

EIP

Weathering IP challenges: how can patents help offshore wind innovators?

Over the past few years, a worldwide patent dispute has been rumbling between two giants of the renewables sector, GE and Siemens Gamesa. Although that storm has now subsided, following the recent settlement of all US and European litigation between the two, it shows that IP is something no company should ignore.

If you are an innovator, patents are valuable for protecting your innovations and safeguarding your commercial position. Including patents as part of your company strategy can add value to your company and build resilience to weather future challenges.

~~Why are patents important?~~

Innovating takes time, money, and effort. Patents can protect that investment and give you a competitive advantage.

Patents are often seen solely as a way of stopping others from using your invention but there are many other advantages. Patents and patent applications can also act as a deterrent; just having a pending application or a patent granted can be enough to make a potential copycat think twice.

IP rights are not just for protection. Even if you never sue anyone, a granted patent covering your product can mean your company pays less corporation tax through the UK's patent box system.

Patents also add value to your company. When seeking early investment, investors look for a good IP strategy as a demonstration that their investment will be safe and be worthwhile. Your IP may increase your valuation during those early rounds of investment,

as well as later, should you come to sell your company.

p2

~~How can patents be used more effectively for offshore wind?~~

Patents are territorial, they apply only in the country/region for which they're granted. UK patent rights, for example, only extend up to 12 miles off the coast. With most offshore wind locations beyond 12 miles from the coast, can patents still be useful? Yes, because patents can be drafted to cover activities that take place inside the territorial limit. While offshore turbines are constructed on-site, a patent covering the parts as they are manufactured, transported, or stored for assembly can be very effective. Protecting a blade, for example can be very effective.

If we consider an improved wind turbine blade as an example, it can be well protected by considering questions such as:

- how is the invention manufactured?
- how is the invention transported and stored?
- how is the invention installed in the blade
- how is the invention integrated into a blade after installation?
- how is the blade transported and stored with the invention installed in it?
- how is the blade installed with the invention installed in it?
- how is the invention maintained or serviced within the blade?

Of course, IP may not just lie in the parts of the turbines, but surrounding technologies, too. This includes grid connections and power electronics, as well as innovative maintenance techniques.

Innovation in wind power moves fast, but a patent can last for 20 years and a turbine's lifetime is likely longer than that. Getting the most out of an invention is crucial, so you should think how the invention may be implemented in the future. Returning to the wind turbine blade example above, you may wish to consider whether manufacturing, installation, or servicing may be performed by drones and how that would happen. With the challenges posed by increasingly bigger turbines, consideration should be given to alternative turbine configurations and how future manufacturers may maximize turbine output. Consider how the invention might work with a split blade or with a multi-rotor turbine, for example.

Once you have your patent application drafted, it is time to consider your patent filing

strategy. Wind turbine manufacturers are spread across Europe with many countries investing heavily in wind power. This means that there may be different manufacturing locations, or that processes may be partially carried out across jurisdictions. If you know where these locations are early in the process, then you can tailor your patent application to give it the best chances in different jurisdictions.

If you don't have patents in your company's strategy, or want to maximise the value of your applications, get in touch to discuss how we can help. Protecting your IP is like forecasting the weather: it's a lot easier with the help of an expert.