

Patents Strategy: Disruption In The Energy and Utilities Industry Through a Patent Lens

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Last Decade Development

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Lower production price >> higher availability

- Distributed renewable energy
- Solar and wind in particular

Energy Storage

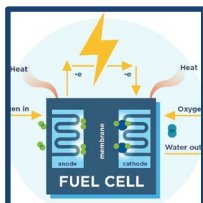
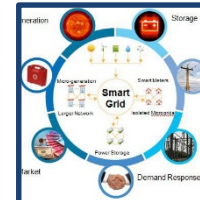
- Groundbreaking options to save the produced energy



The rise of energy prosumers

- Consumers can produce income from the excess energy they generate

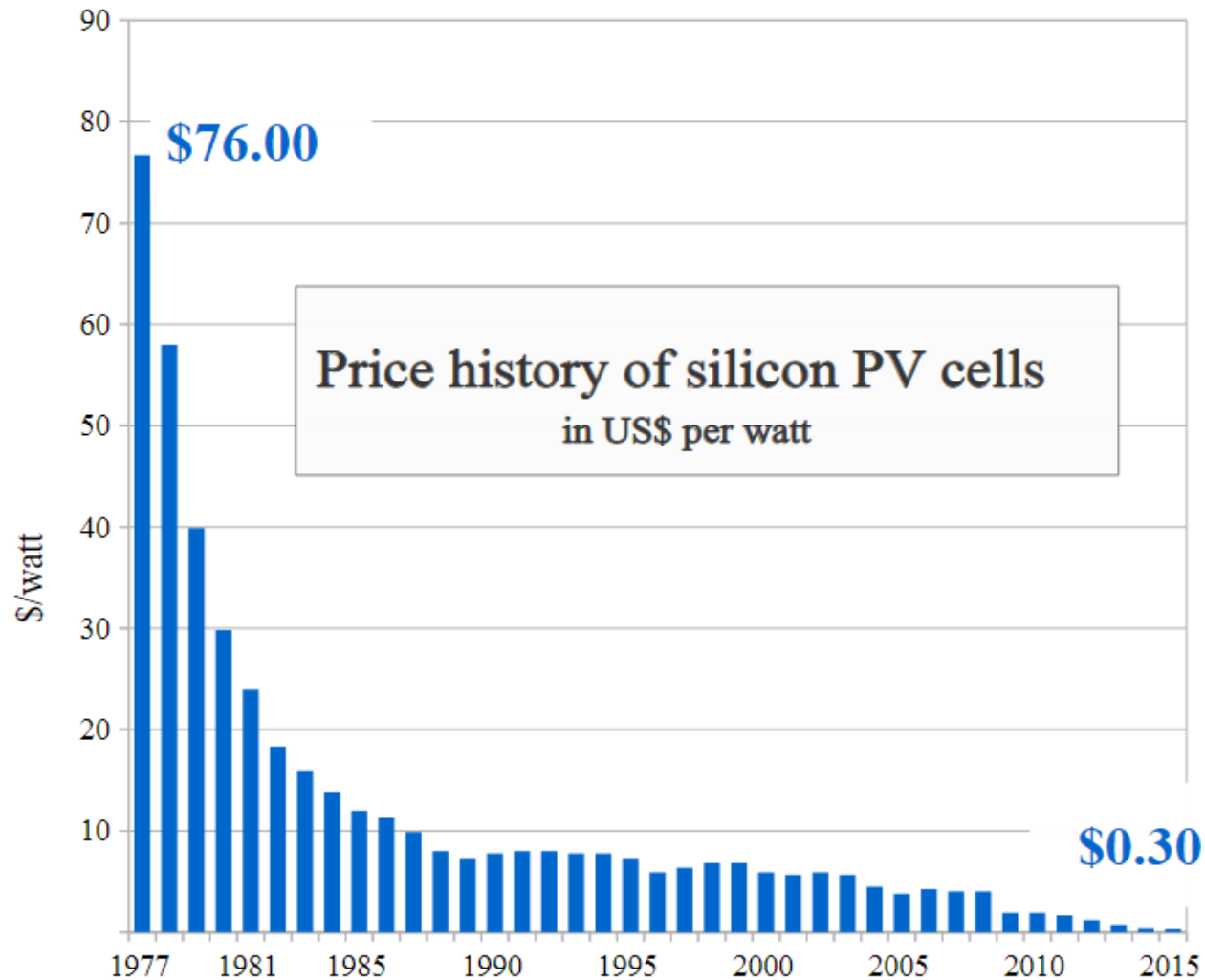
Smart grids



Fuel cells

Price Cut In Electricity Production

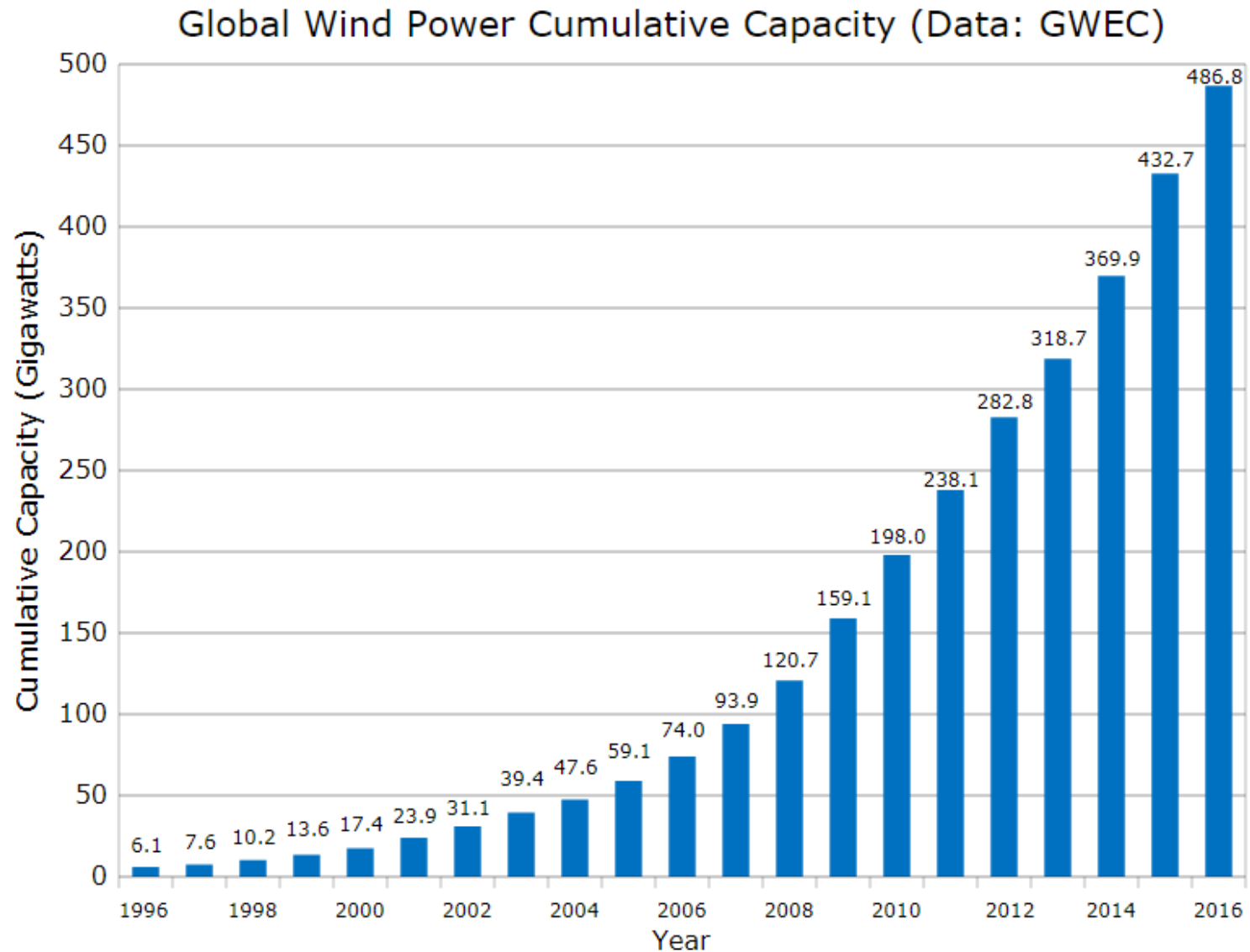
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Source: Bloomberg New Energy Finance & pv.energytrend.com

Growing Wind Power Capacity

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Active markets – solar energy

Geographic distribution of production

- While main production was initiated in the US, today production is mainly led by Chinese production

Governments' support

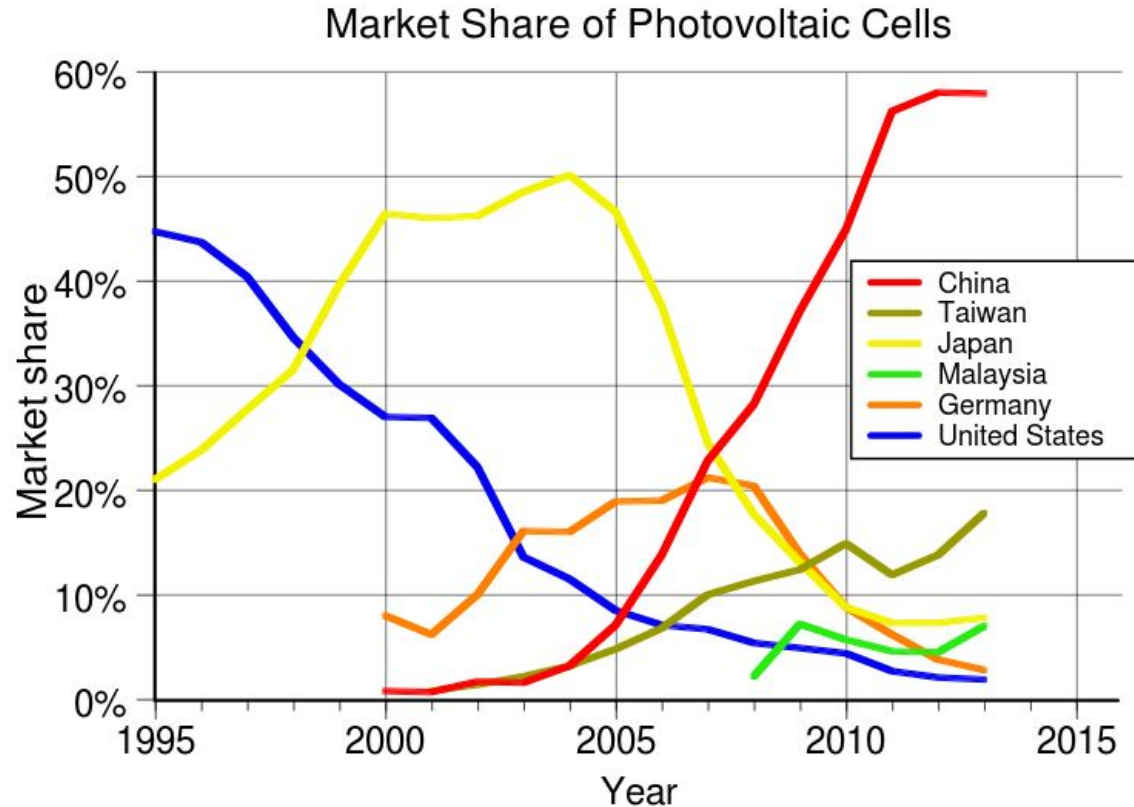
- The market for solar energy production is growing world-wide, backed up by governments aiming to rely on renewable sources of energy instead of fossil fuels

Top 5 markets

- Germany, China, Japan, Italy and USA

Active markets – solar energy

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Source: Tomkiewicz, Energy and sustainability, from the point of view of environmental physics, MRS Energy & Sustainability--A Review Journal 2 · January 2015

Costs of patent protection

- Initial costs for building the fence and the ammunition
- Enforcement costs, i.e., patent litigation, are significant

Where should we file patents?

- Where is the \$\$\$? What are the key markets?
- Where are my competitors?
- Where are the manufacturers?
- Where are my key employees? R&D sites?

Patents, copyrights or trade secrets?

- Protecting know-how which cannot be patented or cannot be discovered (e.g., manufacturing processes, etc.) with trade secrets
- Undiscoverable inventions – to patent or not?
- In some cases copyright protection is the only feasible protection

Competition

- Utilizing company R&D to create patent portfolio in order to keep competitive advantage

Defensive vs. Offensive

- Protect the key differentiators vs. block competitors' direction

Think global

- Robust patent protection in the US, EU, China and Japan
- **Success** oriented protection in developing countries (e.g., North Africa)

Additional considerations when defining an IP strategy

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Research Partnerships (tech transfer)

- Ownership or licensing the IP generated from partnerships with universities and research programs

Components & Collaborations

- Patenting the complete module as opposed to patenting the manufactured units (e.g., solar cell, fuel cell)

Standards

- Check the IP policy of the standard bodies you participate in
- Smart meters, IOT, and autonomous cars – influenced by standardization activities
- SEP – Standard Essential Patents / FRAND terms

Thank You!

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