

The Business Development Company GmbH (BDC) in Hochwald/Basel, Switzerland, specializes in technology brokerage, business development and management of intellectual property rights in Life Sciences.

Marketing of Inventions and Intellectual Property Rights

Intellectual Property Rights (IPR) such as inventions, patents, trade marks, trade secrets, know-how, software or unpublished R&D results may, from a commercial point of view, be interesting assets. However, the owner of such IPR does sometimes not have the capacity, manpower, know-how and market knowledge to develop or commercialize such IPR. Furthermore, occasionally such IPR do not fit or be part of the business strategy of the owner. However, oftentimes there are third parties which could have a strong interest in such IPR, if they are notified about their availability. We offer to our customers a special service for identifying potential collaboration partners, licensees or buyers for such “idle” IPR.

Based on our customized IT tool, databases and extensive network, our service involves the steps of evaluating the IPR to be transferred, determining and implementing a proper transfer strategy, searching and identifying potential partners and ending up with preparing and leading contract negotiations.

Our average success rate to conclude an agreement with a third party is at about 30 %. In addition our technical tools, we can rely on an experienced, project orientated team of experts having complementing skills (scientists with a broad experience in biology and life sciences - pharma, biotech, diagnostics, medical devices – technology transfer, business administration, legal, patenting and licensing experts).

An example of relevant steps is given below:

Identification and Establishing First Contact with a Partner

- Compiling the key characteristics (Project Summary) of the IPR to be marketed
- Identifying potentially interested parties
- Approaching an average of 20 to 60¹ potentially interested industry partners
- Following-up to receive an unambiguous decision from the contacted parties
- Compilation of regular reports (e.g. on a six-week basis).

¹ This number, however, considerably depends on the market size for a specific IPR

Inducing Relevant Steps in the Event of an Interested Feedback

- Creating and preserving a confidential relationship between our customer and the interested partner
- Providing additional IPR background information to the interested partner and initiating the proactive and fruitful exchange of information between our customer and the interested party
- Assisting our customer with defining a proper collaboration or transfer strategy
- Negotiating and drafting a term sheet for the collaboration or transfer
- Negotiating the collaboration, licensing or assignment contract according to the needs of our customer
- Concluding the deal

Time Horizon

Contacting potential partner and investigating and clarifying their interest usually takes 3 to 4 months. The time frame for follow-up steps strongly depends on the specific circumstances and needs of the partners as well as the readiness of the negotiation process.

Costs

Two compensation models may be envisaged:

- a) For a lump sum of EUR 2'000² (excl. VAT) per intellectual property right (i.e. one invention/technology and/or one patent family) BDC undertakes and performs, at its own risk, all steps and measures necessary to find a potential partner and/or initiate contract negotiations. For the costs involved with contract negotiations BDC will charge EUR 200 - 250³ per hour (excl. VAT and travel expenses). In the event of a successful conclusion of the deal BDC will take 25 % of the profits received from the deal as well as a reasonable down-payment creditable against BDC's profit participation.
- b) BDC performs all the steps and measures up to finding a potential partner and, if applicable, taking the lead of contract negotiations on a per hour basis for EUR 200 - 250⁴

For more extensive mandates (e.g. several patent families or an entire patent portfolio) special rates can be applied. In this context, BDC may also offer an annual compensation model to be applied to a defined number of IPR (invention/patents or patent families) and marketed on an all inclusive basis.

Contact

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² For universities and public institutions special conditions may be envisaged on request.

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