

## Patenting Trends in Ireland & Europe

### Unlocking Knowledge Transfer Webinar Series

January 2022

KTI's first *Unlocking Knowledge Transfer* webinar of 2022 discussed the benefits of patenting and considered emerging patenting trends across Ireland and Europe. Patents are a valuable tool that companies can use to protect intellectual property assets. It's important to protect new ideas and research in order to build value in a company, particularly in SMEs and start-ups where a patent can place them in a negotiation position.

In opening the discussion, panelist Dermot Roche, Patent Director at Secerna LLP, explained the traditional role of a patent acting as a fencepost to define a particular market share and to deter other companies from copying and profiting from the same product or service. Patents also serve as an anti-competitive tool for the outputs from academic research by protecting intellectual property for spin-out companies and more generally for the university, according to John Whelan, ICT Research Commercialisation Case Manager at Trinity College Dublin. He emphasised that any SME or start-up company should deploy a patent when necessary and Margaret Lawlor, Life Sciences Case Manager at University of Limerick agreed. She added that patents can also serve as a source of active income which is something companies should consider when deploying one and she pointed out that start-ups having a patent can be a key requirement for investors, especially US investors.

Margaret recognised, however, that obtaining a patent can be a formidable hurdle for smaller companies with cost and time being the main barriers and Dermot Roche agreed. He explained that the initial filing cost can be €20,000 for a start-up but prices can vary depending on the country as no worldwide patents exist that are applicable across all international markets. In addition, it can take a few years for the patent to be approved. If a company is consistently innovating and developing new products, several patents could be deployed and costs can easily multiply and Dermot's advice for companies is to have a budget set aside.

According to the European Patent Office's (EPO) 2020 Patent Index, 180,000 patents were filed with them and of those, 75% were multinationals. The EU is looking at introducing the Unitary Patent System that will enable companies to deploy a single patent in all EU territories as well as Norway and Switzerland. Alongside this, a single patent court will also be introduced. The purpose of the Unitary Patent System is to look at reducing costs for companies and standardise the law across all EU territories. To introduce the Unitary Patent System, each EU member state will have to ratify the Unitary Patent System by referendum. However, in the instance that Ireland does not have a referendum by the time the Unitary Patent System is broadly enforced, Irish researchers and companies can still enforce a unitary patent across other EU territories, explained Dermot.

As regards patenting IP derived from academic research, John Whelan talked about part of the role of a technology transfer offices' (TTO) being to work with academics to help them manage their IP and to ensure they're using their IP to benefit Ireland. As part of this, TTOs work with academics to help them set up spin-out companies and to help identify any IP, relevant markets and any valuable Enterprise Ireland supports that could assist academics who have a commercial idea. John also noted that a lot of innovation and IP output comes from researchers collaborating with industry, particularly start-ups.

In closing, in answer to a question about what a client might expect from a consultation with a patent attorney, Dermot Roche outlined that at in an initial discussion, the patent attorney should introduce the options available to the company and propose steps needed to be taken. They will also advise on financial support and resources available, such as the KTI Find Funding Tool, the Irish IPO's website and Enterprise Ireland funds that are available. Furthermore, an attorney would advise on other financial means such as R&D tax credits and the knowledge development box.

Vincent Wall, webinar MC and business journalist, wrapped up the discussion by noting that the patenting sector is ever-evolving and complex. He observed that this is particularly the case in the sectors of AI & software and questioned whether patenting within those sectors is the best approach or should the output of research in these fields rather be open source and available to the community, something that will be likely for require more discussion in the future.

Tune into KTI's next webinar on 8<sup>th</sup> of February to join in the discussion about Irish R&D in Sports Innovation and Technology when our panel from across Irish Sports Tech will discuss how they have engaged with the Irish research sector to develop innovative products.

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