

Burford

Patent monetization survey

*In-house and law firm lawyers weigh in on
generating revenue from corporate patent assets*



Introduction

Patents are valuable corporate assets, but many companies are not fully capitalizing on their intellectual property. This is a missed opportunity: 79% of in-house lawyers say more than a quarter of their company's patent portfolio is underutilized. Given the significant investment required to obtain and maintain a patent, underutilized patents represent at best a missed financial opportunity and at worst a financial burden.

Faced with mounting economic pressures and the rising costs of maintaining large patent portfolios, companies are increasingly taking a proactive stance. Nearly 70% of in-house lawyers say their organizations are more likely to monetize patents today than a decade ago, and 73% report that patent monetization revenue has grown over the last 10 years. This shift is driven not only by financial necessity but also by growing acceptance of patent monetization through headline-generating enforcement and divestiture strategies by major brands.

This report explores how companies and law firms are navigating the evolving landscape of patent monetization, which includes licensing, direct enforcement and corporate divestitures. It examines how and why organizations are leveraging their patents, the rise of corporate divestitures as a key monetization strategy—already in play or under consideration by 71% of in-house lawyers—and the impact of such developments as the Unified Patent Court (UPC) in Europe. The survey sheds light on the role of legal finance in managing costs and enhancing the effectiveness of patent monetization strategies: While just 27% of in-house lawyers report currently using legal finance, more than half are actively exploring it as a solution.

As competition intensifies and global IP enforcement mechanisms evolve, businesses must adopt a proactive approach to maximizing patent value. The insights from this survey highlight both the challenges and opportunities in the patent monetization space, based on the perspectives of 300 in-house lawyers with responsibility for IP and external counsel who work with them at law firms across North America, Europe and Asia.

Key takeaways

1. Revenue generated by patent monetization is growing

- 73% of in-house lawyers report that revenue from patent monetization has increased over the last 10 years.
- 69% of in-house lawyers say their organizations have become more likely to monetize patents in the past decade.
- Divestitures and enforcement are gaining traction as high-value monetization strategies, although licensing remains primary.

2. Companies are missing revenue opportunities

- Even as patent monetization is increasing, 79% of in-house lawyers say that more than a quarter of their patent portfolio is underutilized.
- The costs of maintaining patents without monetization include lost revenue, delayed market entry and reduced market share.

3. Direct enforcement is seen as risky if not financed

- Litigation presents a significant opportunity for monetization, though cost and uncertainty have limited its full potential.
- 72% of law firm lawyers cite the high cost of litigation as a deterrent to clients pursuing meritorious patent claims.
- Legal finance solutions remove financial barriers, enabling more businesses to enforce and monetize their patents.

4. Divestiture is a fast-growing monetization strategy

- 71% of in-house lawyers have already divested patents or are actively exploring divestiture options.
- 56% of in-house lawyers say competitors are more likely to divest patents today than in previous years.
- Accurately valuing divestable patents is a major challenge.

5. Global patent monetization is active

- The US remains the top market for patent monetization due to strong enforcement mechanisms.
- The Unified Patent Court (UPC) is driving change in Europe, with 74% of in-house lawyers expecting increased enforcement in the region.
- Anecdotally, there is rising interest in Japan and South Korea in patent monetization.

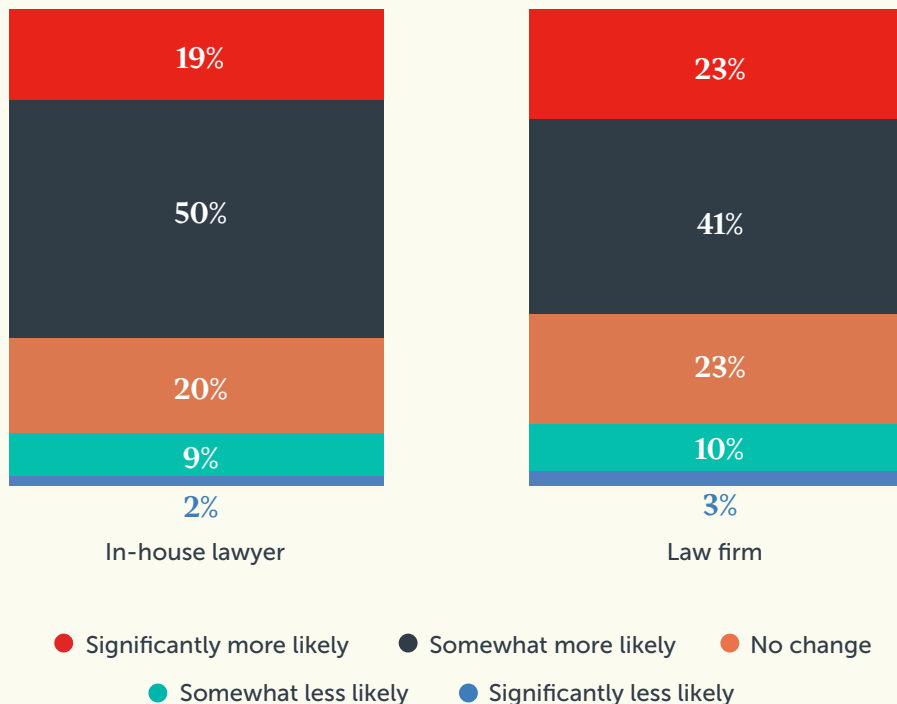
6. Legal finance plays a growing role in patent monetization

- 59% of law firm lawyers say clients use legal finance for patent monetization, but only 27% of in-house lawyers report using it themselves—highlighting a gap in direct corporate engagement.
- That gap is narrowing: 51% of in-house lawyers say they are actively planning or exploring the use of legal finance to support patent enforcement and monetization going forward.

Companies are increasingly monetizing their patents

- Companies are increasingly pursuing monetization strategies—reflecting a shift in mindset, with 77% of in-house lawyers and 83% of law firm lawyers viewing patent monetization as both a legitimate business approach and a driver of innovation and economic growth.
- Nearly 7 of 10 (69%) of in-house lawyers say their company is more likely to monetize patent assets compared to a decade ago.
- Both law firm (73%) and in-house (71%) lawyers agree: The more businesses monetize patents, the more money they have to invest in innovation.
- The majority of in-house lawyers have monetized patents through direct enforcement, divestiture and joint ventures, although licensing arrangements are the most common means of doing so.
- While companies recognize the need to monetize, they may not be fully leveraging the full range of options—such as divestitures or direct enforcement—which often yield higher returns for high-value patents, highlighting a potential area for future growth.

In the last decade, has your organization become more or less likely to monetize patent assets?



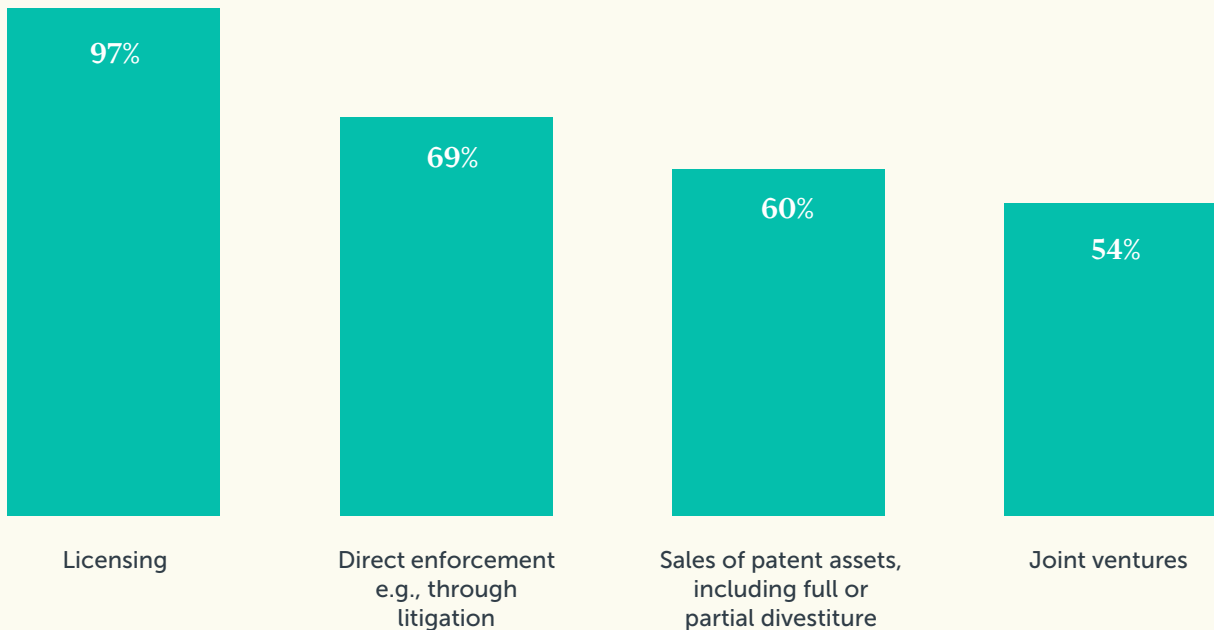
73%

Nearly three quarters of in-house lawyers say the revenue generated by their organization's patent monetizations has increased over the last decade.

56%

Over half of in-house lawyers say their competitors are more likely to divest patents now than in previous years.

What approaches to patent monetization has your organization used?
(In-house lawyers)



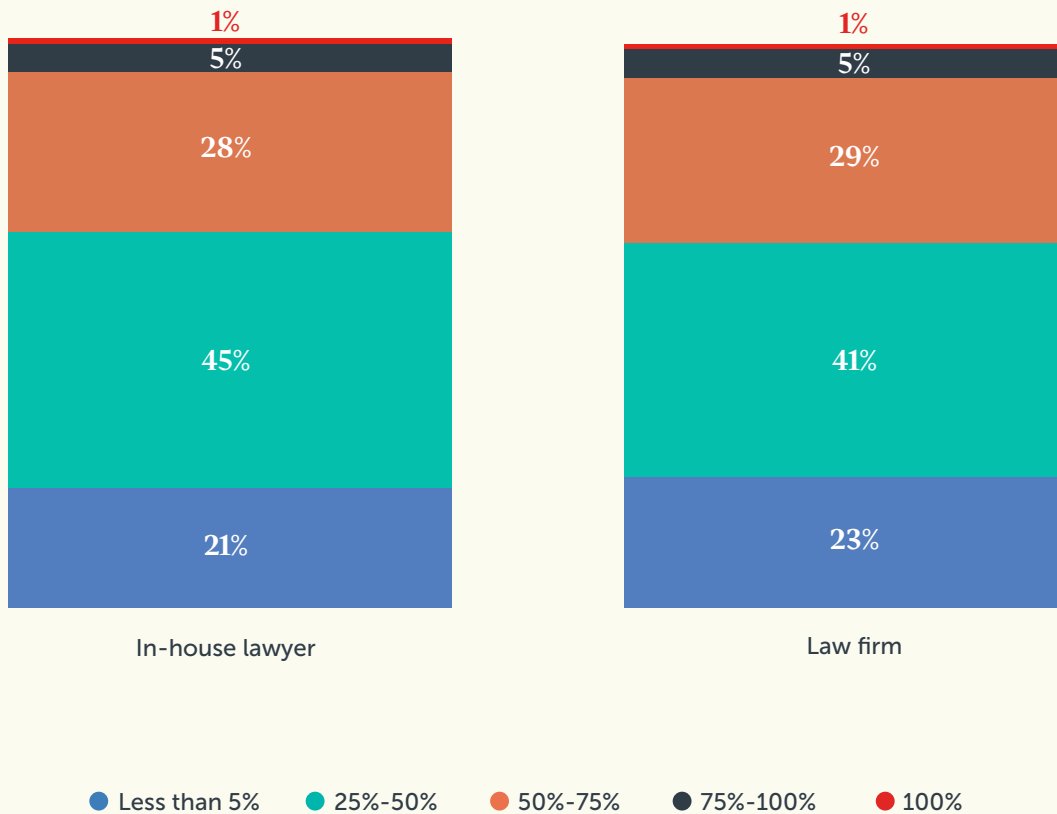
Companies are missing opportunities to generate revenue from their patents

- While patent monetization is on the rise, many companies still have underutilized patents that could generate substantial value.
- Obtaining and maintaining a patent is a significant investment: On average, it costs around \$50,000 to draft, file, prosecute and obtain a single patent, with even higher costs for complex inventions.¹
- Beyond these initial costs, companies must also account for maintenance fees—averaging \$2,150 to \$8,280 per patent at 3.5, 7.5 and 11.5 years after issuance in the US.² These fees apply to each patent, and most companies also maintain counterpart patents in major markets like the UK, Germany and Japan, where similar renewal costs apply. For companies with large portfolios, these costs quickly add up—we regularly see annual maintenance budgets in the seven-figure range.
- Given this, failing to fully leverage a patent portfolio means leaving money on the table and using working capital that can't be invested elsewhere in the business in revenue-generating activities like R&D.
- The opportunity costs of underutilizing patents include missed revenue, delayed market entry and lost market share—factors that are challenging to quantify but undeniably significant.
- In 2022, a consultancy firm estimated that intangible assets accounted for 90% of the S&P 500's market value, underscoring the immense value of intellectual property.³

79%

of in-house lawyers say more than one quarter of their company's patent portfolio is underleveraged.

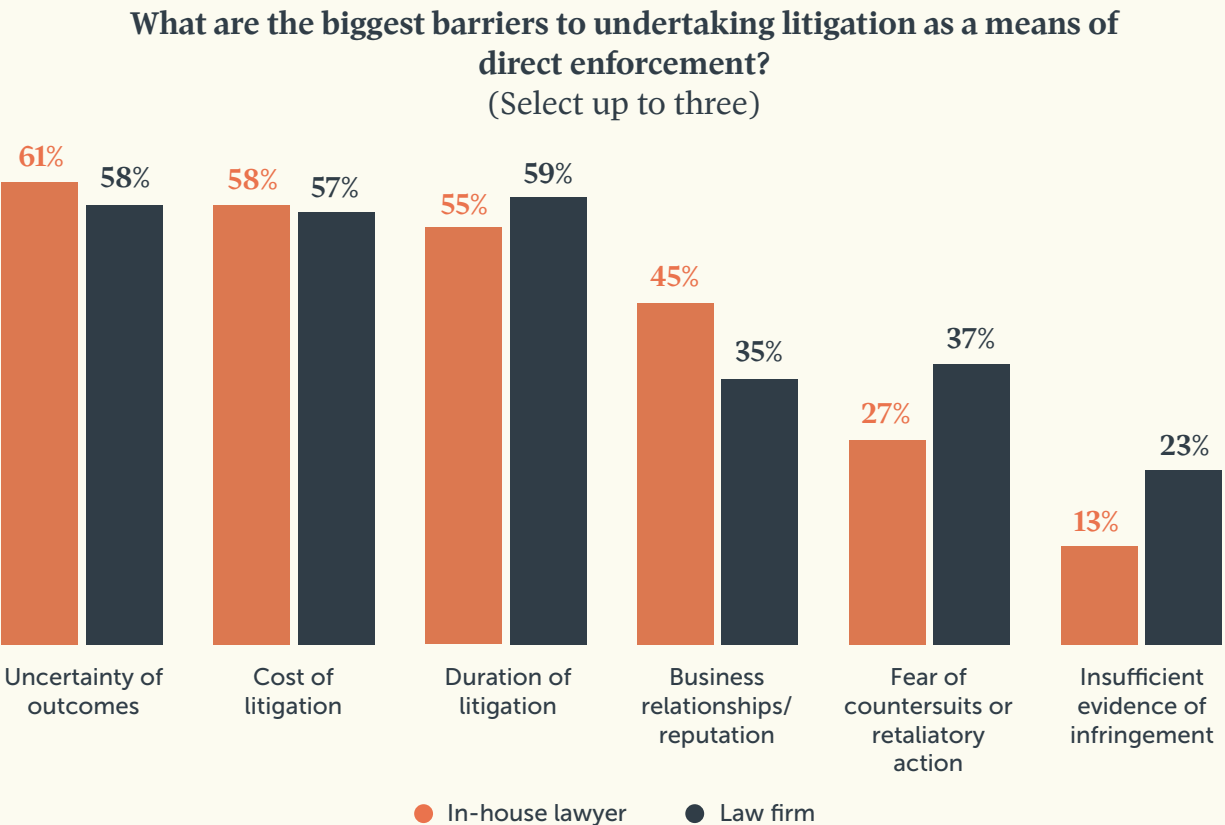
What percentage of your (or your clients') patent portfolio is underleveraged, i.e. your organization is paying to maintain patents but is not generating revenue from them?



1. Russ Krajec, How Much Does A Patent Cost? The Real Truth, Patentmyths, <https://medium.com/patentmyths/how-much-does-a-patent-cost-the-real-truth-5559e380014d>
 2. USPTO fee schedule, Effective January 19, 2025 (Last revised March 1, 2025), <https://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule>
 3. Ocean Tomo, Intangible Asset Market Value Study, <https://oceantomo.com/intangible-asset-market-value-study/>

Monetization through direct enforcement

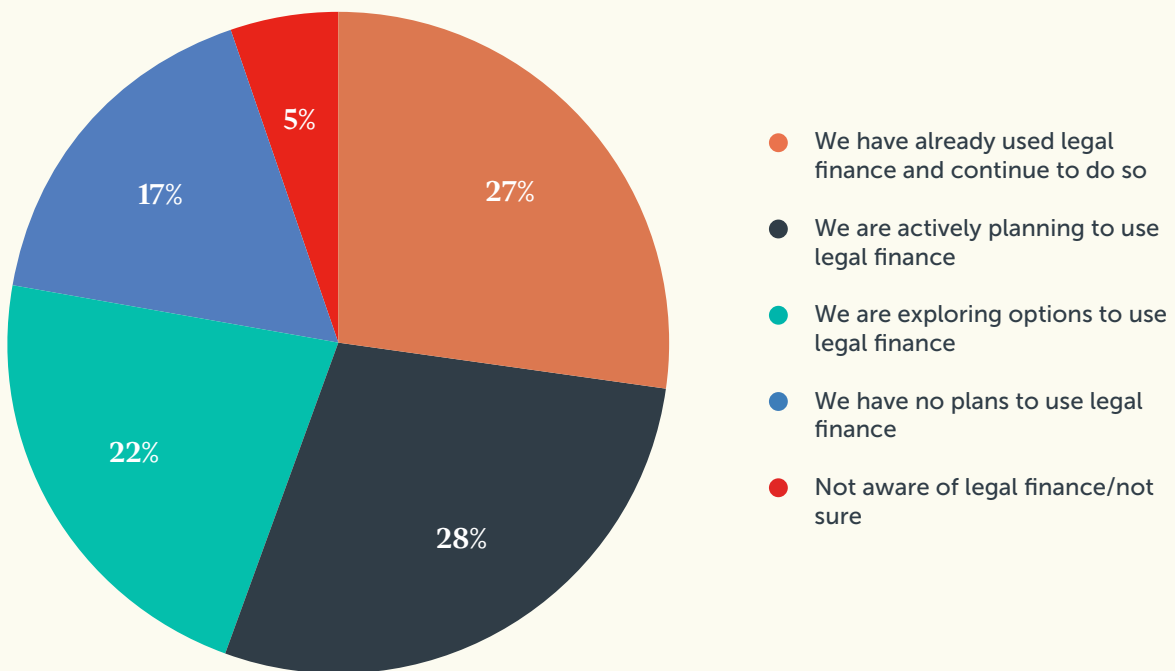
- Monetizing a patent through direct enforcement involves generating revenue by pursuing litigation against infringers to obtain damages or reach settlements for unauthorized use.
- Given the cost, duration and inherent unpredictability of litigation—ranging from judicial discretion, the complexity of proving infringement and exposure to potential countersuits—companies often hesitate to pursue patent monetization through direct enforcement, even in cases of clear patent infringement.
- Both law firm and in-house lawyers identify uncertainty of outcomes as the biggest barrier to direct enforcement of patent assets, closely followed by the high cost of litigation.
- Reluctance to enforce patents is further compounded by financial constraints: According to the American Intellectual Property Law Association, for patent infringement cases with more than \$25 million at risk, the median litigation costs were around \$3.6 million in 2022.⁴ In Burford’s experience, patent cases with \$50 million or more at stake typically have budgets of \$10 million or more in litigation costs.
- Legal finance enables companies to enforce their rights while shifting cost and risk, and almost 8 of 10 in-house lawyers have used, are exploring or planning to use legal finance to support patent enforcement or other monetization efforts.



72%

of law firm lawyers agree that the significant cost and uncertainty of litigation is a deterrent to their clients' ability to enforce their patents.

Has your organization ever used legal finance to support patent enforcement or other monetization efforts?
(In-house lawyers)



4. AIPLA 2023 Report of the Economic Survey, American Intellectual Property Law Association

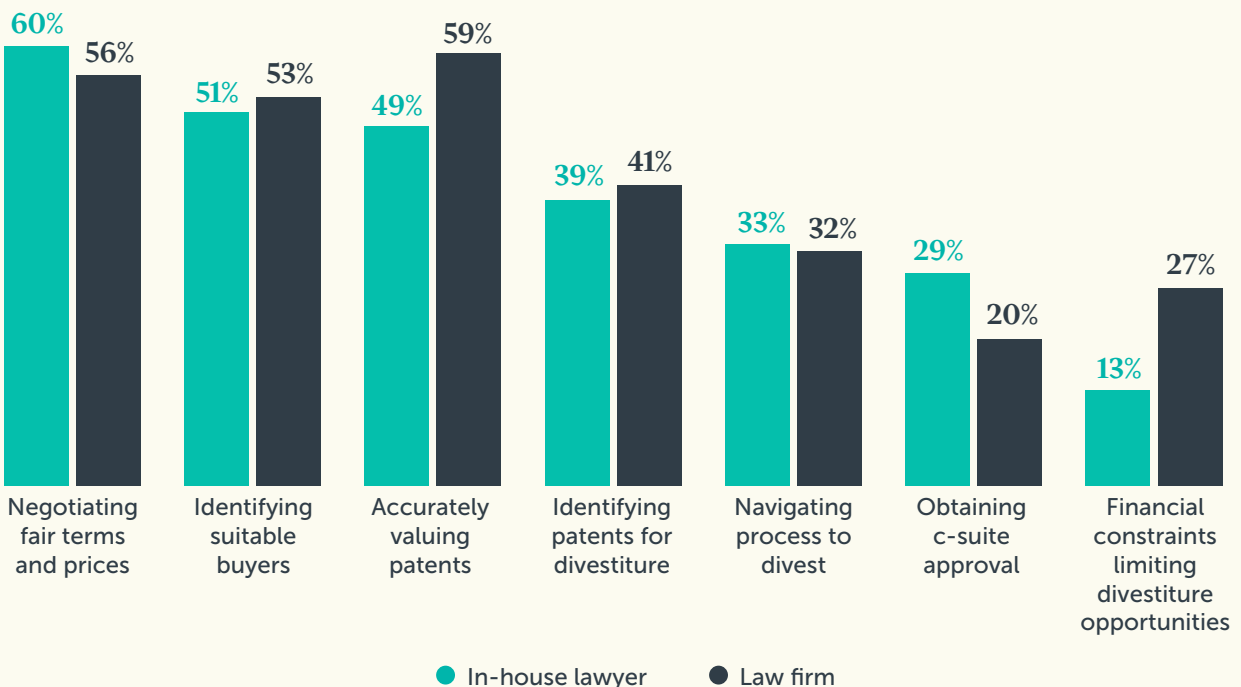
Monetization through corporate divestiture

- Corporate divestiture—the sale or spin-off of patent assets—has become a key strategy for businesses optimizing their portfolios. Leading global brands are increasingly leveraging divestitures to streamline operations, unlock capital and drive long-term growth.
- 71% of in-house lawyers say they have already divested patents, are actively planning to divest or are exploring options to do so within the next two years.
- Accurately valuing patents remains one of the biggest challenges in the divestiture process, according to both law firm and in-house lawyers.
- Legal finance can help companies value their patents by providing capital and expertise to assess potential litigation outcomes, market demand and monetization opportunities, ensuring a more accurate and strategic approach to divestiture.

62%

of law firm lawyers expect corporate patent divestitures to increase over the next two years.

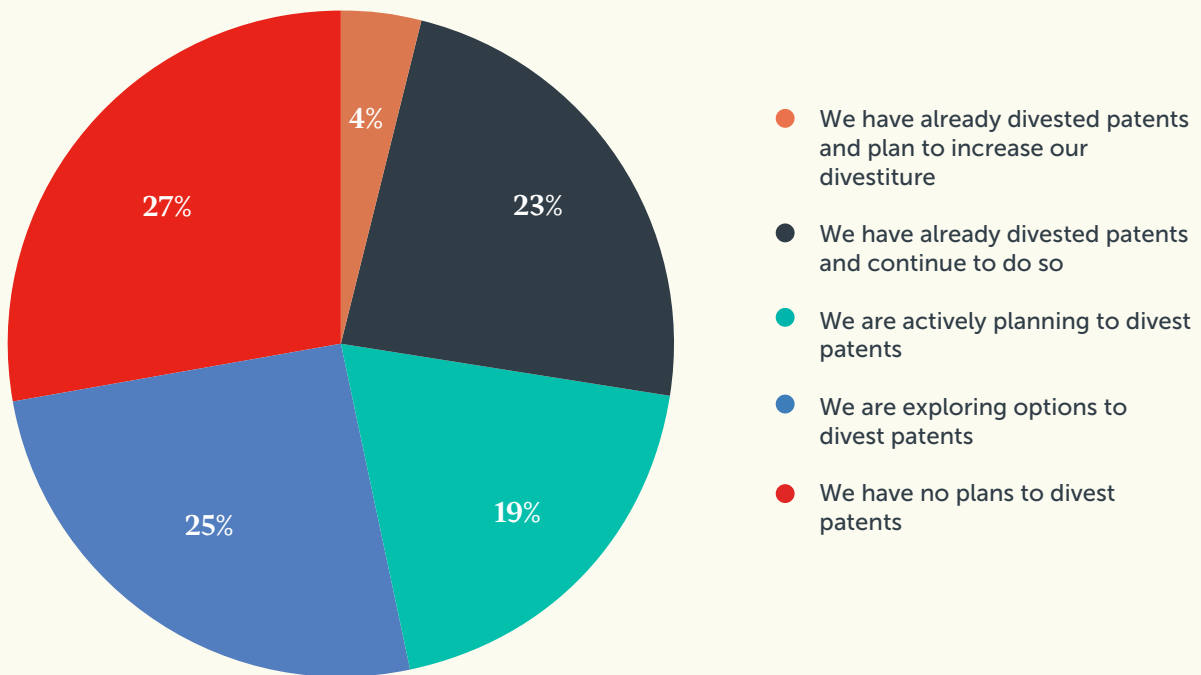
What are the biggest challenges for patent divestiture? (Select up to three)



89%

of in-house lawyers agree that monetizing patents is increasingly important for businesses in their industry.

What are your organization's patent divestiture plans in the next 12-24 months?
(In-house lawyers)



Global opportunities are expanding

UNITED STATES

The US is expected to remain the leading jurisdiction for patent monetization, with 45% of law firms ranking it highest among eight regions for growth potential. Its well-established legal framework, active litigation landscape and strong enforcement mechanisms continue to make it the most attractive jurisdiction for patent holders.



EUROPE

With the introduction of the Unified Patent Court (UPC), 74% of in-house lawyers believe more businesses will enforce their patent rights in Europe. Not surprisingly, 41% of law firm and in-house lawyers cite cost efficiency—through the reduction of legal expenses—as the UPC’s most significant advantage, making European patent enforcement more accessible and strategic.

ASIA

Asia has high growth potential for patent monetization, reflecting rapid growth in IP litigation and licensing opportunities. While Japan and South Korea did not rank as highly in the survey as the US and Europe, both markets are experiencing rising corporate interest in IP-backed financing, licensing and litigation funding, positioning them as emerging hubs for businesses looking to capitalize on patent value.



The road ahead

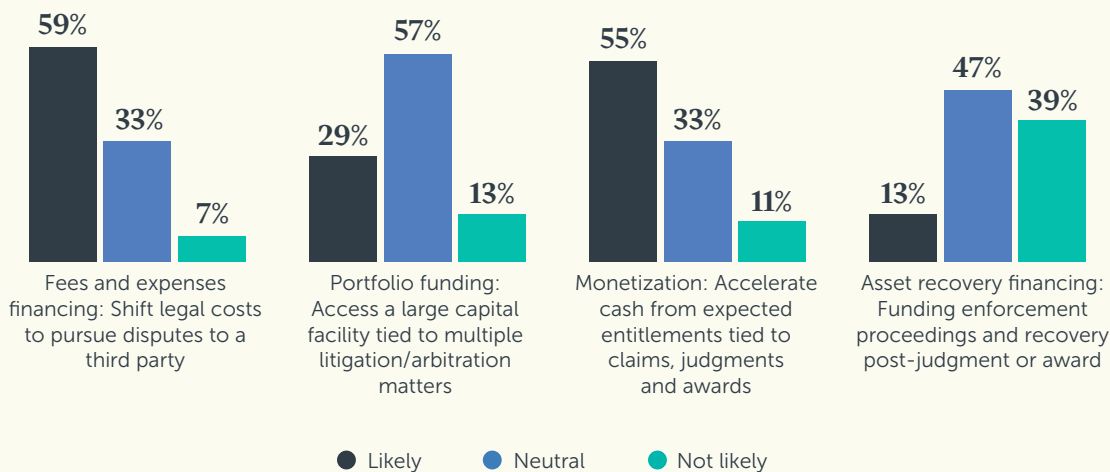
- Many businesses and law firms are turning to legal finance to support their monetization efforts.
- Law firm and in-house legal teams report significantly different levels of legal finance use: 59% of law firm lawyers say their clients have used legal finance for patent monetization, while only 27% of in-house lawyers report using it themselves.
- This suggests that in-house teams may be relying on outside counsel to manage financing needs rather than engaging directly—highlighting an opportunity for greater direct engagement with legal finance solutions.
- That gap is narrowing: 51% of in-house lawyers say they are actively planning or exploring the use of legal finance to support patent enforcement and monetization going forward.
- We see this reflected in the evolution of Burford’s own business: In 2024, 71% of our closed matters were with corporate clients directly, demonstrating that businesses are not only open to legal finance, but increasingly pursuing it independently of their law firms.
- Among in-house lawyers, the most in-demand legal finance solutions are fees and expenses financing (59%) and monetization solutions (55%). The former helps cover the costs of litigation and enforcement, while the latter allows companies to access immediate capital based on their patent portfolio’s potential value—demonstrating a growing interest in financial tools that facilitate effective monetization.

90%

of law firm lawyers agree monetizing patents is increasingly important for their clients.

How likely is your organization to use the following legal finance tools to finance meritorious claims?

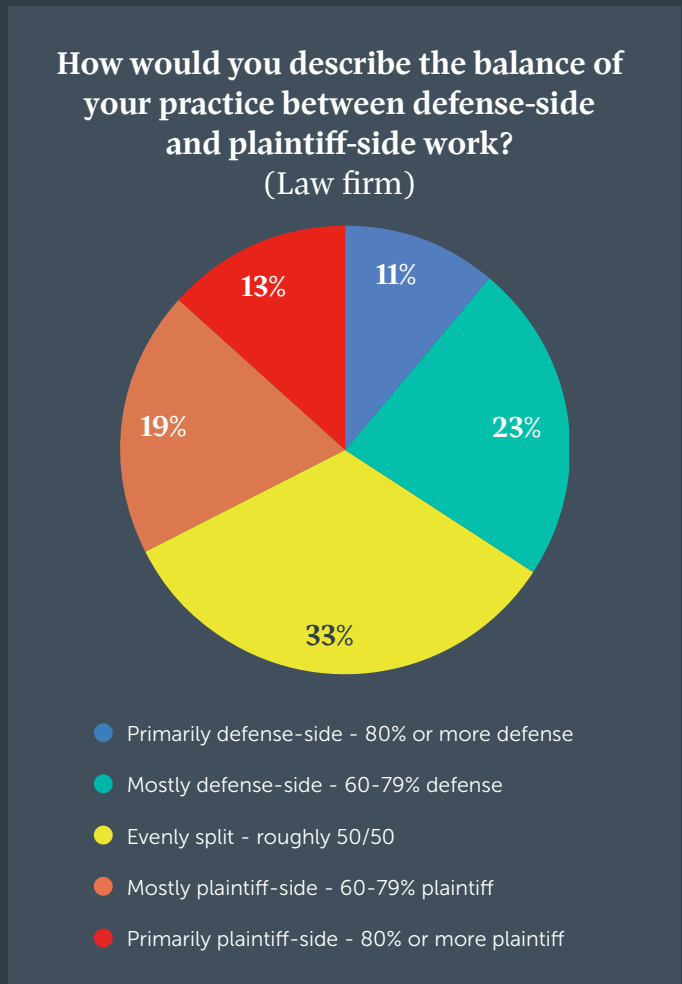
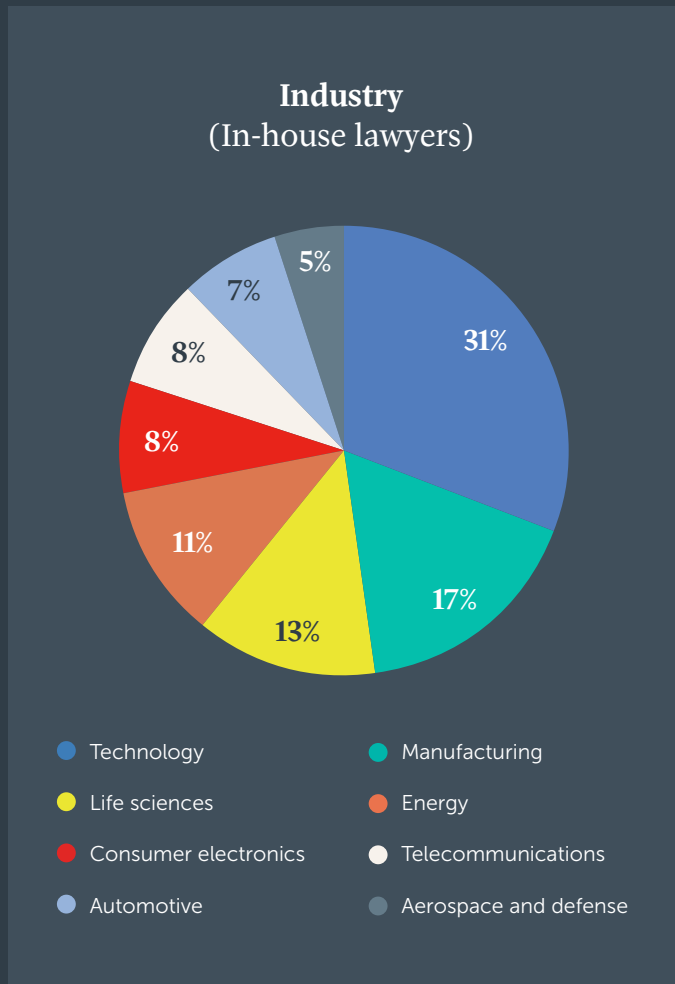
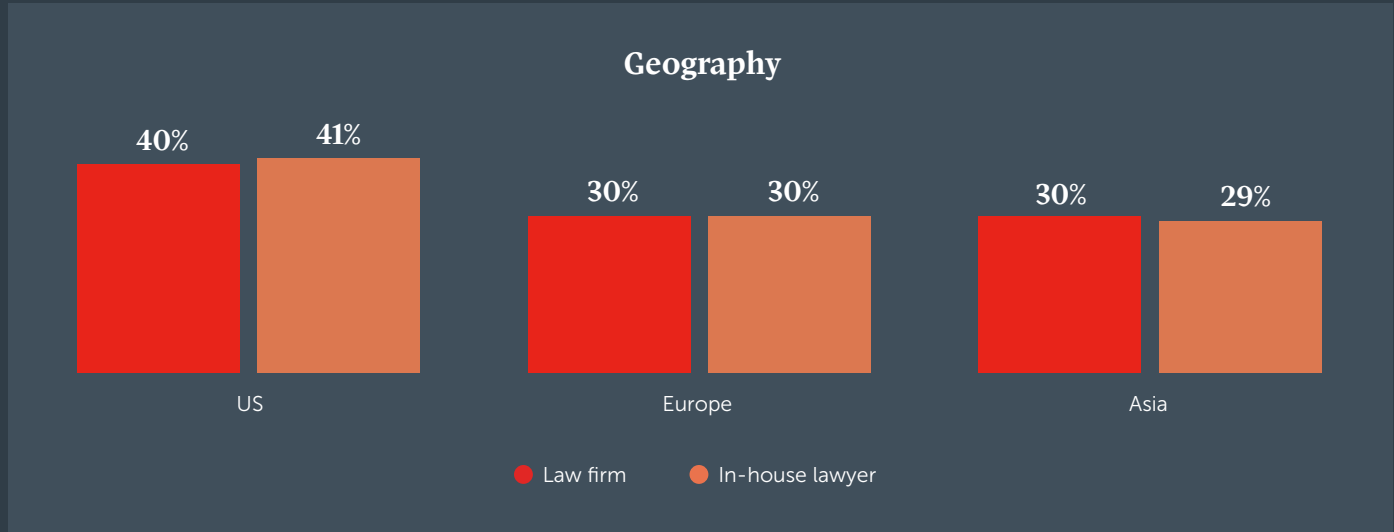
(In-house lawyers)



About the research

This report is based on a survey conducted by GLG, capturing insights from 300 in-house IP counsel and law firm partners involved in patent litigation spanning North America, Europe and Asia. Demographics for survey participants are addressed in the charts below.

DEMOGRAPHICS



HOW LEGAL FINANCE SUPPORTS COMPANIES AND LAW FIRMS IN MONETIZING PATENT PORTFOLIOS

- **Financing direct patent enforcement:** Legal finance enables companies and law firms to pursue patent infringement claims without bearing the financial burden. This ensures that rightful patent holders can protect their intellectual property rights even against well-funded opponents.
- **Financing patent divestitures:** Companies can unlock immediate liquidity by selling non-core or underutilized patents. Burford can provide finance acquisition capital for the initial patent purchase, funding for the legal fees and costs to be incurred as part of the future monetization strategy and working capital for the new patent owner's entity.
- **Access to capital and expertise:** Beyond funding, legal finance providers bring industry expertise to structure deals, assess risk and maximize patent value—helping companies achieve stronger financial outcomes in both divestitures and litigation.

WHY BURFORD?

Burford Capital has earned a reputation as the leading provider of commercial legal finance in the world since our founding in 2009. For more information, contact info@burfordcapital.com.

- **Experience:** Burford routinely works with Fortune 500 and FTSE 350 legal teams and Am Law 100 and Global 100 law firms to finance and monetize high value litigation and arbitration, enforce judgments and maximize returns to businesses.
- **Scale:** As the world's largest legal finance provider, Burford has ample permanent capital for clients' commercial litigation and arbitration needs.¹
- **Team:** Our IP team includes five lawyers on the IAM list of the top 300 global IP strategists and is ranked Band 1 by Chambers.
- **Responsiveness:** With litigation finance diligence as well as enforcement expertise entirely in-house, Burford can respond quickly and comprehensively to clients' needs.
- **Professionalism and transparency:** Burford is the gold standard for legal finance—dual-listed in New York and London (NYSE: BUR, LON: BUR).

1. Litigation Finance Insider, <https://litigationfinanceinsider.com/c/league-leaders/>

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