



CUTTING-EDGE EXPERTISE AND EXPERIENCE SHARING

Winnotek shares its cutting-edge expertise with companies and their ecosystems for the management and value-assessment of their IP assets

Winnotek deploys its practice leadership in joint strategy building with its clients around the creation, management and value-creation of IP, while getting involved in professional structures, including at the international level. We thus contribute to the growth of knowledge and the dissemination of best practices around IP management.

For example, Winnotek strengthens its engagement among SMEs through INPI's IP Master Classes (Institut

National de la Propriété Industrielle: INPI is the French Patent Office) :

- Nearly 10 coaching sessions completed since the beginning of 2021, covering a wide span of industry sectors and technology levels. Topics include the design and deployment of IP strategies consistent with the company's overall strategy, as well as selection of business models for IP asset valuation.

- Similarly, INPI asked Winnotek in October 2020 to teach its own collaborators via a webinar focusing on value-creation models and methods for estimating the value of IP assets. This event was accessed by 75 INPI project managers across France.

Testimony of Vincent Carré, Project Manager at INPI: *« We thank Winnotek for allowing a set of collaborators from the INPI's national network to benefit from an informed and professional insight into value-creation business models and value-assessment methods for industrial property assets »*

Winnotek, through Philippe Simon, also teaches the "Portfolio audit and IP due diligence" course offered by the IEEPI (Institut Européen d'Entreprise et de Propriété Intellectuelle), which is mainly aimed at IP professionals, lawyers and patent counsels. The multiple aspects of this course propose a significant field feedback and experience sharing, thus broadening the audience's perception of their clients' issues, and suggesting concrete synergies between their profession and Winnotek's.



Other actions carried out by Winnotek include:

- A methodology webinar for the members of GRAPI (Groupement Rhône Alpes de la Propriété Intellectuelle) focusing on design and deployment of efficient IP strategies
- The organization within Hub France IA of a committee dedicated to IP issues specifically related to artificial intelligence
- Training for the "Research and Transfer Support" teams of the Technical University of Vienna (TU Wien)
- Two sessions for Uzbek and Ukrainian professionals, organized in partnership with the World Intellectual Property Organization (WIPO)
- A Masterclass jointly offered with the European Patent Office (EPO) and the Licensing Executives Society International (LESI), addressing licensing agreements negotiations

SUPPORT FOR STARTUPS ON VALUE ASSESSMENT OF THEIR ASSET PORTFOLIOS

Winnotek has been solicited in recent months by several startups and SMEs for the **valuation of their technology assets**, in the context of mergers/acquisitions, spin-offs, asset transfers between related companies and equity funds, as well as for the functional analysis of their international transfer pricing schemes in light of the OECD recommendations (BEPS).

Example on chemical industry for energy and recycling markets: Winnotek contributed its expertise to the understanding of the market potential for an invention of a famous French Professor, recognized worldwide for his work in **heterogeneous catalysis**. The framework of this study was the development

and commercialization of a new generation of catalysts with breakthrough properties.

Example on green energies: Winnotek has been supporting for a year an international startup created by French entrepreneurs from a Russian technology with funding by European and American investors. This company is the inventor of a breakthrough solution for very **high density electrical energy storage**. Winnotek's assistance covers the negotiation of **licensing and collaborative innovation agreements** with investors and industrial partners, as well as the **design of an effective business secrecy policy**.

BUSINESS VALUE OF SECRETS AND CORPORATE STRATEGY

By Véronique Chapuis, Legal Intelligence Expert, Associate Partner of WINNOTEK

"Does this business secret have commercial value?" This expression has been and still is the focus of numerous debates that originated in the preparation of legislative texts [1]. Some stakeholders proposed to speak of "competitive advantage", not to add a qualifier to "value" or at least to add "economic"; without success. The legislative statements place us more in a litigation approach of calculating damages, from which an economic reasoning must then be constructed:

- The legislator's intention is to protect information and data that provide a competitive, commercial or economic advantage: it is therefore not limited to information and data explicitly offered for sale.
- Confidentiality confers value to information: the information "has commercial value [1], explicit or potential, *because of its secret nature*" [2].
- The commercial value must be "actual" or "potential" or result from "injury to the interests of the person lawfully in control in that it adversely affects that person's scientific and technical potential, economic or financial interests, strategic positions or competitive ability." [3] .



The judge has "an obligation to consider the particular circumstances of the case, including, where appropriate: (a) *the value or other characteristics of the trade secret...*" [4] which opens up an interesting field of possibilities, provided that it has been anticipated and documented.

The quality of the value-assessment of a business secret is therefore a determining factor to ensure its protection and to defend itself if necessary.

[1] Section 2 of the EU 2016 Directive

[2] Added "actual or potential" to "commercial value" Section 2 Act 2018.

[3] Cf recital 14 and article 2 EU Directive 2016

[4] Cf Section 11 of the EU 2016 Directive

[i] European Directive (EU) 2016/943 of June 8, 2016 on the protection of undisclosed know-how and business information (trade secrets) against unlawful obtaining, use and disclosure and then in that of the Law n°2018-670 of July 30, 2018 on the protection of trade secrets

WINNOTEK'S INTERNATIONAL PRESENCE: CREATING VALUE FOR THE ORGANIZATION

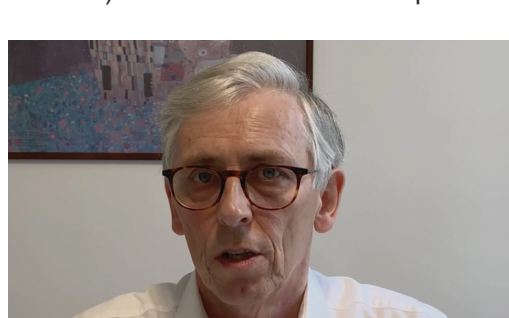
Winnotek is deeply engaged, from the specific standpoint of taxation and transfer pricing, in the economic management of technology transfers and IP assets of multinational companies: startups, SMEs, or large groups. Through functional technological analyses, combined with our skills in intangible assets valuation, we analyze existing transfer pricing schemes, then propose and quantify if necessary alternatives compliant with OECD recommendations (BEPS) and tax incentive mechanisms (notably Patent Box) in France and abroad.

Winnotek actively participated in the annual meeting of *LESI (Licensing Executives Society International)* on May 27 and 28, in several sessions with a worldwide audience:

- *LESI Innovation Trends (LIT)*: Pierre Ollivier, joint leader of the "Business Secrets" workgroup and André Gorius, Chair and co-Chair of the LIT committee, participated as guest speakers.
- *Global Challenges for SMEs* : André was invited to speak on the issues of valuation of intellectual property assets of SMEs, as Chairman of the IP Valuation Committee of LESI.
- *Value of Data in a world of new technologies* : André organized this session, dedicated to the demystification of approaches to determine the value of data in the knowledge economy.

Winnotek is also active in LESI's operational bodies:

- André Gorius is in charge, within LESI, of the creation and *worldwide coordination of SME Committees*, whose objective is to provide IP strategy **support to small companies and startups**. The first pilot was launched in France, under the aegis of LES France (Claire Le Floch). A first seminar will take place on October 13, 2021.



• Pierre Ollivier is joint leader of the LIT's "Trade Secrets" working group (LESI Innovation Trends) where international brainstorming is underway on the impact of new technologies on the awareness level and leveraging of trade secrets in order to create new business models.



Pierre OLLIVIER



Philippe SIMON



André GORIUS



Innovation and IP



Valuation of Intangibles



Partnership setup & management



IP training



e-Learning

Contact us

WINnews, the WINNOTEK newsletter,
Strategy and deployment of technology innovation

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