

XX

YUSARN AUDREY



GLOBAL TISC CONFERENCE

Nov 29 – Dec 1, 2021

Theme 4

Successfully Marketing Technologies

Audrey Yap

Managing Partner

YUSARN AUDREY, SINGAPORE

Immediate Past President LESI



YUSARN AUDREY

Successfully Marketing Technologies

- Strategies , approaches and resources used to identify and connect with partners for commercializing technologies.



TISC

Technology Innovation Support Centers:

- As the name states it is consistent with your mission
- You strive to support innovation and technology transfer for (mainly) the non-profit institutes you represent.



Preparation to Market (Do Your Homework)

1. Know your market
2. Understand process and legal aspects of doing the deal – whether to license or collaborate
3. Be aware of needs to set to market whether readiness, scalability, regulatory approvals, feasibility
4. Understand realistic royalty rates or profits
5. Have or develop the model or prototype
6. Prepare Communication



Communication and Marketing Tech

Technology has changed the way businesses market products and there are increasing number of ways you can deploy this:

- Internet – websites have become a business necessity when marketing
- Email marketing
- Mobile apps
- Social media



Importance of Intellectual Property

- You cannot plan too early for your IP – TISCs must know and be clear how IP would fit in its overall mission and long term strategies.
- IP is an investment and the only output of research you can own.



Main Sources of Funding for TISCs

- Institutional funds
- Collaborative research
- Sponsored research
- Royalty streams
- Corporate deals
- Sale of IP



YUSARN AUDREY

Role of Faulty Entrepreneurs and Startups

- Don't underestimate the role that start-ups or spin outs play in the ecosystem.



Finance

- Start-ups need to be linked with finance and/or be funded



License or Spin Out

- Take a balanced approach.
- Spin outs are more media worthy and exciting but a straightforward license is often a better option.



Resources

- Human capital planning is key as a resource/capability to market technology.

These include:

- Recruiting and retaining employee who have mindset to generate income
- Training – understanding needs, industry deals
- Empowering staff – to build IP portfolios, make the deal, customize strategies



YUSARN AUDREY

Develop Linkage with Private Sector & Industry

- Consider growing a group of institutional entrepreneurs as faculty or as advisors



Develop Linkage with Private Sector & Industry

- Corporate partners can play different roles
 - Strategic investors
 - Acquire spin offs
 - Co-develop products
 - Commit resources – funds/staff
 - Research collaborators
 - Provide capabilities (e.g. bring to market)



Dealing with Marketplace

Template agreements versus Customized Contracts

- *TISCs should always try to add value to the process*



YUSARN AUDREY

Patent Marketplace for Tech

- Selling patents is not easy.
 - Only an average of 10% of (patent portfolio) packages made available on the market are sold annually.



Price and Value

- How much should you pay for a patent?
- By definition every patent is unique, so how do you compare?

Value is dependent on context



Understanding Technology

- Technology category determine price variations

Example:

Software versus automotive versus energy

Automotive *commanding* higher premium software affected by Alice decision in US. (legal developments can impact price)



Doing Your Homework

Being able to support your value:

- “Evidence of use” or “evidence of infringement”

Anecdotally establishes it helps push a premium

Assess if meaningful to get external professional support for infringement analysis



Who Are Sellers?

- A study carried out on data between 2011 – 2017* indicated the entities that sold patents are:
 - Operating companies (65%)
 - Aggregators of patents
 - Individual inventors
 - University/research institute (5%)

**Kent Richardson et al
IAM Issue 87 The Brokered Patent
Market – The Fight Back Begins*



Who Are The Buyers?

- Operating companies are still the largest group of buyers
- Companies are always looking for new, original, innovative tech and inventions protected by sound IP.
- Not always viable developing all in-house



Companies That Buy Technologies

- 3M
- Under Armour
- General Mills
- Hasbro
- Henkle
- Google
- Apple
- Microsoft
- Procter & Gamble
- Bosch
- Microsoft
- Huawei
- Uber
- Twitter
- TSMC
- Tovolo
- Kikkerland



The role of intermediaries

Patent Brokers

- Guidance to seller – (sales terms, timing, pricing)
- Familiarity with process (due diligence & preparation, bidding, sales)
- Filtering patents (identifying marketable/saleable inventions, recognizing important patents)
- Analyzing patents (claim, scope)
- Salesmanship (ability to sell!)



Being Practical

- Leadership needs to be realistic about economic returns. At end of day to recognize and see too that technology transfer is a public service (regardless of ability to generate revenue)



Summary & Takeaways

- IP ownership is key and foundational to being able to market
- Preparation to market is key
- Faculty entrepreneurs, start ups and entrepreneurs in residence strengthen link to market
- Resource planning is foundational
- Using patent marketplace as proxy, a clear understanding of tech, doing your homework and being prepared to get external professionals/brokers for complex tech sales

Speaker's Profile

Audrey Yap Su Ming, Managing Partner



LL.B(Hons) LL.M

Advocate & Solicitor,
Singapore & Malaysia
Solicitor, England & Wales
Registered Patent Attorney
TUV-SUD Certified
Professional Management
Consultant

Audrey Yap is Managing Partner of Yusarn Audrey, a regional ASEAN practice headquartered in Singapore.

Audrey has been listed consecutively for 13 years running as one of the World's Leading IP strategist in London IAM 300.

Audrey has been named as one of the best practitioners in Euromoney's Women in Business Law, in WTR 1000 as top trademark professional, a WIPR Leader (Singapore), Asia Law 's Market Leading Lawyer and one of Singapore's leading lawyers in Who's Who Legal.

Audrey is Member, Board of Directors, IPOS since 2015 to date . She was Board member of Enterprise Singapore, an agency under the Ministry of Trade & Industry 2018-2020. She serves as independent director for listed company and is a member of Singapore's Institute of Directors.

Audrey's work as WIPO's external expert spans nearly two decades. Audrey was selected by WIPO to serve on a high level expert panel in 2015 on International Technology Transfer in Geneva under the WIPO Development Agenda framework. She was external expert for the European Patent Office (EPO) under the EC-ASEAN IP Cooperation Programme in 2004.

Audrey continues her work as IP expert and consultant for various EU Trade related Technical assistance Programmes (EUTRTA) and WIPO supported initiatives in China, Vietnam, Philippines, Brunei and Thailand. Audrey was also appointed in 2011 under a trade related project funded by European Union as the expert assisting IPO Philippines in a national project in developing the model for Innovation & Tech support offices (ITSOs aka PatLib in other countries).

She is an Adjunct Fellow of the Intellectual Property Academy of Singapore.



YUSARN AUDREY

Thank you!

Audrey Yap

LL.B Hons LL.M

Advocate & Solicitor Singapore & Malaysia

Registered Patent Attorney

TUV SUD SG Professional Management Consultant

Notary Public

enquiries@yusarn.com

IP STRATEGISTS. LAWYERS. PATENT ATTORNEYS.

SINGAPORE MALAYSIA THAILAND PHILIPPINES EUROPE

Visit us yusarn.com