

# Knowledge Valorization

*From idea to impact*

Eindhoven University of Technology

# The Gate

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*Note: This booklet is based on the Massachusetts Institute of Technology's "Inventor's Guide to Technology Transfer", with adaptations for The Gate. TU/e is very grateful to them for their kind permission to use their excellent material and for their permission to use its copyright.*

## THE KNOWLEDGE VALORIZATION PROCESS

### ***What is knowledge valorization***

Valorization entails the process of creating value from knowledge. This is accomplished by making knowledge suitable and available for economic or societal use. Example of such use is translating that knowledge into products, services, processes, and entrepreneurial activity.

### ***What is The Gate?***

The Gate supports Eindhoven University of Technology's (TU/e) valorization activities by deploying its business development, intellectual property, and finance and business incubation professionals, all of whom are widely experienced in knowledge valorization, startup support and business incubation across a broad array of fields, including the physical sciences, life sciences and information technology.

### ***Why would a researcher want to participate in the knowledge valorization process?***

The reasons are unique to each researcher and may include:

- Making a positive impact on society.
- Pursuing aspirations of being an entrepreneur
- Feeling a sense of personal fulfillment.
- Achieving recognition and financial reward.
- Generating additional faculty/department/center funding.
- Meeting the obligations of a research contract.
- Attracting research sponsors.
- Creating educational opportunities for students.
- Linking students to future job opportunities.

### ***How is knowledge valorized?***

Knowledge is often valorized on basis of technology transfer, through an agreement in which the TU/e grants to a third party a license to use TU/e's intellectual property rights in the defined technology, sometimes for a particular field of use and/or region of the world. Such a grant may be exclusive or non-exclusive. The licensee (the third party licensing the technology) may be an established company or a new spin-off or start-up. Licenses usually include terms that require the licensee to meet certain performance requirements and to make financial payments to TU/e. These payments are shared with the TU/e inventors<sup>1</sup>, the faculties to provide support for further research, education and participation in the knowledge valorization process, and the TU/e patent fund.

### ***How do I work with The Gate?***

We encourage you to contact The Gate during your discovery process to ensure you are aware of the options that will best leverage the valorization potential of your research. The Gate staff members can help you with questions related to marketability, funding sources, commercial partners, patenting and other protection methods, new business spin-off considerations, TU/e policies and procedures, and much more.

### ***What are the typical steps in the process?***

The process of knowledge valorization is summarized in the steps and diagram that follow. Note that these steps can vary in sequence and often occur simultaneously.

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<sup>1</sup> Throughout this manual, unless specifically described otherwise, the term **inventor** includes individuals listed on a patent as well as contributors who have shared in creating the value of intellectual property that is not patented.



## 1. Research

Observations and experiments during research activities often lead to discoveries and inventions. Invention is the act of bringing ideas or objects together in a novel way or to create something that did not exist before. An invention can be any novel process, object, machine, composition of matter, or any-novel improvement of the same. Often, multiple researchers – including trainees and research staff – may have contributed to an invention.

## 2. Intellectual Property

The Gate begins the formal knowledge valorization process on basis of the [Invention Disclosure Form](#). This is a confidential document, and should fully describe the new aspects of your invention, including its advantages and benefits. Once The Gate has received your IDF, you should expect to hear from an IP Advisor or Business Developer within 2 weeks. You can send your IDF to [GateIPGroup@tue.nl](mailto:GateIPGroup@tue.nl).

## 3. Assessment

The period in which The Gate reviews the Invention Disclosure Form using a two-pronged IP review process. This process includes: 1) a business review undertaken by a business developer, and 2) a patentability review undertaken by an IP advisor, to determine the invention's valorization potential.

The assessment process will guide the strategy on whether to focus on licensing/transfer to an existing company (exclusively or non-exclusively, different fields of use) or creating a new business spin-off. You should expect that The Gate will decide as soon as practicable, but in any case within 9 months of the submission of the IDF, whether it will proceed with IP protection.

## 4. Intellectual Property (IP) protection (if appropriate, necessary, or warranted)

The process in which protection for an invention is pursued, for example, to encourage third party interest in commercialization. Patent protection, a common legal protection method for inventions, begins with the filing of a patent application. Once a patent application has been filed, it may require several

years and tens of thousands of euro's to obtain an issued patent. Other commonly used forms of IP protection include copyright and trademark.

## 5. Valorization Strategy

With your involvement, The Gate will identify candidate companies (potential licensees or transferees) that have the expertise, resources, and business networks to bring the technology to the market. This may involve partnering with an existing company or creating a spin-off. Your active involvement can dramatically enhance this process.

### a. Form a spin-off

If creation of new business spin-off has been chosen as the optimal commercialization path, The Gate will work to assist the founders in planning, creating and finding funding for the spin-off.

### b. Existing business relationship

If the invention will best be commercialized by one or more existing companies, The Gate seeks potential licensees and/or transferees and works to identify mutual interests, goals and plans to fully commercialize this technology.

## 6. Licensing / Transfer

A license agreement is a contract between the TU/e and a third party in which TU/e rights to a technology are licensed (without relinquishing ownership) for financial and other benefits. A license agreement is used with both a new spin-off business and an established company. A transfer or assignment agreement involves the transfer of ownership rights to a technology from TU/e to a third party in exchange for financial and/or other benefits.

## 7. Commercialization

The licensee or transferee continues the advancement of the technology and makes other business investments to develop and commercialize the product or service. This step may entail further development, regulatory approvals, sales and marketing, support, training, and other activities.

## 8. Economic & Social Impact

Knowledge and (new) technology transferred from TU/e to industry enhances industrial competitiveness, brings new products and therapies to the public, and further creates economic development and new jobs through spin-off companies. Moreover, the creation and deepening of company relationships through these activities support TU/e's mission to contribute to economic and societal impact. They result in additional research projects, broader educational opportunities and collaborative investments, and an enhanced ability to create, retain and share valuable resources that further contribute to this mission.

***How long does the knowledge valorization process take?***

The process of protecting the technology and determining and executing on the right valorization strategy may take months (or even years). The amount of time will depend on the development stage of the technology, the market for the technology, competing technologies, the amount of work needed to bring a new concept to market-ready status, and the resources and willingness of the stakeholders involved.

***How can I help in this process?***

- Contact The Gate at + 31 40 247 5952 or one of the IP Advisors at [GateIPGroup@tue.nl](mailto:GateIPGroup@tue.nl) when you believe you have a scientific or technical observation with potential commercial or research value. The IP Advisor will involve the appropriate Business Developer for the knowledge valorization.
- Complete and submit the Invention Disclosure Form in sufficient time to file a patent application before publicly disclosing your technology or submitting a manuscript for publication or conference.
- To avoid risking your patent rights and possibly hindering the opportunity to market your invention, contact The Gate before holding any discussions with people other than TU/e staff members; if a patent application has not yet been filed, we can provide you with a Non-Disclosure Agreement for the party to sign before you describe your invention to them.
- On the Invention Disclosure Form, include companies and contacts you believe might be interested in your IP or who may have already contacted you about your invention. Studies have shown that over 70% of all licenses and (technology) transfers are executed with commercial entities known by the inventor, so your contacts can be extremely useful.
- Respond promptly to The Gate and/or any other outside patent counsel requests. While some aspects of the patent and licensing process will require significant participation on your part, we will strive to make efficient use of your valuable time.
- Keep the Business Developer informed of any upcoming publications or interactions with companies related to your IP.

## **RESEARCH CONSIDERATIONS**

***Will I be able to publish the results of my research and still protect the commercial value of my intellectual property?***

Once publicly disclosed (published or presented in some form), an invention may have no or restricted potential for patent protection. Since patent rights are affected by these activities, it is best to submit an [Invention Disclosure Form](#) well before any public communication or disclosure of the invention.

Be sure to inform your Business Developer of any upcoming presentation, lecture, poster, abstract, website description, research proposal submission, dissertation/master's thesis, publication, or other public presentation of the invention.

***May I use material or IP from others in my research?***

It depends on the situation. Please consult The Gate to assess the risks and possibilities. If yes, it is important to document carefully the date and conditions of use so that we can determine if this use may influence the commercialization potential of your subsequent research results. The use of IP from others should explicitly be mentioned on any Invention Disclosure Form.

***Will I be able to share material, research tools or IP with others to further their research?***

Yes but please consult The Gate first. It is imperative to document items that are to be shared with others and to agree on the conditions of use. If you wish to send materials to an outside collaborator it is

necessary to have the appropriate agreement(s) completed to protect your research results and/or IP. Contact your Business Developer at The Gate to assist you.

***What rights does a research subsidizer (sponsor) have to any discoveries associated with my research?***

A sponsored research agreement should specify the IP rights of the sponsor and TU/e. The sponsor generally will not have contractual rights to discoveries that are clearly outside of the scope of the research (and which do not use funds from the research agreement). Therefore, it is important to define the scope of work within a research agreement. Sponsored research agreements are handled by the Research Support Office (RSO) If you have questions about sponsored research, please contact your RSO representative.

***What about consulting?***

When researchers enter into consulting agreements (for work to be done without use of TU/e facilities), they are deemed to be acting outside of the scope of their employment.. Researchers who enter into consulting agreements should familiarize themselves with TU/e policies relevant to consulting activities. The researcher needs to ensure that the terms of the consulting arrangement are consistent with TU/e policies, including those related to IP ownership, employment responsibilities and use of IP. The Gate is available to provide informal advice on how your consulting agreement relates to TU/e IP you have created.

## **INTELLECTUAL PROPERTY**

***What is an Invention Disclosure Form?***

An [Invention Disclosure Form](#) describes your invention or development and is provided to The Gate. The disclosure form should also list all sponsors of the research and should include any other information necessary to begin pursuing protection and commercialization activities. It is critical that you note the date of any upcoming publication or other public disclosure describing the invention. To initiate the process, email the Invention Disclosure Form to [GateIPGroup@tue.nl](mailto:GateIPGroup@tue.nl). This document will be treated as “TU/e Confidential”. You will be contacted by an IP Advisor or Business Developer within 2 weeks after your submission of the disclosure to discuss the invention and its valorization potential. If you have any questions about the Invention Disclosure Form, call The Gate at + 31 40 247 5952 or email us at [GateIPGroup@tue.nl](mailto:GateIPGroup@tue.nl).

***Why should I submit an Invention Disclosure Form?***

When you disclose your invention to The Gate, it starts a process that could lead to the valorization of your technology in order to generate economic and social impact. On part of The Gate, this may involve beginning the legal protection process and working to identify outside development partners. If government funds were used for your research, you are required to file a prompt disclosure, which will be reported to the sponsoring agency. Similar requirements may exist for other sponsored projects.

***How do I know if my discovery is an invention? Should I be submitting an Invention Disclosure Form?***

You are encouraged to submit an Invention Disclosure Form for all new developments that you feel may solve a technical problem and/or have significant valorization potential. If you are in doubt, contact The Gate to discuss the potential invention. We can also advise on the valorization strategy.

***When should I complete an Invention Disclosure Form?***

Completing an Invention Disclosure Form should be done well before sharing the invention with anyone outside of TU/e without confidentiality obligations. This includes, for example, submitting your discovery for publications, poster sessions, conferences, press releases, or other communications. Once publicly disclosed (e.g., published or presented in some form to non-TU/e employees), an invention may have lost potential for patent protection.

***What is “IP” and “IPR”?***

Intellectual Property (IP) refers to the output of creative endeavor in any field such as inventions, literary works (including publications), teaching materials, databases, computer software, inventions, design and know-how which can be protected by law, resulting in Intellectual Property Rights (IPR).

***Who owns what I create?***

Ownership depends upon the employment status of the creators of the invention. Considerations include:

- What is the source of the funds or resources used to produce the invention?
- What was the employment status of the creators at the time the IP was made?
- What are the terms of any agreement related to the creation of the IP?

As a general rule, TU/e owns inventions made by its employees. For more information, please contact The Gate.

***Where can I find TU/e’s policy on ownership of intellectual property created by the TU/e staff members?***

You can find TU/e’s policy on ownership of intellectual property created by TU/e staff [here \[Link to Policy document: “20221005 TUe Policy on Intellectual Property created by TUe Staff Members” \]](#)

***Who owns rights to the intellectual property I create while I am consulting?***

The ownership of intellectual property created while consulting for an outside company depends on the terms of your consulting contract with the company. It is important to clearly define the scope of work within consulting contracts to avoid any overlap with intellectual property arising from TU/e research. If you have questions, The Gate is available for informal advice.

***Should I list visiting scientists on my Invention Disclosure Form?***

All contributors to the invention should be mentioned in your disclosure, even if they are not TU/e employees. The Gate, along with legal counsel, will determine the rights of such persons and institutions. It is prudent to discuss with The Gate all working relationships (preferably before they begin) to understand the implications for any subsequent inventions.

***Can a student contribute to an invention?***

Yes, a student can even be the sole contributor or inventor. Unless the student has assigned his/her rights to the invention to another party, the student is the owner of his/her invention. If you are a student, please consult our Student IP policy which can be found [here \[ not yet available\]](#).

**ASSESSMENT OF AN INVENTION DISCLOSURE- FORM**

***How does The Gate assess Invention Disclosure Forms?***

The responsible Business Developer and IP Advisor, with the help of inventors, examine each Invention Disclosure Form to review the novelty of the invention, competing technologies, protectability and marketability of potential products or services, relationship to related intellectual property, size and growth potential of the relevant market, amount of time and money required for further development, preexisting rights associated with the IP, and potential competition from other products/technologies. This assessment may also include consideration of whether the IP can be the basis for a new business spin-off.

***If my conviction is that all IP should be licensed non-exclusively to all potential users for the public good, will The Gate honor my request?***

The Business Developer will work with you to develop the appropriate valorization strategy for your invention. Some technologies lend themselves to non-exclusive licensing (licensing to multiple third parties), while others will only reach the commercial marketplace, and therefore the public, if they are licensed on

an exclusive basis or transferred. We will try to accommodate inventors' valorization wishes consistent with the objectives of co-inventors and consistent with obligations to other stakeholders.

## **PROTECTION (PATENTS AND OTHER LEGAL PROTECTION)**

### ***What is a patent?***

A patent gives the holder the right to exclude others from making, using, selling, offering to sell, and importing any patented invention. Note, however, that a patent does not provide the holder any affirmative right to practice a technology, since it may fall under a broader patent owned by others; instead, your patent only provides the right to exclude others from practicing it. Patent claims are the legal definition of an inventor's protectable invention.

### ***What type of subject matter can be patented?***

Patentable subject matter includes processes, machines, compositions of matter, articles, computer implemented inventions, and methods (including methods of making compositions, methods of making articles, and even methods of performing business).

### ***Can someone patent a naturally occurring substance?***

Not in its natural state. However, a natural substance that has never before been isolated or known may be patentable in some instances, but only in its isolated form (since the isolated form had never been known before). A variation of a naturally occurring substance may be patentable if an inventor is able to demonstrate substantial non-obvious modifications that offer significant advantages in using the variant.

### ***What is the United States Patent and Trademark Office (USPTO)/European Patent Office (EPO)?***

The USPTO is the US federal agency, organized under the Department of Commerce, which administers patents on behalf of the US government. The USPTO employs patent examiners skilled in all technical fields in order to appraise patent applications. The USPTO also issues federal trademark registrations.

The EPO is the European counterpart of USPTO, offering a uniform application procedure which enables inventors to seek patent protection in up to 44 European countries.

### ***What is the definition of an inventor on a patent and who determines this?***

An inventor is a person who takes part in the conception of the inventive concept defined in the patent claims of a patent application. Thus, inventorship of a patent application may change as the patent claims are changed during prosecution of the application. An employer or person who furnishes money to build or practice an invention is not an inventor. Inventorship may require an intricate legal determination by the patent attorney preparing or prosecuting the application. General material on inventorship can be reviewed at [https://en.wikipedia.org/wiki/Inventor\\_\(patent\)](https://en.wikipedia.org/wiki/Inventor_(patent)).

### ***Who is responsible for patenting?***

The Gate contracts with outside patent counsel(s) for patent protection, thus assuring access to patent specialists in diverse technology areas. Inventors work with the patent counsel in drafting the patent applications and responses to patent offices in the countries in which patents are filed. IP Advisors of The Gate manage and guide the patenting process.

### ***What is different about patent protection in different countries?***

Patent protection is subject to the laws of each individual country, although in a general sense the process works much the same as it does in the Netherlands. In the Netherlands and most other countries an inventor will lose any patent rights if he or she publicly discloses the invention prior to filing of the first (or "priority") application in one country.



***Is there such a thing as an international patent?***

Although an international patent does not exist, an international agreement known as the Patent Cooperation Treaty (PCT) provides a streamlined filing procedure for most industrialized nations. A PCT application is generally filed within one year of the corresponding initial application has been submitted. The PCT application must later be filed in the national patent office of any country in which the applicant wishes to seek patent protection, generally within 30 months of the earliest filing date.

***Does TU/e protect some inventions through patenting?***

Potential commercialization partners often require patent protection to protect the commercial partner's often sizable investment required to bring the technology to market. Due to their cost, patent applications are not possible for all TU/e inventions. We carefully assess the likelihood that the invention will be found patentable and the commercial potential for an invention before investing in the patent process. However, because the need for commencing a patent filing usually precedes finding a licensee, we look for creative and cost-effective ways to seek early protection for as many promising inventions as possible.

***Who decides what gets protected?***

The Gate and the inventor(s) together discuss relevant factors in deciding whether to file a patent application. Ultimately, The Gate makes the final decision as to whether to file.

***What does it cost to file for and obtain a patent?***

Filing a regular patent application may cost between €5.000 and €20.000. An additional similar amount may be required for patent prosecution. Also, once a patent is issued in the Netherlands or in foreign countries, certain maintenance fees are required to keep the patent alive.

***What is a copyright?***

Copyright is a form of protection provided by the laws of the Netherlands and other countries to the authors of "original works of authorship". This includes literary, dramatic, musical, artistic, and certain other intellectual works as well as computer software. This protection is available to both published and unpublished works. The Copyright Act generally gives the owner of copyright the exclusive right to conduct and authorize various acts including reproduction, public performance and making derivative works. Copyright protection is automatically secured when a work is fixed into a tangible medium such as a book, software code, video, etc. In some instances, TU/e registers copyrights, but generally not until a commercial product is ready for manufacture.

***What is a trademark or service mark and how is it useful?***

A trademark includes any word, name, symbol, device, or combination, that is used in commerce to identify and distinguish the goods of one manufacturer or seller from those manufactured or sold by others, and also to indicate the source of the goods. One common example of a trademark is a brand name. A service mark is any word, name, symbol, device, or combination that is used, or intended to be used, in commerce to identify and distinguish the services of one provider from those of others, and to indicate the source of the services.

**KNOWLEDGE VALORIZATION STRATEGY**

***What is a spin-off and why choose to create one?***

A spin-off is a new business entity formed to commercialize one or more related intellectual properties. Forming a spin-off business is an alternative to licensing the IP to an established business. A few key factors when considering a spin-off company are:

- Development risk (often large companies in established industries are unwilling to take the risk for unproven technology).

- Development costs versus investment return (can the investors in the spin-off obtain their needed rates of return?).
- Potential for multiple products or services from the same technology (few companies survive on one product alone).
- Sufficiently large competitive advantage and target market.
- Potential revenues sufficient to sustain and grow a company.

The Gate can help evaluate these and other factors.

***Who decides whether to form a spin-off?***

The choice to establish a new company for commercializing intellectual property is a joint decision made by The Gate and the inventors. If a new business spin-off is chosen as the preferred commercialization path, specialists at The Gate can assist you and the other founders in meeting investors, consultants, and entrepreneurs and accessing other resources for advice at TU/e to help you in founding the company. Then, a Business Developer will negotiate with a representative of the company (who should not be an employee of TU/e, to avoid conflict of interest), to grant a license to the new company. Also, it is wise for inventors to have agreements regarding their roles with the spin-off reviewed by their own counsel to ensure that all personal ramifications (including taxation and liabilities) are clearly understood.

***How does TU/e The Gate market my intellectual property?***

Business Developers use many sources and strategies to identify potential licensees and market inventions. Sometimes existing relationships of the inventors, The Gate and other researchers are useful in marketing an invention. Market research can also assist in identifying prospective licensees. In addition, we also examine other complementary technologies and agreements to assist our efforts. Faculty publications and presentations are often excellent marketing tools as well.

***How are most licensees found?***

Studies have shown that 70% of licensees were known to the inventors. Licensees are also identified through existing relationships of The Gate staff and the partners of The Gate. We attempt to broaden these relationships through contacts obtained from personal networking and from website inquiries, market research, industry events and the cultivation of existing licensing relationships.

***How long does it take to find a potential licensee?***

It can take months and sometimes years to locate a potential licensee, depending on the attractiveness of the technology and the size and stage of development of the market. Most TU/e inventions tend to be in the early stage in the development cycle and thus require substantial commercialization investment, making it difficult to attract a licensee.

***How can I assist in marketing my invention?***

Your active involvement can dramatically improve the chances of matching an invention to an outside company. Your research and consulting relationships are often helpful in both identifying potential licensees and technology champions within companies. Once interested companies are identified, the inventor is the best person to describe the details of the invention and its technical advantages. The most successful knowledge valorization results are obtained when the inventor and the Business Developer work together as a team to market and promote use of the technology.

***Can there be more than one licensee?***

Yes, an invention can be licensed to multiple entities, either non-exclusively to several companies or exclusively to several companies, each only for a unique field-of-use (application) or geography.

## LICENSING / TRANSFER

### ***What is a license?***

A license is a permission granted by the owner of intellectual property that allows another party to act under all or some of the owner's rights, usually under a written license agreement.

### ***What is a license agreement?***

License agreements are typically written documents that describe the rights and responsibilities related to the use and exploitation of intellectual property. TU/e license agreements usually stipulate that the licensee must diligently seek to bring the TU/e IP into commercial use for the public good in order to create economic and societal impact.

### ***How is a business chosen to be a licensee?***

A licensee is chosen based on its ability to commercialize the technology for the benefit of the general public by means of creating economic and/or societal impact. Sometimes an established business with experience in similar technologies and markets is the best choice. In other cases, the focus and intensity of a spin-off company is a better option.

### ***What can I expect to gain if my IP is licensed?***

Per TU/e policy, a share of any financial return from a license to TU/e is provided to the inventor(s). For more information [link to "20221005 TUe Policy on Intellectual Property created by TUe Staff Members"]. In addition, inventors enjoy the satisfaction of knowing their inventions are being deployed for the benefit of the general public. New and enhanced relationships with businesses are another outcome that can augment one's teaching, research and consulting.

### ***What is the relationship between an inventor and a licensee, and how much of my time will it require?***

Most licensees need some active assistance by the inventor to facilitate their commercialization efforts. This can range from infrequent, informal contacts to a more formal consulting relationship. Working with a new business spin-off can require substantially more time, depending on your role in or with the company and your continuing role within TU/e.

### ***What other types of agreements and considerations apply to tech transfer?***

- Non-Disclosure Agreements (NDA's) are often used to protect the confidentiality of an invention during evaluation by potential licensees. NDA's also protect proprietary information of third parties that TU/e researchers need to review in order to conduct research or evaluate research opportunities. The Gate can help in drafting NDA's for TU/e proprietary information shared with someone outside of TU/e. NDA's may not be signed by individual researchers and typically need to be signed by the managing director of a Faculty.
- Material Transfer Agreements (MTAs) are sometimes used for incoming and outgoing materials at TU/e. These agreements describe the terms under which TU/e researchers and outside researchers may share materials, typically for research or evaluation purposes. Intellectual property rights can be endangered if materials are used without a proper MTA.
- Option Agreements, or Option Clauses within research agreements, describe the conditions under which TU/e preserves the opportunity for a third party to negotiate a license for intellectual property. Option clauses are often provided in a Sponsored Research Agreement to corporate research sponsors at TU/e; option agreements are entered into with potential licensees wishing to evaluate the technology prior to entering into a full license agreement.
- Research Agreements describe the terms under which sponsors provide research support to TU/e. The Gate can provide legal support for such agreements.

## COMMERCIALIZATION

### ***What activities occur during commercialization?***

Most licensees continue to develop an invention to enhance the technology, reduce risk, prove reliability, and satisfy the market requirements for adoption by customers. This can involve additional testing, prototyping for manufacturability, durability and integrity, and further development to improve performance and other characteristics. Documentation for training, installation and marketing is often created during this phase. Benchmarking tests are often required to demonstrate the product/service advantages and to position the product in the market.

### ***What is my role during commercialization?***

Your role can vary depending on your interest and involvement, the interest of the licensee in utilizing your services for various assignments, and any sponsored research related to the license or any personal agreements.

### ***What revenues are generated for TU/e if commercialization is successful?***

Most licenses have licensing fees that can be very modest (for spin-offs or situations in which the value of the license is deemed to warrant a modest license fee) or can reach hundreds of thousands of euros. Royalties on the eventual sales of the licensed products can generate similar or greater revenues, although this can take years to occur. Equity, if included in a license, can yield similar returns, but only if a successful equity liquidation event (public equity offering or a sale of the company) occurs. Most licenses do not yield substantial revenues (e.g. a study of licenses at U.S. universities demonstrated that only 1% of all licenses yield over \$1 million). However, the rewards of an invention reaching the market are often more significant than the financial considerations alone.

### ***What will happen to my invention if the spin-off company or licensee is unsuccessful? Can the invention be licensed to another entity?***

Licenses typically include performance milestones that, if unmet, can result in termination. This allows for subsequent licensing to another business. However, time delays and other considerations can hinder this relicensing.

### ***How are license revenues distributed?***

The Gate is responsible for managing the expenses and revenues associated with technology agreements. Per TU/e policy, TU/e revenues from license fees, royalties and equity (minus any unreimbursed patenting expenses and possible other expenses) are (equally) shared with the inventor(s), the Faculty and the TU/e patent fund to fund additional education, research and knowledge valorization (see [\[link to "20221005 TUe Policy on Intellectual Property created by TUe Staff Members"\]](#)). For purposes of revenue distribution, "inventors" are defined as named inventors on patents or authors of copyrighted materials.

### ***What if I receive equity from a company?***

If an inventor is granted equity in a TU/e spin-off company that licenses TU/e IP, such inventor's portion in the standard revenue sharing formula set forth in the IP Policy will be adjusted accordingly, taking into account the shares held in the company by the inventor. All other inventors will be rewarded in accordance with the formula set forth in the IP Policy, which can be found [here \[link to "20221005 TUe Policy on Intellectual Property created by TUe Staff Members"\]](#).

### ***What are the tax implications of any revenues I receive from TU/e?***

License revenues paid to inventors are generally taxable and are reported as income. Consult a tax advisor for specific advice.

### ***How are inventor revenues distributed if there are multiple inventors and/or multiple inventions in a license?***

The “inventors’ share” of royalties is divided equally among all inventors unless all inventors agree in writing to another distribution formula of their collective choice.

## **ECONOMIC & SOCIAL IMPACT**

### ***How does valorization contribute economic and social impact?***

The valorization process, where knowledge and/or (new) technology is being transferred from TU/e to industry, enhances industrial competitiveness, brings new products and therapies to the public, and creates economic development and new jobs through spin-off companies. Moreover, the creation and deepening of company relationships through these activities further support TU/e’s mission to contribute to economic and societal impact as these may result in additional research projects, broader educational opportunities and collaborative investments, and an enhanced ability to create, retain and share valuable resources.