



# STARTUP CONSIDERATIONS FOR PCT

## THE INVENTOR

Saule S.A is a high-tech company based in Wrocław, Poland, working on development of next-generation solar solutions, with a primary focus on bringing perovskite photovoltaic devices to the market. Their innovations enable printing perovskite devices on flexible foils, creating flexible and lightweight alternatives to existing PV technologies. The application of perovskite technology is versatile, from building facades to IoT devices and portable electronics, making it adaptable for diverse markets.

## SAULE'S PATENTING STRATEGY

With the threat related to global warming and the constantly growing energy consumption around the world, the demand for new renewable energy sources is increasing. Perovskite technology has high potentials that attracts a great deal of interest. Being aware of the opportunities for global application of its technology, Saule wants to reap the benefits of a global market.

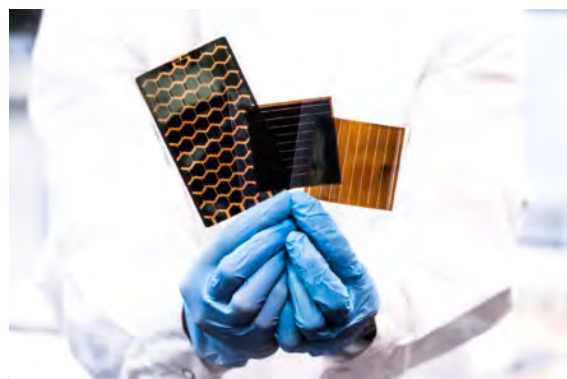
Going beyond local Polish or European patenting opportunities, Saule is taking advantage of the benefits provided by the PCT system. They use PCT to strategically delay and adapt patent decisions based on market dynamics, technological progress and appearing business cases. With a careful selection of the target countries and a broad, international patent portfolio, Saule can maintain its lead in a highly competitive global market.

## THE DEEPER IP CONSIDERATIONS

### I. IP is more than cash in the hand

Saule is well aware of the importance of protecting its IP assets in order to commercialise its innovation. However, the costs of patent applications, especially on a global scale, can be significant for start-ups, which typically operate on a limited budget.

On the other hand, estimating the true value of patents at an early stage is quite challenging and can only be properly defined when the invention is in the market, typically years after the patent costs occur. Patenting does not usually generate immediate income or cash flow for the company. Licensing may be an option, but is not always feasible.



### Saule SA at a glance

Founded: 2014  
Company: start-up  
Profile: renewable energy  
Employees: international team  
of 70 people  
Capital: 1,8 million zloty  
Highlight: European Inventor  
Award 2024



**SAULE**  
TECHNOLOGIES

### What is perovskite?

*Perovskite refers to a class of materials sharing the same crystal structure as calcium titanium oxide mineral. It can be used to form active layers in perovskite solar cells providing a highly flexible, yet inexpensive solar technology. A thin layer of perovskite in the solar cell absorbs light, which excites electrons that generate electric power when extracted. Its application is considered the next break-through in solar technology.*

Nevertheless, there are significant benefits of a patent portfolio for a start-up company that come well before the cash flow:

- Increase attractiveness of the start-up for potential investors;
- Improve the start-up's position on the market and weaken the competitors;
- Make the competition look for potentially costly and time-consuming workarounds solutions that may still result in an inferior product;
- Obtain exclusive rights to exploit the invention;
- Secure monetisation opportunities;
- Build a brand with recognition for developing innovations.

## II. The winner takes it all

Saule was an early player in a rapidly evolving and increasingly crowded perovskite technology market. By establishing a clear IP strategy in the early days of the company and building a growing patent portfolio, Saule has been able to gain a competitive advantage that is hard to match.

## III. The importance of an IP strategy

A clear IP strategy helps Saule to properly identify inventions and handle sensitive technological information and crucial know-how by following established procedures. The IP strategy also helps Saule to make informed decisions about filing patent applications taking into account invention maturity and patentability potential, based on a patentability assessment of the invention carried out by an internal IP team or an external partner.

**+1 tip:** commercial search services, such as the Global Patent Search Service of the Visegrad Patent Institute can provide a quick and reliable answers to patentability questions for a simple flat fee.

## IV. The smart add-on: trade secret

In some cases, more value can be derived from a patent portfolio if it is accompanied by trade secrets. Trade secrets can be strategic information, such as technological know-how, optimised manufacturing processes or unique solutions, without which the patent can still be properly disclosed, but the best is kept in-house and not shared with the competitors. In some other cases, innovations may require protection without the time limitations of the exclusive rights granted by a patent. Complementing a patent portfolio with trade secrets allows companies to maintain a competitive advantage while managing the costs of intellectual property protection more effectively. There is, however, one essential prerequisite: internal IP procedures.

## V. The backbone of IP strategy: internal IP procedures

A successful IP strategy starts with clearly defined internal IP handling procedures to grant that monetizable assets remain under the control of the company. The decision whether or not to patent, the timing of patent filing, the choice between a patent and a trade secret all involve decision points and ongoing evaluation of the innovative outcome of the research. Working with sensitive information requires particular attention in order to reduce the risk of accidental or deliberate disclosure. It becomes increasingly important to follow internal rules when the number of employees increases as the start-up begins to expand. Having established procedures for handling proprietary information as well as trained employees who are highly aware of these matters is an important practice.

## IP PORTFOLIO AS INDICATOR TO INVESTORS

A rich IP portfolio is crucial for potential investors, who treat IP assets as key indicators of a startup's potential profitability and scalability. Integrating an IP strategy into the start-up's business plan demonstrates readiness for global markets and protection against infringement claims. This is particularly true for innovative start-ups that develop their own technologies.

An IP portfolio can also help to determine the monetary value of a start-up and increase interest, for example when considering an exit point in the life of the company.

## PCT ROUTE: THE FLEXIBLE SOLUTION FOR START-UPS

Innovative start-ups are usually under double pressure. On the one hand, securing patent protection to cover potential future markets, especially in multiple countries, can be costly, while, on the other hand, new companies with potentially limited resources need to optimize their budgets and make the most of their resources by properly timing the costs. This is where the PCT route can provide great support.

The PCT system allows companies to file an international patent application at a reasonable cost and obtain a search report and written opinion from the examiner, delaying the more costly decisions to enter national phases in specific countries. This allows the applicant to assess the potential of an invention before making significant investments.

The PCT system also provides additional time to plan and adjust patenting strategy, as the decision on national phase entry is to be made within 30/31 months from the first filing date (priority date). An applicant can secure the priority date in multiple countries with a single PCT application and use this time to consider technological advances, customer demand in different countries, and changes in competition in different markets, to name but a few. During this time, the applicant can build a business case, identify potential customers or even obtain some external funding to co-finance national phase entry and further patenting proceedings. This approach allows startups to make a considered decision on where to extend patent protection, based on a more detailed and comprehensive analysis.

### Key takeaways in a nutshell

- IP strategy should be a core component of the early business planning.
- Failure to adequately monitor or defend IP assets can lead to financial and strategic setbacks.
- A solid IP strategy helps to ensure a successful exit strategy for investors.
- Early IP investment reduces risks and helps a company stand out in competitive markets.
- Failure to secure confidential information limits protection and potential value.
- The PCT route allows companies to defer strategic decisions on patent protection.
- The PCT system provides a streamlined process for obtaining patent protection in multiple markets.

The PCT system provides Saule with the flexibility to extend its patent protection to multiple countries, ensuring that the technology can be effectively commercialized. The combination of patents and trade secrets also allowed Saule to grow rapidly and establish itself as one of the leaders in the next generation solar technology market. Through a well-executed IP strategy, the company has not only defended its market share, but has also maintained its position as one of the pioneers in perovskite PV field.

