



Europäisches
Patentamt
European
Patent Office
Office européen
des brevets



EUROPEAN
PATENT
CONVENTION



EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

RESISTING HARSH WINDS

HOW TO USE INTELLECTUAL PROPERTY IN GREEN TECH

VIRGINIA MELGAR | CHAIRMAN OF THE 5TH BOARD OF APPEAL OF THE EUIPO

JOHANNES SCHAAF | PATENT KNOWLEDGE EXPERT OF THE EPO

DECEMBER 2023

CONTENT

- Why is IP important?
- What can be protected and what not?
- What can we learn from IP databases?
- IP statistics
 - Patent insight report: Offshore wind energy

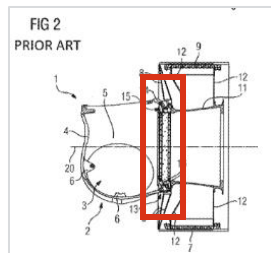


WHY IS INTELLECTUAL PROPERTY IMPORTANT?

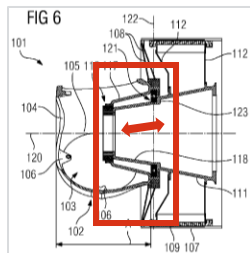


IMAGINE ...

You develop an offshore wind turbine with better stability ...



[EP2657519B1](#)



[US9279413B2](#)

but your competitor uses later the same solution – without permission



https://insight.rpxcorp.com/litigation_documents/14309365

Use patents and utility models to protect technical solutions

Art. 7 (1)(c) EUTMR

[27/02/2015, T-106/14, Greenworld, ECLI:EU:T:2015:123](#)

| EUTM |
|---|
| GREENWORLD |
| <p>Cl. 4 ' fuel gas; fuel; electrical energy; gas for lighting; Cl. 35 'Internet retail services in fuels and fuels; Retail services in fuels and fuels; Supply of contracts with electricity suppliers' Cl. 39'transmission and transport of electricity, heat, gas or water; Supplies to consumers by means of supplies of electricity, heat, gas or water; Electricity distribution; Gas distribution</p> |
| ✗ Application rejected |

Use EUTMs and Community Registered Designs to protect your IP

Art. 7 (1) (c) EUTMR Descriptiveness

T-116/14, GREENWORLD

- the relevant English consumers will understand the word “Green” not only as a colour, but also in a sense of “environmentally friendly
- the consumers will immediately perceive the descriptive content of the trade mark in a sense that the offered goods and services are environmentally friendly and help to build a more ecological world.

Use EUTMs and Community Registered Designs to protect your IP



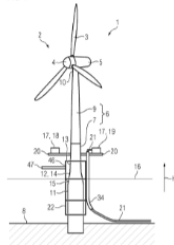


WHAT CAN BE PROTECTED AND WHAT NOT?



WHAT IS A PATENT?

- Patents **protect technical inventions**
- They give owners **the right to prevent third parties from making, using or exploiting an invention without authorisation**
- They are **valid for up to 20 years**

| | | |
|---|--|---|
|  | |  (1) EP 4 184 005 A1 |
| EUROPEAN PATENT APPLICATION | | |
| (43) Date of publication: 24.05.2023 Bulletin 2023/21 | (51) International Patent Classification (IPC): F03D 9/19 (2016.01) F03D 13/25 (2016.01) | |
| (21) Application number: 21210046.9 | (52) Cooperative Patent Classification (CPC): F03D 13/26; F03D 9/19 | |
| (22) Date of filing: 23.11.2021 | | |
| (84) Designated Contracting States: AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IL IT LI LU LV MC MK MT NL NO PL PT RO RS SE SI SK SM TR Designated Extension States: BA ME Designated Validation States: KH MA MO TN | (72) Inventor: Sorensen, Johnny 6920 Videbæk (DK) | |
| (71) Applicant: Siemens Gamesa Renewable Energy AS 7339 Brande (DK) | (74) Representative: SGRE-Association Siemens Gamesa Renewable Energy GmbH & Co KG Schillerstraße 26 81529 München (DE) | |
| (54) CAGE FOR A MONOPILE OF AN OFFSHORE WIND TURBINE, TOWER FOR AN OFFSHORE WIND TURBINE, OFFSHORE WIND TURBINE AND METHOD FOR INSTALLING A TOWER OF AN OFFSHORE WIND TURBINE | | |
| (57) A cage (22) for a monopile (7) of an offshore wind turbine (1), configured to extend, in an installed state, in a height direction (H) of the monopile (7), wherein the cage comprises one or more supports (20), 44 for holding one or more pipes (21) and/or tubes (24), and a first inner diameter (E1) at a lower portion (26) thereof and a second, inner diameter (E2) at an upper portion (20) thereof, the second inner diameter (E2) being smaller than the first inner diameter (E1), and wherein the cage is configured to be arranged on the monopile (7) having a conically shaped outer surface (15) tapered in the height direction (H) such that the upper portion (20) of the cage rests at the conically shaped outer surface (15) of the monopile (7). The cage can be attached by resting it on the conically shaped outer surface of the monopile. | | |
| | | FIG 1  |
| EP 4 184 005 A1 | | Prepared by Lumina, 1000 PARIS (FR) |

PATENTABILITY REQUIREMENTS

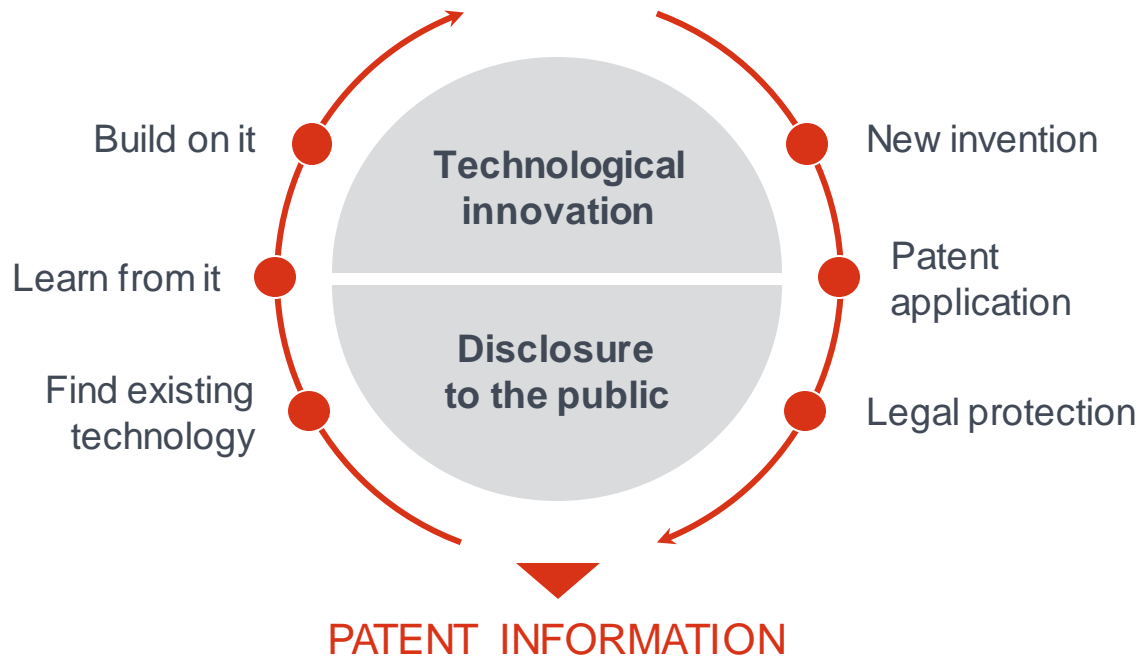
- there must be an "invention", belonging to any **field of technology**
- the invention must be "susceptible of **industrial application**"
- the invention must be "**new**"
- the invention must involve an "**inventive step**"

Exceptions:

- Matter contrary to "ordre public" or morality
- Surgery, therapy and diagnostic methods

https://www.epo.org/en/legal/guidelines-epc/2023/g_i_1.html

A FAIR SYSTEM DRIVING KNOWLEDGE TRANSFER & INNOVATION



WHAT IS TRADEMARK?

A mark is a sign.



It is applied/registered/protected in relation with a list of goods or services (Nice classification, 34 classes of goods 11 classes of services)

It is the **ONLY** exclusive right with no lapse in the time of protection if renewed every **10 years**

Benefits of registering a European Union trade mark

✓ Simple procedure to protect your brand

One registration procedure in one language gives you a trade mark that is valid in all EU countries for 10 years. It can be renewed indefinitely, 10 years at a time.

✓ Builds an asset and establishes your rights

An EU trade mark gives you an exclusive right in all EU countries at a reasonable cost.

✓ Defends you against rival marks

You can enforce your trade mark in a market of almost 500 million consumers.

✓ Protects you against counterfeiting and fraud

If someone uses your trade mark without your consent, you can take legal action.

WHAT IS TRADEMARK?

A mark will be refused if it is

Non-distinctive

“premium”

“top”

“super”

Descriptive

“furniture” for
furniture

“Car” for cars

WHAT IS TRADEMARK?

What kind of products or services are relevant for the wind energy industry???

Class 4; Class 7; Class 9;
Class 37; Class 39; Class 42

Art. 7 (1)(b) and (c) EUTMR

03/05/2017, T-36/16, GREEN STRIPES ON A PIN (col.),
ECLI:EU:T:2017:295

EUTM



Cl. 7 'Wind energy
converters, and
parts therefor'



Application rejected

Wind energy marks (More...)

EUTM n°15221427 refused for class 41 by decision of 16/6/2016



× Application rejected

Art. 7 (1)(b) EUTMR

[13/09/2023, T-324/22, BECAUSE THERE IS NOT PLANET B, ECLI:EU:T:2023:536](#)

EUTM

BECAUSE THERE IS NO PLANET B

Cl. 3; 16; 18 and 21

X Application rejected

Article 60(1)(a) EUTMR in conjunction with Article 8(5) EUTMR

29/11/2021, Decision on Cancellation No C 46 591

| EUTM application | Earlier marks |
|---|---|
|  <div data-bbox="256 574 479 620">Goods in Classes 12</div> |  <div data-bbox="774 574 1174 620">Goods in Classes 9 and 38</div> |
|  Application cancelled | Cancellation allowed |



Marks filed by Iberdrola



Marks filed by Siemens Gamesa



SmartFleet
by Gamesa



Digital Windtelligence

Winsight360

EVERLASTING ENERGY EVERYWHERE



Gamesa

Powered by Wind ...
Driven by Excellence

Marks filed by Vestas

WINDMAN n° 781682 filed for goods in Classes 7 and 9, registered on 24/08/1999

WIND WORLD n°
1140599 for goods and services in Classes 7, 9, 37, 42

VESTAS WIN[D
n°5576566 for goods and services in Classes 7, 9, 16, 35, 37, 41, 42

WIND-OIL-GAS
n°6278841 for goods and services in Classes 7, 9, 37, 42, 45

CLIMATE CARE n°
6914352 for goods in Class 7

Marks filed by Vestas



No. 1 in Modern Energy

Marks filed by Vestas

**Wind. It means the
world to us** n°8907297
registered on
14/09/2010

for Classes 7, 9, 37, 42

WIND MADE n°
9172751 refused by
decision of 3 APRIL 2013
– R 315/2012-2 – WIND
MADE / wind|mate (FIG.
MARK) ,

filed for Classes 7, 9, 37, 42

Le vent. Notre énergie.
N°9305483 registered
on 07/06/2011

for Class 9

Marks filed by Vestas

WindTalks

n°10400067
registered on
08/10/2012

for Classes 7, 16, 35, 41, 42

**Wind for
Prosperity**

n°11980349
registered on
17/01/2014

for Classes 4, 7, 35, 37, 39, 40, 42

EnVentus,

n°17971818
registered on
27/02/2019

for goods in Class 7



WHAT CAN WE LEARN FROM IP DATABASES?



SEVEN GOOD REASONS TO USE PATENT INFORMATION

1. Avoid duplication of R&D expenditure
2. Find out what technology already exists and build on it



Technical
information



3. Check where an invention is protected (and where it is not)
4. Avoid infringing other people's patent rights



Legal
information



5. Keep track of what others are doing
6. Identify new partners, e.g. for licensing
7. Spot trends in technology or the market



Business
information



eSearch plus

The EUIPO's database *access*

Search trade marks, designs, owners, representatives, Bulletins and Office decisions in one single application. [Learn how](#)



Overview of GC/CJ Case-Law

[View →](#)



Overview of Boards of Appeal decisions

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Boards of Appeal Case-Law Research Reports

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→ <https://www.euipo.europa.eu/en/the-office/boards-of-appeal/publications>



IP STATISTICS



PATENT INSIGHT REPORTS

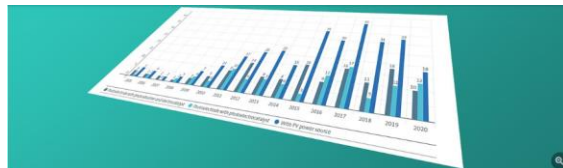
Focus on future and emerging technologies

Reports include


- search strategy to retrieve relevant information (based on public data)
- key findings
- supplementary material

Build on the expertise of the EPO's subject-matter experts in the technical field

Methodology and results free to use



Offshore wind energy, November 2023

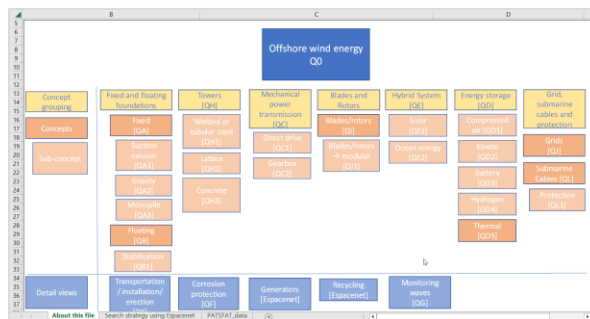
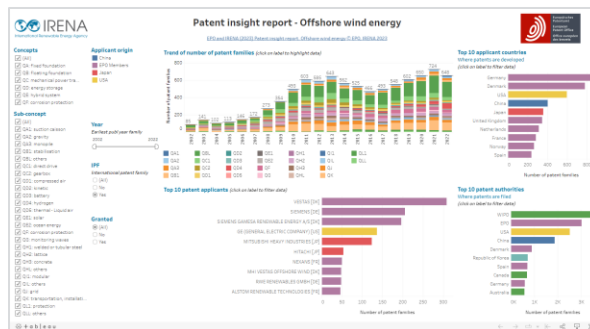


This joint study by the EPO and the International Renewable Energy Agency (IRENA) provides information on the patent activities and trends in the area of renewable energy production, and in particular offshore wind energy. The report, which summarises the results of patent analyses in this field over the past 20 years, found that while growth stagnated between 2014 and 2017, recent years have seen a sharp increase in filings.

- Full report
- Interactive data (Tableau workbook)
- Data (XLS, 31,5 MB)

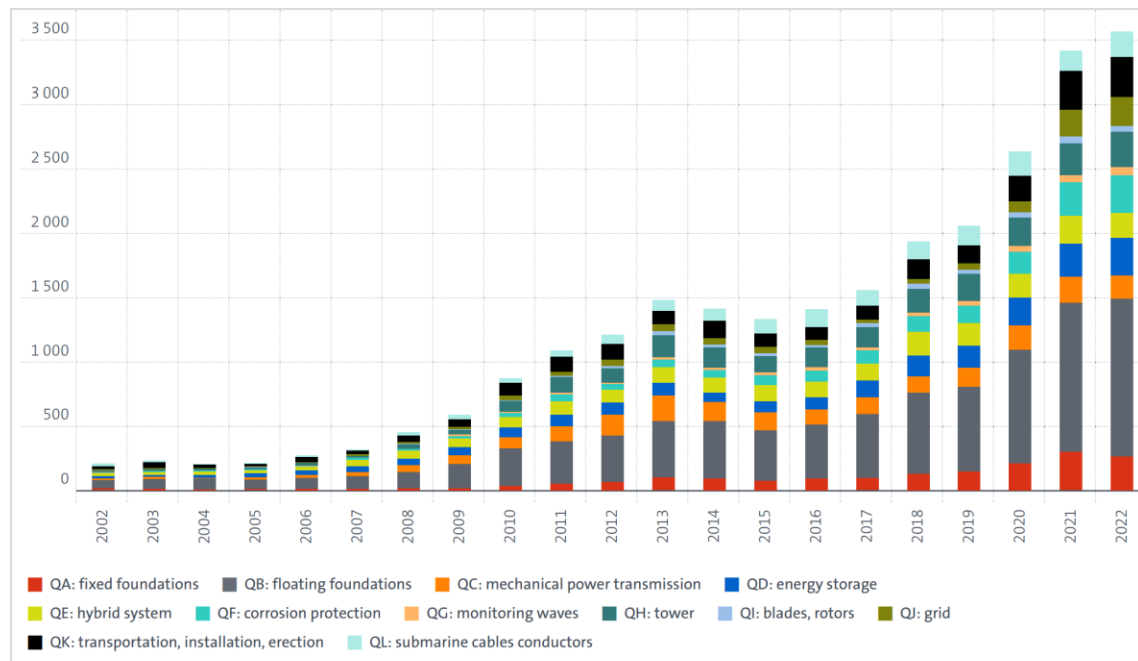
www.epo.org/insight-reports

PATENT INSIGHT REPORT OFFSHORE WIND ENERGY



OFFSHORE WIND ENERGY

WORLDWIDE PATENT FAMILIES



APPLICANT COUNTRIES

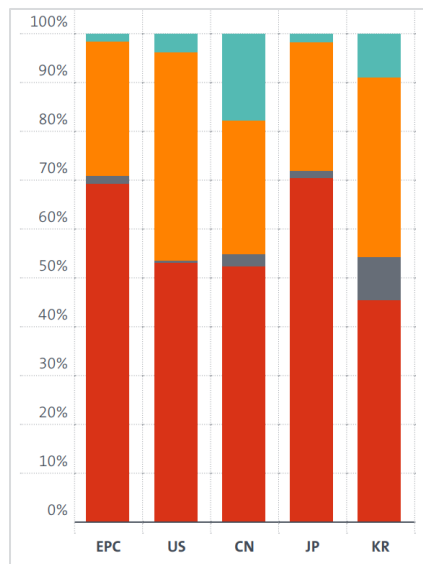
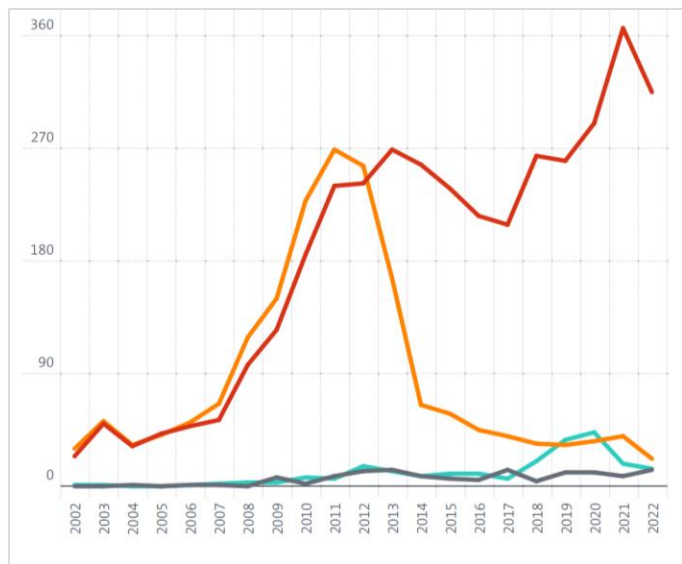


■ bold: International patent families

□ (non-bold): Including domestic filings

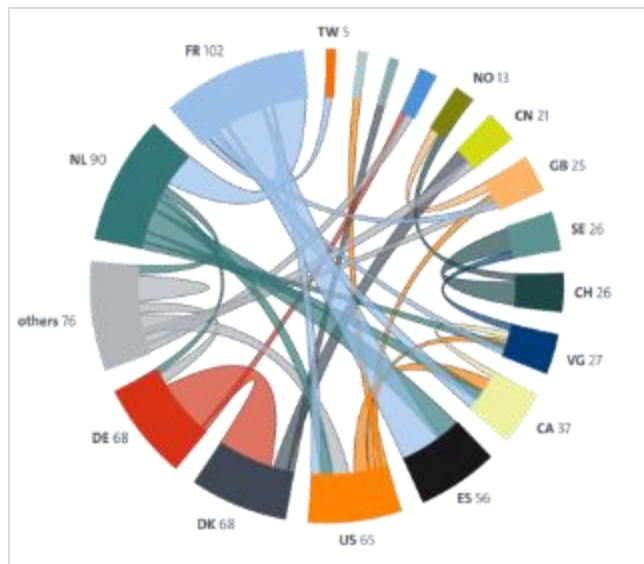
APPLICANT SECTOR

INTERNATIONAL PATENT FAMILIES



■ Company
 ■ Gov Non-profit
 ■ Individual
 ■ University

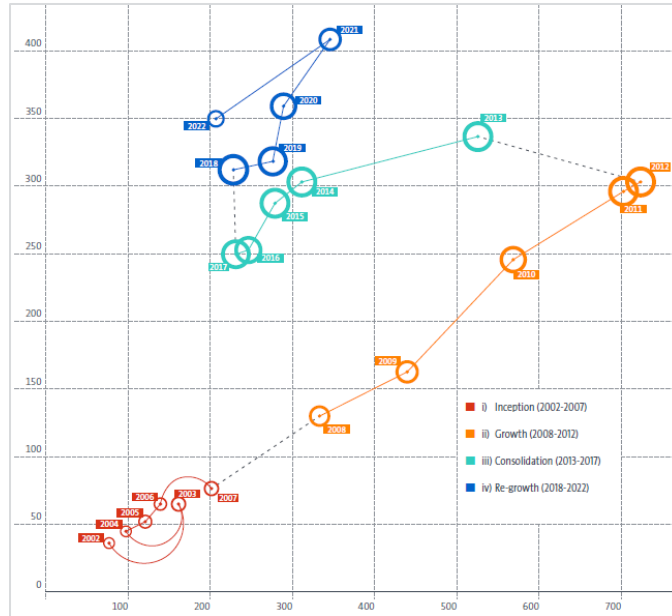
INTERNATIONAL PATENTING CO-OPERATION



- France has the highest number of patent families with international co-operation
- The United States of America has the most diverse co-operation picture, pairing with 24 countries on a total of 81 patent families.
- Germany cooperates with 15 countries on a total of 79 patent families.
- China is marked by co-applicant filings with mainly Denmark, Hong Kong (SAR), and Chinese Taipei

MATURITY MAP

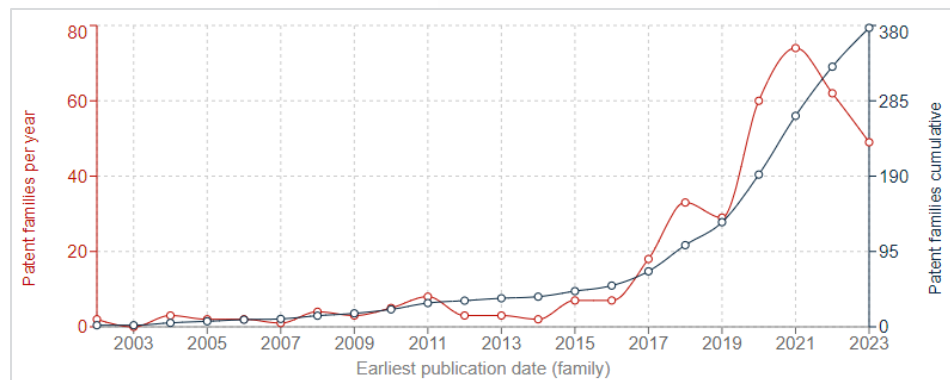
Number of international patent families



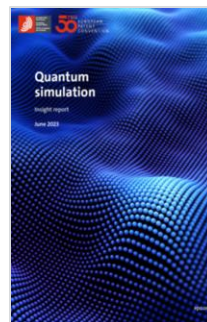
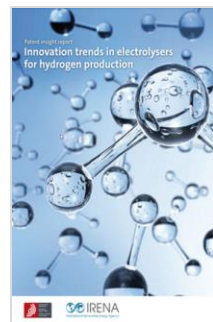
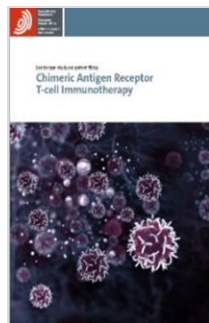
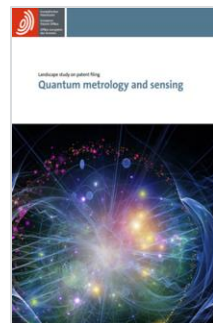
Number of applicants

COMBINING OFFSHORE WIND ENERGY WITH AQUACULTURE

| Applicants | Patent families |
|--|-----------------|
| Univ Dalian tech | 26 |
| Univ Shanghai jiaotong | 20 |
| East China sea fisheries res inst cafs | 16 |
| Jiangsu Daoda wind power equipment tech co Ltd | 16 |
| Powerchina Huadong engineering corp Ltd | 16 |
| Univ Zhejiang | 10 |
| Ming yang smart energy group co Ltd | 9 |
| Univ Jiangsu science & tech | 8 |
| Univ Tianjin | 6 |
| Graduate school Shenzhen Tsinghua univ | 5 |
| Ocean univ China | 5 |
| Univ Shanghai ocean | 5 |
| CGN power co Ltd | 4 |
| Enertec AG | 4 |
| Guangzhou inst energy conversion cas | 4 |



MORE PATENT INSIGHT REPORTS



www.epo.org/insight-reports


TRADEMARK STATISTICS



TRADEMARK STATISTICS

Green EUTM filings by category (20145-2021)

Wind energy is
1.2% of the
green EUTM
filings

Top countries: 



GERMANY

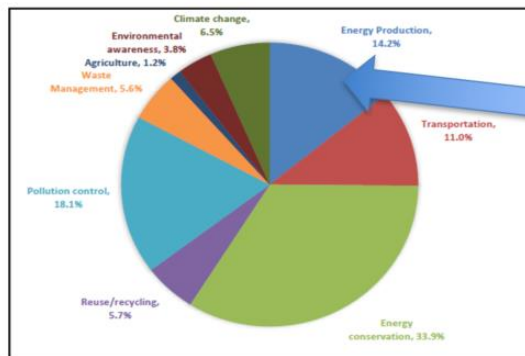


DENMARK

TRADEMARK STATISTICS

Green EUTM by product group (20145-2021)

Figure 8. Percentage of green EUTMs by product group (2015-2021)



Wind energy is part of the group 'Energy production'


CONCLUSIONS




CONCLUSIONS

 Patents are an efficient way to protect your technical inventions

 Patentability criteria have to be met

 We can learn from worldwide patent filings:
New technology trends, competitive landscape

 Use Espacenet and other EPO tools to analyse patents:
<https://www.epo.org/en/searching-for-patents>

CONCLUSIONS

 EUTMs are a very good tool for protection of brands

 EUTMs grant a potential protection forever

 EUTMs are a tool for economic competitiveness

 EUTMs are exclusive rights and give a monopoly



QUIZ



QUIZ 1A: A NEW WAY OF HOLDING A STANDARD SCALPEL DURING SURGERY ...



- A: can be protected by a utility model
- B: can be protected by a patent
- C: none: A nor B
- D: both A and B

QUIZ 1B: THE WORDS "GREEN MOBILITY" ...



- A: can be protected by a trademark
- B: may create an advantage in the marketplace as a slogan ...
- C: has not been requested for registration as a trademark
- D: all of the above

QUIZ 2A: PATENT INFORMATION CAN HELP YOU ...



- A: to avoid re-inventing what others have developed already
- B: better understand the innovation activities of your competitors
- C: only if you spend considerable amounts on databases
- D: A and B

QUIZ 2B: E SEARCH PLUS ...



- A: can help you to find patents
- B: can help you to find case law
- C: can help you to find EUTMs and CDR
- D: B and C

QUIZ 3A: PATENT INSIGHT REPORTS ...



- A: are on emerging and important technologies
- B: use patent examiner expertise
- C: use confidential preparations and approaches
- D: A and B

QUIZ 3B: THE EUIPO OBSERVATORY IS RESPONSIBLE



- A: for enforcement
- B: for economic studies and statistical analysis
- C: for aspects related to the use of IP in the digital environment
- D: for the IP Enforcement Portal (IPEP)

QUIZ 4A: PATENTING TRENDS IN OFFSHORE WIND ENERGY SHOW



- A: a steady growth of patent applications from 2002 – 2022
- B: that Europe files most patents
- C: that there is no collaboration across countries
- D: none of the above

QUIZ 4B: THE TREND IN TRADEMARK FILING AT EUIPO



- A: Filings are declining steadily in the last 3 years
- B: Chinese companies are the top filers
- C: Filing records were reached during the pandemic
- D: Word marks are the most type of mark applied for



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JOHANNES SCHAAF | PATENT KNOWLEDGE

DECEMBER 2023

THANK YOU FOR YOUR ATTENTION

FURTHER QUESTIONS



Now

Later

EPO

via e-mail to academy@epo.org

EUIPO

via e-mail to academy@euipo.eu

