



An initiative of the European Union

EUCLUSTERS



TALKS ★

# Patents in Europe:

A new framework for innovation

**31 May 2023**

08:30-09:45 CET

online

#SingleMarket30



EUROPEAN CLUSTER  
COLLABORATION PLATFORM

# Agenda

1. News from the European Cluster Collaboration Platform  
**Nina Hoppmann**, Team Member, European Cluster Collaboration Platform
2. Introduction  
**Claudia Martinez Felix**, Deputy Head of Unit, DG GROW, European Commission
3. Supplementary Protection Certificate  
**Lena Pauschenwein**, Legal Officer, DG GROW, European Commission
4. Compulsory licensing  
**Virginie Fossoul**, Legal Officer, DG GROW, European Commission
5. Standard essential patents  
**Markus Kicia**, Legal Officer, DG GROW, European Commission
6. Panel debate  
**Athanasios Konstandopoulos**, Chief Scientific Advisor, CHORUS Cluster  
**Ana Herrera Arroyo**, European Patent Attorney & Manager Patent Department, PONS IP  
**Eugene Sweeney**, Senior IP & Innovation Manager, European IP Helpdesk
7. Funding opportunities  
**Nina Hoppmann**, Team Member, European Cluster Collaboration Platform

# Housekeeping rules

Jennifer Baker, presenter

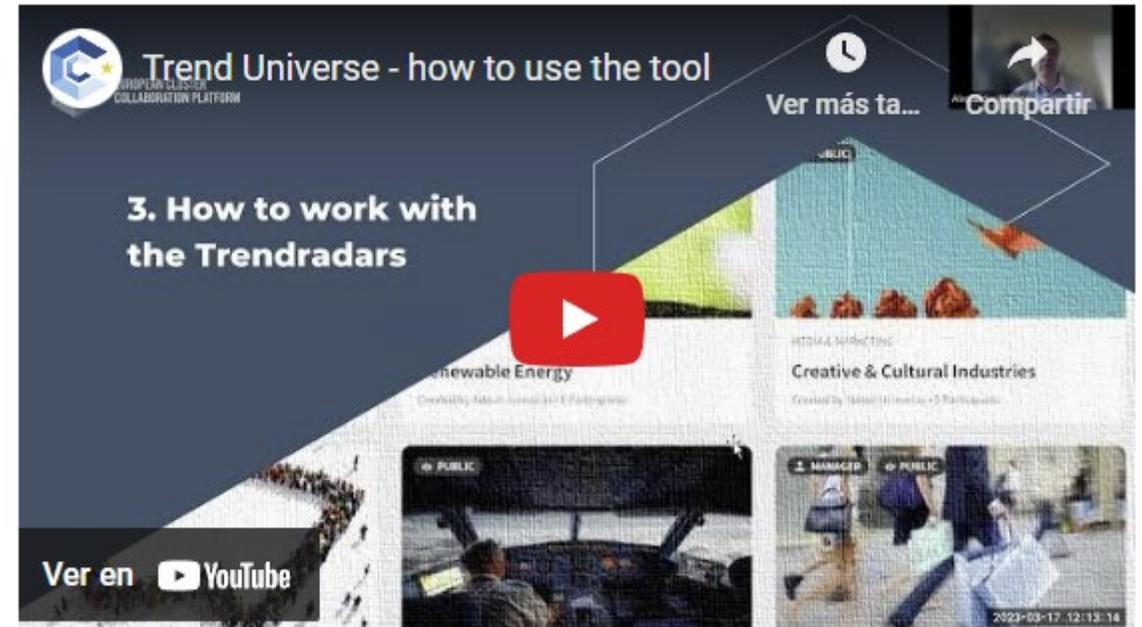
- Please use the **Q&A function to ask questions**, and the **chat function** to comment or share links
- We invite you to **join the debate**: Please **raise your hand** and we will give you the floor.
- Please **unmute yourself** and **activate your camera** when you take the floor.
- Please note that the session is being **recorded**.

# NEWS FROM THE EUROPEAN CLUSTER COLLABORATION PLATFORM

# Trend Universe: A Strategic Foresight Instrument for EU Cluster Organisations



- Get insights into the future to help build strategic competitive advantages
- Better understand future trends and their impact on your cluster organisation
- Explore relevant trends from 14 different industrial ecosystems
- View relevant trend assessments from other clusters and global data
- Only ECCP **Pro Users** can access the ECCP Trend Universe



<https://clustercollaboration.eu/trend-universe>

# Clusters meet Regions in Sweden

- **15 – 16 June:** Register for Skåne
- Themed, “Clusters as boosters of innovation in industrial ecosystems”, the event will demonstrate the best examples in all Skåne’s specialisation areas and spotlight how **clusters act as drivers of regional competitiveness** by identifying needs and opportunities, facilitating access to knowledge and through mobilising and facilitating cooperation among stakeholders.
- Clusters and companies, national and regional public authorities and business support organisations from Sweden and other EU regions



# Survey on online discussion groups

- The ECCP Discussion Group serves as a virtual space for everyone in the cluster landscape to interact and contribute to the development of cluster initiatives and policies.
- We are curious to hear what kind of groups you would like to see, which topics are of the highest priority to you, and what you expect from such a discussion group.
- Take the **short survey!**



## ECCP General Discussion Group

Connect with the ECCP community across all ecosystems and exchange best practices, ideas, and find project partners.

This general ECCP discussion group is designed for all the 14 industrial ecosystems covered by the ECCP. It is open to everyone who is registered on the ECCP Platform.

Join now!



## EU Clusters Support Ukraine Discussion Group

Share information, collaborate and discuss ways which you can offer assistance, propose collaborations and request assistance in order to facilitate procurement and delivery of urgent humanitarian requirements.

This group is open to everyone who is registered on the ECCP Platform.

Join now!



## Green Transition Support Discussion Group

Learn from experts and other businesses about the key steps and tools you need to know for helping your organisation transition to be greener, more resource efficient and sustainable.

This group is open to everyone who is registered on the ECCP Platform.

Join now!



## Euroclusters Discussion Group

Share knowledge, network, discuss, and learn from peers how to overcome common challenges faced by the Euroclusters' projects.

This group is restricted to the Euroclusters managers and communication correspondents.

Join now!



## Cluster Networks Discussion Group

Exchange knowledge and spark mutual learning processes among partnerships on your own discussion group.

This group invites Cluster networks - includes clusters partnerships, Euroclusters and National Cluster Associations and Cluster Networks.

Join now!



## Cluster Booster Academy Discussion Group

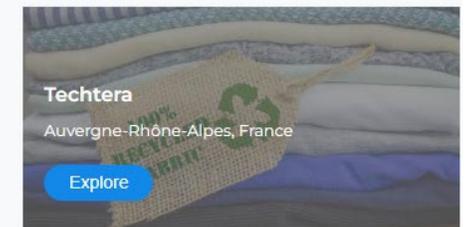
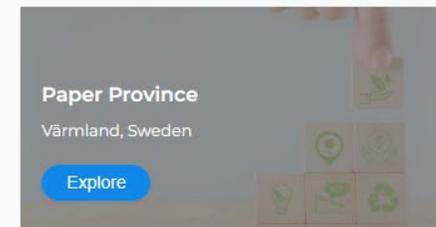
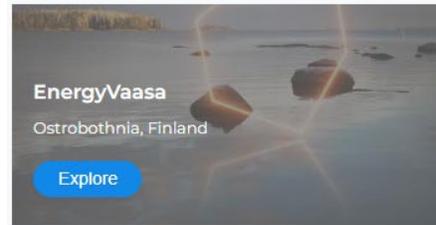
Discuss and share knowledge and experiences with other Cluster Booster Academy participants before, during and following the training sessions. The group will enable you to retrieve training material / resources following the training sessions and to continue to exchange with the trainers.

This group is restricted for participants/trainers and speakers of the Cluster Booster Academy.

Join now!

# Cluster Solutions Library

- New content for policy support
- **In-depth case studies** of clusters as drivers of economic transition
- Analysis of the role of the cluster in the region, the strategic challenges, regional cluster policy and actors, and impact of the clusters' work
- Hear about the lessons learned and get inspiration to shape regional cluster policy!



# EU Industry Days 2023

- Europe's flagship event, the #EUIndustryDays, will take place in **Málaga, Spain, on 4-6 October**
- This year's edition will focus on main drivers, challenges, and opportunities of the green, digital, and resilient transition, EU open strategic autonomy, integration of Ukraine into the Single Market and reinforcement of EU defence industry capacity
- [Apply](#) to organise a **stakeholder session** until 26 June



# Energy efficient solutions: SME pitches at European Sustainable Energy Week

- Enterprise Europe Network is organising a pitching session with SMEs offering energy saving and energy efficient solutions: **“Market-ready solutions from European small and medium-sized enterprises for a smooth energy transition”**
- The offered technical and service solutions are already available in the market and can be taken over directly by energy intensive industries, cities and municipalities in order to save energy, make use of renewable energy sources and lower their carbon footprint.
- **22 June, 9:30 – 11:30 CET**
- [Register](#) via the European Sustainable Energy Week 2023



# Introduction to EU patent package

**Claudia Martinez Felix**

Deputy Head of Unit, DG GROW, European Commission



# Patent Package

## Completing the Single market for patents

Cluster Talk, 31 May 2023

*Directorate C, Unit C4, Intangible economy*

# Patent Package: Policy Context

GLOBAL  
CONTEXT

Intangible assets reach 50 trillion worldwide

Patents are gatekeepers to critical technologies

Union patent acquis is limited and fragmented

Shift in global IP ownership

OUR  
MANDATE

## 2020 IP Action Plan:

*“putting in place well-calibrated IP policies to help companies capitalise on their inventions and creations, whilst at the same time ensuring that inventions and creations are serving economy and society at large.”*

WHY  
NOW?

- Unitary Patent
- Crisis instruments
- NZIA
- Pharma review

PATENT  
LEVERS

## Supplementary Protection Certificates

The current fragmented regime results in higher costs and legal uncertainty, while a unitary SPC is lacking

## Compulsory Licensing

Current fragmentation hinders the cross-border access and emergency supply of critical products/technologies should voluntary licensing fail

## Standard-Essential Patents

Inefficient SEPs licensing creates uncertainties and imbalance in EU technology investment, in particular in IoT

# EU patent policy as a competitiveness lever

## Supplementary protection certificate (SPC)

- an extension to a patent right, on average 3.5 years
- pharmaceutical and plant protection products

## Unitary Patent

1 July 2023

17 MS

## Completion of EU Single Market in technology

- Unitary Patent for 10 years (average lifetime of a patent) will now cost less than € 5 000, compared to ~ € 30 000 today
- Expected to increase annual FDI flows into the EU by € 1.8 billion
- And generate growth, e.g. to increase Swedish GDP by 1%

## Intellectual property rights (IPR)

## IPR-intensive industries in the EU

- Generated 29.7% of all jobs (2017–2019)
- 47% of EU GDP worth €6.4 trillion
- Revenue per employee 55% higher for IPR intensive firms
- EU leading in hydrogen patenting (30% of global patent stock)

## Standard essential patent (SEP)

protects technology essential to a standard

## Balanced investment across whole value chains

- **Currently:** 75 000 SEPs in the world, stock of SEPs grew 3X in last 10 years, 250 interoperability standards in one single laptop, 1 in 7 SEPs owned by an EU firm
- **New:** Obligatory transparency mechanisms (registration and essentiality checks) and pre-trial conciliation to create a safe space, in particular for SMEs. Good faith licensing activity encouraged.

## Compulsory licensing (CL) in crisis management

## EU emergency measures

- **Currently:** National rules, different scope and procedures, unfit for EU cross-border value chains
- **New:** EU-level CL triggered by EU crisis instruments (SMEI, HERA), granted centrally

## Streamlined procedures

- **Currently:** Granted nationally → 27 procedures, SPC in the EU costs 60 times more than in the US, up to 19% of SPC holders are SMEs
- **New:** Unitary SPC and centralised procedure → EU-wide SPC protection will cost 55% less (saving of €137 000/applicant)
- **Synergies with pharmaceutical strategy:** complementary incentives to innovate, reduced cost and more transparency

# Supplementary Protection Certificate

**Lena Pauschenwein**

Legal Officer, DG GROW, European Commission



# Supplementary Protection Certificates

(SPC)

# What is an SPC?

- SPCs are IP rights that make it possible, under certain conditions, to **extend** (by up to 5 years) **the duration of patents** relating to medicinal or plant protection products.
- The rules on SPCs are currently governed by Regulations 469/2009 for medicinal products and 1610/96 for plant protection products
- **Context: 2020 Evaluation** of Regulations 469/2009 and 1610/96 and the **2020 IP Action Plan**

# SPC - Current snapshot

## Current problems

- No unitary SPC for the unitary patent
- Fragmentation → high costs and administrative burden, + poor legal certainty & transparency (also for generics makers)

## European SPCs are costly

- SPC protection in the EU costs 60 times more\*\* than equivalent patent extension in the US!

## Proposed reform → savings for applicants

- EU-wide SPC protection under the new centralised procedure will cost 55% less → more than 100'000 EUR saved / procedure

## SPCs currently

- Granted nationally → 27 parallel procedures
- 3.5 years in 20 MS on average
- 1 500/year for less than 100 products

## SMEs

- Up to 19% of SPC holders are SMEs (another 7% are universities)



\*\*application and maintenance fees for 5 years of coverage (EU27: 191'764€ to US: 3'180\$)

# SPC - Objectives and benefits

- **Objective:** Create a more efficient and predictable EU SPC regime complementing the unitary patent, without removing national procedures nor modifying the substance of the SPC regime.
  - Under the new **centralised procedure** for the grant of **national SPCs**, a 'centralised SPC application' will be examined by the EUIPO & national examiners → grant of national SPCs by national offices following a binding opinion.
  - An application for a **unitary SPC** will also be examined by the EUIPO, under the same procedure (possibly combined) → grant of a unitary SPC by the EUIPO (same coverage as the basic unitary patent).
- **Benefits:** avoid fragmentation, cut red tape, reduce costs, increase legal certainty and transparency for both SPC holders and generic makers, + promote the use of the unitary patent.

# Compulsory licensing

**Virginie Fossoul**

Legal Officer, DG GROW, European Commission



# Compulsory Licensing

(CL)

# Compulsory licensing

**Goal:** Enable the EU to respond to crises in a timely manner using the full potential of the Single Market

An **effective EU compulsory licensing mechanism** will:

- Serve as an alternative in crises should voluntary agreement not offer a solution.
- Ensure an appropriate territorial reach of compulsory licensing to cover cross-border supply chains,
- Build on EU crisis mechanisms,

# Compulsory licensing - Structure

**ONE Regulation on Union compulsory licensing for crisis management and amending Regulation 816/2006**

## **Within the Single Market (horizontal scope)**

**Union compulsory licence granted at EU level and applicable on the EU territory**

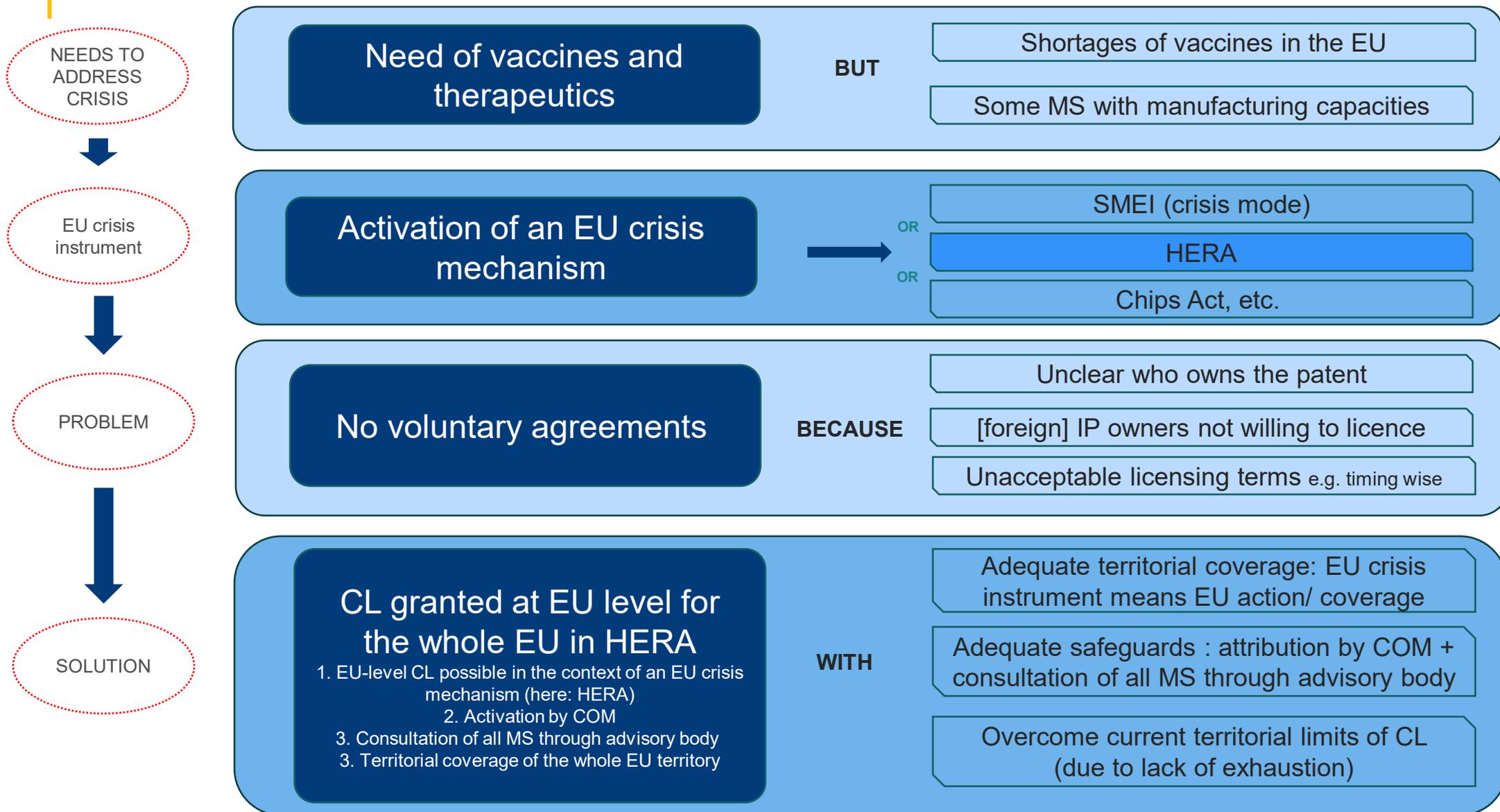
- **Trigger:** EU crisis instrument (HERA, SMEI, Chips Act)
- **Procedure:** Granting at EU level with support of advisory body (incl. MS)
- **Conditions:** New conditions
- **On top of national systems** (applicable to national crises) / not harmonising national laws.

## **For export to non-EU countries (pharma products in scope of Regulation 816/2006)**

**Amendment of Regulation 816/2006 on compulsory licence for export of pharma products to non-EU countries**

- Union compulsory licence granted at EU level and applicable on the EU territory in case of **cross-border manufacturing process**
- Non-EU countries on the **same footing** as EU countries
- Probable **review** of this Regulation forthcoming.

# Compulsory licensing - Example of use in pandemic



# Standard essential patents

**Markus Kicia**

Legal Officer, DG GROW, European Commission



# Standard Essential Patents

(SEP)

# Context of the SEP Regulation

- Standard essential patents (SEPs)

protect technology declared essential for the implementation of a technical standard adopted by a standard developing organisation (SDO). Such standards relate for instance to connectivity (e.g., 5G, Wi-Fi, Bluetooth) or audio/video compression/decompression.

*Main applications:* information and communication (ICT), automotive, IoT.

## SEPs in numbers:

➤ **75,000**  
number of SEPs in the world

➤ **1 in 7**  
of SEPs today is owned by an EU firm. Of around 260 SEP owners worldwide 30 are in the EU

➤ **250**  
interoperability standards in one single laptop, of which at least 150 with FRAND commitments

➤ **6X**  
increase in the number SEPs in the last 10 years

➤ **3800**  
approximate number of EU firms active in IoT, 85% of them are SMEs

➤ **€ 300 billion**  
expected value of IoT devices reading on 5G standard by 2030 (2.5 billion in 2021)

# Context of the SEP Regulation

Monopoly of a patent is amplified if it concerns a standard:

- Implementers cannot manufacture standard compliant products without using the patented technology.
- To prevent market abuse, SEP holders required to commit to license SEPs on Fair, Reasonable and Non-Discriminatory (FRAND) terms.

Problems in SEP licensing:

- Nontransparent SEP landscape, lack of predictability, abusive behavior, lengthy and costly negotiations and litigation: (*Commission 2017 Communication on standard-essential patents*).
- Self-regulation through industry-led initiatives insufficient: 2020 IP Action Plan, need for “*a much clearer and more predictable framework, incentivising good faith negotiations rather than recourse to litigation*”.

# The SEP Regulation at a glance

## The new rules introduce



The establishment of a **'Competence Centre'** at the European Union Intellectual Property Office to manage the process, gather information and support SMEs



A **centralised register** and electronic database with information on relevant standards, products and processes, SEPs in force in the EU, SEP licensing FRAND terms and conditions. Selected SEPs will be subject to essentiality checks



An **SEP aggregate royalty determination process** i.e. recommended maximum license fee for using a standardised technology



An **out-of-court** dispute resolution mechanism to determine Fair, Reasonable, and Non-Discriminatory (FRAND) licensing terms and conditions

## Benefits of the proposal

- Increased **transparency reduces** transaction **costs**;
- The register will give **visibility** of and a **positive** “stamp” on SEP holders’ **patent portfolios**;
- Essentiality checks **reduces over-declaration** of SEPs
- FRAND determination will **facilitate negotiating** fair terms and conditions, reward good faith negotiations and **reduce** expensive **litigation**;
- The aggregate royalty will help to **justify royalty demands** by SEP holders and will **help implementers** to plan production and enable take-up of **new technologies**
- **SMEs** will benefit from **free support** for SEP licensing negotiations and **reduced fees** for the use of the competence centre’s services

# Panel debate

**Athanasios Konstandopoulos**, Chief Scientific Advisor, CHORUS Cluster

**Ana Herrera Arroyo**, European Patent Attorney & Manager Patent Department, PONS IP

**Eugene Sweeney**, Senior IP & Innovation Manager, EURICE

# FUNDING OPPORTUNITIES

# How to become a Regional Innovation Valley: Option 1 - Call for expression of interest

- The Commission launched a call for expression of interest for Regional Innovation Valleys (RIVs), to strengthen and advance European innovation ecosystems, connecting all EU territories, to address Europe's burning societal challenges, and to foster stronger cohesion
- The RIVs aim to harness **the potential of deep-tech innovation** across the different EU territories and addresses the innovation divide.
- It has set the ambitious goal to **identify up to 100 regions committed to enhance the coordination and direction of their research and innovation investment and policies**, at regional level and to collaborate on inter-regional innovation projects including in deep tech innovation, linked to key EU priorities.
- Open for regions to express their interest until **18 September 2023**
- Eligible regions are those defined at **NUTS 1 and NUTS 2 level**
- More [info](#)

# How to become a Regional Innovation Valley: Option 2 - Call “Interconnected Innovation Ecosystems (2023.3)”

- This action is intended to create connected **Regional Innovation Valleys (RIVs)** across the European Union by building on strategic areas of regional strength and specialisation.
- The topic is primarily focused on the regional aspects of innovation and targeted at national and/or regional innovation authorities. Other relevant entities should participate in the consortia as **associated partners** (such as research institutions, public authorities, universities, companies, clusters, innovation intermediaries).
- The aim is to foster the creation of **efficient, open, inclusive and interconnected European innovation ecosystems** in line with the New European Innovation Agenda, notably in thematic/technological areas (including deep tech) that will be critical for EU value chains.
- Deadline: **17 October 2023**, 17:00 CET
- Topic ID: HORIZON-EIE-2023-CONNECT-03-01
- Call published by [EISMEA](#)

# Capacity building on Intellectual Property (IP) management to support open science

- Projects are expected to contribute to the following expected outcomes:
  - Analysis of how **adequate IP management** enables and boosts **open science**
  - **Specific training materials**, modules or courses on Intellectual Property assets and open science
  - High-quality **training** on the diverse aspects of IP management
  - Support the trainers in acting as multipliers of the acquired knowledge
  - Gather experiences and share **good practices** for the further development of programmes and specialised courses on the topic
  - **Awareness-raising campaign** on how an adequate management of IP enables and fosters open science
- Forthcoming call: Opening on 6 December 2023
- HORIZON-CSA HORIZON Coordination and Support Actions;  
Topic ID: HORIZON-WIDERA-2024-ERA-01-07
- Call published on [Funding & Tenders Portal](#)

# Opportunities for SMEs: Calls from Euroclusters

- BioMan4B2: Business transformation, support for travel to explore markets in other countries, and resilience plans for SMEs in **life sciences** and **medical technologies** sector; deadline 2 July 2023
- CirclnWater: Financial support for SMEs to develop new products, services, or methods, addressing the **water** challenges in **agri-food and energy-intensive industries**; deadline 31 May 2023
- EuroBoostEX: Call for **innovation** services for SMEs from the **textile** ecosystem; deadline 7 June 2023
- MedBAN: Innovation, training and twin transition in the **Blue Economy**; deadline 31 May 2023
- METASTARS: Development of more digital or greener **innovation products** or services or high-risk innovation products or services in the **Aerospace and Defence** value chain; deadline 6 June 2023
- RE-CENTRE: Financial support for SMEs from **furniture and living sector, IT sector, and green/circular economy** sector in the development of **innovation** projects and new business models; deadline 27 June 2023
- RESIST: Networking and Marketing FSTP for SMEs from the **Automotive – Mobility – Transport** ecosystem; deadline 20 December 2024
- SILEO Eurocluster: Consultancy con business transformation, advanced technologies, and digitalisation for SMEs from the **lighting and furniture** sectors; deadline 20 June 2023
- Silicon Eurocluster: Call for **demonstration** projects of **microelectronics** systems; deadline 31 May 2023
- xBUILD-EU: Financial support for **new-to-firm products/services, green and digital transition, and internationalisation**; deadline 7 June 2023
- **All calls here:** <https://clustercollaboration.eu/open-calls>

# Continue the dialogue...



<https://www.linkedin.com/groups/9274710/>

# Register for the next Talks

**14 June 2023** Skills for Cluster Managers

**21 June 2023** Special Session: ECCP Trend Universe

**28 June 2023** Euroclusters

# Register on the European Cluster Collaboration Platform!

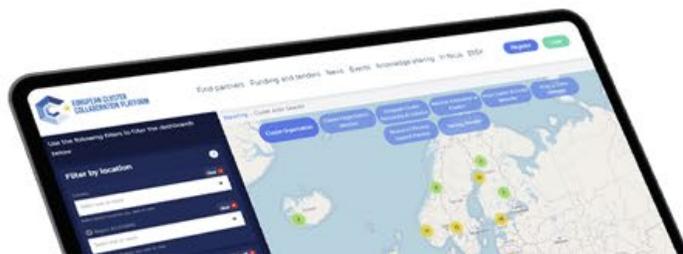
<https://clustercollaboration.eu/>

Strengthening the European economy through collaboration



The European online hub for industry clusters

Strengthening the European economy through collaboration



Find partners per country, region, sector or industrial ecosystem

EUCLUSTERS

THANK YOU

