

Patent agency Nederlandsch Octrooibureau closely follows developments in the field of 'intellectual property'

# 'IP portfolio may be the trump card in next wave of mergers'



IP, or Intellectual Property, has become an important asset in the current investment climate. As financial markets which are highly dependent on traditional assets collapse, patents will be increasingly considered as the most important assets on which sustainable economic recovery will be based. "IP may be the trump card in the next wave of mergers. IP is more and more seen as an independent money generator, although this is not equally recognised by all sectors or by all OEMs (original equipment manufacturers)."

Nederlandsch Octrooibureau is a private consultancy which specialises in trademarks, designs and patents. 'Protection against imitations', that is in short the most important service rendered by this agency. Nederlandsch Octrooibureau employs 36 patent attorneys and seven trademark and design attorneys. The agency supplies answers to questions like: can I patent my new technology? Is it wise to apply for a patent or to register a trademark? Which patents and trademarks are owned by my competitors? Moreover, Nederlandsch Octrooi-

bureau handles complex patent application procedures worldwide. Apart from giving advice on trademark and design filing, the trademark and design attorneys also give advice on possible actions against infringers as well as on copyright and domain names.

#### Distinguishing

Willem Niesing is a Dutch patent attorney who is being trained at the office of Nederlandsch Octrooibureau in Ede, where he has worked since 2006. He started his career at Eaton Automotive, where he worked at the

R&D department for over six years. There, he contributed to the development of concepts for, among other things, outside mirror actuators, including position sensors and analogue electronics for controlling these actuators.

He specialises in high-precision technique and mechatronics, which includes sensor technology, actuators and embedded systems. He is also interested in vibration isolation and car engineering, particularly vehicle safety and driver assistance systems. Willem Niesing works for medium-sized and various small businesses and has a special interest in the strategy his clients should adopt to distinguish themselves from their competitors.

### Green technology

"Emission, use and safety, these are the themes of the day in the automotive sector. All three fall under the umbrella of 'green technology'. We focus on this technology in order to obtain protection for our clients," says Niesing. "This green technology has raised the question if what is good for the environment, is worthy of large-scale application. At first sight, this seems to be incompatible with patent law. It is not, however, if you take a closer look. IP has become an important asset in the investment climate, which is a strong justification for the existence of patents. The question encourages us to focus on the aims a patent system should be supporting."

Niesing also emphasises that patents could very well be the most important assets on which sustainable economic recovery will be based. "Patents which cannot be measured, cannot be managed," argues Niesing. "It has been calculated that companies in the United States are wasting one trillion dollars in patent assets every year." He refers to the Ameri-

can report APA-Intel (Automaker Patent Assets Intelligence Report) by PatentCafe, which was published earlier this year.

The report contains experiences which show how car manufacturers in the United States have managed their innovation strategies and their patents. Andy Gibbs, founder and CEO of PatentCafe, says: "The APA-Intel patent report is the first of its kind which provides an in-depth comparison of the quality of patent portfolios which are owned by Chrysler, Ford, General Motors and their biggest Japanese (Toyota) and European (Volkswagen) counterparts. High-quality patents have a huge earning potential, whereas low-quality patents increase operational risks."

### 'Sitting' on patents

The APA-Intel report translates the complex world of over 20,000 'automotive patents' into understandable parameters, which show the large differences in legal, commercial and technological quality of patent assets owned by car companies. The report shows that Toyota, the number one in green technology, started its climb in the mid-1990s. Today, almost thirty per cent of Toyota's patent portfolio is 'green', whereas only fifteen per cent of the portfolio of General Motors relates to green technology. The report also shows that GM, Ford and Chrysler are 'sitting' on patent assets which might yield a profit and market share increase of even more than 100 million dollars. It also implies that car manufacturers in the United States may own a great deal of lower quality and non-core patents, which can easily be abandoned as a quick way of cutting costs.

### Hot item

According to Willem Niesing, the fact that 'green innovation' was the main theme of the World IP Day, which was

held on April 26th, goes to show that this is a hot item. On this occasion, the European Patent Office (EPO), the United Nations Environment Program (UNEP) and the International Centre for Trade and Sustainable Development (ICTSD) announced an agreement which provides the framework for jointly investigating the role of patents in the development and transmission of 'environmentally sound technology', particularly in the field of energy generation.

'Environmentally sound' technologies are ecologically sound techniques. The investigation must lead to specific recommendations to countries which will be discussing a post-2012 climate agreement during a summit in Copenhagen in December 2009, the follow-up of the Bali conference of 2007. "The IP system is fundamental for the development and efficient distribution of the new technologies which will be needed to combat climate change," says EPO President Alison Brimelow. "We must ensure that the IP system supports, instead of obstructs, the transmission of environment-friendly technology. We are examining how the patent system must be designed to meet the needs of innovators in the field of eco-innovation," she added. Much effort is put into supplying the best available information to policy-makers in the hope that their debates will result in policies which support the development and trade of climate-friendly technologies.

