



IP Review



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Pitfalls in protecting functional designs throughout Europe after WaterRower's copyright case sinks.

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Welcome to the Spring 2025 edition of IP Review

Firstly, I would like to thank Justin Wilson for his invaluable contributions in editing the IP Review over the past seven years. Justin has now passed the baton on to me and I am excited to be taking on the role of editor. I hope to uphold the high standards that he has set and am pleased to bring you a diverse range of articles for our Spring 2025 edition, spanning the full range of IP rights from patents and trade marks to designs, copyright, and trade secrets.

We start with the first part of our series on battery technology, as we take a deep dive into the history of the Edison battery, which has made a resurgence in recent years.

We then look into what trade secrets are, how they can be managed, and why they are an essential part of an effective IP strategy.

Further, we investigate the implications of the recent SkyKick v Sky trade mark litigation, where Sky were held to have acted “in bad faith” by filing an overly broad trade mark application.

We then consider recent European litigation concerning products that combine functional and aesthetic features, such as the WaterRower rowing machine and Birkenstock sandals, which have been deemed not to be protected by copyright in UK and German courts.

Next, we discuss how EV makers should adapt their IP strategies in the face of underwhelming electric vehicle sales.

Some exciting news of the expansion of our Life Sciences and Chemistry and Electronics, Computing & Physics teams begins our company news, as we welcome Simon Bradbury to our London office and Caroline Foucher to our Paris office,

Finally, we sign off our spring issue of the IP Review with a new partner announcement.

We hope that you enjoy this issue. If there are topics that you would like us to review in future issues, or if you have questions for any of our authors, please do get in touch.



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PATENTS

The resurgence of Edison batteries: a historical and modern perspective

In the first of our series on battery technology, Joanna Thurston and Özgür Aydın look into the history and resurgence of the Edison battery.

Introduction to Edison’s battery

At the beginning of the 20th century, Thomas Edison, the prolific American inventor, introduced a significant innovation: the nickel-iron battery, commonly known as the “Edison battery”. This battery featured a nickel oxide-hydroxide cathode and an iron anode, both immersed in a potassium hydroxide electrolyte. Edison’s objective was to develop a durable and efficient power source for electric vehicles, a concept that was groundbreaking for that era.

The promise of Edison’s battery

Edison’s nickel-iron battery offered significant advantages over lead-acid batteries, such as better resilience to overcharging, increased durability, and

a longer lifespan. Edison went as far as to claim that nickel-iron batteries could charge twice as fast and last much longer. This made the nickel-iron batteries suitable for early electric vehicles in the 1900s, highlighted by Edison’s partnership with Ford Motors to produce electric cars using these batteries.

Challenges and decline

Despite its promising features, the nickel-iron battery faced several challenges that hindered its widespread adoption. The battery was larger and more expensive than lead-acid batteries, making it less practical for mass production. Additionally, during charging, the battery released hydrogen gas, which posed safety risks. These drawbacks, coupled with the rapid advancement and adoption of fossil-fuel-powered vehicles, led to the decline of Edison’s battery in the automotive industry. However, it found niche applications in areas like railroad signalling and mining, where its bulky size was less of an issue.

Historical context and development

The story of the nickel-iron battery begins with Swedish inventor Ernst Waldemar Jungner, who filed for a patent application regarding the nickel-iron battery in 1899 (US Patent No. 738,110). Jungner's design used nickel and iron electrodes in a potassium hydroxide electrolyte, similar to Edison's later version. However, it was Edison who popularised the technology after independently developing and patenting his own version in 1901 (US Patent No. 678,722).

Edison was trying to create a better battery for electric vehicles, which were seen as a cleaner alternative to gasoline-powered cars. He believed that the nickel-iron battery's durability and fast charging capabilities would make it the ideal power source for the emerging electric car market at the time. Despite initial excitement and a partnership with Ford Motors, the battery's high cost and the rise of gasoline-powered vehicles ultimately limited its success.

Rediscovery and modern interest

In the 21st century, Edison's nickel-iron battery has seen a renewed interest, particularly in the fields of renewable energy and sustainable technologies.

Modern engineers and researchers have recognised the battery's potential to address some of the enduring challenges in energy storage and clean energy production. For instance, researchers at Delft University of Technology in the Netherlands have developed a "battolyser," a hybrid device that combines the functions of a battery and an electrolyser. This innovation leverages the nickel-iron battery's ability to produce hydrogen during charging, turning a once problematic byproduct into a valuable resource for clean fuel production. The battolyser can store energy when electricity prices are low and produce hydrogen when prices are high, making it a versatile tool for managing renewable energy sources like wind and solar.

Modern innovations and applications

Companies and research institutions are nowadays exploring the potential of nickel-iron batteries in various applications. For example, Enzinc is a start-up based in California, focusing on the commercialisation of an innovative sponge-like electrode designed to prevent dendrite formation in nickel-zinc batteries, which are closely related to nickel-iron batteries. This advancement has the potential to make these batteries as powerful as lithium-ion batteries while maintaining the safety level of lead-acid batteries. The applications for this technology range from grid storage solutions to electric vehicles. Proton Ventures has been developing green solutions since 2001 and more recently focusing on battolysers to

produce ammonia. These devices efficiently generate hydrogen, helping to stabilise renewable energy and making green ammonia production more affordable and sustainable. US Naval Research Laboratory is another noteworthy institution that has partnered with Enzinc to develop advanced nickel-zinc batteries for submarines, addressing the need for powerful and safe energy storage solutions in demanding environments.



Thomas Edison's nickel-iron battery, once considered a technological curiosity, is proving to be a visionary innovation ahead of its time.

Patent publications

Some recent patent publications highlight ongoing innovations in nickel-iron battery technology, as commercialisation attempts continue.

One of the examples is a US patent (US10217994B2) which describes a nickel-iron battery including an iron electrode that undergoes preconditioning before any charge-discharge cycles, aiming to improve the battery efficiency and lifespan. Encell Technology based in the USA, FL has recently been granted another patent (US10868338B2), which focuses on a nickel-iron battery with enhanced power characteristics, using a specific electrolyte composition to improve power density and efficiency.

Universities are also active in this space as a recent European patent grant (EP3050152B1) to University of Southern California suggests. This patent details a high-efficiency nickel-iron battery that incorporates specific additives to enhance performance and reduce costs. The patent includes the use of specific additives in the electrolyte to improve conductivity and reduce internal resistance, as well as optimising electrode structures to increase the battery's capacity and lifespan. The innovations detailed in this patent aim to address some of the traditional limitations of nickel-iron batteries, making them more viable for modern applications.

Outlook

Thomas Edison's nickel-iron battery, once considered a technological curiosity, is proving to be a visionary innovation ahead of its time. As the world shifts towards renewable energy and sustainable technologies, the resilience, durability, and environmental friendliness of nickel-iron batteries are being rediscovered and harnessed for modern applications.

The ability of nickel-iron batteries to store energy efficiently makes them ideal for smoothing out the intermittent nature of renewable energy sources like wind and solar. This may be particularly desirable for providing stable and reliable energy storage for renewable sources, paving the way for their wider adoption in renewable energy sources.

The battolyser technology, which combines energy storage with hydrogen production, offers a dual solution for energy storage and clean fuel production. This innovation may have the potential to improve the profitability and sustainability of renewable energy projects.

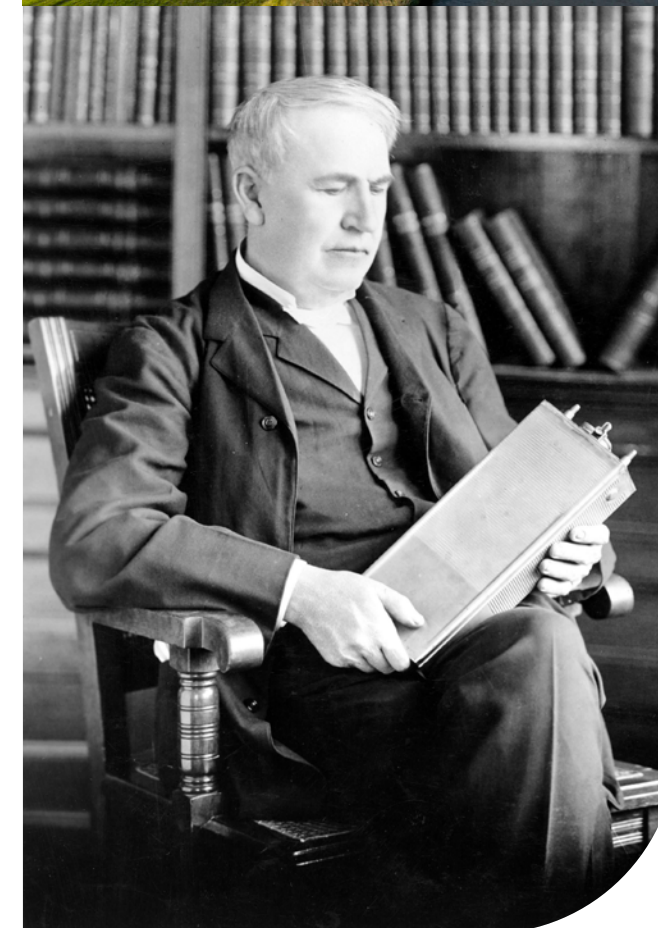
Nickel-iron batteries are known for their long lifespan and durability, with some examples lasting up to 40 years. This makes them a cost-effective option for long-term energy storage solutions, reducing the need for frequent replacements.

The use of abundant and non-toxic materials like nickel and iron reduces the environmental impact of manufacturing. This aligns with the growing emphasis on sustainable and green technologies in the energy sector.

Innovations in electrode design and electrolyte composition are also enabling significant cost reductions in the production of nickel-iron batteries. This makes them more competitive with other battery technologies, such as lithium-ion and lead-acid batteries.

The wide range of applications for nickel-iron batteries, from grid storage to electric vehicles and industrial uses, highlights their versatility. This broad applicability can drive further investment and development in this technology.

As companies continue to innovate and improve upon Edison's original design, the nickel-iron battery stands poised to play a significant role in the future of energy storage and renewable energy solutions. Edison's contributions continue to influence advancements in the energy storage sector, proving that sometimes ideas may be truly ahead of their time.



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Protecting trade secrets in the modern business landscape



In today's fast-paced business environment, the protection of trade secrets has become increasingly critical. With the rise of digital technology and the changing nature of the workforce, companies face new challenges in safeguarding their valuable information. This article explores the growing importance of trade secrets and offers practical strategies for protecting these vital assets.

The growing importance of trade secret protection

It is important now more than ever to protect your trade secrets against loss. The way businesses operate today, with a greater reliance on contractors, temporary workers, and outsourcing, and with remote work now commonplace, has made it more difficult to control access to sensitive information. Additionally, declining employee loyalty and more frequent job changes mean that employees are more likely to take valuable information with them when they leave.

The nature of data storage, with the widespread use of memory keys, external hard disks, and wireless technology, further exacerbates the problem.

These factors not only increase the risk of trade secret loss, but also expose companies to allegations of unlawful acquisition of third-party trade secrets from new employees bringing information into the company.

Why do trade secrets matter?

In today's business landscape, protecting valuable information is crucial. Trade secrets have become a buzzword, but what exactly are they? Trade secrets are a powerful legal tool for safeguarding technical information and inventions, allowing businesses to leverage a commercial advantage.

Unlike patents, trade secrets do not have an expiry date and can potentially last forever, making them

incredibly valuable. However, they are not recorded in a register, and there is no formal registration or grant process. This means that businesses must take proactive steps to identify and protect their trade secrets internally.

Key differences between trade secrets and patents

One of the main differences between trade secrets and patents is that trade secrets are never published, whereas patents are. This means that trade secrets can remain confidential indefinitely, provided the right measures are taken to protect them. On the other hand, patents have a fixed term and are publicly disclosed once granted.

There is no need to request a trade secret from a government agency, and trade secrets can potentially last forever, whereas patents are limited to 20 years. Additionally, trade secret protection can extend to modifications or improvements derived from the original secret.

Unlike patents, trade secrets do not have to be new or non-obvious and can include information that is not eligible for a patent. That said, it is not always a question of whether to protect IP as a trade secret or via a patent, sometimes trade secrets can be used alongside a patent strategy to provide a combined approach to bolster protection over a particular product.

What qualifies as a trade secret?

For information to be considered a trade secret, it must meet three requirements:

1. The information is not generally known or accessible.
2. It has commercial value because it is a secret.
3. The owner has taken reasonable steps to keep it a secret.

In the case of technical trade secrets, the information must not be reverse-engineerable from the product. This ensures that the secret remains protected even after the product is on the market.

How to protect trade secrets

Effective trade secret protection involves three key elements: capture, management, and policy.

Capture

The initial step in safeguarding trade secrets involves gaining a complete understanding of the trade secrets present within your organisation. This can be achieved by performing thorough, periodic audits of existing trade secrets and intellectual property.

Additionally, the "capture" process may entail identifying key personnel and determining who has access to the sensitive information, identifying any relevant third-party contracts, and cataloguing any metadata linked to the trade secrets. It can be advisable to document all trade secrets, though this does not require revealing the confidential information itself.

The outcomes of audits of this nature are likely to inform the management and policy considerations of the trade secret management programme.

Management

Managing trade secrets requires taking measures to ensure the information remains a secret. This might include maintaining a register, recording and updating information relating to existing and new trade secrets, and implementing access control measures to control information dissemination.

Staff training is also crucial to ensure that employees understand their obligations in terms of the company's intellectual property and the importance of protecting trade secrets. New starter and leaver processes should be in place to manage the flow of information as employees join or leave the company.

Policy considerations

A robust trade secret policy can include access control and logging policies, regular training and HR policies, and confidentiality agreements with employees and third parties.

It is important to regularly evaluate the effectiveness of the policy. Sector-specific considerations may also be necessary to address unique challenges in different industries.

Putting in place these internal systems and policies will involve a cost, so although there is no registration process or renewal fees for trade secrets, like there is with patents, there is still a cost associated with having a trade secret and maintaining its status as a trade secret.

What can we learn from litigation?

A large proportion of trade secret litigation across the EU is between companies and their current or former employees. Therefore, measures to train employees on how they must treat confidential information are vital, as well as exit interviews. Similarly, entry interviews for new employees are also important to make sure you do not unwittingly bring another company's trade secret into your business.

Another sizable portion of trade secret litigation is between companies and their business partners, which might involve collaborations or some other business relationship. Considered policies around non-disclosure agreements, controlling what is shared, and explicitly setting out what the business partner is allowed to do with the shared information, are important to protect your trade secrets.

Conclusions

In conclusion, the protection of trade secrets is a critical aspect of modern business strategy. By understanding the factors contributing to trade secret loss and implementing effective capture, management, and policy measures, companies can safeguard their valuable information and maintain a competitive edge.



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UK Supreme Court clarifies “bad faith” in UK trade marks

Background

SkyKick offers cloud automation and management software while Sky is an entertainment and telecommunications company that will be well-known to many readers.

The central issue in this case was whether a registration of a trade mark can be invalidated on the basis that the application to register the mark was made in bad faith because, the applicant did not have a genuine intention to use the mark for some or all of the goods or services for which it sought protection.

This case has been rumbling on since 2016 when SkyKick sought a declaration of non-infringement against Sky in the UK Intellectual Property Enterprise Court, following a letter before action from Sky Ltd. Four first instance judgments, a judgment of the Court of Justice of the European Union (CJEU), and a full appeal before the Court of Appeal, all followed, before the final UK Supreme Court judgment (UKSC) was delivered in November 2024.

In answer to the questions put before the CJEU, the CJEU ruled that a trade mark application made without any intention to use it for goods and services covered by the registration constitutes bad faith if the applicant had the intention either of (i) undermining, in a manner inconsistent with honest practices, the interests of third parties, or (ii) obtaining, without targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark. The CJEU went on to find that, where the absence of an intention to use the trade mark in accordance with the essential functions of a trade

mark concerns only certain goods or services referred to in the application for registration, the application constitutes bad faith only as far as it relates to those goods or services.

Upon returning to the UK, it was decided that that Sky's registrations were partially made in bad faith and the court ordered a reduction of the disputed goods and services to those commercially justified.

Despite narrowing Sky's trade mark specifications, it was ruled that SkyKick had infringed and an injunction and damages were awarded in favour of Sky. On appeal, the Court of Appeal overturned the finding of bad faith, stating that Sky had a commercial rationale for applying for the trade marks. The Court of Appeal confirmed the infringement finding but ruled that one of SkyKick's products, “cloud migration,” was dissimilar to Sky's registrations and should not be covered by the injunction. The Court also upheld the dismissal of Sky's passing off claim.

What was decided by the UKSC?

As mentioned above, the key issue was whether a registration of a trade mark can be invalidated if the application to register the mark was made in bad faith because the applicant did not have a genuine intention to use the mark for some or all of the goods or services for which it sought protection.



The UKSC ultimately decided that:

- 1. Bad faith in trade mark applications:**
Sky had applied for the trade marks partly in bad faith as they had no intention to use the trade marks for some of the goods and services covered by the specifications. The court decided that Sky had a strategy of seeking very broad protection for the trade marks regardless of whether it was commercially justified.
- 2. Modification of trade mark descriptions:**
The court modified the goods and services specified in trade mark registrations to reflect the extent of the bad faith proved. For example, the term “computer software” was limited to specific types of software that Sky had a legitimate interest in protecting.
- 3. Infringement:**
The court found that SkyKick had infringed the trade marks in relation to their email migration service, which are identical services to “electronic mail services” as protected by Sky's trade marks. However, the court did not find infringement for other goods and services.
- 4. Jurisdiction post-Brexit:**
The court also addressed the impact of the United Kingdom's withdrawal from the European Union on the jurisdiction of UK courts over EU trade marks. The court held that UK courts retain jurisdiction to decide issues concerning the validity and infringement of EU trade marks in proceedings that were pending before the end of the transition period (31 December 2020).



We expect brand owners will need to be more strategic when making trade mark applications to ensure that they have a genuine intention to use their marks for all the applied for goods and services.

Impact on brand owners

So far, the full practical implications are not known. For example, the UKIPO has not offered any formal guidance on what the decision could mean for trade mark applicants.

However, we expect brand owners will need to be more strategic when making trade mark applications to ensure that they have a genuine intention to use their marks for all the applied for goods and services. For example, when including in UK trade mark applications broader terms, like “computer software” or “financial services”, it would be beneficial to include more specific sub-categories of these goods/services, in addition to the broad umbrella term.

The decision may also lead to more challenges to existing trade mark registrations on the grounds of bad faith.

This case was anticipated to have a significant impact on UK trade mark law and practice, and we now finally have the outcome.

While we wait to see how the UKSC's decision is applied going forward, it is critical for brand owners to seek advice before applying to register UK trade marks.



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Pitfalls in protecting functional designs throughout Europe after WaterRower's copyright case sinks

Recent developments in the UK and the EU have underscored the critical importance of a proactive approach to protecting functional designs, with subtle differences in the law across Europe starting to emerge following Brexit.

As the EU has liberalised and modernised its design regulation, which came into force on 1 May 2025, UK courts have confirmed that the WaterRower rowing machine does not qualify for copyright in the UK even though it would under EU law, while a German court has held that Birkenstock sandals are not works of art that can benefit from copyright.

These changes demonstrate the importance of a pan-European IP strategy and provide a reminder of why designers must take active steps to prevent competitors encroaching on their market share. While copyright can come into existence automatically, not

all functional designs will be eligible, so designers who wrongly assume that their works are copyrighted risk being left without protection. Fortunately, registered designs provide an alternative way to protect designs in a cost-effective and efficient way, without needing to prove that the design was actually copied (which is a requirement of copyright protection), and the new EU regulation has liberalised its registered design regime to become more attractive to designers.

WaterRower's UK copyright case

The highly awaited WaterRower copyright case has marked a significant turning point in copyright protection for industrial designs in the UK. *WaterRower v Liking* ([2024] EWHC 2806 (IPEC)) centred on whether the iconic wooden WaterRower rowing machine designed by John Duke in the 1980s, could be classed as "a work of artistic craftsmanship" deserving of copyright protection. WaterRower describe their striking design as a "functional fitness furniture piece" and the rowing machine was clearly designed to be visually appealing, especially when compared with the rowing machines found in most gyms. However, the court ultimately found that despite the obvious artistic effort that went into designing the WaterRower, this was insufficient to qualify for copyright protection in the UK.



In reaching this conclusion, the court admitted that there is an inconsistency between UK and EU law in this area, with EU law being more generous to industrial designers. The decision raises complex legal issues following Brexit and reduces certainty, while making it harder for designers of functional objects like machinery, furniture, or sporting equipment to protect their innovations using copyright. This makes relying on copyright for functional or mass-produced designs a potentially risky strategy.



Birkenstock's German copyright case

Birkenstock sandals are renowned for their ergonomic footbed made from high-quality materials such as cork and latex, providing arch support and comfort. Their timeless design and commitment to sustainability have made them a staple fashion product. While the UK courts have seemingly accepted that EU copyright law is now more generous than UK copyright law, this was of no benefit to Birkenstock in a recent German case, which ruled that despite their attractive appearance, they are also not protected by copyright.

Birkenstock sought to stop Tchibo, shoe.com and Bestseller selling similar-looking sandals, but the federal court of justice in Karlsruhe did not grant Birkenstock's request. Birkenstock argued that their sandals are "copyrighted works of applied art", but the court disagreed, stating for copyright protection to apply, there must be such a degree of design that the product displays some individuality.

This case further demonstrates that even for fashion items that clearly involve artistic creativity, copyright protection may not be available and alternative forms of protection needs to be considered.

The new EU design regulation

In parallel, the EU has been pressing ahead with a comprehensive legislative reform package aimed at modernising and liberalising registered design protection, which takes effect from 1 May 2025. The new EU design regulation is an attempt to align the design protection system with the digital age and make it more accessible and efficient for all designers.

Registered designs can be filed for relatively low costs and can protect the appearance of most designs. The new EU regulation makes it even easier to protect modern manufacturing and design techniques, such as 3D printing technologies, while also providing protection for designs that exist in virtual reality, such as the metaverse. The design regulation also makes it easier to protect parts of products that are obscured when the product is in normal use, enabling designers to protect innovative internal components that would previously not have been protected by design law.

In addition to expanding the range of products that can be protected by design law, the new EU registered designs system is more streamlined. For instance, there are fewer restrictions on grouping together designs for different types of products into a single application, reducing complexity and simplifying filing strategies, helping innovators. These are welcome changes that will simplify the design registration and enforcement process, making registered designs an attractive alternative to relying on copyright.

Key lessons

With ambiguity about which products are sufficiently artistic to qualify for copyright protection, designers need to take the initiative to prevent lookalikes appearing on the market.

The new EU registered design regime makes it even easier for designers to protect their functional-yet-aesthetic products in the EU.

Registered designs can be enforced against similar looking products regardless of whether there was any copying, making them an attractive alternative to relying on copyright protection alone.

The UK Intellectual Property Office recently consulted on design protection and concluded that the UK designs system is too complex, so it is hoped that UK law will also be simplified and liberalised to ensure fair protection for designers in the coming years. However, until then, it is important to consider the interplay between different countries' approaches when developing an IP strategy.

With design experts in the UK, France and Germany, Withers & Rogers are ideally positioned to advise on commercialising your designs throughout Europe.



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EV makers must adapt their IP strategies to get ahead in the face of weak sales figures

While the battery electric vehicle (BEV) market is growing, challenges such as economic instability, infrastructure readiness and consumer hesitancy persist. Following underwhelming sales numbers, automotive companies need to be prepared to adapt their IP strategies to protect market share and create opportunities for growth.

According to recent research by Cox Automotive, electric vehicle (EV) sales are expected to surpass petrol car sales by 2028, accounting for 38% of new car registrations. In the UK, BEVs reached a market share of 19.6% of new car registrations in 2024, up from just 0.4% in 2016. However, these numbers fall short of the targets stipulated by the EU's Zero Emission Vehicle (ZEV) Mandate, which requires a growing proportion of zero-emission vehicle sales each year. In addition, BMW Group has recently announced a pause on a £600 million investment into a Mini car assembly plant in Oxford due to declining demand for electric vehicles, reflecting the level of uncertainty within the BEV market.

Factors contributing to these disappointing numbers include inflation and uncertainty over whether fuel cell EVs (FCEVs) or BEVs are most likely to become the dominant technology. Additionally, the slow development of charging infrastructure still deters many consumers from transitioning to BEVs, which hits sales figures. Despite these challenges, a growth in BEV sales appears inevitable due to regulatory pressures.

Manufacturers should avoid cutting back on innovation and should seek to future-proof the investments they have already made into the technology underpinning this growing industry. To do this, innovators should explore ways to adapt their intellectual property (IP) strategies, since IP portfolios can hold significant value, especially during times of rapid technological change. For instance, Tesla's patented battery management system (BMS)

technology has been widely licensed across various industries, highlighting the commercial success of early movers in the EV market. Further afield, HP has recently purchased Humane Inc. (the maker of the now defunct Ai Pin) for \$116m in a deal that includes over 300 patent applications and patents, demonstrating the impressive valuations that IP portfolios can support.

Manufacturers need to focus on building strong, forward-looking patent portfolios to protect leading products, regardless of whether they relate to BEVs or FCEVs, because technologies that are agnostic to the type of EV will derisk patent portfolios. Similarly, with EV repair costs forecast to increase by up to 30% by 2027, companies with mature battery repair technologies stand to gain a significant competitive advantage. While certain companies are cutting back, the savviest industry players are making strategic investments into markets that are most likely to be lucrative in the medium to long term regardless of how the market develops.

To maintain robust IP portfolios in these difficult market conditions, manufacturers should rethink their strategies and find ways to get better returns from their investments in IP protection. Given the long-term nature of many R&D projects, it might be strategically sensible to reduce short-term IP spending in ways that preserve rights further down the line, for example by filing an international patent application (PCT) to defer the costs of national protection by up to two and a half years. This approach allows new innovations



To maintain robust IP portfolios in these difficult market conditions, manufacturers should rethink their strategies and find ways to get better returns from their investments in IP protection.

to be protected while delaying the more substantial costs associated with filing patent applications worldwide. Further strategies can include (where possible) delaying the examination process to push back costs while ensuring that pending IP rights cause uncertainty for third parties. Old patents that have failed to generate value can be abandoned, freeing up IP budget for protecting cutting edge developments in key technologies.

Taking proactive steps to optimise IP portfolios now is necessary to ensure that manufacturers across the value chain are ready to capitalise on growing EV sales throughout 2025 and into the future. This means prioritising IP investment into the technologies with the greatest potential to generate value. Furthermore, with cross-company collaboration on the rise in the automotive industry, raising internal IP awareness in preparation for joint R&D efforts is critical to prevent unintended leaks of trade secrets and know-how. Being ready to engage with industry partners in the right territories at the right time is crucial in the rapidly evolving market and IP is fundamental to this.

In short, it is a matter of when, not if, the transition to BEVs accelerates and it is crucial for innovators to protect their investments now, but a balanced and strategic approach is necessary in view of weak sales figures. The ZEV Mandate and regulatory pressures will continue to drive the market towards zero-emission vehicles, so manufacturers must build strong IP portfolios to ensure they are well-positioned to compete. By focusing on strategic IP management, the automotive industry can overcome the current hurdles and pave the way for a sustainable, electrified future.



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New partner in London and trainee in Paris supports ongoing expansion

European intellectual property firm, Withers & Rogers, is delighted to announce the appointment of Simon Bradbury as a partner to support the ongoing expansion of the firm's pharmaceutical and cell and gene therapy groups.

Having previously worked in-house at a global corporation, Simon is well positioned to provide commercially focused advice to his clients. He holds an Intellectual Property Litigation Certificate and is a UPC Representative. Simon is also ranked in Band 1 by Chambers & Partners, listed as a Key Lawyer by the Legal500, listed as an IP Star by Managing IP and ranked in IAM Strategy 300 for Legal, Biotech, Medical Devices and Pharmaceuticals/Life Sciences.

Having studied Genetics at the University of Liverpool, Simon gained a Master's degree in Oncology at the University of Nottingham. He has considerable expertise in cell and gene therapy, microbiome, medical devices and next generation diagnostics, and is skilled in creating IP strategies for startups, spinouts and SMEs.

Fiona McBride, Chair of Withers & Rogers, said: "Simon has significant experience of helping businesses in the life sciences and biotechnology sector to understand the importance of IP. He has first-hand experience

of helping innovative businesses to leverage their IP assets to achieve their commercial potential by securing investment, agreeing licensing deals or securing a market listing.

"I am delighted to welcome Simon to the partnership to support the ongoing expansion of our successful pharmaceutical and cell and gene therapy groups."

In addition to Simon joining the firm, Withers & Rogers' Paris office has also expanded to welcoming a new trainee patent attorney. **Caroline Foucher** joined the firm in February, having previously gained experience from IP law firms in the UK and Paris.

Prior to starting her patent attorney training, Caroline worked with several notable institutions across the world, including the Institute of Photonics at the University of Strathclyde, Luminous, Nanyang Technological University in Singapore, and the Institut national de la recherche scientifique (INRS) in Canada.



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Withers & Rogers welcomes Harry Strange to the partnership

Harry Strange, expert on matters of software engineering and AI-related patentability, has been promoted to the Withers & Rogers partnership.

Harry, who holds a doctorate in machine learning and has a background in software engineering, became part of Withers & Rogers in 2017 after serving as a module coordinator for advanced technology courses at University College London. He was also a research fellow specialising in biomedical image analysis.

Since becoming a patent attorney in 2022, Harry has provided guidance to clients ranging from large blue-chip companies to smaller entrepreneurial ventures, on areas such as safeguarding their intellectual property and commercialising their innovations on a global scale. With specialised expertise on the challenges faced by companies utilising GenAI and machine learning for innovation, as well as those aiming to protect their GenAI outputs, Harry assists these businesses in developing a strong IP portfolio.

Fiona McBride, Chair and Partner at Withers & Rogers and a member of CITMA, said: "Harry has a natural ability to get to grips with the technologies his clients are developing and the methods used. This has made him a trusted IP partner and an inspirational contributor to the firm's expanding AI group.

"With data analytics and AI modelling so widely applied across industry sectors, businesses increasingly need to understand what they can and can't protect commercially and how to go about it. Harry's background in AI and machine learning makes him the perfect guide, and his commitment to knowledge sharing internally has enriched our consumer electronics and computer technology teams."



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