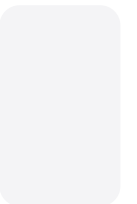


*Questel*

# How to Succeed When Transferring IP Assets

How to navigate five hidden problems when transferring intangible assets



# Hidden Problems in IP Transfers

**Whenever you undertake a transfer of intangible assets, many things can go wrong. We set out the five most common challenges—and how to overcome them.**

The process of transferring IP assets holds many potential challenges. Happily, most of the 'hidden problems' you're likely to face can be navigated by early identification and clarity in planning.

In this eBook, we discuss the five most common challenges for IP transfers and how to resolve them—and set out the case for engaging an expert IP provider such as Questel to assist. Read on to discover:

- Why the IP Transfer Process is Challenging
- The Top 5 Hidden Problems
- Best Practices for Mitigating the Risks
- How Engaging an Expert Partner Can Help You Save Time and Money

**If you have any questions about the topics discussed in this eBook, including how Questel can assist your IP transfer projects, please [contact our subject matter experts](#).**



# What Makes the IP Transfer Process So Challenging?

**Lack of clarity into the current state of play of the relevant assets is perhaps the key 'hidden problem' that is likely to arise in an IP asset transfer.**

What needs to be transferred? Is the current ownership information up to date? What is in progress currently in terms of new filings? Knowing the answer to these questions will ensure you start from the right place when undertaking an asset transfer.

However, that's not the end of it. Once you've identified the current situation, the next question is how to manage the transfer of assets and associated concerns effectively.

IP transfers are a labor-intensive and difficult process, meaning they are especially challenging to manage in-house. For that reason, there is a strong case for looking to an external provider for help. The right partner will assume responsibility for handling the issues surrounding the transfer of IP assets, saving you time, and money, and ensuring you don't miss any crucial steps that could haunt you later.



# The Top 5 Hidden Problems

There are many potential challenges in the IP transfer process, but there are five key things to bear in mind to ensure there are no nasty surprises.



## 1. Documentation

It may sound obvious, but do you have the relevant documentation to hand to allow you to proceed with recording ownership changes? That is, are all the relevant deeds of assignment and powers of attorney available?

Without those, it will be impossible to effect the necessary changes.

## 2. Jurisdictional variations

In some countries, changes to ownership need to be recorded within a certain time of an asset transfer taking place. Missing these timeframes can have grave implications for your asset(s), including exposing you to the risk of losing the associated right(s). It's vital to know the requirements in different countries and to prioritize accordingly.

Similarly, there are some countries in which all ownership changes for 'similar marks' resulting from a merger or acquisition need to be filed at the same time, and it is not permitted to do things piecemeal.

—> **This is a key area where an external provider can save you a lot of time, money, and risk, since they have previous expertise in managing similar projects and can bring that experience to make sure that you don't miss anything important.**

### 3. Translation and paperwork

You might think recording an ownership change at an IP office would be straightforward, and at some it is. However, many IP offices require you to fill in lengthy forms in the local language. Do you have the resources in-house to manage this process? Have you considered the costs of translation and local agents? These costs can quickly mount up.

**—> Again, using an external provider to manage the processes and even your local agent network may save you time and money, as well as give you peace of mind that your assets are in safe hands.**

### 4. Open matters

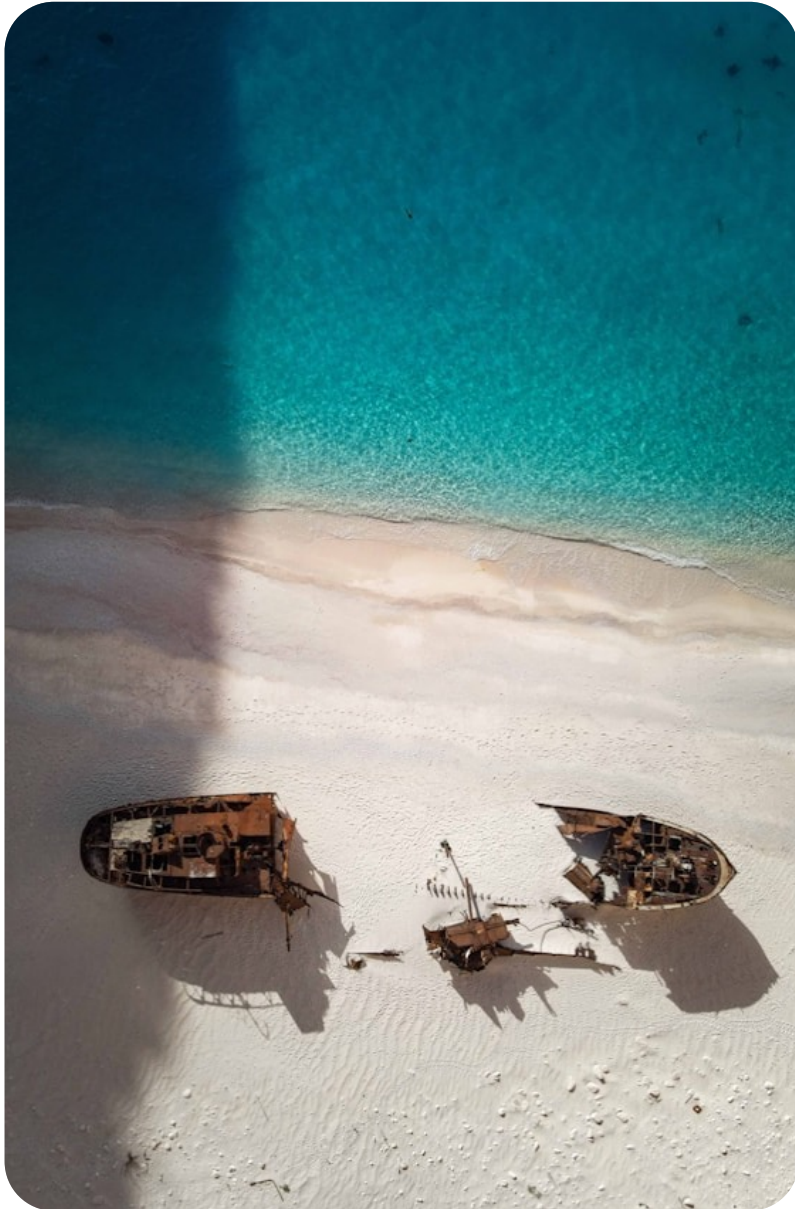
In countries where you are involved in litigation over an IP asset, there are real dangers in risking ownership information being out of date. In the worst-case scenario, such an oversight could damage your chances of prevailing in a case, and risk losing the IP asset in question. Similarly, where there are registrations in progress at the time of an asset transfer, these must be prioritized to make sure nothing is missed.

Confusing or inaccurate ownership information may result in citations, office actions, or, in the worst case, refusal of applications. This adds cost to the process, but it also results in wider business vulnerabilities.

### 5. Legalization

Having documents legalized in each jurisdiction can be an extremely extensive and expensive undertaking, with costs running into tens of thousands of euros per jurisdiction in certain cases. While you will not be able to avoid these costs, it's important to take them into account at the start of an assignment project, since failure to do so can eat up a huge part of your budget.





## Best Practices for Mitigating Risks

**Once you are aware of the potential problems that arise in the transfer of intangible assets, you can plan accordingly. It is sensible to do this at the very beginning of a project.**

At the start of a project, you should discuss internally the scope of what is required and assess whether it is something you can manage in-house. For small projects, it may well be possible to do all the work in the company's IP department; for larger mergers or acquisitions, it will almost certainly make sense to engage an external partner to take on the burden.

### **Why Engage an External Partner?**

Sometimes it can be difficult to sell the idea of investing in an external resource to a company's management. However, when it

comes to transferring intangible assets, it is the case that on most projects, engaging external help will save you money and time. Partnering with an external provider also means that you can leverage their expertise to help you manage the transition.

However, it's vital to choose the right provider. Key things to look for when assessing who to work with include their track record in managing similar kinds of projects. Are they familiar with your industry and markets? Have they worked with companies of a similar size in the past?



Once you've navigated those hurdles, you'll need to assess whether they understand your needs and if they can deliver within your budget. Because, while you will certainly save money by engaging the right external provider, being able to accurately assess that saving depends on your understanding of the work required and how well they can tune into that.

#### The Final 'Hidden' Problem

Finally, and this is another 'hidden problem', consider what you will need at the end of the project. Ask your provider about their docketing systems. Will the data and documentation they provide be compatible with your in-house system? Having to undergo a substantial data input exercise at the end of a project is not what you want to do! With the right approach, managing the transfer of intangible assets can be straightforward, safe, and


relatively inexpensive. Make sure you're prepared for these 'hidden problems' at the start of your IP transfer project, and you'll be in a better place to avoid them!

**Find out more Questel's [IP transfer, assignment, and IP records](#) services, or [contact our specialist team](#) for further insights and support.**





Questel is a true end-to-end intellectual property solutions provider to more than 20,000 clients and 1.5 million users across 30 countries. We offer a comprehensive software suite for searching, analyzing, and managing inventions, patents, designs, trademarks, and domain names. Questel also provides services supporting the IP lifecycle, including searching, watching, international filing, translation, renewals, and recordals. These solutions, when combined with our IP cost management platform, deliver clients an average savings of 30–60% across the entire prosecution budget. Beyond IP, Questel has become a leader in innovation management (of ideas, partnerships, technologies), legal operation management (of contracts, legal documents, ebilling, and cases), and localization (life science, legal translation, corporate localization).

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[Contact our subject matter experts](#) to find out more about any of the topics discussed in this eBook, including how our dedicated team can support your IP transfer projects.



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