

# IP Europe Policy Recommendations

2019-2024 EU Term

Forge an industrial policy that reflects the value of European innovation, enabling a global level playing field to create the world's leading open digital economy.

**IP Europe** gives a voice to innovative European organisations who recognise the value of Intellectual Property



[www.iptalks.eu](http://www.iptalks.eu)



# I Strengthen Europe's highly successful collaborative open standardisation model



## What EU institutions need to do:

Promote and champion Europe's collaborative open standardisation model that provides fair access and fair rewards for all. This is critical to safeguard European leadership in 5G and IoT technologies.

1



### Champion the European open standardisation model

Europe's successful open standardisation model rewards investment in innovation, ensures access to best-in-class open technologies for all, and underpins a healthy open technology ecosystem.

2



### Promote industry licensing guidelines for new market entrants

Promote fact-based industry guidelines to make Standard Essential Patents (SEPs) licensing process more understandable for all, particularly new market entrants and SMEs. Such guidelines are already documented in the CENELEC Workshop Agreement developed through AFNOR.<sup>1</sup>

3



### Find balance between the few technology contributors and the many implementers

Ensure that European Standardisation Organisation rules maintain an appropriate balance between the various categories of stakeholders represented in the standards development process. The right balance will ensure the continued contribution of cutting-edge technology to standards by a relatively small group, enhancing the value of standards and enabling their broad commercial deployment through product development.

<sup>1</sup> <ftp://ftp.cenelec.eu/EN/News/WS/2018/SEP/CWA-for-public-comments.pdf>

## II Promote a competitive global level playing field and international respect for Intellectual Property Rights



### What EU institutions need to do:

Drive international respect for IP; build a global level playing field; ensure reciprocity so that non-European companies do not have an unfair advantage.

1



#### Make IP protection a priority at the highest political level

Ensure IP protection in third countries is taken up as a political priority at the highest level by EU policy-makers.

2



#### Open international public procurement markets

EU public procurement opportunities should be open to third country companies so long as these countries grant EU companies a similar privilege.<sup>2</sup>

3



#### Reciprocal access to EU funded R&D

Access to publicly funded R&D must be reciprocal to enable global fair competition: acceptance of EU public R&D funding by a non-EU company should be conditional to European companies having equivalent access to that company's domestic funding programmes.

4



#### Oppose 'efficient infringement' business models

More actively oppose the 'efficient infringement' business model in which global companies deliberately infringe patents because this is cheaper than actually licensing protected technology, or because SMEs cannot afford the prohibitive costs of IPR enforcement.

5



#### Support international dispute resolution

Support efficient enforcement of IPRs in global licensing transactions through arbitration and other international dispute resolution mechanisms.

6



#### Call for high-level international IP protection

Call on EU trading partners to maintain a reciprocal high level of IPR protection consistent with their international commitments and oppose foreign policies that seek to advantage national champions, such as rules on forced technology transfer.

<sup>2</sup> [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614610/EPRS\\_BRI\(2017\)614610\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614610/EPRS_BRI(2017)614610_EN.pdf)

# III Give Europe's SMEs a fair chance to grow and compete globally



## What EU institutions need to do:

The situation requires an ambitious new agenda to create a virtuous circle of innovation and investment in new tech, prioritising targeted financing, investment incentives and protection of IPR assets.

1



### Fair access to justice

IPR enforcement in all jurisdictions must remain affordable to SMEs so they are in a position to challenge patent infringers who seek to profit from their inventions without a licence.

2



### Mobilise €150 million per year for IPR generation

Use InvestEU and industry initiatives like Patent factory Europe to mobilise up to €150 million<sup>3</sup> per year to help start-ups and innovative companies to generate (without equity dilution) the strategic IPR they need to protect their R&D investments, attract investors and boost their global competitiveness.

3



### Create innovation incentives: R&D tax credits and patents for loans

Promote innovation incentives including R&D tax credits for Europe's innovators, and promote the use of patents as collateral for bank loans.

4



### Secure the introduction of the Unified Patent Court

This long-awaited reform has the potential to significantly reduce costs and simplify procedures for obtaining, maintaining and enforcing patent protection in Europe.

<sup>3</sup> One out of three EU start-ups could benefit from a €150,000 financing (average) to build their IP portfolio without equity dilution. This is based on the fact that there are over 3,000 Venture Capital deals reported in Europe in 2018 (Source: Pitchbook 2018, 2018 Annual European Venture Report <https://pitchbook.com/news/reports/2018-annual-european-venture-report>).

## About us

**IP Europe** is a coalition of research and development-intensive organisations headquartered in Europe, whose inventions are protected by intellectual property rights. From global technology leaders and research institutes creating the technologies that underpin the 5G cellular standard, to innovative SMEs which rely on their patent portfolios to grow, **IP Europe** gives a voice to organisations that recognise the value of IP in fostering innovation, growth and jobs.

Our goal is to promote the vital importance of Intellectual Property Rights to the European digital and knowledge-based economy and to ensure that EU policies support a world-leading innovation ecosystem. Today in the EU, 40% of economic activity and 35% of employment - spanning 77 million jobs - are generated by IPR-intensive companies.

Please scan QR code or visit the link below, to download the complete IP Europe Priorities 2019-2024 EU Term:



<https://www.iptalks.eu/2019-2024-eu-term>

For more information, contact: [info@europa-insights.com](mailto:info@europa-insights.com)

# IP Europe