

Managing intangible assets

It is time to act

*We add the value
you need*



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Introduction

Intangible assets are becoming an essential component for more and more companies, especially considering today's complex environment and the need to move toward innovation-based models, new technologies and knowledge.

But, in this day and age, what exactly do we mean when we talk about intangible assets?

The answer is no longer cut and dry, as intangible assets can cover a lot more than we may think at first: patents, trademarks and utility models, but also intellectual property and content, as well as information and processes, and industrial and trade secrets that can also be considered know-how providing special value to a company.

We take it further

Up until now, many companies have overlooked the opportunity of maximising their intangible assets, focusing only on registration and legal protection for these assets.

However, by properly valuing these assets, a company can boost its balance sheet, secure more efficient financing, and reduce both costs and fiscal impacts.

Intangible assets are the ideal vehicle for safeguarding a long-term competitive advantage, and can, when correctly and proactively managed, form part of a company's strategy and generate new revenue streams.

By simply identifying which company activities generate internal knowledge, market notoriety or a well-known brand name, or provide some type of value the

competition does not have, we can readily identify which company activities are able to generate intangible assets.

Based on this initial mapping, the best way to identify and value those activities that generate knowledge within the company, a series of measures can be taken – starting with registering and protecting these intangible assets – that can enhance their value both in practice and on the balance sheet. These measures also optimise the process of creating and using intangible assets from a tax perspective, helping to improve business models and costs.

Only PwC Tax & Legal Services can truly make the most of your intangible assets. Our one-of-a-kind expertise, backed by our multidisciplinary approach, can be readily adapted to your company's precise needs.

1

We take it further

Beyond providing knowledge and ensuring compliance with regulations, our technology specialists use the new digital environment to harvest and manage important information that can improve your commercial offer: customer preferences, opinions, trends, assessments, recommendations, etc.

Information management

Information – and the ability to manage it – is one of the highest-value intangible assets of any company, in any sector.

Up until now, companies have primarily focused on data protection compliance...but this is no longer enough. At PwC, we believe that any legal services offer should go beyond regulatory compliance and look at the

new capabilities for generating, processing and making the most of information and knowledge.

Drawing from their solid sector knowledge, our professionals are able to recognise your company's needs and optimise all the possibilities offered by information processing, for the business as a whole.



2

We take it further

Many companies have invested heavily in this type of intangible asset, assuming asset ownership that does not always respond to legal reality. At PwC, in addition to accrediting and protecting ownership of created assets, we look for ways to optimise and use the rights in areas such as development of internal applications, software development services, licenses acquisition, mass implementations and parameter-setting, turnkey projects and regulatory, corrective and proactive maintenance.

Technology

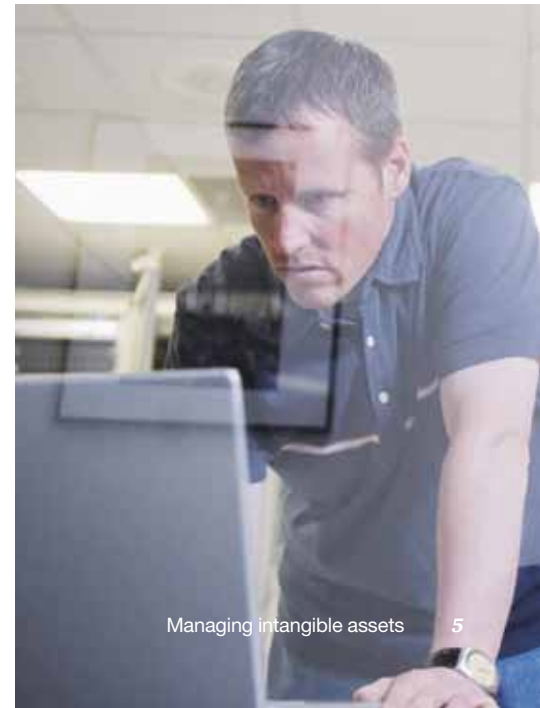
PwC's specialised professionals know how to respond to technology-related needs arising in any company, from a three-fold perspective: seeing technology as a business support, as an IT development and as a means for communication.

When technology is used as support, is it fundamental to ensure that it meets the needs of clients, such as service level agreements in line with business continuity, information security, contracting and subcontracting, and responses to unexpected events.

When looking at technology as an IT development, it is important to maximise the heavy investments normally accompanying development of these intangible assets and to respond to the complex issues (in terms of authorship and ownership of rights) they normally entail.

With respect to technology as a company's communications channel,

commercial and internal use must go hand in hand with suitable legal protection. PwC's specialised service can help you standardise your web presence and manage domain names, e-commerce and your direct relationships with employees and stakeholders through social networks.





We take it further

Our experts will help you develop new businesses such as editorial formats, operate existing content in new ways and through new windows, and modify supports and operating capacity, sales alliances, the impact of technology on works distribution models or shared content models and third-party contributions.

Content

Everybody knows that content (music, photos, audiovisual productions, recordings, etc.) are essential elements for publishers, production companies, marketing agencies and communications companies. However, what might not be so obvious is that companies from other sectors, such as automation, mass market products, telecommunications, finance and distribution, are increasingly developing their own content in order to better communicate with their clients and customers.

For those industries traditionally linked with content and entertainment, PwC's specialised legal services can assist in key aspects such as use and ownership of rights, supports and release windows. In

these sectors, a correct release and use of content can mark the difference between success and failure.

For companies in other sectors, PwC offers a multidisciplinary approach to managing content created by employees and publication of this content on social networks and channels such as YouTube, protecting and carrying out advertising campaigns and third-party content, creating interactive channels where customers can give opinions, add content, etc., using and expanding social networks, and safeguarding Internet reputation.





4

Trademarks, patents, designs and other industrial property

We take it further

PwC can help you effectively manage your industrial property, putting these assets to use to boost your company's competitive edge and its strategic advantages. This means being better at selling your inventions, launching your products on the market, granting licenses for technical knowledge and making your brands, designs and patents even more valuable vis-à-vis third parties.

PwC's specialised and comprehensive advisory service covers all major industrial property-related issues, thereby meeting the demands of a market in which intangible assets, company brands and distinctive signs, and the requisite protection for business creativity is becoming increasingly important.

In order to optimise portfolio management, PwC carries out a diagnostic analysis of the structure and ownership of your company's current industrial property portfolio, making the most suitable recommendations for reorganising these assets.

In addition, we offer assistance in identifying and researching your company's brands and created content and designs to verify whether they are legally available for use in the market. Our professionals will handle the entire application and registration process for any type of industrial property, both in Spain and internationally.

PwC has solid expertise in the Community Trademark and Design system ensuring standardised protection before the OHIM throughout the entire European Union.

In addition, PwC offers advisory services in negotiations, contracts and internal risks prevention.



5

Protection and defence of intangible assets

We take it further

Our approach provides clients with prevention, protection and defence mechanisms for their intangible assets, above and beyond those provided in traditional systems, as well as a structure for responding to infractions of their industrial property rights, copyrights, and other digital-related intangible assets.

The new ways of creating and using content, distinctive signs and inventions in the digital age have helped to dilute ownership status and encourage information sharing, which gives rise to new infractions and inappropriate use of the intangible assets generated and/or used by companies.

In order to protect these intangible assets, PwC has designed a comprehensive service focusing on the following:

Privacy

- Drafting of corporate protocols and regulations governing processing of confidential information, protection of know-how and other intangible assets, and their use and distribution by employees
- Protection and defence of a company's image, reputation and privacy in social networks, blogs, forums, and other digital communications platforms, and protection against identity theft via electronic means, revelation of trade secrets and unauthorised access to confidential information



Technology

- Protection and defence of technology supporting creations, as an intangible asset in and of itself
- Legal assistance for breaches of contractual obligations in rendering data development and storage services (IT developments, hosting and/or housing, cloud computing, etc.)

Content

- Infractions due to generation, transformation and use of owned or third-party content online
- Safeguarding rights jeopardised by websites offering downloads (e-books, e-movies, mp3, mp4, etc.)

Domain names, trademarks, designs and patents

- Legal and out-of-court defence of domain names, trademarks, designs, utility models, patents and other types of industrial property
- Actions before arbitration courts and other legal bodies (in Spanish courts and the Spanish court entrusted with Community trademark matters, as well as the Court of Justice of the European Union and the European General Court)





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Taxation of intangible assets

We take it further

PwC offers you a multi-disciplinary team to help you design tax optimisation policies and processes for your company's intangible assets management strategy, generating tax savings that are better applied to financing your business growth.

In the current scenario, the tax impacts of intangible asset management are becoming an essential concern. Proper planning can help your company generate deferred tax assets and/or tax savings so you can concentrate your cash flows on new investments.

PwC can provide you with:

- Tax optimisation of R&D&I investment geographic location policies: advice on the tax benefits of R&D&I (deductions, accelerated depreciation), both in Spain and internationally (double dip)
- Optimisation of taxation of intangible asset transfers. In Spain: reduction in corporate income tax levied on revenues from certain intangible assets (article 23 of the Spanish Income Tax Law). Internationally: patent box taxation system jurisdictions for companies using intangible assets.
- Tax maximisation of acquisitions of / investments in intangible assets: analysis of legal requirements in order to enable tax amortisation in corporate restructurings or other acquisitions
- Determination of the best location for intangible assets in order to minimise the international tax charge levied on asset transfers: within the OECD, cross-border payments for intangible asset transfers are subject to withholdings in the countries in which the intangible asset is used. The optimal location of these assets in certain countries could substantially reduce tax paid on gains generated on their transfer.

Why PwC

PwC is the only firm that can provide you with the top multidisciplinary teams (attorneys, economists, consultants, auditors, etc.) designing solutions tailored to the unique characteristics of your company and sector.

We have developed a one-of-a-kind intangible asset management practice, including and integrating traditional technological rights, regulations and communications businesses, copyrighted works, inventions and trademark protection, and the tax impact of all of these issues and arenas.

Our specialists in traditional intellectual and industrial property practices and in technology rights work hand in hand

with tax experts, in order to assess and manage the opportunities and risks arising from our clients' intangible assets, both on and off the balance sheet. And PwC goes even further: our team of strategy consultants and asset valuation and accounting experts also addresses every secondary aspect of these assets as well.

Moreover, by working with any of our 20 offices in Spain, you receive the comprehensive advisory services offered in 158 countries. That means that whatever the size of your business, you

will be working with the largest professional services firm in the world. Last but not least, thanks to our PwC office in Alicante, you will have direct representation before the European Union Community Trade Marks and Designs Office (Office for Harmonization in the Internal Market, OHIM).

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