data so that policymakers in the EU and the IP community can come up with effective evidence-based joint strategies on how to better support EU SMEs.

Overall, the new SME Scoreboard shows, once again, that a large majority of SMEs may not know how to best profit from their intellectual assets or where to find support for the development of their IP business strategies. Only 10 % of EU SMEs own registered IP rights and 45 % of IPR owners have attempted to gain finance using their intangible assets.

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(1) Ideas Powered for business <https://business.ideaspowered.eu/>.

(2) SME Fund <https://euiipo.europa.eu/ohimportal/en/online-services/sme-fund>.

This is where the SME Fund's IP Scan<sup>(3)</sup> (IP pre-diagnostic service) is useful: the service provided by experts selected by participating national offices, provides guidance to small companies on how to build an IP strategy and capitalise on their IP assets.

There are also positive trends in the study that are worth highlighting: 93 % of SMEs with registered IP rights say they experienced a positive impact from registering them, mostly on, their reputation or image (60 %), followed by better IP protection (58 %).

The 2022 SME Scoreboard, which is one of the EUIPO's flagship studies, is published as we celebrate the 10th anniversary of the European Observatory on Infringements of Intellectual Property Rights. The study is a testimony to the Observatory's relentless effort to uphold its mandate and provide impartial evidence to help safeguard the EU's knowledge and competitive edge in the global marketplace.



Christian Archambeau  
Executive Director  
EUIPO



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<sup>(3)</sup> IP Scan <https://euipo.europa.eu/ohimportal/es/online-services/ipscan>.

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## Executive Summary

Europe's small and medium-sized enterprises (SMEs) are an essential part of the European Union's economy. Crucially, SMEs are indispensable for driving innovation in the EU, as they develop new solutions to the key challenges that confront the EU, such as resource efficiency and climate change. Moreover, SMEs help spread these innovations, and the solutions they offer, throughout the EU at local, regional and international level. For SMEs in the EU to keep playing this role in the best circumstances, it is vital that SMEs are supported in the protection of their innovations. Studies show a positive correlation between IPR ownership and economic performance, which is particularly strong for SMEs. This puts protection of intellectual property central to the EU's and the EUIPO's strategies to support SMEs.

In 2016 and 2019 the European Union Intellectual Property Office (EUIPO) through the European Observatory on Infringements of Intellectual Property Rights conducted the first two IP SME Scoreboard studies in order to better understand how and why SMEs do, or do not, use IPRs. In 2022, the third wave of the SME Scoreboard was conducted. Data was collected among 8 372 SMEs in all 27 EU Member States, including 4 278 owners of registered IPRs and 4 094 SMEs that do not own registered IPRs. Interviewing for the survey took place between March and May 2022. The 2022 study is based on a shortened revised version of the survey questionnaire from 2019. The revision process included a consultation with the members of the EUIPO's SME Expert Group.

The 2022 Intellectual Property SME Scoreboard provides valuable data that could serve the implementation of the European Commission's SME strategy for a sustainable and digital Europe<sup>(4)</sup> and IP action plan<sup>(5)</sup>. The Scoreboard data is also key to improving the EUIPO's initiatives aimed at supporting European SMEs, including those under the SME programme, launched in cooperation with the European Commission and the national and regional IP offices in response to the impact on SMEs of the COVID-19 pandemic. The Scoreboard data will be considered by the EUIPO when designing new initiatives in support of SMEs.

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<sup>(4)</sup> European Commission. Communication on an SME Strategy for a sustainable and digital Europe, March 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A103%3AFIN>.

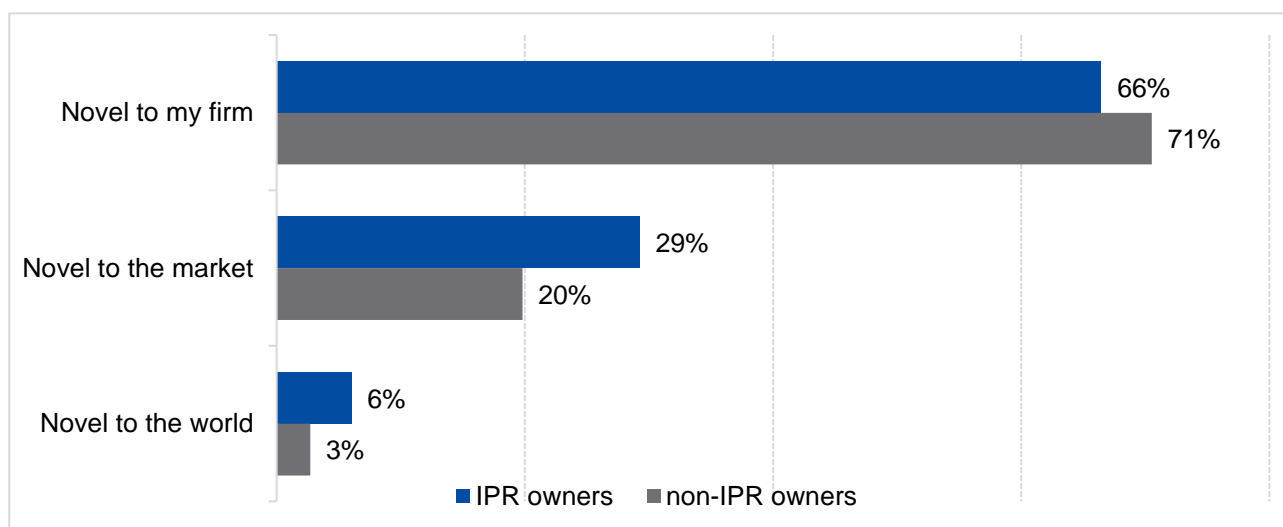
<sup>(5)</sup> European Commission. Communication on an intellectual property action plan to support the EU's recovery and resilience, November 2020. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52020DC0760>.

## Innovation and business development

**60 % of SMEs report that they have introduced an innovation in their company in the past 3 years.** 70 % of those innovations were described as novel to the SME itself, while 21 % of innovations were novel to the market, and 3 % novel to the world. The introduction of innovations is more common among registered IPR owners (77 %) compared to non-owners (57 %).

Registered IPR owners that had introduced an innovation are more likely to report that their firm had been the first to implement an improvement **in their market** compared to non-IPR owners (29 % and 20 %, respectively), or **in the world** (6 % and 3 %, respectively). In contrast, registered IPR owners are less likely than non-IPR owners to report that the innovation had already been implemented by other firms, and is **novel only to their firm** (66 % and 71 %, respectively).

**Figure 0.1 Novelty of innovations (by IPR ownership)**



Base: SMEs that introduced any innovations (n IPR owners = 3 374, non-IPR owners = 2 402).

Question: Q3. To the best of your knowledge, how novel were the improvements you introduced?

The source that SMEs most commonly use to find information relevant for the development of their business is **business and trade facilitators** (used by 73% of SMEs), followed by public authorities or bodies (65 %) <sup>(6)</sup>.

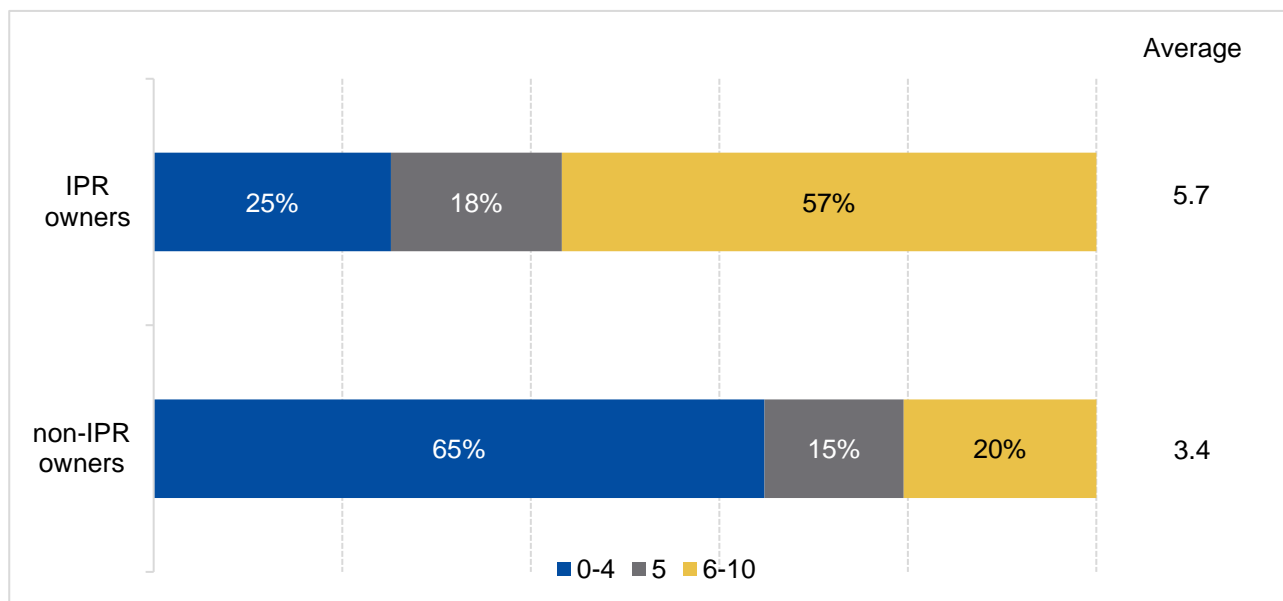
<sup>(6)</sup> Usage of a source of information includes all responses which imply the respondent used this source, even if they did not find it useful at all.



### Use of IP protection measures

On a scale from 0 to 10, **75 % of IPR-owning SMEs rate their familiarity with IPRs as being five or higher** – compared to 35 % of SMEs that do not own IPRs.

**Figure 0.2 Familiarity with intellectual property rights (by IPR ownership)**



Base: All SMEs (n IPR owners = 4 278, n non-IPR owners=4 094).

Question: Q1. How familiar are you with Intellectual Property Rights (IPRs)? (0-10 scale)

**10 % of SMEs report that they own registered IPRs.** This is consistent with the data from the 2021 IPRs and firm performance in the EU Firm-level analysis report<sup>(7)</sup>. A **national trade mark** is the most commonly owned registered IPR type, owned by 6 % of SMEs. This is followed by **EU trade marks** and **patents** (4 % for both). The most commonly used other (non-registered) IP protection measures are ‘other alternative measures’ (which includes domain names). 39 % of SMEs report owning these, which makes this group the most frequently owned IP protection measure of any kind. It is followed by **trade secrets** (19 %), **unregistered design rights** (16 %) and **database rights** (13 %).

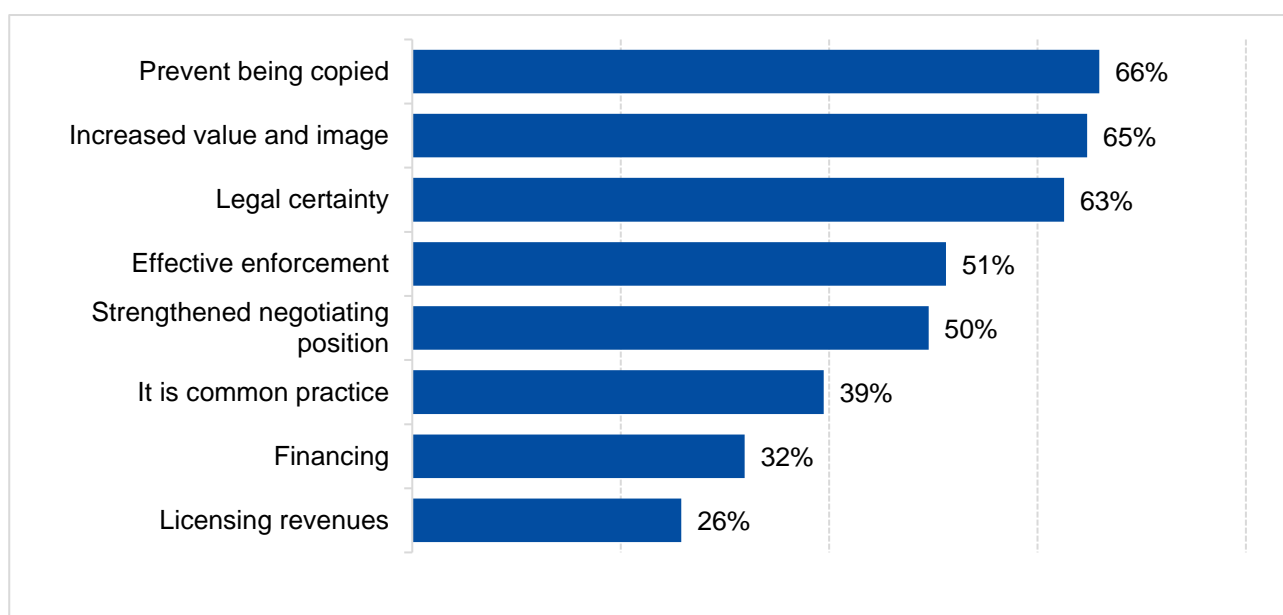
<sup>(7)</sup> European Union Intellectual Property Office and European Patent Office. Firm-level analysis report on Intellectual property rights and firm performance in the European Union. February 2021. [https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document\\_library/observatory/documents/reports/IPContributionStudy/IPR\\_firm\\_performance\\_in\\_EU/2021\\_IP\\_Rights\\_and\\_firm\\_performance\\_in\\_the\\_EU\\_en.pdf](https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/IPContributionStudy/IPR_firm_performance_in_EU/2021_IP_Rights_and_firm_performance_in_the_EU_en.pdf).

45 % of SMEs that own registered IPRs tried to **achieve financial gain** by using their intellectual assets, either directly, through sale or licensing, or indirectly, through for instance using their registered IPR portfolio for business development. More than a third of SMEs (36 %) that own registered IPRs have **successfully** achieved financial gain by means of their registered IPRs, compared to 11 % that have tried this but were not successful.

### IPR registration

The main **reasons for SMEs to register IPRs** are that they help prevent others from copying their solutions, products or services (66 %), followed by an increased value and image for their company (65 %), and a guarantee for better legal certainty (63 %). SMEs that have registered their IPRs have done so most frequently with the **national IP office of a single EU Member State** (47 % of SMEs with registered IPRs have done this), or with the **national IP offices of multiple Member States** (31 %). 15 % of SMEs with registered IPRs have registered their IPRs with the EUIPO.

**Figure 0.3 Reasons to register IPRs (overall)**



Base: SMEs that have registered IPR (n = 4278).

Question: Q8. Why did your company register IPRs?

Just over half (54 %) of SMEs that registered IPRs report that they faced difficulties when doing so. SMEs most frequently referred to **the cost of the registration**, which was perceived as high. This is consistent with the 2016 data, which also found around half of SMEs said they had encountered difficulties. Both **high IP office fees** as well as **high IP agent fees** are reported by 20 % of SMEs

with registered IPRs as a difficulty they experienced. The third most mentioned difficulty was that the **registration took too long** (19 %).

**93 % of SMEs that have registered IPRs saw a positive impact of that registration.** Most commonly, SMEs with registered IPRs reported that registration improved the reputation or image of the company (mentioned by 60 %), that it provided them with a better IP protection (58 %), and that it gave better long-term business prospects (48 %).

**Finally, looking at SMEs that did *not* register IPRs, the most frequently stated reason is that they did not see additional benefits from doing so:** 35 % of SMEs gave this as a reason not to register IPRs. Other reasons were reported considerably less frequently: the three other most frequently mentioned reasons were that they thought that their intellectual asset was not innovative enough for IPR registration (20 %), that they had insufficient knowledge (19 %), or that the registration requirements were not met (19 %).

### IPR infringement

Most SMEs (85 %) that owned registered IPRs have relied on specific measures to identify potential infringements of their IPRs. This is, however, not always done via dedicated monitoring of the market. They mostly rely on non-systematic input such as **customer feedback** (used by 41 % of SMEs with registered IPRs), or **incidental information** that reaches them (40 %). Systematic monitoring is less common: 26 % of those SMEs use outsourced IP infringement services, and 17 % have dedicated in-house staff for systematic monitoring.

15 % of owners of registered IPRs have experienced IPR infringements with the IPRs they own. IPR infringement occurred most commonly with trade marks: 14 % of SMEs with registered IPRs reported an infringement with this IPR type. Almost 9 out of 10 (89 %) of them have taken measures to enforce their IPRs, mostly via direct negotiations (43 %).

The most frequently mentioned impact of an IPR infringement is that it made the SME that experienced the infringement **become more aware of the need for IPR protection** (reported by 46 % of SMEs that experienced an infringement). The other most mentioned impacts were the **loss of turnover** (36 %) and damage to the company's reputation (31 %).

# 1 Introduction

Europe's small and medium-sized enterprises (SMEs) are an essential part of the European Union's economy. They employ around 100 million people, account for more than half of Europe's GDP and play a key role in adding value in every sector of the economy. Crucially, SMEs are indispensable in driving innovation in the EU, as they develop new solutions to key challenges with which the EU is confronted, such as resource efficiency and climate change. Moreover, SMEs help spread these innovations, and the solutions they offer, throughout the EU at local, regional and international level<sup>(8)</sup>.

For SMEs in the EU to keep playing this role in the best circumstances, and to develop a climate in which the development, implementation and distribution of innovations can thrive, it is vital that SMEs are supported and empowered in the protection of their innovations. Studies show a positive correlation between IPR ownership and economic performance, which is particularly strong for SMEs<sup>(9)</sup>. Revenue per employee is approximately 68 % higher for SMEs that do own IPRs than for those that do not own IPRs. This makes protection of intellectual property central to the EU's and the EUIPO's strategies to support SMEs.

In 2016<sup>(10)</sup> and 2019<sup>(11)</sup> the EUIPO, through the European Observatory on Infringements of Intellectual Property Rights, conducted the first two IP SME Scoreboard studies in order to better understand

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<sup>(8)</sup> European Commission. An SME Strategy for a sustainable and digital Europe, March 2020.

[https://ec.europa.eu/info/sites/default/files/communication-sme-strategy-march-2020\\_en.pdf](https://ec.europa.eu/info/sites/default/files/communication-sme-strategy-march-2020_en.pdf).

<sup>(9)</sup> European Union Intellectual Property Office and European Patent Office. Intellectual property rights and firm performance in the European Union, February 2021 [https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document\\_library/observatory/documents/reports/IPContributionStudy/IPR\\_firm\\_performance\\_in\\_EU/2021\\_IP\\_Rights\\_and\\_firm\\_performance\\_in\\_the\\_EU\\_en.pdf](https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/IPContributionStudy/IPR_firm_performance_in_EU/2021_IP_Rights_and_firm_performance_in_the_EU_en.pdf).

<sup>(10)</sup> European Union Intellectual Property Office. 2016 Intellectual Property SME Scoreboard, June 2016. [https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document\\_library/observatory/documents/sme\\_scoreboard\\_study\\_2016/sme\\_scoreboard\\_study\\_2016\\_en.pdf](https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/sme_scoreboard_study_2016/sme_scoreboard_study_2016_en.pdf).

<sup>(11)</sup> European Union Intellectual Property Office. 2019 Intellectual Property SME Scoreboard, October 2019. [https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document\\_library/observatory/documents/IP\\_sme\\_scoreboard\\_study\\_2019/IP\\_sme\\_scoreboard\\_study\\_2019\\_en.pdf](https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/IP_sme_scoreboard_study_2019/IP_sme_scoreboard_study_2019_en.pdf).

how and why SMEs do or do not use IPRs. This report presents the findings of the third wave of the SME Scoreboard, for which data was collected via a survey between March and May 2022. The 2022 SME Scoreboard falls under the EUIPO's 2025 Strategic Plan's Key initiative 2 'Evidence-based Contributions to IP Policy Making' of Goal 1.3. 'Developing an IP Knowledge Hub' of the EUIPO Strategic Plan 2025, and is included in the 2022 Work Programme of the European Observatory on Infringements of Intellectual Property Rights.

The 2022 SME Scoreboard provides valuable data that could serve the implementation of the European Commission's SME strategy for a sustainable and digital Europe<sup>(12)</sup> and IP action plan<sup>(13)</sup>. The Scoreboard data is also key to improving the EUIPO's initiatives aimed at supporting European SMEs, including those under the SME Programme launched in cooperation with the European Commission and the national and regional IP offices in response to the impact on SMEs of the COVID-19 pandemic. The Scoreboard data will be considered by the EUIPO when designing new initiatives in support of SMEs.

This report presents the findings of the 2022 SME Scoreboard survey (including a comparison with past waves where applicable and possible) in four main chapters. The chapters follow the 'journey' that an SME takes from the introduction of innovations, over their awareness of the concept of intellectual property rights (IPRs), the registration of their innovation, and the experience of infringements of their IPRs.

- **Innovation and business development** (chapter 3) looks at how innovative SMEs are, how they protect their innovations, and what information sources they use.
- **Use of intellectual property protection measures** (chapter 4) discusses familiarity with intellectual property rights, ownership or use of various (registered and non-registered) IP protection measures, and whether SMEs have tried to achieve financial gain from their IPR ownership.

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<sup>(12)</sup> European Commission. Communication on an SME Strategy for a sustainable and digital Europe, March 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A103%3AFIN>.

<sup>(13)</sup> European Commission. Communication on an intellectual property action plan to support the EU's recovery and resilience, November 2020. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52020DC0760>.

- **IPR registration** (chapter 5) covers SMEs' experiences with and attitudes towards the process of registering of their IPRs. This includes reasons to register or not to register IPRs, sources of information on the registration of IPRs that were used, where IPRs are registered, the difficulties experienced during the registration process, and the positive impacts that IPR registration had on the company.
- **IPR infringement** (chapter 6) deals with SMEs' experiences of infringement of their IPRs. This includes how they monitor the market for possible infringements, the incidence of infringements, how it has impacted the company, whether and how they have tried to enforce their IPRs (and, if applicable, why not), and whether SMEs themselves have been the subject of allegations of infringement by other entities.

## 2 Methodology

### 2.1 General overview

The 2022 SME Scoreboard survey was conducted via telephone interviews (computer-assisted telephone interviewing or CATI) among 8 374 SMEs in all 27 European Union Member States. Interviews took place between 8 March 2022 and 10 May 2022.

### 2.2 Sampling

To allow for robust and representative data collection that would result in statistically reliable data, and to ensure consistency with the past instalments of the SME Scoreboard surveys, the 2022 survey followed as closely as possible the approach taken in previous waves.

The gross sample (i.e. the initial set of phone numbers selected to be contacted for the survey) of SMEs selected for contacting to participate was selected from the Bureau Van Dijk Orbis database of companies. To ensure that enough SMEs with registered IPRs would be included in the final survey sample, the gross sample was split in two, almost even, large parts.

- A **randomly drawn sample of EU SMEs, representative of the overall population of SMEs in the EU**. In line with the SME population in the EU, this sample contained a majority of SMEs that did not own registered IPRs. This sample allowed the results to be analysed in terms of overall EU SME population.
- An additional sample of **known registered IPR-owning SMEs**. These SMEs were identified based on a matching database developed by the EUIPO. The inclusion of an extra set of registered IPR owners to the survey sample was necessary to gather sufficient data for this group of SMEs, which are rare in the overall population. This ensured that statistically reliable results could be calculated about IPR-owning SMEs<sup>(14)</sup>.

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<sup>(14)</sup> In practice, a minor percentage of the SMEs that were taken from the database turned out not to own IPRs (anymore), when asked about this in the survey – possibly due to outdated information in the database. This did not exclude them from participation. As explained in section 2.5.1, registered IPR ownership was determined during the survey, and routing in the interview (e.g. to ask questions about IPR registration). Moreover, analysis of IPR owners in this report are based on responses in the survey, not on their presence in the ‘IPR owners’ database.

Based on available information about sector, employee size and company revenue, all selected SMEs were pre-screened to confirm eligibility to participate in the survey. Eligibility was further checked during the interview to correct potential errors in the database.

The gross sample was stratified in the same way as in 2016 and 2019. This means that proportionate numbers of SMEs were selected for participation in the survey depending on certain characteristics. Specifically, the sample was stratified on:

- IPR ownership (IPR owners from the EUIPO database v added Orbis sample, each about 50 % of the gross sample);
- company size, with the gross sample containing, separately within the group of IPR owners and non-IPR owners, per Member State approximately 25 % of micro companies, 50 % small companies and 25 % medium size companies.

Stratification along these two parameters was done per Member State. The size of the gross sample correlated with the size of the SME population in each Member State (i.e. the more SMEs in a Member State, the larger was the sample drawn). The proportions were compared to the 2016 and 2019 waves to ensure a similar sample size – and to avoid targets being set too high, especially for smaller Member States.

The definition of company size (micro-, small- and medium-sized companies) followed the official Eurostat Structural Business Statistics definitions<sup>(15)</sup>. Specifically, staff headcount, combined with turnover *or* balance sheet total were used to determine eligibility and assignment to each of the size classes.

**Table 2.1 Company size definitions**

Company category	Staff headcount	Turnover	or	Balance sheet total
Medium	<250	≤€ 50 m		≤€ 43 m
Small	<50	≤€ 10 m		≤€ 10 m
Micro	<10	≤€ 2 m		≤€ 2 m

(<sup>15</sup>) Commission Recommendation of 6 May 2003 concerning the definition of micro-, small- and medium-sized enterprises. Official Journal L 124, 20/05/2003. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003H0361>.



During the fieldwork, quotas were set on the final sample targets, meaning that a set number of interviews per defined sample subcategory was collected. For each Member State, quotas were set on IPR ownership and on company size (the latter separately within the subcategories of IPR owners and non-IPR owners). Here too, the quota approximated a 50/50 split of IPR owners and non-IPR owners in the final sample, and a distribution of 25 %, 50 % and 25 % for micro-, small- and medium-sized companies, respectively. The exact quota targets sometimes deviated slightly from these splits to take into account the properties of the SME population in a specific Member State, the availability of the sample and experience from the past survey waves in terms of feasibility of the quota. In particular, the equal split between IPR owners and non-IPR owners was set at the *overall* sample level, but not per Member State – to accommodate for the fact that the proportion of IPR-owning SMEs is not the same in all Member States.

### 2.3 Questionnaire

The questionnaire for the 2022 wave of the SME Scoreboard survey was largely based on the 2019 questionnaire, albeit shortened and modified. The revision process included a consultation with the members of the EUIPO's SME Expert Group, which took place during October and November 2021. Specifically, some questions from the 2019 questionnaire were removed to make the 2022 questionnaire more suitable in length for a phone interview, and thereby increase the response rates and data quality. Additionally, some questions used in 2019 were rephrased to make them easier to understand and answer. The original version of the questionnaire was prepared in English and translated into all other official languages of the EU (excluding Gaelic). In Member States with more than one national language (e.g. Belgium), the questionnaire was available in all of these languages, to be chosen from by the interviewees.

The final questionnaire used is included as Annex 1 to this report. The questionnaire contained 20 questions and took, on average, around 14 minutes to complete.

### 2.4 Set-up and data collection

A centralised CATI survey platform was used for conducting the interviews and recording the data. Interviews were conducted by native speakers in all Member States. Companies were contacted primarily during business hours, and multiple contact attempts were made to companies that could not immediately be reached. Companies were given the option to set appointments to conduct the interview at a later date of their choosing, if necessary. Close follow-up of the interviewing quality

was carried out through data checks and via review of recordings or live interviews. As an additional measure to convince reluctant SMEs to participate, a letter was also prepared by the EUIPO to be shared with respondents who wished to receive more information on the survey and its objectives before participating.

## 2.5 Final sample structure and analysis approach

For the analysis of the data, several variables on which SMEs can be compared were identified. The following are used in this report:

- IPR ownership (registered IPR owners v. non-owners);
- company size class (micro-, small- and medium-sized companies);
- sector of activity;
- EU Member State.

These are described in further detail in the following paragraphs.

### 2.5.1 IPR ownership

Quotas were set for each EU Member State on SMEs with registered IPRs and SMEs without registered IPRs, and further within those latter subgroups on company size (micro-, small- and medium-sized companies). The final count within each sample cell is shown in table 2.2 below.

Ownership of IPRs was based on respondents' answers to the following survey question:

*Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own?*

Specifically, SMEs were categorised as registered IPR owners if they had at least one of the following IPRs:

- Patents;
- Utility model;
- National trade mark;
- EU Trade Mark;
- National registered design;

- Registered Community design;
- Breeder rights / Plant variety rights.

SMEs that did not have any of the above IPRs were categorised as non-IPR owners. This resulted in the following final sample sizes:

- Registered IPR owners: 4 278;
- Non-owners of registered IPRs: 4 094.

**Table 2.2 Final sample composition by IPR ownership and company size**

MEMBER STATE	Total	IPR OWNERS			NON-IPR OWNERS		
		Micro	Small	Medium	Micro	Small	Medium
Austria	168	28	50	31	13	35	11
Belgium	169	24	45	20	18	40	22
Bulgaria	84	12	24	13	8	18	9
Croatia	81	10	17	10	10	24	10
Cyprus	40	5	14	5	5	6	5
Czechia	170	15	29	15	27	56	28
Denmark	84	11	23	10	10	19	11
Estonia	85	9	17	11	13	25	10
Finland	165	30	63	30	11	20	11
France	1 233	141	289	145	168	327	163
Germany	1 391	154	323	157	194	372	191
Greece	171	16	38	18	27	47	25
Hungary	173	11	26	13	34	58	31
Ireland	87	11	24	12	12	19	9
Italy	1 255	177	357	178	137	269	137
Latvia	84	12	24	12	9	18	9
Lithuania	84	12	23	15	9	19	6
Luxembourg	43	5	11	5	6	10	6
Malta	42	5	8	5	6	12	6
Netherlands	340	21	54	25	64	116	60
Poland	337	39	66	34	45	104	49
Portugal	251	40	82	38	22	44	25
Romania	167	23	45	25	19	37	18

MEMBER STATE	Total	IPR OWNERS			NON-IPR OWNERS		
		Micro	Small	Medium	Micro	Small	Medium
Slovakia	85	7	16	8	14	27	13
Slovenia	82	8	18	9	12	24	11
Spain	1 251	178	367	181	135	258	132
Sweden	250	46	98	52	15	27	12
<b>Total</b>	<b>8 372</b>	<b>1 050</b>	<b>2 151</b>	<b>1 077</b>	<b>1 043</b>	<b>2 031</b>	<b>1 020</b>

Table 2.2 above also shows the sample sizes per Member State. The number of interviews per Member State in the sample was proportionate to the number of SMEs in each Member State, meaning that large Member States (in terms of their population of SMEs) are represented with higher sample sizes than small Member States. As a consequence, the sampling margin of error for smaller Member States is higher, and results for these Member States, when they are presented in this report, should be interpreted with caution<sup>(16)</sup>. For the largest Member States – Germany, France, Italy and Spain – sample sizes are usually large enough for the results to be statistically reliable.

<sup>(16)</sup> This is particularly important for the Member States with a sample size lower than 50.

## 2.5.2 Sector

SMEs were asked to identify their main sector of activity<sup>(17)</sup>. In order to have a sufficient sample size per sector, they were grouped into six broader categories, as shown in Table 2.3 below.

**Table 2.3 Sector of activity**

Grouped sector	NACE Sectors in group	Sample size (% off final sample)
Manufacturing	Manufacturing	1 768 (21 %)
Wholesale and retail trade	Wholesale and retail trade Repair of motor vehicles and motorcycles	1 202 (14 %)
Financial and insurance activities, real estate services, information and communication	Financial and insurance activities Real estate activities Information and communication	734 (9 %)
Construction	Construction	718 (9 %)
Transportation, accommodation and food services	Transportation and storage Accommodation and food service activities	564 (7 %)
Other sectors	Agriculture, forestry and fishing Mining and quarrying Manufacturing Electricity, gas, steam and air conditioning supply Water supply, sewerage, waste management and remediation activities Professional, scientific and technical activities Administrative and support service activities Public administration and defence, compulsory social security Education Human health and social work activities Arts, entertainment and recreation Other service activities	3 386 (40 %)

<sup>(17)</sup> Sector categories were drawn from the NACE Rev. 2 statistical classification of economic activities:

<https://ec.europa.eu/eurostat/web/nace-rev2>.

	<p>Activities of households as employers, undifferentiated goods and service Activities of extraterritorial organisations and bodies</p>	
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## 2.6 Population sample and extended sample analysis

As described in section 2.2 above, the final sample consisted of two parts: a base sample of EU SMEs that is representative of the SME population in the EU (containing 4 084 interviews); and an additional sample of IPR-owning SMEs (containing 4 288 interviews), to allow sufficient data to be gathered for this specific subgroup.

This means that the total final sample of 8 372 interviews contains a disproportionately high number of IPR owners (i.e. much higher than the actual proportion of IPR owners in the population of EU SMEs). However, for some indicators, it was useful or even necessary to analyse the results based only on a sample of SMEs that is representative of the EU population (i.e. a sample that did not contain an overrepresentation of IPR owners). This is particularly the case for the first two areas of analysis in this report: innovation and business development (see chapter 3). To do this, in some cases the analysis was performed only on the smaller population sample, which did not include the additional set of IPR owners, but rather only a statistically representative number of IPR owners. Throughout the report, this subsample is referred to as the **population sample**. When results are calculated based on this population sample, it is always indicated as such. Figures and tables based on data from the population sample also have a blue background to distinguish them from graphs for which data from the **total** final sample (i.e. the population sample plus the additional sample of IPR owners) are used.

## 2.7 Note on the comparison with past waves

Wherever useful and possible, it is described in this report how indicator results have evolved compared to the 2019 and 2016 SME Scoreboard waves. However, this was not always possible, due to various reasons.

- Some questions (particularly compared to 2016) were new.
- Some questions were reworded, and/or response items were rephrased, added or removed compared to previous waves.
- While the 2016 wave was administered almost completely via telephone, the 2019 was conducted to a large extent online. In 2022, the decision was made to conduct the survey by

telephone again, as this would yield the most reliable responses. For some questions, particularly complex questions with multiple response options, it was estimated that the difference in survey mode had impacted the results and impeded comparability.

In the discussion of the results in the following chapters, comparisons with previous survey waves are only included when comparability was not hindered significantly by one of the three aspects above.

### 3 Innovation and business development

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This chapter covers the introduction of innovations by responding businesses and how they use different sources of information for developing their business. The degree of innovation among SMEs is a key metric for IP protection policies. This is because the higher the level of innovation among SMEs, the more there is a need for them to have access to effective means to protect their innovations and the related IP. In turn, effective protection of innovations and IP can also allow SMEs to further increase their level of innovations. Therefore, in this chapter there is systematic comparison of IPR owners against non-owners, to identify the relationship between the degree of innovations and IPR ownership. This chapter also looks at the information sources SMEs use to receive information that is relevant for the development of their business.

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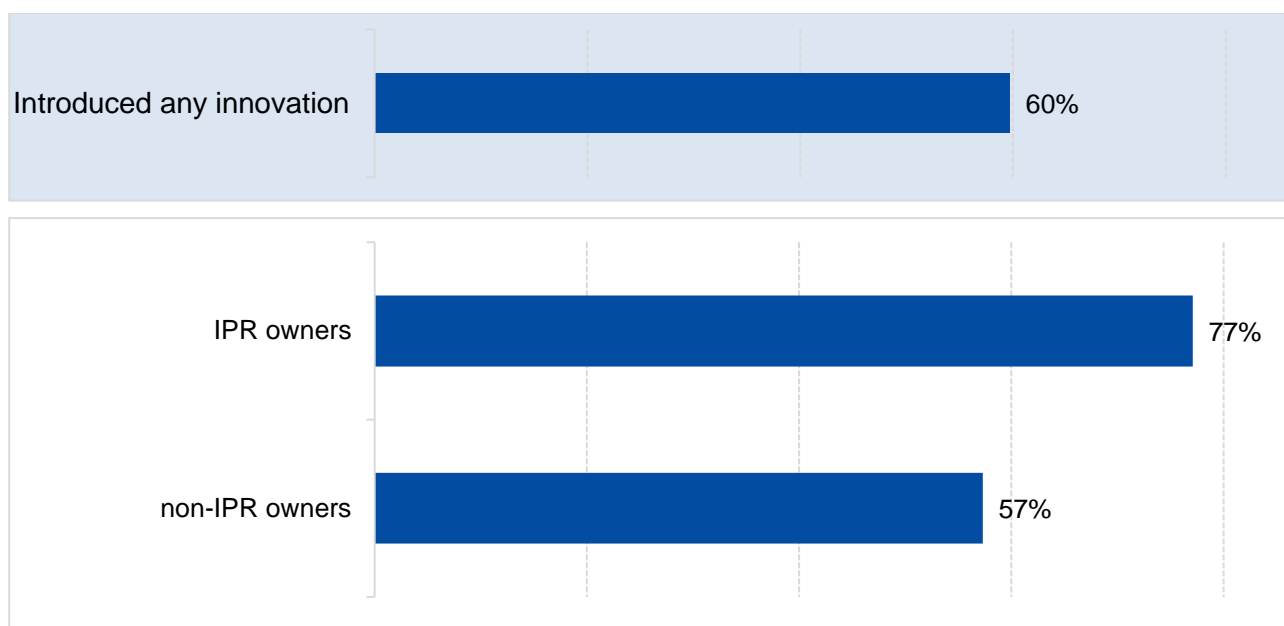


### 3.1 Innovations introduced by SMEs

60 % of SMEs reported that in the past 3 years they have introduced an innovation in their company – defined here as new or significant improvements in terms of goods, services, or business processes that were new either to their own firm only, to their market or to the world<sup>(18)</sup>. A considerably larger share of registered IPR owners reported introducing innovations compared with the non-IPR owners (77 % and 57 %, respectively).

Compared with 2016, the proportion of SMEs that introduced any innovations has grown. Interestingly, this growth is due exclusively to the non-IPR owners reporting more innovations, whereas the proportion of IPR owners that introduced innovations has remained fairly consistent.

**Figure 3.1 Introduction of innovations (overall & by IPR ownership)**



Base: 'Introduced any innovation' (upper graph): population sample (n = 4084).

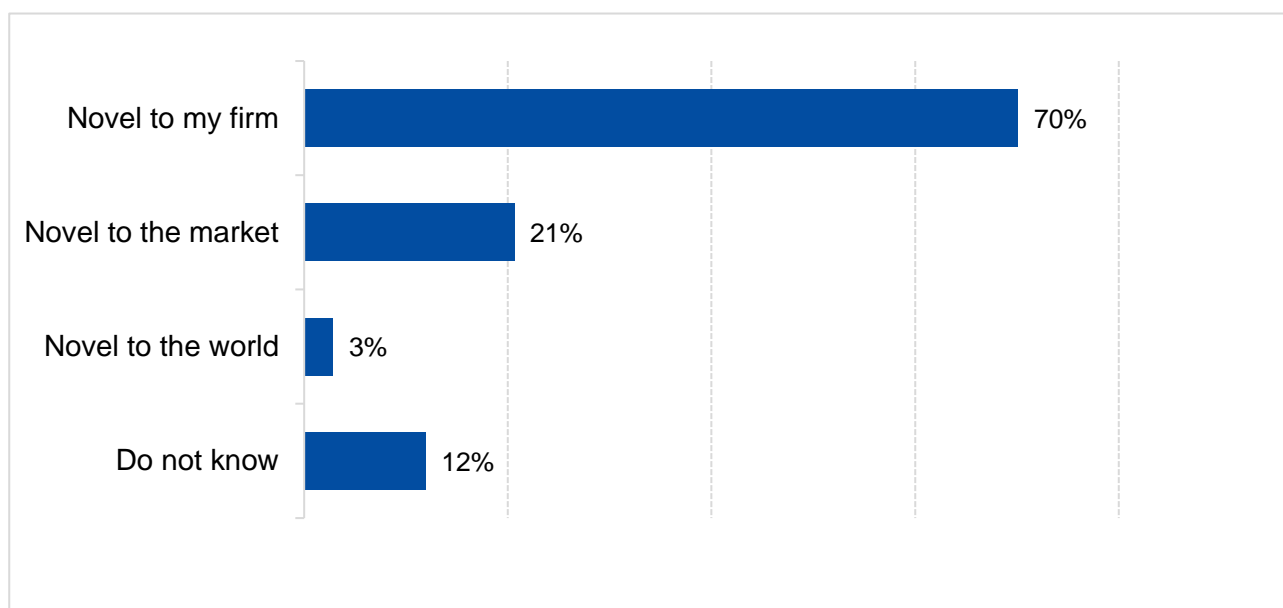
IPR owners and non-IPR owners figures (lower graphs): full sample (n IPR owners = 4 278, non-IPR owners=4 094).

Question: Q2. In the last 3 years, has your company introduced new or significant improvements, in terms of goods/services/business processes?

<sup>(18)</sup> 'Business processes' include any business-supporting processes such as production, distribution and logistics, marketing and sales, information and communication systems, administration and management, product and business process development.

However, most of these reported innovations were only novel at the level of their own company: while 70 % of SMEs that introduced an innovation said that this innovation was novel only to their own company, 21 % introduced an innovation novel to the market, and 3 % introduced an innovation novel to the world<sup>(19)</sup>. 12 % of SMEs that introduced an innovation could not say whether the innovation was novel or not<sup>(20)</sup>.

**Figure 3.2 Novelty of innovations (overall)**



Base: SMEs that introduced any innovations (n = 5 776).

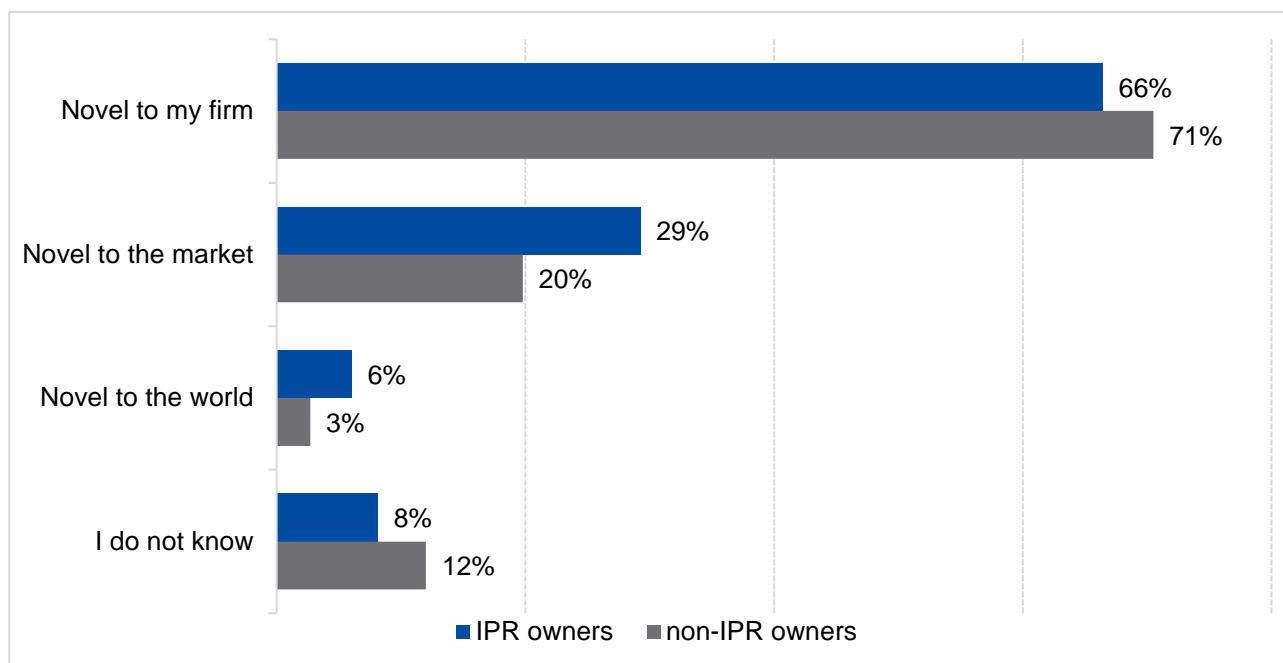
Question: Q3. To the best of your knowledge, how novel were the improvements you introduced?

<sup>(19)</sup> It should be kept in mind throughout this section that the level of novelty represents the view of the SME. The objective novelty of the innovation could not be confirmed (i.e. it is possible that innovations were in actuality more, or less, novel than stated by the SME).

<sup>(20)</sup> This question was asked as a multiple-choice question. Respondents were asked to think about *any* of the innovations that they introduced in the past 3 years, which was potentially more than one. As a consequence, the same SME could indicate that one innovation was novel to the world, but other innovation(s) novel to the market and/or only to their firm. This is the reason that the results presented here total over 100 %.

Registered IPR owners were more likely to report that their firm had been the first to implement the improvement **in their market** compared to non-IPR owners (29 % and 20 %, respectively), or **in the world** (6 % and 3 %, respectively). In contrast, registered IPR owners were less likely than non-IPR owners to report that the innovation was **novel only to their firm** (66 % and 71 %, respectively).

**Figure 3.3 Novelty of innovations (by IPR ownership)**

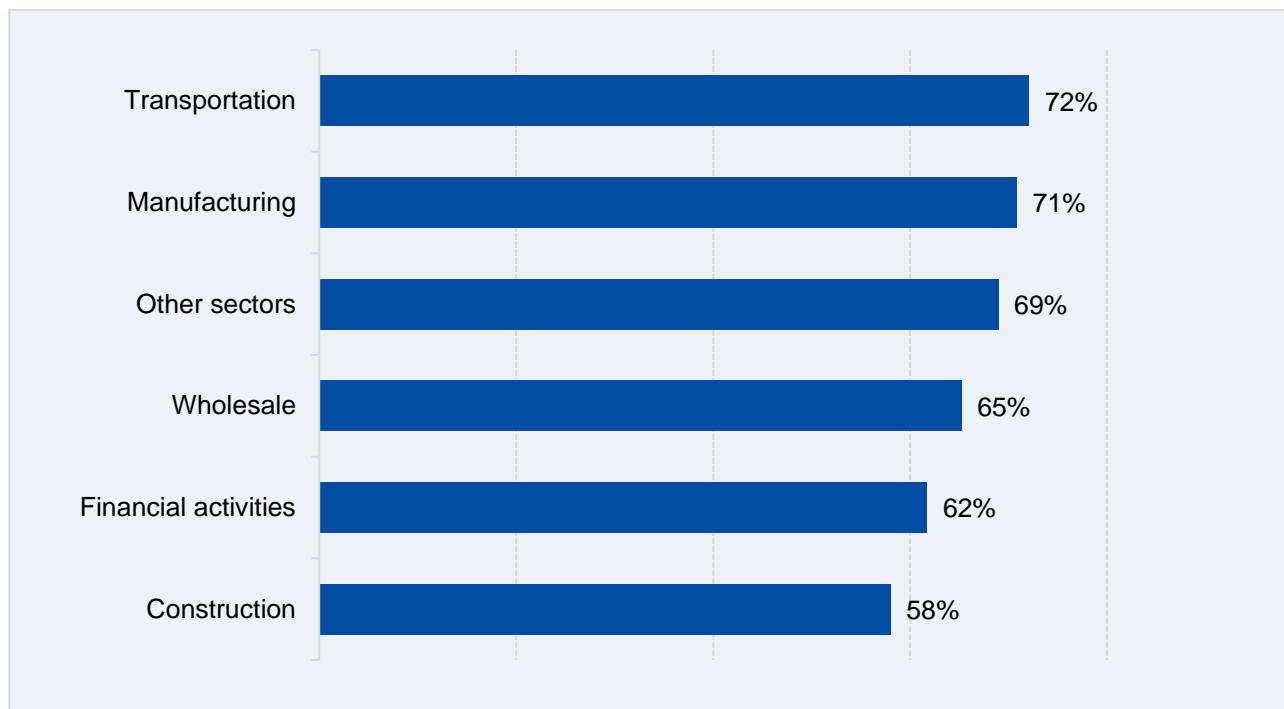


Base: SMEs that introduced any innovations (n=5 776, n IPR owners = 3 374, non-IPR owners = 2 402).

Question: Q3. To the best of your knowledge, how novel were the improvements you introduced?

SMEs operating in **transportation** are most likely to report introducing any innovations (novel either in their own firm, the market or the world) in the previous 3 years (72 %). They are closely followed by companies operating in **manufacturing** (71 %) and **other, non-specific**, sectors (69 %). The smallest proportion of companies reporting innovations are in the **construction** sector (58 %).

**Figure 3.4 Introduction of innovations (by sector)**

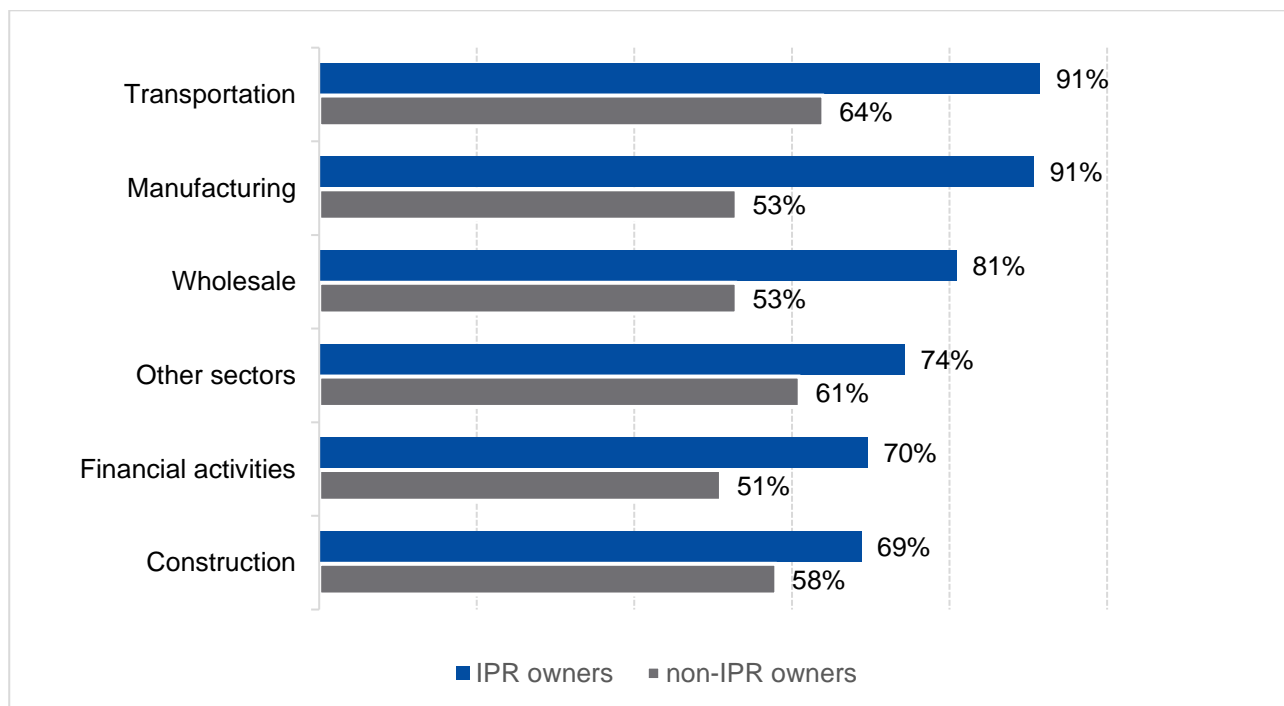


Base: Population sample – SMEs that introduced any innovations (n = 2 479).

Question: Q2. In the last 3 years, has your company introduced new or significant improvements, in terms of goods/services/business processes?

Within each sector, IPR owners are more likely to have introduced innovations, as shown in Figure 3.5 below. For both IPR owners and non-IPR owners, most innovations are introduced in the transportation sector.

**Figure 3.5 Introduction of innovations (by sector and IPR ownership)**

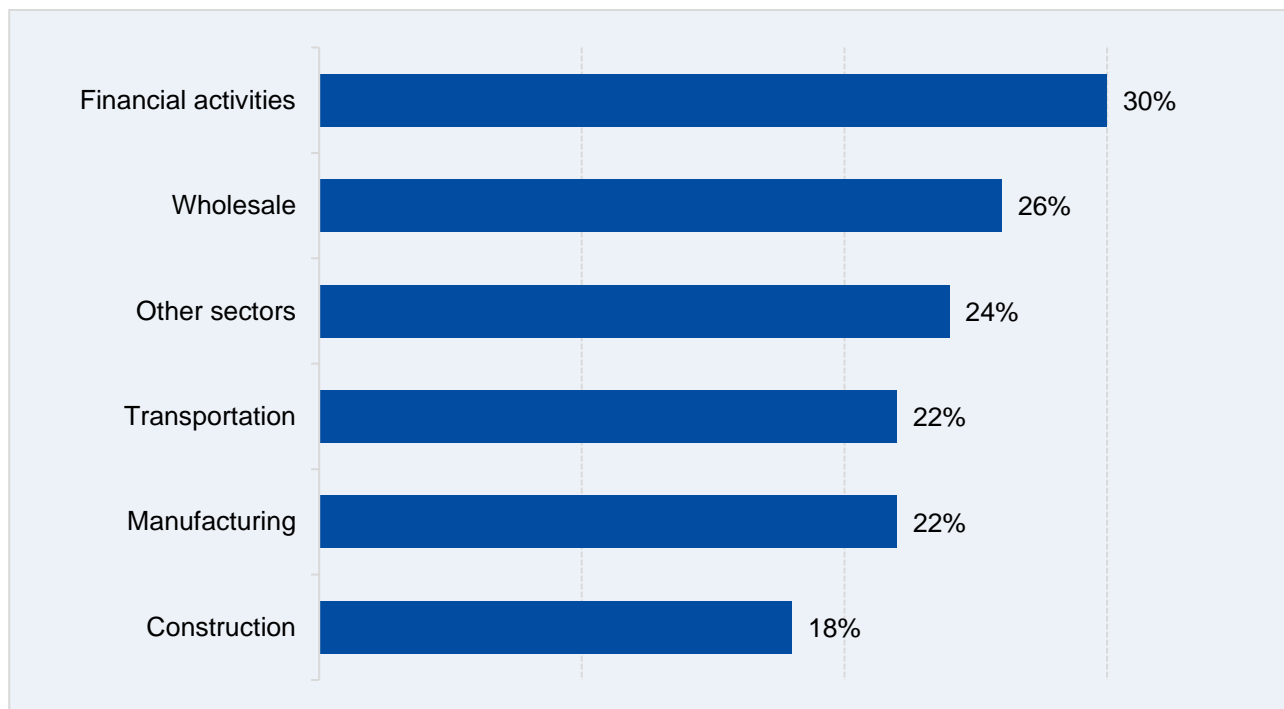


Base: SMEs that introduced any innovations (n = 5 776).

Question: Q2. In the last 3 years, has your company introduced new or significant improvements, in terms of goods/services/business processes?

Looking specifically at innovations that were **novel to the market or to the world** (i.e. excluding innovations novel only to the individual firm), these were most commonly introduced in the financial activities sector (by 30 % of SMEs in this sector), followed by the wholesale sector (26 %) and the ‘other sectors’ group (22 %).

**Figure 3.6 Introduction of innovations novel to the market or world (by sector)**

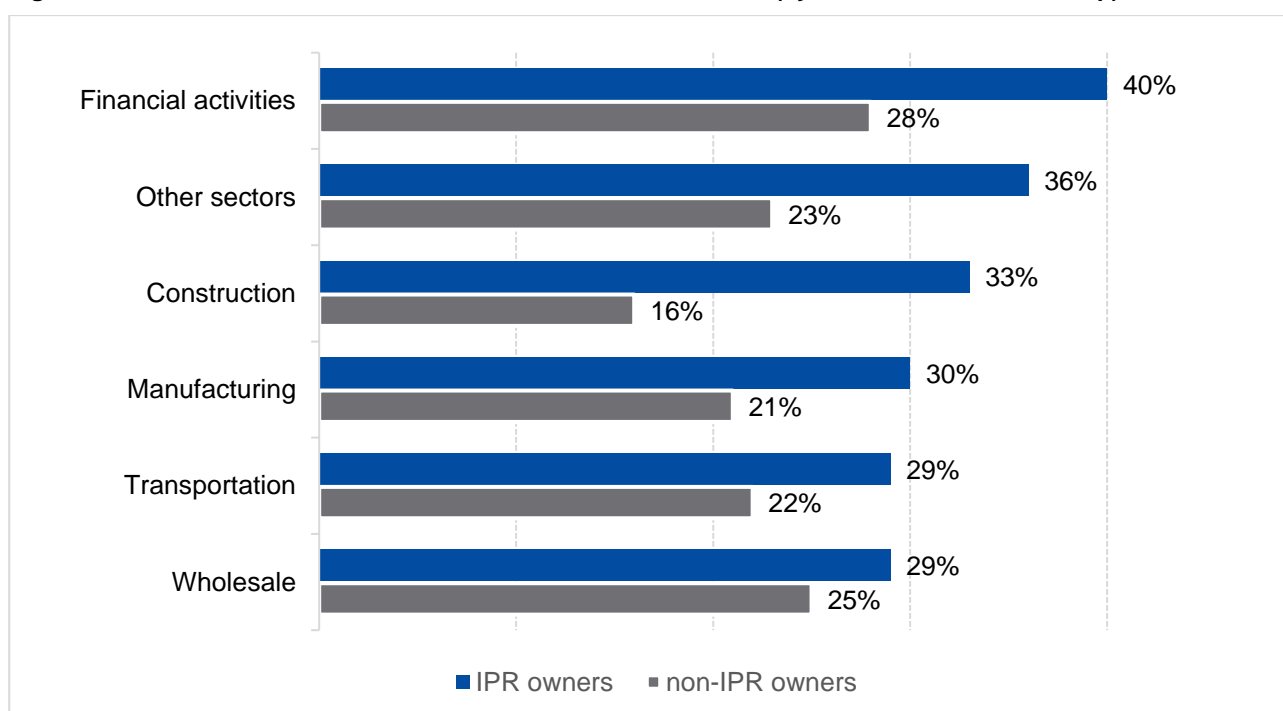


Base: Population sample – SMEs that introduced any innovations (n = 2 479).

Question: Q3. To the best of your knowledge, how novel were the improvements you introduced?

Distinguishing between IPR owners and non-owners, it can be seen that overall, IPR owners have introduced innovations novel to their market or the world considerably more frequently than non-owners. This is particularly the case in the construction sector, where IPR owners were twice as likely to have introduced such novel innovations compared to non-owners (33 % versus 16 % respectively). In the wholesale sector, the difference between both groups was the smallest (29 % versus 25 % respectively).

**Figure 3.7 Introduction of innovations novel to the market or world (by sector and IPR ownership)**

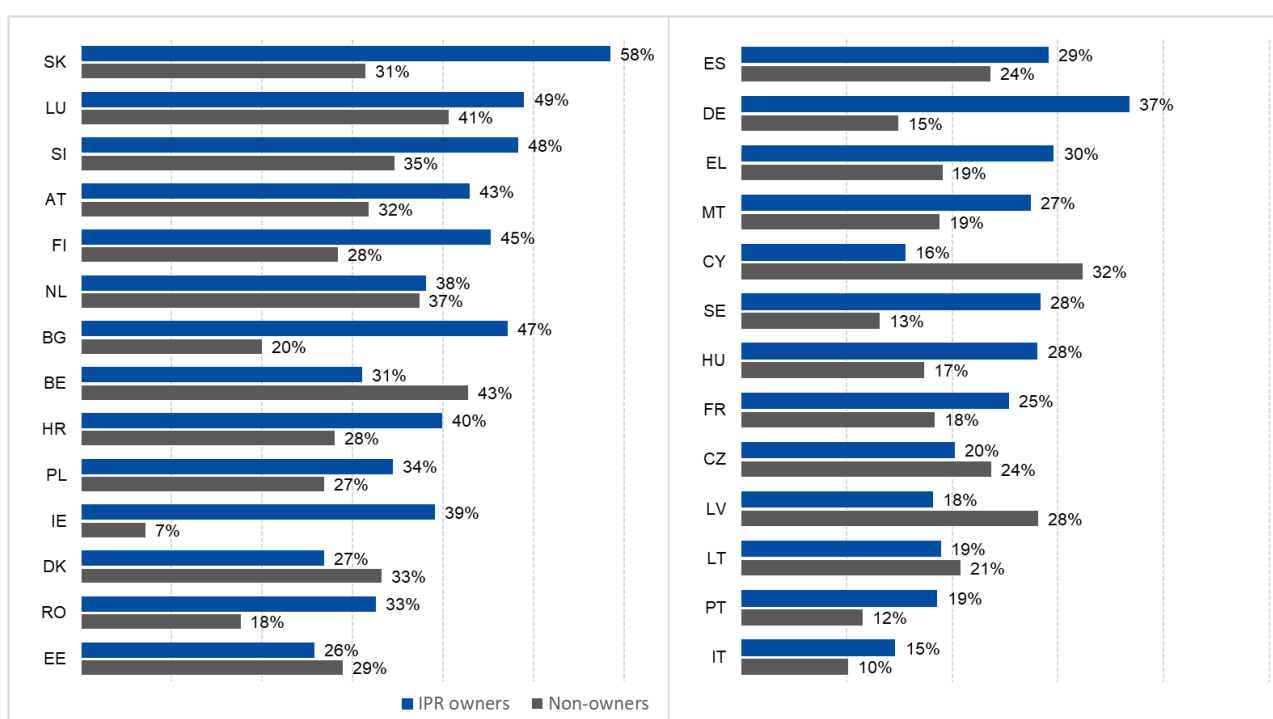


Base: SMEs that introduced any innovations (n = 5 776).

Question: Q3. To the best of your knowledge, how novel were the improvements you introduced?

In most Member States, IPR owners were more likely to say that their innovation was novel to the market they operate in than non-owners. The Member States where IPR owners were most likely to say their innovation was novel to the market were Slovakia (58 % of IPR-owning SMEs that introduced an innovation), Luxembourg (49 %) and Slovenia (48 %). The Member States where non-owners were most likely to report this were Belgium (43 %), Luxembourg (41 %) and the Netherlands (37 %).

Figure 3.8 Innovations novel to the market (by Member State and IPR ownership)



Base: SMEs that introduced any innovations (n = 5 776).

Question: Q3. To the best of your knowledge, how novel were the improvements you introduced?

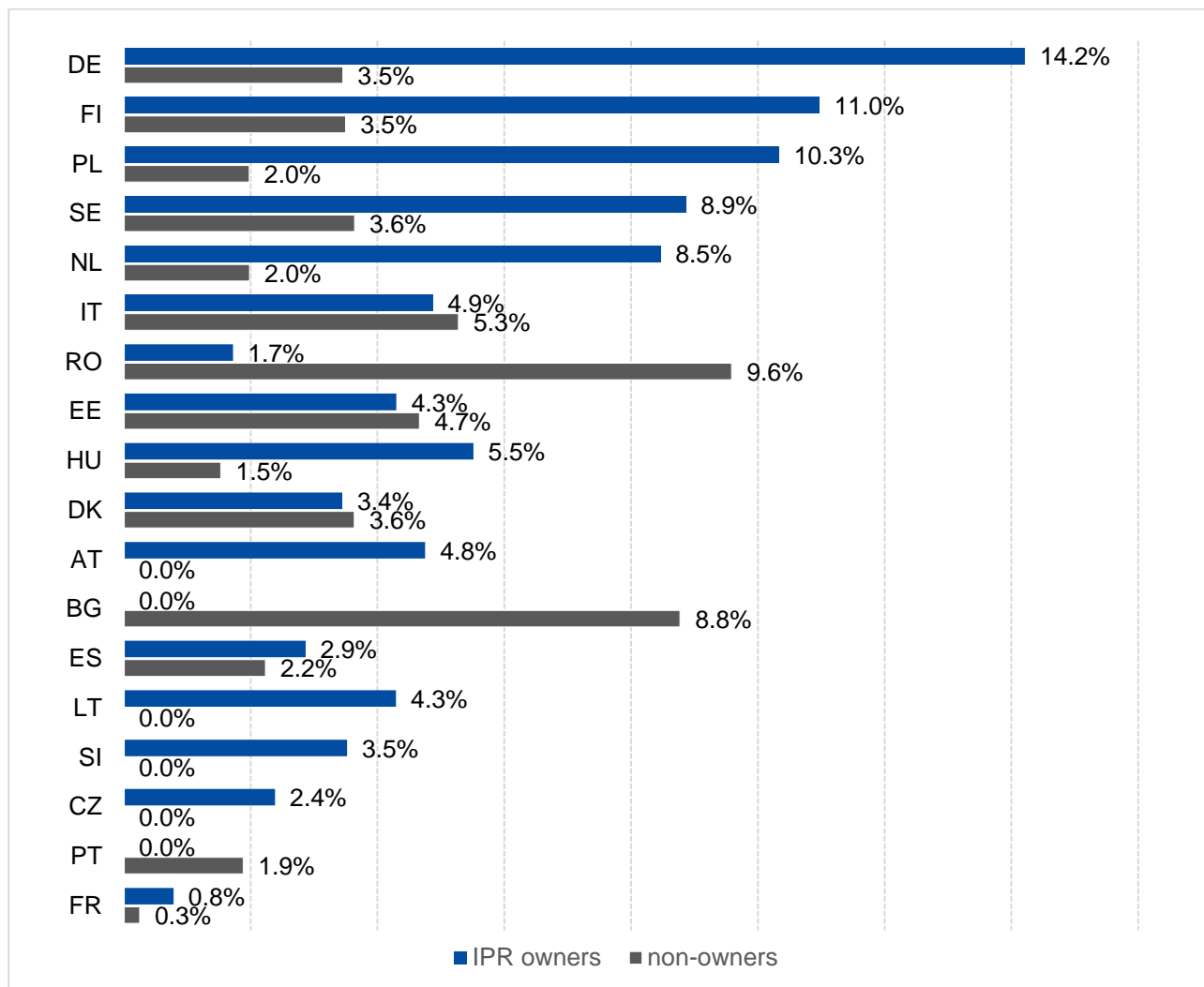
In 18 out of 27 Member States, at least one SME that reported having introduced an innovation in the past 3 years said that this innovation was **novel to the world**<sup>(21)</sup>. Here too, IPR-owning SMEs are generally more likely to say their innovation was novel to the world than non-owners. The Member States where IPR-owners were most likely to say that their innovation was novel to the

<sup>(21)</sup> The Member States where none of the surveyed SMEs reported having introduced an innovation novel to the world had typically small to very small sample sizes. These Member States are Greece (n = 145), Belgium (n = 117), Latvia (n = 62), Croatia (n = 52), Ireland (n = 35), Luxembourg (n = 31), Slovakia (n = 26), Cyprus (n = 21) and Malta (n = 16).



world are Germany (14.2 %), Finland (11.0 %) and Poland (10.3 %). The Member States where non-owners were most likely to say this are Romania (9.6 %), Bulgaria (8.6 %) and Italy (5.3 %) <sup>(22)</sup>.

**Figure 3.9 Innovations novel to the world (by Member State and IPR ownership)**



Base: SMEs that introduced any innovations (n = 5 776).

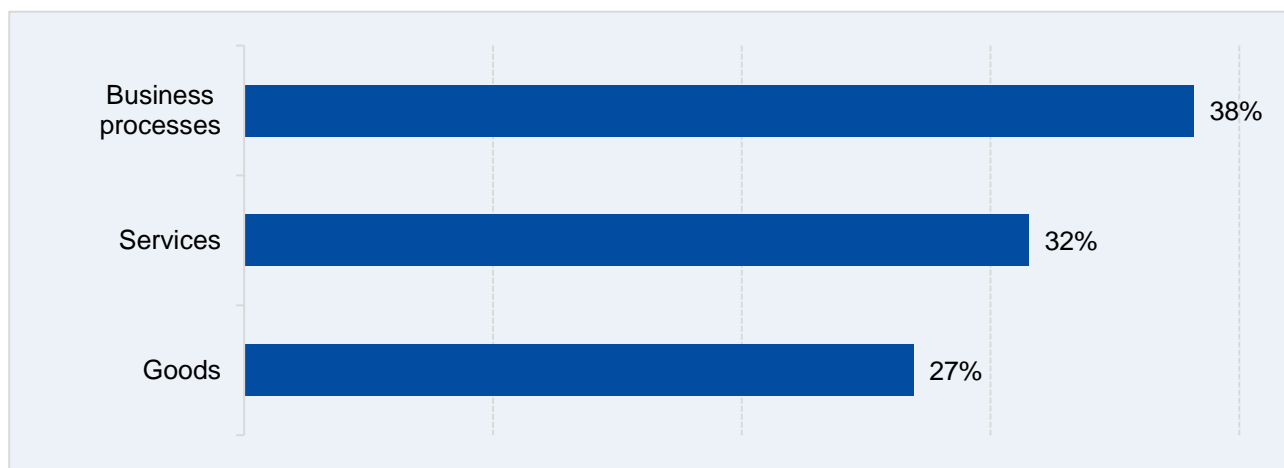
Question: Q3. To the best of your knowledge, how novel were the improvements you introduced?

<sup>(22)</sup> In both Bulgaria and Romania, the samples of SMEs on which these figures are based are lower than 100 and should therefore be treated with caution.

### Areas of innovation

SMEs most frequently introduced new or significant improvements in **business processes** (38 %), followed by improvements in **services** (32 %) and in **goods** (27 %) <sup>(23)</sup>.

**Figure 3.10 Introduction of innovations per type of innovation (overall)**



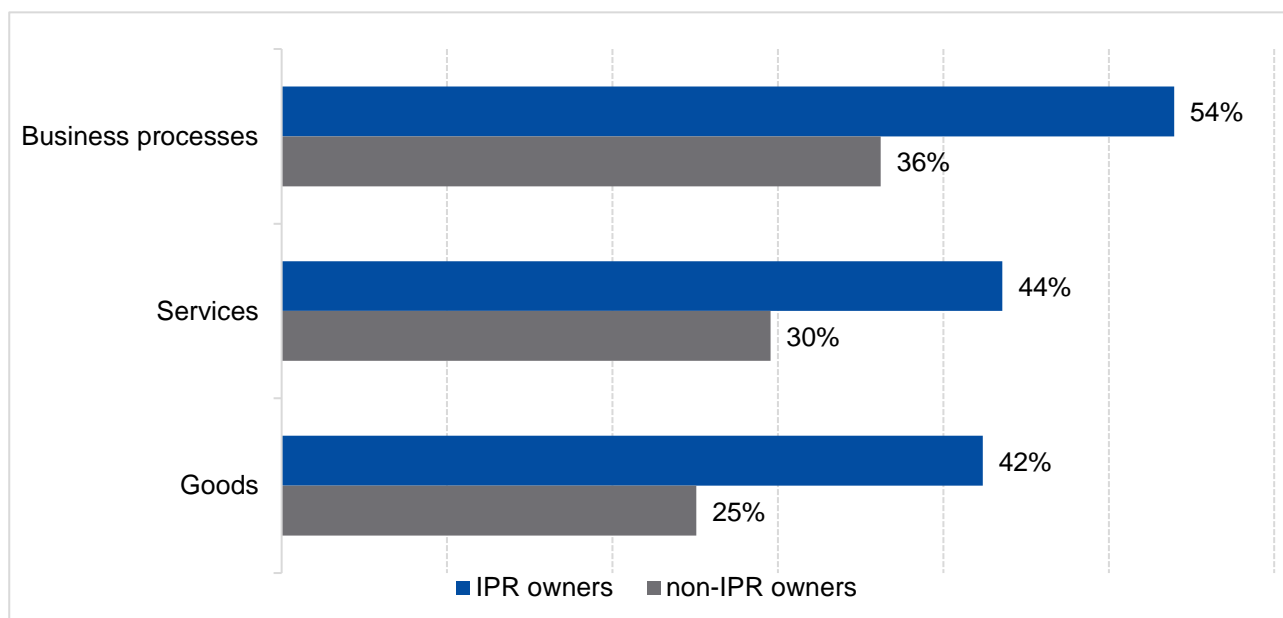
Base: Population sample (n = 4 084).

Question: Q2. In the last 3 years, has your company introduced new or significant improvements, in terms of goods/services/business processes?

<sup>(23)</sup> Here and elsewhere in the text, where respondents could choose from more than one response in the question, the total responses may be more than 100 %.

As mentioned in the beginning of the section, registered IPR owners were more likely to have introduced innovations than non-IPR owners. This not only holds true overall, taking into account any areas of innovation (goods, services or business processes), but also for each of these areas individually, as shown in the chart below. The size of the difference does not change much depending on the type of innovation: IPR owners are more likely to have introduced new or improved **business processes** (54 %, compared with 36 % among non-IPR owners), new or improved **services** (44 %, compared with 30 % among non-IPR owners), and new or improved **goods** (42 %, compared with 25 % among non-IPR owners).

**Figure 3.11 Introduction of innovations per type of innovation (by IPR ownership)**



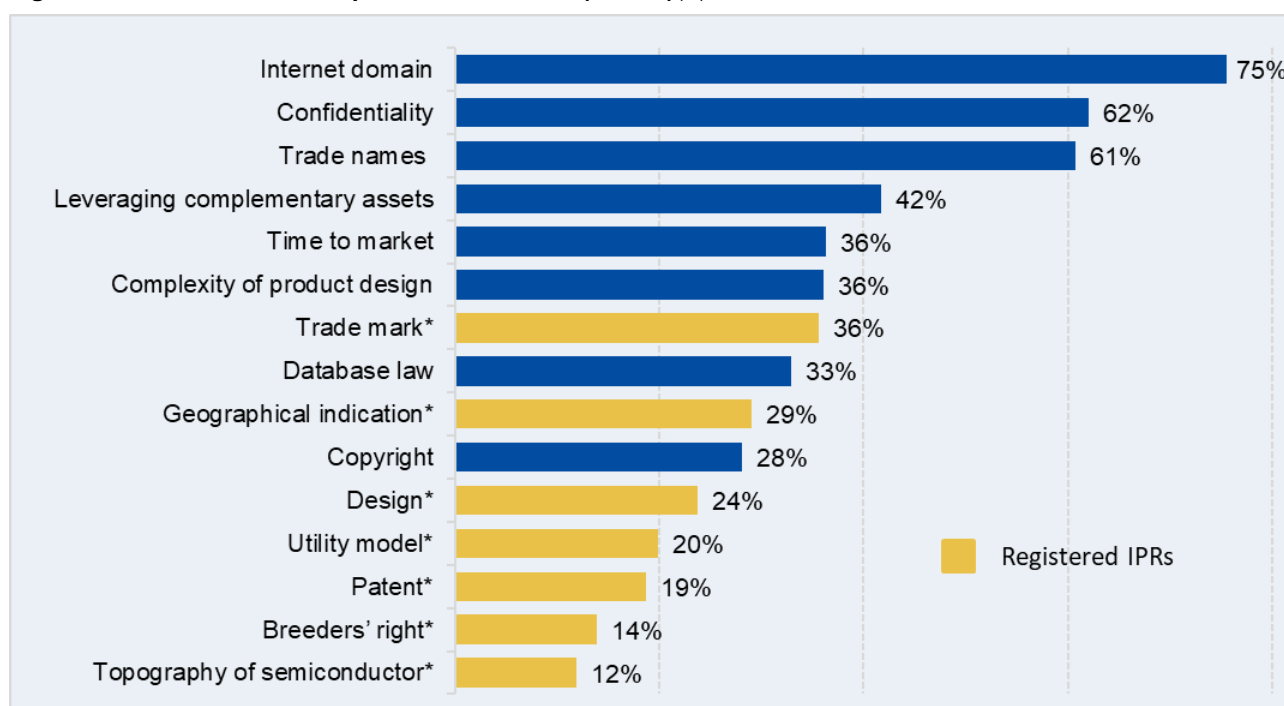
Base: All SMEs (n = 8 372, n IPR owners = 4 278, n non-IPR owners = 4 094).

Question: Q2. In the last 3 years, has your company introduced new or significant improvements, in terms of goods/services/business processes?

### 3.2 Protection of innovations

The survey asked SMEs what measures they used to protect their innovations (including but not limited only to IPRs). Among SMEs that had introduced any innovations in the past 3 years, 75 % said that they used an **internet domain** as a measure to protect their innovation. This is followed by **confidentiality** (62 %) and **trade names** (61 %). Other measures are used by less than half of SMEs that introduced an innovation. **Topography of semiconductor** (12 %), **breeders' rights** (14 %) and **patents** (19 %) are used by the smallest number of SMEs.

Figure 3.12 Measures used to protect innovations (overall)<sup>(24)</sup>



Base: Population sample, SMEs that introduced any innovations (n = 2 479).

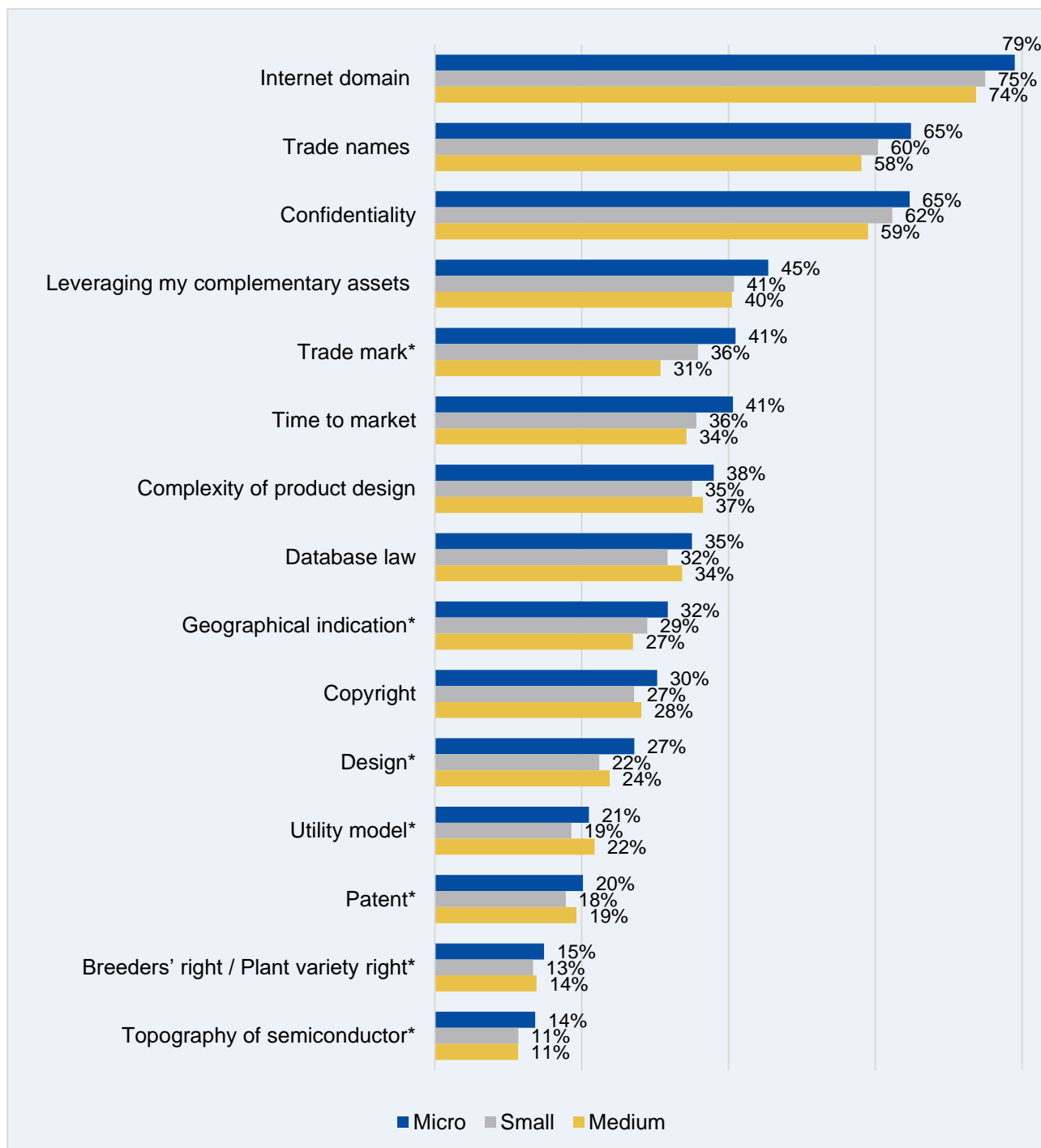
Question: Q4. How important are the following measures for the protection of your innovation?

As shown on the following page, there are not many large differences between SMEs of different sizes when it comes to the usage of different measures to protect their innovation. It is worth mentioning that the respondents working in micro-sized companies selected more responses on average than respondents from small and medium-sized firms, hence on average *all* measures were more likely to be used by respondents from micro-sized companies than larger SMEs. The **largest differences** (more than 5 percentage points difference with the rest of the sample) however are in

<sup>(24)</sup> Respondents were asked to indicate the importance of a set of potential protection measures, with the following options: 1. I do not use it at all; 2. I use it, but I do not think it is important at all; 3. I use it and it is moderately important; 4. I use it and it is very important. The figures shown here reflect the % of SMEs that selected any of the options from 2 to 4.

three protection measures: the usage of **trade names** (65 %, 60 % and 58 % of respondents in micro-, small- and medium-sized companies use these, respectively), **trade marks** (41 %, 36 %, 31 %, respectively), and **time to market** (41 %, 36 %, 34 %, respectively).

Figure 3.13 Usage of measures used to protect innovations (by company size)<sup>(25)</sup>



Base: Population sample, SMEs that introduced any innovation (n = 2 479, n micro = 520, n small = 1302, n medium = 657).

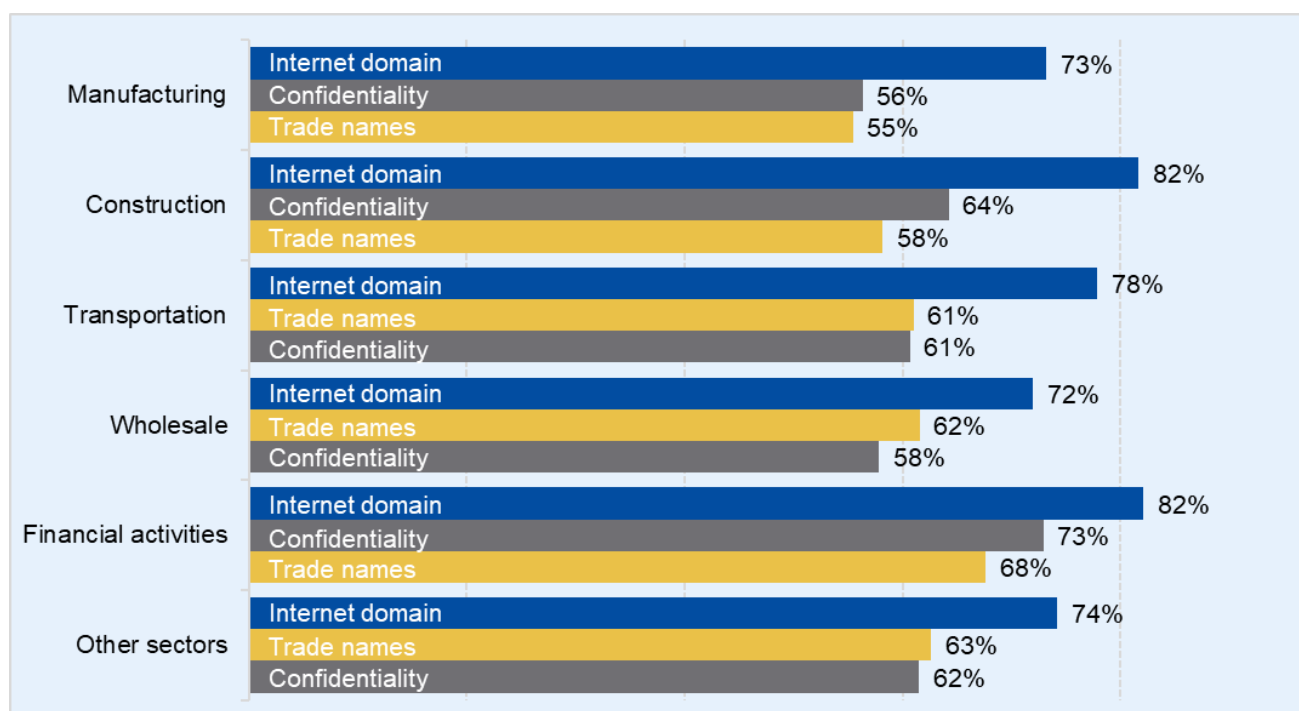
Question: Q4. How important are the following measures for the protection of your innovation?

\* registered IPR types

<sup>(25)</sup> See footnote 24. The figures represent the percentage of SMEs that use a measure, regardless of how important they find that measure.

**Internet domain, confidentiality** and **trade names** are the top three measures used for protecting innovations in all sectors, without exception. **Confidentiality** and **trade names** are taking second or third place, but the differences between both are subtle. SMEs in nearly all sectors considered **confidentiality** more important than **trade names**, the exception being the sectors of **wholesale** (trade names are four percentage points higher than confidentiality) and **transportation** (less than one percentage point).

**Figure 3.14 Measures used to protect innovations (top 3 by sector)<sup>(26)</sup>**



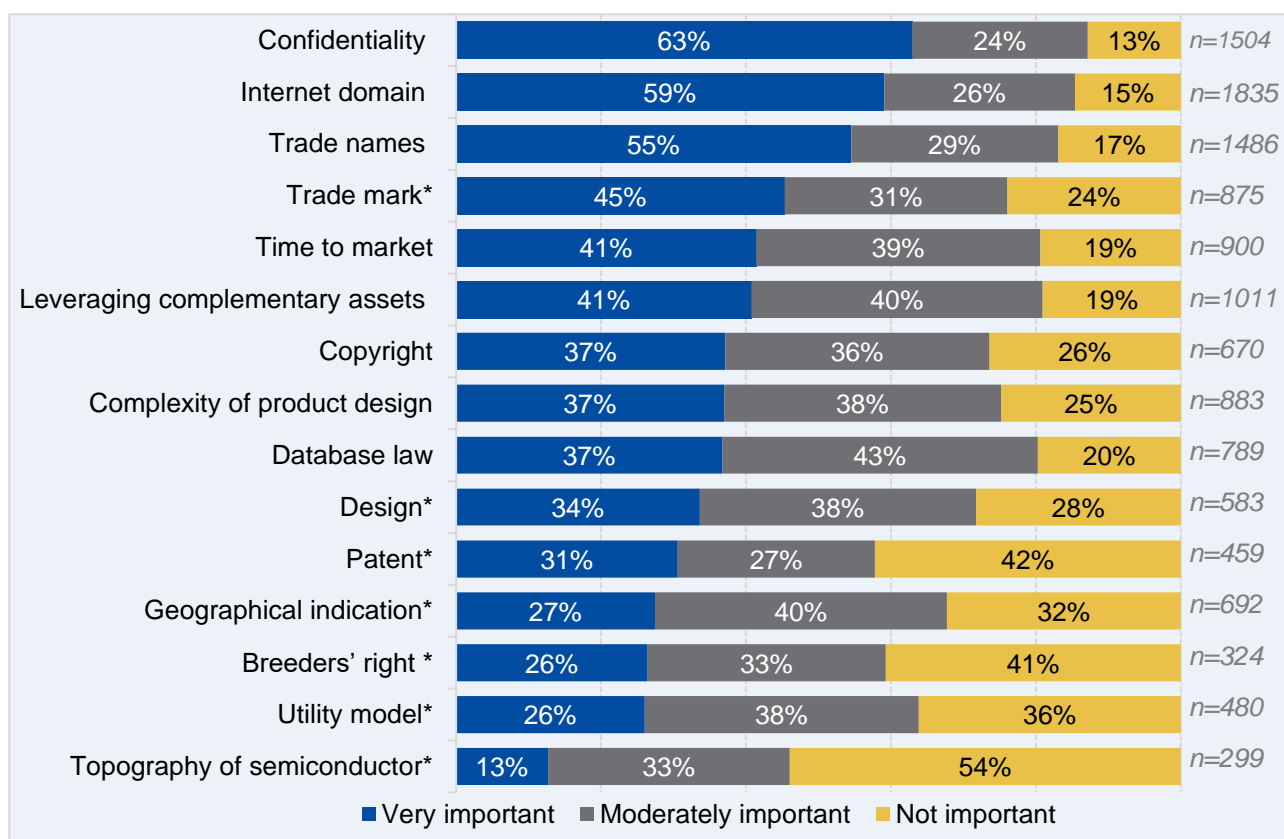
Base: Population sample, SMEs that introduced any innovation (n = 2 479).

Question: Q4. How important are the following measures for the protection of your innovation?

<sup>(26)</sup> See footnote 24. The figures represent the percentage of SMEs that use a measure, regardless of how important they find that measure.

When looking at **how important SMEs found these measures** if they used them, it stands out that **confidentiality** was considered more important than **internet domains**: 63 % of those that used confidentiality for protecting their innovation considered it very important, compared with 59 % of those that used internet domains. These two measures are followed by **trade names** (55 %) as the third most important measure. Trade marks were most frequently mentioned as an important measure to protect innovation among the registered IPRs – over 75 % of the companies that used them found them very or moderately important, followed by designs where 72 % of users found them important. The three measures that were found very important by those that used them the least frequently were **topography of semiconductor** (13 %), **utility models** (26 %) and **breeders’ rights** (26 %). The measures that were found *not* important the most frequently were topography of semiconductor (54 %), patents (42 %) and breeders’ rights (41 %).

**Figure 3.15 Importance of measures used to protect innovations (overall)**



Base: Population sample, SMEs that introduced any innovation and used this measure.

Question: Q4. How important are the following measures for the protection of your innovation?

\* registered IPR types

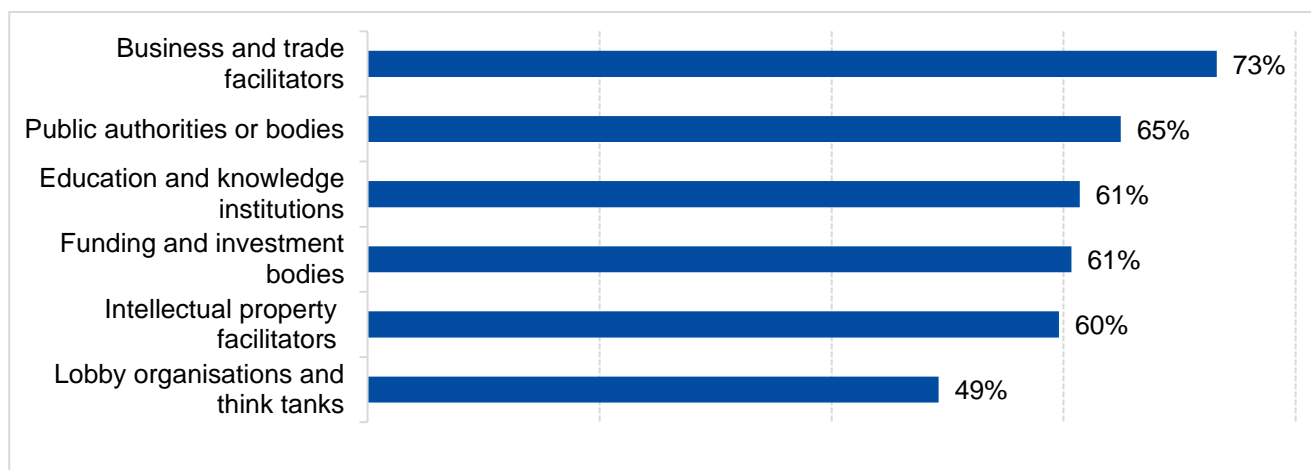


### 3.3 Sources for information on business development

#### 3.3.1 Use of information sources

Nearly three-quarters of SMEs (73 %) use **business and trade facilitators** as a source of information relevant to the business development.<sup>(27)</sup> Around two-thirds (65 %) use **public authorities or bodies** (at any level of government) for this, followed by **education and knowledge institutions, funding and investment bodies** and **intellectual property facilitators**, which are all used by around six in ten SMEs (61 %, 61 % and 60 %, respectively). The least frequently used sources are **lobby organisations and think tanks**, which just under half of SMEs (49 %) use as a source of information for business development.

**Figure 3.16 Information sources used for business development (overall)<sup>(28)</sup>**



Base: All SMEs (n = 8 372).

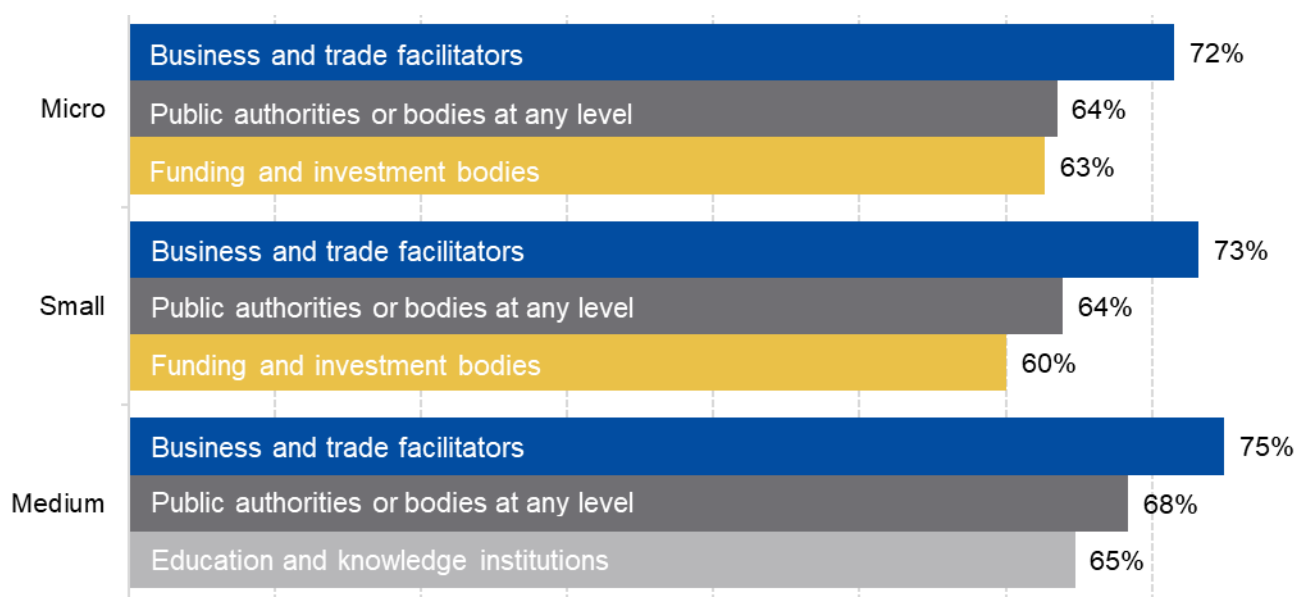
Question: Q5. How useful are the following sources for you to get information relevant to the development of your business? (% that selected any option other than 'I do not use it at all').

<sup>(27)</sup> Usage of a source of information includes all responses that imply the respondent used this source, even if they did not find it useful at all.

<sup>(28)</sup> In the interview, SMEs were provided with examples of what was included in each of these categories. **Business and trade facilitators**: Trade or Business organisations, Chambers of Commerce, lawyers; **Public authorities**: national ministries, European Institutions and agencies such as the European Innovation Council and Small and Medium-sized Enterprises Executive Agency (EISMEA), previously Executive Agency for Small and Medium-sized Enterprises (EASME), the European Free Trade Association (EFTA), etc.; **Education and knowledge institutions**: universities, research councils, Technology transfer offices, Erasmus for Young Entrepreneurs programme, Public groups or networks for knowledge exchange; **Funding and investment bodies**: Investing network, Business Angels, Private banks, Innovation agencies, Horizon Europe partners; **Intellectual property facilitators**: Intellectual Property Offices, IP lawyers or agents, the European Union Intellectual Property Office (EUIPO), the World Intellectual Property Organization (WIPO), the European Patent Office (EPO), European IP Helpdesk. For **lobby organisations and think tanks** no additional examples were given.

Differences in usage of different sources of information for business development depending on the size of SMEs are not substantial. The two most commonly used sources in all three size classes are **business and trade facilitators** and **public authorities or bodies**. Among medium-sized companies **education and knowledge institutions** rank as the third most used source of information (65 %), whereas for micro- and small-sized companies this was **funding and investment bodies** (63 % and 60 %, respectively).

Figure 3.17 Information sources used for business development (top 3 by company size)



Base: All SMEs (n Micro = 2 093, n Small = 4 182, n Medium = 2 097).

Question: Q5. How useful are the following sources for you to get information relevant to the development of your business? (% that selected any option other than 'I do not use it at all').

Finally, there is also, for the most part, a **general consistency across Member States** in terms of what sources were used more.

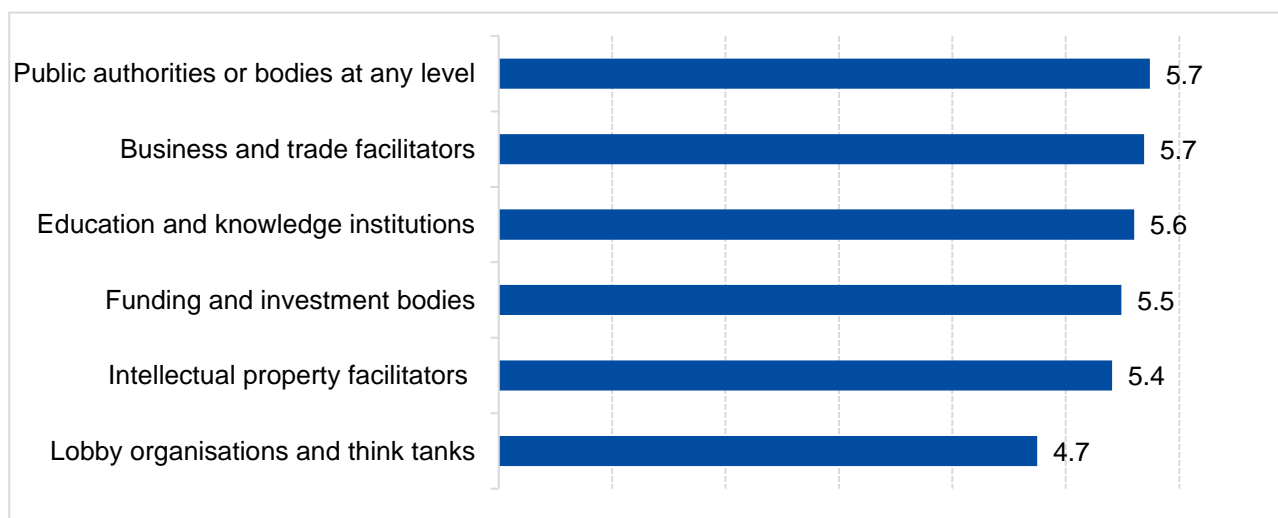
- **Business and trade facilitators** were the most frequently mentioned information source in 20 of the 27 EU Member States, and rank in the top three of every Member State.
- **Public authorities or bodies at local, regional, national or EU level** rank as the second-most frequently mentioned source in a majority of Member States (24 out of 27), although only in Estonia were they the most-frequently mentioned source of information. In only three Member States they do not rank among the top three sources: Denmark, Ireland and Luxembourg.

- **Funding and investment bodies** were, in most Member States, the third or fourth most mentioned information source. There were two Member States where this is the most frequently mentioned source: Croatia and Bulgaria.
- For **education and knowledge institutions**, the variance between Member States is the highest. In five Member States, they were the most frequently mentioned information source: Luxembourg, Sweden, Czechia, Romania and Slovenia. By contrast to those Member States, it ranks only fifth in Greece – the lowest of all Member States. It also ranks in fourth place in 11 Member States, including in Spain, Italy and Poland.
- **Intellectual Property facilitators**, and **lobby organisations and think tanks**, were consistently mentioned less frequently than the four other sources discussed above, and do not rank in the top three of most-used information sources for business development in any of the Member States.

### 3.3.2 Usefulness of sources for business development

The usefulness of different sources of information for business development, among those that did use a given source, was measured using a scale of 1 to 10, where 1 corresponded to 'Not useful at all' and 10 corresponded to 'Essential'. Based on the mean scores for each source, **public authorities or bodies** and **business and trade facilitators** were found most useful (both scoring 5.7). **Lobby organisations and think tanks** are in last place with the mean score of 4.7, reflecting their position as the least useful source of information for business development.

**Figure 3.18 Usefulness of sources for business development (overall, 0-10 scale)**



Base: All SMEs (n = 8 372).

Question: Q5. How useful are the following sources for you to get information relevant to the development of your business? (1-10 scale)

## 4 Use of intellectual property protection measures

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In the previous chapter, the focus was on identifying how innovative SMEs in the EU are. In order to get a better view on how SMEs *protect* their innovations (if at all), the survey inquired about what IP protection measures SMEs owned/used. This enables the identification of which measures were most owned/used in the population of EU SMEs, and specifically also how many SMEs own *registered IPRs* in the EU, versus how many other, non-registered protection measures (such as domain names or trade secrets) they use.

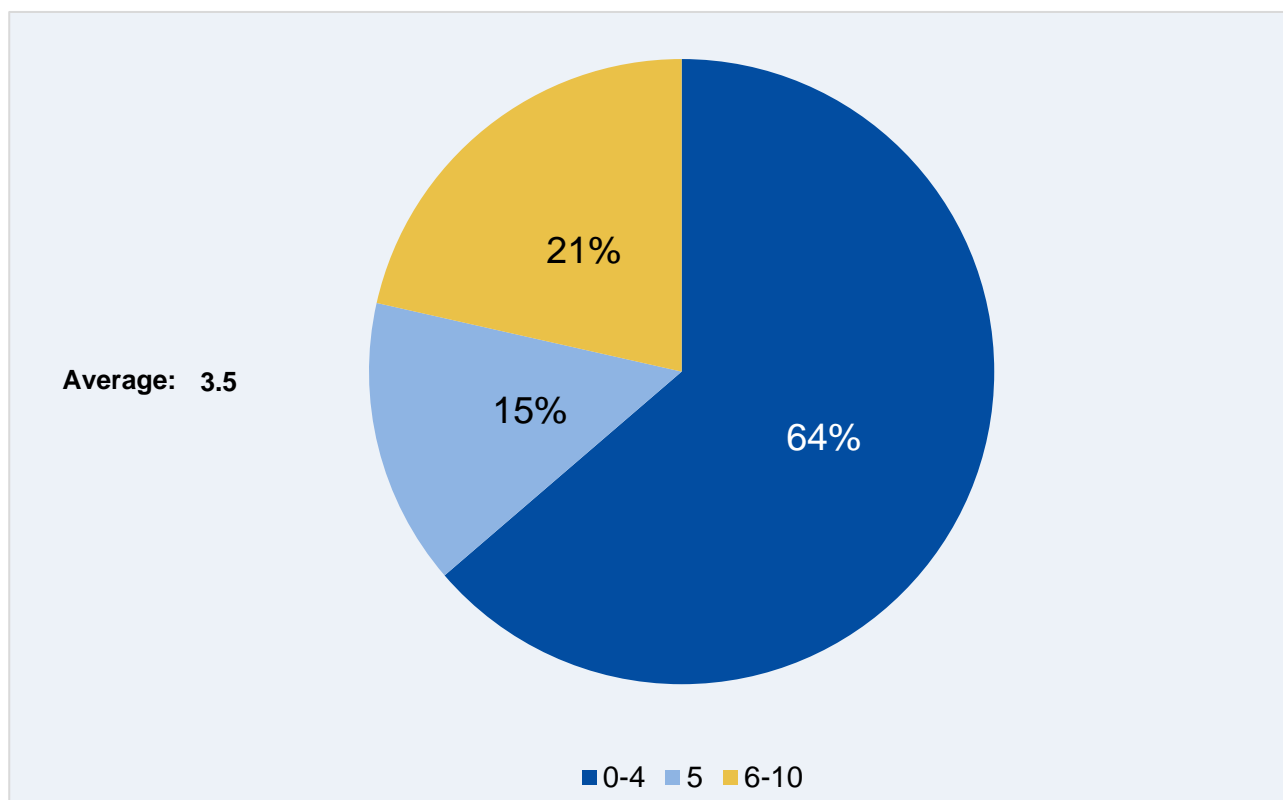
Furthermore, consideration was also given to, specifically among SMEs that own registered IPRs, the extent to which they have tried to use their IPRs to make financial gain – either directly (e.g. by licensing their IPRs) or indirectly (e.g. by using their IPR portfolio as leverage to win contracts) – and to what extent they have been successful in doing so. This gives more insight into the degree in which IPR ownership helps SMEs to develop their business, and whether SMEs indeed actively use their IPRs to this end.

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#### 4.1 Familiarity with intellectual property rights

SMEs were asked to rate their familiarity with the concept of IPRs on a scale from 0 to 10, where 0 reflected 'not at all familiar' and 10 'very familiar'<sup>(29)</sup>. Among the SMEs in the population sample, around one in five respondents (21 %) evaluated their level of familiarity with IPRs as **6 or above** on this scale (8 % of which score their familiarity at 8 or higher). Just under two in three respondents (64 %) reported their familiarity as being **4 or lower**, while the remaining 15 % estimated it to be in the middle of the scale, at **5**. Overall, this results in an average familiarity of 3.5 out of 10 across all SMEs.

**Figure 4.1 Familiarity with intellectual property rights (overall, 0-10 scale)**



Base: Population sample (n = 4 084).

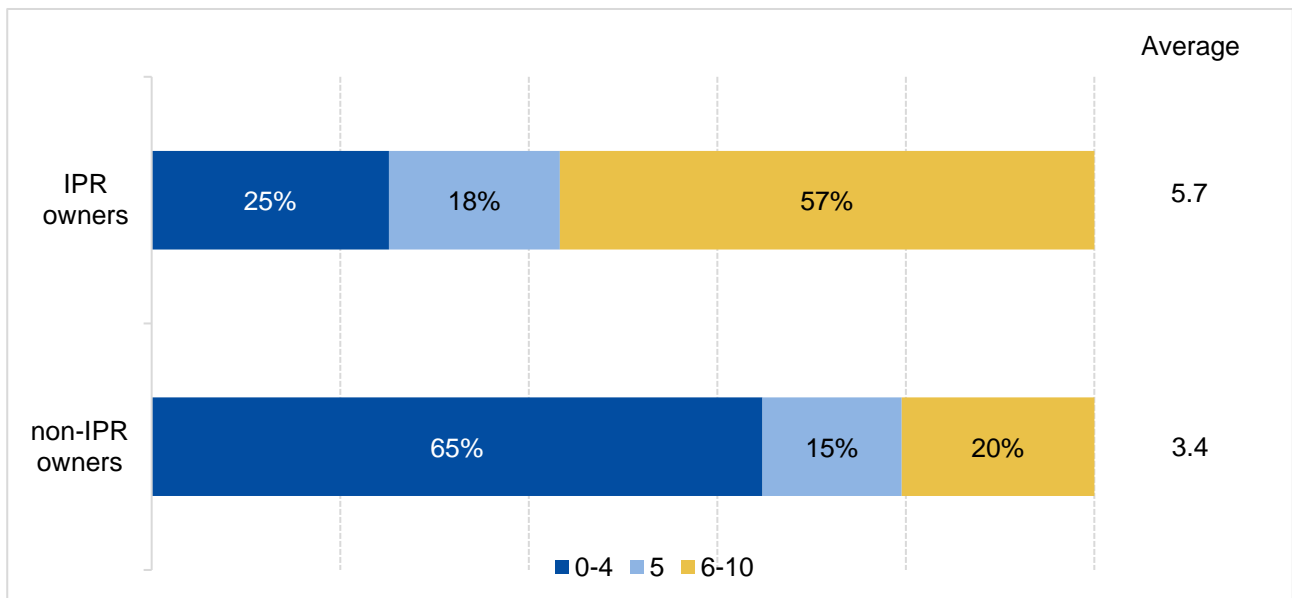
Question: Q1. How familiar are you with Intellectual Property Rights (IPRs)? (0-10 scale).

<sup>(29)</sup> This means that the reported degree of familiarity is a self-reported, subjective rating. It was not independently verified (e.g. by means of test questions to assess actual familiarity).

Comparing the familiarity of IPRs among IPR owners versus non-owners reveals a clear difference between the two groups. IPR owners evaluated their level of familiarity with the IPRs much higher, with an average score of 5.7 on a scale of 0 to 10, whereas the average among non-IPR owners was 3.4. Nearly 6 in 10 IPR owners (57 %) evaluated their familiarity with a score of six or above, compared with 2 in 10 (21 %) of non-IPR owners that rate their familiarity with such a score.

In comparison to 2019, the results reflect a decrease among SMEs, both IPR-owners and non-owners, that were highly familiar with IPRs, although the percentage of SMEs that score their familiarity as below 5 remained at the same level for both groups.

**Figure 4.2 Familiarity with intellectual property rights (by IPR ownership)**

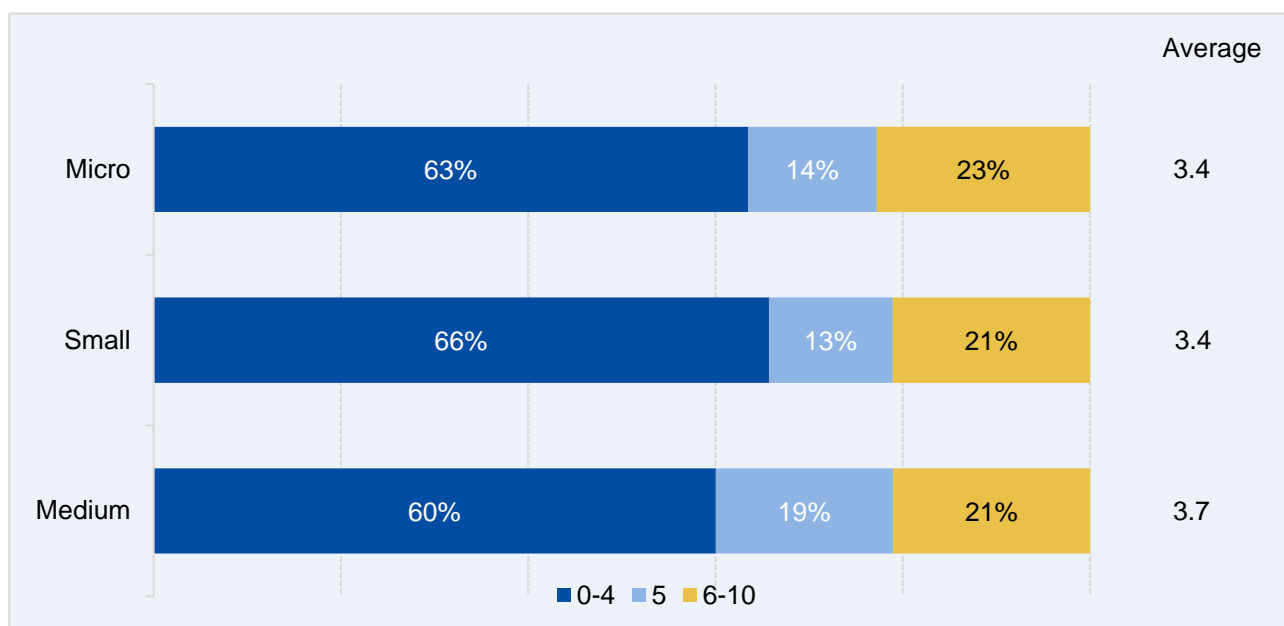


Base: All SMEs (n IPR owners = 4 278, n non-IPR owners=4 094).

Question: Q1. How familiar are you with Intellectual Property Rights (IPRs)? (0-10 scale).

Differences in levels of familiarity with IPRs by SME size are very subtle. Measured by the average score, familiarity is very slightly higher among medium-sized enterprises (3.7) compared to small- and micro-companies (both 3.4). However, slightly more micro-companies scored their familiarity at 6 or above than small- and medium-sized enterprises, but only with a difference of two percentage points (23 % and 21 %, respectively).

**Figure 4.3 Familiarity with intellectual property rights (by company size)**



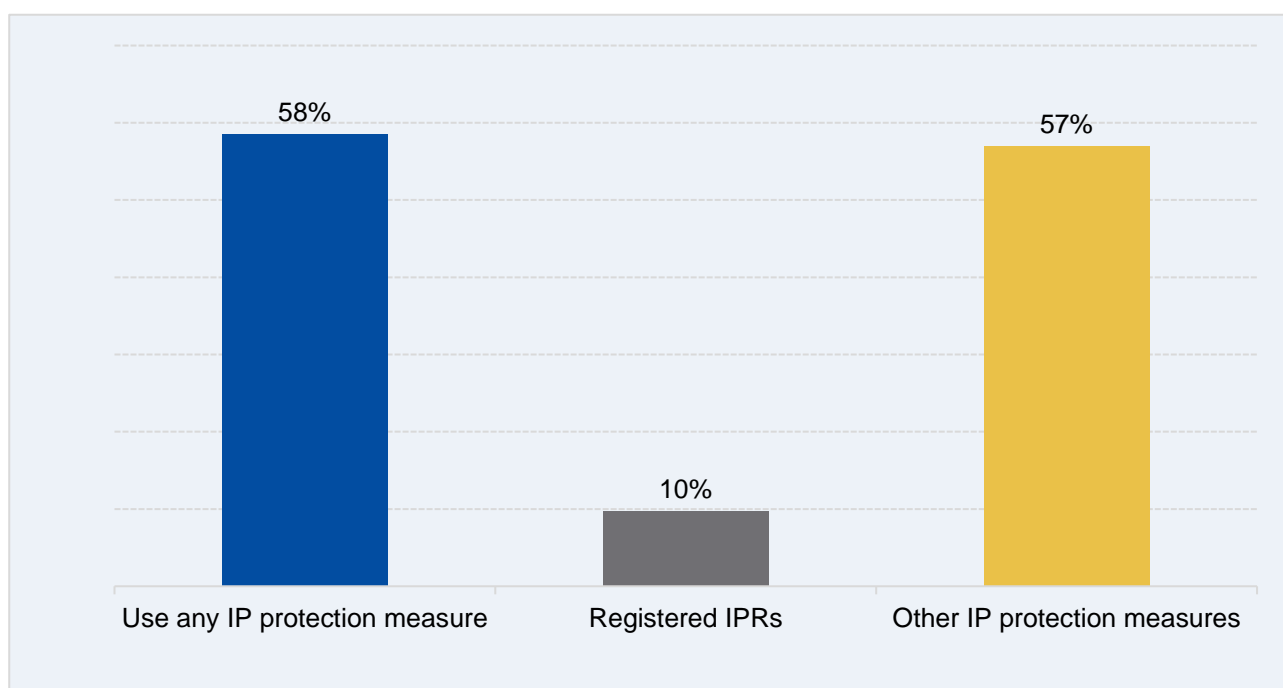
Base: Population sample (n Micro = 988, n Small = 2 043, n Medium = 1 053).

Question: Q1. How familiar are you with Intellectual Property Rights (IPR)? (0-10 scale).

## 4.2 Use of intellectual property protection measures

In the population sample, **58 % of SMEs own or use any type of IP protection measure** (registered as well as non-registered). 10 % of SMEs own any type of **registered IPR**, while 57 % of SMEs own/use other IP protection measures (including non-registered IPRs). ‘Ownership’ and ‘use’ are, for the purposes of this analysis, defined throughout this chapter as ‘owning or using at least one of the given IP protection measures’.

**Figure 4.4 Ownership of IP protection measures (overall)**



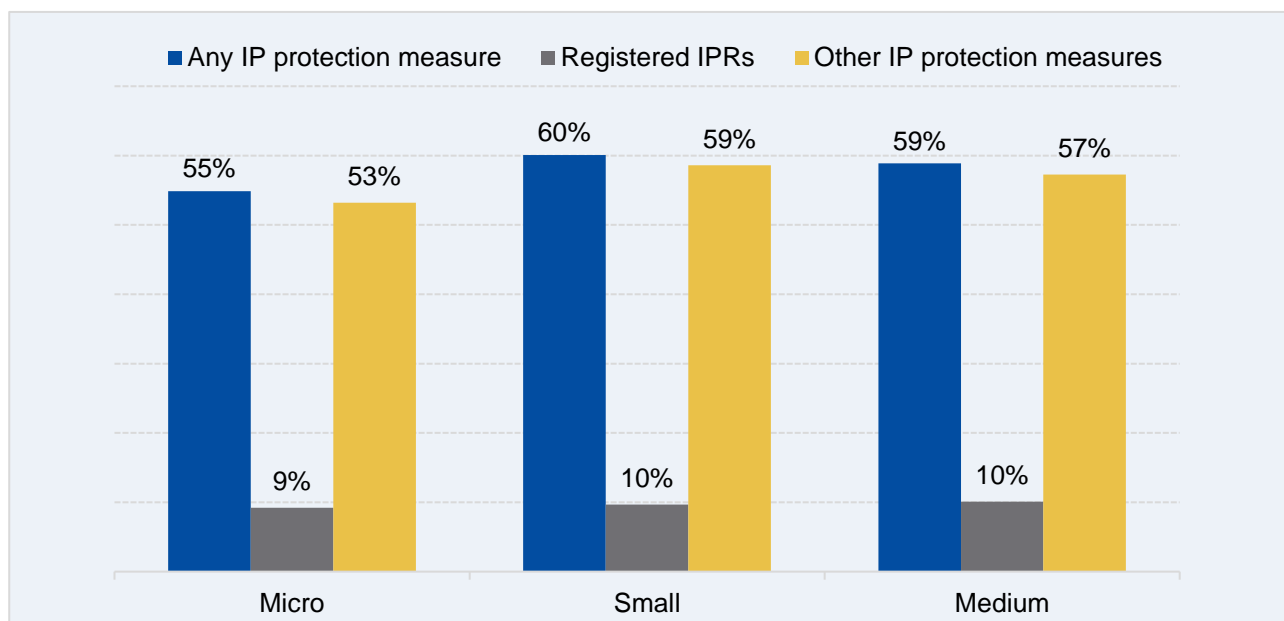
Base: Population sample (n = 4 084).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).



Looking at differences between SMEs of different sizes, **fewer micro-sized companies own/use any type of IP protection measures** (55 %) compared to small- (60 %) and medium-sized businesses (59 %). Looking specifically at registered IPRs, the difference is smaller: 9 % of micro-companies own registered IPRs, compared to 10 % of small- and medium-sized companies.

**Figure 4.5 Ownership/use of IP protection measures (by company size)**



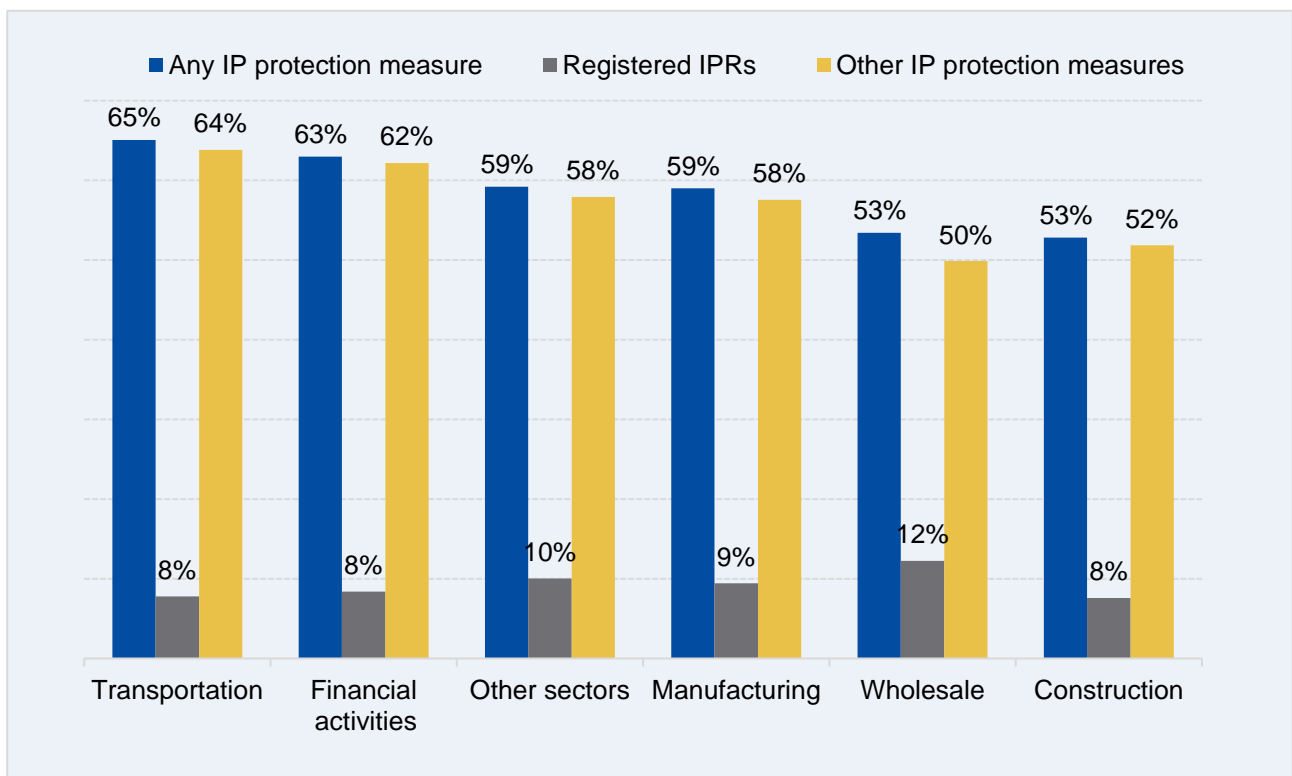
Base: Population sample (n Micro = 988, n Small = 2 043, n Medium = 1 053).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).

**SMEs in the transportation sector are most likely to have/use any IP protection measure type (65 %), followed by SMEs in the financial sector (63 %). SMEs in the construction and wholesale sectors are least likely to own any IP protection measure (both 53 %).**

When it comes to **registered IPRs**, **wholesale** sector SMEs are most likely to own these (12 %). SMEs in the **transportation, financial and construction** sectors are the least likely to have registered IPRs (8 % in each of them).

**Figure 4.6 Ownership/use of IP protection measures (by sector)**

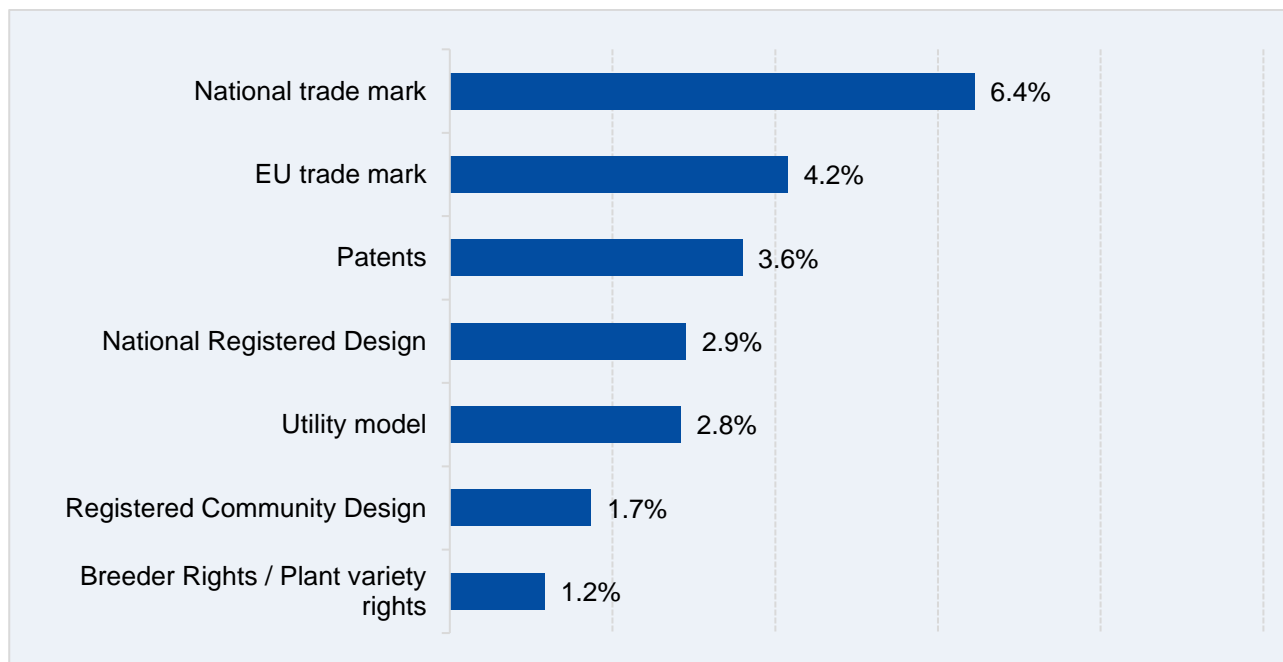


Base: Population sample (n = 4 084).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).

**National trade marks** are the most commonly owned registered IPR type, owned by 6 % of SMEs. This is followed by **EU trade marks** and **patents** (both owned by roughly 4 % of SMEs). The least frequently owned registered IPR types are **breeder rights / plant variety rights** (1 %) and **registered Community design** (2 %).

**Figure 4.7 Registered IPR ownership, per type (overall)**

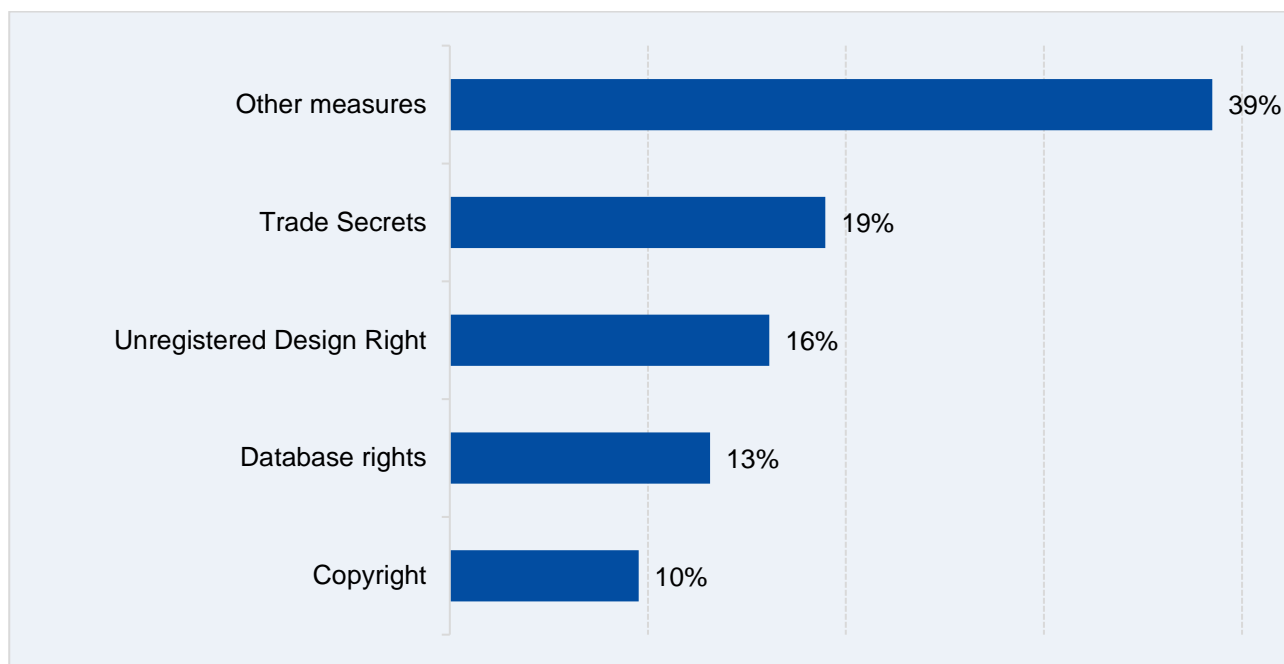


Base: Population sample (n = 4 084).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).

Among the other IP protection measures (including non-registered IPRs) the ‘other alternative measures’ (including domain names) are the most commonly used measures. 39 % of SMEs reported to use these, which make them the most frequently used IP protection measure of any kind. They are followed by **trade secrets** (19 %), **unregistered design rights** (16 %) and **database rights** (13 %).

**Figure 4.8 Ownership/use of other IP protection measures, per type (overall)**



Base: Population sample (n = 4 084).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).

Differences between sectors are overall relatively small when it comes to ownership of different types of registered IPRs.

- **National trade mark** is the most commonly owned IPR in each sector, and is most frequently owned by SMEs operating in the wholesale (8 %) and construction (7 %) sectors.
- Wholesale and manufacturing sector SMEs are more likely than other SMEs to own **EU trade mark** (6 % and 5 %, respectively).
- **National registered designs** are used most commonly in the wholesale and financial activities sectors (both 4 %).
- Financial activities and wholesale sectors SMEs also are more likely to use **registered Community design** (both 3 %) compared to other SMEs.
- There is very little variation between sectors when it comes to **patents** (variation of one percentage point between different sectors).

**Table 4.1 Registered IPR ownership (by sector)**

IPR type	Sector					
	Manufacturing	Construction	Transportation	Wholesale	Financial activities	Other sectors
<b>National trade mark</b>	6 %	7 %	5 %	8 %	6 %	6 %
<b>EU Trade mark</b>	5 %	3 %	3 %	6 %	3 %	4 %
<b>Patents</b>	4 %	3 %	3 %	4 %	3 %	4 %
<b>Utility model</b>	3 %	2 %	2 %	3 %	4 %	3 %
<b>National Registered Design</b>	2 %	2 %	2 %	4 %	4 %	3 %
<b>Registered Community design</b>	1 %	1 %	2 %	3 %	3 %	2 %
<b>Breeder Rights / Plant variety rights</b>	1 %	1 %	1 %	0 %	2 %	2 %

Base: Population sample (n = 4 084).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).

With regards to other IP protection measures, some differences between sectors could be observed as well, as shown in the following table. Most notably, the financial activities sector group (which also included SMEs from insurance, real estate services, information and communication) more frequently than other sectors owned IP protection measure from any of the surveyed types, with the exception of trade secrets, which were owned more frequently in the transportation sector.

**Table 4.2 Ownership/use of other IP protection measures (by sector)**

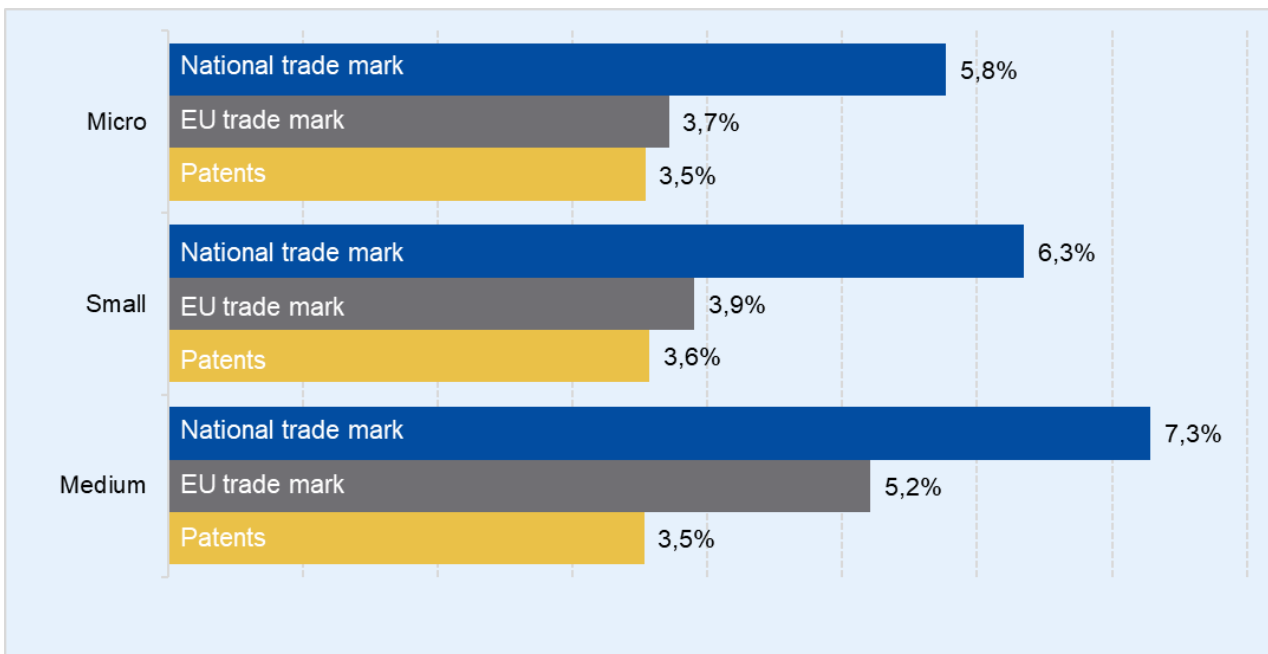
Protection measure	Sector					
	Manufacturing	Construction	Transportation	Wholesale	Financial activities	Other sectors
<b>Other measures</b>	36 %	38 %	42 %	35 %	43 %	39 %
<b>Trade Secrets</b>	19 %	17 %	27 %	13 %	23 %	19 %
<b>Unregistered Design Right</b>	19 %	14 %	14 %	13 %	21 %	16 %
<b>Database rights</b>	12 %	8 %	15 %	11 %	16 %	15 %
<b>Copyright</b>	6 %	7 %	5 %	6 %	17 %	12 %

Base: Population sample (n = 4 084).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).

There are very few differences between SME size classes with regards to ownership of registered IPR types. Medium-sized enterprises are very slightly more likely to have **national trade marks** (around 7 %, compared with around 6 % among micro- and small-enterprises) as well as **EU trade marks** (around 5 %, compared with around 4 % among micro- and small-enterprises), but the difference was only one percentage point in both cases.

**Figure 4.9 Registered IPR ownership (top 3 by company size)**

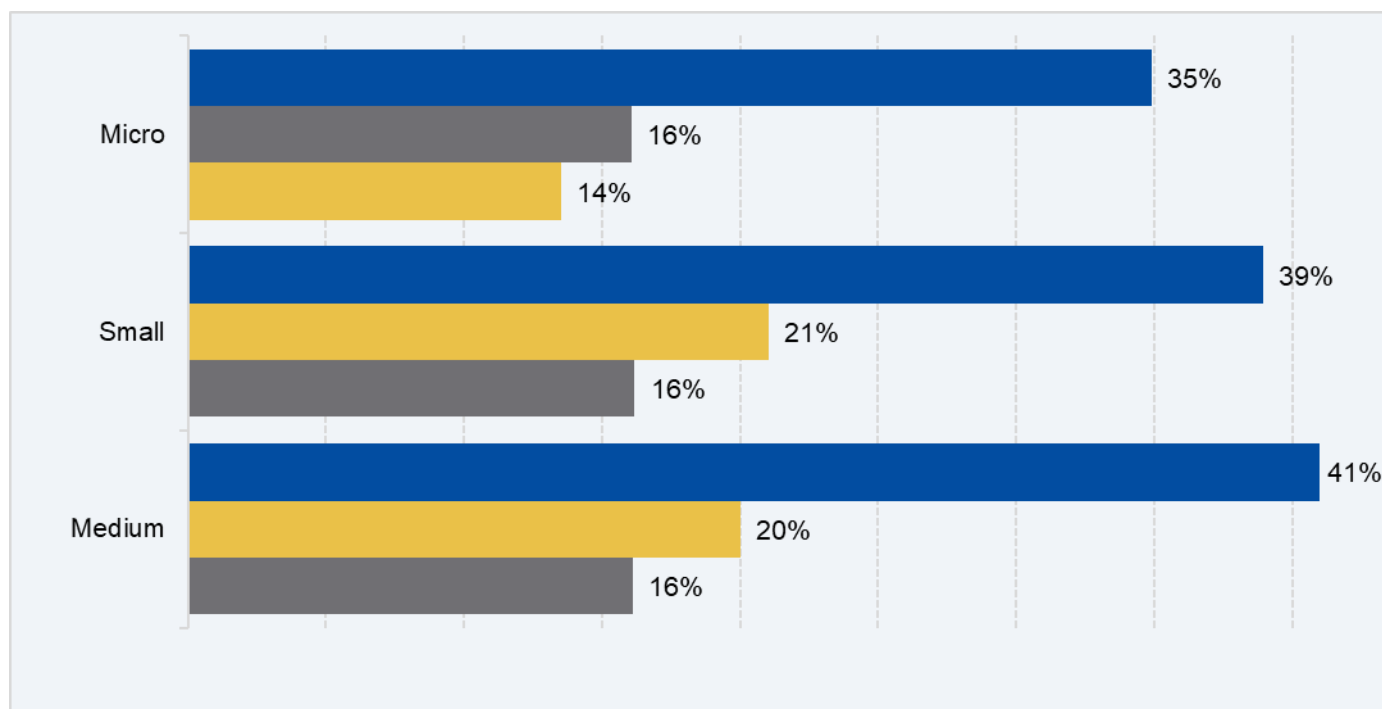


Base: Population sample (n Micro = 988, n Small = 2 043, n Medium = 1 053).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).

The differences between SME size classes are slightly more pronounced when it comes to the ownership of other IP protection means. Micro-companies are less likely to have **other alternative measures** (35 %, compared to 39 % among small- and 41 % for medium-sized companies), as well as **trade secrets** (14 %, compared to 21 % in small- and 20 % in medium-sized enterprises). **Unregistered design rights** on the other hand are owned by 16 % of businesses in each size class.

Figure 4.10 Ownership/use of other IP protection measures (top 3 by company size)



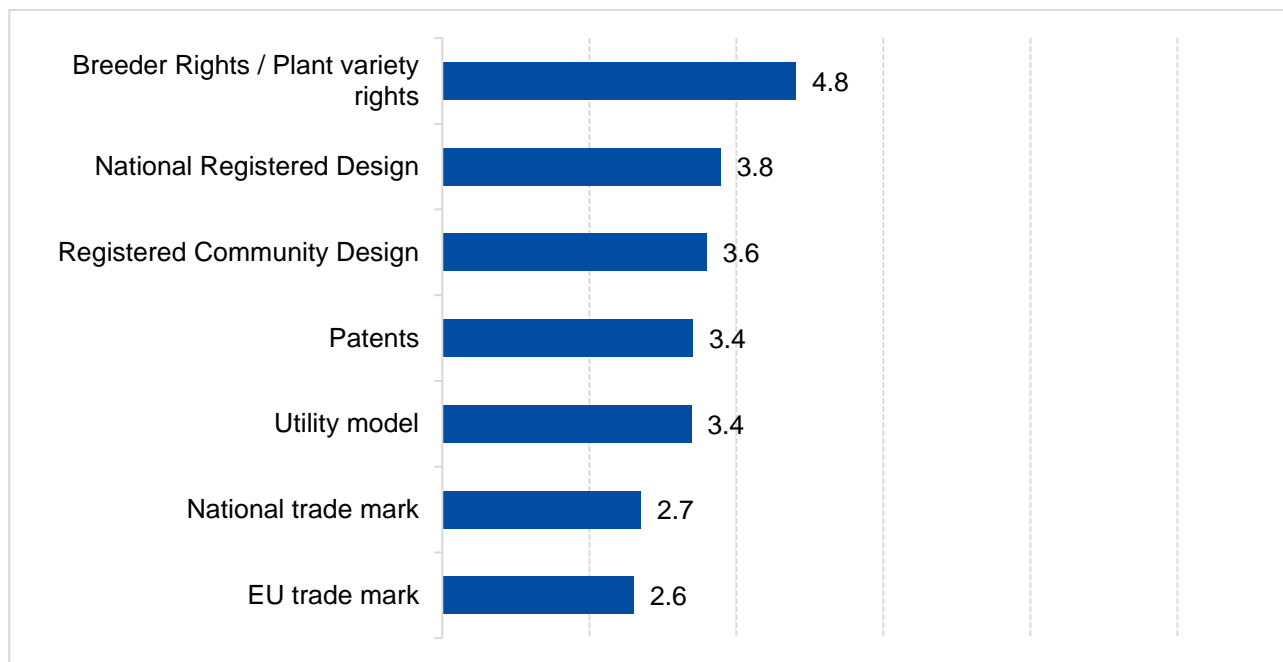
Base: Population sample (n Micro = 988, n Small = 2 043, n Medium = 1 053).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).



Finally, with regards to **the number of IP protection means owned/used by individual businesses**, SMEs that own **breeders rights / plant variety rights** have on average 4.8 of these rights, which make it the registered IPR type of which the highest volume is owned on average. This is followed by **national registered design** (3.8), and **registered Community design** (3.6).

**Figure 4.11 Number of registered IPRs owned, per type (overall)**

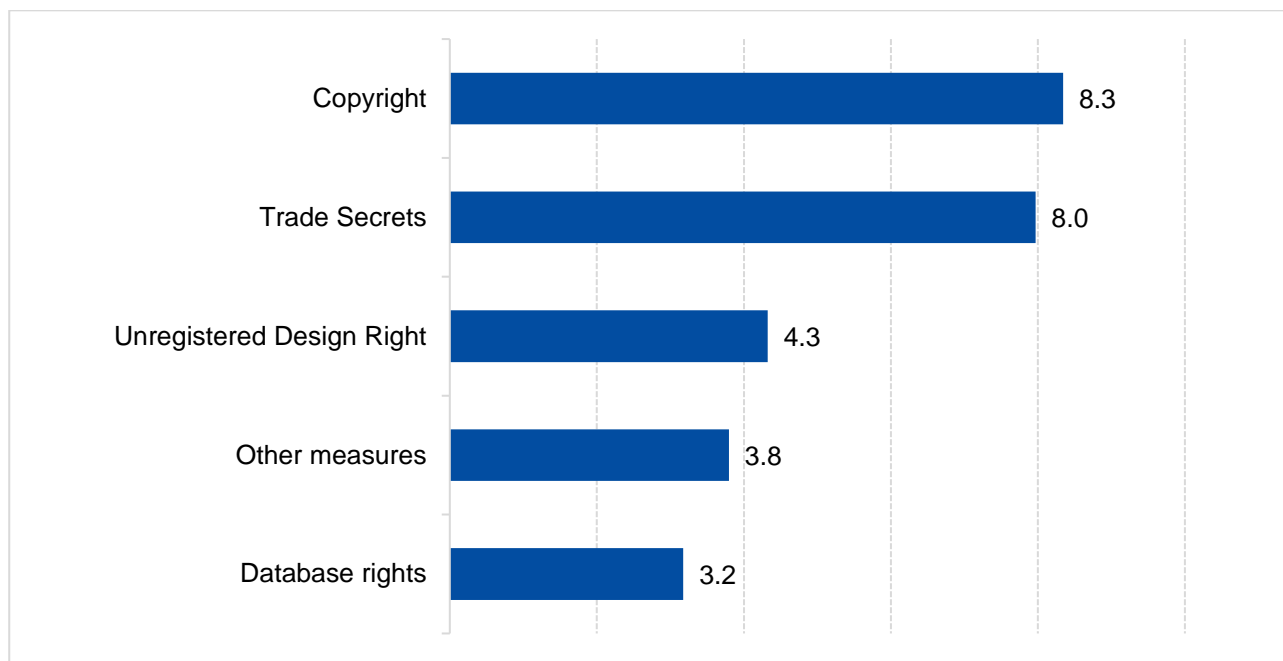


Base: SMEs that own at least one IP of these types (n = 4 278).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own? (% of SMEs that own/use at least one IP protection measure of the given type).

Among other IP protection measures (including non-registered IPRs), the type of which the highest volume is owned on average is **copyright** (8.3 per SME that own copyright), closely followed by **trade secrets** (8.0).

**Figure 4.12 Number of other IP protection measures owned/used, per type (overall)**



Base: SMEs that own at least one IP of these types (non-registered) (n = 5 757).

Question: Q6. How many of each of the following Intellectual Property Right (IPR) types does your company own?

### 4.3 Monetisation of IPRs

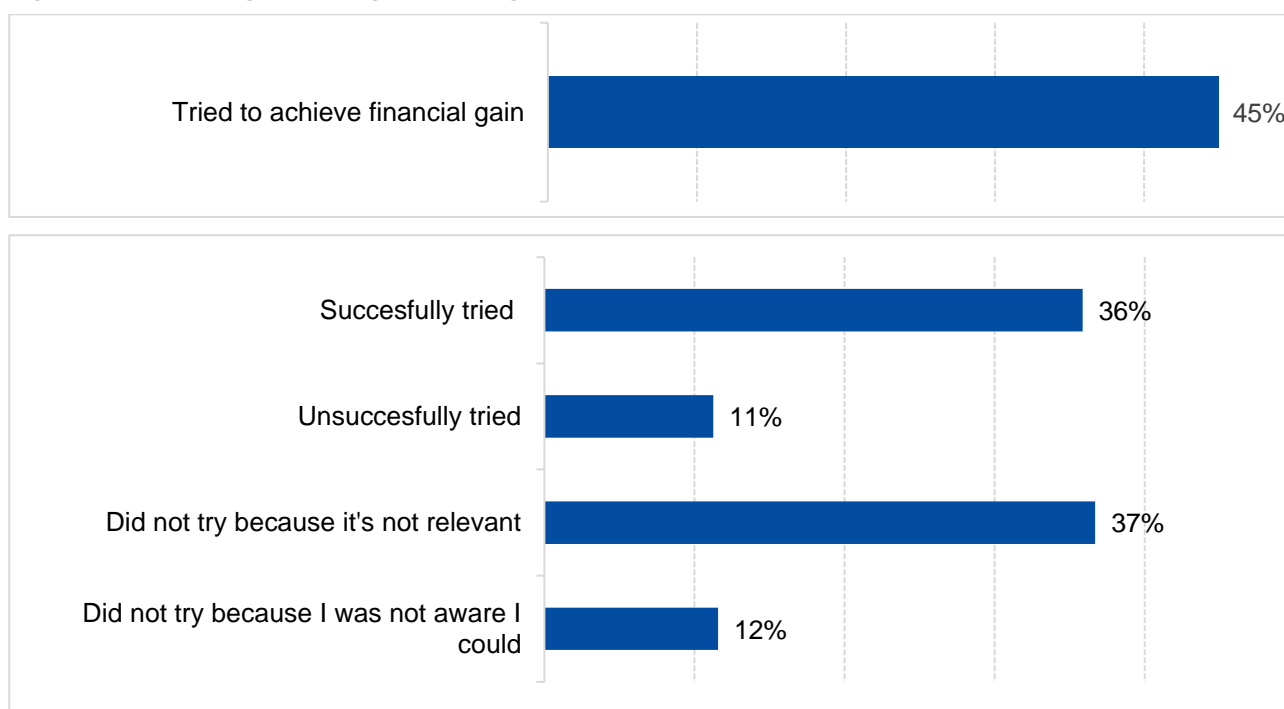
**45 % of SMEs that own registered IPRs have tried to derive financial gain from their intellectual assets**, either directly, through the sale or licensing, or indirectly, through for instance using their registered IPR portfolio for business development (see figure 4.13). This figure is consistent among different SME size classes.

Looking in more detail at the **likelihood of success** of attempts to achieve financial gain from their IPRs, it becomes clear that if such an attempt was made, it was frequently likely that it was successful: more than a third of SMEs (36 %) that owned registered IPRs said that they have successfully achieved financial gain by means of their registered IPRs, compared to 11 % that have tried this but said they were not successful.

It should be kept in mind that respondents were allowed to indicate both, that they have at one time successfully achieved financial gain from their IPRs, and at other times were unsuccessful in doing so. For that reason, the percentages given here do not total 45 %, as a small portion of SMEs will have indicated that both applied to them.

SMEs that did **not try to monetise** their registered IPRs refrained from this most frequently because they did not find it relevant – this goes for 37 % of SMEs with registered IPRs. In comparison, 12 % of SMEs did not do so because they were not aware they could do it.

**Figure 4.13 Achieving financial gain from registered IPRs (overall)**



Base: SMEs that have registered IPR (n = 4 278).

Question: Q7. I would now like to know whether you have ever tried to achieve financial gain by using your intellectual assets.

## 5 IPR registration

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In this chapter, several aspects of the process of IPR registration are considered, following the typical steps that SMEs go through:

- the reasons for IPR-owning SMEs to decide to register their IPRs;
- what sources of information they consult (if any) to find information about the registration process;
- where (i.e. with which entity, such as an IP office), they have registered their IPRs;
- what difficulties SMEs encountered during the registration process;
- the positive impact(s) that SMEs experienced as a consequence of IPR registration.

Separately, it also considers the main reasons for SMEs to *not* register IPRs.

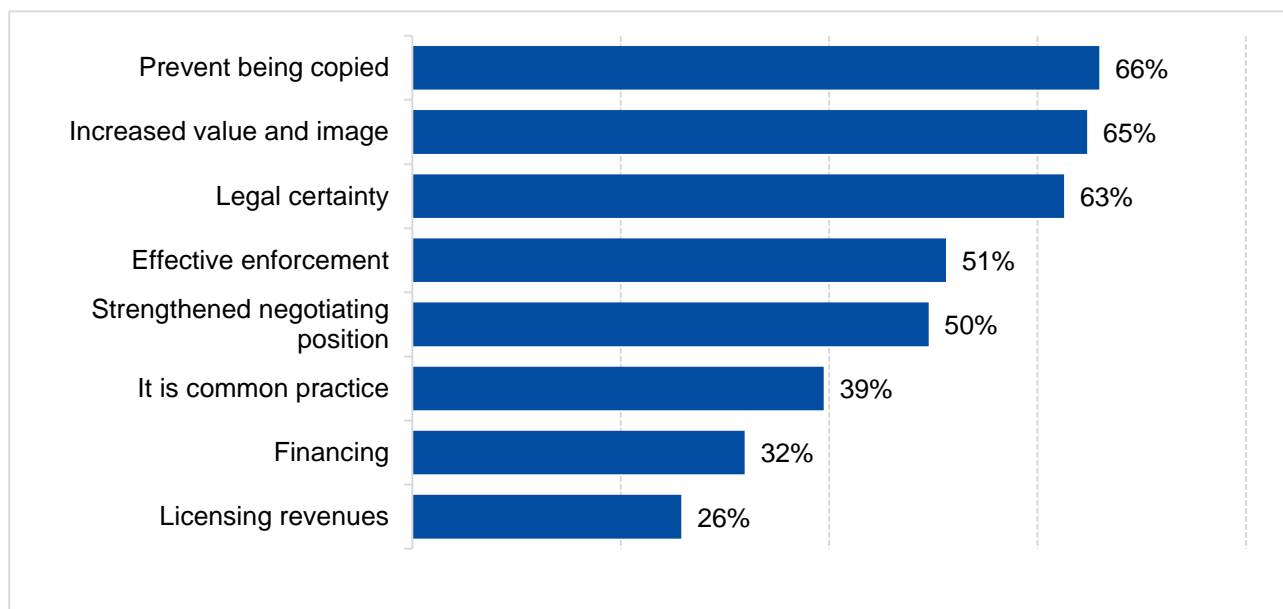
The above metrics help to better understand the decisions that SMEs make when registering (or not registering) IPRs, and what hurdles they face. This can help to further improve the IPR registration process and set priorities as to what challenges should be addressed to maximise the ease of access to IPR registration for SMEs.

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## 5.1 Reasons to register IPRs

The main reason for SMEs to register their IPRs was that **they helped preventing others from copying their solutions, products or services** (66 % of SMEs with registered IPRs report this as a reason), followed by an **increased value and image of their company** (65 %) and a **guarantee for better legal certainty of the extent of their IPR protection** (63 %). These reasons also ranked as the top three reasons to register IPRs in the 2016 and 2019 SME Scoreboard surveys. Overall, the ranking of the other reasons has also remained consistent.

Figure 5.1 Reasons to register IPRs (overall)



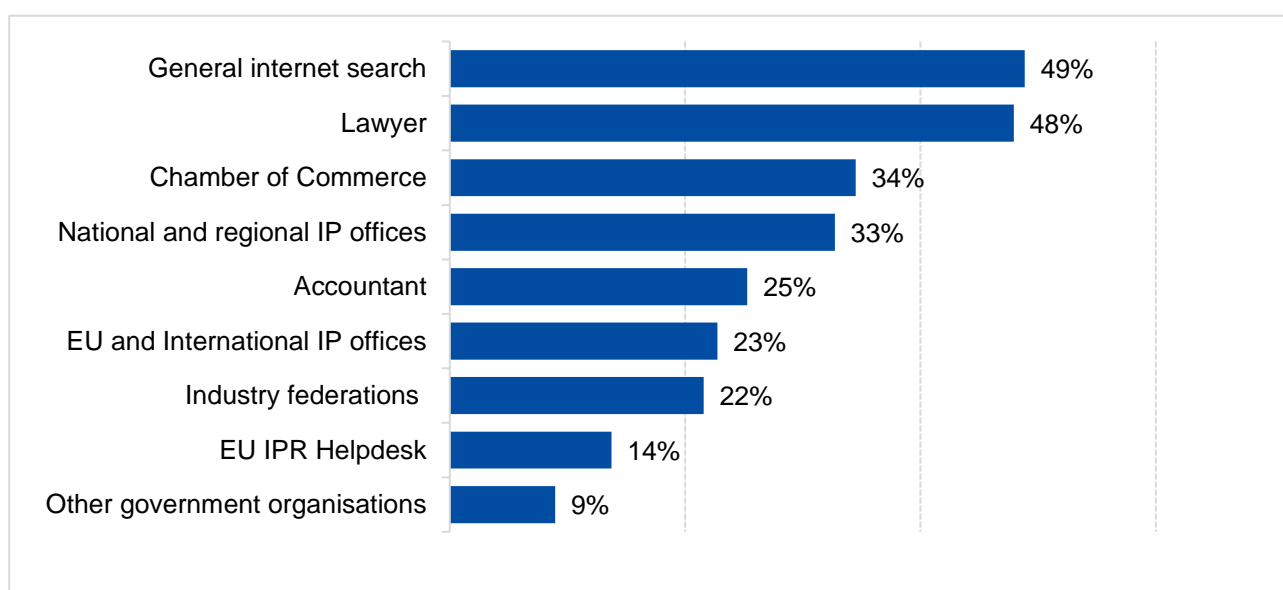
Base: SMEs that have registered IPR (n = 4 278).

Question: Q8. Why did your company register IPRs?

## 5.2 Information sources for IPR registration

SMEs with registered IPR were asked about the sources they use to gather information about IPR registration. Almost all companies (94 %) reported having used at least one of the information sources listed in the questionnaire. The most frequently mentioned source was the **general internet search** – mentioned by 49 % as a source they use, followed by a **lawyer** (48 %) and the **Chamber of Commerce** (34 %). These were also the three main sources reported in 2019 and 2016<sup>(30)</sup>.

**Figure 5.2 Information sources for IPR registration (overall)**



Base: SMEs that have registered IPR (n = 4 278).

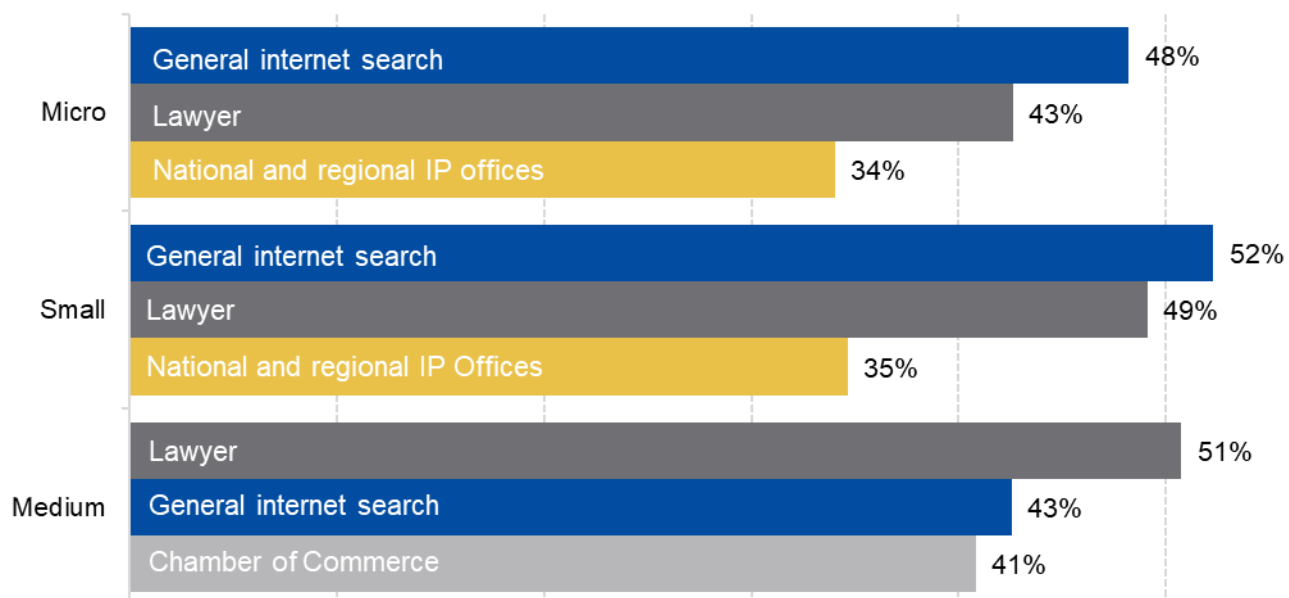
Question: Q9. Which online or offline sources did you use to search for information on registering IP?

<sup>(30)</sup> In 2019 and 2016, 'lawyer' was not listed as a source in the question. Instead, the survey asked for use of 'external private counsel'. This change in wording and scope makes a direct comparison inapplicable, but it is worth noting that the proportion of SMEs that mentioned 'external private counsel' as a used source is largely consistent.

General internet searches and lawyers were the two most frequently mentioned sources of information for SMEs of any size, as shown in figure 5.3 below. However, some differences between companies of different sizes did emerge.

- Medium-sized companies use general internet searches less frequently (43 %) compared to micro- (48 %) and small-sized enterprises (52 %).
- Vice versa, medium-sized companies use Chambers of Commerce *more* frequently (41 %) compared to micro- (29 %) and medium-sized businesses (34 %). In the latter two groups, this source ranks just below the top three sources shown in figure 5.3.
- Micro- (34 %) and small-sized businesses (35 %) use national and regional IP offices more frequently as an information source for IPR registration than medium-sized companies (28 %). Among the latter group this source ranks fourth.
- Micro-sized enterprises rely less frequently on lawyers as a source of information for IPR registration (43 %) compared to small- (49 %) and medium-sized ones (51 %).

**Figure 5.3 Information sources for registering IP (top 3 by company size)**



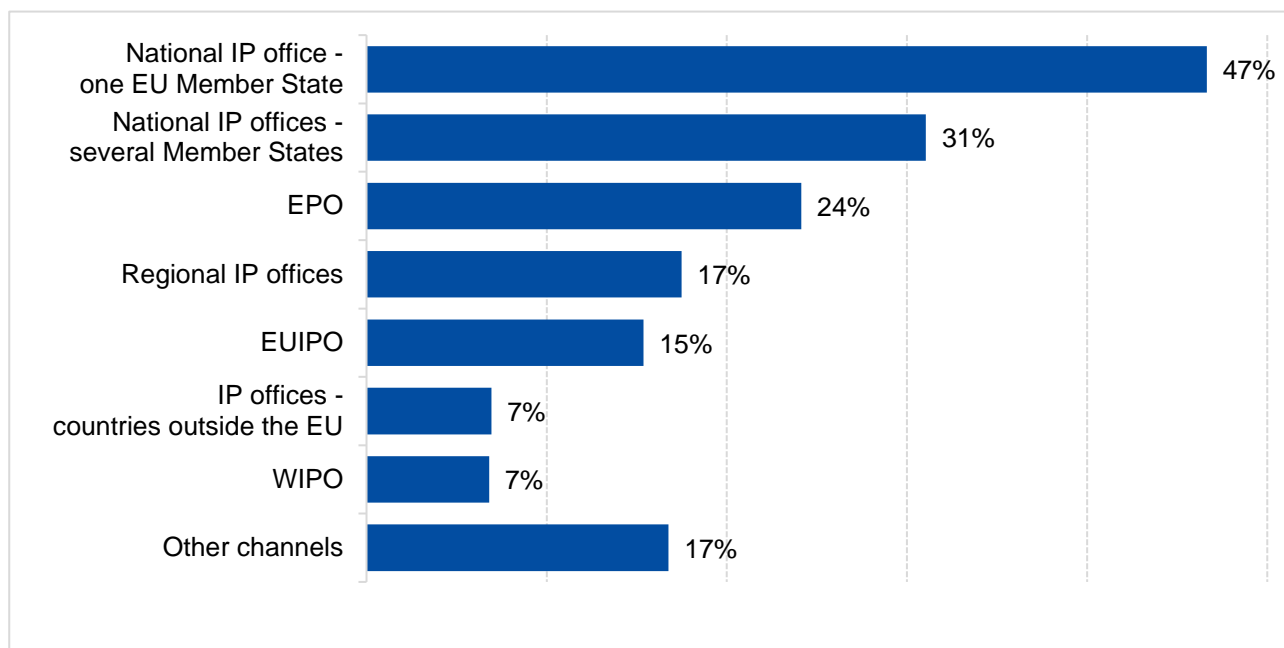
Base: SMEs that have registered IPR (n Micro = 1 050, n Small = 2 151, n Medium = 1 077).

Question: Q9. Which online or offline sources did you use to search for information on registering IP?

### 5.3 Where SMEs register their IPRs

SMEs that have registered their IPRs have done so most frequently with a **national IP office of a single EU Member State** (47 % of SMEs with registered IPRs have done this), or with the **national IP offices of several Member States** (31 %). Besides national IP offices of EU Member States the most frequently mentioned organisation for IPR registration was the **European Patent Office (EPO)** (24 %). **15 % of SMEs said they have registered their IPRs with the EUIPO**. In comparison to 2016, the main change has been one from registration mainly in the national IP office of *one* Member State to a more frequent registration of IPRs in *several* Member States – whereas for other organisations, registration figures have remained consistent.

**Figure 5.4 Where SMEs register their IPRs (overall)**



Base: SMEs that have registered IPR (n = 4 278).

Question: Q10. Where did your company register its IP?

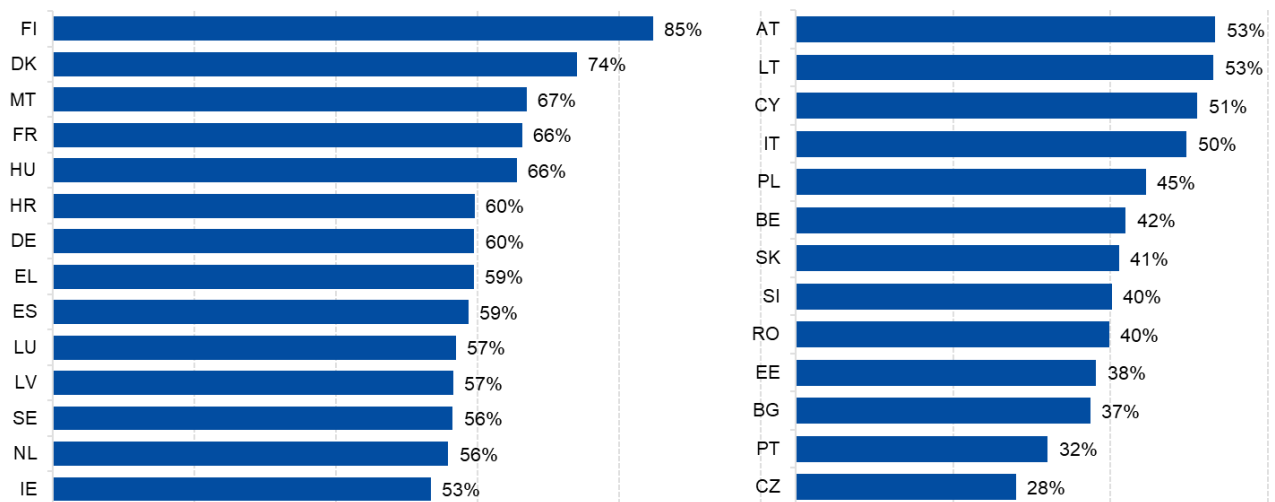


### 5.4 Difficulties when registering IPRs

Just over half (54 %) of SMEs that registered IPRs reported having faced difficulties when doing so. This is consistent with 2016 data, when also around half of SMEs said they had encountered difficulties. There are no differences between size classes when it comes to how frequently difficulties were experienced.

Considering differences between **Member States**, the Member States in which most SMEs reported difficulties when registering IPRs were Finland (85 %), Denmark (74 %) and Malta (67 %). In Czechia (28 %), Portugal (32 %) and Bulgaria (37 %), SMEs reported facing difficulties the least.

**Figure 5.5 Difficulties experienced when registering IPRs (by Member State)**



Base: SMEs that have registered IPRs (n = 4 278).

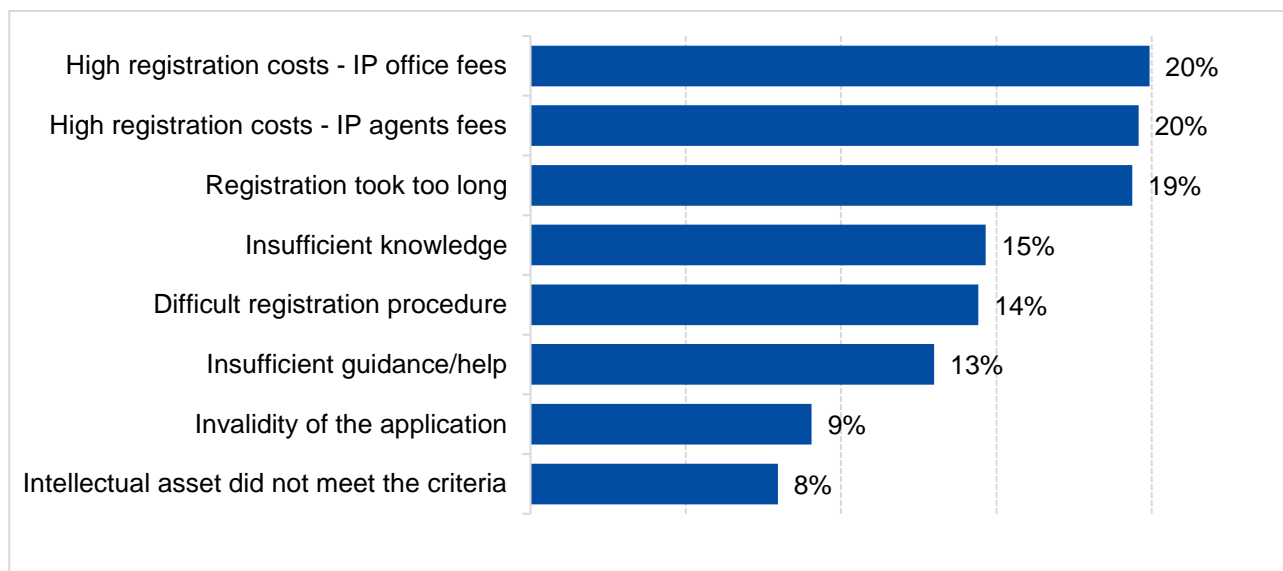
Question: Q11. What difficulties did you experience when registering an Intellectual Property Right?



As regards what difficulties were most commonly experienced, SMEs most frequently referred to **the high cost of the registration**. Both **high IP office fees** as well as **high IP agent fees** were reported by 20 % of SMEs with registered IPRs as a difficulty they experienced. The third most frequently mentioned difficulty was that the **registration took too long** (19 %).

These results suggest that, in comparison to 2016, the costs related to the registration process remained the most commonly experienced difficulty. At the same time, the difficulty and length of the procedure itself, as well as the invalidity of the application, are mentioned less than in 2019, indicating improvements in those areas.

**Figure 5.6 Types of difficulties experienced when registering IPRs (overall)**



Base: SMEs that have registered IPRs (n = 4 278).

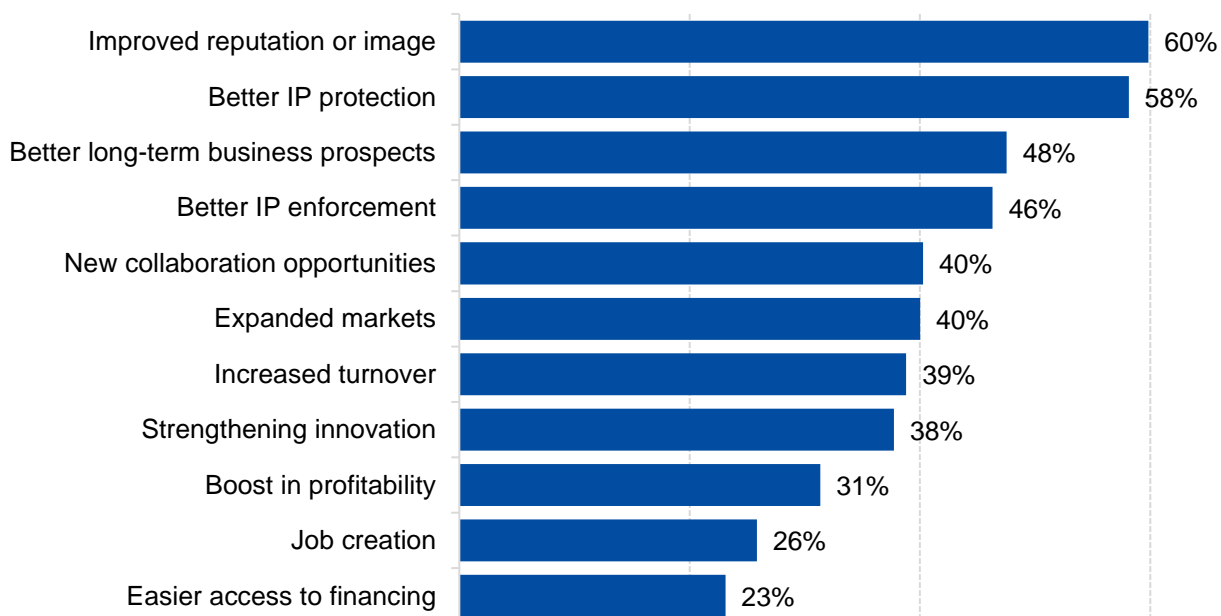
Question: Q11. What difficulties did you experience when registering an Intellectual Property Right?

## 5.5 Positive impacts of IPR registration

93 % of SMEs that have registered IPRs have seen a positive impact resulting from that registration. This figure is consistent across different company sizes, ranging from 91 % among micro- to 94 % among medium-sized companies.

Most commonly, SMEs with registered IPRs reported that registration improved their reputation or image (mentioned by 60 %), that it provided them with better IP protection (58 %), and that it gave better long-term business prospects (48 %). Due to a change in the way the question was asked, a direct comparison with past waves is not possible for this indicator. However, it is noteworthy that the three potential positive impacts asked for the first time in 2022 were all confirmed frequently as positive impacts of IPR registration: better IP protection (58 %), better IP enforcement (46 %) and strengthening innovation (38 %).

**Figure 5.7 Types of positive impacts experienced (overall)**



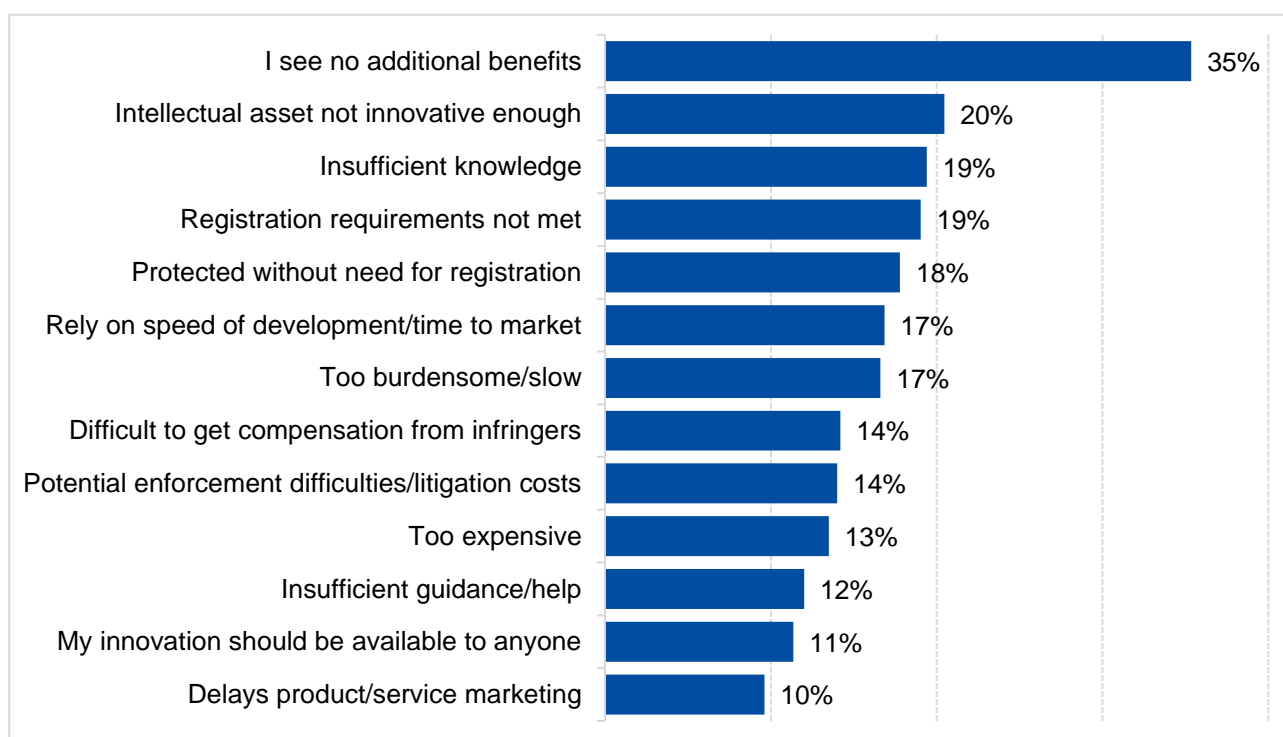
Base: SMEs that have registered IPRs (n = 4 278).

Question: Q12. What are the positive impacts of registering IP?

## 5.6 Reasons not to register IPRs

The main reason why SMEs did not register IPRs is that they did not see additional benefits from doing so: 35 % of SMEs gave this as a reason not to register IPRs. Other reasons are reported considerably less frequently: the three other most frequently mentioned reasons are that they thought that their intellectual asset was not innovative enough for IPR registration (20 %), that they had insufficient knowledge (19 %), or that the registration requirements were not met (19 %).

**Figure 5.8 Reasons not to register IPRs (overall)**

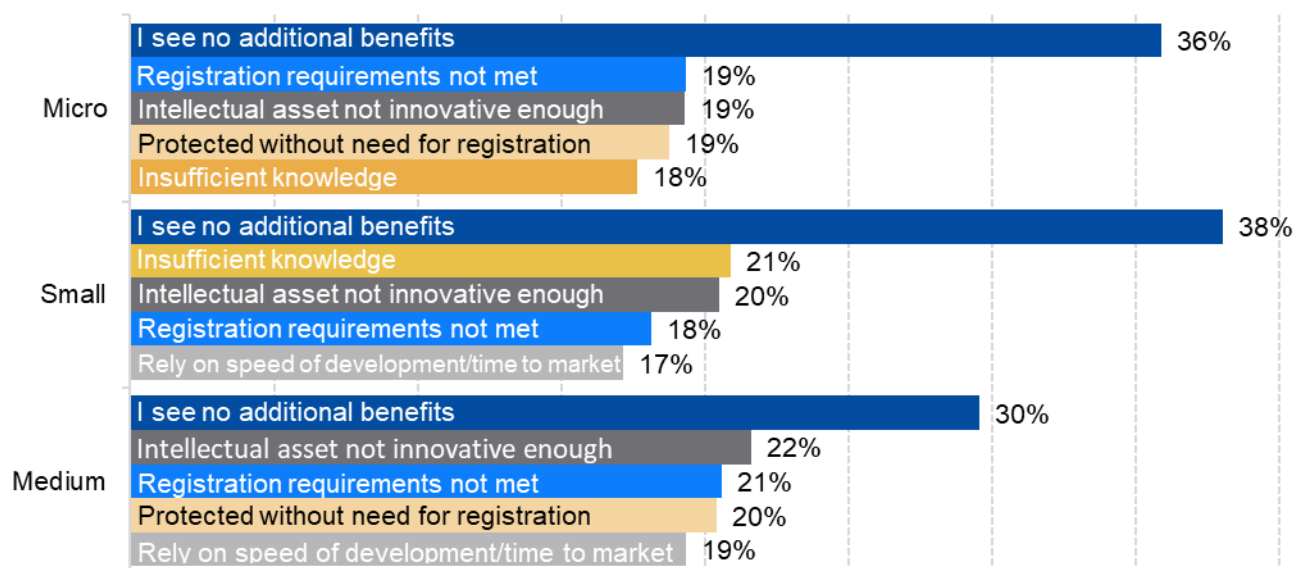


Base: SMEs that have not registered IPRs (n = 4 278).

Question: Q13. Why have you not registered IPR?

The lack of additional benefits was the most-frequently mentioned reason not to register IPRs among SMEs of all size classes, although it is noteworthy that less medium-sized companies (30 %) mentioned this reason compared to small- (38 %) and micro-sized enterprises (36 %). Beyond this primary reason, differences within and between size classes for the other top reasons are generally very small. One exception is the insufficient knowledge, which micro- (18 %) and small- enterprises (21 %) report as a reason not to register IPRs more frequently than medium-sized companies (12 %).

**Figure 5.9 Reasons not to register IPRs (top 5 by company size)**



Base: SMEs that have not registered IPRs (n Micro = 1 043, n Small = 2 151, n Medium = 1 020).

Question: Q13. Why have you not registered IPR?

## 6 IPR infringement

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This last chapter looks at the occurrence of IPR infringements. Specifically, in addition to measuring how frequently infringements of IPRs occur, it also analyses which means (if any) SMEs use to identify potential infringements of their IPRs, what the impact of these infringements has been if it occurred, and how (if at all) SMEs battle the infringement to enforce their IPRs. Finally, it also looks at whether SMEs themselves have been the subject of ‘unjust’ allegations of IPR infringement by other entities (and if so, by whom).

These indicators about IPR infringement form a last set of crucial metrics for effective IP protection policies, as they provide insight into how effective IPR registration is as a protection measure, and to what extent SMEs enforce their rights if they are infringed.

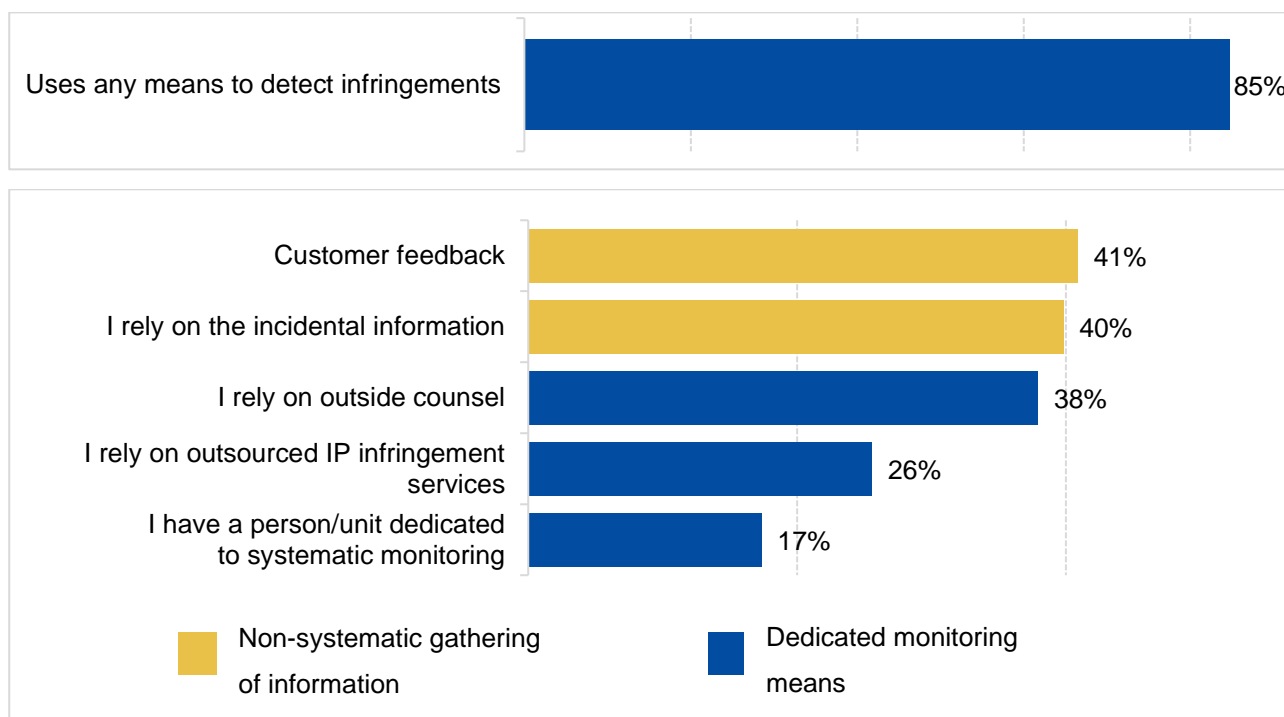
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## 6.1 Monitoring of potential infringements

Most SMEs that own registered IPRs (85 %) have used some means to identify possible infringement of their IPRs in the market. This proportion was slightly higher than in the previous waves of the SME Scoreboard survey. Medium-sized companies are slightly more likely to do this (87%) compared to small- and micro-sized enterprises (84 % for both).

The most common means for IPR-owning SMEs to identify potential IPR infringements is via **customer feedback** (used by 41 % of SMEs with registered IPRs) and by relying on **incidental information** (40 %) – in other words, in a non-systematic way. It is much less common for SMEs to have systematic tools to monitor the market for infringements: **26 % said they used outsourced IP infringement services**, while only one in six (17 %) reported having a **person or unit dedicated to systematic monitoring**.

Figure 6.1 Means to monitor potential IPR infringements (overall)



Base: SMEs that have registered IPRs (n = 4 278).

Question: Q14. How does your company monitor the market for possible infringement of its IP?

---

## 6.2 Occurrence of IPR infringements

15 % of owners of registered IPRs reported having suffered from an infringement of an IPR that they own (see figure 6.2)<sup>(31)</sup>. Micro-sized companies had experienced this slightly more frequently (16 %) compared to small- and medium-sized enterprises (15 % and 14 %, respectively).

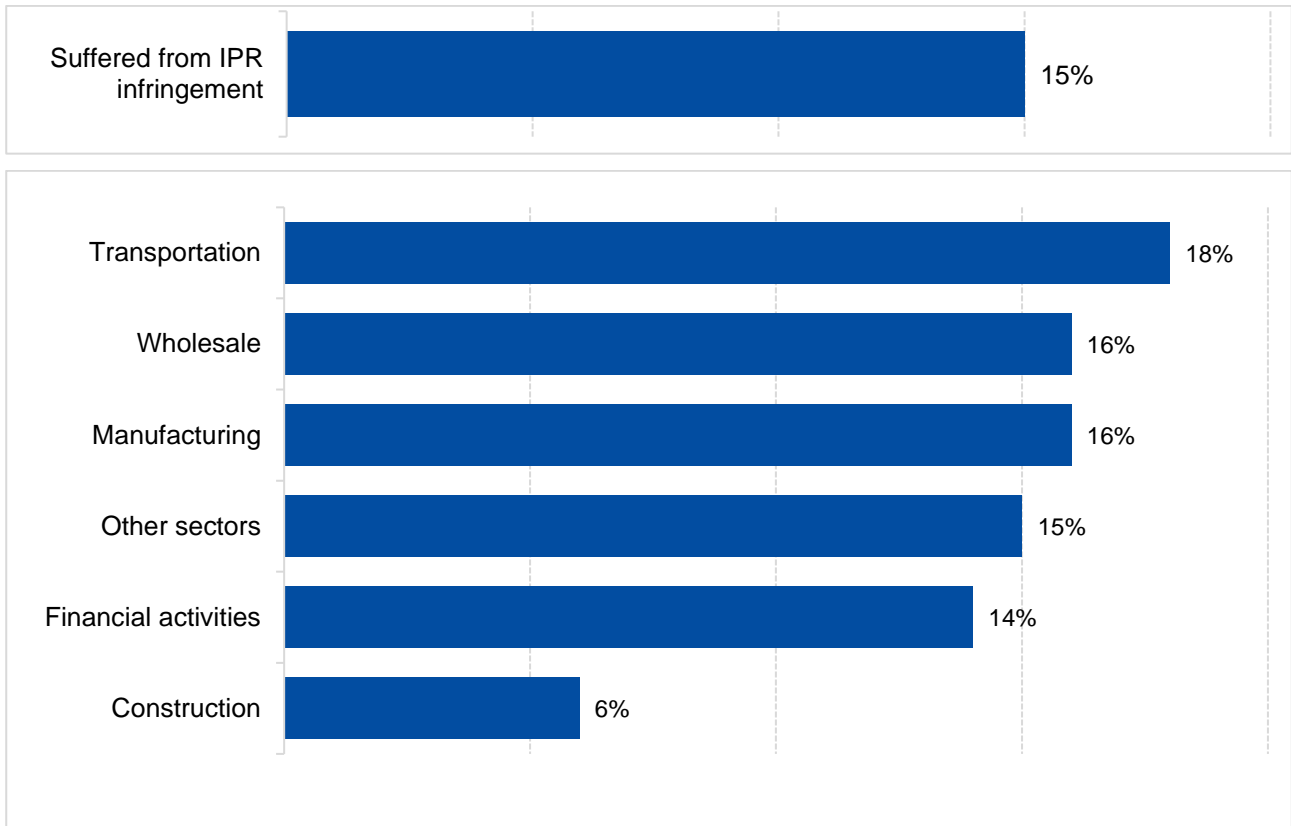
Differences between sectors are overall relatively small, with the exception of the **construction** sector. In this sector, 6 % of SMEs with registered IPRs reported having suffered from an IPR infringement, considerably less than in other sectors. SMEs in the **transportation** sector were most likely to say they had experienced this (18 %).

---

<sup>(31)</sup> The calculation of this figure was revised compared to past waves of the SME Scoreboard. For this wave, the percentage was based on IPR owners only, and only infringement of an IPR that was owned by the SME was taken into account – for instance, if a patent-owning SME experienced infringement of their patent. In the past, also SMEs that did not own IPRs at the moment of the survey (but could have owned them in the past and thus could also have seen them infringed) were asked this question, and they were also asked about infringement of non-registered protection measures (e.g. copyright and non-registered trade marks). Using this old, broader calculation method, the percentage of SMEs that reported an infringement was **27 %**.



**Figure 6.2 Occurrence of IPR infringements (by sector)**

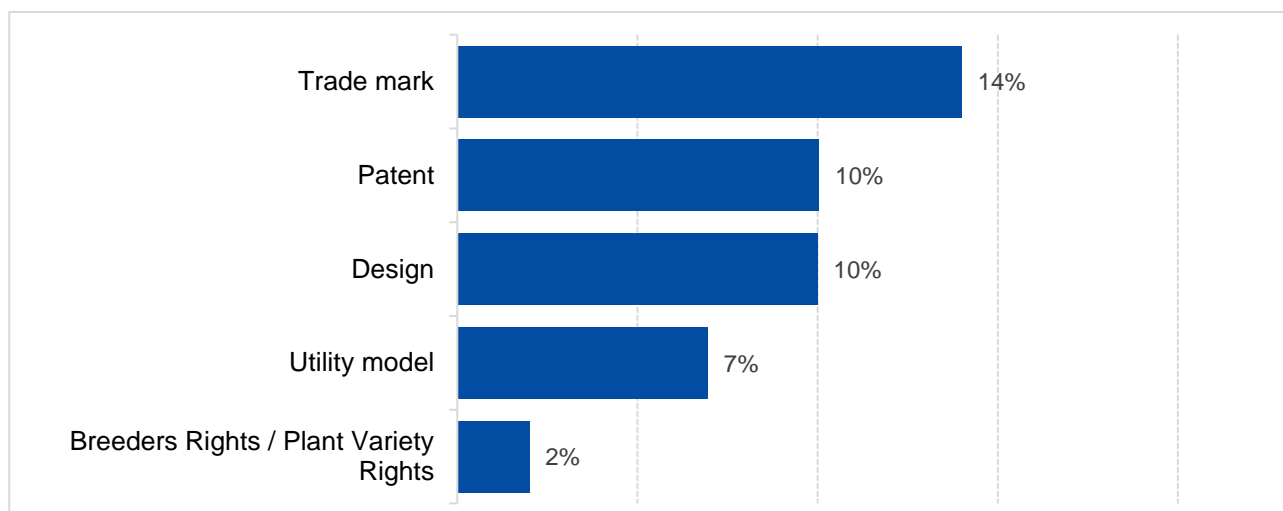


Base: SMEs that have registered IPRs (n = 4 278).

Question: Q15. Has your company ever suffered from IP infringements for any of the following IP types?

**Infringement of IPRs occurred most commonly with trade marks:** 14 % of SMEs that own trade marks mentioned an infringement of this IPR. This is followed by infringements of **patents** and designs (both 10 %). Infringements of **breeders rights / plant variety rights** were least commonly mentioned (2 %).

**Figure 6.3 Occurrence of IPR infringements, per IPR type (overall)**



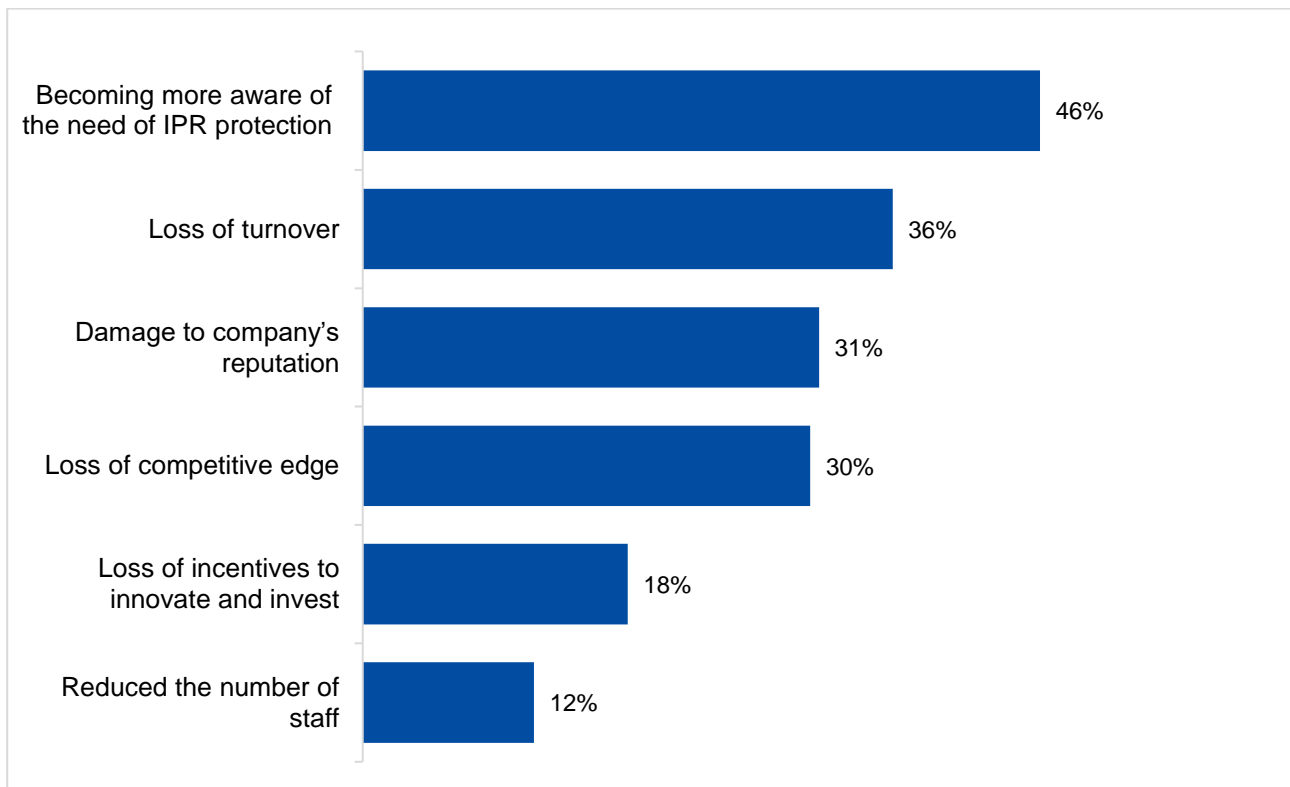
Base: SMEs that have registered IPR (n = 4 278).

Question: Q15. Has your company ever suffered from IP infringements for any of the following IP types?

### 6.3 Impact of infringements

The most frequently mentioned impact of an IPR infringement is that it made the SME that experienced the infringement **become more aware of the need for IPR protection** (reported by 46 % of SMEs that experienced an infringement). A considerable percentage of SMEs reported that there was some concrete detrimental impact on their company, most notably a **loss of turnover** (36 %) and **damage to the company's reputation** (31 %). It appears, however, that it did not largely dissuade SMEs from **innovating and investing**: less than 2 in 10 (18 %) of SMEs mentioned **loss of incentives to innovate and invest** as a consequence of the infringement. Finally, the least common result is the **reduction in the number of staff** (12 %).

Figure 6.4 Impact of infringements (overall)

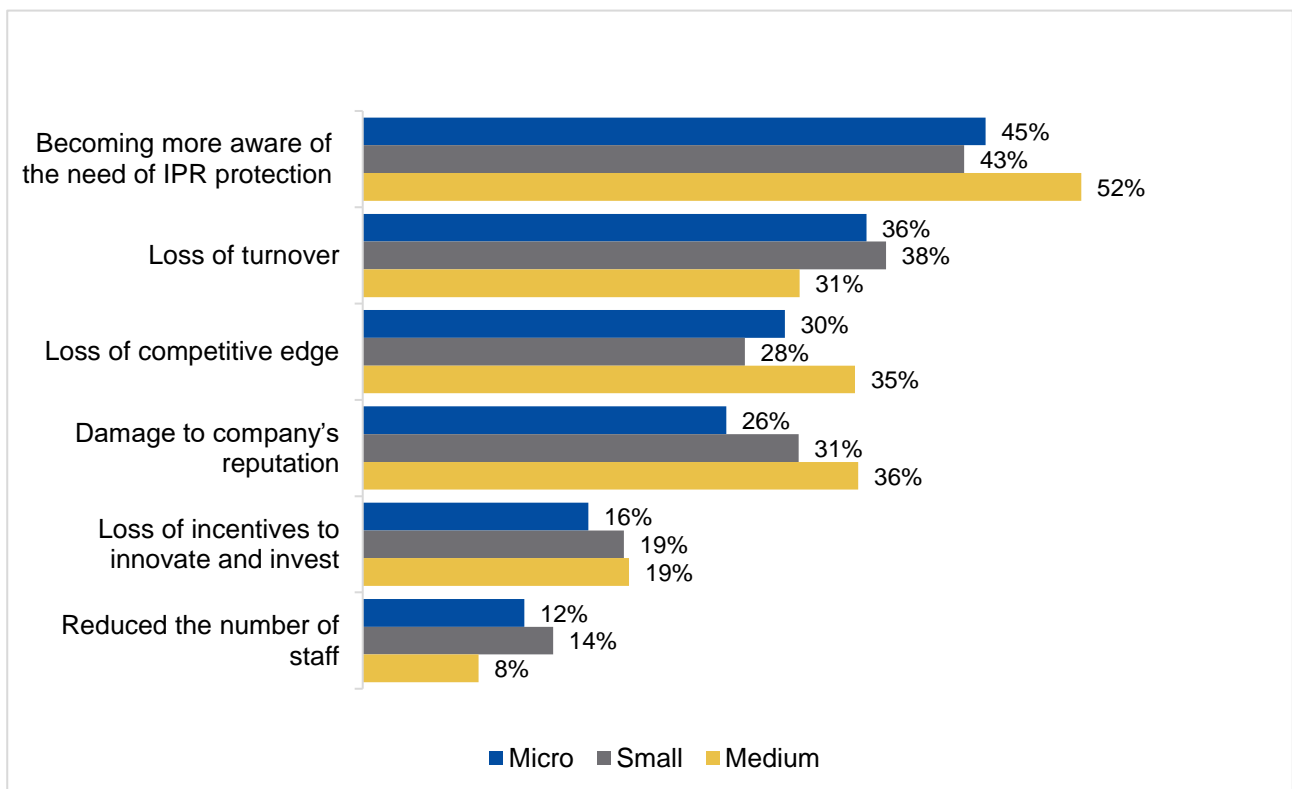


Base: SMEs with registered IPRs that experienced an infringement (n Micro = 314, n Small = 577, n Medium = 335).

Question: Q16. How did the infringement affect your company?

Some differences between SME size classes could be observed, most frequently between medium-sized and micro-/small-sized companies. Medium-sized enterprises were more likely to report that they had become more aware of the **need for IPR protection** (52 %) compared to micro- (45 %) and small-sized companies (43 %). Medium-sized enterprises also more frequently reported a **damage to the company’s reputation** (36 %, versus 26 % in micro-sized and 31 % in small-sized companies), and a **loss of competitive edge** (35 %, versus 30 % in micro-sized and 28 % in small-sized enterprises). However, medium-sized companies were *less* likely to report suffering from the **loss of turnover** (31 %, compared to 36 % in micro- and 38 % in small-sized companies), and **reduction in the number of staff** (8 %, compared to 12 % in micro- and 12 % in small-sized companies).

**Figure 6.5 Impact of infringements (by company size)**



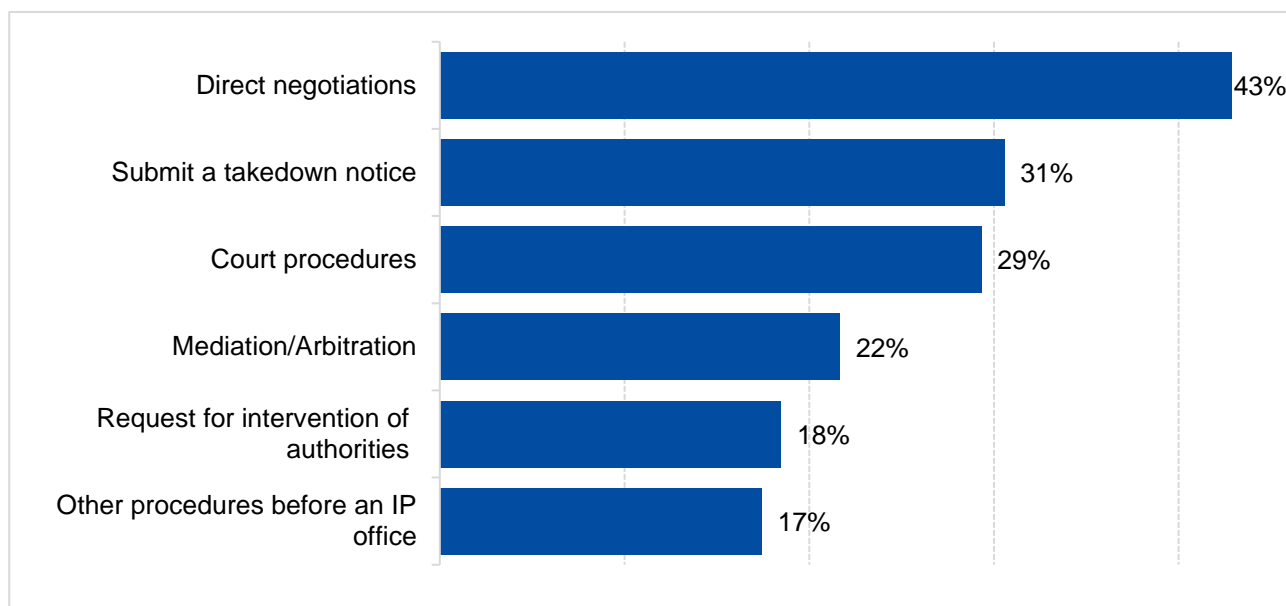
Base: SMEs with registered IPR that experienced an infringement (n Micro = 314, n Small = 577, n Medium = 335).

Question: Q16. How did the infringement affect your company?

## 6.4 Enforcement of IPRs

Overall, almost 9 in 10 (89 %) of SMEs with registered IPRs that experienced an infringement of their IPRs have used some kind of procedures to enforce their IPRs, slightly more than in previous waves of the SME Scoreboard. The most commonly used means to enforce IPRs are **direct negotiations with the infringing party** (43 %), **submitting a takedown notice** (31 %), and initiating a **court procedure** (29 %). The least common procedures are **mediation/arbitration** (22 %), the **request for an intervention of authorities** (18 %) and **initiating other procedures before an IP office** (17 %).

**Figure 6.6 Means used to enforce IPRs (overall)**

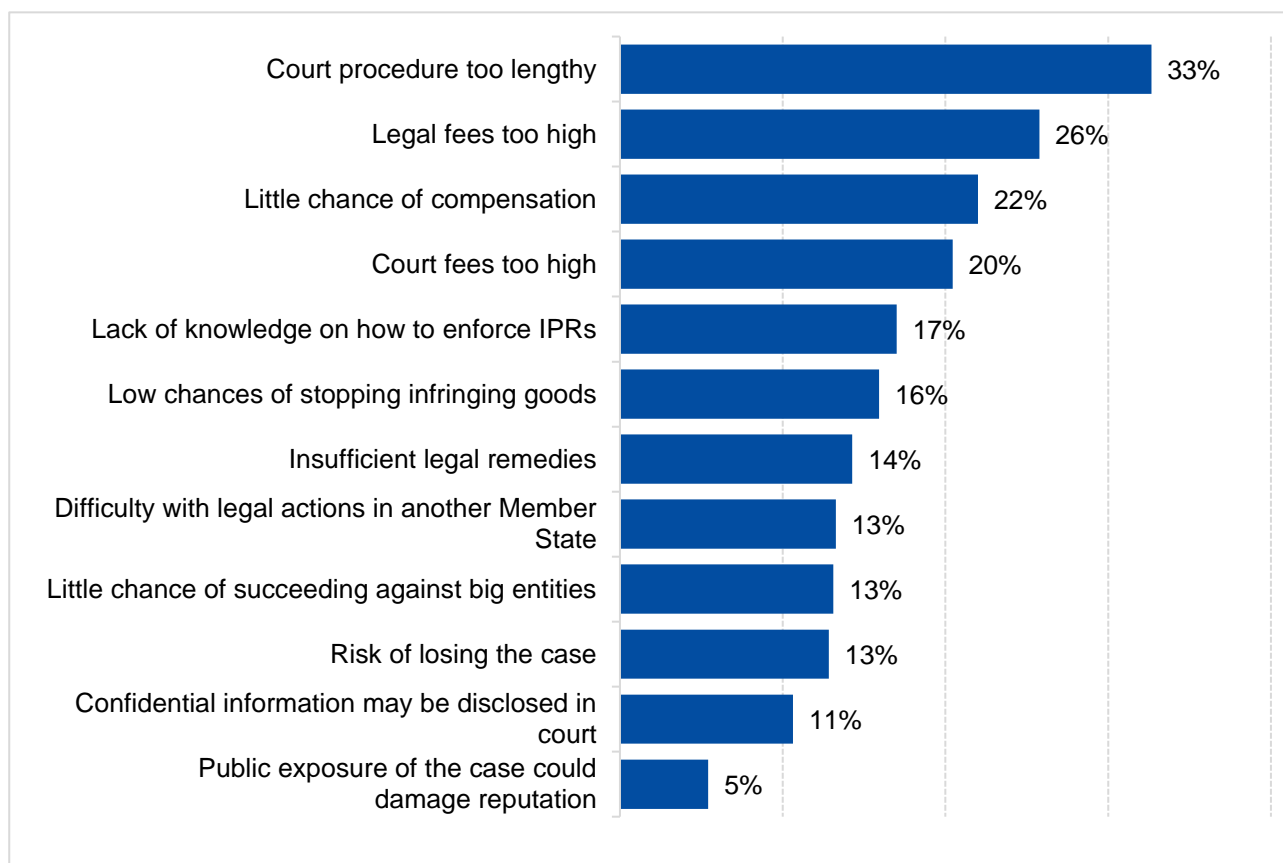


Base: SMEs with registered IPRs that have experienced an infringement (n = 1 226).

Question: Q17. What procedures were used to enforce your IPRs?

Among SMEs that decided **not to fight the infringement** they experienced through a court procedure, the most commonly mentioned reason for this decision was that they found **the court procedure too lengthy** (mentioned by 33 % of SMEs that did not fight the infringement), followed by the fact that **the legal fees were found too high** (26 %), and that they saw only **little chance of compensation** (22 %). The least common reasons cited were the **risk of losing the case** (13 %), that **confidential information might be disclosed in court** (11 %), and the **reputational damage** that could be caused by the public exposure of the case (5 %). The most common reasons for not fighting the infringements remain the same as in the 2016 and 2019 editions of the survey.

**Figure 6.7 Reasons not to fight infringements through court procedures (overall)**

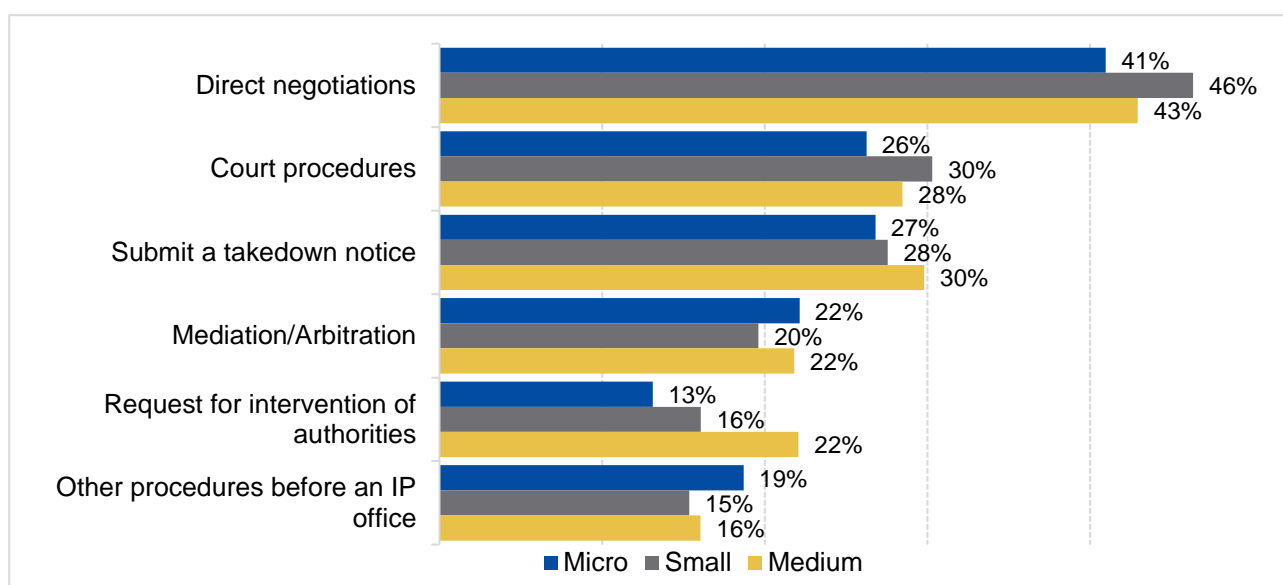


Base: SMEs with registered IPRs that have experienced an infringement but did not fight it (n = 190).

Question: Q18. Why did you decide not to fight the infringement?

The relative importance of the different measures to enforce IPRs holds mostly across SMEs from different size classes, although there are some differences for individual measures. Most notably, medium-sized enterprises were considerably more likely to request **intervention of authorities** (22 % compared with 13 % among micro- and 16 % among small-sized businesses), whereas micro-sized businesses were most likely to initiate **other procedures before an IP office** (19 % compared with 15 % among small- and 16 % among medium-sized businesses).

**Figure 6.8 Fighting infringements (enforcement) (by company size)**

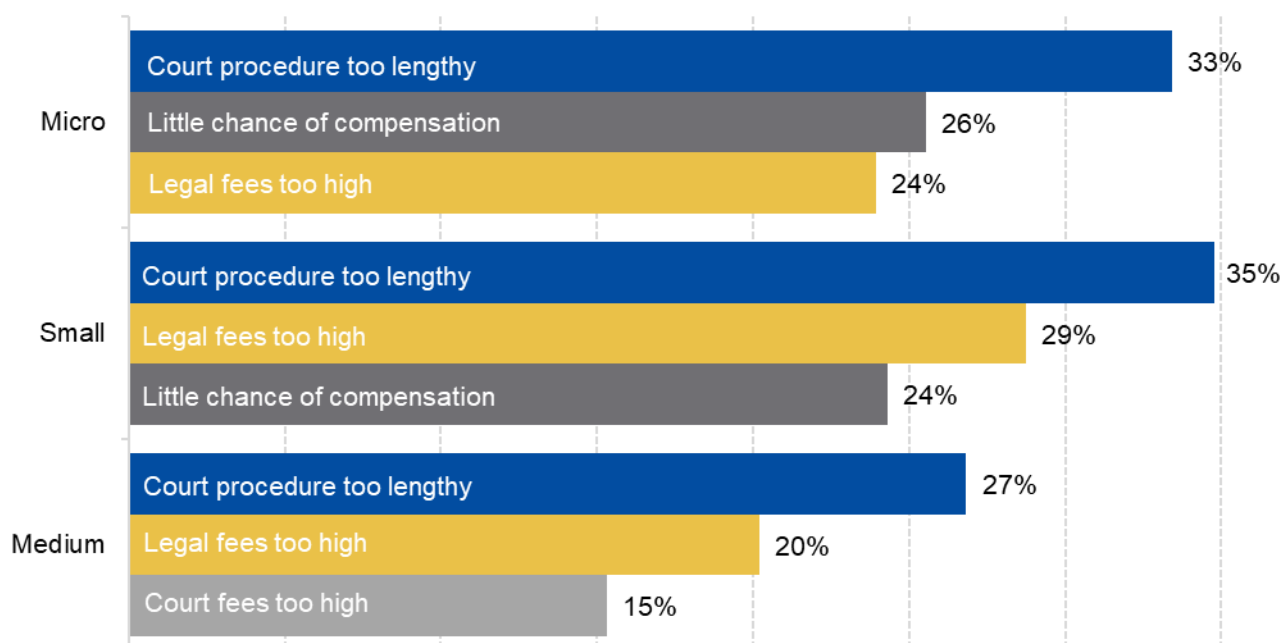


Base: SMEs with registered IPRs that experienced an infringement (n Micro = 427, n Small = 753, n Medium = 409).

Question: Q17. What procedures were used to enforce your IPRs?

**The top three reasons for not fighting infringements through a court procedure vary little by the size of SMEs.** In all three size classes, the top reported reason was that the court procedure would be too lengthy. One difference between the size classes is that among medium-sized companies the fact that court fees are too high ranked third, and that low chances of getting compensation does not rank as one of the top three reasons, but otherwise there are only subtle differences between the different sized enterprises.

**Figure 6.9 Reasons not to fight infringements through court procedures (top 3 by company size)**



Base: SMEs with registered IPRs that have experienced an infringement but did not fight it (n Micro = 41, n Small = 101, n Medium = 48).

Question: Q18. Why did you decide not to fight the infringement? Please indicate all reasons why you would refrain from court procedures

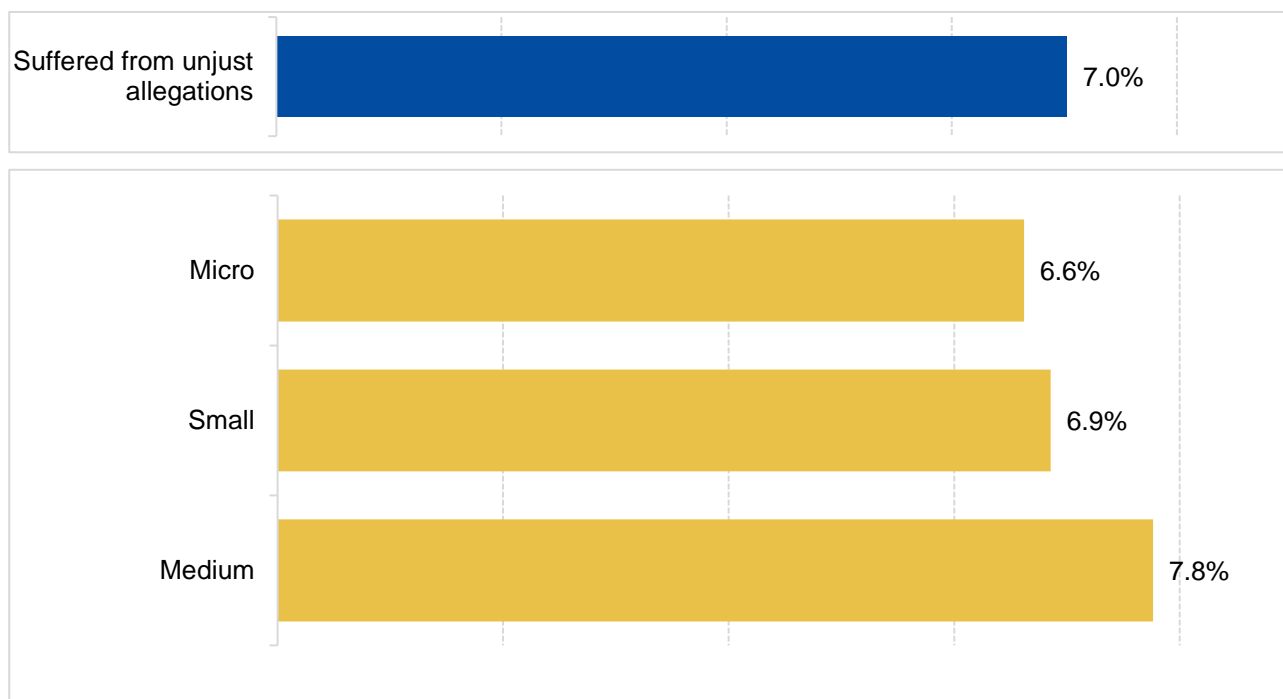


## 6.5 'Unjust' allegations of infringing another company's IP

### 6.5.1 Experience of 'unjust' allegations

Only a small minority of businesses (7 %) have suffered from 'unjust' allegations of infringing another company's IP. The incidence of experiencing these allegations is to some degree correlated with the company size: while only 6.6 % of **micro-sized companies** said that they have been accused of infringements, this number grows to 7.8 % among **medium-sized enterprises**. This is in line with the findings from the previous round, where size was also a key determinant of the incidence of the allegations. However, the overall incidence across all size classes remains low.

**Figure 6.10 Experience of 'unjust' allegations (by company size)**



Base: All SMEs (n = 8 372, n Micro = 2 093, n Small = 4 182, n Medium = 2 097).

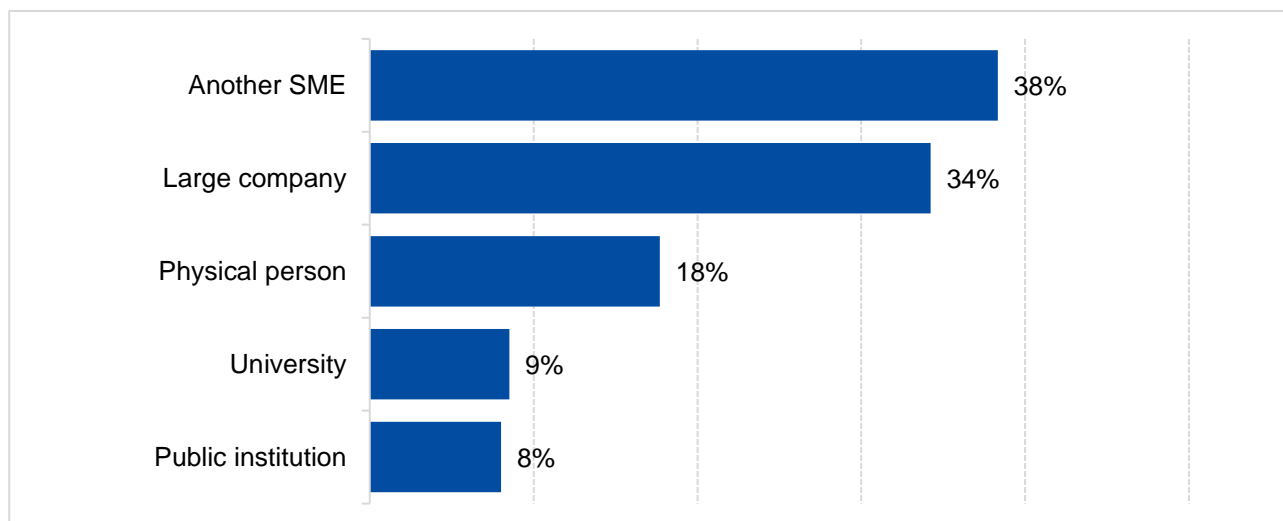
Question: Q19. Have you ever suffered from 'unjust' allegations of infringing another company's IP for any of the following IP types?

SMEs in Finland, Denmark and Sweden were most likely to report an 'unjust' allegation of IPR infringement (23 %, 19 % and 14 %, respectively), while those in Malta, Slovakia and Slovenia are least likely to do so (0 %, 1 %, and 1 %, respectively).

### 6.5.2 Source of 'unjust' IP infringement allegations

When asked about the source of 'unjust' IP infringement allegations, SMEs most commonly mentioned another SME (38 %) and a large company (34 %). Given the much smaller proportion of large companies in the overall population of companies in the EU, this indicates that a disproportionate number of allegations comes from large companies. Around one in five SMEs (18 %) mentioned a physical person, while fewer than 1 in 10 mentioned a university (9 %) and a public institution (8 %). This overall order changed little since the last survey round, the only difference being that large companies are mentioned more frequently than SMEs in the previous round.

**Figure 6.11 Source of 'unjust' IP infringement allegations (overall)**



Base: SMEs that experienced an allegation (n = 579).

Question: Q20. Who was the owner of the IP that you were accused of infringing?

## 7 Conclusions and directions for further research

This is the third edition of EUIPO's Intellectual Property SME Scoreboard, following the earlier studies published in 2016 and 2019. It provides valuable data that will hopefully be useful in support of the implementation of the European Commission's SME strategy IP action plan. The information provided by the Scoreboard is also key for improving the EUIPO's initiatives aimed at supporting European SMEs, including those under the SME Programme launched in cooperation with the European Commission and the national and regional IP offices. Finally, the findings of this study will also be considered by the EUIPO when designing new initiatives in support of SMEs.

One of the key findings of the report is that only 10 % of EU SMEs reported owning registered IPRs, a finding consistent with the EUIPO-EPO firm level study from 2021. Nevertheless, almost all (93 %) of SMEs that have registered IPRs saw a positive impact of that registration. Most commonly, these SMEs reported that registration improved the reputation or image of the company (mentioned by 60 %), that it provided them with a better IP protection (58 %), and that it gave better long-term business prospects (48 %).

More than half of SMEs that registered IPRs reported having faced difficulties when doing so, with the cost of the registration, lengthy and difficult procedures, and insufficient knowledge and guidance cited as the most frequently encountered difficulties.

This, coupled with the findings from other studies that indicate a strong link between IPR activity and economic performance of SMEs, underscores the importance of making the IPR system in the EU as accessible as possible for European SMEs. The goal is to ensure that every SME that would benefit from exploiting its IP would be able to do so with minimum difficulty.

For IP rights to bring economic benefits to their owners and to the wider society, they must be enforced. Among the SMEs that own a registered IP right, 15 % have experienced infringement of their IPR. In most cases, the victim of infringement tried to resolve the issue by entering into negotiations with the infringer (43 %) or by sending a takedown notice (31 %). Measures such as court procedures, mediation, or procedures before the IP office were used less frequently, indicating that such procedures are perceived by SMEs as being too lengthy and too expensive. Therefore, in

addition to improved access to the registration system, SMEs also need streamlined and cost-effective IPR enforcement.

Among SMEs that did not register IPRs, the most frequently stated reason (35 %) was that they did not see additional benefits from doing so. The three other most frequently mentioned reasons were that they thought that their intellectual asset was not innovative enough for IPR registration (20 %), that they had insufficient knowledge (19 %), or that the registration requirements were not met (19 %).

This again points to the provision of knowledge and guidance, as well as streamlining of the registration procedures, as key factors in making the IPR system better at serving the needs of European SMEs in terms of protecting the fruit of their innovative activities. As stated above, the goal is not for every SME to register IP rights; but every SME that does create IP that needs to be protected from infringement should be able to do so as easily and cost-effectively as possible. This is the fundamental objective of EUIPO's SME Programme.

This third edition of the report reflects significant efforts to shorten and improve the questionnaire by eliminating questions that did not provide useful information in the previous two editions and by clarifying questions that were difficult to understand for respondents of the previous surveys. The purpose of the SME Scoreboard is to provide actionable information to inform the EUIPO's and the Commission's efforts to support SMEs. When planning the next edition, currently foreseen for 2025, necessary revisions will be made to make the questionnaire even more useful for this purpose, while at the same time ensuring that the results are comparable with those of past surveys to allow for analysis of trends.

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## Annex 1 – Survey questionnaire

Base: all respondents

### SCR3. [S]

How many people does your firm employ in total, including yourself?

**Interviewer instruction:** READ IF NECESSARY: Please include freelancers working regularly for your company. Full-time and part-time employees should each count as one employee.

1. Between 0-9 employees
2. Between 10-49 employees
3. Between 50-249 employees
4. 250 employees or more

**SCRIPTER: IF SCR3=4: SCREENOUT**

Base: IF COUNTRY = NOT 31 (Bulgaria), 46 (Croatia), 33 (Czech Republic), 2 (Denmark), 35 (Hungary), 39 (Poland), 40 (Romania), 14 (Sweden)

### SCR4\_EUR. [S]

What was the approximate size of your total annual turnover (total sales minus rebates and taxes) in 2020?

1. Up to 500,000 euro
2. More than 500,000 euro and up to 2 million euro
3. More than 2 million euro and up to 10 million euro
4. More than 10 million euro and up to 50 million euro
5. More than 50 million euro
99. Do not know / will not answer

**SCRIPTER: IF SCR4\_EUR =5 OR 99: SCREENOUT**

Base: IF COUNTRY = (Bulgaria)

### SCR4\_BG. [S]

What was the approximate size of your total annual turnover (total sales minus rebates and taxes) in 2020?

1. Up to 1 million lev
2. More than 1 million lev and up to 3.9 million lev
3. More than 3.9 million lev and up to 20 million lev
4. More than 20 million lev and up to 98 million lev

- 5. More than 98 million lev
- 99. Do not know / will not answer

**SCRIPTER: IF SCR4\_BG =5 OR 99: SCREENOUT**

Base: IF COUNTRY = 46 (Croatia)

**SCR4\_HR. [S]**

What was the approximate size of your total annual turnover (total sales minus rebates and taxes) in 2020?

- 1. Up to 3.8 million kuna
- 2. More than 3.8 million kuna and up to 15 million kuna
- 3. More than 15 million kuna and up to 75 million kuna
- 4. More than 75 million kuna and up to 380 million kuna
- 5. More than 380 million kuna
- 99. Do not know / will not answer

**SCRIPTER: IF SCR4\_HR =5 OR 99: SCREENOUT**

Base: IF COUNTRY 33 (Czech Republic)

**SCR4\_CZ [S]**

What was the approximate size of your total annual turnover (total sales minus rebates and taxes) in 2020?

- 1. Up to 12.2 million koruna
- 2. More than 12.2 million koruna and up to 49 million koruna
- 3. More than 49 million koruna and up to 244 million koruna
- 4. More than 244 million koruna and up to 1.2 billion koruna
- 5. More than 1.2 billion koruna
- 99. Do not know / will not answer

**SCRIPTER: IF SCR4\_CZ=5 OR 99: SCREENOUT**

Base: IF COUNTRY = 2 (Denmark)

**SCR4\_DK. [S]**

What was the approximate size of your total annual turnover (total sales minus rebates and taxes) in 2020?

- 1. Up to 3.7 million krone
- 2. More than 3.7 million krone and up to 15 million krone
- 3. More than 15 million krone and up to 75 million krone
- 4. More than 75 million krone and up to 375 million krone



- 5. More than 375 million krone
- 99. Do not know / will not answer

**SCRIPTER: IF SCR4\_DK =5 OR 99: SCREENOUT**

Base: IF COUNTRY = 35 (Hungary)

**SCR4\_HU. [S]**

What was the approximate size of your total annual turnover (total sales minus rebates and taxes) in 2020?

- 1. Up to 175 million forint
- 2. More than 175 million forint and up to 700 million forint
- 3. More than 700 million forint and up to 3.5 billion forint
- 4. More than 3.5 billion forint and up to 17.5 billion forint
- 5. More than 17.5 billion forint
- 99. Do not know / will not answer

**SCRIPTER: IF SCR4\_HU=5 OR 99: SCREENOUT**

Base: IF COUNTRY = 39 (Poland)

**SCR4\_PL. [S]**

What was the approximate size of your total annual turnover (total sales minus rebates and taxes) in 2020?

- 1. Up to 2.2 million zloty
- 2. More than 2.2 million zloty and up to 9 million zloty
- 3. More than 9 million zloty and up to 45 million zloty
- 4. More than 45 million zloty and up 225 million zloty
- 5. More than 225 million zloty
- 99. Do not know / will not answer

**SCRIPTER: IF SCR4\_PL =5 OR 99: SCREENOUT**

Base: IF COUNTRY = 40 (Romania)

**SCR4\_RO. [S]**

What was the approximate size of your total annual turnover (total sales minus rebates and taxes) in 2020?

- 1. Up to 2.5 million leu

2. More than 2.5 million leu and up to 10 million leu
3. More than 10 million leu and up to 49 million leu
4. More than 49 million leu and up to 250 million leu
5. More than 250 million leu
99. Do not know / will not answer

**SCRIPTER: IF SCR4\_RO =5 OR 99: SCREENOUT**

Base: IF COUNTRY = 14 (Sweden)

**SCR4\_SE. [S]**

What was the approximate size of your total annual turnover (total sales minus rebates and taxes) in 2020?

1. Up to 5.3 million krona
2. More than 5.3 million krona and up to 21 million krona
3. More than 21 million krona and up to 105 million krona
4. More than 105 million krona and up to 530 million krona
5. More than 530 million krona
99. Do not know / will not answer

**SCRIPTER: IF SCR4\_SE =5 OR 99: SCREENOUT**

**SCRIPTER: Create a hidden variable for determining company size (HIDDEN\_SCR4)**

Hidden\_SCR4 [S]

Turnover

1. Less than 2 million euro
2. Between 2 million and 10 million euro
3. Between 10 million and 50 million euro
4. More than 50 million euro

Hidden\_SCR4=1 IF SCR4\_EUR/BG/HR/CZ/DK/HU/PL/RO/SE =1 OR 2

Hidden\_SCR4=2 IF SCR4\_EUR/BG/HR/CZ/DK/HU/PL/RO/SE =3

Hidden\_SCR4=3 IF SCR4\_EUR/BG/HR/CZ/DK/HU/PL/RO/SE = 4

Hidden\_SCR4=4 IF SCR4\_EUR/BG/HR/CZ/DK/HU/PL/RO/SE =5

SCRIPTER: Create a hidden variable for determining company size (HIDDEN\_SCR4b)

Hidden\_SCR4b [S]

CompanySize

1. Micro
2. Small
3. Medium

Hidden\_SCR4b=1 IF SCR3=1 AND Hidden\_SCR4=1

Hidden\_SCR4b=2 IF SCR3=1 OR SCR3=2 AND Hidden\_SCR4=2

Hidden\_SCR4b=2 IF SCR3=2 AND Hidden\_SCR4=1

Hidden\_SCR4b=3 IF SCR3=1 OR SCR3=2 OR SCR3=3 AND Hidden\_SCR4=3

Hidden\_SCR4b=3 IF SCR3=3 AND Hidden\_SCR4=1 OR Hidden\_SCR4=2

Base: all respondents

### SCR5. [S]

What would you say is the main sector in which your company operates?

1. Agriculture, forestry and fishing
2. Mining and quarrying
3. Manufacturing
4. Electricity, gas, steam and air conditioning supply
5. Water supply, sewerage, waste management and remediation activities
6. Construction
7. Wholesale and retail trade, repair of motor vehicles and motorcycles
8. Transportation and storage
9. Accommodation and food service activities
10. Information and communication
11. Financial and insurance activities
12. Real estate activities
13. Professional, scientific and technical activities
14. Administrative and support service activities
15. Public administration and defence, compulsory social security
16. Education
17. Human health and social work activities
18. Arts, entertainment and recreation

- 19. Other service activities
- 20. Activities of households as employers, undifferentiated goods and service
- 21. Activities of extraterritorial organisations and bodies

**SCRIPTER: Create a hidden variable for determining sector (HIDDEN\_SCR5)**

**Hidden\_SCR5 [S]**

**Sector**

- 1. Manufacturing
- 2. Construction
- 3. Transportation, accommodation and food services
- 4. Wholesale and retail trade
- 5. Financial and insurance activities and real estate services and information and communication
- 6. Other sectors

**Hidden\_SCR5=1 IF SCR5=3**

**Hidden\_SCR5=2 IF SCR5=6**

**Hidden\_SCR5=3 IF SCR5=8 OR SCR5=9**

**Hidden\_SCR5=4 IF SCR5=7**

**Hidden\_SCR5=5 IF SCR5=10 OR SCR5=11 OR SCR5=12**

**Hidden\_SCR5=6 IF SCR5=1 OR SCR5=2 OR SCR5=4 OR SCR5=5 OR SCR5=13 OR SCR5=14 OR SCR5=15 OR SCR5=16 OR SCR5=17 OR SCR5=18 OR SCR5=19 OR SCR5=20 OR SCR5=21**

Base: all respondents

**SCR6. [S]**

Has your company registered any Intellectual Property Rights (such as patents, trade marks or designs?)

1. Yes
2. No

Base: all respondents

**Q1. [S]**

How familiar are you with Intellectual Property Rights (IPRs)? Please indicate how familiar you are with Intellectual Property Rights on a scale from 0 to 10 where 0 means not at all familiar (I do not know what IP is), 10 means very familiar (formulated an IP strategy) and 5 is the midpoint.

1. 0 - Not at all familiar
2. 1
3. 2
4. 3
5. 4
6. 5
7. 6
8. 7
9. 8
10. 9
11. 10 - Very familiar

**III.2 Innovation**

Base: all respondents

**Q2. [M] (randomise items)**

In the last 3 years, has your company introduced new or significant improvements, in terms of?

[Interviewer: please indicate all options that apply]

1. Goods
2. Services
3. Business processes (this includes any business-supporting processes such as production processes, distribution and logistics, marketing and sales, information and communication systems, administration and management, product and business process development)
4. It has not [Exclusive] [Fixed]
99. I do not know [Interviewer: Do not read] [Exclusive] [Fixed]

Base: if Q2=1 or 2 or 3

**Q3. [M]**

To the best of your knowledge, how novel were the improvements you introduced? Please say yes or no to each of the following.

1. A similar improvement has already been implemented by other firms, but it was novel to my firm
2. My firm was the first to implement the improvement on the market I am active in
3. My firm was the first in the world to implement the improvement
99. I do not know [Interviewer: Do not read]

Base: all respondents

**Q4. [SGRID]**

How important are the following measures for the protection of your innovation?

Rows (randomise items 1-9 and 10-15 separately, show headers):

**Intellectual Property Rights**

1. Trade mark
2. Patent
3. Copyright
4. Design
5. Geographical indication
6. Breeders' right / Plant variety right
7. Topography of semiconductor
8. Utility model
9. Database law

**Other measures for protection**

10. Confidentiality (Trade Secrets)
11. Complexity of product design
12. Leveraging my complementary assets (production, implementation, or marketing capabilities I have)
13. Time to market
14. Internet domain name(s)
15. Trade names / company names

Columns:

1. I do not use it at all
2. I use it, but I do not think it is important at all
3. I use it and it is moderately important
4. I use it and it is very important

**III.3 Assistance for your business**

Base: all respondents

### Q5. [SGRID]

How useful are the following sources for you to get information relevant to the development of your business? Please rate on a scale from 0 to 10, where 0 means you are not using the source at all, and 10 means essential.

#### Rows (randomise items):

5. Business and Trade Facilitators (example: Trade or Business organisations, Chambers of Commerce, lawyers)
6. Public authorities or bodies at local, regional, national or EU level (example: national ministries, European Institutions and agencies such as EISMEA (European Innovation Council and Small and Medium-sized Enterprises Executive Agency)/EASME (Executive Agency for Small and Medium-sized Enterprises), EFTA (European Free Trade Association), etc.)
7. Lobby organisations and think tanks
8. Education and knowledge institutions (example: universities, research councils, Technology Transfer offices, Erasmus for Young Entrepreneurs programme, Public groups or networks for knowledge exchange)
9. Funding and investment bodies (example: Investing network, Business Angels, Private banks, Innovation agencies, Horizon Europe partners)
10. Intellectual Property facilitators (Intellectual Property Offices, IP lawyers or agents, EUIPO (European Union Intellectual Property Office), WIPO (World Intellectual Property Organization), EPO (European Patent Office), European IP Helpdesk)

#### Columns:

0. I do not use this source
1. 1 – Not useful at all
2. 2
3. 3
4. 4
5. 5
6. 6
7. 7
8. 8
9. 9
10. 10 - Essential

Base: all respondents

### Q6. [SGRID]

How many of each of the following Intellectual Property Right (IPR) types does your company own?

[Interviewer: Please make sure they get an approximate answer on the number of IPRs in each case.]

Rows:

#### Registered IPR

1. Patents
2. Utility model
3. National trade mark
4. EU Trade mark
5. National Registered Design
6. Registered Community Design
7. Breeder Rights / Plant variety rights

#### Others, including IPR that is not registered

8. Copyright
9. Unregistered Design Right
10. Trade Secrets
11. Database rights
12. Other alternative measures of protection such as a Domain Name

Columns:

Scripter: include numeric text boxes for each item 1-12. Range: 0-100

Base: if any of Q6 1-7 > 0

### Q7. [M] (DO NOT randomise items)

I would now like to know whether you have ever tried to achieve financial gain by using your intellectual assets. With financial gain we mean both direct gains, for instance through the sale or licensing of your IPR, or indirect gains, for instance because your IPR portfolio was helpful in providing you with new clients or contracts.

Now please tell me which of the following applies to your company:

1. I tried to achieve financial gain using our intellectual assets and was successful in doing so
2. I tried to achieve financial gain using our intellectual assets but was not successful in doing so
3. I did not try to achieve financial gain using our intellectual assets because this is not relevant to our company [Single response]
4. I did not try to achieve financial gain using our intellectual assets because I was not aware I could [Exclusive]
5. I do not know [Interviewer: Do not read] [Exclusive]



### III.5 Registered IP

Base: if any of Q6 1-7 > 0

#### Q8. [M] (randomise items)

Why did your company register IPRs? Please say yes or no to each of the following.

1. It guarantees better legal certainty of extent of protection
2. It helps me prevent others from copying my solutions, products, or services
3. It increases the chances of effective enforcement
4. It improves chances of financing
5. This is the common practice among the firms I deal with
6. It improves my negotiating position with other companies and institutions
7. It increases the value and the image of my company
8. To obtain licensing revenues
9. Other (please specify) [Interviewer: Do not read] [O] [Fixed]

Base: if any of Q6 1-7 > 0

#### Q9. [M] (randomise items)

Which online or offline sources did you use to search for information on registering IP? Please indicate all options that apply

1. General internet search, like for instance search engines or social media
2. Lawyer
3. Accountant
4. Chamber of Commerce
5. EU IPR Helpdesk
6. National and regional IP Offices / similar national bodies (including the Benelux Office for Intellectual Property (BOIP) and the respective helpdesks)
7. EU and International IP Offices (World Intellectual Property Organization, European Patent Office, European Union Intellectual Property Office)
8. Industry federations or professional associations
9. Other government organisation [Fixed]
10. Others (please specify) [Interviewer: Do not read] [O] [Fixed]
11. I have not searched for information on registering IP [Interviewer: Do not read] [Exclusive] [fixed]

Base: if any of Q6 1-7 > 0

**Q10. [M] (DO NOT randomise items)**

Where did your company register its IP?  
Please indicate all options that apply

1. National IP office of one EU Member State
2. National IP offices of several EU Member States
3. Regional IP offices, including the Benelux Office for Intellectual Property (BOIP)
4. European Patent Office (EPO)
5. European Union Intellectual Property Office (EUIPO)
6. World Intellectual Property Organization (WIPO)
7. IP offices from countries outside the EU
8. Other channels [Interviewer: Do not read]

Base: if any of Q6 1-7 > 0

**Q11. [M] (randomise items – items 4 and 5 should always follow each other but can be randomised between them!)**

What difficulties did you experience when registering an Intellectual Property Right? Please indicate all difficulties you experienced when registering an IPR

1. Not enough knowledge / I did not know where to go for information
2. Not enough guidance / not enough help available
3. Registration took too long
4. Registration costs were very high because of the fees of the IP agents
5. Registration costs were very high because of the fees of the IP Office
6. Registration procedure was very difficult
7. Invalidity of the application (conflict with an earlier right of a competitor)
8. My intellectual asset did not meet the criteria for registration
9. Others (please specify) [Interviewer: Do not read] [O] [Fixed]
10. I did not experience any difficulties [Exclusive] [Fixed]

Base: if any of Q6 1-7 > 0

**Q12. [M] (randomise items)**

What are the positive impacts of registering IP? Please indicate all forms of positive impact you have experienced

1. Job creation
2. Increased turnover
3. Improved reputation or image
4. Expanded markets
5. Easier access to financing
6. Boost in profitability
7. New opportunities of collaboration with other companies
8. Strengthening of long-term business prospects
9. Strengthening innovation
10. Better protection of my inventions, creations or business signs
11. Better IP enforcement
12. Other (please specify) [Interviewer: Do not read] [o] [Fixed]
13. No positive impact [Exclusive] [Fixed]

### III.6 No Registered IP

Base: if all Q6 1-7=0

#### Q13. [M] (randomise items)

Why have you not registered IPR? Please indicate all reasons why you never registered or stopped registering an IPR

1. Not enough knowledge / I did not know where to go for information
2. Not enough guidance / not enough help available
3. I thought my intellectual asset was not innovative enough
4. I did not believe my intellectual property met the requirements of the IPR regulations
5. Protected without need for registration (trade secrets, copyright, unregistered community designs etc.)
6. Too expensive
7. Too burdensome and/or slow
8. Would have delayed the introduction of my product/service in the market
9. I see no additional benefits from formal IPR protection
10. Potential difficulties in enforcement of IPRs/ The potential cost of litigation
11. I wanted my innovation or creation to be available to anyone
12. Difficult to take legal action against infringers and get appropriate compensation and other remedies
13. We rely on speed of development and time to market rather than IPR protection

### III.7 Infringement & Enforcement

Base: all respondents

#### Q14. [M] (randomise items)

How does your company monitor the market for possible infringement of its IP? Please indicate all options that apply

1. I have a person/unit dedicated to systematic monitoring of usage of my intellectual property
2. I rely on outsourced IP infringement monitoring services
3. I rely on the incidental information I receive from my business partners
4. Customer feedback
5. I rely on outside counsel, such as a lawyer
6. Other (please specify) [Interviewer: Do not read] [o] [Fixed]
7. I do not monitor the market [Exclusive] [Fixed]

Base: all respondents

**Q15. [M] (randomise items 1-10)**

Has your company ever suffered from IP infringements for any of the following IP types?  
[Interviewer: Please indicate all types of Intellectual Property that were infringed]

1. Patent
2. Utility model
3. Trade mark
4. Non-registered trade mark
5. Design
6. Unregistered design
7. Copyright
8. Breeders Rights / Plant Variety Rights
9. Domain Names
10. Trade secret
11. Other (please specify) [Interviewer: Do not read] [o] [Fixed]
12. None [Interviewer: Do not read] [Exclusive] [Fixed]
99. Do not know [Interviewer: Do not read] [Exclusive] [Fixed]

Base: if Q15= Yes (1-11)

**Q16. [M] (randomise items)**

How did the infringement affect your company? Please indicate all options that apply

1. Reduced the number of staff
2. Loss of turnover
3. Loss of incentives to innovate and invest
4. Loss of competitive edge
5. Company's reputation (brand/company image) was damaged
6. Company became more aware of the need of IPR protection for its products and activities
7. Other (please specify) [Interviewer: Do not read] [O] [Fixed]

Base: if Q15= Yes (1-11)

**Q17. [M] (randomise items)**

What procedures were used to enforce your IPRs? Please indicate all procedures you used to fight the infringements]

1. Direct negotiations
2. Mediation/Arbitration
3. Court procedures
4. Request for intervention of authorities (like customs or police authorities)
5. Submit a takedown notice to infringing online platforms or social media
6. Other procedures before an IP office [Fixed]
7. Other alternative dispute resolutions (please specify) [Interviewer: Do not read] [O] [Fixed]
8. I did not fight the infringement [Exclusive] [Fixed]

Base: If Q17=8

**Q18. [M] (randomise items)**

Why did you decide not to fight the infringement? Please indicate all reasons why you would refrain from court procedures

1. Too lengthy
2. Court fees too high
3. Legal fees too high
4. Little chance of being compensated (awarded damages)
5. Low probability of stopping infringing goods
6. Difficulty in dealing with legal actions taking place in a different EU Member State
7. The available legal remedies are not sufficient (for example to stop infringement or to obtain adequate compensation for damages)
8. Risk of losing the case and having to pay high fees and compensation
9. Reluctance to publicly expose the case, because of potential damage to our reputation
10. Risk of losing company Trade Secrets, as there is little reassurance that confidential information disclosed to the court would not be exposed
11. Little chance of succeeding against big companies or organisations
12. Lack of knowledge on how to enforce IPRs
13. Other (please specify) [Interviewer: Do not read] [O] [Fixed]
14. None [Exclusive] [Fixed]

Base: all respondents

**Q19. [M] (randomise items 1-10)**

Have you ever suffered from 'unjust' allegations of infringing another company's IP for any of the following IP types?

1. Patent
2. Utility model
3. Trade mark
4. Non-registered trade mark
5. Design
6. Unregistered design
7. Copyright
8. Breeders Rights/Plant Variety Rights
9. Domain Names
10. Trade secret
11. None [Interviewer: Do not read] [Exclusive] [Fixed]
99. Don't know [Exclusive] [Interviewer: Do not read] [Fixed]

Base: if Q19 = Yes (1-10)

**Q20. [M] (randomise items)**

Who was the owner of the IP that you were accused of infringing?

[Interviewer: Please indicate all options that apply.]

1. Large company
2. SME
3. University
4. Public institution
5. Physical person
6. Other (please specify) (Interviewer: don't read) [O] [Fixed]

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