

Checklist

The licence to earn money

Turn your protected intellectual property into money. With a licensing agreement, you can allow third parties to use your trade marks, patents, designs and copyrights. As the licensor, you retain the rights to your intellectual property and receive royalties in return.



What can I license?

You can license a patent, a trade mark, a registered design or copyright. Licensing agreements must be adapted to your specific needs depending on what is being licensed. For example, should the licensing rights be exclusive, i.e. do you only want to grant them to one licensee and exclude yourself? Also an option are straightforward licensing rights (where there are several licensees) and sole licensing rights (where there is only one licensee). Take your time and do not simply adopt ready-made contract templates. There is nothing stipulated by law, but it is definitely advisable to conclude your contract in writing.

Usage rights for a fee

Describe exactly which IP right is being granted for use, to whom, to what extent (i.e. in which countries) and for what remuneration, as well as under what other terms and conditions (i.e. with or without an obligation of use). Clearly record the start, duration and termination of the contractual relationship. In return, the licensee has to pay a fee (e.g. a flat rate, a percentage of turnover or profit, or a combination of any of these).

Guarantee

As the licensor, you are liable for ensuring that the licensee is allowed to dispose of the rights and that they do not infringe any third party rights. Therefore, limit liability if necessary.

Secrecy

This is important at all times. Secrecy must be agreed on about anything confidential before, during and after

termination of the contract. The right of use should remain under the control of the licensor. Signing a non-disclosure agreement (NDA) prior to the licensing negotiations reduces the risk of valuable information leaking out for both parties.

Defending IP rights

Obligate the licensee to defend the IP rights used. After all, they are profiting from your innovation, which is why they are also responsible for monitoring the market.

Take advantage of our IP Advisory Network

Now you know the most relevant points about licensing IP rights. Nevertheless, always draft your licensing agreements with the aid of IP professionals. You can find a list of specialists who can support you with this on our website:

 www.ipi.ch/ip-net

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Eidgenössisches Institut für Geistiges Eigentum

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Institut Fédéral de la Propriété Intellectuelle

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Instituto Federale della Proprietà Intellettuale

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